



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

**Agenda
PLANNING & ZONING COMMISSION
THURSDAY, JUNE 14, 2018
7:00 P.M. TOWN HALL**

1. CALL TO ORDER
2. ROLL CALL
3. 7:00 p.m. – 7:05 p.m.
Minutes of the May 24, 2018 meeting.....Attachment A
4. 7:10 p.m. – 7:15 p.m. Public Comment – Persons present not on the agenda
5. 7:15 p.m. – 7:20 p.m.
737 Colorado Avenue – Resolution 3 of 2018..... Attachment B
6. 7:20 p.m. – 7:40 p.m.
PUBLIC HEARING – Subdivision Exemption.....Attachment C
Applicant: Ken & Joan Lubrant and Bruce Stolbach
Location: 167 N 8th Street
7. 7:40 p.m. – 7:50 p.m.
Child Care Zone Text Amendment Discussion.....Attachment D
8. 7:50 p.m. – 8:00 p.m.
Staff Update
9. 8:00 p.m. – 8:10 p.m.
Commissioner Comments
10. 8:10 p.m. – ADJOURN

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

Upcoming P & Z Meetings:
June 28, 2018 – UDC Amendments
July TBD OTR Map Correction

MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday May 24, 2018

Commissioners Present:

Jennifer Gee DiCuollo
Michael Durant, Chair
Jeff Davlyn
Jay Engstrom, 1st Alternate
Yuani Ruiz, Chair Pro Tem

Staff Present:

Janet Buck, Planning Director
John Leybourne, Planner

Commissioners Absent:

Nick Miscione, 2nd Alternate
Ken Harrington
Marina Skiles

Other Persons Present

None.

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

April 26, 2018 Minutes:

Jen made a motion to approve the April 26, 2018 minutes. Jay seconded the motion and they were approved unanimously with Yuani and Jen abstaining.

May 10, 2018 Minutes:

Jen made a motion to approve the May 10, 2018 minutes. Yuani seconded the motion and they were approved unanimously with Michael, Jay, and Yuani abstaining.

Resolution 1 of 2018

Motion

Yuani made a motion to approve Resolution No. 1, Series of 2018, approving a Minor Site Plan Review, Special Use Permit and Variances for 379 Euclid Avenue. Jay seconded the motion and it was approved unanimously.

Jeff arrived at 7:08 p.m.

PUBLIC HEARING – Subdivision Exemption and Alternative Compliance

Applicant: Christine Interlante - Location: 737 Colorado Avenue

Motion to close the Public Comments

Janet explained that this is an application for a Subdivision Exemption, and a request for Alternative Compliance. She stated that you are required to hold a public hearing and to approve the application, or deny it. She said that you may also continue the public hearing.

Janet stated that the applicant would like to divide a 9,000 sq. ft. parcel into a 6,000 sq. ft. lot and a 3,000 sq. ft. lot.

Janet said that Lot A would be vacant. She stated that an existing single family home, which is on Lot B would remain.

Janet stated that the lots meet the minimum lot area, width and depth. She said that they also meet the pervious surface requirements.

Janet explained that the UDC requires one off-street parking space for the existing single family on Lot B. She said however, the parking for that house is currently located on Lot A.

Janet continued by saying that the applicant submitted an Alternative Compliance proposal to utilize the on-street parking spaces rather than creating a new curb cut for Lot B. She said if we require on-site parking, two diagonal spaces on the street would be lost. She stated that the applicant's representative met with the Public Works Director and myself and we agreed that it made sense.

Janet stated that the parking for Lot A would be done when the lot is developed. She noted that the parking would be accessed via the alley.

Janet stated that some utilities cross Lot A to serve Lot B. She said that she included a condition that the utility lines need to be relocated to within an easement before the plat is recorded. She explained that because utility work needs to be done, she recommends that the applicant be allowed six months to record the plat.

Janet stated that she is supportive of the proposed subdivision exemption. She said that this property is located in the Downtown/Old Town Periphery area in the Comp Plan. She said that this neighborhood represents an opportunity for incremental multifamily residential infill. She said that she recommends approval with the findings and conditions in the Staff report.

Jay asked if there was anything in the UDC about parking being accessed from the alleyway.

Janet answered that the UDC encourages alleyway parking.

Michael asked if the current curb cut that goes to Lot A go away.

Janet answered yes and that we would gain more diagonal parking. She said that the parking would be off the alley.

Bob Schultz of Robert Schultz consulting introduced himself and the applicant Christine Interlante. He pointed out the location of the home at 737 Colorado Avenue. He said that they came up with this idea as it is in scale with the neighborhood and it would allow Christine to build an additional house with a potential ADU as well.

Bob explained that meeting the requirements for a subdivision seemed pretty straight forward. He said the parking was the only challenge and that this was a chance to clean up something that may not have been ideal when it was originally done. He said that there is a possibility of putting one parking space on the property in front of the house and putting another curb cut in. He said that the Town has spent a lot of money on the surface for the street and that it adds another compromise to the street. He said that we could eliminate the potential curb cut and an existing curb cut. He said that Christine was willing to fend for herself on parking, which he said half of Old Town already does.

Bob said that when the new structure gets built the parking would be on the back of the lot as the UDC prescribes now.

Bob stated that another important condition is the six month time period prior to recording the plat as Janet has recommended.

Public Comment

There was no public comment.

Motion to close the Public Comments

A motion was made by Jen to close the Public comments. Yuani seconded the motion and it was approved unanimously.

Jen said that she did not have any concerns if Janet and the Public Works Director were happy with the parking solutions. She said that it meets the objectives for infill and that it is a fine application.

Jeff stated that he is supportive for the same reasons and that he too liked the infill.

Jay also agreed.

Yuani stated that his preference would be to have onsite parking.

Jay asked if removing the current curb cut should be a condition.

Janet stated that it was in the text but that it was not a condition. She said that it could read that the applicant shall be responsible for the cost of taking out the curb cut and establishing the streetscape including construction of a sidewalk and landscaping and any adjustments to the irrigation system prior to recordation of the plat.

Bob clarified that there would not be any new sidewalk.

Michael asked what landscape would be required.

Janet answered grass.

Bob stated that there was an existing landscape area between the curb and the sidewalk, which we would extend that. He said that there was a landscape island just past the driveway and connect over there with a drain.

Michael asked if that would be condition #13.

Janet said yes to keep it separate and that she might reorganize them.

Motion

Jeff made a motion to approve the Subdivision Exemption and Alternative Compliance for Off-Street Parking with the recommended findings and conditions adding condition #13, that the applicant shall be responsible for the cost of taking out the curb cut and establishing the streetscape with irrigation and landscaping. Jay seconded the motion and it was approved.

Yes: Michael, Jen, Jay, Jeff
No: Yuani

CONTINUED PUBLIC HEARING – Special Review for Site Plan & Architectural Design Applicant: Red Hills Lofts, LLC Location: Lot 12B, Kay PUD (Dolores Way)

John explained that Red Hill Lofts, LLC is requesting a Special Review for Site Plan and Architectural Review as allowed under Section F of the Amended and Restated Zone Text for the Kay Planned Unit Development.

John stated that the owner of the property is Aspen Pitkin Employee Housing, (APEH) Inc. a non-profit developer of affordable housing. He said that it should be noted that APEH is in no way associated with the Aspen Pitkin Housing Authority.

John said that the special review is to “allow property owners/developers the opportunity to propose projects that require certain flexibility from the specific regulations and standards of this Planned Unit Development to further the goals of the community with respect to transit oriented development, live/work arrangements. He said that it is the Town's desire to provide certain incentives, within the limits set forth herein to achieve such goals.”

John said that the request is to allow residential units on the ground floor as well as a request to utilize UDC standards for parking.

John stated that the proposal calls for 30 affordable rental units in total with 18 units in one building on two floors and 12 on two floors in the other building.

He outlined the following;

14 studio units with 416 gross sf per unit
12 1-bedroom units with 624 gross sf per unit
4 two-bedroom units with 936 gross sf per unit

These sizes meet the housing guideline standards as adopted by the Town.

The applicant is utilizing the UDC parking standards as follows:

1.25 spaces per studio unit for a total of 17.5 spaces
1.5 spaces per 1-bedroom unit for a total of 18 spaces
1.75 spaces per 2-bedroom units for a total of 7 spaces

John said that in total the applicant is proposing 42 parking spaces.

John stated that the Kay PUD would require that 60 parking spaces be provided at a ratio of 2 spaces per unit.

John stated that Staff is supportive of using the UDC for the parking standard for this project as this keeps with the established PUD policy.

John stated that the applicant has provided a landscaping plan that is generally in conformance with the PUD requirements. He said that an item to note is that the PUD requires sixty trees to be planted on site. He stated that the applicant is proposing to plant thirty one trees on site and that the remainder be planted elsewhere in the PUD or on the Community School property. John stated that Staff is supportive of the proposal but will need to have verification that the trees have been planted off site. He said that this has been made a condition of approval.

AFFORDABLE HOUSING MITIGATION

John stated that as part of the original approvals for Lot 12B, a Community Housing Agreement (CHA) was submitted and approved. He said that this CHA included 3 AMI units and 4 owner occupied units.

John explained that Red Hill Lofts is proposing to make all of the 30 units a mix of 50% to 80% AMI. He said that the exact range of the specific units has yet to be determined and will be reviewed by staff and the Garfield County Housing Authority. He added that in addition to the 30-unit proposal, the affordable unit in Building A, unit 2654 would be permanently deed restricted.

John stated that the Garfield County Housing Authority, who manages the Town's housing program, will be qualifying tenants for the project. He said that qualified tenants

must be a full-time employee in the Roaring Fork River Drainage Basin located from Aspen to Glenwood and the Crystal River drainage including Redstone and Marble. He stated that priority is given to persons who live or work in the Town of Carbondale. John stated that the rental rates will be governed by the current Town Housing Guidelines.

CRITERIA FOR APPROVAL

John stated that the Special Review Use shall only be approved by the Planning and Zoning Commission upon findings that the proposed development project is determined to be consistent with all of the applicable criteria. John said that Staff is of the opinion that the application is in conformance with the criteria

TRAFFIC

John said that the applicant has provided a memo dated December 28, 2017 from Sopris Engineering to Dan Roussin of CDOT. He stated that CDOT and Sopris Engineering have indicated that the project will not require an Access Permit for the Highway 133 Intersection. He continued by saying that the Public Works Director indicated that he agrees with the memo and CDOT's comments and that it should be noted that the project with a 100% residential use is indicated to be either at or below the original approved use.

John said that the Public Works Director and Yancy from Sopris Engineering are here to answer any questions.

Jeff stated that they were told in a previous meeting that the intersection of Highway 133 and Dolores Way was the worst performing intersection in the Town.

John answered that it was at a Level F.

Jeff asked if the Public Works Director thought that this would be an issue.

Kevin Schorzman, the Public Works Director, stated that the context of his review was that this intersection was already functioning at a Level F. He said that Balentine's planning approval for the land use that was previously approved would probably have generated more traffic than this application.

Jeff asked what the timeline was for improvements for this intersection.

Kevin said that there is not a timeline in place. He said that mitigating parking on Dolores Way is in the works to make traffic flow better, regardless of this application. He said that there is re-striping happening this weekend, which will help the intersection function better. He said that the long term vision for this intersection is a right turn in and right turn out with an extension of Dolores Way to the south connecting near Grand Junction Pipe on Highway 133. He said that this would be a good solution if a round-

about was placed in this location, which would make a safe turn for Dolores to get to the round-about to go north on Highway 133.

Michael stated that it was his understanding that this has always been CDOT's intention with the access control plan with a right in and right out intersection. He said that the challenge currently is that we do not have the round-about yet. He said that he does like the lane delineation with the striping.

Kevin said that we did narrow up the turn lanes to provide more distance on the north side of Dolores Way for the larger trucks turning in off the highway.

The applicant, Sherrie Sanzone, introduced herself. She stated that she is a board member and executive director of Aspen Pitkin Employee Housing Inc., (APEH). She said that they have no affiliation with APCA, which is a governmental agency for affordable housing in the upper valley. She said that their organization is a non-profit and was started in the late 1970's with the mission of creating affordable housing.

Sherrie introduced Wayne Stryker from Stryker Brown Architects. She said that he is also a longtime board member. She also introduced Yancy Nichol the civil engineer.

Sherrie explained that their mission, which started in the late 1970's, was to to create affordable housing with a focus on the upper valley. She said that they have extended their mission to include the overall valley. She said that in the last 3-4 years that they have been looking at many properties that would meet important criteria for them. She said that one would be that it is in an existing jurisdiction like the Town of Carbondale and that it is served well by high speed transit. She said that with the BRT system and the Carbondale Park and Ride system that this property was attractive to them. She said that this property was adjacent to the commuter and recreation trail for an option of walking and biking. Sherrie said that it would also fit into an existing neighborhood fabric.

Sherrie said that they are also passionate about solving problems and that Carbondale has a housing problem. She said that they have commissioned market studies, which is underway now that is being updated. She said that lower income housing is in demand and that there is a 1% vacancy. She said that they have wanted to focus on not only lower income but for rental housing. She added that historically rental housing is not what developers want to build because it requires a long term commitment. Sherrie said that is what they do and that they are excited to do this in Carbondale.

Sherrie outlined the site map on the overhead screen for the Red Hill Lofts and how it fits into the existing Kay PUD, Satank, Carbondale Community School and the Mountain Valley Mobile Home Park neighborhoods. She said that the site plan also highlights the trail connector, which was built as part of Balentine's project for this building. She said that it connects to the Rio Grande trail as well as the Carbondale Park and Ride.

Sherrie explained that they are using the original footprint of the building that Rick Balentine had been proposing over the years. She pointed out reference points and its

location on Dolores Way. She noted the view shed protection line, which honors the view for the Carbondale Community School and that it will always have views of Mount Sopris. She said that their designs will honor this view and is part of their proposal. Sherrie pointed to the core or heart of their project, which would be a gathering area where residents would be able to spend time. She said that it would include mailboxes and furniture for hang-out space and possibly an outdoor ping-pong table. She said that they also have a BBQ and fire pit as a part of the project.

Sherrie said that they are also proposing a community garden and a storage area for large toys such as kayaks and bikes etc. She pointed to onsite bike parking in several locations. She showed areas on private areas for hanging bikes outside as well as inside.

Sherrie stated that they are providing forty-two parking spaces. She said that they are also providing alternative ways for people to travel, which is a requirement of their application. She said that not providing too much parking encourages people to use alternative ways of traveling.

Yancy Nichol of Sopris Engineering outlined the history of the traffic. He explained the original Lot 12 of the Kay PUD, which was granted in 1993. He said that CDOT had required the left and right turns onto Highway 133.

