



Town of Carbondale
511 Colorado Avenue
Carbondale, CO 81623

**AGENDA
PLANNING & ZONING COMMISSION
THURSDAY, April 25, 2019
7:00 P.M. TOWN HALL**

1. CALL TO ORDER
2. ROLL CALL
3. 7:00 p.m. – 7:05 p.m.
Minutes of the April 11, 2019 meeting.....Attachment A
4. 7:05 p.m. – 7:10 p.m.
Public Comment – Persons present not on the agenda
5. 7:10 p.m. – 7:15 p.m.
Resolution 5, Series of 2019, Approving Subdivision Exemption – 415 N. 8th St.....Attachment B
6. 7:15 p.m. – 7:20 p.m.
Approving Retail Marijuana Cultivation– SUP.....Attachment C
Applicant: Triple Canna LLC
Location: 220 N. 12th Street
7. 7:20 p.m – 7:25 p.m.
Approving Marijuana Infused Product (MIP) – SUP.....Attachment D
Applicant: Triple Canna LLC
Location: 220 N. 12th Street
8. 7:25 p.m. – 7:50 p.m.
PUBLIC HEARING – Minor Site Plan Review & Conditional Use Permit..... Attachment E
Applicant: Angela Henderson
Location: 182 Sopris Avenue
9. 7:50 p.m. – 7:55 p.m.
Staff Update – Administrative Report.....Attachment F
10. 7:55 p.m. – 8:00 p.m.
Commissioner Comments
11. 8:00 p.m. – ADJOURN

*** Please note all times are approx.**

Upcoming P & Z Meetings: May 16 – TBD
May 30 – TBD

MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday April 11, 2019

Commissioners Present:

Michael Durant, Chair
Marina Skiles
Jade Wimberley
Nick Miscione

Staff Present:

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

Commissioners Absent:

Ken Harrington, Vice-Chair
Nicholas DiFrank (1st Alternate)
Tristan Francis (2nd Alternate)
Jeff Davlyn
Jay Engstrom

Other Persons Present

The meeting was called to order at 7:05 p.m. by Michael Durant.

March 28, 2019 Minutes:

Marina made a motion to approve the March 28, 2019 minutes. Jade seconded the motion and they were approved unanimously with Jade and Nick abstaining.

Resolution 4, Series of 2019, approving a SUP at 159 Sopris Avenue

Nick made a motion to approve Resolution 4, Series of 2019. Jade seconded the motion and it was approved unanimously with Marina abstaining.

Public Comment – Persons Present Not on the Agenda

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

**PUBLIC HEARING – Subdivision Exemption – Location: 415 Eighth Street
Owner – Primo Properties/Colter Smith**

Janet stated that on February 9, 2018, the owner, Primo Properties, LLC, entered into an (Agreement) with the Town to allow the Town to purchase a perpetual, exclusive easement and right-of-way along the southern 25-foot portion of the property.

Janet said that the easement is for the possible extension of Industry Way through the property to connect to 8th Street, creating another east/west connection through Town. She said that this has been a long-term goal of the Town.

Janet stated that on March 7, 2018, Staff approved an Administrative Site Plan Review, Conditional Use Permit and Alternative Compliance for this property to allow construction of one single family dwelling and one duplex.

Janet said that the Alternative Compliance was related to the Maximum Impervious Lot Coverage.

Janet continued by saying that the three dwelling units are currently under construction. She said that the applicant is now requesting a Subdivision Exemption to divide the 10,890 sq. ft. parcel into three lots.

Janet stated that the minimum lot area in the R/MD zone district is 3,000 sq. ft. She said that all three lots are in compliance with the required lot size.

Janet said that the residential units are oriented to the south due to the expectation that this will be the location of the future Industry Way road connection from Merrill to Highway 133. She said that the setbacks are based on that orientation.

Janet explained that when going through the Administrative Site Plan Review in March of last year, the applicant proposed that the landscaped area within the Industry Way Easement be counted toward the required 40% pervious surface. She said that the discussion centered on the fact that this area would remain landscaped, with the exception of the shared driveway, until the time that Industry Way road connection was constructed. She stated that Staff considered that the proposed development was in compliance at the time of the Administrative Site Plan Review application.

Janet said that there should be a maintenance agreement or a plat note that assigns responsibility for maintenance and repair of the Utility and Maintenance Easement if the easement is disturbed due to repair or replacement of the utilities. She stated that this has been made a condition of approval.

Janet stated that if this application is approved, a Subdivision Exemption Plat need to be submitted to the Town for review and approval. She said that the plat will need to be prepared by a licensed surveyor.

Nick asked for clarification regarding the timeline of the subdivision exemption coming after the construction.

Janet gave an example of the Thompson Park meetings and explained that the subdivision plats would be completed after the foundations were complete to be sure of the property lines along the party wall.

Ramsey Fulton, the architect for this project, explained that he was here to subdivide the lot into three lots. He said that they are all facing south and that the setbacks were twenty five feet to the Town right-of-way and that this was the next step.

There were no members of the public present

Motion to Close Public Hearing

A motion was made by Nick to close the public hearing. Marina seconded the motion and it was approved unanimously.

Marina stated that this was a clear application and that it was well laid out.

Motion

Nick made the recommendation to approve the Subdivision Exemption with the recommended findings and conditions by Staff. Jade seconded the motion and it was approved unanimously.

PUBLIC HEARING – Retail Marijuana Cultivation – Special Use Permit **Applicant: Triple Canna LLC - Location: 220 N. 12th Street**

John said that Triple Canna LLC has submitted an application to operate a Retail Marijuana Cultivation at 220 N 12th Street. He stated that there has been a cultivation operation at this location since approximately 2015 with no known issues being reported to the Town. He said that the operation will require a building permit and review by the Building Official.

John stated that Staff has determined that the proposed facility is not within the 500-foot limit for schools, daycare or treatment facilities.

John explained that the facility is proposed to continue to be operated as a cultivation operation as well as the Marijuana Infused Product Manufacturing Facility, which is a separate application.

John stated that the facility is broken down by the uses within the building for the parking requirements. He said that the parking is provided at the front and side of the building and is adequate.

Marina asked if both applications could be discussed at the same time.

Discussion ensued and it was decided that both applications would be discussed together with separate motions for each application.

Nick asked if Garfield County Land Explorer was how the surrounding neighbors were identified.

John said yes and that there were no objections or complaints by owners within three hundred feet.

Candace Resnick from Triple Canna LLC said that they would initially be cultivating and gradually working into the MIP operation. She said that there is two applications for each operation and that the space would be divided into two units and that she has

been in contact with the Building Official, John Plano regarding their building permit requirements.

Marina asked if the MIP was new.

Candace explained that the first year or two that the MIP would be re-brokering and packaging. She said that when they decide to start extracting that they would do mechanical work in both units for further ventilation.

Michael asked if the L shaped area on the drawings would be for cultivation.

Candace explained the layout of the space now and how it would be after the construction to divide the space into two units.

Nick asked if changes had to be made because of egress.

Candace answered yes.

Jade asked how many employees there would be.

Candace said that initially that there would only be a couple of employees' part time. She introduced her grower, Brandon.

Jade asked if there would be security issues.

John answered that to date there have only been issues with retail dispensaries.

There were no members of the public present.

