

## MINUTES

### CARBONDALE PLANNING AND ZONING COMMISSION

Thursday September 10, 2020

#### **Commissioners Present:**

Michael Durant, Chair  
Ken Harrington, Vice-Chair  
Jay Engstrom  
Jeff Davlyn  
Nick Miscione

#### **Staff Present:**

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

#### **Commissioners Absent:**

Marina Skiles  
Jade Wimberley  
Nicholas DiFrank (1<sup>st</sup> Alternate)  
Erica Stahl Golden (2<sup>nd</sup> Alternate)

#### **Other Persons Present Virtually**

Doug Pratte  
Rob Cairncross  
Jordan Sarnick  
Yancy Nichol, Engineer  
Andrea Korber, Architect, 57 Village Lane

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

#### **August 27, 2020 Minutes:**

Jeff made a motion to approve the August 27, 2020 minutes. Jay 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 for the Eastwood Annexation.

Janet stated that the first hearing was on August 13<sup>th</sup>. She said at that meeting she went over the Comprehensive Plan, the Annexation criteria, and the proposed rezoning. She said that the applicant presented the proposed project to the Planning Commission. She continued by saying that the Commission opened the public hearing for public comment. She stated that the hearing was then continued to August 27<sup>th</sup>.

Janet said at that meeting she went through compliance with the UDC. She stated that the Commission opened the public hearing for public comment. She said that after discussion, the Commission continued the hearing to tonight and directed Staff to prepare conditions of approval.

Janet said that she recommends approval of the application. She stated that the proposed development would provide enhancements to the entryway to the Town, including the landscape and artwork along Highway 133. She said that in a number of areas, the proposal exceeds the requirements of the UDC, with the landscaped areas around the development, larger setbacks, and the reduced height. She said that the buildings look nice with the garage doors screened. She stated that the proposal is for a net zero building.

Nick asked if the land use application had changed.

Janet explained that it is basically the same design with a few updates to the public outreach. She said that tonight they will show a video and explain their fine tuning.

Ken asked if Janet had time to look at the traffic study.

Janet said that she did but that she relies on the Public Work Director to review it as she is not a traffic expert. She said that we just got the study last week and there hasn't been time for him to review it carefully. She said there will be an internal review before it goes to the Board.

Nick asked if they were required to submit lighting specifications as part of the lighting plan.

Janet said that we get the specifications when it goes to the building permit. She said what we look at right now is the trespass to make sure the lighting doesn't go over the property line.

Jay asked about condition and timing on the closure for the driveway for the tire store. He asked if there would be a deadline to relocate it.

Janet said that she would call the new control access control guy from CDOT and have a conversation with him to verify this condition.

Ken suggested maybe rewording that condition, CDOT's anticipated closing. He said that we talked about this happening when the property was redeveloped. He asked if CDOT controls the closing or does the owner control it.

Janet said that CDOT does.

Ken asked if CDOT could close the driveway even if they do not redevelop.

Janet said that they have to submit a highway access permit application and that Yancy can explain.

Ken said that this seems like a requirement that we are placing on the applicant that they cannot control.

Janet said that this condition can be taken out but that she would still be following up so that the owner of the tire store is aware of what is happening.

Michael said that he heard at the last meeting that the tire store would not have to close their driveway unless they were going to redevelop. He said now we are hearing that CDOT can take their driveway away.

Janet said that Yancy can explain with the applicant's presentation because he is the one doing the Highway Access permit application.

Ken said that he doesn't want to burden the applicant with actions that are beyond their control.

Doug Pratt stated that they do have a video and a couple of discussion points that we would like to respond to for clarification for the group. He said that we have gone through the conditions of approval and worked hand in hand with Janet to through all these items. He said that we have made progress on some of the items, but we were hoping to update everything in one piece, so the application is updated in one process when it goes to the Board. He said that many of them are due to Janet by September 24 and that they are conditions that the Board deals with, so they are appropriate as conditions. He said that this is an overview of support for Staff's recommendations for approval with conditions. He said that Yancy can clarify further with regards to the closure of the access to the north. He said that he can talk about the referral comment from CDOT.

Doug said that we do have an updated video that Andi put together that he can share from his screen. He said it will be a good wrap-up of the project.

