

## MINUTES

### CARBONDALE PLANNING AND ZONING COMMISSION

Thursday February 10, 2022

#### **Commissioners Present:**

Jay Engstrom, Chair  
Jeff Davlyn  
Nicholas DiFrank, Vice-Chair  
Kim Magee  
Kade Gianinetti (1<sup>st</sup> Alternate)  
Jarrett Mork

#### **Staff Present:**

Lauren Gister, Town Manager  
Janet Buck, Planning Director  
John Leybourne, Planner  
Mary Sikes, Planning Assistant

#### **Commissioners Absent:**

Elizabeth Cammack (2<sup>nd</sup> Alternate)  
Marina Skiles  
Nick Miscione

#### **Other Persons Present Virtually**

Bob Schultz, Planning Consultant  
Briston Peterson, owner of Lot 1  
Kathleen Wanatowicz, PR Studio  
Dave Dixon, Cushing Terrell  
Niki Delson, 1056 Village Road  
Ross Kribbs, 799 Garfield Avenue  
Anne Krimmer, 501 Mesa Verde Avenue  
Patrick Hunter, 1131 County Road 106  
Laurie Maier, 325 Linden Circle  
Ron Kokish, 1056 Village Road  
Holly Buell, 445 N. Eighth Street  
Ralph Gunning, 690 Merrill Avenue  
Susan Rhea, 901 Wheel Circle  
Hannah Hunt Moeller, 785 Merrill Avenue  
Sheri Gaynor, 319 West Eighth Court  
Marc Winkler, 319 Linden Circle  
Oscar Carlson, 2747 Graceland Drive

The meeting was called to order at 7:00 p.m. by Jay Engstrom.

#### **January 27, 2022 Minutes:**

Nicholas made a motion to approve the January 27, 2022 minutes. Jarrett seconded the motion, and they were approved unanimously.

#### **Public Comment – Persons Present Not on the Agenda**

There were no persons present to speak on a non-agenda item.

**VIRTUAL HEARING – Preliminary Condominium Plat**  
**Location: Lot 1, Carbondale Marketplace Subdivision**  
**Applicant: Crystal River Marketplace Subdivision**

Janet stated that this is an application for a Condominium Subdivision for the 5.37 acre parcel just south of City Market. She said that the Commission is required to hold a public hearing and recommend approval, recommend denial or continue the public hearing. She stated that the Board of Trustees is the approving authority on this application.

Janet explained that the Carbondale Marketplace Subdivision was approved by the Board in 2016, which included five lots. She stated that this parcel, Lot 1, was rezoned to the Mixed-Use Zone District in 2017 and a Site Plan was approved by the Town in 2018. She stated that the approval allowed 115 rental units in eleven buildings and over 10,000 sq. ft. of commercial square footage. She said that no changes are proposed for the approved 2018 Site Plan as part of this Condominium Subdivision application.

Janet said that this proposal is to subdivide the 5.37-acre property into seven condominium parcels (Land Units) with the remainder common parcel serving as the General Common Element. She stated that each Land Unit would contain either one or two of the eleven buildings.

Janet stated that a land condominium works like a condominium of a building; there are three dimensions of boundaries that contain the Land Unit and everything within that Land Unit is one unit. She said that the land underneath the building(s) is not subdivided, and Lot 1 remains one parcel.

Janet stated that a Condominium Association would be created to oversee and manage the seven Land Units and General Common Element.

Janet said that approval of the application would strictly change the ownership structure of the land. She explained that it would allow the property owner to sell one or more of the Land Units. She stated that the approval documents from 2018 are recorded and would run with the land. She said that any future owner would need to comply with those documents.

Janet explained that the UDC requires that when a property undergoes Condominiumization that fifteen percent of the land be dedicated for public open space. She stated that instead of a dedication of land, the applicant proposes to place an easement on the central common area to allow public access.

Janet stated that the Parks and Recreation Commission reviewed the proposal for the dedication of an easement for the park last December. She said that the Commission suggested some changes to the park design and discussed the merits of accepting a dedication of land vs. accepting an easement, however, no formal recommendation was issued. She stated that this is scheduled to go back before the Parks and Recreation Commission in March.

Janet said that one of the main points of discussion for this Condominium Subdivision application is the issue of *dedication of land* for Public Open Space vs. *dedication of an easement* to allow public access to the Public Open Space.

Janet stated that the language from the code states “A dedication or conveyance by the subdivider to the Town of a minimum of fifteen percent of the land within the residential subdivision for public open space.”

Janet said that Planning Staff and the Town Attorney reviewed the language and agreed that the intent of the code is that land be conveyed for public open space however, the UDC goes on to state that the Board makes the final decision on whether or not to accept the proposal.

Janet said that one avenue may be that the Planning Commission recommend approval of the Condominium Subdivision with conditions that those items be addressed by Parks and Recreation and the Board. She stated that another option is to continue the public hearing until the March 24<sup>th</sup> P&Z meeting to allow time for the Parks and Recreation Commission to form a recommendation.

### **Commissioner Comments**

Nicholas stated that he appreciates Parks and Rec taking their time on this, with the upkeep over years. He asked Janet for further clarification.

Janet explained that there has been a lot of discussion, as a futsal field is expensive. She said that we asked the applicant to put together a capital improvement plan to determine the replacement cost for the futsal field and the playground equipment as well as start doing assessments on the property. She said that in their covenants that the association shall create and maintain a capitol reserve fund for the maintenance and replacement of the playground and futsal field.

Nicholas asked if Town Staff would be responsible for this zone or would there be a private/public mix for these.

Janet stated that there would be a park management plan and that the property owner wants to maintain the land to meet certain standards. She said that was a plus that we would have public access and not to have to pay for it. She said that the park management plan did go to the Parks and Recreation Director, which is part of the review and decision process.

Janet said that with the common open space there is a large detention system for the drainage. She said the question is if the drainage system is the responsibility of the developer and if something needs to be repaired how that will be handled, which is the green area on the site plan. She said that she will let the applicant explain.

Jay said that regarding the fifteen percent of land that we dedicate for public open space. He asked if the fifteen percent is given to the Town to be owned and maintained.