Motion to Close Public Hearing

A motion was made by Nick to close the public hearing. Marina seconded the motion and it was approved unanimously.

Motion

Nick made a motion to approve the Special Use Permit for the operation of a Retail Cultivation Operation to be located at 220 N. 12th Street with the conditions and findings in the Staff report. Jade seconded the motion and it was approved unanimously.

PUBLIC HEARING – Marijuana Infused Product (MIP) – Special Use Permit Applicant: Triple Canna LLC - Location: 220 N. 12th Street

John stated that Triple Canna LLC has submitted an application to operate a retail marijuana infused product manufacturing operation at 220 N 12th Street. He stated as with the last application that there has been a cultivation operation at this location since

approximately 2015 with no known issues being reported to the Town. He said that this operation will also require a building permit and review by the Building Official.

John said that Staff has determined that the proposed facility is not within the 500-foot limit for schools, daycare or treatment facilities.

John said that the parking is provided to the front and side of the building and is adequate.

Mariana commented that historically marijuana applications were a hot topic and that she has been on the Commission for six years and how these applications are now a non-issue.

Candace shared a story about a previous application in Pitkin County and how stressful it was with neighbors against her.

Jade asked if they would be making the final products.

Candace explained not initially and that they would not be starting extraction right away. She said that they would be purchasing bulk oil and flower to package for selling to dispensaries. She said that she would like to keep it as a small operation just enough to make a living.

Jade asked if they would be doing THC and CBD.

Candace said that their plan is for THC and that they might do CBD. She said that they would consider branding their products and to execute and expansion plan when we are ready to get bigger.

Further discussion ensued regarding licensing in Carbondale.

John stated that the Special Use Permit goes with the property and that the Town transfers licenses.

Jade asked if the applicant would come back before the Commission. John explained that they would not come back before the Commission

There were no members of the public present.

Motion to Close Public Hearing

A motion was made by Marina to close the public hearing. Jade seconded the motion and it was approved unanimously.

Motion

Jade made a motion to approve the Special Use Permit for the operation of a Retail Marijuana Infused Product Manufacturing Operation to be located at 220 N. 12th Street with the conditions and findings as indicated in the Staff report. Nick seconded the motion and it was approved unanimously.

Vulnerability, Consequences, and Planning Scenarios (VCAP) Report Discussion

Janet explained that the VCAP is about drought planning and climate change. She said members of the Board have been involved and attended the public meeting at the Third Street Center. She said that it is about local weather and climate impacts as well as recent trends and future productions for the valley.

Janet suggested to the Commission that they keep these results in mind when making decisions with future applications. She said that the UDC has guidelines for landscaping and irrigation. She said that there are more detailed reports available and it will be going back to the Board next Tuesday and that the Commission is welcome to attend.

Points From Discussion

- Water storage and rain water harvesting
- California's drought and current weather patterns

Marina asked for an update on the proposed storage facilities outside of Carbondale.

Janet said that the P&Z provided comments to the Garfield County Commission. She stated that at the first public hearing that there were many citizens. She said that both applications would be going before the Garfield County Commission again next Monday.

Further discussion ensued regarding the storage facility applications.

Staff Update

Janet said that the wireless facility regulations were approved on Tuesday. She said that Pitkin County is already receiving many applications from wireless providers.

Janet said that the Clarion scope of work contract has been signed and for the six week period when the UDC is being revised that the redlined version would be on the website.

Janet stated that she had attended the Downtown Colorado Conference. She said that Nicholas had been an organizer. Janet said hearing what is going on with other communities makes her really appreciate Carbondale. Janet noted that Glenwood Springs budgets \$450K per year for downtown maintenance in comparison to Carbondale's \$2K budget for the arts.

John stated that the Tumbleweed lawsuit was settled out of court and that they would be changing two signs.

John said that the consultants would be meeting and provide schedule for the housing report.

John said that the CHCP survey of 25 historical structures in Carbondale would have a final report soon and that there would be a public meeting to present to property owners. He said that Tatanka did an impressive job and that the State would be adding their thoughts.

Commissioner Comments

There were no comments.

Motion to Adjourn

A motion was made by Nick to adjourn. Marina seconded the motion and the meeting was adjourned at 8:05.

DRAFT

RESOLUTION NO. 5
SERIES OF 2019

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN
OF CARBONDALE, COLORADO, APPROVING THE BROTHERS SUBDIVISION
EXEMPTION FOR PROPERTY LOCATED IN THE TOWN OF CARBONDALE,
COLORADO

WHEREAS, Primo Properties, LLC (“Applicants”) requested approval of the Brothers Subdivision Exemption Plat to subdivide a 10,890 sq. ft. parcel into three lots on property located at 415 N. 8th Street, Carbondale, Colorado;

WHEREAS, the Town granted approval of Alternative Compliance, Administrative Site Plan Review and a Conditional Use Permit to construct one duplex and one single family dwelling on the parcel for a total of three units (Findings of Fact and Grant of Approval document recorded at Reception No. 904525 on March 19, 2018);

WHEREAS, the residential units are currently under construction and the Applicants would like to subdivide the parcel so each unit can be sold individually;

WHEREAS, the Planning and Zoning Commission of the Town of Carbondale reviewed the Brothers Subdivision during a Public Hearing on April 11, 2019 and approved said application on the terms and conditions set forth below;

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF CARBONDALE, COLORADO, that the Subdivision Exemption is hereby approved, subject to the following conditions and findings:

Conditions

1. All representations of the Applicant and Applicant’s representatives at the Public Hearing shall be considered conditions of approval of this subdivision exemption.
2. The Subdivision Exemption Plat shall be in a form acceptable to and approved by Town Staff and the Town Attorney prior to recording. Applicant shall execute and record the plat with the Garfield County Clerk and Recorder within three (3) months of approval by the Planning Commission.
3. The Subdivision Exemption Plat shall reflect a plat note prohibiting the conversion of the basements into separate dwelling units.

4. The applicant shall provide a maintenance agreement or a plat note outlining maintenance responsibilities for the Utility and Maintenance Easement in the event a utility line is replaced or repaired. This agreement shall be reviewed and approved by the Town prior to recordation of the plat.
5. The applicant shall provide a party wall agreement for the duplex for Staff review and approval prior to recordation of the plat.
6. The following Park Development, School District and Fire District fees shall be paid prior to recordation of the plat, unless waived by the School District, Fire District or Board of Trustees:

Park Development

3 units @ \$700	= \$2,100
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Fire District

3 units @ \$730	= \$2,190
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School District

1 4-bdrm SFD	= \$2,237
2 4-bdrm Duplex Units	= \$2,086
Total	= \$8,613

7. The applicant shall be responsible for the costs of recordation of the approval documents.

Findings:

1. The subject property is suitable for subdivision and is in compliance with Chapter 17.06 Subdivision;
2. All public utilities are in place on, or immediately adjacent to, the property;
3. Each lot has the necessary dedicated public access off 8th Street;
4. The subdivision plat includes no more than three lots and is no more than five acres in size; and

5. The preparation of engineered design data and specifications is not needed to enable the commission to determine that the property meets the design specifications in Chapter 17.06 Subdivision.

INTRODUCED, READ, AND PASSED THIS ____ day of _____, 2019.

