



AGENDA
CITY OF GLENWOOD SPRINGS
Planning and Zoning Commission
Regular Meeting
FEBRUARY 23, 2021
Council Chambers, First Floor
101 W. 8TH STREET
6:00 PM

1 Meeting Attendance Instructions

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

<https://us02web.zoom.us/j/82819160381>

Or iPhone one-tap :

US: +13462487799,,82819160381# or +16699006833,,82819160381#

Or Telephone:

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

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Webinar ID: 828 1916 0381

International numbers available: <https://us02web.zoom.us/j/82819160381>

2 Roll Call

3 Receipt of the Minutes

- A. Minutes-January 26, 2021

4 Comments from citizens appearing for items not on the agenda

5 Continued Items

- A. Planning File 40-20 Special Use Permit to operate a Large Child Care Center at 536 S. Hyland Park Drive, a property in the RM1-residential medium density zoning district (PIN#218516130002 and #218516121006) - Continued from January 26, 2021

- B. Planning File 66-20- Consideration of various code text amendments to Municipal Code Title 070 Sections including but not exclusive of Sections 070.030, 070.040, 070.060 and 070.070 regarding Use Regulations; Accessory Uses; Landscaping, Screening and Fencing; Off-street Parking; Signs; Administration and Procedures; and Rules of Construction and Definitions. Continued from December 15, 2020 and January 26, 2021.

6 New Items

- A. 69-20 Consideration of a Special Use Permit for a Retail Marijuana establishment at 2114 Grand Avenue (PIN 2185-164-00-095)

7 Discussion

- A. Meeting preparation - Joint Meeting-Planning & Zoning Commission / City Council - March 4, 2021-Discussion Topics

8 Commissioner Comments

9 Director Comments

10 Adjournment



MINUTES
City of Glenwood Springs
Planning and Zoning Commission
Regular Meeting
January 26, 2021
Zoom
6:00PM

1. Roll Call

Present at roll call were Commissioners: George Shaver, Marco Dehm, Pete Waller, Sumner Schachter, Carolyn Cipperly, Kathryn Grosscup, Ben West, Joy White

Absent at roll call were Commissioners: Amber Wissing

Also present were: Jenn Ooton, Asst. City Manager, Gretchen Ricehill, Asst. Community/Economic Dev. Director, Jessica Bowser, Assistant City Engineer, Karl Hanlon, City Attorney's Office, Anna Itenberg, City Attorney's Office, Alissa Owsley, IT Director, Laura Kirk, DDA Director, Hannah Klausman, Senior Planner

2. Seating of Alternate Commissioner

Commissioner Schachter made a motion to seat Alternate Commissioner Pete Waller. Commissioner Shaver seconded the motion. Commissioner Dehm called the item to question.

Motion passed unanimously.

3. Receipt of the Minutes

Commission reviewed the minutes from the 12/15/2021 meeting and 1/12/2021 meeting.

Commissioner Schachter made a motion to approve the minutes from 12/15/2021. Motion was seconded by Commissioner Shaver. Commissioner Dehm called the item to question.

Motion passed 6-1. Alternate Commissioner Waller abstained. Commissioner Grosscup not present for vote as had not entered Zoom meeting.

Commissioner Schachter made a motion to approve the minutes from 1/12/2021.
Commissioner Shaver seconded the motion. Commissioner Dehm called the item to question.

Motion passed 6-1. Alternate Commissioner Waller and Commissioner Schachter abstained.
Commissioner Grosscup not present for vote as had not entered Zoom meeting.

4. Public Comments

Comments from citizens appearing for items not on the agenda. No citizens were present.

5. Continuation of Planning File 66-20.

Commissioner Schachter made a motion to continue discussion of Planning File 66-20 to the February 23rd Planning & Zoning meeting. Commissioner Cipperly seconded the motion.
Commissioner Dehm called the item to question.

Motion passed unanimously.

6. New Items

- a. Planning File 40-20: Consideration of a Special Use Permit to operate a Large Child Care Center at 536 S. Hyland Park Drive, a property in the RM1-residential medium density zoning district (PIN 2185-161-30-002 & 2185-161-21-006)

Prior to discussion, Commissioner Grosscup recused herself from this item. Gretchen Ricehill, Asst. Director of Community/Economic Development provided a short presentation on the application. Ricehill explained that some public comments for this application were received after the agenda was published. Ricehill indicated these public comments would be included in the agenda for the February meeting for this item.

Commissioner Shaver asked staff for more information on the zoning requirements for childcare centers, restriction on use of easements, and the effectiveness of the hospital bus pass plan.

Commissioner Schachter asked if screening fencing would be used on the east side of the property. Ricehill confirmed a wooden screening fence would be used to screen the play area from neighbors. Schachter asked if Valley View Hospital had submitted a master parking plan for the project and Ricehill confirmed nothing had been submitted.

The applicant, Maggie Brown, provided a summary of the application. Dustin Anderson, architect, and Greg Schroeder, traffic engineer were present as applicants.

Commissioner Waller asked how the site plan would address snow storage and vehicle queuing. Ricehill confirmed that a dedicated snow storage area was included in the site plan. Applicant Maggie Brown provided information on vehicle queuing, typical pick-up and drop off times, and anticipated busy times. Waller also asked if there would be signage and Brown explained there would not be signage for the center.

Commissioner Schachter asked the applicant for information on the lease. The applicant, Brown, explained a lease had not been drawn up but that a five-year lease had been considered.

Commissioner Dehm asked the applicant to confirm if applicant had considered creating alternate routes from the hospital to the center such as pedestrian routes or a road.

Commissioner Schachter asked the applicant if a public meeting had been conducted. Brown explained that the application had gone through the public notice process and that no official public meeting had occurred.

Commissioner Dehm opened the item to public comment.

The following individuals (10 persons) supported the application:

Janice Morgan supported the application citing need for childcare in the area especially with the proposed hours of operation.

Mike Campion supported the application citing need for childcare in the area, especially for healthcare workers at Valley View Hospital and with the proposed hours of operation.

Brent Prokaski supported the application citing need for childcare in the area, especially with proposed hours of operation and services offered.

Jeffrey Fawcett supported the application citing local need for childcare, especially the hours of operation and services proposed by the application.

Dave Malehorn supported the application citing local need for childcare.

Isla Cotreau supported the application citing local need for childcare, especially the hours of operation and services proposed by the application, including infant care.

Magali Rodriguez supported the application citing local need for childcare, especially the hours of operation and services offered to local healthcare workers.

Jason and Sara Cowell supported the application citing local need for childcare, especially the hours of operation and services offered to local healthcare workers. Sara also stated that traffic impact would be similar compared to existing patterns as most users of the center would be employed at Valley View Hospital.

Emily Miskiewiez, potential director of the childcare center, supported the application citing local need for childcare and similar uses already existing in the neighborhood.

Annaliese Sullivan supported the application citing the local need for childcare, especially the potential services offered to local healthcare workers as well as similar existing uses and similar previous uses in the neighborhood.

The following individuals (10) opposed the application:

Amanda Maurer opposed the application citing neighborhood compatibility, traffic concerns, and concern over creating a precedent to allowing large childcare centers in residential zoning districts.

Brandy Drake opposed the application citing neighborhood compatibility and traffic concerns.

Andi Johnson opposed the application citing neighborhood compatibility and traffic concerns.

Steve Van Dyke opposed the application citing traffic concerns, parking, neighborhood compatibility, and neighborhood covenants.

Sheri Scruby opposed the application citing neighborhood compatibility, traffic, and safety.

Patrick Drake opposed the application citing traffic concerns, pedestrian concerns, neighborhood compatibility, and neighborhood covenants.

John Schenk opposed the application citing traffic concerns, parking, zoning precedent, and neighborhood compatibility.

Seth Kingston opposed the application citing safety and traffic concerns.

Stephen Gross opposed the application citing concerns over traffic, safety, neighborhood compatibility, and parking.

Pam Cedei opposed the application citing lack of neighborhood compatibility and stated other locations seemed more appropriate for this use.

The following individuals (1) also provided comment on the application:

Rick Oakes asked if the neighborhood would have any options other than suing the applicant.

Commissioner Dehm closed the public comment period.

Applicant Maggie Brown provided further explanation on some of the concerns brought by the public stating that the proposed project fulfilled a community and regional need for childcare in the community, especially for care of infants. Kelly Esch, a Program Manager at Early Childhood Network and associated with the application, provided more information on the application including information on the process of site selection for a childcare center in the area and how this potential location was chosen.

Commissioner Waller asked the applicant for additional information on the involvement with Valley View Hospital and this application. Applicant Maggie Brown indicated that the extent of Valley View's involvement with the project was that they were the owner of the land.

Commissioner West asked the applicant if they had considered improving pedestrian connections between the hospital and the childcare center. The applicant indicated that the parking provided in the application was what was required by code and that pedestrian drop offs would be encouraged. Gretchen Ricehill indicated that requiring pedestrian drop offs would be difficult to enforce. Assistant Engineer also explained that the application was designed to accommodate the highest possible traffic use, even though many users of the center would work at the hospital.

Commissioner Cipperly asked the applicant if additional parking on Valley View property had been considered to relieve parking pressure on the public roads of the neighborhood.

Commissioner Schachter made a motion to continue the item to the next scheduled Planning & Zoning Commission meeting. Commissioner Cipperly seconded the motion.

Gretchen Ricehill explained that staff would provide additional information regarding several items that were brought up during public comment and Commission discussion.

Commissioner Dehm called the item to question.

Motion to continue the item passed unanimously. Commissioner Grosscup did not vote due to recusal for item.

At 8:04 PM, Commissioner Dehm called for a five-minute recess.

b. Downtown Development Authority 2020 Plan of Development Update:

Laura Kirk, Downtown Development Authority (DDA) Director, provided Commission with a short presentation on the 2020 Plan of Development update of the previous Plan of Development from 2001.

Commissioner Schachter asked questions about the plan including potential zoning changes, annual budget for the DDA, status of the 2001 Plan, and renaming of the Confluence area as 8th Street Crossing.

Commission Shaver expressed interest in amending zoning and design requirements for the immediate downtown area.

Commissioner Waller made a motion to recommend the Plan Update to City Council. Commissioner Schachter seconded the motion.

Commissioner Cipperly expressed support for the Plan including focus on historic properties and initiatives for downtown business owners to improve their property.

Commissioner Dehm called the item to question.

Motion passed unanimously.

c. Planning Item 02-21 Inclusionary Housing Code Amendment:

Hannah Klausman, Senior Planner made a presentation to Commission on a potential Inclusionary Housing Code Amendment. Staff recommended approval of the code amendments with suggested findings on page 4 of the staff report.

Karl Hanlon, City Attorney, provided additional information on the proposed amendments.

Commissioner Schachter had questions on requirements in the amendment regarding AMI restrictions, age restrictions, and owner-occupied requirements. Karl Hanlon provided information on how that criteria was designed.

Commissioner Cipperly had questions on minimum size requirements of the housing and time limits requirements.

Commissioner Grosscup had questions on AMI limits, housing costs, and potential to offer more concrete incentives to developers.

Commissioner Waller asked how any units created with these amendments would be affected by changing economic circumstances. Waller also asked about the owner-occupied requirement and how the entire program would be managed.

Commissioner Cipperly asked how the amendments would affect potential home occupation businesses.

Commissioner Dehm opened the item to public comment. No members of the public were present to comment. Commissioner Dehm closed the public comment.

Commissioner Schachter made a motion to recommend the approval of the code amendments to City Council with suggested findings on page 4 of the staff report. Commissioner Grosscup seconded the motion.

Commissioner Waller asked for clarification on what the approval of the amendments would include and the process for code amendment approval. City Attorney Karl Hanlon explained the process for potential approval. Commissioner Cipperly asked for clarification on market conversion clause of the amendment.

Commissioner Dehm called the item to question.

Motion passed unanimously.

d. Planning File 01-21: Section 070.140.120, Voluntary Deed Restriction Program Code Revision

Hannah Klausman, Senior Planner made a presentation to the Commission on a proposed code revision to the Voluntary Deed Restriction Program. Klausman explained that there are currently 45 housing units in the program. City Attorney Karl Hanlon provided additional information on the proposed code changes.

Commissioner Waller expressed support for the amendment.

Commissioner Grosscup asked if staff had considered raising the AMI above 100% in combination with increasing year requirements.

Commissioner Dehm asked if this program included any density bonuses. Karl Hanlon confirmed it did not.

Commissioner Dehm opened the item to public comment. No members of the public presented. Commissioner Dehm closed the item to public comment.

Commissioner Schachter made a motion to recommend approval of the item with suggested findings on page 4 of the staff report. Commissioner Cipperly seconded the motion.

Commission further discussed the proposed amendments including discussion on scaling of program, similarity of this item to previous item, support for amendment, and the differences between levels of rents compared to AMI levels.

Commissioner Schachter mentioned similarity of this code amendment process to previous item. Commissioner Grosscup expressed support for including more units at the start and to adjust the program as necessary. Commissioner Waller also expressed support for the amendment. Commissioner Cipperly and Commissioner West both commented on the level of rent for 120% AMI in the area.

Commissioner Dehm called the item to question.

Motion passed unanimously.

e. Accessory Dwelling Unit Density Discussion

Hannah Klausman provided the Commission with a summary of recent code changes to ADUs as well as previous discussion on the item with Housing Commission and Planning and Zoning Commission. Klausman explained the purpose of this item was to discuss potential changes to ADU regulations including multiple ADUs on one lot, rent limits on additional ADUs, parking, and other related items.

Commissioner Schachter stated that public input from different neighborhoods could be useful. Schachter also asked if the new regulations had been effective.

Commissioner Shaver asked additional questions on allowing ADUs on lots with existing multifamily, especially higher density like a fourplex.

Commissioner Cipperly commented in support of future revisions to encourage ADUs and also commented on potential to require parking spaces for any additional ADUs added to a property.

Commissioner Grosscup commented on ADU parking requirements, bathrooms, and affordability incentives.

Additional discussion by staff and the Commission on existing regulations and potential changes to ADU regulations.

7. Continued Items

- a. Planning File 66-20: Consideration of various code text amendments to Municipal Code Title 070 Sections including but not exclusive of Sections 070.030, 070.040, 070.060, and 070.070 regarding Use Regulations; Accessory Uses; Landscaping, Screening, and Fencing; Off-street Parking; Signs; Administration and Procedures; and Rules of Construction and Definitions. Continued from December 15, 2020. ***This item will be continued to February 23, 2021.***

8. Commissioner Comments

Commission members thanked Commissioner Grosscup for serving on the Commission.

9. Director Comments

Director Jenn Oton thanked Commissioner Grosscup for serving on the Commission. Oton also mentioned that the City had applied to the Colorado DOLA for a grant for the comprehensive plan update.

10. Adjournment

Meeting was adjourned at 10:24 PM.



Planning & Zoning Commission Staff Report

Date: January 26, 2021

To: Planning & Zoning Commission

From: Gretchen Ricehill, Asst. Director Community Development Dept.

Subject: #40-20- Special Use Permit – Child Care Center in the RM1 zoning district **Updated 02-23-2021**

REQUEST	Consideration of a Special Use Permit to convert an existing single-family residence into a Child Care Center
APPLICANT	Margaret Brown, Little CO Academy
OWNER	Valley View Hospital Association
ZONE	RM1-Residential Medium Density
LOCATION:	536 S Hyland Park Drive (PIN#218516130002 & 218516121006)
SURROUNDING LAND USES	North: Residential South: Hospital East: Residential West: Religious/Institution
LOT SIZE	57194 square feet total (1.313 acres)

UPDATED INFORMATION

During the January 25, 2021 hearing, the Planning and Zoning Commission heard staff and applicant presentations and took public comment. Commissioners requested a site survey of the property; information about the difference in grade between the subject property and Valley View's adjacent parking lot; and information about the subdivision's covenants and whether review of this application sets a precedence.

Site Survey: the site survey is included in the original application materials provided to the Commission in the January 25th packet. For ease of reference, the survey has been attached as a separate file.

Grade Differential:

During the January hearing, Commissioners contemplated the feasibility of constructing a staircase between the subject property and the adjacent Valley View parking lot. As shown in the photos below, there is retaining wall and an approximate eight to nine-foot grade difference between the two properties. The City's Engineering Department believed it would be difficult (but not impossible) to reconstruct a portion of the wall to facilitate a staircase. However, it is important to note that the route would not be accessible per the Americans With Disabilities requirements/standards.



2 photos above looking north and east to subject property.



Looking NE – subject property on right of photo above retaining wall

Covenants & Precedent

Several public comments heard during the January meeting addressed the Hyland Park Addition covenants and prohibition of all uses other than one detached single-family dwelling per property. The covenants were attached to one letter received and were included in the packet of information transmitted to the Commission for the January 25th meeting.

As indicated in the Public Comment section of this report, municipalities do not enforce private covenants. The applicability and enforceability of these covenants is a private matter between the subdivision property owners. If the special use permit is approved, it would not be setting a precedent. Quite the contrary. The City has consistently taken the position of not enforcing private covenants. Regardless, below is a short summary of the covenants and their enforceability/applicability within the Hyland Park Addition.

The covenants in question were adopted and recorded in 1955. In addition to the land use restriction noted above, the covenants establish setback and design standards. To ensure compliance, the covenants provide for an Architectural Review Committee. Dwellings were to observe a 35-foot front setback; 5-foot side; 15-foot side for corner lots; and 25-foot rear setback. Garages could be placed on a side lot line. These setback standards differ from the Municipal Code's RM1 zoning district standards of 25-foot front; 15-foot rear; and 5-foot side, including garages – standards which the City does enforce.

A quick review of City and Assessor records shows that there are several homes that do not meet the covenant-required setback standards. Additionally, the covenant restriction of one detached single-family home per lot seems to preclude accessory dwelling units. Staff found a few properties within the subdivision that include 2 dwelling units on a lot– one primary home and one accessory dwelling unit.

Staff notes that the subject property is located on two lots. The large yard area east of the existing home is Lot 4, Block 4 Hyland Park Addition. However, the existing structure (the existing home) is within Lot 2, Brittany Place Subdivision which is not subject to the Hyland Park Addition covenants. Staff questions whether the 1955 covenants actually apply to the home lot, and if they do, can the covenants be selectively applied to this property while other properties also appear to be out of compliance.

Finally, during the January hearing, some in attendance expressed concern that if this application was approved it would set a precedent in the RM1 zoning district for granting a special use permit to a child care center in a residential structure. Commenters indicated that other child care facilities in the RM1 zone were located in school buildings. Staff found that while it is true that there are three child care centers and/or preschools in the RM1 zone: St. Stephens School, Yampah High School, and Sopris Elementary, every special use application is analyzed separately based on how the proposed use meets or addresses the applicable criteria. Approval of one child care center special use permit does not indicate or predetermine approval for another.

ACTION ITEM SUMMARY

Action 1: Consideration of a Special Use Permit to convert an existing single-family residence into a Child Care Center

Staff Recommendation: Staff recommends that the Planning and Zoning Commission approve the Special Use Permit with suggested findings and conditions on page 6 and 7 9 and conditions on page 7 of this report.

PROJECT SUMMARY

Margaret Brown proposes to convert an existing 2800 square foot single family residence at 536 S Hyland Park Drive into a Child Care Center serving up to 43 children (see aerial map below). Constructed in the 1950s, the home is single story with a walk out basement and has been vacant for approximately four years. The conversion will include interior remodeling to accommodate the child care use including removal of non-structural walls; creation of four classrooms; upgrading and expanding a restroom; and making site upgrades including adding two trees, maintaining and removing overgrown landscaping, improving and expanding the impervious driveway and parking areas.

The intent is to provide day care primarily for Valley View Hospital employees. Pick up/drop off times will vary but generally would be between 6:30 and 8AM, and 4 and 5:30PM. Ms. Brown recently provided care for up to 20 Valley View employee children in the lower level of St. Barnabas Church located just west of the subject property. Serving up to 43 children will require 8 employees.



For reference, a Child Care Center is defined as:

A facility that is maintained for the whole or part of a day for the care of five (5) or more children who are eighteen (18) years of age or younger and who are not related to the owner, operator, or manager of the facility, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term

includes facilities commonly known as day care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children and those facilities that give twenty-four-hour care for children and includes those facilities for children under the age of six (6) years with stated educational purposes operated in conjunction with a public, private or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private or parochial elementary school system of at least six (6) grades or operated as a component of a school district's preschool program operated pursuant to the Colorado Preschool and Kindergarten Program Act, 22-28-101, et seq. of the Colorado Revised Statutes, as amended. The term shall not include any facility licensed as a family child care home or foster care home.

Attached to this report are current photos of the property and the surrounding neighborhood.

Review Process & Approval Criteria:

The Planning and Zoning Commission is the deciding body for Special Review Use applications. When considering Child Care Centers, the Code requires compliance with two conditions related to the specific use, and criteria that apply generally to all special review uses.

Child Care Center Criteria

A child care center shall comply with the following conditions:

- 1. The applicant shall provide documentation of preliminary approval from the State of Colorado, Department of Human Services.**

Ms. Brown has been and will be in contact with Garfield County and the State Department of Human Services, the regulatory agencies that oversee child care uses. Prior to the city issuing a certificate of occupancy, the applicant shall provide evidence of County and/or State approval.

- 2. Buffering of play areas through the use of fencing or a landscape screen in compliance with the height restrictions of this Code may be required when play areas are adjacent to residential uses.**

Two play areas are proposed in the back yard: the first for infants/toddlers is located on the southwest side, facing a religious institution and the hospital; and the second, for toddlers/pre-k children is located on the southeast side of the home, facing a single-family home. The toddler/pre-k play area will be screened with a new wooden fence. The infant/toddler play area on the southwest side of the home is already partially contained within a wooden fence. Ms. Brown will add a vinyl coated chain link fence on the interior side of the play area for added security and to reduce the size of the currently fenced yard area.

Special Use Permit Criteria

- 1. The use will be compatible with the surrounding area**
- 2. The impacts of the use on surrounding areas have been adequately minimized**

Compatibility is the ability of two things to exist together without conflict or problems. The proposed child care center is located in an area of single family detached homes and institutional uses (religious uses and the hospital). The property is immediately adjacent to a single family residence on the east; a religious use on the west, and hospital with surface parking on the south. Across S Hyland to the north are single family residences.

Conversion from residential to a child care center requires site and building upgrades but generally the structure's residential appearance and residential character of the neighborhood are maintained. Certain site improvements are needed to accommodate on-site parking above what is normally expected of a single family home. Plans call for expanding portions of the driveway to park 7 vehicles, one of which is an accessible space. Impacts have been minimized by maintaining the existing approximate 12 foot driveway width at the street, and locating the first parking stall about 25-30 feet from the front property line. The existing mature landscaping in the front yard will serve to screen the parked vehicles from the street. Further, the proposed parking is located on the west side of the property which is immediately adjacent to a religious use.

Staff finds that there is a potential impact from added traffic in the neighborhood. According to the traffic letter submitted with the application, the child care center will result in an increase of traffic, primarily for 1.5 hours each morning and afternoon during drop/off and pick/up times. The traffic engineer found that existing neighborhood traffic amounts to 103 vehicle trips/weekday. With a morning peak of 17 vehicles/hour from 8:15 to 9:15, and 15 vehicles/hour from 5 to 6 PM.

The child care center is projected to increase traffic to 162 vehicles/day (adding 61 vehicle trips/day). There are two different drop off and pick up times due to the separate hospital shifts. For the purposes of calculating added traffic in the neighborhood, the project traffic engineer calculated that this use generates 34 vehicle trips during each of the AM and PM peak drop off/pick up times. While this use undoubtedly increases traffic in a portion of the neighborhood, staff does not find that the added traffic is necessarily incompatible with the surrounding area which includes the hospital, St. Stephen's school, religious, and commercial uses. As stated in the application, this child care center primarily serves Valley View hospital employees that are already commuting to work on the city's road network (primarily Blake Avenue). So, existing traffic will be pulled into the neighborhood from Blake Avenue for about 1.5 hours during the morning and again in the evening.

See additional discussion under criteria #6 below.

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

Municipal Code Article 070.010-General Provisions indicates that the Code is intended to create the best built environment by, among other things-

- Promoting orderly, efficient, and integrated development within the city; and,
- Regulating the development and use of land based upon the impact of such development or use on surrounding areas or the city.

The proposed use converts an existing single family home to a child care center. By and large the proposed change of use does not change the exterior residential character of the home. According to the traffic letter submitted with the application, the child care center will result in an increase of traffic into the neighborhood, primarily for 1.5 hours each morning and afternoon. See additional discussion under criteria #6 below.

4. The use will comply with all applicable standards of this Code

The proposed use is in substantial compliance with applicable standards of the Code. With regard to parking: the Code calculates parking depending on the type of use. In this case, child care uses are required to provide 1 space per 250 sf floor area. Floor area excludes non-

habitable areas such as bathrooms, hallways, storage, utility areas, and closets. The applicant calculated that they needed to provide 9 parking spaces (see parking assessment on PDF pg 68 of the application). However, staff noted that two bathroom areas and some closets were included in floor area calculations. If these bathroom spaces are excluded, 8 on site spaces are required.

Plans call for 7 on site spaces: 6 spaces plus 1 accessible space. In this case, Ms. Brown requested a reduction of 1 space, or 12.5% of the 8-space requirement. Code allows the Director to approve parking alternatives to reduce on-site requirements up to a maximum of 30% of the parking requirement. Parking alternatives include use of shared or off-site spaces, on-street parking, and bicycle parking over the required minimum. Ms. Brown proposes both on-street and off-site parking. This property roughly has a 210-foot frontage which is sufficient to support 8 on street spaces. Currently Valley View Hospital leases parking from St. Barnabas Church. Ms. Brown will sub-lease 2 spaces from Valley View Hospital in the St. Barnabas church parking lot as shown in the aerial below. These spaces are about 200 feet from the proposed child care center. The Director approved the 1-space parking reduction subject to Ms. Brown also providing bicycle parking over the minimum, amounting 8 bicycle parking spaces.



Note: Based on a 2012 parking evaluation prepared by Valley View Hospital for a land use application, the Hospital was required to provide 584 spaces. It received a 15% reduction (87 spaces) for having a bus pass program, bringing the total down to 487 spaces. The hospital reported that it had 555 on site spaces and leases for off-site parking, including at St. Barnabas church. Since 2012, the hospital has developed three off site parking areas which increased its parking supply by 162 spaces.

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

The proposed use is supported by the following Comprehensive Plan goals

- Promote long-term, sustainable, diverse economic development
- Build on role as a regional medical and education center
- Direct development to locations and building forms that are cost-effective to serve

The proposed use converts a vacant single family residence to a child care facility that primarily serves employees of Valley View Hospital. The proposal reuses a vacant structure that is already served by utilities and transportation networks. Additionally, providing child care to hospital employees is key to supporting the hospital's function and ensuring its continued role as a regional medical center.

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

As noted above, traffic will increase in the neighborhood, primarily during the 6:30 and 8AM, and 4 and 5:30PM primary pick up/drop off times. According to the traffic letter included with the application, it is expected that 100% of the traffic will enter the neighborhood from the Blake Ave/S Hyland Park Drive intersection. Parents will drop-off/pick up their children using available on-site spaces and on street parking in front of the property. The site and landscaping plans show that that 8 spaces can be accommodated along the street directly in front of this property. Plans call for improving the existing 12-foot wide driveway to accommodate additional parking and a by-pass area. This should allow sufficient area to allow parents to both enter and exit the driveway in a forward manner.

For those employees and parents using on street parking, when leaving the child care center it is expected that they will circulate north through the neighborhood via N Hyland Park Drive. Others, that park on site will most likely attempt a U-turn and exit the neighborhood heading west to the intersection of S Hyland and Blake Avenue.

S Hyland Park Drive is about 60 feet wide and is classified as a “local street” per the city’s Engineering Standards. According to those standards, local streets are designed to support up to 1500 vehicle trips or less per day. Currently, and with the proposed added traffic from the child care use, the vehicle trips per day do not reach the 1500 trip level. Additionally, the traffic letter did not recommend street upgrades as a result of the proposed use.

REVIEWING AGENCY COMMENTS

Written comments were received from the City’s Engineering Department and are attached for your review. We also received verbal comments from the Fire and Electric departments. Although Ms. Brown has already provided some of the requested information, all comments have been incorporated in the recommended conditions.

Regarding the Fire Department’s comments, Ms. Brown has been working with the Fire Marshall to address fire code requirements. This property will not be required to install fire sprinkler suppression system as there will be sufficient exits following construction.

PUBLIC COMMENTS

Attached for review are written comments received from the public prior to finalizing this report. Additional comments received will be read into the record during Tuesday’s meeting.

One of the written comments pointed out that this property is subject to certain covenants, recorded at R#190440, dated 1955. Among other things, the covenants state that no lot shall be used except for residential purposes. Municipalities do not enforce private homeowner covenants therefore staff considers applicability and enforceability of this covenant a private matter between the subdivision property owners.

After the January meeting, staff received additional written public comments which are attached for review.

REQUIRED ACTIONS

Action Alternatives

The Planning and Zoning Commission may approve, approve with conditions, deny or continue this application to a future hearing with a request for additional specific information which it finds necessary to determine compliance with the Municipal Code and city goals and policies.

~~NOTE: The Planning and Zoning Commission will not vote on this item at the January 26th meeting. As has been the policy since meeting remotely, to accommodate public comment the Commission will continue this item to the February 23, 2021 meeting. The action and recommendations below are for information only and will be considered on February 23.~~

~~*** *** ***~~

Action 1: Consideration of a Special Use Permit to convert an existing single-family residence into a Child Care Center.

Staff Recommendation: Staff recommends that the Planning and Zoning Commission approve the Special Use Permit with suggested findings on page 6 and 7-9 and conditions on page 7-9 of this report.

Suggested Findings:

1. The proposal is consistent with the Comprehensive Plan and other City plans and policies;
2. The proposal is consistent with the general purpose and intent of this Code; and
3. The proposal minimizes adverse impacts to the health, safety, and welfare of the inhabitants of the surrounding areas and the city.

Suggested Conditions:

1. The applicant/owner shall comply with all verbal representations made in the public hearings, as outlined in all application materials, and/or as revised per conditions herein and approved by the Community Development Director.
2. Any future physical changes to or improvements on the property are subject to the review and approval of the Community Development Director for compliance with applicable requirements of the Glenwood Springs Municipal Code.
3. Prior to construction the applicant/owner shall-
 - a. Submit a building permit application issued through the Community Development Department.
 - b. Submit a grading permit issued through the Engineering Department.
 - c. Submit a drainage letter and plan the meets the requirements of the Engineering Standards.
4. Prior to submitting a building permit application, the applicant/owner shall –
 - a. Revise plans to show one or more bicycle parking areas sufficient to accommodate eight bicycles.
 - b. Submit electric load information as required by the City's Electric Department.
5. Prior to the city issuing a certificate of occupancy, the applicant/owner shall-
 - a. Provide evidence of County and/or State approval.
 - b. Submit an as-built survey showing improvements on the property.
 - c. Submit a stamped drainage certification letter prepared by the project engineer.

Site Photographs



536 S. Hyland Park Dr- subject property



Looking N-NE from subject property



Looking west from subject property

LITTLE CO ACADEMY LLC
SPECIAL USE PERMIT APPLICATION
536 South Hyland Park Drive
December 1, 2020

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LAND USE APPLICATION

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

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

Applicant/Property Owner Information:			
Applicant		Owner	
Little Co Academy / Margaret Brown		Valley View Hospital Association	
Relationship to Owner		Owner	
Leasee			
Applicant Address		Owner Address	
1043 Park West Drive	Glenwood Springs, CO 81601	1906 Blake Ave	Glenwood Springs, CO 81601
Phone 801-850-3221	Email Address maggie.brown@littlecoacademy.com	Phone 970-384-6535	Email Address daniel.biggs@vvh.org

Property Information:	
Address	Parcel Number
536 South Hyland Park Drive	218516130002 & 218516121006
Subdivision	Lot and Block Number
Brittany Place Subdivision & Hyland Pk Add (PT of BLK 1-6)	Section: 16 Township: 6 Range: 89
Zone District RM1	Existing Land Use Residential

General Project Description:
Convert existing single story (with walk-out basement) single family residence to Large Child Care Center with on-site & off-site parking, exterior ADA improvements, and required fenced in outdoor play areas.

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	<table border="1"> <tr> <td></td> <td>11/25/2020</td> </tr> <tr> <td>Applicant</td> <td>Date</td> </tr> <tr> <td></td> <td>30 Nov 2020</td> </tr> <tr> <td>Owner</td> <td>Date</td> </tr> </table>		11/25/2020	Applicant	Date		30 Nov 2020	Owner	Date
	11/25/2020								
Applicant	Date								
	30 Nov 2020								
Owner	Date								

City of Glenwood Springs Receipt for 800 Fee

Article II

Maggie Brown <maggie.brown@littlecoacademy.com>

Tue 11/24/2020 6:49 PM

To: Dustin Anderson <dustin@peakarchitecture.com>

Begin forwarded message:

From: support@www.colorado.gov

Date: November 24, 2020 at 18:48:24 MST

Subject: City of Glenwood Springs Receipt

Payment Receipt Confirmation

Your payment was successfully processed.

Transaction Summary

Description	Amount
City of Glenwood Springs Transaction	\$800.00
Service Fee	\$1.00
TOTAL	\$801.00

Transaction Detail

The following amounts will be remitted back to the agency.

SKU	Description	Unit Price	Quantity	Amount
Planning	Planning	\$800.00	1	\$800.00
	Service Fee	\$1.00		\$1.00
TOTAL				\$801.00

This online service is provided by a 3rd party working in partnership with the state of Colorado. The price includes a service fee of \$.75 plus 2.25% of the order total for credit card payments or \$1 for electronic check payments.

Payment Receipt Confirmation

Article II

Your payment was successfully processed.

Customer Information

Customer Name	Margaret Brown
Company Name	Little Co
Local Reference ID	02b026e6-53a7-414b-86c8-5534ab6aad18
Receipt Date	11/24/2020
Receipt Time	06:48:18 PM MST

Payment Information

Payment Type	Electronic Check
Account Number	*****1134
Order ID	156780590
Billing Name	Little Co Academy

Billing Information

Billing Address	536 S Hyland Park Dr
Billing City, State	Glenwood Springs, CO
ZIP/Postal Code	81601
Country	US
Phone Number	8018503221

This receipt has been emailed to the address below.

Email Address	Maggie.brown@littlecoacademy.com
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PROJECT DESCRIPTION

Narrative Describing the project and addressing how the application meets the general special use permit approval criteria and applicable use-specific standards listed in 070.030.030.

The proposed Little Co Academy Project at 536 South Hyland Park Drive would convert a Single-Family Residence, Zoned RM1, into a four classroom Childcare Center with a Special Use Permit under 070.030.020 – Table of Allowed Uses. The former program could not continue its former lease for space at St. Barnabas' Church in the lower level, at S. Hyland Park Dr. & Blake Ave, down the street from proposed Project. The Valley View Hospital Association owns; Lot 2, Brittney Place and Lot: 4 with existing SFR with existing portable accessory storage structure and adjacent lot East, Block: 4 Hyland Park – refer to Articles IV & V.

The Project would increase capacity from near 20 children in its former space at St. Barnabas' to about 40-43 children with the proposed Special Use Permit approval. Net area calculations provided within will need to be again verified with final inspection for final occupancy, per letter from Mark Lapka, Childcare Program Licensing Specialist for Garfield County Department of Human Services (Article VII). The residence has been vacant for several years. Approval of this Special Use permit would return activity to the site and provide a much-needed community service – increasing childcare capacity for workforce. Within the lease agreement, VVH employees would have first right of refusal for enrollment openings.

The applicant, Margaret (Maggie) Brown, has a lease agreement in place with Valley View Hospital Association, owner of both lots. A letter (Article IV) addressing this is provided within, additionally granting 5 off-site parking spaces on St. Barnabas' lot, within 500 feet of both entries of proposed childcare center, which is leased by Valley View Hospital Association for 30%+ of our onsite parking requirement. Maggie has also personally reached out to adjacent neighbors to better understand their support and concerns.

PEAK Architecture LLC will be assisting Maggie with the Special Use Permit application and project team coordination & documentation. Our current project team consists of traffic study, civil site planning & grading, structural observations, and asbestos & radon testing. We are prepared to assist answer any plan review questions in preparation for the P&Z meeting we are scheduled for.

Neighborhood Context

The Hyland Park neighborhood is largely residential with a concentration of well-spaced mid-century modern style architecture on west facing slope with framed views up-valley and over Glenwood Springs. Most single-family residences are either split level or single story with walk-out basement/garages with established mature landscapes. At the intersection of S. Hyland Dr. and Blake Avenue is St. Barnabas', transitioning from single family building typology to Valley View Hospital with various parking lots. Across from the (West) end of S. Hyland Dr. is Sayre Park with marked crosswalks on Blake Ave at either end of the park.

The proposed project intends to retain original neighborhood consistent architectural elements with a two-story approach, requiring on grade access for both sides of the upper level. The covered front porch/deck addition may need to be remodeled with complementary design should additional structural elements are required to increase live/dead loads and to address ADA access to the front door as well as the back door of the upper level. The accessible route is entirely within the existing fenced in back yard and bordering proposed new play area offering screening from the S. Hyland Dr and neighbors. A portion of an existing deck in the rear of the house will be retained and remodeled to become an exterior egress path to grade with new ramp adjacent to existing stairs.

The site has established landscaping and an abundance mix of trees, ranging from mature blue spruce to a mix of hardwoods including native gamble oak stand and various ages of apple trees. Some larger evergreens and cottonwoods have been removed since original survey work, for unknown reasons. An established, yet poorly maintained apple orchard to the south, providing great southern facing, fenced outdoor space behind the proposed childcare center, acting as a buffer to adjacent Valley View Hospital.

Existing fences provide varied amounts of screening, we propose to use similar style and height wood fencing for outward facing play area fencing and screening for parking to neighboring residential lot west.

Proposed site improvements shall reference Civil drawings & letter (Articles XI & XIV) in regard to site grading & drainage and accessible route design. Some areas of crusher fines paths in the play area may increase slightly to double as the required 10% other play area surface. The lower play area is accessed directly by infant/waddler age groups located in the lower level. A new vinyl coated chain-link fence will define the play area within an existing 4-5-foot-tall wood fence to restrict area within a near flat lawn with two existing paved areas serving its 10% other surface.

On-Site Parking

Driveway, parking & site improvements are intended to be non-pervious to reduce initial project budget for the viability of the program without external funding. The onsite parking calculation of 9 based on Office and Childcare Uses. In addition, an onsite ADA parking space outside of the existing garage on concrete pad. The ADA parking space is currently well screened with medium sized deciduous and evergreen trees and shrubs. Existing off-site parking for three spaces are accounted for in our calculations with an additional 2 spaces provided in the lease agreement. Street frontage of both lots along S. Hyland Park Dr. account for approximately 7-8 parallel parking spaces intended for drop-off/pick-up and continued availability to public parking. Please see traffic study within for peak hour vehicle traffic generated by new Use and existing traffic observed within Article XIII.

New landscaping of three 2-4" caliper deciduous trees will provide for parking & fence screening, adding to the existing trees in the place where two large evergreens were previously (by others) removed. Existing mature trees, shrubs, and planting beds will offer shading and screening from adjacent lots. Where necessary, additional native grasses and shrubs will help further screen the lot from the street and adjacent lots. Some trees & vegetation around the house may need to be removed as landscaping has been neglected and overgrown, potentially threatening the structure and/or building envelope with vines and trees adjacent to the foundation and growing on the brick clad masonry walls. This will also address fuel reduction to promote defensible spaces referenced in Fire Wise guidelines.

The orientation of the ranch style SFR is rather unique with a near quarter turn to the street allowing for a walk-out basement with garage facing away from the street. With the building rotation, with proposed plantings and relocated shed + garbage enclosure to break up the existing brick wall and help block the back areas where most child activity will take place. A proposed fenced in site yard play area to the East will provide play area to older children with direct access from both sides of the building.

The Building

The existing residence, built in 1952, is wood framed with parallel flanking masonry walls, timber rafters with structural panel roof sheathing (metal roofing), single-story with walkout cast in place concrete basement. Much of the existing structure will remain with most of the new/replaced windows and doors on the rear of the structure. An area of deck appears to be settling and will be removed as it is not appearing original nor a program asset to the proposed use to remodel.

The interior will have some walls removed on the upper level, indicated nonstructural in the stamped structural engineer letter within. Further investigation for structure of the main level will need to be assessed prior to Building Permitting. This will address any structural considerations such as a drop beam and post in the lower-level proposed office space. Renovated restroom spaces will be made on the upper level to better suit function and improve egress to the front door. Existing residential bathroom to remain on lower level for adults/staff, retaining a shower.

The Child Care Program

Little Co Academy LLC strives to provide a tuition based childcare program to provide services to VVH and general public, subject to available spaces. Generally, the specific children in the program may vary, though may follow a set schedule for tuition to be forecasted to better sustain the program with projecting expenses and income. At this point, "drop-off" child care is not intended. Provided the intended patrons

(parents) work for the hospital, extended time/days may be necessary to support essential healthcare staff, though 24-hour child care is not intended. A new Program Director has been selected for Little Co Academy LLC. Employee/Teacher screening & hiring would be required to meet state & all local minimum codes, age specific to each classroom.

Points of Entry

As each classroom requires two means of egress, preferably to grade when not required. Points of entry could be limited to the main upstairs and downstairs entrances adjacent to the offices for checking in. This does help with site security, along with placement of windows adjacent to the door and security cameras as budget permits, for increased visibility to outside.

Office

A small portion of Office Use occurs inside the front door for visual command of the upper-level entry, check in, and a space on the main level. A sink is available for filling water bottles and washable insulated beverage dispensers for infant, waddler and toddler rooms. The existing gas range will be covered with non-flammable metallic cover and control knobs removed. If not existing, a keyed gas shutoff may be appropriate to avoid unintentional use of range. Existing range hood to remain. Refrigerator to be relocated to the lower level storage to provide desk space within this small area. A larger Office Use occurs on the lower level, where file storage and two workstations could be accommodated with a closable check in window for acoustic privacy when needed for private staff/parent discussions. Outside the main office, a new secondary egress hall and door will serve Infant, Waddler, Restroom, Office, and mechanical room.

Infant Room

The infant room is on a walk-out level with concrete sidewalk outside a new egress door. The secondary egress near the rear of the room accesses the new egress hall. A diaper changing station with adjacent hand wash sink utilizing existing residential bar sink for plumbing and wastewater. A cabinet is planned to cover the existing brick masonry fireplace with a solid surface countertop with a secured mini refrigerator for pre-prepared bottle storage and food. A crockpot would be utilized for warming bottles and water for cereals, inaccessible and secured from children/infants. Drinking water provided from washable insulated beverage dispenser. Infant cribs will be utilized for sleeping to accommodate the group size of the room, with one crib equipped for emergency egress of children. Cubbies could be located outside in the widened egress hall to provide more space in infant room.

Waddler Room

Similar to the infant room, though a hand wash station would be added for independent hand washing. Like the infant room a diaper changing station with handwash and open wall cabinet for separated diapers/wipes access. Separate area for drinking water from washable insulated beverage dispenser. Stackable cots on a portable base or secured on shelving. Cubbies for storing personal items with bins to secure spare clothes and age-appropriate movable furniture for eating and activities.

Toddler Room

Similar to the Waddler room, the Toddler room may no longer will need cold storage for bottles or crockpot for heating bottles/cereal. A hand wash station for independent hand washing in addition to a hand wash adjacent to diaper changing station. The toddler room will also have an age-appropriate size/height toilet & accessory. Stackable cots, cubbies and age-appropriate movable furniture for eating and activities.

Pre-K Room

This larger room will host a larger occupancy of 20 children, depending on specific age groups this Occupancy could increase. There will be a larger restroom with a hand wash station & soap dispenser and two toilets with divider between for additional privacy. Portable stackable cots, cubbies and varied seating/table arrangements and activity centers. A durable changing surface shall be provided for accidents and/or appropriate mats for changing and isolating soiled clothes.

Other Spaces

An existing storage room will reduce in size to make way for the larger office and egress hall. Existing sink will be replaced, and surfaces updated with resilient surfaces. Existing washer and dryer to remain or be replaced with similar equipment. An existing mechanical room houses a natural gas boiler for baseboard heat and a natural gas fired hot water heater. At this time, this equipment is expected to remain until needing replaced or end of service life. An existing security alarm will be replaced by a monitored fire security alarm system, new system location TBD.

Outdoor Play Areas

The infant/toddler play area is located directly outside in the existing fenced in back yard. Two paved areas could be utilized for 10% other surface with existing deciduous trees providing seasonal shade. It will be separated from the accessible route from the ADA parking space to the upper play area and upstairs to either front or rear doors.

The Toddler/Pre-K play area is located adjacent upstairs by way of accessible routes. The new fence surrounding the play area is outside of the front setback and proposed to be wooden fence, similar to existing backyard fencing.

Any play area should not be shared with other age groups at the same time.

Mechanical | Electrical | Plumbing |Systems

The existing mechanical system is currently hydronic radiant baseboard. The baseboard radiators are hot to touch and should be protected for use when occupied by children, though could remain as a secondary heat source. New ductless mini split, hyper heat pumps to provide separate zone heating and cooling for all four classrooms. The existing garage is currently uninsulated and unconditioned, a warm board application could provide radiant heat in this space and infant room if A/C is unnecessary based on heat gain/loss calculations and project budget. New exhaust fans with motion sensing timer/switches shall be installed for restrooms. Each classroom to have an adjustable rate cold climate defrosting ERV size appropriate for the volume of air to provide fresh air changes and expel stale air. All new ducted venting systems shall have dampers.

Plumbing waste lines within the house may have reached service life, making new locations possible, a new waste drain would need to connect to the house drain connected with new clean-outs. Existing house sewer to the public sewer has been scoped and will require cutting/jetting with liner.

Electrical service does appear to be original and service panel is within the proposed waddler room. A licensed electrician or electrical engineer should assess the existing service for capacity prior to building permit application. All existing lighting shall be re-lamped with dimmable LED or fixture replaced with LED fixtures appropriate for placement. Exterior lighting shall be limited to dark sky compliant fixtures, only projecting light downwards and not trespass beyond property boundaries. Motion sensing timer/switch for any shielded flood lighting or parking/path lighting.

A monitored fire alarm system to be designed by service professional as design build installation coordinated with the Glenwood Springs Fire Department requirements. Smoke & Carbon Monoxide detectors shall be placed in each room and egress hall downstairs or as required otherwise. Horn strobes shall be in each space and located outside for emergency responders to quickly locate. The telephone line will be necessary to retain for connection to monitoring service.

Without exiting fire sprinkler system in the structure, in addition to the monitored fire alarm system, additional exits are provided for each room – two exits each. New doors shall have lever handles and swing in the direction of egress. Some renovation may be required to better address accessible halls as indicated on the floor plans.

A fire hydrant is located across the street at the intersection of S. Hyland Dr. and Bennett Ave.

All Special Use Permits require an application and public hearing before the Planning and Zoning Commission. In reviewing a proposed special use permit application, the Planning Commission considers whether:

1. The use will be compatible with the surrounding area;
2. The impacts of the use on surrounding areas have been adequately minimized;
3. The use will be consistent with the general purpose and intent of this Code;
4. The use will comply with all applicable standards of this Code;
5. The use is in conformance with the Comprehensive Plan and other City plans and policies; and
6. The use minimizes adverse impacts to the health, safety, and welfare of the inhabitants of the surrounding areas and the city.
7. Make sure you also address how you intend parents will pick up/drop off their children.

Additional criteria for specific uses are listed in Section 070.030.030.

(d) *Public, Institutional, and Civic Uses.*

Child Care Center. A child care center shall comply with the following conditions:

1. The applicant shall provide documentation of preliminary approval from the State of Colorado, Department of Human Services;
[Response: See letter within regarding preliminary site inspection & approval subject final inspection by Mark Lapka]
and
2. Buffering of play areas through the use of fencing or a landscape screen in compliance with the height restrictions of this Code may be required when play areas are adjacent to residential uses.
[Response: Lower play area is located within existing fenced in backyard. Upper play area is screened by mature trees, established shrubs, planting beds and fencing]

(Extra)

Colorado Child Care Regulations

7.702.71 Building Site

A. General

1. Centers can be located in a private residence only when that portion of the residence to which children have access is used exclusively for the care of children during the hours the center is in operation or is separate from the living quarters of the family.
2. No other business can operate in the rooms used by the center during the hours of child care.
3. Rooms licensed for specific ages of children cannot be used for other ages of children without the prior written approval of the licensing authority

7.702.73 Space Requirements

A. Indoor Area Requirements

1. There must be open, indoor play space of at least thirty (30) square feet of floor space per child, including space for movable furniture and equipment. Indoor space must be exclusive of kitchen, toilet rooms, office, staff rooms, hallways and stairways, closets, laundry, furnace rooms, and space occupied by permanent built-in cabinets and permanent storage shelves inaccessible to children. Child care centers in operation prior to January 1, 1966, and which continue operation under the same governing body, must provide open indoor play space of at least twentyfive (25) square feet of floor space per child, including space for readily movable furniture and equipment, and with the exclusions noted in the preceding paragraph.
2. Adequate storage space must be provided for indoor and outdoor equipment and supplies. Space for reserve supplies must be in addition to the designated space allotment for children's play activities.

3. Diaper change areas must be located and arranged so as to provide privacy for older children in need of diaper changing. See also Section 7.702.53, B.

B. Outdoor Area Requirements

1. The center must provide an outdoor play area that is adjacent to or safely accessible to the indoor facilities. When the area is not adjacent, staff members must accompany children to and from the play area. Drop-in child care centers are not required to provide an outdoor play area. CODE OF COLORADO REGULATIONS 12 CCR 2509-8 Social Services Rules 80
2. The outdoor play area must provide a minimum of seventy-five (75) square feet of space per child for a group of children using the total play area at any one time. The total play area must accommodate at least thirty-three percent (33%) of the licensed capacity of the center or a minimum of 1500 square feet, whichever is greater.
3. The play area must be fenced or have natural barriers, such as hedges or stationary walls at least four (4) feet high, to restrict children from unsafe areas.
4. The play area must be designed so that all parts are visible and easily supervised.
5. The playground area must have at least two (2) different types of surfaces. Each type of surface must cover at least ten percent (10%) of the playground area.
6. A shaded area in the fenced play area of at least one hundred fifty (150) square feet must be provided by means of trees or other cover to guard children against the hazards of excessive sun and heat.
7. In the infant program, the outdoor play area must be a minimum of four hundred (400) square feet.
8. In the infant program, the outdoor area can be used by other age groups at the center, but it must not be used by any other group of children while infants are using it.
9. The total outdoor play area for toddler age groups must be a minimum of seven hundred fifty (750) square feet if licensed for ten (10) toddlers and one thousand fifty (1,050) square feet if licensed for fourteen (14) or more toddlers, or seventy-five (75) square feet per child for the largest group size for which the program is licensed.
10. In the toddler program, the outdoor play area can be shared by infants, but infants and toddlers must not be allowed to use the play area at the same time.

7.702.75 Toilet Facilities

- A. Toilet facilities for the staff and other adults must be in separate compartments or separated by a partition from children's facilities, except in centers licensed for thirty (30) or fewer children and in centers with programs of four (4) hours or less.
- B. Toilet rooms for children must be separate from rooms used for other purposes and must be located on the same floor as the inside play area. CODE OF COLORADO REGULATIONS 12 CCR 2509-8 Social Services Rules 81

- C. A minimum of one (1) lavatory and one (1) flush toilet must be provided for each 15 or fewer children. Drop-in child care centers must provide a minimum of one 1 lavatory and one 1 flush toilet for each 20 or fewer children.
 - D. The same toilet facilities must not be used simultaneously by school-age children of both sexes, and toilets for school-age children must be separated by partitions to provide privacy.
 - E. Toilet facilities are not required for children less than two (2) years of age.
 - F. Toilet facilities must be provided for children two (2) years of age and older.
 - G. Toilet rooms for children must be located within the toddler program. Drop-in child care centers need not provide a toilet in the toddler classroom if the facility is licensed for ten (10) or fewer toddlers. A diaper change table and hand washing sink is required in every toddler classroom meeting requirements at Section 7.702.53, B.
 - H. Each infant classroom must have one diaper changing station and hand washing sink meeting requirements at Section 7.702.53, B.
 - I. One designated diaper change area is required for every twenty-four (24) preschool age children.
- 7.702.76 Office Facilities A. Office space separate from areas used by children, other than for isolation purposes, must be provided for staff to perform administrative duties. B. The office must have sufficient space for maintenance and safe storage of children's and staff records and the center's business records.

7.702.76 Office Facilities

- A. Office space separate from areas used by children, other than for isolation purposes, must be provided for staff to perform administrative duties.
- B. The office must have sufficient space for maintenance and safe storage of children's and staff records and the center's business records.

7.702.8 FIRE AND OTHER SAFETY REQUIREMENTS

7.702.81 General Requirements

- A. Buildings must be kept in good repair and maintained in a safe condition.
- B. Major cleaning is prohibited in rooms occupied by children.
- C. Volatile substances such as gasoline, kerosene, fuel oil, and oil-based paints, firearms, explosives, and other hazardous items must not be stored in any area of the building used for child care. Plastic bags and sharp tools and instruments must be stored in areas inaccessible to children.
- D. Combustibles such as cleaning rags, mops, and cleaning compounds must be stored in well ventilated areas, separated from flammable materials, and stored in areas inaccessible to children.
- E. All heating units, gas or electric, must be installed and maintained with safety devices to prevent fire, explosions, and other hazards. No open-flame gas or oil stoves, unscreened fireplaces, hot plates, or unvented heaters can be used for heating purposes. All heating elements, including hot

water pipes, must be insulated or installed in such a way that children cannot come in contact with them.

- F. Nothing flammable or combustible can be stored within three (3) feet of a furnace or hot water heater. CODE OF COLORADO REGULATIONS 12 CCR 2509-8 Social Services Rules 82
- G. In rooms used by children, all electrical outlets that are accessible to children must have protective covers, or safety outlets must be installed.
- H. Except in part-day preschools, permanently located battery-powered lights must be provided in locations readily accessible to staff in the event of electric power failure. Batteries must be checked regularly.
- I. Closets, attics, basements, cellars, furnace rooms, and exit routes must be kept free from accumulation of extraneous materials such as discarded furniture, furnishings, newspapers, and magazines.
- J. Children less than two (2) years of age must be excluded from the kitchen. When children age two (2) and older prepare food at the center, they may use only equipment and appliances that do not present a safety hazard. Staff-child ratios must be maintained.
- K. First Aid supplies must be maintained and made accessible to staff throughout the center and stored in areas inaccessible to children.
- L. All outdoor areas available to children's activities must be maintained in a safe condition by removal of debris, dilapidated structures, and broken or worn play equipment. The center must identify hazardous, high-risk areas. These areas must be made inaccessible to children.
- M. Playground surfaces must be checked on a daily basis for the presence of dangerous or other foreign materials. Playground equipment must be checked for safety on a monthly basis.
- N. Window blind cords must be secured out of children's reach to prevent strangulation.
- O. Items labeled "keep out of reach of children" must be inaccessible to children.
- P. Staples must be inaccessible to children less than three (3) years of age.
- Q. Thumb tacks must not be used in areas accessible to children less than three (3) years of age.

7.702.82 Fire Safety

- A. Every building and structure must have sufficient exits to permit the prompt escape of occupants in case of fire or other emergency. Additional safeguards must be provided for life safety in case any single safeguard is ineffective due to some human or mechanical failure.
- B. Every building or structure must be constructed, arranged, equipped, maintained, and operated as to avoid undue danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time reasonably necessary for escape from the building or structure in case of fire or other emergency.
- C. In every building or structure, exits must be arranged and maintained so as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. No lock or fastening to prevent free escape from the inside of any building can be installed. Only

panic hardware or single-action hardware is permitted on a door or on a pair of doors. All door hardware must be within the reach of children.

- D. No child of less than first grade school level can be cared for in areas above or below the main floor of exit unless allowed by the Uniform Building Code and approved by the local fire department. CODE OF COLORADO REGULATIONS 12 CCR 2509-8 Social Services Rules 83
- E. One exit from each room must be directly to the exterior of the building or to a common hallway leading to the exterior. The exit path must not go through another classroom to get to the hallway.
- F. Each center must have at least two (2) approved, alternate means of egress from each floor of the building or to a common hallway leading to the exterior. They must be at different locations.
- G. All stairways, interior and exterior, that are used by children must be provided with handrails within reach of the children.
- H. If the center has a security lock on outside exit doors, the center must obtain written permission from the local fire department; and there must be a written sign attached to the door instructing center staff that the security lock is not to be utilized when children are present at the center.
- I. Every exit must be clearly visible, or the route to reach it must be conspicuously indicated. Each path of escape must be clearly marked.
- J. Every building and structure must have an automatic or department- approved manually operated fire alarm system to warn occupants of the existence of fire or to facilitate the orderly conduct of fire exit drills.

SITE IMPROVEMENT SURVEY

COMPLETE PLAN SET

Site Plan

Preliminary Grading Plan

Only If any exterior work is needed such as expansion of driveway, additional parking, site drainage, and utility replacement/ upgrades.



Valley View Hospital

Article IV

11/25/2020

Dear Maggie,

This letter serves as formal notice of our intent to establish a mutually agreeable lease for the use of property owned by Valley View Hospital for the purposes of establishing and operating a childcare center. This lease will allow LittleCo Academy the use of property, including the home and any structure on Lot 2, Brittany Place Subdivision and Lot 4, Block 4 Hyland Park. The Hospital will also designate five parking spaces on its owned or leased property nearest to the previously identified lots for LittleCo Academy to use for parking. The lease will contain appropriate terms, termination, and conditions consistent with operation of this kind of business.

Establishment of this lease is conditional on but not limited to the following: LittleCo Academy obtaining all appropriate licensing and government approvals to operate in at this location and that Valley View Hospital will have right of first refusal on all open available positions to allow its essential healthcare workers to have their children enrolled at LittleCo Academy.

We are anxious for and look forward to your success in operating this new childcare center in our community.

With Sincere Regard,



Daniel E. Biggs

Chief Operating Officer

PeopleCare.

That's Valley View.

Att: Maggie Brown

Article V Article V



Reception #: 890910
04/04/2017 02:20:42 PM Jean Alberico
1 of 4 Rec Fee:\$20.00 Doc Fee:65.00 GARFIELD COUNTY CO

PERSONAL REPRESENTATIVE'S DEED

DF 65.00

THIS DEED, made by Lindsie R. Fagan, Personal Representative of the Estate of Joseph E. Llewellyn, Deceased, and Paul S. Oldford, Personal Representative of the Estate of Mary K. Kent aka Mary K. Oldford, Deceased, Grantors, of Garfield County, Colorado to Valley View Hospital Association, Grantee, whose legal address is 1906 Blake Ave
Glenwood Springs, Co. 81601

WHEREAS, Joseph E. Llewellyn died on October 18, 2016;

WHEREAS, Lindsie R. Fagan was duly appointed as Personal Representative of the Estate of Joseph E. Llewellyn, Deceased on November 1, 2016 in the District Court of Garfield County, Colorado, Case No. 2016PR030082 and is now qualified and acting in said capacity;

WHEREAS, Mary K. Kent died on October 28, 2016;

WHEREAS, Paul S. Oldford was duly appointed as Personal Representative of the Estate of Mary K. Kent aka Mary K. Oldford, Deceased on November 14, 2016 in the District Court of Garfield County, Colorado, Case No. 2016PR030084 and is now qualified and acting in said capacity;

THEREFORE, pursuant to the powers conferred upon Grantors under the Colorado Fiduciaries' Powers Act and the Colorado Probate Code, and for a valuable consideration, Grantors hereby sell and convey to Grantee, all of Grantors' right title, interest, claim, and demand which Grantors have in the following property in Garfield County, Colorado:

See Exhibit A

Also known as 536 Hyland Park Drive, Glenwood Springs, CO 81601, with all appurtenances, subject to those items set forth by reference to Section B-2 of Commonwealth Title Company of Garfield County, Inc. Title Commitment No. 1701055.

Doc Fee 65.00
4

Reception#: 890910
04/04/2017 02:20:42 PM Jean Alberico
2 of 4 Rec Fee:\$28.00 Doc Fee:\$55.00 GARFIELD COUNTY CO

This Deed constitutes a bargain and sale deed as described in C.R.S. § 38-30-115.

Executed this 29 day of March, 2017.

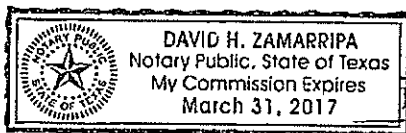
Lindsie R. Fagan, Personal Representative
Lindsie R. Fagan, Personal Representative of the Estate of
Joseph E. Llewellyn, Deceased

Texas
STATE OF ~~COLORADO~~)
Beeson) ss.
COUNTY OF ~~GARFIELD~~)

The foregoing instrument was acknowledged before me on this 29 day of
March, 2017, by Lindsie R. Fagan, Personal Representative of the Estate of
Joseph E. Llewellyn, Deceased.

Witness my hand and official seal.

My commission expires: 3/31/17.



[Signature]
Notary Public

Paul S. Oldford, Personal Representative of the Estate of
Mary K. Kent aka Mary K. Oldford, Deceased

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me on this _____ day of
_____, 2017, by Paul S. Oldford, Personal Representative of the Estate of Mary
K. Kent aka Mary K. Oldford, Deceased.

Witness my hand and official seal.

My commission expires: _____.



Reception#: 890910
04/04/2017 02:20:42 PM Jean Alberico
3 of 4 Rec Fee:\$28.00 Doc Fee:65.00 GARFIELD COUNTY CO

This Deed constitutes a bargain and sale deed as described in C.R.S. § 38-30-115.

Executed this _____ day of _____, 2017.

Lindsie R. Fagan, Personal Representative of the Estate of
Joseph E. Llewellyn, Deceased

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

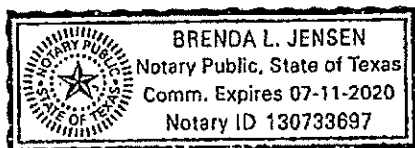
The foregoing instrument was acknowledged before me on this _____ day of _____, 2017, by Lindsie R. Fagan, Personal Representative of the Estate of Joseph E. Llewellyn, Deceased.
Witness my hand and official seal.
My commission expires: _____.

Notary Public

Paul S. Oldford, Personal Representative of the Estate of
Mary K. Kent aka Mary K. Oldford, Deceased

~~STATE OF COLORADO~~)
~~COUNTY OF GARFIELD~~)
TEXAS
COLLIN) ss.

The foregoing instrument was acknowledged before me on this 30 day of MARCH, 2017, by Paul S. Oldford, Personal Representative of the Estate of Mary K. Kent aka Mary K. Oldford, Deceased.
Witness my hand and official seal.
My commission expires: 7-11-2020.



Brenda L. Jensen
Notary Public



Reception#: 890910
04/04/2017 02:20:42 PM Jean Alberico
4 of 4 Rec Fee:\$28.00 Doc Fee:65.00 GARFIELD COUNTY CO

EXHIBIT "A"

Parcel 1:

Lot 4
Block 4
Hyland Park Addition
City of Glenwood Springs

ATTN: Maggie Brown



Reception#: 890911
04/04/2017 02:20:42 PM Jean Alberico
1 of 4 Rec Fee:\$28.00 Doc Fee:15.00 GARFIELD COUNTY CO

Article VI

DF 15.00

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by Lindsie R. Fagan, Personal Representative of the Estate of Joseph E. Llewellyn, Deceased, and Paul S. Oldford, Personal Representative of the Estate of Mary K. Kent aka Mary K. Oldford, Deceased, Grantors, of Garfield County, Colorado to Valley View Hospital Association, Grantee, whose legal address is 1906 Blake Ave
Glenwood Springs, Co. 81601

WHEREAS, Joseph E. Llewellyn died on October 18, 2016;

WHEREAS, Lindsie R. Fagan was duly appointed as Personal Representative of the Estate of Joseph E. Llewellyn, Deceased on November 1, 2016 in the District Court of Garfield County, Colorado, Case No. 2016PR030082 and is now qualified and acting in said capacity;

WHEREAS, Mary K. Kent died on October 28, 2016;

WHEREAS, Paul S. Oldford was duly appointed as Personal Representative of the Estate of Mary K. Kent aka Mary K. Oldford, Deceased on November 14, 2016 in the District Court of Garfield County, Colorado, Case No. 2016PR030084 and is now qualified and acting in said capacity;

THEREFORE, pursuant to the powers conferred upon Grantors under the Colorado Fiduciaries' Powers Act and the Colorado Probate Code, and for a valuable consideration, Grantors hereby sell and convey to Grantee, all of Grantors' right title, interest, claim, and demand which Grantors have in the following property in Garfield County, Colorado:

See Exhibit A

Also known as TBD Hyland Park Drive, Glenwood Springs, CO 81601, with all appurtenances, subject to those items set forth by reference to Section B-2 of Commonwealth Title Company of Garfield County, Inc. Title Commitment No. 1701055.

QUT-1701055-6WS

DF 15.00
4

Reception#: 890811
04/04/2017 02:20:42 PM Jean Aiberico
2 of 4 Rec Fee:\$28.00 Doc Fee:15.00 GARFIELD COUNTY CO

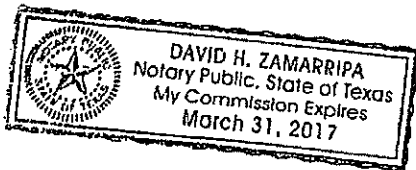
This Deed constitutes a bargain and sale deed as described in C.R.S. § 38-30-115.

Executed this 29 day of March, 2017.

Lindsie R. Fagan, Personal Representative
Lindsie R. Fagan, Personal Representative of the Estate of
Joseph E. Llewellyn, Deceased

Texas
STATE OF COLORADO)
Bexar) ss.
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me on this 29 day of March, 2017, by Lindsie R. Fagan, Personal Representative of the Estate of Joseph E. Llewellyn, Deceased.
Witness my hand and official seal.
My commission expires: 3/31/17.



[Signature]
Notary Public

Paul S. Oldford, Personal Representative of the Estate of
Mary K. Kent aka Mary K. Oldford, Deceased

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me on this _____ day of _____, 2017, by Paul S. Oldford, Personal Representative of the Estate of Mary K. Kent aka Mary K. Oldford, Deceased.
Witness my hand and official seal.
My commission expires: _____.

Reception#: 890911
04/04/2017 02:20:42 PM Jean Riberico
3 of 4 Rec Fee:\$28.00 Doc Fee:15.00 GARFIELD COUNTY CO

This Deed constitutes a bargain and sale deed as described in C.R.S. § 38-30-115.

Executed this _____ day of _____, 2017.

Lindsie R. Fagan, Personal Representative of the Estate of
Joseph E. Llewellyn, Deceased

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me on this _____ day of _____, 2017, by Lindsie R. Fagan, Personal Representative of the Estate of Joseph E. Llewellyn, Deceased.
Witness my hand and official seal.
My commission expires: _____.

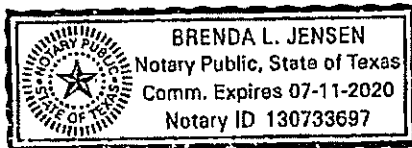
Notary Public *

3/30/17

Paul S. Oldford, Personal Representative of the Estate of
Mary K. Kent aka Mary K. Oldford, Deceased

~~STATE OF COLORADO~~)
~~COUNTY OF GARFIELD~~) ss.
TEXAS
COLLIN)

MARCH The foregoing instrument was acknowledged before me on this 30 day of _____, 2017, by Paul S. Oldford, Personal Representative of the Estate of Mary K. Kent aka Mary K. Oldford, Deceased.
Witness my hand and official seal.
My commission expires: 7-11-2020.



Brenda L. Jensen
Notary Public



Reception#: 890911
04/04/2017 02:20:42 PM Jean Alberico
4 of 4 Rec Fee:\$28.00 Doc Fee:15.00 GARFIELD COUNTY CO

EXHIBIT "A"

Parcel 2:

Lot 2
Brittany Place Subdivision
City of Glenwood Springs

Department of Human Services
1575 Sherman Street
Denver, Colorado 80203-1714
FAX 303-866-4453
Phone 303-866-5948

Page 1 of 3

Report of Inspection

Name : Margaret Brown/ Little Co Academy

License Number : 1748392

Local Address: 536 Hyland Park Drive

Phone: (801) 850-3221

City: Glenwood Springs

Zip Code: 81601

County: Garfield

Purpose of visit: Pre-Licensing

Date of Contact: 11/25/2020

Person Interviewed: Margaret Brown

Title: Owner

Other Person Interviewed: Dunstin Anderson PEAK Architecture LLC

Division Representative: Mark Lap 

Rules that apply to your license are: Center Rules, General Rules, Special Activity Rules

A review and discussion of the facility plans was conducted 11-25-2020. Plans submitted for review and the discussion of structural changes are approved on this date with the understanding that the final measurement will determine capacity.

No violations observed or identified at the time of the inspection.

Department of Human Services
1575 Sherman Street
Denver, Colorado 80203-1714
FAX 303-866-4453
Phone 303-866-5948

Page 2 of 3

Report of Inspection

Name : Margaret Brown/ Little Co Academy

License Number : 1748392

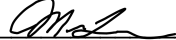
I have read and understand the above violations that were cited during the Department's visit. I understand I must correct all items cited on the Report of Inspection (ROI) according to the date required under each violation. I understand that written verification of these corrections are due by 11/30/2020. If I have any difficulties completing the corrections by this date, I will respond in writing and request an extension; this extension must state the planned date of completion for the violation (s). I will send a follow-up letter verifying that all corrections have been made by the date indicated in the extension.

My signature below acknowledges receipt and understanding of this Report of Inspection and violations; it is not an acknowledgment of guilt as it relates to the violations.

Licensee Representative: _____

Title/Position: Owner

Date: 11-30-2020

Division Representative:  _____

If you believe a regulation presents undue hardship or that it has been too stringently applied, you have the right to appeal § 26-6-106 (3), C.R.S.

You have been notified in this report of inspection of each observed rule violation and required correction. Therefore, any subsequent violation of the same type as an initial violation, or failure to correct an initial violation, may also be considered willful or deliberate.

Your opportunity to respond to and correct the listed rule violations is your meaningful opportunity to comply with all lawful requirements pursuant to § 24-4-104(3), C.R.S.

Department of Human Services
1575 Sherman Street
Denver, Colorado 80203-1714
FAX 303-866-4453
Phone 303-866-5948

Page 3 of 3

Report of Inspection

Name : Margaret Brown/ Little Co Academy

License Number : 1748392

The Department may deny, revoke, suspend, change to probationary or fine a licensee pursuant to § 26-6-108 (1-3), C.R.S. If the licensee fails to disclose any weapons, ammunition, medication, drugs, or hazardous items located in the license facility or furnishes or makes any misleading or false statements or reports to the Department adverse licensing action may be recommended.

The provider may give additional feedback to the Office of Early Childhood at

<https://www.coloradoofficeofearlychildhood.com/>

Traffic Memorandum

To: **Terri Partch, City Engineer**
City of Glenwood Springs
101 West 8th Street
Glenwood Springs, CO 81601

From: Kari J. McDowell Schroeder, PE, PTOE

Date: November 11, 2020

Re: **Little Academy Day Care Center**
536 S Hyland Park Drive
Glenwood Springs, Colorado

Project Background:

McDowell Engineering has prepared a memorandum summarizing the anticipated impacts to the surrounding roadway network from a proposed day care center located in Glenwood Springs, Colorado. The proposed location is 536 S Hyland Park Drive and is currently a residential home. The day care center is proposing to provide care for 44 students with two drop-off and pick-up times. The proposed drop-off times are 6:30AM and 8:00AM. The proposed pick-up times are 4:00PM and 5:30PM. The proposed parking location for parents dropping off and picking up children on site at 536 S Hyland Park Drive. Employees will utilize on-street parking on S Hyland Park Drive and in the driveway of the existing residence.

The location of the proposed day care center is shown in vicinity map in **Figure 1**.



Figure 1: Vicinity Map

Traffic Data:

McDowell Engineering collected 24-hour traffic data on S Hyland Park Drive west of Bennet Avenue in the eastbound (EB) and westbound (WB) directions, Tuesday October 6, 2020.

Peak Traffic

The peak traffic hours occurred from 8:15am to 9:15am and 5:00pm to 6:00pm. Traffic totaled 103 vehicles per day (vpd) with a morning peak of 17 vehicles per hour (vph) and evening peak of 15.

Vehicular Speeds

The 85th percentile speed is the speed at or below which 85 percent of the free-flowing vehicles travel. The 85th Percentile benchmark is useful for the basis of traffic engineering, modeling analysis, and setting speed limits. The results of the traffic data collected yielded an observed speed for each vehicle within the 24-hour count duration.

McDowell Engineering's speed study yielded an observed speed for each vehicle within the 24-hour count duration.

- Speed limit is assumed to be 20mph. No posted speed limit signs were observed in the vicinity of the count area.
- Mean speeds are 14.4mph EB and 15.9mph WB
- 85th Percentile speeds are 17.9mph EB and 20.3mph WB

Vehicle Classification

Vehicle classification data was also collected on S Hyland Park Drive. 64.1% of vehicles are passenger cars (F2). 23.3% are other two-axle vehicles and four-tire single unit vehicles (F3), examples include pickups, vans, and ambulances. 7.8% of traffic are two-axle, six-tire, single-unit trucks (F5), examples include recreational vehicles or campers with two axles and dual rear wheels. The remaining traffic was less than 2% each of motorcycles (F1), buses (F4) and three-axle single-unit trucks (F6).

All traffic data collected is enclosed at the end of the memo.

Trip Generation:

Existing: The project site is currently a residential home and will be converted to a day care center. Therefore, trips from the existing use were not included in the trip generation.

Proposed Day Care Center: The anticipated traffic generation for this project was calculated using the Institute of Transportation Engineers' 10th Edition of the *Trip Generation Manual*¹. ITE land use #565 (Day Care Center) was used in the trip generation analysis. ITE's fitted curve equations for this land use has a high b coefficient² for the average weekday, resulting in exaggerated volumes for small class sizes. Therefore, the average rate was applied for calculating the average weekday trips. The fitted curve equation was used for the morning and evening peak hours.

¹ Trip Generation Handbook. Institute of Transportation Engineers, 2012.

² Trip Generation Manual, 10th Edition, Institute of Transportation Engineers, 2017. Page 243

The morning and evening peak hour traffic is based on only half of the students due to the two different drop-off and pick-up times. For the purpose of this memorandum, each of the two (2) morning and two (2) evening peak hours were analyzed using half (22) of the total number of students. The average weekday traffic was calculated based on 44 students. See **Table 1** notes #4 and #5 below.

A ten percent multimodal reduction was used. The project site is in a residential neighborhood with businesses less than a mile away, including Valley View Hospital. The site has pedestrian connectivity to Blake Avenue through existing sidewalks.

Total New Trips: The proposed day care facility is expected to generate 162 external vehicle trips over the course of an average weekday (vpd), including 17 trips (18vph inbound + 16vph outbound = 34vph / 2 = 17vph) during each morning peak hour (vph) and 17 trips during each evening peak hour (16vph inbound + 18vph outbound = 34vph / 2 = 17vph).

Refer to **Table 1** for trip generation calculations and further breakdown of these trips.

Table 1 – Project Trip Generation

Estimated Project-Generated Traffic ¹														
ITE Code	Units ²		Eq. Coef	ITE Trip Generation Equation ³			Average Weekday Trips (VPD)	Morning Peak Hour ⁴		Evening Peak Hour ⁵		% Trips	% Trips	
				Avg. Weekday	AM Peak Hour	PM Peak Hour		Inbound	Outbound	Inbound	Outbound			
Proposed Land Use														
Daycare														
#565 - Day Care Center	44	Students	Type a= b=	Rate 4.09	B 0.77 0.74	B 0.78 0.68	180	53% 20	47% 18	47% 18	53% 20			
Multi-Modal Reduction	-10%						-18	-2	-2	-2	-2			
Proposed New Trips							162	18	16	16	18			

Notes:

¹ Values obtained from *Trip Generation, 10th Edition*, Institute of Transportation Engineers, 2017.

² DU = Dwelling Units, kSF = 1,000 Square Feet

³ Fitted curve equations from ITE Land Uses - Equation Type A is $T = a * X + b$, Equation Type B is $\ln(T) = a * \ln(X) + b$, Rate is $T = a * X$

⁴ Morning Peak Hour generates 17 vehicles per hour based on 22 students arriving at each drop-off time (6:30 AM and 8:00 AM)

⁵ Evening Peak Hour generates 17 vehicles per hour based on 22 students arriving at each drop-off time (4:00 PM and 5:30 PM)

Transportation Network Access:

The site-generated traffic access from an existing drive access to S Hyland Park Drive. This existing access will be used for employee generated traffic and parent parking for to drop-off/pick-up students. It is anticipated that 100% of the day care center traffic will originate and have a destination to/from Blake Avenue to S Hyland Park Drive.

The existing traffic volumes on S Hyland Park Drive are lower than traffic generated from the proposed project. The later drop-off and pick-up times do coincide with the morning and evening peak hours observed on S Hyland Park Drive.

Auxiliary Turn Lanes:

S Hyland Park Drive functions as a Local Street per the City's Engineering Standards³ based upon average daily trips being less than 1,500 vehicle trips per day. The Engineering Standards address left turn lanes utilizing the "Leisch nomograph" from the ITE Guidelines for Major Urban Street Design. The nomographs are not applicable as they refer to 4 lane unsignalized highways, and the minimum opposing volume is 100 vehicles per hour. Therefore, per the *State Highway Access Code*⁴, the volumes required to trigger a left or right deceleration lane on an equivalent roadway classification, which would be either the Non-Rural Arterial Highway (NR-C) or Frontage Road (F-R), are both 25 and 50 vph, respectively. Therefore, no auxiliary turn lanes are required at the site access.

Conclusion:

Based on anticipated uses and operations, the proposed site access plan will adequately serve the proposed day care center. If operational changes occur where there is only one pick up and one drop off time, the site access plan will still adequately serve the proposed day care center.

Please call if you would like any additional information or have any questions regarding this matter.

Sincerely,
McDowell Engineering, LLC



Kari J. McDowell, PE, PTOE
Traffic Engineer

Enc: Speed, Volume, and Vehicle Classification Data

³ City of Glenwood Springs Engineering Standards, Chapter 5 – Transportation Standards, <https://cogs.us/423/Engineering-Standards>

⁴ State Highway Access Code. State of Colorado, 2002.





