



MINUTES
City of Glenwood Springs
Planning and Zoning Commission
Regular Meeting
July 23, 2019
Council Chambers, First Floor, City Hall
101 W. 8th Street
6:00PM

1. Roll Call

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

Absent: Alternates Cipperly and Dean Kinkel

Also present were: Trent Hyatt, Senior Planner
Hannah Klausman, AICP, Senior Planner
Jenn Ooton, Asst. City Manager, Director
Anna S. Itenberg, City Attorney's Office
Kathleen Michel, Admin. Assistant

2. Receipt of minutes from the June 25, 2019 regular meeting. On motion of Commissioner Grosscup, seconded by Commissioner Malloy, the minutes were approved with a correction on voice vote with Chairman Dehm abstaining.

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

New Items

4. 16-18 – Consideration of an amendment to a Major Development Permit to allow an extension to a deadline for parking lot paving.

Applicant: Iron Mountain Hot Springs, LLC
Owner: Iron Mountain Hot Springs, LLC
Location: 281 Centennial Street
Zone: RE Resort District

Hannah Klausman presented the staff report. This is a continued item.

- Staff recommends denial.
- Design variance allowed unpaved parking lot for four years from approval or if a new application is made.
- New planning application in 2018.
- This item continued for more information.
- Most conditions satisfied.
- River trail is still being worked on.
- Major site architectural plan is consistent with purpose and intent of code
- Applicant has long-range plans that may change what was envisioned at the beginning
- Compromise is to pave the original 90 parking spaces leaving other areas unpaved.
- Colorado River District is concerned about volume of traffic generated.

Staff recommends denial, meaning that paving would happen now.

Questions to Staff

Commissioner Malloy had many questions about the parking expansion

- No approval was requested, and no approval was granted
- It seems the only argument being presented to not pay it currently is an economic one
- Asked numerous questions regarding redesign or expansion of the various parking areas

Hannah Klausman

- No development happened that would trigger a requirement to expand the parking lot
- Argument is relying heavily on the fact that a redesign of the parking lot would be difficult based on new development calling for it but no specific numbers
- Answered numerous questions regarding redesign of parking area
- Will let applicant present newly submitted design for parking area

Commissioner Grosscup

- Concerned about lighting requirements
- Concerned about the increase in impervious surfaces and when that will be triggered

Hannah Klausman responded

- Variances were granted regarding lighting
- 90 spaces were required per original permit. If any new development requiring more than the said amount of spaces, that would be a major trigger

Commissioner Schachter

- Verified that only original 90 parking spaces are involved and no bearing on future development.
- Does there come a point of violation from using the unpaved parking area?

Hannah Klausman

- There is an active application going on and there are some hang ups. After conversations with application things will be dealt with in a timely manner.

Applicant presentation: Mogli Cooper presented a drawing of the current road and how the future roadway will change when they build employee housing and an office.

- CDOT plans to build new office building and employee housing
- Per applicant's development plan, paving parking lot would require redoing what has been paved
- City lift station is outdated and needs relocation.
- The developer must replace lift station before the housing is built
- Asking for extension of paving to November 2021.
- She circulated photos of buildings and of Centennial Street
- Access exists for emergency vehicles
- Pedestrian access exists in parking lot

Questions to Applicant

Commissioner Wussow stated the applicant answered all her questions, specifically the rationale for being noncompliant.

Commissioner Malloy and Ms. Cooper had a conversation about timeline of development and where the parking would be redesigned. There was also talk about the location of the sewer line and lift station.

Commissioner Schachter and Ms. Cooper discussed the date of extension, mid November 2021, and location of sewer line. Commissioner Schachter also asked when a new development application will be submitted.

Commissioner Shaver asked about the trail easement and City Attorney Anna Itenberg answered they are hashing out the agreements of the easement. Commissioner asked about how future development of rezoned parcel will affect paving.

Ms. Cooper, Ms. Itenberg, and Commissioners followed the approximate easement location on the map provided by Ms. Cooper.

