



Planning & Zoning Commission

Carbondale Town Hall and Via Zoom

7:00 PM

Join the meeting via Zoom:

<https://us02web.zoom.us/j/85847083981?pwd=cDhtSWcxZWsrZVJlRnSVFmTE5kQT09>

When: Thursday, August 10, 2023, 7:00 PM Mountain Time (US and Canada)

Topic: Town of Carbondale Planning & Zoning Commission August 10, 2023 Meeting

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Webinar ID: 858 4708 3981

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1. Call to Order

2. Roll Call

3. 7:00 p.m. - 7:05 p.m.

3 - 10

Consent Agenda

Minutes of the July 13, 2023, Meeting [7 13 2023 Draft \(1\).pdf](#)

4. 7:05 p.m. - 7:10 p.m.

Public Comment for Persons Not on the Agenda

5. 7:10 p.m. - 7:40 p.m.

11 - 43

PUBLIC HEARING: 326 S. 3rd Street ADU (Conditional Use Permit/Minor Site Plan)

6. **7:40 p.m. - 7:50 p.m.**

44 - 61

PUBLIC HEARING: "Clean-up" Code Text Amendments

[UDC Clean-Up Packet for P&Z 081023.pdf](#) 

7. **7:50 p.m. - 8:05 pm**

Staff Update

8. **8:05 p.m. - 8:10 p.m.**

Commissioner Comments

9. **8:10 p.m.**

Adjournment

Upcoming P & Z Meetings:

8-24-2023 – Little Blue Preschool Expansion Subdivision Exemption and Special Use Permit Resolutions

9-14-2023 -- PUBLIC HEARING: ANB Bank Mixed Use Building (Rezoning/Conditional Use/Major Site Plan)

ATTENTION: All meetings are conducted in person and virtually via Zoom. If you wish to comment concerning an agenda item, please email kmcdonald@carbondaleco.net by 4:00 p.m. the day of the meeting.

MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday July 13, 2023

Commissioners Present:

Jay Engstrom, Chair
Kim Magee
Jeff Davlyn
Kade Gianinetti
Cindy Suplizio (Alternate)

Staff Present:

Jared Barnes, Planning Director
Kelley Amdur, Planner
Kae McDonald, Planning Technician

Commissioners Absent:

Nicholas DiFrank, Vice-Chair
Nick Miscione
Jerrett Mork
Jess Robision (Alternate)

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

June 8, 2023 Minutes:

Kade ***moved*** to approve the June 22, 2023, meeting minutes. Cindy ***seconded the motion***, and it was ***approved with Jeff abstaining***.

Yes: Jay, Kim, Kade, Cindy

No: none

Abstaining: Jeff

Public Comment – Persons Present Not on the Agenda

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

“Clean Up” Code Amendments Worksession

Kelley explained that there was a table included as part of the packet that lists items Staff is proposing as “Clean Up” to address typographical and minor errors in the Unified Development Code. She noted that most of the errors relate to the same table. Kelley stated that Staff recommends that the Commission make a motion to initiate an Amendment and schedule a public hearing.

Jeff commented that the changes don’t seem substantive.

Jared explained that most of the corrections have to do with a cross reference that is referenced incorrectly in each table. He noted that these errors are straightforward and not controversial and would be a good initial public hearing.

Jay noted that the reference to Section 5.1.3.F in the table should read “Correct ‘Chapter 19.10’ to read ‘Chapter 16-1-20’.”

Motion Passed: Kade **moved** to initiate an Amendment to the Unified Development Code pursuant to Section 2.4.1 of the UDC for the purpose of reviewing proposed “Clean Up” UDC Text Amendments and direct Staff to schedule a public hearing on August 10, 2023. Jeff **seconded the motion**, and it was **unanimously approved**.

Yes: Jay, Cindy, Kade, Jeff, and Kim
No: None

Jared noted that the public hearing will be noticed for August 10th.

Impervious Lot Coverage Worksession

Jared explained that his approach to code amendments is to conduct work sessions to have informal conversations to understand the issues prior to a public hearing because it helps the public stay engaged in the process without having to endure iterative meetings. He noted that as he and Kelley are learning the UDC and how to apply it they have found that the impervious lot coverage section is clunky in how it is written and how it is applied, and it leaves a lot of room for interpretation at all levels. He added that it is difficult for everyone to read it and understand how to comply with it. Jared pointed out that the intent of the UDC is to present requirements in a straightforward manner, unfortunately, by the time a project is reviewed for zoning compliance the building permit has already been applied for, and a lot of invested time and money can be wasted if it doesn't meet the impervious lot coverage requirements. Jared pointed out that while much of tonight's conversation will be centered on Section 3.8.5, he also included other sections of the UDC where impervious lot coverage is mentioned such as Tables 3.7.2 and 3.7.3, landscaping, stormwater run-off, and definitions of driveways and parking lots. Jared identified specific challenges that arise when completing zoning compliance code checks:

- UDC Section 3.8.5.A states that the principal building is considered part of the impervious area but doesn't well define how that measurement is made. One question staff has is should this area be inclusive of roof overhangs or only the area within the outside walls? Jared pointed out that if this level of ambiguity can be removed, it would be a beneficial code clean up.
- UDC Sections 3.8.5.E and UDC 3.8.5.F grant two exemptions – one for decks and/or patios and the other for pervious pavers – and these two exemptions comprise the bulk of the confusion because the exemptions are applied for differently and the design elements that are being highlighted for the exemptions don't always qualify. Jared noted that Staff has developed an Impervious Lot Coverage Sample Data Table and an accompanying plan sheet and while that has helped, it hasn't always eliminated the confusion.

Jared listed some topics to guide the discussion:

- The deck/patio exemption is only applicable to residential zone districts. As written this section allows certain decks and/or patios to be considered pervious area even if finished with impervious materials “In a residential zoning district,

any impervious covered or uncovered deck and/or patio is allowed to be calculated as pervious surface; however, this allowance is limited to 10 percent of the square footage of the floor area of a dwelling unit, excluding the floor area of the basement and garage.”

- Generally, should decks be considered impervious or pervious?
- Should the categorization be dependent upon the ground treatment underneath?
- Should a deck only be considered impervious if covered?
- The pervious paver exemption is also only applicable to residential zone districts; other sections of the UDC clearly categorize all driveway and parking areas as impervious regardless of surface area.
 - Applicants want to know what systems are approved. The town doesn't keep a list, but in the past had indicated that GrassPave2 was the only approved system.
 - Many pervious paving systems are only pervious with specific types of subsurface. Historically any system that used road base would be ineligible for the exemption. This is challenging to ensure compliance during construction as no driveway inspections are done.
 - After construction, pervious driveways are often changed and modified without any permits and put existing properties into non-compliance.
- The overarching question is whether the Commission considers the exemption important and, if so, is it better served by increasing the lot coverage percentage.

Jeff asked what the main purpose of limiting impervious surface was.

Jared responded that there are three primary reasons for limiting impervious surfaces:

1. Stormwater management;
2. Lot coverage – controlling the mass of built forms; and,
3. Aesthetics – providing open space and separation between design elements.

Jay commented that he was excited to discuss this topic. He noted that while he considers this topic a weak spot in the code, he also appreciates the simplicity of the UDC. Jay explained that, unlike many other residential codes, the UDC doesn't state that projects must have an engineered design that prevents stormwater flows from leaving a property. He acknowledged that for the larger commercial projects, stormwater retention is addressed, but there isn't such a requirement for smaller residential projects.

Jared agreed that this would be a good opportunity to add that language.

Kelley added that most of the residential applications that Staff reviews are at their maximum lot coverage and applying the exemptions can be challenging – for example, simple decks often put applications over the maximum lot coverage percentage and must be denied.

Jared agreed and noted that it is even an issue with multi-family – duplexes, triplexes, etc. – lots.

Jeff wondered how often the term “principal building” is found in the UDC.

Jared replied that it isn’t a defined term, but he didn’t look to see how widely it is used in the UDC.

Jeff asked if overhangs – similar to decks – are serving the purpose of stormwater retention.

Jay replied if one is following the definition of an impervious surface, any overhang would be impervious.

Jared suggested a standard two-foot overhang would be acceptable, but anything that exceeds that length would not.

Kade asked what a realistic percentage shift would be.

Jared replied that those calculations haven’t yet been considered but thought it could be researched. He noted that there is a dichotomy in that new single-family residences in River Valley Ranch are being designed to the maximum lot coverage requirement while in the older residential neighborhoods the lots exceed the maximum because of structures and improvements added piecemeal. He pointed out that no matter how much that percentage is increased, there will be a desire to design to that standard.

Jay commented that much of that is stating what percent is the actual structure versus what percent is softscape.

Cindy agreed, noting that there are new technologies being introduced as a rapid rate.

Jared replied that it would consume Staff time to study each new product and thought that developing a standard matrix for the pervious paver exemption could provide clarity.

Jay pointed out that the City of Aspen has a 12% gap requirement for pavers and that would achieve such a standard. He noted that the underlayment must have retention capacity for a 100-year storm event and that could be satisfied by requiring a four-inches of gravel beneath it along with a non-compacted subgrade and native fill.

Jared noted that that would add another inspection and then what recourse does the Town have when there is noncompliance because Carbondale residents may not have the same financial ability that Aspen residents do to tear something out and start over.

Jay pointed out that this would be an exemption to go over the lot’s impervious cover, so there should be an expectation of performance.

Kade suggested allowing a roof overhang of two feet and getting rid of the patio/deck exemption.

Kelley replied that allowing decks to be considered permeable would be a big shift because except for the 10% allowance, decks are currently counted as impervious surfaces.

Jay noted that it should be demonstrated that water is flowing through the deck and there isn't sheet flow off the end of the deck.

Jared stated that he would rather have a deck exemption than a driveway exemption. He added that he spoke with Jess prior to this evening's meeting, and she relayed that she liked the simplicity of the code and didn't want to see it overcomplicated.

Jay asked how Jared felt about the current lot ratios and commented that he thought it was a good compromise.

Jared replied that the percentages seem fair given the existing density – for example, the Residential/Low Density ratios are scaled based on the size of the lot.

Kelley commented that the scale is appropriate and achieves a consistent building size appropriate for the neighborhood.

Cindy asked if the deck exemption is eliminated, would the lot coverage ratio still be adjusted.

Kade commented that they also need to be forward-thinking for increased density as the population grows.

Jeff pointed out that there are other code regulations that still limit the size of the building.

Jared suggested presenting a simplified version along with a version that accounts for the use of innovative products for the public hearing, or the work session can continue at the next meeting.

Jay asked for clarification on how the pervious paver exemption relates to driveways if the percentage is increased.

Jared replied that the 10% exemption tied to driveways is not 10% of the total lot size, but 10% of the pervious lot coverage. He pointed out that the 10% exemption could be limited to the driveway specifically, but the challenge is those River Valley Ranch lots with long driveways to access the buildable space would end up with a large amount of pervious pavers.

Jeff asked how the pervious paver exemption is being met.

Jared replied that typically the garage apron and the side parking is permeable, but it isn't overly clear.

Kade suggested reconsidering the parking requirement for accessory dwelling units to regain pervious surface in those lots.

Jay commented that that could be an incentive for more impervious lot coverage if there is an ADU. He added that there are pros and cons to simplification, but it seems that the some of the issues are geared towards River Valley Ranch and he doesn't want to see small lots being denied for putting stepping stones to their front door.

Jeff thought some caution should be used because it could be a concrete walkway or a flagstone walkway and would those be considered in the same way.

Jared replied that currently walkways are considered impervious, but they could consider parking areas categorized as impervious along with concrete patios and sidewalks and flagstone/tile/pavers sidewalks with a 12% separation are categorized as pervious.

Cindy thought it would be easier to classify what was impervious surfaces.

Jared replied that the challenge is the application of pavers or tiles with a tight gap.

Kelley suggested identifying a width dimension because that would be easy to enforce.

Kim appreciated the points discussed and suggested moving forward with the public hearing.

Cindy asked if RVR had a design review committee that approved building plans.

Jared replied that RVR building plans are subjected to a high level of review, but the RVR zoning code states that approvals are conditioned upon meeting the UDC's building height, setbacks, and lot coverage requirements. He thought it might be helpful to share a simplified code to the RVR design review board.

Jeff wondered if there would be an opportunity to talk to RVR DRC.

Jared replied that they could be invited to comment. He thought architects would also appreciate a simplification of the impervious lot coverage requirements.

Kelley asked the commission members if they would like to hear from professionals and applicants.

Jeff replied that any "real world" examples would be appreciated.

Kade added that in all goes back to why this requirement is important and thought that groundwater retention was a good place to start.

Jeff suggested that it would be helpful to present the overlapping regulations that limit building mass.

Jared pointed out that most of what is being discussed is on the fringes of design and won't materially change the type of development being reviewed.

Jay didn't think that engineers would consider this requirement as the best stormwater management, and if all the RVR lots were to go up to 60% impervious, the entire basin would be limited in its water retention. He pointed out that in those big storm events, the sheetflow would cross over most surfaces and would end up going in the river. He noted that every other every jurisdiction requires stormwater retention on individual lots, and it can be expensive, but creative solutions would be helpful. He also pointed out that most of the stormwater flows into the public right-of-way and Carbondale doesn't have any stormwater provisions.

Jared replied that although this requirement isn't addressing stormwater to best management practices, most RVR lots fall under 30% lot coverage, but he thought the lot coverage helped create a predictable built form environment.

Jay suggested two other items to consider for pervious spaces:

1. "Green" roofs; and,
2. Pedestal paver systems.

Motion Passed: Jeff ***moved*** to initiate an Amendment to the Unified Development Code pursuant to Section 2.4.1 of the UDC for the purpose of reviewing changes to Section 3.8.5, Impervious Lot Coverage. Kade ***seconded the motion***, and it was ***unanimously approved***.

