



AGENDA
CITY OF GLENWOOD SPRINGS
Planning and Zoning Commission
Regular Meeting
AUGUST 27, 2024
Council Chambers, First Floor
101 W. 8TH STREET
6:00 PM

1 Attendance Instructions

- A. Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84739607201?pwd=loeEjSFHxW2GU5kMnM6Ti3cP4bKoWj.1>

Passcode: 177366

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

+1 719 359 4580 US

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Webinar ID: 847 3960 7201

2 Roll Call

3 Receipt of the Minutes

- A. June 25, 2024 Meeting Minutes Draft

4 Comments from citizens appearing for items not on the agenda

5 New Items

- A. Planning File 17-24 Design Variance 308 7th Street Juicy Lucy Awning

- B. Planning and Zoning Commission Training

6 Commissioner Comments

7 Director Comments

8 Adjournment

MINUTES
CITY OF GLENWOOD SPRINGS
Planning and Zoning Commission

Regular Meeting
June 25, 2024
Council Chambers, First Floor
101 W. 8TH STREET 6:00 PM

1. Roll Call

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

Also Present: Community Development Director Hannah Klausman, Senior Planner Emery Ellingson, City Attorney Karl Hanlon, Deputy City Clerk, Danyelle Rigli

2. Conflicts of Interest

None

3. Receipt of Minutes

March 26, 2023 Planning and Zoning Commission regular meeting minutes

Commissioner Cipperly made a motion to approve the minutes, seconded by Commissioner Connerton. No comment on the minutes. Item called to question with voice vote and passed 6-0 with Commissioner White abstaining.

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

No public comment was offered.

5. New Items

a. Planning File 09-24 Major Site and Architectural Plan and Variances, Lot 10C Glenwood Meadows.

Planner Emery Ellingson presented Planning File 09-24 Major Site and Architectural Plan and Variances, Lot 10C Glenwood Meadows. The file has the three following action items:

- **Action Item 1:** Consider recommendation of approval for Major Site and Architectural Plan
- **Action Item 2:** Consider approval of variance from Glenwood Meadows Annexation and Development agreement to exceed building height limit of 45' by 9' and allow a 54' tall building.
- **Action Item 3:** Consider approval of variance from Section 070.040.100 Exterior Lighting.

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

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

- *Question on community amenity space and how it relates to the proposed future subdivision of Lot 10C.* **Staff response:** Staff explained the required community amenity space was related to

the total built area for the two lots and since it is considered a community amenity, that the proposed space could be counted towards both lots. Staff also explained that the amount of provided community amenity space would limit future development as far as building area. Staff also mentioned a condition of the approval that would require the applicant to complete the community amenity space before a Certificate of Occupancy would be issued for the hotel and that a plat note could be included on the subdivision to detail that the community amenity space would count towards both.

- *Question on allowable uses within the C-4 Hospitality district.* **Staff response:** Staff provided a list of several of the varied uses, both commercial and residential, allowed in the C-4 district.
- *Question on definition of community amenity space.* **Staff response:** Staff provided definition from Glenwood Meadows Development Plan and confirmed that the space would be open to the public.
- *Question if there is a requirement to dim parking lot lighting.* **Staff response:** Staff confirmed that Code does not require a dimming of parking lot lighting due to security aspect of parking lot lighting.
- *Question about the building heights for neighboring hotels to the south.* **Staff response:** Staff explained that both hotels to the south were similar in height and were approved with variances.
- *Question to confirm that there was no residential use and that affordable housing requirements would not apply.* **Staff response:** Staff confirmed there was no residential uses associated with this project.
- *Question if this project would be affected by the current ballot issue which changed the City charter.* **Staff response:** Staff confirmed the moratorium and ballot issues changes were not applicable to this project.
- *Question if the City required dark sky lighting.* **Staff response:** Staff explained that Code does require full cut-off fixtures.
- *Question if the proposed lighting plan exceeded lighting limits trespassing onto other properties.* **Staff response:** Staff confirmed that the lighting plan showed lighting more than limits allowed for Lighting District 2.
- *Questions on Public Works request to remove landscaping from the planting strip.* **Staff response:** Staff explained which trees would be removed from the landscaping plan and deferred to applicant to explain if additional trees could be included anywhere on site.
- *Questions on building height and question about the area exceeding the height limit.* **Staff response:** Staff provided images of elevations to call out areas which exceed the height limit and provided detail on which elevations and which specific areas exceeded the 45' limit.
- *Question on off-street parking requirements and how they are applied to Glenwood Meadows.* **Staff response:** Staff confirmed that the only aspect of 070.040.060 Off-Street Parking and Loading which applied was the number for the proposed uses.
- *Question on staff report regarding Fire Department comments.* **Staff response:** Staff explained that text was left off and that Fire Department did not have outstanding comments on the proposed Major Site and Architectural Plan.
- *Question if there Glenwood Meadows ADA prohibited and specific restaurant or retail chains.* **Staff response:** Staff explained that there was no prohibition on specific chains and that if the

applicant would like to develop the restaurant with a drive-thru, that would require amending the Glenwood Meadows Annexation and Development Agreement.

- *Question on the traffic study and how the recommended improvements on page 10 of the traffic study described in the report relate to this location. Staff response:* Staff discussed that the traffic study was more recent than the annexation and that the recommended improvements covered a broad area and that the intersections nearest to the proposed use were found to not require any improvements at this time. Staff also explained that many of the improvements which were required as part of the Glenwood Meadows development have been completed and many of the improvements recommended in the plan would likely be items to be completed by the City rather than this development.
- *Question on the variance for building height and how staff arrived at the recommendation for approval. Staff response:* Staff explained that since the variance met the intent of the height limit, which was a four story hotel, and that building standards have changed in some ways since the original annexation in 2002.
- *Question on heights of residential buildings on Wulfsohn. Staff response:* Staff provided details on heights of neighboring residential buildings and that they were between 50' and 59'.
- *Question if parking requirements were the same for a two bedroom hotel suite or a one bedroom hotel room. Staff response:* Staff confirmed that the requirement was one off-street parking space per room.

Applicant, David Dresher, LK Architecture provided a short summary of the proposed development including details on the hotel brand, site design, and building design.

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

- *Question on the photometric plan, the proposed mounting heights of parking lot lighting, and the lighting on the porte cochere, and lighting fixtures on building. Applicant response:* Applicant confirmed that the mounting heights of parking lot lighting would adhere to height limits of Lighting District 2 and that mounting heights would be between 14' and 20'. The applicant also explained that the lighting on the porte cochere had not been finalized yet and there would likely be some wall pack/lighting fixtures on the sides of the buildings as necessary.
- *Question if there could be additional landscaping on the site since there is excess parking: Applicant response:* Applicant explained that there likely could be some more landscaping however there was interest in providing additional parking given that there would be two uses with the two lots.
- *Question about landscaping requirements for parking lot areas: Applicant response:* Applicant, along with staff, confirmed that landscaping requirements for parking lot areas were met.
- *Question about timeline, phasing, and extent of construction upon the lot. Applicant response:* Applicant confirmed that construction would touch most of the lot and intended construction period would be approximately 18 months.
- *Question if community amenity space could be finished at same time as hotel. Applicant response:* Applicant confirmed community amenity space would be completed at same time as hotel.
- *Questions on planting strip and what applicant would consider for ground cover since landscaping would not be allowed: Applicant response:* Applicant explained that they would

coordinate with City on ground cover for the planting strip and consider where additional landscaping could possibly be included on the site. Staff also provided additional explanations of which landscaped area would be removed.

