



AGENDA
CITY OF GLENWOOD SPRINGS
Planning and Zoning Commission
Regular Meeting
JANUARY 23, 2024
Council Chambers, First Floor
101 W. 8TH STREET
6:00 PM

1 Attendance Instructions

- A. This meeting is being held in person as well as Zoom.
Please click the link below to join the webinar:
<https://us02web.zoom.us/j/89732459092?pwd=VmxGUzZzUTZOcVI3eEh0UXljQWVvYzZ09>
Passcode: 177366
Or One tap mobile :
+17193594580,,89732459092# US
+16694449171,,89732459092# US
Or Telephone:
Dial(for higher quality, dial a number based on your current location):
+1 719 359 4580 US
+1 669 444 9171 US

2 Roll Call

3 Conflicts of Interest

4 Receipt of the Minutes

- A. December 12, 2023 Meeting Minutes Draft

5 Comments from citizens appearing for items not on the agenda

6 New Items

- A. Planning File #69-23 Special Use Permit 818 Colorado Avenue
B. Planning File #06-23, Variance for Front Setback

7 Commissioner Comments

8 Director Comments

9 Adjournment

MINUTES
CITY OF GLENWOOD SPRINGS
Planning and Zoning Commission

Regular Meeting
December 12, 2023
Council Chambers, First Floor
101 W. 8TH STREET 6:00 PM

1. Roll Call

Present: Commissioners: Carolyn Cipperly, Amy Connerton, Pete Waller, Matthew Simms, Joy White, Gregory Cowan

Also Present: Community Development Director Hannah Klausman, Senior Planner Watkins Fulk-Gray, City Engineer Ryan Gordon, Assistant City Engineer Asley Dostal, City Transportation Engineer Lee Barger, City Attorney Karl Handlon.

Actions: Commissioner Cipperly made a motion to seat Alternate Commissioner Gregory Cowan, motion seconded by Commissioner Connerton. Voice vote taken; motion passed unanimously.

2. Conflicts of Interest

None

3. Receipt of Minutes

November 14, 2023 Planning and Zoning Commission special meeting minutes

Commissioner Connerton made a motion to approve the minutes, seconded by Commissioner Simms. Voice vote taken, passed unanimously.

September 26, 2023 Planning and Zoning Commission regular meeting minutes

Commissioner Connerton made a motion to approve the amended minutes, seconded by Commissioner Cipperly. Voice vote taken, passed unanimously.

4. Comments from citizens for items not appearing on the agenda

No public comment was offered.

5. New Items

a. Planning File #63-23 Major Site Architectural Plan, The Benedict

Senior Planner Watkins Fulk-Gray presented Action Item 1: Major Site/Architectural Plan for The Benedict at 2800 Midland Ave.

Staff recommend approval with findings and conditions in the staff report.

Commissioner questions, comments, and staff responses included the following:

- More detail about the tax credit program requested. **Staff response:** The project has received a Low-Income Housing Tax Credit (LIHTC) award, which has federal funding sources and is subject to federal regulations like the Fair Housing Act. Often after the 40-year period, projects become free market. Staff is recommended requiring whatever inclusionary zoning requirements are in place after 40 years if the project becomes free market.
- What is the age limit for the project? **Staff response:** Persons age 55 plus.
- More details requested about the cross access. **Staff response:** Staff displayed the site plan and showed the proposed location of the alley cross access. It would connect to the memory care property and the condos' access point.
- Is the city offering fee waivers? **Staff response:** City Council approved fee waivers for system improvement fees in July.
- Will the voluntary deed restriction program apply to this project? **Staff response:** Only the required inclusionary zoning standards will apply.
- Is the drainage report that was done in 2013 still valid? **Staff response:** There was a follow-up study from this year that validated the findings of the 2014 study.
- What can be considered storage per code requirements? **Staff response:** Code defines what can and cannot be considered storage.
- What can be used for screening? **Staff response:** Code offers several ways to do screening with landscaping.
- Would neighbors to the east benefit from screening and landscaping? **Staff response:** There are no code requirements that they screen the development, but the landscaping that would be removed by the proposed cross access is a tradeoff to weigh.
- Does the City need to change its inclusionary zoning requirements with LIHTC projects? **Staff response:** It is something the City may consider.
- Why was the parking reduction approved? **Staff response:** The project offered structured parking, bike parking beyond what is required.
- Clarify the parking and access easement on the neighboring property. **Staff response:** It was an easement recorded in 2015 that gives exclusive use of Lot 2 for six parking spaces that are on lot 1, as well as providing access and an easement for utilities.
- Are the terms of the parking reduction met? **Staff response:** The parking approved in the parking reduction and proposed in the project are the same. There is a thought that since the parking reduction application proposed a project for age 62 and up, rather than age 55 and up, that there is a conflict.
- Does the elevation fronting the street meet code requirements? **Staff response:** It has the required number of architectural features but does not meet building orientation requirements.
- Clarification about how pedestrian access is proposed to work. **Staff response:** Pedestrians will have to cross 27th to go over the bridge and cross 27th again to get to the underpass that is under construction. There is an existing pedestrian island.
- What is the length elevation fronting 27th? **Staff response:** Staff is not able to respond accurately.
- Does the 27th St. elevation's eve line meet design guidelines? **Staff response:** It meets the minimum architectural features requirement.
- Has the cross access idea been vetted with the memory care owners? **Staff response:** They are aware of the concept. There are some challenges in making the cross access work.

- Has there been a complete traffic study and traffic counts for the area? **Staff response:** The traffic memo does provide some specific estimates based on ITE standards, so we know an estimate for the average number of daily trips and the direction they will likely be going. The information provided is part of the reason the City wants to require right-in, right-out changes.
- How does it work and are there examples of the City being involved in the tenant selection plan? **Staff response:** We can't step on Federal law, but the applicant has ownership of the process with our suggestions.
- How to add recommendation for the City to consider adding a pedestrian flashing light without requiring it of this project? **Staff response:** We will take this into consideration and Engineering is aware of this as a place that possibly needs looking at.
- Is the City good with the submitted drainage report? **Staff response:** Water does go directly into the river, but the proposal meets the City's Engineering guidelines and the water quality and stormwater infrastructure is sufficient to meet the needs.

Applicant provided:

- Background about Catholic Charities Housing
- Conditions of approval are acceptable with the exception of the requirement for cross access. Open space requirements would be compromised.
- There are grade issues on the site
- The project will be independent living for residents with amenity spaces

Questions from Commission to Applicant Team

- What will be the minimum age? Applicant response: 55.
- Sizes of units? **Applicant response:** 533sf
- How is affordability affected those after reducing ages 62 down to 55? **Applicant response:** Difficult to say.
- After 40 year lapses, what happens at that point? **Applicant response:** There are various layers of restriction; funding requirements are tied to this 40-year standard. They are not generally in the business of converting to market rate.
- Are seniors required to be working? **Applicant response:** No.
- Will fire trucks be using the proposed cross access? **Applicant response:** Only ambulances will be able to fit.
- Will residents park in the garage and will they be coming from 27th St? Will guests have access to the garage? **Applicant response:** Residents will have spots in the garage, and guests may also. An additional 17 spaces will be available, and some will be shared with the property to the south.
- Why are there only two accessible parking spaces? **Applicant response:** Two are the number that are required.
- Will ambulances fit in the garage? **Applicant response:** Yes, but they would have to back out.
- Will ambulances block the access drive? **Applicant response:** No.
- Can you create a loop access through the Racquet Club condos? **Applicant response:** It is a different property and thus they have not evaluated that.

- Where would the elevator be located? **Applicant response:** Near the front lobby, there is a ramp that allows ADA access.
- Architectural questions **Applicant response:** They wanted to put the entrances away from the busy 27th St. to accommodate parking.

Comments from the City Engineer

- Fire access is difficult, but there are other design options to increase the width of the proposed cross access. A mirror at the garage exit will help safety.

Comments from the Public

- Wynter: Unhappy lack of contact from developers. Concerns with parking, height, merged access shared with the proposed facility.
- Travis: Too big of a project.
- Dean Moffat: This project is too dense; project doesn't seem to fit.
- Darryl Grosjean: My home is in the Terraces and I have no opposition with this project.
- Jerry Thomas/Executive Director at RF Senior Living: Provided information about the senior living facility's operations.
- Mark Belanger/owner group for RF Senior Living: We were opposed but we are now have come around. We think it is still too massive and parking is insufficient.

Commissioner Connerton made a motion to approve Action Item 1 with conditions as written in the packet. Commissioner White seconded the motion.

Discussion after the motion included:

- Extraordinary to see such an affordable housing project proposed, especially for seniors.
- Would like minimum age to increase.
- Would prefer to have more landscaping in between Racquet Club condos and The Benedict.
- Concerns with lack of parking.
- Age 55 sounds young because of the community we are in; many retirement communities are age 55-plus.
- Would be nice if this could be in a different location.
- Would be nice if there were some two-bedroom apartments.
- Applicants should collaborate with adjacent landowners and be good neighbors.
- Need to make sure common access with The Benedict/Racquet Club condos is safe.

Commissioner Waller called the item to question. Motion passed unanimously with a vote of 6-0.

b. Planning File #45-23 1041 Matters of State Interest Permit, Location and Extent, XCEL Line rebuild

Comm Development Director Hannah Klausman presented the Planning File for a Matters of State Interest permit application and explained that Xcel was the first applicant to go through the permit process adopted by Council in 2021. Ms. Klausman detailed the proceedings and review criteria.

- **Action Item 1:** Approval of a Matters of State Interest Permit for an electric transmission line replacement for Xcel Energy from Glenwood Springs Substation to Mitchel Creek Substation.

Staff recommend approval with findings and conditions in the staff report.

Commissioner questions, comments, and staff responses included the following:

- What is the extent of this project. **Staff response:** The project is one segment of a larger rebuild project for Xcel that extends beyond Glenwood canyon towards Parachute.
- Are there traffic stoppages planned on the interstate, State Hwy or other city streets.
Staff response: None are anticipated currently.
- Where would visual impact be greatest?
Staff response: The project includes taller pole heights and larger steel monopole structures.
- Would there be a hybrid component possible underground/overhead.
Staff response: The applicant reviewed underground routes but cost, and disruption of private property were cited as reasons to not select that route.
Applicant Response: as a starting point we propose above ground because of cost as it is lower, steep terrain and rock underground makes this difficult as a trench with conduit and concrete is used, vault rooms are installed with great disturbance on private land, costs may be prohibitive.
- Is eminent domain a component of this project?
Staff response: That is a tool that can be used if necessary, however Xcel is working with landowners on property rights.
- Could the ultimate increase in 115 kV allow for re-review? **Staff response:** yes.
- Is there consideration for the Bighorn sheep in the canyon? **Staff response:** Colorado Parks and Wildlife was a referral agency for wildlife impact and had not responded with concerns.
- Is the City a funding entity in all this. **Staff response:** No.

Applicant was asked and provided specific Commission information:

- Why the height increase? **Applicant response:** static wire infrastructure
- Will there be notification to neighbors regarding construction operations?
Applicant response: Yes, we will do our best to use the helicopter to minimize staging area impact but do our best to minimize this intrusion from the helicopter as well.
- Have other jurisdictions denied such an application or forced it underground? **Applicant response:** Not that we are aware of.
- Anywhere in Colorado where you go underground? **Applicant response:** Denver Metro and others where ROW is inaccessible
- Time extent of helicopter use? **Applicant response:** Portions of the day of a 2-week period, but not likely to be more than a couple hours a day.
- Easements are 30' wide currently, is vegetation managed, what does the new 60' look like. Is it 60' throughout? **Applicant response:** Currently the area has low vegetation to reduce erosion, revegetation management plan will be a part of the project. Yes 60' throughout.
- How are artesian springs mitigated? **Applicant response:** geotechnical investigations 26' deep revealed no contact with springs and they had a mitigation plan should they had found any
- Do the residents of GWS benefit. **COGS Public Works response:** Yes, the City Electric service takes electricity from this line.

Comments from Public Residents

- **Dean Moffatt:** Concerns with the line not following terrain to minimize impact, bighorn sheep have adapted but suffer impacts, we have been forced to deal with this large-scale project.

Commissioner **Simms** made motion to approve Action Item 1 with findings and conditions as described in the staff report.

Commissioner discussion included the following:

- Xcel has been communicative in work in the past and we expect the same with this project.
- The citizens will benefit from clear communication regarding this project.
- There will be taller towers but the benefits as needed from regulation will be a positive element of the project.
- Protection from wildfire impacts is a great benefit from this project.

Commissioner **Cipperly** seconded the motion. Motion passed unanimously with a vote of 6-0.

9:52pm, Commissioner Connerton motions to stay past 10pm, Commissioner Cowan seconded the motion. Motion passed unanimously.

c. Planning File #68-23 Code Amendments to Title 070 related to Storm-water Development Standards and Fee In-Lieu

City Engineer Ryan Gordon (with Assistant City Engineer Ashley Dostal) presented the need for this proposed code with components of stormwater standards, dispersed individual stormwater systems, and regional City managed stormwater systems.

Staff recommend approval with findings and conditions in the staff report.

Commissioner questions, comments, and staff responses included the following:

- Please explain the Table. **City Engineer response:** estimated costs are in cubic foot of storm water. $\$365 \times 100 \text{cf} = 1000 \text{cf}$ of impervious increases.
- Will this program cover infrastructure costs? **City Engineer response:** Potentially, we have built out areas so we have missed out on capturing funds over the years, but this will allow us to move forward and deal with developments with small stormwater management issues.
- Discuss what other measures are in place or to be put in place to manage this system. **City Engineer response:** as the standards are rewritten other measures will be required for treatment on site to help mitigate negative stormwater impacts, construction management plan, soil erosion measures, and an upcoming Stormwater masterplan will be pursued to help manage this.
- Are there designations for residential vs commercial or those doing more or larger projects, less pervious area, etc.? **City Engineer response:** Yes, larger developments have sand/oil separators to capture more contaminants.
- Is this a required program? **City Engineer response:** Cost of design and engineering are not in the costs of the assessment, but as an applicant works through the numbers and decides that it isn't worth it can certainly opt out.

- Will there be a combined wastewater and stormwater collection system? **City Engineer response:** no plans for that currently.
- How will this be managed over time? **City Engineer response:** individually there are requirements for a Drainage Letter for site development minor (memo) and major (Full drainage analysis and study). Fee-in Lieu would not require any analysis as previously noted. Stormwater management standards apply throughout the life of a project even though a developer has chosen to become involved in the Fee-in-lieu program.
- Fee language should be clear in the proposed changes. **City Legal Response:** The language is rationally connected to the needs and goals of the fee-in-lieu proposal.
- How is maintenance regulated? **City Engineer response:** Individually homeowners sign a maintenance agreement, non-reporting requirement, but if systems fail then the City may step in, fix, and charge for improvements.

No public comment was taken.

Commissioner **Cowan** made motion to approve the recommended ordinance as presented for fee-in-lieu of stormwater detention.

Commissioner **Connerton** seconded the motion.

Commissioner discussion included the following:

- Collective of positive comments regarding this and other efforts by the City to further conservation and present support of the community.
- Commissioner Cipperly to send language to Legal regarding semantics needed to clarify proposed language changes prior to City Council presentation.

Commissioner Waller called the item to question. Motion passed unanimously with a vote of 6-0.

6. Commissioner Comments

- Commissioner Cowan is appreciative of the process, how commissioners and staff manage the process.
- Comments on staff report format and wanting page numbers.

7. Director Comments

Community Development Director Hannah Klausman detailed the applications expected in January and wished everyone a happy and safe holiday season, thanking them for their service in 2023.

8. Adjournment

Meeting adjourned at 10:09 PM.

Planning and Zoning Commission Report

Date: January 23, 2023
To: Planning & Zoning Commission
From: Emery Ellingson, Planner II
Subject: Planning File 69-23 Special Use Permit 818 Colorado Avenue

REQUEST	Consideration of a Special Use Permit to allow a non-approved use to expand on the ground floor of a building within the Downtown Overlay District as described in Section 070.020.180(b)(2)
APPLICANT	818 Colorado LLC
OWNER	818 Colorado LLC
LOCATION	818 Colorado Avenue (PIN# 2185-094-11-015)
ZONE	M2 Mixed Use Central Core (M2) Downtown Commercial Overlay District (DDO)
EXISTING USE	Commercial - office
SURROUNDING LAND USES	North: Surface parking, commercial office space South: Surface parking, commercial office space East: Mixed use – commercial and upper level residential West: Commercial office space, post office
LOT SIZE	17,500 square feet

ACTION ITEM

Per Section 070.060.050(e) of the *Glenwood Springs Municipal Code* (Code), the Planning and Zoning Commission (Commission) is the deciding body for Special Use Permits.

Action 1 – Special Use Permit– to consider a Special Use Permit to allow a non-approved use to expand on the ground floor of a building within the Downtown Overlay District as described in Section 070.020.180(b)(2)

Staff recommendation: *Staff recommends **approval** of the Special Use Permit with findings and conditions on **page 4 and 5** of the staff report.*

LOCATION AND BACKGROUND

Location

The subject property located at 818 Colorado Avenue is zoned M2 Mixed Use Central Core and is within the boundary of the Downtown Commercial Overlay District (DDO).

Project Summary

The applicant owns the office building located at 818 Colorado Avenue. Most of the ground floor is used by Balcomb & Green, except for two suites which are leased to other office uses. Office uses are not an approved use within the newly adopted DDO. The applicant would like to expand their legal office use into those two other spaces, one which is 150 square feet, and the other is 200 square feet. Within the DDO, any existing business which is not an approved use cannot expand on the ground floor without a Special Use Permit. If this application were approved, it would only apply to the two spaces described in this application.

Downtown Overlay District (DDO) History

The Downtown Overlay District was originally proposed by the Planning and Zoning Commission in 2021. City Council held two work sessions on February 3, 2022 and May 19, 2022, to discuss Planning and Zoning Commission recommendations to implement a Downtown Commercial Overlay District. Two public meetings were held on April 2, 2023, and the Overlay District was eventually approved in October 2023 by City Council.

Downtown Overlay District (DDO) Purpose

The purpose and intent of the Downtown Commercial Overlay District (DDO) is to promote downtown vibrancy and pedestrian engagement, with an emphasis on walkability and active ground floor uses. As part of encouraging this intended goal, the DDO only allows the following approved uses:

- Retail
- Food and beverage establishments
- Indoor recreation and entertainment
- Personal services, specifically
 - Beauty/barber shop
 - Shoe repair, Alterations
 - Spas/massage

The approved uses list is limited, however any uses allowed in the base zoning district are reviewed through the Special Use Permit review process. This facilitates review of uses that would have been allowed as a by right use prior to establishment of the DDO.

Special Use Permits

The Special Use Permit procedure allows for City to review development and land uses with unique or varying operating characteristics on a case-by-case basis. The procedure is intended to ensure compatibility with surrounding areas and mitigate potential impacts. Special Permits are required depending on the zoning district and proposed use. Post-approval aspects of the Special

Use Permit include:

- Expiration of permit if authorized use is not underway within three years of approval.
- Any expansion or enlargement of use subject to a new application and review by Planning & Zoning Commission unless proposed change does not increase any potential negative impacts.
- Special Use Permits are transferrable to other owners/operator unless otherwise provided in conditions of approval.

PROJECT ANALYSIS AND CRITERIA

The Commission shall consider to what degree the application meets the following criteria. Staff analysis of criteria as follows:

SPECIAL USE PERMIT CRITERIA
The use will be compatible with the surrounding area
The impacts of the use on surrounding area have been adequately minimized
The use will be consistent with the general purpose and intent of this Code
The use will be consistent with all applicable standards of this Code
The use is in conformance with the Comprehensive Plan and other City plans and policies
The use minimizes adverse impacts to the health, safety, and welfare of the inhabitants of the surrounding areas and the City

1. The use will be compatible with the surrounding area.

The subject use is compatible with the surrounding area. Within the immediate vicinity of this building, there are three other buildings with office use on the ground floor which include 817 Colorado, 804 Colorado, and 902 Colorado.

2. The impacts of the use on surrounding area have been adequately minimized.

The impacts on the surrounding area are minimal. There will be no change in use and no exterior changes to the building.

3. The use will be consistent with the general purpose and intent of this Code.

The use is consistent with the general purpose and intent of this Code as the M2 Mixed Use Central Core Zoning District allows for this use and the DDO allows for review of this use through the Special Use Permit process.

4. The use is in conformance with the Comprehensive Plan and other City plans and policies.

The Comprehensive Plan (2023 update) addresses ground floor commercial spaces in the Downtown in Goal 2.1A. Goal 2.1A states need to “*prioritize downtown development that includes retail space at the street level, commercial office space at a second level, and residential development.*” Since this application does not include retail space at street level, staff finds this use is not in direct conformance with the Comprehensive Plan. This goal also identifies need to update the existing Downtown Plan.