Vehicle Speed Report Summary

Location: S HYLAND PARK DR W/O BENNETT AVE
 Count Direction: Eastbound / Westbound
 Date Range: 10/6/2020 to 10/6/2020
 Site Code: 01

	Speed Range (mph)																	Total
	0 - 10	10 - 15	15 - 20	20 - 25	25 - 30	30 - 35	35 - 40	40 - 45	45 - 50	50 - 55	55 - 60	60 - 65	65 - 70	70 - 75	75 - 80	80 - 85	85 +	Volume
Study Total																		
Eastbound	5	26	13	4	0	0	0	0	0	0	0	0	0	0	0	0	0	48
Percent	10.4%	54.2%	27.1%	8.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100%
Westbound	6	20	21	4	4	0	0	0	0	0	0	0	0	0	0	0	0	55
Percent	10.9%	36.4%	38.2%	7.3%	7.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100%
Total	11	46	34	8	4	0	0	0	0	0	0	0	0	0	0	0	0	103
Percent	10.7%	44.7%	33.0%	7.8%	3.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100%

Total Study Percentile Speed Summary			Total Study Speed Statistics		
Eastbound			Eastbound		
50th Percentile (Median)	13.6	mph	Mean (Average) Speed	14.4	mph
85th Percentile	17.9	mph	10 mph Pace	8.1 - 18.1	mph
95th Percentile	22.1	mph	Percent in Pace	89.6	%
Westbound			Westbound		
50th Percentile (Median)	15.8	mph	Mean (Average) Speed	15.9	mph
85th Percentile	20.3	mph	10 mph Pace	10.0 - 20.0	mph
95th Percentile	27.3	mph	Percent in Pace	76.4	%

Location: S HYLAND PARK DR W/O BENNETT AVE
 Date Range: 10/6/2020 to 10/6/2020
 Site Code: 01



Tuesday, October 6, 2020
 Eastbound

Eastbound

Time	Speed Range (mph)																		Total Volume
	0 - 10	10 - 15	15 - 20	20 - 25	25 - 30	30 - 35	35 - 40	40 - 45	45 - 50	50 - 55	55 - 60	60 - 65	65 - 70	70 - 75	75 - 80	80 - 85	85 +		
12:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:00 AM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
7:00 AM	1	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
8:00 AM	1	4	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9
9:00 AM	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
10:00 AM	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
11:00 AM	0	3	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5
12:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1:00 PM	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
2:00 PM	1	4	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7
3:00 PM	0	2	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 PM	1	3	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6
6:00 PM	1	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
7:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00 PM	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
9:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	5	26	13	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	48
Percent	10.4%	54.2%	27.1%	8.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	

Daily Percentile Speed Summary		Speed Statistics	
50th Percentile (Median)	13.6 mph	Mean (Average) Speed	14.4 mph
85th Percentile	17.9 mph	10 mph Pace	8.1 - 18.1 mph
95th Percentile	22.1 mph	Percent in Pace	89.6 %

Location: S HYLAND PARK DR W/O BENNETT AVE
 Date Range: 10/6/2020 to 10/6/2020
 Site Code: 01



Tuesday, October 6, 2020
 Westbound

Time	Speed Range (mph)																		Total Volume
	0 - 10	10 - 15	15 - 20	20 - 25	25 - 30	30 - 35	35 - 40	40 - 45	45 - 50	50 - 55	55 - 60	60 - 65	65 - 70	70 - 75	75 - 80	80 - 85	85 +		
12:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
1:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
3:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
5:00 AM	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
6:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
7:00 AM	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
8:00 AM	0	1	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
9:00 AM	0	1	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
10:00 AM	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
11:00 AM	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
12:00 PM	1	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
1:00 PM	0	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
2:00 PM	1	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
3:00 PM	2	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	
4:00 PM	0	2	5	0	1	0	0	0	0	0	0	0	0	0	0	0	0	8	
5:00 PM	1	1	4	0	3	0	0	0	0	0	0	0	0	0	0	0	0	9	
6:00 PM	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
7:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
8:00 PM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
9:00 PM	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:00 PM	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Total	6	20	21	4	4	0	0	0	0	0	0	0	0	0	0	0	0	55	
Percent	10.9%	36.4%	38.2%	7.3%	7.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		

Daily Percentile Speed Summary			Speed Statistics		
50th Percentile (Median)	15.8	mph	Mean (Average) Speed	15.9	mph
85th Percentile	20.3	mph	10 mph Pace	10.0 - 20.0	mph
95th Percentile	27.3	mph	Percent in Pace	76.36	%

Location: S HYLAND PARK DR W/O BENNETT AVE
 Date Range: 10/6/2020 to 10/6/2020
 Site Code: 01



**Total Study Average
Eastbound**

Time	Speed Range (mph)																		Total Volume
	0 - 10	10 - 15	15 - 20	20 - 25	25 - 30	30 - 35	35 - 40	40 - 45	45 - 50	50 - 55	55 - 60	60 - 65	65 - 70	70 - 75	75 - 80	80 - 85	85 +		
12:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
1:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
3:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
5:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
6:00 AM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
7:00 AM	1	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
8:00 AM	1	4	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	9	
9:00 AM	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
10:00 AM	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
11:00 AM	0	3	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	5	
12:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
1:00 PM	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
2:00 PM	1	4	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	
3:00 PM	0	2	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
5:00 PM	1	3	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	
6:00 PM	1	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
7:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
8:00 PM	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
9:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total	5	26	13	4	0	0	0	0	0	0	0	0	0	0	0	0	0	48	
Percent	10.4%	54.2%	27.1%	8.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		

Note: Average only considered on days with 24-hours of data.

Total Study Percentile Speed Summary			Total Study Speed Statistics		
50th Percentile (Median)	13.6	mph	Mean (Average) Speed	14.4	mph
85th Percentile	17.9	mph	10 mph Pace	8.1 - 18.1	mph
95th Percentile	22.1	mph	Percent in Pace	89.6	%

Location: S HYLAND PARK DR W/O BENNETT AVE
 Date Range: 10/6/2020 to 10/6/2020
 Site Code: 01



**Total Study Average
Westbound**

Time	Speed Range (mph)																		Total Volume
	0 - 10	10 - 15	15 - 20	20 - 25	25 - 30	30 - 35	35 - 40	40 - 45	45 - 50	50 - 55	55 - 60	60 - 65	65 - 70	70 - 75	75 - 80	80 - 85	85 +		
12:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
1:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
3:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
5:00 AM	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
6:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
7:00 AM	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
8:00 AM	0	1	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
9:00 AM	0	1	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
10:00 AM	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
11:00 AM	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
12:00 PM	1	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
1:00 PM	0	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
2:00 PM	1	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
3:00 PM	2	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	
4:00 PM	0	2	5	0	1	0	0	0	0	0	0	0	0	0	0	0	0	8	
5:00 PM	1	1	4	0	3	0	0	0	0	0	0	0	0	0	0	0	0	9	
6:00 PM	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
7:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
8:00 PM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
9:00 PM	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:00 PM	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Total	6	20	21	4	4	0	0	0	0	0	0	0	0	0	0	0	0	55	
Percent	10.9%	36.4%	38.2%	7.3%	7.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		

Note: Average only considered on days with 24-hours of data.

Total Study Percentile Speed Summary			Total Study Speed Statistics		
50th Percentile (Median)	15.8	mph	Mean (Average) Speed	15.9	mph
85th Percentile	20.3	mph	10 mph Pace	10.0 - 20.0	mph
95th Percentile	27.3	mph	Percent in Pace	76.4	%

Article VIII



Location: S HYLAND PARK DR W/O BENNETT AVE
 Date Range: 10/6/2020 - 10/12/2020
 Site Code: 01

Time	Tuesday			Wednesday			Thursday			Friday			Saturday			Sunday			Monday			Mid-Week Average		
	10/6/2020			10/7/2020			10/8/2020			10/9/2020			10/10/2020			10/11/2020			10/12/2020			Mid-Week Average		
	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total
12:00 AM	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0	0
1:00 AM	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0	0
2:00 AM	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0	0
3:00 AM	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0	0
4:00 AM	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0	0
5:00 AM	0	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	1	1
6:00 AM	1	0	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	0	1
7:00 AM	4	4	8	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	4	8
8:00 AM	9	4	13	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9	4	13
9:00 AM	3	4	7	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	4	7
10:00 AM	1	3	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	3	4
11:00 AM	5	1	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	1	6
12:00 PM	0	3	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	3	3
1:00 PM	2	3	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	3	5
2:00 PM	7	4	11	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	7	4	11
3:00 PM	5	6	11	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	6	11
4:00 PM	0	8	8	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	8	8
5:00 PM	6	9	15	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	9	15
6:00 PM	4	2	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	2	6
7:00 PM	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0	0
8:00 PM	1	1	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1	2
9:00 PM	0	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	1	1
10:00 PM	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0	0
11:00 PM	0	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	1	1
Total	48	55	103	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	48	55	103
Percent	47%	53%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	47%	53%	-

1. Mid-week average includes data between Tuesday and Thursday.



Vehicle Classification Report Summary

Location: S HYLAND PARK DR W/O BENNETT AVE

Count Direction: Eastbound / Westbound

Date Range: 10/6/2020 to 10/6/2020

Site Code: 01

	FHWA Vehicle Classification													Total
	1	2	3	4	5	6	7	8	9	10	11	12	13	Volume
Study Total														
Eastbound	1	34	9	0	4	0	0	0	0	0	0	0	0	48
Percent	2.1%	70.8%	18.8%	0.0%	8.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100%
Westbound	1	32	15	1	4	2	0	0	0	0	0	0	0	55
Percent	1.8%	58.2%	27.3%	1.8%	7.3%	3.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100%
Total	2	66	24	1	8	2	0	0	0	0	0	0	0	103
Percent	1.9%	64.1%	23.3%	1.0%	7.8%	1.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100%

FHWA Vehicle Classification

Class 1 - Motorcycles	Class 8 - Four or Fewer Axle Single-Trailer Trucks
Class 2 - Passenger Cars	Class 9 - Five-Axle Single-Trailer Trucks
Class 3 - Other Two-Axle, Four-Tire Single Unit Vehicles	Class 10 - Six or More Axle Single-Trailer Trucks
Class 4 - Buses	Class 11 - Five or fewer Axle Multi-Trailer Trucks
Class 5 - Two-Axle, Six-Tire, Single-Unit Trucks	Class 12 - Six-Axle Multi-Trailer Trucks
Class 6 - Three-Axle Single-Unit Trucks	Class 13 - Seven or More Axle Multi-Trailer Trucks
Class 7 - Four or More Axle Single-Unit Trucks	

Article VIII



Location: S HYLAND PARK DR W/O BENNETT AVE
Date Range: 10/6/2020 to 10/6/2020
Site Code: 01

Tuesday, October 6, 2020
Eastbound

Time	FHWA Vehicle Classification													Total Volume
	1	2	3	4	5	6	7	8	9	10	11	12	13	
12:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:00 AM	0	1	0	0	0	0	0	0	0	0	0	0	0	1
7:00 AM	0	3	0	0	1	0	0	0	0	0	0	0	0	4
8:00 AM	1	4	3	0	1	0	0	0	0	0	0	0	0	9
9:00 AM	0	2	1	0	0	0	0	0	0	0	0	0	0	3
10:00 AM	0	1	0	0	0	0	0	0	0	0	0	0	0	1
11:00 AM	0	4	1	0	0	0	0	0	0	0	0	0	0	5
12:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1:00 PM	0	2	0	0	0	0	0	0	0	0	0	0	0	2
2:00 PM	0	6	0	0	1	0	0	0	0	0	0	0	0	7
3:00 PM	0	3	2	0	0	0	0	0	0	0	0	0	0	5
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 PM	0	6	0	0	0	0	0	0	0	0	0	0	0	6
6:00 PM	0	2	2	0	0	0	0	0	0	0	0	0	0	4
7:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00 PM	0	0	0	0	1	0	0	0	0	0	0	0	0	1
9:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	1	34	9	0	4	0	0	0	0	0	0	0	0	48
Percent	2.1%	70.8%	18.8%	0.0%	8.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	

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Article VIII



Location: S HYLAND PARK DR W/O BENNETT AVE
Date Range: 10/6/2020 to 10/6/2020
Site Code: 01

Tuesday, October 6, 2020
Westbound

Time	FHWA Vehicle Classification													Total Volume
	1	2	3	4	5	6	7	8	9	10	11	12	13	
12:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 AM	0	0	1	0	0	0	0	0	0	0	0	0	0	1
6:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00 AM	0	3	0	0	1	0	0	0	0	0	0	0	0	4
8:00 AM	0	3	0	0	1	0	0	0	0	0	0	0	0	4
9:00 AM	0	3	1	0	0	0	0	0	0	0	0	0	0	4
10:00 AM	0	2	0	0	0	1	0	0	0	0	0	0	0	3
11:00 AM	0	1	0	0	0	0	0	0	0	0	0	0	0	1
12:00 PM	0	0	3	0	0	0	0	0	0	0	0	0	0	3
1:00 PM	0	2	0	0	0	1	0	0	0	0	0	0	0	3
2:00 PM	0	3	1	0	0	0	0	0	0	0	0	0	0	4
3:00 PM	0	3	3	0	0	0	0	0	0	0	0	0	0	6
4:00 PM	1	2	3	1	1	0	0	0	0	0	0	0	0	8
5:00 PM	0	8	1	0	0	0	0	0	0	0	0	0	0	9
6:00 PM	0	1	0	0	1	0	0	0	0	0	0	0	0	2
7:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00 PM	0	1	0	0	0	0	0	0	0	0	0	0	0	1
9:00 PM	0	0	1	0	0	0	0	0	0	0	0	0	0	1
10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 PM	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Total	1	32	15	1	4	2	0	0	0	0	0	0	0	55
Percent	1.8%	58.2%	27.3%	1.8%	7.3%	3.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	

Mark Skaggs:425-250-0777
mark.skaggs@idaxdata.com

Article VIII



Location: S HYLAND PARK DR W/O BENNETT AVE
 Date Range: 10/6/2020 to 10/6/2020
 Site Code: 01

Total Study Average Eastbound

Time	FHWA Vehicle Classification													Total Volume
	1	2	3	4	5	6	7	8	9	10	11	12	13	
12:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:00 AM	0	1	0	0	0	0	0	0	0	0	0	0	0	1
7:00 AM	0	3	0	0	1	0	0	0	0	0	0	0	0	4
8:00 AM	1	4	3	0	1	0	0	0	0	0	0	0	0	9
9:00 AM	0	2	1	0	0	0	0	0	0	0	0	0	0	3
10:00 AM	0	1	0	0	0	0	0	0	0	0	0	0	0	1
11:00 AM	0	4	1	0	0	0	0	0	0	0	0	0	0	5
12:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1:00 PM	0	2	0	0	0	0	0	0	0	0	0	0	0	2
2:00 PM	0	6	0	0	1	0	0	0	0	0	0	0	0	7
3:00 PM	0	3	2	0	0	0	0	0	0	0	0	0	0	5
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 PM	0	6	0	0	0	0	0	0	0	0	0	0	0	6
6:00 PM	0	2	2	0	0	0	0	0	0	0	0	0	0	4
7:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00 PM	0	0	0	0	1	0	0	0	0	0	0	0	0	1
9:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	1	34	9	0	4	0	0	0	0	0	0	0	0	48
Percent	2.1%	70.8%	18.8%	0.0%	8.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	

Note: Average only considered on days with 24-hours of data.

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 mark.skaggs@idaxdata.com

Article VIII



Location: S HYLAND PARK DR W/O BENNETT AVE
 Date Range: 10/6/2020 to 10/6/2020
 Site Code: 01

Total Study Average Westbound

Time	FHWA Vehicle Classification													Total Volume
	1	2	3	4	5	6	7	8	9	10	11	12	13	
12:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 AM	0	0	1	0	0	0	0	0	0	0	0	0	0	1
6:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00 AM	0	3	0	0	1	0	0	0	0	0	0	0	0	4
8:00 AM	0	3	0	0	1	0	0	0	0	0	0	0	0	4
9:00 AM	0	3	1	0	0	0	0	0	0	0	0	0	0	4
10:00 AM	0	2	0	0	0	1	0	0	0	0	0	0	0	3
11:00 AM	0	1	0	0	0	0	0	0	0	0	0	0	0	1
12:00 PM	0	0	3	0	0	0	0	0	0	0	0	0	0	3
1:00 PM	0	2	0	0	0	1	0	0	0	0	0	0	0	3
2:00 PM	0	3	1	0	0	0	0	0	0	0	0	0	0	4
3:00 PM	0	3	3	0	0	0	0	0	0	0	0	0	0	6
4:00 PM	1	2	3	1	1	0	0	0	0	0	0	0	0	8
5:00 PM	0	8	1	0	0	0	0	0	0	0	0	0	0	9
6:00 PM	0	1	0	0	1	0	0	0	0	0	0	0	0	2
7:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00 PM	0	1	0	0	0	0	0	0	0	0	0	0	0	1
9:00 PM	0	0	1	0	0	0	0	0	0	0	0	0	0	1
10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 PM	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Total	1	32	15	1	4	2	0	0	0	0	0	0	0	55
Percent	1.8%	58.2%	27.3%	1.8%	7.3%	3.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	

Note: Average only considered on days with 24-hours of data.

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Article VIII



Location: S HYLAND PARK DR W/O BENNETT AVE
Date Range: 10/6/2020 to 10/6/2020
Site Code: 01

3-Day (Tuesday - Thursday) Average Eastbound

Time	FHWA Vehicle Classification													Total Volume
	1	2	3	4	5	6	7	8	9	10	11	12	13	
12:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:00 AM	0	1	0	0	0	0	0	0	0	0	0	0	0	1
7:00 AM	0	3	0	0	1	0	0	0	0	0	0	0	0	4
8:00 AM	1	4	3	0	1	0	0	0	0	0	0	0	0	9
9:00 AM	0	2	1	0	0	0	0	0	0	0	0	0	0	3
10:00 AM	0	1	0	0	0	0	0	0	0	0	0	0	0	1
11:00 AM	0	4	1	0	0	0	0	0	0	0	0	0	0	5
12:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1:00 PM	0	2	0	0	0	0	0	0	0	0	0	0	0	2
2:00 PM	0	6	0	0	1	0	0	0	0	0	0	0	0	7
3:00 PM	0	3	2	0	0	0	0	0	0	0	0	0	0	5
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 PM	0	6	0	0	0	0	0	0	0	0	0	0	0	6
6:00 PM	0	2	2	0	0	0	0	0	0	0	0	0	0	4
7:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00 PM	0	0	0	0	1	0	0	0	0	0	0	0	0	1
9:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
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Percent	2.1%	70.8%	18.8%	0.0%	8.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	

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Article VIII



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3-Day (Tuesday - Thursday) Average Westbound

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12:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 AM	0	0	1	0	0	0	0	0	0	0	0	0	0	1
6:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00 AM	0	3	0	0	1	0	0	0	0	0	0	0	0	4
8:00 AM	0	3	0	0	1	0	0	0	0	0	0	0	0	4
9:00 AM	0	3	1	0	0	0	0	0	0	0	0	0	0	4
10:00 AM	0	2	0	0	0	1	0	0	0	0	0	0	0	3
11:00 AM	0	1	0	0	0	0	0	0	0	0	0	0	0	1
12:00 PM	0	0	3	0	0	0	0	0	0	0	0	0	0	3
1:00 PM	0	2	0	0	0	1	0	0	0	0	0	0	0	3
2:00 PM	0	3	1	0	0	0	0	0	0	0	0	0	0	4
3:00 PM	0	3	3	0	0	0	0	0	0	0	0	0	0	6
4:00 PM	1	2	3	1	1	0	0	0	0	0	0	0	0	8
5:00 PM	0	8	1	0	0	0	0	0	0	0	0	0	0	9
6:00 PM	0	1	0	0	1	0	0	0	0	0	0	0	0	2
7:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00 PM	0	1	0	0	0	0	0	0	0	0	0	0	0	1
9:00 PM	0	0	1	0	0	0	0	0	0	0	0	0	0	1
10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 PM	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Total	1	32	15	1	4	2	0	0	0	0	0	0	0	55
Percent	1.8%	58.2%	27.3%	1.8%	7.3%	3.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	

Mark Skaggs:425-250-0777
 mark.skaggs@idaxdata.com

536 Hyland Park Drive Engineering Memo

11/25/2020

This memo is in reference to the application for a special use permit of a childcare center at 536 Hyland Park Drive. Given the need for childcare in our community, along with the cost implications of a childcare facility, we are attempting to minimize the alterations to the site. The budget set aside for the improvements has a direct correlation with the viability of this project. The applicant does not own the property so long-term investments on the site are limited. The proposed conditions to the site require several minor changes to meet the needs of it's special use permit. The items that needed to be addressed are listed below, along with their correlated impacts to the site.

- **Parking:** City of Glenwood Springs requires Nine (9) parking spaces for the proposed uses, along with an ADA parking space for meeting ADA compliancy.
 - The ADA parking will utilize the existing concrete pad on grade at the lower level of the building.
 - One gravel parallel parking space has been added along the driveway. Additional space in this gravel strip will be utilized as a pull-off to minimize conflicts with entering and exiting the site. To exit the site, vehicles using these parking spaces will have to pull down the driveway further to be able to turn around. The 12' drive aisle is met within the driveway, and the dimensions meet requirements for 1 parallel parking space.
 - Five parking spaces will use the gravel parking area to the southwest of the building. This area has been expanded slightly to the west with additional gravel surface, and an existing shed has been moved to allow for better vehicular movement on the site. All parking spaces meet the dimensions of the development code.
 - Three additional parking spaces will be rented from a neighboring site with additional parking. See information regarding this with the special use submittal.
 - Currently, we are proposing to maintain the access at 12' wide. As per the traffic study, at the peak hour there will be 17 vehicles accessing the site. This parking area will mostly be used by employees, and a portion of the drop-off for the children will occur in the public parking in the right of way. Widening of the access is possible, but it does not appear to be essential given the traffic load. If there are any issues, the designated pull-off area will allow for vehicular movement to continue.
- **ADA Access:** From the ADA parking space, the lower level can be easily accessed. From there, ADA ramps are proposed to go around the south side of the building. The ramps allow for access to the main level via the back deck or the front entry. The ramps are proposed to be crusher fine pathways when at grade, and wooden ramps when necessary.
- **Stormwater:** All proposed surfaces on the site are not considered impervious and do not negatively impact the stormwater leaving the site. The proposed parking and vehicular access alterations are additional gravel surface. Walkways are proposed as either crusher fines or decking with pervious earth below. The proposed conditions do not increase the flow rate off

the site and does not negatively impact the neighboring properties. There are no known existing issues with drainage on the site that need to be addressed during the renovation.

- **Utilities:** Currently, no alterations to the existing services will be necessary. This will be verified further in the design process and will be addressed in the Building Permit.
- **Grading:** All proposed grading on the site meet the requirements set by the municipal code. No proposed slopes are in excess of 3:1 in landscaped areas, and the vehicular access does not have any excessive grades. These grades will be further developed for permit submittal and will be shown in the grading and drainage plan.

As discussed with the client, we are open to discussion regarding variances or agreements, or changes to the design. Our approach is an attempt to make the project financially viable while still appealing the city requirements. If there are any comments regarding the design or the submittal process, feel free to contact me directly.

Jay Engstrom

Owner, P.E.

Birdhouse Designs LLC

Jay@birdhouse-designs.com

(970) 404 - 1144

oddo



July 24, 2020

Maggie Brown

maggie.brown@littlecoacademy.com

RE: Structural Observation, 536 S. Hyland, Glenwood Springs, Colorado
Oddo Engineering Project No: 2020-45

Dear Maggie,

On July 23, 2020, Robert Oddo, P.E. with Oddo Engineering conducted a structural observation of the existing condition of the wall in question and the roof beams above for the above reference building. Our scope of service was to determine if an existing wall can be removed to make two rooms into one for an open space. Our observation was limited to the present condition and was limited to areas easily accessible with no material testing. Existing structural drawings were not available.

We observed the non-load bearing wall beneath the structural 4 x 12 timber ridge beam and low closet walls in adjacent bedrooms. We conducted a structural calculation and determined that the existing 4 x 12 ridge beam, 12'-0" long, is adequate for the current snow load without a wall below.

In summary, it is acceptable to remove the non-load bearing wall, approximately 12'-0" long, beneath the 4 x 12 ridge beam and low closet walls per the proposed remodel in the bedrooms.

If you have any questions please feel free to give us a call to discuss.

Sincerely,

Robert A. Oddo
ODDO ENGINEERING, INC.
Robert A. Oddo, P.E.
Principal



7/24/2020

P20/2020-45 536 S Hyland Oddo Report 7-24-20



**HealthSafe Inspections Inc
390 Apple Drive
Basalt CO 81621
970-920-2100**

**Jim Baker CDPHE Asbestos Building Inspector #13437
Ben Baker CDPHE Asbestos Building Inspector #25863**

ASBESTOS REPORT

DATE

08/28/2020

CLIENT

Attn: Maggie Brown

**LittleCo Academy
1043 Park West Dr
Glenwood Springs CO 81601**

PROPERTY ADDRESS

536 South Hyland Park Drive, Glenwood Springs, Colorado 81601



CLIENT BACKGROUND & PLANS

The Client, Maggie Brown, is planning a renovation-remodel-demolition of the wall separating the two main-floor west bedrooms, the framed wall and cabinets along the SE of the kitchen and the basement east room island, which will have impacts of **disturbance, detachment, deconstruction, demolition and disposal (5D)** of drywall, wallpaper and sink coating building materials, of which some are *suspect* asbestos containing materials (ACM) or *suspect* asbestos containing building materials (ACBM). Prior to **5D**, Maggie is required to have an asbestos inspection by a State of Colorado CDPHE certified asbestos inspector who will collect bulk samples of the *suspect* ACM/ACBM and have those samples analyzed at a certified laboratory for asbestos content. Maggie hired HealthSafe Inspections, Inc. (hereinafter, HealthSafe) to perform a limited/unlimited asbestos inspection for these areas to be impacted.

VISUAL INSPECTION & LABORATORY FINDINGS

An inspection was conducted by Ben Baker of HealthSafe on Tuesday, August 18, 2020 with Maggie present during the initial survey, inspection and sample collecting. All suspect ACM/ACBM were identified by homogenous materials and sampled randomly respective to the scope of those materials slated for **5D**. The *suspect* ACM/ACBM collected and analyzed by EPA 600 Method PLM analysis are the following:

1. **Orange Peel Surfacing Texture**, a homogeneous spray-applied surfacing material/texture [samples 1-3: OP-1,2,3], collected randomly from the main-floor SW bedroom above the north man door, NW bedroom above the south man door and NW bedroom closet east exterior wall, respectively, using the AHERA random sampling grid # 15. This surfacing material/texture is on the walls of the main-floor west bedrooms. The estimated impact area of 5D is more than 10 sf, but less than 1,000 sf (± 300 sf), requiring a minimum of at least three surfacing/texture material samples. The PLM analytical estimated results: **2% Chrysotile asbestos** in samples 1 and 2 with **EPA 400 Point Count** results of **0.75% and 0.5% Chrysotile asbestos**, respectively.
2. **Drywall System Joint Compound**: a homogeneous miscellaneous seam taping compound requiring at least two samples [samples 4-5: JC-1,2], collected from the main-floor NW bedroom closet SW corner and the SE kitchen wall west side above the countertop near the outside corner, respectively. This material is applied to the interior drywall system. The PLM analytical *estimated* results: **2% Chrysotile asbestos** in sample 4 from the closet and **NONE DETECTED** in sample 5 from the kitchen wall.
3. **Drywall System**, a homogeneous taped and joint compounded drywall system (classified as a miscellaneous material as a complete integral system) [samples 6-7: J-1,2], collected from the main-floor NW bedroom closet SW corner and the SE kitchen wall west side above the countertop near the outside corner,

respectively. These composite layered taped and joint compounded drywall materials are on the ceilings and walls of the house interior with NO applied surfacing material/texture on the kitchen wall an orange peel applied surfacing material/texture in the bedrooms. The estimated impact area of 5D is more than 10 sf, but less than 1,000 sf (± 400 sf), requiring a minimum of at least two composite core samples of all layers. The PLM analytical estimated results: **2% Chrysotile asbestos** in the joint compound of sample 6 from the bedroom with a **total composite concentration** of **0.5% Chrysotile asbestos** and NONE DETECTED in sample 7 from the SE kitchen wall.

4. **Kitchen Wall Wallpaper**, a homogeneous miscellaneous material requiring a minimum of at least two samples [samples 8-9: WP-1,2], collected from the east side of the east framed kitchen wall from the north side and lower south side, respectively. The PLM analytical estimated results: NONE DETECTED.
5. **Basement Sink Coating**, a homogeneous miscellaneous material requiring a minimum of at least two samples [samples 10-11: SNK-CT-1,2], collected from the basement island sink east and west, respectively. The PLM analytical estimated results: NONE DETECTED.

A total of 11 suspect homogeneous ACM/ACBM bulk samples were collected and 11 samples were analyzed. The bulk samples were analyzed by EPA 600 PLM analytical methods by a NVLAP accredited laboratory in accordance with Colorado State Regulation 8 for the presence of asbestos mineral fibers.

See supporting Hayes Microbial Consulting, Inc. data report #20028433_2.

HEALTHSAFE CONCLUSIONS

- There is asbestos in the orange peel surfacing texture in the main-floor west bedrooms proven by EPA 400 Point Count method to be at a concentration below that of which is regulated by the State of Colorado. This will NOT require asbestos abatement by a State-Certified and State-Permitted contractor. Any contractor can remove and dispose of the asbestos containing materials following the proper Federal OSHA regulations. All waste and debris must be disposed of at an approved facility that accepts friable asbestos containing materials. See EPA 40 CFR 763.121 Worker Protection Rule, OSHA 29 CFR 1910.134 Respirator Protection Standard, OSHA 29 CFR 1910.1001 General Industry Standard and OSHA 29 CFR 1926.1101 Construction Standard regulations when dealing with asbestos hazards.
- There is asbestos in the joint compound in the bedrooms at a total composite concentration of less than that of which is regulated by the State of Colorado. Federal OSHA regulations apply when handling asbestos hazards at any concentration.
- There is NO asbestos in the SE framed kitchen wall and the basement sink coating. NO asbestos abatement will be required for any of these building

materials. All non-asbestos containing building waste and debris can be disposed of in any landfill which accepts normal, non-hazardous building waste.

Sincerely Submitted,

Ben Baker

Ben Baker

COLORADO & FEDERAL ASBESTOS REGULATIONS SUMMARY

Regulation No. 8 Part B – Asbestos of the Colorado Department of Public Health and Environment (CDPHE), Air Quality Control Commission requires a State-certified Asbestos Building Inspector to inspect and collect bulk samples of all suspect asbestos containing materials (ACM) or suspect asbestos containing building materials (ACBM) prior to their disturbance, removal or demolition and disposal. The suspect materials shall be analyzed by a NVLAP accredited laboratory by polarized light microscopy (PLM) using EPA 600 analytical method. A material which is estimated to contain more than 1% asbestos is classified as ACM/ACBM and regulated by the State and Federal governments. Any friable (able to crush or reduce to powder by finger pressure) asbestos with trace amounts of asbestos fibers or less than 1% must be point-counted using EPA 400 analytical method to prove that it is indeed less than 1%; if not, it must be classified as ACM/ACBM and shall be treated as a State and Federal regulated material. Any friable asbestos containing material (greater than 1% asbestos concentration) or ACM/ACBM that could be rendered friable during its removal or demolition and disposal shall require an asbestos abatement by a certified asbestos abatement contractor to remove and dispose of the material(s).

A Colorado State (CDPHE) issued asbestos abatement permit is required for the following trigger levels of ACM/ACBM:

- 1. Residential buildings** of four or fewer units--if more than 32 square feet of any surface coverage (e.g., gypsum wallboard or drywall and associated applied surfacing materials/textures, acoustic sprays, joint compounds, plaster, etc.), 50 feet of asbestos covered or asbestos insulated pipe or any material which would fill a 55-gallon drum is going to be disturbed, removed or disposed of, an asbestos abatement permit is required.
- 2. Residential complexes** with more than four residential units, **public access areas** to a residential building, **commercial and retail buildings, public and civic buildings, industrial buildings**--if more than 160 square feet of surfacing materials, 260 linear feet or more than 35 cubic feet (NESHAP) or 55-gallon drum (CDPHE) of suspect ACM/ACBM is going to be disturbed, removed or disposed of, an asbestos abatement permit is required under NESHAP and by the CDPHE. See note below on OSHA.

The regulations require an absolute minimum of 3 samples (EPA suggests 9) per homogenous suspect surfacing and TSI materials and an absolute minimum of 2 samples of homogenous miscellaneous materials or any number of “samples sufficient to determine whether a material is ACM” (Reg8.IV.D.3). More samples are required based on surface area or volume. These are minimums; the asbestos building inspector has the field responsibility to determine homogenous materials and the number of samples to collect per material; more than the minimum number of samples may be necessary at the discretion of the inspector. An assessment of friability and functional space conditions of the materials are also the inspector’s field responsibilities.

OSHA compliance is required for all employers and employees no matter the quantity of asbestos present with strict regulations regarding 10 sf or more of TSI or friable surfacing materials, and therefore it does not matter what the quantity or State trigger levels are: all suspect ACM/ACBM shall be inspected and tested for asbestos prior to their disturbance, removal and disposal for worker protection and safety. See EPA 40 CFR 763.121 Worker Protection Rule, OSHA 29 CFR 1910.134 Respirator Protection Standard, OSHA 29 CFR 1910.1001 General Industry Standard and OSHA 29 CFR 1926.1101 Construction Standard regulations when dealing with asbestos hazards.

Note: County or City regulations may be more stringent.

Analysis Report prepared for

HealthSafe Inspections

390 Apple Drive
Basalt, CO 81621

Phone: (970) 920-2100

Maggie Brown
536 S Hyland Park Dr
Glenwood Springs, CO 81601

Collected: **August 18, 2020**
Received: **August 19, 2020**
Reported: **August 26, 2020**

We would like to thank you for trusting Hayes Microbial for your analytical needs!
We received 11 samples by FedEx in good condition for this project on August 19th, 2020.

The results in this analysis pertain only to this job, collected on the stated date, and should not be used in the interpretation of any other job. This report may not be duplicated, except in full, without the written consent of Hayes Microbial Consulting, LLC..

This laboratory bears no responsibility for sample collection activities, analytical method limitations, or your use of the test results. Interpretation and use of test results are your responsibility. Any reference to health effects or interpretation of mold levels is strictly the opinion of Hayes Microbial. In no event, shall Hayes Microbial or any of its employees be liable for lost profits or any special, incidental or consequential damages arising out of the use of these test results.



Steve Hayes, BSMT(ASCP)
Laboratory Director
Hayes Microbial Consulting, LLC.



EPA Laboratory ID: VA01419



Lab ID: #188863



DPH License: #PH-0198

#	Sample	Material Description	Non-Asbestos Fibers	Asbestos Fibers
1	1 - OP-1	Brittle / Cream		2% Chrysotile
2	2 - OP-2	Brittle / Cream		2% Chrysotile
3	3 - OP-3	Paint-Like / Yellow		None Detected
4	4 - JC-1	Joint Compound / Cream		2% Chrysotile
5	5 - JC-2	Joint Compound / White		None Detected
6	6 - J-1	Drywall / White/Brown	5% Cellulose Fibers	None Detected
		Joint Compound / Cream		2% Chrysotile
		Joint Compound / Drywall / White/Brown	5% Cellulose Fibers	0.50% Chrysotile
		Lab Note: Composite of Drywall & Joint Compound.		
7	7 - J-2	Drywall / White/Brown	5% Cellulose Fibers	None Detected
		Joint Compound / White		None Detected
		Joint Compound / Drywall / White/Brown	5% Cellulose Fibers	None Detected
		Lab Note: Composite of Drywall & Joint Compound.		

#	Sample	Material Description	Non-Asbestos Fibers	Asbestos Fibers
8	8 - WP-1	Paper / White	65% Cellulose Fibers	None Detected
		Adhesive-Like / Yellow		None Detected
9	9 - WP-2	Paper / White	65% Cellulose Fibers	None Detected
		Adhesive-Like / Yellow		None Detected
10	10 - SNK-CT-1	Debris / Purple		None Detected
11	11 - SNK-CT-2	Debris / Purple		None Detected

Asbestos 400 Point Count

#	Sample	Material Description	Total Points	Non-Asbestos Fibers	Asbestos Fibers
1	1 - OP-1	Brittle / Cream	400		0.75% Chrysotile
2	2 - OP-2	Brittle / Cream	400		0.50% Chrysotile

Analysis Details	All samples were received in acceptable condition unless otherwise noted on the report. This report must not be used by the client to claim product certification, approval, or endorsement by AIHA, NIST, NVLAP, NY ELAP, or any agency. The results relate only to the items tested. Hayes Microbial Consulting reserves the right to dispose of all samples after a period of 60 days in compliance with state and federal guidelines.
PLM Analysis	All Polarized Light Microscopy (PLM) results include an inherent uncertainty of measurement associated with estimating percentages by PLM. Materials with interfering matrix, low asbestos content, or small fiber size may require additional analysis via TEM Analysis.
TEM Analysis	Analysis by TEM is capable of providing positive identification of asbestos type(s) and semi-quantitation of asbestos content.
Definitions	'None Detected' - Below the detected reporting limit of 1% unless point counting is performed, then the detected reporting limit is .25%.
New York ELAP	Per NY ELAP198.6 (NOB), TEM is the only reliable method to declare an NOB material as Non-Asbestos Containing. Any NY ELAP samples that are subcontracted to another laboratory will display the name and ELAP Lab Identification number in the report page heading of those samples. The original report provided to Hayes Microbial Consulting is available upon request.



Colorado Department
of Public Health
and Environment

ASBESTOS CERTIFICATION*

This certifies that

Benjamin L Baker

Certification No.: 25863

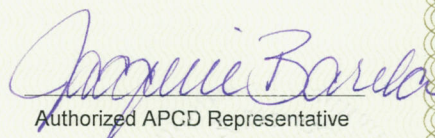
has met the requirements of 25-7-507, C.R.S. and Air Quality Control
Commission Regulation No. 8, Part B, and is hereby certified by the
state of Colorado in the following discipline:

Building Inspector*

Issued: September 25, 2019

Expires: September 25, 2020

** This certificate is valid only with the possession of a
current Division-approved training course certification
in the discipline specified above.*


Authorized APCD Representative

SEAL



Colorado Department
of Public Health
and Environment

ASBESTOS CONSULTING FIRM

This certifies that

HealthSafe Inspections, Inc.

Registration No.: ACF - 18234

has met the registration requirements of 25-7-507, C.R.S. and the Air Quality Control Commission Regulation No. 8, Part B, and is hereby authorized to perform asbestos consulting activities as required under Regulation No 8, Part B, in the state of Colorado.

Issued: May 14, 2020

Expires: May 14, 2021

Authorized APCD Representative

SEAL

Radon Test Result: 1.1 ±0.3 pCi/L

Test Started 08/19/20 at 7:00 pm
Test Ended 08/23/20 at 4:00 pm
 Closed house conditions maintained during test.

Location Basement

MARGARET BROWN
 536 HYLAND PARK DR
 GLENWOOD SPRINGS, CO 81601-4276

Air Chek**PO Box 2000****Naples, NC 28760****www.radon.com****Your Test Result**

This result has been rounded to one-tenth (0.1) of a pCi/L (picocurie per liter). This test result reflects the amount of radon measured in this sample AFTER it arrived at our laboratory. All analysis calculations are automatically adjusted to reflect the length of test, the amount of moisture in the sample, temperature, time from the end of test, and the amount of radiation measured. If your test kit was used prior to the Use By date, ALL the testing protocols and instructions were carefully followed, and the data recorded properly on the test packet, then it is reasonable to assume this is an accurate assessment of the average level of the radon this sample was exposed to during the test period.

This radon test was provided to you by GARFIELD CPHD / 970-625-5200.

INTERPRETING YOUR TEST RESULT

The U.S. EPA recommended action level for indoor radon is 4.0 pCi/L. The EPA indicates that there is little short-term risk with test results in this range (0.0 to 1.9).

However, radon often changes due to seasonal weather patterns, so you may want to test again in another season or after structural changes as conditions may change over time. EPA recommends testing every 2 years. Future test kits can be purchased directly at radon.com.

You may be able to obtain additional information about radon related subjects by calling your **state radon officer at 800-846-3986**.

**LONG TERM RADON TEST KITS**

The EPA suggests re-testing for radon every 2 years.

www.radon.com/testkits

**FIND A RADON PROFESSIONAL**

Licensed. Insured. Certified.

www.radon.com/findpro

Health Risks

The primary health risk from long-term exposure to radon is lung cancer. The risk of developing a lung cancer from radon exposure depends both on how much radon is present and how long you are exposed to radon. The higher the radon level or the longer the time of exposure, even if the levels are relatively low, the greater the risk. EPA has set an Action Level for radon at 4 pCi/L; however radon concentrations less than 4 pCi/L still pose some health risks. The Indoor Radon Abatement Act set a goal for indoor radon concentrations to equal the amount of radon found outdoors, which is estimated to be ~ 0.4 pCi/L.

Conducting Follow-up Measurements

USEPA protocol describes two general types of radon measurements: short-term tests conducted from 48 hours up to 90 days, and long-term tests that last from 91 to 365 days. Your first test (initial/screening) should be a short-term 'worst-case' screening to see if there is a potential for high exposure to radon. Screening tests should be conducted under closed-building conditions, in the lowest lived-in area in the house, because the highest concentrations of radon will usually be found in a room closest to the underlying soil. Tests made under these conditions are less likely to miss a house with a potential for high concentrations. On the other hand, if the results of worst-case screening tests are very low, there is a high probability that the average annual concentrations in the house are also low.

(Continued on Back)

Most states have a radon office to assist citizens with general questions about radon and radon reduction techniques. Many states maintain a list of licensed or certified radon testing and mitigation professionals. You can visit www.state-radon.info to find the list of state radon contacts, as well as links to additional radon resources in your area.

Conducting Follow-up Measurements

The higher your initial (screening) tests, the sooner you should conduct follow-up measurements. The EPA states that you should retest the same location that was tested initially.

For additional or follow-up testing, make sure at least one test is conducted in the **lowest lived-in level** of the home. Also choose regularly used rooms, such as family rooms, dens, playrooms, or bedrooms. A bedroom on the lower level may be a good choice, because people generally spend the most time in their bedrooms (approximately one-third of the year). If there are children, it may be appropriate to test their rooms or other areas where they spend a lot of time, especially at the lower levels. All short-term follow-up tests **must** be conducted under closed-building conditions. If closed-building conditions cannot be maintained, a long-term measurement conducted under normal living conditions could be used to help estimate average annual exposures.

Tests **should not be conducted** in a kitchen or a bathroom because high humidity, exhaust fans, and other factors can adversely affect the test results. Tests **should not be conducted** in storage areas or laundry rooms, because relatively little time is spent there. Although radon in water may be a contributor to the concentration of airborne radon, radon in air should be **confirmed** before a test for radon in water is performed.

It is recommended that before spending any time or money on radon mitigation, one should conduct multiple (two or more) tests to be certain there is a need. A few more tests will most certainly cost considerably less than any mitigation work.

If follow-up measurements have **confirmed** that the average annual level of radon is equal to or greater than 4 pCi/L, the USEPA recommends that the building or home be mitigated for radon. Consider also that a future buyer is likely to demand that the building pass a radon test before purchasing.

Variations in Radon Levels - What can affect your test results and why it may be important to conduct confirmation tests.

When tests are performed in different seasons or under different weather conditions, the initial screening and follow-up tests may vary considerably. Radon levels can vary significantly between seasons, so different results **are often expected**. Even during normal weather, indoor radon levels may rise and fall by a factor of two on a daily cycle; for example, from 5 pCi/L to 10 pCi/L in 24 hours. During rapidly changing or stormy weather, the levels may change more dramatically.

If you are comparing tests, or are averaging a series of tests, bear in mind that any radon test returns only the average of the levels present during a **specific period of time** at the **precise location** of the test. Conditions during a different test period or at a different location in the building are **expected to be different**.

Test results can also vary if the radon test instructions were not carefully followed. A laboratory measuring radon in samples taken outside the lab **must rely on the person conducting the test**. For example, the wrong starting or ending date of a test will significantly affect the calculated result. The location of each radon test can also influence the result. For example, a test placed in the blowing air stream of a fan is likely to collect more radon than it would under normal conditions. Also, three tests conducted in one home, but in three different rooms, **would be expected to have at least slightly different test results**.

Test results from a properly used activated charcoal test will more closely reflect the average radon concentrations over the last three to four days of the test period. This happens because the radon collected by the activated charcoal has a radioactive half-life of only four days. This means, for example, over one-half of the radon collected during the first three days of a seven day test 'died' before the test ended.

If you have further questions regarding this test or need advice on follow-up testing, call fax or email our technical service department listed below.

Thank you for choosing the Air Chek test device

PERFORMING RADON TESTS FOR A REAL ESTATE TRANSACTION

EPA guidelines recommend that at least two short-term tests should be conducted, either together or sequentially, in the lowest level of the building usable by the buyers. If the average of all the tests is 4 pCi/L or more, the recommendation is to have the building mitigated by a certified professional. If the average is below 4 pCi/L, then no further action is necessary at this time, although testing in the future is recommended. It is **highly recommended** that any property transaction tests be conducted by a certified radon professional. To locate a listed or certified radon tester, contact your state radon office (www.state-radon.info) or go to www.nrpp.info to download a list of professionals certified by the National Radon Proficiency Program (NRPP).

Also visit www.epa.gov/radon to download the latest copy of their publication: *Home Buyer's and Seller's Guide to Radon*.

Limitation of Liability: While we at Air Chek make every effort to maintain the highest possible quality control and include several checks and verification steps in our procedures, we make **NO WARRANTY OF ANY KIND, EXPRESSED OR IMPLIED, INCLUDING WITHOUT LIMITATION ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS** with respect to any item furnished, information supplied or services rendered you by Air Chek. Before any action is taken on the basis of test results given to you by Air Chek, we recommend that further testing be done. Neither Air Chek, nor any of our employees or agents, shall be liable under any claim, charge, or demand, whether in contract, tort or otherwise, for any and all losses, costs, charges, claims, demands, fees, expenses, injuries or damages (including without limitation **INCIDENTAL OR CONSEQUENTIAL DAMAGES WHICH ARE EXCLUDED**) of any nature or kind arising out of, connected with, resulting from, or sustained as a result of any item furnished, information supplied, or service rendered to you by Air Chek.

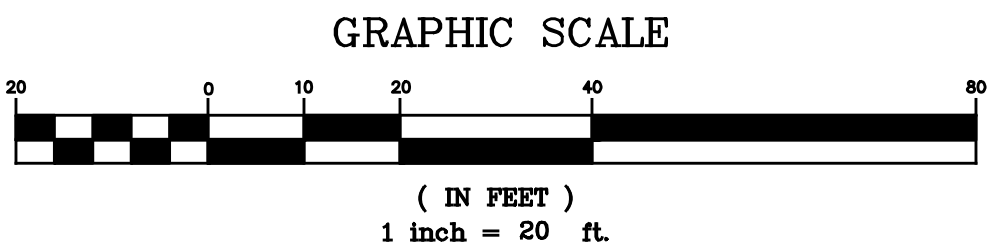
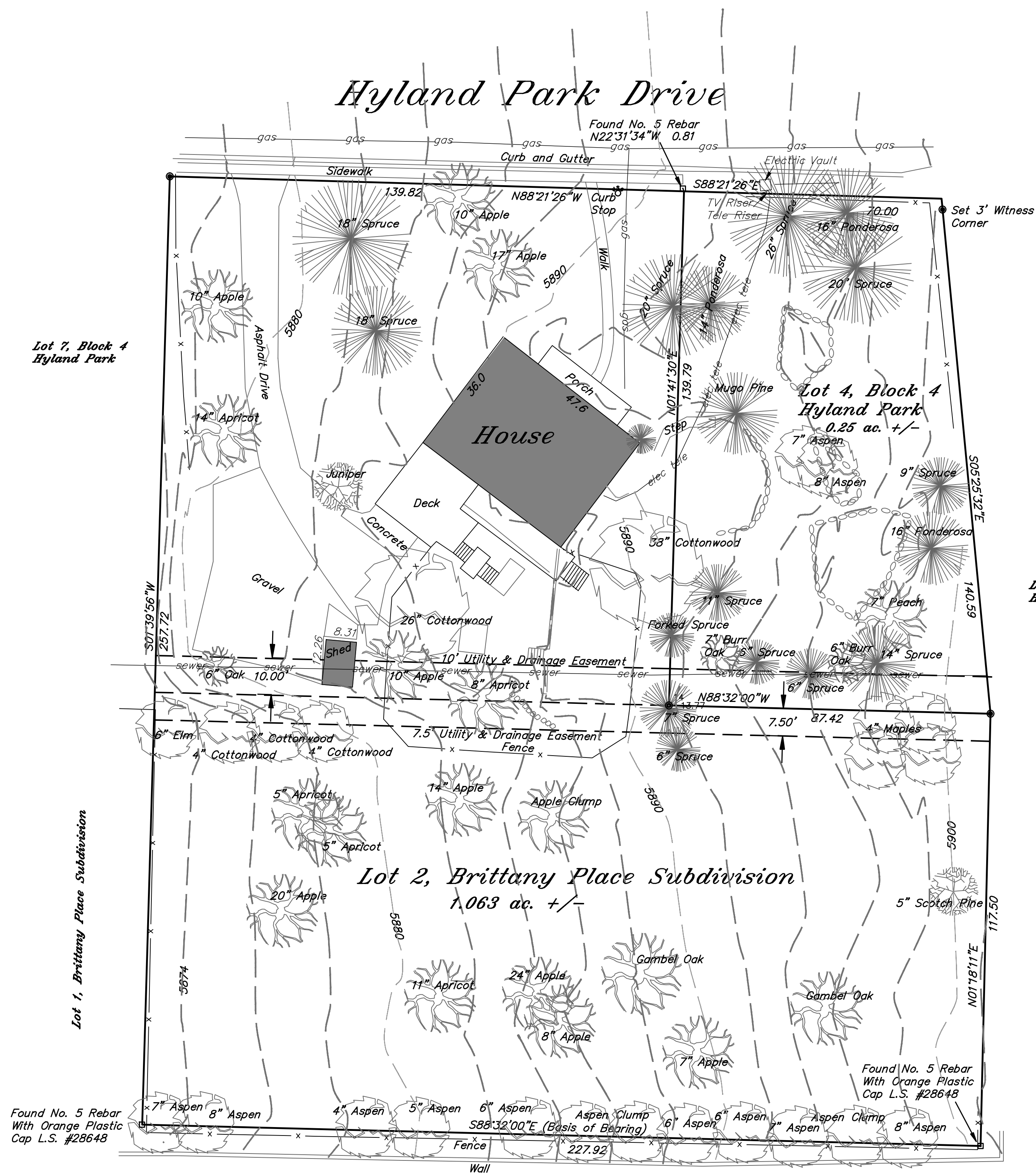
Notice to Pennsylvania Residents: The Radon Certification Act requires that anyone who provides any radon-related service or product to the general public must be certified by the Pennsylvania Department of Environmental Protection. You are entitled to evidence of certification from any person who provides such services or products. You are also entitled to a price list for services or products offered. All radon measurement data will be sent to the Department as required in the Act and will be kept confidential. If you have any questions, comments, or complaints concerning persons who provide radon-related services, please contact the Department of Environmental Protection, P.O. Box 8469, Harrisburg, PA 17105-8469 (717-783-4594).

The radon test kit(s) used for this report is certified by the National Radon Proficiency Program (NRPP), Lab ID: 101138AL, for use in all fifty states. It is also listed or certified for use in all states that have a radon program.

For technical information, call (800) 247-2435. Office hours are Mon-Fri 8:30 to 5:30 Eastern
You can reach us by Fax at (828) 684-8498 or by email at info@radon.com
Web Site: www.radon.com

Improvement Survey Map

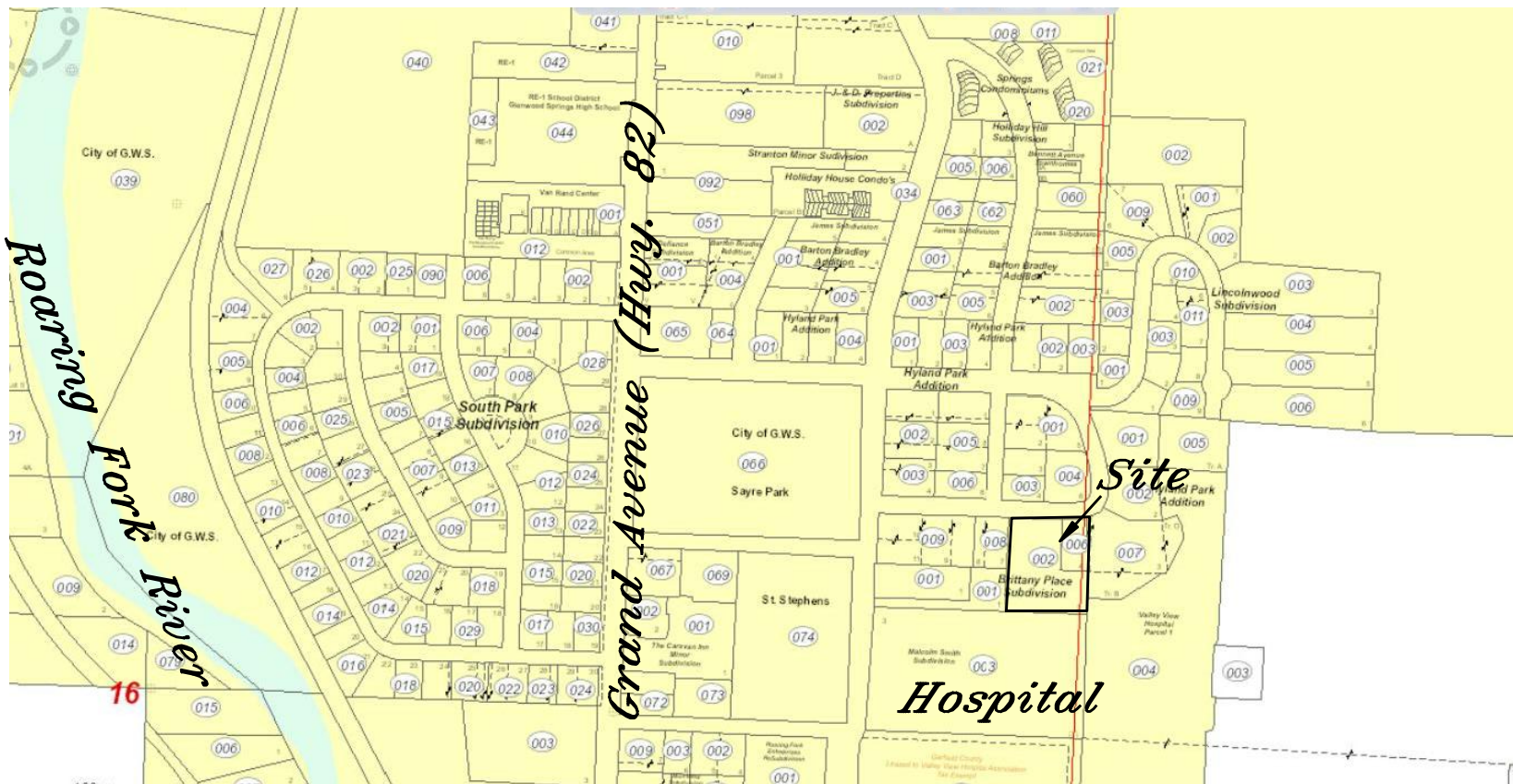
Lot 2, Brittany Place Subdivision (Parcel A) and
Lot 4, Block 4, Hyland Park Addition (Parcel B)
City of Glenwood Springs, County of Garfield, State of Colorado



Legend and Notes:

- indicates found monument as described hereon.
- indicates set No. 5 rebar with red plastic cap L.S. #33638.
- Bearings are based upon a #5 rebar with a orange plastic cap L.S.#28648 found at the southeasterly corner and at the southwesterly corner both of the subject lot using a bearing of S88°32'00"E between the two described monuments.
- This survey does not represent a title search by this surveyor to determine ownership or to discover easements or other encumbrances of record. All information pertaining to ownership, easements or other encumbrances of record has been taken from a title insurance commitment issued by Land Title Guarantee Company, dated August 23, 2013 as Order Number GW63008282.
- The unit of measurement used in this survey was the US Survey Foot.
- Date of Survey- May 21, 2013.

Vicinity Map 1"=500'



THIS PROPERTY IS SUBJECT TO THE FOLLOWING EXCEPTIONS PER SAID TITLE COMMITMENT:

- RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED MARCH 27, 1888, IN BOOK 12 AT PAGE 2.
- TERMS, CONDITIONS, AND PROVISIONS OF SUBDIVIDER'S AGREEMENT RECORDED JANUARY 20, 1982, IN BOOK 591 AT PAGE 46 AND AS AMENDED IN INSTRUMENT RECORDED MARCH 28, 1983, IN BOOK 623 AT PAGE 699.
- EASEMENTS, RIGHTS OF WAY AND OTHER MATTERS AS SHOWN ON THE PLAT OF BRITTANY PLACE SUBDIVISION RECORDED MARCH 28, 1983 AS RECEPTION NO. 340299.
- UTILITY EASEMENTS AS RESERVED IN INSTRUMENT RECORDED JULY 7, 1955 IN BOOK 285 AT PAGE 539 AS RECEPTION NO. 190440, SAID EASEMENTS BEING SPECIFICALLY REFERRED TO IN PARAGRAPH 6, OF SAID INSTRUMENT AS FOLLOWS: A. EASEMENTS FOR INSTALLATION AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES ARE RESERVED, AS SHOWN ON THE PLAT AND OVER THE AREA 10 FEET OF EACH LOT.
- EASEMENT, RIGHTS OF WAY AND OTHER MATTERS AS SET FORTH ON THE PLAT OF HYLAND PARK ADDITION RECORDED JULY 21, 1955 AS RECEPTION NO. 190620.
- RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED JULY 07, 1955, IN BOOK 285 AT PAGE 538.
- UNDIVIDED ONE-HALF INTEREST IN ALL OIL, GAS AND OTHER MINERAL RIGHTS, AS RESERVED BY J.E. SAYRE IN THE DEED TO KENNETH C. BALCOMB, JR. RECORDED JANUARY 7, 1955 IN BOOK 581 AT PAGE 503 AS RECEPTION NO. 188304, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN. (ITEMS ABOVE AFFECT PARCEL A)
- RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED MARCH 27, 1888, IN BOOK 12 AT PAGE 2.
- UTILITY EASEMENTS AS RESERVED IN INSTRUMENT RECORDED JULY 7, 1955 IN BOOK 285 AT PAGE 539 AS RECEPTION NO. 190440, SAID EASEMENTS BEING SPECIFICALLY REFERRED TO IN PARAGRAPH 6, OF SAID INSTRUMENT AS FOLLOWS: A. EASEMENTS FOR INSTALLATION AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES ARE RESERVED, AS SHOWN ON THE PLAT AND OVER THE AREA 10 FEET OF EACH LOT.
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Surveyor's Certificate:

I, Jeffrey Allen Tuttle, being a Professional Land Surveyor in the State of Colorado, do hereby certify that this improvement survey was made under my supervision and is true and correct to the best of my belief and knowledge. I further certify that the improvements on the above described parcel on this date, May 21, 2013, except utility connections are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

Jeffrey Allen Tuttle L.S. 33638 Date 11/25/2020

Valley View Hospital

Notice:
According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. No event may any legal action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

TUTTLE SURVEYING SERVICES
P.O. Box 983
Glenwood Springs, Colorado 81602
(970) 928-9708 (FAX 947-9007)
jeff@tss-us.com

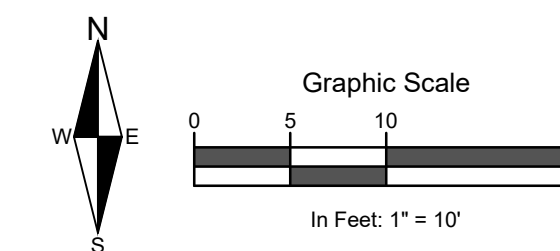


Improvement Survey Map

536 Hyland Park Drive
Glenwood Springs, Co. 81601

Drawn by: JT
Date: 11/25/2020

1
OF 1



536 Hyland Park Drive
Glenwood Springs, CO 81601

Drawn By
JKE

Date
11.25.2020

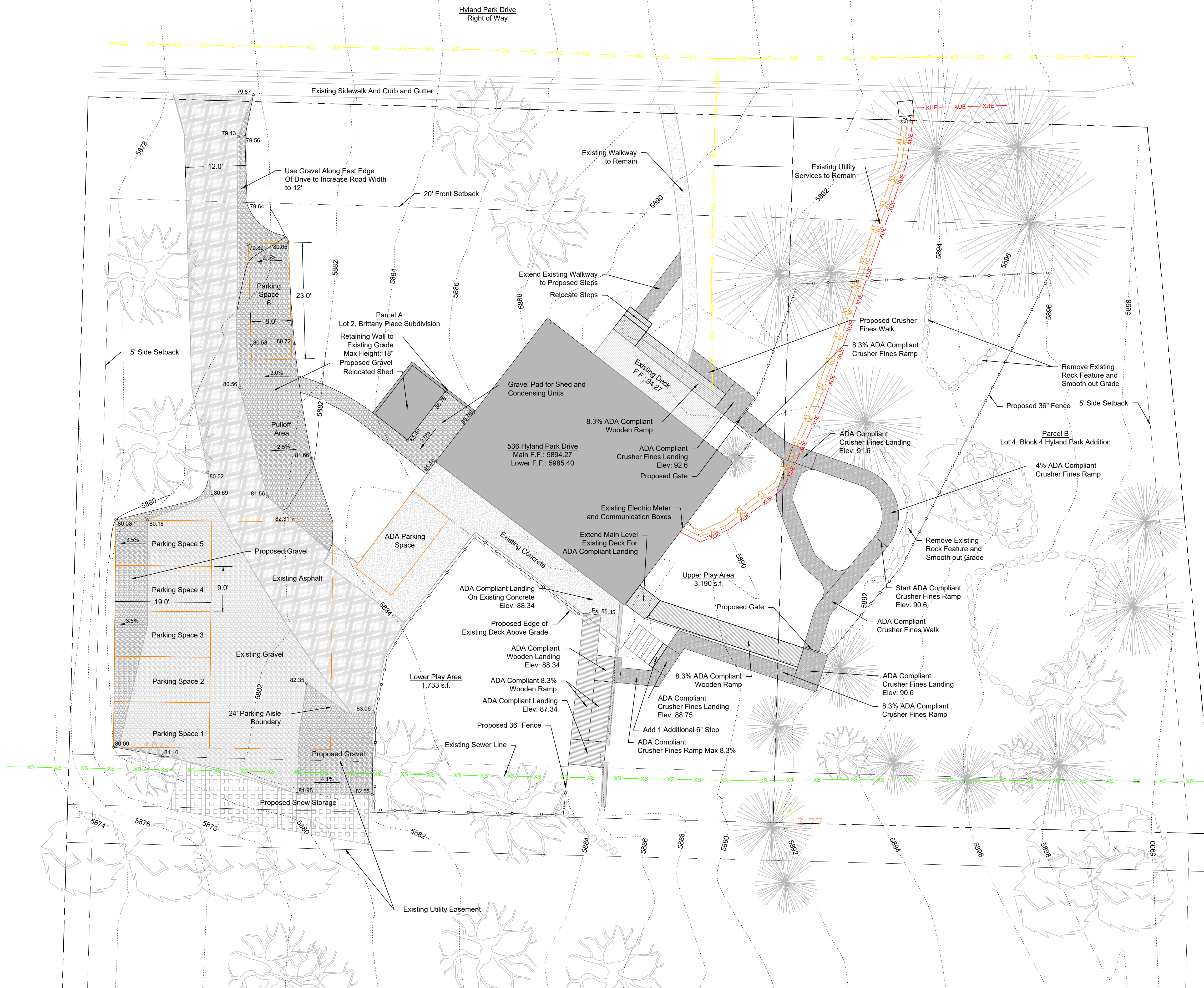
Description
Special Use Permit

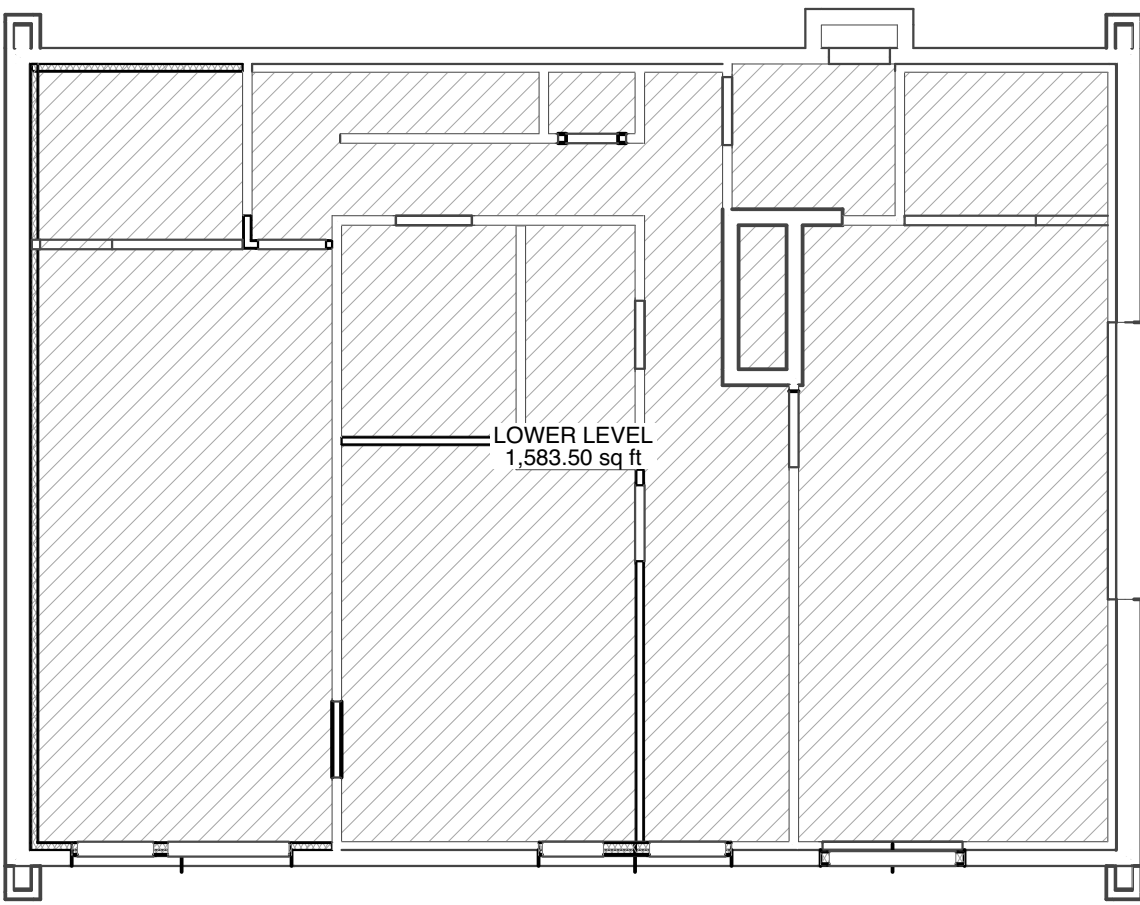
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Job #: 2020-09
Not For Construction

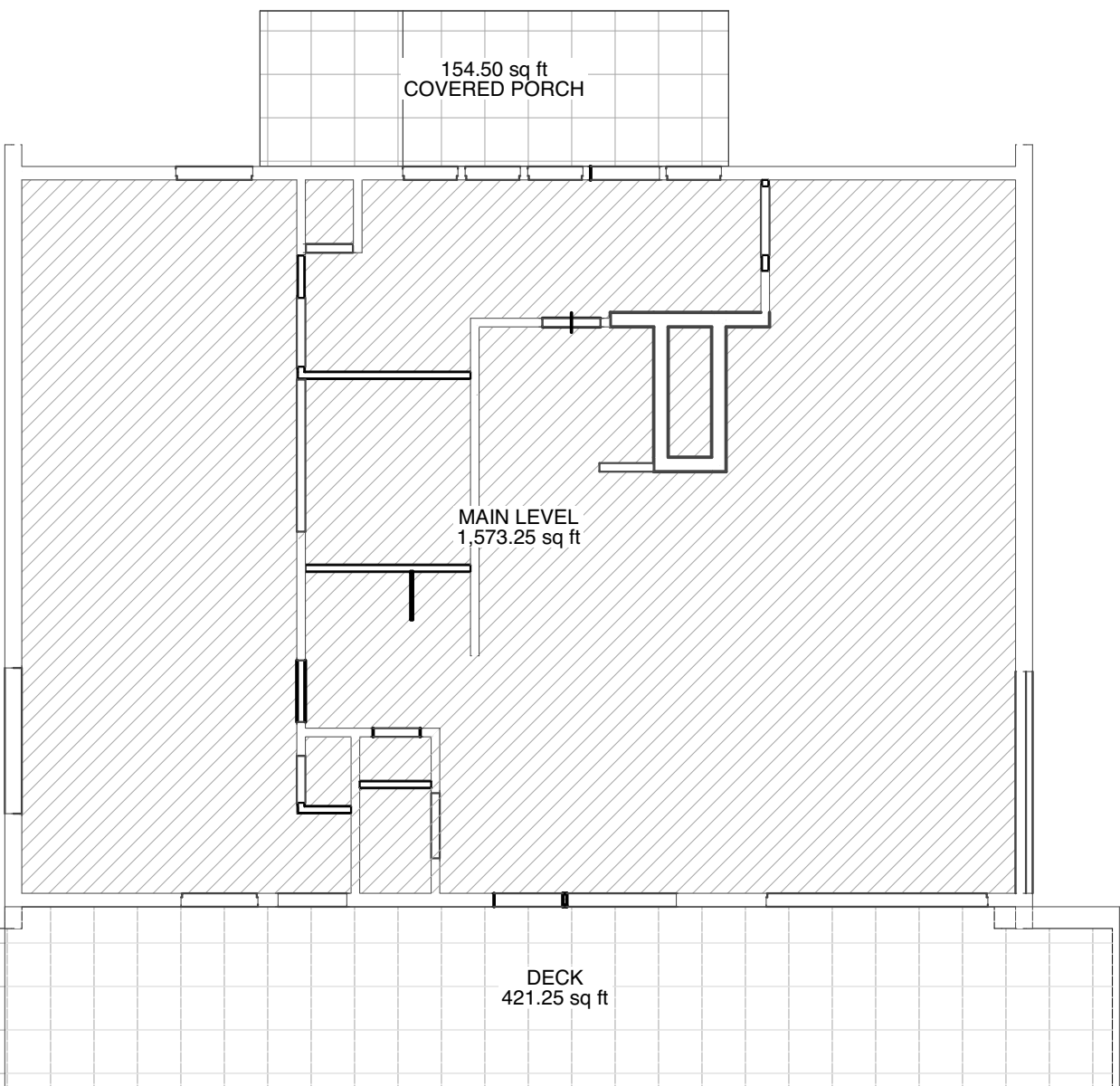
Site Plan and
Preliminary Grading Plan

C.01
of 1 total pages





PROPOSED LOWER LEVEL AREA 1/8" = 1'-0"



PROPOSED MAIN LEVEL AREA 1/8" = 1'-0"

TOTAL GROSS FLOOR AREA LOT AREA = 11,000 SF		
CONDITIONED SPACE	EXISTING	PROPOSED
LOWER LEVEL	1,583.50 SF	1,583.50 SF
MAIN LEVEL	1,573.25 SF	1,573.25 SF
TOTAL	3,156.75 SF	3,156.75 SF
COVERED DECK/PATIO	154.50 SF	154.50 SF
UNCOVERED DECK/PATIO	421.25 SF	421.25 SF

Project Description					
Lot Size Information	Acres	Square feet	Lot Coverage	Existing (Sq Ft & %)	Proposed (Sq. Ft. & %)
	1.313 Ac	57,194 Sq Ft		2,867.50 Sq Ft 5%	2,735.50 Sq Ft 4.7%
Limits of Disturbance	Existing (Sq & %)	Proposed (Sq. Ft. & %)	Average Slope within Limits of Disturbance	Percentage %	
	0	12,452.75 Sq Ft 22%		10.4%	
Off-street Parking Spaces	Existing # Vehicle Spaces	Proposed # Vehicle Spaces	Bicycle Parking	Existing # Spaces	Proposed # Spaces
	3	6 ON-SITE 1 ON-SITE ADA 3 OFFSITE, <500FT		0	3
Residential Units	# Existing Units	# Proposed Units	Non-residential Uses	Type of Use(s)	Gross Floor Area (Sq. Ft.)
	1	0		1. EDUCATION 2. OFFICE	3,156.75 Sq Ft
Open Space	Existing (Sq ft & %)	Proposed (Sq Ft & %)	Total Landscaped area	Existing (Sq Ft & %)	Proposed (Sq Ft & %)
	N/A	N/A		51,068.75 Sq Ft 89 %	46,136 Sq Ft 80 %
Building Height	Existing	Proposed	Total Impervious Area	Existing (Sq Ft & %)	Proposed (Sq Ft & %)
	21'-0"	21'-0" (NO CHANGE)		4,484.25 Sq Ft 8%	3,521.25 Sq Ft 8 %
Snow Storage	Required (sq ft)	Proposed (sq ft)	Other		
	0'	1,236.75 Sq Ft			

Geologic hazards disclosure.
This property is subject to geologic hazards per the adopted mapping by the City of Glenwood Springs. Hazards to note are moderate soil hazard and adjacent to moderate slope hazard.
A final Geological Hazard Report will be submitted upon application of a building permit.



