

MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday February 23, 2023

Commissioners Present:

Nick Miscione
Jarrett Mork
Kim Magee
Kade Gianinetti (1st Alternate)
Jess Robison (2nd Alternate)

Staff Present:

Jared Barnes, Planning Director
Kae McDonald, Planning Technician

Commissioners Absent:

Jay Engstrom, Chair
Jeff Davlyn
Nicholas DiFrank

Due to the absence of the Planning and Zoning Commission Chair and Vice-Chair, the meeting was called to order at 7:01 by Jared Barnes.

Motion

Jarrett nominated Nick to chair the meeting, Kade seconded the motion, and he was nominated unanimously.

January 12, 2023 Minutes:

Motion Passed: Jarrett ***moved*** to approve the January 12, 2023, meeting minutes. Kade ***seconded the motion***, and it was ***unanimously approved***.

Yes: Nick, Jarrett, Kim, Kade, Jess

No: none

Public Comment – Persons Present Not on the Agenda

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

Resolution No. 1, Series of 2023, Approving a Minor Site Plan Review and Conditional Use Permit for 570 Redstone Avenue

Jared reminded the commission members that the public hearing for 570 Redstone Avenue took place on January 12th and the resolution captures the motion including the six conditions of approval, findings for approval for the site plan review, and conditions and findings for the conditional use permit.

Motion Passed: Jarrett ***moved*** to approve the January 12, 2023, meeting minutes. Kade ***seconded the motion***, and it was ***unanimously approved***.

Yes: Nick, Jarrett, Kim, Kade, Jess

No: none

Comprehensive Plan Implementation Matrix Prioritization

Jared reminded the commission members that at the December 8th Planning and Zoning Commission meeting – which lacked a quorum – those members in attendance had a conversation touching on proposed Unified Development Code updates triggered by the Comprehensive Plan Update approval. He noted that the discussion focused on those topics identified by the Board of Trustees at the November 29, 2022, work session including HCC Zone District amendments, tiny home regulations, and other housing related initiatives. Jared noted that in the associated packet memo, those near-term (0-3 years) actions that may fit within the preferred BOT strategies were highlighted as high priorities. He asked for additional feedback so staff can work internally to prepare the code text amendments and thereby move forward with the process.

Kade commented that issues revolving around Accessory Dwelling Units should be a priority, reminding the commission members that the recent approval of the 570 Redstone Avenue ADU was in a PUD with a defunct HOA, and from a housing perspective it would be a good idea to clean that process up and remove barriers. He emphasized the importance of creating unique housing for live/work situations.

Jarrett agreed that ADUs should be a high priority and by introducing the topic, it would also satisfy the goal of educating homeowners on ADU regulations and providing guidance on permitting and construction conversion. He noted that property owners in Planned Unit Developments such as Colorado Meadows are currently learning by proximity, and it can also provide an avenue for HOA's to update their verbiage.

Jess asked how the Planning and Zoning Commission had any power over “old” HOA's, noting that it is limited to education.

Kim noted that that strategy was listed as a medium-term strategy and asked for confirmation that the commission members wanted to make it a priority.

Kade replied in the affirmative, commenting that it is difficult not to include it in the conversation surrounding affordable housing.

Jarrett agreed, reminding the commission members that based on the number of times homeowners have applied for various permits, ADU's are a common action.

Jared noted Action item 3.4.3 states “Consider amending the UDC to allow detached ADUs,” and thought the code related to detached ADUs would allow the opportunity to take a step back and provide additional context. He added that the Town has limited control over PUDs and their restrictions and while there are certain aspects where the Town can encourage people to apply or streamline the application process, the Town can't arbitrarily amend a PUD's covenants.

Jess wondered if bringing attention to PUD requirements would create the desire to make an HOA active again.

Kade replied that that is the Town's choice, but it can't be forced.

Jarrett added that it could also aid the HOA's in more clearly defining what is allowed.

Jared pointed out that it could clarify a gray area and allow a neighborhood to identify what they want for their area.

Nick commented that there are two instruments of authority that supersede provisions in covenants: 1) Colorado Common Interest Ownership Act, and 2) Colorado Revised Statutes. He wondered if anyone is tracking which covenant provisions might be illegal and where HOAs might be overstepping their authority.

Jess didn't think anyone was -- unless a homeowner brings it up by taking legal action.

Jared agreed and commented that he didn't know if there was a distinction between CCIOA regulating condominium or development versus a subdivision. He wasn't sure restrictive covenants would fall within the purview of CCIOA because there aren't common interest items that an HOA is controlling.

Nick replied that it was important to distinguish between common areas and common interests, arguing that common interests and/or discriminatory practices might be applicable.

Kade suggested that parking requirements for ADUs might also be relaxed if there is adequate street parking, so additional landscaping isn't sacrificed.

Nick noted that the pervious/impervious requirements strike a balance, so the landscaping isn't sacrificed.

Jared reminded the commission members that there is a minimum parking requirement of one space for an ADU, but if it is added onto the requirements for the primary dwelling, there could be as many as four required. He went on to explain that the UDC updates require Code Text Amendments presented during a Public Hearing after which they are presented to the BOT for adoption, and he envisions a few work sessions to prepare beforehand.

