

MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday February 28, 2019

Commissioners Present:

Ken Harrington, Vice-Chair
Nicholas DiFrank (1st Alternate)
Jay Engstrom
Nick Miscione
Jeff Davlyn
Tristan Francis (2nd Alternate)

Staff Present:

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

Commissioners Absent:

Michael Durant, Chair
Jade Wimberley
Marina Skiles

Other Persons Present

Mark Chain, 811 Garfield Avenue
Robin Scher, 198 N. 10th Street
Dan Bullock, 682 Euclid Avenue
Chris Beebe, 1149 Vitos Way
Ramsey Fulton, 671 North Bridge Drive

The meeting was called to order at 7:00 p.m. by Ken Harrington.

February 14, 2019 Minutes:

Jay made a motion to approve the February 14, 2019 minutes. Tristan seconded the motion and they were approved unanimously with Nick abstaining.

Public Comment – Persons Present Not on the Agenda

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

Jeff arrived at 7:04 p.m.

Continued Public Hearing – Minor Site Plan Review, Special Use Permit, Conditional Use Permit & Variances – 296 Third Street - Applicants: Kristin Carroll, Kurtis Sparrow & Pamela Maguire

Janet began by saying that the Planning Commission held a public hearing on this item on January 24, 2019. She stated that at that meeting, the Commission continued the hearing to February 28, 2019 with the request for revisions to the application.

Janet explained that the original request was for 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.

Janet said that since then, the application has been amended. She stated that the main changes are reducing the building footprint and eliminating the ADU. She noted that while the number of variances have been reduced, there are still four or five which are requested. She outlined the following:

1. Variance from the street side setback of 10 ft. to allow a 2 ft. setback for the structure and 0 ft. setback for the roof eave along 3rd Street.
2. Variance from the allowed height of a vertical wall that is parallel to and within five feet of a side yard setback to exceed 20 ft.
3. Variance to allow the projection of eave into side yard setback on east side.
4. Variance to exceed the allowed maximum impervious lot coverage of 44%.
5. Variance from the required off-street parking requirement of one parking space to allow the use of on-street parking.

Janet stated that the Planning Commission is required to hold a public hearing and approve the application, approve it with conditions, or deny the application. She said that the Commission may also continue the public hearing.

Janet explained that she did a zoning review on the revised application.

Janet said that as previously discussed, this is a legal non-conforming lot. She said that with the exception of the variances, the proposed development is in compliance with the balance of the development standards.

Janet stated that the one item Staff requested clarification on is in the maximum impervious surface of 42%. She said that the applicant will clarify this during their presentation.

Janet continued by saying that the lot is very challenging; however, she feels that the applicants have been successful in designing a viable, attractive single family structure while minimizing the variances required to do so. She stated that she recommends approval of the application with the exception of the request for the parking variance.

Janet stated that she has included the findings and conditions in the Staff report. She noted that we received comments from the Tree Board and Town Arborist after we sent the packet out. She said that in response to those comments, she added some conditions of approval. She said that the revised conditions are at your table.

Jay asked Staff about the impervious calculations.

Janet said that the building, stoops and parking will be included in the total impervious calculations.

Ken asked if the parking was impervious.

Janet stated that the applicant would be explaining parking as well as impervious surface in their presentation.

Mark Chain introduced himself, the applicants, Kristin Carroll and Kurtis Sparrow and Designer Robin Scher.

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

Mark gave a PowerPoint presentation outlining the following:

- 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, eave projections and side yard setback
- Drainage improvements

Mark explained the impervious calculations and said that they are at 62.5%. He said that he agrees with the Staff memo.

Mark referenced a Commissioner's email regarding the awning extension that would encroach into the street right-of-way. He explained the lot constraints and said that there have been numerous changes. He added that the applicants have decided to make their stoops impervious and that the eaves would be in the setback.