Janet said that the most recent land dedications have been Thompson Park, where the historic house is. She said that some parks that were dedicated through an easement were parks in River Valley Ranch, which River Valley Ranch maintains those. She said that they have public access. She said that another was Keator Grove, where the public has access to the common open spaces.

Bob Schultz began his presentation and said that Briston Peterson, the managing partner for Lot 1 is also here tonight. He said that we are here to review the preliminary plat to create seven condo parcels, which doesn't affect any of the previous site approvals. He said that the roads and such are already done. He said that he will update everyone on the construction timeline later if desired.

Bob said that the reason that we are having the discussion about the park, which the code read in 2018 that we just needed fifteen percent *common* area for a condominium project. He said that in 2019 after our approval the code was changed, he displayed on his screen showing the redlines, adding condo plats. He said that instead of having fifteen percent, it now required a *dedication*. He said our distinction with Staff is around the definition of dedication and conveyance, which we see it a bit differently on this issue. He said that we are comfortable with the Trustees deciding that.

Bob said that in 2019 the construction began and that in 2020 the property owners realized that they were going to need to create some separation in pieces of property that were financeable. He said that the plan was so that as each phase came in they could do construction financing for those individual stages.

Bob said that in 2021 that they started meeting with the Parks and Recreation Commission, as well as in 2018 when this wasn't going to be a park, to get their advice. He said that we started talking to Staff and we submitted an application in late 2021.

Bob explained the site map displayed, pointing to City Market with the street layouts. He said that the buildings currently occupied are A and B and that Building C is currently under construction. He said that the buildings surrounding the park, H, J, K and are currently in for building permit. He said that the field that we are talking about is in the center. He said that although the owners intend to keep the land and develop all of the buildings, we had to think of it as condominiums so pieces could be sold off. He said we spent a lot of time with Staff, reviewing covenants to make sure that nothing fell through the cracks if one or more of the units were sold off.

Bob stated that the buildings along Main Street would be future phases, as well as the ones along Hendrick, C, D and E are the buildings that have mixed use commercial and residential.

Bob said that something that comes up a lot is what do we know about the people moving into these. He said that with buildings A and B that we have about fifty-five percent of the units are occupied by singles, twenty-eight percent couples/roommates and seventeen percent families. He said that they represent a wide variety of jobs, which he listed.

Bob said that land condos are not common in Carbondale, although more common in other locations. He said that it is simple in that it is needed to create these separate financeable units so they can be financed for construction as well as permanent financing, having seven loans. He said that the counterbalance is identifying the rights and responsibilities of each of the seven units, which include one hundred and fifteen dwelling units, ten thousand or so square feet of commercial space. He explained the screen showing hatching, is a common element that is owned by all seven of the condo units. He said that they are shared, and rights and responsibility related to those elements. He said that there would be an easement on the public park that would provide for the public access.

Bob said that one of the distinctions of a condo verses buying a parcel of land, if you are buying a parcel you are buying from the center of the earth to the heavens and with a condo you have three dimensions. He said that you have a maximum height and a maximum under the earth at whatever point that you select. He said that we are proposing that we would use the finish floor, once the buildings are built and until then an average of natural grade, fifty feet above and twenty-five feet below it. He said that once you get beyond those that they are still part of the common elements, which is typical to any condominium project.

Bob explained his screen, showing the seven condo land units with the configuration of the buildings. He said that the land size is what determines their financial responsibility to the overall condo association. He said that the more square feet, the more rights that you would have in terms of voting as well as the more financial obligation to the responsibilities of the condo association.

Bob said that the items that we would normally spend more time on like the preliminary plat, utilities, the streets and the lot and block layout, drainage, irrigation soils have already been dealt with during the site review.

Bob said that there are three things that are new for the topics of the preliminary plat review.

- The plat.
- Draft covenants.
- The park dedication.

Bob noted that the Trustees approved an amendment to the Development Improvement Agreement last month. He said that most of the public improvements have already been put in at the site. He said that the Main Street sidewalk, street trees and irrigation system have not. He said that we want to do those as those buildings are completed so that before they can get a CO they would have to have those improvements in, otherwise we would end up tearing them up having to replace them again.

Bob stated that the plat displays the land condo units and the common elements and that the following page displays easements, including utility easements, access easements,

and parking easements. He said that most of the public improvements are already there and that the Main Street ones will come as those buildings are constructed.

Bob said that the off-street parking is for the residents. He said that there is public parking along Hendrick and Main Streets. He said that the spaces that are along Shorty Pabst are on private land, but we are putting a public easement on them so that the public can use them for parking if they are going to the park or a bike ride.

Bob said that the draft covenants are substantial to be clear as to what the proposal is. He said that we feel comfortable that we won't have anything that will fall through the cracks, he added, he was sure that Mark Hamilton will review them, before they get to the Trustees.

Bob said regarding the Park Dedication, if some are not familiar with futsal, it is soccer and it's played typically on a hard artificial surface, which would be artificial turf. He said that it is very popular with members of our Spanish speaking community. He said that historically that there was a winter league in middle school that had hundreds of participants. He said that we think that it is going to be a very popular public amenity. He said that we've got the capital replacement fund for the playground equipment and the futsal field. He said in addition, we added four season restrooms, after conversation with the Parks Department. He said that we will meet with them again next month. He said that we have universal access equipment plans for the site as well as ADA accessibility to restrooms and all of the play equipment. He said that if we were to just dedicate this land, that we would pay about 80K and the Town would get a raw piece of land. In this case, we have hundreds of thousands of dollars in improvements. He said that we think that it is a very fair deal for the Town.

Bob said that in closing that we agree with Staff's findings on the approval of the plat and that we agree that the Trustees are the ones to make the decision on whether to accept the easement and approve the Parks agreement. He said that we will continue to work with them until we have a final agreement and that we are asking for your support for the preliminary plat.

Nicholas stated that he noticed that all of the buildings, which contain commercial units are at the end of the schedule. He said that he wondered if we might lose those commercial uses and is the square footage a guaranteed element with future build-out.

