

MINUTES

CARBONDALE PLANNING AND ZONING COMMISSION

Thursday March 8, 2018

Commissioners Present:

Michael Durant, Chair
Jennifer Gee DiCuollo
Ken Harrington
Gavin Brooke
Jeff Davlyn

Staff Present:

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

Commissioners Absent:

Jay Engstrom, 1st Alternate
Nick Miscione, 2nd Alternate
Marina Skiles
Yuani Ruiz, Chair Pro Tem

Other Persons Present

Kevin Kreuz, 421 Settlement Lane
Steven Wolff, 606 North Bridge Drive
Ramsey Fulton, 417 Main Street
Todd Nero, 403 Settlement Lane
Mike Gamba, ESA Team
Jacques Machol, ESA Team
Eric Smith, ESA Team
Erik Cavarra, ESA Team
Haley Carmer, ESA Team
Lenn Haffeman, ESA Team

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

February 8, 2018 Minutes:

Ken made a motion to approve the February 8, 2018 minutes. Jen seconded the motion and they were approved unanimously with Gavin abstaining.

Other Persons Present

There was no public comment.

PUBLIC HEARING –Special Use Permit, Retail & Medical Infused Products Facility

Applicant: Sopris Labs, LLC

Location: 695 Buggy Circle

John stated that the applicant is proposing to operate a retail and medical marijuana infused product manufacturing operation (MIP). He said that the process for local

licensing of the facility includes a license application before the Board of Trustees and a State license.

John explained that a Special Use Permit may be allowed if it can be demonstrated that the use, in the proposed location, is compatible with the purposes of the district, the particular site and the surrounding area.

John said that the Planning Commission makes the final decision on whether the Special Use is appropriate and compatible in a certain location.

John stated that the Special Use Permit may run concurrently with the Town application for a retail and medical marijuana infused product manufacturing operation application license.

John said that a retail and medical marijuana infused product manufacturing operation is allowed through a Special Use Permit in the Commercial Retail Warehouse (CRW/PUD) zone district.

John continued by saying that these operations are prohibited within 500 feet of any school or day care facility and within 500 feet of any alcohol and drug treatment facility. John stated that Staff has determined that the proposed facility is not within the 500-foot limit for schools, daycare or treatment facilities.

John stated that the zone district requires one parking space for every three employee's. He said that the applicant has not indicated how many employees will be working at the facility. He said that there are 28 parking spaces on site.

John outlined the following;

TRAFFIC IMPACTS:

Traffic is limited to employee and delivery traffic.

STAFF COMMENTS:

The Building Official, John Plano, provided comments to be addressed at building permit application submittal.

SPECIAL USE PERMIT:

A Special Use must meet the Special Use Permit criteria as indicated in the staff report:

The Town may impose conditions it feels necessary to ensure that a proposed Special Use meets the purposes in the zoning code and to protect the public health, safety and general welfare of the Town and surrounding neighborhood. The Town has broad authority to deny a Special Use if it determines a proposed use is incompatible with the neighborhood.

Ken asked if there was a condition for odor mitigation.

John stated that condition #3 references odor. He explained that other MIP businesses on the same street are in multi-unit buildings and that a blower door test has been problematic in older steel buildings. He said that this building is a stand-alone business and that there are not any other tenants in the building.

Michael stated that previous MIP applicants said that odors were not a problem. He asked John if this was still true.

John stated that odor complaints to date stem from standard operating procedures not be followed correctly. He said that filters and updated operating procedures as well as doors being closed has mitigated those issues.

Ramsey, the applicant, stated that he has been involved in another MIP business across the street. He said that after engineering for the ventilation system was completed and the systems were installed that there haven't been any further issues.

Gavin asked what the recent complaints were.

John stated that the recent complaints were for one operation that was brought before the Board for revocation of their license. He said that they are currently still open because they made changes to their procedures. He stated that there has only been one complaint recently and it was because a door was left open.

Ramsey, the applicant, stated that the owners have a video to show of their operation in Nevada. He said that it will show the level of professionalism and care that they take with their operation. He stated that the owners would like to replicate this model at the location of this application.

Jen asked how many employees will there be and what the hours of operation are.

Ramsey said that to start there would be approximately 15-20 employees and that the hours were 9-5.

Gavin asked if parking has been addressed.

Michael stated that there are twenty-eight spaces.

Gavin asked where the facility was that was in the video.

