



*Town of Carbondale  
511 Colorado Avenue  
Carbondale, CO 81623*

**AGENDA  
PLANNING & ZONING COMMISSION  
THURSDAY, JANUARY 10, 2019  
7:00 P.M. TOWN HALL**

1. CALL TO ORDER
2. ROLL CALL
3. 7:00 p.m. – 7:05 p.m.  
Minutes of the December 6, 2018 meeting.....Attachment A
4. 7:05 p.m. – 7:10 p.m.  
Public Comment – Persons present not on the agenda
5. 7:10 p.m. – 7:15 p.m.  
REVISED Resolution 1, Series of 2019, approving an ADU at 275 S. 4th Street.....Attachment B
6. 7:15 p.m. – 7:20 p.m.  
Resolution 2, Series of 2019, approving an ADU at 17 Maroon Place.....Attachment C
7. 7:20 p.m. – 7:45 p.m.  
PUBLIC HEARING –Minor Site Plan Review, Special Use Permit and Variances...Attachment D  
Applicant: Jerod & Sharon Samuelson  
Location: 159 Sopris Avenue
8. 7:45 p.m. – 7:55 p.m.  
PUBLIC HEARING – Medical Marijuana Cultivation– Special Use Permit.....Attachment E  
Applicant: P&C Express  
Location: 615 Buggy Circle
9. 7:55 p.m. – 8:05 p.m.  
PUBLIC HEARING – Medical Marijuana Cultivation – Special Use Permit.....Attachment F  
Applicant: Durango Alternatives  
Location: 615 Buggy Circle
10. 8:05 p.m. – 8:20 p.m.  
UDC Modeling Redlines Follow-up Discussion.....Attachment G
11. 8:20 p.m. – 8:30 p.m.  
Election of Chair/Vice-Chair

12. 8:30 p.m. – 8:40 p.m.  
Staff Update

13. 8:40 p.m. – 8:45 p.m.  
Commissioner Comments

14. 8:45 p.m. – ADJOURN

**\* Please note all times are approx.**

Upcoming P & Z Meetings:

January 24, 2019 – 296 S. 3<sup>rd</sup> Street – Minor Site Plan Review/Variations

## **MINUTES**

### **CARBONDALE PLANNING AND ZONING COMMISSION**

Thursday December 6, 2018

#### **Commissioners Present:**

Michael Durant, Chair  
Ken Harrington, Vice-Chair  
Nick Miscione  
Jade Wimberley  
Jay Engstrom  
Tristan Francis (2<sup>nd</sup> Alternate)

#### **Staff Present:**

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

#### **Commissioners Absent:**

Marina Skiles  
Jeff Davlyn  
Nicholas DiFrank (1<sup>st</sup> Alternate)

#### **Other Persons Present**

Terrie Drake, 5 Maroon Drive  
Melissa Sumera, 38 Maroon Drive  
Tom Clark, 77 Maroon Place  
Andrew Wisnoski, 642 Surrey Road  
Ramsey Fulton, 417 Main Street  
Bob Schultz, 354 Fawn Drive  
Dave Ritchie, 311 Main Street #101  
Mark Chain, 811 Garfield Avenue

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

#### **November 15, 2018 Minutes:**

Jay made a motion to approve the November 15, 2018 minutes. Tristan seconded the motion and they were approved unanimously with Ken abstaining.

#### **Public Comment – Persons Present Not on the Agenda**

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

#### **Resolution 7, Series of 2018, approving Amended Site Plan for 1<sup>st</sup> Bank on Lot 5B, Carbondale Marketplace**

Ken made a motion to approve Resolution 7, Series of 2018. Nick seconded the motion and it was approved unanimously.

#### **Public Hearing – Minor Site Plan Review – 17 Maroon Place- Jordan Architecture**

John presented the staff report noting the following items:

- Ø The applicant is proposing to renovate the space above the garage for the accessory dwelling unit.
- Ø The renovation will only require internal changes to the structure with no external changes to the existing home, which is currently being remodeled with an approved building permit.
- Ø The covenants recorded for 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..."
- Ø Historically, Town Staff has discouraged property owners in this neighborhood from pursuing approvals for ADU's because Staff didn't want to go against the covenants.
- Ø Covenants are private agreements between the property owners and the Town does not enforce covenants.
- Ø Some covenants allow Town Staff to enforce certain items, Sopris Meadows did not include this clause.
- Ø The covenants mention detached family dwelling, the intent is unclear.
- Ø The proposed ADU is an attached dwelling unit contained within the existing single-family dwelling.
- Ø The ADU may be up to a maximum of 850 square feet, the proposed ADU is 595 square feet.
- Ø The allowed maximum impervious surface has been met at 29.93%.
- Ø Two parking spaces have been provided in the garage and three additional spaces in front of the garage.

Ken asked if there was an HOA in this neighborhood.

John stated that there was not an active one.

Jade asked for address clarification, is it Maroon Drive or Maroon Place.

John stated that it was Maroon Place.

Jay asked if the garage square footage was in the square footage total.

John said that it was.

Michael asked if the expansion to the house was an expansion by right.

John stated correct.

Brad Jordan from Jordan Architecture introduced himself. He said that the plan was drawn to accommodate a remodel and addition to the site. He said that they are going through the legal process, unlike their neighbors.

Brad stated that it has been permitted and is under construction. He said that there is nothing new except for a separation of the unit with a separate entrance.

Jay asked if it were being constructed right now.

Brad stated that it is under construction as a single family residence, he said that with the way it was designed it can be separated to make a legal ADU. He said that they are here before the Commission because they did not want to do it illegally.

Jay asked if permission were not granted for this ADU would the building look exactly the same from the outside.

Brad said yes that everything has been "as-built".

Ken asked when the covenant was placed on this property.

Numerous responses from the public responded with the 70's or 80's.

Brad said that the HOA is defunct and that they have not met their obligation to enforce covenants.

Michael asked if there was an assessment for common areas.

Brad stated not to his knowledge.

Michael commented that he does not see a kitchen in the drawing for the ADU.

Brad said that it was called out as a kitchenette, he said that when the plans were originally submitted it was to use the space as a recreation room.

Michael opened the public hearing.

Terrie Drake, 5 Maroon Drive stated that she has the house next door, which they rent out. She said that she was in favor of the application, since the house, as it was previously, did not improve the neighborhood. She said that she appreciates that they are going through legal channels and that they have been good to work with. Terrie said that they have come to talk to us and asked about the fence line. She said that they have also been making sure that our concerns have been heard. She said that both she and her husband are in favor of this ADU, particularly because off-street parking has been addressed.

Melissa Sumera, 38 Maroon Drive said that she has not fully understood part of the petition. She said that there was a letter that accompanied the public hearing notice that referenced the need for additional parking. She said that she had looked at the plans at the building department to try to understand what was being requested. She stated that there was already a new driveway into a new garage that was part of the work that has already occurred. Melissa said that she is not in favor of additional impervious surface to their lot because it has already been consumed by the foundation of the additional structure. She said that she agrees with her neighbor that it is a more attractive

residence than what was there before. Melissa said that the wording in the letter from the applicant was worded unclearly.

Janet responded by saying that she agrees about the letter and that only four parking spaces are required, for which they are providing five parking spaces.

Melissa read from the letter that she received: Additional off-street parking is being proposed to alleviate any issues with any of the on-street parking conditions. She that there are five parking spaces with the current situation, which is the confusing part of the letter.

Michael clarified that all of the parking requirements of the Town have been met.

Brad said that originally there was no garage or driveway on this property and that they are providing five parking spaces off-street with what is currently existing. He said that they are not adding anymore parking spaces for the ADU and that the five were approved with the building permit as is. He said that the five parking spaces would serve the main residence and the ADU.

Michael said that the impervious surfaces are at 29.93% according to John's report.

Michael asked what the maximum allowable was.

John answered 45%.

Michael stated that they are way under what is allowed by right with the zoning.

Melissa stated that she did hear back from Planning Staff that they had gone back out to measure after she had talked with them. She said that it is a deceiving lot arrangement and that it looks quite a bit fuller than 30%.

Tom Clark, 77 Maroon Place, said that there are many things that are really confusing with the ADU process. He said that historically ADU's were not allowed in this area and that more recently there have been a lot of ADU's added. He commented that he did not know what 37 Maroon Place was as far as an ADU or not. He said 42 Maroon Drive too. He said that he doesn't really know what an ADU means and that it seems to him that there could be a different owner than the house. Tom said that the owner of the house has never lived there and probably never will live there. He said all of this is a flip the house for profit proposition. He said that he is concerned because the owner will never have any connection to the neighborhood and the things that go on in the neighborhood. He said that 37 Maroon Place became an apartment complex because the owner built a garage and added on a new garage with a unit above and that it split into two residences. He said that the cars became a problem and that these changes are making it a high density neighborhood and not a single family neighborhood like we thought it was zoned. Tom said that the building permit was issued a year ago and that suddenly there is an ADU addition when they have known for a year. He said that

suddenly this process of whether an ADU is allowed comes up as well as enforcement of the covenants.

Michael stated that your comments are important and that we want to hear them. He said that we have adopted a new Unified Development Code that defines what an ADU is as well as where ADU's are allowed, with the criteria of getting an ADU approved. He said that Staff reviews whether all of those criteria have been met and that is why we are here tonight. He said that everything is defined in the UDC.

Tom asked when the current UDC was drawn up.

Michael stated that it was adopted almost two and half years ago.

Brad explained that a legal separation is a building term for a one hour fire separation between units. He said that it is not separating the ownership.

Tom thanked Brad for the explanation.

### **Motion to close the Public Comments**

A motion was made by Ken to close the public comments. Jay seconded the motion and it was approved unanimously.

Jay commented that with ADU's that the parking is being addressed and that on-site parking is required, which has been met with this application.

Ken said that in regards to the covenants being put in place many years ago and that there is not a current HOA so we then revert to the underlying zoning. He said that this is a conditional use but it is a permitted use and they are going through the proper process so he does not have any objections.

Michael asked Janet if the HOA were to reform what recourse would they have to enforce their covenants in the future.

Janet said that if they do want to form an HOA that they should contact an attorney and read their covenants. She said that covenants are a private agreement between property owners and the Town does not enforce them. She said that when they go to sell, if an ADU has not been permitted, they will be held accountable.

John agreed and said that there are other owners in town currently going through the process of getting units permitted that are under contract to sell.

Nick asked if the subdivision had any common areas.

Janet stated that there is not anything commonly owned and that there are no HOA dues because it is an old subdivision.

Mark Chain said that there hasn't been an HOA since 1983 by his recollection.

### **Motion**

Ken made a motion to approve the minor site plan review for an ADU located at 17 Maroon Place with the four conditions in the Staff memo. Nick seconded the motion and it was approved unanimously.

### **UDC Amendments – Clarion Scenario Modeling and Analysis**

Janet noted the following was in the scope of Clarion's project;

- Ø Develop baseline models for three properties within the R/HD Zone District to show site development that complies with the UDC as it relates to minimum lot area per dwelling unit, impervious/pervious coverage requirements, and other elements.
- Ø Assess overlapping site development standards overall, i.e., pervious/impervious coverage, common open space, landscaping, public park dedication, etc.
- Ø Provide recommendations to improve the UDC.

Clarion gave a PowerPoint presentation:

Carbondale UDC: Analysis of Scenarios within the R/HD District;

### **Why are we doing this project?**

- Address concerns about potentially overlapping development standards in the Unified Development Code (landscaping, open space, impervious coverage)
- Demonstrate build out scenarios in the absence of a lot-area-per-dwelling-unit requirement in the R/HD district

### **Project background**

- Identify sites for analysis
  - Three sites
  - In the R/HD district
  - Varied lot sizes
- Develop site calculation worksheet
- Model and analyze each site with multi-family development scenarios
- Provide recommendations for UDC amendments

### **Site Selection**

1. 2<sup>nd</sup> Street & Euclid Avenue
2. 8<sup>th</sup> Street & Main Court



### 3. 3<sup>rd</sup> Street & Capitol Avenue 2<sup>nd</sup> Street and Euclid Avenue

#### Current:

- Two single-family attached buildings
- 17,490 sq. ft. combined

### 8<sup>th</sup> Street and Main Court

#### Current:

- Single-family home
- 9,700 sq. ft. lot

### 3<sup>rd</sup> Street and Capitol Avenue

#### Current:

- One vacant lot; one triplex
- 20,000 sq. ft. combined

### Site calculation worksheet

1. Establish key assumptions
2. Test assumptions against UDC
3. Run scenarios for each site

SW Corner of 8th Street and Main Court							
Lot Area (sqft)	Building and Parking	Number of Units	Livable Space (sqft)	Parking Spaces	Parking Lot Area (sqft)	Private Outdoor Space <sup>2</sup>	Bulk Storage (sqft) <sup>1</sup>
9,700.00	Efficiency	-	-	-	-	-	-
Max Impervious Lot Coverage:	One Bedroom	-	-	-	-	-	-
5,820.00	Two Bedroom	-	-	-	-	-	-
Building Stories	Three Bedroom	4	4,000.00	10.00	3,250.00	320.00	166.67
3	Total	4	4,000.00	10.00	3,250.00	320.00	166.67
Parcels (Garfield County):	Gross Floor Area (sqft) <sup>4</sup>	4,880.00					
239324382002	Parking (sqft)	3,250.00					
	Building footprint (sqft) <sup>5</sup>	1,626.67					
	Internal pedestrian circulation (sidewalk)(sqft) <sup>6</sup>	487.67					
	Required Site Features						
	Open Space <sup>8</sup>	1,455.00					
	Required Permeable Surface <sup>7</sup>	3,208.00					
	Total	4,753.00					
Tests		Total	Difference				
Impervious Coverage		5,364.33	455.67				
Space Used by Proposed Development		9,629.67	70.33				
Required Lot Area for Dwelling Units		7,400.00	2,300.00				

### The tests...

- **Impervious coverage** – Will the scenario require more impervious coverage than allowed under the UDC (60 percent)?
- **Space used by development** – Is the lot large enough to accommodate the scenario based on the UDC requirements?
- **Lot area per dwelling unit** – Is the lot large enough to accommodate the scenario based solely on the lot-area-per-dwelling-unit requirement of the R/HD?

**2<sup>nd</sup> Street and Euclid Avenue****Proposed scenario:**

Lot size	17,490 sq. ft.
Dwelling units	14 efficiency
Livable space	5,810 sq. ft.
Parking area	5,687 sq. ft.
Impervious coverage	50.6 percent
Total area used by proposed development	16,620 sq. ft.

**8<sup>th</sup> Street and Main Court****Proposed scenario:**

Lot size	9,700 sq. ft.
Dwelling units	4 three-bedroom
Livable space	4,000 sq. ft.
Parking area	3,250 sq. ft.
Impervious coverage	55.3 percent
Total area used by proposed development	9,629 sq. ft.

**3<sup>rd</sup> Street and Capitol Avenue****Proposed scenario:**

Lot size	20,000 sq. ft.
Dwelling units	4 one-bedroom 4 two-bedroom 3 three-bedroom
Livable space	8,320 sq. ft.
Parking area	6,662 sq. ft.
Impervious coverage	55.3 percent
Total area used by proposed development	19,845 sq. ft.

## UDC recommendations, by topic

### Minimum lot area per dwelling unit

**Table 3.2-9:**

#### **R/HD District Dimensional Standards**

<b>Lot Standards</b>	
Lot area, single-family dwelling, minimum	3,000 sf
Lot area, multifamily dwellings, minimum per unit: [1]	Based on # of units
Efficiency	1,050 sf
1 bedroom	1,450 sf
2 bedroom	1,650 sf
3 bedroom	1,850 sf
4 bedroom	2,050 sf
Lot depth, minimum	50 feet [2]
Lot width, minimum	25 feet
Impervious lot coverage, maximum	See Table 3.7-2

#### **Recommendations:**

- Replace scalable lot-area-per-dwelling-unit requirement with standard 3,000 sq. ft. minimum lot size for the R/HD district.
- Allow multifamily by right in the R/HD district.
- Reintroduce minimum lot-area-per-dwelling-unit requirement of 3,000 sq. ft. in the R/MD district.

**Table 3.2-9:**

#### **R/HD District Dimensional Standards**

<b>Lot Standards</b>	
Lot area, <del>single-family dwelling</del> , minimum	3,000 sf
<del>Lot area, multifamily dwellings, minimum per unit: [1]</del>	<del>Based on # of units</del>
<del>Efficiency</del>	<del>1,050 sf</del>
<del>1 bedroom</del>	<del>1,450 sf</del>
<del>2 bedroom</del>	<del>1,650 sf</del>
<del>3 bedroom</del>	<del>1,850 sf</del>
<del>4 bedroom</del>	<del>2,050 sf</del>
Lot depth, minimum	50 feet [2]
Lot width, minimum	25 feet
Impervious lot coverage, maximum	See Table 3.7-2

## Impervious lot coverage (3.7.2)

<b>Table 3.7-2: Maximum Impervious Lot Coverage – Residential Districts</b>					
<b>Zoning District</b>	<b>AG</b>	<b>OTR</b>	<b>R/LD</b>	<b>R/MD</b>	<b>R/HD</b>
<b>Net Lot Area</b>	<b>Maximum Impervious Lot Coverage Percentage (%)</b>				
400,000 sf or larger	5	1.5	5	60	60
200,000 – 399,999 sf	--	2	7	60	60
87,120 – 199,999 sf	--	4	15	60	60
43,560 – 87,119 sf	--	8	20	60	60
20,000 – 43,559 sf	--	16.5	25	60	60
15,000 – 19,999 sf	--	21	33	60	60
12,500 – 14,999 sf	--	24	35	60	60
10,000 – 12,499 sf	--	29	42	60	60
7,500 – 9,999 sf	--	34	45	60	60
6,000 – 7,499 sf	--	40	52	60	60
4,000 – 5,999 sf	--	42	52	60	60
Less than 4,000 sf	--	44	52	60	60

### **Recommendations:**

- Consider eliminating minimum landscaped area of 40 percent in the R/HD (redundant).
- Consider additional specificity related to alternative paving systems (e.g., when allowed, under what criteria, and how much of an area).

## Open space

- 5.3.2.B (public dedication)

### **B. Applicability**

This section shall apply to any development that contains 10 or more residential dwelling units and is subject to preliminary plat approval pursuant to Section 2.6, *Procedures and Approval Criteria: Subdivisions*.

- 5.3.3.B (private set-asides)

### **B. Applicability**

1. This section shall apply to any development containing an institutional or commercial use, or any mix of commercial, institutional, and/or residential uses.

## Recommendations:

- **Public open space:** expand the applicability to require dedication or fee-in-lieu for 10 or more dwelling units for preliminary plat, final plat, or condo plat (not just preliminary).
- **Private common open space:** revise applicability to clarify only required with multifamily, mixed-use, or PUDs when public dedication is not required (e.g., no “double dipping”).

## Site area landscaping (5.4.3.A)

### 5.4.3. MINIMUM LANDSCAPING REQUIRED

#### A. Site Area Landscaping

1. The minimum percent of net site area required to be landscaped, exclusive of street right-of-way and required parking lot landscaping, shall be as follows:

**Table 5.4-1:**

**Landscaping Requirements**

Nonresidential and Mixed-Use Districts	HCC	CT	CRW	MU	I
Minimum Landscaped Area (%)	None	20	20	10	5
Multifamily Uses in Residential Districts	R/MD	R/HD			
Minimum Landscaped Area (%)	40%	40%			

2. Any part of a site not used for buildings, parking, driveways, sidewalks, etc. shall be landscaped. All undeveloped building areas within partially developed residential, commercial, or industrial uses shall control dust and erosion by use of vegetative ground cover or other means.

- 
- Relocate multifamily parking lot landscaping standards from building design section to landscaping section.
  - Consider eliminating minimum landscaped area percentage.
  - Consider specifying how much non-live materials are permitted within landscaped areas (e.g., 50 percent).

## **Pedestrian circulation (5.5.3)**

### **B. On-Site Pedestrian Connections**

1. All commercial, industrial, and multi-family development shall provide a network of on-site pedestrian walkways with a minimum width of five feet to and between the following areas:
  - a. Entrances to each commercial building on the site, including pad site buildings;
  - b. Public sidewalks or walkways on adjacent properties that extend to the boundaries shared with the subject development; and
  - c. Adjacent public transit station areas, transit stops, park and ride facilities, or other transit facilities.

- Clarify that entrance requirements apply to multifamily **and** commercial.
- Clarify that walkways from dwelling unit entrances to private outdoor space shall be minimum three feet in width, not five feet (based on private outdoor space standards in building design, Sec. 5.6.5.B.2.a).
- Clarify that building code may require wider walkways.

## **Off-street parking requirements (5.8)**

- Revised with adoption of UDC in 2016

**Table 5.8-1:**

### **Number of Off-Street Parking Spaces Required: Schedule A**

Use Category	Use	Number of Spaces Required
<b>Residential Uses</b>		
<b>Household Living</b>	Dwelling, single family detached	1.25 per efficiency unit;
	Dwelling, duplex	1.5 per one-bedroom unit
	Dwelling, multifamily: Studio or 1 bedroom	1.5 per two-bedroom unit 800 SF or less
	Dwelling, multifamily: 2 or more bedrooms	1.75 per two-bedroom unit over 800 SF
	Mobile home park	1.75 per three-bedroom unit 900 SF or less 2.5 per three-bedroom unit over 900 SF

## **Private outdoor space (5.6.5.B)**

"Private outdoor space" means the usable floor area of any patio, porch, or deck or enclosed yard attached to and accessible directly from a particular dwelling unit and that is for the exclusive private use by the residents of a particular dwelling unit.

- **First-floor units:** 80 sq. ft. or 10 percent of gross floor area
- **Upper-story units:** 60 sq. ft. or 5 percent of gross floor area

**Points of discussion with Clarion, Architects/Planners at the meeting and Commission**

- Differences between R/MD and R/HD.
- Isn't R/HD where we want density?
- Lot area requirements for townhomes or lot splits, setbacks and lot size may vary if approved during the subdivision process. UDC might need additional explanation.
- Mix of unit sizes – incentives, UDC wording says shall be a range of sizes.
- Mark Chain commented that R/MD 3000 square feet of lot area per dwelling unit differentiates it from high density.
- Ramsey Fulton suggested encouraging alley accesses at the back or side of building, may offer impervious credit possibility? He also said that he wouldn't want to see 200 sq. ft. units with hot plates in R/HD. He added that 3000 sq. ft. of lot area in R/MD discourages townhomes in lots over 12,000 sq. ft. because the math doesn't work.
- Bob Schultz said to go through the exercise of possibilities. He said that these were three great lots that were picked out and that he worked it out to see what the cost would be using his table. Bob added that if there were an application with fourteen efficiencies would that be what we wanted to see in R/HD? He said that 3000 square feet of lot area per unit in R/MD is a great idea for an owner that has bought into this zone district and knows what is possible on an adjacent property. He said that he thinks there will be concerns when there are applications for three story buildings in the older residential areas that are in R/HD.
- Andy Wisnoski said that Poss Architecture is involved with the Main Street Marketplace and that they've had a little experience with the UDC recently. He said that he supports all the comments from Bob and that simplicity with the code is preferred. He said that he is also a resident of Carbondale so he is coming from that perspective as well.
- R/MD needs to clarify townhome development.
- Sidewalk calculations should not be allowed to be counted toward private outdoor space.
- Setback in R/HD is five feet for front yard, with the possibility of a thirty-five foot building. Is this too close to the ROW? There are transitional standards in the UDC.
- Should height building step backs be added?
- Either/or with heights and setbacks?