Bob answered that Building C that is currently under construction has commercial on the ground floor, as well as all of them on Hendrick, which is a viable commercial corridor with people coming to City Market. He said that once C is rented out that it will give Bristol the ability of looking at Buildings D and E.

Nicholas said that he would vote for the construction update if the rest of the Commission is game for that.

Jarrett asked, if you are parceling these out as you get financing, is there an added risk if financing goes away, leaving a partially empty lot.

Bob explained that either way if it is all one financing or individual and that if no one wants to rent in Carbondale anymore then there won't be any more buildings built. He said that the Town requires a letter of credit for all of the public improvements so that if the project did not move forward then the Town would take that money would build the sidewalks and put in the trees. He gave the example of Town Center located where Thunder River Theatre is and that the trees and sidewalks were completed, by the Town after the project did not move forward.

Jarrett asked when the park is scheduled to be completed.

Bob explained that in the original Development Improvement Agreement we are required to provide the futsal court before the fiftieth residential unit is permitted and the entire park by the eightieth unit. He said that the intention is to have this all done by next fall.

Jarrett said that he was concerned about the futsal courts' lifespan of only fifteen years.

Bob explained that the surface of the court would need to be replaced after fifteen years. He added that in fifteen years maybe no one will want to play futsal, so the Parks Agreement will need to acknowledge that so that it could be repurposed. He said that the idea of the futsal came because of its popularity of it and that Briston had played college soccer, so he is a soccer fan. He said that you can play most of the year on a futsal field.

Jarrett asked what the reason was for getting twenty-five feet below the building.

Bob said that we had to pick a number and wanted one that had some room for the future if something changes, for example, a heat loop.

Briston Peterson said that he was the developer of the Carbondale Marketplace parcel one. He said that they were having conversations with Eric from the Parks Department and that the proposal as well as the direction of the field surface is actually acrylic. He said that when you look at a true futsal court that it will be forty feet wide and eighty-four feet long. He said that the sole purpose of a futsal court, which doesn't not exist anywhere in the Roaring Fork Valley, is really to refine technical skills in soccer.

Briston said that the storm water management engineering and components are not under the field itself but will be under the grass area. He said they will be able to service it in the event there was ever a problem.

Briston said that the sooner we can build these assets and implement permanent financing, that mitigates a lot of risk. He said that it is their goal to own, maintain and manage all eleven buildings, which include 115 units and ten thousand square feet of commercial. He said that of the ten thousand square feet there is slightly less than five thousand square feet on the first floor of Building C, which is currently under construction. He said that our goal is to get Shorty Pabst housing around the park as soon as we receive recordation and build the park with those buildings. He said that we anticipate the park being finished by September or October of this year with the court available for use.

Jarrett asked Briston if there were any other materials that might last longer.

Briston explained that this surface was actually a more durable surface. He said that the acrylic is no different than what you see on tennis courts but a little thicker than a standard tennis court. He said that it has a longer shelf-life than AstroTurf.

Jarrett asked, if we are adding these costs into the HOA/maintenance fees do we know those numbers. He asked if the affordable housing units would be part of these fees.

Bob Schultz explained that the affordable housing rents are set by a State-wide organization based on our area median income. He said that there are no HOA fees because it is a rental project. He said that the condo association, which is basically Briston and his partners, would be responsible for those costs. He said that obviously those costs would be borne over into the rents that aren't deed restricted. He said that, as a Town, we like developments to bring things to the table that are amenities to the Town.

Jay asked for clarification of the area between Buildings B and C and if there used to be a playground in that area. He said that it looks like it was relocated next to the futsal field, and he asked how that occurred.

Briston said that at the time of the original application there was going to be a pocket park area with a common area laundry room for the entire community. He said we based that on owning the Garfield Avenue Apartments, where the tenants would go down to do their laundry and the kids would play in the common area. He said that they could keep an eye on them and do their laundry at the same time. He said what we have elected to do is to install a washer and a dryer in every apartment unit, so we are going to take those assets and put them into each individual unit. He said that we thought it made more sense from a commercial standpoint that we envision that space as a café, we haven't leased the space yet, that spills out onto the common path that runs north/south to Main Street and City Market. He said that we would have the futsal field, playground, covered gazebo, restrooms and an additional park where you could throw a frisbee or play baseball etc. He said that we tried to group all of the activities in the central core, in-lieu-of having them dispersed throughout the community.

Jay said regarding the massive transformers that are on the corner of Main Street and Hendricks, which wasn't part of your development, but that the Town has to address at some point. He asked if there could be a portion of the open space available if the boxes were moved later on.

Bob Schultz said that he asked Yancy from Sopris Engineering what the story was regarding the transformers. He said that there was a concern about these boxes from the beginning and that it was part of the Highway 133 roundabout design. He said that Yancy stated that the Town was brought into the discussion and that was the selected location. He said that our engineer expressed their concerns with this location at that time.

Briston said that they are clearly eyesores. He said that we have been involved with this property for almost eighteen years and that we are going to see the development through



to completion. He said that the transformers were something we always objected to so those decisions were outside of our control. He said that we have designed our buildings and our community around those ugly boxes. He said that they are also a traffic concern because the boxes are in your line of sight, when pulling out onto Main Street. He said that it really becomes a utility provider conversation to find an engineering solution to either bury or relocate those boxes.

Jay asked if they would have any flexibility in working with us in potentially relocating the boxes.

Briston said that he is all for working with the Town and the utility provider to see if there could be a better solution for mitigation of those boxes.

Bob stated that our preference would be to go from the Parks Commission and Staff to the Town Trustees so we can focus our efforts on the preliminary plat.

Briston said that this request is critical to allow us to continue to move forward in a timely fashion. He said that if this request is denied it will slow the development process down.

### **Public Comments**

Niki Delson, **1056 Village Road** said that she has questions about accessibility. She asked if there were any elevators in any of the buildings.

Janet said that she had this discussion with the Building Official and that there are no elevators but that the building code requires that in new multi-family buildings that a certain number of the residential units be accessible, which is a building code definition. She said that they are built to certain standards and that they have to be on the ground floor.

John added that they need to have accessible bathrooms, grab-bars, counter heights and widths of doorways.