Yes: Jay, Cindy, Kade, Jeff, and Kim

No: None

Staff Update

Kelley noted that on the agenda under "Upcoming P & Z Meetings," the ANB Bank public hearing listed for August 24th will be delayed until September 14th. She explained that the application proposes to rezone from P/C to M/U with a mixed-use building of approximately 10,000 square feet for the bank, approximately 10,000 square feet of retail and restaurant space, 16 dwelling units and 74 parking spaces.

Kelley also noted that the Little Blue Preschool Expansion Rezoning and Site Plan application will be heard by the Board of Trustees at their July 25th meeting. She added that a Conditional Use Permit and Minor Site Plan Review for 326 S. 3rd Street will be heard at the August 10th Planning & Zoning Commission meeting.

Jared informed the commission members that the MAP Carbondale project is underway, and an online commenting tool is live under "Carbondale Connect." He noted that public outreach events have included the July First Friday and Wednesday's Farmers Market and they anticipate being present at additional Town events as well as posting on various community boards. Jared added that Age Friendly Carbondale is

going to share their Highway 133 study information to add to the Map Carbondale data. He explained that the project has an eight-to-nine-month timeline with an anticipated completion in the first quarter of 2024.

Jared announced that a Building Official has been hired and will start on July 25th.

Commissioner Comments

Jeff commented that he appreciated the deliberations on the Little Blue Preschool Expansion but was disappointed that it was so contentious. He added that the community is very lucky to have such a quality program and with the lack of childcare being the problem it is in the valley, allowing the expansion makes a big difference.

Cindy asked about the We-Cycle stations going up around town.

Jared replied that there will be 17 We-Cycle Stations in total and will include a mix of electric and traditional bikes. He noted that the ribbon cutting will take place in early August.

Motion to Adjourn

A motion was made by Cindy to adjourn, Jeff seconded the motion, and the meeting was adjourned at 8:29 p.m.



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

Planning & Zoning Commission Memorandum

Meeting Date: 8/10/2023

TITLE: 326 S. 3rd Street ADU - Minor Site Plan Review

Submitting Department: Planning Department

Owner/Applicant: J. Ray and Crista Barlow

Property Location: 326 S. 3rd Street @ Sopris Avenue

Proposed Use: Construction of 2-car attached garage with ADU above.

Zone District: Residential Low Density (R/LD)

Lot/Lot Size: Lots 10-12, Block 6, Original Townsite; 8,250sf

ATTACHMENTS:
A: Site Photos
B: Land Use Application
C: Draft Conditional Use Permit
D: Public Comment letter

BACKGROUND

This is an application for a Minor Site Plan Review to construct an accessory dwelling unit (ADU) over a new 2-car garage that would be attached to the existing single-family residence at 326 S. 3rd Street. Section 2.5.3 of the Unified Development Code (UDC) requires a Minor Site Plan review for ADUs in the R/LD zone district, and Section 4.2.5 (Table 4.2-1) states that a Conditional Use permit is also required for ADUs in the R/LD zone district. The Planning and Zoning Commission (P&Z) is required to hold a public hearing on the Minor Site Plan Review. If the Minor Site Plan application is approved by the P&Z, the Planning Director will approve the Conditional Use Permit.

Public Notice

The Public Hearing before the P&Z was publicly noticed in the Sopris Sun on July 20, 2023 and the applicant completed a mailed notice and posting on July 25, 2023.

Project Description:

The owners of the single-family residence at 326 S. 3rd Street propose to construct a two-story addition on the east side of their home. The addition consists of a two-car garage with a second level ADU, accessed via a new driveway off Sopris Ave. No new curb cut is required due to an existing drive-over curb and the new driveway does not remove any existing street parking spaces.

The proposed ADU is approximately 545 square feet in size, with 1 bedroom, 1 bathroom and a kitchen, and is accessed via an exterior stair on the east side of the garage. The ADU also includes a deck on the north side that projects over the driveway below.

Public Comment:

Staff received one letter from a neighbor in support of the project (Attachment D), and one phone call from a neighbor who has concerns about the availability of on-street parking on Sopris Ave. The neighbor on Sopris Ave has concerns about the ADU increasing competition for on-street parking given that the neighbor uses on-street parking to access their home. Although the neighbor's lot has alley access in the rear, they do not currently have parking in the rear of their property.

DISCUSSION

2022 Comprehensive Plan

The property is designated as Old Town on the Future Land Use Map. One of the priorities for this land use area is to encourage accessory dwelling units while retaining the predominant land use of single-family dwellings. The proposal complies with the goals and policies of the Comprehensive Plan by proposing an ADU, which is encouraged in the subject land use area.

Setbacks (UDC §3.2.4.B)

	Required	Existing/Proposed
Front	15 feet	12 feet - nonconforming (no change)
Side	7.5 feet	7.5 feet (south)
Side adjacent to street	10 feet	10 feet (north) adjacent to Sopris Ave
Rear	7.5 feet	7.5 feet

As shown on the plans and in the Site Photos, attached, the front of the existing home is on 3rd Street and the front façade extends approximately 3 feet into the front setback. The structure is considered nonconforming and is permitted to remain pursuant to UDC Section 7.4. In addition, this section permits internal remodeling and external expansion so long as the alternation does not create a new nonconformity or increase the intensity of the existing nonconformity. The proposed addition on the east side of the home, with the garage and ADU, do not increase the nonconformity on the west side of the home. Therefore, the proposal meets the setback requirements of the R/LD zone district.

Building Height (UDC §3.2.4.B)

The maximum building height permitted in the R/LD zone district is 27 feet. The proposed addition measures 22 feet to the midpoint of the gable roof and therefore complies with the height limit.

Maximum Impervious Surface (UDC §3.7.2)

The subject property is 8,250sf in size and is permitted a maximum of 45% (3,713sf) of the lot to be covered with impervious surfaces. As shown in the Impervious Lot Calculations table on Sheet A-103 the proposed addition and driveway along with the existing building, covered porches, sheds and landscape features bring the total proposed impervious area to 3,606sf or 44%. The proposed improvements therefore comply with the maximum impervious lot coverage.

ADU Standards (UDC §4.4.4)

Among other requirements, ADUs are required to have a separate exterior entrance from the primary dwelling unit, have no more than one bedroom and to have separate cooking facilities. In the R/LD zone district, square footage of ADUs shall be allowed as follows per Section 4.4.4.A.8:

- a. Primary dwelling units that are 1,500 square feet or less shall have a minimum unit size of 300 square feet and a maximum unit size of 500 square feet.*
- b. Primary dwelling units that are larger than 1,500 square feet-minimum unit size shall have a minimum unit size of 300 square feet and a maximum unit size of 33 percent of the total floor area of the primary dwelling unit, up to a maximum unit size of 850 square feet.*

The proposed ADU is 545 square feet with one bedroom, one bathroom, and a cooking facility. The proposed ADU is accessed from a separate exterior stair on the east side of the garage. The proposed ADU therefore meets the standards set forth in this section of the UDC.

Building Design (UDC §5.6)

Section 5.6 of the UDC, Residential Site and Building Design, includes Section 5.6.3, General Standards for all Residential Development. Section 5.6.3.C lists several standards for new garages, shown below.

Section 5.6.3.C.2. Garage Location and Design

- a. Alley-loaded garages are required on new dwellings with alley access. Frontloaded garages are prohibited on lots with alley access.*
- b. Front-loaded garages are encouraged to be located parallel to or behind the plane of the dwelling entry. Non-recessed, front-loading garages are discouraged.*
- c. Street-facing garages are discouraged.*
- d. The primary dwelling entrance should be the principal element of the building façade, rather than the garage.*

The subject property does not have alley access and the only existing parking for the home is within the 3rd Street right-of-way.. As shown on the attached plans, the project proposes a two car garage which faces 3rd Street and is located 40 feet from the sidewalk. The garage door is slightly proud of the side entry, but the home's main entry remains on 3rd Street.

The project includes several features that mitigate the presence of the street-facing garage. The use of color and materials is intended to help the garage door blend in with the siding of the addition while the garage entry and second-floor deck railing will be clad in a different material and more noticeable color. The ADU's deck facing Sopris Ave projects 4 feet over the garage door and includes a canopy, which along with the entry stair serve to emphasize the dwelling unit, not the garage. Based on these features and the garage setback of 40 feet, staff is of the opinion that the project complies with Section 5.6 of the UDC.

Parking (UDC §5.8)

UDC §5.8.3. requires 2 parking spaces for the primary dwelling and 2 spaces for the proposed ADU. Per Table 5.8-1 the ADU parking requirement "may be reduced to 1 space only when there shall be reserved on the lot sufficient open space to accommodate the additional space should the Town, based on parking related complaints from nearby property owners, require said parking to be provided on the lot. The area reserved for the reserved parking space shall be included in the lot coverage calculation." The applicant is requesting that the number of ADU parking spaces be reduced from 2 to 1. Sheet A.105 demonstrates the proposed parking spaces including 2 garage and 1 driveway space for the primary dwelling and 1 driveway space for the ADU. As stated above, the project site does not have alley access, and the only existing parking for the home is within the 3rd Street right-of-way. The project therefore provides Code-complying off-street parking for the single-family dwelling unit as well as the ADU and furthermore removes a parking nonconformity.

Solar Access (UDC §5.12)

The subject property is in SA zone I. The applicant has prepared a solar shading analysis (Sheet A.101) which demonstrates compliance with this requirement.

REVIEW CRITERIA

Site Plan criteria (UDC §2.5.3.C):

A site plan may be approved upon a finding that the application meets all of the following criteria:

1. The site plan meets the purposes of the zoning district in which it will be located and is consistent with the Comprehensive Plan;
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 applicable development and design standards set forth in this Code; and,

4. Traffic generated by the proposed development will be adequately served by existing streets within Carbondale, or the decision-making body finds that such traffic impact will be sufficiently mitigated.

RECOMMENDATION:

Staff recommends that the following motion be approved:

Move to approve a Minor Site Plan Review for an Accessory Dwelling Unit to be located at 326 S. 3rd Street, with the following conditions and findings:

Conditions

1. The Accessory Dwelling Unit's ownership shall not be legally severed from ownership of the associated lot and any other structures on such lot.
2. The Accessory Dwelling Unit shall not have separate water or sewer service.
3. 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.
4. The Applicant shall pay and reimburse the town for all applicable professional and Staff fees pursuant to the Carbondale Municipal Code.
5. The applicant shall apply for and receive a building permit as required.

Findings for Approval - Site Plan Review Criteria

1. The site plan meets the purposes of the R/LD zone district and is consistent with the 2022 Comprehensive Plan.
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 applicable development and design standards set forth in the Unified Development Code.
4. Traffic generated by the proposed development will be adequately served by existing streets within Carbondale.

Prepared By: Kelley Amdur, Planner

SITE PHOTOS



Aerial view



326 S. 3rd Street looking south from across Sopris Ave.



Site of proposed addition seen from Sopris Ave.



Close up of site of proposed addition, on the east side of the existing home



The front of the home on 3rd Street as seen from the corner of Sopris Ave.



The front of the home on 3rd Street with existing parking.



Looking South along 3rd Street



Looking East along Sopris Ave



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

Received 5/17/2023

Attachment B	
Pre-Application Meeting Date	_____
Fees	Date Pd _____

Land Use Application

PART 1 – APPLICANT INFORMATION

Applicant Name: J. Ray and Crista Barlow Phone: 970.274.0623

Applicant Address: 326 S. 3rd St, Carbondale, CO 81623

E-mail: jrbarrow@lipkinwarner.com

Owner Name: J. Ray and Crista Barlow Phone: 970.274.0623

Address: 326 S. 3rd St, Carbondale, CO 81623

E-mail: jrbarrow@lipkinwarner.com

Location of Property: provide street address and either 1) subdivision lot and block; or 2) metes and bounds:
326 S. 3rd St. , Lots 10, 11 and 12 Block 6 in the town of Carbondale

PART 2 – PROJECT DESCRIPTION

General project description:

Adding an attached two car garage with an ADU on the upper level to our existing home

Size of Parcel: 8250 sf # Dwelling Units: 1 Sq Ft Comm: _____

Type of Application(s): Minor Site plan review

Existing Zoning: Residential / Low Density (R/LD) Proposed Zoning: Residential / Low Density (R/LD)

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.

J. Ray Barlow 3/14/23
Applicant Signature Date

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

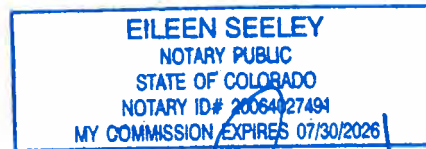
J. Ray Barlow 3/14/23 Crista Barlow 3/14/23
Owner Signature Date Owner Signature Date

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The above and foregoing document was acknowledged before me this 16th day of March 2023, by J. Ray Barlow & Crista Barlow

Witness my hand and official
My commission expires:

7/30/26



Eileen Seeley
Notary Public



Town of Carbondale
Conditional Use Permit
Checklist
 (970) 963-2733

Project Name: Barlow Residence Garage and ADU addition

Applicant: J.Ray Barlow

Applicant Address: 326 S. 3rd st, Carbondale, CO 81623

Location: 326 S. 3rd st, Carbondale, CO 81623

Date: 3/20/23

Staff Member: Jared Barnes

**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)
- ☒ Proof of Ownership
- ☒ A site plan showing the footprint and proposed use of all buildings, proposed parking configuration, location of all utilities and easements, and other details necessary to demonstrate that the proposed use and site conforms with requirements of the applicable district.
- ☒ Additional information requested at the pre-application meeting:

Items discussed and included in submission:

Solar analysis for shading at adjacent property.

Underground existing utilities: Electrical and cable to be buried.

Show snow storage on property on site plan.

