



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

**AGENDA
PLANNING & ZONING COMMISSION
THURSDAY, August 29, 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 August 15, 2019 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. – 7:45 p.m.
CONTINUED PUBLIC HEARING – Crystal Acres PUD AmendmentAttachment B
Applicant: Jerome & Donna Dayton
Location: 315 Oak Run Road
6. 7:45 p.m. – 7:50 p.m.
P&Z Recommendation for P&Z AppointmentAttachment C
7. 7:50 p.m. – 7:55 p.m.
Staff Update
8. 7:55 p.m. – 8:00 p.m.
Commissioner Comments
9. 8:00 p.m. – ADJOURN

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

Upcoming P & Z Meetings:

9-12-19 – TBD

9-26-19 - TBD

MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday August 15, 2019

Commissioners Present:

Ken Harrington, Vice-Chair
Jeff Davlyn
Jay Engstrom
Jade Wimberley
Nicholas DiFrank (1st Alternate)

Staff Present:

John Leybourne, Planner
Mary Sikes, Planning Assistant

Commissioners Absent:

Michael Durant, Chair
Nick Miscione
Tristan Francis (2nd Alternate)
Marina Skiles

Other Persons Present

Mark Chain

The meeting was called to order at 7:00 p.m. by Ken Harrington.

July 11, 2019 Minutes:

Nicholas made a motion to approve the July 11, 2019 minutes. Jade seconded the motion and they were approved unanimously.

CONTINUED PUBLIC HEARING – REQUEST FOR CONTINUANCE

Crystal Acres PUD Amendment
Applicant: Jerome and Donna Dayton
Location: 315 Oak Run Road

Jeff made a motion to continue the public hearing for a PUD Amendment for the Crystal Acres PUD to August 29, 2019. Nicholas seconded the motion and it was approved unanimously.

Resolution 9, Series of 2019 - Approving RVR Minor Plat Amendment – 403 & 417 Crystal Canyon Drive

Nicholas made a motion to approve Resolution 9, Series of 2019, approving the Minor Plat Amendment at 403 and 417 Crystal Canyon Drive. Jay seconded the motion and it was approved unanimously.

Public Comment – Persons Present Not on the Agenda

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

PUBLIC HEARING – Final Subdivision Plat/Resubdivision

Location: Lot A, Crystal Village PUD Filing No. 3

Applicants: CBS Village Lane, LLC

John said that this is an application to resubdivide Lot A, Crystal Village PUD into 7 townhome units located in two buildings. He said that the Planning Commission is required to hold a public hearing and to recommend approval of the application or recommend to deny it. He said that the Commission may also continue the public hearing.

John stated that the development of Lot A was approved by Ordinance No. 14 series of 2017 after public hearings before the Planning Commission and the Board of Trustee's. He said that the Ordinance approved a Major Site Plan Review and Major Plat Amendment for the construction of two buildings, housing 7 residential units. He said that two of these units are restricted per the Recorded Community Housing Mitigation Agreement dated July 25, 2017(attached). He said that this agreement restricts one three-bedroom unit to be an AMI Category 2 and one other unit to be RO, or Owner Occupied.

Mark Chain gave the history of this application and project. He said that the Rockford Ditch has been changed and relocated. He said that not all of the final documents have been completed yet as it is complicated.

There were no members of the public to speak on this application.

Motion to Close Public Hearing

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

Jade commented that the corner of Main Street and Hendrick Drive seems to be flooding after the ditch was covered.

Motion

Jay made a motion to recommend approval of the Village Lane North Townhomes Resubdivision/Final Plat with the suggested findings and conditions. Nicholas seconded the motion and it was recommended unanimously.

Mark Chain suggested that the seating in the Board room be arranged so that there is more seating for the public. He said that at the old Town Hall there was a lot more seating for the public.

Staff Update

John said that the quarterly report for the Planning Department was included in the packet. He said that it's busy along Highway 133.

Mary said that the City Market building permit was issued yesterday.

Commissioner Comments

Jade asked about the lighting codes in the UDC. She wanted information regarding the cobra lights on Second Street and the possibility of a petition to get the lights changed.

Motion to Adjourn

A motion was made by Jeff to adjourn. Nicholas seconded the motion and the meeting was adjourned at 7:25 p.m.

DRAFT



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

Planning and Zoning Commission Agenda Memorandum

Meeting Date: 8-29-19

TITLE: Crystal Acres Planned Unit Development Amendment (Continued Public Hearing)

SUBMITTING DEPARTMENT: Planning Department

ATTACHMENTS: Land Use Application (with PUD regulations existing)
Mark Chain Letter Dated August 22, 2019
Response cards
Revised Proposed PUD language, Section 12
Minutes from the July 11, 2019 P&Z meeting
Referral Comments/Public Comments

BACKGROUND

This is a continued hearing for an application for a Major PUD amendment for the Crystal Acres Planned Unit Development. The Planning commission is required to hold a public hearing and either approve, deny or continue the application. The Public Hearing was closed at the July 11, 2019 meeting, the commission may if they wish re open the public comment portion of the hearing.

The purpose of the amendment is to update Section 12, Special Restrictions of the PUD to better define what a "Primitive Trail" is by providing a review through a conditional use permit with review criteria and providing design and construction details for a "low Impact trail".

The PUD was annexed in 1978/1979 and the PUD was established in 1992. The PUD consists of Residential Low Density Lots. The PUD is almost entirely built out with only one lot left vacant today.

Comments pertaining to the application were provided by CPW, Roaring Fork Conservancy and the Planning Director and are attached.

DISCUSSION

Section 12, Special Restrictions: A. Riparian Zone

This section pertains to the designated riparian zone between the building rear setback line and the Town owned Public Open space on lots 18 through 31 along Oak Run Road. Specifically, the section states that the indicated lots are entitled to have one primitive footpath leading to the Crystal River. It states that the footpath may not be

constructed with any materials of any nature that alters the existing grade and the path may not have an adverse effect on soil erosion.

The purpose of the application is to revise the section to provide guidance and provide a permitting process so that the trail does not have more of an impact on the hillside and on the riparian zone. Several trails have been built and they consist of several different types of construction methods. The applicant included picture of these trails in the application packet. There are no proposed changes to any of the district zoning parameters such as setbacks and building heights.

Proposed PUD language/changes

Attached is the revised Section 12 that incorporates P&Z and Staff comments. An outstanding item is the trail/tread width, this item will need to be discussed.

Submittal Requirements

Staff is also supportive of the proposed Conditional Use Permit submittal requirements and suggest that a requirement be added that a site inspection be performed as part of the application before work is to commence and after work is completed.

Comprehensive Plan

The proposed amendment seems to be in compliance with the uses section of the Comprehensive Plan to protect the existing zoning and quality of life.

Established PUD Policy

Several owners expressed concern that the PUD amendment would lead to more changes in the overall PUD and stated that they would not be interested in larger changes to the PUD. There are no other changes proposed to the PUD.

PUD Criteria – Zone Text Amendment

Amendments to a PUD may be approved if the Board of Trustees finds that all of the following approval criteria have been met:

- a. The amendment: (1) is consistent with the efficient development and preservation of the entire PUD; (2) does not affect, in a substantially adverse manner, either the enjoyment of land abutting or across a street from the PUD, other lands within the PUD, or the public interest; and (3) meets or exceeds the benefits to the Town provided by the original PUD.
- b. The amendment addresses a unique situation, confers a substantial benefit to the Town, or incorporates creative site design such that it achieves the purposes of this Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards.
- c. After amendment, the PUD will continue to have an appropriate relationship to the surrounding area, with any unreasonable adverse effects on the surrounding area being minimized or mitigated.

