



Town of Carbondale
511 Colorado Avenue
Carbondale, CO 81623

AGENDA
PLANNING & ZONING COMMISSION
THURSDAY, January 12, 2023
7:00 P.M. Carbondale Town Hall & Via Zoom

ATTENTION: All regular Carbondale Planning and Zoning Commission Meetings, will be conducted in person and virtually via Zoom. If you wish to attend the meeting virtually, and you have a comment concerning one or more of the Agenda items, please email kmcdonald@carbondaleco.net by 4:00 p.m. on January 12, 2023. If you would like to comment virtually during Persons Present Not on the Agenda please email kmcdonald@carbondaleco.net with your full name and email address by 4:00 p.m. on January 12, 2023

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/85873767164?pwd=L2lXeJZ0OXhRYUc4cDJoaDhZVVVJZz09>

1. CALL TO ORDER
2. ROLL CALL
3. 7:00 p.m. – 7:05 p.m.
Minutes of the August 25, 2022 meeting..... Attachment A
Minutes of the September 8, 2022 meeting..... Attachment B
Minutes of the October 13, 2022 meeting..... Attachment C
Minutes of the December 8, 2022 meeting..... Attachment D
4. 7:05 p.m. – 7:10 p.m.
Public Comment for Persons not on the agenda (See instructions above)
5. 7:10 p.m. – 7:40 p.m.
570 Redstone Ave ADU Minor Site Plan – Continued Public HearingAttachment E
6. 7:40 p.m. – 8:00 p.m.
Staff Update
7. 8:00 p.m. – 8:15 p.m.
Commissioner Comments
8. 8:15 p.m. – ADJOURN

Upcoming P & Z Meetings:

1-26-2023 – TBD

2-9-2023 – TBD

Please note all times are approximate

MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday August 25, 2022

Commissioners Present:

Jay Engstrom, Chair
Nicholas DiFrank, Vice-Chair
Nick Miscione
Marina Skiles
Kim Magee

Staff Present:

Jared Barnes, Planning Director
Kae McDonald, Planning Technician

Commissioners Absent:

Jeff Davlyn
Jarrett Mork
Kade Gianinetti (1st Alternate)

Other Persons Present

Oscar Carlson, Planning & Zoning Commission 2nd Alternate Applicant, 2747 Graceland Drive
Jess Robison, Planning & Zoning Commission 2nd Alternate Applicant, 760 Latigo Loop

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

August 11, 2022 Minutes:

Nicholas made a motion to approve the August 11, 2022 minutes. Marina seconded the motion, and they were approved with Nick Miscione and Kim Magee abstaining.

Public Comment – Persons Present Not on the Agenda

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

Resolution No. 6, Series of 2022 – Accessory Dwelling Unit – 39 Maroon Drive – John and Marianne Ackerman

Jay noted that the Resolution listed the proposed use as allowed within the OTR zone district under the Findings for Conditional Use Permit, but that the property is in the R/LD zone district. Nicholas made a motion to approve Resolution No. 6, Series of 2022, approving the Accessory Dwelling Unit, at 39 Maroon Drive with the revision of the R/LD zone district under Condition No. 1 on page 2. Marina seconded the motion, and it was approved unanimously.

Comprehensive Plan Discussion – Board of Trustees Work Session

Jay explained that he had had a conversation with the mayor regarding the status of the Comprehensive Plan Update and while the mayor acknowledged that the update was a patch job, he encouraged the Commission to move forward in wrapping the process up. He related that the mayor had noted that in the process of recommending approval for

the update, the Commission can also recommend undertaking a new Comprehensive Plan and that the mayor would like to move forward with a Transportation Master Plan.

Marina stated that they could all agree about the need to button it up and that there is some good information contained in the update. She stated that while they do need to recognize it is a patch job, it does need to be completed so those with upcoming land use applications are using the correct zoning. She also noted that with reference to Carbondale Arts, there is a need to have the Board of Trustees involvement. She agreed that they need to recommend having a full Comprehensive Plan in the works by 2025. She also pointed out that it is important that the public doesn't perceive this process to be a waste of time and money.

Jay encouraged that if it is recognized as a patch job, they should decide to approve or deny at the next meeting.

Nicholas replied that his greatest concern is that they push through the update's approval and then a full Comprehensive Plan isn't undertaken any time soon.

Jay thought that the Board of Trustees recognize the update for what it is – especially because it doesn't involve the Highway 133 corridor or the new Town property – and they would be receptive to a full Comprehensive Plan. He pointed out that 2025 will be 12 years since the 2013 Comprehensive Plan was approved. He added that there are still a few months' process to get the update approved.

Jared noted that a full Comprehensive Plan is at least a year-long process and if it is kicked off in 2025, it will be 2026 before it is adopted. He didn't want to set any unrealistic expectations but noted that an update should take six to nine months, while a full overhaul of the Comprehensive Plan is a very involved process reviewing every aspect of the community. He supported Jay's comments and suggested that these two items could be dealt with in two motions:

- 1) Recognize that the Comprehensive Plan update is an update and needs to move forward in some form or fashion

- 2) Recommend to the Board of Trustees that a full Comprehensive Plan rewrite is initiated by X year – that would communicate the Planning & Zoning Commission's desire not to delay.

Jay agreed that such a strategy would put into play a situation that is more prudent and that a denial of the Comprehensive Plan update in favor of initiating a full Comprehensive Plan rewrite right now is not what the Board of Trustees wants to see.

Nicholas understands that approval is being promoted but wishes that the Board of Trustees had been more connected to the process.

Nick agreed that they need to deliver, regardless of its messiness. He commented that the 2013 Comprehensive Plan was created in a different world – Carbondale was recovering from the 2008 recession and there was a need to push a pro-development agenda – and the community is now seeing the effects of the decisions made at that

time. He thought it was unrealistic to expect concordance between the current community's expectations and those from 2013. He thought approving the update with a recommendation for a full rewrite was appropriate and that it made sense to recommend the approval of the update contingent upon a full rewrite soon.

Marina commented that the Commission was in a tough PR situation because a lot of taxpayer dollars has been spent on the update and there is confusion over what the public expects from the update. She thought that given the public outreach and review the best PR might be to approve the update as the quilt that it is. She is comfortable approving it if the Board of Trustees reviews it alongside the Commission. She also didn't think 2025 was soon enough to undertake a full rewrite because there is a need to address community members concern over development.

Jay noted that the steering committee has really gotten into the weeds, and it would take too much time to re-review it.

Nicholas pointed out that this is not "the" document – the Unified Development Code is the more important of the two.

Jay agreed that he would rather spend time reviewing the Unified Development Code.

Jared presented a process question by noting that there are currently no notices of public hearings, and the Planning & Zoning Commission is still functioning as the steering committee. He pointed out that the steering committee needs to recommend approval to the Planning & Zoning Commission, so that a noticed public hearing can be reviewed before the public and give the public the opportunity to comment. He thought that if there was additional public input, it would lend more specificity to the recommendations. He noted that there was good public involvement, and a lack of action might push the public away from future efforts. He added that there seemed to be a lot of comments about other areas in town and these may be areas to start from. He thought that some of these areas may warrant more near-term review between staff and the commission. He noted that, in his experience, steering committees are usually comprised of two or three members from each approving authority, and it facilitates cooperation between the two. He noted that by doing so, it aids in making those policy decisions the Commission is struggling with now.

Marina asked about the Board of Trustees work session request.

Nicholas didn't think the Board of Trustees would support a work session.

Jay noted that the mayor had said he could try to make it to the next meeting.

Nick pointed out that the Board of Trustees and the mayor are elected positions and because the Planning and Zoning Commission is appointed, they are in an important and unique position to make decisions without sway. He thought the Planning and Zoning Commission was the best group for the job.

Nicholas was very happy with the way the community showed up but noted his disappointment in how topics were presented in the update.

Jay suggested each person come up with final major concerns to discuss at the next meeting.

