

**ORDINANCE NO. 3
SERIES OF 2021**

**AN ORDINANCE OF THE BOARD OF TRUSTEES
OF THE TOWN OF CARBONDALE, COLORADO
APPROVING AN APPLICATION OF CARBONDALE CENTER PLACE LLC
FOR MAJOR SITE PLAN REVIEW FOR LOT 2 AND CONDITIONAL USE
PERMIT APPROVAL TO DEVELOP A SELF STORAGE FACILITY AND
ALTERNATIVE COMPLIANCE REVIEW WITH RESPECT TO MINIMUM
LANDSCAPED AREA UPON LOT 2, CARBONDALE CENTER PLACE
SUBDIVISION EXEMPTION**

WHEREAS, Stein Properties, LP a California limited partnership (“Applicant”), as part of a combined land use application to demolish and redevelop the existing Sopris Shopping Center into a project to be known as Carbondale Center Place, has submitted a site-specific development application for Lot 2 of said Carbondale Center Place Subdivision (“Lot 2”) in order to expand an existing self-storage facility to have up to a maximum total size of 94,261 square feet (Lot 2 consists of approximately 93,771 square feet of land or 2.153 acres that is legally described on the Exemption Plat of Carbondale Center Place recorded in the Garfield County real property records on _____ 2021 at Reception No. _____); and

WHEREAS, pursuant to Ordinance No. 10, Series of 2020, approved by the Town on August 25, 2020 (the “Rezoning Ordinance”), the Town has previously approved the rezoning of the land that will comprise Lot 2 to become part of the Commercial Transitional (C/T) zone district, with such rezoning approval to be effective upon: (1) future subdivision approval establishing Lot 2 as a separate piece of property; (2) future major site plan review approval for development upon Lot 2; and (3) Applicant’s execution and recordation of subdivision improvements agreement that will serve to confirm the demolition and removal of all existing Sopris Shopping Center buildings from Lot 2 (or provide security to guarantee completion of the same prior to additional development) and the completion of all public improvements required to serve Lot 2 after redevelopment; and

WHEREAS, contemporaneously with the consideration of this Ordinance, the Town is simultaneously considering the adoption of Ordinance No. 1, Series of 2021 (the “Subdivision Exemption Ordinance”) that would authorize the establishment of Lot 2 as a separate lot; and

WHEREAS, Applicant’s related site-specific development application for Lot 2 includes requests for approvals of: (1) Major Site Plan Review for the proposed self-storage facility; (2) a Conditional Use Permit to allow construction of additional self-storage facilities to include an integrated office; and (3) approval of Alternative Compliance with respect to minimum landscaped area;

WHEREAS, after all required notices, the Town's Planning and Zoning Commission (P&Z) conducted a public hearing that commenced on December 10, 2020 and continued on January 14, 2021, at which time various elements of these requests were discussed and public input was taken; and

WHEREAS, the P&Z subsequently recommended to the Town's Board of Trustees that these requests be approved, with conditions; and

WHEREAS, after all required notices, the Town's Board of Trustees conducted a public hearing on February 9, 2021, at which time the Board heard and considered the statements of town staff and the public and reviewed and considered all relevant documents and information presented at such hearings, all as required by law; and

WHEREAS, the Board of Trustees also finds and determines that the Applicant's site-specific development application for Lot 2 meets the following Major Site Plan Review approval criteria set forth in Municipal Code Chapter 17.02, sub-sections 2.5.3.C.1 through 4, inclusive, including:

- i. The Applicant's proposed site plan is consistent with the Comprehensive Plan as the area is designated New Urban which allows for a flexible mix of commercial uses which transition appropriately;
- ii. The Applicant's proposed site plan is consistent with the purposes section of the C/T zone district; and
- iii. The Applicant's proposed site plan complies with all applicable development and design standards set forth in this Code if the Applicant's proposals for Alternative Compliance are approved; and
- iv. The traffic generated by the proposed development upon Lot 1 is adequately served by existing streets within Carbondale, or such impacts will be sufficiently mitigated; and

