

**MINUTES**  
**CARBONDALE PLANNING AND ZONING COMMISSION**  
Thursday April 14, 2022

**Commissioners Present:**

Jay Engstrom, Chair  
Jeff Davlyn  
Nick Miscione  
Kim Magee  
Jarrett Mork  
Kade Gianinetti (1<sup>st</sup> Alternate)

**Staff Present:**

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

**Commissioners Absent:**

Nicholas DiFrank, Vice-Chair  
Elizabeth Cammack (2<sup>nd</sup> Alternate)  
Marina Skiles

**Other Persons Present**

Oscar Carlson  
Doug Greenholz

The meeting was called to order at 7:01 p.m. by Jay Engstrom.

**February 24, 2022 Minutes:**

Jarrett made a motion to approve the February 24, 2022 minutes. Kade seconded the motion, and they were approved unanimously.

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

Board member and future Mayor, Ben Bohmfalk introduced himself and thanked the Commission for all of their hard work and the details that go into their reviews. He said that he spent about six years on this Commission as well as being the Chair. He said the he wants everyone to know that their work is really appreciated and that we have faith in your work. He said that he was impressed with the Comp Plan Open House. He said that he is available and would love to chat about big direction stuff.

**PUBLIC HEARING – Minor Site Plan Review/Special Use Permit/ADU**

**Owner: Doug and Susan Greenholz**

**Applicant: Brian Golden/Oscar Carlson**

**Location: 728 Euclid Avenue**

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

John said that the applicant is proposing to construct a 2,558 sq. ft. residence with an attached accessory dwelling unit.

He explained that under the Unified Development Code (UDC), a proposed ADU in the Old Town Residential Zone District (OTR) must go through a minor site plan review and special use permit before the Planning and Zoning Commission.

He said that the property is designated as Old Town in the Future Land Use Plan. He stated that the properties in this designation represent the oldest residential neighborhoods in the historic town grid. He stated that single family homes are predominant and there is an opportunity for accessory dwelling units. He said that alley loaded parking should be provided where available.

John continued by saying that street emphasis should be on sidewalks, trees, and homes, not parking.

He stated that the design of the main structure is setback from the front lot line with varying roof lines and stepping of the facades. He said that parking is located off the alley preserving the existing ditch to the front of the lot.

John said that an ADU is allowed to be 10% of the total lot size with a maximum of 650 square feet in the OTR Zone District, the proposed ADU is 554 square feet in size.

John stated that the required setbacks in the OTR zone district have been met and the allowed maximum impervious surface has been met.

John said that the proposed main structure at midpoint is 23 feet 7 inches, 25 feet is allowed in the OTR district (at mid-point). He said that the building height is in conformance. He stated that five parking spaces are required by the UDC and that the applicant is providing five parking spaces.

Nick asked if there was a neighborhood notification process?

John said that the applicants reached out to the neighbors, two of whom are the adjacent neighbors. He said that standard public noticing procedures were followed with notification going out to neighbors within three hundred feet. He said that we have not received any written comments.

Jarrett asked if there was an existing residence?

John said that it is a vacant lot.

Jay asked for clarification regarding the ADU parking.

John explained that the parking standards allow for stacking behind the spot in the garage.

Jarrett asked for clarification regarding storage.

John said that the storage for multi-family does not apply to ADU's.

Jeff asked if this lot was part of a subdivision.

Janet stated that this lot had absorbed five feet from the parcel to the east and that it expanded a little bit.

Oscar Carlson thanked everyone and said that we have tried to address concerns and knew that this lot had some sensitivity to the surrounding neighbors, from the previous application and owner. He said that he tried to address this by utilizing the alley and reducing the mass so that it remains in character with the OTR district. He said that the ADU is in the lower level and has its own private entrance, with lots of light and oversized light wells to maintain a good living standard in Carbondale.

