

MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday August 27, 2020

Commissioners Present:

Michael Durant, Chair
Ken Harrington, Vice-Chair
Jay Engstrom
Jeff Davlyn
Marina Skiles
Jade Wimberley

Staff Present:

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

Commissioners Absent:

Nick Miscione
Nicholas DiFrank (1st Alternate)
Erica Stahl Golden (2nd Alternate)

Other Persons Present Virtually

Doug Pratte
Rob Carincross
Joran Sarick
Yancy Nichol, Engineer
Andrea Korber, Architect, 57 Village Lane

The meeting was called to order at 7:01 p.m. by Michael Durant.

July 16, 2020 Minutes:

Jay made a motion to approve the July 16, 2020 minutes. Ken seconded the motion and they were approved unanimously.

August 13, 2020 Minutes:

Jeff made a motion to approve the August 13, 2020 minutes. Marina seconded the motion and they were approved unanimously.

Public Comment – Persons Present Not on the Agenda

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

CONTINUED VIRTUAL HEARING – Annexation, Rezoning, Major Site Plan Review, Conditional Use Permit and Vested Rights

Location: 0430 Highway 133

Applicant: Eastwood 133, LLC

Janet said that this is a continued public hearing to consider an application for Annexation, Rezoning, Major Site Plan Review, Conditional Use Permit, and Vested Rights.

Janet stated that the first public hearing was on August 13, 2020. She said at that meeting, she went through the direction in the Comprehensive Plan, the Annexation Criteria and the proposed rezoning. She continued by saying that the applicant then presented the proposed project. She stated that the Commission opened the public hearing for public comment. She said that there were no comments. She stated that the hearing was then continued to tonight.

Janet explained that the intent of this meeting was to check compliance with the UDC.

Janet said that overall, she found that the development complies with the zoning parameters and in fact, do not maximize the site. She stated that the setbacks are larger than required. She said that the allowed building height is 35 ft. feet and the large building is 23 ft. and the smaller buildings are around 15 ft. or less.

Janet stated that they exceed the parking requirements. She said that one point on that is that there is an option to have more landscape on the north side of the site and reduce the number of parking spaces. She said that Staff would prefer to see the landscape strip rather than the parking spaces. She stated that they would still be in compliance.

Janet said that the UDC has Use-Specific Standards specific to Self-Storage Facilities. She stated that they include building height, materials, driveway widths, and fencing and screening, which have been met.

Janet stated that the Tree Board reviewed this application at their August 20th meeting. She said that overall they seemed to be in favor of the proposal but made a list of comments which were included in the packet.

Janet said that the screening along the south and east side of the property seems straightforward. She said that she would like to have a better idea of the type of fencing proposed on the north and west sides of the property.

Janet stated that she went through the design standards for commercial buildings with frontage along Highway 133 that are 10,000 sq. ft. or larger. She said that overall they seem to be in compliance. She said that Staff would like to see a little more architectural detail on the west side of the building, perhaps a "top" or a cap and some additional windows.

Janet said overall, the Site Plan and proposed development appear to be in compliance with the Comprehensive Plan and the UDC. She said that Staff supports this application.

Janet stated there are still some outstanding items which need to be resolved in order to move this forward to the Board. She said that while not all of these are under the Planning Commission purview, it is difficult to prepare conditions of approval without some type of resolution on them.

Janet outlined the items which need resolution:

- Water Rights – Water rights associated with the property and consumptive use. She said that she did send the application to the Water Rights Engineer.
- We need a traffic study in order to determine if there needs to be highway improvements. CDOT requested that as well.
- She said that we need clarification from CDOT about of timing for closing driveway for the property to the north. The access control plan states the driveway to the tire store will close once a shared driveway is available.
- She stated that we need a cost analysis for maintenance of Highway 133 landscape area and revenue from monthly rental fee
- There needs to be clarification on the responsibility of installation of art and maintenance of artwork
- Clarification on screening of property on the west and north sides of the property

Janet said for the record that there was an email received from Jason White, which was emailed to the Commission and the applicant.

Ken asked for clarification of process regarding traffic study and things that need to be worked out and completed. He asked how the conditions and findings can be drafted to move forward so as to not slow down the project.

Janet explained that she can make blanket conditions but that she isn't sure that serves the Town and the applicant very well because she will err on the conservative side. She said that the applicant can let us know what the status is during their presentation because some of the items are in progress.

Ken asked for clarification regarding parking and asked if what they show us is what they have to build. He said that with the new standard that it will provide sufficient parking and getting more green space is going to be more attractive overall and make for a better project.