VICINITY MAP

LITTLE CO ACADEMY CHILDCARE CENTER

SPECIAL USE PERMIT
PLANNING DOCUMENTS - NOT FOR CONSTRUCTION

536 SOUTH HYLAND PARK
GLENWOOD SPRINGS, CO 81601

CODE EDITIONS: 2015 IBC, 2015 IEBC, 2015 IMC, 2015 IECC, 2015 IPC, 2015 IFC, 2015 IFGC, 2016 NEC
COPHE-DIVISION OF ENVIRONMENTAL HEALTH AND SUSTAINABILITY 6 CCR 1010-7
SCOPE OF WORK INCLUDES: SPECIAL USE PERMIT FOR CHANGE IN USE FROM SFR TO CHILD CARE CENTER
THE 3 BEDROOM/3 BATH/1CAR GARAGE SFR WILL BE REMODELED TO HAVE FOUR CLASSROOMS, UPDATED MEANS OF EGRESS
SITE IMPROVEMENTS INCLUDE REQUIRED ON-SITE + OFF-SITE PARKING, ADA PARKING, ACCESSIBLE ROUTE, BIKE PARKING
RELOCATE EXISTING SHED WITH FENCE LINKING TO HOUSE FORMING A SCREENED TRASH & HVAC ENCLOSURE
TWO PLAY AREAS WITH MULTIPLE SURFACES AND NATURAL SHADING ARE LINKED BY NEW RAMP WITH 42" GUARD & HAND RAILS
REMODEL OF INTERIOR TO MEET MINIMUM REQUIREMENTS FOR STATE LICENSING & LIFE SAFETY SYSTEMS WITH INCREASED EXITS

CVR	COVER
Z-001	SITE PLAN
Z-002	LOT COVERAGE
Z-003	LANDSCAPE PLANS
Z-004	NET AREA CALCULATIONS
A-101	LOWER LEVEL
A-102	MAIN LEVEL
A-103	ROOF PLAN
A-200	ELEVATIONS
A-201	ELEVATIONS
A-203	ELEVATIONS
A-204	ELEVATIONS

SHEET INDEX



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12/1/20

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81601

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12/1/20 DATE OF PUBLICATION

75%SD 12/1/20 SPECIAL USE PERMIT
30%SD 11/12/20 CONCEPT SITE PLAN

PROJECT NO: 2012
DRAWN BY: DJA
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ZONE DISTRICT: RM1
PARCEL ID # 218516130002 &
218516121006
LEGAL DESCRIPTION
LOT 2, BRITTANY PLACE
SUBDIVISION & LOT: 4 BLOCK: 4
HYLAND PARK

SHEET TITLE

CVR
COVER

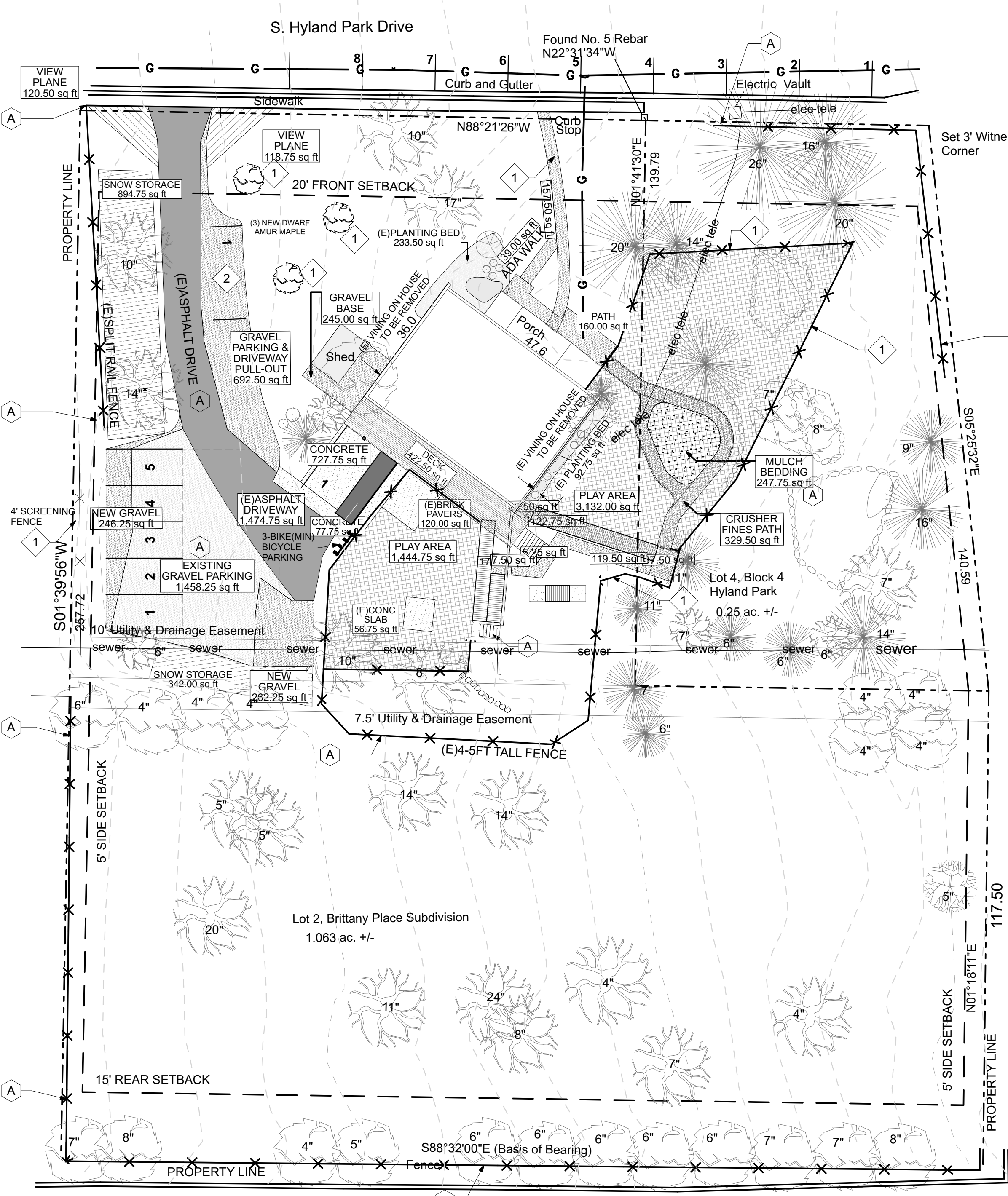
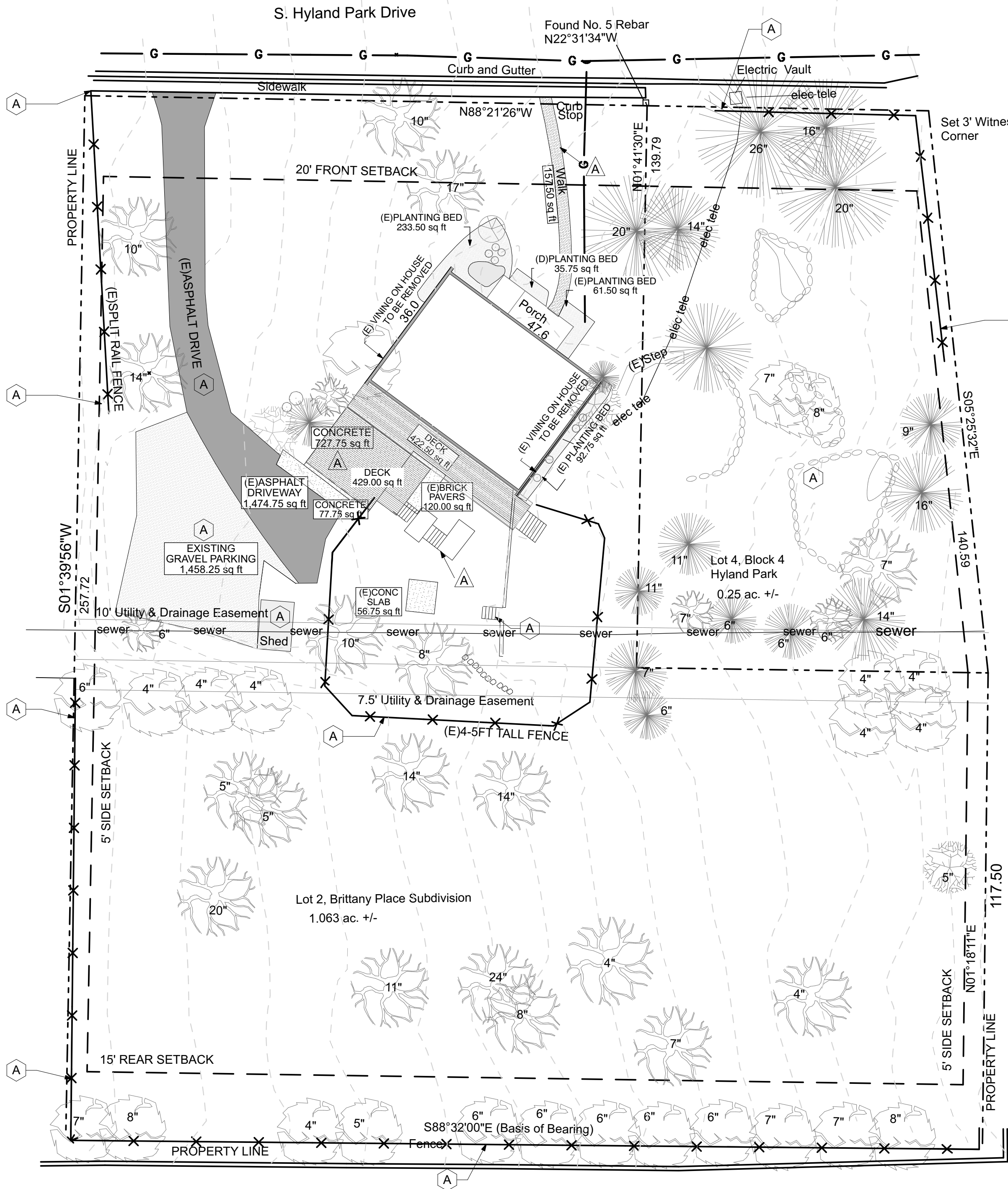
PARKING REQUIREMENTS FROM USES:
(252 NET SF)OFFICE @ 300SF/SPACE = 1 SPACE
(1883 NET SF)CLASSROOM @ 150SF/SPACE = 8 SPACES
ADA <25 SPACES = 1 SPACE

OFF-SITE PARKING REDUCTION@ 30% = 3 SPACES
ON-SITE PARKING = 6 SPACES
+1 ADA SPACE

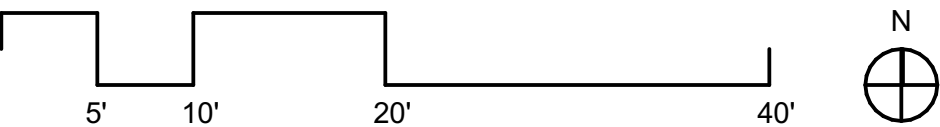
TOTAL PARKING
OFF-SITE = 5 SPACES
ON-SITE = 6 SPACES
ON-SITE ADA = 1 SPACE
STREET PARKING = 7-8 SPACES
3 MINIMUM BICYCLE PARKING SPACES

- EXISTING
PROPOSED
DEMO

SITE PLAN LEGEND



NOTE: SEE CIVIL DRAWINGS FOR SNOW STORAGE, ADA ACCESSIBLE SITE PATHS, SITE GRADING & DRAINAGE



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LEGAL DESCRIPTION
LOT 2, BRITTANY PLACE
SUBDIVISION & LOT: 4 BLOCK: 4
HYLAND PARK

SHEET TITLE

Z-001
SITE PLAN



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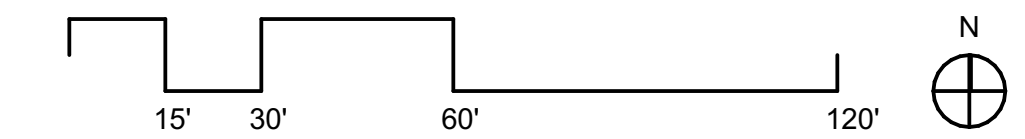
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IMPERVIOUS SITE AREA			
	ASPHALT	1,474.75 SF	1,474.75 SF
	CONCRETE/ PAVERS	1,139.75 SF	1,139.75 SF
	BUILDING FOOTPRINT & ADU	1,869.75 SF	1,869.75 SF
TOTAL IMPERVIOUS AREA		4,484.25 SF	3,521.25 SF
TOTAL IMPERVIOUS AREA		8 %	8 %

	GRAVEL & CRUSHER FINES	1,461.5 SF	3,761.25 SF
	PLANTING AREA	417.50 SF	320.25 SF
	STAIRS & RAMPS	143.75 SF	326 SF
	GRASS AREA	50,651.25 SF	48,561.75 SF



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30%SD	11/12/20	CONCEPT SITE PLAN
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ZONE DISTRICT: RM1

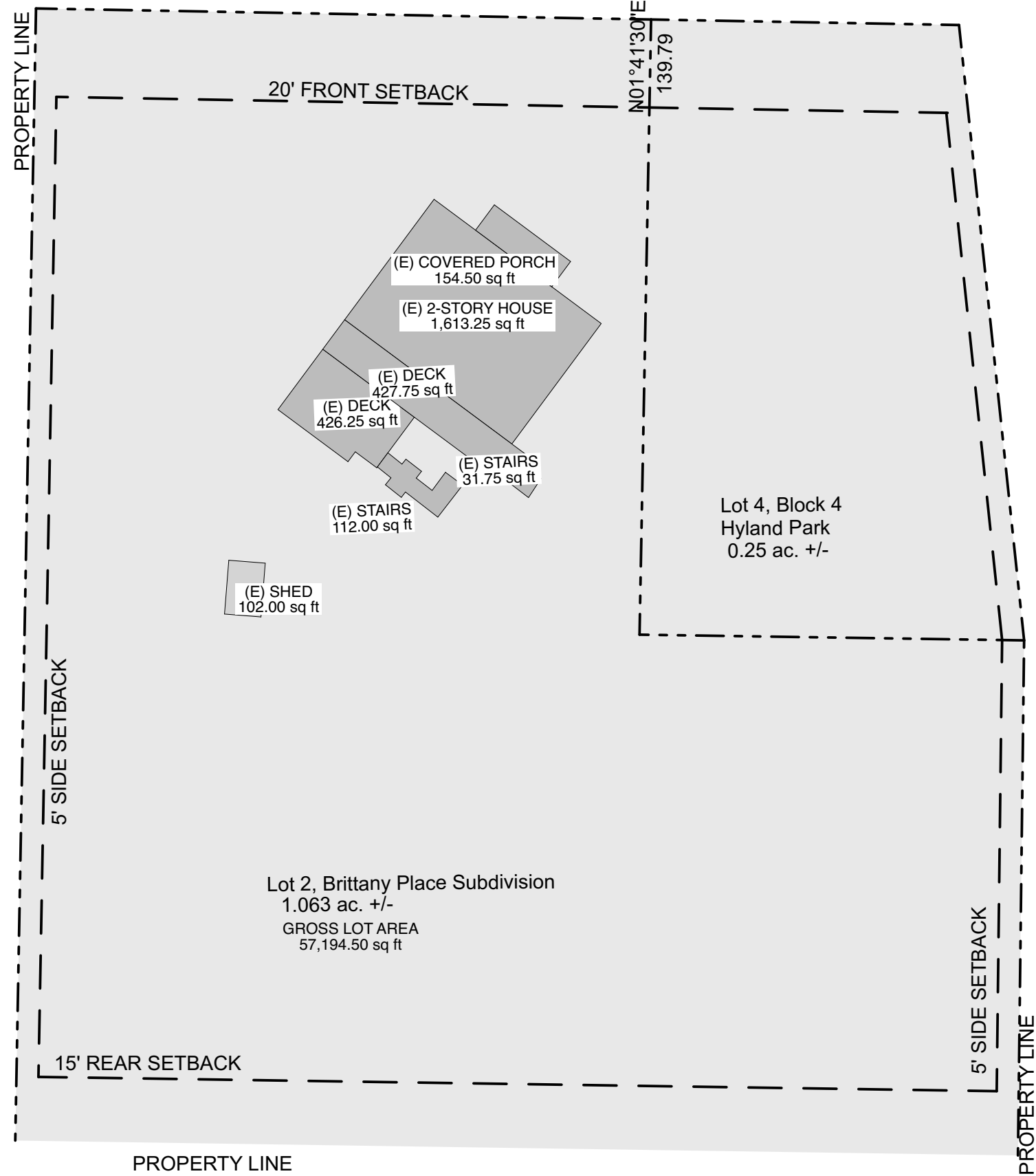
PARCEL ID # 218516130002 &
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LEGAL DESCRIPTION
LOT 2, BRITTANY PLACE
SUBDIVISION & LOT: 4 BLOCK: 4
HYLAND PARK

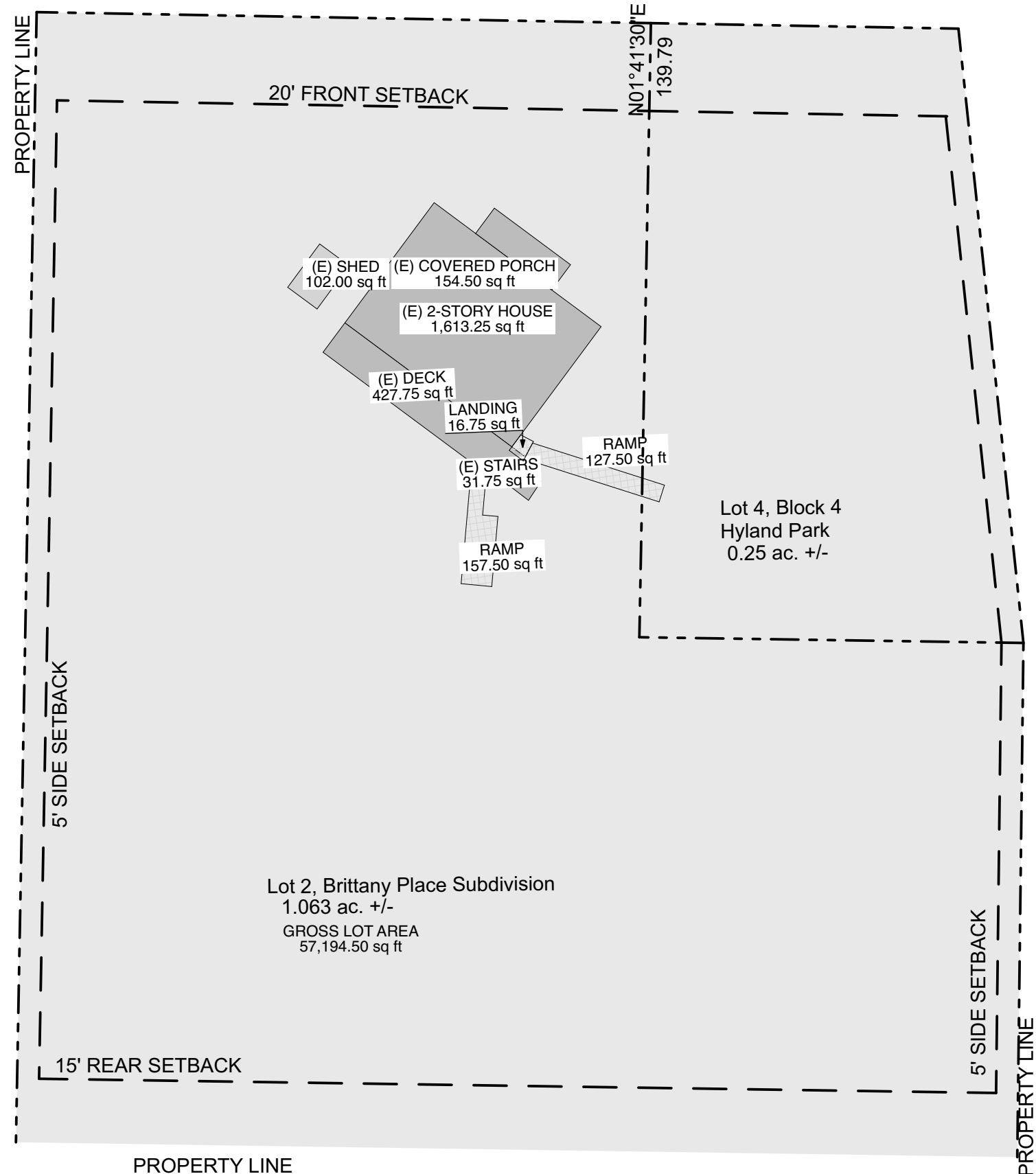
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Z-002

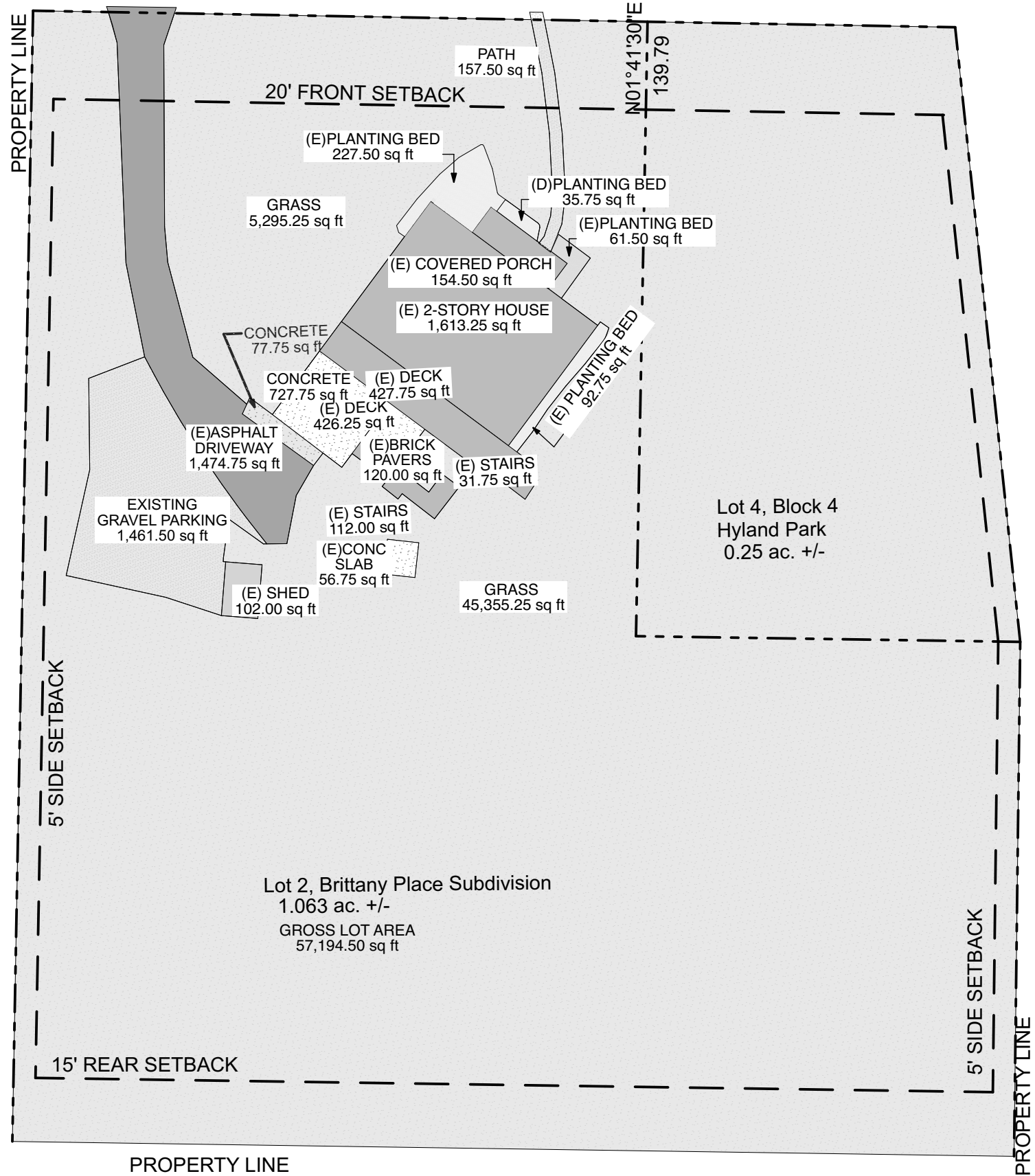
LOT COVERAGE



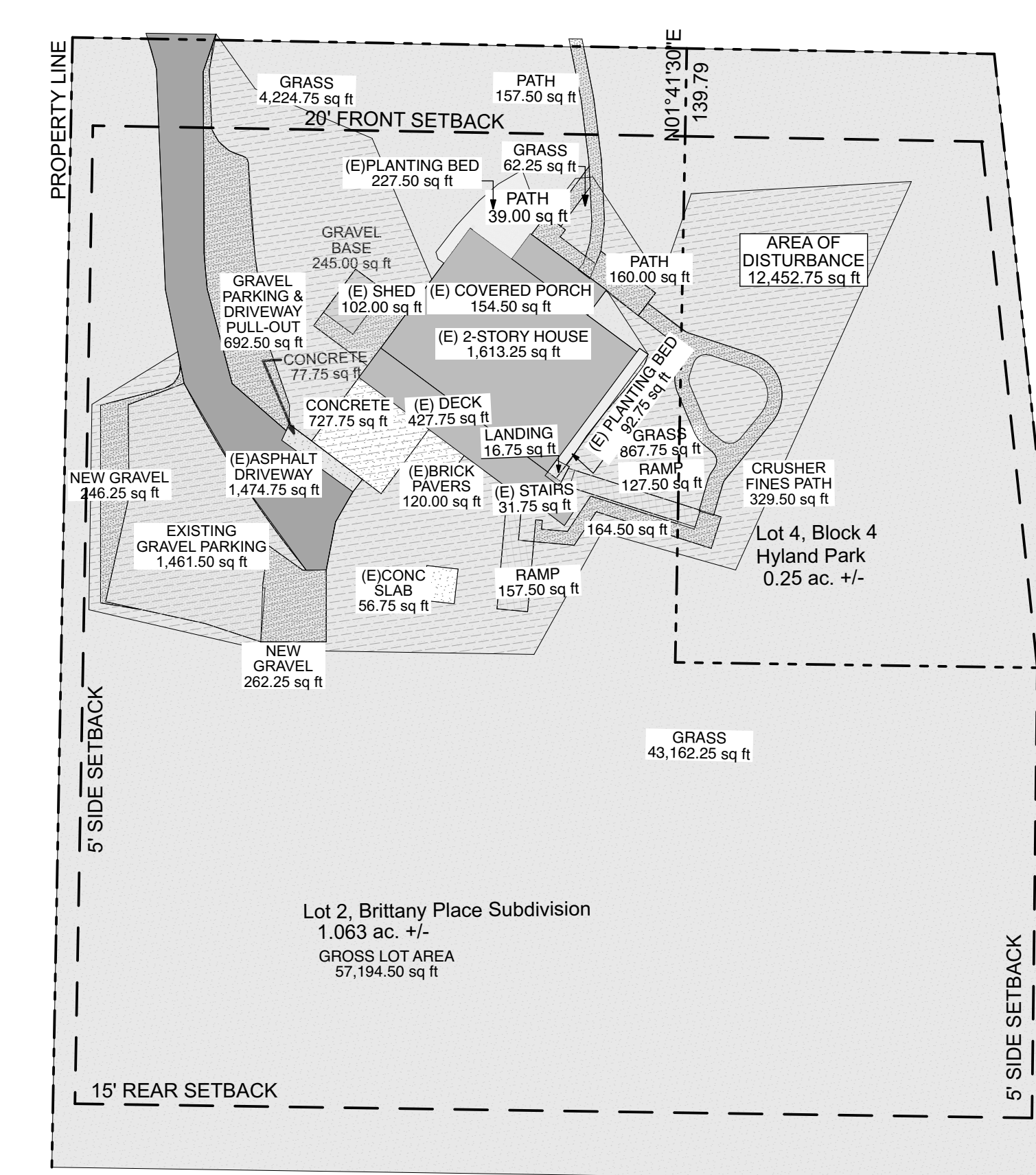
(E) LOT COVERAGE

$$1'' = 30'$$


(P) LOT COVERAGE

$$1'' = 30'$$


(E) IM/PERVIOUS LOT

$$1'' = 30'$$


IM/PERVIOUS LOT

$$1'' = 30'$$



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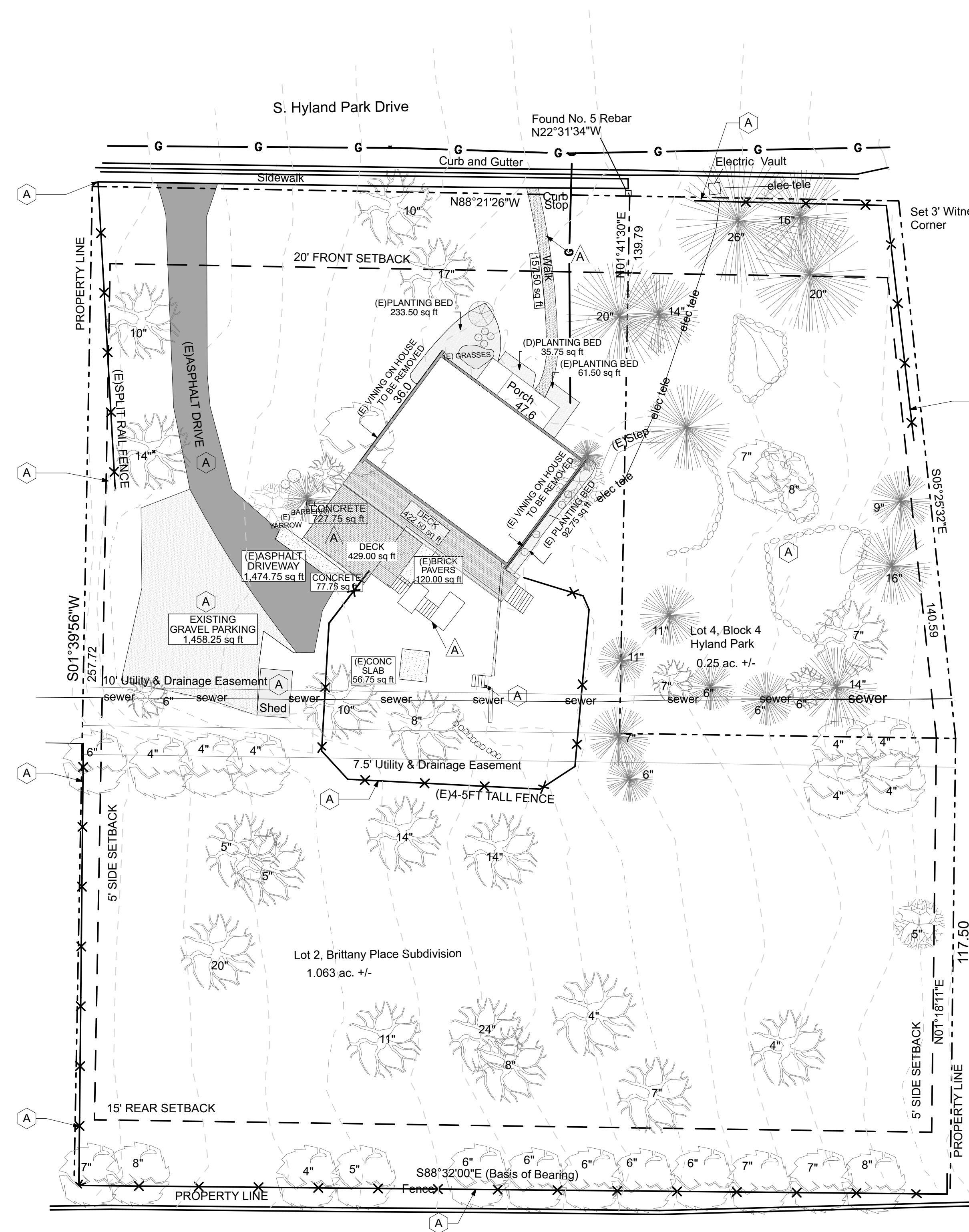
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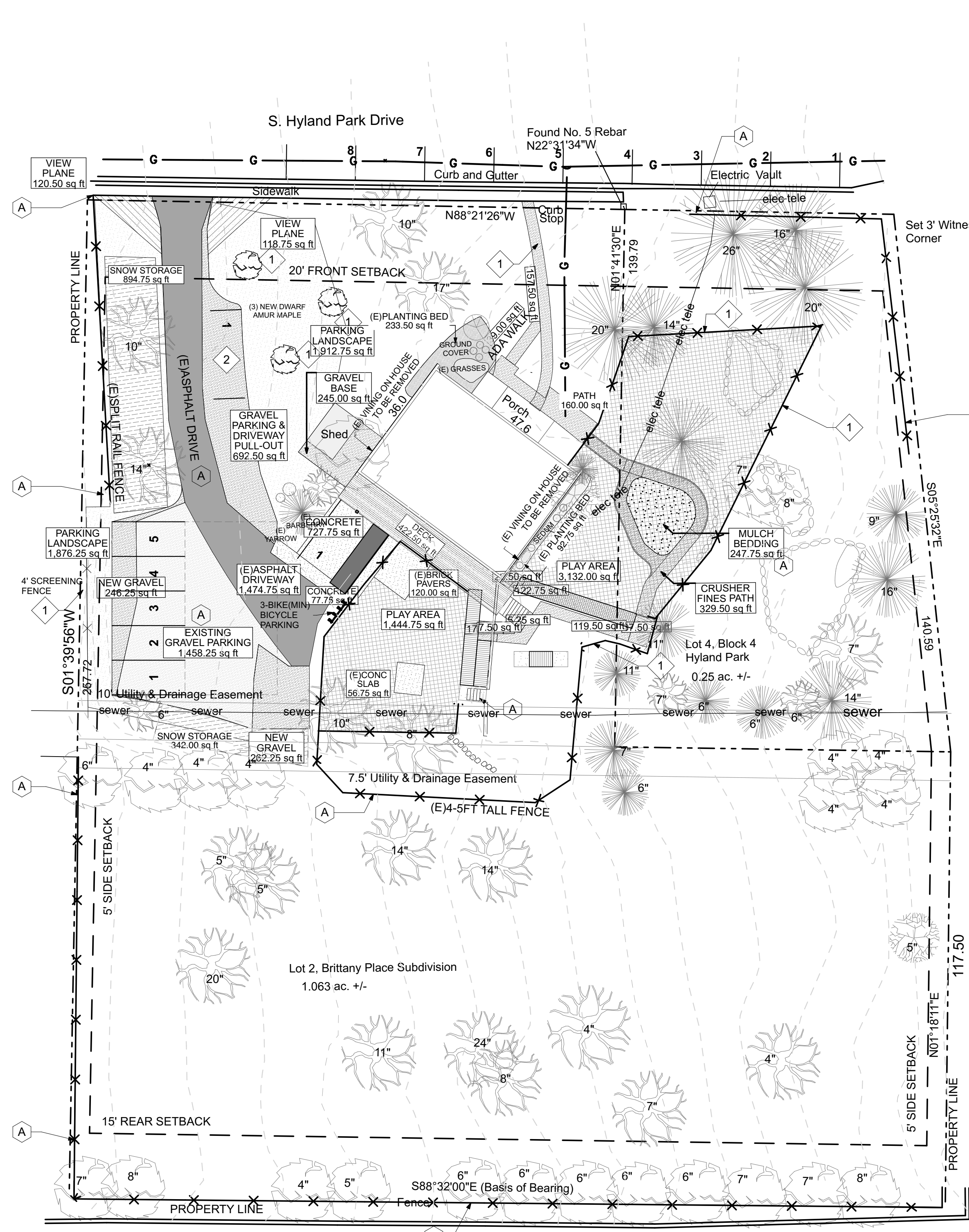
Z-003

LANDSCAPE PLANS



EXISTING LANDSCAPE

1" = 20'



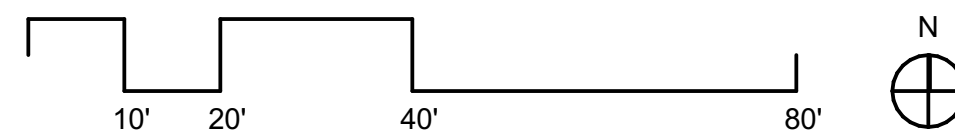
PROPOSED LANDSCAPE

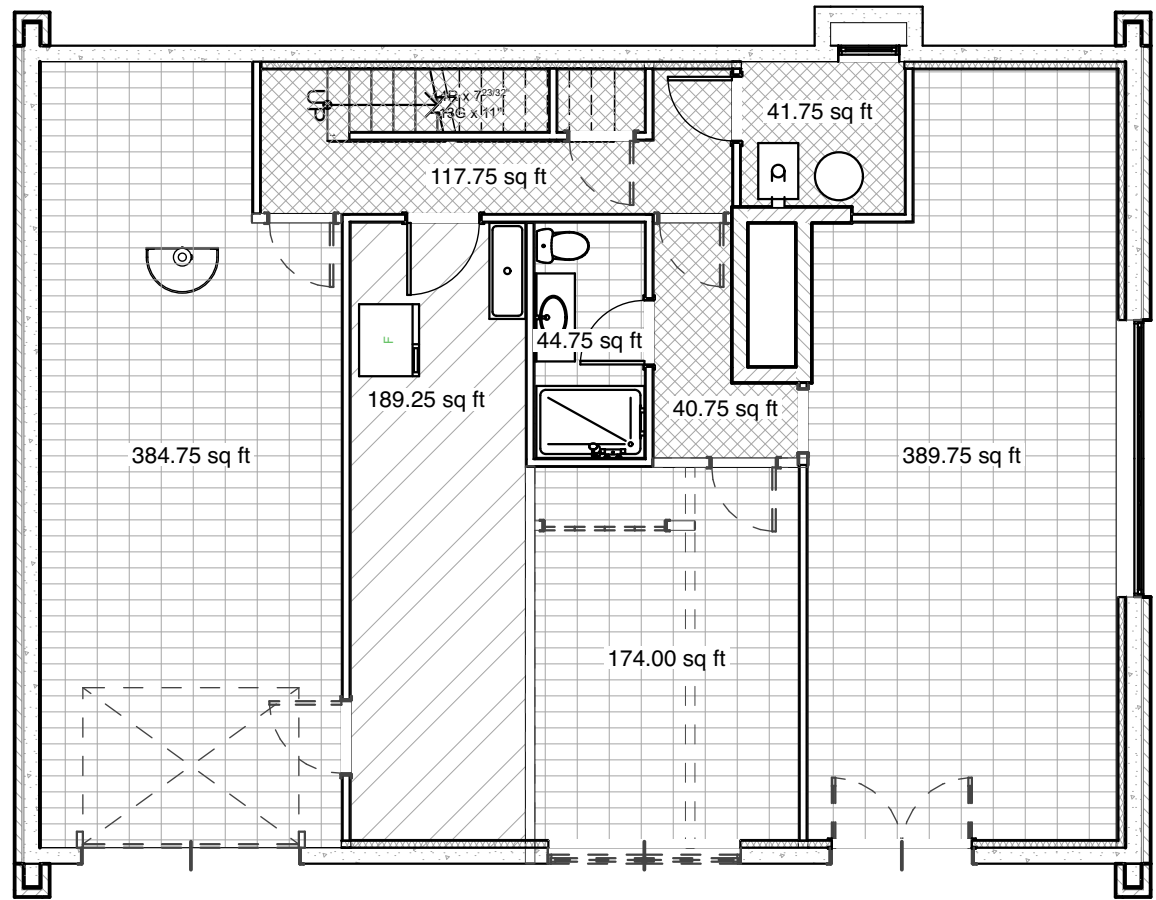
1" = 20'

LANDSCAPE AREA CHART

LANDSCAPE AREA	
TOTAL LOT AREA	57,194 Sq Ft
GRASS AREA	41,177.50 Sq Ft
PLAY AREA	4,576.75 Sq Ft
PLANTING BEDS	381.75 Sq Ft
TOTAL # OF TREES	66
TOTAL # OF SHRUBS	12
TOTAL LANDSCAPED AREA	46,136 Sq Ft
% OF LANDSCAPED AREA	80%
PARKING AREA	4,677.25 Sq Ft
PARKING LANDSCAPED AREA	2,807.50 Sq Ft
# OF TREES	9
# OF SHRUBS	2
% OF LANDSCAPED AREA	60%

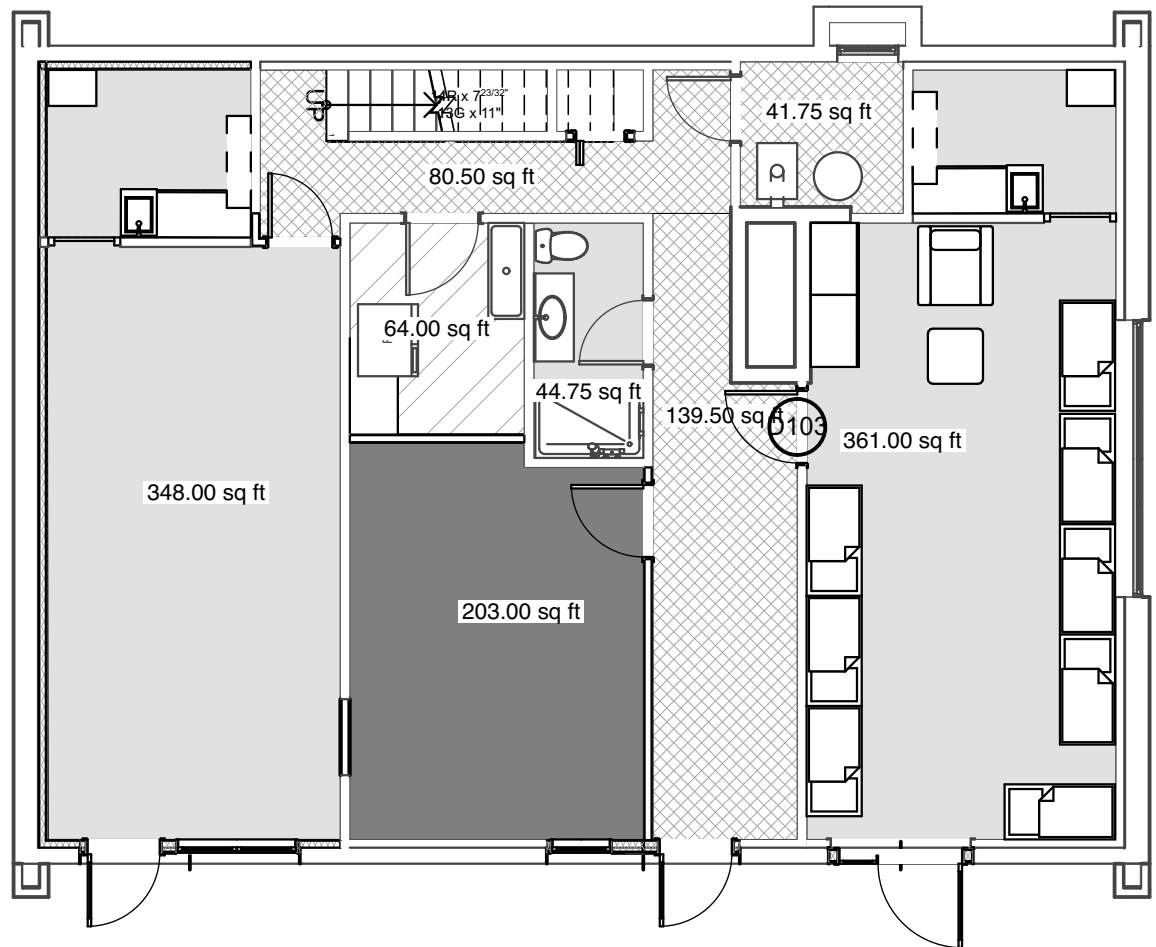
NOTE: SEE CIVIL DRAWINGS FOR SNOW STORAGE, ADA ACCESSIBLE SITE PATHS, SITE GRADING & DRAINAGE





(E) LOWER LEVEL NET AREA

1/8" = 1'-0"



LOWER LEVEL NET AREA

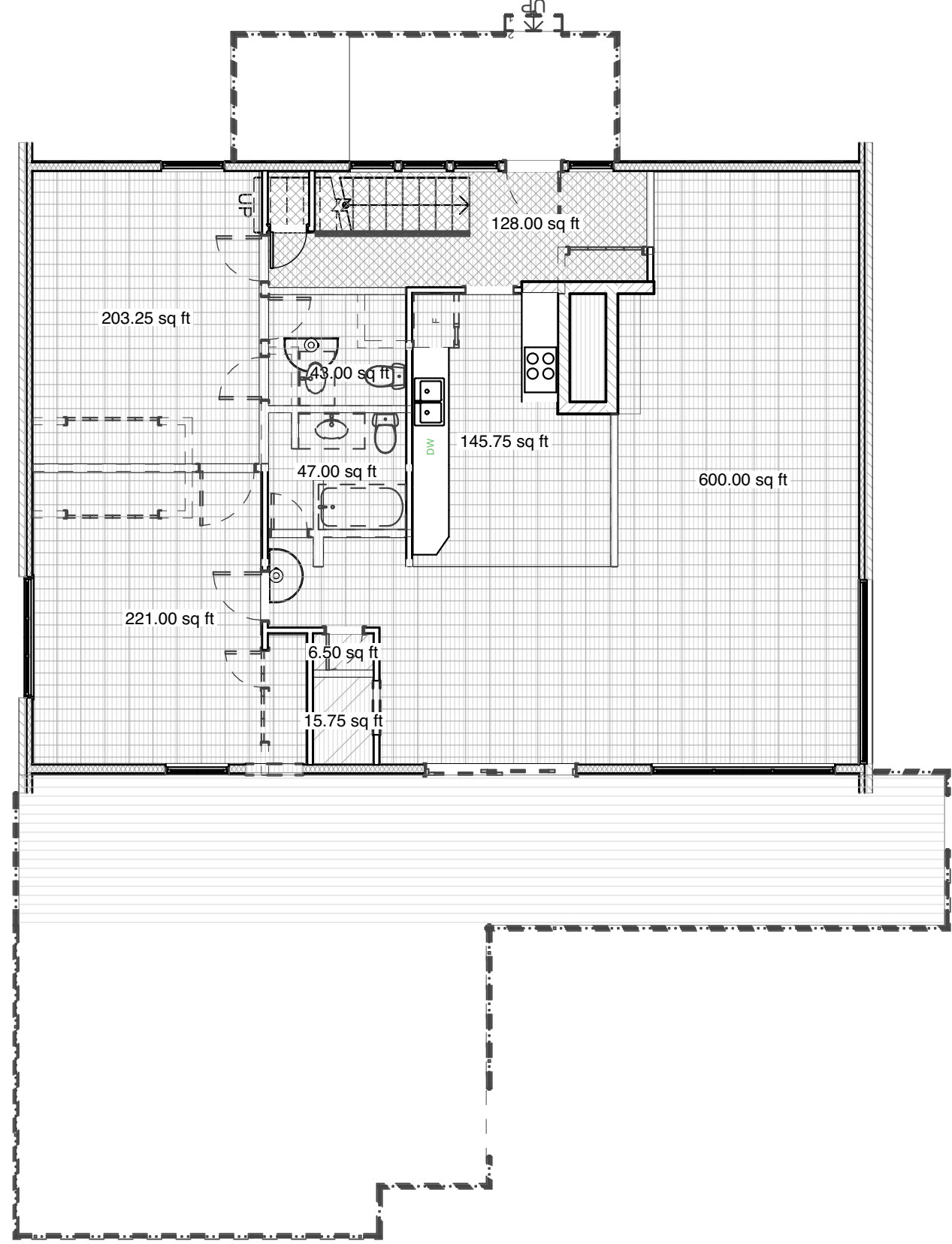
1/8" = 1'-0"

NET AREA LEGEND	
	CHILD CARE
	OFFICE
	STORAGE
	OTHER
	RESIDENTIAL

PARKING REQUIREMENTS FROM USES:
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ADA <25 SPACES = 1 SPACE

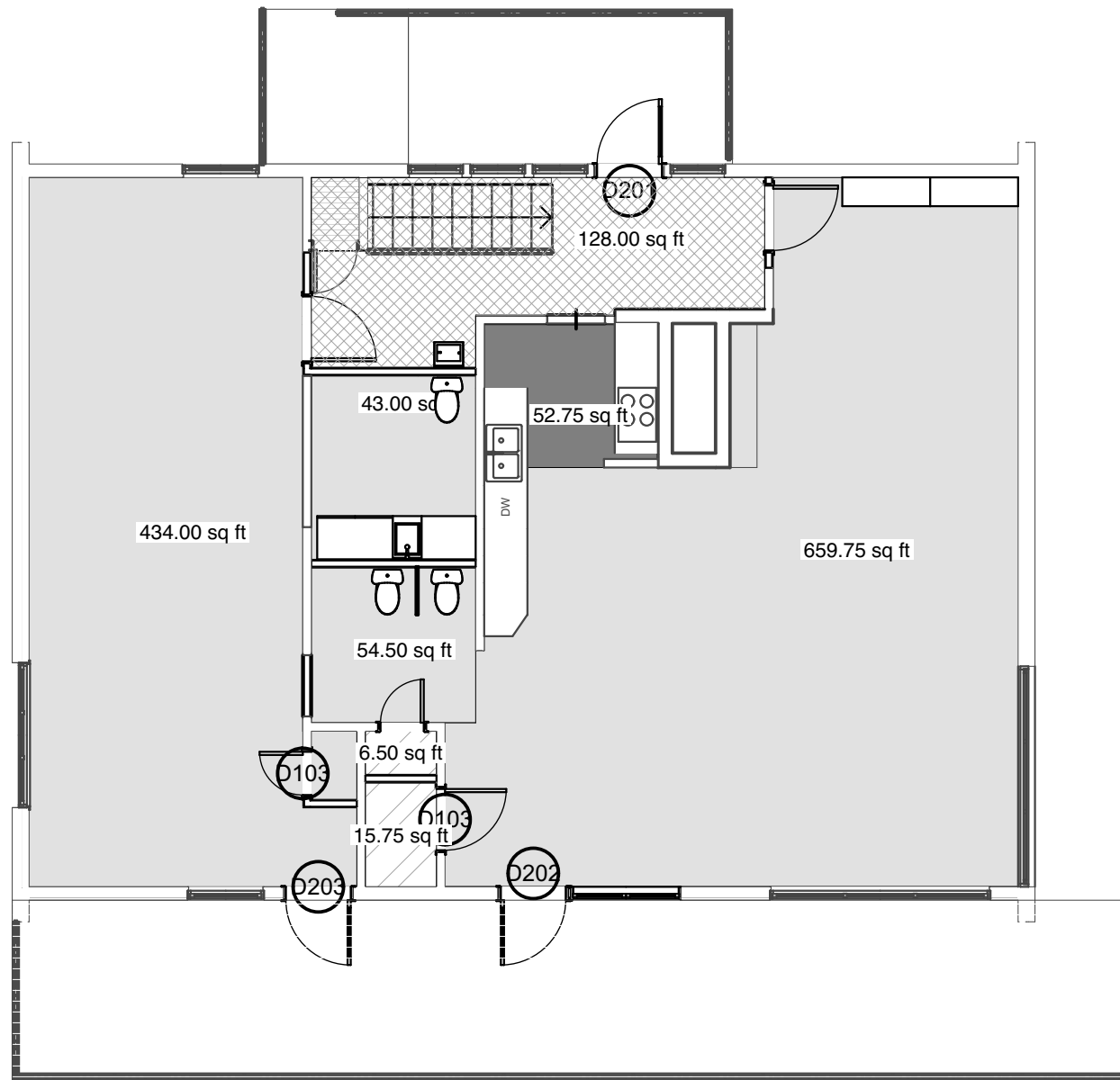
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+1 ADA SPACE

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OFF-SITE = 5 SPACES
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STREET PARKING = 7-8 SPACES
3 MINIMUM BICYCLE PARKING SPACES



(E) MAIN LEVEL NET AREA

1/8" = 1'-0"



MAIN LEVEL NET AREA

1/8" = 1'-0"

(E) Zone List		
Zone Category	Zone Name	Measured Net Area
Other	(E)CLOSET	9.24
	(E)ENTRY/HALL	127.94
	(E)HALL	40.74
	(E)HALL	108.01
	(E)MECH	41.70
		327.63 sq ft
Residential	(E) KITCHEN	145.77
	(E)BATH	42.94
	(E)BATH	44.67
	(E)BATH	46.92
	(E)BEDROOM	203.18
	(E)BEDROOM	218.50
	(E)DINING	176.07
	(E)FAMILY ROOM	389.85
	(E)GARAGE	384.66
	(E)LIVING_RM	424.00
	(E)MUD/LAUNDRY	189.27
	(E)OFFICE/BEDROOM	173.95
		2,439.78 sq ft
		2,767.41 sq ft

(E) Use List

1' = 1'-0"

Proposed Use Net Areas

1' = 1'-0"

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SHEET TITLE

Z-004
NET AREA
CALCULATIONS



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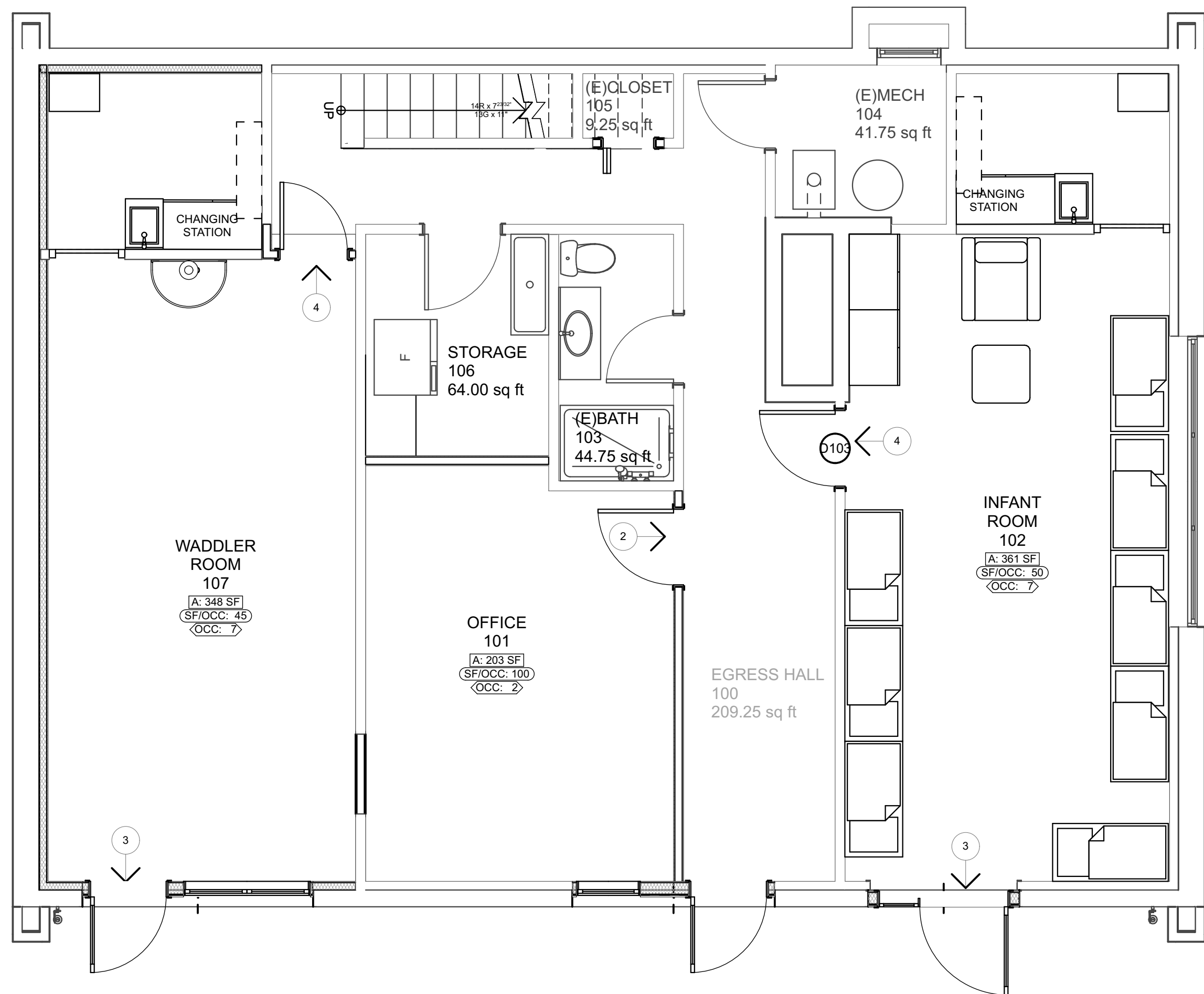
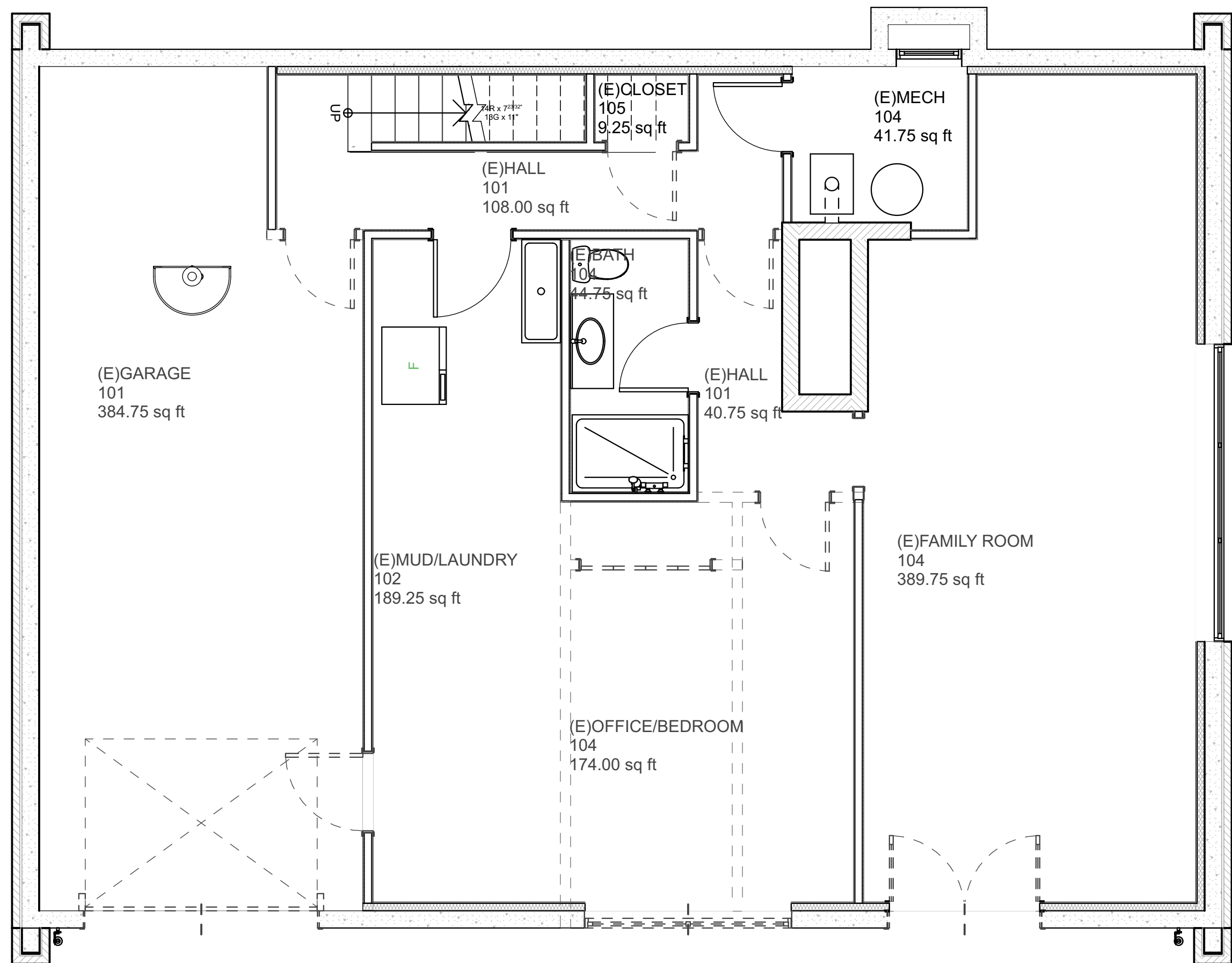
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SHEET TITLE

A-101

LOWER LEVEL

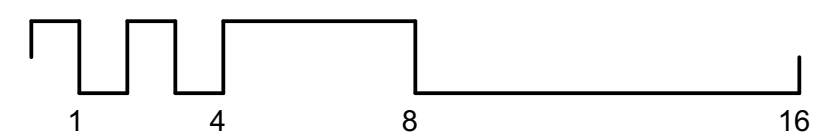


EXISTING LOWER LEVEL

1/4" = 1'-0"

PROPOSED LOWER LEVEL

1/4" = 1'-0"





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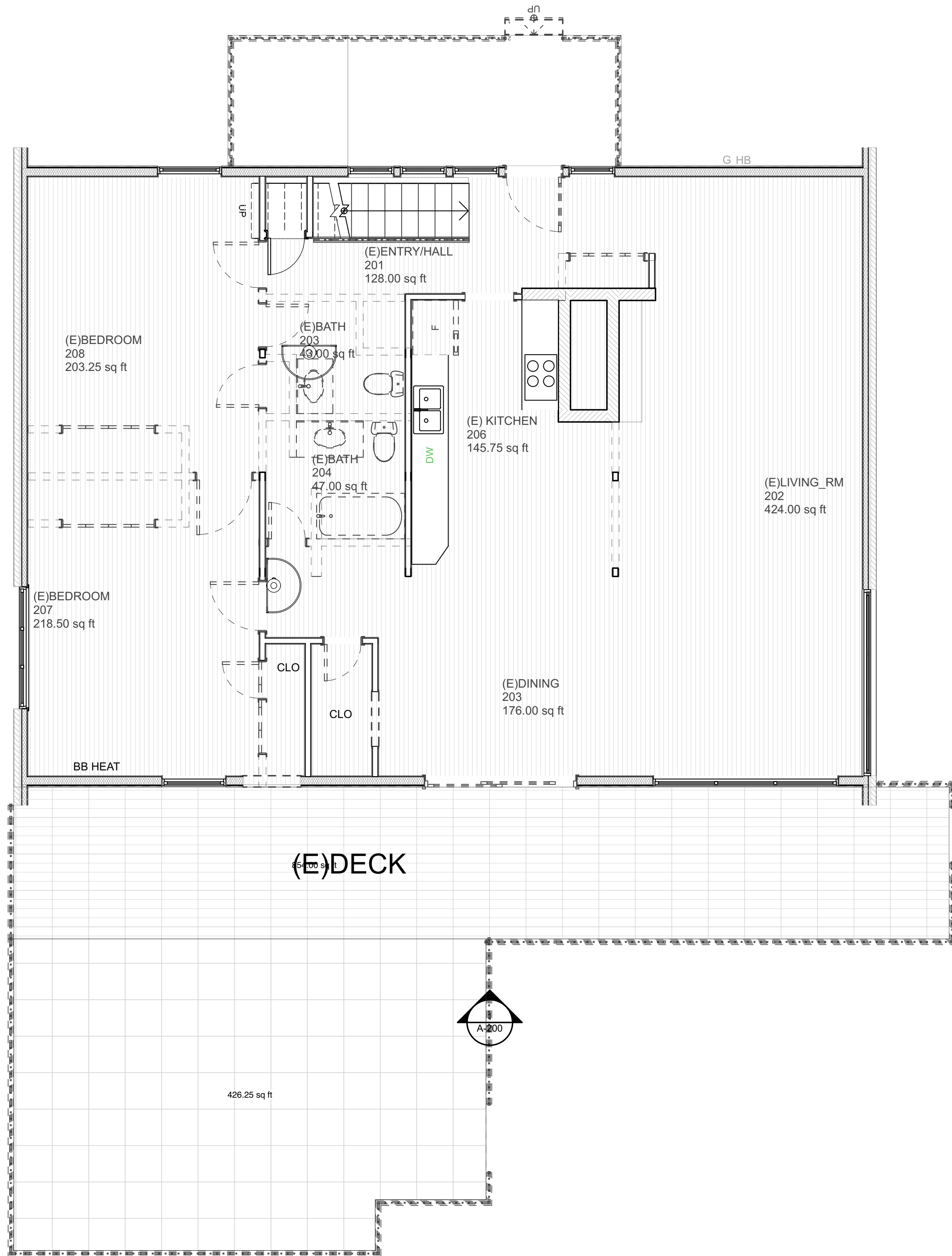
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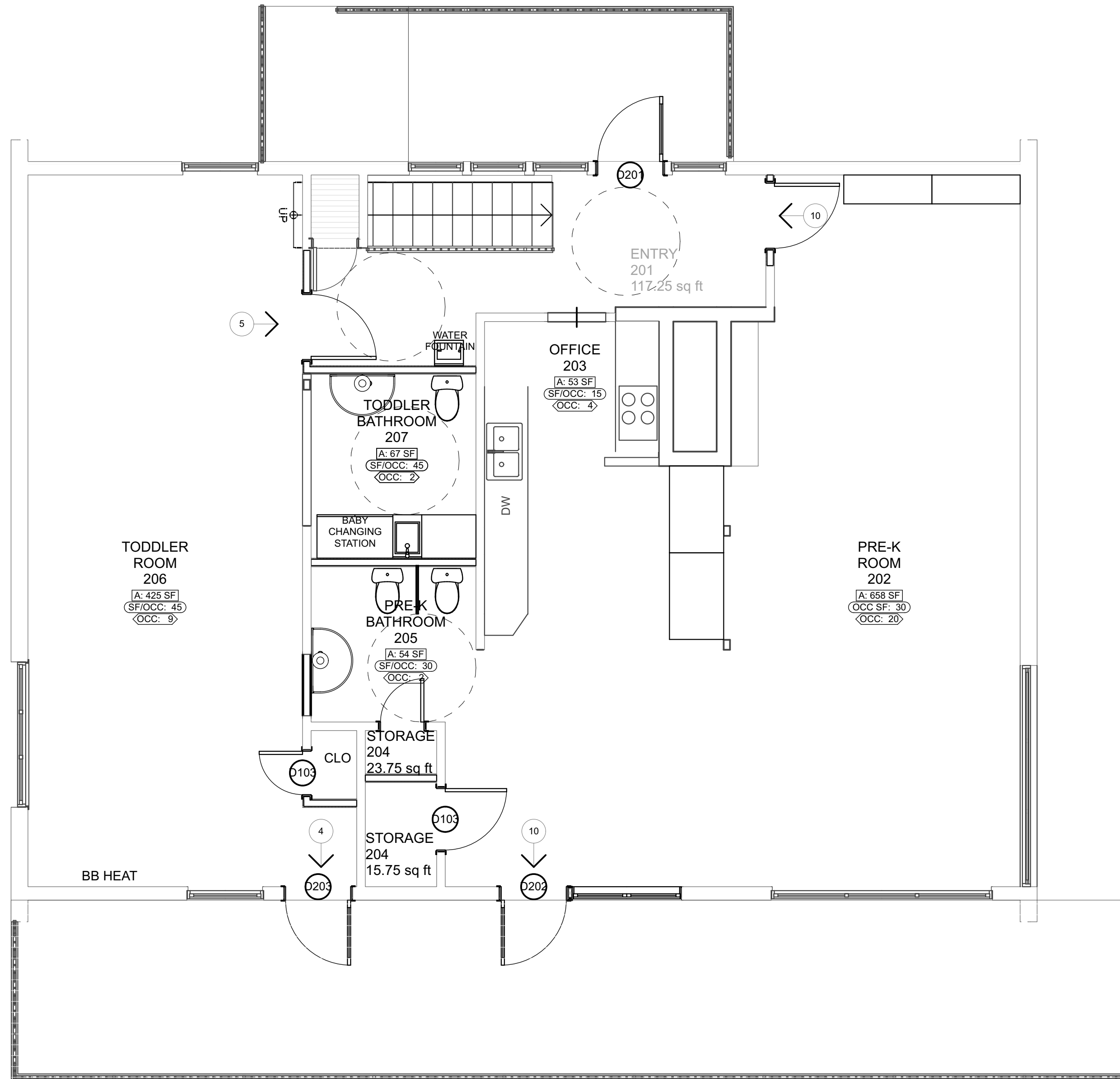
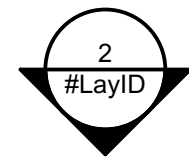
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MAIN LEVEL



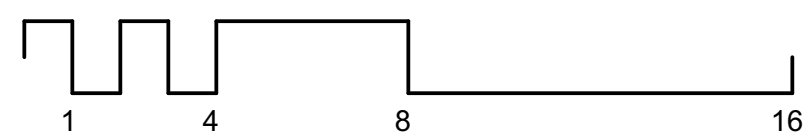
EXISTING MAIN LEVEL

1/4" = 1'-0"



PROPOSED MAIN LEVEL

1/4" = 1'-0"





1/20

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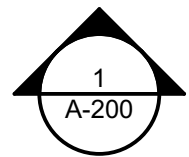
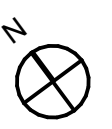
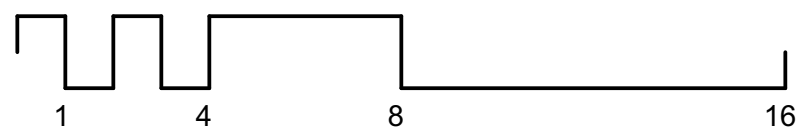
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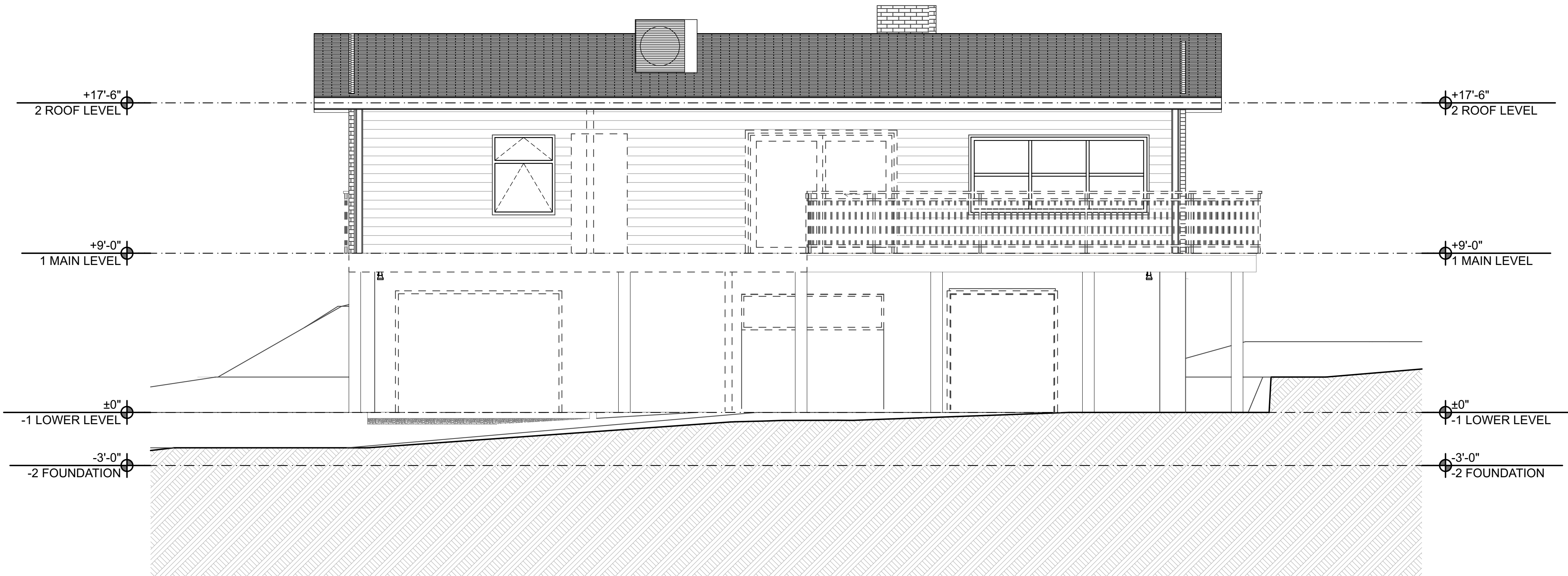
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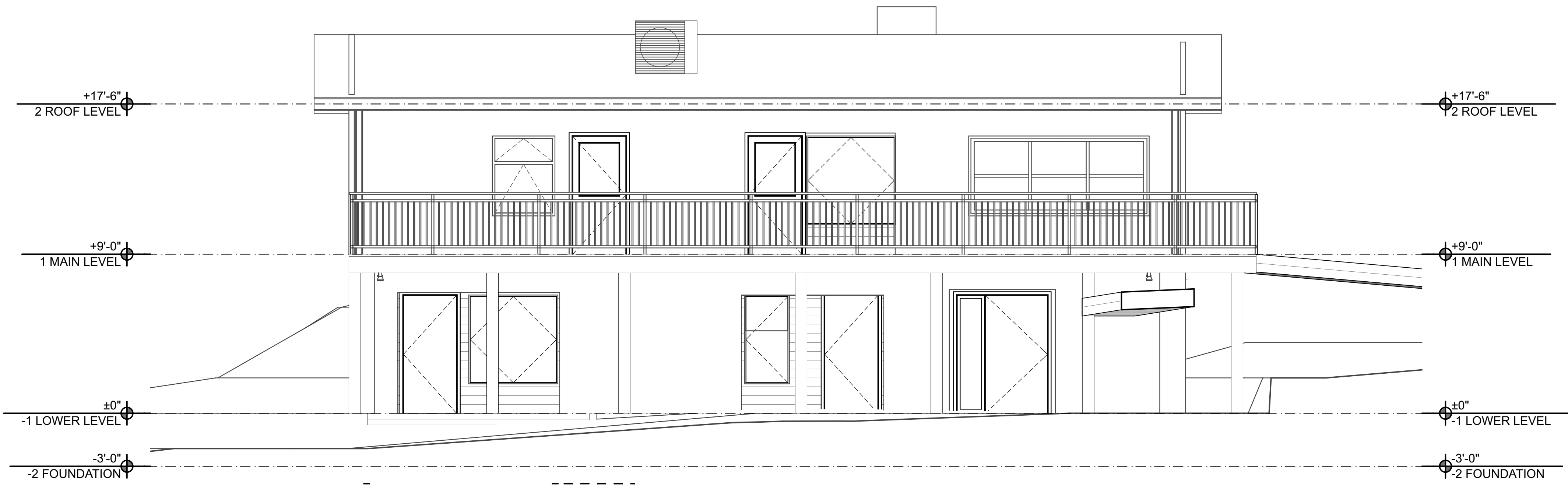
ROOF PLAN


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




(E) SW ELEVATION

1/4" = 1'-0"



PROPOSED SW ELEVATION

1/4" = 1'-0"

11250 LED Outdoor Wall Sconce
By Kichler

Product Options

Finish: Textured Architectural Bronze, Textured Black

Details

- Designed in 2015
- Material: Metal
- Dark Sky compliant, Title 24 compliant
- ETL Listed Item
- Made in China

Dimensions

Fixture: Width 5", Height 7", Depth 6.5", Weight 2.28lbs

Lighting

- 11 Watt, 1274 Lumens, 120 VAC/277 VAC Integrated LED, CRI: 90 Color Temp: 3000K
- Life span: 40000 hours

Additional Details

Product URL:

<https://www.ylighting.com/11250-led-outdoor-wall-sconce-by-kichler-uu530320.html>

Rating: ETL Listed Item

Product ID: uu530320

Prepared by:

Prepared for:

Project:

Room:

Phase/Arch:

Approval:



Notes



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jeff@tss-us.com

CIVIL

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Jay Engstrom
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jay@birdhousedesigns.com

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TBD

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TRAFFIC

McDowell Engineering
Karl J. McDowell Schroeder, PE PTOE
(970) 623 0788

APPLICANT

MAGGIE BROWN
(801)850-3221
maggie.brown@littlecoacademy.com

12/1/20 DATE OF PUBLICATION

75%SD 12/1/20 SPECIAL USE PERMIT

30%SD 11/12/20 CONCEPT SITE PLAN

PROJECT NO: 2012

DRAWN BY: DJA

COPYRIGHT PEAK Architecture LLC

ZONE DISTRICT: RM1

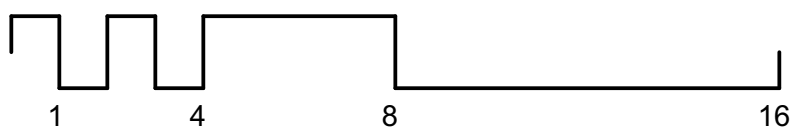
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218516121006

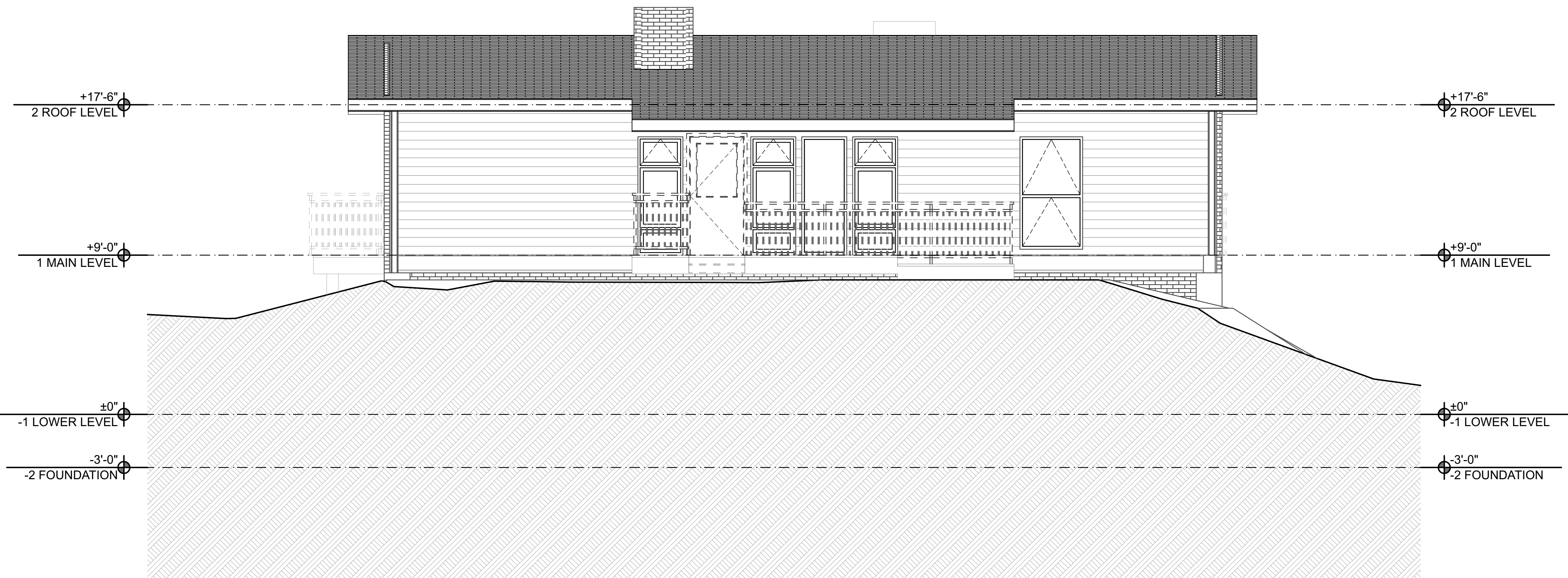
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LOT 2, BRITTANY PLACE
SUBDIVISION & LOT: 4 BLOCK: 4
HYLAND PARK

SHEET TITLE

A-200

ELEVATIONS





(E)NE ELEVATION

1/4" = 1'-0"



PROPOSED NE ELEVATION

1/4" = 1'-0"



104 MIDLAND AVE, #204
PO BOX 1087
BASALT, CO 81621
dustin@peakarchitecture.com
P: 970.279.5485

12/1/20

LITTLE CO ACADEMY

536 S Hyland Park Dr.
Glenwood Springs CO
81601

CONSULTANTS

SURVEYOR

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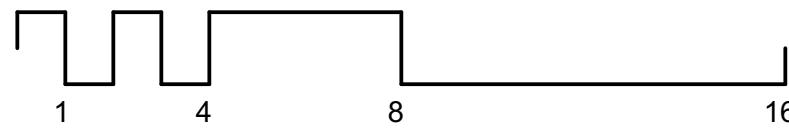
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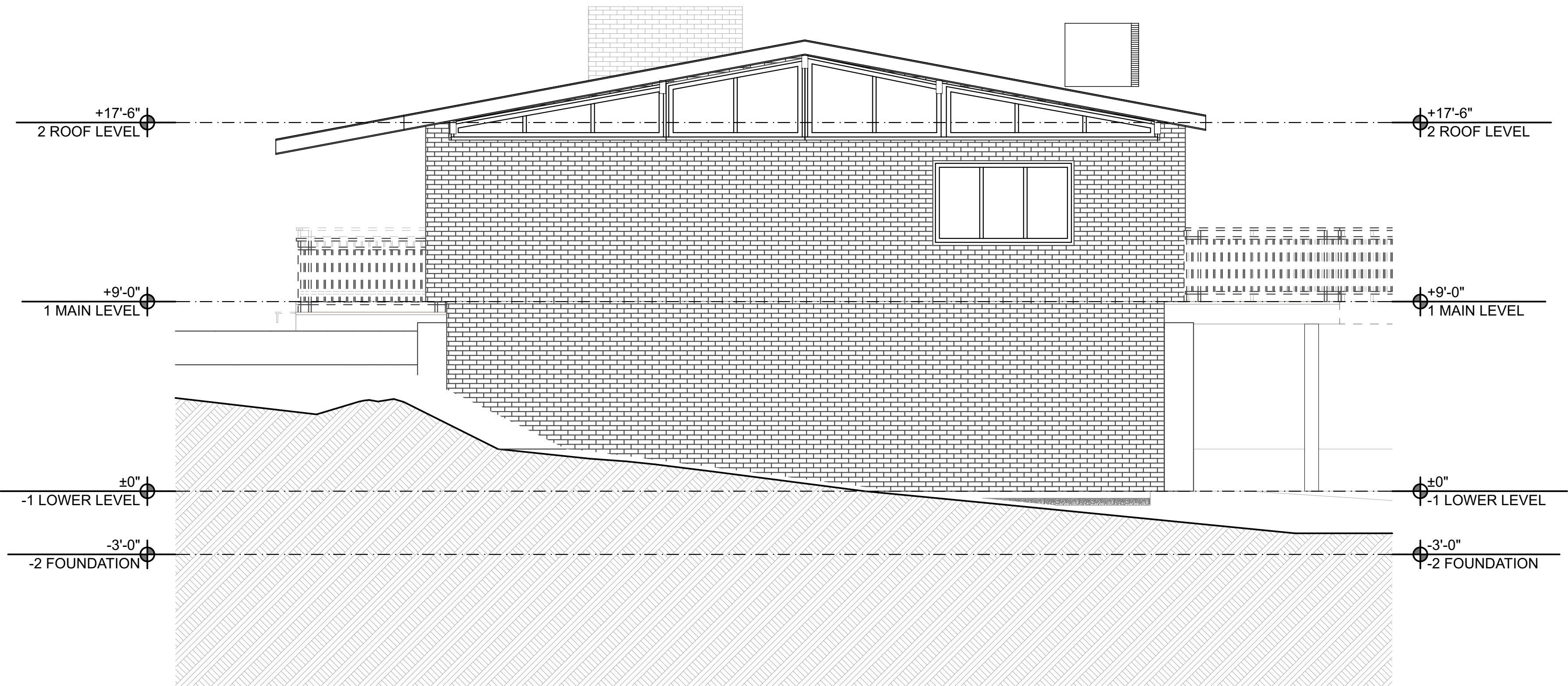
LEGAL DESCRIPTION
LOT 2, BRITTANY PLACE
SUBDIVISION & LOT: 4 BLOCK: 4
HYLAND PARK

SHEET TITLE

A-201

ELEVATIONS

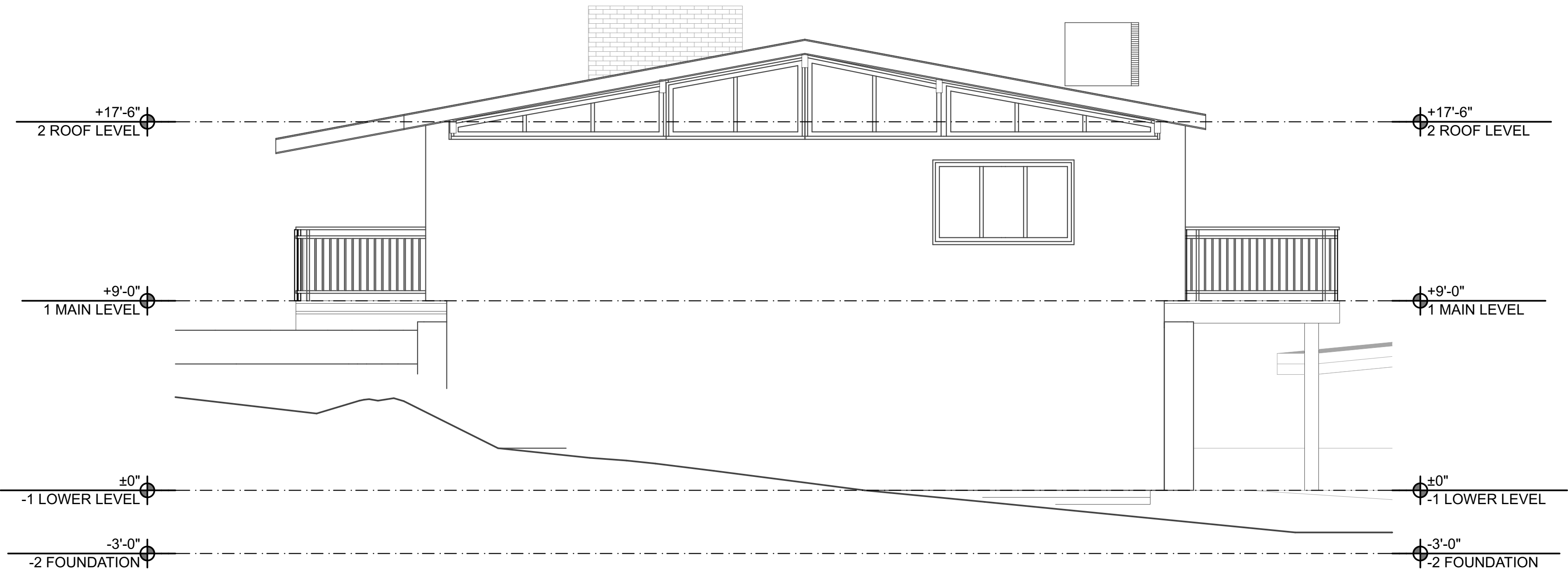




2

(E) NW ELEVATION

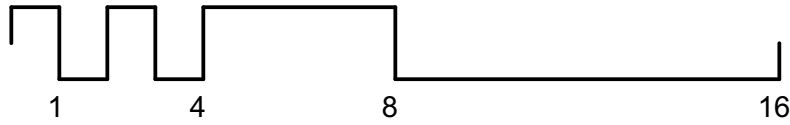
1/4" = 1'-0"



2

PROPOSED NW ELEVATION

1/4" = 1'-0"



104 MIDLAND AVE, #204
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BASALT, CO 81621
dustin@peakarchitecture.com
P: 970.279.5485

12/1/20

LITTLE CO ACADEMY

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Glenwood Springs CO
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ZONE DISTRICT: RM1

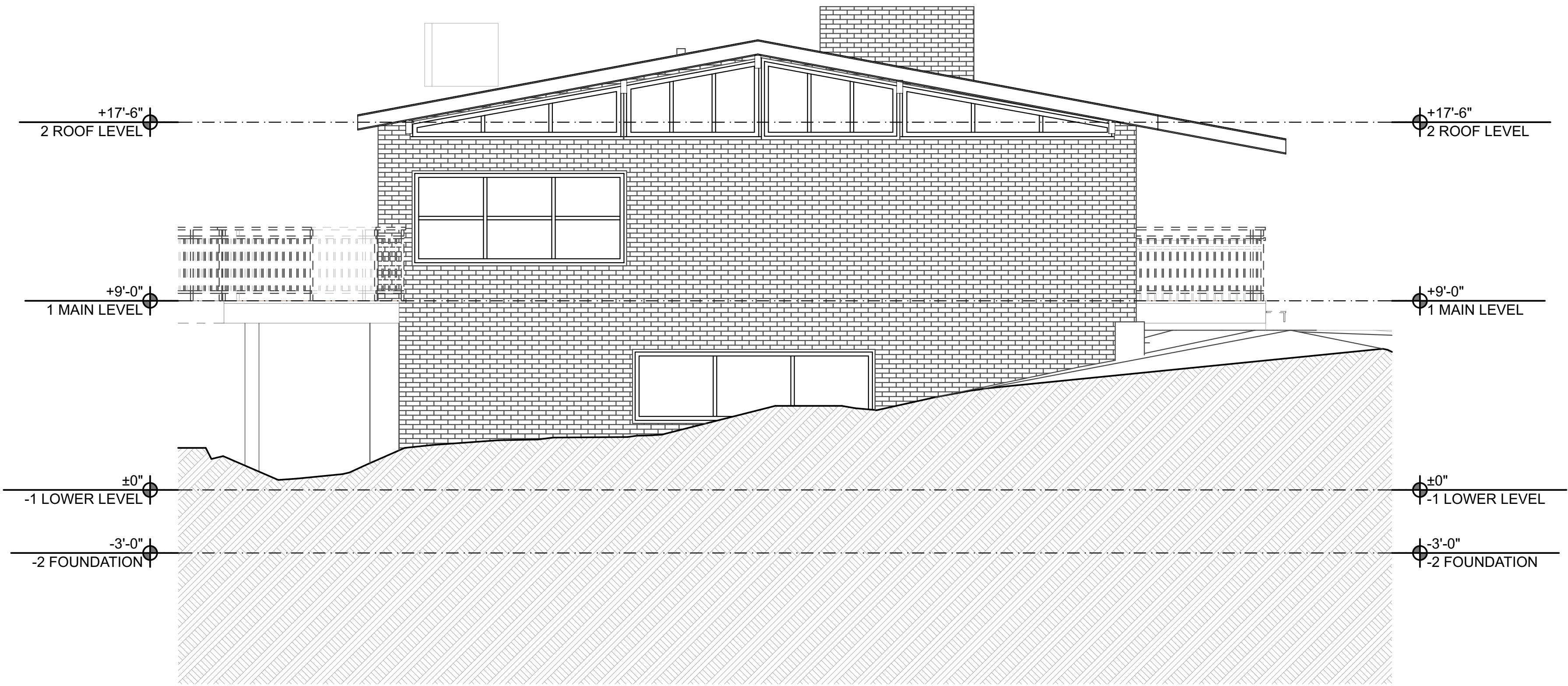
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218516121006

LEGAL DESCRIPTION
LOT 2, BRITTANY PLACE
SUBDIVISION & LOT: 4 BLOCK: 4
HYLAND PARK

SHEET TITLE

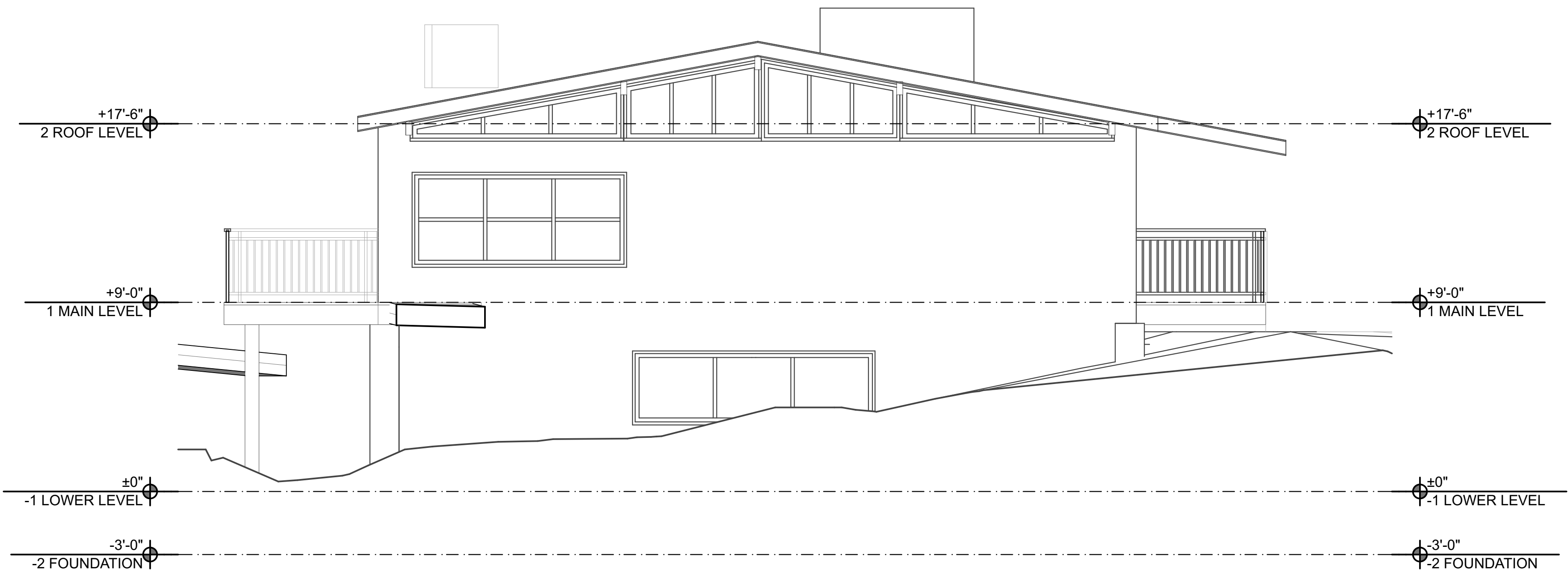
A-203

ELEVATIONS



(E) SE ELEVATION

1/4" = 1'-0"



PROPOSED SE ELEVATION

1/4" = 1'-0"



104 MIDLAND AVE, #204
PO BOX 1087
BASALT, CO 81621
dustin@peakarchitecture.com
P: 970.279.5485

12/1/20

LITTLE CO ACADEMY

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81601

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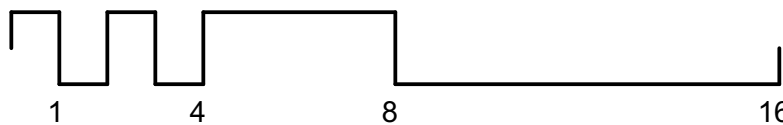
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PROJECT NO: 2012
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PARCEL ID # 218516130002 &
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LEGAL DESCRIPTION
LOT 2, BRITTANY PLACE
SUBDIVISION & LOT: 4 BLOCK: 4
HYLAND PARK

SHEET TITLE

A-204
ELEVATIONS



**Engineering
Department**

**Jessica Bowser
Asst. City
Engineer**

Date: December 18, 2020

To: Community Development

Re: 40-20-Child Care Center at 536 S Hyland Special Use Permit

Please see the following engineering comments for the Child Care Center at 536 S Hyland Special Use Permit.

