



Town of Carbondale
511 Colorado Avenue
Carbondale, CO 81623

AGENDA
PLANNING & ZONING COMMISSION
THURSDAY, April 28, 2022
7:00 P.M. Carbondale Town Hall & Via Zoom

ATTENTION: All regular Carbondale Planning and Zoning Commission Meetings, will be conducted in person and virtually via Zoom. If you wish to attend the meeting virtually, and you have a comment concerning one or more of the Agenda items, please email jleybourne@carbondaleco.net by 4:00 p.m. on April 28, 2022. If you would like to comment virtually during Persons Present Not on the Agenda please email jleybourne@carbondaleco.net with your full name and email address by 4:00 p.m. on April 28, 2022

Zoom link

<https://zoom.us/webinar/83438647875>

1. CALL TO ORDER
2. ROLL CALL
3. 7:00 p.m. – 7:05 p.m.
Minutes of the April 14, 2022 meeting..... Attachment A
4. 7:05 p.m. – 7:10 p.m.
Public Comment for Persons not on the agenda (See instructions below)
5. 7:10 p.m. – 7:15 p.m.
Resolution 3, Series of 2022 – 728 Euclid Avenue
Minor Site Plan Review/Special Use Permit.....Attachment B
6. 7:15 p.m. – 7:45 p.m.
PUBLIC HEARING – Rezoning.....Attachment C
Owners: Carbondale Clay Center/Stephen Zlotnick
Applicant: Carbondale Clay Center
Location: 135 Main Street/66 N. Second Street
7. 7:45 p.m. – 8:15 p.m.
PUBLIC HEARING -Subdivision Exemption, Minor Site Plan Review, Conditional Use Permit, Variance - ADU.....Attachment D
Applicant: Laura Bartels
Location: 340 S. Second Street
8. 8:15 p.m. – 8:20 p.m.
Staff Update
9. 8:20 p.m. – 8:25 p.m.
Commissioner Comments
10. 8:25 p.m. – ADJOURN

Upcoming P & Z Meetings:

5-12-22 Comp Plan Update Discussion

Please note all times are approx.

MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday April 14, 2022

Commissioners Present:

Jay Engstrom, Chair
Jeff Davlyn
Nick Miscione
Kim Magee
Jarrett Mork
Kade Gianinetti (1st Alternate)

Staff Present:

Janet Buck, Planning Director
John Leybourne, Planner
Mary Sikes, Planning Assistant

Commissioners Absent:

Nicholas DiFrank, Vice-Chair
Elizabeth Cammack (2nd Alternate)
Marina Skiles

Other Persons Present

Oscar Carlson
Doug Greenholz

The meeting was called to order at 7:01 p.m. by Jay Engstrom.

February 24, 2022 Minutes:

Jarrett made a motion to approve the February 24, 2022 minutes. Kade seconded the motion, and they were approved unanimously.

Public Comment – Persons Present Not on the Agenda

Board member and future Mayor, Ben Bohmfalk introduced himself and thanked the Commission for all of their hard work and the details that go into their reviews. He said that he spent about six years on this Commission as well as being the Chair. He said the he wants everyone to know that their work is really appreciated and that we have faith in your work. He said that he was impressed with the Comp Plan Open House. He said that he is available and would love to chat about big direction stuff.

PUBLIC HEARING – Minor Site Plan Review/Special Use Permit/ADU

Owner: Doug and Susan Greenholz

Applicant: Brian Golden/Oscar Carlson

Location: 728 Euclid Avenue

John stated that this is an application for a Minor Site Plan Review. He said that the Commission is required to hold a public hearing and approve the application, deny it, or continue the public hearing.

John said that the applicant is proposing to construct a 2,558 sq. ft. residence with an attached accessory dwelling unit.

He explained that under the Unified Development Code (UDC), a proposed ADU in the Old Town Residential Zone District (OTR) must go through a minor site plan review and special use permit before the Planning and Zoning Commission.

He said that the property is designated as Old Town in the Future Land Use Plan. He stated that the properties in this designation represent the oldest residential neighborhoods in the historic town grid. He stated that single family homes are predominant and there is an opportunity for accessory dwelling units. He said that alley loaded parking should be provided where available.

John continued by saying that street emphasis should be on sidewalks, trees, and homes, not parking.

He stated that the design of the main structure is setback from the front lot line with varying roof lines and stepping of the facades. He said that parking is located off the alley preserving the existing ditch to the front of the lot.

John said that an ADU is allowed to be 10% of the total lot size with a maximum of 650 square feet in the OTR Zone District, the proposed ADU is 554 square feet in size.

John stated that the required setbacks in the OTR zone district have been met and the allowed maximum impervious surface has been met.

John said that the proposed main structure at midpoint is 23 feet 7 inches, 25 feet is allowed in the OTR district (at mid-point). He said that the building height is in conformance. He stated that five parking spaces are required by the UDC and that the applicant is providing five parking spaces.

Nick asked if there was a neighborhood notification process?

John said that the applicants reached out to the neighbors, two of whom are the adjacent neighbors. He said that standard public noticing procedures were followed with notification going out to neighbors within three hundred feet. He said that we have not received any written comments.

Jarrett asked if there was an existing residence?

John said that it is a vacant lot.

Jay asked for clarification regarding the ADU parking.

John explained that the parking standards allow for stacking behind the spot in the garage.

Jarrett asked for clarification regarding storage.

John said that the storage for multi-family does not apply to ADU's.

Jeff asked if this lot was part of a subdivision.

Janet stated that this lot had absorbed five feet from the parcel to the east and that it expanded a little bit.

Oscar Carlson thanked everyone and said that we have tried to address concerns and knew that this lot had some sensitivity to the surrounding neighbors, from the previous application and owner. He said that he tried to address this by utilizing the alley and reducing the mass so that it remains in character with the OTR district. He said that the ADU is in the lower level and has its own private entrance, with lots of light and oversized light wells to maintain a good living standard in Carbondale.

Doug Greenholz introduced himself and said that he put his address as 728 Euclid Avenue but noted it is a vacant lot. He said that he is here to speak in favor of the project so that the next time he is here he'll have a place to live. He said that we purchased the lot eight months ago and that they didn't know that they could have an ADU. He said that when we learned that we were pretty excited about it. He said that it addresses a small part of the housing problem in the valley and helps with the financial means to make this project a reality as well as more reachable. He said that they are very happy with how the architects have integrated the ADU into the main structure. He said that we learned pretty quickly about the history of this property. He said that he wants to thank their future neighbors for their efforts in opposing the previous applicant's project, otherwise we wouldn't have been able to purchase the property. He said that we have been sensitive to the history and proactive about reaching out to Eric and Jan to the east and Mark Mahoney to the west. He said that once we had our design we also spoke with the neighbors across the street and behind us in the alley to share the design with them. He said that the conversations that we had were quite positive and that we wanted to make sure that we responded to the neighborhood. He said that we are really happy with the design that has been developed and that it responds to our needs. He thanked the Commission.

Commissioner Questions

- Wanted to make sure that the owners understand the community and that many are losing their housing due to a potential STR.
- Doug explained that they will be renting the ADU long term.
- Request for consideration for storage for bikes and skis.
- Doug stated that they would allow the renter to store gear within their unit.
- Asked if the owner experienced Mountain Fair, as this lot is on Euclid Avenue.
- Doug said that we have been warned by our neighbors, in a positive way.
- The design from 2757 was applauded from several commissioners.

Public Comment

Jan Schubert, **710 Euclid Avenue** that she lives directly to the east. She said that she really appreciates Doug and Sarah keeping them in the loop and being proactive about reaching out to us. She said that they have been sensitive to how it will impact our house and the views from the windows and our ADU, where my sister lives. She said that when she came before the P&Z for her ADU and so many people came and stepped forward to give their stamp of approval and that they were all strangers. She

said that it was such a warm welcome and that they are now our neighbors that are all dear to her. She said that she approves of this application.

Eric Doud, **710 Euclid Avenue** said that he lives next door as well in “Old Red”, the big house on the corner. He said that he supports the project and that he appreciates the consideration that our new neighbors and the architects have put into the design. He said that with his experience with the prior project that did fail, that what is being proposed meets not only the quantitative and the setbacks but the qualitative requirement. He said that the mass has been broken into smaller components that are more human scaled. He said that the ADU is successful and that it has put itself into the mass of the overall house to reduce the impact. He said that he supports the project.

Mark Mahoney, **742 Euclid Avenue** said that he lives directly to the west of the property. He said that he agrees with everything that has been said tonight and that he is here to support the project. He thanked the architects for what he considers a great job and to listening to all of the neighbors’ concerns and starting off on a great foot.

Mark Chain, **811 Garfield Avenue** said that he is on the edge of this neighborhood and that this project fits in the neighborhood and that it fits in.

Motion to close the comment portion of the public hearing

Jeff made the motion to close the comment portion of the public hearing. Jarrett seconded the motion, and it was approved unanimously.

Commissioner Comments

- The owners were brave to talk to the neighbors so much.
- Doug said that we didn’t have a choice, when we showed up on the lot after we had it under contract, Eric and Mark appeared and introduced themselves. He said that we knew the history of the site and that they introduced themselves as architects, so we knew we had no choice but to engage with them. He said that it has been a pleasure and that they have been very supportive along the way. He said that we were clear that we didn’t want to seek any variances and that we wanted to live within the code.
- Excited about the design.

Motion

Jarrett made a motion to approve a minor site plan and special use permit for an accessory dwelling unit to be located at 728 Euclid Avenue with the conditions and findings recommended by Staff. Kade seconded the motion, and it was approved unanimously.

Yes: Jay, Jeff, Nick, Kim, Jarrett, Kade
No: None

PUBLIC HEARING – TEXT AMENDMENT - DEFINITIONS

Applicant: Town of Carbondale

Janet stated that this is a public hearing for the purpose of considering an amendment to the UDC. She said that the Commission is required to hold the hearing and recommend approval of the amendments or recommend denial. She said that you may also continue the public hearing.

Janet stated that over the last four months, the Board of Trustees discussed methods on how to regulate Short Term Rentals (STRs) in the Town. She stated that the Board decided to start by licensing all STRs currently in operation as the first phase. She stated that in March, the Board approved an ordinance enacting temporary regulations for licensing. She said that the purpose of the ordinance is to gather data for the Town on the number and locations of STRs and to provide initial guidance for short term rental owners. She stated that more permanent regulations will most likely be drafted in the near future.

Janet continued by saying that during the Board discussions, we realized that an amendment to the UDC would be required to avoid a conflict between STR licensing and the UDC.

Janet said that is what is before the Commission tonight. She stated that the proposed amendment is to amend the definition of Household Living, to remove the requirement that tenancy for household living and residential dwellings be arranged on a month-to-month or longer basis, and to allow tenancy to be arranged for a period of less than thirty days. This will allow a room and/or residential unit to be rented out as a STR for less than 30 days. She said that she has included a redline of the UDC.

Nick asked if it were enforceable and if not, what would be the mechanism of enforcement?

Janet asked what we are enforcing.

Nick stated that if someone were to violate the conditions of a license or not have a license and rent for less than thirty days.

John stated that a revocation and suspension clause within the Ordinance, which lays out the enforcement.

Janet said that it was an Ordinance attached to the red line and a process for not being in compliance with an STR license.

Nick said that he understands the process for a license for STR's but how does it get enforced if someone is doing a STR without a license?

Jeff said that this something that the Town has encountered already. He said that if there were listings online that the Town has cataloged those addresses and enforced license application process.

John said that finance staff that were watching the listings to see if they had lodging tax licenses. He said a letter would be sent out alerting the owners that they needed to apply for a lodging tax license.

Jeff said that our purview is not related and that we just have a cleanup exercise.

Jay said that this amendment to the UDC will be a more efficient way to enforce it.

Further discussion ensued regarding the Ordinance and further cleanup needed.

Janet said that the way the Ordinance is written is that it is strictly licensing. She said that it does not address any land use. She said that it is the first step in regulation of STR's and data collection. She said that there will probably be more UDC regulations as we start into the next phase. She said the zoning and cleanup will be complicated. She said that the UDC only applies to the straight zone district and not PUD's, which we have about thirty of those in town. She said whatever changes we make to the UDC will not apply to RVR or Crystal Village or Roaring Fork Village. She said that it will only affect a third of the Town. She said that this was the first conflict brought up regarding thirty day tenancy.

Nick asked if there would be any other fees associated with licensing.

Janet said that in this phase we were keeping the fees low to encourage people that were operating STR's to go ahead and apply. She said discussion about fees and mitigation for affordable housing will be down the road, in the next phase of operation.

Further discussion ensued regarding STR's and licensing.

Janet stated that a STR is for a period of less than thirty days.

Jeff asked about insight regarding the exclusion of the Historical Commercial Core district (HCC).

Janet said that there was concern from some property owners in the HCC because they had STR's. She said that they wanted to make sure that they could keep them so the Board made the decision to leave the HCC alone, because that is where lodging should be.

John said that the purpose of this Ordinance was to gather data to see if there was an issue there.

Jarrett asked if we are not doing HCC because of specific STR's and wouldn't it fall into their business licenses.

Janet said that this is an STR license.

John said that they are still required to get the lodging tax license.

Kade said that our lodging tax is only two percent and pointed out that it was lower than other communities.

Public Comment

Mark Chain, 811 Garfield Avenue said that this is a very complicated issue and that there are many places that it is appropriate to have a short-term rental. He said that the right thing to do is get the data and do the best you can.

Janet noted this is a legislative action, not site-specific so Ben could explain rationale.

Ben Bohmfalk, **85 Crystal Circle** said to clarify about the HCC exclusion from this pause on new licenses, he said that was his idea. He said that you can do a lot in a code to say what you don't want but that you need to say what you do want. He said that the feedback that we had gotten from the business community, restaurants, bars and all of the businesses that thrive on tourism is that we need some short-term rentals in Town. He said that the problem that we are trying to address is the conversion of what could be long-term workforce housing into STR's. He said that we said where is that less likely to be a problem, where is it already zoned for a use by right for lodging. He said that area is the HCC, where we want them and then we punted all of the rest of the zoning related stuff. He said that with the election we didn't know what the next council would look like exactly and that we wanted to put a marker in the ground, that was clear. He said that it seems appropriate if it is HCC or your primary residence and other than that it is an open question. He said that is what you will see next after we get all the data.

Jeff said that he thinks that it is important to protect against investment buyers that are buying up residential units so that they can be full-time STR's. He said that we may need a finer look than just the HCC zone district. He said that the Town should work hard to discourage corporations from coming in buying up residential properties and turning them into boutique hotels.

Janet said that she thinks that the Board talked about that and that in order to get a license that you have to be a natural person with an ownership interest.

Jeff said that he thought if you were not a natural person that you need someone that can respond in sixty minutes to any complaints, which opens the door to everybody.

Motion to close the comment portion of the public hearing

Jeff made the motion to close the comment portion of the public hearing. Jarrett seconded the motion, and it was approved unanimously.

Kade said that he had a comment from the Tourism Council and the branding of that. He said that conversation fell away from tourism and fell into anxiety around where Carbondale is headed with not only the HCC but also with the new developments. He said that we settled on this pause and that he likes this as a first step and that it is a complex issue. He said that the data collection and taking a pause on any new STR's coming in is a good first step to evaluate how big of an issue this is and to incorporate responsible tourism into the community.

Motion

Jeff made a motion to approve the zone text amendment as shown in Exhibit A with the findings in the Staff report. Jarrett seconded the motion, and it was approved unanimously.

Staff Update

Janet said that Mary typed all of the comments up from the Final Comp Plan Open House that we had on March 30. She said that we received a lot of comments and all of the comments that have been collected from January, February and March are in a big spreadsheet. She said that they are comments made at Planning Commission meetings, emails submitted, comments submitted online and in the Reading Rooms. She said that she met with CT yesterday and that they have been combing through them and organize them. She said that she had met with Amy at Carbondale Arts to figure out where some of the comments should go for the Creative District and the Artwalk. She said that CT, will still have some outstanding items that they are going to need the Commissions read on, which is getting sorted through.

Janet said that she did the first pass of the redline of the 2013 Comprehensive Plan, which is going more smoothly than anticipated. She said that combining the Plans is going to be great. She said that it has been a team effort to stay on track and think about the budget. She said that CT really enjoys working with Carbondale.

Janet said that next Tuesday that there is going to be an update to the Board on the Town Center property from Bob Schultz. She said that you are welcome to attend it and that if there is more than three that she would have to notice it. She said that if you go to the Town's website that the packet will be there, with Bob's report. She said that the Board will look at that and then start creating a public process.

Janet said that Jay just signed the plats for the two Subdivision Exemptions for Roaring Fork Coop, which will get recorded soon so that the Town can move forward on expanding the Public Works yard.

Mary said that there are more home building permits coming soon from River Valley Ranch.

Jeff said that he was told that seventy percent of all home purchases in the last eighteen months were cash.

Commissioner Comments

Jarrett asked if we have people that go around on job sites for the Town regularly.

Janet stated yes, our Building Official, John Plano, he does building inspections.

Jarrett said that he would recommend after a very windy day to go around to neighborhoods near construction sites, he said that his neighborhood had a lot of rigid insulation in our yards and where we park our cars.

Jay thanked the Commission for those that attended the open house and that he appreciated the turnout. He said that it reminded him of what makes Carbondale so special.

Motion to Adjourn

A motion was made by Jeff to adjourn, Jay seconded the motion, and the meeting was adjourned at 8:06 p.m.

RESOLUTION NO. 3
SERIES OF 2022

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

WHEREAS, Doug and Sarah Greenholz (Owners) and Brian Golden, 2757 Design (Applicant) requested approval of a Minor Site Plan Review and Special Use Permit to construct an attached Accessory Dwelling Unit (ADU) on property located at 728 Euclid Avenue, Section: 34 Township: 7 Range: 88 Subdivision: Original Townsite Carbondale Block: 24 Lot: Parcel A, AKA The Westerly 1.5 Feet of Lot 3, All of Lots 4 and 5 and the Easterly 12.5 Feet of Lot 6, Block 24 Town of Carbondale, 7040 Square Feet.

WHEREAS, the Planning and Zoning Commission of the Town of Carbondale reviewed this application during a Public Hearing on April 14, 2022 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 Minor Site Plan Review and Special Use Permit is hereby approved, subject to the following conditions and findings:

Conditions of Approval

1. The applicant shall demonstrate the type of pervious surface proposed for the subject to Town review and approval, at the time of building permit.
2. The applicant shall submit a Shading Analysis at the time of building permit for review and approval.
3. The Accessory Dwelling Unit shall not have separate water or sewer service.
4. 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.
5. The Applicant shall also pay and reimburse the town for all other applicable professional and staff fees pursuant to the Carbondale Municipal Code as well as water rights.

Findings for Approval - Site Plan Review Criteria

1. The site plan is consistent with the Comprehensive Plan.
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 applicable development and design standards set forth in this Code
4. Traffic generated by the proposed development will be adequately served by existing streets within Carbondale.

Findings for Special Use Permit

1. The proposed use is allowed within the OTR zone district.
2. The construction of the ADU shall be required to comply with all applicable fire, building, occupancy and other municipal code provisions adopted by the Town of Carbondale for the protection of public health, safety and welfare.
3. The proposed use does not have an adverse impact on the traffic and parking in the neighborhood.
4. The ADU does not have an adverse effect upon the character of surrounding uses.
5. With the conditions of approval, the impacts of the proposed use on adjacent properties and the surrounding neighborhood have been minimized in a satisfactory manner.
6. The impacts of the ADU, including but not limited to access to air and light, impacts on privacy of adjacent uses, and others, will not create a nuisance and such impacts would be borne by the owners and residents of the property on which the proposed use is located rather than by adjacent properties or the neighborhood.
7. The project is in scale with the existing neighborhood.

INTRODUCED, READ, AND PASSED THIS ____ day of _____, 2022.

PLANNING AND ZONING COMMISSION OF
TOWN OF CARBONDALE

By: _____
Jay Engstrom
Chair



TOWN OF CARBONDALE
511 COLORADO AVENUE
CARBONDALE, CO 81623

Planning Commission Agenda Memorandum

Meeting Date: 4/28/2022

TITLE: Rezoning - 135 Main Street and 266 N Second Street

SUBMITTING DEPARTMENT: Planning Department

APPLICANT: Mark Chain Consulting

OWNERS: The Carbondale Clay Center, 135 E Main Street

Stephan H. Zlontnick, 66 N 2nd Street.

CURRENT ZONING: Commercial Transitional (CT)

PROPOSED ZONING: Historic Commercial Core (HCC)

ATTACHMENTS: Land Use Application

BACKGROUND

This is an application for Rezoning, The Planning Commission is required to hold a public hearing and make a recommendation on the Rezoning to the Board of Trustees to approve the application or deny it. The Commission may also continue the public hearing.

135 Main Street is located on the 100 block of Main Street in between the Rio Grande Trail corridor and Main Street. 66 N 2nd Street is located to the South of the Rio Grande Trail corridor along the East side of 2nd Street. Each of the properties are currently zoned Commercial Transitional (CT).

Surrounding Uses and Zoning

66 N 2nd Street

North	Rio Grande Trail	Transit (T)
South	Commercial/ Short term rental	Commercial Transitional (CT)
East	Rio Grande Trail	Transit (T)
West	Mixed Use	Historic Commercial Core (HCC)

135 East Main Street

North	Rio Grande Trail	Transit (T)
South	Commercial and Residential	Historic Commercial Core (HCC)
East	Residential	Commercial Transitional (CT)
West	Residential	Commercial Transitional (CT)

REZONING

The current zone district for these properties is Commercial Transitional (CT). The proposed zone district is Historic Commercial Core (HCC). The rezoning would only apply to the two parcels, 135 E Main Street and 66 N 2nd Street. No subdivision or development of the parcels is proposed at this time and the three remaining CT parcels are not included in this application and would remain CT. The south side of Main Street was rezoned in 2014 to HCC to better align with the Future Land Use Map in the 2013 Comprehensive Plan as being designated Downtown.

In order to approve a rezoning, the Town would need to find that the rezoning will promote public health, safety and welfare; is consistent with the Comprehensive Plan; is consistent with the purpose section of the UDC and the proposed zone district; does not have adverse impacts on the natural environment and adjacent or nearby properties; and that facilities are available to serve the development.

Comprehensive Plan

This is the Future Land Use Plan from the adopted 2013 Comprehensive Plan:

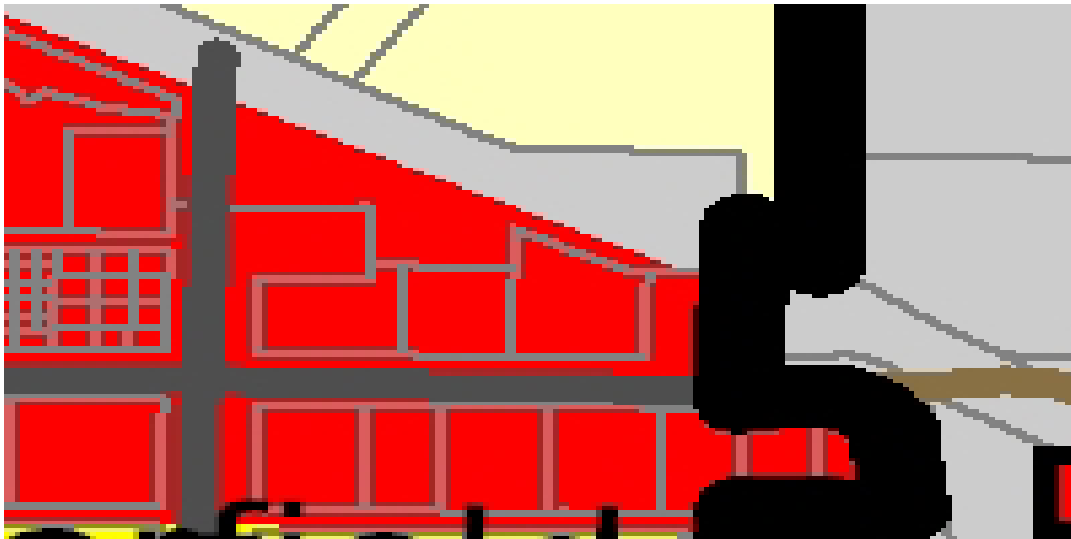
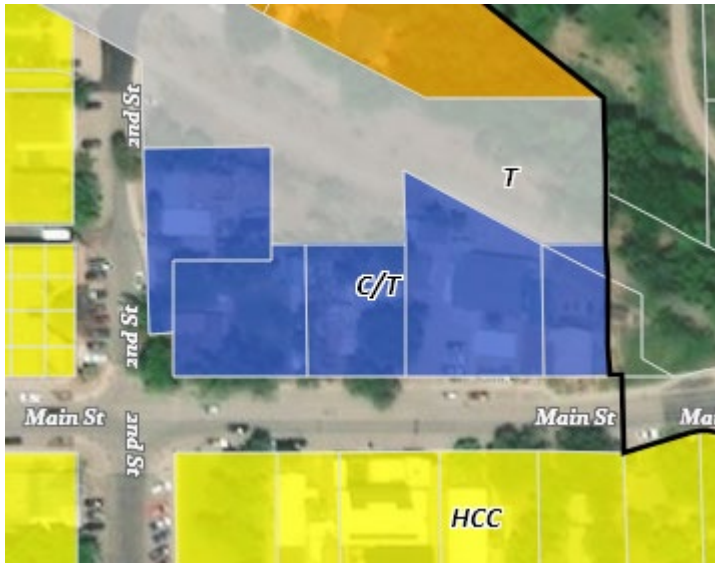


Figure 4.1 “Downtown” in Red / “Developed Neighborhoods” in Tan across the Rio Grande Right of Way



Current zoning

Chapter 4 of the adopted 2013 Comprehensive Plan describes the Downtown designation as follows:

Vision Statement: “Downtown is the thriving, historic, identifiable center of commerce, town culture, civic life, and celebrations and is the heart of the community.”

The most important priority for the future of Downtown is to maintain and enhance the characteristics that have proven so successful in the past. The Historic Commercial Core has a finite area, so it is important to make the best use of the land available to continue to build on the vitality to the community.

Land uses have evolved to make the best use of the land and the pattern of predominantly customer-oriented commercial on the street level with second and third story office and residential should be continued.

Uses: Encourage mixed use including shopping, restaurants, entertainment, lodging, offices, employment generating activities, and facilities essential to the daily life of the residents and housing. Downtown could include a boutique hotel, food and craft market, and micro-apartments. Focus more on the form and design of buildings than on prescribing specific commercial uses.

Staff Recommendation – Comprehensive Plan

One of the criteria which must be met in order to approve the rezoning is as follows:

“The amendment is consistent with the Comprehensive Plan and the purposes stated in this Unified Development Code.”

The “Downtown” designation calls for the preservation of existing historic buildings and to allow for a variety of design while honoring the historic nature in the design of new buildings. The height of buildings is limited to three stories. Stepped back upper stories on the south side of Main Street that can help reduce visible mass are also required. This designation is also the historic center of commerce, culture, civic life, and celebrations, the heart of the community.

The Clay Center has long been a center of culture and civic life on the eastern end of Main Street. The new designation will allow for a possible future expansion of the use to provide more services to the community.

66 N 2nd Street is currently being utilized as a single-family residence. If the rezoning is approved the single-family use will become a non-conforming use. Non-conforming uses’ are governed by UDC Section 7.3. an expansion of the use would not be allowed. The owner of the property is aware of the change from an allowed use to a nonconforming use.

66 N 2nd Street was constructed 1888 and has not been surveyed as a Structure of Merit but would fall under Chapter 16, Historic Preservation of the Municipal code.

