

**MINUTES**  
**CARBONDALE PLANNING AND ZONING COMMISSION**  
Thursday April 11, 2019

**Commissioners Present:**

Michael Durant, Chair  
Marina Skiles  
Jade Wimberley  
Nick Miscione

**Staff Present:**

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

**Commissioners Absent:**

Ken Harrington, Vice-Chair  
Nicholas DiFrank (1<sup>st</sup> Alternate)  
Tristan Francis (2<sup>nd</sup> Alternate)  
Jeff Davlyn  
Jay Engstrom

**Other Persons Present**

The meeting was called to order at 7:05 p.m. by Michael Durant.

**March 28, 2019 Minutes:**

Marina made a motion to approve the March 28, 2019 minutes. Jade seconded the motion and they were approved unanimously with Jade and Nick abstaining.

**Resolution 4, Series of 2019, approving a SUP at 159 Sopris Avenue**

Nick made a motion to approve Resolution 4, Series of 2019. Jade seconded the motion and it was approved unanimously with Marina abstaining.

**Public Comment – Persons Present Not on the Agenda**

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

**PUBLIC HEARING – Subdivision Exemption – Location: 415 Eighth Street  
Owner – Primo Properties/Colter Smith**

Janet stated that on February 9, 2018, the owner, Primo Properties, LLC, entered into an (Agreement) with the Town to allow the Town to purchase a perpetual, exclusive easement and right-of-way along the southern 25-foot portion of the property.

Janet said that the easement is for the possible extension of Industry Way through the property to connect to 8<sup>th</sup> Street, creating another east/west connection through Town. She said that this has been a long-term goal of the Town.

Janet stated that on March 7, 2018, Staff approved an Administrative Site Plan Review, Conditional Use Permit and Alternative Compliance for this property to allow construction of one single family dwelling and one duplex.

Janet said that the Alternative Compliance was related to the Maximum Impervious Lot Coverage.

Janet continued by saying that the three dwelling units are currently under construction. She said that the applicant is now requesting a Subdivision Exemption to divide the 10,890 sq. ft. parcel into three lots.

Janet stated that the minimum lot area in the R/MD zone district is 3,000 sq. ft. She said that all three lots are in compliance with the required lot size.

Janet said that the residential units are oriented to the south due to the expectation that this will be the location of the future Industry Way road connection from Merrill to Highway 133. She said that the setbacks are based on that orientation.

Janet explained that when going through the Administrative Site Plan Review in March of last year, the applicant proposed that the landscaped area within the Industry Way Easement be counted toward the required 40% pervious surface. She said that the discussion centered on the fact that this area would remain landscaped, with the exception of the shared driveway, until the time that Industry Way road connection was constructed. She stated that Staff considered that the proposed development was in compliance at the time of the Administrative Site Plan Review application.

Janet said that there should be a maintenance agreement or a plat note that assigns responsibility for maintenance and repair of the Utility and Maintenance Easement if the easement is disturbed due to repair or replacement of the utilities. She stated that this has been made a condition of approval.

Janet stated that if this application is approved, a Subdivision Exemption Plat need to be submitted to the Town for review and approval. She said that the plat will need to be prepared by a licensed surveyor.

Nick asked for clarification regarding the timeline of the subdivision exemption coming after the construction.

Janet gave an example of the Thompson Park meetings and explained that the subdivision plats would be completed after the foundations were complete to be sure of the property lines along the party wall.

Ramsey Fulton, the architect for this project, explained that he was here to subdivide the lot into three lots. He said that they are all facing south and that the setbacks were twenty five feet to the Town right-of-way and that this was the next step.

There were no members of the public present

**Motion to Close Public Hearing**

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

Marina stated that this was a clear application and that it was well laid out.

**Motion**

Nick made the recommendation to approve the Subdivision Exemption with the recommended findings and conditions by Staff. Jade seconded the motion and it was approved unanimously.

**PUBLIC HEARING – Retail Marijuana Cultivation – Special Use Permit**  
**Applicant: Triple Canna LLC - Location: 220 N. 12<sup>th</sup> Street**

John said that Triple Canna LLC has submitted an application to operate a Retail Marijuana Cultivation at 220 N 12<sup>th</sup> Street. He stated that there has been a cultivation operation at this location since approximately 2015 with no known issues being reported to the Town. He said that the operation will require a building permit and review by the Building Official.

John stated that Staff has determined that the proposed facility is not within the 500-foot limit for schools, daycare or treatment facilities.

John explained that the facility is proposed to continue to be operated as a cultivation operation as well as the Marijuana Infused Product Manufacturing Facility, which is a separate application.

John stated that the facility is broken down by the uses within the building for the parking requirements. He said that the parking is provided at the front and side of the building and is adequate.

Marina asked if both applications could be discussed at the same time.

Discussion ensued and it was decided that both applications would be discussed together with separate motions for each application.

Nick asked if Garfield County Land Explorer was how the surrounding neighbors were identified.

John said yes and that there were no objections or complaints by owners within three hundred feet.