Comments:

1. Crusher fines and gravel parking, if installed correctly, would be more impervious than landscaping. Since this property does drain directly west to the neighboring property, a drainage letter will be required. This letter should address any increase in runoff from the site.
 - a. Will directly drain to the neighboring property (west) when it begins to melt.

Comments to be addressed prior to construction:

2. The work within the site will require a grading permit through engineering.

Comments to be addressed prior to Certificate of Occupancy:

3. An as-built survey and a drainage certification letter from the engineer will be required to verify the site versus what was proposed.

From: Judy Oakes <jostitch@centurylink.net>
Sent: Friday, January 22, 2021 10:14 AM
To: Gretchen E Ricehill <gretchen.ricehill@cogs.us>
Subject: application for Special Use Permit @ 536 S. Hyland Park Drive

FROM: Judith L. Oakes (owner) and Frederick C. Oakes, Jr.
1607 Bennett Avenue, Glenwood Springs, CO 81601

TO: Glenwood Springs Planning and Zoning Commission

I have owned and resided in my home at 1607 Bennett Avenue since July, 1991, and wish to state my strong opposition to the application for a Special Use Permit to allow a large child care center at 536 S. Hyland Park Drive.

This is a well-established mature neighborhood with single-family homes, east of the heavily-traveled Blake Avenue. It lies within the Covenant-Protected area, as noted in records recorded 7/7/1995, stipulations which preclude commercial use. Residents in this neighborhood travel to and from their jobs each day, but the streets are not busy thoroughfares. Families stroll with their children and dogs, students walk to the school bus stops, and people walk for exercise in the streets, as much of the area lacks sidewalks.

St. Barnabas Church at the corner of S. Hyland Park Drive and Blake has previously housed a child care center, and conducts regular worship activities, with traffic impacts primarily focused around their parking lot and on Blake Ave. The proposed new child care center is not contiguous with that property, as it is located farther east up the hill, among the private homes.

My husband and I believe this is not an appropriate location for operating a business. The traffic impacts of having parents driving into the area and parking to drop off and pick up as many as 44 infants and toddlers each day would be significant. Carrying or escorting babies and little children with diaper bags and other gear would be difficult and pose potential safety concerns, with the steep hill, winter road conditions, and without an adjacent and convenient parking lot.

Approval of this large child care center in the middle of a residential neighborhood would set an undesirable precedent. Several years ago a day spa complete with a therapy pool was proposed in a private home on North Hyland Park Drive. The request was opposed by residents in the neighborhood as an inappropriate use, and was ultimately denied by Planning & Zoning.

We object to this proposal on the basis of negative traffic and safety issues, and because approval would set a precedent of allowing an active commercial business operation to encroach into this quiet residential neighborhood.

From: Barbra Corcoran <barbrasexauercorcoran@gmail.com>
Sent: Thursday, January 21, 2021 7:37 PM
To: Gretchen E Ricehill <gretchen.ricehill@cogs.us>
Subject: Opposition to Child Care Center at 536 S.Hyland Park Drive

Hi Gretchen,

I am writing to oppose the child care center at 526 S. Hyland Park Drive. I live at 1617 Lincolnwood Drive. I have 4 children and our neighborhood, which has seen a turnover to a lot of families with young children who walk to school, bus stops, etc., is not prepared for the kind of traffic this would bring on. Lincolnwood is a dead end street, Hyland Drive has very few homes, and this kind of traffic would be a change to our way of life.

There is a much better location, as we have seen, at St. Barnabas Church for a child care facility. I am a Social Worker, a mom of four, and I work at Mountain Family Health Centers, just around the corner from this facility. I know we need child care in our community. My coworkers need child care at Mountain Family, Valley View Employees need child care. Let's find a better solution rather than this residential neighborhood please!

I suggest we look to some of neighboring churches for a solution that has better parking, drop off access, etc.

Thanks for your consideration,

Barb Corcoran
970-319-2092

Gretchen Ricehill – Planning Department – City of Glenwood Springs
City Hall – 101 W. 8th Street
Glenwood Springs, CO 81601

Graham L. Jackson
1628 Bennett Ave
Glenwood Springs, CO 81601

January 20, 2021

Members of the Planning and Zoning Committee:

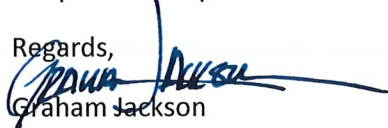
I write to you today in opposition to the application for a Special Use Permit for 536 South Highland Park Drive. I understand that Margaret Brown and the Little Co Academy have made an application to install a childcare facility at that location. As a resident of the Highland Park Addition neighborhood, I have grave concerns that such a facility will have major negative consequences on our neighborhood and our children.

The Highland Park Addition neighborhood is a few blocks of quiet, modest, family homes. My wife and I have resided in our home there since 2014 and I spent most of my childhood on the same street. I taught my sons to ride a bicycle on the same stretch of Bennett Avenue, Glenwood Springs pavement where I took my first ride without training wheels years ago. Despite our proximity to the hospital and the grocery store the neighborhood has always been a place of limited traffic; it is not a through-street to anywhere. It has no direct connection to the hospital complex save for a walking path that connects parking lots behind the Episcopal Church. Families walk and children ride bikes, visit friends' houses, and walk to and from St. Stephens school and Sayre Park. It is this quiet, family-friendly nature that drove my wife and I to purchase our home and raise our family here.

Except for some parking that bleeds off Blake Avenue, very little hospital traffic uses our neighborhood streets. The application's traffic study predicts in excess of 100 additional vehicles through our streets per day, up to 34 additional vehicle trips to-and-from per hour during peak hours. The location is well up the hill from the arterial Blake Avenue and additional traffic would be routed into the heart of our neighborhood at times when children are walking to school or playing with friends. This traffic would significantly change the character of our neighborhood and could be a severe danger to our children.

Our properties are zoned RM1 and our covenants allow only residential use. Valley View Hospital owns the property in question, they have chosen to ignore neighborhood concerns and these covenants in agreeing to lease the property for commercial use. A lease letter from Valley View Hospital included with the application requires that the hospital has the right to any open childcare enrollment slots for children of their employees. Non-hospital families in the community will see no benefit from this additional childcare. This facility would be a perk for Valley View employees at the detriment of our neighborhood. As a father with children in daycare, I fully understand the need for childcare in our valley. But zoning regulations exist for precisely this reason and there are plenty of options for commercial lease space. This single-family home in a quiet neighborhood is not the appropriate location for the proposed large daycare facility.

I urge you to preserve the character of our neighborhood and the safety of our children and to deny the permit for special use for 536 South Highland Park Drive.

Regards,

Graham Jackson

Amanda N. Maurer
1716 Bennett Avenue
Glenwood Springs, CO 81601
amanda@ommpc.com
Cell: 970-618-8919

January 20, 2021

Gretchen Ricehill, Assistant Econ/Comm Devel Director
Emery Ellingson, Planner
Community Development – City of Glenwood Springs
101 W. 8th Street
Glenwood Springs, CO 81601
VIA EMAIL ONLY TO: gretchen.ricehill@cogs.us and emery.ellingson@cogs.us

RE: 536 South Hyland Park Drive Special Use Permit Application

Dear Gretchen and Emery –

I am a homeowner at 1716 Bennett Avenue. My home is located across the street and one house away from 536 South Hyland Park Drive and is on the cross street of Bennett between S. Hyland Park and N. Hyland Park Drive.

When I purchased my home March 10, 2017, I relied upon Protective Covenants recorded for the Hyland Park Addition in the Garfield County land records at Reception No. 190440 that this is a single-family residential subdivision only allowing modification to the recorded Protective Covenants if a majority of owners consent to an amendment that would subsequently be recorded. No amendment has been recorded and the covenants are still in effect. I have reviewed a title commitment obtained for the two 536 South Hyland lots, and the same covenants apply to the subject property. The referenced SUP application extends well beyond a residential family day care into a large commercial child care center, and approval would be a violation of the Protective Covenants for this property. As a general rule, City ordinances cannot abrogate private covenants that are more restrictive than applicable zoning ordinances. Approval of this SUP application by the City would violate the private property rights of the land owners in the Hyland Park Addition. Even though one lot of the subject property is in the Brittany Place subdivision, I have confirmed in my review of the title commitment, the same covenants still encumber both lots. I request the City make it a condition precedent to further review that the applicant obtain a properly approved, signed and recorded amendment to the Protective Covenants or withdraw the application.

In addition to the legal issue of the Protective Covenants, as a neighbor to the subject property and frequent driver on the affected streets, I have serious concerns about the traffic volume and increased service requirements that approval of this SUP would bring to the neighborhood. The traffic study suggests that only S. Hyland and Blake would see increased traffic. This is erroneous, as traffic will likely

increase on the entire Hyland Park circle and on Bennett. There are no stop signs at Blake and S. Hyland, and it is already difficult to turn off of S. Hyland on to Blake during peak morning and afternoon traffic due to the volume on Blake. Even if an additional 4-way stop was installed at Blake and S. Hyland, this would require 80 U-turns at the top of S. Hyland Drive every day to accommodate drop off and pick up without affecting connecting streets. It is extremely unlikely the child care traffic would choose a U-turn over continuing along Hyland Park and exiting at N. Hyland Park and Blake with the 4-way stop. This would be a significant increase in traffic, 2.5 times the existing traffic per the study, and would cause safety concerns for all residents, especially for numerous children that frequently walk in the neighborhood along streets without developed sidewalks.

The subject property is on a hillside, and dropping off small children on an uphill incline with parallel parking only is concerning and unrealistic.

The traffic study attempts to minimize impact by describing an average vehicle increase of 17 vehicles per hour, but then goes on to describe this would be over at least two hours each morning and again in the late afternoon/evening, with drop off and pick-up hours extended due to the nature of work schedules at Valley View. In addition, nursing mothers would likely want to stop in during the day, children have frequent doctors and dentist appointments, child care centers are "school communities" that often schedule extra events around all major holidays and invite parents and family to participate with children at the school, plus schedule preschool graduations and other special events. These types of issues with traffic and parking are not addressed in the application.

Garbage service would likely increase beyond regular residential service and may require additional commercial service if a commercial dumpster is required to meet the needs of 43 children and 9 staff each week. Bears, turkeys, foxes, deer and other wildlife frequent the neighborhood, and the SUP application does not appear to address any necessary wildlife issues, including any plan to ensure additional trash is not left out on the property that would further attract bears.

Overall, the applicant has attempted to meet a community need with the SUP request, but this is not the appropriate location for a myriad of reasons, the first and foremost being it would be illegal to approve this permit in complete disregard to the recorded Protective Covenants.

I plan to attend the January 26, 2021 meeting if there are any questions regarding this letter.

Sincerely,



Amanda N. Maurer

From: wenonah Recio <wenonahrecio@hotmail.com>
Sent: Wednesday, January 20, 2021 10:32 AM
To: Gretchen E Ricehill <gretchen.ricehill@cogs.us>
Subject: Proposed preschool on S.Hyland

To whom it may concern,

I am writing in regards to the proposed preschool to be built in the residential area of S.Hyland park drive in Glenwood Springs. I am a homeowner for over 15 years on Lincolnwood drive just up the street from this location. I have 4 children that walk to school or the park/bus stop several times a day. There are an average of over 15 children in our area that also make this walk. It is highly concerning the amount of traffic this establishment would increase on our residential streets. I feel this is very unsafe for our children in many ways. If there are over 40 children and 9 staff members at the preschool the number of cars and traffic cannot be sustained on the residential streets. Blake avenue is already too congested, and cars drive much faster than the speed limit which already is a concern for our children who walk these routes to and from school. I have worked at a local preschool and know that drop off and pick up times can be very busy and this was with a roster of only 15 children and 2 staff, I can't imagine the amount of traffic this would cause especially without a parking lot for all these cars to drop off!

Drivers are already distracted with phones and in a hurry to get to and from work, our children are not always looking for cars when walking. This seems like a disastrous combination waiting to happen.

I along with my family and neighbors am highly against this happening in our neighborhood! I am aware of the great need for daycare centers, however, this is not the appropriate location! Please consider our children that live and walk in this neighborhood everyday! Their safety should be a priority and this business would put them in jeopardy!

Thank you for your consideration,

Wenonah Recio, Botanicals Floral Art.

Date: January 22, 2021

To: Members of Glenwood Springs Planning & Zoning Commission

Re: Special Use Permit for 536 S. Hyland Park Drive

My name is Sheri Scruby and I own and live at 530 Hyland Park Drive, two doors up the hill from the proposed location. Over the past 20 years I have witnessed many changes in the surrounding area. Despite pressure from the ever-expanding footprint of the medical complex to the south, with the ensuing traffic and parking consequences, we have managed to maintain the pedestrian-friendly, residential spirit of our neighborhood.

The current proposed Special Use Permit for 536 Hyland Park Drive, to be developed as a Large Child Care Center (i.e. an enterprise with considerable impacts, *one that is seven times what the City Code allows for daycare in a home*), is not consistent with our subdivision and would adversely affect the safety, quality of life, nature of our neighborhood, and property values.

Aside from the issues pertaining to parking, deliveries, dumpster trash service, and other events that happen with a school of this size, the increased traffic would be a major problem. The traffic study provided with the permit does not adequately reflect the impact. North and South Hyland Park Drives form a horseshoe bisected by Bennett Street with Lincolnwood access at the top of the hill (see attachment). Most parents will not enter and exit our neighborhood the same way they came in.

The drop-offs of pre-school children, toddlers and infants are not "Kiss and Go" - they take time and contact with the staff. Imagine the event created twice daily - cars parallel parked on an incline, on both sides of the street, parents carrying small children, diaper bags and other necessities - several hours of arriving and leaving for 40 plus children that will not take place in a parking lot.

All of the streets are steep; the intersection at Lincolnwood (the only access point for residents of that street) is busy and has obstructed views; the two yield signs are not always well-respected; it's a recipe for an accident.

Valley View Hospital created a daycare crisis for their workers with young children when they closed The Early Learning Center last year. To now offer favorable lease terms to LittleCO Academy, provide spaces at the St. Barnabas Church lot to meet their inadequate parking requirements (the lot is filled to capacity every day) and in return request that spaces at the center be first offered to children of VVH employees, is not a good solution for this problem.

The Hyland Park addition to the City of Glenwood Springs, protected by covenants in 1955 (see attachment), is a great place to live and share community. It is not suitable for the use outlined in the SUP, and the application must be denied.

Recorded July 7, 1955 at 11:30 A.M. Book 285 Page 538

Reception No. 190440 Chas. S. Keegan, Recorder

PROTECTIVE COVENANTS TO RUN WITH THE
LAND COMMONLY KNOWN AND PLATTED AS THE
HYLAND PARK ADDITION TO THE
CITY OF GLENWOOD SPRINGS, COLORADO

I, the undersigned owner of a tract of land known and platted as Hyland Park Addition to the City of Glenwood Springs, Colorado, do hereby covenant and agree that the use of that tract of land, as hereinafter described, shall be restricted by the terms and conditions as hereinafter set out in this declaration of protective covenants, subject to which all conveyances of lots in said Subdivision will be made, hereafter, the covenants herein set out being common to all the lots in said Subdivision. I further covenant and agree herein that the hereinafter set out restrictions shall be binding upon myself, my heirs, executors, administrators and assigns. The Subdivision to be affected hereby is the following described tract of land, to-wit:

A tract of land located in Sections 15 and 16, Tp. 6 S., R. 89 W. of the 6th P.M., Garfield County, Colorado, more particularly described as follows: Beginning at a point whence the NE corner of Section 16, Tp. 6 S., R. 89 W. of the Sixth Principal Meridian bears E. 1°23' E. 1576 feet, thence N. 88°35' W. 1307.0 feet to the center line of State Highway No. 82; thence S. 1°31' W. 807.2 feet along center line of State Highway No. 82, thence S. 88°34' E. 220.0 feet; thence S. 1°30' W. 10.83 feet; thence S. 88°34' E. 123.0 feet; thence E. 1°30' E. 135.83 feet; thence S. 88°34' E. 964.1 feet; thence S. 87°09' E. 230.0 feet; thence W. 6°20' W. 304.32 feet; thence N. 1°25' E. 150.05 feet; thence E. 87°09' W. 188.09 feet; thence E. 1°23' E. 232.15 feet to the point of beginning.

That the protective covenants to run with the land so described are as follows:

1. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed two and one-half stories in height and a private garage for not more than two cars.

2. No building shall be erected, placed, or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design with the existing structures, and as to location with respect to topography and finish grade elevation.

3. No dwelling shall be permitted on any lot at a cost of less than \$9,000.00, based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of the covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that

4. No building shall be located on any lot nearer than 35 feet to the front lot line, or nearer than 15 feet to the side street line. No building shall be located nearer than 5 feet to an interior lot line, except that no side yard shall be required for a garage. No dwelling shall be located on any lot nearer than 25 feet to the rear lot line. For the purposes of this covenant, eaves, steps, and open porches shall not be considered as a part of the building, provided, however, that this shall not be construed to permit any portion of a building, on a lot to encroach upon another lot.
5. No dwelling shall be erected or placed on any lot having a width of less than 70 feet at the minimum building set back line nor shall any dwelling be erected or placed on any lot having an area of less than 9800 square feet, except that a dwelling may be erected or placed on Lots No. 1, 2, 3, or 4, in Block 6, in said Subdivision, as shown on the recorded plat.
6. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the area 10 feet of each lot.
7. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
8. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.
9. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purposes.
10. The Architectural Control Committee is composed of Kenneth Balcomb, D. H. Hammar, and D. L. Ready, all of Glenwood Springs, Colorado. A majority of the Committee may designate a representative to act for it. In the event of death or resignation of any member of the Committee, the remaining members shall have full authority to designate a successor. Neither the members of the Committee, nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. At any time, the then record owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the Committee or to withdraw from the Committee or restore to it any of its powers and duties.
11. The Committee's approval or disapproval as required in these covenants shall be in writing. In the event the Committee, or its designated representative, fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenant shall be deemed to have been fully complied with.

13. No oil drilling, or other development operations, oil refining, quarrying, or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

14. No lots shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

15. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 25 years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years unless an instrument signed by a majority of the then owners of the lots have been recorded, agreeing to change said covenants in whole or in part.

16. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

17. Invalidity of any one of these covenants by judgement or court order shall in nowise effect any of the other provisions which shall remain in full force and effect.

Executed at Glenwood Springs, County of Garfield, Colorado
this 7th day of July, 1955.

/S/ Kenneth C. Balcomb, Jr

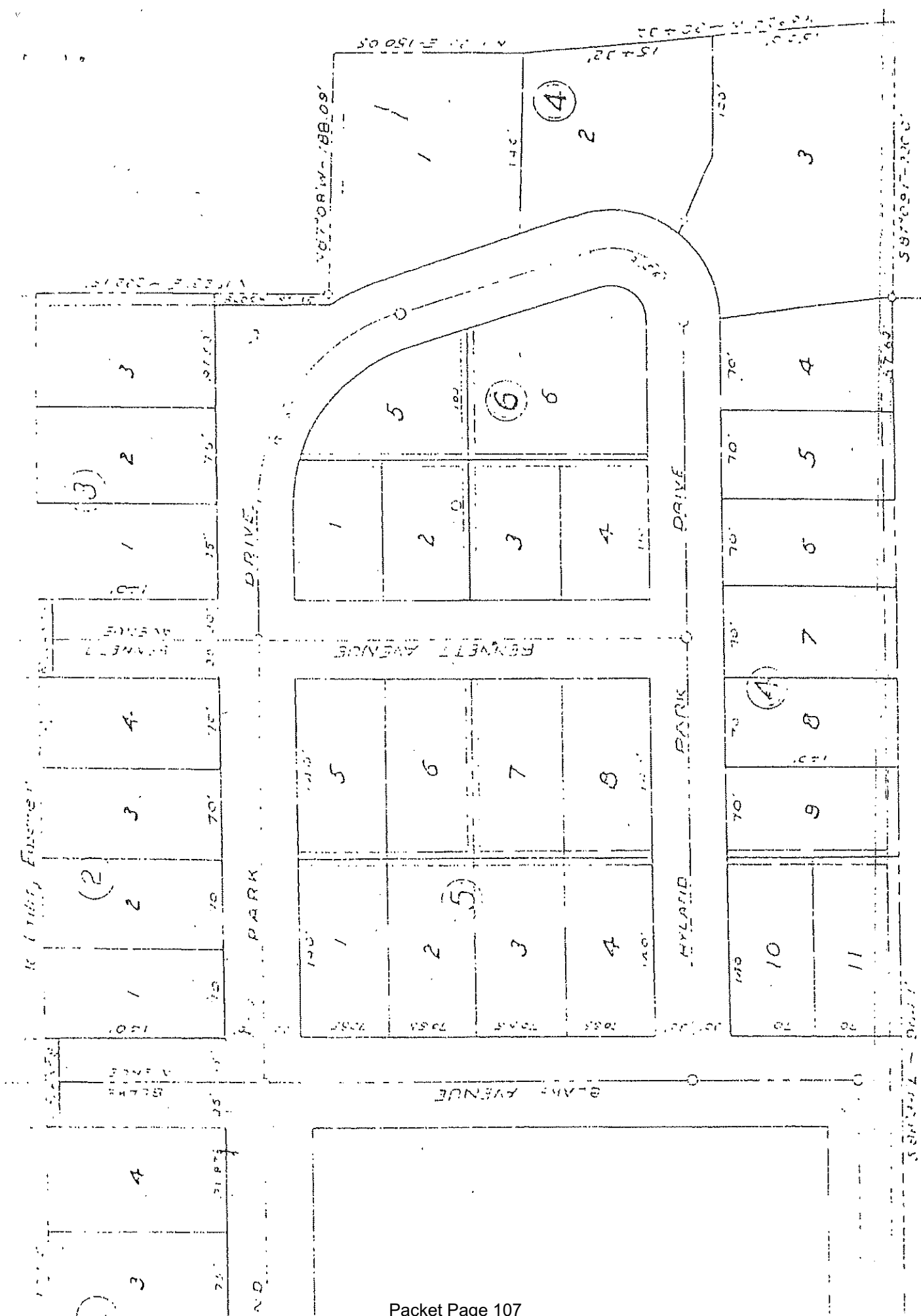
STATE OF COLORADO)
COUNTY OF GARFIELD) ss.

The above and foregoing instrument was acknowledged this 7 day of July, 1955, by Kenneth C. Balcomb, Jr.

My commission expires February 24, 1958.

WITNESS my hand and notarial seal.

/S/ Charles S. Keegan
Notary Public





-----Original Message-----

From: Micah Bonnitt <micahbonnitt@yahoo.com>

Sent: Tuesday, January 26, 2021 9:49 AM

To: Gretchen E Ricehill <gretchen.ricehill@cogs.us>

Subject: Little Co Academy

Dear Ms. Ricehill,

I am writing this to show support for Little Co Academy. I am an employee at Valley View Hospital and have a 7 week old son. We moved here so that I could work at the hospital and we have no support from family in regards to childcare. We, both as individuals and as a community, are in desperate need of high quality childcare in this valley. Having a childcare center so close to the hospital would be invaluable. Speaking for my family, we have no other viable options at this time for childcare besides Little Co. I hope the city will take families like mine into consideration while deciding on the fate of Little Co Academy. We desperately need options for childcare in this valley.

Thank you for your attention,
Micah Conklin

Sent from my iPad

Patrick & Isabel Drake
1721 Bennett Ave.
Glenwood Springs, CO 81601
patrickdrake@hotmail.com
Cell: 970-379-1288

January 25, 2021

Gretchen Ricehill, Assistant Econ/Comm Development Director
Emery Ellingson, Planner
Community Development – City of Glenwood Springs
101 W. 8th Street
Glenwood Springs, CO 81601

RE: 536 South Hyland Park Drive // Special Use Permit Application

My name is Patrick Drake and my family and I are the owners and residents of 1721 Bennett Ave. Our home is located on the northwest corner of S. Hyland Park and Bennett Ave., essentially catty-corner to 536 S. Hyland Park Drive. I am writing to oppose the application for a Special Use Permit for Little Co Academy to operate a Large Child Care Facility at the above mentioned address. I oppose this application for the following reasons:

1 - I have **legal concerns** regarding the Protective Covenants recorded for the Hyland Park Addition and this application's obvious violation of Item 1. Item 1 states:

"1. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed two and one-half stories in height and a private garage for not more than two cars."

If this Special Use Permit is granted, this lot would move from residential to commercial use, a precedent that would allow other commercial use moving forward. As owners of the property, Valley View Hospital is subject to and protected by the recorded Protective Covenants of the Hyland Park Addition.

2 - I have **traffic and parking concerns**, as our residence is already subject to a daily overflow of Valley View Hospital and Glenwood Medical Associates staff and patient parking. Additionally, our home does not have the necessary infrastructure of a sidewalk. Local residents, many of whom are children, regularly have to navigate past this corner while walking on the street. This problem is compounded by the fact that parked vehicles occupy the shoulder of the street consistently Monday through Friday. With increased pickup, dropoff and parking activity, these safety hazards are sure to increase.

3 - Aside from the traffic and parking concerns, during the winter months, it is a common occurrence to witness vehicles being **unable to stop and safely navigate** the steep incline of S. Hyland Park Drive. For example, in January 2018, a City of Glenwood Springs plow truck was unable to safely navigate the corner at our residence and hit one of our parked vehicles. During almost every winter storm, vehicles struggle to continue momentum while climbing S. Hyland Park Drive or to stop safely while descending.

4 - There are **several commercial buildings** within the city limits of Glenwood Springs that are appropriate for a Large Child Care Facility. If you approve this Special Use Permit Application, there is a direct and negative impact on some commercial property that is currently sitting vacant. As a Glenwood Springs resident and business owner, I know that the many vacant commercial properties are detrimental to the City and its prosperity.

5 - It is my understanding that there are **already conversations between two entities** that are within one block's proximity to VVH that are addressing solutions and answers to child care needs. It would be wise to investigate these conversations further to determine the actual need of this Special Use Application.

As a father of three, I truly understand the importance of quality child care. However, due to the above concerns, the required quality can not be adequately provided within this property's single family residence. Thank you for your consideration of my concerns.

Sincerely,



Patrick Drake

February 17, 2021

Dear Planning and Zoning Committee,

After the first P&Z meeting in January I wanted to write an additional letter in response to a nagging concern I have, not just for our neighborhood, but for the city as a whole. As a reminder, I live with my two kids, ages 8 and 4, at 628 Hyland Park Drive, just two houses up from the proposed large daycare center. The issues of traffic and safety in our quiet neighborhood have been thoroughly addressed by many of my caring neighbors and I agree wholeheartedly with their points. I would like to briefly address the broader issue of whether this center actually solves the big childcare issues that are present for all families of our valley and also question if this is the route that the city proposes to solve childcare issues for other essential workers.

I too am a medical provider at VVH with a very irregular, difficult schedule (I work as an ER and Palliative Medicine doctor). I too am a mother with two small kids. Almost all of those who spoke in support of the large daycare center are my friends and colleagues. I know first-hand the challenges they speak of and greatly empathize with the tough choices we have all had to make in order to care for our children.

The tone of the comments at the virtual meeting was framed toward our neighborhood needing to be the one to suck it up and provide for the “greater good”. It certainly spoke to my desires to be part of a solution, to be helpful, to make it tenable for families (and particularly women) be given the opportunity to both work and be a parent. In subsequent study and discussion, it has become clear that the problem is so much bigger than what this solution proposes. Unfortunately, this does very little to help our community tackle the broad childcare issues present for nearly all working families. We are essentially being asked to sacrifice our way of life and our children’s safety for the “convenience”, as one speaker stated, of a select number of Valley View employees. (And let’s be clear that is who will utilize this facility – there will be very few, if any spots to accommodate other families). And while this may indeed be something that provides assistance to them for the few years while their kids are young, it will forever change the nature of our neighborhood.

The solution to our entire city’s childcare woes doesn’t lie in placing large childcare centers in our residential neighborhoods, and I suspect none of you would suggest this. Issues that are this extensive require solutions that consider more than just one neighborhood for one small subset of essential workers. It is the wrong answer to put this burden on the families living in this neighborhood. If that is the ask, then I wonder if we should ask the residents of Cedar Crest Drive to host a childcare center for the Firefighters and police officers of our county, or for the similarly quiet Virginia Road to host a center for the school district employees? Or, does it make more sense to consider other options such as working with local churches to make use of their spaces that are empty M-F (several churches have already expressed willingness to consider this)? Or should we consider some of the available commercial properties that can accommodate these facilities? Of course, for a small entity like Little Co Academy there are

financial barriers to these facilities and Ms. Brown will need help from many different entities to fund such a facility. If Valley View is indeed interested in providing child care for their employees, they may be one such entity. There are other financial options available when one starts looking.

It comes down to the fact that this is seen as the easy answer. Our problems are not unique and while it might make us feel a little better to think that we're addressing part of the problem, this is a tiny solution for a grand problem that is going to take a bigger vision. I suspect it feels comforting to do what seems like the right thing, especially because on the surface it looks simple. I implore us all to do the hard thing, which is the bigger thing, which the thing that will matter for more people in our town.

This is a level of unfairness that we wouldn't want to place on any residential neighborhood in our town. It does little to actually solve a big problem for our town, state, and nation. It is trying to shove the square peg in the round hole just because it happens to be sitting right next to it. It just doesn't fit and forcing it isn't the correct answer.

Thank you for listening,

Brandy Drake, MD

Patrick & Isabel Drake
1721 Bennett Ave.
Glenwood Springs, CO 81601
patrickdrake@hotmail.com
Cell: 970-379-1288

February 17, 2021

Gretchen Ricehill, Assistant Econ/Comm Development Director
Emery Ellingson, Planner
Community Development – City of Glenwood Springs
101 W. 8th Street
Glenwood Springs, CO 81601

RE: 536 South Hyland Park Drive // Special Use Permit Application

My name is Patrick Drake and my family and I are the owners and residents of 1721 Bennett Ave. Our home is located on the northwest corner of S. Hyland Park and Bennett Ave., essentially catty-corner to 536 S. Hyland Park Drive. As my prior letter states, (submitted on January 25, 2021) I am writing to oppose the application for a Special Use Permit for Little Co Academy to operate a Large Child Care Facility at the above mentioned address.

In my prior letter I listed four points of concern and one consideration: **Protective Covenants, Traffic & Parking Issues, Winter Road Conditions & Steep Grade**, Negative Impact on **Commercial Real Estate**; and additionally, the consideration that **Existing Entities** are already working to address the need for additional daycare.

However, if this Special Use Permit is accepted by either the Planning and Zoning Commission or the Glenwood Springs City Council, I request the following **Conditions of Approval**:

Addressing Pedestrian Safety -

1 – Establish a **three-way stop and crosswalk** at the intersection of Bennett Ave. and S. Hyland Park Drive.

If the above Condition of Approval is not feasible, I request the following:

2 – **Construct sidewalk and gutter** on the north side of S. Hyland Park Drive between Bennett Ave. and Blake Ave.

Regardless of the most feasible Condition of Approval requested above, it is also necessary to establish the following:

3 - Establish a **two-way stop and crosswalk** at the intersection of Lincolnwood, S. Hyland Park Drive, and N. Hyland Park Drive.

4 - **Construct sidewalk and gutter** on the north or south side of S. Hyland Park Drive as it approaches Lincolnwood.

Addressing Structure Fire Safety at 536 S. Hyland Park Drive -

With approximately 40-50 occupants (most being 6 or younger) using the residence at any time, I request the following Condition of Approvals:

5 – Fire Suppression System

6 – Adequate Egress from Structure (Currently the only safe egress is the front door. Rear egress is onto or below an upper level wood deck)

7 – Properly Marked and Illuminated Egress Signage

8 – Adequate Electrical Supply and Wiring

As this Special Use Permit Application directly involves a residential neighborhood and a single-family residential structure, it is essential, for the **Safety of all Public**, that the above Conditions of Approval be met if this permit is to be approved.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Drake", with a stylized flourish at the end.

Patrick Drake

To Whom It May Concern,

My name is Steve Grosz. My wife and I, along with our two children resident in the home directly adjacent (524 Hyland Park) to the proposed commercial daycare at 536 Hyland Park. We respectfully oppose the granting of an exemption for a large commercial daycare to operate in a residentially zoned home. Our principal concerns are the following:

- **Increased traffic and risk.** A significant number of young children who reside in the Hyland park and Bennett neighborhoods, walk and play in this residential area. A commercial daycare of size, with its pickups/drop offs and parking, will make this residential space less safe. Currently, hospital staff parking and traffic, overflows the designated St.Barnabas parking lot—a commercial daycare in operation would only exacerbate this.

- **Decreased Living Experience.** It is likely no leap to assume that wherever a person may reside in Glenwood Springs, the prospect of a 40+ child commercial daycare, operating 2,000 hours a year and opening up just a number of feet from one's yard is less than appealing. We are definitely a pro-child family—kids are a blessing for sure—yet having that number of sweet, but boisterous toddlers, concentrated squarely in a residential area (without any space and sound buffering) is excessive. One of the endearing features of living in the Hyland Park/Bennett neighborhood is the interaction we are able to have with local wildlife (e.g. wild turkeys and a small herd deer frequent our area as it borders unoccupied land). Increased traffic and noise in our residential area would make these experiences less likely.

In sum, opening up a large commercial daycare in a residential area will open up added liability for injury and impact, through a confusion of zoning. We ask that both the city zoning and the neighborhood covenants that are in place be honored. Thank you for this consideration.

Regards,

Steve and Michelle Grosz

Resident, 524 Hyland Park Drive

-

Stephen and Michelle Grosz

524 HYLAND PARK DRIVE

Re: Special Use Application - 536 South Hyland Park Drive

Greetings:

My name is Steve Grosz. My wife and I, along with our two children resident in the home directly adjacent (524 Hyland Park) to the proposed commercial daycare at 536 Hyland Park. We respectfully oppose the granting of an exemption for a large commercial daycare to operate in a residentially zoned home. Our principal concerns are the following:

- **Increased risk.** The proposed daycare site exists on a steep incline, which is a challenge in even ideal conditions, as evidenced by a recent car accident this past year on said street. In winter months an extra hazard exists for the drop offs and pick-ups of a large commercial daycare. The hypothetical that parents will walk their little ones to and from hospital parking, up and down a steep incline, in the slick and low light conditions of winter, is implausible and unsafe for its patrons. The bulk of drop-offs/pick-ups will need to be done via vehicle traffic. A significant number of young children who reside in the Hyland park and Bennett neighborhoods, walk and play in this residential area. A commercial daycare of size, with its pickups/drop offs and parking, will make this residential space less safe.

- **Better Solutions Exist.** As a local minister, I have a working relationship with 3 of the 4 churches in close proximity to VVH. Currently 2 of the churches are exploring a partnership to create added daycare in the coming fall. Additionally, after speaking with Rev. Matt Shedden, he has indicated that Defiance church, which housed a 42-child day care up until the 1990's is very much interested in once again becoming a daycare site. Like the 536 Hyland Park site, Defiance church would need remodeling work to update their facility, that said Defiance has communicated a willingness to engage in a reasonable rental rate, over an extended period, with an organization willing to make a remodeling investment.

All of these potential childcare sites are within 200 yards of VVH, are zoned Transitional rather than Residential, and exist within a non-incline walking distance of VVH. In addition to these potential community partner solutions, an in-house daycare model is not unprecedented for employers of scale like VVH.

The local churches understand the need for quality daycare in our community and have a willingness to be a blessing toward that end. Frankly, we would like to have VVH take a seat at the head of the solutions table and help us address a need for VVH is the principal cause and benefactor. It is our hope that the Planning and Zoning committee will help us extend that invitation to VVH by forgoing the special use application for a large commercial daycare at 536 South Hyland Park Drive. We believe a solution can be teamed that provides quality daycare that neither conflicts with wise zoning, nor decreases safety, nor creates a litigious environment. We are willing to be a part of that solution process in any way we can.

Thank you for your service on the P and Z committee, and your attention to these concerns.

Sincerely,

Stephen J. Grosz

Michelle M. Grosz

From: Jamie Kelkenberg <Jamie.Kelkenberg@vvh.org>
Sent: Tuesday, January 26, 2021 3:44 PM
To: Gretchen E Ricehill <gretchen.ricehill@cogs.us>
Subject: 536 S. Hyland Park Drive (LittleCO Academy)

Hi Gretchen,

I wanted to write to SUPPORT the application for LittleCO Academy.

There is a tremendous lack of childcare services in the valley. The location of the facility is very important to the hospital's ability to retain and attract staff. The availability of childcare and proximity to the hospital of the childcare were important to our families' decision to start a family and still provide essential services to the community. We are finding it very challenging to support our 9 month old at this time as the pandemic has limited availability of daycares throughout the valley.

The location of this facility will have no discernible effect on the local neighborhood as the location is effectively no different than the previous location. Many parents will already be traveling by on the same road to and from jobs at the hospital. There is already significant noise/traffic on the road from its proximity to HWY 82. To my knowledge the "feel" of the neighborhood will be the same as the park already brings many kids and cars on the same road and the facility structure is already in place.

As a Valley View employee, I will still continue to park at the hospital and will likely be able to walk to the facility at the end of the day when the weather is nice.

Thank You

Jamie Kelkenberg, PT, DPT

Garfield County Resident

From: seth kingston <sethakingston@gmail.com>
Sent: Monday, January 25, 2021 4:46 PM
To: Gretchen E Ricehill <gretchen.ricehill@cogs.us>
Subject: Fwd: Special permit at 536 Hyland

Dear Ms. Ricehill,

We are writing to communicate opposition to the special permit to allow a commercial business in our residential neighborhood.

We have lived on South Hyland Park for eight years. It is a lovely neighborhood in which to live with four children. The many families all look out for one another. Traffic is minimal, although this has increased as the hospital became busier. Many days we have overflow from the hospital parking lots up and down our street, though COVID visitation restrictions diminished spillover parking temporarily.

We were surprised to learn that a daycare with nine employees caring for forty-plus children is trying to move into our neighborhood. Our somewhat quiet and peaceful street would be transformed into a heavily trafficked area, and a relatively safe place for children to play with their friends would become a dangerous place to ride bicycles and skateboards. Idling cars as parents double park in front of the hospital employees' cars to drop off and pick up their children every day will not be safe on these small residential streets.

Though we appreciate the need for daycare in Glenwood Springs, it is not right to sacrifice the living environment of at least 20 local area kids. We chose to live in a residential, not commercial, neighborhood because we have kids and value their safety. There are more suitable locations which wouldn't negatively impact the great families who are trying to raise kids here. We hope that our rights aren't pushed aside.

Thank you for your consideration,

Seth Kingston M.D. and Jill Kingston M.D.

From: seth kingston <sethakingston@gmail.com>
Sent: Wednesday, January 20, 2021 10:54 PM
To: jill kingston <jillkingston19@hotmail.com>
Subject: Special permit at 536 Hyland

Dear Ms. Ricehill,

We are writing to state our opposition to the special permit to allow a commercial business in our residential neighborhood.

We have lived on South Hyland Park for eight years. It is a lovely neighborhood to live in with our four children as there are many families and we all look out for one another. There is low traffic, although this has increased in recent years with the hospital becoming busier. Many days we have overflow from the hospital parking lots up and down our street, though with visitation restrictions from Covid this has been less common recently.

When we learned that a daycare with nine employees planning to care for forty-some children was trying to move into our neighborhood we were surprised, to put it mildly. Can one just invade a residential neighborhood with a commercial enterprise for personal gain? What rights do the homeowners who live in the neighborhood still have? Once one commercial permit is issued, would others follow? Were they planning to build a parking lot? Where would nine employees park their cars but on our street, and how would forty children be dropped off and picked up every day? Our somewhat quiet and peaceful street would be transformed into a heavily trafficked area, a relatively safe place for our children to play with their friends would become a dangerous place to ride bicycles and skateboards. Not to mention all of the idling cars spouting off exhaust right into our backyards as parents double park in front of the hospital employees' cars to drop off and pick up their children every day.

Valley View Hospital's encroachment into our neighborhood was supposedly a temporary problem while they built up parking elsewhere. Apparently they just plan to buy into our neighborhood and push the neighbors out by any means necessary. There are several better alternatives for a daycare location that wouldn't negatively impact decent people who maintain a great neighborhood. We hope that our rights aren't pushed aside so that Valley View can take a shortcut to profit at our expense.

Thank you for your time,
Seth Kingston M.D. and Jill Kingston M.D.

Dear City Council,

We are writing to further explain our opposition a large daycare center in our neighborhood. The arguments regarding safety concerns in the neighborhood, lack of infrastructure including sidewalks and stop signs for higher traffic, and the negative impact for neighborhood kids who live and play on these streets have previously been presented.

We both worked at Valley View Hospital for many years, and added four children to our family during that time. High quality childcare is available in our area, though limited in availability throughout our Valley and throughout the United States. Similar to many working parents without family nearby, we got help from friends, neighbors, and colleagues more often than you can imagine. Our need for “creative childcare” really catalyzed our love and gratitude for this community, which keeps us in touch with both sides to this issue.

Our kids attended smaller in-home daycares (5-6 kids), so we are familiar with drop off and pick up in residential neighborhoods. Double parking and idling cars are routine, even in these smaller settings. Even if you were dropping off a dog, five minutes is unattainable. It takes 5 minutes to unbuckle kids and gather belongings. Though limited during COVID, most parents then help their child change from outdoor to indoor shoes, put lunch in the fridge, sign children in, read the announcement board, collect any artwork to be brought home, alert the staff that one of your kids did not sleep well and the other should wear his hat all day since he massaged Vaseline into his hair while trying to imitate his dad. Parents then receive feedback on how their kids are doing and get advice about how to get Vaseline out of hair.

In our experience, smaller daycares also allow earlier drop off for an additional fee. Despite dropping kids to a home in Carbondale before work and being pressed for time, we noted that the closest available parking spot to the hospital was our own driveway (across the street from 536 Hyland Park Drive.) Hoping that parents will not leave cars parked on our street is delusional, since employees are asked to use remote parking and this street is as close or closer.

One additional concern is the fate of our neighborhood if Valley View Hospital is allowed to secure lower cost childcare and move commercial ventures in this direction. St. Barnabas lost their revenue from the Early Learning Center at a time when attendance is low due to COVID. Will Valley View Hospital buy that property, too, and be allowed to commercialize the entire block?

From: Brent Prokaski <brent.prokaski@aubergeresorts.com>
Sent: Saturday, February 13, 2021 7:08 PM
To: Gretchen E Ricehill <gretchen.ricehill@cogs.us>
Cc: Heather Prokaski <hkappeli@gmail.com>; maggie.brown@littlecoacademy.com
Subject: Fwd: Little co. Planning and Zoning

To whom it may concern,

First off thank you for all of your hard work and diligence in the attempt to bring another child care resource to the Roaring Fork Valley. I recognize the tremendously hard job the town planning and zoning commission has in this particular decision. Please find my arguments for the permitting of the business set forth in the proposal submitted.

Scarcity of Childcare-

My wife and I moved to Glenwood in 2016 pregnant with our first child. My wife, Heather and I came here to raise children in a tight knit community and to be closer to her family. Heather accepted a nursing job in the cancer center at VVH, and part of her decision to choose the hospital was the incorporated childcare that they offered. When Brooke was born, it became abundantly clear that all childcare, let alone quality childcare was a rare commodity in the valley. Brooke sat on the waiting list for ELC for 18 months before there was space for her to attend. Before ELC, we balanced daycare between myself staying home, friends, and in home daycares. We were bumped from one daycare with 2 weeks notice, because the provider found another job. Other in-home daycares we interviewed felt unorganized and were full of safety concerns even to the untrained eye. The point I'm trying to make is that many parents such as ourselves are faced with sleepless nights deciding whether to entrust our children to unreliable home daycares, put our careers on hold and forgo much needed income to stay at home with our children, or sit and wait on a list for an indefinite period of time waiting on professional care. Both Heather and I have attended multiple forums through the early childhood education network in Glenwood to try to create pathways for organized child care such as Little Co. However when I witness the amount of regulatory bureaucracy it takes to start a childcare facility such as this, it's a wonder that anyone would want to start a childcare facility at all, which is why I commend Mrs. Brown's effort in this undertaking.

Opposing opinions-

I attended the meeting on January 26th and was astonished to hear the number of opinions opposing Little Co. citing traffic concerns, noise, and various neighborhood nuisances. I do respect the concerns and ultimately empathise with the neighbors, but none of the obstacles mentioned are insurmountable.

Traffic/ parking- It sounds that there have been extensive traffic surveys to understand the impact that Little Co. would have on the Hylland Park, Bennet, and Blake. I believe the assumption of the study was for the "worst case" scenario of up to 100 extra car trips from the pickup and drop off of 40 children and 8 staffers. I would argue that roughly 40-60% of the census of the school would be VVH employees, therefore required to use staff parking adjacent to the back of the proposed lot. Egress to the back of the property could be made off of the Valley View lot. Valley view could even reserve those spots for the parents of students. The house also has 4 potential spots for parking, the same as St. Barnabas Church. When dropping off or picking up my daughter, I would estimate only 1 out of every 25 days there wasn't a spot available. It is my understanding that overflow parking for the school would be at St. Barnabas church, further expanding off-street parking. Lastly, any on street parking could be remedied with a required affidavit that parents and staff would not use the street for parking.

Ultimately everyone driving to Little Co is a parent and is very conscious of safety for our children and for the safety of neighbors. Cars wouldn't be recklessly driving through the neighborhood.



Noise: Cars operate at about 50-70 decibels, car door slamming 50 db, kids playing 60-db. all of which would happen primarily between business hours when many homeowners are away. Take into account the noise would be heard from the inside of a homeowner, 200+ feet away. Behind closed windows of a house, the decibel level would be less than that of a dishwasher. That is certainly not loud enough to be considered a nuisance.

Snow: While we live in a snowy climate and locals are aptly prepared. In my experience over 5 years, the average annual "snow on the street" number of days is less than 30, thanks to our great city and county staff who clear the roads. I can't see how snow would materially cause safe transportation issues on Hyland, let alone Blake, which is an access road for the hospital and is a priority for snow removal.

Financial impact of NOT permitting Little Co.-

In the case of our family, when ELC closed and we had our second child we were once again faced with the hard reality that one of us would have to stay home. Both my wife and I are fortunate to have well paying jobs, but now with one of us staying home we lose half of our income. That lost income has limited all of our discretionary spending, most of which spent dining out and entertainment in the community. I have to make the assumption that all 40 other families are facing similar predicaments without a new daycare solution.

Glenwood would also lose 8 newly created jobs and the taxes associated.

Lastly, Glenwood and Garfield would miss out on taxable revenue generated from the daycare. Below are my assumptions on the annual impact on the Glenwood Springs economy, sum total north of \$1.3M, which I view as an extremely conservative estimate, considering some parents are physicians and other professionals, making low six figure incomes.

	73,000	Garfield Co. CO average household income
	(36,500)	remove 1 workorce person from household income
	13,200	add back annual "savings" for keeping child out of daycare
	(23,300)	average loss of income for having to stay home with child
	40	number of affected households from loss of Little co.
A	932,000	Total lost wages impact from no daycare
	8	Jobs created at Little co
	39,000	Average Wage
B	312,000	Loss in total taxable wages from non-existant jobs
	13,200	Average annual tuition per child
	38.5	Number of students, weighted for vacancy
	508,200	Total gross income
C	76,230	Estimated taxable income after expenses*
	* Assumptions were made based on profit margin of similar business, not directly tied to any existing pro- forma of Little co.	

In summary, while there is opposition to the proposal submitted, we need more childcare in Glenwood Springs. It is my opinion and the opinion of many young families here that childcare options are deplorably unreliable. Continuing to deny application for new facilities will only perpetuate the problem in the middle of a pandemic. We need to be attracting people to live and stay in the community, especially those in the medical field. We need to safeguard our livelihoods and go back to work, but many of us need childcare to do so. We need to get back on our feet TOGETHER, help one another out, seek compromise in our differing opinions. I for one am willing and happy to work with those opposed in order to create a solution. Threats of litigation from the opposition based on the fear of the worst possible outcome are fruitless to a solution. It is my recommendation that planning and zoning approve this application for the overall good of the community. Thank you.

--

BRENT PROKASKI | AREA FINANCIAL ANALYST AND HOA CONTROLLER
AUBERGE RESORTS COLLECTION

330 East Main Street, Aspen, CO 81611

P 970.429.7651

brent.prokaski@aubergeresorts.com

<https://aubergeresorts.com>

From: Becca Schenk <rhschenk@hotmail.com>
Sent: Monday, January 25, 2021 9:12 AM
To: Gretchen E Ricehill <gretchen.ricehill@cogs.us>
Subject: OPPOSITION TO SPECIAL USE PERMIT FOR 536 S. HYLAND PARK DRIVE

My name is Rebecca Schenk. I have owned Lots 1, 2, and 5, Block 6 in the Hyland Park Edition where my husband, John, and I have lived for over 23 years. I was aware that my ownership was subject to the terms of the Protective Covenants for this subdivision when the property was acquired. It was understood that every other owner of property in the subdivision would also be bound by the same covenants and be beneficiaries of their terms. The current application for a daycare center for up to 44 children is a clear violation of these covenants and should not be permitted.

Thanks to our covenants, our residential neighborhood has remained so since 1955 and continues to provide safety on our streets for children playing, walking to the bus stop on Blake down Lincolnwood intersecting with S. Hyland where there is Yield Sign that has questionable effect. Other children walk down S. Hyland to the cross walk on Blake en route to St. Stephens school. The point I am making here is that the routes I have described will be full of many more cars dropping off/picking up 44 children. Using our streets for their parking spots because where else can they park???? This will greatly diminish the safety of our streets and have a long term negative effect on our property values.

-----Original Message-----

From: Sara Striefel <Sara.Striefel@vvh.org>

Sent: Monday, February 15, 2021 1:43 PM

To: Gretchen E Ricehill <gretchen.ricehill@cogs.us>

Subject: Little Co. Academy

Dear Gretchen,

I am writing to lend my voice in support of the Little Co. Academy childcare center. Healthcare workers are a vital resource in our community. The availability of reliable, affordable, and proximal childcare is a continual struggle for our hospital workers. In the summer of 2020, Valley View Hospital lost a tremendous asset in the closing of the Early Learning Center. As the supervisor of one of the largest ambulatory clinics in the valley, I have seen a drastic reduction in staffing as a direct result of losing the ELC. Subsequent stress on the hospital, and therefore the community, has been devastating. Valley View Hospital is one of the largest employers in Garfield County, without staff we cannot adequately care for our patients!

Please continue to work with neighbors and community members to find viable solutions so that the care center can open as soon as possible. This is an essential resource for our essential workers.

Thank you for your time and consideration.

Sincerely,

Sara Striefel RN, BC

January 25, 2021

To City of Glenwood Springs Planning and Zoning Committee,

My name is Steve VanDyke and my family and I reside at 1623 Bennett Avenue of the Hyland Park neighborhood, where the proposed Large Daycare Center is asking for a special use permit. My wife Jennifer and I have lived in this home Since 2007 and now our daughters ages 9 and 11 call this home.

We have seen many changes in the neighborhood over the past 13+ years, but the charm as a great place to raise a family has always remained. When we first purchased our "forever home" we were the young couple on the block. Today there are over a dozen neighbors with 20+ kids ranging from age 4 to 17.

We understand the need for childcare in our valley and while our kids are now in school full-time we sympathize with other young families. We were fortunate to be able to send our girls to the Early Learning Center at St. Barnabas Church but we do not feel that a home should be converted into a childcare center in this neighborhood.

Our biggest concern with allowing this special use permit is with the amount of car traffic that it would bring to our neighborhood. Our kids and many others on Hyland Park, Bennett and Lincolnwood walk to and from school everyday during what would be high traffic times for drop-off and pick-up of the childcare center. The current parking situation on Hyland Park is already congested with VVH employee cars and adding more parking and traffic would create a dangerous situation for kids in the neighborhood. In addition to safety concerns, the covenants of the neighborhood do not allow any commercial business to operate out of a home.

We realize childcare is hard to come by for working families in our valley but we strongly oppose this location or any other residential neighborhood for a childcare center in Glenwood Springs.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve VanDyke". The signature is stylized with a large "S" and "V".

Steve & Jennifer VanDyke
1623 Bennett Ave. Glenwood Springs

Dear Members of the Glenwood Springs Planning and Zoning Committee,

Thank you for the opportunity to voice my opinion on the potential Large Day Care Center on Hyland Park Drive. I live at 1623 Bennett Ave., Glenwood Springs, CO. I am married to Steve and have 2 daughters, Thea, 11 and Sophia, 10.

I personally understand the difficulty in finding daycare. As a career realtor at The Property Shop, my hours are often spread out over a day. Juggling with whom and where the girls will be and be safe is a constant reminder that Glenwood Springs needs high quality, flexible childcare. However, that is not the question we face today. The question is where best to locate that childcare.

Please consider these questions:

- Would you want a large day care facility next to your home or in your residential neighborhood?
- With your children playing outside, would you want up to 60 more cars driving on your street several times daily?
- What precedent would an approval of this business in our residential neighborhood set for commercial businesses in any/all neighborhoods in Glenwood Springs?
- If you approve this application, what is next – a mechanic's garage in the neighbor's detached garage?
- Our area was designed solely to be a residential neighborhood; considering that fact and the steepness of the street, are you prepared to direct traffic during peak hours and provide the extra maintenance to keep the street safe?
- There are numerous children in the surrounding houses. Is there a significant safety consideration with extra traffic and the other problems a day care facility brings?
- Researching your neighborhoods, we see that there are several possible similar properties. Why aren't you proposing this in your area?
- Children are a blessing and hearing children's voices is always wonderful, but with 60+ children next door the noise would definitely be a factor to be considered.

These questions need to be thought through and answered by each of you. Also, very important is the fallout from having this type of facility next to homes whose values will most definitely be affected in a negative way. Our homes are the largest investment we have and they have the most potential to provide equity growth; however, as commercial businesses invade this neighborhood, home values will trend down.

Buyers desire quiet respite for their homes. For example, there are several doctors who live near the proposed business. They work a variety of hours and need the ability to sleep and rest throughout the day and night.

Glenwood Springs faces a continual shortage of real estate inventory for single family homes and this property is a single-family home in a residential neighborhood. Hyland Park Drive has no responsibility to provide a commercial solution to the issue of childcare when other areas are available.

Many of the neighborhood children walk to St. Stephen School along this street two times daily. Extra traffic will compromise their ability to walk safely to and from home. The administrator at St. Stephen

School, Mrs. Oliver, has stated that the school has reached out to VVH and offered to work directly with them to help resolve the need for more pre-school spaces. St. Stephen can accommodate 30 additional pre-school spaces at the end of March once a remodel is complete and COVID is lessened. St. Stephen School provides excellent and safe traffic flow as well as close proximity to Valley View Hospital. St. Stephen understands the need for extended hours for VVH personal.

We urge you to look into other and better solutions that do not pose the problems that the Hyland Park Drive location presents. We urge you to turn down the request before you.

Thank you for your time.

Jennifer VanDyke



Jennifer VanDyke

Broker Associate

The Property Shop, Inc.

970.947.9300 – office

970.404.1338 – cell

970.945.9335 – fax

jennifer@propertyshopinc.com



From: jeff walz <jeffrwalz@yahoo.com>
Sent: Monday, January 25, 2021 7:56 PM
To: Gretchen E Ricehill <gretchen.ricehill@cogs.us>
Subject: Daycare proposal at 536 Hyland Park

Dear Gretchen,

I live on 611 Hyland Park Dr. with my 3 sons. I understand a daycare facility is being proposed . I oppose it for several reasons . This is residential area for families. I would ask that the daycare be placed in a commercial zoned area. It just makes more sense for parking, traffic etc... There are several commercial buildings for lease that would be acceptable that would not affect residential family life.

Thanks

Jeff Walz

[Sent from Yahoo Mail for iPhone](#)

From: Nick Wenthur <nwenthur@gmail.com>
Sent: Tuesday, January 26, 2021 2:49 PM
To: Gretchen E Ricehill <gretchen.ricehill@cogs.us>
Subject: 536 S. Hyland Park Drive (LittleCO Academy)

Hi Gretchen,

I wanted to write to SUPPORT the application for the LittleCO Academy.

There is a tremendous lack of childcare services in the valley. The location of the facility is very important to the hospitals ability to retain and attract staff. The availability of childcare and proximity to the hospital of the childcare were important to our families decision to start a family and still provide essential services to the community.

The location of this facility will have no discernible effect on the local neighborhood as the location is effectively no different than the previous location. Many parents will already be traveling by on the same road to and from jobs at the hospital. There is already significant noise/traffic on the road from its proximity to HWY 82. To my knowledge the "feel" of the neighborhood will be the same as the park already brings many kids and cars on the same road and the facility structure is already in place.

Thank You
Nick Wenthur
Garfield County Resident

February 16, 2021

To: Gretchen Ricehill and Members of the Glenwood Springs Planning and Zoning Committee

RE: Special Use Permit Application for 536 S. Hyland Park Drive

I am writing in regards to the Special Use Permit application for a Large Child Care Center proposed for 536 S. Hyland Park Drive. I purchased my home at 525 N. Hyland Park Drive in August 2016 and moved in during the spring of 2018 so I'm one of the newer residents to the subdivision. My house is located just below the intersection of N. Hyland Park Drive and Lincolnwood Drive. My biggest concern for the proposed use of 536 S. Hyland Park Drive is the safety issues surrounding the increased traffic related to this commercial operation and the potential impact for the residents of the neighborhood.

Due to the layout of the intersection of S. Hyland Park Drive, N. Hyland Park Drive and Lincolnwood Drive and the confusing nature of the house numbering along Hyland Park Drive, we have witnessed multiple vehicles a week reach the top of the hill near our driveway, make a U turn and head back down N. Hyland Park Drive towards Blake Avenue. With the increased traffic generated by the proposed child care center, if the vehicles head east from the child care center and drive around the top of the horseshoe to return to Blake Avenue, it's only a matter of time before a crash occurs.

As this is a residential neighborhood that is close to both St. Stephen's school and Glenwood Springs High School, there are a number of children who walk and bike to the various schools. There is not consistent sidewalks all along Hyland Park Drive so the kids end up walking up and down the street creating an additional safety concern related to the increase in traffic.

The traffic study included with the application leaves some unanswered questions for me. Was the study conducted for a long enough timeframe to adequately assess normal traffic patterns? Did the study adjust for and/or take into account "normal" traffic outside of the current pandemic? Where are all of the parents parking while dropping off/picking up their child? On the street? On site? As anticipated, the study did indicate that "the later drop-off and pick-up times do coincide with the morning and evening peak hours observed on S. Hyland Park Drive" which confirms increased traffic during already peak times could be a safety concern for the neighborhood.

Another issue related to the proposed Large Child Care Center is if the use is compatible with the surrounding area. This is a long established, residential neighborhood, my house was built in 1961, and in my opinion a commercial day care center is incompatible with the residential nature of this area. Also, the original developers of the Hyland Park Addition recognized the unique residential character of this neighborhood and wrote into the Protective Covenants that "no lot shall be used except for residential purposes".

I respectfully request the denial of the Special Use Permit application for a Large Child Care Center located at 536 S. Hyland Park Drive.

Respectfully Submitted,

Janet Wolf

January 24, 2021

To the City of Glenwood Springs Planning and Zoning Committee,

My name is Brandy Drake and I am a resident of the Hyland Park neighborhood, where the proposed Large Daycare Center is asking for a special use permit. I live with my 2 kids, ages 4 and 8 at 628 Hyland Park Drive

While I only recently moved into this home, I lived on the corner of Bennett and Hyland Park Drive until I was five. Also, my current home was my grandparents' home since the early 60's and I therefore spent my childhood in this neighborhood. When the opportunity came to purchase my grandparents' home, I jumped, knowing what a special place this neighborhood is. I feel incredibly grateful that I have been able to return to this area and raise my children in such as quiet, safe neighborhood. There are many children in the neighborhood and they regularly walk from home to home, to school, to the grocery store, etc.

I am also a Valley View Hospital employee, as an Emergency Medicine and Hospice and Palliative Medicine physician. I am therefore quite aware of the dire need for childcare in our valley. I understand the void that was created when the Early Learning Center shut down due to COVID-related budget cuts.

While the need for childcare for local families is indeed acute, this is simply not the correct location. The only reason this location is being considered is the favorable lease that VVH is offering to the business owner. It is not due to the facilities of the home, and in fact, seems to be moving forward despite the fact that the home doesn't seem well-suited to this purpose. Almost all VVH employees drive to work (evidenced by the continued parking issues that VVH struggles with) and therefore proximity to the hospital is rather irrelevant.

Despite these many issues, the simplest and most obvious fact is that our neighborhood's covenants don't allow for a large commercial business in our residential neighborhood. Our covenants were established in order to maintain the residential feel for our neighborhood and therefore don't allow for commercial businesses such as this. The City of Glenwood also understands the importance of keeping neighborhoods residential and their code therefore states that no more than 6 children shall be in a home-based daycare. Requesting a change from 6 to 43 is a quantum leap that doesn't make sense for any residential neighborhood in the City of Glenwood Springs. When employees are added this mix, the impacts on the neighborhood are substantial.

Other neighbor's letters will attest to our many concerns, including safety with this many cars on our streets and decline in property values, to name a few. I hope that our collective voices demonstrate that this a dangerous precedent that all residential neighborhoods in our town would oppose. It puts our environment and the safety of our children at risk.

As I noted above, I am a parent and VVH employee and therefore do understand the need. I have reached out to VVH administration to offer time and assistance to continue the conversation regarding childcare needs in the valley. This needs to be tackled on a broader level and I look forward to continuing the conversation.

Thank you for your consideration.

Brandy Drake

-----Original Message-----

From: Janice Morgan <maugwa3@yahoo.com>

Sent: Monday, January 25, 2021 3:01 PM

To: Gretchen E Ricehill <gretchen.ricehill@cogs.us>

Subject: Support of Childcare Proposal for 536 Highland Park Drive

Hi, Gretchen!

I hope this finds you doing well. I am just writing to be a voice of support for the Childcare Proposal for 536 Highland Park Drive to be approved. We had our baby girl in 2017 and it has been a battle with trying to find childcare the entire time. We were on the waiting list for several childcare facilities throughout the valley for two plus years. My husband had to quit his job, in order to stay home with our daughter. It has been a trying time, trying to live on one income in this very expensive valley. The parents need more childcare options in order to have the ability to have dual incomes. This childcare facility is going to be very special and super helpful, as it will have longer hours in order for me to fulfill my long work days serving this wonderful community. There is no other one in the valley that will offer these hours. This is very important for this to be approved. The other childcare with 26 kids was two doors down the street and had three parking spots. I don't see how the traffic is going to be an issue. The staggered drop offs and pick ups, people will not even notice a difference. The location is extremely important for parents to have access to their children immediately before, during and after their shift.

Please, please, please approve the permit for this daycare. We need it desperately.

Thanks so very much and have a great day, Janice Morgan
265 Rockledge Drive
Glenwood Springs, CO 81601
(412)951-0518

Sent from my iPhone

From: Jared Aigner <jaredaigner@hotmail.com>
Sent: Thursday, February 18, 2021 10:08 AM
To: Gretchen E Ricehill <gretchen.ricehill@cogs.us>
Subject: Community Development Department

I'm just writing in to give my full support for the proposed Little CO academy on 536 Highland Park Drive. I have lived in the valley most of my life and I believe the addition of such a facility to the area would be a perfect fit seeing as St. Stephens and surrounding schools are at capacity. Being so close to the park and the hospital is just one of the reasons that this project should pull through. Giving the employees of the hospital and our great community another place to have safe, secure child care can only lead to good things. I really hope that everyone can pull together in acceptance because this is a great opportunity to provide for our town. The loss of the hospitals child care program a few doors down was a huge blow to the hospital and I think being so close to the old location would be great for the parents and the kids. The house they are utilizing has a really great and private yard and a super accessible driveway that will work great for the facility and its neighbors. There's nothing greater than a child's happiness and education and I see the new place as a great outlet for everyone to enjoy and grow. Thank you for your time and consideration.

Jared Aigner

From: Crystal Beck <cbeck0605@yahoo.com>
Sent: Wednesday, February 17, 2021 9:06 PM
To: Gretchen E Ricehill <gretchen.ricehill@cogs.us>
Subject: New School

Commissioners,

I'd like to start by stating I'm in favor of this new school opening on S. Highland in Glenwood Springs. We as a valley and nation are facing a lack of quality child care centers. Having this new school in Glenwood would benefit so many families as it would be in the central hub of our valley. This school would also take infants; there are hardly any schools in the valley that take infants and if they do, they have waiting lists years long. I know many families and employees were displaced and still unemployed after VVH daycare center shut its doors. This school would not only help the children who would attend but the families that could get back into the workforce. This school has mentioned that the majority of the teachers from the ELC of VVH would come and work there giving them jobs, many who are the sole money makers in their families. Please allow this school to open at this location as it would be great for the community as a whole.

Thank you,

Crystal Beck

[Sent from Yahoo Mail for iPhone](#)

Michael Campian, DO
45 Mt. Princeton Ct
New Castle, CO 81647

1/28/2021

Gretchen Ricehill
Assistant Economic/Community Development Director
City of Glenwood Springs, Colorado
101 W 8th Street
Glenwood Springs, CO 81601

Dear Ms. Ricehill:

My family moved to Glenwood Springs in September 2018 from Salt Lake City, Utah to take a job at Valley View Hospital. I was recruited to do sports and musculoskeletal medicine for the hospital from the University of Utah. I am board certified and fellowship trained in physical medicine & rehabilitation and sports medicine. I am the only one with this specialty here in the valley. My wife and I have two young children ages 2 years and 5 months. My wife is also a medical professional working as a physical therapist. Prior to moving here we had been placed on numerous waitlists for daycare for our 2 year old. Like most families we ended up waiting almost a year and a half for my daughter to get in the Early Learning Center at Valley View Hospital. Unfortunately, due to the COVID pandemic the Early Learning Center had to be closed in August 2020 because of financial constraints with the hospital. We have been unable to find further daycare for our daughter. Additionally, as you are well aware infant care in the valley is extremely limited. There are only three spots in the entire valley which is at Our School that I am aware.

I am writing in support of the new daycare Little CO Academy which Ms Brown is starting to primarily support the families at Valley View Hospital. She plans not only to add more toddler and preschool spots but also 8 infant care spots. This is a huge benefit not only to Valley View Hospital families but also the community as a whole. As of now my wife has been unable to join the workforce as she has had to stay at home to take care of our children. There is a shortage of Physical Therapists in the valley. Physical therapy is hugely important in post surgical recovery and as a primary management of most musculoskeletal and neurologic conditions. This results in a delay in treatment of patients and potential negative outcomes. Additionally this provides a major pause for physicians like myself who have young children from taking a job at Valley

View Hospital. We have enough stress in our lives caring for members of the community then to worry about getting daycare for our children. This will very likely result in lesser quality physicians or even some subspecialists from taking these positions, ultimately driving down the quality of healthcare in the community.

I wanted to thank you for taking the time to understand my position regarding the importance of Little CO Academy.

Sincerely,

Michael Campian, DO

CC: Glenwood Springs Planning & Zoning Commission.

From: Andrea Campian <campianar@gmail.com>
Sent: Friday, February 5, 2021 7:41 PM
To: Gretchen E Ricehill <gretchen.ricehill@cogs.us>
Subject: Regarding LittleCo Academy

Dear Ms. Ricehill and the Commission:

Thank you for your consideration of the proposed childcare facility LittleCo Academy.

I want to begin with stating I sympathize with the neighborhood residents who have sent in their disapproval. I get it. No one wants change. That is their HOME! It's their safe, quiet, little slice of Heaven. They come home to birds chirping, quiet streets, and their families. The thing is - LittleCo Academy is not going to change that.

I can picture it. I'm relaxing at home when there's a knock at the door, and a stranger tells me "hey we're building a big daycare down the road!" *Over my dead body you are!* I would think. The neighborhood gossip would start: *"Did you hear they're trying to put in a daycare?" "Just up the street. OUR street!" "There's gonna be so much traffic." "SO much traffic!" "Ugh. My sister's hairdresser has a daycare on her street. Her cat got run over! That'll be our kids!" "They can't do that." "They WILL NOT DO THAT."*

The thing is, we are all neighbors and we are all driving in that area and on those streets as it is. The hospital is next door as are several businesses, schools, and churches. The patrons of the daycare are our health care workers. The same people we clapped for every night at 8pm through the summer. The nurses, doctors, physical therapists the valley depends on - it's their kids. *"Not in my backyard."* This IS our backyard! OUR city, OUR community, and we are DESPERATE for childcare.

When my husband was recruited for his job as a physician at Valley View I was offered a job as a physical therapist. "We are in SUCH need for PTs!" I was told. I began to look for childcare. And that's when I learned. In the Roaring Fork Valley you don't "get into" daycare - you move from the infant waiting list, to the toddler waiting list, to the preschool waiting list. If you haven't moved at least 2-3 waiting lists at 2-3 different facilities, well then consider yourself still new and don't get your hopes up. There IS NOT childcare, especially infant childcare, anywhere in the valley.

What LittleCo Academy is hoping to create is a small facility that primarily, but not exclusively, serves the families who serve Valley View Hospital. I know every mom and dad and big sister and little brother. It's a community of families who choose to call Glenwood Springs home. Who shop at our stores, send their kids to our schools, and who bring state of the art health care to our valley. Because of that it's a community that needs hours and flexibility outside of the norm. This is not a business plan Maggie hatched to make money. This was a community idea, spurred on by a huge gaping need, and Maggie was brave enough to step up and take it on for all of us.

Since the meeting last month I have driven by the planned site in both my Subaru and my huge Sprinter van. I do not at all see any of the concerns the local residents raised about road grade and U-Turns. What I see is fear of the unknown in a time when fear of the unknown has been generously heaped onto everything we experience daily. Please consider the needs of the

hospital staff and their children. Drive the route, visit the hospital, assess that all the proper "i"s are dotted and "t"s are crossed. Please do not let unfounded fears prevent this amazing opportunity from coming to fruition. Thank you.

Sincerely,

Andrea Campian
plus Maddie (3yrs) and Allie (6mo)

Commissioners and Neighbors,

My name is Jose Chavez. I'm a single father of a young child who is on the waitlist at a few schools here in the valley. I heard about this potential new school in Glenwood from a neighbor of mine. When they told me what the hours would be, I knew this school would help me and my son out tremendously. I work in the construction field and no other schools offer these hours. Please allow this school to open. I need it and so do so many other community members.

Thank you

Jose Chavez

To whom it may concern:

My name is Monica Chavez, and I'm a mom of 3 boys. I was a teacher at the ELC, that was about 300 ft from this location. My youngest kid is currently not enrolled in any child care program and is on the waiting list for many other schools. This has taken me out of the workforce. If this school were to open, he would attend there and allow me to get back to work. After the first meeting via zoom about this issue I went back and listened to it and wrote down notes from all of the people with concerns. I'd like to address the concerns they had.

The main issue people had was safety. This is kind of them to worry about others but there are no real safety concerns to worry about. There would be slightly more traffic but the people driving these cars are parents who also have children. They are hyper aware while driving. People mentioned the grade of the street and weather adding to that. I drove to the location during a snow storm and had no issues stopping and going, my door had no issue staying home to get a child in and out and my car made it up the hill just fine. While working at the ELC we used to walk the toddlers (ages 1-3) up and down the side walk in the winter on S. Highland to get to and from our playground. If 1 year old's can walk up that street, I feel it's safe for parents to walk up the street to drop off and pick up their children. Also, in my five years of employment at the ELC I never saw one accident on S. Highland in the winter or summer. Someone also mentioned that there are no sidewalks in fact there are sidewalks. Some people mentioned that they worried about their kids walking to and from school at St. Stephens. If their kids stick to the sidewalks, they will be safe. I see a lot of those kids walking right down the middle of the street instead of the sidewalks. If their parents are so concerned about their safety frankly, they should be walking all the way with them or drive them to school. I heard that they were worried about signs yield and stop signs. If this is already a concern or problem why haven't they gone to the city to have this addressed? They all mentioned they have lived there for years and now its an issue for them. I think having a daycare center there could possibly make the neighborhood safer. Possibly have a school zone sign to slow extra random traffic, paint cross walk stripes from Bennett to S. Highland, etc. I'd also like to mention two of the people on that zoom call do not ever live in that neighborhood.

Traffic was the next main concern. There would be a few more cars. Honestly, at ELC most of our parents walked to and from the hospital. Now, this new school would be open to the public unlike the ELC so the people that do not work at VVH obviously would not be parking on S. Highland. The director of the new school said she could make it a policy that if any parent parks on S. Highland they will be kicked out of the school. VVH has said that if this new school does open, they would designate 4 parking spaces for employees of the school, leaving only 4 cars left to park elsewhere. One person mentioned that a business doesn't belong in a neighborhood, well that neighbor actually ran her book business from her home and currently runs her book business across from two homes and an apartment building. It seems if it isn't one of the neighbors doing these things it's a problem. Lastly, the traffic study showed that S. Highland can handle the amount of new traffic and more.

On to sound. One neighbor mentioned she “assumed” the school would need commercial trash services and that the school plowing would be a problem. The school would not need commercial trash, even if it did it would still require once a week pick up from a normal trash truck just like everyone else in the neighborhood has. None of her concerns are reason to not have this school there. If any family moved into this home, they would have weekly trash services and would have to plow their drive way and shovel their sidewalks just like everyone in that neighborhood. When I went to this location in the snow storm the City of Glenwood had already plowed snow and it was 7:15am. None of those concerns hold any value!

This school is very needed and would love to be apart of the community. It would take infants and help more than just VVH employees. Our old school was only 300ft away, I don’t see how it would be any different. Please allow this school to open at this location!

From: Robert Derkash <rderkash@gmail.com>

Sent: Wednesday, February 10, 2021 6:21 AM

To: Gretchen E Ricehill <gretchen.ricehill@cogs.us>; Robert Derkash <rderkash@gmail.com>;
sethakingston@gmail.com; brandyddrake@gmail.com

Subject: Proposed child care center at 536 S. Hyland

Dear Gretchen,

My name is Robert Derkash and my family and I moved to the Hyland Park/Lincolnwood neighborhood forty years ago to raise our four children. The neighborhood continues to be made up of young families with the same interests.

The number of small children walking to school on Hyland Park in the morning and afternoon has grown exponentially over the last several years. The intersection between Lincolnwood and Hyland Park, and S. Hyland Park and Bennett is unregulated. I fear one of our neighborhood children will get hit by a car now, let alone if more traffic is added.

The addition of a large commercial day care center in this residential area is unsafe due to traffic concerns, and it is against the intent of the covenants for the original Hyland Park neighborhood.

Therefore, for these reasons, I am opposed to the large daycare center proposed for 536 S. Hyland Park.

Sincerely,

Robert Derkash

-----Original Message-----

From: Katherine Jones <Katherine.Jones@vvh.org>

Sent: Tuesday, February 2, 2021 9:24 AM

To: Gretchen E Ricehill <gretchen.ricehill@cogs.us>

Cc: maggie.brown@littlecoacademy.com

Subject: Little Co. Academy

Hi Gretchen,

I am writing to say how important it is for our community to have accessible and affordable childcare near one of the biggest employers in our county, Valley View Hospital.

The elimination of the Early Learning Center was a massive blow to our healthcare workers. The close proximity of the center to the hospital, the affordable cost, and the peace of mind it offered our workers were not only appreciated greatly, but necessary. We NEED consistent, affordable, close and reliable childcare. We, as essential workers in this pandemic, are putting ourselves on the line each and every day in order to keep our community healthy. The stress of not having a child care option close to work is taking a toll on all of us. I speak for many others when I say that Little Co. Academy is necessary and essential.

I realize that some of the concerns of the surrounding community are valid. I believe that with the cooperation of the neighborhood and the care center, we can overcome these challenges to make this opportunity work for everyone involved. Keeping our healthcare workers in a position to continue being able to care for our community should be a top priority.

I appreciate your time and consideration on this matter. Best regards,

Katie Jones BS, RDMS

Sonographer

Women's Health

The information contained in this message may be privileged and confidential. If you are NOT the intended recipient, please notify the sender immediately with a copy to notify@vvh.org and destroy this message. Please be aware that email communication can be intercepted in transmission or misdirected. Your use of email to communicate Protected Health Information or other information of a confidential nature to us indicates that you acknowledge and accept the possible risks associated with such communication. Please consider communicating any sensitive information by telephone, fax or mail. If you do not wish to have your information sent by email, please contact the sender immediately.

ATTENTION: If you speak [Language], language assistance services, free of charge, are available to you. Call 1.970.945.6235.

Español (Spanish) ATENCIÓN : si habla español, tiene a su disposición servicios gratuitos de asistencia lingüística. Llame al 1.970.945.6535.

Tiếng Việt (Vietnamese) CHÚ Ý: Nếu bạn nói Tiếng Việt, có các dịch vụ hỗ trợ ngôn ngữ miễn phí dành cho bạn. Gọi số 1.970.945.6535.

???? (Chinese) ?? : ?????????????????????1.970.945.6535.