PLANNING AND ZONING COMMISSION OF
TOWN OF CARBONDALE

By: _____
Michael Durant
Chair

**SPECIAL USE PERMIT
TOWN OF CARBONDALE, COLORADO**

**A SPECIAL USE PERMIT AUTHORIZING A RETAIL MARIJUANA
CULTIVATION FACILITY TO BE OPERATED
ON SECTION: 34 TOWNSHIP: 7 RANGE: 88 SUBDIVISION: TWELFTH
STREET INDUSTRY PLACE LOT 7 AND LOT 9: 220 NORTH 12TH STREET
CARBONDALE COLORADO.
(220 North 12th Street Unit A)**

A. Recitals.

1. Candace Resnick, Triple Canna LLC. (the “Applicant”) has made application for a special use permit for a Retail Marijuana Cultivation Facility, as defined in Section 4.3.4.R of the Unified Development Code, for a property located at Section: 34 Township: 7 Range: 88 Subdivision: Twelfth Street Industry Place Unit: A Carbondale, Garfield County, Colorado, with a street address of 220 12th Street, Unit A (“subject property”).

2. The subject property is zoned as part of the Industrial (I) zone district pursuant.

3. A Retail Marijuana Cultivation Facility may be allowed as a special use within the Industrial zone district pursuant to Chapter 17.04 of the Unified Development Code.

4. On April 11, 2019, after all required public notices, the Planning and Zoning Commission held a public hearing concerning this application during which it heard and considered comments from Town staff, legal counsel, the applicant and members of the public

6. Having considered the application and closed the public hearing, the Planning and Zoning Commission finds as follows with respect to this special use permit application:

- (a) The application was complete and Applicant has complied with all applicable application procedures.
- (b) The Applicant’s request complies with the Special Review Use Approval Criteria in Chapter 2.5.2 of the Unified Development Code and should be approved upon the terms and conditions set forth herein.
- (c) The proposed use meets the purposes of the Industrial zone district.
- (d) The Retail Marijuana Infused Product Manufacturing Facility shall be required to comply with all applicable fire, building, occupancy and other municipal code provisions adopted by the Town of Carbondale for the protection of public health, safety and welfare.
- (e) The proposed use does not have an adverse impact on the traffic and parking in the neighborhood.
- (f) The Retail Marijuana Cultivation Facility does not have an adverse effect upon the character of surrounding uses.

- (g) With the conditions of approval, the impacts of the proposed use on adjacent properties and the surrounding neighborhood have been minimized in a satisfactory manner.
- (h) The impacts of the Retail Marijuana Cultivation Facility, including but not limited to its operation, parking, traffic, noise, access to air and light, impacts on privacy of adjacent uses, and others, will not create a nuisance and such impacts would be borne by the owners and residents of the property on which the proposed use is located rather than by adjacent properties or the neighborhood.
- (i) The project is in scale with the existing neighborhood.

B. Approval of a Special Use Permit for a Retail Marijuana Cultivation Facility.

The Planning Commission of the Town of Carbondale, Colorado hereby approves a special use permit, authorizing the operation of a Retail Marijuana Cultivation Facility upon the subject property subject to the conditions set forth herein and all applicable provisions of the Carbondale Municipal Code pertinent to the operation of a Retail Marijuana Cultivation Facility.

C. Conditions of Approval.

1. The Special Use Permit shall be limited to a Retail Marijuana Cultivation Operation.
2. All parking shall be limited to the employees of the operation and shall not impact the other units in the building nor the surrounding neighborhood.
3. That the operation shall significantly control or mitigate any odor, waste water and hazardous material impacts to the Town and surrounding uses.
4. The Applicant shall comply at all times with State Regulations governing the operation of a Retail Marijuana Cultivation Operation.
5. The Applicant shall comply at all times with any Town regulations relating to the operation and licensing of the Retail Marijuana Cultivation Operation.
6. The Applicant shall comply with all applicable fire and building code provisions for the protection of the health and safety of adjacent properties, units and the general public.
7. That the Owner is to provide Material Data Safety Sheets (MSDS) to the Town for all chemicals on site to be forwarded to the Fire Marshall and the Town Utility Director for review.
8. That the applicant shall apply for and receive all required building permits as determined by the Building Official before any manufacturing may commence.
9. All representations of the Applicant made before the Town during public hearings shall be considered a condition of approval.

D. Transfer, Duration and Revocation of the Permit.

This Special Use Permit shall be subject to all provision if of Unified Development Code Section 2.5.2 related to transferability, duration, and revocation.

E. Fees.

1. Prior to commencement of operation of the facility, the Applicant shall reimburse the Town for all applicable development review fees and reimbursable expenses, as set forth in the Unified Development Code.

F. Recordation.

This Special Use Permit shall be recorded in the Garfield County real property records at the Applicant's expense within 30 days of its approval by the Planning and Zoning Commission. Thereafter, the terms and conditions of this permit shall run with title to the subject property until operation of a Retail Marijuana Infused Cultivation Facility is permanently ceased thereon in accordance with Section 2.5.2.C of the Unified Development Code.

Duly adopted by vote of the Planning and Zoning Commission of the Town of Carbondale at its regular meeting on April 25, 2019.

THE TOWN OF CARBONDALE

By: _____
Michael Durant, Chair

**SPECIAL USE PERMIT
TOWN OF CARBONDALE, COLORADO**

**A SPECIAL USE PERMIT AUTHORIZING A RETAIL MARIJUANA INFUSED
PRODUCT MANUFACTURING FACILITY TO BE OPERATED
ON SECTION: 34 TOWNSHIP: 7 RANGE: 88 SUBDIVISION: TWELFTH
STREET INDUSTRY PLACE LOT 7 AND LOT 9: 220 NORTH 12TH STREET
CARBONDALE COLORADO.
(220 North 12th Street Unit A)**

A. Recitals.

1. Candace Resnick, Triple Canna LLC. (the “Applicant”) has made application for a special use permit for a Retail Marijuana Infused Product Manufacturing Facility, as defined in Section 4.3.4.R of the Unified Development Code, for a property located at Section: 34 Township: 7 Range: 88 Subdivision: Twelfth Street Industry Place Unit: A Carbondale, Garfield County, Colorado, with a street address of 220 12th Street, Unit A (“subject property”).

2. The subject property is zoned as part of the Industrial (I) zone district pursuant.

3. A Retail Marijuana Infused Product Manufacturing Facility may be allowed as a special use within the Industrial zone district pursuant to Chapter 17.04 of the Unified Development Code.

4. On April 11, 2019, after all required public notices, the Planning and Zoning Commission held a public hearing concerning this application during which it heard and considered comments from Town staff, legal counsel, the applicant and members of the public

6. Having considered the application and closed the public hearing, the Planning and Zoning Commission finds as follows with respect to this special use permit application:

- (a) The application was complete and Applicant has complied with all applicable application procedures.
- (b) The Applicant’s request complies with the Special Review Use Approval Criteria in Chapter 2.5.2 of the Unified Development Code and should be approved upon the terms and conditions set forth herein.
- (c) The proposed use meets the purposes of the Industrial zone district.
- (d) The Retail Marijuana Infused Product Manufacturing Facility shall be required to comply with all applicable fire, building, occupancy and other municipal code provisions adopted by the Town of Carbondale for the protection of public health, safety and welfare.
- (e) The proposed use does not have an adverse impact on the traffic and parking in the neighborhood.
- (f) The Retail Marijuana Infused Product Manufacturing Facility does not have an adverse effect upon the character of surrounding uses.

