



## Minutes

### Planning & Zoning Commission

Carbondale Town Hall and Via Zoom

Thursday, October 12, 2023

#### Commissioners Present:

Jay Engstrom	Chair
Jeff Davlyn	Member
Jarrett Mork	Member
Jess Robison	Alternate
Cindy Suplizio	Alternate

#### Commissioners Absent:

Nicholas DiFrank	Vice-Chair
Nick Miscione	Member
Kim Magee	Member
Kade Gianinetti	Member

#### Town Staff Present:

Jared Barnes	Planning Director
Kae McDonald	Planning Technician

#### Guest and Attendees:

Doug Pratte	The LandStudio Inc.
Julie Pratte	The LandStudio Inc.
Will Coffield	Alder Real Estate
Tony Spires	ANB Bank
Kyle Sanderson	Sopris Engineering, LLC
Roman Gershkovich	Open Studio Architecture

#### 1. Call to Order

Jay called the October 12, 2023, meeting of the Carbondale Planning & Zoning Commission to order at 7:01 pm.

## 2. Roll Call

## 3. Consent Agenda

### 3.1 Planning and Zoning Commission September 14, 2023, Meeting Minutes

Move to approve the September 14, 2023, Planning and Zoning Commission meeting minutes.

*Moved by:* Jess Robison

*Seconded by:* Cindy Suplizio

**Aye** Jeff Davlyn, Jarrett Mork, Jess Robison, and Cindy Suplizio

**Abstain** Jay Engstrom

**Carried**

## 4. Public Comment for Persons Not on the Agenda

There was no one present, not on the agenda, to address the Commission.

## 5. Action Items

### 5.1 ANB Mixed-Use Project - Play Area Revision

Jared reminded the Commission that at the September 14<sup>th</sup> meeting, the Planning and Zoning Commission recommended approval of the ANB Bank combined application for a Rezoning, Major Site Plan Review, Alternative Compliance, and Conditional Use Permit with additional Condition #14 being added to the recommended motion:

“Because the Planning and Zoning Commission has expressed concerns about the safety and appropriateness of the dog park and play area, those plans shall be reviewed and approved by said Commission.”

Jared noted that the applicants redesigned the children’s play area, art area, and pet area while continuing to meet all the area requirements. He added that staff believes the revised plan has addressed the concerns of the Commission while still complying with the UDC and a motion for approval in included in the staff memo.

#### Questions for Staff

Jay asked whether the discussion should remain centered on the play area. He also asked if the public hearing was closed.

Jared answered in the affirmative on both questions.

#### Applicant Presentation

Doug reminded the commission members that the original design of the play area was located next to the dog area and the commission members expressed concern over potential safety issues.

Julie added that the Commission had also asked for more of a commitment than just designating it “play area.”

Doug preferred to refer to the redesigned plan as a “pocket park” and listed the improvements made to the plan:

- The pieces of play equipment are sculptural elements with warranted materials and fall-zone specifications included in the design.
- Because of the fall-zone requirements, the area is now more than double the required 400 sq ft.
- The art area remains as originally designed.
- Rather than an enclosed dog park, pet owners are encouraged to walk their leashed dogs along the landscaped bike path and a waste station will be provided in the area.
- There is an updated planting plan surrounding the pocket park.
- If approved, the overall landscape plan will be updated prior to the Board of Trustees meeting.

### Questions for Applicant

Jarrett asked if the play sculptures were meant for climbing and what material the sculptures were made of.

Julie replied that ID Sculpture is a playground manufacturer and there are examples of their play sculptures at Ross Montessori and are ready to be installed at the Marketplace. She stated that the sculpture might be used for bouldering, but it is meant to be more passive. She thought it was a better alternative to swings and slides that might not see a lot of use.

Doug added that the sculptures are some kind of cast material, and they are meant to be climbed on.

Jarrett asked about the added vegetation surrounding the play area.

Julie replied that since there wasn't enough room for a third sculpture because of the fall zone, they wanted to create a nice garden feeling for adults that are watching their kids play and make the area a place for all ages.

Doug added that they also wanted to create some separation from Highway 133.

Jarrett asked if there was lighting designated for the area to increase the feeling of safety away from the parking lot.

Doug noted that the lighting plan included in the application focused primarily on the parking lot. He pointed out that the play area is meant for use from dawn to dusk and they didn't want to add lights that might attract nighttime activity.

Cindy commented that she liked the play sculptures.

Jay agreed that the new design was a better use of space. He wondered about the redlined seed mix on the landscape plan.

Julie explained that when they presented the landscape plan to the Tree Board, they were informed that that strip must be a CDOT-specified seed mix.