- d. The amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.
- e. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development.
- f. The amendment will promote the public health, safety, and general welfare; and
- g. The amendment is consistent with the Comprehensive Plan and the purposes stated in this Unified Development Code.

FISCAL ANALYSIS

There may be an impact on staff time in relation to the Conditional Use Permit review process.

RECOMMENDATION

Overall, Staff supports the addition of specific criteria for the construction of the footpath and of the proposed review process. This also provided an opportunity to clean up the PUD documents as there is not a recorded version on file.

If the Planning Commission is supportive of the PUD amendment, Staff would recommend that the Planning Commission approve the following motion: **Move to recommend approval of a Major Planned Unit Development amendment for the Crystal Acres Planned Unit Development with the following conditions and findings:**

Conditions:

1. The applicant shall submit a revised and restated Crystal River PUD to reflect the changes indicated by staff for recordation no more than 90 days after approval.
2. All representations of the Applicant and Applicant's representatives at the Public Hearing shall be considered conditions of approval.
3. The Applicant shall be responsible for all recording costs and shall pay all fees associated with this application to the Town, including any professional fees, as set forth in Section 1-8-10 of the Municipal Code.

Findings:

- a. The amendment: (1) is consistent with the efficient development and preservation of the entire PUD; (2) does not affect, in a substantially adverse manner, either the enjoyment of land abutting or across a street from the PUD, other lands within the

PUD, or the public interest; and (3) meets or exceeds the benefits to the Town provided by the original PUD.

- b. The amendment addresses a unique situation, confers a substantial benefit to the Town, or incorporates creative site design such that it achieves the purposes of this Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards.
- c. After amendment, the PUD will continue to have an appropriate relationship to the surrounding area, with any unreasonable adverse effects on the surrounding area being minimized or mitigated.
- d. The amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.
- e. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development.
- f. The amendment will promote the public health, safety, and general welfare; and
- g. The amendment is consistent with the Comprehensive Plan and the purposes stated in this Unified Development Code.

Prepared by: John Leybourne, Planner

August 22, 2019

John Leybourne, Planner
Town of Carbondale Planning Department
511 Colorado Ave.
Carbondale, CO 81623

RE: Crystal Acres PUD Amendment – Section 12

Dear John:

As you know, I did provide you an updated Section 12 of the Crystal Acres PUD. It is in strikethrough format so you can see the changes made since the July 11 public hearing. I incorporated nearly all the changes from town staff including no lighting allowed in the Riparian zone, spelled out that only “one” path is allowed per lot, no structures allowed in that area including fire pits, tables, shade structures or anything man and proved footpath. I also incorporated changes regarding a site inspection prior and after any work for a path and included any tree or vegetation removal needs to be coordinated with a Wildfire Mitigation Permit. I did not include any provisions for handrails for a path under any circumstances. I also did not adjust the tread width as there did not seem to be consensus on that point.

So, with those changes you could see what an updated Section 12 looks like including the original, proposed amendment language as well as suggestions from Town Staff. I know that was a concern of the Vice Chair – not knowing how a totally revised section 12 would read.

There was some concern expressed at the meeting regarding that the Section 12 amendment is getting away from the concept of an “primitive” path. There was some discussion that a primitive path definitely should be integrated not elevated and that removal of trees for the stake of installing the path should not occur. I did add language that anyone building a path on existing surface, dirt and/or rock would not have to go through any Conditional Use Permit procedures. Of course, if the direction is to keep paths totally on natural surface – with no foreign materials whatsoever, language could be changed to reflect that type of use only. The Planning Commission can go on in that direction if they think that is preferable.

Conditional Use Permit. I talked to one property owner who did have a concern that utilizing a Conditional Use Permit process for installation of any type of trail would make the process much more bureaucratic. That is a point well taken. However, if there is to be any construction with any kind of landscape timbers or other similar materials, I think a design by a professional would help eliminate impacts, unnecessary erosion etc.

Concern regarding the Public Notice. There was also a comment that not all property owners may have been contacted initially about the proposed Amendment that the Dayton's wish to pursue. The Dayton's did send a letter regarding the background of their path, the chain/process they would like to make regarding the PUD including pictures of the existing situation and they sent it to all property owners. They included postcards for people to respond. 30 of the 40 property owners responded. The Dayton's letter of request and copies of all the return postcards are attached. 22 responses indicated that it was okay to proceed with a PUD amendment.

I hope this explains the update to Section 12 and some of the related issues. Please contact me if you have questions or wish to discuss the present status for any additional information.

Sincerely,

Mark Chain

Mark Chain, Planner

SECTION 12 PROPOSED TEXT LANGUAGE

- A. Riparian and Hillside Protection Zone: There shall be designated as a Riparian and Hillside Protection Zone that area lying between the public open space and the platted building set-backs for Lots 18-31 (per the plat recorded at Reception # 432413 in the Garfield County records) in which no development of any nature shall be permitted except for each owner of Lots 18-31 shall be entitled to have one (1) a low impact footpath through the riparian and hillside zone for purposes of access to the Roaring Fork River. Such footpath shall be constructed as to achieve the following:
- 1) Have no alteration or minimize any alteration of the existing grade.
 - 2) Minimize soil erosion, both during construction and on a permanent basis.
 - 3) Minimize visibility from adjacent lots and those lots located across the river.
 - 4) Utilize native construction materials or those that would appear to be part of the hillside or natural vegetation of the area.
 - 5) Pick earth tones or other colors that fit into the lot or surrounding area. In some cases, this may be achieved by having any imported materials treated in some manner to achieve a “weathered look” within a short time frame.
 - 6) Revegetate any disturbed area within the current building season or at an agreed upon time frame.
- B. Standards (note: includes original standards which are intended to be retained in the updated PUD Regulations)
- 1) Riparian and Hillside Zone shall be left in its natural condition and no owner shall alter same, including discharge of wastewater water of any nature except for natural run-off from the lot after final grading including run-off from roofs.
 - 2) No lot owner shall take any action that changes the natural character of the zone except with approval from the Town.
 - 3) No lot owner shall be entitled to alter vegetation including the cutting of trees, bushes, plants or other vegetation without Town approval. Trees/brush posing a danger to structures or that may be fire hazard may be removed after approval by the Town and/or the Carbondale & Rural Fire Protection District. The lot owner shall utilize the towns Wildfire Mitigation Permit established in 2012 - application forms administered through the Building Department (See Paragraph F).

Note: Property owners are encouraged to consult the C&RFPD to create “Defensible Space” to mitigate wildfire potential/hazard per Firewise or other recognized “Best Management Practices” standards recognized by the State, County or local fire district.

- The Riparian and Hillside Zone shall be considered a zero-setback related to any structures that are built or placed on the lot.

C. Construction Standards/Best Management Practices

1. Design/Materials

- a. Horizontal and vertical alignment of stairs and trail are to be designed to minimize ground disturbance and removal of mature vegetation.
- b. Permanent structures, such as cast concrete footers or structural steel members are prohibited. Note: all non-path related structures are forbidden from this zone. For example, picnic tables, landings, shade structures, fire pits or other improvements are specifically not allowed.
- c. Stairways, landings, and trails are to be built on grade. **Boardwalks, suspended structures, or above-grade framing are not allowed.**
- d. Steel pins and rebar are acceptable anchoring devices.
- e. Materials shall be selected to be harmonious in color and texture with the surrounding native hillside.
- f. For landscape timber stairs, crushed river gravel or compacted native earth are appropriate materials for infill of steps.

f.g. Tread width. (Not resolved at this time).

2. Construction Standards / Best Management Practices

- a. Establish limits of ground disturbance prior to any clearing activities. Do not disturb existing hillside outside of limits of ground disturbance; this

includes carrying of materials, tracking equipment, and lay-down/staging areas.