Tareq from Clarion thanked the Commission and he said that they will be available in the future for any further questions. He said that they love the Western Slope and Carbondale.

Michael thanked everyone for their participation.

### **Pitkin County Referral – Well Storage**

The Commission indicated that they were unable to comment because there wasn't enough information in the application.

The Commission asked if it would be possible to delay the public hearing in order for the County and/or Rocky Mountain Natural Gas (RMNG) to provide the information to allow review. They said it seems the Board of Trustees should weigh in.

The Commission expressed concern about the construction traffic which will be entering and exiting the Carbondale Marketplace development site onto West Main Street next summer. They asked that RMNG also work with that property owner to eliminate or reduce conflicts. They also agreed that RMNG should contact the police department prior to truck traffic going through Town.

### **Staff Update**

There was no Staff update.

### **Commissioner Comments**

Michael said that this was the last meeting of the year and he thanked everyone for their hard work.

### **Motion to Adjourn**

A motion was made by Ken to adjourn. Tristan seconded the motion and the meeting was adjourned at 9:17 p.m.



CORRECTION  
RESOLUTION NO. 1  
SERIES OF 2019

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN  
OF CARBONDALE, COLORADO, APPROVING A MINOR SITE PLAN REVIEW AND  
SPECIAL USE PERMIT FOR PROPERTY LOCATED IN THE TOWN OF  
CARBONDALE, COLORADO

(This resolution supersedes Resolution 6, Series of 2018 of the Planning and Zoning Commission of the Town of Carbondale recorded at the Garfield County Clerk and Recorder at reception Number 914136 on November 14, 2018.)

WHEREAS, Peter Davidoff, ("Applicant") requested approval of a Special Use Permit and Minor Site Plan Review to allow an Accessory Dwelling Unit (ADU) 599 sq. ft. in size to be located at 275 South 4<sup>th</sup> Street Carbondale Colorado.

WHEREAS, the Planning and Zoning Commission of the Town of Carbondale reviewed this application during a Public Hearing on September 27, 2018 and approved said application on the terms and conditions set forth below;

WHEREAS, after said public hearing, the applicant submitted a revised plan to relocate the stairs to the south side of the structure between the main house and garage. Staff reviewed the plans and determined that the proposal did not represent a substantial change to the plans approved by the Planning Commission at the September 27, 2018 meeting. Staff also feels that the relocation of the stairs complies with the purpose section of the Old Town Residential District.

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF CARBONDALE, COLORADO, that the Special Use Permit and Minor Site Plan Review are hereby approved, subject to the following conditions and findings:

Conditions of Approval

1. All development shall comply with the Site Plans and Building Elevations as approved.
2. Water rights for the ADU shall be due at the time of building permit.
3. The applicant shall be responsible for all building permit fees, tap fees and other associated fees at the time of building permit.
4. All other 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.

5. The Applicant shall also pay and reimburse the Town for all other applicable professional and Staff fees pursuant to the Carbondale Municipal Code.

### Findings for Approval

#### Special Use Permit for ADU

1. The proposal meets the purposes of the zone district in the OTR zone district, specifically care has been taken to meet all criteria, regulations and dimensional requirements.
2. The special use shall comply with all applicable fire, building, occupancy and other municipal code provisions as a building permit will be required for the ADU and garage;
3. The special use shall not have a significant traffic impact the neighborhood.
4. The special use shall not otherwise have an adverse effect upon the character of surrounding uses.
5. The impacts of the proposed use on adjacent properties and the surrounding neighborhood or such impacts have been minimized in a satisfactory manner.
6. The use shall not create a nuisance and such impacts shall be borne by the property owners of the property on which the proposed use is located rather than by adjacent properties or the neighborhood.
7. Access to the site is adequate for the proposed use, considering the width of adjacent streets and alleys, and safety.
8. The project is in scale with the existing neighborhood or will be considered to be in the scale with the neighborhood as it develops in the immediate future as all uses will be accommodated within the existing volume of the structures.
9. The project maximizes the use of the site's desirable characteristics

#### Site Plan Review

1. The site plan is consistent with the Comprehensive Plan as it provides smaller

ADU units near the downtown and preserves and enhances a historic structure;

2. The site plan is consistent with any previously approved subdivision plat, planned unit development, or any other precedent plan or land-use approval as applicable;
3. The site plan complies with all practical development and design standards set forth in this code.
4. Traffic generated by the proposed development will be adequately served by existing streets within Carbondale,

INTRODUCED, READ, AND PASSED THIS \_\_\_\_ day of \_\_\_\_\_, 2019.

PLANNING AND ZONING COMMISSION OF  
TOWN OF CARBONDALE

By: \_\_\_\_\_  
Michael Durant  
Chair

RESOLUTION NO. 2  
SERIES OF 2019

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN  
OF CARBONDALE, COLORADO, APPROVING A MINOR SITE PLAN REVIEW AND  
CONDITIONAL USE PERMIT FOR PROPERTY LOCATED IN THE TOWN OF  
CARBONDALE, COLORADO

WHEREAS, David Jones and D Richmond Jones, ("Applicants") requested approval of a Conditional Use Permit and Minor Site Plan Review to allow an Accessory Dwelling Unit (ADU) 595 sq. ft. in size to be located at 17 Maroon Place Carbondale Colorado.

WHEREAS, the Planning and Zoning Commission of the Town of Carbondale reviewed this application during a Public Hearing on December 6, 2018 and approved said application on the terms and conditions set forth below;

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF CARBONDALE, COLORADO, that the Special Use Permit and Minor Site Plan Review are hereby approved, subject to the following conditions and findings:

Conditions of Approval

1. All development shall comply with the Site Plans and Building Elevations as approved.
2. Water rights for the ADU shall be due at the time of building permit.
3. The applicant shall be responsible for all building permit fees, tap fees and other associated fees at the time of building permit.
4. All other 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.
5. The Applicant shall also pay and reimburse the Town for all other applicable professional and Staff fees pursuant to the Carbondale Municipal Code.

Findings for Approval

Conditional Use Permit for ADU

1. The proposal meets the purposes of the zone district in the Residential Low-Density zone district, specifically care has been taken to meet all criteria, regulations and dimensional requirements.
2. The conditional use shall comply with all applicable fire, building, occupancy and other municipal code provisions as a building permit will be required for the ADU and garage;
3. The conditional use shall not have a significant traffic impact the neighborhood.
4. The conditional use shall not otherwise have an adverse effect upon the character of surrounding uses.
5. The impacts of the proposed use on adjacent properties and the surrounding neighborhood or such impacts have been minimized in a satisfactory manner.
6. The use shall not create a nuisance and such impacts shall be borne by the property owners of the property on which the proposed use is located rather than by adjacent properties or the neighborhood.
7. Access to the site is adequate for the proposed use, considering the width of adjacent streets and alleys, and safety.
8. The project is in scale with the existing neighborhood or will be considered to be in the scale with the neighborhood as it develops in the immediate future as all uses will be accommodated within the existing volume of the structure.
9. The project maximizes the use of the site's desirable characteristics.

#### Site Plan Review

1. The site plan is consistent with the Comprehensive Plan as it provides smaller ADU units near the downtown and preserves and enhances a historic structure;
2. The site plan is consistent with any previously approved subdivision plat, planned unit development, or any other precedent plan or land-use approval as applicable;
3. The site plan complies with all practical development and design standards set forth in this code.

4. Traffic generated by the proposed development will be adequately served by existing streets within Carbondale,

INTRODUCED, READ, AND PASSED THIS \_\_\_\_ day of \_\_\_\_\_, 2019.

PLANNING AND ZONING COMMISSION OF  
TOWN OF CARBONDALE

By: \_\_\_\_\_  
Michael Durant  
Chair



**TOWN OF CARBONDALE  
511 COLORADO AVENUE  
CARBONDALE, CO 81623**

## **Planning Commission Agenda Memorandum**

Meeting Date: 1-10-2019

**TITLE:** 159 Sopris Avenue - Minor Site Plan Review, Special Use Permit  
and Front and Side Yard Setback Variances

**SUBMITTING DEPARTMENT:** Planning Department

**ATTACHMENTS:** Referral Comment  
Land Use Application

### **BACKGROUND**

This is a public hearing to consider a Special Use Permit and a Minor Site Plan Review to renovate the abandoned CMU structure and convert it into an additional detached single family residential dwelling at 159 Sopris Avenue. The request will require a variance from the minimum front yard setback of 5 ft. to allow a 0 ft. setback and a variance from the minimum side yard setback of 5 ft. to allow a 0 ft. setback. The variances are required to maintain and improve the existing structure.

### **DISCUSSION**

The lot is an 8,250 sq. ft. parcel. It has an existing single family house on the parcel which is currently occupied. This residential unit is a three bedroom, 2100 sq. ft. residence which was built in 1978.

The abandoned CMU structure was the original 1946 residence which was damaged in a fire in the early 1970's. It was never restored and has remained as is since that time. The applicants would like to convert the abandoned CMU structure into a two bedroom 800 sq. ft. single family residence.

This would result in two detached single family dwelling units on one lot.

### **Zoning**

The property is located in the Residential High Density (R/HD) zone district. Detached Single Family Dwellings are permitted uses in this zone district. However, UDC Section 4.3.2.D. includes a use-specific standard which requires a special use permit for two or more single family dwellings on one parcel. The special use permit criteria are in UDC Section 2.5.2.C.3.b.ii.

The minimum lot area is 3,000 sq. ft. in the R/HD zone district. This has been met with the 8,250 sq. ft. parcel.

The lot area per dwelling unit has been met as follows:

One three-bedroom	1,850 sq. ft. of lot area required
One two-bedroom	1,650 sq. ft. of lot area required

Total required	3,500 sq. ft. of lot area required
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Total provided	8,250 sq. ft. provided
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#### Setbacks for Renovated Single Family Dwelling

Setback	Required	Proposed
Front	5 ft.	0.6 ft.
Side (east)	5 ft.	0 ft. and .2 ft.
Side (west)	5 ft.	41 ft.
Rear	5 ft.	32.5 ft.

#### Building Height

The allowed building height is 35 ft. The proposed height of the renovated structure is 12.5 ft.

#### Maximum Impervious Lot Coverage

The maximum allowed impervious surface is 4,950 sq. ft. The applicants propose to provide 4,467 sq. ft. The UDC requires 3,300 sq. ft. of pervious surface and 4,467.50 sq. ft. is proposed.

#### Parking

The code requires 2.5 parking spaces for the existing single family residence and 1.5 spaces for the renovated single family for a total of four parking spaces. Five off-street parking spaces are proposed off of the alley. The size of the parking spaces are generous and more than meet the minimum parking space dimensions of 8-1/2 ft. x 11 ft.

#### Private Outdoor Space

The site plan shows private outdoor space for each residential unit. The existing single family residence is required to have 210 sq. ft. The plan shows 119 sq. ft. on the south side of the house. This can easily be increased since there is plentiful room. The new



single family is required to have 80 sq. ft. There is 80 sq. ft. shown on the north side of residence.

### Variances

Approval of a variance from the minimum 5 ft. front yard setback to allow a 0.6 ft. setback and a variance from the minimum 5 ft. side yard setback to allow a 0 ft. setback is required to allow this project to proceed. Initially, Staff debated whether variances would be required since the walls of the structure were constructed prior to adoption of a zoning code in the Town. However, it determined that the addition of a new roof structure would increase the non-conformity within the setbacks, establishing the need for variances.

The structure extends 0.2 ft. onto the property to the east. This is an issue between the two property owners, however, care should be taken to minimize any further encroachment onto the neighboring property. The roof structure should be the minimum necessary to facilitate drainage and protect the structure from the elements. In addition, drainage should be retained on the applicants' property. This has been made a condition of approval.

On the south side, the wall is 0.6 ft. from the Town's right-of-way. In this case, the roof structure should not extend into the right-of-way and drainage should be retained on the site. This has also been made a condition of approval.

The existing single family residence meets the setback requirements.

In order to approve a variance, the Commission would need to make the following findings:

1. The structure to be built or altered is a residential dwelling unit or an accessory structure to the residential unit;
2. The lot must be located in the Old Town site or Weaver's Addition;
3. The applicant may not have caused the situation or hardship by his/her own actions. An exception may be granted if the owner/applicant built or placed the structure, or split the lot prior to subdivision or zoning regulations being instituted in the Town;
4. The new construction, alteration or addition could not be reasonably placed in another location;
5. The new construction, alteration or addition is designed in a reasonable fashion and results in the variance requested being the minimum amount required in order to achieve the purpose of the variance request;

6. The variance requested does not harm the public or injure the value of adjacent properties; and
7. The granting of a variance will be consistent with the spirit and purpose of the Code.

### **FISCAL ANALYSIS**

There would no fiscal impacts on the Town if this application is approved.

### **RECOMMENDATION**

Staff recommends that the following motion be approved: **Move to approve the Minor Site Plan Review, Special Use Permit, Front and Side Yard Variances with the following findings and conditions:**

#### **Conditions**

1. All development shall comply with the Site Plans and Building Elevations submitted with the application.
2. The roof system on the south side of the new single family dwelling shall not extend into the Town's right-of-way. All drainage shall be retained on-site.
3. The roof system on the east side of the structure shall be the minimum necessary to facilitate drainage and protect the structure from the elements. All drainage shall be retained on-site.
4. Fees in lieu of water rights for the new single family dwelling may be due at the time of building permit.
5. The applicant shall be responsible for all building permit fees, tap fees and other associated fees at the time of building permit.
6. All other 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.
7. The Applicant shall pay and reimburse the Town for all other applicable professional and Staff fees pursuant to the Carbondale Municipal Code.

#### **Findings**

##### **Special Use Permit for Two Single Family Dwellings on One Parcel**

1. The proposal meets the purposes of the zone district in the R/HD zone district, specifically care has been taken to meet all criteria, regulations and dimensional

requirements that could possibly be met with the exception of the front and side yard setback for the new single family dwelling. The new single family dwelling will be contained within the existing walls of the CMU walls which were constructed in 1946, prior to the adoption of a zoning code in the Town.

2. The special use shall comply with all applicable fire, building, occupancy and other municipal code provisions as a building permit will be required for the new single family residence;
3. The special use shall not have a significant traffic impact within the neighborhood.
4. The special use shall not otherwise have an adverse effect upon the character of surrounding uses; and in fact will enhance the character by renovating and improving an abandoned structure.
5. The impacts of the proposed use on adjacent properties and the surrounding neighborhood or such impacts have been minimized in a satisfactory manner.
6. The use shall not create a nuisance and such impacts shall be borne by the property owners of the property on which the proposed use is located rather than by adjacent properties or the neighborhood.
7. Access to the site is adequate for the proposed use, considering the width of adjacent streets and alleys, and safety.
8. The project is in scale with the existing neighborhood or as no new structures are being built.
9. The project maximizes the use of the site's desirable characteristics, specifically the existing mass and scale of structures on the property and retaining the yard area.

#### Front and Side Yard Setback Variances

1. The structure to be altered is a residential dwelling unit;
2. The lot is located in the Old Town site;
3. The applicants did not cause the situation or hardship by their own actions as the CMU building was constructed in 1946, prior to establishment of zoning regulations in the Town.
4. The new construction or alteration could not be reasonably placed in another location as it already exists in its current location;

5. The new construction is designed in a reasonable fashion and results in the variance requested being the minimum amount required in order to achieve the purpose of the variance request;
6. The variance requested does not harm the public or injure the value of adjacent properties;
7. The granting of a variance will be consistent with the spirit and purpose of the Code

#### Site Plan Review

1. The site plan is consistent with the Comprehensive Plan as it provides a smaller residential unit near the downtown;
2. The site plan is consistent with the previously approved subdivision plat;
3. The site plan complies with all practical development and design standards set forth in this code with the exception of the front and side yard setbacks due to the pre-existing location of the CMU walls;
4. Traffic generated by the proposed development will be adequately served by existing streets within Carbondale,

Prepared By: Janet Buck, Planning Director

**TOWN OF CARBONDALE**

**PLANNING DEPARTMENT**  
**REVIEWING AGENCY FORM**

PLANNING ITEM #: LU18-35-36

DATE SENT: 12-14-18

COMMENTS DUE: 12-28-18

TO: \_\_\_\_\_

To assist the Town in its review of this project, your review and written comments are requested. Please notify the Planning Department if you will not be able to respond by the date listed above. Questions regarding this project should be directed to the Planning Department, 963-2733.

APPLICANT: Jerod and Sharon Samuelson

OWNERS: same

LOCATION: 159 Sopris Avenue

ZONE: Residential/High Density

PROJECT DESCRIPTION: Site plan Review to convert existing structures into an additional single family dwelling. Variances from the five foot front and side yard setbacks of five feet are required.

PLANNING STAFF CONTACT: Janet Buck

The following are conditions or comments I would offer regarding this item: (Attach separate sheet if necessary)

1. The existing access for the building is acceptable.
2. The existing water system is capable of providing the required fire flow for the building.

Date: December 26, 2018

Bill Gavette  
Deputy Chief  
Carbondale & Rural Fire Protection District  
970-963-2491

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Please return comments to both:

[jbuck@carbondaleco.net](mailto:jbuck@carbondaleco.net)  
[msikes@carbondaleco.net](mailto:msikes@carbondaleco.net)

Planning Department  
Town of Carbondale  
511 Colorado Avenue  
Carbondale, CO 81623

**KURTZ & ASSOCIATES, INC.**

5012 County Road 154  
Glenwood Springs, CO 81601

**STRUCTURAL CONSULTANTS**

Phone (970) 945 6305

**MEMORANDUM**

To: **Whom it May Concern**

Date: May 26, 2017

Re: **Existing Concrete Block Structure at 159 Sopris Avenue,  
Carbondale, CO.**

On May 04, 2017, I performed a structural inspection of the noted residence. The primary purpose of this inspection was to observe the exterior wall construction and foundation systems of the existing structure.

The existing structure is a single story concrete block or concrete masonry unit (CMU) structure with a ground level, concrete slab on grade floor. The structure measures, in plan, 24'-0" north-to-south by 33'-0" east-to-west. The perimeter exterior walls are 8" thick by 8'-4" high CMU walls. The roof and roof framing have been removed.

The concrete slab on grade floor is in reasonably good condition and is level within construction tolerances. The perimeter foundation has not suffered from any significant differential foundation movement.

The existing CMU walls have suffered from exposure and lack of maintenance. They are, however, structurally sound in that they are repairable and reusable. The structure is not a hazard. As a precaution, I recommend that the CMU walls be temporarily braced.

It is my professional opinion that the structure can be successfully repaired and rehabilitated so as to serve as a functional residential living space.



Kurtz & Assoc, Inc.  
*Brian Kurtz*  
05/26/17

W



Town of Carbondale  
511 Colorado Ave  
Carbondale, CO 81623  
(970)963-2733

Pre-Application Meeting Date \_\_\_\_\_  
Fees \_\_\_\_\_ Date Pd \_\_\_\_\_

### Land Use Application

#### PART 1 - APPLICANT INFORMATION

Applicant Name: Jerod and Sharon Samuelson Phone: 970-379-2917  
Applicant Address: 4208 County Road 100, Carbondale  
E-mail: jerod@sopris.net  
Owner Name: Same Phone: Same  
Address: 159 Sopris Ave, Carbondale  
E-mail: Same

Location of Property: provide street address and either 1) subdivision lot and block; or 2) metes and bounds:

Lots 16, 17+18, Block 4, Town of Carbondale 159 Sopris Ave  
Carbondale

#### PART 2 - PROJECT DESCRIPTION

General project description:

Minor site plan review for additional  
dwelling on property.

Size of Parcel: 8,250 sq. ft. # Dwelling Units: 1 cur, 1 proposed Sq Ft Comm: N/A

Type of Application(s): Minor Site Plan Review

Existing Zoning: R/HD Proposed Zoning: R/HD

#### PART 3 - SIGNATURES

I declare that I have read the excerpt from the Town of Carbondale Municipal Code Article 8 Land Use Fees. I acknowledge that it is my responsibility to reimburse the Town for all fees incurred as a result of this application.

I declare that the above information is true and correct to the best of my knowledge.

[Signature] 10/31/18  
Applicant Signature Date

Signature of all owners of the property must appear before the application is accepted.

[Signature] 10/31/18 [Signature] 10/31/18  
Owner Signature Date Owner Signature Date

STATE OF COLORADO )

COUNTY OF GARFIELD ) ss.

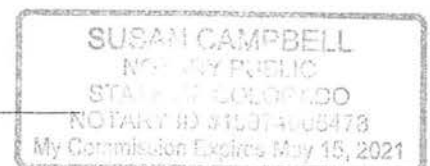
The above and foregoing document was acknowledged before me this 31 day of

OCTOBER 2018, by JEROD & SHARON SAMUELSON

Witness my hand and official

My commission expires: 5/15/21

[Signature]  
Notary Public





## Garfield County Assessor Data Site

Jim Yellico, 109 8th Street, Suite 207, Glenwood Springs, CO, 81601

(P) 970.945.9134 | (F) 970.945.3953 | (E) jyellico@garfield-county.com

### Account Information

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Account: R340018

Parcel: 239334404006

Owner Name: SAMUELSON, JEROD & SHARON

Owner Address: 4208 COUNTY ROAD 100, CARBONDALE, CO, 81623

Property Address: 159 SOPRIS AVE, CARBONDALE

Legal: Section: 34 Township: 7 Range: 88 Subdivision: ORIGINAL TWNSTE CARBONDALE Block: 4 Lot: 16 THRU:- Lot: 18

Tax Area: 058

Subdivision: ORIGINAL TWNSTE CARBONDALE

### Sales Information

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Date	Deed Type	Doc Number	Grantor	Grantee	Amount
06/05/2017	PRD	893284	BAIR, LAURA ELIZABETH-AKA	SAMUELSON, JEROD	425,000

### Taxable Values History

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Year	Land Actual	Imp Actual	Total Actual	Land Assessed	Imp Assessed	Total Assessed
2018	185,000	301,360	486,360	13,320	21,700	35,020
2017	185,000	301,360	486,360	13,320	21,700	35,020
2016	170,000	302,970	472,970	13,530	24,120	37,650

## Garfield County Assessor Data Site

Jim Yellico, 109 8th Street, Suite 207, Glenwood Springs, CO, 81601

(P) 970.945.9134 | (F) 970.945.3953 | (E) jyellico@garfield-county.com

### Property Images

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# Garfield County Assessor Data Site

Jim Yellico, 109 8th Street, Suite 207, Glenwood Springs, CO, 81601

(P) 970.945.9134 | (F) 970.945.3953 | (E) jyellico@garfield-county.com

## Property Details

Model	Attribute Name	Attribute Value
LAND 0	ABSTRACT_CODE	SINGLE FAM.RES.-LAND
	AREA_ACRES	0
	AREA_SQFT	8250
	NEIGHBORHOOD	SOPRIS MEADOWS
RESI 0	BUILDING_TYPE	SFR
	ABSTRACT_CODE	SINGLE FAM.RES-IMPROVEMTS
	UNITS	1
	ACT_YEAR_BLT	1978
	HEATEDAREA	2128
	FINBSMTAREA	1064
	BASEMENTAREA	1064
	BATHS	2.5
	BEDROOMS	3
	ARCH_STYLE	BI LEVEL
	NEIGHBORHOOD	SOPRIS MEADOWS
	AREA_UNITS	1
	ROOMS	8
	FRAME	WOOD FRAME
	AIRCOND	NONE
	HEATING_FUEL	GAS
	HEATING_TYPE	HOT WATER
	ROOF_COVER	COMP SHNGL
	ROOF_STRUCTUR	GABLE
	STORIES	1
XFOB 0	ABSTRACT_CODE	SINGLE FAM.RES-IMPROVEMTS
	BUILDING_NO	1
	ACT_YEAR_BLT	1978
	NEIGHBORHOOD	SOPRIS MEADOWS
	XFOB_CODE	BALCONY 25-100 SF
	AREA_UNITS	0
XFOB 1	ABSTRACT_CODE	SINGLE FAM.RES-IMPROVEMTS
	BUILDING_NO	1
	ACT_YEAR_BLT	2003
	XFOB_CODE	SHED AVG QUALITY



## Town of Carbondale

### Variance

### Checklist

(970) 963-2733

**Project Name:**

**Applicant:** Jerod and Sharon Samuelson

**Applicant Address:** 4208 County Road 100, Carbondale CO 81623

**Location:** 159 Sopris Ave, Carbondale CO 81623

**Date:** 12/3/18

**Staff Member:**

Section 2.3 of the UDC requires a pre-application meeting with planning staff prior to submittal of a land use application.