Show location of existing rollover curb along Sopris Drive

Distance between property line and building (at parking spaces) increased to 18'-6"



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

Project Name: Barlow Residence Garage / ADU addition

Applicant: J.Ray and Crista Barlow

Applicant Address: 326 S. 3rd St

Location: 326 S. 3rd St

Date: 3/14/23

Staff Member: Jared Barnes

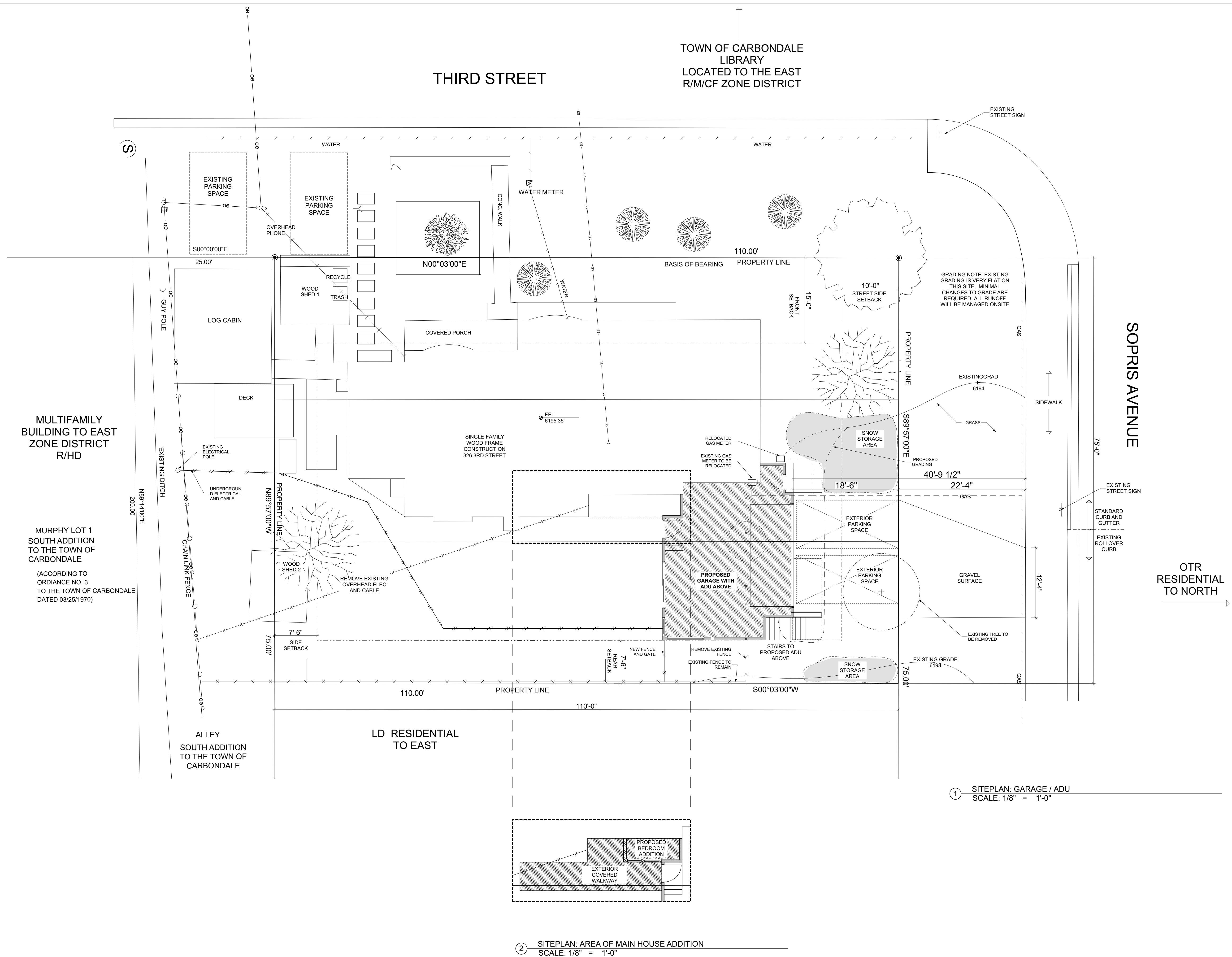
Section 2.3 of the UDC requires a pre-application meeting with planning staff prior to submittal of a land use application.

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:





OPEN JOINT CEDAR SIDING



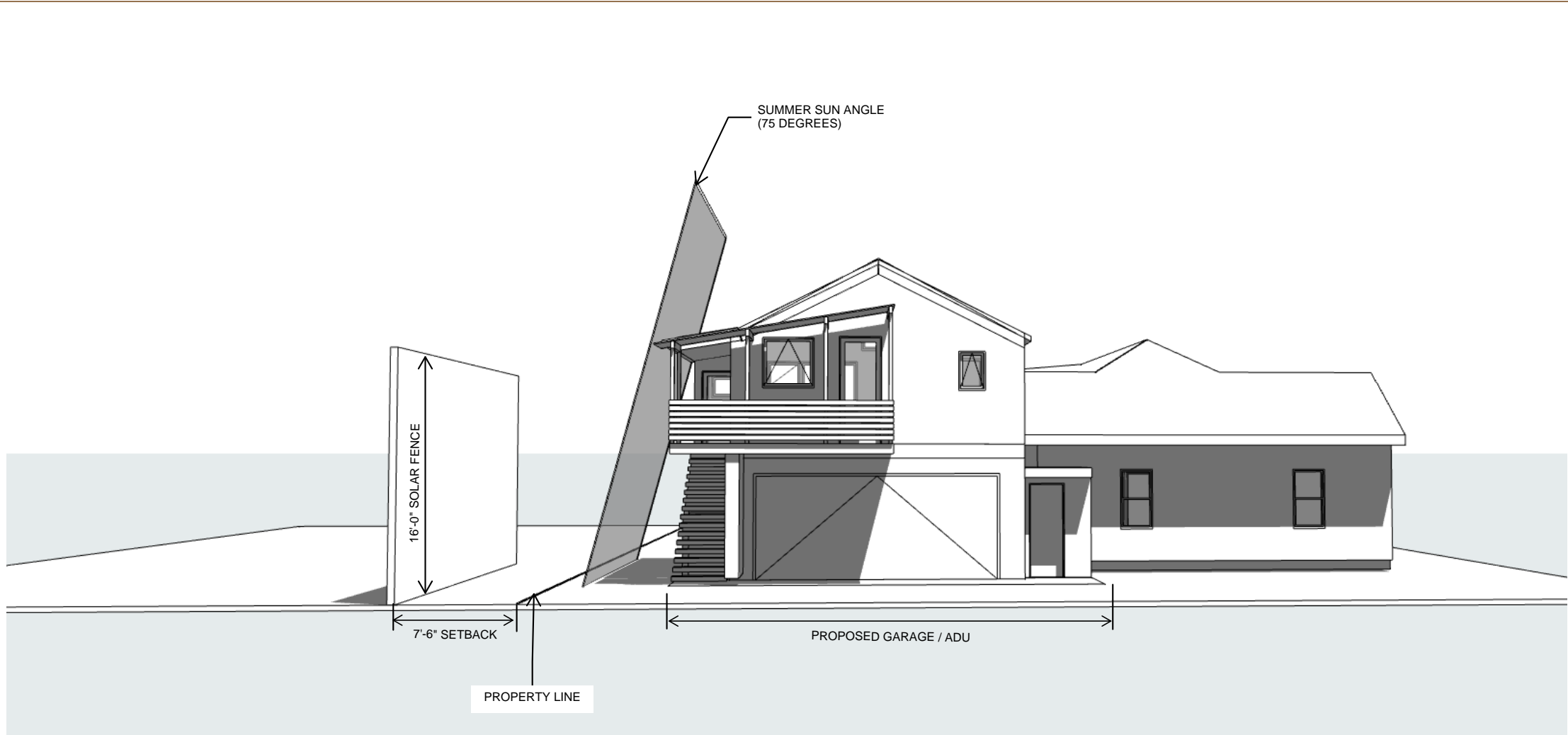
EXISTING NORTH WITH GARAGE STAKING



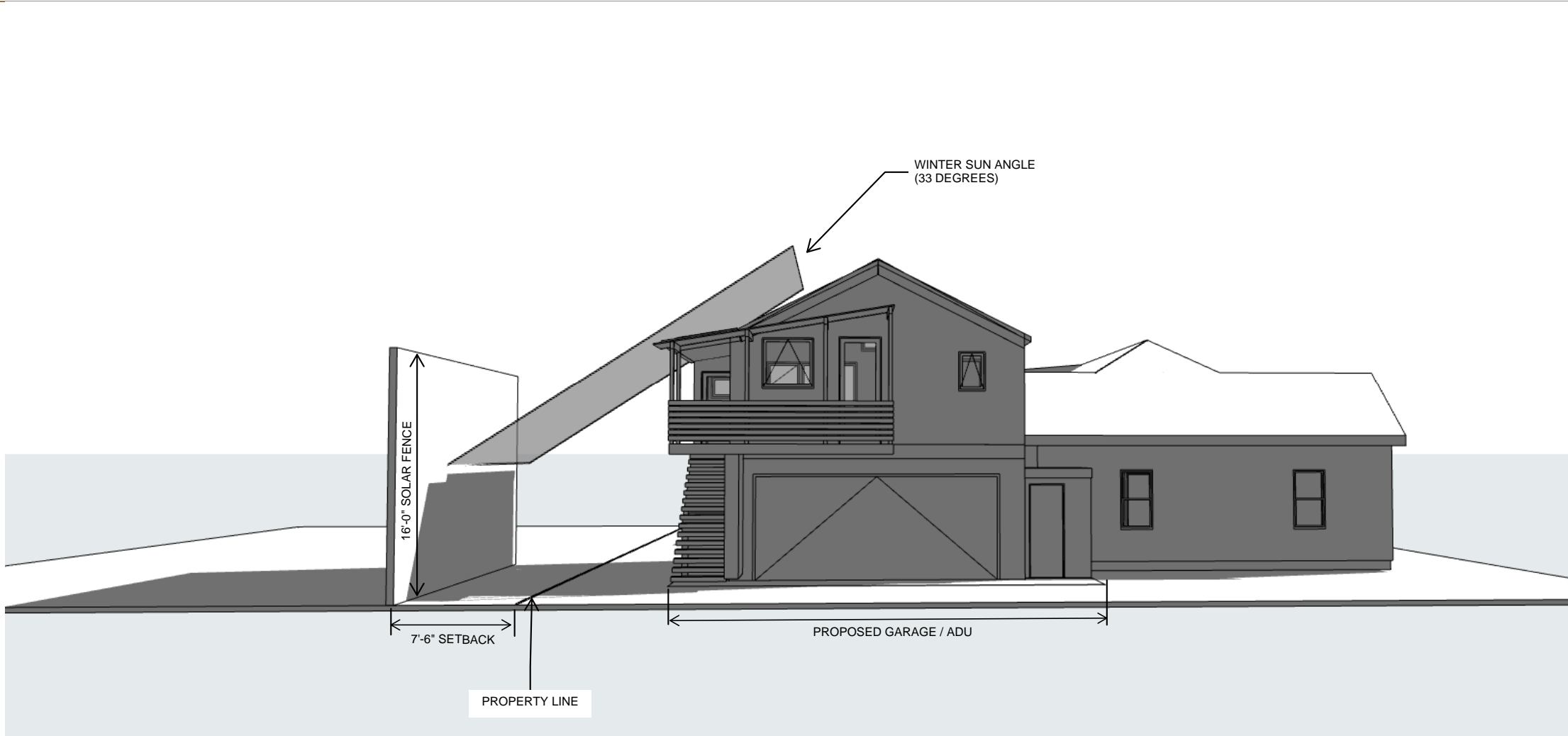
NW CORNER: INTERSECTION OF 3RD AND SOPRIS