- *Question on absence of landscaping marked on backside of the site. **Applicant response:*** Applicant confirmed that those areas were located on neighboring property and that there was existing landscaping in those areas.
- *Question on the parapet in center of roofline and if that area would be utilized to help screen mechanical equipment. **Applicant response:*** Applicant confirmed that that parapet was used in part to meet design requirements and that the area would likely be where the mechanical equipment would be located.
- *Question on how breakdown of hotel rooms. **Applicant response:*** Applicant explained that there would be four two-bedroom suites and that rooms contained kitchens.
- *Question if there would be an electric vehicle charging stations: **Applicant response:*** Applicant explained there would be 12 stations initially with possibility to expand to more if necessary.
- *Question how public would access community amenity: **Applicant response:*** Applicant explained that it would be open to the public and that its proximity to the public path would encourage public use. Applicant stated they would be open to adding signage indicating it was a public space.

Commission Waller adjourned the meeting for a five minute recess. Meeting was reopened.

Commissioner Waller opened the item for public comments. No members of the public were present for comment in person or online. Commissioner Waller closed the item for public comment.

Commissioner Connerton made a motion to recommend for approval for Action Item 1 with findings and conditions as written in the packets. Commissioner Connerton amended the motion to include the adjusted conditions described by staff during the presentation. Commissioner Cipperly seconded the motion.

No discussion followed the motion and Commissioner Waller called the item to question. Motion passed unanimously with a vote of 7-0.

Commissioner Connerton made a motion to approve Action Item 2, a variance for building height, with findings and conditions in staff report and adjusted conditions described by staff during the presentation. Commissioner Cipperly seconded the motion.

Discussion of the motion included:

- Comment by Commissioner Waller that proposed hotel, given its location, would likely not block any existing view planes.

Commissioner Waller called the item to question. Motion passed unanimously with a vote of 7-0.

Commissioner Connerton made a motion to approve Action Item 3, a variance for site illumination, with findings and conditions in staff report and adjusted conditions described by staff during the presentation. Commissioner Cowan seconded the motion.

Discussion of the motion included:

- Distinction between Lighting District 1 and Lighting District 2 and confirmation that the variance language would hold the applicant to meet the illumination limits for parking lot illumination and light trespass for Lighting District 1. Staff pointed out two areas that would need to be reduced for illumination. Staff also confirmed that this variance was for lighting levels only and that the applicant would be required to still observe the mounting height limits for Lighting District 2, per the adjusted conditions mentioned during the presentation.

Commissioner Connerton made a motion to amend the original motion to include adjusted conditions 1-9 which were presented by staff. Commissioner Cowan seconded the amended motion.

- Commissioner Houghton opined that the site did have the capacity to have reduced lighting levels by adding more poles and that allowing a higher lighting level on the site did pose a harm to the public. Commissioner Houghton proposed requiring a condition for lighting temperature. Staff indicated that Code did not currently have any language on lighting temperature.
- Discussion of gradient light and possibility for using this on the site.
- Commission discussed the fact that requiring additional poles could pose a financial burden and that parking lot lighting is an important component of safety and that the site, with the condition of meeting standards of Lighting District 1, would not be exceeding limits allowed elsewhere in the City.
- Commission mentioned the importance of reducing light pollution across the City and asking if the City could consider looking at reducing light pollution in the future.
- Questions on the possibility of continuing Action Item #3. Staff explained options for continuance, adding additional conditions, and denial and how that would affect the other parts of the application which had been approved.
- The Commission expressed some concern over the elevated lighting levels present in Glenwood Meadows and approving this variance would result in exacerbating this issue.
- Commission also discussed potential for additional poles on the site which would allow for lower foot-candle levels that would be consistent with Lighting District 2.
- Commission also discussed difficulty of regulating light pollution in Glenwood Meadows when the Meadows has different Lighting Districts and much of the site is built out.

Commissioner Connerton made motion to amend the original motion for applicant to be allowed to only use illumination standards for Lighting District 1 and not mounting height and that applicant work with City to reduce lighting to conform levels of Lighting District 1. Commissioner Cowan seconded the amended motion.

Commissioner Waller called the item to question. The motion passed 5-2 with Commissioners Connerton, Cipperly, Cowan, White, and Simms voting in favor of the motion for approval and Commissioners Waller and Houghton voting no.

b. Planning File 10-24 Title 070 Code Amendments

Community Development Director Hannah Klausman presented Planning File 10-2024 Code Amendments to Title 070. Key points of the presentation included:

- Ballot Question A, April 23, 2024 amended the City Charter requiring compliance changes to Title 070 Development Code.
- Staff has included some housekeeping and clarification code amendments.
- The necessary code amendments related to the Charter Amendment include Section 070.060 Administration and Procedures, and Section 070.040 Common Open Space Requirements.
- Housekeeping and clarification code amendments proposed by staff include Section 070.020.020 Zoning Districts Measurements and Exceptions, Section 070.030.020 Table of Allowed Uses, Section 070.030.030 Use Regulations, 070.070.020 Rules of Construction and Definitions, and 070.080.120 Guidelines and Regulations for Matters for State Interest.

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

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

- Changes are going to make development more costly. Does changing architectural review shorten the process for smaller projects.
 - Staff response: yes, removing 3 and 4 units from Site/Arch process reduces the amount of time to building permit, while maintaining the same criteria.
- Question about public input on 4-plex and not having any opportunity to comment.
- Without the Call Up procedure, this also removes the public comment opportunity.
 - Staff response: Public notice would not change for 3 and 4 units. Public notice is not required for 3 and 4 units unless called up by P&Z. P&Z has never called up a development of 3 or 4 units. Public noticing procedure was required at 5 units, which is also not changing.
- The process for 1-4 units gets easier, the 5-9 gets more difficult. The purpose is to offset workload by making some of these changes?
 - Staff response: Yes.
- Commissioners had questions regarding vacation of right of way and concern regarding the requirement of an election. Comments that the general public probably did not understand this impact.
- Questions on who pays for the new elections that are required.
- City Attorney clarified that the new election provision does apply even to small amounts of land, even 10 square feet owned by the City no longer being able to be conveyed as part of a transfer for other land from a developer.
 - Staff response: This is yet to be decided, however the City may choose pass along the costs of the election to the applicant.

Staff proposes taking two action items, one for the necessary Charter Amendment initiated code amendments and one for the staff proposed housekeeping proposals.

Action Item 1. Section 070.060 Administration and Procedures, and Section 070.040 Development Standards Common Open Space Requirements Amendments.

Commissioner White made a motion to approve Action Item 1 with suggested findings on page 10 of the staff report conditions as written in the packet for Section 070.060 and 070.040. Commissioner Connerton seconded the motion.

Motion passes unanimously with a vote of 7-0.

Staff went on to detail the changes of the housekeeping and clarification code amendments including retaining walls in setbacks, multiple primary uses, spelling changes, and construction use definition changes.

Commissioner comments and questions:

Commissioner Cipperly suggested adding language to the retaining walls provision that states all other standards “related to retaining walls” be added for clarification. Staff agrees.

Comments that the City should look to inform the public on true outcome of Ballot A to get ahead of the confusion. Inform on the burden of the cost of the election and where that lands. Also include a news release regarding the changes made to code to accommodate the election results.

Action Item 2. Housekeeping and clarification amendments that include Section 070.030.020 Table of Allowed Uses, Section 070.030.030 Use Regulations, 070.070.020 Rules of Construction and Definitions, and 070.080.120 Guidelines and Regulations for Matters for State Interest. Amendments.

Commissioner Connerton made a motion to approve Action Item 2 with suggested findings on page 10 of the staff report conditions as written in the packet for Section 070.030.020 Table of Allowed Uses, Section 070.030.030 Use Regulations, 070.070.020 Rules of Construction and Definitions, and 070.080.120 Guidelines and Regulations for Matters for State Interest. Commissioner White seconded the motion.

