

**MINUTES
CARBONDALE BOARD OF TRUSTEES
REGULAR MEETING
APRIL 25, 2017**

CALL TO ORDER:

Mayor Dan Richardson called the Board of Trustees Regular Meeting to order on April 25, 2017, at 6:05 p.m. in the Town Hall meeting room.

ROLL CALL:

The following members were present for roll call:

| | |
|----------|-------------------|
| Mayor | Dan Richardson |
| Trustees | Frosty Merriott |
| | Marty Silverstein |
| | Erica Sparhawk |

| | |
|--------------------------|---------------|
| Arrived After Roll Call: | |
| Trustees | Katrina Byars |
| | Heather Henry |

| | |
|---------|--------------|
| Absent: | |
| Trustee | Ben Bohmfalk |

| | |
|-------------------|----------------|
| Staff Present: | |
| Town Manager | Jay Harrington |
| Town Clerk | Cathy Derby |
| Town Attorney | Mark Hamilton |
| Planning Director | Janet Buck |
| Finance Director | Renae Gustine |

CONSENT AGENDA

- Accounts Payable totaling \$144,972.95
- BOT 4/11/17 Regular Meeting Minutes
- Liquor License Renewal – Konnyaku
- Liquor License Renewal – Los Cabos
- Liquor License Renewal – The Beat
- Mount Sopris Historical Society – Lease Amendment
- Recommendation for Appointment – Carbondale Historic Preservation Commission

CONSENT AGENDA

The Board pulled the Mount Sopris Historical Society Lease Amendment because more details need to be worked out.

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

4 yes votes: Silverstein, Richardson, Sparhawk, Merriott

PERSONS PRESENT NOT ON THE AGENDA

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

Trustee Byars arrived at the meeting.

TRUSTEE COMMENTS

Trustee Silverstein informed the Board that he attended the Carbondale Public Arts Commission (CPAC) meeting. There is an app (\$3,000 for the first year) that would provide a walking tour of the Town's public art sculptures. A local business has offered to sponsor the app. In return, the business wants a small plaque placed on the sculpture base acknowledging their contribution.

Trustee Byars stated that she feels that a business would have to donate a very big gift in order to receive a sponsorship.

Trustee Sparhawk suggested acknowledging the business on the app.

The Board scheduled a discussion on this topic on May 9th.

Trustee Sparhawk stated that she attended the Third Street Center Board meeting. The coffee shop is open and will serve free coffee on Wednesday. The Third Street Center received a Federal Mineral Lease District grant and an Aspen Thrift Store grant for lighting. They are still raising funds for the project.

Trustee Sparhawk also attended the Parks and Recreation Commission meeting. They want to raise private funds which would be spent on parks and recreation projects.

Trustee Sparhawk stated that the 5Point Film Festival was a stellar event. There were lots of new activities and the attendance was fantastic.

Trustee Byars stated that she attended the Oil & Gas Symposium. Oil and gas production is on the uptake as is deregulation of the industry. The tenor is that it is the

end of federalism. Development of oil and gas leases in Garfield County is also very high.

Trustee Merriott stated that the apple trees are blooming and Orchard Park is beautiful.

Mayor Richardson told the Board that he attended the RFTA board meeting. The Access Control Plan was approved on first reading. He also attended the Mayors meeting in Rifle. Garfield County has developed standards for tiny homes.

Mayor Richardson said that last week the Board talked about conducting a community survey. He requested that the Trustees ask the advisory boards, of which they are a member, if they feel a survey would be valuable, and if so, do they have questions they would like to be put on the survey.

Trustee Byars stated that she would like staff to look at integrating the Garfield County Tiny Home Standards in to the Unified Development Code. Janet will contact Garfield County.

ATTORNEY'S REPORT

The attorney did not have a report.

PROCLAMATION – ARBOR DAY

Mayor Richardson read a proclamation declaring April 28th as Arbor Day.

SPECIAL EVENT LIQUOR LICENSE – CARBONDALE CLAY CENTER

The Carbondale Clay Center has applied for four (4) Special Event Liquor Licenses for the summer First Fridays. 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 The Carbondale Clay Center's Special Event Liquor License Application. Trustee Byars seconded the motion and it passed with:

5 yes votes: Richardson, Silverstein, Sparhawk, Merriott, Byars

PUBLIC HEARING – NEW LIQUOR LICENSE APPLICATION

Applicant: H&H Adventures, LLC

Location: 358 Main Street

H&H Adventures, LLC has applied for a new Beer & Wine Liquor License for 358 Main Street. All fees have been paid and the Police Department has reported no problems with the applicant or the premises.