Marina requested that the most current version be posted to the website and emailed to the commission members for discussion at the next meeting.

Jared pointed out that this is not a public hearing because it must be noticed and reiterated that what is currently be discussed is the steering committee recommending approval to the Planning & Zoning Commission. He thought that based on the noticing requirements and the meeting timelines, the earliest feasible public hearing would be September 22nd which would allow additional discussion and changes at the upcoming meeting.

Nick suggested one last pass that should be extractive in nature. He suggested breaking the update into thirds over the next three meetings, with the public hearing planned for the second meeting in October.

Nicholas pointed out that they are not dealing with redundancies, but rather glaring items left out – this won't be a line-by-line review.

Jay didn't think there was time in the process for three additional meetings and that there will be one final meeting for review.

Nicholas thought one more meeting would be sufficient.

Marina reiterated her desire to see the most current version and remove anything from the website(s) that are earlier versions.

Jared agreed but pointed out that with recent staff turnover, there is some question about who can edit the kaleidoscope page but will hopefully be resolved soon.

Jay expressed concern over the amount of time Cushing Terrell might need to update the draft between the steering committee meeting and the public hearing.

Interview Planning & Zoning 2nd Alternate Candidates

The Commission acknowledged Nicholas DiFrank's member renewal application.

The Commission interviewed Oscar Carlson and Jess Robison for the vacant 2nd Alternate position.

Staff Update

Jared Barnes, the new Planning Director, introduced himself.

Kae McDonald, the new Planning Technician, introduced herself.

Commissioner Comments

Nicholas asked about the P&Z Commission's motion to initiate a code text amendment to rezone certain parcels from the PC to the MU zone district.

Jared responded that he watched the recording of the meeting and is aware of their motion. He stated that he needs to perform additional research and have internal conversations about the request prior to moving it forward. He informed the commission that he would follow up with additional information at the next meeting.

Motion to Adjourn

A motion was made by Nicholas to adjourn, Kim seconded the motion, and the meeting was adjourned at 9:00 p.m.

DRAFT

MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday September 8, 2022

Commissioners Present:

Jay Engstrom, Chair
Jeff Davlyn
Marina Skiles
Kim Magee
Kade Gianinetti (1st Alternate)

Staff Present:

Jared Barnes, Planning Director
Kae McDonald, Planning Technician

Commissioners Absent:

Nick Miscione
Jarrett Mork

The meeting was called to order at 7:03 p.m. by Jay Engstrom.

August 25, 2022 Minutes:

The approval of the August 25th meeting minutes was deferred to a later meeting because two of the five commissioners present were not present at that meeting and would need to abstain.

Public Comment – Persons Present Not on the Agenda

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

Motion to close the public hearing

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

Kim joined the meeting late.

Commissioner Appointment Process and Update

Jared explained that at the last meeting, three individuals were interviewed – one for a reappointment and two for the second alternate seat – and as he was preparing the packet information for the Board of Trustees meeting, he reviewed the Municipal Code on that process. He went on to explain that the interview process for the Planning and Zoning Commission is very specific and requires the prospective members be interviewed by the Board of Trustees with two members of the Planning and Zoning Commission including the Chair and one other person of the Chair's choosing. He noted that the interviews are supposed to take place at a special meeting of the Board of Trustees but commented that he delved further and even though that was from a version of the Code adopted in 2014, he couldn't find any more recent resolutions that outlined a different process.

Marina commented that she had been on the Commission since 2013 and noted that they had been following the same process throughout that time. She wondered if because the protocol as spelled out in the Municipal Code hasn't been followed if Commission appointments were nulled.

Jared reassured Marina that Commission appointments were still valid but moving forward would like to follow the process as currently outlined in the Municipal Code. He added that the Commission can also approach the Board of Trustees with proposed changes and included a few thoughts why it was written in the manner it was:

- The Planning and Zoning Commission is a decision-making body, and the other boards and commissions are advisory in nature only
- The Board of Trustees put more power in the Planning and Zoning Commission

Jeff asked what the process would be to amend the Resolution, noting that Janet went above and beyond the necessary protocols and was inclusive of the entire Commission in the interview process, and he would like to see that process formalized.

Jared explained that it would be a Code Text Amendment that the Board of Trustees would need to approve. He added that this is a tricky situation because there are more applicants than vacancies while many times the number of applicants is equal to the number of vacancies.

Marina asked what will happen at the upcoming Board of Trustees meeting and whether the Trustees will be the only ones to interview the prospective commission members.

Jared replied in the affirmative and reiterated that it would be the Board of Trustees and just two of the Planning and Zoning Commission members at a BOT meeting where the candidates would be interviewed, and they would make a decision at that meeting. He added that the BOT could reaffirm the Planning and Zoning Commission recommendation, but they could also decide independent of that recommendation. He noted that they are having a conversation at the staff level regarding how to change the process, possibly at the upcoming BOT meeting.

Jeff pointed out that historically the Board of Trustees still approved recommendations for appointment.

Jared replied that he didn't think anyone's specific appointment to this Commission should be in question, but he would like to follow what's currently codified. He will share with the Board of Trustees the conversation the Planning and Zoning Commission had. Jared noted that in other municipalities, he has observed the appointment of Planning and Zoning Commission members as strictly a Board of Trustees/Town Council process.

Jeff asked if the Commission could recommend a Code Text Amendment to the Board of Trustees.

Jared replied that that may be a possibility, but he will need to verify that because it isn't a development code item and make sure the Commission has the authority to do that under Chapter 2 of the Municipal Code.

Jay commented that he hasn't experienced a different process while serving on the Planning and Zoning Commission, but he thought that it seemed like extra work for both the Board of Trustees and the applicants.

Jeff pointed out that many of the Trustees have never served on the Planning and Zoning Commission.

Marina agreed and pointed out that the Trustees rely on the Commission to make decisions.

Jared noted that the mayor is open to both processes but hasn't seen how the other that is in the code operates.

Jeff suggested defining the interview committee as the Planning and Zoning Commission along with two members of the Board of Trustees or add a step to specify a preliminary interview with the Planning and Zoning Commission and keep the remaining text as it is.

Jay asked if reappointments would work the same way.

Jared replied that every person applying would be considered a new applicant, the distinction would be that they already had experience serving on the Commission. He liked Jeff's recommendation and noted that there are a variety of ways other advisory boards and commissions outline this process and agreed there was a need to create a more consistent process.

Jeff asked if the Municipal Code detailed the process for appointment to the Board of Adjustment and noted that in the past, the Planning and Zoning Commission also served as the BOA.

Marina pointed out that the Commission has also served as the Steering Committee for the Comprehensive Plan.

Kade suggested having selected Trustees who have previously been members of the Planning and Zoning Commission be part of the interview and recommendation process.

Jared pointed out that it would have to be less than three Trustees, because attendance by three or more of the Trustees constitutes a Board of Trustees meeting, but he reasoned that if the commission members thought it was a better process it might help bridge the gap.

Jay thought it would be beneficial to have Trustees attend Commission meetings.

Jeff thought their attendance should be on a topical basis, but it would be helpful to gain their perspective on bigger issues.

Jared noted that he asked Jay and Jeff to attend the Board of Trustees meeting on Tuesday to participate in the interview process.

Comprehensive Plan Discussion

Jay noted that they had had a thorough discussion at the August 25th meeting regarding what was needed to get the Comprehensive Plan Update approved. He thought that as a member of the steering committee, the document was at a solid point to be reviewed by the Planning and Zoning Commission and the Board of Trustees before being referred to the Board of Trustees for approval. He asked that, if possible, any remaining issues be resolved at this meeting.

Marina commented that because Carbondale has changed so much – even since 2021 – this is an update that has reached its capacity as an update and exceeded its bounds in both scope and budget. She voiced her support for beginning a full Comprehensive Plan in 2025.