Per Section 2.3.2.B of the UDC, the Planning Director shall determine the form and number of application materials required.

#### Required Attachments

- ☐ Filing Fee of \$300 and Land Use Application (separate attachment)
- ☐ A site plan showing the footprint and proposed use of all buildings, parking configuration and other details necessary to demonstrate that the proposed use and site conforms with all other requirements of the zone district and variance requirements.
- ☐ A written statement indicating how the variance will meet the criteria in section 2.7.1.c.3.a or 2.7.1.c.3.b, whichever is applicable.
- ☐ Additional information requested at the pre-application meetings:



**Town of Carbondale**  
**Minor Site Plan Review**  
**Checklist**  
(970) 963-2733

**Project Name:**

**Applicant:** Terod and Sharon Samuelson

**Applicant Address:** 4208 County Road 100, Carbondale CO 81623

**Location:** 159 Sopris Ave, Carbondale CO 81623

**Date:** 12/3/18

**Staff Member:**

**Section 2.3 of the UDC requires a pre-application meeting with  
planning staff prior to submittal of a land use application.**

**Per Section 2.3.2.B of the UDC, the Planning Director shall  
determine the form and number of application materials required.**

**Required Attachments**

- ☐ Filing Fee of \$600 and Land Use Application (separate attachment)
- ☐ The applicant shall submit to the Director all of the information required in the application packet, along with any information identified in the pre-application meeting and all required information stated elsewhere in this Code for a minor site plan review. At minimum, the application shall include the following:
  - a. A site plan on a dimensioned plat of the property clearly indicating the following information:
    - i. The site location, dimensions and topography. Topography shall be at two-foot contours for properties with less than ten percent slope and five foot contours for properties with greater than ten percent slope;
    - ii. The immediately adjoining properties and an indication of the land uses existing on adjoining properties;
    - iii. The location on the site of all existing and proposed buildings and structures;
    - v. The location of all parking areas (vehicle and bicycle), driveways, and sidewalks;
    - v. The location of all proposed landscaping and fencing or walls. Elevations of fences and walls shall be provided if proposed;
    - vi. The location of existing and/or proposed drainage facilities;

- vii. The location of streets, alleys, trails;
  - viii. The location of all solid waste containers;
  - ix. The location of all snow storage areas; and
  - x. The location and size of existing and proposed utilities, existing and proposed easements and an indication of any changes in these utilities which will be necessitated by the proposed project.
- b. A table of site data calculations indicating:
- i. Total number of dwelling units and number of each type of unit (studio, one bedroom, etc.);
  - ii. Floor area of each dwelling unit;
  - iii. Lot size and dimensions;
  - iv. Setbacks to be maintained;
  - v. Total area of all impervious surfaces, including area covered by primary buildings and accessory buildings, area covered by parking areas and garages, driveways, decks, sidewalks and other impervious surfaces;
  - vi. The amount of private outdoor open space and the amount of bulk storage space;
  - vii. Total landscaped area;
  - viii. Total number of parking spaces (vehicle and bicycle) provided;
- c. Conceptual building elevations with notes indicating type of construction, exterior finishes, location of entry doors, decks, and other external structures;
- d. Sample material boards with proposed façade treatments, roofing materials, and other relevant building treatments; and
- e. A final grading plan which shows both present and proposed drainage. The drainage plan should be submitted by a licensed engineer if appropriate.

☐ Additional information requested at the pre-application meeting:


12/3/2018

TO: Whom it May Concern Town of Carbondale

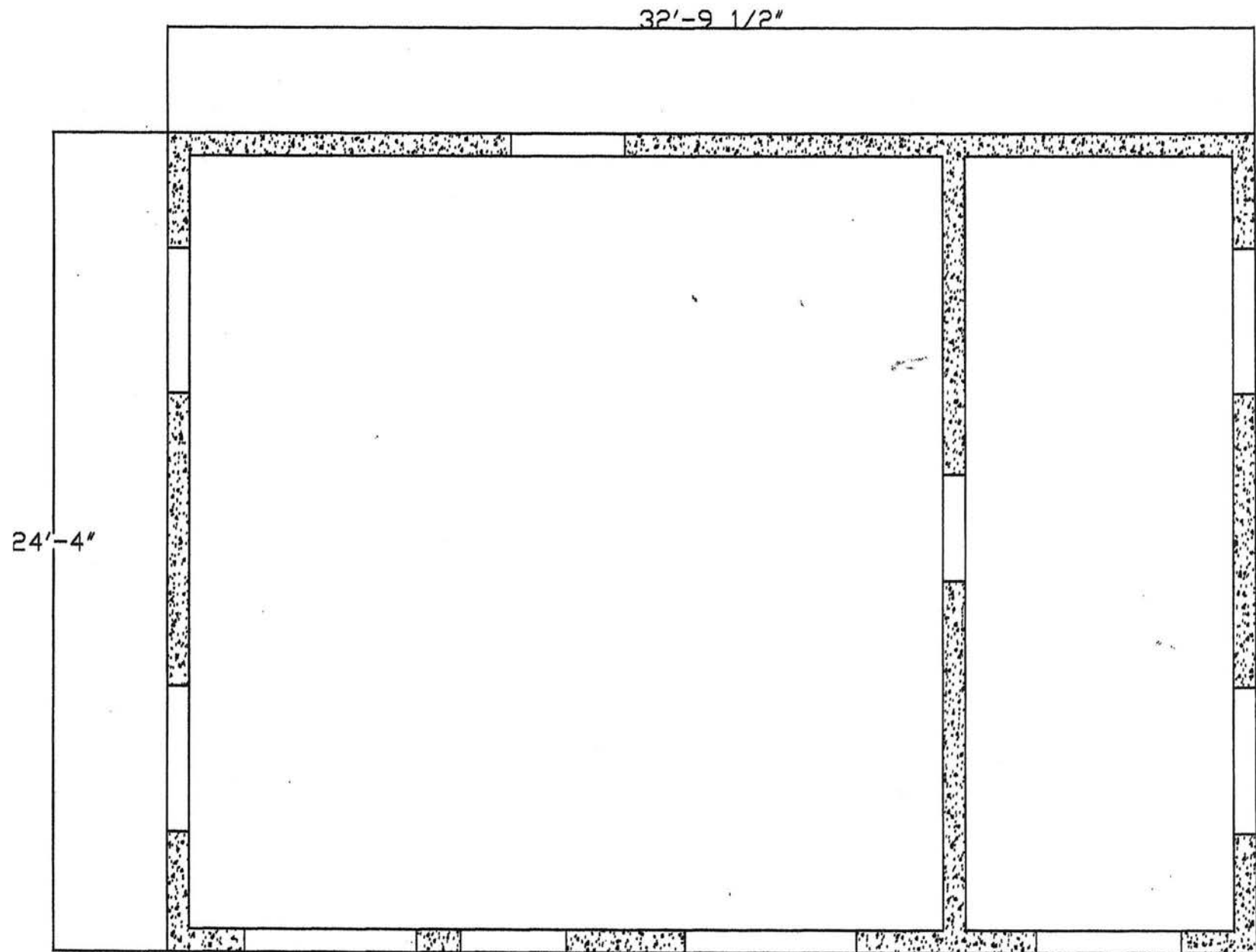
Re: Variance for 159 Sopris Ave, Carbondale CO

The proposed single family dwelling unit is located in the Old Town site. The original owner built the structure prior to zoning and subdivision regulations instituted by the town in \_\_\_\_\_. The reconstruction of this unit is placed ideally with regards to the other single family dwelling and proposed parking requirements. The construction shall use the existing CMU and return this unit to it's original glory, thus increasing the value of adjacent properties and the view of the neighborhood. By granting this variance, it is with good intent and shall bring it up to Code.

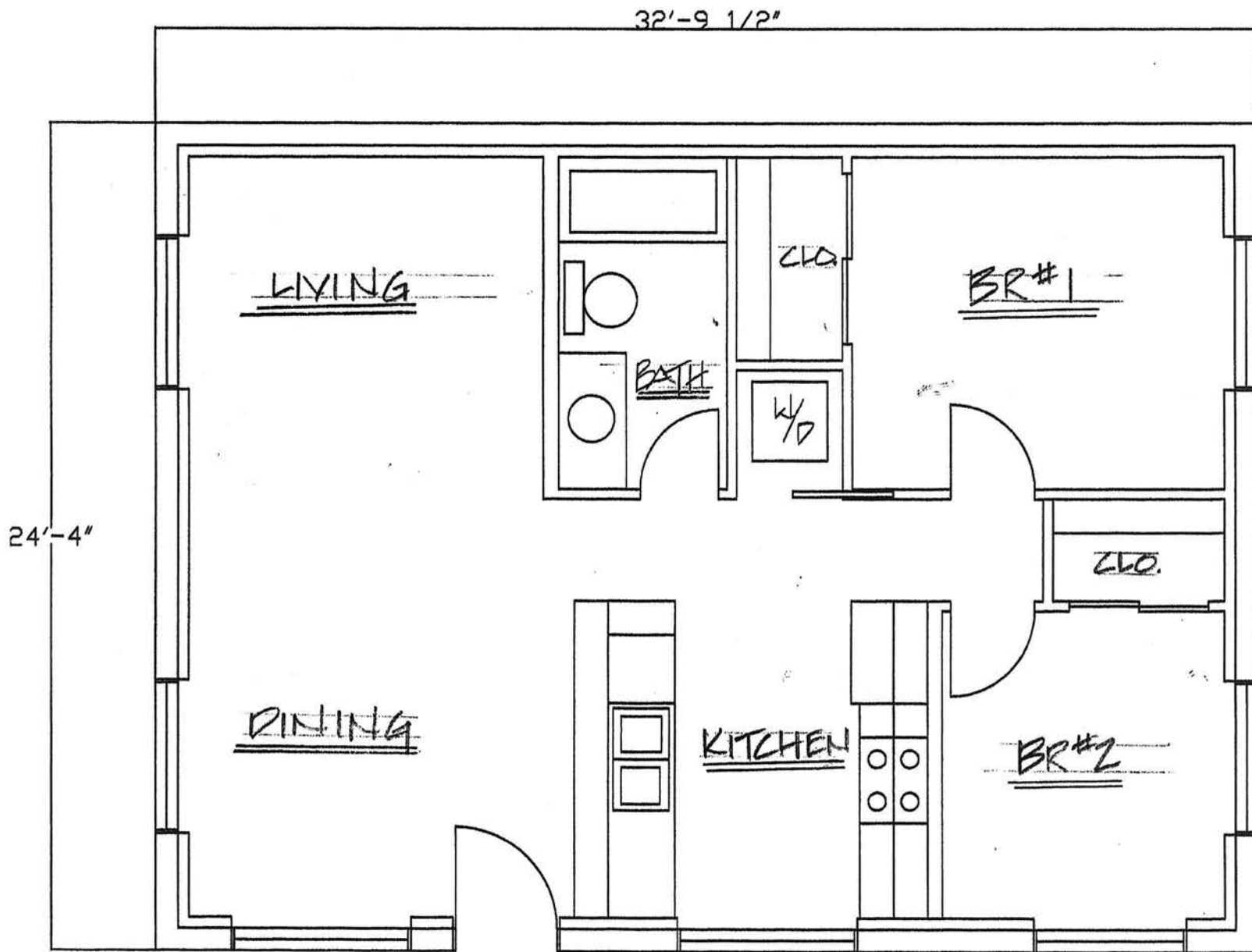
Jerod and Sharon Samuelson

Site data Calculations:	Proposed	Required
Dwelling Units	1-3 BR wood frame / 1-2 BR CMU	
Lot Size: 8,250 sq ft. 75' x 100"		
Setbacks: CMU encroachment-grandfathered or variance		
Impervious Surface Area	3782.50 sq ft	4,950 sq ft Maximum
Private Outdoor Open Space	280 sq ft-3 BR / 80 sq ft -2 BR	200 sq ft-3 BR/ 80 sq ft -2 BR
Landscape Area	No Change	
Parking Spaces	3 for 3 BR / 2 for 2 BR - 5 total	2.5-3 BR / 1.5-2 BR

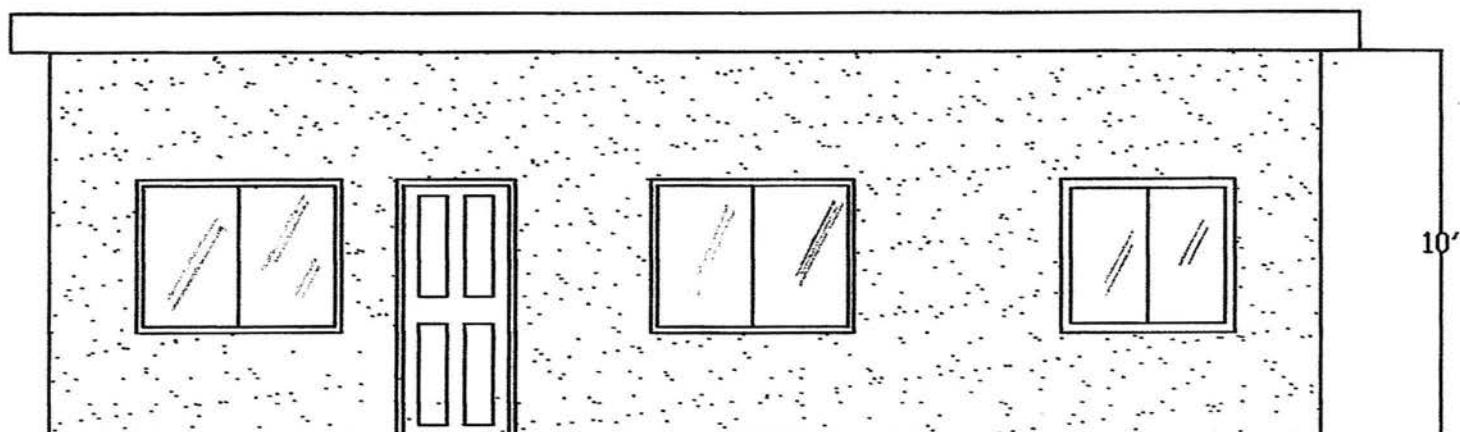




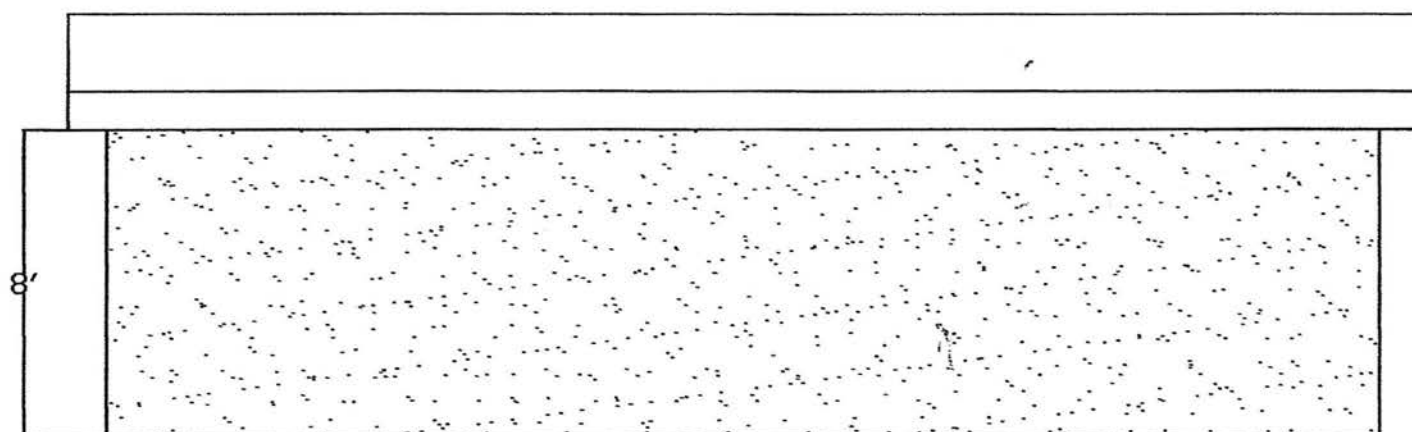
EXISTING MASONRY  
BLDG.



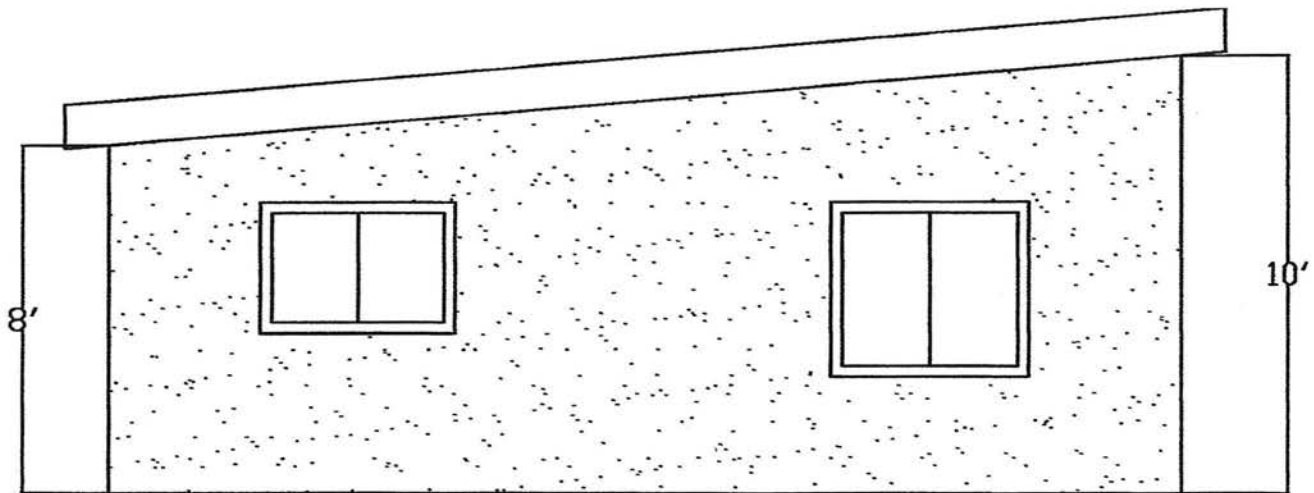
FLOOR PLAN



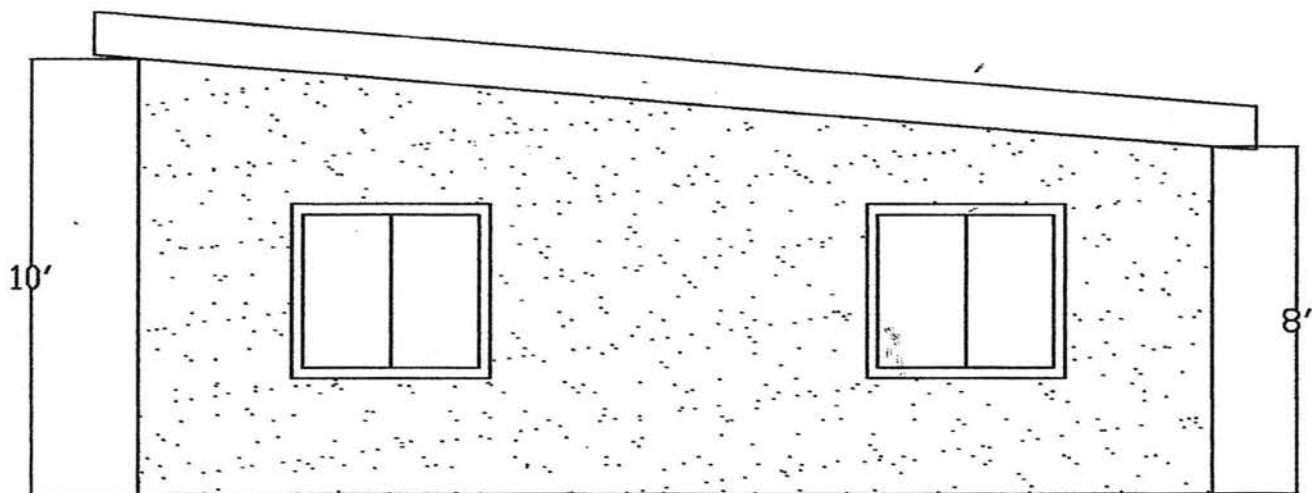
FRONT ELEVATION



BACK ELEVATION



WEST ELEVATION



EAST ELEVATION

12/3/2018

To: Whom it May Concern Town of Carbondale

Re: 159 Sopris Ave, Carbondale, CO

The original 1946 residence on this property was damaged in a fire in the early 70's. A new two story wood framed structure of approximately 2,100 sq ft was built for the family. The original CMU structure was abandoned.

The proposed project is to renovate the existing CMU structure and use it as an additional single family dwelling unit on the property. Asbestos abatement has been performed and the structure was inspected by a structural engineer to determine soundness.

Proposed off street parking is located in the alley behind the two story structure.

Sincerely,

Jerod and Sharon Samuelson



**TOWN OF CARBONDALE  
511 COLORADO AVENUE  
CARBONDALE, CO 81623**

**Planning and Zoning Commission  
Memorandum**

Item No: 8

Attachment: E

Meeting Date: 1-10-2019

**TITLE:** P&C Express Medical Cultivation

**SUBMITTING DEPARTMENT:** Planning

**ATTACHMENTS:** Application  
P&Z Memo dated 4-12-2018  
Notice of violation, dated 4-5-2018

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**BACKGROUND:**

Rocky Mountain High DBA P&C Express and Durango Alternative have submitted two license applications (one for each operation) to add an additional two medical marijuana cultivation licenses to the 615 Buggy Circle location. These applications would be in addition to the one retail cultivation on site and one medical cultivation at the same address. The applicants have stated that no additional plants would be added to the facility as the existing operations would reduce the amount of plants to accommodate the two new operations.

This application was originally submitted on February 9, 2018 and was scheduled for a noticed public hearing on April 12, 2018. In the time leading up to the public hearing Town Staff were conducting an investigation into odor complaints along Buggy Circle. During the investigation it was determined that the source of the odor was the cultivation operation located at 615 Buggy Circle.

Staff issued a Notice of Violation (attached) to the manager of the operation and also requested that the noticed public hearing be continued at the April 12, 2018 P&Z meeting. The hearing was continued to May 10, 2018 P&Z meeting. The May 10, 2018 meeting was canceled due to lack of a quorum. At that time, the applicant requested that the hearing be postponed so that they may remedy the situation.

The applicant took steps to control the odor by chinking the exterior of the building and also working on establishing more negative pressure inside the building to eliminate the odor. Upon a reinspection, Staff determined that the steps taken were adequate. Staff and the applicant then re-noticed the application for the meeting this evening.

