

MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday January 24, 2019

Commissioners Present:

Michael Durant, Chair
Nick Miscione
Marina Skiles
Jay Engstrom
Tristan Francis (2nd Alternate)
Jeff Davlyn
Nicholas DiFrank (1st Alternate)

Staff Present:

Janet Buck, Planning Director
John Leybourne, Planner
Mary Sikes, Planning Assistant

Commissioners Absent:

Ken Harrington, Vice-Chair
Jade Wimberley

Other Persons Present

Richard Camp, 231 Euclid Avenue
Dan Muse, 289 Sopris Avenue
Kenny Teitler, 206 S. Third Street
Karen Good, 201 E. Silver Street, Marble
Mark Chain, 811 Garfield Avenue
Jeff Dickinson, 82 Weant Blvd. #201
Kristin Carroll, 240 Euclid Avenue
Kurtis Sparrow, 240 Euclid Avenue

The meeting was called to order at 7:02 p.m. by Michael Durant.

January 10, 2019 Minutes:

Jeff made a motion to approve the January 10, 2019 minutes. Nicholas seconded the motion and they were approved unanimously with Nick, Marina, Jay and Tristan abstaining.

Public Comment – Persons Present Not on the Agenda

There were no persons present to speak on a non-agenda item.

Special Use Permit-615 Buggy Circle-P&C Express- Medical Marijuana Cultivation

Jeff made a motion to approve the Special Use Permit for a medical marijuana cultivation facility. Marina seconded the motion and it was approved unanimously.

Special Use Permit -615 Buggy Circle- Durango Alternative-Medical Marijuana Cultivation

Nicholas made a motion to approve the Special Use Permit for a medical marijuana cultivation facility. Marina seconded the motion and it was approved unanimously.

Public Hearing – Minor Site Plan Review, Special Use Permit, Conditional Use Permit and Variances -296 S. 3rd- Applicants: Kristin Carroll, Kurtis Sparrow & Pamela Maquire

Janet said that this is a public hearing to consider a Minor Site Plan Review and Special Use Permit for a new Single Family Dwelling with an Accessory Dwelling Unit, Variances and Conditional Use Permit. She stated that the Planning Commission is required to hold a public hearing and approve the application, deny it or continue the public hearing.

Janet explained that there currently is a single family home on the lot. She said that the applicants are proposing to demolish the structure and construct a single family dwelling with an ADU.

Janet continued by saying that the house would be a two-story structure with a full basement. She stated that the single family residence would be 3,880 sq. ft. with a 440 sq. ft. ADU for a total of 4,320 sq. ft.

Janet stated that the property is located in the OTR zone district. She said that because of the size of the lot, it is a legal non-conforming lot. She said that the UDC allows a nonconforming lot to be developed as long as all development criteria are met with the exception of lot size and/or minimum lot dimensions.

Janet explained that the application includes a number of variances. She noted the following;

1. Variance from the minimum lot size
2. Variance from the required off-street parking requirements
3. Variance for the size of the ADU
4. Variance from allowed maximum impervious lot coverage
5. Variance from the street side setback
6. Variance from the allowed height of a wall within five feet of a side yard setback
7. Variance for an eave projection

8. Variance from allowed fence height

Janet said that the application is complete and detailed. She stated that overall, the design of the building is attractive and appears to be in compliance with the building design standards in the OTR zone district. She stated however, Staff does not support this proposed application.

Janet stated that the variances requested are not the minimum amount required in order to reasonably develop the property. She said that the property could be developed with a fewer number of variances.

Janet said that the purpose section of the OTR zone district states that the mass and scale of new development should integrate into the neighborhood. She stated that she's not sure that this has been accomplished with this design.

Janet stated that the Infill goals in the Comprehensive Plan require that special care should be taken to ensure mass and scale conform to the existing neighborhoods.

Janet said that while Staff doesn't support this proposal as currently designed, we recognize that variances may be needed to reasonably develop this property. She stated that this could include a street side setback variance and a variance to have eaves project into the side yard setback. She said that a variance from the maximum impervious lot coverage may also be needed but it should be the minimum necessary.

Janet continued by saying that the mass and scale of the structure should be brought down to scale with the neighborhood. She said that Staff would suggest that the length of the building be reduced and two parking spaces constructed off the alley.