Staff recommended approval of the liquor license.

Mayor Richardson opened the Public Hearing.

Patrick Fegan, Weant Blvd., commended the owner for supporting the (local) arts.

Brad Nelson, Dolores Way, stated they will make our town a better place.

Bernard Posoli, owner of the building, stated that the owner is hardworking and will improve the lifestyle and reputation of Carbondale.

Mayor Richardson closed the public hearing.

Trustee Byars stated that she has heard a lot of support and excitement for this new business. It will bring energy and vibrancy to the downtown and it will be a huge success.

Mayor Richardson stated that he appreciates the investment in the downtown.

Trustee Byars made a motion to approve H & H Adventure, LLC's new Wine and Beer Liquor License. Trustee Sparhawk seconded the motion and it passed with:

5 yes votes: Silverstein, Byars, Sparhawk, Merriott, Richardson

PUBLIC HEARING –ORDINANCE NO. 6 SERIES OF 2017 – RE-1 EMPLOYEE HOUSING REZONING AND MAJOR SITE PLAN REVIEW

Applicant: RE-1 School District

Location: Third Street between Library and Third Street Center

Bob Schultz (planner) and JV DeSousa (architect), representing the applicant, were present at the meeting.

Janet explained that the RE-1 School District submitted an application for rezoning from Open Space/School PUD-Community Partnership PUD to Residential/High Density and major site plan review which would allow twenty (20) residential dwelling units on the site.

The rezoning appears to be in compliance with the Town's Comprehensive Plan.

The Planning & Zoning Commission reviewed the application in March and unanimously recommended approval. Staff also recommends approval.

Bob Schultz stated that the applicant has voluntarily complied with the Unified Development Code (UDC). The building are to scale with the other houses in the

neighborhood and they are oriented towards Third Street. They have designed a large green space area that is connected to the Bridges Playing fields. The project is consistent with the Comprehensive Plan.

Discussion ensued and the following questions were asked:

- Where will overflow parking go? There is street parking in front, and Bridges is adding parking to the back of its building.
- Will a land dedication fee be required? Yes, however they have credits.
- Is the landscaping private? Yes, the School District owns the entire site.
- Only 16 units are being built at this time, why? RE-1 does not have the funding for the final four at this time.
- Will the buildings have any solar? No, but they are making it the most sustainable project possible given their budget.

Mayor Richardson opened the public hearing.

James Ibbotson, Carbondale, asked if there will be an opportunity to beautify the street at the end of construction. Improvements (sidewalks) will only be installed on the west side due to neighborhood feedback. James asked about light pollution from the parking lots. They are using the minimum foot candle, the lights will be fully shielded, and the parking lots are asphalt so they will reflect a lot of light.

Mayor Richardson closed the public hearing.

Trustee Sparhawk made a motion to approve Ordinance No. 6, Series of 2017, and the Development Improvements Agreement approving the RE-1 Employee Housing Rezoning and Major Site Plan Review, as amended by the redlines, which acknowledge approval of a Conditional Use Permit for multi-family housing, and eliminates the condition that a revised landscape plan be submitted. The conditions and finding are as follows:

Conditions:

1. The RFSD shall enter into a Development Improvements Agreement which addresses construction of public improvements associated with the development.
2. Approval of the Rezoning and Major Site Plan Review is contingent upon Town approval of the engineering plans.
3. All required public utility and pedestrian/bicycle easements shall be dedicated to the Town of Carbondale as outlined in Ordinance No. 6, Series of 2017. The location and size of the easements shall be subject to review and approval of Town Staff.

4. All ordinances and agreements associated with the Community Partnership PUD will remain in effect for the balance of the RFSD property.
5. The RFSD shall submit a digital map which shows the boundaries of the project within the RFSD District property and the R/HD zone district designation in order to update the Town's Zoning District Map.
6. The rooftop equipment shall be screened in accordance of Section 5.4 of the UDC (Landscaping and Screening).
7. All lighting shall be in compliance with Section 5.10 of the UDC (Exterior Lighting).
8. If RE-1 (the District) should ever determine to allow the occupancy of these units by persons other than District employees and their families, to sell all or any portion of the Property, or to subdivide or condominiumize any portion of the Property, the District acknowledges that it shall be required to come into compliance with the Town's then-applicable affordable housing regulations (presently codified as Section 5.11 of Chapter 17.05 of the Municipal Code), and that the Town may withhold or condition any further development approvals accordingly.
9. The development shall be in compliance with the Town's solar access requirements.
10. The ownership and maintenance of the irrigation system shall be addressed in the Development Improvements Agreement.
11. The RFSD shall submit a detailed tree protection plan, prepared by a certified arborist, for the three mature spruce trees along Third Street. The plan shall be subject to review and approval of the Town prior to commencement of construction.
12. The Development Improvements Agreement shall address the maintenance of the landscaping in the northeast corner of the site.
13. 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.
14. The Applicant shall pay and reimburse the town for all other applicable professional and staff fees pursuant to the Carbondale Municipal Code.