Yancy explained the history of the traffic trip generation as well as the application that is before you today. He explained the previous plan by Balentine with the mixed-use building, which was estimated to generate eighteen a.m. and eighteen p.m. vehicle trips. He said that the thirty units before you today is estimated to have fourteen a.m. and sixteen p.m. vehicle trips per day. He said that if it were mixed-use that it could be a wild card whereas the residential use is pretty consistent. Yancy stated that this application would have less traffic than the previous proposals on this lot. He said that the reduction in trips could be as much as twenty percent for those that could be walking or biking.

Yancy commended the Town for the access control plan and the projects that have already been completed including the round-about on Main and Highway 133 as well as the bridge. He said that he does not know when the funding will come for future road improvements.

Sherrie added that because these would be rentals that they will have a professional management company that will manage the property. She said that they will also manage their parking plan and that each tenant knows how many vehicles each unit will be allowed. She said that this is the plan to manage parking overflow.

Wayne Stryker said that their company has a long history of building and managing affordable housing. He said that their goal has always been to provide more than what is necessary to what is desired. He explained their design conceptual that would reflect mountain living. He said that all of the units have a washer and a dryer as well as a full kitchen. He said that the design would help get daylight into the corridors. He said that

there would be oversized private balconies and that there would be vegetation planted to give more privacy.

Wayne said that there would be a color palette that is in the existing Balentine building.

Sherrie said that in closing that their passion was to provide affordable housing within the existing community fabric and that that is why they believe that this property is ideal for a project like this.

Jay asked if there was an access on the south portion of the property.

Sherrie answered yes there is.

John stated that those easements run through all of the lots of the Kay PUD.

Jay asked if the strip of landscape on the northeast corner was going to impede access.

Sherrie said that they are not impeding on their circulation.

Jeff asked what other projects the applicant has done.

Sherrie answered that they developed, own and operate Hunter Long House, which is in Aspen. She said that they also entitled and developed Trainers Landing at the base of Shadow Mountain, which was then transferred to another entity. She said that they helped bring Habitat for Humanity to the valley. She said that in addition that they help with affordable housing discussions and moving them forward in other locations as well.

Wayne said that they have done workforce housing.

Jen asked Janet how other locations are going to be selected for trees.

Janet said that they will work with the Town Arborist and Public Works to select the locations.

John said that they will also talk to other property owners in the Kay PUD to see if they would like to add trees to their sites because it is pretty barren.

Michael said that it would be good to keep the trees in the PUD.

Pat Hunter, 1131 County Road 106 said that a few years ago that they had some negotiations with CDOT over the access plan. He said that they had support from the Garfield County Commissioners and that in the last second that it was changed by Dan Roussin and then they wound up with nothing at Dolores Way and Highway 133. Pat said that he had said that they may get a round-about at the Dos Gringos intersection, which would allow us to do the sling shot. He said that the longer stripes will help. He said that he has been in Satank for fifteen years. He said that he knows that there is a lot of support for more housing and that the estimate of cars is speculative. He said that

we are seeing more traffic every day. He said that the businesses are growing and that the school generates a lot of traffic because the parents like to drive their kids to and from school. Pat said that they are hoping to get intersection lights, he said that he could not see the center lane on a rainy night. He said that Aspen has 3,000 units and is there still is not enough employee housing in Aspen. He said that taxes, school, fire department all go up when we add more people. He asked if this project was asking for a reduction of taxes and fees.

Sherrie stated that the code allows us to make this request.

Michael asked Pat to address the P&Z Chair only.

Pat said that you are giving up the revenue that would be produced to subsidize this project. He said that the main objective is to build employee housing for Aspen and it is close to the bus so they can catch the bus to get to work up valley. He said that this is a burden on our community. He said that we are subsidizing the Aspen businesses so that they can have more employees at a lower price.

Barbara Dills, 2646 Dolores Way said that she supports this project. She said that she believes that an all residential building will generate more traffic than a mixed-use building would have. She said that Osmia Organics has 6-10 vehicles daily for their employees, she said that she is delighted that they are succeeding. She said that the commercial units are putting a lot of pressure on the residential units for their parking. She said that she is a proponent of rental housing for people that can't afford to buy. Barbara said that their building has been on pins and needles over what Rick was going to do with this lot. She said that seeing this design and knowing that it will blend in with their building is wonderful. Barbara said that we look forward to creating one community. She said that this application has had a lot of thought put into it and that they do not even have storage for kayaks in her building. She said that their fear was that it would be another Double Diamond business, which would have been disastrous for us. She said that her neighbor to the west, Wagner Rentals, has been great working through issues. Barbara said that she feels for her Satank neighbors that have been there for many years. She said that one of the danger points in the intersection is that people pull way ahead of where they should just to be able to see in either direction. She said that police presence would be helpful to make it safer and to keep people from pulling out. Barbara said that police directing traffic in the morning with the school traffic would be a great safety benefit to the community. She said that the morning traffic is the worst and that it is death defying to cross Dolores Way itself. She said that behavior changes could help with the help of law enforcement to get people to stay back on Highway 133.

Tamara Monterano, said that she has lived here for fifty-five years and that she is the fourth generation of seven in the Roaring Fork Valley and that she lives in Satank. She said that her issue is safety. She said that she has many pictures of the congestion on Dolores Way, she said that it took her twelve minutes to go to Carbondale today. She said that there are times that there are 3-4 eighteen wheelers lined up, which she has pictures of. She said that there are also fifty-five cars coming out from the school, UPS,

Satank residents and the school bus. She said that it is impassable in the morning. Tamara said that she was flipped off twice coming here today and that people are going too fast and that they tailgate. She said that she has tried to get a cop down there but that they are shorthanded and that we need more cops. She said that if you have more people come that you need more cops. She said that it is our only way in and out of our neighborhood, she said ideally you would like to have two. She said that a round-about at Dos Gringos is double using the highway and that you might get slammed from traffic going over forty-five miles per hour. Tamara said that it is taking a quality from our life to live here and we are taxpayers. She said that Pat is right and that taking on more is pushing people like me out to accommodate for people that work in Aspen. She said that she worked in Aspen and made \$5 an hour forty years ago. She that they worked four jobs to work and maintain our property. She said that we did not have affordable housing and that nobody handed us that ticket. Tamara said that she would like to see Dolores Way without one single car parked on it, on either side. She said that a UPS truck could not even get through today. She said that if her house catches on fire and that she has shouldered the taxes for all of these years that I'm entitled to have a fire truck. She said that she was an EMT firefighter for fifteen years here and that you will not get down Dolores Way fast. She said that the morning is the worst and that it is also bad at 5:00 p.m. She said that she is a nice person and that there are rude people and that she is not sure about the entitlement attitude is coming into this valley. Tamara said that you come here for the paradise and that you then do everything to change it. She said that she does not mind affordable housing as long as the impacts don't fall on the taxpayers' shoulders the whole time. She said to please follow what Kevin said about not allowing parking on either side of Dolores Way.

Joe Burleigh, 65 Pine Street said that Dolores Way is a problem that has to be addressed. He said that when there is parking on both sides that it is a one lane road. He said that he has come close to getting hit by a semi.

Motion to close the Public Comments

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

Michael clarified with Janet that parking on Dolores and within the Kay PUD is not in their purview.

Janet said that the Public Works Director is here and he is listening to the concerns so it is in his purview and that he would take any recommendations that the Commission would like to pass on.

Michael agreed that parking on Dolores Way is an issue. He said that in turn that he had lunch at the Silo and that the only place to park was on Dolores Way.

Jeff said that he sees the problem with the businesses that do not have the parking on site. He said that some businesses do have parking lots. He said that he was surprised that there was a reduction in parking for this application from what the PUD requires, which is sixty spaces and that there are forty-two in the application. He said that he

does not know the mechanism to address the problems that we are hearing from the public.

Michael said that we could make a condition that they cannot park on Dolores Way but that it would not be enforceable.

Jeff said that maybe we should have the PUD address the parking as a whole.

Yuani said that he does not think we are adding to the parking problem. He said that we put in parking for the residents only and that they are vacant.

Jeff said that the PUD has a requirement for the number of spaces onsite and that this applicant is asking for a reduction.

Yuani said that we developed the UDC in order to get projects like this. He said that Carbondale has been trying to get one and two bedroom apartments and that there is a need for that. He said that they are providing what we need and that the management is a valuable thing.

Further discussion ensued about parking.

Jen said that we are talking about everything but this application. She said that we need to do everything we can outside of this application regarding Dolores Way to fast track with CDOT to get the improvements made. She said that having a transit oriented application is great and that they will have incentive to get on the bike path or catch a bus. Jen asked how the applicant will work through the rental process and the prioritization.

Sherry said that employed Carbondale residents would have the first priority to rent units in this project. She said that the intent is to serve the need in Carbondale. She said that we don't want to encourage people to drive.

Jen said that she was looking through the unit floor plans and that there is not a whole lot of closet space even in the studio plans.

Wayne said that if you add closet space that it would come out of living space. He said that our group appreciates the need for closet space and that they might be able to increase the closets.

Jen added that she would recommend doing designated bike parking.

Sherry said that they do have a lot of bike parking.

Jay said that he thinks it is a great project. He said that it is hard because Carbondale is seeing some growing pains.

Michael said that he agrees with Yuani and that when we were doing the Comprehensive Plan and the UDC that this was the building that we had in mind. He said that he agrees with other Commissioners and that Dolores Way and Highway 133 intersection is a mess and that it is a State highway and that they are going to do what they want. He said that the Town can do things on Dolores Way to mitigate and help with this. He said that we don't need to burden your project with CDOT's bad decision many years ago.

Jeff asked Staff if we will see this applicant again.

John stated no and that the Board will only see the fee waiver. He said that the P&Z is the approving authority.

Michael clarified that if there were commercial on the ground floor that we would not be here tonight.

John answered yes that it correct.

Jen stated that she agrees that commercial adds more traffic than residential units.

Motion

Yuani made a motion to approve the Red Hill Lofts Special Review for Lot 12B, Kay PUD with findings and conditions and the Resolution No. 2, Series of 2018. Jen seconded the motion and it was approved unanimously.

Yes: Michael, Jay, Jen, Jeff, Yuani

No: none

Garfield County Referral – Gianinetti Spring Creek Guest Ranch

BACKGROUND

Janet stated that the Planning Staff received a referral from Garfield County. She said that the application is for a Lodging Facility and Event Center/Meeting Facility for the Gianinetti property located off of 8th Street and Cowen Drive (just east of the Country Inn). She said that the property is 83 acres and it is zoned Rural.

Janet said that attached is a portion of the Land Use Application for the Lodging Facility. She said that there is a second application for the Event Center/Meeting Facility. She continued by saying however, that wasn't included in this packet since it includes the same documentation except for some technical issues. She said to let Staff know if you would like to see both applications in their entirety.

DISCUSSION

The Event Center/Meeting Facility would include:

- Existing 1500 sq. ft. Pavilion
- Proposed 4800 sq. ft. Community Event Barn
- 100 to 200 person capacity
- Approximately one event per week – thirty events maximum per year
- Events close at dark
- May through October
- Water – wells
- Wastewater – OWTS

The Lodging Facility would include:

- Nine cabins – 400 to 700 sq. ft.
- Stick built – IRC
- Lodging available year round

Janet explained that the application states that while the potential income is important, the Gianinetti family would like to preserve the agricultural and rural atmosphere for the foreseeable future.

2013 Carbondale Comprehensive Plan

The Gianinetti property is not in a potential annexation area in the Town's Comprehensive Plan. It is designated as a "Significant Parcel" on page 74 of the Comprehensive Plan.

Page 73 of the Comprehensive Plan includes the following language:

The mapped significant parcels are the remaining intact, large private parcels, many of which function as working agricultural land (Figure 4.33). The community views these parcels as important components of the current and future geography of Carbondale. The intent is that the county coordinates with the Town of Carbondale regarding future development on significant development on significant parcels.

The property is also designated as "Priority Agricultural Lands" on page 75. On page 79, the Comprehensive Plan states that these lands:

1. Provide land base for food production, and
2. Geographically define the edge of town, and
3. Agricultural operators are an important component of Carbondale's economy, culture and heritage.

The Comprehensive Plan goes on to state the town should work with landowners to keep the agricultural operations and land base intact.

The Commission discussed the proposal and agreed that it was in compliance with the 2013 Comprehensive Plan. They asked Staff to send a letter of support of the Commission.

Mark Chain made a clarification that the guest cabins are limited to twelve bedrooms because of the septic system. He said that there might be 8-10 cabins.

Staff Update

Janet said that 1st Bank is getting ready to record and that the deadline is tomorrow.

John said that there are hits on the property that is to the north of the electric station that would be annexed to the Town.

John said that he is meeting with Tumbleweed's attorney regarding their sign issues.

John said that inquiries have been off the charts.

Both Jen and Yuani said that they will not be returning when their terms are up in August.

Janet said that we can start advertising for the P&Z seats in June.

Commissioner Comments

No comments

Motion

A motion was made by Yuani to adjourn. Jeff seconded the motion and the meeting was adjourned at 8:44 p.m.



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

June 7, 2018

Jim Field and Kelly Field
120 Oak Run Road
Carbondale CO, 81623

RE: Big Green House Productions

Delivered by hand to Tenants.
Delivered by Mail to Owners

Dear Jim and Kelly:

It has come to the attention of the Town that 120 Oak Run Drive is being utilized for music events involving the public. The Crystal Village Planned Unit Development, (PUD) does not allow this use in the Residential Single-Family District. In addition, the Building Official has indicated that this type of use may violate occupancy standards adopted by the Town of Carbondale for the Health Life and Safety of the occupants.

You are hereby notified to cease the use of 120 Oak Run Drive as a music venue immediately. If this does not occur the Town may choose to take enforcement action as provided under Section 17.1.8.2. of the Unified Development Code.

Sincerely,

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



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

Planning and Zoning Commission Agenda Memorandum

Meeting Date: 6-14-2018

TITLE: 165 North 8th Street - Subdivision Exemption

SUBMITTING DEPARTMENT: Planning Department

ATTACHMENTS: Land Use Application

BACKGROUND

Before you tonight is an application for a Subdivision Exemption. You are required to hold a public hearing and render a final decision. That decision may be to approve the application, deny the project, or continue the public hearing.

Owner/Applicant: Ken and Joan Lubrant and Bruce Stolbach

Property Location: 165 N 8th Street Colorado Avenue

Zone District: Residential/Medium Density (R/MD)

Lot Size: 11,499 sq. ft.

Present Land Use: One Single Family Residence

DISCUSSION

The applicant is requesting a Subdivision Exemption to divide a 9,000 sq. ft. parcel into two lots as follows:

Lot 1 – 4743 sq. ft. lot

Lot 2 – 6757 sq. ft. lot

Lot 2 would be vacant at this time. A single-family dwelling is located on Lot 1 with no changes proposed at this time. This application does not include Site Plan Review for any new development. It is simply a Subdivision Exemption to create a new lot.

