

## MINUTES

### CARBONDALE PLANNING AND ZONING COMMISSION

Thursday February 25, 2021

#### **Commissioners Present:**

Michael Durant, Chair  
Jay Engstrom, Vice-Chair  
Jeff Davlyn  
Marina Skiles  
Nick Miscione  
Nicholas DiFrank (1<sup>st</sup> Alternate)

#### **Staff Present:**

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

#### **Commissioners Absent:**

Erica Stahl Golden (2<sup>nd</sup> Alternate)

#### **Other Persons Present Virtually**

Marty Treadway, 26 Maroon Drive  
Trina Ortega, 26 Maroon Drive  
Haley Carmer, Thompson Park LLC Attorney  
Jeff Spanel, Project Manager  
Brad Stempihar, Engineer  
Eric Smith, Architect  
Erik Cavarra, Realtor  
Jacques Machol, Owners Rep  
Kim Magee, P&Z Applicant  
Jarett Mork, P&Z Applicant

The meeting was called to order at 7:01 p.m. by Michael Durant.

#### **January 28, 2021 Minutes:**

Jay made a motion to approve the January 28, 2020 minutes. Nick seconded the motion, and they were approved unanimously.

#### **Public Comment – Persons Present Not on the Agenda**

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

#### **VIRTUAL HEARING – Minor Plat Amendment/Variances**

##### **Location: 26 Maroon Drive**

##### **Applicants: Trina Ortega/Paul Treadway**

Janet said that this is a public hearing to consider a Minor Plat Amendment to adjust the lot line between Lot 6 and Lot 7 of the Sopris Meadows Subdivision and variances from the Minimum Lot Width of 60 ft. for both lots. She stated that the Planning Commission is required to hold a public hearing and approve the application or deny it or the Commission may also continue the public hearing.

Janet said that the property owners wanted to sell Lot 6 last year, but the lot size was only 4,741 sq. ft. She explained that the required lot size is 6,000 sq. ft. so they submitted an application last fall to shift the lot line and create two lots which met the minimum lot size. She stated that Lot 7 is over 10,000 sq. ft. so it could be done. Janet said originally, this project looked pretty straightforward and that she felt that the lot line relocation could be done administratively. She stated that during the review process she found there were some issues.

Janet said that in the early 1970's, a former property owner recorded two quit claim deeds deeding two strips of land on the west side of Lot 6 to the then-property owner of Lot 5. She stated that these two strips of land were added to and made a part of Lot 5, which is the lot just west of Lot 6. She said that Lot 5 is under separate ownership and is not part of this application.

Janet stated that during the review, she found that neither Lot 6 nor 7 met the minimum required lot width of 60 ft. She said that Lot 6 is 12 ft. in width and Lot 7 is just under 42 ft. in width. She continued by saying that many of the lots in Sopris Meadows did not meet the required lot width. She stated that the plat most likely pre-dated adoption of a zoning code.

Janet stated that Staff can't approve a Minor Plat Amendment if the proposal creates the need for a variance.

Janet said that she talked to the Town Attorney and we came to the conclusion that the best path forward was to bring the Minor Plat Amendment with variances before the Planning Commission.

Janet said to summarize the request, the request is to relocate the lot line between Lot 6 and Lot 7 to create two lots which meet the minimum lot size. She stated that this includes a request for a variance from the minimum lot width requirement of 60 ft. to allow a 12 ft. wide lot for Lot 6 and a 41.5 ft. wide lot for Lot 7.

Janet said that Staff is supportive of this application. She stated that the proposal does not create a new lot. She stated that approval would bring Lot 6 into compliance with the minimum lot size. She said that the lot width was a pre-existing condition created with the Sopris Meadows Plat and the quit claim deeds from the 1970's reducing the width of Lot 6 even more. She stated that these were pre-existing conditions which the applicant did not create.

Marina said that it's a complicated puzzle.

Marty thanked Janet for her patience.

Jay said that it looks like the sewer line is running to the north of Lot 6 and wanted to make sure that the sewer line from Lot 7 wasn't going into Lot 6, which might need an easement.

