

MINUTES

CARBONDALE PLANNING AND ZONING COMMISSION

Thursday October 13, 2022

Commissioners Present:

Jay Engstrom, Chair
Jeff Davlyn
Jerrett Mork
Kim Magee
Jess Robison (2nd Alternate)

Staff Present:

Jared Barnes, Planning Director
Kae McDonald, Planning Technician

Commissioners Absent:

Nicholas DiFrank
Nick Miscione
Marina Skiles
Kade Gianinetti

Guests:

Nora Bland, Cushing Terrell
Nikolai Valdmanis (Virtual Attendee)

The meeting was called to order at 7:08 p.m. by Jay Engstrom. He welcomed the new commission member, Jess Robison, to the meeting.

August 25, 2022 Minutes:

Jarrett ***moved*** to continue the approval of the August 25th meeting to a later meeting because there wasn't a quorum of that meeting's attendees present at the current meeting. Jeff ***seconded the motion***, and it was ***unanimously approved***.

Yes: Jay, Jeff, Jerrett, Kim, Jess
No: none

September 8, 2022 Minutes:

Jarrett moved to continue the approval of the September 8th meeting to a later meeting because there wasn't a quorum of that meeting's attendees present at the current meeting. Jeff ***seconded the motion***, and it was ***unanimously approved***.

Yes: Jay, Jeff, Jerrett, Kim, Jess
No: none

Public Comment – Persons Present Not on the Agenda

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

Staff Update

Jared explained that the PI LOVA Appeal of the Planning and Zoning Commission Denial of Land Use Application was heard at Tuesday's Board of Trustee's meeting and the Trustees approved the appeal with two required changes:

- Modify the building design to change the private entrance on the south elevation to a public entrance facing Main Street; said door shall remain open during business hours.
- Improve the site layout to better identify vehicular access; staff will work with the applicant to determine the most appropriate improvement possibly additional curb and gutter and/or striping within the road easement.

Jared related that most of the BOT's conversation was centered on vehicular access into the site. He confirmed that the recommendation from the Planning and Zoning Commission was included in the BOT meeting packet along with the August 11th meeting minutes and staff report. Jared pointed out that the applicants demonstrated improved design for the south elevation that will satisfy some of the concerns the Commission had outside of the PC zone district.

Jared noted that with the resolution of the appeal, the discussion regarding rezoning the obsolete Planned Community Commercial (PC) zone district to the Mixed Use (MU) zone district can now move forward. He pointed out that one concern to consider in rezoning the area would be the lost opportunity to work with developers to address the impacts a Mixed Use (MU) zoning might have over the PC – a rezoning would give additional property rights that those parcels don't currently have and might lead to additional impacts. He noted that there will also be the burden of additional review criteria and compliance.

Jay confirmed that Jared's point was that if the area isn't rezoned, developers will most likely be required to apply for rezoning anyway and the Commission will ultimately have more teeth to determine what happens with the property.

Jared agreed but explained that the trade-off would be if a developer decides not to apply for rezoning but to work under the constraints of the obsolete PC zone district.

Jeff asked what the primary differences were between the PC and MU zone districts.

Jared replied that the main difference is allowable uses – the MU zone district allows a wider variety of potential uses such as multi-story/multi-use buildings, but it is harder to achieve the current design principles under the obsolete PC zoning requirements. He added that lot size and setbacks are also different. Jared reassured the Commission that a full staff analysis would be completed if they choose to move forward.

Jeff asked how a rezoning might affect the PI LOVA development.

Jared explained that if they maintained their development rights it wouldn't affect them, but if they ask for additional changes or allow their application to lapse, they will have to reapply under the new zoning requirements.

Jay asked if the option of rezoning was discussed at the BOT meeting and pointed out that the rezoning was the strongest item for denial.

Jared reiterated that the Planning and Zoning Commission recommendation was presented, but the BOT did not engage in a discussion about rezoning.

Jarrett asked if the commission members wanted to move forward with a decision about the rezoning.

Jared replied that there wouldn't be any issues with moving the item forward into the public process and weighing the issues, but the Commission could also choose to not engage the topic.

Jarrett, Jay, and Jeff were all interested in moving the topic forward and asked that it be placed on an upcoming agenda for additional discussion.

Jared agreed to do so but pointed out that each individual property owners within the affected zoning district will need to be noticed before any discussion can begin.

