

MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday April 26, 2018

Commissioners Present:

Michael Durant, Chair
Marina Skiles
Ken Harrington
Jeff Davlyn
Jay Engstrom, 1st Alternate
Nick Miscione, 2nd Alternate

Staff Present:

Janet Buck, Planning Director
Angie Sprang, Boards & Commissions Clerk

Commissioners Absent:

Yuani Ruiz, Chair Pro Tem
Gavin Brooke
Jennifer Gee DiCuollo

Other Persons Present

Kevin Kreuz, 421 Settlement Lane
Camille Schuman, 416 Settlement Lane
Jennifer Given, 412 Settlement Lane
Marcie Reed, 420 Settlement Lane
Rob Comey, 655 Glassier Drive
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
Ian Osier, 850 Garfield Avenue
Mark Chain, 811 Garfield Avenue
William Duke, 174 Fourth Street
Richard Klein, 379 Euclid Avenue
Sadie Moore, 379 Euclid Avenue
Thomas Moore, 379 Euclid Avenue

The meeting was called to order at 7:02 p.m. by Michael Durant.

April 12, 2018 Minutes:

Marina made a motion to approve the April 12, 2018 minutes. Ken seconded the motion and they were approved unanimously with Jeff abstaining.

Other Persons Present

There was no public comment.

CONTINUED 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 said that this is a continued public hearing for a Major Site Plan Review, Subdivision Conceptual Plan, Conditional Use Permit and an amendment to the Thompson Park Annexation Agreement. She explained that the Commission considered this application on March 8 and then again on April 12.

Janet stated that at the April 12, 2018 meeting, the Commission brought up several items which needed to be addressed, she outlined the following;

Center drive on Parcel 2 - The Planning Commission had discussed removing the center lane on Parcel 2. The Commission asked that the Public Works Director provide feedback.

The Public Works Director indicated that the Commission may want to consider retaining the center lane for the following reasons:

- *Provides an intersection which lines up with Graceland Drive. Long term plans are to extend Graceland Drive through to Keator Road.*
- *Would like to avoid an off-set intersection between Graceland Drive and Lewie's Circle (north).*
- *Lewie's Circle provides circulation for parents to turn around without doing a U-turn.*

Landscaping Plan – The Commission wanted clarification regarding how the landscape plan complies with the UDC.

Janet stated that the applicant has prepared two landscape plans. She said that one complies with the UDC and the other meets the Tree Board's spacing preference. Janet said that Staff's recommendation is that the Planning Commission accept the landscape plan which reflects the Tree Board's preference. She explained that this would be done under the alternative compliance section of the UDC.

Janet stated that in the past, the Tree Board had asked that the UDC to be revised to change the number of required street trees. She said that a few months ago she met with a Tree Board member and the Town Arborist to better understand what the Tree Board would like to see. Janet stated that the Tree Board's preference is that the trees be planted based on the size of the trees. She stated that they have a list which includes desirable trees in three size classes: small, medium, and large. She said that

the smaller trees would be more closely spaced and the larger trees would have more spacing between trees.

She noted that the purpose of this spacing is to ensure that tree canopies won't overlap at maturity. Janet stated that the Tree Board will review the final landscape plan, including tree species and caliper. She said that this has been made a condition of approval.

Compliance with the UDC – The Commission wanted to know if the various components of the proposed site plan proposal were in compliance with the UDC.

Janet stated that she had reviewed the application submitted for the April 12th meeting. She said that it had been in compliance with the exception of a few items such as the affordable housing requirements. She stated that these items have been brought into compliance.

Janet outlined the following;

Clarification of lot size and depth – The Commission wanted clarification between lot area per dwelling unit vs. size of townhome lots, including lot dimensions. The Commission asked whether individual townhome lots may be smaller than 3,000 sq. ft.

Table 3.2-7 in UDC Section 3.2.5.B. requires 3,000 sq. ft. of lot area per dwelling unit. This is calculated on a parcel by parcel basis. This has now been met due to the reduction of units. This refers to lot area per dwelling unit and is used to regulate density. It is different than lot size in the case of townhome units.

For lot size, the UDC requires that lots must be 50 ft. deep and 25 ft. wide. However, Table 3.2-7B of the UDC allows lot width to vary if approved through subdivision process in order to allow townhomes to be subdivided. This section also allows a 0 ft. side yard setback. Because of this, the Town has allowed lots smaller than 3,000 sq. ft. if the units are townhomes.

