

MINUTES
City of Glenwood Springs
Planning and Zoning Commission
Regular Meeting
August 23, 2016
Council Chambers, First Floor, City Hall
101 W. 8th Street
6:00 p.m.

Chairman Dehm called the meeting to order at 6:00 p.m.

1. Roll Call.

Present at roll call were Commissioners: Michael Blair, Ingrid Wussow, Michael Dunn, Marco Dehm, Tim Malloy, Sumner Schachter and Alternate Chelsea Carnaoli-Parkison

Absent: Kathryn Grosscup

Also present were City staff members: Trent Hyatt, Planner
Jill Peterson, City Planner
Kathleen Michel, Administrative Assistant
Jon Hoistad, City Attorney's Office
Terri Partch, City Engineer

MOTION: Commissioner Schachter moved to seat Alternate Chelsea Carnaoli Parkison for this meeting. Commissioner Dunn seconded the motion. The motion carried by voice vote.

2. Receipt of the minutes:

MOTION: Commissioner Malloy moved to accept the minutes of the regular meeting of July 26, 2016, as corrected. The motion was seconded by Commissioner Dunn. The motion carried by voice vote.

3. Comments from citizens appearing for items not on the agenda.

No one wished to comment.

Public Hearings:

4. #21-16 - Consideration of an amendment to a Major Development, Major Subdivision and PUD development plan.

Applicant: Peter Waller
Owner: Silver Sage Preserve LLC
Location: Lot 2 Kingdom Hall Subdivision: vicinity of Airport and Four Mile Roads (PIN: 2185-272-20-002)
Zone: PUD

Jill Peterson presented the staff report on behalf of Gretchen Ricehill. There was a letter received today commenting on the development. Approved by City Council in 2013. It is located in the area of Airport Road and Four Mile Road. Allowed for construction of 19 duplex units for a total of 38 units. Secondary development known as Cardiff Mesa for 17 multi-family units. Applicant wishes to add six units to Cardiff Mesa for a total of 23. Variance from parking requirements. Applicant seeks relief from eight additional spaces. Soft trail above the units; applicant seeks to remove the trail. Pave full width of Airport Road was required; applicant seeks relief. Two styles of buildings proposed. Five buildings total. Applicant wants to convert all to one bedroom units. Sell three to the school district. District plans to purchase a full building. She outlined the findings necessary to grant a parking variance. She also presented the ratios from other cities for parking. She pointed out that South Glenwood does not have bus service. No RV spaces within the development. PD not responsible for parking enforcement. Staff supports the variance with an additional condition regarding no RV spaces or on-site storage. Changes requested to the landscape plan. Eliminate soft trail and community garden to be replaced with turf. Open space and trails were key elements to approval of the original proposal. PUDS are required to dedicate open space and parkland.

Analysis provided regarding the open space. Recommend approval of change and to keep lower trail to Four Mile area.

Road improvements at the front of development: paving, curb gutter sidewalk and planting strips. Code does require these improvements. She cited an example of improvements done at Glenwood Green. As property develops in the City, these improvements are required as needed. Will provide pedestrian link to Sopris Elem School.

Inclusionary housing moratorium in effect through August 2017. Inclusionary requirement applied only to Silver Sage units. Six units would be deed restricted. Developer was to provide housing mitigation plan. Applicant wishes to move forward with Cardiff Mesa units but not Silver Sage. School District involved in this for rental units for school employees.

Applicant seeks fee waiver for low income housing, i.e., deed restricted. Designated community housing 070.010.061.

There are five actions on this item. Staff supports 1, 2, 3 and 5. Staff recommends denial of Item 4, road improvements waiver.

Questions of staff

Commissioner Malloy asked about conditions that relieve them from requirement. They are providing a plan to satisfy that now as Silver Sage will be built later and inclusionary would apply to Silver Sage.

Ms. Peterson said we do not have a mitigation plan on file right now. We are in an in-between stage as documents have not been recorded from original approval.

Commissioner Malloy asked if the soft trails connected to anything.

Ms. Peterson deferred to the applicant for answer.

Commissioner Malloy number of cars per rental unit.

Commissioner Dunn parking clarification. We are looking at 1.55 spaces per bedroom. 47 now and we are looking at a deviation of 8 spaces. Wondered how confident we are about the deal with RE1. What would happen if the deal falls through?

Ms. Peterson with respect to what.

Look at the application with the amendments requested as separate from what is happening with the school district. Burden of inclusionary would go back to the owner if school district went away.

Commissioner Blair several questions throughout the staff report. Action Item 1 – he could not follow the math.

Ms. Peterson right now they have approval for 17 units want to add 6 units to a max of 23. In the current plan there were 5 buildings. The number does not change. The bedroom configuration is what changes.

Commissioner Blair questioned the landscaping plan modification. Was it done by a professional?

Ms. Peterson said Ron Liston prepared it.

Commissioner Blair wanted to know if the buildings remained the same size.

Ms. Peterson said they did not change. Only the interior configuration will change.

Commissioner Blair talked about typical standard was 2 per dwelling unit.

Ms. Peterson said we would look at it.

Commissioner Blair asked what if it falls through.

Commissioner Parkison asked if there are particular buildings they are interested in.

Ms. Peterson replied it was the first three northerly buildings.

Commissioner Parkison asked which buildings would convert to one bedroom.

Commissioner Schachter said – current moratorium and inclusionary housing. If applicant got building permit now based on the prior approval then all the inclusionary falls to Silver Sage. Does the prior approval require them to follow through?

Commissioner Wussow where would she find the income ratios for income limit.

Ms. Peterson typically it is taken from HUD requirements that are printed every year. CHAFFA tables.

Commissioner Blair about soft trails staff rec to keep lower trail. Could the upper trail become a condition for the upper units?

Applicant presentation

Peter Waller 1487 Walz Ave, GWS. Said they were excited about this project. We are excited to have RE1 as our partner in this. Neuman Construction will be the builder. Yancy Nichol from Sopris Engineering is the engineer. Shannon Pallin and Jeff Gatlin are from RE1. It's too bad Gretchen isn't here as over the past eight or nine years she has done a lot of hard work on this. He said they were very excited about this project as they have been working on it since 2007. One of the gauges on the South Glenwood Water Tank wasn't working so it was reading high and it turns out there was no water there and there was a fire safety issue in the area so we stopped the work. A looped water line was put in below the Cardiff pedestrian bridge to better protect the area. In 2013, we got approved with a five year vesting for all of Silver Sage and Cardiff Mesa at the bottom. We are deeding the Coke Ovens to the Historical Society and land where the water tank will be deeded to the City. We got approval for all in 2013 and it seemed the right time to build it. We got pricing from three different builders. In 2014 the cost per square foot doubled to over \$250 per square foot. RE1 has \$15,000,000 to spend for housing in Glenwood Springs, Basalt and Carbondale (\$5,000,000 in each). We are one of their chosen projects. We have a letter of intent that is dependent on the pricing.