Niki Delson said that her comment is that once those units get filled up somebody that needs a unit, given the growing population of individuals over sixty and that number will be growing in the community. She said that the Commission should be looking at that and is the building going to be accessible to this growing population as people start trying to downsize. She said that entire buildings become accessible to those of us that are looking for places to live once the ground floor units get rented. She asked if the parks would have shaded areas with ADA accessible benches. She said that a lot of parks that are already developed in Carbondale do not have shaded ADA accessible seating. She said that it is much harder to put those in after the park is developed.

Jay said that they would push to make sure this park is as ADA compliant as possible.

Ross Kribbs, **799 Garfield Avenue** said that he would like to start with how Mr. Peterson ended his statement, which was approve this or else or else it is going to take a long time

to develop this. He said that this is common in the way these projects are being presented to us. He said that it is not the Town's fault or your fault as a Commission that this project is proposing something that is unprecedented for this Town. He said giving up fifteen percent of this land area that is reserved for the community into a questionable arrangement with a lot of loose ends. He says the best avenue is to refer to Parks and Rec and if they think it is an amazing deal then fine. He said that there is another plot of land that is currently labeled Industrial/Mixed-Use that might be a good place for a good faith effort and first step for park space or futsal space, closer to north of downtown, in the opportunity zone. He said that fifteen percent of the land is a large chunk that the City should be counting on and not negotiating on and that he hopes that you take that into consideration before giving this away.

Anne Krimmer, **501 Mesa Verde Avenue** said that she is going to blow Briston's mind here and say that his park design is great and that it is a good idea for the area. She said that her concern is with the public/private partnership if we give away the ownership of the land from being a Town Park to an easement. She said who would decide the access both physically and hours of operation. She gave the example of a park in River Valley Ranch to access the river but that there wasn't any parking. She said that when you go there you feel like you are treading on someone's property. She said that she would hate for people to lose what is intended on being a public park area just because it is within a subdivision of apartment buildings. She asked that if it is heavily used, can the condo association decide that it is too much use, so they limit the time for use. She worries about who makes the rules and does the Town lose the ability to make the rules, being an easement versus being an actual dedicated park. She said that ADA access is an important issue, especially with parking spaces not being on site. She said that she wants clarification if the playground and grassy area are public spaces or are they common areas to homeowners within the condo plat.

Patrick Hunter, **1131 County Road 106** said that if you are going to have a public use it should be on the perimeter of this property. He said that the transformers have got to move and that there are going to be accidents there. He said that there is a question about if there is solar on these buildings and how the buildings are heated as well as car charging. He said that we are looking at trying to retrofit the buildings in Carbondale and that he wouldn't want this project to have to be retrofitted before it's actually built. He said that we need to take a hard look at that and what adjustments might be made.

Bob Schultz displayed the site plan with the parks and explained their locations and stated that the paths were all ADA accessible. He said that the playground equipment will all be universal design. He said that the Parks Department will all be reviewing.

Briston said that we do have car-charging stations in the community, solar components on Building C, solar on the next phases. He said that we have ADA compliance in every building required by the building codes. He said that we have thirty-six units rented currently and that we have not received one ADA request to date. He said every building will be ADA compliant required by the building codes.

Laurie Maier, **325 Linden Circle** said that she is concerned about parking with so many units going in making sure there is enough parking as many families don't have just one car, both street parking and for current residents.

Jay clarified that this original site plan was reviewed by the P&Z and Staff back in 2018, which is when parking was reviewed.

### **Motion to close the comment portion of the public hearing**

Jeff made the motion to close the comment portion of the public hearing. Nicholas seconded the motion, and it was approved unanimously.

Kim joined the meeting late.

### **Commissioner Discussion**

Jeff asked what the pros and cons of land dedication versus easement.

Janet said that with the land dedication we own the property, and we wouldn't need a management plan or work with the property owner. She said in this proposal one of the pros is the property owner would pay for the maintenance of the park, including the replacements. She said that with the easement even with RVR and agreements there are new HOA members that want to change the maintenance agreements. She said that in RVR questions come up on who pays for the replacement of picnic tables and the benches, so it does create a grey area.

Jay asked if we have flexibility with an easement to change the use in the future or will those decisions be made by the landowner.

Janet said that will need to be detailed in the Park Management Plan and what type of agreements need to be made. She said that would have to be approved prior to any dedication of easement.

Jeff noted that he thought the parks in RVR were owned by the Town.

Janet said that was correct and apologized for her mistake earlier., but RVR HOA does maintain them.

Kade said that he knows that the code changed for the fifteen percent half-way through this process. He asked if this park was ever looked at as being outside of the community, given that it was supposed to be public/private relationship where that could have been.

Janet explained that the site plan was approved in 2018 and at the time the way the code read is that the only requirement was private common open space within the community. She said that we didn't have the 2019 amendment to the code that required dedication of a public park when condominiumization came in. She said that they are coming in and trying to retrofit this under an amended code.

Jay said that the applicant is saying that this is much larger than fifteen percent, so they are giving a much larger amount than fifteen percent.

Bob stated that it is fifteen percent. He said that the other pocket parks would be for the use of the local residents but that the public trail goes through it. He said that there is nothing in the code that a dedication is a fee simple transfer of land. He said that he put those definitions in the application, which is the logic that we will share with the Town that it is consistent with what the Town has done in previous situations. He said that the Trustees will either say yes or no.

### **Further Commission Discussion**

- Parks input would be appreciated.
- The Trustees would be a good deciding body, with Parks and Rec in the middle going in the right direction.
- It is important to assure that the park is accessible to the public.
- It is great that it will be maintained in a way that will not be stressing the resources of the Town.
- RVR parks are owned by the Town with a cost-sharing agreement.
- With the scale of the development and density having Town control over the space might be the benefit that we are looking for.
- What creates the least number of headaches to maintain the park to the level of what the people that are renting like.
- Who does a better job maintaining public or private long-term?
- There could be seven different HOA's with seven condo parcels.
- Accessibility with regards to timesharing verses ADA accessibility.
- Management Plan is important.

Further discussion ensued regarding the process and adding a condition.

