

Zoning Board Meeting

November 27th, 2023 at 7:00pm

Newcomb Community Center

MINUTES

1. **Call to Order:** Chairperson Jesse James Garetson called the meeting to order at 7:00pm. Zoning Board members Rodger Lull, Ed Herman, Ed Pinalto and Gayla Gibb were present. Minutes taken by Clerk Sara Gibb.

Public Comments: Tom Gibb

NEW BUSINESS:

- Discuss and vote to approve minutes of the 9/25/2023 Zoning Board Meeting.

Motion to approve the minutes of the 9/25/2023 Zoning Board Meeting made by Zoning Board member Rodger Lull. Seconded by Zoning Board member Ed Herman. Motion carried 5-0.

- Discuss and vote to approve minutes of the 10/16/2023 Zoning Board Meeting.

Motion to approve the minutes of the 10/16/2023 Zoning Board Meeting made by Zoning Board member Ed Pinalto. Seconded by Zoning Board member Gayla Gibb. Motion carried 5-0.

- Discuss and vote on a recommendation to the Board of Trustees on the Schellenberg Petition to Vacate Streets and Alleys (Vacate 12th Street between blocks 2 and 4, Alley Block 4, Alley Block 2, Mesa Street between block 3 and block 4 and block 2).

Jake Schellenberg presented his request. He stated that he submitted several pages explaining the proposal for the vacation of the lane/alley, 12th Street and Mesa Street. He had an architect draw that [the proposal] up and he [the architect] went crazy and drew too many homes. But he's just showing how they would be placed if the current alley and streets were vacated and the streets were built where it's more feasible and then give them back to the Town. It would turn out to be a land swap and create tax revenue for the Town because there will be more homes.

Chairperson Jesse Garetson stated that there are a number of items that have to be reviewed. Mr. Schellenberg confirmed that the area has been fully surveyed.

Chairperson Jesse Garetson stated that he's been down to look at the area and saw the stakes. He stated that it was difficult to see the map because it was so small. Mr. Schellenberg confirmed that he owns all the property adjacent to the streets/lanes that are requested to be vacated.

Chairperson Jesse Garetson asked if Mr. Schellenberg has a proposal with regard to how many streets will be put back in. Mr. Schellenberg proposes two streets, one on each side of the river. The streets would be big enough for a fire truck or a semi. A cul-de-sac was not recommended by the architect. Chairperson Jesse Garetson asked if there would be access across Quartz at 11th Street. Mr. Schellenberg stated that he didn't think that was required because there is still access off River Street. It could be summer access only. It would be another project to provide access across the creek at 11th. He stated that either way sounds good to him.

Chairperson Jesse Garetson stated that he doesn't know the width of River Street past Doonan's. There was discussion about River Street, Mesa Street, and the alley in that area.

Mr. Schellenberg's justification is that this would benefit the community. There is a piece of property with a lot of potential to bring a lot of positive things to the Town of Pitkin in tax revenue and in a multitude of ways. A lot of the alley is in the creek and useless to both Mr. Schellenberg and the Town. It makes it simpler and cleaner. It creates a nice flow if we can do that swap on the land. It lets us position the homes where it's very appealing and then he can put nice streets in to give comfortable access to each home like in the drawing.

Zoning Board member Rodger Lull asked if this Lane is all 66' wide. He said it looks like you're going from a 66' wide street into private driveways.

Mr. Schellenberg stated that the architect recommended – he's kind of looking at this like a private neighborhood – typically you see a 30' wide street so that's what he recommended. Both of the neighborhood streets will be 30' wide.

Zoning Board member Ed Pianalto – does that include any area for easements? Jake – pretty sure there is a 5 foot easement on either side but he doesn't recall asking that detail. That may include the easement. JG – you need a 30' area for travel. He would like to see more than a 30' right-of-way for easement. He also prefers 11th street to be opened across the creek because of the alley extension/river Street that winds up to Powderhouse.

Zoning Board member Rodger Lull said that in order to get approval Mr. Schellenberg will have to nail this down – how many houses, position of every house and location, redrawing property lines for each one of these, you'll have to draw up everything the way you want it. Also, the Town has no provision for subdivisions in Town. Subdividing isn't allowed. You [Mr. Schellenberg] can't change properties to make areas and lots bigger....there need to be areas to push snow. He does not see Pitkin going that direction. This is a tough sell with just this drawing. You're going to have to get very technical with where this is going.

Mr. Schellenberg stated that he read through the requirements and he didn't have to provide where each septic and well goes. As things move forward and if the criteria is met to agree to vacate/property swap, then he will start to develop the full blown engineered plans on the property. The plan is not to create the subdivision. He said quite a few homes can be put there.

Chairperson Jesse Garetson asked if the engineer took into consideration the 9,000 square feet for a building site? Mr. Schellenberg stated that he wanted them on a half-acre lot. He stated that the architect did not seem to understand that. The purpose of the proposal is to give a visual of the potential. He believes that seven is the magic number for homes once things are started to be placed.