Ramsey stated outside of Las Vegas, Nevada.

Gavin asked if it was in an industrial park.

The owner stated that it was near the speedway about fifteen minutes from the strip. He said that it was a ground-up project and that it was the largest in the state of Nevada as well as the third largest in the country.

Jeff asked if it has the same extraction techniques that will be used at the proposed location.

The owner stated that the MIP in Nevada is fifty thousand square feet and that the one in Carbondale will be fifteen thousand square feet.

Ken asked for clarification of the hours of operation and the days of the week.

The owner stated 9-5, five days a week.

Gavin asked John if he had called the jurisdiction in Nevada that oversees their operation to see if there were any complaints.

John stated that he did not.

Public Comment

There was no public comment.

Motion to close the Public Hearing

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

Jeff asked if this application is similar to a previous MIP application that did have a blower door test on this same space.

John said that there was never a MIP at this location and that there had been some demo work done prior to a building permit issued for this building.

Michael asked if the previous tenant was for a grow.

John said yes that it was for a cultivation.

Gavin asked what improvements were planned for the exterior of the building.

Ramsey said that there were not specific plans for renovation but as the project progresses that painting and recladding the building might be a possibility. He said that it would be done in such a way as to help the building blend in and not draw attention to itself as well as not look so dilapidated. He said that they want it to look like a professional operation which is what they are trying to portray.

Gavin stated that there was a sweet drawing from 1994, which shows landscaping that was supposed to occur in the parking lot. He said that the parking lot that is there now would never be approved with a current land use application. He said that the use seems really straight forward as well as the buildings location. Gavin said that it would

be reasonable to ask for compliance with the current landscaping for parking lots standards. He said that Staff could review a site plan that complies.

Ken said that they would be required to have seven parking spaces, one space for three employees with a total of twenty employees. He said that they would have extra space for landscaping.

Ramsey said that this location is governed by the PUD and not by the current code and he asked Gavin if he meant the landscape requirements of the PUD.

Gavin asked Staff what authority the Commission has to govern site plan standards.

Janet stated that this application is for a special use permit so it would give latitude to impose conditions that would make it more compatible with the neighborhood. She said that if you were to ask for a landscaping plan that Staff would look at the PUD regulations.

Ramsey stated that if it were required to meet the current code for parking and landscaping that it could make this application unachievable.

Gavin stated that he did not think that would be so in the industrial zone district.

Further discussion ensued.

Ken asked what the standard was in the UDC for landscaping for an industrial building.

Janet answered that the minimum landscape area is five percent and that for streetscape parking that landscaping was required depending on lineal frontage. She said that with a parking lot that landscape islands are used to separate rows of twelve parking spaces, which have to be 7500 square feet. She noted that it would be one tree for every twelve parking spaces.

Gavin stated that this application doesn't justify a rearrangement of the parking but that a few trees on the streetscape would be a huge improvement.

Janet stated that the streetscape code might achieve what you are looking for because it requires a five foot landscape strip with street trees.

Gavin stated that the streetscape requirement would require the applicant to rearrange the parking and that is not what he was suggesting.

Jeff asked Staff if there was anything out of compliance with the UDC regarding the building.

Gavin stated that it would be great if the applicant would like to improve the exterior but that the trees would make an improvement.

Ken asked for clarification of the standard that would be used the PUD or the UDC.

Gavin stated that he is fine with the Staff compromise, which meets the UDC for a simply stated condition.

Janet stated that it would be best to not reference the UDC and that it would be best to define it.

Further discussion ensued.

Gavin stated that they could do two islands and it would equal one parking space.

Ramsey stated that Gavin's suggestion to add some landscaping where there are now thirteen parking space would be fine.

Gavin asked Ramsey if an island at parking space thirteen and another somewhere in the middle was agreeable.

Ramsey agreed.

Gavin stated that it would need to meet the landscape island standards in the UDC.

Janet suggested the addition of condition 10, a landscape plan to be submitted for parking spaces 6 & 13 for a landscape island to be approved by Staff.

Motion

Ken made a motion to approve the Special Use Permit for the operation of the retail and medical marijuana infused product manufacturing operation subject to the recommended 9 conditions from Staff and the addition of condition 10. Jen seconded the motion and it was approved unanimously.