The existing Downtown Plan (1998) calls for Downtown to maintain a balance among retail/entertainment, office, and tourist uses and sets a goal to “*maintain retail function of downtown while accommodating additional office development in appropriate locations and at an appropriate scale.*” Staff finds that this office development is in an appropriate location because it is within an existing office building and the spaces are not adjacent to the sidewalk. Staff finds that this office development is at an appropriate scale because it only affects two office spaces which account for approximately 7% of the main level floor area. Suite 1 and 2 combine for 350 square feet and the main level floor area is 4,945.4 square feet.

5. The use minimizes adverse impacts to the health, safety, and welfare of the inhabitants of the surrounding areas and the City.

The proposed use would not adversely impact the health, safety, and welfare of the inhabitants of the surrounding areas and the City.

REVIEWING AGENCY COMMENTS

No additional comments were received from any reviewing agencies

PUBLIC COMMENT

No public comment has been received.

ACTION ALTERNATIVES AND STAFF RECOMMENDATION:

The Planning and Zoning Commission may approve, approve with conditions, or deny the Special Use Permit. The Commission may also continue the hearing with a request for specific information necessary to determine compliance with the Municipal Code and city goals and policies.

Action 1 – Special Use Permit– to consider a Special Use Permit to allow a non-approved use to expand on the ground floor of a building within the Downtown Overlay District as described in Section 070.020.180(b)(2)

Staff Recommendation/Suggested Motion

Given the scale of the proposed change, degree of compatibility with the surrounding area, and minimal impact, staff recommends **approval** of the Special Use Permit with the following **findings and conditions**:

Suggested Findings:

1. The use will be compatible with the surrounding area.
2. The impacts of the use on surrounding areas have been adequately minimized.
3. The use will be consistent with the general purpose and intent of this Code.
4. This use will comply with the applicable standards of this Code.
5. The use is not in conformance with the Comprehensive Plan, however it does conform with the existing Downtown Plan.

6. The use minimizes adverse impacts to the health, safety, and welfare of the inhabitants of the surrounding areas and the City.

Suggested Conditions

1. The applicant/owner shall comply with all verbal representations made in the public hearings, as outlined in all application materials, and/or as revised per conditions herein and approved by the Community Development Director
2. Any future physical changes to or improvements to the property are subject to the review and approval of the Community Development Director for compliance with applicable requirements of the Glenwood Springs Municipal Code.
3. Any change in business use from Balcomb & Green Legal office shall trigger reconsideration and approval the Special Use Permit by the Planning & Zoning Commission.
4. The Special Use Permit shall only apply to the units vacated by Colorado River Engineering and Lyons Gaddis.
5. The Special Use Permit shall expire if the authorized use of legal office is not substantially underway within 1 year after that date of this approval.

Alternative Motion

*** If the Planning and Zoning Commission finds this application does not meet criteria for a approval of a Special Use Permit, it may make a motion to recommend for denial. This motion must be supported with information supporting how the application does not meet criteria. An example motion shown below:

MOTION FOR DENIAL

Action 1 – Special Use Permit– to consider a Special Use Permit to allow a non-approved use on the ground floor of a building within the Downtown Overlay District as described in Section 070.020.180(b)(2)

I move to **recommend denial** finding that:

1. The use will **not** be compatible with the surrounding area.
2. The impacts of the use on surrounding areas have **not** been adequately minimized.
3. The use will **not** be consistent with the general purpose and intent of this Code.
4. The use will **not** comply with all applicable standards of this Code.
5. The use is **not** in conformance with the Comprehensive Plan and other city plans and policies.
6. The use **does not** minimize adverse impacts to the health, safety, and welfare of the inhabitants of the surrounding areas and the City.



LAND USE APPLICATION

City of Glenwood Springs
Economic and Community Development Dept.
101 West 8th Street
Glenwood Springs, CO 81601
970-384-6411

Ordinance Amendments		Development Permits	
☐	Rezoning		Site/Architectural Plan Review
☐	Rezoning to Planned Unit Development (PUD)		☐ Administrative
☐	Annexation		☐ Minor
☐	Condominiumization		☐ Major
☐	Annexation	☐	Master Plan
☐	Street Vacation	☐	Construction Plans
		☐	Location & Extent
Subdivisions			Right of Way Encroachment License
☐	Minor Subdivision	☐	Floodplain Development Permit
☐	Preliminary Plat	☐	Special Use Permit
☐	Final Plat		Flexibility and Relief Procedures
☐	Vacation of Right-of-Way	☐	Variance
		☐	Administrative Adjustment
Other Land Use Applications		☐	Appeal
☐	Outdoor Seating		

Applicant/Property Owner Information:			
Applicant		Owner	
Relationship to Owner		Owner	
Applicant Address		Owner Address	
Phone	Email Address	Phone	Email Address

Property Information:	
Address	Parcel Number
Subdivision	Lot and Block Number
Zone District	Existing Land Use

General Project Description:

Signatures:		
The owner or applicant must be present at the hearing. All public hearings must be properly noticed according to G.S.M.C. Section 070.010.030. Signatures of all owners of the property must appear before the application is accepted. Partnerships or corporations may have the authorized general partner or corporate officer sign the		
	Applicant	Date
	Owner	Date

application. (Attach additional incorporation documents if necessary.) I declare under the penalty of perjury that the above information is true and correct to the best of my knowledge.	<i>Sara M. Dana</i>	11/28/2023
	Owner <i>C. C. King</i>	Date

Owner

Date

P R O P O S E D P R O J E C T

To: Planning and Zoning Commission

From: 818 Colorado, LLC.

Date: November 28, 2023

Re: Special Use Permit Application, Suite 1

I. Background Information

818 Colorado Avenue's ADA accessible ground floor consists of offices historically leased solely to Balcomb & Green, P.C. ("Balcomb & Green"). In May 2022, Balcomb & Green reduced its first-floor footprint by two office spaces. 818 Colorado, LLC, then leased those two offices to two separate professional services. One office was leased to Colorado River Engineering, Inc. ("Suite 1"), and one office was leased to Lyons Gaddis, P.C. ("Suite 2"). Suite 1 is approximately 200 square feet and is not equipped with water or gas lines. Only two employees of Colorado River Engineering, Inc. work in Suite 1.

On November 5, 2023, Ordinance No. 09 ("Ordinance") went into effect, deeming all current ground floor businesses of 818 Colorado Ave. to be legal non-conforming uses. While allowing for new non-conforming businesses to replace previous non-conforming tenants, the Ordinance prohibits the "expansion" of a ground floor non-conforming business without a special use permit.

II. Scope of Project

Over the past year, Balcomb & Green has hired five new employees, and it would like to obtain authorization to reoccupy Suite 1. There will be no structural or density changes, as the sole scope of the project is one Balcomb & Green employee moving into Suite 1.

III. Planning and Zoning Commission ("Commission") Considerations

a. Compatibility with Surrounding Area

The area surrounding 818 Colorado Ave. consists of professional and government buildings and businesses including the Law Office of Kip O'Connor, JVAM, P.C., Kalamaya Goscha, P.C., Alpine Legal Services, the United States Postal Service, the Garfield County Court House, Garfield County Administration Buildings, and Glenwood Springs City Hall. Balcomb & Green's reoccupation of Suite 1 will be compatible, as it is today, with the surrounding area.

b. Impacts of Use on Surrounding Areas have been Adequately Minimized

Suite 1 has been used for professional purposes. The replacement of an engineering firm with a law office will have no impact on the surrounding area.

c. Consistency and Compliance with Purpose, Intent, and Standard of Code

Approved uses under the Ordinance are food and beverage establishments, retail, indoor entertainment, commercial outdoor recreation use, and certain personal service businesses. Suite 1 is approximately 200 square feet with indoor access to Balcomb & Green. It is not feasible for any of the outlined approved uses to operate in such a small space with no water or gas lines, and it is incompatible for those uses to have direct indoor access to a law office.

The purpose of the Ordinance is to “promote downtown vibrancy and encourage pedestrian-friendly businesses and service character in the central core to support a lively and bustling street atmosphere.” While not an approved use, Balcomb & Green is a pedestrian-friendly business, as people come in every day for its legal services. Further, tourism is seasonal and, to endure the offseason, downtown retail, food and beverage, and personal service establishments rely on residents for support. This often comes from local businesses located downtown, such as Balcomb & Green, whose employees frequent these establishments.

The property is located west of Grand Ave., in an area dominated by professional and governmental buildings. City Council, in enacting this Ordinance, anticipated this exact circumstance by specifically outlining the special use permit process for any “expanding” non-conforming uses. Allowing Balcomb & Green to reoccupy Suite 1 complies with the intent, purpose, and standard of the Code.

d. Conformance with City’s Comprehensive Plan

i. Community Resilience in Response to Economic Events, Wage Spending, and Sales Tax

Glenwood Spring’s Comprehensive Plan (“Plan”) notes the importance of pursuing strategies to ensure the community is resilient to economic events and impacts. Although tourism is a source of income to local businesses and sales tax to the government, tourism is seasonal and is highly elastic to economic change, as seen in our community during the Great Recession.

Local wage spending, as noted by the Plan, is another source of income and sales tax that is vital to the government and downtown businesses. Unlike tourists, local employees continuously spend their wages in the community and, although sensitive to economic change, will not completely disappear. Balcomb & Green has been a member of this community since 1953 and in the past year has hired five new employees. By granting this special use permit and allowing the expansion of a long-

standing local business, the Commission will help ensure that our economy will still be supported by local wages if tourism decreases.

ii. Role as Regional Center & Locals First Philosophy

The Plan highlights the importance that Glenwood Springs retain its role as a regional employment and commercial center while focusing on local-serving economic development. Balcomb & Green maintains its main office at 818 Colorado Avenue and has been proudly serving this community since 1953. By approving the special use permit, the Commission will be accomplishing its goal of keeping Glenwood Springs a regional high-level service center, while also maintaining a local's first philosophy by allowing the growth of a local law firm to meet the legal needs of the community.

iii. Preservation of Glenwood's Character While Increasing Commercial Success & Compact Urban Form

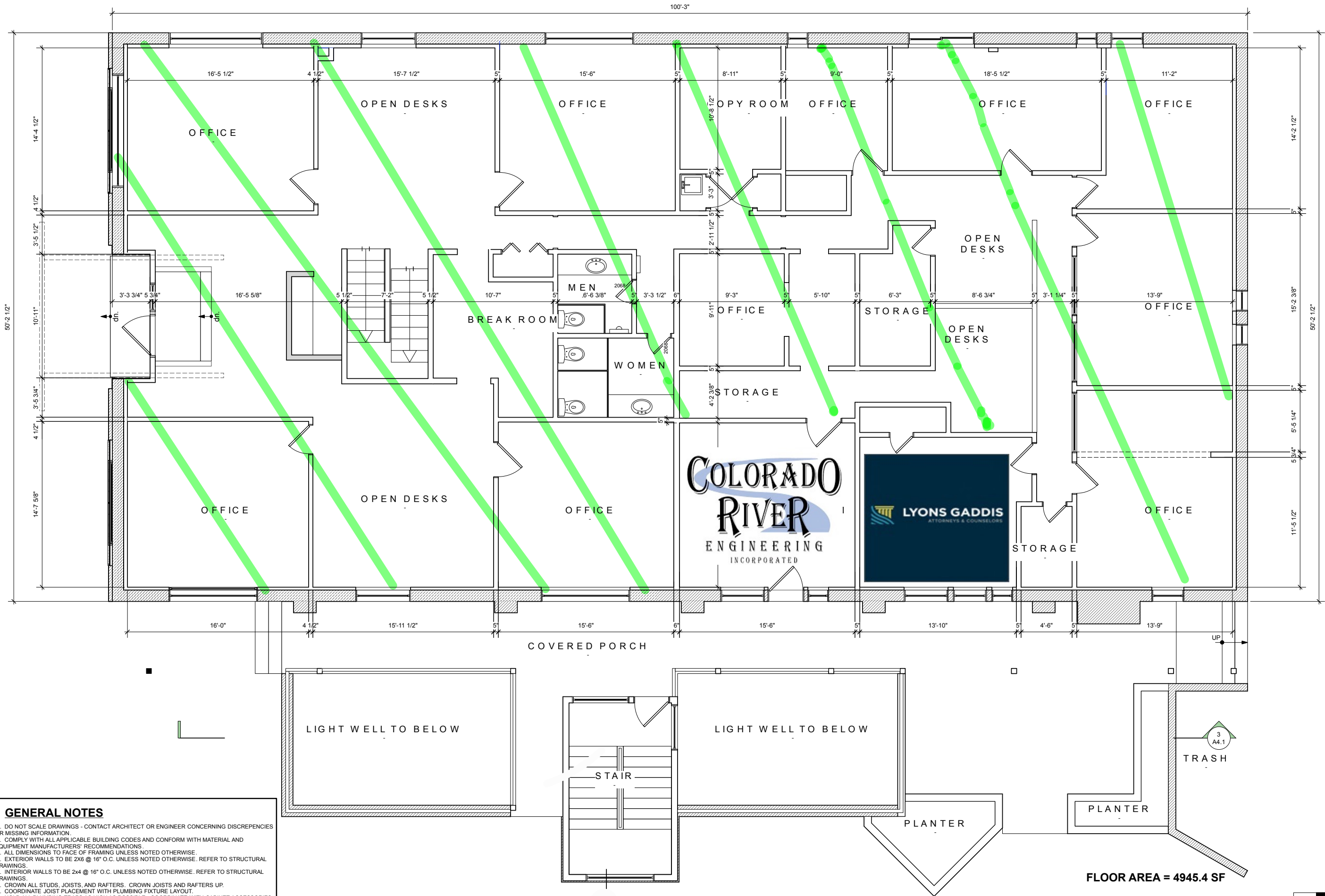
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e. Use Minimizes Adverse Impacts on Health, Safety, and Welfare of Inhabitants

Balcomb & Green reoccupying Suite 1 will have no adverse impacts on the health, safety, and welfare of residents. It continues the status quo.

IV. Conclusion

818 Colorado, LLC, respectfully requests the Planning and Zoning Commission to grant this request for a special use permit to allow one of its tenants, Balcomb & Green, to re-occupy space it previously rented from the applicant.



GENERAL NOTES

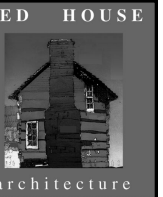
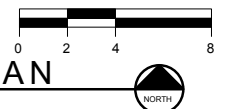
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Current Use

★ All striped offices belong to Balcomb & Green.

FLOOR AREA = 4945.4 SF

EXISTING MAIN LEVEL FLOOR PLAN
@ 1/4" = 1'-0"



design + build

815 BLAKE AVE.
GLENWOOD SPRINGS,
CO. 81601

PHONE (970) 945-8240
FAX (866) 431-1950
bruce@redhousearchitecture.com

Livery Building
818 COLORADO AVE.
Glenwood Springs, COLORADO

date: remarks:

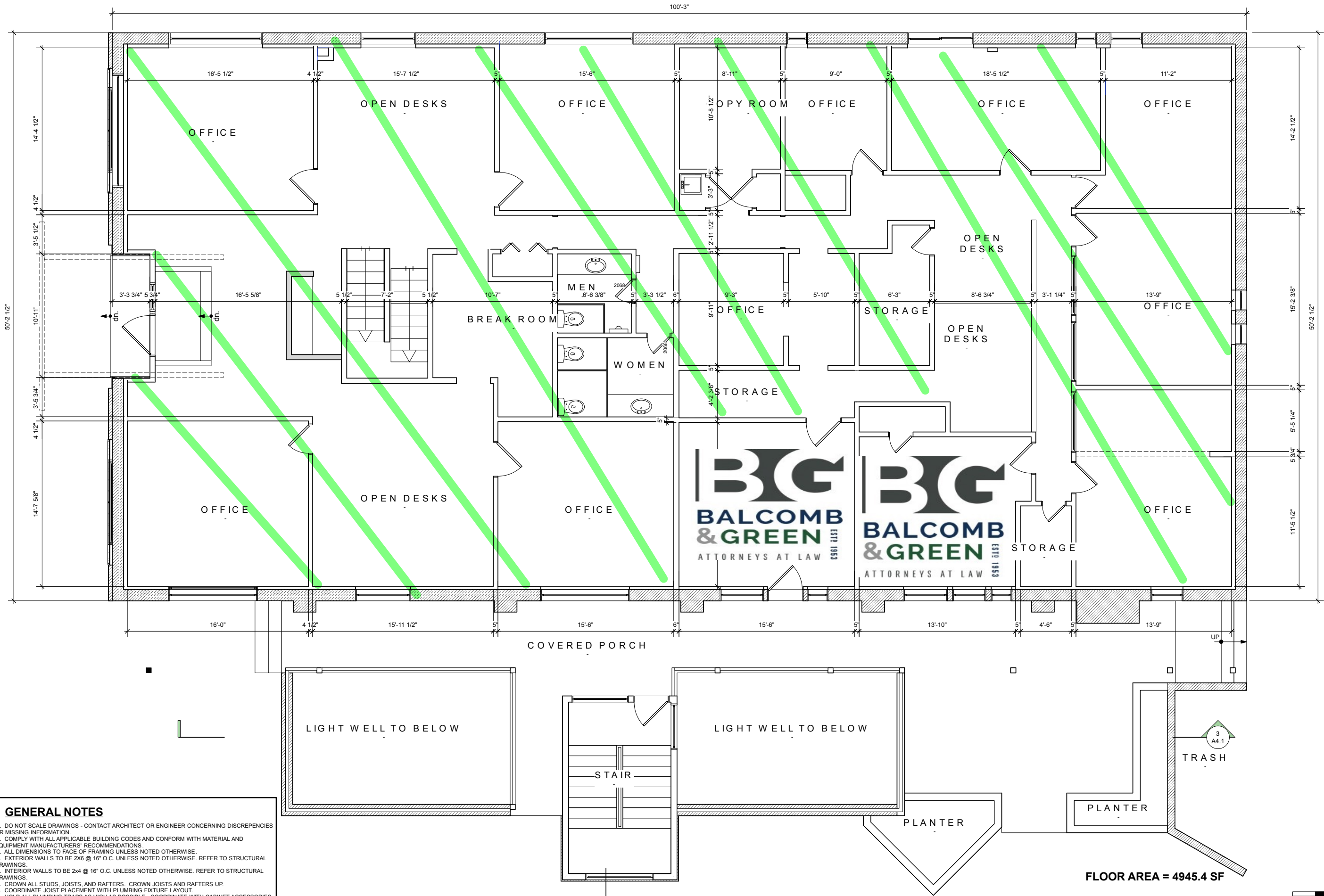
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**MAIN LEVEL
FLOOR PLAN**

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Time: 1:12:33 PM
File name: 0835 A2.1 PLAN.vwx

E2.2

0835 A2.1



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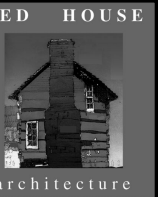
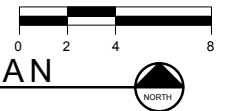
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535718 11/19/1998 03:55P B1099 P139 M ALSDORF
1 of 1 R 6.00 D 0.00 GARFIELD COUNTY CO

139

QUIT CLAIM DEED

THIS DEED, made this 11th day of November, 1998, between **D & B BUILDING PARTNERSHIP**, whose address is P.O. Drawer 790, Glenwood Springs, Colorado, County of Garfield and State of Colorado, (Grantor), and **B & G BUILDING LLC, a Colorado limited liability company**, whose legal address is P.O. Drawer 790, Glenwood Springs, CO 81602, County of Garfield and State of Colorado, (Grantee):

WITNESSETH, That the Grantor, for and in consideration of the sum of One Dollar and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold, conveyed and **QUIT CLAIMED**, and by these presents does remise, release, sell, convey and **QUIT CLAIM** unto the Grantee, its successors and assigns forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, together with improvements, if any, situate, lying and being in the County of Garfield and State of Colorado described as follows:

Parcel 1:

Lots 14, 15 and 16
Block 38
City of Glenwood Springs, Colorado
(Vacant Land)

Parcel 2:

Lots 7 through 13, both inclusive,
Block 38
City of Glenwood Springs, Colorado
(818 Colorado Avenue, Glenwood Springs, Colorado 81601).

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

D & B BUILDING PARTNERSHIP

By

Edward Mulhall, Jr.

By

Scott Balcomb

By

Lawrence R. Green

By

Lori J.M. Satterfield

By

Timothy A. Thulson

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me this 11th day of November, 1998, by Edward Mulhall, Jr., Scott Balcomb, Lawrence R. Green, Lori J.M. Satterfield and Timothy A. Thulson, as Partners of D & B BUILDING PARTNERSHIP.