There is an existing single-family residence on Lot 1. It is a 1,000 sq. ft., two-bedroom house. That house would remain.

ZONING

Lot Size and Dimensions (UDC Table 3.2-7)

The minimum lot area in the R/MD zone district is 3,000 sq. ft. Both lots are in compliance.

The minimum lot width is 25 ft. and the minimum lot depth is 50 ft. The proposal meets the code requirements as follows:

| | |
|-------|--|
| Lot 1 | 46.50' ft. wide 102 ft. deep |
| Lot 2 | 61.50' ft. wide 95.10' ft. (north side) to 187 ft. deep (south) this includes an access easement. |

Setbacks (UDC Table 3.2-7)

No development is proposed for Lot 2 at this time so setbacks are not applicable. However, subdivisions with jogged lot lines have been approved in the past creating situations where it is not clear how setbacks should be handled during building permit review. In this case the locations and size of the setbacks seem straight forward due to the location and size of the lot.

The existing setbacks for Lot 1 are as follows:

| | <u>Required</u> | <u>Proposed</u> |
|----------|-----------------|-----------------|
| Front | 10 ft. | 10 ft. |
| Side (N) | 5 ft. | 5 ft. |
| Side (S) | 5 ft. | 5 ft. |
| Rear (W) | 5 ft | 5 ft |

Maximum Impervious Surface (UDC Table 3.7-2)

The code allows 60% of maximum impervious surface in the R/MD zone district and requires 40% pervious surface.

Lot 1 allows 2845.8 sq. ft. of impervious surface. The residential unit on the Lot is existing and appears to be in compliance. If the Lot is improved any further then the ratio will need to be confirmed at building permit. Lot 2 allows 4,054.2 sq. ft. of impervious surface and also appears to be in compliance. The impervious ratio would need to be confirmed at building permit when the lot is developed.

Both lots are in compliance.

Utilities

Water – Water is available from the 8th street ROW via a 10-inch main. The existing residential unit is tapped off this line. If and when development takes place on Lot 2 the line would run directly to the lot from the 8th street ROW.

Sewer – The sewer service line extends from the west from a main line. The Utilities Department have indicated that there may be issues with this line to be addressed at building permit.

Gas and Electric – The gas and electric lines extend off the 8th Street ROW.

The easement shown on the plat is not needed and should be removed.

Subdivision (UDC Section 2.6.6):

The Planning Commission may approve a Subdivision Exemption if it finds the following:

1. The subject property is suitable for subdivision within the meaning of Chapter 17.06;
2. All public utilities are in place on, or immediately adjacent to, the subject property;
3. Each lot has the necessary dedicated public access required by this code at the time of the subdivision exemption application;
4. The subdivision plat shall comprise and describe not more than three lots and, unless the property to be subdivided is wholly owned by the Town or another federal, state or local government entity, the entire parcel to be subdivided shall be no more than five acres in size; and
5. The preparation of engineered design data and specifications is not needed to enable the commission to determine that the subject property meets the design specifications Chapter 17.06.

Staff is supportive of the proposed subdivision exemption. This property is located in the Downtown/Old Town Periphery area in the 2013 Comprehensive Plan. The Comprehensive Plan states this neighborhood represents an opportunity for incremental multifamily residential infill, redevelopment and accessory dwelling units.

The UDC requires that a subdivision plat be recorded within three months of approval.

RECOMMENDATION

Staff recommends that the following motion be approved: **Move to approve the Subdivision Exemption with the recommended findings and conditions below.**

Recommended Conditions:

1. All representations of the Applicant and Applicant's representatives at the Public Hearing shall be considered conditions of approval of this subdivision exemption.
2. The Subdivision Exemption Plat shall be in a form acceptable to and approved by Town Staff and the Town Attorney prior to recording. Applicant shall execute and record the plat with the Garfield County Clerk and Recorder within three (3) months of approval by the Planning Commission.
3. Water rights for development may be due for Lot 2 at the time of building permit.
4. The applicant shall be responsible for all building permit fees, tap fees and other associated fees at the time of building permit.
5. The following Park Development, School District and Fire District fees shall be paid prior to recordation of the plat, unless waived by the School District, Fire District or Board of Trustees:

Park Development (Lots A and B)

| | |
|-----------------|-----------|
| 2 units @ \$700 | = \$1,400 |
|-----------------|-----------|

Fire District (Lot A)

| | |
|----------------|----------|
| 1 unit @ \$730 | = \$ 730 |
|----------------|----------|

School District (Lot A based on two-bedroom unit)

| | |
|-----------------------|----------|
| 1 2-bdrm unit @ \$378 | = \$ 378 |
|-----------------------|----------|

| | |
|-------|-----------|
| Total | = \$2,508 |
|-------|-----------|

6. The applicant shall be responsible for the costs of recordation of the approval documents.

Recommended Findings:

Subdivision Exemption:

1. The subject property is suitable for subdivision and is in compliance with Chapter 17.06 Subdivision;
2. All public utilities are in place on, or immediately adjacent to, the property;
3. Each lot has the necessary dedicated public access off North 8th Street;
4. The subdivision plat includes no more than three lots and is no more than five acres in size; and
5. The preparation of engineered design data and specifications is not needed to enable the commission to determine that the property meets the design specifications in Chapter 17.06 Subdivision.

Prepared by: John Leybourne, Planner



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

L417-000038

Pre-Application Meeting Date _____
Fees \$66.00 Date Pd 10/31/17

Land Use Application

PART 1 - APPLICANT INFORMATION

Applicant Name: Ken & Joan Lubrant & Bruce Stolbach Phone: 970 618 0230
Applicant Address: 185 N. 8th St Carbondale, CO 81623
E-mail: cadcode@hotmail.com
Owner Name: Ken & Joan Lubrant & Bruce Stolbach Phone: 970 618 0775
Address: 185 N. 8th St. Carbondale, CO 81623
E-mail: cadcode@hotmail.com
Location of Property: provide street address and either 1) subdivision lot and block; or 2) metes and bounds:
165 N. 8th St

PART 2 - PROJECT DESCRIPTION

General project description:

Subdivide Existing Lot on 8th St in R/MD
Zone district into 2 lots. One will have existing house
one will be vacant land
Size of Parcel: 11,500 +/- # Dwelling Units: 1 Sq Ftg Comm: _____

Type of Application(s): Subdivision Exemption
Existing Zoning: R/MD Proposed Zoning: R/MD

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.

Applicant Signature

Date

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

Owner Signature

Date

Owner Signature

Date

STATE OF COLORADO

) ss.

COUNTY OF GARFIELD

The above and foregoing document was acknowledged before me this 30 day of October 2017, by Bruce Stolbach, Ken Lubrant, Joan Lubrant.

Witness my hand and official

My commission expires: Sept. 2, 2018

ALICIA CRANDELL
Notary Public
State of Colorado
Notary ID 19984024111
My Commission Expires Sept. 2nd, 2018

Notary Public



**Town of Carbondale
Subdivision Exemption
Checklist**

(970) 963-2733

Project Name: Lubrant / Stolbach Parcel - 165 N. 8th St.

Applicant: Ken & Jean Lubrant & Bruce Stolbach

Applicant Address: 185 N. 8th St.

Location: 165 N. 8th St. (Project location)

Date:

Staff Member:

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

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

Required Attachments

- ☐ **Filing Fee of \$300 and Land Use Application (separate attachment)**
- ☒ **a. The following shall be submitted with a subdivision exemption application:**
 - ☒ **i. A sketch plan drawn to scale showing existing and proposed lot configurations, existing structures, existing utility lines, and dedicated public access;**
 - ☒ **ii. A written statement explaining why the subdivision meets the purposes of this Code;**
 - ☒ **iii. A written statement of the intended uses and proposed densities of each parcel in the subdivision;**
 - ☒ **iv. If the parcels have existing residential units or will be used for residential units, a written statement indicating how many bedrooms each unit has or will have; and**
 - ☒ **v. Evidence of title or ownership of the applicant to the property, including any mineral, gravel, and oil and gas leases, reservations, or separate ownerships.**
- b. As a condition of processing and granting the application, the Town may require at any stage of the proceedings such engineering specification and data as are necessary to enable it to determine that the proposed subdivision will meet all of the applicable design and improvement standards in Chapter 17.06.Subdivision.**

- ☐ **Additional information requested at the pre-application meetings:**

OWNER/APPLICANT: Ken & Joan Lubrant and Bruce Stolbach
PROPERTY ADDRESS: 165 N. 8th Street, Carbondale, CO 81623
ZONE DISTRICT: (R/MD)
DATE: 10/20/2017

The applicant is requesting the subdivision of 165 N. 8th Street parcel (.264 acres +/- or +/- 11,499 sq. ft.) into two (2) lots. Lot 1 (4739 sq. ft.) will have the existing house (2 BR, 1 story, 1,000 +/- sq. ft.). The 1 story home is well under the maximum height requirement of the R/MD zone district. Lot 2 (6760 sq. ft.) will be vacant land. The lots each will meet the required minimum lot size, width, and depth of the R/MD zone district and will have complying setbacks. Both proposed lots have frontage on 8th Street although a shared driveway (easement) is proposed to minimize the street cuts on to 8th Street. No development on Lot 2 is proposed at this time. Any additional development that occurs on either lot shall be required to comply with the requirements of the R/MD Zone District and the Carbondale Municipal Code. Lot coverage on Lot 1 complies with the the requirements of the R/MD zone district. The total impervious surface of the house, deck, walks, and parking is 1740 sq. ft. The maximum allowed appears to be 2400 sq. ft. Access to utilities is available from 8th Street and a sewer main is accessible for sewer at the rear property line. 8th Street has a sidewalk on both sides of the street. The topography is essentially flat.

Lot 1
4743
Lot 2
6757

After recording please return to:
OHIO SAVINGS BANK ATTN: DOCUMENT CONTROL

[Company Name]

[Name of Natural Person]

1111 CHESTER AVE
[Street Address]

CLEVELAND, OH 44114
[City, State Zip Code]

_____[Space Above This Line For Recording Data]_____

DEED OF TRUST

MIN 100162500051262948

DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

(A) "Security Instrument" means this document, which is dated **October 11, 2005**, together with all Riders to this document.

(B) "Borrower" is **KENNETH J LUBRANT, JOAN H LUBRANT, BRUCE L STOLBACH**

Borrower is the trustor under this Security Instrument.

(C) "Lender" is **VANGUARD MORTGAGE CORPORATION**

Lender is a **corporation** organized and existing under the laws of **THE STATE OF GEORGIA**. Lender's address is **8302 DUNWOODY PLACE, SUITE 207, ATLANTA, GA 30350**

(D) "Trustee" is the Public Trustee of **GARFIELD** County, Colorado.

LOAN NUMBER: 5126294

Initials: *[Handwritten initials]*

Colorado Deed of Trust-Single Family-Fannie Mae/Freddie Mac UNIFORM INSTRUMENT
—THE COMPLIANCE SOURCE, INC.—
www.compliance-source.com

Page 1 of 13

MERS Modified Form 3006 01/01

14391CO 09/00

© 2000, The Compliance Source, Inc.

(Q) "RESPA" means the Real Estate Settlement Procedures Act (12 U.S.C. §2601 et seq.) and its implementing regulation, Regulation X (24 C.F.R. Part 3500), as they might be amended from time to time, or any additional or successor legislation or regulation that governs the same subject matter. As used in this Security Instrument, "RESPA" refers to all requirements and restrictions that are imposed in regard to a "federally related mortgage loan" even if the Loan does not qualify as a "federally related mortgage loan" under RESPA.

(R) "Successor in Interest of Borrower" means any party that has taken title to the Property, whether or not that party has assumed Borrower's obligations under the Note and/or this Security Instrument.

TRANSFER OF RIGHTS IN THE PROPERTY

The beneficiary of this Security Instrument is MERS (solely as a nominee for Lender and Lender's successors and assigns) and the successors and assigns of MERS. This Security Instrument secures to Lender: (i) the repayment of the Loan, and all renewals, extensions and modifications of the Note; and (ii) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower, in consideration of the debt and the trust herein created, irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in the

County of
[Type of Recording Jurisdiction]

GARFIELD
[Name of Recording Jurisdiction]

SEE ATTACHED EXHIBIT A

which currently has the address of

165 N. 8TH ST

CARBONDALE
[City]

, Colorado

81623

[Street]

("Property Address"):

[Zip Code]

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property." Borrower understands and agrees that MERS holds only legal title to the interests granted by Borrower in this Security Instrument, but, if necessary to comply with law or custom, MERS (as nominee for Lender and Lender's successors and assigns) has the right: to exercise any or all of those interests, including, but not limited to, the right to foreclose and sell the Property; and to take any action required of Lender including, but not limited to, releasing and canceling this Security Instrument.

BORROWER COVENANTS that Borrower is lawfully seized of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants

LOAN NUMBER: 5126294

Initials:

MERS Modified Form 3006 01/01

Colorado Deed of Trust-Single Family-Fannie Mae/Freddie Mac UNIFORM INSTRUMENT

—THE COMPLIANCE SOURCE, INC.—

Page 3 of 13

www.compliance-source.com



14301CO 08/00
© 2000, The Compliance Source, Inc.

Assessments, if any, be escrowed by Borrower, and such dues, fees and assessments shall be an Escrow Item. Borrower shall promptly furnish to Lender all notices of amounts to be paid under this Section. Borrower shall pay Lender the Funds for Escrow Items unless Lender waives Borrower's obligation to pay the Funds for any or all Escrow Items. Lender may waive Borrower's obligation to pay to Lender Funds for any or all Escrow Items at any time. Any such waiver may only be in writing. In the event of such waiver, Borrower shall pay directly, when and where payable, the amounts due for any Escrow Items for which payment of Funds has been waived by Lender and, if Lender requires, shall furnish to Lender receipts evidencing such payment within such time period as Lender may require. Borrower's obligation to make such payments and to provide receipts shall for all purposes be deemed to be a covenant and agreement contained in this Security Instrument, as the phrase "covenant and agreement" is used in Section 9. If Borrower is obligated to pay Escrow Items directly, pursuant to a waiver, and Borrower fails to pay the amount due for an Escrow Item, Lender may exercise its rights under Section 9 and pay such amount and Borrower shall then be obligated under Section 9 to repay to Lender any such amount. Lender may revoke the waiver as to any or all Escrow Items at any time by a notice given in accordance with Section 15 and, upon such revocation, Borrower shall pay to Lender all Funds, and in such amounts, that are then required under this Section 3.

Lender may, at any time, collect and hold Funds in an amount (a) sufficient to permit Lender to apply the Funds at the time specified under RESPA, and (b) not to exceed the maximum amount a lender can require under RESPA. Lender shall estimate the amount of Funds due on the basis of current data and reasonable estimates of expenditures of future Escrow Items or otherwise in accordance with Applicable Law.