WHEREAS, the Board of Trustees also finds and determines that the Applicant's request for a conditional use permit to allow additional self-storage facilities on Lot 2 that will include an integrated office meets the following approval criteria in Chapter 17.02, sub-section 2.5.1.C.3.a, of the Municipal Code, including:

- i. The site, buildings, and uses meet all criteria specified for the use and all applicable regulations and development standards as specified in Chapter 17 of the Municipal Code and for the C/T zone district;

- ii. The proposed use is consistent with the 2013 Comprehensive Plan which envisions a flexible mix of uses;
- iii. The site is in conformance with the development standards of the C/T zone district;
- iv. The proposed use is planned in a manner that will minimize adverse impacts on the traffic in the neighborhood and surrounding uses; and
- v. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics; and

WHEREAS, the Board of Trustees also finds and determines that the Applicant's request for Alternative Compliance concerning minimum landscaped area should also be granted because they meet the following approval criteria in Chapter 17.05, sub-sections 5.1.3.E.1 through 4, inclusive:

- i. The Applicant's proposed alternative will achieve the intent of the subject standards to a better degree than the subject standards as the Applicant's proposals will improve the aesthetic character, contribute to the quality of development by concentrating landscaping in front of the south-facing building more effectively than if it were in the interior of the storage facility;
- ii. The Applicant's proposed alternative will advance the goals and policies of the Comprehensive Plan and the Town's Unified Development Code (Chapter 17 of the Municipal Code) to a better degree than the subject standard as the required front yard setback is only five feet but the building will be physically set back eighteen feet in order to allow attractive landscaping along Colorado Avenue;
- iii. The Applicant's proposed alternative will result in benefits to the community that exceed the benefits associated with the subject standard; and
- iv. The Applicant's proposed alternative will impose no greater impacts on adjacent properties than would occur through compliance with the specific requirements of Chapter 17.05, section 5.4 of the Municipal Code; and

WHEREAS, the Board of Trustees also finds and determines that certain conditions of approval should be imposed, as set forth herein and in the related Rezoning Ordinance, Subdivision Exemption Ordinance, and a Subdivision Improvements Agreement to be

entered into by the Applicant and the Town contemporaneously with the finalization of these approvals, which terms and conditions include that the Applicant will pay certain fees to the Town, construct certain required public and private improvements (including water and sewer service system components, street improvements, and stormwater improvements), and dedicate certain associated easements to the Town for purposes of access and/or for future operation, maintenance, repair and replacement of certain of these public improvements.

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

1. **Major Site Plan Review.** The Board of Trustees hereby grants Major Site Plan Review approval to allow an additional self-storage facility building to be developed upon Lot 2 to contain a maximum of 67,979 square feet, which shall have the maximum size and configuration set forth on the approved site plan that is attached to this Ordinance as *Exhibit A*. The new building (67,979 square feet), when combined with the two existing buildings (total of 26,282 square feet), will have a combined total maximum square footage of approximately 94,261 square feet. Site plan approval is also conditioned upon all terms and conditions of this Ordinance, the associated Rezoning Ordinance, Subdivision Exemption Ordinance, and the Subdivision Improvements Agreement, as well as that the exterior appearance of the project be substantially consistent with all architectural renderings submitted to the Town by the Applicant in connection with this site plan approval. Pursuant to Chapter 17.02, Section 2.5.3.G.2 of the Municipal Code, site plan approval shall remain in effect for a period of three years.

2. **Conditional Use Permit.** A conditional use permit to allow an additional self-storage building, to include an integrated office, upon Lot 2 is also hereby approved. The conditional use permit approval shall remain in effect for so long as the self-storage facilities on Lot 2 remains in use for the purposes approved herein, and shall otherwise be subject to the terms of Chapter 17.02, sub-sections 2.5.1.C.4.b and -c of the Municipal Code, as such may be amended from time to time, concerning termination and/or revocation.