Findings - Rezoning Criteria:

1. The amendment will promote the public health, safety, and general welfare as it is a well-planned, multifamily development intended to provide rental housing for school district employees;

2. The amendment is consistent with the Comprehensive Plan as follows:
 - a. The proposal meets the three segments of the vision statement in "Small Town Character Vision and Goals" by 1) keeping the downtown as the heart of the community by provision of housing near the downtown and center of commerce; 2) maintaining a compact form which reduces dependence on automobiles by providing housing near employment; and 3) maintains the small town character providing housing options that allow residents to live in the communities where they work.
 - b. Section 2.4., Goal 1, Strategy D suggests that the Town work with other entities to expand the inventory of affordable housing, including housing for 1-2 person households. This also meets the overall vision by providing housing to allow residents to live in the communities where they work.
 - c. Section 2.8 includes a vision statement that well-supported and successful schools will bring us together and help keep this a family oriented-town. Section 2.9 adds that students will benefit from great schools. This section also envisions that Carbondale will remain a viable and affordable location for young people to build their lives and their careers.
3. The amendment is consistent with the purposes stated in this Unified Development Code, specifically:
 - a. It does not add to congestion in the streets as it is replacing an existing school bus barn;
 - b. It is relatively secure from fire, floodwater, and other dangers;
 - c. There is the provision of adequate light and air;
 - d. There is no undue concentration of population as it is in compliance with the requirements of the R/HD;
 - e. Transportation, water, sewage, schools, parks are provided;
 - f. The development will comply with the most recent energy conservation code; and solar access is being maintained for passive solar.
4. The amendment is consistent with the purposes section of the R/HD as it provides a high-density neighborhood comprised of a well-planned mix of multi-family dwellings of various densities. The development would provide a high-quality living environment close to commercial centers and near downtown.

5. The development will not result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation;
6. The amendment will not result in material adverse impacts to other property near or adjacent to the development; and
7. Facilities and services, including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal are available to serve the property while maintaining adequate levels of service to existing development.

Findings - Site Plan Review Criteria:

1. The site plan is consistent with the Comprehensive Plan as it meets the goal of the Town working with other entities to expand the inventory of affordable housing, including housing for 1-2 person households, and provides housing to allow residents to live in the communities where they work;
2. The site plan is consistent with the purposes section of the R/HD zone district;
3. The site plan complies with all applicable development and design standards set forth in this Code; and
4. Traffic generated by the proposed development is adequately served by existing streets within Carbondale.

Trustee Silverstein seconded the motion and it passed with:

5 yes votes: Sparhawk, Merriott, Richardson, Silverstein, Byars

Mayor Richardson thanked the design team for making the effort to meet the UDC requirements. This is an ideal project. He also stated that he appreciates RE-1 for not asking for a water and waste water fee waiver.

Trustee Byars thanked the design team for saving the three (3) trees that had been destined for removal. Also, the creation of open space is appreciated; they took affordable housing and translated it into high quality living. Trustee Byars stated that staff should revisit the improvements to the east side of the street (sidewalk), it would be a good tie-in. She encouraged the applicant to apply for the Randy Udall Energy Grant for solar panels.

Trustee Silverstein thanked the Board who came before this one, and the voters who approved the bond.

**PUBLIC HEARING – ORDINANCE NO. 7, SERIES OF 2017 – 1ST BANK FINAL
SUBDIVISION PLAT**

Applicant: 1st Bank

Location: Lot 5A Carbondale Marketplace, Highway 133 west of the Dollar Store

Mayor Richardson, disclosed that he works for the engineering firm doing work for 1st bank. He recused himself and left the meeting. Mayor Pro Tem Merriott officiated the hearing.

Jay explained that 1st Bank proposes to subdivide the future Lot 5 of the Carbondale Marketplace Subdivision into two lots. However, they cannot move forward until City Market's Final Plat is recorded.

Yancy Nichols, 1st Bank's engineer, asked if Ordinance 7 is approved tonight how long will they have to subdivide the two (2) lots? Mark Hamilton answered six (6) months.

Mayor Pro Tem Merriott opened the public hearing.

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

Mayor Pro Tem Merriott closed the public hearing.

