

Town of Carbondale
511 Colorado Avenue
Carbondale, CO 81623

**AGENDA
PLANNING & ZONING COMMISSION
THURSDAY, July 16, 2020
7:00 P.M. Virtual Meeting ***

1. CALL TO ORDER
2. ROLL CALL
3. 7:00 p.m. – 7:05 p.m.
Minutes of the June 25, 2020 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 7, Series of 2020 – 156/160 12th Street/Subdivision Exemption.....Attachment B
6. 7:15 p.m. – 7:45 p.m.
Virtual HEARING –Rezoning.....Attachment C
Applicant: Bryan & Jennifer Welker
Location: 35 N. Seventh Street
7. 7:45 p.m. – 7:50 p.m.
Staff Update
8. 7:50 p.m. – 7:55 p.m.
Commissioner Comments
9. 7:55 p.m. – ADJOURN

***Please note all times are approx.**

ATTENTION: Due to the continuing threat of the spread of the COVID-19 Virus, all regular Carbondale P & Z Meetings will be conducted virtually. If you have a comment concerning one or more of the Agenda items please email msikes@carbondaleco.net by 4:00 pm on July 16, 2020.

If you would like to comment during the meeting please email msikes@carbondaleco.net with your full name and address by 4:00 pm on July 16, 2020. You will receive instructions on joining the meeting online prior to 7:00 p.m. Also, you may contact msikes@carbondaleco.net to get a phone number to listen to the meeting, however, you will be unable to make comments.

Upcoming P & Z Meetings:

8-13-20 and 8-27-20 – Eastwood Annexation, Rezoning, MSPR and Conditional Use Permit
8-13-20 - P&Z Appointment Recommendation

MINUTES

CARBONDALE PLANNING AND ZONING COMMISSION

Thursday June 25, 2020

Commissioners Present:

Michael Durant, Chair
Ken Harrington, Vice-Chair
Marina Skiles
Nick Miscione

Staff Present:

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

Commissioners Absent:

Jay Engstrom
Jeff Davlyn
Jade Wimberley
Nicholas DiFrank (1st Alternate)
Erica Stahl Golden (2nd Alternate)

Other Persons Present Virtually

Hayley Carmer, Attorney
Jeff Spanel, Thompson Park Project Manager
Sandra Almazan "Bobby", 34 Harris Drive

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

June 11, 2020 Minutes:

Ken made a motion to approve the June 11, 2020 minutes. Nick seconded the motion and they were approved unanimously.

Public Comment – Persons Present Not on the Agenda

There were no persons present to speak on a non-agenda item.

Special Use Permit/Large Day Care – 55 N. 7th Street

Ken made a motion to approve the Special Use Permit for a large daycare at 55 N. 7th Street. Marina seconded the motion and it was approved unanimously.

VIRTUAL HEARING – Thompson Park Condominiumization Lots 1 & 2 of Parcel 2

Location: 108/110, 202 A,B,C Lewie's Circle

Applicant: Thompson Park LLC

This is a Condominiumization application for Parcel 2 of the Thompson Park Subdivision. The Planning Commission is required to hold a public hearing and either approve the application or deny it. The Commission may also continue the public hearing.

Janet said that she went out to Thompson Park today. She said that they have been building on Parcel 2 and some of the units are nearing completion, one is a duplex on

the lot closest to the highway and the second one is a triplex. She said that is the one that backs up to Triangle Park. She said all of the five units in the two structures are deed-restricted units for affordable housing. She said that according to the agreements the affordable housing units have to get a Certificate of Occupancy before the free-market units do.

Janet said that the five affordable housing units are close enough to completion to put together a condo plat, which is what is before you tonight. She said that they submitted deed-restrictions for the affordable housing units that would be recorded with the condo plat. She said that she had asked both Mark Hamilton and the Garfield County Housing authority to look at the deed-restrictions. She said that we haven't had any deed restricted, for sale units for several years and that recently they have been all rentals.

Janet said that all of the issues with Thompson Park were worked out with previous approvals of the Major Site Plan Review and the fees were all paid. She said that it is pretty straight forward.

Janet said that she recommends approval of the application and that she included two resolutions in the packet, resolutions #5 and #6, which would memorialize this application if you are inclined to approve it.

Marina said that the Staff report was very thorough.

Michael clarified the numbering of the resolutions.

Haley Carmer said that she is an attorney with Garfield and Hecht and that she has been working on the Thompson Park project for the past few years. She said that we are condominiumizing the two affordable housing buildings on Parcel 2, the duplex and the triplex. She that they will all be deed-restricted affordable housing. She said that the two units in the duplex will be category 4 affordable units, which is the highest income category. She said that the three units in the triplex will be two category 2 and one category 3 unit. She said that we have different deed-restrictions for each of the three categories.

Haley said that the duplex has one unit on the top and one unit on the bottom. She said that the triplex has two over one. Haley said that Jeff Spanel is also on the line and he is the project manager and coordinator. She said that the declaration was recorded along with the Parcel 2 Plat, which was recommended for approval back in October that was recorded in November of 2019, which cut up Parcel 2 into the twenty-four individual lots with twenty-seven dwelling units total on Parcel 2, including these five units.

Marina said that we have approved the architectural design that was gone through in the review. She said that the drawings are from an engineer and are very basic. She asked if we need to be looking at the drawings now or is this typical at this stage.

Janet said that it is typical at this stage and that all of the design drawings were reviewed at the time of Major Site Plan Review. She said that condo plats are

intentionally made simple because they are just creating property lines or air space. She said that it defines the private outdoor space or storage spaces and that it's a functional plat. She said that surveyors are required to do these condo plats, which is in our code.

There were no members of the public present.

Motion to close the comment portion of the public hearing

Ken made the motion to close the comment portion of the public hearing. Nick seconded the motion and it was approved unanimously.

Michael said that he recalls that when we approved this in the beginning that the process was we were going to come back and do this at a later time when the foundations were actually in place. He said that it all seems really straight forward.

Janet said that there will be more coming like this application.

Michael said that the only reason that this one is more complicated is because of the deed-restrictions, which is under the umbrella of the Garfield County Housing Authority.

Nick asked for clarification of the complexity of the different types of affordable housing.

Marina said that it is standard Garfield County Housing guidelines, which is explained on their website.

John Leybourne said that it is based on the area medium income, which is for our area. He said that in other areas further west that there are different types of AMI's. He said that for our area it is always based on the HUD annual income, which is released at the beginning of each year.

Michael said that if you want to understand the whole picture start at APCHA, the oldest of these with the most in-depth website, which is subsidized by transfer tax.

Motion

Marina made a motion to approve Resolution No.5, Series of 2020 and Resolution No.6, Series of 2020 approving the Condominium Application for Lot 1 and Lot 2 of the Thompson Park Subdivision Phase 2 with the conditions and findings in the Staff report. Nick seconded the motion and it was approved unanimously.

VIRTUAL HEARING – Subdivision Exemption

Location: 156/160 Twelfth Street

Applicant: Almdin Holdings LLC

John said that this is an application for a Subdivision Exemption. He said that you are required to hold a public hearing and render a final decision. He said that decision may be to approved, deny, or continued the public hearing.

John said that the owner, Bobby is proposing to combine two C/T zoned lots. He said Lot 1 is 6,098 square feet and Lot 2 is 10,149 square feet. He said that these lots were originally in the Cocoa Palms Subdivision. He said that the present use is a storage yard and metal building with a shop that has had many types of uses.

John said that Lot 1 is vacant at this time and Lot 2 has the metal building. He said that the zoning is C/T and that there are no proposed zoning changes.

John said that the minimum lot size in the CT zone district is 3,000 sq. ft. and both lots meet that size. He said that the maximum pervious ratio will be determined once the owner actually comes in with development proposals. He said depending on the proposal size it would either be Minor Site Plan or a Major Site Plan Review.

John said that all the utilities are existing on site or adjacent to and with the age of the lot some might be upgraded depending on the development proposal.

John said Staff is supportive of the proposed subdivision exemption. He said that the Comprehensive Plan states this neighborhood represents an opportunity for incremental multifamily residential infill, redevelopment and accessory dwelling units.

Bobby, the applicant said that their goal was to get the lot combination out of the way and then explore development opportunities. He said that they wouldn't do anything that it wasn't already zoned for.

Michael asked if there was a business in the metal shop.

Bobby stated no that there weren't any tenants and that they just wanted to have a clean space.

There were no members of the public present.

Motion to close the comment portion of the public hearing

Ken made the motion to close the comment portion of the public hearing. Marina seconded the motion and it was approved unanimously.

Motion

Ken made a motion to approve the Subdivision Exemption for 156 Twelfth Street and 160 Twelfth Street with the recommended findings and conditions in the Staff report. Nick seconded the motion and it was approved unanimously.

Staff Update

Janet said that at the Board meeting on Tuesday night they approved the lumberyard as the Commission had approved it. She said that there were a couple of members of the public there and they talked about truck traffic and traffic in general as well as the trails.

Janet said that it is busy and that there is a lot going on.

John said that inquiries are off the charts. He said that daycare for small houses are the thing right now.

Mary said that her office has been buried in paper and that July 1st that it will be required that solar be on new houses over two thousand square feet so many are trying to get their plans in before that deadline.

Marina asked where that directive came from.

John stated from the Board.

Janet said that she went to Garfield County because she had gotten really behind on her recording. She said that she talked to Bev in that office and that a lot of people are buying in RVR and that they are paying cash etc.

Janet said that they have had a lot of inquiries from out of state developers.

Further discussion ensued about real estate around Colorado.

Commissioner Comments

Marina said that brokers in Carbondale are going through the same thing and that rentals are sold out for the summer and that everyone wants to quarantine here.

Ken said that he really appreciates Staff's work.

Marina said that she agrees with Ken.

Michael clarified what was said at the Stein meeting. He said that he has never been a big fan of the New Urban in the Comp Plan. He said that pushing the building to the road and putting the parking off of the road with the longest stretch of highway frontage...and the building that they presented to us is what the Comp Plan prescribes. He continued explaining an example from Denver and that what you end up with is stucco and cinder block canyons and that's not Carbondale. He said that we are in a pickle here.

Michael said that if the Commission has suggestions to make this proposal better that it would be a good time to speak out, particularly when it is this big.

Motion to Adjourn

A motion was made by Marina to adjourn and the meeting was adjourned at 7:50 p.m.

RESOLUTION NO. 7
SERIES OF 2020

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF CARBONDALE, COLORADO, APPROVING THE SUBDIVISION EXEMPTION FOR PROPERTY LOCATED IN THE TOWN OF CARBONDALE, COLORADO

WHEREAS, Almdin Holdings LLC (“Applicant”) requested approval of a Subdivision Exemption Plat on behalf of LDH Holdings, LLC and DDN Holdings LLC. (Owners) to combine two lots into a single lot. The lots are located at 156 12th street and 160 12th street, Section: 34 Township: 7 Range: 88 Subdivision: Coco Palms Estates, Lots 1 and 2, Carbondale, Colorado;

WHEREAS, the Planning and Zoning Commission of the Town of Carbondale reviewed the Subdivision Exemption during a Public Hearing on June 25, 2020 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 is hereby approved, subject to the following conditions and findings:

Conditions:

1. All representations of the Applicant and Applicant’s representatives at the Public Hearing shall be considered conditions of approval of this subdivision exemption.
2. The Subdivision Exemption Plat shall be in a form acceptable to and approved by Town Staff and the Town Attorney prior to recording. Applicant shall execute and record the plat with the Garfield County Clerk and Recorder within three (3) months of approval by the Planning Commission.
3. Water rights for development may be due for the newly created Lot at the time of building permit.
4. The applicant shall be responsible for all building permit fees, tap fees and other associated fees at the time of building permit.

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

Findings:

1. The subject property is suitable for subdivision as allowed in *Chapter 17.06, Subdivision.*

2. All public utilities are in place and are currently serving 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 comprises no more than three lots and the entire parcel is not 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*.

INTRODUCED, READ, AND PASSED THIS ____ day of _____, 2020.

PLANNING AND ZONING COMMISSION OF
TOWN OF CARBONDALE

By:

Michael Durant
Chair



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

Planning Commission Agenda Memorandum

Meeting Date: 7-16-20

TITLE: Rezoning – 35 N. 7th Street (Lot A, 711 Main Street PUD
Subdivision Exemption)

SUBMITTING DEPARTMENT: Planning Department

ATTACHMENTS: Land Use Application

This is an application for the rezoning of a parcel from the 711 Main Street Planned Unit Development (PUD) zone district to the Commercial/Transitional (C/T) zone district. The Planning Commission is required to hold a public hearing and recommend approval of the application, recommend denial, or continue the public hearing.

BACKGROUND

The parcel is 3,750 sq. ft. There is an existing single family house on the lot which was constructed in 2007. This property is one of two lots located within the 711 Main Street PUD. The other property in the PUD is 711 Main Street (the lot directly to the south of this lot).

These two lots were originally one 7,500 sq. ft. parcel under common ownership. The parcel had been zoned C/T.

In 2006, the property owner of the 7,500 sq. ft. parcel was planning to demolish the historic structure at 711 Main Street. This building had been constructed in 1893. Town Staff encouraged the property owner to retain and restore the historic building. In return, the Town rezoned the 7,500 sq. ft. parcel to the 711 Main Street PUD, allowed the parcel to be split into two 3,750 sq. ft. lots, and allowed a single family home to be constructed on the newly created lot at 35 N. 7th Street. The Town also waived building permit fees for the construction of the new single family home as well as the fees for the work required to restore the historic building. Finally, in return, the property owner signed an agreement stating that if the historic house at 711 Main Street was demolished within 20 years, that the fees would be refunded to the Town.