This chapter requires a courtesy review before the Carbondale Historic Preservation Commission for alterations, relocations or the demolition of structures 50 years old or older. Structures may also be designated as a Landmark with owner consent through the process outlined in Chapter 16.

The proposed rezoning of the parcel provides a level of protection for the historic structure in keeping with the Purpose of Chapter 16, and the purpose of the Comprehensive Plan Designation, Downtown.

Historic Commercial Core Zone District (HCC)

Below is the purpose section of the HCC zone district:

Purpose

“The purpose of the Historic Commercial Core district is to preserve the original commercial center of Carbondale as a unique commercial area with an historic character. The intent is to accommodate a variety of complimentary commercial, service, entertainment, and residential uses and to create a market atmosphere compatible with the downtown. The district is intended for primarily customer-oriented commercial uses on the street level, with office and residential on the upper stories. The HCC district is designed to accommodate intense development of individually owned businesses in an attractive, pedestrian-oriented setting, following the design character and patterns of the historic downtown area.”

REZONING CRITERIA

Amendments to the zoning map may be approved if the Town finds that all of the following approval criteria have been met:

1. The amendment will promote the public health, safety, and general welfare;
2. The amendment is consistent with the Comprehensive Plan and the purposes stated in this Unified Development Code;
3. The amendment is consistent with the stated purpose of the proposed zoning district(s);
4. The amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;
5. The amendment is not likely to result in material adverse impacts to other property adjacent to or in the vicinity of the subject property; and
6. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development.

FISCAL ANALYSIS

The rezoning of the 135 E Main Street Parcel and possible future development will enhance the cultural and civic vitality of the Historic Commercial Core. The rezoning of 66 N 2nd Street will provide a level of review and possible protection of a historic structure in keeping with the goals of the HCC and Comprehensive Plan.

RECOMMENDATION

Staff is supportive of the rezoning of each of the parcels. While it is not ideal to rezone only two of the five parcels along the northern 100 block of Main Street the rezoning is keeping with the goals of the adopted 2013 Comprehensive Plan and to align with the Future Land Use Map.

Staff recommends that the following motion be approved: **Move to recommend to the Board of Trustees approval of the rezoning of 135 E Main Street and 66 N 2nd Street with the following recommended Conditions and Findings.**

Conditions:

1. All representations of the Applicant in written submittals to the Town or in public hearings concerning this project shall be binding as conditions of approval.
2. The Applicant shall pay and reimburse the town for all other applicable professional and staff fees pursuant to the Carbondale Municipal Code.

Findings - Rezoning

1. The rezoning will promote the public health, safety, and general welfare.
2. The rezoning is consistent with the Comprehensive Plan as the Future Land Use Plan shows this property in the "Downtown" area. The "Downtown" designation provides suggests mixed use including shopping, restaurants, entertainment, lodging, offices, and employment generating facilities essential to the daily life of residents and housing. The uses in the HCC zone district will allow uses that would accommodate the uses outlined in the "Downtown" designation in the Comprehensive Plan. The purposes stated in this Unified Development Code have been met.
3. The amendment is consistent with the stated purpose of the proposed zoning district, specifically, the purpose of the HCC district is "to preserve the original commercial center of Carbondale as a unique commercial area with an historic character.
4. The rezoning will not result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, and in fact will enhance the natural environment due to the preservation of the historic lawn area and significant spruce trees.
5. The rezoning will not result in material adverse impacts to other property adjacent to or in the vicinity of the subject property.
6. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) are available to serve the subject property while maintaining adequate levels of service to existing development.

Prepared By: John Leybourne

JB
Planning Director

REZONING APPLICATION FOR

**135 Main Street
266 N. 2nd Street**



**Commercial/Transitional Zone District to
Historic Commercial Core (HCC)**

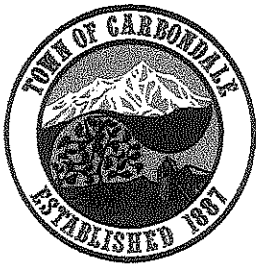
Carbondale, Colorado

February, 2022

SECTION 1

Application Forms & Related Documents

Master Land Use Application Form
Rezoning Checklist
Letter of Authorization
Warranty Deeds
Application Team



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: CARBONDALE CLAY CENTER Phone: _____

Applicant Address: 135 MAIN ST. CARBONDALE

E-mail: ANGELA.T.BRUNO @ GMAIL.COM

Owner Name: CARBONDALE CLAY CENTER Phone: 516.369.1974

Address: ABOVE FOR CLAY CENTER 2102 N. 2ND ST. CARBONDALE

E-mail: STEVEZ @ HENRYDORD.COM

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

135 MAIN ST & 66 N. 2ND ST.

PART 2 – PROJECT DESCRIPTION

General project description:

REZONING FROM COMMERCIAL/TRANSITIONAL TO HCC

NO DEVELOPMENT IMMEDIATELY - CLAY CENTER TO APPLY FOR SITE PLAN REVIEW

Size of Parcel: 12,744 / 6,000 # Dwelling Units: 0 / 1 Sq Ftg Comm: 1500 / 0

Type of Application(s): REZONING

Existing Zoning: C/T Proposed Zoning: HCC

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

2/17/22
Date

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

[Signature] 2/17/22
Owner Signature Date

[Signature] 2/17/22
Owner Signature Date

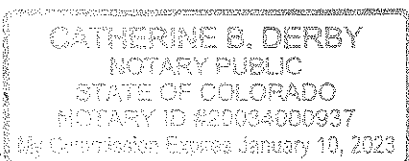
STATE OF COLORADO)

COUNTY OF GARFIELD) ss.

The above and foregoing document was acknowledged before me this 17th day of

February 2022, by Angela Bruno and Stephen Zlotnick

Witness my hand and official
My commission expires:



[Signature]
Notary Public



Town of Carbondale Rezoning Checklist

(970) 963-2733

Project Name: Carbondale Clay Center Rezoning

Applicant: Mark Chain / Ramsey Fulton

Applicant Address:

Location: 135 Main Street

Date: 12-9-21

Staff Member: Janet Buck / John Leybourne

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 \$600 and Land Use Application (separate attachment)

☒ a. The application for a rezoning shall include:

- i. A site plan showing the footprint of all buildings, parking configuration, location of all utilities and easements, and other details demonstrating conformance with all regulations and development standards applicable to the proposed zoning district;
- ii. A written statement justifying why the proposed zoning fits in with the surrounding neighborhood and why the proposed zoning is more appropriate for the property than the existing zoning;
- iii. A list of all property owners within 300 feet;
- iv. A map showing adjoining zoning districts within 300 feet; and
- v. Proof of ownership.

b. The applicant shall submit to the Director any other information required in the appropriate application as provided by the Director along with any information identified in the pre-application meeting and all required information stated elsewhere in this Code for an amendment to the zoning map.

c. If a proposal requires a permit or approval from any county, state, or federal agency, the applicant shall submit to the Director a duplicate of any required application at the same time that it is submitted to the other agency or a minimum of 14 days prior to any hearing related to such county, state, or federal permit, whichever occurs first.

☒ Additional information requested at the pre-application meeting:

- Proof of ownership

- Quit claim deed or other documentation
from RFTA vacating easement

February 14, 2022

Janet Buck, Planning Director.
Town of Carbondale
511 Colorado Avenue
Carbondale, CO 81623

RE: Rezoning Application from Commercial/Transitional to HCC Zone District
portions of the 100 Block, North of Main Street in the Town of Carbondale

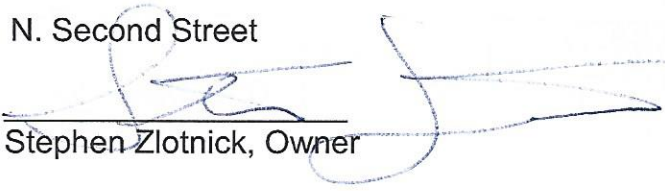
This letter authorizes Mark Chain of Mark Chain Consulting, LLC to make a land use application for rezoning properties owned by the Carbondale Clay Center and Stephen Zlotnick. This letter also authorizes Mark Chain of Mark Chain Consulting, LLC to represent the owners/applicants and discuss any related issues during the land use review and approval process.

Sincerely

For Carbondale Clay Center

By: 
Angela Bruno *Executive Director*

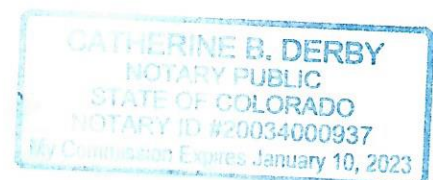
For 66 N. Second Street

By: 
Stephen Zlotnick, Owner

The foregoing document was acknowledged before me this 17th day of February, 2022, by Angela Bruno, *Executive Director* of the Carbondale Clay Center

Witness my hand and official seal.

My commission expires: 1/10/2023



Page 2
Rezoning Application
100 Block, N of Main St.
Carbondale, CO


Notary Public

STATE OF COLORADO)
) SS.
COUNTY OF GARFIELD)

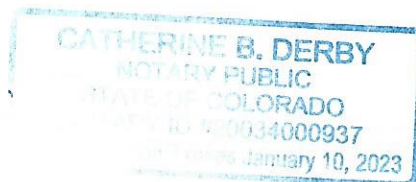
The foregoing document was acknowledged before me this
17th day of February, 2022, by Stephen Zlotnick,
of 66 N. 2nd Street

Witness my hand and official seal.

My commission expires: 1/10/2023


Notary Public

STATE OF Colorado)
) SS.
COUNTY OF GARFIELD)



Reception No. _____
Recorded at _____ o'clock _____



513457 09/10/1997 03:49P B1033 P251 432
1 of 1 R 6.00 D 29.00 N 0.00 GARFIELD CLERK

WARRANTY DEED

THIS DEED, Made this 8th day of September, 1997, between
135 MAIN STREET, LLC.
A COLORADO LIMITED LIABILITY COMPANY

of the said County of **GARFIELD** and State of **COLORADO**, grantor, and
CARBONDALE CLAY CENTER, A COLORADO NON-PROFIT CORPORATION

DOC FEE \$29.00

whose legal address is **135 MAIN STREET**

CARBONDALE, CO 81623

of the said County of **GARFIELD** and State of **COLORADO**, grantee:

WITNESSETH, That the grantor for and in consideration of the sum of **Ten dollars and other good and valuable consideration** DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the said County of **GARFIELD** and State of Colorado described as follows:

LOTS 20, 21, 22 AND 23 AND
THE WEST 8 FEET OF LOT 24
BLOCK 1

ORIGINAL TOWNSITE OF CARBONDALE

COUNTY OF GARFIELD
STATE OF COLORADO

GARFIELD COUNTY ASSESSORS NO: 2393-344-01-008
PROVIDED FOR INFORMATIONAL PURPOSES ONLY

also known by street and number as: **135 MAIN STREET, CARBONDALE, CO 81623**

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the enrolling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except **easements, restrictions, reservations and rights of way of record, or situate and in use, and real property taxes for the year 1997, not yet due or payable.**

The grantor shall and will WARRANTY AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

JOHN CAROLINE AND JOAN CAROLINE AS MEMBERS AND MANAGERS BY THOMAS L. ADKISON
AS THEIR ATTORNEY IN FACT

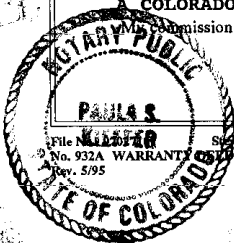
KARIN J. CAROLINE BY THOMAS L. ADKISON AS HER ATTORNEY IN FACT

State of **COLORADO**)
) ss.
County of **GARFIELD**)

The foregoing instrument was acknowledged before me this 8th day of September, 1997, by THOMAS L. ADKISON AS ATTORNEY IN FACT FOR JOHN CAROLINE, JOAN CAROLINE AND KARIN J. CAROLINE BEING ALL MEMBERS AND MANAGERS OF 135 MAIN STREET, LLC. A COLORADO LIMITED LIABILITY COMPANY.

My commission expires **March 04, 1997** . Witness my hand and official seal

Notary Public



File No. **100-10171** Stewart Title of Glenwood Springs, Inc.
No. 932A WARRANT (For Photographic Record)
Rev. 5/95

RETURN TO: MCFLYNN & PICKETT
320 WEST MAIN STREET
ASPEN, CO. 81611



State Documentary Fee
Date: April 30, 2021
\$91.50

Special Warranty Deed
(Pursuant to C.R.S. 38-30-113(1)(b))

Grantor(s), **AMDUR INVESTMENTS, LLC, A COLORADO LIMITED LIABILITY COMPANY**, whose street address is **66 N 2ND ST, CARBONDALE, CO 81623**, City or Town of **CARBONDALE**, County of **Garfield** and State of **Colorado**, for the consideration of **(\$915,000.00) ***Nine Hundred Fifteen Thousand and 00/100***** dollars, in hand paid, hereby sell(s) and convey(s) to **STEPHEN H. ZLOTNICK**, whose street address is **P.O. BOX 7032, Snowmass Village, CO 81615**, City or Town of **Snowmass Village**, County of **Pitkin** and State of **Colorado**, the following real property in the County of **Garfield** and State of **Colorado**, to wit:

See attached "Exhibit A"

also known by street and number as: **66 N 2ND STREET, CARBONDALE, CO 81623**

with all its appurtenances and warrant(s) the title to the same against all persons claiming under me(us), subject to Statutory Exceptions.

Signed this day of **April 30, 2021**.

AMDUR INVESTMENTS, LLC, A COLORADO LIMITED LIABILITY COMPANY

By: *Kelley Admur*
KELLEY ADMUR, AGENT

State of **Colorado**)
)ss.
County of **GARFIELD**)

The foregoing instrument was acknowledged before me on this day of **April 30th, 2021** by **KELLEY ADMUR AS AGENT OF AMDUR INVESTMENTS, LLC, A COLORADO LIMITED LIABILITY COMPANY**

Witness my hand and official seal

My Commission expires: *9/8/2024* *Jessica Reed*
Notary Public

JESSICA REED
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19994021384
My Commission Expires: September 08, 2024

When recorded return to: **STEPHEN H. ZLOTNICK**
P.O. BOX 7032, Snowmass Village, CO 81615



Exhibit A

PARCEL A:

SOUTH ONE-HALF OF LOTS 10, 11 AND 12
BLOCK 1
TOWN OF CARBONDALE

AND

THE NORTH ONE-HALF OF THAT PORTION OF THE ALLEY ABUTTING
LOTS 10, 11 AND 12
BLOCK 1
TOWN OF CARBONDALE
AS VACATED BY ORDINANCE NO. 12, RECORDED MAY 26, 1982 IN BOOK 600 AT PAGE 160 AS RECEPTION NO. 328081.

PARCEL B

A PARCEL OF LAND SITUATED IN
LOTS 13, 14 AND 15
BLOCK 1
TOWN OF CARBONDALE
BEING MORE FULLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 13;
THENCE S. 89°57'00" E. 75.00 FEET ALONG THE NORTHERLY BOUNDARY OF SAID LOTS 13, 14, AND 15 TO THE
NORTHEASTERLY CORNER OF SAID LOT 15;
THENCE S. 00°03'00" W. 15.00 FEET ALONG THE EASTERLY BOUNDARY OF SAID LOT 15;
THENCE N. 89°57'00" W. 75.00 FEET TO THE WESTERLY BOUNDARY OF SAID LOT 13;
THENCE N. 00°03'00" E. 15.00 FEET ALONG SAID WESTERLY BOUNDARY TO THE POINT OF BEGINNING.

AND

THE SOUTH ONE-HALF OF THAT PORTION OF THE ALLEY ABUTTING LOTS 13, 14 AND 15
BLOCK 1
TOWN OF CARBONDALE
AS VACATED BY ORDINANCE NO. 12, RECORDED MAY 26, 1982 IN BOOK 600 AT PAGE 160 AS RECEPTION NO. 328081.

COUNTY OF GARFIELD
STATE OF COLORADO

PROJECT TEAM

Applicant

Carbondale Clay Center
1356 Main St.
Carbondale, CO 81623
chgreen78@gmail.com
970.379.4899

Property Owners

Carbondale Clay Center
1356 Main St.
Carbondale, CO 81623

Stephen H. Zlotnick
66 N. 2nd Street
Carbondale, CO 81623
steve@henrydorr.com

Designer/Architect

BLDG SEED Architects
417 Main Street, Suite B
970.340.8211 office
Ramsey@bldgseed.com

Surveying

Sopris Engineering
502 Main Street, Suite A3
Carbondale, CO 81623
970.704.0311

Planning/Coordination

Mark Chain
Mark Chain Consulting, LLC
811 Garfield Avenue
Carbondale, CO 81623
970.309.3655 (cell)
mchain@sopris.net

Section 2

Background Information & Project Narrative

Background Information and Narrative
Vicinity/Location Map
Neighborhood Context
Ownership Matrix/Information
Zoning Map
Improvement Survey Plat
Site Plan
Comprehensive Plan Background Information

SECTION 2

APPLICATION INFORMATION AND BACKGROUND

Property Locations: 135 Main St. and 66 N. 2nd St.; both parts of Block 1 of the original townsite, Carbondale, Colorado

Practical Description: 2 properties in the block east of North 2nd Street and north of Main Street in Downtown Carbondale

Zoning: C/T - Commercial/Transitional

Application Date: February, 2022

Type of Application

1. **Request for Rezoning.** The Carbondale Clay Center and Stephen Zlotnick are requesting a rezoning from C/T (Commercial/Transitional) to HCC (Historic Commercial Core). Both properties are located in in the Original Townsite north of Main Street and east of North 2nd Street. Both properties are developed. A Request for Rezoning requires review by Town Staff and public hearings in front of the Carbondale Planning and Zoning Commission and the Board of Trustees. The Board is the final decision-making body.

Project Description

This application is a simple rezoning request from C/T to HCC. The Clay Center has been in the process of planning and designing an expansion which started a couple of years ago but was short-circuited by the Covid -19 pandemic. Assuming the property is rezoned, they intend to apply for a Minor Site Plan review in the near future. A major expansion for a nonprofit organization can be a complicated process with many people involved and their proposed new structure is still undergoing adjustments. Their site plan in terms of proposed building footprint is fairly well fixed at this time and has been submitted as part of the application requirements.

The owners of the Zlotnick property, formerly known as the Ambiance Inn and the Dandelion Inn, also wish to request a rezoning at this time. There are no immediate expansion or construction plans for this property.

Property Location and Neighborhood Context

The property location was noted above and a Location Map and Neighborhood Context diagram is attached. It shows the 5 properties on that particular block, location at the northeast corner of the Old Town/downtown area adjacent to the Rio Grande Trail as well as significant town landmarks. This entire block is currently zone C/T. Two of the five properties on that block wish to rezone to Historic Commercial Core. Please note that this is the only block of C/T zoning in eastern part of town. The 100 Block south of Main Street was rezoned from C/T to HCC in 2014.

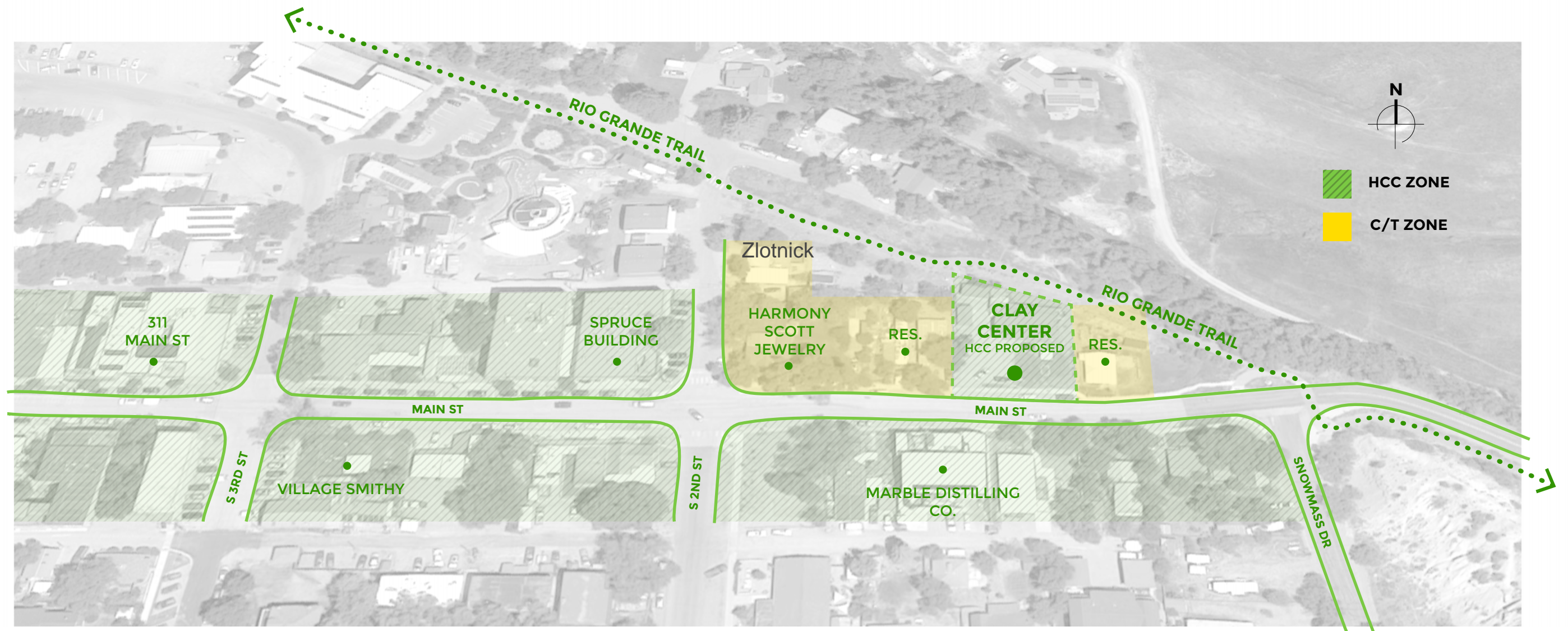
The 100 Block north of Main is composed of approximately 35,000 ft.² of private property. The block is bounded by Main Street on the South, North 2nd Street on the west, the Rio Grande Corridor to the north and the intersection of Main Street/Rio Grande/Snowmass Drive and 100 Road on the east. The area is generally flat along the Main Street property line though there is a small drop-off in grade at the northwest corner of that block towards the Rio Grande Trail. A chart listing the various properties, ownerships and other details is attached.

This block is unusual in terms of shape relative to other portions of the Downtown. Block 1 was a traditionally shaped block but was forever changed when the Denver and Rio Grande obtained right-of-way at the end of the 19th century. This pinched off the northeast quadrant of the of that block. The construction of the rail corridor also eliminated the alley on the north side of this block. This makes the development of that lot different than others in the downtown area related to access, screening potential, storage, solid waste pickup, etc.

Property Descriptions

Clay Center. The Clay Center property is 12,774 Square Feet in size and was developed in 1970. The primary structure is a masonry block building that was the site of a landscape contractor business in the 1970s and early 1980s. It was purchased by the Clay Center organization in 1997. An Improvement Survey Plat is attached to show the details of the property. There were many details related to ownership, uses, and easements to be worked out between the Clay Center property and the Rio Grande Corridor, which was owned by the Roaring Fork Railroad Holding Authority (RFRHA) at that time. These have all been worked out as indicated on the survey. The quitclaim deeds between the entities are included in Section 3.

Zlotnick property. This property is presently a single-family residence. Assessor records indicate that the original structure was built in 1888. It has 5 bedrooms and 4.25 baths with access off of 2nd Street. This property was originally a residence for many years and then became a part time Bed and Breakfast in the



Improvement Survey Plat

A PARCEL OF LAND SITUATED IN

Lots 3, 4, 5, 20, 21, 22, 23, 24 & 15' Platted Alley, Block 1
Section 34, T. 7 S., R. 88 W. of the 6th P.M.
Town of Carbondale, Garfield County, Colorado

PROPERTY DESCRIPTION:

LOTS 20, 21, 22, 23 AND THE WEST 8 FEET OF LOT 24
BLOCK 1
TOWN OF CARBONDALE

TOGETHER WITH:
THE PARCEL OF LAND DESCRIBED IN INSTRUMENT RECORDED JANUARY 9, 2001 IN BOOK 1226 AT PAGE 412

EXCEPTING FROM THE ABOVE:
THE PARCEL OF LAND DESCRIBED IN INSTRUMENT RECORDED JANUARY 9, 2001 IN BOOK 1226 AT PAGE 413

COUNTY OF GARFIELD
STATE OF COLORADO

NOTES:

1. BASIS OF BEARINGS: BEARINGS SHOWN HEREON ARE BASED ON A BEARING OF N00°03'00"E BETWEEN MONUMENTS ALONG THE WEST LINE OF THE SUBJECT PARCEL & THE PARCEL OF LAND DESCRIBED IN BOOK 1226 AT PAGE 412, BOTH CORNERS BEING MONUMENTED AS SHOWN HEREON.
2. THIS MAP HAS BEEN PREPARED PURSUANT TO CLIENT REQUEST FOR AN IMPROVEMENT SURVEY PLAT.
3. DATE OF FIELD SURVEY : AUGUST 8, 2017
4. UNITS OF LINEAR MEASUREMENTS ARE DISPLAYED IN US SURVEY FEET.
5. SGM WILL NOT BE RESPONSIBLE FOR ANY CHANGES MADE TO THIS DOCUMENT AFTER IT LEAVES OUR POSSESSION. ANY COPY, FACSIMILE, ETC., OF THIS DOCUMENT MUST BE COMPARED TO THE ORIGINAL SIGNED, SEALED AND DATED DOCUMENT TO INSURE THE ACCURACY OF THE INFORMATION SHOWN ON ANY SUCH COPY, AND TO INSURE THAT NO SUCH CHANGES HAVE BEEN MADE.
6. ANY SUBSURFACE UTILITIES NOT SHOWN, WERE NOT MARKED BY APPROPRIATE UTILITY COMPANIES AT THE TIME OF THIS SURVEY AND THEREFORE MAY NOT BE SHOWN HEREON. UNDERGROUND UTILITIES LOCATES HAVE NOT BEEN MARKED FOR THE PURPOSES OF THIS SURVEY. ONLY PAINT MARKS AND UTILITY PIN FLAGS ON THE GROUND SURFACE WERE SURVEYED BY SGM AS PART OF THIS SURVEY. CLIENT/CONTRACTOR MUST CONTACT SPECIFIC UTILITY COMPANIES TO VERIFY BOTH THE LOCATION AND DEPTH OF RESPECTIVE UTILITIES. ADDITIONAL SURVEYING WORK MAY BE REQUIRED TO SHOW ANY SUCH SUBSURFACE UTILITY LOCATIONS ON THIS DRAWING. SGM WILL NOT BE RESPONSIBLE FOR PROTECTION OF SUBSURFACE UTILITIES.
7. FENCES SHOWN HEREON HAVE BEEN SHOWN FOR GENERAL REFERENCE AND DO NOT NECESSARILY DEPICT LIMITS OF OWNERSHIP.
8. THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, BUILDING SETBACKS OR OTHER RESTRICTIONS OF RECORD, AS SUCH ITEMS MAY AFFECT THIS PROPERTY. THIS SURVEY DOES NOT REPRESENT A TITLE SEARCH BY THIS SURVEYOR TO DETERMINE OWNERSHIP OR TO DISCOVER EASEMENTS OR OTHER ENCUMBRANCES OF RECORD. ALL INFORMATION PERTAINING TO OWNERSHIP, EASEMENT AND OTHER ENCUMBRANCES OF RECORD HAS BEEN TAKEN FROM THE TITLE INSURANCE COMMITMENT ISSUED BY LAND TITLE GUARANTEE COMPANY, ORDER NO. ABB63011991, HAVING AN EFFECTIVE DATE OF MAY 18, 2017.

