



**Minutes
City of Glenwood Springs
Planning and Zoning Commission
Regular Meeting
February 26, 2019
Council Chambers, First Floor, City Hall
101 W. 8th Street
6:00 PM**

Chair Marco Dehm called the meeting to order at 6:03 PM.

The Commission unanimously approved seating Alternate Carolyn Cipperly.

1. Roll Call

Present at roll call were Commissioners: Marco Dehm, Amber Wissing, George Shaver, Kathryn Grosscup, Sumner Schachter and Alternate Carolyn Cipperly

Absent: Tim Malloy and Ingrid Wussow

Also present were: Jenn Ooton, Director/Asst. City Manager; Gretchen Ricehill, Assistant Director Trent Hyatt, Senior Planner Jimmy Uvodich, Planner I Anna S. Itenberg, City Attorney's Office Kathleen Michel, Admin. Assistant

- 2. Receipt of minutes of the January 22, 2019 regular meeting. Commissioner Grosscup mentioned on page 4 it should say fees instead of feet.**

MOTION: To seat alternate Commissioner Cipperly by voice vote. Motion carried by voice vote.

MOTION: Moved by Commissioner Schachter, seconded by Commissioner Grosscup, to accept the minutes of the January 22, 2019 regular meeting as corrected. Motion carried by voice vote.

- 3. Comments from citizens appearing for items not on the agenda. No one appeared.**

New Items

- 4. 04-19 – Consideration of a Rear Yard Setback Variance for an Accessory Dwelling Unit**

Applicant: Diane Reynolds

Owner: Murray & Diane Reynolds
Location: 1215 Blake Avenue
Zone: RM1 Residential Medium Density

Commissioners Schachter and Shaver recused themselves from this item and left the room.

Jimmy Uvodich, Planner I, summarized the project in accordance with the staff report.

- Variance for two-foot rear yard setback variance to construct an ADU.
- 861 square foot ADU on southwest corner of property.
- Applicant has agreed to reduce square footage of unit to meet code.
- Variance of thirteen-feet to allow construction.
- ADA unit with elevator when the applicant deems necessary.
- All surrounding properties are single family dwellings.

Mr. Uvodich reviewed the variance criteria,

- Topography, geological hazards and building configuration are difficult
- Code does not allow exception for ADA access
- Providing infill affordable housing and a joint driveway
- ADA units are more expensive to construct
- Minimum variance based on ADA recommendations

He concluded his presentation by stating that staff recommended approval of the variances with findings and conditions on page 4 and 5 of the staff report.

Questions to Staff

Commissioner Grosscup clarified the vehicular access to the property, making sure there is no access from the alley and the only access will be off Blake.

Commissioner Dehm had further discussion to clarify what is being proposed. Staff explained the proposal is for a two story ADU being accessed from the second story which sits 12 inches above the drive way. By ADA recommendations those twelve inches necessitate a 12-foot ramp, pushing the structure back. Commissioner Dehm specifically questioned why the ramp cannot run along the building allowing for the structure to be brought in.

Applicant

Diane Reynolds, 1215 Blake Ave, the ADU being set back from the driveway will serve many different roles. Setback will allow access to maintain backyard, place for snow removal and meet ADA requirements.

Questions to Applicant

Commissioner Dehm would like to see drawings of the ramp. Ms. Reynolds explained that she has been trying to get said drawings, but it has yet to be engineered. She would like to tie it in with the landscaping which has yet to be finished.

Commissioner Grosscup and Commissioner Cipperly asked questions about the access from the alley. The applicant clarified questions about the pedestrian entrance to the unit from the alley and from the driveway. Ms. Reynolds explained the unit will not have a deck and instead the unit will now have an at grade entrance terraced down into the backyard.

Commissioner Cipperly asked why the unit cannot be brought closer in because there is a 13-foot ramp and still 7 feet of flat ground to the door. This totals about 20-feet when there is only 13-foot ramp needed. Ms. Reynolds responded saying the ramp needs to meet the ADA standards, snow removal and access for maintenance.

Chairman Dehm asked for clarification regarding the Electric Department comments and if other buildings in the alley are in their rear setbacks.

