



AGENDA
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
MAY 20, 2021
101 W. 8TH STREET
6:15 PM

The agenda is subject to *change, including the addition of items 24 hours in advance or the deletion of items at any time.*
The order and times of agenda items listed are approximate and intended as a guideline for the City Council.

ZOOM INSTRUCTIONS

1. You are invited to a Zoom webinar.

When: May 20, 2021 03:00 PM Mountain Time (US and Canada)

Topic: 2021/05/20 Regular Council Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84547931174>

Or One tap mobile :

US: +13462487799,,84547931174# or +16699006833,,84547931174#

Or Telephone:

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

US: +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592

Webinar ID: 845 4793 1174

International numbers available: <https://us02web.zoom.us/j/84547931174>

WORK SESSION

3:00	2. VALE Board	Information/Discussion
3:30	3. Downtown Development Authority	Information/Discussion
4:15	3. City Owned Property Housing RFQ	Information/Discussion

REGULAR SESSION

- | | |
|------|-------------------------------|
| 6:15 | 5. Roll Call |
| | 6. Pledge of Allegiance |
| | 7. Agenda Changes & Conflicts |

- | | | |
|------|---|--------------------------|
| 6:20 | 8. Citizens Appearing Before Council (for items not on the Agenda-comments limited to 3 minutes) | |
| 6:30 | 9. Council Comments | |
| 6:45 | 10. Consent Agenda | Discussion and/or Action |
| | <i>All matters under consent are considered to be routine and will be enacted by one motion and vote. The titles will not be read aloud. There will be no separate discussion on these items unless a Councilmember or Audience Member so requests.</i> | |
| | A. Minutes from May 6th, 2021 | |

ACTIONS AND/OR PRESENTATIONS

- | | | |
|-------|---|--------------------------|
| 6:45 | 11. Office of Financial Empowerment | Discussion and/or Action |
| 7:00 | 12. Planning File 69-20 Consideration of a Special Use Permit for a Retail Marijuana establishment at 2114 Grand Avenue (PIN 2185-164-00-095). Continued from the May 6, 2021 meeting. | Discussion and/or Action |
| 7:20 | 13. Appointments to Historic Preservation Commission | Discussion and/or Action |
| 7:25 | 14. Award Proposal for Council Chambers | Discussion and/or Action |
| 7:35 | 15. Tourism Promotion Board Composition and Terms | Discussion and/or Action |
| 7:45 | 16. Second Reading, Ordinance No 2021-03 of the City of Glenwood Springs, Colorado, Amending Title 070 Sections 070.010.070, 070.020.020, 070.030.020, 070.030.030, 070.030.040, 070.040.020, 070.040.050, 070.040.060, 070.040.080, 070.040.090, 070.040.110, 070.050.040, 070.060.020, 070.060.050, 070.060.070, 070.070.020, AND 070.070.030 of the Glenwood Springs Municipal Code. | Discussion and/or Action |
| 8:00 | 17. BREAK | |
| 8:10 | 18. Ordinance No 2021-05 for CWCB Loan | Discussion and/or Action |
| 8:15 | 19. Memorandum of Understanding regarding Residential Development within RH District of Glenwood Meadows | Discussion and/or Action |
| 8:35 | 20. City Owned Property Housing RFQ | Discussion and/or Action |
| 8:55 | 21. South Canyon Planning | Discussion and/or Action |
| 9:10 | 22. Electronic Participation City Council Meetings | Discussion and/or Action |
| 9:25 | 23. To-Go Alcohol Locations | Discussion and/or Action |
| 9:35 | 24. Ordinance No 2021-04; An Ordinance of the City Council of the City of Glenwood Springs, Colorado, Amending the 2021 Appropriation Ordinance to Reflect Carryovers from the 2020 Budget, Reallocation of Funds, and Expenditures Approved after Submission of the 2021 Budget (ONE READING) | Discussion and/or Action |
| 9:40 | 25. Repeal Resolution 2020-32 and 2020-24 Temporarily Suspending the Sign Ordinance. | Discussion and/or Action |
| 9:55 | 26. COVID 19 Update and Face Covering Extension | Discussion and/or Action |
| 10:05 | 27. Downtown Banners | Discussion and/or Action |
| 10:15 | 28. Report from City Administration | |
| | A. City Manager | |
| | B. City Attorney | |

C. Correspondence Incoming/Outgoing

10:20 29. Adjournment



City Council
STAFF REPORT
City of Glenwood Springs
May 20, 2021

Agenda Item: VALE Board

Action Requested: NA

Department: City Administration

Presented By: Joseph Deras, Police Chief

Background Info: This is the annual meeting requested by City Council with each Board and Commission.

Issues:

Staff Recommendation:



City Council
STAFF REPORT
City of Glenwood Springs
May 20, 2021

Agenda Item: Downtown Development Authority

Action Requested: NA

Department: City Administration

Presented By: Debra Figueroa, City Manager

Background Info: This is the annual meeting with the DDA Board.

Issues:

Staff Recommendation:



City Council
STAFF REPORT
City of Glenwood Springs
May 20, 2021

Agenda Item: City Owned Property Housing RFQ

Action Requested: Review of Request for Qualification document as recommended by the Housing Commission for City owned property housing project.

Department: City Administration

Presented By: Hannah Klausman, Senior Planner

Background Info: At the August 2020 work session with the Housing Commission, City Council directed the Housing Commission to begin information gathering on opportunities and potential partners for a City-owned land housing project. Housing Commissioners and Council liaisons have been conducting discussions with area nonprofits, businesses, organizations, and other municipalities seeking information on needs and interest.

Through these conversations, several key items were identified.

A small committee from Housing Commission has also been attending an 8-week Housing Development training from Interfaith Alliance Housing Equity Campaign. The virtual training series focused on affordable housing development for faith communities, nonprofits, and local governments on the western slope.

With assistance from the Housing development training team, the Commission has drafted a Request for Qualifications (RFQ) for review by Council. The goal is to get Council approval to move forward with issuing an RFQ to review development partners for a possibly housing project on two identified city owned parcels. The RFQ identifies the following project outcomes:

- The project must benefit households at 120 percent Area Median Income (AMI) or less. Projects including 60-100% AMI are identified as a priority.
- The project must maximize the number of units on the site with a goal of density. Site analyses include maximum number of units allowed per municipal code.
 - a. 8th and Midland Property, 7 Units
 - b. Iddings Property, 14 Units
- Ownership and/or rental models will be considered. Home ownership is identified as a priority. This will include developer assistance with financial homeownership literacy and financing qualification.
- Long term public benefit is required. 30-year minimum timeline.

Staff has included the two concept plans that were previously developed for either site for reference only. Exact site configuration is left flexible for developer proposals.

Issues: As part of the next steps in considering development proposals, there are several items that require Council action and consideration.

Land Contribution Process

The RFQ can leave this topic open, however it would be helpful to potential developers to know how the City plans to contribute land towards the project if a developer can meet the stated affordability outcomes. City Council is the approving authority for land transfers and leases. A brief explanation of the two models is provided below.

Land Lease:

A land lease is a device to retain long-term ownership interests in real property and to control how private

parties use land. The long-term lease has been a vehicle for implementing public-private partnerships often used in connection with an affordable housing project to further charitable or economic goals.

Like a Land Trust model the City would retain the title to the land under affordable homes selling the buildings to homebuyers. The City would then enter into a 99-year ground lease, which gives the homeowner day-to-day use of the land while preserving long-term control over its use. This model implies a desire to continue to manage the land.

Land Transfer:

This model can include land donated, or sold.

This would involve contributing property at either no cost, or reduced cost to developers that commit to specific affordability requirements or redeveloped with affordable housing. The City would place restrictions that run with the land restricting the rent or sale price to desired affordability levels. Affordability restrictions could be placed for prolonged affordability.

Additional considerations for Council

Land Appraisal

The technical advisory training team recommended getting an appraisal on the property for negotiating purposes. The Iddings property has a previous appraisal that would need updating, and the Midland Property would need an appraisal completed. This is an expense that will need to be accounted for prior to releasing the RFQ.

Project Advisory Group

The RFQ identifies an advisory group to create review criteria and serve as RFQ proposal review team. Staff has included a recommended list of candidates from various boards and commissions to serve in this capacity. Recommended members have indicated an interest and availability. Staff asks that Council review and approve the appointments.

Fee Waivers

Housing Commission recommends Council consider system improvement fee waivers for this potential project in order to ensure affordability. Fee waivers can be requested at time of formal proposal however it would be helpful to include in the RFQ as a possibility. Housing Commission is recommending a commitment to waive all of the system improvement fees for deed restricted units.

CHFA Technical Assistance Training

CHFA is piloting a new Technical Assistance Program to help catalyze small-scale affordable housing developments by providing access to an affordable housing consultant and pre-development grant assistance. Potential small-scale projects, of 30 units or less, may apply for affordable housing planning and development technical assistance services and pre-development grants to further their work.

Staff is planning to apply when the second round opens in 2021.

Staff Recommendation: Staff is seeking direction from Council on moving forward with the RFQ.

REQUEST FOR QUALIFICATIONS (RFQ) FOR THE DEVELOPMENT OF PROPERTY IN GLENWOOD SPRINGS, CO

INTRODUCTION

This request for qualifications (RFQ) is to identify a development partner for the City of Glenwood Springs (the City) for two properties owned by the City of Glenwood Springs, CO. The two locations are included below.

8th and Midland Property:

Section: 9 Township: 6 Range: 89 A TR IN THE NESW CONT .58 AC. EXCEPT A TR CONT .179 AC AS DESC IN BK 1759 PG 723.

Iddings Property:

Section: 27 Township: 6 Range: 89 TR IN NENW, ALSO A TR OF LAND CONT 22,505 SQFT, EXCEPT A TR OF LAND CONT 1,983 SQFT AS BOTH DESC IN BLA BK 1346 PG 676.

A 2019 Regional Housing Study overwhelmingly indicated a housing need in the Roaring Fork Valley and, specifically for Glenwood Springs. [Greater Roaring Fork Regional Housing Study 2019](#). Glenwood's needs are projected to be as many as 2000 rental and homeowner units. Greatest demands are for housing to meet 120% AMI and below. However, the needs are broad and include owner occupied housing, senior housing, workforce housing and affordable & low-income housing. The city has recognized this need and made it a strategic priority and goal to increase inclusionary housing and housing types.

Site and Design Background

Both sites are currently vacant land owned by Glenwood Springs.

Subject Property: 8th and Midland

Total site is 17,500 square feet

Site is Zoned Residential High Density (RH)

Maximum units allowed: 8

Site is a corner lot. City utilities including water, sewer, and electric are accessible. It is close to shopping, schools and public transportation. It is adjacent to multifamily and single-family housing and Midland Avenue, a major arterial street. Prior conceptual sketch plans and additional details are attached.

Subject Property: Iddings

Total site is 35,332 square feet

Site is Zoned Residential High Density (RH)

Maximum units allowed: 14

The Iddings Property is further from the city center but near an elementary school and major arterial street (Midland). The site includes a hillside towards the back of the property that abuts to open space. The property is adjacent to multifamily housing.

[Glenwood Springs Zoning Map](#)

Sites are subject to policies in the Glenwood Springs building code. [Glenwood Springs Planning Dept. and Development Code](#)

Residential High Density Zoning

The RH district is intended to accommodate various housing types ranging from single-family detached on small lots to multifamily dwellings. The RH district is intended to transition between established neighborhoods and more intense commercial or other nonresidential districts.

Dimensional Standards of RH

Table 020.9: RH District		
Dimensional Standards		
Lot Standards, Minimum		
A	Lot area, single-family detached (sq ft)	4,500
	Lot area, attached dwellings sharing common wall (sq ft)	2,250 per unit
	Landscaped area (for multifamily dwellings) (%)	20
Setbacks, Minimum		
B	Front (from arterial streets) (ft)	15
	Front (from other streets) (ft)	10
C	Side (ft)	5
D	Rear (ft)	10
Building Standards, Maximum		
E	Building height (ft)	40

Permitted Uses in RH

- Dwelling Multifamily
- Dwelling Townhouse
- Dwelling, Two-family
- Dwelling, Single-family detached
- Accessory Dwelling Units
- Child Day Care
- Community Garden
- Short Term Rental

Proposal summary and vision

Housing is a key challenge to the long-term viability of our community. We are proposing a project for the City to provide resources for increasing affordable housing options to members of our community. Glenwood Springs would contribute city owned land and fee waivers as appropriate to ensure affordability, as the basis for a partnered project for additional housing in Glenwood.

Glenwood Springs Housing Commission Project vision

Goal – Support the development of two housing projects on behalf of the City of Glenwood Springs.

Why - Housing need is a key challenge to the long-term viability of our community. There is a demonstrated demand for more affordable housing choices for people desiring to live in Glenwood Springs.

What – Commitment from City Council for a housing development on two City-owned parcels.

How – Identify and partner with a qualified developer in exchange for use of City owned land.

Who – Qualified Development and Financial Partners, City Glenwood Springs Housing Commission, City staff.

Desired Outcomes

- The project must benefit households at 120 percent Area Median Income (AMI) or less. Projects including 60-100% AMI are identified as a priority.
- The project must maximize the number of units on the site with a goal of density. Site analyses include maximum number of units allowed per municipal code.
- Ownership and/or rental models will be considered. Home ownership is identified as a priority. This will include developer assistance with financial homeownership literacy and financing qualification.
- Long term public benefit is required. Occupancy and Ownership of projects over ten (10) units will be subject to the City's newly adopted Inclusionary Housing guidelines.

Required Outcomes

The City of Glenwood Springs has indicated it will be flexible to the extent possible with the list of above parameters, especially given the competitive nature of existing housing resources and a potential need to pivot with market changes as of the current pandemic.

Proposal Goals

We are seeking proposals from development partners that would be consistent with the following City goals and policies:

2020 Community Action Plan [Glenwood Springs Community Action Plan](#)

Goal 2: Economic Diversification: Support opportunities for business development in downtown Glenwood Springs, building on and expanding beyond the tourism economy and supporting entrepreneurship opportunities for residents.

Goal 3 – Affordable Housing: Support opportunities for housing in Glenwood Springs that is affordable and accessible for all, including seasonal and permanent residents.

City Strategic Vision 2020-25 [2020-25 Strategic Vision](#)

Goal 3, Specific strategies to protect, preserve and improve the quality of life:

- Oppose any threats to livability and environment of our community.
- Develop affordable housing with strategic partners so more people who work in the city can live in the city.

The City is seeking a housing project with desirable amenities that will help build and diversify the housing market, create employment opportunities, complement the other development activities in the area and meet both the city goals and the interests of the community.

The prospective development partner can make a proposal for either or both properties. The actual type of housing, density, site plan, ownership or rental and public benefit will be up to the prospective partner. The property will, however, involve some form of deed restriction. Strongest consideration will be given to proposals targeted toward workforce and affordable housing, higher density, owner occupancy, home ownership and residential and construction quality. A proposed partner considering both sites could, if desired and economically feasible, propose different types of housing (e.g. rental or owned, workforce or senior) on each parcel.

Selecting a Development Partner, Site Control Options

The City strongly prefers to create and implement a redevelopment plan with an experienced Developer who is interested in acting as the co-developer of the newly developed property ("The Project"). The City seeks help assessing appropriate financial structures and programs that would provide flexibility in uses for the Project. The City

would rely on its selected development partner to help define the final site development program, identify funding sources, define timing for development, and coordinate any tax credit funding with other sources (grants, low-interest loans, etc.). The City would assist with community engagement and outreach efforts and all efforts that relate to the development of the overall site.

An ideal development partner would have experience with 1) the use of a variety of financing tools 2) experience with residential development practices, 3) experience with racially and ethnically diverse neighborhoods and a commitment to hire minority and women-owned businesses.

The selected developer would be expected to undertake all feasibility and pre-development activities. After a pre-development plan is created, the Developer would implement the plan by redeveloping the site and acting as the long-term owner of the Project. The City prefers a land transfer with land use restrictions for affordability, but is open to negotiating based on the needs of the redevelopment plan and what makes the most sense for both parties.

As a team, the Developer and the City's leadership will develop a plan that meets the financial, social, and physical needs of the City while also being financially viable for the selected developer over the long term. Other preferred qualifications for the ideal development partner are experience in developing with Private Activity Bonds, and experience working on the Western Slope of Colorado and the Roaring Fork Valley.

The developer selected under this RFQ will be asked to execute a Memorandum of Understanding with the City, which will outline the developer's predevelopment, development, and project operation activities. The MOU will also outline the City's role in connection with the proposed development, including but not limited to provision of the site, project coordination, decision-making authorities, assistance with community outreach and engagement, and assistance with local government processes and support.

Timeline

Any selected developer will follow the land use application timelines as set by Community Development. This will include public hearings before Planning and Zoning Commission and City Council depending on project size as stipulated in [Section 070.060 Administration and Procedures](#) of the Development Code. In addition, Residential projects over 24 units are required to conduct a neighborhood meeting prior to application submittal.

Insurance Requirements

PROPOSAL SUBMISSION

Proposal submission

Proposers must submit copies of their proposals as follows:

Proposals shall be delivered to staff on or before: **TBD**

RFQ INQUIRIES

Prospective responders may direct questions to:

Hannah Klausman, AICP
Senior Planner, Community Development Department
101 W 8th Street
Glenwood Springs, CO 81601

hannah.klausman@cogs.us

970-384-6407 (office)

970-319-6269 (mobile)

PROPOSAL CONTENTS

Proposals shall be submitted in the specified form below. Please list responses under headings and numerical and alphabetical sections sequentially, as follows:

1. Introduction and Organization Information:

- a. Title of this RFQ
- b. Name and mailing address of principal organization making this proposal.
- c. Form of the organization. Please check one:
☐ Non-profit ☐ For-profit Corporation or LLC ☐ Partnership ☐ Sole Proprietor
- d. Incorporated or registered in (state)
- e. Website address
- f. Names and contact information of the principal(s) of the business: Owner, president, CEO, partners, general partner or sole proprietor.
- g. Contact person, including email and phone number.

2. Signature Requirements:

The Cover Letter must be signed by an officer empowered by the applicant to sign such material and thereby commit the developer to the obligations contained in the Proposal and in the resulting contract. Further, the signing and submission of the Proposal shall indicate the intention of the applicant to adhere to the

provisions described in this RFQ, including the required certifications.

- a. Proposals submitted on behalf of a Partnership shall be signed in the organization name by a partner or the Attorney-In-Fact. If signed by the Attorney-In-Fact, there shall be attached to the proposal a Power-Of-Attorney evidencing authority to sign proposals, dated the same date as the proposal and executed by all partners of the organization.
- b. Proposals which are submitted on behalf of a corporation shall have the correct corporate name thereon and the actual signature of the authorized officer of the corporation written (not typed) below the corporate name. The title of the office held by the person signing for the corporation shall appear below the signature of the officer.
- c. Proposals which are submitted by an individual doing business under a developer name ("dba") shall be signed in the name of the individual doing business under the proper organization name and style.

3. Developer Qualifications

Describe the developer and provide a statement of the organization's qualifications to perform requested affordable housing financing, planning, construction, development, and management services. Please address how your firm meets the selection criteria.

4. Team Qualifications:

Please include resumes of key principals and individuals who will be overseeing or involved with the Project.

5. Project Experience

- a. Please describe your team's experience with mixed-income urban development, affordable housing, and any experience in Colorado specifically. Speak to experience in the Roaring Fork Valley, if relevant.
- b. Please describe your team's experience in affordable housing development and ownership using Low Income Housing Tax Credits (LIHTC) and other funding sources applicable to the Project.
- c. The City is committed to a policy of non-discrimination and prefers to work with a developer that has a track record and commitment to the use of Locally-Owned Small Businesses (LOSB's) and Minority/Woman Business Enterprises (M/WBE). Please provide any relevant experience and/or plans to address this business preference.
- d. Please address financial commitment and available equity, including willingness to invest own funds in the project and describe financial capacity to guarantee a multi-million-dollar housing development.
- e. Please describe your firm's approach to community engagement and outreach. Please include specific examples.
- f. Please describe your firm's approach to and experience with working with a local nonprofit agency or mission driven organizations. In addition, please address the potential of providing a right of first refusal to a local nonprofit agency at year

fifteen if using the LIHTC program for financing. The City has not determined whether it will hold the right of first refusal itself or assign the right to another trusted non-profit partner, but respondents should assume that the City will desire the right of first refusal.

6. Associations: Please provide a description of any associations with other individuals or firms or any form of subcontracting that is planned for the Project.

7. References: Provide a minimum of three references for related projects where your team has financed, planned, developed, constructed, and managed a similar project. Please include Colorado references when possible.

8. Project Plan and Schedule: Provide a brief discussion of your team's approach to the successful implementation and long-term sustainability of the Project, including but not limited to a suggested development timeline, preliminary thoughts concerning the overall development of the site, preliminary project and programmatic design ideas, and approach to ensuring best practices in operations, management, and services. Provide preliminary thoughts regarding land price, developer fee split, and other financial returns for RCF and any considerations that would impact the financial returns to RCF as the project sponsor and landowner.

9. Examples: Please provide examples (including pictures) of other projects developed and owned by your team. Please include the unit count, types and sizes, total development cost, date of when the project was completed, and debt and equity used to finance the Project.

10. Disclosures: Please disclose any claims, lawsuits, formal disputes for work or services previously or currently being performed. Please disclose any loss of funding NOT due to budget cuts or cuts to programs.

Proposal Documents and Drawings:

- a. A written description of the proposed project.
- b. Conceptual drawings showing the location, layout, and primary elements of the proposal.
- c. Conceptual architectural plan.
- d. Proposed uses, location of uses, and densities
- e. Tentative schedule

EVALUATION CRITERIA

A project advisory group selected by Council and staff, shall develop a ranking criterion that meets City legal requirements for RFQ evaluation. This will be done in tandem with qualified consultants and training already completed. The ranking criteria will be included in the final RFQ.

The project advisory group will review and evaluated submittals based upon the firm's demonstrated ability to meet the purpose and requirements of the Request for Qualifications. Specific evaluation criteria include but are not limited to:

- a. Overall quality of the submission
- b. Project development and financing
- c. Experience and ability of the firms and key personnel assigned to the project and performance on similar xxx projects
- d. Quality, clarity, creativity and understanding of the scope of work outlined that clearly and specifically illustrates the tasks that will be completed and accomplished.
- e. Results of reference checks and past performance for other clients.

Council may, in its sole discretion, expand or reduce the criteria upon which it bases its final decisions regarding selection of the developer for this parcel.



City Owned Property Housing RFQ

Date: May 20, 2021
To: City Council
From: Hannah Klausman, AICP, Senior Planner
Subject: Project Advisory Group Appointment

The purpose of the Project Advisory Group will be to create review criteria for the RFQ development proposal assessment, as well as make a recommendation to Council on a developer partner to move forward with.