Candace Resnick from Triple Canna LLC said that they would initially be cultivating and gradually working into the MIP operation. She said that there is two applications for each operation and that the space would be divided into two units and that she has

been in contact with the Building Official, John Plano regarding their building permit requirements.

Marina asked if the MIP was new.

Candace explained that the first year or two that the MIP would be re-brokering and packaging. She said that when they decide to start extracting that they would do mechanical work in both units for further ventilation.

Michael asked if the L shaped area on the drawings would be for cultivation.

Candace explained the layout of the space now and how it would be after the construction to divide the space into two units.

Nick asked if changes had to be made because of egress.

Candace answered yes.

Jade asked how many employees there would be.

Candace said that initially that there would only be a couple of employees' part time. She introduced her grower, Brandon.

Jade asked if there would be security issues.

John answered that to date there have only been issues with retail dispensaries.

There were no members of the public present.

### **Motion to Close Public Hearing**

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

### **Motion**

Nick made a motion to approve the Special Use Permit for the operation of a Retail Cultivation Operation to be located at 220 N. 12<sup>th</sup> Street with the conditions and findings in the Staff report. Jade seconded the motion and it was approved unanimously.

### **PUBLIC HEARING – Marijuana Infused Product (MIP) – Special Use Permit Applicant: Triple Canna LLC - Location: 220 N. 12<sup>th</sup> Street**

John stated that Triple Canna LLC has submitted an application to operate a retail marijuana infused product manufacturing operation at 220 N 12<sup>th</sup> Street. He stated as with the last application that there has been a cultivation operation at this location since

approximately 2015 with no known issues being reported to the Town. He said that this operation will also require a building permit and review by the Building Official.

John said that Staff has determined that the proposed facility is not within the 500-foot limit for schools, daycare or treatment facilities.

John said that the parking is provided to the front and side of the building and is adequate.

Mariana commented that historically marijuana applications were a hot topic and that she has been on the Commission for six years and how these applications are now a non-issue.

Candace shared a story about a previous application in Pitkin County and how stressful it was with neighbors against her.

Jade asked if they would be making the final products.

Candace explained not initially and that they would not be starting extraction right away. She said that they would be purchasing bulk oil and flower to package for selling to dispensaries. She said that she would like to keep it as a small operation just enough to make a living.

Jade asked if they would be doing THC and CBD.

Candace said that their plan is for THC and that they might do CBD. She said that they would consider branding their products and to execute and expansion plan when we are ready to get bigger.

Further discussion ensued regarding licensing in Carbondale.

John stated that the Special Use Permit goes with the property and that the Town transfers licenses.

Jade asked if the applicant would come back before the Commission. John explained that they would not come back before the Commission

There were no members of the public present.

### **Motion to Close Public Hearing**

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

### **Motion**

Jade made a motion to approve the Special Use Permit for the operation of a Retail Marijuana Infused Product Manufacturing Operation to be located at 220 N. 12<sup>th</sup> Street with the conditions and findings as indicated in the Staff report. Nick seconded the motion and it was approved unanimously.

### **Vulnerability, Consequences, and Planning Scenarios (VCAP) Report Discussion**

Janet explained that the VCAP is about drought planning and climate change. She said members of the Board have been involved and attended the public meeting at the Third Street Center. She said that it is about local weather and climate impacts as well as recent trends and future productions for the valley.

Janet suggested to the Commission that they keep these results in mind when making decisions with future applications. She said that the UDC has guidelines for landscaping and irrigation. She said that there are more detailed reports available and it will be going back to the Board next Tuesday and that the Commission is welcome to attend.

### **Points From Discussion**

- Water storage and rain water harvesting
- California's drought and current weather patterns

Marina asked for an update on the proposed storage facilities outside of Carbondale.

Janet said that the P&Z provided comments to the Garfield County Commission. She stated that at the first public hearing that there were many citizens. She said that both applications would be going before the Garfield County Commission again next Monday.

Further discussion ensued regarding the storage facility applications.

### **Staff Update**

Janet said that the wireless facility regulations were approved on Tuesday. She said that Pitkin County is already receiving many applications from wireless providers.

Janet said that the Clarion scope of work contract has been signed and for the six week period when the UDC is being revised that the redlined version would be on the website.

Janet stated that she had attended the Downtown Colorado Conference. She said that Nicholas had been an organizer. Janet said hearing what is going on with other communities makes her really appreciate Carbondale. Janet noted that Glenwood Springs budgets \$450K per year for downtown maintenance in comparison to Carbondale's \$2K budget for the arts.

John stated that the Tumbleweed lawsuit was settled out of court and that they would be changing two signs.

John said that the consultants would be meeting and provide schedule for the housing report.

John said that the CHCP survey of 25 historical structures in Carbondale would have a final report soon and that there would be a public meeting to present to property owners. He said that Tatanka did an impressive job and that the State would be adding their thoughts.

### **Commissioner Comments**

There were no comments.

### **Motion to Adjourn**

A motion was made by Nick to adjourn. Marina seconded the motion and the meeting was adjourned at 8:05.