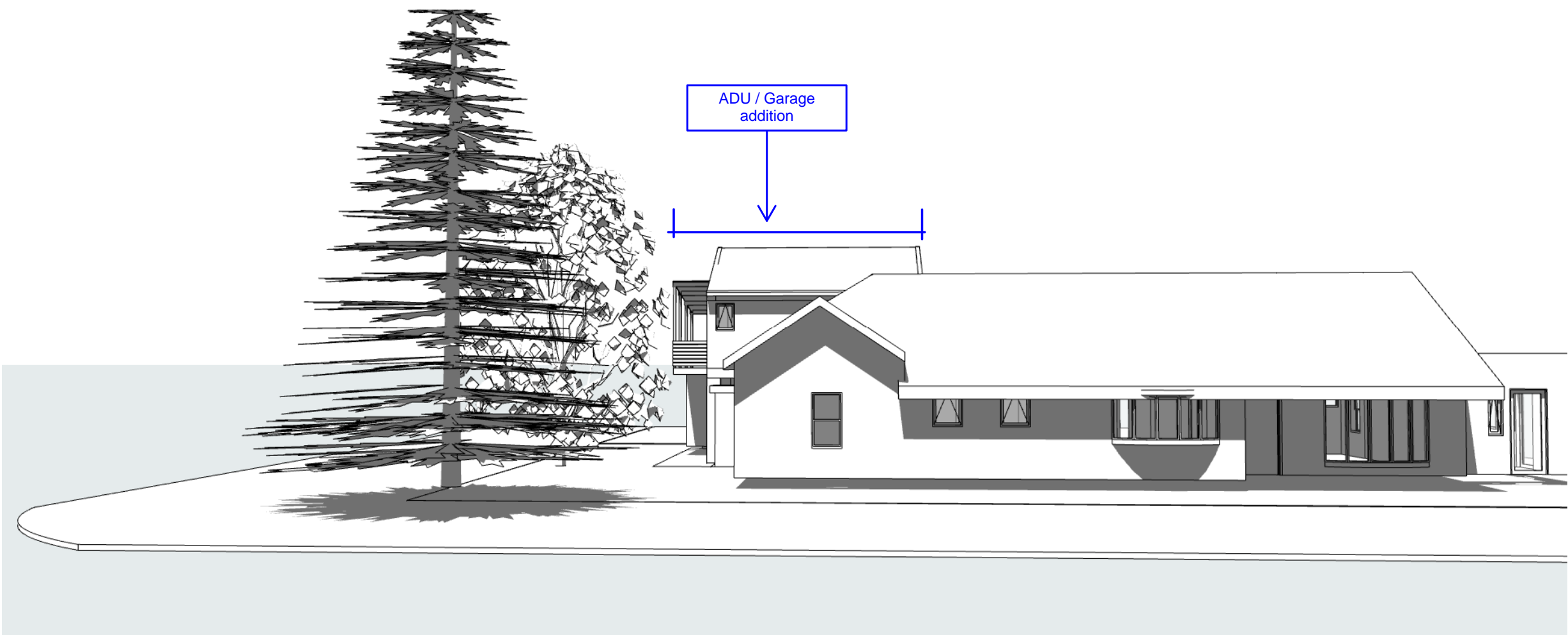
EXISTING FRONT OF HOUSE: WEST FACING



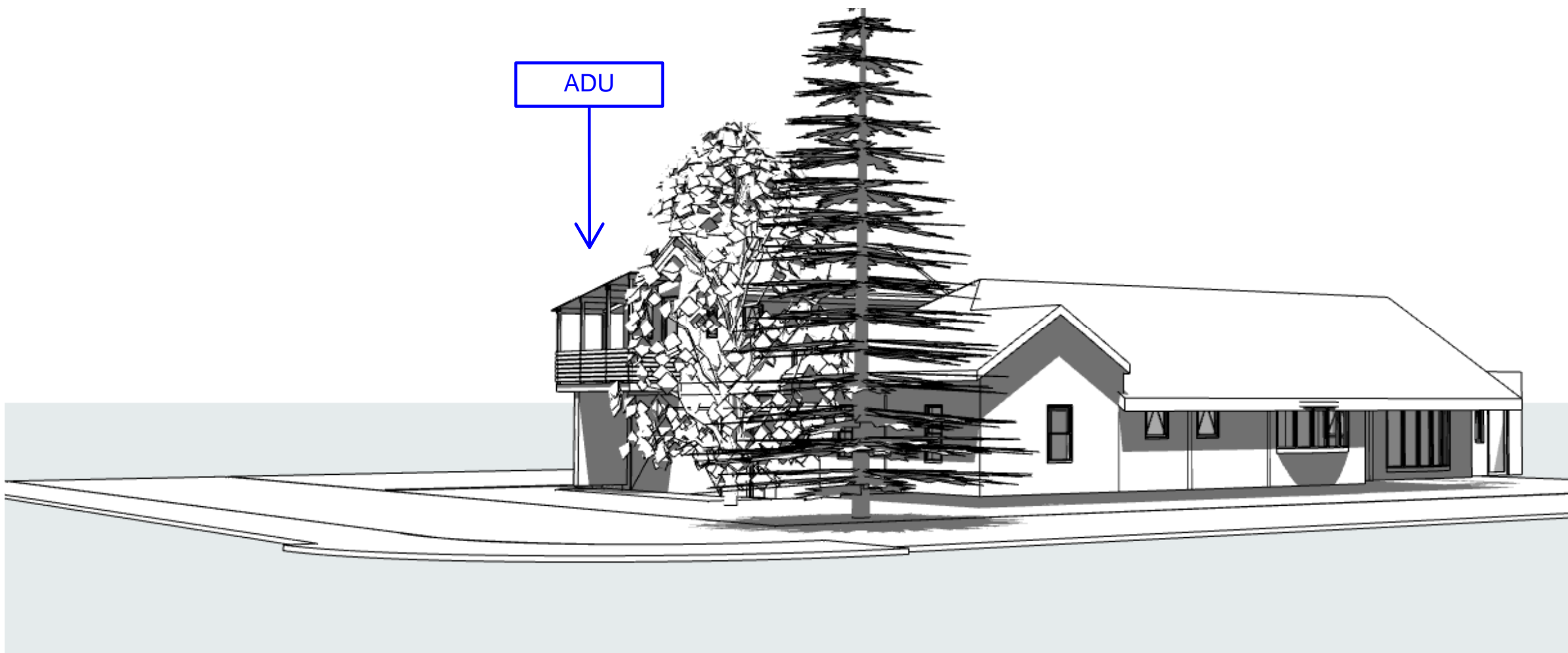
SUMMER SOLAR FENCE SUN STUDY



WINTER SOLAR FENCE SUN STUDY



EXISTING MAIN HOUSE ENTRY ON THIRD STREET: EAST



INTERSECTION OF THIRD AND SOPRIS: NORTHWEST CORNER

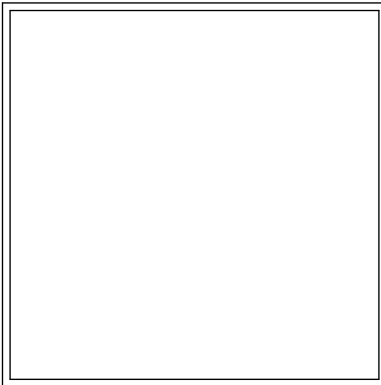
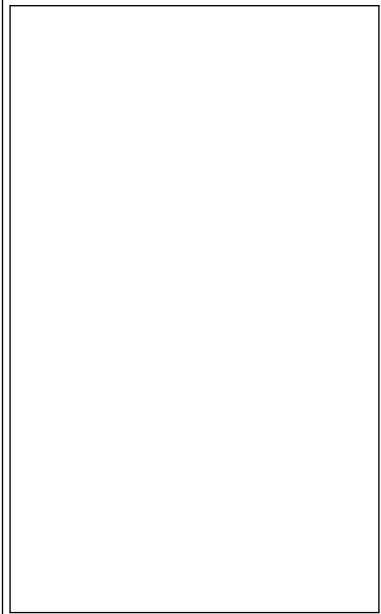
BARLOW RESIDENCE
GARAGE AND ADU ADDITION
326 SOUTH THIRD ST
CARBONDALE, CO. 81623

DATE	ISSUE/REVISION
06.17.2023	MAJOR SITE PLAN
06.21.2023	REVIEW
	MINOR SITE PLAN
	REVISION 1

DRAWN BY:	
CHECKED BY:	
SCALE:	

EXISTING
CONDITIONS
AND SUN STUDY

A-101



BARLOW RESIDENCE

GARAGE AND ADU ADDITION

326 SOUTH THIRD ST

CARBONDALE, CO. 81623

ISSUE/REVISION	MANUS SITE PLAN REVIEW MANUS SITE PLAN MANUS SITE PLAN
DATE	06.17.2023 06.21.2023 06.21.2023

DRAWN BY:	
CHECKED BY:	
SCALE:	

IMPERVIOUS CALCS

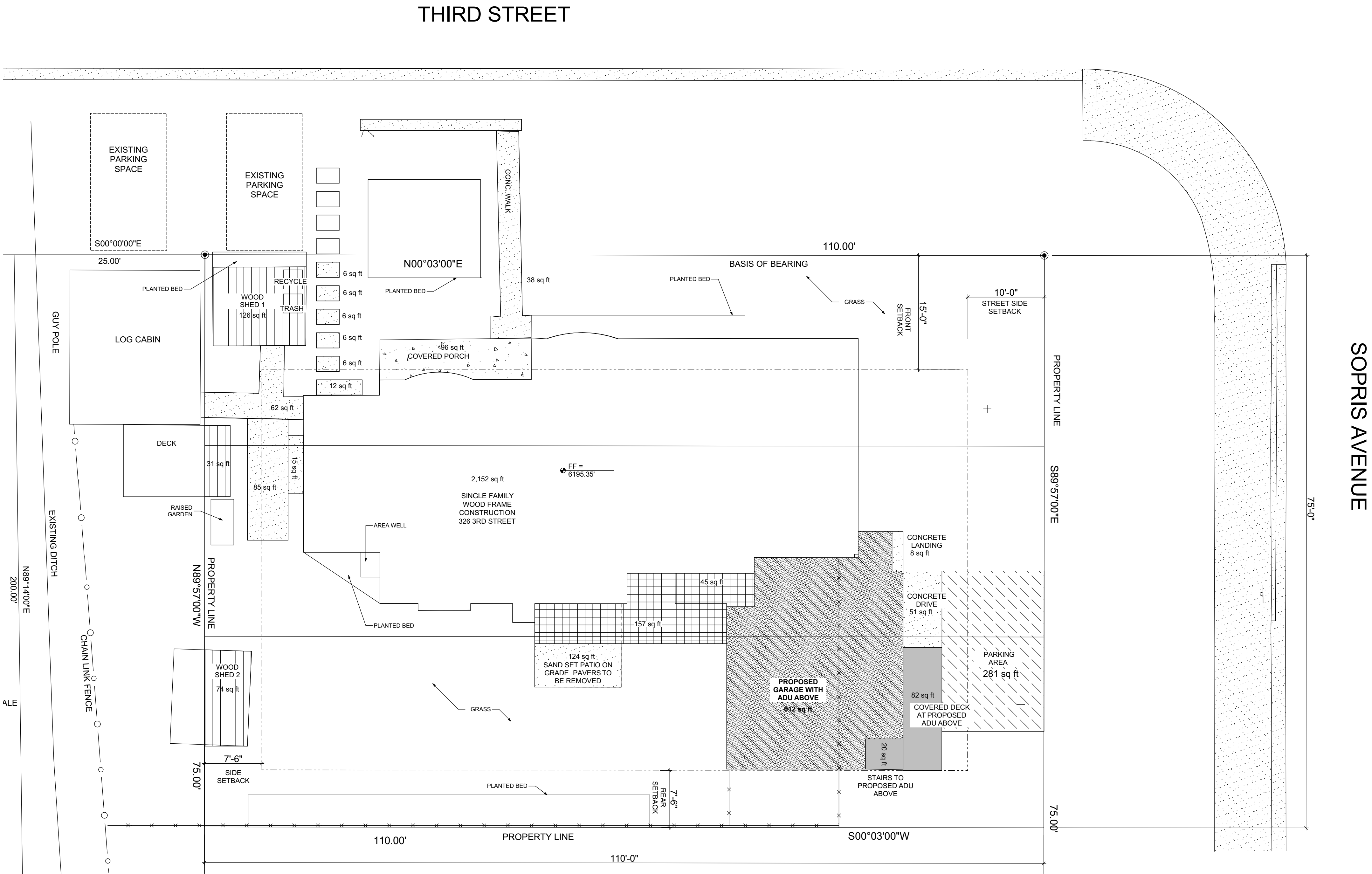
A-103

PROJECT DATA

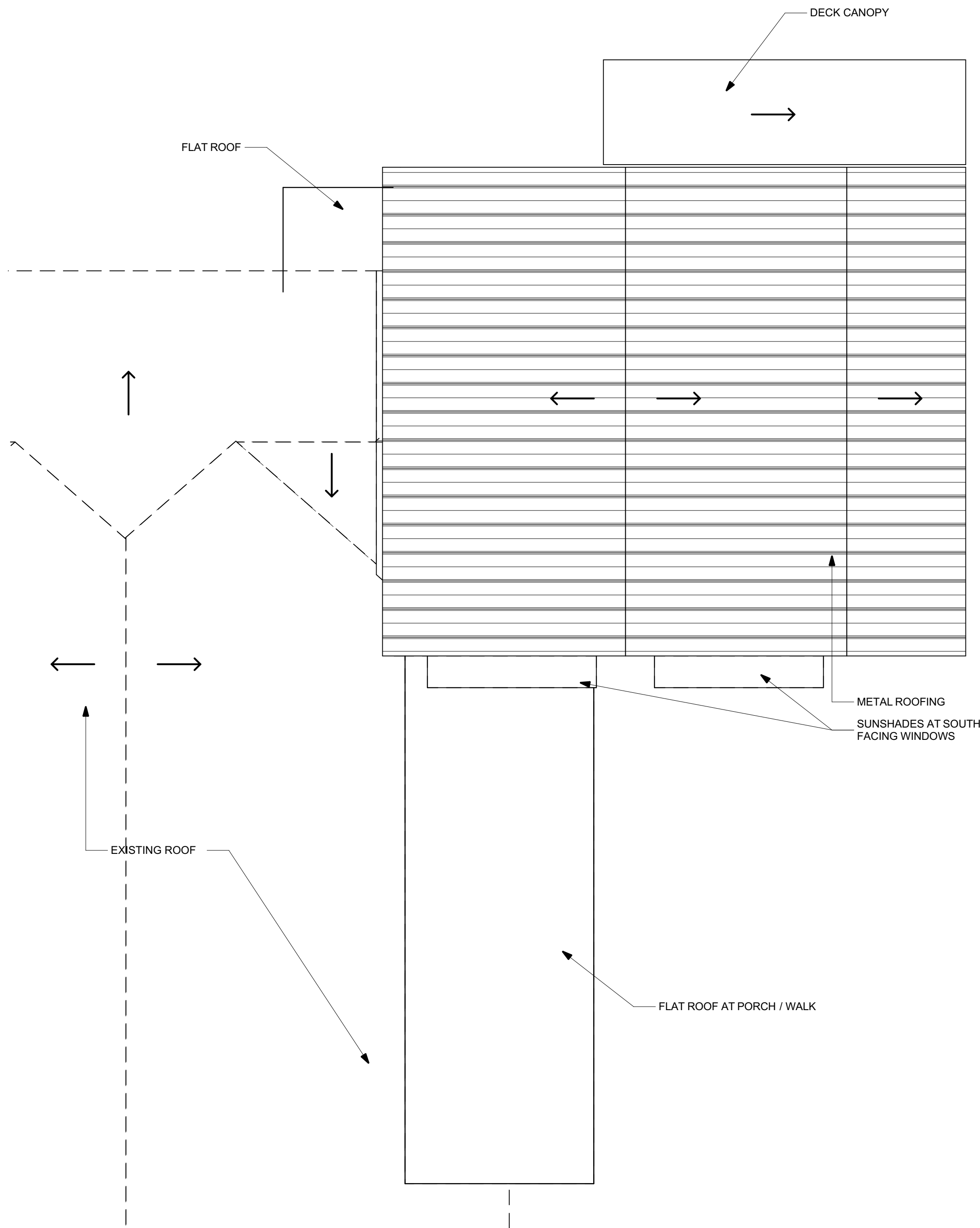
PRINCIPAL DWELLING UNIT:	3291 SF
PROPOSED ADU	
INTERIOR LIVING AREA	545 SF
PROPOSED DECK AND ENTRY STAIRS	137 SF
TOTAL ADU AREA	682 SF

