



MINUTES
City of Glenwood Springs
Planning and Zoning Commission
Regular Meeting
July 28, 2020
Zoom
6:00PM

1. Roll Call

Present at roll call were Commissioners:

Marco Dehm, George Shaver, Carolyn
Cipperly, Kathryn Groscup, Sumner
Schachter, Amber Wissing, Ingrid Wussow,
Dean Kinkel

Absent at roll call were Commissioners:

Ben West

Also present were:

Jennn Ooton Asst. City Manager,
Gretchen Ricehill Asst.
Economic/Community Development
Director, Trent Hyatt Senior Planner,

2. Receipt of Minutes- Receipt of June 23, 2020 minutes.

Commissioner Schachter requested on page 3, the 2nd paragraph to add that the proposed strategic plan did not seem consistent with opening the Blake Gate. Commissioner Schachter made a motion to receive the June 23, 2020 minutes. Commissioner Shaver seconded the motion.

Motion passed 5-0.

Commissioners Wissing and Wussow abstained as they were not in attendance at the June 23rd meeting.

It was also noted that Commissioner Kinkel was in attendance for the Planning Workshops and not for any of the planning items on the agenda.

3. Public Comments

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

4. New Items –

- a. *Planning Item #13-20*: Consideration of a Special Use Permit for the construction of a 654 square foot wireless communications base station facility related to an underground fiber optic network.

Applicant: Zayo Group

Owner: Glenwood Springs Lodging, LLC

Location: TBD, Vicinity of 124 West 6th Street (PIN: 2185-092-00-043)

Zone: CO Commercial

Trent Hyatt provided a summary of the Special Use Permit application. Hyatt explained the application was to construct a 653 square foot, 12 foot-tall base station for an underground fiber optics network, which requires a Special Use Permit. Hyatt described the site location and applicable design and code standards relevant to the application. Hyatt explained that staff would recommend approval of the application consistent with the findings and conditions listed in the staff report.

Commissioner Shaver asked staff where the landscaping and screen would be located on site. Hyatt explained that there would be landscaping and screening on the east portion of the site. Hyatt also described that it would be ideal for additional landscaping and screening on the north side as well as facing the interstate. Shaver also asked what the noise impact from the a generator associated with the project would have on the nearby hotel. Shaver also asked if there were fiber optic cables in the area, which was confirmed by Hyatt.

Commissioner Schachter asked for confirmation of the owner of the property. Schachter also asked if the project was limited to fiber optics and not 5G. Hyatt confirmed the owner of the property was Glenwood Springs Lodging, LLC and confirmed that the project was limited to fiber optics.

Commissioner Cipperly asked about if there would be an easement for the facility through the neighboring hotel parking lot. Cipperly also asked about the trees used for landscaping screening. Hyatt explained that since irrigation would not be available, that landscaping would have to be flexible. Hyatt also explained that access and an easement would likely be necessary in case of future property divisions in the area.

Commissioner Grosscup asked about the role of this facility in the larger regional fiber optic network. Hyatt explained that the applicant would be able to further explain. Grosscup also asked if there were other zones where this would be allowed. Hyatt explained that it is a special use in all properties zoned CO Commercial.

Rex Atkinson, 8730 Powderhorn Way, Indianapolis, Indiana, representing 5 9 Design provided more information on the applicant. Atkinson explained that fiber optic networks need these facilities very 50-60 miles strengthen the fiber optic signal throughout the network. Atkinson explained that the applicant would be willing to make some adjustments with the screening and landscaping. Atkinson described the access goes through the La Quinta hotel parking lot and the proposed location of the facility leaves more open space on the site.

Commissioner Dehm opened the public portion of the hearing.

No members of the public presented to speak on the item.

Commissioner Dehm closed the public portion of the hearing.

Commissioner Schachter made a motion to recommend approval of the Special Use Permit with findings and conditions found on page 6 of the staff report. Schachter stated that a condition should be added for additional fence screening on the south side of the property. Commissioner Shaver seconded the motion.

Commissioner Dehm called for the question.

Motion passed unanimously.