Janet explained that with a special use permit that we need to make sure that the impacts of a development are mitigated upon the surrounding neighborhood. She said that she did not include the special use criteria in the Staff report but that it is a key finding.

Janet stated that Staff's recommendation is for denial of the project and the Commission may also continue the public hearing.

Janet explained that the applicants knew that she had concerns early on and that she thinks that they have heard from the neighbors. She said that she also thinks that they are willing to change their design to reduce the number of variances requested and would need time to complete this.

Janet said that if the Commission is inclined to continue the item, Staff would recommend that it be continued to the February 28, 2019 meeting so there is time to review the application for conformance with the UDC.

Nick asked if the existing building was listed on the historic survey.

Janet said that it was not and that she didn't believe a survey was done previously.

Nick asked if this property was eligible for a survey.

Janet stated that it was hard to say because the survey is what determines the integrity and the history. She said that we do not have any regulations that would prohibit the demolition of the building. She continued by saying that the only time we can do a stay of demolition is if the building is located in the HCC zone district and if it is over fifty years old. She said that the applicants' intent when they bought the property was to rehabilitate it but that further problems were discovered. Janet noted that the applicants' were planning on reusing some of the materials from the home.

Marina asked for clarification of the demolition of historical property and that the HCC zone district was the only zone district that a building cannot be demolished.

John answered that it is correct.

Janet stated that even in the HCC that a stay of demolition is only good for 180 days, which allows time for the CHPC and the Town to negotiate with the property owners. She said that after the 180 days that if negotiations fail the property owners can demolish the property. Janet stated that our historic preservation ordinance is owner consent.

Nick asked if the applicant has reached out to HPC.

Janet stated that she didn't believe so.

Michael said that is a question for the applicant when it is their turn. He added that with these questions he wondered if everyone has seen the same building that he has seen.

Nick stated that from a historic perspective it shouldn't matter whether it is a mansion or a shed. He said that it is not a determining criteria for historic significance.

John said that what he thinks Michael is speaking to is its' condition.

Michael commented that if there had been any historical significance that it was gone two or three remodels ago.

Jay asked if there might be any potential for redoing the sidewalks for this intersection and this corner.

Janet said that there are no plans that she knew of but that she would also have to check with the Public Works Director.

Jay said that three corners of this intersection have a pedestrian crosswalk but that this corner does not have one.

Mark Chain introduced himself, the applicants, Kristin Carroll and Kurtis Sparrow, Designers, Jeff Dickinson and Robin Sher. He said that the owners have been working hard on this for six months meeting with twelve households of neighbors as well as Staff. He said that the application includes six variances and a special use permit with a site plan review.

Mark said that there are new designs to come into conformance as much as possible and to reduce the number of variances.

Mark gave a PowerPoint presentation outlining the following:

- The nonconforming lot with a house that was built in 1888
- Encroachments in the right-of-way
- Explanation of the request for variances
- Structural issues with current home
- Comprehensive Plan requirements
- Old Town Residential (OTR) zoning requirements
- Initial design layout
- Revised design/ layout
 - Rear yard, which could have parking
 - Height reduction
 - Building step-down to the alley
 - Fence variance removed for the front yard
 - ADU has been removed
 - Vertical side wall reduction
- Two variances with the revisions, eve projections and side yard setback
- Drainage improvements

Jeff Dickinson explained the drawings on the wall, referencing the site plan. He said that this a “forever-home” for the applicants so they went out and met with their neighbors.

Jeff Dickinson said that the mass of the home has been brought down as well as the height and length. He said that the impervious area has been reduced to 44%, which is what is allowed by code. He said that there is now a nice backyard that can be fenced in as well as in the front yard. Jeff said that the owners have sacrificed a lot and that there has been a lot of effort on their part.

Michael asked Mark if the changes were reflected in the application in the packet.

Mark explained that the changes are not in the packet but that they are in the slides and the drawings on the wall. He said that there are images in the PowerPoint.

Jeff Dickinson said that they revised the drawings in the last month and that they were wanting to get the Commission’s take on them.

Marina commented that this home is straw bale which takes up a lot of square footage on a really tight site.

Jeff Dickinson said that the applicants want a straw bale home and that is one of their top criteria.