Marty explained that the Lot 7 sewer tap is in the northeast corner and the tap for Lot 6 is in the middle of the lot, running laterally east-west.

**Motion to close the comment portion of the public hearing**

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

**Motion**

Jeff made a motion to approve the Minor Plat Amendment to relocate a lot line between lots 6 and 7 and variances from the minimum lot width of 60 ft for both lots. Nicholas seconded the motion, and it was approved unanimously.

Michael said that we live in a small town and that it's very difficult to avoid ex parte communications. He said someone is going to buttonhole you about something that they don't like. He said that the right answer is to respectfully inform them that this is a public hearing process and encourage them to participate in the public hearing. He continued by saying that sometimes neighbors and coworkers get a little aggressive and they tell you their mind anyway. He said there's no problem with that but when we start this process, if you have been buttonholed you need to come forward and let us know that it won't affect your objectivity in this application.

There were no members of the Commission that commented.

**VIRTUAL HEARING – Preliminary and Final Plats**

**Location: Thompson Park/Parcels 3 & 4**

**Applicant: Thompson Park LLC**

Janet said that this is an application for a combined Preliminary and Final Plat for Parcels 3 and 4 of the Thompson Park Subdivision. She stated that the Commission is required to hold a public hearing and recommend approval of the application or recommend denial. She said that the Commission may also continue the public hearing.

Janet said that the Commission is the recommending body with this application and that the Board is the approving authority.

Janet said that in April of 2018, the Planning Commission reviewed a Major Site Plan application for this parcel. She stated that the Board approved the application. She said that at that time, the Board also approved a Development Improvements Agreement to allow construction to proceed on Parcel 2. She stated that the construction that has been going on these last couple of years.

Janet said that this application would subdivide Parcels 3 and 4 into 11 lots to allow construction to move forward on these parcels.

Janet stated that there would be seven single family homes on Parcel 4. She said that the lots range from 4,200 sq. ft. to 9,950 sq. ft. She said that all the lots meet the

minimum lot width and depth with the exception of Lot 10. She stated that the width of that lot is approximately 23 ft. She said that the lot line between Lot 10 and Lot 11 should be shifted slightly to bring that into compliance.

Janet stated that Parcel 3 would have four lots. She said that three lots would be for a side-by-side triplex. She said that the lot lines would go along the party walls of the triplex and that a stacked triplex would be on the fourth lot.

Janet said that the Public Works Director reviewed the application and requested some changes including:

- Adding a sidewalk from the north end of the Jewel's Drive on Parcel 3 that connects to the sidewalk on Jewel's Lane.
- Revise the plans to include lighting and landscaping consistent with Parcel 2.

Janet stated that we also included conditions to require the Developer shall take reasonable efforts to minimize the effects of construction on the Historic House and Historic House Parcel.

Janet said that Fire District and School District Fees are due at the time of subdivision, which was included as a condition that requires payment prior to recordation.

Janet stated that a housing mitigation plan was approved by the Board in 2018. She said that the stacked triplex on Parcel 3 would be deed restricted for affordable housing.

Janet stated that the subdivision plat is in compliance with the UDC. She said that the item which needs to be addressed, use of easements plat notes limiting future additions, and fixing bearings have been made conditions of approval.

Marina asked for clarification on the pervious/impervious finding from the Staff report.

Janet said that when the Major Site Plan Review was done in 2018 there were three parcels, 2, 3 and 4. She said that when we looked at the pervious/impervious surface that we looked at all three parcels cumulatively. She said that they were really tight on their pervious, so they did have to use some pervious pavers for some of the surface materials. She said that because they are maxed out on their impervious coverage, we don't want someone to come in and try to add to their lot coverage.

Janet said that they have strict covenants and an HOA regarding maintenance of the yards and the units. She said that it is a townhome development that functions like a condo association.

Nick asked how much the covenants affect recommending approval or for any approval process.

Janet said that they are really important to Town Staff and the Town Attorney. She said that we want to make sure that they are strong covenants and that they comply with State law.

