



MINUTES
City of Glenwood Springs
Planning and Zoning Commission
Regular Meeting
August 25, 2020
Zoom
6:00PM

1. Roll Call

Present at roll call were Commissioners: George Shaver, Marco Dehm, Kathryn Grosscup, Carolyn Cipperly, Ingrid Wussow, Ben West

Absent at roll call were Commissioners: Sumner Schachter; Amber Wissing

Also present were: Jenn Ooton, Asst. City Manager, Terri Partch, City Engineer, Gretchen Ricehill, Asst. Economic/Community Development Director, Trent Hyatt, Senior Planner, Emery Ellingson, Planner I, Anna S. Itenberg, City Attorney's Office, Alissa Owsley, IT Director, Steve Boyd, Chief Operation Officer, Brian Smith, Parks & Recreation Director, Dan Roper, Parks Superintendent

2. Seating of Alternate Commissioner

Motion was made by Commissioner Grosscup to seat Alternate Commissioner Ben West for the meeting. Motion was seconded by Commissioner Cipperly.

Motion passed unanimously.

3. Receipt of Minutes- Receipt of July 28, 2020 minutes.

Commissioner Shaver made a motion to accept the minutes. Motion was seconded by Commissioner Grosscup.

Motion passed unanimously.

4. Public Comments

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

5. New Items –

- a. Planning File 43-20 Consideration of variances from the required side and rear yard setbacks for the construction of an accessory structure which includes a 350 square foot detached garage and 196 square foot storage space at 820 Bennett Avenue. (PIN #2185-094-015-013)*

Planner I, Emery Ellingson presented the variance application for an accessory structure at 820 Bennett Avenue. Ellingson summarized the proposed project and recommended denial of the application based on the findings found on page 7 of the staff report. In addition, staff found that the proposed accessory structure would also result in the Required Rear Yard Lot Coverage to exceed the 40% coverage allowed which would require an additional variance.

Commissioner Shaver asked for the location and depth of the sewer line and if an alternative foundation design could mitigate damage from a sewer line excavation. Ellingson explained that an exact location and depth was not provided, and that agreement exists for a guest house built on the property with a variance in 2002. The agreement states that the owner would be responsible for any damages incurred from a sewer line excavation.

Commissioner Grosscup asked to confirm the setback of the existing guesthouse. Staff confirmed that the guest house is a 1.0' setback from rear lot line and south side lot line. Grosscup asked how the original variance and agreement for the guest house relates to the proposed garage. Staff explained that the existing agreement for the guest house would not apply to the proposed garage. Grosscup also asked about possible drainage issues mentioned in the staff report. Staff explained that the applicant indicated that the placement of the garage was to avoid drainage problems and that staff would need more information regarding drainage on the property.

Commissioner Wussow asked for more explanation for the denial of the application. Ellingson explained that the primary reason for denial of the application was that the application did not meet all seven variance criteria and that the proposed location of the garage reflected a preference of the applicant rather than a hardship. Ellingson also explained that the proposed project exceeded the Required Rear Yard Lot Coverage. Wussow also asked when the application was submitted. Staff explained that the applicant had proposed a slightly different design at a pre-application meeting in November 2019 and that some changes had been made prior to re-applying in July.

Assistant City Manager Jenn Ooton clarified that the meeting in November 2019 was a pre-application meeting and not a separate submitted application.

Commissioner Cipperly asked if property owners on either side of the alley were responsible for snow storage from the alleys. Staff confirmed that property owners were not required to store snow from the alley on their property. Commissioner Cipperly asked if there were any standards for a turning radius or width of driveways. Ellingson explained that applicant provided a turning radius in their design to show how a vehicle would enter the proposed garage.

Commissioner Dehm asked if the applicant was renting the guest house. Ellingson explained that the applicant holds an Accessory Tourist Rental Permit for the guest house. Dehm asked if a parking

spot was required for the permit and staff confirmed that a parking space was not required for the Accessory Tourist Rental Permit.