We are asking to go from 17 units to 23. We originally had 1, 2 and 3 bedroom units. RE-1 didn't want all the 3s so we are converting those buildings to 1 bedroom units. Total number of bedrooms dropped with these changes. The square footage of the buildings stayed the same, the exterior stayed the same and the main level stayed the same, double garages and a single one-bedroom apartment. The second floor had a three bedroom with bedrooms on the other level. We made each level into a one-bedroom unit. The top floor has two more one bedroom units. There are decks just as we had before. Our bedroom count went down from 37 bedrooms. With 21 units we now have 33 bedrooms. Our total count for units only went to 21 as they still wanted some of the three bedroom units.

For parking, we now have 21 units. We do not have RV or trailer storage. 47 parking spaces divided by 21 equals is 2.23 versus 2.2. Landscaping is done by Ron Liston. Ron worked closely with Gretchen on the details and we are okay with what staff recommends. We can put the lower trail back in.

Airport Road improvements. We propose something different due to costs per unit. Road improvements are about \$8,000 per unit. We worked with RE1 to make sure the

possible residents are okay with the change. He talked about the location of sidewalks within the development rather than on Airport Road. The intersection at Morgan Street is being improved. If South Bridge ever gets approved, there would be a huge roadway improvement project throughout the area. There is concern about dust from the road, the drainage needs to work well, and that the road is not a washboard surface. We have worked with Yancy Nichol at Sopris Engineering and what we came up with is to add 3 inches of asphalt out there and taking care of the drainage issues for RE-1. Pedestrian traffic will be coming up into the subdivision on the sidewalk. The dust and the drainage and the Airport Road conditions will be taken care of by that design. Terri Partch in Engineering hasn't seen it yet. Yancy will do the design and typically it is good for about 20 years. That is what we propose for Airport Road versus doing the whole sidewalk to nowhere.

When the subdivision was approved, we didn't go for the housing mitigation plan as you all know that is under a moratorium. We didn't know when we were going to build. We hope to start this year so that next year we will have teacher housing in South Glenwood. We waited to find out what we would have to do. We are trying to make the affordable housing work for the whole development as a whole. We will have 12 units here that we are going with RE-1. That would be more than required. We would take care of all our housing mitigation in Cardiff Mesa for the whole subdivision, including Silver Sage. We will be asking Council for credit for all of our housing mitigation from the 12 units being done now.

Questions to Applicant

Commissioner Wussow asked how many units do you want.

Mr. Weller replied that they want 21.

Commissioner Wussow asked how RE-1 figures into the HOA rules. They will be a primary owner.

Mr. Weller said they could also do condos by building as a whole. RE-1 would own the whole building and we would delegate ownership within the building. The HOA would be responsible for enforcement of parking.

Commissioner Wussow was not happy to see the community garden eliminated.

Commissioner Malloy commented re 21 versus 23 units. School district gets how many units?

Mr. Weller said they would get 12 units total. He pointed out which buildings they would buy.

Commissioner Malloy asked about a change in parking.

Commissioner Malloy asked about that status of letter of intent. Where is first floor elevation?

Mr. Weller replied that it has been executed. He explained how elevation changed.

Commissioner Malloy asked about the sidewalk location. He also asked about the bear proof trash containers.

Commissioner Blair asked to have the buildings pointed out that did not have RE-1 units. He also wondered about the boundary line for Airport Road. He had questions about the buildings that RE-1 was leasing.

Mr. Weller said that RE1 is buying three buildings.

Commissioner Blair asked about units reverting back to the owner. Would they remain as community housing?

Mr. Weller was not sure what he was asking as RE-1 is the owner. Did he mean sell the units?

Commissioner Blair thanked him and then commented about street trees that were eliminated. He thought it was counterproductive to try to hide the development behind the trees but he wanted them to keep more trees. He asked about the different designs for the buildings. He also commented about site work.

Mr. Weller explained that they changed the access on one building when they changed it to all one-bedroom apartments. They had to access the third floor from outside.

Mr. Weller said the site work did not change.

Commissioner Wussow asked if any preference would be given to RE-1 employees for leasing the building that were not owned by RE-1.

Mr. Well said they were still figuring that out. We are doing some market research to determine rental rates. They plan right now to rent the units. There are companies that want to purchase some units for employee rental housing.

Commissioner Schachter asked about bear containers. He wondered if they had reconciled page 9 of the staff report with staff.

Commissioner Schachter also asked about surfacing Airport Road with 3 inches of asphalt for the entire 750 feet of roadway adjacent to their property. He wondered if that included curb and gutter.

Mr. Weller said no to curb and gutter. He said it would be designed by Sopris Engineering and would connect where the ingress/egress roads came out to Airport Road.

Commissioner Schachter asked what would happen if the units were offered on the open market. Does your letter of intent address that?

Commissioner Dunn how many dedicated guest parking spaces are there?

Mr. Weller replied that we have 47 spaces. There are 22 spaces in the garages. He said it was more by the code number.

Dunn said you had indicated that enforcement would be by lease agreements and covenants which would stipulate the certain amount of parking spaces per unit. He was trying to get an idea of what is left for guest parking

Mr. Weller indicated that often you have one space per unit. The covered spaces will be assigned and then it's overall parking.

Commissioner Dunn said he was looking for justification to eliminate the curb, gutter and sidewalk on Airport Road. He wondered what had changed from the original approval to now to justify not having that requirement.

Mr. Weller replied that when they applied in 2007, he had just finished a development at \$100 per square foot and then it went to \$250. The first time we talked to RE-1 about it, it was too much so we are trying to find ways to do some things and still have a good development. The cost is probably one of the biggest influences. We do understand that is the code.

Commissioner Malloy commented that the requirement under inclusionary zoning would be six units and you want the RE-1 units to satisfy that requirement.

Mr. Weller said they want the six from Cardiff Mesa to satisfy the requirement for both Silver Sage and Cardiff Mesa.

Ms. Peterson said the six was actually the number for Silver Sage.

Mr. Weller said he was looking at it to satisfy the whole development. Six from Silver Sage and four from Cardiff Mesa makes ten total. We are asking for the 12 units to satisfy the combined total of 10 for the whole development.