Jay asked if there would be a transition to a shorter grass at the property line, adding that he wasn't opposed to the CDOT mix extending onto the property. He thought that would be a better transition over a more manicured look.

Will thought that if a shorter low-water mix is available, it would be a pleasant area for people to walk their dogs.

Jay asked if there were evergreens on the planting list. Julie replied that there are two tannenbaums that will grow up to six feet tall that will be planted along the east side of the play area. She noted that there are other evergreens planted elsewhere on the property, as well.

Motion to approve the revised play area and pocket park plan to address condition #14 of the Planning & Zoning recommendation to the Board of Trustees for the ANB Bank Mixed-Use Project.

*Moved by:* Jarrett Mork

*Seconded by:* Jess Robison

**Aye** Jeff Davlyn, Jay Engstrom, Jarrett Mork, Jess Robison, and Cindy Suplizio

**Carried 5-0**

## 5.2 Impervious Lot Coverage CTA Public Hearing

Jared reminded the commission members that at the August 24<sup>th</sup> public hearing, options for impervious lot coverage code text amendments were discussed in earnest with some divergent thinking – specifically simplicity versus more regulations – but the overarching theme seemed to be that the commission members don't want anything as involved as Aspen's regulations but rather something that is easier to implement. Jared acknowledged that a key takeaway was the roof overhangs should not be counted towards impervious lot cover unless it is a noticeably significant overhang. Jared described each of the three options, noting significant changes including:

- 1) Impervious lot coverage will be measured from the outside walls.
- 2) There is an edited Subsection E.
- 3) Option 2 adds clarity to the deck/patio exemption.
- 4) In addition to the clarified deck/patio exemption, Option 3 adds clarity to pervious paver exemption.

Jared pointed out that if the Commission feels strongly about one of the three options, they could take action to move it forward, but if they prefer to continue to work on the language, they can continue the noticed public hearing to a later meeting.

### Questions for Staff

Jarrett asked if the numbered options represent the Staff's preferred hierarchy.

Jared replied that it is for the Commission to determine, and Staff is comfortable implementing any of the actions, adding that they all provide more clarity compared to the current regulations. He pointed out that while the options progress from the most simplistic to the most complex, they will have the inverse effect upon what can be built on a lot today because it will limit allowed exemptions.

### Public Comments

Jay opened the meeting up to public comment.

There was no one from the public to comment, so the public comment was closed.

### Commission Discussion

Jess stated she preferred Option 1 or Option 2.

Cindy stated that while she liked Option 3, she thought the minimum void space of 20% could be interpreted in a variety of ways. She added that she liked Option 2 the most.

Jarrett stated that he liked Option 2 or Option 3 and appreciated limiting the driveway. He thought Option 3 was strict, but liked the clarifications, but thought there might be potential added cost.

Jeff appreciated the work on Option 3.

Jay thought Options 1 and 2 were so simple they might lead to more questions. He thought clarifying what is pervious versus impervious would be valuable for Option 3 and suggested creating a table to illustrate the distinctions. He stated that he preferred Option 3 because of the added explanations. Jay agreed with Cindy that the 20% void space could be interpreted several ways and didn't think that percentage needed to be mentioned.

Jared clarified that the percentage was intended to describe the space between pavers.

Jay asked for clarification on the Option 3 exemption – the 10% is an increase over the stated impervious lot coverage.

Jared replied that that is the tricky way the exemptions work, so the true lot coverage would net out once the two allowances were leveraged.

Jay wanted to push for this because to add an ADU, parking still needs to be considered, and this exemption would allow an ADU to park its obligation. He was comfortable not having the exemption if there was some added verbiage about adding impervious area if it is for an ADU.

Jarrett pointed out that in Aspen if you have a duplex, there is more garage space allowed and asked if that was Jay's intent with allowing added impervious lot coverage for an ADU. He suggested adding definitions or clarifications to provide a clearer understanding of what people can do.

Jeff thought including descriptive language would be helpful. He asked for clarification regarding when the 10% exemption would be applied, noting his presumption was that the exemption would only apply if property owners met their impervious lot coverage ratio regardless of driveway materials.

Jared answered in the affirmative, noting that as it is currently implemented is that every driveway is impervious regardless of surfacing and then, if needed, request the 10% exemption and a portion could be considered pervious if it meets the criteria of Subsection G. He explained that the intent is to prevent property owners from building massive driveways using pervious pavers. He added that recent experience is that buildings are being designed to max out the impervious lot coverage, leaving landscape architects to figure out how to meet their requirements, as well.