Doug Greenholz introduced himself and said that he put his address as 728 Euclid Avenue but noted it is a vacant lot. He said that he is here to speak in favor of the project so that the next time he is here he'll have a place to live. He said that we purchased the lot eight months ago and that they didn't know that they could have an ADU. He said that when we learned that we were pretty excited about it. He said that it addresses a small part of the housing problem in the valley and helps with the financial means to make this project a reality as well as more reachable. He said that they are very happy with how the architects have integrated the ADU into the main structure. He said that we learned pretty quickly about the history of this property. He said that he wants to thank their future neighbors for their efforts in opposing the previous applicant's project, otherwise we wouldn't have been able to purchase the property. He said that we have been sensitive to the history and proactive about reaching out to Eric and Jan to the east and Mark Mahoney to the west. He said that once we had our design we also spoke with the neighbors across the street and behind us in the alley to share the design with them. He said that the conversations that we had were quite positive and that we wanted to make sure that we responded to the neighborhood. He said that we are really happy with the design that has been developed and that it responds to our needs. He thanked the Commission.

### **Commissioner Questions**

- Wanted to make sure that the owners understand the community and that many are losing their housing due to a potential STR.
- Doug explained that they will be renting the ADU long term.
- Request for consideration for storage for bikes and skis.
- Doug stated that they would allow the renter to store gear within their unit.
- Asked if the owner experienced Mountain Fair, as this lot is on Euclid Avenue.
- Doug said that we have been warned by our neighbors, in a positive way.
- The design from 2757 was applauded from several commissioners.

### **Public Comment**

Jan Schubert, **710 Euclid Avenue** that she lives directly to the east. She said that she really appreciates Doug and Sarah keeping them in the loop and being proactive about reaching out to us. She said that they have been sensitive to how it will impact our house and the views from the windows and our ADU, where my sister lives. She said that when she came before the P&Z for her ADU and so many people came and stepped forward to give their stamp of approval and that they were all strangers. She

said that it was such a warm welcome and that they are now our neighbors that are all dear to her. She said that she approves of this application.

Eric Doud, **710 Euclid Avenue** said that he lives next door as well in “Old Red”, the big house on the corner. He said that he supports the project and that he appreciates the consideration that our new neighbors and the architects have put into the design. He said that with his experience with the prior project that did fail, that what is being proposed meets not only the quantitative and the setbacks but the qualitative requirement. He said that the mass has been broken into smaller components that are more human scaled. He said that the ADU is successful and that it has put itself into the mass of the overall house to reduce the impact. He said that he supports the project.

Mark Mahoney, **742 Euclid Avenue** said that he lives directly to the west of the property. He said that he agrees with everything that has been said tonight and that he is here to support the project. He thanked the architects for what he considers a great job and to listening to all of the neighbors’ concerns and starting off on a great foot.

Mark Chain, **811 Garfield Avenue** said that he is on the edge of this neighborhood and that this project fits in the neighborhood and that it fits in.

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

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

### **Commissioner Comments**

- The owners were brave to talk to the neighbors so much.
- Doug said that we didn’t have a choice, when we showed up on the lot after we had it under contract, Eric and Mark appeared and introduced themselves. He said that we knew the history of the site and that they introduced themselves as architects, so we knew we had no choice but to engage with them. He said that it has been a pleasure and that they have been very supportive along the way. He said that we were clear that we didn’t want to seek any variances and that we wanted to live within the code.
- Excited about the design.

### **Motion**

Jarrett made a motion to approve a minor site plan and special use permit for an accessory dwelling unit to be located at 728 Euclid Avenue with the conditions and findings recommended by Staff. Kade seconded the motion, and it was approved unanimously.

Yes: Jay, Jeff, Nick, Kim, Jarrett, Kade  
No: None

**PUBLIC HEARING – TEXT AMENDMENT - DEFINITIONS**

**Applicant: Town of Carbondale**

Janet stated that this is a public hearing for the purpose of considering an amendment to the UDC. She said that the Commission is required to hold the hearing and recommend approval of the amendments or recommend denial. She said that you may also continue the public hearing.

