

**Minutes
City of Glenwood Springs
Planning and Zoning Commission
Regular Meeting
June 28, 2016
Council Chambers, First Floor, City Hall
101 W. 8th Street
6:00 p.m.**

Chairman Dehm called the meeting to order at 6:01 p.m.

1. Roll Call.

Present at roll call were Commissioners: Michael Blair, Michael Dunn, Marco Dehm, Kathryn Grosscup, Sumner Schachter and Alternates Tim Malloy and Chelsea Carnaoli Parkison

Absent: Ingrid Wussow

Also present were City staff members: Andrew McGregor, Community Development Director
Jill Peterson, City Planner
Kathleen Michel, Administrative Assistant
Jon Hoistad, City Attorney's Office

Andrew McGregor announced the resignation of Commission Mary Elizabeth Geiger.

MOTION: Commissioner Malloy moved to seat the alternates. Commissioner Grosscup seconded the motion. The motion carried by voice vote.

2. Receipt of the minutes:

MOTION: Commissioner Malloy moved to accept the minutes of the regular meeting of May 24, 2016. The motion was seconded by Commissioner Dunn. Corrections were noted to pages 4 and 10. The motion carried by voice vote.

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

No one wished to comment.

The next item was taken out of order.

5. #12-16 - Consideration of a request for a special use permit for a single family residence in the Hillside Preservation Overlay zone district.

Applicant: Bruce Barth, Red House Architecture P.C.
Owners: Michael David Simpson and Angela Grace DiMercurio Simpson

Location: Property between 1776 and 1804 Midland Avenue
(PIN: 2185-162-00-008)
Zone: R/1/6 Single Family Residential and Hillside Preservation Overlay
Zone

It was reported that a continuance was requested for Planning Item #12-16.

MOTION: Commissioner Malloy moved to continue Planning Item #12-16 to the regular July meeting. Commissioner Grosscup seconded the motion. The motion carried unanimously.

New Public Hearings:

4. #39-15 – Consideration of a request for a major development permit, major subdivision, zoning variance, and design variances for the construction of 34 residential units (12 single family homes, 10 duplex units, and 12 townhomes multi-family units).

Applicant: Craig Helm, Western Slope Properties, LLC
Owners: First Baptist Church of Glenwood Springs
Location: 2225 Midland Avenue (PIN: 2185-164-00-087 and 2185-164-00-089)
Zone: R/4 Residential Transitional

Jill Peterson presented the staff report for Trent Hyatt who was out of town. The property is located on the west side of Midland Avenue and consists of two parcels. Parcel A is located at the south end of the site closest to 27th Street and is the larger parcel at 3.95 acres. Parcel B is adjacent to the north and is 2 acres in size. Uses adjacent to this property are primarily single family residential. Farther to the south and southeast is multi-family development, including Cottonwood Landing Townhomes and the Terraces Condominiums. The property is zoned R/4 Residential Transitional. However, as outlined in the packet, there is an annexation agreement that applies to this property that further restricts the uses on the property on the site. The R/4 zone district is the City's highest density residential zone district and allowed uses such as multi-family are a use by right within that zone. The current proposal for development on the property is a total of 34 dwelling units, along with subdivision and condominiumization to create individual ownership opportunities. Residential units vary in size and layout. Of the 34 units, 12 would be single-family homes which range in size from 2,264 square feet to 2,758 square feet. These homes would be located on the north end of the property. Five duplex buildings are proposed to contain a total of 10 units. Lot sizes range from 2,775 to 4,958. The actual unit sizes would be 1,860 to 1,981 and the duplexes would be divided along the common wall to create the individual ownership I just spoke about. There would also be two buildings comprised of 6 townhome units each. These lots would range in size from 2,830 square feet to 4,970 square feet. The proposed square footage of those units would be 2,059 square feet. Required parking for the development is 2.41 spaces per the Municipal Code which includes 7 guest parking spaces and 7 recreational vehicle spaces. The actual parking being provided comes out to a ratio of 3.7 spaces per dwelling unit so that does in fact exceed the City's requirements. Parking spaces would be accommodated in garages, the driveways associated with the garages as well as a guest parking area at the south end of the site.

The packet contained some comments from the Police Chief and the City Attorney noting that the Covenants need revision for outside storage and parking of recreational vehicles and boats or that type of equipment. One of the requested design variances is found in the parking code and deals with the grade of the access ways into properties. The code restricts grades to a maximum of 4% within 100 feet of an intersection with a road. The applicant has cited a basis for the variance the steepness of the site and the road design which is arranged in an S-configuration as a means to reduce the grades on the site as part of the rationale for the variance from the code standard.

There are three distinct housing types: the single-family residences, duplexes and townhome units. Exterior building design will utilize a variation in stucco colors, shades of brown, red, and green with window articulation and other elements to break up the façades. There are three design variances requested from the City's Residential Design Standards. The code limits garages facing the street to no more than 50% of the façade and in some cases they do exceed that percentage up to 66%. Also, garages are to be recessed a minimum of 10 feet back from the façade of residential buildings. The intent of that standard is to reduce the visual impact of garages on the street frontage. The third variance requested pertains to the actual garage dimensions and height of garage doors. The code limits height to 7.5 feet.

There is a zoning variance requested regarding the building height. Code allows 35 feet maximum building height, with an additional 5 feet allowed if the structure has a pitched roof. There are three buildings at the center of the site that exceed the 40 foot height. The maximum is 2.1 feet. We would be considering 42.1 feet overall. The justification is that these structures are on the lower portion of the property and will not daylight above the other structures on the property. It also reduces the slopes and grading they would need to do with that deviation in building height.