Commissioner Grosscup wondered if Ms. Cooper would be interested in a partial paving. Also asked how certain she is about the impacts of the CDOT employee housing building will have.

Ms. Cooper responded saying the impacts are mostly infrastructure.

Commissioner Malloy made an argument that there should be parts of this parking lot that will be more and less impacted by future development. Also asked when certain material has been included in the packet.

Jenn Ooton explained that until a full application has been submitted it can be very difficult to include that in the packet.

Ms. Cooper explained this has been an ever-changing project and changing plans dealing with CDOT.

Opened public hearing 6:52. No one to speak. Closed.

MOTION: Commissioner Wussow moved to approve extension to November 14, 2021 with

rationale that repaving multiple times does not support Comp Plan. Commissioner Shaver seconded the motion and discussion followed:

- Being asked to make decision with incomplete information.
- Asked for the specific information.
- Wanted to continue for full information.
- Question is whether to continue or grant a full approval
- Why not tie the extension to a more complete application and presentation.
- Allow a continuance for 60 days for better information.

Commissioner Wussow withdrew her motion. Commissioner Shaver withdrew second.

MOTION: Commissioner Malloy moved to continue application until an application for development of the adjacent CDOT parcel or December 31, 2019 whichever comes first. Commissioner Shaver seconded.

Discussion:

- Wanting as much information as possible in order to stop kicking the ball down the road
- Do not want an incomplete application; same issues will still be present
- Information that supports why the paving should not happen now

Ayes: Dehm, Shaver, Schachter, Malloy, Wussow, Wissing

Noes: Grosscup

Motion carried.

5. 10-19 – Consideration of a Site/Architectural Plan Review for the construction of a 9,428 square foot bank/office building.

Applicant: Brad VanArsdale
Owner: ANB Bank
Location: 910 Grand Avenue
Zone: M2 Mixed-Use Core District

Trent Hyatt presented the staff report

- Approval tonight means application still needs to go through approval from staff
- Demolition of two mixed-use commercial buildings
- 9428 square foot building will be built in place
- Use by right in this zone district
- 4000 square feet of landscaping being proposed
- Exempt from parking requirements because of its location in the GID
- Explanation of design standards
- Access permit from CDOT is required
- Historic preservation district had requests for documents and materials
- Presented materials board

Options: approve, approve with conditions, deny or continue for further information.

Questions to staff:

Commissioner Malloy asked

- Difference between downtown design standards versus the non-residential mixed-use design standards.
- If the parking lot to the north of real estate office is part of this project
- If there is a requirement for zero lot line setbacks
- If the building meets both downtown design standards and mixed-use nonresidential design standards

Trent Hyatt confirmed the zero lot line setback requirement and the difference in design standards

Commissioner Schachter asked

- What is the size of the parking lot existing compared to proposed?
- Is there justification for this project in the Comprehensive Plan?

Trent Hyatt explained the parking lot will be bigger in overall size and confirmed the justification in the Comprehensive Plan.

Commissioner Shaver asked questions about the entrance to the property meeting code.

Commissioner Grosscup asked further questions about the entrance meeting the code as well.

Commissioner Malloy asked how many tenants are being displaced and more questions regarding the entrance.

Commissioner Grosscup wondered if requests from DDA and Historic Preservation were met by applicant.

Trent Hyatt explained and answered the various entrance questions and said staff believes it meets code. Mr. Hyatt said design revisions were made after comments from DDA and Historic Preservation were received.

Bob Natucchi, Castle Rock, Colorado, who manages the real estate for ANB Bank spoke about design accommodations to the slope of the property.

- Colorado bank, not a national bank
- Location of entrance is based on grade change and to meet ADA requirements
- Community bank in Glenwood Springs for 29 years
- Goal is to be in the downtown area
- Brings business jobs into downtown
- Proto-typical design for ANB is red brick with a lot of windows
- Kept elements and comply with local design standards
- Seven tenants currently in the building;
- Every lease had termination clause;
- Twelve months' notice and twelve months of free rent

Questions to applicant:

Commissioner Malloy asked applicant to clarify the entrance and property slope

Bob Natucchi explained the property slope and where the building floor dips below grade

Commissioner Malloy does not believe the slope and building being below grade is a good reason to relocate the entrance away from Grand Avenue as is proposed.

