

RESOLUTION NO. 2

SERIES NO. 2013

A RESOLUTION OF THE TOWN OF CRESTED BUTTE PLANNING COMMISSION PURSUANT TO SECTION 17-4-50(B) OF THE CRESTED BUTTE MUNICIPAL CODE WAIVING THE MAXIMUM LOT SIZE REQUIREMENT FOR APPROVAL OF A MINOR SUBDIVISION OF LOTS 23-32, BLOCK 37 INTO TWO TRACTS

WHEREAS, the Town of Crested Butte, Colorado (the "**Town**") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, pursuant to Section 17-4-50(b) of the Crested Butte Municipal Code (the "**Code**"), the Board of Zoning and Architectural Review (the "**Board**") has referred an application to the Planning Commission to waive the maximum lot size requirement for approval of a minor subdivision of Lots 23-32, Block 37 into two tracts;

WHEREAS, the Board is in the process of reviewing a Planned Unit Development (P.U.D.) project on Lots 23-32, Block 37 that will include 10 lots;

WHEREAS, under the Code, the maximum lot size requirement in the "T" Tourist District is 9,375 square feet for three lots and 21,875 square feet for seven lots;

WHEREAS, under Section 17-4-50(b) of the Code, the Planning Commission may waive the requirements for approval of a minor subdivision upon referral by the Board to the Planning Commission, and a finding by the Planning Commission that the applicant for the waiver will be providing amenities to the Town over and above those already required by the Code that are of such benefit to the Town that requirements of the Code may be varied or waived in return for the receipt of such amenities;

WHEREAS, pursuant to Section 17-4-50 et seq., at its regular meeting on October 29, 2013, the Board studied the applicant's request to waive the maximum lot size requirement for approval of a minor subdivision of Lots 23-32, Block 37 into two tracts and referred the matter to the Planning Commission;

WHEREAS, the Planning Commission has received the Board's referral of the application to waive the maximum lot size requirement for approval of a minor subdivision of Lots 23-32, Block 37 into two tracts and has studied such referral;

WHEREAS, approval of the Board's referral of the application to waive the maximum lot size requirement for approval of a minor subdivision of Lots 23-32, Block

37 into two tracts requires findings in support thereof in accordance with Section 17-4-50(b) of the Code;

WHEREAS, Section 2-7-40 requires that the Planning Commission grant such waiver, if at all, by resolution or motion;

WHEREAS, the Planning Commission has concluded its study of the Board's referral and hereby approves the application to waive the lot size requirement for approval of a minor subdivision of Lots 23-32, Block 37 into two tracts based on the findings set forth below; and

WHEREAS, all applicable notice requirements have been satisfied.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT:

1. **Findings.** Pursuant to Section 17-4-50(b) of the Code, the Planning Commission finds as follows:

(a) The applicants will construct a public sidewalk that will run the length of Lots 23-32, Block 37 to the Sixth Street. Such sidewalk will be constructed by the applicant at its own cost expense on public right of way and provide a public amenity. In addition, the applicant will construct a crosswalk across Bellevue Avenue in the location of the bus stop.

(b) The applicants construction of Residential units (as defined in the Code) where such units are deed restricted to long term rental housing that serve households that earn 80% or less of the Area Median Income (AMI) is an amenity to the Town because:

(i) a goal of the Crested Butte Land Use Plan is to maintain a diverse and enduring community by providing housing for people of all economic levels and employees and it is in the best interest of the Crested Butte community to pursue affordable housing to sustain community, particularly workforce housing;

(ii) the strong demand for low-income rental housing warrants the construction of multifamily long term rental units within Crested Butte as demonstrated by the preliminary Market Study performed by Rees Consulting Inc. dated August 7, 2013;

(iii) the availability of property in Crested Butte zoned for multifamily development is limited; and

(iv) one of the purposes of the Code and the Crested Butte Land Use Plan is to encourage the development of affordable housing and the development of long term rental housing, as well as to encourage innovations in residential development

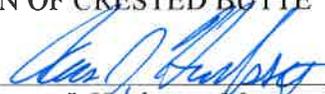
so that the growing demand for housing may be met by a greater variety of type and design of dwellings.

2. **Approval.** The Planning Commission hereby waives the maximum lot size requirement for approval of a minor subdivision of Lots 23-32, Block 37 into two tracts based on the foregoing findings and the applicant's construction of the amenities described above and such other amenities as may be generally required by the Board and the Town Council in connection with the P.U.D. for the subject development project.

INTRODUCED, READ AND ADOPTED BEFORE THE TOWN PLANNING COMMISSION THIS 9TH DAY OF DECEMBER, 2013.

TOWN OF CRESTED BUTTE

By:


Aaron J. Huckstep, Mayor

ATTEST


Shelley Jansen, Town Clerk