## **DISCUSSION**

A Medical marijuana cultivation facility is allowed through a Special Use Permit in the Commercial/Industrial zone district in the Roaring Fork Planned Unit Development. Cultivation facilities are prohibited within 500 feet of any school or day care facility and within 500 feet of any alcohol and drug treatment facility. Staff have determined that the proposed facility is not within the 500-foot limit for schools, daycare or treatment facilities.

## **PARKING:**

As the facility is proposed to continue to be operated as a cultivation operation as well as the attached retail and medical dispensary's, with no increase in employees. there is no foreseeable increase or impact on parking on the lot nor the surrounding neighborhood. The facility is broken down by the uses within the building for the parking requirements;

Medical dispensary = 1 parking spot (1 per 200 SR GFA)  
Retail Sales = 1 parking spot (1 per 200 SR GFA)

Cultivation operations = 12 parking spots (1 per 750 SQ feet)

The existing parking on site has a total of 16 spaces in a stacked configuration with 14 required.

(It should also be noted that the retail sales and two of the cultivation operations predate the UDC and the UDC standards would not apply, but the UDC standards were used in the above calculations by way of reference.)

## **TRAFFIC IMPACTS:**

As there is no additional licensed dispensary or retail store on site there is no foreseeable traffic impacts.

## **SPECIAL USE PERMIT:**

A Special Use must meet the following Special Use Permit criteria:

- a. An approved special use shall meet the purposes of the zone district in which it will be located and all of the criteria and regulations specified for such use in that zone district, including but not limited to height, setbacks and lot coverage;

- b. An approved special use shall comply with all applicable fire, building, occupancy and other municipal code provisions adopted by the Town of Carbondale for the protection of public health, safety and welfare;
- c. An approved special use shall not have an adverse impact on the traffic in a neighborhood;
- d. An approved special use shall not otherwise have an adverse effect upon the character of surrounding uses.
- e. There are no impacts of the proposed use on adjacent properties and the surrounding neighborhood or such impacts have been minimized in a satisfactory manner.
- f. The impacts of the use, including but not limited to its design and operation, parking and loading, traffic, noise, access to air and light, impacts on privacy of adjacent uses, and others, shall not create a nuisance and such impacts shall be borne by the owners and residents of the property on which the proposed use is located rather than by adjacent properties or the neighborhood.
- g. Access to the site shall be adequate for the proposed use, considering the width of adjacent streets and alleys, and safety.
- h. The project is in scale with the existing neighborhood or will be considered to be in the scale with the neighborhood as it develops in the immediate future.
- i. The project maximizes the use of the site's desirable, natural characteristics.
- j. Where applicable, the use will provide well-located, clean, safe and pleasant additional dwelling units in an existing neighborhood.

The Town may impose conditions it feels necessary to ensure that a proposed special use meets the purposes in the zoning code and to protect the public health, safety and general welfare of the Town and surrounding neighborhood. The Town has broad authority to deny a special use if it determines a proposed use is incompatible with the neighborhood.

#### **RECOMMENDED FINDINGS:**

- a. The proposed use meets the purposes of the Commercial/Industrial (PUD) zone district.
- b. The cultivation operation shall be required to comply with all applicable fire, building, occupancy and other municipal code provisions adopted by the Town of Carbondale for the protection of public health, safety and welfare.



- c. The proposed use does not have an adverse impact on the traffic and parking in the neighborhood.
- d. The cultivation operation does not have an adverse effect upon the character of surrounding uses.
- e. With the conditions of approval, the impacts of the proposed use on adjacent properties and the surrounding neighborhood have been minimized in a satisfactory manner.
- f. The impacts of the cultivation operation, including but not limited to its operation, parking, traffic, noise, access to air and light, impacts on privacy of adjacent uses, and others, will not create a nuisance and such impacts would be borne by the owners and residents of the property on which the proposed use is located rather than by adjacent properties or the neighborhood.
- g. The project is in scale with the existing neighborhood.
- h. The project maximizes the use of the site's desirable, natural characteristics.

#### **RECOMMENDATION:**

Staff recommends that the following motion be approved: **Move to recommend approval of a Special Use Permit for the operation of a Medical Cultivation Operation to be located at 615 Buggy Circle, Carbondale, Colorado, with the following conditions:**

1. The Special Use Permit shall be limited to a Medical cultivation operation.
2. All parking shall be limited to the employees of the operation and shall not impact the other units in the building.
3. That the operation shall significantly control or mitigate any odor, waste water and hazardous material impacts to the Town and surrounding uses.
4. The Applicant shall comply at all times with State Regulations governing the operation of a Medical cultivation.
5. The Applicant shall comply at all times with any Town regulations relating to the operation and licensing of the Medical cultivation.
6. The Applicant shall comply with all applicable fire and building code provisions for the protection of the health and safety of adjacent properties, units and the general public.

7. That the Owner is to provide Material Data Safety Sheets (MSDS) to the Town for all chemicals on site to be forwarded to the Fire Marshall and the Town Utility Director for review.
8. That the applicant shall apply for and receive all required building permits as determined by the Building Official before any cultivation may commence.
9. All representations of the Applicant made before the Town during public hearings shall be considered a condition of approval.

Prepared By: John Leybourne



Town of Carbondale  
511 Colorado Ave  
Carbondale, CO 81623  
(970)963-2733

LU18-000008

Pre-Application Meeting Date \_\_\_\_\_  
Fees 400.00 Date Pd 2-9-18

### Land Use Application

#### PART 1 – APPLICANT INFORMATION

Applicant Name: P.C. express Phone: 970.963.14669  
Applicant Address: 615 Buggy Ct Carbondale CO 81623  
E-mail: Kmcquillen@weissercompanies.com  
Owner Name: Kelsey McQuillen Phone: 970.623.4474  
Address: 910 county rd 240 Glenwood Springs CO 81601  
E-mail: Same as above  
Location of Property: provide street address and either 1) subdivision lot and block; or 2) metes and bounds:

#### PART 2 – PROJECT DESCRIPTION

General project description:

adding additional license to facility

Size of Parcel: \_\_\_\_\_ # Dwelling Units: \_\_\_\_\_ Sq Ft Comm: \_\_\_\_\_

Type of Application(s): \_\_\_\_\_

Existing Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

#### PART 3 – SIGNATURES

I declare that I have read the excerpt from the Town of Carbondale Municipal Code Article 8 Land Use Fees. I acknowledge that it is my responsibility to reimburse the Town for all fees incurred as a result of this application.

I declare that the above information is true and correct to the best of my knowledge.

[Signature] 02-09-18  
Applicant Signature Date

Signature of all owners of the property must appear before the application is accepted.

[Signature] 02-09-18 n/a  
Owner Signature Date Owner Signature Date

STATE OF COLORADO )

COUNTY OF GARFIELD ) ss.

The above and foregoing document was acknowledged before me this 9th day of February 2018, by Kelsey Jo McQuillen

Witness my hand and official  
My commission expires:

PATRICIA L LOPEZ  
Notary Public  
State of Colorado  
Notary ID 19994024549  
My Commission Expires Sep 1, 2019

[Signature]  
Notary Public

## **BUSINESS LEASE**

This Lease, dated the 1st day of November, 2013, is between 615 BUGGY CIRCLE, LLC. and CMED, LLC, Tenant.

In consideration of the payment of the rent and the performance of the covenants and agreements by the Tenant set forth herein, the Landlord does hereby lease to the Tenant the following described premises known as 615 Buggy Circle, Unit D, Carbondale, CO 81623.

Said premises, with all the appurtenances, are leased to the Tenant from the date of November 1, 2013 until the date of November 30, 2016 at and for a rental of \$6,530.00 per month, due on the first day of each calendar month during the term of this Lease, payable at 20155 NE 38 Court, Suite 201, Aventura, Florida, 33180, without notice.

THE TENANT, IN CONSIDERATION OF THE LEASING OF THE PREMISES AGREE AS FOLLOWS:

1. The Tenant shall pay the rent for the premises above-described.
2. The Tenant shall, at the expiration of this Lease, surrender the premises in as good a condition as when the Tenant originally entered the premises under its prior lease, ordinary wear and tear excepted. The Tenant shall keep all sidewalks on and around the premises free and clear of ice and snow; keep the entire exterior premises free from all litter, dirt, debris and obstructions; and keep the premises in a clean and sanitary condition as required by the ordinances of the city and county in which the property is situated.
3. Landlord represents that the premises consist of approximately 3,000 square feet.
4. Tenant shall have the right at any time and from time to time during the term of this Lease to make changes and alterations in the premises provided that such changes are not structural in nature. Any change or alteration shall be made in good workmanlike manner and shall not create a zoning or building code violation. Tenant shall promptly pay for all changes and alterations and shall in no circumstance allow a lien to be placed upon the premises.
5. The Tenant shall not sublet any part of the premises, nor assign the Lease, or any interest therein, without the written consent of the Landlord, which consent shall not be unreasonably withheld.
6. The Tenant shall use the premises as a State licensed center for the growing and sale of medical marijuana and/or recreational marijuana and shall not use the premises for any purposes prohibited by the laws of the State of Colorado, or of the ordinances of the city or town in which said premises are located, and may use the premises for any other purpose permitted by the City of Carbondale and/or the State of Colorado, and shall neither permit nor suffer any disorderly conduct, noise or nuisance having a tendency to annoy or disturb any persons occupying adjacent premises.
7. The Tenant shall neither hold, nor attempt to hold, the Landlord, its agents, contractors and employees, liable for any injury, damage, claims or loss to person or property occasioned by any accident, condition or casualty to, upon or about the premises including, but not limited to, defective wiring, the breaking or stopping of the plumbing or sewage upon the premises, unless such accident, condition or casualty is directly caused by intentional or reckless acts or omissions of the Landlord. Notwithstanding any duty the Landlord may have hereunder to repair or maintain the premises, in the event that the improvements upon the premises are damaged by the negligent, reckless or intentional act or omission of the Tenant or any employees, agents, invitees, licensees or contractors, the Tenant shall bear the full cost of such repair or replacement. The Tenant shall hold Landlord, Landlord's agents and their respective successors and assigns, harmless and indemnified from all injury, loss, claims or

*AMW*

damage to any person or property while on the demised premises or any other part of Landlord's property, or arising in any way out of Tenant's business, which is occasioned by an act or omission of tenant, its employees, agents, invitees, licensees or contractors. The Landlord is not responsible for any damage or destruction to the Tenant's personal property.

8. The Tenant shall allow the Landlord to enter upon the premises at any reasonable hour with a 24 hour advance notice and only in the company of the Tenant.

IT IS EXPRESSLY UNDERSTOOD AND AGREED BETWEEN LANDLORD AND TENANT AS FOLLOWS:

9. The Tenant shall be responsible for paying the following: Electric, Gas, Phone and Janitorial Services. The Landlord agrees to keep all the improvements upon the premises, including but not limited to, structural components, interior and exterior walls, floor, ceiling, roofs, sewer connections, plumbing, wiring and glass in good maintenance and repair at their expense. In the event the Landlord is responsible for repair of the premises, the Tenant shall be obliged to notify the Landlord of any condition upon the premises requiring repair and the Landlord shall be provided a reasonable time to accomplish said repair.
10. No assent, express or implied, to any breach or default of any one or more of the agreements hereof shall be deemed or taken to be a waiver of any succeeding or other breach or default.
11. If, after the expiration of this Lease, the Tenant shall remain in possession of the premises and continue to pay rent without a written agreement as to such possession, then such tenant shall be required as a month-to-month tenancy, at a monthly rental, payable in advance, equivalent to the last month's rent paid under this Lease and subject to all the terms and conditions of this Lease.
12. If the premises are left vacant and any part of the rent reserved hereunder is not paid, then the Landlord may, without being obligated to do so, and without terminating this Lease, retake possession of the said premises and rent the same for such rent, and upon such conditions as the Landlord may think best, making such changes and repairs as may be required, giving credit for the amount of rent so received less all expenses of such changes and repairs, and the tenant shall be liable for the balance of the rent herein reserved until the expiration of the term of this Lease.
13. If the Tenant shall be in arrears in payment of any installment of rent, or any portion thereof, or in default of any other covenants or agreements set forth in this Lease, and the default remains uncorrected for a period of ten (10) days after the Landlord has given written notice thereof pursuant to applicable law, then the Landlord may, at the Landlord's option, undertake any of the following remedies without limitation: (a) pursue breach of contract remedies; and/or (b) pursue any and all available remedies in law or equity. In the event possession is terminated by a reason of default prior to expiration of the term, the Tenant shall be responsible for the rent occurring for the remainder of the term, subject to the Landlord's duty to mitigate such damages, pursuant to applicable law (13-40-104(d.5)(e5) and 13-40-107.5, C.R.S.) which is incorporated by this reference.
14. If the property or the premises shall be destroyed in whole or in part by fire, the elements or other casualty and if, in the opinion of the Landlord, they cannot be repaired within forty-five (45) days from said injury and the Landlord informs the Tenant of said decision; or if the premises are damaged in any degree and the Landlord informs the Tenant it does not desire to repair same and desires to terminate this Lease: then this Lease shall terminate forty-five (45) days after the date of such injury. In the event of such termination, the Tenant shall surrender the possession of the premises and all rights therein to the Landlord, and Tenant shall not be liable for rent accruing subsequent to said event. The Landlord shall have the right to immediately enter and take possession of the premises and shall not be liable for any loss.

*[Handwritten signature]*

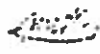
damage or injury to the property or person of the Tenant or occupancy of, in or upon the premises. If the Landlord repairs the premises within forty-five (45) days, this Lease shall continue in full force and effect and the Tenant shall not be required to pay rent for any portion of said forty-five (45) days during which the premises are wholly unfit for occupancy.

15. In the event any dispute arises concerning the terms of this Lease or the non-payment of any sums under this Lease, and the matter is turned over to an attorney, the party prevailing in such dispute shall be entitled, in addition to other damages or costs, to receive reasonable attorney's fees from the other party.
16. In the event of a condemnation or other taking by any governmental agency, all proceeds shall be paid to the Landlord hereunder, the Tenant waiving all right to any such payments.
17. This Lease is made with the express understanding and agreement that in the event the Tenant become insolvent, the Landlord may declare this Lease ended, and all rights of the Tenant hereunder shall terminate and cease.
18. Landlord covenants and agrees that Tenant upon paying the basic gross rent and utility charges herein provided for and so long as Tenant is observing and keeping the covenants, agreements and conditions of this lease on its part, Tenant shall lawfully and quietly hold, occupy and enjoy the demised premises during the term of this Lease without hindrance or molestation or termination by anyone claiming by, through or under Landlord.
19. Notwithstanding anything to the contrary, Tenant shall have a right to assign this Lease to a parent company or wholly owned subsidiary.
20. All notices shall be in writing and be personally delivered or sent by certified mail, return receipt requested or overnight delivery unless otherwise provided by law, to the respective parties, and shall be deemed received when delivered.

If to Landlord at: 615 Buggy Circle, LLC  
20155 NE 38 Court, Suite 201  
Aventura, FL 33180

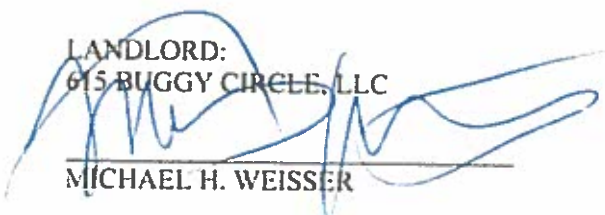
If to Tenant at: CMED, LLC  
615 Buggy Circle  
Carbondale, CO 81623

21. If any term or provision of this Lease shall be invalid or unenforceable, the remainder of this Lease shall not be affected thereby and shall be valid and enforceable to the full extent permitted by law.
22. This Lease shall only be modified by amendment signed by both parties.
23. This Lease shall be binding on the parties, their personal representatives, successors and assigns.
24. When used herein, the singular shall include the plural.
25. Tenant is granted an option to extend the Lease for an additional five year term with a rental increase of 3% from the prior year. Tenant shall exercise its option by giving Landlord notice at least sixty (60) days before the lease expires.
26. In the event Tenant is required by a Federal, State or local municipality to close its business at the premises, the Lease shall terminate as of the date specified in said notice.
27. The parties acknowledge that this Lease was executed with respect to a property located in the City of Carbondale, County of Garfield, State of Colorado, and the parties hereby designate Garfield County for purposes of venue.
28. Each party has had an opportunity to seek its own independent counsel and acknowledges that they understand all of the terms and conditions contained herein and that they believe that said Lease is fair and equitable and there shall be no negative inference drawn against the



preparer of the Lease.

LANDLORD:  
615 BUGGY CIRCLE, LLC

  
\_\_\_\_\_  
MICHAEL H. WEISSER

TENANT:  
CMED, LLC

BY   
\_\_\_\_\_  
MICHAEL H. WEISSER, Managing Member



### LEASE EXTENSION

This Lease Extension made and entered into this 4th day of January, 2016 by and between 615 BUGGY CIRCLE, LLC, as Landlord, and CMED, LLC as Tenant

WHEREAS, Landlord and Tenant entered into a Lease dated November 1, 2013; and

WHEREAS, the parties wish to extend the term of said Lease.

NOW, THEREFORE, in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration, the mutual receipt and sufficiency of which is hereby acknowledged, the parties do hereby agree as follows:

1. The term of said Lease is hereby extended for a period of five years commencing December 1, 2016 and terminating on November 30, 2021.
2. Rent shall at the rate of \$6,700.00 for the first year, with annual 4% increases each year thereafter.
3. Tenant is hereby granted one five year extension of said Lease.
4. All other terms and conditions of the original Lease are hereby re-ratified and reconfirmed.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above mentioned.