Public Comment

6:39 called for public comment. None. Commissioner Dehm closed the public portion of the hearing.

Commission Discussion/Action

MOTION: Action Item 1: Commissioner Grosscup moved to approve a variance to allow a 2.7-foot rear yard setback with findings on page 4-5 of the staff report. Second by Commissioner Cipperly.

Discussion:

Commissioner Dehm again points out there is 20 feet to the door and not only 13 feet.

Commissioner Cipperly states the extra room allows for access around the building and snow storage which she believes is further reasoning to support the variance.

Commissioner Dehm tables the motion and reopens questions to the applicant.

Questions to Applicant

Commissioner Dehm asked Ms. Reynolds why she pushed the ADU so far back when he believes she does not have to. The applicant responded that she would like the ADU to be connected to the backyard, allow for maintenance access and snow removal. Commissioner Dehm and Ms. Reynolds discussed the setback and agreed to reduce if possible after engineering and soils have been completed.

Commissioner Dehm opens the motion.

Commissioner Grosscup amends the motion to add condition 3 that once engineering, and soils reports are available, the applicant will bring it back to staff to determine the setback is the least needed but not less than 2 feet 7 inches. Commissioner Cipperly amended her second.

Motion carried unanimously.

Commissioners Shaver and Schachter returned to the meeting at 6:55 p.m.

5. 01-19 – Consideration of a Major Site/Architectural Plan Review for a Multi-Tenant Office/Retail Building.

Applicant: Boldt/Glenwood Springs Properties, LLC
Owner: Centura Ventures LLC
Location: Lot 14, Glenwood Meadows No. 2 Subdivision, Wulfsohn Road
Zone: M1 Mixed-Use Corridor

Trent Hyatt, Senior Planner, summarized the project in accordance with the staff report.

- The site is 9.90 acres.
- Propose building on 3.3-acre area of disturbance
- 45,000 square foot office and retail building
- Retaining wall up to 24 feet will be redesigned with terracing
- Issues with amount of and type of open space
- Issues with retaining wall height and refuse container screening

- Improvements may need to be made with previous approval
- Articulating design features exceed the design requirement
- Issues with primary entrances not fronting Wulfsohn Road
- Outlines compliance with Comprehensive Plan

Mr. Hyatt reviewed the approval criteria.

- Plan meets all approval criteria except for the parts outlined previously
- Applicant has voiced the willingness to address all the mentioned issues
- Consistent with the Comprehensive Plan

Engineering had comments regarding soils, drainage, traffic, utilities and pedestrian connection

Water and Waste Water had comments regarding connections, irrigation, fire sprinklers and utilities ownership.

Commission Schachter clarified a typo on the presentation, to say north instead of south portion of the city.

Commissioner Shaver asked about the Midland Trail. Mr. Hyatt explained the applicant pay for certain improvements for the city, Midland Trail being one of them. He further explains the applicant may be required to pay a certain fee to another improvement directly related to their impact.

Commissioner Grosscup is concerned about the very important issues that still need to be addressed. Trent Hyatt explained the issues are captured under the condition of address all staff comments.

Discussion between commission and staff about the differences between the old code and new code in the level of detail required in the applications.

Commissioner Schachter talked with Mr. Hyatt about how many of the listed issues have been resolved and also about how much the project can change after P&Z approval.

Commissioner Shaver and Mr. Hyatt talk about the old HPOZ zoning requirements, the new limits of disturbance and how the slope on the site was calculated.

Applicant Presentation

Applicant, Ben Cantor, Milwaukee, WI, stated they have no intent to request variances, only to comply with the new code.

Questions to Applicant

Commissioner Wissing and the applicant discussed what uses will be going into the building. The applicant stated the uses will be limited to commercial. No one has signed up for any spaces, they are currently marketing.