- b. Heavy equipment is not appropriate for use in constructing stairs and trails in the hillside zone unless unique circumstances require the use of machinery as approved via the permitting process.
- c. Grading and ground disturbance is to re-connect to existing grades within 24" of the edge of stair tread or landing. Ground disturbance may extend to no more than 48" from the edge of stair tread or landing on one side of the stairway to allow for access, work zone, and materials handling.
- d. Revegetation of disturbed areas is required following the completion of stair/trail installation. Unirrigated areas are to receive twice the supplier's recommended seeding rate, and straw mulch cover. Slopes steeper than 3:1 require bio-degradable erosion control fabric after seeding. Do not use photo-degradable fabric in the hillside zone.
- e. Place straw wattles parallel to grade at each vertical interval of 5', and along the bottom limit of disturbance. Straw wattles are to be keyed into grade no less than 2" and securely pinned into place. Wattles may be removed when ground disturbance is completely revegetated.
- f. Temporarily divert upslope-generated runoff away from the work zone to avoid erosion of bare soil; maintain runoff diversion until the ground disturbance has been completely revegetated. Other pre- and post-construction erosion control measures may be required per applicable and current Town of Carbondale codes.
- g. Actively manage weeds by mechanical removal throughout the establishment period of revegetation (minimum of two growing seasons).



Figure 1: Example landscape timber stair installation



Figure 2: Example stone stair installation

D. Process to allow construction of paths in the Riparian and Hillside Protection Zone.

Any owner proposing to construct a path in the Riparian and Hillside Protection Zone shall obtain a Conditional Use Permit according to the procedures outlined in section 2.5.1 of the UDC, as amended. A pre-application meeting with Planning Staff is required.

Submittal requirements are those as required as part of a Conditional Use Permit and the following which shall be identified as part of the pre-application conference or as a result of that meeting:

- 1) Improvement Survey Plat and topography of the Riparian and Hillside zone as they exist on the subject lot.
- 2) Construction details and grading plan of the path from a Landscape Architect or other qualified professional. Please show limits of disturbance and construction activity.
- 3) Listing of materials and specifications.
- 4) Cut sheets/drawings or photos of materials as required.
- 5) Revegetation Plan/notes.
- 6) Soil Erosion Prevention Plan.
- 7) Photos of subject area.

The Community Development Director may waive any of the above requirements or require other submittal materials if the subject site and proposed construction requires such submittal. Photos of the path post construction are suggested.

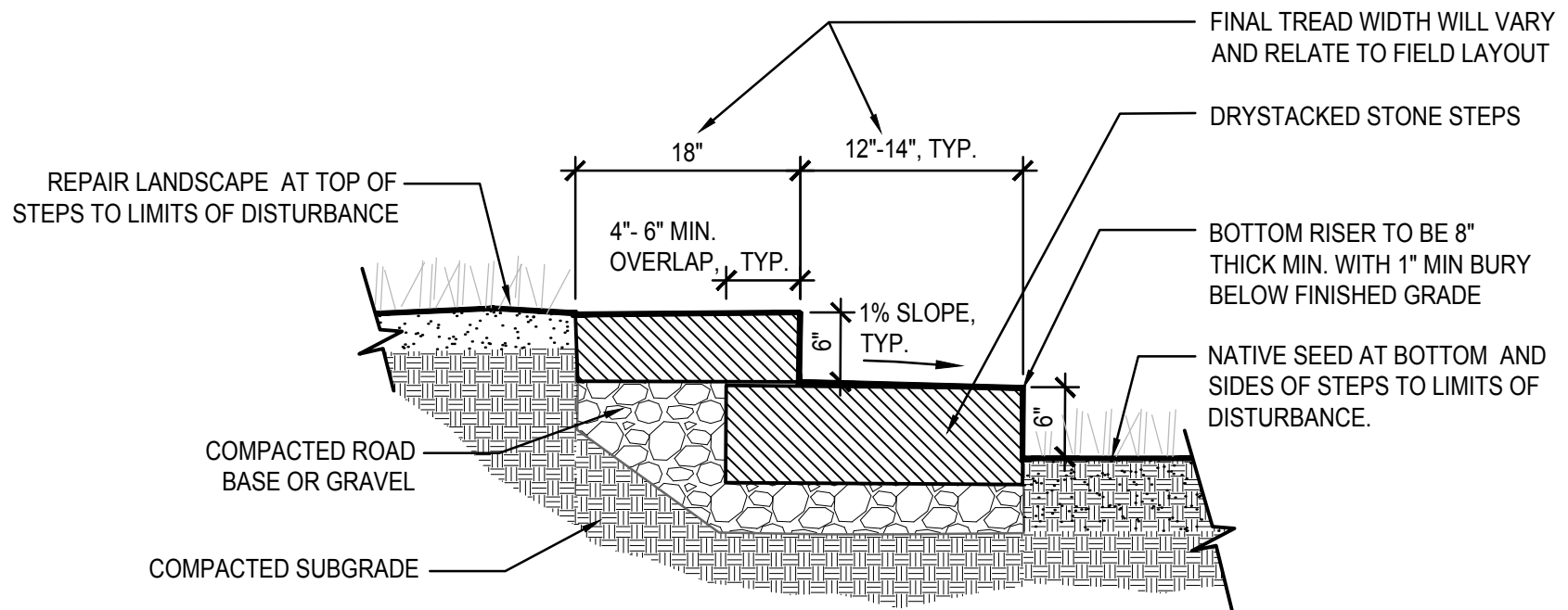
Note: A property owner shall not be required to obtain a conditional use permit if it is a footpath directly on dirt, the existing surface and/or rock.

- 8) Inspections. There shall be a site inspection performed before work commences and an additional site inspection after work is completed in order to ensure compliance.

E. Lighting. No Any exterior lighting shall be allowed in the Riparian and Hillside Protection Zone. All other exterior lighting on the lot shall meet the standards contained in Section 5.10 – Exterior Lighting of the UDC, as amended.

~~F.~~ Clearing of brush/vegetation and clearing of trees. At the time of approval of the annexation, deadfall and unhealthy live foliage, as designated by Dan Baharav in a consulting report dated January 31, 1991 was to be removed by the owner prior to individual lot sales. Thereafter, no lot owner is entitled to alter vegetation in the Riparian and Hillside Protection Zone without approval of the Town of

Carbondale. It is understood that as trees and vegetation age, it may be appropriate to trim or remove certain vegetative areas. Periodic removal may also be important because of concerns related to wildfire or for “defensible space” due to homeowners Hazard Insurance requirements. Homeowners shall work with the Town and the Carbondale and Rural Fire Protection District and receive approval of the town prior to removal of vegetation. Any property owner wishing to clear brush/vegetation or trees shall obtain a Wildfire Mitigation Permit.



NOTES:

1. DETAIL HAS BEEN PROVIDED TO ILLUSTRATE DESIGN INTENT.
2. STAIR LAYOUT TO BE DETERMINED BY SITE CONDITIONS.

Jerome & Donna Dayton

315 Oak Run Rd
Carbondale, CO 81623
805-886-0945
jeromedayton@yahoo.com

Date

Dear Recipient Name,

You are receiving this letter because you are an owner of property within the Crystal Acres Subdivision. We are owners of 315 Oak Run Rd. We are writing you today to ask you to express your opinion on our desire to put in steps on the backside of our property through the riparian zone to the city property line on the Crystal River. The existing "primitive footpath" is loose and unstable. I've fallen several times on the path and my wife refuses to use it or allow our guests to do so. Our major motivation for this path is to tend to the riparian zone, especially removing invasive weeds.