Commissioner Malloy discussed the entrance location with the applicant and how the tenants feel about the lease termination terms. Applicants said they had amicable agreements with tenants to terminate leases.

Commissioner Wussow and applicant discussed the materials being used on the building. The materials are all modern rather than historic.

Commissioner Shaver asked where the materials will be located on the actual building.

Applicant went through showing where the materials will be located

Commissioner Schachter asked if the applicant considered offering space to the current displaced tenants and if they ever considered putting the bank on the second floor.

Response: Applicant has offered space and, no, the bank was not considering being on the second floor.

Commissioner Grosscup and applicant discussed ANB brand of building and colors, how many employees will fill the building, size of the parking, alley way access and where the employees will park.

Commissioner Wussow confirmed there will be no drive through provided and materials being used compared to other locations.

Commissioner Grosscup and applicant discussed the street trees and Trent Hyatt confirmed there will be 5 street trees

Commissioner Dehm confirmed the Planning & Zoning Commission has the final say on this project. Further discussion with Trent Hyatt about new and old code regarding parking location.

Commissioner Schachter asked about window percentage requirement and the potential reduction in the percentage of windows.

8:12 p.m. public hearing opened to speakers

Margie Crowe donated her time to Laura Speck, Silver Bead

- Variety of different business in town.
- Spoke about the decimation of this area.
- Wrong direction for Glenwood Springs
- Did not see this type of development coming
- No drive thru is concerning

Rachel Windh, 728 Bennett Avenue

- Opposed to the proposed change.
- Banks do not favor tourism

- Worried about more banks doing the same thing
- Hurting community

Ken Melby 250 Creekside Court

- Favored old style in downtown.
- Downtown is shrinking.
- Design does not fit

Cheryl Guay, 3106 Hager Lane

- Opposed to so many banks in downtown.
- Concerned about bank taking her next location.
- Happy with being able to stay until the end of May

Laura Kirk, 311 Main Street, Carbondale

- Design does not match the downtown character
- Entry takes away from vibrancy and access from the street
- Concerns are aligned with Historic Preservation Commission

Chrissy Lee-Manes 713 Cooper Avenue

- In favor of small businesses, against large corporate entities.
- Downtown is shrinking with less pedestrian traffic.
- Request new special zone district to protect businesses

Jim Pamnee 592 Evergreen Road, Silt

- Concerned about CDOT traffic counts
- Parking spaces cannot accommodate for this business

Laura Speck spoke a second time

- Business ownership and sales tax revenue
- Comparing marijuana laws and creating a dead zone in downtown
- Quote by Gandhi

Michael Blair, 1204 Sprucewood Lane

- Asked that the building reflect town's history.
- Small retail commercial business is what makes a town live.
- Other new buildings have followed historic design.

Chrissy Lee-Manes, 713 Cooper Avenue

- Talked about the effort required for an awning at her business.
- Concerned about the comparison between an awning and an entire bank

Barbara Ford, 502 Highland Park Drive

- Local business owner and soon to be homeowner

Dan Angeloro, 602 Cowdin Drive

- Moved here from East Coast.
- Braggs to everyone about historic Glenwood Springs
- The bank is not the right move

Closed public portion at 8:40 p.m.

Commissioner Malloy clarified what they are reviewing which Trent Hyatt confirmed is 070.040, development standards.

Called for a motion:

MOTION: Commissioner Malloy moved to deny application on the grounds it is not consistent with the Comp Plan with findings based on the following standards: Section 070-040-090(d)(1)(b), section 070.040.090(d)(1)(c), section 070.040.090.(d)(1)(d), section 070.040.090.(d)(2)(c). The proposal is also inconsistent with the following policies in the Comp Plan: promote long term sustainable diverse economic development, maintain Glenwood Springs as the regional tourism retail center for Garfield County that attracts diverse businesses and industries, retain longstanding tourist market, preserve small town character while maintaining the livability of Glenwood Springs and increasing the vibrancy of commercial success of the downtown core, supports social diversity.

