



**MINUTES**  
**City of Glenwood Springs**  
**Planning and Zoning Commission**  
**Regular Meeting**  
**May 28, 2019**  
**Council Chambers, First Floor, City Hall**  
**101 W. 8<sup>th</sup> Street**

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

**1. Roll Call**

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

Absent: Dean Kinkel

Also present were: Jenn Ooton, Assistant City Manager, Economic & Community Dev. Director  
Gretchen Ricehill, Assistant Director  
Anna S. Itenberg, City Attorney's Office  
Kathleen Michel, Admin. Assistant

**2. Receipt of minutes of the February 25, 2019 special meeting and April 23, 2019 regular meeting.**

**MOTION: Moved by Commissioner Malloy, seconded by Commissioner Shaver, to accept the minutes of the February 25, 2019 special meeting. Commissioner Dehm abstained. Motion carried by voice vote.**

**MOTION: Moved by Commissioner Malloy, seconded by Commissioner Shaver, to accept the minutes of the April 23, 2019 regular meeting. Commissioner Grosscup and Commissioner Wussow abstained. Motion carried by voice vote.**

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

## New Items

4. 05-19 – Consideration of various code text amendments to Municipal Code Title 070.040.070 Access and Circulation and 070.060.070 Flexibility and Relief Procedures.

Applicant: City of Glenwood Springs  
Location: City wide  
Zone: Various

Jenn Ooton presented the staff report.

- Redevelopment would not require sidewalks on both sides.
- Cash in lieu amounts to be set by Council resolution and paid into a separate fund for pedestrian improvements.
- Two-year period must pass before seeking further structural modifications.

Discussion between Commissioner Malloy and Director Ooton regarding language for the code.

Commissioner Grosscup brought up the Devereux Road project that prompted re-examination of code language and Commissioners commented on a proposed situation.

[Recording Starts]

Commissioner Schachter spoke about the character of the Devereux neighborhood and requiring a sidewalk to nowhere, but still concerned about connectivity.

Commissioner Schachter and Director Ooton discussed why one acre or more lots are exempt from the sidewalk requirements. They also talked about the wording about how funds are used and when they are paid.

Commissioner Wussow and Director Ooton discussed engineer's estimate in the staff report.

Commissioner Shaver and Director Ooton spoke about the variations in sidewalk width and the difference between residential and commercial.

Commissioners Malloy and Shaver and Director Ooton discussed the balance of building the sidewalk and the fee-in-lieu.

Commissioner Wussow suggested that Rockledge be included in the list of streets and asked who has final say to allocate the funds when the fee-in-lieu is paid.

Director Ooton said there would be no variance regarding the sidewalk requirement.

Commissioner Malloy wanted language added to provision to allow a variance from the design and materials but not from providing the sidewalk or fee-in-lieu.

Commissioner Wussow asked about the procedure before the P&Z and would like an avenue of relief or variance when things are not so black and white.

Commissioner Malloy says this may be a unique case. This situation allows for a fee-in-

lieu based on certain criteria and if a variance is allowed, the criteria could prevent the collection of that fee.

Commissioner Schachter asked what would happen when engineering determined a sidewalk is not possible in the location or does not want it in that location at that time. It would be up to the City Engineer at that point.

Commissioner Shaver agrees with Commissioner Wussow that there should be an avenue for relief in the form of a variance.

Discussion concluded that Engineering has the ability to decide whether fee or sidewalk is required.

Commissioner Wussow

- suggested allowing P&Z to recommend a percentage of exemption to the financial aspect
- believed applicant has the right to be heard
- glad there is an appeal process for the applicant

Director Oton pointed out that the code does not consider financial aspects a hardship.

- Engineering to decide whether sidewalks on one side or both
- Fee used for future construction of pedestrian projects
- Cannot be used for maintenance and operation costs

Anna Itenberg, City Attorney's Office, wants to look at code to see what is required for an appeal.

Commissioner Malloy is concerned with the fee-in-lieu requirement language, wanting to broaden the criteria for fee-in-lieu and narrow exemptions.

Further discussion from commission and staff

- Doing away with exemptions and creating a mandatory fee
- Keeping things as it was proposed
- Adding the possibility for a variance
- Appeal process
- Development is wanted but only if supported by improvements
- Make it clear that money cannot be a reason for a variance
- Money cannot be use for maintenance, only for construction
- Getting engineering involved in the conversation and attend next meeting

Chairman Dehm stated he believes how the code is currently written will work. He believed that the Code is becoming more complicated and that was not the intent when it was redrafted.

Commissioner Malloy asked about removing the 1-acre lot exemption. The Commission requested information about the origin of that exemption. Commissioner Malloy asked Director Oton to consider a process by which people could add their street to the exemption list and a process by which someone could appeal the sidewalk minimum width requirements.

Chairman Dehm believes variances provide a necessary flexibility when a project does not neatly fit into the Code requirements.

Commissioner Malloy summarized that the city is asking a developer to create a sidewalk or pay a fee. The variance will remain for the sidewalk and the specific design requirements such as width.

**MOTION: Commissioner Schachter moved to continue the meeting with the requirement that staff submit changes and provide additional information regarding some or all of the amendments and the discussion by the planning commission and its input. Commissioner Shaver seconded the motion.**

Discussion: None

**The motion carried unanimously.**

5. General Discussion. Commission Priorities-preparation for Council/Board & Commission meeting.

Gretchen Ricehill started discussion regarding City Council wanting to sit down with the boards and chairs to discuss their top two goals. Commissioner Schachter will participate in Chairman Dehm's place on July 2.

Ms. Ricehill and Commissioners discussed:

- P&Z can still add to the list and decide in June what the two priorities are.
- Look at the big picture.
- We need to limit ourselves to two priorities from a lengthy list of ideas.
- Moving recycle center downtown
- Housing

Commissioner Schachter and Chairman Dehm discuss that recommendation should go to council and then come back with their focus on housing elements.

Commissioner Grosscup explains that housing is so large and will be important to start the presentation with the different types of housing.

Commissioner Malloy and Director Ooton discussed the purpose of the strategic plan.

Commissioner Shaver wondered who is meeting with Council and Director Ooton provided a summary of the city's current boards and commissions.

6. Commissioner Comments

Commissioner Malloy asked what happened to the unresolved code issues regarding changes to sensitive area protection standards from last meeting. Ms. Ricehill responded saying it is a delicate process reopening this particular section of the code.

Commissioner Grosscup would like to hear about the landscaping schedule for the bridge area.

Commissioner Malloy asked about the activation under the Grand Avenue Bridge and water features.

Commissioner Wissing asked how to respond to comments about ANB.

Chairman Dehm asked about a final design of 7<sup>th</sup> street and wanting more trees.

Director Ooton and Ms. Ricehill explained the difficulties of that in regard to the utilities in that location.

7. Director Comments: None.

8. Adjournment 8:25 p.m.

APPROVED