3. **Alternative Compliance.** The Applicant's request for Alternative Compliance approval as to certain landscaping requirements, as more fully described above, are hereby approved. As such, 13,090 square feet of landscaped area may be provided in lieu of the 18,754 square feet that would ordinarily be required pursuant to Chapter 17.05, sub-section 5.4.3.A of the Municipal Code.

4. **Subdivision Improvements Agreement.** Prior to any additional construction upon Lot 2, the Town and the Applicant shall enter into a Subdivision Improvements Agreement in substantially the same form approved by the Board of

Trustees contemporaneously with its approval of the Subdivision Exemption Ordinance and this Ordinance. All terms of such Agreement are incorporated as terms and conditions of this Ordinance (including that the existing Sopris Shopping Center buildings be removed from Lots 1 and Lot 2 prior to any further development).

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

- a. All development shall comply with the Land Use Application submitted to the Town by the Applicant on November 2, 2020.
- b. The Town's approval of Major Site Plan Review is expressly contingent upon:
 - i. The Applicant and the Town entering into the Subdivision Improvements Agreement which further addresses, requires and secures the construction of public improvements associated with this project;
 - ii. Town approval of engineering plans and specifications.
- c. Snow storage areas shall be designated on the final engineered plans and specifications. Thereafter, the snow storage areas shall be kept free of any obstructions that could inhibit snow stow storage during each winter season, and no above-ground improvements may be constructed within the designated snow storage areas without prior Town approval.
- d. All rooftop mechanical systems and equipment shall be screened as required by Chapter 17.05, section 5.4, of the Municipal Code.
- e. The Applicant shall enter into an agreement with the Carbondale & Rural Fire Protection District that addresses payment of impact fees prior to the issuance of any building permits for this project.
- f. This approval does not include signage. Separate permits for signage are required to be approved by Town Staff prior to installation.
- g. All project lighting shall be in compliance with Chapter 17.05, Section 5.10 of the Municipal Code (Exterior Lighting). The final lighting plan shall be subject to review and approval of Town Staff prior to issuance of any building permits.

- h. No more than 13,090 square feet of landscaped areas may be irrigated upon Lot 2.
- i. The new self-storage building to be constructed upon Lot 2 shall have zero net energy consumption (ZNE), meaning that the total amount of energy used by the building on an annual basis is no greater than the amount of renewable energy provided.

6. **Other representations.** Except to the extent inconsistent with this Ordinance, the Rezoning Ordinance, the Subdivision Exemption Ordinance, or the Subdivision Improvements Agreement, all representations of the Applicant to the Town in its land use applications, any related written submittals to the Town, or during public hearings concerning this project, shall also be binding as conditions of approval.


7. **Effectiveness.** This Ordinance shall not become effective until after posting and publication in accordance with the Town's Home Rule Charter. The effectiveness of this Ordinance shall also be contingent upon the satisfaction of all conditions precedent to the effectiveness of the Rezoning Ordinance, including that the Rezoning Ordinance, the Subdivision Exemption Ordinance, this Ordinance, and the site plan approval ordinance for Lot 1 (Ordinance No. 2, Series of 2021) all become fully effective in accordance with the Home Rule Charter and the additional conditions set forth in each ordinance related to delayed effectiveness (including finalization and recordation of the Final Plat and related subdivision improvements agreements and conveyance to the Town of all required public easements). If all of these related Ordinances are not fully effective on or before September 30, 2021, then each of these related Ordinances shall be of no further force and effect (provided that the Board of Trustees shall also have discretion to extend this deadline for up to an additional 180 days by Resolution for good cause shown).

8. **Recording.** A copy of this Ordinance shall be recorded the Garfield County real property records contemporaneously with the other approval documentation contemplated hereby.