One new access point is proposed into the parcel from Midland Avenue and that has been designated with the name of Fox Hollow Way; platted width of the access would be 33 feet with paved width of 21 feet. In addition the access will extend north and south to serve the housing units. That is referenced as Fox Hollow Run; it will be platted at a width of 28 feet with 21 feet of pavement width. This road falls under the classification of a local neighborhood road according to the City's uniform street standards. The application documents proposed that the City would take on ownership of the proposed roads within the development as public streets with ongoing maintenance by the City. The City's policy in the past has been not to take on the ownership and maintenance of private roads unless those roads are providing some kind of a connection through the City to other streets within the City system. There is a table in the staff report that shows the deviations from City standards.

Other design variances are triggered with the road arrangement and the access. The Code requires that each lot have a minimum of 25 feet frontage on a dedicated public street. If the City chooses not to accept the streets as public, then this design variance would still hold as the access would be provided by a private road or easement. This is not uncommon. The staff and commission have seen this before when we have developments that are served by private roads. The corresponding standard in the Code is that easements should not be used as primary access to a lot. Here again, if the City chooses not to accept the road for dedication you would need to grant a design

variance to allow the use of an easement for access. There are design standards from the uniform street standards themselves. Regardless of whether the City chooses to accept the roads as public or private, that design variance would still be necessary because the road widths are below the City's minimum standards. Code also requires streetscape improvements for all new developments. In residential zone districts it is a 5-foot wide sidewalk separated from the street by a 5-foot planting strip. This type of street improvement would be required along Midland Avenue as well as along the internal access roads within the development. The applicant is seeking a design variance from the Code requirement and he cited the existing conditions on Midland Avenue as part of the justification for that variance. There is no existing sidewalk or planting strip along the west side of Midland Avenue. The applicant further notes that construction of such improvements would be an isolated section of sidewalk and suggests that instead, a crosswalk would be provided to connect the sidewalk on the east side of Midland Avenue where there is existing sidewalk. As I stated, also we are looking at design variances from the streetscape improvements for the internal road on Fox Hollow Way going into the site, a sidewalk and planting strip is proposed on the north side of that road; however, the south side would not have those improvements. On Fox Hollow Run, a sidewalk is proposed on the east side of the road but they are asking for relief from the planting strip requirement.

At the access point of the new entry with Midland Avenue, the application proposes to provide lanes that taper at the entrance to the site to accommodate vehicles entering and exiting. The applicant's engineer provided a traffic impact report indicating that the anticipated traffic impact would be 243 trips per day from the development which would be an increase of 3.29 percent on Midland Avenue. The applicant does not believe that a full traffic impact analysis is needed for the development. However, review comments that you had contained in your packet from the City's Engineering Department indicates that the engineering staff believes that a more thorough analysis of these impacts needs to be done, including peak hour volumes entering and exiting the development, calculations for the size of the turn lanes and roadway tapers and it may also be necessary to determine the existing peak volumes on Midland Avenue.

There will be underground storm water improvements associated with this development and culverts will extend along the property. The application proposes that the City would take the ownership of that infrastructure. Typically, the City will not assume ownership of those kinds of facilities, particularly if they are not located in the public right-of-way; these are located on private property so the City does not want to accept the drainage improvements.

There are some existing geologic hazards associated with the property. The site is located in an active debris fan that has been identified as a high hazard area. The method for mitigation of that hazard is to construct a three foot debris flow wall along the western boundary of the property. Other recommendations that were included in the geo-technical report were that cut and fill slopes be limited to a maximum of 3:1 horizontal to vertical. Ms. Peterson said that Mr. Hyatt spoke with the applicant about that requirement and it is her understanding that the applicant has indicated that he can modify his plans to bring those down to a 2:1 slope. Site specific soils reports will be required for each structure that will be constructed within the development.

Ms. Peterson said that utility infrastructure is addressed in the staff report with comments from reviewers. Water for the development would extend from a 12-inch

main located in Midland Avenue. A new 8-inch line would be constructed into the site and then the individual water services to each housing unit would be connected. The applicant would like the City to take ownership of the 8-inch main once that is constructed. Again, unless a looped system is provided, the City does not want to take ownership. The applicant is also seeking a reduction in the water improvement fees up to 50% based on the fact that additional residential housing units affordable to the community are being provided. There is no sewer main within close proximity to the site, so the applicant will have to extend a sewer main about 1,500 feet from the vicinity of the 27th Street round-about. A lift station will also have to be constructed to handle the sewer. The applicant would like the City to take ownership of the sewer improvements once they are constructed. Engineering and Public Works have commented that the City does not want to assume ownership and maintenance responsibilities for those improvements. There were no adverse comments regarding gas and electric services to the site. There were other fee reductions requested for the project, i.e., a 50% reduction in the sewer impact fees and a 50% reduction in the fire impact fees. As you are aware, the Council recently revisited many impact fees contained in the Code, and there have been modifications with recent ordinances. Generally, staff does not feel that it can support a further reduction in fees at this time. That is a decision that will ultimately be made by the City Council.

The City has received letters from residents/property owners in the area raising concerns about traffic, drainage, public safety, wild fire impact, and view shed impact. This evening you also receive two additional letters that were received after the packet was distributed.

There were comments from reviewers on various items. The City Attorney commented on revisions to the covenants to address the issues of storage, RV parking, whether or not there would be an allowance of short-term rentals or whether that would be restricted. The covenants would also need to address debris flow, maintenance of infrastructure, and how it might be addressed if the City had to step in if the homeowners association was not maintaining the improvements appropriately. All of these issues need to be addressed in the covenants. The Police Chief also recommended that animal proof trash containers be used. He expressed concerns about ingress and egress, parking and RVs. The City Engineer outlined needed revisions to the plans and requested information regarding the traffic impacts at peak hour volumes, justification for the two cars per household assumption, management of additional vehicles, calculations for the turn lane, and traffic counts on Midland Avenue. The Fire Department noted that fire sprinkler systems would be required in these structures.