Motion passes unanimously with a vote of 7-0.

6. Commissioner Comments

7. Director Comments

Community Development Director Hannah Klausman detailed upcoming applications.

8. Adjournment

Meeting adjourned at 10:09 PM.

Planning and Zoning Commission Report

Date: August 27, 2024
To: Planning & Zoning Commission
From: Emery Ellingson, Senior Planner
Subject: Planning File 17-24 Design Variance 308 7th Street Juicy Lucy Awning

REQUEST	Consideration of a Design Variance for relief from Section 070.040.090(e)(8)(i) Awnings, Canopies, and Marquees for installation of an awning.
APPLICANT	Western Slope Awning
OWNER	RMCO Restaurant Group LLC
LOCATION	308 7 th Street (2185-094-05-003)
ZONE	M2 Mixed Use Central Core
SURROUNDING LAND USES	North: Public space, railroad right-of-way South: Commercial East: Commercial (restaurant) West: Commercial (restaurant)
LOT SIZE	4,400 square feet

ACTION ITEM

Per Section 070.060.070 of the *Glenwood Springs Municipal Code* (Code), the Planning and Zoning Commission (Commission) is the deciding body for Variance Requests. Since this is a variance from Section 070.040.090 Non-Residential and Mixed-Use Site and Building Design, it can be processed as a design variance.

Action 1 – Design Variance Request – to consider approval of a retractable awning with variance for relief from Section 070.040.090(e)(8)(i)(9) to allow an awning to project more than 5 (five) feet from the building façade to which they are attached.

Staff recommendation: *Staff recommends **approval** of the Design Variance Request with the findings and conditions on page 7 through 9.*

Action 2 – Design Variance Request – to consider approval of a retractable awning with variance for relief from Section 070.040.090(e)(8)(i)(1) to allow a non-canvas material.

Staff recommendation: *Staff recommends **approval** of the Design Variance Request with the findings and conditions on page 7 through 9.*

PROJECT SUMMARY

Western Slope Awning has applied on behalf of RMCO Restaurant Group LLC, the owners of Juicy Lucy Restaurant to install a retractable awning over their outdoor dining area. The design variances requested are from Section 070.040.090(e)(8)(i) Awnings, Canopies, and Marquees for the following designs aspects:

- Installation of an awning that will extend further than 5' from building façade
- Installation of an awning using a non-canvas material.

BACKGROUND

Location

The property is located at 308 7th Street in the M2 Mixed Use Zoning District and is located within the Downtown Core.

Outdoor Dining Lease

Juicy Lucy, like many other downtown restaurants, leases public right-of-way for outdoor dining use. This area, which totals 360 square feet, has been leased since 2014. The leases are reviewed and renewed on an annual basis. The terms of the lease allow for year-round use; however, most businesses only use the outdoor dining areas seasonally. The terms of the lease also require businesses to maintain a general liability insurance policy for their dining areas to the amount of \$1 million dollars in liability.



Photo of outdoor dining area

DESIGN VARIANCE CRITERIA

The criteria for design variances are split into two sections, Section A and Section B. A design variance must meet all the criteria of Section A and at least four of the criteria listed in Section B. The reason for this is intended to allow for more flexibility in reviewing variances. Design variances are applicable to the following sections of Code: *Section 070.040.050 Landscaping, Screening, and Fencing, Subsection 070.040.060(h) Parking Area Landscaping, Section 070.040.080 Residential Site and Building Design, and Section 070.040.090 Non-Residential and Mixed-Use Site and Building Design.* Below is analysis of the design variance criteria for the requested design variances.

DESIGN VARIANCE CRITERIA ACTION ITEM 1 - PROJECTION	
To consider approval of a retractable awning with variance for relief from Section 070.040.090(e)(8)(i)(9) to allow an awning to project more than 5 (five) feet from the building façade to which they are attached.	
SECTION A (Must meet all 3)	
YES	1. The variance requested does not harm the public health, safety, or welfare
YES	2. The variance requested is in general conformance with the Comprehensive Plan and with the stated purpose and intent of the Code including specific regulation for which the variance is sought
YES	3. The variance requested will not violate building or fire code requirements
SECTION B (Must meet at least 4)	
YES	1. The variance requested advances the goals and policies of the Code or achieves the intent of the subject standard to the same or better degree than the subject standard
YES	2. 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
YES	3. The variance requested results in benefits to the community that are equivalent to or exceed benefits associated with the subject standard
NO	4. The variance is necessary and appropriate to make possible the reasonable use of the land or the structures on the property
YES	5. The variance is the minimum variance that will afford relief of the subject standards of the Code
NO	6. The strict application of the Code standards for which a variance is sought would produce undue hardship

SECTION A CRITERIA

1. The variance requested does not harm the public health, safety, or welfare.

The requested variance does not harm the public health, safety, or welfare. The proposed awning will be securely attached to the building and the owner is required to hold an active insurance policy of \$1 million for the leased area. In addition, Condition of Approval #7 limits the use of the awning to the period between April 1 and October 31 to mitigate any potential risks associated with live snow loads on the awning.

2. The variance requested is in general conformance with the Comprehensive Plan and with the stated purpose and intent of the Code including the specific regulation for which the variance is sought.

The variance requested is in general conformance with the stated purpose and intent of the Code. **Section 070.040.090(a) Purpose** states that the intent of this section is to “*protect and enhance the visual interest, character, and quality of non-residential mixed-use areas.*” Installation of an awning to create a covered dining area enhances the visual interest, character, and quality of the leased dining area. Furthermore, the intent of the Code

standard is to regulate the awnings over individual building entrances and does not contemplate covering outdoor dining areas.

3. The variance requested will not violate building or fire code requirements

The variance requested will not violate building or fire code requirements. Condition 6b. requires the applicant to apply for and receive approval of a building permit for the approved variance.

SECTION B CRITERIA

1. The variance requested advance the goals and policies of the Code or achieves the intent of the subject standard to the same or better degree than the subject standard

The variance achieves the intent of the subject standard as the intent was to limit the size of entrances and was not intended to regulate shading of entire outdoor dining areas. The rules for Outdoor Dining Leases encourage the use of umbrellas for creating an attractive shaded dining area.

2. 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 subject property has an exceptional site condition that is not a general condition throughout the zone district. The properties on 7th Street are more exposed to the sun than other properties with outdoor dining that are under the bridge, which creates a motive to create more shade for customers.

3. The variance requested results in benefits to the community that are equivalent to or exceed benefits associated with the subject standard

The variance results in a community benefit. The creation of an attractive and shaded dining area on 7th Street adds to the visual interest, character, and vitality of the downtown area, which also provides economic benefits.

4. The variance is necessary and appropriate to make possible the reasonable use of the land or the structures on the property

The variance requested is not necessary and appropriate to make possible the reasonable use of the land or the structures on the property. A shaded dining area that utilizes awnings undoubtedly provides more consistent shade than individual umbrellas, but it is not absolutely necessary to make reasonable use of the land.

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

The variance is the minimum variance that will afford relief of the subject standards of the Code. The applicant's outdoor dining area extends 9' from the building while the standard limits the awning to 5'. Shading only out to 5' would be impractical and the applicant is proposing to only extend to the limits of the leased area. If the applicant were proposing to extend further than the 9', staff would not find this to be the minimum variance.

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

The strict application of the Code standards for which a variance is sought would not produce undue hardship. The definition of a hardship is a condition by which the property in question cannot be put to reasonable use. The applicant could use umbrellas to provide individual shade

for tables. Not having an awning is not an undue hardship, however it certainly provides a benefit to the owner as well as the surrounding area.

