

MINUTES

CARBONDALE PLANNING AND ZONING COMMISSION

Thursday March 11, 2021

Commissioners Present:

Jay Engstrom, Vice-Chair
Jarrett Mork (2nd Alternate)
Jeff Davlyn
Marina Skiles

Staff Present:

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

Commissioners Absent:

Erica Stahl Golden
Michael Durant, Chair
Nicholas DiFrank
Kim Magee (1st Alternate)
Nick Miscione

Other Persons Present Virtually

Rob Classen, architect
Jennifer Newcomb, owner of 485 Mancos Street
Cari Kaplan, 488 Morrison Street
Laura Sugaski, 487 Mancos Street
Gene and Stephanie Schilling, 492 Mancos Street
Anne Krimmer, 501 Mesa Verde
Carolyn Williams, 494 Mesa Verde Avenue
Bob Kaplan, 104 Cornwall Road, Rehoboth Beach, Delaware
Travis Newcomb, 485 Mancos Street
John Ward, ANB
Tony Spires, ANB
Will Coffield, ANB
Doug Pratte, Land Studio
Roman Gershkovich, Architect
Yancy Nichol, Engineer at Sopris Engineering
Chad Lee, Attorney at Balcomb and Green

The meeting was called to order at 7:04 p.m. by Jay Engstrom

February 25, 2021 Minutes:

Jeff made a motion to approve the February 25, 2021 minutes. Mariana seconded the motion, and they were approved unanimously.

Resolution 2, Series of 2021 – 26 Maroon Drive/Minor Plat Amendment/Variiances

Jeff made a motion to approve Resolution 2, Series of 2021, approving the Minor Plat Amendment and Variiances for 26 Maroon Drive. Mariana seconded the motion, and it was approved unanimously.

Janet noted that she would change the signature line to read Jay Engstrom.

Public Comment – Persons Present Not on the Agenda

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

VIRTUAL HEARING – Minor Site Plan Review/ADU

Location: 485 Mancos Street

Applicant: Jennifer Newcomb

There were sixteen letters entered into the record that were sent to the Commission.

John said that this is an application for a Minor Site Plan Review and Conditional Use Permit. He stated that the Commission is required to hold a public hearing and approve the application, deny it or continue the public hearing.

John stated that the applicant is proposing to remove an existing garage structure and construct a new attached garage with an accessory dwelling unit (ADU) over the garage.

John said that while the Covenants that were recorded in 1975 state that “Lots shall be used for no other purpose than single family residences”, the Town does not enforce covenants as they are agreements between property owners within the subdivision and that the Town is not party to those agreements. He stated that as the subdivision is not a planned unit development then the development standards that are in the Residential Low Density zone district (R/LD) apply.

John explained that in the Comprehensive Plan that the property is designated as Developed Neighborhoods in the Future Land Use Plan. He said that the properties in this designation represent developed neighborhoods with little to no change occurring and allow the construction of ADU’s.

John said that the property is entirely within the R/LD zone district. He stated that an ADU is allowed to be up to 850 square feet and a minimum of 300 square feet and that the proposed ADU is 596 square feet in size.

John stated that the required setbacks in the R/LD zone district have been met by the proposed garage. He said that the allowed maximum impervious surface is 52% and the applicant is proposing 42%.

John said Section 5.8.3. of the UDC requires 2.5 parking spaces for the main dwelling, and 2 spaces for an ADU. He said that the applicant has indicated four spaces, three located in the driveway and one located in the new proposed garage. He stated that it should be noted the amount of parking does not round up to five parking spaces as the code states that a fraction exceeding .05 would not be rounded up.

John stated that the proposed garage is setback fourteen feet from the front of the existing house and is proposed to have a stucco finish with accent siding. He said that the existing home is proposed to be painted and or receive stucco to match the proposed garage.

John stated that no solar access was provided with the application and will need to be submitted and verified at building permit if approved.

John said that a site plan may be approved upon a finding that the application meets all of the following criteria:

1. The site plan is consistent with the Comprehensive Plan.
2. The site plan is consistent with any previously approved subdivision plat, planned unit development, or any other precedent plan or land use approval as applicable.
3. The site plan complies with all applicable development and design standards set forth in this Code; or
4. Traffic generated by the proposed development will be adequately served by existing streets within Carbondale, or the decision-making body finds that such traffic impacts will be sufficiently mitigated.