The staff report contains several excerpts from the City's Comprehensive Plan. The Comp Plan addresses the desire for development to occur as infill development within the City where existing infrastructure is in place or can be easily extended. The plan also addresses the need for additional housing units in the City of varied types to address the needs of the community. In many respects the development responds to some of the requirements or goals within the Comprehensive Plan. There is available infrastructure within a close proximity to the site and the proposal tries to address some of the housing needs of the community.

There are 11 separate action to be taken on this proposal. There is a single zoning variance for the building height. There are eight design variances requested. Action on the major development and action on the major subdivision. The Planning and Zoning

Commission is the recommending body to the City Council on all the actions needed. The Commission can recommend approval or denial or they can continue the hearing for additional information. We ask that the Commission provide guidance to the applicant to assist with any supplemental materials they might prepare. Staff recognizes that additional housing is needed. Staff recommends continuance to allow time for applicant to address items raised in the staff report and review comments and the issues regarding the ownership of infrastructure for the development and the traffic count.

Questions to Staff

Commissioner Dunn asked who the geo-tech engineer was.

Reply: Richard Johnson.

Commissioner Malloy commented that it was implied that this is affordable housing. He said he did not see anything in the application that committed it to affordable housing.

Ms. Peterson said these units will be sold at market rate. It is a “qualified development” with no deed restrictions or income levels indicated.

Commissioner Malloy asked about the height variance.

Ms. Peterson replied that the maximum building height was 35 feet with allowance of an additional 5 feet for a pitched or gable roof. This project will exceed the 40 feet allowed.

Commissioner Malloy asked about the minimum lot size in R/4

Ms. Peterson replied that 6,000 sf was typical for a SFR; as averaged, the proposal is in compliance. This project relies on the overall parcel size and the total square footage of the units.

Commissioner Blair said his housing question had been answered. He asked if they were supposed to consider the design or appearance of the buildings when deciding on a variance request.

Ms. Peterson said they are asking for three design variances. The requirements are found in the residential design standards. The size of the garage on the frontage, the depth of the garages and the height are the three you are considering. Also, one other, that the garages be recessed from the primary façade. The applicant says they have done additional articulation on the building to offset that.

Commissioner Blair asked if there is a landscaping or revegetation plan.

Ms. Peterson said there is a plan in the documents.

Commissioner Blair asked if the lots went all the way to Midland was there a possibility of access from the rear of the homes.

Ms. Peterson said that was not part of the application at present.

Commissioner Blair asked about access on the westerly boundary. Who owns the property immediately to the west?

Ms. Peterson said it belonged to BLM.

Commissioner Grosscup asked if the Fire Dept. wanted a second access.

Ms. Peterson said this may have been discussed early on. This is why they have to have fire-sprinklers in the structures.

Commissioner Grosscup asked if the City accepted the road, will it then have to enforce parking restrictions.

Ms. Peterson said when roads don't meet city standards to accommodate parking due to limited width, it creates a problem for enforcement. We have to make sure there is safe emergency access through those roads.

Commissioner Grosscup asked Jill to elaborate on the traffic analysis that was needed.

Ms. Peterson said the applicant's engineer provided a traffic study that indicated that trips generated from the development would be 243 trips per day and that would increase the amount of traffic on Midland by 3.29 percent. However, in reviewing that information it looks like the engineering and public works staff are asking for a more in-depth study. This is a matter you will hear comments from the public and the applicant.

Commissioner Grosscup asked what the additional study will lead to.

Ms. Peterson said that engineering was looking for more information.

Commissioner Schachter asked if there could there be greater density than what is proposed. Are all the utilities underground? With a major arterial such as Midland, what calming measures could be used for pedestrian safety at the crosswalk?

Ms. Peterson said she was not sure she could provide an answer.

Commissioner Schachter asked if it was a coordinated effort by the City.

Ms. Peterson said it was typically coordinated by the City.

Commissioner Schachter asked about security for future geo problems to protect future residents and owners here.

Ms. Peterson asked if he was referring to security for improvements.

Commissioner Schachter said it for geological hazards or problems.

Ms. Peterson said that some of the comments from the legal department concern the infrastructure to provide protection when the homeowners association is responsible for the maintenance of those mitigation items, there have been conditions for annual inspections of the wall by an engineer to be sure it was sound and the bonding

requirements in the event there was an event. Those are the items we want to see worked into the covenants.

Commissioner Schachter said he was concerned about the problems in the past in that area of the City and what protection might be available to them. He also had comments regarding parking. The spaces in the driveway are counted, correct? Any change to that would be decided by the HOA.

Ms. Peterson said they would have to comply with the development as approved so they cannot reduce their available parking on site. You are concerned that at some point down the road the covenants are modified where they no longer have to provide the two spaces. Certainly any application with a major development permit can be conditioned that a minimum amount of parking spaces must be maintained on site. We have placed similar conditions on projects throughout the city.

Commissioner Schachter asked how driveway parking was included.

Ms. Peterson said they cannot reduce available parking on site. They meet the minimum with the driveway parking.

Commissioner Parkison said she thought it was in the staff report that the City was hesitant to add a second road or accessibility to the western road that is within the community because they thought there was a possibility to expand upon this. If that were the case and they made the road a private road for the HOA what is the process to hand over accessibility responsibility to the City?

Ms. Peterson if a private road and then it becomes public. It would be dedicated via the plat for the subdivision. I defer to Andrew or Jon to answer that.

Mr. McGregor said the City Council would have to take formal action to accept that after the fact.

Commissioner Parkison asked about the crosswalk at Midland to alleviate the necessity for a sidewalk on the west side of Midland, would the creation of that crosswalk be the financial responsibility of the City or the developer?

Ms. Peterson said if it was actually in the public right-of-way, then the City would then address that.

Commissioner Blair asked if staff had looking into the possibility of extending the roadway to serve an adjacent property. Is there a physical possibility of extending the road to make a loop?

[No audible response.]

Commissioner Grosscup said her understanding of an HOA was that the HOA document would have to allow ADUs and or short term rentals.

