



Town of Carbondale
511 Colorado Avenue
Carbondale, CO 81623

AGENDA
PLANNING & ZONING COMMISSION
THURSDAY, January 30, 2020
7:00 P.M. TOWN HALL

1. CALL TO ORDER
2. ROLL CALL
3. 7:00 p.m. – 7:05 p.m.
Minutes of the December 12, 2019 meeting.....Attachment A
4. 7:05 p.m. – 7:10 p.m.
Public Comment – Persons present not on the agenda
5. 7:10 p.m. – 7:20 p.m.
Election of Chair
6. 7:20 p.m. – 8:00 p.m.
Preparation for P&Z/Board Work SessionAttachment B
7. 8:00 p.m. – 8:05 p.m.
Staff Update.....Attachment C
8. 8:05 p.m. – 8:10 p.m.
Commissioner Comments
9. 8:10 p.m. – ADJOURN

*** Please note all times are approx.**

Upcoming P & Z Meetings:

- 2-13-20 – Wanzek Sub Exemption – 1328,1330,1332 Barber Drive
- 2-18-20 – P&Z/Board Work Session

MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday December 12, 2019

Commissioners Present:

Michael Durant, Chair
Ken Harrington, Vice-Chair
Nick Miscione
Jay Engstrom
Marina Skiles
Nicholas DiFrank (1st Alternate)

Staff Present:

Janet Buck, Planning Director
John Leybourne, Planner

Commissioners Absent:

Jade Wimberley
Jeff Davlyn

Other Persons Present

The meeting was called to order at 7:00 p.m. by Michael Durant.

November 14, 2019 Minutes:

Nick made a motion to approve the November 14, 2019 minutes. Ken seconded the motion and they were 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 – Minor Site Plan and Special Use Permit

Location: 778 Sopris Avenue

Applicant: John Williams

John stated that the applicant had proposed to renovate an existing detached accessory structure into an accessory dwelling unit.

John said that during the review of the application, Staff made a determination that the application was not in conformance with the UDC and informed the applicant that a detached ADU was not allowed in the OTR unless the principle structure was of historical significance. After meeting with the Applicant, Staff offered to issue an interpretation of the code section as provided by the UDC and then the applicant may appeal the interpretation to the Board of Adjustment as also provided by the UDC.

John explained that during this process this application will be tabled until the interpretation and appeal is finalized.

John stated that no Planning Commission action is needed.

Michael asked if we needed to have a public hearing.

Janet said that we had met last week with a different applicant in the OTR that wanted to do a detached ADU. She said that she told them that they are not allowed to do a detached ADU in the OTR zone district. She said that the OTR zone district was created in 2008. She said that she will be researching in order to make sure she interpreted it correctly and she will put together the background with history and supporting documents. She said they will have the option to appeal.

Janet said that we will go back to 2008 to check precedent, which will take some work. She said that we apologize to the applicants and to all of you.

Michael asked John Williams if he understood everything and if he was satisfied with his recourse with the Board of Adjustment.

John Williams said yes.

Marina asked what the role of the P&Z was in moving forward. She asked if we needed to adjust any wording in the UDC.

Janet said yes because the way she looks at it is it is not that clear as it talks about language below and there are two belows. She said that it depends on what below you pick, whether or not a detached ADU is permitted or not. She said that we need to look at amending that and cleaning it up because she could see how it is not clear.

Marina asked if we would be involved in the discussion.

Janet answered yes.

Michael said that in terms of the applicant's resource the Board of Adjustment is going to hear the case and determine whether you interpreted the code correctly or not. He said that if you did not interpret the code correctly then they will presumably they will be back.

John Leybourne stated that they could back with a new public hearing and new noticing.

Marina asked if that Board of Adjustment would be different than what was recently the Board of Adjustment.

Janet answered yes, she said that because this is zoning-wide, it will not be specific to their site so there won't be conflicts of interest that we ran into with the last BOA.

John Leybourne said that it applies to the entire OTR zone district not one specific application or site.

Janet said that she can see how it happened and she'll be curious to dig through it.

