

MINUTES

CARBONDALE PLANNING AND ZONING COMMISSION

Thursday June 8, 2023

Commissioners Present:

Nicholas DiFrank, Vice-Chair
Jarrett Mork
Kim Magee
Jess Robison (Alternate)
Cindy Suplizio (Alternate)

Staff Present:

Jared Barnes, Planning Director
Kelley Amdur, Planner
Kae McDonald, Planning Technician

Commissioners Absent:

Jeff Davlyn
Jay Engstrom
Nick Miscione
Kade Gianinetti

Guests and Attendees:

Jacques Machol, Owner, Thompson Park Subdivision
Haley Carmer, Garfield & Hecht, P.C., Representing Thompson Park, LLC
Angela Loughry (Confluence Architecture, Applicant for Little Blue Preschool)
Patrick Carpenter (Little Blue Lake Preschool)
Michelle Oger (Director, Blue Lake Preschool)
Drew Sorenson, 1328 Barber Drive, Carbondale, Colorado
Gordon Banks, 405 Boundary Lane, Carbondale, Colorado
Rosemarie Lavender, 405 Boundary Lane, Carbondale, Colorado
Anne and Bill Quinn, 217 Lewies Circle, Carbondale, Colorado

The meeting was called to order at 7:00 p.m. by Nicholas DiFrank.

May 25, 2023 Minutes:

Jarrett ***moved*** to approve the May 25, 2023, meeting minutes. Kim ***seconded the motion***, and it was ***unanimously approved***.

Yes: Nicholas, Jarrett, Kim, Cindy, Jess

No: none

Public Comment – Persons Present Not on the Agenda

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

PUBLIC HEARING: Lot 4, Thompson Park Subdivision Phase 3: Condominium Subdivision Exemption

Applicant: Thompson Park, LLC

Location: Lot 4, Thompson Park Subdivision, Phase 3

Nicholas asked Jared to proceed with Staff's presentation.

Staff Presentation

Jared explained that this is a condominium exemption application for Lot 4 of the Thompson Park Subdivision. He referred to the packet, noting that this requires a public hearing and the applicant has met all the noticing requirements. He reminded the commission members that the Thompson Park property was annexed in 2012 with the developable property zoned Residential/Medium Density while the Historic House parcel was zoned Open Space. He added that in 2018 and 2019 the Town approved a Major Site Plan Review and Subdivision Plat for the development:

- Parcel 2 is east of Lewies Lane and permitted 27 multi-family units, five of which are affordable units
- Parcel 3 is east of Jewels Lane and permitted six multi-family units, three of which are affordable units
- Parcel 4 is west of Jewels Drive and permitted seven single-family units.

Jared noted that the current application is a request to condominiumize the triplex located on Parcel 4 because the Deed Restrictions for the affordable housing units must be recorded before the free-market units can receive a Certificate of Occupancy. Jared described the units, noting that a free-market triplex is under construction on Lots 1 through 3 and the affordable housing units are on Lot 4:

- Unit 409A is located on the first floor and measures 815 square feet
- Units 409B and 409C are on the second floor and measure 800 and 815 square feet, respectively.

Jared added that the other five affordable units are Unit 108 and Unit 110 built on Parcel 2, Lot 1, and Units 202A, 202B, and 202C built on Parcel 2, Lot 2. He noted that the Town Attorney is currently reviewing the deed restrictions and a condition of approval is that those documents are subject to a final review and approval by the Town Attorney. Jared also noted that all associated fees have been paid and there are no outstanding fees.

Jared explained that Staff recommends approval of the proposed application as it is in compliance with the Subdivision Conceptual Plan approved by the Planning Commission in April of 2018 and the Major Site Plan Review approved in June of 2018, and the proposed application complies with all of the applicable criteria outlined in UDC §2.6.6.D.1, *Condominium Exemption Applicability*. Jared read the proposed motion, noting there were four Conditions of Approval and five Findings for Approval:

Move to approve Resolution No. 3, Series of 2023 approving the Condominium Exemption Application for Lot 4, Thompson Park Subdivision Phase 3 with the following findings and conditions:

Conditions of Approval

1. The Condominium Plats shall be reviewed and approved by the Town prior to recordation of the Plats.
2. The deed restrictions for the affordable housing units shall be reviewed and approved by the Town prior to recordation of the Plats.
3. All representations of the Applicant in written submittals to the Town or in public hearings concerning this project shall also be binding as conditions of approval.
4. The Applicant shall pay and reimburse the town for all other applicable professional and Staff fees pursuant to the Carbondale Municipal Code.