John stated that as this is a review for a site plan and runs concurrently with a Staff level Conditional Use Permit. He said that if that if the Site Plan Review is denied by the Planning and Zoning Commission tonight then the Conditional Use Permit also dies, he said that you can't have one without the other.

Jeff asked for clarification regarding the Conditional Use Permit.

John said that the code requires a Conditional Use Permit, which is at Staff level, but that the code also replies that any ADU within the R/LD zone district go before the P&Z through a Minor Site Plan Review. He said that the Minor Site Plan Review, being the higher level of review by the P&Z, if denied then essentially the Conditional Use Permit cannot go forward.

Marina asked for clarification that every time we have approved an ADU that we have approved the site plan and the conditional use permit at the same time.

John stated that is correct.

Marina said that we did receive several letters and that one was about covenants. She said that this is not a PUD, like RVR, what is the Town beholden to in terms of covenants. She asked if an HOA Board exists in this neighborhood.

John said that if the HOA Board did exist, the covenants call out an architectural design review committee, the same as RVR. He said that the applicant would have to go before

the committee first before coming to the Town. He said that the Town is not party to any covenants and we do not enforce covenants. He said that they are private agreements between the property owners within that subdivision. He said that if adjacent landowners did not like the proposal then it becomes a civil matter.

Marina asked for clarification on short term rentals.

John said that the only code language we have is that any short-term rentals are required to get a lodging tax license.

Marina asked if that would be a complaint-based situation if you didn't have a license.

John said that a neighbor could complain if they didn't have a lodging tax license, noise or parking. He said that we have these issues with other short-term rentals.

Jarrett asked if there was a plan showing the square footage.

John said that the applicant can address that.

Jarrett said that there is storage for the ADU on the lower level so that should count as part of the square footage for the FAR.

John said that we don't use FAR.

Jarrett said that he doesn't see it indicated on the plans and that building height is another concern. He said that if it is considered an accessory unit to the primary structure that twenty-two feet would be its limit. He said that it looks like this roof is taller.

Janet said that twenty-two feet is for an accessory building and that this is an addition on to the main structure.

John said that after checking the code that the maximum height can be twenty-seven feet, which is the R/LD district standards. He said that it had to be scaled out on the plans submitted.

Jay asked for clarification on parking spaces and rounding up.

John explained that there is confusion that some applicants ask for an exception that they need to keep one space available on site if there were ever any parking issues. He said that this applicant has not asked for this exception. He said that the applicant is offering the full four parking spaces.

Janet read the code; *that when measurements of required spaces result in a fractional number, any fraction exceeding .5 shall be rounded up.*

Rob Classen introduced himself as an architect in Glenwood. He said that he has some history on the house, which he said was one of the original homes built in Colorado Meadows. He said that it was his house, that he designed and built back in the 70's. He said that he lived in it for seventeen years. He said that his sister, Jenny Newcomb, purchased the house. He said that her son Travis and his family currently live there. He said that this home has been in the family for over forty years. He said that Travis intends on purchasing the home from Jenny. He said that he's helping with the ADU and working through the codes with the least impacts to the neighbors. He explained his design. He said that the stairway going up is not included in the ADU square footage so that is why the ADU, and garage square footages are different. He said regarding the solar access for the neighbor to the north, there are two large pine trees that are fifty feet tall that will be screening the new ADU. He said the trees would be limiting to doing any type of solar applications.

Jarrett read from the code that the residential scale and character of the project shall be emphasized. He said that the scale of this project doesn't fit with the diagrams and that it may fit with a residential/medium density (R/MD) zoning.

Rob Classen said that the ADU is less than 600 square feet and explained about his design.

Jarrett said the length looks to be thirty feet in depth and that the proposed addition is thirty-two feet with a two foot overhang. He said that it is a difference in scale for this low-density neighborhood.

Rob Classen continued to explain the design.

Jeff asked the applicants for the background on the covenants and any conversation with the neighborhood prior to this application.

Rob Classen said that there has never been an HOA or any type of neighborhood group that reviewed any plans or submittals. He said that they were all done through the Town of Carbondale through a building permit.

Jenny Newcomb said that as far as she knows there is no HOA in this subdivision.

Jeff said that the difference between the HOA and covenants could be important and whether there's been discussion about the covenants. He said maybe there's been enforcement of the covenants in the past that we don't know about.

Jenny said that her son Travis, that actually lives in the house, went to all the neighbors directly impacted and spoke with them before the letter was sent out.

Jay asked for clarification on the parking and asked if there will be two additional spaces added with the proposed project.

Rob Classen said that is correct.