Commissioner Wussow seconded for purposes of discussion

Commissioner Wussow withdrew the second because Commissioner Malloy had not stated his findings yet

Commissioner Schachter seconded.

Discussion

- Bound by Code to act on an application
- Does not provide social diversity
- Understated ethical obligation to look after the community
- Architectural rendering and site use not compatible with Comp Plan
- Downtown specialty retail district focused on restaurants and small shops
- Existing banks in downtown comply with historical guidelines
- Pedestrian oriented goal is not met
- The old building will not stay
- Encourage people to come out and
- Encouraged discussion between the bank and tenants

Called for the question:

Carried unanimously to deny the application.

6. 16-19 – Consideration of a Special Use Permit to allow for a retail marijuana establishment.

Applicant: Good People LLC dba Stash
Owner: Don Garrett and Shawna Renee Patrick
Location: 2550 Highway CO Highway 82, Unit A112
Zone: M1 Mixed Use Corridor District

Trent Hyatt presented the staff report.

- Current proposal to rehab a space into a retail marijuana outlet

- Retail marijuana is allowed per zone excluding cultivation
- This is half of the former liquor store space
- City and State licenses required per criteria
- Special use permit granted by P&Z and City Council required
- Asked permit holder on South Grand to relinquish his undeveloped SUP
- No comments were received from reviewing agencies or public

Options are approve, approve with conditions, deny or continue for more information.

Questions to Staff:

Commissioner Malloy

- Asked about the other special use permit holder on South Grand
- Concerned about left hand turn entering and exiting the property
- Significant uses in the Glenwood Commercial Center
- Comp Plan says retail that would compete with downtown retail is discouraged

Trent Hyatt

- Confirmed current permit holder would have prevented this store
- Discussed concerns about left turn but nothing planned to be done. CDOT did not want anything to be controlled
- Distance from downtown could preclude it from being considered competition

Commissioner Schachter asked what would happen if a school decided to go within 900 feet of this new marijuana shop and Mr. Hyatt explained the retail marijuana shop would be a legal non-conforming use.

Commissioner Shaver believes there may be need for a code revision on the different distinction of schools.

Commissioner Grosscup wonders why Glenwood is so unique in marijuana buffers from schools.

Shauna and Garrett Patrick spoke on behalf of their application.

- Began as a medical dispensary to help people
- Converted later to a retail shop as a business decision
- Employee and customer education
- Currently grow in Old Snowmass
- Had an offer on their business in downtown Aspen
- They are a mom and pop operation
- Focus on the quality of the product to differentiate themselves

Questions to Applicant

Commissioner Malloy wondered if there were any adverse effects that may negatively impact the community from this establishment and if anything, explaining those impacts were submitted with the application, as is required by section 070.060.050(e)(3)(e)(2)(vi) of the Code.

Shauna and Garrett explained edibles as depending on what chemicals have been used to extract, can cause stomach problems with the user and they did not include things explaining

impacts in the application.

Commissioner Dehm clarified they are not doing medical any more and the applicants confirmed that.

Commissioner Grosscup asked why only retail allows them to service and help more people when other applicants explained the opposite.

Applicant explained switching to retail has allowed more freedom to give discounts and help people.

Commissioner Wussow asked what they purchased in the building and the applicant responded with only one of the two previously occupied spots.

Open to public 9:30 p.m.

Michael Blair opposed to selling marijuana in our community. That location is very difficult for anyone making a turn there. There should be an effort to improve the access point at this location.

Barbara Ford, 502 Hyland Park Dr., owns a retail shop in Glenwood Commercial Center and fully supports this application. She is also concerned that the Commission's focus is only on downtown.