Staff has selected recommended candidates from other City boards and commissions that have knowledge and experience applicable to the project scope. Staff recommends the following candidates for the Project Advisory Group:

Peter Waller,
Planning and Zoning Commission

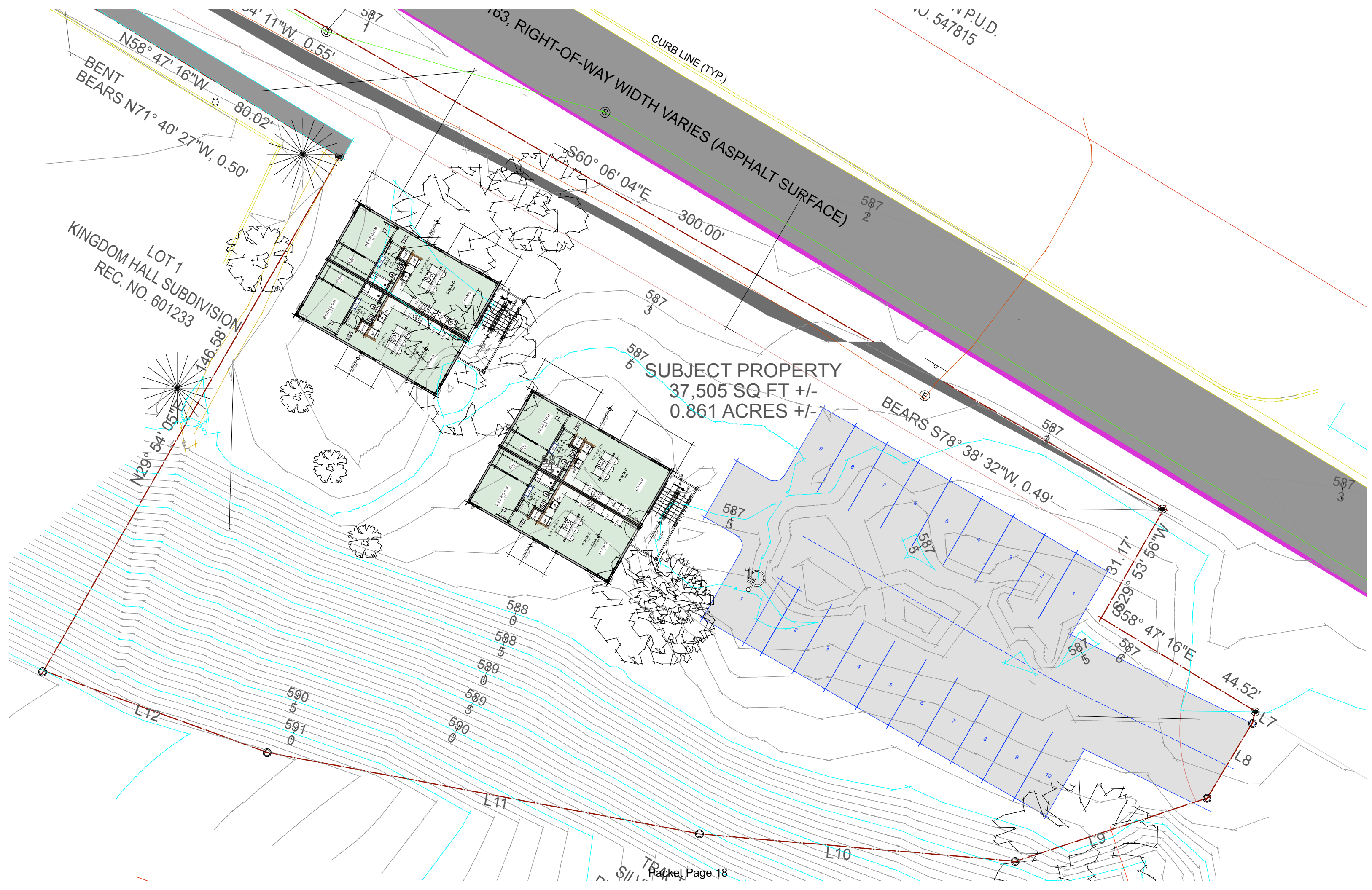
James Fousnought,
Parks and Recreation Board

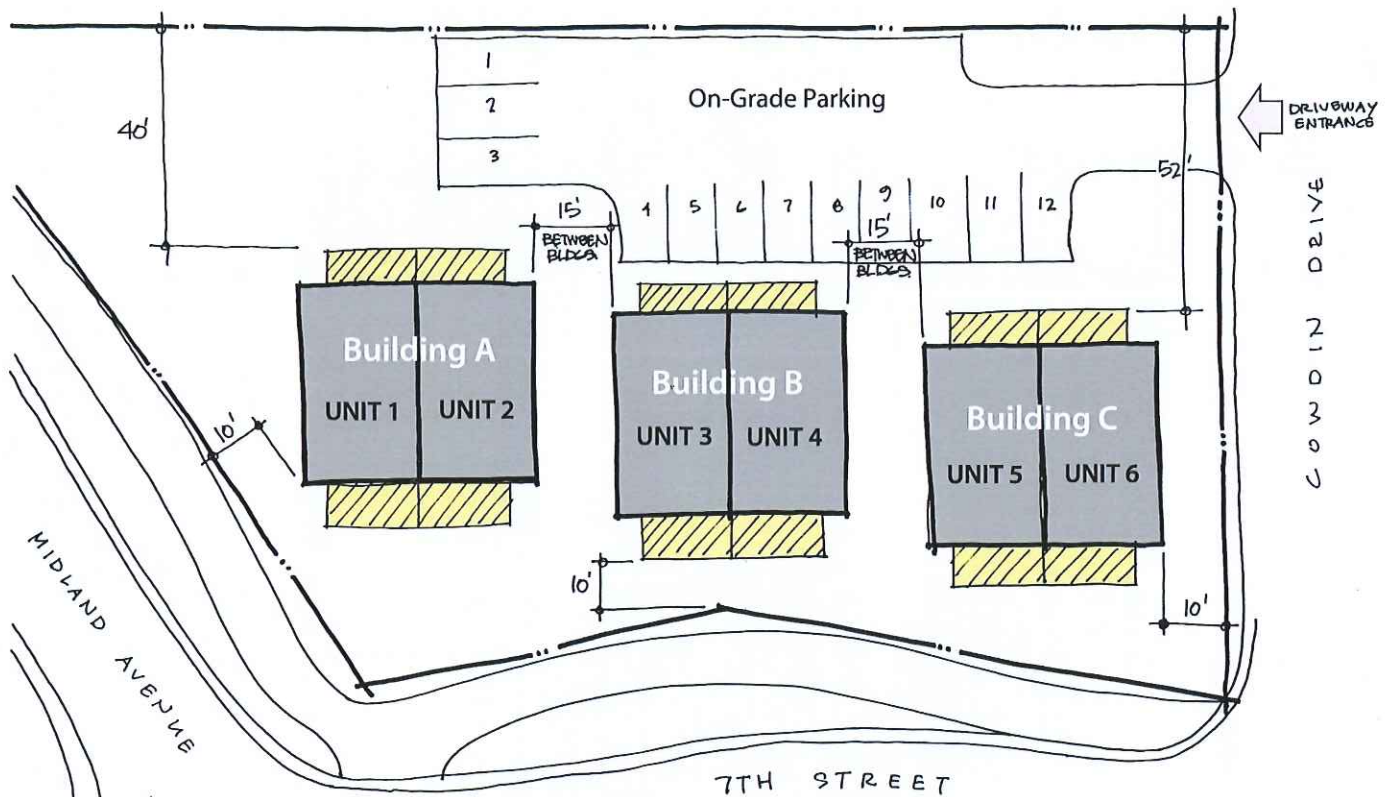
Dave Merritt,
Airport Board
Former City Councilor

Ellen Doles,
Housing Commission

Shelley Kaup,
Council Liaison

Hannah Klausman,
Staff Liaison





CONCEPTUAL SITE PLAN

GLENWOOD SPRINGS AFFORDABLE HOUSING

SEVENTH STREET & MIDLAND AVENUE PROPERTY

February 2, 2016

■ **NO NAME** ■
ARCHITECTS



City Council
STAFF REPORT
City of Glenwood Springs
May 20, 2021

Agenda Item: Minutes from May 6th, 2021

Action Requested: Approve minutes from the May 6, 2021 Council Meeting.

Department: City Administration

Presented By:

Background Info:

Issues:

Staff Recommendation:



MINUTES
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
MAY 6, 2021
101 W. 8TH STREET
6:15 PM

Note: Official meeting minutes are located on the City website via YouTube video at the following link: <https://www.youtube.com/user/GlenwoodSprings1885/videos>. The times in agenda items indicate approximately where the item can be found on the YouTube video timeline.

REGULAR SESSION

:01 Roll Call

Present: Mayor Godes, Mayor Pro-Tem Willman, Councilor Kaup, Councilor Wussow, Councilor Stepp, Councilor Hershey, Councilor Davis. Also present were Debra Figueroa, City Manager; Steve Boyd, COO; Jenn Ooton, Asst. City Manager, Matt Langhorst, Director of Public Works, Gretchen Ricehill, Assistant Director for Economic and Community Development, and Karl Hanlon, City Attorney.

:02 Pledge of Allegiance

Mayor Godes led the Pledge.

:02 Agenda Changes and Conflicts

None were offered.

:02 Citizens Appearing Before Council

Joyce Cohen – 120 Opperson Road, Beaver Creek, CO wanted to discuss puppy mills and for Glenwood Springs to join a collective of other Colorado towns/cities and pass an ordinance banning the sale of dogs sold to pet stores from these suppliers.

Heather McGregor & Steve Smith – 63 Airport Road introduction of proper curb and gutter in development of South Midland and South Bridge development for drainage and runoff.

Sharma Phillips – requests to hold for pay fitness classes in parks. Applied for permit but was declined. Was later asked to hold fitness classes on behalf of the city. Was approached by GSPD but is unable to find which part of the ordinance or code she was breaking.

:12 Council Comments

Councilor Stepp asks about Sharma Phillips call in comments. Debra Figueroa, City Manager replied that it is city policy not to allow for pay activities in city parks as commercialization of parks would ruin park with uncontrolled use. The City Attorney commented about trying to consolidate codes and possibly recommend changes on code. Mayor states that Aspen allowed some activities at the parks.

Councilor Hershey said another person was calling in. Mayor states that public comments had finished.

:18 Councilor Hershey moved to reopen public comment.

Motion failed for lack of a second.

Mayor Pro Tem Willman commented that Parks Department will conduct turf renovation at North Landing for a better appearance pending further decisions on the area.

Councilor Kaup would like to see some council action on Sharma Phillips public comments as a policy. Members of the Housing Committee visited the housing project in Basalt. There will be a work session in May to considered similar project. Downtown neighborhoods are experiencing problems with potholes. Matthew Langhorst stated that City crew is set to address the problem in the next week or two.

Councilor Wussow was approached by the public regarding the area of construction of the ANB Bank regarding the lack of curb appeal. She encouraged more contact with Planning and Zoning to reinvigorate and diversify area with code and zoning changes for more affordable housing. The City Attorney stated that meetings are already underway.

Mayor Godes would like to see if Council would vote to re-instate the sign code so that enforcement can restart.

:31 Mayor moved, seconded by Councilor Davis, to re-instate sign code.

Motion passed unanimously 7-0.

Mayor Godes thanked to all the city staff who joined in the City clean up last Friday and said that a lot of progress was made.

:33 Motion for Consent

:33 Councilor Wussow moved, seconded by Councilor Kaup to approve the consent agenda.

Motion passed unanimously 7-0.

:34 Proclamation of Police Week

Mayor Godes proclaimed that Glenwood Springs will adopt May 9 -15, 2001 to be recognized as Police Week, as May 15 has been designated as Peace Officer Day.

:35 Proclamation of John Logan Bartek “Logan”

Mayor Godes described Logans accomplishments and his work on Hanging Lake that got him the Colorado Tourism Award.

ACTIONS AND/OR PRESENTATIONS

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

Trent Hyatt of Community Development presented the staff presentation for Kind Castles Marijuana establishment at 2114 Grand Avenue. Questions from Councilor Willman regarding traffic count, easement and requirement for applicant to erect a fence. Questions from Councilor Kaup concerning employee parking and if there is a condition to prevent parking at the hotel site. Question from Councilor Stepp regarding fire department access. Question from Mayor Godes regarding possible odor complaints from the retail marijuana store.

Chris Hawkins of Alpine Planning, representing the applicant, presented Question from Councilor Wussow regarding possibility of increased crime and, Councilor Stepp asked if this is a rental.

Public comment:

Haley Carmer, Attorney for Cedar Lodge Motel, disagreed with applicant’s statement to compare this property to other in the city, raised concerns about parking and possible revocation of license if a violation of code occurs and general compatibility with the community at this site. Requested council deny the application.

Barbara Koziel speaking on behalf of Cedar Lodge Motel, stated that this site will have a direct negative impact on the business and community. Increase traffic experienced by motel and she commented on the number of children that run around in the motel car park. Another marijuana store will give visitors the wrong impression of Glenwood Springs. Urges the council to deny the application.

1:29 Councilor Wussow moved, seconded by Councilor Hershey, to continue Planning File 69-20 Consideration of a Special Use Permit for a Retail Marijuana establishment at 2114 Grand Avenue.

Motion passed unanimously 7-0.

1:30 Ordinance No 2021-03 of the City of Glenwood Springs, Colorado, Amending Title 070 Sections 070.010.070, 070.020.020, 070.030.020, 070.030.030, 070.030.040, 070.040.020, 070.040.050, 070.040.060, 070.040.080, 070.040.090, 070.040.110, 070.050.040, 070.060.020, 070.060.050, 070.060.070, 070.070.020, AND 070.070.030 of the Glenwood Springs Municipal Code.

Gretchen Ricehill presented. Question from Councilor Kaup regarding storage containers, their look, size, overall footprint on property, usage and the purpose in allowing such a large size. Question from Councilor Willman on zoning variance and enforcement of existing storage containers.

Public comment: No Comments.

Comments from Councilor Davis concerning size, exceptions and exemptions for use of storage containers.

Comments from Councilor Kaup concerning allowed use of containers. Council should agree on the size of containers used.

Comments from Councilor Wussow concerning permits to allow use. She wanted to extend tanks to the Planning and Zoning Commission for their work on these changes.

Comments from Mayor Godes concerning the size of containers, the current use of containers, time of use and wanted to comment that if presented with care, the containers can look nice.

Comments from Councilor Davis confirming the size of current use containers and the length of use.

Comments from Mayor Godes, Councilor Kaup and Atty Hanlon for compliance and grandfathering current use containers.

1:55 Councilor Kaup moved, seconded Mayor Godes, to approve Ordinance No 2021-03 of the City of Glenwood Springs, Colorado, Amending Title 070 Sections 070.010.070, 070.020.020, 070.030.020, 070.030.030, 070.030.040, 070.040.020, 070.040.050, 070.040.060, 070.040.080, 070.040.090, 070.040.110, 070.050.040, 070.060.020, 070.060.050, 070.060.070, 070.070.020, AND 070.070.030 of the Glenwood Springs Municipal Code. Except for the concerns raised by council.

Motion passed unanimously 7-0.

2:01 Recess

2:12 Open Records Request Policy

Mayor Godes wished to examine how the City's CORA Policy compared to other municipalities.

Steve Boyd, City COO, presented on the City's CORA Policy and a possible online log available to the public.

Public Comments:

Bryce Jacobson commented that an accessible online CORA log would not be a good idea. CORA regulations have changed recently and that no charge should be made. Councilor Wussow comments that existing standards work. Amy Marsh stated that the current CORA Policy is a hinderance to public access and that putting logs online could open the requestor to retaliation.

Councilor Hershey comments that CORA should have no fees and that there should be full transparency.

Council would like an in-person work session later in the summer.

2:53 Housing Commission Appointments

Councilor Kaup commented that two members of the Housing Commission, Sumner Schachter and Shaun Nesbitt, have reapplied for a second term and are eligible. She also interviewed Bobbie Hodge as a candidate and recommends her appointment as she is eligible.

2:54 Councilor Kaup moved, seconded by Mayor Godes to appoint Sumner Schachter, Shaun Nesbitt, and Bobbie Hodge to a three-year term ending in 2024.

Motion passed unanimously 7-0.

2:55 Council Commission & Boards Liaison Appointments

Mayor Godes read the list of appointments:

DDA	Councilor Davis and Mayor Pro Tem Willman
Financial Advisory	Mayor Pro Tem Willman and Councilor Stepp
Tourism	Mayor Pro Tem Willman
VALE Board	Councilor Hershey
Volunteer Firefighter Pension	Mayor Godes
Parks and Recreation	Councilor Davis
Airport	Mayor Godes
Historic Preservation	Councilor Hershey
Rural Fire Protection District	Councilor Hershey
Arts and Culture	Councilor Kaup and Councilor Hershey
Housing	Councilor Kaup and Councilor Stepp
River	Councilor Stepp and Councilor Davis
Transportation	Councilor Wussow and Councilor Kaup

Garfield Clean Energy	Councilor Wussow and Councilor Kaup
Chamber of Commerce	Mayor Pro Tem Willman
Ruedi Water Power	Councilor Wussow
CDOT Intermountain	Mayor Pro Tem Willman
CML	Mayor Pro Tem Willman
CAST	Mayor Godes
Club Twenty	Councilor Stepp
RAFTA	Mayor Godes and Councilor Kaup

Councilor Davis commented that he has no alternative member for Parks and Recreation. Councilor Wussow said that she would like to fill that role, then suggested becoming the main member:

Parks and Recreation	Councilor Wussow and Councilor Davis
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Mayor Godes would like alternates to attend as many meetings as possible.

Councilor Stepp commented that she would like to be the alternative for the Tourism Board:

Tourism	Mayor Pro Tem Willman and Councilor Stepp
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3:05 Bid for Council Chambers

Steve Boyd presented that four bids were received two of which were overpriced. Staff would like the ability to negotiate.

3:06 Mayor Godes moved, seconded by Mayor Godes, for staff to negotiate with the lowest bidder.

Motion passed unanimously 7-0.

3:07 Resolution Number 2021-11 in Support of the Outdoor Restoration Force Act

3:09 Councilor Wussow moved, seconded by Councilor Stepp, to support Resolution Number 2021-11 in support of the Outdoor Restoration Force Act.

Motion passed unanimously 7-0.

3:10 Citizen Survey

Counselor Hershey requested this agenda item be moved to the next Council meeting.

3:11 Councilor Hershey moved, to continue the Citizen Survey to the next Council meeting.

Motion failed for lack of a second.

Mayor Godes asked Council if they would support a citizen survey to find out if they should have staff move forward. They Could also consider a larger survey.

Councilor Davis would support a comprehensive survey like the one several years ago (2016).

Councilor Hershey commented that council does not listen to the community and does not support the survey as it would be a waste of time and money.

Councilor Stepp commented that offering the survey would be beneficial to the City opposed to putting an issue straight on a ballot.

Mayor Godes suggested a \$35,000 budget. Mayor Pro Tem Willman agreed.

Councilor Kaup commented where will the money to pay for the survey come from.

Debra Figueroa suggested from the general fund or from DOLA.

Councilor Kaup comments she is concerned that there may be two surveys this year and that it is not a push poll as per Councilor Hershey's concerns.

Councilor Davis comments that the same companies should be used again.

3:32 Mayor Pro Tem Willman moved, seconded by Councilor Kaup, that staff can proceed with a survey, up to \$35,000, regarding funding infrastructure and other priorities and we do a more comprehensive survey as part of the master plan process.

Ayes: Willman, Kaup, Godes, Wussow, Davis, Stepp

Nays: Hershey

Motion passed 6-1.

3:41 Report from City Administration

A. City Manager

Debra Figueroa, City Manager, commented that the City has the support from CDOT and will be applying for grants for 6th Street and 8th Street.

3:42 Mayor Godes moved, seconded by Councilor Wussow, to pursue grant opportunities.

Motion passed unanimously 7-0.

B. City Attorney

Karl Hanlon, City Attorney, commented that depositions in the RMI case will happen later this summer and waiting to hear on two Summary Judgments that were filed by Garfield County in the State case.

C. Correspondence Incoming/Outgoing

3:45 Adjournment

3:45 Mayor Pro-Tem Willman moved, seconded by Councilor Kaup, to adjourn.

Motion passed unanimously 7-0.



City Council
STAFF REPORT
City of Glenwood Springs
May 20, 2021

Agenda Item: Office of Financial Empowerment

Action Requested: NA

Department: City Administration

Presented By: Debra Figueroa, City Manager

Background Info: Jon Fox-Rubin and Barbara Freeman have requested an opportunity to present to City Council on financial empowerment.

A local Aspen to Parachute team connected to La Medichi, working on the Money Matters project of the Bell Policy Center, has been speaking with residents (currently homeless, formerly incarcerated, elderly and immigrants) about their experiences with money and how the financial systems are working for them. The Bell Policy Center worked with teams in three communities to engage people with lived experience as they developed the legislation for an Office of Financial Empowerment. La Medichi participated by engaging individuals with lived experience from the Roaring Fork and Colorado River Valleys.

Issues: Barbara Freeman, Chief Executive Officer of La Medichi and Jon Fox-Rubin, La Medichi Board member, will present their findings and advocate for the passage of HB 21-148 establishing an Office of Financial Empowerment. They will be asking the City Council to submit a letter of support for SB21-148.

Staff Recommendation: NA

ISSUE STATEMENT:

City Council will hear a presentation from Jon Fox Rubin and Barbara Freeman on the merits of pending SB 21-148, developing the Colorado Office of Financial Empowerment.

BACKGROUND:

A local Aspen to Parachute team connected to La Medichi, working on the Money Matters project of the Bell Policy Center, has been speaking with residents (currently homeless, formerly incarcerated, elderly and immigrants) about their experiences with money and how the financial systems are working for them. The Bell Policy Center worked with teams in three communities to engage people with lived experience as they developed the legislation for an Office of Financial Empowerment. La Medichi participated by engaging individuals with lived experience from the Roaring Fork and Colorado River Valleys.

TODAY:

Barbara Freeman, Chief Executive Officer of La Medichi and Jon Fox-Rubin, La Medichi Board member, will present their findings and advocate for the passage of HB 21-148 establishing an Office of Financial Empowerment. They will be asking the City Council to submit a letter of support SB21-148 through this [link](#).

There is no stated opposition to SB 21-148. Gini Pingnot, of CCI, responded that the Senate Finance Committee on Appropriations recently amended the bill to address issues of authority and it is moving forward with no stated opposition.

KEY DISCUSSION ITEMS:

Review presentation on SB 21-148 and local needs for coordinated financial empowerment resources and consider supporting the bill.

BUDGETARY IMPACT:

None at this time. Fiscal note to establish the Office of Financial Empowerment calls for \$286,136 to staff the office in the Attorney General's office.

REQUESTED ACTION:

Support SB 21-148 and consider how Glenwood Springs might participate in a Regional Financial Empowerment project.

ATTACHMENTS:

- A) SB 21-148 Creation of Office of Economic Empowerment Amended March 23rd, 2021
- B) PowerPoint presentation "Office of Financial Empowerment—The Money Matters Project"

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0578.01 Nicole Myers x4326

SENATE BILL 21-148

SENATE SPONSORSHIP

Gonzales,

HOUSE SPONSORSHIP

Esgar and Tipper,

Senate Committees
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE FINANCIAL EMPOWERMENT**
102 **OFFICE IN THE DEPARTMENT OF LAW.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the financial empowerment office (office) and the director of the office (director) in the department of law to grow the financial resilience and well-being of Coloradans through specified community-derived goals and strategies. The director is appointed by the attorney general and may hire staff as necessary to perform the duties and functions of the office. The office also consists of a manager who is

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

appointed by the director.

The office is authorized to partner with governmental bodies, community organizations, financial institutions, local service providers, philanthropic organizations, and other organizations as necessary to achieve the purposes of the office. The office is also authorized to develop or promote new or existing:

- Methods to increase access to safe and affordable financial products;
- Tools and resources that advance, increase, and improve Colorado residents' financial management;
- Community-informed strategies that dismantle systemic barriers to building ownership and wealth for all, especially low-income communities and communities of color; and
- Tools that promote financial stability such as those that assist with service navigation, eviction avoidance, or connections to income supports.

The financial empowerment office is required to:

- Support the organization of community efforts to define and lead financial resilience strategies;
- Align, support, and build ties to build financial education and well-being in communities across the state;
- Establish a council to assist the director in increasing access to ownership, financial well-being, and safe and affordable banking and financial services that help improve the financial stability of Colorado residents and in identifying products and practices that may undermine financial stability;
- Work with stakeholders to increase access to safe and affordable credit-building loans and financial products;
- Work with state authorities and other stakeholders to expand access to safe and affordable banking products with low fees and easy account access, as well as safe and affordable credit-building loans offered by financial service providers licensed in Colorado at costs that do not exceed the finance charges permitted by Colorado law;
- Work with stakeholders to identify products and practices that may undermine financial stability;
- Develop technical assistance to launch or expand local financial coaching and counseling efforts;
- Raise money to support coaching, safe and affordable banking, and potential loan funds; and
- Track community feedback on consumer financial abuses and coordinate with various state agencies, connect consumers with existing resources, and educate the public on their related consumer rights.

The office is also required to submit an annual report to the general assembly regarding the activities of the office, the state of affordable banking access in Colorado, and other specified information.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 10 to article
3 31 of title 24 as follows:

4 **PART 10**
5 **FINANCIAL EMPOWERMENT FOR**
6 **COLORADO RESIDENTS**

7 **24-31-1001. Financial empowerment office - creation -**
8 **director.** (1) THERE IS HEREBY CREATED IN THE DEPARTMENT OF LAW
9 THE FINANCIAL EMPOWERMENT OFFICE, THE HEAD OF WHICH IS THE
10 DIRECTOR OF THE OFFICE. THE FINANCIAL EMPOWERMENT OFFICE AND THE
11 DIRECTOR OF THE OFFICE SHALL EXERCISE THEIR POWERS AND PERFORM
12 THEIR DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF LAW AS IF
13 TRANSFERRED TO THE DEPARTMENT BY A **TYPE 2** TRANSFER, AS SUCH
14 TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF
15 1968", ARTICLE 1 OF THIS TITLE 24.

16 (2) THE DIRECTOR OF THE FINANCIAL EMPOWERMENT OFFICE
17 SHALL BE APPOINTED BY THE ATTORNEY GENERAL. THE DIRECTOR MAY
18 HIRE STAFF AS NECESSARY TO PERFORM THE DUTIES AND FUNCTIONS OF
19 THE OFFICE. THE OFFICE SHALL ALSO CONSIST OF A MANAGER WHO SHALL
20 BE APPOINTED BY THE DIRECTOR.

21 **24-31-1002. Financial empowerment office - purpose - duties.**
22 (1) THE PURPOSE OF THE FINANCIAL EMPOWERMENT OFFICE IS TO GROW
23 THE FINANCIAL RESILIENCE AND WELL-BEING OF COLORADANS THROUGH
24 COMMUNITY-DERIVED GOALS AND STRATEGIES, INCLUDING BUT NOT

1 LIMITED TO:

2 (a) EXPANDING ACCESS TO SAFE AND AFFORDABLE BANKING;

3 (b) INCREASING ACCESS TO SAFE, AFFORDABLE, LOW-COST CREDIT
4 OFFERED AT COSTS THAT DO NOT EXCEED THE FINANCE CHARGES
5 PERMITTED BY COLORADO LAW;

6 (c) EXPANDING ACCESS TO FREE INDIVIDUAL FINANCIAL
7 COUNSELING AND COACHING;

8 (d) EXPANDING COMMUNITY WEALTH-BUILDING STRATEGIES; AND

9 (e) IDENTIFYING BARRIERS TO FINANCIAL EMPOWERMENT AND
10 FINANCIAL STABILITY.

11 (2) THE FINANCIAL EMPOWERMENT OFFICE MAY PARTNER WITH
12 STATE AND FEDERAL AGENCIES, LOCAL GOVERNMENTS, TRIBAL NATIONS,
13 COMMUNITY ORGANIZATIONS, FINANCIAL INSTITUTIONS, LOCAL SERVICE
14 PROVIDERS, PHILANTHROPIC ORGANIZATIONS, AND OTHER ORGANIZATIONS
15 AS NECESSARY TO ACHIEVE THE PURPOSES OF THE OFFICE. IN
16 FURTHERANCE OF ACHIEVING THE PURPOSES OF THE OFFICE, SUBJECT TO
17 AVAILABLE APPROPRIATIONS, THE OFFICE MAY DEVELOP OR PROMOTE NEW
18 OR EXISTING:

19 (a) METHODS, PROGRAMS, AND POLICIES TO INCREASE ACCESS TO
20 SAFE AND AFFORDABLE FINANCIAL PRODUCTS;

21 (b) TOOLS AND RESOURCES THAT ADVANCE, INCREASE, AND
22 IMPROVE COLORADO RESIDENTS' FINANCIAL MANAGEMENT, INCLUDING
23 STRATEGIES FOR DEBT MANAGEMENT AND REDUCTION, INCREASING
24 SAVINGS, AND CREATING AND RETAINING ASSETS THAT PROMOTE
25 PERSONAL FINANCIAL STABILITY;

26 (c) COMMUNITY-INFORMED STRATEGIES THAT DISMANTLE
27 SYSTEMIC BARRIERS TO BUILDING OWNERSHIP AND WEALTH FOR ALL,

1 ESPECIALLY LOW-INCOME COMMUNITIES AND COMMUNITIES OF COLOR;
2 AND

3 (d) TOOLS THAT PROMOTE FINANCIAL STABILITY SUCH AS THOSE
4 THAT ASSIST WITH SERVICE NAVIGATION, EVICTION AVOIDANCE, OR
5 CONNECTIONS TO INCOME SUPPORTS.

