

STAFF INTERPRETATION

SUBDIVISION IMPROVEMENTS AGREEMENT  
FOR TOWN CENTER SUBDIVISION, FILING NO. 1  
RECEPTION NO. 623531  
Paragraph 7 – Affordable Housing

The Subdivision Improvement Agreement (SIA) requires that 15% of the residential dwelling units be deed restricted for community housing. There is a conflict between paragraph 7b and paragraph 7c of the SIA which creates an ambiguity in what is required of the developer. Paragraph 7b requires that deed restricted housing be calculated on a building by building basis. Paragraph 7c states at the time of the last building permit, the Town shall calculate the total number of residential units and the total number of deed restricted units within Town Center. If there is a deficiency in the number of deed restricted units, then no later than six months from the date of the calculation, the developer shall commence construction to make up the deficiency. In Paragraph d, the Developer was required to place a deed restriction on the property located at the northeast corner of Colorado Avenue and Sixth Street which prohibits the sale of the property prior to the construction of all of the deed restricted housing units. The developer has satisfied this requirement.

Staff's interpretation is that the intention of the Housing Mitigation Plan in the SIA was to cumulatively calculate the required deed restricted housing as the subdivision is built-out and at the end of construction, the developer is required to provide 15% deed restricted units. This provides more flexibility in the Town Center Subdivision and will provide affordable housing as required by Ordinance No. 27, Series of 2001, Town of Carbondale. The Town is protected by the deed restriction placed on the property located at the northeast corner of Colorado Avenue and Sixth Street. Therefore, at the end of construction of Town Center, the Town will calculate the number of total housing units built and units which have been provided in terms of "community housing." Any deficiency will be made up at the property located at the northeast corner of Colorado Avenue and Sixth Street.



Mark Chain, Planning Director

11-23-04  
Date