From: Polly Malehorn <pmalehorn@gmail.com>
Sent: Tuesday, February 9, 2021 5:10 PM
To: Gretchen E Ricehill <gretchen.ricehill@cogs.us>
Subject: Little CO Academy

I am in favor of Little CO Academy to be approved. The need for good daycare in our area is has been difficult for working families for years. Almost always parents are put on a long waiting list. Also I'd like to mention the need for quality daycare for our front line workers and physicians. Living in such a high cost of living area almost always requires two incomes. Please approve this badly needed asset to our community. Thank you.

From: Shelby Jacq <shelbyjacq93@gmail.com>
Sent: Wednesday, February 17, 2021 8:53 PM
To: Gretchen E Ricehill <gretchen.ricehill@cogs.us>
Subject: Little Co Academy

Hello. My name is Shelby Malehorn I am a Glenwood Springs Native in full support of Little Co Academy on Hyland Park Drive in Glenwood Springs. Our city is in desperate need of childcare, myself included, and I think Little Co Academy would be a fantastic addition to our community. Thank you for your time.

~Shelby Malehorn
970-456-6215

Amanda N. Maurer
1716 Bennett Avenue
Glenwood Springs, CO 81601
amanda@ommpc.com
Cell: 970-618-8919

February 1, 2021

City of Glenwood Springs Planning and Zoning Commission
c/o Gretchen Ricehill and Emery Ellingson - Community Development
101 W. 8th Street
Glenwood Springs, CO 81601
VIA EMAIL ONLY TO: gretchen.ricehill@cogs.us and emery.ellingson@cogs.us

RE: 536 South Hyland Park Drive Special Use Permit Application – Request for Denial

Dear Planning and Zoning Commissioners –

As a homeowner at 1716 Bennett Avenue, I request denial of the SUP application for the referenced property. A large child care center is incompatible with the surrounding Hyland Park area, impacts cannot be adequately minimized, and the use does not minimize adverse impacts to the health, safety, and welfare of the inhabitants of the surrounding areas and the City.

The Staff report states on p. 3, 1/26/21 packet p. 13, “Compatibility is the ability of two things to exist together without conflicts or problems.” First, opponents of the SUP have raised many conflicts and problems, the most concerning being a threat to the safety of pedestrians, especially children, and the safety issues that will arise at both the Blake and S. Hyland and Hyland Drive and Lincolnwood intersections without additional traffic controls. Numerous people that use these intersections every day have raised serious concerns about safety if the SUP is approved without requiring additional traffic controls and sidewalk improvements. Second, the Staff report does not reflect the full definition of “Compatibility” under Section 070.070.030 of the Glenwood Springs Code. “Compatibility” is defined as, “The characteristics of different uses, activities, or designs that allow such uses, activities, or designs to be located near or adjacent to each other without adverse impacts. Some elements affecting compatibility include height, scale, mass, and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor, and architecture. Compatibility does not mean “the same as.” [Emphasis added above]. There will clearly be adverse impacts to the Hyland Park single family residential neighborhood if a large child care center is installed. The land use code requires the same SUP application in RM1 for a large family day care for 7-13 children run by a resident of the home. This applicant is trying to maximize the capacity of the care center by having it in a single-family home run by 8 non-resident staff commuting onto the residential property each day. The applicant does not state whether the use would be Monday through Friday or seven days a week, only that “extended time/days may be necessary to support essential healthcare staff, though 24-hour child care is not intended.” See Application, Project Description, third page. Staff does not recommend any limitations on hours or days in its suggested conditions of approval, Staff report p. 7, 1/26/21 packet p. 17. The technical ability to

apply for a SUP under the Code does not mean it should be approved. The scope of 43 children and 8 staff is too large and the scope of the child care service hours “primarily” from 6:30 am to 5:30pm, requiring staff on site from at least 6am to 6pm, with the potential for extended hours and days is too broad. The proposed scope of size and days/hours exacerbates every other adverse impact relating to traffic, circulation, access, parking, lighting and noise.

Staff bases its recommendation for approval on assertions the child care center will still have the “appearance” of a residential home. See Staff report p. 3, 1/26/21 packet p. 13, “Conversion from residential to a child care center requires site and building upgrades but generally the structure’s residential appearance and residential character of the neighborhood are maintained.” and Staff report p. 4, 1/26/21 packet p. 14, “By and large the proposed change of use does not change the exterior residential character of the home.” These assertions are inaccurate. Approval of this SUP would allow up to 43 children and 8 staff, plus at least 25 parents if the majority of children being served are siblings, to access this structure every day. Having over 75 people come and go twice a day, with over 50 people occupying the structure and surrounding exterior yard for the majority of the day, does not look like a residence.

I reiterate my concerns in my January 20, 2021 letter, especially regarding garbage and wildlife. It is unclear whether the applicant plans to utilize existing residential service with multiple large containers or will the center require commercial service? The applicant’s plans describe relocating the back yard shed to the front/western side yard of the property and describe a “garbage enclosure and relocated shed.” Bears and other wildlife frequent this area, and this property contains an apple orchard per the application materials. The City Council of Glenwood Springs has codified high monetary fines for wildlife feeding and related trash violations at GSMC 100.010.065(e), and the application does not detail the waste management plan for this level of use. Re-locating the shed and approving garbage enclosures that are located near and visible from the front street side of the property is an additional modification that is inconsistent with the residential character of the neighborhood.

Approval of this SUP will not generally serve the Glenwood Springs community or provide a long-term solution for child care. Valley View Hospital (“VVH”) purchased this single-family residential property from two estates March 29, 2017 for \$800,000 after the untimely deaths of the prior owners. See application materials and Garfield County Assessor Accts. R311966 and R311967. Rather than leasing the property as a single-family residence, which easily could have generated \$2500 in rent/month, i.e. around \$115,000 to date, the residence has primarily been left vacant. See Staff report p. 5, 1/26/21 packet p. 15, “The proposed use converts a vacant single family residence to a child care facility that primarily serves employees of Valley View Hospital.” It does not appear VVH’s objective is to offset the purchase cost or ongoing expenses related to property taxes, maintenance or insurance. Word around town is VVH will eventually seek rezoning of the subject property to expand its parking to the north, utilizing at least portions of the southern hillside/backyard of the subject property. VVH states in its 11/25/2020 letter submitted with the application that any lease will be conditional upon VVH having “the right of first refusal on all open available positions to allow its essential healthcare workers to have their children enrolled at LittleCo Academy.” St. Barnabas has offered a lease to LittleCo but the applicant declined, given that VVH will offer its vacant house for little to no rent. During the 1/26/21 comments, the applicant stated the initial lease term would be 5 years, with VVH then having the right to terminate with 90 days’ notice. The

alleged need for this child care center arose after VVH discontinued its lease with St. Barnabas during COVID19 layoffs and cost reductions, closing its Early Learning Center (“ELC”) after 32 years in operation. In comparison, the potential lease to LittleCo is a short term, band-aid solution only offered until VVH decides to move forward on its other plans for the subject property. The demand from VVH employees for child care will utilize every spot at LittleCo, with many employees commuting in from other communities, and will not serve the general public or prioritize child care for citizens of Glenwood Springs or even the Hyland Park neighborhood. Approval of this permit will set a precedent for wealthy employers to purchase single family residences and seek approval for large child care centers, regardless of restrictive covenants, leaving it up to private land owners to have to assert their rights civilly in the district court, if they can afford to do so. Staff recommends approval of the SUP to support the Comprehensive Plan goal to “Build on role as a regional medical and education center.” Staff states, again p. 5 of its report, 1/26/21 packet p. 15, “Providing child care to hospital employees is key to supporting the hospital’s function and ensuring its continued role as a regional medical center.” VVH didn’t view child care as critical to its own function or role as a regional medical center when it closed the ELC last year and has chosen not to reopen it even though the St. Barnabas space is still available.

As I stated during public comments 1/26/21, there is no other large child care center in RM1 except for those located on school properties. Schools have adequate sidewalks, parking, traffic, and circulation plans, much larger setbacks from adjacent uses, and significantly reduced hours and days of operation than the SUP proposed by applicant. Detailed information can be found online at <https://www.coloradoshines.com/families> with Colorado Department of Human Services – Division of Child Care on the licensed child care centers and family day cares within the City of Glenwood Springs. The only licensed child care centers in RM1 zoning are St. Stephens Preschool, Yampah Mountain High School Nursery, Sopris Elementary Preschool and City of Glenwood Springs KidKamp (at Sopris). The other licensed large child care centers in Glenwood Springs are Children’s Mini College (at CMC campus, RM2 multifamily limited zoning), Our School (commercial zoning), Glenwood Springs Elementary Preschool (commercial zoning), New Creation Preschool (PUD zoning), and The Mountain School (at Two Rivers Community School; PUD zoning). There are at least 10 additional licensed family day cares (more in 81601, but not within the City limits). All licensed child care located in residential homes are family day cares (up to 6 children use by right in RM1, up to 13 only with SUP approval in RM1). There are no existing large child care centers in residential homes or converted residences in residential zones in Glenwood.

Thank you for your time and consideration. Please visit the Hyland Park neighborhood and property during the peak drop off and pick up hours of 6:30-8am and 4-5:30pm if you are still considering a vote to approve this SUP application. Imagine the effect of 75 people arriving and leaving with 50 people remaining on site each day. Please vote against allowing a large child care center in a residential home in an RM1 zone. The Comprehensive Plan and land use code does not prioritize medical and education centers or tourism at the risk of eliminating the City’s residential communities.

Sincerely,



Amanda N. Maurer

From: Emily Jo Miskiewicz <iloveswimming_22@hotmail.com>
Sent: Wednesday, February 17, 2021 8:36 PM
To: Gretchen E Ricehill <gretchen.ricehill@cogs.us>
Subject: Community Development Department

Hello. My name is Emily Miskiewicz and I would like to let the planning and zoning committee and the City of Glenwood Springs know that I am in favor of the Little Co. Academy, on 536 Hyland Park Drive.

I am the prospective director of Little Co. and I was a previous employee at the Early Learning Center, of which this school began. I worked with all of the amazing families and teachers at the Early Learning Center for five years until VVH was forced to shut the doors after the massive impact of COVID-19 this past August. I am a native of the Roaring Fork Valley and have been in the Early Childhood Education field for just short of 15 years. I have seen firsthand the positive impact that these schools have in our community. Not only do they serve the families in the Roaring Fork Valley, so parents can go to work every day, but they also serve the future of our community in our children. Bringing them up with quality education, that ensures upstanding adults. The number one problem that we face here is the childcare crisis that plagues potential and growing families.

With Little Co. Academy, we have a great opportunity in our hands to be able to address some of these issues that we face. We will be able to keep, not only front line workers going to work every day, but many essential people that we all depend on. The fact that we have been offered an existing building one house up from our previous school is unheard of and simply amazing! Along with the proximity to the hospital is something that no other schools in the valley have!

I understand the neighbors to Little Co.'s location are not in support of the continuance of the school. But I would like to the City and the neighbors to know that, if this gets approved, I would make it my highest priority to work with the neighborhood and keep everyone as safe and happy as possible. Being very familiar with Hyland Park area, I do not share the same concern about some of the things the neighbors mentioned. I believe that we can make this school a reality and maintain superior safety, along with the neighborhood's integrity. I don't think that the school will be as big of an impact that some of the residents made it out to be. I know it's difficult to accept change but in the case of Little Co. Academy, we are here to serve the greater good of Glenwood Springs and the Roaring Fork Valley. The fact that we will not only be offering care for toddlers and preschoolers, we will also be offering infant care that is nearly impossible to find in the valley.

In so many words, we have been a part of the Hyland Park neighborhood for 31 years and we would love to have the opportunity to continue our mission of quality childcare for the community. We would be the most grateful for the committee to consider its approval and would love to create a great relationship with the residents in the near future. Thank you for your time and consideration and for the care you all have for our amazing community.

Emily Miskiewicz
Director Little Co. Academy

From: Frederick C Oakes Jr
1607 Bennett Ave
Glenwood Springs, CO 81601

To: Gretchen Ricehill, Assistant Economic/Community Development Director
Community Development
gretchen.ricehill@cogs.us

Dear Ms. Ricehill, I would very much appreciate your forwarding this to:

Members of the Glenwood Springs Planning and Zoning Commission

Dear Commissioners,

I am Rick Oakes (officially as Frederick C Oakes Jr, husband of Judith L Oakes, property owner) residing at 1607 Bennett Ave. I would like to bring to your attention items which I did not address in my recent comments to the Commission.

There are two opposing camps making comments: those who believe that a Large Child Care Center should be placed at 536 S. Hyland Park Drive (zoned as RM1-Residential Medium Density) and those who do not. Despite the City Traffic Department's analysis and approval, the street is steep and winter conditions make this street very hazardous. The property in question might be better accessed through the existing parking lot to the south. This possible solution does not address the noise to the adjacent homeowners from the proposed facility.

There seems to be no doubt that a child care facility, primarily addressing hospital employees/staff, is needed in our community. We, the surrounding homeowners do not find this is an appropriate use of this house.

I would like to thank the commissioners for their work on this and other issues.

Sincerely,

Frederick C Oakes Jr

JOHN R SCHENK
620 HYLAND PARK DRIVE
GLENWOOD SPRINGS, COLORADO 81601

February 10, 2021

Gretchen Ricehill
Planning Dept.
101 West 8th St.
Glenwood Springs, CO 81601

Re: Special Use Application - 536 South Hyland Park Drive

Greetings:

My wife, Rebecca, acquired 620 Hyland Park Dr. on June 30, 1997 which likely makes us the longest residents in this subdivision. Once a real estate lawyer practicing in Glenwood Springs, I represented a number of clients with development projects in the city. Inactive since 2008, I have nevertheless paid attention to land use trends in the city as well as development in and around the Hyland Park subdivision. Who would have imagined there is now a chicken permit requirement?

The heart of our concerns focuses on the concepts of health, safety and welfare which ought be the primary foci of any city action. Based on our observation of vehicular, pedestrian and bicycling traffic on North and South Hyland Park Drive, Bennett Avenue and Lincolnwood Drive as well as the physical condition of these streets and appurtenant sidewalks, any increase caused by the proposed commercial daycare operation will significantly diminish the safety of persons using these thoroughfares.

At the outset, assumptions made by the applicant should be re-examined. The traffic memorandum which supports this application was based on a single day of traffic on October 6, 2020, a Tuesday. The traffic in Glenwood Springs during the current pandemic, has been significantly lower than in prior times. It appears no adjustment upward was made to account for that circumstance.

The traffic study also assumes that parents will be stopping to drop their children at the daycare center, reentering their vehicles and then proceeding to a second parking space at their place of work. The presentation by the applicant makes it clear that the daycare center will be a primary resource for Valley View Hospital which is immediately south of the subdivision. Presently employees of the hospital are parking on both sides of South Hyland Park Drive from Blake Avenue to Bennett Avenue which is just short of the proposed daycare center. It can be reasonably assumed some of the hospital employees using this daycare will park their vehicles on the eastward continuation of South Hyland Park Drive or on Bennett Avenue as it extends to the north. This will congest what may appear to be sufficiently wide streets. There are no sidewalks on Bennett Avenue from North to South Hyland Park Drive and minimal, sporadic and narrow sidewalks on the balance of the streets. There are no painted pedestrian crosswalk marking in the area. In fact, there can not be such markings at the intersection of South Hyland Park Drive and Bennett Avenue since there are no sidewalks to connect. The current patterns of travel by pedestrians and bicyclists (there are no bike lanes) is down the roadways of these streets. These roadways are used by school children walking to and from the St. Stephen's school, other residents in Hyland Park and Lincolnwood as well as substantial pedestrian travel by Valley View employees exercising during their breaks from work. A real "traffic" count would have addressed these uses in the same detail as vehicular travel. The subdivision obviously lacks sufficient sidewalks to handle pedestrian traffic. Predictable

additional on street parking will narrow the available passageways significantly increasing the risk of personal injury and fatality. To permit this special use and not provide for pedestrian safety consistent with the standards required and followed in the rest of the city is wrong and indefensible.

In addition, the uncontrolled intersections in this area continue to lead to near collisions. In particular, the Y intersection with South Hyland Park Drive and Lincolnwood Drive is particularly problematic. The yield sign on South Hyland Park Drive is not always obeyed. The traffic speeds in this area vary widely and it can be expected that conflicts will increase with substantial nonresidential traffic added to these streets.

Other owners in the subdivision have noted the protective covenants created in 1955 which continue to "run with the land" binding all owners and persons claiming under them creating a burden on each lot and a benefit to all other owners. Acknowledging that these protective covenants are not enforceable by the city which is not a person in interest, it is however appropriate for the city to "take notice" of the terms of the protective covenants as it ought in recognition of any physical or legal circumstances affecting any property.

Thank you for your attention to these concerns and details. We urge you to reject this application for a Special Use Permit.

Very truly yours,

John R Schenk

Rebecca H Schenk

Hello Gretchen -

Please include my follow-up
Comments in the P & R packet
for the February 23 meeting.
Thank you for your time.

Shari Scruby
sdscruby@gmail.com

Date: February 5, 2021

To: Members of Glenwood Springs Planning & Zoning Commission

From: Sheri Scruby, 530 Hyland Park Drive

Re: Special Use Permit for 536 S. Hyland Park Drive

Thank you all for your time and thoughtful consideration of the Special Use Permit presented by LittleCo Academy. I wish we could all be at a table discussing it in person, as the consequences are great in many directions.

Maggie Brown is a powerful asset for Valley View Hospital and her co-workers. I have heard great feedback from people who have been in her care, and she is obviously a bright young woman who has done a lot of work and research to put together a plan for a Large Day Care Center. Her heart is in the right place, but the business is planned for the wrong place. If her business model will only be successful with free or reduced rent, it will be a challenge. LittleCo Academy should be in a location with adequate parking and fewer traffic and safety consequences.

If one of the City of Glenwood Springs' missions is to help solve the daycare problem in our community, there should be many other voices at the table. At the hearing on January 26 we heard from one segment of frontline workers who need support. There are many other essential workers (emergency services, teachers, food workers, hospitality staff) who have a similar dilemma. If this model is a solution for our community, P & Z should consider it for all residential areas of our city.

The elephant in the room is Valley View Hospital. When they purchased 536 S. Hyland Park Drive four years ago, it was most likely not intended to be used as a Large Child Care Center. The hospital's appetite for commercial properties, parking lots, and more space for their campus is never-ending. As soon as the wall is breached by a Trojan horse filled with small children, the march will begin west to Blake Avenue.

The three residential properties along S. Hyland Park Drive, along with St. Barnabas Church, are the backstop we have for our neighborhood. St. Barnabas Church is vulnerable as a result of lost revenue from The Early Learning Center, closed by VVH last summer, COVID19 restrictions, and other factors. Where is the line and what is the vision for our community? When will VVH be required to build up instead of out? They are limited by the topography of our town, just as we all are.

If one of the goals of this SUP is to "return activity to the site", it should be leased for residential use or sold. VVH could sell the property, place the funds with their foundation, and direct the proceeds to benefit LittleCo Academy in a suitable setting for a business of this size.

Our neighborhood safety, families, children, quality of life, and property values should not be sacrificed for this project. Please deny the SUP for 536 S. Hyland Park Drive.

Deerbury
Fax 1812
Glenwood Spgs Co 81602

GRAND JUNCTION CO SLS

09 FEB 2021 PM 1:17

City of Glenwood Spgs
Attn: Gretchen Fischer
Community Dev
101 West 8th Street
Glenwood Spgs, CO 81602

From: susan miller <suemmm123456@gmail.com>
Sent: Friday, February 19, 2021 4:58 PM
To: Gretchen E Ricehill <gretchen.ricehill@cogs.us>
Subject: Hyland Drive

This correspondence is directed to the City Counsel of Glenwood Springs. Thank you for your kind attention to this letter.

The need for quality Pre-school and / Kindergarten readiness is essential in the Roaring Fork Valley, especially in Glenwood Springs. I have taught at the ELC (Early Learning Center through Valley View Hospital) for the past 12 years, although the center has positively impacted the community for the past 30 years! And I strongly maintain that moving 350 ft upward from St. Barnabas church to Hyland Drive will not have a negative impact on the neighborhood.

To the contrary, while working at the ELC we had a positive connection to the neighborhood with our walks and interactions with the families. It is particularly frustrating trying to understand the opposition of one family whose children participated in and flourished in our program!

The travel analysis completed by the city established we were well within the limits of the city's traffic impact recommendations. Additionally, the improvements to the residence will certainly make good use of the dropping off and picking up schedules. The arrival and departure times are also staggered due to parents work times, therefore, allowing for a free flow of movement during these times.

During the period of time when parents are delivering and picking up their most precious possession in the world, to a trusted school, I have never seen parents be irresponsible or drive erratically in this transition (and I have been teaching preschool for over 20 years).

Lastly, in the 12 years of teaching at the Early Learning Center there have been no parking issues of traffic issues, and moving 350 ft. away (with the improvements to the residence), I believe will continue to be uneventful. The only difference will be that we will be able to continue to positively impact our community with the invaluable development of Early Childhood Education in this valley and help promote the healthy growth and success of our future generations.

They say not in our neighborhood? Where else to grow, learn and develop young children than IN A NEIGHBORHOOD?

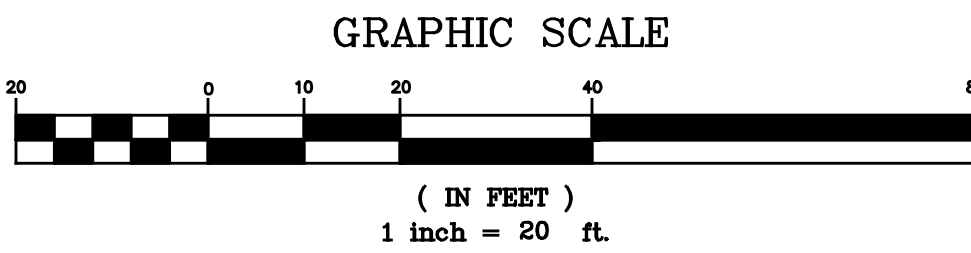
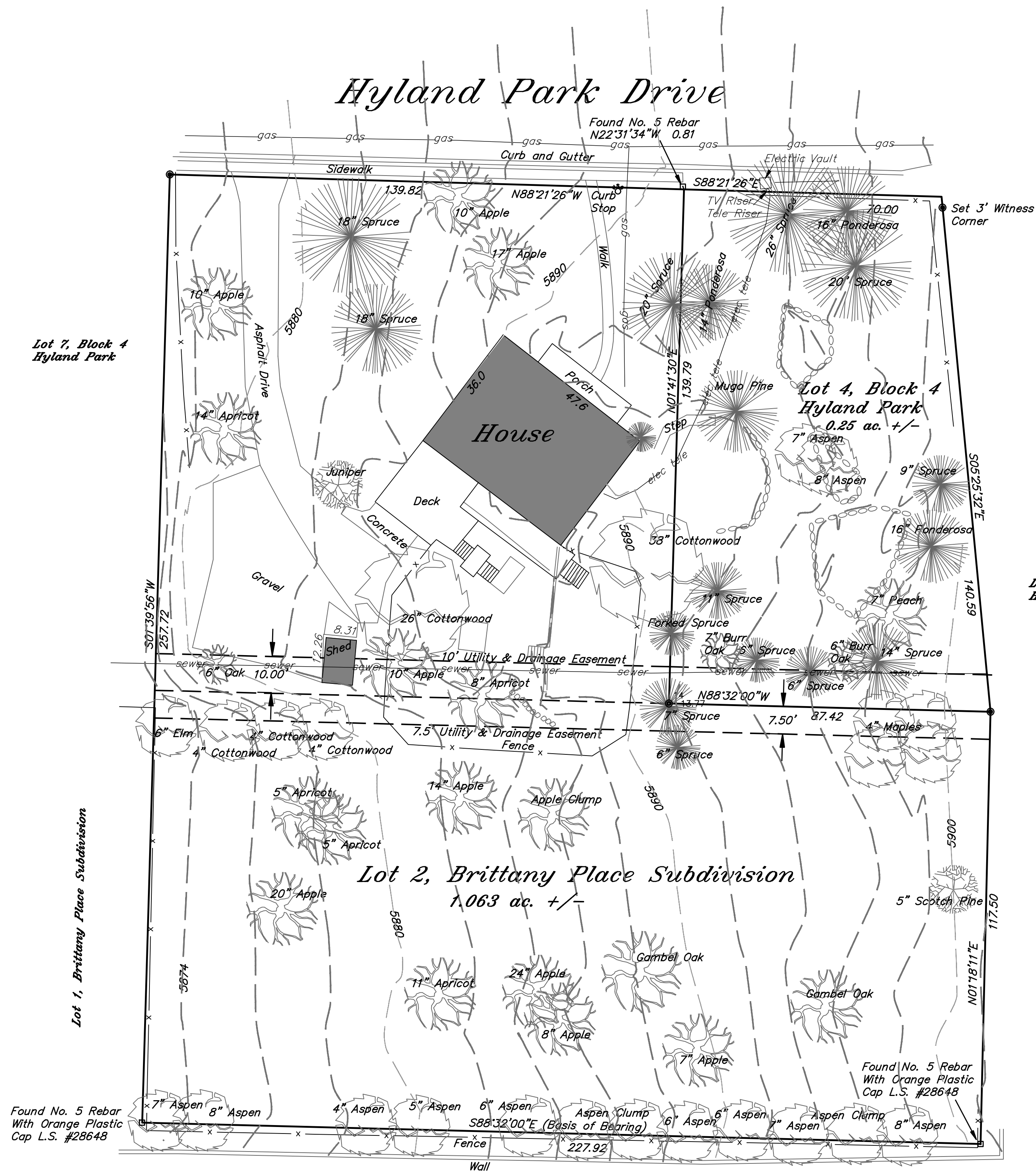
Thank you,
Susan Miller - Childhood Educator for over 20 years

Thank you Gretchen for having all the members of the City Counsel read this.

Improvement Survey Map

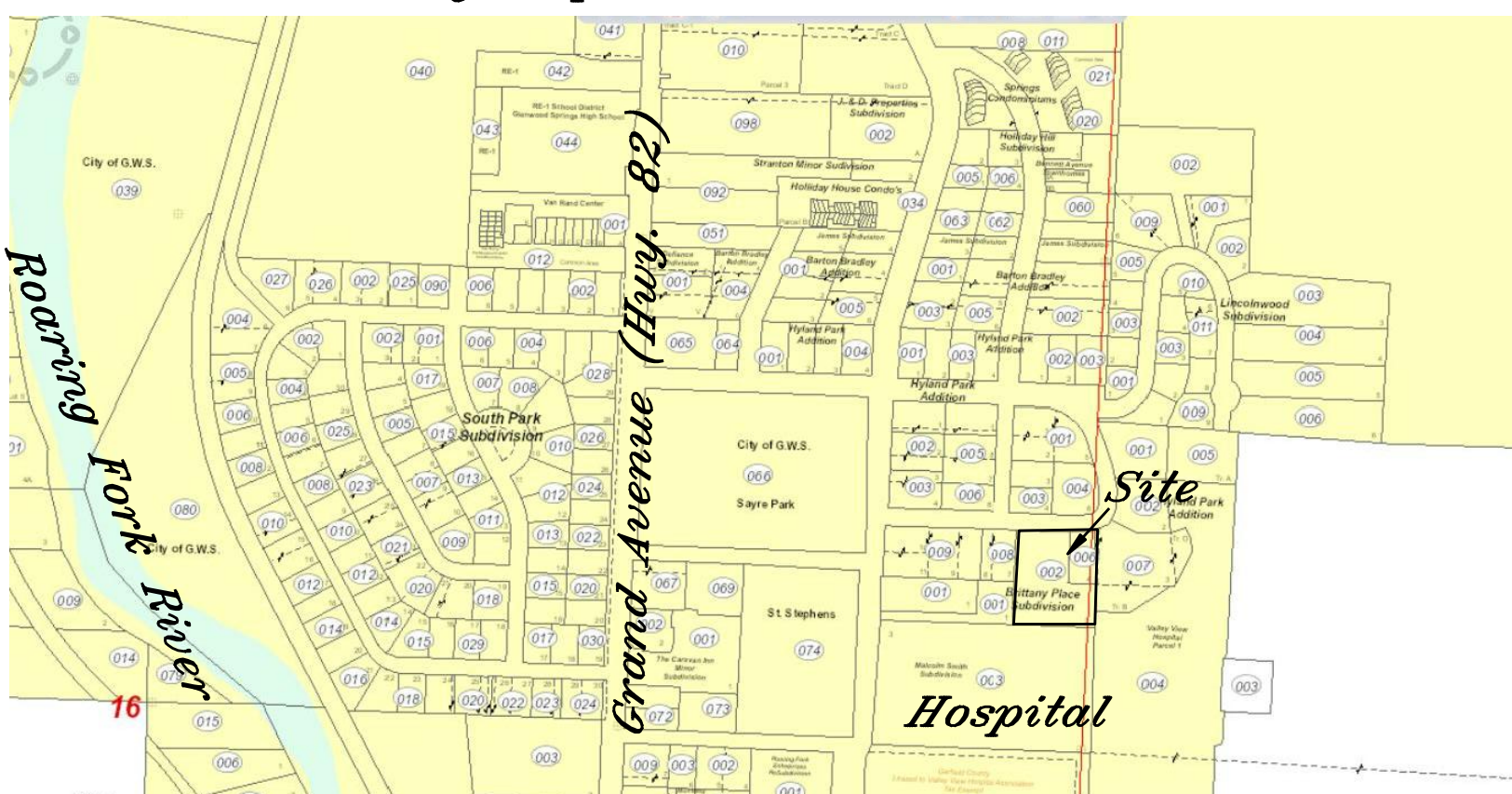
Lot 2, Brittany Place Subdivision (Parcel A) and Lot 4, Block 4, Hyland Park Addition (Parcel B)

City of Glenwood Springs, County of Garfield, State of Colorado



- Legend and Notes:
- indicates found monument as described hereon.
 - indicates set No. 5 rebar with red plastic cap L.S. #33638.
 - Bearings are based upon a #5 rebar with a orange plastic cap L.S.#28648 found at the southeasterly corner and at the southwaesterly corner both of the subject lot using a bearing of S88°32'00"E between the two described monuments.
 - This survey does not represent a title search by this surveyor to determine ownership or to discover easements or other encumbrances of record. All information pertaining to ownership, easements or other encumbrances of record has been taken from a title insurance commitment issued by Land Title Guarantee Company, dated August 23, 2013 as Order Number GW63008282.
 - The unit of measurement used in this survey was the US Survey Foot.
 - Date of Survey- May 21, 2013.

Vicinity Map 1"=500'



- THIS PROPERTY IS SUBJECT TO THE FOLLOWING EXCEPTIONS PER SAID TITLE COMMITMENT:
- RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED MARCH 27, 1888, IN BOOK 12 AT PAGE 2.
 - TERMS, CONDITIONS, AND PROVISIONS OF SUBDIVIDER'S AGREEMENT RECORDED JANUARY 20, 1982, IN BOOK 591 AT PAGE 46 AND AS AMENDED IN INSTRUMENT RECORDED MARCH 28, 1983, IN BOOK 623 AT PAGE 699.
 - EASEMENTS, RIGHTS OF WAY AND OTHER MATTERS AS SHOWN ON THE PLAT OF BRITTANY PLACE SUBDIVISION RECORDED MARCH 28, 1983 AS RECEPTION NO. 340299.
 - UTILITY EASEMENTS AS RESERVED IN INSTRUMENT RECORDED JULY 7, 1955 IN BOOK 285 AT PAGE 539 AS RECEPTION NO. 190440, SAID EASEMENTS BEING SPECIFICALLY REFERRED TO IN PARAGRAPH 6, OF SAID INSTRUMENT AS FOLLOWS: A. EASEMENTS FOR INSTALLATION AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES ARE RESERVED, AS SHOWN ON THE PLAT AND OVER THE AREA 10 FEET OF EACH LOT.
 - EASEMENT, RIGHTS OF WAY AND OTHER MATTERS AS SET FORTH ON THE PLAT OF HYLAND PARK ADDITION RECORDED JULY 21, 1955 AS RECEPTION NO. 190620.
 - RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED JULY 07, 1955, IN BOOK 285 AT PAGE 538.
 - UNDIVIDED ONE-HALF INTEREST IN ALL OIL, GAS AND OTHER MINERAL RIGHTS, AS RESERVED BY J.E. SAYRE IN THE DEED TO KENNETH C. BALCOMB, JR. RECORDED JANUARY 7, 1955 IN BOOK 581 AT PAGE 503 AS RECEPTION NO. 188304, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN. (ITEMS ABOVE AFFECT PARCEL A)
 - RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED MARCH 27, 1888, IN BOOK 12 AT PAGE 2.
 - UTILITY EASEMENTS AS RESERVED IN INSTRUMENT RECORDED JULY 7, 1955 IN BOOK 285 AT PAGE 539 AS RECEPTION NO. 190440, SAID EASEMENTS BEING SPECIFICALLY REFERRED TO IN PARAGRAPH 6, OF SAID INSTRUMENT AS FOLLOWS: A. EASEMENTS FOR INSTALLATION AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES ARE RESERVED, AS SHOWN ON THE PLAT AND OVER THE AREA 10 FEET OF EACH LOT.
 - EASEMENT, RIGHTS OF WAY AND OTHER MATTERS AS SET FORTH ON THE PLAT OF HYLAND PARK ADDITION RECORDED JULY 21, 1955 AS RECEPTION NO. 190620.
 - RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED JULY 07, 1955, IN BOOK 285 AT PAGE 538.
 - UNDIVIDED ONE-HALF INTEREST IN ALL OIL, GAS AND OTHER MINERAL RIGHTS, AS RESERVED BY J.E. SAYRE IN THE DEED TO KENNETH C. BALCOMB, JR. RECORDED JANUARY 7, 1955 IN BOOK 581 AT PAGE 503 AS RECEPTION NO. 188304, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN. (ITEMS ABOVE AFFECT PARCEL B)

Surveyor's Certificate:
I, Jeffrey Allen Tuttle, being a Professional Land Surveyor in the State of Colorado, do hereby certify that this improvement survey was made under my supervision and is true and correct to the best of my belief and knowledge. I further certify that the improvements on the above described parcel on this date, May 21, 2013, except utility connections are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

Jeffrey Allen Tuttle L.S. 33638 Date 11/25/2020

Notice:
According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. No event may any legal action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

TUTTLE SURVEYING SERVICES
P.O. Box 983
Glenwood Springs, Colorado 81602
(970) 928-9708 (FAX 947-9007)
jeff@tss-us.com



Improvement Survey Map

536 Hyland Park Drive
Glenwood Springs, Co. 81601

Drawn by: JT
Date: 11/25/2020



Planning Commission Report

Date February 23, 2021
To: Planning and Zoning Commission
From: Gretchen Ricehill, Asst. Director
Subject: #66-20 Code Text Amendments–Title 070
Glenwood Springs Municipal Code

REQUEST	Consideration of various code text amendments to Municipal Code Title 070 Sections including but not exclusive of Sections 070.030, 070.040, 070.060 and 070.070 regarding Use Regulations; Accessory Uses; Landscaping, Screening and Fencing; Off-street Parking; Signs; Administration and Procedures; and Rules of Construction and Definitions. CONTINUED From December 15, 2020 and January 26, 2021
APPLICANT	City of Glenwood Springs
OWNER	City of Glenwood Springs
LOCATION	City wide
ZONE	All

This item was continued from the December 15, 2020 meeting for additional information about certain specific recommended changes namely outdoor storage containers; signage within the RT-residential transitional zoning district; solar panel regulations; and minimum square footage requirements for location & extent reviews. The items pulled for additional consideration are highlighted in yellow. After the December meeting, the following additional code amendments have been added: 1) Corrections to a marijuana establishment reference; and 2) signage location on buildings in the downtown core.

REQUIRED ACTION

Action 1:

Consideration of various code text amendments to Municipal Code Title 070 Sections including but not exclusive of Sections 070.030, 070.040, 070.060 and 070.070 regarding Use Regulations; Accessory Uses; Landscaping, Screening and Fencing; Off-street Parking; Signs; Administration and Procedures; and Rules of Construction and Definitions.

Staff recommends approval of amendments to Title 070 as listed on page 3-18 of this report, with findings listed on page 2.

REVIEW AUTHORITY

For actions involving amendments to the Land Use Code, the Planning & Zoning Commission is a recommending body to City Council. All Municipal Code amendments are completed by ordinance, which requires two hearings before City Council.

SUMMARY

In August 2018, the City adopted a new Land Use Development Code which updated a code that had been in place since the 1970s. As staff applies the new code, we continue to find errors that require correction and provisions that need clarification or modification. In this series of amendments, in addition to corrections and modifications, we are also recommending certain new provisions to address issues that were not contemplated under the old 1970s-era Code or the originally approved 2018 update.

In addition to correcting spelling and code reference errors, the list of amendments presented here includes more substantive changes such as

- adding design variance criteria;
- adding requirements for portable storage containers;
- correcting and clarifying sign code requirements; and
- renaming the “Construction Plans” review process

A spreadsheet which details the requested amendments is attached to and made a part of this staff report. The spreadsheet includes an explanation of the issues and the recommended corrections or additions.

For general reference, a link to the [Development Code is provided here](#).

ACTION ALTERNATIVES

Regarding the amendments, the Planning and Zoning Commission may take one of the following actions:

1. Recommend approval of some or all of the amendments;
2. Recommend denial of some or all of the amendments; or,
3. Continue the hearing with a requirement that staff submit changes or provide additional information regarding some or all the amendments.

Staff Recommendation

Staff recommends approval of the amendments as listed on pages 3 through 22 of this report with the following findings:

Recommended Findings:

1. Pursuant to the authority in the Glenwood Springs Municipal Charter and Colorado Revised Statutes §29-20-101 et seq., and §31-23-301 et seq., as amended the City of Glenwood Springs has the authority to plan for and regulate the use of land within the municipality and to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the height and location of trees and other vegetation, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.
2. The proposed text amendments-
 - a. Are consistent with the Comprehensive Plan and other City policies;
 - b. Do not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code;
 - c. Are necessary to address a demonstrated community need;
 - d. Are necessary to respond to substantial changes in conditions and/or policy; and
 - e. Are consistent with the general purpose and intent of this Code.

Title 070 Adoption Draft
Glenwood Springs Development Code
Errata Sheet
Post Adoption Amendments
Text being deleted is ~~stricken~~; added text is **bold and underlined**

	Code Reference	Error	Correction																													
1	General – throughout Code	Currently there are many references to “Appea”. Correct spelling of “Appeal”.	Correct spelling.																													
2	070.020.020(c) Table 020.4 Summary of Other Nonresidential Dimensional Standards	In the HP-Hillside Preservation column there is an incorrect reference to the maximum density that does not correspond to the actual Hillside Preservation zoning requirements (070.020.170)	<table><tr><td>Lot Standards</td><td>...</td><td colspan="2">HP</td></tr><tr><td>...</td><td>...</td><td colspan="2"></td></tr><tr><td>Density, maximum</td><td>...</td><td colspan="2">Areas on a lot with slopes up to 20 percent: 1 du/10,000 5,000 sf Areas on a lot with slopes greater than 20 percent: see 070.040.020(b)</td></tr><tr><td></td><td></td><td colspan="2"></td></tr></table> Commissioners questioned if this recommended change highlighted in yellow was correct. Staff reviewed the minimum lot size requirements in 070.020.170-Hillside Preservation District standards and found that the recommended change is correct. The dimensional standards indicate that on slopes up to 20%, 1 dwelling is allowed per 5,000 square feet of lot area.				Lot Standards	...	HP		...	...			Density, maximum	...	Areas on a lot with slopes up to 20 percent: 1 du/10,000 5,000 sf Areas on a lot with slopes greater than 20 percent: see 070.040.020(b)															
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3	070.030.020 Use Regulations – Table of Allowed Uses – Table 030.1	Under the Public, Institutional, and Civic Uses there is a “Civic building” use. There are several civic-related sites that do not include buildings, such as the city’s recycling center. Staff recommends changing the use to “Civic Facility”.	Table 030.1: Table of Allowed Uses <table><tr><td>Use Category</td><td>Use Type</td><td></td><td></td></tr><tr><td>...</td><td>...</td><td></td><td></td></tr><tr><td colspan="4">Public Institutional, And Civic Uses</td></tr><tr><td rowspan="3">Community and Cultural Facilities</td><td>Assembly</td><td></td><td></td></tr><tr><td>Civic building facility</td><td></td><td></td></tr><tr><td>...</td><td></td><td></td></tr><tr><td>...</td><td>...</td><td></td><td></td></tr></table>				Use Category	Use Type			...	...			Public Institutional, And Civic Uses				Community and Cultural Facilities	Assembly			Civic building facility			...			...	...		
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4	070.030.020 Use Regulations – Table of Allowed Uses – Table 030.1	There are several Code provisions that regulate outdoor storage and application of these regulations is confusing and uncertain. Outdoor Storage, Accessory is defined as: <i>“The incidental keeping of goods, materials, or equipment in a location not enclosed by walls and a roof.”</i> The Use Table 030.1 includes “Outdoor Storage, Accessory” as a <u>special review use</u> in most of the commercial and industrial zoning districts. The Accessory Uses and Structures section (070.030.040) states that Outdoor Storage associated with a primary use or structure is prohibited. Yet several use definitions include provisions for	Table 030.1: Table of Allowed Uses <table><tr><th>Use Category</th><th>Use Type</th><th>...</th><th>Use Specific Standards</th></tr><tr><td>...</td><td>...</td><td></td><td></td></tr><tr><td colspan="4">Accessory Uses</td></tr><tr><td rowspan="4"></td><td>Backyard Chickens</td><td></td><td></td></tr><tr><td>...</td><td></td><td></td></tr><tr><td>Outdoor storage, accessory</td><td></td><td></td></tr><tr><td>....</td><td></td><td></td></tr></table>	Use Category	Use Type	...	Use Specific Standards	...	...			Accessory Uses					Backyard Chickens			...			Outdoor storage, accessory					
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		storage such as retail sales, maintenance and repair services, vehicle & equipment sales/service, industrial services. and manufacturing & production. And finally, the Landscaping, Screening and Fencing (Section 70.040.050(f)(1)b) requires screening of outdoor storage areas when in view of public rights-of-way by adding dense landscaping, constructing landscaped berms, or constructing a 6- foot tall screening fence. This brings up a question regarding process – Do we require a special use permit even if a business screens the storage area? Staff believes that if the outdoor storage is properly screened and otherwise meets the Code requirements, the property owner should not also have to obtain a special use permit. Staff recommends	
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		deleting “Outdoor Storage, Accessory” from the use table. If an owner does not want to provide the required screening, they have the option of applying for a variance.																																																																																																																	
5	070.030.020 Use Regulations – Table of Allowed Uses – Table 030.1	There is a related issue regarding the use of portable storage containers (shipping or Conex containers). Staff believes that these should be classified as outdoor storage, and that they be screened from view of public rights-of-way and adjacent residential uses. Staff also recommends that their use undergo an administrative review. In many cases, the impact of these containers, especially multiple containers, is no different than constructing a building. For example, city staff needs to assess – • how the placement of the container(s) affects on-site drainage • whether the	<table><tr><th colspan="19">Table 030.1</th></tr><tr><th>Use Category</th><th>Use Type</th><th>RR</th><th>RL</th><th>RM1</th><th>RM2</th><th>RH</th><th>RT</th><th>M1</th><th>M2</th><th>M3</th><th>CO</th><th>RE</th><th>I1</th><th>I2</th><th>IN</th><th>HP</th><th>Use Specific Standards</th><th>Required Minimum Parking</th></tr><tr><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td></tr><tr><td rowspan="3"></td><td>...</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Outdoor storage accessory <u>Portable storage containers</u></td><td></td><td></td><td></td><td></td><td></td><td></td><td><u>P</u></td><td></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td></td><td><u>070.030.040(d)(4)</u></td><td></td></tr><tr><td>....</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table> <u>070.030.040(d) Additional Standards for Specific Accessory Uses and Structures</u> <u>(4) Portable Storage Containers</u> <u>a. Applicability</u> <u>The following requirements, standards and restrictions are in addition to the requirements of 070.030.040(c)-General Standards for Accessory Uses and Structures and shall apply to all outdoor portable storage containers.</u> <u>b. Exceptions</u> <u>Portable storage containers may be temporarily placed on construction sites for storage incidental to an active construction or remodeling project subject to the following:</u> <u>1. A building permit has been issued for construction on site and the permit has not expired; and</u>	Table 030.1																			Use Category	Use Type	RR	RL	RM1	RM2	RH	RT	M1	M2	M3	CO	RE	I1	I2	IN	HP	Use Specific Standards	Required Minimum Parking	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		...																		Outdoor storage accessory <u>Portable storage containers</u>							<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>070.030.040(d)(4)</u>																			
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		container(s) observes zone district setback requirements • if the container(s) is outside of easement areas • whether the container(s) blocks any access areas, including fire access; • if the container(s) occupies any required parking spaces; and • Establishing a limit on the number, size and/or square footage of containers on a parcel. Portable storage container shall be defined as: any temporary, transportable, movable or portable container which is delivered to and placed outdoors on private property for storage purposes. A portable storage container does not include a refuse container.	2. <u>The portable storage container is removed once the construction is completed and a Certificate of Occupancy has been issued in accordance with Title 060-Construction Building Codes and Regulations, or once the building permit has expired, whichever occurs first.</u> <u>c. Where Permitted</u> <u>Portable storage containers are allowed in zoning districts according to Table 030.1, Table of Allowed Uses.</u> <u>d. Location</u> 1. <u>Portable storage containers shall be located at the rear or side of a principal building.</u> 2. <u>Portable storage containers shall not be located within circulation aisles, fire lanes, easement areas, or public rights-of-way;</u> 3. <u>Portable storage containers may be located within parking areas provided that the containers do not occupy any required parking space.</u> 4. <u>Portable storage containers shall not be located within any required landscaped or common open space areas.</u> <u>e. Number and Size</u> 1. The size of any portable storage container shall not exceed sixteen feet in length by eight feet in width by eight feet in height. 2. <u>In no case shall the total number of portable storage containers on site exceed 1,000 square feet [NOTE: THIS ALLOWS UP TO 6 -8' X 16'-SIZED CONTAINERS].</u> 3. <u>Containers shall be a single height and shall not be stacked.</u> <u>f. Screening Required</u> <u>When visible from a customer parking area or public rights-of-way; or when adjacent to lodging facility uses, or residential uses or zoning districts, portable storage containers shall be screened from view using any one or a combination of fences, walls, or berms or landscaping that is are at least six feet in height and provides a permanent opaque, year-round screen. Fences and walls shall conform to the requirements of 070.040.050(f) Screening, Fences, and Walls. All fencing, walls, or berms shall include trees, shrubs, ornamental grasses, and/or perennials that are of sufficient quantity to add visual interest and to minimize the impact of the structure when viewed from customer parking areas or public rights-of-way; or adjacent lodging facility uses, or residential uses or zoning districts.</u> At the December meeting, Commissioners suggested- • deleting the maximum 8'wide x 16' long x 8' high requirement; • adding screening requirement when adjacent to lodging uses; • requiring landscaping in addition to fence screening; Additionally, staff added clarification that the containers shall not be stacked.
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6	070.010.070 Nonconformities; 070.030.020 Use Regulations – Table of Allowed Uses – Table 030.1	Currently the land use code does not address small and large-scale solar energy installations. These uses are defined as: Small scale A roof, ground, or wall mounted device and/or system that collects and converts the sun’s radiant energy into thermal, chemical, mechanical, or electrical energy. Net Metered Residential solar systems are limited to an installed capacity of 10 KW. Net Metered Commercial solar systems are limited to an installed capacity of 25 KW. Large scale A roof, ground, or wall mounted device and/or system that collects and converts the sun’s radiant energy into thermal, chemical, mechanical, or electrical energy. Recommended changes	070.010.070 Nonconformities ... (c) Nonconforming Uses (1) Limitations on Continuation of Nonconforming Uses of Land or Structures ... b. Any existing occupied single-family residential dwelling that is deemed to be a nonconforming use may make improvements to the main and accessory structures so long as improvements do not increase the degree of nonconformity or increase the height or building footprint. <u>Roof-mounted Small Scale Solar Energy Systems may increase the height of a nonconforming structure by five feet but shall not extend above the roof peak or ridge or impact solar access to an adjacent property. Properties designated as a landmark or proposed landmark, or in a designated or proposed historic district shall first obtain a Landmark Alteration Certificate as required in 070.050.040.</u> 070.030.020 - Table 030.1 INDUSTRIAL USES <table><tr><th>Use Category</th><th>Use Type</th><th>RR</th><th>RL</th><th>RM1</th><th>RM2</th><th>RH</th><th>RT</th><th>M1</th><th>M2</th><th>M3</th><th>CO</th><th>RE</th><th>I1</th><th>I2</th><th>IN</th><th>HP</th><th>Use Specific Standards</th><th>Required Minimum Parking</th></tr><tr><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td></tr><tr><td rowspan="4">Utilities</td><td>...</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Geothermal heat exchange</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td><u>Solar Energy System, Large Scale Ground Mounted</u></td><td></td><td></td><td></td><td></td><td></td><td><u>S</u></td><td><u>S</u></td><td><u>S</u></td><td><u>S</u></td><td><u>S</u></td><td><u>S</u></td><td><u>S</u></td><td><u>S</u></td><td><u>S</u></td><td><u>S</u></td><td><u>070.030.030(f)(5)</u></td><td><u>No Requirement</u></td></tr><tr><td><u>Solar Energy System,</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>070.030.030(f)(5)</u></td><td><u>No Requirement</u></td></tr></table>																	Use Category	Use Type	RR	RL	RM1	RM2	RH	RT	M1	M2	M3	CO	RE	I1	I2	IN	HP	Use Specific Standards	Required Minimum Parking	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Utilities	...																		Geothermal heat exchange																		<u>Solar Energy System, Large Scale Ground Mounted</u>						<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>070.030.030(f)(5)</u>	<u>No Requirement</u>	<u>Solar Energy System,</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>070.030.030(f)(5)</u>	<u>No Requirement</u>
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		include adding and clarifying definitions, adding these types of installations in the land use table, and clarifying that nonconforming structures may be improved to include solar panels. Regarding changes to the land use table, Large scale solar system is added as a special review under the Industrial Use heading, Utility use category in the commercial and industrial zoning districts. This recommendation also includes adding a requirement that 20% of the parcel be landscaped and that it be placed to screen the installation from view of adjacent residential uses and public rights-of-way. Small scale solar system is added as a permitted accessory use in all zoning districts.	<table><tr><td></td><td><u>Large Scale Roof Mounted</u></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td>...</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table> ... 070.030.030 Use-Specific Standards ... (f) Industrial Uses ... <u>(5) Solar Energy System, Large Scale</u> <u>a. For ground-mounted units, a minimum of 20 percent of the site shall consist of landscaped areas. Use of pollinator plants is encouraged.</u> <u>b. This use All ground-mounted units shall be screened from view of adjacent residential uses or districts, and from public rights-of-way pursuant to 070.040.050(f)(1)d, Screening Mechanical and Utility Equipment.</u> <u>c. All large scale solar energy systems shall be required to comply with the procedures and policies of the City’s Electric Department which may include execution of interconnection or purchase agreement.</u> 070.030.020 – Table 030.1 ACCESSORY USES <table><tr><th>Use Category</th><th>Use Type</th><th>RR</th><th>RL</th><th>RM1</th><th>RM2</th><th>RH</th><th>RT</th><th>M1</th><th>M2</th><th>M3</th><th>CO</th><th>RE</th><th>I1</th><th>I2</th><th>IN</th><th>HP</th><th>Use Specific Standards</th><th>Required Minimum Parking</th></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td><td>...</td></tr><tr><td></td><td>Parking Structure</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td><u>Solar Energy System, Small Scale</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td><u>P</u></td><td></td><td></td></tr><tr><td></td><td>...</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table> Commissioners had several comments regarding the addition of small and large-scale solar regulations including-		<u>Large Scale Roof Mounted</u>																			...																		Use Category	Use Type	RR	RL	RM1	RM2	RH	RT	M1	M2	M3	CO	RE	I1	I2	IN	HP	Use Specific Standards	Required Minimum Parking																					...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		Parking Structure																			<u>Solar Energy System, Small Scale</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				...																	
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			- Clarifying the nonconformity section - when exceeding the maximum roof height by 5 feet, the solar panels do not extend above the roof peak. - Ensuring that the panels do not impact solar access to neighboring properties. - Clarify that the screening requirements for large scale solar systems apply to ground-mounted equipment. - Procedurally, roof mounted large scale solar systems could be a permitted use in all zoning districts while ground mounted large scale solar remains a special review use as proposed. See also comments under definitions – Solar Energy System, Small Scale (row #22 of this spreadsheet)
7	070.030.040 Accessory Uses and Structures	(c) General Standards for Accessory Uses and Structures (4) Size of Accessory Structures Unless otherwise stated in the Code, the maximum size for an accessory structure shall be 1,000 square feet. The maximum total for all accessory structures on a lot shall be 1,000 square feet. The issue is the maximum total of 1,000 square foot limit for all accessory structures on a parcel. There are other sections of the Code that address or limit lot coverage: Accessory structures must observe zoning	070.030.040 Accessory Uses and Structures ... (c) General Standards for Accessory Uses and Structures ... (4) Size of Accessory Structures Unless otherwise stated in this Code, the maximum size for an accessory structure shall be 1,000 square feet. The maximum for all accessory structures on a lot shall be 1,000 square feet. Note: all following paragraphs in this section will have to be renumbered.

		district setback requirements. If located in a required rear yard, accessory structures cannot cover more than 40% of that required rear yard. • Residential design standards limit total lot coverage for infill development. These standards also include design requirements for single- and multi-family detached garages. In fact, the multi-family section discusses design were banks of freestanding garages exceed 90 feet in length. Clearly this footprint would exceed the 1,000 square foot maximum. Although the Accessory Uses and Structures section includes the statement: “Unless otherwise stated in the Code”, staff	
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		recommends deleting the 1,000 square foot limitation on accessory structures.	
8	070.030.040 Accessory Uses and Structures	(c) General Standards for Accessory Uses and Structures (6) Outdoor Storage. Outdoor storage associated with any accessory use or structure is prohibited. Issue: Staff recommends deleting this provision as we are uncertain as to what it is trying to regulate. Backyard Chickens, Home Occupation, Parking Structure and Warehousing are accessory uses, as is outdoor storage.	070.030.040 Accessory Uses and Structures ... (c) General Standards for Accessory Uses and Structures ... (6) Outdoor Storage. Outdoor storage associated with any accessory use or structure is prohibited.
9	070.030.040 Accessory Uses and Structures	(d) General Standards for Accessory Uses and Structures (1)g Number and Size of Accessory Dwelling Units. Issue: There is an incorrect citation in paragraph (1)g4.	(d) General Standards for Accessory Uses and Structures (1) Accessory Dwelling Units ... g. Number and Size of Accessory Dwelling Units. Accessory dwelling units shall comply with all of the following: ... 4. Unit Size Exception. The limitations of f.3 g.3 above shall not apply to Accessory Dwelling Units located within the footprint of an existing home as long as the Accessory Dwelling Unit is not larger than 50% of the existing structure, including the basement, up to the maximum allowed gross floor area in f.2 g.2. For example, if a home has a 1,000 square foot basement, an Accessory Dwelling Unit could be established in this space if the principal dwelling also contains at least 1,000 square feet.

10	070.040.020 Sensitive Area Protection (b) Hillside Development	Hillside development standards apply when slopes exceed 20%. Table 040.1 includes density allowances based on slope categories of 20 to 25% and 25 to 30%. This correction is to clarify that the average slope is <u>in excess of 20%</u> , and <u>in excess of 25%</u> .	Table 040.1: Allowed Residential Development <table><tr><td>Average Slope of Overall Site (within LOD)</td><td>Residential Allowable Units</td></tr><tr><td><u>In excess of 20%</u> to 25%</td><td>...</td></tr><tr><td><u>In excess of 25%</u> to 30%</td><td>...</td></tr></table>	Average Slope of Overall Site (within LOD)	Residential Allowable Units	<u>In excess of 20%</u> to 25%	...	<u>In excess of 25%</u> to 30%	...
Average Slope of Overall Site (within LOD)	Residential Allowable Units								
<u>In excess of 20%</u> to 25%	...								
<u>In excess of 25%</u> to 30%	...								
11	070.040.020 Sensitive Area Protection (d) Development in Waterways and Areas of Special Flood Hazard	Issue: Paragraph (14)f of the Variance Procedures contains a citation from the original code.	070.040.020 Sensitive Area Protection ... (d) Development in Waterways and Areas of Special Flood Hazard ... (14) Variance Procedure ... f. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the requirements of 070.090.130 070.040.020(d)(13) have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increases.						
12	070.040.050(b) Landscaping, Screening, and Fencing - Applicability	Except for planting street trees and complying with fence requirements, single-family and duplexes are not required to meet the	070.040.050 Landscaping, Screening, and Fencing .. (b) Applicability ... (2) Exemptions						

		landscaping and screening requirements. This Landscaping & Screening section of the code also includes retaining wall design requirements such as maximum wall height, terracing, articulation, type and color of materials. Staff recommends that single family and duplex homes also comply with the retaining wall design requirements which among other things addresses terracing, articulation when walls exceed 30 feet, and materials compatible with the primary building and surrounding environment.	a. Single- and two-family residential uses except 070.040,050(d), <i>Streetscape Requirements</i> and <u>070.040.050(f)(2), <i>Fence Standards</i>, and 070.040.050(f)(3) <i>Retaining Wall Standards</i>.</u>																		
13	070.040.060 Off-street Parking and Loading	This section of the code includes Table 040.9 detailing parking stall and aisle dimension requirements. Also included is Figure 40.10 illustrating those requirements.	Delete Table 040.9 and Figure 040-10 and renumber all subsequent tables and figures. <table><tr><th colspan="6">Table 040.9: Parking Space and Drive Aisle Layout</th></tr><tr><th>A Parking Angle (in-degrees)</th><th>B Stall Width</th><th>C Length of Stall to Curb</th><th>D Aisle Width</th><th>E Curb Length per Stall</th><th>F Width of Double Row with Aisle</th></tr><tr><td>0°</td><td>8 feet 6 inches</td><td>22 feet</td><td>12 feet</td><td>22 feet</td><td>29 feet</td></tr></table>	Table 040.9: Parking Space and Drive Aisle Layout						A Parking Angle (in-degrees)	B Stall Width	C Length of Stall to Curb	D Aisle Width	E Curb Length per Stall	F Width of Double Row with Aisle	0°	8 feet 6 inches	22 feet	12 feet	22 feet	29 feet
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0°	8 feet 6 inches	22 feet	12 feet	22 feet	29 feet																

		The related text however refers the reader to the Engineering Standards. Staff recommends deleting the table and figure to avoid duplication and possible confusion in the event the Engineering Standards are amended in the future. This also requires renumbering of all subsequent tables and figures in Title 070.	<table><tr><td>10°</td><td>9 feet</td><td>9 feet</td><td>12 feet</td><td>23 feet</td><td>30 feet</td></tr><tr><td>20°</td><td>9 feet</td><td>15 feet</td><td>11 feet</td><td>26 feet 3 inches</td><td>41 feet</td></tr><tr><td>30°</td><td>9 feet</td><td>17 feet 3 inches</td><td>11 feet</td><td>18 feet</td><td>45 feet 6 inches</td></tr><tr><td>45°</td><td>9 feet</td><td>19 feet 8 inches</td><td>13 feet</td><td>12 feet 7 inches</td><td>52 feet 5 inches</td></tr><tr><td>60°</td><td>9 feet</td><td>21 feet</td><td>18 feet</td><td>10 feet 4 inches</td><td>60 feet</td></tr><tr><td>70°</td><td>9 feet</td><td>21 feet</td><td>19 feet</td><td>9 feet 6 inches</td><td>61 feet</td></tr><tr><td>80°</td><td>9 feet</td><td>20 feet 3 inches</td><td>24 feet</td><td>9 feet 1 inch</td><td>64 feet 3 inches</td></tr><tr><td>90°</td><td>9 feet</td><td>19 feet</td><td>24 feet</td><td>9 feet</td><td>62 feet</td></tr><tr><td>Compact (90°)</td><td>8 feet</td><td>16 feet</td><td>24 feet</td><td>9 feet</td><td>56 feet</td></tr></table> Figure 40-10: Parking Stall and Aisle Dimension Measurements	10°	9 feet	9 feet	12 feet	23 feet	30 feet	20°	9 feet	15 feet	11 feet	26 feet 3 inches	41 feet	30°	9 feet	17 feet 3 inches	11 feet	18 feet	45 feet 6 inches	45°	9 feet	19 feet 8 inches	13 feet	12 feet 7 inches	52 feet 5 inches	60°	9 feet	21 feet	18 feet	10 feet 4 inches	60 feet	70°	9 feet	21 feet	19 feet	9 feet 6 inches	61 feet	80°	9 feet	20 feet 3 inches	24 feet	9 feet 1 inch	64 feet 3 inches	90°	9 feet	19 feet	24 feet	9 feet	62 feet	Compact (90°)	8 feet	16 feet	24 feet	9 feet	56 feet
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14	070.040.060 Off-Street Parking	(e) Parking Alternatives	070.040.060																																																						

	and Loading	This section allows the Director to approve certain alternatives to providing on-site parking. The maximum allowed reduction is 30%. Issue: Since this provision was added to the code, developers have assumed that the parking reduction is automatically applied and approved. Staff recommends clarification that consideration of the reduction is not automatic.	... (e) Parking Alternatives <u>The developer of a property may submit an application to the Director requesting consideration of alternatives</u> may adjust or approve alternatives to the off-street parking spaces required by Table 030:1: Table of Allowed Uses, pursuant to the following standards: ... (4) On-Street Parking The Director may approve reduced off-street parking requirements on a one-to-one basis for on-street parking spaces adjacent to a proposed development. <u>When considering the use of on-street parking, the Director shall consider existing on-street parking demands in the vicinity of the proposed development.</u> The on-street parking spaces shall be available for public use. Elimination of on-street parking for any reason may result in a requirement for the applicant to provide additional off-street parking to comply with this Code.
15	070.040.110 Signs (d) Signs Not Requiring a Permit	When adopting the new Code “window signs” were inadvertently omitted. The old code did not regulate window signs and staff recommends that this be carried forward in the new code.	070.040 Development Standards ... 070.040.110 Signs ... (d) Signs Not Requiring a Permit ... <u>(19) Window signs</u> <u>Signs displayed in or upon a window. Such displays shall not contain flashing lights visible from a public street.</u> (19) <u>(20)</u> Yard Signs ...
16	070.040.110 Signs (d) Signs Not Requiring a Permit	In the Sign Code, there is a circular issue related to the display of yard signs that needs correcting.	070.040 Development Standards ... 070.040.110 Signs ... (d) Signs Not Requiring a Permit

	And (f) Temporary Sign Standards	Section (d) provides a list of signs that do not require a permit. Paragraph 19 specifically addresses Yard Signs: <i>Yard signs, except for temporary yard signs, are allowed without a sign permit pursuant to...</i> The section goes on to list the size, location, and duration of display requirements. Temporary Signs in paragraph (f) specifically states that the standards <u>do not apply to temporary yard signs</u>. In short, there is no definition of, and no standards or requirements for “temporary yard signs”. Staff simply recommends deleting the reference to “temporary yard signs”. By doing so, as long as yard signs comply with the location, duration (90 days per year) and size requirements, they do not require a sign permit.	... (19) Yard Signs a. Yard signs,except for temporary yard signs, are allowed without a sign permit pursuant to the following: (f) Temporary Sign Standards ... (2) Generally a. Temporary signs,except for temporary yard signs, shall not be displayed for more than 45 days prior to the start of an event or more than 45 days after the conclusion of an event; b. Temporary signs,except for temporary yard signs, shall be limited to three times per calendar year per property for single-tenant properties and three times per calendar year per tenant for multi-tenant properties.
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17	070.040.110 Signs (i) Summary of Permanent Sign Standards	(3) Nonresidential Uses in Residential Zone Districts. This section includes dimensional and location standards for nonresidential uses in residential zoning districts. One sign is allowed per property and limited to 10 square feet, and 42 inches in height. The issue is that this does not account for the wide variety of commercial uses allowed in the RT-residential transitional zoning district. By way of example, Valley View Hospital is located in the RT zone. Each time the hospital needs to add signage, it is required to seek a variance from the sign standards. Staff recommends exempting the RT zone from these standards which would allow all commercial uses to comply with the permanent sign standards applicable to all commercial	070.040 Development Standards ... 070.040.110 Signs ... (i) Summary of Permanent Sign Standards ... (3) Nonresidential Uses in Residential Zone Districts. <u>Except for nonresidential uses in the RT-Residential Transitional zoning district,</u> nonresidential uses shall be allowed signage subject to the requirements of a through d below. Home occupation signs shall not be considered nonresidential uses for purposes of this subsection. a. Number, Maximum. One attached or one freestanding sign shall be allowed. b. Sign Area, Maximum. Ten square feet. c. Sign Height, Maximum. 42 inches. d. Sign Location. Detached signs shall observe a minimum five-foot setback from any property line. Commissioners requested additional information about the potential impact of this recommended sign change on all RT-Residential Transitional zoning districts throughout the city. Link to zoning map. Note that in addition to the hospital and surrounding area, the RT district roughly includes the following seven areas: • 1100 – 1200 block of Grand Ave (variety of office, and residential uses) • 1600 block of Grand Ave (6 properties; 3 properties are office uses; 1 residential; 1 church; 1 multifamily); • Bell Rippy property; • Terraces; • Mountain Market; • 3300 block S Grand (5 properties; 4 properties are residential; 1 lot is vacant) • 2225-2301 Midland Ave (3 properties. 2 properties are residential; 1 lot is vacant) The proposed change would allow nonresidential uses in the RT district to have up to 1 square foot of signage per lineal foot of qualifying building frontage. To qualify as a building frontage, there must be a customer entrance or a display window. Existing buildings in the RT zone vary widely including attached and detached dwellings some converted to commercial uses; single and multistory commercial office buildings; religious institutions; and multistory hospital.

		uses across the city. Other permitted commercial uses in the RT zone include offices, banks, personal service establishments less than 1500 sf, general retail less and 1500 sf. A number of other commercial uses are allowed in the RT zone by special review.	
New Addition	070.040.110 Signs	(j) Sign District Standards (3) Additional Standards in the Downtown Core	e. Wall Sign Standards Wall signs on multi-story buildings shall be located within the traditional sign band area which is generally between the first-and second-floor windows. The Sign Code contains heightened sign design standards for buildings within the Downtown Core. Included is a requirement that wall signs are located within the traditional sign band area which is <u>generally</u> between the first and second floors. Since at least 2006, staff has interpreted standard to require that signs are located between the first and second floors. Since that time, there have been several prominent development projects that have been granted a variance from this standard, thereby allowing wall signs above the second floor near the building cornice. Buildings granted this variance include – Colorado Mountain College and Bank of Colorado. Other buildings with signs above the traditional sign band include Blue Bird Café; Hotel Denver; Glenwood Canyon Brewing; Spring Restaurant; Tamarac Building. Should this standard be eliminated? Alternatively, the standard can remain in place thus requiring developers to seek a design variance (see row #20 of this spreadsheet for proposed design variance criteria).
18	070.060.050 Administration and Procedures – Development	(c) Construction Plans At issue is the name “Construction Plans” which	070.060 Administration and Procedures ... 070.060.050 Development Permits ...

	Permits	causes applicant and city staff confusion. Prior to adopting the new code, applicants were required to provide nearly complete (100%) architectural and civil plans. With the adoption of the new code, fewer details are required up front. The intent is to allow a project to be reviewed in concept without the applicant having to spend a significant amount of money in design without the assurance that the project would be approved. After a project is approved but before submission of a building permit, the applicant is required to submit a Construction Plans application for staff-level review. This intermediary step is designed to ensure that the development meets the conditions of approval, in particular the Engineering Standards requirements before the applicant submits a building permit.	(c) Construction Plans Technical Final Plans Review Additionally, staff will word search the code to remove “Construction Plans” and replace with “Technical Final Plans Review”. Commissioners commented that Technical Plans Review may cause some confusion and suggested “Final Plans Review” which is consistent with other similar terms used in the Code. To further clarify the process, staff added that the Final Plans review does not include single family and duplex projects. (c) Construction Final Plans Review ... (2) Applicability a. General <u>Except for a single-family detached, or a two-family dwelling,</u> approval of construction plans pursuant to this section is required for any type of development prior to issuance of a building permit, a grading or excavation permit, or a floodplain development permit. Approval of construction plans pursuant to this section is also required for any application that includes infrastructure or utility improvements unless such improvements are guaranteed buy a separate agreement with the City.
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		At this stage plans are approximately 80-90% complete. However, the name “Construction Plans” confuses both the applicant and the city’s reviewing departments. Some believe that the plans are building permit ready, final plans. In a few instances, applicants have completely by-passed this intermediary step and tried to submit their building permit application. Staff recommends changing the name to “Technical Plans Review”.	
19	070.060.050 Administration and Procedures – Development Permits (d) Location and Extent Review	Issue: As the code is currently written, a location and extent review application is required when any project, regardless of size, is proposed by a public entity. All location and extent applications are reviewed by the Planning and Zoning Commission. Staff recommends	070.060 Administration and Procedures ... 070.060.050 Development Permits ... (d) Location and Extent Review ... (3) Location and Extent Procedure a. Figure 060-10 identifies the applicable steps from the common review procedures in 070.060.030 that apply to the location and review. Additions or modifications to the common review procedures are noted below. <u>Projects that are less than 10,000 5,000 square feet gross floor area are subject to staff review following procedures in 070.060,030(e)- Staff Review and Action. In reviewing the proposed location and extent application, the Director shall consider the Location and Extent Approval Criteria in 070.060.050(e)(3)e.3.</u>

		establishing an administrative review for those projects that are less than 10,000 square feet gross floor area which is consistent with the site/architectural review threshold for an administrative review.	Staff recommended establishing an administrative review for those projects that were less than 10,000 square feet gross floor area which was consistent with the site/architectural review threshold for an administrative review. Some Commissioners suggested a 1,000 square foot threshold while others suggested 5,000 square feet. If the Commission prefers a threshold lower than 10,000 square feet, staff recommends 5,000 square feet.
20	070.060.070 Administration and Procedures – Flexibility and Relief Procedures (a) Variance	Issue: The new code was adopted with a strict set of seven variance criteria by which all variances are judged. Under the previous code there was flexibility in that design variances were held to lesser standard than deviations from zoning requirements (setback, building height, lot coverage, for example). In applying the new Code, the Commission realized that there is some benefit to having some flexibility especially when addressing variances from certain design standards. The Commission held workshops in July, August and September to consider a separate set of criteria for deviations from	070.060.070 Flexibility and Relief Procedures (a) Variance ... (3) Variance Procedure ... e. Planning Commission Review and Decision 1. Review and Decision i. The Planning Commission shall review the variance application and shall approve, approve with conditions, or deny the variance in accordance with 070.060.030(g) and the criteria in paragraph 2 or 3 below. The Planning Commission may also remand the application back to the Director for further consideration. ... 2. Variance Approval Criteria <u>Except as provided in paragraph 3 below, in</u> in reviewing a variance application, the Planning and Zoning Commission shall find that all of the following exist: i. 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; ii. The strict application of the Code standards for which a variance is sought would produce undue hardship; iii. The applicant did not create the hardship by his/her own actions; iv. The variance requested does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation for which the variance is sought; v. The variance request demonstrates exceptional hardship not related to purposes of convenience or financial burden; vi. The variance request will not violate building or fire code requirements; and vii. The variance is the minimum variance that will afford relief of the subject standards of the Code.

		the following design/development standards: • Residential and non-residential design standards • Parking area landscaping standards • Landscaping, screening & fencing requirements	3. <u>Design Variance Approval Criteria</u> <u>In reviewing a variance application from 070.040.050, <i>Landscaping, Screening, and Fencing</i>; 070.040.060(h)(6), <i>Parking Area Landscaping</i>; 070.040.080, <i>Residential Site and Building Design</i>; and 070.040.090, <i>Non-Residential and Mixed-Use Site and Building Design</i>, the Planning and Zoning Commission shall find that the variance request meets all of the criteria listed in Section A, and at least four of the criteria listed in Section B:</u> <table><tr><td><u>Section A</u> <u>All design variances shall meet the following criteria:</u></td><td><u>AND</u></td><td><u>Section B</u> <u>At least four of the following criteria</u></td></tr><tr><td><u>The variance requested does not harm the public health, safety, or welfare; and</u></td><td></td><td><u>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; or</u></td></tr><tr><td><u>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; and</u></td><td></td><td><u>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; or</u></td></tr><tr><td><u>The variance requested will not violate building or fire code requirements.</u></td><td></td><td><u>The variance requested results in benefits to the community that are equivalent to or exceed benefits associated with the subject standard; or</u></td></tr><tr><td></td><td></td><td><u>The variance is necessary and appropriate to make possible the reasonable use of the land or the structures on the property; or</u></td></tr><tr><td></td><td></td><td><u>The variance is the minimum variance that will afford relief of the subject standards of the Code; or</u></td></tr><tr><td></td><td></td><td><u>The strict application of the Code standards for which a variance is sought would produce undue hardship.</u></td></tr></table>	<u>Section A</u> <u>All design variances shall meet the following criteria:</u>	<u>AND</u>	<u>Section B</u> <u>At least four of the following criteria</u>	<u>The variance requested does not harm the public health, safety, or welfare; and</u>		<u>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; or</u>	<u>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; and</u>		<u>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; or</u>	<u>The variance requested will not violate building or fire code requirements.</u>		<u>The variance requested results in benefits to the community that are equivalent to or exceed benefits associated with the subject standard; or</u>			<u>The variance is necessary and appropriate to make possible the reasonable use of the land or the structures on the property; or</u>			<u>The variance is the minimum variance that will afford relief of the subject standards of the Code; or</u>			<u>The strict application of the Code standards for which a variance is sought would produce undue hardship.</u>
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		<u>The strict application of the Code standards for which a variance is sought would produce undue hardship.</u>																						

			City's electric provider) to purchase the excess solar energy created by the solar panels at the full retail rate of electricity. This means that when the solar panels produce more electricity than is needed by the home, the excess power is sent to the grid. The 10 Kw is a maximum set by state law. Properties are allowed to install panels that exceed the maximum. In that case, the city and property owner enter into a non-net meter agreement.
23	070.070.020 Definitions of Use Categories and Specific Use Types	Issue: staff recommends removing "outdoor storage, accessory" from the land use table and replacing it with "portable storage containers". The definition of outdoor storage will be moved to 070.070.030 <i>All Other Terms Defined</i> (see below).	c. Outdoor Storage, Accessory The incidental keeping of goods, materials, or equipment in a location not enclosed by walls and a roof. <u>Portable Storage Container</u> <u>Any temporary, transportable, movable or portable container which is delivered to and placed outdoors on private property for storage purposes. A portable storage container does not include a refuse container.</u>
24	070.070.030 All other Terms Defined	This recommended change to the Lot Coverage definition clarifies that ground mounted solar panels are not included in the calculation.	Lot Coverage The percentage of a lot area occupied by the ground area of principal and accessory buildings or structures <u>excepting the percentage covered by ground-mounted Small Scale Solar Energy Systems.</u>
New Addition	070.070.020 Definitions of Use Categories and Specific Use Types	Issue: recently the Planning & Zoning Commission and City Council approved code changes related to marijuana regulations including updating the terms "retail marijuana establishments" and "medical marijuana business" to "marijuana business"	070.070.020 Definitions of Use Categories and Specific Use Types ... (e) Accessory Uses and Structures ... b. Home Occupation A business, occupation, or activity undertaken for compensation within a residence in a residential zoning district and that is incidental to the use of that structure as a dwelling unit. A home occupation shall not be interpreted to include the following uses: kennels, veterinary clinics, pet animal breeding operations; medical clinics, dental clinics, hospitals; restaurants, clubs, drinking establishments; motor or recreational vehicle repair, storage, rental, painting, or wrecking; adult entertainment establishments; undertaking or funeral parlors; medical marijuana business; on-site retail sales of items made or produced off-site; or retail marijuana establishments businesses.

		businesses". This change was inadvertently omitted from the Home Occupation definition.	
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Planning and Zoning Commission Report

Date: February 23, 2021
To: Planning and Zoning Commission
From: Trent L. Hyatt, Senior Planner
Subject: #69-20 - Special Use Review for a Retail Marijuana Establishment, Kind Castle

REQUEST	Consideration of a request for a special use permit for a retail marijuana establishment in the M1 Mixed-Use Corridor District
APPLICANT	Kind Glenwood LLC
OWNER	2114 Grand Avenue, LLC
LOCATION	2114 Grand Avenue (PIN: 2185-164-00-095)
ZONE	M1 Mixed Use Corridor District
SURROUNDING LAND USES	North: Hotel lodging South: Retail convenience store/gas station East: Grand Avenue right-of-way West: Multi-family residential
LOT SIZE	Approximately 0.398 acres/17,337 square feet

ACTION ITEM:

The Planning and Zoning Commission (Commission) is the recommending body to City Council on marijuana related uses requiring a special use permit.

Action 1 - Special Use Permit - for a retail marijuana establishment in the M1 Mixed-Use Corridor District.

Staff recommendation: *Staff recommends **approval (with conditions)** of the Special Use Permit with the findings and conditions on pages 9-10.*

BACKGROUND/ANALYSIS

Proposal

The applicant, John Dyet of Kind Glenwood LLC, doing business as Kind Castle, proposes the interior remodel of an existing approximately 2,989 square foot building for the purpose of establishing a retail marijuana business. Suites A and C of the building are currently vacant, whereas, a pawn shop temporarily occupies Suite B. Suite B and a portion of the Suite C, totaling approximately 1,957square feet, are intended to serve the subject retail marijuana business. Suite A is being retained by the applicant as office space.

A similar yet different application was denied (5-2) by City Council on June 18, 2020 following a recommendation for denial (7-0) from the Commission. Thereafter, Kind Glenwood LLC revised their proposal to address issues/concerns outlined by both bodies and requested City Council allow

resubmission prior to the one-year required by Section 070.060.030(i)(5) Limitation on Subsequent Similar Applications of the *Glenwood Springs Municipal Code* (Code). On October 15, 2020, City Council determined that the applicant's proposal is substantially/materially different than the previously submitted application. Revisions are further explained below.

A significant aspect of the current application includes the removal of all other land uses from the site prior to operation of the retail business. This action intends to address various concerns related to site parking, vehicle circulation, and anticipated traffic generation. Restriping angled parking to 90 degree and the creation of two compact spaces for a total of 16, as recommended by the Engineering Department and depicted on a portion of the site plan below, improves vehicle circulation by allowing vehicles to safely enter/exit in forward drive. The attached revised traffic report explains a reduction in the expected vehicle trip generation due to the elimination of other site uses. The applicant is also considering options to restrict the historic nonconforming, wide driveway access to the site to right-in/right-out only turning movements in hopes to limit potential vehicle conflicts moving forward.

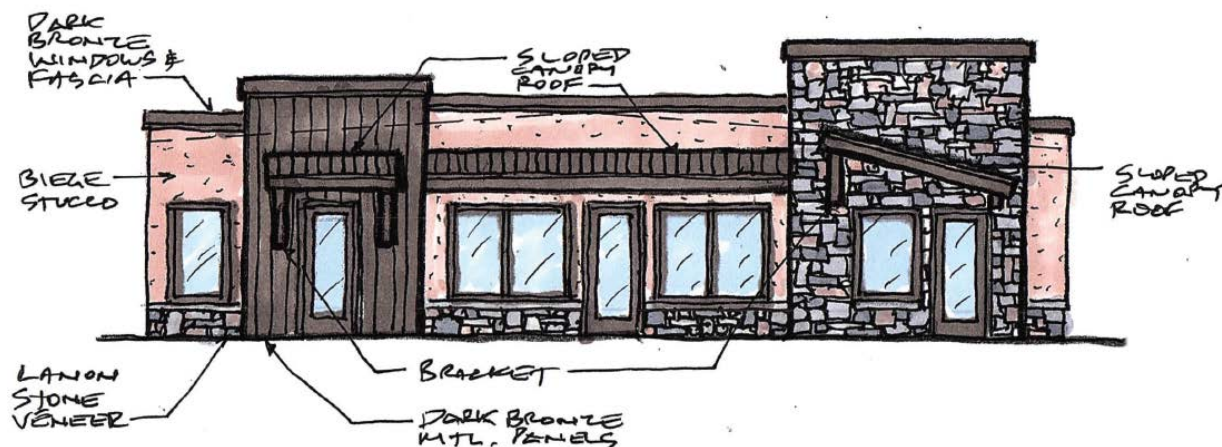


Removal of the existing freestanding monument and banner signs depicted below will improve site distance as well as the view of the property from the street. As required, Community Development will review any future site signage for compliance with applicable standards under separate permit prior to installation.



Project narrative details show an increase in the capacity of the ventilation and HVAC system to mitigate/eliminate any potential odors emitting from the building. The applicant estimates the capacity of the system provides four times the odor mitigation required for the space.