Ms. Peterson said we typically apply inclusionary to the "for sale" units.

Commissioner Malloy commented that we have a total requirement for inclusionary housing of 6 units. And you are proposing to sell 12 units to RE-1.

Mr. Weller agreed. He commented that his math was even better. That's why this goes to City Council as we go through and work that out.

Ms. Peterson said that was noted in the second to last paragraph on page 16 of the staff report.

Commissioner Blair asked if they intend to fully develop the entire site at the same time.

Mr. Weller said they would build all five buildings in Cardiff Mesa.

Chairman Dehm asked if Cardiff Mesa Drive would remain a private street.

Mr. Weller said that it would be private.

Jeff Gatlin, 200 Badger Road in Carbondale, said he was the Chief Operating Officer for Roaring Fork School District. We are excited about this project. As a result of the passing of the bond issue last November, we have the gift and task to acquire housing

units for the school district employees. Our goal is to acquire 15 to 20 units in each community. These units together with 6 units at Iron Bridge would put us at 18 in Glenwood. We are finding it difficult to stretch the money we got to obtain the units. The units in Glenwood would have a big impact on our staff. The School Board has signed a letter of intent and we hope the numbers work out. The sooner we can make this happen, the sooner it will impact our staff.

Commissioner Schachter commented that we just received a draft for deed restriction and the goal is to put the deed restrictions on the units the School District buys for the future rental conditions as well as going to free market.

Mr. Gatlin replied that with the deed restriction 3% cap on the affordability, we want to establish our own guidelines for the affordability portion. We have a staff committee that is focusing on that work.

Commissioner Schachter summarized the statement as this program was specifically for the school district and its employees. Secondly, he assumed that if the Council put a condition that a deed restriction agreement agreeable to both parties was part of the approval that would not impede this progress but would be an expected part of it.

Mr. Gatlin said that if it fulfills a requirement.

Commissioner Blair questioned Jeff asked for a limit on how many can occupy a one bedroom unit. He reminisced about living in student housing of 625 square feet with two small children and a wife.

Mr. Gatlin said they haven't developed the program that far. It will be something we look at. There hasn't been a hard cap set.

The Chair opened discussion to the public at 7:55 p.m.

Kevin Kelly, 4273 Culver Circle, directly across the street from where the development is planned. My question is parking. Will it be a City street or private? My reason for asking is I live in Cardiff Glen. HOA has certain rules but they don't apply to city streets. HOA has no control over parking on City streets. If they say they will manage through the HOA and it is a public street, it won't apply. My other concern is not paving road. City dumps sand and road base on the road, dust comes over to Cardiff Glen and we get dust. 55 cars will make that situation worse than it is now.

Derron Cloud, 4278 Morgan Street, corner of Morgan and Airport Road. Same concerns. We have designated guest parking spots that are constantly filled. I know they used the models from the other communities for parking. Our valley is different with the demand for parking. 2 parking spaces per unit is not enough. I've lived in other condominium projects in town. When you consider the variances, parking needs to be considered. I support the bond and School District. I am a fan and I think school housing is a great thing but I am concerned about parking spilling over. 10-20 cars park in the area across from Cardiff Glen where the development is going. I worry where those cars will go. So I am concerned about a reduction in parking. Same concerns about the roadway and the number of cars. Even if it is 4 cars per day per unit on average. Paving is a concern of ours.

Howard Jay, 279 Maroon Drive, Glenwood Springs. I have concerns about traffic. Everything to the south is pretty much heavy industrial uses. There are City lots down there, impound lots and City equipment coming and going. I run on the road fairly regularly. This will add traffic. I am concerned about parking issues. Cardiff residents park on that road already because it is city public parking. If there is not enough parking in this development, they will park on Airport Road. On Kingdom Hall they had to post no parking signs. I urge you to alleviate traffic and parking hassles and be aware of the heavy traffic.

I worked for the School District for a long time. I know they need affordable housing. So much so that the community voted to approve the bond for the purchase of housing. My question is if the School District buys these homes, does that let the developer off the hook for community housing, which we need in abundance in this community. The taxpayers said they are willing to let the School District buy housing but that is just one small segment of the community that needs housing. I am leery of selling to the School District to satisfy the developer's housing requirement. It satisfies a need for the District, which is important, but there are other vital workers that need housing such as nurses, police, etc. I am a little nervous about setting a precedent. There are many other employees that need housing in the community. Kudos to the School District for taking this initiative. Kudos to the taxpayers for paying for it. I just want to say let's look down the road. My main concern is traffic and parking. It is a mess down there. There is no parking for Cardiff Glen and there is no public transportation in south Glenwood. People cannot walk and take the bus. It doesn't exist.

Celia Carrol, 4273 Culver Circle, Glenwood Springs in Cardiff Glen. My question is about the 5 unit house. It has 2 garages so some people don't get garages. They want to increase the number of units but not the parking. A one bedroom unit will not be 1 person. It will be 2 professionals with 2 cars at least. There is no parking in Cardiff Glen. I know they say they will closely manage with the HOA. I'd like to know how because Cardiff Glen cannot. We have cars tandem parked. People park there to hold a parking spot for someone else. Then they go across the street and park where the development is going. Everyone needs a car. I understand about the profits. The removal of the trees will allow water to come across. I hope you won't remove the trees. We are going to park there. There is nothing they will be able to enforce on the parking. I know they are taking out the RV parking. They are not leaving enough parking for guests. If my mother comes for dinner, I have to park and hold a spot. I can't have a guest come for dinner. There will not be any place to park.

At 8:06 p.m. the Chairman closed the public portion of the hearing.

Applicant response

Pete Weller talked about the parking encroachment from Morgan Street onto his property, including some abandoned cars that he had to deal with. He said they were at the breakeven point for parking. He said that SGM updated the traffic study. If the street gets paved then hopefully the City will not dump dirt on the road so we eliminate that dust source. We are talking about carports for the 5 units without garages.

Additional Questions

Commissioner Schachter commented that if we are at 50.4 spaces including the RV and guest spaces, there is no numerical variance.

Ms. Peterson said they still need to grant variance even if so close.

Commissioner Dunn asked if street developed to City standards, will there be space for on-street parking?

Ms. Peterson said she would defer to the City Engineer for reply.

Terri Partch, City Engineer, said that the roadway proposed was two 11-foot lanes, without curb and gutter; people would try to park on the shoulder.

Commissioner Dunn if the curb and gutter are there, would there be enough room to for on-street parking. People will try to park there. Would current code allow for parking?

Ms. Partch said that without the curb and gutter, people will try to park along the shoulder. It is pretty flat there.

