

**ORDINANCE NO. 10
(SERIES OF 2014)**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, APPROVING A LOT SPLIT FOR THE PROPERTY LOCATED AT 905 E. HOPKINS AVENUE, LEGALLY DESCRIBED AS LOTS A, B, C, AND D, BLOCK 32, EAST ASPEN ADDITION, CITY AND TOWNSITE OF ASPEN, COUNTY OF PITKIN, STATE OF COLORADO.

PARCEL ID: 2737-182-06-002.

WHEREAS, the Community Development Department received an application from Marmax Haytel LLC, represented by Stan Clauson Associates, Inc., requesting approval of a Lot Split for the property located at 905 E. Hopkins Ave, legally described as Lots A, B, C, and D, Block 32, East Aspen Addition, City and Townsite of Aspen, County of Pitkin, State of Colorado; and,

WHEREAS, the property is currently zoned Residential Multi-Family (RMF) with a Lodge Preservation (LP) Overlay; and,

WHEREAS, pursuant to Section 26.480.060.A, Lot Split, The subdivision of a lot for the purpose of creating one additional development parcel shall be approved, approved with conditions, or denied by the City Council; and,

WHEREAS, upon review of the application and the applicable Land Use Code standards, the Community Development Department recommends approval of this application with condition; and,

WHEREAS, City Council has reviewed and considered the development proposal under the applicable provisions of the Municipal Code as identified herein, has reviewed and considered the recommendation of the Community Development Director, the applicable referral agencies, and has taken and considered public comment at a public hearing; and,

WHEREAS, during a duly noticed public hearing on May 12, 2014, the City Council approved Ordinance No. 10, Series of 2014, by a ____ to ____ (_ - _) vote, approving a Lot Split for the property located at 905 E. Hopkins Ave; and,

WHEREAS, City Council finds that the proposal meets or exceeds all applicable development standards; and,

WHEREAS, the City Council finds that this Ordinance furthers and is necessary for the promotion of public health, safety, and welfare.

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

Section 1: Lot Split

Pursuant to the procedures and standards set forth in Title 26 of the Aspen Municipal Code, the City Council hereby approves a Lot Split for the property located at 905 E. Hopkins subject to the following conditions.

Section 2: Subdivision Plat

The Applicant shall submit a Lot Split Plat in accordance with Section 26.490.080 to be recorded in the Pitkin County Clerk and Recorder's Office. The Lot Split Plat shall contain the information and be in the format required by Title 29 – Engineering Design Standards, Plats.

Recordation of this subdivision plat does not constitute vesting in the Land Use Code at time of approval. Future development on the two newly created lots shall be subject to the Land Use Code and all other applicable regulations effective at the time of submission for such development.

Section 3: Demolition

The Mountain House Lodge that currently exists on the property shall be demolished prior to recordation of the Lot Split Plat, but in no case later than 180 days after approval of this Ordinance.

Section 4: Severability

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

Section 5: Existing Litigation

This Resolution shall not affect 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 6: Approvals

All material representations and commitments made by the Applicant pursuant to the development proposal approvals as herein awarded, whether in public hearing or documentation presented before City Council, are hereby incorporated in such plan development approvals and the same shall be complied with as if fully set forth herein, unless amended by an authorized entity.

Section 7: Public Hearing

A public hearing on this ordinance shall be held on the 12th day of May, 2014, at a meeting of the Aspen City Council commencing at 5:00 p.m. in the City Council Chambers, Aspen City Hall, Aspen, Colorado, a minimum of fifteen days prior to which hearing a public notice of the same shall be published 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 7th day of April, 2014.

Attest:

Kathryn S. Koch, City Clerk

Steven Skadron, Mayor

FINALLY, adopted, passed and approved this ____ day of _____, 2014.

Attest:

Kathryn S. Koch, City Clerk

Steven Skadron, Mayor

Approved as to form:

Jim True, City Attorney