Vested Rights - *A letter has been submitted which requests Board approval of the extension. It would go before the Board on May 8, 2018.*

Affordable Housing – At the April 12, 2018 meeting, the applicant presented a new housing mitigation plan in response to Staff's concern regarding number of AMI units provided. The Commission had asked that Staff review the new proposal.

The UDC requires 8 units. 8 have now been provided with the addition of the unit on Parcel 3.

There had been discussion regarding distribution of AMI units throughout the development. Specifically, no AMI units are proposed on Parcel 4.

Under the Annexation Agreement, all the units must be restricted to 80% AMI. Typically, developments include a range of AMI units between 80% and 150%.

In addition, a RETA was placed on the sale of all properties within the Thompson Park development. These funds could be used for affordable housing projects.

Janet stated that because of these factors, Staff feels the proposal is reasonable.

Ross Montessori School (RMS) – There was a question as to how many students could be enrolled in RMS. The school is limited to 350 students.

Michael commented that Lewie's Circle is a private road and do we really want parents turning in. He said that a better solution might be to work with the school and that they can do a drop-off loop in their parking lot. He asked if Kevin was aware of this.

Janet stated that we need to have a dialog with the school if this development is approved and it moves forward. She said that Lewie's Lane is used by parents now because it is available but as the development is built out the parents will be pushed back to Ross Montessori.

Jeff stated that there is a big parking lot and that the turnaround could happen in the parking lot.

Michael stated that he thought there was a bus lane to the west in the parking lot.

Jeff added that he appreciates that the applicant is trying to be a good neighbor but that the school does need to accommodate the parents on their own property.

Michael asked if the vested rights could be put on the consent agenda so it could be passed quickly.

Janet stated that she would pass this idea along.

Jeff asked if this area used to be a PUD.

Janet stated that it was never a PUD but that it probably seems like it because it does have a development agreement on it that has requirements above the UDC.

Jeff asked if the forty units total came from the development agreement.

Janet answered yes.

Jeff asked if there was teeth to the development agreement now.

Janet answered yes because it was an annexation agreement, which was a negotiated agreement. She stated that by changing the density that they are basically reopening that door.

Jeff asked if they are in compliance with the UDC and are they out of compliance with the development agreement.

Janet stated yes because the development agreement has a cap of twenty seven units so in order to proceed with this development the annexation agreement needs to be revised.

Ken asked if there was an original annexation agreement.

Janet answered yes.

Ken asked what that said in terms of density.

Janet answered that it said forty five units, prior to Ross Montessori School.

Michael asked for clarification with the amendment to the annexation agreement and if this was the third or the fourth.

Janet stated that it would be the ninth. She said that it started with forty five units and then Ross bought Parcel 1, which reduced the units down to forty. She continued to explain the history of the prior agreements. She said that the main reason for the amendments is because of the change to number of units.

Jacques Machol thanked the Commission for having them back. He introduced his development team. He stated that Eric Smith, the architect, would address the concerns and questions raised from the last meeting.

Eric Smith explained the revised site plan with the elimination of the center drive. He said that their preference would be to use this revised plan as they are concerned about school traffic turning in and making a loop through the development, making traffic in front of the garages and units. He said that it would also provide a little more open space.

Eric explained the revised landscape plan based on the Tree Board's recommendations with respect to the tree spacing on Lewie's Lane. He also explained the plans per the UDC requirements.

Michael commented that the Tree Board spacing along Highway 133 looks about the same on both plans but that the spacing on Lewie's Lane looks more compact with the UDC requirements.

Eric stated that there is not an alternate spacing for the trees on the Highway 133 side because of the big setback. He said that if the Commission desired that they wouldn't have a problem doing it but that they thought it was more appropriate to follow the Tree Board's recommendations, which does conflict with the UDC.

Eric explained that the only change on Parcels 3 & 4 was the duplex that has now been changed to a triplex to add an affordable housing unit. He said that the tree spacing has also been changed on these parcels based on the Tree Board's recommendations, which impacts both sides of the street.

Eric continued by saying that the site plan submitted shows the subdivision lot layouts for Parcel 2 with the center drive in place as well as a layout without the center drive.

Eric said that the last exhibit is the subdivision plan for Parcels 3 & 4 and that there are no alternates on this plan because the road stays the same.