Janet stated that over the last four months, the Board of Trustees discussed methods on how to regulate Short Term Rentals (STRs) in the Town. She stated that the Board decided to start by licensing all STRs currently in operation as the first phase. She stated that in March, the Board approved an ordinance enacting temporary regulations for licensing. She said that the purpose of the ordinance is to gather data for the Town on the number and locations of STRs and to provide initial guidance for short term rental owners. She stated that more permanent regulations will most likely be drafted in the near future.

Janet continued by saying that during the Board discussions, we realized that an amendment to the UDC would be required to avoid a conflict between STR licensing and the UDC.

Janet said that is what is before the Commission tonight. She stated that the proposed amendment is to amend the definition of Household Living, to remove the requirement that tenancy for household living and residential dwellings be arranged on a month-to-month or longer basis, and to allow tenancy to be arranged for a period of less than thirty days. This will allow a room and/or residential unit to be rented out as a STR for less than 30 days. She said that she has included a redline of the UDC.

Nick asked if it were enforceable and if not, what would be the mechanism of enforcement?

Janet asked what we are enforcing.

Nick stated that if someone were to violate the conditions of a license or not have a license and rent for less than thirty days.

John stated that a revocation and suspension clause within the Ordinance, which lays out the enforcement.

Janet said that it was an Ordinance attached to the red line and a process for not being in compliance with an STR license.

Nick said that he understands the process for a license for STR's but how does it get enforced if someone is doing a STR without a license?

Jeff said that this something that the Town has encountered already. He said that if there were listings online that the Town has cataloged those addresses and enforced license application process.

John said that finance staff that were watching the listings to see if they had lodging tax licenses. He said a letter would be sent out alerting the owners that they needed to apply for a lodging tax license.

Jeff said that our purview is not related and that we just have a cleanup exercise.

Jay said that this amendment to the UDC will be a more efficient way to enforce it.

Further discussion ensued regarding the Ordinance and further cleanup needed.

Janet said that the way the Ordinance is written is that it is strictly licensing. She said that it does not address any land use. She said that it is the first step in regulation of STR's and data collection. She said that there will probably be more UDC regulations as we start into the next phase. She said the zoning and cleanup will be complicated. She said that the UDC only applies to the straight zone district and not PUD's, which we have about thirty of those in town. She said whatever changes we make to the UDC will not apply to RVR or Crystal Village or Roaring Fork Village. She said that it will only affect a third of the Town. She said that this was the first conflict brought up regarding thirty day tenancy.

Nick asked if there would be any other fees associated with licensing.

Janet said that in this phase we were keeping the fees low to encourage people that were operating STR's to go ahead and apply. She said discussion about fees and mitigation for affordable housing will be down the road, in the next phase of operation.

Further discussion ensued regarding STR's and licensing.

Janet stated that a STR is for a period of less than thirty days.

Jeff asked about insight regarding the exclusion of the Historical Commercial Core district (HCC).

Janet said that there was concern from some property owners in the HCC because they had STR's. She said that they wanted to make sure that they could keep them so the Board made the decision to leave the HCC alone, because that is where lodging should be.

John said that the purpose of this Ordinance was to gather data to see if there was an issue there.

Jarrett asked if we are not doing HCC because of specific STR's and wouldn't it fall into their business licenses.

Janet said that this is an STR license.

John said that they are still required to get the lodging tax license.

Kade said that our lodging tax is only two percent and pointed out that it was lower than other communities.

### **Public Comment**

Mark Chain, 811 Garfield Avenue said that this is a very complicated issue and that there are many places that it is appropriate to have a short-term rental. He said that the right thing to do is get the data and do the best you can.

Janet noted this is a legislative action, not site-specific so Ben could explain rationale.