- (g) With the conditions of approval, the impacts of the proposed use on adjacent properties and the surrounding neighborhood have been minimized in a satisfactory manner.
- (h) The impacts of the Retail Marijuana Infused Product Manufacturing Facility, including but not limited to its operation, parking, traffic, noise, access to air and light, impacts on privacy of adjacent uses, and others, will not create a nuisance and such impacts would be borne by the owners and residents of the property on which the proposed use is located rather than by adjacent properties or the neighborhood.
- (i) The project is in scale with the existing neighborhood.

B. Approval of a Special Use Permit for a Retail Marijuana Infused Product Manufacturing Facility.

The Planning Commission of the Town of Carbondale, Colorado hereby approves a special use permit, authorizing the operation of a Retail Marijuana Infused Product Manufacturing Facility upon the subject property subject to the conditions set forth herein and all applicable provisions of the Carbondale Municipal Code pertinent to the operation of a Retail Marijuana Infused Product Manufacturing Facility.

C. Conditions of Approval.

1. The Special Use Permit shall be limited to a Retail Marijuana Infused Product Manufacturing Operation.
2. All parking shall be limited to the employees of the operation and shall not impact the other units in the building nor the surrounding neighborhood.
3. That the operation shall significantly control or mitigate any odor, waste water and hazardous material impacts to the Town and surrounding uses.
4. The Applicant shall comply at all times with State Regulations governing the operation of a Retail Marijuana Infused Product Manufacturing Operation.
5. The Applicant shall comply at all times with any Town regulations relating to the operation and licensing of the Retail Marijuana Infused Product Manufacturing Operation.
6. The Applicant shall comply with all applicable fire and building code provisions for the protection of the health and safety of adjacent properties, units and the general public.
7. That the Owner is to provide Material Data Safety Sheets (MSDS) to the Town for all chemicals on site to be forwarded to the Fire Marshall and the Town Utility Director for review.
8. That the applicant shall apply for and receive all required building permits as determined by the Building Official before any manufacturing may commence.

9. All representations of the Applicant made before the Town during public hearings shall be considered a condition of approval.

D. Transfer, Duration and Revocation of the Permit.

This Special Use Permit shall be subject to all provision if of Unified Development Code Section 2.5.2 related to transferability, duration, and revocation.

E. Fees.

1. Prior to commencement of operation of the facility, the Applicant shall reimburse the Town for all applicable development review fees and reimbursable expenses, as set forth in the Unified Development Code.

F. Recordation.

This Special Use Permit shall be recorded in the Garfield County real property records at the Applicant's expense within 30 days of its approval by the Planning and Zoning Commission. Thereafter, the terms and conditions of this permit shall run with title to the subject property until operation of a Retail Marijuana Infused Product Manufacturing Facility is permanently ceased thereon in accordance with Section 2.5.2.C of the Unified Development Code.

Duly adopted by vote of the Planning and Zoning Commission of the Town of Carbondale at its regular meeting on April 25, 2019.

THE TOWN OF CARBONDALE

By: _____
Michael Durant, Chair



**TOWN OF CARBONDALE
511 COLORADO AVENUE
CARBONDALE, CO 81623**

Planning and Zoning Commission Agenda Memorandum

Meeting Date: 4-25-2019

Title: Minor Site Plan Review and Conditional Use Permit

Submitting Department: Planning Department

Owner: John S. Henderson

Applicant: Angela Henderson

Property Location: 182 Sopris Avenue (aka Lot 1, Kiernan Subdivision Exemption)

Zone District: Residential/Low Density (R/LD)

Lot Size: 5,500 sq. ft.

Present Land Use: Single Family Residence

Proposed Land Use: Single Family Residence with ADU

Attachments: Land Use Application
Referral Agency Comments

BACKGROUND

This is an application for a Minor Site Plan Review and Conditional Use Permit in order to convert the basement of an existing single family residence into an Accessory Dwelling Unit. The Commission is required to hold a public hearing and approve the application, deny it or continue the public hearing.

DISCUSSION

There is a 2,496 sq. ft. single family home located on this 5,500 sq. ft. property. It is a five-bedroom residence with three bedrooms located upstairs and two bedrooms in the basement. The applicant proposes to convert the basement into an ADU. This would reduce the size of the single family residence to a three-bedroom, 1,819 sq. ft. unit. The proposed ADU would be 677 sq. ft.

Development Standards for ADUs

Section 4.4.4.A. includes standards for ADUs. All ADUs must be fully attached to the principal structure and must be located to the side or rear of the residence. The unit is fully attached within the basement of the structure. It has a separate entrance from the principal dwelling unit and has its own cooking, sleeping and sanitary facilities. It only has one bedroom. The proposed unit is fully in compliance with the ADU standards with the exception of the size of the ADU.

Setbacks

There are no significant changes to the exterior of the building with the exception of the expansion of the window well on the north side of the structure and the entryway to the ADU on the west side of the building. The existing residence meets the required setbacks.

Maximum Impervious Surface

The parcel is 5,500 sq. ft. The maximum allowed impervious surface is 52%. The proposed maximum impervious coverage is 51.6%.

Parking

Section 5.8.3. of the UDC requires 2.5 parking spaces for the single family residence and 2 spaces for the ADU for a total of 4.5 parking spaces. UDC Section 5.8.3.F states that any fraction exceeding 0.5 shall be rounded up to the next higher whole number. In this case, the number is rounded down to 4 required parking spaces. Two parking spaces have been provided in the garage with two in front of the garage for a total of four parking spaces. Parking is in compliance with the UDC.

Bulk Storage

Section 5.6.5.C.4. of the UDC requires 226 cubic feet of bulk storage for the ADU. The table on the plans shows 500 cubic feet has been provided in the basement.

Private Outdoor Space

UDC Section 5.6.5.B. requires 80 sq. ft. of private outdoor space for the ADU. The site plan shows that 683 sq. ft. has been provided.

Site Plan Review Criteria

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.

A Conditional Use Permit may be approved upon a finding that the application meets all of the following criteria:

1. The site, building(s), and use meet all criteria specified for the use and all applicable regulations and development standards as specified in this Code and for the zone district in which the use is located;
2. The proposed use is consistent with the Comprehensive Plan;
3. The site, if nonconforming with the development standards of the zone district in which it is located, will be brought into conformance with those standards if required to do so per *Nonconformities*;
4. The proposed use is planned in a manner that will minimize adverse impacts on the traffic in the neighborhood or surrounding uses;
5. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (including hours of operation, noise, odor, dust, and other external impacts);

FISCAL ANALYSIS

The proposed development will add one rental unit. This would not result in a significant fiscal impact on the Town's ability to absorb the new residential units.

RECOMMENDATION

Staff recommends that the following motion be approved: **Move to approve a Minor Site Plan Review and Conditional Use Permit for an Accessory Dwelling Unit with the findings and conditions in the Staff Report.**

Conditions of Approval

1. The size of the ADU shall be reduced to 600 sq. ft.
2. Water rights for the ADU shall be due at the time of building permit.
3. 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.
4. The Applicant shall pay and reimburse the town for all other applicable professional and Staff fees pursuant to the Carbondale Municipal Code.