Applicant Kurt & Julie Carruth, 820 Bennett Avenue provided a short summary of their project. Applicant described that the main intent of the project was to create an off-street parking space. Applicant described that due to the layout of the lot, the backyard was the only suitable location for a garage. Applicant indicated that all drainage on the lot would be contained within the property and would not result in snow or drainage to the alley. Applicant explained that three piers would be used for the garage foundation. Applicant indicated that the sewer line was 14' deep and that the connection from the house to the main line in the alley had been recently replaced. Applicant indicated that if a 10.0' setback was used, the house roof would drain directly onto the garage wall. Applicant stated that the garage location would also preserve green space. Applicant explained that the owners of neighboring properties had written letters in support of the project.

Commissioner Grosscup asked if the applicant could increase the setback from the alley. Applicant explained that the garage could be moved back another 2.0' for a 3.0' setback from the rear lot line. Grosscup asked for the current location of the existing shed which would be removed. Applicant explained the existing shed sits on the lot line. Grosscup asked about the sizing of the garage. Applicant explained the 25' length was calculated to include one 19.0' car with additional space.

Commissioner Dehm asked for staff to confirm if this property was in the General Improvement District (GID). Staff confirmed that this property was outside of the GID.

Commissioner Dehm opened the public discussion. No members of the public were present.

Planner I, Emery Ellingson read a letter into the record from Ernest & Marjoire Gerbaz, 904 Palmer Avenue, received August 15th, 2020. This letter expressed concerns over snow plowing, roof drainage and garage access from the alley.

Commissioner Dehm closed the public discussion.

Commissioner Wussow asked if the property had been surveyed and if there were any existing encroachments on adjacent properties. Applicant explained the property had been surveyed. Wussow also asked if the applicant would be able to increase the setback. Carruth indicated that the garage likely could move back 12-18" with the current design.

Commissioner Wussow made a motion to approve the variance request citing goals of the Comprehensive Plan. Wussow indicated a drainage plan would be a condition of approval.

Motion was seconded by Ben West.

Commissioner Grosscup stated that it seemed a greater setback was possible and that a drainage plan should be required.

Commissioner Wussow made a motion to amend the original motion to require a greater setback.

Commissioner West seconded the motion to amend.

Commissioner Cipperly stated that the size of the garage could be decreased, and setback increased to get closer to meeting code requirements.

Commissioner Dehm asked staff to confirm the rear yard coverage. Staff explained that the proposed project exceeded the Required Rear Yard Coverage by 30%. Dehm asked for specific square foot amounts.

Commissioner Shaver stated that the property already has multiple encroachments and that the current proposal did not meet the variance criteria.

Emery Ellingson explained that the limit of Required Rear Yard Coverage on the property was 200 square feet.

Commissioner Dehm stated that the project was well done and cited previous examples of approving 1.0' setbacks for ADUs. Dehm also stated that the project does not meet all of the required criteria.

Commissioner Grosscup asked to confirm the motion.

Commissioner Wussow explained the motion was to recommend approval with the condition of a drainage plan and a 3.0' rear yard setback.

Commissioner Shaver indicated support for the general design and stated that the project did not meet the zoning for lot coverage.

Commissioner Wussow stated that the greater setback would reduce the rear yard coverage.

Commissioner Grosscup suggested to continue the application.

Jenn Ooton explained that the current motion could be withdrawn and the application continued to the next meeting. Ooton also mentioned Public Works had additional comments on the application.

Matt Langhorst, Public Works Director, explained that there were concerns over the three-pier foundation. Langhorst explained that the sewer line was 6.0' from the proposed line and that records show the line was buried at 10.0'. Langhorst also mentioned that snow would be pushed up against the garage door at 1.0' from the lot line.

Commissioner Shaver suggested the Commission ask the applicant if they would like to continue the application.

Commissioner Cipperly asked if another variance would be required for not meeting the rear yard lot coverage.

Applicant Carruth stated that they would be able to meet the 3.0' setback and reduce the size of the storage space. Carruth also stated that they would also consider other options for the foundation. Applicant also agreed to continue the application to the next meeting and to make some changes to the proposed design.

Commissioner Wussow made a motion to rescind the initial motion and to make a motion to continue the application.

Commissioner West rescinded the original second and seconded the motion to continue the application.

Commissioner Dehm called for the question to continue the item.

Motion passed unanimously.

