



MINUTES
City of Glenwood Springs
Planning and Zoning Commission
Regular Meeting
September 24, 2019
Council Chambers, First Floor, City Hall
101 W. 8th Street
6:00PM

Chairman Dehm called the meeting to order at 5:58 p.m.

1. Roll Call

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

Absent: Kathryn Grosscup and Dean Kinkel

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

MOTION: Commissioner Malloy moved, seconded by Commissioner Schachter, to seat alternate Carolyn Cipperly for this meeting.

- 2.** Receipt of minutes from the July 23, 2019 regular meeting. On motion of Commissioner Malloy, seconded by Commissioner Shaver, the minutes were approved as corrected by Commissioner Malloy on pages 6, 8 and 9. Motion carried by voice vote.

Receipt of minutes from the August 24, 2019 regular meeting. On motion of Commissioner Malloy, seconded by Commissioner Wussow, the minutes were approved as written. Motion carried by voice vote, with Chairman Dehm and Commissioner Schachter abstaining.

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

Continued Items:

4. 11-19 – Consideration of a special use permit to allow for the construction of a 2,800 square foot convenience store and re-location of underground fuel storage tanks.
ITEM WILL BE CONTINUED TO OCTOBER 22, 2019.

Commissioner Malloy moved, seconded by Commissioner Shaver, to continue the item to October 22, 2019. Motion carried unanimously.

5. 20-19 – Consideration of a Code Amendment to Section 070.040.020(d)(24) of the Glenwood Springs Municipal Code regarding riparian setback.

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

George Shaver recused himself and left the meeting.

Trent Hyatt indicated that multiple persons wished to comment at this meeting. The Chairman indicated he would reopen the public comment and instructed those who wished to speak tonight to put their names on the sign-in sheet. The Chairman was advised that a number of people donated their three minutes of time to Mr. Vick to allow him to make his presentation.

The staff report was presented by Trent Hyatt. Mr. Hyatt distributed additional comment letters received today that were not in the packet. He indicated that the Commissioners could hear additional comments or begin deliberations on the matter.

Commissioner Malloy commented on new material received. Commissioner Malloy and Mr. Hyatt engaged in a discussion of:

- Vegetation and wildfire mitigation standards.
- Colorado State Forest Service standards.
- Permanent structures in river front areas.
- What qualifies as a permanent structure?
- Differences between ordinary high water mark and high water marks.

Commissioner Schachter wanted to clarify what they were being asked to approve to send to Council.

- The wording on page 4 of staff report. Mr. Hyatt replied that it is correct.
- Applicability to public utilities and public parks for non-motorized use and public open space.
- Does it apply equally to a private owner as well as a public owner?
- Mitigation, irrigation structures, flood control, erosion protection.
- Does that text apply to anybody who owns property on the river? Mr. Hyatt did not believe there was an intention to have a significant difference. If you look at the two exemptions, the wording is slightly different. The intent is to apply them equally to public and private projects.

- Stream bank erosion or irrigation structures. How would anyone know what they can do based on the conditions listed? Mr. Hyatt indicated that at some point some of those activities would have to occur in the riparian zone.
- High water mark and 50-foot buffer.
- Future study of red zone on properties in the city.
- Current code allows replacement or repair of an existing structure in riparian zone if damaged.
- Code would allow equipment in riparian zone to make repairs.
- Would code prevent development of property?

Mr. Hyatt pointed out that a number of lots on the riverfront may not qualify for development. Owners could still seek a variance and prove why they have a hardship.

Commissioner Wussow wondered how future property owners would know about these restrictions in the future. Would it then be done by the city through education and Previous HPOZ overlay is now gone. The difficulty of building on these lots still exists. Mr. Hyatt said that the audience members can go home to zero changes to their property. If a structure was destroyed by fire, per non-conforming use regulations they have 18 months to rebuild.

Commissioner Schachter wanted to know where the 10% number came from.

- Suggested staff provide existing properties information on how this percentage would apply. A visual representation of this would be helpful.
- Discussed maintenance of lawns with fertilizer and other chemicals. Mr. Hyatt replied that use of chemicals would be restricted.
- He suggested annual workshops for owners if this goes into effect. Mr. Hyatt replied that Roaring Fork Conservancy has provided workshops in the past.
- Notice to river front owners. Mr. Hyatt responded that river front owners were notified by mail of the original hearing.

