



MINUTES  
CITY OF GLENWOOD SPRINGS  
REGULAR CITY COUNCIL MEETING  
DECEMBER 15, 2016  
101 W. 8<sup>TH</sup> STREET  
6:00 P.M.

9 Roll Call

Mayor Mike Gamba called the meeting to order at 6:06 p.m. Present: Stephen Bershenyi, Matt Steckler, Todd Leahy, Steve Davis, and Leo McKinney. Absent: Kathryn Trauger.

Also present were Debra Figueroa, City Manager; Karl Hanlon, City Attorney; Jennifer Oton, Assistant to the City Manager; Yvette Gustad, Interim Finance Director; Gretchen Ricehill, Interim Community Development Director; Terri Partch, City Engineer; Terry Wilson, Police Chief; Jill Peterson, Deputy City Clerk; and Trent Hyatt, City Planner.

10 Pledge of Allegiance

Mayor Gamba led in the Pledge of Allegiance.

11 Citizens Appearing Before Council. (For items NOT on Agenda - comments limited to 3 minutes)

There were no citizen comments.

12 Agenda Changes

No changes were noted.

13 Council Comments

Councilor McKinney thanked the Police Department for assistance at the crosswalks by Sopris Elementary School to keep the children safe.

Councilor Bershenyi reminded the community that the schools are out of session for the holiday vacation and drivers need to be vigilant to the presence of children.

14 Consent Agenda:

- A. Receipt of Minutes of the December 1, 2016 Regular Meeting
- B. Ordinance No. 37, Series of 2016; An Ordinance of the City of Glenwood Springs, Colorado, Amending the 2016 Appropriation Ordinance to Reflect Actual Revenues and Expenditures During Fiscal Year 2016, Including Anticipated Revenues and Expenditures (ONE READING)
- C. Ordinance No. 40 Series of 2016, An Ordinance of the City of Glenwood Springs, Colorado, Amending the 2016 Appropriation Ordinance to Reflect Reallocation of Funds for Tourism Promotion Advertising (ONE READING)
- D. Ordinance No. 28, Series of 2016; An Ordinance of the City of Glenwood Springs, Colorado, Amending the Previously Adopted Ordinance No 25, Series of 2015 Regarding the Vacation of Certain Rights of Way in the City East 6<sup>th</sup> Street (SECOND READING)
- E. Ordinance No. 29, Series of 2016; An Ordinance of the City of Glenwood Springs, Colorado, Amending the Previously Adopted Ordinance No 26, Series of 2015 Regarding the Vacation of Certain Rights of Way in the City Chestnut Street (SECOND READING)

- F. Ordinance No. 30, Series of 2016; An Ordinance of the City of Glenwood Springs, Colorado, Vacating a Portion of its Right-of-Way Interest in and to William Street (SECOND READING)
- G. Ordinance No. 31, Series of 2016; An Ordinance of the City of Glenwood Springs, Colorado, Vacating a Portion of its Right-of-Way Interest in and to Aspen Street (SECOND READING)
- H. Ordinance No. 32, Series of 2016; An Ordinance of the City of Glenwood Springs, Colorado, Vacating a Portion of its Right-of-Way Interest in and to the Grand Avenue Pedestrian Bridge (SECOND READING)
- I. Ordinance No. 33, Series of 2016; An Ordinance of the City of Glenwood Springs, Colorado, Amending Section 080.060.020(A) Residential EQR Classification of the Glenwood Springs Municipal Code (SECOND READING)
- J. Resolution 2016-39; A Resolution of the City Council of the City of Glenwood Springs, Colorado, Authorizing the Solicitation of a Sealed Competitive Proposal for a Street Sweeper
- K. Resolution 2016-40; A Resolution of the City Council of the City of Glenwood Springs, Colorado, Authorizing the Solicitation of a Sealed Competitive Proposal for a Jet/Vac Truck
- L. Resolution 2016-41; A Resolution of the City Council of the City of Glenwood Springs, Colorado, Authorizing the Solicitation of a Sealed Competitive Proposal for a Backhoe with a Concrete Breaker
- M. Approval of Advanced Meter Infrastructure Deployment
- N. Approval of Agreement for Professional Services to perform Assistant Judge Services for the City effective from January 1, 2017 through December 31, 2018
- O. Adoption of Changes 2017 Compensation Plan