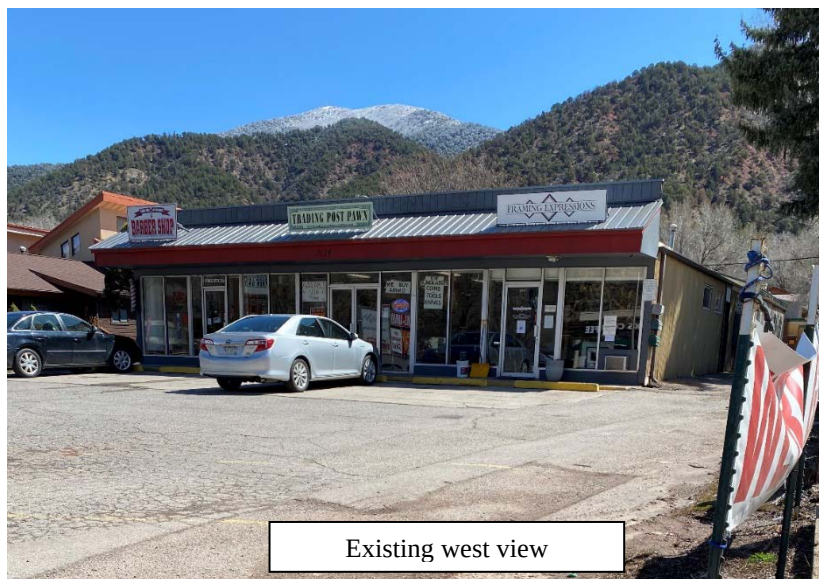
Previously, the applicant was hesitant to make facade improvements while only leasing a portion of the existing building. With the inclusion of all units/building space, they propose replacing windows, adding roof pitch and height variations, and changes in materials and colors to enhance the aesthetic as shown in the design perspective below.



A retail marijuana establishment, excluding cultivation is defined by Section 070.070.020(c)(7)b of the Code as “[T]he retail sale, storage, product manufacturing or testing of marijuana to the extent permitted by Article XVIII, Section 16 of the Colorado Constitution and in various provisions of the Colorado Marijuana Code, Article 10 of Title 44, C.R.S., and any other applicable state or city law or regulation.” This use requires additional licensing through the State of Colorado and City of Glenwood Springs which is generally applied for and acquired following the issuance of any special use permit.

Special Review Criteria

There are two sets of criteria in the Municipal Code to consider in the analysis of marijuana related businesses. Section 070.030.030(e)(11) of the Code are use specific standards which apply to retail marijuana businesses. Section 070.060.050(e)(3)e.2 applies generally to special review uses. Staff lists each of the criteria in **bold** below along with comments. Please note, the subject application was received prior to the

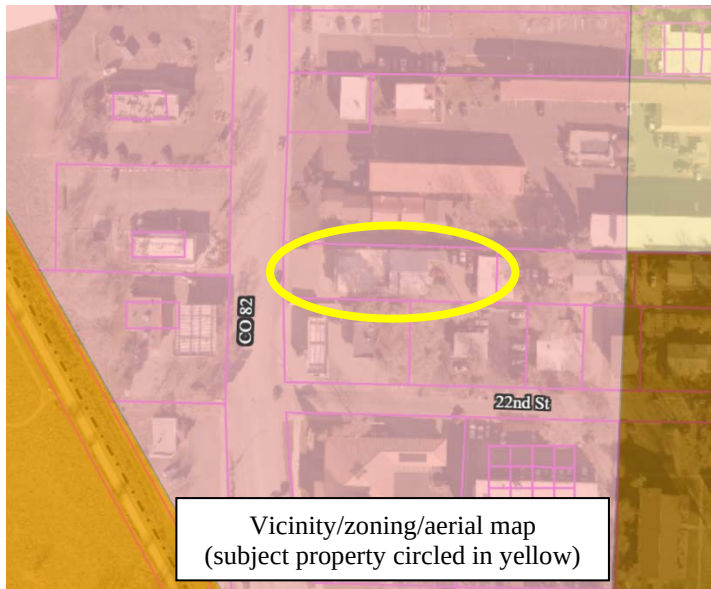


effective date of recent revisions to marijuana related business standards, mainly separation/buffers. Therefore, the former requirements are applicable to this submittal.

Section 070.030.030(e)(11) – Retail Marijuana Establishment

b. License Required

Retail marijuana establishments shall comply with City Code Article 050.090.



The applicant shall apply for a City business license for the proposed use prior to future operation.

c. Location of Licensed Establishment Retail marijuana establishments shall be located only in areas of the city as allowed in the City Code. No retail marijuana establishment shall be located:

1. Within 500 feet of any existing public or private school facility where classes are held for children aged kindergarten through the 12th grade. The distance shall be

property computed by a straight line measurement from the nearest property line of the school to the nearest property line of the site housing the retail marijuana establishment;

The retail marijuana establishment is located over 600 feet from both St. Stephens School and Columbine School, the two closest in proximity.

2. Within 900 feet of another retail marijuana establishment or a medical marijuana business. A retail marijuana establishment may locate on the same licensed premises as a medical marijuana business of the same class and same ownership, only if the licensed premises is located to meet the distance requirements from other retail marijuana establishments and medical marijuana businesses. This distance shall be computed by a straight line measurement between property lines of the sites housing the two facilities; and

The proposed retail establishment is located over 3,000 from The Green Dragon to the southwest.

3. In any zoning district not specifically permitted by the City Code.

The use is proposed in a zone district, M1, which allows retail marijuana establishments.

d. Requirements Related to Operation of a Retail Marijuana Establishment

1. Retail marijuana establishments shall meet all operational criteria for the procurement, display, dispensing, labeling, sanitation, security, and any other criteria as required by the state pursuant to the CRMC and the City Code Article 050.090.

The operation shall apply for and receive all applicable permits from the state and maintain compliance therewith.

2. In addition, all retail marijuana establishments shall comply with the following local restrictions:

- i. Hours of operation shall be limited to between 8:00 a.m. and 7:00 p.m. Monday through Sunday; and**

The business shall comply with the restricted hours of operation.

- ii. A sign permit shall be obtained through the Community Development Department. All exterior signage associated with a retail marijuana establishment will meet the standards established in the CRMC and in the City Code.**

The applicant shall apply for and receive a sign permit prior erecting any signage at the site.

- iii. Storage of retail marijuana shall be considered an accessory use. Not more than 25 percent of the licensed premises of a retail marijuana business shall be used for such purposes.**

All cannabis product onsite shall be for retail sale. Significantly less than 25 percent of the floor plan is proposed for storage.

- iv. No discernible odor shall be projected beyond the exterior walls of the licensed premises.**

Odor is a concern with any marijuana related business and is an expected nuisance. However, the issue is more closely related to grow facilities as the City does not generally receive complaints for sales only businesses. That being said, the applicant proposes a high efficiency exhaust system which utilizes carbon filter fans to combat the issue as outlined above. In addition, the applicant proposes off site prepackaging of flower products. As is the norm with all applications associated with marijuana businesses, staff is recommending a condition of the special use permit that requires compliance with the above criteria at all times. In the event that documented inspections of the premises by City staff, preceded by complaints, indicate that odor is an issue, the applicant will need to employ alternative methods to mitigate odors or be at risk of losing their City license.

Section 070.060.050(e)(3)e.2 – All Land Uses

- i. The use will be compatible with the surrounding area;**

Similar uses, retail and service, are currently operating at the site and a mix of uses are located in close proximity including lodging, multi-family residential, and automobile fuel sales. The subject property is directly adjacent to Colorado State Highway 82 and related uses which generally serve the travelling public. Therefore, the use is compatible with the surrounding area.

- ii. The impacts of the use on surrounding areas have been adequately minimized;**

Other than potential odor nuisance discussed above, the proposed use is not expected to create any additional impacts than currently exist at the site. Measures are proposed, as outlined above, to mitigate existing and/or impacts anticipated by the use.

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

The use/proposal appears to be consistent with the general purpose and intent of the Code.

iv. The use will comply with all applicable standards of this Code;

The use is either in compliance with most standards of the Code or the applicant is taking action to improve upon existing nonconformities that would otherwise continue at the site.

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

As shown at right, Map 2.2 Future Land Use – Central Portion of the City of the Glenwood Springs of the Comprehensive Plan (Comp Plan) identifies the property as “Commercial” in red. According to the Comp Plan, the “Commercial” designation “...provides a wide range of general retail goods and services for both regional and local markets, in attached and freestanding structures. Retail that would compete directly with Downtown retail is discouraged.” The current proposal is in compliance with the map designation and description.



Numerous community goals and related objectives and strategies outlined in the Executive Summary and subsequent chapters of the Comp Plan encourage economic development, preserving our small-town character, convenient transportation, infill development, housing opportunities, social diversity, and preserving natural resources all of which are supported by this proposal. These goals are outlined in the following table.

<u>Comprehensive Plan Goal Supported</u>	<u>Objectives and Strategies</u>
-Promote long-term, sustainable, diverse, economic development	-Direct development into a compact form: infill and redevelopment (Chapter 3, Page 34) -Attract diverse businesses and industries (Chapter 4, Page 50) -Maintain the role as regional center (Chapter 4, Page 54)

	-Retain role as a regional center (Chapter 7, Page 83)
Staff Comment: The objective/strategy outlined above are supported by the current application as it includes infill retail development/redevelopment.	
-Maintain Glenwood Springs as the regional tourism, retail, commercial, and governmental center of Garfield County	-Attract diverse businesses and industries (Chapter 4, Page 50) -Maintain the role as regional center (Chapter 4, Page 54) -Retain role as a regional center (Chapter 7, Page 83)
Staff Comment: Continuing to utilize the space for retail, as proposed, helps to maintain/retain the City's role as a regional center.	
-Preserve small town character while maintaining the livability of Glenwood Springs and increasing the vibrancy and commercial success of the downtown	-Develop according to the vision (Chapter 4, Page 34) -Direct development into a compact form: infill and redevelopment (Chapter 3, Page 34) -Enhance pedestrian-friendliness while facilitating traffic (Chapter 3, Page 36) -Maintain the role as regional center (Chapter 4, Page 54) -Retain role as a regional center (Chapter 7, Page 83) -Direct growth inward (Chapter 9, Page 102)
Staff Comment: Infill, as proposed, makes improvements more cost effective. The use is in character with surrounding the site area and aligns with zone district purpose.	
-Address transportation and provide multiple convenient travel choices	-Direct development into a compact form: infill and redevelopment (Chapter 3, Page 34)
Staff Comment: Infill, as proposed, is a land use strategy used to address transportation issues per the Comp Plan.	
-Direct development to locations and building forms that are cost effective to serve	-Direct development into a compact form: infill and redevelopment (Chapter 3, Page 34) -Direct growth to areas where utilities and services can be provided efficiently (Chapter 7, Page 82) -Retain role as a regional center (Chapter 7, Page 83) -Direct growth inward (Chapter 9, Page 102)
Staff Comment: The objective/strategy outlined above are supported by the current application as it includes infill development/redevelopment.	
-Support social diversity	-Direct development into a compact form: infill and redevelopment (Chapter 3, Page 34) -Retain role as a regional center (Chapter 7, Page 83) -Direct growth inward (Chapter 9, Page 102)

Staff Comment: The objective/strategy outlined above are supported by the current application as it includes infill development/redevelopment.	
-Preserve natural resources	-Promote water conservation (Chapter 7, Page 84) -Direct growth inward (Chapter 9, Page 102)
Staff Comment: The objective/strategy outlined above are supported by the current application as it includes infill development/redevelopment.	

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

The use/proposal does not appear to negatively impact health, safety, and welfare of the inhabitants of the surrounding areas and the city.

Reviewing Agency Comments

An overview of comments received from referral agencies is provided below. Said comments are also attached.

Colorado Department of Transportation – Separate comments received outline the need for an access permit and future shared access with the adjacent property and/or that there are no concerns following the receipt of updated information related to anticipated vehicle trips.

Engineering Department – Comments received outline the need for a CDOT access permit, the need for an easement to accommodate future shared access with the adjacent property, and questions regarding 22nd Lane.

Adjacent Property Owner/Public Comments

Virginia Gera – Comments received outline the significant opposition from neighbor/citizen associated with the previous application, the number of marijuana businesses in the City, considerations related to distancing/buffer revisions for the use, and the impact on the real estate market.

Garfield and Hecht, P.C. for Cedar Lodge Motel, Inc – Comments received outline concerns that the proposal is not materially different from the former application, is non-compliant with the special use permit criteria, incompatible with the neighborhood due to proximity to residential uses and River Bridge Regional Center office, has a potential to cause a loss of business in the downtown core, will create traffic/odors, the site has inadequate parking,

Staff will forward any comments to the Commission as they become available, where applicable.

ACTION ALTERNATIVES AND STAFF RECOMMENDATION:

Section 070.060.050(e)(1)e.1 of the Code explains, “The Planning Commission shall review and approve, approve with conditions, or deny the special use permit application in accordance with 070.060.030(g) and the approval criteria in paragraph 2 below [addressed above in in this instance]. The Planning Commission may also remand the application back to the Director for further consideration.” Section 070.060.030(g)(1)d also states, “The body may also continue the hearing or refer the application to another authority as provided in 070.060.050(a)(2)c, *Referral*

and Call-Up Procedures. In the instance of marijuana related business, Section 070.060.020(d)/ Table 060.1 Summary of Development Review Procedures outlines the Commission is the review and reminding authority to City Council.

Action 1 - Special Use Permit - for a retail marijuana establishment in the M1 Mixed-Use Corridor District.

Staff recommendation: Staff recommends **approval with conditions** of the Special Use Permit application with the **findings** and **conditions** below:

Recommended Findings:

1. The use is compatible with the surrounding area;
2. The impacts of the use on surrounding areas have been adequately minimized;
3. The use is consistent with the general purpose and intent of this Code;
4. The use complies with all applicable standards of this Code;
5. The use is in conformance with the Comprehensive Plan and other City plans and policies; and
6. The use minimizes adverse impacts to the health, safety, and welfare of the inhabitants of the surrounding areas and the city.

Recommended Conditions:

1. The applicant shall provide evidence of approval of licenses from the State of Colorado and the City of Glenwood Springs for a retail marijuana establishment prior to issuance of a Special Use Permit.
2. Any future physical changes or improvements to the property or buildings on the parcel are subject to the review and approval of the Community Development Director for compliance with applicable requirements of the *Glenwood Springs Municipal Code*.
3. The proposed retail marijuana establishment shall comply with all verbal representations made by the applicant in the public hearing, as well as all approved plans and application materials, as revised per conditions of the Special Use Permit and approved by the Community Development Director prior to issuance of a Special Use Permit.
4. The applicant shall remove all existing freestanding signage at the site. Any new signage shall conform to applicable standards. Any changes to signage on the site shall require a sign permit and demonstrated compliance with applicable requirements of the of the *Glenwood Springs Municipal Code*.
5. The use shall comply with the use standards and special review criteria for marijuana uses specified in the *Glenwood Springs Municipal Code* at all times. Failure to comply with the applicable standards may result in an enforcement action or the incorporation of additional mitigation methods for Code compliance.
6. If complaints are received from adjacent property owners regarding any odors emitting from the site or any other matter regulated by the Code, City Council shall have the ability to re-evaluate or revoke the special use permit. The special use permit shall be subject to reconsideration and revocation by City Council within sixty (60) days of notification of the violation if the business owners are convicted by the City's Municipal Court of two *Glenwood Springs Municipal Code* nuisance violations pertaining to odors, etc. emitting from the site within a six (6) month period.
7. The applicant shall submit a building permit application as required. All contractors must receive a license to work in the City of Glenwood Springs.

8. The applicant shall provide an access easement along the south property line to allow for a future combined access with the adjacent property, 15 feet in width, in a form approved by the City Attorney and City Engineer.
9. Prior to the issuance of a building permit, the applicant shall obtain an access permit from the Colorado Department of Transportation, as required. Additionally, the applicant shall work with the Colorado Department of Transportation and the City Engineer to determine an accessible means of right-in/right-out only restricted access to the site, and the installation thereof at their expense.

The Kind Castle Marijuana Dispensary An Update to the Previous L1 TIS

LEVEL 2 TRAFFIC IMPACT STUDY

Project Location: 2114 Grand Ave
Glenwood Springs, CO

CDOT Access: SH 082 / MP 1.33 / L

Prepared By: APEX Consulting Engineers, LLC
1000 N 9th Street, Suite 44
Grand Junction, CO 81501

Report Date: Feb. 8, 2021



APEX
CONSULTING ENGINEERS
CIVIL ENGINEERS • MANAGEMENT • DEVELOPMENT



Kind Castle, Glenwood Springs, CO
Level 2 Traffic Impact Study

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Appendix

- A. Project Trip Generation
- B. Intersection Turning Movement Count Traffic Summaries
- C. Peak Hour Traffic Calculations
- D. LOS Calculations

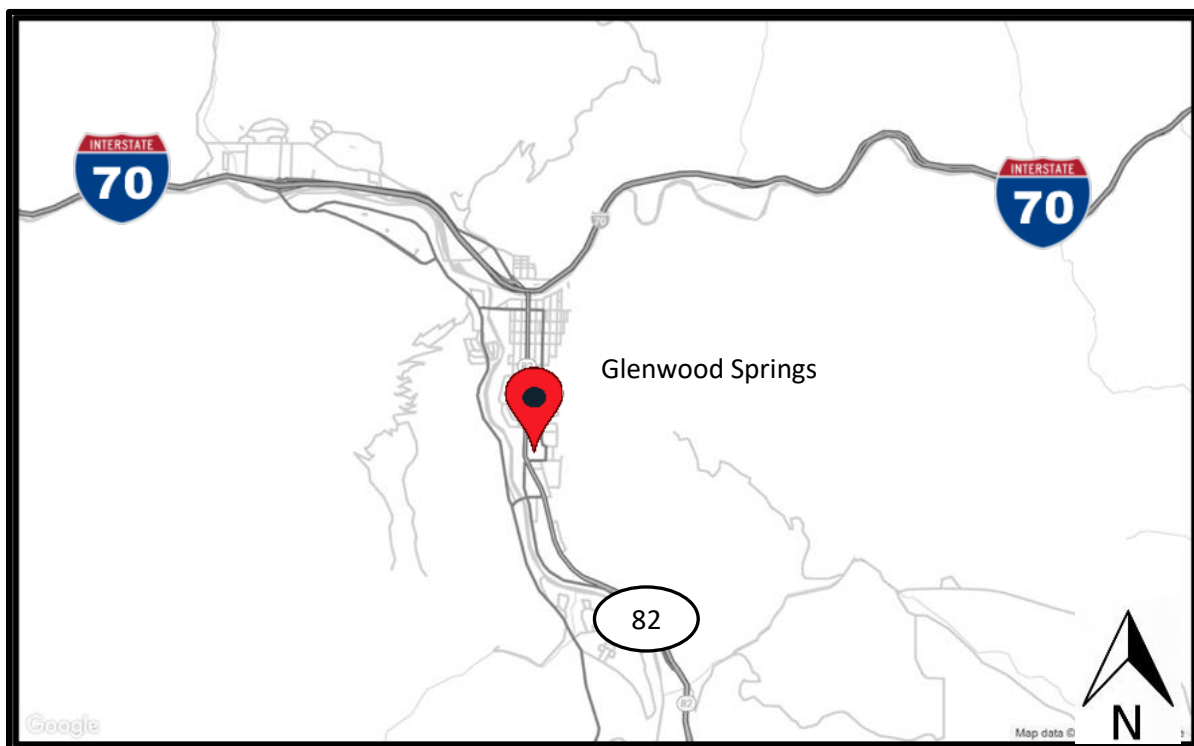
1. Introduction

APEX Consulting Engineers, LLC prepared this Level 2 Traffic Impact Study (Study) for the proposed Kind Castle Marijuana Dispensary (Project), located in Glenwood Springs, CO, accessing SH 082A. The Project will renovate the existing 2,979 sf, 3 unit building into a marijuana dispensary leasing two units and the third unit being leased as general office space. The general office space will be located in Suite A and the dispensary will be located in Suites B & C. The following sections describe the Project, traffic volumes, auxiliary turn lane assessments, access spacing, and sight distance evaluation for this intersection.

2. Project Location and Description

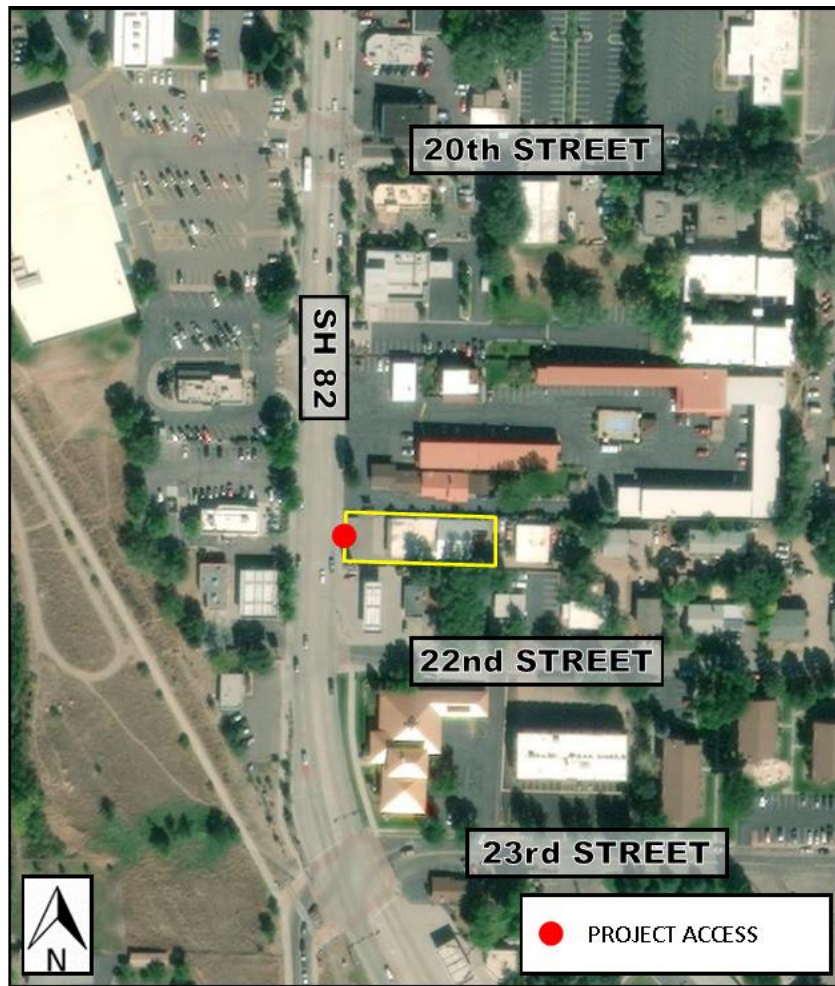
As shown in Figure 1, the proposed Project will be located on the south side of Glenwood Springs along SH 082A to the north of 22nd street at MP 1.33. The Project is expected to be completed in 2023. The dispensary hours will be 8:00 am to 7:00 pm, daily.

Figure 1 - Site Location Map



The proposed Project extents and existing access is shown in Figure 2.

Figure 2 – Project Site Access Locations and Adjacent Access Points



3. Trip Generation & Distribution

3.1 Trip Generation

Where appropriate, the higher of “either peak hour of roadway” or “peak hour of generator” is used, providing a conservative assessment. Trip generation traffic calculations from the ITETripGen Web-based App are attached in Appendix A. Where data does not exist within the ITE Trip Generation Manual, counts were conducted using the ITE methodology. Count summaries are attached in Appendix B.

The recent use of Suite A was a barber shop which does not have ITE trip data. The property owner was interviewed regarding traffic generated by the barber shop and indicated the shop contained three barbers’ chairs and generated 5-8 customers in the peak hour. This study will use the conservative estimate of 6 trips per hour in the peak hour for the barber shop. Using the generally accepted ADT ratio of 1:10, the estimated ADT of the barber shop is 60 trips per day.

The recent use of Suite B is a pawn shop which does not have ITE trip data. Traffic counts were conducted using the ITE methodology at the existing shop to determine a peak hour traffic volume.

The recent use of Suite C was a retail framing business. The description of this use is included in the Land Use Code (LUC) 879, Arts and Crafts Store, from the ITE Trip Generation Manual.

Table 1 shows the historical peak hour traffic of the building.

Table 1 – Existing PM Peak Hour Traffic

Location	Suite A	Suite B	Suite C	Total
Entry	3	12	2	17
Exit	3	8	3	14
TOTAL	6	20	5	31

The proposed use of Suite A will be a general office for the operator to manage their multiple businesses in the region and is separate from the dispensary. Land Use Code 710, General Office Building, from the ITE Trip Generation Manual 10th Edition, was used in trip generation calculations. Using the Weekday, PM Peak Hour of Generator values resulted in a Fitted Curve of 66 total trips which is unreasonable for a 650 sf unit. The Average Rate was used in the trip generation.

The proposed use of Suites B & C will be a retail marijuana dispensary. Traffic counts were conducted using the ITE methodology at a similar dispensary located at 2922 South Glenwood Avenue, which is about 0.6 miles south of the Project. Table 2 compares counts from the Green Dragon (GD) dispensary, and the ITE Trip Generation Manual using LUC 882, Marijuana Dispensary. The Green Dragon is located in a 2,940 sf unit but does not open until 9:00 am, so AM counts were not performed.



Table 2 – PM Peak Hour Traffic Volumes for Dispensaries

Source	Green Dragon Counts	Green Dragon ITE LUC 882
Entry	13	44
Exit	16	44
TOTAL	29	88

Note that the ITETripGen Web-based App shows AM peak hour trip generation rates for dispensaries are 70% of the the PM peak hour trip generation rates.

The counted values for the Green Dragon are approximately one third of the ITE Trip Generation Manual's predicted values. It is reasonable to use a local trip generation rate using the GD counts and apply the locally developed rate to the Project site. The result, a rate of trips per thousand sf, was calculated from the counts. Table 3 includes the calculation values found for determining a usable rate.

Table 3 – Rate Calculation

Source	Green Dragon Counts	Green Dragon ITE LUC 882
Peak Hour Trips	29	88
1000 SF	2.94	2.94
Rate (Trips/1000 SF)	10	30

Table 4 shows the Project trips using the calculated rate for a marijuana dispensary along State Highway 82. The office space is 650 sf and the dispensary is 2,339 sf.

Table 4 – PM Peak Hour Traffic Volumes for Project

Location	Office	Dispensary	Project Total	Historic	Change
Entry	0	11	11	17	-35%
Exit	1	13	14	14	0%
TOTAL	1	24	25	31	-19%

3.2 Trip Reduction Factors

An internal capture trip reduction factor was not used.

4. Trip Distribution & Assignment

4.1 Determination of Trip Distribution

Project PM peak hour trip distribution was developed from the traffic counts at the Green Dragon dispensary.



The AM project trip distribution was calculated from a previous Traffic Impact Study for an adjacent property, Stinker Stores, at 2122 Grand, Glenwood Springs, CO¹. Count summaries are included in Appendix B.

The detailed Project trip distribution is shown in Figure 3.

Figure 3 – Project Trip Distribution

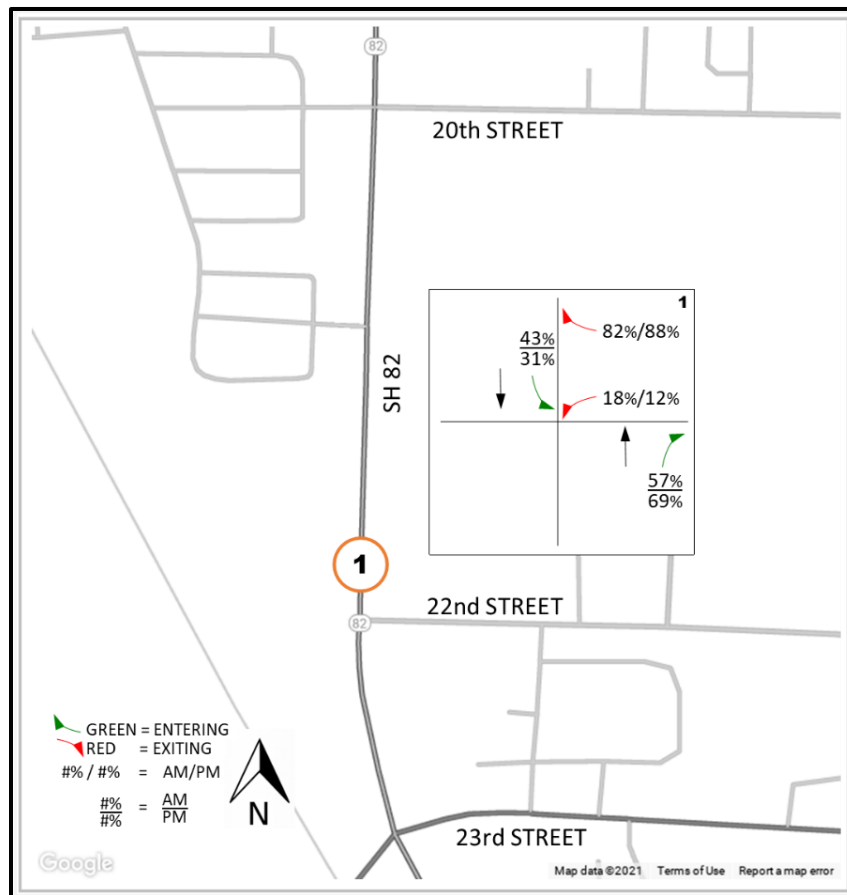


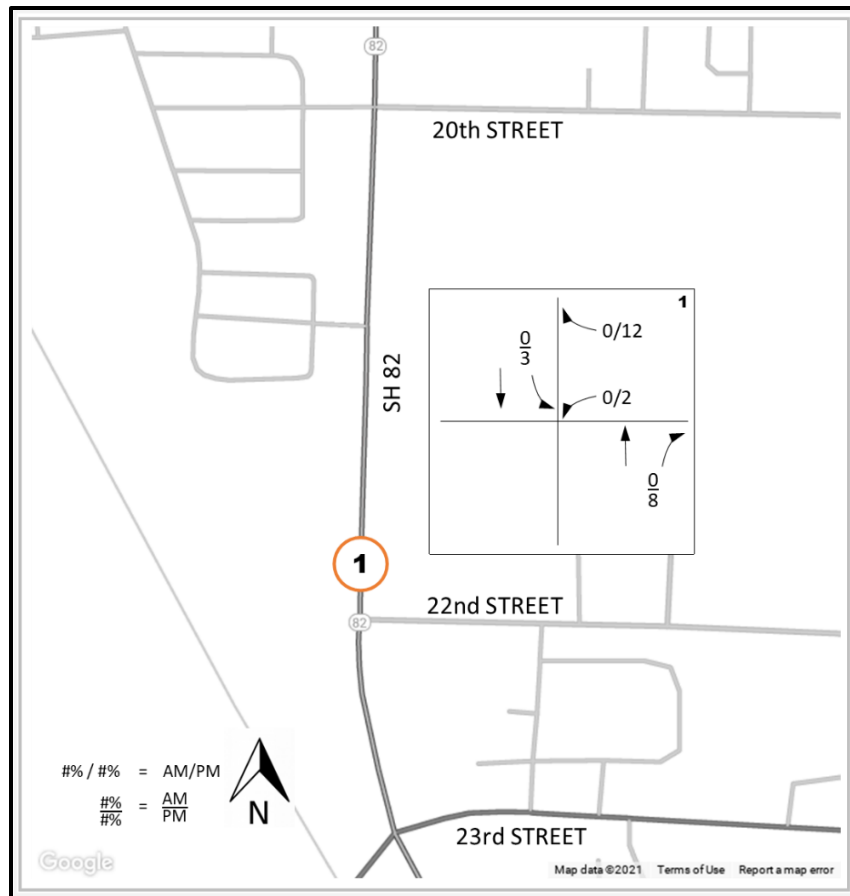
Figure 3 shows similar AM and PM Project peak hour distributions. However, with AM Project peak hour trip generation being 70% of the PM peak hour volume, only PM Project peak hour traffic is evaluated in this study since the AM and PM distributions are similar and AM trip assignment is not shown.

4.2 Assignment of Project Traffic

Project traffic determined from the trip generation calculation is assigned to the existing traffic network using the distributions from Figure 3. The resulting Project trip assignment is shown in Figure 4.

¹ SM Rocha, LLC, *Traffic Impact Study For Stinker Stores 2122 Grand, Glenwood Springs, Colorado* (May 2019): 6.

Figure 4 – Project Trip Assignment



5. Existing & Future Traffic Volumes

Peak hour through movement counts were conducted at the following intersections January 27-28, 2021.

- SH 82 & Project Access

Peak seasonal adjustment of 1.19 was used to account for the traffic counts being completed in January. Table 5 shows the monthly peak seasonal adjustments using continuous data from SH082A Station 000214 between the years of 2001 to 2020.

Table 5 – Peak Season Adjustment Factors by Month

Seasonal Adjustments

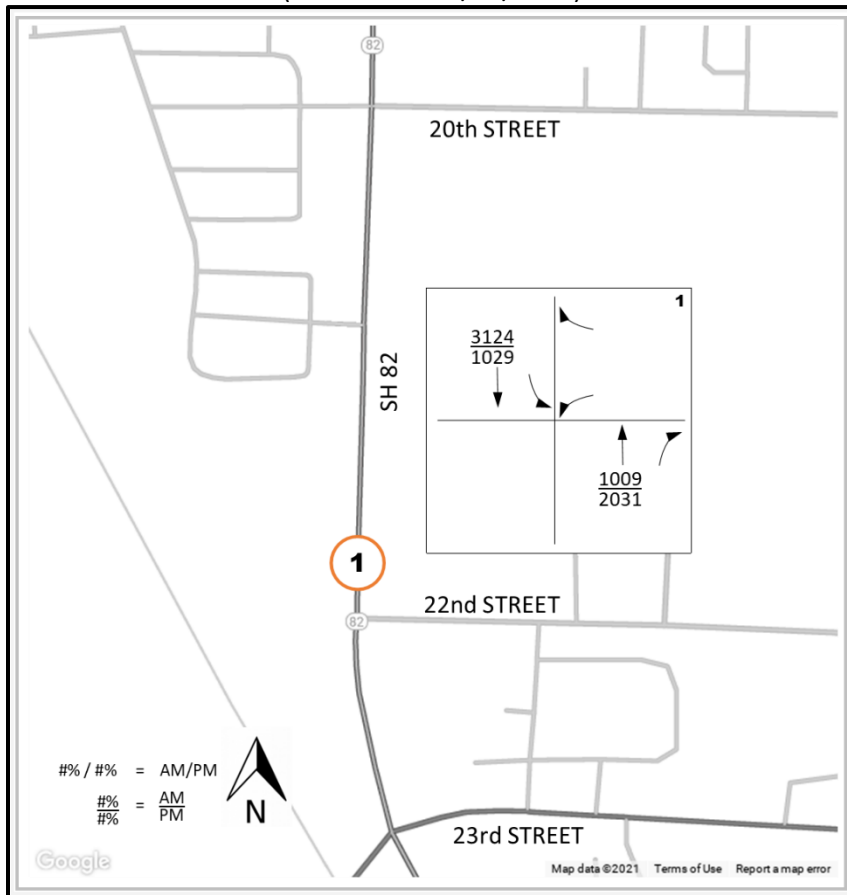
CDOT Count Station ID 214: SH 082A Traffic Data - South of Blake Ave, Glenwood Springs

STATION ID	CAL YR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
214	2020	23732	23818	19530	15080	21526	24775	25592	24845	26241	25786	22462	22231
214	2019	22045	22387	22885	23892	24283	25402	25858	25648	25266	26224	24326	23900
214	2018	23365	23237	24444	24974	25824	26106	25420	25235	24793	23781	22025	21717
214	2017	22576	23590	24797	25270	25389	27223	27128	23295	21072	21144	22774	23736
214	2016	22629	22949	23948	24786	25563	27086	27406	27089	27051	25737	23475	23145
214	2015	22134	22151	23508	23842	24174	26460	27049	26201	26455	25224	22799	22782
214	2014	20312	20646	21761	22204	22727	24366	25318	24725	24859	23947	20843	21677
214	2013	20065	20137	20483	20986	21928	22998	23938	23718	22993	22538	20564	19880
214	2012	19531	19709	20760	20884	21349	22956	23301	23793	22904	22152	20404	19386
214	2011	19557	19445	20557	20174	20612	22241	23089	23255	23149	21614	19952	20194
214	2010	20137	20140	20998	20777	21017	23097	24447	24073	24005	21863	21239	20097
214	2009	21638	22319	22144	22424	22912	24701	25134	24300	24150	22561	19785	20400
214	2008	23112	23324	24444	24929	25006	26191	26580	26231	25768	25323	22664	22140
214	2007	20956	23067	24472	24836	25605	26598	26724	27227	26754	25724	24328	22715
214	2006	21346	22174	22476	23410	23967	25736	25747	25967	25854	24205	22466	22424
214	2005	21024	21907	22544	22652	22997	24963	25564	25465	24352	23362	22362	21578
214	2004		21061	21761	22242	21886	24336	24937	24743	24373	22921	21363	21829
214	2003	20521	20586	20471	20691	21234	23811	24859	23899	23188	22506	19602	20525
214	2002									23173	22975	20658	20815
214	2001	20369	20980	22123	22774	23131	24161	24315	25555	24094			
Average		21,392	21,770	22,321	22,465	23,217	24,906	25,390	25,014	24,525	23,662	21,794	21,641
% of highest month		84%	86%	88%	88%	91%	98%	100%	99%	97%	93%	86%	85%
Peak Season Factor		1.19	1.17	1.14	1.13	1.09	1.02	1.00	1.02	1.04	1.07	1.16	1.17

The existing peak hour traffic, adjusted for peak season, is represented in Figure 5. Count summaries are included in Appendix B.



Figure 5 – Existing Peak Hour Traffic adjusted for Peak Season
(From counts 1/27/2021)



6. Study Years Traffic Volumes on SH 340

Future background traffic is determined in this section.

The study years are 2023 and 2043. The Online Transportation Information System (OTIS) was used to find ADT values for 2019 counts & 2045 projected counts which are the basis for the following road segment growth factors:

Table 6 – Road Segment Growth

Road	Segment	ADT		Period Growth Factor	Avg. Annual Growth Rate	2 - year growth factor (2021-2023)	22 - year growth factor (2021-2043)
		2019	2045				
SH 82	N & S of Access	26,000	29,042	1.117	0.43	1.009	1.099

These growth factors were used to determine future peak hour background traffic volumes, as shown in the peak hour traffic calculations provided in Appendix C.



7. Study Period Volumes

Total traffic volumes consist of future background traffic volumes plus Project trips. The following figures present background and total peak hour traffic for the study periods. Calculations are included in Appendix C.

Figure 6 – Background Peak Hour Future Traffic (Year 2023)

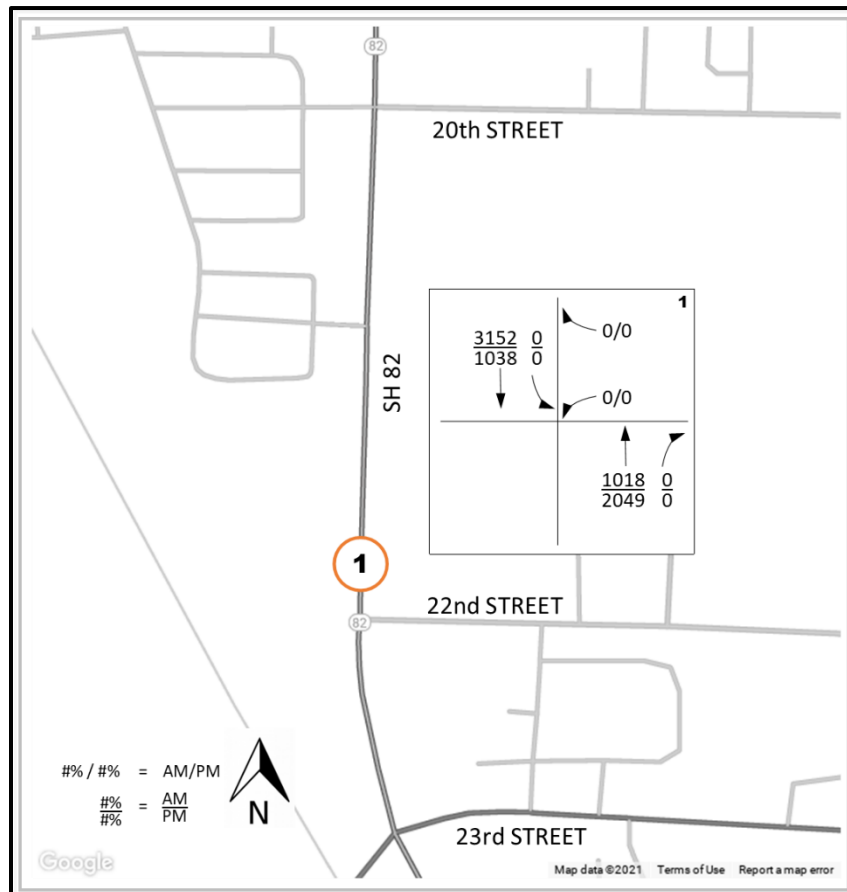


Figure 7 –Total Peak Hour Future Traffic (Year 2023)

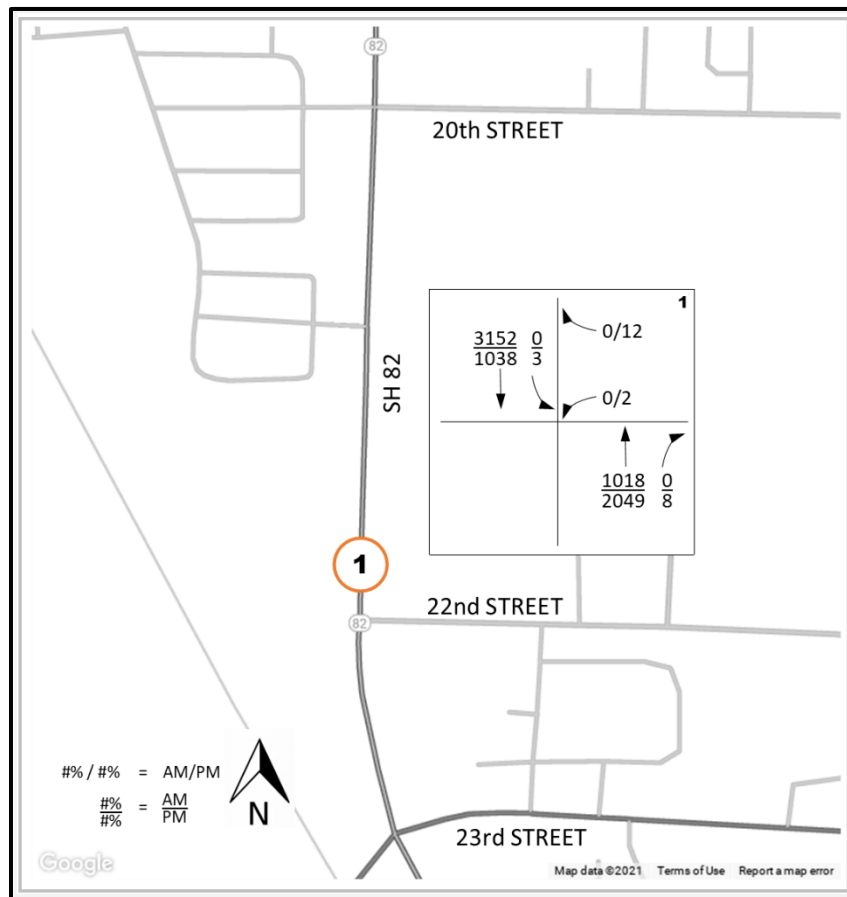


Figure 8 – Background Peak Hour Future Traffic (Year 2043)

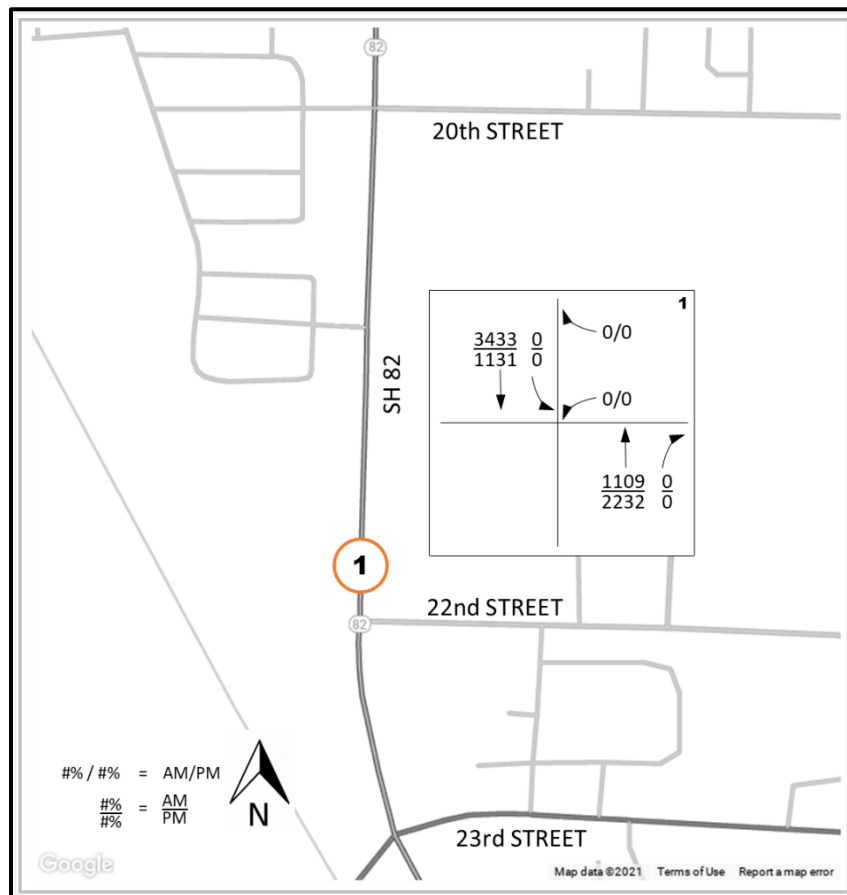
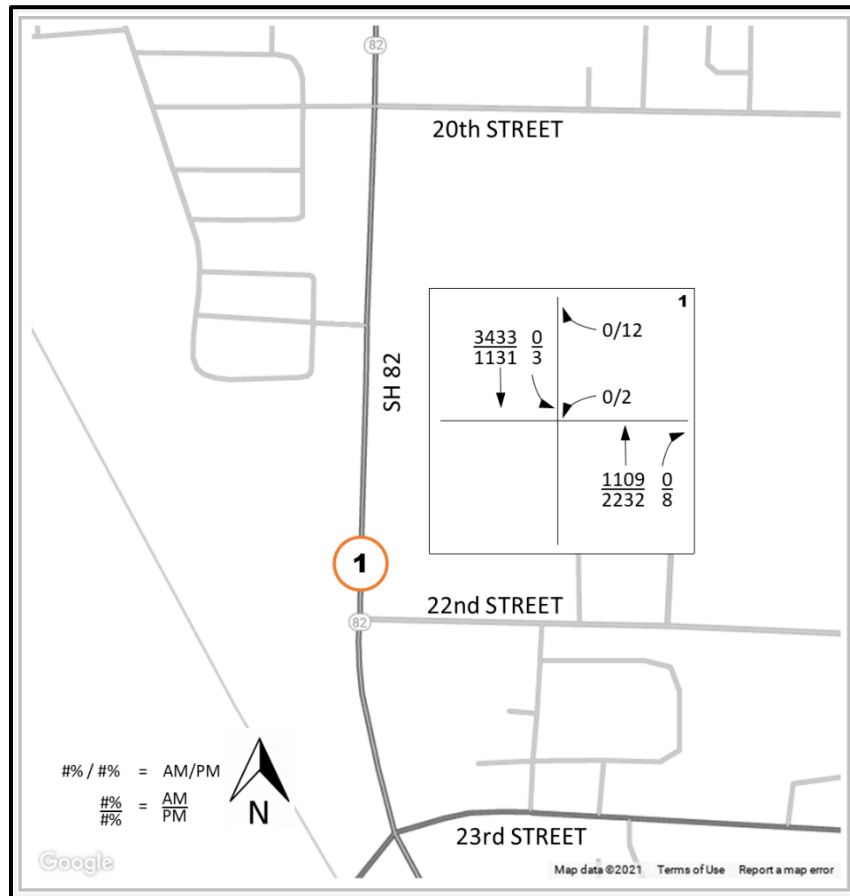


Figure 9 – Total Peak Hour Future Traffic (Year 2043)



8. Auxiliary Turn Lane Evaluation

The need for auxiliary lanes was based on the turn lane warrants listed in the SHAC. The following table shows the data and criteria necessary to identify the need for exclusive right-turn and left-turn deceleration lanes at the intersections in the Study area.

SH 82 is a north south highway with milepost markings increasing from north to south and is classified by CDOT as NR-B: Non-Rural Arterial.

**Table 7 – Comparison of Turning Volumes to
Turn Lane Requirements**

SH 82 & Kind Castle Access (Year 2043 Condition) Speed Limit = 25 mph			
Auxiliary Lane	Turning Volume (VPH)	CDOT Auxiliary Lane Requirements	Lane Required?
NB Right Turn Deceleration Lane (inbound)	8 (PM)	Greater than 50 vph	NO
SB Left Turn Deceleration Lane (inbound)	3 (PM)	Greater than 25 vph	NO
WB Right Turn Acceleration Lane (outbound)	12 (PM)	Generally not required except greater than 120 vph	NO
WB Left Turn Acceleration Lane (outbound)	2 (PM)	Generally not required except greater than 120 vph	NO

In addition to the factors stated in the previous table, additional auxiliary turn lanes were not recommended, in combination with the following factors:

- A two way left turn lane exists for any SB left inbound and WB left outbound traffic, which will act as a storage as to not impede through traffic.

9. Capacity Analysis and Level of Service

The traffic analysis was conducted using the methodologies outlined in the Transportation Research Board's Highway Capacity Manual, 2010 Edition. Synchro® 10 Planning & Analysis Software was used to determine traffic operation.

The results of the intersection operational analysis were used to assess the LOS experienced by drivers as the duration of delay a driver experiences at a given intersection. LOS A represents the most desirable conditions with free-flow movement of traffic and minimal delay to motorists. LOS F generally indicates severely congested conditions with excessive delays to motorists. Intermediate grades of B, C, D, and E reflect incremental increases in congestion.



The duration of delay is measured differently for signalized intersections as compared to unsignalized intersections. The LOS delay range for an unsignalized intersection is typically shorter than at a signalized intersection primarily because at a stop sign, the traveling public has an expectation to experience less delay than at a signal. In addition, studies have shown that at unsignalized intersections drivers tend to become impatient with long delays and may use inadequate and unsafe gaps in the traffic stream to make left turns or enter the major street. The following table provides the delay thresholds for signalized and unsignalized intersections.

Table 8 – Intersection Delay & LOS Thresholds

Level of Service (LOS)	Signalized Intersections (seconds/vehicle)	Unsignalized Intersection (seconds/vehicle)
A	0.0 – 10.0	0.0 – 10.0
B	10.1 – 20.0	10.1 – 15.0
C	20.1 – 35.0	15.1 – 25.0
D	35.1 – 55.0	25.1 – 35.0
E	55.1 – 80.0	35.1 – 50.0
F	Greater than 80.0	Greater than 50.0

Source: Transportation Research Board, Highway Capacity Manual, 2010 Edition

Traffic Operations Analysis Results

Peak hour LOS was computed within the Study area using Synchro's Highway Capacity Manual 2010 Methodology Module. Results are reported in Table 9 and calculations are included in Appendix D.

Table 9 – Project Access LOS

Intersection		Period	Traffic Control	New Lane Geometry	2023		2043	
E-W	N-S				Background	Total	Background	Total
1	Proj Access Grand Ave	PM	Signalized	Intersection LOS				
	Eastbound			0				
	Westbound			1 left-right		D		E
	Northbound			1 thru/1 thru-right		A		A
	Southbound			1 left/2 thru		A		A
Control Delay LOS & Delay (sec/veh)						D (32.1)		E (38.7)

Note the Project access intersection has negligible impact to the northbound and southbound traffic. Delays at the intersection are for existing traffic. Platooning, as a result of the signalized intersections allow for adequate gaps to allow multiple vehicles to exit during a signal phase. The LOS reports show a south bound left turn queue length of less than one vehicle, which is accommodated within the center two way turn lane.



10. Intersection Sight Distance

SH 82 is a 4-lane split highway with a center twiddle lane and a posted speed limit of 25 mph with a grade of less than 3% to the north and south. Sight distance increases are not required, and the study will not use reductions in sight distance that are allowed for grades greater than 3%.

The required sight distance for a vehicle traveling on the highway toward the access is 150 feet for a 25 mph speed limit (from Table 4-1 SHAC). The observed sight distance is greater than 150 feet from each direction of travel to the access. Refer to Images 1 and 2.

Image 1 – Looking North from 150' South of the Project Access



Image 2 – Looking South from 150' North of the Project Access



The required sight distance for passenger cars and pickup trucks entering the roadway at this location is 300 feet per SHAC, Table 4-2. The observed sight distance is greater than 300 feet looking north and south at the Project access, as shown in Images 3 and 4.

Image 3 – Looking North from Project Access



Image 4 – Looking South from Across Street of Project Access



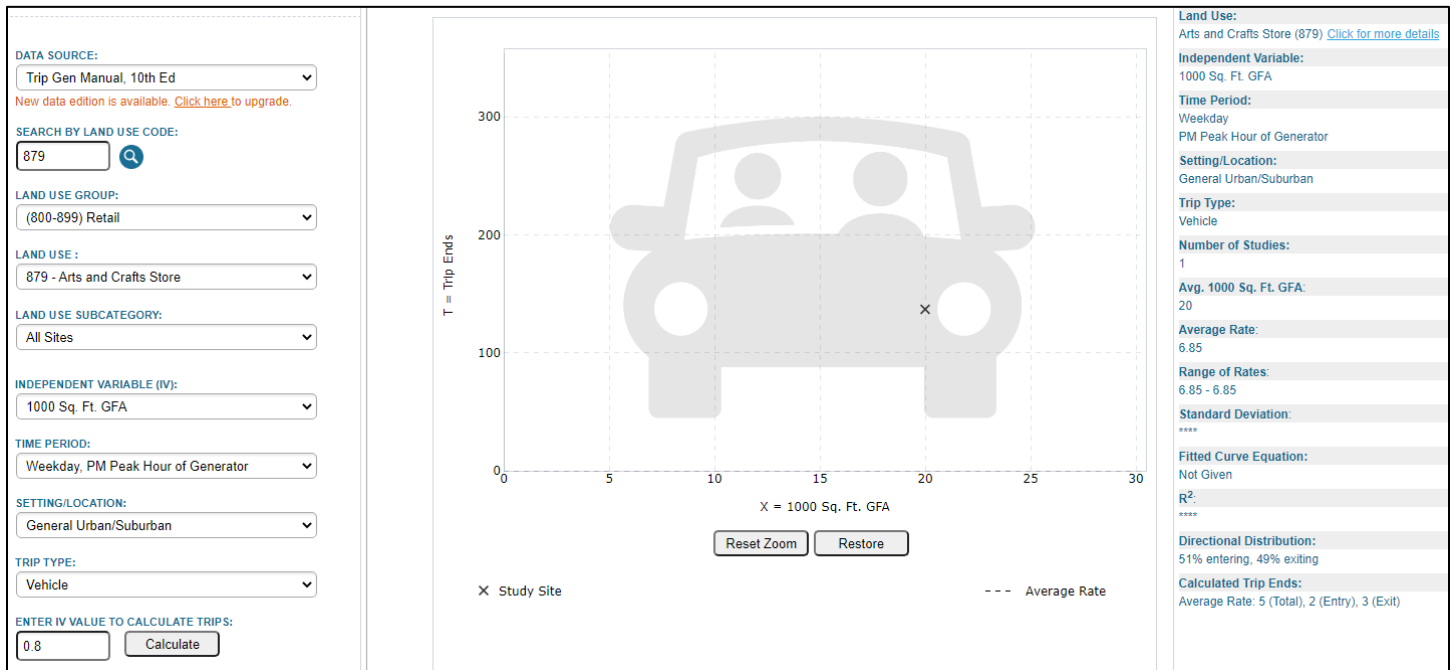
11. Existing Access Permits

A previous letter was sent by CDOT informing that a site redevelopment requires an easement between the Project and the adjacent property to the south, 2122 Grand Ave. CDOT's response to a previous traffic impact study at this location stated that when the adjacent property next to the Project redevelops, both sites will be required to share a single access.

12. Summary and Recommendations

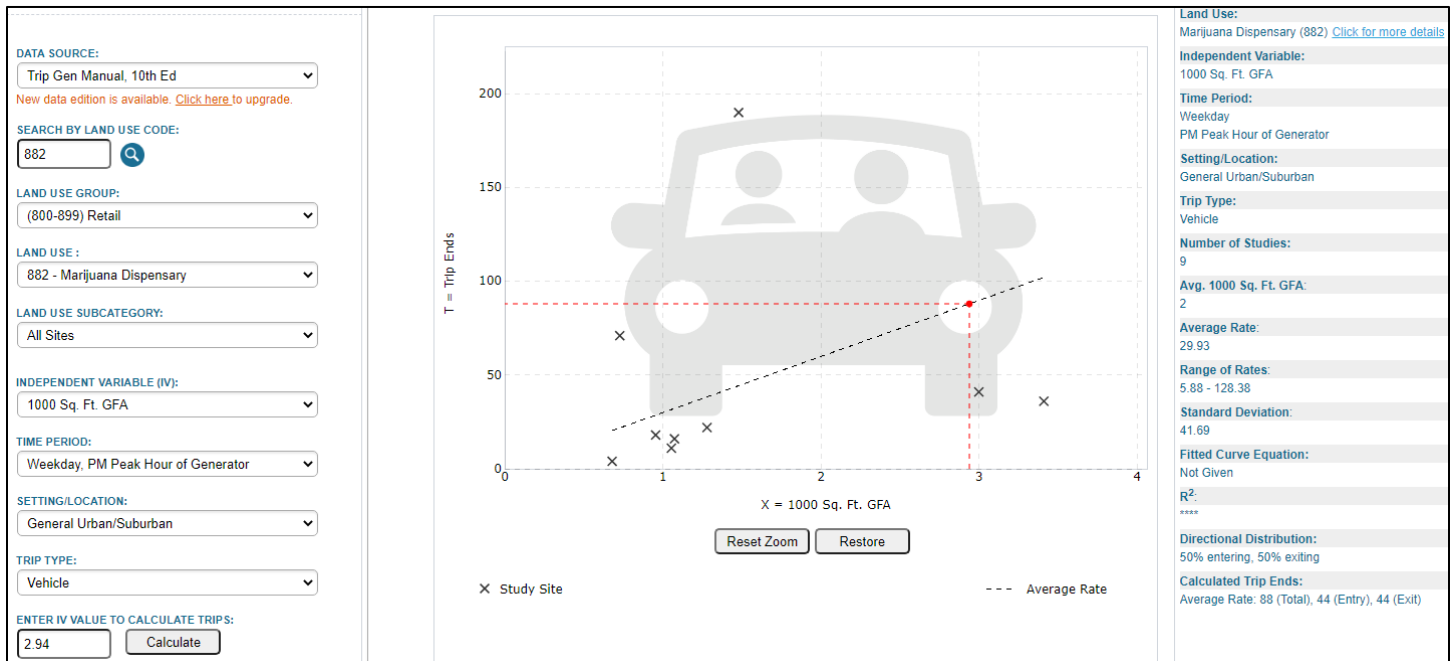
- Auxiliary lanes are not required.
- A CDOT access permit is not required as the increase in traffic volumes at the access is less than 20%.
- Due to the low peak hour project traffic volumes, the full movement project intersection will continue to work similarly to existing service levels through year 2043.

Appendix A – Project Trip Generation

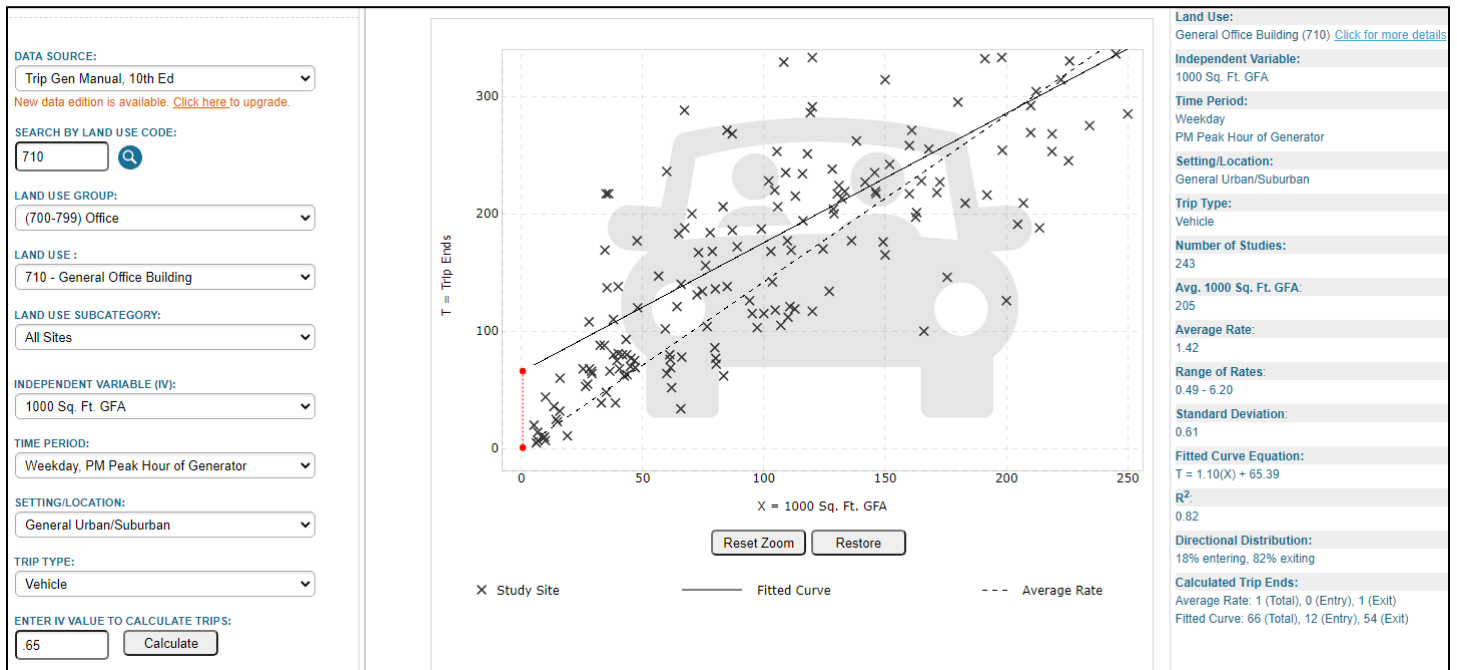


PM Peak Hour for Existing LUC 879

ITE PM Peak Hour of Green Dragon LUC 882



Appendix A – Project Trip Generation



PM Peak Hour of Proposed LUC 710

Appendix B – Intersection Turning Movement Count Traffic Summaries

Intersection Turning Movement Count Summary

Project: Kind Castle
Location: Glenwood Springs
EB/WB Road: Green Dragon
NB/SB Road: Glenwood Ave

Intersection 0

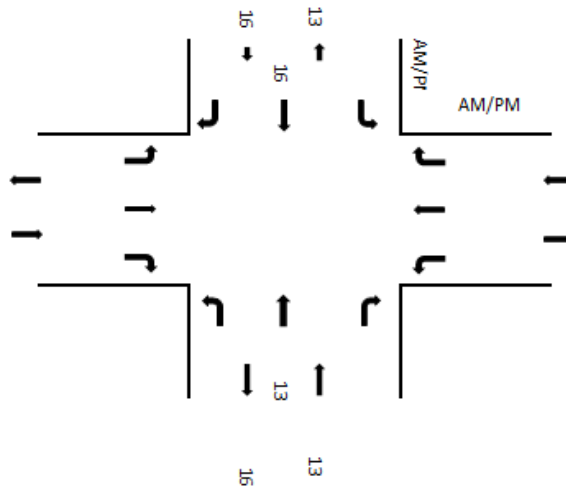
APEX
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Counted by: APEX
Count Date: 1/27/2021

Peak Season Adjust: 1

Time									Entering				Exiting				Total
PM																	Volume
13:30									0				0				0
13:45									0				0				0
14:00									0				0				0
14:15									0				0				0
14:30									0				0				0
14:45									0				0				0
15:00									0				0				0
15:15									0				0				0
15:30									0				0				0
15:45									0				0				0
16:00									1				1				2
16:15									0				1				1
16:30									1				1				2
16:45									3				3				6
17:00									7				5				12
17:15									2				7				9
17:30									1				1				2
17:45									0				0				0
Totals									15				19				34

Peak Hr	0	0	0	0	0	0	0	0	0	13	0	0	0	16	0	0	29
Intersection Peak Hour: 16:30-17:30 PM													EB	WB	NB	SB	Total
													0	0	13	16	29



Appendix B – Intersection Turning Movement Count Traffic Summaries

Intersection Turning Movement Count Summary

Project: Kind Castle
 Location: Glenwood Springs
 EB/WB Road: Project Access
 NB/SB Road: Glenwood Ave

Intersection 1



Counted by: APX
 Count Date: 1-27/1-28

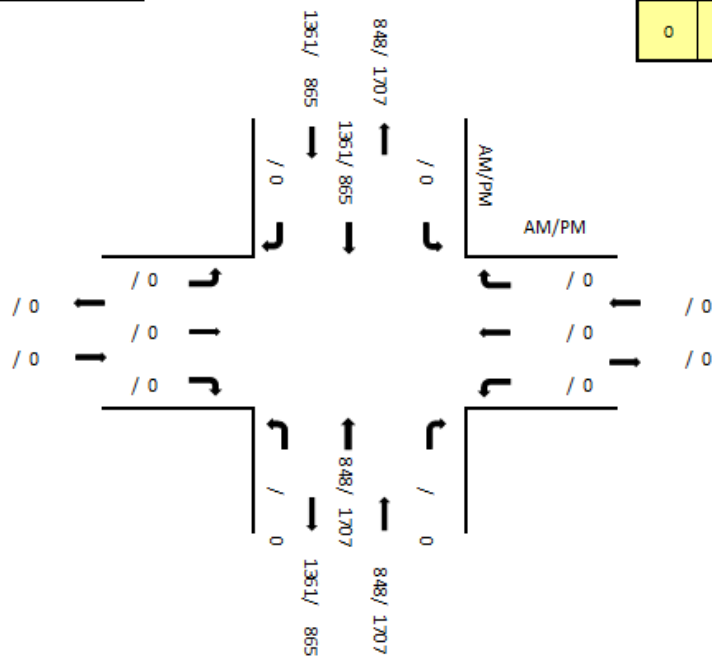
Peak Season Adjust: 1

Time	Project Access - (EB)				Project Access - (WB)				Glenwood Ave - (NB)				Glenwood Ave - (SB)				Total
	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Volume
7:00 AM	0	0	0	0	0	0	0	0	0	95	0	0	0	319	0	0	414
7:15	0	0	0	0	0	0	0	0	0	155	0	0	0	335	0	0	490
7:30	0	0	0	0	0	0	0	0	0	169	0	0	0	382	0	0	551
7:45	0	0	0	0	0	0	0	0	0	223	0	0	0	365	0	0	588
8:00	0	0	0	0	0	0	0	0	0	231	0	0	0	325	0	0	556
8:15	0	0	0	0	0	0	0	0	0	225	0	0	0	289	0	0	514
8:30	0	0	0	0	0	0	0	0	0	221	0	0	0	295	0	0	516
8:45	0	0	0	0	0	0	0	0	0	306	0	0	0	315	0	0	621
Totals	0	0	0	0	0	0	0	0	0	1625	0	0	0	2625	0	0	4250

Peak Hr	0	0	0	0	0	0	0	0	0	848	0	0	0	1361	0	0	2209
Intersection Peak Hour: 7:30-8:30 AM													EB	WB	NB	SB	Total
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	848	1361	2209

Time	Project Access - (EB)				Project Access - (WB)				Glenwood Ave - (NB)				Glenwood Ave - (SB)				Total
	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Volume
4:00 PM	0	0	0	0	0	0	0	0	0	381	0	0	0	214	0	0	595
4:15	0	0	0	0	0	0	0	0	0	388	0	0	0	217	0	0	605
4:30	0	0	0	0	0	0	0	0	0	412	0	0	0	178	0	0	590
4:45	0	0	0	0	0	0	0	0	0	419	0	0	0	192	0	0	611
5:00	0	0	0	0	0	0	0	0	0	405	0	0	0	255	0	0	660
5:15	0	0	0	0	0	0	0	0	0	455	0	0	0	219	0	0	674
5:30	0	0	0	0	0	0	0	0	0	428	0	0	0	199	0	0	627
5:45	0	0	0	0	0	0	0	0	0	350	0	0	0	171	0	0	521
Totals	0	0	0	0	0	0	0	0	0	3238	0	0	0	1645	0	0	4883

Peak Hr	0	0	0	0	0	0	0	0	0	1707	0	0	0	865	0	0	2572
Intersection Peak Hour: 4:45-5:45 PM													EB	WB	NB	SB	Total
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1707	865	2572



Appendix B – Intersection Turning Movement Count Traffic Summaries

Intersection Turning Movement Count Summary

Project: Kind Castle
 Location: Glenwood Springs
 EB/WB Road: Project Access
 NB/SB Road: Glenwood Ave

Intersection Access

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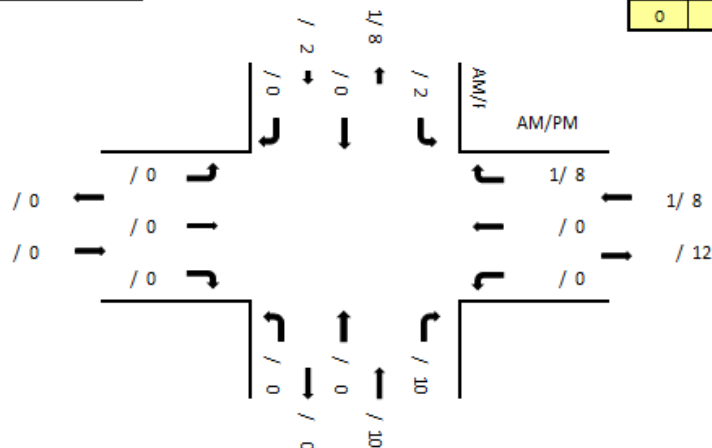
Counted by: APX
 Count Date: 1-27/1-28
 Peak Season Adjust: 1

Time	Project Access - (EB)				Project Access - (WB)				Glenwood Ave - (NB)				Glenwood Ave - (SB)				Total
	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Volume
7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:30	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
7:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
8:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	2

Peak Hr	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Intersection Peak Hour: 6:45-7:45 AM													EB	WB	NB	SB	Total
													0	1	0	0	1

Time	Project Access - (EB)				Project Access - (WB)				Glenwood Ave - (NB)				Glenwood Ave - (SB)				Total
	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Volume
4:00	0	0	0	0	0	0	2	0	0	0	5	0	1	0	0	0	8
4:15	0	0	0	0	0	0	2	0	0	0	2	0	1	0	0	0	5
4:30	0	0	0	0	0	0	3	0	0	0	2	0	0	0	0	0	5
4:45	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	2
5:00	0	0	0	0	1	0	1	0	0	0	3	0	1	0	0	0	6
5:15	0	0	0	0	0	0	3	0	0	0	2	0	0	0	0	0	5
5:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	2
Totals	0	0	0	0	1	0	13	0	0	0	15	0	4	0	0	0	33

Peak Hr	0	0	0	0	0	0	8	0	0	0	10	0	2	0	0	0	20
Intersection Peak Hour: 4:00-5:00 PM													EB	WB	NB	SB	Total
													0	8	10	2	20



Appendix B – Intersection Turning Movement Count Traffic Summaries



SM Rocha, LLC Existing Traffic Counts at SH 82 & 22nd Street

Appendix C – Peak Hour Traffic Calculations

INT 1 - SH 82 & Access

2/4/2021

Kind Castle Glenwood

AM Condition												
Description	Eastbound			Westbound			Northbound			Southbound		
	L	TH	R	L	TH	R	L	TH	R	L	TH	R
Existing Volumes								848			2625	
¹ Seasonally Adjusted base volumes	0	0	0	0	0	0	0	1009	0	0	3124	0
Trip Distribution % Inbound Phase 1	0%	0%	0%	0%	0%	0%	0%	0%	57%	43%	0%	0%
Trip Distribution % Outbound Phase 1	0%	0%	0%	18%	0%	82%	0%	0%	0%	0%	0%	0%
Driveway Enter "1" Yes, or "0" No Phase 1	1	1	1	1	1	1	1	1	1	1	1	1
Trip Distribution % Inbound Phase 2	0%	0%	0%	0%	0%	0%	0%	0%	57%	43%	0%	0%
Trip Distribution % Outbound Phase 2	0%	0%	0%	18%	0%	82%	0%	0%	0%	0%	0%	0%
Driveway Enter "1" Yes, or "0" No Phase 2	1	1	1	1	1	1	1	1	1	1	1	1
Project Trip Volume Inbound - Phase 1	0	0	0	0	0	0	0	0	0	0	0	0
Project Trip Volume Outbound - Phase 1	0	0	0	0	0	0	0	0	0	0	0	0
Project Trip Volume Total - Phase 1	0	0	0	0	0	0	0	0	0	0	0	0
Project Trip Volume Inbound - Phase 2	0	0	0	0	0	0	0	0	0	0	0	0
Project Trip Volume Outbound - Phase 2	0	0	0	0	0	0	0	0	0	0	0	0
Project Trip Volume Total - Phase 2	0	0	0	0	0	0	0	0	0	0	0	0
Growth Factor Period 1	0.000	0.000	0.000	1.000	0.000	1.000	0.000	1.009	1.000	1.000	1.009	0.000
Growth Factor Period 2	0.000	0.000	0.000	1.000	0.000	1.000	0.000	1.099	1.000	1.000	1.099	0.000
Future Background Volume - Period 1				0		0		1018	0	0	3152	
Future Background Volume - Period 2				0		0		1109	0	0	3433	
Other Trip Assignment AM Period 1												
Other Trip Assignment AM Period 2												
Total Future Volume - Period 1				0		0		1018	0	0	3152	
Total Future Volume - Period 2				0		0		1109	0	0	3433	

PM Condition												
Description	Eastbound			Westbound			Northbound			Southbound		
	L	TH	R	L	TH	R	L	TH	R	L	TH	R
Existing Volumes								1707			865	
Seasonally Adjusted base volumes	0	0	0	0	0	0	0	2031	0	0	1029	0
Trip Distribution % Inbound Phase 1	0%	0%	0%	0%	0%	0%	0%	0%	69%	31%	0%	0%
Trip Distribution % Outbound Phase 1	0%	0%	0%	12%	0%	88%	0%	0%	0%	0%	0%	0%
Trip Distribution % Inbound Phase 2	0%	0%	0%	0%	0%	0%	0%	0%	69%	31%	0%	0%
Trip Distribution % Outbound Phase 2	0%	0%	0%	12%	0%	88%	0%	0%	0%	0%	0%	0%
Project Trip Volume Inbound - Phase 1	0	0	0	0	0	0	0	0	8	3	0	0
Project Trip Volume Outbound - Phase 1	0	0	0	2	0	12	0	0	0	0	0	0
Project Trip Volume Total - Phase 1	0	0	0	2	0	12	0	0	8	3	0	0
Project Trip Volume Inbound - Phase 2	0	0	0	0	0	0	0	0	8	3	0	0
Project Trip Volume Outbound - Phase 2	0	0	0	2	0	12	0	0	0	0	0	0
Project Trip Volume Total - Phase 2	0	0	0	2	0	12	0	0	8	3	0	0
Growth Factor Period 1				1.000		1.000		1.009	1.000	1.000	1.009	
Growth Factor Period 2				1.000		1.000		1.099	1.000	1.000	1.099	
Future Background Volume - Period 1				0		0		2049	0	0	1038	
Future Background Volume - Period 2				0		0		2232	0	0	1131	
Other Trip Assignment AM Period 1												
Other Trip Assignment AM Period 2												
Total Future Volume - Period 1				2		12		2049	8	3	1038	
Total Future Volume - Period 2				2		12		2232	8	3	1131	

NOTES:

1. Peak season factor of 1.19 applied to EB and WB through volumes

1: Grand Ave & Project Access
 HCM 2010 TWSC

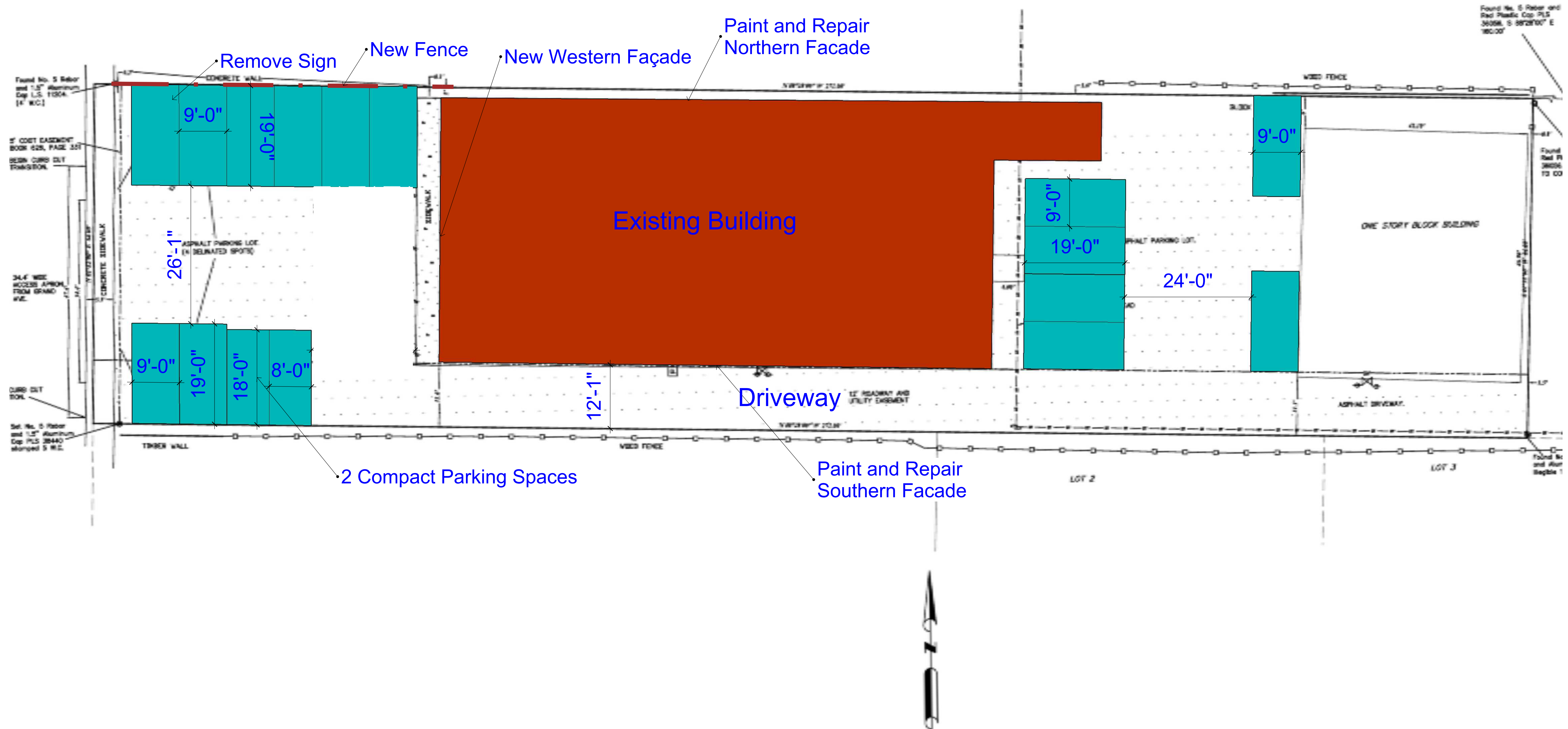
 Year 2023 Total
 Timing Plan: PM Peak

Intersection						
Int Delay, s/veh	0.2					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	2	12	2049	8	3	1038
Future Vol, veh/h	2	12	2049	8	3	1038
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	75	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	2	13	2227	9	3	1128
Major/Minor	Minor1	Major1	Major2			
Conflicting Flow All	2802	1118	0	0	2236	0
Stage 1	2232	-	-	-	-	-
Stage 2	570	-	-	-	-	-
Critical Hdwy	6.84	6.94	-	-	4.14	-
Critical Hdwy Stg 1	5.84	-	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-	-
Follow-up Hdwy	3.52	3.32	-	-	2.22	-
Pot Cap-1 Maneuver	15	201	-	-	228	-
Stage 1	67	-	-	-	-	-
Stage 2	529	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	15	201	-	-	228	-
Mov Cap-2 Maneuver	57	-	-	-	-	-
Stage 1	67	-	-	-	-	-
Stage 2	522	-	-	-	-	-
Approach	WB	NB	SB			
HCM Control Delay, s	32.1	0	0.1			
HCM LOS	D					
Minor Lane/Major Mvmt	NBT	NBR/WBLn1	SBL	SBT		
Capacity (veh/h)	-	-	148	228	-	
HCM Lane V/C Ratio	-	-	0.103	0.014	-	
HCM Control Delay (s)	-	-	32.1	21	-	
HCM Lane LOS	-	-	D	C	-	
HCM 95th %tile Q(veh)	-	-	0.3	0	-	

1: Grand Ave & Project Access
 HCM 2010 TWSC

 Year 2043 Total
 Timing Plan: PM Peak

Intersection						
Int Delay, s/veh	0.2					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	2	12	2232	8	3	1131
Future Vol, veh/h	2	12	2232	8	3	1131
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	75	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	2	13	2426	9	3	1229
Major/Minor	Minor1	Major1	Major2			
Conflicting Flow All	3052	1218	0	0	2435	0
Stage 1	2431	-	-	-	-	-
Stage 2	621	-	-	-	-	-
Critical Hdwy	6.84	6.94	-	-	4.14	-
Critical Hdwy Stg 1	5.84	-	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-	-
Follow-up Hdwy	3.52	3.32	-	-	2.22	-
Pot Cap-1 Maneuver	10	172	-	-	190	-
Stage 1	52	-	-	-	-	-
Stage 2	498	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	10	172	-	-	190	-
Mov Cap-2 Maneuver	44	-	-	-	-	-
Stage 1	52	-	-	-	-	-
Stage 2	490	-	-	-	-	-
Approach	WB	NB	SB			
HCM Control Delay, s	38.7	0	0.1			
HCM LOS	E					
Minor Lane/Major Mvmt	NBT	NBR/WBLn1	SBL	SBT		
Capacity (veh/h)	-	-	122	190	-	
HCM Lane V/C Ratio	-	-	0.125	0.017	-	
HCM Control Delay (s)	-	-	38.7	24.3	-	
HCM Lane LOS	-	-	E	C	-	
HCM 95th %tile Q(veh)	-	-	0.4	0.1	-	





City of Glenwood Springs
Planning Commission & City Council
Sent via email

November 11, 2020

Dear Planning Commission & City Council Members,

This letter concerns a new special use permit application for a retail marijuana store application for Kind Glenwood LLC ("**Applicant**") located at 2114 Grand Avenue ("**Property**"). The Applicant previously submitted a special use permit application for a retail marijuana store only in Suite C at 2114 Grand Avenue ("**Prior Application**"). The Prior Application was denied by the City of Glenwood Springs City Council on June 18th, 2020. Since the denial, the Applicant has managed to lease all of the suites for the Property (Suites A-C), has fixed all prior issues, and plans on submitting a new retail marijuana store application for the Property ("**New Application**"). The New Application consists of utilizing Suites A, B and C as follows and as graphically shown in Exhibit A:

Suite A (NOT PART OF LICENSED PREMISES) shall serve as Office space and no marijuana products or sales shall occur in this Office space, nor shall any customers enter this suite.

