

MINUTES

CARBONDALE PLANNING AND ZONING COMMISSION

Thursday July 13, 2023

Commissioners Present:

Jay Engstrom, Chair
Kim Magee
Jeff Davlyn
Kade Gianinetti
Cindy Suplizio (Alternate)

Staff Present:

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

Commissioners Absent:

Nicholas DiFrank, Vice-Chair
Nick Miscione
Jerrett Mork
Jess Robision (Alternate)

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

June 8, 2023 Minutes:

Kade ***moved*** to approve the June 22, 2023, meeting minutes. Cindy ***seconded the motion***, and it was ***approved with Jeff abstaining***.

Yes: Jay, Kim, Kade, Cindy

No: none

Abstaining: Jeff

Public Comment – Persons Present Not on the Agenda

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

“Clean Up” Code Amendments Worksession

Kelley explained that there was a table included as part of the packet that lists items Staff is proposing as “Clean Up” to address typographical and minor errors in the Unified Development Code. She noted that most of the errors relate to the same table. Kelley stated that Staff recommends that the Commission make a motion to initiate an Amendment and schedule a public hearing.

Jeff commented that the changes don’t seem substantive.

Jared explained that most of the corrections have to do with a cross reference that is referenced incorrectly in each table. He noted that these errors are straightforward and not controversial and would be a good initial public hearing.

Jay noted that the reference to Section 5.1.3.F in the table should read “Correct ‘Chapter 19.10’ to read ‘Chapter 16-1-20’.”

Motion Passed: Kade **moved** to initiate an Amendment to the Unified Development Code pursuant to Section 2.4.1 of the UDC for the purpose of reviewing proposed “Clean Up” UDC Text Amendments and direct Staff to schedule a public hearing on August 10, 2023. Jeff **seconded the motion**, and it was **unanimously approved**.

Yes: Jay, Cindy, Kade, Jeff, and Kim

No: None

Jared noted that the public hearing will be noticed for August 10th.

Impervious Lot Coverage Worksession

Jared explained that his approach to code amendments is to conduct work sessions to have informal conversations to understand the issues prior to a public hearing because it helps the public stay engaged in the process without having to endure iterative meetings. He noted that as he and Kelley are learning the UDC and how to apply it they have found that the impervious lot coverage section is clunky in how it is written and how it is applied, and it leaves a lot of room for interpretation at all levels. He added that it is difficult for everyone to read it and understand how to comply with it. Jared pointed out that that the intent of the UDC is to present requirements in a straightforward manner, unfortunately, by the time a project is reviewed for zoning compliance the building permit has already been applied for, and a lot of invested time and money can be wasted if it doesn't meet the impervious lot coverage requirements. Jared pointed out that while much of tonight's conversation will be centered on Section 3.8.5, he also included other sections of the UDC where impervious lot coverage is mentioned such as Tables 3.7.2 and 3.7.3, landscaping, stormwater run-off, and definitions of driveways and parking lots. Jared identified specific challenges that arise when completing zoning compliance code checks:

- UDC Section 3.8.5.A states that the principal building is considered part of the impervious area but doesn't well define how that measurement is made. One question staff has is should this area be inclusive of roof overhangs or only the area within the outside walls? Jared pointed out that if this level of ambiguity can be removed, it would be a beneficial code clean up.
- UDC Sections 3.8.5.E and UDC 3.8.5.F grant two exemptions – one for decks and/or patios and the other for pervious pavers – and these two exemptions comprise the bulk of the confusion because the exemptions are applied for differently and the design elements that are being highlighted for the exemptions don't always qualify. Jared noted that Staff has developed an Impervious Lot Coverage Sample Data Table and an accompanying plan sheet and while that has helped, it hasn't always eliminated the confusion.

Jared listed some topics to guide the discussion:

- The deck/patio exemption is only applicable to residential zone districts. As written this section allows certain decks and/or patios to be considered pervious area even if finished with impervious materials “In a residential zoning district,

any impervious covered or uncovered deck and/or patio is allowed to be calculated as pervious surface; however, this allowance is limited to 10 percent of the square footage of the floor area of a dwelling unit, excluding the floor area of the basement and garage.”

- Generally, should decks be considered impervious or pervious?
- Should the categorization be dependent upon the ground treatment underneath?
- Should a deck only be considered impervious if covered?
- The pervious paver exemption is also only applicable to residential zone districts; other sections of the UDC clearly categorize all driveway and parking areas as impervious regardless of surface area.
 - Applicants want to know what systems are approved. The town doesn't keep a list, but in the past had indicated that GrassPave2 was the only approved system.
 - Many pervious paving systems are only pervious with specific types of subsurface. Historically any system that used road base would be ineligible for the exemption. This is challenging to ensure compliance during construction as no driveway inspections are done.
 - After construction, pervious driveways are often changed and modified without any permits and put existing properties into non-compliance.
- The overarching question is whether the Commission considers the exemption important and, if so, is it better served by increasing the lot coverage percentage.