Jay explained the public comment process.

Cari Kaplan, **488 Morrison Street** said that she lives directly behind Jenny's house. She said that she will be the most impacted by this project. She said that she's sent in many letters. She said that she has been doing her due diligence and researching the code. She said that she has talked to architects, land planners and that this is a very devastating project for her and her neighbor Laura, who lives to the north. She said that she appreciates what Jenny is doing and protecting her investment. She said that she thinks it's great that it will stay in the family and that it will make your house look a lot better since nothing has ever been done to the house on the outside. She said that Travis never came to talk to her before this application was put in. She continued to explain further communications that happened via text and by phone. She said that Rob is wrong in saying that her privacy fence will help with privacy from this ADU and that it absolutely will not. She said that she has nothing buffering between the ADU and her yard. She said that the majority of the branches from the tree will need to come down because they will be in the way. She said that her privacy fence is six feet tall, and the deck will be twenty-five feet tall so she would need a twenty-five-foot pine tree to provide any kind of privacy. She said that there is no mitigation on the deck for noise and sound pollution, privacy and safety. She said that it will all decrease her property value. She said that there is also the issue of the Comprehensive Plan being updated, she said you read my letter, so you know what I'm talking about. She said that the parking is going to cause a lot of congestion in the neighborhood, she said that you know the story with the parking on this side of town. She said that it's all there in her letters and photos. She said that it will look like a townhouse behind her house.

Laura Sugaski, **487 Mancos Street** said that she is questioning the parking from the code Section 5.8 it says that only one car can be parked behind an enclosed garage or parking spot. She said that in this case with the one car garage they have three car spaces parked behind one car, which doesn't seem to code to her. She said that maybe there is an explanation. She said that the attached wall says that it needs to be twenty five percent of the wall needs to be attached to the principal building. She said that only fifteen percent is. She said regarding Rob stating that her privacy and solar is not affected, she said that she does have south facing windows shown in her photos. She said that she has a sunroom, which is her dining room and that she has a full view of her southern lot line. She said that the elm tree is dying, which will affect Cari as well. She said that in the winter when there are no leaves that she gets a lot of view with blue sky and light, as well as in the summer. She said that the spruce trees are about forty-five years old and that they are not going to last a lot longer. She said that one of her spruce trees has already been smothered by the elm tree and the whole half of it is completely branchless. She said that the main structure is sixteen feet if you include the two-foot jog out and the deck is another eight feet. She said that you are looking at twenty-four feet towards Cari's lot line and twenty-four feet further into my back yard. She said that when she had people come look at her solar that her west roof would be the best place for it. She explained the sun's location on to her roof. She said that from what she read in the code that the height was twenty-two feet for an accessory dwelling unit. She said that this will not increase the value of her home or any of her neighbors because we value living in a low density, very quiet and peaceful neighborhood. She

said that everyone in her neighborhood would really like that. She said that unfortunately they have not been informed of this. She said that she hasn't had the time to talk to everyone in Colorado Meadows because she works.

Gene and Stephanie Schilling, **492 Mancos Street** said that they live across from the applicant. Gene said that he has lived in his house since 1979 and that no one in his neighborhood has ever done anything with the covenants. He said that they have many houses in the subdivision and, that he knows that right doesn't make wrong, that have violated the rules with second units with people living in them as well as renting them out. He said that the applicant has gone to the ends to make sure this is something that follows the rules and that would make the houses in our neighborhood more valuable. He said that he applauds them and that he would recommend that this application of an ADU and garage is approved. Stephanie said that she would like to say thank you to all of her neighbors who appreciate our little corner of the world, Colorado Meadows. She said that she is really glad that we are looking to improve our neighborhood with the density issue being considered. She said that Jen has gone through all of the proper ways of doing it rather than just renting a room in your basement, which could be dangerous and impact our neighborhood.