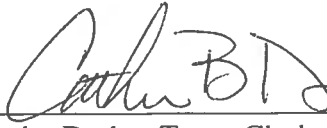
INTRODUCED, READ AND PASSED this 23rd day of March, 2021.

THE TOWN OF CARBONDALE

By:

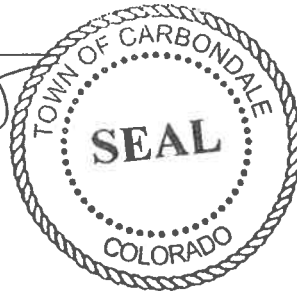

Dan Richardson, Mayor

ATTEST:

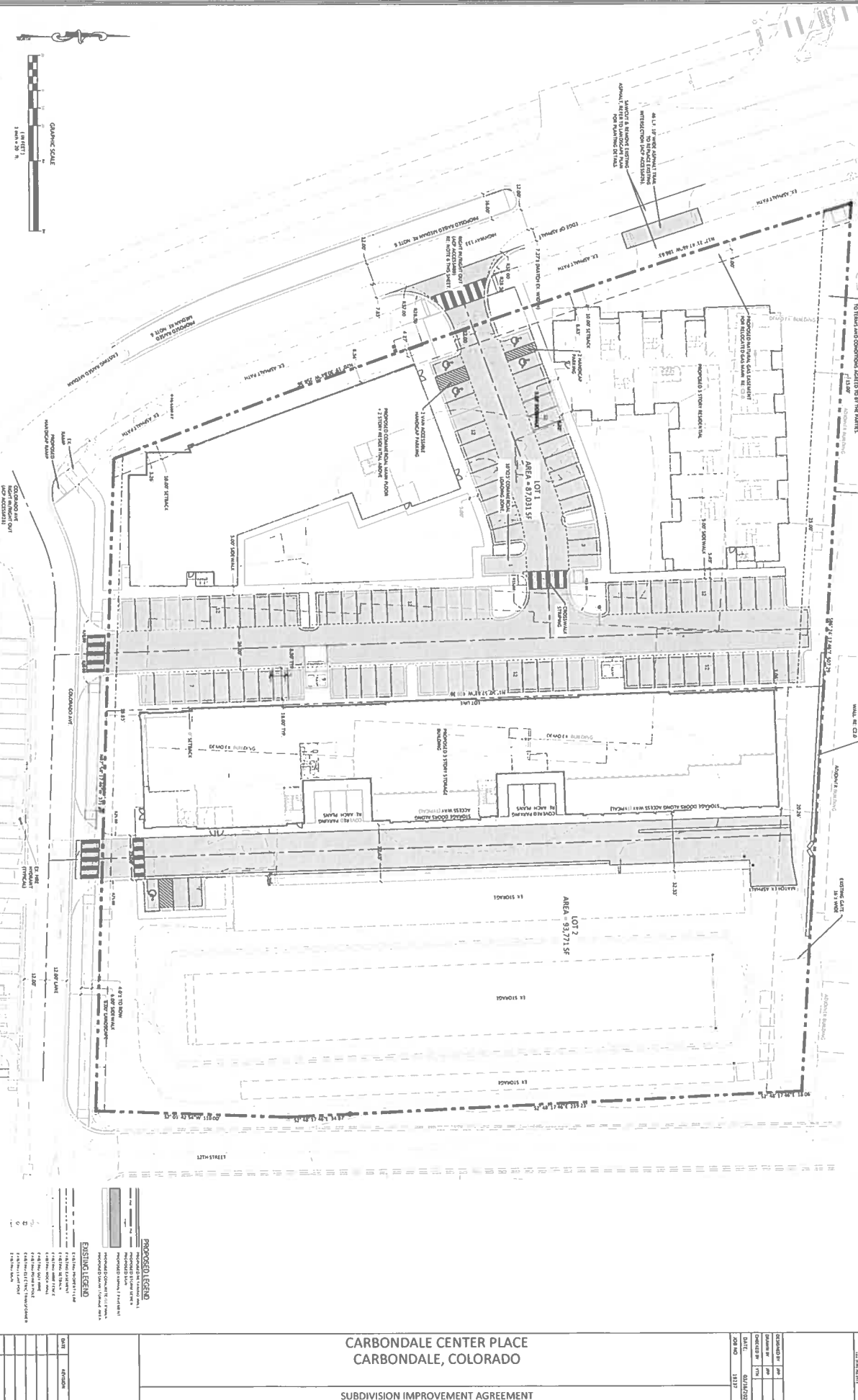

Cathy Derby, Town Clerk

EXHIBITS:

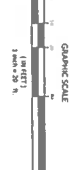
- A. Approved Site Plan



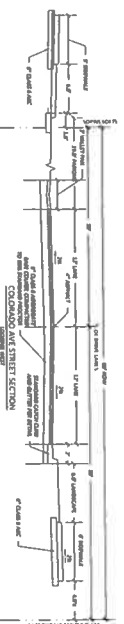
AT 427 ACROSS, NORTH SIDE OF MAIN STREET, CARBONDALE, COLORADO



- SITE NOTES:**
1. THE SITE PLAN IS A PRELIMINARY PLAN AND IS SUBJECT TO APPROVAL BY THE BOARD OF ZONING AND SUBDIVISIONS, CITY OF CARBONDALE, COLORADO.
 2. THE PROPOSED CONCEPTS ARE BASED ON THE INFORMATION PROVIDED BY THE SUBMITTER.
 3. SETBACKS TO THE ADJACENT STREET FRONTAGE SHALL BE AS SHOWN TO THE SUBMITTER'S RECORD DRAWINGS.
 4. ALL UTILITIES SHOWN ARE BASED ON THE RECORD DRAWINGS AND FIELD SURVEY DATA.
 5. THE CITY ENGINEER SHALL REVIEW THE PLAN AND SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION SHOWN THEREON.
 6. THE SUBMITTER SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CARBONDALE, COLORADO.
 7. THE SUBMITTER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 8. THE SUBMITTER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 9. THE SUBMITTER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.