EVERY ATTEMPT HAS BEEN MADE TO SHOW ALL EASEMENTS, RIGHTS-OF-WAY, ETC. REFERRED TO IN THE SCHEDULE B2 EXCEPTIONS RECITED IN SAID TITLE INSURANCE POLICY. SOME SUCH ITEMS MAY NOT BE SHOWN (I.E. ITEMS 1-9) IF THEY ARE STANDARD TITLE COMMITMENT EXCEPTIONS, OR IF NOT SUFFICIENTLY DESCRIBED IN RECORDED DOCUMENTS TO BE SHOWN GRAPHICALLY, OR IF THEY ARE SITUATED ON ADJACENT PROPERTIES, OR IF THEY AFFECT THE PROPERTY IN GENERAL, ETC. IN REGARDS TO OTHER SUCH ITEMS:

ITEM 10. UTILITY EASEMENT AS GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO IN INSTRUMENT RECORDED SEPTEMBER 03, 1980, IN BOOK 555 AT PAGE 52 DOES NOT APPEAR TO AFFECT THE SUBJECT PARCEL.

ITEM 11. TERMS, CONDITIONS AND PROVISIONS OF LETTER RECORDED NOVEMBER 10, 1999 IN BOOK 1160 AT PAGE 112 AFFECTS SUBJECT PARCEL, REVOKING TEMPORARY PERMISSION TO THE ADJOINING LOT OWNER HAVING USE OF THE WEST 8 FEET OF LOT 24.

ITEM 12. TERMS, CONDITIONS AND PROVISIONS OF ENCROACHMENT LICENSE RECORDED JANUARY 09, 2001 IN BOOK 1226 AT PAGE 402 AFFECTS SUBJECT PARCEL HEREON.

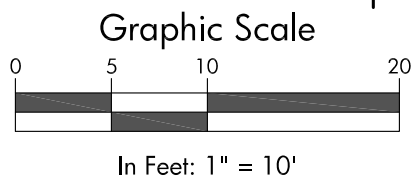
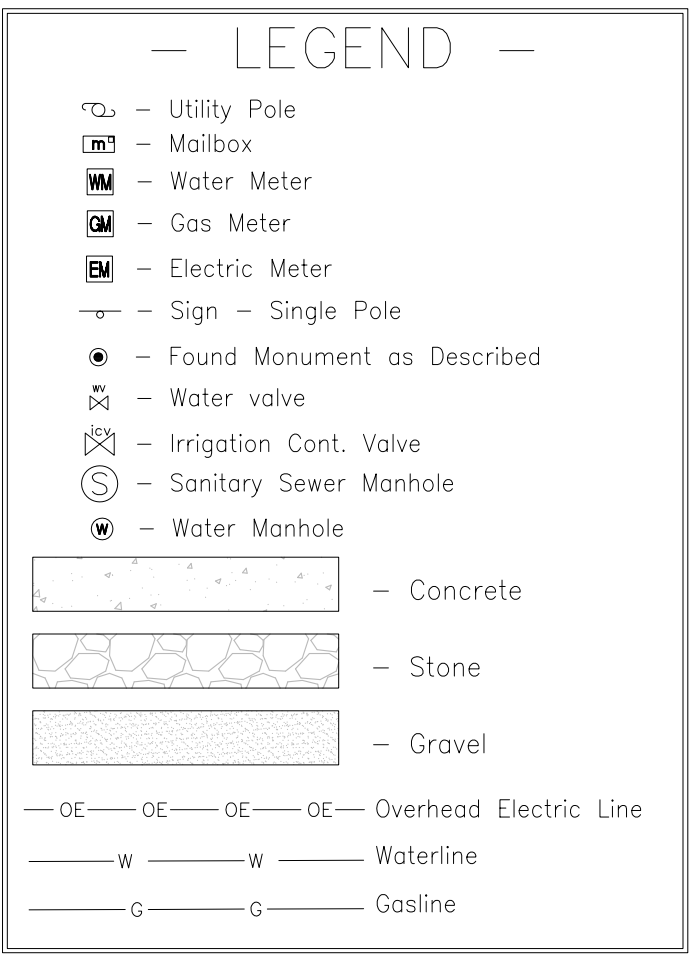
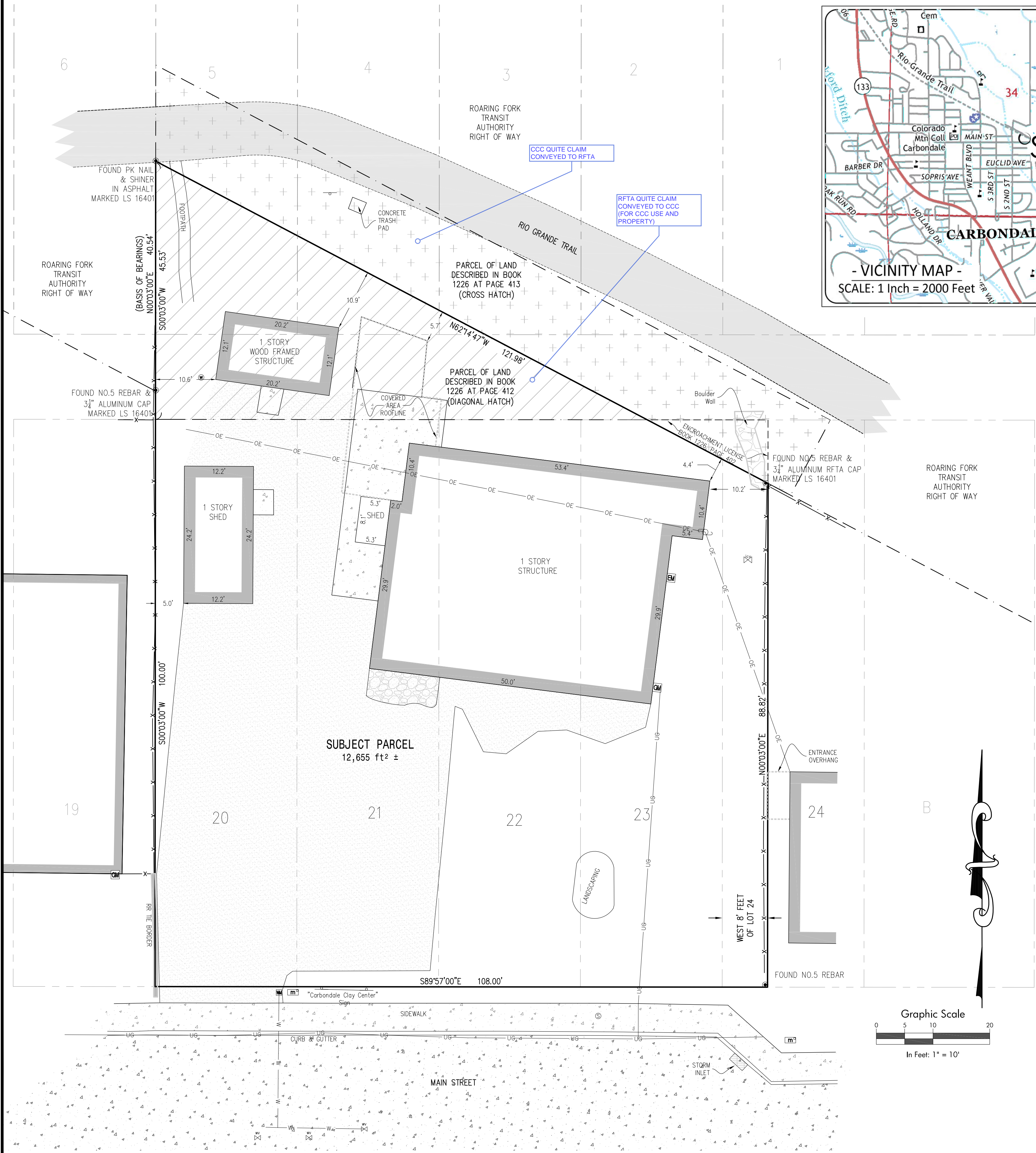
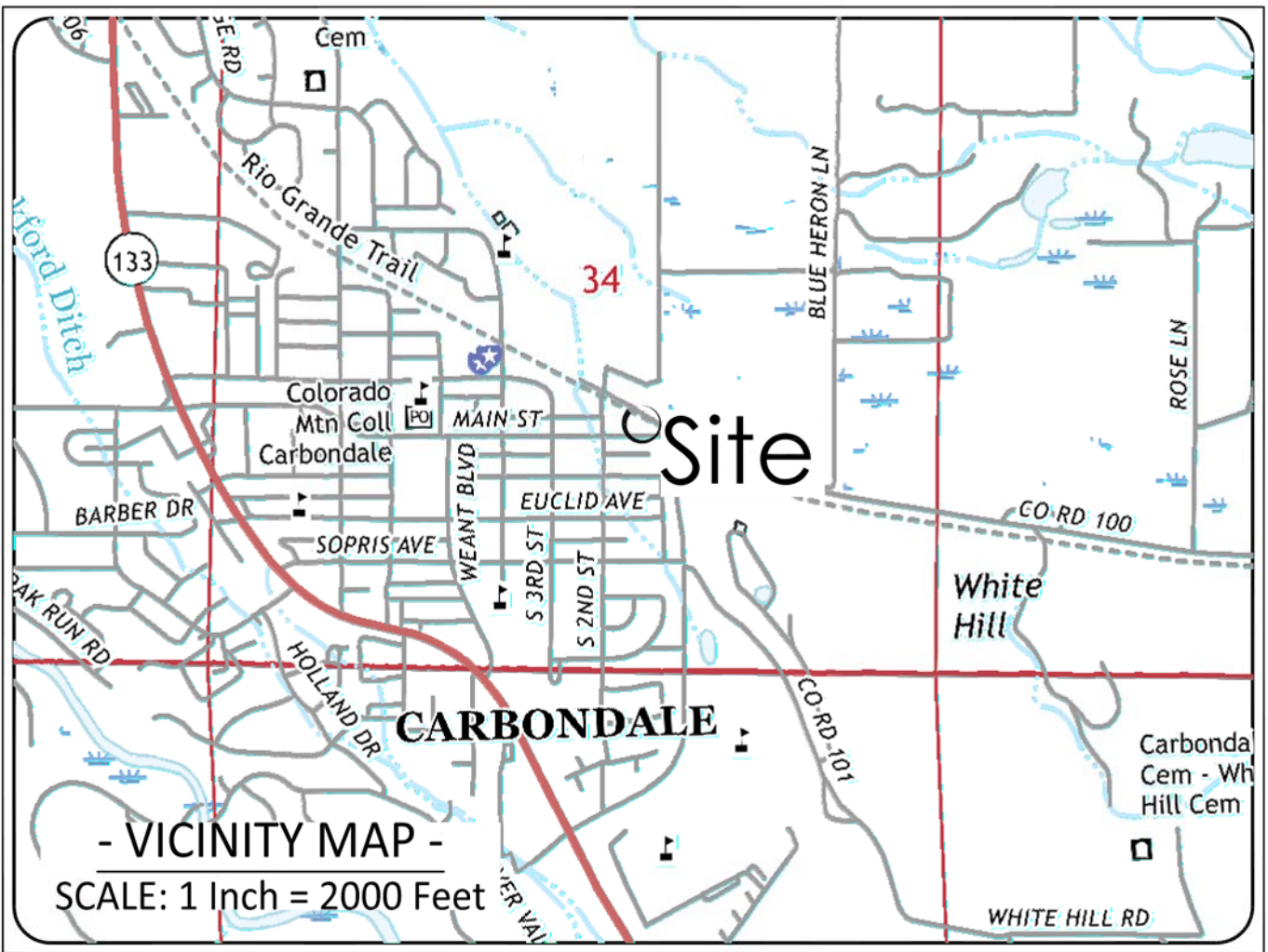
ITEM 13. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF THE TOWN OF CARBONDALE RECORDED DECEMBER 17, 1887, UNDER RECEPTION NO. 5889 AFFECTS SUBJECT PARCEL AS SHOWN HEREON.

ITEM 14. RIGHT OF WAY WHETHER EASEMENT OR FEE FOR THE DENVER AND RIO GRAND RAILROAD NOW KNOWN AS ROARING FORK TRANSPORTATION AUTHORITY AFFECTS SUBJECT PARCEL AS SHOWN HEREON.

SURVEYOR'S CERTIFICATE:

I, ROBERT E. BRANDEBERRY, BEING A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS IS AN IMPROVEMENT SURVEY PLAT AS DEFINED BY CRS 38-51-102(9), RESULTING FROM A MONUMENTED LAND SURVEY, SHOWING THE CURRENT LOCATION OF ALL SIGNIFICANT VISIBLE STRUCTURES, UTILITIES, FENCES, HEDGES, OR WALLS SITUATED ON THE DESCRIBED PARCEL AND WITHIN FIVE FEET OF ALL BOUNDARIES OF SUCH PARCEL, AND ALSO ANY VISIBLE CONFLICTING BOUNDARY EVIDENCE OR ENCROACHMENTS, AND ALL EASEMENTS AND RIGHTS-OF-WAY OF A PUBLIC OR PRIVATE NATURE THAT ARE VISIBLE, OR APPARENT, OR OF RECORD, AND UNDERGROUND UTILITIES DESCRIBED IN OR OTHER SOURCES AS SPECIFIED IN THE TITLE COMMITMENT REFERENCED HEREON, AND THAT THIS IMPROVEMENT SURVEY PLAT WAS PREPARED BY SGM, ON THIS DATE, 9/27/2017, BASED ON SITE CONDITIONS AS THEY EXISTED DURING A FIELD SURVEY PERFORMED DURING 8/08/17, UNDER MY DIRECT SUPERVISION AND CHECKING AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ROBERT E. BRANDEBERRY
COLORADO PLS # 38388
FOR, AND ON BEHALF OF SGM



Notice:
According to Colorado Law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any legal action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

SGM
118 West Sixth Street, Suite 200
Glenwood Springs, CO 81601
970.945.1004 www.sgm-inc.com

Carbondale Clay Center
135 E. Main Street, Carbondale, CO 81623

#	Revision	Date	By
1			
2			
3			
4			
5			

Improvement
Survey
Plat

Job No.	2017-332.001
Drawn by:	JLV
Date:	09/21/2017
Approved:	REB
File:	CarbondaleClayCenter_JSP

1
Of
1

PROPERTY OWNERSHIP MATRIX - 100 BLOCK NORTH OF MAIN STREET					
Account #	property owner	address	size	use	Comment
R340968	Stephen Zlotnick	66 N. 2nd St.	6/000 SF	single family Res	leases part of 2nd st ROW
R340968	Harmony Scott	199 Main St.	5,769 SF	SFR/Merchandising	
R510006	Doane H. Deane	155 Main St.	7,500 SF	Res -2 units	
R510007	Carbondale Clay Center	135 Main St.	12,744 SF	Exempt - Non-Res Charitable	
R340429	R&B Enterprises LLC	111 Main St.	1,837 SF	single family Res	
R083593	R&B Enterprises LLC	111 Main St.	1,746 SF	Vacant	Not within Municipal Limits

late 1980s. The property was sold and then was rebranded as the Dandelion Inn. Once again it is a single-family residence with no immediate plans for any other development or additional construction. In the past the owners have leased portions of the second Street right-of-way for parking.

Comprehensive Plan Designation

The entire block is classified as Downtown in the Future Land Use Map (effective as of January 2022). The Historic Downtown vision statement notes the Downtown Area as the “.... thriving historic center of commerce, town culture, civic life and celebrations and is the heart of the community”. The Downtown detailed description contained in the Future Land Use Map and the complementary character and design elements are attached. Development in the area is suggested to be drawn up to the edge of the sidewalk, make efforts to share parking and reflect the predominant historic pattern of development with “Main Street style buildings” and a large percentage of lot coverage. The vacation of that alley makes some of these suggested design elements such as access/parking and potential storage areas more difficult to accommodate.

Historic Commercial Core Zone District

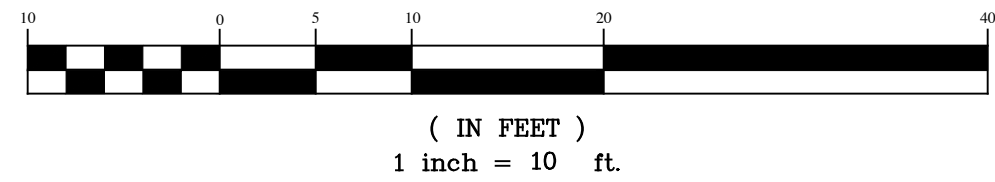
The HCC Zone District is the heart of the Carbondale Downtown Commercial Core and essentially runs from 6th Street on the west to the 1st Street/Snowmass Drive Intersection on the east with the exception of the north portion of the 100 block north of Main Street. Zoning Map attached. The HCC Zone District allows intense development virtually lot line the lot line in the downtown core with buildings allowed to be up to 3 stories in height. Residential development must be parked. The purpose statement of the HCC is important to note and is noted below (Sec 3.3.5 A)

“The purpose of the Historic Commercial Core District is to preserve the original commercial center of Carbondale as a unique commercial area with an historic character. The intent is to accommodate a variety of complementary commercial, service, entertainment, and residential uses and to create a market atmosphere compatible with the downtown. The district is intended for primarily customer oriented commercial uses on street level, with office and residential on the upper stories. The HCC district is designed to accommodate intense development of individually owned businesses in an attractive, pedestrian- oriented setting, following the design character and patterns of the historic downtown area”.

Past Zoning History of the 100 block of Main Street

The Town adopted zoning regulations and created its first zoning map in 1973 or 1974. Most of the downtown was placed in the HCC Zone District at that time, with the exception of the 100 block of Main Street. At that time there was a

TOWN OF CARBONDALE, COUNTY OF GARFIELD, STATE OF COLORADO



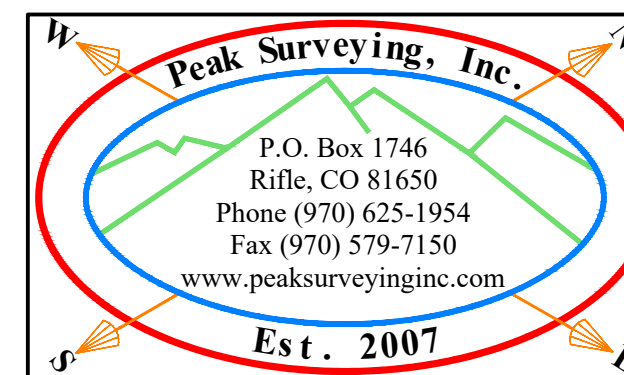
1) THIS PROPERTY IS SUBJECT TO RESERVATIONS, RESTRICTIONS, COVENANTS, BUILDING SETBACKS AND EASEMENTS OF RECORD, OR IN PLACE AND EXCEPTIONS TO TITLE SHOWN IN THE TITLE COMMITMENT PREPARED BY LAND TITLE GUARANTEE COMPANY, ORDER NO. GW63016902-2, DATED EFFECTIVE MARCH 18, 2021.

3) BASIS OF BEARINGS FOR THIS SURVEY IS A BEARING OF N00°03'00"E BETWEEN THE SOUTHEASTERLY CORNER OF LOT OF THE SUBJECT PROPERTY, A #4 REBAR & YELLOW PLASTIC CAP P.L.S. #14111 FOUND IN PLACE AND THE NORTHEASTERLY CORNER OF THE SUBJECT PROPERTY, A #4 REBAR & ORANGE PLASTIC CAP P.L.S. #14111 FOUND IN PLACE.

5) THIS SURVEY IS BASED ON THE TOWNSITE OF CARBONDALE PLAT RECORDED AS RECEPTION NO. 5889 AND THE RAILROAD RIGHT-OF-WAY SURVEY, CARBONDALE SEGMENT PREPARED BY FARNSWORTH GROUP, PROJECT NO. 305007.7 AND DEPOSITED DECEMBER 16, 2008 AS DEPOSIT NO. 789 IN THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE AND CORNERS FOUND IN PLACE.

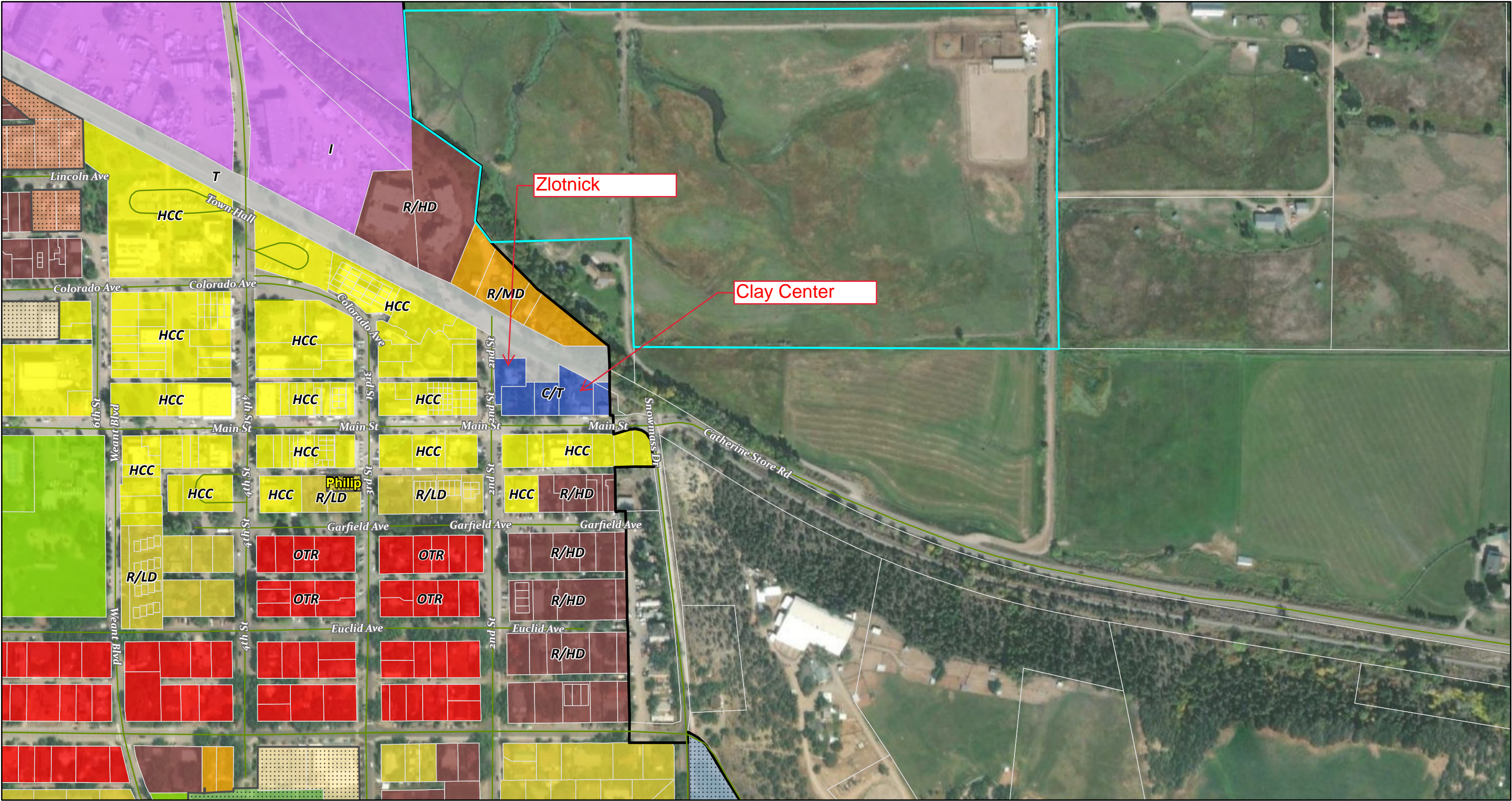
7) AREAS LABELED AS INDETERMINATE OWNERSHIP ARE SHOWN AS SUCH ON THE RFTA R-O-W SURVEY DEPOSITED AS NO. 789 OF THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE. ALSO STATED ON SAID MAP IS THAT OWNERSHIP FINDINGS ARE PER THE GARFIELD COUNTY ASSESSORS OFFICE WHICH SHOWS THAT PROPERTY IN QUESTIONS TO BE RFTA. IT IS THIS SURVEYORS OPINION THAT LEGAL ADVISE SHOULD BE OBTAINED AND AN AGREEMENT SHOULD BE REACHED WITH RFTA IN THESE AREAS.

1 OF 1



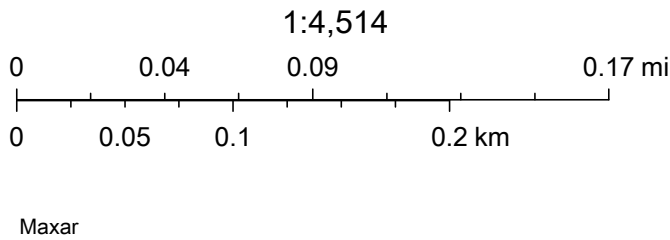
Drawn By:	NO.	Date	Revision	By	<p>AMDUR INVESTMENTS, LLC. TOWN OF CARBONDALE, COLORADO</p> <p>IMPROVEMENT SURVEY PLAT LOTS 10-13 & 13-15, BLOCK 1</p> <p>CARBONDALE TOWNSITE</p>	Project NO.
JRN	1	04/16/21	UPDATE SURVEY	JRN		21049
Checked By:						
JRN						
Date:						
APRIL 15, 2021						
Computer File:						
049						1 OF 1

Town of Carbondale Zoning



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- | | | |
|--------------------------------|---|----------------------------|
| Roads | Historic Commercial Core (HCC) | Transit (T) |
| Town Boundary | Old Town Residential (OTR) | PUD Only Zoning Districts |
| Planned Unit Development (PUD) | Open Space (O) | Religious Institution (RI) |
| Garfield County Parcels | Residential/High Density (R/HD) | Residential (R) |
| Straight Zoning District | Residential/Low Density (R/LD) | School (S) |
| Commercial/Transitional (C/T) | Residential/Medium Density (R/MD) | Obsolete Zoning Districts |
| General Industrial (I) | Residential/Medium Density & Community Facilities (R/MD/CF) | Open Space/School (O/S) |



significant discussion regarding whether parking requirements should be included as part of the HCC dimensional regulations. At the end of the day, the HCC and dimensional standards were adopted close to what exists at this particular time; and parking was not required for all uses. Even then the town wanted to have a pedestrian oriented community where parking lots did not predominate in the downtown area. However, because 100 block of Main Street had less intense uses; the equivalent of Commercial/Transitional zoning was implemented so that portions of Main Street would still utilize parking standards for these less-developed areas. The Town reevaluated their zoning regulations and performed a comprehensive re-write of the zoning code in the early 1990s and once again the 100 block of Main had an intense discussion related to whether it should be zoned HCC or C/T. It remained C/T.

