

MINUTES
City of Glenwood Springs Planning and Zoning Commission

Regular Meeting

August 26, 2025

Council Chambers, First Floor

101 W. 8TH STREET 6:00 PM

1. Roll Call

Present: Commissioners: Carolyn Cipperly, Amy Connerton, Pete Waller, John Houghton, Gregory Cowan, Joy White, and Connie Geiman.

Also Present: Interim Community Development Director Tim Bergman, Senior Planner Watkins Fulk-Gray, Long Range Principal Planner Jim Hardcastle, and City Attorney Karl Hanlon.

2. Conflicts of Interest

Commissioner Cowan stated he will recuse himself from consideration of items 6.B Planning File REZONE-000048-2025, Rezoning from Glenwood Springs Mall. There were no other conflicts of interest.

3. Receipt of Minutes

a. July 22, 2025 Meeting Minutes

By hand vote, all members approved the minutes, with Commissioners Waller and White abstaining.

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

No public comment was offered.

5. New Items

a. Planning File SUP-000062-2025, Special Use Permit Marijuana Dispensary 2922 Glen Avenue

Senior Planner Watkins Fulk-Gray presented Action Item 1 and recommended approval with findings and conditions outlined in the staff report.

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

- **Commissioner Connerton:** How is this a legal nonconforming use when it is a new Special Use Permit? **Staff response:** This is a continuation of the same use that was lawfully operating. If the previous business had been required to get a Special Use Permit when it was established, the Permit could have transferred with this property. The mental health facility and school district facility that are now within the buffer area moved there after the establishment of the retail marijuana use.
- **Commissioner Connerton:** Is there a regulation to negate the buffer area that was changed in 2020? **Staff response:** The retail marijuana use was already there when the vocational tech facility started. Similarly, a mental health facility moved in when

the retail marijuana business was operating, then failed, then a new business moved in.

- **Chair Waller:** Does the City need to inform the school district about this new business? **Staff response:** The marijuana business is obvious from Grand Ave., and the school district must know it exists. The Green Dragon has not had any complaints or issues.
- **Commissioner Cowan:** If a different business, not retail marijuana, occupied this space, and then a retail marijuana business came back to the space afterward, how would we deal with it? **Staff response:** That would be different.
- **Commissioner White:** Are all Special Use Permits transferable? **Staff response:** Yes, unless the P&Z makes a condition saying that they are not.
- **Commissioner Geiman:** Who changed the buffer to 1,000 feet in 2020 and why? **Staff response:** **Staff response:** Staff is unsure, but it may match State buffer requirements.
- **Commissioner Geiman:** Is it important to keep mental health patients and students away from marijuana? **Staff response:** The history of marijuana in Colorado is interesting, and may be based more on how people feel rather than data. The buffer in Glenwood Springs used to be 500 feet.
- **Commissioner Connerton:** Why did the Green Dragon fail and is there a compatibility issue with the surrounding businesses? Are we limiting the opportunity of other businesses? **Staff response:** Staff does not have any information indicating that the Green Dragon failed. The landlord has the freedom to select the tenants they want, and so the City is responding to what they are requesting to do.
- **Commissioner Geiman:** Does the fact that the mental health facility does not have a business mean that it is not caring for mental health patients? **Staff response:** The issue is whether it is legally defensible to deny this permit. The other issue is the fact that it moved into the buffer zone when a marijuana business was already operating there.
- **Chair Waller:** Clarified that there is no Special Use Permit currently for the Green Dragon.
- **Commissioner Geiman:** Was the school district notified about this Special Use Permit application? **Staff response:** This application was noticed in accordance with the regulations and the school district was not required to be noticed.

Applicant Comment:

The applicant's representative, Sahil Patel, introduced himself and lives in Lakewood, Colorado. They have done everything according to the rules, believes Glenwood Springs is a phenomenal place to operate, and is seeking the Planning & Zoning Commission's approval to do so.

The owners, Alex and Andrew Levine, also introduced themselves online. They noted that they are the same people who were behind the Green Dragon. They apologized for not appearing in person.

Comments from the Public:

No public comment.

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

Discussion after the motion included:

- Commissioner Connerton: She hopes that the store will make sure no students are able to enter.
- Commissioner Geiman: She supports small businesses, but thinks the children trump reasons to approve this business.

Commissioner Waller called the item to question. Motion passed with a vote of 6-1.