Anne Krimmer, **501 Mesa Verde** said she is on the other side of the park from Mancos Street. She said that not to get into a pissing match but that she has owned her house for eighteen years. She said that she has talked to the neighbors surrounding her, the ones that do not have short term rentals. She said that we all are against more ADU's being added to the neighborhood. She said that we all bought because it was single family. She said that she had to sign off on the covenants when she bought her house, and it was required as part of her closing. She said that while they have never been enforced, we were forced to sign that we were aware of the covenants, back in 2002. She said that she has talked to neighbors that were original owners and that they don't like to rock the boat, but they are against the ADU as well. She said that we are surrounded by legal and illegal short-term rentals and that it is getting ridiculous because you don't know your neighbors. She said that if these additions were restricted to being long term, she would feel differently about it and that without restrictions on the length of time they are rented that it affects the character of the neighborhood. She said that she is a rabble-rouser and that she is ok with rocking the boat and that she is more than happy to be that one. She said that her quality of life and her quality of her property is also important. She said that the excuse of needing the income, that Rob kept pushing that they were the original owners and that it's all in the family and that over forty years that they could have scraped together money to fix up the outside if that was important to them. She said that she just refinanced so that she could replace her windows and that she's not making tons of money but that we are doing the best we can. She said that a lot of us believe in it being a single-family home, so we are going to suck it up until we have to move to a different town. She said that adding on for the only reason of being a rental is the right way to go. She said that she met Cari over twenty years ago and that she's not nuts.

Carolyn Williams, **494 Mesa Verde Avenue** said that they have lived in two different houses in Colorado Meadows since 2000 and that they really appreciate the low-

density. She said that it is so rare to have a lower density neighborhood so close to town. She said that many of us have chosen not to live on Wheel Circle or Vito's Way because we did not want to live in townhomes, and we paid more money to have a single-family home in this neighborhood. She said that she has serious concerns about the lack of parking and infrastructure in her neighborhood to support ADU's. She said that she is also concerned about the precedent of building an ADU with the intention of being an ADU. She said that there are many illegal ones but that it's a whole different thing when you have separate entrances and separate buildings. She said that it could be in the family today and that it could be sold tomorrow and rented as a short-term rental. She said that it is a real problem in our community and a broader problem for Carbondale. She said that between parking and setting the precedent for building ADU's for the purpose of renting them out is going to change the character of the neighborhood in a negative way. She said that while she appreciates the efforts to improve a property that she does not see that as improving anyone else's property because we have all paid a premium to live in a low-density neighborhood.

Bob Kaplan, **104 Cornwall Road, Rehoboth Beach, Delaware** said that he is a retired architect. He said that the architect brought up the impact of the rear elevation and the fact that it reduced the setback from the common property line on the west from forty-one feet to approximately seventeen feet. He said that plus, because the existing house lower level is half below grade, the main or upper floor is only approximately five feet above existing grade. He said that the new addition is a full two stories from grade and the garage was nine or ten feet itself. He said the height of the new second floor is about five feet taller than that of the existing house and the existing deck. He said combined with being approximately seventeen feet from the rear setback rather than forty-one feet. He continued to explain comparisons in heights to Cari's house. He said that her privacy is compromised, and that landscaping isn't going to lessen that. He suggested a six-foot-high privacy screen on the deck, in lieu of a railing. He said that the impact on her house is catastrophic and that this is her only home. He said that this would destroy her finances and dramatically damage the resale value of her house. He said that he is asking the Board to consider this and perhaps make some adjustments and requirements of landscaping that would minimize the impact.

Travis Newcomb, **485 Mancos Street** said that he is the current tenant. He said that he wanted to address some concerns and let the neighbors know that he heard their concerns and that they are their concerns too. He said that it has been our family in the house since it was built. He said that he has lived here since he was five years old and currently it's his wife and two-year-old daughter. He said that he understands the concerns the safety of the streets and noise and light pollution. He said that he has a two-year-old in the house, so they are our concerns too. He said that the overall impact of the project was to maintain a sustainable house for his family. He said that we have gone above and beyond to stay within those limitations of keeping the off-street parking. He said that we are the exception in our neighborhood that doesn't use any on street parking. He said that the new garage will accommodate a vehicle and we will have an extra vacant spot on the driveway, and we don't plan on using any on street parking. We value others privacy as well as we value ours. He said that they will not have anyone staying that will have a negative impact on his family or the neighbors. He said

that he hopes we can ease some of the concerns. He said that for a number of years it has just been our family in the house. He said that we are currently the only home with one family per household and that every neighbor that he shares a yard with has renters, whether legitimately or illegitimately. He said that he appreciates everyone's comments and concerns and hopefully we can alleviate them and move forward.