Marina's email was read with her concerns of the following;

- The long unbroken façade on 3rd Street and if it meets the OTR standards.
- Could they be allowed a variance for a barrel awning over the 3rd Street door to be extended 3-4 feet into the setback?
- She said that she supports the applicants and their efforts to have a sustainable house on a challenging lot.

Robin explained the vertical wall on the east side and said that it was under twenty feet.

Kristin explained her points;

- Impervious stoops
- Their compliance and changes
- The width of their home on a narrow lot and the need for a variance
- The step down and the façade proposal possibilities
- Roof over entry
- The current home's toxicity

The following items were discussed;

- Fence materials on Sopris Avenue, wrought iron requirement.
- Third Street façade and vertical line separation.
- Straw bale stacking to make 4" difference in façade.
- Rain pipe to break up façade.
- Projection of eaves on east side.
- Feasibility of basement and shoring needed.
- Historical preservation concerns of the current home.
- Strawbale building principles.
- Abatement in lieu of condemnation.

There were no public comments.

Motion to Close Public Hearing

A motion was made by Jeff to close the public hearing. Nicholas seconded the motion and it was approved unanimously.

Janet explained that only one parking space was required with their current proposal.

Ken stated that they would still need a variance for the one parking space being impervious.

Mark answered yes with the stoops being impervious.

Jay asked if the window well in the setback would require a variance.

Janet answered that it would not require a variance.

Further discussion ensued regarding pervious pavers and other options.

Ken suggested a condition for a change in the color of the west wall to break up the mass.

Jeff asked if the wall on the east side needed a variance.

Further discussion ensued regarding the west elevation and its façade.

Motion

Jay made a motion to approve the Site Plan, including the conditions and findings with variances. Tristan seconded the motion and it was approved.

Yes: Jay, Tristan, Ken, Jeff

No: Nick, Nicholas

PUBLIC HEARING – Unified Development Code (UDC) Amendments/Redlines

Janet explained that this is a public hearing for the purpose of considering amendments to the Unified Development Code.

Janet stated that the Commission is required to hold a public hearing and recommend approval of the amendments or recommend denial. She said that the Commission may also continue the public hearing.

Janet said that the UDC process started in July of 2013 with the intent to re-write the subdivision and zoning code so that it was in harmony with the 2013 Comprehensive Plan. She stated that it was adopted in May of 2016.

Janet said that overall, the UDC has provided a clear development code. She stated that it is well written and that to date it has provided guidance during review of land use applications.

Janet stated that since the adoption, Staff and the Commission have been working on amendments to the UDC. She said that we also solicited comments from Town Staff, Boards and Commissions in 2017. She stated that Planning and Building Staff have requested a number of revisions over the last year. She said that we also had Clarion review Development Standards as they relate to impervious coverage, lot size and common open space. Janet stated that the Clarion findings were presented to the Commission in December of 2018 at the Planning Commission meeting. She said that members of the public were present at that meeting and provided feedback on amendments. Janet said that these were incorporated into the redlines.

Janet said that there are formatting changes that will need to be made at a certain point. She stated that she spoke to Clarion today about getting a scope of work put together.

Janet stated that she will walk through the main changes. She recommended approval of the amendments to the UDC. She said that she has included findings.

Janet said that there are letters from Olivia Emery and another member of the public from the OTR zone district that have been distributed tonight.

Dan Bullock, 682 Euclid Avenue suggested that referencing the Tree Ordinance if there are questions in the UDC and to add a cross reference.

Chris Beebe, 1149 Vitos Way thanked Janet and said that he was probably late to the party. He said that he has two comments;

- 1) For a solar fence landscaping that it should be considered at its mature height as blue spruce trees get to be several hundred feet high.
- 2) Lumping walkways with driveways is challenging. R/MD and R/HD leaves a lot of yard to get to the street. He said for the site design the impervious regulations are challenging.