No: none

Yes: Jeff, Michael, Ken, Jen, Gavin

PUBLIC HEARING – Thompson Park Development – Subdivision Conceptual Plan, Major Site Plan Review, Conditional Use Permit and Amendment to the Annexation and Development Agreement

Applicant: ESA Architects

Location: Parcels 2, 3, & 4, Thompson Park/Highway 133

Janet stated that two letters from the public were handed out and entered into the record.

Janet stated that this is an application for a Conceptual Subdivision Plat, Major Site Plan Review, Conditional Use Permit and Amendment to the Annexation and Development Agreement. She said that the Planning Commission is required to hold a

public hearing and recommend approval or denial of the application. She stated that the Commission may also continue the public hearing.

Janet explained that the Thompson Park property was annexed into the Town in 2012. She said that the property was zoned Residential/Medium Density (R/MD). She stated that the area around the Historic House was zoned Open Space (O). She continued by saying that the property was subdivided to create Parcels 1, 2, 3, 4 and the Historic House Parcel. Janet stated that Parcel 1 was purchased by Ross Montessori. She said that the Historic House Parcel was dedicated to the Town. Janet stated that Parcels 2, 3, and 4 were set aside for future development.

Janet stated that the applicant is now proposing to construct the following:

31 units on Parcel 2,

7 units on Parcel 3.

7 units on Parcel 4.

She said that there would be a total of 45 residential units.

Janet stated that there would be 9 affordable housing units.

Janet continued by saying that a development improvements agreement would be required for public improvements. She said that engineering is being done on a parallel path with this Application. She stated that the Board would review the agreement concurrently with this application.

Janet explained that if the application is approved, the applicant would construct all of the units on the three parcels. After the foundations are in place, the applicant would submit a Preliminary/Final plat for Town review and approval.

Janet stated that the applicant is also requesting an amendment to the Annexation Agreement. She said that the most significant item would be to increase the allowed density from 27 units to 45 units. She noted that it also would amend how the required 40% pervious surface in the R/MD zone district is calculated.

Zoning

Janet stated that the Planning Commission will see that the applicants have treated all three development parcels cumulatively as it relates to minimum lot size per dwelling unit as well as pervious/impervious surface. She said that the setbacks are calculated using the perimeter of each parcel.

Janet stated that there is a lot to this application. She said that she would touch on some of the areas which need some discussion;

- The minimum lot size in the R/MD zone district is 3,000 sq. ft.

- Parcels 2 and 4 meet this requirement.
- Parcel 3 would be allowed 6.6 units. The applicant is proposing 7 which is one unit over. By using the development parcels cumulatively, the applicant suggests that there is enough square footage on Parcel 4 to cover the shortfall.

Janet said that after some discussion with the Town Attorney, there is question whether we want to set this precedent. She said that for example, RVR has large 10,000 sq. ft. lots and smaller high density lots. Janet explained that we don't want to borrow from the large lots to increase density on the high density lots.

Janet stated that the UDC requires that lots must be 50 ft. deep and 25 ft. wide. She said that the code does allow lot width, depth, and side yard setbacks to vary if approved through subdivision in order to allow townhomes to be subdivided.

Janet noted that the subdivision plat will need to be revised to reconfigure the property lines to bring the proposed lots into compliance with those requirements. She said that for example, on Parcel 2, the lot lines will most likely need to extend to the middle of the alley to gain the required lot dimensions.

Janet outlined the following;

Maximum Impervious Lot Coverage (UDC Section 3.7-2)

60% of pervious impervious surface is allowed and 40% of pervious surface is required.

The submittal reflects using all three development parcels cumulatively to calculate pervious/impervious surface. Staff has asked the applicant to recalculate the required area by parcel instead using a section of the code which has certain allowances. The applicant will address this in his presentation.

Parking

The applicant calculated the parking for Parcels 2 and 3 as one multifamily development. Overall, it appears that the parking can be in compliance due to the fact that most of the units have two car garages, with the exception of two smaller units.

Janet said that she feels that parking needs to be calculated on a lot by lot basis. She stated that also the parallel spaces at the rear of each garage should not be counted toward required parking because they are not viable. Janet stated that there is a similar situation in Keator Grove. She said that vehicles are parked in those areas and they impede traffic along the alleys. She stated that we don't want to replicate that situation.

Janet stated that she asked the applicant to recalculate the parking on a per unit basis based on the future subdivision layout of those units.

Janet said that overall, I am supportive of this application. She said that it is well-designed and well-thought out.