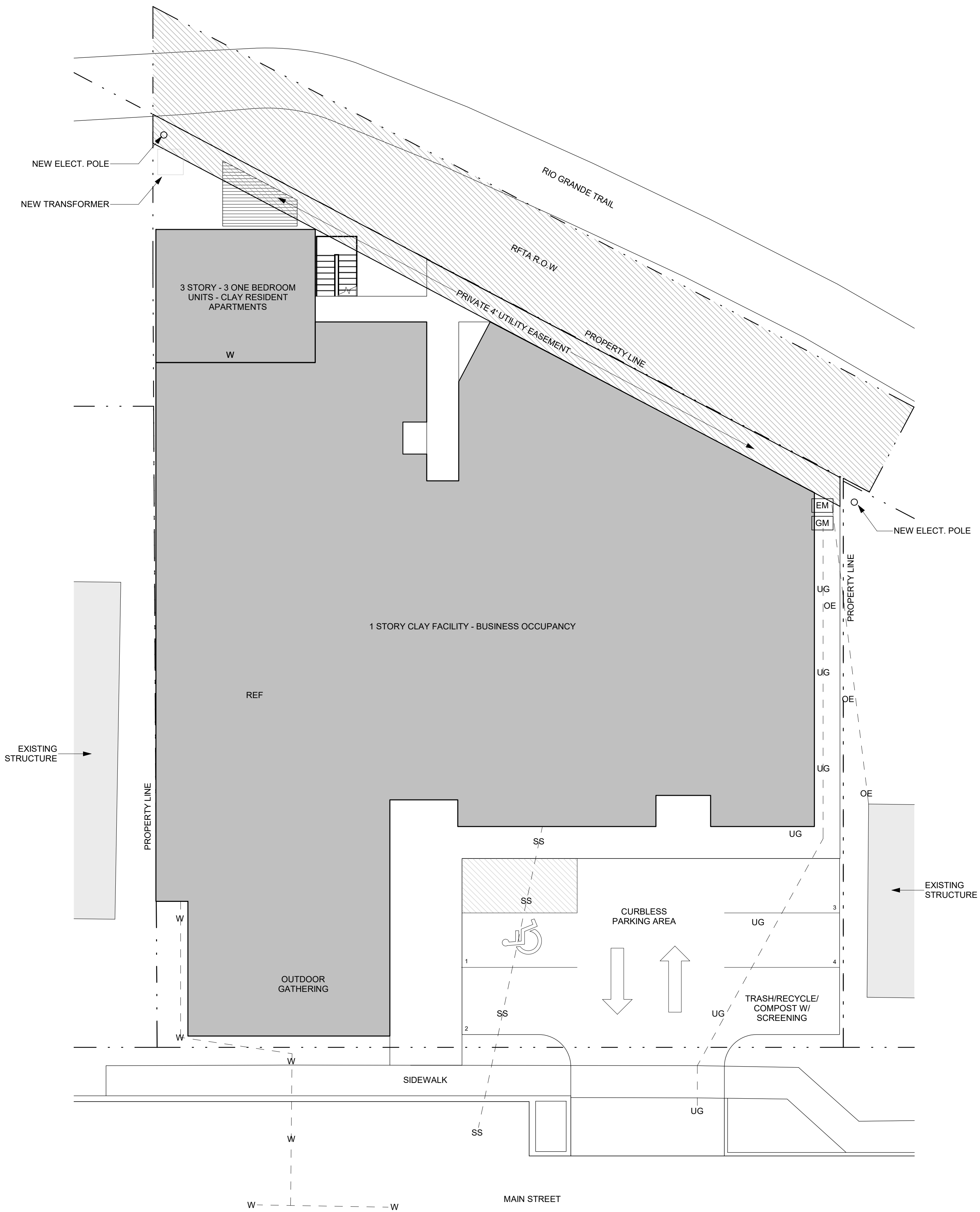
With the Comprehensive Plan of 2000, the Town undertook a direction to eventually have this area developed as “Downtown” as the city grew in the future. This concept was enhanced in the Comprehensive Plan 2013 but the block was still not rezoned to HCC at that time. The south side of the 100 block of Main Street was rezoned HCC on or about 2015 as a number of development plans did not make sense with the special parking standards adopted for that block as part of the zoning standards at that time.

Development Related Issues (and next steps)

The applicants are of the opinion that because of the information included in the Comprehensive Plan as well as the Future Land Use Map that this block should be zoned HCC with no conditions. However, because a site plan is required with any rezoning per section 2.4.2.C.1 and the site plan is required to show..” parking configuration, location of all utilities and easements, and other details showing conformance with all regulations and development standards applicable to the proposed zone district”, these items will be addressed below.

66 N. 2nd Street (Zlotnick). A site plan is not being proposed for this property as no external expansion or redevelopment is being considered for the near future. The only potential redevelopment is that one or two dwelling units may eventually be proposed within the existing structure itself; and this seems logical as in the past this property has been a Bed and Breakfast as well as a short-term rental with numerous units (Dandelion Inn).

Clay Center. The Clay Center is considering a major expansion, and this is the primary reason for the rezoning application. A site plan is attached. The Clay Center has an active Expansion Committee, and they are reviewing detailed expansion plans and have made considerable progress. However, because, because this is design by committee and there are a number of distinct users for the property, final plans may not be finalized for a couple more months. The



1 SITE PLAN
1" = 10'-0"

present concept is slightly larger than 8400 ft.² of total space. It generally will be one story in height with the exception of a small residential 3 level tower whose main purpose will be to provide three living units in the future. Some details about the proposed expansion are below:

Transition requirements.

The Town has regulations to deal with transitions between different land-use areas and ensure compatibility; especially where there is a boundary with different zone districts, single-family residential uses and one-story structures. These are contained in section 3.7.5 (Transition between different land-use areas) in the UDC. Present design schematics show that the future Clay Center can meet these dimensional requirements; primarily because the majority of the expansion will be one story in height and the residential component which will have an increased height is not in close proximity to one story residential uses. (Proposed ways to meet these compatibility standards in the code are increased side yard setbacks, provide variations for side building walls and roof forms, have a compatible scale in neighboring single-family residential areas and by utilizing dormers and sloping roofs).

Various Development standards – per section 5.4.and 5.7.7

Some development standards for the HCC assume that properties have an alley. Alley access allows some parking to be in the rear, helps with screening various items including utilities, trash and recycling areas and other such items. In addition, the whole point of HCC development standards is to have active areas adjacent to the downtown sidewalks and/or property lines and to have areas full of activity and not parking areas, screening walls etc. We believe that the expansion plans at this time meet those goals in general but when a Site Plan is presented for evaluation, discussion may have to occur regarding a few of these items.

Lapse of Approval.

Chapter 2.3 of the UDC outlines common review procedures for all land use applications. Section 2.3.9 (Lapse of Approval) states that a land use approval lapses in two years from the date of approval unless there is a specific request for extension or if lapse of approval is not noted in the in the specific process; in this case a **Rezoning**. We would ask that any zoning approval state that there is not a lapse of approval as this block is suggested to be “HCC” or Downtown in the future. Also, please note that when the south side of the 100 block of Main was rezoned there was no specific time frame stated for site plans to be provided for any property on that half block. Redevelopment of the Clay Center, which we hope to be in the very new future, can be delayed due to the economy, fundraising or other reasons. Related to the Zlotnick property, is there any reason

to suggest that there needs to be redevelopment/site plan when a structure has existed on that site since 1988??

Responses to Rezoning Criteria

Section 2.4.2.C.3.b contains specific approval criteria for any rezoning. Below we respond to these on a point-by-point basis. Will

- i. The amendment will promote the public health, safety and general welfare;

response: The amendment will promote the public health, safety and general welfare. Issues discussed in more detail below.

- ii. The amendment is consistent with the Comprehensive Plan and the purposes stated in the UDC;

response: The Amendment is consistent with the comprehensive plan. See above section in rezoning application text. Allowed development of these two properties or any on this block of Main Street would help with the orderly expansion of Main Street and the Historic Commercial Core – goal of the UDC.

- iii. The amendment is consistent with the stated purposes of the proposed Zone District;

response: yes, the amendment is consistent with the stated purposes of HCC: relevant portions of the purpose statement are below:

- *...” The intent is to accommodate a variety of complementary commercial, service, entertainment and residential uses and to create a market atmosphere compatible with the downtown”*
- *... The HCC district is designed to accommodate intense development of individually owned businesses in an attractive, pedestrian oriented setting, following the design criteria and patterns of the historic downtown area”.*

- iv. The amendment is not likely to result in significant adverse impacts upon the natural environment (air, water, noise, stormwater management, wildlife, and vegetation) or such impacts will be substantially mitigated;

response: Adverse impacts upon the natural environment will not occur. Both of these properties have been developed for decades; and one since 1888. The area is a developed part of the downtown and unforeseen effects to wildlife or vegetation should also not occur.

- v. The amendment is not likely to result in material adverse impacts to other property adjacent to or in the vicinity of the subject property; and

response: The only adverse impact to some residents may be intense development on either property but the Comprehensive Plan designates this area as "Downtown" and such development which is encouraged lot line to lot line has occurred all over the downtown area and the neighboring properties have not been adversely impacted to our knowledge.

- vi. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development.





response: Facility and services -for these properties should be adequate. These two sites, and the block in general, has been served by utilities since the founding of the town in terms of these lots on the property and at least since 1980 for the Clay Center. Even assuming more intense development for either property or the block in the future adequate levels of service should be available.

Community Outreach

Representatives of the Clay Center have met with all owners on the north side of Main Street and shared their plans about expansion, the rezoning request and other matters of interest. We will also outreach with neighbors south of Main Street once the application is made.

Summary and Conclusion

The Clay Center and Stephen Zlotnick have made an application for rezoning of 2 parcels from C/T HCC in the 100 block of Main Street. We have found that the rezoning application is in conformance with the Comprehensive Plan, meets rezoning approval criteria and would be in the best interests of the Town. It is time to do away with this remnant of Commercial/Transitional zoning. We look forward to discussing the application in detail with Staff, the Planning Commission and the Board of Trustees.

Designation	Character Element	Description
Downtown North  	Location/context	These large parcels with industrial/warehouse uses north of downtown that have two possible futures: 1) they may remain a light industrial center for decades to come, 2) it is an ideal location for mixed use redevelopment complementary to downtown. This designation describes option 2, the mixed use redevelopment option.
	Relationship of development to streets	Extend the downtown, pedestrian-oriented streetscape.
	Uses	Mixed use and commercial, mix diversity of housing unit types, live-work.
	Building mass and scale and architecture	Buildings will be limited to three stories. Connect the buildings and the sidewalk with architectural elements to extend the downtown form. Avoid monotonous box-like structures.
	Parking	Combination of surface lots, parking shelters, and tuck-under parking garages sited on the sides and behind buildings in smaller lots broken up by shade trees/landscape islands.
	Landscaping	Emphasize street trees, sustainable storm-water management, and sidewalks. Public connection to the Carbondale Nature Park.
	Connectivity	Connect to the Rio Grande Trail. Improve priority multi-modal corridors as described in Ch. 4 with sensitivity to neighborhood character and width. Needs a direct street connection to Highway 133 via Industry Place.
Downtown  	Location/context	Historic center of commerce, culture, civic life, and celebrations - ; the heart of the community.
	Relationship of development to streets	Maintain the core characteristics. Connect the buildings and the sidewalk with architectural elements to maintain the downtown form.
	Uses	Downtown commercial and institutional uses with opportunities for residential upstairs.
	Building mass and scale and architecture	Preserve existing historic buildings. Allow variety in new buildings. Height limited to three stories. Stepping-Stepped back upper stories on the street can help reduce visible mass.
	Parking	Reduce demand for parking spaces with shared parking (day vs. evening/night) Consolidate parking in multi-use collector lots.
	Landscaping	Street trees, pedestrian facilities and landscaped gathering areas.
	Connectivity	Enhance the downtown walkable formwalkability, emphasizing pedestrians and traffic calming.

4.6 Downtown

Vision Statement: “Downtown is the thriving, historic, identifiable center of commerce, town culture, civic life, and celebrations and is the heart of the community.”

The 2000 Comprehensive Plan called for improvements to the Historic Commercial Core, several of which have been implemented, including wider sidewalks, improved pedestrian crossings, better parking, public art, a new energy efficient recreation center and connections to the Rio Grande Trail. Other elements contributing to a vibrant downtown include Sopris Park, other public gathering spaces, preservation of historic buildings, newer historically referenced buildings and the various businesses that serve as the economic backbone of Downtown Carbondale. The most important priority for the future of Downtown is to maintain and enhance the characteristics that have proven so successful in the past. The Historic Commercial Core has a finite area, so it is important to make the best use of the land available to continue to build on the vitality to the community. Land uses have evolved to make the best use of the land and the pattern of predominantly customer-oriented commercial on the street level with second and third story office and residential should be continued. The community can continue to pursue enhancements that build on Downtown’s character by exploring opportunities to utilize state, federal and non-profit downtown enhancement funding and technical assistance programs.

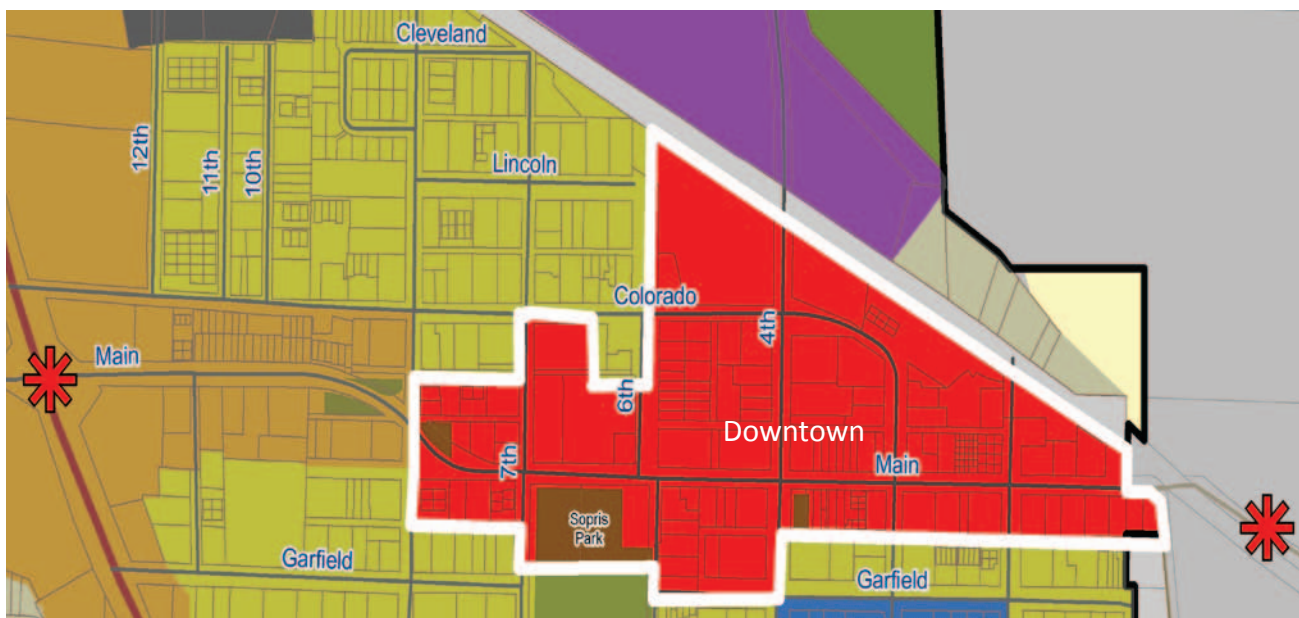


Figure 4.14 - Downtown Designation

Relationship of development to streets: Orient buildings and site design specific to pedestrians more than towards cars. Buildings should be sited at the edge of the sidewalks and existing gaps in the block faces should be filled-in except for formal plazas and other gathering places. It is a top priority to maintain the pedestrian friendly feel of downtown.

Uses: Encourage mixed use including shopping, restaurants, entertainment, lodging, offices, employment generating activities, and facilities essential to the daily life of the residents and housing. Downtown could include a boutique hotel, food and craft market, and micro-apartments. Focus more on the form and design of buildings than on prescribing specific commercial uses.

Encourage commercial-residential mixed-use with housing upstairs.

- Reduce/relax the minimum lot area per residential unit required under current zoning.
- Ensure that commercial uses are compatible with residential uses if vertically mixed.

Building mass and scale: Buildings should reflect the predominant pattern with up to three story buildings with a high percentage of lot coverage. Stepped back upper stories along the street can help reduce visible building mass. Balance the preservation existing historic buildings with architectural variety in new buildings and redevelopment of existing non-historic buildings. Building façades and roof lines should be broken-up to extend the pattern of regular variation that exists today due to the 25 foot lot width downtown. Streets should be faced with three-dimensional architectural elements such as windows, doors, and dormers, contributing to an interesting human-scale streetscape and connecting the inside of the buildings to the sidewalk.



Figure 4.15 - Main Street Commercial

Parking : Develop a parking strategy for downtown that encourages infill. The strategy could include the following:

- Smaller town-site lots utilize small scale surface parking in the rear or well-screened, small lots at the side of buildings. Fig. 4.16 shows four rear loaded parking spaces and a 3 story building on a 2 town site lots.

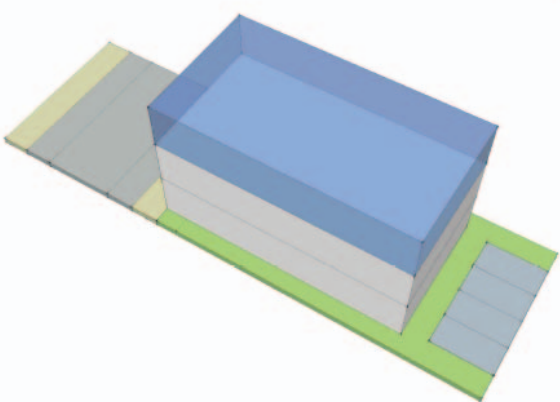


Figure 4.16 - Main Street Typical Parking Configuration

- Make the best use of existing land by reducing the demand for parking spaces with shared parking where different uses have complementary parking needs (office use during the day, residential use in the evening and at night).
- Explore potential sites and financing for future parking to accommodate the loss of downtown parking, should private vacant or partially vacant lots that currently serve as informal parking be developed.
- Implement an optional fee in lieu of on-site parking requirements and use the revenues to develop public on-street parking and collector lots.
- Explore options for developing well-screened, smaller scale collector lots within short walking distance of the downtown core, but not facing Main Street.

Connectivity: Increase the visibility of the downtown from Highway 133 by establishing a Downtown gateway at the intersection of Highway 133 and Main Street. Facilitate multi-modal connections between Downtown and the Rio Grande Trail. Capitalize on the historic grid streets pattern to establish a system to accommodate necessary traffic levels, as well as pedestrians and bicyclists. Utilize the town streets right-of-way to accommodate improvements called for in ***Chapter 3 - Multi-Modal Mobility***.

Section 3

Miscellaneous Documents

- **List – Property Owners within 300 ft.**
- **574742 – Encroachment License**
- **574743_QCD_ RFRHA to CCC**
- **574744_QCD_CCC to RFRHA**
- **Property Record Cards**

Owners within 300 ft, - Carbondale Clay Center & Zlotnick

ParcelId	OwnerName	OwnerAddress1	OwnerCityStZip
R008656	MARSHALL, JULIA SUE	96 N 3RD STREET	CARBONDALE CO 81623
R009084	WOODWARD, DARLENE MAY & COLLISON, MARTHA	356 COUNTY ROAD 101	CARBONDALE CO 81623
R040451	STRAUSER, GREGORY WAYNE & REGINA VALASKO	1232 GREENLAND FOREST DRIVE	MONUMENT CO 80132
R040452	URSINI, LORETTA	245 N HOME AVE	PARK RIDGE IL 60068
R040453	WIMMER, BARBARA	121 GARFIELD AVENUE	CARBONDALE CO 81623
R040454	RITTI, JOCELYN A	119 GARFIELD AVENUE	CARBONDALE CO 81623
R040721	FULKER, FORREST THOMAS	167 GARFIELD AVENUE	CARBONDALE CO 81623
R040722	BROADHURST, CHRISTOPHER J & TAMARA MARIE	PO BOX 1132	CARBONDALE CO 81623
R082512	BARTUSEK, JESSE M & CROWNHART, KAREN K	117 COUNTY ROAD 100	CARBONDALE CO 81623
R082513	NIESLANIK, PAUL R & CELIA R	481 COUNTY ROAD 100	CARBONDALE CO 81623-9547
R083572	TRUE NATURE HOLDINGS LLC	2701 COUNTY ROAD 100	CARBONDALE CO 81623
R083593	R AND B ENTERPRISE LLC	4175 COUNTY ROAD 113	CARBONDALE CO 81623
R083750	TRUE NATURE HOLDINGS LLC	2701 COUNTY ROAD 100	CARBONDALE CO 81623
R083751	SHOOK FAMILY LLC	3989 NW 52ND PLACE	BOCA RATON FL 33496
R083919	PACIFICA SENIOR LIVING RE FUND LLC	650 LARIAT LANE	GLENWOOD SPRINGS CO 81601
R111594	BUCHMAN LLC	PO BOX 669	CARBONDALE CO 81623
R111935	NIESLANIK, PAUL R & CELIA R	481 COUNTY ROAD 100	CARBONDALE CO 81623-9547
R112105	ROARING FORK TRANSPORTATION AUTHORITY	1340 MAIN STREET	CARBONDALE CO 81623
R340009	CHILDRENS ROCKY MOUNTAIN SCHOOL INC	126 MAIN STREET	CARBONDALE CO 81623
R340105	SHAKER-MERLOW, LLC	150 MAIN STREET	CARBONDALE CO 81623
R340137	WALL, DAVID W & LIU, YING	583 S 2ND ST	CARBONDALE CO 81623
R340195	OCHOA, ENRIQUE AND TOMASA FAMILY TRUST	PO BOX 1121	CARBONDALE CO 81623
R340199	LECHT, PATTY L	PO BOX 812	CARBONDALE CO 81623
R340320	POLESKI, LAUREN	328 LOS ADOBES DRIVE	CARBONDALE CO 81623
R340333	BAMFORD, JOSEPH D & Kaelin R & BRENDA A	125 RIO GRANDE LANE	CARBONDALE CO 81623
R340419	WHALEN, MARK J & ANNA MARIA	175 RIO GRANDE LANE	CARBONDALE CO 81623-1732
R340420	JEWKES, KRISTIN H & MICHAEL A	155 RIO GRANDE LANE	CARBONDALE CO 81623
R340421	WHALEN, MARK J & ANNA MARIA	175 RIO GRANDE LANE	CARBONDALE CO 81623-1732
R340429	R AND B ENTERPRISE LLC	4175 COUNTY ROAD 113	CARBONDALE CO 81623
R340523	AMERICAN TREE & CEMENT HOLDINGS LLC	14 OLD ORCHARD ROAD	CARBONDALE CO 81623
R340569	FLACKE, JONATHAN & MCGINTY, PATRICK	98 MAIN STREET	CARBONDALE CO 81623

R340816	CASH COW PARTNERS, LLP	PO BOX 187	CARBONDALE CO 81623
R340818	EDOCA LLC	234 MAIN STREET	CARBONDALE CO 81623
R340844	CT & TL CHACOS LLLP	26 S 3RD STREET	CARBONDALE CO 81623
R340860	PEDERSEN, C JESSEN	1451 COUNTY RD 102	CARBONDALE CO 81623
R340880	KOLPUS, GREGOR EDWARD	100 BRISTLECONE DRIVE	CARBONDALE CO 816238627
R340967	ZLOTNICK, STEPHEN H	66 N 2ND STREET	CARBONDALE CO 81623
R340968	SCOTT, HARMONY M	199 MAIN STREET	CARBONDALE CO 81623
R340987	CARBONDALE 190 MAIN LLC	20 SUNSET DRIVE #1	BASALT CO 81621
R340988	CARBONDALE COMMUNITY ACCESS RADIO INC	PO BOX 1388	CARBONDALE CO 81623
R510006	DEANE, DOANE H	0477 ROSE LANE	CARBONDALE CO 81623
R510007	CARBONDALE CLAY CENTER	135 MAIN STREET	CARBONDALE CO 81623-2136
R580125	GJ ENTERPRISES LLC	PO BOX 4007	SAN LUIS OBISPO CA 93401
R580259	GARFIELD AVENUE UNIT OWNERS ASSOCIATION	251 GARFIELD AVE	CARBONDALE CO 81623

Contract No. _____

ENCROACHMENT LICENSE

THIS ENCROACHMENT LICENSE AGREEMENT is made and entered into this 15th day of DECEMBER, 2000, by and between THE ROARING FORK RAILROAD HOLDING AUTHORITY, hereinafter called "RFRHA," and Carbondale Clay Center, a Colorado Non-profit Corporation, hereinafter called the "Licensee."

WITNESSETH, that RFRHA, for and in consideration of the covenants and agreements of the Licensee contained herein and upon the terms and conditions stated, hereby acknowledges, licenses and permits the continuation of a temporary non-exclusive encroachment (hereinafter called "Encroachment") upon the rail corridor ("Corridor") of RFRHA, the Encroachment being more particularly described on the attached Exhibit "A."

THIS LICENSE is expressly conditioned upon the performance by the Licensee of all the covenants and agreements hereinafter set forth, and it is also hereby stipulated that a waiver by RFRHA of any breach of any such covenant or agreement shall in no way impair the right of RFRHA to avail itself of any subsequent breach of the same or any other covenant or agreement.

"Encroachment" shall mean only the improvement(s) and use(s) specifically described on the attached Exhibit A. No other improvement(s) or use(s) shall be permitted upon the Corridor. It is expressly stipulated that the Encroachment is to be for strictly private purposes and is not intended for public use, its use shall be limited to the Licensee, its family, guests, invitees, employees and those having business with the Licensee. The term "Encroachment" shall include without limitation such safety devices as shall be required by RFRHA, or which may at any time be required by any Local, State or Federal law, or by any order of any Local, State or Federal officer or regulatory board having jurisdiction over such matters.

1. **Maintenance and Repair.** The Licensee shall, at the sole cost and expense of the Licensee, construct, maintain, repair, reconstruct, relocate or remove the Encroachment and all its appurtenances whenever necessary and when required to do so by RFRHA, in accordance with plans prepared by Licensee and in a manner satisfactory to RFRHA. RFRHA, however, shall have the right, if it so elects, at any time, though it shall be under no obligation whatever to do so, to construct, maintain, repair, reconstruct, relocate or remove the Encroachment and all or any of its appurtenances, notwithstanding the obligation of the Licensee to construct, maintain, repair,

Encroachment License
Page 1 of 8

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50

reconstruct, or relocate the Encroachment. Furthermore, in the event RFRHA at any time so elects, the Licensee shall, upon presentation of estimates, advance such sum of money as RFRHA may deem necessary for such construction, maintenance, repair, reconstruction, relocation or removal, or upon a bill being rendered for work already done, the Licensee shall immediately reimburse RFRHA for the cost of such work. The optional right of RFRHA to maintain, repair, reconstruct, relocate or remove the Encroachment shall in no manner or degree relieve the Licensee's responsibility to RFRHA or to other persons or corporations for the failure of the Licensee to properly maintain, repair, reconstruct, relocate or remove the Encroachment, or any other structure which RFRHA agrees to maintain, repair, reconstruct, relocate or remove.

2. **Limitations on Rights Granted.** This License is without covenant of title or quiet enjoyment and is subject and subordinate to a reservation of the prior and continuing right of RFRHA to all other uses of the Corridor, including the right to construct, use, maintain, repair, relocate and renew in RFRHA's sole discretion any and all improvements, including without limitation tracks, overhead lines, pipelines, busways, trails and other facilities upon, along, over, under or across any or all parts of the Corridor, all of which may be done at any time by RFRHA without prior notice and without liability to Licensee or to any other party for compensation or damages. This License is subject and subordinate to all existing leases, licenses, easements, permits, claims of title or other interests and as may in the future be modified, renewed or extended by RFRHA, including but not limited to any fiber optic cable easements.