After that, the lots were split, the single family home was constructed on the 35 N. 7th street lot, the historic structure was restored, and the two lots sold to new ownership.

DISCUSSION:

This request for rezoning to C/T is for the 35 N. 7th Street property only. The historic house at 711 Main Street would remain within the 711 Main Street PUD. The property owners of that lot have submitted letters indicating they are aware of the rezoning and they have no objection to the rezoning nor do they object to the fact that the 35 N. 7th Street property would no longer be part of the PUD.

No changes to either property are planned as part of the rezoning application.

This report will focus only on the rezoning for 35 N. 7th Street.

This property is surrounded by the following:

- North – C/T – Single Family Residence (recently approved for a large day care)
- South – 711 Main Street PUD - Office
- East – HCC – Restaurant
- West – Commercial/Transitional – Jaywalker

The applicant included a zoning comparison analysis in the application in order to check the property’s compliance with the C/T zone district. This is a summary:

	C/T Requirements	Existing
Minimum lot area	3,000 sq. ft.	3,750 sq. ft.
Minimum lot depth	100 ft.	75 ft.
Minimum lot width	30 ft.	50 ft.
Maximum impervious lot coverage	80%	55%
Minimum landscape area	20%	45%
Minimum landscape area (residential only)	40%	45%

As you can see, the lot is in compliance with the zoning parameters except for the Minimum Lot Depth. This would become a legal nonconforming setback.

A survey of the lot was not available to check existing setbacks; however, the following chart shows the required setbacks in the C/T zone district vs. the setbacks in the 711 Main Street PUD:

	C/T Requirements	PUD Requirements
Front Yard Setback	5 ft.	10 ft.
Side Yard Setback (adjacent to alley)	0 ft.	15 ft.
Side Yard Setback (adjacent to comm)	0 ft.	5 ft.
Rear Yard Setback	20 ft.	10 ft.

The rear yard setback does not meet the required rear yard setback in the C/T zone district. This would become a legal nonconforming setback.

The maximum building height in the C/T zone district is 35 ft. The residence is well under that height so that is in compliance.

A single family residence is a permitted use in the C/T zone district.

The Town Attorney has weighed in on whether variances would be needed for the Minimum Lot Depth and Rear Yard Setback as part of this rezoning. His interpretation is that if the rezoning is approved, those would become legal nonconforming site conditions and can legally remain in place. Any new development on the site would need to be in compliance with the C/T zone district and all development standards. The ordinance of approval would acknowledge the legal nonconforming nature of the lot and building.

Overall, the rezoning appears to be appropriate. The uses in the C/T zone district will allow uses that would accommodate the uses outlined in the “Downtown” designation in the Comprehensive Plan. In addition, the property is surrounded by the C/T zone district on two sides. This area would provide a buffer to transition from Main Street to the residential neighborhoods to the north.

It should also be noted that during the development of the UDC, the issue of how many PUDs are in Town was discussed. The Town adopted a PUD policy which suggested that Town Staff work with property owners on a case-by-case basis to determine if a PUD can be converted to a straight zone district.

COMPREHENSIVE PLAN:

The Future Land Use Plan shows this property in the “Downtown” area. The “Downtown” designation provides that this area is the historic center of commerce, culture, civic life, and celebrations - the heart of the community. The designation suggests mixed use including shopping, restaurants, entertainment, lodging, offices, and employment generating facilities essential to the daily life of residents and housing. It encourages the preservation of historic buildings.

PURPOSE STATEMENT – C/T ZONE DISTRICT

The purpose of the Commercial/Transitional district is to accommodate the transition of neighborhoods from residential to mixed-use, commercial, and other non-residential uses. The district is designed to create attractive commercial development with adequate access to major arterial streets and sufficient parking areas and to accommodate the unusual site conditions, access conditions, and mix of land uses north of Colorado Avenue. The district is also designed to allow reasonable commercial land uses and establish adequate development and access requirements for small parcels with Highway 133 frontage.

REZONING CRITERIA:

Under Section 2.4.2.C.3.b., 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.

STAFF RECOMMENDATION:

Staff recommends approval of the following motion: **Move to recommend approval of the rezoning from PUD to C/T zone district 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 amendment 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 C/T 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 C/T district is to accommodate the transition of neighborhoods from residential to mixed-use, commercial, and other non- residential use;
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: Janet Buck, Planning Director

LAND USE APPLICATION FOR GENERAL REZONING TO C/T ZONE DISTRICT

35 No. 7th Street



Rezoning Application
Variance for Rear Yard Setback

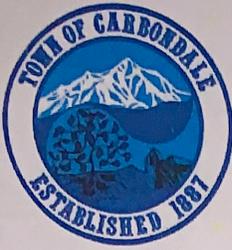
Carbondale, Colorado

June 2020

Section1

Application and Ownership Documents

- **Application Forms**
- **Proof of Ownership**
- **Letter of Authorization**
- **Letter from Owner within PUD**
- **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: Bryan and Jennifer Welker

Phone: 970.618.1116

Applicant Address: 35 No. 7th Street Carbondale 81623

E-mail: bryan@seo.aspen.com

Owner Name: Bryan and Jennifer Welker

Phone: 970.618.1116

Address: Same as above

E-mail: bryan@seo.aspen.com

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

Lot A - 711 Main Street PUD Subdiv Exemption recorded at Rec # 700697

PART 2 – PROJECT DESCRIPTION

General project description: General Rezoning - From PUD to Commercial/Transitional (C/T)

Size of Parcel: 3750 SF # Dwelling Units: 1 Sq Ft Comm: NA

Type of Application(s): General Rezoning

Existing Zoning: PUD Proposed Zoning: Commercial Transitional (C/T)

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] 6/4/20 6/4/20
Applicant Signature Date

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

[Signature] 6/4/20 Jennifer Welker 6/4/2020
Owner Signature Date Owner Signature Date

STATE OF COLORADO)
COUNTY OF GARFIELD) ss.

The above and foregoing document was acknowledged before me this 5th day of June 2020, by Bryan Welker.

Witness my hand and official
My commission expires: 01/15/2023

ISABEL MARIA UGARTE-JOHNSON
NOTARY PUBLIC - STATE OF COLORADO
NOTARY ID 20194001767
MY COMMISSION EXPIRES JAN 15, 2023



Town of Carbondale Rezoning Checklist

(970) 963-2733

Project Name: REZONING - 35 NO. 7th ST.

Applicant: JENNIFER & BRYAN WELKER

Applicant Address: 35 NO. 4th ST.

Location: WEST SIDE 7th - JUST NORTH OF AMURE REALTY

Date:

Staff Member:

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

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

Required Attachments

Filing Fee of \$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:

COMPARISON w/ THE ST. PUD. ALSO - REVIEW ISSUES RELATED TO MODIFICATION/AMENDMENT OF PUD'S

6-23-2016

Planning/Forms 2016

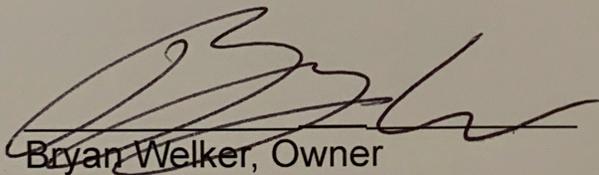
June 5, 2020

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

RE: 35 North 7th Street

This letter authorizes Mark Chain of Mark Chain Consulting, LLC to submit an application for a Rezoning of the above property from PUD to Commercial Transitional (C/T) and act as a representative for the owners during the review of the application by own Staff.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan Welker", written over a horizontal line.

Bryan Welker, Owner
35 No. 7th Street

June 5, 2020

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

RE: 35 North 7th Street

I have been contacted by Bryan and Jennifer Welker about the rezoning application for the above-noted property. As you know, Brian and Jennifer's property is part of the 711 Main Street PUD, and is known as Lot A of the 711 Main St. PUD Subdivision Exemption. They are making an application to rezone their property from PUD to C/T. If their rezoning application is successful, I am aware that they will no longer be part of the PUD.

I am aware of and have reviewed their information and application submittal. This is acceptable to me and I have no objection to the rezoning or that their property would no longer be part of the 711 Main Street PUD.

Sincerely,



Lynn Kirchner,
711 Main Street LLC
Lot B – 711 Main Street PUD Sub Exemption

June 5, 2020

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

RE: 35 North 7th Street

I have been contacted by Bryan and Jennifer Welker about the rezoning application for the above-noted property. As you know, Brian and Jennifer's property is part of the 711 Main Street PUD, and is known as Lot A of the 711 Main St. PUD Subdivision Exemption. They are making an application to rezone their property from PUD to C/T. If their rezoning application is successful, I am aware that they will no longer be part of the PUD.

I am aware of and have reviewed their information and application submittal. This is acceptable to me and I have no objection to the rezoning or that their property would no longer be part of the 711 Main Street PUD.

Sincerely,



David Clark,
711 Main Street LLC
Lot B – 711 Main Street PUD Sub Exemption

PROJECT TEAM

Applicant/Owner

Bryan & Jennifer Welker
356 No. 7th Street
Carbondale, CO 81623
bryan@seoaspen.com

Planning/Coordination

Mark Chain
Mark Chain Consulting, LLC
811 Garfield Avenue
Carbondale, CO 81623
970.963.0385 (office)
970.309.3655 (cell)
mchain@sopris.net

Surveying/Civil (from 2007 Subdivision)

High Country Engineering
1517 Blake Avenue, Suite 101
Glenwood Springs CO 81601
970.945.8676

SECTION 2

Application Narrative & Background

- **Application Narrative**
- **Location Map**
- **Zone District Map of Area**
- **Zoning Comparison**
- **Subdivision Exemption Plat**
- **Responses to Approval Criteria for Rezonings**
- **Responses to Approval Criteria for Rear Setback Variance**

SECTION 2

APPLICATION INFORMATION AND BACKGROUND

Property Location: The property is located at 35 N. 7 Street in the downtown area. This property is 3,750 SF in size and is located on the west side of 7th Street, just north of Main Street. The property is situated directly north of Amore Realty and located adjacent to an alley. The property has been owned by Brian and Jennifer Welker since 2007.

Legal Description: Lot A of the 711 Main Street Subdivision Exemption – recorded at Reception # 700697.

Zoning: PUD (The property as part of the 711 Main Street PUD – approved in 2006).

Application Date: June 2020

Type of Application

1. **General Rezoning.** Brian and Jennifer Welker hereby submit an application for a rezoning from PUD to Commercial/Transitional per Section 2.4.2 of the Carbondale UDC. Public hearings will be held in front of the Carbondale Planning & Zoning Commission and the Board of Trustees. The Board Planning Commission is the final decision-making body in this type of land use review.
2. **Variance.** Concurrently, the applicant is asking for a variance related the rear yard setback. The PUD rear yard setback is 10 feet, while the rear setback for the C/T Zone district when adjacent to a commercial or industrial district is 20 feet. As the property is already developed, without the variance it would be nonconforming.

Project Description

Brian and Jennifer Welker own a single-family house that 35 No. Seventh Street. The house was built in 2006/2007 and the Welkers have been the only occupants of the home. They have a contract to sell the property to an entity that would use the property in conformance with the C/T Zone district. They feel now is the time to sell the property and moved to another residential location in Carbondale. The rezoning would also allow the town to start fulfilling some of its past land use policies. In this particular case, it would be to rezone a small PUD or parts of smaller PUD's to the underlying or an otherwise appropriate existing,

zone district. Rezoning would help them meet their goals while also allow the town to start implementing its PUD Policy – July 13, 2017.

Site Description

The site is 3,750 SF in size and is flat and is part of the Carbondale Original Townsite. It was originally part of a larger parcel – prior to 2006 the Welker site, the Amore Realty building and the Jaywalker facility to the west were all part of one property. An Improvement Survey showing the historical, original property is part of the 711 Main Street PUD approval materials which is included as an exhibit to the application in Section 3.

The site dimensions are 50 feet x 75 feet. The land use is a two-story, single-family house with 2021 ft.² of gross living area not including a finished basement. The property has vehicular access from the alley to the north. The structure has a two-car garage and there is room for two parking spaces outside of the garage area.

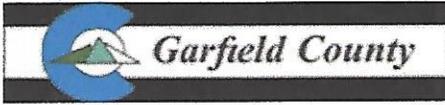
The main pedestrian access to the property is from Street. There is a relatively small front yard setback in keeping with the renovated, brick structure at 711 Main (Amore Realty). The property is landscape with the combination of shrubs, trees, water efficient landscaping and xeriscape.

All utilities are obviously present and functional. There are utility easements on three sides of the lot and these are shown on the attached Exemption Plat. An improvement Survey has been ordered and it will be provided to staff as soon as it is completed and received by the applicants. A Certificate of Occupancy was issued in 2007 and the CO was issued in conformance with all setback, open space and other dimensional criteria in place as per the 711 Main Street PUD.