Commissioner Dunn asked if the curb and gutter were there, would there be enough room for on-street parking.

Ms. Partch said we would have to sign it for no parking and enforce it to prevent it. People would try to park there if they could. She knows that parking in Cardiff Glen is difficult.

Commissioner Dunn asked if without signage or anything else going on, would the current code allow for on-street parking there.

Ms. Partch said yes; it is a public road.

Chairman Dehm said that he assumed this was parallel parking.

Ms. Partch agreed.

Commissioner Blair asked if the profile for the street as proposed would be adequate for South Bridge connection.

Ms. Partch said they do not have a profile for South Bridge; so no. She said there will need to be a transition from the subdivision under the airport runway. There is a tunnel proposed for South Bridge.

Commissioner Blair if there was a curb and gutter, would that create a safety problem. Would the City allow parking of RVs?

Ms. Partch said that the City has adopted the model traffic code. An RV would block lanes with its size. It would have to eventually become a no parking area.

Commissioner Blair if the developer did not provide paving and curb and gutter could the City defer that improvement to the future to save the cost of the improvement.

Ms. Partch says she hasn't seen that yet. She asked Jill if it had been done.

Ms. Peterson said they have done it when there is a phasing plan.

Jon Hoistad said he had not seen it for curb and gutter improvements but other improvements such as water and sewer are secured by a bond until completed and turned over to the city. Council will have a lot to consider in terms of how the fees and improvements are handled.

Commissioner Schachter asked if the City had tried to stop parking on Airport Road.

Ms. Partch did not believe the Police Department had tried to enforce that.

Commissioner Schachter asked if she had an estimate from a professional engineer of what the 750 feet would cost to bring to City street standards.

Ms. Partch said she did not have an estimate at this time; she does know that Yancy had estimated it in the past.

Yancy Nichol said the cost would be close to \$200,000 for the improvements.

Ms. Partch said that would be roadway, curb, gutter and sidewalk plus street trees and irrigation.

Commissioner Schachter commented that South Bridge is a vague future thing.

Mr. Partch said they had a meeting today about South Bridge so it is a high priority project in the Transportation Master Plan.

At 8:18 p.m. the Chair brought the item back to the Commission.

MOTION: Action Item 1:

Commissioner Malloy moved, seconded by Commissioner Wussow, to recommend approval with staff's recommended conditions at the top of page 18, conditions 1-3.

The motion passed unanimously.

MOTION: Action Item 2:

Commissioner Malloy moved, seconded by Commissioner Schachter, to approve the variance from parking with the findings on page 18 and with emphasis on the recommended condition regarding the prohibiting of storage of on-site RV's. Commissioner Malloy commented on the amount of discussion regarding parking. The parking discussion became confusing with the change to number of units. Parking is 2 per units with 1 for guests per 5 and 1 RV per 5. . Applicant had a previous approval for parking which exceeded the minimum requirement. With the change to unit count they are actually short 3 spaces if you are counting the RV spaces. With the placement of the condition, they would then actually

have one space over the requirement. The deviation is hardly worth calling a variance.

Commissioner Dunn agreed with Commissioner Malloy. We have new information and seems to satisfy the City requirements. We are taking this item seriously because we are aware of the parking difficulty in the area.

Commissioner Blair said the Developer has made up for some of the deficiency. There would be need for boat and RV parking on the site or they will park on the street. Two or three spaces should be provided for RV's.

Chairman Dehm called for the question:

AYES: Schachter, Wussow, Dehm, Dunn, Malloy, Parkison

NAYS: Blair

The motion passed 6-1.

MOTION: Action Item 3

Commissioner Parkison moved, seconded by Commissioner Wussow, to approve action item 3 to amend the development and plan to reduce landscape with staff recommendations on the bottom on page 18.

Jon Hoistad asked the Commission to be sure and include findings.

Commissioner Dunn said that in general he is okay but he wants to emphasize that the plans are critical. He is only comfortable with eliminating the trees from the street frontage because they have other trees that will accomplish the same thing. Those trees that are in the plan need to be where they are specified.

Commissioner Malloy said he will not support this as the trees shown on the plan are in the wrong location. They are between the buildings. There aren't enough of them and they are on the private street instead of the public street. These units are on a slope and will look down and there are some industrial type uses across the street. The street trees would screen those uses. He will not vote for the motion. The trees should stay in.

Commissioner Blair agreed with Commissioner Malloy but not to the same degree. Some of the trees should be added. He requests that a condition be added regarding the upper trail and that it be constructed as a condition of the upper stage development when that occurs.

Commissioner Dunn had question about upper trail. Even though it is referenced as the upper trail he was of the impression that it was on the Cardiff Mesa portion of the project.

Commissioner Blair said it would connect Four Mile and the upper and lower portions of the project.

Ms. Peterson said the lower trail connects to the Four Mile Trail. The condition recommends retaining the lower trail. She said the upper trail does not connect to upper development.

Commissioner Parkison did not feel it was necessary to amend her motion for the upper trail. There is good pedestrian connection from the lower trail.

Commissioner Malloy commented that Pitkin County is considering limitation on fruit trees due to bears. He laments the loss of the community garden but wildlife is a concern.

Chairman Dehm said he was struggling with the elimination of 15 trees on Airport Road. Trees are an important part of Glenwood. Would Commissioner Malloy be okay with half?

Commissioner Malloy said he would be happy with anything. He said it seems you can get away with less trees if you can locate them in a way that would serve both the public from the street as well as providing some screening. Maybe clustering in front of the buildings.

Commissioner Parkison asked if we want to specify where.

Chairman Dehm said no.

Commissioner Dunn said they are requesting variance from c, g and planting strip which would include trees and irrigation. The outcome is going to have an impact as to that action item as well.

Chairman Dehm said they could be set further inside the property.

Commissioner Malloy asked if the maker of the motion would amend to include a re-design of the planting plan to continue to provide 8 trees clustered in a way to screen as discussed.

Ms. Peterson pointed out that the discussion regarding the trees perhaps should occur under the next action item instead.

Chairman Dehm said the motion stands as stated. He called for the question. The motion passed unanimously.

MOTION: Action Item 4

Commissioner Malloy moved, seconded by Commissioner Schachter, to deny the request as stated by staff with the findings 1-3 and an additional finding 4 that 43% of the units continue to be free market and therefore are not part of the community housing.

The Commissioners asked for clarification as to whether this deals with the Housing Mitigation Plan.

Jon asked Commissioner Malloy if his point is that the design variance is associated with the need to provide affordable housing but because of 43% of the units being free market that is a finding for denial.