Motion to close the comment portion of the public hearing

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

Commissioner Comments

- Accessory roof height would be limited to twenty-two feet.
- The structure is connected so it would be twenty-seven feet in height.
- More documentation needed to show the heights.
- The code allows ADU's in low density and we have approved them for years.
- This appears to be a neighborhood issue.
- Existing garage is being moved back from the street.
- This proposal is not out of scale for the neighborhood.
- There is a parking problem across the street, which is not in our purview.
- Parking has been addressed with the requirements for a use that is approved by the Commission.
- The nature of backyards is that they intersect in a neighborhood.
- There are violations currently in this neighborhood and that calls to the Board would help mitigate the issues as well as the parking situations.
- This applicant is trying to do everything legally, which needs to be recognized.
- Solar access study is needed as a condition of approval, which is in compliance with the building code.
- This neighborhood doesn't have second story decks.
- This kind of infill is encouraged as per the Comprehensive Plan, in a growing town.
- The neighborhood doesn't seem like a low-density neighborhood.
- Required private outdoor space could be on ground level, removing second level deck.
- Required solar shading plan is needed.
- Reduced height of the house could be asked of the applicant.
- The garage is considered part of the residential structure, floor of the ADU is the twenty five percent of the connected portion to the main residential structure.
- Section 5.8.4g in the UDC explains the stacked and tandem spaces for parking, tandem parking is allowed for a single-family duplex and triplex residential uses, one space on the driveway, behind each space in the garage.
- An accessory building is defined as a detached subordinate building on the same lot, which would be a height limit of twenty-two feet.
- More documentation would be needed to clarify the proposed project, we don't want to limit the right to develop.

Further discussion ensued on continuing the public hearing.

Motion for Continuance

Jeff made a motion to continue the public hearing to April 15, 2021. Marina seconded the motion, and it was approved unanimously with the request that the applicant provide the following;

- A solar access plan.
- Required private outdoor space for an ADU revised.
- Details on the building height.

VIRTUAL HEARING – Rezoning, Administrative Site Plan Review, Preliminary Plat, Special Use Permit

Location: Hendrick Drive and Highway 133

Applicant: ANB Bank

Janet stated that this is a public hearing for to consider the ANB application. She said that the Commission is required to hold a public hearing and recommend approval of the application recommend denial or continue the public hearing.

Janet outlined the following;

The proposal is to subdivide the 1.44-acre parcel into two lots:

Lot 1 (northerly lot) .728 acres

Lot 2 (southerly lot) .712 acres

The applicants propose to rezone Lot 1 to the Commercial/Retail/Wholesale (C/R/W) zone district and rezone Lot 2 to Mixed-Use. Lot 2 would remain undeveloped.

A drive-through bank is proposed for Lot 1. The drive-through requires a Special Use Permit. The bank is 3,727 sq. ft. so it is classified as an Administrative Site Plan Review. This site plan is being referred up to the Commission as the Commission is the approving authority for the Special Use Permit.

Since the rezoning goes to the Board, the Commission may refer the entire application to the Board of Trustees.

So, the first step is to consider the rezoning:

Rezoning may be approved if the Town finds:

1. The amendment will promote the public health, safety, and general welfare;

2. The amendment is consistent with the Comprehensive Plan and the purposes stated in the Unified Development Code;
3. The amendment is consistent with the stated purpose of the proposed zoning district(s);
4. The amendment is not likely to result in significant adverse impacts upon the natural environment, or such impacts will be substantially mitigated;
5. The amendment is not likely to result in material adverse impacts to other properties of the subject property; and
6. Facilities and services are available.

Comprehensive Plan

The Future Land Use Plan is the foundation for making changes to zoning in the future. The land use designations shown on the Future Land Use Map set the general direction for the development of land and the desired character.

The Future Land Use Map designates this area as “New Urban.” This designation balances an urban, pedestrian/bike friendly feel with the need to accommodate automobile access and parking on-site. Buildings should be the focal point of the site close to the sidewalk with the parking behind or to the side of buildings. Commercial, mixed-use, light industrial, local food production, live/work, and urban residential uses are all allowed in appropriate places.

The Map also identifies the intersection of Highway 133 and Main Street as a gateway. This part of the highway should emphasize bike and pedestrian oriented design and reinforce small town character.

The Comp Plan includes a Highway 133 Character Spectrum. The northerly most portion of the highway near the Highway 82 intersection is defined as Employment/Light Industrial. Then as the highway travels south, it is defined as the Auto-Urban area. As it approaches Main Street, it is designated as New-Urban. This designation balances urban, pedestrian/bike friendly fee with the need to accommodate automobile access and parking on-site.

1.3 Purpose of the Unified Development Code

1.3.1. This Unified Development Code is enacted to protect the public health, safety, and general welfare and to implement the policies of the Town of Carbondale Comprehensive Plan and adopted area plans, as may be amended from time to time.