***Councilor Steckler moved, seconded by Councilor Bershenyi, to approve the consent agenda.***

***The Motion passed by those present (Trauger absent).***

**15 Planning Item:**

- A. #33–16 Consideration of an Amendment to an Existing Annexation Agreement and the Conceptual Review of a Major Development Proposal  
Applicant: Craig Helm  
Owner: First Baptist Church of Glenwood Springs  
Location: 2225 Midland Avenue  
Zone: R/4 Residential Transitional

Councilor Leahy noted that he had recused himself on the item the last time Council heard this matter due to a personal matter. He stated he had no financial or other personal interest in this application and would be sitting in on the item.

City Attorney, Karl Hanlon, stated Councilor Leahy had consulted with him and there is no conflict as defined by State Statute or the Municipal Code and Charter.

Mayor Gamba asked Mr. Hanlon to provide an overview of Council’s action on the application this evening.

Mr. Hanlon advised there is an existing annexation agreement which is antiquated and limits the uses allowed on this parcel. The applicant is requesting an amendment to the agreement. Such an amendment would provide the parameters for the types of uses and development permitted on the

land, but it is not a specific development approval. Any development proposal must go through the City's full land use process. The last paragraph of the text proposed for the amendment clearly states it does not approve the application.

He noted the second consideration is a conceptual review of a development application. The two are unrelated.

Council noted the following concerns with the proposal:

- The revised agreement contained an exhibit for a conceptual development and this should not be included in the annexation agreement.
- Effect of current moratorium on development.

Mr. Hanlon stated any denial of the current development application in process would mean that a new application could not be submitted until the moratorium is terminated. The submittal of the conceptual plan means there is an active development application in process.

City Planner, Trent Hyatt, presented the item and indicated that the draft amendments to the agreement were presented along with the conceptual development review as it was felt it would be more difficult if they were separated. He reviewed the changes to the agreement as follows:

- Change to the location of development and allowed uses.
- Increase in density.
- The draft amendment is tied to the conceptual review but is not tied to any specific entitlement.
- System improvement fees would be brought up to date.
- Potential traffic impact fee.

He noted that Council could modify the annexation agreement as desired. No formal action was required on the conceptual review for development.

The applicant, Craig Helm, Western Slope Properties, highlighted the following aspects of the project:

- Design of units which would include studios to three bedroom units as small as 430 sq. ft.
- Preservation of open space and landscape at 72% of the total site.
- Traffic impacts and the offer of payment of transportation impact fees
- Proposed rents and sizes of units address affordable housing

Mr. Helm referenced excerpts from the City's Comprehensive Plan and policy plans supporting the proposal.

Mr. Mark Hogan, DIH Partners, noted the project fits the Comprehensive Plan and that people in Glenwood Springs should be able to live and work in the community. He encouraged the Council to approve the amendment to the agreement.

Mayor Gamba opened the item for public comment.

Randy Rippey stated a lot has changed in this vicinity of Midland Avenue. There are the Terraces and Cottonwood Landing developments, but in their area along this corridor the uses are single family

homes. He is not opposed to affordable housing but there are no guarantees of what will be charged for rentals. He does not want to see this development across from his house.

Julie Wilson said the request is to change the rules and the selling point of affordable housing is misleading. The HUD standards would require people to make \$41,000 to afford a unit. Human safety is a concern with the design. Residents of the complex will need to walk across a busy street with no stop signs or lights to reach a sidewalk. Residents will have to maneuver around vehicles and turn lanes. The residents will be driving to wherever they need to go. Midland residents want to see single family design with accessory dwelling units. She requested that Council protect their quality of life.

Chery Earnest stated she had sent an e-mail to Council and her main concern is Council's thought process on in-fill and impacts on infrastructure. She stated Mr. Helm altered his proposal and indicates Broadband is available at the site. She does not believe this to be the case.

Patty Hensley asked what the purpose of the moratorium was. She stated this is not the place for this development due to traffic, safety and the density and requested that Council deny the amendment.

Mark Howard stated he questions the affordability with \$1,000 rent for 460 sq. feet. There is a traffic problem even before the bridge work started. He does not believe this is the best location.

Jeff Fagan said the design is nice but he does not think this is the right location. Midland and 27<sup>th</sup> Street are a problem. He works at Valley View Hospital and very few employees bike and walk to work. The south bridge will be 35 million dollars. Is the traffic impact fee appropriate?