### **Motion**

Jarrett made a motion to approve the Preliminary Condominium Subdivision with the conditions and findings from Staff with the added condition contingent upon approval of the Parks and Rec Commission and Staff approving a management plan prior to this application going to the Board. Nicholas seconded the motion and it was approved unanimously.

Yes: Jay, Nicholas, Jarrett, Kim, Jeff, Kade

No: none

Bob explained displayed the Site Plan approved in 2018 and elevations of some of the buildings. He went through the construction timeline.

Briston said on YouTube, Carbondale Marketplace, Poss and Associates, there is a flyover of the community.

**Review Draft of the Comprehensive Plan Update – Consultant Team Cushing Terrell (CT) Meeting #8**

Janet said that this is a continued review of the Draft Comprehensive Plan Update report (Update) prepared by Cushing Terrell. She stated that at the January 27<sup>th</sup> meeting, the Commission agreed they wanted to take a closer look at the Future Land Use Map (FLUM) in the draft plan.

Janet explained that the primary function of a Future Land Use Map is to provide physical planning guidance for future zoning code updates. She said that it can also be used as advisory guidance in reviewing specific development projects as directed by the Unified Development Code (UDC), i.e., rezoning, annexations, subdivisions, special use permits, etc.

Janet stated that the Future Land Use map is advisory in intent, laying the foundation for making changes to zoning in the future, but it is not zoning or a zoning map. She said that it does not restrict existing or vested uses.

Janet said that the Future Land Use Map does not rezone properties. She stated that in order to rezone properties, public hearings would be required before the Planning and Zoning Commission and the Board of Trustees. She explained that this includes a public notice in the newspaper, public notice signs posted on the property, and a mailing of the public notice to property owners within 300 ft. of the property to be rezoned.

Janet stated that adoption of a Future Land Use Map is a proactive way for the Town to encourage developers to design projects that align with the community's values rather than waiting for a developer to propose a certain type of use for a property and then react to the proposal.

Janet said that the labels or designations on the Future Land Use Map are not zone districts. She stated that the designations include general descriptions such as possible land uses, direction on building mass and scale, parking, connectivity, and landscaping. She said however, the descriptions are not prescriptive and that they are conceptual in nature.

Janet explained that the draft 2021 Future Land Use Map shows future roundabouts along Highway 133. She said that the roundabouts reflect the transportation planning related to the Highway 133 Access Control Plan adopted by the Town, CDOT and Garfield County.

Janet stated that the road connection along Merrill shown on the 2021 Land Use Map relates to long-term transportation planning by the Town to establish a new east/west connection between the center of Town and Highway 133 along Industry Place.

Janet said that these planned transportation improvements did not originate with the 2021 Comprehensive Plan Update but were included on the 2021 Future Land Use Map to help make decisions. She stated that they are not required to be on the Future Land

Use Map and can be removed from the Map, so the Future Land Use Map only reflects Land Use Designations.

Janet stated that the pedestrian connection near Keator Road did originate with the 2021 Comprehensive Plan Update work, which can be removed as well.

Janet said that the 2021 Comprehensive Plan Update is an update to the 2013 Comprehensive Plan. She stated that both would be used in tandem with the 2021 document functioning as a supplement to the 2013 document. She said that both the Planning Commission and the Board have expressed concern about how those two documents would function together, ease of use and the possibility of conflict.

Janet stated that after the last Commission meeting, she checked with Cushing Terrell to see how much it would cost to blend the two documents together. She said that it would be approximately \$7,100. She stated that the Commission should discuss this and decide whether or not to recommend to the Board that funding be appropriated for this work.

Janet said that the Board picked up this discussion at their Tuesday meeting and it is scheduled for discussion at the February 15<sup>th</sup> meeting. She stated that she would encourage the Commission to participate in that meeting.

Janet said that for tonight, she suggests that the Commission:

- Focus on the review of the Draft Comp Plan Update and Future Land Use Map
- Consider recommending funding to blend the 2013 and 2021 document.
- Accept public comment

Letters entered into record from Fred Soldow and CAFCI.

Dave Dixon from Cushing Terrell said that they recognize some of the confusion between labels. He said that the new vision is that residential/high density (R/HD) and residential medium density (R/MD), orange and yellow colors on the FLUM, which we transitioned Downtown/Old Town into something of the vision of what we heard. He said an idea would be to look at the character areas and the context of those rather than an intensity of a land use. He said that what we are trying to do is create an opportunity of a variety of housing types with similar style of architecture character, scale, attached, detached, townhome, smaller scale multi-family in those areas that say R/MD. He said that maybe a better term for that or label would be neighborhood mixed residential, which is what the future vision is to remain. He said another possibility would be traditional mixed neighborhood. He said that the R/HD that you see is forming around your mature neighborhoods, your core, which is reflecting some zoning pattern. He said that we are trying to respond to the UDC from 2016. He said what we are trying to talk about is a residential transitional area, which might be a better way to put it. He said what those areas are is to create an intent that works with the existing zoning, potential outcomes to help what transitions there to what it abuts against. He said how do we provide a vision of that future use, in a way that transitions that meets your community

scale and character. He said residential transitional for that R/HD future land use orange and then neighborhood mixed residential or traditional mixed for R/MD would be a thought. He said these ideas were to preface this conversation tonight.

### **Public Comment**

Ron Kokish, **1056 Village Road** said that he supports Janet suggestion and that five of us from CAFCI have been going through the plan in great detail. He said that it is a complicated plan and to have people go through two documents instead of one every time they want to change something will be a real nightmare. He said that we want to support combining these two documents into one once the amendments are completed.

Jay asked Janet if we were to agree to combining these two documents would there be another draft review?

Janet said that the way she sees this happening is that we are committed to the public to have tonight's meeting and another on February 24. She said that if the Board does decide to appropriate those funds and amend the contract with Cushing Terrell and at the end of the public comment time on February 24 or 25, get CT the public comments. She said with the amended contract have CT go away for a while and blend the two plans together and then it would come back to you as one plan, with the amendments. She said that you would see it all at once again.

