

MINUTES

CARBONDALE PLANNING AND ZONING COMMISSION

Thursday December 6, 2018

Commissioners Present:

Michael Durant, Chair
Ken Harrington, Vice-Chair
Nick Miscione
Jade Wimberley
Jay Engstrom
Tristan Francis (2nd Alternate)

Staff Present:

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

Commissioners Absent:

Marina Skiles
Jeff Davlyn
Nicholas DiFrank (1st Alternate)

Other Persons Present

Terrie Drake, 5 Maroon Drive
Melissa Sumera, 38 Maroon Drive
Tom Clark, 77 Maroon Place
Andrew Wisnoski, 642 Surrey Road
Ramsey Fulton, 417 Main Street
Bob Schultz, 354 Fawn Drive
Dave Ritchie, 311 Main Street #101
Mark Chain, 811 Garfield Avenue

The meeting was called to order at 7:00 p.m. by Michael Durant.

November 15, 2018 Minutes:

Jay made a motion to approve the November 15, 2018 minutes. Tristan seconded the motion and they were approved unanimously with Ken abstaining.

Public Comment – Persons Present Not on the Agenda

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

Resolution 7, Series of 2018, approving Amended Site Plan for 1st Bank on Lot 5B, Carbondale Marketplace

Ken made a motion to approve Resolution 7, Series of 2018. Nick seconded the motion and it was approved unanimously.

Public Hearing – Minor Site Plan Review – 17 Maroon Place- Jordan Architecture

John presented the staff report noting the following items:

- The applicant is proposing to renovate the space above the garage for the accessory dwelling unit.
- The renovation will only require internal changes to the structure with no external changes to the existing home, which is currently being remodeled with an approved building permit.
- The covenants recorded for this phase of the Sopris Meadows Subdivision states: “No building shall be erected, altered, placed or permitted to remain on any lot other than a one detached family dwelling not to exceed twenty-six (26) feet in height...”
- Historically, Town Staff has discouraged property owners in this neighborhood from pursuing approvals for ADU’s because Staff didn’t want to go against the covenants.
- Covenants are private agreements between the property owners and the Town does not enforce covenants.
- Some covenants allow Town Staff to enforce certain items, Sopris Meadows did not include this clause.
- The covenants mention detached family dwelling, the intent is unclear.
- The proposed ADU is an attached dwelling unit contained within the existing single-family dwelling.
- The ADU may be up to a maximum of 850 square feet, the proposed ADU is 595 square feet.
- The allowed maximum impervious surface has been met at 29.93%.
- Two parking spaces have been provided in the garage and three additional spaces in front of the garage.

Ken asked if there was an HOA in this neighborhood.

John stated that there was not an active one.

Jade asked for address clarification, is it Maroon Drive or Maroon Place.

John stated that it was Maroon Place.

Jay asked if the garage square footage was in the square footage total.

John said that it was.

Michael asked if the expansion to the house was an expansion by right.

John stated correct.

Brad Jordan from Jordan Architecture introduced himself. He said that the plan was drawn to accommodate a remodel and addition to the site. He said that they are going through the legal process, unlike their neighbors.

Brad stated that it has been permitted and is under construction. He said that there is nothing new except for a separation of the unit with a separate entrance.

Jay asked if it were being constructed right now.

Brad stated that it is under construction as a single family residence, he said that with the way it was designed it can be separated to make a legal ADU. He said that they are here before the Commission because they did not want to do it illegally.

Jay asked if permission were not granted for this ADU would the building look exactly the same from the outside.

Brad said yes that everything has been "as-built".

Ken asked when the covenant was placed on this property.

Numerous responses from the public responded with the 70's or 80's.

Brad said that the HOA is defunct and that they have not met their obligation to enforce covenants.

Michael asked if there was an assessment for common areas.

Brad stated not to his knowledge.

Michael commented that he does not see a kitchen in the drawing for the ADU.

Brad said that it was called out as a kitchenette, he said that when the plans were originally submitted it was to use the space as a recreation room.

Michael opened the public hearing.

Terrie Drake, 5 Maroon Drive stated that she has the house next door, which they rent out. She said that she was in favor of the application, since the house, as it was previously, did not improve the neighborhood. She said that she appreciates that they are going through legal channels and that they have been good to work with. Terrie said that they have come to talk to us and asked about the fence line. She said that they have also been making sure that our concerns have been heard. She said that both she and her husband are in favor of this ADU, particularly because off-street parking has been addressed.