The Funds shall be held in an institution whose deposits are insured by a federal agency, instrumentality, or entity (including Lender, if Lender is an institution whose deposits are so insured) or in any Federal Home Loan Bank. Lender shall apply the Funds to pay the Escrow Items no later than the time specified under RESPA. Lender shall not charge Borrower for holding and applying the Funds, annually analyzing the escrow account, or verifying the Escrow Items, unless Lender pays Borrower interest on the Funds and Applicable Law permits Lender to make such a charge. Unless an agreement is made in writing or Applicable Law requires interest to be paid on the Funds, Lender shall not be required to pay Borrower any interest or earnings on the Funds. Borrower and Lender can agree in writing, however, that interest shall be paid on the Funds. Lender shall give to Borrower, without charge, an annual accounting of the Funds as required by RESPA.

If there is a surplus of Funds held in escrow, as defined under RESPA, Lender shall account to Borrower for the excess funds in accordance with RESPA. If there is a shortage of Funds held in escrow, as defined under RESPA, Lender shall notify Borrower as required by RESPA, and Borrower shall pay to Lender the amount necessary to make up the shortage in accordance with RESPA, but in no more than 12 monthly payments. If there is a deficiency of Funds held in escrow, as defined under RESPA, Lender shall notify Borrower as required by RESPA, and Borrower shall pay to Lender the amount necessary to make up the deficiency in accordance with RESPA, but in no more than 12 monthly payments.

Upon payment in full of all sums secured by this Security Instrument, Lender shall promptly refund to Borrower any Funds held by Lender.

4. **Charges; Liens.** Borrower shall pay all taxes, assessments, charges, fines, and impositions attributable to the Property which can attain priority over this Security Instrument, leasehold payments or ground rents on the Property, if any, and Community Association Dues, Fees, and Assessments, if any. To the extent that these items are Escrow Items, Borrower shall pay them in the manner provided in Section 3.

Borrower shall promptly discharge any lien which has priority over this Security Instrument unless Borrower: (a) agrees in writing to the payment of the obligation secured by the lien in a manner acceptable to Lender, but only so long as Borrower is performing such agreement; (b) contests the lien in good faith by, or defends against enforcement of the lien in, legal proceedings which in Lender's opinion operate to prevent the enforcement of the lien while those proceedings are pending, but only until such proceedings are concluded; or (c) secures from the holder of the lien an agreement satisfactory to Lender subordinating the lien to this Security Instrument. If Lender determines that any part of the Property is subject to a lien which can attain priority over this Security Instrument, Lender may give Borrower a notice identifying the lien. Within 10 days of the date on which that notice is given, Borrower shall satisfy the lien or take one or more of the actions set forth above in this Section 4.

Lender may require Borrower to pay a one-time charge for a real estate tax verification and/or reporting service used by Lender in connection with this Loan.

LOAN NUMBER: 5126294

Colorado Deed of Trust-Single Family-Fannie Mae/Freddie Mac UNIFORM INSTRUMENT
—THE COMPLIANCE SOURCE, INC.—
www.compliance-source.com

Page 5 of 13

Initials KL ML BR
MERS Modified Form 3006 01/01
14301 CO 08/00
© 2000, The Compliance Source, Inc.



use the insurance proceeds either to repair or restore the Property or to pay amounts unpaid under the Note or this Security Instrument, whether or not then due.

6. **Occupancy.** Borrower shall occupy, establish, and use the Property as Borrower's principal residence within 60 days after the execution of this Security Instrument and shall continue to occupy the Property as Borrower's principal residence for at least one year after the date of occupancy, unless Lender otherwise agrees in writing, which consent shall not be unreasonably withheld, or unless extenuating circumstances exist which are beyond Borrower's control.

7. **Preservation, Maintenance and Protection of the Property; Inspections.** Borrower shall not destroy, damage or impair the Property, allow the Property to deteriorate or commit waste on the Property. Whether or not Borrower is residing in the Property, Borrower shall maintain the Property in order to prevent the Property from deteriorating or decreasing in value due to its condition. Unless it is determined pursuant to Section 5 that repair or restoration is not economically feasible, Borrower shall promptly repair the Property if damaged to avoid further deterioration or damage. If insurance or condemnation proceeds are paid in connection with damage to, or the taking of, the Property, Borrower shall be responsible for repairing or restoring the Property only if Lender has released proceeds for such purposes. Lender may disburse proceeds for the repairs and restoration in a single payment or in a series of progress payments as the work is completed. If the insurance or condemnation proceeds are not sufficient to repair or restore the Property, Borrower is not relieved of Borrower's obligation for the completion of such repair or restoration.

Lender or its agent may make reasonable entries upon and inspections of the Property. If it has reasonable cause, Lender may inspect the interior of the improvements on the Property. Lender shall give Borrower notice at the time of or prior to such an interior inspection specifying such reasonable cause.

8. **Borrower's Loan Application.** Borrower shall be in default if, during the Loan application process, Borrower or any persons or entities acting at the direction of Borrower or with Borrower's knowledge or consent gave materially false, misleading, or inaccurate information or statements to Lender (or failed to provide Lender with material information) in connection with the Loan. Material representations include, but are not limited to, representations concerning Borrower's occupancy of the Property as Borrower's principal residence.

9. **Protection of Lender's Interest in the Property and Rights Under this Security Instrument.** If (a) Borrower fails to perform the covenants and agreements contained in this Security Instrument, (b) there is a legal proceeding that might significantly affect Lender's interest in the Property and/or rights under this Security Instrument (such as a proceeding in bankruptcy, probate, for condemnation or forfeiture, for enforcement of a lien which may attain priority over this Security Instrument or to enforce laws or regulations), or (c) Borrower has abandoned the Property, then Lender may do and pay for whatever is reasonable or appropriate to protect Lender's interest in the Property and rights under this Security Instrument, including protecting and/or assessing the value of the Property, and securing and/or repairing the Property. Lender's actions can include, but are not limited to: (a) paying any sums secured by a lien which has priority over this Security Instrument; (b) appearing in court; and (c) paying reasonable attorneys' fees to protect its interest in the Property and/or rights under this Security Instrument, including its secured position in a bankruptcy proceeding. Securing the Property includes, but is not limited to, entering the Property to make repairs, change locks, replace or board up doors and windows, drain water from pipes, eliminate building or other code violations or dangerous conditions, and have utilities turned on or off. Although Lender may take action under this Section 9, Lender does not have to do so and is not under any duty or obligation to do so. It is agreed that Lender incurs no liability for not taking any or all actions authorized under this Section 9.

Any amounts disbursed by Lender under this Section 9 shall become additional debt of Borrower secured by this Security Instrument. These amounts shall bear interest at the Note rate from the date of disbursement and shall be payable, with such interest, upon notice from Lender to Borrower requesting payment.

If this Security Instrument is on a leasehold, Borrower shall comply with all the provisions of the lease. If Borrower acquires fee title to the Property, the leasehold and the fee title shall not merge unless Lender agrees to the merger in writing.

10. **Mortgage Insurance.** If Lender required Mortgage Insurance as a condition of making the Loan, Borrower shall pay the premiums required to maintain the Mortgage Insurance in effect. If, for any reason, the Mortgage Insurance coverage required by Lender ceases to be available from the mortgage insurer that previously provided such insurance and Borrower was required to make separately designated payments toward the premiums for Mortgage Insurance, Borrower

LOAN NUMBER: 5126294

Initials: 



In the event of a total taking, destruction, or loss in value of the Property, the Miscellaneous Proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with the excess, if any, paid to Borrower.

In the event of a partial taking, destruction, or loss in value of the Property in which the fair market value of the Property immediately before the partial taking, destruction, or loss in value is equal to or greater than the amount of the sums secured by this Security Instrument immediately before the partial taking, destruction, or loss in value, unless Borrower and Lender otherwise agree in writing, the sums secured by this Security Instrument shall be reduced by the amount of the Miscellaneous Proceeds multiplied by the following fraction: (a) the total amount of the sums secured immediately before the partial taking, destruction, or loss in value divided by (b) the fair market value of the Property immediately before the partial taking, destruction, or loss in value. Any balance shall be paid to Borrower.

In the event of a partial taking, destruction, or loss in value of the Property in which the fair market value of the Property immediately before the partial taking, destruction, or loss in value is less than the amount of the sums secured immediately before the partial taking, destruction, or loss in value, unless Borrower and Lender otherwise agree in writing, the Miscellaneous Proceeds shall be applied to the sums secured by this Security Instrument whether or not the sums are then due.

If the Property is abandoned by Borrower, or if, after notice by Lender to Borrower that the Opposing Party (as defined in the next sentence) offers to make an award to settle a claim for damages, Borrower fails to respond to Lender within 30 days after the date the notice is given, Lender is authorized to collect and apply the Miscellaneous Proceeds either to restoration or repair of the Property or to the sums secured by this Security Instrument, whether or not then due. "Opposing Party" means the third party that owes Borrower Miscellaneous Proceeds or the party against whom Borrower has a right of action in regard to Miscellaneous Proceeds.

Borrower shall be in default if any action or proceeding, whether civil or criminal, is begun that, in Lender's judgment, could result in forfeiture of the Property or other material impairment of Lender's interest in the Property or rights under this Security Instrument. Borrower can cure such a default and, if acceleration has occurred, reinstate as provided in Section 19, by causing the action or proceeding to be dismissed with a ruling that, in Lender's judgment, precludes forfeiture of the Property or other material impairment of Lender's interest in the Property or rights under this Security Instrument. The proceeds of any award or claim for damages that are attributable to the impairment of Lender's interest in the Property are hereby assigned and shall be paid to Lender.

All Miscellaneous Proceeds that are not applied to restoration or repair of the Property shall be applied in the order provided for in Section 2.

12. Borrower Not Released; Forbearance By Lender Not a Waiver. Extension of the time for payment or modification of amortization of the sums secured by this Security Instrument granted by Lender to Borrower or any Successor in Interest of Borrower shall not operate to release the liability of Borrower or any Successors in Interest of Borrower. Lender shall not be required to commence proceedings against any Successor in Interest of Borrower or to refuse to extend time for payment or otherwise modify amortization of the sums secured by this Security Instrument by reason of any demand made by the original Borrower or any Successors in Interest of Borrower. Any forbearance by Lender in exercising any right or remedy including, without limitation, Lender's acceptance of payments from third persons, entities or Successors in Interest of Borrower or in amounts less than the amount then due, shall not be a waiver of or preclude the exercise of any right or remedy.

13. Joint and Several Liability; Co-signers; Successors and Assigns Bound. Borrower covenants and agrees that Borrower's obligations and liability shall be joint and several. However, any Borrower who co-signs this Security Instrument but does not execute the Note (a "co-signer"): (a) is co-signing this Security Instrument only to mortgage, grant and convey the co-signer's interest in the Property under the terms of this Security Instrument; (b) is not personally obligated to pay the sums secured by this Security Instrument; and (c) agrees that Lender and any other Borrower can agree to extend, modify, forbear or make any accommodations with regard to the terms of this Security Instrument or the Note without the co-signer's consent.

Subject to the provisions of Section 18, any Successor in Interest of Borrower who assumes Borrower's obligations under this Security Instrument in writing, and is approved by Lender, shall obtain all of Borrower's rights and benefits under this Security Instrument. Borrower shall not be released from Borrower's obligations and liability under this Security

LOAN NUMBER: 5126294

Colorado Deed of Trust-Single Family-Fannie Mae/Freddie Mac UNIFORM INSTRUMENT
—THE COMPLIANCE SOURCE, INC.—
www.compliance-source.com

Page 9 of 13

Initials

MERS Modified Form 3006 01/01

14301CO 08/00

© 2000, The Compliance Source, Inc.



If Lender exercises this option, Lender shall give Borrower notice of acceleration. The notice shall provide a period of not less than 30 days from the date the notice is given in accordance with Section 15 within which Borrower must pay all sums secured by this Security Instrument. If Borrower fails to pay these sums prior to the expiration of this period, Lender may invoke any remedies permitted by this Security Instrument without further notice or demand on Borrower.


19. Borrower's Right to Reinstate After Acceleration. If Borrower meets certain conditions, Borrower shall have the right to have enforcement of this Security Instrument discontinued at any time prior to the earliest of: (a) five days before sale of the Property pursuant to any power of sale contained in this Security Instrument; (b) such other period as Applicable Law might specify for the termination of Borrower's right to reinstate; or (c) entry of a judgment enforcing this Security Instrument. Those conditions are that Borrower: (a) pays Lender all sums which then would be due under this Security Instrument and the Note as if no acceleration had occurred; (b) cures any default of any other covenants or agreements; (c) pays all expenses incurred in enforcing this Security Instrument, including, but not limited to, reasonable attorneys' fees, property inspection and valuation fees, and other fees incurred for the purpose of protecting Lender's interest in the Property and rights under this Security Instrument; and (d) takes such action as Lender may reasonably require to assure that Lender's interest in the Property and rights under this Security Instrument, and Borrower's obligation to pay the sums secured by this Security Instrument, shall continue unchanged. Lender may require that Borrower pay such reinstatement sums and expenses in one or more of the following forms, as selected by Lender: (a) cash; (b) money order; (c) certified check, bank check, treasurer's check or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency, instrumentality or entity; or (d) Electronic Funds Transfer. Upon reinstatement by Borrower, this Security Instrument and obligations secured hereby shall remain fully effective as if no acceleration had occurred. However, this right to reinstate shall not apply in the case of acceleration under Section 18.

20. Sale of Note; Change of Loan Servicer; Notice of Grievance. The Note or a partial interest in the Note (together with this Security Instrument) can be sold one or more times without prior notice to Borrower. A sale might result in a change in the entity (known as the "Loan Servicer") that collects Periodic Payments due under the Note and this Security Instrument and performs other mortgage loan servicing obligations under the Note, this Security Instrument, and Applicable Law. There also might be one or more changes of the Loan Servicer unrelated to a sale of the Note. If there is a change of the Loan Servicer, Borrower will be given written notice of the change which will state the name and address of the new Loan Servicer, the address to which payments should be made and any other information RESPA requires in connection with a notice of transfer of servicing. If the Note is sold and thereafter the Loan is serviced by a Loan Servicer other than the purchaser of the Note, the mortgage loan servicing obligations to Borrower will remain with the Loan Servicer or be transferred to a successor Loan Servicer and are not assumed by the Note purchaser unless otherwise provided by the Note purchaser.

Neither Borrower nor Lender may commence, join, or be joined to any judicial action (as either an individual litigant or the member of a class) that arises from the other party's actions pursuant to this Security Instrument or that alleges that the other party has breached any provision of, or any duty owed by reason of, this Security Instrument, until such Borrower or Lender has notified the other party (with such notice given in compliance with the requirements of Section 15) of such alleged breach and afforded the other party hereto a reasonable period after the giving of such notice to take corrective action. If Applicable Law provides a time period which must elapse before certain action can be taken, that time period will be deemed to be reasonable for purposes of this paragraph. The notice of acceleration and opportunity to cure given to Borrower pursuant to Section 22 and the notice of acceleration given to Borrower pursuant to Section 18 shall be deemed to satisfy the notice and opportunity to take corrective action provisions of this Section 20.