Witness my hand and official seal.

Notary Public

Address:
My commission expires:

818 Colorado Avenue
Glenwood Springs, CO 81601
My Commission expires May 1, 2001



64230073

Packet Page 21

Return to: B & G Building LLC
PO Box 790
Glenwood Springs CO 81602

319
5



Document must be filed electronically.
 Paper documents are not accepted.
 Fees & forms are subject to change.
 For more information or to print copies
 of filed documents, visit www.sos.state.co.us.

Colorado Secretary of State
 Date and Time: 11/30/2020 04:48 PM
 ID Number: 19981190369
 Document number: 20208041689
 Amount Paid: \$25.00

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Amendment

filed pursuant to §7-90-301, et seq. and §7-80-209 of the Colorado Revised Statutes (C.R.S.)

1. For the entity, its ID number and entity name are

ID number 19981190369
 (Colorado Secretary of State ID number)

Entity name B&G BUILDING LLC

2. The new entity name (if applicable) is 818 Colorado LLC

3. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ This document contains additional amendments or other information.

4. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are _____
 (mm/dd/yyyy hour:minute am/pm)

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that such document is such individual's act and deed, or that such individual in good faith believes such document is the act and deed of the person on whose behalf such individual is causing such document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S. and, if applicable, the constituent documents and the organic statutes, and that such individual in good faith believes the facts stated in such document are true and such document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is identified in this document as one who has caused it to be delivered.

5. The true name and mailing
 address of the individual causing
 the document to be delivered for
 filing are

Grosscup Scott A
 (Last) (First) (Middle) (Suffix)
Balcomb & Green, PC
 (Street name and number or Post Office Box information)
PO Drawer 790
Glenwood Springs CO 81602
 (City) (State) (Postal/Zip Code)
United States
 (Province – if applicable) (Country – if not US)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).

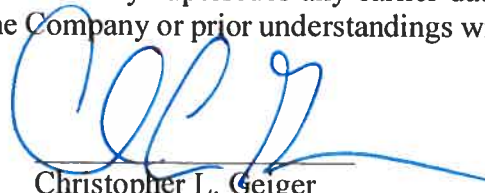
EXHIBIT A**PERCENTAGE INTERESTS AND CAPITAL CONTRIBUTIONS****Effective as of June 3, 2022**

<i>Member's Name & Address</i>	<i>Membership Interest</i>	<i>Initiation Date</i>	<i>Initial Contributions</i>
Christopher L. Geiger P.O. Drawer 790 Glenwood Springs, CO 81602	1/3 rd	10/01/2007	Real property interest, debt guaranties and services
Sara M. Dunn P.O. Drawer 790 Glenwood Springs, CO 81602	1/3 rd	10/01/2007	Real property interest, debt guaranties and services
Scott Grosscup P.O. Drawer 790 Glenwood Springs, CO 81602	1/3 rd	01/01/2012	Real property interest, debt guaranties and services
Total	100%		

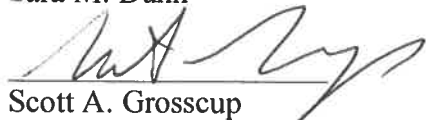
818 Colorado, LLC, a Colorado limited liability company ("Company"), certifies that this Schedule LLC-1, Exhibit A, to its Operating Agreement accurately identifies each Member and its associated Percentage Interests on the date specified above. This document hereby supersedes any earlier-dated version of the Percentage Interests or Capital Contributions in the Company or prior understandings with respect hereto.



Sara M. Dunn



Christopher L. Geiger



Scott A. Grosscup



LAND USE APPLICATION

City of Glenwood Springs
Economic and Community Development Dept.
101 West 8th Street
Glenwood Springs, CO 81601
970-384-6411

Ordinance Amendments		Development Permits	
☐	Rezoning		Site/Architectural Plan Review
☐	Rezoning to Planned Unit Development (PUD)		☐ Administrative
☐	Annexation		☐ Minor
☐	Condominiumization		☐ Major
☐	Annexation	☐	Master Plan
☐	Street Vacation	☐	Construction Plans
		☐	Location & Extent
Subdivisions			Right of Way Encroachment License
☐	Minor Subdivision	☐	Floodplain Development Permit
☐	Preliminary Plat	☐	Special Use Permit
☐	Final Plat		Flexibility and Relief Procedures
☐	Vacation of Right-of-Way	☐	Variance
		☐	Administrative Adjustment
Other Land Use Applications		☐	Appeal
☐	Outdoor Seating		

Applicant/Property Owner Information:			
Applicant		Owner	
Relationship to Owner		Owner	
Applicant Address		Owner Address	
Phone	Email Address	Phone	Email Address

Property Information:	
Address	Parcel Number
Subdivision	Lot and Block Number
Zone District	Existing Land Use

General Project Description:

Signatures:		
The owner or applicant must be present at the hearing. All public hearings must be properly noticed according to G.S.M.C. Section 070.010.030. Signatures of all owners of the property must appear before the application is accepted. Partnerships or corporations may have the authorized general partner or corporate officer sign the		
	Applicant	Date
	Owner	Date

application. (Attach additional incorporation documents if necessary.) I declare under the penalty of perjury that the above information is true and correct to the best of my knowledge.	<i>Sara M. Dana</i>	11/28/2023
	Owner <i>C. C. King</i>	Date

Owner

Date

P R O P O S E D P R O J E C T

To: Planning and Zoning Commission

From: 818 Colorado, LLC.

Date: November 28, 2023

Re: Special Use Permit Application, Suite 2

I. Background Information

818 Colorado Avenue's ADA accessible ground floor consists of offices historically leased solely to Balcomb & Green, P.C. ("Balcomb & Green"). In May 2022, Balcomb & Green reduced its first-floor footprint by two office spaces. 818 Colorado, LLC, then leased those two offices to two separate professional services. One office was leased to Colorado River Engineering, Inc. ("Suite 1"), and one office was leased to Lyons Gaddis, P.C. ("Suite 2"). Suite 2 is approximately 150 square feet and is not equipped with water or gas lines. Only one employee of Lyons Gaddis, P.C. works in Suite 2.

On November 5, 2023, Ordinance No. 09 ("Ordinance") went into effect, deeming all current ground floor businesses of 818 Colorado Ave. to be legal non-conforming uses. While allowing for new non-conforming businesses to replace previous non-conforming tenants, the Ordinance prohibits the "expansion" of a ground floor non-conforming business without a special use permit.

II. Scope of Project

Over the past year, Balcomb & Green has hired five new employees, and it would like to reoccupy Suite 2. There will be no structural or density changes, as the sole scope of the project is one Balcomb & Green employee moving into Suite 2.

III. Planning and Zoning Commission ("Commission") Considerations

a. Compatibility with Surrounding Area

The area surrounding 818 Colorado Ave. consists of professional and government buildings and businesses including the Law Office of Kip O'Connor, JVAM, P.C., Kalamaya Goscha, P.C., Alpine Legal Services, the United States Postal Service, the Garfield County Court House, Garfield County Administration Buildings, and Glenwood Springs City Hall. Balcomb & Green's reoccupation of Suite 2 will be compatible, as it is today, with the surrounding area.

b. Impacts of Use on Surrounding Areas have been Adequately Minimized

Suite 2 has been occupied by a lawyer. The replacement of one law office with another law office will have no impact on the surrounding area.

c. Consistency and Compliance with Purpose, Intent, and Standard of Code and City Plan

Approved uses under the Ordinance are food and beverage establishments, retail, indoor entertainment, commercial outdoor recreation use, and certain personal service businesses. Suite 2 is approximately 150 square feet with indoor access to Balcomb & Green. It is not feasible for any of the outlined approved uses to operate in such a small space with no water or gas lines, and it is incompatible for those uses to have direct indoor access to a law office.

The purpose of the Ordinance is to “promote downtown vibrancy and encourage pedestrian-friendly businesses and service character in the central core to support a lively and bustling street atmosphere.” While not an approved use, Balcomb & Green is a pedestrian-friendly business, as people come in every day for its legal services. Further, tourism is seasonal and, to endure the offseason, downtown retail, food and beverage, and personal service establishments rely on residents for support. This often comes from local businesses located downtown, such as Balcomb & Green, whose employees frequent these establishments.

The property is located west of Grand Ave., in an area dominated by commercial and governmental buildings. City Council, in enacting this Ordinance, anticipated this exact circumstance by specifically outlining the special use permit process for any “expanding” non-conforming uses. Allowing Balcomb & Green to reoccupy Suite 2 complies with the intent, purpose, and standard of the Code.

d. Conformance with City’s Comprehensive Plan

i. Community Resilience in Response to Economic Events, Wage Spending, and Sales Tax

Glenwood Spring’s Comprehensive Plan (“Plan”) notes the importance of pursuing strategies to ensure the community is resilient to economic events and impacts. Although tourism is a source of income to local businesses and sales tax to the government, tourism is seasonal and is highly elastic to economic change, as seen in our community during the Great Recession.

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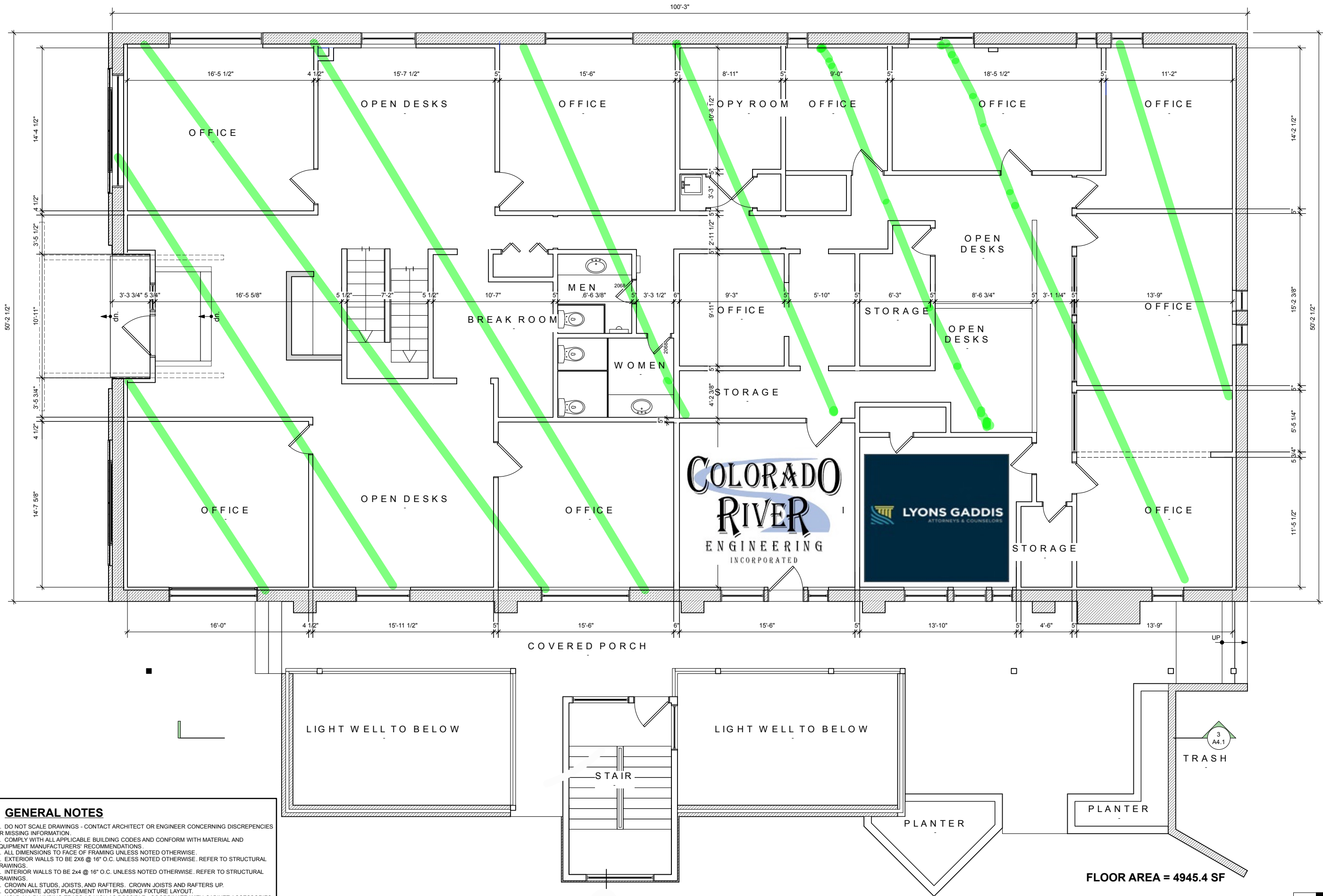
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Balcomb & Green reoccupying Suite 2 will have no adverse impacts to the health, safety and welfare of residents. It continues the status quo.

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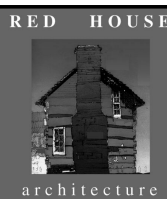
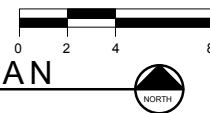


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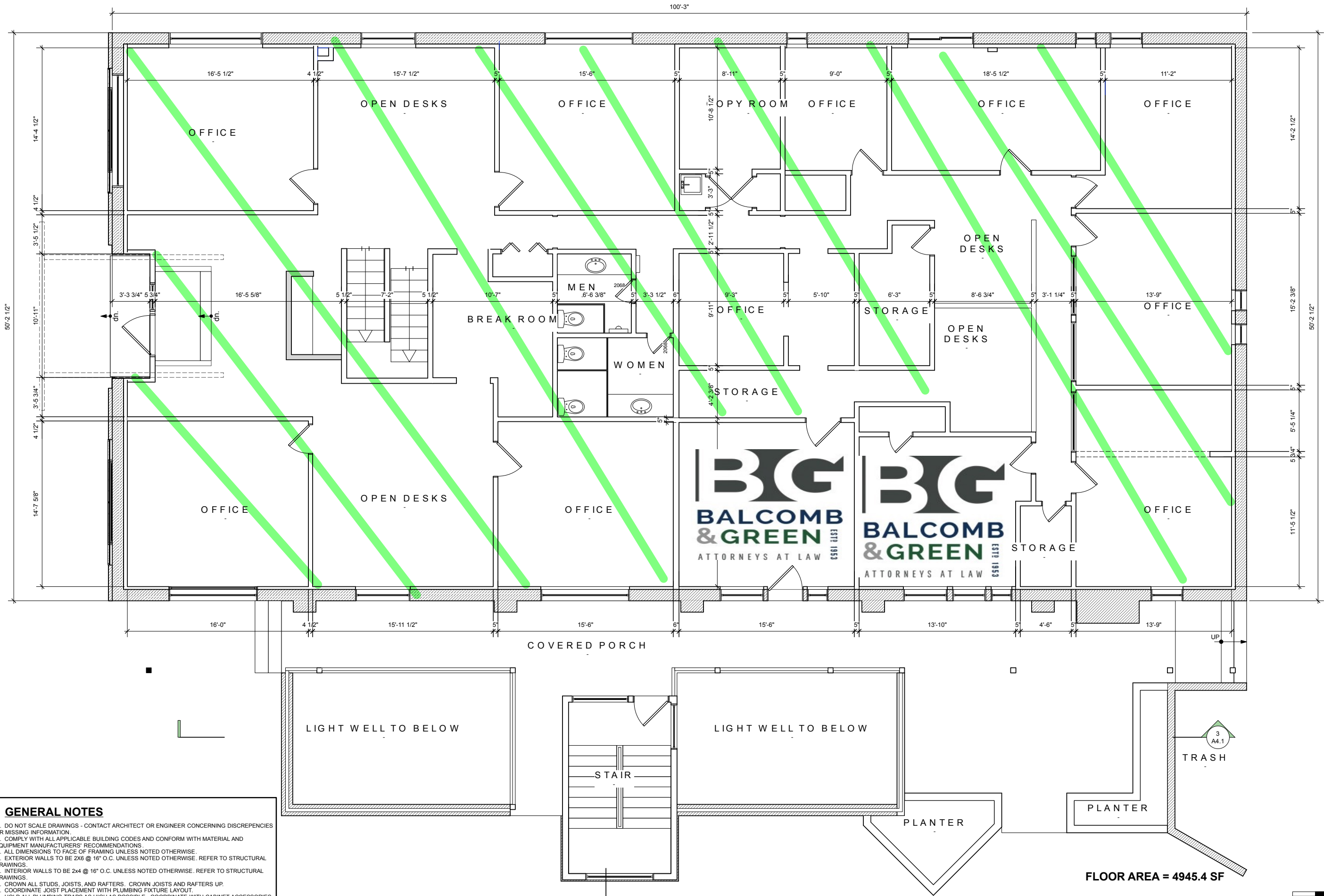
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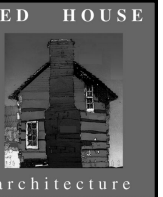
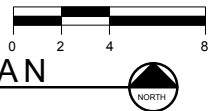
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Glenwood Springs, COLORADO

date: remarks:

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**MAIN LEVEL
FLOOR PLAN**

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139

QUIT CLAIM DEED

THIS DEED, made this 11th day of November, 1998, between **D & B BUILDING PARTNERSHIP**, whose address is P.O. Drawer 790, Glenwood Springs, Colorado, County of Garfield and State of Colorado, (Grantor), and **B & G BUILDING LLC, a Colorado limited liability company**, whose legal address is P.O. Drawer 790, Glenwood Springs, CO 81602, County of Garfield and State of Colorado, (Grantee):

WITNESSETH, That the Grantor, for and in consideration of the sum of One Dollar and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold, conveyed and **QUIT CLAIMED**, and by these presents does remise, release, sell, convey and **QUIT CLAIM** unto the Grantee, its successors and assigns forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, together with improvements, if any, situate, lying and being in the County of Garfield and State of Colorado described as follows:

Parcel 1:

Lots 14, 15 and 16
Block 38
City of Glenwood Springs, Colorado
(Vacant Land)

Parcel 2:

Lots 7 through 13, both inclusive,
Block 38
City of Glenwood Springs, Colorado
(818 Colorado Avenue, Glenwood Springs, Colorado 81601).

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

D & B BUILDING PARTNERSHIP

By

Edward Mulhall, Jr.
Edward Mulhall, Jr.

By

Scott Balcomb
Scott Balcomb

By

Lawrence R. Green
Lawrence R. Green

By

Lori J.M. Satterfield
Lori J.M. Satterfield

By

Timothy A. Thulson
Timothy A. Thulson

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me this 11th day of November, 1998, by Edward Mulhall, Jr., Scott Balcomb, Lawrence R. Green, Lori J.M. Satterfield and Timothy A. Thulson, as Partners of **D & B BUILDING PARTNERSHIP**.

Witness my hand and official seal.

Sally Galt Larsen
Notary Public

Address:
My commission expires:

818 Colorado Avenue
Glenwood Springs, CO 81601
My Commission expires May 1, 2001

319
5



64230073

Return to: B & G Building LLC
PO Box 790

Packet Page 32

Glenwood Springs CO 81602



Document must be filed electronically.
 Paper documents are not accepted.
 Fees & forms are subject to change.
 For more information or to print copies
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Colorado Secretary of State
 Date and Time: 11/30/2020 04:48 PM
 ID Number: 19981190369
 Document number: 20208041689
 Amount Paid: \$25.00

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Amendment

filed pursuant to §7-90-301, et seq. and §7-80-209 of the Colorado Revised Statutes (C.R.S.)

1. For the entity, its ID number and entity name are

ID number 19981190369
 (Colorado Secretary of State ID number)

Entity name B&G BUILDING LLC

2. The new entity name (if applicable) is 818 Colorado LLC

3. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ This document contains additional amendments or other information.

4. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are _____
 (mm/dd/yyyy hour:minute am/pm)

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that such document is such individual's act and deed, or that such individual in good faith believes such document is the act and deed of the person on whose behalf such individual is causing such document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S. and, if applicable, the constituent documents and the organic statutes, and that such individual in good faith believes the facts stated in such document are true and such document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is identified in this document as one who has caused it to be delivered.

5. The true name and mailing
 address of the individual causing
 the document to be delivered for
 filing are

Grosscup Scott A
 (Last) (First) (Middle) (Suffix)
Balcomb & Green, PC
 (Street name and number or Post Office Box information)
PO Drawer 790
Glenwood Springs CO 81602
 (City) (State) (Postal/Zip Code)
United States
 (Province – if applicable) (Country – if not US)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).