Haley clarified that the annexation agreement recognizes that the affordable housing units for Parcels 3 & 4 can be distributed between the two parcels or consolidated on one parcel.

Hayley asked if the Commission could extend the conceptual subdivision plan for up to two years instead of just one as the code states. She also said that the construction of the infrastructure for the parcels would be phased over two years instead of just one as it is presented in the Staff report.

Janet confirmed that the way the code reads the subdivision conceptual plan is only good for one year. She stated that one year can be extended to two years by the Commission. She said that this can be made a separate condition as #13.

Marina asked what the proposed timeline is for construction.

Jacques explained that they are looking at starting right away on Parcel 2 and then moving into Parcels 3 & 4. He said ideally we would like to start construction this summer.

Jeff asked for clarification of the subdivision conceptual plan and if the construction on Parcel 2 was started within a year but then construction had not started on Parcels 3 & 4, would they have to come back for approval of the subdivision. He asked what triggers another approval.

Michael asked for clarification of what was being limited to one year or two.

Janet explained that if the conceptual subdivision plan were approved tonight then this approval is only good for one year. She stated that they would then have to come back for the conceptual subdivision plan. She said that within a year the subdivision plat needs to be recorded.

Janet stated that once the subdivision plat is approved then they would get another three years for the vesting. She continued by saying that we have a cascading type of approval process for Thompson Park starting with the master plat and then they have three years to approve the next plat and so on in three year increments. She said that it

was to make sure the development kept moving and historically it was when there were a lot more phases.

Jeff asked the applicant if the two year extension only affects recording of the subdivision plat.

Haley explained that the conceptual subdivision approval doesn't approve any plats, it just approves the concept of how it will be subdivided. She said that it also might make sense to do it for three years because that is also how long the major site plan review period extends, which also coincides with the vested rights concept. She said that if everything was at a three year approval interval it would keep everything going and it is in line with the projected buildout of the whole parcel. She explained that if one year passed and we didn't proceed to the preliminary and final subdivision plat process then the conceptual approval would expire.

Jacques explained the process when a multiple building development is done with townhomes with zero lot lines. He said that when we are doing the townhomes we have to have the foundation poured because when they come in and record the plat line it has to fall dead center on the party wall. He said for us to come in and record a final plat it creates some construction difficulty because if they are off an inch in the field with the foundation wall then the plat line is not occurring dead center in the middle of the party wall. He said that procedurally what they have done is to go ahead and pour the foundations and once the foundation is in, it is easier for the surveyor to pick the dead center point of the foundation wall between the units. He said then we can record the final plat.

PUBLIC COMMENTS OPENED

Kevin Kreuz, 421 Settlement Lane, said that he would like to reemphasize again that this project does not conform with the key provision of the UDC. He stated that it does not meet the requirement that all subdivided lots be a minimum of 3000 square feet. He thanked Janet for meeting with him on Monday to explain to him how the applicant thinks that they are conforming with this requirement. He said that Janet agrees that the tables in the UDC do require 3000 square foot lots but that footnote number one under one of the tables, which permits variations in lot width, lot depth and side setbacks, might also permit the applicant to reduce the requirement for 3000 square foot lots. Kevin stated that the footnote clearly does not eliminate the requirement for 3000 square foot lots, it only addresses shape. Furthermore, if the Commission decides to disregard this requirement in the UDC and accepts the applicant's strategy for taking the entire 95,000 square feet and dividing it by 3000 to determine the number of permissible lots and that I would conclude that it doesn't make a lot of sense. He said that a lot of square footage has been used for roads and open space so in turn there is actually a much smaller number to put residences on. He said that if you look at the Planning Department's website it says for clarification that the UDC requires 3000 square foot lots for each multi-family dwelling unit in this zone district.

Marcie Reed, 420 Settlement Lane said that they have grandchildren at Ross Montessori School and that safety is their most important quality of life here in RVR. She said that they moved here twelve years ago and that everyone in a community wants quality of life, harmony and that everything that's included with friends and neighbors you can become close to. She said that the quality of life we have in RVR is so wonderful and that is the reason we chose RVR. She stated that minimal building is fine and that excess building is not and that it does not improve the quality of our lives with the amount of people that are going to be with this new building and is going to be something that is not desirable for any of us. She said that forty units is in excess.