Melissa Sumera, 38 Maroon Drive said that she has not fully understood part of the petition. She said that there was a letter that accompanied the public hearing notice that referenced the need for additional parking. She said that she had looked at the plans at the building department to try to understand what was being requested. She stated that there was already a new driveway into a new garage that was part of the work that has already occurred. Melissa said that she is not in favor of additional impervious surface to their lot because it has already been consumed by the foundation of the additional structure. She said that she agrees with her neighbor that it is a more attractive

residence than what was there before. Melissa said that the wording in the letter from the applicant was worded unclearly.

Janet responded by saying that she agrees about the letter and that only four parking spaces are required, for which they are providing five parking spaces.

Melissa read from the letter that she received: Additional off-street parking is being proposed to alleviate any issues with any of the on-street parking conditions. She that there are five parking spaces with the current situation, which is the confusing part of the letter.

Michael clarified that all of the parking requirements of the Town have been met.

Brad said that originally there was no garage or driveway on this property and that they are providing five parking spaces off-street with what is currently existing. He said that they are not adding anymore parking spaces for the ADU and that the five were approved with the building permit as is. He said that the five parking spaces would serve the main residence and the ADU.

Michael said that the impervious surfaces are at 29.93% according to John's report.

Michael asked what the maximum allowable was.

John answered 45%.

Michael stated that they are way under what is allowed by right with the zoning.

Melissa stated that she did hear back from Planning Staff that they had gone back out to measure after she had talked with them. She said that it is a deceiving lot arrangement and that it looks quite a bit fuller than 30%.

Tom Clark, 77 Maroon Place, said that there are many things that are really confusing with the ADU process. He said that historically ADU's were not allowed in this area and that more recently there have been a lot of ADU's added. He commented that he did not know what 37 Maroon Place was as far as an ADU or not. He said 42 Maroon Drive too. He said that he doesn't really know what an ADU means and that it seems to him that there could be a different owner than the house. Tom said that the owner of the house has never lived there and probably never will live there. He said all of this is a flip the house for profit proposition. He said that he is concerned because the owner will never have any connection to the neighborhood and the things that go on in the neighborhood. He said that 37 Maroon Place became an apartment complex because the owner built a garage and added on a new garage with a unit above and that it split into two residences. He said that the cars became a problem and that these changes are making it a high density neighborhood and not a single family neighborhood like we thought it was zoned. Tom said that the building permit was issued a year ago and that suddenly there is an ADU addition when they have known for a year. He said that

suddenly this process of whether an ADU is allowed comes up as well as enforcement of the covenants.

Michael stated that your comments are important and that we want to hear them. He said that we have adopted a new Unified Development Code that defines what an ADU is as well as where ADU's are allowed, with the criteria of getting an ADU approved. He said that Staff reviews whether all of those criteria have been met and that is why we are here tonight. He said that everything is defined in the UDC.

Tom asked when the current UDC was drawn up.

Michael stated that it was adopted almost two and half years ago.

Brad explained that a legal separation is a building term for a one hour fire separation between units. He said that it is not separating the ownership.

Tom thanked Brad for the explanation.

Motion to close the Public Comments

A motion was made by Ken to close the public comments. Jay seconded the motion and it was approved unanimously.

Jay commented that with ADU's that the parking is being addressed and that on-site parking is required, which has been met with this application.

Ken said that in regards to the covenants being put in place many years ago and that there is not a current HOA so we then revert to the underlying zoning. He said that this is a conditional use but it is a permitted use and they are going through the proper process so he does not have any objections.

Michael asked Janet if the HOA were to reform what recourse would they have to enforce their covenants in the future.

Janet said that if they do want to form an HOA that they should contact an attorney and read their covenants. She said that covenants are a private agreement between property owners and the Town does not enforce them. She said that when they go to sell, if an ADU has not been permitted, they will be held accountable.

John agreed and said that there are other owners in town currently going through the process of getting units permitted that are under contract to sell.

Nick asked if the subdivision had any common areas.

Janet stated that there is not anything commonly owned and that there are no HOA dues because it is an old subdivision.

Mark Chain said that there hasn't been an HOA since 1983 by his recollection.

Motion

Ken made a motion to approve the minor site plan review for an ADU located at 17 Maroon Place with the four conditions in the Staff memo. Nick seconded the motion and it was approved unanimously.