Nick asked if there were any other buildings in the Town of Carbondale that were straw bale.

Jeff Dickinson answered yes about a dozen.

Kristin said that they currently rent an ADU close by that is a straw bale where they have lived for ten years. She listed many reasons for their choice of straw bale.

Nick asked what the oldest straw bale in town was.

Jeff Dickinson said 1992.

Nick asked if they had run dew point calculations on their assembly including its location.

Jeff Dickinson explained that it was a breathable assembly in the middle of the wall.

Jay asked if the square footage was on the outer dimensions of the building.

Jeff Dickinson answered yes.

Marina said that this is the corner of Third Street and Sopris Avenue and that you are putting the back side of your house on the main street. She said that this is the OTR and that we need to consider this different than any other part of town.

Kristin explained the changes to their design and that they love this location.

Michael stated that we have an application and the building that is going to be proposed is not reflected in the application in the packet. He said that we also have eight variances in this application and that he doesn't see eight variances passing. Michael explained that there are specific criteria for a variance and that several of these variances don't even come close to fitting the criteria. He said that he doesn't see how this lot could be developed without a variance or two. He continued by saying that this is a public hearing and that he doesn't want to ask the applicant questions on a design that won't be happening.

Richard Camp, 231 Euclid Avenue said that he is in favor of the proposed plan that the Commission hasn't seen. He said that they have gone to great strides to reduce the mass of this house and respond to the neighbors' concerns. He said what it comes down to is that they are asking for a setback variance and an overhang variance, which will create a developable lot. He said that the applicants are a working family and that it

is important to keep them in town. He said that this was the only lot that they could afford and that he likes the direction that they are going with the house. He asked the Commission to please consider a variance on the setbacks.

Dan Muse, 289 Sopris Avenue said that he and his wife are the property on the east side. He said that it seems to be an outlier with the cost of the house and the cost of the lot. He said that he has not seen the revised plans. He said that the applicants are great people as well as everyone involved. He said that this corner has always been a funny ignored corner in town so it would be nice to see the corner get developed and embraced by the houses around it. He said that he can't speak to the revised plans as he hasn't had a chance to see them yet.

Kenny Teitler, 206 S. Third Street said that he is two doors down from them. He said that he appreciates how Kristin and Curtis have listened to the feedback that they have been given. He said that he appreciates the new proposal and that the side setback is fine. He said that he has lived on this street for twenty years and that he can't count the number of people that have lived in this house because it is not livable as it. He said it would be great to have people that have already been our neighbors and that it would be great to see them have a good life here.

Karen Good, 201 E. Silver Street, Marble, said that Kristin and Curtis are personal friends. She said that she has seen firsthand the stress and hardship that they have been going through. She said that there are a lot of problems with the current house regarding safety issues. She said that she admires their perseverance and willingness to work with the neighbors and the Town to figure out a good fit. She said that with their new plan that it seems like a no-brainer. She said that it will benefit everybody and she hopes that they get their place the way they want it.

Nicholas asked if the windows in the new plan were egress windows.

Inaudible discussion followed.

Jeff asked if the applicant was going to pursue the variance for the off street parking for the single family dwelling.

Inaudible discussion followed.

Mark Chain suggested that the backyard would be good for the applicant to have their nest and as the surroundings change maybe make parking in the future when needed.

Jay said that he has concern with the two big trees and the foundation going in for the basement. He asked what kind of trees they were.

Mark Chain said that the trees were Siberian Elms.

Further discussion ensued about trees.

Janet said that the Town Arborist could weigh in on the trees.

Marina reiterated the corner and that it shouldn't feel like a back yard as well as how the corner creates community. She added that she wasn't sure why the ADU went away.

Inaudible discussion followed.

Mark Chain stated that the applicants were listening to their neighbors.

Further discussion ensued regarding design.

Nicholas asked where the window well was in relation to the setback.

Jeff Dickinson said that it doesn't go outside of the property line and that they are not egress windows on the west side. He said they could possibly put in a railing.

Nicholas said that he thinks that a fence is inappropriate on the corner and that he would love to work with them personally.

Further discussion ensued regarding the corner.

Motion to Continue the Public Hearing

Jeff made a motion to continue the public hearing to February 28, 2019. Marina seconded the motion and it was approved unanimously.

