

**ORDINANCE NO. 4
SERIES OF 2018**

**AN ORDINANCE OF THE BOARD OF TRUSTEES
OF THE TOWN OF CARBONDALE, COLORADO
APPROVING AN APPLICATION OF PETER MUELLER AND CINDY
SUPLIZIO TO REZONE A 0.87 ACRE PROPERTY AS PART OF THE
RESIDENTIAL MEDIUM DENSITY (R/MD) ZONE DISTRICT**

WHEREAS, Peter Mueller and Cindy Suplizio (collectively "Applicant") have submitted a land use application to rezone Lot I, Resubdivision of Lot C, Lincoln Avenue East P.U.D., as further described on Exhibit A (the "subject property") from the Transit (T) zone district to the Residential Medium Density (R/MD) zone district; 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 January 11, 2018, 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 January 13, 2018, 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 now 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 Chapter 17.01 of the Municipal Code, the 2013 Comprehensive Plan, and also complies with the specific rezoning criteria set forth in sub-sections 2.4.2.C.3.b.i through -vi, inclusive, of Chapter 17.02 of the Municipal Code, as follows:

- i. The proposed rezoning will promote the public health, safety, and general welfare;
- ii. The proposed rezoning is consistent with the 2013 Town of Carbondale Comprehensive Plan as it is within the area designated by the Comprehensive Plan as Old Town-Periphery, which is to provide for single family homes and infill projects;
- iii. The proposed rezoning is consistent with the stated purposes of the R/MD zoning district; specifically, the rezoning will provide a single-family infill project with multi-modal access to and from downtown Carbondale;

- 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 a ditch easement be dedicated to the Town, and payment of certain fees to the Town.

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 Residential Medium Density (R/MD) zone district within the Town of Carbondale. Upon this Ordinance becoming effective, the Property shall no longer be within the Transit (T) 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. **Additional Conditions of Approval.** The Board of Trustees imposes the following additional conditions of approval:

- a. The Applicant shall submit a digital map to the Town that shows the boundaries of the subject property that is being rezoned and the R/MD zone district designation in order to facilitate the Town's update to its Zoning District Map.
- b. Prior to issuance of a building permit for development of a residence upon the subject property, the Applicant shall be required to dedicate and confirm a permanent, non-exclusive ditch easement for the Weaver Ditch to the Town of Carbondale with terms acceptable to the Town attorney. The width of the express ditch easement shall be 30 feet, to extend 15 feet on either side of the centerline of the existing Waver Ditch segment which traverses the subject property. The Applicant shall provide a current survey of the centerline of the ditch across the property to be attached to the easement deed. Said ditch easement dedication shall be free

and clear of all encumbrances excepting any permitted exceptions approved by the Town attorney after review of a current title commitment, and any lenders holding liens upon the subject property shall be required to execute a lienholder consent and subordination with regard to the easement.

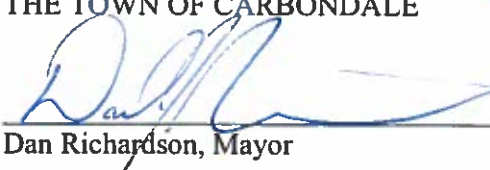
- c. The Applicant shall pay and reimburse the Town for all applicable professional and staff review fees pursuant to the Municipal Code, including and professional fees incurred in processing the ditch easement.
- d. All other representations of the Applicant and its representatives made in written 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 Applicant.

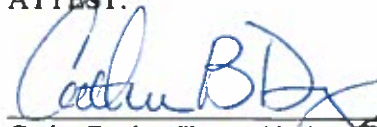
INTRODUCED, READ AND PASSED this 13th day of February, 2018.

THE TOWN OF CARBONDALE

By:


Dan Richardson, Mayor

ATTEST:


Cathy Derby, Town Clerk





Reception#: 904528
03/19/2018 04:25:25 PM Jean Alberico
4 of 4 Rec Fee: \$28.00 Doc Fee: 0.00 GARFIELD COUNTY CO

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EXHIBIT A

Section: 34 Township: 7 Range: 88 Subdivision: LINCOLN AVE EAST PUD Lot: I
RESUB OF LOT C

SAID PARCEL OF LAND CONTAINING 0.87 ACRES, MORE OR LESS

TOWN OF CARBONDALE
COUNTY OF GARFIELD, STATE OF COLORADO