Mr. McGregor said if it were a PUD that was correct. This isn't a PUD and it would be allowed here unless expressly prohibited.

Commissioner Blair wondered why a sewer lift station would be required.

Ms. Peterson replied that it had to do with flows and the topography.

Jon Hoistad, City Attorney's office, spoke about the earlier question regarding ADUs. There is a provision in the covenants strongly discouraging accessory buildings or storage sheds of any kind, so if that was meant to extend to accessory dwelling units. There is nothing about short term rentals.

Commissioner Dunn wondered if anyone from the City Engineer's office had been to the site to see about feasibility of additional access either to the north or south. Do they have any specific recommendations for a second access point?

Ms. Peterson replied that the north or south access, are you referring to the tapers in Midland or are you looking for some other

Commissioner Dunn said that there was a hammerhead on the north and the parking at the south.

Ms. Peterson said she was sure the possibility had been considered when documents were submitted to the Engineering Department.

Mr. McGregor asked him if his question was really whether the road could be extended to the south.

Commissioner Dunn said it would obviously serve many purposes so he is looking for is whether the site made it feasible. Would it be a realistic possibility?

Mr. McGregor said the applicant does not control the adjacent property, they did not spend a great deal of time looking at it.

Commissioner Dunn said he was not talking about going into the adjacent properties but just within this property whether it was a possibility.

Ms. Peterson did not know if they had evaluated it.

Commissioner Schachter wondered if there had been discussion of additional access lanes at the point where it enters Midland.

Ms. Peterson replied that she was sure Terri and Jessica had looked at the access rather closely.

Applicant Presentation

Craig Helm, Western Slope Properties, 1491 Oak Way Avenue, Glenwood Springs, said that he would need a second to set up computer. He then gave a lengthy technical presentation relying on engineering drawings to support his remarks. The full discussion is available on disk for review. During his remarks he offered the following:

- An additional access to Midland would be too steep a grade.

- They are not proposing to have deed restricted homes.
- They are proposing an easement for future sidewalk on Midland west side.
- There are restrictions re use of driveways for storage of boats, RVs, etc.
- The south parking area is restricted to guests only.
- The design variances all revolve around the garages and their orientation to the street.
- Break up mass of the structures with different rooflines and other features.
- Covered decks or patios in the rear yard.
- Residents will have at least 20 feet of gentle slope for use.
- Energy efficient homes with high efficiency boilers and swamp coolers.
- Will plant 130 trees on site.
- Half of the project are townhomes and duplexes.
- The units are somewhat affordable.
- The site will be heavily landscaped.
- There are restrictive covenants.

Drainage and rock fall issues

- Reports modeled the watershed for entire property.
- There is little evidence of rock fall at the rear of the property so there is minor risk for a fall.
- Debris flow would be a max of 1.4 feet along the wall.
- He is confident that there is little risk as he does not want to build a project with a huge exposure

Concerns raised in staff report

- He expressed denial about peak traffic hour delays to make left turn onto Midland.
- Yancy Nichol has been working with the city re traffic issues.
- He believes that adequate studies have already been done.
- He says this is only 34 units and the number of trips is not significant.
- He proposed to install a left turn lane and a crosswalk to the sidewalk on the other side of Midland.
- He considers this an infill project.
- He removed the request for 50% reduction in water and sewer fees.
- He says they are spending more money for improvements that they would have had to pay for WAIMP and SWIMP fees.
- He said there is an opportunity to possibly extend to the south. If/when this happens a looped system could be created.
- Stated that all drainage is away from structures--not down driveways into garages.

Mr. Helm said that they have worked hard to put together this proposal. They believed it will fulfill a critical need. In summary, he disagreed with the staff report and spoke at length about how incorrect it was. He presented another enumerated list of what they believed the project will provide. He said they have been looking for a project area for seven years. He said that a continuance to address the traffic concerns will cause

delays and cost them more money. He stated that the project is borderline in being able to happen.

At 8:15 p.m. the Chair called a recess.

At 8:22 p.m. the meeting reconvened.

Questions of Applicant

Commissioner Malloy asked if the City does not accept utilities and streets a deal breaker. If you have shorter garages, do you offset the loss of storage elsewhere in the home?

Applicant replied in the affirmative. Applicant said that single family homes would not have reduced-depth garages. The townhomes would have a 2-foot reduction in the depth. He indicated that other units would have 6-inch to 1-foot 6-inch reductions.

Commissioner Malloy suggested relocating the driveways to reduce grades.

Applicant was reluctant to redesign as it would create a delay and additional engineering costs. They would prefer that the City allow the access drive as proposed.

Commissioner Malloy referred to Terraces and Glenwood Meadows and the movement of soil but not their buildings. He asked about their plan for protection from movement.

Applicant said much of Glenwood Springs had hydro-compactive soils. He said they were making sure their structures were solid and were avoiding water around foundations, driveways, and the grading at the problem locations was largely a contributing factor. We are being more prudent in what we are using for materials and construction methods.

Commissioner Malloy pointed out that streets and utilities are most vulnerable to soil problems.

Applicant said leaving them private increases the cost of ownership for the homeowners. It is less about my costs than additional costs to owners down the road.

Malloy said there were overlapping issues such as debris flow and rock fall in areas of the property; you identified these as minor. There are traffic issues as well as the issue of the driveway grades. You seem to be telling us that the cost of the project is so sensitive that if you lose a unit or two you cannot go forward.

Applicant confirmed that it was very likely.

Commissioner Malloy said that our City Engineer needs to evaluate Yancy's report and comment to us. He inquired whether the left turn lane would be standard width and length.

Applicant confirmed that the holding section was 30 feet in length.

Commissioner Malloy commented that it would be only one and a half car lengths. He wanted the City Engineer's comments on this.

Commissioner Grosscup commented that applicant escaped the affordable housing requirement for deed restricted housing as the City has put a moratorium in place for now. On the soil issues, some of the problems at other areas relate to issues of snow on the roofs. How you will address this with roof design?