Mark Chain, 811 Garfield Avenue said that he was still looking at the redlines. He said that the majority of his concerns from his letter in July of 2017 have been addressed. He said that for the OTR that either a Special Use Permit or a Minor Site Plan Review, not both should be required. He said that he has mixed feelings of the lot area requirements for the R/HD zone district. He said that Clarion's examples for height could have unintended consequences and that there should be further conversation.

Ramsey Fulton, 671 North Bridge Drive commented that R/HD with 1050 square feet per unit at the Clarion presentation didn't seem appropriate. He asked what has changed.

Janet answered that that the required lot area in R/HD per dwelling unit was taken out. She said that Clarion tested the standards of impervious, setbacks etc. and that the standards create a density cap.

Motion to Close Public Hearing

A motion was made by Jeff to close the public hearing. Nicholas seconded the motion and it was approved unanimously.

The following items were discussed;

- Pervious/impervious percentages.
- Page 128, be more blunt as shown on Table 3.7.2
- 8.3, add planting materials, 60% live planting materials. Hardscapes could be attractive with drought.
- We may want to reserve water for trees instead of grass.
- Page 140, hard surface interior streets in mobile home parks.
- Parking in mobile home parks, require visitor parking, one space for every five units, which are the same in multi-family standards.
- Cannot have a single new mobile home, they have to be in a mobile home park?

Motion

Jay made a motion to recommend amendments with findings. Nicholas seconded the motion and they were recommended unanimously.

Yes: Jay, Tristan, Ken, Jeff, Nick, Nicholas

No: none

Small Cell Antenna Amendment Discussion

Janet explained that the purpose of this is to introduce the Planning Commission to small cell technology and wireless communications facilities (WCF). She said that Staff's understanding is that there have been Federal and State rule changes that will require updates to the UDC.

Janet said that she has attached a number of items which provide a backdrop of what the various issues are. She stated that bottom line, Staff's understanding is that pursuant to the FCC order, local governments have until April 14, 2019 to adopt design standards for small cell facilities.

Janet stated that it appears that the main changes would be:

- Adding definitions to reflect new technology such as small cell antennas.
- Establishing the uses in the Land Use Table and the associated review process.
- Adding design standards for wireless communications facilities.

Janet continued by saying that because of the deadline, Staff has set a public hearing to consider amendments which address WCF regulations for the March 14, 2019 Planning Commission meeting. She said that because of the short turnaround, Staff wanted to provide the Commission resource material to help get up to speed on what other communities are doing.

Janet said that Staff asked Tareq Wafaie from Clarion if they had any feedback regarding the WCF regulations. She stated that Tareq said that Clarion generally does not become involved with WCF regulations. She said that he did, however, suggest that we look at Glenwood's regulations. She said that she has attached those to this packet. She said that she has also included a memo from Glenwood's City Attorney which provides City Council information of cell tower regulations.

Janet stated that she has also included a memo from Aspen Staff members to their City Council which provides a very good description of issues related to WCF regulations.

Janet said that the one difference between Glenwood, Aspen and Carbondale is that Carbondale does not run its own electric department. She said that in addition, none of the street lights are owned by Carbondale. She explained that they are owned by Holy

Cross on the north side of the Rio Grande Trail and Excel on the south side of the Rio Grande Trail.

Janet stated that at this time, Staff is unclear of any fiscal impacts to the Town related to WCF.

Janet said that Staff would recommend that the Planning Commission review the attached resource material to become familiar with the terminology and technology.

A short discussion followed.

Staff Update

John said that we have been busy with the Town's house renovations at Gateway Park.

Janet said that 1st Bank had their ground breaking this week.

Janet said Thompson Park building permits would be submitted soon.

Janet said that west Main Street would be closed for ditch work.

Janet said that Sopris Lodge was working with RFTA on their licenses.

Commissioner Comments

There were no Commissioner comments.

Motion to Adjourn

A motion was made by Jeff to adjourn. Nicholas seconded the motion and the meeting was adjourned at 9:30 p.m.