Jeff asked what the main purpose of limiting impervious surface was.

Jared responded that there are three primary reasons for limiting impervious surfaces:

1. Stormwater management;
2. Lot coverage – controlling the mass of built forms; and,
3. Aesthetics – providing open space and separation between design elements.

Jay commented that he was excited to discuss this topic. He noted that while he considers this topic a weak spot in the code, he also appreciates the simplicity of the UDC. Jay explained that, unlike many other residential codes, the UDC doesn't state that projects must have an engineered design that prevents stormwater flows from leaving a property. He acknowledged that for the larger commercial projects, stormwater retention is addressed, but there isn't such a requirement for smaller residential projects.

Jared agreed that this would be a good opportunity to add that language.

Kelley added that most of the residential applications that Staff reviews are at their maximum lot coverage and applying the exemptions can be challenging – for example, simple decks often put applications over the maximum lot coverage percentage and must be denied.

Jared agreed and noted that it is even an issue with multi-family – duplexes, triplexes, etc. – lots.

Jeff wondered how often the term “principal building” is found in the UDC.

Jared replied that it isn’t a defined term, but he didn’t look to see how widely it is used in the UDC.

Jeff asked if overhangs – similar to decks – are serving the purpose of stormwater retention.

Jay replied if one is following the definition of an impervious surface, any overhang would be impervious.

Jared suggested a standard two-foot overhang would be acceptable, but anything that exceeds that length would not.

Kade asked what a realistic percentage shift would be.

Jared replied that those calculations haven’t yet been considered but thought it could be researched. He noted that there is a dichotomy in that new single-family residences in River Valley Ranch are being designed to the maximum lot coverage requirement while in the older residential neighborhoods the lots exceed the maximum because of structures and improvements added piecemeal. He pointed out that no matter how much that percentage is increased, there will be a desire to design to that standard.

Jay commented that much of that is stating what percent is the actual structure versus what percent is softscape.

Cindy agreed, noting that there are new technologies being introduced as a rapid rate.

Jared replied that it would consume Staff time to study each new product and thought that developing a standard matrix for the pervious paver exemption could provide clarity.

Jay pointed out that the City of Aspen has a 12% gap requirement for pavers and that would achieve such a standard. He noted that the underlayment must have retention capacity for a 100-year storm event and that could be satisfied by requiring a four-inches of gravel beneath it along with a non-compacted subgrade and native fill.

Jared noted that that would add another inspection and then what recourse does the Town have when there is noncompliance because Carbondale residents may not have the same financial ability that Aspen residents do to tear something out and start over.

Jay pointed out that this would be an exemption to go over the lot’s impervious cover, so there should be an expectation of performance.

Kade suggested allowing a roof overhang of two feet and getting rid of the patio/deck exemption.

Kelley replied that allowing decks to be considered permeable would be a big shift because except for the 10% allowance, decks are currently counted as impervious surfaces.

Jay noted that it should be demonstrated that water is flowing through the deck and there isn't sheet flow off the end of the deck.

Jared stated that he would rather have a deck exemption than a driveway exemption. He added that he spoke with Jess prior to this evening's meeting, and she relayed that she liked the simplicity of the code and didn't want to see it overcomplicated.

Jay asked how Jared felt about the current lot ratios and commented that he thought it was a good compromise.

Jared replied that the percentages seem fair given the existing density – for example, the Residential/Low Density ratios are scaled based on the size of the lot.

Kelley commented that the scale is appropriate and achieves a consistent building size appropriate for the neighborhood.

Cindy asked if the deck exemption is eliminated, would the lot coverage ratio still be adjusted.

Kade commented that they also need to be forward-thinking for increased density as the population grows.

Jeff pointed out that there are other code regulations that still limit the size of the building.

Jared suggested presenting a simplified version along with a version that accounts for the use of innovative products for the public hearing, or the work session can continue at the next meeting.

Jay asked for clarification on how the pervious paver exemption relates to driveways if the percentage is increased.

Jared replied that the 10% exemption tied to driveways is not 10% of the total lot size, but 10% of the pervious lot coverage. He pointed out that the 10% exemption could be limited to the driveway specifically, but the challenge is those River Valley Ranch lots with long driveways to access the buildable space would end up with a large amount of pervious pavers.

Jeff asked how the pervious paver exemption is being met.

Jared replied that typically the garage apron and the side parking is permeable, but it isn't overly clear.

Kade suggested reconsidering the parking requirement for accessory dwelling units to regain pervious surface in those lots.