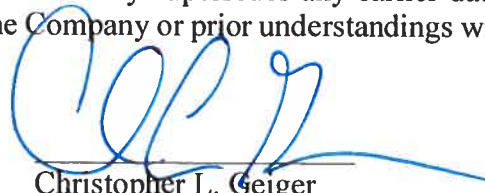
EXHIBIT A**PERCENTAGE INTERESTS AND CAPITAL CONTRIBUTIONS****Effective as of June 3, 2022**

<i>Member's Name & Address</i>	<i>Membership Interest</i>	<i>Initiation Date</i>	<i>Initial Contributions</i>
Christopher L. Geiger P.O. Drawer 790 Glenwood Springs, CO 81602	1/3 rd	10/01/2007	Real property interest, debt guaranties and services
Sara M. Dunn P.O. Drawer 790 Glenwood Springs, CO 81602	1/3 rd	10/01/2007	Real property interest, debt guaranties and services
Scott Grosscup P.O. Drawer 790 Glenwood Springs, CO 81602	1/3 rd	01/01/2012	Real property interest, debt guaranties and services
Total	100%		

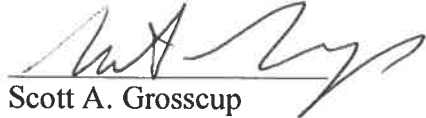
818 Colorado, LLC, a Colorado limited liability company ("Company"), certifies that this Schedule LLC-1, Exhibit A, to its Operating Agreement accurately identifies each Member and its associated Percentage Interests on the date specified above. This document hereby supersedes any earlier-dated version of the Percentage Interests or Capital Contributions in the Company or prior understandings with respect hereto.



Sara M. Dunn



Christopher L. Geiger



Scott A. Grosscup

Action Plan Brief

The following Implementation Matrix is a tool to organize action steps that help implement the strategies outlined in the 2023 Comprehensive Plan. Every planning chapter strategy with appropriate action can be found in this section. The corresponding page numbers represent where more information can be found about the strategy and/or action in the Comprehensive Plan. An example of how the table reads is graphically represented below. All actions can be found on pages 98 to 114 in the Comprehensive plan.

Planning Framework (Example)

#	Policy/Action	Page
	Policy	pg. #
	Action	

Land Use & Future Growth

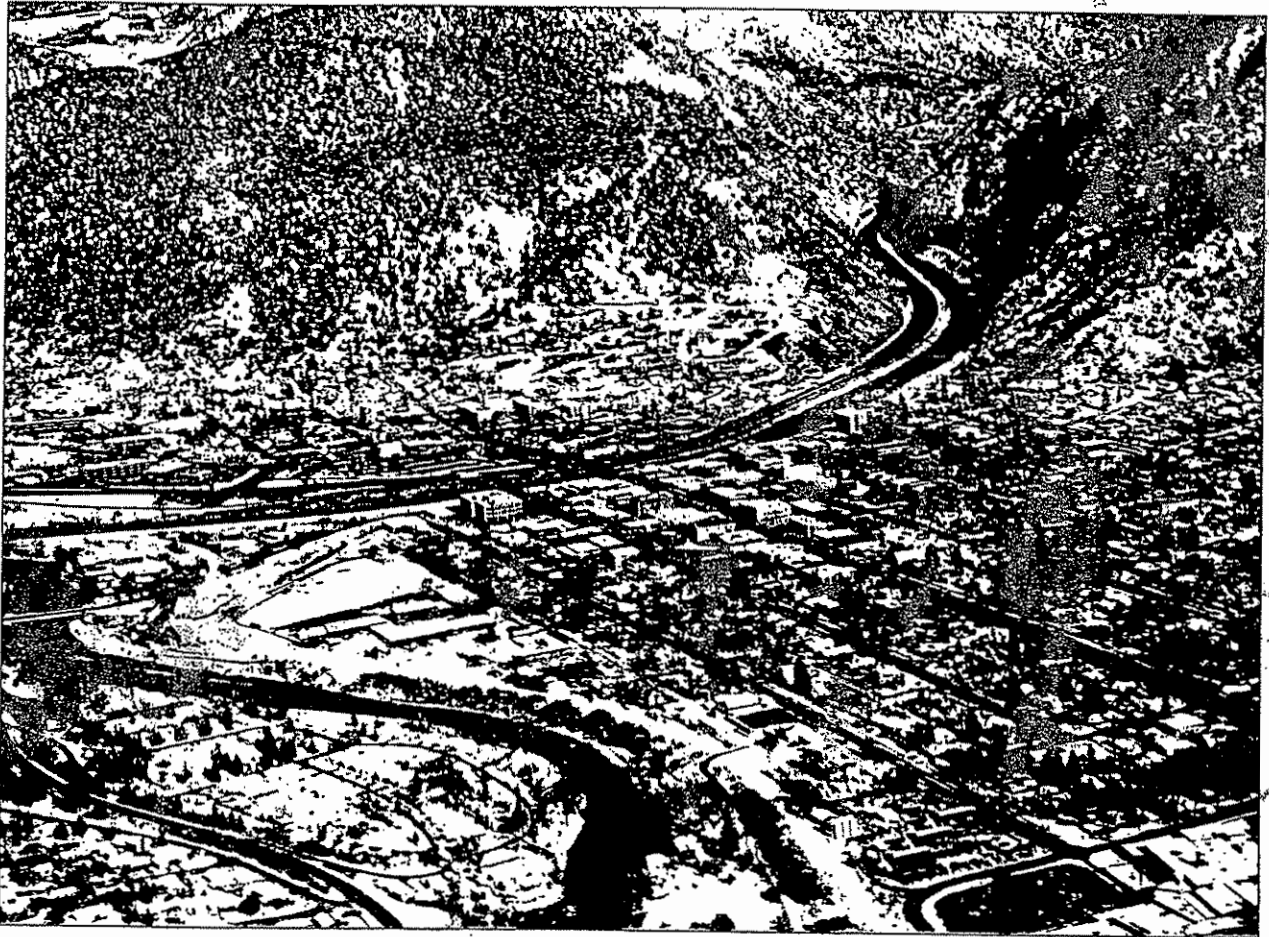
#	Policy/Action	Page
1.1	Promote Transit Oriented Development (TOD).	44
1.1.A	Plan for transit stations located in all mixed-use neighborhoods by incorporating principles of smart growth, new urbanism and green building.	
1.1.B	Concentrate growth in Glenwood Springs in locations that can be served by high-frequency transit.	
1.2	Encourage a compact urban form.	44
1.2.A	Increase allowable unit densities in areas where supporting infrastructure is available.	
1.2.B	Consider density or zoning bonuses to provide affordable and workforce housing.	
1.2.C	Identify opportunities for vertical mixed-use (residential over commercial) and live-work housing.	
1.3	Focus growth in Areas of Change.	44
1.3.A	Implement existing and prepare future Sub-area plans for: Confluence Riverfront Park and 8th St Crossing, 6th Street, W. Hwy 6 Corridor, S. Midland Ave, former Safeway redevelopment site, Walmart/Roaring Fork Market, River Corridor Overlay, West Glenwood Mall.	
1.3.B	Implement the annexation plan.	
1.3.C	Establish key metrics associated with growth scenarios and timelines to ensure ongoing, sustained infrastructure needs are met.	
1.4	Encourage redevelopment and prioritize public investment in identified revitalized areas to spur private investment	45
1.4.A	Strategically plan for future Sub-area plans Confluence Riverfront Park and 8th St Crossing, 6th Street, W. Hwy 6 Corridor, S. Midland Ave, former Safeway redevelopment site, Walmart/Roaring Fork Market, River Corridor Overlay, West Glenwood Mall that encourage private investment.	
1.4.B	Implement 6th Street Master Plan.	

1.4.C	Implement the Confluence Riverfront Park and 8th Street Crossing Plan.	
1.5	Foster and protect vibrant, diverse, safe, and well-connected neighborhoods.	49
1.5.A	Ensure current development standards are consistent and promote high-quality design outcomes and climate resiliency.	
1.5.B	Update infill design standards to maintain and protect established neighborhood character, form, and resilience.	
1.5.C	Integrate emergency management into the review process for large new developments.	
1.5.D	Consider to amend the land use code to include evacuation planning for new development in vulnerable areas.	
1.6	Maintain the municipal airport.	49
1.6.A	Promote safe operations at the municipal airport.	
1.7	Preserve the hillsides.	49
1.7.A	Ensure growth includes green buildings, open space, trees and native vegetation to protect our natural resources.	
1.7.B	Maximize new open space/city parks on the edge of city boundaries.	
	Protect the rivesides.	49
1.8	Reduce light pollution.	49
1.8.A	Establish and enforce a citywide Dark Sky Ordinance to reduce light pollution.	

Community Character & Vitality

#	Policy/Action	Page
2.1	Support appropriate mass, scale and density of new development.	57
2.1.A	Consider updating the Downtown Plan (1998). Prioritize downtown development that includes retail space at the street level, commercial office space at a second level and residential development above. However, priority should be placed on the implementation of sub-area plans, including 6th Street and the Confluence.	
	Implement and enforce design standards.	57
2.2	Support neighborhood commercial mixed-use development.	57
2.2.A	Identify opportunity sites that can support neighborhood-level commercial goods and services, focusing first on increasing food access.	
2.3	Support social diversity.	58
2.3.A	Create a free or low cost clinic for people without health insurance.	
2.3.B	Build community trust in council and governance. Provide more engagement opportunities with the community within City and other planning processes.	
2.3.C	Identify opportunity sites that can support neighborhood-level commercial goods and services, focusing first on increasing food access.	

Glenwood Springs Downtown Plan



Fall 1998

Clarion Associates ~ RNL Design ~ Charlier Associates
Mary Means Associates ~ Alan Richman Planning Services

Glenwood Springs Downtown Plan

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- II. Glenwood Springs Downtown Plan

Appendices

- Appendix A: Executive Summary
- Appendix B: The Preferred Development Scenario
- Appendix C: Glenwood Springs Downtown Survey 1997, Summary of Results
Glenwood Springs Community Survey 1997
- Appendix D: Alternative Development Scenarios;
Alternative Development Scenarios Summary Matrix
- Appendix E: Land Use and Design
- Appendix F: Background Demographics and Economics Analysis
- Appendix G: White Paper on Transportation Issues and Alternatives;
White Paper on Parking Sites and Issues
- Appendix H: Technical Brief: Implementation and Management
- Appendix I: Implementation Tools

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1700 Broadway
Suite 400
Denver, Colorado 80290
303.830.2890
Fax 303.860.1809

Planning and Zoning
Growth management
Market Analysis
Real Estate Consulting
Appraisal

C L A R I O N

November 24, 1998

Ms. Janet Buck, Project Manager
City Planning Department
City of Glenwood Springs
806 Cooper Street
Glenwood Springs, Colorado 81601

Dear Janet,

It is a great pleasure to transmit the final draft of the Glenwood Springs Downtown Plan to you. We have enjoyed working with city staff, the project advisory committee, and city council members on this important project. We believe the plan represents an ambitious, visionary strategy for downtown's future development, but one that is practical and doable as well.

On behalf of the entire team, I want to say how enjoyable it has been to work with you, Andrew, and the project advisory committee. I think the time all of you devoted to this project is reflected in the strong final product.

We look forward to working with you and your colleagues to bring this plan to fruition.

Sincerely,



Christopher J. Duerksen
Managing Director

BACKGROUND

This plan presents the preferred scenario for development of downtown Glenwood Springs existing 3-story height limit placed on buildings within core of downtown with no structures. Larger buildings allowed only on periphery of downtown with special compatibility with adjacent residential neighborhoods (e.g., setbacks) and if upper stories design controls adopted for new construction with staff (not preservation commission) setbacks, materials, etc.—but not architectural detail.

- Results of the community wide survey conducted in late 1997,
- Interviews with a wide range of interested parties,
- Comments on a series of working papers prepared by the consulting team on transportation and parking, land use, economics/demographics, and organization of historic structures strongly supported by city which adopts multi-faceted incentives and regulations to protect historic buildings. City provides incentives for grants from Colorado Historical Society to augment local funds. The city creates historic building demolition and alteration controls for downtown allowing city to
- Several workshops with the project advisory committee and staff and community

From the initial survey and background work, a number of key goals and objectives emerged from the preferred development scenario. These included:

Key Goals and Objectives

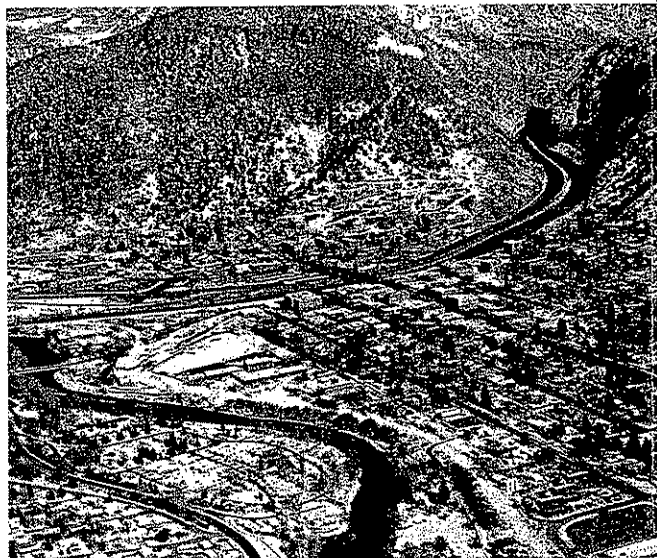
- **Downtown should maintain and strengthen its role as the historic region—a retail/entertainment, office/government, and tourist hub.**
- **New development should respect the attractive small-town scale and central business district.**
- **The pedestrian atmosphere of the downtown should be preserved and enhanced.**
- **Physical and visual connections to the Roaring Fork and Colorado Rivers should be maintained and strengthened.**
- **Steps should be taken to reduce traffic on Grand Avenue to create an environment and atmosphere more conducive to retail business.**
- **New parking lots and structures as well as other strategies should be implemented to address parking shortages in downtown.**
- **Downtown needs a well-organized business association with adequate resources to manage and promote the central business area.**
- **Underutilized land in the heart of the downtown should be actively developed to strengthen its role as an office and governmental center and to provide connections.**

To translate these general goals and objectives into specific implementation actions and choosing preferred approaches to making the goals and objectives a reality, the consulting team developed scenarios, described briefly below:

1. **Current Trends Continue:** The city takes only modest new steps to address pressing issues.
2. **Transportation-Oriented Scenario:** Improving transportation, access, and parking is a key focus for the city and the downtown association.
3. **Small-Town Character Scenario:** Maintaining the existing small-town scale and character is a high priority of the city.

These three alternative scenarios and accompanying implementation strategies were discussed at meetings held in Glenwood Springs in June 1998, which were attended by over 125 people. Written comments. Based on these meetings and comments, the consulting team produced an amalgam of features of all three of the alternatives, but with the majority based on Scenario 3. The description of the preferred scenario follows.

The Glenwood Springs Downtown Plan was formally adopted by City Council on June 1, 1999.



Height limitations reduce pressure for demolition.

of conversion of single-family residential development on the periphery of downtown to office and restaurant/entertainment uses enacted. New large-scale office and residential development subject to design controls to ensure compatibility with surrounding one and two-story lots allowed to intrude into residential areas or lot combinations on residential streets. City creates zoning incentives for new housing above commercial uses in selected areas if upper floors dedicated to housing.

Avenue between 7th and 9th must have retail features (prominent entries, large windows) prohibiting non-retail uses. Business improvement district undertakes targeted street improvements.

of alleys including covering/relocation of utility boxes and services. New buildings required to have some architectural treatment of rear facades and rear yards.

City works with Forest Service and county to retain existing office functions in downtown. City Hall stays downtown to continue as an office building. Pitkin County jail is constructed adjacent to the existing County building. Pitkin County jail and City/County civic center. Steps are taken to design the structures to fit in with the scale of the downtown and that any potential traffic, parking, and other issues are addressed after construction. City accelerates timetable for moving city shops and water treatment plant to develop a modern business park and open space recreational facility at the Roaring Fork River.

is provided to guide visitors to the Roaring Fork River. River connections to public access to confluence of the Colorado and Roaring Fork Rivers. A variety of recreational activities along the rivers, such as a whitewater kayaking course, float fishing put-in, etc., and tourist attraction with care taken to preserve riparian habitat and water quality.

of Sixth Street to accommodate additional traffic through downtown. City adopts design guidelines for auto-oriented uses (such as fast-food restaurants and auto dealers) and national corridor. Bus service increased between downtown core and north hotels and downtown. Landscaping and detached sidewalks made to encourage walking to Hot Springs.

City undertakes redevelopment and improvements to western gateway to downtown as an office building featuring offices (including government facilities), restaurants, a conference center, and recreational facilities along the Roaring Fork and Colorado Rivers. Existing parking lots are cleaned out and moved to more appropriate locations.

Signage added throughout the downtown to direct visitors to parking, river access and downtown.

City creates a downtown business district to cover the entire study area, both north and south of river. City creates a downtown business district to cover the entire study area, both north and south of river. City creates a downtown business district to cover the entire study area, both north and south of river.

at. New BID takes lead in marketing Glenwood as a tourist destination in close cooperation with Chamber Resort Association. BID identifies key retail gaps in downtown and undertakes targeted recruiting effort.

City creates a historic preservation commission to review applications to demolish designated historic buildings. Decision is by staff according to contextual standards that focus on height, setbacks, roof lines, and architectural detail.

City creates a business district with special taxing powers becomes major funding mechanism for parking improvements in partnership with government agencies. All sources of funding are identified.

City maintains a balance among retail/entertainment, office, and tourist uses. City and BID work together to promote Glenwood Springs as a hub for exploring regional attractions.

City promotes tourism that focus on the area's rich Native American/Frontier Heritage and on river recreation. City promotes tourism that focus on the area's rich Native American/Frontier Heritage and on river recreation.

City promotes non-retail commercial development encouraged off of Grand Avenue, particularly on western edge of business district.

City promotes targeted tourism marketing, and focused retail recruitment help strengthen retail environment on Grand Avenue maintain retail-oriented space.

City promotes a business district works closely with merchants and lodging establishments and Glenwood Springs to promote Glenwood Springs as a hub for exploring regional attractions.

City promotes tourism that focus on the area's rich Native American/Frontier Heritage and on river recreation. City promotes tourism that focus on the area's rich Native American/Frontier Heritage and on river recreation.

DOWNTOWN PLAN HIGHLIGHTS

1. Grand Avenue Business District

- *Preserve existing scale and historic building character by enacting design controls.*
- *New buildings on Grand Avenue must have ground-level retail features.*
- *Enhance the pedestrian environment by redirecting truck traffic and adopt traffic calming measures.*

2. North Downtown

- *No widening of 6th Street.*
- *Encourage infill retail uses along 6th Street while discouraging auto-oriented uses and national chain building design.*
- *Improve pedestrian connections within the area and to the Grand Avenue Business District.*

3. The "Confluence" Business Park Civic Center

- *Relocate the city shops and wastewater treatment facility to create a master plan for downtown redevelopment.*
- *Create a mixed-use business park in an urban campus setting to accommodate a civic center which includes city and county facilities, a conference center, a transit stop, and private commercial development.*
- *Improve river access and public open space.*
- *Construct 8th street entrance into downtown.*

4. Parking

- *Provide on-street parking for customers and visitors.*
- *Build new surface parking and/or a parking structure for employees on the periphery of the historic core subject to design controls.*

5. Residential

- *Maintain strong single family neighborhoods around downtown.*
- *Provide zoning incentives to encourage downtown housing.*

6. The Bypass

- *City explores the feasibility of a bypass.*

7. Market/Business Organization

- *Form a Business Improvement District to promote downtown development and to finance needed improvements including parking.*



Note: This plan is illustrative in nature and is intended to be used for discussion purposes only.

ervices

Spring 1999

APPENDIX A: EXECUTIVE SUMMARY

GLENWOOD SPRINGS DOWNTOWN PLAN

EXECUTIVE SUMMARY

Downtown Glenwood Springs is one of the most attractive small city central business districts in the West. Yet it faces some significant challenges in terms of land use, economic development, and transportation/parking. As the region has grown, traffic in the downtown has become a significant problem as well as parking for customers and employees. The downtown is the office, tourism, and entertainment hub of the area, but some businesses struggle to meet competition from outlying shopping areas. And development pressure is increasing on the central business district's historic buildings.

To respond to these and other challenges and opportunities, the City of Glenwood Springs commissioned a team led by Clarion Associates to produce a new downtown neighborhood plan working closely with city staff and an advisory committee comprised of leading citizens and business people with close downtown ties.