Jeff agreed with Marina and added that his greatest worry is that the update would be approved without a definitive timeline for a full rewrite of the Comprehensive Plan. Jeff noted that he had read through last meetings' minutes and appreciated the sentiments expressed and agreed that the focus should be on updating the Unified Development Code because it has more teeth.

Jay replied that the Board of Trustees has been discussing moving towards some of these recommendations that have been summarized, but they can't act on those items until the update is approved.

Marina disagreed with Jeff regarding the Unified Development Code and expressed her opinion that the Comprehensive Plan has more teeth than the UDC, because the Comprehensive Plan is a guiding document that is frequently referred to and the UDC is a malleable document.

Jeff didn't disagree but replied that unless the guidance expressed in the Comprehensive Plan is codified, it is just guidance. He gave the example of setbacks and explained that setbacks aren't outlined in the Comprehensive Plan, but they are found in the UDC. He explained that he had had a conversation with Janet regarding Thompson Park wherein there was guidance in the Comprehensive Plan regarding development around the Thompson House be reflective the historic character of that building, but while the spirit of that sentiment may have been there, it wasn't really spelled out in the code. Jeff voiced his support for moving forward on the update, just from a bandwidth perspective, so the Commission can focus on those changes that need to be addressed.

Kim agreed with all that had been discussed. She asked Jared if he thought the document was navigable.

Jared replied that he did think it was navigable and would help community members. He thought the document would be useful in directing applicants to specific sections to help them understand why particular projects might not have traction in Carbondale.

Jay commented that he would like to see the 11" by 17" format should be edited to an 8 ½" by 11" format for ease of navigation.

Jeff asked that the content be hyperlinked.

Jared noted that those changes have already been made in the most recent version. He added that the most recent version was also on the website as of September 6th and that the translator has been contacted and a fully translated version will be available for review prior to the public hearing on October 13th.

Kade was also ready to approve the update and focus on its implementation and updating the Unified Development Code.

Jay stated that based on the Commissioners' comments, the Steering Committee recommended the Comprehensive Plan Update for review at an upcoming Planning and Zoning Commission meeting.

Jared replied that the public hearing will be noticed for the October 13th meeting at which time the Commission will take public comment and either recommend approval, denial or continue to the following meeting. He also encouraged the Commission to move forward with a separate motion recommending a Comprehensive Plan rewrite to send a message to the Board of Trustees as well as to highlight the reasons for the recommendation. He also reiterated that the Spanish version will be ready for review at least one week prior to the public hearing.

Staff Update

Jared noted that Carbondale's new Public Information Officer has been working to gain access to Chart Carbondale and Kaleidoscope after which those two websites will be combined and rebranded as "Carbondale Connect" or "Connect Carbondale." The platform has the potential to be valuable for other endeavors and if the commissioners have any thoughts on making it better, please forward them to the PIO.

Jeff asked if it was possible to hold off on the rebranding until after the Comprehensive Plan Update has been approved.

Jared informed the commissioners that they have received an appeal request regarding the application for a Minor Site Plan Review, Conditional Use Permit and Alternative Compliance at 1337 County Road 106. He explained that it will be a *de novo* review which essentially means that it will be a brand-new review before the Board of Trustees without changes to the application; the review will take place at the October 11th BOT

meeting and the recommendations and considerations of the Planning and Zoning Commission will be included in the meeting packet.

Jeff asked about the Zone Text Amendment for that portion of town.

Jared replied that technically it isn't a Zone Text Amendment, but a rezoning. He added that if it is the commissioners desire to do that, a motion could be made for said effect. He wasn't sure if it would impact the current application since the appeal has already been put into motion, but it will capture future applications.

Motion

Jeff moved to initiate rezoning for the area between Hendrick and County Road 106 from Planned Commercial to Mixed Use. Marina seconded the motion, and it was unanimously approved.

Yes: Jay, Jeff, Marina, Kim, Kade
No: None

Commissioner Comments

Marina commented that the motion for rezoning was in alignment with what Jarrett wanted to do, so she felt the commissioners were all in agreement.

Jeff stated that he was excited to see the shade structure being built at Red Hill.

Jay stated that he was happy to see that the finishes are going up on the buildings along Highway 133.

Marina asked about the status of the annexed property along Highway 133 (just north of the electric transformers). She explained that there were detailed design elements that were attached to the project approvals, and she wanted to ensure that those weren't being changed.

Jared replied that at a recent Board of Trustees meeting, the new owners requested an extension to the public improvement deadline because they aren't sure they will have the agreements with neighboring property owners completed in time to pave before the batch plants close for the winter. He added that to his knowledge there weren't any design changes, the owners just wanted to ensure there wasn't an unpaved hole to become a mud pit through the winter.

Jay asked for confirmation that if there were design changes, it would come back to the Commission for review.

Jared replied that he thought it would.

Motion to Adjourn

A motion was made by Jeff to adjourn, Marina seconded the motion, and the meeting was adjourned at 8:23 p.m.

DRAFT

MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday October 13, 2022

Commissioners Present:

Jay Engstrom, Chair
Jeff Davlyn
Jerrett Mork
Kim Magee
Jess Robison (2nd Alternate)

Staff Present:

Jared Barnes, Planning Director
Kae McDonald, Planning Technician

Commissioners Absent:

Nicholas DiFrank
Nick Miscione
Marina Skiles
Kade Gianinetti

Guests:

Nora Bland, Cushing Terrell
Nikolai Valdmanis (Virtual Attendee)

The meeting was called to order at 7:08 p.m. by Jay Engstrom. He welcomed the new commission member, Jess Robison, to the meeting.

August 25, 2022 Minutes:

Jarrett ***moved*** to continue the approval of the August 25th meeting to a later meeting because there wasn't a quorum of that meeting's attendees present at the current meeting. Jeff ***seconded the motion***, and it was ***unanimously approved***.

Yes: Jay, Jeff, Jerrett, Kim, Jess
No: none

September 8, 2022 Minutes:

Jarrett moved to continue the approval of the September 8th meeting to a later meeting because there wasn't a quorum of that meeting's attendees present at the current meeting. Jeff ***seconded the motion***, and it was ***unanimously approved***.

Yes: Jay, Jeff, Jerrett, Kim, Jess
No: none

Public Comment – Persons Present Not on the Agenda

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

Staff Update

Jared explained that the PI LOVA Appeal of the Planning and Zoning Commission Denial of Land Use Application was heard at Tuesday's Board of Trustee's meeting and the Trustees approved the appeal with two required changes:

- Modify the building design to change the private entrance on the south elevation to a public entrance facing Main Street; said door shall remain open during business hours.
- Improve the site layout to better identify vehicular access; staff will work with the applicant to determine the most appropriate improvement possibly additional curb and gutter and/or striping within the road easement.

Jared related that most of the BOT's conversation was centered on vehicular access into the site. He confirmed that the recommendation from the Planning and Zoning Commission was included in the BOT meeting packet along with the August 11th meeting minutes and staff report. Jared pointed out that the applicants demonstrated improved design for the south elevation that will satisfy some of the concerns the Commission had outside of the PC zone district.

Jared noted that with the resolution of the appeal, the discussion regarding rezoning the obsolete Planned Community Commercial (PC) zone district to the Mixed Use (MU) zone district can now move forward. He pointed out that one concern to consider in rezoning the area would be the lost opportunity to work with developers to address the impacts a Mixed Use (MU) zoning might have over the PC – a rezoning would give additional property rights that those parcels don't currently have and might lead to additional impacts. He noted that there will also be the burden of additional review criteria and compliance.

Jay confirmed that Jared's point was that if the area isn't rezoned, developers will most likely be required to apply for rezoning anyway and the Commission will ultimately have more teeth to determine what happens with the property.

Jared agreed but explained that the trade-off would be if a developer decides not to apply for rezoning but to work under the constraints of the obsolete PC zone district.

Jeff asked what the primary differences were between the PC and MU zone districts.