3. **License Fee.** The Licensee agrees to pay to RFRHA, in advance, the sum of \$00.00, for the License herein granted. Unless this License is sooner terminated as hereinafter set forth, the Licensee agrees to pay the License Fee on the first anniversary of this License Agreement and annually thereafter in the same amount or such greater amount as may be fixed by RFRHA, in RFRHA's discretion.

4. **No Interference with RFRHA's Uses.** The Licensee at the Licensee's expense, shall keep any track, busway or trail constructed adjacent to the Encroachment clean and free from dirt, rocks and other material, and shall not damage or permit the damaging of any track, busway or trail adjacent to the Encroachment, or permit any condition which RFRHA determines in its discretion may interfere with the safe operation of locomotives, railcars, trains or other vehicles or the use of any trail adjacent to the Encroachment.

5. **Protection of Drainage.** Any and all cuts and fills, excavations or embankments necessary in the maintenance of the Encroachment shall be made and maintained in such manner, form and extent as will provide adequate drainage of the Encroachment, the Corridor, and adjoining lands. Wherever any such fill or embankment may obstruct the natural and pre-existing drainage from such lands, Licensee shall construct and maintain sufficient culverts or drains as may be required to accommodate and preserve such natural and pre-existing drainage.

6. **Environmental Protection.** Licensee shall, at its expense, comply with all applicable laws, regulations, rules and orders regardless of when they become or became effective, including, without limitation, those relating to health, safety, noise, environmental protection, waste disposal, and water and air quality, and furnish satisfactory evidence of such compliance upon request of RFRHA with regard to activities on the Encroachment. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or arise from the Encroachment as a result of Licensee's use, presence, operations or exercise of the rights granted hereunder, Licensee shall immediately notify RFRHA and shall, at Licensee's expense, clean all property affected thereby, to the reasonable satisfaction of RFRHA (insofar as the property owned or controlled by RFRHA is concerned) and any governmental body having jurisdiction in the matter. RFRHA may, at its option, clean RFRHA's property of such discharge referred to above, and Licensee shall indemnify, defend and hold RFRHA harmless from and against all claims, liability, costs and expenses (including without limitation, any fines, penalties, judgments, litigation costs and attorneys' and consultants' fees and expenses) incurred by RFRHA as a result of any such discharge, leakage, spillage, emission or pollution by Licensee.

7. **Protection of Underground Cable.** Licensee acknowledges that Qwest Communications Corporation has an easement for underground cable along the Corridor and that fiber optic cable is buried through the Corridor. Licensee, at least five (5) days prior to performing any excavation activities on the Corridor or Encroachment, shall notify RFRHA at (970) 704-9282 and shall notify Qwest at 1-800-AT-FIBER (a 24-hour number) to receive a Qwest Communications Corporation control number. Prior to beginning any work on the Encroachment, Licensee shall determine where any telecommunications system is buried on or about the Encroachment, the names of the telecommunications company(ies) involved, arrange for a cable locator, determine whether arrangements for relocation or other protection of the fiber optic cable is required and shall so notify RFRHA. Any such relocation or protection shall be at Licensee's expense.

8. **Protection of Trail and Conservation Easement.** Licensee acknowledges that the Corridor and Encroachment are subject to and encumbered by a Deed of Conservation Easement and Deed of Trail Easement dated June 30, 1997, recorded July 3, 1997 in Book 1024 at Page 621, Reception No. 510446, Garfield County records (the "Conservation Deed"), for the benefit of Park Trust Ltd., d/b/a Aspen Valley Land Trust ("AVLT") and the Board of County Commissioners of Pitkin County ("Pitkin County"), respectively. The Licensee agrees not to undertake any construction activity within the Encroachment without first obtaining the written approval of AVLT and Pitkin County. The notice addresses for AVLT and Pitkin County are as follows:

AVLT
P.O. Box 940
Aspen, Colorado 81612

Pitkin County
Open Space and Trails Program
530 E. Main Street
Aspen, Colorado 81611

9. **Licensee's Duty to Install Safety Improvements.** If at any time after the installation of the Encroachment, any Local, State or Federal law or regulation, or any Local, State or Federal officer or regulatory board or commission having jurisdiction shall require any alterations, changes or improvements of the Encroachment, as herein defined, or any additional safeguards, protection, signals or warnings, the same shall be constructed, maintained and operated at the sole expense of the Licensee.

10. **Any Future Work to Require Permit.** The Licensee shall not enter upon the Encroachment or Corridor for the purpose of constructing, repairing, reconstructing, relocating or removing the Encroachment without special written permit first had and obtained from RFRHA, except in cases of an emergency when work is necessary to avert injury to persons or loss or damage to property. All work of construction, maintenance, repair, relocation or removal shall be done by the Licensee in such manner as to cause no interference with the constant, continuous and uninterrupted use of the tracks, trails, buildings or other improvements of RFRHA now in place or as may be installed in the future by RFRHA in RFRHA's discretion.

11. **Licensor's Right to Alter, Relocate, or Remove.** This License shall not be deemed to give the Licensee exclusive possession of any part of the premises described, but RFRHA shall have the unimpaired right to construct, maintain, repair, relocate or remove track, trails, buildings or appurtenant structures or other improvements deemed appropriate in RFRHA's discretion and nothing shall be done or suffered to be done by the Licensee at any time that shall in any manner impair the usefulness or safety of any property of RFRHA or of any track, trail, building or appurtenant structure or other improvement to be hereafter constructed. RFRHA shall have the right at any and all times hereafter to construct, maintain and operate such additional tracks, trails, buildings, appurtenant structures or other improvements where the Encroachment is located, as RFRHA may from time to time elect. In case of any such change by RFRHA requiring in RFRHA's discretion the alteration, relocation or removal of the Encroachment, the Encroachment shall be altered as directed by RFRHA or entirely removed by the Licensee at the sole cost and expense of the Licensee, in such manner as may be deemed necessary by RFRHA to conform to the tracks, trails, buildings, appurtenant structures or other improvements on the Corridor or Encroachment as changed, altered or improved, and if the Licensee shall fail to do any of the things in this paragraph enumerated, RFRHA may do or cause the same to be done at the cost of the Licensee.

12. **Liens.** Licensee shall pay in full all persons who perform labor on the Encroachment for Licensee and will not allow any mechanics' or materialmen's liens to be enforced against RFRHA's Corridor for work done or materials furnished at Licensee's instance or request. If any such liens are filed thereon, Licensee agrees to remove the same at Licensee's own cost and expense and to pay any judgment which may be entered thereon or thereunder. Should Licensee fail, neglect or refuse to do so, RFRHA may pay any amount required to release any such lien or liens, or to defend any action brought thereon, and to pay any judgment entered therein, and Licensee shall be liable to RFRHA for the payment of any such liens or judgment and any and all costs, expenses, damages, attorneys' and consultants' fees and expenses, and any other amounts expended in defending any such proceedings.

13. **Licensee's Assumption of Liability.** The Licensee assumes the entire burden and duty of preventing the use of the Encroachment by any persons, firms or corporations, other than those mentioned herein for whose benefit the Encroachment is licensed; and Licensee assumes all liability for damage to or destruction of property, injury to or the death of persons resulting from the use of the Encroachment by persons other than those for whose benefit the Encroachment is licensed, or resulting from the failure on the part of the Licensee to keep the Encroachment and all of its appurtenances in a safe condition.

14. **Indemnification.** The Licensee shall at all times protect, indemnify, defend and save RFRHA harmless from any and all claims, demands, judgments, cost, expenses, and all damage of every kind and nature made, rendered or incurred by or in behalf of any person or corporation whatsoever, in any manner due to or arising out of any claim for injury to or death of any person, or any claim for damage to property of any person or persons whomsoever, including the parties hereto and their officers, families, servants and employees, in any manner arising from or growing out of the construction, maintenance, operation, repair, extension, renewal, existence, use or removal of the Encroachment, or the failure to properly construct, operate, maintain, renew or remove the same, and from all costs and expenses, including attorneys' and consultants' fees and expenses, connected in any way with the matters and things contained in this License Agreement. Neither the right of supervision by RFRHA of the location, installation, operation and the maintenance of the Encroachment, nor the exercise or failure to exercise the right, nor the approval or failure to disapprove, by RFRHA of the location, installation, operation and maintenance of the Encroachment, nor the election of RFRHA to repair, construct, reconstruct or remove the whole or any part of the Encroachment, shall be deemed a waiver of the obligations of the Licensee contained in this License Agreement, expressed or implied.

15. **Licensor's Right to Terminate License.** If the Licensee shall fail to locate, construct, operate, use, repair, extend, renew, relocate or remove the Encroachment in accordance with the terms of this License Agreement and to the entire satisfaction of RFRHA, or shall fail to pay to RFRHA any License Fee or any other sum of money for the construction, repair, extension, renewal, relocation or removal of the Encroachment, or shall fail to adjust the Encroachment to any changes made by RFRHA, or shall in any respect fail to keep and perform any of the conditions, stipulations, covenants and provisions of this License Agreement to be kept and performed by the Licensee, this License Agreement shall at the option of RFRHA be void and of no effect; and this License shall immediately cease and terminate and RFRHA shall have the right to remove the Encroachment and restore the right of way and premises of RFRHA at any time thereafter at the sole expense of the Licensee. Any termination hereunder shall be effective ten (10) days following notice delivered to Licensee. Any notice herein provided for shall be deemed given and delivered if mailed in an envelope properly stamped and addressed to the Licensee at Licensee's last known address.

16. **Abandonment of Encroachment.** Non-user of such Encroachment for the purpose for which it was originally constructed, continuing at any time for the period of one year; shall constitute an abandonment of this License. Unless so abandoned or terminated, as provided herein, this License shall remain in full force and effect until terminated by written notice given by either party to the other party not less than sixty days in advance of the date of such termination; but it is understood that if at any time in RFRHA's discretion the maintenance and operation of the Encroachment shall be inconsistent with the use by RFRHA, this License shall immediately cease and terminate.

17. **Licensee's Duty to Remove Encroachment Upon Termination.** Within thirty days after the abandonment or termination of this License, the Licensee, at Licensee's sole expense, shall, if RFRHA so desires the Licensee to do, remove the Encroachment and all its appurtenances and restore or construct the premises of RFRHA, including all right-of-way fences and drains, to a condition which will be satisfactory to RFRHA, and if the Licensee fails to do so, RFRHA may do such work of removal, restoration and construction at the expense of the Licensee. In the event of the removal of the Encroachment as in this section provided, RFRHA shall not be liable to the Licensee for any damage sustained by Licensee for or on account of such removal, and such removal shall not prejudice or impair any right of action for damages or otherwise which RFRHA may have against the Licensee.

18. **License Non-Assignable.** The Licensee shall not assign this License or any interest therein directly or indirectly, nor encumber the same without the written consent of RFRHA first had and obtained. The covenants, stipulations and conditions of this License shall extend to and be binding upon RFRHA and, if assigned, its successors and assigns, and shall extend to and be binding upon the Licensee and the heirs, administrators, executors, successors and assigns of the Licensee.

19. **Headings.** The section headings contained in this License Agreement are inserted for convenience only and are not intended to in any way affect the meaning or interpretation of any such section or provision of this License Agreement.

20. **Governing Law.** This License Agreement shall be governed and construed in accordance with the laws of the State of Colorado.

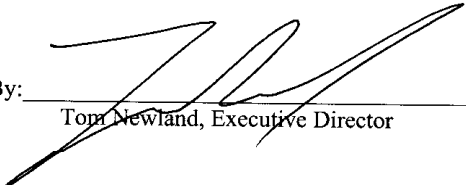
21. **Amendments and Waivers.** No amendment of any provision of this License Agreement shall be valid unless the same shall be in writing and signed by RFRHA. No waiver by RFRHA of any default or breach of any covenant or agreement hereunder shall be deemed to extend to any prior or subsequent default or affect in any way any of RFRHA's rights arising by virtue of any prior or subsequent default.

22. **Severability.** Any term or provision of this License Agreement that is held by a court of competent jurisdiction to be invalid or unenforceable shall not affect the validity or enforceability of the remaining terms and provisions of this License Agreement.

23. Entire Agreement. This License Agreement constitutes the entire agreement between the parties and supercedes all prior understandings, agreements or representations among them, written or oral, that may have related in any way to the subject matter hereof.

IN WITNESS WHEREOF, the parties hereto have executed this License Agreement.

LICENSOR, ROARING FORK RAILROAD
HOLDING AUTHORITY

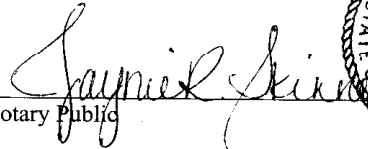
By: 
Tom Newland, Executive Director

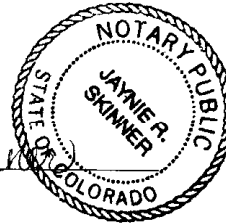
STATE OF COLORADO)
)ss
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me this 22nd day of November, 2000, by Tom Newland, Executive Director, Roaring Fork Railroad Holding Authority.

My commission expires November 2, 2001.

Witness my hand and official seal.


Notary Public



[Signatures Continued Next Page]

LICENSEE, Carbondale Clay Center

By: [Signature]

Jay Leavitt, Chairman of the Board

STATE OF COLORADO)
)ss.
COUNTY OF Pitkin)

The foregoing instrument was acknowledged before me this 18th day of December, 2000, by Jay Leavitt.

My commission expires 7-22-00.
Witness my hand and official seal.



[Signature]
Notary Public

574742 01/09/2001 04:37P B1226 P410 M ALSDOF
9 of 10 R 50.00 D 0.00 GARFIELD COUNTY CO

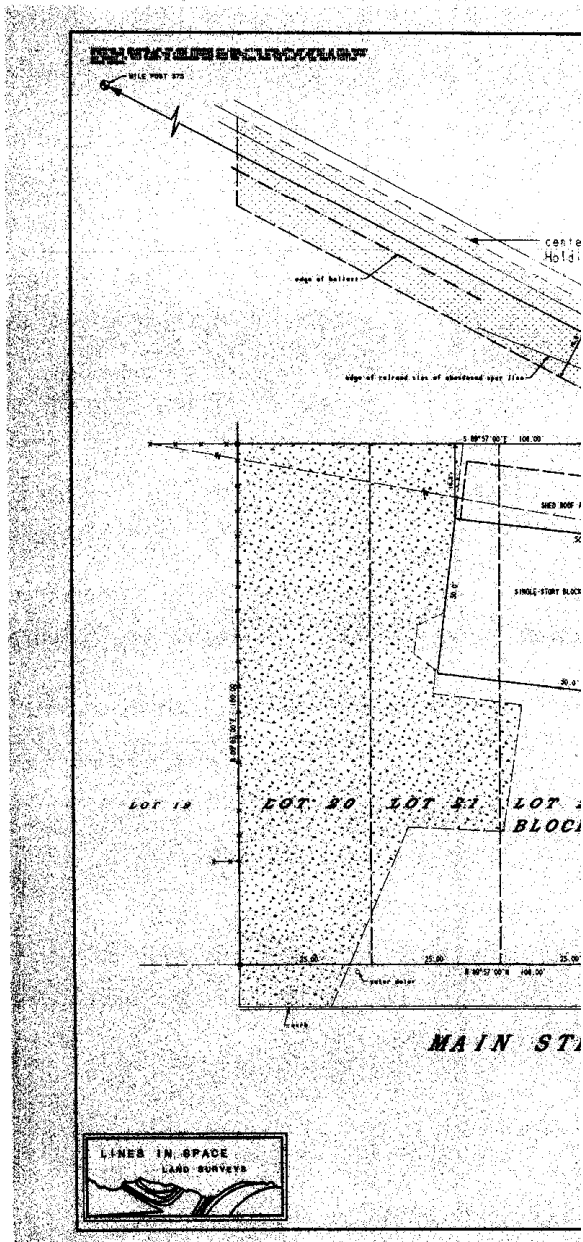


EXHIBIT A

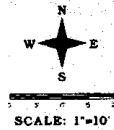
to

Encroachment License

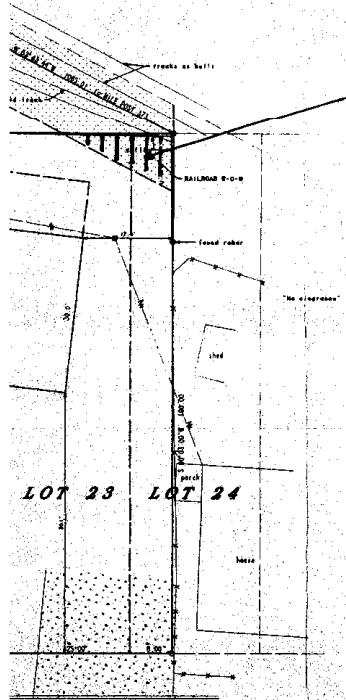
Between

Roaring Fork Railroad Holding
Authority and Carbondale Clay Center

574742 01/09/2001 04:37P B1226 P411 M ALSDF
10 of 10 R 50.00 D 0.00 GARFIELD COUNTY CO



f Roaring Fork Railroad
primary railroad track:



TRIANGULAR AREA OF
ENCROACHMENT

IMPROVEMENT SURVEY

OF LOTS 20, 21, 22, 23 AND THE
WEST 8 FEET OF LOT 24, BLOCK 1,
ORIGINAL TOWNSITE OF CARBONDALE,
GARFIELD COUNTY, COLORADO.

LEGEND AND NOTES

THE FOLLOWING NOTES APPLY TO THIS SURVEY AND ARE TO BE READ IN CONNECTION WITH THE SURVEY MAP.
ALL MEASUREMENTS ARE IN FEET AND DECIMALS THEREOF.
ALL ANGLES ARE IN DEGREES AND MINUTES.
ALL BEARINGS ARE TRUE BEARINGS.
ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
ALL CORNERS ARE MARKED BY IRON PIPES OR STEEL PIPES.
ALL CORNERS ARE MARKED BY IRON PIPES OR STEEL PIPES.
ALL CORNERS ARE MARKED BY IRON PIPES OR STEEL PIPES.

- 1/2" IRON PIPE 6" DIA. MARKED L.S. (111)
- 1/2" IRON PIPE 6" DIA. MARKED L.S. (111)
- 1/2" IRON PIPE 6" DIA. MARKED L.S. (111)

■ GRAVE

IMPROVEMENT SURVEY CERTIFICATE

I, SYDNEY L. GILCROME, Surveyor, do hereby certify that the foregoing is a true and correct copy of the original survey map and notes, and that the same are in accordance with the provisions of the laws of the State of Colorado.



IMPROVEMENT SURVEY
TO 1/2" IRON PIPE 6" DIA. MARKED L.S. (111)
GARFIELD COUNTY, CO. (111)
1/2" IRON PIPE 6" DIA. MARKED L.S. (111)
SYDNEY L. GILCROME (111)
BY 1/2" IRON PIPE 6" DIA. MARKED L.S. (111)
DATE 01/09/2001 SCALE 1"=10'

412

QUIT CLAIM DEED

THE ROARING FORK RAILROAD HOLDING AUTHORITY, an intergovernmental entity formed pursuant to C.R.S. §29-1-201, et seq., and Art. XIV of the Colorado Constitution, and whose address is 0766 Highway 133, Carbondale, Colorado, 81623 (hereinafter "Grantor"), for and in consideration of Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, **HEREBY SELLS AND QUITCLAIMS to CARBONDALE CLAY CENTER, INC., a Colorado Non-profit Corporation**, whose address is 135 Main Street, Carbondale, CO 81623 (hereinafter "Grantee"), its successors and assigns, forever, all of Grantor's right, title and interest in and to the following described property located in Garfield County, Colorado, to wit:

A parcel of land situated in Lots 2, 3, 4 and 5 and in the 15 foot wide platted alley, all in Block 1, Town of Carbondale, Garfield County, Colorado, and being more particularly described as follows:

Beginning at the Northwest Corner of Lot 20 in said Block 1; thence N 00°03'00" E 45.53 feet; thence S. 62°14' 47" E 97.93 feet; thence N 89°57'00"W 86.70 feet to the point of beginning, containing 1974 square feet more or less.

TO HAVE AND TO HOLD the same, together with all appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the only proper use and benefit of the Grantee, its successors and assigns forever.

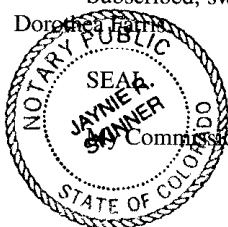
IN WITNESS WHEREOF, the Grantor caused this Quit Claim Deed to be executed as of this the 13th day of December, 2000.

**ROARING FORK RAILROAD HOLDING
AUTHORITY**

By: Dorothea Farris
Dorothea Farris

STATE OF COLORADO)
)ss.
COUNTY OF GARFIELD)

Subscribed, sworn to and acknowledged before me this 13th day of December, 2000, by
Dorothea Farris



Commission Expires: 11-2-01

Jaymie L. Skinner
Notary Public

QUIT CLAIM DEED

CARBONDALE CLAY CENTER, a Colorado Non-profit Corporation, whose address is 135 Main Street, Carbondale, CO 81623 (hereinafter "Grantor"), for and in consideration of Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, **HEREBY SELLS AND QUITCLAIMS** to the **ROARING FORK RAILROAD HOLDING AUTHORITY**, an intergovernmental entity formed pursuant to C.R.S. §29-1-201, et seq., and Art. XIV of the Colorado Constitution, and whose address is 0766 Highway 133, Carbondale, Colorado, 81623 (hereinafter "Grantee"), its successors and assigns, forever, all of Grantor's right, title and interest in and to the following described property located in Garfield County, Colorado, to wit:

All of that property lying north and east of a line running parallel to, and fifteen feet westerly and southerly of, the centerline of the Roaring Fork Railroad Holding Authority's tracks situated north of Block 1, Town of Carbondale, Garfield County, Colorado, said centerline of the tracks being more particularly described as beginning at a point on the Westerly boundary line of Lot 5 in said Block 1 whence the Northwest Corner of Lot 20 in said Block 1 bears S 00°03'00"W 62.47 feet; thence S 62° 14' 47" E 134.37 feet along said railroad centerline to a point on the Northerly boundary line of Lot 24 in said Block 1 whence the Northwest Corner of said Lot 20 bears N 89°57'00" W 118.97 feet.

TO HAVE AND TO HOLD the same, together with all appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the only proper use and benefit of the Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor caused this Quit Claim Deed to be executed as of this the 18th day of December, 2000.

CARBONDALE CLAY CENTER

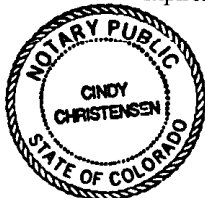
By: Jay Leavitt
Jay Leavitt
Chairman of the Board

STATE OF COLORADO)
COUNTY OF GARFIELD) ss.
)

Subscribed, sworn to and acknowledged before me this 18th day of December, 2000, by Jay Leavitt.

SEAL

My Commission Expires: 7-22-00



Cindy Christensen
Notary Public

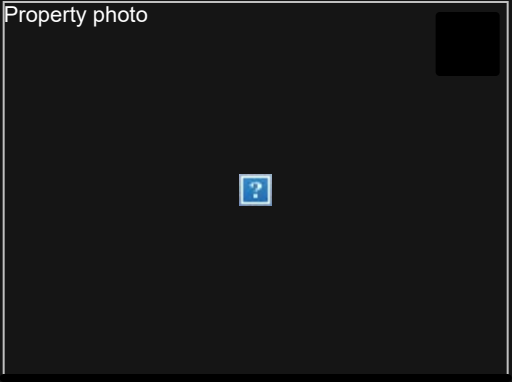


Summary

Account	R510007
Parcel	239334401008
Property Address	135 E MAIN ST, CARBONDALE, CO 81623
Legal Description	Section: 34 Township: 7 Range: 88 Subdivision: ORIGINAL TWNSTE CARBONDALE Block: 1 Lot: 20 THRU:- Lot: 23 WEST 8.0' OF LOT 24. ALSO, A TR OF LAND CONT 1974 SF AS DESC IN BK 1226 PG 412. STATE EXEMPT# 23-01142-01
Acres	0
Land SqFt	12,774
Tax Area	58
Mill Levy	86.0200
Subdivision	ORIGINAL TWNSTE CARBONDALE

[View Map](#)

Property photo



Owner

CARBONDALE CLAY CENTER
135 MAIN STREET
CARBONDALE CO 81623-2136

Land

Unit Type	EXEMPT/NONRES CHARITABLE-LAND - 9179 (EXEMPT PROPERTY)
Square Feet	12,774

Buildings

Building #	1
Units	1
Building Type	WHSE/STORGE
Abstract Codes / (Property Type)	EXEMPT-NONRES CHARITABLE-IMPS-9279 (EXEMPT PROPERTY)
Architectural Style	RETAIL/WHs
Stories	1
Frame	MASONARY
Actual Year Built	1970
Gross Living Area	1,500
Bedrooms	0
Baths	1
Heating Fuel	GAS
Heating Type	UNIT HEATR
Air Conditioning	NONE

Roof Type

Roof Cover

WOOD TRUSS

COMP SHNGL

Actual Values

Columns

Assessed Year	2021	2020
Land Actual	\$735,780.00	\$735,780.00
Improvement Actual	\$191,530.00	\$191,530.00
Total Actual	\$927,310.00	\$927,310.00

Assessed Values

Columns

Assessed Year	2021	2020
Land Assessed	\$213,380.00	\$213,380.00
Improvement Assessed	\$55,540.00	\$55,540.00
Total Assessed	\$268,920.00	\$268,920.00

Tax History

Columns

Tax Year	2021	2020	2019	2018	2017
Taxes Billed	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

[Click here to view the tax information for this parcel on the Garfield County Treasurer's website.](#)

Transfers

Columns

Sale Date	Deed Type	Reception Number	Book - Page	Sale Price
12/18/2000	ENCROACHMENT	574742	1226-402	\$0
12/13/2000	QUIT CLAIM DEED	574743	1226-412	\$0
9/8/1997	Deeds		1033-0251	\$0
8/15/1996	Deeds		0989-0101	\$0
2/11/1987	QUIT CLAIM DEED		0705-0369	\$0
3/13/1986	Deeds		0685-0032	\$0
3/13/1986	Deeds		0685-0030	\$0
1/6/1986	COURT DECREE		0681-0650	\$0
8/6/1985	QUIT CLAIM DEED		0673-0477	\$0
1/1/1900	Deeds		1033-0247	\$0

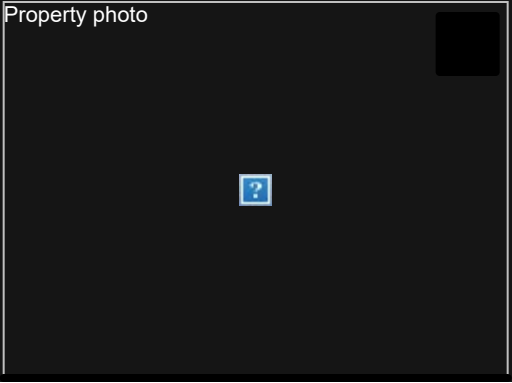
Photos



Summary

Account	R340967
Parcel	239334401005
Property Address	66 N 2ND ST, CARBONDALE, CO 81623
Legal Description	Section: 34 Township: 7 Range: 88 Subdivision: ORIGINAL TWNSTE CARBONDALE Block: 1 Lot: 10 THRU:- Lot: 12, Subdivision: ORIGINAL TWNSTE CARBONDALE S 50' OF LOTS 10-12 ALSO THE 15' OF THE ALLEY LYING IN BLK 1 ALSO A TR IN LOTS 13-15 ALSO A STRIP 17'X130' B
Acres	0
Land SqFt	6,000
Tax Area	58
Mill Levy	86.0200
Subdivision	ORIGINAL TWNSTE CARBONDALE

[View Map](#)



Owner

ZLOTNICK, STEPHEN H
66 N 2ND STREET
CARBONDALE CO 81623

Land

Unit Type	SINGLE FAM.RES.-LAND - 1112 (RESIDENTIAL PROPERTY)
Square Feet	6,000

Buildings

Building #	1
Units	1
Building Type	SFR
Abstract Codes / (Property Type)	SINGLE FAM.RES-IMPROVEMTS-1212 (RESIDENTIAL PROPERTY)
Architectural Style	2-STORY
Stories	2
Frame	WOOD FRAME
Actual Year Built	1888
Gross Living Area	3,475
Total Heated SqFt	3,475
Bedrooms	5
Baths	4.25
Heating Fuel	GAS

Heating Type	HOT WATER
Air Conditioning	EVAPORATIV
Roof Type	SHED
Roof Cover	PRO PANEL

Actual Values

Columns		
Assessed Year	2021	2020
Land Actual	\$379,050.00	\$379,050.00
Improvement Actual	\$524,160.00	\$550,880.00
Total Actual	\$903,210.00	\$929,930.00

Assessed Values

Columns		
Assessed Year	2021	2020
Land Assessed	\$27,100.00	\$27,100.00
Improvement Assessed	\$37,480.00	\$39,390.00
Total Assessed	\$64,580.00	\$66,490.00

Tax History

Columns					
Tax Year	2021	2020	2019	2018	2017
Taxes Billed	\$5,555.16	\$5,437.68	\$5,482.28	\$4,177.80	\$3,891.32

[Click here to view the tax information for this parcel on the Garfield County Treasurer's website.](#)

Transfers

Columns				
Sale Date	Deed Type	Reception Number	Book - Page	Sale Price
4/30/2021	SPECIAL WARRANTY DEED	955462		\$915,000
4/30/2021	Statement Of Authority	955461		\$0
6/29/2016	WARRANTY DEED	879240		\$650,000
7/25/1988	Deeds		0738-0192	\$0
5/31/1988	Deeds		0735-0222	\$0
1/1/1900	Deeds		0607-0143	\$0
1/1/1900	Deeds		0606-0167	\$0
1/1/1900	Deeds		0600-0160	\$0
1/1/1900	Deeds		0475-0461	\$0

Photos



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

Planning and Zoning Commission Agenda Memorandum

Meeting Date: 4-28-22

Title: Subdivision Exemption, Minor Site Plan Review, Conditional Use Permit and Variances

Owner/Applicant: Laura Marie Bartels

Property Location: 340 S. 2nd Street (aka Lot 2, Kiernan Subdivision Exemption)

Zone District: Residential/Low Density (R/LD)

Lot Size: 5,500 sq. ft.