LANDLORD  
615 BUGGY CIRCLE, LLC

BY

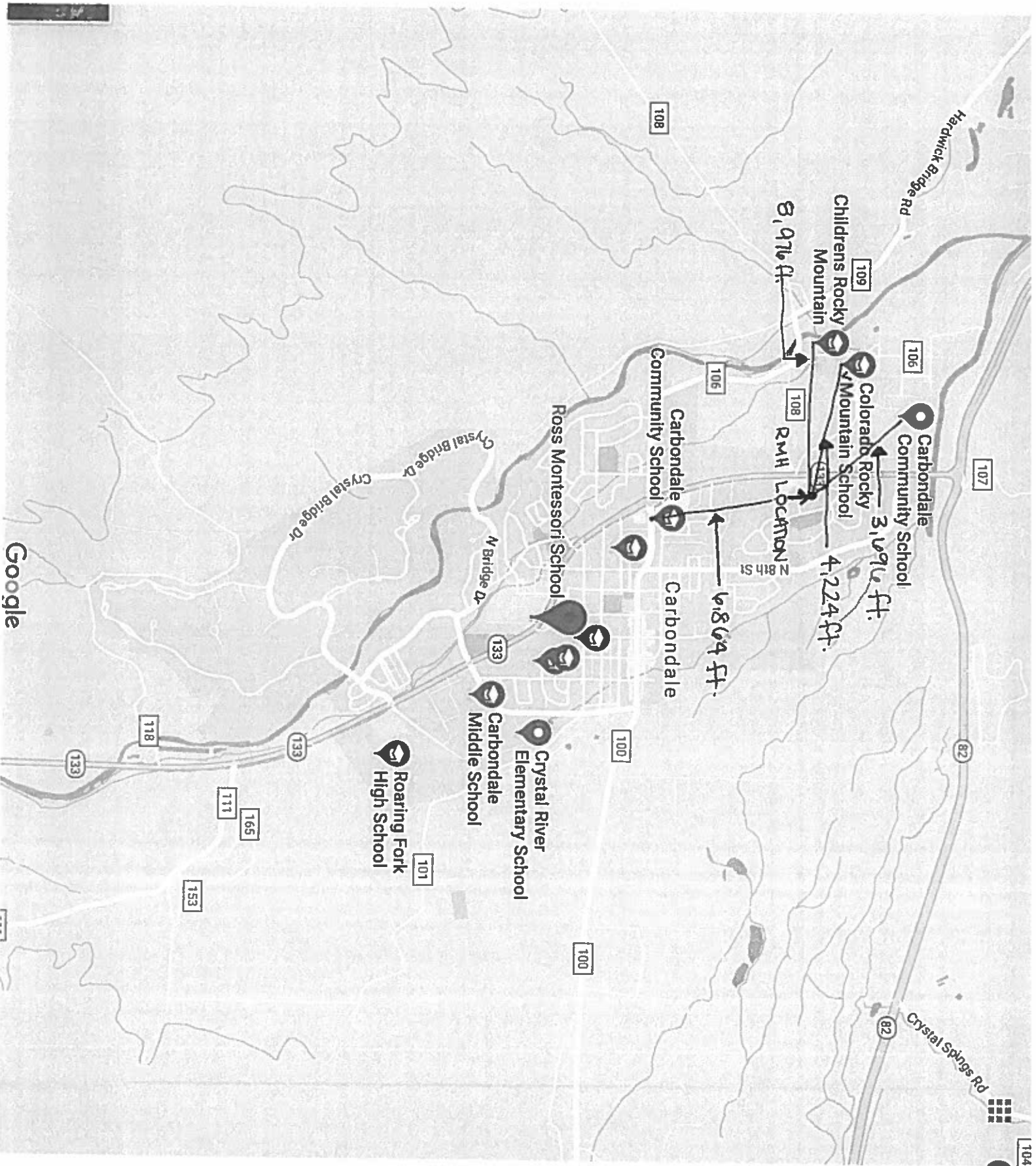
Michael H. Weisser  
Managing Member

TENANT  
CMED, LLC

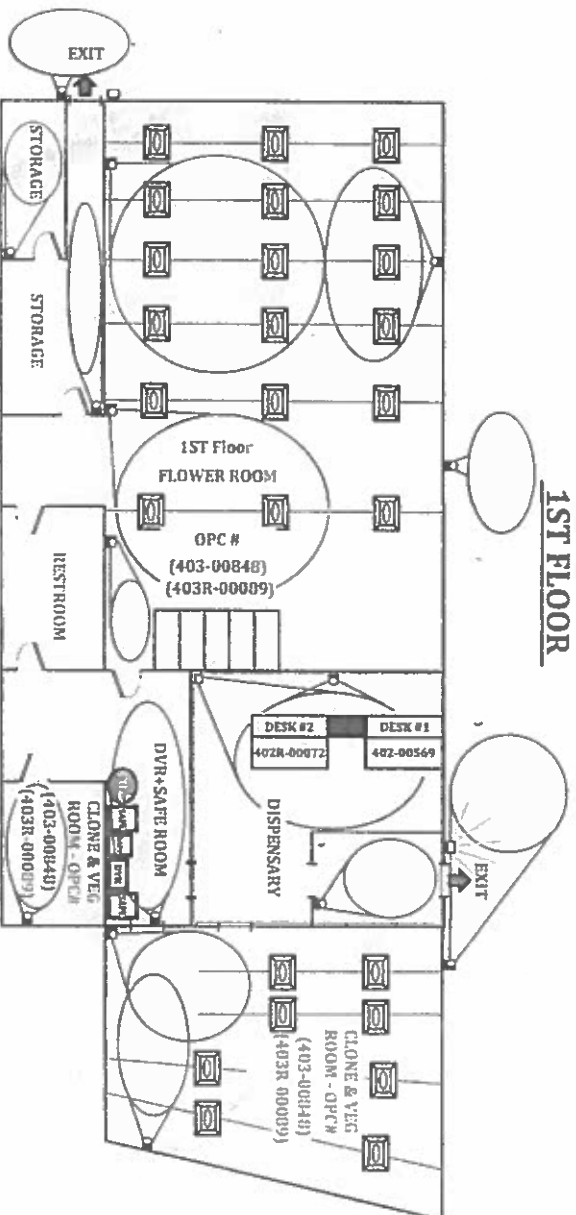
BY

Michael H. Weisser  
Managing Member

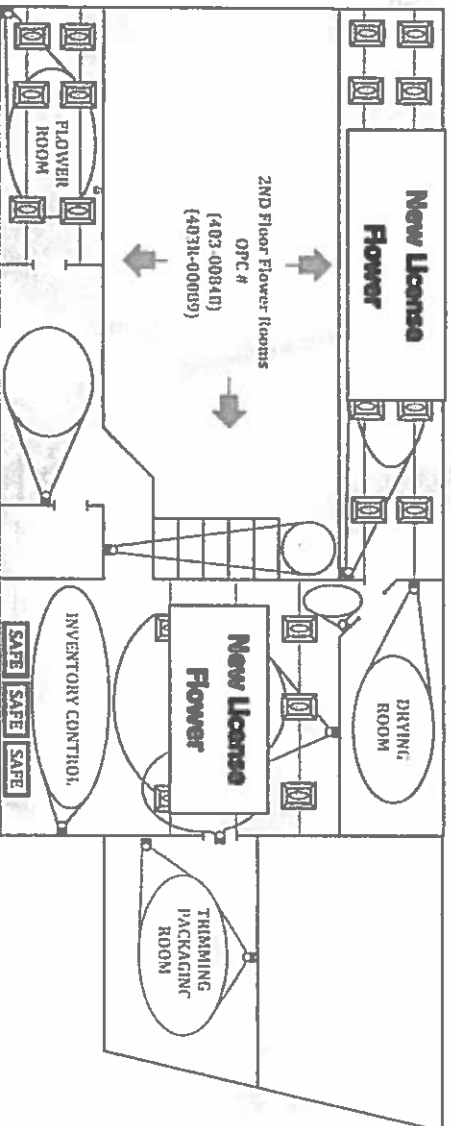




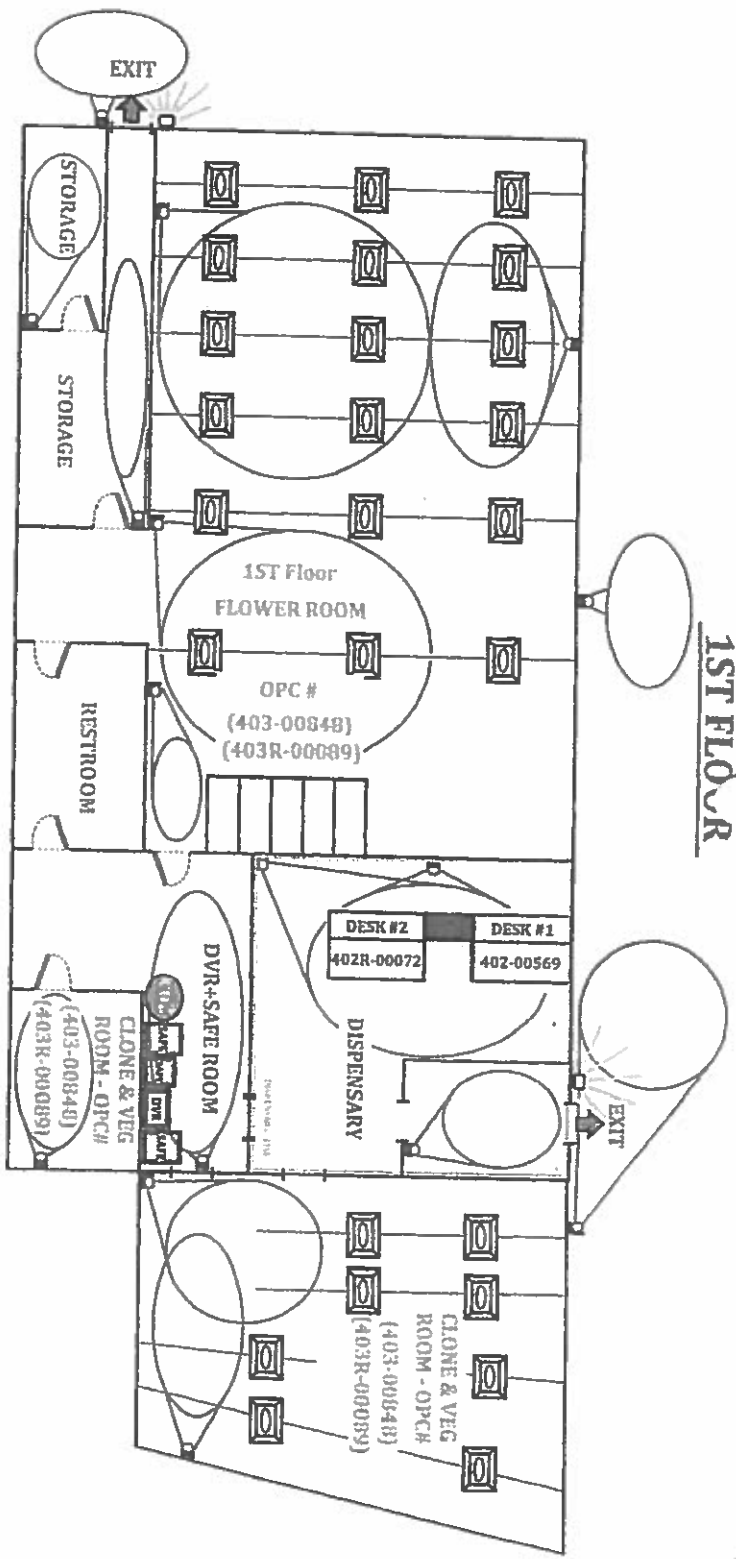
615 BUGGY CIRCLE, CARBONDALE, CO 81623  
1ST FLOOR



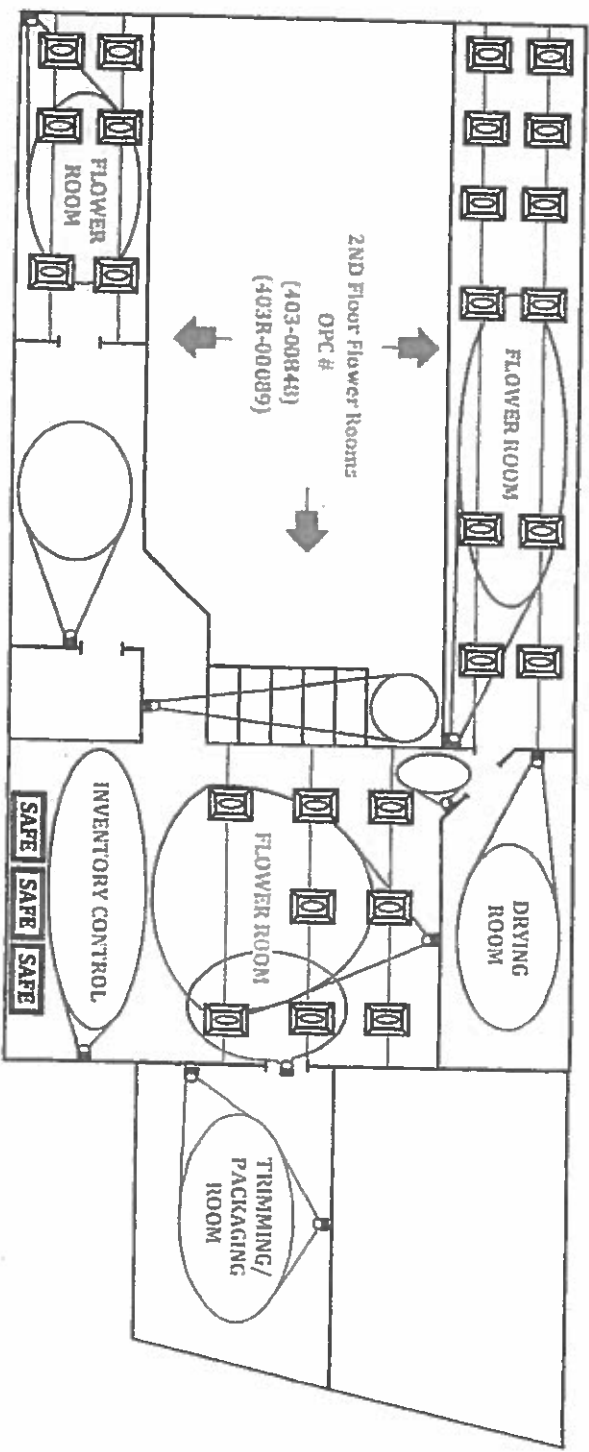
615 BUGGY CIRCLE, CARBONDALE, CO 81623  
2ND FLOOR



615 BUGGY CIRCLE, CARBONDALE, CO 81623  
1ST FLOOR



615 BUGGY CIRCLE, CARBONDALE, CO 81623  
2ND FLOOR

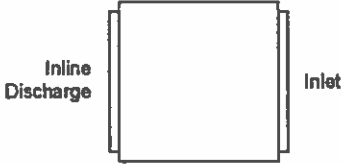






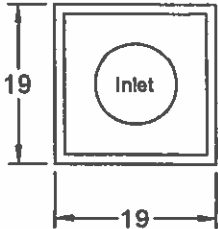
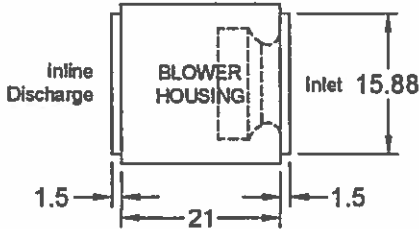
Model: SQ-120-A

Direct Drive Centrifugal Inline Fan



PLAN VIEW

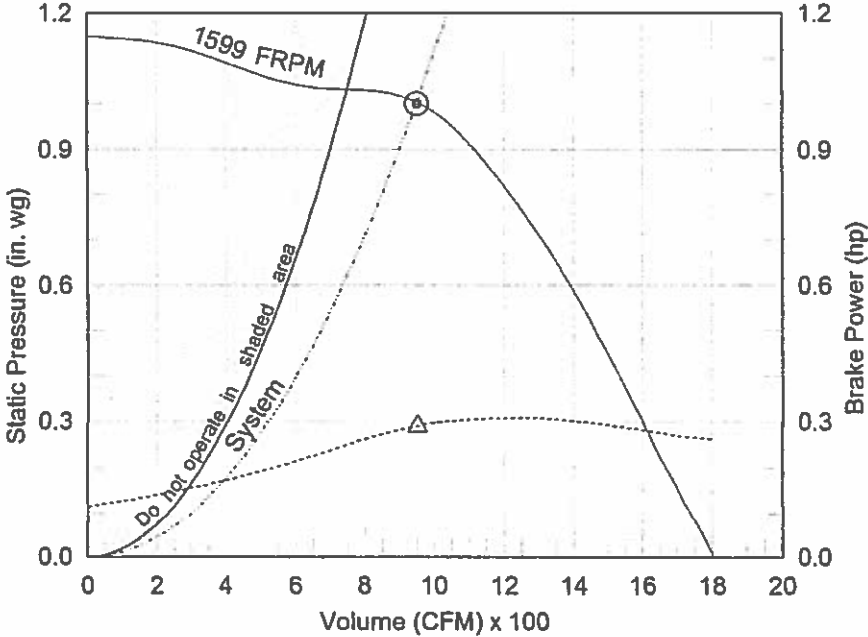
Dimensional	
Quantity	1
Weight w/o Acc's (lb)	68
Weight w/ Acc's (lb)	71
Max T Motor Frame Size	56



ELEVATION VIEW

END VIEW

Performance	
Requested Volume (CFM)	950
Actual Volume (CFM)	950
External SP (in. wg)	1
Total SP (in. wg)	1
Fan RPM	1599
Operating Power (hp)	0.29
Elevation (ft)	5,883
Airstream Temp.(F)	70
Air Density (lb/ft3)	0.060
Tip Speed (ft/min)	5,494
Static Eff. (%)	51



- △ Operating Bhp point
- Operating point at Total SP
- Operating point at External SP
- Fan curve
- - - System curve
- ..... Brake horsepower curve

Motor	
Motor Mounted	Yes
Size (hp)	1/2
Voltage/Cycle/Phase	115/60/1
Enclosure	ODP
Motor RPM	1725
Windings	1
NEC FLA* (Amps)	9.8

Sound Power by Octave Band

Sound Data	62.5	125	250	500	1000	2000	4000	8000	LwA	dBA	Sones
Inlet	74	71	71	72	65	61	57	52	72	60	10.0
Radiated	76	73	65	65	60	55	51	49	67	55	7.6

Notes:  
All dimensions shown are in units of in.  
\*NEC FLA - based on tables 430.248 or 430.250 of National Electrical Code 2014. Actual motor FLA may vary, for sizing thermal overload, consult factory.  
LwA - A weighted sound power level, based on ANSI S1.4  
dBA - A weighted sound pressure level, based on 11.5 dB attenuation per Octave band at 5 ft - dBA levels are not licensed by AMCA International  
Sones - calculated using AMCA 301 at 5 ft



## AMCA



AMCA Licensed for Sound and Air Performance Without Appurtenances (Accessories). Power rating (BHP/kW) does not include transmission losses.

Greenheck Fan Corporation certifies that the model shown herein is licensed to bear the AMCA Seal. The ratings shown are based on tests and procedures performed in accordance with AMCA Publication 211 and AMCA Publication 311 and comply with the requirements of the AMCA Certified Ratings Program. Performance certified is for installation type B: Free inlet, Ducted outlet. Power rating (BHP/kW) does not include transmission losses. Performance ratings do not include the effects of appurtenances (accessories). The inlet sound ratings shown are loudness values in fan sones at 5 ft. (1.5 m) in a hemispherical free field calculated per AMCA Standard 301. Values shown are for installation type B: free inlet hemispherical sone levels. dBA levels are not licensed by AMCA International. The AMCA Certified Ratings Seal applies to inlet sone ratings only. Radiated (casing) sound data is the sound generated through the fan housing when the fan is ducted on both the inlet and outlet.

The AMCA licensed air and/or sound performance data has been modified for installation, appurtenances or accessories, etc. not included in the certified data. The modified performance is not AMCA licensed but is provided to aid in selection and applications of the product.

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## Model: SQ-120-A

Direct Drive Centrifugal Inline Fan

### Standard Construction Features:

- Galvanized steel housing - Backward inclined aluminum wheel - Two bolted access panels - Integral duct connection flanges - Ball bearing motors (sizes 100-160 and all vari-green motors), sleeve bearing motors (sizes 60-95) - Corrosion resistant fasteners

### Selected Options & Accessories:

PSC Motor

Switch, NEMA-1, Toggle, Shipped with Unit

Junction Box Mounted & Wired

Solid State Speed Control, 10 Amp, Shipped Loose

Unit Warranty: 1 Yr (Standard)



**Employee’s Name and Address for Medial Marijuana Facility:**

Hamza Fadli  
1028 Wheel Drive  
Carbondale, Co 81623

Oscar Nevarez  
98 Garfield Ave. #12  
Carbondale, Co 81623

Jay Cuffee  
3210 County Road 114  
Glenwood Springs, Co 81601

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**Description of products and services to be made, sold, or grown by the facility:**

- We will be growing 8-9 different strain varieties including but subject to change:
    - Critical Plus
    - Juicy Fruit
    - Grape Stomper
    - Golden Goat
    - Monica's Miracle
    - Green Crack
    - Papaya
    - Gorilla Glue
    - Jet Fuel
-

**Expected number of Marijuana plants:**

50-150 but dependent of medical marijuana patient count, no more than 300 plants.

# STATE OF COLORADO

## DEPARTMENT OF REVENUE



### Marijuana Enforcement Division



### Medical Marijuana Conditional License

**CMED, LLC**

**ROCKY MOUNTAIN HIGH**

**615 Buggy Circle, Unit D, Carbondale, CO 81623**

**Optional Premises - 403-00848**

**License Issue Date: 06/28/2017**

**License Valid Through: 06/28/2018**

**This license is conditioned upon Local Authority approval, pursuant to section 12-43.3-305(2) C.R.S.**

This conditional license is issued subject to the laws of the State of Colorado and especially under the provisions of Title 12, Article 43.3, as amended. This conditional license is nontransferable and shall be conspicuously posted in the place above described.

**This conditional license is only valid through the expiration date shown above.** Any questions concerning this conditional license should be addressed to: Colorado Marijuana Enforcement Division, 1707 Cole Blvd., Suite 300, Lakewood, CO 80401. In testimony whereof, I have hereunto set my hand.

  
James Burack, Division Director

  
Michael Hartman, Executive Director



TOWN OF CARBONDALE  
511 COLORADO AVENUE  
CARBONDALE, CO 81623

Planning and Zoning Commission  
Memorandum

Item No: 5 and 6

Attachment: B and C

Meeting Date: 4-12-2018

**TITLE:** P&C Express and Durango Alternative Medical Cultivation Special Use Permit public hearing continuance.

**SUBMITTING DEPARTMENT:** Planning

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**BACKGROUND:**

Rocky Mountain High DBA P&C Express and Durango Alternative have submitted two special use applications (one for each operation) to add an additional two medical marijuana cultivation licenses to the 615 Buggy Circle location. These applications would be in addition to the one medical cultivation on site and one retail cultivation at the same address.

Due to an ongoing odor issue at the location, staff and the applicant would like to request a continuation of the noticed public hearings. This will allow the applicant to remedy the issue.

**RECOMMENDATION**

Staff recommends the following motion: **Motion to continue the public hearing for a Special Use Permit to operate a medical marijuana cultivation operation, P&C Express at 615 Buggy Circle to May 10, 2018.**

**Motion to continue the public hearing for a Special Use Permit to operate a medical marijuana cultivation operation, Durango Alternative at 615 Buggy Circle to May 10, 2018.**

Prepared by:  
John Leybourne



#  
#  
**TOWN OF CARBONDALE**  
**511 COLORADO AVENUE**  
**CARBONDALE, CO 81623**

#  
#

April 5, 2018

Kelsey McQuillen  
Rocky Mountain High  
615 Buggy Circle  
Carbondale, CO 81623

Re: Notice of Violation, Special Use Permit for the Operation of a Marijuana cultivation facility.

Att. Police Reports

Delivered by Hand and by E-mail

Dear Kelsey McQuillen,

The Town has received several complaints regarding odor emanating from the Marijuana Cultivation operation located at 615 Buggy Circle.

That is a violation of Municipal Code Section 4.3.4.S.3, "No person, tenant, occupant, or property owner shall permit the emission of marijuana odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property. Whether or not a marijuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standard of a reasonable person of normal sensitivity."

The Approved Special Use Permit recorded at Reception Number 857855 also requires that the operation "shall significantly control or mitigate any odor, waste water and hazardous material impact to the Town and surrounding properties".

**You have 20 days from the date of this letter to bring the property into compliance and or present a mitigation plan to be reviewed by staff.**

Town staff have also advised you that the two active Special Use Permits to add two additional Cultivation operations to the above location will not be reviewed by the Planning and Zoning Commission until the current Special Use permit is brought into compliance.

Attached to this letter you will find the two police reports outlining the Town's investigation of the odors.

Phone: (970) 963-2733

Fax: (970) 963-9140

If the mitigation of the odors has not satisfactorily occurred, then the Town may revoke the Special Use Permit. The revocation of the Permit, if it occurs may be appealed to the Board of Trustees.

If you should have questions, please feel free to contact me or my office.

Sincerely,

John Leybourne  
Planner  
Town of Carbondale  
(970)-510-1212  
[jleybourne@carbondaleco.net](mailto:jleybourne@carbondaleco.net)

Carbondale Police Department  
Lieutenant Chris Wurtsmith  
Marijuana Odor Report  
Case: 2018-2538 /2557 /2562 /2569

040418

On 040318 at approximately 1332 hours, Town Manager Jay Harrington and I went to 500 Buggy Circle, Suite 01 (Town of Carbondale, Garfield County Colorado) to speak with David Zamansky about marijuana odors in his store, Novus Glass Repair. We went into the store but we were unable to locate any odors. Dave showed us his personal notes on his notepad where he indicated numerous dates where he says marijuana odors have been in his shop. Jay gave Mr. Zamansky both his and John Plano's email addresses and asked him to send them a message when the odors had returned. I told Jay I would visit Novus Glass Repair Tuesday through Friday for the next 2 weeks in the morning at different times.

On 040418 at about 0831, both Carbondale Officer Gretchen Stock Bell and I met with Mr. Zamansky and his staff as they opened the shop. I did not smell any odors there other than chemical odors I would associate the business. Mr. Zamansky told us he could not smell anything at the moment. I noticed that all of his doors were closed. Mr. Zamansky told us he would email Jay and John when the he and his staff smelled the odor again. We cleared the scene.

At approximately 1059 hours, Mr. Zamansky called the police department and asked for me. When I spoke to Mr. Zamansky, he told me he just emailed Jay and John and that I should come down there because the odor had returned. I contacted John Leybourne and together we responded to Novus Glass Repair. When we arrived, we both smelled an odor consistent with marijuana just east of Novus. When Leybourne and I went inside the shop, I noticed all of the doors looked closed. I smelled a strong odor of marijuana inside the shop, stronger than what I smelled outside.

Leybourne and I went back outside the shop to the east and we moved about, checking for odor in different places. Leybourne and I met with Steve Garcia who was outside Suite 3 and 4 where his business, RX Green (500 Buggy Circle, Town of Carbondale, Garfield County, Colorado) is located. Leybourne found a ladder (with Steve's help) and went onto the roof of the adjacent Marijuana business (S.P. Manufacturing 500 Buggy Circle, Suite LL5, LL6). Leybourne indicated he didn't feel the odors from S.P. would explain the odors inside Novus.

Steve Garcia invited us inside his business. We did a walk-through inspection there. Of the marijuana odors we smelled, the stronger odor was away from the wall shared with Novus. Leybourne and I then walked around to the west of this building. Within a couple of seconds, we smelled a very strong marijuana odor in the air. A gentle breeze was blowing at us from the west. Leybourne and I followed the odor west to Rocky Mountain High (615 Buggy Circle, Town of Colorado, Garfield County, Colorado). We walked to an alleyway to the north of Rocky Mountain High, then west between that building and Colorado Product Services (655 Buggy Circle). The odor remained strong through the alleyway. We checked to the west and north of Colorado Product Services but there were no detectable odors coming from it. We then circled around Rocky Mountain High. The odors remained strong around the perimeter.



We contacted Brett Daniels who is one of the managers at Rocky Mountain High. Mr. Daniels gave us a tour of the building and explained the ventilation system. We went onto the building roof on the West side of the building and Leybourne went up a ladder to the top of a large vent.

When we went inside Rocky Mountain High, we were shown an inside section of wall which showed the original log structure. We noticed the chinking looked old and inconsistent and sunlight was making it through between certain logs. When we went outside, we smelled several places where the logs were cracked or where the logs were joined. The odor was very strong coming from the cracks and joints and seemed to be emanating from them. Leybourne borrowed Mr. Daniel's lighter and held it up to one of the larger cracks. The flame blew outward and then was snuffed out. It was clear that air pressure was escaping the cracks in the logs, revealing odors from within to the outside. Mr. Daniels told us he would be contacting his superiors about the problem. We discussed briefly what might mitigate the odors from escaping the log structure and we concluded the meeting.

