

MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday August 11, 2022

Commissioners Present:

Jay Engstrom, Chair
Nicholas DiFrank, Vice-Chair
Jeff Davlyn
Jarrett Mork
Marina Skiles

Staff Present:

John Leybourne, Planner
Mary Sikes, Planning Assistant

Commissioners Absent:

Kade Gianinetti (1st Alternate)
Kim Magee
Nick Miscione

Other Persons Present

Melissa Sumera, 38 Maroon Drive
Kyle Sanderson, Sopris Engineering
Matthew Shifrin, Pioneer Interests CEO (Virtually)

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

July 28, 2022 Minutes:

Jarrett made a motion to approve the July 28, 2022 minutes. Marina seconded the motion, and they were approved unanimously, with Nicholas abstaining.

Public Comment – Persons Present Not on the Agenda

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

PUBLIC HEARING – Minor Site Plan Review/Conditional Use Permit

Applicant: John and Marianne Ackerman

Location: 39 Maroon Drive

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 the application or continue the public hearing.

John said that the applicant is proposing to add a second story above the garage for an accessory dwelling unit.

John stated that the property is designated as Developed Neighborhoods in the Future Land Use Plan.

John explained that the covenants recorded with this phase of the Sopris Meadows Subdivision states:

“No building shall be erected, altered, placed or permitted to remain on any lot other than a one detached family dwelling not to exceed twenty-six (26) feet in height...”

John said that historically, Town Staff has discouraged property owners in this neighborhood from pursuing approvals for ADUs because an ADU may violate the covenants.

John continued by saying that covenants are usually private agreements between the property owners in a subdivision. He said that recent developments have had covenants approved which allow the Town to enforce certain items but the covenants for Sopris Meadows do not include this clause. He stated that Staff concluded that the R/LD zoning, which allows ADU's as a conditional use, should be applied to this and future applications.

John said that the covenants also discuss “detached” family dwelling and that the intent is unclear. He said that the proposed ADU is an attached ADU contained within the existing single-family dwelling and no exterior alterations or additions are proposed.

John stated that 39 Maroon Drive is entirely within the R/LD zone district where an ADU is allowed by this process. He said that the proposed ADU is 696 square feet in size and is in conformance with the Unified Development Code (UDC).

John said that Section 5.8.3. of the UDC requires 2.5 parking spaces for the main dwelling, and two spaces for an ADU. He stated that two spaces are provided in the garage for the main dwelling unit. He said that the applicant has shown four spaces on the driveway and that the UDC allows tandem parking in front of a garage. He said that this may be problematic, and Staff would recommend that one of the spaces be moved to a location to the southwest of the existing driveway.

John said that the proposed changes break up the mass with varying rooflines and materials.

Marina asked for clarification of the size of the ADU.

John said that it meets the size requirement.

Jarrett asked for clarification of the height.

John explained that it was attached and that the wording is confusing but that the height was allowed.

Jarrett asked if pervious paving would be required for the added parking spot.

John explained that the reduction in space didn't warrant pervious pavers, and that they had a large lot with a small footprint.

Further discussion ensued regarding parking. Jarret asked about the solar shading with the addition above the garage.

Nicholas explained solar shading further and said that it looked like a non-issue with the positioning of the current home.

John said that it would be reviewed further at the time of plan review for the building permit.

Further discussion ensued regarding solar access.

John Ackerman introduced his family that were present at the meeting, Georgia and Marianne. He thanked the Commission for their consideration of their proposal and said that it was good for their family and good for the Town to have a long-term space for workers. He said that he likes the conversation about the parking and has wanted to add the additional spot off to the side or southwest of the existing driveway.

John Ackerman said that besides their neighbor that is here tonight that they have not heard any feedback from all of the neighbors that received the public notice that they mailed out.

Melissa Sumera, **38 Maroon Drive** said that she lives across the street from the Ackerman family. She said that she supports their plan and that it is a great way to allow those like Georgia that have grown up here to stay in the valley. She said that it will be minimally invasive and that it will be tastefully done. She said that their neighborhood does not have dense parking concerns. She said that she hopes that the Commission will vote to support it.

Motion to close the comment portion of the public hearing

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

Commission Discussion

- Nice design.
- It adds vitality to the neighborhood.
- Thoughtful design.
- In favor of infill if parking is addressed.

Motion

Jeff made a motion to approve the Minor Site Plan Review for an Accessory Dwelling Unit with the conditions in the Staff report including the addition of providing an extra parking space to the southwest of the existing driveway. Nicholas seconded the motion and it was approved unanimously.

PUBLIC HEARING – Minor Site Plan Review/Conditional Use Permit/Alternative Compliance

Applicant: PI Carbondale LLC

Location: 1337 County Road 106 (West of 7-Eleven)

John stated that this is an application for a Minor Site Plan Review, Conditional Use Permit and Alternative Compliance request. He said that the Alternative Compliance request is for the landscaping requirement for the parking lot to the rear of the building.

John stated that the Planning and Zoning 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 new building for the operation of a Marijuana establishment.

John stated that the Property is zoned as Planned Community Commercial (PC), which is an obsolete zone district.

John continued by saying that under the (PC) zone district, a Marijuana center is a permitted use, and the applicant has received an operating license.

John stated that the property is designated as New Urban in the Adopted 2013 Comprehensive Plan.