Janet stated however, this is a complex land use application. She said that there are a number of issues which need to be hashed out.

Janet said that she would like to have a better understanding of how the units would be developed in the future, including compliance with the lot size and lot dimensions. She said that the parking should be re-calculated on a lot by lot basis.

Ken asked why we have pervious/impervious lot coverage in the UDC.

Janet answered to provide green area and lawns for drainage as well as to add to the quality of life.

John added that in other places they have landscape standards and that we have it rolled into the UDC as pervious/impervious coverage.

Ken asked what the distance was between parcel 2 and parcels 3 and 4. He asked if it was five hundred feet.

Janet answered that it was a good distance but she didn't know the exact distance.

Ken asked for clarification on the timing of the development and were all three parcels going to be developed at the same time.

Janet said that she thought that was the plan but to clarify with the applicant. She said that the applicant was planning on developing all of the lots and that the lots themselves would not be sold off.

Jeff asked if there were any traffic studies completed.

Janet stated that a traffic study had been done when it was forty five units prior to Ross Montessori School buying their lot. She said that after they bought the lot that the development was reduced down to twenty seven units.

Gavin asked if we have a traffic study for forty five units plus Ross Montessori.

Janet replied no.

Ken asked for clarification in the R/MD zone and if the number of units was dictated by the lot square footage requirement.

Janet stated yes and explained how it has been calculated historically. She gave the example of the Spruce Townhomes on Eighth Street, which had originally been one lot with five townhomes. She said that it then was subdivided and it became five lots, therefore the center units do not have three thousand square feet but the end units do.

Janet said that we don't want to set the precedent of borrowing square footage from other parcels for density purposes but for lot size we have done that.

Michael asked if the modeling being done by Clarion would apply to this project.

Gavin added that this applicant's presentation might help Clarion.

Jacques Machol, from the ESA team, explained that this project is back before you because the ownership group determined that it was not financially feasible with the previous project proposed. He said that it had had one car garages and that it had been designed for a second home owner. He said that the construction costs would have been quite expensive and that the salability was not there.

Jacques introduced Lenn Haffeman and stated they were asked to reassess this development to see what type of project would be feasible, desirable, as well as compatible for this particular site.

Jacques said that he has already had experience in this community with Mountain Sage and that he had purchased it from the bank. He said that the project was successfully completed. He continued by saying that they have finished Shadow Rock, in El Jebel, as well. He said that the same team from Shadow Rock is the team working on Thompson Park.

Jacques introduced his team, Eric Smith, Architect, Haley Carmer, Attorney, Eric Cavarra, Realtor and Mike Gamba, Engineer. He said that they have a strong and seasoned development team.

Jacques said that the new design will be built by them. He said that the local residents would be interested in purchasing. He said that almost all of the units have two car garages. He said that they have a more modern design with larger windows. He said that the design allows it to be built in a more cost effective manner that will allow for a lower price point for the resale market. He stated that there would be nine affordable units.

Eric Smith gave a slide presentation and provided a handout. He explained the site plan and locations of all three parcels as well as the internal circulation. He said that they are proposing a mix of product from duplexes, triplexes, fourplexes, fiveplex and a sixplex, which would be affordable housing. He said that they would phase the development from north to south and complete Lot 2 before moving on to Lot 3. Eric said that their plan would be to complete one lot at a time so the construction was not spread over the three parcels.

Eric explained that on Lewie's Lane that all the garages would be facing the interior of the properties so that the facade facing the street would be decks.

Eric outlined the proposed floor plans and he said that the fiveplex on the southside of parcel 2 would have alternating units with living space on the upper level for additional

privacy. He said that the floor area of these units was 1800 square feet, excluding the garages.

Eric said that the affordable building or sixplex has both one and two car garages. He said that they would be stacked with three units on the lower level and three on the upper level. He said that the exterior would have the same character as all of the other units.

Eric continued to show floorplans on parcel three and the single family homes on parcel four. He said that all of the single family homes have 1800 square feet of floor area with two car garages. He said that they have designed several of these homes with the living space on the second level.

Eric explained the density of the parcels, he said that on parcel 2 they would be allowed 31.9 units and that they have 31 units. He stated that on parcel 3 they would be allowed to have 6.67 units and that we are proposing seven units. Eric said that on parcel 4 that they are allowed fourteen units and that they are proposing seven units. He said that is why we were looking at combining parcels 3 and 4 in order to lower the density up against the RVR neighborhood.