Anne Krimmer, **501 Mesa Verde Avenue** said that relabeling is needlessly confusing to the general public. She said that she noticed that Downtown North is now the Opportunity Area and has a new designation on the FLUM. She said that even though this was to just be an amendment to the Comprehensive Plan you guys have spent countless hours reinventing the wheel. She said that she loathes spending more money from the Town on this that she would have preferred a larger budget on community interaction on this. She said that she is concerned with relabeling areas that two months ago were being referred to as something else, especially Downtown North. She thanked everyone for their time and said that she is impressed with your thoroughness and dedication.

Patrick Hunter, **1131 County Road 106** said hi to Lauren and welcomed her to Carbondale. He said that some of the work in the Comp Plan is extraordinary, the writing, the thought and the work that has gone into it has been superb. He said that he is a member of the E-Board, although he is speaking as a private citizen, is that our main concern has always been how do we get the Climate Action Plan front and center in the decision-making of this Town. He said that we are really still at the same point that we've always been, we have a Climate Action Plan that has a lot of great suggestions in it but it is not getting attended to. He said that he would hate to see us sign off on a new document that really hasn't answered that question.

Holly Buell, **445 N. Eighth Street** said that Downtown North is adjacent to where she lives. She said that she would ask that the Commission take a deep look at the adjacent properties, which there are a lot of residential areas. She said that she would like to see

some more R/MD type housing. She said that Cleveland Place is an awesome community and that if you look at the real estate sales they sell quickly, with a lot of families. She said that she would like to see the mixed-use development stay along Fourth Street, where it has better access to the downtown and less around Merrill Avenue. She said that she appreciates all of what you are doing and all of the thought that is being put into this.

Ralph Gunning, **690 Merrill Avenue** said that he is a multi-family owner on Merrill Avenue. He said that he has been waiting to bring that building up to its potential, which is basically an industrial zoned property. He said that it has four residential units on it. He said that Briston would probably be on the same page as him, we bought property on Merrill because of its zoning. He said for the fact that it may be changed to a residential does not help his plan moving forward and that it degrades the value of his property. He said that he understands that everyone wants the downtown core to be nice and pretty. He said that he is willing to build whatever he's allowed to build under the pretense of when he bought the property. He said that there should be some kind of compensation for people like him that bought into that area thinking that they had industrial property. He said for the public to say that we don't want that anymore and we want to make it residential, it's not fair for people like him.

Susan Rhea, **901 Wheel Circle** said that one of her concerns with the plan, an overarching thing, she said that she's been listening to all of the Town meetings this week. She said that what she hears over and over again with the Comp Plan is confusion, uncertainty, what it does mean, what does it say, what are these green, yellow and red dots. She said that the Comp Plan is a guiding document and it's a big umbrella. She said that when we have Master Plans for the parks then apparently Bikes, Peds and Trails needs to develop a Master Plan. She said that when we develop specific things, we are going to do we need to refer back to the Comp Plan and make sure that they are consistent with our values and goals, as a Town. She said that is the purpose of these documents. She said that the green, yellow and red dots beside the implementation items are disturbing. She said that with it's over-arching that the document has missed the intent of its purpose. She said looking at what the industrial could be is a great vision and that she wonders how we get from here to there, which is a whole other discussion. She said to put it in the Comp Plan as a goal is a good idea, but to talk about it in seven to ten years would be bigger project to look at. She thanked everyone for their good work.

Hannah Hunt Moeller, **785 Merrill Avenue** thanked the P&Z for all of their work and that she appreciates all of the work being done for this Comp Plan update. She said that a group of neighbors that are in Colorado Meadows and Cleveland Place as well as surrounding the Downtown North/Opportunity Area have been discussing the Comp Plan and the conceptual land use map. She said our group is planning to put together a letter describing a variety of different feedback that we have discussing. She said a few items that she would like to share now, which she spoke about at the last meeting. She said that a big piece for neighbors is connectivity to the neighborhood, with pedestrian and bike access. She said this area is currently a large barrier between where are neighborhoods are and being able to access the Rio Grande Trail and the downtown, as well as connecting the promenade. She said with the now owned City property around



Thunder River that we think this is can be a really strong access that allows connection from the Main Street and back up. She said that another piece that has been in discussion is supporting existing and future pocket parks along the Rio Grande and looking at locations where there are already pocket parks. She listed all of the parks between Eighth Street and True Nature. She said that she wants the Comp Plan to respect and speak to the already existing connection points. She said that we know that this is going to be developer-led and that ultimately there is respect for those that own this property, and we know that as neighbors that this is part of the process. She said from a local housing need that prioritizing property that can be owner occupied that allows people to stay in Carbondale as well as mixed-use for local businesses.

Ross Kribbs, **799 Garfield Avenue** thanked the Commission for all of their work and that this is a late night and you don't even get a pizza out of it. He said that he wants to circle back to Anne Krimmer's comments because she made some good ones. He said there is no reason to add for confusion to labeling. He said that if the FLUM is a pre-zoning document, which is used for future land use decisions. He said if that is the case, we should use zoning labels as this is what we desire for this neighborhood. He said regarding approving money to combine the documents, of course it makes sense to combine the documents. He said the amount of time and effort to parse two things at once and holding both at the same time has been frustrating, which was clear to a lot of folks right out of the gate. He said in approving the budget for possibly someone other than Cushing Terrell to combine the words, might be wise. He said that he hopes that there are matching funds for public outreach. He said that one of the questions that has not been answered is what the media budget was for public outreach. He said that all we have seen is a decreasing and shrinking community engagement plan. He said that the one originally proposed in August or September has many cross marks through it and is still inaccurate. He said that blame has been put on P&Z and that he doesn't know that you guys have had discussions about not deciding to do things that were discussed and proposed in the original document. He said that on page sixteen it says these changes were made with your support or direction. He said that anything that can be done to increase user friendliness and outreach so someone can see where they live, what their lot size is, what their current zoning is and the proposed basis for new zoning is. He said that a couple thousand bucks for some full-page ads, instead of sixteenth page ads and a reinvestigation of how we put the word out to the community is in order.