Present Land Use: Single Family Residence

Proposed Land Use: Single Family Residence with Detached Accessory Dwelling Unit

Attachments: Land Use Application

BACKGROUND

This is an application for:

1. A Subdivision Exemption to amend the Kiernan Subdivision Exemption Plat to vacate the plat notes on that recorded plat and instead adhere to the Town's Unified Development Code (UDC).
2. Minor Site Plan Review and Conditional Use Permit in order to construct an Accessory Dwelling Unit (ADU) behind the existing single family home.
3. Variance from UDC Section 4.4.4.A.8. to exceed the allowed square footage of an ADU in order to provide necessary wheelchair access and turning radius in the one-bedroom unit.

The Commission is required to hold a public hearing and approve the application, deny it, or continue the public hearing.

DISCUSSION

SUBDIVISION EXEMPTION

This property is Lot 2 of the Kiernan Subdivision. This two lot subdivision was approved by the Town in 2003. Lot 1 of the Subdivision is located just to the north of this property, on the northeast corner of 2nd Street and Sopris Avenue.

The land use application included a request from the property owner to put the following plat notes on the Kiernan Subdivision plat:

NO DIVISION FENCE SHALL BE ALLOWED NORTH OF THE 1.0' FENCE EASEMENT

LOT 2 SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:

- 1) The square footage of the footprint of all dwellings and the enclosed garage or carport shall not exceed 1900 square feet. The square footage of the enclosed garage or carport shall not exceed 650 square feet. The total square footage of the dwellings shall not exceed 2800 square feet.
- 2) Building Envelope – The east boundary shall be 20 feet from the east lot line. The west boundary shall be 85 feet from the south lot line. The north boundary shall be 40 feet from the south lot line. Decks, patios, stairways, roof overhangs, window wells, walkways, driveways, and the like may lie outside the building envelope, subject to town setback restrictions.
- 3) Elevation Envelope – The elevation of the house shall be bounded by the Building Envelope and restricted to a maximum height of 20 feet. To prevent shading of the existing residence to the north, the height of the elevation envelope will also be limited by a line drawn at 21 degrees above horizontal originating at a point 80 feet north of the south lot line, and 4 feet above finish grade, or at the bottom edge of south facing glass on the existing residence to the north, whichever is higher.
- 4) Section 18.70.130 Building Height, which allows another five feet of height, does not apply to a future structure on this lot.
- 5) Items incidental to the structure (vent stacks, chimneys, etc.) that do not cast a large shadow may extend beyond the elevation envelope.
- 6) A storage shed up to one hundred fifty square feet may be placed in the west 25 feet or the east 25 feet of the lot subject to town setback restrictions and the elevation envelope restrictions described above.

The previous property owner resided in Lot 1 and planned to sell Lot 2. He indicated that the purpose of the plat notes was to restrict future development on Lot 2 to lessen any impacts on Lot 1. The restrictions affected setbacks, building height, roof angle, and square footage of development on Lot 2. Despite reservations, the Kiernan Subdivision Exemption plat was approved, and Lot 2 was eventually sold.

In 2011, a three bedroom, 1,529 sq. ft. single family home was constructed on Lot 2 which was in compliance with the plat notes and restrictions on the Kiernan Subdivision plat. The applicant would now like to build an Accessory Dwelling Unit toward the rear of the lot for an elder family member. The plat notes on the recorded plat would prohibit construction of the ADU, specifically the 20 ft. rear yard setback and limitation on allowed square footage. The applicant submitted a Subdivision Exemption in conjunction with the Minor Site Plan Review for the ADU to vacate the plat notes and instead adhere to the UDC. The patio easement, fence easement, landscape, utility, and irrigation easements would remain in place.

Staff is supportive of the request for a Subdivision Exemption to remove the plat notes.

MINOR SITE PLAN REVIEW, CONDITIONAL USE PERMIT AND VARIANCE

Development Standards for ADUs

Section 4.4.4.A. includes standards for ADUs. The proposed ADU is compliance with those standards, with the exception of the allowed square footage. The code would allow a 504 sq. ft. ADU. The proposal is for a 599 sq. ft. ADU. The applicant explains that they are proposing to build an accessible housing unit for an elder family member with increasing physical needs. The ADU is designed to provide necessary wheelchair access and turning radius (See Sheet A2.1). The extra 95 sq. ft. is needed to allow the unit to be ADA accessible.

Below are the criteria for approval of a variance. Criteria #1 provides flexibility from the strict application of the code if there are exceptional circumstances, including “a physically or mentally impaired occupant.”

Variance Criteria

1. A variance may be granted if the Town finds all the following exist: a. The subject property has an exceptional shape, topography, building configuration or other exceptional site condition which is not a general condition of that particular zone district; or there are exceptional circumstances unique to the owners of the property (e.g., a physically or mentally impaired occupant);
2. An exceptional, practical hardship to the applicant could be shown to occur if the provisions of this Code were literally enforced;

3. The variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions of this Code that are in question;
4. The applicant did not create the hardship by his/her own actions. By "own actions" means an act or omission of the applicant which creates a nonconforming situation;
5. The variance requested does not harm the public or injure the value of adjacent properties; and
6. The granting of the variance will be consistent with the spirit and purpose of the Code.

Staff recommends approval of the variance to allow increased square footage to provide an accessible ADU. The request of an additional 95 sq. ft. is not excessive and appears to be the minimum necessary.

The ADU is designed to have a similar design to the main house. It has a separate entrance from the principal dwelling unit and has its own cooking, sleeping and sanitary facilities as required. It only has one bedroom. The proposed unit is fully in compliance with the ADU standards with the exception of the size of the ADU.

Conditional Use Permit

The ADU is a Conditional Use Permit in the Residential Low Density Zone District. This is an administrative Review but since Minor Site Plan Review is also required, the Conditional Use Permit is combined with the land use application for the Planning Commission's review.

Building Height

The UDC allows an accessory unit to be 22 ft. in height. The proposed ADU is 18'2" to the ridgeline of the roof.

Setbacks

The ADU is in compliance with the minimum setbacks.

Maximum Impervious Surface

The parcel is 5,500 sq. ft. The maximum allowed impervious surface is 52% or 2860 sq. ft. The proposed maximum impervious coverage is 2,557 sq. ft. This is in compliance.

Parking

Section 5.8.3. of the UDC requires 2.5 parking spaces for the single family residence and 2 spaces for the ADU for a total of 4.5 parking spaces. UDC Section 5.8.3.F states that any fraction exceeding 0.5 shall be rounded up to the next higher whole number. In this case, the number is rounded down to 4 required parking spaces. The proposal is to construct three parking spaces on the northwest corner of the lot, one of which is tandem. A fourth space is located on the southwest corner of the lot. The location of the parking spaces is driven by the desire to preserve the tree located in the front yard.

The UDC allows the Planning Commission to reduce the requirement of two spaces per ADU to one space when there is space reserved on the parcel to accommodate the additional space should the Town receive parking related complaints. The reserved area must be included in the maximum impervious surface requirements. This has been done.

The applicant is proposing that the fourth space on the southwest corner of the lot not be provided at this time. Staff would prefer to see that area maintained as open space until needed for parking.

Bulk Storage

There is 924 cubic feet of bulk storage for the single family home. An exterior storage shed of 126 cubic feet which is ADA accessible is provided for the ADU. In addition, a loft is included over the bedroom in the ADU that allows for additional storage. The loft area has been limited to 5 ft. in height so that it is not considered livable space under the building code and cannot be converted to an additional bedroom in the future.

Private Outdoor Space

200 sq. ft. of private outdoor space has been provided on the west side of the single family unit. A 60 ft. deck is proposed on the deck located south of the ADU.

Site Plan Review Criteria

A site plan may be approved upon a finding that the application meets all of the following criteria:

1. The site plan is consistent with the Comprehensive Plan.
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 applicable development and design standards set forth in this Code; or

4. Traffic generated by the proposed development will be adequately served by existing streets within Carbondale, or the decision-making body finds that such traffic impacts will be sufficiently mitigated.

A Conditional Use Permit may be approved upon a finding that the application meets all of the following criteria:

1. The site, building(s), and use meet all criteria specified for the use and all applicable regulations and development standards as specified in this Code and for the zone district in which the use is located;
2. The proposed use is consistent with the Comprehensive Plan;
3. The site, if nonconforming with the development standards of the zone district in which it is located, will be brought into conformance with those standards if required to do so per *Nonconformities*;
4. The proposed use is planned in a manner that will minimize adverse impacts on the traffic in the neighborhood or surrounding uses;
5. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (including hours of operation, noise, odor, dust, and other external impacts);

FISCAL ANALYSIS

The proposed development will add one rental unit. This would not result in a significant fiscal impact on the Town's ability to absorb the new residential units.

RECOMMENDATION

Staff recommends that the following motion be approved: **Move to approve a Subdivision Exemption to vacate plat notes on the Kiernan Subdivision Exemption Plat, Minor Site Plan Review and Conditional Use Permit to construct and Accessory Dwelling Unit and a Variance to exceed the allowed square footages to provide an accessible unit with the findings and conditions in the Staff Report.**

Conditions of Approval

1. A Subdivision Exemption Plat shall be submitted to the Town for review and approval prior to recordation of the plat.
2. Water rights for the ADU shall be due at the time of building permit.

3. 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.
4. The Applicant shall pay and reimburse the town for all other applicable professional and Staff fees pursuant to the Carbondale Municipal Code.

Findings for Approval – Subdivision Exemption

1. The subject property is suitable for subdivision within the meaning of Chapter 17.06 Subdivision.
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 in Chapter 17.06: Subdivision.

Findings for Approval – Variance to Exceed Allowed Maximum Unit Size:

1. There is an exceptional circumstance related to the subject property; specifically, to provide ADA accessible housing for an elder family member with increasing physical needs;
2. An exceptional, practical hardship to the applicant would occur if the provisions of this Code were literally enforced; specifically, a 504 sq. ft. ADU which complies with the UDC but would not allow wheelchair accessibility;
3. The requested variance is the minimum variance that will afford relief and is the least modification possible of the provisions of this Code as demonstrated by the 599 sq. ft. floor plan;
4. The applicant did not create the hardship by their own actions as there is a need to provide family with a living space which is ADA accessible;
5. The variance requested does not harm the public or injure the value of adjacent properties as the ADU is located at the rear of the primary residence; and

6. The granting of the variance will be consistent with the spirit and purpose of the Code as it would allow a small housing unit in close proximity to essential services for anyone, including people in need of accessible unit.

Findings for Approval - Site Plan Review Criteria

1. The site plan is consistent with the Comprehensive Plan. The single family home is the predominant structure and accessory dwelling unit is located toward the rear of that structure.
2. There are no previous planned unit developments, or any other precedent plan or land use approval associated with this property;
3. The site plan complies with all applicable development and design standards set forth in this Code with the approved variance;
4. Traffic generated by the proposed development will be adequately served by existing streets and alleys.
5. The proposal is in compliance with the UDC, and that the use would not have an adverse effect on the character of the surrounding uses. The proposal adequately mitigates traffic impacts in the neighborhood and the impacts of the use are borne by the owners of the property.

Findings for Conditional Use Permit

1. The site, building(s), and use meet all criteria specified for the use and all applicable regulations and development standards as specified in this Code and for the zone district in which the use is located;
2. The proposed use is consistent with the Comprehensive Plan;
3. The site is in conformance with the zoning standards;
4. The proposed use minimizes adverse impacts on the traffic in the neighborhood or surrounding uses;
5. The proposed use is compatible with adjacent uses in terms of scale and site design as the ADU will be designed to have the same look and feel of the existing single family home.

Prepared By: Janet Buck, Planning Director

March 21, 2022

Attn: Janet Buck
Town of Carbondale
511 Colorado Avenue
Carbondale, CO 81623

Dear Janet and Planning & Zoning Commission,

Enclosed is an application with required documentation for our home at 340 S. 2nd Street. The request we are making is for the goal of adding an Accessory Dwelling Unit (ADU). The request consists of a Subdivision Exemption, Minor Site Plan Review, Conditional Use Permit, and a Variance.

To provide ADA accessible housing for an elder family member with increasing physical needs, myself and my husband, John Bruna, have carefully considered affordable options available. After much research, we have found the best choice is to create an additional energy efficient small dwelling that allows independence while also allowing us to be helpful in their care over the coming years. This also provides ADA housing within easy access to important amenities and services for our family and any future resident of the ADU.

We have sought to design thoughtfully given the intent and details of the Uniform Development Code, the R/LD zone and the particulars of our property. In the draft of the Carbondale Comprehensive Plan Update, one of the priorities noted for our neighborhood is to encourage Accessory Dwelling Units. Our lot, however, had unique restrictions placed on it by a previous owner which are much more restrictive than the Uniform Development Code (UDC) and would prevent an ADU due to a 20-foot setback. While our home, built in 2011, strictly adheres to these unique limitations of height, elevation envelope and increased setbacks, we hope to gain permission to vacate these now, the essence of which would remove the 20-foot setback. We request the ability to adhere to the current UDC, which was thoughtfully created to support our community. Therefore, we are requesting a subdivision exemption on this two-lot subdivision to vacate the plat notes. The owners of Lot 1, Angela and John Henderson, are fully supportive of this exemption and of the ADU.

We have designed a space that we feel is within the intent of the Code, meeting all requirements of the Code for the site and building, but request a variance to allow for an increase of 95 square feet in order to provide necessary wheelchair access and turning radius in this 1-bedroom unit. Our lot, located in the original Townsite of the R/LD, designates an ADU size limited to 33% of our home size, which is 1529 sf. Designing a livable ADA accessible space within 504 sf creates a challenge, and we worked to create our proposed design for your review that we feel is the least modification of that requirement. The proposed design is 599 sf and is fully ADA accessible.

The ADU is situated behind the main home, largely out of view of the street and is designed to have the same look and feel of our stucco home. The design meets the height, setback, personal outdoor space, bulk storage space and pervious coverage requirements of the Code. It preserves solar access to

the house to the north, and we believe it will have minimal impact on the neighborhood. Talking to several of the closest neighbors, we continue to have supportive feedback.

We have included an attachment detailing how the proposed ADU relates to the variance and other criteria of the UDC in addition to all the other required documentation.

Thank you for the opportunity to submit this request and for your kind consideration of our effort to provide accessible and affordable housing for our family member.

With much appreciation and gratitude for your thoughtful consideration,

Laura Bartels



Property View, 340 S 2nd Street

340 S. 2nd Street Planning Application Detailed Explanation and Criteria

We are hoping that the below details provide a helpful overview of the proposed ADU for the property.

Subdivision Exemption Request

The original property was approved to be subdivided into the existing two lots in 2003. The resulting Kiernan Subdivision Exemption added more restrictive setbacks including a 20-foot setback on the east, a height limitation of 20 feet instead of 25 feet, an elevation envelope to prevent shading of the house to the north, and a limitation that the footprint of all dwellings not exceed 1900 sf than the Unified Development Code at that time or at the present time.

Our existing home strictly adhered to all of the above unique restrictions. Our current proposal meets all of the above except the 20-foot setback. The UDC requires instead a 7.5-foot setback on the rear property line. Requesting to vacate the plat notes and adhering to the current UDC, would allow us the ability to construct this ADU.

The proposed plan includes two residences with the existing main home which has 3 bedrooms and the added ADU with 1 bedroom.

The subdivision exemption does not ask for any modification of the current UDC.

Included in this application is the subdivision resolution from 2003 for reference.

Site Plan Review

- Documentation for the site plan review includes the following:
- Site Plan and Building Elevations
- Rendering with material finishes and landscaping
- Image of the property and adjacent neighbors and uses
- Existing Conditions Map

Below is a chart of the site data calculations.

SITE DATA CACULATIONS			
	Site	Primary Residence	Proposed ADU
Lot Size		5500 sf	N/A
# of Dwellings		1	1
# of Bedrooms		3	1
Square Footage		1529	599
Building Height		20'	18' 2"
Impervious sf	2557.2		
Pervious sf	252		
Private Outdoor Space		>200 sf	>100 sf
Bulk Storage		924 cu ft	126 cu ft exterior
			576 cu ft interior
Parking Spaces		2	1 with Future

In reference to Section 5.8-1 parking requirements, we are asking to create one space for the ADU at this time, as we do have and have shown a reserved space for a fourth parking spot for the future, if needed.

In reference to Section 5.6.5.C.1.b. which encourages expanding interior volume of the space, we have included vaulted ceilings in the kitchen and living areas.

In reference to 5.6.5.C.4, which addresses bulk storage, and requirement for 1 cubic foot for each 3 square feet of living space, and encourages the provision of additional storage beyond these minimum requirements, we are proposing two forms of bulk storage that would provide above the minimum required of 200 cubic feet for the project (599 sf gross divided by 3). The first is an exterior storage shed of 126 cu ft. (3' x 6' x 7') that would be easily ADA accessible and located on the north entry porch, within the designated impervious area. In light of the tight impervious calculations, we propose to include a loft over the bedroom only, that allows additional storage. We are very aware that this space for storage should not be considered or useable as livable space, and as such, have made it limited to 5' in height, with a flat ceiling. This provides an additional 576 cubic feet of storage. We are aware that the building code would consider this not as livable space as it is under 7' in height.

Variance Request

Our request for a variance is to allow for an increase of 95 square feet in order to provide necessary wheelchair access and turning radius in this 1-bedroom unit. Our lot, located in the original Townsite of the R/LD, designates an ADU size limited to 33% of our home size, which is 1529 sf. Designing a livable ADA accessible space within 504 sf creates a challenge, and we

worked to create our proposed design for your review that we feel is the least modification of that requirement. The proposed design is 599 sf and is fully ADA accessible.

Responding to the specific criteria for a variance, we offer the following:

a. The subject property has an exceptional shape, topography, building configuration or other exceptional site condition which is not a general condition of that particular zone district; or there are exceptional circumstances unique to the owners of the property (e.g., a physically or mentally impaired occupant);

In this case, our family member has a physical impairment and is of an age that this will likely increase the need for more accessibility than we can provide without this ADU.

b. An exceptional, practical hardship to the applicant could be shown to occur if the provisions of this Code were literally enforced;

If requested to design to the 504 sf limit, we don't feel we could provide an ADA accessible dwelling.

c. The variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions of this Code that are in question;

The design affords ADA accessibility while being conservative within all the living spaces of the ADU. Wheelchair turnaround diameters are shown, and a side by side washer and dryer required additional space for accessibility.

d. The applicant did not create the hardship by his/her own actions. By "own actions" means an act or omission of the applicant which creates a nonconforming situation;

We don't feel that this is a hardship that was created by our own actions, but by the demands of accessibility for our family member.

e. The variance requested does not harm the public or injure the value of adjacent properties; and

f. The granting of the variance will be consistent with the spirit and purpose of the Code.

Our hope has been to propose a site plan and ADU that enhances the neighborhood and is an improvement to this property, and meets the intent and spirit of the Code.

Kiernan Subdivision Exemption Legend and Notes

02.06.2004

NO DIVISION FENCE SHALL BE ALLOWED NORTH OF THE 1.0' FENCE EASEMENT

LOT 2 SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:

- 1) The square footage of the footprint of all dwellings and the enclosed garage or carport shall not exceed 1900 square feet. The square footage of the enclosed garage or carport shall not exceed 650 square feet. The total square footage of the dwellings shall not exceed 2800 square feet.
- 2) Building Envelope – The east boundary shall be 20 feet from the east lot line. The west boundary shall be 85 feet from the south lot line. The north boundary shall be 40 feet from the south lot line. Decks, patios, stairways, roof overhangs, window wells, walkways, driveways and the like may lie outside the building envelope, subject to town setback restrictions.
- 3) Elevation Envelope – The elevation of the house shall be bounded by the Building Envelope and restricted to a maximum height of 20 feet. To prevent shading of the existing residence to the north, the height of the elevation envelope will also be limited by a line drawn at 21 degrees above horizontal originating at a point 80 feet north of the south lot line, and 4 feet above finish grade, or at the bottom edge of south facing glass on the existing residence to the north, whichever is higher.
- 4) Section 18.70.130 Building Height, which allows another five feet of height, does not apply to a future structure on this lot.
- 5) Items incidental to the structure (vent stacks, chimneys, etc.) that do not cast a large shadow may extend beyond the elevation envelope.
- 6) A storage shed up to one hundred fifty square feet may be placed in the west 25 feet or the east 25 feet of the lot subject to town setback restrictions and the elevation envelope restrictions described above.

Scanned 3/06

RESOLUTION NO. 1
SERIES OF 2003

**A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF
THE TOWN OF CARBONDALE, COLORADO, APPROVING THE
KIERNAN SUBDIVISION EXEMPTION**

WHEREAS, Pat Kiernan is the owner of the real property described in Exhibit A attached hereto and incorporated herein by this reference; and

WHEREAS, the Applicant has submitted a subdivision exemption application to divide the property into two lots; and

WHEREAS, the Planning and Zoning Commission of the Town of Carbondale reviewed this application on October 16, 2003, 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 subdivision exemption application of Pat Kiernan for the property described above is hereby approved subject to the following conditions:

1. The Applicant shall submit a subdivision exemption plat in a form acceptable to Town staff. It shall include:

- a. Building envelope and plat note indicating the more restrictive setbacks.
- b. The cross section and plat note providing for the maximum building height of 20 feet, including a note that the Section 18.70.130 building height which allows an additional 5 feet in height, does not apply to a future structure on Lot 2. The plat note shall give relief to incidental items, i.e. vent stack, chimneys, etc., as set forth in the deed restrictions.
- c. A utility easement for the electric service line crossing Lot 2 to serve the residence on Lot 1.
- d. Plat notes reflecting the limitations related to square footage and footprint restrictions as set forth in the deed restrictions.

2. All of the representations of the Applicant and Applicant's representatives made before the Planning & Zoning Commission during public hearings shall be considered conditions of approval of this subdivision exemption.

04/10
15/11
15

3. The existing overhead electric line crossing Lot 2 to serve the residence on Lot 1 shall be placed underground.

4. The Applicant shall apply for and receive approval from the Board of Trustees of the Town of Carbondale of a lease to allow the fence to remain in the 2nd Street and Sopris Avenue rights-of-way, or the fence shall be relocated onto private property. The lease agreement with the Town regarding the fence encroachment shall be signed or the fence shall be relocated prior to recording the Subdivision Exemption Plat.

5. The following fees shall be paid prior to recordation of the plat:

School District	(1) single family unit @ \$1,104.00	\$1,104.00
Fire District	(1) single family unit @\$417.00	417.00
Park Development	(2) single family units @ \$700.00	1,400.00

6. The Applicant shall create and record covenants or deed restrictions on Lot 2 (southern lot) of the subdivision as follows:

a. The square footage of the footprint of all dwellings and the garage (or enclosed carport) shall not exceed 1,900 sq. ft. The square footage of the garage or enclosed carport shall not exceed 650 sq. ft. The total square footage of the dwellings shall not exceed 2,800 sq. ft.

b. The building envelope shall be as follows: The east boundary shall be 20 feet from the east lot line. The west boundary shall be 85 ft. from the east lot line. The south boundary shall be 7 ft. from the south lot line. The north boundary shall be 40 ft. from the south lot line. Decks, patios, stairs, window wells, walkways, driveways and the like may lie outside the building envelope, subject to Town setback restrictions.

c. Elevation envelope: The elevation of the house shall be bounded by the Plan Envelope and restricted to a maximum height of 20 ft. To prevent shading of the existing residence to the north, the height of the elevation envelope will also be limited by a line drawn at 21° above horizontal originating at a point 60 ft. north of the south lot line, and 4 ft. above finish grade, or at the bottom edge of south facing glass on the existing residence to the north, whichever is higher.

d. Section 18.70.130, Building Height, which allows another 5 ft. in height does not apply to a future structure on the proposed lot.


e. Items incidental to the structure (vent stacks, chimneys, etc.) that do not cast a large shadow may extend beyond the elevation envelope.