6 (3) THE FINANCIAL EMPOWERMENT OFFICE SHALL, SUBJECT TO
7 AVAILABLE APPROPRIATIONS:

8 (a) SUPPORT THE ORGANIZATION OF LOCAL COMMUNITY EFFORTS
9 TO DEFINE AND LEAD TAILORED FINANCIAL RESILIENCE STRATEGIES BASED
10 ON LOCAL CONTEXT, PRIORITIES, AND EXPERTISE FROM THOSE SERVING
11 THESE COMMUNITIES. STAKEHOLDERS MAY INCLUDE BUT ARE NOT
12 LIMITED TO REPRESENTATIVES OF OLDER ADULTS, YOUNGER ADULTS,
13 COMMUNITIES OF COLOR, UNDERBANKED AND UNBANKED COLORADANS,
14 IMMIGRANTS, COLORADANS OF LOW INCOME, BANKS, CREDIT UNIONS,
15 LOCAL SERVICE PROVIDERS, LOCAL GOVERNMENT AGENCIES, AND
16 PHILANTHROPIC ORGANIZATIONS.

17 (b) ALIGN, SUPPORT, AND BUILD TIES AMONG THE NUMEROUS AND
18 DIVERSE EFFORTS TO BUILD FINANCIAL EDUCATION AND WELL-BEING IN
19 COMMUNITIES ACROSS COLORADO;

20 (c) ESTABLISH A COUNCIL COMPRISED OF FINANCIAL INSTITUTIONS,
21 THE OFFICE OF THE STATE TREASURER, LOCAL AND STATE OFFICIALS,
22 TRIBAL NATIONS, PHILANTHROPIC AND COMMUNITY ORGANIZATIONS, AND
23 OTHER ORGANIZATIONS OR PERSONS DETERMINED BY THE DIRECTOR TO
24 ASSIST THE DIRECTOR IN DEFINING, IDENTIFYING, CREATING, EXPANDING,
25 AND INCREASING ACCESS TO OWNERSHIP, FINANCIAL WELL-BEING, AND
26 SAFE AND AFFORDABLE BANKING AND FINANCIAL SERVICES THAT HELP
27 IMPROVE THE FINANCIAL STABILITY OF UNBANKED AND UNDERBANKED

1 INDIVIDUALS AND FAMILIES AND TO ASSIST THE DIRECTOR IN IDENTIFYING
2 PRODUCTS AND PRACTICES THAT MAY UNDERMINE FINANCIAL STABILITY.
3 AT NO POINT SHALL THE MAJORITY OF COUNCIL MEMBERS BE
4 REPRESENTATIVE OF OR HAVE TIES TO THE FINANCIAL SERVICES INDUSTRY
5 AND EVERY EFFORT SHALL BE MADE TO INCLUDE REPRESENTATIVES OF
6 UNDER-REPRESENTED COMMUNITIES;

7 (d) WORK WITH STAKEHOLDERS TO INCREASE ACCESS TO SAFE AND
8 AFFORDABLE CREDIT-BUILDING LOANS AND FINANCIAL PRODUCTS;

9 (e) WORK WITH STATE AUTHORITIES AND OTHER STAKEHOLDERS
10 TO EXPAND ACCESS TO SAFE AND AFFORDABLE BANKING PRODUCTS WITH
11 LOW FEES AND EASY ACCOUNT ACCESS, AS WELL AS SAFE AND
12 AFFORDABLE CREDIT-BUILDING LOANS OFFERED BY FINANCIAL SERVICE
13 PROVIDERS LICENSED IN COLORADO AT COSTS THAT DO NOT EXCEED THE
14 FINANCE CHARGES PERMITTED BY COLORADO LAW;

15 (f) WORK WITH STAKEHOLDERS TO IDENTIFY PRODUCTS AND
16 PRACTICES THAT MAY UNDERMINE FINANCIAL STABILITY;

17 (g) DEVELOP TECHNICAL ASSISTANCE TO LAUNCH OR EXPAND
18 FINANCIAL COACHING AND COUNSELING EFFORTS LOCALLY;

19 (h) RAISE FEDERAL, PHILANTHROPIC, AND PRIVATE MONEY TO
20 SUPPORT COACHING, SAFE AND AFFORDABLE BANKING, AND POTENTIAL
21 LOAN FUNDS; AND

22 (i) TRACK COMMUNITY FEEDBACK ON CONSUMER FINANCIAL
23 ABUSES AND COORDINATE WITH THE CONSUMER PROTECTION DIVISION
24 WITHIN THE DEPARTMENT OF LAW AND THE DEPARTMENT OF REGULATORY
25 AGENCIES, CONNECT CONSUMERS WITH EXISTING RESOURCES, AND
26 EDUCATE THE PUBLIC ON THEIR RELATED CONSUMER RIGHTS.

27 (4) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136

1 (11), ON OR BEFORE AUGUST 1, 2022, AND ON OR BEFORE AUGUST 1 EACH
2 YEAR THEREAFTER, THE OFFICE SHALL SUBMIT AN ANNUAL REPORT TO THE
3 GENERAL ASSEMBLY REGARDING THE STATE OF AFFORDABLE BANKING
4 ACCESS IN COLORADO AND THE ACTIVITIES OF THE OFFICE OF FINANCIAL
5 EMPOWERMENT AND LOCAL PARTNERS IN IMPLEMENTING THE OBJECTIVES
6 OF THE OFFICE. THE REPORT SHALL ADDRESS ACCESS TO SECURE, SAFE,
7 AND AFFORDABLE FINANCIAL PRODUCTS, INCLUDING:

8 (a) GEOGRAPHIC AND RACIAL EQUITY CONSIDERATIONS;

9 (b) AN EXAMINATION OF EXISTING FINANCIAL PRODUCTS
10 REGULATED BY THE STATE OF COLORADO AND OTHER FINANCIAL
11 PRODUCTS THAT ARE BEING OFFERED WITHIN COLORADO;

12 (c) RECOMMENDATIONS FOR REFORMS THAT WOULD ENCOURAGE
13 GREATER ACCESS TO SECURE, SAFE, AND AFFORDABLE FINANCIAL
14 PRODUCTS OR WOULD PROVIDE BETTER PROTECTIONS TO CONSUMERS; AND

15 (d) AN EXAMINATION OF LOCAL FINANCIAL EMPOWERMENT WORK
16 AND THE IMPACT ON ECONOMIC SECURITY AND MOBILITY OF RESIDENTS.

17 **SECTION 2.** In Colorado Revised Statutes, 24-31-102, **amend**
18 (1)(g) and (1)(h); and **add** (1)(i) as follows:

19 **24-31-102. Offices, boards, and divisions.** (1) The department
20 of law, the chief executive officer of which is the attorney general,
21 includes the following:

22 (g) The peace officers standards and training board, created in
23 section 24-31-302; ~~and~~

24 (h) ~~Notwithstanding section 24-1-107, any other division, office,~~
25 ~~or unit established by the attorney general or by law~~ THE FINANCIAL
26 EMPOWERMENT OFFICE, CREATED IN PART 10 OF THIS ARTICLE 31; AND

27 (i) NOTWITHSTANDING SECTION 24-1-107, ANY OTHER DIVISION,

1 OFFICE, OR UNIT ESTABLISHED BY THE ATTORNEY GENERAL OR BY LAW.

2 **SECTION 3. Effective date.** This act takes effect July 1, 2021.

3 **SECTION 4. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety.

Office of Financial Empowerment THE MONEY MATTERS PROJECT Bell Policy Center

Lived experiences from the
Roaring Fork and Colorado River Valleys

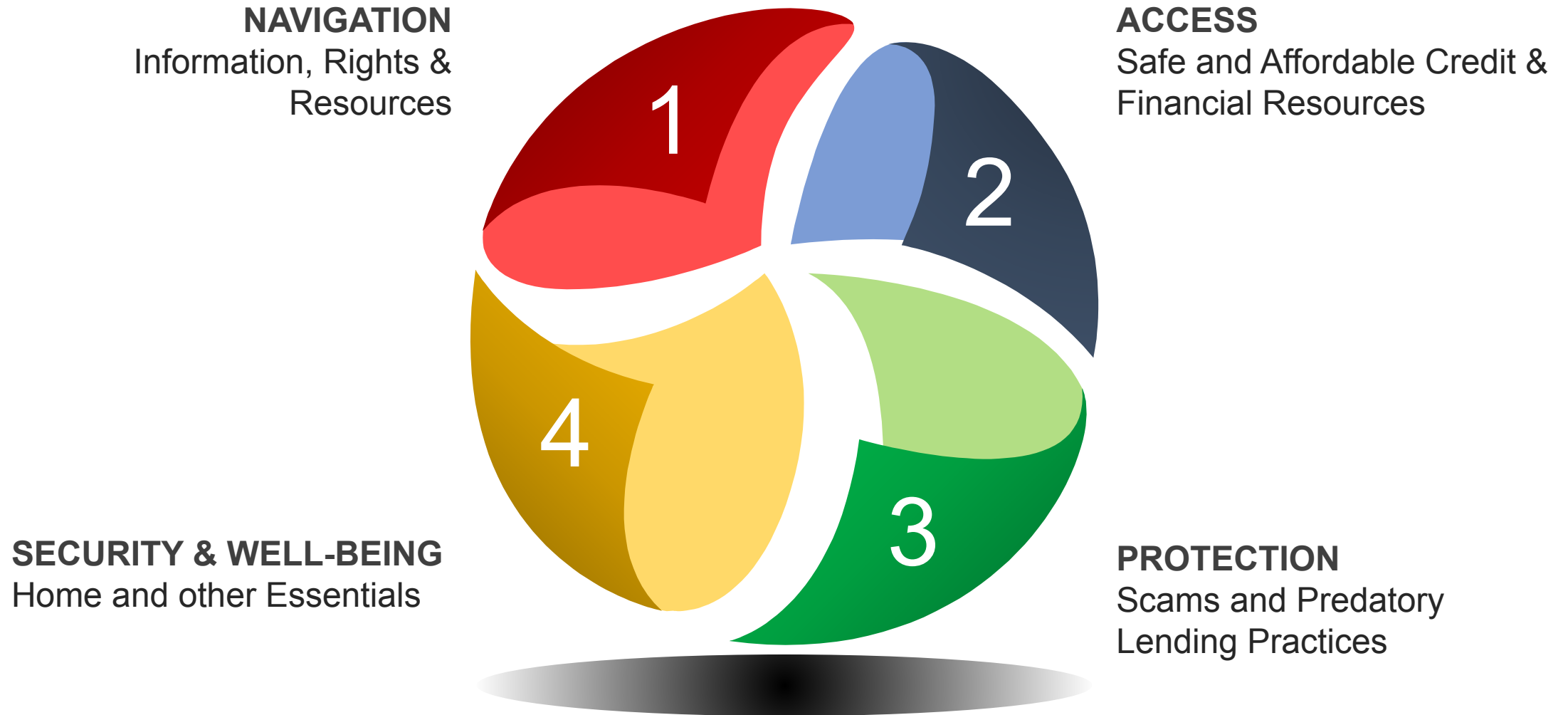
ANA KAREN
BARBARA FREEMAN
BRANDY GILBERT
ILIANA RENTERIA
JON FOX-RUBIN
MONICA BRUTOUT
NICOLETTE TOUSSAINT

Spring 2021

image from bigstock



Financial Empowerment



Information, Rights, and Resources



Navigation

- Eviction
- Mortgage relief
- Financial navigation for emergency assistance
- IRA, Social Security
- Stimulus check
- Unemployment, sick pay
- Power of attorney
- Discriminatory practices, power and voice
- Taxes

Safe and Affordable Credit and Resources



Access

- Access to safe and fair loans (home, car, personal)
- Access to safe and fair insurance (home, car, medical)
- Credit score
- Debit and credit cards
- Unbanked and underbanked
- Fines and fees
- Access to financial management tools

Scams and other Predatory Lending Practices



Protections

- Installment loans
- Car title lenders and loans
- Collection practices
- Identity theft
- Small frauds

Home and other Essentials



Security and Well-Being

- Mobile home issues
- Healthcare, debt, insurance
- Car insurance
- Managing finances
- Managing student loans
- Internet connection
- Utilities and safety issues
- Childcare, child savings, school

An office of FINANCIAL EMPOWERMENT could make a difference in people's lives in our community

NAVIGATION

Connect to information and knowledge about rights and develop technical assistance to launch or expand local financial counseling and coaching

SECURITY & WELL-BEING

Use community feedback on consumer financial experiences to identify and dismantle systemic barriers and build assets



ACCESS

Improve access to safe and affordable credit & lead a statewide coalition to build a network of safe, affordable banking products for all Coloradans

PROTECTION

Eradicate scams and predatory lending practices to protect Coloradans and foster policies that protect people against harmful practices

Please consider supporting SB21-148 establishing a statewide Office of Financial Empowerment domiciled in the Attorney General's office. Read the Bill Language and [sign the LOS by clicking here.](#)

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

SB21-148 be amended as follows:

- 1 Amend printed bill, page 6, strike lines 19 through 21.
- 2 Reletter succeeding paragraph accordingly.
- 3 Page 6, line 23, after "ABUSES" insert "PERMITTING THE ACCUSED
- 4 BUSINESS THIRTY DAYS TO RESPOND PRIOR TO ANY PUBLIC DISCLOSURE,".
- 5 Page 6, strike line 25 and substitute "AGENCIES TO CONNECT CONSUMERS
- 6 WITH EXISTING RESOURCES AND".
- 7 Page 6, strike line 27.
- 8 Page 7, strike lines 1 through 6 and substitute:
 - 9 "(4) THE FINANCIAL EMPOWERMENT OFFICE HAS NO INDEPENDENT
 - 10 EXAMINATION OR REGULATORY AUTHORITY, BUT NOTHING IN THIS PART
 - 11 10 SHALL BE CONSTRUED TO LIMIT THE AUTHORITIES OF THE ATTORNEY
 - 12 GENERAL, THE ADMINISTRATOR DESIGNATED IN SECTION 5-6-103, OR THE
 - 13 DEPARTMENT OF REGULATORY AGENCIES.
 - 14 (5) THE DEPARTMENT OF LAW SHALL ANNUALLY REPORT ON THE
 - 15 STATE OF AFFORDABLE BANKING ACCESS IN COLORADO, THE ACTIVITIES
 - 16 OF THE OFFICE OF FINANCIAL EMPOWERMENT, AND LOCAL PARTNERSHIPS
 - 17 IN IMPLEMENTING THE OBJECTIVES OF THE OFFICE AS A PART OF ITS
 - 18 PRESENTATION TO ITS COMMITTEE OF REFERENCE AT A HEARING HELD
 - 19 PURSUANT TO SECTION 2-7-203 (2)(a) OF THE "STATE MEASUREMENT FOR
 - 20 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
 - 21 GOVERNMENT ACT". THE REPORT SHALL ADDRESS ACCESS TO SECURE,
 - 22 SAFE,".

** **



City Council
STAFF REPORT
City of Glenwood Springs
May 20, 2021

Agenda Item:	Planning File 69-20 Consideration of a Special Use Permit for a Retail Marijuana establishment at 2114 Grand Avenue (PIN 2185-164-00-095). Continued from the May 6, 2021 meeting.
Action Requested:	<u>Action 1 - Special Use Permit</u> - for a retail marijuana establishment in the M1 Mixed-Use Corridor District.
Department:	Planning Department
Presented By:	Trent Hyatt, Senior Planner
Background Info:	The Planning and Zoning Commission (Commission) is the recommending body to City Council special use review related to marijuana uses. For a complete summary and analysis of the proposal, please refer to the attached Commission staff report dated February 23, 2021, minutes from the February 23, 2021 Commission meeting, draft minutes from the March 23, 2021 Commission meeting, and other attached application materials.
Issues:	Planning and Zoning Commission Discussion Staff provided background on the proposal to the Commission at their February 23, 2021 meeting where public comment was also taken. The Commission discussed various issues including but not limited to the proposed revisions to parking/circulation at the site, the location of others related businesses in the City, proposed turning movement access restrictions and related easements, façade improvements proposed by the applicant, etc. Planning and Zoning Commission Recommendation The Commission voted 5-1 to recommend approval of the Special Use Permit to City Council.
Staff Recommendation:	Action Alternatives Section 070.060.050(e)(3)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 . The Planning Commission may also remand the application back to the Director for further consideration." Referred to Section 070.060.030(g)(1)d 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 recommending authority to City Council. Action Item 1 - Special Use Permit - for a retail marijuana establishment in the Mixed-Use Core (M2) District. Staff Recommendation Staff recommends approval with conditions of the Special Use Permit with the findings and conditions outlined 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.

From: [Julie Grange](#)
To: [Trent Hyatt](#)
Subject: Kind Castle opposition
Date: Monday, May 17, 2021 7:58:28 PM

Trent,

I was asked to send an e-mail to join with other voices in opposition of Kind Castle's request to open a dispensary at 2114 Grand Avenue.

Glenwood has enough dispensaries at seven to serve the residents of our town and does not need another one especially right next to a popular motel and a gas station, in addition there is also a residential unit directly behind this building. I have been informed the landlord of said property did not renew the lease for the long-standing barber shop and frame shop in hopes of creating greater revenue in the form of opening a dispensary. I do not by any means, fault anyone wanting to increase their income, however over-saturation of dispensaries has come.

Since the legalization of marijuana in 2014 I have noted an increase in transients in our town, who have liked being here so much they have stayed. This may or may not be directly linked to legalization but what else brought them here? It is not like Glenwood is at the end of a railroad line or a bus route. Lately I no longer feel safe walking my dog in the evening in the neighborhood where I grew up. I should not have to feel the need to apologize to visitors while they are walking across the foot bridge and I hear them say "what a beautiful town except for that", indicating the transient they just passed.

Thank you,

Julie Grange

Trent Hyatt, Senior Planner
City of Glenwood Springs
101 West 8th Street
Glenwood Springs, Colorado 81601

RE: Kind Castle - Special Use Permit Application

Dear Mr. Hyatt,

I heard that we are facing the possibility of a 9th dispensary opening shop in our beloved little mountain town of 9,915 people.

I would like you to consider the following study before making a decision.

According to the State Government Health and Marijuana Authorities / Department of Revenue, the top five cities in the United States with respect to dispensaries per capita is as follows:

- 1) Missoula, Montana: 18.1 per 50,000 people;
- 2) Medford, Oregon: 17 per 50,000 people;
- 3) Pueblo, Colorado: 16.6 per 50,000 people;
- 4) Eugene, Oregon: 16.1 per 50,000 people;
- 5) Denver, Colorado: 14.9 per 50,000 people.

Glenwood Springs currently has 8 dispensaries for 9,915 people. If you scale it, that's more than 40 dispensaries per 50,000 people—more than any other city in the U.S.

More than any other city in the U.S.!

I don't think topping this list is consistent with the family tourism that this town has served this past century or hopes to serve in the next. Please refuse this permit and all others thereafter. The soul of our town is at stake. And also our tourism.

Thank you,
Bozena G.

From: [Nicole Wenger](#)
To: [Trent Hyatt](#)
Subject: Opposition to Kind Castle Dispensary at 2114 Grand Avenue
Date: Tuesday, May 18, 2021 4:44:34 PM

To whom it may concern:

I am writing this email in opposition to the Kind Castle Dispensary at 2114 Grand Avenue. The questions continue to come to the mind of myself, my husband and my teenage boys, as well as, friends and neighbors in Glenwood Springs:

Why does the City of Glenwood Springs need another marijuana dispensary?

What benefits do local families get from another dispensary shop?

These days it appears that City Council and our mayor are more concerned with the tourists and part-time vacationers than the residents that pay taxes and work day to day in the community. The city already has several dispensary shops. Not to mention the location of this shop is next to a hotel, family residents, traffic and with limited parking already. Students walk past the shop on a daily basis to school and their jobs. St. Stephen's Catholic School and the High School are not far from this proposed shop. With drug addiction rates on the rise particularly in youth (see below), the questions are why another dispensary? What about the future of Glenwood Springs and it's youth?

Sincerely,
Nicole Wenger

Drug Use Statistics

Drug use is on the rise in some parts of the United States and plateauing in others. For example:

19% of people reported having used illicit drugs in 2018.

In 2019, **35%** of minors in grades 8, 10, or 12 reported having used any illicit drug in their lifetime.

12% of all people aged 12 or over report having used illicit drugs within the past month, making them current users in 2018.

Drug use is most common in the 18-to-25 age group in 2018, with **39%** of all people

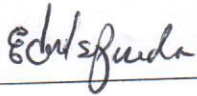
reporting current drug use.

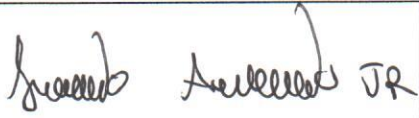
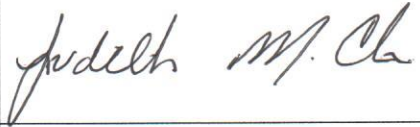
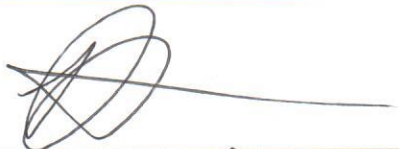
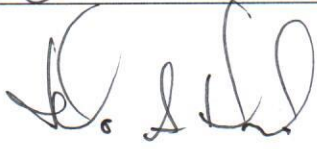
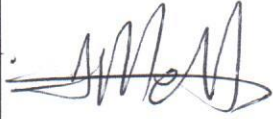
47% of all young people use illegal drugs at least once by the time they leave high school, according to a 2018 study.

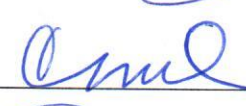
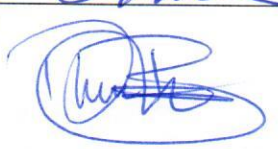
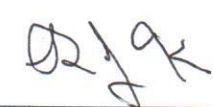
CITIZEN PETITION

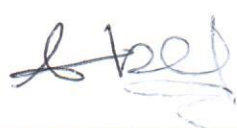
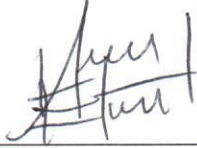
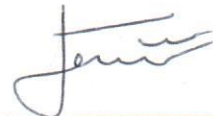
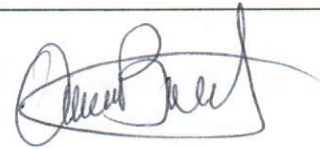
OPPOSITION TO KIND CASTLE DISPENSARY AT 2114 GRAND AVENUE

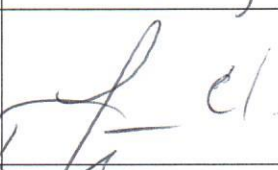
Kind Glenwood, LLC d/b/a Kind Castle has submitted a special review use application to the City of Glenwood Springs for permission to operate a retail marijuana dispensary at 2114 Grand Avenue. This property is located between Stinkers gas station and the Cedar Lodge Motel and includes two residential units in the same building as the proposed dispensary. Placing a marijuana business next door to a hotel and multi-family residential units is not compatible, and the traffic, parking overflow, and odor associated with the use will negatively impact surrounding properties. Please show your opposition to Kind Castle's proposal by signing below. This petition will be presented to the Glenwood Springs City Council at its May 20, 2021, meeting. We urge you to attend that meeting to voice your opposition directly to Council.

Name	Address	Signature
Dembinsky, Janet	1104 Valley View Rd	
Dembinsky, Joel	1104 Valley View	
Victor Avendano	2644 woodberry Dr Glenwood Springs	
Lorna Riley	318 20th St. Glenwood	Lorna R. Riley
Elizabeth Cervantes	806 Garfield Av. Glenwood	Elizabeth C.
Victoria Nava	344 PARK DR Glenwood	Victoria Nava
EDENILSO PINEDA	927 BLAK AVE GWS, CO 81601	

Name	Address	Signature
Jose Ramos	5169 HWY 6 #11 Glenwood Springs	
Leo Anchondo Jr.	421 22nd St Glenwood Springs	
Judith Chaparro	421 22nd St. Glenwood Springs.	
DAISI ANCHONDO	421 22 ND St. Glenwood Springs	
LEONARDO ANCHONDO	421 22nd St. Glenwood, Springs.	
Jose Mellin	2601 Woodberry Dr. Glenwood Sp.	
William Hernandez	1416 Meadow Rd	
Alexa Dominguez	344 park Dr Glenwood Sp.	
Arturo Nune	806 Garfield Apt. B	
Carmen Gutierrez	505 Hyland Park Dr Glenwood	Carmen Gutierrez

Name	Address	Signature
Barbara Hille	1826 Grand Ave GWS CO 81601	Barbara Hille
PARKER HILLE	1826 Grand Ave. GWS, CO. 81601	
BERT CHILSON	1885 BLAKE AVE. GWS, CO 81601	Bert Chilson
CHRISTINE SEUZER	1885 BLAKE GWS, CO 81601	Christine Seuzer
Corinne DeRaddo	214 Pine St. GWS, CO 81601	
Roxana Barraza	412 22nd St. Glenwood Spgs CO 81601	
KRISTOPH KOSMOSKI	702 2nd ST GLENWOOD SPRINGS 81601	
Richard Rozic	2102 Grand Ave Glenwood Springs, CO 81601	
Kacy Exelbert	185 Orchard Ln GWS, CO 81601	Kacy Exelbert
Kelli Shedden	2401 Blake Ave GWS, CO 81601	

Name	Address	Signature
Coules Alberto Munguia Gutierrez	713 Bernie Spring Apt 1 Glenwood SPGS	
Aref Gooden	1109 pitkin AV. Glenwood Springs	
PEDRO ANAYS	25 COUNTY RD 116 APT B GLENWOOD SPRINGS.CO	Pedro Anays
Astrid Henriquez	2644 woodberry Dr Glenwood	
Juan Gabren	1109 pitkin ave Glenwood springs	
Antonio Martinez	2048 grand ave Glenwood	
Oscar Beltran	229 Donegan Rd Glenwood SPGS	
Edward Koziol	136 Mareon Dr G.W.S	
Laque McMillan 2022 Mar Sunshine Travel	2022 Grand Ave Glenwood Springs	Laque McMillan
BILL McMILLAN 0053 N	0053 N Meacham View Glenwood Springs	Bill McMillan

Name	Address	Signature
Defiance Church	2306 Blake Ave GWS, CO 81601	 Building Manager
Lara Claassen	650 LARANT LANT GWS CO 81601	
Edgar Diaz	3030 Grand tob 4 Ave	



**City of Glenwood Springs
Police Department**
101 W. 8th Street
Glenwood Springs, CO 81601

Telephone (970) 384-6500
<https://glenwoodpolice.com>

Joseph H. Deras
CHIEF OF POLICE

Open letter regarding proposed business at 2114 Grand Avenue

The police department has reviewed the previous application and the latest iteration/application for the proposed business at 2114 Grand Ave.