Jennifer Given, 412 Settlement Lane said that she moved down from Missouri Heights two years ago and that it was her dream come true to move to RVR. She said that when she found out about the twenty seven units that she almost did not move in because she was concerned about her grandchildren and their safety. She said that if there are forty units in Thompson Park that there will be about five hundred more cars coming in through Highway 133 into the area and around three schools and that they are all across the street from RVR. She said that she used to be a full-time mother and she had a business. She said that she would be on her cell phone driving the kids around and parking her car and it is just not safe. She said that she moved to RVR for the old fashioned community and the kids playing in the streets, walking and biking. She said that there is just going to be traffic everywhere. She said that Aspen is in the news all the time with their entrance and what do you think we are doing with Highway 133. She said that five years ago there was no traffic on 133 and now people are living in Marble and Redstone full time and that they used to live there part-time. She said that we are adding five hundred more cars in four years. She said that Carbondale needs to look at what we are looking for in the future of Carbondale and do we want quality of life and safety or do we want bottom line for developers.

Todd Nero, 403 Settlement Lane said that he doesn't have as many reservations as he used to but that he has the same reservations. He said that the process is moving very quickly and that it hasn't been thought out in terms of density. He said that it makes sense from a development standpoint to cram as many units in as you can but that there is very limited space there. He said that he drives through it every single day because he lives across the street from it. He said that he is not looking at it from an RVR standpoint and that going forward we should be looking at it for the vision of the town that we are trying to create more aesthetic and pleasing developments with space. He said that it is perplexing that we are going to dig and not have a final plat. He said that it then lets them go where they want to go and then define where it is and that is not how things work. He said that this seems a little fast and loose in every part of the way it is being developed. Todd said that it is not RVR verses the rest of the town and that it is more of the vision for Carbondale going forward.

Rob Comey, 655 Glassier Drive asked about the nine versions of development agreements. He said that he has been on the Parks and Rec Board for seven years during the time when the Thompson House was passed to the Town. He asked if when Parcel 2 is being developed is the infrastructure for Parcels 3 & 4 going to go in at the same time or is the phasing going to be down the road. He said that if there was a

previous agreement that it might become a zombie development here in Carbondale. He said that if the infrastructure does not go in up front that it may not go in at all if we did have a worst case scenario. He said that it is a concern that if all of the affordable units are going to be in Parcel 3 that it would be pushed off down the road and that it might look better for the Town to have Parcel 3 developed first. He said that he is across Highway 133 and that the traffic concerns have been an issue.

Motion to close the Public Comments

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

Michael thanked the members of the public for sharing their thoughts and he said that it is not your last bite at the apple. He said that it will have to be approved by your elected officials and please feel free to let them know how you feel.

Further discussion ensued about the process of denial or approval of recommendations.

Janet said that the order of business is about disclosures.

Nick said that he had an ex parte communication with two community members regarding the Thompson Park development project. He said that they discussed lot size pertaining to the UDC.

Michael asked Nick if he learned anything from that conversation that the rest of the Commission needs to know.

Nick said that what was discussed was in the public comments and that most of the discussion was around the 3000 square foot requirement and if there were additional considerations that would need to be considered. He said that there was some question of the interpretation of the UDC.

Michael asked Nick if he felt that this ex parte communication or anything that you have learned would interfere with you being impartial.

Nick answered no it would not.

Ken asked Janet what was the guarantee of the affordable units on Lot 3 being developed.

Janet said that was a great point because we ran into this with Mountain Sage with the free market being built and then 2008 happened and the affordable housing units were not built for many years. She said that it might be something to request to the Board that the affordable housing units be built and CO'd prior to Parcel 4.

Ken asked how many units were on Parcel 2.

Eric answered that there were five affordable units on Parcel 2 and that they will start on the north end of this parcel and build to the south. He said that all of the affordable units will be completed prior to starting Parcel 4 and that they will be built out in front of the free market units.

Haley said that the annexation agreement also states that CO's be issued for the affordable units before CO's for the market units.

Marina thanked her fellow Commissioners for all of the work that they have done for getting us to this point. She thanked the applicant and said that it was a well delivered presentation. She said that she is confused about the extension of the platting until after the construction is started. She said that as an architect that she has never done that before. She said that she is not clear on why it needs to happen this way.