Jay commented that that could be an incentive for more impervious lot coverage if there is an ADU. He added that there are pros and cons to simplification, but it seems that the some of the issues are geared towards River Valley Ranch and he doesn't want to see small lots being denied for putting stepping stones to their front door.

Jeff thought some caution should be used because it could be a concrete walkway or a flagstone walkway and would those be considered in the same way.

Jared replied that currently walkways are considered impervious, but they could consider parking areas categorized as impervious along with concrete patios and sidewalks and flagstone/tile/pavers sidewalks with a 12% separation are categorized as pervious.

Cindy thought it would be easier to classify what was impervious surfaces.

Jared replied that the challenge is the application of pavers or tiles with a tight gap.

Kelley suggested identifying a width dimension because that would be easy to enforce.

Kim appreciated the points discussed and suggested moving forward with the public hearing.

Cindy asked if RVR had a design review committee that approved building plans.

Jared replied that RVR building plans are subjected to a high level of review, but the RVR zoning code states that approvals are conditioned upon meeting the UDC's building height, setbacks, and lot coverage requirements. He thought it might be helpful to share a simplified code to the RVR design review board.

Jeff wondered if there would be an opportunity to talk to RVR DRC.

Jared replied that they could be invited to comment. He thought architects would also appreciate a simplification of the impervious lot coverage requirements.

Kelley asked the commission members if they would like to hear from professionals and applicants.

Jeff replied that any "real world" examples would be appreciated.

Kade added that in all goes back to why this requirement is important and thought that groundwater retention was a good place to start.

Jeff suggested that it would be helpful to present the overlapping regulations that limit building mass.

Jared pointed out that most of what is being discussed is on the fringes of design and won't materially change the type of development being reviewed.

Jay didn't think that engineers would consider this requirement as the best stormwater management, and if all the RVR lots were to go up to 60% impervious, the entire basin would be limited in its water retention. He pointed out that in those big storm events, the sheetflow would cross over most surfaces and would end up going in the river. He noted that every other every jurisdiction requires stormwater retention on individual lots, and it can be expensive, but creative solutions would be helpful. He also pointed out that most of the stormwater flows into the public right-of-way and Carbondale doesn't have any stormwater provisions.

Jared replied that although this requirement isn't addressing stormwater to best management practices, most RVR lots fall under 30% lot coverage, but he thought the lot coverage helped create a predictable built form environment.

Jay suggested two other items to consider for pervious spaces:

1. "Green" roofs; and,
2. Pedestal paver systems.

Motion Passed: Jeff **moved** to initiate an Amendment to the Unified Development Code pursuant to Section 2.4.1 of the UDC for the purpose of reviewing changes to Section 3.8.5, Impervious Lot Coverage. Kade **seconded the motion**, and it was **unanimously approved**.

Yes: Jay, Cindy, Kade, Jeff, and Kim

No: None

Staff Update

Kelley noted that on the agenda under "Upcoming P & Z Meetings," the ANB Bank public hearing listed for August 24th will be delayed until September 14th. She explained that the application proposes to rezone from P/C to M/U with a mixed-use building of approximately 10,000 square feet for the bank, approximately 10,000 square feet of retail and restaurant space, 16 dwelling units and 74 parking spaces.

Kelley also noted that the Little Blue Preschool Expansion Rezoning and Site Plan application will be heard by the Board of Trustees at their July 25th meeting. She added that a Conditional Use Permit and Minor Site Plan Review for 326 S. 3rd Street will be heard at the August 10th Planning & Zoning Commission meeting.

Jared informed the commission members that the MAP Carbondale project is underway, and an online commenting tool is live under "Carbondale Connect." He noted that public outreach events have included the July First Friday and Wednesday's Farmers Market and they anticipate being present at additional Town events as well as posting on various community boards. Jared added that Age Friendly Carbondale is

going to share their Highway 133 study information to add to the Map Carbondale data. He explained that the project has an eight-to-nine-month timeline with an anticipated completion in the first quarter of 2024.

Jared announced that a Building Official has been hired and will start on July 25th.

Commissioner Comments

Jeff commented that he appreciated the deliberations on the Little Blue Preschool Expansion but was disappointed that it was so contentious. He added that the community is very lucky to have such a quality program and with the lack of childcare being the problem it is in the valley, allowing the expansion makes a big difference.

Cindy asked about the We-Cycle stations going up around town.

Jared replied that there will be 17 We-Cycle Stations in total and will include a mix of electric and traditional bikes. He noted that the ribbon cutting will take place in early August.

Motion to Adjourn

A motion was made by Cindy to adjourn, Jeff seconded the motion, and the meeting was adjourned at 8:29 p.m.