21. Hazardous Substances. As used in this Section 21: (a) "Hazardous Substances" are those substances defined as toxic or hazardous substances, pollutants, or wastes by Environmental Law and the following substances: gasoline, kerosene, other flammable or toxic petroleum products, toxic pesticides and herbicides, volatile solvents, materials containing asbestos or formaldehyde, and radioactive materials; (b) "Environmental Law" means federal laws and laws of the jurisdiction where the Property is located that relate to health, safety or environmental protection; (c) "Environmental Cleanup" includes any response action, remedial action, or removal action, as defined in Environmental Law; and (d) an "Environmental Condition" means a condition that can cause, contribute to, or otherwise trigger an Environmental Cleanup.

LOAN NUMBER: 5126294

Initials: 



24. Waiver of Homestead. Borrower waives all right of homestead exemption in the Property.

BY SIGNING BELOW, Borrower accepts and agrees to the terms and covenants contained in this Security Instrument and in any Rider executed by Borrower and recorded with it.

Witnesses:

Kenneth J. Lubrant (Seal)
KENNETH J LUBRANT -Borrower

Mailing Address: 185 N. 8TH ST., CARBONDALE, CO 81623

Bruce L. Stolbach (Seal)
BRUCE L STOLBACH -Borrower

Mailing Address: 185 N. 8TH ST., CARBONDALE, CO 81623

Joan H. Lubrant (Seal)
JOAN H LUBRANT -Borrower

Mailing Address:

_____ (Seal)
-Borrower

Mailing Address:

[Space Below This Line For Acknowledgment]

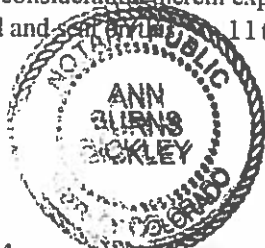
State of COLORADO §
County of GARFIELD §

Before me the undersigned authority, on this day personally appeared KENNETH J LUBRANT and
BRUCE L STOLBACH and JOAN H LUBRANT

known to me (or proved to me through an identity card or other document)
to be the person(s) whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she/they executed
the same for the purposes and consideration therein expressed.

Given under my hand and seal on the 11th day of October 2005

(Seal)



Ann Burns Bickley
Notary Public

My Commission Expires: 9/5/2007



LOAN NUMBER: 5126294

Colorado Deed of Trust-Single Family Freddie Mac UNIFORM INSTRUMENT
—THE COMPLIANCE SOURCE, INC.—
www.compliancesource.com

Page 13 of 13

My Commission Expires 09/05/2007
MERS Modified Form 3006 01/01
14301CO 08/00
© 2000, The Compliance Source, Inc.

Garfield County Assessor Data Site

Jim Yellico, 109 8th Street, Suite 207, Glenwood Springs, CO, 81601
(P) 970.945.9134 | (F) 970.945.3953 | (E) lwarder@garfield-county.com

Account Information

Account: R340337
Parcel: 239334304003
Owner Name: LUBRANT, KENNETH J & JOAN H
Owner Address: PO BOX 1253, CARBONDALE, CO, 81623-1253
Property Address: 185 N 8TH ST, CARBONDALE
Legal: Section: 34 Township: 7 Range: 88 Subdivision: WEAVERS ADD. Block: 12 Lot: 0 TR IN
Tax Area: 058
Subdivision: WEAVERS ADD.

Taxable Values History

| Year | Land Actual | Imp Actual | Total Actual | Land Assessed | Imp Assessed | Total Assessed |
|------|-------------|------------|--------------|---------------|--------------|----------------|
| 2017 | 205,000 | 267,720 | 472,720 | 14,760 | 19,280 | 34,040 |
| 2016 | 185,000 | 269,500 | 454,500 | 14,730 | 21,450 | 36,180 |
| 2015 | 185,000 | 269,500 | 454,500 | 14,730 | 21,450 | 36,180 |

Garfield County Assessor Data Site

Jim Yellico, 109 8th Street, Suite 207, Glenwood Springs, CO, 81601
(P) 970.945.9134 | (F) 970.945.3953 | (E) lwarder@garfield-county.com



Property Details

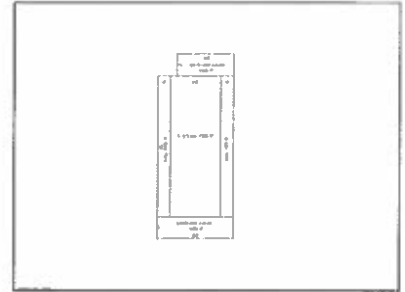
| Model | Attribute Name | Attribute Value |
|--------|----------------|---------------------------|
| LAND 0 | ABSTRACT_CODE | SINGLE FAM.RES.-LAND |
| | AREA_ACRES | 0 |
| | AREA_SQFT | 13939 |
| | NEIGHBORHOOD | WEAVERS & WEST ADDITIONS |
| RESI 0 | BUILDING_TYPE | SFR |
| | UNITS | 1 |
| | ABSTRACT_CODE | SINGLE FAM.RES-IMPROVEMTS |
| | ACT_YEAR_BLT | 1893 |
| | FINBSMTAREA | 0 |
| | HEATEDAREA | 1800 |
| | BASEMENTAREA | 0 |
| | BEDROOMS | 4 |
| | ARCH_STYLE | 1 1/2 STRY |
| | BATHS | 2 |
| | NEIGHBORHOOD | WEAVERS & WEST ADDITIONS |
| | AREA_UNITS | 1 |
| | ROOMS | 4 |
| | FRAME | WOOD FRAME |
| | AIRCOND | NONE |
| | HEATING_FUEL | GAS |
| | HEATING_TYPE | WALL&FLOOR |
| | ROOF_COVER | COMP SHNGL |
| | ROOF_STRUCTUR | GABLE |
| | STORIES | 1.5 |
| XFOB 0 | BUILDING_NO | 1 |
| | ABSTRACT_CODE | SINGLE FAM.RES-IMPROVEMTS |
| | ACT_YEAR_BLT | 1965 |
| | XFOB_CODE | ENC PORCH 251+ SF |
| | NEIGHBORHOOD | WEAVERS & WEST ADDITIONS |
| | AREA_UNITS | 0 |
| XFOB 1 | ABSTRACT_CODE | SINGLE FAM.RES-IMPROVEMTS |
| | BUILDING_NO | 1 |
| | ACT_YEAR_BLT | 1965 |
| | NEIGHBORHOOD | WEAVERS & WEST ADDITIONS |
| | XFOB_CODE | GARAGE 1-399 SF |
| | AREA_UNITS | 0 |

Garfield County Assessor Data Site

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

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

Property Images





Permit #: TBD / LU17-000038

Address: 185 Eighth Street

Payer: Ken & Joan Lubrant/Bruce Stolbach

| | | | |
|------------------|--|----------------------|-------------|
| Valuation | | Use Tax Total | 0.00 |
|------------------|--|----------------------|-------------|

| | | |
|------|-----------|-----------------------------|
| 301 | | Building Permit |
| 301 | | Mechanical Permit |
| 301 | | Plumbing Permit |
| 303 | \$ - | Plan Check Fees |
| 302 | | Contractor License |
| 302 | \$ - | BEST Test |
| 305 | \$ - | Use Tax 3% |
| 306 | \$ - | Use Tax 0.5% |
| 326 | \$ - | Efficient Bldg Permit Fee |
| 308 | | Water Meter Sales |
| 321 | | RTA 1% |
| 309 | | Water Sales Tax 7.4% |
| 316 | | Water Tap Fees |
| 316 | \$ - | Prepaid Water EQR |
| 317 | | Sewer Tap Fees |
| 317 | \$ - | Prepaid Wasterwater EQR |
| 324 | \$ - | Water Rights Dedication |
| 310 | \$ - | Developer Dedication /RVR |
| 313 | \$ - | Developer Contribution |
| 314 | \$ 300.00 | Zoning, Variance, Subdivisi |
| 314 | \$ - | Special Use Permit |
| 318 | \$ - | Development Parking Fees |
| 312 | \$ - | Park Dedication |
| 319 | \$ - | Excavation Permits |
| 319 | \$ - | Sign Permits |
| 1004 | \$ - | Map Sales |
| 304 | \$ - | School Fees In Lieu of Land |
| 303 | | Plan Check Fees |

Total Fees Due: \$ 300.00

Maximu

Town of Carbondale
511 Colorado Ave
Carbondale CO 81623 970-963-2733
Receipt No: 1.143803 Oct 31, 2017

LUBRANT, KEN & JOAN/BRUCE STOLBACH

Previous Balance: .00
Building & Planning
185 EIGHTH ST TBD 300.00

Total: 300.00

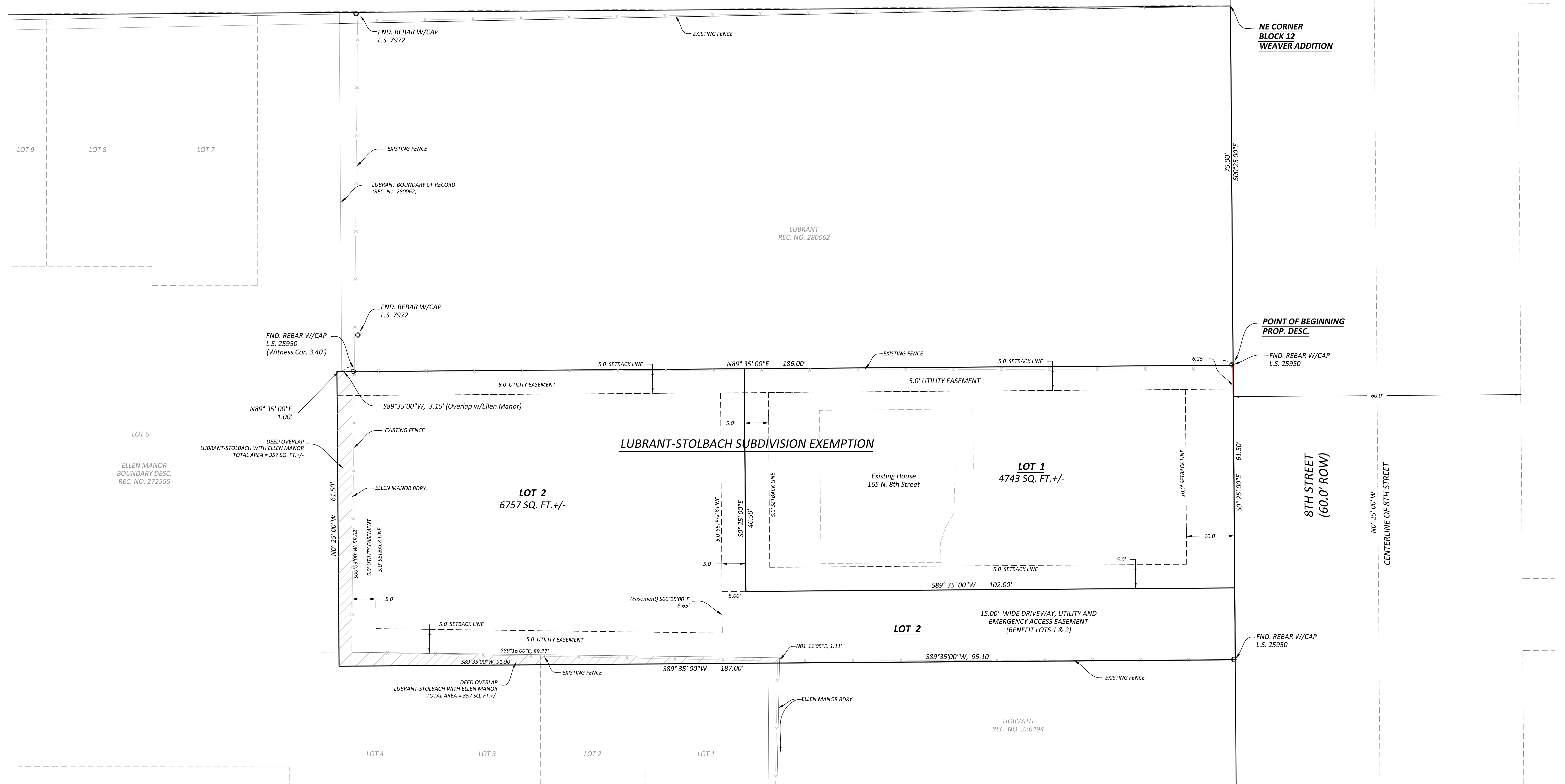
Check
Check No: 320 300.00
Total Applied: 300.00

Change Tendered: .00

Duplicate Copy
10/31/2017 11:11 AM

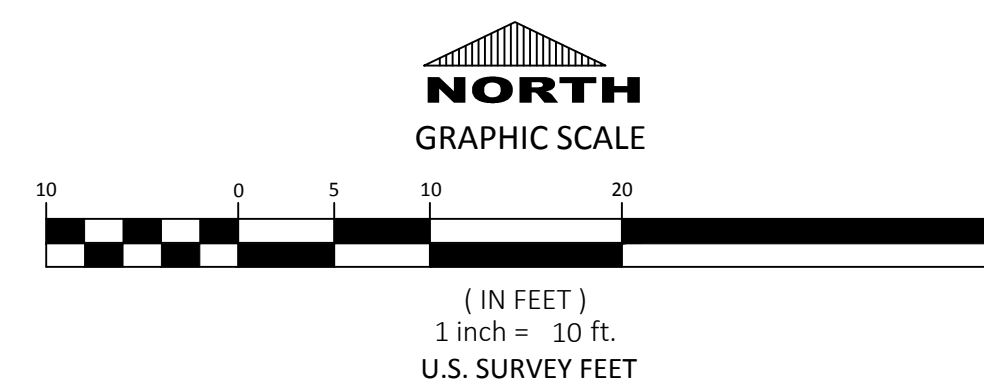
FINAL PLAT
LUBRANT-STOLBACH SUBDIVISION EXEMPTION
BEING SITUATED IN BLOCK 12 OF THE WEAVER ADDITION IN THE TOWN OF CARBONDALE
COUNTY OF GARFIELD, STATE OF COLORADO.
SHEET 2 OF 2

NOTE:
PROPERTY DESCRIPTION BEARINGS HAVE BEEN ROTATED TO CONFORM WITH THE BOUNDARY
DESCRIPTION OF THE ELLEN MANOR PARCEL AND THE RECORD BEARINGS OF THE WEAVER ADDITION.