Jacques explained that all of the townhouse units, unlike condominiums, which can be recorded as air space plats and that they need to be built prior to recordation. He said that with townhomes we essentially have the same thing and that there are air spaces between party walls. He said that if we are off by a quarter inch then we would have to re-record the whole plat. Jacques said that if you record the final plat ahead of the construction that you are not going to get the construction tolerances within a quarter of an inch on the walls. He said that the property line that comes down between each unit in the center of the party line would have to be dead on or it's not on the appropriate lot that has been platted.

Ken asked if there would be a preliminary plat and how does it relate to this issue.

Jacques explained that this would be the preliminary plat.

Jeff said that what he is hearing is that this is typical of townhome development.

Jacques said that they have done a thousand townhomes and that they have not done one where the final plat has been done ahead of the foundations.

Janet said that she has seen it done both ways and that the building department will require the surveyor to be on site when the foundations are poured and the ground work is done. She said that it is their option on how to do it.

Ken asked if driveways were part of the lot calculation.

Janet answered yes.

Ken asked if a private drive was a driveway.

Janet explained that the drive in this case is an easement so it is part of the lot.

Ken asked if you have a two story building that are condos with one on top of the other, how would you have a lot for the upper unit.

Janet said that you can't but that it would be required to have a 6000 square foot lot.

Ken asked if the calculation that we have used has been consistent.

Janet answered yes. She explained that if someone wanted to build a single family house in the R/MD zone district they would need a 3000 square foot lot. She said that if they wanted to build a duplex that they would need a 6000 square foot lot.

Jeff said that he was looking at the Table 3.2-7, which is Section 3.2.5. He said that he appreciates the lot width, depth and setbacks adjust to the lot but that the footnote is for allowance of townhomes in this framework. He said that it does look like the UDC contemplated this adjustment for townhomes to be subdivided. He asked Janet for her interpretation of this point because it needs to be clear.

Janet said that the way she reads the table is that the lot size is required to be 3000 square feet but that there is an exception for when townhomes are being subdivided. She said that the exception is that lot width, depth and side yard setbacks and zero lot lines are approved, which then implies a smaller lot. She said as long as you have the 3000 feet as the aggregate to start.

Marina asked what the aggregate was.

Janet explained for the entire Parcel 2.

Marina clarified with Janet the math formula for the number of total units.

Jeff said that the way he is reading it is that the setbacks may vary to allow for townhomes but that the lot area may not vary. He said that he is trying to interpret this section.

Michael stated that it didn't make a lot of sense and that if you had a quadplex and that if you had two units on the top and bottom floors that you would need 12,000 square feet of lot area per dwelling but that you wouldn't want to hold any of the individual units to 3000 square foot of lot area.

Michael stated that the applicant is providing 3000 square feet per unit.

Further discussion ensued regarding lot area and density.

Jeff said that his concern is that there is a development agreement in place that affects the property owners around this development. He said that there are people that are affected by our recommendation to amend the development agreement after the fact. He said that his understanding of the reduction of the units historically was due to the Ross Montessori School and their parking lot took up Parcel 1 that would accommodate 45 five units. Jeff said that now that this parcel is already developed so there are three parcels left and that twenty seven units had been agreed to.

Ken said that he is struggling with the development agreement and whether it has authority over the UDC or are they subject to the UDC.

Janet explained that the development agreement is more restrictive and that is what would cap it and that is why there is an amendment to the development agreement, which is part of the application.

Jay said that he was a bit confused as to what takes precedence.

Nick asked if it was a proposed amendment to the development agreement.

Janet said that it is part of the application and that they are proposing to amend the annexation and development agreement to raise the density cap from twenty seven to what is proposed now. She said that the annexation agreement was approved when the property was annexed and that was negotiated. She said that is an agreement that runs with the land, which needs to be amended in order to increase the density regardless of what the UDC says.

Michael clarified the discussion and said that the annexation agreement is between the land owner and the Town in order for the Town to have certain requirements of the land owner in exchange for the Town annexing the land. He said that we know that the annexation agreement has been through several iterations and the current vested development right that the property owner has is not sufficient to support a feasible project. Michael said so they have come back and that we are here today to look at recommending to the Board that we amend the annexation agreement again in order to allow a feasible project. He said that one of the things that is part of the annexation is that the annexation agreement will overlap the UDC so they will be complying with the UDC as a result of the annexation agreement.