Jay asked if the wording that would be on the plat was in the packet. He added that if a owner did their driveway with pervious wouldn't they be able to do an addition.

Janet said that we added the new code section in the UDC, in the 2019 amendments, which limits the square footage of pervious surface to ten percent of the required pervious surface as a whole. She said that if we start looking at the three parcels as a whole that it would start getting really complicated. She said that the covenants are strict regarding any additions or changes to the units.

Haley Carmer, the attorney for Thompson Park introduced herself and Jeff Spanel, the project, Eric Smith, architect, Jacques Machol, Owners Rep, Brad Stempihar, Engineer and Erik Cavarra, Realtor.

Haley said that this is a pretty straight forward application to cut up the land so we can start building the units on the subdivided lots. She read the plat note, "The redevelopment or the remodel of any dwelling on a lot created by this plat shall be limited to the original as constructed footprint of the dwelling, unless and until the impervious lot coverage requirements set forth in the Town's code in effect from time to time allow for additional impervious area, no additional impervious area may be added to any lot created by the plat. Required pervious paving systems and materials shall remain in place and may not be replaced by impervious surfaces."

Haley said that we wanted to give an update on the buildings that we will be putting up, as there have been some slight changes to accommodate some changes in the Town code and some lessons we've learned from working on Parcel 2.

Eric Smith, architect said that the focus of what we are asking for is several things on the market townhome units;

- Living/dining/kitchen on the second levels, for Parcel 3, market triplex, three units.
- Façade change to include upper decks on all three units.
- Roof pitches modified, so the living room spaces have vaulted high ceiling space.
- Affordable triplex, to accommodate the fire sprinkler room, modifying the plans to provide additional storage within each of the garages.
- Added two additional parking spaces to the site plan.
- Single Family homes, flip the living/dining/kitchens to the top floor, meeting the shadow impact with each individual lot, lowering the roof elevation.

Eric shared his screen to show the original and changed elevations, explaining the changes.

Marina asked if the materials would be similar to Parcel 2, with wood garage doors etc.

Eric said yes and that we had a mix in Parcel 2 with the living rooms on the main level and the living rooms on the upper level.

Janet said that back in 2018 the elevations you were showing had second floor decks but what was built doesn't have the decks. She asked if that was because the upstairs and downstairs were flipped.

Eric explained that the decks were only on the units that had the living/dining/kitchen on the upper level. He said that when the living/dining/kitchen were on the lower level those units had a patio on grade.

Janet asked if all of the proposed units still have their private outdoor space.

Eric said yes that it didn't affect the outdoor space calculations, it just moved it from on grade to roof top from the level below.

Nicholas said he heard that you were increasing fenestration, which it appears that there is an increase on the side of the units and a reduction on the front and back elevations. He said that it looks like a more solid building wall.

Eric said that when we dropped the roofs down, we changed the glazing so that it didn't look odd on the inside because the rig line is offset. He said some of the changes respond to the overall floorplan.

Eric explained the affordable triplex elevations, explaining the changes to the storage and the floorplans.

Janet said that the last elevation looked like it went from two large garage doors to one large garage door and two small garage doors.

Eric explained the oversized one car garage instead of the two car garage. He said that we added two additional parking spaces on site. He said that we feel people will get more use with this plan and its utility usage.

### **Commission Questions and Discussion**

- The original approval was symmetrical for the garage doors, the changed elevations are no longer symmetrical, suggested design changes.
- Landscape plans would be helpful to see with the proposed changes.
- Are the new parking spaces impervious?
- Are all of the seven single family homes identical?

There were no members of the public to comment.

