

**MINUTES  
CARBONDALE BOARD OF TRUSTEES  
REGULAR MEETING  
MAY 25, 2021  
VIRTUAL MEETING VIA ZOOM**

Mayor Dan Richardson called the Board of Trustees virtual Regular Meeting to order on May 25, 2021, at 6:00 p.m.

**ROLL CALL:**

The following members were present for roll call:

Mayor	Dan Richardson
Trustees	Ben Bohmfalk
	Lani Kitching
	Heather Henry
	Erica Sparhawk

Arrived After Roll Call	Luis Yllanes
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Staff Present:

Town Manager	Jay Harrington
Town Clerk	Cathy Derby
Finance Director	Renae Gustine
Planning Director	Janet Buck
Planner	John Leybourne

**CONSENT AGENDA**

- Accounts Payable totaling \$313,275.54
- BOT 4/27/2021 Regular Meeting Minutes
- BOT 5/11/2021 Regular Meeting Minutes
- Liquor License Renewal – RVR Master Assoc.
- Liquor License Renewal and Change of Manager – Izakaya
- Construction Contract – Hillcrest Cemetery Fence
- Recommendation for Appointment – Historic Preservation Commission
- Modification of Hours of Operation – Double Black Retail Marijuana Store
- Resolution No. 7, Series of 2021 – Carbondale Creative District

Mayor Richardson pulled the Account Payable from the Consent Agenda because a \$2,500 retainer for the police review contract was added.

Trustee Bohmfalk asked how much is the police review contract fee? Jay answered \$3,500 - \$4,000.

Trustee Bohmfalk made a motion to approve items B – I on the Consent Agenda. Trustee Sparhawk seconded the motion and it passed with:

*5 yes votes: Sparhawk, Henry, Richardson, Kitching, Bohmfalk*

Trustee Yllanes arrived at the meeting.

Trustee Bohmfalk made a motion to approve the Accounts Payable with the added expense for the police review contract. Trustee Kitching seconded the motion and it passed with:

*6 yes votes: Bohmfalk, Kitching, Richardson, Yllanes, Henry, Sparhawk*

### **PERSONS PRESENT NOT ON THE AGENDA**

Patrick Hunter, representing the Environmental Board, told the Board that a Wilderness Workshop employee attended their meeting and asked for the Town's support of HB21-1318 – Outdoor Equity Fund Bill. Patrick asked the Board if they would consider supporting the bill. The Trustees agreed to consider supporting the bill at their June 8<sup>th</sup> meeting.

### **TRUSTEE COMMENTS**

Trustee Sparhawk recognized the passing of George Stranahan. Trustee Sparhawk said she did not know George personally, but he was an amazing man. He was the founder of the Third Street Center, Valley Settlement, Manaus, and many business ventures. He will be missed by many people in the Valley.

Trustee Bohmfalk stated he attended the Garfield Clean Energy (GCE) meeting where they talked about the Solarize Program. They have 400 enrollments and they continue to add more solar. The Program has exceeded GCE's expectations. They also talked about the USDA Rural Energy Savings Program. The program provides utilities and municipalities with zero percent interest loan opportunities for eligible energy saving projects. The municipalities and utilities can loan out the money and they would set the interest rate to cover their administrative costs. Trustee Bohmfalk stated he will find out more about the program and report back to the Board.

Mayor Richardson congratulated all of the Carbondale graduates and teachers – it's been a challenging year. Mayor Richardson thanked Trustee Silverstein for providing the first Music in the Park concert. Mayor Richardson attended the RFTA Board meeting. The Glenwood Springs underpass project is underway as is the expansion of their maintenance facility. They may possibly install a hydrogen fueling station at the facility. RFTA continues to be pro-active regarding COVID. The majority of their staff has been vaccinated. RFTA has scheduled a retreat for July. They will be discussing RFTA's role in first and last mile solutions, how RFTA will help with climate action, what RFTA will look like in a post-COVID world, and how to align the services they offer. Mayor Richardson stated he is happy that the Michael Francisco case had a happy resolution.

The restorative process will help us understand the events that transpired. A third party has been hired to evaluate the incident. A third party will also be hired to look at the training and culture of the police department. He is optimistic that the process will bring evolution to the Town and police department. Mayor Richardson stated that the first Citizen Academy begins in June. It will be a great way to have a two-way dialogue.

### **ATTORNEY'S COMMENTS**

The attorney did not have any comments.