Janet said that in her Staff report that she suggested that we not count the parking spaces in front of the garage doors. She said that there is a section in the code where it is prohibited from providing too many parking spaces, which is no more than 125% of the maximum. She said that she thought she was getting close by not counting the garage doors. She continued by saying that some of the parking relates to the office and the retail.

Further discussion ensued about parking.

Janet said that she thinks we can agree that the landscape strip will replace the head-in parking spaces on the north side of the property, which eliminates eleven spaces. She said then we are down to seventeen.

Marina said that she agrees with that.

Janet said that she can make that a condition.

Jeff asked what the new regulation requires.

Doug stated that it was nine and Janet agreed.

Ken said that with a shared driveway it may involve reconfiguration of the location of that drive. He asked if that comes back to the Planning and Zoning Commission.

Janet said that it would be the Public Works Director and that it should be looked at now. She said that CDOT's comments said that they might want that driveway realigned to match up with the driveway across the highway. She said that this is Major Site Plan Review and that it needs to be figured out now. She said that they will not be coming back to the Commission for anything else.

Jay said that he would piggyback on that question. He asked if the Access Control Plan was created by CDOT or the Town process.

Janet explained that it was a joint process Garfield County, the Town and CDOT and that it was adopted. She said that there was a lot of public outreach and public comment on it. She said that Yancy is here and that he was involved in that.

Jay asked if at this point it could be altered.

Janet said not without inter-governmental agreement between Garfield County and CDOT.

Jay said that there has been discussion that this lot would be a great site for affordable housing and that he thought it was good to let the public know how much housing was in process now. He asked how many units were in process right now.

Janet said that she is hearing both sides and that we may have too many residential units. She listed the following developments which are coming online; Main Street Marketplace/115 units, 1201 Main Street/27 units, Red Hill Lofts/30 all deed restricted units, Thompson Park/40 units, and Carbondale Center Place/76 units (in rezoning process).

Janet said that her thought is that this lot is just north of the substation and that there may not be a lot of people eager to live next to the substation. She said that this property has limited access and that it is right in and right out only. She said that the

Comp Plan points to a commercial development. She said that one of the benefits with this proposal would be limited vehicle trips and screening the substation.

Doug Pratte introduced himself and said that his team is here. He said that we gave a fairly lengthy presentation at the last meeting and those that were not there saw the video. He said that they weren't planning on going through all of those documents.

Doug said that he would give an update on the resolution points and that we are supporting Janet's recommendation for a continuance;

- Water Rights – We don't have water rights with this property so we will be working with Scott Fifer to look at the consumptive use of water and what the cash in-lieu of fees will be for the project.
- Traffic Study – Sopris Engineering is preparing an Access Permit Application for the Eastwood 133 self - storage facility. He said that it will address traffic and the improvements needed to Highway 133. He said that we are hoping to have that application ready in the next few weeks.
- Timing of closing of the driveway to the north – he said that it would be addressed in the Access Permit. He said that in the CDOT comments that it was stated that it would be required at the time of re-development for the property to the north.
- Platting of easement – he said that we will be platting the easement for access to the property to the north. He said that will be a condition of approval of the access permit to get that easement in place.
- Highway 133 Landscape Area – we are working on a cost analysis of the maintenance of the Highway 133 landscape area and bike/pedestrian path. He said that the goal of this application has been to provide a rental fee that covers the cost.
- Installation and maintenance of art – Rob and Andi have been working with Amy Kimberly from Carbondale Arts on the costs of the initial installation of the murals, the annual maintenance costs as well as the costs for the sculptures along the art walk. He said that it is planned to have these costs covered with the monthly rental fee.
- Screening – He said that they are looking to put on the west and south sides a wood or wood faux screen fence with landscape. He said that they have landscape proposed on the outside of the fence that faces the mobile home park. He said that on the north there would landscape along the path rather than screening. He said that there are security gates which will automatically open when a storage user comes in but that they are located at the storage facility.
- E-Board – He said that we have worked with Colin Quinn, the Chair of the E-Board, in a couple of emails as well as Scott Mills. He said that we have had positive response with the E-Board. He said that he has an updated matrix of community outreach through August.
- Annexation Plat – He said that he would be working with Staff about refinement of the plat.
- Bike/Pedestrian Path – He said that path, which will be installed by the applicant, will be a ten foot wide path that starts at the crosswalk at Cowen Drive and it will

run all the way south and adjoin the path that is at the park and ride intersection. He said that there is also a six foot path that connects from the bike path west to the mobile home park.