Suite B shall encompass the total Retail Space (only Suite B shall be "Restricted Access Area" for customer sales). The total square footage is 1,560, of which 1,040 is habitable space as defined per the city code.

Suite C shall serve as a Lobby space with a total suite size of 779 square feet. The habitable space of the Lobby shall be 397 square feet. All customers shall enter/exit through Suite C. This keeps the customers on the south portion of the building front (on the opposite side of the hotel), but most importantly, this sealed Lobby space shall provide a power layer of air odor protection from the Retail Space. With multiple carbon filtration air purification units in both suites, it would not be possible for odor to permeate from the premises.

The City of Glenwood Springs Section 070.060.030(i)(5) states:

"Limitation on Subsequent Similar Applications. Following denial of an application, the decision-making body shall not decide on applications that are the same or substantially similar within one (1) year of the previous denial. This waiting period may be waived by the decision-making body provided that:

- a. There is a substantial change to circumstances, or new information available, relevant to the issues or facts considered during the previous application review; or

- b. The new application is materially different from the previous application.

The New Application is materially different from the Prior Application for the following reasons:

1. The New Application consists of Suites B and C and the Applicant's control of the whole retail building on the Property as detailed above. With Suites B and C as the newly proposed marijuana store, this adds 850 sq. ft. of habitable space to the licensed premises while the Prior Application only involved 587 sq. ft. of habitable space (only Suite C) which is a substantial material difference and significant change to circumstances. The Applicant now has total control of the property's commercial use. The New Application has double the amount of front parking, 100% dedicated to this sole use.
2. Additional Parking: 6 parking spaces in the rear and plenty more parking on 22nd Street.
3. The New Application provides new information that drastically improves the parking, egress/ingress, signage, odor concerns, and on-site occupancy therefore this is relevant to the issues and facts considered during the previous application review.
4. The New Application represents a single use for the retail space on the Property, whereas the Prior Application was for Suite C while a pawn shop remained in Suite B, which substantially impacted the parking capacity at the site for the Prior Application.
5. The parking plan has materially changed. The Applicant has now achieved a 67% increase in parking, which is now significantly more than the required amount. The proposed habitable space, as defined in the Glenwood Springs Development Code, of the entire proposed licensed premises is 2,339 sq. ft. (1,040 sq. ft. as the retail space in Suite B and 397 sq. ft. for the Lobby in a portion of Suite C). The parking requirement for the New Application is five (5) parking spaces (1,437 sq. ft. / 300 sq. ft. = 4.79 spaces). The parking plan now provides for 10 parking spaces as shown in Exhibit A due to the lease of the three retail suites and the use of the entire commercial parking area which is five (5) more parking spaces than required. The single use of the Property will also eliminate customer parking from occurring at the neighboring Cedar Lodge property.
6. A proposed future easement from Stinkers Gas Station will be identified with the New Application that allows for shared access between the properties.
7. The New Application provides for substantially enhanced odor mitigation for the residences at the rear of the building with the construction of a barrier wall between commercial and residential spaces for odor and security. The front commercial spaces will also have its own separate air handling system from the air handling system in the rear residences. No shared air handling between front retail and rear residences.
8. The residents occupying the two (2) apartments in the rear of the building will provide signed affidavits agreeing to, and supporting of, the Applicant's proposed use of the front retail space for a marijuana business. The residents agree that marijuana odor does not bother them whatsoever, in the unlikely event marijuana could be smelled in their apartment. However, Applicant's aggressive odor mitigation plan shall prevent odor from permeating from the Retail Space. The proposed air purification system can cleanse a facility 7 times larger than the Applicant's square footage, designed for much heavier odor producers such as cultivation and manufacturing facilities.
9. Framing store opposition is gone with the New Application, all expressed concerns of impact to the surrounding area have been completely mitigated, and there is now strong support.
10. This New Application materially reduces the anticipated parking and trip generation on the Property due to limiting the retail space to a singular use, which is appropriate use of this property. The Applicant controls the entire commercial front of the property that provides one tenant, one small sign and one point of contact for any property issues. The building is best suited from one commercial tenant. Having one tenant in the retail front addresses all concerns of egress/ingress, neighbor complaints of current signage, and overall parking. Due to the reduction of traffic

entering the property from the Trading Post Pawn shop vacating the premises, Applicant's proposed business traffic will now make no negative impact to the traffic counts at this site. Applicant's traffic engineer shows a substantial reduction in traffic counts. The Applicant hired Apex Consulting Engineers to assess the traffic impact of its application for a marijuana business at this site. The traffic engineer determined that the former business in Suite A (barber shop) had a weekday trip (ADT) traffic count of 45. The engineer determined the former business in Suite C (framing store) had a traffic count of 60 daily trips. By factoring in the traffic counts for the pawn shop in Suite B, the Applicant's proposed business shall replace all these traffic counts and equate to no excessive traffic impact. Apex Consulting Engineers indicate in its traffic study that the Applicant's proposed use would generate an estimated 202 daily trips which is higher than the Applicant's anticipates but provides that the Applicant's business does not contribute to traffic increases entering/exiting from/to Grand Avenue.

11. The sign plan for the New Application will be materially changed with one small sign for the retail space on the Property that eliminates current and perceived issues.

The Applicant respectfully requests that the Planning Commission determine that the New Application represents a material change as allowed by Development Code Section 070.060.030(i)(5) so that we can prepare and submit a new Special Use permit application.

Thank you for your time and consideration.

Sincerely,

Chris Hawkins, AICP
Alpine Planning, LLC



SPECIAL USE PERMIT APPLICATION CHECKLIST

For office use:

Pre-application Meeting Date: _____

Planning File #: _____

Applicant: _____

Lead Planner: _____

During or shortly following your pre-application meeting, you will receive this checklist noting the materials that the City will need to process your special use permit application. This information constitutes your application. Failure to provide the required materials on or before the application deadline will delay your application.

Materials to be Provided by Applicant								
Submittal Requirements		Paper Copy – number and format			PDF	Notes	Required Submission (√)	Submitted by Applicant (√)
		8 ½ x11	11 x 17	24 x 36				
1	Planning Application – completed in full and signed by applicant and all property owners of record	√			√			
2	Ownership - provide proof of ownership such as Deed of Trust, Warranty Deed or Quit Claim Deed. Title commitment will not suffice	√			√			
3	Public Noticing – signed and notarized affidavit proof of public notice including mineral estate owner notification	√						
4	Project Description – narrative describing the project and addressing how the application meets the general Special Use permit approval criteria page 1 of this guide and any applicable use-specific standards listed in 070.030.030	√			√			
5	Administrative Adjustment Request – refer to Administrative Adjustment information, criteria and questionnaire page 11	√			√			

Materials to be Provided by Applicant								
Submittal Requirements		Paper Copy – number and format			PDF	Notes	Required Submission (✓)	Submitted by Applicant (✓)
		8 ½ x11	11 x 17	24 x 36				
6	Variance – refer to Variance criteria and questionnaire page 15							
7	Site Improvement Survey	✓		✓	✓			
8	Complete Plan Set including:	0	1	1	✓			
	Cover Sheet							
	Site Plan							
	Preliminary Grading Plan							
	Conceptual Architectural Plans							
	Preliminary Landscape Plan							
	Sample materials board							
	Lighting Plan							
9	Engineering Reports including:	2	0	0	✓			
	Preliminary Traffic Impact Analysis or Letter – the level of documentation required depends on the location of the property and the type of development proposed							
	Preliminary Soils & Geotechnical Report							
	Drainage Letter or Study – level of information required depends on the project location, size and type of development. Refer to Engineering Standards							
10	Fee	\$ _____				Cash, check or credit card. Check payable to the City of Glenwood Springs		

Materials to be Provided by Applicant								
Submittal Requirements		Paper Copy – number and format			PDF	Notes	Required Submission (✓)	Submitted by Applicant (✓)
		8 ½ x11	11 x 17	24 x 36				
11	Other Materials (list other materials that will be required)							



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	☐
	☐	Special Use Permit	☒
Subdivisions	☐	Right of Way Encroachment License	☐
Minor Subdivision	☐	Floodplain Development Permit	☐
Preliminary Plat	☐		☐
Final Plat	☐	Flexibility and Relief Procedures	☐
Vacation of Right-of-Way	☐	Variance	☐
	☐	Administrative Adjustment	☐
	☐	Appeal	☐

Applicant/Property Owner Information:			
Applicant		Owner	
Kind Glenwood LLC		2114 Grand Avenue, LLC	
Relationship to Owner		Owner	
Lessee		Todd and Kristine Leahy	
Applicant Address		Owner Address	
PO Box 687	Glenwood Springs, CO	P.O. Box 2738	Glenwood Springs, CO 81602
Phone (970) 773-5463	Email Address john@kindcastle.com	Phone (970) 618-0756	Email Address sunlightcabin@comcast.net

Property Information:	
Address	Parcel Number
2114 Grand Avenue, Suites A-C	218516400095
Subdivision	Lot and Block Number
NA Metes and Bounds Description	NA
Zone District M1 - Mixed Use Corridor	Existing Land Use Commercial retail uses

General Project Description:
Special use permit for a retail marijuana establishment.

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 application. (Attach additional incorporation documents if necessary.) I declare under the penalty of perjury that the above information is true and correct to the best of my knowledge.		10/29/2020
	Applicant	Date
	 2114 Grand Avenue, LLC By: Kristine Leahy, Owner	Date 11-4-2020
	 2114 Grand Avenue, LLC By: Todd Leahy, Owner	Date 11-4-2020

SPECIAL WARRANTY DEED

THIS DEED, made on December 16, 2019

between **Todd Leahy and Kristine Leahy**

of the County of Garfield, and State of Colorado, grantor(s), and

2114 Grand Avenue, LLC, a Colorado limited liability company

whose legal address is : P.O. Box 2738, Glenwood Springs, CO 81602

of the County of Garfield, and State of Colorado, grantee:

WITNESS, that the grantor(s), for and in consideration of the sum of ten dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto the grantees, their heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Garfield and State of Colorado described as follows:

ALL THAT PORTION OF THE NE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 89 WEST OF THE SIXTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY SIDE OF COLORADO STATE HIGHWAY NO. 82, WHICH BEARS SOUTH 01°32' WEST 788 FEET FROM THE INTERSECTION OF THE EAST-WEST CENTERLINE OF SAID SECTION 16 WITH SAID EASTERLY SIDE OF SAID COLORADO STATE HIGHWAY; THENCE ALONG THE EASTERLY SIDE OF SAID COLORADO STATE HIGHWAY NO. 82 SOUTH 01°32' WEST 64 FEET; THENCE SOUTH 88°28' EAST 271 FEET; THENCE NORTH 01°32' EAST 64 FEET; THENCE NORTH 88°28' WEST 271 FEET TO THE POINT OF BEGINNING.

also known by street and number as: 2114 Grand Avenue, Glenwood Springs, CO 81601

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantees, their heirs and assigns forever. The grantor(s), for themselves, their heirs, and personal representatives, successors and assigns do covenant and agree that they shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s); excepting from the grantor's warranty, all liens, reservations, easements, covenants, general taxes and assessments for the year 2019 and subsequent years; encumbrances of record and "subject to statutory exceptions" as defined in § 38-30-113(5)(a), C.R.S.

IN WITNESS WHEREOF, the grantor(s) have executed this deed on the date set forth above.

Todd Leahy

Kristine Leahy

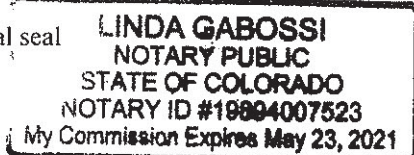
STATE OF COLORADO)

) ss.

COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me on December 16, 2019, by Todd Leahy and Kristine Leahy.

WITNESS my hand and official seal



Linda Gabossi
Notary Public

E-RECORDED

✓
simplifile

ID: 929569

County: _____

Date: 12/16/19 Time: _____

P.O. Box 2738, Glenwood Springs, CO 81602

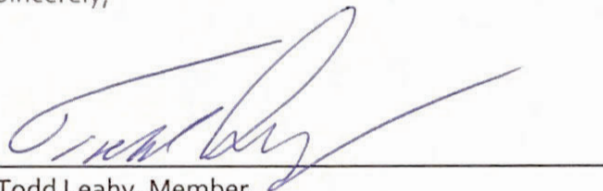
December 19, 2019

Town of Glenwood Springs
Community Development Department
Gretchen Ricehill, Assistant Economic & Community Development Director
101 West 8th Street
Glenwood Springs, CO 81601

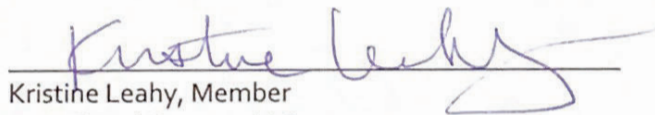
Dear Ms. Ricehill,

2114 Grand Avenue, LLC ("Owner") is the owner of the property located at 2114 Grand Avenue, Glenwood Springs, CO 81601 ("Property"). Please be advised that for purposes of submitting all necessary licenses and planning applications for a retail marijuana store on the Property, the Owner appoints John Dyet and Mark Mayasich of Kind Glenwood LLC ("Lessee") to act as our agent with authority to submit, process and represent such applications. The Lessee has a few of the commercial units under contract to rent provided the City approves the special use permit application and Lessee obtains the required license from City.

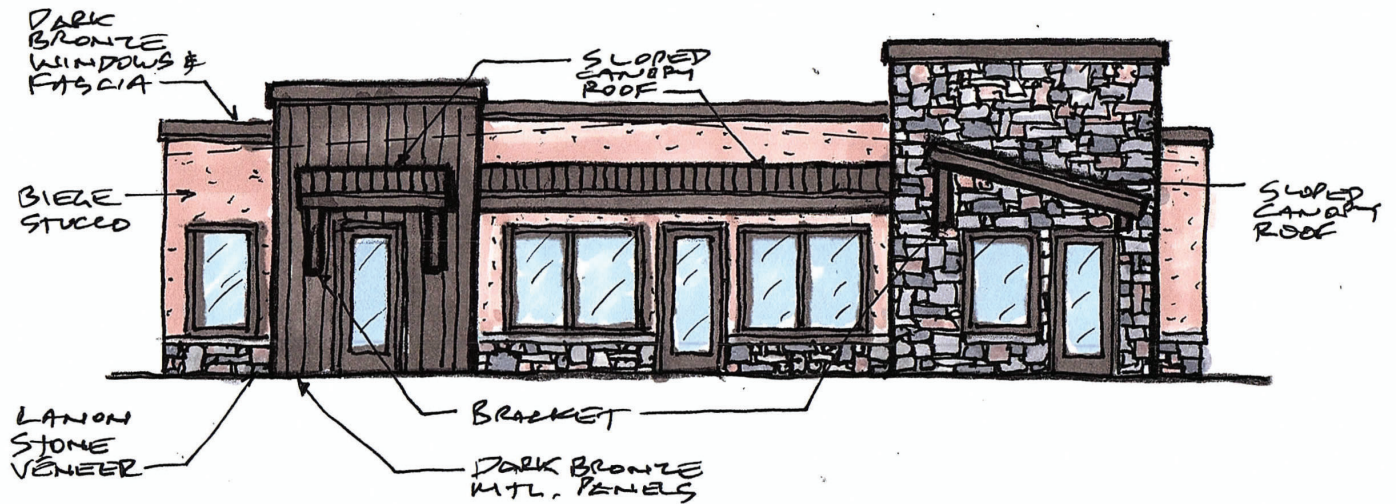
Sincerely,

A handwritten signature in blue ink, appearing to read 'Todd Leahy', written over a horizontal line.

Todd Leahy, Member
2114 Grand Avenue, LLC

A handwritten signature in blue ink, appearing to read 'Kristine Leahy', written over a horizontal line.

Kristine Leahy, Member
2114 Grand Avenue, LLC



2114 S. Grand Ave Retail Marijuana Store Special Use Permit

Submitted on November 13, 2020

PROJECT TEAM

Alpine Planning, LLC

Chris Hawkins, AICP
523 Clinton St., Ste. 2
Ridgway, CO 81432
970.964.7927
chris@alpineplanningllc.com
www.alpineplanningllc.com



PSTM Architecture and Planning, Inc.

Paul Glenn
320 Jenkins Ranch Road
Durango, CO 81301
970.682.3237
poglennarch@stans.net
www.pstmarchitecture.com



Vicente Sederberg, LLP

Sally Kent Peebles, Partner
455 Sherman St., Ste. 390
Denver, CO 80203
303.860.4501
sally@vicentesederberg.com
www.vicentesederberg.com



Stars-to Stones Surveying

Ivan Martin, P.L.S
559 Meadow Drive
Grand Junction, CO 81504
970.618.2118
stars2stonessurveying@yahoo.com

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BACKGROUND

Kind Glenwood, LLC (**Applicant**) is under contract to lease all three (3) retail units that are located at 2114 S. Grand in the City of Glenwood Springs (**Property**) as shown in Figure 1. This application presents a single use for the retail space and associated site infrastructure. The Applicant intends to remodel the Property to operate a new retail marijuana facility (**Facility**) if the required Special Use Permit and license are approved by the City of Glenwood Springs.

The Property is located in the M1 Mixed Use Corridor Zone District as shown in Figure 2. The City of Glenwood Springs Development Code ("Development Code") Section 070.030.020, Table of Allowed Uses, establishes that a retail marijuana business is an allowed use in the M1 Zone District subject to the approval of a special use permit.

The Property contains 8,494 sq. ft. or 0.398 acres and has 64 lineal feet of frontage onto the Grand Avenue Right-of-Way on its western border. The western building on the Property contains three (3) retail units in the front of the store and two (2) residential apartments that are located at the rear of the building.

The three (3) retail units are planned to accommodate the following Facility uses:

- Suite A: Facility Office Space containing 650 sq. ft.
- Suite B: Facility Retail Space containing 1,560 sq. ft.
- Suite C: Facility Lobby containing 779 sq. ft.

The licensed premises shall be Suites B and C, and is planned to contain 2,339 gross sq. ft. and 1,437 sq. ft. of habitable floor area for purposes of calculating the parking requirements.



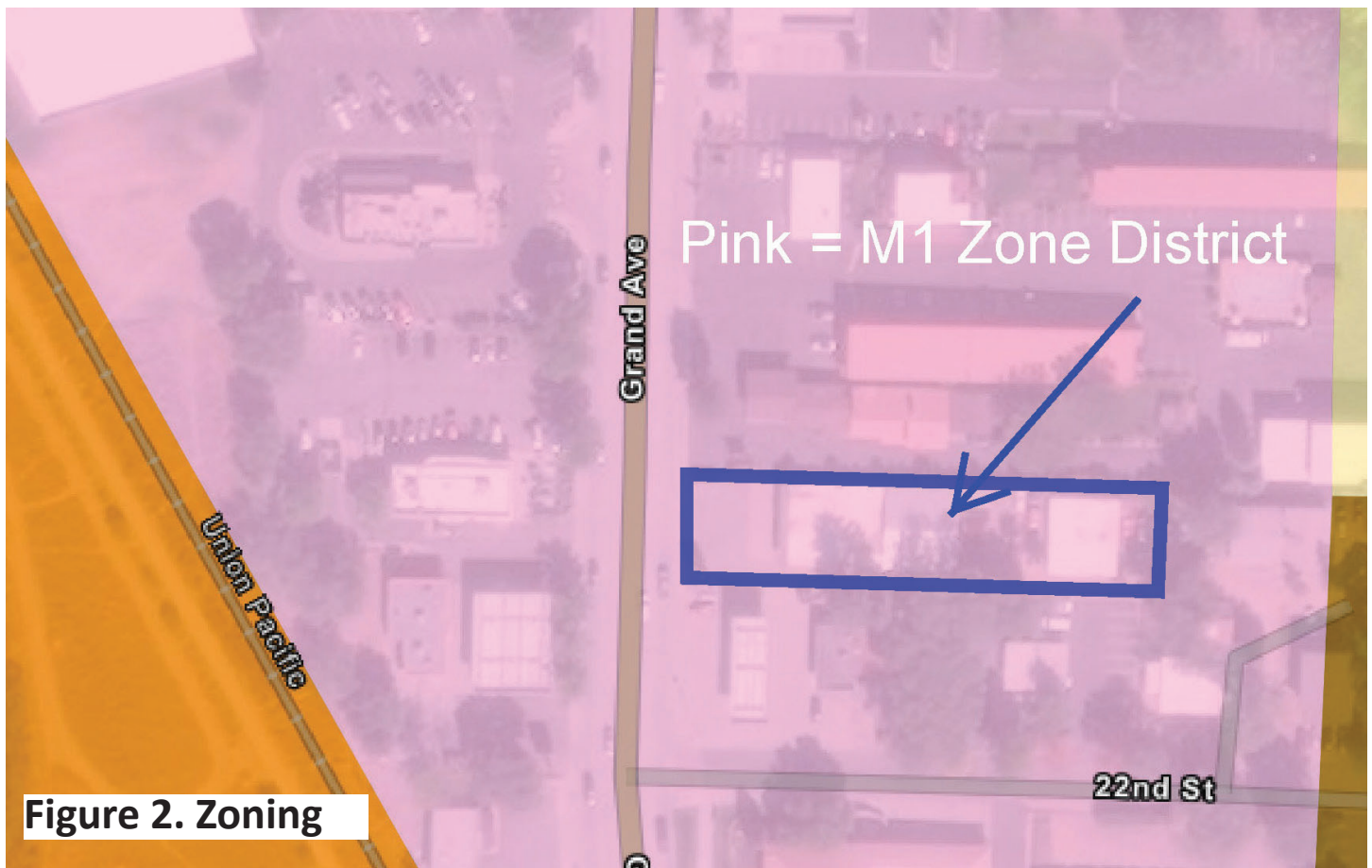


Figure 2. Zoning

SPECIAL USE PERMIT CRITERIA

Development Code Section 070.060.050(e) establishes the special use permit procedures. Section 070.060.050(e)(1) establishes the purpose of the special use permit process:

“Purpose. The special use permit procedure provides a mechanism for the City to evaluate proposed development and land uses that have unique or widely varying operating characteristics or unusual features. This procedure is intended to ensure compatibility with surrounding areas and that adequate mitigation is provided for anticipated impacts.”

This purpose and intent is important because it anticipates that mitigation can be provided to address any anticipated impacts and also assure project compatibility.

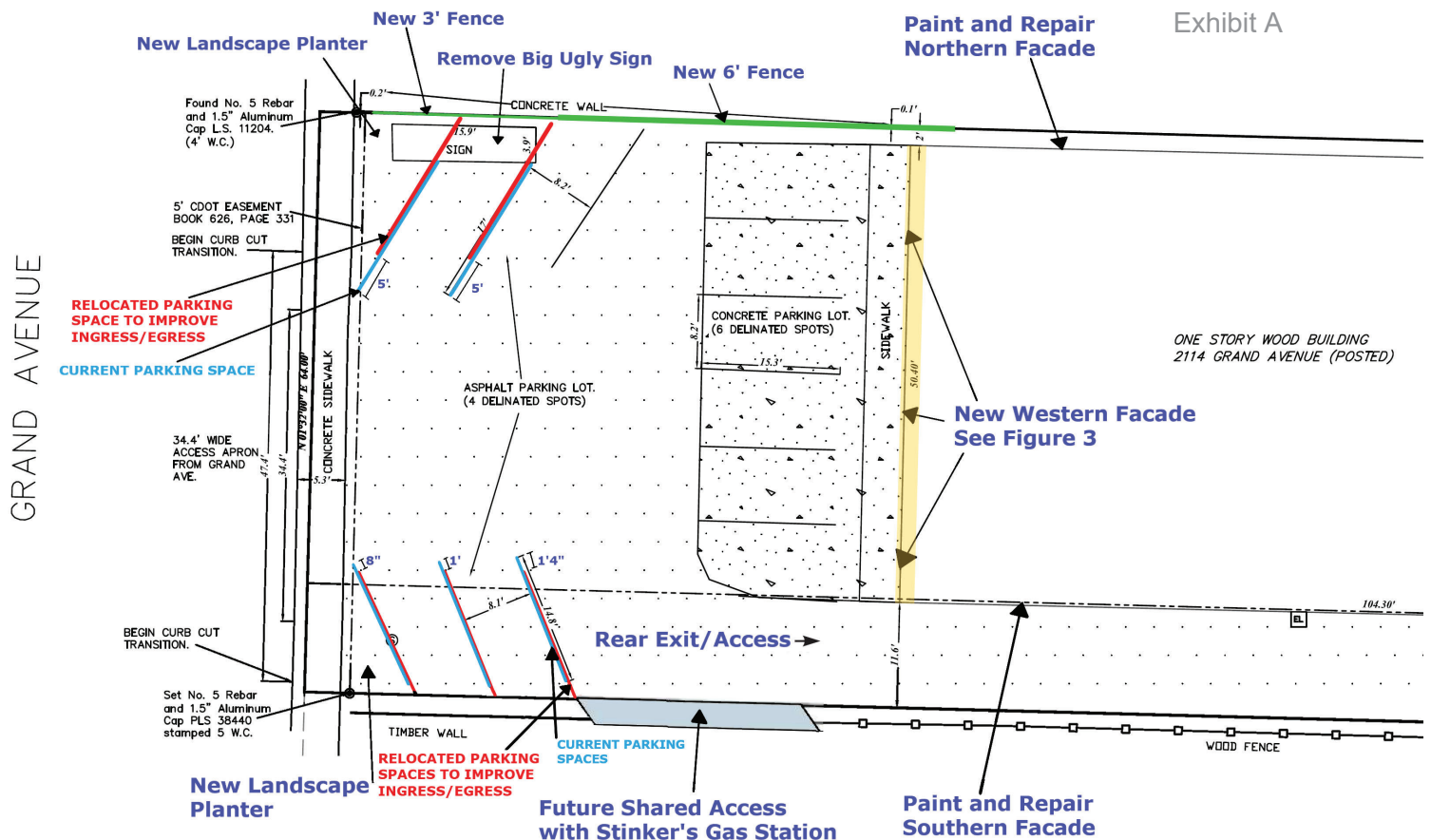
The following sections analyze how the project meets the special use permit approval criteria contained in Development Code Section 070.060.050(e)(3)(e)(2).

Section 1. Compatibility with Surrounding Area

This retail store will be perfectly compatible with the surrounding area. The Facility is located in a very intensive commercial area that includes a Stinker's gas station, and Alpine Bank parking lot to the south, with Big Sids Bottles liquor store, Uncles Pizza, Domino's Pizza, Shell gas station, and Coloradough bakery; Turtle's Glenwood Liquors, Cedar Lodge and Taco Bell to the north; Grand Avenue, Circle K, Wendy's, Starbucks and Anglers fishing store to the west; and additional commercial use at the rear of the Property. This retail store is very much compatible with these businesses and surrounding area.

Retail marijuana stores are a part of the retail landscape in Colorado where such stores are a permitted use (Refer to Figure 3). They have similar potential impacts as liquor stores and pawn shops with the potential adverse impacts limited to traffic and parking.

The historic and current uses in the three retail spaces generated more traffic than the proposed facility will generate (updated traffic study will be provided). The Development Code requires 5 parking spaces for the Facility (1,437 sq. ft divided by 300 sq. ft.). The Applicant has 10 parking spaces 100% dedicated to this store that provided in the front and 6 spaces in the rear. In addition, there is now plenty of extra parking located very close by on 22nd Street.

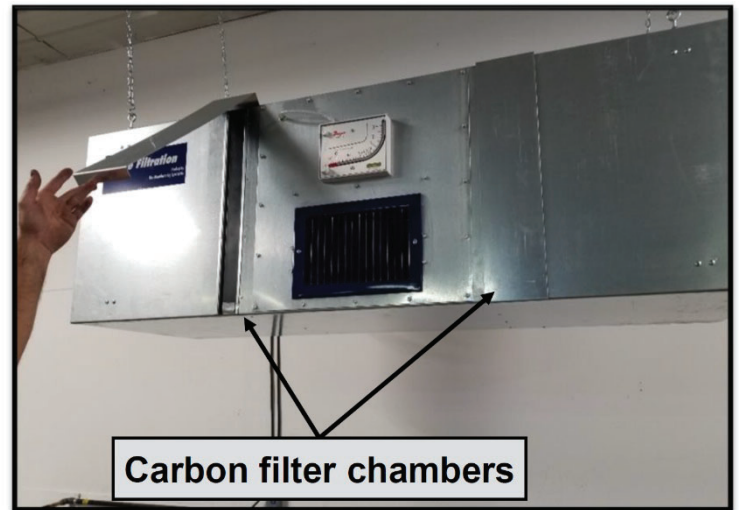


The design of the Site and building will also assure compatibility with surrounding land uses. The Applicant will install a fence along the full length of the northern property line with Cedar Lodge as shown in the Facility Site Plan (Attached hereto as Exhibit A) that will prevent easy access between the two properties and encourage compatibility. The Applicant has also agreed to remove the current blighted sign and replace such with a small, single pole-mounted sign for the Facility. The current sign is unsightly, large, consuming parking space, and the Cedar Lodge wants it removed because of its ugly appearance and for their customers to have better visibility accessing/exiting the hotel for traffic safety. We are also proposing to resurface and re-stripe the current parking lot design and add planters as shown on the site plan. The Applicant will also repaint and repair the north building facades. More importantly, the Applicant has agreed to redo the western facade with a new contemporary facade as shown in Figure 3. The Applicant respectfully requests that the City approval of the permit include a condition that the Applicant

submit the final western facade plan, signage plan, fencing plan, landscaping plan and other improvements prior to the City issuing the license. A building permit will be required for the new western facade.

Odor will not be an issue with 4x the odor mitigation and air purification capacity required. In addition, new vapor barrier and sound proof wall will be installed in between the Facility and the two apartments to ensure no smell. Please see Odor Mitigation Plan and Floor Plan for extensive odor elimination practices. The residents of the apartments have provided affidavits that they do not have any concerns with the proposed Facility or if any little odor could be smelt. Even City staff has indicated that odor is not an issue with retail stores, only with cultivation facilities. The City Police Department have never received any odor complaints from any retail stores. The Applicant requests that the City approval of the permit require the installation of sound proofing and vapor barrier prior to opening the store (New drywall will require a building permit). The signed apartment Affidavits are shown in Exhibit B, which are signed/notarized by the rear residents supporting the license approval.

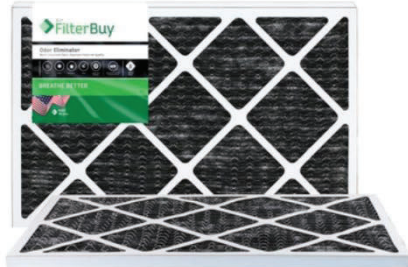
The Facility will also ensure compatibility and minimized, even eliminated, impact through its mechanical conditioning. The Applicant's Odor Mitigation Plan is extraordinarily equipped and will make odor impossible. The retail sales area and product storage room will be equipped with AF-3000C Heavy Odor Air Filtration units made by Elite Manufacturing Specialists. In addition, the entire Facility will include six (6) activated carbon filtration, "Air Purifier T600" units. These additional carbon filtration systems are independent to the activated carbon air filtration system running through the air conditioning/heating systems. The Air Purifier T600 units are an industry leading activated carbon



air filtration system that are very effective at handling marijuana terpene emissions and overall odor. The Applicant's plan described herein contains over quadruple the amount of air filtration operation and power for the size of the proposed retail space, as just Air Purifier T600 can remove odors from 2,000 square feet of space. Such odor mitigation efforts significantly exceed those deployed by all other marijuana retailers in the city. The Facility mechanical systems will be designed by qualified professionals to ensure the highest levels of performance, energy efficiency and odor prevention. Please refer to Exhibit C that contains more information on the proposed odor mitigation plan. Mechanical permits may be needed for the odor mitigation and conditioning systems. The commercial units in the front operate on a separate air handling system than the system for the rear residents therefore no odor can transfer through the residents' air vents. The air handling systems for both commercial and residential sides will each force all air through odor-eliminating carbon filters.



18x18x1 Odor Eliminator Pleated Air Filter



Odor Eliminator
3 Month Filter



[219 Reviews](#)

- 18x18x1 Odor Eliminator MERV 8 with carbon filters made and manufactured by FilterBuy
- Actual Size 17 3/4" x 17 3/4" x 3/4"
- Removes ODORS from smoke, pets, and cooking to let clean air pass through. MERV 8 media base which traps and blocks pollen, dust mites, and larger dust particles.

The Facility will also include a state of the art security, fire, and carbon monoxide systems that will be monitored by an off-site professional security firm. The Applicant will install many more cameras (29 in total) than required to ensure customer safety, neighborhood peace and employee accountability. In accordance with State regulations, security cameras will be installed to monitor and record all of the interior and exterior spaces of the Facility and the Site. Facility staff will be trained to view security cameras covering the customer parking areas and walkways to prevent loitering, excessive noise, or on-site consumption which is expressly prohibited by City and State laws. Staff will also periodically walk the property to ensure compatible and quiet customer use and Facility operations. Please refer to Exhibit D that contains the Retail Marijuana Store summary.

The Applicant's Facility meets the demand and needs of the neighborhood including, but not limited to, the following facts:

There are currently no other retail marijuana stores operating within the neighborhood, as shown in Figure 4 below, so it provides a walkable solution to residences and businesses in the area.

The Facility meets the City's desired walk-ability and therefore reduces traffic within the city. In fact, the nearest marijuana store is over 3,200 feet away from this site so its substantially qualified for this use.

All concerns and issues put forth by the P & Z commission and City Council as well as any public comments have all been thoroughly addressed and significantly mitigated by the Applicant. Concerns of odor, parking, egress/ingress, traffic counts, signage and support from residents have all be properly and thoroughly addressed. The new elevations and design of this building as well as new small pole sign will make a pleasant impact to the appearance, add a revitalized look to this area of Grand avenue, and uplift surrounding businesses, which are all compatible uses.

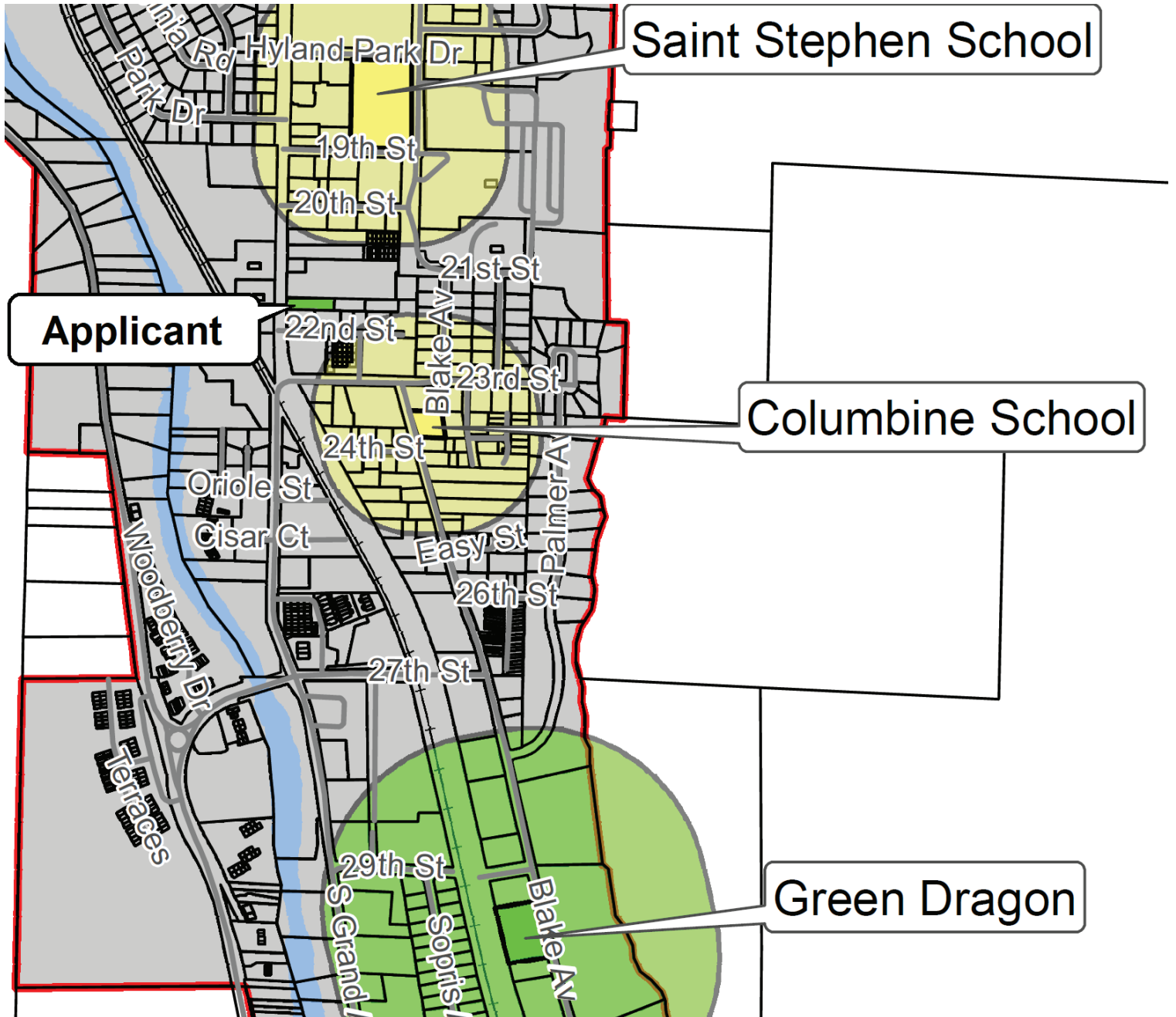


Figure 4. City Buffer Map

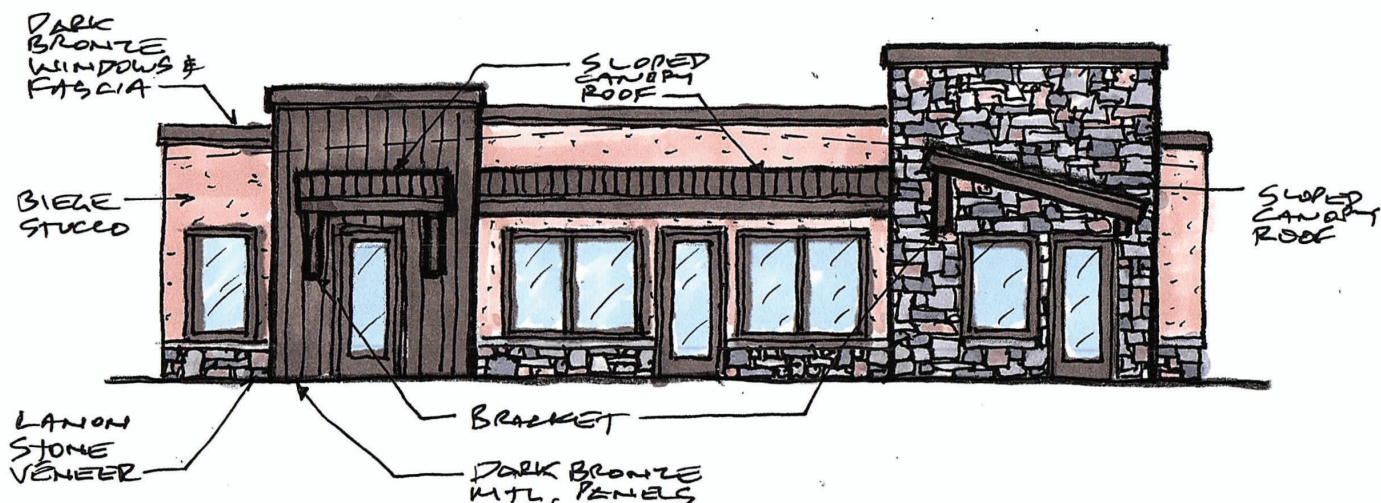


Figure 3. Conceptual Western Facade Plan

Section 2. Minimized Impacts on Surrounding Area

The impacts of the use on surrounding areas have been adequately minimized. The main impacts to surrounding properties for a retail marijuana store typically can include odor, traffic, and parking.

Odor. Odor will be prevented and mitigated as discussed in Section 1. See Floor Plan & Odor Mitigation Plan.

Traffic. There is actually a trip reduction in historic and current uses within the retail spaces on the Property as shown in Exhibit D. With a singular retail marijuana use in the commercial front instead of the 3 different uses barber, pawn, and framing stores, the traffic counts are less which is precisely what this site needs; one use. The Applicant has obtained consent from the Stinker's Gas Station for a reciprocal easement between the properties that allows for access to the Property via 22nd Street. The Applicant established a good relationship with Stinker's and both businesses will work together to allow for sharing of customers in harmony. Currently, there is also rear access/exit via the alleyway to 22nd Street to ease some traffic flow.

Parking. Parking for the store meets and substantially exceeds (more than doubles) City standards as discussed in Section 1. The store requires 5 spaces. There are 10 front spaces, plus 6 spaces in the rear and additional parking on 22nd Street.

The proposed store will also improve the appearance of the Property with a new retail western facade as shown in Figure 3; painting and repair of the northern and southern facades; new fenced on the northern side to the west and north of the store; resurfacing and re-striping the front parking lot; and landscaping improvements as shown on the Facility Site Plan. Also included in the plan is a bicycle parking area.

Section 3. Consistency with the General Purposes of the Code

The use will be consistent with the general purpose and intent of this Code. Development Code Section 070.010.030 establishes the following purpose and intent, with comments on the proposed Facility compliance shown in *italics*:

Purpose. The general purpose of this Code is to protect the public health, safety, and welfare of the City and to implement the policies, goals, and strategies adopted by the City of Glenwood Springs, including those set forth in the Glenwood Springs Comprehensive Plan. *Over 60% of the City electorate voted to legalize marijuana under Amendment 64 in 2012 so there is broad support for the use in the city. The City adopted and modified regulations related to retail marijuana since that time with an understanding that the base rules established in the Development Code will protect the public health, safety and welfare while also limiting the number of stores in the city due to the use-specific standards. Retail marijuana facilities are only permitted via the special use permit process in 25% of the City's zoning districts (4 of 16 zone districts) including M1, M2, CO, and I2 zone districts. Retail marijuana facilities are also subject to the retail marijuana use-specific standards contained in Development Code Section 070.030.030(e)(11) as discussed in Section 4. The Facility is located in a zone district that permits the use where it meets the use-specific standards and is compatible with surrounding uses. The Facility also generally conforms to the Glenwood Springs Comprehensive Plan as discussed in Section 5. Therefore, the proposed Facility is consistent with the purpose of the Development Code.*

Intent. More specifically, this Code is intended to create the best built environment for the City by:

1. Promoting orderly, efficient, and integrated development within the City. *The retail store will be integrated into the commercial neighborhood through the roadway, sidewalks and improved site and store design as provided for in this narrative. The retail store improvements will enhance the site and the surrounding area aesthetics. A blighted, old, large ground sign will be removed and replaced with a modern sign on a 6 inch wide pole. Visual impacts are positive for aesthetics and safety for opening visibility turning on/off Grand Ave.*
2. Providing for a variety of housing and neighborhood types and densities at a range of housing costs, including affordable workforce housing. *The store will not remove the two housing apartments, or residents within, at the rear of the building, with odor protection and sound protection provided.*
3. Regulating the development and use of land based upon the impact of such development or use on surrounding areas or the City. *The retail marijuana facility use-specific standards will ensure that there are no adverse impacts to surrounding uses. Odor, traffic, and parking are completely mitigated as provided for in this narrative. City zoning rules allow for retail marijuana facilities via the special use permit process to ensure that uses are compatible with the surrounding area, ensure compliance with the use-specific standards and also require appropriate mitigation. The Applicant will significantly improve the appearance of the retail building with a new western facade; painting and repairing the western and eastern facades; resurfacing and striping the parking spaces; removal of a blighted sign and replacement with a modern and clean, compliant sign; and landscaping as shown on the Facility Site Plan.*
4. Providing minimum standards for the design and improvement of land, subdivision, and development to ensure that each building site is capable of accommodating a structure devoted to the intended use of the land. *The Facility has been designed in accordance with the applicable standards and requirements of the Development Code as discussed in this narrative, including but not limited to the Facility use-specific standards (070.030.030). Any non-compliant lighting on the retail store will be replaced with compliant lights.*
5. Guarding against loss from natural hazards such as flooding, falling rock, landslides, snowslides, debris flow, and unstable soils. *There are no apparent geohazards that adversely impact the Property..*
6. Ensuring equitable processing of development proposals by providing uniform procedures and standards. *The Facility is being processed and evaluated in accordance with the special use permit process; the retail marijuana facility use-specific standards; the ADA and other requirements set forth in the Development Code and Municipal Code.*
7. Providing a legally accepted record of lot lines, easements, and dedications in accordance with this Code and Colorado law. *The Property is a legal parcel within the city.*

Section 4. Compliance with Applicable Standards of the Code

The use will comply with all applicable standards of the Development Code.

USE-SPECIFIC STANDARDS

The Facility will meet the use-specific standards contained in Development Code Section 070.030.030, with our compliance comments shown in *italics*:

- a. Purpose. The City Council intends to allow state-licensed retail marijuana establishments to exist in Glenwood Springs in accordance with Article XVIII, Section 16 of the Colorado Constitution, Article 43.4 of Title 12 Colorado Revised Statutes, and any other applicable state laws and regulations as well as the additional local licensing requirements and other restrictions set forth in the Glenwood Springs Municipal Code. Nothing within this Article is intended to promote or condone the production, use, sale, testing or distribution of marijuana other than in compliance with applicable state law. *The Facility is proposed under the authority of Article XVIII Section 16 of the Colorado Constitution and the Colorado Marijuana Code in Colorado Revised Statutes Title 44, Article 10. The proposed Facility design and operation will comply with the Colorado Marijuana Code and the applicable requirements of the Glenwood Springs Municipal Code as discussed in this narrative. The Applicant will submit a retail marijuana store license application to the State of Colorado's Marijuana Enforcement Division ("MED").*
- b. License Required. Retail marijuana establishments shall comply with City Code Article 050.090. *The Facility will comply with the requirements of City Code Article 050.090, Retail Marijuana. The Applicant will submit a retail marijuana license and all required plans, materials and forms to the Glenwood Springs City Clerk (Local Licensing Authority). The Facility is not located within 500 feet of an existing public or private school facility where classes are held for K-12 grades. The proposed Facility is located more than 4,400 feet from the Green Joint to the north, and approximately 3,230 feet away from Green Dragon retail store. This is actually one of the best remaining locations in Glenwood Springs because there are no stores in the neighborhood, many surrounding residents and businesses are in support, all issues have been mitigated, and this is a prime site to capture the City's final retail marijuana store license. Retail store staff will be trained to ensure compliance with the requirements related to the operation of a retail marijuana facility contained in Development Code Section 050.090.090. Facility staff will be extensively trained in the Colorado Retail Marijuana Code related to procurement, display, dispensing, labeling, sanitation, security and other criteria. Hours of operation will comply with the current city limitations. Facility signage will comply with the City Sign Regulations. New or replacement lighting will be designed in accordance with the Lighting Regulations. No on-site consumption will be allowed within the Facility. The Facility manager will be a designated employee of the Applicant that is listed on the required City forms. A sign will be posted in the store with all of the required warnings and notifications per City Code Section 050.090.090(b)(8).*
- c. Location of Licensed Establishment. Retail marijuana establishments shall be located only in areas of the City as allowed in the City Code. No retail marijuana establishment shall be located:
 1. Within five hundred (500) feet of any existing public or private school facility where classes are held for children aged kindergarten through the 12th grade. The distance shall be computed by a straight line measurement from the nearest property line of the school property to the nearest property line of the site housing the retail marijuana establishment. *The Facility is located 650 feet away from Saint Stephen School as shown in Figure 4 and Area Maps attached.*
 2. Within nine hundred (900) feet of another retail marijuana establishment or a medical marijuana business. A retail marijuana establishment may locate on the same licensed premises as a medical marijuana business of the same class and same ownership, only if the licensed premises is located to meet the distance requirements from other retail marijuana establishments and medical marijuana businesses. This distance shall be computed by a straight line measurement between property lines of the sites housing the two (2) facilities. *The closest existing facilities are located more than*

3,200 feet away from the proposed store.

3. In any zoning district not specifically permitted by the City Code. *The Facility is located in the M1 Zone District that allows retail marijuana facilities via the special use permit process.*
- d. Requirements Related to Operation of a Retail Marijuana Establishment.
 1. Retail marijuana establishments shall meet all operational criteria for the procurement, display, dispensing, labeling, sanitation, security, and any other criteria as required by the state pursuant to the CRMC and the City Code Article 050.090. *The Facility will meet the City and State operational requirements. The Applicant has been operating the Kind Castle in Parachute, CO for almost three years without any Town or State MED violations. The Parachute store has won many awards as one of the best stores in Colorado and attracts customers from far distances.*
 2. In addition, all retail marijuana establishments shall comply with the following local restrictions:
 - i. Hours of operation shall be limited to between 8:00 a.m. and 7:00 p.m. Monday through Sunday. *The Facility will comply with the City hours of operation.*
 - ii. A sign permit shall be obtained through the Community Development Department. All exterior signage associated with a retail marijuana establishment will meet the standards established in the CRMC and in the City Code. *A sign permit will be obtained for the business signage. All signage will comply with the Colorado Marijuana Code, City Sign Regulations and retail marijuana ordinances. There shall be no marijuana leaf depictions or green crosses.*
- di. Storage of retail marijuana shall be considered an accessory use. Not more than twenty-five (25) percent of the licensed premises of a retail marijuana business shall be used for such purposes. *This shop will store a limited amount of product, which is held in odor-proof bulk plastic bags until handled/ packaged. The limited amount of product on site will be stored in an odor-proof storage closet, which is located within the Product Storage Room. The Product Storage Room is surrounded by a hallway and all walls shall be reinforced for odor elimination. The product storage room contains 190 sq. ft. of floor area that represents 8% of the total 2,339 gross sq. ft. for the Facility.*
- i. No discernible odor shall be projected beyond the exterior walls of the licensed premises. *The proposed odor mitigation plan is outlined under Section 1. No odor will be projected beyond the exterior walls of the Facility. In general, retail stores typically do not generate an odor nuisance as confirmed by City planning staff. See Odor Mitigation Plan.*

OTHER DEVELOPMENT CODE REQUIREMENTS

The Facility improvements will be designed in accordance with the applicable standards and requirements of the Development Code.

Drainage. Drainage from the property is grandfathered from the current Development Code requirements.

Roads and Traffic. The proposed store reduces the amount of trip generation from the Property's retail space as discussed under Section 1. Grand Avenue can handle this lower level of traffic.

Section 5. General Conformance with the Glenwood Springs Comprehensive Plan

The use is in conformance with the Comprehensive Plan and other City plans and policies. The proposed retail marijuana facility conforms to the Glenwood Springs Comprehensive Plan (**Comprehensive Plan**”).

The proposed retail use is envisioned by the Future Land Use Map that shows Mixed-use in the Site area. The Future Land Use Descriptions indicate the following for Mixed-use areas:

The Mixed-use land use designation allows for a variety of uses including commercial, retail, office, restaurant, entertainment and multi-family housing co-existing through design either in a horizontal or vertical fashion.

The Facility helps maintain a small town character with a single-story building surrounded by intensive commercial and hotel buildings. The Facility provides a walkable retail destination that will serve existing commercial and residential development in the area, and also compliments the neighborhood since there are no stores in the area as shown in Figure 4. The Facility is readily served by utility and transportation infrastructure, with all utilities either on or adjacent to the Site and a bus stop located to the north. The sidewalk system will provide direct access to the store.

The Applicant will improve the store and site appearance as discussed in the narrative including a new western facade as conceptually shown in Figure 3; repainting and repairing the northern and southern facades; land-scaping; and other improvements as documented in this narrative.

The Facility is also supported by the Comprehensive Plan's economic development policies. First, the approval of the special use permit will create an opportunity for new and expanding local business. The proposed store will employ approximately 12-15 people with good paying jobs and livable wages of \$15 to 25 per hour or greater.

The Facility will also help Glenwood Springs to further integrate and balance the city's multi-modal transportation system. Sidewalks connect to the Facility from all of the surrounding developments. The store will generate less traffic than the historic and current Pawn Shop uses.

The special use permit directs growth to an area where utilities and services can be efficiently provided. Water, sewer, electricity, natural gas, telecommunications and broadband are provided to the site. Police service, fire protection and emergency services are provided to the Site from the Glenwood Springs Police Department and the Glenwood Springs Fire Department. Security and fire alarm services will be provided through a security monitoring firm. The Applicant's security system is an industry-leading system that will ensure the safety and security of the area.

Sign Removal

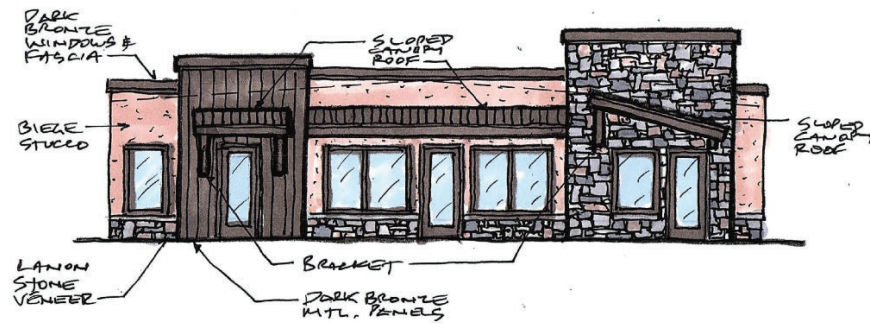
It is time to remove the numerous signs cluttered everywhere and uplift this property's appearance.



The Cedar Lodge has previously made requests to this property's landlord for this sign's removal therefore the Applicant's plan accommodates a major contribution to neighborhood compatibility and needs. Neighborhood businesses stand to gain from this site's remodeled new look.



No more advertisements for guns, bullets or gun transfers or other cluttered signs all over the place. Removing the current large ground sign will improve safety for guests leaving/entering Cedar Lodge. The Applicant will work with Cedar Lodge for their desired height of our proposed fencing between the properties.



Minimization of Adverse Impacts to the Health, Safety, and Welfare of Surrounding Residents and the City

The proposed retail marijuana establishment will protect the public health, safety and welfare of surrounding and residents and the city. The proposed retail store will provide state of the art security and alarm systems with reinforced doors and video cameras located around and within the establishment. The proposed retail store also meets the City regulations for issuing a retail marijuana license as outlined above, which further ensures the health, safety and welfare of the community. There will be no cultivation or production within the Property so there will be no adverse impacts from odors, excessive electric or water use. The retail store owner, manager and employees will operate in accordance with City regulations and the Colorado Retail Marijuana Code.

Access to the site is readily available from Grand Avenue. The Colorado Department of Transportation has been consulted on the proposed use and does not see any issues or the need for an access permit. All of the surrounding businesses have high traffic and turning movements. Parking meets the requirements of the Development Code.

More than 60% of the voters approved Amendment 64 in Glenwood Springs and the City crafted regulations to ensure the public health, safety and welfare would be protected. The proposed store is in line with the will of the voters and City regulations. The City subsequently voted to impose a local 5% sales tax by a vote of 1,205 to 813 in 2017. This represented 60% of the voters in the community. Thus, a majority of the community accepts retail marijuana establishments within the community per the adopted City regulations that limit and constrain retail establishments to certain areas of the city. Based on this, and the fact that the applicant meets all requirements under applicable ordinances, we strongly believe that the proposed retail marijuana establishment promotes the public health, safety and welfare of the City with hardly any impacts to the surrounding area.

Currently many of Glenwood Springs' adult inhabitants are driving approximately 41 minutes (43 miles) on I-70 to The Kind Castle in the Town of Parachute, therefore there is an established need in the neighborhood for this business to operate, and it concurrently allows Glenwood to gain that tax revenue from retail sales of residents shopping locally to purchase marijuana.

The proposed store also conforms to the Comprehensive Plan transportation policies. The proposed retail store is located on the Ride Glenwood bus route with a stop only 500 feet away. Accommodation will be made for cyclists with a small bike rack provided near the front of the store.





CLIENT
Kind Glenwood, LLC

ISSUE
November 5, 2020

RE-ISSUE
MM.DD.YY

PROJECT
2114 S. Grand
Glenwood Springs, CO

DRAWN BY
CH

DESCRIPTION
Overall Site Plan

SP

01

FLOOR PLAN

SECURITY/SURVEILLANCE PLAN VERSION

FLOOR AREA SPACE:

- SUITE B TOTAL AREA = 1,560 SQ FT
- HABITABLE SPACE OF SUITE B = 1,040 SQ FT
- SUITE C TOTAL AREA = 779 SQ FT
- HABITABLE SPACE OF SUITE C = 397 SQ FT

FLOOR AREA (HABITABLE) = 1,437 SQ FT

ODOR ELIMINATION FEATURES:

There will be no product weighing/handling/packaging room at this location which substantially eliminates odor to a large degree.

Most product will be stored at the Applicant's other location in the Glenwood Meadows area.

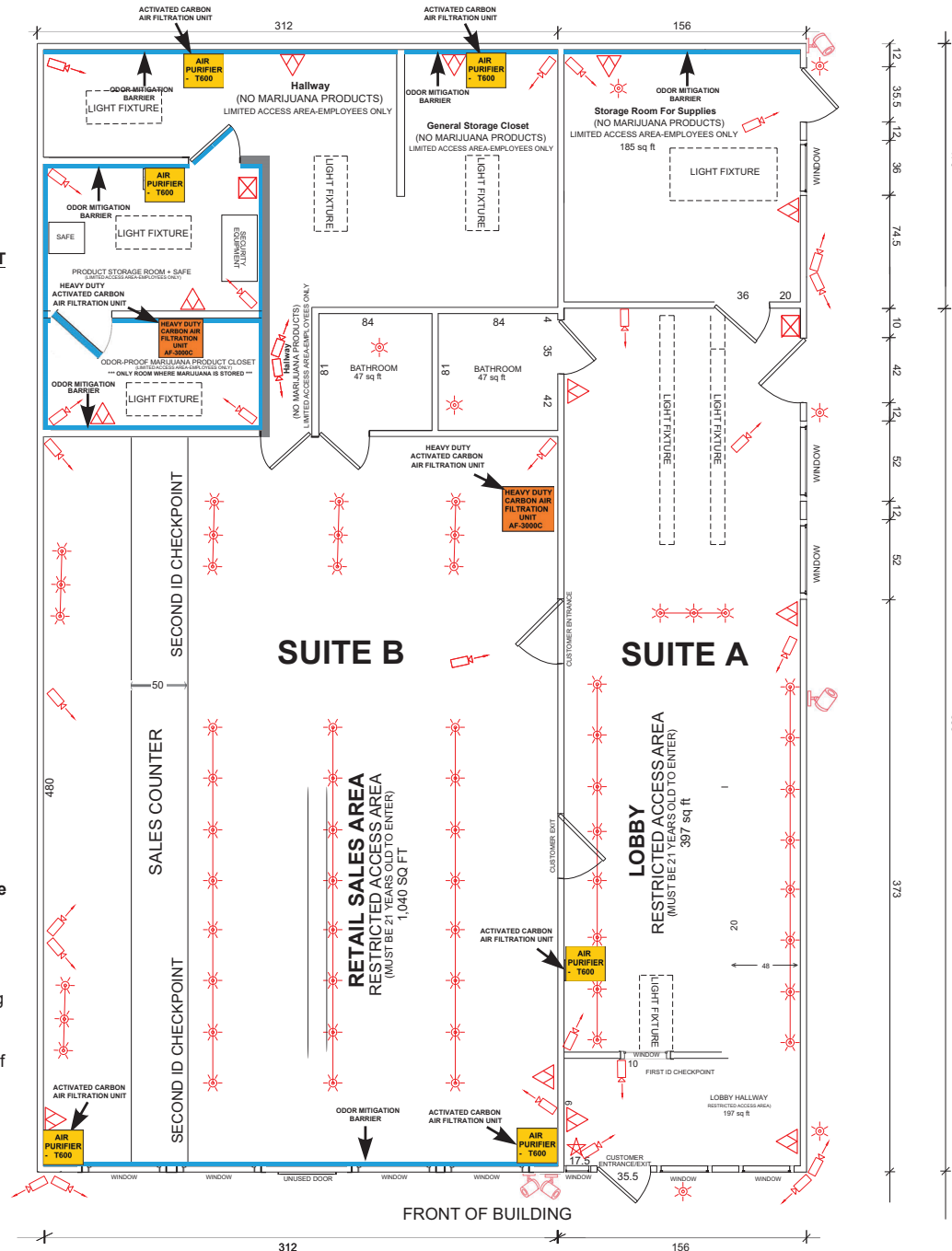
- This shop will store a limited amount of product, which is held in odor-proof bulk plastic bags until handled/packaged. The packaged product is also substantially odor-proof.
- The limited amount of product on site will be stored in an odor-proof storage closet.
- The odor-proof storage closet is located within the Product Storage Room.
- The Product Storage Room is surrounded by a hallway and all walls shall be reinforced for odor elimination.

Walls adjacent to tenants in the rear shall be reinforced with an odor-proof layer and covered with additional drywall.

No marijuana products or customers in suite A for an additional buffer to the North neighboring property.

The basement is unusable space, its not part of the licensed premises, and therefore shall not be utilized for this establishment.

Air conditioning/heating system's negative air machine will be equipped with an activated carbon air filter to force purify the air for odor.



*WALLS ARE 6 INCHES IN THICKNESS

Exhibit A

- KEY**
- ★ LOCATION OF POSTED LICENSE
 - ⊠ ALARM KEY PADS
 - ⊙ LIGHTS
 - ▽ MOTION DETECTORS
 - SECURITY CAMERAS (ARROW INDICATES DIRECTION)
 - ⊙ AFTER HOURS MOTION SENSOR LIGHTS

NOTE:

SECURITY SYSTEM & ODOR MECHANISMS:

29	SECURITY CAMERAS
12	ALARM MOTION DETECTORS
2	ALARM KEY PADS
4	MOTION SENSOR SECURITY LIGHTS
3	LAYERS OF WALLS/ROOMS ENCASED MARJUANA STORAGE, REINFORCED TO PREVENT ODOR PERMEATION
2	HEAVY DUTY INDUSTRIAL STRENGTH ODOR ELIMINATING UNITS
2	ID CHECKPOINTS RETAIL / LOBBY
6	CARBON FILTER AIR PURIFICATION UNITS FOR TOTAL ODOR MITIGATION

PROJECT

ARCHITECTURE
DRAFTING

2114 GRAND AVENUE
SUITES B & C
GLENWOOD SPRINGS, CO 81601

DRAWING TILE
FLOOR PLAN

*MEASUREMENTS ARE IN INCHES

FOR AGREEMENT

A/001

AFFIDAVIT OF REAR NEIGHBOR RESIDENT

IN SUPPORT OF THE APPLICATIONS OF KIND GLENWOOD LLC d/b/a THE KIND CASTLE TO RECEIVE CITY APPROVALS FOR ITS RETAIL MARIJUANA STORE LICENSE AND SPECIAL USE PERMIT AT 2114 GRAND AVENUE IN GLENWOOD SPRINGS

I, Fabe Gamima Castro Espinoza state the following in support of Kind Glenwood LLC d/b/a The Kind Castle's (hereinafter "The Kind Castle") application to apply for and receive all approvals from the City to operate a Retail Marijuana Store licensed at 2114 Grand Avenue, Suites A-C, Glenwood Springs, CO 81601:

1. As a Party in Interest, 21 years of age or older, I reside in the City of Glenwood Springs, Colorado.
My address is: 2114 Grand Ave Unit 2 & 3
2. I believe The Kind Castle can mitigate odors but the odor from marijuana will not bother me or my family.
3. Currently, our direct neighborhood does not have any retail marijuana stores. We need another marijuana retailer and I believe The Kind Castle would meet this need in our neighborhood.
4. Currently, the nearest marijuana store is well over 3,000 feet away from my residence, therefore as a Party in Interest, the desires of the adult inhabitants is to allow this retail marijuana store to operate.
5. One business occupying the entire commercial front of the building such as The Kind Castle is desired to better manage the parking, sign, and egress/ingress traffic. The Kind Castle's new application is substantially different.
6. I believe approving this retail marijuana store license and special use permit meets the needs of the neighborhood and desires of the adult inhabitants in the City of Glenwood Springs since this approval will bring additional customers to the area and surrounding businesses, promote walkability instead of driving, providing jobs to residents thereby improving the economy and ultimately benefiting the city.
7. There has been no noticeable negative effects or complaints related to the retail marijuana stores.
8. The Applicant offers better prices, quality, and more options than existing stores in Glenwood Springs.
9. I support The Kind Castle and their application to receive a retail marijuana store license at 2114 Grand Avenue, Suites A-C, in the City of Glenwood Springs. Since this business meets my needs as an adult inhabitant, I also support the continuous renewal of this license and permit annually.
10. I believe The Kind Castle meets all requirements set forth by the City of Glenwood Springs to operate a retail marijuana business at 2114 Grand Avenue, Suites A-C, in the City of Glenwood Springs, Colorado.
11. Since the City voted to allow retail marijuana sales, there has been significant development in City as a result of the new retail marijuana stores. There has also been an increase in visitors and tourism for marijuana products.
12. Based on the foregoing, I request that the City of Glenwood Springs, including its City Council and its Planning and Zoning Commission, approve The Kind Castle's application for a retail marijuana store license and special use permit at 2114 Grand Avenue, Suites A-C, in the City of Glenwood Springs.

By: [Signature]

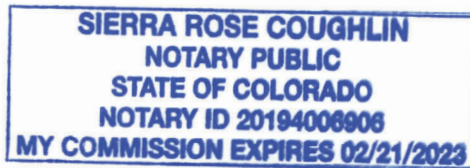
Name: Fabe Gamima Castro Espinoza

Date: 10/10/2020
11/6/2020

NOTARIZATION FOR DOCUMENT AS AN AFFIDAVIT IN SUPPORT OF KIND GLENWOOD LLC

STATE OF Colorado)
COUNTY OF Garfield)

Sworn to before me this 6th day of November, 2020
by Febe Castro Espinoza.




Notary Public

My Commission Expires: 02/21/2023

AFFIDAVIT

IN SUPPORT OF THE APPLICATIONS OF KIND GLENWOOD LLC d/b/a THE KIND CASTLE TO RECEIVE CITY APPROVALS FOR ITS RETAIL MARIJUANA STORE LICENSE AND SPECIAL USE PERMIT AT 2114 GRAND AVENUE IN GLENWOOD SPRINGS

I, Kristine Leahy, state the following in support of Kind Glenwood LLC d/b/a The Kind Castle's (hereinafter "The Kind Castle") application to apply for and receive all approvals from the City to operate a Retail Marijuana Store licensed at 2114 Grand Avenue, Suites A-C, Glenwood Springs, CO 81601:

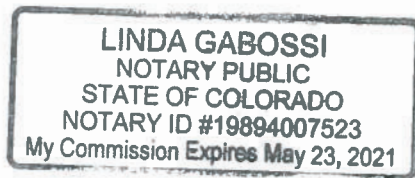
1. As a Party in Interest, 21 years of age or older, I reside in the City of Glenwood Springs, Colorado. My address is: 1028 Blake Avenue, Glenwood Springs, CO 81601
2. The Kind Castle will mitigate odor but I certify that marijuana odor will not cause issues to my tenants.
3. Currently, our direct neighborhood does not have any retail marijuana stores. We need another marijuana retailer and I believe The Kind Castle would meet this need in our neighborhood.
4. The Applicant offers better prices, quality, and more options than existing stores in Glenwood Springs.
5. Currently, the nearest marijuana store is well over 3,000 feet away from this property, therefore as a Party in Interest, the desires of the adult inhabitants is to allow this retail marijuana store to operate.
6. One business occupying the entire commercial front of the building such as The Kind Castle is desired to better manage the parking and egress/ingress traffic. The Kind Castle's new application is substantially different than the prior one because it now encompasses the entire retail front (Suites A, B and C), with Suite B as the retail sales area instead of Suite C therefore eliminating all the prior application's issues (i.e. parking, odor, traffic, etc).
7. There has been no noticeable negative effects or complaints related to the retail marijuana stores.
8. I believe approving this retail marijuana store license and special use permit meets the needs of the neighborhood and desires of the adult inhabitants in the City of Glenwood Springs since this approval will bring additional customers to the area and surrounding businesses, promote walkability instead of driving, and providing jobs to residents thereby improving the economy and ultimately benefiting the city.
9. I support The Kind Castle and their application to receive a retail marijuana store license at 2114 Grand Avenue, Suites A-C, in the City of Glenwood Springs. Since this business meets my needs as an adult inhabitant, I also support the continuous renewal of this license and permit annually.
10. I believe The Kind Castle meets all requirements set forth by the City of Glenwood Springs to operate a retail marijuana business at 2114 Grand Avenue, Suites A-C, in the City of Glenwood Springs, Colorado.
11. Since the City voted to allow retail marijuana sales, there has been significant development in City as a result of the new retail marijuana stores. There has also been an increase in visitors and tourism for marijuana products.
12. Based on the foregoing, I request that the City of Glenwood Springs, including its City Council and its Planning and Zoning Commission, approve The Kind Castle's application for a retail marijuana store license and special use permit at 2114 Grand Avenue, Suites A-C, in the City of Glenwood Springs.

By: Kristine LeahyName: Kristine LeahyDate: 10-15-20

NOTARIZATION FOR DOCUMENT AS AN AFFIDAVIT IN SUPPORT OF KIND GLENWOOD LLC

STATE OF Colorado)
COUNTY OF Garfield)

Sworn to before me this 15 day of October, 2020
by Kristine heahy



Linda Gabossi
Notary Public

My Commission Expires: 5-23-21

**RESIDENT PETITION IN SUPPORT OF THE APPLICATION FOR KIND GLENWOOD LLC
d/b/a THE KIND CASTLE TO RECEIVE CITY APPROVALS FOR ITS RETAIL MARIJUANA
STORE LICENSE AND SPECIAL USE PERMIT AT 2114 GRAND AVENUE SUITE B & C**

I, Valery Gonzalez, state the following in support of Kind Glenwood LLC d/b/a The Kind Castle's (hereinafter "The Kind Castle") application to apply for and receive all approvals from the city operate a retail marijuana store licensed at 2114 Grand Avenue, Suite B and C, Glenwood Springs, CO 81601:

1. As a Party in Interest, 21 years of age or older, I reside in the City of Glenwood Springs, Colorado.

My address is:

50627 Hwy 6e Glenwood
Springs.

2. Since the City of Glenwood Springs voted to allow retail marijuana sales, there has been significant development in City as a result of the new retail marijuana stores. There has also been an increase in visitors and tourism for marijuana products.
3. The Applicant offers better prices, quality and more options than the existing stores in Glenwood Springs.
4. At the same time, there has been no noticeable negative effects related to the retail marijuana stores.
5. I support The Kind Castle and their application to receive a retail marijuana store license at 2114 Grand Avenue, Suite B and C in the City of Glenwood Springs. Since this business meets my needs as an adult inhabitant, I also support the continuous renewal of this license and permit annually.
6. I believe approving this retail marijuana store license and special use permit meets the needs of the neighborhood and desires of the adult inhabitants in the City of Glenwood Springs since this approval will bring additional customers to the area and surrounding businesses, providing jobs to residents, thereby improving the economy and ultimately benefiting the city.
7. I believe The Kind Castle meets all requirements set forth by the City of Glenwood Springs to operate a retail marijuana business at 2114 Grand Avenue, Suite B and C in the City of Glenwood Springs, Colorado.
8. Based on the foregoing, I request that the City of Glenwood Springs, including its City Council and Licensing Authority, approve The Kind Castle's application for a retail marijuana store license and special use permit at 2114 Grand Avenue, Suite B and C in the City of Glenwood Springs.

By:

Valery Gonzalez

Name:

Valery Gonzalez

Date:

11/12/20

**RESIDENT PETITION IN SUPPORT OF THE APPLICATION FOR KIND GLENWOOD LLC
d/b/a THE KIND CASTLE TO RECEIVE CITY APPROVALS FOR ITS RETAIL MARIJUANA
STORE LICENSE AND SPECIAL USE PERMIT AT 2114 GRAND AVENUE SUITE B & C**

I, Daysi Anchondo, state the following in support of Kind Glenwood LLC d/b/a The Kind Castle's (hereinafter "The Kind Castle") application to apply for and receive all approvals from the city operate a retail marijuana store licensed at 2114 Grand Avenue, Suite B and C, Glenwood Springs, CO 81601:

1. As a Party in Interest, 21 years of age or older, I reside in the City of Glenwood Springs, Colorado.

My address is:

421 22ND St Glenwood springs. CO

2. Since the City of Glenwood Springs voted to allow retail marijuana sales, there has been significant development in City as a result of the new retail marijuana stores. There has also been an increase in visitors and tourism for marijuana products.
3. The Applicant offers better prices, quality and more options than the existing stores in Glenwood Springs.
4. At the same time, there has been no noticeable negative effects related to the retail marijuana stores.
5. I support The Kind Castle and their application to receive a retail marijuana store license at 2114 Grand Avenue, Suite B and C in the City of Glenwood Springs. Since this business meets my needs as an adult inhabitant, I also support the continuous renewal of this license and permit annually.
6. I believe approving this retail marijuana store license and special use permit meets the needs of the neighborhood and desires of the adult inhabitants in the City of Glenwood Springs since this approval will bring additional customers to the area and surrounding businesses, providing jobs to residents, thereby improving the economy and ultimately benefiting the city.
7. I believe The Kind Castle meets all requirements set forth by the City of Glenwood Springs to operate a retail marijuana business at 2114 Grand Avenue, Suite B and C in the City of Glenwood Springs, Colorado.
8. Based on the foregoing, I request that the City of Glenwood Springs, including its City Council and Licensing Authority, approve The Kind Castle's application for a retail marijuana store license and special use permit at 2114 Grand Avenue, Suite B and C in the City of Glenwood Springs.

By:



Name: Daysi Anchondo

Date: 11/12/2020



CANNABIS ODOR ELIMINATION

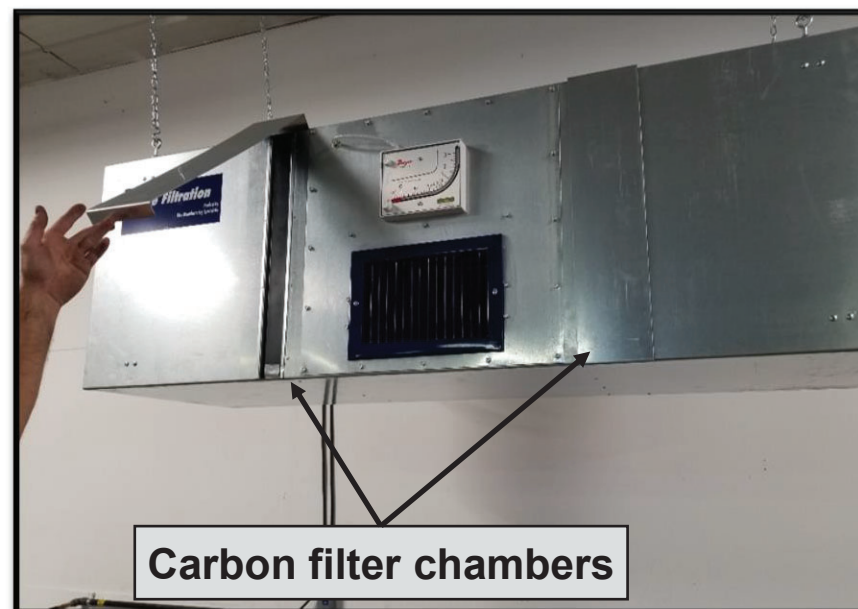
The Kind Castle shall utilize extensive odor mitigation tactics to ensure marijuana odor is filtered from the air to avoid permeating the Applicant's marijuana store site. The new air conditioning/heating system's negative air machine (model #6560 or similar) will be equipped with an activated carbon air filter (made from 100% coconut shells) installed at the vent of the system's air return, which will powerfully draw in air from the premises and force it through the activated carbon filter and therefore eliminating odors from the premises. The filters will be changed routinely to ensure peak operation and performance at consistently and aggressively removing marijuana odor.

The Applicant shall install 2 AF-3000C Heavy Duty Odor Filtration units. These are incredibly effective odor elimination systems with the power to mitigate odors in large cultivation operations, so purifying the air of a low-odor retail store is very easy and effective for this system. One unit will be located in the retail sales area, another unit in the product storage room, which are the only areas of the of the whole building where marijuana is located. The product storage room will also only store a limited amount of marijuana product.

Additionally, The Kind Castle shall purchase and operate six (6) additional activated carbon filtration units, one in the front sales area and one in the back storage room. These additional carbon filtration systems are independent to the air filtration system running through the air conditioning/heating system defined above. The 6 individual standalone carbon air filtration systems are called Air Purifier T600, which is known as a leading activated carbon air filtration system as most effective, especially at handling marijuana terpene emissions and overall odor. The Kind Castle's plan described herein contains over five times the amount of air filtration power for the size of this proposed retail space, since just one Air Purifier T600 can remove odors from 2,000 square feet of space.

The following pages contain additional product information and technical specifications of the Air Purifier T600 and the AF-3000C units.

Heavy Odor Air Filtration



Specifications

CFM	3,000
Dimmensions	72" X 24" X 24" Length X Width X Height
Filters	2 X Paper Pre-filter- MERV 11 2 X Primary High Level of Pollutant – MERV 15 2 X 30 lb Carbon tray filters
Motor	Marathon 3/4 HP PSC motor
Amp Draw	10.2
Noise Level	62 DB
Mounting	Eyebolts / Optional: Wall Brackets
Manometer	Dwyer Series Mark II
Weight	230LB
Warranty	5 year – full replacement

Highlights

- ✓ 60 lb of charcoal media to eliminate heavy odors
- ✓ Eliminate odors from smoke to chemical
- ✓ Unit fully functional without charcoal filters installed

Pricing

Standard Unit	\$2,575 + shipping
---------------	--------------------

Included with purchase:

- ✓ 3000 CFM Filtration Unit
- ✓ 10' Remote corded switch
- ✓ (2) MERV 11 & 15 filters
- ✓ (2) 30 lb Re-fillable Carbon Trays
- ✓ Manometer
- ✓ Eye bolts
- ✓ Shipping pallet

Elite Manufacturing Specialists
 720 Liberty Way
 North Liberty, IA 52317
 P 319.774.5450 / 844.792.0226
 F 319.774.5498
sales@activefiltration.com
www.ActiveFiltration.com

Air purifier T600

An air purifier specially designed to remove the odors and gases of thousands of noxious chemicals including marijuana odor, carcinogens and tars contained in smoke.