Trustee Sparhawk made a motion to approve the Final Plat, Ordinance No. 7, Series of 2017, and the Subdivision Improvements Agreement to allow the subdivision of Lot 5 into Lots 5A and 5B with the following conditions and findings:

Conditions of Approval for Final Subdivision Plat

1. 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.
2. A Subdivision Improvement Agreement (SIA) shall be required prior to recordation of the Final Plat. The SIA shall guarantee and secure completion of the infrastructure after recordation of the Plat. The SIA shall be subject to review and approval by the Town.
3. The final plat shall be revised to reflect a plat note that labels Lot 5A as "Reserved for Future Development."
4. The final plat shall be subject to review and approval by the Town Attorney.
5. The applicant shall submit final engineering and construction drawings for review and approval by the Town prior to the recordation of the plat.

6. The engineer's estimate shall be revised to reflect all public improvements, subject to Town review and approval, prior to recordation of the final plat.
7. The developer shall be responsible for the construction and cost of all infrastructure improvements. The construction of the infrastructure shall be completed within two (2) years of the recordation of the Plat.
8. At the time of the development of Lot 5A, the property owner shall dedicate adequate right-of-way for a connection to the Industry Place right-of-way. The location and the size of the dedication shall be subject to review and approval of the Town.
9. The developer shall be required to submit a current title commitment for the road dedications for review and approval by the Town Attorney. This commitment shall be prepared at the expense of the developer. A final title policy must then be submitted to the Town insuring title to public streets in the amount of at least \$250,000. Contemporaneously with recordation of the final plat, the Developer shall convey title to all public streets by General Warranty Deed subject only to title exceptions approved by the Town Attorney as part of the title review process.
10. A construction management plan must be included in the SIA to minimize the effects of construction on the environment. The construction management plan is required to include reclamation requirements, including re-grading and seeding, in the event that any ongoing construction ceases prior to completion.
11. A fee-in-lieu of highway improvements in the amount of \$25,000 shall be paid to the Town at the time of recordation of the subdivision plat.
12. All irrigation shall be from non-potable water sources supplied by the Rockford Ditch. A private non-potable irrigation system shall be constructed, operated and maintained by the Developer and/or successor owners of Lots 1-5, with costs assessed pro rata pursuant to a Declaration of Covenants applicable to all five lots.
13. At the time of development of Lot 5A, a curb, gutter and sidewalk, landscape strip and street trees shall be required along Parker Drive as well as other proposed streets.

Final Plat Findings

1. The final plat conforms to the approved preliminary plat and incorporates all recommended changes, modifications, and conditions attached to the approval of the preliminary plat;
2. The development will substantially comply with all requirements of this Code; and
3. The development will comply with the applicable technical standards and specifications adopted by the Town.

Trustee Silverstein seconded the motion and it passed with:

4 yes votes: Merriott, Silverstein, Byars, Sparhawk

Mayor Richardson returned to the meeting.

ORDINANCE NO. 8, SERIES OF 2017 – CITY MARKET REQUEST TO EXTEND FINAL PLAT RECORDATION DEADLINE

The current deadline for the Carbondale Marketplace (City Market) Subdivision to record their subdivision plat is June 28, 2017. City Market has requested that the deadline be extended for sixty (60) days. Jay stated that staff remains supportive and is recommending approval.

Trustee Byars stated that her confidence is waning, and City Market needs to show accountability to the community.

Trustee Henry arrived at the meeting.

Trustee Silverstein made a motion to approve Ordinance No. 8, Series of 2017, approving an extension of the deadline to June 28, 2017, to record a final subdivision plat for the Carbondale Marketplace Subdivision. Trustee Byars seconded the motion and it passed with:

6 yes votes: Silverstein, Merriott, Richardson, Byars, Henry, Sparhawk

EXECUTIVE SESSION

At 7:55 p.m. Trustee Henry made a motion to go into an Executive Session for a conference with special counsel for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b). Trustee Byars seconded the motion and it passed with:

6 yes votes: Richardson, Henry, Merriott, Byars, Sparhawk, Silverstein

At 8:35 p.m. Trustee Henry made a motion to adjourn the Executive Session and return to the regular meeting. Trustee Merriott seconded the motion and it passed with:

6 yes votes: Henry, Merriott, Byars, Sparhawk, Silverstein, Richardson

ADJOURNMENT

The April 25, 2017, regular meeting adjourned at 8:35 p.m. The next regularly scheduled meeting will be held on May 9, 2017 at 6:00 p.m.

APPROVED AND ACCEPTED



Dan Richardson, Mayor

ATTEST:



Cathy Derby, Town Clerk