DESIGN VARIANCE CRITERIA ACTION ITEM 2 – NON-CANVAS MATERIAL	
To consider approval of a retractable awning with variance for relief from Section 070.040.090(e)(8)(i)(1) to allow a non-canvas material.	
SECTION A (Must meet all 3)	
YES	1. The variance requested does not harm the public health, safety, or welfare
YES	2. The variance requested is in general conformance with the Comprehensive Plan and with the stated purpose and intent of the Code including specific regulation for which the variance is sought
YES	3. The variance requested will not violate building or fire code requirements
SECTION B (Must meet at least 4)	
YES	1. The variance requested advances the goals and policies of the Code or achieves the intent of the subject standard to the same or better degree than the subject standard
YES	2. The subject property has an exceptional shape, topography, building configuration that is not a general condition throughout the zone district
YES	3. The variance requested results in benefits to the community that are equivalent to or exceed benefits associated with the subject standard
NO	4. The variance is necessary and appropriate to make possible the reasonable use of the land or the structures on the property
YES	5. The variance is the minimum variance that will afford relief of the subject standards of the Code
NO	6. The strict application of the Code standards for which a variance is sought would produce undue hardship

SECTION A CRITERIA

- 1. The variance requested does not harm the public health, safety, or welfare.**
The proposed material is sturdy and similar to canvas. It does not harm the public health, safety or welfare.
- 2. The variance requested is in general conformance with the Comprehensive Plan and with the stated purpose and intent of the Code including the specific regulation for which the variance is sought.**
The variance requested is in general conformance with the stated purpose and intent of the Code. The intent of the canvas requirement is to ensure that awnings are constructed of sturdy material that can withstand the weather. Technology is always improving, and the proposed material is like canvas in its durability and longevity.
- 3. The variance requested will not violate building or fire code requirements**
The variance requested will not violate building or fire code requirements. Installation of the awning would require building permit approval.

SECTION B CRITERIA

- 1. The variance requested advance the goals and policies of the Code or achieves the intent of the subject standard to the same or better degree than the subject standard**
The variance requested achieves the intent of the subject standard. The intent is to require awnings that are durable and can withstand the weather. The Sunbrella material is like canvas in this respect.

2. **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 subject property has an exceptional site condition that is not a general condition throughout the zone district. The properties on 7th Street are more exposed to the sun than other properties with outdoor dining that are under the bridge, which creates a motive to create more shade for customers.
3. **The variance requested results in benefits to the community that are equivalent to or exceed benefits associated with the subject standard**
The variance requested results in benefits equivalent to the subject standard because the proposed material is like canvas in appearance.
4. **The variance is necessary and appropriate to make possible the reasonable use of the land or the structures on the property**
The variance requested is not necessary and appropriate to make possible the reasonable use of the land or the structures on the property. It is reasonable to need shade for an outdoor dining area. However, the use of an alternative awning material is not necessary to create a shaded outdoor dining area as code compliant alternatives exist such as canvas awnings or individual table umbrellas.
5. **The variance is the minimum variance that will afford relief of the subject standards of the Code.**
The variance is the minimum variance that will afford relief of the subject standards of the Code. The applicant is proposing an alternative material which has been recognized by its industry as being a sturdy, reliant, synthetic alternative to the traditional canvas.
6. **The strict application of the Code standards for which a variance is sought would produce undue hardship.**
The strict application of the Code standards for which a variance is sought would not produce undue hardship. The definition of a hardship is a condition by which the property in question cannot be put to reasonable use. Requiring canvas is a reasonable requirement intended to ensure that awnings are well constructed. It is also worth to mention that the purpose of the design variance process is to allow designs which may not meet the strict letter of the Code but the intent.

REVIEWING AGENCY COMMENTS

The following agencies have provided these comments:

Legal Department: Applicant will need to apply for and receive approval of a Right of Way Encroachment License.

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 design variances. 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.

Suggested Conditions for all items

1. Applicant shall comply with all verbal representations made in the public hearing, as outlined in all application materials, and/or revised conditions herein and approved by the Community development Director.
2. The Applicant shall comply with/address all City staff comments related to specific Code requirements prior to the approval of a sign permit.
3. Any future changes or improvements to the awning are subject to review and approval of the Community Development Director for compliance with applicable requirements of the Glenwood Springs Municipal Code.
4. Except where specific variances have been granted, the construction shall comply with Municipal Code requirements.
5. Prior to installation the applicant shall:
 - a. Apply and receive approval for a Right-of-Way Encroachment License for the awning.
 - b. Submit a building permit application to Community Development Department for review and approval.
6. Applicant shall maintain an active general liability insurance policy to the amount of \$1 million dollars named as an additional insured party.
7. Applicant shall only utilize the awning between the dates of April 1 and October 31 to avoid issues with active snow loads upon the awning.

ACTION 1 – Design Variance Request – To consider approval of a retractable awning with variance for relief from Section 070.040.090(e)(8)(i)(9) to allow an awning to project more than 5 (five) feet from the building façade to which they are attached.

Staff Recommendation

Staff recommends **approval** of the Design Variance Request with the following **findings**:

Suggested Findings:

1. The variance requested **does not** harm the public health, safety, or welfare
2. The variance requested **is** in general conformance with the Comprehensive Plan and with the stated purpose and intent of the Code including the specific regulation for which the variance is sought
3. The variance requested **will not** violate building or fire requirements
4. The variance requested **does** advance the goals and policies of the Code or achieves the intent of the subject standard to the same or better degree than the subject standard
5. The subject property **does have** an exceptional shape, topography, building configuration, or other exceptional site condition that is not a general condition throughout the zone district
6. The variance requested **does result** in benefits to the community that are equivalent to or exceed benefits associated with the subject standard
7. The variance **is** the minimum variance that will afford relief of the subject standards of the Code

ACTION 2 – Design Variance Request – To consider approval of a retractable awning with variance for relief from Section 070.040.090(e)(8)(i)(1) to allow a non-canvas material.

Staff Recommendation/Suggested Motion

Staff recommends **approval** of the Design Variance Request with the following **findings**:

Suggested Findings:

1. The variance requested **does not** harm the public health, safety, or welfare
2. The variance requested **is** in general conformance with the Comprehensive Plan and with the stated purpose and intent of the Code including the specific regulation for which the variance is sought
3. The variance requested **will not** violate building or fire requirements
4. The variance requested **does** advance the goals and policies of the Code or achieves the intent of the subject standard to the same or better degree than the subject standard
5. The subject property **does have** an exceptional shape, topography, building configuration, or other exceptional site condition that is not a general condition throughout the zone district
6. The variance requested **does result** in benefits to the community that are equivalent to or exceed benefits associated with the subject standard
7. The variance **is** the minimum variance that will afford relief of the subject standards of the Code

Alternative Motion

***If the Planning and Zoning Commission finds this application to not meet the criteria for design variance approval, an alternative motion may be made for denial. An alternative motion must be supported with information supporting how the application does not meet the criteria. An example motion shown below:

MOTION TO DENY

Consideration of code amendments, I move to **DENY** finding that –

SECTION A (Must meet all three)

1. The variance requested **does** harm the public health, safety, or welfare
2. The variance requested **is not** in general conformance with the Comprehensive Plan and with the stated purpose and intent of the Code including the specific regulation for which the variance is sought
3. The variance requested **will** violate building or fire requirements

SECTION B (Must meet at least four)

1. The variance requested **does not** advance the goals and policies of the Code or achieves the intent of the subject standard to the same or better degree than the subject standard
2. 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
3. The variance requested **does not** in benefits to the community that are equivalent to or exceed benefits associated with the subject standard
4. The variance **is not** necessary and appropriate to make possible the reasonable use of the land or the structures on the property
5. The variance **is not** the minimum variance that will afford relief of the subject standards of the Code
6. The strict application of the Code standards for the which a variance is sought **would not** produce undue hardship.



