

**ORDINANCE NO. 16
SERIES OF 2017**

**AN ORDINANCE OF THE BOARD OF TRUSTEES
OF THE TOWN OF CARBONDALE, COLORADO
APPROVING AN APPLICATION OF CRYSTAL RIVER MARKETPLACE, LLC
TO REZONE A 6.4 ACRE PORTION OF THE CRYSTAL RIVER
MARKETPLACE, LLC PARCEL AS PART OF THE MIXED USE (MU) ZONE
DISTRICT**

WHEREAS, Crystal River Marketplace, LLC (“Owner”) has submitted a land use application to rezone a 6.4 acre portion of a 22.1 acre property described as follows: the Crystal River Marketplace LLC Parcel According to the Lot Line Adjustment of Crystal River Marketplace LLC/CRMS Properties recorded September 16, 2010 as Reception No. 791487, said parcel also being situated within Sec. 33, T. 7 S., R. 88 W. of the 6th P.M., Garfield County, Colorado (Garfield County Tax Parcel ID No. 239333100034) (the portion to be rezoned as part of the MU zone district is legally described on attached *Exhibit A* (the “subject property”)); and

WHEREAS, after all required notices, the Town’s Planning and Zoning Commission (P&Z) conducted a public hearing at 7:00 p.m. on August 24, 2017, at which time this request was discussed and public input was taken; and

WHEREAS, the P&Z subsequently recommended to the Town’s Board of Trustees that this request be approved, with conditions; and

WHEREAS, after all required notices, the Town’s Board of Trustees conducted a public hearing on October 10, 2017, 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 hearing, all as required by law; and

WHEREAS, the Board of Trustees finds that it is appropriate to approve the rezoning of the subject property as recommended by the Planning and Zoning Commission pursuant to Chapter 17 of the Carbondale Municipal Code (the UDC), as the rezoning is consistent with the overall purpose statement described in Section 1.3 of the UDC, the 2013 Comprehensive Plan, and also complies with the specific rezoning criteria set forth in UDC sub-sections 2.4.2.C.3.b.i through –vi, inclusive, as follows:

- i. The proposed rezoning will promote the public health, safety, and general welfare;
- ii. The proposed rezoning is consistent with the Comprehensive Plan as it will provide housing near downtown and near local schools and help Carbondale remain an affordable location for area employees;



- iii. The proposed rezoning is consistent with the stated purposes of the M/U zoning district; specifically, the rezoning will foster compact, mixed use development patterns that provide people with the opportunity to live, work, recreate and shop in a pedestrian-friendly environment;
- iv. The proposed rezoning will not 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;
- v. The proposed rezoning will not result in material adverse impacts to other property adjacent to or in the vicinity of the subject property; and
- vi. 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; and

WHEREAS, the Board of Trustees also finds and determines that certain conditions of approval should be imposed, as set forth herein, which terms and conditions include that no development may occur until the Town reviews and approves a Major Site Plan, at which time the Town may require engineered public improvements to serve the development, dedication of rights-of-way and streets compliance with open space requirements, relocation of a portion of the Rockford Ditch, payment of certain fees to the Town, and an improvements agreement to require completion and guarantee of required public improvements.

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

- 1. **Rezoning.** The subject property shall be and is hereby re-zoned as part of the Mixed-Use (MU) zone district within the Town of Carbondale. Upon this Ordinance becoming effective, the Property shall no longer be within the Planned Community (PC) zone district, and the Town's Zone District Map shall be amended to reflect as such in accordance with Section 3.1.2. of Chapter 17 of the Carbondale Municipal Code.
- 2. **Future Subdivision and Site Plan Reviews.** Prior to development of any portion of the 6.4 acre subject property, the entire subject property shall be subdivided from the remainder of the Property, and Major Site Plan Review shall be required for the areas proposed for development. The following additional conditions are imposed as to these requirements:
 - a. If a Final Plat for the Carbondale Marketplace Subdivision (approval currently pending per Ordinance No. 15, Series of 2017), has not been recorded by the time of a pre-application meeting for a Major Site Plan Review for any development upon the subject property, a Major Subdivision plat shall be

submitted for the proposed Lot 1 of the Carbondale Marketplace property in conformance with UDC Section 2.6.4 and UDC Section 2.6.5 contemporaneously with the Major Site Plan Review application.

