

**ORDINANCE NO. 18
SERIES OF 2016**

**AN ORDINANCE OF THE BOARD OF TRUSTEES
OF THE TOWN OF CARBONDALE, COLORADO
APPROVING THE APPLICATION TO REZONE THE NORTHEAST
CORNER OF HIGHWAY 133 AND MAIN STREET
TO THE MIXED USE ZONE DISTRICT**

WHEREAS, Ronald B. Stein of Stein Properties, L.P. submitted an application to rezone a vacant 0.76 acre parcel located on the northeast corner of Highway 133 and Main Street from Planned Community Commercial (PCC) to Mixed Use (MU), which parcel is legally described on attached Exhibit A (subject property); and

WHEREAS, after all required notices, the Planning and Zoning Commission (P&Z) conducted a public hearing at 7:00 p.m. on Thursday, August 18, 2016, at which time various elements of this zoning request, including the need to align that corner of Main Street and Highway 133 with the Future Land Use Map in the 2013 Comprehensive Plan, were discussed; and

WHEREAS, the P&Z subsequently recommended to the Town's Board of Trustees that the request be approved as the rezoning fulfills the purpose statement in Section 1.3 of Chapter 17 of the Carbondale Municipal Code (referred to herein as the "Unified Development Code" or "UDC") and the Town's 2013 Comprehensive Plan; and

WHEREAS, after all required notices, the Town's Board of Trustees conducted a public hearing on Tuesday, September 27, 2016, 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, 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 the area is designated New Urban which envisions a flexible mix of retail, restaurants, service commercial and multistory mixed use buildings with buildings being the

focal point of the site by locating them close to the street. The purposes stated in this Unified Development Code have been met;

iii. The proposed rezoning is consistent with the stated purpose of the proposed zoning district, specifically, the rezoning will provide a compact, mixed-use development patterns that provide people with the opportunity to live, work, recreate, and shop in a pedestrian-friendly environment. There would be multimodal access to and from Downtown. The rezoning would encourage both a vertical and horizontal mix of land uses, and provide for an interesting and walkable environment through tailored building design and streetscape standards that address features such as building mass and placement, building entries, and windows/transparency;

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.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Carbondale that the northeast corner of Highway 133 and Main Street shall be zoned as Mixed Use subject to the following conditions:

1. The applicant shall be required to submit a Major Site Plan Review application for the entire property prior to development of any portion of the parcel.
2. All representations of the Applicant in written submittals to the Town or in public hearings concerning this project shall also be binding as conditions of approval.
3. The Applicant shall pay and reimburse the town for all other applicable professional and staff fees pursuant to the Carbondale Municipal Code.
4. The rezoning approved herein shall lapse, and the subject property shall revert to PCC zoning, if development of the subject property is not commenced within one year of the effective date of this ordinance.

5. A copy of this ordinance shall be recorded in the Garfield County real property records at the expense of the Applicant.

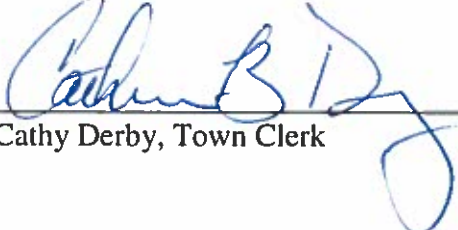
This Ordinance shall not be effective until posting and publication in accordance with the Town's Home Rule Charter. Upon this Ordinance becoming effective, the Town's Zone District Map shall be amended in accordance with Section 3.1.2. of the UDC.

INTRODUCED, READ AND PASSED this 3rd day of September, 2016.

THE TOWN OF CARBONDALE

By: 
Dan Richardson, Mayor Pro Tem

ATTEST:


Cathy Derby, Town Clerk