Garfield County Referral – Go Self Storage – 12744 Highway 82

John stated that Planning Staff received a referral from Garfield County. He said that the referral concerns an application for the development of a mini storage facility to be located at 12744 Highway 82. He explained that the site is currently used by the Planted Earth Nursery located in the Dixon Subdivision for material and equipment storage and is 2.7 +/- acres in size. John said that it appears that Planted Earth will continue operations on the other adjacent parcels. He stated that the County review of the application includes a limited impact review similar to our Site Plan Review and also included a Land Use Change permit for the change of uses on the site. He said that the Property is Zoned Rural.

John stated that the facility is to be a three-story self-contained storage building to be approximately 99,407 +/- square feet in size.

John said that the operation is to include a self-service kiosk for 24-hour service to rent and move into units at any time. He added that there will also be an onsite office that will be open from 8:30 am to 5:30 pm Monday through Friday and Saturday from 9:00 am to 1:00 PM.

John stated that these units are climate controlled and the facility will be fenced with a computerized gate access and security cameras to prevent theft. He said that the facility will also have on hand trucks and trailers for delivery and moving services. He stated that no outdoor storage is allowed on the site.

John noted that the applicant has indicated that the building will use non-reflective materials and will follow the Garfield County lighting standards to minimize impacts of the exterior lighting.

John said that the County standards are similar to the Towns in that lighting is required to be downcast and fully shielded from view.

John continued by stating that in the memo dated 11-20-18 from Yancy Nichol of Sopris Engineering, he points out that the existing Dixon Subdivision does not appear to have an existing CDOT Access Permit and that it may be a “grandfathered” access point, the memo goes on to state that the change in use may require a new access permit to be issued dependent on the traffic generated. The memo is attached and includes estimated traffic counts.

John stated that Staff recommends that the Planning Commission review the attached application then discuss the referral. He said that the Commission may then direct staff to provide comments to Garfield County by Thursday January 31, 2019.

Points for referral letter:

- Comprehensive Plan, significant parcels pages 73 & 74
- Comprehensive Plan, gateways page 46.
- Perform line of sight from the Town.
- Entryway to the Town of Carbondale.
- RV storage too close to the highway.

Garfield County Referral – Blue Mountain Self Storage – Intersection of County Road 100 and Colorado Highway 82

John stated that Planning Staff has received a referral from Garfield County.

John said that the referral concerns an application for the development of a mini storage facility to be located on the northwest corner of Highway 82 and County Road 100. He stated that the site is part of the T.O. Ranch Subdivision (Lot 1) and is 5.988 acres in size. He explained that the County review of the application includes a Limited Impact Review similar to our Site Plan review and also includes a Land Use Change permit for the change of uses on the site. He said that the property is Zoned Rural.

John said that the facility is to be a three-story self-contained storage building to be approximately 96,900 +/- square feet in size with 32,300 square feet per floor. He stated that no outdoor storage is allowed on the site.

John stated that the applicant has indicated that the building will use materials that reflect the natural environment of the location and its surroundings. He stated that the applicant indicates that the lighting will be 0.00-foot candles at the perimeter of the property and will conform to County lighting standards. He said that the county standards are similar to the Towns in that lighting is required to be downcast and fully shielded from view.

John stated that the memo from Yancy Nichol of Sopris Engineering indicates that a CDOT access permit is not required as access is off of County Road 100.

John stated that Staff recommends that the Planning Commission review the attached application then discuss the referral. He said that the Commission may then direct Staff to provide comments to Garfield County by Friday, February 1, 2019.

Points for referral letter:

- Zoning is a Village Center.
- Water tank height in berm.
- Artificial barrier for surrounding property owners.
- It is a residential parcel, why change to commercial?

Staff Update

Janet said that the Board of Adjustment now has seven members and that they will meet next Wednesday January 30th. She asked the Commission if there were three Commissioners that could sit on the Board of Adjustment if needed. Nicholas and Tristin volunteered and Jay was tentative.

Commissioner Comments

There were no comments from the Commissioners.

Motion to Adjourn

A motion was made by Jeff to adjourn. Nick seconded the motion and the meeting was adjourned at 9:14 p.m.