Mike Lowe stated it was a good presentation; however, Midland Avenue is not the place. As one of the owners of the Glenwood Adventure Company, he is aware of the challenges to find housing for employees. He encourages Council and the applicant to pursue options but the impacts on traffic is challenging. This corner is getting very dense.

Carol Kelly stated she lives across the street and purchased her home four years ago. It is peaceful but this development will change what they love about their location and Glenwood Springs. She suggested consideration for single family housing instead and that the nearby residents concerns be taken into account.

Tyler Desidario stated that people his age are struggling to live in the community and, therefore, he supports the project. We need to decide what kind of community Glenwood Springs will be in the future. Will there be a mix of classes and ages or a community that bows to a not in my backyard mentality?

Nick Kelly stated that residents walking to Valley View Hospital was not realistic and that nearby residents in Cottowood Landing and the Terraces do not walk or bike. He referred Council to the letter from Grace Stahlschmidt who was unable to attend that evening.

Bob Stepnewski requested approval of the amendment to the agreement as it addressed a number of issues. He works at the Glenwood Caverns and employees have been bounced from home to home. People are sleeping in cars because they cannot find affordable housing. Mr. Helm is stepping forward to try to address this issue.

Alti Chalung, stated he is in support of the project. Housing is a big issue and mainly affects young professionals. Many are commuting from further west. He likes the option for Broadband being available if it happens. Starter housing is needed.

Bill Young said he supports the project. He would like Council to approve the amendment so Mr. Helm can move forward.

Mark Smith stated his main concern is density and increased traffic. One bedroom units still generate two vehicles. Getting in and out of Midland Avenue is difficult. He favors affordable housing but there are other large parcels for sale.

John Korrie stated as a long term resident he has observed many changes. Glenwood Springs is not affordable and he does not believe it ever will be. The only way to control the population is to control housing. If everyone builds what they want, the town will be over crowded. The allowance for vacation rentals took away a lot of long term rental units.

Mark Gould stated the Council should be looking at Glenwood as a whole to determine where density is appropriate. The City needs employees that can live where they work. There seems to be similar density in this area. Midland needs to be fixed. If you let employees live there it will get fixed. Our children and grandchildren should be able to live in this town.

David Reynolds stated he was present to represent the property owner. They feel the current proposal is better than their prior application. He understands that the neighboring residents have enjoyed the vacant land, but it cannot remain that way forever. It needs to be developed. The City has a Comprehensive Plan which they believe they have addressed.

Chris Dunkin noted that the amendment to the annexation agreement allows more debate and appears to be in the spirit of what City Council requested. It is similar to other projects that have been approved. He encouraged the Council to approve the agreement.

Frank McIntyre stated development can have impacts. Direction from City Council on the number of bedrooms might be helpful to the applicant.

Melanie (inaudible), stated she does walk and ride a bike and that her generation favors many modes of transportation.

Ted Dahl stated the question is whether the rules should be changed. The City has grown and housing is needed but there are days when he cannot get out onto Midland. Emergency vehicles cannot get around either. He does not see good rationale to support the change.

Mayor Gamba closed public comment and asked if the applicant wished to respond.

Mr. Helm stated the site does not have issues and it is a good location for in-fill housing as called for in the City's Comprehensive Plan. Traffic issues will be alleviated.

Mayor Gamba called for a five minute recess at 7:52 p.m. The meeting was called back to order at 8:03 p.m.

Council noted the following in their discussion of the item:

- Broadband availability.
- Additional analysis of traffic information is needed.
- The development seems to fit with neighboring multi-family.
- Size and scale of buildings need to transition to surrounding uses.
- Changing use restrictions in the agreement may provide greater flexibility for housing.
- Deed restricted housing may provide advantages to applicant with certain responsibilities
- Amendments to the agreement will not provide certainty as to the current development proposal.
- Need to balance neighbors' concerns with rights of the land owner.
- Annexation agreement should be segregated from development proposal.

Mr. Hanlon said it seems Council's preference is an R/4 zone designation without other use restrictions so that development is subject to the Municipal Code requirements similar to other R/4 zoned property within the City. If that is Council's direction he can have further discussion with the property owner and applicant and return to Council in January.