PROPERTY TAX NOTICE
2023 TAXES DUE IN 2024

ACCOUNT # R320091
PARCEL # 218509405003
TAX DISTRICT: 032

CARRIE COUEY, TREASURER
P.O. Box 1069
Glenwood Springs, CO 81602-1069

TAX NOTICE ENCLOSED

RMCO RESTAURANT GROUP LLC

17774 PRESTON ROAD
DALLAS, TX 75252

TAX AUTHORITY	MILL LEVY	MILL LEVY CREDIT	TAX AMOUNT
GARFIELD COUNTY	12.64200	0.50000	\$5,873.56
GARFIELD COUNTY - R & B	0.09400	0.00000	\$44.02
GARFIELD COUNTY - DHS	0.51900	0.00000	\$243.05
CITY OF GLENWOOD SPGS	10.54100	0.36300	\$4,936.46
COLO RIVER WATER CONS	0.50000	0.00000	\$234.15
WEST DIVIDE WATER CON	0.02400	0.01500	\$11.24
SCHOOL DISTRICT RE-1	41.79700	2.24100	\$19,573.94
COLORADO MTN COLLEGE	2.97700	1.26400	\$1,394.16
GARFIELD COUNTY PUB LIB	2.50100	0.00000	\$1,171.24
GLENWOOD DOWNTOWN DEV A	0.00000	0.00000	\$0.00
RFTA	2.65000	0.00000	\$1,241.02
TOTAL	NET LEVY--> 74.14500		\$34,722.84
			LATE FILING FEE/ADMIN FEE \$0.00
			SPECIAL ASSESSMENT \$0.00
			SENIOR/VETERAN EXEMP \$0.00
			GRAND TOTAL \$34,722.84
SB 25 - in absence of State Legislative Funding, your school mill levy would have been 33.9870000			
PROPERTY DESCRIPTION (MAY BE ABBREVIATED)			
Section: 9 Township: 6 Range: 89 Subdivision:-ORIGINAL TWNSTE. GLENWOOD Block: 44 Lot: 4 AND:-Lot: 5 4400 SQUARE FEET---			
SITUS ADDRESS: 000308-000310 7TH ST			

VALUATION	ACTUAL	ASSESSED
NET TOTAL	\$1,678,530	\$468,310
NOTICES		
PROPERTY TAX EXEMPTIONS A property tax exemption is available to senior citizens, qualifying disabled veterans, the surviving spouses of Gold Star Veterans and the surviving spouses of senior citizens or disabled veterans who were previously granted the exemption. Please see eligibility and application details on the insert included with this Tax Notice.		
PROPERTY TAX DEFERRALS This program is offered by the State of Colorado to provide financial assistance to senior citizens, disabled veterans and others who qualify. For information and applications, go to https://colorado.propertytaxdeferral.com/home .		
DO YOU OWE DELINQUENT TAXES?		
No		
PAYMENT	DUE DATE	AMOUNT
FIRST HALF	FEBRUARY 29, 2024	\$17,361.42
SECOND HALF	JUNE 15, 2024	\$17,361.42
FULL PAYMENT	APRIL 30, 2024	\$34,722.84

Payable To: GARFIELD COUNTY TREASURER
Pay Online: www.garfield-county.com/treasurer
Applicable Convenience Fees Will Be Added

**IF YOUR TAXES ARE PAID
BY A MORTGAGE COMPANY,
DO NOT PAY THIS BILL.**

RETAIN TOP PORTION FOR YOUR RECORDS
Please fold on perforation BEFORE tearing

TAX PAYMENT MUST BE POSTMARKED BY DUE DATE



RETURN THIS COUPON WITH SECOND HALF PAYMENTS

Return this coupon with payment to:
GARFIELD COUNTY TREASURER
P.O. BOX 1069
GLENWOOD SPRINGS, CO 81602-1069

2ND HALF COUPON

2023 TAXES DUE IN 2024

PLEASE MAKE ADDRESS CORRECTIONS BELOW

Address _____
City _____ State _____ Zip _____

PROPERTY R320091
OWNER RMCO RESTAURANT GROUP LLC
OF
RECORD

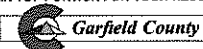
17774 PRESTON ROAD
DALLAS, TX 75252

SECOND HALF DUE BY JUNE 15, 2024 \$17,361.42

0000000183200914 00017361429

1-12-24_6 Please fold on perforation BEFORE tearing

TAX PAYMENT MUST BE POSTMARKED BY DUE DATE



RETURN THIS COUPON WITH FIRST HALF OR FULL PAYMENTS

Return this coupon with payment to:
GARFIELD COUNTY TREASURER
P.O. BOX 1069
GLENWOOD SPRINGS, CO 81602-1069

FULL OR 1ST HALF COUPON

2023 TAXES DUE IN 2024

PLEASE MAKE ADDRESS CORRECTIONS BELOW

Address _____
City _____ State _____ Zip _____

PROPERTY R320091
OWNER RMCO RESTAURANT GROUP LLC
OF
RECORD

17774 PRESTON ROAD
DALLAS, TX 75252

FULL PAYMENT DUE BY APRIL 30, 2024 \$34,722.84

FIRST HALF DUE BY FEBRUARY 29, 2024 \$17,361.42

0000000183200914 00017361429

WHERE TO PAY**GLENWOOD SPRINGS**

- GARFIELD COUNTY COURTHOUSE
Treasurer's Office
109 8th Street, Suite 204
Glenwood Springs, CO 81601
Office hours: M-F, 8:00 - 5:00
Phone (970) 945-6382
- DROP BOX Inside front door of Courthouse

BY MAIL

- PO Box 1069
Glenwood Springs, CO 81602-1069

ONLINE

- With Credit/Debit card or e-check at www.garfield-county.com/treasurer
- Applicable convenience fees will be added.
- If you do not have access to the internet, you may contact the Treasurer's Office for assistance.

ABOUT DEADLINES**• HALF TAX PAYMENT OPTION:**

- First Half Deadline - last day of February
- Second Half Deadline - June 15.

OR**• FULL TAX PAYMENT OPTION:**

- Deadline- April 30.

ABOUT LATE PAYMENTS AND NONPAYMENT

- Delinquent interest on FIRST HALF TAX begins MARCH 1.
- Delinquent interest on SECOND HALF TAX begins JUNE 15.
- Delinquent interest on FULL TAX begins MAY 1.
- AS OF SEPTEMBER 1
 - Certified funds may be required.
 - Accounts will become subject to advertising, additional fees and other legal collection action.
- AS OF OCTOBER 1
 - Distraints may be served on personal property (including mobile homes).
 - Seizure/sale actions may follow.
- AS OF NOVEMBER 1
 - Unpaid delinquent taxes on residential and manufactured/mobile homes may be taken to our Annual Tax Lien Sale.
 - Resulting investor liens are subject to additional interest and fees.

GENERAL INFORMATION

1. YOU OR YOUR MORTGAGE COMPANY MUST PAY YOUR PROPERTY TAX if you own property in Garfield County, even if you do not receive a tax notice or there is some other error. Under CRS 39-10-104.5, if you or your mortgage company do not pay by the deadlines on this notice, 1% interest will be added for every month or part of a month you are late - \$10 per month per \$1,000 in taxes due.
2. Tax notices are always mailed to the property owner of record.
3. To view tax account activity and printable documents, including tax receipts, go to "Search property taxes online" at www.garfield-county.com/treasurer.
4. To have a tax receipt mailed to you, please provide a self-addressed stamped envelope.
5. Your canceled check is also a valid receipt.
6. Your account number should be referenced when making property tax inquiries.
7. Delinquent tax notices are mailed after the Second Half Deadline.
8. To avoid delays in the issuance of Certificates of Redemption, it is recommended that payments to redeem Tax Liens be made with Certified Funds, defined as cash, cashier's check, money order, or a wire transfer that specifies the taxpayer name and account number in the bank's transfer description.