- Parking – He said that they really appreciate the fact that the code has been amended. He said that he had calculated that nine off-street parking spaces were required, per the new code. He said that they agree with Staff that they would like to see the landscape strip on the north side of the north parking lot adjoining the path to the mobile home park. He said that we would like to commit to that now, he said that they have shown both alternatives on the landscape plan. He said that we will take that parking off if it is ok with the Commission and have the seventeen spaces that we discussed with Janet. He said that the outdoor garage spaces will still need a loading space outside of each garage door but that they won't contribute to our parking count.
- Landscape Plan – He said that regarding the comments from the Parks Department that the landscape architects will coordinate refinements with the Town related to their comments.

Doug said that he has all of the slides from the last presentation if anyone needs a refresher.

Ken said that you talked about the traffic study and that it looks like it's going to be focused on the access application and access permit. He said that one of his concerns is that we don't have a left in and that you are very close to the bridge so will you be looking at how to facilitate that for people coming from the south. He said that if they want to get to your facility how will they get turned around to get back to your facility.

Yancy Nichol from Sopris Engineering stated that Kimley Horn, that is doing the traffic study, has already started discussion about this. He said that there will be something in the study that refines that. He said that's what is nice about this use, if you break it down the maximum is fourteen trips in a peak hour and that is in and out. He said that there is no convenient way because we have to comply with the Access Control Plan. He said that Carbondale did not want a four-lane road and that this is a balance that you are going to see.

Michael asked if there was a center turn lane there.

Yancy said yes and most likely people would turn into the tire shop and then come back to the storage unit or the Red Rock Diner or go into the gas station to turn around.

Ken asked if the Town could petition CDOT to allow a left in since there is a center turn lane.

Yancy said that is going to be part of the discussion with the traffic engineer and if they will give a full movement until Highway 133 has capacity issues.

Further discussion ensued about traffic and the Access Control Plan.

Ken said that we have seen some beautiful drawings of the landscaping and asked if there was a rendering of the wood type fence.

Andi Korber from Land+Shelter shared her screen to give a tour of the site showing the fence and the mural walls.

Ken said that it really is a four-sided facility and said that it is quite nice.

Marina asked Yancy if there was talk of another round-about at Industry Way that would help with the right in and right out.

Yancy said that is correct that there is a round-about planned at that point when it gets built.

Marina asked what the schedule was for the round-about.

Yancy said that it is not for sure.

Further discussion ensued about the Access Control Plan.

Ken said that he was still struggling with the shared driveway and how it would impact the six foot trail that was being put in and how was it going to be put back together if the driveways have to shift.

Yancy explained about granting an easement as an option for the property to the north depending on the use. He said that if it was redeveloped with a high dense development and they wanted to change it then he would have to work with this property owner and to get realigned just north of the property. He said that there has been discussion with the owner of the tire shop so he does know what is going on.

Janet said that for the record, regarding the E-Board, that in the application it talked about the applicants meeting with the E-Board sometime in February or earlier this year. She said that meeting did not happen and that a correction will be put in the application.

Doug said that for clarification, Mavis Fitzgerald was at another agenda item at the February meeting for the E-Board and she gave a hard copy for the project sheet to Colin at that time. He said that it wasn't on the agenda and that there are not minutes regarding it so that is what the reference was to. He said that he would send the updated community outreach sheet and replace page eight in the application with that.

Andi said for that meeting there was a blizzard snowstorm and that she was supposed to be there too so Mavis was at Town Hall handing them the physical copy and that she couldn't make it because of the snowstorm. She said that Mavis was physically there, but it wasn't an item on the agenda.

Public Comments

There were no members of the public to comment.

The public comment portion of the meeting was left open for the next meeting.

Commissioner Comments

Ken asked if the six-foot trail would be deeded to the Town.

Janet said that she looks at it as a public easement just as portions of the trail along the highway and some of the art walk will go on private property.

Ken said that he would prefer this to be a sidewalk but not label it as a bike way or trail.

Doug said that they would agree with that and an easement for a sidewalk that accesses the property to the west is the intent.

Ken asked if it would be concrete.

Doug said that it was concrete.

Ken noted that there was a ninety degree turn or radius and thanked the architects.

Michael said that a lot of these concerns are not directly in the P&Z 's purview but buttoning these things up when it leaves P&Z will give the Board of Trustees the answers and it will go a lot more smoothly.

Marina said she echoes Michael's comments. She said that annexing this property is great for Carbondale and thank you for making it "Carbondale" and that it's not easy. She said that she wished it was a difficult use to make attractive and applauded the applicants and Staff.

Ken said that he echoes Marina's comments particularly that it was difficult to have a lumber yard that is an attractive building and that a storage building is equally as difficult. He said that they have done a great job making an attractive facility.

Jay said that he was hesitant as well but the more he saw about it the more he appreciated it. He said that he is really excited that they were able to connect the mobile home park with sidewalk and lighting. He said that a safe access from the bus stop to the mobile home park was really vital for the Town and that he commends the applicant for including that in their design as well.