Applicant replied that all housing will have gutters and they will discharge 10 feet away from the foundation. We will have heat tape where it is required.

Commissioner Grosscup asked if she was correct that you were withdrawing request for 50% reduction in water and sewer improvement fees and emergency services fees and were asking for a credit for the cost of the sewer line extension to the project area be applied to those fees.

Applicant replied that we withdrew our request for reduction of emergency services and water fees. We continue to request a waiver for the sewer improvement fee which we feel we are more than paying for with the sewer line extension work.

Commissioner Grosscup asked about access. Right now on Midland if you are riding a bike going south, can you discuss what you considered in terms of access across from the development and any consideration for someone riding a bicycle on the side of street heading north?

Applicant indicated that they propose a crosswalk right across from where the sidewalk comes down to Midland Avenue. This is not a bike path but people do ride on it.

Commissioner Grosscup noted that the sidewalk on the east side lacks a curb cut. Would you work with the City for a more favorable crosswalk?

Applicant replied in the affirmative.

Commissioner Grosscup commented that in some developments, the lift station remains the property of the development HOA. Your request is for the City to take ownership of all of it including the lift station.

Applicant replied that the city had staff that could perform the annual inspections and perform any needed maintenance at no additional costs. We have offered to have the HOA pay \$5,000 annually and \$1,000 annually to cover increased infrastructure maintenance costs relative to those items.

Commissioner Parkison asked if a speed bump on Midland would be beneficial for the intersection for this development.

Applicant said it was a possibility.

Commissioner Parkison asked what the beautification plans were for the backs of the homes facing away from Midland.

Applicant displayed the landscaping plan showing all the trees to be planted.

Commissioner Blair asked about the introduction of new plant materials. He had safety concerns re water runoff from upper slope of project. Who will maintain the cache basins?

Applicant replied that the HOA would be responsible.

Commissioner Blair commented on the cut and fill slope maintenance. He asked if they were planning revegetation to make it look better and prevent erosion.

Applicant said they were planning to revegetate the slopes and irrigate them initially to get things growing.

Commissioner Blair asked if you considered making a road through another property.

Applicant said they had looked into it in depth but an extension to the south would be ideal for future development.

Commissioner Blair asked about making a loop from the southerly portion.

Applicant said it was a grading issue.

Commissioner Blair had comments about the location of the guest parking at the south end of the project and how people might just park on the streets instead of using the guest parking.

Applicant agreed that visitor parking location was not ideal.

Commissioner Blair if housing is market rate, how do you keep them affordable?

Applicant said they have no power to do that.

Commissioner Schachter asked if he could address active or passive open space.

Applicant said the requirements are more designed for apartments. All of these properties have more than 200 feet of open space.

Commissioner Schachter asked how you will balance the amount of watering or the types of grasses put in.

Applicant said they will do the buildout themselves. They will put in the landscaping themselves. They will use native grasses for the majority of the area. There will be no lawns within ten feet of the structures. We will use rye grass to create lawns.

Commissioner Schachter commented that applicant seemed confident that there will be no geo hazard issues at this property. There is history about hazards in this area. Is there a way that you can indemnify future owners for some hazards or problems?

Applicant replied that the legal system favors homeowners.

Commissioner Schachter you are asking the City to take over streets that do not meet the current City standards. Is that correct?

Applicant replied that 4% grade within 100 feet and the second issue is a variance with regard to sidewalk and planter strip.

Commissioner Schachter observed that most of Midland is single-family residential. Other properties in the area are not subsidized by the City for access to their homes. You are in effect asking the City to subsidize access to 34 homes.

Applicant did not see it that way.

Commissioner Schachter commented that in other developments, garages are used for storage and the driveway becomes the sole parking area. Will the HOA rules address this? Will any vehicle be allow to park indefinitely in the driveway.

Applicant replied that covenants address what cannot be parked outside the garage but does not address how the garage must be used. The driveways will always have two parking spaces available even if the whole garage is filled with storage.

Commissioner Schachter commented that we know this is not inclusionary housing but it is defined by what the market bears as it builds out. Can you make a guess about the potential sale price of the units?

Applicant replied that in today's market, they would most likely be in the range of the lower \$400,000s for some units to the mid-\$500,000s for other units. That is what we are basing our figures on for whether it makes sense to do this development.

Commissioner Dunn asked for a rendering of the buildings against the hillside.

Applicant only had a flat plan to show.

Commissioner Dunn asked if Mr. Johnson had done other projects with hydro-compactive soils.

Applicant confirmed that Mr. Johnson had done other projects in Glenwood Springs.

Commissioner Dunn asked about the timeframe for this development.

Applicant said they would start next summer. The force main runs along the shoulder and not actually in the road. It should reduce the overall impact on Midland.

Commissioner Dunn asked if thought was given to orientation of the buildings to take advantage of passive solar or photo-voltaic solar for installation by future owners.

Applicant said they had not analyzed it in terms of photo-voltaic solar. The main exposure for the property based on its topography was east. We are planning to build to the highest E-star ratings.

Commissioner Dunn asked about the HOA making payments for ongoing maintenance if the City accepted the infrastructure. Do you have an estimate for the annual cost for the HOA if things are accepted as proposed?

Applicant said as proposed, they would be quite low. There would be very little for the HOA to do other than monitor itself.

Commissioner Dunn the thought for the HOA to absorb costs for road maintenance. Wouldn't that same logic apply to payments for utility infrastructure? Are you concerned that the payments for the ongoing maintenance of infrastructure could potentially make these units less affordable?

Applicant replied that if the City does not take ownership of any portion of the infrastructure that is a cost that the HOA would have to handle and that would become a homeowner's cost.

Commissioner Schachter asked if he was correct about some fees. Was the \$100 school fee overall or was that a per unit fee?

Applicant replied that it was per unit.