Our concerns are based on public safety services and potential obstructions in that regard.

The number of proposed parking spaces and the layout of those spaces hinder access to the residential units immediately to the rear of the proposed business. Specifically, the parking on the south portion of the lot as proposed, allow for a vehicle to park on the eastern most edge of the parking lot. Irrespective of what has been relayed to the council, this does not allow for unfettered access with vehicles and equipment to access the residential units. An example of this occurred when police and fire personnel responded to a medical aid call at a unit behind this business. This call evolved into a death investigation and there were 5 vehicles/apparatus (fire, police, ambulance) present. They were required to park in the front parking lot of this business and take their equipment to the rear unit; that was done while the business was unoccupied and no vehicles in the lot. If there were patrons at this business and vehicles parked as indicated by the applicant's own schematic, this would have likely complicated the lifesaving efforts of first responders.

If approved in its current form, this property (and the number of expected clients at the business) and adjacent units which presently provides for dense housing conditions may frustrate emergency responses. Although not the responsibility of the applicant, the proposed business and associated volume, may exacerbate a challenging use of the existing property entirely.

The residential units which are connected to this business on the rear/eastern portion of the building create a safety burden. The accessibility from the residential units into this building pose a unique risk. On September 1, 2020, a different marijuana dispensary which is in the 700 block of Grand Avenue was the victim of a burglary. That building also has a residential unit attached to the building in the exact same fashion as this application. In that case, suspects accessed the marijuana dispensary by defeating the common wall. They stole product (which was in a secure area) and US currency. Some of the suspects were arrested immediately and the remaining subject who is known to be armed barricaded himself within the adjacent residential unit.

This event depleted law enforcement resources. A tactical team was called, and mutual aid was required to address this event and to supplement our staff in order to continue to manage calls for service within the city. Our recommendation would be to require the applicant to fortify the common wall to a satisfactory level, provide for video surveillance, and in the alternative, which is least desirable, displacement of the residents may be a consideration. While there are no regulations concerning such, the extreme proximity to the residents and the children who are frequently playing in and around the driveway and building should be a consideration.

Further, it was noted by the applicant there is a geographical void in this area of other marijuana outlets (depicted by his slide with colored graphics). That is factual, but devoid of any reference to a mandate requiring this business model to fill every pocket of our community which has the proper distance from schools, other outlets of a similar nature etc.

With the approval of this application, that would generate the third marijuana business currently under construction or coming online within a few months; in addition to the existing outlets (at least two of which this applicant has interests in). I appreciate the free market and democratic pursuit of free trade. This in no way is an indictment of this business, its ownership or anyone related to the business, but I am concerned with potential market saturation in a community of our size.

In conclusion, it is worth noting that I have been contacted by a nearby business/resident expressing their displeasure for this application. I have referred them to the appropriate City authority for them to share their issues as I believe it is usually inappropriate for us engage in specifics of an application.

It is worth noting I am sensitive to the desires of community members when they express their concerns to their police department. To the extent possible, I endeavor to be responsive to those concerns, when valid. If matters affecting their quality of life or their neighborhoods have the appearance of inattention to their concerns this may erode their confidence in their police department.

We appreciate the consideration given to our safety concerns.

Respectfully,

Joseph Deras
Chief of Police

From: [Kate Kropid](#)
To: [Trent Hyatt](#)
Subject: Thoughts Regarding Kind Castle Application
Date: Thursday, May 6, 2021 12:15:46 AM

Hi Trent!

My name is Kate and I am a Glenwood resident. I wanted to share my thoughts regarding the Kind Castle's business application at 2114 Grand Avenue and advocate for its approval.

As a manager at an area hotel, supporting tourism is incredibly important to me and this valley, and the recreational marijuana industry in this area only helps contribute to that. Additionally, I have noticed an influx of young professionals moving to the area and believe that any new business helps to provide jobs to these newcomers and further stimulate our economy.

I have heard people raise concerns over odor, yet over my time living here have not found that to be an issue at any of the other marijuana establishments in the city and am sure it would not be an issue at this location either as it is not a cultivation property. Along those same lines, I have never experienced any negative feedback from Glenwood visitors regarding the existence of establishments already in the area. It seems to me that the addition of another would only appeal to those who utilize those services and have no negative affect on those who do not-- and the extra tax revenue for the city doesn't hurt! Lastly, I personally think having a single commercial occupant of that parcel is ideal for aesthetic and accessibility reasons.

Thank you for all you do for Glenwood Springs and for your consideration.

Best,

Kate Kropid

From: [Donna Robb](#)
To: [Trent Hyatt](#)
Subject: opposed smoke shop 2114 Grand ave
Date: Wednesday, May 12, 2021 4:26:18 PM

Dear City of Glenwood Springs,

As a resident and business owner (Glenwood Springs Inn Motel) since 1989 we are family owned and operated. I am strongly opposed to the idea of yet another Marijuana shop in Glenwood Springs (2114 Grand Ave).

Glenwood Springs has always been a favorite family getaway, as the town continues to grow I feel like having another Marijuana shop would give off the wrong image of our quaint town. Tourism is key for our town. We work too hard to keep this place clean and safe for our families. I think it would be a huge turn off and there is so more Glenwood can be.

Donna Robb

From: [Bill Kimminau](#)
To: [Joseph Deras](#)
Cc: [Joseph Deras](#); [Trent Hyatt](#)
Subject: FW: Retail Marijuana 2114 Grand Ave special use permit
Date: Thursday, May 13, 2021 8:12:29 AM
Attachments: [Pot Shop map 2021.pdf](#)
[revised parking lot layout.pdf](#)

From: Glenwood Springs Cedar Lodge <vip@glenwoodspringscedarlodge.com>
Sent: Wednesday, May 12, 2021 10:54 PM
To: PD_chief of police <chief of police@glenwoodpolice.com>
Subject: Retail Marijuana 2114 Grand Ave special use permit

Chief Deras,

I hope you are doing well. A special use permit for retail marijuana is getting processed for the 2nd time at 2114 Grand Ave in Glenwood Springs. City Council will review the application at its next meeting on Thursday May 20, 2021. The property is sandwiched in between Cedar Lodge and Stinkers/Sinclair gas station. The owners of Cedar Lodge have safety concerns outlined below.

Comments submitted last year pointed out the horrible parking lot circulation and danger concerning issues with fire access. Even with the new parking plan layout, see attached, concerns remain for folks who live in residential units behind the storefront. The rear access/driveway is very narrow and remains a safety hazard. If operational, a busy pot shop would certainly create unwanted congestion and horrible circulation on a small lot. Traffic jams with cars exiting vs cars entering the driveway is not an ideal situation, something witnessed many times.

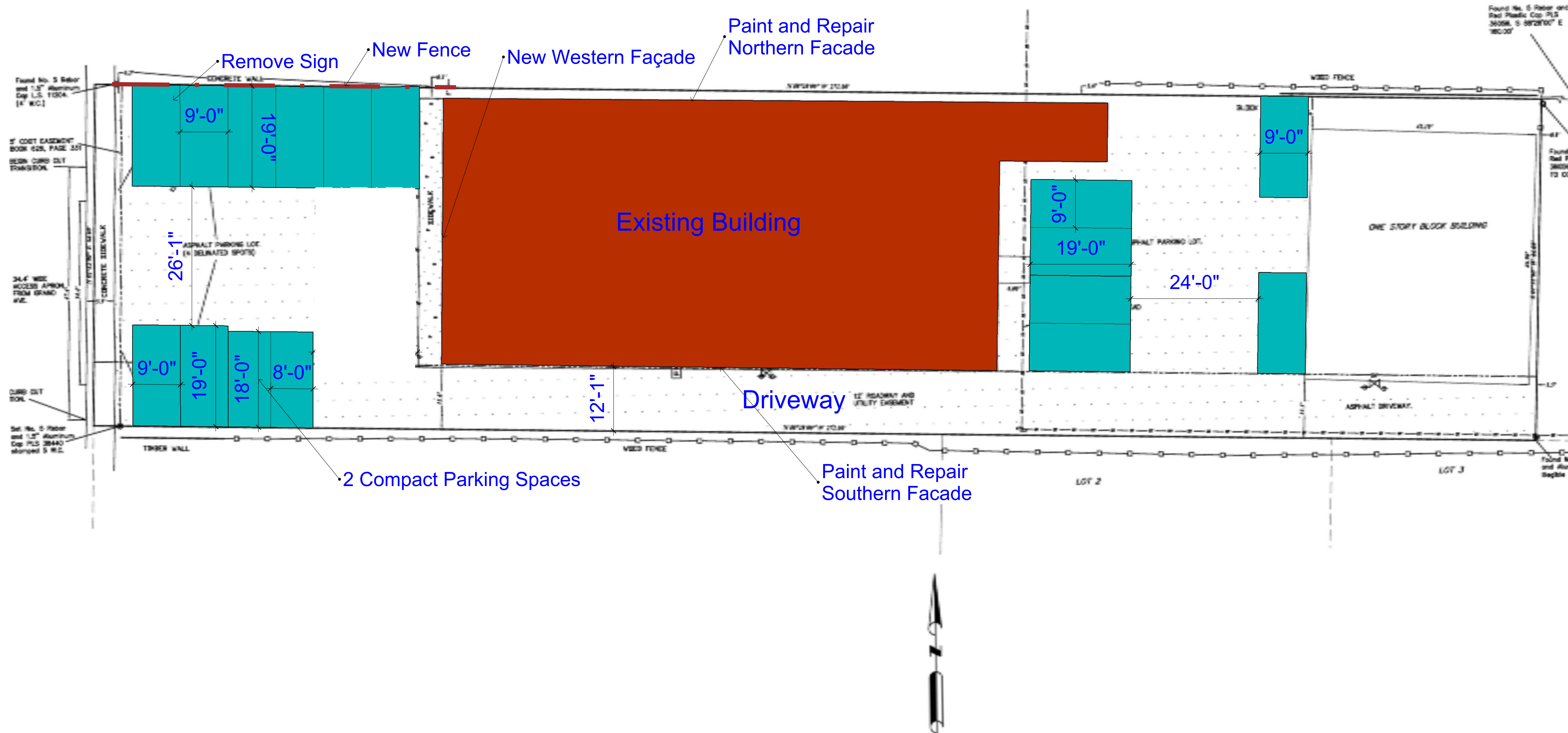
Safety is also a concern with residential units connected to commercial storefront. The building is old and neglected and even if remodeling occurs, odor concerns or someone breaking through the wall in an attempted robbery can't be overlooked. We've witnessed pawn shop customers, who appear to have drug or alcohol related addictions, wait for the store to open in order to conduct their business. Small children in the neighborhood wait for school buses, walk on the side streets (East of 2114 Grand Ave), and are in close proximity to danger.

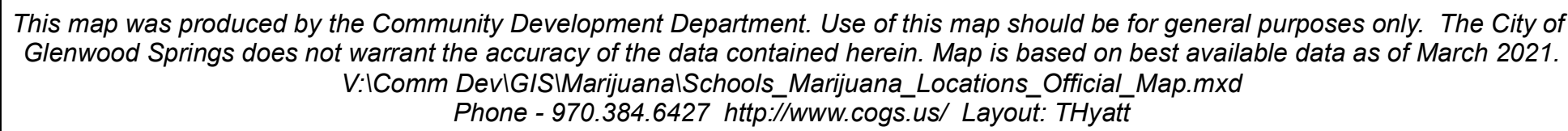
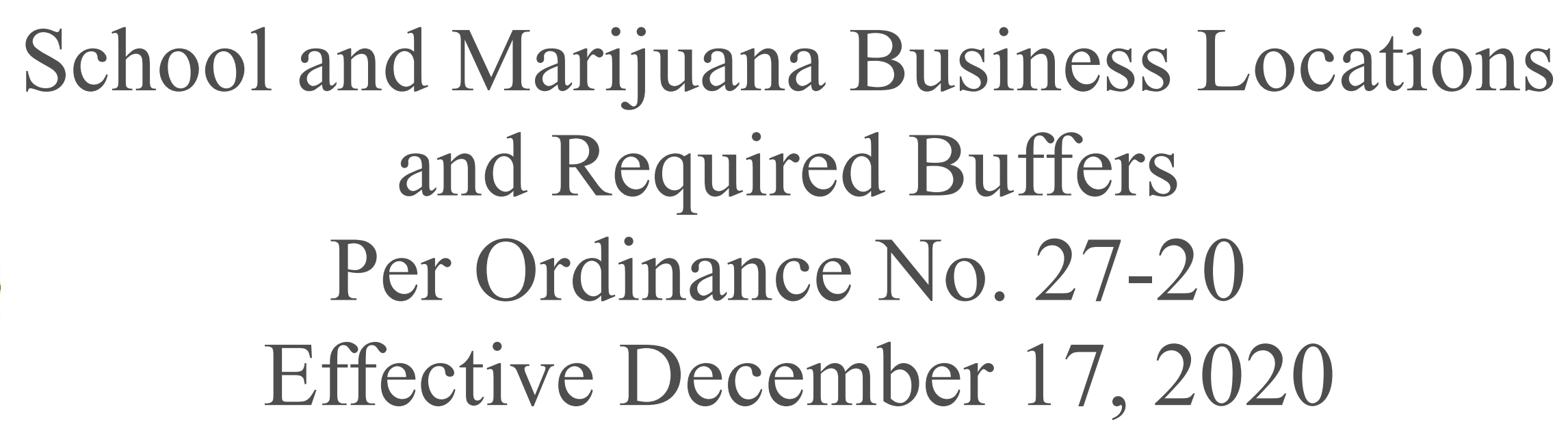
We enjoy working with local law enforcement and applaud their efforts in serving and protecting our local community. Thank you for serving as our police chief. Any comments regarding this matter are much appreciated.

Thanks,



Richard Koziol
vip@glenwoodspringscedarlodge.com
708-927-7493-cell phone





From: [Shawn Easley](#)
To: [Trent Hyatt](#)
Subject: Pot Shop 2114 Grand Ave
Date: Thursday, May 13, 2021 10:28:06 AM

My name is Mike Easley. I have been smoking marijuana, a psychoactive drug from the cannabis plant, ever since I was a preteen kid. Now over 30 years later I have a hard time quitting my recreational marijuana habit. Marijuana did build the foundation for problems created by other drugs my whole life. Since I was 12 years old I've been paving a solid foundation that represented my addiction to cannabis. This is where it started for me. The addiction to other drugs came later but I feel like pot was the wrangler that obtained misery for me with addiction. The free feeling marijuana using lifestyle became a confused, sleepless night, wrecked 20 year cycle filled with much pain. Hurtful memories filled my mind with people I hardly knew and didn't care about me but they were fellow addicts that had a similar story. The common attribute and early foundation of addiction was marijuana, and most of us shared this experience. We all craved hard drugs later in life but the cravings started with marijuana and never stopped.

How many marijuana businesses does Glenwood Springs need? When will the city say enough is enough? What message are we really sending to children? As adults are we that comfortable in our own complacency? Instead of worrying about how to fill pockets with money, maybe we need to focus on healthy foundations for our children.

This pot shop will displace hard working hispanic american minority workers all in the name of marijuana while the pot shop owner lives it up in his big house in the California hills or some other place. We are the last neighborhood that doesn't have a pot shop on top of us. Our children play up and down the streets riding bikes playing tag doing what innocent kids are supposed to. Most of the kids are minority hispanics but regardless of the color of the skin or nationality they are kids and like little glue sticks to innocence. Lets not mar their childhood with this pot shop. They deserve to be kids a little longer and stay innocent. We don't need this in our neighborhood and we don't have to sacrifice our children's innocence in our small town. Enough is enough.

Mike Easley

5/13/2021

Dear Mr .Hyatt :

As the owner of the Rodeway Inn in Glenwood Springs I would like to attached our and guest comments regarding marijuana exposure in our beautiful little town. We all can notice a big change in our community because of that drug. We see more homeless and more young people straining our street, businesses and lodging facilities because of that drug.

We are getting more and more complaints from our guests who choose GWS as a place to relax. We witness disrespectful behavior towards our guests, staff and our properties. Tourist town like GWS always was known by its beauty and peace.

We need more recreational places in Glenwood like a movie theater or more options for healthier activities for tourist and community, not a marijuana shops . There are a few too many in GWS. On our adjacent 6th street in west GWS, we have already two.

Please take these petitions seriously under consideration on behalf of all business and citizens of Glenwood Springs to eliminate the negative impact of the longtime known drug of marijuana.

Best Regards,

Margaret Topor

A handwritten signature in dark ink, appearing to read 'Margaret Topor', written in a cursive style.

JOEL H DEMBINSKY
Attorney at Law
1104 Valley View Road
Glenwood Spring, CO 81601
Telephone: (970) 456-7585
carguybest6@gmail.com

May 13, 2021

City Hall
Community Development Department
101 W. 8th Street
Glenwood Springs, CO 81601

RE: Proposed special use permit
at 2114 Grand Avenue

Gentlemen:

I wrote opposing this special use permit the first time around and there are no changes of circumstances which would warrant approval this time.

My wife and I have owned the 6 plex just to the east of the subject property since 1975. There are also a 3 and 4 plex on 22nd Lane and two large apartment complexes on 22nd Street.

With the number of children and the residential character of the area this use is not appropriate.

A much large concern is the traffic on and off Grand Avenue.

As you are aware there are more than half a dozen non-conforming curb cuts on Grand Avenue that were grandfathered in. The North bound traffic wants to use the center left turn lane to get into the gas station, Starbucks and Wendy's. The south bound traffic wants to use it to get into the Cedar Lodge, the gas station, Alpine Bank and 22nd Street, the pawn shop and, if approved, the dispensary.

It's an unsafe mess. Countless times when I been south bound wanting to turn on to 22nd street to stop by my apartments I've had to try and read the minds of the north bound traffic wanting to use the center lane.

The applicant wants exposure on Grand Avenue because of the high traffic and high volume of customers who will be there only a short period of time.

The application should be denied.

Very truly yours,

Joel H Dembinsky

From: [ROY AND TERRI WATKINS](#)
To: [Trent Hyatt](#)
Subject: proposed marijuana shop
Date: Friday, May 14, 2021 8:39:29 AM

Dear City Council Members,

My name is Terri Watkins and I've lived in the valley for my entire life. For over 30 years I've also worked at Glenwood Springs Cedar Lodge as a front desk manager. I have had the pleasure of dealing with countless guests who love our small town and what it has to offer. Families enjoy staying in Glenwood Springs and they come back year after year. These families and other guests play a vital role in contributing to the needs of our local community and it's important to consider any potential negative impacts such as retail marijuana.

Over the past few years, we've noticed an increase in customer complaints regarding marijuana smoke at our property. Guest rooms filled with pot smoke puts heavy burdens on our housekeeping staff and it certainly makes most guests feel uncomfortable. Properties in Glenwood Springs are no exception. Negative online hotel reviews concerning marijuana odor complaints are countless. The families who stay with us have also commented on the excessive amounts of pot shops in our area. Having a cannabis shop next door certainly won't help the situation. The negative impact is very noticeable.

The small parking lot next door is also a big concern. Cars have a tough time maneuvering in such a small lot and the overflow parking has become a burden for the property owners. Even with no parking and no trespassing signs on site customers next door have largely ignored them.

In summary I oppose having retail marijuana at 2114 Grand Avenue and urge city council members to deny this special use permit. I appreciate your time.

Best regards,

Terri Watkins

From: walter.brown@willslaw.com
To: [Trent Hyatt](#)
Subject: Comment for Council re retail marijuana store at 2114 Grand Avenue
Date: Friday, May 14, 2021 3:36:32 PM

The proposed installation of a FOURTH marijuana store is a travesty. There are already THREE stores on Grand Avenue in a distance of about 1 mile. There are 11 stores permitted and at least 7 are operating.

Glenwood Springs is a family vacation town. The emphasis here has always been on families. The Cedar Lodge is adjacent to this proposed retail marijuana store. The Lodge has built its reputation and business as a family vacation center. Their facilities are all oriented as such with two swimming pools and a hot tub. A marijuana store next door is completely inappropriate and the planning department should be ashamed for recommending as being compatible with the surrounding area. That is absolute nonsense.

Additionally, the impact on public perception of having four marijuana stores on Grand Avenue is terrible. Many people drive through Glenwood to Aspen. Going thru Glenwood they can see three retail stores already. Adding a fourth is like adding a sign that says 'Last marijuana store for 100 yards'. Most states do not have lawful marijuana use or possession. So, when their residents visit Glenwood, four stores says that the most common commercial operation on Grand Avenue is marijuana stores. Is that what you want? That is what you will get if you approve this application.

Further, a marijuana store sells substances that are known to cause addiction. Teenagers believe they are bulletproof but the crowded criminal dockets in all our courts reflect that substance addiction is worsening. We have people who treat addiction. Ask them if more is needed. Sure, they make a living from what they do but they know how brutal addiction can be to a family. Marijuana is also the beginning in many criminal cases such as where the driver of a car is under the influence of marijuana, domestic violence, child abuse or for assault cases. Marijuana is the starting point for many categories of crime. We do not need more of it.

Turn this application down. It is not consistent with Glenwood Springs even if it complies with a code. You have discretion to deny the recommended findings. Use it.

Walter E. Brown III
Glenwood Springs, CO

From: [Chris Hoffmeister](#)
To: [Trent Hyatt](#)
Subject: Kind Castle-glenwood springs
Date: Saturday, May 15, 2021 11:15:52 AM

We oppose this location for the same concerns Cedar Lodge motel has. It is not enough parking and no need for another pot shop on grand Ave. Glenwood Springs is a family town slowly turning in to catering for outside visitors more than looking out what is best for local people. The constant and overwhelming smell will negatively effect existing businesses in a 2 mile radius.

From: [Maria Jimenez](#)
To: [Trent Hyatt](#)
Subject: marijuana 2114 Grand Ave
Date: Saturday, May 15, 2021 12:42:42 PM

My name is Maria Jimenez. Since 2015 I have been living at 2114 Grand Avenue in Apartment 1 with four small children. In Apartment 2 and Apartment 3 there is also a total of four children including two babies. Apartment 1 and Apartment 2 share a common wall with the proposed marijuana shop. The reason I oppose this marijuana shop is because I'm worried that the smell is going to seep into our apartment and the children will have to breathe it. In addition behind our apartments are a lot of other apartments with families with small children. You can see the large number of kids waiting for the school bus from that area. The sad part is our children don't have a voice.

Sincerely,

Maria Jimenez



MINUTES
City of Glenwood Springs
Planning and Zoning Commission
Regular Meeting
February 23, 2021
Zoom
6:00PM

1. Roll Call

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

Absent at roll call were Commissioners: Amber Wissing, Sumner Schachter, Pete Waller

Also present were: Asst. City Manager Jenn Ooton, Asst. Community/Economic Dev. Director Gretchen Ricehill, Senior Planner Trent Hyatt, City Attorney Karl Hanlon, Assistant City Engineer Jessica Bowser,

2. Receipt of the Minutes

Commission reviewed the minutes from the 1/26/2021 meeting.

Commissioner Shaver made a motion to approve the minutes from 1/26/2021. Commissioner Cipperly seconded the motion. Commissioner Dehm called the item to question.

Motion passed unanimously.

3. Public Comments

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

4. Continued 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)

Assistant Community/Economic Development Director Gretchen Ricehill asked the Commission to confirm that the members had reviewed the additional public comments received. Commission confirmed. Ricehill provided a short presentation on the application including additional information which was provided in the staff report.

Ricehill recommended that the Commission approve the application with the findings and conditions on page 9 of the staff report.

Commissioner Shaver asked for more information on the Brittany Place Subdivision, which includes parcels 2185-161-03-002 and 2185-161-21-006. Staff confirmed. Shaver has additional questions on the covenants of the subdivision. City Attorney Karl Hanlon stated that the enforcement of private covenants was not a municipal matter.

Commissioner Cipperly had questions on grade of access road and the existing retaining wall on the south side of 536 Hyland Park Drive.

Commissioner West provided comments on the grade of the access road. West suggested limiting traffic to one way. Staff indicated the submitted traffic report did not include a one-way street as an option and that such a proposal would require input from Engineering Department.

Commissioner White requested to review the conditions of approval.

Applicant Maggie Brown provided the Commission with more information on the requested capacity, potential capacity, and the role of the property owner, Valley View Hospital, with the application.

Commissioner Dehm opened the item to public comment.

Mari Lee Rippy supported application denial, citing potential for increased impact to the neighborhood.

Graham Jackson supported application denial. Jackson stated it seemed that this center would only benefit Valley View employees and not the entire community.

Commissioner Dehm asked the applicant to confirm contents of a letter from Valley View Hospital in the application. Applicant Maggie Brown explained the letter was a letter of support from Valley View for the application. Commissioner Dehm also asked if there was ADA compliant access, which the applicant confirmed.

Commissioner Shaver made a motion to deny the application. Shaver referenced lack of access, parking issues, and infrastructure challenges. Commissioner Cipperly seconded the motion. Commissioner Cipperly cited possible negative impacts to parking, traffic, and the neighborhood.

Commissioner Dehm expressed interest in approving the application, with additional conditions. Dehm suggested continuing the application to allow applicant to address concerns.

Commission further discussed continuing the application and what conditions would be required of applicant. City Attorney Karl Hanlon explained the Commission would need to specify requirements regarding the application, including addressing concerns on access and traffic.

Commissioner Shaver withdrew the motion to deny the application. Commissioner Cipperly withdrew the second to deny.

Commissioner Dehm asked the applicant to confirm interest in continuing application. Applicant Maggie Brown confirmed interest to continue application.

Community Development Director Jenn Ooton explained that some conditions could be addressed in the construction plan and building permit review.

Commissioner Dehm made a motion to continue the item and to include conditions of approval for primary access to the property from the south with intent of reducing neighborhood impact. Commissioner White seconded the motion.

Commissioner Dehm amended the motion to include the condition that 15% of available childcare spots be available to individuals not employed by Valley View Hospital. Commissioner White seconded the amended motion.

Commissioner Dehm called the item to question.

Motion passed unanimously.

5. New Items

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

Commissioner West exited the Zoom meeting.

Senior Planner Trent Hyatt provided a short presentation to Commission on the Special Use Permit application. Hyatt explained that this application was a separate and revised application compared to the one previously denied by City Council on 6/18/2020. Staff recommended approval to recommend to City Council with findings and conditions on page 9 & 10 of the staff report.

Commissioner Shaver asked about proposed uses of other units, access to the property, parking plan, snow removal, suggested conditions, and potential for other redevelopment in the area.