Odor Control

There are a group of compounds found in marijuana called terpenes, in addition to the well-known cannabinoids. These essential oils give marijuana their signature tastes and aromas. Terpenes evaporate quickly making them VOCs (volatile organic compounds). This quick evaporation causes their aromas to disperse easily causing that skunky smell. Your best friend in neutralizing terpenes is activated carbon. An air purifier with the maximum amount of carbon that allows for maximum dwell time of the terpenes over the surface area will remove this smell from the premises.

Why this Air Purifier is considered #1:

- Powerful 26-lb carbon filter adsorbs odors from the air and is very effective in achieving odor mitigation.
- Unique TarBarrier pre-filter traps tars, completely eliminating them from air stream.
- HEPA barrier captures 95% of airborne particles, as small as 1 micron.
- 360° air distribution allows for purification for up to 2000 sq. ft with 2 air exchanges an hour (based on 8-foot ceilings).
- Sleek machine design that will blend in with all decors.
- Easy care and maintenance

Technical Specs

Manufacturer Suggested Room Size (sq.ft)	2,000 sq.ft
Ozone Emissions	No
Performance	
System Efficiency	95% of airborne particles $\geq$ 1 microns
Fan Speed	560 CFM (Free Flow)
Air Exchange per Hour	2
Filter Configuration	

Filter Configuration

Chemical gas & odor filter

3" Carbon Filter

26-lbs, Activated Carbon Filter (100% Coconut Shell)

Replace: 24 months

Upgrade Option

26-lbs, Impregnated Carbon Filter

The potassium iodide accelerates the binding of chemicals faster and thus removes them quicker
(Potassium Iodide, Coconut Shell Carbon)

Main Particle Filter

HEPA Barrier

95% of airborne particles $\geq$ 1 micron

Replace: 1 year

General Specifications	
Dimension	23" High, 15" Wide
Colors	Black, White, Beige
Housing Materials	Powder coat steel
Fan Speed	Variable
Casters	Yes
Voltage	115 or 220 volts



Retail Marijuana Store Project Description

Name of Applicant

KIND GLENWOOD LLC d/b/a THE KIND CASTLE

Hours of Operation

Monday — Sunday: OPEN 8am / CLOSED 7pm

Location & Zoning

2114 Grand Avenue, Suite B & C, Glenwood Springs, CO 81601 | M1 - Mixed Use Corridor (formerly C/1) Zoning

Description of Applicant's Services

The Applicant will provide (to end-use consumers) sales services consisting of the highest quality retail marijuana and marijuana-infused product. Products sold are organic driven. The business nature of the Applicant is a retail/recreational marijuana store and does not include medical sales, product-manufacturing or cultivation. Customers must be 21 years of age or older to enter, which will be **strictly** enforced through the Applicant's customer identification (ID) check/verification process including the first ID checkpoint upon entering into a fully secured, double-door lobby and then a second ID checkpoint at the sales counter. The Applicant will strictly enforce all of its policies and procedures, especially close oversight of its employees to screen all customers diligently for age and in-state/out-of-state residency status. The Applicant has a very strong interest in the knowledge of codes and compliance of this business and therefore the Applicant warrants that the business and its employees will at all times be in full compliance with the codes and regulations of the **City of Glenwood Springs** and the **State of Colorado's Marijuana Enforcement Division**. Furthermore, the Applicant has retained legal and consulting services to contribute to the current and future compliance of this business operation. The retail sales provided by the Applicant will solely occur at the **Applicant's physical business premises located at 2114 Grand Avenue, Suite B & C in Glenwood Springs** and the Applicant will not provide delivery service to customers. The Applicant will offer quality products in proper packaging in a safe environment with full respect to the all industry-standard practices.

Lighting Plan (See "Floor Plan")

The Applicant's lighting plan will fully address the safety/security of the public, respective to city code, in addition to enhancing the city's nighttime character yet respecting the residents' value of the local mountain setting. The internal and external areas of the premises will have sufficient lighting for the safety of the customers, business, and surrounding residents, however, the Applicant will take precautions to ensure the safety of the installation/maintenance of such lighting fixtures. The Applicant will be in full compliance with the City code including, but not limited to, parking, display, security, and general purpose lighting structures.

Storage of Products

The Applicant will securely store its products on-site in a room identified as the Product Storage Room, which will house all inventory, receipts and the safe, located in the back portion of the building. The Product Storage Room shall consist of 9" solid brick walls, double-bolt door, and secured safe. The Product Storage Room will also have its own alarm system, only accessible to management level staff. For adequate product safety and odor control, products will be stored inside a locked safe in labeled, sealed containers in a temperature-controlled environment. The Product Storage Room, in addition to the rest of the premises, will be under video surveillance at all times. For more details regarding Applicant's policies relating to Product Storage, see "Storage of Marijuana Products" section of the "Retail Marijuana Store Plan Summary" document accompanying the Retail Marijuana Application.

Security Plan Summary

The Applicant takes security and the safety of the public very seriously. Therefore, an extensive security plan beyond industry-standard practices will govern the business establishment. The Applicant's security plan consists of alarms, video surveillance, monitoring services, motion sensors, and many other components. The Applicant will install and maintain alarms systems on-site at the premises, with remote alarm system monitoring services which operate 24 hours per day, 7 days per week. The alarm systems will have functions of 24/7 remote monitoring services, motion detection devices throughout the premises (particularly at all points of entry/exit including windows), and security measures such as a silent duress alarm in the event of robbery during business hours. Codes for alarm systems will be changed frequently. Employees must complete several training protocols such as a complete security and safety training courses. The Applicant will not employ any person that does not appear to be able to enforce Applicant's security measures.

The Applicant will install and facilitate the full use of full color, high-resolution video surveillance 24 hours per day, 7 days per week. Internally, the video surveillance will sufficiently monitor and capture such recordings of all entrances/exits of the premises, windows, lobby area, restricted areas, Security/Product Storage Room/Safe(s), points of sale, and all rooms/space within. Externally, video surveillance will capture front, side and rear views of the premises in addition to the covering all entrances/exits, surrounding area in front of the establishment, and the alley driveway. See the "Retail Marijuana Store Plan Summary" for additional supporting details relating to the Applicant's security procedures. See Applicant's Floor Plans (drawn to scale) for indications of camera locations throughout the proposed licensed premises.

ID Check Points

The Applicant's strict policy on double checking the unexpired and appropriate identification from both in-state and out-of state customers for age verification ensures no underage person shall be sold any products from this establishment. Our store in the Town of Parachute has passed underage sting operation tests conducted by the State of Colorado's Marijuana Enforcement Division (see attached letter from the MED). All entrants to the premises have their ID checked once at the door and again at the sales counter. Employees undergo extensive and frequent training and compliance enforcements measures to IDs are consistently checked properly.

Ventilation & Odor Mitigation Plan

The Applicant's licensed premises shall include an aggressive plan to mitigate any odor from permeating through the exterior of the building containing the licensed premises. The plan will include utilizing an extensive, top-quality carbon filtration system to be installed in the building at 2114 Grand Avenue, Suite B & C, Glenwood Springs, CO 81601. The carbon odor filtration system implemented and installed by the Applicant at the licensed premises shall meet and exceed the odor mitigation requirements set forth in the City of Glenwood's Retail Marijuana Business Ordinance and expectations for such establishment. The carbon filtration shall effectively filter the air and ensure odor is never an issue. In our current operation the past 2 years, we have never had a complaint about odor. The licensed premises shall operate a fully functional ventilation system as desired by the City of Glenwood Springs.

Waste Disposal Plan

Please see "Plan Summary" and "Operations Manual" for all details related to the waste disposal plan.

AREA MAP

Proximity to the nearest marijuana business establishment

The following Area Map depictions below indicates the nearest distance from the nearest property line of the proposed Licensed Premises of the Applicant at 2114 Grand Avenue to the nearest property line of Green Dragon marijuana business located at 2922 S Glen Ave, Glenwood Springs, CO 81601 in accordance with the City of Glenwood Springs ordinance. As indicated below, the nearest other marijuana business is very far away from the Applicant's proposed retail marijuana store with separation distance of well over 3,000 feet.



AREA MAP – PROXIMITY TO OTHER MARIJUANA ESTABLISHMENT

MAP #2

DISTANCE TO NEAREST MARIJUANA STORE - GREEN DRAGON (GOOGLE MAP)

Distance from The Kind Castle to Green Dragon is 0.7 miles, which is three and half times (3.5x) the required setback buffer of 900 feet per the city's retail marijuana ordinance.



AREA MAP – PROXIMITY TO OTHER MARIJUANA ESTABLISHMENT

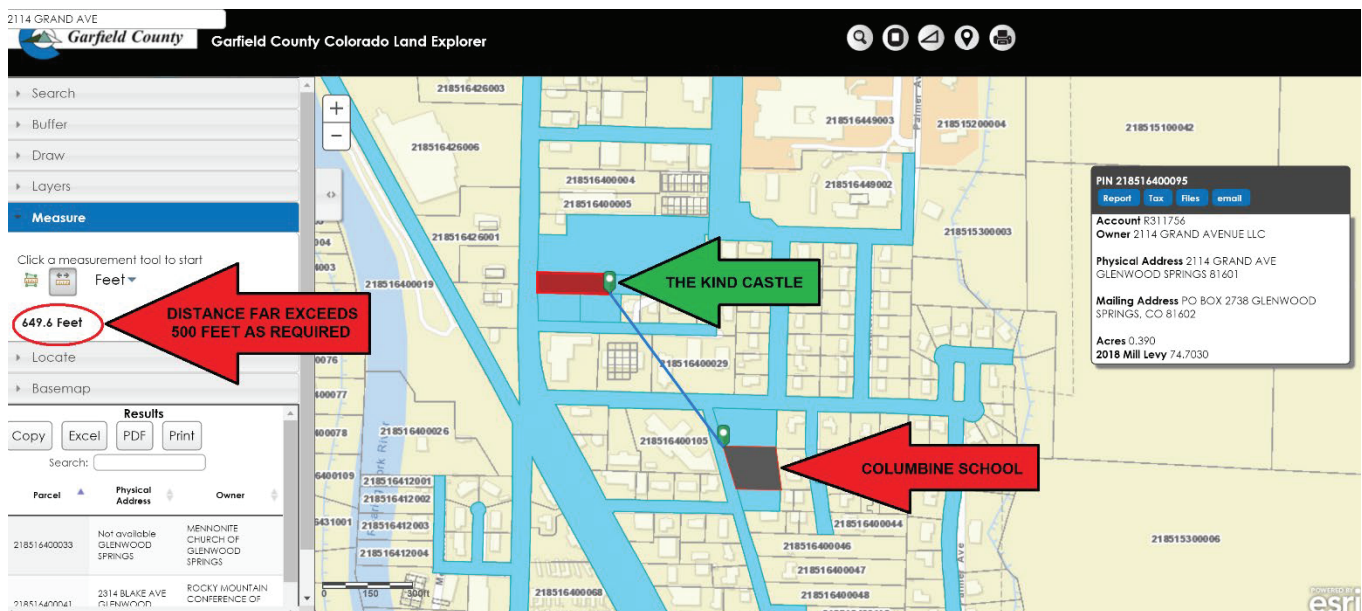
AREA MAP

Proximity to the nearest schools

The following Area Map depictions below indicates the nearest distance from the nearest property line of the proposed Licensed Premises of the Applicant at 2114 Grand Avenue to the nearest property line of Columbine School located at 2314 Blake Ave, Glenwood Springs, CO 81601 in accordance with the City of Glenwood Springs ordinance:

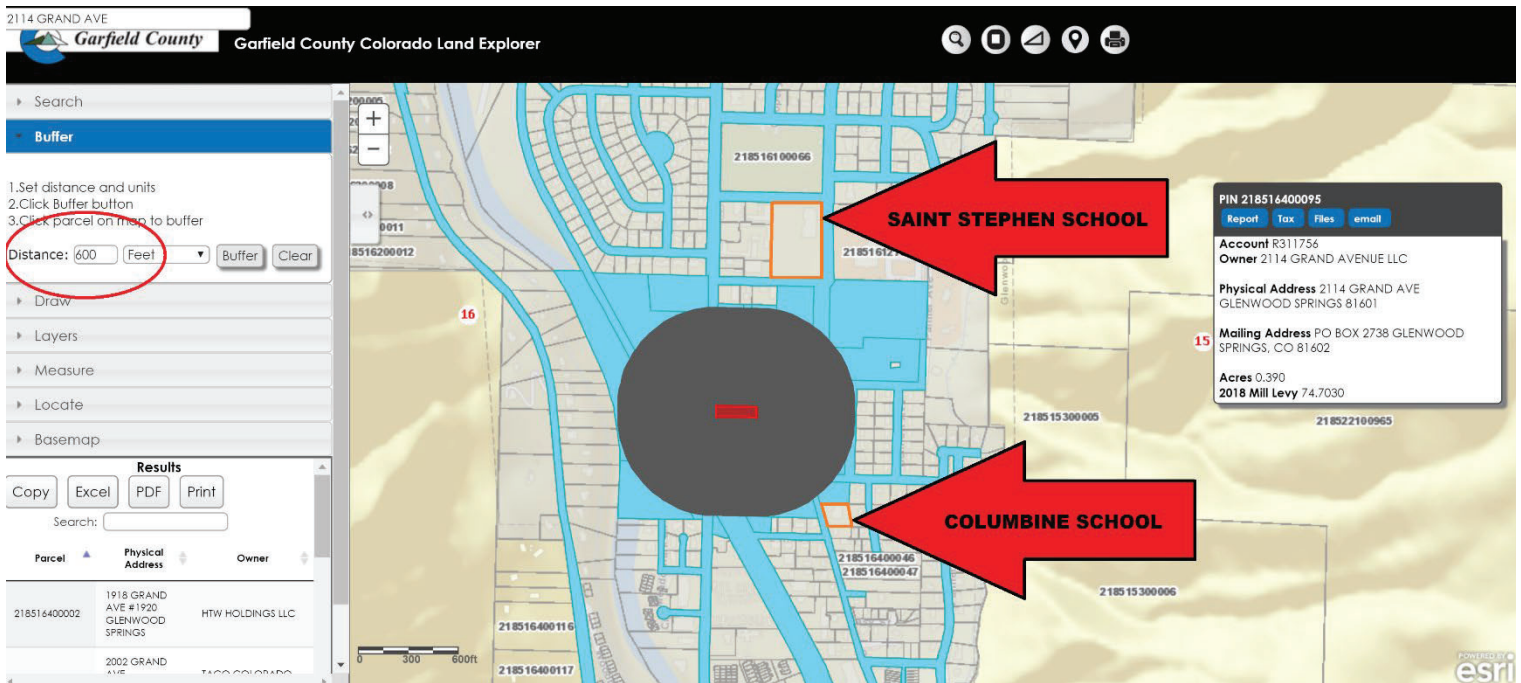
MAP 1 – DISTANCE TO COLUMBINE SCHOOL (GARFIELD COUNTY ASSESSOR)

Distance to the nearest school is approximately 650 feet distance away from Applicant's location, which significantly exceeds the city's minimum required distance of 500 feet separation. In accordance with the city's retail marijuana ordinance, this site is qualified for a retail marijuana business including the setback distance requirement to the nearest school.



MAP 2 – APPLICANT WITH A 600 FOOT BUFFER (GARFIELD COUNTY ASSESSOR)

The buffer of 600 feet was added to the Applicant's location on Garfield County Assessor's website to depict that even with a 600 foot buffer, the buffer still is far from reaching the Saint Stephen and Columbine Schools' property lines, which significantly exceeds the city's minimum required distance of 500 feet separation.



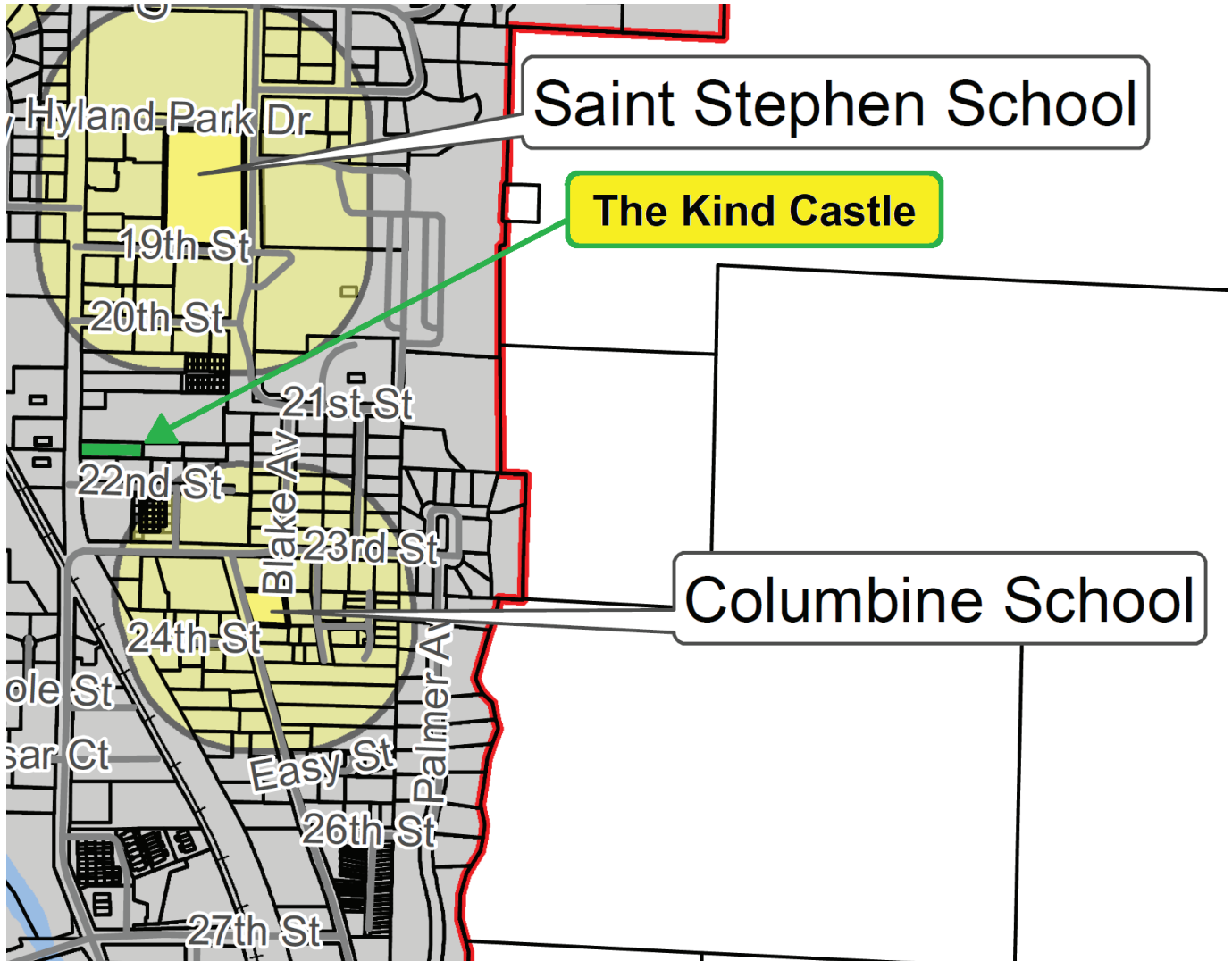
AREA MAP – Page 2 of 5

AREA MAP – PROXIMITY TO OTHER MARIJUANA ESTABLISHMENT

MAP 3 – SAINT STEPHEN/COLUMBINE SCHOOLS WITH 500 FT BUFFER (GLENWOOD SPRINGS MAP)

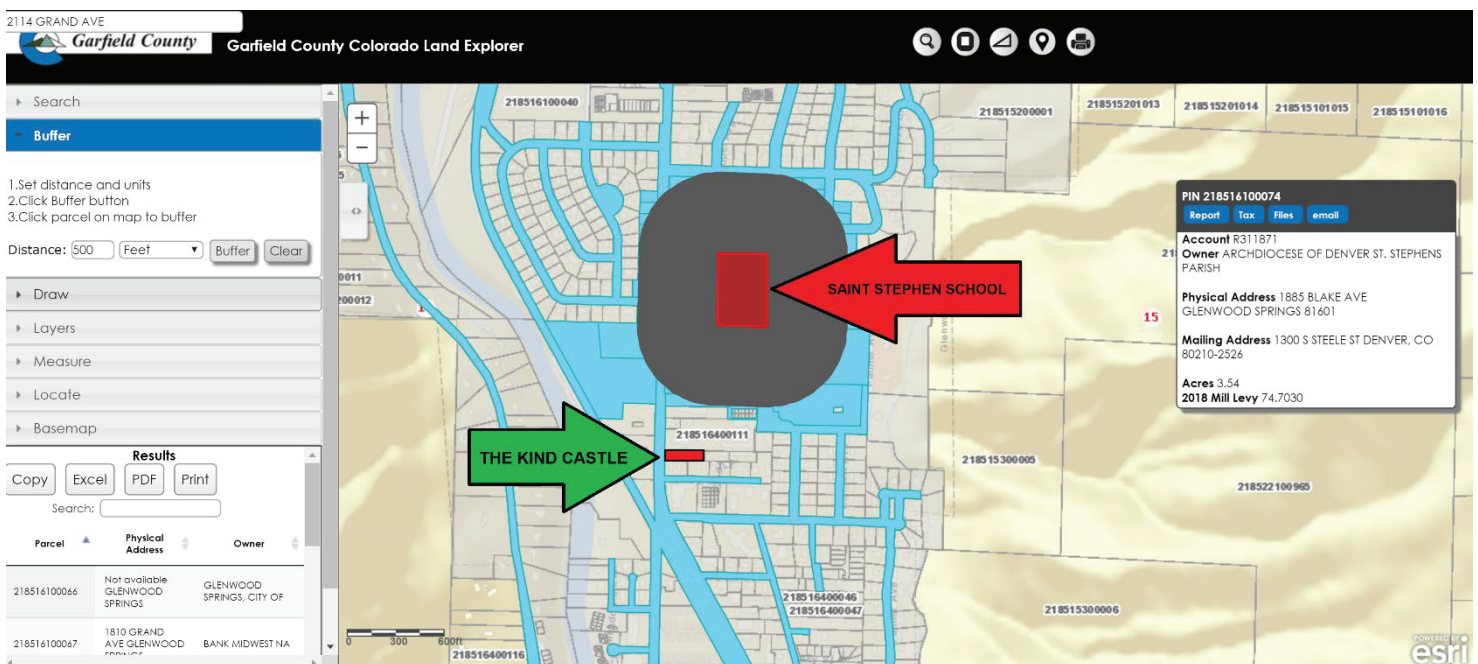
The buffer of 500 feet was added to the schools' locations created by the City of Glenwood Springs which the Applicant's indication of its location added to the map. The buffers are still far from reaching the Applicant's property lines, which significantly exceeds the city's minimum required distance of 500 feet separation.

Therefore this site is qualified per city's retail marijuana ordinance.



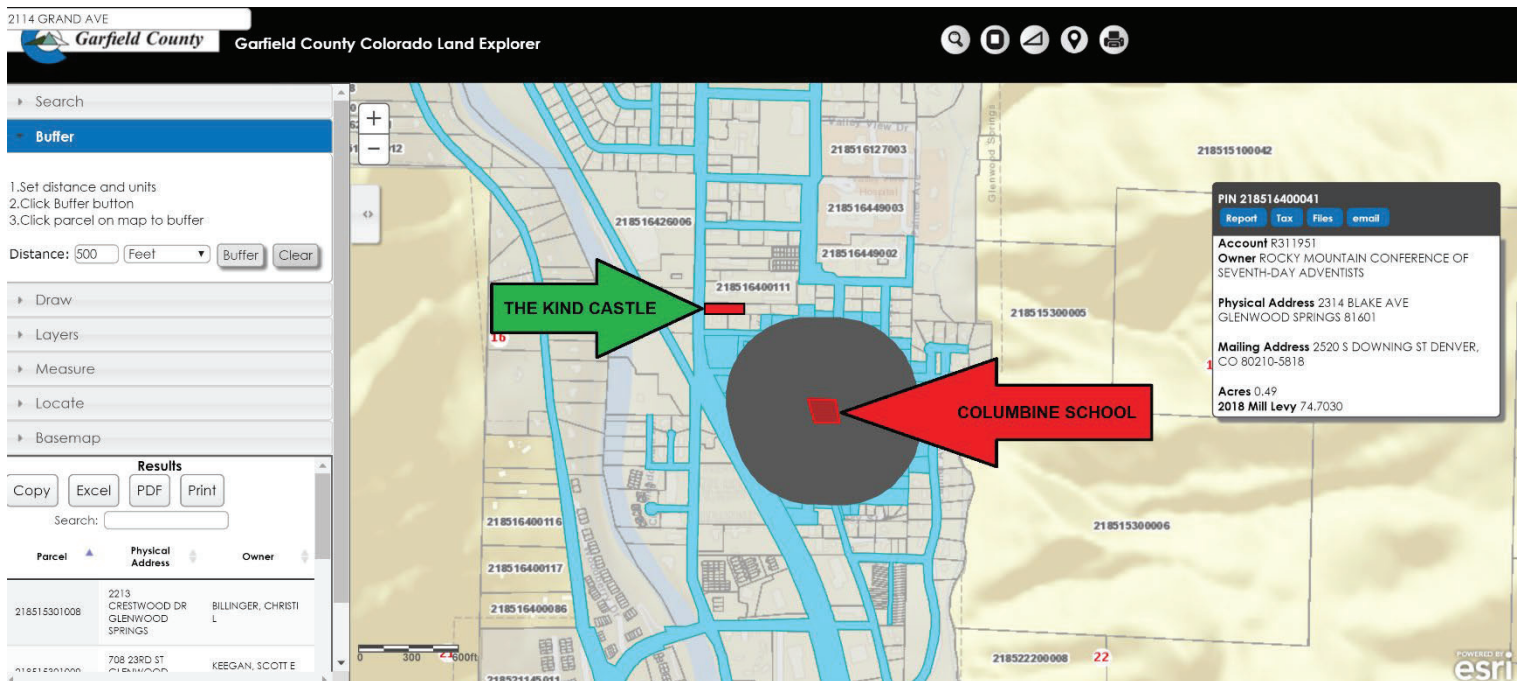
MAP 4 SAINT STEPHEN SCHOOL WITH 500 FOOT BUFFER (GARFIELD COUNTY ASSESSOR)

The buffer of 500 feet was added to Saint Stephen School on Garfield County Assessor's website to depict that with a 500 foot buffer, the buffer still is far from reaching the Applicant's property lines, which significantly exceeds the city's minimum required distance of 500 feet separation.



MAP 5 – COLUMBINE SCHOOL WITH 500 FOOT BUFFER (GARFIELD COUNTY ASSESSOR)

The buffer of 500 feet was added to Columbine School on Garfield County Assessor's website to depict that with a 500 foot buffer, the buffer still is far from reaching the Applicant's property lines, which significantly exceeds the city's minimum required distance of 500 feet separation.



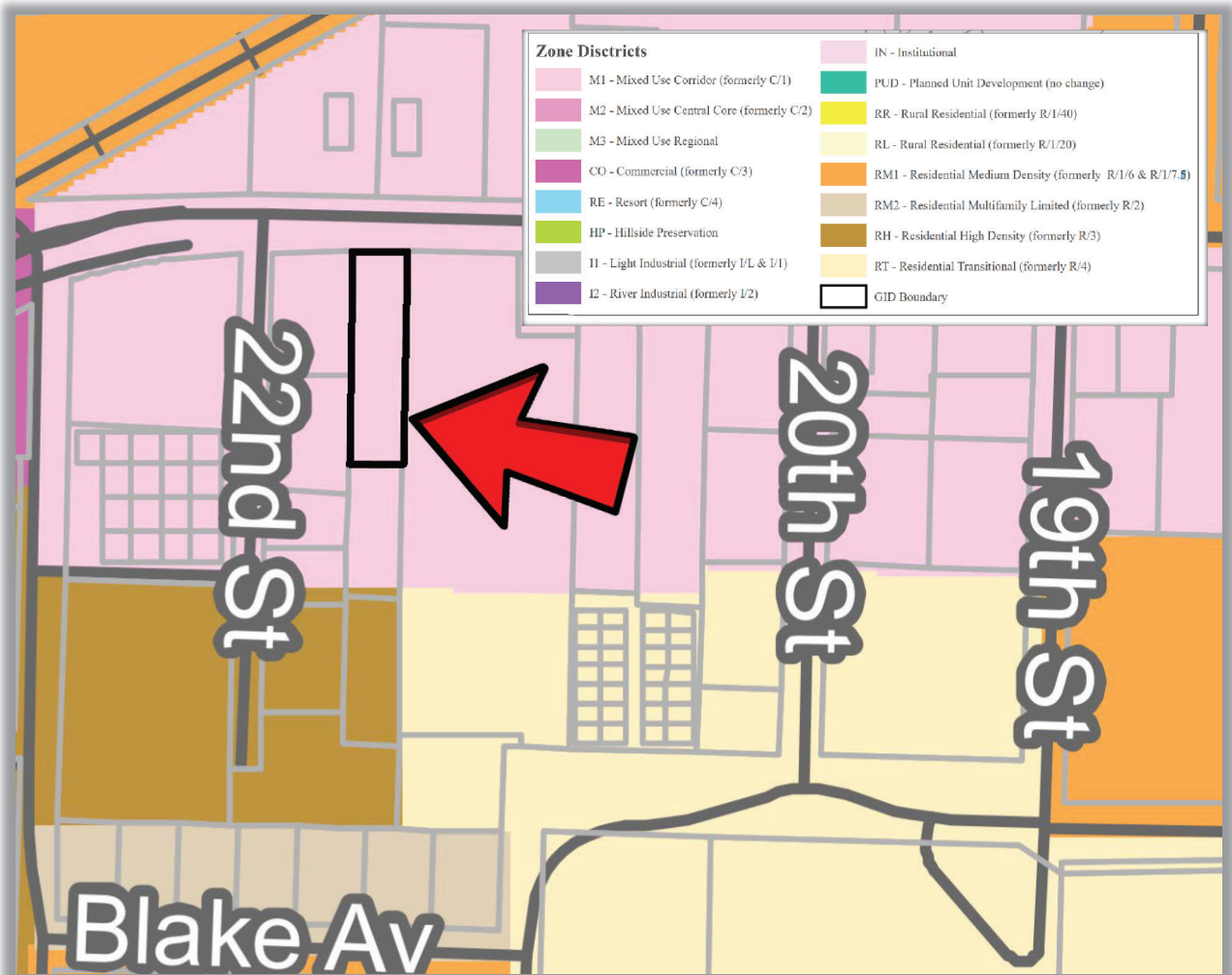
PROOF OF COMPLIANCE WITH ZONING AND LAND USE LAWS

Applicant: Kind Glenwood LLC d/b/a The Kind Castle

Property Address: 2114 Grand Avenue, Glenwood Springs

Proof that the proposed Licensed Premises will be located in a location that is compliant with the City of Glenwood Springs' zoning and land use laws.

In accordance with City of Glenwood Springs' Retail Marijuana ordinance, the following section cut from the City of Glenwood Springs zoning map provides proof that the proposed Retail Marijuana Establishment will be located in a location that is compliant with the zoning and land use laws. The proposed Retail Marijuana Establishment is located in the M1 - Mixed Use Corridor (formerly C/1) zoning area (see Legend), of which its location shall be identified in the map below as the bold black property line indicated by the **red** directional arrow in the center. As reflected below, the M1 - Mixed Use zoning is represented by the areas in **light pink** in the map below.

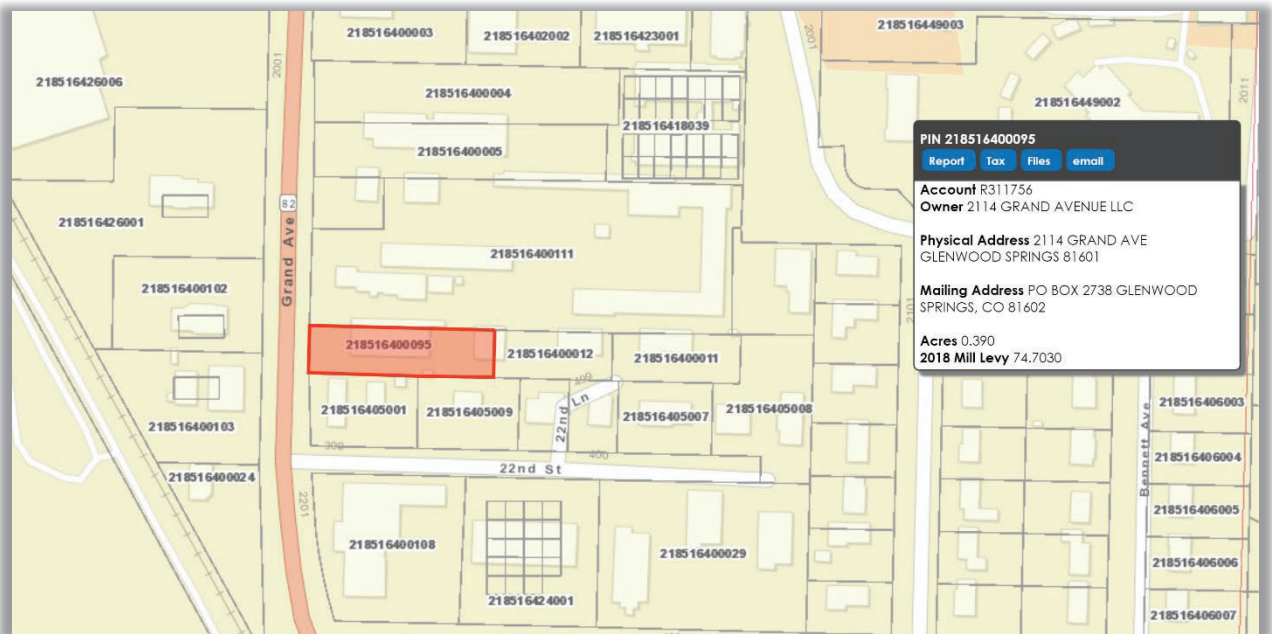


Article 1 of 2

PROOF OF COMPLIANCE WITH ZONING AND LAND USE LAWS

PROOF OF COMPLIANCE WITH ZONING AND LAND USE LAWS

The area map below, derived from the Garfield County Assessor website, displays the property lines of the proposed location outlined in the map below in blue and therefore indicates the boundaries of the property upon which the proposed Licensed Premises is located, and indicate the property is located within the city limits. There are no other Licensed Premises, or applications made thereof, within 900 feet of the applicant's proposed Licensed Premises at the time in which this application has been submitted.



Article 2 of 2

**Engineering
Department**

**Jessica Bowser
Asst. City
Engineer**

Date: December 18, 2020

To: Community Development

Re: Kind Castle 2114 Grand Avenue

Please see the following comments from Engineering for the Special Use Review.

1. CDOT will still issue the access permit for this site, even with a proposed reduction in traffic.
2. There should be a shared access easement dedication for a shared access with the Sinclair station.
3. Parking is still a concern. The current proposal retains parking that does not meet the existing design standards with poor configuration where cars would back up into the sidewalk. Something similar to this could help protect pedestrians and lower risk to SH 82 traffic:

4. Is there an existing easement for the use of 22nd Lane?

From: [Aggen - CDOT, Kandis](#)
To: [Trent Hyatt](#)
Cc: [Brian Killian - CDOT](#)
Subject: Re: FW: 12/21 Department Review Meeting
Date: Friday, December 18, 2020 10:21:41 AM
Attachments: [image001.png](#)

Hi Trent,

Thanks for keeping us in the loop. Our previous comments still apply. They will need an access permit, proof of the shared easement with the neighboring parcel to the south and a revised traffic study. Let me know if you need any further information.

Thanks,

Kandis Aggen
Assistant Access Manager
Region 3 Traffic & Safety



P 970.683.6270 | F 970.683.6290
kandis.aggen@state.co.us | www.codot.gov
222 S. Sixth St., Rm 100, Grand Junction, CO 81501



On Wed, Dec 16, 2020 at 3:08 PM Trent Hyatt <trent.hyatt@cogs.us> wrote:

Hi Kandis,

I want to inform you of a revised yet similar application for a retail marijuana established at 2114 Grand Avenue here in the Glenwood Springs. You can find details for the application via the link provide in the attached agenda. While the agenda is for a City staff meeting, I would still like to know if CDOT has any new/revised comments. There wasn't much concern regarding the application previously and site traffic should actually reduce since the pawn shop will no longer operate there. Regardless, please let me know if you have any questions or concerns.

Best regards,

Trent L. Hyatt

970.384.6427 (p)

trent.hyatt@cogs.us

From: [Killian - CDOT, Brian](#)
To: [Trent Hyatt](#)
Cc: [Christopher Hawkins](#); [John Dyet](#); [Kandis Aggen - CDOT](#)
Subject: Re: TA Kind Castle Glenwood Dispensary2 210119 Final.pdf
Date: Tuesday, January 26, 2021 3:16:43 PM
Attachments: [image002.png](#)

Trent,

Thanks for sending this to us for review. After reviewing the traffic study, CDOT has no concerns or comments with this development.

Thanks,

Brian Killian
Region 3 Access Program Manager
Traffic & Safety



P 970-683-6284 | C 970-210-1101 | F 970-683-6290
222 S. 6th St, Room 100 Grand Junction, CO 81501
brian.killian@state.co.us | www.codot.gov | www.cotrip.org

On Tue, Jan 26, 2021 at 10:03 AM Trent Hyatt <trent.hyatt@cogs.us> wrote:

Chris,

I let you know if Engineering has any additional comments. I have copied Kandis Aggen and Brian Killian at CDOT as well in case they have any comments on the revised traffic estimate due to the removal/change of use proposed.

Thanks,

Trent L. Hyatt

970.384.6427 (p)

trent.hyatt@cogs.us

From: [Jennifer Ooton](#)
To: [Gretchen E Ricehill](#); [Trent Hyatt](#)
Cc: [Hannah Klausman](#)
Subject: FW: Online Form Submittal: General Comment Form
Date: Monday, November 2, 2020 8:15:33 AM

Morning,
For the record.
Thanks,
Jenn

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Saturday, October 31, 2020 1:18 PM
To: Public Information Officer <pio@cogs.us>
Subject: Online Form Submittal: General Comment Form

General Comment Form

First Name	Virginia
Last Name	Gera
Phone Number	9704041013
Email Address	Co89gera@comcast.net
Comment	I am writing in regards to the recent resubmission of an application for a special use permit for a marijuana dispensary on Grand Ave. During their previous application many neighbors and fellow citizens of Glenwood voiced their opposition to yet another pot shop in Glenwood Springs. Surely a town of 10,000, with only one grocery store, doesn't need more than eight marijuana shops. What was once a favorite family vacation destination will attract a very different type of tourist. There has been discussion on whether to impose an outright moratorium to limit additional shops or to increase the distances required between shops and from schools. While I agree shops shouldn't be on every street corner or next to schools, distance requirements have the unintended consequence of creating pockets of over-valued real estate. Pot shops, with their high profit margins, are able to offer property owners two to three times the going rate for rent or sale, which other businesses can't afford. Existing viable businesses, some of which are the only one of their kind in town, get kicked out. I know because it happened to my business. In the midst of the corona virus, when

we were already hurting from being closed for two months, we had to relocate on a month's notice because our landlord had "another use for the space".

How many times will Kind Kastle submit applications and city council turn them down before everyone realizes Glenwood has enough pot shops? Please impose a moratorium and stop this nonsense.

I understand city council's reluctance to interfere with a free market, but without government interference 7th Street would probably still be a red light district.

Sincerely,
Virginia Gera

Email not displaying correctly? [View it in your browser.](#)

Glenwood Springs Office
901 Grand Avenue, Suite 201
Glenwood Springs, Colorado 81601
Telephone (970) 947-1936
Facsimile (970) 947-1937

GARFIELD & HECHT, P.C.

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Since 1975

www.garfieldhecht.com

Haley M. Carmer
hcarmer@garfieldhecht.com

February 17, 2020

Via E-mail

Trent Hyatt, Senior Planner
City of Glenwood Springs
101 West 8th Street
Glenwood Springs, Colorado 81601
E-mail: trent.hyatt@cogs.us

Re: Kind Castle Special Use Permit Application

Dear Mr. Hyatt:

As you know, this law firm represents Cedar Lodge Motel, Inc. Cedar Lodge has asked us to provide this letter in opposition to the Special Use Permit application (“Application”) for a retail marijuana store submitted by Kind Glenwood, LLC, d/b/a Kind Castle (“Kind”). The proposed retail marijuana store would be located at 2114 Grand Avenue (the “Property”), which is immediately adjacent to Cedar Lodge. Kind submitted the same type of application for the same use at the same Property last spring. Due to the incompatibility of the proposed use with the surrounding area and the unmitigated negative impacts of the business on its neighbors, Kind was denied the Special Use Permit it needed to operate the retail marijuana store on the Property. With City Council’s blessing, Kind was allowed to submit its new Application on November 13, 2020, which the Planning and Zoning Commission (“Commission”) will consider at its February 23, 2021 meeting. As with its past SUP application, this Application does not meet the special use permit approval criteria set forth in Section 070.060.050(e)(3)(e)(2) of the Glenwood Springs Municipal Code (“Code”) and should be denied.

According to Kind, its pending Application is materially different from its first one because Kind will be utilizing all three of the commercial units in the building on the Property, not just two; it now has access to up to 16 parking spots instead of 4 and an easement that, someday, may provide for shared access with the adjacent gas station; Kind has beefed up its odor mitigation system; the two residents at the rear of the Property purportedly support the proposed use; and the single-tenant nature of the Property will eliminate adverse traffic impacts and signage issues. None of those factors brings the Application into compliance with the Code’s SUP approval criteria.

First, nothing has changed regarding the Application’s compliance with the first approval criterion—compatibility of the use with the surrounding area. The fact remains that a retail marijuana store would be out-of-place at the proposed location. As the Commission has already

determined, locating the store at the Property will divert business from downtown, which conflicts with the Comp Plan. A business operating within an industry notorious for odor issues is also incompatible with places where people go to seek comfort, privacy, and rest such as the residential units on the Property, the Cedar Lodge Motel next door, and the numerous multi-family residential structures to the east of the Property. It should be telling that no other marijuana establishment in the City shares a wall with a residential unit, let alone two units. While the affidavit from the current tenants states that they are not opposed to the proposed use, that may not be true for future residents of the building, and Kind has no control over who those future tenants will be. Nor is the affidavit indicative of the sentiments of the residents along 22nd Street who will be impacted by the use and possibly overflow traffic from the Property. Finally, the Property is just over 300 feet from the River Bridge Regional Center office, a facility that advocates for, regularly meets with, and supports victims of child abuse. Locating a marijuana dispensary next to those uses is not compatible and is bound to lead to user conflicts and complaints.

Second, despite Kind's claims to the contrary, the Application does not adequately minimize the impacts of its proposed use on surrounding areas or the health, safety, and welfare of its inhabitants and the City. The impacts of most concern here are parking, traffic circulation, and odor. This is especially true seeing as the marijuana-housing portion of the building has increased from the last application to the pending one. That is, having more space available for the sale of marijuana means more product being stored and displayed on the Property. More marijuana means more odor and may translate to more customers and more traffic and parking concerns due to a wider variety of offerings.

Kind claims that the now 16 parking spaces located on the Property are more than enough to satisfy its needs. As an initial matter, Kind claims that all of those parking spaces will be devoted to its use, but at least three parking spots need to be reserved for the two residential units at the back of the Property per Table 030.1 of the Code. The residents in the building shouldn't be expected to give up their parking spaces and park on 22nd Street to accommodate Kind's proposed business. Even assuming Kind could use all 16 spaces located on the Property, it is clear that that number is not enough since Kind will employ 12-15 people at its store. There is no offsite parking for those employees, so some will inevitably park on the Property, reducing spots available for customers.

The inadequacy of the parking on the Property for its retail tenants—whether three different business or one—is evidenced by the constant, unauthorized use of Cedar Lodge's property for overflow parking. Videos showing how patrons of the property regularly utilize Cedar Lodge's property can be found using this link: <https://www.dropbox.com/sh/8vjxls9r35zp78c/AADxrlvOdpSHOjNnmedXVOzCa?dl=0>. That practice is bound to continue if a busy marijuana store moves in. Indeed, due to the location of the Property, there is no viable overflow parking area for Kind's customers or employees or nearby on-street parking, so it is inevitable that customers will continue to attempt to park on Cedar Lodge's property. If the Commission is at all inclined to recommend approval of the Application, at a minimum, the Commission should include a condition requiring Kind to actively prohibit and prevent overflow parking on neighboring properties by, among other things, installing signage and fencing approved by adjacent property owners. Including such an express

condition will incentivize Kind to comply with it and give the City a viable means of enforcement if overflow parking continues to be a problem.

Even with the minimal improvements Kind is proposing to make to the parking area on the Property, the layout—which staff has acknowledged is nonconforming—is also a safety concern. The parking lot deficiencies are explained in more detail in the enclosed letter from SGM. In the past, the fire department has expressed concern about responding to an emergency at the Property due to the circulation on the lot. Those concerns are not mitigated under the current Application. And the fact that the owner of the Property has secured an easement from the adjacent gas station does nothing to mitigate the current traffic circulation issues. All it does is allow a joint access point at some time in the future when the properties are redeveloped.

In addition to addressing the Property's parking circulation, the enclosed SGM letter includes a traffic generation analysis of the use proposed in the Application. According to SGM's analysis, the dispensary portion of the Property (i.e. Units B and C only) is projected to generate approximately 591 weekday trips to the Property. In contrast, the prior uses of the Property combined only generated 165 weekday trips. That change is hardly insubstantial as Kind claims. Even if Grand Avenue can handle the added capacity, the Application does not address how it will mitigate the increased safety concerns for motorists and pedestrians that may result from increased traffic into and out of the Property, especially in light of the poorly designed parking area that intuitively orients customers parking in the diagonal spaces to back toward and into Grand Avenue traffic.

Finally, with respect to odor, the air filtration systems Kind says it will use and the fact that marijuana cultivation and product manufacturing will not occur on the Property do not eliminate Cedar Lodge's concerns on this issue. Kind claims that "odor will not be an issue" and that its odor mitigation plan "will make odor impossible." Unless Kind can make its product scentless, odor will always be a possibility when it comes to a marijuana business. Of primary concern to Cedar Lodge is the location of the odor mitigation system's exterior vent. Depending on its location, it is certainly possible that the expelled air and associated odor—even if filtered—will waft directly into hotel rooms and Cedar Lodge's front office, causing discomfort and annoyance to staff and guests alike. Cedar Lodge has no way to combat those impacts and, in event, that should be Kind's obligation since it is the one bringing the nuisance to the area.

As the foregoing makes clear, the Application fails to satisfy three of the six approval criteria for a special use permit, which is reason enough to deny it. The Commission agreed before, and not enough has changed in the new Application to justify a different result. But not only is the proposed use a bad fit for the proposed location, it's a bad fit for the City as a whole. Eight marijuana store licenses have been issued by the City; there is no need for a ninth. The promise of tax revenue cannot salvage an application that does not otherwise meet the City's Code requirements.

Other than making the incompatible use bigger, nothing has changed between the last application and this one. The fact remains that the use itself—a retail marijuana store—is incompatible with other surrounding uses, and the impact of that use on adjacent properties has not been sufficiently mitigated. Cedar Lodge, on behalf of its owners and guests, therefore urges

the Commission to once again unanimously recommend denial of the Application to City Council. At a minimum, the Commission should include a condition of approval requiring Kind to address the overflow parking issue as described in this letter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Haley Carmer". The signature is fluid and cursive, with the first name "Haley" and last name "Carmer" clearly distinguishable.

Haley M. Carmer

Search

Buffer

Draw

Layers

Measure

Click a measurement tool to start

320.8 Feet

Locate

Basemap

Results

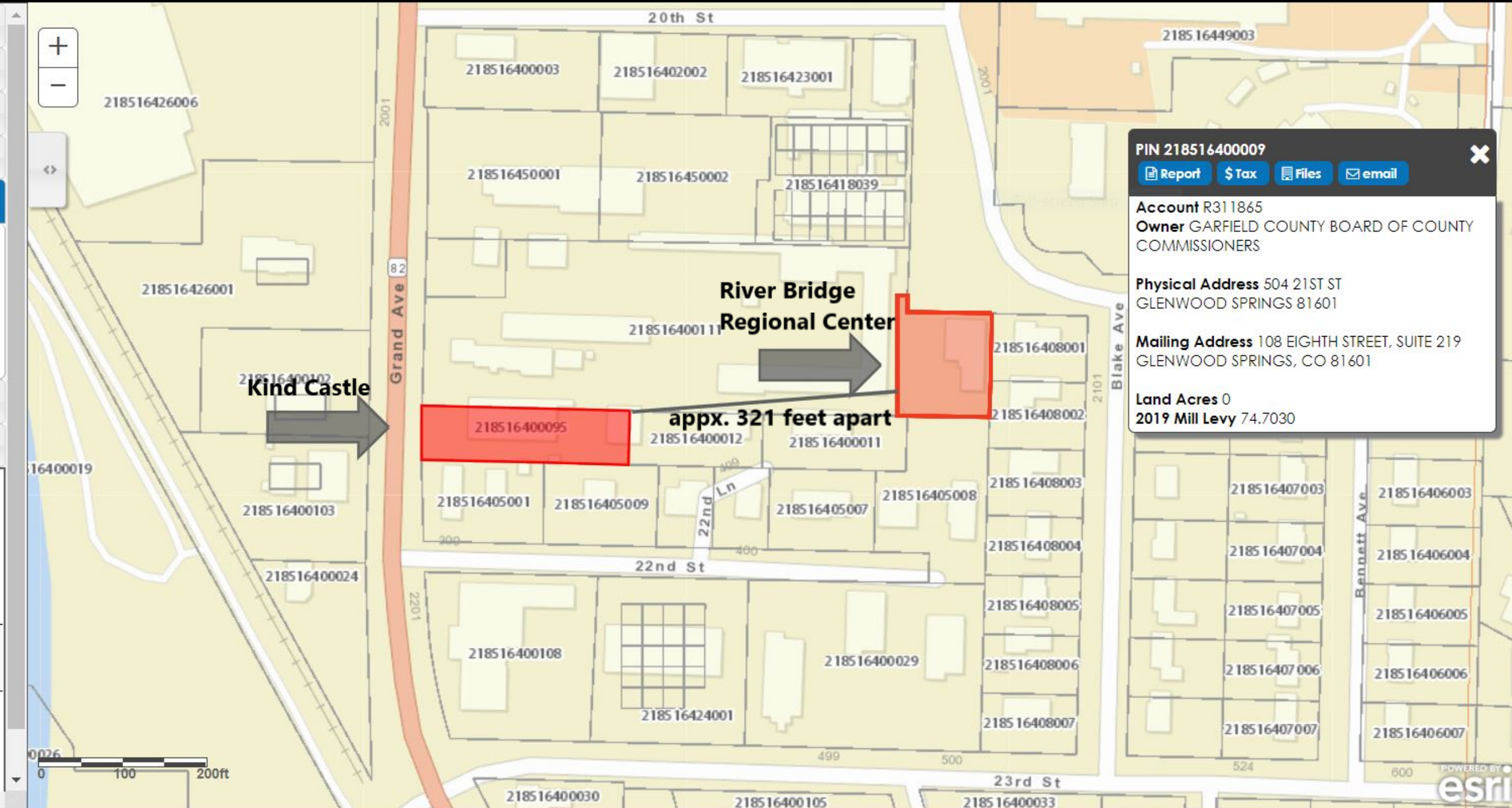
Copy CSV PDF Print

Search:

Parcel	Physical Address	Owner
21851640009	504 21ST ST GLENWOOD SPRINGS	GARFIELD COUNTY BOARD OF COUNTY COMMISSIONERS

Showing 1 to 1 of 1 entries

Previous 1 Next



PIN 218516400009

Report Tax Files email

Account R311865

Owner GARFIELD COUNTY BOARD OF COUNTY COMMISSIONERS

Physical Address 504 21ST ST
GLENWOOD SPRINGS 81601

Mailing Address 108 EIGHTH STREET, SUITE 219
GLENWOOD SPRINGS, CO 81601

Land Acres 0

2019 Mill Levy 74.7030

MEMORANDUM

TO: Richard Koziol

FROM: Dan Cokley, PE, PTOE 

DATE: February 12, 2021

The purpose of this memo is to provide a review of the 2114 Grand Ave Kind Glenwood LLC Special Use Permit Application with cover letter dated November 11, 2020 prepared by Alpine Planning LLC. The materials reviewed include the referenced letter, the Special Use Permit Application dated November 13, 2020, and the APEX Consulting Engineers Traffic Assessment dated March 17, 2020.

I have been a Professional Engineer in Colorado since 1994 and a Professional Traffic Operations Engineer since 2014. over the past several years I have completed several Traffic Assessments and Trip Generation related to Marijuana Dispensaries that have been accepted by CDOT and local agencies. I have reviewed the Trip Generation estimates, Parking layout and traffic circulation. It is my understanding that APEX Consulting has not prepared an updated traffic assessment for this second application at 2114 Grand Avenue.

TRIP GENERATION

The existing trip generation results are based upon the data presented in the APEX Assessment.

TABLE 1 – EXISTING BUILDING TRIP GENERATION

Land Use	Number of Units	ITE Code	Weekday Rate	Design Hour Rates			Weekday Traffic	Design Hour Traffic	
				PM Rate	PM Entering	PM Exiting		PM IN	PM OUT
Frame Shop	0.8	879	56.55	6.85	3.49	3.36	45	3	3
Barber Shop	1	*	60.00	6.00	3.06	2.94	60	3	3
Pawn Shop	1	*	60.00	6.00	3.00	3.00	60	3	3
EXISTING TRIPS:							165	9	9

The proposed trip generation is based upon the Institute of Transportation Engineer's (ITE) Trip Generation Manual 10th Edition and the building square footage provided in the updated application. In my experience, the total square footage of the building used for the Marijuana Dispensary is used in the trip generation calculation This would include the lobby, the retail area and the back-room area. The area described in the application and calculated from Exhibit A plans is 2339 sf of Retail + Lobby (Suite A + B) and an additional 650 sf of office.

TABLE 2 – PROPOSED BUILDING TRIP GENERATION

Land Use	Number of Units	ITE Code	Weekday Rate	Design Hour Rates			Weekday Traffic	Design Hour Traffic	
				PM Rate	PM Entering	PM Exiting		PM IN	PM OUT
Marijuana Dispensary	2.34	882	252.70	29.93	14.97	14.97	591	35	35
Single Tenant Office	0.65	715	11.25	1.71	0.26	1.45	7	0	1
PROPOSED TRIPS:							598	35	36

The total average weekday traffic for the proposed Marijuana Dispensary is 598 vehicles per day with a typical late afternoon peak of 71 vehicles per hour. This is a significantly higher traffic volume than the existing uses have generated historically.

PARKING

Estimated parking requirements are also provided by ITE in the Parking Generation Manual, 5th Edition. Based on 2339 sf, a Marijuana Dispensary will have an estimated need for 17 parking spaces.

Review of the site plan regarding parking, it appears there are potentially 6-8 usable spaces in the front of the building. The 6 spaces fronting the building are all compact spaces, the four spaces adjacent to Grand Avenue have the potential of two practically usable spaces. Although all are questionable due to lack of dimensioning or plan scale, Angled parking at the estimated 75 degree shown, requires 21 ft stall lines, 20 ft stall depth and 9 ft stall width. There is discussion of 6 additional parking spaces in the rear of the building.

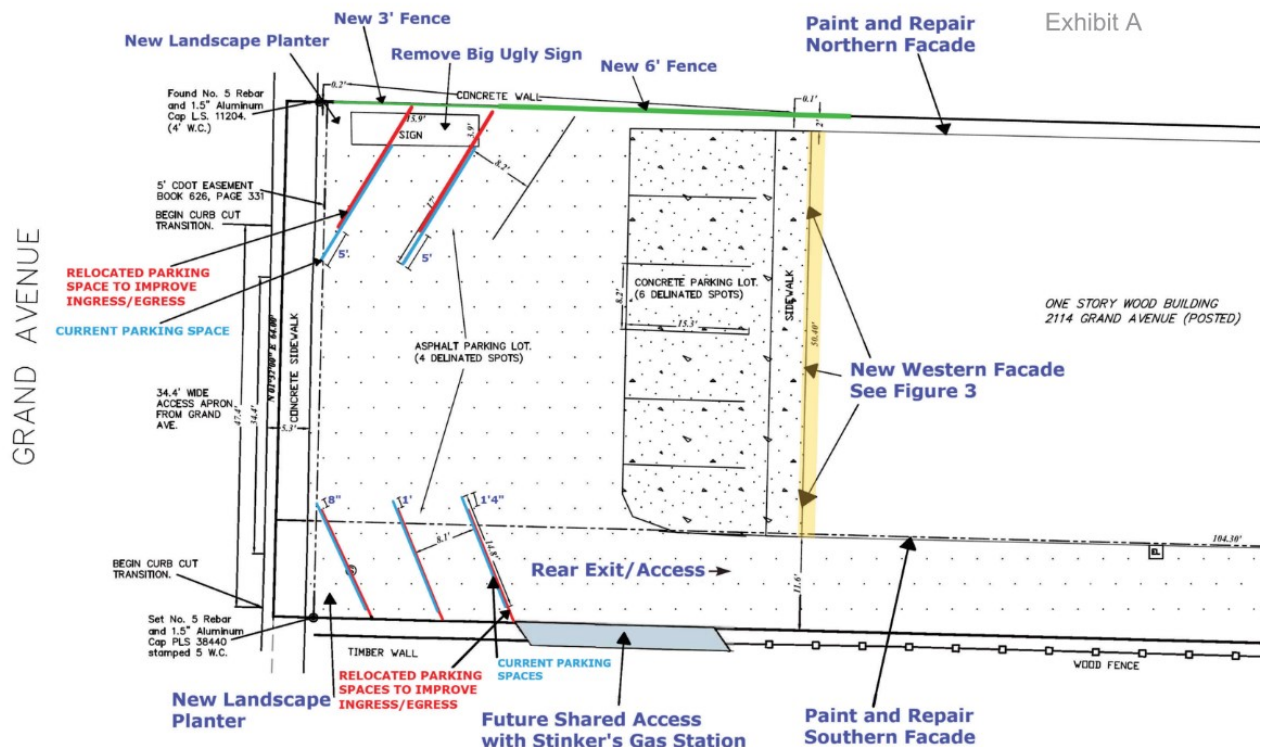


FIGURE 1 – SITE PLAN

CIRCULATION

Traffic circulation as depicted on the site plan above will be extremely difficult unless the four angled parking spaces are removed. The angled parking spaces partially block backing movements from the perpendicular front building spaces. The angled parking spaces provide backing movements that intuitively orient the driver into backing toward and into Grand Avenue traffic.

The 12 ft width one-way to access the additional parking in the rear of the building is constrained on the north by the building and to the south by fencing for over 100 ft length. Two vehicles will not be able to pass which could cause eastbound vehicles to back up into the front parking area or across the proposed Stinker's access, both which could cause chain reactions back to Grand Avenue. The situation is exacerbated by additional traffic generated by rental units at the back of the building.

In summary, the applicant needs to provide a viable plan that addresses the additional trips generated, the lack of parking and inadequate and unsafe traffic circulation.

Trip Generation

ITE Trip Generation, 10th Edition

Land Use	Number of Units	ITE Code	Design Hour Rates				Design Hour Traffic		
			Weekday Rate	PM Rate	PM Entering	PM Exiting	Weekday Traffic	PM IN	PM OUT
Frame Shop	0.8	879	56.55	6.85	3.49	3.36	45	3	3
Barber Shop	1	*	60.00	6.00	3.06	2.94	60	3	3
Pawn Shop	1	*	60.00	6.00	3.00	3.00	60	3	3
EXISTING TRIPS:							165	9	9

ITE Ttrip Generation Manual, 10th Edition	ITE Code	Basis of Rate	Time Period	PM IN	PM OUT
Marijuana Dispensary	882	Ave Rate	PM peak hour of generator	50%	50%
Single Tenant Office	715	Ave Rate	PM peak hour of generator	15%	85%
Arts and Crafts	879	Ave Rate	PM peak hour of generator	51%	49%
Barber Shop	*	Interview Owner		50%	50%
Pawn Shop	*	Assumption		50%	50%

Graph Look Up



Query

Filter

DATA SOURCE:

Trip Gen Manual, 10th Ed

▼

New data edition is available. [Click here to upgrade.](#)

SEARCH BY LAND USE CODE:

882

Q

LAND USE GROUP:

(800-899) Retail

▼

LAND USE :

882 - Marijuana Dispensary

▼

LAND USE SUBCATEGORY:

All Sites

▼

INDEPENDENT VARIABLE (IV):

1000 Sq. Ft. GFA

▼

TIME PERIOD:

Weekday

▼

SETTING/LOCATION:

General Urban/Suburban

▼

TRIP TYPE:

Vehicle

▼

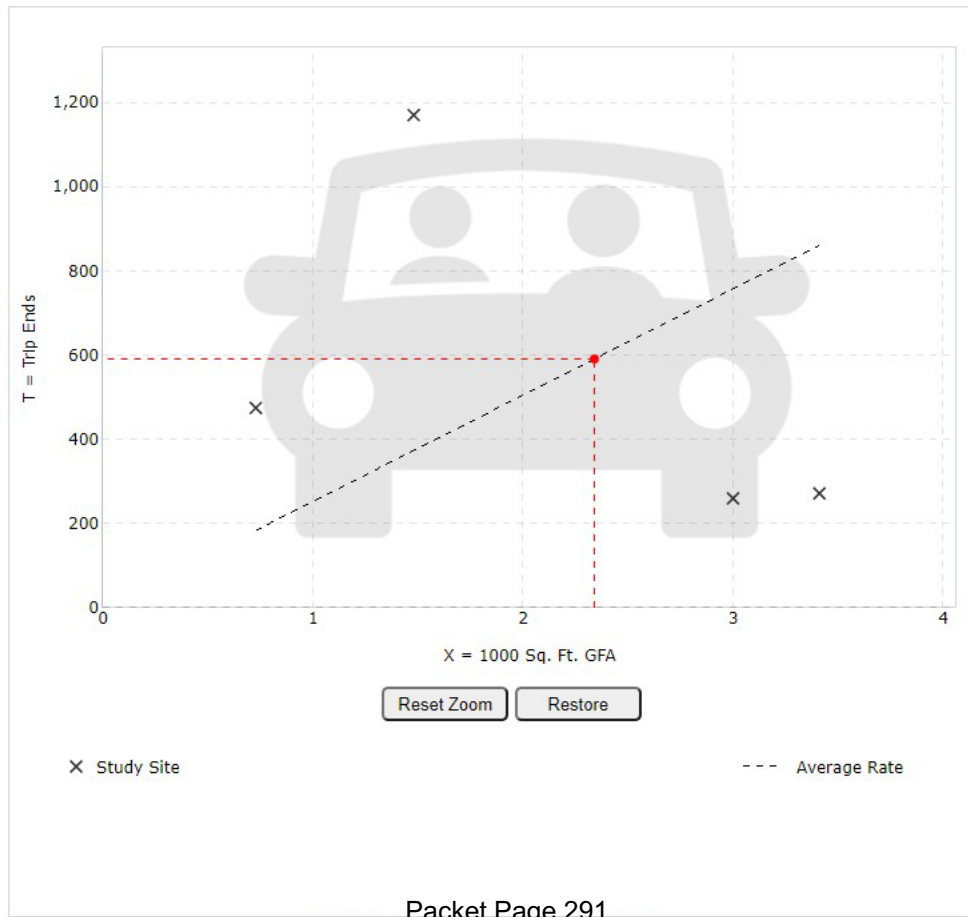
ENTER IV VALUE TO CALCULATE TRIPS:

2.34

Calculate

Data Plot and Equation

Caution – Small Sample Size



DATA STATISTICS

Land Use:	Marijuana Dispensary (882) Click for more details
Independent Variable:	1000 Sq. Ft. GFA
Time Period:	Weekday
Setting/Location:	General Urban/Suburban
Trip Type:	Vehicle
Number of Studies:	4
Avg. 1000 Sq. Ft. GFA:	2
Average Rate:	252.70
Range of Rates:	79.74 - 791.22
Standard Deviation:	336.11
Fitted Curve Equation:	Not Given
R ² :	****
Directional Distribution:	50% entering, 50% exiting
Calculated Trip Ends:	Average Rate: 591 (Total), 295 (Entry), 296 (Exit)

Graph Look Up



Query **Filter**

DATA SOURCE:
Trip Gen Manual, 10th Ed

New data edition is available. [Click here to upgrade.](#)

SEARCH BY LAND USE CODE:
882

LAND USE GROUP:
(800-899) Retail

LAND USE :
882 - Marijuana Dispensary

LAND USE SUBCATEGORY:
All Sites

INDEPENDENT VARIABLE (IV):
1000 Sq. Ft. GFA

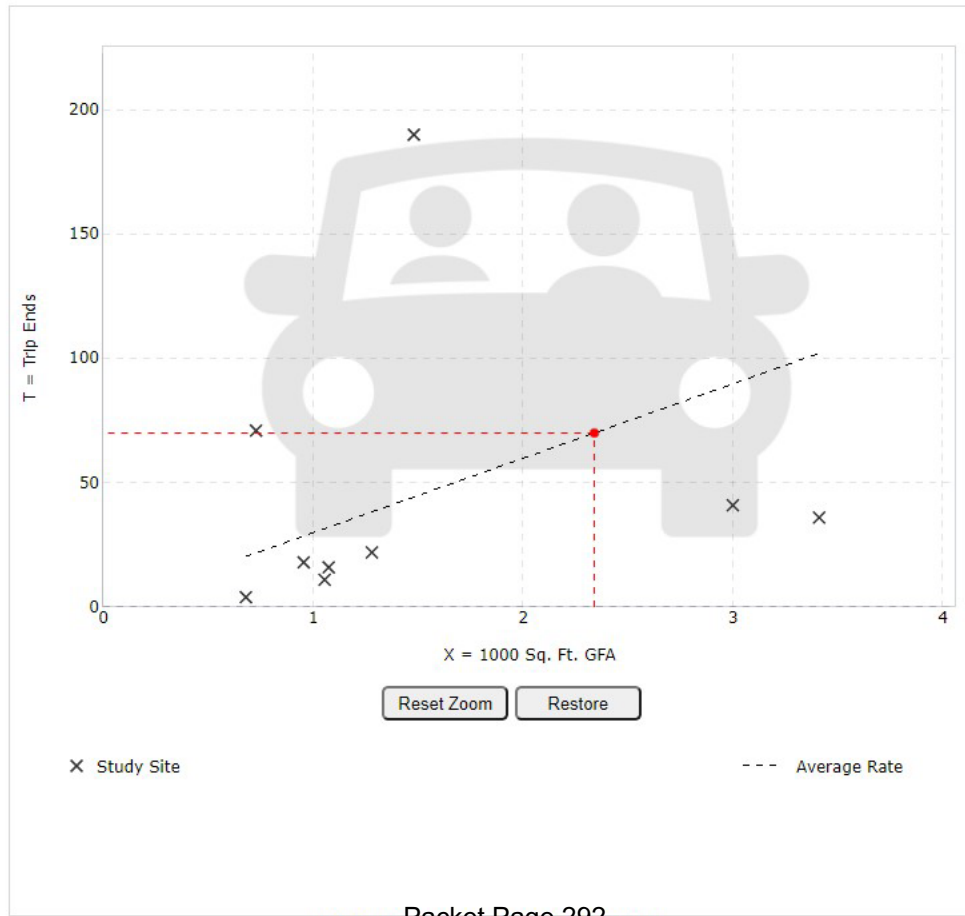
TIME PERIOD:
Weekday, PM Peak Hour of Generator

SETTING/LOCATION:
General Urban/Suburban

TRIP TYPE:
Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:
2.34 **Calculate**

Data Plot and Equation



DATA STATISTICS

Land Use:
Marijuana Dispensary (882) [Click for more details](#)

Independent Variable:
1000 Sq. Ft. GFA

Time Period:
Weekday
PM Peak Hour of Generator

Setting/Location:
General Urban/Suburban

Trip Type:
Vehicle

Number of Studies:
9

Avg. 1000 Sq. Ft. GFA:
2

Average Rate:
29.93

Range of Rates:
5.88 - 128.38

Standard Deviation:
41.69

Fitted Curve Equation:
Not Given

R²:

Directional Distribution:
50% entering, 50% exiting

Calculated Trip Ends:
Average Rate: 70 (Total), 35 (Entry), 35 (Exit)



Query Filter

DATA SOURCE:

Trip Gen Manual, 10th Ed

New data edition is available. [Click here to upgrade.](#)

SEARCH BY LAND USE CODE:

715



LAND USE GROUP:

(700-799) Office

LAND USE :

715 - Single Tenant Office Building

LAND USE SUBCATEGORY:

All Sites

INDEPENDENT VARIABLE (IV):

1000 Sq. Ft. GFA

TIME PERIOD:

Weekday

SETTING/LOCATION:

General Urban/Suburban

TRIP TYPE:

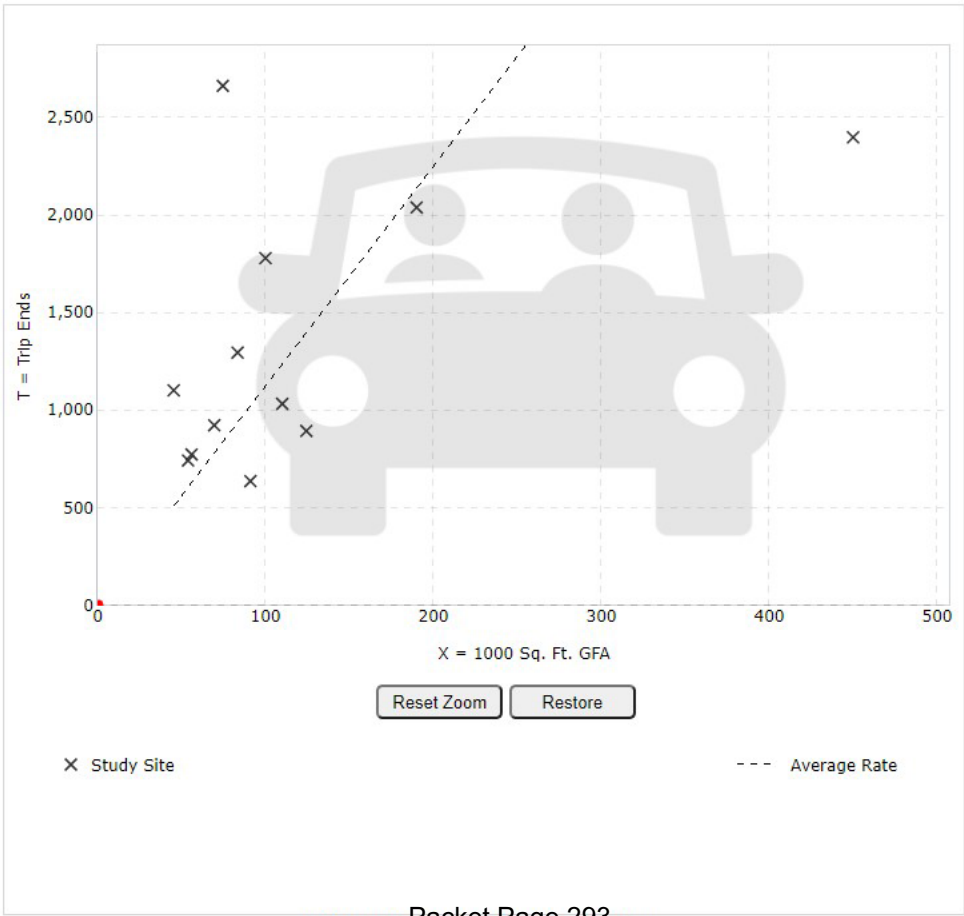
Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:

0.65

Calculate

Data Plot and Equation



DATA STATISTICS

Land Use:	Single Tenant Office Building (715) Click for more details
Independent Variable:	1000 Sq. Ft. GFA
Time Period:	Weekday
Setting/Location:	General Urban/Suburban
Trip Type:	Vehicle
Number of Studies:	12
Avg. 1000 Sq. Ft. GFA:	121
Average Rate:	11.25
Range of Rates:	5.33 - 35.68
Standard Deviation:	7.71
Fitted Curve Equation:	Not Given
R ² :	****
Directional Distribution:	50% entering, 50% exiting
Calculated Trip Ends:	Average Rate: 7 (Total), 3 (Entry), 4 (Exit)

Graph Look Up



Query

Filter

DATA SOURCE:

Trip Gen Manual, 10th Ed

New data edition is available. [Click here to upgrade.](#)

SEARCH BY LAND USE CODE:

715



LAND USE GROUP:

(700-799) Office

LAND USE :

715 - Single Tenant Office Building

LAND USE SUBCATEGORY:

All Sites

INDEPENDENT VARIABLE (IV):

1000 Sq. Ft. GFA

TIME PERIOD:

Weekday, PM Peak Hour of Generator

SETTING/LOCATION:

General Urban/Suburban

TRIP TYPE:

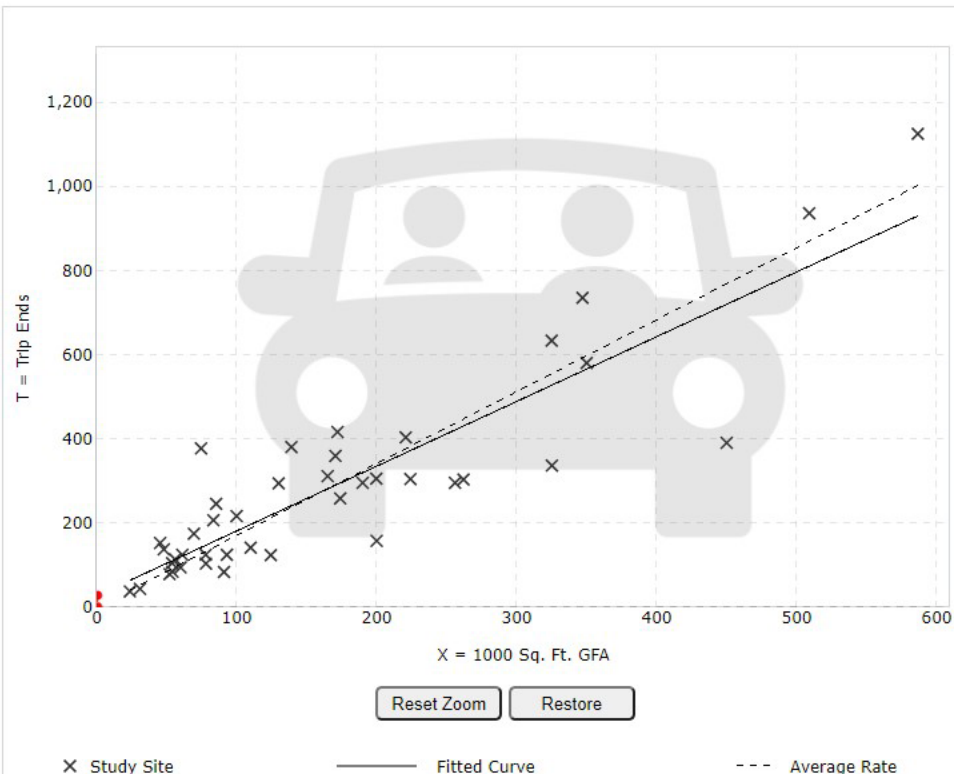
Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:

0.65

Calculate

Data Plot and Equation



DATA STATISTICS

Land Use:

Single Tenant Office Building (715) [Click for more details](#)

Independent Variable:

1000 Sq. Ft. GFA

Time Period:

Weekday
PM Peak Hour of Generator

Setting/Location:

General Urban/Suburban

Trip Type:

Vehicle

Number of Studies:

41

Avg. 1000 Sq. Ft. GFA:

168

Average Rate:

1.71

Range of Rates:

0.79 - 5.07

Standard Deviation:

0.64

Fitted Curve Equation:

$T = 1.54(X) + 27.59$

R²:

0.79

Directional Distribution:

15% entering, 85% exiting

Calculated Trip Ends:

Average Rate: 1 (Total), 0 (Entry), 1 (Exit)

Fitted Curve: 29 (Total), 4 (Entry), 25 (Exit)

Graph Look Up



Query Filter

DATA SOURCE:
Parking Generation Manual, 5th Ed

SEARCH BY LAND USE CODE:
882

LAND USE GROUP:
(800-899) Retail

LAND USE:
882 - Marijuana Dispensary

LAND USE SUBCATEGORY:
All Sites

INDEPENDENT VARIABLE (IV):
1000 Sq. Ft. GFA

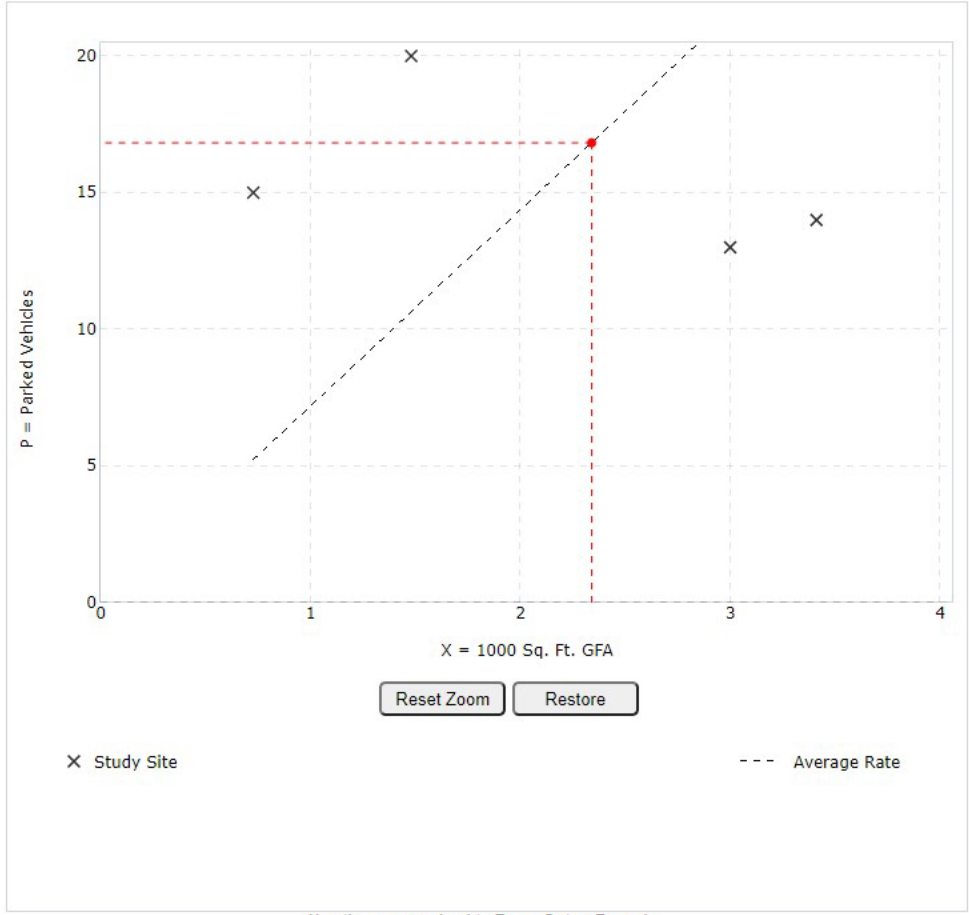
TIME PERIOD:
Weekday (Monday - Friday)

SETTING/LOCATION:
General Urban/Suburban

ENTER IV VALUE TO CALCULATE PARKING DEMAND:
2.34 Calculate

Data Plot and Equation

Caution – Small Sample Size



DATA STATISTICS

Land Use:	Marijuana Dispensary (882) Click for more details
Independent Variable:	1000 Sq. Ft. GFA
Time Period:	Weekday (Monday - Friday)
Setting/Location:	General Urban/Suburban
Peak Period of Parking Demand:	12:00 - 6:00 p.m.
Number of Studies:	4
Avg. 1000 Sq. Ft. GFA:	2.2
Average Rate:	7.19
Range of Rates:	4.10 - 20.60
33rd / 85th Percentile:	4.25 / 20.60
95% Confidence Interval:	***
Standard Deviation:	6.18
Coefficient of Variation:	86%
Fitted Curve Equation:	***
R ² :	***
Calculated Parking Demand:	Average Rate: 17 (Total)

Egress Improvement Signage

The Applicant fully commits to restricting Grand Avenue egress to right-turn only from the property. Eliminating left-turning egress traffic is a substantial improvement to the safety of this section of Grand Avenue. Additionally, this will expedite the clearance of customer traffic entering and exiting the parking lot.

The Applicant shall enforce this on its property by posting “right turn only” signage as depicted below and informing customers to exit onto Grand Ave via right-turn only.



2114 Grand Ave., Glenwood Springs, CO 81601