***Councilor Bershenyi moved, seconded by Councilor McKinney, to continue Planning Item 33-16 to the regular meeting on January 5 to allow the City Attorney to make changes to the annexation agreement as outlined in the discussion.***

***The Motion passed by those present (Trauger absent).***

Council offered comment on the conceptual development plan as follows:

- Retain open space as much as possible.
- Larger structures against the hillside are less impactful but consider the building mass and scale impacts on neighbors and surrounding uses.
- Provide additional traffic analysis.
- Consider size and scale in terms of transition to surrounding uses.
- Consider deed restricted housing with permitted fee waivers and restricted rents.
- The development could fulfill a number of housing needs however traffic issues are a concern and analysis as to impacts on current conditions and after reconstruction of 27<sup>th</sup> Street Bridge and roundabout on the east side is needed.

16 Planning Item:

- A. #25-16 Consideration of a Request for a Special Use Permit for a Retail Marijuana Establishment  
Applicant: RJJ Mel Ray LLC  
Owner: Fattor Family Limited Partnership  
Location: 23 Mel Ray Road  
Zone: C/1 Limited Commercial

City Planner, Trent Hyatt presented an overview of the application noting the zoning of the property and outlining the applicable special review criteria. He noted the Planning and Zoning Commission voted 5-1 to deny the application finding that the application was not compatible with the Comprehensive Plan and small town character of Glenwood Springs.

Mr. Hyatt outlined the Council's action options and noted staff's recommended conditions should they choose to approve the application.

Council discussed the following points with Mr. Hyatt:

- Staff's recommendation is for approval.
- Access is acceptable and additional parking is proposed.
- Concern about large pole sign at the entrance to Glenwood Springs
- Materials proposed for the building and compliance with Commercial Design Standards.
- Concerns noted by the Planning Commission were mainly proximity to middle school
- Does the use fit the City regulations that were drafted?.

Dominic Mauriello, land planner, working with the applicant, Native Roots, advised the Council of the applicants' background and experience in the marijuana field. He noted changes that were made to the application during the process including the following:

- The addition of 10 parking spaces.
- Additional landscape strip along the highway frontage.
- Building design and materials.
- New dumpster location towards the rear of the site.

The store will be closed in the evenings and exceeds the 500 ft. minimum distance from the school. The applicant is flexible as to building colors and design and the signage. He noted there were 127 letters of support, although a few were eliminated as they were outside the city limits.

Mayor Gamba opened the item for public comment.

Rob Stein, Superintendent of the RE-1 School District, stated the implications of retail marijuana on children needs to be considered. He stated that 20% of high school students throughout the State are regular users and perceive less harm from marijuana. Please consider the message we are sending to our community.

Tina Schrader noted she was present on behalf of the Two Rivers Community School. The School is opposed to the location of the facility. The bus stop is located within close proximity to the use. The community is being overrun by marijuana shops.

Craig Amichaux stated his opposition. The City is under siege by cigarette and marijuana smokers. There is substandard behavior at the bus stop in front of this site which will get worse with this use. He stated he does not like the marijuana sign at the exit into Glenwood Springs. Many children walk on Highway 6 and there are no sidewalks on Donegan Road.

Joel Hathaway, Principal of the Glenwood Springs Middle School, stated he has taken the same walk that the children take after school which is by a liquor store, bar and bus stop. The neighborhood is not great for twelve year olds. The normalization of marijuana is a concern.

Sandy DeCrow stated she is the Assistant Principal at the middle school. The students are impressionable at this age. She is sad that this will be the first business that people will see at the West Glenwood exit.

Kim Conte said Glenwood Springs already has a reputation with respect to marijuana. When is enough enough? Families are leaving. Kids take this walk every day.

Shane Larson stated he is on the School District board and is a parent and coach. When you give a visitor directions to the town in the future you will say go by the marijuana sign and liquor store. There is no smoking on the premises, but the customers will go to the mall parking lot and many children visit the mall. This does not fit.

Shannon Pelland read a letter into the record from Mary Elizabeth Geiger, President of the School board which stated the use is too close to the school and that the combined use of selling gas and marijuana indicates that it is okay to drive and smoke marijuana. This the wrong message to children. Ms. Pelland stated Glenwood Springs is a family oriented vacation destination. This should not be the first thing at the entrance to the community.