At about 1300 hours, I stopped next to Rocky Mountain High to document addresses there. At that time, Mr. Daniels contacted me in my patrol vehicle. He told me he may have remedied the problem with the odors emitting from the building. I brought John Leybourne back to Rocky Mountain High. We met with Mr. Daniels and Kelsey McQuillen who told us she was the general manager. Together, John Leyborn and I smelled the same odors, only this time they were coming from the south side of the log structure. Mr. Daniels told us he discovered an employee had pulled the cord out, disabling a swamp cooler that was blowing into the building and wondered if that contributed to the issue. Mr. Leyborn and I went to the same areas we examined before and smelled the same odors coming from the logs.

Chris Wurtsmith



**TOWN OF CARBONDALE  
511 COLORADO AVENUE  
CARBONDALE, CO 81623**

**Planning and Zoning Commission  
Memorandum**

Item No: 9

Attachment: F

Meeting Date: 1-10-2019

**TITLE:** Durango Alternative Medical Cultivation

**SUBMITTING DEPARTMENT:** Planning

**ATTACHMENTS:** Application  
P&Z Memo dated 4-12-2018  
Notice of violation, dated 4-5-2018

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**BACKGROUND:**

Rocky Mountain High DBA P&C Express and Durango Alternative have submitted two license applications (one for each operation) to add an additional two medical marijuana cultivation licenses to the 615 Buggy Circle location. These applications would be in addition to the one retail cultivation on site and one medical cultivation at the same address. The applicants have stated that no additional plants would be added to the facility as the existing operations would reduce the amount of plants to accommodate the two new operations.

This application was originally submitted on February 9, 2018 and was scheduled for a noticed public hearing on April 12, 2018. In the time leading up to the public hearing Town Staff were conducting an investigation into odor complaints along Buggy Circle. During the investigation it was determined that the source of the odor was the cultivation operation located at 615 Buggy Circle.

Staff issued a Notice of Violation (attached) to the manager of the operation and also requested that the noticed public hearing be continued at the April 12, 2018 P&Z meeting. The hearing was continued to May 10, 2018 P&Z meeting. The May 10, 2018 meeting was canceled due to lack of a quorum. At that time, the applicant requested that the hearing be postponed so that they may remedy the situation.

The applicant took steps to control the odor by chinking the exterior of the building and also working on establishing more negative pressure inside the building to eliminate the odor. Upon a reinspection, Staff determined that the steps taken were adequate. Staff and the applicant then re-noticed the application for the meeting this evening.

## **DISCUSSION**

A Medical marijuana cultivation facility is allowed through a Special Use Permit in the Commercial/Industrial zone district in the Roaring Fork Planned Unit Development. Cultivation facilities are prohibited within 500 feet of any school or day care facility and within 500 feet of any alcohol and drug treatment facility. Staff have determined that the proposed facility is not within the 500-foot limit for schools, daycare or treatment facilities.

## **PARKING:**

As the facility is proposed to continue to be operated as a cultivation operation as well as the attached retail and medical dispensary's, with no increase in employees. there is no foreseeable increase or impact on parking on the lot nor the surrounding neighborhood. The facility is broken down by the uses within the building for the parking requirements;

Medical dispensary = 1 parking spot (1 per 200 SR GFA)  
Retail Sales = 1 parking spot (1 per 200 SR GFA)

Cultivation operations = 12 parking spots (1 per 750 SQ feet)

The existing parking on site has a total of 16 spaces in a stacked configuration with 14 required.

(It should also be noted that the retail sales and two of the cultivation operations predate the UDC and the UDC standards would not apply, but the UDC standards were used in the above calculations by way of reference.)

## **TRAFFIC IMPACTS:**

As there is no additional licensed dispensary or retail store on site there is no foreseeable traffic impacts.

## **SPECIAL USE PERMIT:**

A Special Use must meet the following Special Use Permit criteria:

- a. An approved special use shall meet the purposes of the zone district in which it will be located and all of the criteria and regulations specified for such use in that zone district, including but not limited to height, setbacks and lot coverage;

- b. An approved special use shall comply with all applicable fire, building, occupancy and other municipal code provisions adopted by the Town of Carbondale for the protection of public health, safety and welfare;
- c. An approved special use shall not have an adverse impact on the traffic in a neighborhood;
- d. An approved special use shall not otherwise have an adverse effect upon the character of surrounding uses.
- e. There are no impacts of the proposed use on adjacent properties and the surrounding neighborhood or such impacts have been minimized in a satisfactory manner.
- f. The impacts of the use, including but not limited to its design and operation, parking and loading, traffic, noise, access to air and light, impacts on privacy of adjacent uses, and others, shall not create a nuisance and such impacts shall be borne by the owners and residents of the property on which the proposed use is located rather than by adjacent properties or the neighborhood.
- g. Access to the site shall be adequate for the proposed use, considering the width of adjacent streets and alleys, and safety.
- h. The project is in scale with the existing neighborhood or will be considered to be in the scale with the neighborhood as it develops in the immediate future.
- i. The project maximizes the use of the site's desirable, natural characteristics.
- j. Where applicable, the use will provide well-located, clean, safe and pleasant additional dwelling units in an existing neighborhood.

The Town may impose conditions it feels necessary to ensure that a proposed special use meets the purposes in the zoning code and to protect the public health, safety and general welfare of the Town and surrounding neighborhood. The Town has broad authority to deny a special use if it determines a proposed use is incompatible with the neighborhood.

#### **RECOMMENDED FINDINGS:**

- a. The proposed use meets the purposes of the Commercial/Industrial (PUD) zone district.
- b. The cultivation operation shall be required to comply with all applicable fire, building, occupancy and other municipal code provisions adopted by the Town of Carbondale for the protection of public health, safety and welfare.

- c. The proposed use does not have an adverse impact on the traffic and parking in the neighborhood.
- d. The cultivation operation does not have an adverse effect upon the character of surrounding uses.
- e. With the conditions of approval, the impacts of the proposed use on adjacent properties and the surrounding neighborhood have been minimized in a satisfactory manner.
- f. The impacts of the cultivation operation, including but not limited to its operation, parking, traffic, noise, access to air and light, impacts on privacy of adjacent uses, and others, will not create a nuisance and such impacts would be borne by the owners and residents of the property on which the proposed use is located rather than by adjacent properties or the neighborhood.
- g. The project is in scale with the existing neighborhood.
- h. The project maximizes the use of the site's desirable, natural characteristics.

#### **RECOMMENDATION:**

Staff recommends that the following motion be approved: **Move to recommend approval of a Special Use Permit for the operation of a Medical Cultivation Operation to be located at 615 Buggy Circle, Carbondale, Colorado, with the following conditions:**

1. The Special Use Permit shall be limited to a Medical cultivation operation.
2. All parking shall be limited to the employees of the operation and shall not impact the other units in the building.
3. That the operation shall significantly control or mitigate any odor, waste water and hazardous material impacts to the Town and surrounding uses.
4. The Applicant shall comply at all times with State Regulations governing the operation of a Medical cultivation.
5. The Applicant shall comply at all times with any Town regulations relating to the operation and licensing of the Medical cultivation.
6. The Applicant shall comply with all applicable fire and building code provisions for the protection of the health and safety of adjacent properties, units and the general public.

7. That the Owner is to provide Material Data Safety Sheets (MSDS) to the Town for all chemicals on site to be forwarded to the Fire Marshall and the Town Utility Director for review.
8. That the applicant shall apply for and receive all required building permits as determined by the Building Official before any cultivation may commence.
9. All representations of the Applicant made before the Town during public hearings shall be considered a condition of approval.

Prepared By: John Leybourne



Town of Carbondale  
511 Colorado Ave  
Carbondale, CO 81623  
(970)963-2733

LU 18 - 000009

Pre-Application Meeting Date \_\_\_\_\_  
Fees 400 Date Pd 2-9-18

Land Use Application

PART 1 - APPLICANT INFORMATION

Applicant Name: Durango Alternative Phone: 970.963.4669  
Applicant Address: 615 Buggy Ct Carbondale CO 81623  
E-mail: Kmcquillen@weissercompanies.com  
Owner Name: Kelsey McQuillen Phone: 970.623.4474  
Address: 910 county rd 240 Glenwood Springs CO 81601  
E-mail: Same as above

Location of Property: provide street address and either 1) subdivision lot and block; or 2) metes and bounds:

PART 2 - PROJECT DESCRIPTION

General project description:

adding additional license to facility

Size of Parcel: \_\_\_\_\_ # Dwelling Units: \_\_\_\_\_ Sq Ft Comm: \_\_\_\_\_

Type of Application(s): \_\_\_\_\_

Existing Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

PART 3 - SIGNATURES

I declare that I have read the excerpt from the Town of Carbondale Municipal Code Article 8 Land Use Fees. I acknowledge that it is my responsibility to reimburse the Town for all fees incurred as a result of this application.

I declare that the above information is true and correct to the best of my knowledge.

Kelsey McQuillen 02-09-18  
Applicant Signature Date

Signature of all owners of the property must appear before the application is accepted.

Kelsey McQuillen 02-09-18 na  
Owner Signature Date Owner Signature Date

STATE OF COLORADO )

COUNTY OF GARFIELD ) ss.

The above and foregoing document was acknowledged before me this 9th day of February 2018, by Kelsey Jo McQuillen

Witness my hand and official  
My commission expires:

PATRICIA L LOPEZ  
Notary Public  
State of Colorado  
Notary ID 19994024549  
My Commission Expires Sep 1, 2019

Patricia Lopez  
Notary Public

## BUSINESS LEASE

This Lease, dated the 1st day of November, 2013, is between 615 BUGGY CIRCLE, LLC, and CMED, LLC, Tenant.

In consideration of the payment of the rent and the performance of the covenants and agreements by the Tenant set forth herein, the Landlord does hereby lease to the Tenant the following described premises known as 615 Buggy Circle, Unit D, Carbondale, CO 81623.

Said premises, with all the appurtenances, are leased to the Tenant from the date of November 1, 2013 until the date of November 30, 2016 at and for a rental of \$6,530.00 per month, due on the first day of each calendar month during the term of this Lease, payable at 20155 NE 38 Court, Suite 201, Aventura, Florida, 33180, without notice.

THE TENANT, IN CONSIDERATION OF THE LEASING OF THE PREMISES AGREE AS FOLLOWS:

1. The Tenant shall pay the rent for the premises above-described.
2. The Tenant shall, at the expiration of this Lease, surrender the premises in as good a condition as when the Tenant originally entered the premises under its prior lease, ordinary wear and tear excepted. The Tenant shall keep all sidewalks on and around the premises free and clear of ice and snow; keep the entire exterior premises free from all litter, dirt, debris and obstructions; and keep the premises in a clean and sanitary condition as required by the ordinances of the city and county in which the property is situated.
3. Landlord represents that the premises consist of approximately 3,000 square feet.
4. Tenant shall have the right at any time and from time to time during the term of this Lease to make changes and alterations in the premises provided that such changes are not structural in nature. Any change or alteration shall be made in good workmanlike manner and shall not create a zoning or building code violation. Tenant shall promptly pay for all changes and alterations and shall in no circumstance allow a lien to be placed upon the premises.
5. The Tenant shall not sublet any part of the premises, nor assign the Lease, or any interest therein, without the written consent of the Landlord, which consent shall not be unreasonably withheld.
6. The Tenant shall use the premises as a State licensed center for the growing and sale of medical marijuana and/or recreational marijuana and shall not use the premises for any purposes prohibited by the laws of the State of Colorado, or of the ordinances of the city or town in which said premises are located, and may use the premises for any other purpose permitted by the City of Carbondale and/or the State of Colorado, and shall neither permit nor suffer any disorderly conduct, noise or nuisance having a tendency to annoy or disturb any persons occupying adjacent premises.
7. The Tenant shall neither hold, nor attempt to hold, the Landlord, its agents, contractors and employees, liable for any injury, damage, claims or loss to person or property occasioned by any accident, condition or casualty to, upon or about the premises including, but not limited to, defective wiring, the breaking or stopping of the plumbing or sewage upon the premises, unless such accident, condition or casualty is directly caused by intentional or reckless acts or omissions of the Landlord. Notwithstanding any duty the Landlord may have hereunder to repair or maintain the premises, in the event that the improvements upon the premises are damaged by the negligent, reckless or intentional act or omission of the Tenant or any employees, agents, invitees, licensees or contractors, the Tenant shall bear the full cost of such repair or replacement. The Tenant shall hold Landlord, Landlord's agents and their respective successors and assigns, harmless and indemnified from all injury, loss, claims or

*[Handwritten signature]*



damage to any person or property while on the demised premises or any other part of Landlord's property, or arising in any way out of Tenant's business, which is occasioned by an act or omission of tenant, its employees, agents, invitees, licensees or contractors. The Landlord is not responsible for any damage or destruction to the Tenant's personal property.

8. The Tenant shall allow the Landlord to enter upon the premises at any reasonable hour with a 24 hour advance notice and only in the company of the Tenant.

IT IS EXPRESSLY UNDERSTOOD AND AGREED BETWEEN LANDLORD AND TENANT AS FOLLOWS:

9. The Tenant shall be responsible for paying the following: Electric, Gas, Phone and Janitorial Services. The Landlord agrees to keep all the improvements upon the premises, including but not limited to, structural components, interior and exterior walls, floor, ceiling, roofs, sewer connections, plumbing, wiring and glass in good maintenance and repair at their expense. In the event the Landlord is responsible for repair of the premises, the Tenant shall be obliged to notify the Landlord of any condition upon the premises requiring repair and the Landlord shall be provided a reasonable time to accomplish said repair.
10. No assent, express or implied, to any breach or default of any one or more of the agreements hereof shall be deemed or taken to be a waiver of any succeeding or other breach or default.
11. If, after the expiration of this Lease, the Tenant shall remain in possession of the premises and continue to pay rent without a written agreement as to such possession, then such tenant shall be required as a month-to-month tenancy, at a monthly rental, payable in advance, equivalent to the last month's rent paid under this Lease and subject to all the terms and conditions of this Lease.
12. If the premises are left vacant and any part of the rent reserved hereunder is not paid, then the Landlord may, without being obligated to do so, and without terminating this Lease, retake possession of the said premises and rent the same for such rent, and upon such conditions as the Landlord may think best, making such changes and repairs as may be required, giving credit for the amount of rent so received less all expenses of such changes and repairs, and the tenant shall be liable for the balance of the rent herein reserved until the expiration of the term of this Lease.
13. If the Tenant shall be in arrears in payment of any installment of rent, or any portion thereof, or in default of any other covenants or agreements set forth in this Lease, and the default remains uncorrected for a period of ten (10) days after the Landlord has given written notice thereof pursuant to applicable law, then the Landlord may, at the Landlord's option, undertake any of the following remedies without limitation: (a) pursue breach of contract remedies; and/or (b) pursue any and all available remedies in law or equity. In the event possession is terminated by a reason of default prior to expiration of the term, the Tenant shall be responsible for the rent occurring for the remainder of the term, subject to the Landlord's duty to mitigate such damages, pursuant to applicable law (13-40-104(d.5)(e5) and 13-40-107.5, C.R.S.) which is incorporated by this reference.
14. If the property or the premises shall be destroyed in whole or in part by fire, the elements or other casualty and if, in the opinion of the Landlord, they cannot be repaired within forty-five (45) days from said injury and the Landlord informs the Tenant of said decision: or if the premises are damaged in any degree and the Landlord informs the Tenant it does not desire to repair same and desires to terminate this Lease; then this Lease shall terminate forty-five (45) days after the date of such injury. In the event of such termination, the Tenant shall surrender the possession of the premises and all rights therein to the Landlord, and Tenant shall not be liable for rent accruing subsequent to said event. The Landlord shall have the right to immediately enter and take possession of the premises and shall not be liable for any loss.

*[Handwritten signature]*

damage or injury to the property or person of the Tenant or occupancy of, in or upon the premises. If the Landlord repairs the premises within forty-five (45) days, this Lease shall continue in full force and effect and the Tenant shall not be required to pay rent for any portion of said forty-five (45) days during which the premises are wholly unfit for occupancy.

15. In the event any dispute arises concerning the terms of this Lease or the non-payment of any sums under this Lease, and the matter is turned over to an attorney, the party prevailing in such dispute shall be entitled, in addition to other damages or costs, to receive reasonable attorney's fees from the other party.
16. In the event of a condemnation or other taking by any governmental agency, all proceeds shall be paid to the Landlord hereunder, the Tenant waiving all right to any such payments.
17. This Lease is made with the express understanding and agreement that in the event the Tenant become insolvent, the Landlord may declare this Lease ended, and all rights of the Tenant hereunder shall terminate and cease.
18. Landlord covenants and agrees that Tenant upon paying the basic gross rent and utility charges herein provided for and so long as Tenant is observing and keeping the covenants, agreements and conditions of this lease on its part, Tenant shall lawfully and quietly hold, occupy and enjoy the demised premises during the term of this Lease without hindrance or molestation or termination by anyone claiming by, through or under Landlord.
19. Notwithstanding anything to the contrary, Tenant shall have a right to assign this Lease to a parent company or wholly owned subsidiary.
20. All notices shall be in writing and be personally delivered or sent by certified mail, return receipt requested or overnight delivery unless otherwise provided by law, to the respective parties, and shall be deemed received when delivered.

If to Landlord at: 615 Buggy Circle, LLC  
20155 NE 38 Court, Suite 201  
Aventura, FL 33180

If to Tenant at: CMED, LLC  
615 Buggy Circle  
Carbondale, CO 81623

21. If any term or provision of this Lease shall be invalid or unenforceable, the remainder of this Lease shall not be affected thereby and shall be valid and enforceable to the full extent permitted by law.
22. This Lease shall only be modified by amendment signed by both parties.
23. This Lease shall be binding on the parties, their personal representatives, successors and assigns.
24. When used herein, the singular shall include the plural.
25. Tenant is granted an option to extend the Lease for an additional five year term with a rental increase of 3% from the prior year. Tenant shall exercise its option by giving Landlord notice at least sixty (60) days before the lease expires.
26. In the event Tenant is required by a Federal, State or local municipality to close its business at the premises, the Lease shall terminate as of the date specified in said notice.
27. The parties acknowledge that this Lease was executed with respect to a property located in the City of Carbondale, County of Garfield, State of Colorado, and the parties hereby designate Garfield County for purposes of venue.
28. Each party has had an opportunity to seek its own independent counsel and acknowledges that they understand all of the terms and conditions contained herein and that they believe that said Lease is fair and equitable and there shall be no negative inference drawn against the



preparer of the Lease.

LANDLORD:  
615 BUGGY CIRCLE, LLC

  
\_\_\_\_\_  
MICHAEL H. WEISSER

TENANT:  
CMED, LLC

BY   
\_\_\_\_\_  
MICHAEL H. WEISSER, Managing Member

### LEASE EXTENSION

This Lease Extension made and entered into this 4th day of January, 2016 by and between 615 BUGGY CIRCLE, LLC, as Landlord, and CMED, LLC as Tenant

WHEREAS, Landlord and Tenant entered into a Lease dated November 1, 2013; and

WHEREAS, the parties wish to extend the term of said Lease.

NOW, THEREFORE, in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration, the mutual receipt and sufficiency of which is hereby acknowledged, the parties do hereby agree as follows:

1. The term of said Lease is hereby extended for a period of five years commencing December 1, 2016 and terminating on November 30, 2021.
2. Rent shall at the rate of \$6,700.00 for the first year, with annual 4% increases each year thereafter.
3. Tenant is hereby granted one five year extension of said Lease.
4. All other terms and conditions of the original Lease are hereby re-ratified and reconfirmed.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above mentioned.

LANDLORD  
615 BUGGY CIRCLE, LLC

BY

Michael H. Weisser  
Managing Member

TENANT  
CMED, LLC

BY

Michael H. Weisser  
Managing Member

[illegible]

The diagram shows a cross-section of a building with a central core and perimeter columns. The core is labeled 'Core' and the perimeter columns are labeled 'Perimeter Columns'. The building is divided into three floors, with the top floor labeled 'Top Floor', the middle floor labeled 'Middle Floor', and the bottom floor labeled 'Bottom Floor'. The diagram illustrates the layout of the experimental setup, showing the location of the sensors and the structural elements of the building.

**SMELL MITIGATION**  
**ROCKY MOUNTAIN HIGH**  
 615 Buggy Circle  
 Carbondale, Colorado

**ee**  
LLC

[illegible]

M-1



**Employee's Name and Address for Medial Marijuana Facility:**

Hamza Fadli  
1028 Wheel Drive  
Carbondale, Co 81623

Oscar Nevarez  
98 Garfield Ave. #12  
Carbondale, Co 81623

Jay Cuffee  
3210 County Road 114  
Glenwood Springs, Co 81601

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**Expected number of Marijuana plants:**

50-150 but dependent of medical marijuana patient count, no more than 300 plants.



**Description of products and services to be made, sold, or grown by the facility:**

- We will be growing 8-9 different strain varieties including but subject to change:
  - Critical Plus
  - Julcy Fruit
  - Grape Stomper
  - Golden Goat
  - Monica's Miracle
  - Green Crack
  - Papaya
  - Gorilla Glue
  - Jet Fuel

# STATE OF COLORADO

## DEPARTMENT OF REVENUE



### Marijuana Enforcement Division



### Medical Marijuana Conditional License

**CMED, LLC**

**ROCKY MOUNTAIN HIGH**

**615 Buggy Circle, Unit D, Carbondale, CO 81623**

**Optional Premises - 403-00848**

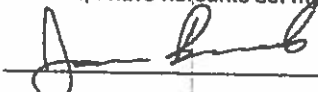
**License Issue Date: 06/28/2017**

**License Valid Through: 06/28/2018**

**This license is conditioned upon Local Authority approval, pursuant to section 12-43.3-305(2) C.R.S.**

This conditional license is issued subject to the laws of the State of Colorado and especially under the provisions of Title 12, Article 43.3, as amended. This conditional license is nontransferable and shall be conspicuously posted in the place above described.

This conditional license is only valid through the expiration date shown above. Any questions concerning this conditional license should be addressed to: Colorado Marijuana Enforcement Division, 1707 Cole Blvd., Suite 300, Lakewood, CO 80401. In testimony whereof, I have hereunto set my hand.

  
James Burack, Division Director

  
Michael Hartman, Executive Director

## AMCA



AMCA Licensed for Sound and Air Performance Without Appurtenances (Accessories). Power rating (BHP/kW) does not include transmission losses.

Greenheck Fan Corporation certifies that the model shown herein is licensed to bear the AMCA Seal. The ratings shown are based on tests and procedures performed in accordance with AMCA Publication 211 and AMCA Publication 311 and comply with the requirements of the AMCA Certified Ratings Program. Performance certified is for installation type B: Free inlet, Ducted outlet. Power rating (BHP/kW) does not include transmission losses. Performance ratings do not include the effects of appurtenances (accessories). The inlet sound ratings shown are loudness values in fan sones at 5 ft. (1.5 m) in a hemispherical free field calculated per AMCA Standard 301. Values shown are for installation type B: free inlet hemispherical sone levels. dBA levels are not licensed by AMCA International. The AMCA Certified Ratings Seal applies to inlet sone ratings only. Radiated (casing) sound data is the sound generated through the fan housing when the fan is ducted on both the inlet and outlet.

The AMCA licensed air and/or sound performance data has been modified for installation, appurtenances or accessories, etc. not included in the certified data. The modified performance is not AMCA licensed but is provided to aid in selection and applications of the product.