Sheri Gaynor, **319 West Eighth Court** thanked everyone for everything that they are doing and allowing public comment. She said that her biggest concern is the potential road that would connect Merrill to Industry Place. She said that she knows that has been on the map for a long time. She said that she knows the Downtown North area has been an issue for a long time too with developments going bankrupt. She said that it has been a really hard piece of Carbondale. She said that she hopes as a community that we can find a way to go forward together, in an intentional way, as it is in the center of our town. She said that in Cleveland Place we get the trucks that go by starting at 5:30 in the morning and they can't go one way, but they can go the other way. She said that she thought she heard Janet say that we can take the road off the map, but she guesses that, that it doesn't mean that it's not going to happen. She said what does that

mean when you take it off the map and that she feels that it is better to be on the map so we are all on the same page.

Janet said that she agrees and that is why we put it on the map. She said that her concern with meshing the Comp Plan Update with making a decision on future road connections, she thought it might drag the Comp Plan Update down. She told Sheri that she agrees that it should stay on there. She said that it would be nice to have a community conversation as we move forward.

Niki Delson, **1056 Village Road** said that she appreciates all the time that you are giving to the community for feedback. She said that for those of us that are trying to get strategic assistance, one of the hardest things to understand was the implementation matrix and the low, medium and high priority designations. She said that she is on the Bike-Ped Commission and understanding the criteria that go into those three categories with complexity like a low priority is not so complex. She said so why wouldn't you start it right now, why seven to ten years. She said that it didn't make sense to us how to provide feedback with regard to things that came before the matrix and then the decision to categorize them as low, medium or high.

Marc Winkler, **319 Linden Circle** said that he lives in Keator Grove and is an architect. He said that regarding the R/HD with the parking situation, which is quite tight. He said more seriously is the Montessori close by. He said that he has to be extraordinarily careful crossing the bike path coming into Keator Grove. He said that it is hard for him to imagine a higher frequency, larger amount of people crossing the bike path to get to a R/HD development. He said that his recommendation is for medium to low density.

Oscar Carlson, **2747 Graceland Drive** said that he lives in Keator Grove. He said that he is a local architect in the valley and that seeing Thompson Park go up down the street is that the scale is relative to this area. He said that something that pushes that into the higher density of three stories at thirty-five feet, like Keator Grove did along Highway 133. He said that the property, in the island, better matches with R/MD like the current built Thompson Park and Keator Grove.

### **Commissioner Discussion**

- This is a guiding document, giving framework to make Carbondale funky and weird.
- Satank is not included on the FLUM because they are on the phase two annexation infill areas.
- Where do tiny homes fit on the FLUM.

Further discussion ensued regarding tiny homes and Satank.

Kathleen Wanatowicz from PR Studio outlined all of the community outreach and engagement that has been completed to date. She explained that not every tool is great for Carbondale. She said that there are several topics that the community is engaged

with, including the Comp Plan Update. She said that it is about finding the right tools and the right channels and utilizing those effectively, with a good plan.

Kathleen listed the following outreach contacts for the Draft Comp Plan;

- Reading Rooms, nine locations in easy to find spots at each location, with Spanish and English copies of the Draft Comp Plan Update and surveys
- Press releases - Town notification system and local media list
- Janet's robust email list
- Carbondale Chamber included it in their newsletter
- Facebook to Town posts
- River Valley Ranch included it in their newsletter
- Email to Boards and Commissions
- Town notification system sent out to stakeholders
- Niki Delson meeting for CAFCI
- Spanish Outreach – Valley Settlement, Manus, and calling the list of people who attended meetings
- Direct Advertising – Sopris Sun, KDNK underwriting ads
- Media Relations – KDNK Interview, Post Independent and Sopris Sun articles
- Outreach to Spanish Radio

Kathleen said that they could circulate flyers throughout Town. She said that we could do paid Facebook posts, but we haven't done them to date. She said that they have watched people go to the Reading Rooms and open a page that they are most interested in. She said that many have opened the survey but not taken it.

Nicholas suggested the huge orange electric sign out on Highway 133, the one we use when there are watering restrictions.

Kathleen read off stats/data on website clicks and emails that were opened as well as the timeline for visitors to the Chart Carbondale website.

Jay thanked Kathleen and said that her information was enlightening.

Kade asked how many contractors do we have for social media posts?

Kathleen said that she can only speak to what the Town is doing and that the Chamber is one of our strategic partners. She said from the Town there are two people, which is our firm. She said that there is a group of people that work on communications from the Town, globally. She said that the Town has an RFP out now for another communications consultant.

Further discussion ensued regarding the RFP.

Nicholas asked if there were any opportunities slated for a final pass from the public.

Janet explained that is what we are doing now, in these different forms from Reading Rooms to online.

Nicholas said that he was talking about Charrettes and in-person meetings so people can come in and discuss, where our consultant can take notes. He said that the awareness of this process has really changed from last year to where we are now. He said seeing an opportunity to build on that momentum as we close it out. He said that we had twenty-six people at one point tonight, which is amazing. He said that not everyone was able to hang in there and that he totally gets it. He was just wondering how we could capitalize on the impact that it will have on our residents and general community. He said he is looking at open houses like what happened earlier on and now that the recommendations have been made and now there is an opportunity to see them in place, where group discussions can take place.

Jay said that this is an interesting idea and in a way that he likes that it is verifying that what we are showing is what the general community wants. He said that if there is an easy way that we can get that verification. He said that if we are talking about getting this additional scope to tie all of this into the Comp Plan maybe this is an opportunity to do some last outreach to make sure what we are proposing is getting a thumbs up from the community.

Janet said that she can talk with Lauren about this and that she has had a conversation with Kathleen as well.

Further discussion ensued regarding the merge of the two documents.

Nicholas said that is not what he's talking about. He referred to the FLUM as a bite size piece that people are reacting to in so many passionate ways. He explained some of the recent history regarding the community input. He said that he would love to see an open house in a gym where we have five stations and the top five areas that we are receiving feedback from what people are getting really fired up about. He said or maybe they are breakouts....