BLM Land Transfer Discussion

Janet said that this is not a county referral. She said that this 257 acre parcel was up for auction by the BLM in the past months. She said that an article in the Glenwood Post came up last week that there is going to be a transfer from the BLM to the Colorado Land Trust. She said that she went to the BLM website and found the press releases and, some other articles and because she wasn't sure if it were something we should look at, to go ahead and put it on the agenda to let people know that it was happening. She said that there was only a twenty one day comment period. She said that historically this goes back to a law from the 1800's when the States were formed. She said that the Federal Government was deeding a very certain prescribed amount of land to the States for use for schools and prisons. She said that when it came to Colorado a lot of the lands were in Indian Reservations and so there wasn't enough land to give the State that quantified amount so this has been on the books for over one hundred and fifty years.

Janet said that she talked to Fred Jarmon today from Garfield County because he brought it before the County Commissioners last Monday and he will be bringing it back again. She said that John Martin has been aware of this and has been lobbying the Federal Government to get the deficit made up and to get the lands transferred. She said that overall it seems pretty benign. She said the only question about the State Land Board is that their interest is funding for schools. She said that they can take the leases for grazing and take the revenue from the leases and that she has heard of the State Board selling land if it is a developable area for construction. She questioned that if the State sold the land to a private developer, what would happen.

Janet said that the BLM identifies nine issues to be considered;

- Impacts on rights of way
- Livestock grazing
- Impacts to cultural and historic properties
- Wildlife habitat
- Public access
- Hunting
- Recreation
- Socioeconomics

Janet said that we don't need to submit comments but if we did and this property were to be sold in the future we would want sensitivity on ridgeline development. She said that if people were to use Thompson Creek Road to access a development up there, her guess is this land land-locked but who knows what might happen. She said what if an adjoining property owner allows an easement, worst case scenario.

Ken said that a piece of it fronts County Road 109, the lower portion or eastern edge at the bottom of the ridge.

Michael asked if anyone read the Sopris Sun article today. He said as he understands it is that the revenue that would come would go into the State Land Trust and the proceeds from grazing leases or mineral leases would be used to pay for schools and prisons and all of the things that this is going to do. He said that it sounds like that all of the real stake holders that have been involved with this from the beginning have been engaged from the beginning and have had a lot of their issues addressed. He said that he is not sure that the Town is a stake holder, but he continued that the Town certainly would be a stake holder if the State decided to sell it for development. He said that if we were going to say something it might be; The Town would like to be considered as a stake holder if it went to another transaction past BLM, to the State Land Trust. He said that the uses under the State Land Trust are more restrictive than the uses that would be allowed if it remained BLM land. He said that with BLM land everything goes and everything is an allowable use as long as you pay your permit.

Ken said that if it's Federal land the local jurisdiction, the County in this case, the land use authority does not have jurisdiction over it correct. He said that if it is State sometimes local jurisdictions do and sometimes they don't. He asked in this case does Garfield County zoning have any say over the future use of this land?

Janet said that would be a question for Fred Jarmon, she said that he was still digging through it.

Ken said what concerns him is whether there are any minerals in that bluff or gravel, we wouldn't want to see it move from the current controversy and move close to Carbondale. He said that he didn't know if we have a voice in it verses the County.

Michael said that he didn't know what sort of minerals are up there either, the gravel pits are normally on the river bed not on a bluff.

Further discussion ensued about the land transfer.

Janet said that there will be a hearing in January around the 21st, maybe putting a letter in that we are aware of it and if there is another transaction during the public hearing with the Colorado State Land Board that we would like to be considered as a stake holder.

Marina said that we would definitely want to be a stake holder.

Nick said that it looks like over half of this land is not developable because it is on a very steep slope.

Michael said that we do not want to be a stake holder in this transaction but instead in any future transaction beyond this one.

Further discussion ensued.

Pam Zentmyer said her concern is whether the State Land Board had resources in the area to manage the land properly.

Janet said for now we could do a letter and she would keep doing research on it. She said that she could state that we noted that this transfer was taking place and we wanted to take the opportunity to express some thoughts and future requests if this moves forward and pull in the questions that Pam Zentmyer suggested on the management of the land. She said that she would continue doing research and that she wanted to get it on the radar screen because it seemed like it happened so fast and the comment period was so short. She said that was enough direction for her and she thanked the Commission.