BUSINESS EQUIPMENT / PERSONAL PROPERTY

9. As of January 1st, business equipment is taxed for an entire year no matter how many days the business is in operation.
10. When a business is sold or closes, taxes must be paid for the current tax year (shown on the notice), as well as the current calendar year. Contact the Assessor's office for amounts.

MANUFACTURED / MOBILE HOME OWNERS

11. Manufactured / mobile homes are taxed for the ENTIRE year. Remember to settle prorated taxes when buying or selling. Contact the Assessor's office for amounts.
12. In compliance with CRS 39-10-103(1)(a), the following notice pertaining to manufactured/mobile homes is hereby given: THIS PROPERTY MAY NOT BE MOVED WITHOUT A VALID PERMIT OR PRORATED TAX RECEIPT AND A TRANSPORTABLE MANUFACTURED HOME PERMIT FROM THE COUNTY TREASURER'S OFFICE. VIOLATORS SHALL BE PROSECUTED (CRS 42-4-510).
13. Under CRS 38-29-204(1), if a manufactured / mobile home is destroyed, dismantled, or otherwise discarded on or after July 1, 2008, the owner of the manufactured/mobile home, or of the real property on which it is located, is required to file and record with the Clerk and Recorder a certificate of destruction.

MILL LEVY / ASSESSMENT RATES / VALUATION

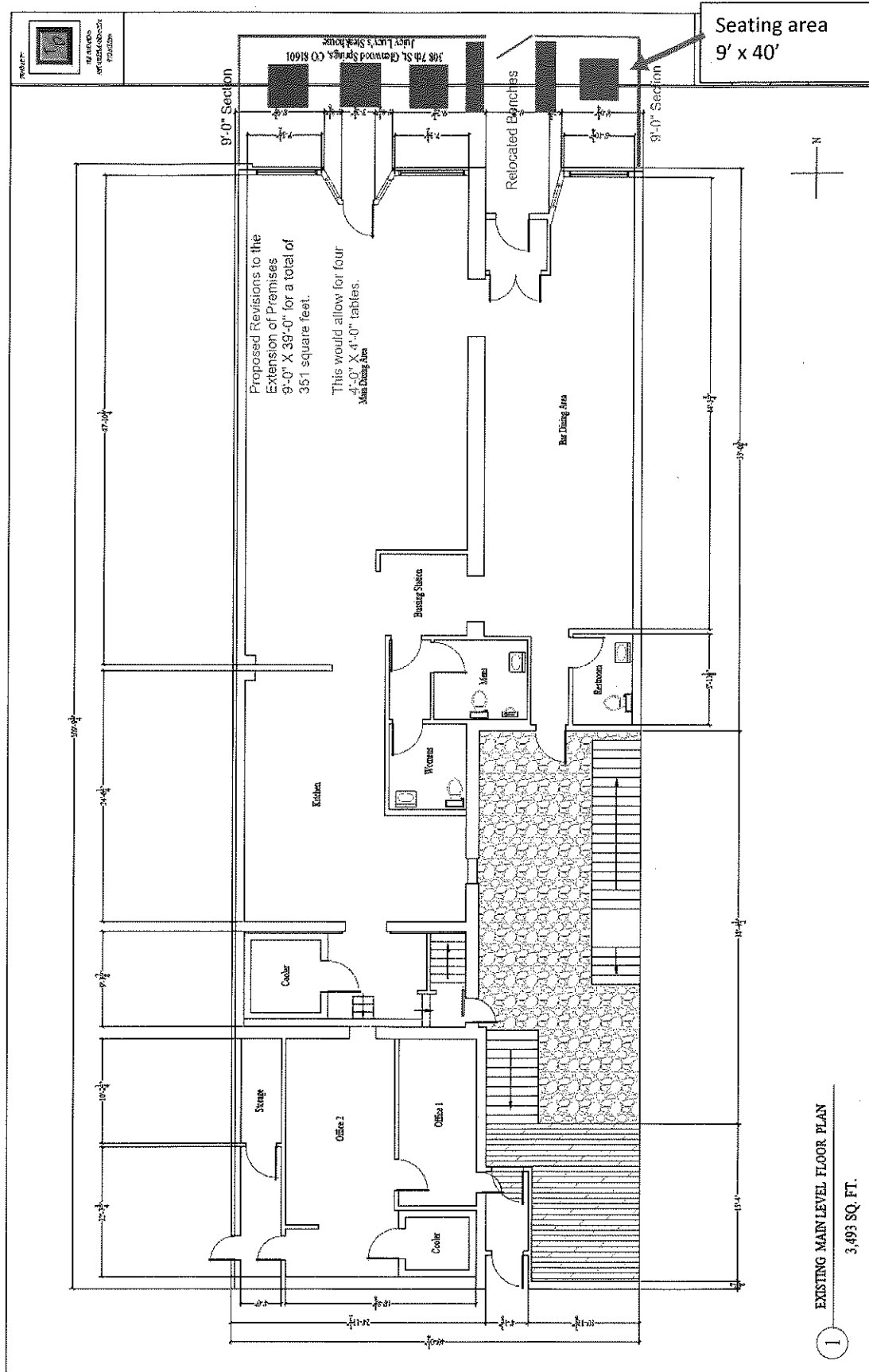
14. 1 mill = \$1 of tax for each \$1,000 in assessed valuation. Assessment rates effective for 2023: All Residential-6.7%; Agricultural/Renewable Energy-26.4%; Oil & Gas Production-87.5%; and all other property (including Agribusiness)-27.9%. Value Deductions effective for 2023 per SB 23B-001/SB 22-238: Residential-\$55,000; Commercial-\$30,000.

CONTACT ASSESSOR

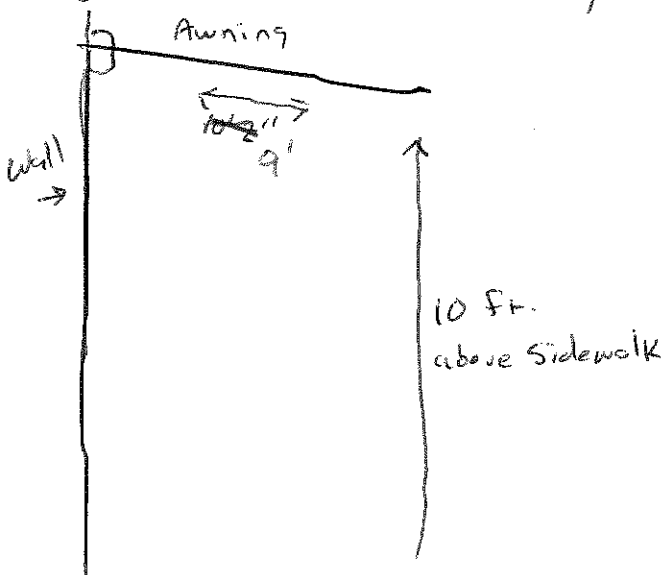
15. Call the Assessor's Office at (970) 945-9134 for matters involving name/address changes, Senior Exemptions, property valuation and assessment rates, ownership, declaration penalty, and real property declaration.