Eric said that they have made some adjustments on parcel 2 by eliminating the parallel parking in front of the garages as well as adding some additional parking.

Eric provided a handout with two alternate plans for parcel 2, one with additional parking at the north end of the property and some parallel parking along one of the entry drives. He said that the previous annexation agreement had a different parking requirement prior to the UDC, which is plan A. He said that plan B has some additional parking added to the plan, which complies with the UDC requirement. Eric said that the properties on the southside have driveways that accommodate two cars in front of every garage but that we only counted one car. He said that they are proposing to use pervious pavers on the entry drives to separate them from the main internal circulation private road in order to accomplish pervious area above forty percent. He said that the pervious calculations can then be looked at by individual parcels. He said that the handout shows pervious paving on parcel 3 for the walkways, private patios and trails that run through the property in order to meet the forty percent requirement.

Eric stated that there were not any changes needed for parcel 4 because they meet the requirement without a problem.

Michael thanked the applicants and said that it was a great presentation.

Jeff asked if the applicant was proposing pervious pavers on trails around parcel 3.

Eric explained that they would change the entryways to patios on parcel 3 to pervious pavers.

Jeff asked for clarification of the existing path and if it was included in the calculations.

Eric stated that the existing path that comes down the east side of the property is not in the pervious calculations, which they do not intend to touch. He explained the connections to the public trails and the sidewalks that will be added on both sides of Jewel's Lane, which will be asphalt. He said the sidewalks internally would be pervious pavers.

Ken asked for clarification of the new proposal and if each parcel meets the pervious/impervious and the parking requirements and that they do not meet the density for parcel 3 correct.

Eric stated that is correct on a standalone basis.

Gavin asked Eric to summarize the items that do not meet the current code requirements.

Eric answered that Parcel 3 with seven units, whereas it is allowed to have 6.68 units and that we rounded up to seven.

Gavin asked if the only items that are an issue are the units on parcel 3.

Janet said that she hasn't had time to do the calculations as the applicant's changes just came in. She added that the interpretation of pervious and impervious could be an issue.

Michael asked if there was anything else besides the unit count that was standing in our way.

Janet said yes the interpretation of pervious/impervious Lot coverage. She read the definition of impervious from the code, *A. The principal building; B. All accessory buildings, parking garages, carports, utility and storage sheds; C. Porches, stairways and elevated walkways, paved areas or areas otherwise covered with materials impervious to water;* She said that with the walkway they are using impervious surface so can we calculate that as pervious surface. Janet read *Parking areas and driveways regardless of surface materials, unless an alternative pervious paving system is approved by the Director,* from the code. She said that she was comfortable with the parking spaces and the driving apron. She continued by reading *Decks and patios up to ten percent of floor area in residential districts shall be excluded.* She said that for units that are 1800 square feet that means that 180 square feet of the outdoor area can be counted towards pervious but that the applicant has used the whole deck as part of the pervious calculation.

Eric explained that there are a lot pervious paver products that don't create the drainage runoff that is created by solid paving.

Janet stated that it is interpretation because they are using pervious surface and can we count all of the areas that they are showing. She said that she was bringing this up to

the Commission to make sure that the code is being interpreted correctly and that she was giving them a heads up.

Gavin added that if they are pervious pavers and they meet the terms of the code and that Staff is enforcing the standard of what the pavers are required to be that he agrees.

Michael, Ken and Jen agreed with Gavin.

Ken said that it would be helpful that at the next meeting if there were was an analysis if all aspects of their application that meets the code.

Janet stated that Staff has been working with the applicant to revise the application but that the biggest issue to date seems to be the unit count on parcel 3.

Gavin told the applicant that he was looking for a list of variances from our standards. He said that anything or everything that is a variance from our standards. He said that he is wanting the totality of what the variances would be.

Eric stated that the only variance would be rounding up to seven units on parcel 3 and that he believes that they have met all of the other standards.

Gavin asked Staff for clarification of the existing annexation agreement, the UDC and authority and overlap.

Janet explained that the annexation agreement doesn't come into play because it talks about water rights and affordable housing units that there needs to be, transportation impact fees and the Thompson House improvements. She said that the annexation agreement and the UDC do not overlap. She continued by saying that the overlap is in the development plan, which is in the seventh amendment. Janet stated that this had been approved prior to the UDC being adopted. She said that we took the development plan and added language that it would need to comply with the UDC.