Commissioner Cowan left the room for the next item.

b. Planning File REZONE-000048-2025, Rezoning from Glenwood Springs Mall PUD to M1 - Mixed-Use Corridor, 51027 HWY 6 & 24

Long Range Principal Planner Jim Hardcastle presented Action Item 2 and recommended approval with findings and conditions in the staff report, striking the need for #2 in the conditions list and the two findings, c and d, as supplemented in the Staff Report: Rezoning Criteria & Findings.

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

- Is the Urban Development Authority collaborating on this at all? **Legal response:** the UDA is still in existence but is not relevant to this conversation, it is a financing tool.
- Are all parcels owned by the same individual. **Staff response:** No, there are six different entities connected with this application.
- It looks like future projects would need to conform to many standards, though there is ample parking, but is there a use or situation that would cause this to become a problem. **Staff response:** The owners as they redevelop can only put forth any project that can be accommodated by available parking.
- Can you clarify the purpose of the variance process vs. a rezoning to meet use needs? **Staff response:** Staff would utilize other tools such as variances or Special Use Permits to meet the needs of the applicant before considering a rezoning to meet site needs.
- Would this rezoning increase the value of parcels and benefit the applicant? Can we expect the owners to agree to what the parcels will be used for in the future? **Staff response:** The management and adjustment of the value of a parcel when different

parameters are applied is not the intended function of the rezoning process of the City and is market driven. The approval criteria of the Rezoning Approval Criteria in this case have been met.

- Is rezoning parcel by parcel more efficient than a blanket rezoning? **Legal response:** The historical PUD zoning was originally established while the parcel was in the County decades ago. The purpose here is to accommodate how the community wants to achieve growth through the influence of the Comprehensive Plan and the Municipal Code based on public input years ago when these and other driving documents and plans were initially approved.
- Does the Rezoning replace the PUD? **Staff response:** Yes the M1 district replaces the PUD zoning as originally established.
- This proposal exceeds the 125% excess of parking allowed, how will this be addressed? **Staff response:** Tall future redevelopment will address parking on a use by use basis to maintain individual parking requirements are met.
- M1 zoning extends throughout the 6 & 244 corridor, where does this end and how does it affect others uses on Mel Rey? **Staff response:** the M1 - Mixed-Use Corridor district physically meets and supports the commercial zoning of the County along Mel Ray, making the mall rezoning fully surrounded by commercially zoned uses.

Representing the GWS Mall Applicant, Jeff Peterson PE presented aspects of the application, sharing how the applicant has met the rezoning criteria as set forth in the Municipal Code, and the Comprehensive Plan.

Questions of the Applicant:

- Is there something bigger coming? **Applicant Comment:** There is no private master plan, though residential components are not being considered at this time as the lease with the tenant Ross limits this opportunity, and will be in place for quite some time.
- Can you speak to the collaborative nature of the other tracts in the application and their support of this request? **Applicant Comment:** We reached out to the other four entities, only receiving limited feedback, none of it negative.

Comments from the Public

- No public comment was offered.

The Public hearing was closed.

Commissioner Connerton made a motion to approve Action Item 2 with conditions as written in the packet, though striking the need for #2 in the conditions list and the two findings, c and d, as supplemented in the Staff Report: Rezoning Criteria & Findings. Commissioner White seconded the motion.

Discussion after the motion included:

- Commissioner White is encouraged to see this development in commercial hub in Glenwood Springs.
- Commissioner Cipperly agrees with this extension and infill of M1 zoning makes sense.
- Chairperson Waller agrees with this effort to revitalize this important commercial hub.

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

Commissioner Cowan rejoined the Commission for the remainder of the meeting.

c. Planning File #23-25 Code Amendment: Sidewalks

Senior Planner Watkins Fulk-Gray presented Action Item 3 and recommended no changes to the Municipal Code, as described in the staff report.