Item	Required	Provided	Notes
Site	100	100	
Street	100	100	
Sign	9	9	
	0	0	



DATE: 11/15/2011
DRAWN BY: [Name]
CHECKED BY: [Name]

CARBONDALE CENTER PLACE
CARBONDALE, COLORADO

SUBDIVISION IMPROVEMENT AGREEMENT

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMITTING	11/15/2011	[Name]
2	REVISED PER CITY COMMENTS	11/15/2011	[Name]
3	REVISED PER CITY COMMENTS	11/15/2011	[Name]
4	REVISED PER CITY COMMENTS	11/15/2011	[Name]
5	REVISED PER CITY COMMENTS	11/15/2011	[Name]
6	REVISED PER CITY COMMENTS	11/15/2011	[Name]
7	REVISED PER CITY COMMENTS	11/15/2011	[Name]
8	REVISED PER CITY COMMENTS	11/15/2011	[Name]
9	REVISED PER CITY COMMENTS	11/15/2011	[Name]
10	REVISED PER CITY COMMENTS	11/15/2011	[Name]
11	REVISED PER CITY COMMENTS	11/15/2011	[Name]
12	REVISED PER CITY COMMENTS	11/15/2011	[Name]
13	REVISED PER CITY COMMENTS	11/15/2011	[Name]
14	REVISED PER CITY COMMENTS	11/15/2011	[Name]
15	REVISED PER CITY COMMENTS	11/15/2011	[Name]
16	REVISED PER CITY COMMENTS	11/15/2011	[Name]
17	REVISED PER CITY COMMENTS	11/15/2011	[Name]
18	REVISED PER CITY COMMENTS	11/15/2011	[Name]
19	REVISED PER CITY COMMENTS	11/15/2011	[Name]
20	REVISED PER CITY COMMENTS	11/15/2011	[Name]