Please fold on perforation BEFORE tearing

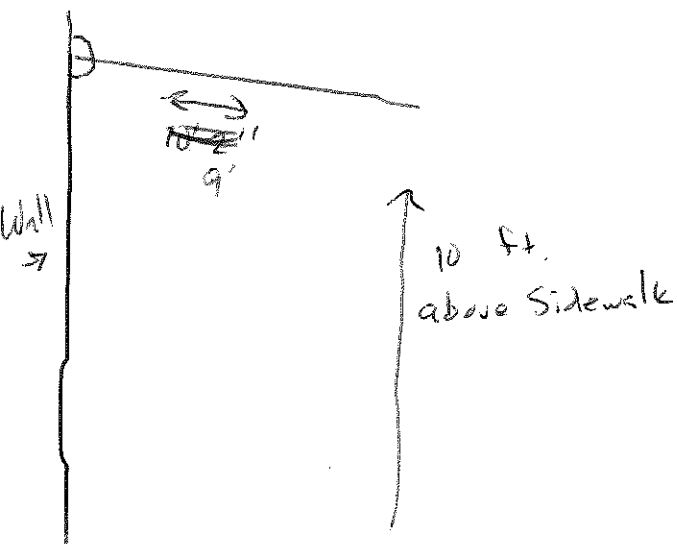
Please fold on perforation BEFORE tearing



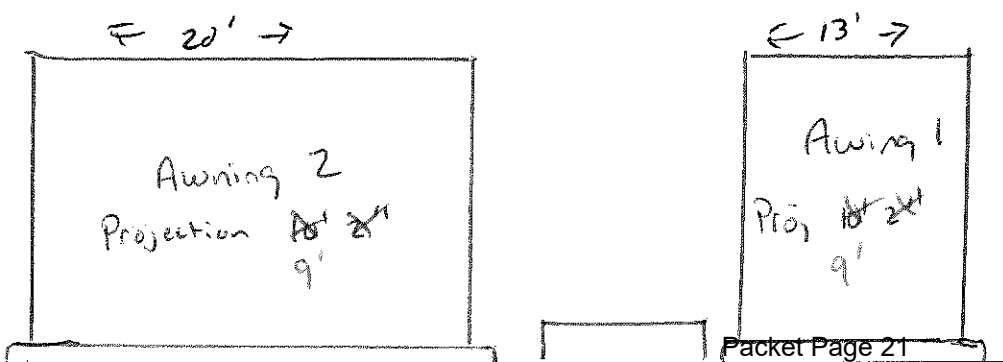
Side View of Awning 1 - 13 Ft. Width 10'2" projection



Side View Awning 2 - 20 ft Width 10'2" projection



Top View



Platinum Motorized

Instant vacation spot. Simple, effortless, and convenient to use, our motorized awnings let you enjoy unobstructed views, cool shade, and UV protection whenever—and however—you want. You can choose shade or sun in under 60 seconds with a simple touch of a button.



Features

- 10-year Limited Warranty
- Retracts with one-touch remote control
- Baked-on powder coat for a durable finish
- Also available in manual operation

Details

Awning Width ————— **8 to 20 ft.**

Total Projection ————— **10 ft., 2 in.**

Upgrade to XL projection.....11 ft., 8 in. or 13 ft., 1 in

Minimum Mounting Height ————— **7 ft., 6 in.**

Fabrics Offered:

Performance Acrylic
or Sunbrella®

Operation: Somfy®
electric motor with
remote control

Frame Color Options:

White ☐

Cream ☐

Bronze* ☒

✓ Platinum Plus

WITH SEMI-CASSETTE

Aaah. Sit back and enjoy the view. Offering a contemporary, finished look, our top-of-the-line model features a semi-cassette housing that protects your awning from dirt, rain, wind, and snow—all year round.



Features

- 10-year Limited Warranty
- Retracts with one-touch remote control
- Baked-on powder coat for a durable finish
- Included semi-cassette housing reduces wear and tear on fabric

Details

Awning Width ————— **12 to 20 ft.**

Total Projection (Motorized) ————— **10 ft., 2 in.**

Upgrade to XL projection.....11 ft., 8 in. or 13 ft., 1 in

Minimum Mounting Height ————— **7 ft., 6 in.**

Fabrics Offered:

Performance Acrylic
or Sunbrella®

Operation: Somfy®
electric motor with
remote control

Frame Color Options:

White ☐

Cream ☐

Bronze* ☒

*Dealer Exclusive

Variance Criteria

Instructions

1. Complete this questionnaire after you have had your pre-application conference. Once completed, submit this questionnaire along with the other items on the checklist. Complete one questionnaire for each variance you are requesting. Use a separate sheet if necessary.
2. It is important to remember that the decision to approve or deny a variance is a discretionary action based on how well you meet all the variance criteria. This is your opportunity to describe in detail the reason why you need to deviate from the Municipal Code. If you are unable to provide justification of how your application meets each of the criteria below, you may want to consider whether a variance is truly warranted.

Variance type

Explain what Municipal Code requirement you are requesting a variance from and what it is that you are proposing that does not meet this requirement.

Awnings shall not project more than 5' from the building facade to which they are attached.
This is a Sunsetter retractable awning. It projects 10'2"
This awning will be retracted when not in use.

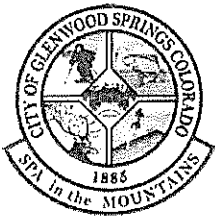
Variance Criteria

1. Explain how your property has an exceptional shape, topography, building configuration or other exceptional site condition that is not a general condition throughout the zone district. ~~N/A~~

The area that Jucy Lucy's would like to cover is unique because it is an outdoor seating area that is between the building and the public sidewalk. This area would be more enjoyable with the coverage a retractable awning would provide. www.sunsetter.com

2. Explain how the strict application of the Code standards for the variance you are seeking produces undue hardship. Jucy Lucy's is wanting to provide cover for their outside seating. The awning will provide shade from the hot sun as well as cover from rain. It will not provide what is needed.

3. Explain how you did not create the hardship by your own actions. We had no input when the ordinance was written. They did take into account awnings that retract when not in use or awnings that provide shade for seating areas not just sidewalks.
4. Explain how the requested variance does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation in question. The larger projection will not interfere with the public. It will be 10' high at its lowest point. This is a retractable awning and not a permanent structure.
5. Explain how the variance request demonstrates exceptional hardship not related to purposes of convenience or financial burden. Jicy Lucy wants to provide a comfortable outdoor dining experience for their customers. A 5' door or window covering will not provide the relief from the sun & rain that a retractable awning will.
6. Explain how the variance request will not violate building or fire code requirements. The only difference between this awning & the awnings approved by the Variance is this one retracts & projects 10' 2" instead of 5'.
7. Explain how the variance is the minimum variance that will afford relief of the subject standards of the Code. The outdoor seating area is 9 feet. This awning will cover that area and 1 foot more. This helps to provide more shade with the pitch of the awning.