Commissioner Wissing asked about enforcement on fertilization of lawns. Mr. Hyatt said that most reports of violations come from neighbors.

At 6:46 p.m. the Chair reopened public comment.

Chris Lynch, 602 Cowdin Drive, was concerned about this proposal. Her property was first improved in 1884. She fears this is taking her property away. Very emotional about it. Asks for consideration of people who had been here for so long.

Jaime Campa, 602 Cowdin Drive, multi-generational residence (four generations live there). Lived there 54 years. This is very stressful for the family. We have trees for birds; cool water for the trout where the rivers meet. We are a safe haven for animals, birds and fish.

Commissioner Wussow asked how this 20 foot difference would affect their family. She received a lengthy reply repeating what was said before.

Jen Angeloro, 612 Cowdin Drive, said her family loves living by the water. She brought a petition from residents regarding this proposal. They are opposed to the amendment.

Julie Rippy, 2262 Midland Ave., was opposed to the proposal. She felt that City projects were causing disturbances on the river. Asked for greater transparency in the process. Current 30 foot setback is adequate.

Bob Littler, 2280 Midland Ave., opposed to reduction of property rights. City's snow storage area drains into river with all the things picked up from the streets.

Amy Wray, 1042 Sprucewood Lane, lives in Spruce Meadows mobile home park. The residents are concerned about possible displacement of their units. Her unit is mobile and they could move out quickly but others are not as flexible.

Mike Blair 1204 Sprucewood Lane, disagrees with the proposed regulation for various reasons. Fifty feet is too large an area in the private property ownership. He suggests an education program rather than enforcement.

Bob Patillo, 3369 Grand Ave., lives next to the Old Cardiff Bridge. Spoke about storm water discharge and other public drainage. A drainage culvert from the Walmart parking lot empties into river by his home. Hillside is moving, needs a retaining wall to keep home in place.

The following all ceded their three minutes to Gary Vick, 614 Cowdin Dr. for a prepared presentation on behalf of riverfront property residents/owners: Maurine Howey, 2308 Midland Ave.; Joel Dickens, 388 Red Cliff; Mark A. Cose and Lexina Cose, 2202 Midland Ave.; Randy Rippy, 2262 Midland Ave.; Jim Waters and Veda Waters, 1205 Riverside Dr.; Roger Neal, 817 Traver Trail; Pat Hensley, 1776 Midland Dr.; and Maria Chansky, 2010 Midland Ave.

Gary Vick, 614 Cowdin Dr., presented prepared remarks (17 typewritten pages). Spoke against the proposed revision and urged the Commission to reject the revision as it disregards rights of property owners. Some of his points were:

- Property values
- Would lose the premium paid for the property
- Restriction of structures
- Use of herbicides, fertilizer

Commissioner Malloy engaged in a discussion with Mr. Vick regarding his summary of the effects of the proposed ordinance.

Commissioner Wussow requested a show of hands from the audience:

- How many are property owners?
- How many are property owners along the river?
- How many were aware of the 30 foot setback?
- How many saw the public notice?
- How many received the mailed notice?
- How many were made aware of the proposed change by Mr. Vick?

She wanted clarity of what brought the audience members to this meeting.

The Chair asked River Commissioners to speak.

Ashley Moffatt, 509 Maple St., River Commission Chair, clarified her involvement in this proposal.

- She is a property owner and has some property to be developed.
- She is an owner of a VRBO and experienced recent changes to those regulations similar to this process.
- City Council requested the River Commission to be involved in the process.
- This is the City's code; it was set aside to be handled separately from the land use code.
- To define the base line, you must survey the river for ordinary high water mark.
- They were involved in replanting at Veltus Park after shoreline work.
- They will do the same at Two Rivers Park when its shoreline work is completed.
- There are other plantings on their schedule.
- Storm water is on the City's radar for future attention.
- Vegetation is the non-conforming element.

Chad Rudow, 1201 Mountain Drive, technical adviser to the River Commission, and an employee of Roaring Fork Conservancy. He explained his role in developing the ordinance with reliance on science to preserve and enhance the river:

- Low flows/warm waters stressed the fish.
- Algae bloom from warm water following winter with little moisture.
- Roaring Fork River listed as "impaired" due to warm water temperatures.
- Healthy riparian areas are important.
- Resiliency important to health of the rivers.