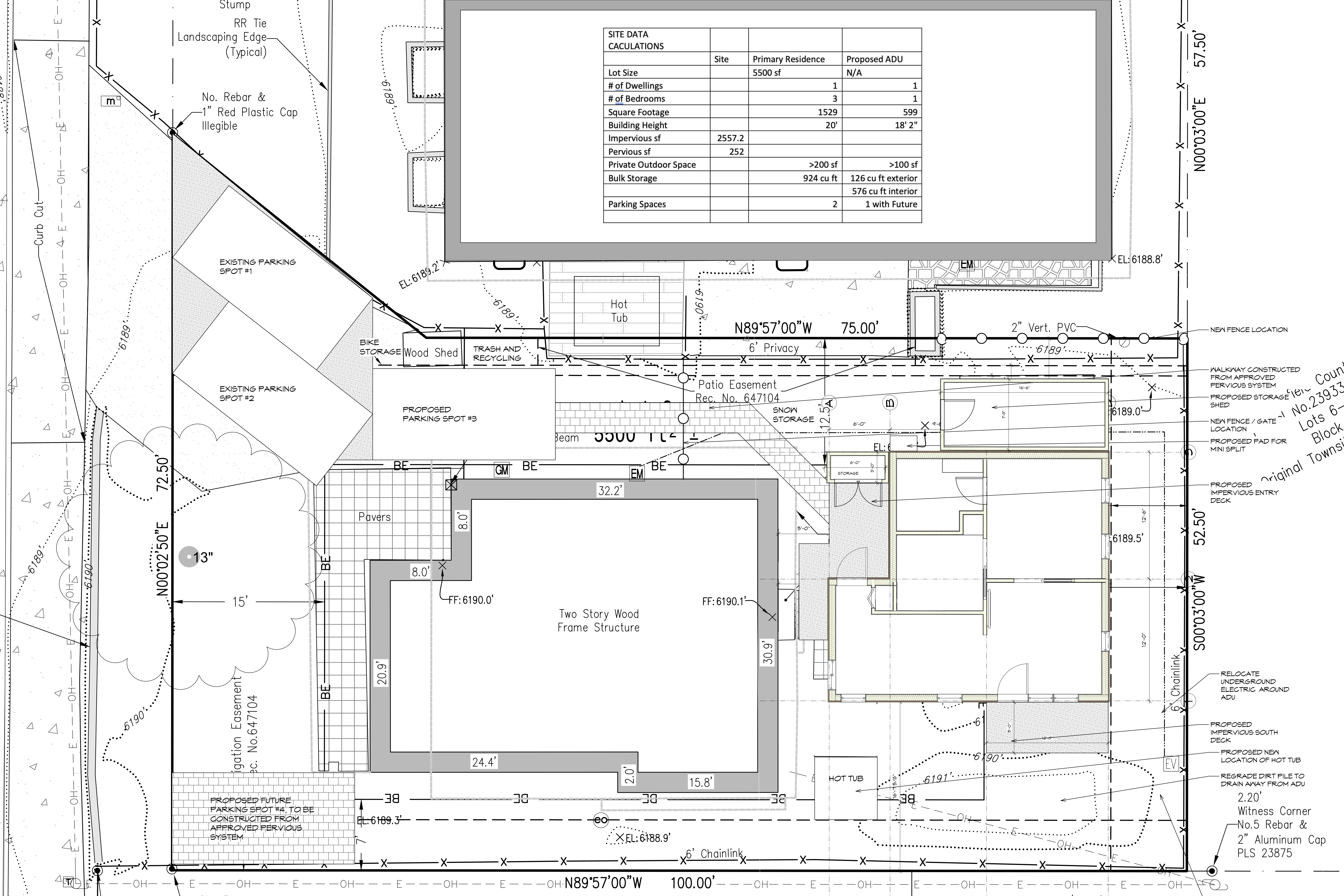
7. The Applicant shall be required to pay and reimburse the Town for professional and staff fees pursuant to Sections 13.16.180 and 1.30.030 of the Carbondale Municipal Code.

INTRODUCED, READ, AND PASSED THIS 13th day of November, 2003.

PLANNING AND ZONING COMMISSION OF
THE TOWN OF CARBONDALE

By:


Michael Cerise, Chairman



SITE DATA CACULATIONS			
	Site	Primary Residence	Proposed ADU
Lot Size		5500 sf	N/A
# of Dwellings		1	1
# of Bedrooms		3	1
Square Footage		1529	599
Building Height		20'	18' 2"
Impervious sf	2557.2		
Pervious sf	252		
Private Outdoor Space		>200 sf	>100 sf
Bulk Storage		924 cu ft	126 cu ft exterior 576 cu ft interior
Parking Spaces		2	1 with Future

82 WEANT BLVD, CARBONDALE, COLORADO 81623

JEFF DICKINSON
ARCHITECT
ENERGY &
SUSTAINABLE DESIGN, INC.

(970) 618-3146- PHONE BIOSPACE@SOPRIS.NET - EMAIL

BARTELS ADU
340 S. 2ND ST, CARBONDALE CO.

SHEET NAME:
SITE PLAN

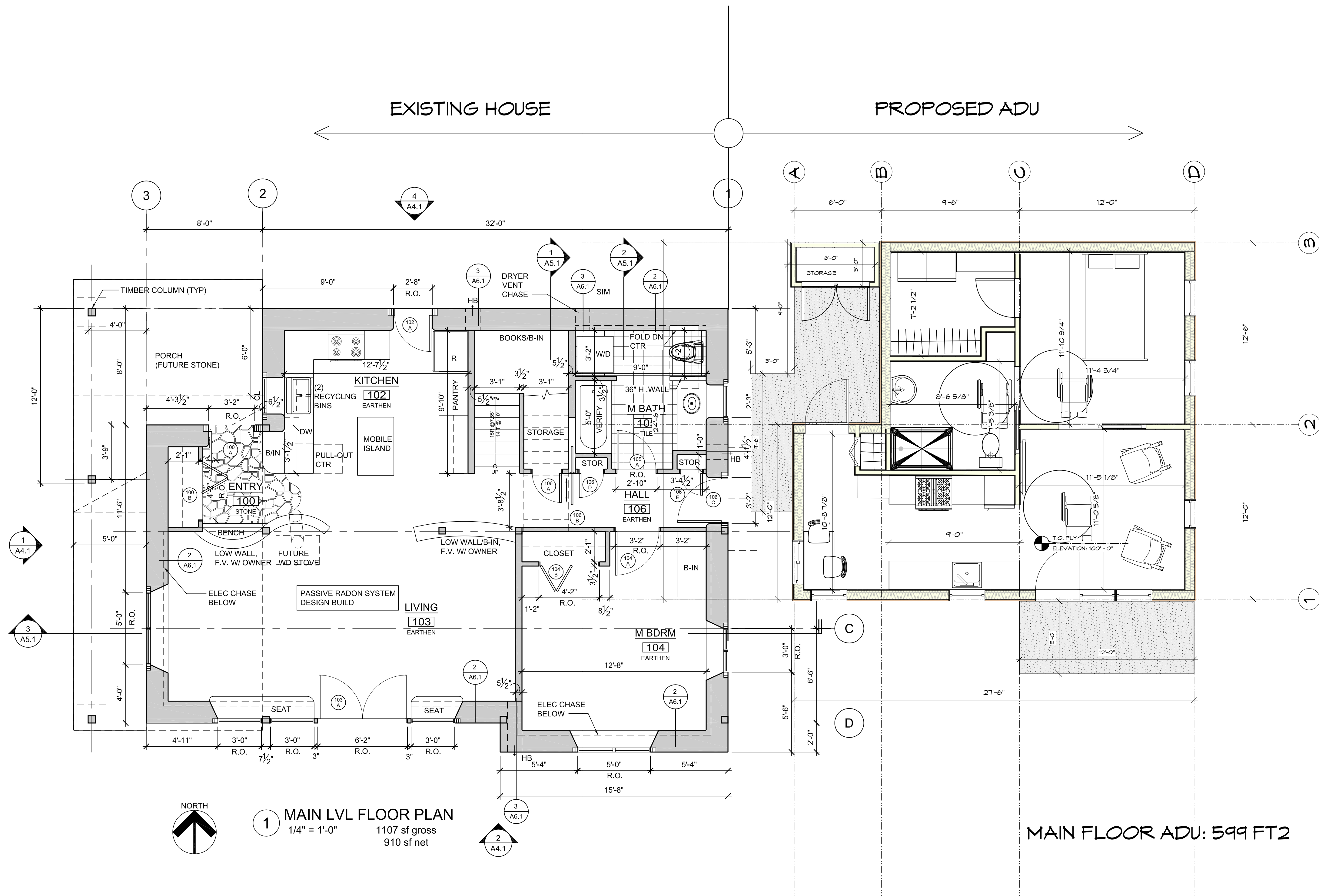
DATE:
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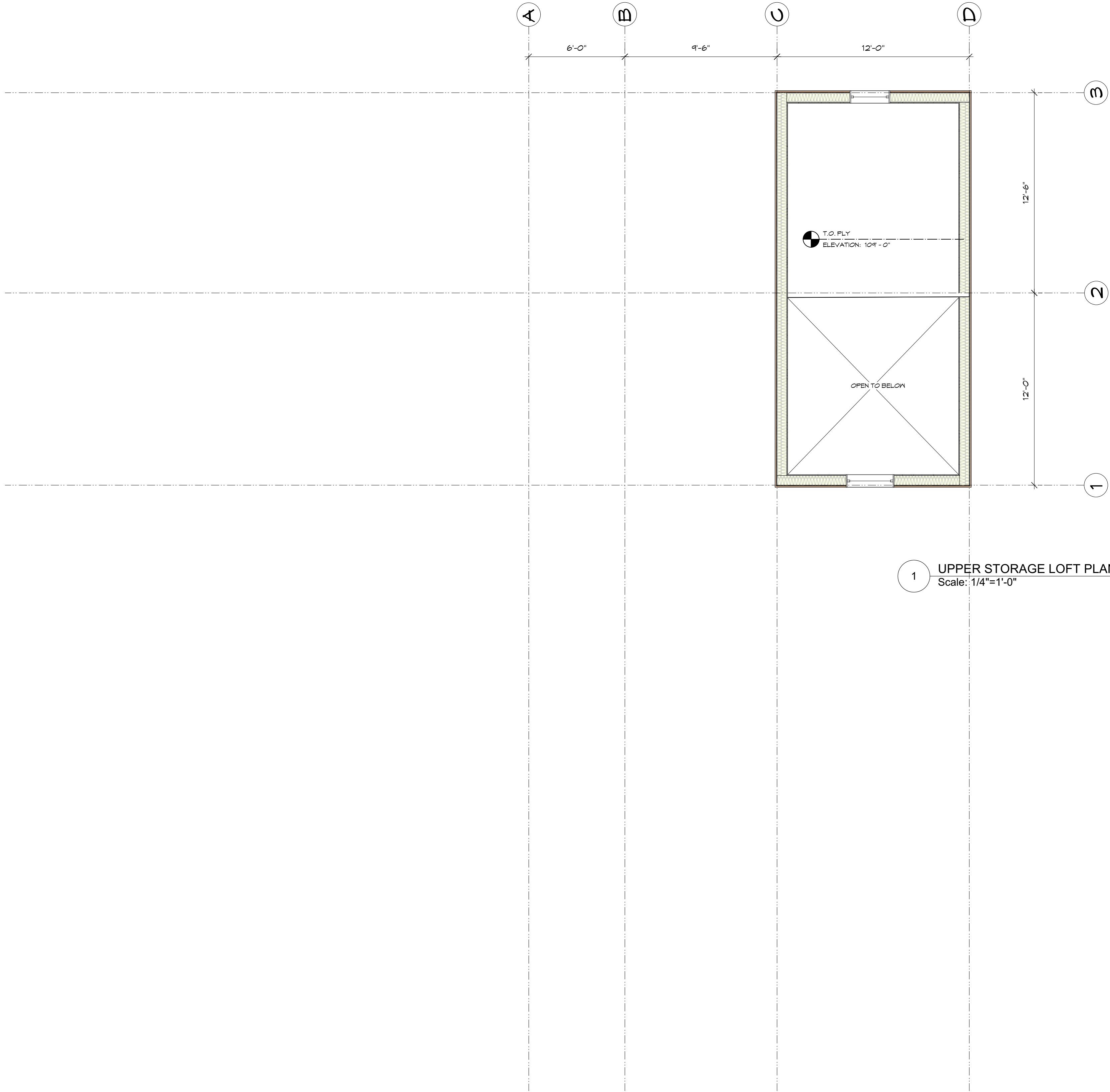
A1.1

Garfield County
No. 23933448002
Lots 6-8
Block 5
Original Townsite

Garfield County
Parcel No. 23933448002
Block 2, Lot 2
Meadows #1

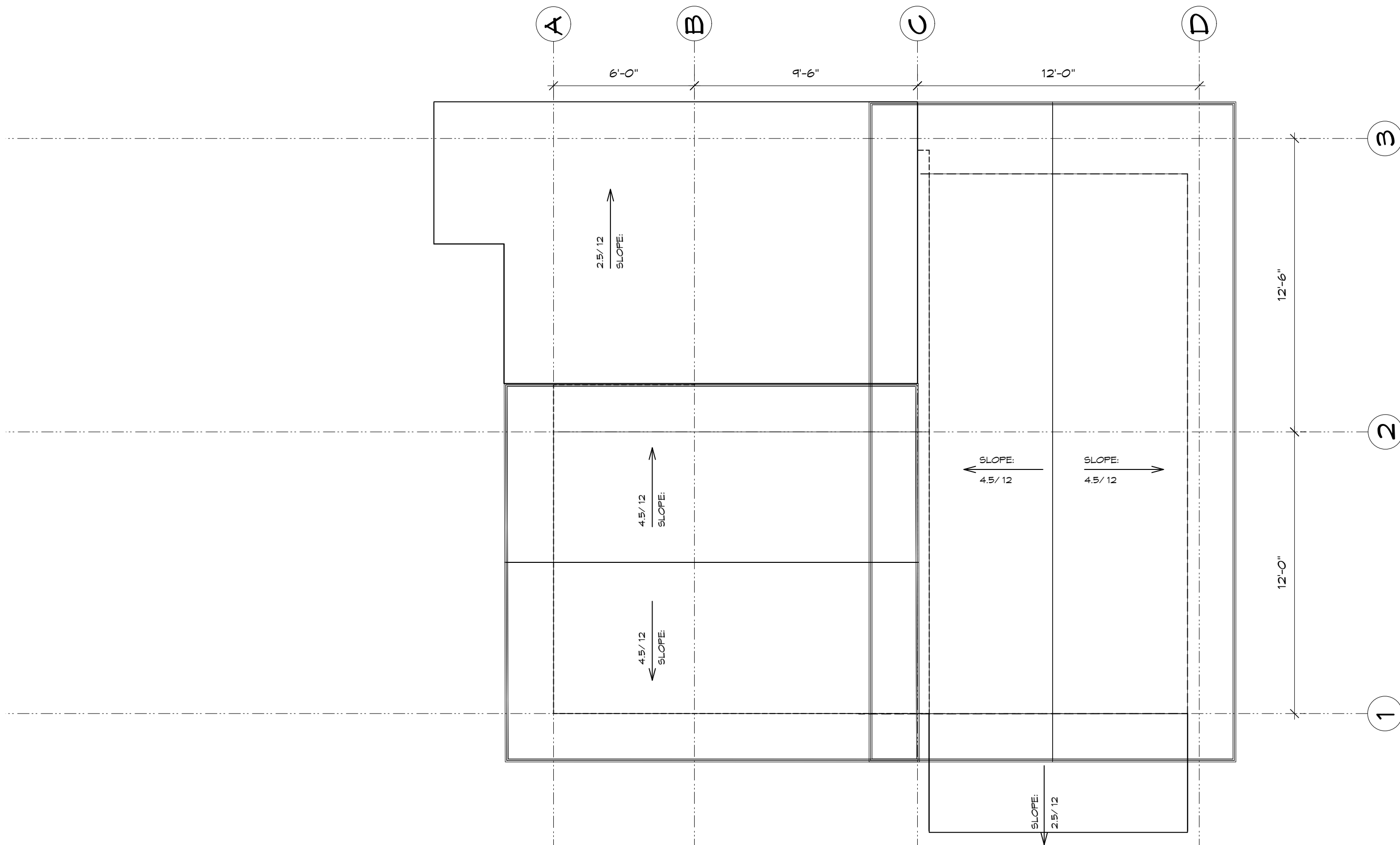
Garfield County
No. 23933448001
Lot 1
#1





1 UPPER STORAGE LOFT PLAN
Scale: 1/4"=1'-0"





1 ROOF PLAN
Scale: 1/4"=1'-0"

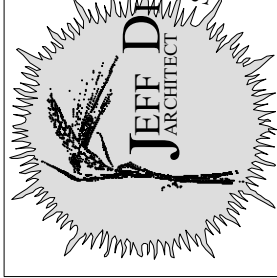


A2.4

BARTELS ADU
340 S. 2ND ST, CARBONDALE CO.

SHEET NAME:
ROOF
PLAN

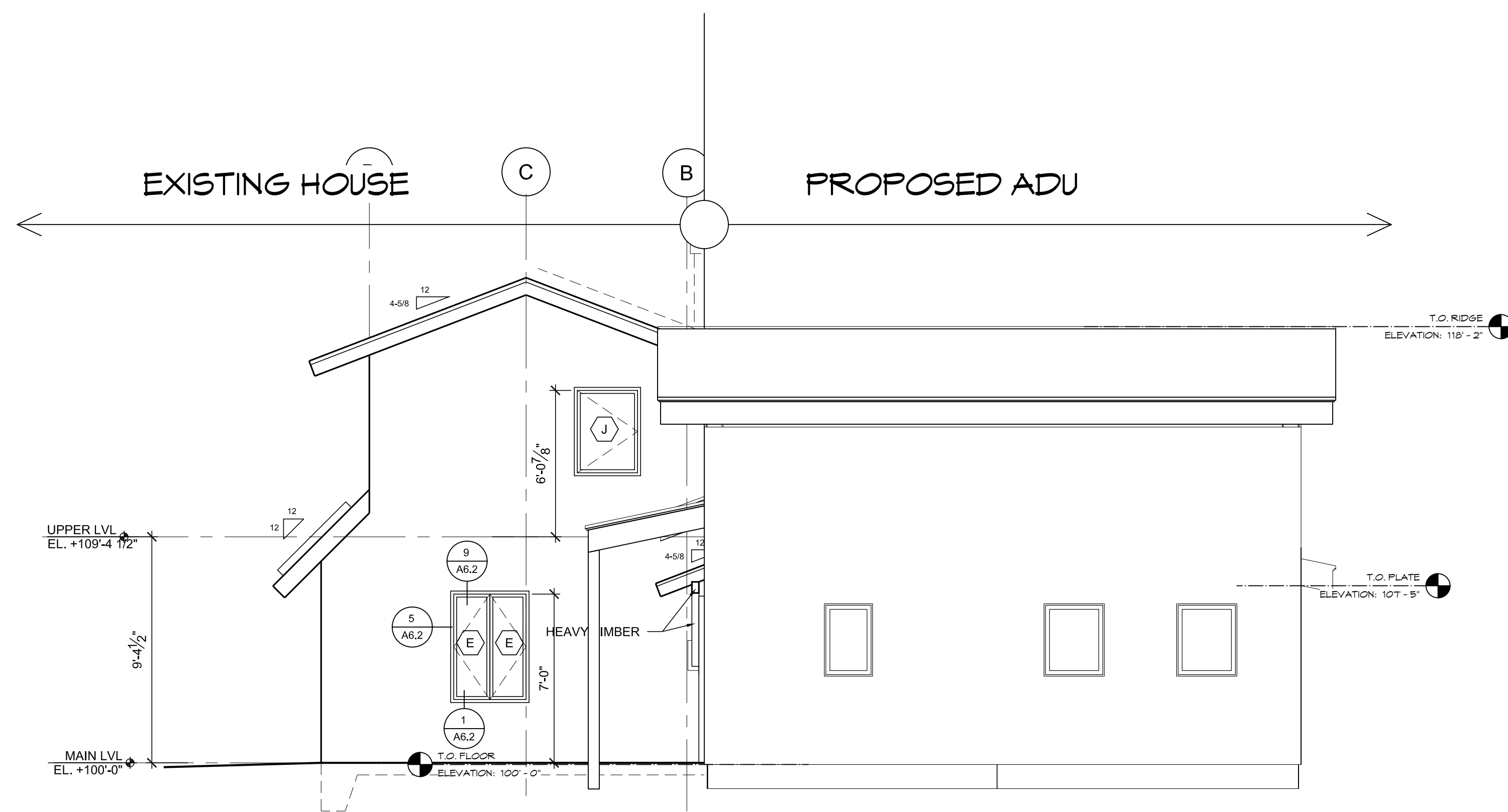
DATE:
03/21/22



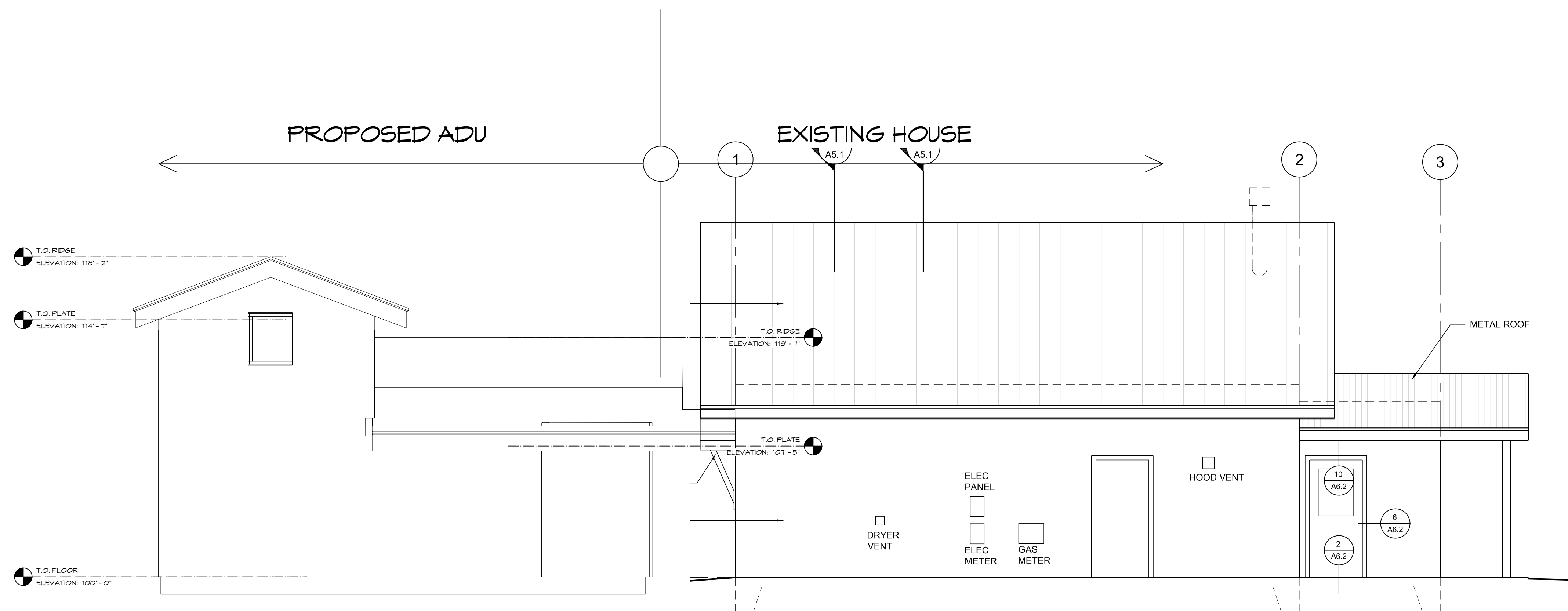
JEFF DICKINSON
ARCHITECTURE &
SUSTAINABLE DESIGN, INC.

82 WEANT BLVD, CARBONDALE, COLORADO 81623

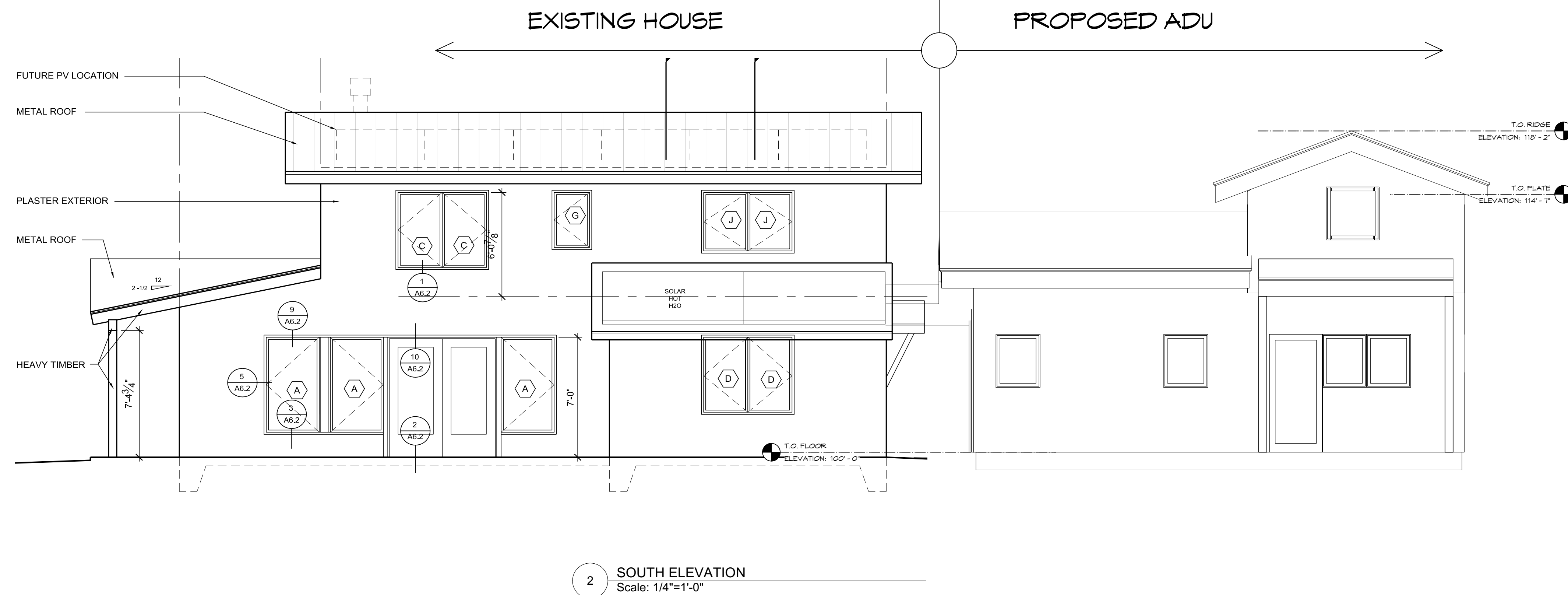
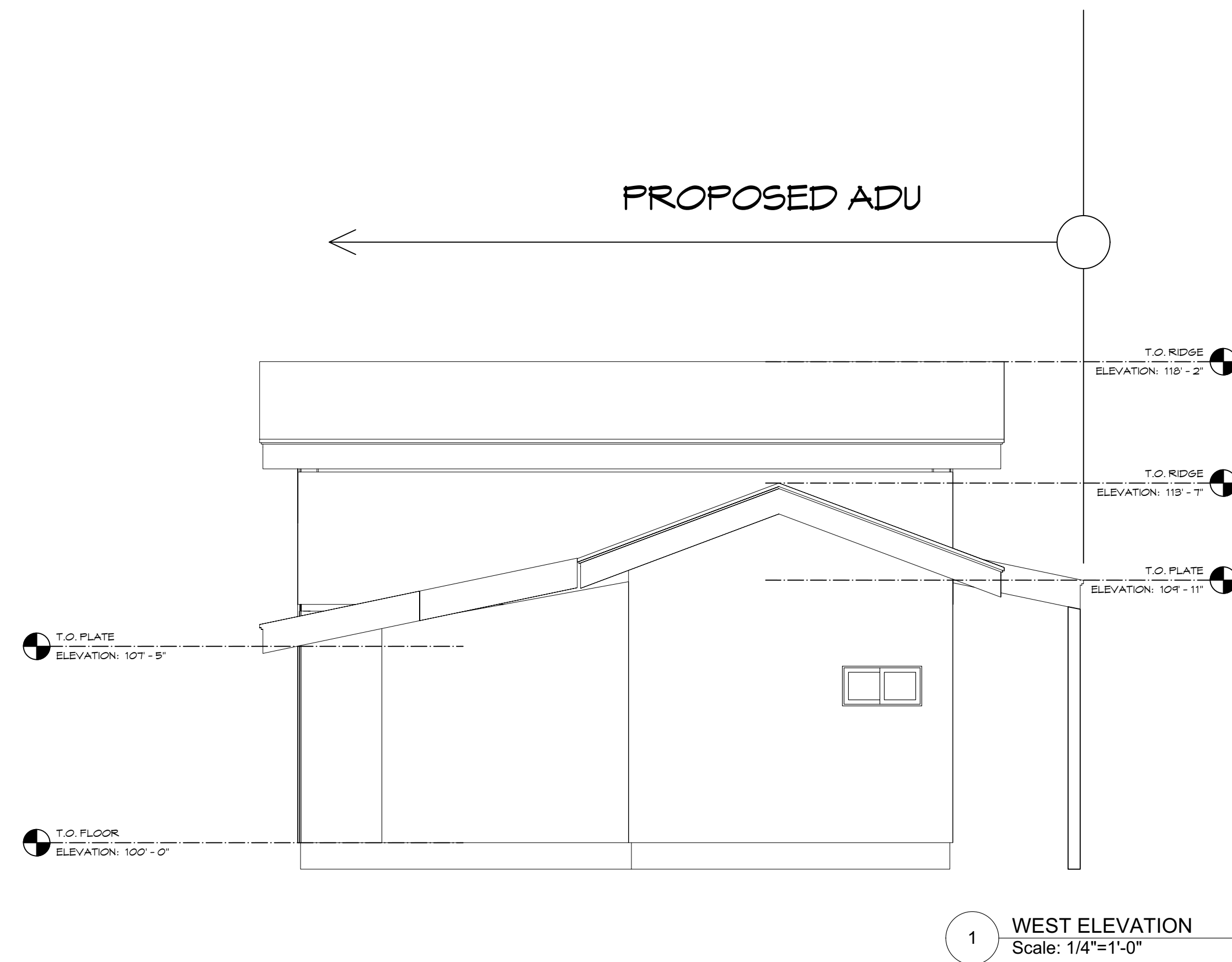
(970) 618-3146- PHONE BIOSPACE@SOPRIS.NET - EMAIL