The project was kicked off in 1997 with a series of meetings with staff, the advisory committee, elected officials, and other stakeholders in the downtown. Working closely with the staff and advisory committee, by mid-1998, the consulting team had produced a preferred scenario for development of downtown Glenwood Springs. The preferred scenario is based on:

- Results of the community wide survey conducted in late 1997,
- Interviews with a wide range of interested parties,
- Comments on a series of working papers prepared by the consulting team on key topics including transportation and parking, land use and design, economics/demographics, and implementation and management issues, (See Appendices C-F.), and
- Several workshops with the project advisory committee and staff and community workshops with the public.

From the initial survey and background work, a number of **key goals and objectives** emerged that guided preparation of the preferred development scenario. These included:

- Downtown should maintain and strengthen its role as the historic center of the community and region-- a retail/entertainment, office/government, and tourist hub.
- New development should respect the attractive small-

town scale and historic context of the central business district.

- The pedestrian atmosphere of the downtown should be preserved and enhanced.
- Physical and visual connections to the Roaring Fork and Colorado Rivers should be created.
- Steps should be taken to reduce traffic on Grand Avenue to create a safer pedestrian environment and atmosphere more conducive to retail business.
- New parking lots and structures should be considered to ease the parking shortage in downtown as well as other strategies.
- Downtown needs a well-organized business association with adequate staff and stable funding to manage and promote the central business area.
- Underutilized land in the heart of the downtown should be actively redeveloped to maintain and strengthen its role as an office and governmental center and to provide open space and river connections.

To translate these general goals and objectives into specific implementation actions and to assist the city and its citizens in choosing preferred approaches to making the goals and objectives a reality, the consulting team drafted three alternative development scenarios, described briefly below:

1. **Current Trends Continue:** The city takes only modest new steps to address pressing issues facing the downtown.
2. **Transportation-Oriented Scenario:** Improving transportation, access, and parking in the downtown becomes the key focus for the city and the downtown association.
3. **Small-Town Character Scenario:** Maintaining the existing small-town scale and character of downtown becomes a high priority of the city.

These three alternative scenarios were considered at a series of community meetings held in Glenwood Springs in June 1998, which were attended by over 125 people. Citizens also submitted written comments. Based on these meetings and comments, the consulting team produced a preferred scenario that is an amalgam of features of all three of the alternatives, but with the majority based on Scenario 3 above. A detailed description of the preferred scenario is set forth in a later section of the plan.

The consulting team then held several meetings with staff and the advisory committee to further evaluate a range of tools to implement the plan, including incentives, regulations, and management policies and entities. The key implementation tools include:

1. Changes to the city zoning code, including design standards to foster retail development along Grand Avenue and to ensure that new structures throughout downtown are compatible with the existing character of the area in terms of height, setbacks, materials, etc.
2. Creation of an historic district with controls on demolition and alterations of designated historic structures.
3. Creation of a business improvement district to promote and manage the downtown and to assist in the financing and construction of a new parking structure.
4. Formation of an urban renewal authority to assemble land west of the county courthouse and to plan/develop a business park in this area.

The plan, with its preferred scenario and range of implementation tools, is an ambitious, but practical road map to maintaining the existing attractive character of downtown Glenwood Springs, while building a strong foundation for it to flourish from an economic perspective.

APPENDIX B: THE PREFERRED DEVELOPMENT SCENARIO

THE PREFERRED DEVELOPMENT SCENARIO

Summary: Maintaining the existing small-town scale and character of downtown becomes a high priority of the city. Demolition of historic structures is subject to regulation, and new buildings must meet compatibility standards so that they fit with the existing fabric of the central business district. New, well-designed parking lots and structures are built on the edge of the district primarily for employees; on-street and lots near Grand Avenue are reserved for customers and visitors. The city undertakes a more detailed assessment of building a bypass to remove truck traffic from downtown. A variety of routes are explored.

The existing rail corridor is dedicated to transit and a hike/bike trail. Steps are taken to make Grand Avenue and the downtown core much more pedestrian-oriented. Sixth Avenue and Grand Avenue are not widened. The Grand Avenue Bridge is replaced with a well-designed structure similar in size to the existing bridge. New retail businesses and offices are added in North Glenwood to strengthen the northern part of downtown. Pedestrian connections are improved to the downtown core, and Sixth Avenue is targeted for smaller scale, non-auto oriented development more in keeping with the character of downtown. A new business improvement district is created to spearhead downtown management and promotion, as well as provision of parking and other services. A mixed-use business park is developed on the west edge of downtown to accommodate modern office buildings and to provide a new public access at the confluence of the Roaring Fork and Colorado Rivers. The area develops with a campus-like setting featuring greenbelts running throughout the property to provide public access between rivers and downtown. A civic center which includes City Hall, County offices and the jail is established west of the existing County building. The Pitkin Avenue right-of-way between 7th and 8th Street is vacated to accommodate the civic center. Steps are taken to design the structures to fit in with the character, mass and scale of the downtown and to mitigate traffic, parking, and other impacts during and after construction of the civic center. The existing city shops and wastewater treatment facility and industrial uses are moved to more appropriate locations outside the downtown.

PROS:

- Downtown character and atmosphere maintained.
- Retail preserved and strengthened downtown.
- Bypass greatly reduces through traffic.
- Development character north of river improved.
- Space provided for compatible office development.
- Connections to river improved and park amenity created.
- Broadened tourism base.
- Development interests seeking to do business in areas with a unique character attracted to invest in downtown by emphasis on preservation and renovation incentives.

CONS:

- Overall cost of bypass (potentially \$20-40+ million) high; city's share siphons funds from other regional and community transportation projects.
- Bypass alignment adversely affects some existing residential developments.
- Control of private property owners' ability to demolish or alter downtown structures spurs some investors to steer clear of downtown.
- Risk of business park being economically unfeasible. Associated costs of moving city facilities and existing businesses.
- Property taxes on local downtown businesses increased to fund business improvement district and full-time downtown association staff.

Key Elements:

Transportation

1. **Traffic.** The city contributes funds and undertakes a concerted lobbying effort to secure federal funding in order to speed the planning and construction of a new bypass to remove truck traffic from Grand Avenue. New bypass alignments are studied and an alignment is selected.
2. **Pedestrian environment.** Through trucks banned on bridge and Grand Avenue when bypass completed. In the interim, the city adopts a range of traffic-calming, pedestrian-oriented measures such as neck downs at intersections, raised/specially demarcated crosswalks, and longer crossing signals. Emphasis also placed on creating pedestrian connections between various sectors of downtown: Grand Avenue and Cooper Street; western business park (described below under land use) along Roaring Fork River to Grand Avenue; Sixth Street and north area hotels. City also adopts design standards to ensure that retail facade is maintained along Grand (e.g., display windows). No widening of Sixth Street to accommodate additional automobile traffic.
3. **Parking.** Expanded business improvement district covering all of downtown (both north and south of river) with special taxing authority generates funds to build structured parking and additional surface parking on periphery of downtown in financial partnership with government entities. New off-street spaces dedicated primarily to employees. On-street parking dedicated primarily to customers and visitors. New parking lots and structures subject to quality design/landscaping controls (e.g., first-floor retail/office uses, facade treatments, interior and perimeter landscaping and edge treatment with fence or wall). (See parking white paper for greater detail.) New surface parking lots are discouraged on Grand Avenue or Cooper Avenue between 7th and 9th.

4. **Transit/rail.** Planning for transit and rail continues. Transit stop built in western business park along Roaring Fork, but end-of-line station is west of downtown. Trail along river maintained.
5. **Grand Avenue Bridge.** No widening or lengthening of bridge--temporary repairs only with eventual replacement with bridge of same dimensions, but better design/appearance.
6. **8th Street/7th Street Bridge.** New direct connection created from bridge into downtown through new business park.

Land Use

1. **Character/Design/Scale.** Continue existing 3-story height limit placed on buildings within core of downtown with no special permits/variances for larger structures. Larger buildings allowed only on periphery of downtown with special design controls to ensure compatibility with adjacent residential neighborhoods (e.g., stepbacks) and if upper stories devoted to housing. Contextual design controls adopted for new construction with staff (not preservation commission) review of elements such as height, setbacks, materials, etc.--but not architectural detail.
2. **Historic Preservation.** Preservation of historic structures strongly supported by city which adopts multi-faceted approach to preservation including incentives and regulations to protect historic buildings. City provides incentive for renovation vs. demolition and seeks grant from Colorado Historical Society to augment local funds. The city creates preservation commission and adopts historic building demolition and alteration controls for downtown allowing city to designate and preserve structures. Height limitations reduce pressure for demolition.
3. **Residential/Housing.** Prohibition of conversion of single-family residential development on the periphery of downtown to potentially incompatible restaurant/entertainment uses enacted. New large-scale office and residential buildings on the edge of downtown subject to design controls to ensure compatibility with surrounding one and two-story homes. No surface parking lots allowed to intrude into residential areas or lot combinations on residential streets to accommodate larger buildings. City creates zoning incentives for new housing above commercial uses in selected locations by allowing additional height if upper floors dedicated to housing.
4. **Retail.** New buildings on Grand Avenue between 7th and 9th must have retail features (prominent entries, large display windows, etc), but no controls prohibiting non-retail uses. Business improvement district undertakes targeted recruitment campaign for niche retail uses.

5. **Alleys.** City encourages clean up of alleys including covering/relocation of utility boxes and services, painting/cleaning of rear facades. New buildings required to have some architectural treatment of rear facades and rear shop entrances.
6. **Government Land Use.** The city works with Forest Service and County to retain existing office functions in downtown and assists with relocation of shop and non-office functions. City Hall stays downtown to continue as an important business anchor. A new County jail is constructed adjacent to the existing County building. Pitkin Avenue is vacated to accommodate the new jail and City/County civic center. Steps are taken to design the structures to fit in with the established character, mass, and scale of the downtown and that any potential traffic, parking, and other impacts are mitigated during and after construction. City accelerates timetable for moving city shops and water treatment facility. City land used to develop a modern business park and open space recreational facility at the Roaring Fork/Colorado confluence.
7. **River Connections.** Better signage is provided to guide visitors to the Roaring Fork River. Better connections enhanced. River features direct public access to confluence of the Colorado and Roaring Fork Rivers. A variety of recreational activities encouraged along the rivers, such as a whitewater kayaking course, float fishing put-in, etc. Rivers promoted as a recreational and tourist attraction with care taken to preserve riparian habitat and water quality.
8. **North Downtown.** No widening of Sixth Street to accommodate additional traffic through downtown. City adopts use and design controls to discourage auto-oriented uses (such as fast-food restaurants and auto dealers) and national chain architecture along this entry corridor. Bus service increased between downtown core and north hotels and streetscape improvements (such as landscaping and detached sidewalks) made to encourage walking to Hot Springs Pool and downtown.
9. **West Downtown.** City investigates redevelopment and improvements to western gateway to downtown as an attractive mixed-use business park featuring offices (including government facilities), restaurants, a conference center, and amenities such as open space/recreational facilities along the Roaring Fork and Colorado Rivers. Existing industrial and municipal uses phased out and moved to more appropriate locations.
10. **Signage.** Improved directional signage added throughout the downtown to direct visitors to parking, river access and other main points of interest.

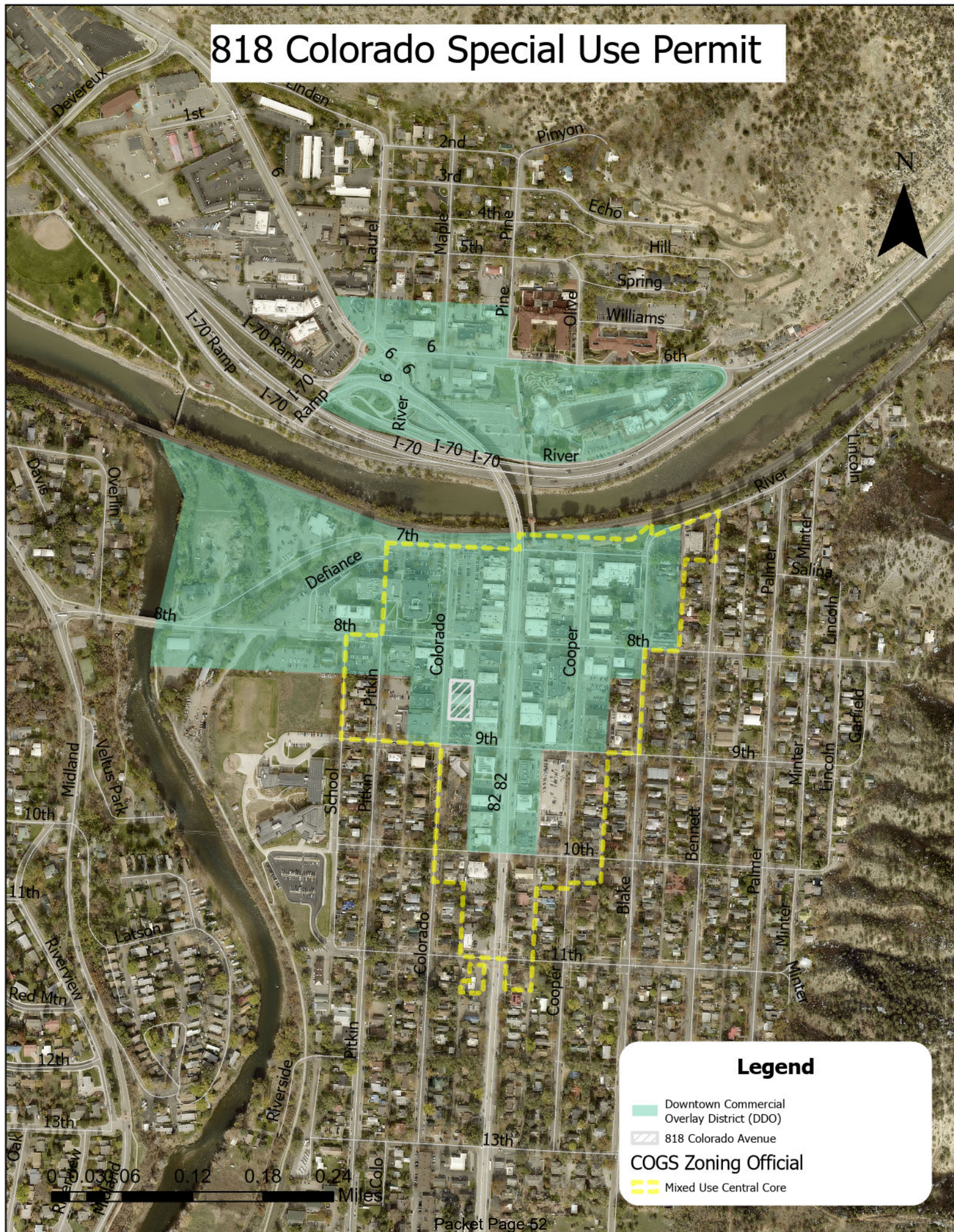
Organization/Management

1. **Organization.** Business improvement district formed to cover the entire study area, both north and south of river. BID takes major role in improving parking availability, management of downtown, business recruitment, and tourism marketing. Staffed with full-time executive director. Financing through property tax increment similar to existing GID.
2. **Promotion/Business Recruitment.** New BID takes leading in marketing Glenwood as a tourist destination in close cooperation with Glenwood Springs Chamber Resort Association. BID identifies key retail gaps in downtown and potential markets and then undertakes targeted recruiting effort.
3. **Design Review.** City creates historic preservation commission to review applications to demolish designated historic structures. Review of new construction is by staff according to contextual standards that focus on height, setbacks, roof lines, and similar contextual considerations, not architectural detail.
4. **Funding.** Business improvement district with special taxing powers becomes major funding mechanism for parking and downtown management/promotion in partnership with government agencies. All sources of funding are considered.

Economic/Marketing

1. **Downtown Role.** Downtown maintains a balance among retail/entertainment, office, and tourist uses. City and BID work to maintain retail function of downtown while accommodating additional office development in appropriate locations and at an appropriate scale. Increased emphasis in recruitment efforts on retail/entertainment use that appeal to tourists.
2. **Office/Commercial.** Office and non-retail commercial development encouraged off of Grand Avenue, particularly on periphery of downtown and new business park on western edge of business district.
3. **Retail.** Traffic control measures, targeted tourism marketing, and focused retail recruitment help strengthen retail sector downtown. Design controls on Grand Avenue maintain retail-oriented space.
4. **Tourism.** Business improvement district works closely with merchants and lodging establishments and Glenwood Springs Chamber Resort Association to promote Glenwood Springs as a hub for exploring regional attractions. Increased emphasis on heritage tourism that focus on the area's rich Native American/Frontier Heritage and on river-oriented activities. City explores need/feasibility for medium-sized conference/convention facility in west business park along Roaring Fork River.

818 Colorado Special Use Permit





Planning and Zoning Commission Report

Date: January 23, 2024
To: Planning & Zoning Commission
From: Jim Hardcastle, Long Range Principal Planner
Subject: Planning File #06-23, Variance, TBD (62) CR 135

REQUESTS	Consideration of one (1) variance to Municipal Code section 070.020.190(c)(3), Measurements and Exceptions, to allow relief from a building setback requirement for Double Frontage Lots, pertaining to a specific dimensional standard within the M1 Mixed Use Corridor District: (Front, minimum (ft) 5, and Front, maximum (from other streets) (ft) 25.)
APPLICANT	Brad Jordan, Jordan Architecture Inc.
OWNER	TB & SB LLC
LOCATION	TBD (62) County Road 135 at State Highway 6 & 24 Parcel #218505342002 Lot #2, TB and SB LLC Minor Subdivision
ZONE	(M1) Mixed-Use Corridor District
SURROUNDING LAND USES	North: Multifamily Housing South: CDOT State Highway 6 & 24 East: vacant & Discount Tire West: Honda Automotive Sales North/East/West: M1 Mixed Use Corridor
LOT SIZE	18,039 square foot (.41 acres)

ACTION ITEMS

Per Section 070.060.070 of the *Glenwood Springs Municipal Code* (Code), the Planning and Zoning Commission (Commission) is the reviewing body for Variance Requests.

Action 1 – Variance Request – to allow an increased maximum front yard setback of 45 feet from 25 feet required by code section 070.020.190(c)(3), for double frontage lots.

Staff recommendation: *Staff recommends Approval of the Variance Request with the findings on page 8 of this staff report.*

BACKGROUND

The applicant seeks the granting of a variance from front yard setback requirements as they apply to double frontage lots. The lot is currently vacant, but the applicant plans to move forward with an Administrative Site/Architectural Plan for developing an eight (8) unit, multifamily building, two (2) stories in height. The current design configuration cannot conform to front maximum lot setbacks.



Figure 1: Proposed location of variance at 62 County Road 135 and State Highway 6 & 24 and surrounding zoning districts.

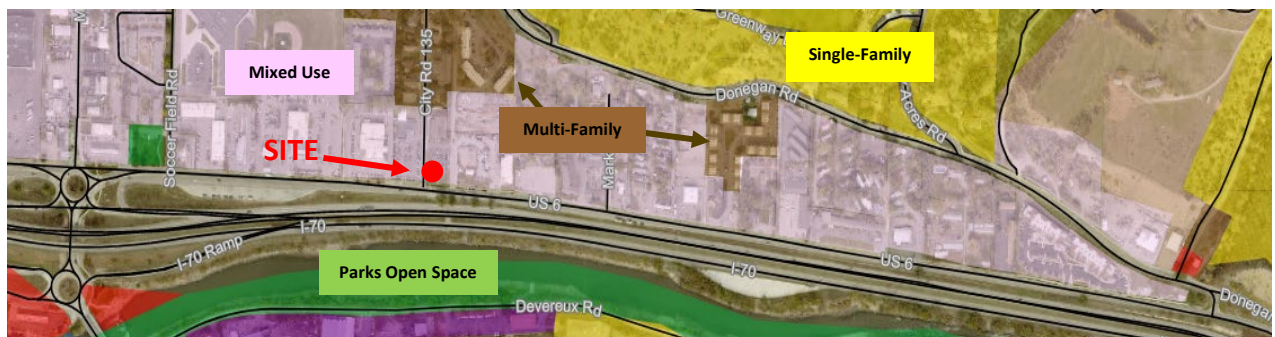


Figure 2: Proposed location with variance at 62 County Road 135 and State Highway 6 & 24 and surrounding Future Land Use Designations, Comprehensive Plan 2023.



Figure 3: Location and surrounding area at 62 County Road 135 and State Highway 6 & 24.