### **SPECIAL EVENT LIQUOR LICENSE – CARBONDALE CLAY CENTER**

Carbondale Clay Center has applied for a Special Event Liquor License for the Carbondale Public Art Commission reception. All fees have been paid and the Police Department has reported no problems with the applicant or the premises.

Trustee Yllanes made a motion to approve Carbondale Clay Center's Special Event Liquor License Application. Trustee Kitching seconded the motion and it passed with:

*6 yes votes: Henry, Yllanes, Sparhawk, Bohmfalk, Kitching, Richardson*

### **PUBLIC HEARING – ANB BANK SUBDIVISION, RE-ZONING, MAJOR SITE PLAN REVIEW AND SPECIAL USE PERMIT**

Applicant: The Land Studio, Inc.

Location: Hendrick Drive and Highway 133

Janet explained 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 applicant proposes 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.

The property is currently zoned Planned Community Commercial (PC) which is an obsolete zone district. Properties zoned PC can be developed under those standards. However, no land may be rezoned to an obsolete zone district and property owners are encouraged to rezone land from the obsolete zone district.

The Planning Commission discussed the rezoning at great length. Their points of discussion related to the rezoning were:

- Properties to the north and west of this property are zoned CRW and PC so Lot 1 would fit in.

- Lot 2 would be rezoned to MU which is in line with properties to the east and west of that lot
- PC is not consistent with New Urban designation in the Comprehensive Plan due to required 30 ft. setback from Highway 133.
- Banks are permitted uses in both CRW and MU. Difference is CRW allows drive-thru

The subdivision complies with the zoning parameters in the UDC, meeting the minimum lot size and dimensions. The proposal also complies with the design standards for subdivision.

Utilities are available to the parcels.

There are two driveways proposed for the two lots. The southerly driveway is the main entrance. It would be a shared driveway between Lots 1 and 2.

The northerly driveway is a one-way entryway to access the drive-thru associated with the bank building.

There would be public improvements associated with the development. One of the more significant items is a right turn acceleration lane on Highway 133 when taking a right out of Hendrick Drive. In addition, there would be a fee-in-lieu of highway improvements to provide funds for the future roundabout improvements at Industry Place.

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

The one exception is the 10 ft. wide landscape strip along Highway 133. Because of the angle of the easterly property line, the width of the landscape along Highway 133 varies. The narrowest point is a 7.1 ft. strip at the northeast corner of the building. There is a large, landscaped area north of the building at that narrow point.

A 5 ft. wide sidewalk is proposed that would extend from Highway 133 then west to Hendrick Drive. This sidewalk would be located in a public pedestrian and bicycle easement. There already is a sidewalk on the north side of the property. The applicant has indicated a desire to limit activities such as loitering, camping, or protesting. The Town would not accept these limitations in any easement or plat dedication. The proposed limitation was not a part of the application when the Commission considered the proposal.

The Planning Commission's discussion focused on whether New Urban character was defined by site design, layout of the building and parking, building design, and other design features or whether it was defined by a specific use.

The Planning Commission felt that the proposed site and building design complied with the intent of the New Urban designation. The building is planned toward the front of the site. The parking and drive-thru are located to the side and rear of the building. Shaded canopy areas, public pedestrian connections, a plaza area for art, and a public gathering area were provided.

The Commission felt that a single-story building would break things up at this intersection and would preserve the views to the west and north. They also felt this development would work well with the City Market, the fueling station and the Main Street Marketplace development located to the west. As a result, the Planning Commission recommended approval of the application with findings and conditions.

Trustee Bohmfalk asked if the applicant is rezoning both lots? Janet answered yes, however tonight we are focusing on the bank, but there is also a large lot that we would be re-zoning. Trustee Bohmfalk asked for clarification if the sidewalk is in the middle of Lot 1 and if the sidewalk is private or is it a public easement. Janet answered that it would be a public easement.

The applicant gave a presentation on the proposed bank and made the following points:

- They noted that Lot 2 would require a Major Site Plan Review in the future
- They stated that the Comprehensive Plan identifies the development as New Urban and it is consistent with the properties developing around it
- The applicant subdivided the property to provide more mixed-use development
- The turning movement is no left turn
- The traffic impacts will be 46 morning peak hour trips, and 102 afternoon peak hour trips
- The Dolores Avenue intersection is one of the more unsafe intersections on Highway 133
- The existing bank property will be deed restricted allowing no future drive-thru
- There will be an electric vehicle charging station
- The five ft sidewalk is not wide enough for bikes
- The building will be energy efficient

The applicant stated that the conditions mandate that the public infrastructure be completed in 12 months and they would like to extend it to 18 months.