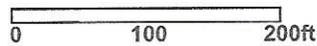
Neighborhood Context

35 North 7th Street lies on the west side of 7th Street, north of Main Street, south of an alley which connects to 8th Street and 7 Street and directly across the street from the six89 property A location map showing the subject site and a zoning area map is attached. As one familiar with the location being less than a block off of Main Street and near the center of town, the subject property is surrounded by a mix of land uses. A quick listing is noted below:

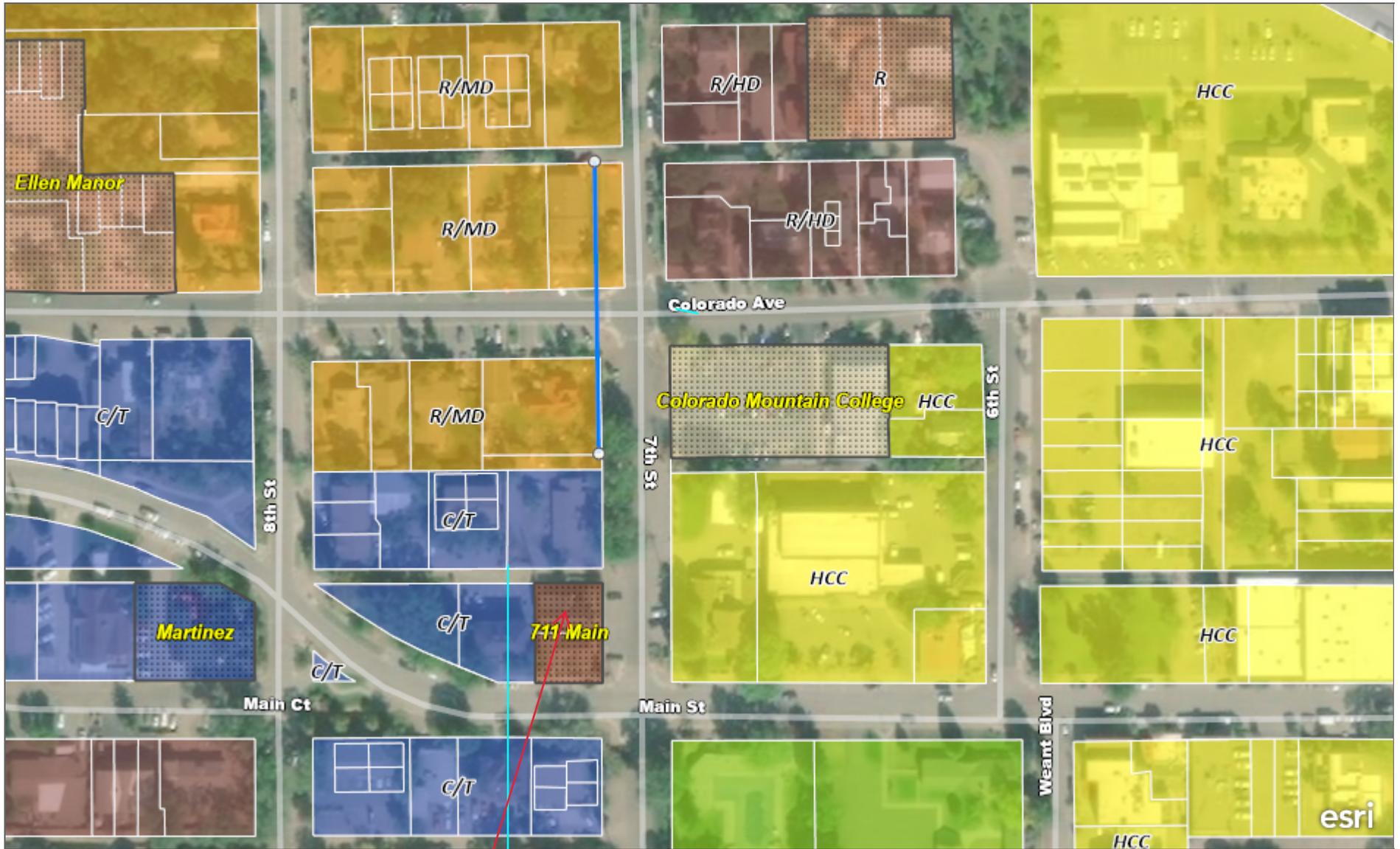
- small multifamily residential
- single-family detached residential structure (proposed to be Large Daycare Center)
- alcohol/substance abuse treatment facilities
- Community College
- restaurant/short-term rental establishment



Garfield County Colorado Land Explorer



Carbondale Zoning District Map



Carbondale, CO Zoning Map

**Subject - 35
No. 7th St.**

- professional offices
- service establishments/salon
- Carbondale Community Pool/Sopris Park

Adjacent Zone District Summary (Zone District Map for neighborhood attached)

North:	C/T & R/MD
South:	PUD & C/T
East:	HCC & PUD (Colorado Mountain College)
West:	C/T

History of Property/Zoning Overview

History

35 N. Seventh Street was historically part of a slightly larger property that extended from the corner of seventh and Main over to what is now known as Sundial Park. For years the property was characterized by a Single-family Brick house built in approximately 1893 with some simple lean-to residential units on the western edge of the property. The house was originally a single-family residence and by the late 70s early 80s had some commercial uses on the first floor and then apartment on the second floor. The property went back and forth from commercial to residential use until the early 2000's. It became somewhat neglected from the late 80s through the early 2000's.

Zoning

A PUD was approved for the property in 2006. The original development plans for the property were to raise the property and then commence with new development. Staff spoke to the property owners and suggested that the house was appropriate for renovation retaining the “graceful form of the historic building/features” and the Town in return was willing to engage in providing some incentives – fees and/or zoning, to pay for renovating and saving the building.

The result was the 711 Main Street PUD. This included the renovation of the original house on the corner, creation of a lot directly to the north which would accommodate residential development (zoning allows a single-family detached or a two unit structure) and the splitting off the parcel to the west. The parcel to the west eventually accommodated a structure which now houses one of the Jaywalker Facilities. Some portions of building permit fees and fees in lieu of providing parking were waived

The newly created lot to the north is the subject property in question – and now the Welker residence. The PUD zoning made efforts to provide minimal setbacks to 7th Street as was customary in “pre-zoning” days, access off the alley if possible and to have architectural features that mimicked the 7th and Main Street structure as well as other structures in the downtown and near the HCC Core.

Zoning Compliance

Conformance with proposed zoning, in this case the C/T zone district is important. Of course, one wants all use and dimensional criteria related to the proposed zone district to be met by the existing situation. Most importantly, the current land use needs to conform with the proposed zoning. That is the case in this particular instance. Single-family detached residential land uses are allowed in the C/T zone district. Please note that when the UDC was originally adopted in 2016, single-family detached use was eliminated from the zone district. This was changed with the 2019 update.

We have done a point by point analysis of the dimensional and other related zoning criteria for this property. The attached chart compares the PUD standards, the C/T standards and whether the structure at 35 N. 7th St. complies. It does in all instances with the exception of the rear yard setback. It is our understanding that the back of the structures is probably situated very close to the 10 - foot setback line. We are waiting for the improvement survey to confirm this but in the meantime we would like to apply for the rear yard setback variance.

We will not know the precise amount of open space at the site until we obtain that survey, but we are certain that it does comply. The staff report for the original PUD noted that the Seventh Street lot was designed to have 49% open space. The total common open space between the two lots in the Seventh Street PUD was 55%. Open space requirements for “residential only” in the C/T zone district is 40%.

Welker Rezoning
Zoning Comparison Analysis

Dimensional Standards					
Lot Standards	C/T	PUD	Site	Comply ??	comment
Lot Area, Minimum	3,000 SF	3,750 SF	3750 SF	Yes	
Lot Depth, minimum	100 ft.	75 ft.	75 ft.	No	
Lot width, minimum	30 ft.	50 ft.	50 ft.	Yes	
Impervious Lot coverage, max	80%			Yes	
Landscape Area, min (Mixed use/comm)	20%		NA	NA	
Landscape Area, min (Res only)	40%		45%	Yes	
Setbacks	C/T	PUD	Site	Comply??	comment
Front	5 ft.	10 ft.		Yes	
side, adjacent to alley	0 ft.	15 ft.		Yes	
Side, adjacent to commercial district	0 ft.	5 ft		Yes	
Side, adjacent to residential district	Variable	5 ft.		NA	Sec 3.7.5
Rear, adjacent to commercial/ind dist	0 ft.	20 ft.		No??	
Rear, adjacent to residential district	variable			NA	
Building Standards	C/T	PUD	Site	Comply??	comment
Height, principal building, max	35 ft.	27 ft.		Yes	
Height, Accessory building, max	25 ft.	25 ft.	NA	NA	

Note: Comply column is for actual site compared to C/T Standards

**711 MAIN STREET PLANNED UNIT DEVELOPMENT SUBDIVISION EXEMPTION
A RESUBDIVISION OF LOTS 22, 23 AND 24, BLOCK 21
TOWN OF CARBONDALE, COUNTY OF GARFIELD, STATE OF COLORADO**



VICINITY MAP
SCALE: 1" = 2000'

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS: THAT THE UNDERSIGNED, DUANE STEWART, AS MANAGER OF CINDERBETTS, LLC, IS/ARE THE OWNER(S) OF THAT REAL PROPERTY SITUATED IN THE COUNTY OF GARFIELD, STATE OF COLORADO, AND BEING A PART OF TOWN OF CARBONDALE AS SHOWN ON THE ACCOMPANYING PLAT, SAID REAL PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 22 THROUGH 24 INCLUSIVE, BLOCK 21, TOWN OF CARBONDALE, GARFIELD COUNTY, COLORADO

THAT SAID OWNER HAS CAUSED THE SAID REAL PROPERTY TO BE LAID OUT AND SURVEYED AS 711 MAIN STREET PLANNED UNIT DEVELOPMENT SUBDIVISION EXEMPTION, A RESUBDIVISION OF LOTS 22, 23 AND 24, BLOCK 21, A SUBDIVISION OF A PART OF THE TOWN OF CARBONDALE, GARFIELD COUNTY, COLORADO THAT SAID OWNER DOES HEREBY DEDICATE THOSE PORTIONS OF SAID REAL PROPERTY WHICH ARE LABELED AS UTILITY EASEMENTS ON THE ACCOMPANYING PLAT AS PERPETUAL EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES, IRRIGATION AND DRAINAGE FACILITIES, INCLUDING BUT NOT LIMITED TO ELECTRIC LINES, GAS LINES, TELEPHONE LINES; TOGETHER WITH THE RIGHT TO TRIM INTERFERING TREES AND BRUSH; WITH PERPETUAL RIGHT OF INGRESS AND EGRESS FOR INSTALLATION AND MAINTENANCE OF SUCH LINES.

IN WITNESS WHEREOF SAID OWNER HAS CAUSED HIS NAME TO BE HEREUNTO SUBSCRIBED THIS 14 DAY OF MAY, A.D., 2006.

CINDERBETTS, LLC
BY: Duane Stewart
DUANE STEWART, MANAGER

STATE OF COLORADO }
COUNTY OF Garfield }
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS DAY OF May, 2006 BY DUANE STEWART AS MANAGER OF CINDERBETTS, LLC.
MY COMMISSION EXPIRES: 11/10/06
WITNESS MY HAND AND NOTARY PUBLIC
Richard Teague
NOTARY PUBLIC My Commission Expires 11/17/2006

PLANNING COMMISSION CERTIFICATE

THIS PLAT APPROVED BY THE TOWN OF CARBONDALE PLANNING AND ZONING COMMISSION THIS 16 DAY OF May, A.D., 2006

Stephen E. Jensen
CHAIR

BOARD OF TRUSTEES' CERTIFICATE

THIS PLAT APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, GARFIELD COUNTY, STATE OF COLORADO, THIS 14 DAY OF May, A.D., 2006 FOR FILING WITH THE CLERK AND RECORDER OF GARFIELD COUNTY, STATE OF COLORADO, AND FOR THE CONVEYANCE TO THE TOWN OF THE PUBLIC DEDICATIONS SHOWN HEREON, SUBJECT TO THE PROVISION THAT THE APPROVAL IN NO WAY OBLIGATES THE TOWN OF CARBONDALE FOR FINANCING OR CONSTRUCTING IMPROVEMENTS ON LAND, STREETS OR EASEMENTS DEDICATED TO THE PUBLIC EXCEPT AS SPECIFICALLY AGREED TO BY THE BOARD OF TRUSTEES.