Chairman Dehm had a question about the house in the southwest corner.

Applicant said it was an existing easement.

Commissioner Dunn wanted to clarify the sidewalk variance. Was it just for Fox Hollow Drive or for Midland?

Applicant replied that it applied to Midland and all of the interior roads.

Chairman Dehm asked staff if the City accepted the roadway for the project at Glenwood Meadows.

Mr. McGregor said the road up was called Flat Tops View Drive and the two driveway access points are part of that development. The logic for that at the time was that the road will ultimately be extended and re-connected to Wulfsohn Drive farther to the west. It was perceived as a connecting roadway. It does not have sidewalks on the north side. Other than that, it is compliant.

At 9:32 p.m. the Chairman opened the hearing for public comment. He asked that speakers limit their remarks to three minutes.

Pamela Palmer, 2264 Midland Avenue, Glenwood Springs, spoke about concerns of residents across Midland Avenue. The driveway to her home and the Rippy home are directly across Midland from the proposed access. She referred to a letter that she and her husband sent regarding their concerns and the concerns voices by Planning and Engineering. She asked the Commission to review the letter as it reflects the concerns of other residents who live across Midland from the development. We are concerned about the impact of soil, drainage, and traffic. She commented on her own difficulty exiting her driveway in the morning with existing traffic. Traffic volume was a concern and it would increase during the bridge construction and into the future. Over the 20

years she lived there, traffic impact increases daily. The lot size for all the surrounding homes are approximately one acre lots, for single family homes. Reference to having only one access out of this development because of a thought that in the future they could go to the south. There are at least eight single family homes bordering this to the south. Eight single family home properties on one-acre lots would have to agree to sell and develop for there to be a potential for further development and a south access. There is little likelihood for that to occur. Property prices this neighborhood are \$750,000 per home and up so you have a reference. There has been a lot of talk about affordable housing but this is not affordable housing. The potential costs of these homes is so far out of the range of teachers in our community. Please consider the storm water drainage for this property. We are impacted because everything slants toward the single access directly across from our driveway. That is a concern for the seven homes and their driveways on the east side of Midland. Midland is periodically closed because of drainage problems. We are not interested in continuing this. Traffic is backed up right now past her driveway. They have grossly underestimated the number of cars and the number of trips. They are estimating two cars per household. These are four bedroom units and we all know that any rental unit generally will have more than two vehicles—the same for any family in a four bedroom house. The traffic impact is dramatically underestimated. Regarding the crosswalk across Midland – she encouraged the Commission to consider the City's liability for that. Traffic goes 45 miles per hour in this section of Midland. Development in this City needs to be well planned and the integrity and character of existing neighborhoods needs to be maintained. The goal of in-fill development was mentioned but that goal stated it should not negatively impact the surrounding area or the City. Significant issues have been raised with soils, drainage, traffic, etc. that this plan as presented could have a negative effect on the City and the traffic patterns as well as the neighborhood. Please consider the landowners that have been there for many years and the impact on our existing neighborhood.

Nick Kelley, 2238 Midland Ave., Glenwood Springs, said he and his wife were retired. Their property is valued by Zillow at \$569,000. The house has 2200 square feet and an acre and a third. The developer is out of his mind thinking he is going to get \$400,000 and up for these postage stamp lots crammed together with people in each other's faces all the time. High density is a good idea when it is in a city, when it has bus lines, when it has bike paths, services that are walkable. This is not a walkable neighborhood. There are all kinds of people taking their cars out in order to make very short trips back and forth across the bridges and adding to the traffic jams. The argument that this is a good idea to building high density here is wrong. He suggested developing a property that was farther south of this site that is currently for sale. He said it was closer to bike paths, the bus service, etc. He pointed out that wildlife comes down the mountain to the river through neighboring yards. He claimed that oil and grease from cars would wash down to the river and kill fish.

Bob Harrow, 2206 Midland, Glenwood Springs, said that was his neighbor who just spoke. He was concerned about the slides on the mountain. There was a nice gentle slope with lots of vegetation that slows down the mud now but if we put in asphalt then we are talking about having the mountain coming down. The construction area across the street will happen at the same time that Midland is going to have the impact of traffic from the bridge closure. Midland will be the only artery while the bridge is closed next summer. Before the building are in, there will be grading and with the storms that happen here, we will have another mud slide. Finally, we have heard that without the City stepping in to take over sewage, the road maintenance, and a fee reduction for

sewer impact, this property is not sustainable. Why are we building a project on a sliding mountain that is going to increase all the traffic in the area and at the same time build a project that is not sustainable without the City stepping in to pay costs? This makes no sense to me. Let's just shut it down right now and save us all some money.

Jimmy Taylor, 2129 Midland Avenue, Glenwood Springs, said he lived right next door to the proposed project on the north side. He commented that the road was not coming through. He spoke in favor of the project as the property would develop eventually. We would all love to see one acre lots there but that isn't going to happen. He has looked at the project and he thinks it should go forward. He said he was assuming that the next developer would ask for a zoning change and would want 100 units or another might think it was a perfect place for a strip mall. Traffic will be bad regardless. This project should go through with all the mitigations taken care of.

Russell Talbot, said he lives in New Castle and is here as he represents the owners of the property. He also is an engineer. He said he appreciates the need for additional housing. Craig has a well-thought out plan. This is a meaningful project for our church. With this development our church can sell the property and use the proceeds for another project they have started in New Castle. We purchased this property back in the early 1970s. We've had this property for over 40 years. The annexation agreement from 1978 stipulated some of the development including single family dwellings. This project will probably be the least egregious to the neighborhood. It meets our needs, it meets the housing needs for the valley and we would love to see it approved and blessed by the Council.