Discussion ensued.

Trustee Sparhawk asked the applicant why they didn't apply for mixed use for both lots? The applicant explained that the drive-thru requires a Special Use Permit in the CRW.

Mayor Richardson asked how does abandoning a drive thru at the other building benefit the Town? The applicant answered staff expressed concern about the drive-thru so their response was to deed restrict it. Trustee Kitching stated that the deed restriction

would prohibit a fast food restaurant. Janet replied that the UDC prohibits drive-thru restaurants.

Trustee Henry asked when was the existing building built? 2007 or 2008. She has a hard time with them abandoning their building and then making it obsolete without a drive-thru. You are leaving the building vacant for an undetermined amount of time and she has a hard time accepting that. The applicant responded that the building is in good shape and has energy efficiencies.

Trustee Henry stated that usually the Board receives a conceptual plan on rezoning applications. Lot 2 is a blank slate. She asked if we can place more restriction on Lot 2. Janet answered the Board can choose not to rezone Lot 2 at this time. Mayor Richardson asked why do they want to rezone Lot 2 now? Janet answered that we are trying to get rid of an obsolete zone.

Trustee Bohmfalk asked why the building isn't designed to be net zero? They are following the 2012 Code and their design exceeds the 2012 requirements by 10%. Trustee Bohmfalk replied that it's not impossible to get closer to net zero, if not completely to net zero.

Trustee Sparhawk asked if they considered building residential units on top of the bank? No, they are leaving the opportunity open for mixed use on Lot 2.

Mayor Richardson opened the hearing to public comment.

Chirs Hassig urged the Board to deny the project. It's a dog of a project. They claim the design is New Urban but it's a suburban development. It's a drive-thru bank and they have one 2,000 feet up the road. The project is of no benefit to the Town. All the Town gets is a dead building – another dead bank on Hendrick. The design plagiarizes the First Bank building. The Board should demand a vision of what will happen to the abandoned bank. The project barely meets requirements. They are only contributing \$17,000 to the roundabout. If the Town has leverage it should use it. People in town are tired of suburban development. They should show how the project is going to better our town.

Mayor Richardson closed the public comment portion of the public hearing.

Mayor Richardson stated that he has been concerned about this project from day one. In order to receive a Special Use Permit you must prove that the project doesn't create a nuisance. The deed restriction on the existing building creates a nuisance. The applicant claims the projects fits the New Urban concept, but it doesn't feel like it. Someone could develop a similar project on Lot 2. The Board tries hard to work with developers but he doesn't see a path forward.

Trustee Yllanes stated if the project was part of a larger development it would make sense. He has concerns about the existing building.

Trustee Henry stated that she shares Mayor Richardson's concerns. The path forward would be to consolidate the two lots that would impress the Board. All you are doing is duplicating the same bank building down the road.

Trustee Kitching stated that rezoning Lot 2 appears to be more of an investment opportunity than a business opportunity. You have no plan for Lot 2 – it's not a community benefit.

Trustee Bohmfalk stated he agrees with everything that has been said. The applicant hasn't met the requirements for rezoning because Lot 2 does not have a conceptual plan. Lot 1 creates a nuisance with the existing building; he doesn't support deed restricting it. The Board is looking at every parcel and making sure it has community benefit. The design is a waste of space.

The applicant requested a continuance. They said this is the first time they have heard the Board's concerns. Mayor Richardson responded we are talking about fundamentals, not changing a façade. The applicant said they would like to see how they can address Lot 2 and the existing bank building.

Jay noted that the original staff report recommended denial. Staff would support a continuance but for a different reason – to draft findings of denial.

Janet told the Board they can deny the continuance and the applicant can resubmit their application.

Trustee Bohmfalk stated that he supports the continuance, but he doesn't want to mislead them if we don't want a drive thru bank on the lot.

Trustee Kitching stated she supports the continuance because ANB Bank has been a member of the community for 20 years.

Trustee Kitching made a motion to continue the public hearing for ANB Bank Rezoning, Major Site Plan Review and Special Use Permit to July 13, 2021. Trustee Bohmfalk seconded the motion and the motion passed with:

*6 yes votes: Yllanes, Henry, Bohmfalk, Kitching, Richardson, Sparhawk*

Trustee Bohmfalk told the applicant that you still haven't answered the big question of why you are moving 2,000 ft. down the road?