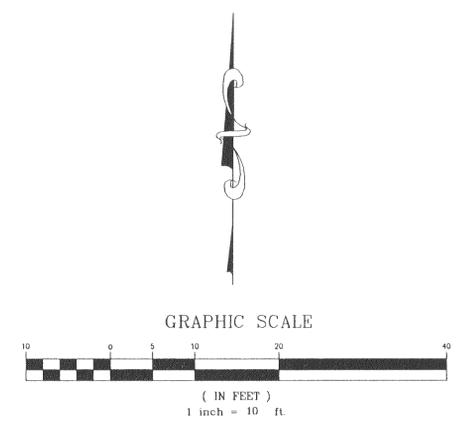
Shirley Walker
TOWN CLERK

Mark For
MAYOR

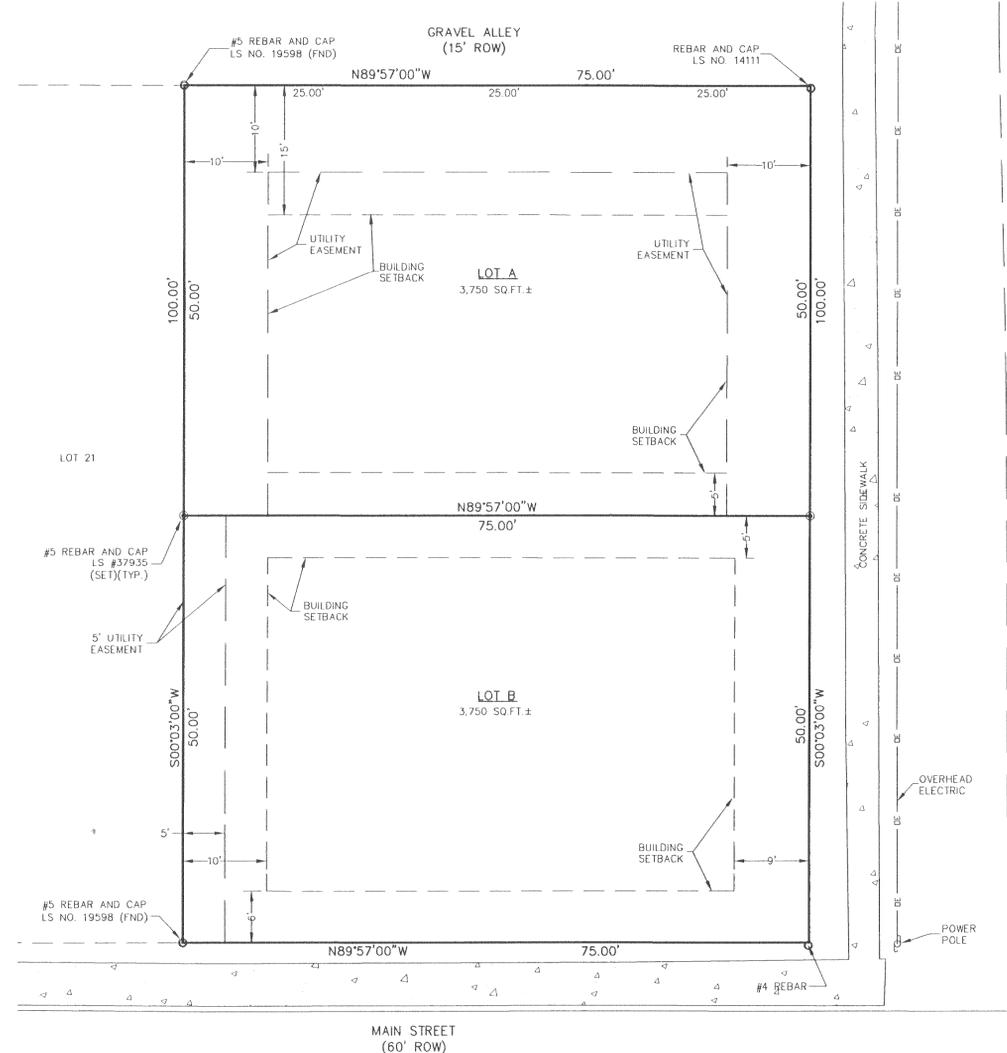
CLERK AND RECORDER'S CERTIFICATE

THIS PLAT IS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF GARFIELD COUNTY, COLORADO, AT 3:36 O'CLOCK P. M., ON 23rd DAY OF June, 2006, AS RECEPTION NO. 700697

Fee: 11.00
Drawer: 14A
BY: Mildred Alsdorf
CLERK AND RECORDER
Edne E. Place
DEPUTY



- NOTES:
- 1) BASIS OF BEARINGS FOR THIS SURVEY IS A BEARING OF S89°57'00"E BETWEEN THE STREET MONUMENTS FOUND IN THE INTERSECTIONS OF 4TH STREET AND EUCLID AVENUE AND 8TH STREET AND EUCLID AVENUE.
 - 2) THIS PROPERTY IS SUBJECT TO RESERVATIONS, RESTRICTIONS, COVENANTS, EASEMENTS OF RECORD OR IN PLACE, AND EXCEPTIONS TO THE TITLE COMMITMENT PREPARED BY LAND TITLE GUARANTEE COMPANY DATED SEPTEMBER 9, 2005 AS ORDER NUMBER GW247553.
 - 3) DATE OF SURVEY WAS OCTOBER 10, 2005.
 - 4) THIS MAP IS BASED ON THE RECORDED PLAT OF THE TOWN OF CARBONDALE, RECORDED AS RECEPTION NUMBER 265878 AND CORNERS FOUND IN PLACE.



SURVEYOR'S CERTIFICATE

I, JASON R. NEIL, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF COLORADO, THAT THIS PLAT OF 711 MAIN STREET PLANNED UNIT DEVELOPMENT SUBDIVISION EXEMPTION, IS A TRUE, CORRECT AND COMPLETE PLAT OF A RESUBDIVISION OF LOTS 22, 23 AND 24 OF BLOCK 21, TOWN OF CARBONDALE AS LAID OUT, PLATTED, DEDICATED AND SHOWN HEREON, THAT SUCH PLAT WAS MADE FROM AN ACCURATE SURVEY OF SAID PROPERTY BY ME AND UNDER MY SUPERVISION AND CORRECTLY SHOWS THE LOCATION AND DIMENSIONS OF ALL LOTS, EASEMENTS AND STREETS OF SAID SUBDIVISION AS THE SAME ARE STAKED UPON THE GROUND IN COMPLIANCE WITH APPLICABLE REGULATIONS GOVERNING THE SUBDIVISION OF LAND.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 11th DAY OF May, A.D., 2006.



CALL UTILITY NOTIFICATION CENTER OF COLORADO 1-800-922-1967 OR 954-06700 IN METRO DENVER
CALL BUSINESS DAYS IN ADVANCE 24 HOURS BEFORE THE MARKING OF UNDERGROUND NUMBER UTILITIES

NO.	DATE	REVISION	BY

DRAWN BY: JVA/HMS
CHECKED BY: JRN
DATE: 5/11/06
FILE: RESUB L22-24

HIGH COUNTRY ENGINEERING, INC.
14 INVERNESS DRIVE EAST, STE F-120, ENGLEWOOD, CO 80112
PHONE (303) 925-0644 FAX (303) 925-0847
1917 BLAKE AVENUE, STE 101, GLENWOOD SPRINGS, CO 81601
PHONE (970) 945-8676 FAX (970) 945-2555
WWW.HCEINC.COM

RESUBDIVISION OF LOTS 22, 23 AND 24 BLOCK 21, TOWN OF CARBONDALE
P.U.D. SUBDIVISION EXEMPTION
734 MAIN STREET
CARBONDALE, COLORADO 81623

PROJECT NO. 2051756.00
0922

1

700697

44

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 ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

We were hoping that all dimensional criteria would be met with this rezoning, and with one exception that is the case. Please be aware that if other PUD's are eliminated, zoning conformance may be an issue. In this case, the compliance issue is relatively minor.

Comprehensive Plan – Compliance with Future Land Use

This property is designated “Downtown” in the Future Land Use Map. The vision statement for the Downtown future land use designation is included below:

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

The Comp Plan notes that the Historic Commercial Core has a finite area, so it is important to make best use of the land available to continue to build on the vitality the community. The property is at the edge of the Historic Downtown area and is at the intersection of one of the “Summer Hubs” of downtown pedestrian and vehicle traffic; catty corner to the Carbondale Pool and Sopris Park; across the street from six89, CMC and the post office; 2 blocks from 4th and Main and 3 blocks from the town municipal complex.

It should be noted that many of the “development cues” for the 711 Main Street PUD under which this property was developed were taken from HCC zoning and the desire to have the entire property fit into the historic downtown fabric.

A quick point by point comparison of the more detail character and design elements noted in Section 4.6 (Downtown) of the comp plan is noted below:

Character Element – in Comp Plan	Proposed Development Design
Building relationship to Highway/Street <ul style="list-style-type: none"> • Orient buildings and site design specific to pedestrians more than towards cars. • Site buildings at edge of sidewalks and existing gaps in the block faces should be filled in except for formal clauses and gathering spaces 	Building relationship to Highway/Street <ul style="list-style-type: none"> • residential structure close to sidewalk. • Street frontage – framed with front porch and entryway • parking off of alley – on side of lot • building fits property and neighborhood

<ul style="list-style-type: none"> • top priority – maintain pedestrian friendly feel of downtown 	
<p>Uses</p> <ul style="list-style-type: none"> • encourage mixed-use including shopping, restaurants and facilities essential to daily life/housing. • Focus more on form and design of buildings 	<p>Uses</p> <ul style="list-style-type: none"> • presently, residential use in downtown core. • C/T zoning would allow mixed-use as well as commercial/office • appropriate transition
<p>Building Mass and Scale</p> <ul style="list-style-type: none"> • preserve historic buildings • high percentage of lot coverage • step back up her stories along Street can help reduce visual building mass • balance preservation of existing historic buildings with architectural variety in new buildings • Street should be face of three-dimensional architectural elements 	<p>Building Mass and Scale</p> <ul style="list-style-type: none"> • building design for lot purposely driven to complement historic structure at corner (NW corner of 7th/Main • Street frontage face with three-dimensional architectural elements • pedestrian feel along sidewalk and street frontage
<p>Parking</p> <ul style="list-style-type: none"> • convenient auto access, with parking on site and behind buildings 	<p>Parking</p> <ul style="list-style-type: none"> • parking on side off alley • parking well screened
<p>Connectivity</p> <ul style="list-style-type: none"> • enhanced downtown walkability. • Emphasize pedestrians and traffic calming • utilize town Street right of ways to accommodate improvements called for in multimodal mobility in Chapter 3 of the Comp Plan 	<p>Connectivity</p> <ul style="list-style-type: none"> • pedestrian/bike friendly feel provided. • Pedestrian use emphasized. • This half block had sidewalks reconstructed and parking improved as part of original development in 2006 – 2007 • walkable to all downtown activities and Rio Grande path

Approval Criteria for Rezonings

The approval criteria for general rezonings is contained in section 2.4.2.C of the UDC. This section will address and respond to the approval criteria on a point by point basis. Much of the background has been provided in previous sections. Responses below:

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

Response: The amendment/rezoning will not affect the public health, safety and general welfare. The existing single-family residence is a permitted use in the C/T Zone District. Please note that the future land use after the rezoning will conform to UDC C/T standards Perhaps most important, this rezoning will return the property to its zoning designation (C/T) before 2006, when this property became part of the 711 Main Street PUD. This action fulfills the purpose set out as part of the Towns PUD Policy – July 13, 2017.

- ii. The amendment is consistent with the Comprehensive Plan and the purposes stated in this Unified Development Code;

Response: The amendment/rezoning is in conformance with the Town's Comprehensive Plan Future land use designation for this area – Downtown (please see previous section "Conformance with Comprehensive Plan").

- iii. The amendment is consistent with the stated purpose of the proposed zoning district(s);

Response: The rezoning is in conformance with the relevant portions of the Purpose Statement for the C/T Zone district (section 3.3.3 A). This states: "the purpose of the Commercial/Transitional district is to accommodate the transition of neighborhoods from residential to mixed-use, commercial and other nonresidential uses". Immediate plans for the project are nonresidential in nature.

- iv. The amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater

management, wildlife, and vegetation, or such impacts will be substantially mitigated;

Response: no adverse effects are anticipated upon the natural environment, stormwater management, wildlife etc. The current development of the property will most likely stay the same for the foreseeable future. Any uses on the property will conform with C/T Zone District standards

- 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;

Response: The rezoning will not result in adverse impacts to other property adjacent to or in the vicinity of the subject property. No additional physical development is anticipated and use will conform to C/T.

- 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: Necessary facilities and services are available. The entire PUD had services/utilities upgraded as part of the PUD Plan and redevelopment of the site.

Variance for Rear Yard Setback

As noted earlier in the application and quantified in the PUD - C/T Zone District Comparison – it appears that a rear yard variance will be required. The 711 Main Street PUD has a 10-foot setback and the C/T zone district as a 20 foot setback for rear lot lines when adjacent to a commercial or industrial zone district. It is our understanding that the rear yard of the existing structure is approximately 10 foot from the rear lot line as the PUD zoning allows. We will confirm that when the Improvement Survey is submitted.

This variance application is being submitted and will be reviewed concurrently with the Rezoning. Below we are addressing variance criteria outlined in Section

2.7.1.C.3.(a.i) of the UDC on a one-to-one basis. **(Note: prior to the UDC, the rear yard setback in the C/T zone district when adjacent to commercial or industrial zone district was 5 feet. I don't know why that setback was increased by such a large degree. Something to consider with the next UDC analysis/update).**

Criterion for Approval	Response
The subject property has an exceptional shape, topography, building configuration or other exceptional site condition which is not a general condition of the zone district;	This property was owned PUD in 2006 and a residence built under those PUD zoning requirements in 2007.
An exceptional practical hardship to the applicant could be shown to occur if the provisions of this code were literally enforced;	A hardship would occur if the variance was not granted; specifically 1) the zoning application may not be approved which would prevent furtherance of town policies such as consider resending small PUD's; 2) the structure could be considered pre-existing nonconforming; or 3) part of the residential structure would have to be removed unless a variance was granted or if it was not considered pre-existing nonconforming.
The variance, if granted, is the minimum variance that will afford relief and the least modification possible of the provisions of this code that are in question;	The modification will be the least amount possible. Basically, no new construction will be taking place as part of the rezoning.
The applicant did not create the hardship by his/her own actions;	The applicant did not own the structure when it was built. Developer also built in conformance with the PUD guidelines for the property at time of construction
The variance request does not harm the public or injure the value of adjacent properties;	The variance request does not harm the public, any citizens of the town and should not injure adjacent properties or occupants
The granting of the variance will be consistent with the spirit and purpose of the code.	The granting of the variance is consistent with the spirit and purpose of the UDC. Granting the variance will assist the Town

	in rezoning and moving the property to a straight zone district
--	---

SUMMARY

The applicant/property owners wish to exit the current PUD and rezone the property to its previous zoning designation of Commercial/Transitional (C/T). This would give the property more flexibility in the future, return is to original zone district, would be in compliance with the Comprehensive Plan and Future Land Use Map and meet the town's recent policy of facilitating the elimination of smaller and unnecessary PUD's.