Commissioner Malloy said that was correct.

Commissioner Schachter said this is the one he wrestled with. He likes the findings. The Silver Sage area is not on Airport Road and could be a mitigating factor. He has an issue with costs because the future of Airport Road is still unknown. If South Bridge gets done it is hard to predict what the road standards will be. He could do improvements today that would be different in the future. He would be inclined to approve with the asphalt condition and strongly consider curb and gutter on the development side.

Commissioner Parkison said she was concerned. She likes the condition for asphalt but also wonders about the longevity of the asphalt and who would be responsible in the future for the curb and gutter.

Commissioner Blair said he thought the School District was doing its part by providing community housing for the community. Not building the street improvement, however, is leaving the City taxpayers to subsidize the development. The District is subsidizing the community housing part of it. Looking to the future, that road will be improved. It would be improved to the airport and beyond. What is the design for the future use of the road? Seems appropriate to have some pavement laid down. He is not sure what the road design should be for the future. We may not have an airport. It might be good to have some temporary improvements now and some funding to work with the City at a certain future date.

Commissioner Wussow agreed with the others' sentiments. We don't know what road design needs to be there. There is a need for a bond for future improvements. Dust mitigation and trees need to be planted when the road is determined.

Commissioner Malloy said he is supportive of the units and their proximity to the school. Staff says it appropriately on page 3 of the staff report regarding consistent application of the standards. He sees the future connection to South Bridge as a reason to complete the road to City standards. We are trying to have these improvements when they develop to make the community good for all. Half of the units will continue to be free market. He is not in favor in particular of the loss of the trees.

Dunn agrees with a lot of what was said. He is not willing to let go of the sidewalk there. We have a mandate from the Comprehensive Plan to facilitate pedestrian traffic. Looking to the future, this will become a busier street. The street per quote of applicant is kind of icky. We need curb, gutter and sidewalk.

We don't need the planting strip. There should be some additional trees just back from the sidewalk. For aesthetics and safety we need the sidewalk and curb. He supports the project and hopes this does not cause you to stop.

Chairman Dehm said he was in the middle. Since there is significant right of way. Why can't we put in diagonal parking with a few islands and some trees? That is a solution that would benefit everyone.

Commissioner Malloy said he likes aspects of that but it is a question whether parking justifies the cost of the pavement. If we retain curb and gutter and half the trees and moving them back he is okay with that. It would require an action on the motion.

Chairman Dehm said it would have to be worked through between the City and applicant. If anything could be done to add parking. He doesn't know if there is a solution.

Commissioner Malloy can we ask the applicant if they want to endure a delay.

Mr. Hoistad asked Mr., Waller if he had an opinion.

Mr. Waller said it shows a large right of way but there are steeper slopes.

Yancy Nichol, Sopris Engineering, said the request was due to economics. Because of grades you have to give up the planting strip or sidewalk to make room for parking because of the grades or add a wall. You are adding a layer of costs. Parallel parking would be against a wall. Curb and trees would be at risk for future project improvements.

Mr. Waller said he would rather look at landscaping in the upper part rather than the tight spots below.

Yancy Nichol said the pavement would last 20-25 years. Curb and trees would be the most at risk relative to the South Bridge. He likes some middle road. He hates to see infrastructure added that would need to be ripped out.

Chairman Dehm said if we were to go with paved area is there room to park left and right.

Mr. Nichol said you will either block a lane or park in a ditch. You would have to modify the swale a little bit. You may not want long-term parking on the road. You could add parking with gravel.

Commissioner Blair said he would vote no because some good ideas were just put forth. We need to consider them more. They aren't organized into a motion. He doesn't want to see the application put off for another month. He said footnotes can be added to a motion so Council can see for their consideration.

Mr. Hoistad said this entire conversation carries a message to Council. If you wanted to take some middle road approach, perhaps you would want to withdraw motion or have another motion in the alternative.

Commissioner Dunn asked who owns the property directly across Airport Road. There is a sidewalk up to Morgan Street and a little past. That is where the sidewalk should be ideally.

Commissioner Parkison street trees may be a problem if we just go the asphalt route.

Commissioner Malloy asked Terri if there was discussion about the location of the curb due to steep banks in terms of the potential that the curb might remain when the road is improved if widening was necessary.

Ms. Partch said the applicant was asked to meet the design of the road for the Street Bridge. It is two 11-foot lanes plus curb and gutter and two sidewalks. We would try to match the applicant's improvements.

Commissioner Malloy 25 ft. face to face?

Ms. Partch said I believe so.

Commissioner Malloy some likely forecast of traffic for that design.

Ms. Partch said 20 years from original traffic study, 2011 or 2012.

Commissioner Malloy said this curb may not need to move then for 20 years.

Ms. Partch said that's right. When we were looking at South Bridge, we were not looking at traffic problems in the area.

Chairman Dehm called for the question.

AYES: Malloy and Dunn

NAYS: Schachter, Blair, Wussow, Parkison, Dehm

The motion failed 5-2

MOTION: Action Item 4

Commissioner Malloy moved to approve, seconded by Commissioner Dunn, the applicant's request with the suggested findings and conditions and with an additional condition that the applicant work with staff to retain all of the trees and reorganize them in a fashion to help screen the buildings but that the other requested changes to the curb and sidewalk remain.

Commissioner Malloy said the applicant is requesting that the trees, sidewalk, curb and gutter and planting strip and asphalt be eliminated. They can be relieved of curb, gutter and sidewalk, but the paving they are proposing would need to be done, although it is not to City standard, be required to significantly adjust landscaping to keep most (55%) of the trees, relieve applicant of curb, gutter & sidewalk requirements. Commissioner Dunn seconded.

Chairman Dehm asked applicant if he wished to include the 3 inches of asphalt.

Commissioner Malloy said he would so amend.

Chairman Dunn said he would like it open for the applicant and City to work out so perhaps there is some parking put there rather than have all the trees there. Will still require irrigation. Maybe it can be reduced to a degree. Can you amend the condition?

Commissioner Malloy said maybe a clarification. They have heard from the applicant's engineer that a wall would be needed if parking was going to be implemented, particularly angle parking. His amendment is that they keep most of the trees and they relocate them closer to the property boundary. The higher up they better screen but he also doesn't want to completely lose impact on the street. He is giving latitude to rethink the location of the trees between the property boundary and somewhere between the original plan and this current plan.

Commissioner Malloy said he would amend his motion to give the applicant flexibility to significantly relocate the trees with the hope to retain most of the trees. Commissioner Dunn amended his second.