Jared replied that the main difference is allowable uses – the MU zone district allows a wider variety of potential uses such as multi-story/multi-use buildings, but it is harder to achieve the current design principles under the obsolete PC zoning requirements. He added that lot size and setbacks are also different. Jared reassured the Commission that a full staff analysis would be completed if they choose to move forward.

Jeff asked how a rezoning might affect the PI LOVA development.

Jared explained that if they maintained their development rights it wouldn't affect them, but if they ask for additional changes or allow their application to lapse, they will have to reapply under the new zoning requirements.

Jay asked if the option of rezoning was discussed at the BOT meeting and pointed out that the rezoning was the strongest item for denial.

Jared reiterated that the Planning and Zoning Commission recommendation was presented, but the BOT did not engage in a discussion about rezoning.

Jarrett asked if the commission members wanted to move forward with a decision about the rezoning.

Jared replied that there wouldn't be any issues with moving the item forward into the public process and weighing the issues, but the Commission could also choose to not engage the topic.

Jarrett, Jay, and Jeff were all interested in moving the topic forward and asked that it be placed on an upcoming agenda for additional discussion.

Jared agreed to do so but pointed out that each individual property owners within the affected zoning district will need to be noticed before any discussion can begin.

PUBLIC HEARING: Comprehensive Plan Update

Jared summarized key points contained in the staff analysis included in the meeting packet and noted that the current blended iteration of the 2013 Comprehensive Plan and the 2022 Update is an effective planning tool while not being overly prescriptive. He explained that after additional analysis, staff recommends revising Appendix section 7.4 to propose potential cross sections and remove the illustrative images as opposed to the use of proposed cross sections and illustrative images to avoid the impression of preconceived solutions while still presenting the guiding principles which designs should strive to achieve.

Jared noted that neither the Municipal Code or the Unified Development Code have a specific process or outline specific review criteria for the adoption of a Comprehensive Plan or update. He added that after reviewing the Draft 2022 Comprehensive Plan Update, staff has determined that the proposed plan meets the purpose, intent, and regulations for a Master Plan as set forth in C.R.S. 31-26-206, Carbondale's Home Rule Charter, and the Unified Development Code and recommends that the following motion be approved:

Move to recommend to the Board of Trustees approval of the 2022 Comprehensive Plan Update with the following findings:

1. The 2022 Comprehensive Plan Update complies with C.R.S. 31-26-206, Master plan.
2. The 2022 Comprehensive Plan Update meets the responsibilities of the Board of Trustees as set forth in the Home Rule Charter Section 1-3. - Master Plan
3. The 2022 Comprehensive Plan Update complies with the Unified Development Code.
4. The 2022 Comprehensive Plan Update was developed through a public process which involved a series of public outreach events, vision meetings, community meetings, interviews, focus groups, and surveys.
5. The 2022 Comprehensive Plan Update contains a vision statement and goals that reflect the broad-based values of the community.
6. The 2022 Comprehensive Plan Update provides a guide for development within the community in a manner that strives to achieve the community's desired vision.

Jared noted that considering the recent steering committee conversations regarding a full rewrite of the Comprehensive Plan, a second motion is recommended for approval:

Move to recommend to the Board of Trustees that a Comprehensive Plan rewrite be undertaken by _____ with the following findings:

1. The 2013 Comprehensive Plan has been adopted for over 10 years.
2. The 2022 Comprehensive Plan Update focused on key areas and did not address all areas.
3. The pace of development and change in Carbondale since 2013 warrants a review of the remaining sections of the 2013 Comprehensive Plan which were not addressed by this 2022 Update.
4. The public input received throughout the 2022 Comprehensive Plan Update process highlights the public desire to set forth a vision for other areas of the Comprehensive Plan which were not addressed in the 2022 Update.
5. A Comprehensive Plan which includes elements from 2013 would be detrimental to the Town achieving its vision if not completed prior to _____.

Nora commented that she felt like this document was a community-driven plan and noted that it had been a pleasure to work with the community. She noted that it is smart to add in the checkpoints to address concerns that have been raised through the process.

Jay added that the community pushed hard to make the document specific to Carbondale.

Jarrett noted that Appendix section 7.4 had been written by Fehr and Peers and wondered if they needed to weigh in on any changes.

Nora replied that they are a subconsultant and as such Cushing Terrell has authority over everything embodied in the update and they are comfortable in softening the language of that section.

Jared added that he had discussed that section with the Public Works Director, and he shared similar sentiments regarding softening the language, especially after the recent work completed on 8th Street.

Jay requested that if that section is revised in the update, that those revisions are applied to all versions.

Nora explained that because it was submitted as a memo to Public Works, Cushing Terrell is willing to update the memo.

Jay asked for and noted that there was no public comment regarding the Comprehensive Plan Update.

Motion to close the public hearing

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

Commissioner Discussion

Jarrett noted that at the last meeting he attended, there was a discussion regarding interaction with the Board of Trustees to obtain their perspective prior to approving the update.

Jay explained that members of the Commission have been pressed to wrap the process up and provide a recommendation.

Jarrett wondered if they needed to recommend a date for the Comprehensive Plan rewrite tonight or whether they should wait until the absent members of the Commission have had a chance to weigh in.

Jared explained that it is up to the Commission, and they can postpone that recommendation if they choose.

Jay added that a timeline for the rewrite was discussed at the September 8th meeting, and all agreed to initiate a rewrite with a targeted completion by 2025.

Nora commented that it was good practice to revisit the plan on an annual basis and on year three audit the plan to consider a full rewrite.

Jay suggested approaching the Board of Trustees to consider funding in 2024 for the rewrite.

Kim confirmed that in the September 8th minutes, both Marina and Nicholas voiced support for a rewrite targeted for 2025.

Jared advised that a full comprehensive plan rewrite can take a long time to complete and if it is planned to begin in 2025, expect adoption of the document by late 2026.

Jay noted that item #5 of the motion locks in a date and suggested changing the language to initiate a rewrite by 2025 without an end date listed.

Kim and Jess were both in agreement to begin a rewrite by 2025.

Nora pointed out that updating the land use code will take time – at least one year – and it is prudent to see how those changes affect development patterns before embarking on a new plan.

Jess asked for the history of the update versus a rewrite.

Jeff noted that pieces have been discussed and those began under the former Planning Director, but the 2013 Comprehensive Plan is only six years old.

Jared suggested looking at certain parts of the plan and determining what might fall under the purview of the Commission and prioritize within or group projects but pointed out that a consultant may still need to be involved. He suggested it as a goal for an upcoming meeting and issue an RFP in the first quarter of 2023.

Nora noted that one of the key focus areas was the lack of investment in the downtown and how parking requirements might be a reason for inhibiting development. She suggested updating that code requirement first and audit how it affects business growth in that area.

Jay thought it made sense to update the UDC until a new Comprehensive Plan is written and then undertake a full rewrite of the UDC. Jay asked if 2025 is too soon for a plan rewrite.

Nora thought that a full rewrite in 2025 might be too early, but if a review of certain elements is proposed with robust public outreach it might have a more fiscally responsible appeal to the BOT.

Kim pointed out that some topics were overlooked that the community spoke up about and those should be updated.

Jarrett suggested updating those topics, but to keep it fluid so other items might be included.

Jess suggested undertaking an audit of the plan in 2025 and include public outreach and if the BOT sees the public wants a full re-write it might change the conversation.

Jared commented that if the Commission recommends approval of the Comprehensive Plan Update to the BOT it will need to be publicly noticed with the Board of Trustees meeting scheduled for either November 1st or the 8th which would allow the Commission another meeting (October 27th) to continue the discussion on the rewrite if they so choose.

Jeff asked if a formal recommendation on the timing of the rewrite would have any impact on the BOT.

Jared thought it might in the sense that the Commission is demonstrating to the elected officials that good work was done, but there are still some topics left that need work. He pointed out that an overly aggressive timeline might be off-putting and suggesting an audit might work well to promote a comprehensive review in the 2024 or 2025.