The application reviews compliance with the Comprehensive plan, addresses the approval criteria for a General Rezoning and also examines the issue of a rear yard setback to deal with the present construction which took place under the PUD.

We respectfully ask approval of the rezoning of the property to C/T and approval of the rear yard setback variance request.

Section 3

Miscellaneous Documents

- **“Downtown” Character Elements from Comp Plan**
- **711 Main Street PUD and Approval Ordinance**
- **List – Property Owners within 300 ft.**

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.

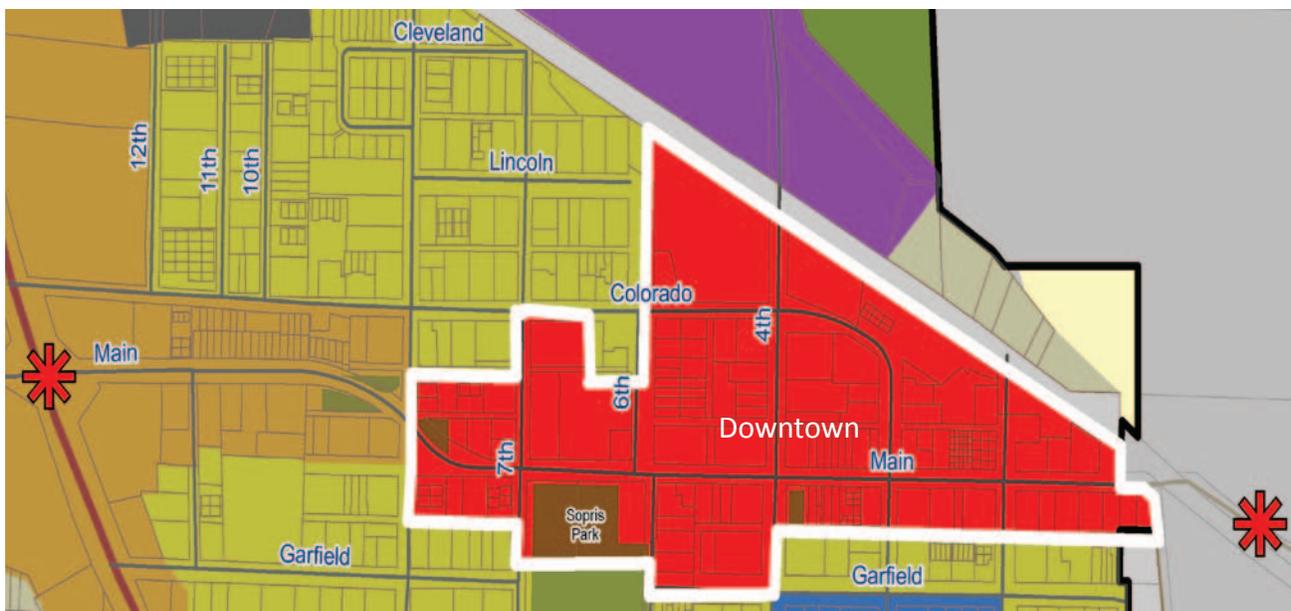


Figure 4.14 - Downtown Designation

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.

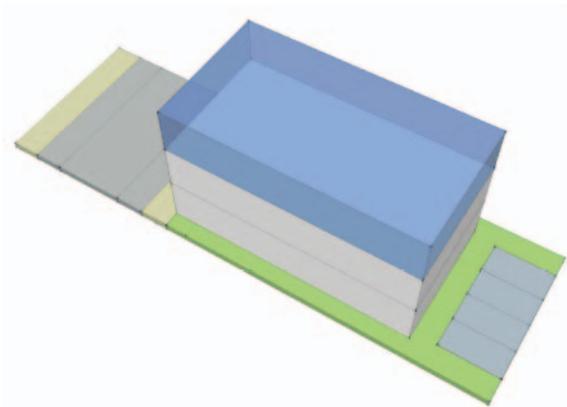


Figure 4.16 - Main Street Typical Parking Configuration

- 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**.



**ORDINANCE NO. 5
SERIES OF 2006**

**AN ORDINANCE OF THE BOARD OF TRUSTEES
OF THE TOWN OF CARBONDALE, COLORADO
APPROVING THE 711 MAIN STREET P.U.D.**

56
- - - 95

WHEREAS, Cinderbetts, LLC has applied to the Town of Carbondale for approval of a Subdivision Exemption and rezoning for property located at 711 Main Street, Town of Carbondale (Lots 22, 23, and 24, Block 21, Town of Carbondale) pursuant to Chapters 17.33 and 18.35 of the Carbondale Municipal Code;

WHEREAS, the subject property is presently zoned as part of the Commercial/Transitional (C/T) zone district; and

WHEREAS, Applicant seeks to subdivide the subject property into two lots, to be known as Lots A and B, 711 Main Street Planned Unit Development Subdivision Exemption, and to rezone this property as part of the 711 Main Street Planned Unit Development ("P.U.D."); and

WHEREAS, after required public notices, the Planning and Zoning Commission of the Town of Carbondale (P&Z) reviewed these requests at a public hearing on March 16, 2006, after which the P&Z recommended approval of the rezone of the subject property and the subdivision exemption; and

WHEREAS, after required public notices, the Board of Trustees conducted a public hearing on the proposed rezoning and subdivision exemption on March 28, 2006, during which public hearing the Board of Trustees heard and considered the statements of Town staff, the Applicant's representatives, and members of the public, and reviewed and considered all other relevant documents and information presented at such hearing, all as required by law; and

WHEREAS, with respect to the proposed rezone of the subject property to the 711 Main Street P.U.D. zoning, the Board finds the following:

- a. Pursuant to Carbondale Municipal Code Section 18.35.020(B), the proposed rezone of the subject property to mixed commercial and residential use is compatible with the surrounding neighborhood and the Town of Carbondale Comprehensive Plan.
- b. The proposed P.U.D. Plan has adequate circulation for traffic, pedestrians, and emergency services to serve the development.
- c. The proposed P.U.D. Plan complies with all parking requirements of Title 18 of the Municipal Code.

2006

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9511
119

- d. The rezone of the subject to residential use will otherwise implement the purposes of Chapter 18.35 of the Carbondale Municipal Code and the Board finds that it will meet the standards and requirements set forth in Section 18.35.025 of the Municipal Code.
- e. Flexibility in the design of the proposed residential development, which could not be achieved by the strict adherence to the terms of the zoning regulation but which is achieved through the P.U.D. zone district, is incorporated in this project in a reasonable and appropriate manner to achieve the development objectives and protect the public health, safety and welfare in the manner intended by Section 18.35.015 of the Carbondale Municipal Code; and

WHEREAS, in accordance with Title 17 of the Carbondale Municipal Code, the Board also finds and determines it is appropriate to approve the proposed subdivision exemption on the terms and conditions set forth below; and

WHEREAS, the Board of Trustees finds that certain conditions of approval should be imposed so that the subject property will be developed consistent with the purposes of Titles 17 and 18 of the Carbondale Municipal Code.

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

A. Approval of Rezoning of the Subject Property as 711 Main Street Planned Unit Development (P.U.D.)

The real property described in the attached Exhibit A, attached hereto and incorporated herein by reference, which property is located within the Town of Carbondale, is hereby deleted from the Commercial/Transitional (C/T) zone district and rezoned as part of the 711 Main Street P.U.D. subject to all conditions set forth in this Ordinance, and in the attached 711 Main Street P.U.D. Plan, a copy of which is attached as Exhibit B. The Zoning Map for the Town of Carbondale is hereby amended to designate the subject property as being part of the 711 Main Street P.U.D. zone. Copies of this Ordinance and all attachments shall be recorded in the Garfield County records at the expense of the Applicant to provide third parties with notice of this zoning change.

B. Approval of the Final Subdivision Exemption Plat for the 711 Main Street P.U.D.

The Final Subdivision Exemption Plat shall be in a form acceptable to and approved by Town Staff and the Town Attorney prior to recording. The Applicant shall execute and record the Final Plat within ninety (90) days of the date of this Ordinance. The final plat shall include a plat note confirming that a 2.5 foot wide public utility easement shall extend along the west side of the residential structure on Lot A.

C. Other Conditions of Approval and Fee Requirements.

- (1) All representations of the Applicant and the Applicant's representatives in written submittals and during public hearings on this matter shall be considered conditions of approval unless otherwise required by this Ordinance or its attachments.
- (2) The following school and fire district impact fees shall be paid by the Applicant to the RE-1 School District and/or the Carbondale Rural Fire Protection District, as applicable, and proof of payment shall be provided to the Town, prior to recordation of the plat:

School Impact Fees (1 unit x \$1,104)		\$1,104.00
Fire District Fees		\$1,311.00
(1 res. unit x \$437.00 = \$437.00)		
(2802 s.f. commercial/ \$437 for ea. 1900 sq. ft. = \$874.00)		
Sub-total:	\$1,311.00	
 TOTAL:		 \$2,415.00 <u> </u>

- (3) In addition to the foregoing fees, the Board of Trustees finds that the following fees that would normally be due for this project shall be waived, or paid by the Town from the Town's general fund, as provided below, provided that Applicant enters into an agreement with the Town satisfactory to Town Staff and the Town attorney. Such agreement shall provide that, if the existing historical building Lot B is demolished (or substantially remodeled in a way that diminishes the historical characteristics of the building) within twenty (20) years following the date that the final exemption plat is recorded, the following fees shall be repaid to the Town before said demolition or remodel may proceed:

Lot A

Building Permit		\$2,200.00
Plan Check Fee		1,400.00
Water System Connection Fees		2,940.00
Wastewater System Connection Fees		5,300.00
Park Fees (1 unit x \$700)		700.00
Sub-total:		\$12,540.00



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Lot B

Building Permit	\$2,200.00
Plan Check Fee	1,400.00
Water System Connection Fees	3,600.00
Wastewater System Connection Fees	3,800.00

Sub-total:	\$11,000.00

TOTAL FEE WAIVER:	\$23,540.00
	=====

Any of the foregoing water/wastewater fees that are not paid by the Applicant shall be paid by the Town from the Town's general fund.

- (4) Within one (1) year of the date of this Ordinance, the Applicant shall reconstruct the sidewalk located along the east side of the subject property. After reconstruction, a four-foot (4') wide sidewalk shall extend approximately 100 feet between Main Street and the alley to the North. The location and standards of construction shall be subject to the approval of the Public Works Director. Should Applicant fail to satisfy this requirement in a timely manner, the Town may seek to collect \$4,000.00 from Applicant as fees in lieu of parking requirements, together with costs, interest, and attorneys' fees, as authorized by the Carbondale Municipal Code.
- (5) If the existing tree on Lot A is removed prior to completion of a residence on this lot, it shall be replaced by two street trees before the Town shall issue a certificate of occupancy for this lot.

D. Recording.

This Ordinance (together with Exhibits A and B, which are incorporated by reference), a copy of the agreement referred to above in paragraph C.3, and the final subdivision exemption plat, as approved by the Town Staff and Town Attorney, shall all be recorded in the Garfield County real property records at the Applicant's expense. The terms and conditions set forth herein shall run with title to the subject property (described in Exhibit A) and be binding upon Applicant's successor(s)-in-interest.

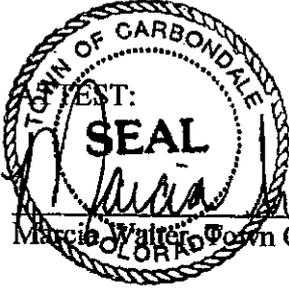


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INTRODUCED, READ AND PASSED this 13th day of June, 2006.

THE TOWN OF CARBONDALE

By: 
Michael Hassig, Mayor


EST: **SEAL**

Marcia Walter, Town Clerk



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EXHIBIT A

Lots 22 through 24, inclusive, Block 21, Town of Carbondale, Garfield County,
Colorado



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EXHIBIT B

711 Main Street P.U.D. Plan



711 Main Street Planned Unit Development

I. Purpose and Intent

The purpose of the 711 Main Street PUD centers around the existing residence located on the corner of Main Street and 7th Street. Although not a true "Historic Structure," it is a structure that has existed on this site for a long period of time and does exhibit historic character. It does not meet "Historic" objectives in that it has been modified numerous times during its existence, none of which maintained its original character. The intent of this PUD is to allow development that helps to recapture some of its unique character of the original building. Additional development is contemplated to achieve this objective. They will build on to this character. Consideration as indicated within the PUD Development Standards is offered as incentive to the developer since the restoration of the existing structure by itself is not cost effective. There will also be an adjacent structure which will be designed in a manner to further enhance the character of the original building and the additions to it. It is the intent to use the Historic Commercial Core District "HCC," as the basis for the zoning. This will meet the Town's desire to retain the existing structure while allowing some flexibility in the zoning to allow reasonable development on the portions of the site.

II. Zone District Defined

The PUD zone district is the 711 Main Street PUD.