UDC Amendments – Clarion Scenario Modeling and Analysis

Janet noted the following was in the scope of Clarion's project;

- Develop baseline models for three properties within the R/HD Zone District to show site development that complies with the UDC as it relates to minimum lot area per dwelling unit, impervious/pervious coverage requirements, and other elements.
- Assess overlapping site development standards overall, i.e., pervious/impervious coverage, common open space, landscaping, public park dedication, etc.
- Provide recommendations to improve the UDC.

Clarion gave a PowerPoint presentation:

Carbondale UDC: Analysis of Scenarios within the R/HD District;

Why are we doing this project?

- Address concerns about potentially overlapping development standards in the Unified Development Code (landscaping, open space, impervious coverage)
- Demonstrate build out scenarios in the absence of a lot-area-per-dwelling-unit requirement in the R/HD district

Project background

- Identify sites for analysis
 - Three sites
 - In the R/HD district
 - Varied lot sizes
- Develop site calculation worksheet
- Model and analyze each site with multi-family development scenarios
- Provide recommendations for UDC amendments

Site Selection

1. 2nd Street & Euclid Avenue
2. 8th Street & Main Court

3. 3rd Street & Capitol Avenue
2nd Street and Euclid Avenue

Current:

- Two single-family attached buildings
- 17,490 sq. ft. combined

8th Street and Main Court

Current:

- Single-family home
- 9,700 sq. ft. lot

3rd Street and Capitol Avenue

Current:

- One vacant lot; one triplex
- 20,000 sq. ft. combined

Site calculation worksheet

1. Establish key assumptions
2. Test assumptions against UDC
3. Run scenarios for each site

SW Corner of 8th Street and Main Court							
Lot Area (sqft)	Building and Parking	Number of Units	Livable Space (sqft)	Parking Spaces	Parking Lot Area (sqft)	Private Outdoor Space ²	Bulk Storage (sqft) ³
9,700.00	Efficiency	-	-	-	-	-	-
Max Impervious Lot Coverage¹	One Bedroom	-	-	-	-	-	-
5,820.00	Two Bedroom	-	-	-	-	-	-
Building Stories	Three Bedroom	4	4,000.00	10.00	3,250.00	320.00	166.67
3	Total	4	4,000.00	10.00	3,250.00	320.00	166.67
Parcels (Garfield County)	Gross Floor Area (sqft) ⁴	4,880.00					
239334382002	Parking (sqft)	3,250.00					
	Building footprint (sqft) ⁵	1,626.67					
	Internal pedestrian circulation (sidewalk)(sqft)	487.67					
	Required Site Features						
	Open Space ⁶	1,455.00					
	Required Pervious Surface ⁷	3,298.00					
	Total	4,753.00					
	Tests	Total	Difference				
	Impervious Coverage	✓ 5,364.33	455.67				
	Space Used by Proposed Development	✓ 9,629.67	70.33				
	Required Lot Area for Dwelling Units	✓ 7,400.00	2,300.00				

The tests...

- **Impervious coverage** – Will the scenario require more impervious coverage than allowed under the UDC (60 percent)?
- **Space used by development** – Is the lot large enough to accommodate the scenario based on the UDC requirements?
- **Lot area per dwelling unit** – Is the lot large enough to accommodate the scenario based solely on the lot-area-per-dwelling-unit requirement of the R/HD?

2nd Street and Euclid Avenue**Proposed scenario:**

Lot size	17,490 sq. ft.
Dwelling units	14 efficiency
Livable space	5,810 sq. ft.
Parking area	5,687 sq. ft.
Impervious coverage	50.6 percent
Total area used by proposed development	16,620 sq. ft.

8th Street and Main Court**Proposed scenario:**

Lot size	9,700 sq. ft.
Dwelling units	4 three-bedroom
Livable space	4,000 sq. ft.
Parking area	3,250 sq. ft.
Impervious coverage	55.3 percent
Total area used by proposed development	9,629 sq. ft.

3rd Street and Capitol Avenue**Proposed scenario:**

Lot size	20,000 sq. ft.
Dwelling units	4 one-bedroom 4 two-bedroom 3 three-bedroom
Livable space	8,320 sq. ft.
Parking area	6,662 sq. ft.
Impervious coverage	55.3 percent
Total area used by proposed development	19,845 sq. ft.