The owner would like to develop a vacant parcel to include 8 multifamily units of approximately 592 square feet each. The property is accessed on the west side on County Road 135 and shares a common entrance with an access easement with the northerly parcel. Parking is proposed on the north and south side of the

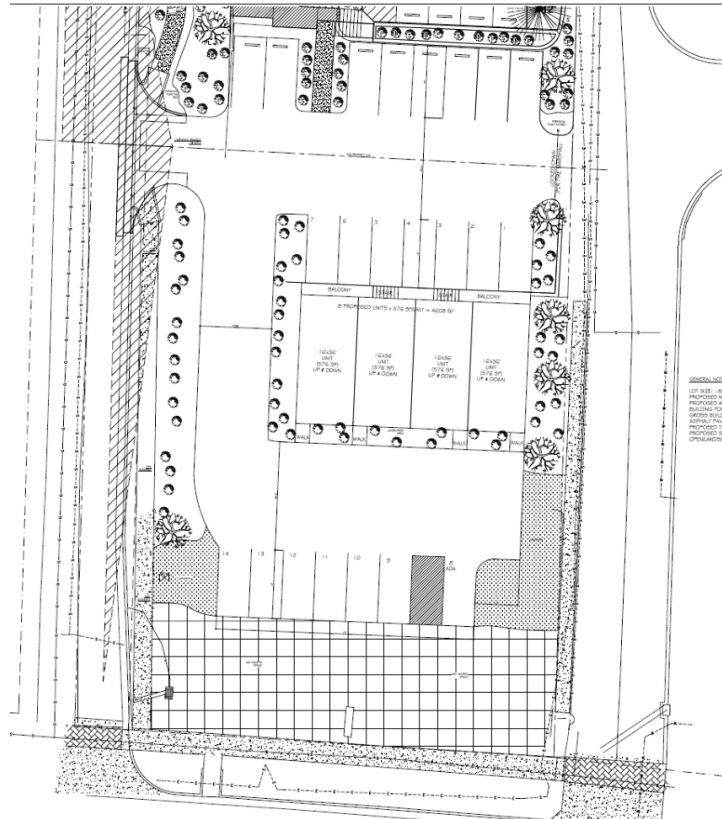


Figure 4: Proposed general site design layout with shared access to the northwest with adjacent development at 62 County Road 135, and two additional frontages: State Highway 6 & 24 to the south and a private access road to the east.

proposed building. The northern parking stalls currently exist and will remain. The area of the property in the southerly 25% of the lot, immediately adjacent to State Highway 6 & 24, is proposed to remain as open space and a drainage basin.

The proposed structure is sited approximately 15 feet from the East property line and within setback requirements. However, the proposed building is approximately 45 feet from the west property line and not within the setback requirements for the front yard maximum requirement of 25 feet. The proposed building is to be constructed at 21 feet and 3 inches, and is within the zone district building height allowance of 40 feet. On the west side, there is a 20-foot access road, and an 8-foot landscape buffer next to the proposed building. The project includes a 5-foot sidewalk and landscape buffer on the west side primary frontage.

Project Summary

General reasoning for setbacks is to allow for a separation of street noises from residences, improving the attractiveness of residential environments, and ensuring availability of light and air.

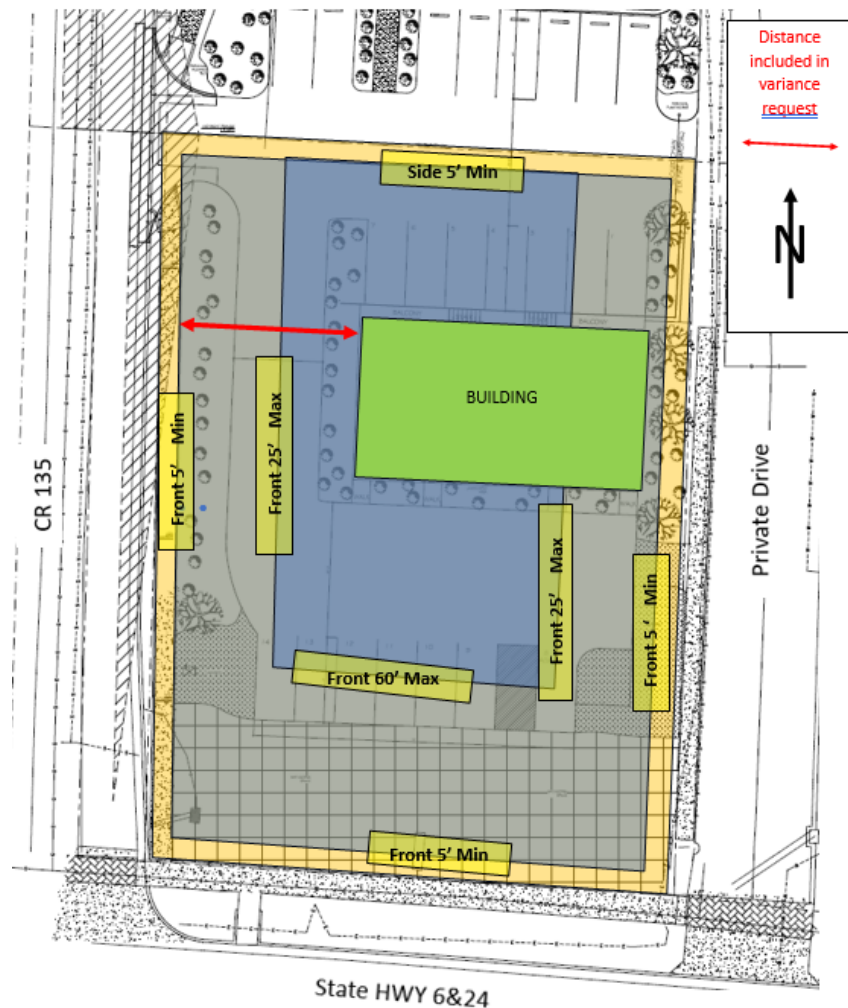
The current configuration of the site plan as proposed does not conform to the dimensional front setbacks of 5 feet minimum and 25 feet maximum as required in 070.020.090 in the

Mixed-Use Corridor (M1) District.

Section 070.020.190 – *Measurements and Exceptions(c)(3) Double-Frontage Lots* of the Municipal Code details front setbacks for lots with two street frontages. This would apply a 5-foot minimum & 25-foot maximum setback to both the east and west frontages as they are **Local** streets. The south would be 5 foot minimum and 60 foot maximum based on its **Minor Arterial** status. Additionally, code has stipulations for corner lots, further complicating setback applications. Staff has provided an overview below and included a visual depicting the required setbacks on top of the site plan to illustrate the need for the variance.

	<u>Standard</u>	<u>Double Frontage</u>	<u>Corner</u>
North	Side – 5 feet	NA	NA
South	Side – 5 feet	5 foot minimum & 60 foot maximum	Side – 5 Feet
East	Rear – 15 feet	5 foot minimum & 25 foot maximum	NA
West	Front – 5 foot minimum & 25 foot maximum	NA	NA

Figure 5: Proposed site design layout with shared access to the northwest adjacent development, 62 County Road 135 to the west, and State Highway 6 & 24 to the south.



The lot configuration is unique in that it has three frontages that includes County Road 135 to

the west, State Highway 6 & 24 to the south, and a private road to the east.

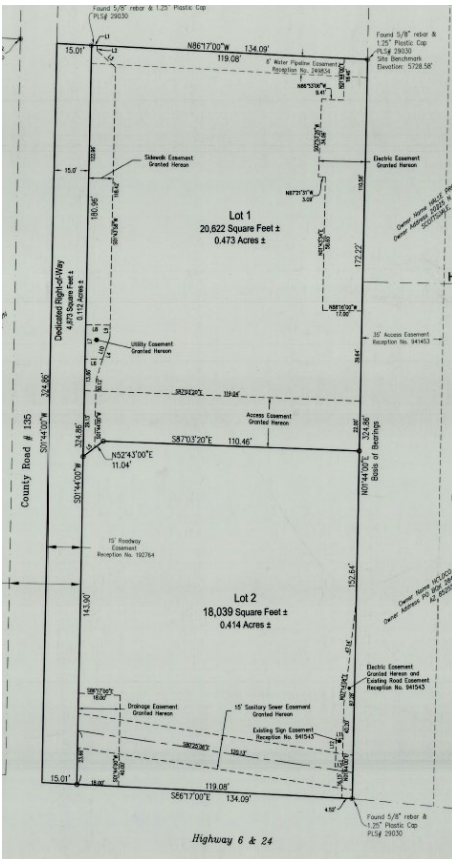
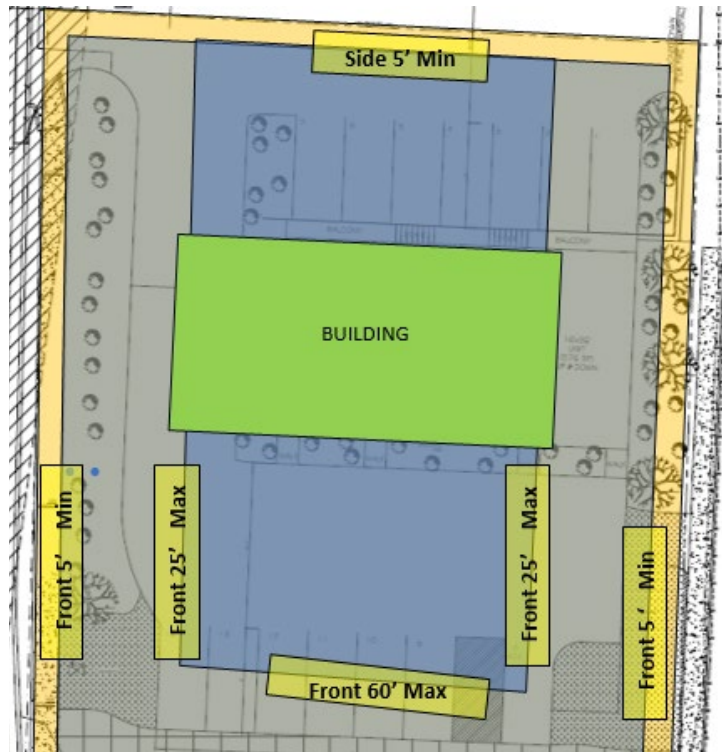


Figure 6: TB and SB LLC Minor Subdivision plat, 2021.

Figure 7: Building layout with adherence to all multidimensional setbacks on more than one frontage.

The creation of these minimum and maximum setbacks were likely designated in order to prevent large visual setbacks from thoroughfares creating a more inviting and engaging commercial corridor. Adherence to all multidimensional setbacks on more than one frontage is impractical for any single building making it very difficult to successfully design as seen in this application.

Common COGS Community Development Department practice has been to apply setback requirements to the frontage where access was granted and where the residences will be addressed. The strict application of the code prevents the development of a smaller building, forcing an applicant to widen the structure across the lot. In order to comply, a building would need to be situated as seen below which would not allow for efficient access.



70.020.090 – Mixed-Use Corridor (M1) District.

(a) Purpose. The M1 district is intended to accommodate mixed-use development with walkable and active streetscapes on Glenwood's primary roadways. The mix of uses in the

M1 district is intended to accommodate lighter-intensity commercial districts with limited auto-oriented uses compatible with surrounding residential neighborhoods. The M1 district is also intended to offer a diverse mix of housing opportunities at varying densities.

Other similar transition districts such as (CO) Commercial and (RE) Resort also have similar minimum and maximum front setbacks. The M2 and M3 districts do not.

Review Criteria and Staff Analysis

There are seven criteria for variance approval, all of which must be met. Staff finds that this application meets the seven criteria which is why staff has recommended Approval. Analysis of the criteria below.

VARIANCE CRITERIA	
✓	1. The Subject property has exceptional shape, topography, building configuration, or other exceptional site condition that is not a general condition throughout the zone district.
✓	2. The strict application of the Code standards for which a variance is sought would produce undue hardship.
✓	3. The applicant did not create the hardship by his/her own actions.
✓	4. The variance requested does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation for which the variance is sought.
✓	5. The variance request demonstrates exceptional hardship not related to purposes of convenience or financial burden.
✓	6. The variance request will not violate building or fire code requirements.
✓	7. The variance is the minimum variance that will afford relief of the subject standards of the Code.

1. The subject property has an exceptional shape, topography, building configuration or other exceptional site condition that is not a general condition throughout the zone district.

The depth of the lot and requirement for both minimum and maximum front setbacks on two frontages creates an exceptional lot configuration rarely seen in Glenwood Springs.

2. The strict application of the Code standards for which a variance is sought would produce undue hardship.

The strict application of code would require a much larger building in order to meet all frontage requirements and access requirements from Engineering standards.

3. The applicant did not create the hardship by his/her own actions.

The applicant did not create the lot with three adjacent streets.

4. **The variance requested does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation for which the variance is sought.**

Allowing a greater maximum setback does not harm the public. The design incorporates an aesthetically pleasing landscape buffer to prevent large visual setbacks from thoroughfares creating a more inviting and engaging commercial corridor. The code does not include language for triple frontage lots and staff believes the resulting requirement does not match the intent of the standard in this unique case.

5. **The variance request demonstrates exceptional hardship not related to purposes of convenience or financial burden.**

The variance request demonstrates a hardship related to a limited functionality of the lot.

6. **The variance request will not violate building or fire code requirements.**

No, the variance will not violate building or fire code requirements.

7. **The variance is the minimum variance that will afford relief of the subject standards of the Code.**

The 45 feet setback is the minimum setback to allow the applicant to design their development to create positive accessibility, design adequate parking, locate pleasant landscaping, and provide needed open space.

REVIEWING AGENCY COMMENTS

Referral Agencies

- There were no comments received with relevance toward this variance request.

Public Comment

- No public comment has been received.

ACTION, STAFF RECOMMENDATION, AND ALTERNATIVES:

The Planning and Zoning Commission may approve, approve with conditions, or deny the variance. The Commission may also continue the hearing with a request for specific information necessary to determine compliance with the Municipal Code and City goals, and policies.

Action 1 – Variance Request – to allow an increased maximum front yard setback of 45 feet from 25 feet required by code section 070.020.190(c)(3), for double frontage lots.

Staff Recommendation/Suggested Motion

Staff recommends **Approval** of the requested Variance Request with the following **findings**:

Suggested Findings:

1. The subject property **has** an exceptional shape, topography, building configuration, or other exceptional site condition that is not a general condition throughout the zone district.
2. The strict application of the Code standards for which a variance is sought **would** produce undue hardship.
3. The applicant **did not** create the hardship by his/her own actions.
4. The variance requested **does not** harm the public and **does not** impair the intent or purposes of this Code, goals, and policies, including the specific regulation for which the variance is sought.
5. The variance request **demonstrates** exceptional hardship not related to purposes of convenience or financial burden.
6. The variance request **will not** violate building or fire code requirements.
7. The variance **is** the minimum variance that will afford relief of the subject standards of the code.

Alternative Motions

*** If the Planning & Zoning Commission finds any of these action items meet all seven criteria for variance approval, an alternative motion for approval may be made based on findings for how the item meets all seven of the variance criteria. An example motion shown below:

MOTION TO DENY

Consideration of a variance for Action Item _____, I move to **DENY** finding that –

1. The subject property **does not have** an exceptional shape, topography, building configuration, or other exceptional site condition that is not a general condition throughout the zone district because _____.
2. The strict application of the Code standards for which a variance is sought **would not** produce undue hardship because _____.
3. The applicant **has** had a part in the creation of the hardship by their own actions because _____.
4. The variance requested **does** harm the public and **does** impair the intent or purposes of this Code, goals, and policies including the specific regulation for which the variance is sought because _____.
5. The variance request **does not demonstrate** exceptional hardship not related to purposes or convenience or financial burden because _____.
6. The variance request **will** violate building or fire code requirements because _____.
7. The variance **is not** the minimum variance that will afford relief of the subject standards of the Code because _____.

Jordan Architecture Inc.

PO Box 1031 Glenwood Springs, CO 81602 970-618-6690
web: jordanarchitecture.com email: bradjordanarchitect@gmail.com

10 November 2023

City of Glenwood Springs
Community Development

RE: 62 (TBD) County Road 135
Lot 2, TB & SB LLC Minor Subdivision
Parcel #218505342002

Jim Hardcastle,

We are applying for and requesting a variance to section 070.020.190(c)(3) – Measurements and Exceptions (Setbacks). The current zoning for this lot is Mixed-Use Corridor (M1) District. This lot is compounded by having public right-of-ways on 2 sides (double- frontage lot). The required setbacks on the East and West sides of the property require a minimum of 5' and a maximum of 25', dictating that a proposed structure must fall within these setback requirements.

The proposed 8 unit multi-family project is sited approximately 15' from the East property line and within the setback requirements. However, the proposed building is 44-45' from the West property line and not within the setback requirements. On the West side, we have a 5' wide sidewalk on the property line, an 11' landscape buffer, 20' access road, and an 8' landscape buffer next to the proposed building.

The proposed project provides parking on two sides of the building, which allows for the ease of tenant accessibility to their units. An internal access road requires 20' of width, through an existing right-of-way access (County Road 135) to the lot, which requires a turning radius (sidewalk & landscape buffer) in order for the access road to work properly and meet proper engineering standards. We considered putting the access road to the lower parking on the other side of the lot to reduce the turning radius impact, however the slope on the Easterly side of the lot is greater and we would still have the same issue meeting the setback requirements. We also considered pushing the proposed building closer to Highway 6 and keeping all the parking on the North side of the building. This creates other issues which include a large expanse of asphalt parking between the existing building to the North and our proposed building. It also puts us closer to Highway 6 and Interstate 70, which isn't desirable with the current traffic noise that is generated. The hardship that exists is the detention area adjacent to

Highway 6 on our property, which is being re-engineered in order to maintain proper run off capacities from our lot

The lot is not narrow (119'), nor does it have an exceptional shape. However, the topography plays a factor and the lot configuration with proximity to all the adjoining public right-of-ways plays a significant role in how it impacts the ability to meet the setback requirements.

The strict application of the code creates an undue hardship due to the proximity and limited accessibility from Highway 6.

The applicant did not create this hardship. The location of this lot and surrounding right-of-ways severely restrict the development opportunities.

Approval of this variance does not harm the public, and will allow for a nicer, more accessible project from all sides of the building, as well as landscape buffers along all 3 right-of-ways.

Approval of this variance does not have any implications toward a financial hardship in regards to convenience or financial burden. The variance requested is for practical access and use of the existing lot's configuration, topography and shape.

Approval of this variance will not violate any building or fire codes. The variance request is for relief from the setback requirements and doesn't have any association with the building codes. The fire codes will have been already met with the proposed development, and the proposed access will provide for better emergency access.

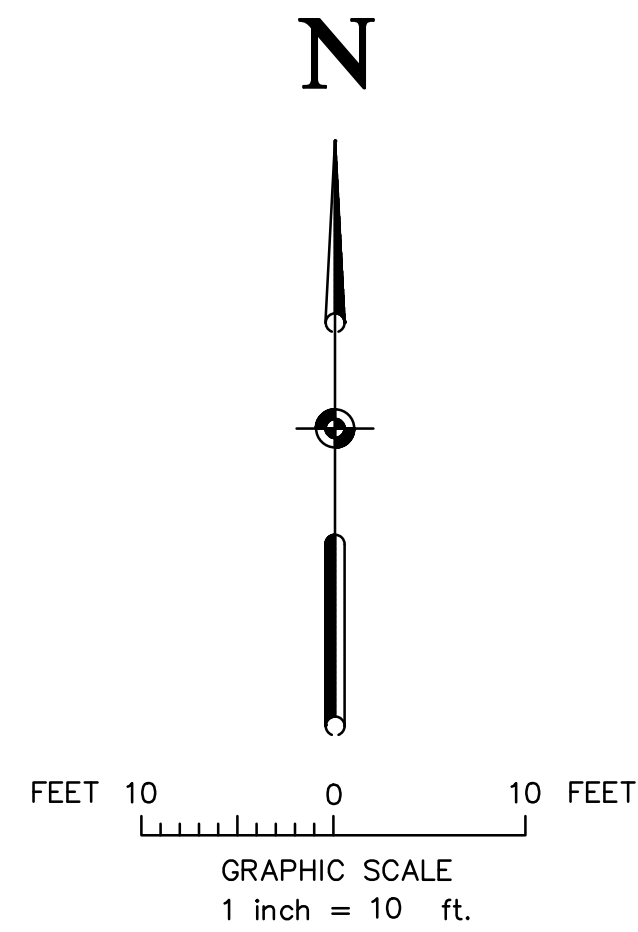
Approval of this variance is the minimum necessary in order to create positive accessibility, as well as creating adequate parking, landscaping and open space.