MONUMENT LEGEND

○ INDICATES FOUND MONUMENT, AS SHOWN



SOPRIS ENGINEERING - LLC
CIVIL CONSULTANTS
502 MAIN STREET, SUITE A3
CARBONDALE, COLORADO 81623
(970) 704-0311 SOPRIENG@SOPRIENG.COM

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.



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

Planning Commission Agenda Memorandum

Meeting Date: June 14, 2018

TITLE: Childcare Zone Text Amendment

SUBMITTING DEPARTMENT: Planning Department

ATTACHMENTS: Carbondale Childcare Coalition Material
Carbondale Childcare Parking Research

BACKGROUND

On March 21, 2018, a work session was held between the Board of Trustees and the Planning Commission. One of the topics of the meeting was amending the Unified Development Code (UDC) as it relates to childcare. Specifically, the following was discussed:

1. Allowing childcare uses in the Industrial (I) and Commercial/Retail/Wholesale (CRW) zone district as Special Review Uses.
2. Required off-street parking for childcare uses.
3. Use-specific standards in UDC 4.3 to address childcare uses in the Industrial zone district and the CRW zone district.

Section 2.4.2.B.2 of the UDC allows the Board to initiate an amendment to the UDC. On April 10, 2018, the Board made a motion to initiate a zone text amendment to the UDC as it relates to childcare, including but not limited to, the table of allowed uses, use specific standards, off-street parking, etc.

The next step will be to schedule a public hearing before the Planning Commission. The Commission would then make a recommendation to the Board of Trustees for its consideration.

Staff wanted to check in with the Commission before the public noticing is done to have a general discussion prior to the hearing. Staff's thought is to keep the revisions fairly simple as follows:

1. Revise the table of allowed uses to allow “Day care – seven children or more” as a Special Review Use in the Industrial, Commercial and Public Facility zone districts. It is currently not a listed use in those zone districts. The Commission and the Board did not discuss the Public Facility zone district but it may be worth considering.
2. Add a use specific standard to UDC Section 4.3.3.B. that “buffering of play areas through the use of fencing and/or a landscape screen may be required.” This is a State requirement but the Town may want to require buffering above beyond that which is required by the State.

Staff would also like to include language that if a daycare is located in the Industrial Zone District, that there may be impacts related to the industrial uses which are allowed in that zone district. It could simply state that “if a daycare is located in an Industrial Zone district, the operator shall be required to notify customers in writing (contract or agreement?) about the nature of the industrial zone district.”

3. Revise off-street parking requirements. Glenwood’s new draft code suggests one space per 250 sq. ft. The research done by the Childcare Coalition (which is attached) reflects that other communities require one parking space per employee with some additional per classroom. This may be a good option.

FISCAL IMPACTS

There may some impacts on businesses operating in the Industrial Zone District if childcare facilities are allowed. In the CRW zone district, there may be a loss of available square footage of retail space.

RECOMMENDATION

Staff would ask that the Commission discuss this item and give Staff direction.

Prepared By: Janet Buck, Planning Director

Comparative Analysis of Parking and Childcare in the Roaring Fork Valley w/ # example for Little Blue Preschool

| | | | | | Home based daycare | |
|--|---|---|---|--|--|--------------------------------|
| | Parking | Little Blue Current (31 kids, 6 teachers) | Little Blue Desired Buildout (80 kids, 10 teachers) | | Parking | Example of 6 kids, 1 attendant |
| Town of Carbondale | 1 per 5 occ up to 50 than 1 per 10 occ | 8 | 14 | | 1+ 1 for any vehicle used in operation | 1 |
| Town of Basalt | 1 per classroom + 1 per employee | 9 | 15 | | 1 per classroom + 1 per employee | 2 |
| Glenwood Springs | 2 per 8 clients | 8 | 20 | | 1 loading | 2 |
| Aspen | 1 per employee + undefined loading area | 6+ | 10+ | | 1 per employee + undefined loading area | 1 |
| Garfield County | 1 per employee | 6 | 10 | | | 1 |
| Eagle County | 1 per employee + 1 for each 6 kids, | 11 | 24 | | 1 per employee + 1 for each 6 kids, | 2 |
| Pitkin County | determined by Com. Develp. Dir | | | | none | |
| New Castle | parking to be determined | | | | none | |
| Vail | parking to be determined | | | | parking to be determined | |
| Denver | 1 per 600 sf | 3 | 9 | | | |
| Seattle | 1 for each staff OR 1 per 10 kids + 1 loading zone for ac 20kids | 7 | 14 | | | |
| GSA daycare requirements (federal buildings with daycare) | whichever is greater Employee parking not to exceed 80% of employee OR 1 for each 10 kids | 5 | 8 | | N/A | |

Carbondale Childcare Need

Prepared by

Carbondale Childcare Coalition
 Angela Loughry, Confluence Architecture
 Gretchen Brogdon, Aspen Community Foundation
 2-13-2018

Overview of Childcare Programs in Carbondale

| | Ages Server | Hours | Year Around | Quality | Open Spaces | Wait List | Accepts subsidies |
|---|------------------------|---------------------------------|------------------------|----------------|------------------------|----------------------|------------------------------|
| Faith Lutheran Child Care Center * | Infant-5 yrs | Ex. Day | yes | 3 | X | | X |
| The Little Blue | Infant -5yrs | Ex. Day | yes | 3 | | X | X |
| Mt. Sopris Montessori School | 18 month -5 yrs. | Full Day | No (august closed) | 1 | | X | X |
| Children's Rocky Mtn. School, Inc. | 2-5 yrs | Part Day | ? | 2 | X | | X |
| Crystal River Elementary Preschool | 3-5 yrs. | Part Day | No | 1 | | | X |
| Melissa Elzey Family Home Provider | Infant-12 yrs. | Part day | ? | 1 | | | X |
| Nicole Nelson | Infant-12 yrs. | Part Day | ? | 1 | | | |
| Karen Grey - Waldkinder Adventure Preschool | 15 month-7 yrs. | Part Day | yes | 1 | | | |
| El Busesito | 3-5 yrs. | Part Day | ? | | | | X |
| Stepping Stones | 10-18 yrs. | Part Day | yes | | | X | free |
| Camp Run a Muck - Afterschool Center | 5-12 yrs. | Part Day and Ex. Day for Summer | Yes | | | | |
| | | | | | | | |
| Extended Day - 10 hours | | | | | | | |
| Full Day - 8 hours | | | | | | | |
| Part Day - under 8 hours | | | | | | | |
| | | | | | | | |

*Preschool was full until CCAP(subsidy) pushed parents to pursue child support before accessing subsidy. The program lost several undocumented folks who didn't feel safe with their name in the system.

Quality number are 1-5 are from Colorado Shines (State of Colorado Quality Rating System). Level one is for anyone licensed. Programs can choose to pursue quality reviews beyond that. Level 5 is the highest. The mobile and School Age programs are not eligible for this rating.

As the above table represents, there is a range of childcare opportunities in Carbondale. Most of the programs are part-day or part-year programs. Three full day programs are offered in Carbondale. Two of these three programs (Little Blue and Mt. Sopris Montessori) have extensive wait lists that exceed 60 students each. The waitlist time is typically 1 year and are the longest for younger students (especially infants). Faith Lutheran Preschool also offers year-around full day program and has a handful of spaces open for toddlers and preschoolers. These openings are not about demand but about the cost of childcare as the families that just left lost their childcare subsidy.

The Carbondale Child Care Coalition and other valley non-profits that support childcare are working with providers to meet the needs of the community. This includes assisting in business model assessment, increase of quality, and ensuring funding for tuition assistance. The need not being filled at this time is clearly year around, full day care. This type of care provides much needed workforce support. It ensures that working families in this high cost-of-living valley can stay, contribute, and thrive. We urge the Town of Carbondale to assist us in this effort with simple zoning and permit support.

Parent Letters

February 12, 2018

Janet Buck, Planning Director
Town of Carbondale
511 Colorado Avenue
Carbondale, CO 81623
Via Email: jbuck@carbondaleco.net

RE: Suggested Revisions to the UDC to Support Childcare Uses

Dear Ms. Buck,

The purpose of this correspondence is to provide several points in consideration of childcare land uses for the upcoming joint work session on February 20th between the Board of Trustees and the Planning and Zoning Commission. My family has a child enrolled at Little Blue Preschool on Merrill Avenue, and we believe strongly in the necessary service and support that childcare facilities provide to working parents in Carbondale. The demand for quality childcare is comparable in severity to the affordable housing crisis, and it is important for the Town to understand and act on the need for affordable childcare facilities.

When the Unified Development Code (UDC) was completed in 2016, several changes were adopted that eliminated childcare as a use-by-right and severely restricted childcare as a Special Use in the Town. Childcare is now only allowed as a Special Use or Conditional Use in select Zone Districts. In many respects the UDC is too restrictive on childcare land uses. In order to better accommodate childcare services in the Town, please consider the following suggested amendments to the UDC:

1. Commercial childcare facilities should be allowed by Special Use in the Industrial Zone District (I). This Zone District contains some of the larger parcels and occupies significant land area in the Town, providing opportunities for the development of childcare facilities. Any safety concerns will be addressed by the extensive State licensing requirements for childcare facilities, and also mitigated through the Special Use review process.
2. Commercial childcare facilities should be allowed by Special Use in the Commercial/Retail/Wholesale Zone District (CRW), which is generally the Hwy 133 corridor. Commercial childcare and commercial retail uses have a symbiotic relationship, including the potential for shared parking and existing infrastructure that is designed to support higher-frequency traffic trips.

3. Commercial childcare facilities should be allowed as a use-by-right in the Commercial Business Park (CBP) Zone District (North Face Park/ High School). This was allowed under the old zoning code, and should be a continued allowed use.

I hope you find these suggestions helpful in considering adequate and necessary provisions for childcare facilities in the Town. Please include this letter in the materials packet for the joint work session on February 20th. Thank you in advance for your time and consideration of this important land use issue.

Sincerely,

LANDWEST

A handwritten signature in black ink, appearing to read 'Jon Fredericks', with a long horizontal flourish extending to the right.

Jon Fredericks
Principal

Cc: John Leybourne, Town of Carbondale



Angela Loughry <alloughry@gmail.com>

FW: Little Blue Preschool

3 messages

Michelle Oger <blps@sopris.net>

Mon, Feb 12, 2018 at 8:30 AM

To: Angela Loughry <alloughry@gmail.com>, christinebostick@alpinebank.com, JenniferSauer@alpinebank.com, Joe and Kristin Davis <kristin@bishopplumbing247.com>, Jonathan & Lindsay Forbes <Lmforbes83@gmail.com>, Justin and Kathryn Erickson <buckandkate2@comcast.net>, kerickson@bayeq.com, Mike & Aldana Chmura <jamesmchmura@gmail.com>, Mike & Aldana Chmura <mike@korultd.com>, Sarah Bay <sbay1025@gmail.com>, Scott & McLean Bayens <sbayens@gmail.com>, Todd & Jenny Sauer <jennynirwin@yahoo.com>

From: Elizabeth Mullen [mailto:ellebabymine@gmail.com]**Sent:** Saturday, February 10, 2018 12:00 PM**To:** bbohmfolk@carbondaleco.net; jleybourne@carbondaleco.net; Gretchen@aspencommunityfoundation.org; angela@confluencarchitecture.com; Michelle Oger <blps@sopris.net>**Subject:** Little Blue Preschool

Good morning Ben,

My children actually go to Blue Lake Preschool in Basalt but I want to give you my perspective on daycare in the valley. First off I want to let you know that I find Blue Lake Preschool simply impressive. This preschool is more than quality daycare, it goes above and beyond expectations in every respect. Michelle demonstrates an astonishing amount of dedication to provide a safe, educational, fun and enriching environment for our children. I have trusted Blue Lake Preschool for the past 3.5 years with the most valuable and vulnerable individuals in my life. I do not hesitate when I leave my children in the possession of this remarkable facility. This allows me to go to work to provide for my family and not worry about the safety, health and happiness of my children. I am one of the lucky parents who can count on this reliable childcare.

Unfortunately, the Roaring Fork Valley is experiencing a devastating childcare crisis. Due to the transient and ever expanding population there is a dire need for more quality daycare facilities in the valley. Waitlists for daycares extend for years and the first thing I tell my friends when they get pregnant is that they better get on all the daycare waitlists... then I congratulate them. Regrettably, the extreme shortage of quality daycare facilities leaves parents scrambling to piece together childcare. Parents are forced to compromise between providing for their families and their children's safety. While this is extremely stressful for the parents, the population that is put at risk are the children. Parents have to resort to cobbling together unreliable childcare with individuals who may not be qualified in environments that may not be safe. Please take time to visualize the possible scenarios that babies, toddlers and preschoolers are being put in so their parents can work. I find it frightening to think about. The most developmental ages are from birth until 5 years old and these children are falling through the cracks. This is our future generation who will compose our community. Quality preschool is an essential component to the health of our future society.

Michelle is exceptionally aware of this reality as she runs the largest daycare facility in the valley. She recognizes the dire need for quality daycare in this valley. A couple of years ago she decided to try and alleviate some of this crisis by opening up Little Blue Preschool. She has actively provided solutions for an ongoing problem. It is not easy to open up a new preschool and she should be applauded for her dedication to our community. It is absolutely unfathomable to me that Little Blue Preschool should be at risk of closure. The community needs many more quality preschool facilities, not less. I implore you to put politics, logistics, and even finances aside and think about what kind of community you want to live in. Think about how your actions can either enhance or devastate a child's well being. Please choose to be part of the solution. If you have any questions please feel free to contact me.

Warm regards,

Elizabeth Mullen

(970) 471-1770



Angela Loughry <alloughry@gmail.com>

FW: Childcare and Planning

1 message

Gretchen Brogdon <Gretchen@aspencommunityfoundation.org>
To: Angela Loughry <alloughry@gmail.com>

Tue, Feb 13, 2018 at 10:36 AM

From: Rose Rossello [mailto:happyymtnrose@gmail.com]
Sent: Monday, February 12, 2018 4:51 PM
To: Gretchen Brogdon <Gretchen@aspencommunityfoundation.org>
Subject: Childcare and Planning

Hello Gretchen Brogdon,

I am writing as a 2nd Generation Carbondale Homeowner, a 4th generation valley local, and a Mama. I have also been in childcare in the valley for 25 years.

We have a GREAT NEED for childcare in Carbondale. I have been on the waiting list for Montessori for 2 years, I was on the waiting list for Blue Lake for over a year and there really few or little options for Childcare for the very little babies and toddlers and slim pickings for preschool here in Carbondale. I looked at other schools for my baby or toddler and was not satisfied.

I have worked at and had children in Blue Lake/Little Blue and believe in Little Blue and their program. We need to expand the zone districts where child care is allowed, relieve permitting and planning fees, and lower parking requirements.

Little Blue is an asset to many parents in Carbondale. Please help this school by allowing them to improve and expand.