Lauren told Nicholas that is a very interesting idea to do this open house. She said part of what we are trying to get right now is, we've heard you, we've integrated what we heard from the public and here is the document, which we would like you to review. She said that it easier to talk about it than hand people a document and say look at this and tell me what you think. She said that because there's not the opportunity for that give and take and to get peoples questions answered right on the spot. She said with regard to Kathleen's comment about how we explain to the public of the merging of the documents, she said that is an easy question because this is not a new Comprehensive Plan, this is an update of certain portions of the Plan. She said just as they update the State statutes and they insert pages so that they have a complete document so that you can read it as one document. She said that what she was seeing is that people didn't understand that this was not a new Comp Plan, this is only a supplement that updates certain pieces of it. She said for example Amy Kimberly a couple of weeks ago said what happened to the Creative District, it's gone. She said that the point was that it is not gone and it's still there

and it just hasn't changed and that it wasn't part of this update. She said that in response to people saying why are there two documents and what do you mean that you combine them into one. She said that it is just that we have updated the old one, not that we have created something new and dropped other pieces out of it.

### **Commissioner Discussion**

- In person meeting is supported
- No one chose to go on camera tonight on Zoom, from the public

Dave from CT stated that we are going above and beyond any community our size that he has ever seen and that our Reading Rooms are incredible. He said that the translation is incredible. He said that Comprehensive Planning is difficult for anybody even for us that have done it for years.

Kathleen stated that if the P&Z are looking to pursue this track, she suggested that they really think about the specific feedback that they are looking for and how best to ask those questions and what are the results that they would like to know.

Mary suggested that at the Reading Rooms where there are surveys, could we just allow people to may their own comments and put them in the box, rather than asking them questions of what they may not understand. She said to gain whatever feedback we can get, without going through questions.

Nicholas said the point is a conversation, if they don't understand that there is an opportunity for the open house discussion, with like questioned people to gather in person. He said that there is an assumption there Mary that there is an understanding and that their comment could be clearly written.

Jeff told Nicholas that his point is well taken but that Kathleen was saying a certain number of people opened the survey and then didn't do anything. He said that if the first question was "What's your goal, what's your top concern for Carbondale" maybe we would get some feedback from those people before they are prompted with specific questions. He said that he doesn't disagree with what you are saying but I think Mary was trying to make a different point.

Further discussion ensued regarding the survey.

Janet said that she would like to circle back to what Kathleen said, what questions do we want to ask. She said that we want to make sure that we don't restart the process.

Jay said that he feels like this is the last opportunity for outreach and that we want to make sure that everyone understands what's happening.

Further discussion ensued regarding public outreach.

Jeff said that we are all coming to the realization that the time to bring this to completion is going to be extended for good reasons;

- One we have a new Town Manager.
- We have an election coming up.
- The Town was gifted two and half million dollars' worth of land.

He said those are all really good reason for this process to take a little bit longer and to encourage more engagement. He said the cost of collating these two documents into something that is very usable for the next ten years is well worth it. He said that he wants to get'r done as much as everyone else but that he doesn't know if there's anyway to avoid an extended timeline.

Further discussion ensued regarding education and engagement plans.

Janet said that she is trying to imagine what this looks like, is it consultant driven or is it Commissioner driven. She said are Commissioner's willing to stand at a station possibly with a consultant or Staff member. She asked the Commission if they could see this happening, Commissioner driven?

Kim said that the public needs to see us and she is willing to help host this.

Dave said that we are here to facilitate but this is yours now.

Janet said that she agrees with Nicholas that at this point it is about trust and that she could recruit Staff to give the Commission some support.

Kathleen suggested having very clear objectives going into it would be helpful too.

Nicholas said that we could obtain this through a work session, to collect the pages and sections that we know we have felt community pause.

Lauren said that she is looking for clarification, because when Nicholas started talking about it we were talking about going to the public, talking about some of the problem areas and educating the public. She said that what she now just heard Nicholas say was comment cards, dot exercises etc., which seems like an additional method for feedback that is going to get plugged in. She said can you clarify for her the purpose to get additional feedback or is the purpose to take the feedback, after February 25, put that all together, make whatever changes need to be made and then have an interactive workshop with the public to go through the whole process. She asked if the purpose is for general feedback like we are getting now, or is the purpose for responding to the feedback and making sure everyone understands and has buy in.

Further discussion ensued about clarification of the FLUM and the Opportunity Area.

Janet said that we have told the public that we are going to be meeting again on this on February 24. She said that we should be getting comments from the Town Boards and Commissions, CAPCI and the surveys to continue the discussion on the FLUM. She said that is what she sees for the near-term future. She said that Lauren and she are

going to the Board next Tuesday to talk about combining the plans, which a lot will hinge on that. She said that she also wants to sit down with CT and talk about what we know now, how we finish this process properly as well as this extended scope.

Lauren said that next week the Board meeting is a work session and discussion. She said the more people from the Commission that can attend the meeting, great, to be part of the discussion about how to proceed. She said that we have already done way beyond what the scope of the contract was. She said that there have been many more meetings, we are over budget, we are already behind, which does not concern her. She said that there is no money budgeted for 2022 because it was supposed to have been done in 2021. She said that this is a conversation to be had with CT and the Board. She said that she has done research and that it can buy us time to put the complete Plan together, combining the current 2013 Plan and the Update. She said that she thinks it would be well worth the Town's time and money to make sure that they do it right. She said that she hopes that we have a good conversation of what comes next and what the Board expects and what we can provide with regard to a real document that represents both the wishes and understanding of the Town residents, Staff, Boards and Commissions so that we have a big umbrella picture.

Jay said that he really appreciates this discussion and that we have made some good decisions. He said we can talk about the FLUM at the next meeting unless someone wants to do so now at 10:30. He thanked Dave for sticking through with the Commission this long.

Nicholas said that we can expect to do a work session with all of the P&Z to come up with topic areas to explore, if we are going to go through with it. He asked if this was a clear next step.

Jay said dialing in what is the purpose is really important and that we want the community to trust us.

The Commission agreed to doing a Survey Monkey to see when we could get together to brainstorm.

### **Staff Update**

There were no further Staff updates.

### **Commissioner Comments**

There were no further Commissioner comments.

### **Motion to Adjourn**

A motion was made by Jarrett to adjourn, Nicholas seconded the motion, and the meeting was adjourned at 10:35 p.m.