1 EAST ELEVATION
Scale: 1/4"=1'-0"



2 NORTH ELEVATION
Scale: 1/4"=1'-0"





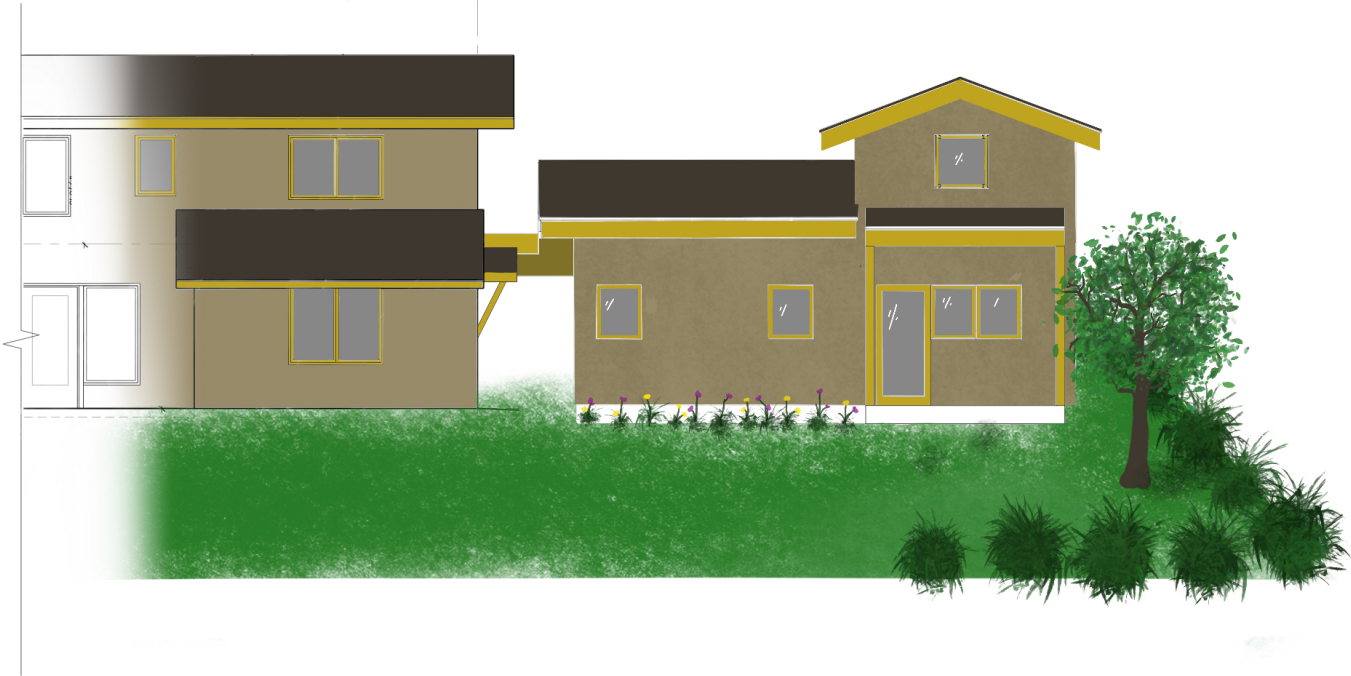
Stucco
color similar
to house



DARK BRONZE

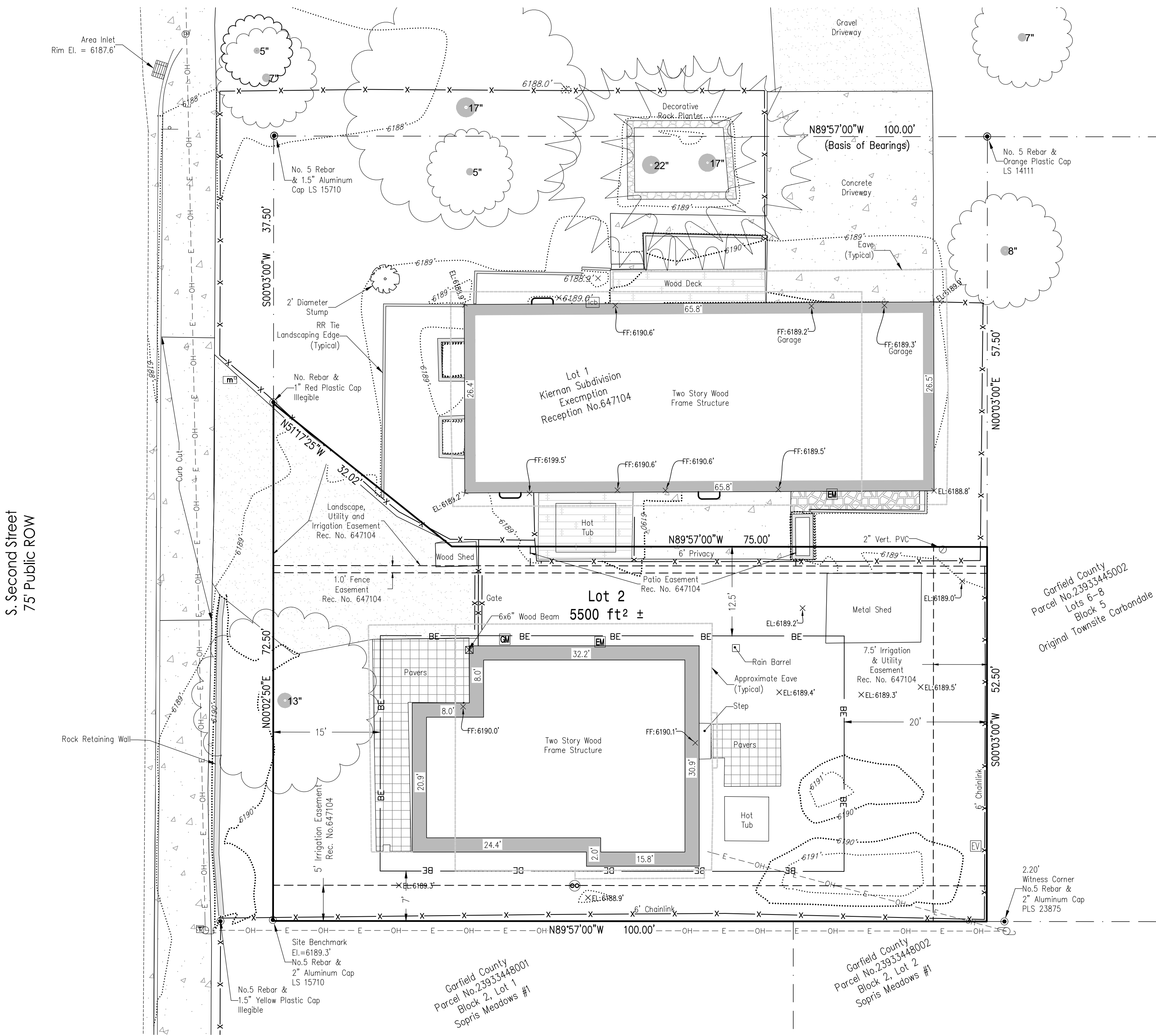
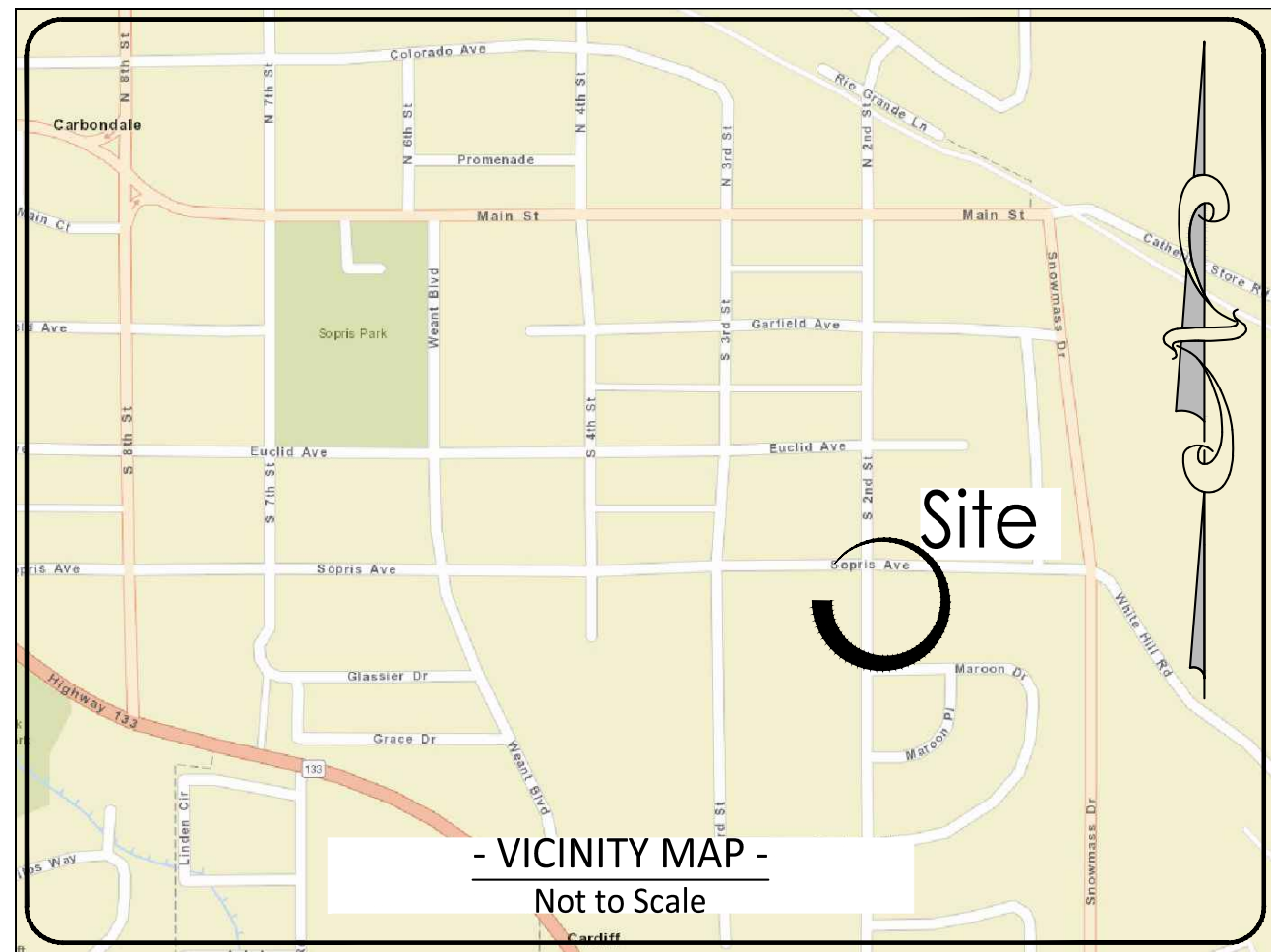
Metal
roof to
match
house

Met



NOT FOR CONSTRUCTION

Existing Conditions Map
Lot 2, Kiernan Subdivision Exemption
Town of Carbondale, Colorado
Situating within Section 34, T. 7 S., R. 88 W. of the 6th P.M.
Garfield County, Colorado



PROPERTY DESCRIPTION:
Lot 2
Kiernan Subdivision Exemption
According to the Plat thereof recorded February 24, 2004 under Reception No. 647104

County of Garfield
State of Colorado

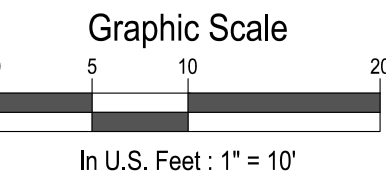
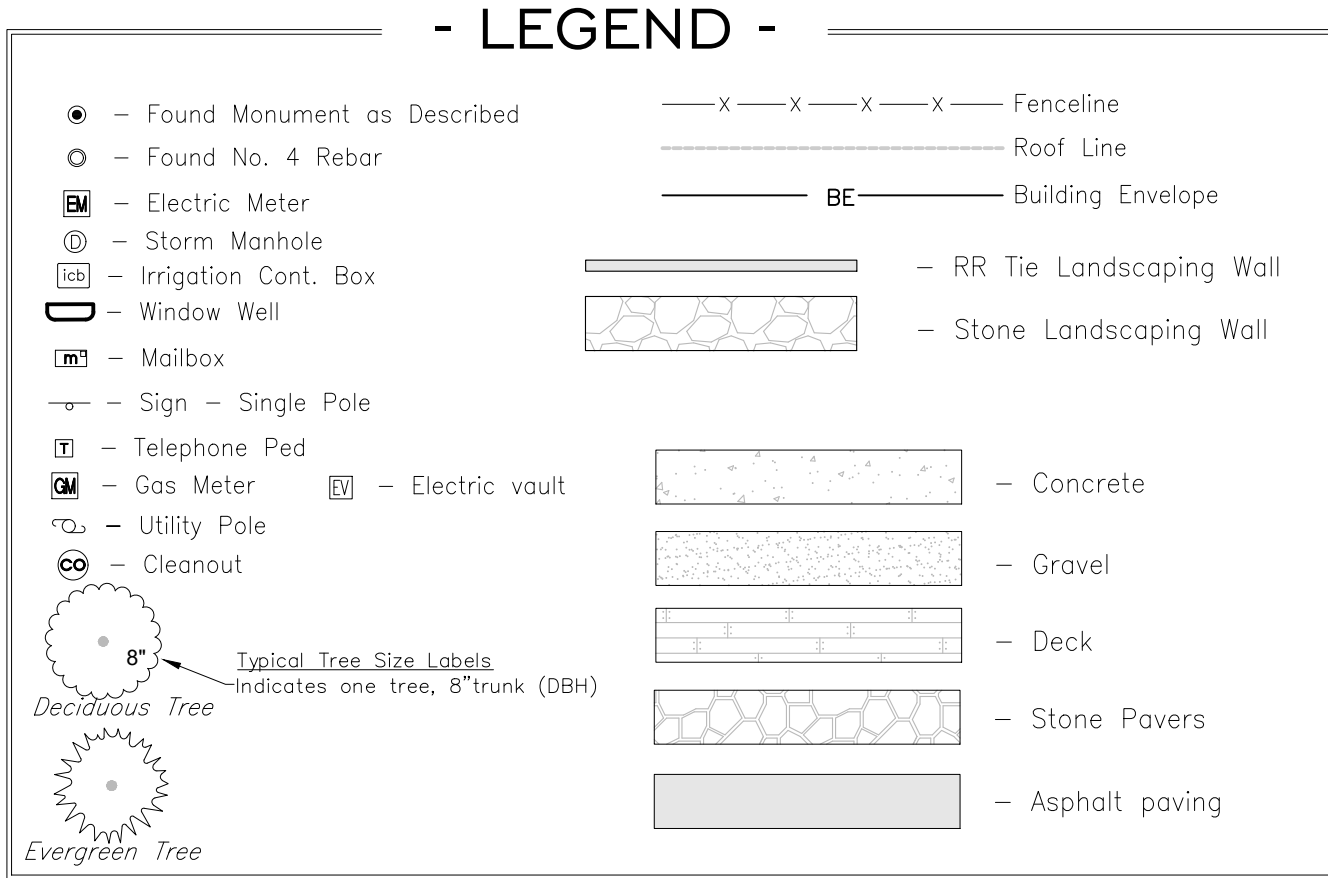
NOTES:

1. Basis of Bearings: Bearings shown hereon are based on a bearing of S89°57'00"E, between the Northwest corner of Lot 1, being monumented by a No. 5 Rebar & 1.5" Aluminum Cap stamped LS 15710 and the Northeast corner of Lot 1, being monumented by a No. 5 Rebar & Orange Plastic Cap stamped LS 14111, as shown hereon.
2. This map has been prepared pursuant to client request for an Existing Conditions Map.
3. Date of field survey: February 25, 2022.
4. Units of linear measurements are displayed in US Survey Feet.
5. Elevations shown hereon are NAVD88 derived from GPS observations processed through OPUS using Geoid 12B. The local benchmark is located at the southwest corner of Lot 2, being a No.5 Rebar and 2" Aluminum Cap, Stamped LS 15710, with an elevation of 6189.3', as shown hereon. The contour interval shown hereon is 1 foot.
6. SGM will not be responsible for any changes made to this document after it leaves our possession. Any copy, facsimile, etc., of this document must be compared to the original signed, sealed and dated document to insure the accuracy of the information shown on any such copy, and to insure that no such changes have been made.
7. Subsurface utilities are not shown, as they were not marked by appropriate utility companies at the time of this survey.
8. Property descriptions and easements shown hereon are per the plat of Kiernan Subdivision Exemption according to the plat thereof recorded as Reception No. 647104 in the records of Garfield County, Colorado and monuments found in place at the time of survey.
9. Due to current snow cover on this property (approximately 1' at the time of survey), it is possible that some ground level features may not be shown, or the locations shown hereon may be approximate (i.e. edge of drives, walks, water valves, etc.).
10. Fences are shown for general reference and do not necessarily depict limits of ownership.
11. The property shown hereon is subject to all easements, rights-of-way, building setbacks or other restrictions of record, as such items may affect this property. This survey does not represent a title search by this surveyor to determine ownership or to discover easements or other encumbrances of record.

SURVEYOR'S CERTIFICATE:

I, Robert E. Brandeberry, being a Registered Professional Land Surveyor, licensed in the State of Colorado, do hereby certify that this map of existing conditions was prepared on March 7, 2022, from a field survey survey performed on February 25, 2022, under my direct supervision and checking, and that both the survey and map are true and accurate to the best of my knowledge and belief.

Robert E. Brandeberry
Colorado PLS # 38388
For, and on behalf of SGM



SGM
118 West Sixth Street, Suite 200
Glenwood Springs, CO 81601
970.945.1004 www.sgm-inc.com

340 Second Street,
Carbondale, Colorado

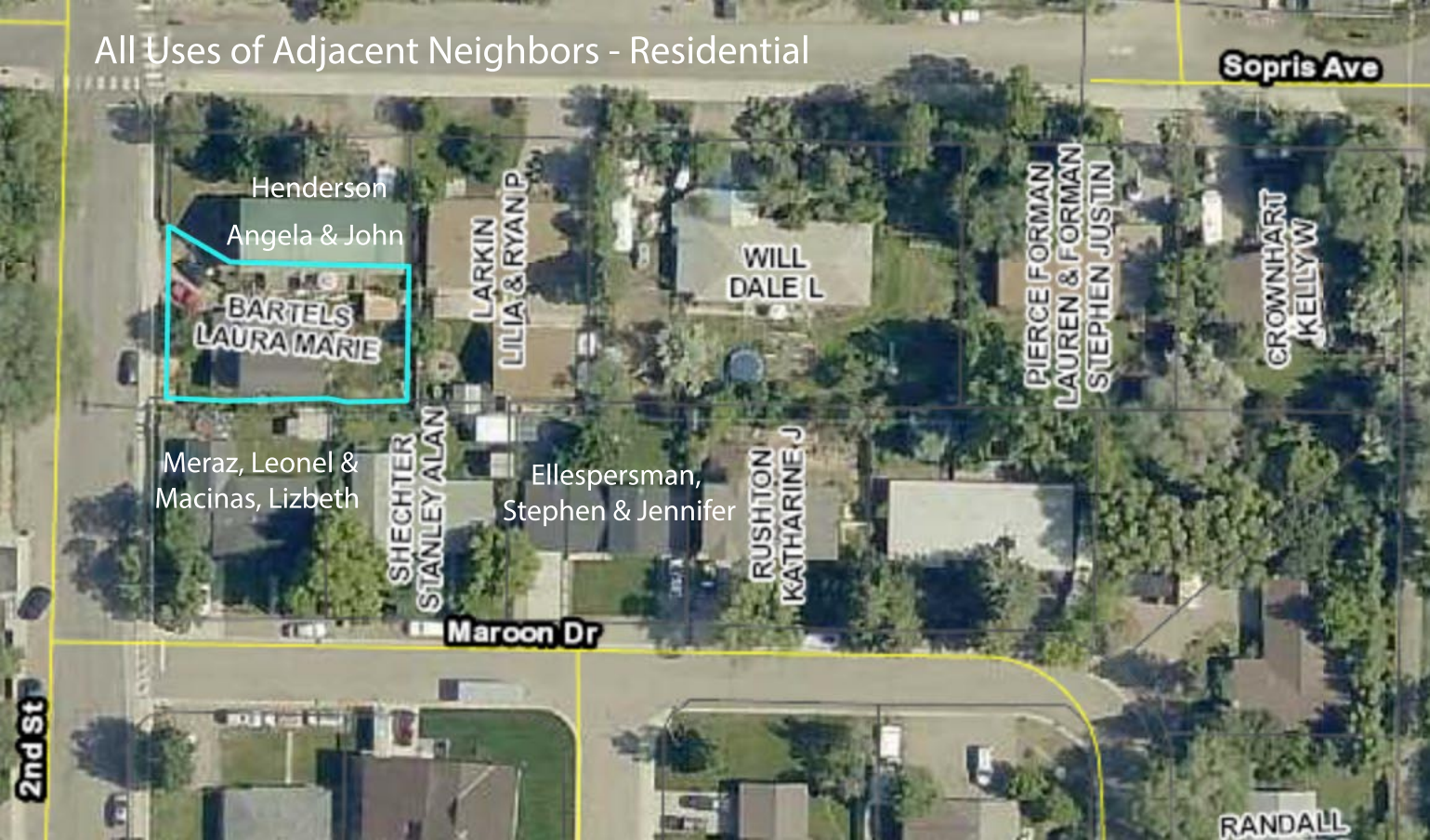
Revision	Date	By
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Job No. 2018-430.001
Drawn by: CJB
Date: 03/07/2022
Approved: - PLS: REB
File: 430-Sopris, EX-2022

Title:
Existing
Conditions
Map

Sheet No.
1

All Uses of Adjacent Neighbors - Residential



Sopris Ave

Henderson
Angela & John

BARTELS
LAURA MARIE

LARKIN
LILIA & RYAN P

WILL
DALE L

PIERCE FORMAN
LAUREN & FORMAN
STEPHEN JUSTIN

CROWNHART
KELLY W

Meraz, Leonel &
Macinas, Lizbeth

SHECHTER
STANLEY ALAN

Ellespersman,
Stephen & Jennifer

RUSHTON
KATHARINE J

Maroon Dr

RANDALL

2nd St

694336 03/20/2006 03:08P B1781 P491 M ALSDORF
1 of 1 R 6.00 D 12.50 GARFIELD COUNTY CO

o'clock M. DEPUTY. RECORDER

WARRANTY DEED

THIS DEED, Made on this day of March 16, 2006, between
PATRICK B. KIERNAN

of the COUNTY OF GARFIELD and State of COLORADO, of the Grantor(s), and
LAURA MARIE BARTELS

whose legal address is : PO BOX 912 CARBONDALE, CO 81623
of the COUNTY OF GARFIELD and State of COLORADO, of the Grantee(s):

WITNESS, That the Grantor(s), for and in consideration of the sum of (\$125,000.00)

*** One Hundred Twenty Five Thousand and 00/100 ***

DOLLARS

the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee(s), their heirs and assigns forever, not in tenancy in common but in joint tenancy, all the real property, together with improvements, if any, situate, lying and being in the COUNTY OF GARFIELD and State of Colorado, described as follows:

LOT 2 KIERNAN SUBDIVISION EXEMPTION ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 24, 2004 UNDER RECEPTION NO. 647104

COUNTY OF GARFIELD
STATE OF COLORADO

also known as street number TBD SOPRIS AVENUE CARBONDALE CO 81623

TOGETHER with all and singular and hereditaments and appurtenances thereto belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right title interest, claim and demand whatsoever of the Grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

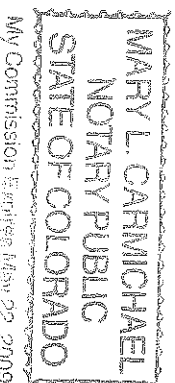
TO HAVE AND TO HOLD the said premises above bargained and described with appurtenances, unto the Grantee(s), their heirs and assigns forever. The Grantor(s), for himself, his heirs and personal representatives, does covenant, bargain, and agree to and with the Grantee(s), their heirs and assigns, that at the time of the ensembling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, subject to general taxes for the year 2006 and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Section 8a (Title Review) of the Contract to Buy and Sell Real Estate relating to the above described property; distribution utility easements (including cable TV); those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were accepted by Grantee(s) in accordance with Section 8b (Matters not Shown by the Public Records) and Section 8c (Survey Review) of the Contract to Buy and Sell Real Estate relating to the above described real property; inclusion of the Property within any special tax district; and, the benefit and burdens of any declaration and party wall agreements, if any and other NONE

The Grantor(s) shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the Grantee(s), his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, and the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF the Grantor(s) has executed this deed on the date set forth above.

By: PATRICK B. KIERNAN

STATE OF COLORADO)
County of GARFIELD) ss.



The foregoing instrument was acknowledged before me on this day of March 16, 2006
by PATRICK B. KIERNAN

My commission expires
Witness my hand and official seal.

Pat B. Kiernan
Notary Public

Name and Address of Person Creating Newly Created Legal Description (38-35-106.5, C.R.S.)

Escrow# CB248418 When Recorded Return to: LAURA MARIE BARTELS
Title# GW248418

For 03-28-2009/04 MDJT1 WARRANTY DEED (Joint Tenants) PO BOX 912 CARBONDALE, CO 81623 Printed: March 16, 2006 (30033123)

Land Title

12:30

4:30
4/5/11