Rose Rossello

[970.309.6622](tel:970.309.6622)



Angela Loughry <alloughry@gmail.com>

FW: Affordable daycare for infants through pre-k in Carbondale

1 message

Gretchen Brogdon <Gretchen@aspencommunityfoundation.org>
To: Angela Loughry <alloughry@gmail.com>

Tue, Feb 13, 2018 at 10:38 AM

-----Original Message-----

From: Dan Richardson [mailto:drichardson@carbondaleco.net]

Sent: Saturday, February 10, 2018 5:49 PM

To: Shawn Tolle <stttrek@gmail.com>Cc: Trustees <Trustees@carbondaleco.net>; John Leybourne <jleybourne@carbondaleco.net>;
angela@confluencarchitecture.com; Gretchen Brogdon <Gretchen@aspencommunityfoundation.org>

Subject: Re: Affordable daycare for infants through pre-k in Carbondale

Thank you for your email Shawn and Cristi.

Dan Richardson
Mayor of Carbondale
[970.510.1345](tel:970.510.1345)> On Feb 10, 2018, at 2:02 PM, Shawn Tolle <stttrek@gmail.com> wrote:

>

> My name is Shawn Tolle and I'm writing on behalf of Blue Lake Preschool / Little Blue. I know that they along with other providers currently have proposals to the town to expand the zone districts where child care is allowed, relieve permitting and planning fees, and lower parking requirements. I encourage the town, mayor, and trustees to support these efforts.

>

> Child care is an extremely important need in Carbondale and one that is lacking in its availability. We started looking for daycare for my daughter Morgan when my wife was 3 months pregnant. She ended up in home care for the first 9 months before a spot opened up at Blue Lake. It's crazy to think that you basically have to look for daycare options as soon as you find out you're having a child in this valley. In addition if you are moving to the valley you often are not prepared for the lack of daycare options. This means that kids often end up in home care options that are less than ideal.

>

> Please consider the requests that these care takers are making. They are a vital service that Carbondale should make access to easier, not more restricted.

>

> Thank you,

>

> Shawn and Cristi Tolle

> Residents and Business Owners in Carbondale.

White Paper

Childcare, Early Education and Out of School Care In Carbondale

June 2017

This white paper created by Aspen to Parachute Cradle to Career Initiative,
Carbondale Childcare Coalition and Aspen Community Foundation
Produced on behalf of elected officials of the Town of Carbondale

| <u>Table of Contents</u> | <u>Page</u> |
|--|--------------------|
| 1. Why Childcare, Early Education and Out of School Care Are Important | 2 |
| 3. Unmet Needs for Families with Children from 0-12 Years Old | 4 |
| 4. Childcare and Out of School Care Landscape | 5 |
| -Early Childhood Capacity | 6 |
| -Out of School Care | 7 |
| 4. Systems Approach to Sustainable Solutions | 8 |
| 5. How Other Communities Have Responded | 9 |
| 6. Recommendations and Next Steps | 10 |

Appendix: Comparative Analysis of Zoning and Childcare in the Roaring Fork Valley

Why Childcare, Early Education and Out of School Care Are Important

Because 90% of brain development occurs before age five, educating and caring for young children to set them up for success in kindergarten and later life is critically important (Lenroot & Giedd, 2006). When young children are exposed to educational programming, they learn social and emotional skills at the time that their brains are the most malleable. This opens an opportunity for decades of success. Ensuring broad access to quality early education helps children to gain equal footing when they begin school...

The number of spoken words heard by a young child has a dramatic effect on the child's cognitive development. "Language exposure not only bears an obvious relationship to a child's linguistic development but also significantly influences a child's overall cognitive and educational achievement" (Hart & Risley, 1992, 1995; Huttenlocher, Vasilyeva, Cymerman, & Levine, 2002; Kashinath, Woods, & Goldstein, 2006). The number of words heard by age three is correlated with the child's later IQ and academic success. Typically, children of professional parents will hear three times as many spoken words by age three as children in welfare-recipient families, and the three-year-old child of professional parents will have a vocabulary over twice as large (Hart & Risley, op. cit.).

Likewise, studies demonstrate that quality preschool can have strong, positive effects on the success of low-income children. These effects include higher scores on achievement tests at age 14, higher high school graduation levels, less special education required, higher wages, lower welfare rates, lower incarceration rates and higher homeownership (Heckman, 2013).

Early education is one of the best investments a society can make. "The Institute for a Competitive Workforce, an affiliate of the United States Chamber of Commerce, found in a 2010 report that 'for every dollar invested today, savings range from \$2.50 to as much as \$17 in the years ahead.'" (Pepper & Zimmerman, 2013).

– from the Aspen to Parachute Cradle to Career Initiative Action Plan (May 1, 2014)

According to a 2012 report by the Brookings Institution, less than half of poor children show up to school prepared with the early math and reading skills, emotional and behavioral control, and physical well-being needed to be ready to learn, and that disadvantage persists into adulthood. The report continues, "children with higher levels of school readiness at age five are generally more successful in grade school, less likely to drop out of high school, and earn more as adults, even after adjusting for differences in family background.

– The Atlantic ("Poor Kids and the Word Gap," October 2014)

Quality early education increases graduation rates by as much as 44 percent.

– The High/Scope Perry Preschool Study Through Age 40 (Schweinhart, et. al., 2005)

If we invest early, the dividends for society are tremendous... Less dropouts, less teenage pregnancy, less crime, more high school graduates, more people working, more people becoming productive members of society.

– Arne Duncan, U.S. Secretary of Education

Youth who participate in out of school activities experience academic success including higher grades and standardized test scores, and lower dropout rates than youth who do not participate in out of school activities. Additionally, as compared to students who do not participate in out of school activities, participants report higher life satisfaction, have lower rates of depression and greater social competence. Youth who demonstrated the most benefits attended programs at least two to three times per week.

– from the Aspen to Parachute Cradle to Career Initiative Action Plan (May 1, 2014)

The Search Institute has identified 5 elements of Developmental Relationships that are particularly accessible in out of school time activities where adult/youth relationships may have the flexibility to form differently than at home or school. Expressing Care, Challenging Growth, Providing Support, Sharing Power and Expanding Possibilities make up the dynamic mix that builds youth resilience and the social emotional skills needed to thrive. After decades of forming hypotheses, conducting surveys, crafting and rewriting definitions, analyzing data, and writing journal articles, Search institute researchers and practitioners have arrived at a surprisingly simple conclusion: nothing-NOTHING-has more impact in the life of a child than positive relationships.

– from Relationships First, Creating Connections That Help Young People Thrive, Search Institute, 2017

Unmet Needs in Carbondale for Families with Children 0-12 Years Old

Our community's lack of enough affordable, quality childcare negatively affects the health of our families, businesses and quality of life. Childcare cost can exceed the income of a low-income parent, and businesses often lose quality employees when they cannot find affordable childcare. Businesses also lose institutional knowledge and incur the substantial expense of training new employees, while the lack of affordable childcare and housing can make attracting outside workers extremely difficult. When parents are forced to leave the workforce to care for a young child, they often leave our valley to avoid the high cost and difficulty of living here.

Obtaining quality childcare is a challenge for all families. With the cost of childcare averaging \$60 a day per child, a family with two young children can expect to pay approximately \$30,000 annually in childcare tuition alone. This cost is driven by our valley's high cost of labor and real estate, as well as licensing requirements. State and County financial assistance programs such as CCCAP (Colorado Childcare Assistance Program) and CPP (Colorado Preschool Program) are limited in scope and funding. Childcare and preschool programs that accept children from these programs (with their accompanying paperwork and regulations) often suffer a significant financial loss.

Families in poverty spend approximately 30% of their income on childcare while families not in poverty spend approximately 8% of their income on childcare.
– US Census report “Childcare an important part of American life”

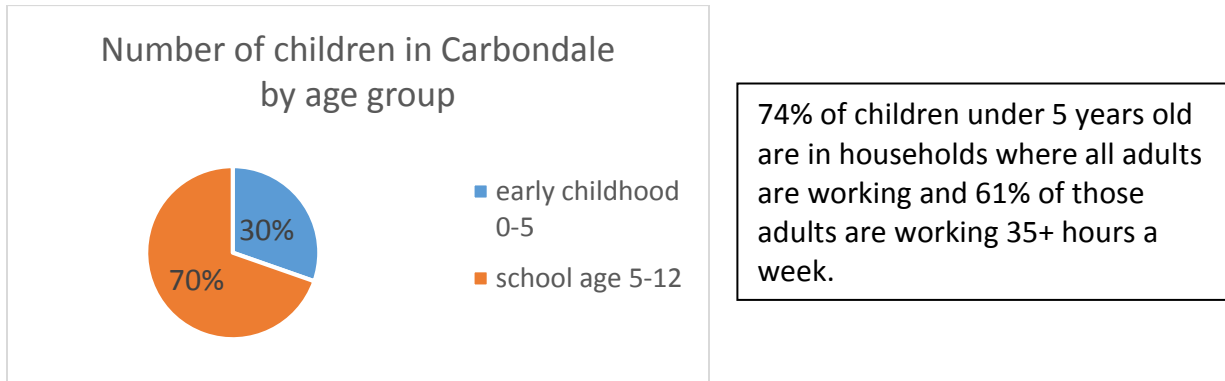
School-age care and opportunities can vary widely and are often provided from multiple sources at a variety of locations requiring multiple registrations and becoming a logistical nightmare. Demand from both middle and low-income parents for high quality programs far outstrips existing supply. In addition, the lack of afterschool care for 5-10 year olds becomes the responsibility of middle and high school siblings. Older siblings miss out on activities to support their ongoing development and build community engagement that is so necessary as a protective factor for risk behaviors during adolescence. Elementary school children are in care situations that put them at risk of unsafe environments, lots of tv and not enough activity.

Our local middle schoolers have taken the Gallup Student Poll every Fall since 2013 which assesses their Hope and Engagement. These outcomes are strongly associated with graduation rates and post high school success. Only 50% of our 5th graders are hopeful for their future and that number drops to 41% by 8th grade. 72% of our 5th graders are engaged at school but by 8th grade only 42% feel engaged and connected to school. Out of school time programming can provide opportunities for our youth to find engagement and meaning in ways that resonate with their adolescent development if they have access.

The impact on our local government resources cannot be ignored. Carbondale's Public Library reports an average school year attendance of 50 children a day from 3:30-5pm with over 70 on early release Wednesdays. While many are with a sibling, there are approximately 20 elementary school children unaccompanied and staying at the library until a parent can pick them up after work.

Childcare and School-Age Care Landscape in Carbondale

Approximately **2060 children** between 0 and 12 years old live in Carbondale making this group **1/3 of the total town population**.



Source: Colorado Department of Public Health and Environment, Colorado Department of Education, U.S. Census

Definitions:

Capacity is the number of daily spaces available in any type of program. The aggregate charts include full time, year-round programs as well as any part time, part day or school year only programs. Enrollment data would show about an 8% increase in the actual number of children being served.

Licensed means the program has completed basic training, background and environmental screenings through the Garfield County Department of Human Services and receives periodic monitoring from the County. The county provides licenses for programs serving children 0-12 years old.

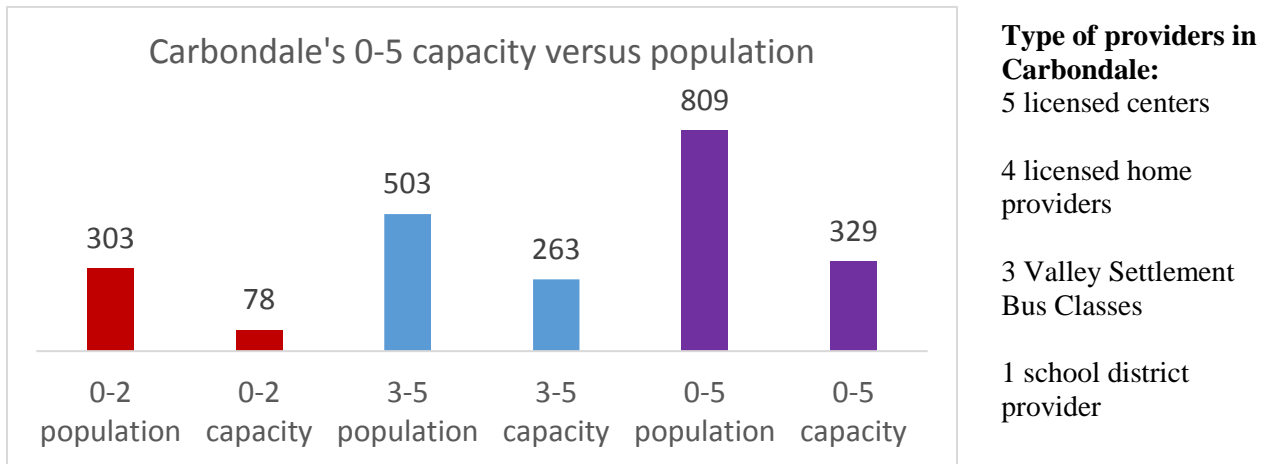
Quality is determined through a variety of assessments, professional development and standards for programs who reach beyond the basic licensing requirements. Early childhood programs work extensively with Early Childhood Professional Coaches and receive a quality rating between 1 and 5 with the State's quality improvement program. www.coloradoshines.com

Informal Family, Friends and Neighbors (FFN) refers to anyone other than parents who cares for a child at any time who isn't part of a licensed caregiver program. FFN caregivers fill a cultural, financial and flexibility gap that is critical for families.

Formal programs recognized in the data may not be officially licensed but are still considered to have met licensing standards.

Early Childhood Capacity – Birth to 5 years old

The following data is representing only the capacity of formal childcare and school age programs.



Only 2 of the 5 centers in Carbondale offer year-round, full day childcare. Licensed home providers tend to offer very flexible care to meet longer work days and non-traditional work schedules. All other care is part day, and school year only.

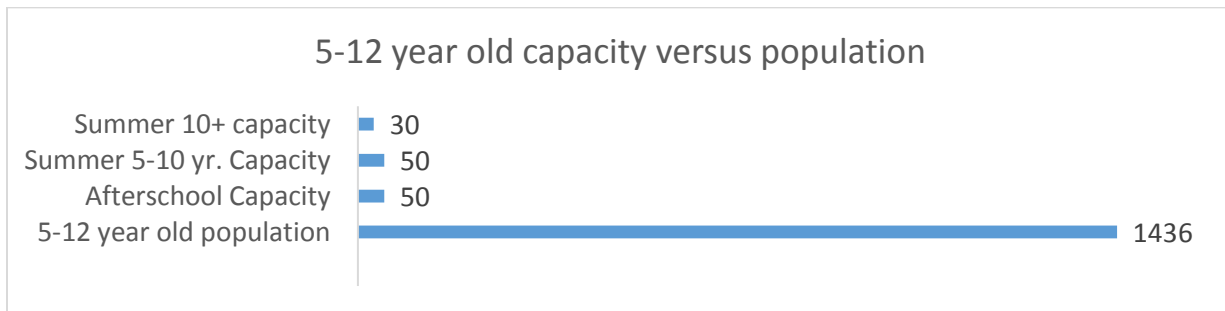
Family choice about care for their youngest children varies widely and is influenced heavily by culture. However, the cost of care for infants and toddlers also greatly impacts the type of program that can afford to meet licensing and quality standards. While licensed center providers can offset infant and toddler care costs by providing a large preschool program, licensed home providers with usually only one adult, can be greatly disadvantaged with a wide range of ages in their programs. Licensed home providers often choose to focus on older toddlers through preschool children.

