

**MINUTES
CARBONDALE BOARD OF TRUSTEES
REGULAR MEETING
NOVEMBER 27, 2018**

Mayor Dan Richardson called the Board of Trustees Regular Meeting to order on November 27, 2018, at 6:00 p.m. in the Town Hall meeting room.

ROLL CALL:

The following members were present for roll call:

Mayor	Dan Richardson
Trustees	Marty Silverstein
	Erica Sparhawk
	Lani Kitching
	Ben Bohmfalk
Arrived After Roll Call	
	Heather Henry
	Marty Silverstein
Staff Present:	
Town Manager	Jay Harrington
Town Clerk	Cathy Derby
Town Attorney	Mark Hamilton
Finance Director	Renae Gustine
Planning Director	Janet Buck

CONSENT AGENDA

- Accounts Payable totaling \$148,638.91
- BOT 11/13/18 Regular Meeting Minutes
- Liquor License Renewal – Cowen Center
- Nettle Creek Control Panel Contract
- Ordinance No. 17, Series of 2018 – Deed Restriction Agreement and Rezoning 689 Main Street

Trustee Sparhawk made a motion to approve the Consent Agenda. Trustee Kitching seconded the motion and it passed with:

5 yes votes: Richardson, Yllanes, Bohmfalk Sparhawk, Kitching

Trustee Henry arrived at the meeting.

PERSONS PRESENT NOT ON THE AGENDA

There was no one present who wished to address the Board.

TRUSTEE COMMENTS

Trustee Yllanes encouraged everyone to donate on Colorado Give Day which is next Tuesday.

Trustee Henry stated that she attended the Environmental Board meeting last night. They are confused about the budget. They discussed participating in a grassroots program whose goal is to eliminate the usage of plastic and to educate the public on plastics in general.

Trustee Sparhawk stated that she attended the Colorado Communities for Climate Action meeting on November 16th. The topic of discussion was air quality. They approved low emission vehicle standards and the next step is to adopt European emission standards for the state.

Trustee Kitching stated that Ruedi Water and Power Authority has been releasing water out of Ruedi. They are going to be asking Carbondale to donate extra feet of water in the near future.

Mayor Richardson stated that attendees of the VCAPS meeting need to get their comments to Angie Sprang.

ATTORNEY'S COMMENTS

The attorney did not have any comments

SPECIAL EVENT LIQUOR LICENSE – CARBONDALE CLAY CENTER

Carbondale Clay Center has applied for a Special Event Liquor License for an event to be held at 201 Main Street. All fees have been paid and the Police Department has reported no problems with the applicant or the premises.

Trustee Sparhawk made a motion to approve Carbondale Clay Center's Special Event Liquor License Application. Trustee Yllanes seconded the motion and it passed with:

6 yes votes: Kitching, Henry, Yllanes, Sparhawk, Richardson, Bohmfalk

**PUBLIC HEARING – MAIN STREET MARKETPLACE – MAJOR SITE PLAN
REVIEW, VARIANCE, CONDITIONAL USE PERMIT AND ALTERNATIVE
COMPLIANCE APPLICATION**

Applicant: Crystal River Marketplace, LLC

Location: Lot 1, Carbondale Marketplace Subdivision (NW corner of Main Street & Highway 133)

Mayor Richardson disclosed that he works for Ascendigo and they have done business with Bob Schultz but he has not received any financial gain.

Trustee Silverstein arrived at the meeting.

Bob Schultz (planner), members of the Poss Architecture team, Briston Peterson (applicant), and Yancy Nichols (engineer) were present at the meeting.

Janet explained that this is an application for a Major Site Plan Review, Conditional Use Permit, Request for Alternative Compliance and a Variance.

The property is a vacant 5.37 acre parcel. It is Lot 1 of the Carbondale Marketplace Subdivision. The Carbondale Marketplace Subdivision was approved in 2016. The plat split the 23 acre property into five lots. It also dedicated the streets, Hendrick, Shorty Pabst and Nieslanik. City Market, a 10,000 sq. ft. retail store and a fueling station will be located on Lots 2, 3 and 4 of this subdivision. 1st Bank is approved for Lot 5B.

The majority of public improvements required for Lot 1 were determined during review of the Carbondale Marketplace Subdivision. This includes relocation of the Rockford Ditch.

The applicant is requesting to construct a mixed-use development with 115 multifamily residential units and 10,259 sq. ft. of commercial buildings. All of the units would be rental units. Twenty-three would be deed restricted AML units.