Randy Rippy, 2262 Midland Avenue, Glenwood Springs, said that his driveway was straight across Midland Avenue from the proposed intersection. He noted that there is a storm drain on the north end of the property and one on the south end of the property. The flow of everything comes down and hits right in the middle of our driveway. He said he does not understand where that water will go except right against the gutter and maybe flow a little bit to the storm drains on the east side of Midland Avenue. Mostly it will come straight down his driveway. He said his grandfather built a house in 1963 that the Palmers live in now; his grandfather build the house he lives in in 1977. He did not think the development was well thought out. He pointed out that several HOAs in this community pay their own way. The bridge project next summer would be hell anyway, but Midland has been getting worse anyway. People are already choosing Midland as their bypass. There would be the installation of a sewer line along Midland to add to the traffic that was already maxed out. The Police Chief commented: "Really, one road for ingress and egress. Neither police nor fire will care for the limited access and evac potential for this plan." Those are valid points to consider.

The public portion of the hearing was closed at 9:45 p.m.

Applicant response

Applicant responded to the contention that water would enter the driveways across the road. Our roads all have curbs and gutters and underground pipes to carry runoff to treatment vaults and from there to detention tanks that will release into the ditch on the west side of the road. We have storm water analysis for the entire site and then thousands of acres uphill of the site take takes in the entire drainage basin that can

come to the site. It has been analyzed and engineered and engineering says there will be no additional drainage impacts to the east of the site.

Applicant also responded to the issue of the City subsidizing the housing project. He said that Glenwood Greens was the only substantial new housing that has been built in the City in the last seven to eight years. The reason is that it costs too much to build and the City has been saying for years and its planning documents say that it really needs housing. Housing is critical to a vital town. Providing housing where people work and shop is something that the City really wants. We are asking for two things that he thinks are reasonable: (1) To consider the sewer line extension work as offsetting to one relatively small fee. (2) For the City to own the infrastructure. If it worked out economically, people would build housing wherever there is vacant and it hasn't happened. It is because you can't quite make the numbers work. We are in a position where we could live with a smaller percentages than most developers would find acceptable. We are trying to make something happen here.

At 9:50 p.m. Chairman Dehm called for a motion to extend the meeting.

Commissioner Schachter asked if we could have a special meeting to finish this.

Mr. McGregor noted that at this time of year that would be difficult.

MOTION: Commissioner Schachter moved to continue the meeting to 11:00 p.m. Commissioner Grosscup seconded the motion. Motion carried by voice vote.

Chairman Dehm said that staff has prepared conditions for the actions to be taken. The conditions are written for us to present to Applicant in case we are inclined to approve one or the other or the whole thing. The conditions are written for the Commission to present to Applicant. He asked that the Applicant also look at the conditions to determine whether he could agree to them.

Applicant said he would like to see it move forward regardless of the conditions.

There was discussion of the procedure to follow for remainder of the meeting.

Chairman Dehm said if the Commission was inclined to continue the hearing, they need recommendations and comments to the Applicant to help them come back with a different application. He suggested that they take the zoning variance; then the design variances together, then major development and the major subdivision. That is how he would like to do it. If we are inclined to move the project forward, then we should do each action item separately.

Commissioner Schachter asked if we could postpone the motion for a few minutes so they had an opportunity to review the conditions.

At 10:02 p.m. the Commission took a few minutes to review proposed conditions they had just received.

At 10:12 p.m. the meeting reconvened.

A member of the audience asked for copies of proposed conditions.

Chairman Dehm asked if the Commission was ready to proceed.

Mr. McGregor injected as a point of clarification that staff prepared those conditions at the eleventh hour simply so that you would have something available for reference if you went that route. You have three options. Our recommendation is still to continue to allow gathering of information. This is consistent with the staff report.

Chairman Dehm replied that he believed we understood that, thank you. He also asked if legal had an opportunity to review these.

Jon Hoistad, City Attorney's office, replied just today but I believe there are some points you may want to consider and I would second what Andrew has indicated. It may be more mindful to review in more detail.

Chairman Dehm asked if Terri Partch probably had seen these.

Mr. McGregor answered that she had not and that she hasn't seen what Mr. Helm presented this evening either.

Chairman Dehm said that he was entertaining a motion on Planning Item #39-15. We will act on action item 1.

MOTION: Commissioner Malloy moved to continue consideration of the zoning variance pursuant to findings in the staff report on pages 9-12. Commissioner Dunn seconded the motion.

Commissioner Blair asked if the action is to continue to the next meeting.

Chairman Dehm replied in the affirmative.

Commissioner Grosscup commented that this is complicated and there seems to be guidance from staff to again review the traffic information presented as well as other items. The suggestion is to look at action 1 for a few buildings to exceed the height. I find the variance acceptable. Do we need to continue this particular action item? Maybe we want to provide guidance on the variances as to whether they are acceptable. I am comfortable with this particular variance.

Chairman Dehm noted that if we continue, we need to provide feedback.

Commissioner Dunn said that he was not ready to say yay or nay on the variance. I'm not troubled now, but I want to see all the information before I make a decision. More detailed renderings would help me wrap my mind around potential impacts to neighboring properties.

Commissioner Blair commented on the building variances so to speak. The project design appears to be multi-family. By that definition it is not high density. We have 5 acres and 34 units so it is about 6 units per acre. That is not high density. The design

makes it appear high density and that is a concern to neighbors. I think it is premature to approve at this time without the additional information requested.

Commissioner Malloy: I don't really have trouble with the variances proposed. I am not comfortable moving forward with any aspect of the application until I have a clear understanding of all aspects of the application.

Chairman Dehm agreed with Commissioner Grosscup on this. I could approve the zoning variance if I see it again. Not a problem on height on my end. Any more comments?

Motion failed 4-3.

NAYS: Commissioners Parkison, Grosscup, Schachter and Dehm

YAYS: Commissioners Blair, Dunn, and Malloy

Chairman Dehm: If we are inclined to approve some aspects of the application, can we do that?

Jon Hoistad replied that one action can affect another. It is better to take one motion to continue but to provide feedback perhaps on a particular application so the applicant can take that back in their modifications and supplement.