Commuter kids: While we are still unsure of how many infants and toddlers are traveling to other communities for care, we know at least 57 preschoolers are attending licensed programs in other communities. In many cases, families are reverse commuting to access care in a different community before going the opposite direction to work.

Out of School Care – 5-12 years old

The school age childcare landscape in Carbondale has changed dramatically in the past 2 years. Prior to 2014, families had Camp Run-a-Muck which serves approximately 25 elementary school children until 6pm and all day in the summer. Access After School at the middle school provided daily afterschool programming from 3:30-5pm. Access After School reports serving approximately 270 children through this school year program. In 2016, Access After School did not implement their afterschool program in Carbondale but intends to begin programming again in the 2017-18 school year. Blue Lake Preschool in El Jebel does offer afterschool and summer care for school agers and serves approximately 45 children between Carbondale and Basalt by busing the kids to their El Jebel location.

Outside of ala carte part day summer activities, there is no other full day, all summer childcare for school age children in Carbondale other than Camp Run-A-Muck. The addition of Stepping Stones has doubled our summer capacity for the 10 and over youth. While this has become a popular regular destination for youth, if Stepping Stones doesn't find a 2nd location, they will not be able to provide school year programming. The capacity gap is so large for afterschool care in Carbondale that we are uncertain how the cost impacts families. Current programs range from \$10-\$20 a day during the school year and \$45-\$55 a day for summer care.



NOTE: This data only includes daily programs that support full time working families. This does not include ala carte sports, arts and enrichment activities that are offered less than 5 days a week throughout the year.

2015-16 School Year

| | |
|--|-------|
| Approximate 5-12 year olds in Carbondale | ~1450 |
| Capacity of afterschool care | ~300 |
| Capacity of summer all day care | ~50 |
| Gap | ~1100 |

2016-17 School Year

| | |
|--|-------|
| Approximate 5-12 year olds in Carbondale | ~1450 |
| Capacity of afterschool care | ~50 |
| Capacity of summer all day care | ~35 |
| Capacity of summer drop in MS care | ~30 |
| Gap | ~1350 |

Systems Approach To Sustainable Solutions

A financially sustainable childcare and preschool business model depends on a few key factors. Enrolling enough preschool children to offset the cost of care for infants and toddlers is crucial. Licensing and quality standards set space requirements for each age level so that a program must assess the available space and often limits the number of infant and toddler enrollment in order to fill the preschool spaces to meet the cost of care. This issue also contributes to the lack of infant and toddler capacity we have not just in Carbondale but throughout the region from Aspen to Parachute. In addition, home providers with only one caregiver find it especially difficult and expensive to provide infant and toddler care.

When programs like Blue Lake Preschool add school-age care to their 0-5 program, they strengthen their business model. Little Blue expanded to Carbondale last year as an extension of the El Jebel location and yet it is financially dependent on the original program.

The Carbondale Childcare Coalition has intentionally pulled together early childhood and school age care providers to think about a systems approach to the challenges in Carbondale. The primary question has been, what strategies could support all providers and strengthen the mosaic of 0-12 care and opportunities?

How Other Communities Have Responded

Carbondale

- Worked extensively with Stepping Stones to draft zoning policies to support a youth drop in center that has now begun to serve Middle School Students
- Worked with Children's Rocky Mountain School to approve zoning on main street.

Basalt

- Budget commitment to increase access – \$182,000 over three years for tuition assistance and childcare expansion for 0-5 year olds
- Development – town planner works closely with the Basalt Childcare Coalition to gather feedback on new development for the council to consider. Negotiations with developers have included:
 - o physical space based on architectural designs for a sustainable childcare center
 - o portion of the property for future childcare sites
 - o RETA designated for childcare funding support.
- Town property designated for future childcare site
- Zoning and code analysis – what type of land use or zoning issues could be adapted to remove barriers for both land/property owners and providers?

Aspen

- Tax split between housing and childcare – Kids First was created to manage the sustainable funding. Generates just under \$2M a year. They provide the following to childcare providers in Pitkin County:
 - o Tuition assistance
 - o Quality improvement for providers
 - o Expansion funding
 - o Professional Development for ECE teachers

Glenwood Springs

- Through their recent marijuana excise tax, GWS is considering supporting MS and HS youth.

Recommendations and Next Steps

While this is not comprehensive, it does help us as we begin to identify trends.

- Leasing is expensive. Programs that have **subsidized rent** through school district partnerships, business partnerships or compassionate landlords are better able to **meet quality standards** and **adjust capacity** to meet needs of the community.
 - Is there a mechanism for incentivizing property owners to rent to childcare and school age care providers?
- Many middle school children are caring for younger siblings. If we can find **more solutions for elementary aged children**, we might have better participation and more impact with middle school children.
 - Prioritizing childcare and school age care could allow middle school providers to fill their enrollment
- **Zoning and codes can be prohibitive** when trying to meet licensing requirements as well
 - See attached comparative analysis
- Some HOA's don't allow licensed home providers and yet they are the most flexible
 - Does the town have any influence on HOA's?
- **Landlords and property owners may not know what is possible** with zoning and codes regarding childcare and school age care.
 - Will the town be an active supporter of renting to childcare providers?
- Cost of service model – ECE is funded through tuition and grants. School age is funded through tuition or fully grant funded for drop in centers. There is **no model that exists without philanthropy or tax funding**.
- **Cost to families** – school age summer care for 1 child is approximately \$3000, \$6,000 for the year.
- Arts and housing have been town priorities but **childcare and school age care is a basic need**, as important as housing, for families to work and thrive here.
 - Will the town consider these needs along with new development?

Comparative Analysis of Zoning and Childcare in the Roaring Fork Valley

| | Commercial Daycare | | | Fees | Parking | Other | Home based daycare | | | | | |
|--------------------|--------------------|---------|--|---------------|---|---------------------------------------|--------------------|---------|---|-----------|---|---|
| | # of zones | % zones | Review Process | | | | # of zone | % zones | Review Process | Fees | Parking | Other |
| Town of Carbondale | 9 | 69% | Special (P&Z) | \$400 | 1 per 5 occ up to 50 than 1 per 10 occ | projection for occupant # for 5 years | 8 | 62% | (Staff) and one zone Special (P&Z) | \$400 | 1+ 1 for any vehicle used in operation | |
| Town of Basalt | 8 | 80% | Special (P&Z and town council), 1 use by right | ? | 1 per classroom + 1 per employee | Developers get points for including | 7 | 70% | none in half special (P&Z and town council) in half | ? | 1 per classroom + 1 per employee | |
| Glenwood Springs | 11 | 73% | special in residential, none in commercial | \$0 - \$799 | 2 per 8 clients | | 10 | 67% | none | \$0 | 1 loading | |
| Aspen | 24 | 54% | conditional (P&Z), 4 permitted | \$1300 + | 1 per employee + undefined loading area | | 24 | 67% | permitted home occupation | 0 | 1 per employee + undefined loading area | 5 or fewer children |
| Garfield County | 8 | 73% | Administrative | \$250 | 1 per employee | | 8 | 73% | No special except 2 zone BOCC | 0-\$250 | | |
| Eagle County | 12 | 71% | Special (P&Z and BOCC) | \$ 1,470 | 1 per employee + 1 for each 6 kids, | must have working phone | 12 | 71% | none in residential Limited (staff) in commercial | 0-\$630 | 1 per employee + 1 for each 6 kids, | must have working phone |
| Pitkin County | 16 | 67% | Special (BOCC) | \$1560-\$3744 | determined by Com. Develop. Dir | | 16 | 67% | none | 0 | none | |
| New Castle | 11 | 73% | 1 use by right, rest conditional (P&Z and council) | \$0-\$250 | parking to be determined | | 11 | 73% | 2 use by right, rest conditional (P&Z and council) | \$0-\$250 | none | |
| Vail | 27 | 26% | 3 use by right, 4 conditional (P&Z) | \$0-\$650 | parking to be determined | | 27 | 33% | conditional (P&Z) | \$650 | parking to be determined | Need a permit, limited to 1 non-resident employee, cener limited to 1/4 of gross floor area of home |

Items to note

- Carbondale (with the exception of Vail and Aspen) has the lowest percent of zone districts that allow child care cneters or home based child care. The low percentage
1. in Vail and Aspen is partially due to large number of zones many related to outdoor recreation
 2. Carbondale is in the middle range of its parking requirements
 3. Most jurisdictions have a few zones where commercial child care is a use by right. Carbondale does not. Neither does Pitkin Co., Eagle Co., or Garfield Co.
 4. All jurisdictions except Carbondale and Vail have some districts where home based child care is a use by right
 5. Where a planning review is required, Carbondale's fees are at the lower end

Suggested Changes

1. Create some zones where childcare is a use by right - this in effect will create a child care node in the town
2. Expand the zones where childcare is allowed by special review to have a goal of 75% of zones will consider allowing care
3. Change parking to one per employee with drop off areas to be determined by facility size
4. Review Basalt's new zoning as a model to encourage space for childcare in development- see email from Basalt Planing attached
5. Consider allowing a zoning holiday on the Blue Lake property at 8th and Merrill to allow the facility to expand. See attached memo.

Zoning Analysis

Carbondale Zoning as it relates to Childcare Observations and Suggestions for Action

Prepared by

Carbondale Childcare Coalition
Angela Loughry, Confluence Architecture
1-5-2018

For the purposed of this document, there are 3 types of childcare

1. Daycare – fewer than 7
2. Daycare- more than 7
3. Child drop in center – community center

Observations

1. With the adoption of the UDC in 2017, the Town of Carbondale reduced the zones where all types of childcare are allowed. All told 68.5 acres were removed from childcare uses (5% of total town area).
 - Changed daycare less than 7 from a permitted to a conditional use in all residential zone districts
 - Changed daycare less than 7 from a permitted to a conditional use in C/T and HCC
 - Eliminated the CBP zone where daycare more than 7 was a use by right
 - Eliminated IBP and HI zone districts where daycare more than 7 was permitted by Special Use
 - Eliminated daycare more than 7 by special use in Industrial zone district
2. More than half of the Town of Carbondale is zoned by PUD. There are only 11 out of 50 PUD zones that allow any type of childcare. This is much lower percentage of allowed childcare than straight zoning.
3. The area of straight zoning in Carbondale that allows some sort of childcare is approximately 60% of straight zoning land mass of 30% of total land mass
4. The current base zones that allow child care of all kinds are focused in the residential zone districts. Less than half of commercial and other zone districts allow childcare

5. The residential zone districts (and commercial zone districts that allow childcare-C/T, MU, HCC) tend to have smaller lots and not include larger developments with shared parking.
6. All childcare uses require special approvals. Childcare less than 7 and drop-in-center require conditional use approval (staff level). Daycare more than 7 requires special use review (public). Note, marijuana sales facilities have many more allowed zone usages and a lower threshold to permit than childcare. The only uses that require more stringent review than commercial daycare in the Town of Carbondale are
 - Country club
 - Adult entertainment
 - Microbrewery or distillery
 - Medical marijuana manufacturer and cultivation
 - Commercial outdoor facility
 - Gas station
 - Utility substation
7. The old zoning did not have parking requirements specifically for day care or community centers. The UDC does as follows
 - Daycare more than 7 1 per every 5 persons up to 50, then 1 per every 10 persons – The “persons” are actual people in the building – staff and kids.
 - Daycare less than 7- 1 plus 1 for every vehicle used in operation of facility in addition to those required for residence.
 - Drop in center – 4 per 1000 sf GFA

Per the attached analysis, these parking numbers are the higher side of parking requirements in the Valley for small facilities and on smaller side for larger facilities.

8. The new UDC requires that non-residential uses with more than 2 spaces are required to have ingress and egress from the lot in a forward motion. (5.8.D.3) The number of parking spaces required, the rules of 5.8.D.3, and the requirement by state licensing to have dedicated outdoor play space (in all uses except drop in centers) makes small lots (less than 6000 sf) very difficult to use. The majority of the lots were childcare used are allowed are under 6000 sf.
9. Fees that childcare providers incur for review by the Town of Carbondale are as follows
 - \$400 – special use permit
 - \$400 – conditional use permit
 - \$600 - minor site plan review

- \$800 – major site plan review
- \$1000- major PUD amendment (to get land use not in PUD approved)
- Varies – Building permit fees

Suggestions for Change

1. Allow Childcare over 7 and Drop In Centers to be a special use in I zones.
 - On the face of it, it does not make sense to allow childcare uses in I zones. But these zones make up 3% of the Carbondale land mass and the majority of larger lots in Carbondale. The taking of that use in the new UDC is a hardship. As all daycare over 7 and community center reviews are special use reviews each application can be reviewed for the particular site characteristics separately. It can be added to the UDC that the applicant for these uses in an I zone be required to show how they will mitigate impacts of current and future Industrial uses adjacent to their project.
2. Allow Childcare over 7 in CRW zones as a special use
 - Commercial childcare and commercial retail used can have a symbiotic relationship. They can share parking. Traffic trips are expected and designed for in CWR facilities. The multiple parent trips to a commercial daycare facility can be a business driver for adjacent retail businesses.
3. Allow all childcare uses as a use by right in the obsolete O/S (school open space zone district. This will add 27.4 acres to the potential childcare footprint (2% of landmass).
4. Remove front in and front out parking requirement for daycares under 7, drop in centers and for daycares between 7 and 45 students
 - This will allow the small residential lots that the code has reserved for childcare to be usable
5. Change parking requirements for all childcare uses to 1 per employee plus a loading area to be reviewed on case by case basis.
6. Find some residential zones where childcare less than 7 can be a use by right to eliminate a review process and lower the bar for entry for daycare providers.
7. Review old PUD language and clarify if childcare uses are allowed in the PUD. Most PUD's don't directly address childcare and they default not being allowed.
8. Require that future PUD applications address childcare.
9. Allow daycare less than 7 to be a conditional use in zones and PUD's that allow home occupations.
10. Waive Town planning and building department fees for childcare uses.
11. Find Town of Carbondale owned land that would be acceptable to lease or sell to daycare providers
 - Agricultural zoned dog park
 - Park area behind the police station