Overall, the application is in compliance with the UDC with one exception - the maximum 10 ft. front yard setback along Main Street. There is an existing 20 ft. ditch easement along the front of the property for the Rockford Ditch. Because of that, the buildings would be about 18-20 ft. back.

The variance criteria state that in order to grant a variance, there must be an exceptional site condition which creates a hardship to the applicant. Staff and the Planning Commission recommend approval of the variance because the easement is a pre-existing condition which creates a hardship. The easement pre-dates the UDC which created the new mixed-use zone district with the maximum 10 ft. setback.

The applicant has also requested alternative compliance for the street trees and the private outdoor space. Alternative compliance is a new section in the code. This section encourages a unique design and provides flexibility to the development standards. It is not a variance – just an alternative means to meet the intent of the code.

The applicant is requesting alternative compliance for street trees. Staff asked the applicant to follow the Tree Board's preference on tree spacing based on tree size. The purpose of this spacing is to ensure that tree canopies won't overlap at maturity.

The second alternative compliance is the private outdoor space for Building E. This building is located on the corner of Hendrick and Main and presents an entryway into the development. Initially, balconies were proposed for the private outdoor space. The applicant would like to provide that open space on the rooftop of an adjoining building rather than on individual balconies. This is to provide a more iconic façade on Building E. P&Z recommended approval.

The Public Works Department, which includes the Utilities Department, reviewed the engineering plans and found that the proposed development is consistent with and seems to work with the City Market development to the north. They also reviewed the Traffic Report and found that overall the numbers are correct.

The Fire District has also reviewed the plans and generally finds them satisfactory.

If this application is approved, a Development Improvements Agreement would be required. This would come back before the Board in January.

Staff is supportive of the application. There is a need for rental housing in Town. This development would provide a good mix of housing units near the shopping areas along the highway and the Downtown while providing some commercial square footage. In addition, residential development along Main Street creates more of a buffer for the residential areas to the south.

Bob Schultz, members of Poss architecture team and Yancy Nichols gave a presentation on the project. The following key points were made:

- The building fronts will face the street, parking will be in the interior
- The building designs will be diverse
- There will be connectivity
- There will be architectural prominence at key building corners
- There will be 23 affordable housing units which exceeds the required amount
The affordable units will be integrated throughout the site
- They will not be building any new roads; the utilities will be undergrounded
- They are required to provide 183 off-street parking spaces; they are proposing 196

They are asking that condition 5, addressing the timeline for public improvements, be removed and addressed in the Development Improvement Agreement.

Discussion ensued.

Trustee Sparhawk asked Bob to describe the flex units. They are not sure what they will look like but they do know that the ceilings need to be 14 feet high.

Trustee Kitching asked them if they will be installing broadband – they will. Trustee Kitching asked if the LLC will be responsible for the adjusted easements – yes they will – they will hire a management company to take care of the landscaping, snowplowing, etc.

Trustee Bohmfalk asked if short-term rentals are allowed – there is no prohibition against them in the Code.

Trustee Bohmfalk asked what do the front of the buildings on the north side face – the front faces towards the City Market parking lot.

Trustee Henry stated that she likes the project. The decks are of generous size and stand out. The sidewalks and planting areas are also a generous size.

Trustee Henry stated she supports flexibility (not constraining them to 18 months) in the timing of the private improvements. She would like the improvements and associated timing to be very specific.

Trustee Yllanes stated that he is concerned that a left turn out could cause traffic jams.

Mayor Richardson asked Bob if the UDC has restricted/prevented them from doing something that they wanted to do – Bob replied no.

Mayor Richardson asked if they are comfortable with the housing mix – they are. Mayor Richardson asked if the playground will get sunlight – it will. Mayor Richardson asked if the site will have bike parking – it will but they do not know how much. Mayor Richardson asked if they will be installing solar – they will adhere to the requirements in the commercial green code but the residential units will not have solar.

Trustee Sparhawk asked them to install conduit for electric car charging stations – they will.

Trustee Henry stated that this would be a perfect site for a daycare center. She asked if they had spoken with the ad hoc daycare coalition. Bob replied that they spoke to Blue Lake Daycare representatives and they couldn't accommodate them – they wanted to own the building, the price they were willing to pay is too low, they need a big outdoor play area, etc.