Staff Update

Janet said that she went to the Board meeting on Tuesday night and 1201 Colorado Avenue, Sopris Lofts, came with their team. She said that the Board did drill deep into a few things regarding ADA and landscaping but overall they really liked the application. She said that they liked the building design and the program and that they questioned energy efficiency. She said that the applicant's said that they were going to apply for the Udall grant. She said that it was approved and we will see what happens next with that.

John said next week at the Board meeting they will be looking at the number of animals allowed on site on your premises. It is not drilled down specifically for the rabbit guy, it's more of a Town-wide thing but that it is this item that is driving it. He said that if anyone wants to go to let us know so it can be noticed that there might be Commissioners there.

Further discussion ensued about rabbits.

John said that Red Hill Lofts, the affordable housing project on Dolores, is going to be submitted in the next few weeks.

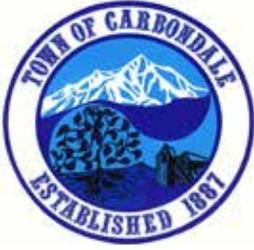
John said that he and John Plano attended a meeting with the County Health Department on hemp foods, hemp products, CBD products, licensing and the whole process so we are tag teaming with the State and the County on what's allowed and what's not allowed. He said that we have been seeing a lot more here in town.

Commissioner Comments

There were no Commissioner comments

Motion to Adjourn

A motion was made by Jay to adjourn. Nicholas seconded the motion and the meeting was adjourned at 7:40 p.m.



TOWN OF CARBONDALE
511 COLORADO AVENUE
CARBONDALE, CO 81623

Planning and Zoning Commission Agenda Memorandum

Meeting Date: 1-30-2020

TITLE: Discussion of Planning Commission/Board
Work Session 2-18-2020

SUBMITTING DEPARTMENT: Planning Department

ATTACHMENTS: None

BACKGROUND

A work session is scheduled between the Planning Commission and Board of Trustees on February 18, 2020. The Board meetings start at 6:00 p.m. Staff thought it may be a good idea to look at what was accomplished in the last several years as well as look ahead to what needs to be done.

DISCUSSION

Projects Approved Under Unified Development Code (UDC)

This may be a good opportunity to review the projects which have been approved since the adoption of the Unified Development Code (UDC). The Board and the Commission may want to discuss what has worked and what hasn't when reviewing the developments. Here is a list of the larger developments which have been approved:

2016

10 and 15 Cooper Place – 10 dwelling units (rentals)

2017

RFSD Teacher Housing – 20 dwelling units (rentals)

415 Village Lane (PUD) – 7 townhome units (for sale)

862 Main Court – 3 dwelling units behind house (rentals)

2018

Parcels 2, 3 and 4, Thompson Park - 40 dwelling units (for sale)

Main Street Marketplace (Lot 1, Carbondale Marketplace) – 115 residential dwelling units (rentals), 10,000 sq. ft. commercial

Red Hill Lofts, Dolores Way (Kay PUD) – 30 dwelling units (rentals)

Sopris Lodge Assisted Living Facility – 78 dwelling units (rentals)

421, 423 and 425 8th Street – Duplex and Single Family - Merrill and 8th Street (for sale)

167 Garfield Avenue – stacked triplex (rentals)

1st Bank, Lot 5B, Carbondale Marketplace Subdivision – Highway 133 – Drive-through bank

2019

1201 Main Street (Formerly known as Stein on corner of Main and 133) – 27 dwelling units and 3881 sq. ft. commercial – 2019

Accessory Dwelling Units (ADUS)

418 Garfield Avenue
275 4th Street
182 Sopris
159 Sopris Avenue
265 8th Street
617 Sopris Avenue
767 Cleveland Avenue
710 Euclid Avenue
379 Euclid Avenue
767 Lincoln Avenue
17 Maroon Place
150 Euclid Avenue

(For the Board meeting, Staff will provide a comparison of length of review time for several development projects prior to the UDC and post-UDC.)

It may be helpful to drive by the developments.