Findings for Approval

1. The subject property is suitable for subdivision within the meaning of Chapter 17.06: *Subdivision*;
2. All public utilities are in place on the subject property;
3. Each lot has the necessary dedicated public access required by this code at the time of the condominium exemption application;
4. The condominium plat shall comprise and describe not more than three lots and is no more than five acres in size; and,
5. The preparation of engineered design data and specifications is not needed to enable the Commission to determine that the subject property meets the design specifications in Chapter 17.06: *Subdivision*.

Questions for Staff

Nicholas asked for clarification that one of the affordable units was located on the ground floor and the other two were on the second floor.

Jared answered in the affirmative, noting that the garages were also located on the ground floor.

Nicholas pointed out that there were inconsistencies between the approved Planning documents and the final as-builts and wondered if Town Staff would be undertaking a final inspection as part of the CO.

Jared replied that he would review the concerns expressed by the P & Z Commission. He noted that the proposed action doesn't authorize the C/O.

Applicant Presentation

Haley explained that the condominiumization is being undertaken so each unit can be sold independently, and the units can't be sold until the map is recorded. She added that the applicant is willing to work with Staff to complete the final product. Haley noted that there was one discrepancy in the labeling of the garages and Unit 409A and Unit 409B will be swapped on the final plat (the electrical wiring corresponded better that way). She added that the landscaping is being worked on and construction on the free-market triplex will be completed soon.

Questions for Applicant

There were no questions for the applicant.

Public Comment

There were no public comments.

Commissioner Discussion

Nicholas asked if there was additional Commissioner discussion.

Motion

Motion Passed: Jarrett ***moved*** to approve Resolution No. 3, Series of 2023 approving the Condominium Exemption Application for Lot 4, Thompson Park Subdivision Phase 3 with the four Conditions of Approval and five Findings of Approval. Jess ***seconded the motion*** and it was ***unanimously approved***.

Yes: Jarrett, Jess, Nicholas, Kim, Cindy

No: none

PUBLIC HEARING: 55 N. 7th Street – Little Blue Preschool Expansion Combined Application: Administrative Site Plan Review, Subdivision Exemption, Special Use Permit and Rezoning
Applicant: Angela Loughry, Confluence Architecture
Location: 55 N. 7th Street

Kelley stated that she discussed the possibility of continuing the public hearing with the applicant – the application is quite complicated, and the Commission had a robust and lengthy conversation at the May 25th meeting – and the ideal would be to have the same composition of commission members for the second round of conversation, but that extenuating circumstances has made that impossible. She concluded by noting that Staff is in support of the continuance but that it is up to the applicant to make that decision.

Angela stated that they were prepared and eager to move forward with tonight’s public hearing, but Staff informed them of the shift in Commissioner attendance. They would like to know what the commission members feel – if they could provide a fair and thorough review given the composition of members at tonight’s meeting.

Cindy commented that she would abstain from any decision on this application at tonight’s meeting.

Nicholas summarized that at the last meeting Jess and Kim were leaning in favor of rezoning the parcel to the Historic Commercial Core, while he and Jarrett were leaning towards denial. He acknowledged that the mix of commission members was solidly in favor of the application at the last meeting.

Jarrett agreed with Nicholas’ statement, but noted his appreciation for Nick’s input that ran counter to his and Nicholas’ opinion.

Jess commented that her only concern with a continuance was potential attendance at the June 22nd meeting.

Kim added that before tonight's meeting she spent considerable time reviewing the application and her opinion has not changed.