Commissioner Cipperly asked about access to the property, fire access, traffic patterns.

Commissioner White asked about current City regulations on marijuana retail stores and existing residential use on the property. Hyatt confirmed there were 2 residential units to the rear of the property.

Assistant City Engineer Jessica Bowser provided more information on parking and proposed access to Grand Avenue.

Commissioner Dehm asked questions on the proposed uses of the building, including residential uses. Hyatt confirmed the proposed uses and confirmed that building would contain residential uses.

Applicant Chris Hawkins, Alpine Planning, made a presentation to the Commission on the application. Presentation covered site design, parking, access, and proposed uses.

Applicant Eric Marquez, Apex Consulting Engineering LLC, provided information on the submitted traffic study.

Commissioner White asked if the buffer zone included a nearby treatment facility. Applicant Chris Hawkins stated the buffer only applied to schools.

Commissioner Cipperly had questions for the applicant on proposed employment numbers, parking, access to the property, and proposed design of the side elevation of the building. Applicant provided additional information on these items.

Assistant City Engineer Jessica Bowser stated that the final access design would be a product of conversation between the applicant, the City of Glenwood Springs, and CDOT.

Commissioner Dehm asked staff the threshold of development allowed before a major redevelopment would be required.

Commissioner Dehm opened the item to public comment.

Haley Carmer, Attorney at Garfield & Hecht, expressed support to deny the application citing incompatibility to the neighborhood especially nearby hotel and residential areas and concerns about overflow parking.

Commissioner Dehm closed the item to public comment. Commissioner Dehm and staff provided details on submittal of public comments.

Applicant Chris Hawkins asked when applicant could respond to public comments. Dehm explained this would happen at next meeting.

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

Commissioner Dehm called the item to question.

Motion passed unanimously.

At 8:17 PM Commissioner Dehm called for a five minute recess.

Meeting resumed at 8:23 PM.

6. Continued Items

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 January 26, 2021

Staff confirmed that there was not a quorum and discussed potential of continuing item.

Commissioner Shaver made a motion to continue the item to the next month's meeting. Commissioner Cipperly seconded the motion. Commissioner Dehm called the question.

Motion passed unanimously.

7. Discussion

Planning and Zoning Commission discussed the upcoming joint meeting between the Planning & Zoning Commission and Housing Commission.

8. Commissioner Comments

Commission members discussed upcoming workshops and other city meetings.

9. Director Comments

Director Jenn Ooton commented on upcoming city meetings and other Commission items.

10. Adjournment

Meeting was adjourned at 8:44 PM.



MINUTES
City of Glenwood Springs
Planning and Zoning Commission
Regular Meeting
March 23, 2021
Zoom
6:00PM

1. Roll Call

Present at roll call were Commissioners: George Shaver, Marco Dehm, Carolyn Cipperly, Ben West, Pete Waller, Sumner Schachter, Amber Wissing

Absent at roll call were Commissioners: Joy White

Also present were: Asst. City Manager Jenn Ooton, Asst. Community/Economic Dev. Director Gretchen Ricehill, Senior Planner Trent Hyatt, City Attorney Karl Hanlon, Assistant City Engineer Jessica Bowser

2. Seating of Alternate Commissioner

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

Motion passed unanimously.

3. Receipt of the Minutes

Commissioners Wissing, Shaver, and Waller all attested they had viewed the recording for the previous meeting and were prepared to discuss the continued items.

Commission reviewed the minutes from the 2/23/2021 meeting.

Commissioner Schachter made a motion to approve the minutes. Commissioner Shaver seconded the motion.

Motion passed unanimously.

4. Public Comments

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

5. Continued 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) Application withdrawn.
- b. Planning File 69-20: Consideration of a Special Use Permit for a Retail Marijuana establishment at 2114 Grand Avenue (PIN 2185-164-00-095)

Senior Planner Trent Hyatt introduced the application, continued from the February 23, 2021 meeting. Hyatt indicated that since the previous meeting, three letters of support were received by staff for the application. Hyatt also summarized the additional items which Planning & Zoning Commission requested of the applicant.

Applicant Chris Hawkins provided a short commentary on the additional items submitted and response to public comments.

Commissioner Waller asked for more detail on access to the site from Grand Avenue. Trent Hyatt explained that additional design to that access would occur in the future in collaboration with CDOT.

Commissioner Cipperly asked about the timing of the application in relation to the new buffers.

Commissioner Shaver asked if the neighboring property owner had agreed to the access agreement, which was confirmed by staff and the applicant.

Commissioner Schachter asked if traffic flow could be restricted into the property such as prohibiting left hand turns. Staff explained the City of Glenwood Springs did not have the authority to require the project to restrict traffic flow in a CDOT right-of-way. Schachter also asked staff to confirm that this application was being heard due to a City Council decision to allow the applicant to re-apply following Planning & Zoning Commission denial of a previous application by the applicant. Staff confirmed that City Council had voted to allow resubmittal of the application.

Commissioner Waller asked if the HVAC system for the store was separate from the residential uses. Applicant Chris Hawkins confirmed that there were 2 separate HVAC units for the different uses.

Commissioner Dehm indicated that there would be no further public comment as there had been a public comment period at the first meeting and the period afterwards.

Commissioner Cipperly made a motion to approve the application with the findings and conditions as listed on page 1 & 2 of the revised March 23rd staff report.

Commissioner Shaver seconded the motion.

Commissioner Dehm expressed concerns over the mixed use of the project, citing incompatibility between residential use and retail marijuana use.

Commissioner Dehm called the item to question.

Motion passed 4-1. Commissioners Shaver, Schachter, Wissing, and Waller voted to approve. Commissioner Dehm voted to deny. Commissioner West abstained from voting, citing absence at previous meeting.

- c. 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 February 23, 2021

Assistant Community Development Director Ricehill provided a short presentation on the item. Ricehill explained that this item had been continued from previous meetings, going back to its original discussion at the December 2020 Planning & Zoning Commission meeting. Ricehill recommended approval of the amendments with all findings and conditions found on pages 1-26 of the staff report.

Commissioner Dehm has additional questions on the amendment for downtown wall signage. Ricehill stated that item could be split from the other items for further review.

Commissioner Schachter had questions on the size limit of location and extent review. Schachter also asked if there was a height limit on the storage containers. Schachter also asked for additional details on the maximum size of a commercial use in the Residential Transition (RT) Zoning District.

Commissioner Shaver expressed support for a height limit for the temporary storage containers. Shaver also asked for additional information on the solar panel amendments.

Commissioner Schachter made a motion to approve the amendments as presented and modified by staff including suggested verbiage from Commissioner Shaver on item 10 and placing a height limit of 10' on temporary storage containers on item 5.

Commissioner Wissing seconded the motion.

Commissioner Shaver suggested the maximum time following an event for a temporary sign would be 15 days rather than 45 days.

Commissioner Wissing asked for more clarification on the timeline suggested by Shaver. Staff provided additional information on the sign code's definition of temporary signs.

Commissioner Schachter made a motion to amend the original motion to include the change proposed by Commissioner Shaver to limit the timeline of a temporary sign to 15 days following an event.

Commissioner Wissing seconded the amended motion.

Commissioner Dehm asked to confirm if item 17, which contained language on wall signage in the downtown area, was included in this motion. City Attorney Karl Hanlon confirmed that it was.

Commissioner Cipperly stated support for item 17. Cipperly also expressed some concern with the 5,000 square foot limit of location and extent review.

Commissioner Shaver asked if any of the recent City projects exceeded 5,000 square feet. Staff explained majority of recent City projects were larger than 5,000 square feet.

Commissioner Dehm called the item to question.

Motion passed 6-0. Commissioner Waller abstained citing absence at previous discussion of the item.

6. New Items

- a. Planning File 09-20: Consideration of an Annexation and the initial zoning/rezoning of 15.818 acres to Commercial (CO) District and Planned Unit Development (PUD) District at 214 Center Drive (PIN 2185-061-00-042)

Senior Planner Trent Hyatt provided a presentation to Commission on the application. Hyatt summarized the application including information on the annexation process as it related to City requirements and State of Colorado law. Staff recommended approval with findings and conditions listed on pages 15-16 of the submitted staff report.

Commissioner Shaver had questions on slope of the property and view of the proposed development from Storm King Road.

Commissioner Schachter had questions on the ability of Planning & Zoning to place conditions on the annexation, process of annexation, PUD process, location of City/County boundary, current County zoning regulations, traffic, long term costs of annexation to the City, owner-occupied housing, stormwater drainage, and road improvements.

City Engineer Terri Partch provided information on the traffic study, fire study, and stormwater drainage.

City Attorney Karl Hanlon stated that a potential fire study would be a large study area that may or may not relate to the size of this development.

Hyatt confirmed that the units added would be rentals and the maximum height of buildings would be 53'. Hyatt also provided additional information on the process of annexation as well as on the major site plan review that this project would require.

Karl Hanlon provided additional information on the potential cost benefit of annexation to a community and its effects on police, fire, utilities, and other city services.

Commissioner Schachter had additional questions on road maintenance of Donegan, building height, and opens space requirements. Staff provided more information on these items.

Commissioner Waller had questions on traffic, the City taking over County roads, water and sewer capacity, drainage and slope of site, and the PUD parcel intended for a restaurant.

Karl Hanlon provided additional information on sewer and water capacity for the City and stated that this area was served by West Glenwood for sewer. Hyatt provided additional information on the roads and PUD parcels.

Commissioner Dehm asked staff for additional information on the traffic generated for this potential project as detailed in the traffic study.

Commissioner Cipperly had questions on the potential for PUD amendments if there were changes to what was being proposed. Cipperly also asked if the open space would be available to only residents or to the general public.

Haley Carmer, Attorney at Garfield & Hecht, representing the applicant provided the Commission with an overview of the proposed project and application.

Applicants, John & Floyd Diemoz representing the Glenwood Partnership, current owners of the property, provided a short presentation on the proposed project and application for annexation.

Applicant Barry Rosenberg, representing R2 Partnerships provided a short presentation on the proposed project and application for annexation.

Applicant Matthew Fitzimmons and other representatives from HCN, a planning and design firm, provided a short presentation on the proposed project and application for annexation.

Applicant Yancy Nichol from Sopris Engineering provided a short presentation on the traffic and physical site design of the application.

Commissioner Schachter had questions for the applicants if deeded homes could be incorporated in the project, citing a lack of home ownership opportunities. Applicant Barry Rosenberg explained that the project was designed with a focus on long term management of rental properties.

Commissioner Shaver had questions on fence locations, building elevations, drainage design, and effect of the proposed development on the existing Montessori school.

Commissioner Waller had questions on the setbacks on Donegan, building elevations, physical characteristics of the site, open space requirements, bike path, traffic study,

Commissioner Cipperly had questions on roof heights, parking, traffic circulation, pedestrian connections,

Commissioner Dehm had questions on the gated connection to the south the Glenwood Springs mall property. Applicant Yancy Nichol stated that the gate was there to create a clear connection and circulation to the property. Nichol also explained that future redevelopment of the mall could affect this connection.

At 9:19 PM, Commissioner Dehm called a five minute recess.

At 9:24 PM, Commissioner Dehm called the meeting back to order.

Commissioner Dehm opened the item to public comment.

Jenn Zwickl supported denial citing fire evacuation concerns, traffic, and infrastructure concerns.

Lisa Orosz supported denial citing fire evacuation concerns, traffic, parking, police response times

Carlos Pinay supported denial citing traffic concerns especially in regard to school-generated traffic, as well as increases in infrastructure and service demands to schools, hospitals, police, and fire.

Lorie Raymond supported denial citing traffic, fire evacuation concerns, and increased density in West Glenwood.

Linda Holloway supported denial citing lack of perceived benefits of annexation to the City, parking, and traffic.

Rose Shepard supported denial citing fire evacuation concerns, traffic, infrastructure demands, and building heights.

Susie Strauss supported denial citing fire evacuation concerns, traffic, and increased infrastructure demands.

Don Bassett supported denial citing fire evacuation concerns, traffic and school traffic, and increased density.

Michael Hoban supported denial citing increased density, traffic, and incompatibility with the neighborhood.

Joanne Kesselring supported denial citing fire evacuation concerns, increased density, traffic, building height, increased infrastructure demands, and incompatibility with the neighborhood.

Thomas Clark supported denial citing traffic and capacity of existing roads.

Annie Stephens supported denial citing fire evacuation concerns and need for a wildfire evacuation study, scale of development, parking, building height, and traffic.

Todd Hurst commented that any development of this parcel should reflect the wants and needs of the community.

Sherri Tonozzi supported denial citing concerns over increased noise impacts and light pollution.

Karleen Clark supported denial citing concerns over fire evacuation and expressed need for a new fire evacuation study. Karleen also cited concerns over traffic and increased density.

Carlos Penay expressed additional concerns regarding wildfire evacuation.

Larry Raymond, supported denial citing concerns over fire evacuation and need for an evacuation plan and incompatibility with existing neighborhood.

Jennie Bassett supported denial citing fire evacuation concerns, increased traffic, and need for additional traffic study.

Jenn Zwickl commented a second time in support of denial citing fire evacuation concerns, traffic, and building heights.

Michael Hoban commented a second time, in support of denial and expressing desire for further public comment.

Commissioner Dehm closed the item to public comment.

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

Commissioner Shaver seconded the motion.

Commissioner Dehm called the item to question.

Motion passed unanimously.

- b. Planning File 64-20: Consideration of a Minor Site Architectural Plan to add five new dwelling at 405 Laurel Street, a property with five existing units (PIN#2185-091-00-008)

Commissioner West recused himself and left the meeting.

Assistant Community Development Director Gretchen Ricehill provided Planning & Zoning Commission with a presentation on the application. Ricehill recommended approval of the application with findings and conditions found in the staff report.

Commissioner Waller had questions on parking and design standards of the project.

Commissioner Cipperly asked staff to confirm the provided parking.

Commissioner Schachter asked staff about the Laurel Street sidewalk. Ricehill confirmed the applicant would be required to install a 5' sidewalk. Schachter also asked what would happen if the natural screening died and Ricehill explained that not maintaining the screening would be a violation of the original development agreement.

Applicant Leah Meyer provided the Commission with additional information in response to their questions. Meyer confirmed that two large trees would be kept on the property and that the colors of the development was intended to match the existing structures.

Commissioner Dehm opened the item to public comment.

Linda Holloway supported denial of the application citing concerns over parking and traffic.

Commissioner Dehm closed the item to public comment.

Commissioner Waller made a motion to continue this item to the April 6th meeting

Commissioner Shaver seconded the motion.

Commissioner Dehm called the item to question.

Motion passed 6-0. Commissioner West had been removed from the meeting.

7. Commissioner Comments

Commission Schachter mentioned that he would not be present at April 6th meeting.

8. Director Comments

Director Jenn Ooton had no comments.

9. Adjournment

Meeting was adjourned at 10:46 PM.



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

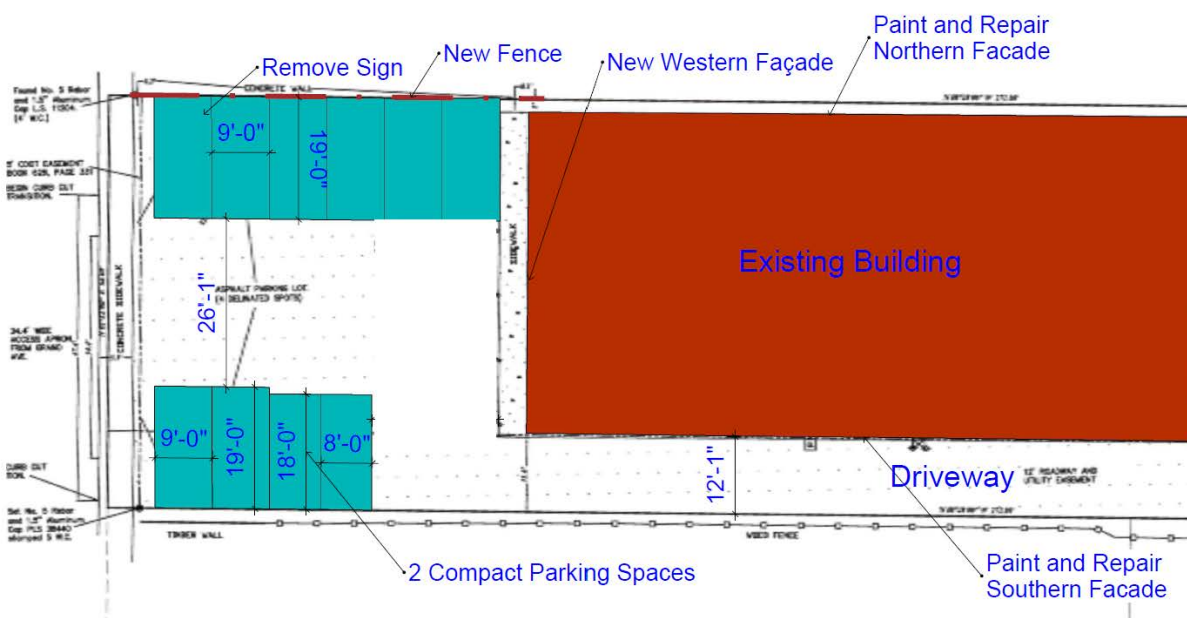
Proposal

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 1,957 square 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.

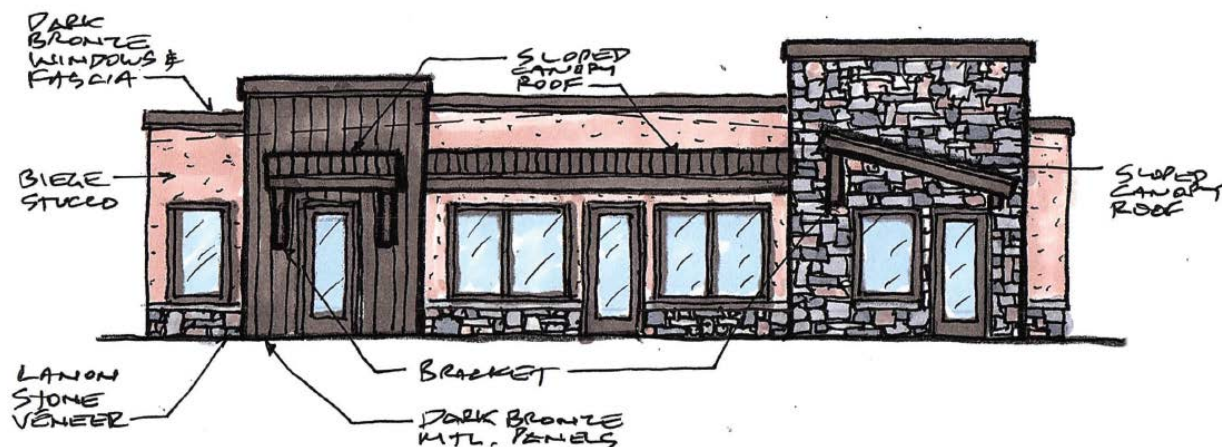


Removal of the existing freestanding monument and banner signs depicted below will improve site distance as well as the view of the property from the street. As required, Community Development will review any future site signage for compliance with applicable standards under separate permit prior to 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.

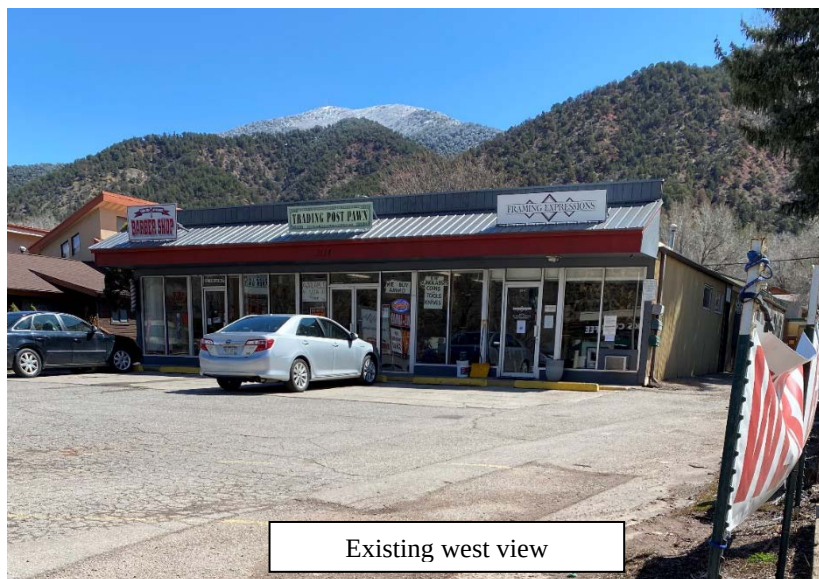
Previously, the applicant was hesitant to make facade improvements while only leasing a portion of the existing building. With the inclusion of all units/building space, they propose replacing windows, adding roof pitch and height variations, and changes in materials and colors to enhance the aesthetic 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

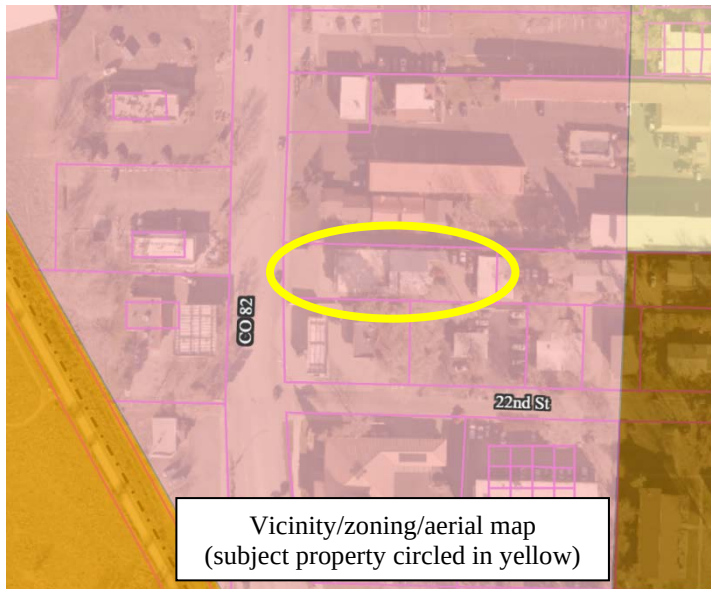


effective date of recent revisions to marijuana related business standards, mainly separation/buffers. Therefore, the former requirements are applicable to this submittal.

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
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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

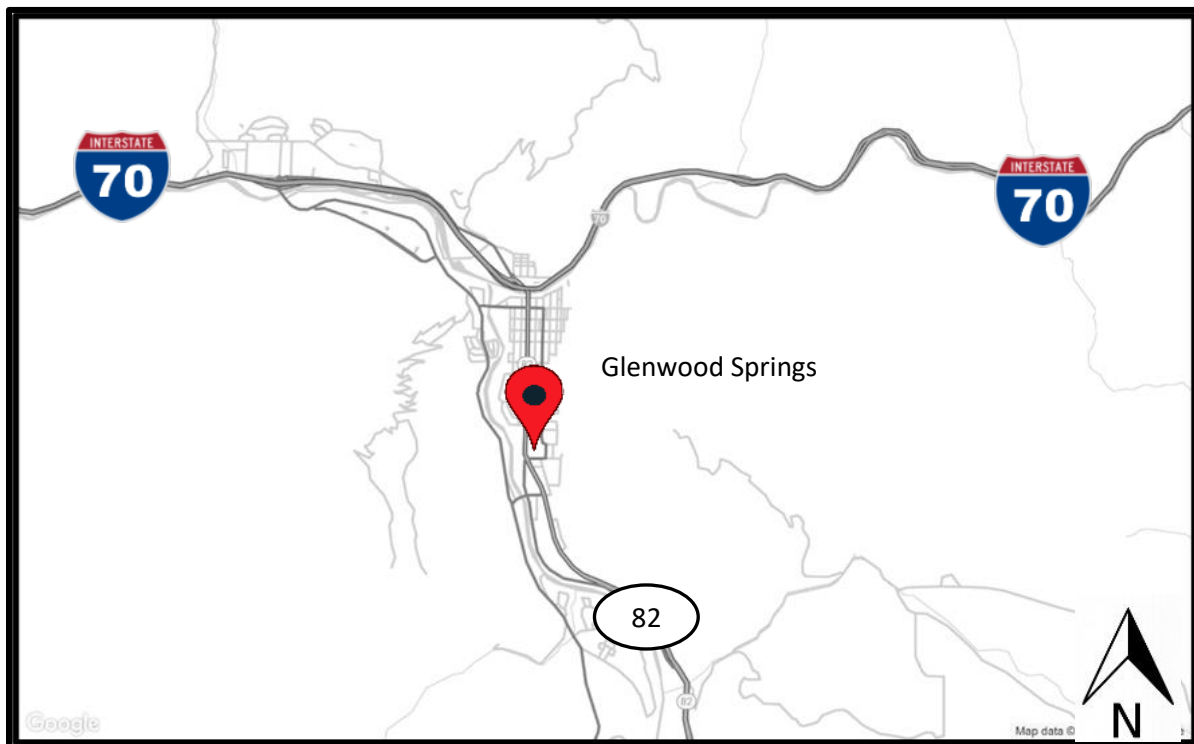
1. Introduction

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

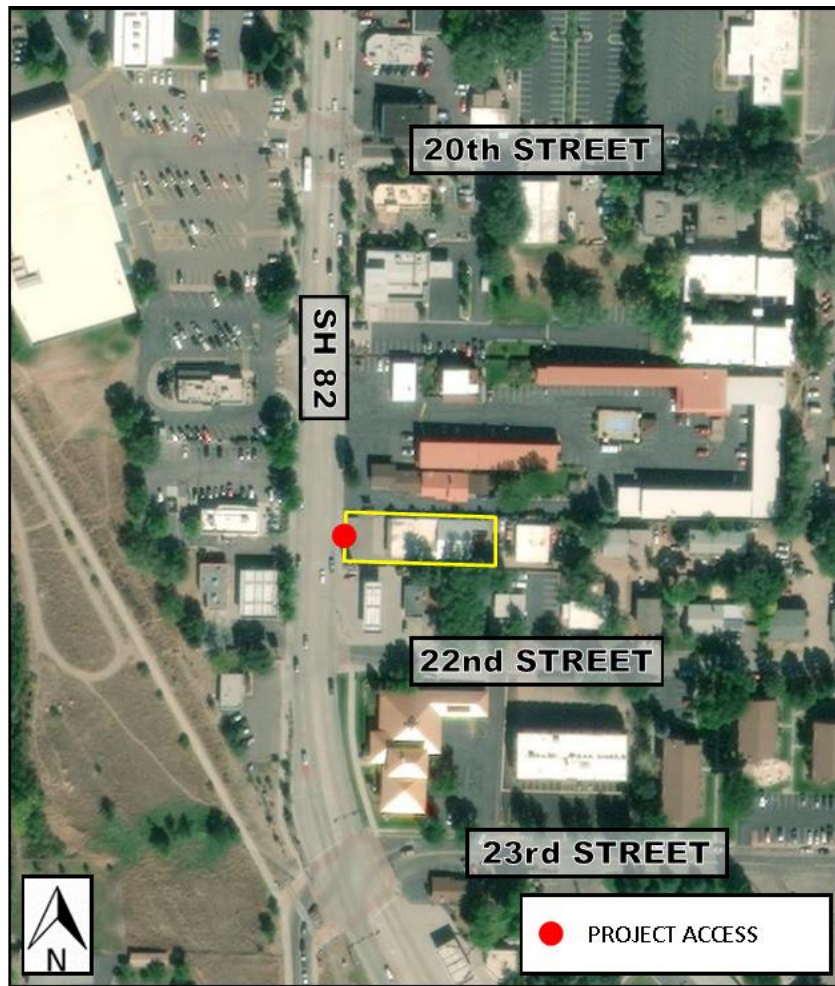
As shown in Figure 1, the proposed Project will be located on the south side of Glenwood Springs along SH 082A to the north of 22nd street at MP 1.33. The Project is expected to be completed in 2023. The dispensary hours will be 8:00 am to 7:00 pm, daily.