Unified Development Code (UDC) Amendments

In 2018 and 2019, the Planning Commission and Board approved fairly extensive amendments to the UDC. The main amendments were as follows:

- Ø Developed Wireless Facilities Regulations
- Ø Updated Mobile Home Park Regulations
- Ø Expanded locations for Day Care uses and reduced parking requirements
- Ø Made minor amendments to the Land Use Table
- Ø Revised zoning parameters in R/MD and R/HD
- Ø Expanded building design standards in OTR
- Ø Streamlined landscaping/open space/pervious surface requirement
- Ø Clarified parking requirements in the HCC zone district
- Ø Fine-tuned solar access section
- Ø Added the PUD language in the draft PUD policy to the UDC
- Ø Clarified criteria for amending PUDs and created section for PUD amendments
- Ø Revised street tree regulations to reflect Tree Board preferences

Staff has been compiling a list of new potential UDC amendments which include:

- Ø Amend the definition of “Boardinghouse.” (Possibly remove language which states “and not used as a single family residence.”)
- Ø Revise zoning parameters in the R/HD zone district to require building step backs from the street. Review the overall mass and scale which is permitted. (The work done by Clarion in 2019 showed the mass and scale of buildings allowed in the R/HD. This raised some concerns.)
- Ø Reconcile the requirement of a 10 ft. wide landscape buffer along Highway 133 and the maximum 10 ft. setback in the MU zone district.
- Ø Review building height in MU zone district to allow a 38 ft. or 39 ft. height, specifically for properties that are below the grade of the street and/or highway. (request from applicant).
- Ø Requiring possible Carbondale Historic Preservation Commission (CHPC) review of new construction and/or additions in the OTR zone district.
- Ø HCC Parking – Percentage of surface of lot which can be used for residential uses.

Comprehensive Plan

The Comprehensive Plan was adopted in 2013. Staff would like to start looking ahead toward an update to the Comprehensive Plan in 2021 with a full overhaul in 2025. We would need to put a request for funding in this year for the 2021 budget.

Administrative

Here is a summary of some of our administrative items:

Mapping

Worked with Roaring Fork Geospatial to create a Phase and Block Map for RVR. The legal documents associated with RVR are labeled by phase and/or block which made it difficult to match the document to the various parcels in RVR.

Worked with the County to provide assessor town parcel data for the Town's Zoning District Map so that the interactive map on the Town's website features current data.

Staff worked with Roaring Fork Geospatial to develop a draft map which overlays the Future Land Use Map from the 2013 Comprehensive Plan onto the Town's Zoning District Map. The purpose of this map is to determine if there are any appropriate rezonings to bring the Zoning District Map and Future Land Use Plan into alignment.

PUDs

Re-organized and streamlined the PUD zone district book. Worked with Roaring Fork Geospatial to create an individual Zoning District Map for each PUD as a cover sheet for reference. (This information still needs to be placed on the Town's website for easy public access.)

Staff plans to create a matrix which lists of the zoning parameters, development standards and fees in the Town's PUDs to simplify administration of the PUDs (30+ PUDs). The organization will assist in determining an appropriate zone district for any conversion of a PUD to a straight zone district.

Other

The Board approved additional funds in the Planning Department to help organize the backlog of land use files which need to be organized and scanned into laserfiche.

Building Department 2019

The total valuation of all permits for the year was \$27,672,130

37 dwelling units added. The type of units are broken down as follows:

- 13 single family homes
- 5 duplexes
- 3 triplexes
- 1 fourplex

1 ADU

There was one new commercial permit (City Market and the 10,000 sq. ft. retail building).

RECOMMENDATION

Staff recommends that the Planning Commission discuss the upcoming work session and give Staff feedback on what topics the Commission would like to discuss with the Board.

Prepared By: Janet Buck, Planning Director



**TOWN OF CARBONDALE
511 COLORADO AVENUE
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Board of Trustees Agenda Memorandum

Meeting Date: 1/28/2020

TITLE: Planning Department Administrative Report

SUBMITTING DEPARTMENT: Planning Department

Thompson Park – The Planning Commission and Board of Trustees approved a Preliminary and Final Subdivision Plat application to divide Parcel 2 of Thompson Park into townhome lots and two condominium lots last October and November. Construction of two of the duplexes and two of the triplexes is underway. A building permit for a fourplex was issued in December.