Jared pointed out Action Item 3.4.8 "Monitor short-term rentals (STRs) to ensure that local/workforce housing is not converted into STRs. Amend the UDC to prohibit STRs where inappropriate," reminding the commission members that the STR regulations expire in December 2023, and the BOT can either update the regulations or re-adopt them. He thought that process might trickle down to the P & Z for code amendment changes, as well as determining which zone districts might allow an STR license.

Kade agreed that all the highlighted action items were important. He thought a conversation regarding tiny homes would be timely, especially as it relates to why and their effective use but wasn't sure if it was a priority.

Jess commented that she interpreted the action items of detached ADUs and tiny homes as going together – for example, could a tiny home be considered a detached ADU?

Jared thought they could be very similar but thought the idea behind tiny homes was more about regulating Tiny Home Parks -- even though there aren't a lot of available parcels within Carbondale where such a development might make sense.

Kade noted that there were two separate issues: 1) Tiny homes as isolated occurrences – as a detached ADU, for example – that he could support, and 2) Based upon his observation of several tiny home parks being consumed after they have provided seed capital for a larger development venture, he doesn't see the benefit of developing regulations for that.

Nick thought Kade had good points but didn't think a tiny home would qualify as a detached ADU under the Town's current design guidelines.

Jared thought it was still important to define regardless of whether they can be permitted.

Jess pointed out that another issue could be turning a tiny home into a STR.

Jarrett thought all the topics related to the HCC should be prioritized.

Kade thought they were all related and should be considered holistically rather than calling out each one separately.

Kim agreed, emphasizing that these topics are a priority because she doesn't want to see all the development end up along Highway 133.

Kade thought that even though it wasn't highlighted, rezoning Downtown North should also be a consideration.

Jared replied that that wasn't necessarily an actionable item that the Town can control.

Jess asked if implementing a new Downtown North zone classification could drive what happens there.

Jared acknowledged the point, adding that the challenge would be creating a zone district that achieves those goals given that the property is owned by a single entity.

Kade noted that other items discussed at the December meeting were zoning and setback restrictions along Highway 133, noting that a lot of work has gone into providing accessibility along that corridor.

Jarrett agreed noting that providing safety, infrastructure and form along that corridor is important. He wondered what power the P & Z must prescribe and implement safety features.

Jared replied that specific to Highway 133, encouraging developments to have certain types of safety and/or pedestrian amenities could be in the code. He noted the challenge will be where they might be located because the Colorado Department of Transportation has specific requirements for infrastructure located within their right-of-way. He related that the Town is undertaking a Multi-Modal Mobility and Access Plan – it will be a consultant-driven plan with the Bike, Pedestrian and Trails Commission taking on much of the review – a part of which will likely inform the community's desires regarding Highway 133.

Based on the discussion, Jared listed the four priorities as identified by the commission members:

- 1) Accessory Dwelling Units
- 2) Historic Commercial Core
- 3) Tiny Homes
- 4) Downtown North

Planning & Zoning Work Session with Board of Trustees

Jared noted that historically the Planning & Zoning Commission has met with the Board of Trustees for a work session at least once per year – typically in the first quarter – but since the onset of the Covid Pandemic, it hasn't happened. He reported that this year's check-in has been scheduled for Tuesday, March 21st and based on a review of past work sessions the topics have included accomplishments, approvals, code amendments in progress and goals. He noted that the BOT would like all commission members to attend, if possible.

Nick commented that he has participated in several of these check-ins, and he has found the BOT to be a welcoming group that set a positive tone and, overall, it is an enriching experience.

Jarrett noted that although their accomplishments list is quite short, the Comprehensive Plan Update adoption represents a lot of work.

Kade added that he would also like to review "lessons learned," and identify pitfalls and address how to manage them in a positive way.

Nick pointed out that the public outreach was commendable and he can't recall another effort that gathered that much information and processed it in a meaningful way.

Jared commented that from his perspective – given the time frame and goal of the undertaking – the time would have been better spent as a re-write rather than an update.

Kim agreed, noting that it was difficult to know where to stop and the community had a lot to say.

Staff Update

Jared reported that Kelly Amdur was hired as the new Planner and has started work. He noted that she had had previous travel plans prior to being hired and wasn't able to attend tonight's meeting, but will be at the March 9th meeting. He expressed enthusiasm for her many years of experience as a Planner for the City of San Francisco and was confident that the work backlog will lessen with her onboarding.

Commissioner Comments

Jarrett referred to Marina's recent resignation and inquired as to the turn around time for a new commission member.

Jared replied that it is a top priority and he anticipated advertising the vacancy soon. He noted that this is an opportunity for the alternates to express their desire to move into a regular member position and that they will also check with recent applicants to

gauge their interest in reapplying. He conceded that the appointment process still needs to be worked out because the process as currently outlined is very “clunky.” He explained that although it is ultimately the BOT’s decision, he also understands the value in having the P & Z interviewing candidates and making the recommendation.

Motion to Adjourn

A motion was made by Jarrett to adjourn, Kade seconded the motion, and the meeting was adjourned at 8:27 p.m.