Findings for Approval - Site Plan Review Criteria

1. The site plan is consistent with the Comprehensive Plan. The single family home is an existing structure and the accessory dwelling unit is located in the basement.
2. This site is in compliance with the previously approved Kiernan Subdivision Exemption approval;
3. The site plan complies with all applicable development and design standards set forth in this Code with the conditions of approval;
4. Traffic generated by the proposed development will be adequately served by existing streets and alleys.
5. The proposal is in compliance with the UDC, and that the use would not have an adverse effect on the character of the surrounding uses. The proposal adequately mitigates traffic impacts in the neighborhood and the impacts of the use are borne by the owners of the property.

Findings for Conditional Use Permit

1. The site, building(s), and use meet all criteria specified for the use and all applicable regulations and development standards as specified in this Code and for the zone district in which the use is located;
2. The proposed use is consistent with the Comprehensive Plan;
3. The site is in conformance with the zoning standards;
4. The proposed use minimizes adverse impacts on the traffic in the neighborhood or surrounding uses;

5. The proposed use is compatible with adjacent uses in terms of scale, and site design as there will only be minor changes to the exterior of the structure;

Prepared By: Janet Buck, Planning Director

March 28, 2019

From: John Henderson
182 Sopris Avenue
Carbondale, CO. 81623

To: Town of Carbondale
Attn: Janet Buck
511 Colorado Avenue
Carbondale, CO. 81623

RE: Request for approval to add an ADU to my existing single family home

Ms. Buck-

I am submitting a minor site plan, land use application requesting permission to add an ADU to my single family home located at 182 Sopris Avenue in Carbondale. The current zoning for my property is Residential/Low Density, which allows for the addition of an ADU.

My home is currently a five bedroom single-family residence, with three bedrooms located upstairs and two bedrooms in the basement. It is my intent to convert the existing basement with two bedrooms, into a one bedroom ADU, keeping the majority of the improvements inside the existing structure.

My wife, Angela Henderson, will be representing me in in this application and acting as the applicant on my behalf because I will be out of town for the P&Z meeting. If you have any questions for me, please feel free to give me a call at 970-948-4995, or via email at amkchoctaw@gmail.com.

Thank you,



John S. Henderson



Town of Carbondale
511 Colorado Ave
Carbondale, CO 81623
(970)963-2733

Pre-Application Meeting Date _____
Fees _____ Date Pd _____

Land Use Application

PART 1 - APPLICANT INFORMATION

Applicant Name: Angela Henderson Phone: 9709484443
Applicant Address: 182 Sopris Avenue, Carbondale, CO. 81623
E-mail: amkchoctaw@gmail.com
Owner Name: John S. Henderson Phone: 9709484995
Address: 182 Sopris Avenue, Carbondale, CO. 81623
E-mail: amkchoctaw@gmail.com
Location of Property: provide street address and either 1) subdivision lot and block; or 2) metes and bounds:
182 Sopris Avenue, Kiernan Subdivision exemption, Lot 7

PART 2 - PROJECT DESCRIPTION

General project description:
Applicant would like to add an Adu to the existing single family home by converting the basement into an adu.
Size of Parcel: 5500SF # Dwelling Units: 1 Sq Ftg Comm: _____
Type of Application(s): Minor Site Plan Review
Existing Zoning: R/LD Proposed Zoning: R/LD

PART 3 - SIGNATURES

I declare that I have read the excerpt from the Town of Carbondale Municipal Code Article 8 Land Use Fees. I acknowledge that it is my responsibility to reimburse the Town for all fees incurred as a result of this application.

I declare that the above information is true and correct to the best of my knowledge.

Angela M. Henderson
Applicant Signature _____ Date _____

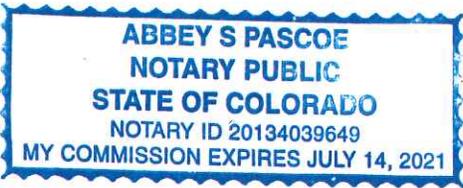
Signature of all owners of the property must appear before the application is accepted.

[Signature] 3/27/19
Owner Signature _____ Date _____

STATE OF COLORADO)
COUNTY OF GARFIELD) ss.

The above and foregoing document was acknowledged before me this 27 day of March 2019, by John S Henderson

Witness my hand and official
My commission expires: 7-14-21



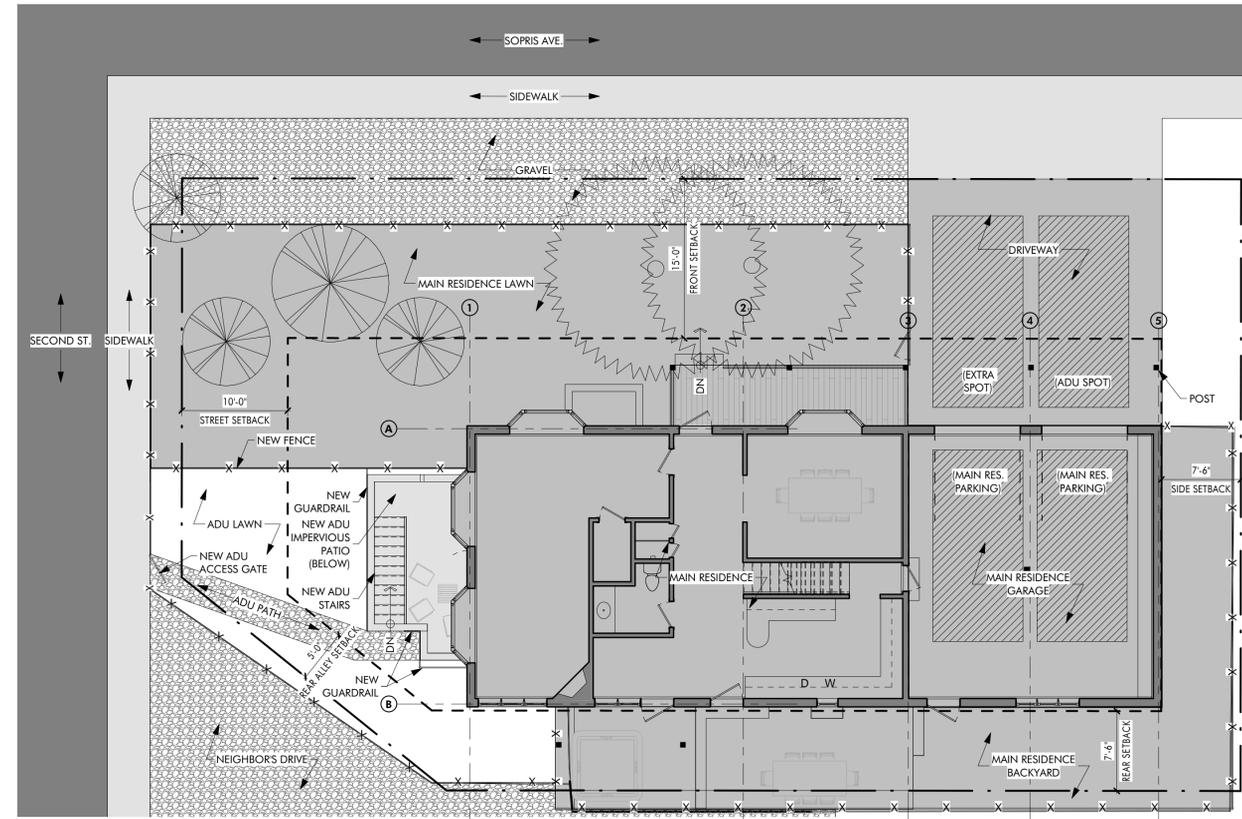
[Signature]
Notary Public _____



Land+Shelter
 ARCHITECTURE AND PLANNING
 400 West Main Street Suite 205, Aspen, CO
 1970.963.0201 info@landandshelter.com