Ben Bohmfalk, **85 Crystal Circle** said to clarify about the HCC exclusion from this pause on new licenses, he said that was his idea. He said that you can do a lot in a code to say what you don't want but that you need to say what you do want. He said that the feedback that we had gotten from the business community, restaurants, bars and all of the businesses that thrive on tourism is that we need some short-term rentals in Town. He said that the problem that we are trying to address is the conversion of what could be long-term workforce housing into STR's. He said that we said where is that less likely to be a problem, where is it already zoned for a use by right for lodging. He said that area is the HCC, where we want them and then we punted all of the rest of the zoning related stuff. He said that with the election we didn't know what the next council would look like exactly and that we wanted to put a marker in the ground, that was clear. He said that it seems appropriate if it is HCC or your primary residence and other than that it is an open question. He said that is what you will see next after we get all the data.

Jeff said that he thinks that it is important to protect against investment buyers that are buying up residential units so that they can be full-time STR's. He said that we may need a finer look than just the HCC zone district. He said that the Town should work hard to discourage corporations from coming in buying up residential properties and turning them into boutique hotels.

Janet said that she thinks that the Board talked about that and that in order to get a license that you have to be a natural person with an ownership interest.

Jeff said that he thought if you were not a natural person that you need someone that can respond in sixty minutes to any complaints, which opens the door to everybody.

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

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

Kade said that he had a comment from the Tourism Council and the branding of that. He said that conversation fell away from tourism and fell into anxiety around where Carbondale is headed with not only the HCC but also with the new developments. He said that we settled on this pause and that he likes this as a first step and that it is a complex issue. He said that the data collection and taking a pause on any new STR's coming in is a good first step to evaluate how big of an issue this is and to incorporate responsible tourism into the community.

### **Motion**

Jeff made a motion to approve the zone text amendment as shown in Exhibit A with the findings in the Staff report. Jarrett seconded the motion, and it was approved unanimously.

### **Staff Update**

Janet said that Mary typed all of the comments up from the Final Comp Plan Open House that we had on March 30. She said that we received a lot of comments and all of the comments that have been collected from January, February and March are in a big spreadsheet. She said that they are comments made at Planning Commission meetings, emails submitted, comments submitted online and in the Reading Rooms. She said that she met with CT yesterday and that they have been combing through them and organize them. She said that she had met with Amy at Carbondale Arts to figure out where some of the comments should go for the Creative District and the Artwalk. She said that CT, will still have some outstanding items that they are going to need the Commissions read on, which is getting sorted through.

Janet said that she did the first pass of the redline of the 2013 Comprehensive Plan, which is going more smoothly than anticipated. She said that combining the Plans is going to be great. She said that it has been a team effort to stay on track and think about the budget. She said that CT really enjoys working with Carbondale.

Janet said that next Tuesday that there is going to be an update to the Board on the Town Center property from Bob Schultz. She said that you are welcome to attend it and that if there is more than three that she would have to notice it. She said that if you go to the Town's website that the packet will be there, with Bob's report. She said that the Board will look at that and then start creating a public process.

Janet said that Jay just signed the plats for the two Subdivision Exemptions for Roaring Fork Coop, which will get recorded soon so that the Town can move forward on expanding the Public Works yard.

Mary said that there are more home building permits coming soon from River Valley Ranch.

Jeff said that he was told that seventy percent of all home purchases in the last eighteen months were cash.

### **Commissioner Comments**

Jarrett asked if we have people that go around on job sites for the Town regularly.

Janet stated yes, our Building Official, John Plano, he does building inspections.

Jarrett said that he would recommend after a very windy day to go around to neighborhoods near construction sites, he said that his neighborhood had a lot of rigid insulation in our yards and where we park our cars.

Jay thanked the Commission for those that attended the open house and that he appreciated the turnout. He said that it reminded him of what makes Carbondale so special.

### **Motion to Adjourn**

A motion was made by Jeff to adjourn, Jay seconded the motion, and the meeting was adjourned at 8:06 p.m.