

MINUTES

CARBONDALE PLANNING AND ZONING COMMISSION

Thursday January 11, 2018

Commissioners Present:

Michael Durant, Chair
Gavin Brooke
Ken Harrington
Nick Miscione, 2nd Alternate
Yuani Ruiz, Chair Pro Tem
Jeff Davlyn

Staff Present:

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

Commissioners Absent:

Marina Skiles
Jay Engstrom, 1st Alternate
Jennifer Gee DiCuollo

Other Persons Present

Matt Verheul, 1199 Village Road
Peter Mueller, 2938 S. Frontage Road, West Vail, CO, 81657
Cindy Suplizio, 2938 S. Frontage Road, West Vail, CO, 81657
Michael Hassig, 689 Lincoln Avenue

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

November 16, 2017 Minutes:

Ken made a motion to approve the November 16, 2017 minutes. Nick seconded the motion, and they were approved unanimously with Yuani and Jeff abstaining, Gavin had not arrived yet.

Other Persons Present

There was no public comment.

Gavin arrived at 7:07 p.m.

PUBLIC HEARING – PUD Amendment

Applicant: Big Sky Holdings – Drs. Verheul

Location: 1199 Village Road

BACKGROUND

John said that this is an application for an amendment to the Commercial/Retail/Wholesale (CRW) Zone District of the Roaring Fork Village PUD.

He stated that the purpose of the amendment is to allow residential units above the ground floor within that zone district.

John outlined the following:

The PUD was annexed in 1978 and development has progressed through today. The PUD consists of several zone districts that include the Residential Multiple Family (RMF), the Commercial Retail Wholesale (CRW) and the Commercial Industrial District (CI).

The proposed amendment would only affect the CRW zone district. The CI district was amended in 1993 in a similar manner.

The proposed amendment is to allow one residential unit per building or per ownership of a lot. The dwelling unit must be on the second or third floor of any building.

Staff would recommend that the proposed revision to the PUD include that any accessory dwelling unit be reviewed under the Site Plan Review Process in Section 2.5.3. of the UDC. The text should not include the \$50 fee for the Conditional Use Permit but still indicate that the applicant must receive a conditional use permit and pay the current fee for a Site Plan Review application.

In addition, Staff would recommend that any new development/redevelopment plan of any lot shall be subject to the process and criteria in Section 2.5.3 of the UDC. This would require that any new development or redevelopment would need to comply with the development and design standards in the UDC.

In addition, the appeal process in the proposed PUD should be removed. Instead, the standard appeal process set out in the UDC should apply.

Uses

The CRW zone district allows office and professional uses, person and small-scale services and retail, indoor entertainment/recreation, miscellaneous uses such as a dance studio, theater, pool room, bowling alley, as well as restaurants and art galleries. The residential use would be added as a conditional use if approved.

The revised PUD would allow flat/apartment style units and live/work units as defined in the UDC.

Parking

As with the 1993 amendment, the applicant is proposing two parking spaces per residential unit.

Comprehensive Plan

The Future Land Use Plan shows this area in both the "Auto Urban" and "Developed Neighborhoods" designation.

The “Auto Urban” designation allows for a flexible mix of retail, restaurants, service commercial, offices and multiple story mixed-use buildings which may include residential upstairs.

The “Developed Neighborhoods” designation provides for neighborhood stability and infill projects. This designation only applies to the Heritage Park portion of the CRW zone district.

The proposed amendment seems to be in compliance with the uses section of the Comprehensive Plan. Staff had suggested that the applicant consider rezoning this area to the new Mixed-Use zone district in the UDC. However, the applicant and other property owners declined to apply for a rezoning to the Mixed-Use at this time.

Rezoning Criteria

The Town may approve a PUD zone text amendment if the proposal meets all of the rezoning criteria 1 – 6 in the report.

FISCAL ANALYSIS

The loss of commercial development within the CRW zone district may result in a loss of sales tax revenue to the Town. However, the proposal may also provide an option for employers to be able to provide housing to their employees.