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

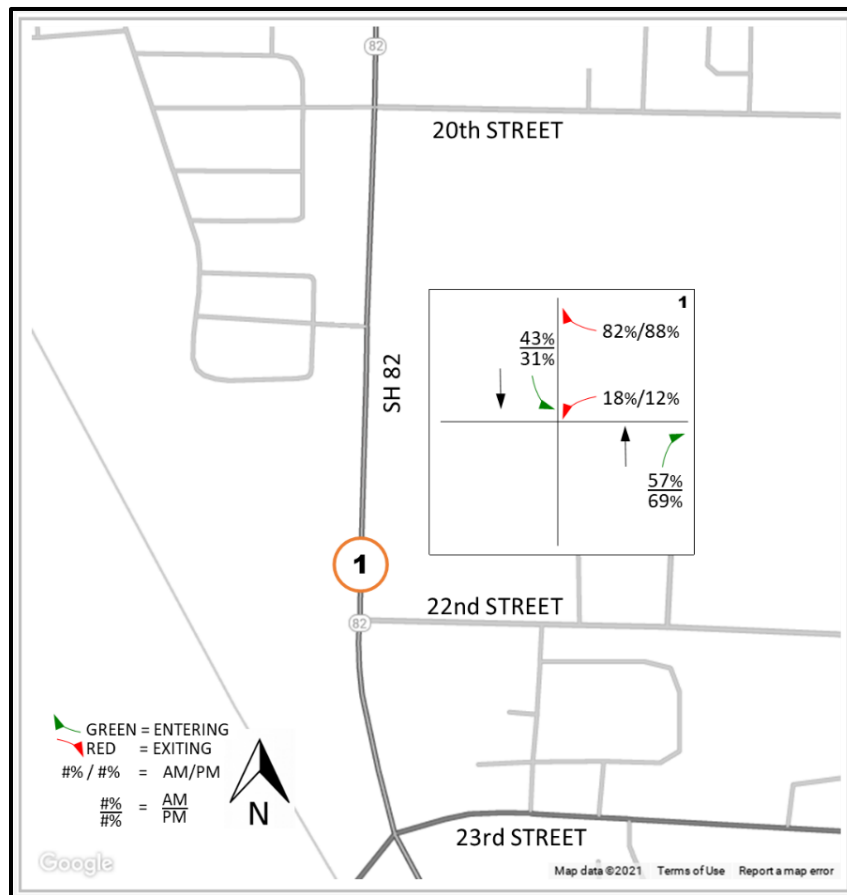


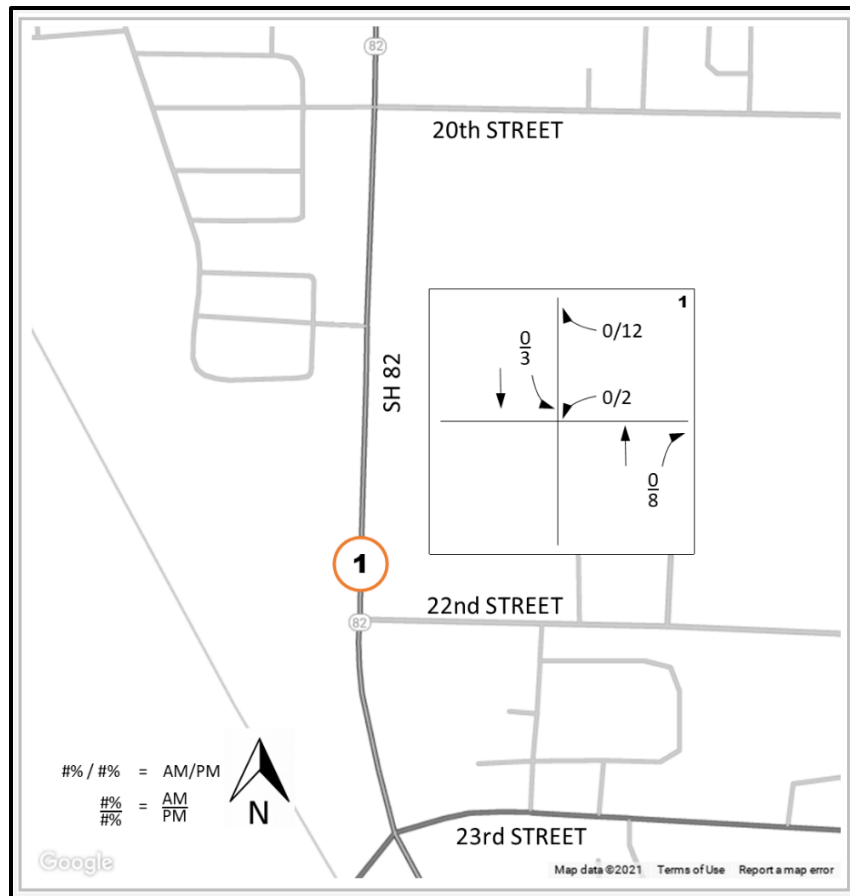
Figure 3 shows similar AM and PM Project peak hour distributions. However, with AM Project peak hour trip generation being 70% of the PM peak hour volume, only PM Project peak hour traffic is evaluated in this study since the AM and PM distributions are similar and AM trip assignment is not shown.

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

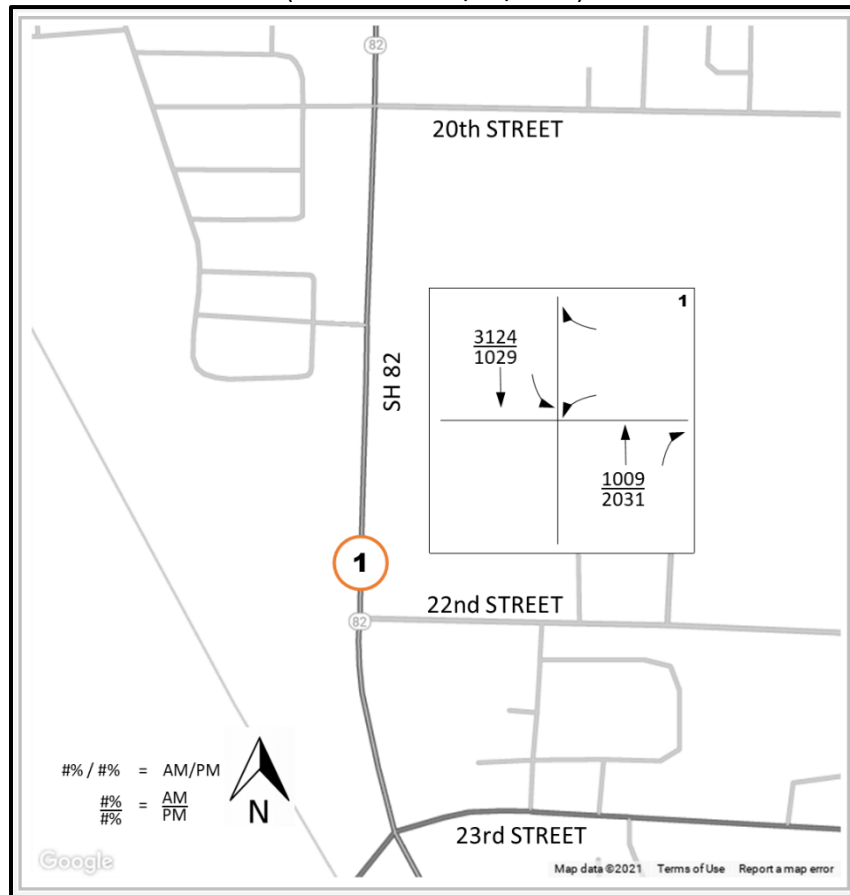
CDOT Count Station ID 214: SH 082A Traffic Data - South of Blake Ave, Glenwood Springs

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)

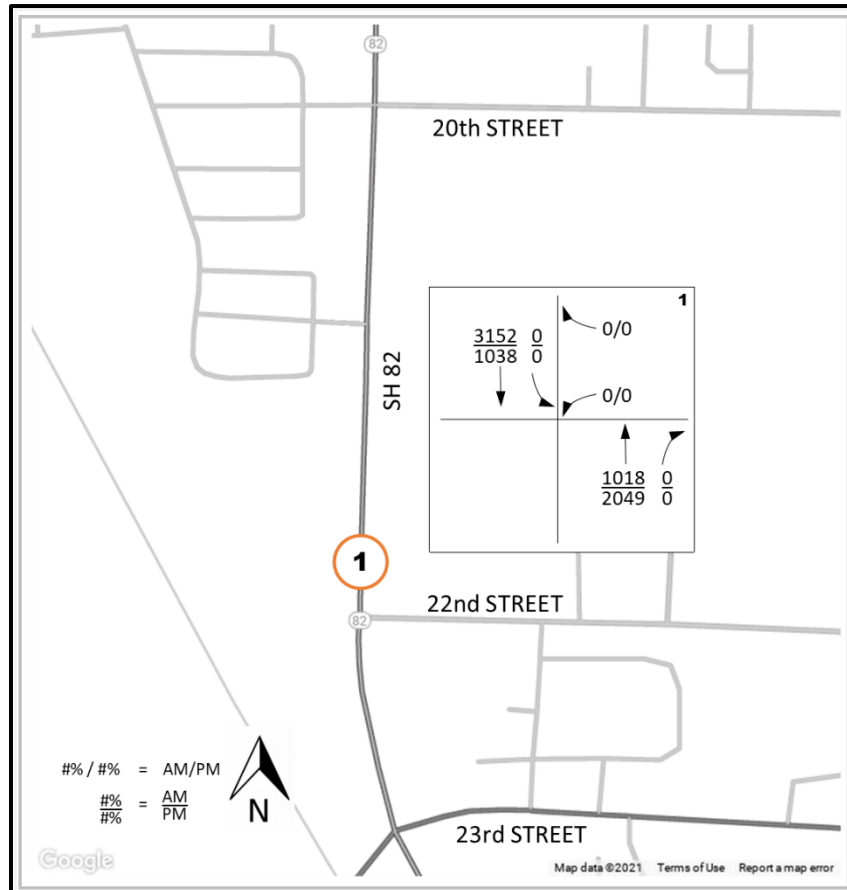


Figure 7 –Total Peak Hour Future Traffic (Year 2023)

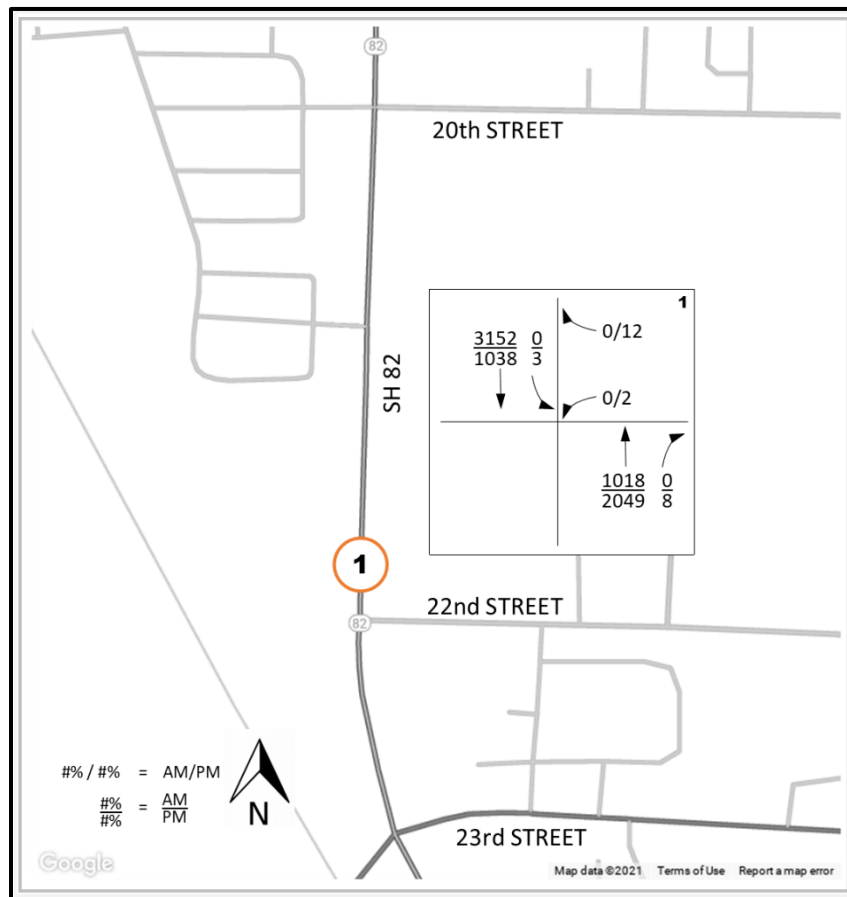


Figure 8 – Background Peak Hour Future Traffic (Year 2043)

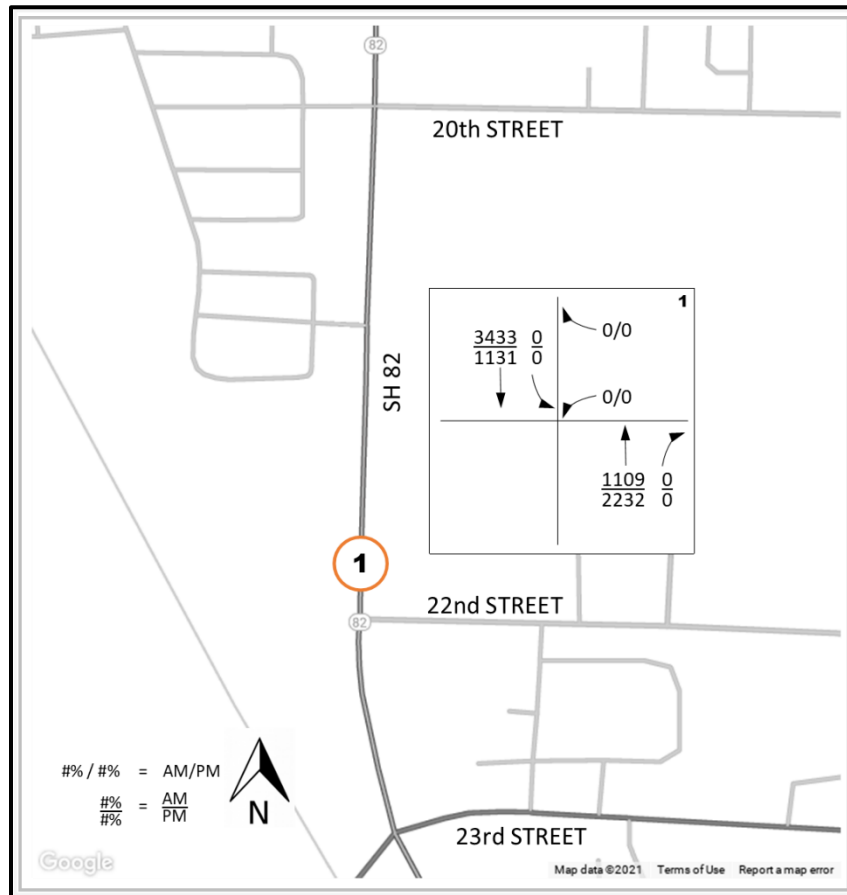
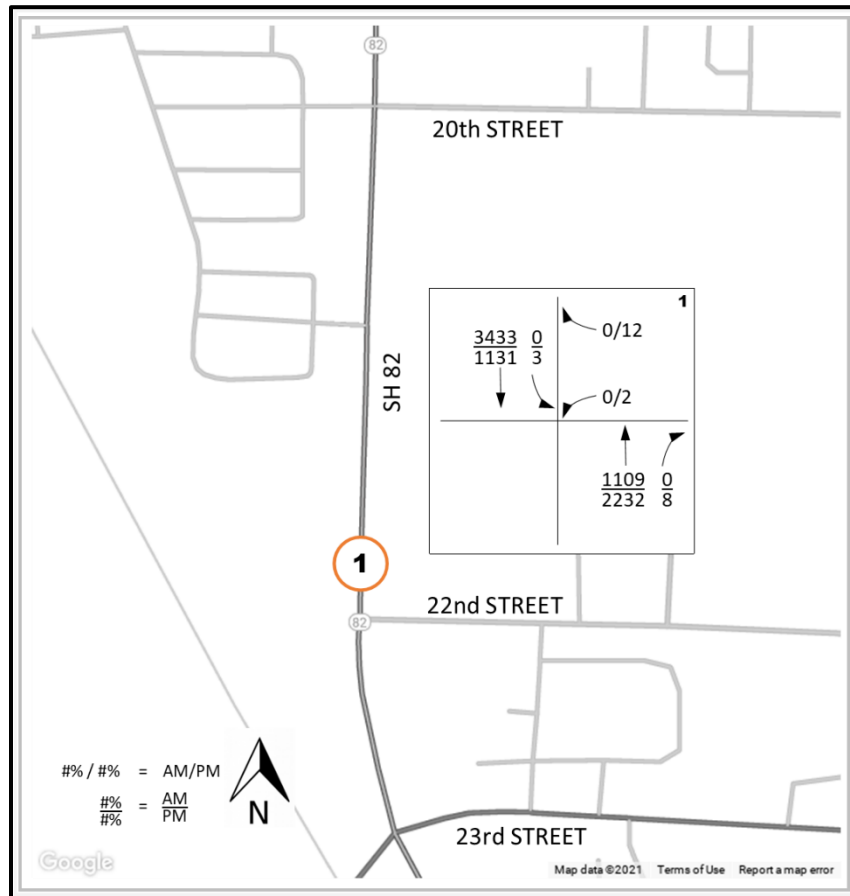


Figure 9 – Total Peak Hour Future Traffic (Year 2043)



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

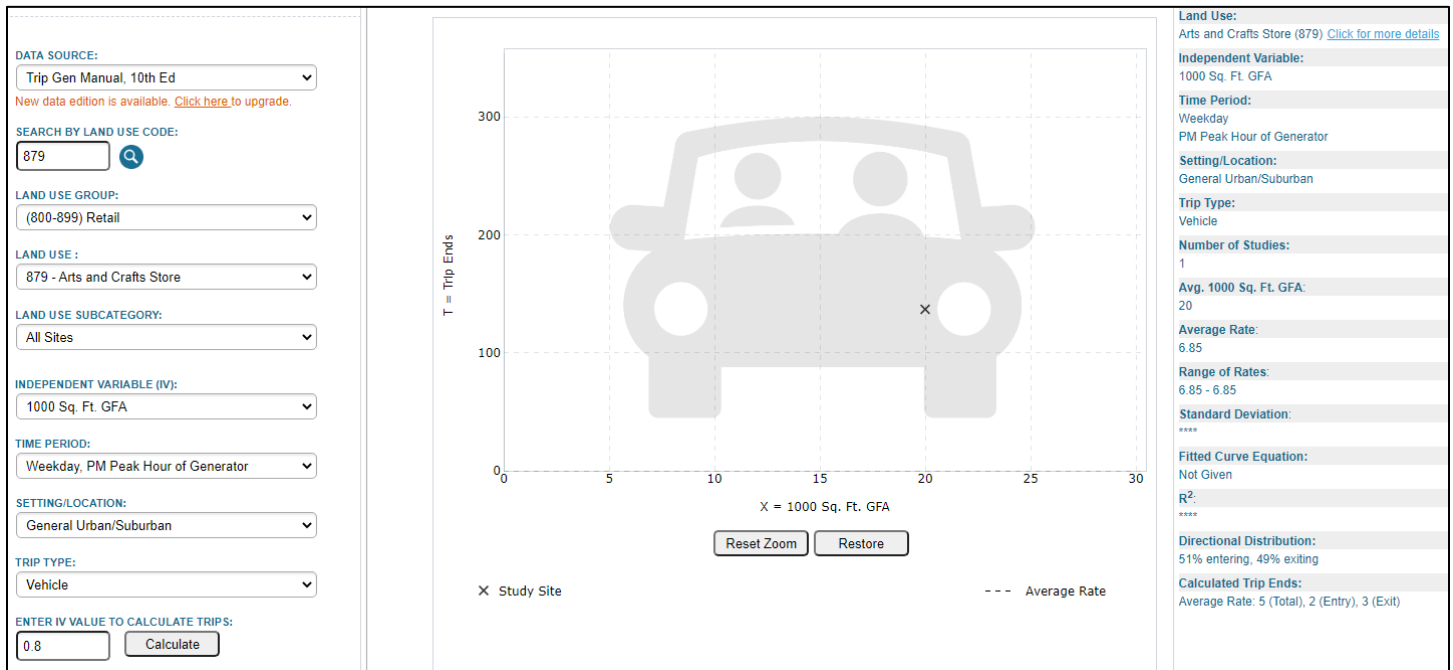
A previous letter was sent by CDOT informing that a site redevelopment requires an easement between the Project and the adjacent property to the south, 2122 Grand Ave. CDOT's response to a previous traffic impact study at this location stated that when the adjacent property next to the Project redevelops, 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.