1.3.2. This Code is specifically intended to:

- A. Lessen congestion in the streets;
- B. Secure safety from fire, floodwaters, and other dangers;
- C. Provide adequate light and air;
- D. Avoid undue concentration of population;
- E. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; and
- F. Promote energy conservation, the use of solar energy and environmentally sensitive development.

1.3.3. This Code is drawn with reasonable and able consideration, among other things, as to the character of each zoning district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and property and encouraging the most appropriate uses of land throughout the Town.

Janet said that the Comprehensive Plan was adopted in 2013. She said at that time, the Town did not have a mixed-use zone district to reflect the New Urban designation which had been placed on the Future Land Use Map. She stated as a result, the Town created a new Mixed-Use Zone District when the UDC was done in 2016 achieve the New Urban character.

Janet stated that this parcel is currently zoned Planned Community Commercial (PC). She said that this is an obsolete zone district. She stated that the development standards for the PC zone district are included in the Appendix to the UDC. She continued by saying that the properties zoned PC can be developed under those standards. She said however, no land may be rezoned to an obsolete zone district and property owners are encouraged to rezone land from the obsolete zone district.

Janet said that the applicant didn't want to pursue the Mixed-Use Zone because drive-throughs are not allowed in the that zone district.

PRELIMINARY/FINAL PLAT

Janet stated as far as the technical review, the subdivision complies with the UDC and design standards for subdivision.

Janet said that the Site Plan also generally complies with the zoning parameters – setbacks, lot coverage, building height, and parking.

Janet stated that the one exception is the 10 ft. wide landscape strip along the Highway 133 right-of-way and the building is required. A 7.1 ft. strip is proposed.

Janet said while there have been issues in the past with buildings required to meet the maximum front yard setback of 10 ft., this has been in the Mixed-Use zone district. She stated that there is no maximum front yard setback in the C/R/W zone district, and it is unclear why the 10 ft. is in the code.

Janet said that the design standards suggest human-scaled features at ground level to encourage pedestrian use. She stated that this includes articulated entries and windows, canopies, arcades, recessed entries, changes in color, material, or texture. She stated that there are several canopies on the building, as well as one over the employee plaza.

Janet stated that this section also discusses façade modulation. She said that the building is square with some bump out on the south and east sides of the building.

Janet stated that early on during the pre-application meetings, she had questioned whether the proposal and rezoning complied with the Comprehensive Plan. She said that her sense was that a drive-through bank is an auto-oriented use, which did not fit within the vision outlined in the New Urban designation shown in the 2013 Comprehensive Plan.

Janet said that she had told the development team that if they wanted to move forward, they should try to include elements that would bring the proposal more in line with the New Urban designation. She stated that they provided outdoor seating areas, artwork, public plaza, and an improved building design. She said that the building is close to the front property line with the parking to the side and rear.

Janet stated however, Staff does not feel that a drive-through bank fits in with the vision of the Comprehensive Plan. She said that it is an auto-oriented use that may be a better fit in the Auto-Urban Area shown in the 2013 Comprehensive Plan. She stated because of that, she recommends denial of the rezoning. She stated that if the rezoning is denied, then the other components of the land use application may not move forward and are denied as well. She stated that the findings of denial are included in the Staff report.

Commission Questions and Discussion

Marina asked if the location was adjacent to the City Market gas station?

Janet said yes, it is south of the fueling station.

Marina said that there is already a gas station next door and that it prohibits any pedestrian movement all ready.

Janet said that City Market went through development prior to the UDC being adopted and it was already zoned CRW. She said that we didn't have a lot of ability to use the Comp Plan to say that they couldn't do that. She said it was already zoned and a property right. She said in this case they need a rezoning. She said that the code directs

me to look at the Comp Plan and the designation. She read the purpose section of the (MU) zoned district. She said that when you are rezoning that you try to look at what the vision was in the Comp Plan. She said as development happens to the south, we would keep the pattern of the (MU) development, which was already done to the west as well.

Jeff asked if the existing zone was PCC.

Janet said yes, Planned Community Commercial.

Jeff asked if that would allow the variances that they are looking for.

Janet said that the PCC allows a drive-through service window as a conditional use, however the zoning is geared toward strip malls. She said that the front yard setback on Highway 133 is thirty feet, which would push the building way back on the lot and the parking in the front. She said that everyone agrees that PCC is not real desirable.