Yuani disclosed that his employer was noticed, Alpine Bank, but that he has no conflict.

Jeff disclosed that he is a patient of the applicant but that he has no conflict.

Gavin noted that he too is a patient.

Jeff also asked for clarification, he asked if the amendment was for the CRW zone district in the PUD only and that it did not include the underlying zone district.

John answered that it was for the CRW PUD zone district only.

Ken asked for clarification regarding residential on the first floor and whether the wording was from the UDC.

John explained that it was from the CI PUD wording and for a structure with only a single story within the CRW zone district.

Jeff asked what was the current state of this PUD and if it included the residential area to the north of this site.

John said that it included the trail and ditch but that the actual residential neighborhood was straight zoning which is the Gianinetti Subdivision. He also stated that he had spoken to two other owners in the PUD and that they wanted to stay within the PUD and not rezone it.

Michael asked if this application was consistent with the PUD policy that Mark Hamilton had recommended for the UDC amendments.

Janet answered that an additional condition was adherence to new regulations that have been implemented since the original PUD approval. She said that the process for site plan review as outlined in the UDC was included with the requirement of adherence to the site plan review criteria and development standards which would apply if a lot is redeveloped.

Jeff asked if there were any lots in the CRW that would be candidates for redevelopment.

John answered that CRW is all built out to date.

Jeff commented that he wondered if the Mixed-Use zoning could be an advantage for property values but he said that Staff has crafted a good strategy. He wondered if this PUD was ever touched again, with our PUD policy in mind, could it go to straight zoning.

Michael added that this PUD is much larger than this CRW area or the CI area to the south, he said that it is almost the entire northeast corner of Carbondale.

The applicant, Matt Verheul, introduced himself. He said that his wife and he are dentists and that they own the building. He stated that when he built the building he put commercial on the second level and that at some point in the future he wanted to put a residential unit up there. Matt explained that he was not a developer and that the intent of this residential unit is for his parents to move in to it. He said that it is approximately 1100 square feet with two bedrooms and two bathrooms. He said that his building is all very new with up-to-date to the green code and all very safe with sprinklers. He said that there is adequate parking and he has a garage in back which one space will be used by his parents. Matt said there isn't a lot of noise or traffic that would cause an impact to the neighbors, which is the Alpine Center, the bank, and Heritage Park. He closed by saying that he is trying to get a condo for his parents.

Public Comment

There was no public comment.

Motion to close the Public Hearing

A motion was made by Ken to close the Public Hearing. Jeff seconded the motion and it was approved unanimously.

Yuani asked if someone could build a multi-story building with residential on the second floor but not on the third.

John answered yes if it is a multi-story building.

Janet added, because they are only allowed one residential unit per lot.

Gavin stated that the wording also allows them to put it on the first level.

Michael said only if it is a single level building.

Michael suggested changing the language to say that it would be on the highest floor on a multi-story building.

Yuani commented that he didn't see any incentive for someone to build a second story unit when there is a third story.

Gavin added, because we are not used to it.

Further discussion ensued.

Janet explained that the language was taken out of the CI zone district and that it could be changed.

Ken, Gavin, and Jeff opted to leave the language as it is.

Jeff asked for clarification of the fee for a site plan review in the UDC and should it also be added to the PUD language.

Janet explained that all of the fees were taken out of the UDC and that they are in Appendix A of the Municipal Code so that fees could be changed without going through public hearings. She said that the wording could be changed to fee for site plan review as set out in the Municipal Code.

Jeff thought that it was a good idea for someone else in the PUD that might want to take advantage of this change and that it would be better if it were spelled out that the site plan review fee would still apply.

Ken asked if it would be 1a or 1d.

Jeff thought that it could be added to 1a.

Michael asked if the amendment is for an ADU or a residential unit.

Janet said that it would be for a residential unit not an ADU.

Michael said that the conditional use permit in the PUD shall be revised to reflect that any application for a residential unit those fees will be governed by the Municipal Code and the PUD specific \$50 fee will be deleted.