Chris Lynch, 602 Cowdin Drive, owns property at 2554 Hwy 82 in Garfield County. Turns into Glenwood Commercial Center are very dangerous. Parking has been added along the guard rail which should not be there. Concerned about homeless buying and using the product which could start fires. Too many pot shops are already in town and Glenwood does not need any more.

9:43 closed public comments.

MOTION: Commissioner Schachter moved to approve with findings on page 8 and conditions on page 9. Commissioner Grosscup seconded.

Discussion:

Commissioner Schachter

- Question of how many are too many shops
- Access is not applicant's responsibility
- Council makes the determination on that point
- Access to the property is not our jurisdiction, must deal with CDOT

Commissioner Malloy

- Location is remote from the rest of town
- Concerned about safety at this location

Commissioner Wussow

- Meets criteria of Code
- Annexation has been approved by the City and uses to be there
- Use by right

Commissioner Grosscup

- Concerned about how many shops are too many
- Not concerned on this specific application

Commissioner Dehm

- Was here for annexation and the result was deemed okay, regarding the access

Motion carried unanimously.

Motion to extend meeting past 10:00 p.m. Commissioner Malloy seconded by Commissioner Grosscup. Carried by voice vote.

7. 20-19 – Consideration of a Code Amendment to Section 070.040.020(d)(24) of the Glenwood Springs Municipal Code

Applicant: City of Glenwood Springs
 Owner: Multiple public and private properties
 Location: Applies to areas within 50 feet of the ordinary high-water mark of perennial water courses in the City
 Zone: All zone districts City wide

Commissioner Shaver recused himself from this discussion and left the meeting.

Trent Hyatt presented the staff report.

- Instructed to look at river setback.
- 30-foot setback area from the high watermark of any river
- Staff proposes format change
- Prohibits clearing of native vegetation
- 10% exemption to allow property owner to enjoy the river
- 50-feet from ordinary high watermark
- Formal ecological survey but ordinary high-water mark is usually visible
- Examples of other communities and what they are doing for riparian areas
- List of concerns expressed at work session

Recommend approval, deny, approval with conditions

Questions to staff:

Commissioner Malloy

- Does this leave any property undevelopable?
- How is the 10% exemptions calculated?
- Are structures allowed?
- Questions about wildfire mitigation

Trent Hyatt Responded saying property can apply for a variance and the percentage is of the undevelopable square footage area. Structures are currently prohibited.

Commissioner Schacter asked about grandfathering existing structures and pathways. Can structures be improved without having to appear before Planning and Zoning Commission.

Trent Hyatt responded that those structures and pathways would be legal non-conforming and would follow that section of our code.

Trent Hyatt and Commissioner Schacter discussed the further restrictions of the proposed standard regarding replacement of vegetation and buildability on lots.

Commissioner Wussow was concerned about the timeline of replacement of vegetation. Also concerned about how property owners who are impacted were notified. Further discussion with Trent Hyatt about how the public will be notified and educated city-wide if this goes through.

Commissioner Grosscup wondered how the setback number was settled upon.

Trent Hyatt responded saying it had something to do with the current setback and the rivers CFS.

Commissioner Malloy and Trent Hyatt discussed the wildfire mitigation part of this code.

Brendan Langenhuizen, Chair of the River Commission, spoke about the role of the River Commission.

- Received input from many sources
- Too much clearing of vegetation without any regulations to stop it
- Roaring Fork Conservancy worked with them
- Work sessions with the City Council
- Intent is to maintain the majority of the river
- Beautiful lawns look great but don't protect the river banks

Chad Rudow, Roaring Fork Conservancy, serves as an advisor to the River Commission. Spoke of riparian areas and the health of rivers

- Riparian areas act as sponge
- Prevents erosion
- Act as filters of what goes into the rivers
- Provide habitat
- Act as highways by providing migration routes
- Speed bumps to dissipate energy of river during high flows
- Increase property values
- Replenish groundwater
- Plants less likely to burn during a fire

Ashley Moffat, 509 Maple Street, Vice Chairman of River Commission, provided a handout to the Commission.