Janet said that there are portions of the development plan that are stricter than the UDC and that the types of uses are more limited, which were left in. She said that it has design guidelines which were included in the packet.

Gavin said that the reason he was asking is that the parking standard seems to be different between the annexation agreement and the UDC.

Janet explained the issue with the parking standards in both the annexation agreement and the UDC. She said that if the applicant is willing to go with the UDC that that would be great.

Todd Nero, 403 Settlement Lane said that he has a vested interest as he lives right across the street. He asked if anyone on the Commission has seen the original traffic study. He said that he has never heard of this and that he has been in construction for over thirty years. He asked if the traffic study had been done prior to Jewel's Lane being completed through to North Bridge Drive. Todd said that they are getting 50-100 cars a

day through to North Bridge and that was prior to the traffic study. He said that it is inconceivable that there is not another traffic study being done. He stated that there are no scales on the site plans and that he drives through a minimum of four times a day. He said that you cannot pass another car on this road, he said that the rendering does not show how narrow the road is. Todd said that there is nowhere to park on it. He said that if all the foundations are put in at the same time that it could be a 3-5 year buildout. He said that it is going to look pretty awful for some time. He said that he was here representing the Town of Carbondale and not just RVR. Todd said that he wasn't opposing the architecture and that a lot of questions are not answered.

Steven Wolff, 606 North Bridge Drive said that he has lived here for eight years and that he has followed changes in Thompson Park quite closely. He stated that he was never aware that the original plan was for forty-five units and that by the time he arrived the infrastructure was put it was for twenty-seven units. He said that it must have been for a very good reason. He said that the developer now is proposing a sixty-seven percent increase in the density of this area and that it is going to greatly affect the quality and nature of the town. He continued by saying that the infrastructure was put in for twenty-seven units and that he wonders if it would sustain forty-five units. He said that he was confused about the parking and that he didn't know about the changes from yesterday to today. He said that he is sure that the residents of parcel 2 will be parking in the Ross Montessori School lot and the residents in parcel 3 will be parking in the spaces allotted to the historic Thompson House. He also stated that residents of parcel 4 will be parking in the spaces for the bathroom that was newly constructed.

Kevin Dreuz, 421 Settlement Lane handed out his verbal communication to the Commission. He said that the proposal of increased residential density will have a negative impact on the traffic flow in the vicinity of the Thompson Park development. He said by increasing the number of residential units from 27 to 45 proposed dwelling units require onsite parking for over one hundred cars that will need access to Highway 133. He said furthermore, the proposed project is non-conforming with the following sections of the Town of Carbondale's Uniform Development Code (UDC) for this zoning (R/MD).

1. Table 3.2.7 calls for 3,000 sq. ft. minimum sized lots. The drawings show the attached residences on subdivided lots much smaller than 3,000 sq. ft.
2. Paragraph 4.3.2 requires that each single-family attached dwelling unit "shall have a separate entrance facing the street frontage". The majority of the single-family attached dwelling units have entrances that face a private alley (not a public street).
3. Table 3.7.2 states that the maximum lot coverage for impervious surfaces cannot exceed 60%. This 60% requirement has not been met.
4. Paragraph 5.4.3.A.1 requires that 40% of the net site area be landscaped, exclusive of street right-of-way. Clearly, the individual residential platted lots do not have 40% landscaped areas. And the drawings have included the green areas within the street right-of-ways to show the entire project at 40%.
5. The proposed "attached single-family dwelling units" require a Conditional Use Permit". Paragraph 2.5.1.A states that Conditional Use Permits require that a

project have “unique or widely varying operating characteristics or unusual site development features”. This project does not meet these criteria.

In summary:

1. This proposed project will result in a negative impact on Carbondale’s traffic flow.
2. This project does not meet several requirements of Carbondale’s codes.

Gavin asked if we can reopen the public hearing at the continued meeting.

Michael stated that we can.

Motion to close the Public Comments

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

Gavin said that we need a traffic study.

Jeff said that his first concern wasn’t even the through road on Jewel but that he agrees that the road is narrow.

Gavin said that he was on the Commission when the previous application was approved and that the infrastructure was reduced because of the fewer number of units.

Further discussion ensued about the road.