5. Planning Workshop

a. Discussion: Amending regulations related to Medical Marijuana Business, Retail Marijuana Business, and Marijuana Cultivation

Assistant Director Gretchen Ricehill explained that during a recent City Council meeting, a request was made to consider placing a limit on the number of marijuana-related businesses in the community. Ricehill explained that this workshop was to be a discussion on this item with the intent to continue this discussion at the August meeting. Trent Hyatt provided an overview of the existing active marijuana related businesses. Hyatt explained that there are currently nine approved marijuana businesses, with seven active stores. With the map, Hyatt explained the current system and showed the Commission a several maps with adjusted buffers from schools. Hyatt also reminded the Commission that the buffers do change as the locations of existing stores and existing schools does change.

Commissioner Dehm asked is staff had analyzed how many more commercial locations were available with current regulations. Hyatt described several locations which would allow for a marijuana related business.

Commissioner Schachter asked if City Council had specifically requested to limit the number of marijuana businesses. Schachter stated that if it was not City Council's intent to explicitly limit the number of stores, then Planning & Zoning would need more directive to discuss the issue. Ricehill explained that City Council wanted to further consider the issue and the directive was for Planning & Zoning to discuss any potential limitations. Schachter also asked if the City would face any legal limitations with changes in buffers or capping the number of stores. Hyatt explained that municipalities are allowed to regulate marijuana regulated businesses.

Commissioner Grosscup asked if there was any significance to the overlapping buffers on the map. Grosscup also asked about how the buffer from schools was developed and how it compares to other communities around the state. Grosscup requested that staff further investigate how the school buffers for Glenwood Springs compares to other communities. Grosscup also expressed support for extended buffers and a possible cap.

Commissioner Wussow stated that it would be helpful to see how Glenwood Springs compares to other communities in regulation of marijuana related businesses. Wussow asked how Special Use Permits transfer with change in ownerships. Hyatt explained that the Special Use Permit stays with the property

upon change of ownership. Wussow also stated that it might be a good idea to set more restrictions on change of ownership and how previously approved applications would fit into new regulations.

Commissioner Shaver stated that it would make sense to require a new application when there is a change of ownership as the locations of schools and stores could change. Shaver asked about the intent the rules based on proximity to schools. Shaver stated that the rivers create significant natural boundaries that create more distance than buffers. Hyatt explained that these rules typically come from a desire to distance youth and young adults from these facilities.

Commissioner Cipperly asked if the City regulates the quantity of any other type of business in terms of a total number. Hyatt explained that no other business is regulated in terms of a total number. Cipperly also asked how changing regulations would affect any current applications. Staff confirmed that if an application was approved prior to any rule changes, that the application would be bound to whatever codes were in place at the time of application approval. Cipperly also asked if schools would be limited to relocate based on locations of marijuana stores. Hyatt explained that school location was not limited by the buffers.

Commissioner Schachter expressed the need for more directive from City Council on the exact method of regulation. Jenn Ooton explained that staff could put together more information on the issue and plan for a future joint session between the Commission and City Council.

Commissioner Dehm stated that they should direct staff to research what other communities are doing and that there may be alternatives to regulation in addition to buffers and caps.

Commissioner Wussow stated that this decision required more time and information prior to a decision. Commissioner Shaver stated that one benefit of the cap would be that it would set a clear parameter for prospective businesses. Shaver also stated that the City should plan for how these regulations could function in areas of new development, particularly the south of town.

Commissioner Grosscup expressed that it is important to see what other communities are doing, especially with caps and buffers. Commissioner Schachter suggested that the results of this workshop be provided to City Council and further discussion and workshops would be best.

Commissioner Dehm suggested that staff continue to conduct more research and continue the discussion at the next month's meeting. Commissioner Wissing asked to confirm that procedure for further discussion of regulation and if the public would be invited for input in the process. Commissioner Ricehill confirmed that there would be public input if this became a proposed code amendment. Commissioner Kinkel also expressed support for more information and further discussion. Commissioner Cipperly also requested for staff to confirm if there was a cap on number of liquor stores. City Clerk Catherine Fletcher confirmed that there was no number limit for liquor stores and provided a summary of the application process and transfer process for a liquor license.