III. Allowed Land Uses in the 711 Main Street - PUD Zone District

1. Lot A
 - a. One or two dwelling units within one building
2. Lot B
 - a. Commercial Retail
 - b. Office

IV. PUD Development Standards

All development shall comply with the PUD Site Plan, attached hereto as Exhibit 1, and the following development standards, which shall supersede the requirements of Section 18.25.025 of the Municipal Code. With the exception of the specific zoning and design guidelines set forth herein, 711 Main Street PUD shall comply with all other provisions of the Municipal Code.

1. Gross Parcel Size: 7,500 Square Feet
2. Maximum Number of Lots Permitted: 2
3. Minimum Lot Area: 3,750 Square Feet
4. Number of Dwelling Units Permitted: Lot A – 2 dwelling units
Lot B – 0 dwelling units
5. Maximum Building Square Footage: Lot A – 3,000 sq. ft.
Lot B – 3,000 sq. ft.
6. Maximum Building Footprint: Lot A – 1,500 sq. ft.
Lot B – 1,500 sq. ft.
7. Minimum Lot Dimensions:

 Lot A:
 Width 50 Feet
 Depth 75 Feet

 Lot B:
 Width 75 Feet
 Depth 50 Feet
8. Maximum Building Height:

 Principal Building: 27 Feet
 Accessory Building: 20 Feet

Building height shall be measured as set forth in Section 18.70.130

9. Minimum Setbacks:

The minimum building setbacks shall be as follows:

Lot A

East or Front Side	10 Feet
North or Alley Side	15 Feet
South or Side yard	5 Feet
West or Rear Yard	10 Feet

Lot B:

South or Front Yard (Main)	6 Feet
East or Front Yard (7 th)	9 Feet
West or Side Yard	10 Feet
North or Rear Yard	5 Feet

10. Maximum Impervious Surface within PUD: 45% percent

11. Maximum Fence Height:

Front Yard	42 Inches
Side Yard	8 Feet
Rear Yard	8 Feet
Frontage on Main and 7 th	42 Inches

12. Required Parking

The PUD shall comply with the following minimum parking requirements:

Lot A:

Dwelling Units	2 off-street parking spaces 2 garage parking spaces
----------------	--

Lot B:

Office/Commercial	No parking spaces required. Fee in lieu of parking spaces as set forth in Section 18.25.030.D.3
-------------------	--

Minimum Parking Space Dimension: 8'-6" x 18'-0"



VI. PUD Design Guidelines

The historic character of the commercial core should be preserved. New development and remodels in the PUD shall give consideration to the historic, turn of the century architectural style of the commercial buildings in this area. All buildings constructed in the PUD, including future alterations thereto, shall comply with the general designs provided in Exhibit 2 hereto.

VII. Site Lighting Standards

All exterior site lighting shall comply with the lighting standards in Section 18.53 of the Municipal Code.

VIII. Sign Standards

All signs within the PUD shall comply with the Town of Carbondale sign regulations in Section 18.50.080 of the Municipal Code.

IX. Minimum Landscape Requirements

1. All parts of the site not used for buildings, parking, drives, sidewalks and other impervious areas shall be landscaped.
2. Re-vegetation of disturbed areas shall be required.
3. A landscape area shall be established along all streets, between the public right-of-way and any building. The minimum width of landscape area shall be three (3) feet. The required landscape area shall be planted at the rate of one tree per 100 square feet in the required landscape area. On the north lot, the requirement for trees shall be waived, so long as the large existing tree along the street is maintained.
4. Street trees will have a minimum caliper of 1.5 inches.
5. A minimum of eighty-five percent of the required street frontage landscape area shall be covered with live plants, including native grass or grasses with low water requirements, wild flower mixes, trees and shrubs and other living plant materials.
6. Maintenance of required landscaping shall be in accordance with Section 18.50.055 (E) of the Municipal Code.

X. Modification and enforcement

The provisions of the PUD may be modified and shall be enforceable according to the provisions of 18.35.035 (D) of the Municipal Code.



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XI. Fees

The following fees shall be waived as incentive for the rejuvenation of the existing residence building and maintaining the design and character within this PUD development:

- Building Permit Fee
- Plan Check Fee
- Park Development Fee (for Lot A only)
- Water & Sewer Tap Fees



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EXHIBIT 1

711 Main Street Planned Unit Development Site Plan

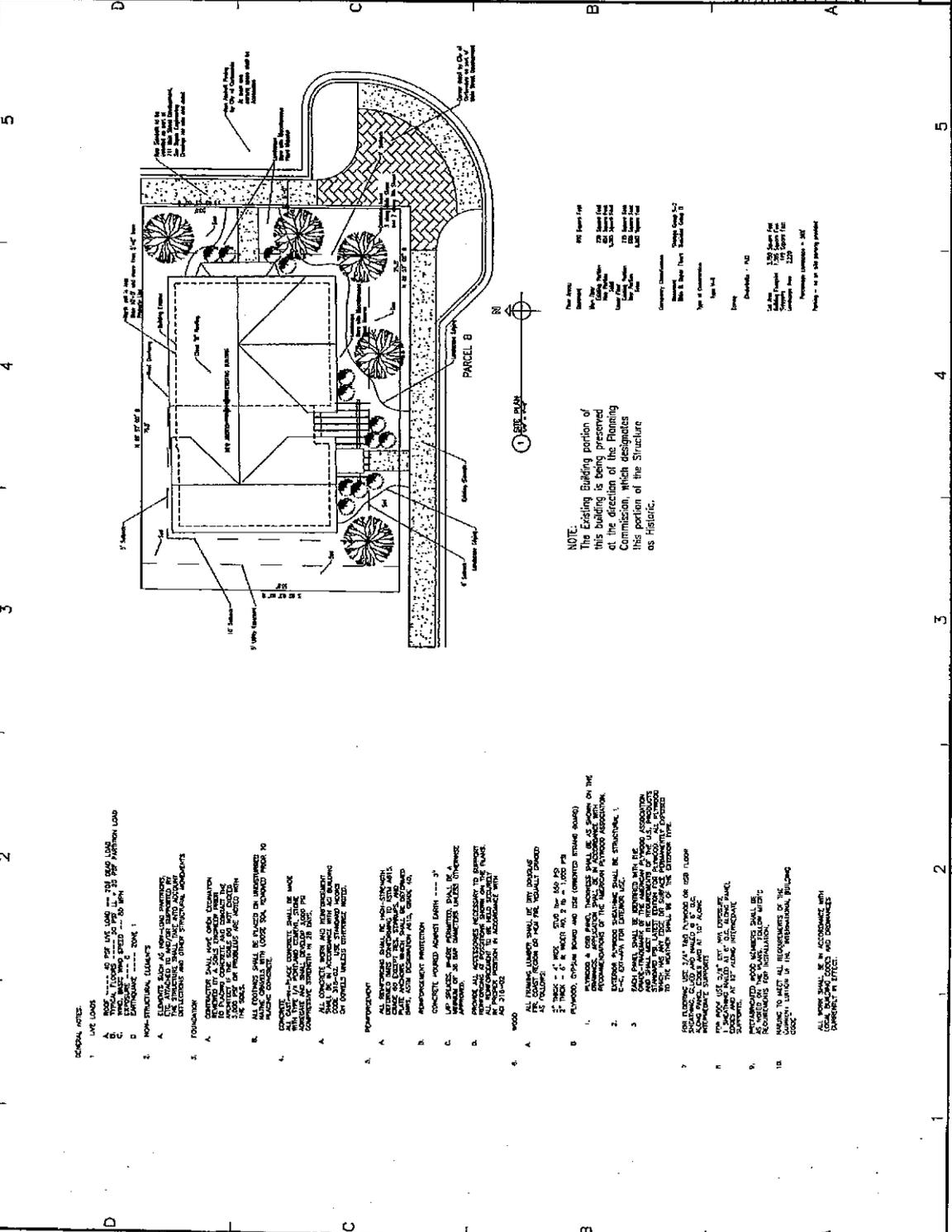
C. F. Brenner Inc. ARCHITECTURE
 (970) 242-1001 FAX 985-9908
 211 Main Street, Suite 200
 Glenwood Springs, Colorado 81602

STUART 711
 711 Main Street
 Glenwood Springs, Colorado, 81602
 May 8, 2006

Stewart
 GENERAL CONTRACTOR

SITE PLAN

A-101



- GENERAL NOTES:**
- LIVE LOADS
 - ROOF - 20 PSF FOR LIVE LOAD AND 20 PSF DEAD LOAD
 - FLOOR - 40 PSF FOR LIVE LOAD AND 10 PSF DEAD LOAD
 - CEILING - 10 PSF
 - WIND - AS PER CODE - 50 MPH
 - SEISMIC - AS PER CODE
 - NON-STRUCTURAL ELEMENTS
 - ELEMENTS SUCH AS NON-LOAD BEARING PARTITIONS, CEILING, LIGHT FIXTURES, ETC. SHALL BE DETACHED FROM THE STRUCTURE TO PREVENT DAMAGE TO THE STRUCTURE IN THE EVENT OF A SEISMIC EVENT.
 - FOUNDATION
 - FOUNDATION SHALL BE CONCRETE ON GRAVEL
 - FOUNDATION SHALL BE 12" WIDE AND 12" DEEP
 - FOUNDATION SHALL BE 12" WIDE AND 12" DEEP
 - FOUNDATION SHALL BE 12" WIDE AND 12" DEEP
 - CONCRETE
 - ALL CONCRETE SHALL BE 3000 PSI
 - ALL CONCRETE SHALL BE 3000 PSI
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 - ALL CONCRETE SHALL BE 3000 PSI
 - REINFORCEMENT
 - ALL REINFORCEMENT SHALL BE #4
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 - ALL REINFORCEMENT SHALL BE #4
 - WOOD
 - ALL FRAMING LUMBER SHALL BE DRY
 - ALL FRAMING LUMBER SHALL BE DRY
 - ALL FRAMING LUMBER SHALL BE DRY
 - ALL FRAMING LUMBER SHALL BE DRY
 - ROOFING
 - ROOFING SHALL BE AS PER CODE
 - ROOFING SHALL BE AS PER CODE
 - ROOFING SHALL BE AS PER CODE
 - ROOFING SHALL BE AS PER CODE
 - EXTERIOR FINISHES
 - EXTERIOR FINISHES SHALL BE AS PER CODE
 - EXTERIOR FINISHES SHALL BE AS PER CODE
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 - INTERIOR FINISHES SHALL BE AS PER CODE
 - MECHANICAL, ELECTRICAL, AND PLUMBING (MEP)
 - MECHANICAL, ELECTRICAL, AND PLUMBING (MEP) SHALL BE AS PER CODE
 - MECHANICAL, ELECTRICAL, AND PLUMBING (MEP) SHALL BE AS PER CODE
 - MECHANICAL, ELECTRICAL, AND PLUMBING (MEP) SHALL BE AS PER CODE
 - MECHANICAL, ELECTRICAL, AND PLUMBING (MEP) SHALL BE AS PER CODE

NOTE:
 The Existing Building portion of this building is being preserved at the discretion of the Planning Commission, which designates this portion of the Structure as Historic.



Item	Quantity	Unit	Notes
Excavation	100	cu yd	
Concrete	100	cu yd	
Reinforcement	100	lb	
Wood	100	lf	
Roofing	100	sq ft	
Exterior Finishes	100	sq ft	
Interior Finishes	100	sq ft	
Mechanical, Electrical, and Plumbing	100	hr	



JW Watkins & Associates, Inc.
 1000 North Main Street
 Suite 100
 Carbondale, Colorado 81623
 Phone: (970) 261-1100
 Fax: (970) 261-1101
 www.jwwatkins.com

Stewart Custom Builders
 7th Street Victorian
 Carbondale, Colorado

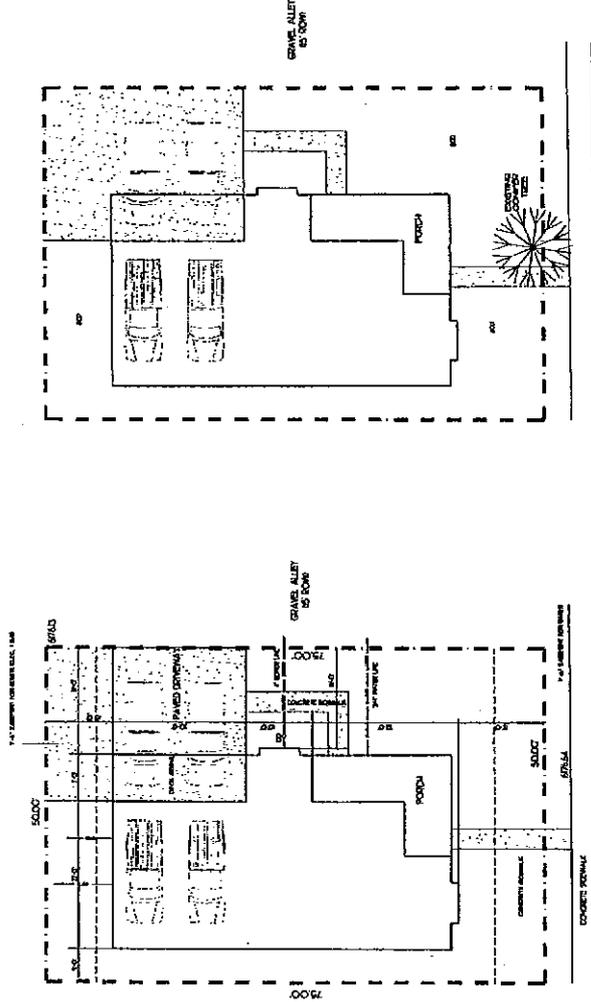
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 PROJECT: 700695
 APPROVED BY: [Signature]

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© 2006 Watkins & Associates, Inc.