Janet said that the code encourages people that own obsolete zone district properties to rezone and the code says that the Town provides incentives to do it, even though it hasn't been done yet. She said most people choose to rezone. She said that they could move forward under the PCC.

Jeff asked if it was a requirement to rezone upon subdivision.

Janet said that it was under Section 3.1, in the beginning of zone districts, in the UDC.

Marina said that she also was agreeing with Jeff in that a development would have to rezone as per the UDC.

Janet read; *Landowners are encouraged to rezone land from the obsolete zone district classification. The Board may offer incentives such as modified application fees to accomplish his goal.*

Jeff asked if that was for a development proposal or subdivision or is it the same standard for both.

Janet said it would be for anytime, she said that we could approach property owners that own PCC and encourage them to rezoning if they don't have an application in. She said that she didn't think we would do that.

Further discussion ensued about the rezoning.

Jay asked about a building that already has a drive-through if the new owner would have to apply with for a special use for a drive-through.

Janet said that is correct and the Town's code really limits what uses are allowed to have drive-throughs. She said that we don't allow restaurants to have drive-throughs.

She said that whoever bought the building at their old location on Dolores Way would have to reapply.

John said the use would have to be discontinued for one year. He said that the special use permit runs with the land.

Doug Pratte said that he is a land planner with the Land Studio and that he has a team here. He introduced Tony from ANB as the branch President.

Tony Spires said that he is the community bank President and said that he has been at this bank for about ten years. He said that we have John Ward, the regional President of the mountain region, Laura Schmoltz that is SPV, our senior digital officer and Will Coffield, owner representative of the bank. He introduced Roman Gershkovich, architect, Yancy Nichol, engineer with Sopris Engineering, Chad Lee, with Balcomb and Green, land use attorney.

Tony explained his role at the bank. He said that ANB has been here for twenty years and our employees are community members. He said that we have four banks in the region that service about ten thousand customers. He said we try to help our customers grow.

Doug shared his screen outlining the following;

- ANB's existing location and proposed location.
- The new location being in walking proximity to all of the new residential development.
- Screenshots of current developments surrounding this proposal.
- Lots 1 and 2, Lot 1 being the bank lot.
- Explanation of the possible uses of the subdivision and diversity for Lot 2.
- The relationship to City Market, the fueling station and Main Street Marketplace.
- Existing zoning, PCC, CRW zoning to the north and west.
- Rezoning to be compatible with Mixed-Use zoning.
- Rezoning to benefit the community and benefiting this project as CRW and MU.
- Future land use map associated with the Comp Plan, New Urban designations.
- New Urban is urban, pedestrian and bike oriented with buildings close to sidewalks and streets, with parking behind the units.
- Lot 2 could include live/work use.
- Pedestrian and bicycle paths.
- Highway 133 Access Control Plan, existing conditions.

Yancy Nichol explained the Access Control Plan and the compliance with the plan. He said that there was a traffic analysis done with a traffic study included in the application. He explained the traffic study for both Lots 1 and 2. He stated that this proposal for the bank has five hundred square feet added from their existing location and how the traffic trips would compare. He said that Dolores Way is a challenging intersection at Highway 133 and a poor level service. He said that this applicant is willing to deed restrict their old property to get rid of the drive-through at the Dolores site so it would no longer exist.

Roman Gershkovich, Architect with Open Studio Architecture explained the site layout, architectural mass and materials as well as the sustainability for the project outlining the following.

- Single story building with the setbacks.
- Drive-through and parking location tucked into the back behind the building.
- Screening from Hendrick and Highway 133.
- Side walls and garden walls for the parking adjacent to the front door.
- Shaded canopy areas and landscaping.
- Enhancing the multi-modal that they are trying to promote with the bike path and pedestrian crossing in front of the bank.
- Bike parking to the east, shaded canopy for the entry point, seating areas for flexible outdoor activity space.
- Walk up ATM.
- Create a strong urban edge along the gateway to Carbondale.
- Materials of brick, canopies along the windows, natural limestone cladding that are regional materials.
- Elevations showing the height of the building, parapet, drive-through, glazing along the façade and screened wall elements.
- Energy efficiencies are above what is required by code.

Doug Pratte explained the landscape plan outlining the following;

- Plant materials with recommendations from the Tree Board.
- Materials that were utilized in the neighboring project.
- Screening for the drive-through.
- Complete the landscaping along Highway 133 and the bike path associated with Lot 2.
- Plaza can take advantage of art, which can be a gateway for pedestrian access.
- The applicant is willing to put in the additional right turn lane to compensate for the twenty percent traffic increase.