Chairman Dehm said he knows there are parking issues. If there is any way to add fill and pave as wide as possible to accommodate parking it would sure help. Not a condition.

Ms. Peterson asked for further clarification on "most" trees.

Commissioner Malloy said 60%.

Chairman Dehm called for the question.
AYES: Dunn, Dehm, Wussow, Parkison, Blair,
NAYS: Schachter

MOTION: Action Item 5.

Commissioner Schachter moved, seconded by Commissioner Malloy, to approve with findings and condition 1 and add recommended condition 2 that there be a

mutually acceptable and executed master deed restriction between Roaring Fork School District and the City of Glenwood Springs for the units purchased by RE1 addressing items in the draft they received.

The motion passed unanimously.

The Chairman called for a break at 9:20 p.m. The meeting reconvened at 9:26 p.m.

5. #15-16 - Consideration of a location and extent review for an addition/improvements to Glenwood Springs Elementary School

Applicant: H+L Architecture
Owner: Roaring Fork School District RE-1/City of Glenwood Springs
Location: 803, 915, 941, and 1015 School Street (PIN: 2185-094-00-004, 2185-094-00-005, and 2185-094-00-006)
Zone: C/3 General Commercial

Trent Hyatt pointed out that the project had multiple addresses. The total additions to the school would bring the total area to 90,000 square feet. The northern addition will be approximately 6,300 square feet and the southern addition was approximately 49,000 square feet. The work will include demolition of the Bolitho wing, the Annex building, removal of portable classrooms, and an interior remodel of the 1921 building that will remain on site. Additional site improvements will include grading for a new bus/parent-drop-off location and parking lot as well as water, sewer, storm water and infrastructure improvements. The property is zoned C/3, general commercial. The improvements will also include some City-owned parcels where the recycling center is to the south. There are also plans for future improvements to the Forest Service Building, but they are not included in the discussion today. He pointed out ownership of various sites around the school site, including City Hall, the City Hall parking lot, the railroad right-of-way owned by RFTA. The location and extent regulations were newly adopted by the City this year. Many projects were planned by RFTA and the School District that are covered by this procedure. Compliance with the comp plan is the standard used to review a location and extent project. This location is identified as commercial and parks/open space. A private development at this location would be subject to Downtown Design Standards and Commercial Design Standards. The 1921 building would be the focal point from School Street. They are improving pedestrian connections with this project. They are proposing landscaping for parking area.

Reviewing agencies provided comments. The Engineering Department provided comments regarding the specific construction needs they have for drainage, sidewalk size, sewer manholes. The Fire Department commented re access to the site. Parks and Recreation had some comments regarding the soccer field. We received no comments from adjacent property owners. The Commission has three options: approve, approve the application with findings and conditions necessary for the project to be in compliance with the Comprehensive Plan, or deny the application with findings identifying why. Staff recommends approval of the location and extent review with the conditions listed in the staff report.

Questions of Staff

Commissioner Malloy asked about the northern parcel adjacent to Eighth Street. Is the Confluence Plan an adopted plan that would be referenced as other adopted plans?

Mr. Hyatt replied that it could be; it is advisory in nature like the Comprehensive Plan.

Commissioner Malloy said the Confluence Plan did show development in this area. With the 8th Street realignment, could you provide a summary of the current thinking about what will happen with the adjacent use?

Mr. Hyatt replied that most of the development proposed is above the Eighth Street alignment. The City may lose some of the parking adjacent to City Hall but the major development plans are north of the extension of 8th Street.

Commissioner Malloy was concerned about coordination between City and RE1 regarding the property between the School and 8th St.

Jon Hoistad, City Attorney's office, replied regarding the pending plans for some light commercial and residential and said negotiations were taking place. The majority of the development will be north of 8th Street.

Commissioner Malloy asked what was happening to the recycling center.

Mr. Hyatt said it would be relocated. There is still discussion about where the City can relocate that service. It is an amenity many people use.

Commissioner Malloy asked if the property could connect to a trail.

Mr. Hyatt said it does connect to the Rio Grande Trail via the dirt service road that runs behind the school.

Commissioner Malloy asked if the trail could be improved.

Mr. Hyatt agreed it would be beneficial to improve pedestrian facilities.

Commissioner Blair asked if discussion was limited to the school site.

Mr. Hyatt said yes please limit to current application.

Commissioner Parkison asked if there will be any change of ownership for the properties that are north and westward but below 7th Street. Is there a church back there? Are there plans for those properties as far as the City goes for the future?

Mr. Hyatt replied that those areas are part of the confluence plan. They are private property.

Applicant presentation

Desi Navarro, with NB5, 2650 18th Street, Denver, CO, was present with the team, including Jeff and Shannon with the School District, as well as Chad and Kevin with the design team. We are here for your consideration of a location and extent application for

the GSES addition and renovation project. Bond measure passed in November 2015 made this project possible. There is State funding involved as well. There will be 55,000 sq. ft. of new buildings and renovation of 28,000 sq. ft. The numbers in the earlier presentation were a little high. He thought that the cafeteria got counted twice. There will be some site revamp as well as a new bus loop, new parking for staff and teachers at the south end, and a new parent drop-off. Early childhood education center with a pre-K toddler component. All new classrooms, renovation of the gym and addition of a new cafeteria and kitchen. It will add capacity to the existing school, providing a safe and secure high-impact learning environment with sustainable and responsible design. We also have a goal of getting a LEAD Gold certification. The project will take about 18 months to complete once it gets rolling.

Questions

Commissioner Blair said he didn't see information about the finish of any new buildings. Will that be brick?

Mr. Navarro said that brick is one of the finishes. We call that "Old Main." There will be metal paneling and stucco.

Commissioner Blair asked if the style will be similar to the old main building.

Mr. Navarro said there are components that pay homage to the original building but is not all.

Commissioner Blair commented that the sidewalks need replacing and repair and recommendation for an 8-foot width. He thought 10-foot would be better. Does District plan to repave School Street?

Mr. Navarro said that was not on the District's current plan.

Commissioner Blair noted there are mature elm trees close to sidewalk close to the new addition. They are too close to the current sidewalk; if the sidewalk is widened, they will have to be removed. Those trees should be replaced, although he would hate to see them go. Old trails plan called for a trail access from 10th Street west toward the Rio Grande Trail to continue across the school property. He wanted the School District to consider an access to the river trail.

Mr. Navarro said Chad from the design team will address that later. We want to realign the trail closer to 10th Street to create transition.

Commissioner Malloy asked if they planned to improve pedestrian access to the Rio Grande Trail. Kudos for keeping the amazing older brick building. He wondered if there would be screening vegetation along the trail.