- Glenwood Springs is only municipality not protecting their riparian areas
- The new way of determining where the setback will start is easier
- Wanted 100 feet but 50 feet is good compromise
- Similar to current code but restricting clear cutting and adding pesticides

Scott Shriver, Engineer, who repairs riparian areas. - Named three reports of interest.

- Keep riparian areas
- Source Water Protection Plan shows Grizzly Creek is our water source and Roaring Fork is alternate source.
- Best management practices
- Education outreach is necessary.

- 303D List: Roaring Fork River's temperature is the concern.
- Highest priority contaminants are urban contaminates.
- MS4 municipal separate sewer systems.
- Storm water is not treated currently.
- Will have to treat storm water as well.

Erica Gibson, 2701 Midland Avenue, River Commissioner,

- Spoke about economic driver associated with our rivers.
- Glenwood Springs tourism is based on water resources.
- Our local economy is based in part on our healthy rivers.
- 320 local jobs that rely on healthy rivers.

10:49 p.m. open to public comment.

Harry Vick

- Listed the wildlife found in his back yard.
- Breaks between river and willows.
- His yard is cleared to the river.
- This setback will prevent redevelopment of a property.
- Too broad of a brush stroke
- He is opposed to the 50-foot distance.
- Concerns about how restrictive this is

Jenn Ooton confirmed they could extend the meeting if the vote is unanimous.

MOTION: Commissioner Malloy moved to extend the meeting to 11:30 p.m. Commissioner Grosscup seconded.

Motion carried unanimously.

Michael Blair 1204 Sprucewood Lane.

- Agreed with Mr. Vick's comments.
- People own property adjacent to the river.
- People have the right to use and develop their property
- Fifty feet sounds arbitrary.

Ken Melby

- This setback will put you right in the middle of his home.
- This would be taking of property rights.
- Not all properties are the same

Chris Lynch, 602 Cowdin Drive

- Talked about her history living along the river.
- The effect of this ordinance would have on her ability to garden on her property.
- Her home was built in 1884. She is concerned that ordinance will prevent her from using her property.
- Value of home will be taken away

Dan Angelaro

- Lives on the river.
- He had plans to add to his home as his family has outgrown the space.
- This would affect his ability to plan for his family's future.

Rick Laffaro, Executive Director of Roaring Fork Conservancy,

- Encouraged the passing of this ordinance as it may not be as limiting as people have predicted.
- Tamarisk and Russian olive have intruded into the native habitat.
- He will work as advisor to City as he already does for Basalt and Garfield County.
- People can continue to enjoy quality of life on the river.
- There is room for variances.
- Provided letters from Roaring Fork Fishing Guide Alliance, Trout Unlimited, American Rivers

11:16 p.m. public comment portion closed.

Questions to staff:

Commissioner Wussow asked if the setback would be more or less in an ideal world.

Brendon Langenhuizen stated it would ideally be more than 50 feet especially in high sloped areas; he considered this a conservative recommendation. This will apply to new development and current development will be grandfathered.

Commissioner Schachter would like to see the distances on a map and are structures grandfathered in.

Commission and staff had discussion about grandfathered structures and nonconforming uses in the code. Ability to rebuild was discussed. Can build on same footprint following a catastrophic event, deterioration. Cannot increase degree of non-conformity.

Commissioner Malloy asked about mapping high water mark of property in riparian area throughout the city and what specifically is different from current and proposed code.

Staff stated that getting an entire survey of riparian area would be costly and timely. Trent Hyatt explained the difference of current code and proposed code.

Commissioner Grosscup and Trent Hyatt discussed about the protection of vegetation.

11:29 p.m.

MOTION: Commissioner Schachter moved to continue discussion of riparian setback, seconded by Commissioner Malloy.

Motion carried unanimously.

8. Commissioner Comments - none

9. Director Comments - none

10. Adjournment 11:30 p.m.

APPROVED