

MINUTES

CARBONDALE PLANNING AND ZONING COMMISSION

Thursday September 8, 2022

Commissioners Present:

Jay Engstrom, Chair
Jeff Davlyn
Marina Skiles
Kim Magee
Kade Gianinetti (1st Alternate)

Staff Present:

Jared Barnes, Planning Director
Kae McDonald, Planning Technician

Commissioners Absent:

Nick Miscione
Jarrett Mork

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

August 25, 2022 Minutes:

The approval of the August 25th meeting minutes was deferred to a later meeting because two of the five commissioners present were not present at that meeting and would need to abstain.

Public Comment – Persons Present Not on the Agenda

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

Motion to close the public hearing

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

Kim joined the meeting late.

Commissioner Appointment Process and Update

Jared explained that at the last meeting, three individuals were interviewed – one for a reappointment and two for the second alternate seat – and as he was preparing the packet information for the Board of Trustees meeting, he reviewed the Municipal Code on that process. He went on to explain that the interview process for the Planning and Zoning Commission is very specific and requires the prospective members be interviewed by the Board of Trustees with two members of the Planning and Zoning Commission including the Chair and one other person of the Chair's choosing. He noted that the interviews are supposed to take place at a special meeting of the Board of Trustees but commented that he delved further and even though that was from a version of the Code adopted in 2014, he couldn't find any more recent resolutions that outlined a different process.

Marina commented that she had been on the Commission since 2013 and noted that they had been following the same process throughout that time. She wondered if because the protocol as spelled out in the Municipal Code hasn't been followed if Commission appointments were nulled.

Jared reassured Marina that Commission appointments were still valid but moving forward would like to follow the process as currently outlined in the Municipal Code. He added that the Commission can also approach the Board of Trustees with proposed changes and included a few thoughts why it was written in the manner it was:

- The Planning and Zoning Commission is a decision-making body, and the other boards and commissions are advisory in nature only
- The Board of Trustees put more power in the Planning and Zoning Commission

Jeff asked what the process would be to amend the Resolution, noting that Janet went above and beyond the necessary protocols and was inclusive of the entire Commission in the interview process, and he would like to see that process formalized.

Jared explained that it would be a Code Text Amendment that the Board of Trustees would need to approve. He added that this is a tricky situation because there are more applicants than vacancies while many times the number of applicants is equal to the number of vacancies.

Marina asked what will happen at the upcoming Board of Trustees meeting and whether the Trustees will be the only ones to interview the prospective commission members.

Jared replied in the affirmative and reiterated that it would be the Board of Trustees and just two of the Planning and Zoning Commission members at a BOT meeting where the candidates would be interviewed, and they would make a decision at that meeting. He added that the BOT could reaffirm the Planning and Zoning Commission recommendation, but they could also decide independent of that recommendation. He noted that they are having a conversation at the staff level regarding how to change the process, possibly at the upcoming BOT meeting.

Jeff pointed out that historically the Board of Trustees still approved recommendations for appointment.

Jared replied that he didn't think anyone's specific appointment to this Commission should be in question, but he would like to follow what's currently codified. He will share with the Board of Trustees the conversation the Planning and Zoning Commission had. Jared noted that in other municipalities, he has observed the appointment of Planning and Zoning Commission members as strictly a Board of Trustees/Town Council process.

Jeff asked if the Commission could recommend a Code Text Amendment to the Board of Trustees.

Jared replied that that may be a possibility, but he will need to verify that because it isn't a development code item and make sure the Commission has the authority to do that under Chapter 2 of the Municipal Code.

Jay commented that he hasn't experienced a different process while serving on the Planning and Zoning Commission, but he thought that it seemed like extra work for both the Board of Trustees and the applicants.

Jeff pointed out that many of the Trustees have never served on the Planning and Zoning Commission.

Marina agreed and pointed out that the Trustees rely on the Commission to make decisions.

Jared noted that the mayor is open to both processes but hasn't seen how the other that is in the code operates.

Jeff suggested defining the interview committee as the Planning and Zoning Commission along with two members of the Board of Trustees or add a step to specify a preliminary interview with the Planning and Zoning Commission and keep the remaining text as it is.

Jay asked if reappointments would work the same way.

Jared replied that every person applying would be considered a new applicant, the distinction would be that they already had experience serving on the Commission. He liked Jeff's recommendation and noted that there are a variety of ways other advisory boards and commissions outline this process and agreed there was a need to create a more consistent process.

Jeff asked if the Municipal Code detailed the process for appointment to the Board of Adjustment and noted that in the past, the Planning and Zoning Commission also served as the BOA.

Marina pointed out that the Commission has also served as the Steering Committee for the Comprehensive Plan.

Kade suggested having selected Trustees who have previously been members of the Planning and Zoning Commission be part of the interview and recommendation process.

Jared pointed out that it would have to be less than three Trustees, because attendance by three or more of the Trustees constitutes a Board of Trustees meeting, but he reasoned that if the commission members thought it was a better process it might help bridge the gap.

Jay thought it would be beneficial to have Trustees attend Commission meetings.

Jeff thought their attendance should be on a topical basis, but it would be helpful to gain their perspective on bigger issues.

Jared noted that he asked Jay and Jeff to attend the Board of Trustees meeting on Tuesday to participate in the interview process.