Commissioner Grosscup and applicant talk about

- Necessary revisions
- Timeline of project
- The applicant stated they would be addressing the list of comments provided on the initial submittal.
- Redesign of retaining wall
- 70.40.90 (b)(2)(b) should exempt the requirement of the primary entrance
- Issues with the building design

Ken Griffy, Mechwan, Wisconsin, explained the materials are called out on the drawing of the building. Materials include, brick, stucco, metal panels, cast stone, warm- tone pallet

Commission and Mr. Griffy discuss

- What secondary entry would look like
- Elevation changes if entry is moved
- Blank section of the south elevation
- Motivation of commercial use vs residential use

7:31 called for public comment. No one from the public commented. Commissioner Dehm closed the public portion of the meeting.

Commission Discussion/Action

MOTION: Action Item 1: Commissioner Schacter moved to approve a Major Site/Architectural Plan Review for a 45,000 square foot Multi-Tenant Office/Retail Building with findings and conditions on page 7. Commissioner Shaver seconded the motion.

Discussion:

Commission has extensive discussion about the following:

- New code designed to delegate more to staff.
- If and when the commission would be able to review again
- Comparison of old and new code
- Intent of new code
- This is the first and would be confident to trust staff
- How new code is designed to work
- Discussion of completeness of an application

Called for question: **5-1 (Cipperly) Motion carried.**

7:45 break; meeting reconvened at 7:54.

- 6. 06-19 – Consideration of a Side and Rear Setback Variance for a Convenience Store**
- | | |
|------------|------------------------------------|
| Applicant: | Roger Titmus, Stinker Stores, Inc. |
| Location: | 2122 Grand Avenue |
| Zone: | M1 Mixed-Use Corridor |

Trent Hyatt presented the staff report:

- Proposal for 2800 square foot convenience store
- Relocation of fuel tanks will require a special use permit
- Front setback is not actually 111 feet the gas canopy is closer
- Rear setback of 1 foot
- Parking spaces are longer than code requirement
- Landscaping on site requires minimum 15%
- Street trees and landscaping strip are required
- CDOT and Engineering want to restrict the street access
- Small property for this zone designation
- Seems to meet variance requirements
- There are six action items

Trent Hyatt reviewed variance criteria-

- Lot is exceptionally small
- Location of fuel pumps and tanks are unique
- Applicant does not cause the problem or harm public
- No issues with fire code or building code
- Does not seem to be minimum variance required

CDOT identified front access issues, which may require easements, traffic analysis and a new access permit.

Engineering made comments about access, driveway lengths and widths. Along with drainage and delivery truck turning movements.

Comments from Water and Waste Water Department were typical of most applications.

Questions to Staff

Commissioner Schachter and Mr. Hyatt discussed impacts of side yard setback variance which included firewalls and access easement.

Commissioner Grosscup asked why staff denied some of the variances. Aisle widths are greater than they need to be and if reduced the building could be brought closer to the street. Further clarification about staff denial and approvals and how they are linked to each other.

Commissioner Shaver and Mr. Hyatt talked about the canopy distance from the property line and the potential requirements by CDOT.

Commissioner Schachter asked if the legal non-conforming sign will need to be brought up to code and the potential for a sidewalk adjacent to the property on 22nd Street.

Commissioner Dehm asked about the number of pumps at the location.

Applicant Roger Titmus, Stinker Stores, Inc., Boise, Idaho,

- Stinker has 25 stores in Idaho
- We have since acquired 40 stores in Colorado
- Parking spaces at a gas station are like a drive-through
- Location is top performing store. Construction will cause the store to close for three months
- Cooperating with Alpine Bank and its parking lot which may change the tree buffer area
- Delivery trucks back into the fuel area to unload.
- Increased storage size in the store will cut the number of deliveries per week

Questions to Applicant

Commissioner Shaver asked the applicant about how old the pumps were and if there had been thoughts about redesigning the entire lot. The applicant responded saying it is about as good as it is going to get.

Commissioner Grosscup asked about the dimensions of the aisles and building. The applicant responded saying the aisle are at their minimum width and the building has been reduced as much as possible.

Commissioner Shaver is concerned about the CDOT requirements and what impacts that would have on the property.

Commissioner Schachter discussed the viability of reducing the store by 400 square feet in order to meet code standards. Applicant responded that their model shows this is the minimum size viable.

Commissioner Cipperly and applicant discussed the parking situation on site.

8:39 PM Commissioner Dehm opened the meeting to public comment. Seeing none the public portion of the meeting was closed at 8:40 PM.