IMPERVIOUS LOT CALCULATIONS

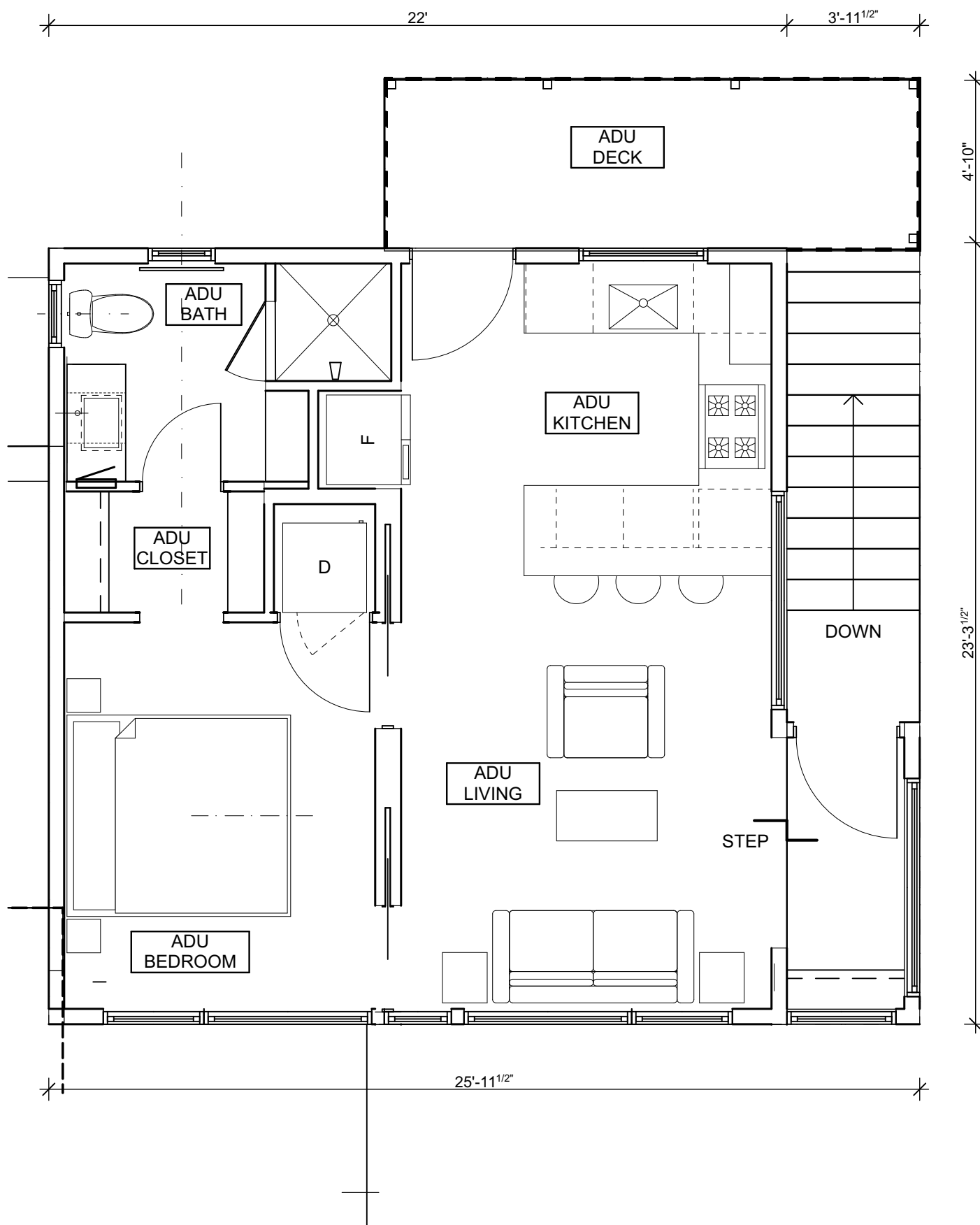
Category	Sq Ft or %
Lot Area (sq ft)	8250 sf
Maximum Impervious Lot Coverage Percentage (%) (as listed by zone district in UDC Table 3.7-2 or PUD)	.45%
Total Impervious Coverage Allowed (sq ft) (Lot Area (sq ft) x Impervious Percentage (%))	3713 sf
Impervious Area:	
Principal Building Footprint Area (sq ft)	2152 + 45 = 2197 sf
Accessory Buildings (sq ft) (garages, carports, utility and storage sheds)	126 +74+612 = 812 sf
Deck and Patio Areas (sq ft)	31 + 96 + 157 +82 = 366 sf
Miscellaneous Impervious Areas (sq ft) (e.g. stairways, walkways, walls, hot tubs, etc.)	42+162 +20+8 = 232 sf
Parking Areas and Driveways (sq ft) (regardless of surface materials)	281 + 51 = 332 sf
Total Proposed Impervious Area (sq ft)	2197+812+366+232+332 = 3939 sf
Impervious Area Exemptions	
Patio Exemption	
Gross Floor Area of Primary Dwelling Unit (sq ft)	2152+584+517+45+617 = 3915 sf
Gross Floor Area of Garage and Basement (sq ft)	617+517 = 1134
Net Primary Dwelling Floor Area (sq ft) (GFA of Primary DU - GFA of Garage and Basement)	3915 -1134 = 2781
Maximum Impervious Deck/Patio Exemption (sq ft) (10% of Net Primary Dwelling Floor Area)	278 sf
Proposed Deck and Patio Area Exemption (sq ft)	278 sf
Pervious Paver Exemption (system must be pre-approved by town)	
Minimum Pervious Lot Coverage Percentage (%)	N/A
Total Pervious Area Required (sq ft) (Lot Area x Pervious Percentage)	
Maximum Pervious Paver Exemption (sq ft) (10% of Total Pervious Area Required)	
Proposed Pervious Paver Area	



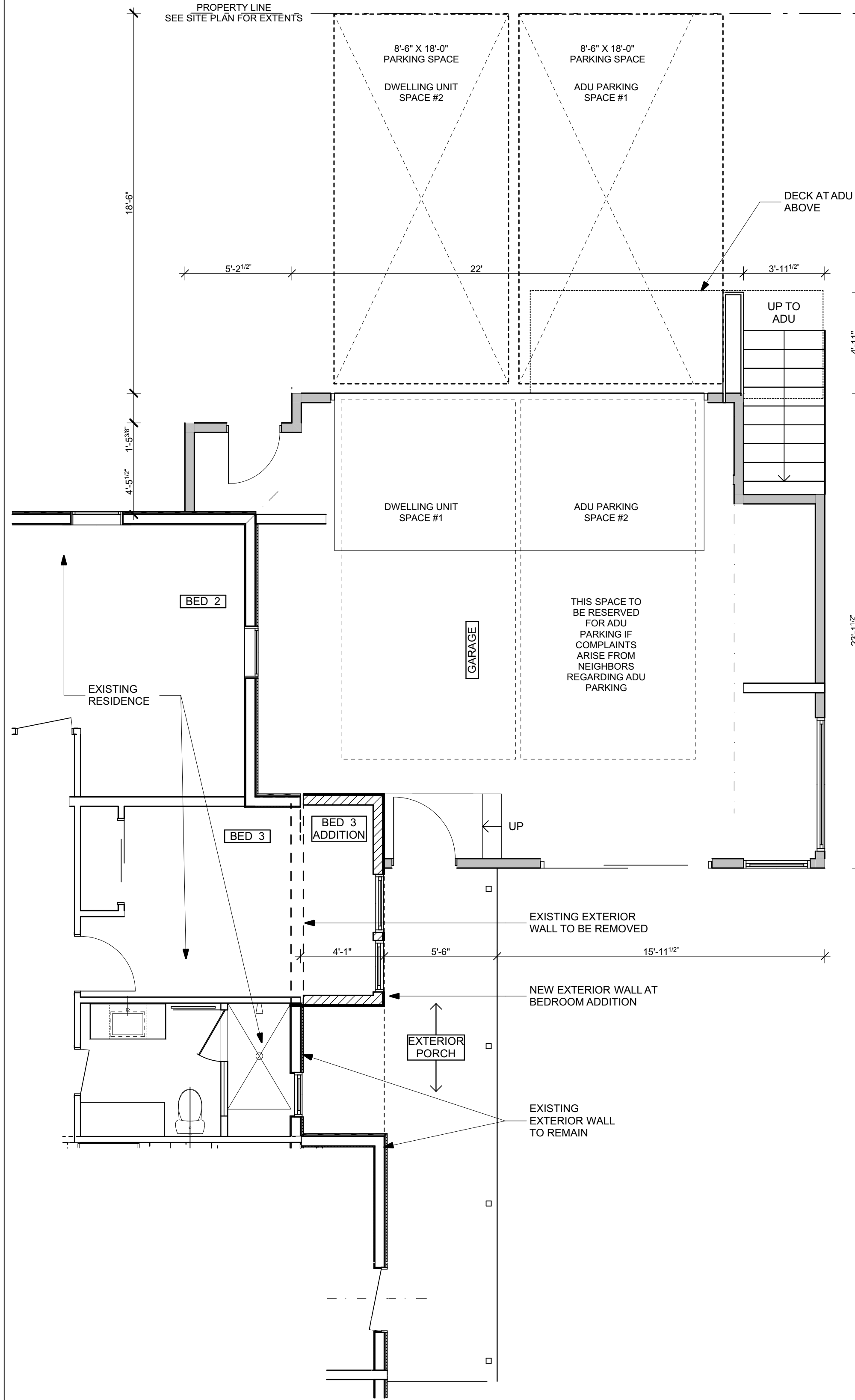
1 IMPERVIOUS COVER SITE PLAN
SCALE: 1/8" = 1'-0"



③ ROOF PLAN
SCALE: 1/4" = 1'-0"



② UPPER LEVEL
SCALE: 1/4" = 1'-0"



① MAIN LEVEL
SCALE: 1/4" = 1'-0"

BARLOW RESIDENCE
GARAGE AND ADU ADDITION
326 SOUTH THIRD ST
CARBONDALE, CO. 81623

DATE
06.07.2023
06.21.2023

ISSUE/REVISION
MANS SITE PLAN
REVIEW
MANS SITE PLAN
MANS SITE PLAN

DRAWN BY:

CHECKED BY:

SCALE:

FLOOR PLANS

A-105



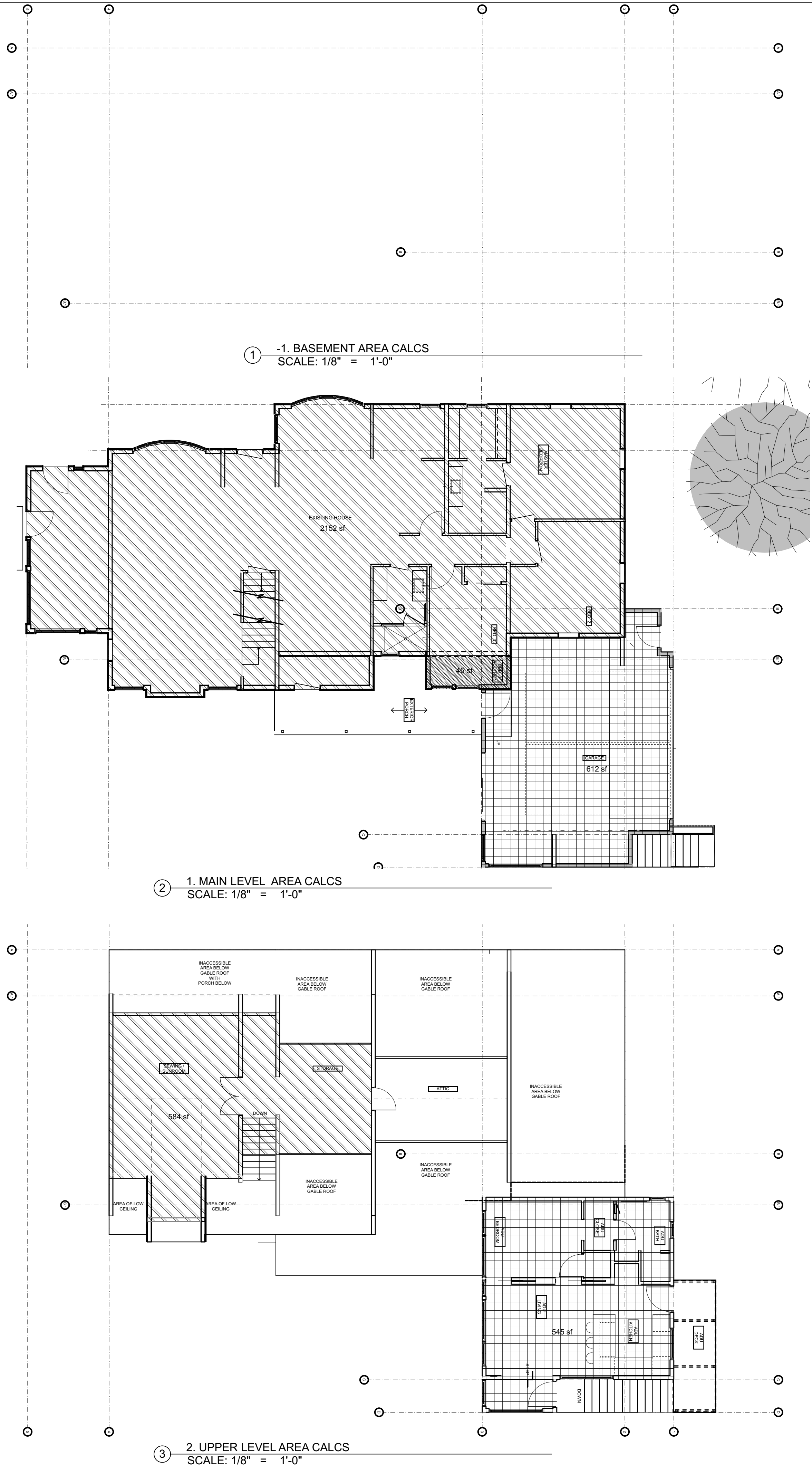
BARLOW RESIDENCE
GARAGE AND ADU ADDITION
326 SOUTH THIRD ST
CARBONDALE, CO. 81623