Janet stated that it wasn't just a residential unit, she said that it would also encompass a lot for redevelopment so that should also be added.

The Commission agreed to the language as follows; The Conditional Use Permit language shall be revised in 1a) Any application for a new or redevelopment plan of any lot shall pay the fee set out in the Municipal Code for site plan review and be processed as per Section 5.2.3 of the UDC and change condition #3) Change ADU to residential unit.

Motion

Yuani made a motion to approve the zone text amendment for the CRW district of the Roaring Fork Village PUD with amended conditions 1a and 3. Ken seconded the motion and it was approved unanimously.

No: none

Yes: Yuani, Ken, Nick, Michael, Gavin, Jeff

PUBLIC HEARING – Rezoning

Applicant: Peter Mueller/Cindy Suplizio

Location: Northwest of the intersection of Cleveland Avenue and 7th Street

BACKGROUND

John said that this is an application for a rezoning. He stated that the Planning Commission is required to hold a public hearing and make a recommendation to the Board to approve the request, approve the application with conditions, or deny it. He said that the Planning Commission may also continue the public hearing.

John outlined the following:

The site is a vacant 3,778 square foot parcel located at the corner of 7th Street and Cleveland Ave.

The request is to rezone the property from the Transit (T) zone district to the Residential Medium Density (R/MD) zone district.

The applicants propose to construct a single-family home on the parcel if it is rezoned. A conceptual site plan has been included in the application.

The property shown on the conceptual plan is Lot I of the Resubdivision of Lot C of the Lincoln Avenue East PUD but is not part of the actual PUD.

The subject property has been the subject of several land use applications ranging from the creation of the lot in 1998 and a rezoning application that requested Lot I be rezoned from Open Space/Transit (O/T) to Residential High Density (R/HD), but at that time in 1999 the request for rezoning was denied. The minutes and ordinances of the 1999 P&Z and BOT meetings are attached. It should also be noted that since that time a new comprehensive plan and land use code have been adopted.

REZONING

Surrounding Uses and Zoning

The lot is surrounded by residential zoning as well as Transit and industrial zoning.

Comprehensive Plan

The property is designated as “Downtown-Old Town Periphery” on the Future Land Use Plan in the 2013 Comprehensive Plan. This designation allows for a mix of multifamily and single family uses. Infill /redevelopment projects would be determined by the size of the lot. Uses should be transitioned appropriately to adjoining uses.

Residential Medium Density (R/MD) Zone District

Below is the purpose section of the R/MD zone district:

The purpose of the Residential/Medium-Density district is to provide for neighborhoods comprised of a mixture of single-family detached homes and small-scale multifamily dwellings such as duplexes, townhomes, or patio homes in a comfortable, healthy, safe, and pleasant environment, together with schools, parks, trails and other public facilities. This district may serve as a transition between higher-density residential districts and the low-density residential district.

Transit (T) Zone District

Below is the purpose section of the T zone district:

The purpose of the Transit district is to help provide for the public ownership of the 100-foot-wide main line of the Denver and Rio Grande Western Railroad right-of-way. The district allows for land uses that further the Town’s goals for multimodal connectivity and mobility and are compatible with the Roaring Fork Transportation Authority corridor that extends through the Town and throughout the Roaring Fork Valley.

Staff Comments on Rezoning

Staff is supportive of the rezoning application. The 2013 Comprehensive Plan designates this property as Downtown-Old Town Periphery.

SITE PLAN COMPLIANCE WITH UDC provided for general reference

Lot Area

The development site is 3,778 sq. ft. and is compliant with the District standard of 3,000 sq. ft. per unit.

Setbacks

The setbacks are in conformance with the UDC, as is the lot size per dwelling unit.

Because of the location of the ditch on the eastern portion of the lot, Staff would like to see a ditch easement be in place. Public Works and Utilities have also noted this in their comments.