Jeff asked if any changes will be made to Table 3.7.2.

Jared didn't think any changes needed to be made to that table. He thought it might be worthwhile if considering Option 1 or 2.

Jay noted that there are two disparate situations – smaller lots in the downtown area versus more expansive lots in River Valley Ranch.

Jared thought one option might be to only allow a driveway exemption in specific zone districts or lot size.

Jess wondered if there was a way to include an increase in impervious lot coverage for ADUs while still controlling other variables.

Jared thought one potential threat might be property owners pursuing the ADU allowance for the lot coverage allowance and then abandoning it or having a subsequent owner abandon the ADU,

thereby granting them a larger driveway and parking area for personal use. He noted that further clarification could be worked out when ADU code text amendments are being discussed.

Jarrett asked if ADUs had separate addresses.

Jared replied that ADUs can't be legally separated, and Garfield County's addressing preferences have been to assign them as "Unit A" or "Unit 1." Jared noted that ADU regulations will be discussed at an upcoming meeting for code text amendments and that would be a good time to consider these issues, as well.

Jeff asked if the driveway exemptions are being applied to lots that are greater than 10,000 sq ft.

Jared replied that while the majority have been on larger lots that are assigned a lower ratio, there are recent examples in the greater downtown area that have impervious surfaces building up over time.

Jeff wondered if a column could be added to Table 3.7.2 that could be used for infill purposes.

Jared replied that if it is tied specifically to ADUs it would align with the Board of Trustees efforts in encouraging ADUs and part of that conversation is the appropriate number of parking spaces. He didn't think it would be effective to see it applied to lot size because lots with similar characteristics in similar subdivisions might be just outside that ratio, but where an ADU is very appropriate. He cautioned that the usefulness might be limited in Planned Unit Developments where ADUs are restricted.

Jess stated if the allowance is intended to encourage ADUs, it should be linked to ADUs.

Jay thought the commission members were leaning toward Option 2 with a supplemental allowance to encourage ADUs.

Jess asked if, ADUs aside, they could consider Option 2 now and then add an exception specific to ADUs.

Jared was comfortable stating it either way and that the driveway "bonus" could be cross-referenced between the impervious lot coverage and ADU sections. He was also comfortable figuring out an appropriate number when discussing ADUs. He thought most of the commission members thought the 10% exemption was reasonable if it was for ADU. He was willing to update old Subsection F to state how best to tie that to an ADU. He asked if the commission members would still like standards applied or not require the use of pervious pavers to be awarded the exemption.

Jess thought it was unnecessary to require pervious pavers for ADU parking because the driveway is part of the bonus and will add to the overall construction costs.

Jay agreed, noting that pervious paver systems are expensive and difficult to integrate into a regular driveway. He thought it best to simplify it and help lower those costs. He suggested Option 2 except with language added regarding ADUs.

Jess suggested a 10% bonus specifically for parking.

Jared suggested adding sidewalks and any other needed access points from the driveway to the ADU to the bonus.

Jay commented he preferred hard numbers instead of a percentage, especially on smaller lots.

Jared suggested tying it to the number of required ADU parking spaces. He summarized the discussion, noting that he would focus on Option 2, review Table 3.7.2, and add cross references with ADU exemptions tied to square footage instead of a lot percentage.

Move to continue the public hearing to November 9, 2023, for Amendments to the Unified Development Code related to Impervious Lot Coverage and Section 3.8.5.

*Moved by:* Jess Robison

*Seconded by:* Jeff Davlyn

**Carried**

**6. 8:45 PM - 8:55 PM: Staff Update**

Jared reminded the commission members that there would be a joint BOT and P & Z work session upcoming on Tuesday, October 17<sup>th</sup> with the agenda focusing on child care regulations beginning at 6:00 pm and an Artspace discussion from 6:30 to 7:30 pm.

Jared noted that there isn't currently anything scheduled for the Thursday, October 26<sup>th</sup> meeting, but he would communicate if something needed to be considered or the meeting is cancelled. He added that the Impervious Lot Coverage Public Hearing will continue at the November 9<sup>th</sup> meeting along with a review of the proposed 2024 meeting schedule.

Jared announced that Jeff was reappointed as a regular member of the Commission. He related that the BOT was complimentary of the other two applicants and encouraged them to apply for other boards or commissions.

**7. 8:55 PM - 9:00 PM: Commissioner Comments**

There were no Commissioner comments.

**8. 9:00 PM: Adjournment**

Motion to adjourn the October 12, 2023, Planning and Zoning Commission meeting.

*Moved by:* Jess Robison

*Seconded by:* Jarrett Mork