Mayor Richardson opened the public hearing. There was no one present who wished to address the Board so he closed the public hearing.

Trustee Silverstein stated that hopefully the size of the units will make them affordable.

Trustee Kitching made a motion to approve the Major Site Plan Review, Conditional Use Permit to allow residential uses on the ground floor, Request for Alternative Compliance for the provision of street trees and for the provision of private outdoor open space, and a Variance from the Maximum 10 ft. Front Yard Setback along Main Street with the conditions and findings below. Condition 5 will be removed from the conditions and will be moved to the Development Improvement Agreement. This approval is contingent upon Board approval of an Ordinance and Development Improvements Agreement at a future meeting. Trustee Silverstein seconded the motion and it passed with:

7 yes votes: Silverstein, Henry, Richardson, Yllanes, Sparhawk, Kitching, Bohmfalk

Conditions:

1. Approval of the Major Site Plan Review is contingent upon Town approval of a Development Improvements Agreement that includes an Engineer's Cost Estimate of Public Improvements and addresses sequencing of public improvements associated with the development. The applicant shall be responsible for the cost and construction of public improvements.
2. All required public utility, public access and public pedestrian/bicycle easements shown on Exhibit M Sheet C 4.0 shall be dedicated to the Town prior to acceptance of the public improvements. The location and size of the easements shall be subject to review and approval of Town Staff.
3. After construction of the public infrastructure or construction of a building(s), any portion of the site which will remain vacant shall be re-graded and revegetated.
4. All conditions of Ordinance No. 21, Series of 1997 recorded at Reception Number 521822 and recorded on March 13, 1998 remain in effect and in full force unless otherwise approved by the Board.
5. ~~The developer shall be responsible for the construction and cost of all infrastructure improvement. The construction of the infrastructure shall be completed within eighteen (18) months of the recordation of the Development Improvements Agreement.~~ **This condition will be moved to the Development Improvement Agreement.**

6. The developer may be required to submit a current title commitment for the easement dedications for review and approval by the Town Attorney. This commitment shall be prepared at the expense of the developer.
7. A fee-in-lieu of highway improvements shall be required. The amount and timing of payment shall be established in the Development Improvements Agreement.
8. The applicant shall enter into an agreement with the Carbondale & Rural Fire Protection District that addresses payment of impact fees prior to recordation of the Development Improvements Agreement.
9. The final landscape plan shall be subject to review and approval by the Tree Board.
10. The southerly driveway shall be widened to 23 ft. in width.
11. All irrigation shall be from non-potable water sources supplied by the Rockford Ditch.
12. The rooftop equipment shall be screened in accordance of Section 5.4 of the UDC (Landscaping and Screening).
13. All lighting shall be in compliance with Section 5.10 of the UDC (Exterior Lighting). The lighting plan shall be subject to review and approval of Town Staff.
14. If the residential development is subdivided or condominiumized, the applicant shall comply with the Community Housing Inclusionary Requirements in Section 5.11 of the UDC.
15. All representations of the Applicant in written submittals to the Town or in public hearings concerning this project shall also be binding as conditions of approval.
16. The Applicant shall pay and reimburse the town for all other applicable professional and Staff fees pursuant to the Carbondale Municipal Code.

Criteria – Variance

1. The subject property has an exceptional site condition which is not a general condition of that particular zone district, specifically, the pre-existing location of the 20 ft. wide ditch easement which lies along the front of southerly property line of Lot 1, Carbondale Marketplace;

2. The location of the ditch easement creates an exceptional, practical hardship to the applicant as buildings can't be constructed within the easement in order to meet the maximum 10 ft. front yard setback;
3. The variance is the minimum required that will afford relief as the buildings are proposed as closely as possible along the ditch easement, meeting the intent of the standard in the zone district;
4. The applicant did not create the hardship by his/her own actions as the ditch easement was created during the Carbondale Marketplace Subdivision application review which was submitted prior to the adoption of the UDC and the new Mixed Use zone district;
5. The variance requested does not harm the public or injure the value of adjacent properties; and
6. The granting of the variance will be consistent with the spirit and purpose of the Code.