Lot Coverage

The UDC allows a maximum of 60% lot coverage, or in this case, 2266.8 sq. ft. The site plan is indicating 59.6% or 2,253 sq. ft. This will need to be verified at BP

Parking (UDC Section 5.8)

There are two required parking spaces indicated.

FISCAL ANALYSIS

The rezoning and development of this property will provide housing and an infill opportunity.

Jeff asked if the connection to the Rio Grande Trail was at Seventh Street.

John answered that it was at the intersection of Cleveland Avenue and Seventh Street.

Jeff asked if the connection crossed the property line or if a driveway would get in the way of the connection to the trail.

John answered that it did not cross the property line and that he and the Public Works Director didn't see any issues with backing up into the right-of-way.

Gavin commented that the aerial view shows the driveway would come off of someone else's driveway and it's pretty far away from the trail access.

Ken asked if the tip of the property was in the connection.

Gavin answered that it was a ditch as shown on the aerial view, not their property.

Michael Hassig gave an explanation that was inaudible. He said that he was not representing the applicant but that he was a neighbor.

Nick asked who the neighbor was to the west.

Michael answered that it was all residential.

The applicants Peter Mueller and Cindy Suplizio introduced themselves. Peter explained that twenty years ago they bought some excess right-of-way and that a small piece was given back to the Town to create a whole intersection. He said that two additional parcels were created to the east and the sliver that we are talking about today. Peter said that twenty years ago Carbondale was a different place. He said that now they are back in Carbondale and that they are excited about living downtown. Peter said that there has been a lot of infill which is good for a town and this is part of that infill network. He said that the lot is big enough and that it has access as well as parking. He said that if we put services to it that it will be a nice way to add density to the Town of Carbondale.

Michael Hassig, **689 Lincoln Avenue** said that Peter and Cindy were partners in the original Lincoln Avenue PUD. He said an opportunity came up to purchase excess right-of-way as the railroad was planning to turn over the corridor to local governments. He said that there were a series of reconfigurations of the Lincoln Avenue PUD lots. Michael Hassig said that Peter and Cindy sold the house they built and that they are trying to figure out a way to get back. He said that their build out worked on this lot with two feet to spare with parking spaces on it. He said that it will probably be Carbondale's first tiny home because at its widest it can't be any wider than fifteen feet. Michael Hassig said that it is a funky, eccentric neighborhood with lots of different things going on. He said that one thing that we were proud of when we did the Lincoln Avenue PUD was that we had no CC&R's, HOA and no design guidelines. He said that this fits right in with its minimal impact and a worthwhile use for a little, unused piece of ground. Michael Hassig said that he would suggest that you pass on a recommendation for approval.

Enter into the record a letter from Joani Matranga, owner of 711 and 717 Lincoln Avenue.

Motion to close the Public Hearing

A motion was made by Jeff to close the Public Hearing. Ken seconded the motion and it was approved unanimously.

Nick asked who the neighbor to the north was on the other side of the Rio Grande Trail.

John answered the Roberts property where the Little Blue Lake Daycare is and an excavation company on the other portion of that lot. He said that to the northeast is where Distinguished Boards and Beams is located.

Ken asked why the extension of the sewer line is not a condition.

John stated that it would be covered in the building permit process.

Gavin commented that regarding the letter received, from Joani Matranga, the last time this property was public is when the railroad acquired it and that this has been a private parcel for a long time. He said that there is no loss of public land and the applicant is not asking for additional concessions. He said that this is a conforming, legal, private lot in the new zone district if it gets the new zoning. It has little opportunity to be used in the transit zoning district.

John added to Gavin's point that the Rio Grande Trail is owned by RFTA.

Michael stated that this property is being rezoned to what all the surrounding properties are except for the trail itself. He said that this is private property and private property should not be zoned transit.

Gavin said that we have wrestled with short term rentals but not on a lot by lot basis as stated in the letter. He said that it is a community wide issue not a lot by lot issue.

Gavin said that he has a minor public safety concern with the window well facing the bike trail. He said that he thought it would be covered at permitting but that he thinks it should be fenced or covered as it is a foot and half away from public property.