Jeff said that he has concerns with the intersection of Lewie’s Lane and Highway 133. He said that there is a conceptual plan for a round-about there but that the school has already had to put up special signs not to cross. He said that there is no crosswalk going over to Weant Blvd. He said that CDOT should be engaged in discussion for this development. Jeff said that forty-five units would equal one hundred additional cars going through this intersection during school rush hour, which should be a concern. He said that the applicant should address this issue.

Gavin told the applicant that they need to take this head on. He said that they are relying on a previous approval of forty-five units prior to a school existing here. He said that it is going to be a fundamental land use concern for him. He said that it is the most dysfunctional intersection in Carbondale especially at school drop off times.

Jen said that she observes it daily.

Gavin stated that he believes that the infrastructure was designed for a twenty-seven unit development not forty-five units plus a school.

Ken asked when the traffic study was done originally.

Janet stated that when it was annexed and zoned.

Ken asked if it could be researched what the basis of the study was because they would have made assumptions of what was going to be developed on the property.

Gavin said that this is a land use application and that the applicant needs to show us how their impacts are going to be reasonably absorbed and that the applicant needs to bring us the studies to show us what is going on.

Ken asked what the utilities were based upon.

Jeff clarified that the applicant should try to bring us this information.

Michael clarified that one issue is for Staff and one is for the applicant.

Ken stated that is correct.

Gavin stated that we want the applicant to come back as few times as possible so we need to get everything on the table tonight. He said that we need to get the list of concerns and how the applicant might address it. He said that we want to be fair to the applicant.

Jen said that she agrees with everything that has been said about the traffic study. She said that she has some big concerns of the impacts with the Ross Montessori that is now in this location. She said that she is also concerned with some of the internal circulation issues and with driving down to the end of the private alley as well as turning around. She said that even if the code requirement has been met that it is unreasonable to expect anyone in Carbondale to park in their garage. She said that culturally this is something that never happens. She said that she is concerned that there is no on street parking at all especially for visitors to parcel 2.

Gavin said that documentation of how many parking spaces there will be along Lewie's Lane is going to be important.

Eric stated that there is pull up parking on Lewie's Lane and that we added it on Jewel's Lane as well in the plan.

Jen stated that the previous review for this parcel had some very detailed feedback about architectural character and that one of the conditions was that the development be compatible with the historical architecture. Jen asked the Architect how he felt that he had met this requirement and the reasoning behind his design.

Ken said that he agrees with the parking and that garages aren't utilized. He said that he was concerned with drainage and that treating this as one parcel doesn't make sense when there is a separation between them. He said that a traffic study should be a requirement as well as the drive through of both Lewie's Lane and Jewel's Lane. He said that regarding the density that they should be treated as three separate parcels because we don't know when they will be developed.

Jeff said that he has concerns with the pedestrian crossing now and that the intersection is very challenging and extremely unsafe. He said that adding a lot more pedestrians is troublesome. He said that he too has parking concerns. He said that a lot of what has been proposed is nice and that his main concerns were the infrastructure, pedestrians and parking.

Gavin asked Staff when the last time CDOT weighed in on the future roundabout at this intersection as well as the conditions. He asked that Mark, the Town Attorney, weigh in on the interpretation of the assessment by parcel verses the assessment by site as a whole because it is not clear in the UDC. He also asked for Mark to give his opinion on the authority for making this decision.

Gavin told the applicants that they have a great development idea and that they are starting to do a good job of transitioning to the other neighborhoods. He said that it is really hard to understand in context because we don't have an area plan. He said that he would like to understand how it relates to the area around it. He said although he can look it up on Google Earth that he would like to understand it in a formal drawing. Gavin stated that it is also important to know how the streets relate to the existing street grid of Carbondale. He noted that the alley that dead ends might need to be dedicated as a right-of-way for future development of parcels. Gavin said that when driving by from Highway 133 that one will look down a two block long alley and that it seems like a mistake. He said that a building should end the alley and that he has a similar comment for parcel 3. He said that you actually see the road that you are going to but that you have to drive way around to get to it and that he didn't think it was going to work out this way. Gavin said that he is concerned about the land planning issue.

Jeff stated that all of the parking concerns might be compounded by a snow storage issue especially on the alleys.

Gavin stated that this was a great point and that it is currently an issue at the Mountain Sage development.

Gavin said that the following is esoteric but that he thought the affordable housing is being treated very differently than the market rate housing. He said that one of the intentions of affordable housing is that it feels integrated and part of the neighborhood. He said that it is not set off the alley and that it is pushed right up against the private alley in both of the buildings. He said that it clearly is being used to buffer and that you can do this but that it is not very good manners. He said that he hasn't reviewed the specific wording of the code to see how this proposal sits.