b. In connection with any Major Site Plan Review application, the Owner shall also submit the following:

i. A phasing plan for public improvements for the entire 6.4 acre subject property;

ii. A site plan for the entire 6.4 acre subject property which shows roads, building footprints, pedestrian circulation, landscaping, pervious/impervious surface, parking, square footage of irrigated area, etc., for the entire property prior to development of any portion of the property in order to confirm conformance with dimensional standards in the UDC as it relates to the site plan. This shall include definition of the uses, minimum and maximum number of units for residential use upon the entire subject property, and minimum and maximum amount of square footage for commercial use within each envelope. If the project is phased, design for buildings and landscaping will be subject to change in future site plan reviews for subsequent phases.

iii. A Community Housing Mitigation plan for the entire 6.4 acres subject property;

iv. A traffic impact study prepared by an engineered licensed in the State of Colorado for the entire 6.4 acre property, to include highway access permit considerations and consideration of a potential traffic circle at Hendrick Drive;

v. Detailed design, utility, and site information for all buildings proposed for immediate construction in compliance with UDC Section 2.5.3. No building permits shall issue for any buildings as to which this detailed information is not provided. If specific buildings are proposed in future phases, they will be subject to separate Site Plan Review as prescribed by the UDC Section 2.5.3 or as amended. Upon approval of any such future phase Site Plan, building permits may be approved for that phase;

vi. Engineering drawings for all proposed public improvements prepared by a Colorado-registered professional engineer; and

vii. A water rights dedication analysis in compliance with the Municipal Code.

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c. Prior to any construction on the subject property, the Town and the Owner shall enter into a Development Improvements Agreement that shall serve to require and secure all public improvements necessary to serve the development.

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

- a. All conditions of Ordinance No. 21, Series of 1997, recorded in the Office of the Garfield County Clerk & Recorder on March 13, 1998 at Reception No. 521822 shall remain in full force and effect except to the extent modified or conditioned by the terms of this Ordinance.
- b. The Owner shall submit a digital map to the Town that shows the boundaries of the subject property that is being rezoned and the MU zone district designation in order to facilitate the Town's update to its Zoning District Map.
- c. The Owner shall pay and reimburse the Town for all applicable professional and staff review fees pursuant to the Municipal Code.
- d. All other representations of the Owner and its representatives made in written submittals to the Town or during Town public hearings shall be considered additional conditions of approval.

4. **Recording.** This Ordinance shall be recorded in the Garfield County real property records within 90 days its effective date according to the Carbondale Home Rule Charter at the expense of the Owner.

INTRODUCED, READ AND PASSED this 10th day of October, 2017.

THE TOWN OF CARBONDALE

By:


Dan Richardson, Mayor

ATTEST:


Cathy Derby, Town Clerk



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EXHIBIT A

A PARCEL OF LAND BEING A PORTION OF THAT PROPERTY DESCRIBED AS THE CRYSTAL RIVER MARKET PLACE, LLC PARCEL ACCORDING TO THE LOT LINE ADJUSTMENT OF CRYSTAL RIVER MARKET PLACE LLC/CRMS PROPERTIES RECORDED SEPTEMBER 16, 2010 AS RECEPTION NO. 791487; SAID PARCEL ALSO BEING SITUATED IN SECTION 33, TOWNSHIP 7 SOUTH, RANGE 88 WEST OF THE SIXTH PRINCIPAL MERIDIAN AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WESTERLY LINE OF STATE HIGHWAY NO. 133, FEDERAL AID PROJECT NO. S 016 (1), WHENCE THE STREET CENTER MONUMENT LOCATED AT THE CENTERS OF EIGHTH STREET AND MAIN STREET IN THE TOWN OF CARBONDALE, COLORADO, BEARS SOUTH 46°39'55" EAST 2273.200 FEET (SOUTH 46°34'21" EAST 2276.78 FEET DEED); THENCE S.00°50'00".E, A DISTANCE OF 855.56 FEET, THE POINT OF BEGINNING; THENCE S.00°50'00".E, A DISTANCE OF 474.38 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF MAIN STREET; THENCE N.89°24'58".W ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 592.27 FEET; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE N.00°35'02".E, A DISTANCE OF 400.24 FEET, THENCE N.00°33'01".E, A DISTANCE OF 73.66 FEET; THENCE S.89°26'59".E, A DISTANCE OF 580.58 FEET, TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINING 6.382 ACRES, MORE OR LESS

TOWN OF CARBONDALE
COUNTY OF GARFIELD, STATE OF COLORADO

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TOWN OF CARBONDALE
211 COLORADO AVE
CARBONDALE, CO 81623