We want to put in the same kind of steps the Forest Service would do by using 6" x 6" timbers to create 36" wide boxes that contain a weed barrier and then gravel to absorb any runoff. Under the mistaken impression that these kinds of steps would constitute a "primitive footpath", we proceeded to put in those steps until we were asked by the City to stop until the language of the Planned Unit Development (PUD) for Crystal Acres could be clarified.

This is the same kind of path that the Roaring Fork Conservancy Director, Rick Lofaro, recommends we put in. "The steps are an improvement over the existing trail comprised of loose fill and/or topsoil. The configuration of the walkway now allows for a better and direct percolation of any precipitation or runoff instead of accelerating it toward the river."

In order to put in these steps, we would like to amend the PUD, to clarify and/or modify what is meant by a "primitive footpath" in that document. Before proceeding with that formal process, we wish to do a straw poll of how current Crystal Acres property owners would feel about this. So please use the enclosed post card to indicate your preference and drop in the mail.

Please call or email us with any questions.

Your attention to this is appreciated.

Warm regards,

Jerome and Donna Dayton





Path from Our Deck



Path from River

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: _____

Signature: Jerome Dayton

Date: 6/27/18

Dayton, Jerome & Donna Trust

Owners of : 315 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: As Forest Service Volunteers, we

feel, as Rick Lopez does, that this
type of primitive foot path is appropriate
and environmentally sound

Signature: Gayle Wells Richard Wells

Date: 7/19/18

Wells, Gayle A Revocable Trust

Owners of : 320 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: _____

We would have liked to have had this

discussion prior to installation - as we

are sure you would have, too. "

Signature: N. Sontag

Date: 7/20/18

Sontag, Nicholas & Lauren

Owners of : 305 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: OK with me. Too bad to

waste the resources already put in.

It was a ^{major} looking job & the materials
shouldn't be wasted!

Signature: Larry Tallmadge Iris Anda

Date: 6-19-2018

Anda, Iris R & Tallmadge, Lawrence P

Owners of : 310 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve

☐ Dis-approve

☐ Abstain

Comments: _____

Signature: _____

Date: 6-28-18

Shapiro, Stephen & Meagan

Owners of : 335 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve

☐ Dis-approve

☐ Abstain

Comments: I think is a great idea

Signature: _____

Date: 6/29/18

Murphy, Brian C

Owners of : 345 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve

☐ Dis-approve

☐ Abstain

Comments: _____

Signature: _____

Date: 7/23/18

Alice H & Colin Laird

Owners of : 330 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve

☐ Dis-approve

☐ Abstain

Comments: This is a great community approach

Signature: _____

Date: 7/3/18

O'Neill, Jack O & Doris A

Owners of : 340 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☐ Approve

☒ Dis-approve

☐ Abstain

Comments:

My concern is that others will continue to ask to change the PUD. It will be changed for everyone + I don't want to change

Signature:

Date: 6/30/18

Griffin, Patrick J & Leve, Belinda

Owners of : 1292 Wald Dr

consequences

Pat Griffin

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☐ Approve

☒ Dis-approve

☐ Abstain

Comments:

NO! But WE ARE FINE WITH LEAVING YOUR STEPS AS IS. our GOOD Neighbors! Don't want to open up TRAILS discussion & Maintain Natural Riparian

Signature:

Date: 7/4/18

Spence, Kimball & Lori Olenick

Owners of : 295 Oak Run Rd

EROSION BETTER AS IS.

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☐ Approve

☒ Dis-approve

☐ Abstain

Comments:

DONNA & JENNE - WE DON'T HAVE A PROBLEM WITH YOUR STEPS BUT I THINK AMENDING THE PUD IS A "CAN OF WORMS" THAT OPENS THE DOOR FOR A NUMBER OF OTHER ISSUES/PROBLEMS.

Signature:

Date: 7/2/18

Taverna, Frank X & Sharon Hairston

Owners of : 405 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☐ Approve

☒ Dis-approve

☐ Abstain

Comments:

Signature:

Date:

Pazik, Robert & Nancy Ann

Owners of : 365 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☐ Approve

☐ Dis-approve

☒ Abstain

Comments: _____

Signature: _____

Date: _____

Cheryl & Bruce Hasselbring

Owners of : 300 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☐ Approve

☐ Dis-approve

☒ Abstain

Comments: _____

Signature: _____

Date: _____

Jonathan B & Sandra J Towne Revocable Trust

Owners of : 395 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☐ Approve

☒ Dis-approve

☐ Abstain

Comments: I was on the Town Council when this portion of Crystal Village was approved, and the overwhelming sentiment was to keep the River as is with the possible

Signature: John Foulkrod

Date: 7/3/18

Foulkrod, John F Jr & Chamberlain, Georgia

Owners of : 1349 Wald Dr

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☐ Approve

☐ Dis-approve

☒ Abstain

Comments: _____

Signature: _____

Date: _____

Victoria Broyles

Owners of : 1359 Wald Dr

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: _____

Signature: James Waddick

Date: 7/29/18

James & Patricia Waddick

Owners of : 1272 Wald Dr

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: Do with least amount
of visual impact for
fishing persons on river.
and people use the path & impact
on riparian zone.

Signature: [Signature]

Date: 7-24-18

Zupancis, Robert L

Owners of : 415 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: It looks like a nice
project!

Signature: Patience + Bob Griffiths
Date: 7/4/18

Griffiths, Robert E & Patience M

Owners of : 1269 Wald Dr

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: Looks wonderful, you should be
able to continue, good luck!

Signature: Michael Keith Adams
Date: 6/30/18

Adams, Michael Keith & Karen Fulton

Owners of : 1262 Wald Dr

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: I used to go down to the
River, when the first Owners House
bought your house. You certainly
should be allowed to have Forest Service

Signature: Frieda Gerdin steps made.
Date: 6.27.18 for safety.

Gerdin, Frieda

Owners of : 1282 Wald Dr

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: _____

Signature: Stephen H & Randall E Lavelle
Date: 6/28/18

Lavelle, Stephen H & Randall E

Owners of : 1279 Wald Dr

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve

☐ Dis-approve

☐ Abstain

Comments: _____

Signature: _____

Date: 6/28/18

Fugate, Todd L

Owners of : 385 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve

☐ Dis-approve

☐ Abstain

Comments: _____

Signature: _____

Date: 7/9/18

Mcallister, Sara L Revocable Trust 1/4/12

Owners of : 425 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve

☐ Dis-approve

☐ Abstain

Comments: _____

This style path will help prevent erosion and degraded river water quality.

Signature: _____

Date: 7/3/18

Crocker, Damon & Corey

Owners of : 370 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve

☐ Dis-approve

☐ Abstain

Comments: _____

Signature: _____

Date: 7/15/18

Kennedy, Todd & Gwendolyn G

Owners of : 380 Oak Run Rd

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: _____

Signature: _____

Date: 7/7/18

Munn, Jeffrey D & Campbell, Jennifer S

Owners of : 1339 Wald Cir

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: THANK YOU FOR REACHING OUT TO YOUR
NEIGHBORS. I FIND YOUR ARGUMENT VERY REASONABLE.

IT SEEMS YOUR CONSTRUCTION OF STEPS - SUPPORTED BY THE FOREST
PARK CONSERVANCY OPINION - BOTH IMPROVE SAFETY FOR

Signature: _____

Date: 7/8/18

Winokur, Meghan Nichols & Jason Paul

Owners of : 1289 Wald Dr

USERS, AS WELL AS BETTER
RUN OFF MANAGEMENT. SEEMS
LIKE A "WIN-WIN" DECISION.
I APPROVE AMMENDMENT OF THE PUD
FOR YOUR PROJECT.

