

MINUTES

CARBONDALE PLANNING AND ZONING COMMISSION

Thursday July 16, 2020

Commissioners Present:

Michael Durant, Chair
Ken Harrington, Vice-Chair
Jay Engstrom
Nicholas DiFrank (1st Alternate)
Erica Stahl Golden (2nd Alternate)

Staff Present:

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

Commissioners Absent:

Jeff Davlyn
Jade Wimberley
Marina Skiles
Nick Miscione

Other Persons Present Virtually

Bryan Welker
Mark Chain

The meeting was called to order at 7:00 p.m. by Michael Durant.

June 25, 2020 Minutes:

Ken made a motion to approve the June 25, 2020 minutes. Nicholas 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.

Resolution 7, Series of 2020 – Subdivision Exemption – 156/160 12th Street

Ken made a motion to approve Resolution 7, Series of 2020, approving the Subdivision Exemption at 156/160 12th Street. Nicholas seconded the motion and it was approved unanimously.

VIRTUAL HEARING – Rezoning

Location: 35 N. Seventh Street

Applicant: Bryan & Jennifer Welker

Janet said that this is an application for the rezoning of a parcel from the 711 Main Street Planned Unit Development (PUD) zone district to the Commercial/Transitional (C/T) zone district. She stated that the Planning Commission is required to hold a public hearing and recommend approval or recommend denial. She said that the Commission may also continue the public hearing.

Janet stated that the parcel is 3,750 sq. ft. She said that there is an existing single-family house on the lot. She stated that this property is one of two lots located within the 711 Main Street PUD. She said that the other property in the PUD is 711 the lot directly to the south of this lot – Amore Realty.

Janet said that these two lots were originally one 7,500 sq. ft. parcel under common ownership. She stated that the parcel had been zoned C/T.

Janet explained that in 2006, the property owner of that parcel was planning to demolish the historic structure at 711 Main Street. She said that Town Staff encouraged the property owner to retain and restore the historic building. She said that in return, the Town rezoned the parcel to the 711 Main Street PUD, allowed the parcel to be split into two lots, and allowed a single-family home to be constructed at 35 N. 7th Street. She said that the Town also waived building permit fees. She stated that in return, the property owner signed an agreement stating that if the historic house was demolished within 20 years, that the fees would be refunded to the Town.

Janet said that this request for rezoning to C/T is for the 35 N. 7th Street property only. She stated that the historic house at 711 Main Street would remain within the 711 Main Street PUD. She said that there are no changes proposed to either property with this rezoning.

Janet stated that the lot is in compliance with the zoning parameters except for the Minimum Lot Depth and the Rear Yard Setback. She said that the Town Attorney has weighed in on whether variances would be needed for those two items. She said that his interpretation was that if the rezoning is approved, those would become legal nonconforming site conditions and can legally remain in place. She stated that any new development on the site would need to be in compliance with the development standards. She said that the ordinance of approval would acknowledge the legal nonconforming nature of the lot and building.

Janet said that overall, the rezoning appears to be appropriate. She stated that the uses in the C/T zone district will allow uses that would accommodate the uses that meet the “Downtown” designation in the Comprehensive Plan. She said that the property has C/T on two sides. She stated that the C/T area would provide a buffer to transition from Main Street to the residential neighborhoods to the north.

Ken asked how the non-conforming would impact future renovations or expansions.

Janet read from the Code the section for maintenance of non-conformities; Unified Development Code, Section 7.2.5 discusses maintenance and minor repair, minor repairs and maintenance of non-conformities are permitted and encouraged, provided that the minor repairs and maintenance do not increase the extent of the non-conformity. She said that you could not increase the square footage within the back-yard setback. She said that this will be a non-conforming lot and a non-conforming structure. She said that it can be built on or developed as long as the owner meets all

development criteria. She said that they could do an addition if it meets setbacks and building heights.

Michael asked what would happen with Lynn's property and does it stay in the PUD.

Janet said that it stays in the PUD and that there are two property owners who signed letters that they were fine with amending the PUD.

Jay asked why the C/T zone district has a twenty-foot setback for the rear.

Janet said that she didn't see any good reason for it and when we go through the next round of amendments, we need to look at that.

Mark Chain on behalf of Bryan and Jennifer Welker introduced himself. He said that Janet did a good job of summarizing the history. He said that he is glad that the house at 711 Main was preserved for a twenty-year time period. He said that this was zoned Commercial Transitional (C/T) before and taken out to form the PUD. He said that it meets all of the Comprehensive Plan criteria as well as the zoning criteria.

Mark shared his screen to give a bird's eye view of the site and surrounding properties. He said that he recommends that the rear setback go back to five feet unless there is a real reason when it is reviewed. He said that there are two non-conformities, the lot depth and the rear yard setback. He said that if a future owner wanted to build in the rear setback that they would need to apply for a variance and justify it or wait until the zoning is changed.

Mark outlined comparisons in the Comp Plan to the development itself. He said that the utilities are adequate and that the parking works. He said that the parking is where it should be, off to the side, around the back and on the alley.

Mark said that Bryan and Jennifer have reviewed the Staff report and we all concur with the recommendations and we hope that you will approve this rezoning.

Ken asked why the owners were rezoning.

Mark said that the future owners wanted to use it in conformance with the C/T zone district.

Janet said that the PUD limits Lot A to one- or two-family dwelling units and that commercial uses are not allowed.

There were no members of the public present.

Motion to close the comment portion of the public hearing

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

Jay said that he is in favor and that eliminating half of the PUD is benefiting the Town.

Erica said that she agrees, and that the presentation was thoughtful.

Nicholas said that he agrees.

Michael stated that it is pretty straight forward and that legal non-conforming is really not that big of a deal. He said that it is the simplest way to go.

Motion

Ken made a motion to recommend approval of the rezoning of 35 N. Seventh Street from PUD to C/T zone district with the conditions and findings in the Staff report. Jay seconded the motion and it was approved unanimously.

Staff Update

Janet said at the Board meeting on Tuesday night the parking amendment was approved for the self-storage facilities exactly as the Commission had recommended.

Janet said that the rezoning for the Sopris Shopping Center/Carbondale Center Place was continued as the Board had some concerns.

Janet said that the City Market Fueling Station is open, and that the grocery store might be open by the end of August.

Mary said that the plans and permits keep on coming.

Janet said that there were not any applications for the July 30th meeting and that the P&Z appointments can be on the agenda for the August 13th meeting.

The Commission agreed on canceling the July 30, 2020 meeting.

Janet said that both the August 13 and 26 meetings will be the Eastwood self-storage application of Annexation, Rezoning, Major Site Plan Review and Conditional Use Permit.

Commissioner Comments

There were no Commissioner comments.

Motion to Adjourn

A motion was made by Nicholas to adjourn and the meeting was adjourned at 7:40 p.m.