Mr. Navarro replied that they have a very detailed landscape design. They will display a slide of that later.

Chad Novak, 1755 Blake Street, Denver, CO; with H&L Architecture. He said that it was a pleasure working with the School District. February 3 started this process and we are wrapping up the construction documents in two weeks. Staff and leadership at the

school are unbelievable. The programs for pre-K through 5 are amazing. The 1921 main building was a unanimous choice to retain. Gymnasium is retained. South building (Bolitho) will be removed. Cafeteria and kitchen will replace the annex to the north. There is a new classroom building to the south. The media center and administration overlook the parking area. The new bus drop is off 9th Street. The main building entry point on School Street will shift to the south building entry. Parking is to the south for staff and visitors. There will be over 200 trees on the site as well as bushes and other landscaping components.

MOTION: Commissioner Malloy moved to continue the meeting past 10:00 p.m. to 11:00. Commissioner Schachter seconded the motion. Motion carried unanimously.

Questions to the applicant

Commissioner Malloy was concerned about security. He said that he wanted screening and security for the site and the trail. He had suggestions for certain components.

Mr. Novak replied that there is a lot of activity on the trail and through the site. The public (strangers) would be moving through the courtyard space and out to School Street. This plan will direct with the path and landscaping to the north so that the public not associated with the school moves from the path to the trail and to the north and off the site. The intent is that public does not come through the courtyard and mix with the students.

Mr. Navarro said that was discussed with the City and RFTA in this morning's meeting. There are some ties to Union Pacific to get the path moved and down to that area. Our contact at RFTA is looking into that for us now and will let us know what it looks like. Ideally, we will keep it right through there and keep the traffic along 10th Street. We are doing our best with landscaping and pathways to keep the public on the exterior.

Commissioner Wussow commented on the morning congestion at parking. She wanted to know where the parent drop off parking will be and wondered if the number of spaces was increased.

Mr. Novak said they were doubling the amount of parking with 85 spaces with the ability to add in a Phase II about 15-17 more spaces. Drop off area is no longer on School Street. It will have access from 11th Street and there would be a long cuing area for drop off in front of the new entrance.

Commissioner Wussow asked about partitioning the different ages/grades. She wondered how they would accomplish this.

Mr. Novak said that there would be groups of classrooms for each grade. He pointed out the areas for preschool, kindergarten, first, second, third, with fourth and fifth in the Old Main building.

Commissioner Blair wondered if there would still be a gymnasium. [Yes.] He also had a question about access to the parking lot. Access from 11th Street.

Mr. Novak said the access would be from 11th Street and School Street. The goal is to get cars off School Street into the parking lot.

Commissioner Blair said that School Street is nothing but a rough alley way that was not adequate for the traffic that comes to the school. It needs improvement. Does the School District plan to improve School Street? It really needs to be widened and improved.

Mr. Novak said it was not part of this project; he pointed out that it was one-way in that area.

Kevin Zacharelli, JBA Consulting Engineers, at 214 8th Street, Glenwood Springs, said that in the current situation, School Street will continue to function as is. It will be one-way in the southerly direction. Some of the street will be redone to address the concerns that you are raising. It is necessary to acquire some rights-of-way to be able to improve the street.

Chairman Dehm asked who has the right-of-way at the intersection of 11th and School Streets.

Answer: School Street.

Commissioner Parkison asked if there was a plan of action to coincide with construction plans for improvement of School Street.

Mr. Hoistad addressed the School Street issue. He said that many easements have to be cleared up before School Street is changed. This has to be completed before School Street can be changed.

Commissioner Parkison asked if the chainlink fences were only for the soccer field.

Mr. Novak said he believed that was correct.

Commissioner Parkison said she was concerned that the access is so close to the school children.

Mr. Novak said the access at the front would be a better arrangement for all.

Commissioner Dunn favored widening the front sidewalk by whomever. If there is a sidewalk at the front that will allow pedestrian flow by the front of the building along School Street that will keep the public away from the play area. Are you coordinating with CDOT during construction periods and detour periods?

Mr. Novak said that School Street goes onto a hit list and we hope to squeeze it into the budget. Coordination with CDOT started about 8 weeks ago. We will try to stagger our construction traffic and have designated routes for our construction traffic.

Commissioner Dunn added another comment about the sidewalks. He suggested leaving the old growth trees in place and flow the sidewalks around them.

Chairman Dehm asked for emphasis on security. He would have no problem with having the school grounds completely fenced.

Commissioner Malloy wondered if applicant had concerns with conditions in the staff report.

The Chairman opened the meeting for public comment at 10:15 p.m.

Bruce Keone, 823 Pitkin Avenue, said that the old growth trees are important. He would like to see them stay. He said there was an issue with parking along School Street with people parking in the ditch. He thought the 8th Street realignment would increase traffic on Pitkin Avenue and School Street.

John Secorra, 1027 Pitkin Avenue, said there have been two neighborhood informational meetings which were poorly noticed. There have been comments not addressed, traffic in the neighborhood, access to the trails, the trees along School Street, parking, etc. The architects at the last meeting did not know whether they were meeting the Glenwood ordinances. There are still unanswered questions out there. To address the issue of School Street, the drop-offs will take place right by his property. School Street is a one way road. Everybody that goes in and out of the recycling center knows that two cars cannot pass. He said that entry from 11th and exit from 10th Streets would help the traffic flow.

At 10:22 p.m., the public comment portion closed.

Mr. Novak said they were looking at ways to save the old trees. The drive/drop area is counter clockwise and is a full block in length. This is greatly improved from what is there now. The cue goes all around so makes a block and half to drop students and move on.

Mr. Navarro said they had two neighborhood meetings to get some input from the neighborhood. The first one was at the end of the spring semester. We put out a flyer for that meeting a few days in advance. A few people showed up and offered some great input about site lighting, circulation, trees and landscaping. About two weeks ago we had a follow-up meeting with the construction manager and general contractor and a member from the GSES team. There was a lot of concern about traffic on Pitkin Avenue and the speeds travelled there.

Commissioner Malloy commented on Trent's statement that we had not received any input regarding this project. That refers to formal correspondence regarding the project, not to participation in public meetings held by the School District.

Chairman Dehm called for action on the item.

MOTION: Commissioner Malloy move to approve the location and extent review with the findings on page 4 of the staff report and the recommended conditions as written. Commissioner Wussow seconded the motion. The Chairman called for the question. The motion carried unanimously.

6. #20-16 - Consideration of a special use permit for a retail marijuana establishment for the manufacturing of marijuana infused products.