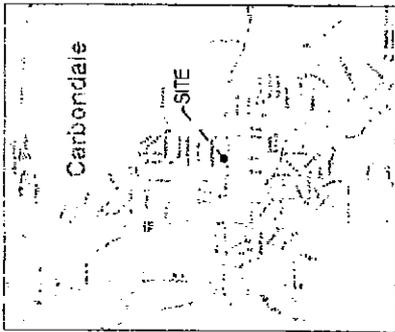
7th & Main Street Project

Town of Carbondale, Colorado
 Lots 22, 23, & 24 Block 21



7th STREET
 LANDSCAPE PLAN
 06-23-06

7th STREET
 SITE PLAN
 06-23-06



LOCATION MAP
 06-23-06

Area Calculations:

7th Street Building Area Calculations:	
First Floor:	708 SF
Second Floor:	1,446 SF
Garage:	708 SF
	440 SF (6 Car enclosed 3 enclosed drive 3 walk in)
Total Finished Living Area: 2,554 SF	
7th Street Building Lot Calculations:	
Lot Size:	3,750 SF
Building Footprint:	1,148 SF
Garage Footprint:	303 SF
Walls & Driveway:	770 SF
Total:	2,121 SF (56% of Lot)
Green Area:	1,629 SF (43% of Lot)

HIGH COUNTRY ENGINEERING, INC. 1410 W. 10TH STREET, SUITE 100, DENVER, CO 80202 PHONE: (303) 733-1111 FAX: (303) 733-1112 WWW.HIGHCOUNTRYENGINEERING.COM		PROJECT NO. 20051796-00 SHEET 0022
DATE 09/23/06	DRAWN BY JRM	CHECKED BY JRM
REVISION 1 DATE 09/23/06	BY JRM	DATE 09/23/06

IMPROVEMENT SURVEY

LOTS 19, 20, 21, 22, 23, AND 24, BLOCK 21
 TOWN OF CARBONDALE, COUNTY OF GARFIELD, STATE OF COLORADO

LEGAL DESCRIPTION

LOTS 19 THROUGH 24 INCLUSIVE, BLOCK 21, TOWN OF CARBONDALE, GARFIELD COUNTY, COLORADO

NOTES:

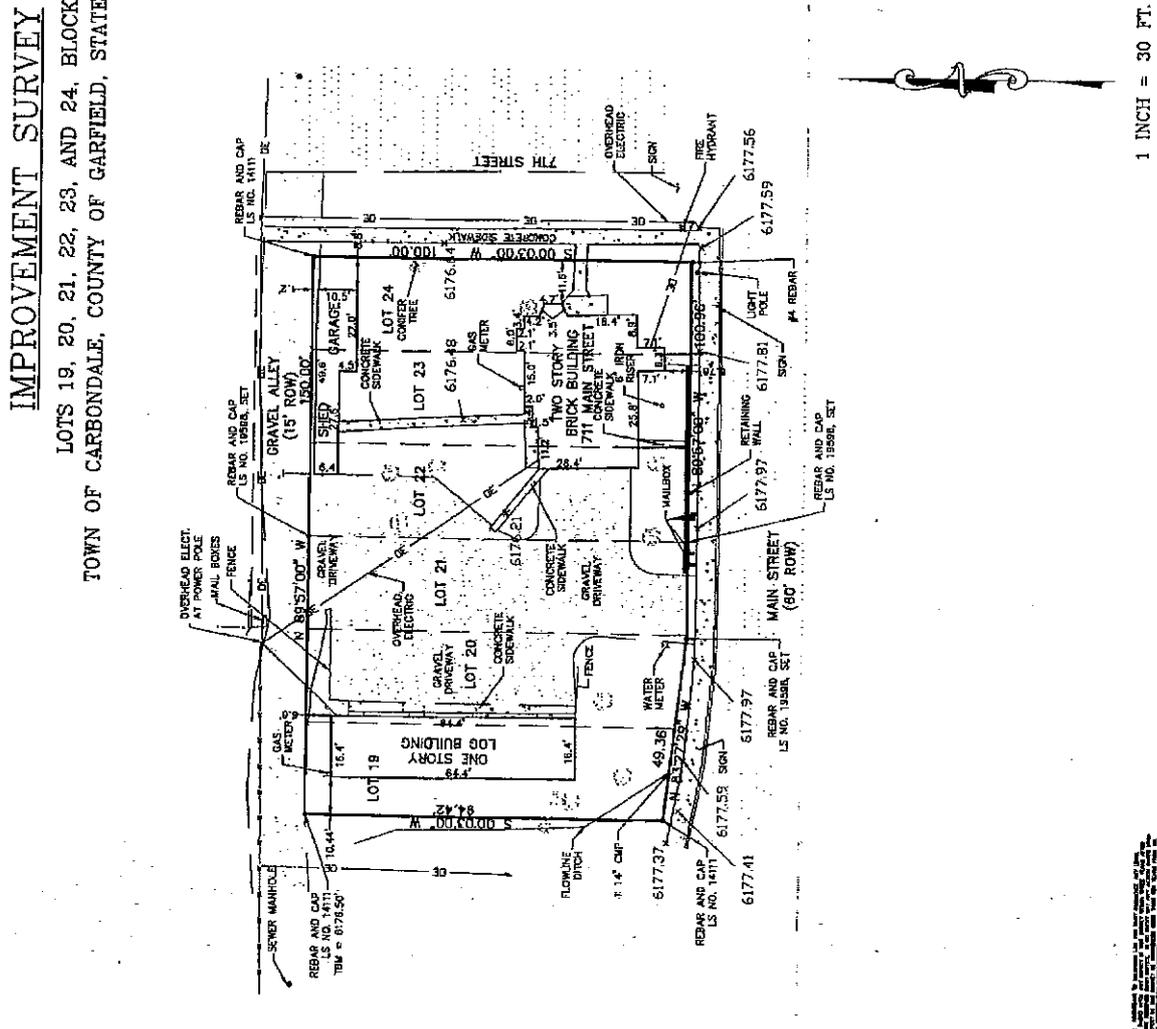
- 1) BASIS OF BEARINGS FOR THIS SURVEY IS A BEARING OF S89°37'00"E BETWEEN THE STREET MONUMENTS FOUND IN THE INTERSECTIONS OF 8TH STREET AND EVILDO AVENUE AND 8TH STREET AND EUCLID AVENUE.
- 2) THIS PROPERTY IS SUBJECT TO RESERVATIONS, RESTRICTIONS, COVENANTS, EASEMENTS OF RECORD OR IN PLACE, AND EXCEPTIONS TO THE TITLE COMMITMENT PREPARED BY LAND TITLE GUARANTEE COMPANY DATED SEPTEMBER 9, 2004 AS ORDER NUMBER 00247553.
- 3) DATE OF SURVEY WAS OCTOBER 10, 2005.
- 4) THIS MAP IS BASED ON THE RECORDED PLAT OF THE TOWN OF CARBONDALE RECORDED AS RECEPTION NUMBER 280878 AND CORNERS FOUND IN PLACE.

IMPROVEMENT SURVEY STATEMENT

I HEREBY STATE THAT THIS IMPROVEMENT SURVEY WAS PREPARED BY HIGH COUNTRY ENGINEERING, INC. FOR STEWART CUSTOM BUILDERS, INC.

I HEREBY STATE THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON THIS DATE, OCTOBER 10, 2005, INCLUDE THE IMPROVEMENTS SHOWN ON THIS SURVEY. THE IMPROVEMENTS SHOWN ON THIS SURVEY ARE NOT TO BE CONSIDERED AS A BASIS FOR ANY ADJOINING PREMISES EXCEPT AS INDICATED, AND THAT THERE IS NO ASSURABLE EVIDENCE OR SIGN OF ANY ADJOINING PREMISES SUBSEQUENT TO THE DATE OF THIS SURVEY. THE IMPROVEMENTS SHOWN ON THIS SURVEY HAVE BEEN EXAMINED BY THE TOWN OF CARBONDALE AND THE TOWN ENGINEER HAS DETERMINED THAT THE IMPROVEMENTS SHOWN ON THIS SURVEY DO NOT VIOLATE ANY ORDINANCES OR REGULATIONS OF THE TOWN OF CARBONDALE AND THAT THE IMPROVEMENTS SHOWN ON THIS SURVEY DO NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BY: JASON R. NEIL, L.S. NO. 27935



LEGEND
 = DECIDUOUS TREE

1 INCH = 30 FT.



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EXHIBIT 2

Planned Unit Development General Design Guidelines

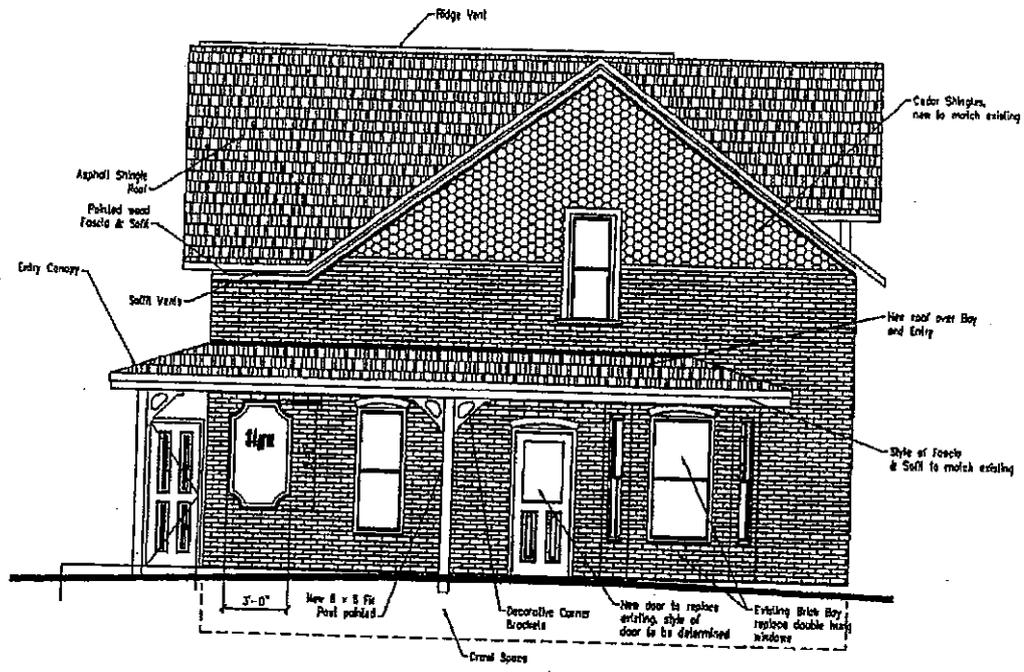
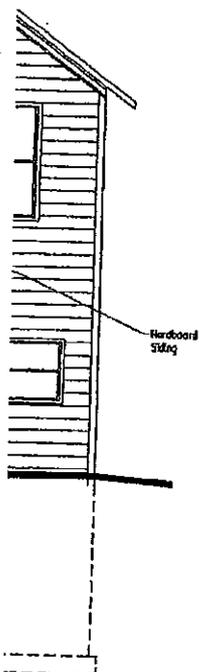


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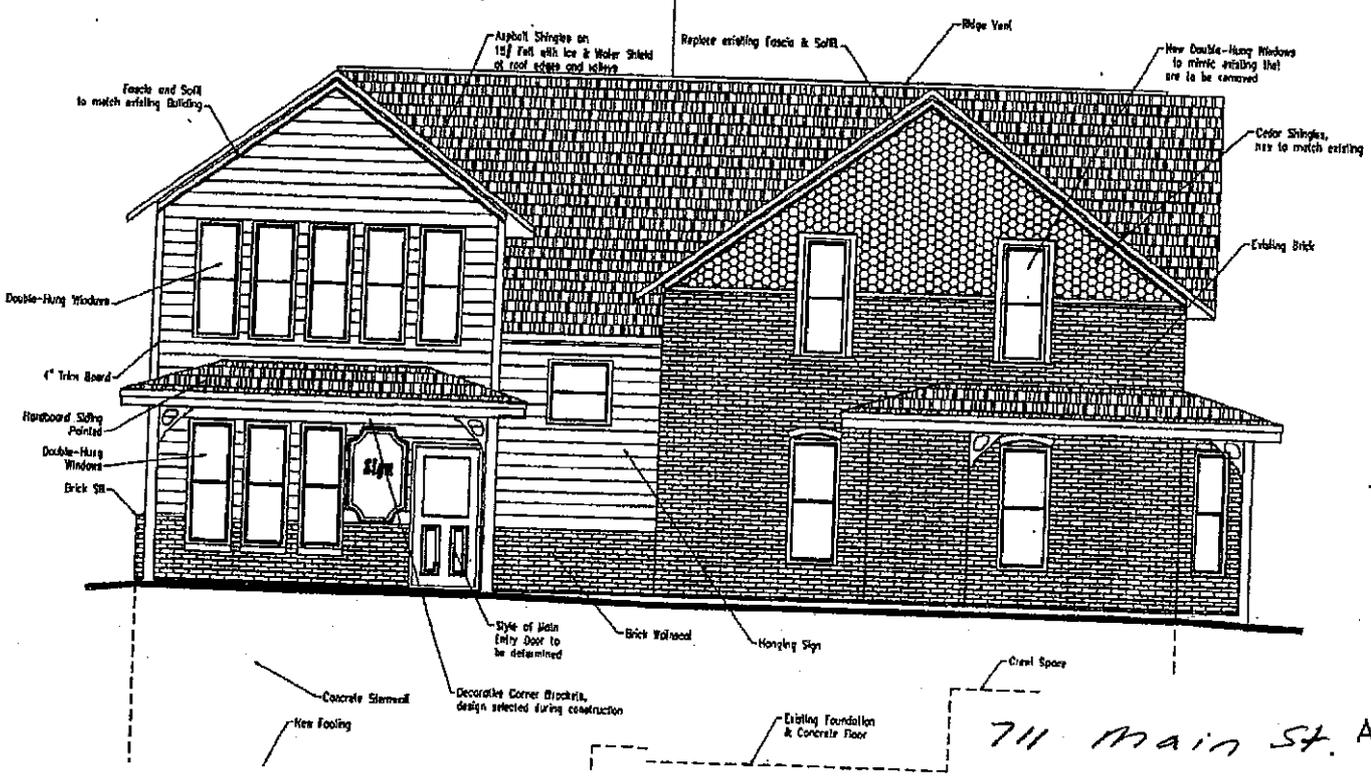
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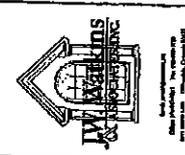
2 EAST ELEVATION
 1/8" = 1'-0"