Nicholas reminded the commission members that at the last meeting he shared his personal perspective and while he identifies with and affirms the need for more childcare his concern is solely safety as acknowledged by the Police Department review. He noted that it was a long, but thoughtful, conversation and in his opinion, it would be in service to the application to wait.

Michelle appreciated the Commissioners candor but explained that this has been a difficult process and it has been hard to turn parents away or tell them that their child can't move up into the next age group because there isn't any room. She emphasized that the delays – they had hoped to have the expansion completed prior to the new school year in September – are hard on both the school and Carbondale families.

Nicholas asked when the application was submitted.

Angela explained that they had a pre pre-application meeting with John Leybourne and Janet Buck more than a year ago and then there was staff turnover, so the pre-application meeting was conducted in November and the application was then submitted March 1st of this year.

Kelley added that the application was deemed complete on March 17th.

Angela noted that Little Blue staff time and working with consultants has consumed more than a years' time and the application might have been submitted earlier had there not been turnover of staff at the Town.

Jess acknowledged Nicholas' concerns regarding safety, but pointed out that he also stated he supported transition zones. She asked which takes precedence.

Nicholas replied that going from C/T to HCC and what that means in terms of parking and allowable uses. He noted that to go bigger means more staff, more parking and double the number of children dropping off within a window, and while the current situation is positive in terms of alternative transportation, that might not be a permanent scenario. He added that approving the rezoning to HCC would allow for a reduction in parking while doubling children without a circulation plan or drop-off scenario.

Jared cautioned that if the commission members would like to discuss the application, the public hearing needs to be opened and give both Staff and the Applicant an opportunity to present information, otherwise the conversation should be limited to discussing whether to continue the public hearing.

Angela replied that they realize the benefit in delaying, but that is also countered by the pressing need to move forward. She stated that the applicant is leaning towards asking for a continuance unless there is compelling evidence not to.

Nicholas pointed out that the current conversation is a nice way to put the trajectory back in your favor. He pointed out that the development process is not an easy or quick process and that if a short delay results in a green light that is more valuable to the applicant.

Angela stated that the applicant would like to ask for a continuance.

Jared asked the commission members if it would be valuable to prepare an alternative motion to acknowledge the input from the dissenting body so if the group dynamic isn't there a motion can be made one way or the other. He stated that Staff is willing to do that work if the Commission deems it beneficial.

Jarrett thought it would be helpful to move the process forward.

Angela asked if the alternative motion requires alternative compliance, would the process be required to be stopped and re-noticed.

Jared replied in the negative, explaining that any alternative compliance would accompany the Site Plan Review and since that would be heard by the Board of Trustees, a second public notice would be required anyway.

Michelle asked if there was anything that could be added to the application to clarify the public safety. She added that in her experience, 7th Street is generally empty during the times when children are being dropped off and picked up.

Jared explained that it would be helpful if there is additional information that the applicant can provide to explain and/or clarify the situation.

Nicholas asked how many children currently attend Little Blue.

Michelle stated that there are 37.

Nicholas pointed out that while there might not be any challenges or problems with the current number, once that number is doubled there are more opportunities for compounding issues. He thought it would be helpful if the applicant could present a circulation and/or staging plan.

Michelle reiterated that the streets are generally empty and pointed out that the Childrens Rocky Mountain School is allowed to drop off/pick up on Main Street.

Jess reiterated that doubling the number of children raises a red flag and it would be helpful to see how the applicant plans to control the situation.

Motion

Motion Passed: Jarrett ***moved*** to approve the applicant's request of to continue the Public Hearing to the June 22, 2023, Planning and Zoning Commission meeting. Jess ***seconded the motion*** and it was ***unanimously approved***.

Yes: Jarrett, Jess, Nicholas, Kim, Cindy

No: none

Staff Update

Jared stated that they had the kick-off meeting with the consultants selected to undertake the Multi-Modal Mobility and Access Plan (M3AP) earlier today, noting that the consultant is Felsburg, Holt & Ullevig. He explained that the consultant has an on-call contract with the Roaring Fork Transportation Authority, and they also work extensively with the Colorado Department of Transportation. He related that during the meeting they set some goals for the nine-month study which includes a quick push for public engagement to take advantage of the many summer events; information they will be seeking includes real pinchpoints, perceived constraints and accidents. He noted that they will also form a stakeholder group with the intent to keep it as diverse as

possible. Jared added that the engagement person on the team formerly worked for a municipality, and there are native Spanish speakers assigned to the project so there is anticipation that quality public input will be achieved.