Commissioner Malloy stated he would renew the motion to continue the variance per the staff's recommended findings for continuance per page 9 of the application.

Commissioner Dunn said that he renewed his second.

Commissioner Schachter said that it was his understanding is that we are continuing. My only comment is that we need more information.

Commissioner Malloy said that his understanding is that we provide feedback on this particular action and then we provide feedback on the other variances as well.

Jon Hoistad said his understanding is that by continuing this out and providing feedback on this one motion that there really isn't a problem with the height variance and then later when discussing the design variances, address the majority of those concerns. That is the appropriate way to do it.

Commissioner Schachter commented that your recommendation is still to continue.

Chairman Dehm said that it becomes a little complicated when you have some items that are not an issue. So, you are inclined to say continue the whole thing and then provide direction.

Commissioner Malloy rescinded the motion.

Commissioner Malloy said he would then move to continue the entire application.

Commissioner Dehm thought it doesn't seem fair to do that. I want it to be clear and I want us to provide direction.

Jon Hoistad suggested why don't we just have a motion to move for continuance to a date certain with discussion?

MOTION: Commissioner Malloy moved that we continue the hearing on all action items with the finding for additional information as noted in the staff report. Commissioner Dunn seconded the motion.

Discussion

Commissioner Grosscup said to offer general comments. Most of the variances are acceptable but the troubling piece is around the traffic information and whether or not we need more analysis. I agree with that. Also the new information that you offered regarding withdrawal of certain fee reductions. We don't vote but I would recommend that we not accept infrastructure for the road and utilities. Those are my comments.

Commissioner Malloy: I don't have a problem with the height of structures. I support Commissioner Grosscup's concern regarding the acceptance of infrastructure below City standards. No obvious advantage to the City for connections. I don't support the waiver from sidewalks. The sidewalk should be on both sides of Fox Hollow Way and extending down to Midland Avenue. I don't see a need for a sidewalk on Midland at this point but appreciate the easement for the future. I think a couple of the design variances flip flop pertaining to the road as private versus public. Staff seems fairly vehement in comments. He said that he did not see a lot of discussion in staff report on major development. Doesn't feel like we got quite as much detail on that as we may need. Would like City Engineer to have opportunity to review Yancy Nichol's letter that was presented this evening on the traffic counts and get feedback. There are a few other points to add to conditions. May not be as comprehensive as they need to be such as the design of the walkway.

Commissioner Parkison said that her comments had been stated.

Commissioner Blair agreed that City should not accept minimum-standard streets and infrastructure. Too costly for the City to do so and not for gain of citizens. Need to review Engineering response to drainage and floodway because of the points brought up by residents to the east. There will be 2.0 acres of impervious surfaces. That could generate a lot of runoff. Needs to be mitigated and reviewed. If these variances are to be accepted, there should be some quid pro quo for the community. Developer might look at providing some affordable housing units for all of the variances.

Commissioner Schachter commented that some of his comments have already been stated. This is a dilemma we face in the entire city. We need housing inventory. I think we have over 200 units already approved. It is a developer's cost issue but is not our job to mitigate. Not being a developer or designer, I would state that the design standards are in place for the benefit of the community and regardless of geologic hazards conditions dictate orientation and density. It is a fine line as to what can be developed and at what cost per the City's design standards. I could support the design variance. I would not support the City acquiring the infrastructure, but would support the City consider some type of reduction or other consideration for the extension and cost of that structure. I'm not sure how that can be done. I would like more review and comment on the geologic hazards issue. I also am concerned about potential future liability issues for homeowners and the City.

Commissioner Dunn said that he would echo most of what Commissioner Schachter said but in addition to give a little more specific feedback, the vast majority of the variances I don't have a problem with but not comfortable proceeding at this point. I would like resolution of City Engineer comments. I would also like to see Police and Fire comments. There are site constraints. Two access ways may not be feasible, but some consideration of the safety of residents. If Fire Department is not comfortable, I can't be. The only variance I am not comfortable with is the sidewalk or lack thereof. I look at it as though we keep arguing that there is no connection available, we will never fulfill the goal of the Comprehensive Plan for continuous pedestrian access.

Commissioner Schachter found it somewhat disingenuous for a developer, not just for Mr. Helm, because it has happened previously, to compare a free market development with affordable housing. I think it clouds the issue. The two are very different.

Commissioner Malloy said that he was comfortable with the conditions that are listed in rough draft. Mr. Helm has a copy but I suspect the conditions will be different as there are some conditions that should be added.

Chairman Dehm agreed that it was not the best, but he understood the site constraints. Given the number of variances, he was still okay with most of them. He said that he was ready to approve this tonight with the conditions. Given the fact that we need more information on some items, I am comfortable with staff looking at traffic and the geotechnical information. Thank you and we will see you next month.

Call for the question to continue this hearing. The motion passed unanimously.

6. Community Development Director's Update.

Mr. McGregor announced that Mary Elizabeth Geiger has resigned.

He apologized for the technical glitches tonight. We will do better.

You will receive an invitation to a workshop on July 21 re the charrette at Two Rivers Park.

There will also be an August 6 joint workshop with City Council on the first module of the land use code redraft. Staff now is making comments and will return them to Clarion. The advisory group will then review. He explained that the process was on going and we can continue to amend and polish throughout the process.

7. Comments from the Commissioners.

Commissioner Grosscup said she and one other member attended the workshop in Rifle regarding P & Z.

Commissioner Blair said he attended the workshop in Rifle. The simpler rules you have, the easier it is to follow them. The representatives from other municipalities thought we ought to get together more often to share information regarding processes. The state people encouraged us to take time to formulate our motions.

Jon Hoistad said the attorney opposing Dog Holliday's stated that findings were not made to support the decision by the P&Z. Andrew and I reviewed the minutes and the findings most definitely were made. So we did it right.

8. Adjournment at 10:50 p.m.