## Model: SQ-120-A

Direct Drive Centrifugal Inline Fan

### Standard Construction Features:

- Galvanized steel housing - Backward inclined aluminum wheel - Two bolted access panels - Integral duct connection flanges - Ball bearing motors (sizes 100-160 and all vari-green motors), sleeve bearing motors (sizes 60-95) - Corrosion resistant fasteners

### Selected Options & Accessories:

PSC Motor

Switch, NEMA-1, Toggle, Shipped with Unit

Junction Box Mounted & Wired

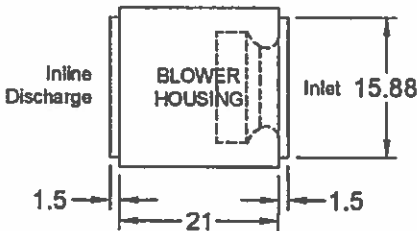
Solid State Speed Control, 10 Amp, Shipped Loose

Unit Warranty: 1 Yr (Standard)

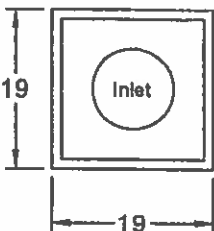
Model: SQ-120-A  
Direct Drive Centrifugal Inline Fan



PLAN VIEW



ELEVATION VIEW

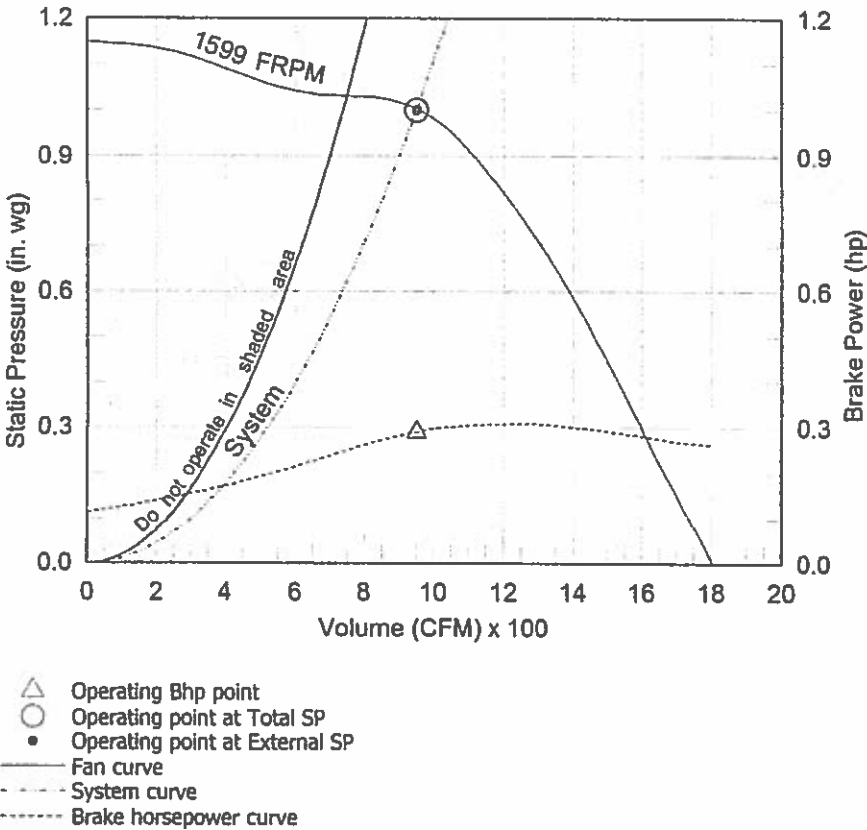


END VIEW

Dimensional	
Quantity	1
Weight w/o Acc's (lb)	68
Weight w/ Acc's (lb)	71
Max T Motor Frame Size	56

Performance	
Requested Volume (CFM)	950
Actual Volume (CFM)	950
External SP (in. wg)	1
Total SP (in. wg)	1
Fan RPM	1599
Operating Power (hp)	0.29
Elevation (ft)	5,883
Airstream Temp.(F)	70
Air Density (lb/ft3)	0.060
Tip Speed (ft/min)	5,494
Static Eff. (%)	51

Motor	
Motor Mounted	Yes
Size (hp)	1/2
Voltage/Cycle/Phase	115/60/1
Enclosure	ODP
Motor RPM	1725
Windings	1
NEC FLA* (Amps)	9.8

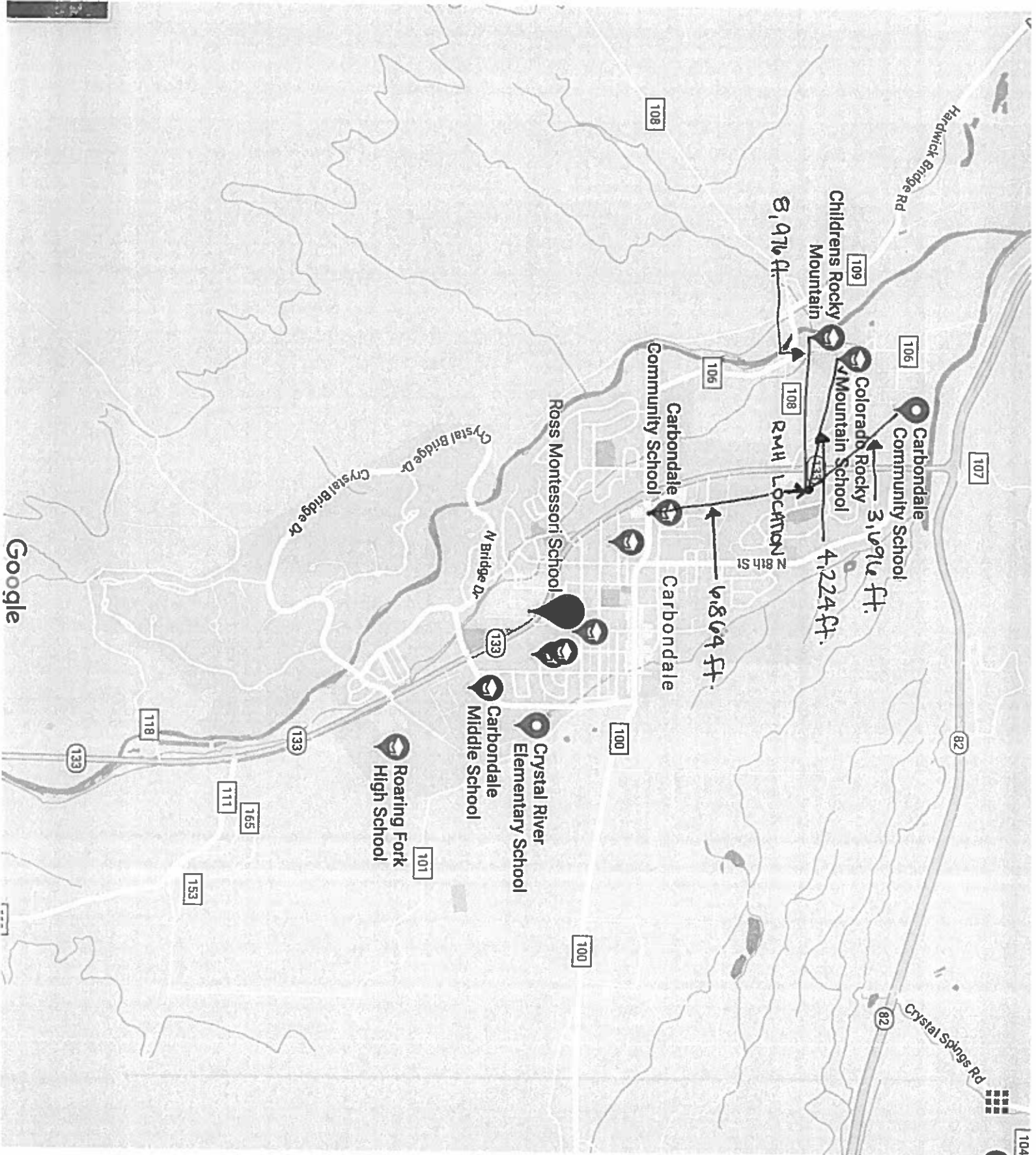


Sound Power by Octave Band

Sound Data	62.5	125	250	500	1000	2000	4000	8000	LwA	dBA	Sones
Inlet	74	71	71	72	65	61	57	52	72	60	10.0
Radiated	76	73	65	65	60	55	51	49	67	55	7.6

**Notes:**  
All dimensions shown are in units of in.  
\*NEC FLA - based on tables 430.248 or 430.250 of National Electrical Code 2014. Actual motor FLA may vary, for sizing thermal overload, consult factory.  
LwA - A weighted sound power level, based on ANSI S1.4  
dBA - A weighted sound pressure level, based on 11.5 dB attenuation per Octave band at 5 ft - dBA levels are not licensed by AMCA International  
Sones - calculated using AMCA 301 at 5 ft





The floor plan is divided into several sections. At the top, there are two rows of rooms, each labeled 'FLOWER ROOM'. Each room contains several small square icons representing plants. Below these is a central area labeled '2ND Floor Flower Rooms' with 'OPC # (403-00848)' and '(403R-00089)' below it. To the left of this central area is another 'FLOWER ROOM' with plant icons. To the right is a 'DRYING ROOM' with a large oval shape. Below the central area is a 'FLOWER ROOM' with plant icons. To the left of this is an 'INVENTORY CONTROL' area with three 'SAFE' labels. To the right is a 'TRIMMING/PACKAGING ROOM' with a large oval shape. Arrows indicate movement between the central area and the surrounding rooms.



TOWN OF CARBONDALE  
511 COLORADO AVENUE  
CARBONDALE, CO 81623

Planning and Zoning Commission  
Memorandum

Item No: 5 and 6

Attachment: B and C

Meeting Date: 4-12-2018

**TITLE:** P&C Express and Durango Alternative Medical Cultivation Special Use Permit public hearing continuance.

**SUBMITTING DEPARTMENT:** Planning

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**BACKGROUND:**

Rocky Mountain High DBA P&C Express and Durango Alternative have submitted two special use applications (one for each operation) to add an additional two medical marijuana cultivation licenses to the 615 Buggy Circle location. These applications would be in addition to the one medical cultivation on site and one retail cultivation at the same address.

Due to an ongoing odor issue at the location, staff and the applicant would like to request a continuation of the noticed public hearings. This will allow the applicant to remedy the issue.

**RECOMMENDATION**

Staff recommends the following motion: **Motion to continue the public hearing for a Special Use Permit to operate a medical marijuana cultivation operation, P&C Express at 615 Buggy Circle to May 10, 2018.**

**Motion to continue the public hearing for a Special Use Permit to operate a medical marijuana cultivation operation, Durango Alternative at 615 Buggy Circle to May 10, 2018.**

Prepared by:  
John Leybourne





#  
#  
**TOWN OF CARBONDALE**  
**511 COLORADO AVENUE**  
**CARBONDALE, CO 81623**

#  
#

April 5, 2018

Kelsey McQuillen  
Rocky Mountain High  
615 Buggy Circle  
Carbondale, CO 81623

Re: Notice of Violation, Special Use Permit for the Operation of a Marijuana cultivation facility.

Att. Police Reports

Delivered by Hand and by E-mail

Dear Kelsey McQuillen,

The Town has received several complaints regarding odor emanating from the Marijuana Cultivation operation located at 615 Buggy Circle.

That is a violation of Municipal Code Section 4.3.4.S.3, "No person, tenant, occupant, or property owner shall permit the emission of marijuana odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property. Whether or not a marijuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standard of a reasonable person of normal sensitivity."

The Approved Special Use Permit recorded at Reception Number 857855 also requires that the operation "shall significantly control or mitigate any odor, waste water and hazardous material impact to the Town and surrounding properties".

**You have 20 days from the date of this letter to bring the property into compliance and or present a mitigation plan to be reviewed by staff.**

Town staff have also advised you that the two active Special Use Permits to add two additional Cultivation operations to the above location will not be reviewed by the Planning and Zoning Commission until the current Special Use permit is brought into compliance.

Attached to this letter you will find the two police reports outlining the Town's investigation of the odors.

Phone: (970) 963-2733

Fax: (970) 963-9140

If the mitigation of the odors has not satisfactorily occurred, then the Town may revoke the Special Use Permit. The revocation of the Permit, if it occurs may be appealed to the Board of Trustees.

If you should have questions, please feel free to contact me or my office.

Sincerely,

John Leybourne  
Planner  
Town of Carbondale  
(970)-510-1212  
[jleybourne@carbondaleco.net](mailto:jleybourne@carbondaleco.net)

Carbondale Police Department  
Lieutenant Chris Wurtsmith  
Marijuana Odor Report  
Case: 2018-2538 /2557 /2562 /2569

040418

On 040318 at approximately 1332 hours, Town Manager Jay Harrington and I went to 500 Buggy Circle, Suite 01 (Town of Carbondale, Garfield County Colorado) to speak with David Zamansky about marijuana odors in his store, Novus Glass Repair. We went into the store but we were unable to locate any odors. Dave showed us his personal notes on his notepad where he indicated numerous dates where he says marijuana odors have been in his shop. Jay gave Mr. Zamansky both his and John Plano's email addresses and asked him to send them a message when the odors had returned. I told Jay I would visit Novus Glass Repair Tuesday through Friday for the next 2 weeks in the morning at different times.

On 040418 at about 0831, both Carbondale Officer Gretchen Stock Bell and I met with Mr. Zamansky and his staff as they opened the shop. I did not smell any odors there other than chemical odors I would associate the business. Mr. Zamansky told us he could not smell anything at the moment. I noticed that all of his doors were closed. Mr. Zamansky told us he would email Jay and John when the he and his staff smelled the odor again. We cleared the scene.

At approximately 1059 hours, Mr. Zamansky called the police department and asked for me. When I spoke to Mr. Zamansky, he told me he just emailed Jay and John and that I should come down there because the odor had returned. I contacted John Leybourne and together we responded to Novus Glass Repair. When we arrived, we both smelled an odor consistent with marijuana just east of Novus. When Leybourne and I went inside the shop, I noticed all of the doors looked closed. I smelled a strong odor of marijuana inside the shop, stronger than what I smelled outside.

Leybourne and I went back outside the shop to the east and we moved about, checking for odor in different places. Leybourne and I met with Steve Garcia who was outside Suite 3 and 4 where his business, RX Green (500 Buggy Circle, Town of Carbondale, Garfield County, Colorado) is located. Leybourne found a ladder (with Steve's help) and went onto the roof of the adjacent Marijuana business (S.P. Manufacturing 500 Buggy Circle, Suite LL5, LL6). Leybourne indicated he didn't feel the odors from S.P. would explain the odors inside Novus.

Steve Garcia invited us inside his business. We did a walk-through inspection there. Of the marijuana odors we smelled, the stronger odor was away from the wall shared with Novus. Leybourne and I then walked around to the west of this building. Within a couple of seconds, we smelled a very strong marijuana odor in the air. A gentle breeze was blowing at us from the west. Leybourne and I followed the odor west to Rocky Mountain High (615 Buggy Circle, Town of Colorado, Garfield County, Colorado). We walked to an alleyway to the north of Rocky Mountain High, then west between that building and Colorado Product Services (655 Buggy Circle). The odor remained strong through the alleyway. We checked to the west and north of Colorado Product Services but there were no detectable odors coming from it. We then circled around Rocky Mountain High. The odors remained strong around the perimeter.

We contacted Brett Daniels who is one of the managers at Rocky Mountain High. Mr. Daniels gave us a tour of the building and explained the ventilation system. We went onto the building roof on the West side of the building and Leybourne went up a ladder to the top of a large vent.

When we went inside Rocky Mountain High, we were shown an inside section of wall which showed the original log structure. We noticed the chinking looked old and inconsistent and sunlight was making it through between certain logs. When we went outside, we smelled several places where the logs were cracked or where the logs were joined. The odor was very strong coming from the cracks and joints and seemed to be emanating from them. Leybourne borrowed Mr. Daniel's lighter and held it up to one of the larger cracks. The flame blew outward and then was snuffed out. It was clear that air pressure was escaping the cracks in the logs, revealing odors from within to the outside. Mr. Daniels told us he would be contacting his superiors about the problem. We discussed briefly what might mitigate the odors from escaping the log structure and we concluded the meeting.

At about 1300 hours, I stopped next to Rocky Mountain High to document addresses there. At that time, Mr. Daniels contacted me in my patrol vehicle. He told me he may have remedied the problem with the odors emitting from the building. I brought John Leybourne back to Rocky Mountain High. We met with Mr. Daniels and Kelsey McQuillen who told us she was the general manager. Together, John Leyborn and I smelled the same odors, only this time they were coming from the south side of the log structure. Mr. Daniels told us he discovered an employee had pulled the cord out, disabling a swamp cooler that was blowing into the building and wondered if that contributed to the issue. Mr. Leyborn and I went to the same areas we examined before and smelled the same odors coming from the logs.

Chris Wurtsmith



**TOWN OF CARBONDALE  
511 COLORADO AVENUE  
CARBONDALE, CO 81623**

## Planning Commission Agenda Memorandum

Meeting Date: 1-10-2019

**TITLE:** UDC Amendments  
Clarion Scenario Modeling and Analysis – Next Steps

**SUBMITTING DEPARTMENT:** Planning Department

**ATTACHMENTS:** Memo from Clarion dated November 28, 2018

### **BACKGROUND**

Clarion had been asked to review the various open space elements in the UDC to see how they work together and whether they overlap. Clarion was also asked to develop models in the R/HD zone district to help inform potential UDC revisions. On December 6, 2018, Clarion presented their analysis via *GoTo Meeting* to the Planning Commission. The Clarion memo from that meeting is attached. The first page of the memo is a summary of their recommendations.

At that meeting, the Commission heard the presentation and accepted public comments. It was determined that further discussion on the recommended code changes would take place at the next meeting.

Staff would like to understand which recommendations the Commission would like to accept. Overall, Staff is comfortable with accepting Clarion's recommendations with the exception of the reduction of the sidewalk widths to three feet but would like to hear what the Commission thinks.

Staff would then redline the UDC to reflect the amendments. We would like to add the Clarion redlines to the UDC that includes the redlines the Planning Commission has already reviewed. Let us know if that will be acceptable.

I would note that Commissioner Harrington had pointed out that there have been several amendments to the UDC, i.e., addition of drive through banks, changes to parking requirements for senior housing, etc. which were adopted but have never been added to the UDC document. I will add those amendments as redlines to the UDC but will accept those particular changes.

## **FISCAL IMPACTS**

The recommendations to improve the UDC do not appear to present any fiscal impacts on the Town.

## **RECOMMENDATION**

The Planning Commission should discuss the recommended Clarion amendments and direct Staff to begin to redline the UDC to reflect the amendments. We should then discuss the next steps in the process. In order to adopt the UDC amendments, there would need to be a public hearing before the Planning Commission. There could be multiple public hearings in order to hear any public comment and then potentially incorporate those comments into the amendments. The Planning Commission would then make a recommendation to the Board of Trustees. The Board would be the approving authority.

I would note that there are funds in the Planning budget for year 2019 to ensure the final design of the formatting matches the UDC, i.e., hyperlinks, headers, footers, titles, index and page numbering.

Prepared By: Janet Buck, Planning Director

## MEMORANDUM

**TO:** Janet Buck, Town of Carbondale  
**FROM:** Matt Goebel, Tareq Wafaie, and Eric Wencel, Clarion Associates  
**DATE:** November 30, 2018  
**RE:** UDC Modeling and Analysis of Standards

### Introduction and Summary of Recommendations

In August 2018, the Town hired Clarion Associates to model development scenarios in the Residential/High-Density (R/HD) district, to analyze their performance under the Unified Development Code (UDC), and to make recommendations on potential amendments to the UDC to accommodate such development within the R/HD. The recommendations can be summarized as follows, with greater detail provided later in this memo:

<b>Minimum lot area per dwelling unit</b>	<ul style="list-style-type: none"><li>• Replace the scalable lot area per dwelling unit requirement with a standard lot area requirement in the R/HD district of 3,000 sq. ft.</li><li>• Allow multifamily by right in the R/HD district.</li><li>• For the R/MD district, include a lot area per dwelling unit requirement of 3,000 sq. ft.</li></ul>
<b>Impervious coverage</b>	<ul style="list-style-type: none"><li>• Minimum landscaping percentage requirement could be removed, since it is redundant with the required pervious percentage.</li><li>• Consider future updates to clarify eligible areas for alternative paving materials, and under what criteria the Director would review such materials.</li></ul>
<b>Open space</b>	<ul style="list-style-type: none"><li>• Public open space: Expand the applicability provision to require a dedication of public open space or a fee-in-lieu for applications with 10 or more residential dwelling units that require not just a preliminary plat, but also final plat or condominiumization plat.</li><li>• Private common open space: Clarify that residential units only trigger the requirement as part of mixed-use, multi-family, or PUDs, and only when public dedication is not required.</li><li>• For the general residential development standards (Section 5.6.3.A): Clarify that this provision only applies when public open space dedication is not required.</li><li>• Clarify in Section 5.3 that the Town's policy is not to "double-dip," or require both dedicated public open space and common open space set-asides.</li></ul>
<b>Site area landscaping</b>	<ul style="list-style-type: none"><li>• Relocate the standards for multifamily parking lot landscaping design to the parking lot landscaping section.</li><li>• Consider expanding the definition of "landscaping" to clarify non-live materials, and the percentage of such materials allowed.</li></ul>
<b>Pedestrian circulation</b>	<ul style="list-style-type: none"><li>• Clarify the pedestrian walkway width requirements for consistency (three feet, unless otherwise required by the Town's building code).</li><li>• Clarify that the internal pedestrian connections also apply to multifamily – not just commercial.</li></ul>



## Analysis and Modeling Development Scenarios

To perform the analysis, Clarion developed a site calculator sheet (excel spreadsheet) that establishes baseline parameters for development of multifamily dwelling units in the R/HD, and then created 3-D models of three multifamily development scenarios to demonstrate the build-out potential under the current UDC requirements.

### Site Calculator Sheet

The site calculator sheet was developed to answer the fundamental question – *Does the proposed development meet the UDC requirements?* The site calculator tests the feasibility of proposed development sites in the R/HD district, based on regulations in the UDC and assumptions taken from industry standards and development in and around Carbondale.

### Key Assumptions

The calculator sheet also provides base numbers and assumptions, including the figures used to estimate the size of different types of units, parking stall requirements based on the unit types, and the amount of private outdoor space required.

- **Dwelling unit sizes** were established based on Category 1 and 2 housing from the Town of Carbondale *Community Housing Guidelines, 2018* as follows:

Dwelling unit type	Size (sq. ft.)
Efficiency	415
One bedroom	580
Two bedroom	750
Three bedroom	1,000

- **Gross floor area** of buildings includes the dwelling unit space (livable space), plus an additional 22 percent to account for wall thickness, common areas, and bulk storage.
- **Parking spaces required** were based on the UDC requirements ranging from 1.25 spaces per unit for efficiency units to 2.5 spaces per unit for three-bedroom units. The **parking lot area** was assumed to be 325 square feet per parking space, which includes the space itself and drive aisles and circulation.
- **Internal pedestrian circulation** (sidewalks) were assumed to be 10 percent of the sum of the total building footprint and parking areas.
- The **private outdoor space** per ground floor unit was assumed to be 80 square feet for efficiency and one-bedroom units; 90 square feet for two-bedroom units, and 120 square feet for three-bedroom units.

Each of these assumptions are static standards that informed the site calculator sheet tests.

### Tests

Three different tests were conducted:

1. **Impervious Coverage:** Will the proposed development require more impervious surface coverage (building footprints, parking areas, and internal pedestrian walkways) than is allowed in the R/HD district (maximum 60 percent)?
2. **Space Used by Proposed Development:** Is the site (lot) physically large enough to accommodate the proposed development, based on the various UDC requirements?
3. **Required Lot Area for Dwelling Units:** Based on the current per-dwelling-unit lot area requirement in the R/HD district, is there enough lot area for the proposed development?