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: _____

Signature: _____

Date: 7/23/17

Gerald & Sarah Corbett

Owners of : 1362 Wald Dr

Are you in favor of amending the Crystal Acres PUD to allow Forest Service style steps through the riparian zone?

☒ Approve ☐ Dis-approve ☐ Abstain

Comments: _____

Signature: _____

Date: 7/8/18

Handy, Theron Dru & Tracy Jane

Owners of : 1342 Wald Dr

MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday July 11, 2019

Commissioners Present:

Ken Harrington, Vice-Chair
Marina Skiles
Jay Engstrom
Jade Wimberley
Nick Miscione
Nicholas DiFrank (1st Alternate)

Staff Present:

John Leybourne, Planner
Mary Sikes, Planning Assistant

Commissioners Absent:

Michael Durant, Chair
Tristan Francis (2nd Alternate)
Jeff Davlyn

Other Persons Present

Mark Chain
Randy Spurrier
Jerome & Donna Dayton

The meeting was called to order at 7:00 p.m. by Ken Harrington.

June 27, 2019 Minutes:

Jay made a motion to approve the June 27, 2019 minutes. Marina seconded the motion and they were approved unanimously with Jade and Nick abstaining.

Resolution 8, Series of 2019 - Approving Condo Exemption - 718 Lincoln Avenue

Marina made a motion to approve Resolution 8, Series of 2019, approving the Condominium Exemption at 718 Lincoln Avenue. Nicholas seconded the motion and it was approved unanimously.

Public Comment – Persons Present Not on the Agenda

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

PUBLIC HEARING – Minor Plat Amendment

Location: 403 & 417 Crystal Canyon Drive

Applicant – Randall & Juliet Spurrier

John said that this is a public hearing to consider a Major Plat Amendment for 403 and 417 Crystal Canyon Drive. He stated that the Planning Commission is required to hold

a public hearing and approve the application or deny it. He said that the Commission may also continue the public hearing.

John said that the RVR HOA issued a letter of approval of the proposal on April 24, 2019 with four conditions of approval.

John explained that the purpose of the Major Plat Amendment is to consolidate two lots, 403 and 417 Crystal Canyon Drive.

John said that normally a consolidation would be an administrative review. Staff felt that due to the size of the lot that would be created, the application should be reviewed by the Planning Commission.

John stated that the Major Plat Amendment removes the dividing lot line and also the building setback lines along that interior lot line.

John said that the proposed new lot is 41,388 sq. ft. in size, Lot 19 is 20,638 sq. ft. and Lot 20 is 20,750 sq. ft. in size.

John stated that the building envelope has been increased in the front yard, effectively pushing the conceptual structure to the back of the lot and the side and rear setbacks increased to 20 feet from the original 10-foot setback.

John said that the property owner has also worked with neighbors on the driveway and parking layout so that there are no issues.

John stated that while Staff has reservations about the overall lot and more specifically the building envelop size, Staff is supportive of the application.

Jay asked if the setbacks needed permission from the utility companies for easements.

John said no that there were no utilities running in the setbacks.

Mark Chain introduced Randy Spurrier. He said that the owners have been working on the design for their home and that the HOA of RVR has approved and now they are wanting the Town's approval. He explained the location on the map and said that Phase 7 was the last platted area. He continued by saying that the neighbors to the right were concerned with cars parking near their bedrooms so the parking was changed. He said one issue was the size of the building envelope and the DRC suggested pushing it north.

Mark said that in the packet there is a list of eight homes larger than 5,000 square feet. He said that the applicants accept Staff's conditions.

Randy said that it has been our dream to live in RVR and we currently live here and we love Carbondale. He said that our current home design is 4,000 square feet and with a narrow lot. He said by using two lots that the house can be set back for Mt. Sopris

views. He said that we have designed outdoor sheds, one with a telescope. He said that they have no intention to build a McMansion and through the RVR process that they met with neighbors and they were positive meetings and that we don't want to make an impact.

Nick thanked the applicant for the presentation and asked if the HOA has approved their consolidation.

Mark answered yes and the letter is in the packet from the HOA.

Ken added, with four conditions.

Marina asked what the final square footage was for the home.

Randy answered that their home was going to be about 4000 square feet.

Marina said that they would be allowed to build a much larger home than is proposed.

Randy said if we wanted a McMansion.

Ken disclosed that he lives in Old Town in RVR.

There were no members of the public present

Motion to Close Public Hearing

A motion was made by Nick to close the public hearing. Nicholas seconded the motion and it was approved unanimously.

Motion

Jay made a motion to approve the Major Plat Amendment for Lots 19 and 20 Block AA River Valley Ranch Phase 7 with the suggested findings and conditions indicated in the Staff report. Nick seconded the motion and it was approved unanimously.

PUBLIC HEARING – Crystal Acres PUD Amendment

Location: 315 Oak Run Road

Applicants: Jerome & Donna Dayton

Three letters were distributed from other owners in Crystal Acres that were not at the meeting.

John said that this is an application for a Major PUD amendment for the Crystal Acres Planned Unit Development. He said that the Planning Commission is required to hold a public hearing and either recommend to approve, deny or continue the public hearing.

He continued by saying that the purpose of the amendment is to update Section 12, Special Restrictions of the PUD to better define what a "Primitive Trail" is by providing a

review through a conditional use permit with review criteria and providing design and construction details for a “low impact trail.” He stated that there are no proposed changes to any of the district zoning parameters such as setbacks and building heights. John said that the PUD was annexed in 1978/1979 and the PUD was established in 1992. He stated that the PUD consists of Residential Low Density Lots. He said that the PUD is almost entirely built out with only one lot left vacant today.

John said that comments pertaining to the application were provided by CPW, the Roaring Fork Nature Conservancy and were positive of the application as the standards would provide for a more sustainable trail that would help with percolation and the controlling of erosion and silt entering the river/riparian zone.

John outlined the following:

Section 12, Special Restrictions: A. Riparian Zone

This section pertains to the designated riparian zone between the building rear setback line and the Town owned Public Open space on Lots 18 through 31 along Oak Run Road. Specifically, the section states that the indicated lots are entitled to have one primitive footpath leading to the Crystal River.

Several trails have been built and they consist of several different types of construction methods. The applicant included pictures of these trails in the application packet.

Proposed PUD language/changes

Staff is supportive of the proposed Construction Standards indicated in the application and would suggest the following additions/changes.

Section 12

Staff is supportive of the change from a “one primitive footpath” to a “low impact footpath” Staff would suggest that the applicant indicate that only one footpath is allowed. Suggested language would be “one low impact footpath.”

Add a reference to the Wildfire Mitigation Permit as established in 2012 for the clearing of vegetation for defensible space.

Suggested added language to include the restriction of structures being placed in the Zone such as picnic tables, landings, shade structures, fire pits and other improvements other than the approved permitted footpath.

Add that the footpath may not exceed 24” in tread width.

Lighting. Staff would suggest that no lighting is allowed in the Hillside and Riparian Zone.

A requirement be added that a site inspection be performed as part of the application before work is to commence and after work is completed.

Established PUD Policy

Several owners expressed concern that the PUD amendment would lead to more changes in the overall PUD and stated that they would not be interested in larger changes to the PUD. No other changes are proposed nor would Staff recommend any at this time.

Jade said that there are numerous other trails to the river from other homes, why are we talking about this path.

John stated that there was a complaint from across the river.

Ken asked how many paths are existing.

Mark explained that there are thirteen lots on the river in Crystal Acres and that there are two paths constructed as well as a primitive one on Lot 19.

Nick asked if there was an HOA.

Frank Taverna answered that there was no HOA.