Gavin said that they have done a good job on a building by building basis of providing some variety but that they all look the same for three blocks. He said that he doesn't mean that in an insulting architecture way and that he is an architect too and that he is sympathetic. He said that you are using the same techniques and the same colors and the same forms repeatedly for five or six different building types along a three block

stretch. He said that it is going to feel a bit monotonous by the time you get to the end of that.

Gavin stated that he would like the final agreement to address a phasing plan. He said that we have run into multiple issues locally where ten or more foundations go in and the market takes a dip and that we get to stare at foundations for a while. He said that we would like to see some phasing even within parcel 2, which is twenty-seven units.

Ken said that he would like to piggy back on what Gavin explained and that when you pull the garages out to the private lane that turning into your garage becomes an issue. He said that from a functional stand point that just getting into your garage is going to be troublesome.

Gavin said that he really likes the upper most house because the garage doesn't face the street. He said that all the other six do and that there is an opportunity to face houses to each other or flip and share. He said that he is concerned about how narrow the driveways are at eighteen feet wide, which is narrow leading to a two car garage and that it might meet the standard but that he wasn't sure.

Michael said that he would add to Gavin's comment regarding CDOT and that we should look at crosswalks too. He said that the closest crosswalks are at the entrance of RVR and then also down near Hendrick Ranch near Wells Fargo and that there is nothing in between. He said that if Capitol Avenue ever comes through that we will be in a world of hurt.

Further discussion insured regarding the access plan from 4-5 years ago.

Michael said that he would like to get the Commission's input on the idea of using the concept of using the entire project versus the individual lots.

Gavin stated that he thinks it is on a parcel by parcel basis and that is the intention of the code but that he doesn't have the textual evidence. He said that the purpose of the code is to provide enough landscaping and greenspace for a block of buildings. He said that it is not intended to be able to build some overcrowded buildings and then some well landscaped buildings in an overall project. He said that it should be addressed on a unit by unit basis.

Jen said that she agrees with Gavin and that it sums up the intent.

Ken stated that in terms of the code that it is parcel by parcel.

Gavin stated that some things are accessed on a lot by lot basis and that some are done on a parcel by parcel basis. He said that based on units that we may need to make a ruling about because we don't ever round up but that we also don't round down. He said that we need to understand where our authority is on this issue and what compromises we are allowed to reach.

Gavin thanked the applicant and said that it was a good application. He said that it is well represented and that we can read it. He said that it is truly a professional application.

Michael said that he would like to echo Gavin's last statement and that it is a very professional application. He said that the two choices tonight are to continue the public hearing or to deny the application. He said that he thinks everything can be worked out. He told the applicant that he would suggest taking the comments to heart.

Janet said that she would question continuing to March 22 with the list given. She said that we would have to have the packet done next week and that it wouldn't be possible to have a traffic study done by then. She said that the applicant is up against a May deadline for vested rights. She said that they could go to the Board separately for that.

Gavin said that their rush doesn't create a crisis for us, he said that he is not inclined and that he just wanted to be clear about that. He said that the vested rights have been out there for a long time so they have had a chance and that it cannot short change our process.

Further discussion ensued regarding the date of the next meeting.

Gavin stated that he would suggest that the applicant address the density question and that the school has impacted the presumption of forty five units. He said to take it head on and the Town's expectations as well as the neighbors. He said that the idea of going back to the original approval prior to the school will require making a good case for it.

Jen said that she agrees with Gavin. She said that her parting comment to the applicant is to really take into consideration when you come to us is forty-five units appropriate for this site. She said that we need to have clear reasoning behind why it is or an understanding of what might be appropriate for this site based on your findings.

Gavin stated that it is code supported and that if the applicant is leaning on the prior approval that they need to be careful.

Motion

Ken made a motion to continue the public hearing to April 12, 2018. Jen seconded the motion and it was unanimous.

Preparation For the Work Session with the Board of Trustees

Points of discussion:

- Preschools
- Housing
- ADU's
- PUD policy
- Tiny homes
- UDC

Ken asked Staff how many other communities allow daycares in industrial zones.

Motion

A motion was made by Ken to adjourn. Gavin seconded the motion and the meeting was adjourned at 9:41p.m.