Commission Discussion/Action

MOTION:

Action Item 1a: Variance from Section 070.020.090(b) (Table 020.11) of the Glenwood Springs Municipal Code requiring a front yard setback maximum from arterials of 60 feet allowing for a 111 foot - 6.5-inch front setback in the Mixed-Use Corridor (M1) District. Staff recommends denial or take no action. **The Commission took no action.**

Action Item 1b: Commissioner Grosscup moved to approve a variance from Section 070.020.090(b) (Table 020.11) of the Glenwood Springs Municipal Code requiring a side yard setback of 5 feet (allowing for a 6-inch side setback in the Mixed-Use Corridor (M1) District. Commissioner Schachter seconded. Motion carried unanimously.

Action Item 1c: Commissioner Schachter moved to deny variance from Section 070.020.090(b) (Table 020.11) of the Glenwood Springs Municipal Code requiring a rear yard setback (from alley) of 7.5 feet allowing for a 1-foot rear setback in the Mixed-Use Corridor (M1) District with findings on page 7; Commissioner Grosscup seconded the motion.

Discussion:

The Commission discussed the undesirable uses of space behind gas stations. Pushing building back helps circulation and gives space at front for landscaping. Commissioners expressed opposition to the staff-recommended denial.

5-1 to deny Commissioner Wissing yes. Motion failed.

Action Item 1c: Commissioner Schachter moved to approve a variance from Section 070.020.090(b) (Table 020.11) of the Glenwood Springs Municipal Code requiring a rear yard setback (from alley) of 7.5 feet allowing for a 1-foot rear setback in the Mixed-Use Corridor (M1) District with findings on page 7 and conditions as they apply from 1b. Commissioner Grosscup seconded. Motion carried unanimously.

Action Item 2: Commissioner Grosscup moved to approve variance from Section 070.040.40(c) of the Glenwood Springs Municipal Code to reduce the amount of common open space required for at the site from 10 percent to 2.17 percent. with findings and conditions on page 8, excluding condition 1, second Commissioner Shaver. Motion Carried unanimously.

Action Item 3: Commissioner Schachter moved to approve variance requiring 15% of site be landscape and number of trees and shrubs subject to findings and conditions on page 8 add condition 2 which restricts the landscaping to a 2.7% minimum on site. Commissioner Cipperly seconded.

Discussion about who installs or maintains the landscape that should be addressed at the special use permit. **Motion carried unanimously.**

Action Item 4: Commissioner Grosscup moved to approve variance of street trees every 15 feet and 5-foot-wide planting strip requirements, Commissioner Schachter seconded. Motion carried unanimously.

Action Item 5: Commissioner Schachter moved to approve variance of said parking area to be landscaped, with findings on page 9. Commissioner Shaver seconded. Motion carried unanimously.

Action Item 6: Commissioner Schachter moved to approve variance requiring corner lots to provide prominent entries along both facades with findings on page 10. Commissioner Shaver seconded. Motion carried unanimously.

7. 03-19 – Consideration of amendment to Sections 070.030.030(e)(10) – (e)(11), 050.080.080(b)(2) and 050.090.090(b)(2) of the Glenwood Springs Municipal Code to extend the business hours for medical marijuana businesses and retail marijuana establishments to 9:00 p.m.

Applicant: City of Glenwood Springs
Location: City-wide
Zone: M1, M2, M3, CO and I2

Gretchen Ricehill summarized the proposed code change to the hours of operation from 7 PM to 9 PM. She indicated that staff recommended approval. She noted that the requested change was based on a request from the owner of the Green Joint on Grand Avenue. Ms. Ricehill noted that staff received an email prior to the meeting requesting that the Commission deny the extension of business hours.