Zoning Board member Ed Pianalto stated that the map is laid out with one house per 3 lots. He likes that idea of 11th Street being opened so emergency personnel, trucks, etc, can come down 11th and access either route. There wouldn't be all the traffic coming down River Street. He likes the idea of not having a cul de sac. The top road would be accessible from both 11th and 12th Streets.

Zoning Board member Ed Pianalto stated that Mr. Schellenberg is willing to build the streets for the Town, give the streets back to the Town, and the Town has zero expense for developing the streets. This gives the Town increased tax revenue. Vacating the streets allows some other property to use the creek area but keeps natural habitats and improves the infrastructure of the Town. He sees a lot of community benefits. He asked, "Is it fair to ask someone to spend thousands of dollars on fully engineered drawings only to be told that the Town won't vacate the streets?" He believes conditions should be specified on how the streets are rebuilt. He also wants a time period on when the streets will be provided back to the Town.

Chairperson Jesse Garetson asked Mr. Schellenberg to read his justification for the vacation.

Zoning Board member Gayla Gibb stated that she understands from Mr. Schellenberg's explanation why measurements and OWTS were not shown. It's difficult to think about approving something based on verbal approval and not anything concrete. She stated that 7 homes makes more sense than 12. She is having a hard time comfortably saying yes to something without measurements and all the other information that is usually required for an approval.

Zoning Board member Ed Pianalto stated that the Board is talking about the street vacation. If the streets are vacated, before anything starts, the OWTS permit will be required before any start of construction. It won't be a matter that the Town vacates streets and he [Mr. Schellenberg] just starts doing something.

Mr. Schellenberg stated that unless he missed it, he doesn't think it's required for his request to provide full blown engineered map of the proposed plan. He understands that there will be contingencies.

Chairperson Jesse Garetson stated that as Street Commissioner he would want to work with Mr. Schellenberg to make sure that the streets meet the needs of the Town going forward.

In the petition to vacate, the Zoning Board is supposed to look at 6 different things. Of those 6 things, Zoning Board member Ed Pianalto believes the requirements have been met with the information presented by Mr. Schellenberg.

Zoning Board member Rodger Lull stated that the Zoning Board has a place to start but that's it. We don't have near enough information to vacate roads and replace them with the roads drawn. There needs to be a bridge. It's all across wetlands and the creek. The access without using 11th Street is down through a little lane that isn't wide enough for two houses. There is a bigger road issue than just this development. There are a lot of complications involved in this area.

Zoning Board member Ed Pianalto stated that the Zoning Board is involved because the vacation policy requires the Zoning Board to make a staff report. He read from the Town of Pitkin vacation policy.

Zoning Board member Rodger Lull stated that if the roads are given back, the Town has to maintain them and plow them.

Public comments: Chuck Kolinski, Bob Nuttleman, Ramon Reed, unknown commenter (inaudible via phone), Lucinda Lull, Jake Schellenberg

Zoning Board member Gayla Gibb called the question.

Chairperson Jesse Garetson stated that the town should help residents achieve their goals. For someone to have the initiative to do something like this to improve the town and improve his properties...The reservations that have been shared need to go into Jake's portfolio. Before taking a vote to send it to the trustees, there are a few items that need to be addressed such as utilities, the width of the streets, the possibility of crossing 11th Street. He would like to table this and obtain more information from the applicant so a sound recommendation can be made to the Trustees.

Motion to remand to the petitioner instructions for modification including provision the following: measurements of proposed street widths with easements, map of wetlands and information how that is to be dealt with, topographical map, plan for crossing Quartz Creek at 11th Street, with regard to the swap – representation of the current square footage of vacated streets and alleys and square footage returned to

the Town made by Zoning Board member Ed Pianalto. Seconded by Zoning Board member Ed Herman. Motion carried 5-0.

MEETING ADJOURNED AT THIS TIME – ALL ITEMS LISTED BELOW WILL BE ADDRESSED AT A FUTURE MEETING OF THE ZONING BOARD.

- Discuss Zoning Code revisions for the recommendation to the Board of Trustees
 - Definitions for Fences and OWTS Marker and update Fee Schedule to reflect no fees for OWTS Markers (Section 3. Definitions)
 - Zoning Code Complaint Form to remove anonymous complaints from the form
 - Moving of structures within property owner’s boundaries and update Fee Schedule to reflect Relocation Fees (Section 17. A)
 - Renewal of Expired Building Permits and update Fee Schedule to reflect Expired Building Permit Renewal a (Section 17. H)
 - Demolition Permit for the demolition of a structure and update Fee Schedule to reflect fees for a Demolition Permit (Section 17)

OLD BUSINESS:

- Discuss updates to the Building Permit spreadsheet and update OWTS Data and review any new permits or closed permits.
- Discuss updates of certified letters to Expired Building Permit property owners.
- Discuss updates of certified letters to property owners with boulders in Town right-of-way

ADJOURN: Motion to adjourn made by Zoning Board member Ed Pianalto. Seconded by Zoning Board member Gayla Gibb. Motion carried 5-0. Meeting adjourned at 9:17pm.