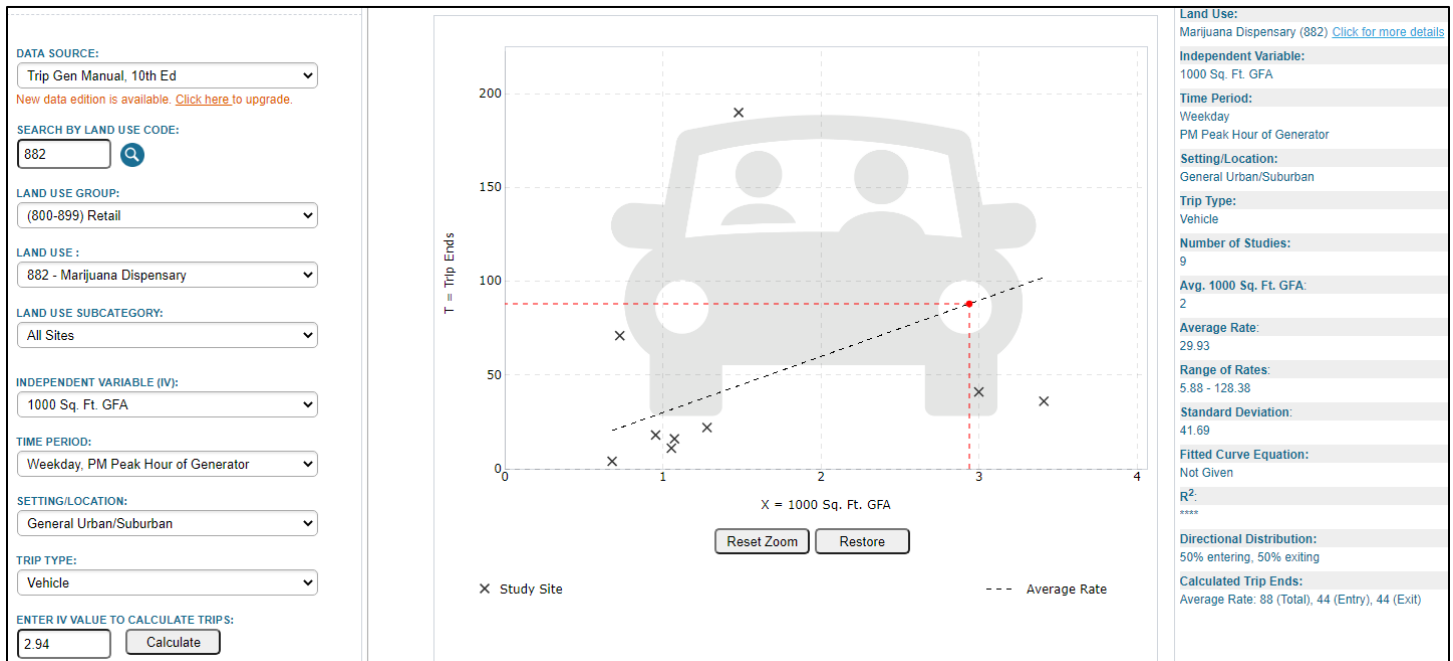


Appendix A – Project Trip Generation

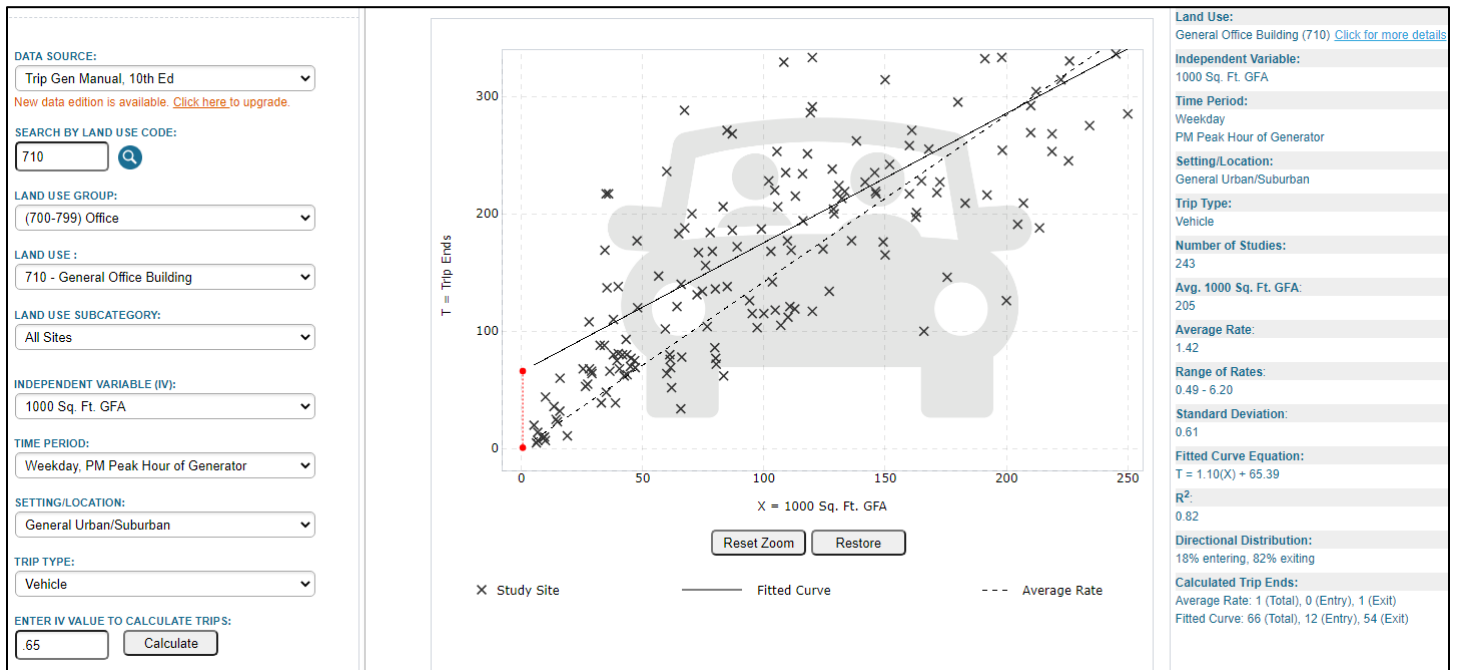


PM Peak Hour for Existing LUC 879

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

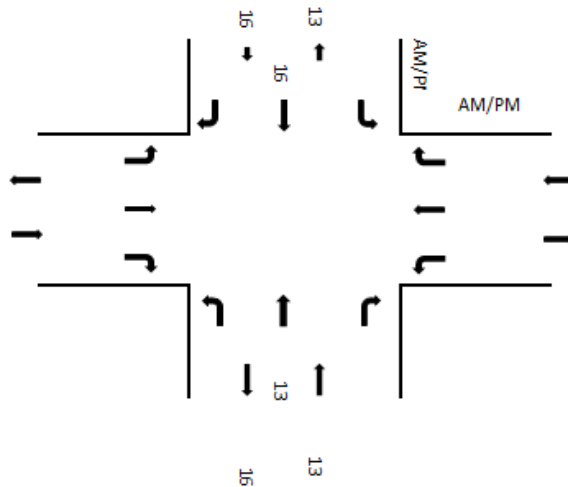
APEX
CONSULTING ENGINEERS
CIVIL ENGINEERS • MANAGEMENT • DEVELOPMENT

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

APEX
 CONSULTING ENGINEERS
CIVIL ENGINEERS • MANAGEMENT • DEVELOPMENT

Counted by: APX
 Count Date: 1-27/1-28

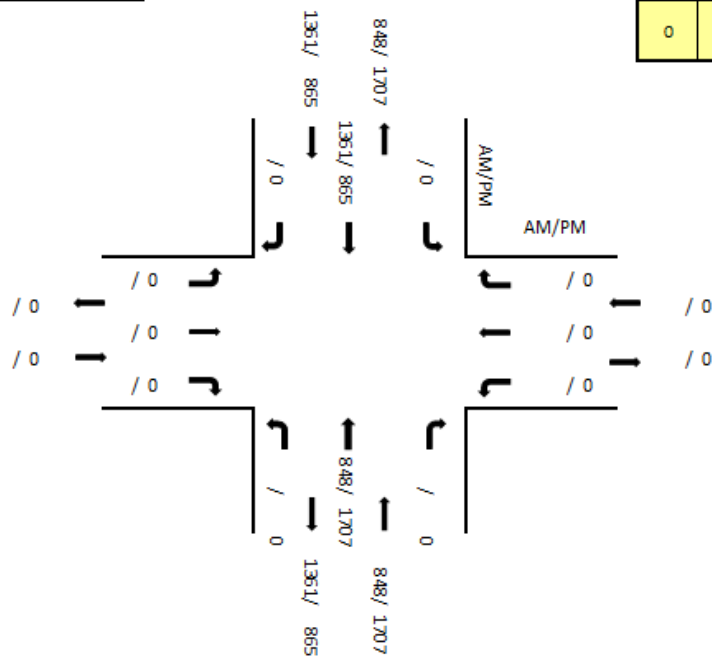
Peak Season Adjust: 1

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	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	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

APEX
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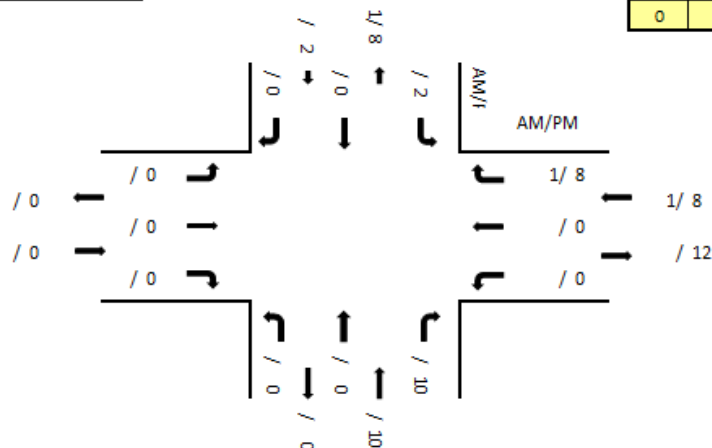
Counted by: APX
 Count Date: 1-27/1-28
 Peak Season Adjust: 1

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

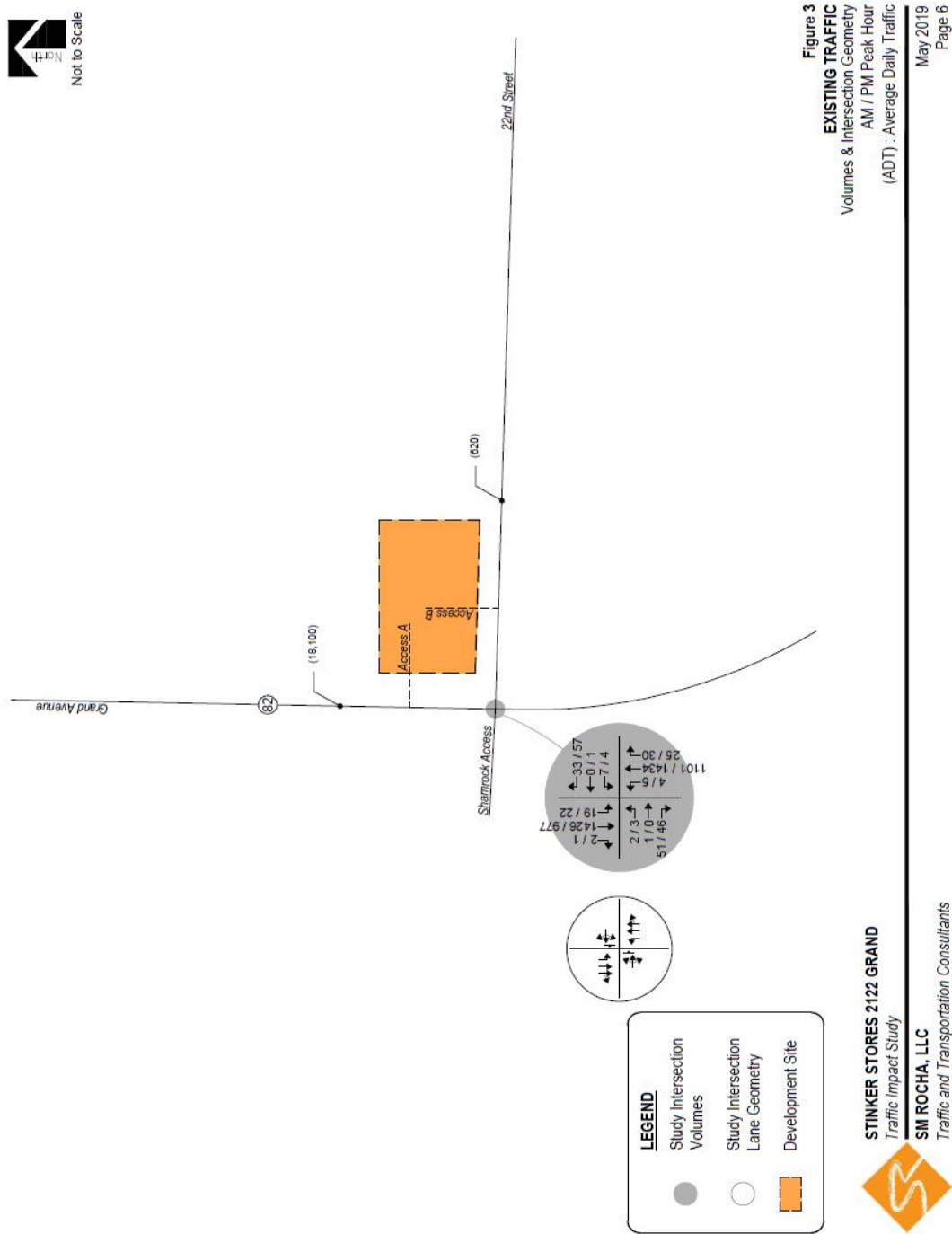
Peak Hr	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Intersection Peak Hour: 6:45-7:45 AM													EB	WB	NB	SB	Total
													0	1	0	0	1

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

***A member of City Council has requested that land use applications include suggested motions for both approval and denial. Please use the following as an example of how to form decisions and motions on various requests.

Suggested Motions

Planning File 69-20

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

May 5, 2021

Action 1 - Special Use Permit - for a retail marijuana establishment in the M1 Mixed-Use Corridor District.

In most instances, staff has worked diligently with the applicant to address requirements outlined in the *Glenwood Springs Municipal Code* (Code) applicable to any given proposal. Therefore, we are usually in support of an application by the time it reaches the Planning and Zoning Commission and/or City Council. Below is an option for such a motion.

Motion to Approve:

I move to uphold the recommendation of the Planning and Zoning Commission and approve with conditions the Special Use Permit for a retail marijuana establishment in the M1 Mixed-Use Corridor District with the findings and conditions outlined on pages [include applicable pages of the staff report packet here] (also provided below for reference) of the May 5 , 2021 staff report packet.

Findings are always included which are reflective of the approval criteria for the specific application type.

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.

Many times, staff is recommending conditions related to meeting certain Code requirements, approval criteria, or staff comments received during our review.

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.

Motion to Deny:

I move to reverse the recommendation of the Planning and Zoning Commission and deny the Special Use Permit for a retail marijuana establishment in the M1 Mixed-Use Corridor District with the following findings:

If the Planning and Zoning Commission does not believe the application meets the Code's minimum standards, your denial motion should be based on one or more of the same approval criteria applicable to the application. You should support your findings with information outlying the shortcomings of the request as shown in the example below.

Recommended Findings:

1. The use is not compatible with the surrounding area because **[insert your reasoning here]**;
2. The impacts such as **[insert your reasoning here]** of the use on surrounding areas have not been adequately minimized;
3. The use is not consistent with the general purpose and intent of this Code because **[insert your reasoning here]**;
4. The use does not comply with **[insert applicable Code sections here]** of the Code;
5. The use is not in conformance with **[insert applicable Comp Plan or other City plan or policy sections here]** of the Comprehensive Plan and other City plans and policies; and
 1. The use does not minimize the adverse impacts of **[insert the adverse impacts here]** to the health, safety, and welfare of the inhabitants of the surrounding areas and the city.

February 22, 2021

John Dyet
The Kind Castle
PO Box 687
Glenwood Springs, CO 81602

Re: Trip Generation Memorandum from SGM, dated 2-12-2021

Dear Mr. Dyet,
The purpose of this letter is to respond to the memorandum referenced above.

Note that the traffic assessment SGM evaluated was prepared by APEX Consulting Engineers, LLC (APEX) for a project with different parameters and is not relevant to the current land use application. A traffic assessment of the current land use application has been prepared by APEX and should be used in evaluation of the project.

SGM prepared an evaluation of trip generation for the proposed project using the Institute of Transportation Engineer's (ITE) Trip Generation Manual 10th Edition using land use code 882, Marijuana Dispensary. Application of the ITE trip generation data is valid and APEX used the same data for the previous assessment. However, it was apparent that the ITE trip generation rates are not consistent with data collected locally by APEX. As a result, and in preparation of the updated traffic assessment, APEX performed trip counts at a dispensary near the proposed project to develop a local trip generation rate which is used in the updated assessment. The local rate is approximately 1/3 the ITE rate and consistent with other APEX counts.

APEX did not perform parking counts, but it is reasonable to assume that the local parking rate would be approximately 1/3 the rate published by ITE, or approximately 6 spaces.

Respectfully,
APEX CONSULTING ENGINEERS LLC



Eric C. Marquez, P.E.
Managing Member

cc: file



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
	Owner 2114 Grand Avenue, LLC By: Kristine Leahy, Owner	Date 11-4-2020
	Owner 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

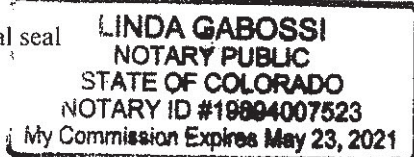
STATE OF COLORADO)

) 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

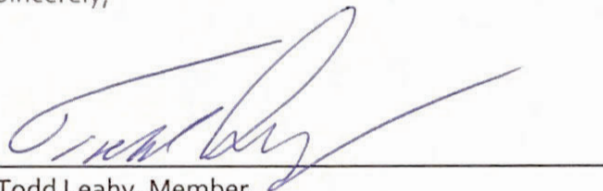
December 19, 2019

Town of Glenwood Springs
Community Development Department
Gretchen Ricehill, Assistant Economic & Community Development Director
101 West 8th Street
Glenwood Springs, CO 81601

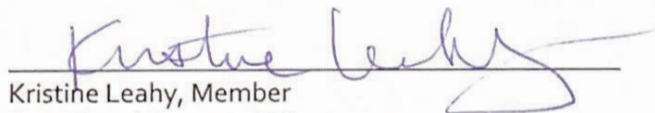
Dear Ms. Ricehill,

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.

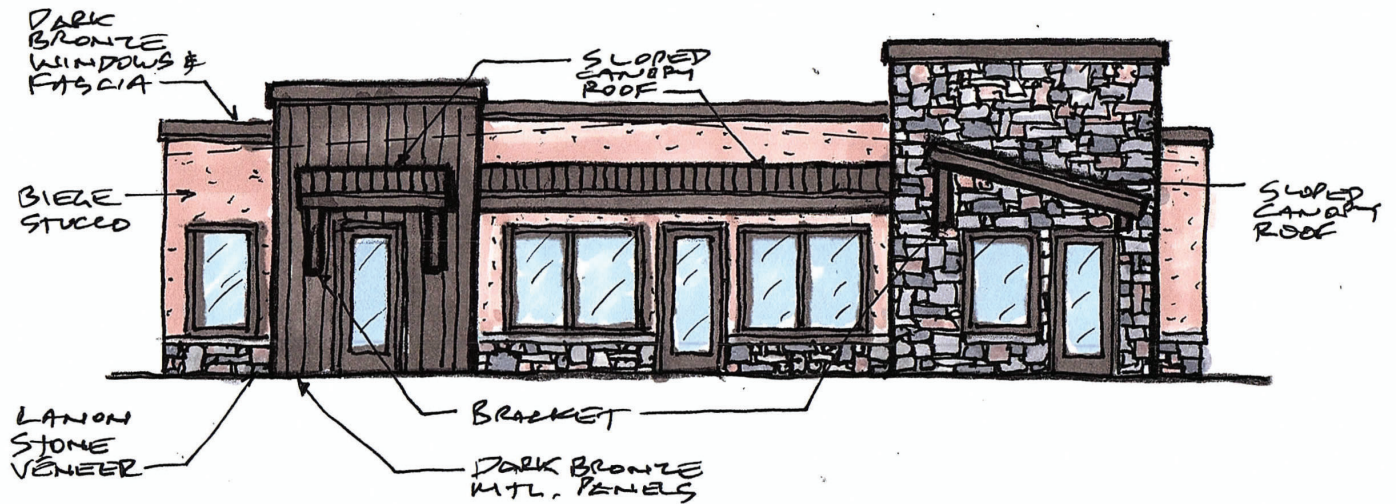
Sincerely,

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.



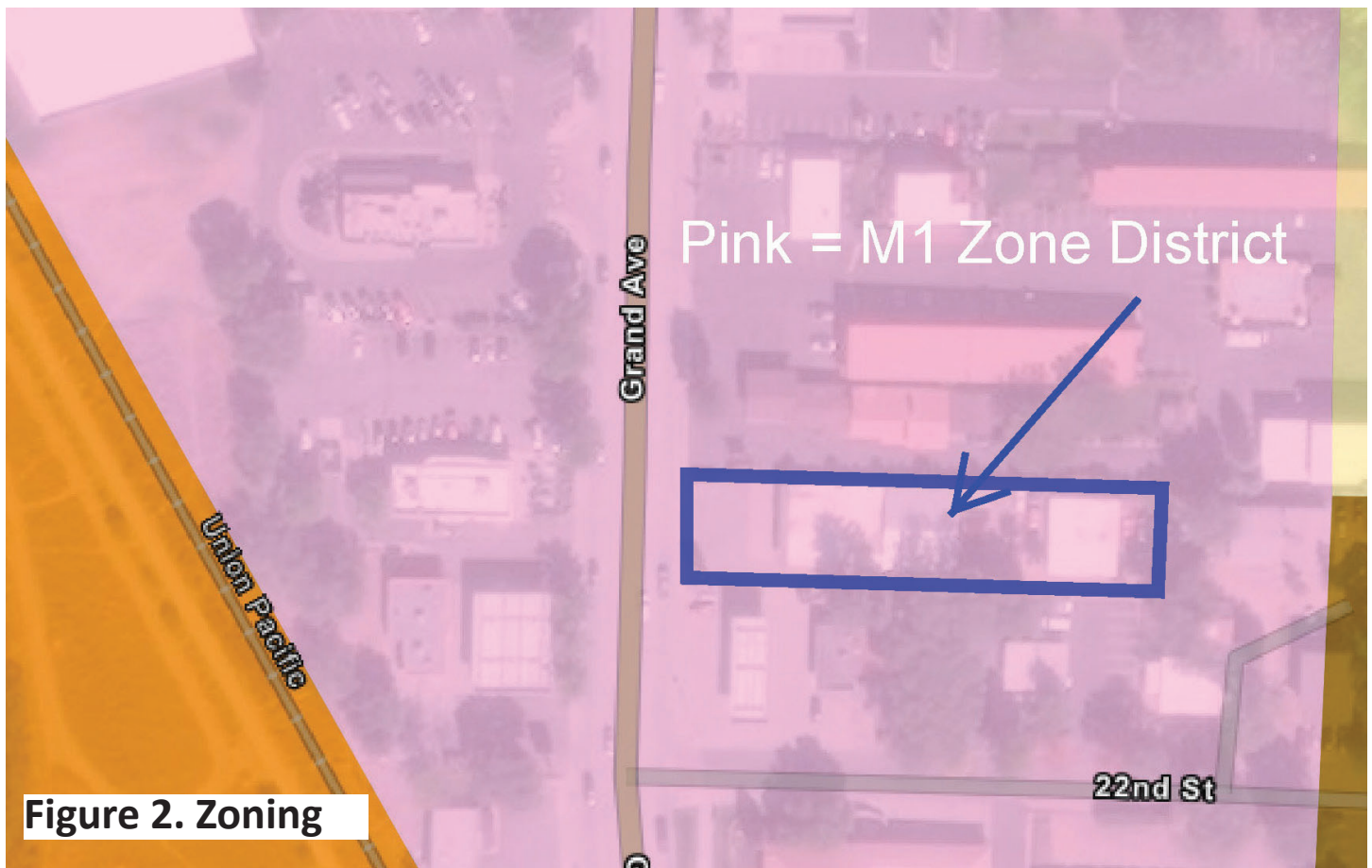


Figure 2. Zoning

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.

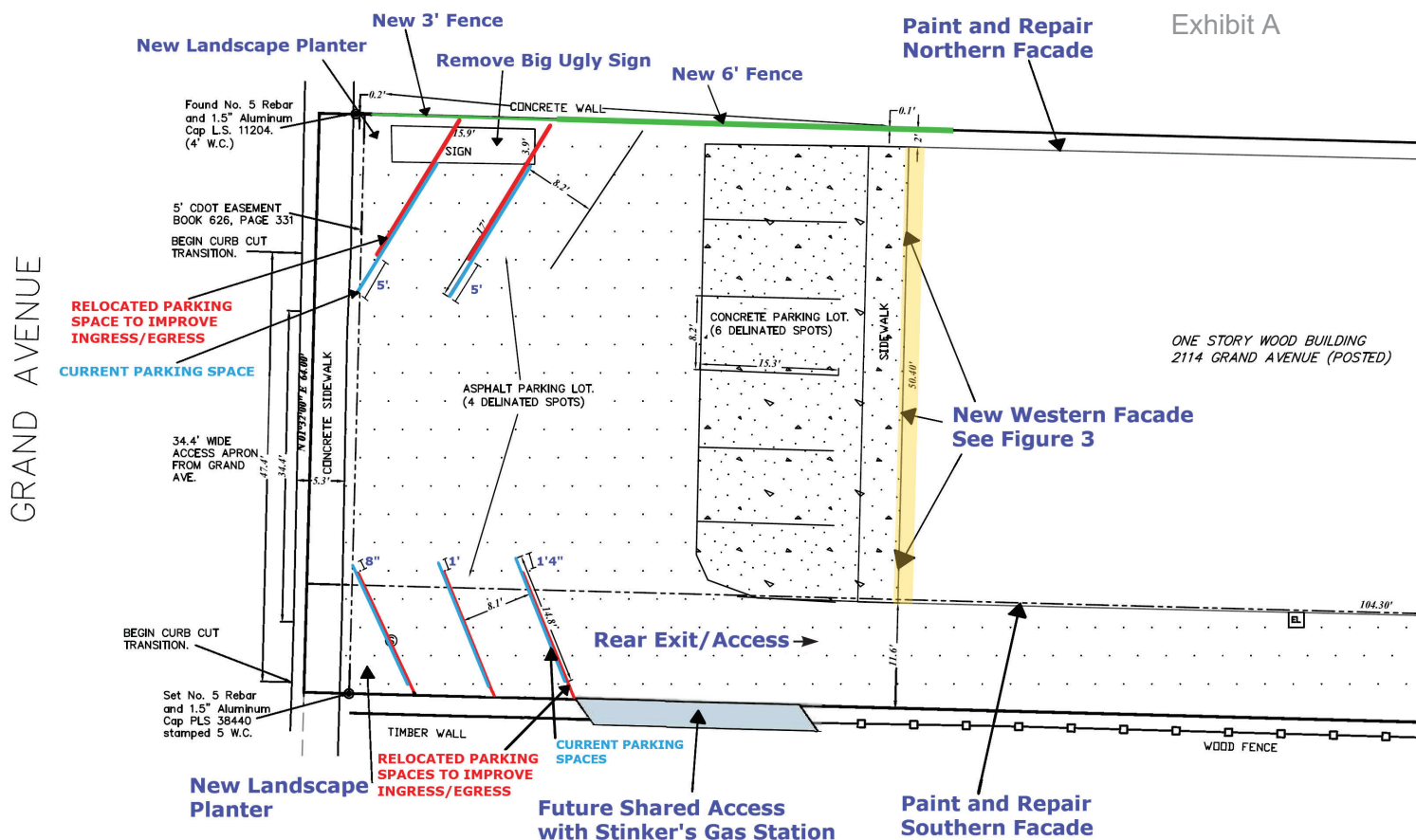
The following sections analyze how the project meets the special use permit approval criteria contained in Development Code Section 070.060.050(e)(3)(e)(2).

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.

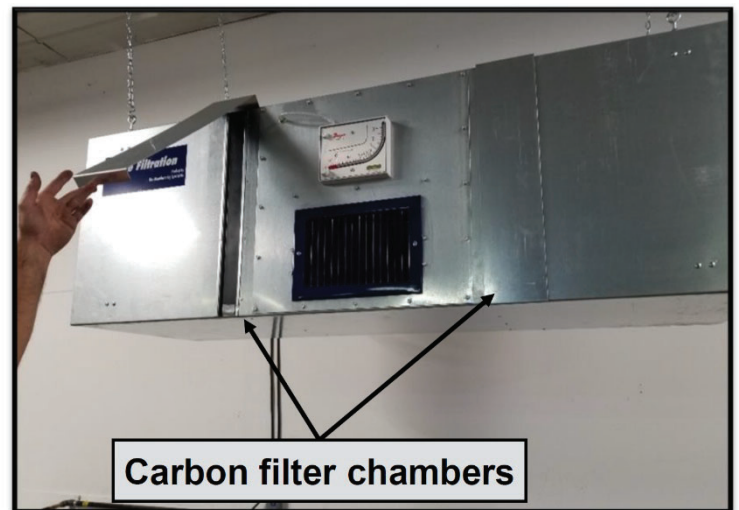


The design of the Site and building will also assure compatibility with surrounding land uses. The Applicant will install a fence along the full length of the northern property line with Cedar Lodge as shown in the Facility Site Plan (Attached hereto as Exhibit A) that will prevent easy access between 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.