Applicant: Jeffrey Norvell
Owner: Mark Weller
Location: 3441 South Grand Avenue, Unit C-2 (PIN: 2185-223-00-005)
Zone: C/3 General Commercial

Trent Hyatt presented the staff report regarding 3441 South Grand Avenue which is proposed for manufacturing of marijuana infused products. This use falls under the definition a retail marijuana or medical marijuana business. The property is zoned C/3. Other properties in the area are warehouse and manufacturing. The proposed process uses non-combustible methods for extraction. There are other licenses required from the State and the City for this use. He explained the manufacturing process that uses heat and compression, no combustible gases used. This request is for extraction only. There will be no retail sales. No signage is planned. Special use considerations specific to marijuana apply. Parking for employees is only in front of building (two spaces allocated). One person will be employed at the location. The use is compatible with uses in the neighborhood. Odor is the potential negative impact. We have no experience with extraction operations. There will be a condition regarding odors. Storage is an accessory usage; product storage cannot exceed 25% of premises.

Comments received from various departments. Engineering recommended compliance with state requirements as well as addressing any odors associated with the use. Water and wastewater provided specifications for use of water there. No comments were received from adjacent property owners through the City's notification and comment referral process.

The Commission has three options: approve, continue, or deny. Staff recommends approval with conditions in staff report.

Questions to staff

Commissioner Malloy it appears that applicant has a concern regarding security. He wondered if the police department had any comments.

Mr. Hyatt said the police department did not have official comments. Discussion took place regarding potential odor complaints.

Commission Malloy asked about item 10 restricting the Council's ability to reevaluate or revoke the special review permit based solely on an odor emitting violation. Wouldn't it be appropriate to say "or any other matter regulated by the code"?

Mr. Hyatt agreed that could be added.

Commissioner Schachter was concerned about condition 5. This is a retail and medical marijuana establishment but they are not going to operate as a retail business.

Mr. Hyatt agreed that was correct. They would have to comply with any statements made in their application. This type of extraction falls under our definition for a retail establishment.

Commissioner Schachter asked if they decide to operate a retail facility which jurisdiction takes place.

Jon Hoistad said it would be the local jurisdiction.

Commissioner Wussow asked if we could have a condition calling for a second evaluation by the State Hygienist. Her concern is that they might deviate from the original agreement.

Mr. Hoistad explained the dual licensing system involving the state and the city. He said it would not be possible for the applicant to simply do what he wanted with the permits obtained.

Commissioner Parkison asked if the Health Code was involved in this operation since the extraction is for consumables.

Mr. Hoistad said he was not familiar with that requirement and thought the applicant may have some idea.

Commissioner Dunn was wondering about the physical processes. Will retail sales establishments come to this location to pick up product or will the product be shipped out? How will that work?

Mr. Hyatt said that applicant indicated they would deliver to their customers. Bulk product might be delivered to them. There is also testing involved. They will hold on site while being tested at lab.

Commissioner Malloy indicated he had questions for the applicant.

Jeff Norvell, 8040 Four Mile Road, Glenwood Springs, said that the goal is to help the flow of marijuana products that are in the system to get to where they need to go. We will process for other companies. We use a state-specified computer system. We deliver to the customer.

Commissioner Malloy noted that security was a concern. Are you coordinating with the police department? You have the same concerns as your business is done with cash.

Mr. Norvell said that the security guidelines are to keep us safe. They tell us what camera have to face what direction, how many cameras, how long video surveillance must be stored and where it must be stored. The police department must have access to it at any time. The security system was done to satisfy state requirements. We use Vision Security in Glenwood Springs. He is the sole employee.

Commissioner Malloy asked how much raw material they use and how it is delivered to the business.

Mr. Norvell said that a grower has its delivery driver make the delivery with a state-specified manifest indicating what is being delivered. Raw products will depend on how well our business is doing. We go to growers with left over raw product. We take it and turn it into usable product.

Commissioner Malloy commented that you would receive a truckload. . . .

Mr. Norvell replied that it won't be trucks, rather it is a regular vehicle and most likely the amount would be five pounds or less. That helps us guarantee the freshness of our product. He said that the waste goes back to whomever gave it to us.

Commissioner Malloy asked if he was okay with the conditions.

Mr. Norvell said he was.

Commissioner Blair asked if he understood correctly that the process does not rely on an open flame.

Mr. Norvell said he was correct.

Commissioner Blair commented that the building looked old and was very simple construction. He asked if the building created any problems for security.

Mr. Norvell said the simple construction helps with some of our security measures.

Commissioner Blair asked if the river at the back is an advantage for security.

Mr. Norvell said you would need a boat and rock climbing gear. The window that looks over the river comes with a 20 foot drop-off so we hope there is no problem with that. We added some bars over the window just in case.

Commissioner Blair commented that the application stated an employee would be on site full-time.

Mr. Norvell said an employee will be on site within the regulated business hours.

Commissioner Blair asked if he felt it was adequate security.

Mr. Norvell replied in the affirmative.

Chairman Dehm commented that he was concerned about the use of charcoal filters for odor control. He said there were products that were better for odor control. Addition of a diffuser at the end of the process would help reduce odors.

At approximately 10:01 p.m. Chairman Dehm opened the hearing for public comment. No one from the public was present to comment. The Chair closed public comment and brought the item back to the Commission for action.

MOTION: Commissioner Malloy moved to approve the Special Use Permit with the recommended conditions with two changes: a change to Condition 9 to add, "or any increase in the number of employees over two employees on site at any one time" Condition 2 needs the addition of "or any matter regulated by the code" and within 60 days "of notification of the violation" to clarify the time period. Commissioner Schachter seconded the motion.

Commissioner Blair stated he is usually opposed to anything regarding marijuana in the town because it detracts from the quality of the town but this operation would prevent unsafe operations in other facilities so he will vote for it as a great safety issue.

The Chairman called for the question. The motion carried unanimously.

7. Comments from the Commissioners.

Commissioner Malloy commented on the code revision committee which is really well done. He said they are currently working on revisions and it will be ready soon.

Commissioner Blair said he must have missed the code revision distribution. He would like to have a copy.

Commissioner Wussow said she would like to see a better system for placing things on the agenda so the maximum number of people aren't waiting for the last item on the agenda to come up.

Commissioner Dehm said he could fix that.

Commissioner Dunn wants to put something on the next agenda regarding the Community on the Move Committee or the A&I Tax Renewal for 15-20 minutes.

Chairman Dehm said that 6th Street has some good stuff coming.

8. Adjournment. 11:00 p.m.