PUBLIC HEARING: Comprehensive Plan Update

Jared summarized key points contained in the staff analysis included in the meeting packet and noted that the current blended iteration of the 2013 Comprehensive Plan and the 2022 Update is an effective planning tool while not being overly prescriptive. He explained that after additional analysis, staff recommends revising Appendix section 7.4 to propose potential cross sections and remove the illustrative images as opposed to the use of proposed cross sections and illustrative images to avoid the impression of preconceived solutions while still presenting the guiding principles which designs should strive to achieve.

Jared noted that neither the Municipal Code or the Unified Development Code have a specific process or outline specific review criteria for the adoption of a Comprehensive Plan or update. He added that after reviewing the Draft 2022 Comprehensive Plan Update, staff has determined that the proposed plan meets the purpose, intent, and regulations for a Master Plan as set forth in C.R.S. 31-26-206, Carbondale's Home Rule Charter, and the Unified Development Code and recommends that the following motion be approved:

Move to recommend to the Board of Trustees approval of the 2022 Comprehensive Plan Update with the following findings:

1. The 2022 Comprehensive Plan Update complies with C.R.S. 31-26-206, Master plan.
2. The 2022 Comprehensive Plan Update meets the responsibilities of the Board of Trustees as set forth in the Home Rule Charter Section 1-3. - Master Plan
3. The 2022 Comprehensive Plan Update complies with the Unified Development Code.
4. The 2022 Comprehensive Plan Update was developed through a public process which involved a series of public outreach events, vision meetings, community meetings, interviews, focus groups, and surveys.
5. The 2022 Comprehensive Plan Update contains a vision statement and goals that reflect the broad-based values of the community.
6. The 2022 Comprehensive Plan Update provides a guide for development within the community in a manner that strives to achieve the community's desired vision.

Jared noted that considering the recent steering committee conversations regarding a full rewrite of the Comprehensive Plan, a second motion is recommended for approval:

Move to recommend to the Board of Trustees that a Comprehensive Plan rewrite be undertaken by _____ with the following findings:

1. The 2013 Comprehensive Plan has been adopted for over 10 years.
2. The 2022 Comprehensive Plan Update focused on key areas and did not address all areas.
3. The pace of development and change in Carbondale since 2013 warrants a review of the remaining sections of the 2013 Comprehensive Plan which were not addressed by this 2022 Update.
4. The public input received throughout the 2022 Comprehensive Plan Update process highlights the public desire to set forth a vision for other areas of the Comprehensive Plan which were not addressed in the 2022 Update.
5. A Comprehensive Plan which includes elements from 2013 would be detrimental to the Town achieving its vision if not completed prior to _____.

Nora commented that she felt like this document was a community-driven plan and noted that it had been a pleasure to work with the community. She noted that it is smart to add in the checkpoints to address concerns that have been raised through the process.

Jay added that the community pushed hard to make the document specific to Carbondale.

Jarrett noted that Appendix section 7.4 had been written by Fehr and Peers and wondered if they needed to weigh in on any changes.

Nora replied that they are a subconsultant and as such Cushing Terrell has authority over everything embodied in the update and they are comfortable in softening the language of that section.

Jared added that he had discussed that section with the Public Works Director, and he shared similar sentiments regarding softening the language, especially after the recent work completed on 8th Street.

Jay requested that if that section is revised in the update, that those revisions are applied to all versions.

Nora explained that because it was submitted as a memo to Public Works, Cushing Terrell is willing to update the memo.

Jay asked for and noted that there was no public comment regarding the Comprehensive Plan Update.

Motion to close the public hearing

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

Commissioner Discussion

Jarrett noted that at the last meeting he attended, there was a discussion regarding interaction with the Board of Trustees to obtain their perspective prior to approving the update.

Jay explained that members of the Commission have been pressed to wrap the process up and provide a recommendation.

Jarrett wondered if they needed to recommend a date for the Comprehensive Plan rewrite tonight or whether they should wait until the absent members of the Commission have had a chance to weigh in.

Jared explained that it is up to the Commission, and they can postpone that recommendation if they choose.

Jay added that a timeline for the rewrite was discussed at the September 8th meeting, and all agreed to initiate a rewrite with a targeted completion by 2025.

Nora commented that it was good practice to revisit the plan on an annual basis and on year three audit the plan to consider a full rewrite.

Jay suggested approaching the Board of Trustees to consider funding in 2024 for the rewrite.

Kim confirmed that in the September 8th minutes, both Marina and Nicholas voiced support for a rewrite targeted for 2025.

Jared advised that a full comprehensive plan rewrite can take a long time to complete and if it is planned to begin in 2025, expect adoption of the document by late 2026.