NOTICE: DUTY OF COOPERATION
 Release of these plans contemplates further cooperation among the owner, his or her contractor, and the architect. Design and construction are complex. Although the architect and his/her consultants have performed their services with due care and diligence, they cannot guarantee perfection. Communication is imperfect and every contingency cannot be anticipated. Any ambiguity or discrepancy discovered by the use of these plans shall be reported immediately to the architect. Failure to notify the architect compounds misunderstanding and increases construction costs. A failure to cooperate by a simple notice to the architect shall relieve the architect from responsibility for all consequences. Changes made from the plans without consent of the architect are unauthorized and shall relieve the designer from all consequences arising out of such changes.

PLANNING
 March 26, 2019
 Revisions



SITE PLAN
 1/8" = 1'-0" 1

**HENDERSON RESIDENCE
 182 SOPRIS AVE
 PLANNING**

FOR PLANNING ONLY



Property	Owner	Parcel	Zone	Lot Size	Building Type
This Property	Henderson	239334440001	R/LD	5500 sf	SFR, 1 Building
Adjacent Property - South	Bartels	239334440002	R/LD	5500 sf	SFR, 1 Building
Adjacent Property - East	Larkin	239334405002	R/LD	8250 sf	SFR, 1 Building
Adjacent Property - North	Sopris Properties	239334404005	R/HD	8250 sf	Multi-Unit (4 Units), 1 Building
Adjacent Property - West	Sassano	239334420011	R/HD	6875 sf	Duplex, 1 Building
Adjacent Property - Northwest	Jeffreys/Mallory	239334407001	OTR	6000 sf	SFR, 1 Building

Parking	SF	Type	Notes
Main House (Original)	2496	Single Family	2.5 per 3-bedroom unit over 900 SF
Main House (Post-ADU)	1819	Single Family	2.5 per 3-bedroom unit over 900 SF
ADU	677	Accessory Dwelling Unit	2 per ADU; may be reduced to 1 space only when there shall be reserved on the lot sufficient open space to accommodate the additional space should the Town, based on parking related complaints from nearby property owners, require said parking to be provided on the lot. The area reserved for the reserved parking space shall be included in the lot coverage calculation.

**Table 3.7-2:
 Maximum Impervious Lot Coverage - Residential Districts**

Zoning District	AG	OTR	R/LD	R/MD	R/HD
Net Lot Area	Maximum Impervious Lot Coverage Percentage (%)				
400,000 sf or larger	5	1.5	5	60	60
200,000 - 399,999 sf	--	2	7	60	60
87,120 - 199,999 sf	--	4	15	60	60
43,560 - 87,119 sf	--	8	20	60	60
20,000 - 43,559 sf	--	16.5	25	60	60
15,000 - 19,999 sf	--	21	33	60	60
12,500 - 14,999 sf	--	24	35	60	60
10,000 - 12,499 sf	--	29	42	60	60
7,500 - 9,999 sf	--	34	45	60	60
6,000 - 7,499 sf	--	40	52	60	60
4,000 - 5,999 sf	--	42	52	60	60
Less than 4,000 sf	--	44	52	60	60

Private Outdoor Space	Total Area
Main Residence (After ADU)	2250
ADU	683

Zone Name	Area
Impervious (Original)	2708
Impervious (ADU Patio)	132
Pervious (After ADU)	2660
% Impervious (of 5500 sf lot)	51.6%

BULK STORAGE

b. A minimum of one cubic foot of storage for each three square feet of gross area of the dwelling unit shall be provided for each unit not including areas for bedroom closets, kitchen cabinets, and food storage areas.

Bulk Storage	SF Total	Req'd Bulk Storage	Provided Bulk Storage
ADU	667 sf	226 cf	500 cf

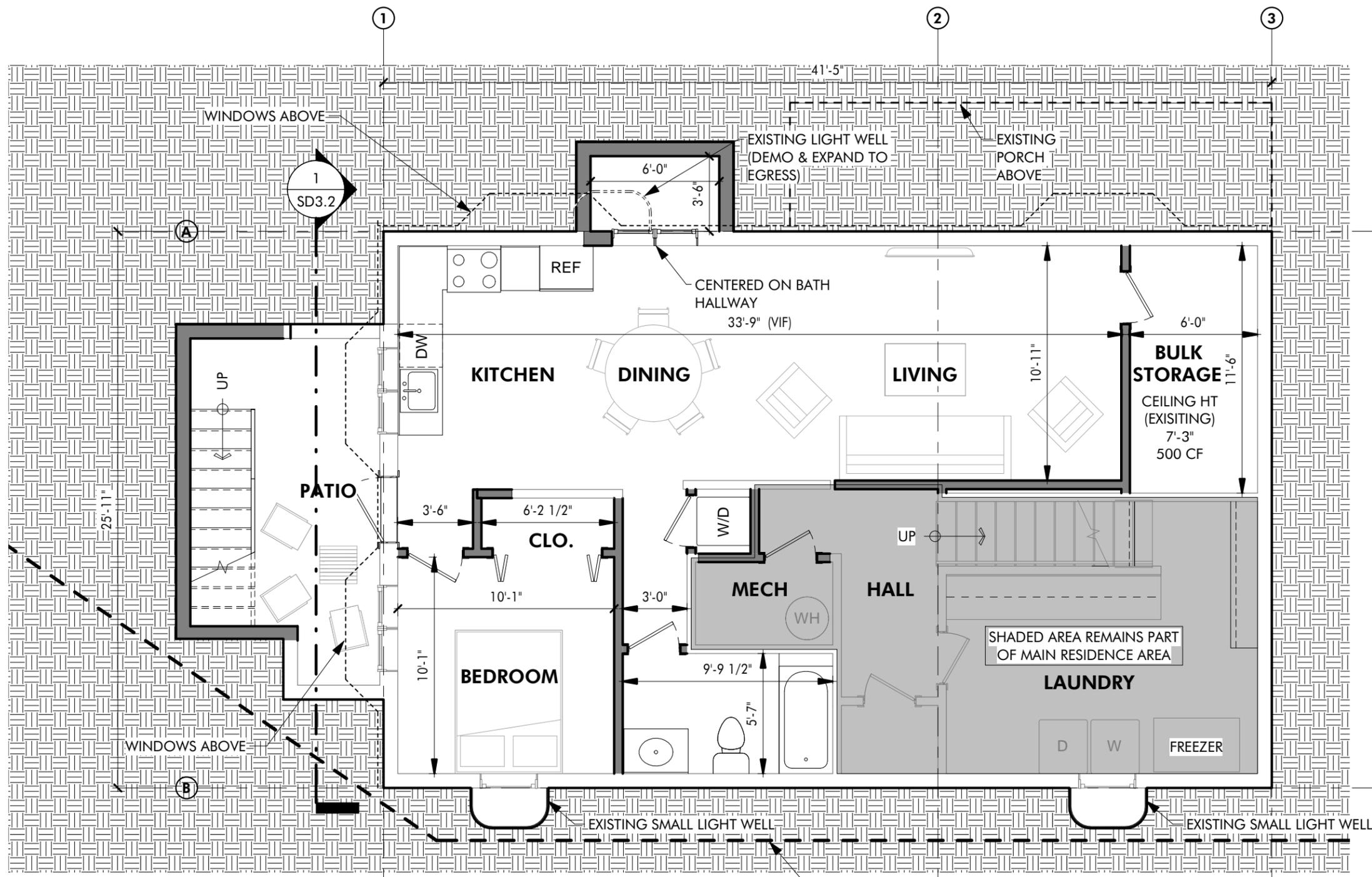
Job Site:

182 Sopris Ave
 Carbondale, CO 81623

SITE PLAN

Sheet Number:

SD3.0



ADU AREA: 677 SF
MAX PER CODE: 850 SF

NEW
 EXISTING TO REMAIN

SETBACK LINE,
SEE PLAN

LOWER LEVEL PLAN
 3/16" = 1'-0"

1

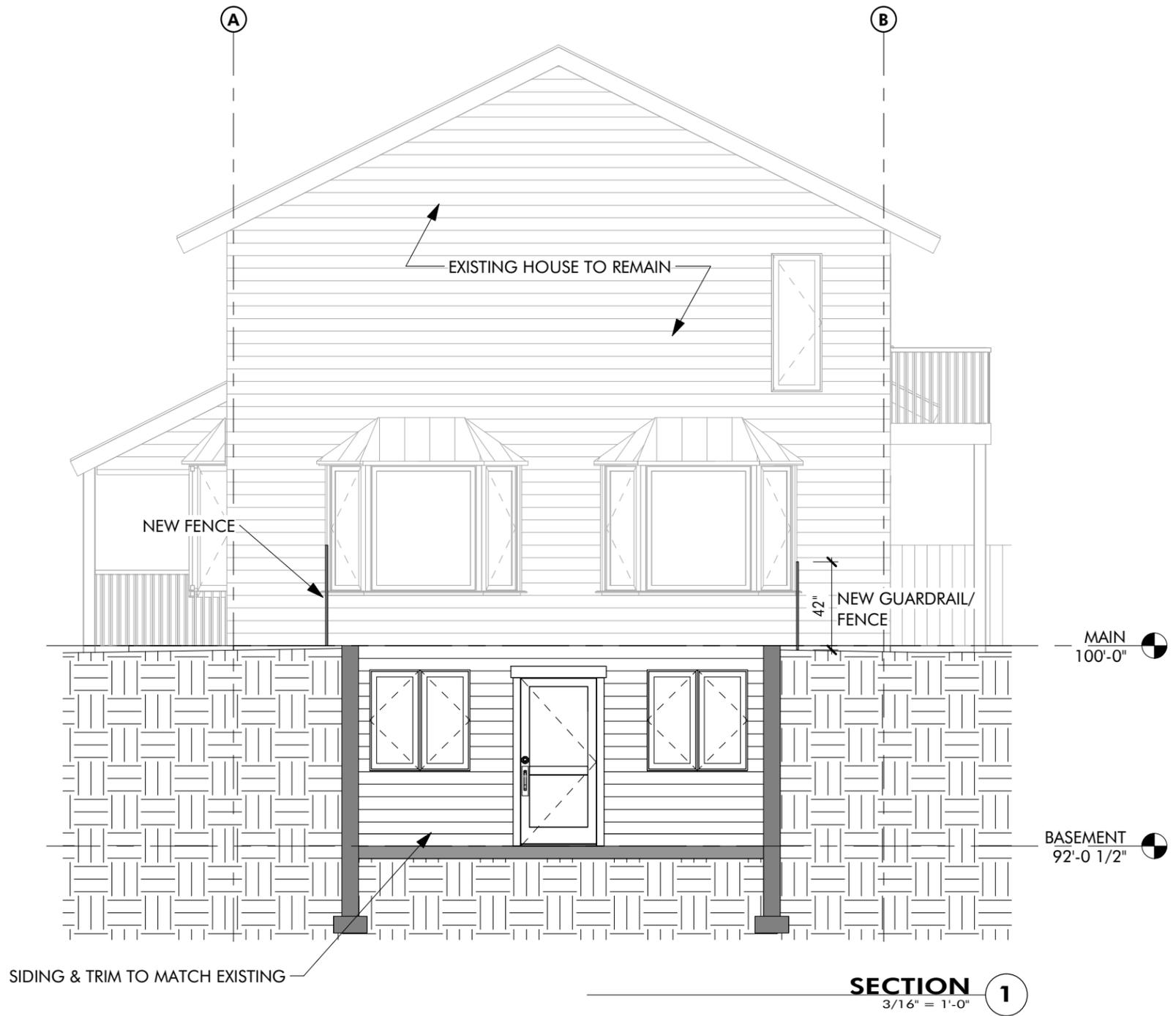
SHEET SD 3.1

HENDERSON RESIDENCE
 BASEMENT ADU

March 26, 2019

Land+Shelter
 ARCHITECTURE AND PLANNING





Memorandum

To: Janet Buck, Planning Director

From: John Plano, Building Official

Date: 4/08/2019

**Re: 182 Sopris Avenue, Convert basement to ADU
LU19-7**

The applicant is proposing adding exterior stairs and remodeling a portion of the existing basement into an apartment.

If the Planning Application is approved, Building, Plumbing and Mechanical Permits will be required to be issued from the Town for the work proposed. The State permits and inspects electrical work within the Town.

One-hour construction will be required to separate this new apartment from the rest of the home. All walls and ceiling separating the apartment from the existing residence will have to be upgraded to meet listed one-hour assemblies. Please have the architect submit assemblies when providing drawings for the building permit. A full set of construction drawings will be required and also design professional stamped drawings will be required for the new entry and window well. The new entry door into the basement will be required to be 36" wide by 78" tall for egress.

Guardrails, smoke detectors, carbon monoxide detectors, handrails and all life-safety items required by the building code will be required during construction.

TOWN OF CARBONDALE

PLANNING DEPARTMENT
REVIEWING AGENCY FORM

PLANNING ITEM #: LU19-7

DATE SENT: 4-1-19

COMMENTS DUE: 4-15-19

TO: _____

To assist the Town in its review of this project, your review and written comments are requested. Please notify the Planning Department if you will not be able to respond by the date listed above. Questions regarding this project should be directed to the Planning Department, 963-2733.

APPLICANT: Angela Henderson

OWNERS: John S. Henderson

LOCATION: 182 Sopris Avenue

ZONE: R/LD

PROJECT DESCRIPTION: Minor Site Plan Review to convert the basement into an ADU.

PLANNING STAFF CONTACT: Janet Buck

The following are conditions or comments I would offer regarding this item: (Attach separate sheet if necessary)

1. The Town's water system is capable of providing the required fire flow to the site. The existing fire hydrant locations are adequate.