### **Motion to close the comment portion of the public hearing**

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

### **Commissioner Comments**

- The reduction of windows and all of the single family homes having the same design gave a discordant note.
- Renderings from what has been built were shown with actual pictures of what has been built. There were many points made that didn't meet expectations and things that did.
- Approval verses reality, stone and veneer were added, which was a positive change from the original elevation in 2018.
- Affordable Units don't look like what was approved.
- Expectations for the next phase.
- Color and material diminished on units already built.
- Renderings approved are legal binding documents and they should be held to that.
- Could mock-ups be helpful, showing the materials.
- Let's be more scrutinizing this time.
- Given the comparisons with the previously approved designs and the proposed designs, they might be more realistic especially concerning the windows.
- After viewing the affordable building, the question was this what was approved.
- Public Works did a great job reviewing the application and that they probably saw a lot that was proposed that didn't quite come out in the design. Is this a theme of how satisfied we are with the final build?
- Homes are made unique by the people that live in them, as seen historically in other developments.
- Concerns with the materials, timber columns were given as an example with their unstained appearance on what was already built.
- Final builds are disappointing in such a prominent location.
- Depth of character of what has already been built, needs to be put on notice.
- What is the role of the Commission regarding the design?
- Whose job is it to hold them to the renderings, for enforcement.
- Planning will review during building permit process, which will take longer for the permits.
- Besides the fencing near the entry is there room for other improvements.
- We are trying to apply quantitative concerns to a qualitative issue, with the windows, fences and individual components.
- Better renderings that represent reality and hold them to that.
- Requesting mockups to see what the material is going to look like.
- There are orientation concerns, with designers not from here.
- Is there landscaping associated with all of the proposed fencing, expectations of the proposed changes of the final product.
- Trust is our concern and enforcing what we are seeing in this application.

Janet said that the affordable units are strictly grey up against the highway. She said that she is surprised that they would want that as the entryway into their new development. She said when developments go through land use review, they are

conceptual and when they move to building permit the architects design to building codes. She said that when the architect states there are changes, we look at the changes and Staff determine whether they are substantial or not. She said that if they are substantial then Staff tells the applicant that they need to amend the Major or Minor Site Plan Review. She said that this occurred with FirstBank, so it was brought before the Commission again for review. She said is this a significant change from what was approved in 2018 is the question. She said that it is a fine line and very subjective.

Janet said that her thought with this next phase is to hold them to the renderings but that they won't match up to what was built in Phase 2.

Jeff Spanel said that we submitted a plan to do a perimeter fence around the property and Janet has reviewed it. He said that we think that is going to help a lot. He said that it is a varying height fence, eight feet along the highway frontage, six feet along Lewies Lane with dividing fences between the properties that will be six feet tall. He said that the exceptions are at the entrances and where the trail cuts through the property, where it will drop down to forty-two inches at those locations for adequate site distances.

Janet stated that she had not approved the fence plan and that they have run several renditions by us. She said that public works had expressed some concerns on height as did the Building Official. She said that she has not looked at any of the revisions to their fencing. She said that she hasn't seen the materials, just the locations with the heights.

Eric displayed a rendering of a two-sided fence.

Further discussion ensued regarding fencing.

Michael said that we are not the deciding body and that the Board is.

Nicholas commented that in the future it would be helpful to have what was approved previously for Commissioners that were not here then.

Further discussion ensued regarding process and material approval as a condition.

Jay suggested asking applicant if they would want to continue the public hearing.

Janet said that a continuance is fine if the Commission needs it.

Jacques said that one thing that he has experienced is once the buildings are framed, we do have a material meeting with selections. He suggested coming out at this stage to see the material board right in front of what is constructed. He said then we could have an exact decision with exact picks, and everyone could have input at that time.

Further discussion ensued regarding an added condition.

Jeff Spanel said that he liked Janet's suggestion that they submit a detailed elevation at building permit with a materials list. He said that the detailed elevation can spell out the



materials and colors at building permit and that we would be required to comply with what submitted at building permit. He said that he agrees that at CO is too late and that we need to do this at permit and then be required to carryout what's in the building permit through the construction process. He said that he is very comfortable with that.

Haley said for clarification since we are proposing some slight exterior changes, which have been seen tonight, would that be what we are being consistent with at building permit phase as opposed to necessarily what was in 2018. She said the materials board and layouts will be consistent with what we are looking at tonight and if approved at the Board level that is the benchmark as opposed to what was in 2018 since there are some changes here that the Commission has seen.

Michael said that we are addressing this application tonight and that's the standard that you would be held to on what is recommended for approval tonight.