Haley stated that the most recent annexation agreement amendment required and subjected the whole property to the UDC because it was originally approved under the old code and that we needed to clarify what code controlled in the event of development. She said that is why the seventh amendment happened and was to subject everything to the UDC. She said that when you amend the development agreement you amend the annexation agreement. She said that the development agreement defers to the UDC and that anything that is not provided for in the development agreement refers to the UDC. She said that in the event of a conflict the UDC controls.

Discussion ensued on a possible motion.

Motion

Marina made a motion to approve the subdivision conceptual plan and recommend approval of the major site plan review with amendments to the annexation and development agreement with the conditions and findings in the Staff report with

amendments to #8 & the addition of #13 with the Tree Board and no center lane on Parcel 2. Nick seconded the motion and it was approved.

Yes: Nick, Michael, Marina, Jay, Ken

No: Jeff

PUBLIC HEARING Minor Site Plan Review, Variances, Special Use Permit & ADU – Applicant: Thomas Moore Location: 379 Euclid Avenue

Janet stated that this is a public hearing to consider a Special Use Permit and a Minor Site Plan Review for purposes of allowing an Accessory Dwelling Unit (ADU) in the present accessory structure at 379 Euclid Avenue. She said that the application includes a request to reconstruct the original entrance and entry porch on the western facade of the single family residence on 4th Street.

Janet stated that the application also includes the following variances:

1. Variance from minimum lot size requirement - 5500 ft. required for an ADU in the OTR Zone District (Table 3.2-3 of UDC).
2. Variance for size of ADU in OTR (maximum 10% of lot size per section 4.4.4.A.5.e of UDC).
3. Variance for alteration, repairs or replacement in nonconforming structures according to section 7.4.2 – UDC and change of use in section 7.3.1.C.
4. Setback variances for purposes of reconstructing original entry on west side of primary structure.
5. Setback and height variances for shop/home office space conversion to ADU in accessory building.

Janet stated that the application includes a request for a reduction in parking standards for an ADU from 2 spaces to 1 space. She said that this can be done with a finding that it contributes to preservation of the historical character of a residence within the OTR District.

Janet said that Phase 1 would be the conversion of an existing garage, shop and office into an ADU and a more functional garage. She stated that the ADU would be 621 sq. ft. She explained that all of this will occur within the present accessory structure. She said that the only difference is that the south facing windows on the second floor would be replaced by a door and an 18” deep metal balcony.

Janet stated that the allowed height for an accessory structure on an OTR lot is 14 ft. She said that when the garage was built, the allowed height was 20 ft. in the R/LD zone district. She continued by saying that the existing height is 14 ft. 3 in. to mid-span and 20 ft. to the peak. She said that the garage was conforming when it was constructed;

however, it is a legal non-conforming structure now in terms of height. Because of this, a variance was noticed.

Janet stated that Phase 2 would include replacing a bay window structure on the west side of the house with a door entry and small porch.

Janet explained that the nonconformities generally arise from the lot size of 4,000 sq. ft. as well as the lot dimensions of 40' x 100'. She said that in addition, the single family residence was constructed prior to the adoption of the zoning codes. She stated that because of that, the structure is nonconforming related to setbacks on Euclid Avenue and 4th Street, lot size and coverage. She said that most of the parking is located on the town-right-of-way.

Standards for Accessory Dwelling Unit

Janet stated that the ADU is in compliance with the UDC. She stated that she has included those standards in the Staff report and how each has been met

Variations for Accessory Dwelling Unit

Janet stated that the three variance requests relate to the ADU. She said that these are listed below with Staff comments in italics.

1. Minimum lot size of 5,500 sq. ft. The existing lot is 4,000 sq. ft.

Staff feels this is a pre-existing non-conforming condition.

2. Reduction from two on-site parking spaces to allow one on-site space.

As noted above, it would be difficult to accommodate any additional on-site parking spaces.

3. Increase in intensity of use for a portion of the nonconforming structure.

The existing footprint of the accessory building will remain the same with the exception of the balcony and addition of a door on the south side of the building. Staff feels this is acceptable because there is no expansion of the existing non-conformance.

Variance - Single Family Residence

Janet said that there is one variance for the single family residence. She explained that the residence is located within the front yard setback along 4th Street. She said that the

proposal is to remove the bay window/structure and rebuild the original entrance on the 4th Street facade. This would require a variance.

Ken said that the size of the ADU is going to be 621 square feet and he asked under the strict interpretation of the UDC what would the size limit be.