Date: April 15, 2019

Bill Gavette
Deputy Chief
Carbondale & Rural Fire Protection District
970-963-2491

Please return comments to both: jbuck@carbondalecto.net
msikes@carbondalecto.net

Planning Department
Town of Carbondale
511 Colorado Avenue
Carbondale, CO 81623



**TOWN OF CARBONDALE
511 COLORADO AVENUE
CARBONDALE, CO 81623**

Board of Trustees Agenda Memorandum

Meeting Date: 4/23/2019

TITLE: Planning Department Administrative Report

SUBMITTING DEPARTMENT: Planning Department

Thompson Park - The Board approved the Major Site Plan Review for Thompson Park in July of 2018. The approval allows 40 residential dwelling units, eight of which would be deed restricted for affordable housing. Since then, the Town received a Letter of Credit securing the public improvements, the approval documents have been recorded, and work on the infrastructure has commenced on the property. It is anticipated that building permit applications for the first four buildings will be submitted within the next week.

Town Center – Town Staff is working with the Town Center property owners on the Town Center approval documents which were recorded in 2003. Some of the conditions of approval, i.e., design guidelines, are no longer needed since the adoption of the UDC. In addition, the property owner is looking at changing the organization of the Town Center HOA. These changes would require a plat amendment and an amendment to the Subdivision Improvements Agreement. This would require approval by the Board. (Town Center is the vacant property, with the exception of Thunder River Theatre and the Backbone building, which is bounded by Colorado Avenue, Main Street, Sixth Street and Fourth Street.)

City Market – Work continues on the infrastructure for the Carbondale Marketplace (City Market) subdivision. It is anticipated that construction of City Market will begin this year with the store opening in 2020. This will include the 10,000 sq. ft. retail building associated with City Market as well as the fueling station. The building permit for the grocery store will be submitted within the week.

Stein Development – In 2017, the Board approved a Major Site Plan Review to allow a mixed-use development with commercial and residential components on the vacant parcel located at the northeast corner of Highway 133 and Main

Street. This was to allow 18 residential units and 2,100 sq. ft. of commercial space. The property has since been placed on the market and Staff continues to meet with potential buyers to review a revised development plans for the property.

Main Street Marketplace – Main Street Marketplace is approved for a mixed-use development with approximately 10,000 sq. ft. of commercial space and 115 residential dwelling units on the 5.37-acre parcel. The Development Improvements Agreement and Ordinance were approved by the Board at the February 15, 2019 meeting.

Sopris Lodge Assisted Living Community - Sopris Lodge received the final authorization for utility and access crossings from RFTA. A letter of credit was submitted to the Town and the Development Improvements Agreement and other associated documents were recorded on April 8, 2019. Infrastructure work on the property has begun. The building permit has been reviewed and is ready to be picked up.

Unified Development Code (UDC) Amendments – The Planning Commission reviewed the redlines at its February 14, 2019 meeting as a regular item. The P&Z then held a public hearing on February 28, 2019 where the P&Z recommended approval of the UDC redlines. The Board of Trustees reviewed and approved the amendments at a public hearing on March 18, 2019.

Small Cell Wireless Facilities – The Planning Commission held public hearings on the regulations for small cell wireless facilities at their March 14, 2019 and March 28, 2019 meetings, and recommended approval of the amendments. The Board held a public hearing on April 9, 2019 and approved the amendments to the UDC to include regulations for wireless facilities.

The Town developed the regulations in response to recent developments in federal and state laws which require that the Town address small cell wireless facilities. Small cell wireless facilities are required for 5G technology. A State Statute enacted in 2017 gives providers (i.e., Verizon, AT&T, etc.) the right to locate small cell facilities on municipal infrastructure in public rights-of-way. The Statue also makes small cell facilities a use-by-right in any zone district. In addition, the new law shortens the timeframe that municipalities must act on an application.

More recently, the FCC approved new rules to streamline deployment of small cell technology. This includes new “shot clocks” for processing small cell applications. The FCC rules limit permit fees that municipalities can charge providers and prohibits municipalities from adopting regulations that “materially inhibit” small wireless facility deployment. Municipalities had until April 14, 2019 to adopt regulations/design standards for new small cell antenna facilities.

159 Sopris Avenue – The Planning Commission approved a Minor Site Plan and Variances for a vacant structure dating from the 1940's to be renovated into a small residential dwelling.

296 South 3th Street – The Planning Commission approved a Minor Site Plan, Variances and Conditional Use Permit for a new structure at Third Street and Sopris Avenue.

728 Euclid – A public hearing has been scheduled before the Board of Adjustment (BOA) for the consideration of an appeal of the Building Official's decision to issue a building permit for a structure at 728 Euclid Avenue.

Housing Study – The Board of Trustees held a housing work session at the Third Street Center on January 15, 2019. Staff presented the Town's Inclusionary Housing requirements to the Board.

In addition, there will be three presentations of the Final Regional Housing Study, along with a question and answer session on April 29th and 30th. The times and locations are as follows:

1. 5:00 pm on Monday, April 29th at a location in Aspen to be determined (tentative – could change)
2. 8:30 am on Tuesday, April 30th at the Garfield County Commissioners' Meeting Room in Glenwood Springs
3. 2:30 pm on Tuesday, April 30th in the Eagle County Meeting Room in El Jebel

Wolf Creek Storage Referral – The Planning Commission reviewed this referral from Pitkin County and sent a letter with their comments. The comments centered on concerns about the traffic through Town during the initial setup of the operation and removal of the equipment. The public hearing for Pitkin County to consider this item has been continued several times and it currently is in the pipeline.

Go Self Storage/Blue Mountain Self Storage – The Planning Commission reviewed this referral from Garfield County on January 24, 2019 and submitted a letter to the County which reflected their concerns. Both proposals were denied by the County Commissioners at their April 15, 2019 meeting.

Roaring Fork Valley Regional Housing Authority (RFVRHA) – Planning Staff has been serving on the RFVRHA Affordable Housing Task Force and the Land Use Task Force groups working on the Regional Housing Authority project. The results of the recent housing survey are expected to be presented to the public and elected officials on April 30, 2019.

615 Buggy Circle - Marijuana Cultivations - The Planning Commission approved two new marijuana cultivation operations at 615 Buggy on January 24, 2019.

Zone Text Amendment – Signs – The Planning Commission recommended approval of a Sign Code Amendment that added a timeframe for approval or denial of a permit application and the definition of an operational business. The Board approved the amendment at the March 19, 2019 meeting.

Brothers Subdivision Exemption - 415 8th Street – In March of 2018, Staff reviewed an Administrative Site Plan Review to allow construction of a duplex and a single-family residence to be located at 415 N. 8th Street. On April 11, 2019, the Planning Commission approved a subdivision exemption to subdivide the parcel into three lots. The subdivision allows each unit to be sold individually.

Triple Canna LLC. 220 N 12th Street – The Planning Commission approved a Marijuana Infused Product Manufacturer and Cultivation Special Use Permit for 220 N 12th Street on April 11, 2019

Property Inquiries – A number of properties were placed on the market around Town. As a result, Planning and Building Staff have been fielding numerous inquiries on those properties.

VACP Report – The Commission reviewed the summary of the VCAP report at its April 11, 2019 meeting with the understanding that the findings in the report should be considered during the Commission’s decision-making process.

Prepared By: John Leybourne and Janet Buck

JH
Town Manager