In response to questions from Commissioner Malloy; Mr. Rudow listed the following benefits of healthy riparian areas:

- Slowing river flow
- Preventing point source pollution
- Roots and growth in riparian area reduce erosion

Commissioner Malloy agreed that storm water entering rivers leads to lesser quality. Riparian setback does not address storm water intrusion.

Rick Lofaro, 105 Ptarmigan Court, Basalt, commented on sedimentation from non-point sources.

Commissioner Schachter asked if there is a figure of how much riparian area has been lost over the last decade. There was no answer.

Chad Rudow commented that Roaring Fork Conservancy received inquiries from many other entities about impact on riparian areas from clearing the areas. We pass the concerns on to the appropriate entities.

Rick Lofaro, Basalt, commented that these regulations are a river management tool, not a taking of property rights. The grandfather clause can help people continue to enjoy their river property. Goal is to help landowners put things together to protect the rivers for future generations.

Scott Schreiber, 1806 Ouray Road, River Commissioner, lives by the river. Paid high premium for river property. Joined the River Commission to help keep the river a magical place and to keep the river for the future. He is an engineer who goes around the state helping to repair damaged riparian areas. Wants to help Glenwood Springs avoid damage.

Erica Gibson, 2701 Midland Ave., River Commissioner, commented that this code was intended to be a proactive code, not reactive. Much of what people already have or have been doing will be fine. If someone develops in the future, this code will apply. The primary item of concern for the present owners is use of fertilizer. The River Commission is starting a public outreach program to provide information to property owners.

The Chair closed public comment at 8:37 p.m.

Commissioner Malloy asked about Gary Vick's proposed revisions as he did not see staff comments on them.

Mr. Hyatt said Mr. Vick presented his ideas after the last hearing and they were in this packet. The task for staff was to simplify code and not to add another 15 pages or more. Staff was not able to explain every possible interpretation of the code.

Commissioner Malloy stated his intent to direct staff for some tweaks to the current document based on information received during the public hearing.

Commission Schachter commented on the concept of public outreach. Notice of our meetings is not public outreach.

Jenn Ooton responded to the question of whether there was adequate public outreach. This piece was set aside separately by the City Council from the recent code revision. It was part of the meeting we held about code revision.

Commissioner Schachter said we are making a recommendation to Council. Jenn Ooton reminded the Commissioners that Code now requires a public hearing before the Planning Commission to amend Article 070.

Commissioner Wussow asked about what was done in the VRBO revision. Ms. Ooton responded with:

- the survey,
- meetings held with the public,
- hearing with P&Z,
- then to Council.

The Chairman called for a MOTION regarding riparian setbacks.

Commissioner Malloy moved to continue this item and to direct staff to make a few refinements. He moved:

- To clarify language re non-conforming grandfathering. and how that would be managed;**
- To clarify that steps (specifically) are permitted in the riparian area;**
- To provide language regarding safe access to the river;**
- To clarify difference between the private and public sections of restrictions.**

Commissioner Wussow seconded the motion and wished to add language regarding improving notice to the public or providing notice when property changes ownership.

A discussion with Commissioner Malloy followed. No changes made to motion.

Commissioner Schachter concerned about whether we need to make some amendments right now with recommendations to Council to change. Clear boundaries about the water mark issue. Wants to hear rationale for the 10%. The other thing is to be on record for river front or riparian owners' workshops and other educational opportunities.

Discussion involving all Commissioners continued. Commissioner Malloy repeated his motion. He believed that staff changes, if approved, could then go to Council.

Commissioner Schachter wanted to see educational materials and workshops in the future.

Ms. Ooton said that might not be something to include in land use code but perhaps there could be something included in the budget for education.

Commissioner Cipperly wants specificity regarding trimming growth, mowing lawns, etc.

Commissioner Malloy agreed to accept the friendly amendments from Commissioners Wussow and Schachter.

Chairman Dehm wants to see how the proposed lines affect the properties. He wants to see an illustration showing the lines along the river front. Select some representative properties and provide an illustration. He was not asking for a map, just an illustration of what it does to real properties.

The motion carried unanimously to continue the item with the friendly amendments. Commissioner Shaver absent.

The Chair called for a five minute recess.

Commissioner Wussow left the meeting at the break. Commissioner Shaver did not return.

New Items

6. 32-19 – Special Use Permit for a 66-space surface parking lot in the m1-Mixed Use Corridor Zoning District. The project includes a variance request from the requirement that no block of parking exceeds eight spaces without providing a landscape island.