Jeff suggested beginning the re-write in 2026 because that would align with the short-term goals listed in the update and there would be items from the matrix to consider.

Jay asked if there was a motion to recommend a Comprehensive Plan re-write undertaken by 2026 with the five findings as listed in the staff memo with a completion date listed under item number five as 2027.

Nora cautioned against setting a specific date for completion because things can happen that affect the timeline.

Jeff suggested striking item number five, and all agreed.

Motion Passed: Jeff *moved* to recommend to the Board of Trustees approval of the 2022 Comprehensive Plan Update with the following findings:

1. The 2022 Comprehensive Plan Update complies with C.R.S. 31-26-206, Master plan.
2. The 2022 Comprehensive Plan Update meets the responsibilities of the Board of Trustees as set forth in the Home Rule Charter Section 1-3. - Master Plan
3. The 2022 Comprehensive Plan Update complies with the Unified Development Code.
4. The 2022 Comprehensive Plan Update was developed through a public process which involved a series of public outreach events, vision meetings, community meetings, interviews, focus groups, and surveys.
5. The 2022 Comprehensive Plan Update contains a vision statement and goals that reflect the broad-based values of the community.
6. The 2022 Comprehensive Plan Update provides a guide for development within the community in a manner that strives to achieve the community's desired vision.

Jarett ***seconded the motion***, and it was ***unanimously approved***.

Yes: Jay, Jeff, Jerrett, Kim, Jess

No: none

Motion Passed: Jeff *moved* to recommend to the Board of Trustees that a Comprehensive Plan rewrite be undertaken by 2026 with the following findings:

1. The 2013 Comprehensive Plan has been adopted for over 10 years.
2. The 2022 Comprehensive Plan Update focused on key areas and did not address all areas.
3. The pace of development and change in Carbondale since 2013 warrants a review of the remaining sections of the 2013 Comprehensive Plan which were not addressed by this 2022 Update.
4. The public input received throughout the 2022 Comprehensive Plan Update process highlights the public desire to set forth a vision for other areas of the Comprehensive Plan which were not addressed in the 2022 Update.

Jarett ***seconded the motion***, and it was ***unanimously approved***.

Yes: Jay, Jeff, Jerrett, Kim, Jess

Jared noted that the Comprehensive Plan Update will be on the Board of Trustees agenda on either November 1st or November 8th. He will verify the date and encouraged the commission members to attend.

Commissioner Comments

There were no Commissioner comments.

Motion to Adjourn

A motion was made by Jeff to adjourn, Jarrett seconded the motion, and the meeting was adjourned at 9:02 p.m.

DRAFT

MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday December 8, 2022

Commissioners Present:

Jay Engstrom, Chair
Kim Magee
Kade Gianinetti (1st Alternate)

Staff Present:

Jared Barnes, Planning Director
Kae McDonald, Planning Technician

Commissioners Absent:

Nicholas DiFrank
Marina Skiles
Jeff Davlyn
Nick Miscione
Jarrett Mork
Jess Robison

Guests:

Walter Burger (570 Redstone Avenue, Applicant)

The meeting was called to order at 7:18 p.m. by Jay Engstrom. He recognized that there was not a quorum, and no formal decisions or recommendations can be made.

Kade ***moved*** to continue the public hearing regarding the 570 Redstone Avenue Minor Site Plan Review/Conditional Use Permit to the January 12, 2023, meeting. Kim ***seconded the motion***, and it was ***unanimously approved***.

Yes: Jay, Kim, Kade

No: none

Public Comment – Persons Present Not on the Agenda

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

Draft 2023 Planning and Zoning Commission Meeting Calendar

The upcoming 2023 meeting calendar was reviewed, with one request to cancel the July 27th meeting because it falls during the week of Mountain Fair.

Unified Development Code Amendments Work Session

Discussion ensued regarding the Comprehensive Plan Implementation Matrix and amendments to the Unified Development Code, specifically with regard to the Historic Commercial Core zone district and accessory dwelling units.

Motion to Adjourn

A motion was made by Kade to adjourn, Kim seconded the motion, and the meeting was adjourned at 8:43 p.m.



TOWN OF CARBONDALE
511 COLORADO AVENUE
CARBONDALE, CO 81623

Planning & Zoning Commission Agenda Memorandum

Meeting Date: 1-5-2023

TITLE: 570 Redstone Ave Minor Site Plan Review/Conditional Use Permit

SUBMITTING DEPARTMENT: Planning Department

Owner: Walter & Susan Burger

Applicant: Walter Burger

Property Location: 570 Redstone Ave

Zone District: Residential Low Density (R/LD)

ATTACHMENTS: Land Use Application

BACKGROUND

This is an application for a Minor Site Plan Review and Conditional Use Permit to construct an accessory dwelling unit (ADU) in the basement of an existing single-family residence. The Planning and Zoning Commission (P&Z) is required to hold a public hearing on the Minor Site Plan Review and take action on the application.

The applicant is proposing to remodel the basement of an existing single-family residence, add windows and doors, a new stairwell, and a new driveway for an ADU.

The application was publicly noticed in the November 24, 2022 Sopris Sun and a mailed notice was sent to all property owners within 300 feet on November 22, 2022. A public hearing was scheduled for the December 8, 2022 P&Z meeting. Due to a lack of quorum, the P&Z opened the meeting and continued the public hearing to the January 12, 2023 meeting.

DISCUSSION

Pursuant to Unified Development Code (UDC) §4.2.5, *Table of Allowed Uses*, an ADU in the R/LD zone district is allowed if approved through a Conditional Use Permit. Furthermore, UDC §4.4.4.A.6, requires ADUs to be approved by a minor site plan. A Minor Site Plan review is to be acted upon by the P&Z, while the Conditional Use Permit is to be acted upon by the Planning Director. If the application is approved by the P&Z, the Planning Director will subsequently approve the Conditional Use Permit.

Zoning

The subject property is zoned R/LD which permits a single-family detached unit as a use by right and an ADU as a conditional use. The proposed uses comply with zoning.

Comprehensive Plan (2013 Plan)

The application was submitted and found complete prior to the approval of the 2022 Comprehensive Plan Update, therefore the 2013 Plan is applicable for review.

The property is designated as Developed Neighborhoods in the Future Land Use Plan. One of the top priorities for this land use area is to encourage accessory dwelling units. The Comprehensive Plan also discusses a need for diversity in housing types and allowance for higher density to lower the per-unit land.

The proposal complies with the goals and policies of the Comprehensive Plan by proposing an ADU, which is encouraged in the subject land use area.

Covenants

The property is located within the Colorado Meadows subdivision and the recorded covenants state:

“All lots and parcels within the Subdivision, except as hereinafter identified for use as parks, green belt and roadway easement, shall be used for no other purpose than single family residences. To this end no building shall be erected, altered, placed or permitted to remain on any lot, other than one detached single family dwelling and appurtenant structures such as garage, carport, storage structure, or house workshop, as may be approved by the Architectural Control Committee.”

Typically, covenants are private agreements between the property owners in a subdivision which the Town is not a party to. Therefore, the Town has no obligation to enforce private covenants. Some recent developments have approved covenants which allow the Town to enforce certain items, but a similar clause is not included in the Colorado Meadows subdivision covenants.

Historically, Town staff has discouraged property owners in this and other similar neighborhood from pursuing approvals for ADUs because a ADU may violate the neighborhood's protective covenants.

In addition, the covenants discuss a “detached single family dwelling”. While the intent for the restriction is unclear, the proposed ADU is attached and contained within the existing single-family dwelling building footprint. The limited proposed exterior alterations will continue to external appearance of the structure as a “detached single-family residence”. The potential impacts of this type of an ADU will have no greater effect than a single-family dwelling. As such Staff has concluded, in this situation, that the R/LD zone district allows ADUs as a conditional use and should be applied to the subject application.