Motion

Ken made a motion to continue the public hearing to September 10, 2020. Marina seconded the motion and it was approved unanimously.

County Referral – Hipa Hipa Marble Production

Janet stated that Planning Staff received a referral from Garfield County. She said that the application is for a Marble Production Shop/Facility to be located on the Planted Earth property. She said that the building would be approximately 30,000 sq. ft. She continued by saying that the facility would produce marble for counter tops, wall slabs, etc. She said that all of the fabrication would occur within the building and raw materials would be delivered to the facilities and products would be delivered to the sites. She said that there are no retail sales and a limited number of employees.

Janet stated that there would be two buildings. She said that they would each be single story with a maximum height of 25 ft. She stated that the buildings would be placed in

the level area used by Planted Earth as a landscape yard. She said that the site plans and architectural renderings are included in the attachments.

Janet said that this is where they had wanted to put a big box storage facility previously. She said that we came out in opposition and we were worried about the lights and the sheer size of it. She said that when she saw this that it looked really benign.

Janet said that Staff has reviewed this application and it appears that it would not negatively impact the Town. She said that Staff's only comment to the County was to ensure that lighting and noise were mitigated so that there would be no negative impacts. She said that Staff wanted to run this by the Planning Commission to be sure the Commission was in agreement.

Marina thanked Janet for sending this to the Commission. She said that this architecture is stunning. She said that she's not sure how it's sited and that she doesn't know what our purview is and how it is positioned or how it works as a marble processing factory because it looks like a Philip Johnson house from 1949. She wanted to know if this marble was from Marble or is it from Italy.

John Leybourne stated that it's not local and that its coming from all over the world.

Ken asked if they gave us a traffic count.

Janet said that their application was massive and that she only gave P&Z sections. She said the trucks accessing the site were small. She said that there is a site plan and that Planted Earth had two levels. She said that it will be in the place where the trees were, and the upper level might be a couple of duplexes but that was not part of this application.

Michael said that his concern is that they say there is no retail. He asked if there was going to be outside storage of stone.

Janet said that they said everything will be contained within the building.

Michael referenced a stone wholesaler off of Cattle Creek Road and that they were given a Special Use Permit by the County where they said they had no retail. He said that there are retail customers in there all the time walking around picking out stone. He said that intersection is not the safest intersection in Garfield County. He said that he would want to make sure that this does not happen here.

Jay said initially he was concerned about traffic access because of big trucks with marble going slow but compared with how massive Planted Earth was with trucks carrying trees, that they are cutting down the traffic to this site by a lot.

John shared the GIS map showing three parcels. He said that it is a huge site.

Ken asked where the building would be located on the drawing.

John said that it appears as if it were up on the maintenance portion. He said that it is hard to tell with the renderings.

Further discussion ensued regarding the location of the structure.

The following are comments for the County;

- Light and noise
- Restricting use to not allow retail
- No LED signage

Marina said that she hopes that the LED sign from Planted Earth will no longer be an issue.

Staff Update

Janet said that the Board did reappoint Michael and Jay to the P&Z Commission.

Janet said that the E-Board had a work session with the Board on August 18th and she participated. She said that they wanted to know how they fit in with the land use applications. She said that there was a comment about a concept of a moratorium on development. She said that there was also discussion about social justice debate whether that could mean smaller units for moms that work at City Market so they can have affordable housing.

Janet said that they reaffirmed their confidence in the land use process and in the code. She said that there was discussion with the E-Board and that if they wanted to make changes that they need to work with the Board and P&Z to change codes as well as become involved with public hearings.

Janet asked if anyone had been to the new City Market.

Jade brought up the cheese island.

Marina said that she actually doesn't eat cheese, which is what is so ironic.

Further discussion ensued regarding City Market.

Janet said that the real estate market is making things even more intense with people coming to town buying properties sight unseen. She said that Thompson Park is wanting to CO the free market units before the affordable housing units but we told them that they can't do it.

Michael said that it is the reverse Covid effect and that everyone is discovering that they don't have to live in New York in order to work in New York and that they are coming here.

John said that Colorado has the most active and highest per capita in the real estate market, specifically in the mountain communities in the nation.

Commissioner Comments

Marina thanked Jeff for bringing the additional Commissioners tonight. (his children)

Michael suggested using the stop and start video button if you are going to get up and walk around. He said if you want children and pets in your lap that is fine.

Ken said that we need to thank Nick for stepping in and being the Chair at the last meeting. He said that he did a very good job.

Motion to Adjourn

A motion was made by Marina to adjourn. Jade seconded the motion and the meeting was adjourned at 8:34 p.m.