Applicant: Valley View Hospital
Owner: FirstBank
Location: 2014 Grand Avenue (PIN#: 2185-164-00-004 and -005)
Zone: M1-Mixed Use Corridor

Commissioner Schachter brought up a Commission request for a master plan for parking before we considered any more parking applications from this applicant. Ms. Ricehill asked for an overview of the request or just continue this item.

Brian Murphy, CEO of Valley View Hospital, stated:

- He is new to this job.
- They were working on a master plan.
- This proposal is to accommodate what we do now.

Commissioner Schachter repeated that the Commission was concerned about the spread of asphalt without a master plan for parking.

Ms. Ooton checked minutes and pointed out that the request for the master plan could not be attached as a condition to a future item before the Commission.

Dr. Murphy questioned how this proposal got this far.

Robert Smith from Valley View said that there is new leadership locally,

- Parking impact is crucial.
- They need to put parking somewhere now.
- It takes time to develop a master plan.
- Even if they build the parking garage already approved, they will displace parking.

Chairman stated they should move forward with this hearing.

Commissioner Schachter said the City does not have change of plans due to change of personnel, need to work within the comp plan.

Gretchen Ricehill presented the staff report.

- Sixty-six parking spaces for employee only use
- Access from 20th Street
- Taco Bell and First Bank will not have access to new parking area
- 16.5 foot wide access
- Valley View owns property for access
- 4 inch roll over curb for emergency access only
- Lot will be similar to other Valley View lots
- A variance is required to eliminate 3 landscape islands
- 21.8% of total lot is landscaping; 20% required
- Minor subdivision process (administrative)
- Variance requires P&Z review
- Stand-alone parking lot requires Special Use Permit
- Seven variance criteria required
- 2011-12 lot was resurfaced; landscaping not required then
- Grade difference between two lots
- Six criteria for special use permit
- Hospital is a regional medical center
- Technical comments from Public Works and Engineering.
- Reoriented bank parking
- Direct access from 20th Street; traffic light at intersection with Grand
- Landlocked parcel did not impact other commercial uses
- Two action items: approve, deny or continue; staff recommends approval

Commissioner Malloy requested additional information about:

- Lot line adjustment by Planning Director will take place after SUP approved
- Will there be an easement for access?
- Access is very narrow; how many park there?
- Is there a traffic study for the movement of the 66 vehicles?

Commissioners Cipperly and Schachter inquired about access from the condos through this property and cars queuing up to access the parking lot.
Reply: The applicant can provide additional information

Applicant presentation:

Robert Smith stated there is an access easement to the parking at the condos using the other driveway.

Yancy Nichol, engineer, preserve open space and landscaping;

- Access to Grand is subject to congestion.
- The employees who park here are already parking in the neighborhood.
- Hospital is staggering shift changes.
- Landscape islands would interfere with drainage flow and weaken asphalt.

Discussion between Mr. Nichol and Commissioner Malloy regarding drainage.

At 10:20 p.m. opened public comment. No one to speak. Closed public comment.

Ms. Ooton reported on the minutes from September 27, 2016, there was a question related to the master parking plan and putting a condition on future SUP for parking.

MOTION – Action Item 1: Commissioner Malloy moved for approval of item 1 as is; Commissioner Schachter seconded. No discussion. Carried unanimously.

MOTION – Action Item 2: Commissioner Malloy moved for approval of item 2 with findings and conditions 1-4 [with a condition 5 providing that no further land use applications be accepted without a master plan]; seconded by Commissioner Schachter.

Anna Itenberg, City Attorney's office, commented they could not attach a future action to this item by adding a 5th condition.

Commissioner Malloy removed fifth condition.

Motion carried unanimously.

7. Commissioner Comments

Commissioner Schachter questioned the all or nothing criteria for variances. Discussion followed involving staff and commissioners.

Commissioner Cipperly was in favor of providing incentives for conserving energy and resources as was done for this parking lot.

Commissioner Wissing thought we could have had a better public process. Discussion with staff followed.

Commissioner Schachter notified the Commission of an October 23 town meeting at 6:00 p.m. at the library. He is asking Council and Commissioners to be there.

Commissioner Schachter commented that a second monthly meeting to do the fun part of planning.

8. Director Comments

Ms. Ooton reminded Commission of October 16 joint meeting with Housing Commission and City Council in the Council Chambers.

Ms. Ooton said City Council would consider the Airport report at its next meeting.

9. Adjournment 10:34 p.m.

APPROVED