Jeff said that it sounded like, in something Janet said earlier, separate from this application, that the Town may have the ability to hold the developer to the 2018 approvals, including a landscape plan. He said that he just didn't want that to get lost in what Haley's saying.

Janet said that she did not see a new material board with these revisions so the material board should be the one that was approved in 2018.

Janet said that the condition could read; submit detailed color elevations with the building plans along with the material board that was approved at time of building permit, for review and approval.

Janet said that when we get architectural plans, they are geared toward the building codes. She said that to make sure with these plans that are submitted that they go a little step above to prove that they are in compliance with the renderings approved by the P&Z.

Nick said is it too much to ask for some context being represented in the renderings.

Janet said that was done more at Major Site Plan Review.

Michael suggested wording; Prior to issuing a building permit the developer will submit detailed color elevations and a material board consistent with the renderings approved by the approval.

Janet revised the wording; The submittal shall include color elevations and materials, which reflect the approved renderings prior to approval of the permit.

The applicants Jacques and Jeff nodded that they were ok with this condition.

Jay said that several people submitted letters regarding speed on the road. He said that given the curves in this road and that it is close to a school, would it be ok to ask for two speed bumps on this stretch.

Michael said that he wasn't sure that public works would be keen on that.

Janet said that she talked to public works at length about it today. She said that we went back to the old traffic report that was submitted in 2018. She said that in reality the vehicle trips going into RVR don't increase much with this development. She said that people hate speed bumps once you put them in because of the noise. She said that people invariably ask that they be taken out and there are issues with snow plowing. She said that if we were to try to mitigate the traffic from Thompson Park, the stretch would be between Jewels Lane and River Valley Ranch Road, which is in front of these RVR homes. She said that public works feels that it's more of a speeding issue and that a lot of RVR people are cutting through Lewies Lane and Jewels to get back to their houses in River Valley Ranch instead of driving all the way down to River Valley Ranch Road.

Janet said because Kevin did go through it thoroughly today that she was thinking about sending an email to those people and invite them to talk to Kevin and explain generally what we see with the traffic report and the speed bumps.

Haley said that she wanted to mention that the speeding was actually on North Bridge Drive, which isn't through the development but in RVR.

Jeff Spanel said that they would be willing to put up additional speed limit signs, through this section of the road.

Further discussion ensued regarding traffic and speeding.

### **Motion**

Nicholas made a motion to recommend approval of the combined Preliminary/Final Subdivision Plat for Parcel 3 and Parcel 4 of the Thompson Park Subdivision, including the use of an easement to access the lots along Jewell's Drive and the shared driveway between Lots 10 and 11, with the conditions and findings in the Staff report with the addition of Condition # 13. Marina seconded the motion.

Yes: Nicholas, Michael, Marina, Jay

No: Jeff, Nick

Michael thanked the applicants.

### **P&Z Interviews**

Kim Magee and Jarrett Mork were interviewed by the Commission.

### **Motion**

Jeff made a motion to recommend that the Board appoint Nicholas DiFrank and Erica Stahl Golden as regular voting members of the Planning and Zoning Commission and appoint Kim McGee as 1<sup>st</sup> alternate and Jarrett Mork as the 2<sup>nd</sup> alternate. Nick seconded the motion, and they were recommended unanimously.

### **Staff Update**

Janet said that the Comp Plan bids are due on March 4. She said that she has been getting inquiries from several consultants and questions from three different groups. She said one of the questions was doing we want the current Comp Plan updated or a supplemental addition to the Comp Plan. She said that she told them a supplemental and that it is an update and not a rewrite of the 2013 Comp Plan. She said that they asked about maps and that we are good with maps because we have Nate updating the maps. She said that she has asked for examples of prior work product and getting them electronically. She said that we will have to figure out the selection committee, which needs to be expedited to get it in front of the Board.

### **Commissioner Comments**

There were no Commissioner comments.

### **Motion to Adjourn**

A motion was made by Nicholas to adjourn and the meeting was adjourned at 10:07 p.m.