Findings - Site Plan Review Criteria:

1. The site plan is consistent with the Comprehensive Plan as the area is designated New Urban which envisions a flexible mix of retail, restaurants, service commercial and multi-story mixed-use buildings with buildings being the focal point of the site by locating them close to the street. The purposes stated in this Unified Development Code have been met;
1. The site plan is consistent with the purposes section of the MU zone district as this development will provide a compact, mixed-use development that provides people with the opportunity to live, work, recreate, and shop in a pedestrian-friendly environment. There would be multimodal access to and from Downtown. The development includes both a vertical and horizontal mix of land uses, and provides an interesting and walkable environment through tailored building design and streetscape standards that address features such as building mass and placement, building entries, and windows/transparency;
2. The site plan complies with all applicable development and design standards set forth in this Code; and,
3. The traffic generated by the proposed development is adequately served by the proposed streets in the Carbondale Marketplace Subdivision and the existing streets within Carbondale.

Criteria – Conditional Use Permit – Ground Floor Residential

1. The site, building(s), and use meet the criteria, all applicable regulations and development standards as specified in this Code and for the zone district in which the use is located;
2. The proposed use is consistent with the Comprehensive Plan; specifically, the ground floor units meet a significant community demand for rental housing and are integrated as urban housing into a mixed-use development. The property is south of the soon-to-be constructed City Market development with its associated 10,000 sq. ft. retail space and gas pumps and north of the property zoned Commercial/Retail/Wholesale in the Crystal Village PUD.
3. The site includes no non-conformities with the exception of the inability to meet the maximum 10 ft. front yard setback along Main Street due to the pre-existing location of a 20 ft. wide ditch easement;
4. The proposed use is planned in a manner that minimizes adverse impacts on the traffic in the neighborhood or surrounding uses;
5. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (including hours of operation, noise, odor, dust, and other external impacts);

Criteria - Alternative Compliance for Street Trees

1. The proposed landscape plan achieves the intent of the standard in UDC Section 5.4.3.B.3. to a better degree than the subject standard as it complies with the Tree Board's preference to space the trees apart based on the size class of each tree in order to ensure tree canopy won't overlap at maturity.
2. The proposed landscape plan advances the goals and policies of the Comprehensive Plan and this Code to a better degree than the standard as it provides a creative design that does not strictly adhere to the Code's standards yet authorizes a site-specific plan that is better than the strict application of the standard;
3. The proposed landscape plan results in benefits to the community that exceed benefits associated with the standard as it improves the environmental and aesthetic character of Carbondale; and
4. The proposed landscape plan imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this ordinance.

Criteria - Alternative Compliance for Private Outdoor Space – Building E

1. The proposed plan achieves the intent of the standard in UDC Section 5.6.5.B. to a better degree than the subject standard as it complies with the UDC in a two-fold manner: 1) private outdoor space is being provided in a creative and unique manner; and 2) it allows a more iconic design for Building E to create a sense of entry into the project. This is in compliance with UDC Section 5.7.4.B. (importance of a building's location on a street corner).
2. The proposed plan advances the goals and policies of the Comprehensive Plan and this Code to a better degree than the standard as it provides a creative design that does not strictly adhere to the Code's standards yet authorizes a site-specific plan that is better than the strict application of the standard;
3. The proposed plan results in benefits to the community that exceed benefits associated with the standard as it improves the aesthetic character of Carbondale; and
4. The proposed plan imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this ordinance.

BUDGET REVIEW

The Board reviewed the amended budget and the following key points were made:

- Property assessment valuations are decreasing \$5,000 in 2019
- Sales tax projection is holding at 7%
- After making the adjustments from the last meeting reserves are now at 73% which equates to \$100,000 - \$140,000
- The majority of the Board was adamant that the reserves should be 75% - Jay suggested holding off on the RVR Street Maintenance and cut back on the concrete projects to get the reserve back to 75%
- CPAC is requesting an additional \$2,500 to increase the honorarium – the Board agreed
- Trustee Henry stated that the EBoard is confused why their budget was decreased. Renae explained that historically their budget has been \$2,000. It was raised to \$5,000 in 2018 in order to purchase traffic counters. Staff and the Board agreed that the EBoards budget should be increased to \$5,000 in order to cover Dandelion Day expenses


MISCELLANEOUS

Due to the Christmas holiday, the Board agreed to hold their second regular meeting of the month on December 27th at 7:30 am.

ADJOURNMENT


The November 27, 2018, regular meeting adjourned at 8:40 p.m. The next regularly scheduled meeting will be held on December 11, 2018, at 6:00 p.m.

APPROVED AND ACCEPTED



Dan Richardson, Mayor

ATTEST:



Cathy Derby, Town Clerk