711 Main St. A



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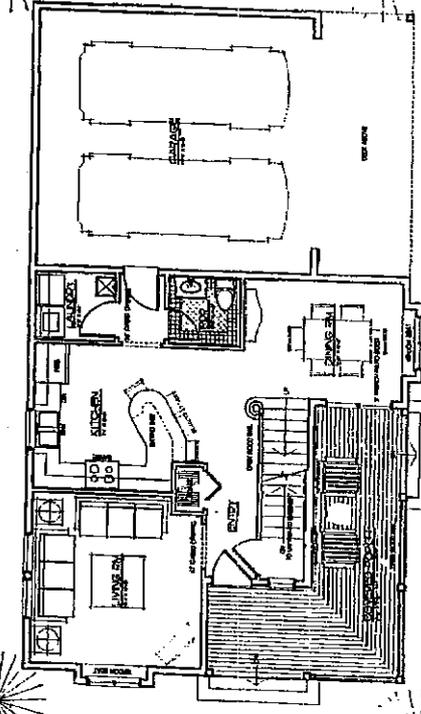
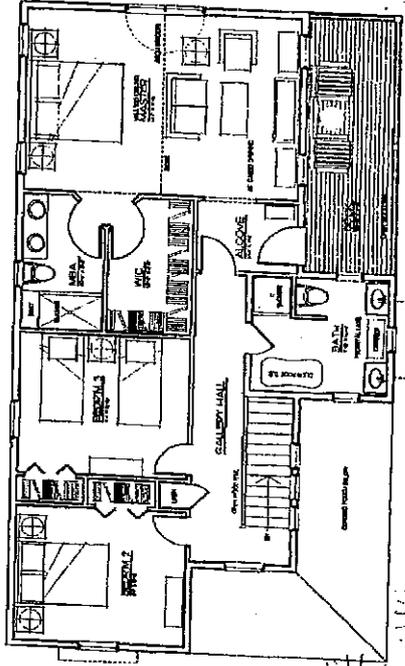
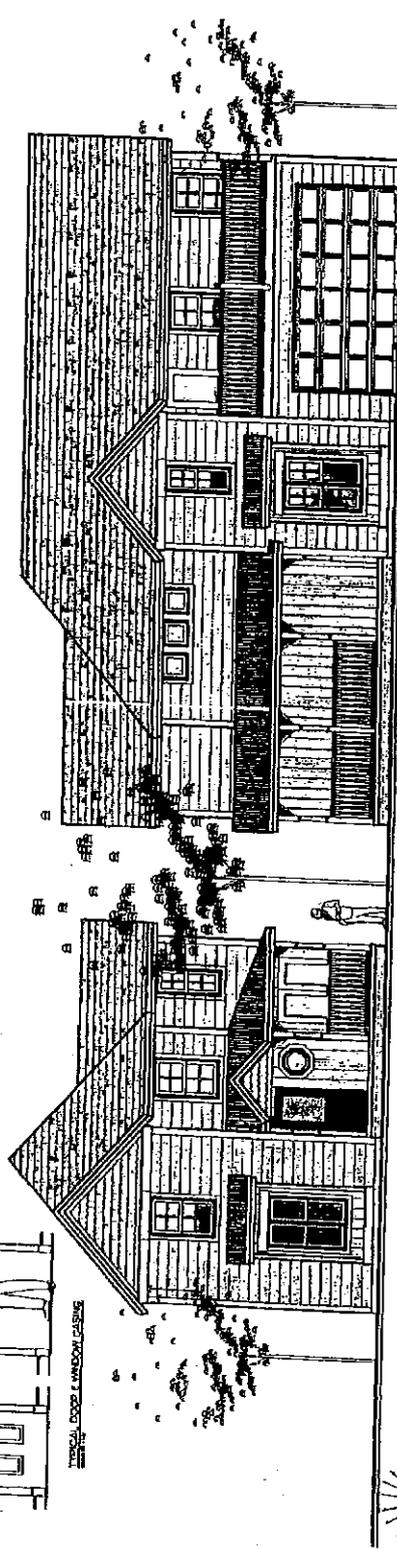
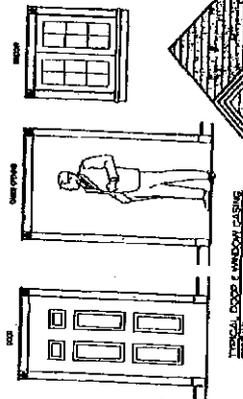


Stewart Custom Builders
 711 Main Street
 Carbondale, Colorado

DATE: 11-20-06	PROJECT:	APPROVED BY:	A	1
REVISION:				

7th Street Residence

Carbondale, Colorado



Parcel	Physical Address	Owner	Account N	Mailing Address
239334300012	Not available	CARBONDALE, TOWN OF	R340989	511 COLORADO AVENUE CARBONDALE, CO 81623-2067
239334300013	Not available	CARBONDALE UNITED STATES OF AMERICA	R340998	1800 MASSACHUSETTS AVE NW SUITE 500 WASHINGTON, DC 20036
239334309004	86 N 6TH ST	CARBONDALE COLORADO MOUNTAIN JUNIOR COLLEGE	R580130	802 GRAND AVENUE GLENWOOD SPRINGS, CO 81601
23933430H001	48 8TH ST	CARBONDALE BRIKU LLC	R045464	PO BOX 1144 CARBONDALE, CO 81623
23933430H002	52 8TH ST	CARBONDALE BRIKU LLC	R045465	PO BOX 1144 CARBONDALE, CO 81623
23933430H003	50 8TH ST	CARBONDALE BRIKU LLC	R045466	PO BOX 1144 CARBONDALE, CO 81623
23933430H004	54 8TH ST	CARBONDALE BRIKU LLC	R045467	PO BOX 1144 CARBONDALE, CO 81623
23933430H005	Not available	CARBONDALE BRIKU LLC	R045468	48 8TH STREET CARBONDALE, CO 81623
239334310001	726 COLORADO AVE	CARBONDALE LAEMMEL, WILLIAM R & KAISER, AMY	R340112	85 NORTH 7TH STREET CARBONDALE, CO 81623
239334310002	Not available	CARBONDALE FARMER, MILLARD COURTNEY III	R340173	40 NIMMONS ST NEWNAN, GA 30263
239334310003	758 COLORADO AVE	CARBONDALE JOCHUM, GARY P & LESLIE J	R340269	594 COUNTY ROAD 110 GLENWOOD SPRINGS, CO 81601-9604
239334312001	Not available	CARBONDALE CARBONDALE, TOWN OF	R340994	511 COLORADO AVENUE CARBONDALE, CO 81623-2067
239334312005	801 MAIN CT	CARBONDALE KMCT PROPERTIES LLC	R340329	801 MAIN COURT CARBONDALE, CO 81623
239334313001	55 N 7TH ST	CARBONDALE FARMER, MILLARD COURTNEY III	R340174	40 NIMMONS ST NEWNAN, GA 30263
239334313003	Not available	CARBONDALE CARBONDALE, TOWN OF	R340986	511 COLORADO AVENUE CARBONDALE, CO 81623-2067
239334313003	Not available	CARBONDALE CARBONDALE, TOWN OF	R340986	511 COLORADO AVENUE CARBONDALE, CO 81623-2067
239334313005	725 MAIN ST	CARBONDALE JAYWALKER LODGE, LLC	R042779	PO BOX 969 CARBONDALE, CO 81623
239334320002	734 MAIN ST	CARBONDALE WILKE CROSSINGS LLC	R340577	734 MAIN STREET CARBONDALE, CO 81623
239334320003	758 MAIN ST	CARBONDALE 758 MAIN STREET, LLC	R340050	758 MAIN STREET CARBONDALE, CO 81623
239334320005	799 GARFIELD AVE	CARBONDALE KRIBBS, DONOVAN ROSS	R340379	799 GARFIELD AVENUE CARBONDALE, CO 81623
239334320008	735 GARFIELD AVE	CARBONDALE 735 GARFIELD LLC	R340331	837 SOPRIS AVENUE CARBONDALE, CO 81623
239334320009	727 GARFIELD AVE	CARBONDALE SWANTON, MOLLY B & TERRY L	R340610	751 GARFIELD AVENUE CARBONDALE, CO 81623
239334320010	711 GARFIELD AVE	CARBONDALE MOSS, CHARLES B & JENNIFER K	R340375	711 GARFIELD AVENUE CARBONDALE, CO 81623-1924
239334320016	779 GARFIELD AVE	CARBONDALE MILE, CHRISTIAN T	R580524	779 GARFIELD AVENUE CARBONDALE, CO 81623
239334320017	751 GARFIELD AVE	CARBONDALE SWANTON, TERRY L & MOLLY B	R580525	751 GARFIELD AVENUE CARBONDALE, CO 81623
239334351002	46 N 8TH ST	CARBONDALE HENDERSON, BENTLEY G & SANDRA J	R340709	46 LINDEN LANE BRECKENRIDGE, CO 80424
239334357001	689 MAIN ST	CARBONDALE AMG PROPERTIES LLC A COLORADO LIM	R341196	582 COWEN DRIVE CARBONDALE, CO 81623
239334357002	MAIN ST	CARBONDALE UNITED STATES POSTAL SERVICE	R341197	850 CHERRY AVENUE SAN BRUNO, CA 94066-3031
239334381001	64 N 8TH ST	CARBONDALE BREWSTER, WALTER W QUALIFIED PERS	R009218	22 BEMIS STREET WESTON, MA 02493
239334381002	62 N 8TH ST	CARBONDALE SMITH, RYAN	R009219	62 NORTH 8TH STREET CARBONDALE, CO 81623
239334381003	60 N 8TH ST	CARBONDALE KOELLE, ALICE J	R009220	2003 JUNIPER HILL ASPEN, CO 81611
239334392001	70 N 8TH ST	CARBONDALE TAYLOR, DENISE	R042297	624 LARKSPUR DRIVE CARBONDALE, CO 81623
239334392002	786 COLORADO AVE	CARBONDALE 320 SOPRIS CIRCLE LLC	R042298	39 SWEETGRASS DRIVE CARBONDALE, CO 81623
239334397001	35 N 7TH ST	CARBONDALE WELKER, BRYAN W & JENNIFER W	R043296	35 N 7TH STREET CARBONDALE, CO 81623
239334397002	711 MAIN ST	CARBONDALE 711 MAIN STREET LLC	R043297	711 MAIN STREET CARBONDALE, CO 81623
239334398001	60 S 8TH ST #101	CARBONDALE 60 SOUTH 8TH 101 LLC	R043572	1073 PRINCE CREEK ROAD CARBONDALE, CO 81623
239334398002	Not available	CARBONDALE 8TH STREET PROFESSIONAL BUILDING LL	R043573	5317 COUNTY ROAD 154, STE 206 GLENWOOD SPRINGS, CO 81601
239334398003	60 S 8TH ST #301	CARBONDALE 60 SOUTH 8TH LLC	R043574	309 AABC #G ASPEN, CO 81611
239334398004	60 S 8TH ST #302	CARBONDALE 60 SOUTH 8TH 302 LLC	R043575	1073 PRINCE CREEK ROAD CARBONDALE, CO 81623
239334398005	Not available	CARBONDALE 8TH STREET PROFESSIONAL BUILDING LL	R043571	5317 COUNTY ROAD 154, STE 206 GLENWOOD SPRINGS, CO 81601
239334399011	712 MAIN ST	CARBONDALE HANNEGAN, BRYAN J & MICHELE M	R340154	712 MAIN STREET CARBONDALE, CO 81623
239334399012	714 MAIN ST	CARBONDALE BARTUSEK, SHERYL M	R340155	1938 7TH STREET SARASOTA, FL 34236
239334399013	716 MAIN ST	CARBONDALE ABBATICCHIO, KRISTA J	R340157	16017 COMUS ROAD CLARKSBURG, MD 20871
239334399014	718 MAIN ST	CARBONDALE ROGAN, JOHN	R340156	718 MAIN STREET CARBONDALE, CO 81623
239334399015	712 MAIN ST	CARBONDALE BEAUVOIR CONDOS	R341028	712 MAIN STREET CARBONDALE, CO 81623