**PUBLIC HEARING – CARBONDALE & RURAL FIRE PROTECTION DISTRICT –  
SITE PLAN REVIEW**

John explained that this is an application for a Minor Site Plan Review and a Variance request for a building that exceeds the height limit in the PUD.

The Board of Trustees is required to hold a public hearing and approve the application, deny it, or continue the public hearing.

The applicant is proposing to construct a Multi-Function Training Building (MFTB), a yard for vehicle extraction training, a vehicle fire training apparatus, a propane tank fire simulator, a yard for apparatus driver training as well as ladder and hose deployment training areas.

The subject property was annexed into the Town in 2004. The PUD was approved in 2004 with a site plan that called for the construction of a headquarters building, volunteer meeting areas, staff offices, shift sleeping quarters and additional apparatus bays.

The Annexation Agreement states that if there are substantial modifications to the project as compared to the Conceptual Site Plan that was submitted in 2004, then the changes to the site plan would need to be approved by the Board of Trustees. Staff and the applicant felt that a Minor Site Plan Review would be the correct process for the proposal as well as a request for a variance for the proposed building height.

The IGA between the Roaring Fork School District and the Fire District addresses, among other things, access across school property to the Fire District property along a graveled road to be maintained by the Fire District. The agreement does not contemplate pavement, curb and gutter in this area. This may need to be addressed by the Districts.

The agreement also states that the Fire District may construct a training center on a portion of the Detention Pond Site after Sopris Engineering confirms in writing that the construction will not interfere with the functionality of the pond.

Under the PUD, a training center is a permitted use.

The property is designated as Public Facilities in the 2013 Comprehensive Plan.

The required setbacks are indicated on the submitted site plan as 5 feet to the Meadowood side (North) and 10 feet on the Southern side of the lot. The proposed MFTB is 20 feet from the eastern property boundary. These are in compliance.

90% of the site is allowed to be impervious with 58% impervious in total being proposed.

The MFTB is a non-habitable structure that is meant to simulate several building conditions that crews may encounter. These include multi family, industrial, single family and an example of a multi-use building situation similar to Main Street Carbondale. The building is also designed for high angle rescue/rope training. The live fire props in the structure are propane fueled and simulate a bedroom, kitchen and hallway. The metal construction of the structure makes it nonflammable and only propane is used to mimic "burning".

The applicant is requesting a variance from the PUD maximum building height of 35 feet to allow a height of 39 feet 2 inches.

Fire Chief Rob Goodwin stated that the training grounds have been planned for 15 years. It's a unique multi-function building because it serves all of the disciplines. It will be a regional training facility. The plan is to have multiple jurisdiction trainings, state



sponsored trainings, and fire academy weekends. They are also talking to Colorado Mountain College about paramedic and fire science degrees.

Architect Michael Hassig gave an overview of the building design.

Discussion ensued.

Trustee Henry asked if they have considered installing bleachers?

Mayor Richardson inquired about the impact to the neighbors – will the trainings be noisy? Rob responded that most trainings will occur during the day and they don't make a lot of noise. There will be some noise from running engines. Mayor Richardson asked how often will the trainings take place? Rob answered maybe 2-3 times a month.

Trustee Bohmfalk stated that the project meets the criteria of the PUD.

Trustee Bohmfalk made a motion to approve a Minor Site Plan Review for the construction of a Multi-Function Training Building (MFTB), to be located at 300 Meadowood Drive Colorado with the conditions below, and the requested Building Height Variance. Trustee Kitching seconded the motion and it passed with:

*6 yes votes: Sparhawk, Bohmfalk, Kitching, Richardson, Henry, Yllanes*

#### Conditions for Approval

1. All other representations of the Applicant in written submittals to the Town or in public hearings concerning this project shall also be binding as conditions of approval.
2. The Applicant shall also pay and reimburse the Town for all other applicable professional and staff fees pursuant to the Carbondale Municipal Code.
3. The applicant shall apply for and receive a building permit as required.
4. The Applicant shall provide written confirmation from Sopris Engineering that the Detention Pond will not be affected by the proposed construction.
5. The Fire District shall submit authorization from the School District to allow for the proposed access easement improvements.

#### Findings for Approval

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 the Fire District Headquarters Campus Planned Unit Development.
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.


ADJOURNMENT

The May 25, 2021 regular meeting adjourned at 9:13 p.m. The next regularly scheduled meeting will be held virtually on June 8, 2021, at 6:00 p.m.

APPROVED AND ACCEPTED

  
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Dan Richardson, Mayor

ATTEST:

  
\_\_\_\_\_  
Cathy Derby, Town Clerk