DATE	ISSUE/REVISION
06.17.2023	MANUSCRIPT PLAN
06.21.2023	REVISION 1
06.21.2023	MANUSCRIPT PLAN
06.21.2023	MANUSCRIPT PLAN

DRAWN BY:	
CHECKED BY:	
SCALE:	

ELEVATIONS

A-201



BARLOW RESIDENCE




GARAGE AND ADU ADDITION
326 SOUTH THIRD ST
CARBONDALE, CO. 81623

DATE	ISSUE/REVISION
06.07.2023	MANUSCRIPT PLAN
06.21.2023	REVIEW
06.21.2023	MANUSCRIPT PLAN
06.21.2023	MANUSCRIPT PLAN

DRAWN BY:	
CHECKED BY:	
SCALE:	

AREA CALCS

A-104

arlow Re de		
Garage / ADU Addition		
Color Board		
326 S. 3rd St		
Carbondale, CO		
		
		Horizontal Siding Color: Iron Ore
		
		Metal Roof, Deck Columns and Canopy and Flashing: Black
		
		Open Jointed Siding and Deck Guardrail: Cedar Natural Tone



INVOICE

Land Title Guarantee Company
5975 Greenwood Plaza Blvd Suite 125
Greenwood Village, CO 80111
970-927-0405

LIPKIN WARNER DESIGNING AND
 PLANNING LLC
 RAY BARLOW
 701 E VALLEY RD #201
 BASALT, CO 81621

Reference

Your Reference Number: TBD Commitment - 64005375
 Our Order Number: BA-493
 Our Customer Number: 67354.1
 Invoice Requested by: RAY BARLOW
 Invoice (Process) Date: February 22, 2023
 Transaction Invoiced By: Web Services
 Email Address: system@ltgc.com

Invoice Number: BA-493

Date: February 22, 2023

Order Number: 64005375

Property Address: 326 S 3RD STREET CARBONDALE 81623

Parties: A Buyer To Be Determined

Invoice Charges

Service:	TBD Commitment	\$265.00
Ref:	64005375	
Addr:	326 S 3RD STREET	
Party:	JOSEPH RAY BARLOW III AND CRISTA LEIGH BARLOW	
Total Amount Invoiced:		\$265.00
Less Payment(s):		\$0.00
Balance Due:		\$265.00

Due and Payable upon receipt

Please make check payable to Land Title Guarantee Company and send to the address at the top of Page 1.
 Please reference **Invoice Number BA-493** on your Payment



**Land Title Guarantee Company
Customer Distribution**



PREVENT FRAUD - Please remember to call a member of our closing team when initiating a wire transfer or providing wiring instructions.

Order Number: **BAR64005375**

Date: **02/22/2023**

Property Address: **326 S 3RD STREET, CARBONDALE, CO 81623**

PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS

For Closing Assistance

For Title Assistance

Land Title Roaring Fork Valley Title
Team

200 BASALT CENTER CIRCLE

BASALT, CO 81621

PO BOX 3440

(970) 927-0405 (Work)

(970) 925-0610 (Work Fax)

valleyresponse@ltgc.com

Agent for Seller

LIPKIN WARNER DESIGNING AND PLANNING LLC

Attention: RAY BARLOW

BASALT, CO 81621

(970) 927-8473 (Work)

jrbarlow@lipkinwarner.com

Delivered via: Electronic Mail

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule A

Order Number: BAR64005375

Property Address:

326 S 3RD STREET, CARBONDALE, CO 81623

1. Effective Date:

01/31/2023 at 5:00 P.M.

2. Policy to be Issued and Proposed Insured:

"TBD" Commitment

\$0.00

Proposed Insured:

A BUYER TO BE DETERMINED

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

A FEE SIMPLE

4. Title to the estate or interest covered herein is at the effective date hereof vested in:

JOSEPH RAY BARLOW III AND CRISTA LEIGH BARLOW

5. The Land referred to in this Commitment is described as follows:

LOTS 10, 11 AND 12

BLOCK 6

IN THE TOWN OF CARBONDALE

COUNTY OF GARFIELD

STATE OF COLORADO

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AMERICAN
LAND TITLE
ASSOCIATION



ALTA COMMITMENT**Old Republic National Title Insurance Company****Schedule B, Part I****(Requirements)****Order Number:** BAR64005375**All of the following Requirements must be met:**

This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

Pay the agreed amount for the estate or interest to be insured.

Pay the premiums, fees, and charges for the Policy to the Company.

Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

1. PROVIDE LAND TITLE GUARANTEE COMPANY WITH A CURRENT IMPROVEMENT LOCATION CERTIFICATE OF SUBJECT PROPERTY. THIS REQUIREMENT IS NECESSARY TO DELETE STANDARD EXCEPTIONS 1 THROUGH 3. UPON REVIEW, ADDITIONAL REQUIREMENTS AND/OR EXCEPTIONS MAY BE NECESSARY.

NOTE: ANY MATTERS DISCLOSED BY SAID IMPROVEMENT LOCATION CERTIFICATE WILL BE REFLECTED ON SAID POLICY(S) TO BE ISSUED HEREUNDER.

NOTE: LAND TITLE IS NOT RESPONSIBLE FOR ORDERING SAID IMPROVEMENT LOCATION CERTIFICATE.

2. RELEASE OF DEED OF TRUST DATED SEPTEMBER 14, 2020 FROM JOSEPH RAY BARLOW III AND CRISTA LEIGH BARLOW TO THE PUBLIC TRUSTEE OF GARFIELD COUNTY FOR THE USE OF ACADEMY MORTGAGE CORPORATION TO SECURE THE SUM OF \$300,000.00 RECORDED SEPTEMBER 18, 2020, UNDER RECEPTION NO. [942262](#).
3. SPECIAL WARRANTY DEED FROM JOSEPH RAY BARLOW III AND CRISTA LEIGH BARLOW TO A BUYER TO BE DETERMINED CONVEYING SUBJECT PROPERTY.

NOTE: ALL PARTIES WILL BE REQUIRED TO SIGN A FINAL AFFIDAVIT AND AGREEMENT AT CLOSING.

NOTE: ADDITIONAL REQUIREMENTS OR EXCEPTIONS MAY BE NECESSARY WHEN THE BUYERS NAMES ARE ADDED TO THIS COMMITMENT. COVERAGES AND/OR CHARGES REFLECTED HEREIN, IF ANY, ARE SUBJECT TO CHANGE UPON RECEIPT OF THE CONTRACT TO BUY AND SELL REAL ESTATE AND ANY AMENDMENTS THERETO.

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part II
(Exceptions)

Order Number: BAR64005375

This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
8. RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN UNITED STATES PATENT RECORDED DECEMBER 29, 1911, IN BOOK 71 AT PAGE [524](#).
9. RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED DECEMBER 29, 1911, IN BOOK 71 AT PAGE [524](#).
10. EASEMENTS, RIGHTS OF WAY AND OTHER MATTERS AS SHOWN ON THE PLAT OF SUBJECT PROPERTY RECORDED DECEMBER 17, 1887 UNDER RECEPTION NO. [5889](#).
11. TERMS, CONDITIONS AND PROVISIONS OF ORDINANCE NO. 10 SERIES OF 2018 RECORDED AUGUST 14, 2018 UNDER RECEPTION NO. [910518](#).



LAND TITLE GUARANTEE COMPANY DISCLOSURE STATEMENTS

Note: Pursuant to CRS 10-11-122, notice is hereby given that:

- (A) The Subject real property may be located in a special taxing district.
- (B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).
- (C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note: Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

Note: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Note: Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- (A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- (B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- (C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- (D) The Company must receive payment of the appropriate premium.
- (E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

- (A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- (B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Note: Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.

Note: Pursuant to CRS 10-1-11(4)(a)(1), Colorado notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.



**JOINT NOTICE OF PRIVACY POLICY OF
LAND TITLE GUARANTEE COMPANY,
LAND TITLE GUARANTEE COMPANY OF SUMMIT COUNTY
LAND TITLE INSURANCE CORPORATION AND
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
 - your transactions with, or from the services being performed by us, our affiliates, or others;
 - a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.



Commitment For Title Insurance

Issued by Old Republic National Title Insurance Company

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON. .

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Minnesota corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I—Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.

- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:
Land Title Guarantee Company
3033 East First Avenue Suite 600
Denver, Colorado 80206
303-321-1880



Craig B. Rants, Senior Vice President



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

By



President

Attest



Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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TOWN OF CARBONDALE

511 Colorado Avenue
Carbondale, CO 81623
www.carbondalegov.org
(970) 963-2733 Fax: (970) 963-9140

Attachment C

FINDINGS OF FACT AND GRANT OF CONDITIONAL USE PERMIT

Type of Application:	Conditional Use Permit
Land Use File Number:	LU23-000012
Applicants/Owners:	J Ray and Christa Barlow
Property Location:	326 S. 3 rd Street
Zone District:	R/LD
Lot Size:	8,250 Square Feet
Present Land Use:	Single family dwelling
Proposed Land Use:	Single family home with attached Accessory Dwelling Unit
Attachments:	Plans dated 6/21/23

The Town of Carbondale **hereby grants a Conditional Use Permit** to the applicant for the property located at 326 S. 3rd Street. The Conditional Use Permit is to permit an Accessory Dwelling Unit pursuant to UDC §2.5.3. The project also requires approval of a Minor Site Plan application by the Planning and Zoning Commission (P&Z).

The project consists of a two-story addition to the existing, single-family home. The addition includes a two-car garage with an Accessory Dwelling Unit above.

The ADU is approximately 545 square feet in size, with 1 bedroom and 1 bathroom, and is accessed via an external stair adjacent to the garage. The ADU also includes a deck on the north side that projects over the driveway below.

The approval is subject to the following conditions:

1. The Conditional Use Permit shall be limited to the Accessory Dwelling Unit located at 326 S. 3rd Street, as shown on plans dated 6/21/23.
2. The ADU parking requirement is reduced from 2 spaces to 1 space pursuant to UDC Table 5.8-1.



TOWN OF CARBONDALE

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3. Pursuant to UDC Table 5.8-1, parking related complaints received by the Town shall be evaluated by the Planning and Zoning Commission who may, at their discretion, require a 2nd parking space to be allocated to the ADU.
4. The Conditional Use approval is contingent upon the approval of the Minor Site Plan application by the P&Z. If the Minor Site Plan application is disapproved or altered in any way by the P&Z, the Conditional Use approval shall be rendered null and void and require a subsequent review and approval by the Planning Director.
5. The Applicant shall comply with all applicable building code provisions.

Approval is based on the following findings:

1. The conditional use permit has been approved per UDC Section 2.5.1.
2. The 2-story addition and Accessory Dwelling Unit meet the criteria specified for the use and the addition complies with all applicable regulations and development standards in the UDC.
3. The Accessory Dwelling Unit is consistent with the Comprehensive Plan which encourages ADUs, diverse housing types and increased density.
4. The existing home is nonconforming for the front setback on the west side, but the nonconformity is not increased by the 2-story addition on the east side of the home.
5. Parking is available for the Accessory Dwelling Unit in a manner that will minimize adverse impacts on the traffic in the neighborhood or surrounding uses. Sheet A.105 of the plans dated 6/21/23 shows the required parking spaces and the area for the reserved parking space is included in the lot coverage calculation.
6. The Accessory Dwelling Unit is compatible with adjacent uses in terms of scale and site design.

 Town of Carbondale

 Date

From: [kenny teitler](#)
To: [Kelley Amdur](#)
Subject: J. Ray and Crista Barlow Garage and ADU
Date: Tuesday, August 1, 2023 9:23:29 AM

You don't often get email from kennyteitler@gmail.com. [Learn why this is important](#)

To Whom it May Concern:

We are writing this letter in support of J. Ray and Crista Barlow for their application to receive a permit to build a two-car garage with an Accessory Dwelling Unit above it. We live 1 block from J. Ray and Crista at 206 S. 3rd. St.

We believe that this permit should be granted to J. Ray and Crista. We approve of the fact that they are important long standing members of the Carbondale community and contributing members to our town and valley, and if this is what they need to do to make life more comfortable for themselves, then we are in support.

We believe that adding an ADU to our neighborhood will contribute to the rental needs of Carbondale. Adding more apartment space is something that Carbondale is in need of.

We have looked over the plans, and approve of what the Barlow family is hoping to do on their land. We have no qualms about their plans, and are very much in support of what they hope to do at their property.

We would come and speak at their public hearing on August 10th, but will be out of town at that time. Please let this letter serve as our support for their project.

Thank you, Kenny Teitler and Karla Stuke (206 S. 3rd. St.)