Janet answered that it would be 400 square feet.

Ken asked if the parameters of the size is set by the existing building.

Janet answered yes.

Marina asked what the square footage of the main structure was.

Mark Chain answered 1993 square feet.

Marina asked if both structures needed to be looked at as both existing non-conforming because the codes were not in place when they were built.

Janet explained that in 1993 we were on Title 18 and that allowed a taller accessory building. She said that we had a smaller setback for garages and now it is a bigger setback. She said that both are legal nonconforming buildings.

Marina asked if we were looking at 1887 or 1993 non-conforming.

Janet said that we are looking at both because the house is 1887 and the garage is 1993.

Marina asked if the garage is where the ADU is.

Janet answered yes.

Michael asked if the requirement for the variance for the primary residence is to allow the changes to the west façade.

Janet answered yes.

Michael asked if the variance was not granted then the changes to the west façade would not be allowed.

Janet answered yes.

Nick asked if the changes to the façade are in keeping with the original character of the building.

Janet answered yes and the historic pattern.

Ken asked what the purpose of the minimum lot size requirement for an ADU in the OTR is and why we have a minimum requirement.

Janet explained that it was because we were having a lot of big ADU's being constructed and we wanted it so the smaller the lot, the smaller the ADU. She said that typically we have lots that are 5500 square feet.

Ken asked if lots that are under 5500 square feet in the OTR should not have an ADU.

Janet stated that the P&Z had felt that they were too small to support both a single family house and an ADU.

Jay asked if the area underneath the pitched roof was counted as square footage.

Janet answered no.

Jay clarified that the 620 square feet is not including where the ceiling is low.

Janet said that you wouldn't stand under a five foot ceiling.

Michael stated that by the Assessor's standards you need to have seven feet in a dormer.

Richard Klein said that the building code indicates that in a cathedral ceiling the square footage calculation is five feet and greater and that anything under five feet is not considered square footage that would be counted for the dwelling. He said that if it were a flat ceiling it would be up to seven feet.

Michael said then you are taxed less for less square footage.

Jay asked if the sewer was tying in with neighboring properties and he referenced a letter from the utility department.

Janet answered yes.

Jay asked if the ADU would have a separate sewer service.

Janet said that they would have to meet the Utility Director's recommendations.

Mark Chain introduced himself and Richard Klein, the architect, and said that this is a project for an ADU and variances at 379 Euclid Avenue. He said that Richard has lived in the house for ten years. Mark stated that Richard sold the home to Thomas and Sadie Moore. He said that the historic reconditioning of the house is related to the two houses to the north, which were recommended for consideration as local landmarks from the 2010 survey.

Michael asked if they were currently in the inventory.

Mark said that they are in the inventory but that they haven't been designated.

Mark said that there are 5-6 variances because of the lot itself with dimensions of 40 ft. x 100 ft. He said that in the 1880's there were no lot size requirements. He said that it is a simple project to convert part of the garage to an ADU from shop space, storage and office. He said that one of the parking spaces will be enhanced or enlarged. Mark said that the window on the south side will become a door and an outdoor balcony. He stated that there would be two skylights and that the volume would not change. He said that this is very similar to the Euclid House across the street. Mark said that this application meets the Comprehensive Plan and the purposes of the zone district. He said it puts an additional unit in downtown, which is walkable. He said that they are improving the parking spaces. He said that they are trying to restore the historic fabric of the house and make an ADU within the existing volume.

Mark said that there is a letter signed by various neighbors as well as an email from the resident at 275 S. Fourth Street. He handed out the email.

Richard Klein said that he is an architect in the valley and that he has been in the valley for thirty four years. He said that he has been in this home for ten years and that he bought it because of its location. He said that he walks to everything and that he hardly needs his car. He said that he isn't sure why there was a bay window put in as it doesn't enhance the house at all. Richard said that originally this house and the two houses to the north were all on the same lot. He said that they were three little miners' cottages. He said that during one of the modifications the address of this home changed to Euclid Avenue. He said that his goal long term was to live in the proposed ADU to be able to stay in the valley. He said that Sadie and Thomas Moore bought the house and they share his vision. He stated that Sadie wants to live in the ADU and rent the house.

Richard said that old houses were all hooked on to the same sewer. He said that he has since put in a new sewer line and that it is envisioned to be hooked up to the ADU. He said that they can easily hook into the water line for the ADU. He said that an important consideration was to leave the volumes the same to not impact the neighborhood. He said that the house really wants to have the door and balcony restored as the three little cottages in a row, which is an important aspect of this application.