Comprehensive Plan Discussion

Jay noted that they had had a thorough discussion at the August 25th meeting regarding what was needed to get the Comprehensive Plan Update approved. He thought that as a member of the steering committee, the document was at a solid point to be reviewed by the Planning and Zoning Commission and the Board of Trustees before being referred to the Board of Trustees for approval. He asked that, if possible, any remaining issues be resolved at this meeting.

Marina commented that because Carbondale has changed so much – even since 2021 – this is an update that has reached its capacity as an update and exceeded its bounds in both scope and budget. She voiced her support for beginning a full Comprehensive Plan in 2025.

Jeff agreed with Marina and added that his greatest worry is that the update would be approved without a definitive timeline for a full rewrite of the Comprehensive Plan. Jeff noted that he had read through last meetings' minutes and appreciated the sentiments expressed and agreed that the focus should be on updating the Unified Development Code because it has more teeth.

Jay replied that the Board of Trustees has been discussing moving towards some of these recommendations that have been summarized, but they can't act on those items until the update is approved.

Marina disagreed with Jeff regarding the Unified Development Code and expressed her opinion that the Comprehensive Plan has more teeth than the UDC, because the Comprehensive Plan is a guiding document that is frequently referred to and the UDC is a malleable document.

Jeff didn't disagree but replied that unless the guidance expressed in the Comprehensive Plan is codified, it is just guidance. He gave the example of setbacks and explained that setbacks aren't outlined in the Comprehensive Plan, but they are found in the UDC. He explained that he had had a conversation with Janet regarding Thompson Park wherein there was guidance in the Comprehensive Plan regarding development around the Thompson House be reflective the historic character of that building, but while the spirit of that sentiment may have been there, it wasn't really spelled out in the code. Jeff voiced his support for moving forward on the update, just from a bandwidth perspective, so the Commission can focus on those changes that need to be addressed.

Kim agreed with all that had been discussed. She asked Jared if he thought the document was navigable.

Jared replied that he did think it was navigable and would help community members. He thought the document would be useful in directing applicants to specific sections to help them understand why particular projects might not have traction in Carbondale.

Jay commented that he would like to see the 11" by 17" format should be edited to an 8 ½" by 11" format for ease of navigation.

Jeff asked that the content be hyperlinked.

Jared noted that those changes have already been made in the most recent version. He added that the most recent version was also on the website as of September 6th and that the translator has been contacted and a fully translated version will be available for review prior to the public hearing on October 13th.

Kade was also ready to approve the update and focus on its implementation and updating the Unified Development Code.

Jay stated that based on the Commissioners' comments, the Steering Committee recommended the Comprehensive Plan Update for review at an upcoming Planning and Zoning Commission meeting.

Jared replied that the public hearing will be noticed for the October 13th meeting at which time the Commission will take public comment and either recommend approval, denial or continue to the following meeting. He also encouraged the Commission to move forward with a separate motion recommending a Comprehensive Plan rewrite to send a message to the Board of Trustees as well as to highlight the reasons for the recommendation. He also reiterated that the Spanish version will be ready for review at least one week prior to the public hearing.

Staff Update

Jared noted that Carbondale's new Public Information Officer has been working to gain access to Chart Carbondale and Kaleidoscope after which those two websites will be combined and rebranded as "Carbondale Connect" or "Connect Carbondale." The platform has the potential to be valuable for other endeavors and if the commissioners have any thoughts on making it better, please forward them to the PIO.

Jeff asked if it was possible to hold off on the rebranding until after the Comprehensive Plan Update has been approved.

Jared informed the commissioners that they have received an appeal request regarding the application for a Minor Site Plan Review, Conditional Use Permit and Alternative Compliance at 1337 County Road 106. He explained that it will be a *de novo* review which essentially means that it will be a brand-new review before the Board of Trustees without changes to the application; the review will take place at the October 11th BOT

meeting and the recommendations and considerations of the Planning and Zoning Commission will be included in the meeting packet.

Jeff asked about the Zone Text Amendment for that portion of town.

Jared replied that technically it isn't a Zone Text Amendment, but a rezoning. He added that if it is the commissioners desire to do that, a motion could be made for said effect. He wasn't sure if it would impact the current application since the appeal has already been put into motion, but it will capture future applications.

Motion

Jeff moved to initiate rezoning for the area between Hendrick and County Road 106 from Planned Commercial to Mixed Use. Marina seconded the motion, and it was unanimously approved.

Yes: Jay, Jeff, Marina, Kim, Kade
No: None

Commissioner Comments

Marina commented that the motion for rezoning was in alignment with what Jarrett wanted to do, so she felt the commissioners were all in agreement.

Jeff stated that he was excited to see the shade structure being built at Red Hill.

Jay stated that he was happy to see that the finishes are going up on the buildings along Highway 133.

Marina asked about the status of the annexed property along Highway 133 (just north of the electric transformers). She explained that there were detailed design elements that were attached to the project approvals, and she wanted to ensure that those weren't being changed.

Jared replied that at a recent Board of Trustees meeting, the new owners requested an extension to the public improvement deadline because they aren't sure they will have the agreements with neighboring property owners completed in time to pave before the batch plants close for the winter. He added that to his knowledge there weren't any design changes, the owners just wanted to ensure there wasn't an unpaved hole to become a mud pit through the winter.

Jay asked for confirmation that if there were design changes, it would come back to the Commission for review.

Jared replied that he thought it would.

Motion to Adjourn

A motion was made by Jeff to adjourn, Marina seconded the motion, and the meeting was adjourned at 8:23 p.m.