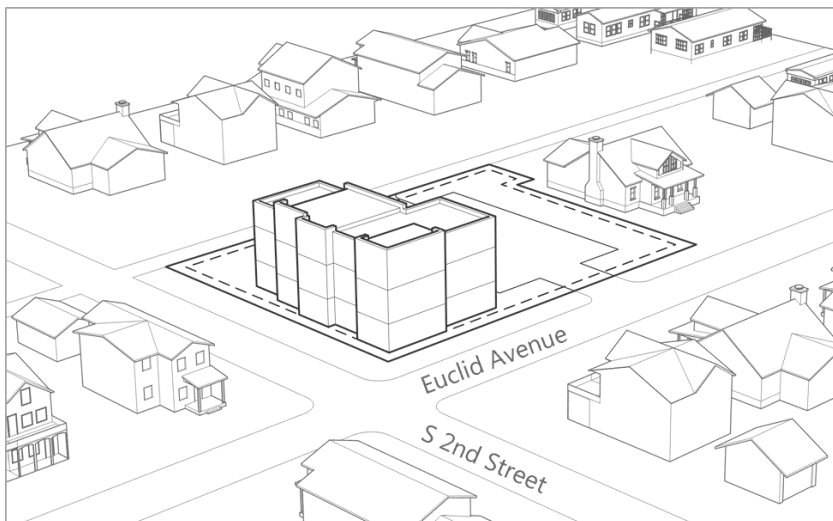
## Development Scenarios

Clarion worked with staff to select the following three sites in the R/HD district. For each site, Clarion used the site calculator sheet to determine potential multifamily scenarios possible under the UDC. Then, the team developed graphics depicting the overall bulk, mass, and scale for each scenario. Each scenario passed the three “tests” mentioned above; however, these are not the only possible build-out scenarios. Different mixes of dwelling unit types could also meet the three tests.

1. **Second Street and Euclid Avenue.** The current condition includes two single-family attached structures. The proposed development includes a three-story, all efficiency unit multifamily building with required parking to demonstrate the maximum build-out of this property.

### By the numbers:

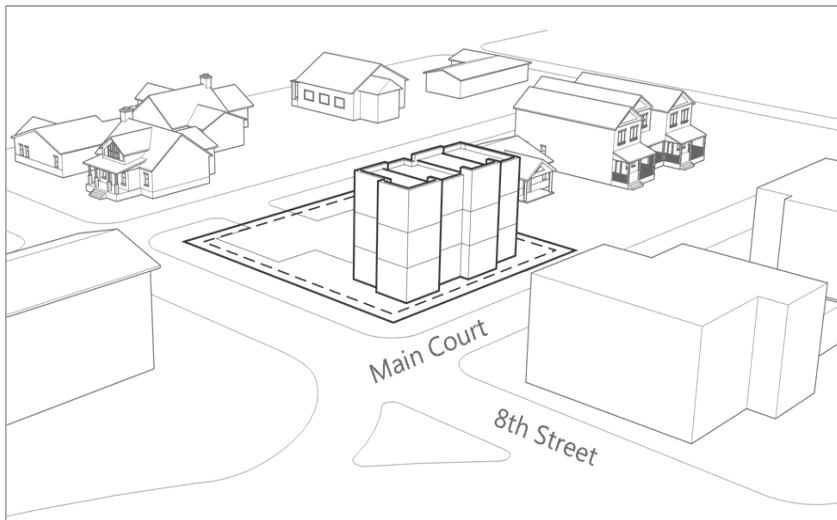
Lot size	17,490 sq. ft.
Dwelling units	14 efficiency
Livable space	5,810 sq. ft.
Parking area	5,687 sq. ft.
Impervious coverage	50.6 percent
Total area used by proposed development	16,620 sq. ft.



2. **8<sup>th</sup> Street and Main Court.** This site is the smallest of the three test sites. It is situated on a transition block between the Main Street area and surrounding neighborhoods, and currently contains a small single-family detached home. The proposed scenario is a three-story row home development with four, three-bedroom dwelling units, demonstrating maximum build-out with larger units.

### By the numbers:

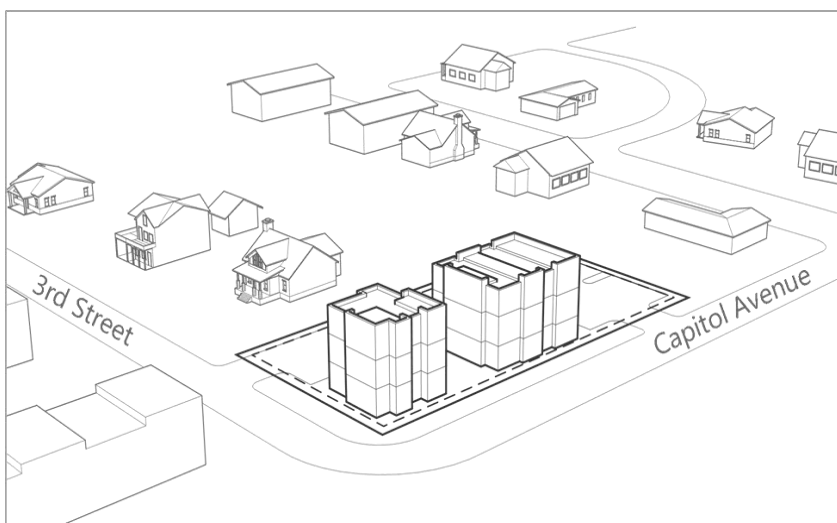
Lot size	9,700 sq. ft.
Dwelling units	4 three-bedroom
Livable space	4,000 sq. ft.
Parking area	3,250 sq. ft.
Impervious coverage	55.3 percent
Total area used by proposed development	9,629 sq. ft.



3. **3<sup>rd</sup> Street and Capitol Avenue.** Despite being the largest test site, the current condition contains a vacant lot and a single-story triplex. The proposed development simulates a mixture of unit types in multiple buildings similar to the teacher housing development across 3<sup>rd</sup> Street. This consists of an apartment building with an equal mix of one- and two-bedroom apartments, and a second building with three, three-bedroom apartments.

**By the numbers:**

Lot size	20,000 sq. ft.
Dwelling units	4 one-bedroom 4 two-bedroom 3 three-bedroom
Livable space	8,320 sq. ft.
Parking area	6,662 sq. ft.
Impervious coverage	55.3 percent
Total area used by proposed development	19,845 sq. ft.



## UDC Recommendations and Considerations

Based on the modeling and analysis, Clarion identified some areas within the UDC where standards may overlap or need clarification. The remainder of this memorandum summarizes those potential issues and recommends UDC modifications to address them.

### Minimum Lot Area per Dwelling Unit (Section 3.2.6.B; Table 3.2-9)

#### UDC requirement

“Lot area per dwelling unit” is the amount of lot area required for multifamily dwellings based on the number and size of each unit within the development.

The current UDC prescribes minimum lot-area-per-dwelling-unit requirements in the R/HD, C/T, and MU zoning districts. The minimum lot area requirements range from 1,050 square feet of lot area required for each efficiency unit to 2,050 square feet of lot area required for each four-bedroom unit.

#### Discussion

For the modeling exercise, we assumed various mixes of unit types. In the scenarios developed, the required lot area for dwelling units could be met even when the other two tests were exceeded (maximum impervious coverage and the minimum lot area used for the development). In fact, using the site calculator worksheets, we were unable to produce a scenario by which a development would not comply with the minimum lot area per dwelling unit, but *would* comply with impervious coverage requirements and the total site area used by the proposed development (including building footprint, parking area, required common open space, impervious areas, and internal pedestrian circulation).

The R/HD district is intended for greater densities than other residential zoning districts. In large part, we found that other dimensional parameters and development standards control the density in the R/HD district more effectively than the minimum lot area per dwelling unit. Additionally, the current UDC requires a conditional use permit for multifamily dwellings in the R/HD. Allowing multifamily by right in the R/HD could help the Town achieve desired densities in that district.

In the R/MD district, where density is intended to be further limited than the R/HD district, the minimum lot area should be 3,000 square feet per dwelling unit, as it was prior to adoption of the UDC. Reverting back to a per-dwelling-unit approach in the R/MD district will provide additional assurance for density controls to better transition between lower- and higher-density districts.

#### Recommendations

We do not think a scalable lot-area-per-dwelling-unit standard for multifamily dwellings in the R/HD zoning district is necessary. The minimum lot width and lot depth requirements are adequate in limiting the intensity. We recommend the following revisions to the UDC:

- Replace the scalable minimum lot-area-per-dwelling-unit requirement with a standard minimum lot area requirement of 3,000 square feet in the R/HD Table 3.2-9, regardless of the type of development or size of dwelling units. (*See proposed revisions below.*)

<b>Table 3.2-9: R/HD District Dimensional Standards</b>		
<b>Lot Standards</b>		
	Lot area, <del>single-family dwelling</del> , minimum	3,000 sf
	<del>Lot area, multifamily dwellings, minimum per unit: [1]</del>	<del>Based on # of units</del>
	Efficiency	1,050 sf
	1 bedroom	1,450 sf
	2 bedroom	1,650 sf
	3 bedroom	1,850 sf
	4 bedroom	2,050 sf
	Lot depth, minimum	50 feet [2]
	Lot width, minimum	25 feet
	Impervious lot coverage, maximum	See Table 3.7-2
<b>Setbacks, Minimum</b>		
<b>A</b>	Front	5 feet
<b>B</b>	Side	5 feet
	Side, street	4 feet
<b>C</b>	Rear	5 feet
<b>D</b>	Rear, adjacent to alley	5 feet
<b>Building Standards</b>		
<b>E</b>	Height, principal dwelling unit, maximum	35 feet
<b>F</b>	Height, accessory buildings, maximum	25 feet
<b>Notes:</b> [1] Minimum lot area for multifamily dwellings is calculated by summing the minimum per-unit square footage specified in this table; however, in all cases the minimum lot area shall be no smaller than 3,000 sf. For example, the minimum lot area for a three unit multifamily development with two bedroom units would be 4,950 (1,650 x 3 units = 4,950 sf). [2] Lot width, depth and side yard setbacks may vary if approved through subdivision process in order to allow townhomes to be subdivided. Zero lot line may be established at time of subdivision.		

- Multifamily dwelling units should be permitted by right in the R/HD district (instead of requiring a conditional use permit).
- In the R/MD district, include a minimum lot area per dwelling unit requirement of 3,000 square feet in Table 3.2-7. (*See proposed revisions below.*)

<b>Table 3.2-7: R/MD District Dimensional Standards</b>		
<b>Lot Standards</b>		
	Lot area, minimum	3,000 sf
	<del>Lot area, per dwelling unit, minimum</del>	<del>3,000 sf</del>
	Lot depth, minimum	50 feet [1]
	Lot width, minimum	25 feet
	Impervious lot coverage, maximum	See Table 3.7-2
<b>Setbacks, Minimum</b>		
<b>A</b>	Front	10 feet
<b>B</b>	Side	5 feet
	Side, street	7.5 feet
<b>C</b>	Rear	5 feet
<b>D</b>	Rear, adjacent to alley	5 feet
<b>Building Standards</b>		
<b>E</b>	Height, principal dwelling unit, maximum	27 feet
<b>F</b>	Height, accessory buildings, maximum	22 feet
<b>Notes:</b> [1] Lot width, depth and side yard setbacks may vary if approved through subdivision process in order to allow townhomes to be subdivided. Zero lot line may be established at time of subdivision.		

### **Impervious Lot Coverage (Section 3.7.2; Table 3.7-2)**

#### UDC requirement

Impervious lot coverage is the portion of a lot or parcel covered by buildings, parking areas, carports, driveways, accessory structures, covered porches, sidewalks, cantilevered portions of building, and other areas covered by water-impervious surfaces.

The current UDC establishes a maximum impervious lot coverage requirement for all zoning districts. However, the calculation of maximum impervious lot coverage requirement is more complex in the lower-density residential districts (OTR, R/LD) since percentages are based on the “net lot area.” For the R/MD and R/HD districts, the maximum impervious lot coverage is 60 percent.

#### Discussion

The maximum percentages were carried forward into the UDC from the prior code. Our understanding is that the intent of those original standards was to control the massing of structures on a lot and to further limit impervious coverage to improve water quality and manage stormwater runoff. The finer grained impervious coverage maximums in some districts were intended to govern a higher standard for lots that are typically smaller in size (“the smaller the lot – the more pervious required”).

Using the site calculator worksheet, most development scenarios would fail the other two tests (space used by the proposed development and required lot area per dwelling unit) before exceeding the 60 percent maximum impervious coverage. We also understand that developers often have the ability to use alternative porous materials (pursuant to Sec. 3.8.5.D) that would not be counted toward overall impervious lot coverage limits.

#### Recommendations

We recommend the following revisions to the UDC:

- Retain the current 60 percent maximum impervious coverage for the R/HD district. (No change.)
- The minimum landscaped area in the R/HD is 40 percent. With the maximum impervious lot coverage at 60 percent, and the required pervious surface area at 40 percent, the minimum landscaping percentage is redundant and could be eliminated.
- Future updates could include more specific criteria under which the Director may approve alternative paving systems (e.g., if manufacturer specifications indicate that the materials will withstand climatic conditions). Also, consider specifying how much of an area would be eligible to use alternative materials – for example, up to 40 percent of a parking area, or 100 percent of walkways.

### **Common Open Space (Sections 5.3.2 and 5.6.3.A)**

#### UDC requirement

The UDC identifies two different types of open space, which are distinguished by whether they are publicly dedicated and also by the types of development for which they are required.

- Public open space (5.3.2) is “land dedicated or reserved for the use by the public, including but not limited to parks, greenbelts, recreation areas, and natural areas.” Per Section 5.3.2.B, dedicated public open space is required for any residential subdivision containing 10 or more dwelling units and that is subject to preliminary plat approval.
- In contrast, private common open space (5.3.3) is “land and/or water within or related to a residential development that is designed and intended for the common use or enjoyment of the residents, occupants, and owners of the development.” Common open space is required for any development containing an institutional or commercial use, or a mix of uses. It applies to

residential development only as part of mixed-use projects or PUDs. It is not required to be publicly dedicated, but rather “set aside” for users of the specific project.

Additionally, Section 5.6.3 sets forth development quality standards for all residential development. Subsection A is titled “Common Open Space” and requires any development containing 10 or more dwelling units to comply with the standards in Section 5.3, *Open Space*. That standard does not specifically mention whether or not the application is subject to a preliminary plat approval.

#### Discussion

Upon reflection and having considered this issue through the lens of the testing scenarios, we believe that the current applicability of the open space provisions is ambiguous and requires clarification.

First, the UDC should clarify whether a residential development that does not require a preliminary plat must dedicate *public open space*. Section 5.3.2.B states that public open space dedication applies to “any development that contains 10 or more residential dwelling units and is subject to preliminary plat approval...” (emphasis added). Thus, a proposed development for 12 multifamily dwelling units on a single existing lot (or on a lot consolidation) would not require a preliminary plat. Therefore, it could be interpreted that the common open space provision 5.6.3.A, which refers back to Section 5.3, would not apply. After discussions with staff, we understand that the Town’s intent is to require public open space dedication for any project with 10 or more units that requires a preliminary plat, final plat, or condominiumization plat.

Next, the UDC should clarify the applicability of the *private common open space* standards. Section 5.3.3.B states that private common open space is required for “any development containing an institutional or commercial use, or any mix of commercial, institutional, and/or residential uses.” Table 5.3-1 lists common open space as required for “institutional uses, commercial uses and mixed-use development, and PUD.” Both sections should be reconciled, and also should clarify that common open space may be required for residential development that is not subject to subdivision. Section 5.6.3.A was intended to apply common open space requirements to straight multifamily development that did not include a “mix” of uses. This standard was intended to apply to multifamily, regardless of whether or not a mix of uses was provided – but this intent is not clear in the current text.

Finally, our understanding is that the Town does not require “double dipping,” or mandating both a dedication of public open space *and* a set-aside of private common open space for the same project. This is the Town’s current policy, but it is not explicit anywhere in the UDC text.

#### Recommendations

We recommend the following revisions to the UDC:

- For public open space: Expand the applicability provision (Section 5.3.2.B) to require a dedication of public open space or a fee-in-lieu for any application involving 10 or more residential dwelling units that require a preliminary plat, final plat, or condominiumization plat (not just a preliminary plat). This triggers public open space requirements based on the impacts of development (the number of units) rather than the type of procedure required (preliminary plat).
- For private common open space: Revise the applicability provision to clarify that residential units only trigger the requirement as part of mixed-use or multi-family projects or PUDs, and only when public dedication is not required. Reconcile Section 5.3.3.B and Table 5.3-1 for consistency.

- For the general residential development standards (Section 5.6.3.A): Clarify that this provision only applies when public open space dedication is not required. The general reference to Section 5.3 should be changed to the more specific 5.3.3, *Private Common Open Space*.
- Clarify in Section 5.3 that the Town's policy is not to "double-dip," or require both dedicated public open space and common open space set-asides.

### **Site Area Landscaping (Section 5.4.3.A)**

#### UDC requirement

Landscaped area is the minimum area of a site which must be improved with vegetative materials expressed as a percent of total lot area. In commercial, industrial, and multifamily uses, the area of landscaping required within parking areas is not included in the minimum landscape area calculation.

Section 5.4 establishes the minimum requirements for landscaping. The standards apply to nonresidential uses and to multifamily residential projects containing three or more dwelling units. In the R/MD and R/HD districts, a minimum of 40 percent of the net site area is required to be landscaped.

#### Discussion

The minimum percentage of 40 percent may be unnecessary. First, section 5.4.3.A.2 states that "any part of the site not used for buildings, parking, driveways, sidewalks, etc. shall be landscaped." That standard can adequately provide the minimum landscaping area provided all other code requirements are met. Additionally, the 60 percent maximum impervious lot coverage requirement ensures that the site will provide at least 40 percent pervious area, which according to 5.4.3.A.2 would have to be landscaped.

In the supplemental standards/guidelines for multifamily development, there is also a requirement for landscaping buffers between parking areas and side and rear lot lines. (See Section 5.6.5.C.7.d.) That requirement is not mentioned in Section 5.4.3.C, *Parking Lot Landscaping*.

#### Recommendations

We recommend the following changes be made to the UDC:

- Consider moving the standards for multifamily parking lot landscaping design from 5.6.5.C.7.d to a separate multifamily subsection within Section 5.4.3.C, *Parking Lot Landscaping*.
- Consider removing the minimum site area landscaping percentages, since the other site controls will result in the appropriate remaining pervious area (which has to be landscaped according to 5.4.3.A.2).
- Revise the definition of "site area, net" to add ", such as streets, alleys, easements, and public open space" to the end of the definition.
- Consider expanding the definition of "landscaping" to include rock, bark, mulch and other similar materials. With such amendment to the definition, the Town should also update the landscaping provisions in Section 5.4.4, *General Requirements for all Landscaping*, to limit the use of non-live materials to 50 percent.

### **Pedestrian Circulation (Section 5.5.3)**

#### UDC requirement

Pedestrian circulation is the required sidewalks, trails, and pedestrian connections through, around, and between development sites.

Section 5.5.3 establishes minimum requirements for pedestrian circulation, including perimeter sidewalk requirements, on-site pedestrian connections, and consideration of permeable pavement, and design of trails.

### Discussion

As mentioned in our last memo to staff, we revised the site calculator spreadsheets and added a new “internal pedestrian circulation” line to the impervious surface calculation to account for additional impervious areas (assumed 10 percent for modeling purposes).

The requirements for on-site pedestrian connections are somewhat unclear for multifamily developments. Section 5.5.3.B. states that:

*“all commercial, industrial, and multifamily development shall provide a network of on-site pedestrian walkways with a minimum width of five feet to and between the following areas:*

*a. Entrances to each commercial building on the site, including pad site buildings.”*

Although that standard refers to multifamily in the introductory statement, it only applies to commercial building entrances as written.

There is also an inconsistency among the width of on-site pedestrian circulation and walkway standards. Section 5.5.3.B.1 states that on-site pedestrian walkways shall be a minimum of five feet in width. The private outdoor space Section 5.6.5.B.2.a states that walkways from the dwelling unit entrance to the private outdoor areas shall be assumed to be three feet in width. Our understanding (from the Building Official) is that the building code may require a wider walkway depending on building occupancy.

### Recommendations

We recommend the following changes be made to the UDC:

- Clarify in Section 5.5.3.B.1 that walkways from a dwelling unit entrance to a private outdoor space shall be a minimum of three feet in width, and not five feet.
- Revise Section 5.5.3.B.1.a. to “Entrances to each multifamily and/or commercial building on the site, including pad site buildings.”
- Clarify in Section 5.6.5.B.2.a that the required walkway width is three feet, “unless otherwise required by the Town’s building code.”

### **Off-Street Parking Requirements (Section 5.8)**

#### UDC requirement

Off-street parking includes areas designated for the parking (and travel aisles) or temporary storage of motor vehicles located outside of a dedicated street right-of-way.

The current UDC requires a minimum number of off-street parking spaces based on the type of use (See Table 5.8-1). For multifamily dwellings (the subject of this exercise), the parking spaces required vary depending on the size of the dwelling units as follows:

Efficiency unit: 1.25

One-bedroom: 1.5

Two-bedroom: 1.5 (units 800 sf or less); 1.75 (units over 800 sf)

Three-bedroom: 1.75 (units 900 sf or less); 2.5 (units over 900 sf)

Additionally, parking lot design standards specify the location of parking on a site, the design of individual stalls, and the distance from intersections (and sight triangles).

### Discussion

It can be challenging to achieve the perfect balance between “too much” parking and “too little” parking. We think the current parking standards are appropriate for Carbondale. The parking requirements for multifamily were already reduced by the recent adoption of the UDC, and therefore



should remain intact. Without enough parking, adjacent properties and/or neighborhoods can experience a higher volume in on-street parking challenges and traffic.

Recommendations

No changes necessary.

**Private Outdoor Space (Section 5.6.5.B)**

UDC requirement

Private outdoor space is the usable floor area of any patio, porch, or deck or enclosed yard attached to and accessible directly from a particular dwelling unit and that is for the exclusive private use by the residents of that particular dwelling unit.

The UDC requires a minimum amount of private outdoor space (Sec. 5.6.5.B) for multifamily developments and includes standards for the design of such spaces. For first-floor units, the minimum size of private outdoor space is 80 square feet or 10 percent of the gross floor area of the unit, whichever is larger. For units on upper stories, the minimum private open space provided is 60 square feet or five percent of the livable floor area of the unit, whichever is larger.

Discussion

Based on our modeling assumptions, the minimum required for first-floor units will be 80 square feet for efficiency and one-bedroom units, since 10 percent of those units would be less than 80 square feet (the modeling assumes 415 square feet for efficiency units and 500 square feet for one-bedroom units). For upper-story units, the minimum required will always be 60 square feet and not five percent, since five percent of all unit sizes in this model would be less than 60 square feet.

Additionally, a provision in the impervious lot coverage requirement states that “decks and patios up to 10 percent of floor area in residential districts shall be excluded” from the impervious lot coverage. That means that none of the required first-floor private open space (10 percent) would count as impervious lot coverage. We think these standards are serving their intended purpose, and should not be amended at this time.

Recommendations

No changes necessary.

**Next Steps**

Clarion will discuss the analysis and modeling with the Planning Commission at a meeting on December 6<sup>th</sup> via GoTo Meeting.