Questions to Staff

Commissioner Grosscup, Commissioner Shaver and Ms. Ricehill discussed previous proposal in 2015 to change marijuana hours and the requirements and regulations of other communities -

- Council took no action on previous request to extend hours to 10:00 p.m. Instead, they modified the procedure to include hearings before P&Z and City Council and extended the minimum separation between businesses.
- Moratorium on processing marijuana related businesses
- Different hours of operation for different zoning
- Other communities' hours of operation for marijuana and liquor businesses

Public Comment

Opened at 9:16 PM

Bob Noone, 1031 Cooper Avenue, talked about the following:

- Other stores have no residential impact.
- Green Joint is in middle of historic residential neighborhood. In the past, community did not want to have an extension of hours of operation.
- Read from Police Chief's report from 2015 favored keeping closing hours at 7:00 p.m.
- He sees customers come out with purchase, discard wrapping, light up and drive away.
- Hurts residential character of the neighborhood
- Residents have not been given the opportunity to get together
- Requested that question be continued to give the neighbors an opportunity to meet with Police Chief and others and prepare their argument against the extension of hours.

Frank Soderberg, 1106 Cooper, complained about parking for such businesses. There already exists too much traffic and noise.

Ty McSwain, 1032 Cooper Avenue, problems with parking in residential neighborhood. Traffic and parking concerns. A park is directly across the street from the Green Joint. There are problems with customers of the Green Joint. He would like to shrink the hours. Please don't extend hours.

Mary Noone, 1031 Cooper Avenue, spoke about the negative effect on neighborhood.

Chris McSwain, 1032 Cooper Avenue opposed to the change. Customers using the product outside the establishment causes bad smell. This business is hard on our neighborhood. There are questionable people along with fine people.

Ann Rector. 1017 Cooper Ave., indicated that she moved into a great neighborhood and discussed the impact of this business on the neighborhood.

9:37 PM Chairman Dehm closed the public portion of the meeting.

Commissioner Schachter and Ms. Ricehill discuss the origin of the request. Ms. Ricehill indicated that Dan Sullivan, owner of the Green Joint appeared before City Council and the Planning and Zoning Commission several months ago to request the change of hours.

Commission Discussion/Action

Commissioner Schachter commented that he did not experience the same problems other neighbors describe. We have not been given enough information. He believes Glenwood Springs offers an ample opportunity for marijuana business as the hours stand. He is opposed to this code change.

Commissioner Grosscup commented that Glenwood is a desirable place to live and work. Applicants for new stores have not been concerned about the current code restriction on the hours of operation.

Chairman Dehm commented saying that there are other commercial uses that could go in place of this establishment which could create more disturbance to the neighborhood. He would like to get more information.

Commissioner Cipperly asked about enforcement of rules that are already on book.

MOTION Action Item 1: Consideration of amending Municipal Code sections 070.030.030(e)(10) – (11), 050.080.080(b)(2) and 050.090.090(b)(2) to extend the business hours for medical marijuana businesses and retail marijuana establishments to 9 p.m. Commissioner Schachter moved to deny the action. Commissioner Grosscup second.

Yes: Schachter & Grosscup

No: Shaver, Wissing, Dehm and Cipperly

Motion to deny failed.

Commissioner Wissing would like to hear more directly from the residents and how the marijuana industry is changing by asking Chief Wilson's opinion

Motion: Commissioner Wissing moved to continue item to the regularly scheduled April meeting, Commissioner Grosscup seconded.

Discussion:

Commission requests to see location and zoning of all marijuana establishments, all uses and special uses in C2 (now M2) district, transitional zone, parking.

10:00 PM

Motion to extend meeting past 10:00. Motion passed unanimously.

8. Commissioner Comments

Commissioner Schachter commented on the work and information shared with other members.

Commissioner Wissing watching others working with the new code and some unintended results.

Commissioner Cipperly is surprised with the new code. Finds this fun and interesting.

Commissioner Shaver says it would be nice not to have so many unaddressed issues in the application submittals.

Commissioner Grosscup says Airport consultants are coming on March 6 at Sopris Elementary.

Commissioner Schachter suggested need for workshop about the new code.

Commissioner Shaver is confident they will get where they need to be with the new code.

9. Director Comments

Jenn Ooton talked about the meeting on North Landing at Hotel Colorado 5:30 take input on North Landing plans. Public art piece going in at the North Landing. Next meeting will include a text amendment for sidewalk cash in lieu.

Ms. Ricehill next meeting will include a review of sign variance criteria.

10. Adjournment 10:09 p.m.