John said that the setbacks are in compliance with the (PC) District standards and ninety percent of the site is allowed to be impervious with eighty-five and a half percent impervious in total being proposed.

John stated that the applicant is proposing to construct a 2,400 square foot one story container building to replace the existing building on the site. He said that the applicant is proposing that while the building faces west Main Street the entrance will be to the north side of the building adjacent to the parking lot. He stated that the building screens the parking area to the north and that the building is broken up by using windows, metal siding panels and wood accents. He continued by saying that Staff met with the applicants several times to review the proposed building and that the design as is proposed is acceptable.

John said that the parking lot is accessed by a twenty-foot road easement from Highway 133 and west Main Street.

John stated that the applicant is seeking alternative compliance on landscaping as the development does not meet the landscape island requirement at the end of the parking rows. He said that the relatively small lot width and unique lot shape presented challenges to meet both off-street parking requirements and landscaping requirements for the desired building size. He said that the parking code requirement for the twelve vehicle parking spaces for the proposed 2,400 square foot building are provided.

John continued by saying that Staff met with the applicant several times to discuss the issue of the parking landscaping and there was a consensus that having more of the

landscaping to the south of the building would be more aesthetically pleasing and that the amount of landscaping exceeds what is required.

Marina asked why this application is under the PC zone district?

John explained that they are not required to rezone a property and that the PC zoning still exists and it is in the UDC.

Jay asked if rezoning was recommended by Staff?

John stated that he was not involved with the meetings so he didn't know.

Jarrett asked if the building was a pre-manufactured container.

John explained that the Building Official stated that it would be a shell that would be added to in order to meet building codes, so it is not considered to be pre-manufactured.

Jeff asked if it met the setbacks.

John said that they do comply with the setbacks.

Kyle Sanderson, from Sopris Engineering explained that we are also asking for a Conditional Use Permit because we are not meeting the setback requirements. He said to Marina that the PC zone district is in the appendix of the UDC, if we needed to see the setback requirements.

Jay said that he is concerned about the two trees next to 7-Eleven and the life of those trees as well as the screening of the site.

John said that it appears that the trees are on 7-Eleven's property.

Further discussion ensued regarding landscaping screening.

There were inaudible comments from a citizen in the room.

Kyle Sanderson, from Sopris Engineering, representing the applicant stated that the trees are not on our property and are on the 7-Eleven property. He said that there is an existing curb that turns into a concrete wall, which we are leaving in place so our parking will go up to the curb. He said that we plan on leaving the trees to add to the screening in between 7-Eleven.

Matthew Shifrin introduced himself and said that he is the CEO of Pioneer Interests. He outlined his business history and members of the company. He said that we feel that we are building a fantastic building, which is a recycled container. He said that while we are asking for the provision for the landscaping that we actually have more landscaping

than what is required. He said that the building that is currently on this lot is a derelict building so this will be an improvement.

Paul Luttrell, **985 Highway 133** said that he owns the property next door to 7-Eleven, which is his home and the Remax business. He said that his biggest concern is their entry off of Highway 133 going through his and 7-Eleven's driveway, which is a heavily used entrance and that it is congested. He added that he had never heard anything about this proposal until he read it in the paper, he said that he never received a notice.

Motion to close the comment portion of the public hearing

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

Commission Comments

- The entrance on Main Street looks like the place a customer would enter, but it's for employees, which is confusing.
- The zoning should not be PC but instead what the surrounding zoning is, Mixed-Use (MU).
- Parking in back and coming to the front would be acceptable.
- It is a challenging lot that doesn't work as proposed and how will it fit with the rest of the neighborhood.
- The roundabout is an entry point to town.
- This building as proposed works for a dispensary but any re-use of the building would be challenging.
- The employee entrance on Main Street opens to a public sidewalk, which is an accident waiting to happen.
- This application is vehicle oriented, which is not our priority in this area as we want to encourage pedestrian use.

Further discussion ensued regarding rezoning.

Motion

Jeff made a motion to deny the application for a Minor Site Plan Review, Conditional Use Permit and Alternative Compliance at 1337 County Road 106. Marina seconded the motion, and it was denied unanimously.

No: Jay, Nicholas, Marina, Jeff, Jarrett

Yes: none

Commission Discussion Work Session – Comp Plan Update

Jay explained that at the last meeting the Commission discussed the Future Land Use Map (FLUM) along the commercial corridor of Highway 133 and the Open Space area along the Rio Grande Trail.

John explained the process of the Comprehensive Plan Update adoption.

Further discussion ensued regarding a work session with the Board of Trustees.

Motion

Jeff made a motion to initiate a zone text amendment for all of the Planned Community Commercial (PC) lots, west of Highway 133, east of Hendrick Drive and north of west Main Street. Marina seconded the motion, and it was approved unanimously.

Yes: Jay, Nicholas, Marina, Jeff, Jarrett

No: None

Staff Update

John said that Kae McDonald was hired as the Planning Tech and that the new Planning Director, Jared Barnes starts August 22.

John stated that he has resigned and has a new position as a Planner with Garfield County.

Commissioner Comments

Jay thanked the Commission for their good work tonight.

Motion to Adjourn

A motion was made by Jeff to adjourn, Nicholas seconded the motion, and the meeting was adjourned at 9:35 p.m.