John explained that the PUD process required 50% agreement from owners.

Mark Chain introduced Jerome and Donna Dayton and said that they live at 315 Oak Run. He said that Chris Brandt of DHM Design will explain some history shortly. He said that Frank Taverna and John Segal were the developers of Crystal Acres in '91 or '92. He said that this amendment for the trails was the only change to the PUD. He said that there were forty lot owners and that twenty-two responded to go forward, five said not to, three abstained and ten did not respond.

Mark said that there has been a debate about the definition of a primitive path. He said that there is no clear definition. He recalled the history of the area and the PUD. He said that there was also a study done referencing the slope to the river and that it was decided not to remove dead trees and vegetation. He said that the riparian area is small and that the bottom area to the middle of the river was dedicated to the Town. He said that in Crystal Village there is Staircase Park.

Mark gave some historical information of the wishes of a former Trustee and that he had wanted a path along the river. He said that we are talking about the re-write of Section 12 – safe but discrete, no heavy equipment, no retaining wall, no switch backs, natural, with no elevated construction above grade and removing all excavation spoils.

Mark said that with a conditional use permit that it could be required to get a professional to get the lay of the land. He said that the Dayton's put in steps to take care of weed management. He said that they were allowed to make a path and it is primitive with no erosion or any other disturbances.

Jerome said that he did not want his wife or guests to slip and that the bull thistle was his motivation. He said that in the spirit of the PUD he is here to clear things up.

Mark presented seasonal pictures and said that they want to honor the Town's comments about obscuring the timbers.

Chris Brandt of DHM Design introduced himself and said that he is a landscape architect. He suggested hand construction scaled with steps that are solid, uniform flat surfaces 3-6 feet wide.

Discussion

- Appropriate width of steps
- Erosion plan
- Steps on existing paths
- Construction near root zones
- Proposed standards
- Defining minimal impact
- No lighting on path as condition of approval
- Existing paths and grandfathering
- Filter fabric to allow water to pass to other steps
- Handrails
- Clarification of egress locations

Public Comment

John Foulkrod, **1349 Wald Drive** said that he was on the city council when this PUD was approved. He said that everyone was missing the point and that it was agreed to leave the river wild. He said that this included no decks or picnic tables and the rules were put there to keep the river natural. He said that it is a river and it can be treacherous. He said that in Aspen putting the bike path near the river made it no longer wild. He said keep that in mind and to keep the river paths primitive.

Frank Taverna, **405 Oak Run Road** said that John Segal was his partner when they developed Crystal Acres in 1991. He said that with the designation of the riparian zone we agreed to move the boundaries of the river front lots to maintain the character of the river. He said that each owner has understood for thirty years that a primitive path to the river was allowed. He said that this is an approval of a path that was already built. He stated that not all owners were included in the mailing and that they heard about it from the public notice signs and that he questions the fairness. He said in the packet that Janet mentioned handrails which is a contradiction. He doesn't agree with the amendment to the PUD so that every time an owner violates the covenants they can be brought into compliance.

Nick Sontag, **305 Oak Run Road** said that he agrees that every owner is going to have a different description of how a primitive path looks. He said that his property on the river needs to be managed and that there is a risk with fires and that a low impact path is not a bad thing.

Gayle Wells, **320 Oak Run Road** said that the path in question is so unintrusive and natural looking and that it ends before the riparian zone.

Bob Pazik, **365 Oak Run Road** said that we have a primitive path, not made by people. He said that if we built on our path trees would need to be removed, 25-50% of the trees and that it would be disruptive to the riparian zone.

Motion to Close Public Hearing

A motion was made by Nicholas to close the public hearing. Marina seconded the motion and it was approved unanimously.

Nicholas said that this is not about right or wrong and that he has compassion for both sides. He said that the Crystal is a jewel and that he doesn't think the intent was a bad use of your property. He said that the biggest challenge is the definition of path. He said that there was not enough guidance and that this is an opportunity to help further to avoid this situation of having the community up in arms. He said that he is not against their path and that setting precedent will be helpful for the future.

Jay said that was great and that he understands the purpose is to protect the river and this area. He said that the definition is loose and that future owners might define it differently. He said everyone has a different opinion and that if we change the PUD text it will prevent further conflict.

Jade asked for clarification of the Commission's role.

John stated that the Commission can either approve the PUD amendment or deny it and that it will go to the Board of Trustees. He said the Commission and Staff can draft the PUD language.

Ken asked what if the Commission didn't want to amend the PUD.

John stated that the language would stay the same and that each owner on the river would be allowed one primitive trail.

Ken stated that the current wording of primitive trail might have different standards and it might lead to more damages etc. He said that it was only enforced after a complaint. He said that we could amend the PUD because the language is vague and maybe make another pass to clarify issues raised tonight.

Nicholas suggested looking at other towns and their thresholds, grade to steep standards.

Nick agreed that vagueness causes issues. He said that without a DRC and no executive or organization of the community to protect yourselves. He said that the best judgement is to not leave it up to the Town and to approve with conditions.

Nicholas said that the Dayton's are the scapegoats here.

Marina thanked everyone and said that primitive path needs to be defined.

Ken asked if we are going to vote on specific language.

Jay asked if all the owners of the PUD have a say in the proposed standards.

Jade said that she heard John Foulkrod's one sentence and his passion for a primitive path to access the river. She said we could decide as a group what language to use to protect it and make it more specific to protect the river. She said that, if you build paths, it will be developed and that we should honor language from the past.

Further discussion ensued about process.

Motion to Continue the Public Hearing

Nicholas made a motion to continue the public hearing to August 15, 2019 and that Staff will bring back a draft of the wording for the PUD amendment. Jay seconded the motion and it was approved unanimously.

Staff Update

John said that the City Market permit was close to being issued and that we are mediating the renewables.

John said that Main Street Marketplace was waiting for City Market and the retail building to begin building.

Commissioner Comments

Nicholas commented that Tristan might have left the valley.

Motion to Adjourn

A motion was made by Nicholas to adjourn. Nick seconded the motion and the meeting was adjourned at 8:48 p.m.

July 9, 2019

To: Members of the Carbondale, CO Planning & Zoning Commission.

Cc: John Leybourne, Planner, Town of Carbondale, CO

Please enter my letter OPPOSING the proposed change, an amendment by applicants Jerome Dayton and Donna Dayton, to the Crystal Acres PUD Subdivision Plat, Reception Number 432413 at the Garfield County Clerk and Recorder.

I will be out of town and not able to attend the public hearing scheduled for Thursday, July 11, 2019.

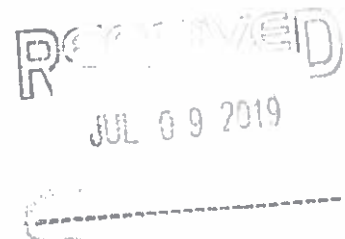
I want to be assured that this letter will be delivered to P & Z Commission members prior to, or at, this public hearing. I understand that member packets have already been distributed.

They must know that I am AGAINST this change into the Riparian Zone.

Thank you,

Jennifer Deweese
360 Oak Run Rd, Carbondale, CO.

Jennifer Deweese



Dr. Spence,

You are correct, the PUD amendment is proposed to add more specific standards to what a “Primitive Path” is and may be as there is not a definition in the existing PUD regulations. (Note that there are not any proposed changes to the covenants, The Town does not enforce the covenants only a HOA does.) In addition to adding a definition, there are proposed design standards stating what may be constructed and what cannot be constructed. These proposed changes are only to section 12 and only apply to the Crystal acres PUD.