Respectfully submitted,

Brad Jordan

Brad Jordan

Principal Architect



STORM DRAIN INLET
RIM ELEV=5710.49'
INVERT OUT SOUTH 6" PLASTIC ELVE = 5709.34'

SEWER MANHOLE
RIM ELEV=5711.0'
INVERT IN 8" CONC. NORTH ELEV = 5706.16'
INVERT IN EAST 12" CONC. ELEV = 5706.79'
INVERT OUT WEST 12" CONC. ELVE = 5705.84'
WE NEED TO CONFIRM PIPE SIZE WITH THE CITY OF GWS

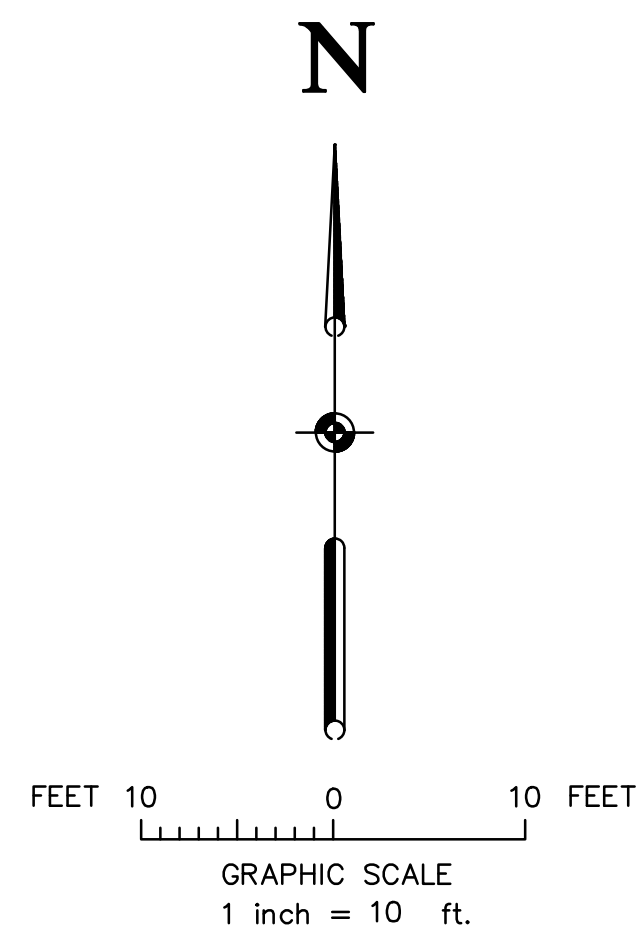
SEWER MANHOLE
RIM ELEV=5716.77'
INVERT IN 8" IRON NORTH ELEV = 5711.66'
INVERT OUT SOUTH 8" IRON ELEV = 5711.59'
WE NEED TO CONFIRM PIPE SIZE WITH THE CITY OF GWS

SEWER MANHOLE
RIM ELEV=5713.13'
INVERT IN 8" CONC. NORTH ELEV = 5707.92'
INVERT IN EAST 12" CONC. ELEV = 5707.42'
INVERT OUT WEST 12" CONC. ELEV = 5707.34'
WE NEED TO CONFIRM PIPE SIZE WITH THE CITY OF GWS



OWNER: TB & SB LLC
162 W 6TH ST
GLENWOOD SPRINGS, CO 81601

DRAWN & DESIGNED BY: H.E.B.		Pinnacle Design Consulting Group, Inc. CONSULTING ENGINEERS • 0805 BUCK POINT ROAD CARBONDALE, CO 81623 • (970) 963-2170 pinnacle.design@sopris.net	REVISION		DATE	DESCRIPTION	BY	CHKD	TB & SB LLC		GLENWOOD SPRINGS, COLORADO		SCALE: 1" = 10'	JOB NO: 2023.15	DATE: 6-27-23	
CHECKED BY: H.E.B.										TB & SB LLC DEVELOPMENT 62 135 COUNTY ROAD GRADING AND DRAINAGE PLAN		SHEET NO: C1				
REVIEWED BY: _____																
DATE: _____ FOR _____																



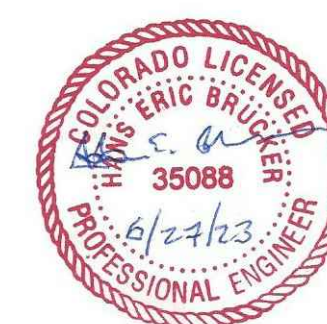
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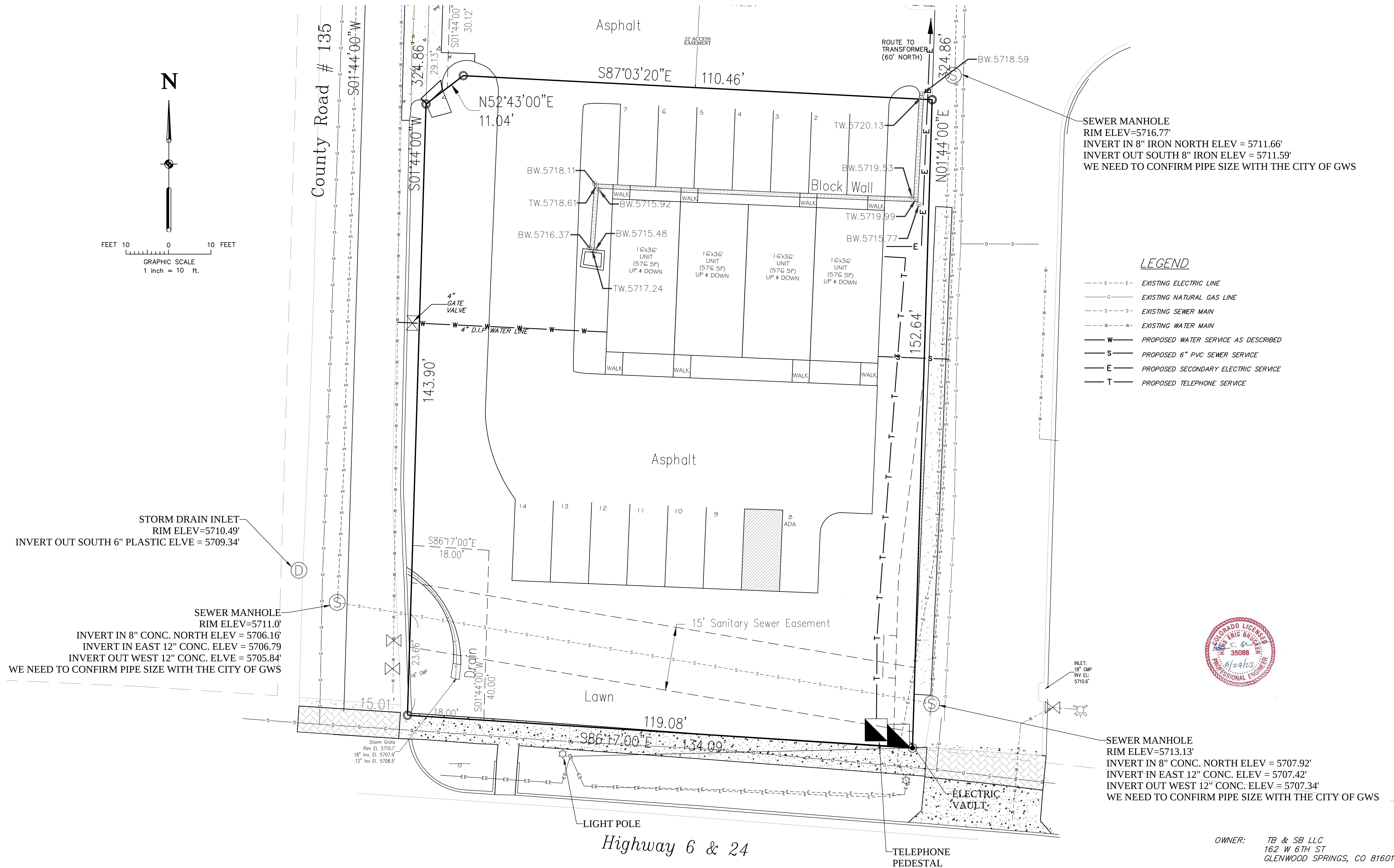
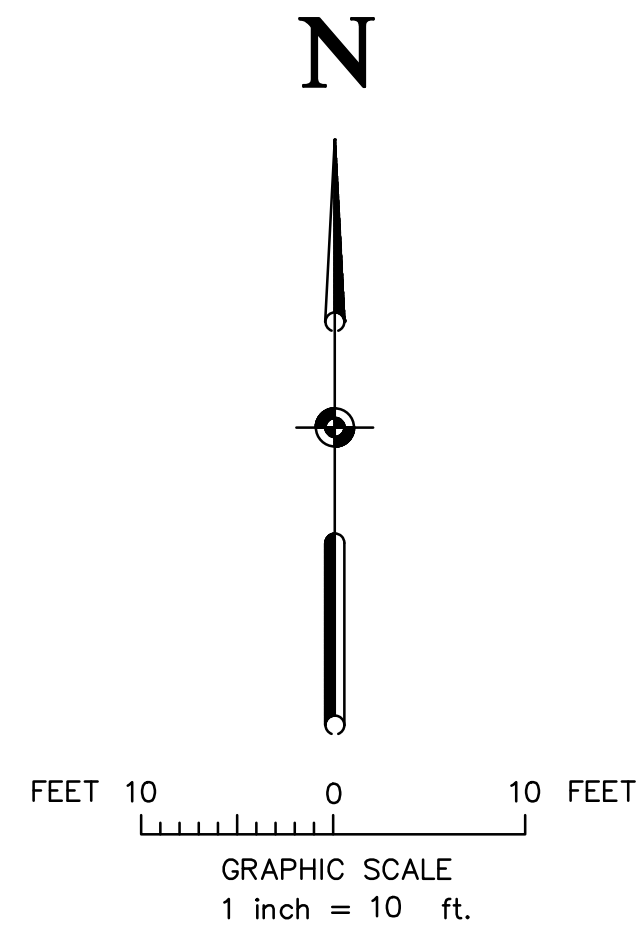
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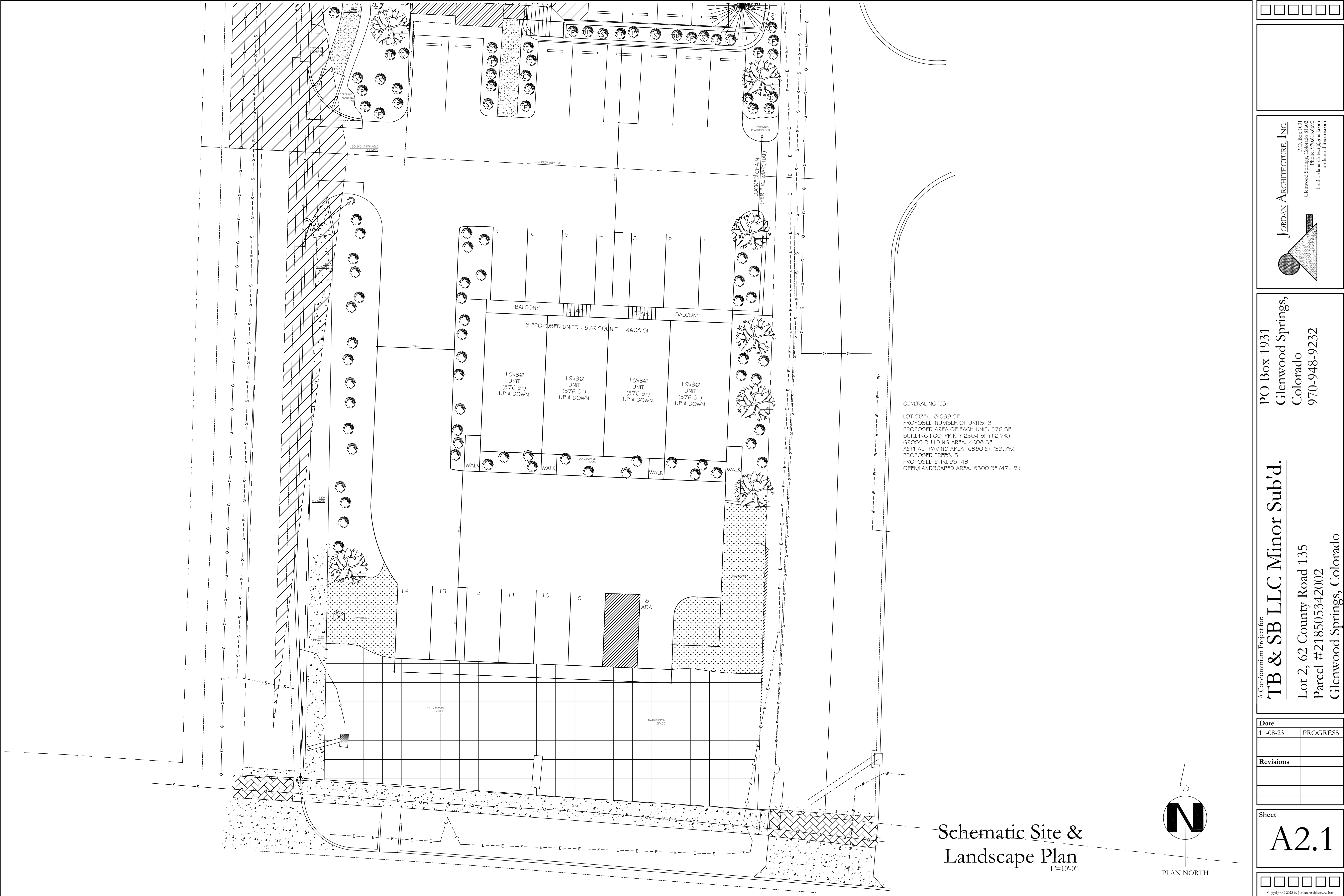
OWNER: TB & SB LLC
162 W 6TH ST
GLENWOOD SPRINGS, CO 81601



DRAWN & DESIGNED BY: H.E.B.		Pinnacle Design Consulting Group, Inc. CONSULTING ENGINEERS • 0805 BUCK POINT ROAD CARBONDALE, CO 81623 • (970) 963-2170 pinnacle@spri.net	REVISION		DATE	DESCRIPTION	BY	CH'D	TB & SB LLC		GLENWOOD SPRINGS, COLORADO		SCALE: 1" = 10'	JOB NO: 2023.15	DATE: 6-27-23
CHECKED BY: H.E.B.										TB & SB LLC DEVELOPMENT 62 135 COUNTY ROAD DRAINAGE BASIN PLAN		SHEET NO: C2			
REVIEWED BY: _____ DATE: _____ FOR _____															



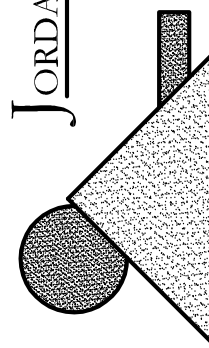
DRAWN & DESIGNED BY: H.E.B.	REVIEWED BY: _____	Pinnacle Design Consulting Group, Inc. CONSULTING ENGINEERS • 0805 BUCK POINT ROAD CARBONDALE, CO 81623 • (970) 963-2170 pinnacle@design@sopris.net	REVISION	DATE	DESCRIPTION	BY	CHD	TB & SB LLC	GLENWOOD SPRINGS, COLORADO	SCALE: 1" = 10'	JOB NO: 2023.15	DATE: 6-27-23
CHECKED BY: H.E.B.	DATE: _____ FOR _____								TB & SB LLC DEVELOPMENT 62 135 COUNTY ROAD UTILITY PLAN	SHEET NO:	C3	



GENERAL NOTES:
LOT SIZE: 18,039 SF
PROPOSED NUMBER OF UNITS: 8
PROPOSED AREA OF EACH UNIT: 576 SF
BUILDING FOOTPRINT: 2304 SF (12.7%)
GROSS BUILDING AREA: 4608 SF
ASPHALT PAVING AREA: 6980 SF (38.7%)
PROPOSED TREES: 5
PROPOSED SHRUBS: 49
OPEN/LANDSCAPED AREA: 8500 SF (47.1%)

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PO Box 1931
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Colorado
970-948-9232

TB & SB LLC Minor Sub'd.
Lot 2, 62 County Road 135
Parcel #218505342002
Glenwood Springs, Colorado

Date	
11-08-23	PROGRESS
Revisions	

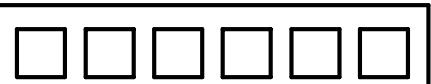
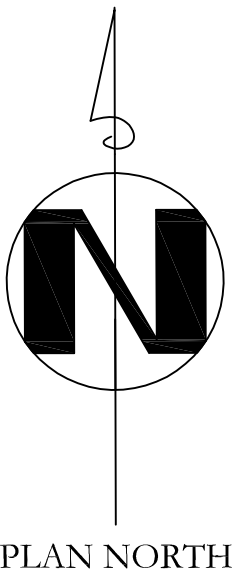
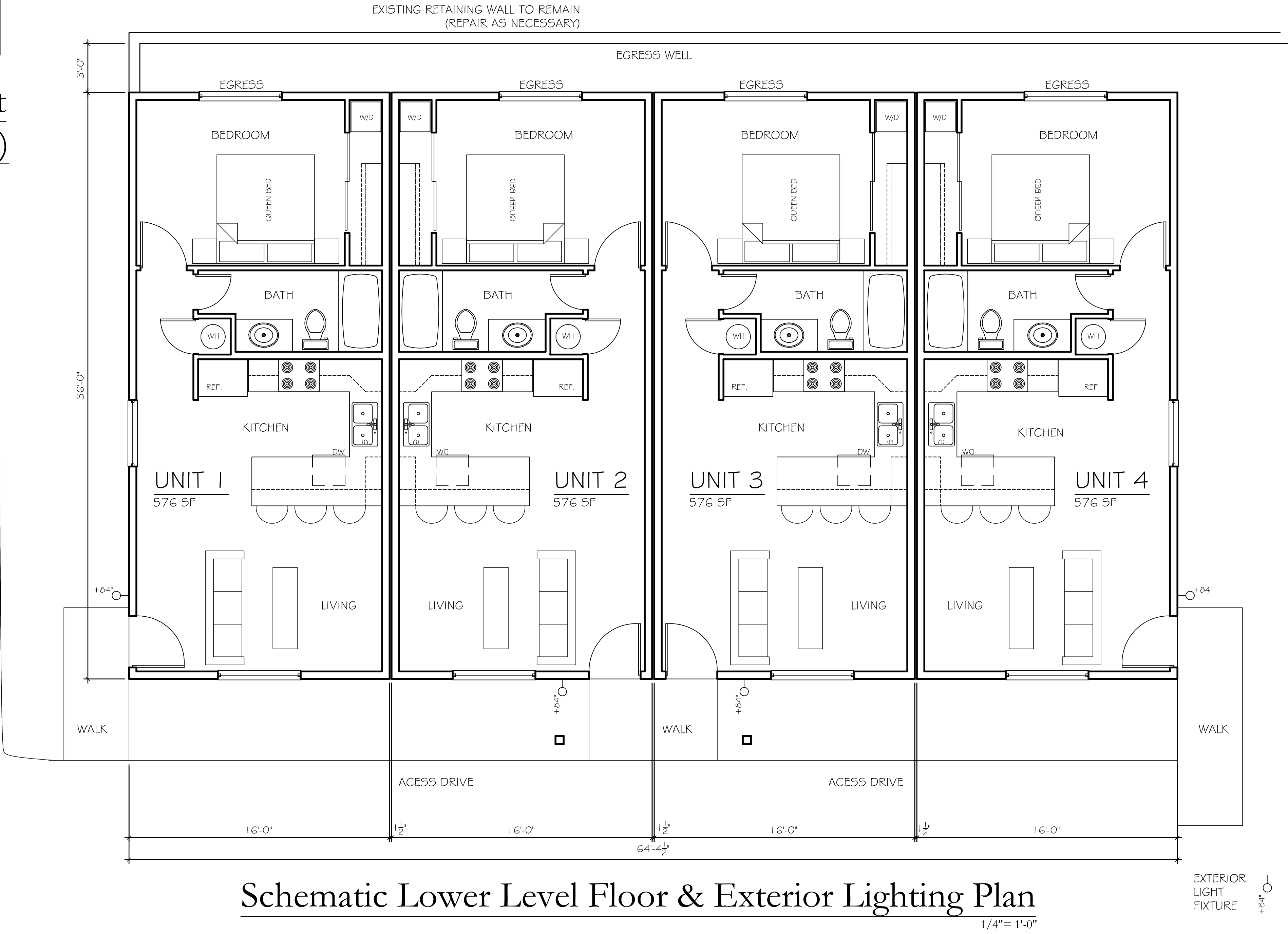
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A2.1

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Exterior Night Sky Compliant
Light Fixture (@ each exterior door)



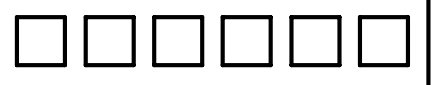
JORDAN ARCHITECTURE, INC.
P.O. Box 1931
Glenwood Springs, Colorado 81602
Phone: 970.618.6690
brad@jordanarchitect.com
jordanarchitect.com