Motion

Ken made a motion to approve the rezoning with the four conditions and six findings in the Staff report. Gavin seconded the motion and it was approved unanimously.

No: none

Yes: Yuani, Ken, Nick, Michael, Gavin, Jeff

UDC Discussion

Janet provided recommended language.

OTR Standards Points of Discussion

P&Z Points were:

- Do color and materials constitute breaking up the box? Do not use texture in wording.
- It is difficult to regulate design.
- Larger structures shall be divided into smaller masses to be consistent with other structures in the neighborhood.
- The more specific the wording the less likely to get it right.
- Monolithic, a large scale, would not be allowed and its definition to be used in the wording of the new #2.
- New structures shall have horizontal and vertical articulation and architectural design, in order to avoid undifferentiated facades.
- Two sentences should be broken up into two sections, 1) smaller masses and 2) scale.
- Ian Oeser, an active citizen, suggested the wording architectural detail, which implies design.
- A single family home without an ADU is exempt from site plan review.
- Should side setbacks be changed to seven feet?

Further discussion ensued about the OTR standards.

The Commission agreed that Janet and Clarion will make revisions and the final drafts of the amendments will be brought to the P&Z in the future.

Mobile Home Park Amendments

P&Z's Points were:

Mobile home parks were inadvertently left out of the UDC. Janet looked at the standards from Montrose and Durango, which she included in the packet and provided recommended language.

- Tiny homes are not well defined.
- If it is built to ANSI 119 it is a camper or traveling home.
- A HUD or IRC home have a forty pound snow load.
- Durango allows ten percent of the mobile home parks to have campers, not to exceed thirty consecutive days.
- The Commission agreed that interior sidewalks should not be required.
- Common Open Space should be required in mobile home parks.
- A new mobile home park should pay impact fees to schools. Who assesses that fee?
- Connectivity between existing bikeways or out of development, look at existing connectivity UDC chapter.
- If the home is strapped to deadmen and the wheels are not supporting the home it could be HUD approved.
- Would a matrix for ANSI, HUD and IRC make it easier to explain differences?
- In a residential zone district an RV is allowed for fourteen days.

Further discussion ensued regarding tiny homes.

The Commission agreed that Janet will make revisions to the mobile home park amendments and the draft will come back to the P&Z.

Staff Update

Janet said that she spoke to Clarion and that they can do modeling in-house now. Gavin and Michael will join Janet the week of February 19 for a conference call with Clarion regarding the modeling.

Janet said that there is a childcare collation which will be going to the Board next Tuesday. She said that Angela Loughry has been working hard on possible locations of daycare centers for the collation. She said that in the UDC it was decided that the Industrial Zone district was not an appropriate location for daycares. Janet said that Angela made a list of all the PUD's and if daycares would be allowed in the PUD.

Janet said that City Market's legal documents are due next Tuesday and things are on track.

Janet stated that the 728 Euclid Avenue appeal is in process with the District Court.

Commissioner Comments

Jeff asked about the senior living parking standards.

Janet said that it will come before the Commission January 25, 2018, which is the next P&Z meeting.

Michael said that he had lunch with Ben, the Trustee, and that he is concerned with the lot on the corner of Eighth and Merrill Avenue, which is a daycare. He said that Ben would like something to be done about that lot but not the zone in general.

Michael said that he worked with Dan Richardson on the County referral regarding the amendment to the Comprehensive Plan. He said that he and Dan went to the meeting and the proposal was shot down. He said what the owner wanted is drastically different than what the County Comp Plan was proposing for density.

Jeff asked what was happening with Red Hill and was it being annexed.

John explained the annex process, he said that it is zoned as a PUD. He said that they want to build two new trail connections to the top of the hill to avoid the road. He said that annexation and rezoning will come before the P&Z but that it doesn't have to be annexed.

Motion

A motion was made by Ken to adjourn. Yuani seconded the motion and the meeting was adjourned at 9:45 p.m.