Tony said that Kathleen assisted with the community outreach and since she has been hired by the Town. He said that they met with Carbondale Arts, Bike and Trails Commissions, Carbondale Rotary, Carbondale Chamber and that we put some information in the Sopris Sun. He said that we sent out materials to current bank customers and to the neighborhood as well as emails to adjacent businesses. He said that the biggest questions that they got were for the plans of the existing building. He continued to elaborate on the positive feedback that they have received.

Doug continued the presentation by explain how they have met the New Urban designation and how they have met the standards and the reasons they wanted to use the CRW zoning to accommodate the project.

Chad Lee, attorney at Balcomb and Green said that he wanted to solicit feedback from the Commission on the interpretation of the Comprehensive Plan. He said he wanted to

explain how we got to our interpretation and why we designed the project the way we did. He said that we reached out to the community and we have put a lot of effort into this. He said that we have revised our plans and brought them back, but we are still not having an understanding with Staff. He said that the Comprehensive Plan is an advisory document that provides general guidance for changes to the land use code and rezoning. He said that it is the appropriate document to look towards. He said that currently this property is zoned strip mall with a thirty foot setback from the highway and it is an obsolete zone district. He said that there is no requirement to rezone upon a site plan development application. He said that the intent of our application was to heed that advice, that rezoning was encouraged and rezone to an appropriate district within the future comprehensive land use designation. He said that the appropriate district was the CRW and the MU district, splitting the difference with CRW to the north and MU to the south. He said for us it made a lot of sense. He said that we voluntarily offered to deed restrict our current drive-through and shut it down. He said that as Janet discussed in her Staff report, there is a Highway 133 spectrum. He continued to explain that it is heavily auto urban verses new urban. He said that the uses between the two are almost identical. He continued to read from the Comp Plan and give his interpretation of the code saying that their rezoning of CRW to the north and MU to the south are consistent with the New Urban designation. He said that a bank is an allowed use in all possible zone districts and the only difference is the drive-through. He said we are just asking to move our current drive-through location down the road to this better location with better access.

Doug said in closing that rather than referring to this project or this bank as a drive-through bank, he said that he would refer to it as a full-service bank that has a drive-through. He said that your discussion, comments, and your opinions are very important to us. He said that we do want to hear them, and we recognize that you are probably not in a position to grant us an approval tonight but there were conditions of approval that were drafted to help you do that. He said that we would like to continue to a next hearing but in the context of continuing we don't want you to cut it off and say that we'll talk to next time. He said that we would like to hear what you have to say. He said that if we do continue, we would like to know if there are things we need to work on between now and the next meeting.

Jay thanked the applicants and told them that their presentation was very thorough with great explanation to what is going on.

Commissioner Comments

- Clarification on art events and discussion with Carbondale Arts.
- Does current location have walk up business.
- It's hard to design a good bank and this one was a good job.
- Were there design changes based on community outreach.
- Sustainability quantification suggested.
- Lot 2 access.
- Trash location is in an inconvenient place.
- Pedestrian access with a curb cut to tie in sidewalk across Hendrick Drive.
- Vehicle entrance that is double-wide shortened up.

- A bank in this location is a nice buffer or transition to the taller MU.
- Clarification on entrances for parking and the drive-through.
- Is setback on Highway 133 of ten feet possible.
- Alternative material for the asphalt.
- Update current development across the highway in presentation.
- The design was complimented by several Commissioners.
- Engage more Commissioners with this application.

There were no members of the public to comment.

Janet asked if the applicant could add a rendering/elevation from the direction of the round-about heading northwest, in the direction of City Market and the apartment buildings.

Janet commended the applicants for their responses to proving that their application was New Urban.

Motion for Continuance

Jeff made a motion to continue the public hearing to April 15, 2021. Marina seconded the motion, and it was approved unanimously.

Marina commended Jarrett for his first P&Z meeting, which was an epic one.

Staff Update

Janet said that we received five proposals (RFP's) for the Comprehensive Plan. She said that when we create sub-committees it allows a more frank and open discussion. She said that the Commission as a whole is also an option to review the proposals in order to select two to interview. She noted that it would be on YouTube. She said that we are wanting to be fully transparent in the process.

John said that it's been busy with inquires.

Commissioner Comments

There were no Commissioner comments.

Motion to Adjourn

A motion was made Jeff to adjourn, Marina seconded the motion, and the meeting was adjourned at 10:09 p.m.