TOWN OF CARBONDALE
511 COLORADO AVENUE
CARBONDALE, CO 81623

Planning and Zoning Commission Memorandum

Meeting Date: August 10, 2023

TITLE: Public Hearing – Unified Development Code “Clean-Up” text amendments

SUBMITTING DEPARTMENT: Planning Department

ATTACHMENTS: Exhibit A: Redlines of relevant UDC Sections

Exhibit B: Planning Commission minutes – July 13, 2023

BACKGROUND

This is a public hearing for the purpose of considering amendments to the Unified Development Code (Title 17 of the Carbondale Municipal Code). The proposed text amendments correct several reference errors, re-order rows numerically in several Tables and, for clarity, separate out an existing section of application requirements into a separate section 2.5.2.C.1(h).

The Commission is required to hold a public hearing and recommend approval of the amendments or recommend denial. The Commission may also continue the public hearing.

DISCUSSION

On July 13, 2023, the Planning and Zoning Commission (P&Z) reviewed the Memo prepared by staff and voted to initiate UDC text amendments for the purpose of “cleaning-up” numerous minor errors throughout multiple sections. The P&Z also directed staff to schedule a public hearing for August 10, 2023. Below is a table listing the proposed amendments, and Attachment A shows redlines of the proposed changes.

UDC Text Amendments 2023 “Clean-Up”			
Section Number	Section Title	UDC Page #	Proposed Change Description
2.5.2.C.1.g	Special Use Permit Procedure	35	Table of site data calculations should be a separate letter (h)
3.1.1	Districts Established	89	Update Table 3.1.1 with correct reference sections [AG should be 3.2.2, R/MD should be 3.2.5, C/T should be 3.3.2, CRW should be 3.3.3)
3.2.2.B	AG Table 3.2-2: Other Applicable Sections	94	Update Table 3.2-2 with correct reference to Exceptions to Dimensional Standards (Section 3.8)

3.2.3.B	OTR Table 3.2-4	96	Update Table 3.2-4 with correct reference to Exceptions to Dimensional Standards (Section 3.8) and order rows by numeric reference as needed
3.2.4.B	R/LD Table 3.2-6	98	Update Table 3.2-6 with correct reference to Exceptions to Dimensional Standards (Section 3.8) and order rows by numeric reference as needed
3.2.5.B	R/MD Table 3.2-8	100	Update Table 3.2-8 with correct reference to Exceptions to Dimensional Standards (Section 3.8) and order rows by numeric reference as needed
3.2.6.B	R/HD Table 3.2-10	102	Update Table 3.2-10 with correct reference to Exceptions to Dimensional Standards (Section 3.8) and order rows by numeric reference as needed
3.3.2.B	C/T Table 3.3-2	107	Update Table 3.3-2 with correct reference to Exceptions to Dimensional Standards (Section 3.8) and order rows by numeric reference as needed
3.3.3.B	CRW Table 3.3-4	110	Update Table 3.3-4 with correct reference to Exceptions to Dimensional Standards (Section 3.8) and order rows by numeric reference as needed
3.3.4.B	HCC Table 3.3-6	112	Update Table 3.3-6 with correct reference to Exceptions to Dimensional Standards (Section 3.8) and order rows by numeric reference as needed
3.3.5.B	MU Table 3.3-8	114	Update Table 3.3-8 with correct reference to Exceptions to Dimensional Standards (Section 3.8) and order rows by numeric reference as needed
3.4.1.C	Open Space Table 3.4-2	116	Update Table 3.4-2 with correct reference to Exceptions to Dimensional Standards (Section 3.8) and order rows by numeric reference as needed
3.4.2.B	Transit Table 3.4-4	118	Update Table 3.4-4 with correct reference to Exceptions to Dimensional Standards (Section 3.8) and order rows by numeric reference as needed
3.4.3.B	Public Facilities Table 3.4-6	120	Update Table 3.4-6 with correct reference to Exceptions to Dimensional Standards (Section 3.8) and order rows by numeric reference as needed
3.4.4.B	General Industrial Table 3.4-8	122	Update Table 3.4-8 with correct reference to Exceptions to Dimensional Standards (Section 3.8) and order rows by numeric reference as needed
4.4.2.A	Accessory Uses and Structures Allowed	172	Substitute "Section" for Table 4.2.5
5.1.3.F	Historic Resources	184	Correct "Chapter 19.10" to read "Chapter 16"
5.7.7.G.2	Preservation of Historic Character	227	Correct "Title 19" to read "Chapter 16" Correct "Title 16" to read "Chapter 16"

AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (UDC)

UDC §2.4.1.C.3.b states that amendments to the UDC may be approved if the Town finds that all of the following approval criteria have been met:

- i. The proposed amendments will promote the public health, safety, and general welfare;
- ii. The proposed amendments are consistent with the Comprehensive Plan and the stated purposes of this Unified Development Code; and
- iii. The proposed amendments are necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

STAFF COMMENTS

The proposed amendments are all minor and clerical in nature and do not modify the substance of any regulation of the UDC. Therefore, the proposed code text amendments do not impact the purposes of the UDC nor the public health, safety, or general welfare. By rectifying inaccurate cross references, the proposed amendments are necessary for proper use of the UDC by staff and the public when implementing regulations on existing and future development.

FISCAL ANALYSIS

There are no fiscal impacts related to these “clean-up” text amendments.

RECOMMENDATION

Staff recommends that the Commission discuss the proposed amendments and accept public comment. If the P&Z finds that the proposed amendments meet the criteria listed above, Staff then recommends that the following motion be approved: **Move to recommend to the Board of Trustees approval of the UDC text amendments for the purpose of cleaning up numerous section of the UDC as they relate to cross references and other citations as presented in Exhibit B with the following findings:**

Findings for Approval:

1. The proposed amendments do not impact the public health, safety, and general welfare;
2. The proposed amendments are consistent with the Comprehensive Plan and the stated purposes of this Unified Development Code; and
3. The proposed amendments are necessary for the proper use and accuracy of the UDC.

Prepared By: Kelley Amdur, Planner

Attachment A
Proposed UDC Text Amendments – 2023 “Clean-Up”
Redline/Strikethrough

Amendment #1:

UDC Section 2.5.2, *Special Use Permit*,
Subsection C.1, *Step 2 – Application Submittal*

- g. Parking counts for the entire block if the proposed use will generate the need for additional parking (both sides of street and in the alley if applicable). These counts shall be taken at 7:30 a.m. and 7:30 p.m. one day during the week and on a weekend day (allowances will be given for winter applications).

h. 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. 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 pervious surfaces.
- iii. Building or structure height.
- iv. Total landscaped area.
- v. The amount of private outdoor open space and the amount of bulk storage space.
- vi. Approximate size of each type of dwelling unit.
- vii. A list of all property owners within 300 feet.
- viii. A map showing adjoining zone districts within 300 feet if this area includes different zone districts than the subject site.
- viii. Other details, plans or proposals that will aid the determination of whether the proposed use is in conformance with all regulations, development standards and review criteria applicable to the proposed use, the site, and the zone district in which the use will be located, or otherwise demonstrate that any impacts of the proposed use will not have a unreasonable adverse impact upon surrounding uses.

Amendment #2Table 3.1-1: *Zoning Districts Established*

Table 3.1-1: Zoning Districts Established
Base Zoning Districts
Residential Districts (Section 3.2)
Agricultural (AG) (0) <u>(3.2.2)</u>
Old Town Residential (OTR) (3.2.3)
Residential/Low-Density (R/LD) (3.2.4)
Residential/Medium-Density (R/MD) (1.1.1) <u>(3.2.5)</u>
Residential/High-Density (R/HD) (3.2.6)
Commercial and Mixed-Use Districts (Section 3.3)
Commercial/Transitional (C/T) (3.3.1D) <u>(3.3.2)</u>
Commercial/Retail/Wholesale (CRW) (0) <u>(3.3.3)</u>
Historic Commercial Core (HCC) (3.3.4)
Mixed-Use (MU) (3.3.5)
Other Non-residential Districts (Section 3.4)
Open Space (O) (3.4.1)
Transit (T) (3.4.2)
Public Facilities (PF) (3.4.3)
General Industrial (I) (3.4.4)
Overlay District(s)
Flood Damage Prevention (FD) (Section 3.5)
Planned Development Districts
Planned Unit Development (PUD) (Section 3.6)
Obsolete Districts (see Appendix)
Campground/Open Space (C/OS) – formerly 18.44
Commercial Business Park (CBP) – formerly 18.33
Open Space/School (O/S) – formerly 18.42
Planned Commercial (PC) – formerly 18.25.035
Town Utility (U) – formerly 18.31

Amendment #3

Other Applicable Section tables for each Zoning District

Tables 3.2-2; 3.2-4; 3.2-6; 3.2-8; 3.2-10; 3.3-2; 3.3-4; 3.3-6; 3.3-8; 3.4-2; 3.4-4; 3.4-6; 3.4-8

Table 3.2-2:**Other Applicable Sections**

Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5 <u>3.8</u>
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
Landscaping and Screening	Section 5.4

Table 3.2-3:**Other Applicable Sections**

Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5 <u>3.8</u>
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
<u>Landscaping and Screening</u>	<u>Section 5.4</u>
Site and Building Design	Section 5.6 and 5.7
<u>Landscaping and Screening</u>	<u>Section 5.4</u>
Off-Street Parking	Section 5.8

Table 3.2-4:**Other Applicable Sections**

Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5 <u>3.8</u>
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
<u>Landscaping and Screening</u>	<u>Section 5.4</u>
Site and Building Design	Section 5.6 and 5.7
<u>Landscaping and Screening</u>	<u>Section 5.4</u>
Off-Street Parking	Section 5.8

Table 3.2-5:**Other Applicable Sections**

Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5 <u>3.8</u>
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3

<u>Landscaping and Screening</u>	<u>Section 5.4</u>
Site and Building Design	Section 5.6 and 5.7
<u>Landscaping and Screening</u>	<u>Section 5.4</u>
Off-Street Parking	Section 5.8
Exterior Lighting	Section 5.10

Table 3.2-6:

Other Applicable Sections

Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5 <u>3.8</u>
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
<u>Landscaping and Screening</u>	<u>Section 5.4</u>
Site and Building Design	Section 5.6 and 5.7
<u>Landscaping and Screening</u>	<u>Section 5.4</u>
Off-Street Parking	Section 5.8
Exterior Lighting	Section 5.10

Table 3.3-7:

Other Applicable Sections

Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5 <u>3.8</u>
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
<u>Landscaping and Screening</u>	<u>Section 5.4</u>
Site and Building Design	Section 5.6 and 5.7
<u>Landscaping and Screening</u>	<u>Section 5.4</u>
Off-Street Parking	Section 5.8
Exterior Lighting	Section 5.10

Table 3.3-8:

Other Applicable Sections

Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5 <u>3.8</u>
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
<u>Landscaping and Screening</u>	<u>Section 5.4</u>
Site and Building Design	Section 5.6 and 5.7
<u>Landscaping and Screening</u>	<u>Section 5.4</u>
Off-Street Parking	Section 5.8
Exterior Lighting	Section 5.10

Table 3.3-9:

Other Applicable Sections

Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5 <u>3.8</u>
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
<u>Landscaping and Screening</u>	<u>Section 5.4</u>
Site and Building Design	Section 5.6 and 5.7
Landscaping and Screening	Section 5.4
Off-Street Parking	Section 5.8
Exterior Lighting	Section 5.10

Table 3.3-10:

Other Applicable Sections

Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5 <u>3.8</u>
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
<u>Landscaping and Screening</u>	<u>Section 5.4</u>
Site and Building Design	Section 5.6 and 5.7
Landscaping and Screening	Section 5.4
Off-Street Parking	Section 5.8
Exterior Lighting	Section 5.10

Table 3.4-11:

Other Applicable Sections

Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5 <u>3.8</u>
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
<u>Landscaping and Screening</u>	<u>Section 5.4</u>
Site and Building Design	Section 5.6 and 5.7
Landscaping and Screening	Section 5.4
Off-Street Parking	Section 5.8
Exterior Lighting	Section 5.10

Table 3.4-12:

Other Applicable Sections

Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5 <u>3.8</u>
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
<u>Landscaping and Screening</u>	<u>Section 5.4</u>
Site and Building Design	Section 5.6 and 5.7

Landscaping and Screening	Section 5.4
Off-Street Parking	Section 5.8
Exterior Lighting	Section 5.10

Table 3.4-13:

Other Applicable Sections

Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5 <u>3.8</u>
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
Landscaping and Screening	Section 5.4
Site and Building Design	Section 5.6 and 5.7
Landscaping and Screening	Section 5.4
Off-Street Parking	Section 5.8
Exterior Lighting	Section 5.10

Table 3.4-14:

Other Applicable Sections

Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5 <u>3.8</u>
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
Landscaping and Screening	Section 5.4
Site and Building Design	Section 5.6 and 5.7
Landscaping and Screening	Section 5.4
Off-Street Parking	Section 5.8
Exterior Lighting	Section 5.10

Amendment #4UDC Section 4.4.2, *Accessory Uses and Structures Allowed*,

- A. ~~Table~~ ~~Section~~ 4.2.5 lists allowed accessory uses and structures alphabetically. Accessory uses not listed in the table require approval under the procedure in Section 4.2.4.

Amendment #5UDC Section 5.1.3, *Alternative Compliance*,

F. Historic Resources

The owners of any structures of merit may use alternative compliance only when doing so will result in the preservation of the historically significant character of any affected structure of merit. As utilized herein, the terms "alteration" and "demolition" shall have the meanings defined in Chapter ~~19.10~~ 16 of the Municipal Code.

Amendment #6

UDC Section 5.7.7, *Supplemental Standards: Historic Commercial Core (HCC) District*, Subsection G, *Preservation of Historic Character*

2. Demolition or Alteration of Structures 50 Years of Age or Older

Proposals to demolish or alter a building 50 years of age or older shall require additional review by the Historical Preservation Commission consistent with ~~Title 49~~Chapter 16 of the Municipal Code. As used here, the terms "alter," "alteration," "demolish" and "demolition" shall have the meanings defined in ~~Title Chapter~~ Chapter 16 of the Municipal Code.

MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday July 13, 2023

Commissioners Present:

Jay Engstrom, Chair
Kim Magee
Jeff Davlyn
Kade Gianinetti
Cindy Suplizio (Alternate)

Staff Present:

Jared Barnes, Planning Director
Kelley Amdur, Planner
Kae McDonald, Planning Technician

Commissioners Absent:

Nicholas DiFrank, Vice-Chair
Nick Miscione
Jerrett Mork
Jess Robision (Alternate)

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

June 8, 2023 Minutes:

Kade ***moved*** to approve the June 22, 2023, meeting minutes. Cindy ***seconded the motion***, and it was ***approved with Jeff abstaining***.

Yes: Jay, Kim, Kade, Cindy

No: none

Abstaining: Jeff

Public Comment – Persons Present Not on the Agenda

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

“Clean Up” Code Amendments Worksession

Kelley explained that there was a table included as part of the packet that lists items Staff is proposing as “Clean Up” to address typographical and minor errors in the Unified Development Code. She noted that most of the errors relate to the same table. Kelley stated that Staff recommends that the Commission make a motion to initiate an Amendment and schedule a public hearing.

Jeff commented that the changes don’t seem substantive.

Jared explained that most of the corrections have to do with a cross reference that is referenced incorrectly in each table. He noted that these errors are straightforward and not controversial and would be a good initial public hearing.

Jay noted that the reference to Section 5.1.3.F in the table should read “Correct ‘Chapter 19.10’ to read ‘Chapter 16-1-20’.”

Motion Passed: Kade **moved** to initiate an Amendment to the Unified Development Code pursuant to Section 2.4.1 of the UDC for the purpose of reviewing proposed “Clean Up” UDC Text Amendments and direct Staff to schedule a public hearing on August 10, 2023. Jeff **seconded the motion**, and it was **unanimously approved**.

Yes: Jay, Cindy, Kade, Jeff, and Kim
No: None

Jared noted that the public hearing will be noticed for August 10th.

Impervious Lot Coverage Worksession

Jared explained that his approach to code amendments is to conduct work sessions to have informal conversations to understand the issues prior to a public hearing because it helps the public stay engaged in the process without having to endure iterative meetings. He noted that as he and Kelley are learning the UDC and how to apply it they have found that the impervious lot coverage section is clunky in how it is written and how it is applied, and it leaves a lot of room for interpretation at all levels. He added that it is difficult for everyone to read it and understand how to comply with it. Jared pointed out that the intent of the UDC is to present requirements in a straightforward manner, unfortunately, by the time a project is reviewed for zoning compliance the building permit has already been applied for, and a lot of invested time and money can be wasted if it doesn't meet the impervious lot coverage requirements. Jared pointed out that while much of tonight's conversation will be centered on Section 3.8.5, he also included other sections of the UDC where impervious lot coverage is mentioned such as Tables 3.7.2 and 3.7.3, landscaping, stormwater run-off, and definitions of driveways and parking lots. Jared identified specific challenges that arise when completing zoning compliance code checks:

- UDC Section 3.8.5.A states that the principal building is considered part of the impervious area but doesn't well define how that measurement is made. One question staff has is should this area be inclusive of roof overhangs or only the area within the outside walls? Jared pointed out that if this level of ambiguity can be removed, it would be a beneficial code clean up.
- UDC Sections 3.8.5.E and UDC 3.8.5.F grant two exemptions – one for decks and/or patios and the other for pervious pavers – and these two exemptions comprise the bulk of the confusion because the exemptions are applied for differently and the design elements that are being highlighted for the exemptions don't always qualify. Jared noted that Staff has developed an Impervious Lot Coverage Sample Data Table and an accompanying plan sheet and while that has helped, it hasn't always eliminated the confusion.

Jared listed some topics to guide the discussion:

- The deck/patio exemption is only applicable to residential zone districts. As written this section allows certain decks and/or patios to be considered pervious area even if finished with impervious materials “In a residential zoning district,

any impervious covered or uncovered deck and/or patio is allowed to be calculated as pervious surface; however, this allowance is limited to 10 percent of the square footage of the floor area of a dwelling unit, excluding the floor area of the basement and garage.”

- Generally, should decks be considered impervious or pervious?
- Should the categorization be dependent upon the ground treatment underneath?
- Should a deck only be considered impervious if covered?
- The pervious paver exemption is also only applicable to residential zone districts; other sections of the UDC clearly categorize all driveway and parking areas as impervious regardless of surface area.
 - Applicants want to know what systems are approved. The town doesn't keep a list, but in the past had indicated that GrassPave2 was the only approved system.
 - Many pervious paving systems are only pervious with specific types of subsurface. Historically any system that used road base would be ineligible for the exemption. This is challenging to ensure compliance during construction as no driveway inspections are done.
 - After construction, pervious driveways are often changed and modified without any permits and put existing properties into non-compliance.
- The overarching question is whether the Commission considers the exemption important and, if so, is it better served by increasing the lot coverage percentage.

Jeff asked what the main purpose of limiting impervious surface was.

Jared responded that there are three primary reasons for limiting impervious surfaces:

1. Stormwater management;
2. Lot coverage – controlling the mass of built forms; and,
3. Aesthetics – providing open space and separation between design elements.

Jay commented that he was excited to discuss this topic. He noted that while he considers this topic a weak spot in the code, he also appreciates the simplicity of the UDC. Jay explained that, unlike many other residential codes, the UDC doesn't state that projects must have an engineered design that prevents stormwater flows from leaving a property. He acknowledged that for the larger commercial projects, stormwater retention is addressed, but there isn't such a requirement for smaller residential projects.

Jared agreed that this would be a good opportunity to add that language.

Kelley added that most of the residential applications that Staff reviews are at their maximum lot coverage and applying the exemptions can be challenging – for example, simple decks often put applications over the maximum lot coverage percentage and must be denied.

Jared agreed and noted that it is even an issue with multi-family – duplexes, triplexes, etc. – lots.

Jeff wondered how often the term “principal building” is found in the UDC.

Jared replied that it isn’t a defined term, but he didn’t look to see how widely it is used in the UDC.

Jeff asked if overhangs – similar to decks – are serving the purpose of stormwater retention.

Jay replied if one is following the definition of an impervious surface, any overhang would be impervious.

Jared suggested a standard two-foot overhang would be acceptable, but anything that exceeds that length would not.

Kade asked what a realistic percentage shift would be.

Jared replied that those calculations haven’t yet been considered but thought it could be researched. He noted that there is a dichotomy in that new single-family residences in River Valley Ranch are being designed to the maximum lot coverage requirement while in the older residential neighborhoods the lots exceed the maximum because of structures and improvements added piecemeal. He pointed out that no matter how much that percentage is increased, there will be a desire to design to that standard.

Jay commented that much of that is stating what percent is the actual structure versus what percent is softscape.

Cindy agreed, noting that there are new technologies being introduced as a rapid rate.

Jared replied that it would consume Staff time to study each new product and thought that developing a standard matrix for the pervious paver exemption could provide clarity.

Jay pointed out that the City of Aspen has a 12% gap requirement for pavers and that would achieve such a standard. He noted that the underlayment must have retention capacity for a 100-year storm event and that could be satisfied by requiring a four-inches of gravel beneath it along with a non-compacted subgrade and native fill.

Jared noted that that would add another inspection and then what recourse does the Town have when there is noncompliance because Carbondale residents may not have the same financial ability that Aspen residents do to tear something out and start over.

Jay pointed out that this would be an exemption to go over the lot’s impervious cover, so there should be an expectation of performance.

Kade suggested allowing a roof overhang of two feet and getting rid of the patio/deck exemption.

Kelley replied that allowing decks to be considered permeable would be a big shift because except for the 10% allowance, decks are currently counted as impervious surfaces.

Jay noted that it should be demonstrated that water is flowing through the deck and there isn't sheet flow off the end of the deck.

Jared stated that he would rather have a deck exemption than a driveway exemption. He added that he spoke with Jess prior to this evening's meeting, and she relayed that she liked the simplicity of the code and didn't want to see it overcomplicated.

Jay asked how Jared felt about the current lot ratios and commented that he thought it was a good compromise.

Jared replied that the percentages seem fair given the existing density – for example, the Residential/Low Density ratios are scaled based on the size of the lot.

Kelley commented that the scale is appropriate and achieves a consistent building size appropriate for the neighborhood.

Cindy asked if the deck exemption is eliminated, would the lot coverage ratio still be adjusted.

Kade commented that they also need to be forward-thinking for increased density as the population grows.

Jeff pointed out that there are other code regulations that still limit the size of the building.

Jared suggested presenting a simplified version along with a version that accounts for the use of innovative products for the public hearing, or the work session can continue at the next meeting.

Jay asked for clarification on how the pervious paver exemption relates to driveways if the percentage is increased.

Jared replied that the 10% exemption tied to driveways is not 10% of the total lot size, but 10% of the pervious lot coverage. He pointed out that the 10% exemption could be limited to the driveway specifically, but the challenge is those River Valley Ranch lots with long driveways to access the buildable space would end up with a large amount of pervious pavers.

Jeff asked how the pervious paver exemption is being met.

Jared replied that typically the garage apron and the side parking is permeable, but it isn't overly clear.

Kade suggested reconsidering the parking requirement for accessory dwelling units to regain pervious surface in those lots.

Jay commented that that could be an incentive for more impervious lot coverage if there is an ADU. He added that there are pros and cons to simplification, but it seems that the some of the issues are geared towards River Valley Ranch and he doesn't want to see small lots being denied for putting stepping stones to their front door.

Jeff thought some caution should be used because it could be a concrete walkway or a flagstone walkway and would those be considered in the same way.

Jared replied that currently walkways are considered impervious, but they could consider parking areas categorized as impervious along with concrete patios and sidewalks and flagstone/tile/pavers sidewalks with a 12% separation are categorized as pervious.

Cindy thought it would be easier to classify what was impervious surfaces.

Jared replied that the challenge is the application of pavers or tiles with a tight gap.

Kelley suggested identifying a width dimension because that would be easy to enforce.

Kim appreciated the points discussed and suggested moving forward with the public hearing.

Cindy asked if RVR had a design review committee that approved building plans.

Jared replied that RVR building plans are subjected to a high level of review, but the RVR zoning code states that approvals are conditioned upon meeting the UDC's building height, setbacks, and lot coverage requirements. He thought it might be helpful to share a simplified code to the RVR design review board.

Jeff wondered if there would be an opportunity to talk to RVR DRC.

Jared replied that they could be invited to comment. He thought architects would also appreciate a simplification of the impervious lot coverage requirements.

Kelley asked the commission members if they would like to hear from professionals and applicants.

Jeff replied that any "real world" examples would be appreciated.

Kade added that in all goes back to why this requirement is important and thought that groundwater retention was a good place to start.

Jeff suggested that it would be helpful to present the overlapping regulations that limit building mass.

Jared pointed out that most of what is being discussed is on the fringes of design and won't materially change the type of development being reviewed.

Jay didn't think that engineers would consider this requirement as the best stormwater management, and if all the RVR lots were to go up to 60% impervious, the entire basin would be limited in its water retention. He pointed out that in those big storm events, the sheetflow would cross over most surfaces and would end up going in the river. He noted that every other every jurisdiction requires stormwater retention on individual lots, and it can be expensive, but creative solutions would be helpful. He also pointed out that most of the stormwater flows into the public right-of-way and Carbondale doesn't have any stormwater provisions.

Jared replied that although this requirement isn't addressing stormwater to best management practices, most RVR lots fall under 30% lot coverage, but he thought the lot coverage helped create a predictable built form environment.

Jay suggested two other items to consider for pervious spaces:

1. "Green" roofs; and,
2. Pedestal paver systems.

Motion Passed: Jeff **moved** to initiate an Amendment to the Unified Development Code pursuant to Section 2.4.1 of the UDC for the purpose of reviewing changes to Section 3.8.5, Impervious Lot Coverage. Kade **seconded the motion**, and it was **unanimously approved**.

Yes: Jay, Cindy, Kade, Jeff, and Kim

No: None

Staff Update

Kelley noted that on the agenda under "Upcoming P & Z Meetings," the ANB Bank public hearing listed for August 24th will be delayed until September 14th. She explained that the application proposes to rezone from P/C to M/U with a mixed-use building of approximately 10,000 square feet for the bank, approximately 10,000 square feet of retail and restaurant space, 16 dwelling units and 74 parking spaces.

Kelley also noted that the Little Blue Preschool Expansion Rezoning and Site Plan application will be heard by the Board of Trustees at their July 25th meeting. She added that a Conditional Use Permit and Minor Site Plan Review for 326 S. 3rd Street will be heard at the August 10th Planning & Zoning Commission meeting.

Jared informed the commission members that the MAP Carbondale project is underway, and an online commenting tool is live under "Carbondale Connect." He noted that public outreach events have included the July First Friday and Wednesday's Farmers Market and they anticipate being present at additional Town events as well as posting on various community boards. Jared added that Age Friendly Carbondale is

going to share their Highway 133 study information to add to the Map Carbondale data. He explained that the project has an eight-to-nine-month timeline with an anticipated completion in the first quarter of 2024.

Jared announced that a Building Official has been hired and will start on July 25th.

Commissioner Comments

Jeff commented that he appreciated the deliberations on the Little Blue Preschool Expansion but was disappointed that it was so contentious. He added that the community is very lucky to have such a quality program and with the lack of childcare being the problem it is in the valley, allowing the expansion makes a big difference.

Cindy asked about the We-Cycle stations going up around town.

Jared replied that there will be 17 We-Cycle Stations in total and will include a mix of electric and traditional bikes. He noted that the ribbon cutting will take place in early August.

Motion to Adjourn

A motion was made by Cindy to adjourn, Jeff seconded the motion, and the meeting was adjourned at 8:29 p.m.