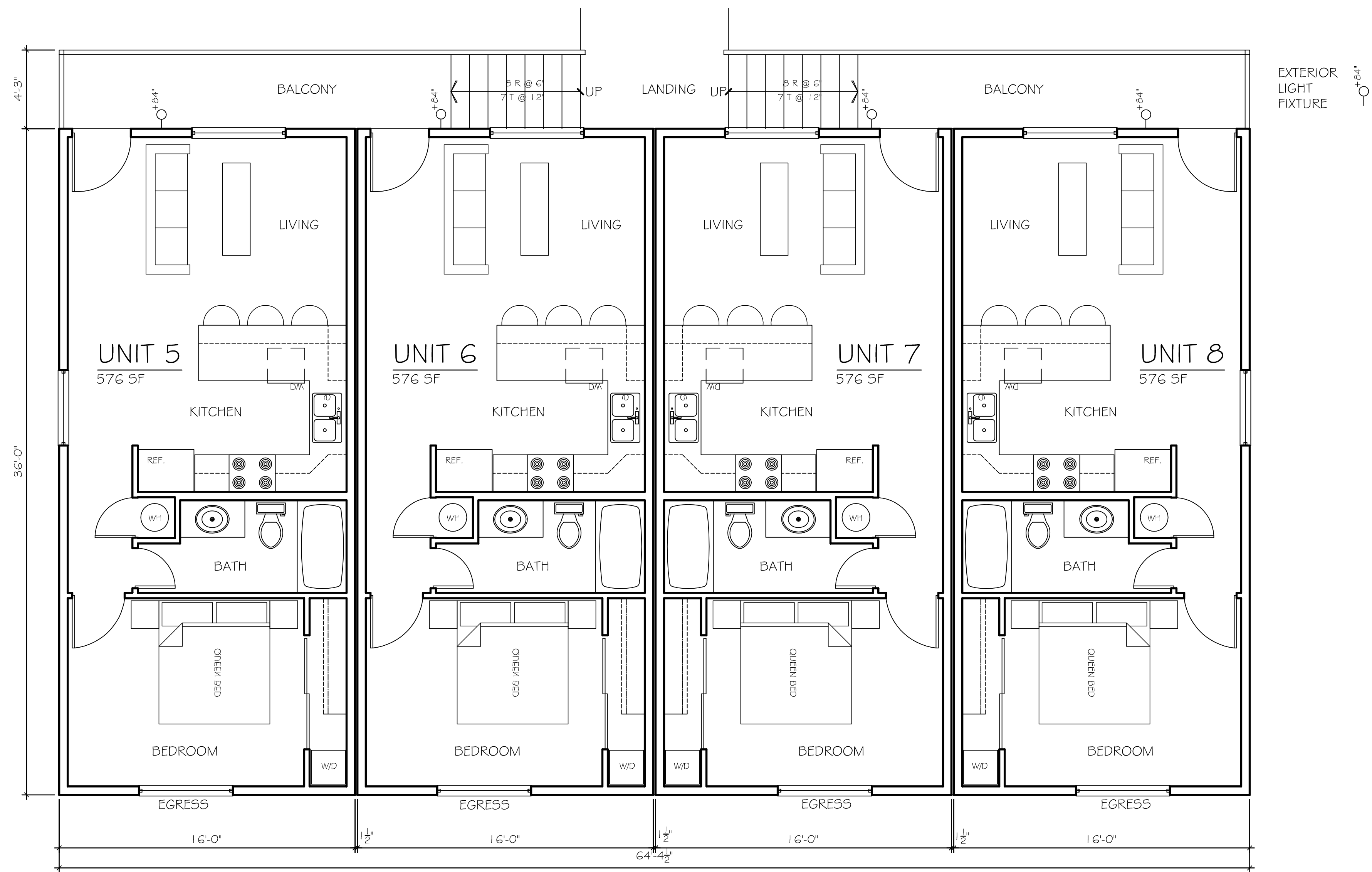
A Condominium Project for:
TB & SB LLC Minor Sub'd.
Lot 2, 62 County Road 135
Parcel #218505342002
Glenwood Springs, Colorado

PO Box 1931
Glenwood Springs,
Colorado
970-948-9232

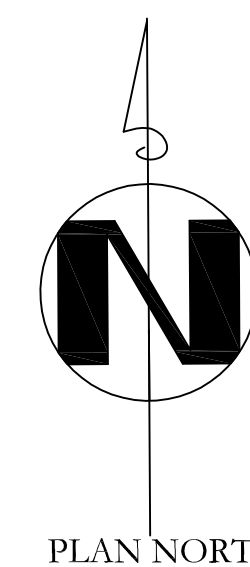
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11-08-23	
Revisions	

Sheet
A3.1





Schematic Upper Level Floor & Exterior Lighting Plan
1/4"= 1'-0"



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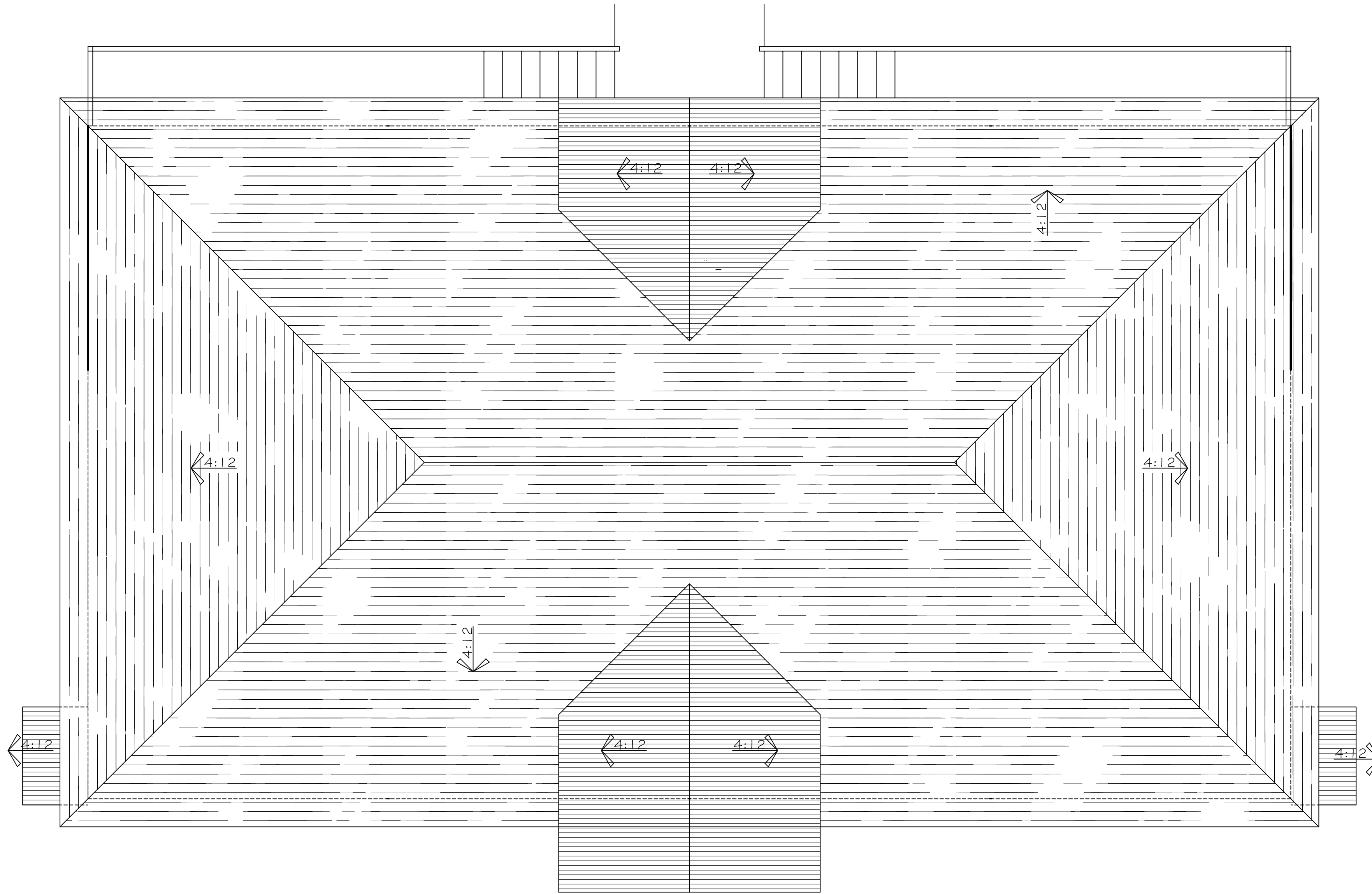
PO Box 1931
Glenwood Springs,
Colorado
970-948-9232

A Condominium Project for:
TB & SB LLC
62 County Road 135
Parcel #218505300033
Glenwood Springs, Colorado

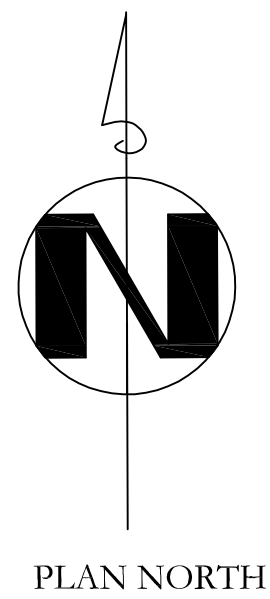
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08-11-23	Progress
Revisions	

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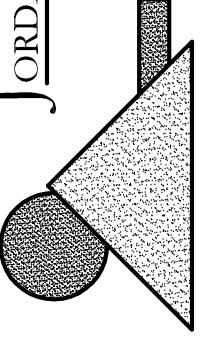


Schematic Roof Plan
1/4" = 1'-0"



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A Condominium Project for:

TB & SB LLC

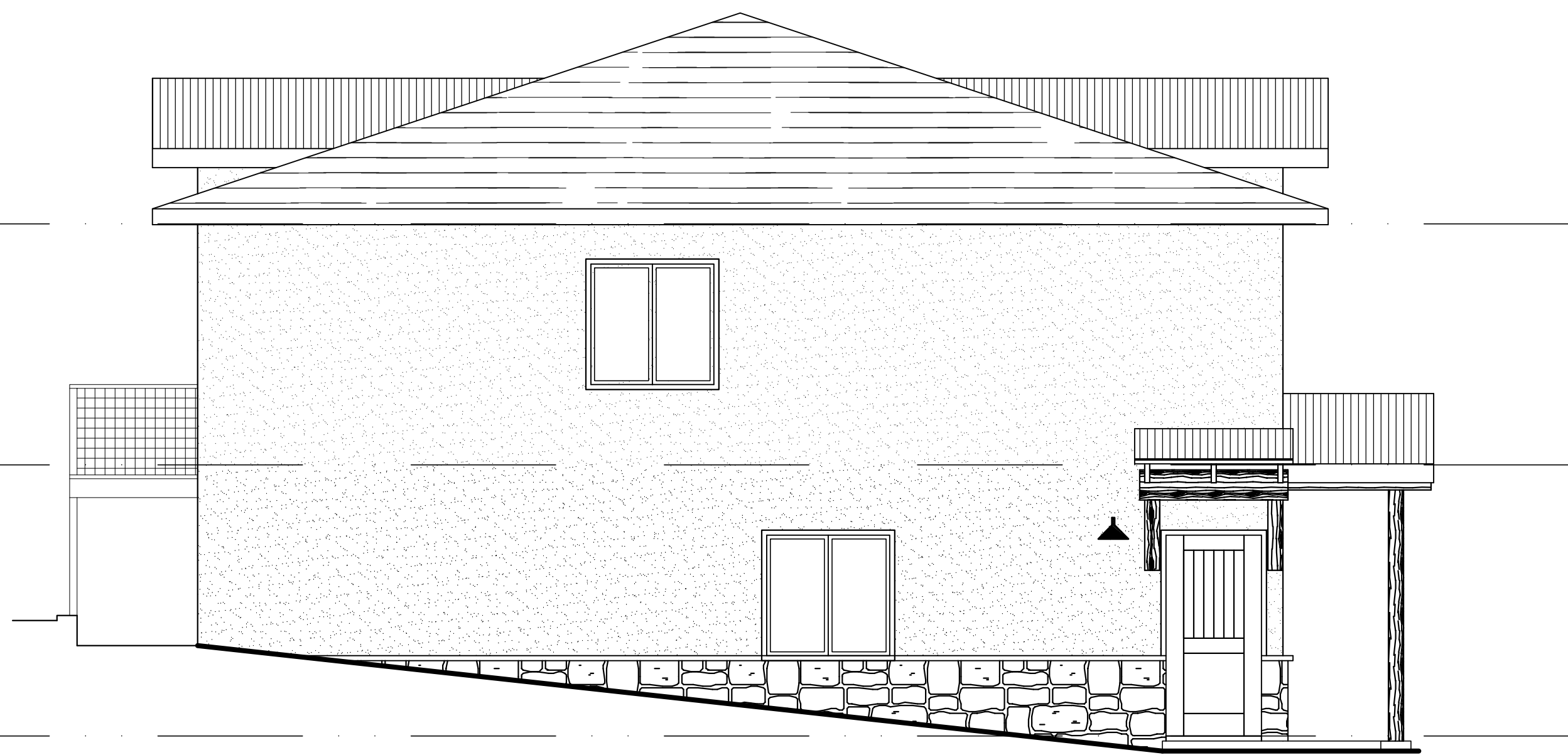
62 County Road 135
Parcel #218505300033
Glenwood Springs, Colorado

Date	
11-08-23	Progress
Revisions	

Sheet

A3.3

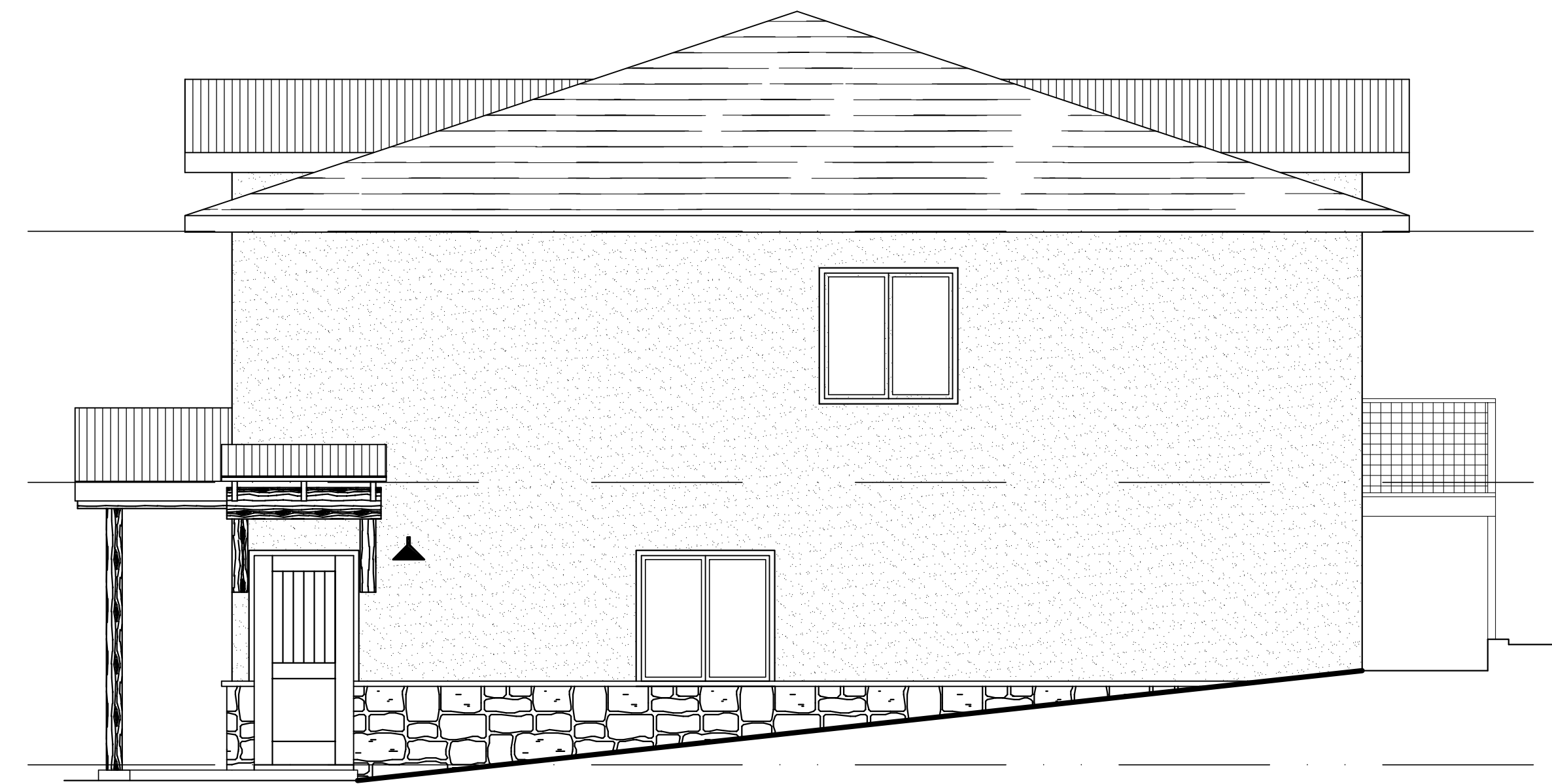
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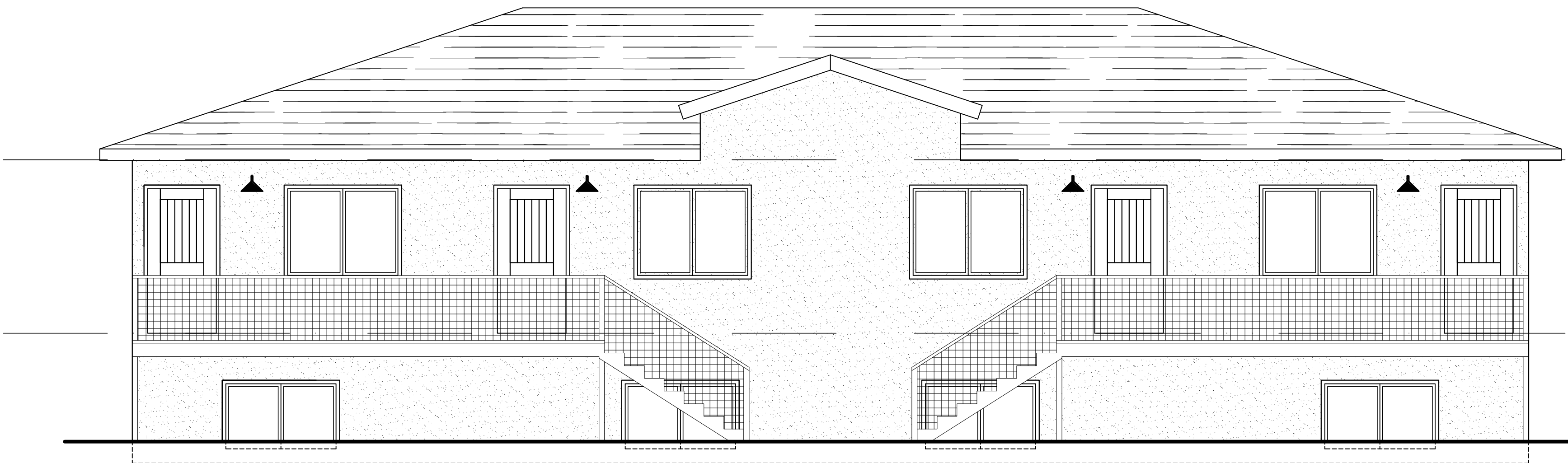
West



South



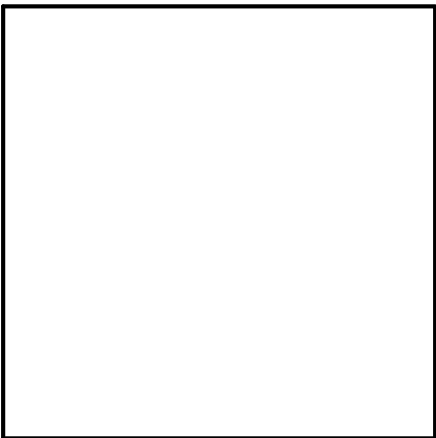
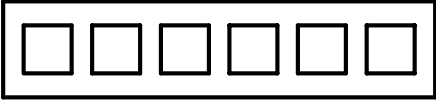
East



North

Schematic Exterior Elevations

$\frac{1}{4}'' = 1'-0''$



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A4.1