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

- **Commissioner White:** Explain how this works. If you're putting in an ADU on a street that has no sidewalk, would there be a sidewalk just in front of my house?
Staff response: Yes, if there were no fee-in-lieu. It would look weird, but there are examples of gaps where the sidewalks now connect.
- **Commissioner White:** Where are the fees collected spent, and how does the fee-in-lieu compare to market rate?
Staff response: When you exclude site preparation work, the five-foot residential sidewalks are very close to market rate. With eight-foot sidewalks in commercial districts, the fee-in-lieu is under market rate even without excluding site preparation.
- **Commissioner Geiman:** How expensive is the fee-in-lieu for a typical City lot?
Staff response: If a lot with a 50-foot street frontage were subject to this, it would be \$3,000.
- **Commissioner Cipperly:** There was an ADU project that was a corner lot that incurred a fee of \$8,000. There was also not a place to put a sidewalk. Those streets should be on the exempt list. Recently those streets were paved, but they did not put in sidewalks or curbs.
Staff response: People sometimes do not know where the right-of-way starts and their property ends, sometimes lawns are in portions of the right-of-way.
- **Commissioner Cowan:** If things stay as they are, is there an opportunity for property owners to appeal?
Staff response: Yes, the process for that would be a variance.
- **Commissioner Cowan:** What is the floor area opportunities in the pre-approved ADU options that we might adopt in the future?
Staff response: There are lots of options.
- **Commissioner Cowan:** Has Staff looked at how pre-approved ADUs would work with sidewalk requirements?
Staff response: Pre-application conferences and

education are the best ways to do this. Also, the City's new permitting software, which requires some files for people to submit applications, is a way to make sure requirements are not missed.

- **Commissioner White:** Currently, you're not required to put in a sidewalk if you build an attached ADU? **Staff response:** That's right, except that if you build an attached ADU by building an addition, it could still trigger the sidewalk requirement.
- **Commissioner White:** Was the direction from City Council to only look at sidewalks and ADUs? **Staff response:** Their direction was to look at barriers to building ADUs, and sidewalks can be one of them.
- **Commissioner White:** Could P&Z's recommendation be for the City Engineer to review the exempt list? **Staff response:** Yes, the way to do that would be in a motion.
- **Commissioner Geiman:** Which areas of town need sidewalks? **Staff response:** A lot of west Glenwood and some of south Glenwood.
- **Commissioner Connerton:** How many sidewalk gaps have been filled with the current system? **Staff response:** Some sidewalks have been built, but Staff does not have specific information.
- **Commissioner Connerton:** Could the P&Z consider different requirements for different parts of town? **Staff response:** Staff would not recommend that. The exempt list is based on streets that do not have sufficient right-of-way for sidewalks, but walkability is important everywhere.
- **Commissioner White:** I would like to see a list of "priority areas" where the fee-in-lieu funding is being utilized. It would be good for the City to find ways to allocate funds toward walkability. Is there a list of areas where sidewalks would be put in with the fee-in-lieu money? **Staff response:** Staff would have to check with Public Works, but a current example of this is the Blake Avenue redevelopment.

Comments from the Public

There was no public comment.

Commissioner White made a motion to recommend amendment of the Municipal Code to increase the threshold to 1,000 square feet, and to strongly recommend the City Engineer revisit the exempt streets list.

There was discussion after the motion. Commissioner White stated that her intention is to exempt all ADUs, but continue requiring sidewalks under the current rules for other types of development.

Commissioner Cipperly seconded the motion.

Commissioner Houghton prefers to see a middle ground to completely exempting some projects from the sidewalk requirements, such as a cap on the fee-in-lieu.

Commissioner Connerton agreed.

Commissioner White said she does not like that projects on some streets would cost more than on others, because of the presence or absence of sidewalks.

Commissioner Connerton asked if all ADUs could be assessed the same fee. Fulk-Gray said yes, but pointed out that it would increase the cost of some ADU projects where there are already sidewalks.

Commissioner Houghton suggested a proportional fee based on the size of the ADU.

Commissioner Cowan asked if the streets tax cover sidewalks? Hanlon said that it does.

Chair Waller proposed some options for changes: a flat fee, a fee based on the size of the project, or a 50% reduction for ADUs in the fee-in-lieu.

Commissioner Cowan said he favors Staff's recommendation, because there is already a way to apply for flexibility on the sidewalk requirement.

Commissioners White, Cipperly, and Connerton voted for a flat fee-in-lieu for sidewalks for ADU projects, regardless of whether a sidewalk is present or not.

Two commissioners voted to set the fee-in-lieu based on the floor area of the project.

Commissioners Cowan and Geiman voted to maintain the current regulations.

All expressed interest in revisiting the exempt streets list.

6. Commissioner Comments

- Chair Waller welcomed Tim Bergman. He said Staff did a good job putting everything together.

7. Director Comments

Acting Community Development Director Tim Bergman said that the new director, Trent Hyatt, will be starting on September 15th.

8. Adjournment

Meeting adjourned at 10:09 PM.