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 <i>Western Slope Awnings</i>		Owner <i>Judy Lucy's</i>	
Relationship to Owner <i>Contractor</i>		Owner	
Applicant Address <i>4399 V 5th Rd. DoBayer CO 81630</i>		Owner Address <i>308 7th St</i>	
<i>nicole@westernslopeawnings.com</i>		<i>970-945-4699</i>	
Phone <i>970-945-0151</i>	Email Address	Phone	Email Address

Property Information:	
Address <i>308 7th St</i>	Parcel Number
<i>Glenwood Springs CO 81601</i>	
Subdivision	Lot and Block Number
Zone District	Existing Land Use

General Project Description:
<i>Item 2 Retractable awnings to cover outdoor eating area</i>

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	<i>[Signature]</i>	<i>7-1-2024</i>
	Applicant	Date
	<i>[Signature]</i>	<i>7-1-24</i>
	Owner	Date









Planning and Zoning Commission Report

Date: August 27, 2024

To: Planning and Zoning Commission

From:

Subject: Planning and Zoning Commission Training

ACTION ITEMS

BACKGROUND

PROJECT SUMMARY

REVIEW CRITERIA AND STAFF ANALYSIS

REVIEWING AGENCY COMMENTS

ACTION ITEMS & STAFF RECOMMENDATIONS

Suggested Findings:

Planning Commission

Overview of legal authority, procedural requirements, and ethical considerations

August 27, 2024

Planning and Zoning in Colorado Revised Statutes

CRS Title 31 (Municipalities)

Article 23 (Planning & Zoning)

- Planning Commission to accomplish the following:
 - Prepare a Master Plan – include land up to 3 miles beyond the municipal boundary
 - Recommend Zoning
 - Recommend Subdivision Regulations
- Land use powers retained by granted to municipal governing body (Council) may be delegated to Planning Commission

Local Government Land Use Control Act

CRS § 29-20-101

§ 29-20-104. Powers of local governments

(1) Except as expressly provided in section 29-20-104.5, the power and authority granted by this section shall not limit any power or authority presently exercised or previously granted. Each local government within its respective jurisdiction has the authority to plan for and regulate the use of land by:

- (a) Regulating development and activities in hazardous areas;
- (b) Protecting lands from activities which would cause immediate or foreseeable material danger to significant wildlife habitat and would endanger a wildlife species;
- (c) Preserving areas of historical and archaeological importance;
- (d) Regulating, with respect to the establishment of, roads on public lands administered by the federal government; this authority includes authority to prohibit, set conditions for, or require a permit for the establishment of any road authorized under the general right-of-way granted to the public by 43 U.S.C. 932 (R.S. 2477) but does not include authority to prohibit, set conditions for, or require a permit for the establishment of any road authorized for mining claim purposes by 30 U.S.C. 21 et seq., or under any specific permit or lease granted by the federal government;
- (e) Regulating the location of activities and developments which may result in significant changes in population density;
- (f) Providing for phased development of services and facilities;
- (g) Regulating the use of land on the basis of the impact thereof on the community or surrounding areas; and
- (h) Otherwise planning for and regulating the use of land so as to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights.

Glenwood Springs Municipal Code

Sec. 020.020.030(f) - Planning Commission

(f) Powers and duties of Planning and Zoning Commission. The powers and duties of the Planning and Zoning Commission shall be:

(1) To develop and recommend a master plan subject to the approval of the City Council and its environs in accordance with the provisions of this Code and the laws of the State.

(2) To recommend to the City Council boundaries of zone districts and regulations to be enforced therein, in accordance with the provisions of this Code and the laws of the State.

(3) To review proposals relating to subdivision, development and use of land and make decisions or recommendations on such proposals, in accordance with the procedures and provisions set forth in this Code.

(4) To hear and decide appeals wherein there is a question of interpretation of the zone district map, the master plan or related documents and similar questions as they may arise in the administration of this Code.

(5) The Planning and Zoning Commission shall have the duty and power to act on appeals with regard to matters arising from enforcement of provisions of Title 070 of this Code, including:

a. Review of administrative decisions. To hear and decide appeals where it is alleged there is error in any action, including any order, interpretation, requirement, decision or determination made by an administrative official of the city in the enforcement of Title 070 of this Code.

b. Variances. To hear and decide requests for variances from the zoning provisions and sign regulation provisions where there are unique, unnecessary and unreasonable hardships in the way of carrying out the strict letter of said provisions; and to hear and decide requests for variances to allow deviations from restrictions upon the construction and placement of buildings and other structures on site. Examples of such variances include, but are not limited to, modifications of minimum area requirements, building coverage and setback restrictions. Variances from permitted and special review uses in zone district text shall not be considered.

(6) To perform such other functions as required by the provisions of Title 070. (7) To serve as the Building Board of Appeals.

Glenwood Springs Home Rule Charter

Sec. 13.19 - Growth accountability.

Upon City approval of any annexation, or upon approval of any residential or mixed-use housing to be built on City owned land, Council shall, on its own motion, submit the ordinance, question, or issue to the electorate as provided in Article V of this Charter.

Any application for a development permit which includes more than four new dwelling units shall be subject to review by the Planning and Zoning Commission and by Council, and shall require approval by Council.

Glenwood Springs Municipal Code

Title 070

GWS Land Use Regulations

020 Zone Districts

030 Use Regulations

040 Development Standards

045 Community Housing Standards and Guidelines

050 Historic Preservation

060 Administration and Procedures

070 Rules of Construction and Definitions

080 Guidelines and Regulations for Matters of State Interest (1041 Powers)

Title 060

International Building and Fire Codes

- Consensus codes adopted by governments at all levels
- Local Amendments provide for specific local conditions (e.g. snow loads)

Not Planning Commission jurisdiction, but no building permit unless Title 070 compliance

Legislative Acts

- Reflects public policy relating to matters of a permanent or general character.
- Not normally restricted to particular individual or entity.
- Affects the legal rights of specific individuals only in the abstract.
- Prospective in nature.
- You're acting as "legislators" when you review and make general rules...
- But when you apply those general rules to specific persons and property, you are acting as quasi-judges.

Quasi-Judicial Acts

- Determines the rights of a specific person/entity in relation to a specific property interest (most often an interest relating to land or a license).
- Is based on facts developed at a hearing to resolve the particular interest in question.
- In this process, you as the quasi-judge hear the evidence and then apply the existing legal standards to the specific case.

Legislative Acts

- Adoption of general health and safety ordinances
- Adoption of a master plan
- Adoption of general amendments to the subdivision, zoning or licensing ordinances
- Adoption of an annexation ordinance
- Spot zoning...?

Quasi-Judicial Acts

- Action on a proposed rezoning application
- Subdivision or development hearing
- Disciplinary hearing to suspend or revoke a liquor license, business license or other protected license
- Others per state law or local code
- Spot zoning...?

Even if it is a recommendation, it is still a quasi-judicial act

Avoiding trouble in quasi-judicial proceedings

- Don't make up your mind before the hearing.
- Don't make prejudicial pre-hearing statements.
- Don't speak with one side or the other before a hearing (ex parte contacts).
- Don't participate if you have a financial or other personal interest in
- the matter (conflicts of interest).
- Don't sign any “pro” or “con” petitions.
- Don't do your own research.

Open Meetings “Sunshine” Law

CRS § 24-6-402

- “Meeting means any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication”
- “All meetings of a quorum or three or more members of any local public body, whichever is fewer, at which any public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times.”
- This includes text messages, emails, or phone calls of three or more planning commissioners.
- May hold executive sessions for specific purposes articulated in the statute where no decision is made.
- “Meetings” do not include social gatherings where no official business is discussed.

Colorado Open Records Act

CRS § 24-72-200

- Emails, text messages, notes and like items of members of the planning commission made in the course of serving the city are public records and subject to inspection by the public.
- Subject to a few exceptions, such as work product, attorney-client privilege.

Conflicts of Interest

CRS § 24-72-200

GWS MC § 020.040

- Must disclose existence of a conflict and recuse if you have a “substantial interest” in the matter coming before the planning commission.
- Substantial interest is “a pecuniary interest in the outcome of a transaction or a family relation with a person directly involved in a transaction, which would cause a reasonably prudent person observing the transaction to expect a marked tendency by the Council Member or appointee to make a decision other than an objective decision.
- Examples: ownership in business, creditor of a business, ownership interest in real property (within notice area), or an employment prospective with the party.
- Please ask the City Attorney to analyze whether you have a conflict

Questions