Richard said that the parking in the garage has only one door. He said that they would like to reestablish a legal offsite parking place. He said that currently there is a window above the garage door and that he would envision a shallow balcony with a French door to open the house up to the outside. He said that the calculated square footage upstairs only includes the space above five feet and that the lower areas will be good for storage.

Sadie Moore introduced herself and said that she moved to the valley two years ago. She said that she works for the recovery home for women and that she is a counselor. She said that she really wanted to live downtown where she could walk or ride her bike to work as well as be on call for the women she works with. Sadie said that she couldn't find a place to rent because of the tight rental market. She said that she hopes to have a long term rental in the main house and that she has no intention of doing short term rentals. She said that she was lucky that this home was owned by an architect that could envision what we wanted the house to look like. She said that she hopes to be in Carbondale forever.

Mark outlined the site plan displayed on the wall explaining what is conforming and what is not conforming. He pointed to the parking spaces. He said that they have looked at the proposed conditions of approval and that they are acceptable. He said that the building plans will be coordinated with the building department. He said that phase 1 and 2 will happen concurrently depending on when construction is initiated.

Michael clarified with Staff that there are five variances and that three of them are actually intended to legalize the non-conforming use.

Janet answered yes that they would no longer be legal non-conforming with the variances.

Michael clarified that the two variances that relate to new construction are #'s two and three for granting a variance for the ADU to be larger than allowed as well as a variance for the main house to allow for the restoration to historic condition.

Nick asked why the floor is being elevated.

Richard answered for insulation and for plumbing.

Ian Osier, 850 Garfield Avenue said that he thinks this project is asking for reasonable variances. He said that it is commendable that they are seeking to do a historic restoration of the facade and that it will really add to the row of homes. He said that he also thinks it's commendable that they are making a more usable space for parking than is currently there. He likes that there will be an owner resident that will occupy it. He said that he wished that the UDC had a way to encourage that. He said that it is also a reasonable request for a larger size with the constraints that the site has and that they are not enlarging the shell.

William Duke, 174 S. Fourth Street said that they are really sorry to see Richard leave. He said that they have met Sadie and that they are happy that she is not wanting to expand the living space that is already existing. He said that these are small and unique lots with historic character and that they would like to preserve their home as it is. He said that they like the fact that they will restore the facade on the west, which was the original entry into the house as well as two windows on the other side of the entryway. He said it is also reasonable to have a larger than normal ADU, knowing the space and having been in it many times. He said that shrinking a building that is already there doesn't seem reasonable. He said that they are welcoming Sadie and are glad that there will be an onsite owner.

Larry Gottlieb, 378 Euclid Avenue said that his wife Kay and him have the Euclid House Bed and Breakfast across the street. He said that he would like to echo everything that Bill said and that they are in favor of expanding the inventory of long term housing and not a VRBO. He said that they support people that want come to Carbondale and participate in the community. He said that they appreciate seeing the plans and being invited over to show us everything and that we are in favor of this project.

Motion to close the Public Comments

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

Ken asked Sadie how important is the ADU.

Sadie said that she will live in it and she will rent out the main house for a long term rental.

Points of discussion

- Minimum lot size for the ADU.
- ADU already exists.
- Three homes in a row are great for the town.
- Great project and something that can't be overlooked.
- Proximity to town and to live and work in the downtown.

- Fabric of the town and helps the community.
- Unique historic home from 1888.
- Meets the criteria of the zone district etc.
- Meets the purpose of the zone district.
- Meets the Comprehensive Plan goals.
- Lot was subdivided prior to zoning regulations.

Motion

Jay moved to approve the Special Use Permit, Variances and Minor Site Plan Review with the findings and conditions in the Staff Report. Jeff seconded the motion.

Yes: Nick, Michael, Marina, Jay, Jeff

No: Ken

Staff Update

Janet said that City Market is progressing and she is working on getting the 1st Bank plat recorded. She said the deadline is May 28, 2018.

Janet said that Dr. Stein is submitting the engineering for the vacant lot on the corner of Colorado Avenue and Highway 133.

Commissioner Comments

Michael said that Jorge Ochoa from Gould came to the Rotary meeting today to talk about the project for City Market.

Motion

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