Commissioner Schachter also asked staff to see if any communities had decreased their level of regulation.

b. Discussion: Adding design variance criteria to Title 070 Article 070.060.070 Flexibility and Relief Procedures

Gretchen Ricehill explained that this discussion item was to focus on alternatives and changes to the current design variance criteria. Ricehill referenced the staff report for two general options which include an alternative equivalent compliance standard as well as changes in variance criteria. Ricehill also mentioned that there has been previous similar feedback with the sign variance criteria as well.

Commissioner Dehm requested for further explanation of the proposed changes. Ricehill explained the current Alternative Equivalent Compliance (AEC) standards, which is currently part of the residential and non- residential design standards. Ricehill provided an example of a garage construction where the Alternative Equivalent Compliance standards were used where a design element added to the garage fulfilled the requirements. Ricehill also explained the differences between Alternative Equivalent Compliance standards and variance criteria. Dehm asked if the ACE request would automatically come before Planning & Zoning. Ricehill explained that ACE request would only come to P & Z when the process required it, as some ACE requests would be handled at an administrative level.

Commissioner Schachter asked and if the new three proposed variance criteria would replace the existing criteria. Ricehill explained that the three proposed criteria would apply to the 070.040.070 and the design elements of the code. The existing criteria would remain for items such as zoning and land use. Jenn Ooton confirmed that the intent of the suggestion was to consider expanding the use of the Alternative Equivalent Compliance standards as well as adding new variance criteria for design elements.

Commissioner Wussow asked how the AEC standards would be applied and questioned if allowing applicants to utilize ACE standards would be user friendly. Wussow also stated that any changes to the variance criteria should be as clear as possible to ensure future applicants can easily understand their options. Commissioner Dehm asked how the number of variance criteria was developed and how the seven were designated. Ricehill explained that number was provided by Clarion during their drafting of the new code in 2018. Further discussion ensued on the differences between a variance and the administrative adjustment process.

Commissioner Grosscup asked why both measures would be needed. Ricehill explained that only expanded the use of the AEC standards would not be as flexible for potential projects. Commissioner Dehm asked for clarification regarding state statutes and municipal variances. City Attorney Anna Itenberg was not aware of any state statutes that would limit the City's ability to alter their variance process. Ricehill also stated that the City's current variance criteria were similar in many other communities. Commissioner Dehm also expressed disappointment in the flexibility in the current variance criteria and the ability to grant variances. Commissioner Schachter expressed support for the use of the stricter seven criteria for land use and zoning while creating more flexibility for items such as design, parking, and landscaping.

Commissioner Dehm asked if staff could create a flowchart or a visual describing the potential process for these changes. Commissioner Schachter suggested staff could also provide an existing application for a further example.

Ricehill stated that staff would gather more information to provide to the Commission in anticipation of further discussion on the issue.

6. Director Comments

Director Jenn Ooton mentioned an appeal for a special decision regarding an application for a marijuana retail store in Glenwood Meadows. Gretchen Ricehill explained that the application did not proceed based on the annexation and development agreement for the Glenwood Meadows. Ricehill explained that the original annexation and development agreement did not include marijuana related businesses and that the applicant would be appealing that decision. Dehm asked if the special meeting was required or not. Ooton clarified that the meeting was scheduled because the appeal merited its own meeting. Commissioner Wissing asked if Commission members should engage in conversations about West Glenwood. Jenn Ooton stated that it would be best to engage in conversation on this item during the public hearing for the corresponding application.

Commissioner Cipperly asked for clarification on the ability of Commission members to comment on approved projects that have gone to City Council. Continued discussion between Commission and staff clarified the limits and requirements of Commission members ability to discuss items. City Attorney Anna Itenberg advised general caution and provided additional guidance to Commission members concerning commenting on application items, interacting with the public, recusal, and general procedure and conduct.

7. Commissioner Comments

Commissioner Schachter mentioned desire for a future workshop on affordable housing.

Commissioner Dehm also stated that combining workshops with lighter agendas was a good idea.

8. Adjournment

Meeting was adjourned at 8:57 PM.