Brad Stevens noted there were many comments about this not fitting the character of Glenwood Springs, but the use seems to be in full conformance and they've agreed to make concessions.

Mayor Gamba closed public comment.

Mr. Mauriello said his clients have indicated they would be willing to get rid of the green cross and reduce the height of the sign seven (7) feet, as well as change the awning color.

Mayor Gamba inquired about process for marijuana uses and stated the second step is the license.

Mr. Hanlon noted that the licensing would be considered by the City's hearing officer.

Council noted the following during discussion:

- Small town character is subject to interpretation.
- The site and signage at the exit from the interstate are highly visible.
- Sign should be brought into closer conformance with current sign standards with removal of green cross graphic.
- The allowance for marijuana use was per vote of the citizenry and the regulations have been amended to address issues raised by the community.
- Council is sensitive to comments relative to normalization of marijuana to young people.
- Remodel of the building and sign should be in conformance with City codes.
- Concern of precedent for future development in West Glenwood.

***Councilor McKinney moved, seconded by Councilor Leahy, to reverse the recommendation of the Planning and Zoning Commission finding that the special review use complies with the City's Municipal Code, goals, policies and plans and with the added condition that the applicant will bring their sign up to date with the current sign code.***

Mr. Hanlon recommended adopting conditions as noted by staff with an added condition number 4 stating that all signage, including the current non-conforming pole sign, shall be brought into compliance with the current sign code.

***Councilor McKinney amended his motion and Councilor Leahy amended his second to include conditions as noted in the Council staff report with an added condition number four that all signage, including the current non-conforming pole sig, shall be brought into compliance with the current sign code.***

AYES: Bershenyi, Davis, Leahy, McKinney, Gamba

NAYS: Steckler

***The Motion passed.***

17 Ordinance No. 36, Series of 2016; An Ordinance of the City of Glenwood Springs, Colorado Adopting a New Section 070.130.110 of the Municipal Code Establishing Uniform Standards for Deed Restricted Affordable Housing Developments (SECOND READING)

Mr. Hanlon stated he had received direction from Council at the earlier work session.

Mayor Gamba opened public comment. No one from the public addressed Council on this item.

***Councilor McKinney moved, seconded by Councilor Leahy, to continue the hearing to the January 5, 2017 meeting.***

***The Motion passed unanimously by those present (Trauger absent).***

18 Ordinance No. 38, Series of 2016; An Ordinance of the City of Glenwood Springs, Colorado, Amending Section 030.010.020 of the Municipal Code Regarding Administrative Departments

Mayor Gamba stated the amendment is to add the City Engineer position as a department head. He opened the item for public comment. No one from the public addressed Council on this item.

***Councilor Steckler moved, seconded by Councilor Bershenyi, to approve Ordinance No. 38, Series of 2016; An Ordinance of the City of Glenwood Springs, Colorado, Amending Section 030.010.020 of the Municipal Code Regarding Administrative Departments***

***The Motion passed unanimously by those present (Trauger absent)***

19 Ordinance No 39, Series of 2016; An Ordinance of the City of Glenwood Springs, Colorado Amending Section 020.030.010 Regarding Regular City Council Meeting Times (FIRST READING)

Mayor Gamba stated this ordinance will set the meeting time for all City Council meetings to 6:00 p.m. He opened public comment on the item. No one addressed City Council on the item.

***Councilor Steckler moved, seconded by Councilor Bershenyi, to approve Ordinance No.39 , Series of 2016; An Ordinance of the City of Glenwood Springs, Colorado, Amending Section 020.030.010 Regarding Regular City Council Meeting Times***

***The Motion passed unanimously by those present (Trauger absent).***

## 20 Council Reports on Board, Committee and Commission Meetings

Councilor Davis advised that the Chamber board is setting priorities for 2017 with housing being the top priority. The Parks and Recreation Commission had requested that the Chairperson of the Commission be chosen from the commission members rather than being chaired by the Director of Parks and Recreation.

Councilor McKinney stated the River Commission would like to meet with City Council in the future to clarify their role relative to trails.

Mayor Gamba attended the Mayors meeting where they discussed a multi-jurisdictional housing authority that would have taxing authority. Tools to develop affordable housing were also discussed.

## 21 Correspondence: Incoming/Outgoing

None noted.

## 22 Adjournment

There being no further business, the meeting was adjourned at 10:23 p.m.