Setbacks (UDC §3.2.4.B)

	Required	Existing/Proposed
Front	15'	30'
Side	7.5'	7' (west); 8' (east)
Rear	7.5'	32'

The existing structure extends into the side yard setback on the west side of the property, by approximately 0.5'. Some of the proposed improvements, specifically the stairwell and driveway, are located within the western setback, but are permitted as setback projections pursuant to UDC §3.8.3.F, *Projections*. The structure is considered nonconforming and is permitted to continue pursuant to UDC §7.4. In addition, this section permits internal remodeling and external expansion so long as the alternation does not create a new or increase the intensity of the nonconformity. The proposed ADU and site improvements do not increase an existing or create a new nonconformity. Therefore, the proposal meets the minimum setback requirements of the R/LD zone district.

Building Height (UDC §3.2.4.B)

The maximum building height permitted in the R/LD zone district is 27 feet. The proposed improvements do not alter the height of the structure.

Maximum Impervious Surface (UDC §3.7.2)

The subject property is 6,678 square feet in size and is permitted a maximum of 52% (3,473 square feet) of the lot to be covered with impervious surfaces. The property has an existing impervious area of 2,215 square feet (33%). The proposed improvement adds an additional 615 square feet of impervious area, which brings the total proposed impervious area to 2,830 square feet or 42%. The proposed improvements comply with the maximum impervious lot coverage.

ADU Standards (UDC §4.4.4)

Among other requirements, ADUs are required to have a separate exterior entrance from the primary dwelling unit, have no more than one bedroom and separate cooking facilities. In the R/LD zone district, square footage of ADUs shall be allowed as follows:

- a. Primary dwelling units that are 1,500 square feet or less shall have a minimum unit size of 300 square feet and a maximum unit size of 500 square feet.
- b. Primary dwelling units that are larger than 1,500 square feet-minimum unit size shall have a minimum unit size of 300 square feet and a maximum unit size of 33 percent of the total floor area of the primary dwelling unit, up to a maximum unit size of 850 square feet.

The proposed ADU is 365 square feet with one bedroom, one bathroom, and a cooking facility. The proposed ADU is accessed from a separate entrance on the western side of the existing structure. The proposed ADU meets the standards set forth in this section of the UDC.

Landscaping (UDC §5.4)

The proposed modifications, specifically the stairwell and driveway, will reduce the amount of landscaped and irrigated area, but do not impact the property's compliance with this section.

Building Design (UDC §5.6)

The proposed changes have minimal impact on the exterior of the structure. A below grade door and window well are proposed, but generally conform with the design of the structure.

Parking (UDC §5.8)

UDC §5.8.3. requires 2.5 parking spaces for the primary dwelling and 2 spaces for the proposed ADU. UDC §5.8.3.F.1 allows all fractional space requirements of 0.5 or less to be rounded down, therefore the total parking requirement for the proposal is 4 spaces.

The primary dwelling has one space in the garage and one space in the driveway. The application is proposing a new driveway on the west side of the lot which measures 18 feet wide by 32 feet long. This area will accommodate 2 parking spaces. Thus, the proposal complies with the required 4 parking spaces.

Solar Access (UDC §5.12)

Solar Access discusses the provision of adequate light to allow solar access on adjacent properties. The application does not propose any above grade improvements and therefore does not impact existing solar access on the adjacent properties.

REVIEW CRITERIA*Site Plan criteria (UDC §2.5.3.C):*

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

1. The site plan meets the purposes of the zoning district in which it will be located and 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; and,
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.

RECOMMENDATION:

Staff recommends that the following motion be approved:

Move to approve a Minor Site Plan Review for an Accessory Dwelling Unit to be located at 570 Redstone Ave, Carbondale, Colorado, with the following conditions and findings:

Conditions

1. The Accessory Dwelling Unit's ownership shall not be legally severed from ownership of the associated lot and any other structures on such lot.
2. The Accessory Dwelling Unit shall not have separate water or sewer service.
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 also pay and reimburse the town for all other applicable professional and Staff fees pursuant to the Carbondale Municipal Code.
5. The applicant shall apply for and receive a building permit as required.

Findings for Approval - Site Plan Review Criteria

1. The site plan meets the purposes of the R/LD zone district and is consistent with the 2013 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 the Unified Development Code.
4. Traffic generated by the proposed development will be adequately served by existing streets within Carbondale.

Prepared By: Jared Barnes, Planning Director



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

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Pre-Application Meeting Date _____

Fees _____ Date Pd _____

Land Use Application

PART 1 – APPLICANT INFORMATION

Applicant Name: WALTER BURGER (OWNER) Phone: (970) 274-0445

Applicant Address: 570 REDSTONE AVE

E-mail: treelinelandscape@comcast.net

Owner Name: WALT + SUSIE BURGER Phone: (970) 274-0445

Address: 570 REDSTONE AVE

E-mail: treelinelandscape@comcast.net

Location of Property: provide street address and either 1) subdivision lot and block; or 2) metes and bounds:

COLORADO MEADOWS 88 SUBDIVISION LOT 7 BLOCK 2

PART 2 – PROJECT DESCRIPTION

General project description:

CONVERT PORTION OF BASEMENT TO ADU.

Size of Parcel: 6678 sq ft # Dwelling Units: 1 Sq Ftg Comm: 2292

Type of Application(s): _____

Existing Zoning: RESIDENTIAL Proposed Zoning: RESIDENTIAL

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.

[Signature]

Applicant Signature

7/11/22

Date

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

[Signature]

Owner Signature

7/11/22

Date

[Signature]

Owner Signature

7-11-22

Date

STATE OF COLORADO

COUNTY OF GARFIELD

)
) ss.
)

Paul Janey, Notary Public
[Signature]
PAUL JANEY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20074013586
MY COMMISSION EXPIRES FEBRUARY 24, 2024

The above and foregoing document was acknowledged before me this 11th day of July 2022

Thursday, July 7, 2022 11:39 AM

Town of Carbondale

This letter is in conjunction with submittal of minor site plan for 570 Redstone Avenue. We are requesting approval to convert approximately 365 square feet of our single family dwelling basement to an adu. The house is 2292 square feet and zoned as residential. The adjoining properties to the east and west are also zoned residential. Merrell Drive and a General industrial parcel are south of our property. We currently have 34% of the property as impervious and would be adding 10% impervious with this project. We would be adding 2 parking spaces and a stairway/retaining wall to the exterior of the property. The drive surface would be gravel with a 2% grade.. The retaining wall would be built with landscape timbers with a max height of 28". No water sewer or other utilities are in the planned excavation area. All snow storage would remain in our front yard. The new door and window would resemble existing doors and windows.

Thank You

Walt Burger



James Jackson Romeo, PE
Structural Design Consultant, LLC

131 River Vista
Glenwood Springs, CO 81601

Phone: 970-945-4742
Email: jlm@jjrstructural.com

PERMIT
SUBMITTAL

June 13, 2022

Walt Burger
570 Redstone Avenue
Carbondale, CO

Re: Walt Burger Remodel

Project No: 22016

Walt:

At your request, I inspected your house at 570 Redstone Avenue in Carbondale on May 7, 2022 for a condition assessment to qualify the structure for your proposed CDU remodel. The house is one story over a full basement. Floors were level, walls plumb, no drywall cracks, signs of settlement, drainage issues or other distress, which means the house is performing well and is worthy of a remodel.

I talked to John Plano about your basement remodel and conversion to an ADU and given the minimal structural work, shared how I was going to advise you on the few structural items verbally or with drawings/sketches if needed. Those structural items are cutting a window and door into the basement wall. The door is planned to go thru an existing window opening that will be accessed by a retaining wall stairwell and stairway.