UDC recommendations, by topic

Minimum lot area per dwelling unit

Table 3.2-9:

R/HD District Dimensional Standards

Lot Standards	
Lot area, single-family dwelling, minimum	3,000 sf
Lot area, multifamily dwellings, minimum per unit: [1]	Based on # of units
Efficiency	1,050 sf
1 bedroom	1,450 sf
2 bedroom	1,650 sf
3 bedroom	1,850 sf
4 bedroom	2,050 sf
Lot depth, minimum	50 feet [2]
Lot width, minimum	25 feet
Impervious lot coverage, maximum	See Table 3.7-2

Recommendations:

- Replace scalable lot-area-per-dwelling-unit requirement with standard 3,000 sq. ft. minimum lot size for the R/HD district.
- Allow multifamily by right in the R/HD district.
- Reintroduce minimum lot-area-per-dwelling-unit requirement of 3,000 sq. ft. in the R/MD district.

Table 3.2-9:

R/HD District Dimensional Standards

Lot Standards	
Lot area, single-family dwelling , minimum	3,000 sf
Lot area, multifamily dwellings, minimum per unit: [1]	Based on # of units
Efficiency	1,050 sf
1 bedroom	1,450 sf
2 bedroom	1,650 sf
3 bedroom	1,850 sf
4 bedroom	2,050 sf
Lot depth, minimum	50 feet [2]
Lot width, minimum	25 feet
Impervious lot coverage, maximum	See Table 3.7-2

Impervious lot coverage (3.7.2)

Table 3.7-2: Maximum Impervious Lot Coverage – Residential Districts					
Zoning District	AG	OTR	R/LD	R/MD	R/HD
Net Lot Area	Maximum Impervious Lot Coverage Percentage (%)				
400,000 sf or larger	5	1.5	5	60	60
200,000 – 399,999 sf	--	2	7	60	60
87,120 – 199,999 sf	--	4	15	60	60
43,560 – 87,119 sf	--	8	20	60	60
20,000 – 43,559 sf	--	16.5	25	60	60
15,000 – 19,999 sf	--	21	33	60	60
12,500 – 14,999 sf	--	24	35	60	60
10,000 – 12,499 sf	--	29	42	60	60
7,500 – 9,999 sf	--	34	45	60	60
6,000 – 7,499 sf	--	40	52	60	60
4,000 – 5,999 sf	--	42	52	60	60
Less than 4,000 sf	--	44	52	60	60

Recommendations:

- **Consider eliminating minimum landscaped area of 40 percent in the R/HD (redundant).**
- **Consider additional specificity related to alternative paving systems (e.g., when allowed, under what criteria, and how much of an area).**

Open space

- **5.3.2.B (public dedication)**

B. Applicability

This section shall apply to any development that contains 10 or more residential dwelling units and is subject to preliminary plat approval pursuant to Section 2.6, *Procedures and Approval Criteria: Subdivisions*.

- **5.3.3.B (private set-asides)**

B. Applicability

1. This section shall apply to any development containing an institutional or commercial use, or any mix of commercial, institutional, and/or residential uses.
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Recommendations:

- **Public open space:** expand the applicability to require dedication or fee-in-lieu for 10 or more dwelling units for preliminary plat, final plat, or condo plat (not just preliminary).
- **Private common open space:** revise applicability to clarify only required with multifamily, mixed-use, or PUDs when public dedication is not required (e.g., no “double dipping”).

Site area landscaping (5.4.3.A)

5.4.3. MINIMUM LANDSCAPING REQUIRED

A. Site Area Landscaping

1. The minimum percent of net site area required to be landscaped, exclusive of street right-of-way and required parking lot landscaping, shall be as follows:

**Table 5.4-1:
Landscaping Requirements**

Nonresidential and Mixed-Use Districts	HCC	CT	CRW	MU	I
Minimum Landscaped Area (%)	None	20	20	10	5
Multifamily Uses in Residential Districts	R/MD	R/HD			
Minimum Landscaped Area (%)	40%	40%			

2. Any part of a site not used for buildings, parking, driveways, sidewalks, etc. shall be landscaped. All undeveloped building areas within partially developed residential, commercial, or industrial uses shall control dust and erosion by use of vegetative ground cover or other means.

- Relocate multifamily parking lot landscaping standards from building design section to landscaping section.
- Consider eliminating minimum landscaped area percentage.
- Consider specifying how much non-live materials are permitted within landscaped areas (e.g., 50 percent).

Pedestrian circulation (5.5.3)

B. On-Site Pedestrian Connections

1. All commercial, industrial, and multi-family development shall provide a network of on-site pedestrian walkways with a minimum width of five feet to and between the following areas:
 - a. Entrances to each commercial building on the site, including pad site buildings;
 - b. Public sidewalks or walkways on adjacent properties that extend to the boundaries shared with the subject development; and
 - c. Adjacent public transit station areas, transit stops, park and ride facilities, or other transit facilities.