Jay noted that item #5 of the motion locks in a date and suggested changing the language to initiate a rewrite by 2025 without an end date listed.

Kim and Jess were both in agreement to begin a rewrite by 2025.

Nora pointed out that updating the land use code will take time – at least one year – and it is prudent to see how those changes affect development patterns before embarking on a new plan.

Jess asked for the history of the update versus a rewrite.

Jeff noted that pieces have been discussed and those began under the former Planning Director, but the 2013 Comprehensive Plan is only six years old.

Jared suggested looking at certain parts of the plan and determining what might fall under the purview of the Commission and prioritize within or group projects but pointed out that a consultant may still need to be involved. He suggested it as a goal for an upcoming meeting and issue an RFP in the first quarter of 2023.

Nora noted that one of the key focus areas was the lack of investment in the downtown and how parking requirements might be a reason for inhibiting development. She suggested updating that code requirement first and audit how it affects business growth in that area.

Jay thought it made sense to update the UDC until a new Comprehensive Plan is written and then undertake a full rewrite of the UDC. Jay asked if 2025 is too soon for a plan rewrite.

Nora thought that a full rewrite in 2025 might be too early, but if a review of certain elements is proposed with robust public outreach it might have a more fiscally responsible appeal to the BOT.

Kim pointed out that some topics were overlooked that the community spoke up about and those should be updated.

Jarrett suggested updating those topics, but to keep it fluid so other items might be included.

Jess suggested undertaking an audit of the plan in 2025 and include public outreach and if the BOT sees the public wants a full re-write it might change the conversation.

Jared commented that if the Commission recommends approval of the Comprehensive Plan Update to the BOT it will need to be publicly noticed with the Board of Trustees meeting scheduled for either November 1st or the 8th which would allow the Commission another meeting (October 27th) to continue the discussion on the rewrite if they so choose.

Jeff asked if a formal recommendation on the timing of the rewrite would have any impact on the BOT.

Jared thought it might in the sense that the Commission is demonstrating to the elected officials that good work was done, but there are still some topics left that need work. He pointed out that an overly aggressive timeline might be off-putting and suggesting an audit might work well to promote a comprehensive review in the 2024 or 2025.

Jeff suggested beginning the re-write in 2026 because that would align with the short-term goals listed in the update and there would be items from the matrix to consider.

Jay asked if there was a motion to recommend a Comprehensive Plan re-write undertaken by 2026 with the five findings as listed in the staff memo with a completion date listed under item number five as 2027.

Nora cautioned against setting a specific date for completion because things can happen that affect the timeline.

Jeff suggested striking item number five, and all agreed.

Motion Passed: Jeff *moved* to recommend to the Board of Trustees approval of the 2022 Comprehensive Plan Update with the following findings:

1. The 2022 Comprehensive Plan Update complies with C.R.S. 31-26-206, Master plan.
2. The 2022 Comprehensive Plan Update meets the responsibilities of the Board of Trustees as set forth in the Home Rule Charter Section 1-3. - Master Plan
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5. The 2022 Comprehensive Plan Update contains a vision statement and goals that reflect the broad-based values of the community.
6. The 2022 Comprehensive Plan Update provides a guide for development within the community in a manner that strives to achieve the community's desired vision.

Jarett ***seconded the motion***, and it was ***unanimously approved***.

Yes: Jay, Jeff, Jerrett, Kim, Jess

No: none

Motion Passed: Jeff *moved* to recommend to the Board of Trustees that a Comprehensive Plan rewrite be undertaken by 2026 with the following findings:

1. The 2013 Comprehensive Plan has been adopted for over 10 years.
2. The 2022 Comprehensive Plan Update focused on key areas and did not address all areas.
3. The pace of development and change in Carbondale since 2013 warrants a review of the remaining sections of the 2013 Comprehensive Plan which were not addressed by this 2022 Update.
4. The public input received throughout the 2022 Comprehensive Plan Update process highlights the public desire to set forth a vision for other areas of the Comprehensive Plan which were not addressed in the 2022 Update.

Jarett ***seconded the motion***, and it was ***unanimously approved***.

Yes: Jay, Jeff, Jerrett, Kim, Jess

Jared noted that the Comprehensive Plan Update will be on the Board of Trustees agenda on either November 1st or November 8th. He will verify the date and encouraged the commission members to attend.

Commissioner Comments

There were no Commissioner comments.

Motion to Adjourn

A motion was made by Jeff to adjourn, Jarrett seconded the motion, and the meeting was adjourned at 9:02 p.m.