

**ORDINANCE NO. 62  
(SERIES OF 1992)**

**AN ORDINANCE OF THE ASPEN CITY COUNCIL GRANTING SUBDIVISION, REZONING FROM MODERATE-DENSITY RESIDENTIAL PUD (R-15) TO AFFORDABLE HOUSING (AH), GMQS EXEMPTION AND CONDOMINIUMIZATION, LOT 3, SUNNY PARK NORTH SUBDIVISION, PARK AVENUE, ASPEN COLORADO**

**WHEREAS**, pursuant to Sections 24-7-1004 and 24-7-1102 of the Municipal Code the applicants, Barry and Sharon Siegel, have submitted an application for a subdivision of Lot 3 Sunny Park North Subdivision creating Lots 1 and 2 Aspen Electric Subdivision, and a map amendment for rezoning Lot 1 from R-15 to AH; and

**WHEREAS**, pursuant to Section 24-8-104 of the Municipal Code, the applicants seek a GMQS Exemption for the development of a fully deed restricted triplex on Lot 1; and

**WHEREAS**, pursuant to Section 24-7-1007 of the Municipal Code, the applicants wish to condominiumize the triplex; and

**WHEREAS**, at a duly noticed Public Hearing held by the Aspen Planning and Zoning Commission (hereinafter "Commission") on September 22, 1992 to consider the subdivision, map amendment, special review for parking and open space, and GMQS Exemption, the Commission reviewed the application and considered the representations and commitments made by the applicant; and

**WHEREAS**, the Commission found that the subdivision, rezoning and GMQS Exemption application complied with Sections 24-8-104, 24-7-1004 and 24-7-1102, are not in conflict with any applicable portions of Chapter 24, are consistent with the elements of the Aspen Area Comprehensive Plan, are compatible with surrounding zone districts and land uses, are consistent and compatible with the community character in the City of Aspen, and are in harmony with the purpose and intent of Chapter 24 of the Municipal Code; and

**WHEREAS**, the Commission recommended, at their September 22, 1992 meeting, approval to the City Council of the subdivision of Lot 3, Sunny Park North Subdivision, rezoning of Lot 1 Aspen Electric Subdivision from R-15 PUD to AH and GMQS Exemption for the development of a fully deed restricted triplex; and

**WHEREAS**, pursuant to Section 24-5-206.2, the Commission approved, by special review, 2 parking spaces per unit and 47.5% open space on the site; and

**WHEREAS**, the Aspen City Council, having considered the Planning and Zoning Commission's recommendations, does wish to grant subdivision, rezoning, and GMQS Exemption with conditions; and

**WHEREAS**, the Aspen City Council, having reviewed the application

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does wish to grant condominiumization of the fully deed restricted triplex with conditions.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO:**

**Section 1:**

That it does hereby grant subdivision of Lot 3 Sunny Park North Subdivision, Aspen Colorado and rezoning of the newly created parcel (500 Park Circle) from R-15 PUD (moderate-density residential) to AH (affordable housing) with the following conditions:

1. Prior to the issuance of any building permits:
  - a. The applicant shall ensure that the slope stabilization is adequate as determined by the City Engineer.
  - b. A final plat shall be reviewed and approved by the Engineering Department. All easements created through this application shall be established by a recorded easement agreement in addition to indicating it on the plat. The plat shall include the book and page of the recording.
  - c. The subdivision plat and subdivision agreement, to be reviewed and approved by the Planning Department and City Attorney, shall be filed within 180 days of final approval.
  - d. The applicant shall submit a drainage analysis, reflecting future site drainage, performed by an engineer registered in the State of Colorado to the engineering department.
  - e. The applicant shall sign a sidewalk construction agreement prior to recording the plat, however a gravel pedestrian area shall be provided at the time of construction to be approved by the Engineering Department.
  - f. The applicant shall provide a six foot by six foot transformer easement and a four foot by four foot pedestal easement on Lot 1 which shall be designated on the final plat.
2. Prior to final approval a revised site drawing must be approved by the engineering department. The site drawing must include the existing curb and gutter, and depict the existing Tailings Condominium driveway.
3. All required utility extensions shall be located underground.
4. Each unit will be constructed in compliance with all applicable uniform building code requirements and U.B.C. sound attenuation codes as required.
5. The applicant shall adhere to the all representations made in

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the application and during the review process.

**Section 2:**

That is does hereby grant GMQS Exemption for the development of a fully deed restricted triplex with the following condition:

1. Deed restrictions shall be reviewed and approved by the Housing Authority and Planning Department prior to the issuance of any building permits for the three dwelling units.
2. The deed restrictions shall contain language enabling the Siegel's right of first refusal when the units are for sale as long as the Siegel's own their home on Lot 2 of the Aspen Electric Subdivision orhis business, Aspen Electric.

**Section 3:**

That is does hereby grant condominiumization of the three residential dwelling units with the following condition:

1. Prior to the sale of either unit, a condominium plat which meets the requirements of Section 24-7-1004 D of the Municipal Code and a Subdivision Exemption Agreement must be filed. The final plat and agreement shall be reviewed and approved by the Engineering and Planning Departments and the City Attorney.

**Section 4:**

The Official Zone District Map for the City of Aspen, Colorado, shall be and is hereby amended to reflect those rezoning actions as set forth in Section 1 above and such amendments shall be promptly entered on the Official Map in accordance with Section 24-5-103B of the Municipal Code.

**Section 5:**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 6:**

This Ordinance shall not effect any existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided, and the same shall be conducted and concluded under such prior ordinances.

**Section 7:**


A public hearing on the Ordinance shall be held on the

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day of October 26, 1992 at 5:00 P.M. in the City Council Chambers,  
Aspen City Hall, Aspen Colorado, fifteen (15) days prior to which  
hearing a public notice of the same shall be published one in a  
newspaper of general circulation within the City of Aspen.


INTRODUCED, READ AND ORDERED PUBLISHED as provided by law, by the  
City Council of the City of Aspen on the 13<sup>th</sup> day of  
October, 1992.

John Bennett  
John Bennett, Mayor

  
A. Koes  
A. Koes, City Clerk

adopted, passed and approved this 26<sup>th</sup> day of  
October 1992.

John Bennett  
John Bennett, Mayor

  
A. Koes  
A. Koes, City Clerk

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