Nicholas commented that that was one of the weak points in the Comprehensive Plan outreach and he was glad to see a confirmed willingness to reach out to the Spanish-speaking community.

Jess suggested attending an upcoming Mexican rodeo because there should be a sizeable group of Spanish-speakers attending. She noted that while campaigning for the Board of Trustees, the feedback that she received from that segment of the population was that they work a lot and don't have time to attend organized outreach meetings.

Jarrett pointed out that at the initial Comprehensive Pla outreach meeting there was a multi-modal table, so there should be some information available from that meeting.

Jared acknowledged the suggestions and added that the Carbondale Age-Friendly Community Initiative also has a survey out specifically relating to Highway 133. He noted that there will likely be heavy use of on-line engagement, possibly using an interactive map that pinpoints challenging locations.

Kelley added that while there will be a lot of data gathering online, it is also important to this community for face-to-face contact. She asked that if any commission members are interested in participating, to please let them know. She anticipated partnering with the Chamber of Commerce, Third Street Center, library, recreation center and various multi-family residences to disseminate information.

Nicholas suggested taking advantage of the digital sign on Highway 133, as well.

Jared went on to explain that there are several large developments that are ongoing or nearing completion:

- Sopris Self Storage has requested a Temporary C/O
 - The mural has been painted
 - Working to get feedback on status of living wall
- Carbondale Center Place North and South Buildings have received their TC/Os
 - Outstanding checklist items include landscaping and the active play area
 - the play area was deemed to small for certain kinds of equipment
 - The developers undertook "xeriscape" alternatives that were not approved, and Staff is working with the developer to correct the problem
- Eastwood Self Storage in under construction
 - The trail along Highway 133 is under construction
 - There wasn't a lot of specificity in the approved art installations; Staff is meeting with Carbondale Arts to obtain that information

Nicholas stated that the applications proposed ideas that positively supported the community and there are gateway elements they expect to see on Highway 133.

Jared replied that Sopris Self Storage is generally meeting the intent of the approvals, while the landscaping currently being undertaken at Carbondale Center Place is a big departure from their approvals and is utilizing a lot of screened rock. He related that they have informed the applicant that they wouldn't support the current undertaking.

Kelley clarified that the other landscape material has been planted – and includes more trees than proposed – so the problem specifically relates to the turf.

Kim commented that xeriscaping is acceptable, but if the irrigation is being installed, they should install the turf – or some combination of xeric plantings and turf.

Nicholas commented that landscaping is also needed on the site interior to support residents paying rent.

Jared shared his screens to show the approved landscape plans for Carbondale Center Place and identified the areas where the screened rock was installed. He noted that the Unified Development Code requires ten feet of the property along roadways to be planted with grass.

Nicholas commented that low-water plantings are an admirable choice, but screened rock isn't the same thing and promotes the growth of invasive weeds in the spaces between the rocks, eventually requiring the space to be dug out and replanted.

Jared asked if the commission members were open to a xeriscape proposal.

Nicholas answered in the affirmative.

Kim answered in the affirmative, commenting that the buildings are up now and the whole space seems to be hardscape. She pointed out that precedent setting is the key.

Kelley stated that kudos are due Jared because enforcement is a challenge without a building official and he has undertaken much of the burden along with the Public Works Director. She noted, however, that a building official is under contract and is expected to start work at the end of July. Kelley added that they have conducted a few rounds of discussion with ANB Bank, and their application is progressing, and they have also had four pre pre-application meetings. She explained that they are encouraging interested parties to come in and they are making time to meet with them.

Commissioner Comments

Nicholas welcomed Cindy to the P & Z Commission. He asked for a show of hands for planned attendance in anticipation of the upcoming June 22nd meeting.

Motion to Adjourn

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