Yancy explained the summary of the traffic study and timing of the closure of the driveway to the north. He said that the referral comments that we got from CDOT already answer condition #9, which states that when the property redevelops that would trigger that closure. He said that we are preparing the formal application with the traffic study. He said the condition would be that before we can get the final site plan approval, that we will have an Access Permit. He said that typically under the Access Code that as long as we are complying with the Access Control Plan, which we are with the easement we are setting up to the north, it will work as the plan is indicated. He said as long as there is no conflict with the existing access and ours that CDOT will not ask the property owner to the north to close their driveway because of our project. He said that it would only be related to his redevelopment. He said that if there is a highway upgrade that they can do it with a CDOT project but not from a neighbor developing and close

another neighbor's driveway. He said that they will get more clarification through the application process with CDOT.

Doug said that the Access Permit application we will be putting together with CDOT to proceed will give some clarification in that application as Yancy said.

Michael asked if Yancy's explanation answered everyone's question. He said it's what he took from the last meeting and that he just wanted to make sure everyone was clear on this.

Commissioners were all good.

Doug shared his screen to present the video wrapping around the building and said that it was an overview of the project. He said that they will be updating the lighting plan.

Michael said that the lighting is a building code issue.

Jeff asked if the screening of the substation was what will happen with the development.

Andi explained that what they have now a chain-link fence with vertical wood strapped to the outside. She said that the model was just trying to show that there was a wood fence around the substation but that we are not proposing to change the fence.

Doug said that some of this project will help screen the substation just by what is being proposed.

Ken asked if there were any of the nineteen conditions outlined in the Staff report with the exception of #9, that the applicant has issue with.

Doug said that they were comfortable working with the Town and that they will work with CDOT with the Access Permit and that we know that it is required to move forward with this project. He said that we are comfortable with the recommendations and that we have been working hand in hand with Janet, so we are good.

### **Public Comments**

There were no members of the public to comment.

### **Motion to close the comment portion of the public hearing**

Ken made the motion to close the comment portion of the public hearing. Jay seconded the motion, and it was approved unanimously.

### **Commissioner Comments**

Ken said that any concerns that we had were addressed from the first two meetings and that he did not think there was a need for condition #9. He suggested a header above the conditions as a format change. He said that he thought it was a good application.

Jay said that his only issue was with #9 as well and that he agrees with Ken that it just makes sense to remove it. He said other than that he thinks the application is great.

Nick said that he has no comments and that it was a nice project.

Jeff said that his only comment would be that the turn-ins were imperfect but that we have limited control over that. He said that he appreciates being able to visualize the future use and that it is a good project, and he has appreciated the process the whole way.

Michael said that he is on board with Ken and that #9 doesn't serve us with any purpose.

### **Motion**

Ken made a motion to recommend approval of the Annexation, Rezoning, Major Site Plan Review, Conditional Use Permit and Vested Rights with the findings and conditions in the Staff report with the exception of condition #9. Nick seconded the motion, and it was approved unanimously.

Yes: Nick, Ken, Jay, Jeff, Michael

No: None

Michael thanked the applicants and wished them luck with the Trustees.

### **Staff Update**

Janet said that it has been busy and that the building permits keep coming in. She said that Mary said that there were nine coming in from RVR and that there was a lot of construction going on.

Janet said that as far as land-use applications coming in that this application would be moving on to the Board in September and October.

Janet said that she would be having a pre-application meeting with Carbondale Center Place in a few weeks. She said that they will be working towards submitting a Major Site Plan Review and Subdivision application.

Janet said that we do not have anything scheduled for the September 24 meeting so we could talk about canceling if the Commission agreed.

John said that it has been very busy as well.

John said that he and John Plano red tagged the Miser's building for remodeling without a permit this morning.

Mary said that as fast as she gets the rolls of plans off of her desk it fills up again. She said that she did get an email that in the next four weeks that there were nine houses going before the design review committee in RVR.

Janet said that Thompson Park was trying to finish up the affordable units and that they want to start on Parcels 3 and 4. She said that they wanted to know if they can start pulling permits before Subdivision approval and that she said no. She said that improvements need to be completed and it has to be subdivided.

Further discussion ensued about the real estate market.

The Commission agreed to cancel the September 24 meeting.

**Commissioner Comments**

There were no Commissioner comments.

**Motion to Adjourn**

A motion was made by Ken to adjourn. Jeff seconded the motion, and the meeting was adjourned at 7:38 p.m.