- b. Planning File 28-2043-20 Consideration of a Location & Extent application to construct a civic facility/recycling center at 106 13th Street (formerly 1300 Pitkin Avenue) (PIN #2185-161-00-033)*

Assistant Community Development Director Gretchen Ricehill presented an overview of the proposed project for the City to re-establish a recycling center at this location. Ricehill provided a brief overview of the proposed project and explained how the project meets criteria for a location and extent review. Ricehill stated that the applicant would need to provide more information on lighting. Ricehill explained that there had been two public input events, an on-site meeting and a Zoom meeting. The main feedback from these events were questions about traffic, lighting, site layout, and other similar concerns. Ricehill recommended approval with all findings and condition found on page 6 of the staff report.

Commissioner Shaver asked questions on the site plan and property lines. Public Works Director Matt Langhorst explained more regarding access to this property and the neighboring City owned property. Shaver also asked if there would be restroom facilities on site. Langhorst explained that the attendant would likely use a portable toilet. Langhorst also mentioned that there was some sewer and water on site. Shaver also asked what happens to recycled materials. Langhorst explained the recycling procedures for different materials.

Commissioner Cipperly asked questions regarding container size, access, parking, drainage, waste, and employee input. Langhorst addressed the questions, providing explanations with the site plan. Langhorst indicated the site would drain away from neighboring residential properties. Langhorst also described there would be containers for trash on site as well.

Commissioner Grosscup asked about the screening of the site and what materials would be used. Langhorst explained that it would be a six-foot solid fence. Grosscup expressed concerns over the visual of the fence from the Rio Grande Trail. Grosscup also expressed concern about use of Riverside Drive to access the trail.

Commissioner Dehm opened the public comment. No members of the public were present.

Commissioner Dehm closed the public comment.

Commissioner Grosscup made a motion to approve the item with findings and conditions on page 6 of the staff report.

Commissioner Wussow seconded the motion. Wussow also stated that the visual appearance of the fence was important.

Commissioner Cipperly expressed concern over general site appearance, given its proximity to the Rio Grande Trail.

Commissioner Dehm stated support for the project, especially the availability of trash services at the site. Commissioner Dehm called the item to question.

Motion passed unanimously.

Chief Operation Officer, Steve Boyd provided the Commission with an overview of previous and future location and extent reviews associated with the move of the Municipal Operations Center, Parks buildings, and other City projects. Parks & Recreation Director, Brian Smith explained future location and extent projects for the Parks & Recreation Department.

6. Planning Workshop

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

Commissioners considered a spreadsheet of marijuana regulations from large and small jurisdictions across the state.

Generally, Commissioners considered –

- adding buffers including from parks, child care and halfway houses/mental health facilities/treatment centers;
- adding colleges to existing school buffers;
- adding a numerical cap;
- raising the existing buffer distances

For the next meeting, the Commission requested maps showing 500 and 1000 buffers from parks; adding colleges to school buffers.

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

Staff provided a brief overview of variance regulations from other Colorado jurisdictions.

Commissioner Shaver favored the Greenwood Village model which required meeting a certain number of criteria, then an option of meeting other criteria. He believed that every variance should meet Glenwood Springs' criteria #4- does not harm the public or impair the purpose/intent of the code, and #6- does not violate building & fire code requirements. He favored giving leeway on the other 5 criteria.

Jenn Ooton provided an example of the reason for requiring that every variance meet the fire and building code criteria. The design standards might want a window on an elevation but that

side of the building might be too close to the property line or too close to another structure and openings would not be allowed by the fire and building code.

Commissioner Cipperly agreed that criteria 4 and 6 should be met but she was not necessarily in favor of having applicants meet a hard number.

Commissioner Grosscup felt that applicants needed to meet at least two criteria, plus a certain number of the others. She wished that #7-minimum variance necessary was applied more and pointed out that #1-exceptional shape, topography, site condition was always a struggle. Commissioner Shaver noted that #7 frequently appeared in many jurisdictions.

7. Commissioner Comments

Commissioner Wussow asked if there were any plans to resume in-person meetings. Jenn Ooton replied that online meetings needed to continue for the present time.

Commissioner Grosscup provided the Commission with a summary of a recent meeting of the Housing Commission and City Council where they discussed affordable housing.

8. Director Comments

Director Jenn Ooton informed Commission members of a RFTA survey and provided a summary of next month's planning items.

9. Adjournment

Meeting was adjourned at 9:57 PM.