Here is the link to the

application, https://www.carbondalegov.org/Application_Crystal%20Acres%20PUD%20Amend_Sect%2012.pdf

Staff proposed changes in addition to what the applicant had proposed that was more limiting on what may be constructed in the riparian zone, I have attached the Staff report for reference.

As to the clearing of vegetation, the property owners applied for and received a Wildfire Mitigation permit for the reduction of fuels on the lot.

The Public hearing was continued to the August 29th P&Z meeting for reference, and you are more than welcome to submit comments.

Feel free to contact me if you have any other questions,

Thanks and have a great weekend.

John M Leybourne
Town of Carbondale
511 Colorado Ave.
Carbondale, CO 81623
970-510-1212
jleybourne@carbondaleco.net

From: Dr. Kimball Spence <Kimball.Spence@vvh.org>
Sent: Thursday, July 25, 2019 3:06 PM
To: John Leybourne <jleybourne@carbondaleco.net>
Subject: Dayton proposed amendments to PUD for crystal acres

I was unable to come to the preliminary P and Z hearing regarding the proposed amendments. What specifically is being amended in the original PUD covenant's?

Is it just about more clearly defining what a “primitive path” is, and/or allowing a more vigorous path/steps? Jerome's steps are 6 x 6 railroad ties, 3 feet wide, and 2 or 3 feet deep. He also has hired quite a bit of clear cutting brush in the (supposedly protected) zone, when floating past in my kayak recently it was clear that his lot was considerably different than all of the lots in that subdivision in terms

of disturbance to the zone. Not much brush, Alders, etc. left except for a few widely spaced oak trees. He told me he could not get fire insurance without doing so, however everyone else in the subdivision seems to have insurance.

The steps are not all that much of a concern to me or my wife. But we do feel that the riparian zone should be adequately protected and not set up a precedent for increasing disturbance with steps, porches, trails etc.

If you could please help me understand what the amendment proposals are, that would be great.

Thank you for all your work on this,

Kim Spence.

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ATTENTION: If you speak [Language], language assistance services, free of charge, are available to you. Call 1.970.945.6235. Español (Spanish) **ATENCIÓN** : si habla español, tiene a su disposición servicios gratuitos de asistencia lingüística. Llame al 1.970.945.6535.

Tiếng Việt (Vietnamese) **CHÚ Ý**: Nếu bạn nói Tiếng Việt, có các dịch vụ hỗ trợ ngôn ngữ miễn phí dành cho bạn. Gọi số 1.970.945.6535.

繁體中文 (Chinese) **注意**: 如果您使用繁體中文 您可以免費獲得語言援助服務。請致電1.970.945.6535.



Town of Carbondale
511 Colorado Ave
Carbondale, CO 81623

Transmittal

Item Number: TBD

Date Routed: 4-19-2019

Comments Due: 5-3-2019

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. Please contact the planning department should you have any additional questions regarding this project.

Applicant: Jerome and Donna Dayton

Owner of Record: Jerome and Donna Dayton

Location: Crystal Acres Planned Unit Development

Zone: PUD

Project Description: Amend section 12 of the Crystal Acres PUD to provide design standards for primitive path construction.

Planner: John Leybourne

COMMENTS:

1. I have no issues with the proposed PUD amendment.

Date: April 25, 2019

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

July 9, 2019

To: Members of the Carbondale, CO Planning & Zoning Commission.

Cc: John Leybourne, Planner, Town of Carbondale, CO

Please enter my letter OPPOSING the proposed change, an amendment by applicants Jerome Dayton and Donna Dayton, to the Crystal Acres PUD Subdivision Plat, Reception Number 432413 at the Garfield County Clerk and Recorder.

I will be out of town and not able to attend the public hearing scheduled for Thursday, July 11, 2019.

I want to be assured that this letter will be delivered to P & Z Commission members prior to, or at, this public hearing. I understand that member packets have already been distributed.

They must know that I am AGAINST this change into the Riparian Zone.

Thank you,

Jennifer Deweese
360 Oak Run Rd, Carbondale, CO.

Jennifer Deweese

RECEIVED

JUL 09 2019



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

Memorandum

TO: John Leybourne, Planner
FROM: Janet Buck, Planning Director
RE: Crystal Acres PUD Amendment
DATE: July 2, 2019

Thank you for the opportunity to review the application for the Crystal Acres PUD Amendment. These are my comments:

1. The application proposes a name change from "Riparian Zone" to "Riparian and Hillside Protection Zone." The recorded Crystal Acres Subdivision Plat shows this area as "Riparian Zone." Changing the language on the plat to match up with the proposed designation would require a plat amendment so it may be best to leave this designation as currently described in the PUD and on the plat.
2. The description of what type of trail is allowed is changed from "one primitive footpath" to "low impact footpath" with no limit on number. I would suggest that the number be limited to one and to retain the use of the word "primitive" as it better reflects the intent of the PUD.
3. The bullet point under Paragraph 12.B.3) is unclear. This needs to be re-worded or otherwise clarified. Also, is it intended to be a bullet point under Paragraph 12.B.3)? It seems like a different topic.
4. Add language in Paragraph 12.B that prohibits items such as picnic tables, fire pits, decks, platforms, picnic shelters and gazebos, etc.
5. Add language in Paragraph 12.C.1.c. that prohibits roofs. (Handrails may be necessary in some circumstances for safety.) Also, limit the width of the steps leading to the river to two feet in width to minimize amount of disturbance.
6. Add the language "including colors" at the end of Paragraph 12.D.3).
7. In Paragraph 12.F., rather than referencing the 1991 Baharav report, incorporate appropriate sections of that report within the zone district text.

8. The Crystal Acres PUD included in the application is not recorded. In addition, the Crystal Acres PUD in the Town's PUD book used to administer the code is not recorded. If the amendment to the PUD is approved, I would suggest that the Crystal Acres PUD zone text be re-typed in its entirety into a new document with the same zoning parameters such as allowed uses, setbacks, etc., as established in 1992. If the new language for Paragraph 12 is approved, this can be incorporated into the newly-typed document. The amended and re-stated Crystal Acres PUD document can then be recorded.

I would suggest that the above items be included as conditions of approval in the Staff report. Thanks and let me know if you have any questions.



Dr. Roger K. Harvey

July 12, 2019

Carbondale P&Z Commission
511 Colorado Ave
Carbondale, CO 81623

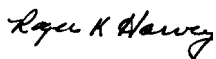
RE: Amendment of Crystal Acres PUD Section 12

I wish to express my opposition to amending Section 12 of the Crystal Acres PUD which proposes to change the area along the Crystal River from a wildlife area to an area available to adjacent landowners to develop their access to the river. The original section was included in the PUD to preserve the area from wood/concrete steps, developed riverside patios, and lawn chairs / seating along the river. From the wildlife's point of view, this is a zero-sum game – structural development along the river takes away a wildlife friendly environment and drives wildlife away from their natural habitat.

Furthermore, if you make an exception of Jerome and Donna Dayton, you will open the door for other landowners in Crystal Acres and my neighborhood (Hendrick Ranch) to apply for the same exception. Once the door is opened to changing a PUD for a citizen's personal gain, then others will likely follow. Let the Daytons' use the existing to river access points like the rest of us.

In conclusion, I urge the members of the P&Z Commission and Board of Trustees to reject the Daytons' Proposal and to keep Section 12 in its current form.

Sincerely,



Roger K. Harvey

Patrick Griffin

1292 Wald Drive, Carbondale, CO 81623

Patrick Griffin 970-948-6210

Dear Town Trustees, and P&Z members,

I am writing this to voice my opposition to the application by Jerome and Donna Dayton to change the PUD of Crystal Acres. Changing the PUD is a slippery slope for the whole area. It sends a signal that you can do anything you want and then just change the rules later. We can't know all the ways that this can have adverse effects down the road. This is supposed to be a riparian Zone. Everyone could start building paths and patios and then so much for the wildlife. Carbondale is an environment conscious Community. Please vote no on changing the PUD.