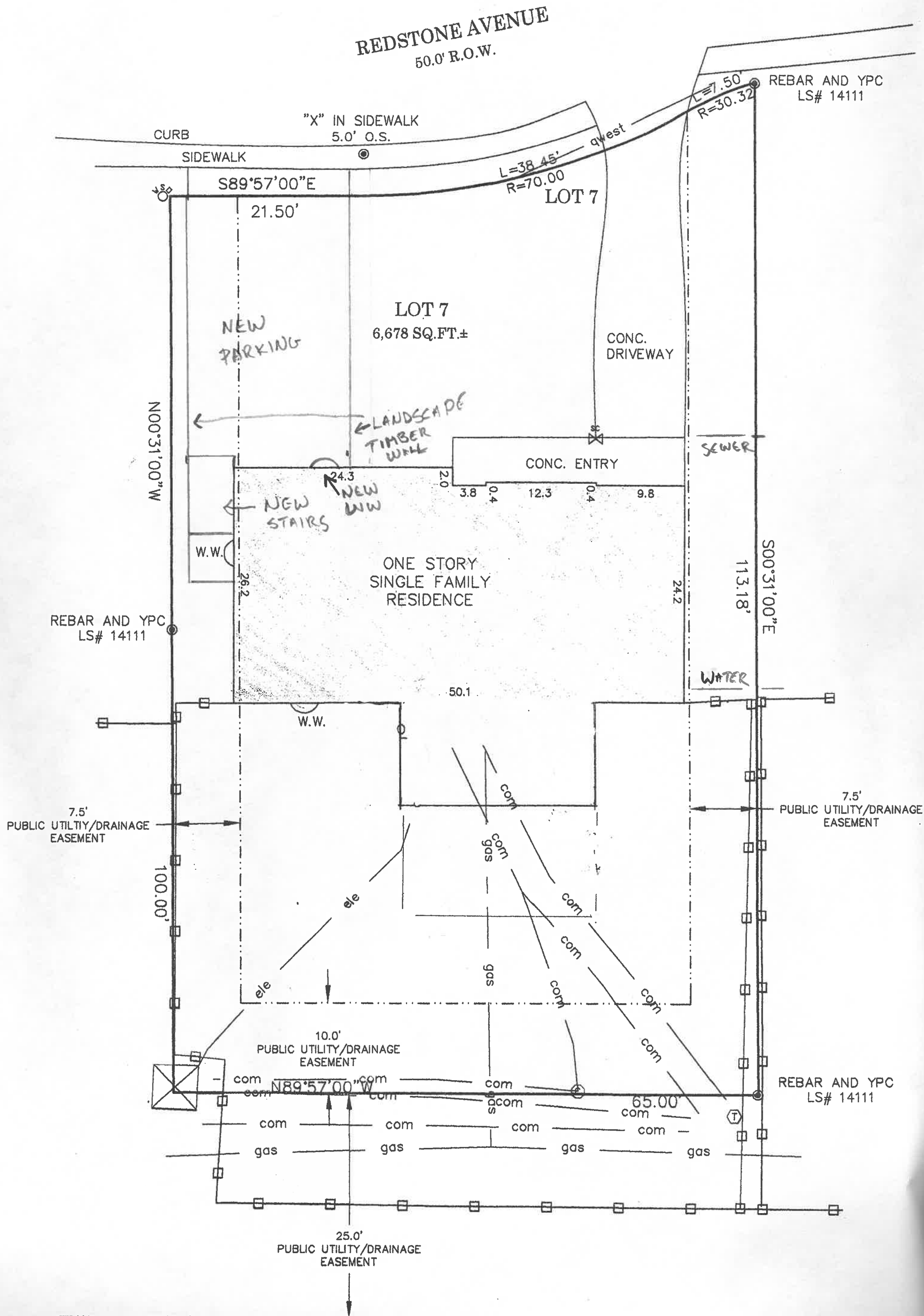
Once we remove finishes and expose the foundation and framing, I will advise on the opening headers, treated timber bucks (aka trimmers and kings) anchor bolted to the sides of the concrete rough openings for window and door attachment, shallow insulated footing protection detail below a concrete slab at the bottom of the stair and retaining wall construction that we are thinking will be a 6x6 treated timber crib wall.

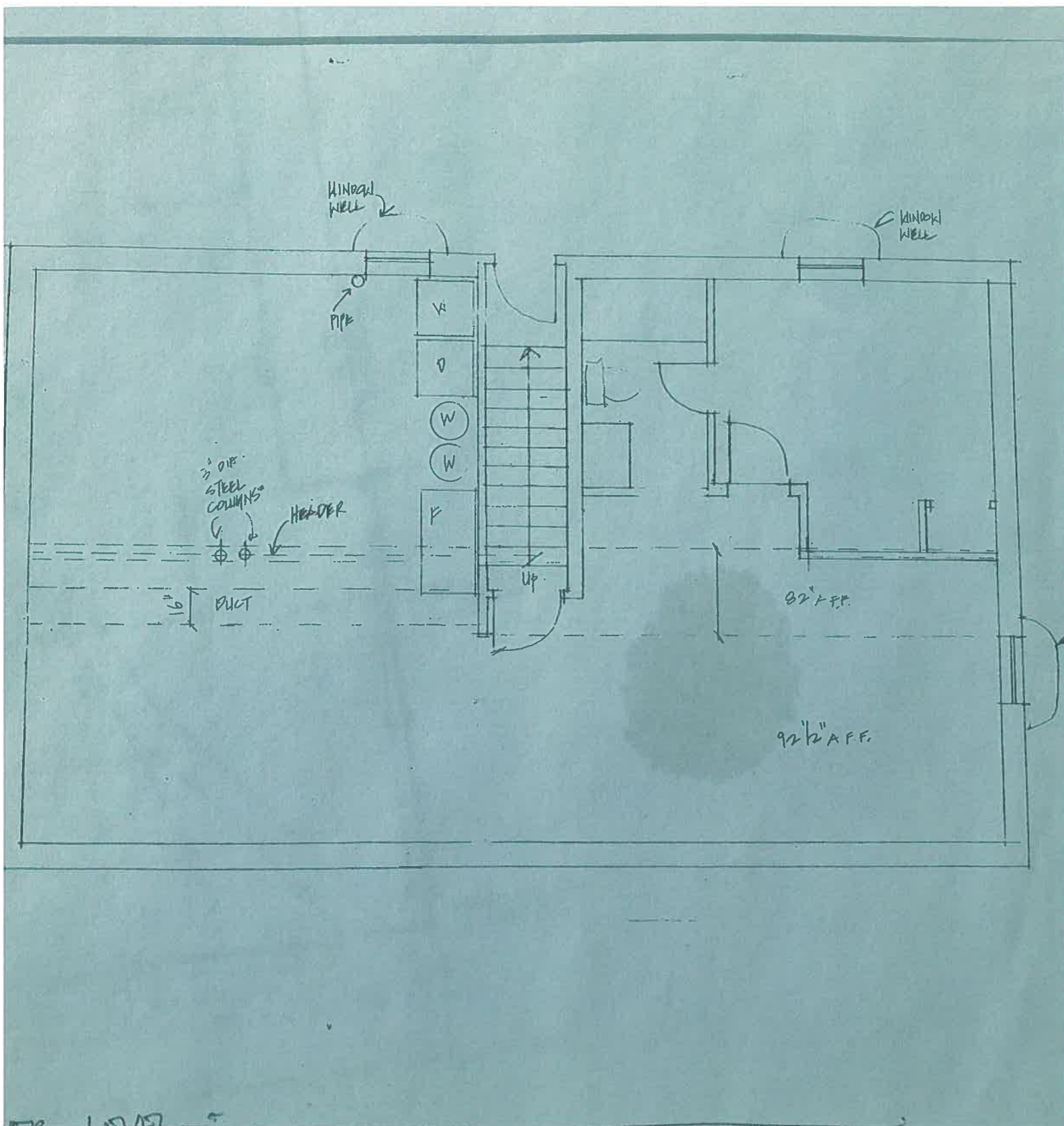
John approved our process, so this letter will serve as the Permit submittal letter. I will report back to John after we determine our details to get his approval before building. And lastly, I will provide another letter approving our work upon completion of the work.