Town Center – In October and November, Town Staff worked on the relocation of the restrictive covenant which had been placed on the American Tree and Cement property in 2003 to instead be placed on Lots 1, 9, and 10 of the Town Center Subdivision. This restrictive covenant ensures that the required number of affordable housing units will be constructed on the Town Center property.

City Market – The walls on the City Market building are substantially complete. The insulation and roofing will take place next. The Building Permit application for the Fueling station had its initial review and a correction letter was issued. Revised plans have been submitted for final review.

1201 Main Street (Formerly known as Sopris Lofts) – The Planning Commission and Board of Trustees approved a Major Site Plan Review application for the property located at the northeast corner of Main Street and Highway 133 this past October, November and December. The proposal is for a mixed-use building with 3,881 sq. ft. of commercial space, 18 efficiency apartments and 9 two-bedroom units for a total of 27 units. All of the residential units would be rentals. Five dwelling units would be deed restricted for affordable housing.

The final approval documents, including an Ordinance and Development Improvements Agreement, have been drafted. The Board will consider these agreements at its February 11, 2020 meeting.

311 Main Street Condominiumization – The Planning Commission approved an application to separate 311 Main Street into five commercial units and one residential unit at its October 24, 2019 meeting.

Sopris Lodge Assisted Living Community - The building permit has been issued and construction had started on this project. The independent living building is being framed as well as the memory care building.

728 Euclid – A public hearing was held December 3, 2019 before the Board of Adjustment (BOA) for the consideration of an appeal of the Building Official's decision to issue a building permit for a structure at 728 Euclid Avenue. This follows public hearings which were held on June 10, 2019 and August 19, 2019. At both those meetings, the property owner was directed by the BOA to submit conceptual redesigns of his building plans to bring the design into compliance with the OTR zone district. At the December 3, 2019 meeting, the BOA overturned the Building Official's decision to issue the building permit with the findings that the design of the building did not complement the historic character of Old Town Carbondale as it did not sufficiently integrate the unique scenic, historic, natural and design features of the area and did not provide special emphasis on the unique home sizes characteristic of the original Townsite as required by the code.

In May of 2019, the property owner filed a complaint in District Court. This continues to wind its way through the court process.

2020 Census County – Aspen to Parachute Complete Count Committee (A2PCCC) – Planning Staff has been participating in regional discussions since July 2019 on how to ensure there is an accurate count in our region during the 2020 census. During the last quarter of 2019, the A2PCCC developed an outreach plan framework, identified sources and communications and initiated outreach programs in the Roaring Fork and Colorado River Valleys. The A2PCCC group had applied for a DOLA grant to help with the outreach but the grant was denied. Last December, regional governments and non-profit entities provided funding to help with the efforts. The advertising campaign will kick off at the end of January. The website is now live at www.A2PCensus2020.com. In the top right corner, there is a button to toggle between English/Spanish.

Property Inquiries – A number of properties were placed on the market around Town. As a result, Planning and Building Staff have been fielding phone calls with zoning inquiries on those properties. In addition, there have been many meetings with potential property owners.

Carbondale Historic Preservation Commission (CHPC) - Staff submitted the Certified Local Government (CLG) Annual report to History Colorado. The

submittal of the report keeps the CHPC in good standing with the state and allows for financial assistance as well as educational opportunities.

In addition, the CHPC reviewed the Structures of Merit final report at a public hearing on November 7, 2019. The consultant, Ron Sladek of Tatanka Historical Associates Inc., presented the findings. The Town of Carbondale had received a grant from History Colorado to inventory twenty-five (25) of our historic residential buildings in Carbondale. Seven of the structures surveyed were found to be eligible to be either local, state or nationally landmarked or registered. This landmarking is not required and the owners are under no obligation as the programs are voluntary.

Planning Commission and Board of Adjustment – Staff has been advertising the open seat on the Planning Commission and the one on the Board of Adjustment. The deadline to submit application is January 31, 2020. Interested parties can contact Mary Sikes msikes@carbondalecto.net for an application. The applications are also available on the Town's website.

Prepared By: John Leybourne and Janet Buck

JH

Town Manager