Sincerely, Patrick Griffin

A handwritten signature in black ink, appearing to read 'Patrick Griffin', with a long, sweeping horizontal stroke extending to the right.

July 9, 2019

To Whom It May Concern: Carbondale Mayor & Town Trustees, Carbondale Planning & Zoning Commission, Carbondale Planning & Building Department

I am writing to give notice of my OPPOSITION to the proposed change by Jerome & Donna Dayton to infringe on the Riparian Zone of the Crystal River which parallels the street Oak Run in Carbondale, CO.

In the Public Hearing Notice it is referred to as Crystal Acres Planned Unit Development (PUD) application to Amend Section 12. I DO NOT WANT TO SEE THIS CHANGE.

Upon moving to this address 23 years ago, I read and accepted the guidelines for living in this neighborhood. I WANT TO SEE THE RIPARIAN ZONE PROTECTED. It is required for the integrity of the city and immediate neighborhood, as we define what we want to look like as a community.

Please DO NOT ALLOW THIS AMENDMENT or change. Thank you. There should NOT BE A PATH at this place. There are 2 river access points already existing, for access to the river on Oak Run street: Staircase Park and near the intersection of Oak Run and Wald Drive. IF any additional paths are developed they should be available for ALL PUBLIC ACCESS. And, as I have stated, first of all, this section of the Crystal River should be protected, in perpetuity, as RIPARIAN ZONE.

Do we need to get the Audubon Society involved? The U.S. Army Corps of Engineers? To better understand disturbances to river banks, integrity of steep slope stability (surely we've all read plenty about that with the burn scars in Basalt, CO from the Lake Christine fire, the erosion damage likely with such scarring of the land), and habitat management, especially for our national symbol, the Bald Eagle, as well as the Lewis' Woodpecker which is now identified on the national Watch List.

I will be out of town on July 11, 2019 and will not be able to make the hearing scheduled for that date. I ask that you accept my written statements in OPPOSITION to this proposed change.

Regards,

Belinda Leve
1292 Wald Drive, Carbondale, CO. 81623

Cc: Frank Taverna, John Leybourne

From: Groves - DNR, John <john.groves@state.co.us>
Sent: Tuesday, June 25, 2019 9:22 PM
To: John Leybourne; Neumann - DNR, Danielle; Yamashita, Matt
Subject: Re: PUD application request for comments

John,

I have reviewed the Crystal Acres PUD Amendment as it relates to trails in the Riparian Protection Zone. CPW typically discourages trails and development in riparian areas due to impacts to wildlife habitat. As this is a historical use in a developed area, approved by the Town of Carbondale, CPW feels the proposed language to more clearly define trail standards adequately addresses the issue. These improved standards should help owners create a path that is sustainable and less prone to erosion.

Thanks for the opportunity to review. If you have any questions or concerns please let me know.

John Groves.

On Fri, May 17, 2019 at 10:24 AM John Leybourne <jleybourne@carbondaleco.net> wrote:
John,

I'm not sure if you would be the correct person to send this referral request to.

We have an applicant here in Carbondale that is asking to amend a PUD that borders the Crystal River. The request is to allow standards to more clearly define what a primitive path is that is currently allowed to be constructed in the Riparian Zone.

Any comments would be greatly appreciated.

Many thanks,

John M Leybourne
Town of Carbondale
511 Colorado Ave.
Carbondale, CO 81623
970-510-1212
jleybourne@carbondaleco.net

--

John Groves
District Wildlife Manager-Carbondale
Colorado Parks and Wildlife
970-947-2933

John,

As you may recall, in April of 2018 I was contacted by Jerome Dayton to consult on an existing/improved trail at 315 Oak Run Road. During a site visit, I made a specific recommendation pertaining to one aspect of the trail (improved steps) and the potential to decrease erosion down the trail. It appears that specific recommendation has been referenced somewhat out of context, and now the Carbondale P&Z has been presented with a PUD Amendment and assured that Roaring Fork Conservancy (RFC) is in favor of the amendment and trail building. This is incorrect, and my recommendation on 315 Oak Run Road has been taken out of context. Mr. Dayton neglected to include further email correspondence where I registered RFC would not be in favor of further trail building through the riparian and along the river.

I plan to attend the August 29th continued hearing of the PUD Amendment, at which time I will speak in favor of riparian vegetation protection as always, and not endorse further trail building or the PUD Amendment as an organization. I have read through some of the PUD Amendment language, and although there are some further regulatory steps involved with permitting etc. I see the potential for granting of variances to allow for larger trails, in turn leading to further degradation of the bank and removal of riparian vegetation.

I would appreciate you sharing this information with the Planning and Zoning commission to reflect an accurate assessment of RFC's recommendation for the entire riparian area adjacent to Oak Run Road. Please feel free to contact me with any further questions or if you would like to discuss this matter further.

Sincerely,

Rick Lofaro
Executive Director



ROARING FORK CONSERVANCY
22800 Two Rivers Road, Basalt, CO 81621
tel: (970) 927-1290 cell: (970) 379-9844
www.roaringfork.org

Bringing people together to protect our rivers!



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

Planning & Zoning Commission Memorandum

Meeting Date: 8-29-19

TITLE: Appointment for Planning and Zoning Commission

SUBMITTING DEPARTMENT: Planning Department

ATTACHMENTS: Application: Jeff Davlyn

BACKGROUND

The term for Jeff Davlyn expires on 8/31/19. Jeff has reapplied for re-appointment to the Planning & Zoning Commission (P&Z)

The Commission should form a recommendation to the Board of Trustees. The Board will consider the appointment at its September 10, 2019 meeting.

RECOMMENDATION

Staff recommends that the following motion be approved: **Move to recommend to reappoint Jeff Davlyn as a regular voting member of the Planning and Zoning Commission.**

Prepared By: Janet Buck, Planning Director



**Town of Carbondale
Planning and Zoning Commission
Application for Appointment**

Applicant Name: Jeff Davlyn
Mailing Address: 435 Boyd Dr.
Street Address: Carbondale 81623
Telephone: 970-456-3560
E-mail Address: jeff.davlyn@gmail.com

Reappointment

If you are seeking reappointment, it is only necessary to fill in the top portion of this application.

Please Answer the Questions Below

- 1.) The Planning and Zoning Commission requires a commitment on Thursday evenings once or twice a month. The meetings generally fall on the second and fourth Thursday of each month with a few exceptions. The Planning and Zoning Commission occasionally hosts workshops where your attendance may be required. In addition, you may need to attend Board of Trustee meetings a couple of year. Do you foresee any problems attending these meetings on a regular basis? If so, what are the potential attendance issues?
No issue
- 2.) Do you feel as a citizen of the community that you are able to provide objective recommendations on various land-use applications and other issues? If yes, please explain.
Yes - I have studied land use, zoning & sustainability for over 10 years
- 3.) Do you feel you have any conflicts of interest that may arise due to your appointment to the Planning and Zoning Commission? If so, please explain.
No
- 4.) What do you like best about the Town of Carbondale?
Small town living
- 5.) What is one thing that would make Carbondale a better place to live?
Smart growth, more walkable/bikable development and protection of important open spaces
- 6.) Please identify what you feel are some of the key issues facing the Town in the next 5-10 years,
Growth opportunities & infill

Planning and Zoning Recommendation

Date:
Selection: YES ☐ NO ☐

Action Taken by Board of Trustees

Date:
Selection: YES ☐ NO ☐
Term Expiration: _____

Approval Signature: _____

Date: _____