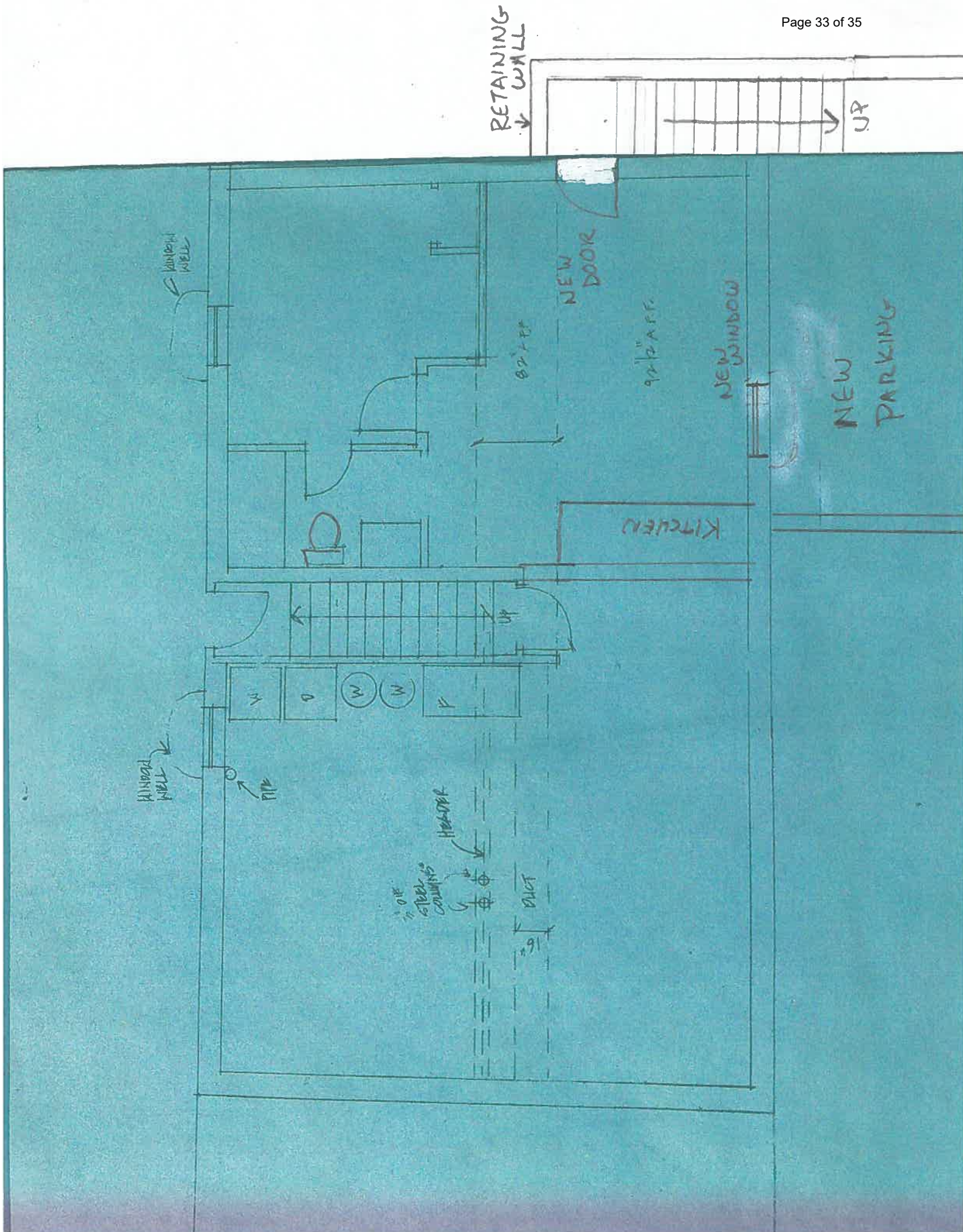
Please keep me posted on receiving your building permit and your schedule for starting construction.

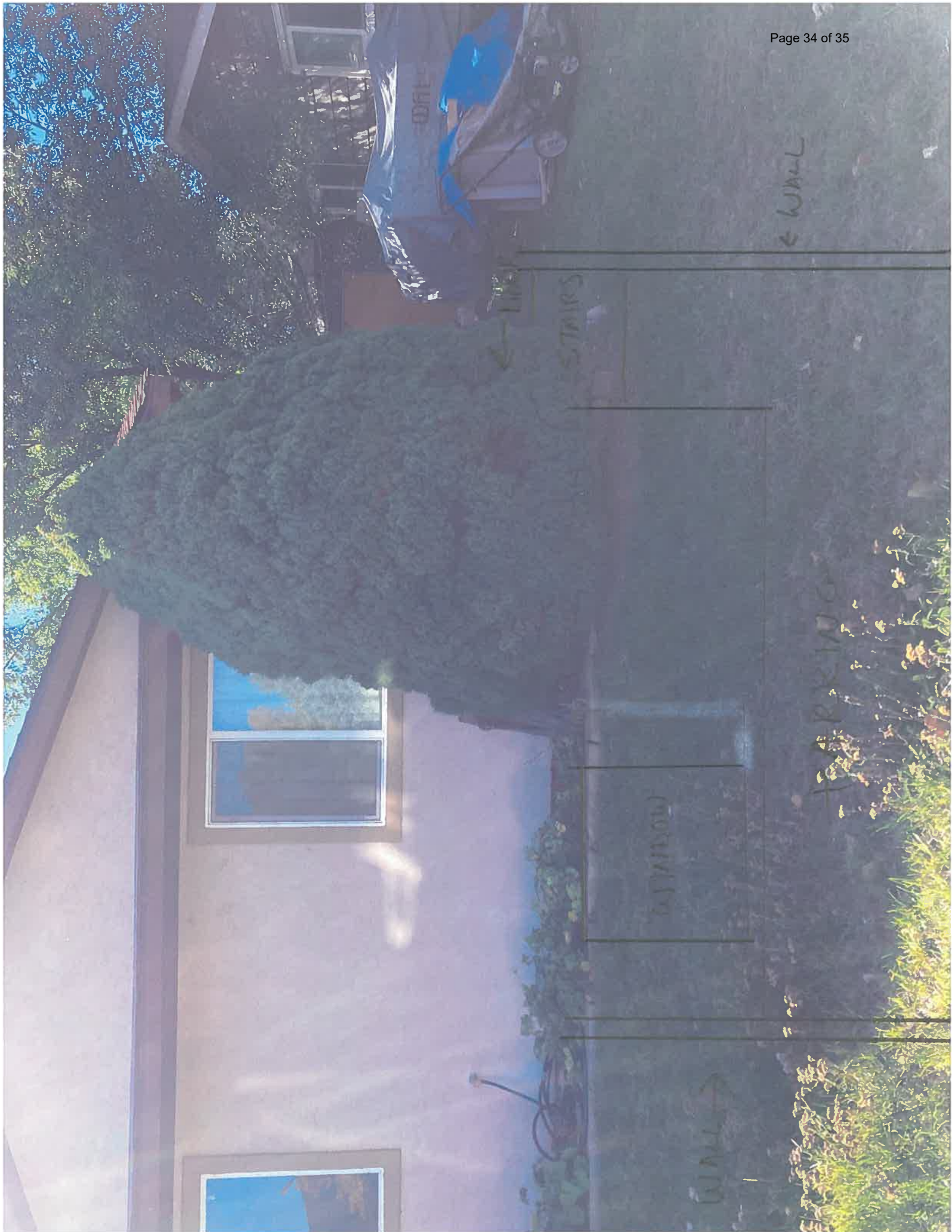
Let me know if you have any questions.











← Front of House

PROPOSED

STAIRWAY



PROPOSED

DOOR