- Clarify that entrance requirements apply to multifamily **and** commercial.
- Clarify that walkways from dwelling unit entrances to private outdoor space shall be minimum three feet in width, not five feet (based on private outdoor space standards in building design, Sec. 5.6.5.B.2.a).
- Clarify that building code may require wider walkways.

Off-street parking requirements (5.8)

- Revised with adoption of UDC in 2016

Table 5.8-1:

Number of Off-Street Parking Spaces Required: Schedule A

Use Category	Use	Number of Spaces Required
Residential Uses		
Household Living	Dwelling, single family detached	1.25 per efficiency unit;
	Dwelling, duplex	1.5 per one-bedroom unit
	Dwelling, multifamily: Studio or 1 bedroom	1.5 per two-bedroom unit 800 SF or less
	Dwelling, multifamily: 2 or more bedrooms	1.75 per two-bedroom unit over 800 SF
	Mobile home park	1.75 per three-bedroom unit 900 SF or less 2.5 per three-bedroom unit over 900 SF

Private outdoor space (5.6.5.B)

"Private outdoor space" means the usable floor area of any patio, porch, or deck or enclosed yard attached to and accessible directly from a particular dwelling unit and that is for the exclusive private use by the residents of a particular dwelling unit.

- **First-floor units:** 80 sq. ft. or 10 percent of gross floor area
- **Upper-story units:** 60 sq. ft. or 5 percent of gross floor area

Points of discussion with Clarion, Architects/Planners at the meeting and Commission

- Differences between R/MD and R/HD.
- Isn't R/HD where we want density?
- Lot area requirements for townhomes or lot splits, setbacks and lot size may vary if approved during the subdivision process. UDC might need additional explanation.
- Mix of unit sizes – incentives, UDC wording says shall be a range of sizes.
- Mark Chain commented that R/MD 3000 square feet of lot area per dwelling unit differentiates it from high density.
- Ramsey Fulton suggested encouraging alley accesses at the back or side of building, may offer impervious credit possibility? He also said that he wouldn't want to see 200 sq. ft. units with hot plates in R/HD. He added that 3000 sq. ft. of lot area in R/MD discourages townhomes in lots over 12,000 sq. ft. because the math doesn't work.
- Bob Schultz said to go through the exercise of possibilities. He said that these were three great lots that were picked out and that he worked it out to see what the cost would be using his table. Bob added that if there were an application with fourteen efficiencies would that be what we wanted to see in R/HD? He said that 3000 square feet of lot area per unit in R/MD is a great idea for an owner that has bought into this zone district and knows what is possible on an adjacent property. He said that he thinks there will be concerns when there are applications for three story buildings in the older residential areas that are in R/HD.
- Andy Wisnoski said that Poss Architecture is involved with the Main Street Marketplace and that they've had a little experience with the UDC recently. He said that he supports all the comments from Bob and that simplicity with the code is preferred. He said that he is also a resident of Carbondale so he is coming from that perspective as well.
- R/MD needs to clarify townhome development.
- Sidewalk calculations should not be allowed to be counted toward private outdoor space.
- Setback in R/HD is five feet for front yard, with the possibility of a thirty-five foot building. Is this too close to the ROW? There are transitional standards in the UDC.
- Should height building step backs be added?
- Either/or with heights and setbacks?

Tareq from Clarion thanked the Commission and he said that they will be available in the future for any further questions. He said that they love the Western Slope and Carbondale.

Michael thanked everyone for their participation.

Pitkin County Referral – Well Storage

The Commission indicated that they were unable to comment because there wasn't enough information in the application.

The Commission asked if it would be possible to delay the public hearing in order for the County and/or Rocky Mountain Natural Gas (RMNG) to provide the information to allow review. They said it seems the Board of Trustees should weigh in.

The Commission expressed concern about the construction traffic which will be entering and exiting the Carbondale Marketplace development site onto West Main Street next summer. They asked that RMNG also work with that property owner to eliminate or reduce conflicts. They also agreed that RMNG should contact the police department prior to truck traffic going through Town.

Staff Update

There was no Staff update.

Commissioner Comments

Michael said that this was the last meeting of the year and he thanked everyone for their hard work.

Motion to Adjourn

A motion was made by Ken to adjourn. Tristan seconded the motion and the meeting was adjourned at 9:17 p.m.