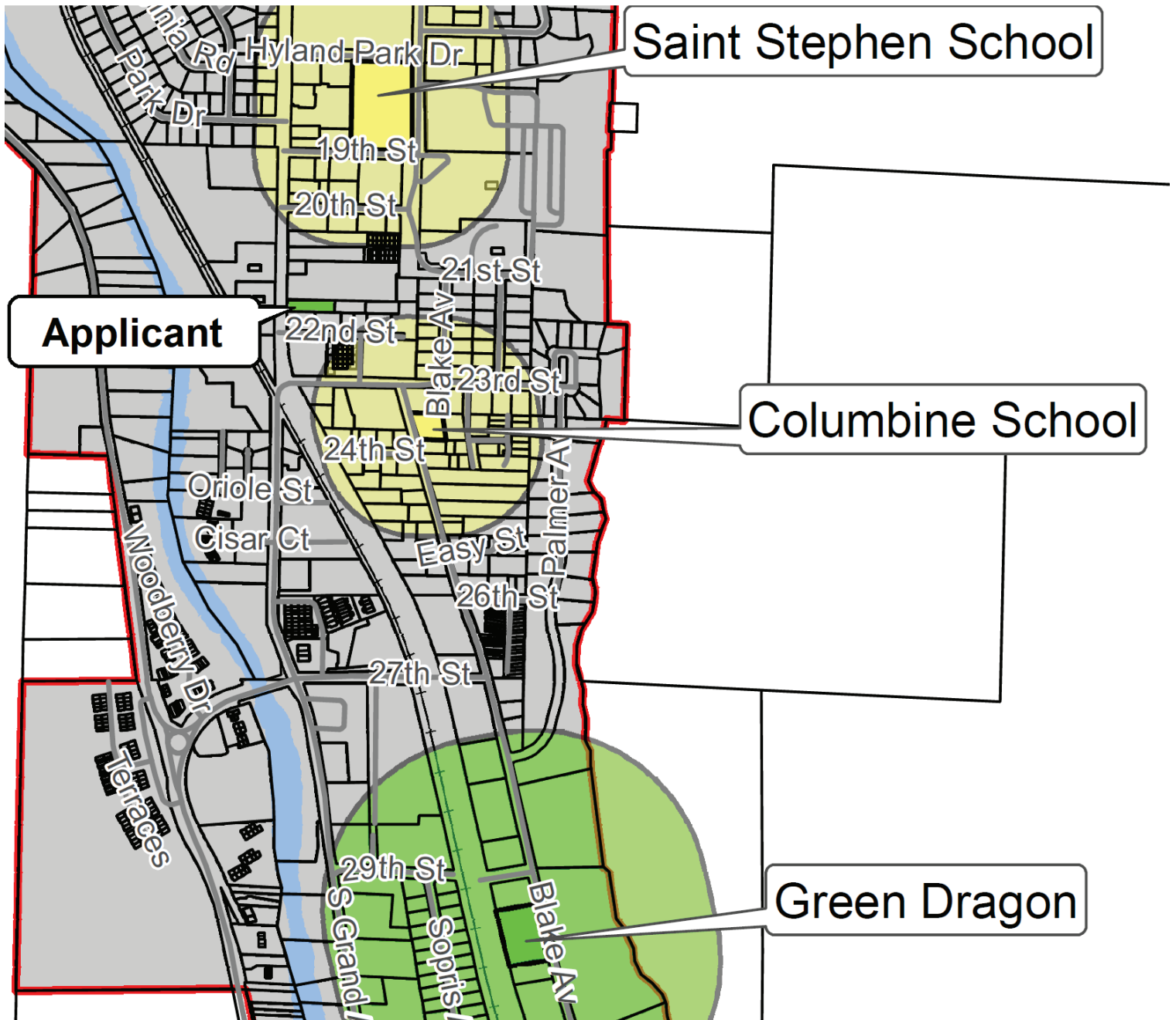


Figure 4. City Buffer Map

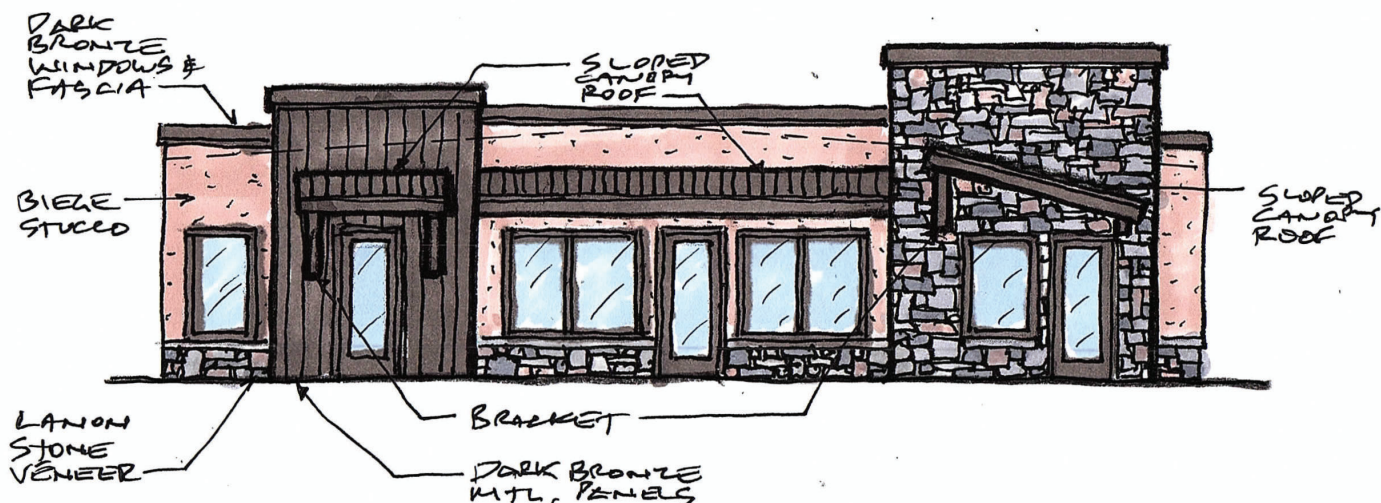


Figure 3. Conceptual Western Facade Plan

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

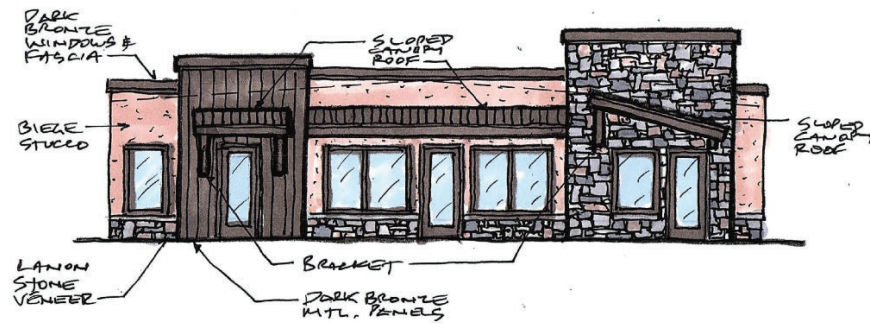
It is time to remove the numerous signs cluttered everywhere and uplift this property's appearance.



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

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]

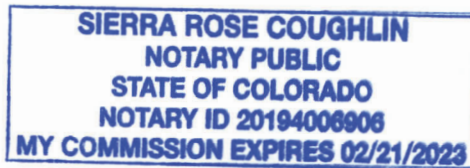
Name: Fabe Gamima Castro Espinoza

Date: 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:

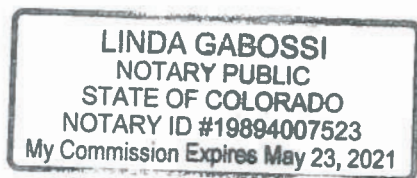
1. As a Party in Interest, 21 years of age or older, I reside in the City of Glenwood Springs, Colorado. My address is: 1028 Blake Avenue, Glenwood Springs, CO 81601
2. The Kind Castle will mitigate odor but I certify that marijuana odor will not cause issues to my tenants.
3. Currently, our direct neighborhood 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

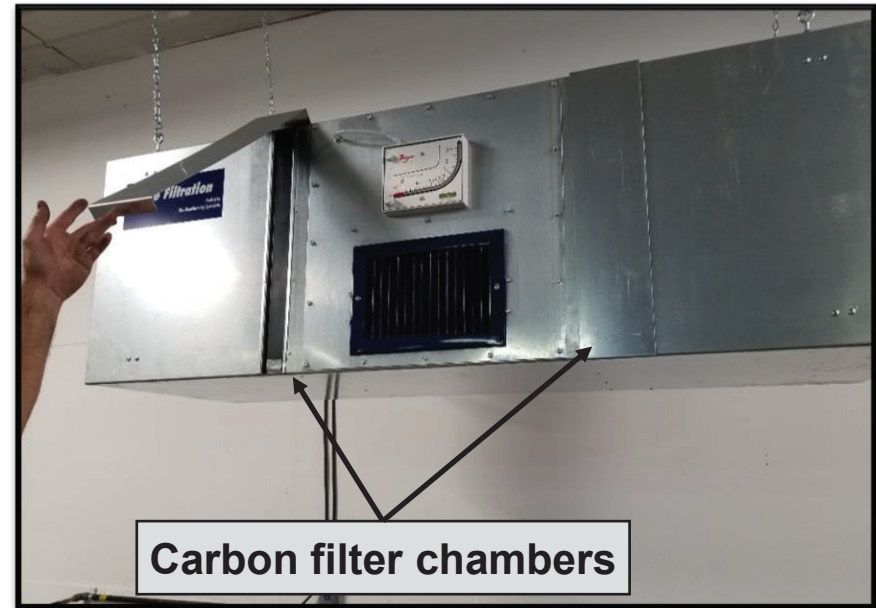
The Kind Castle shall utilize extensive odor mitigation tactics to ensure marijuana odor is filtered from the air to avoid permeating the Applicant's marijuana store site. The new air conditioning/heating system's negative air machine (model #6560 or similar) will be equipped with an activated carbon 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

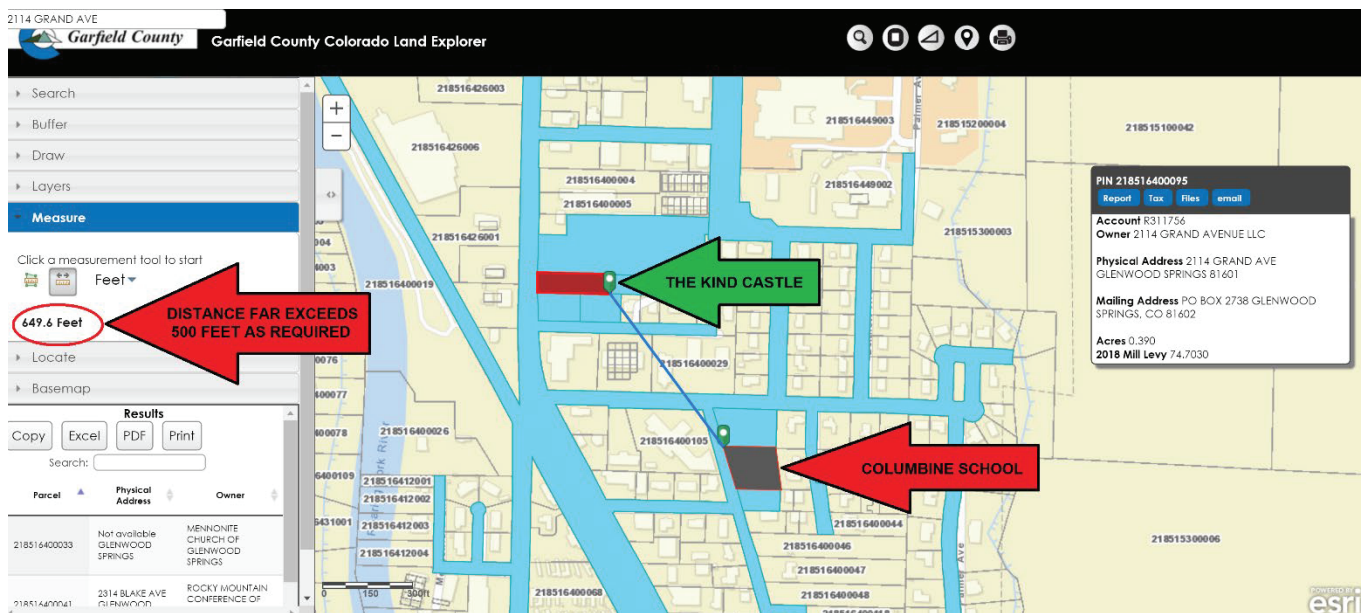
AREA MAP

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:

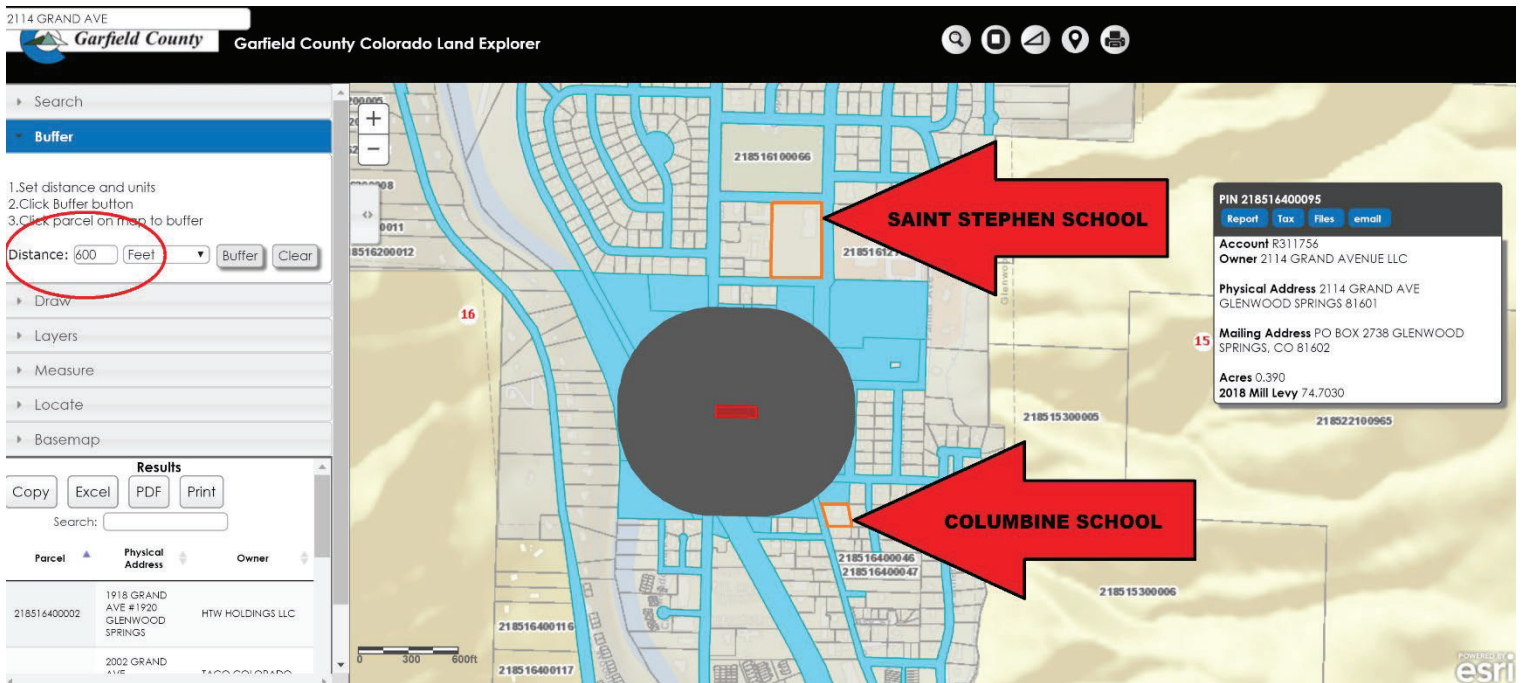
MAP 1 – DISTANCE TO COLUMBINE SCHOOL (GARFIELD COUNTY ASSESSOR)

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.



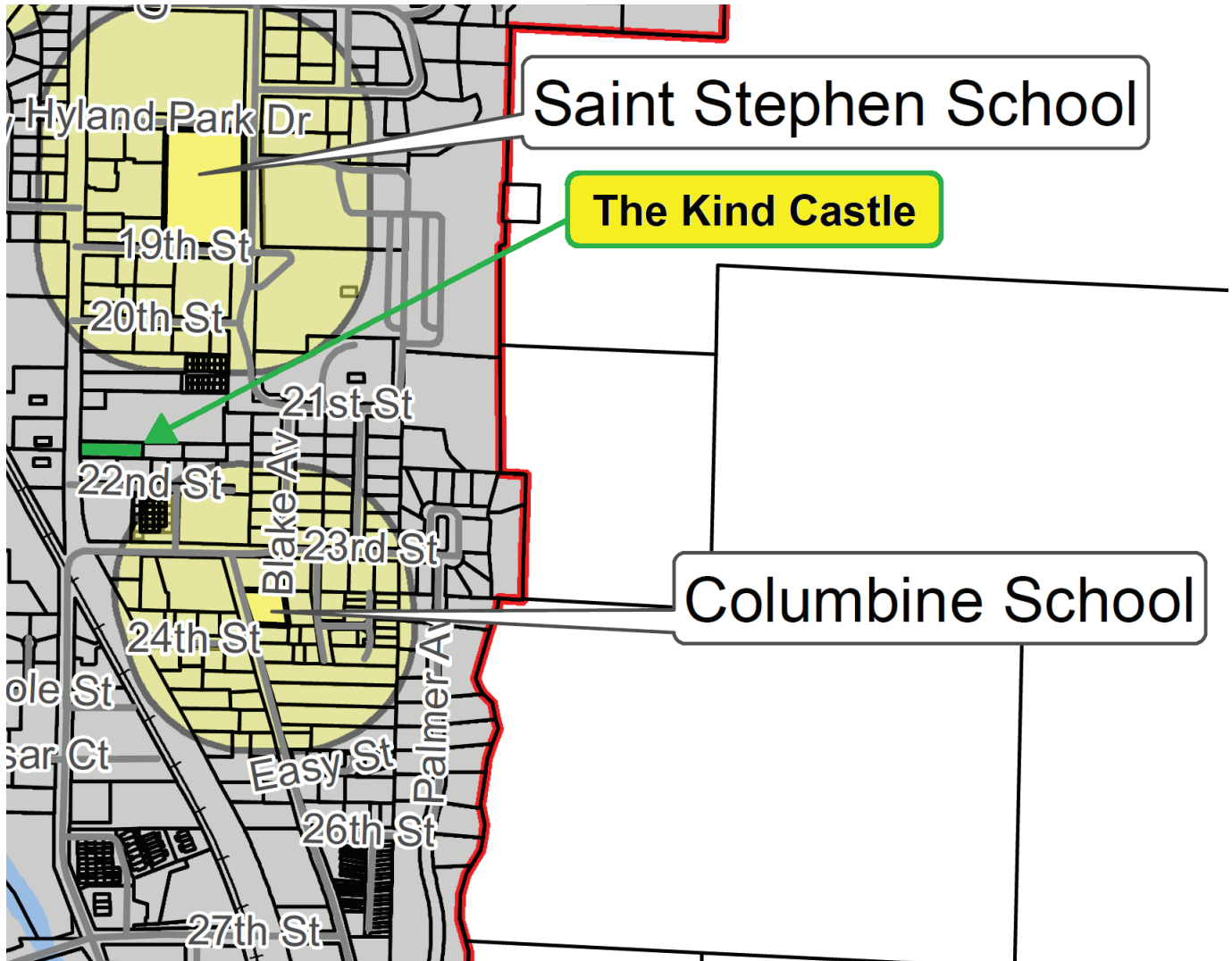
AREA MAP – Page 2 of 5

AREA MAP – PROXIMITY TO OTHER MARIJUANA ESTABLISHMENT

MAP 3 – SAINT STEPHEN/COLUMBINE SCHOOLS WITH 500 FT BUFFER (GLENWOOD SPRINGS MAP)

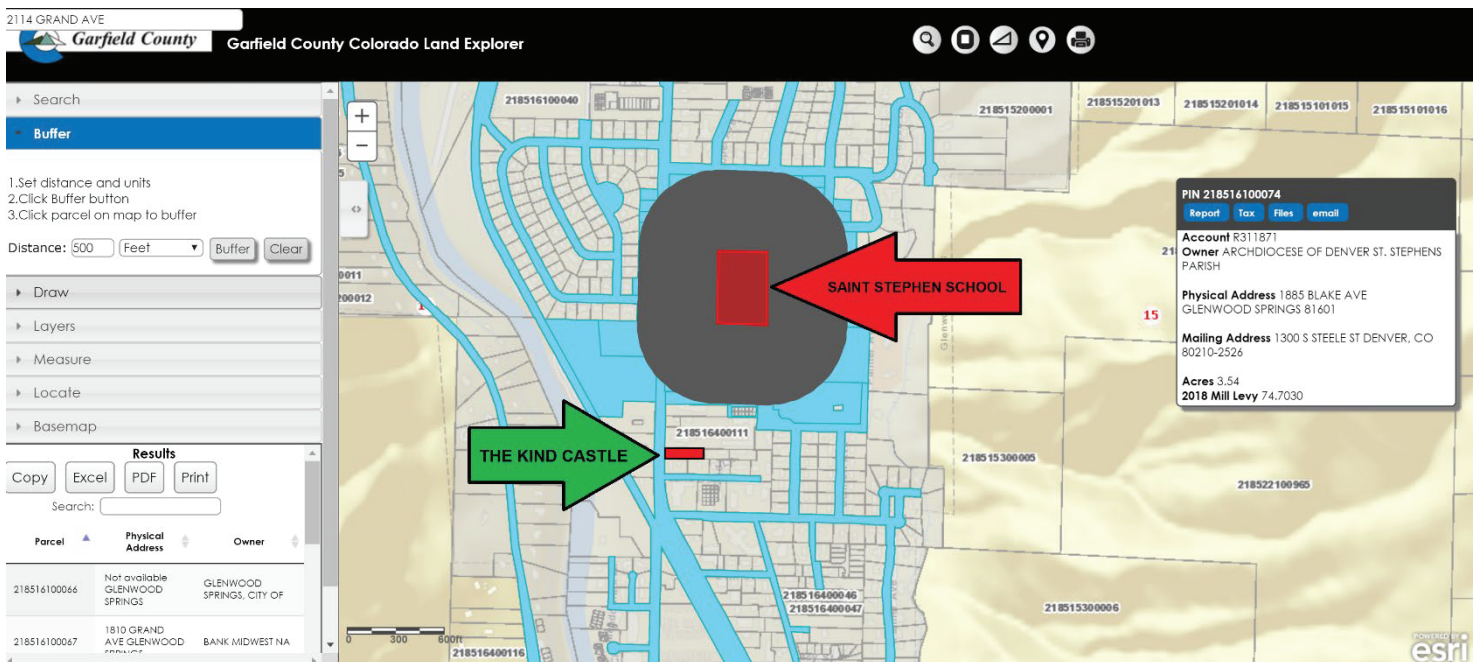
The buffer of 500 feet was added to the schools' locations created by the City of Glenwood Springs which the Applicant's indication of its location added to the map. The buffers are still far from reaching the Applicant's property lines, which significantly exceeds the city's minimum required distance of 500 feet separation.

Therefore this site is qualified per city's retail marijuana ordinance.



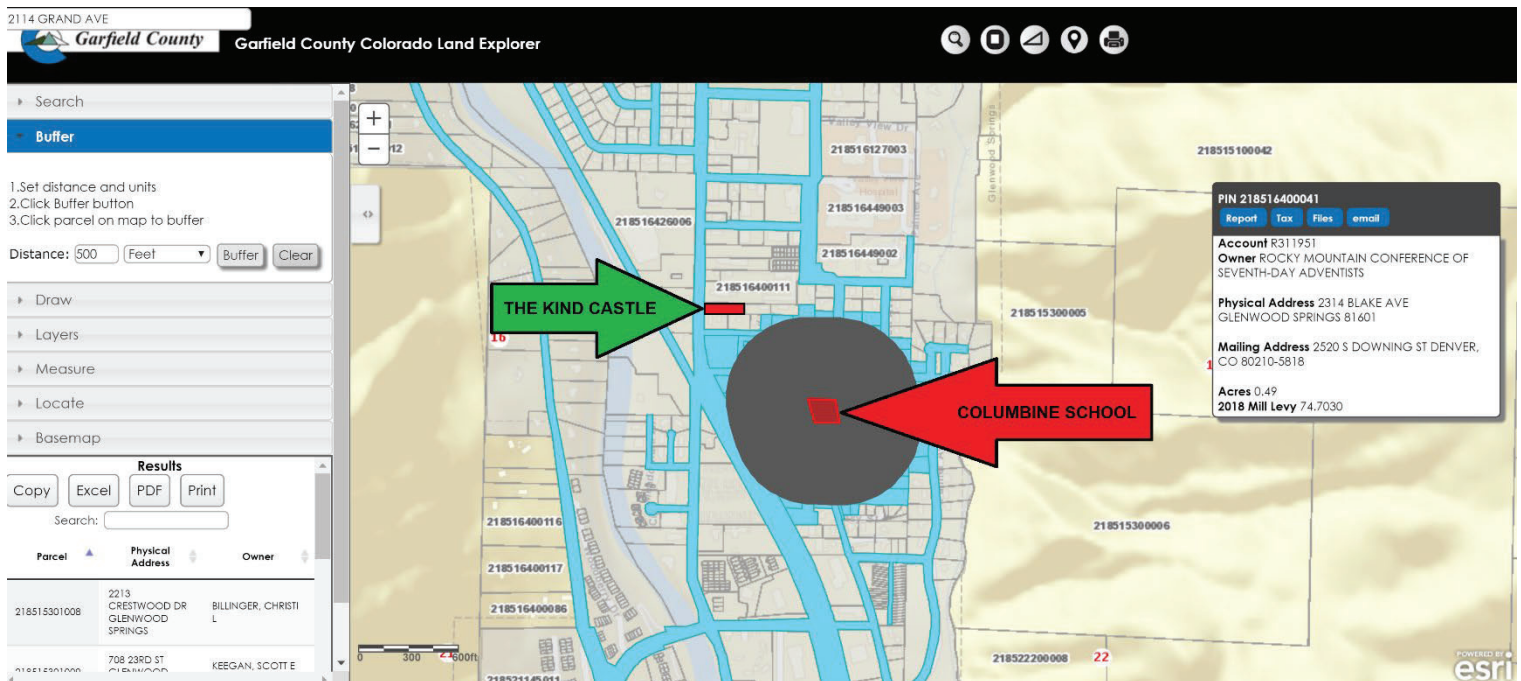
MAP 4 SAINT STEPHEN SCHOOL WITH 500 FOOT BUFFER (GARFIELD COUNTY ASSESSOR)

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.



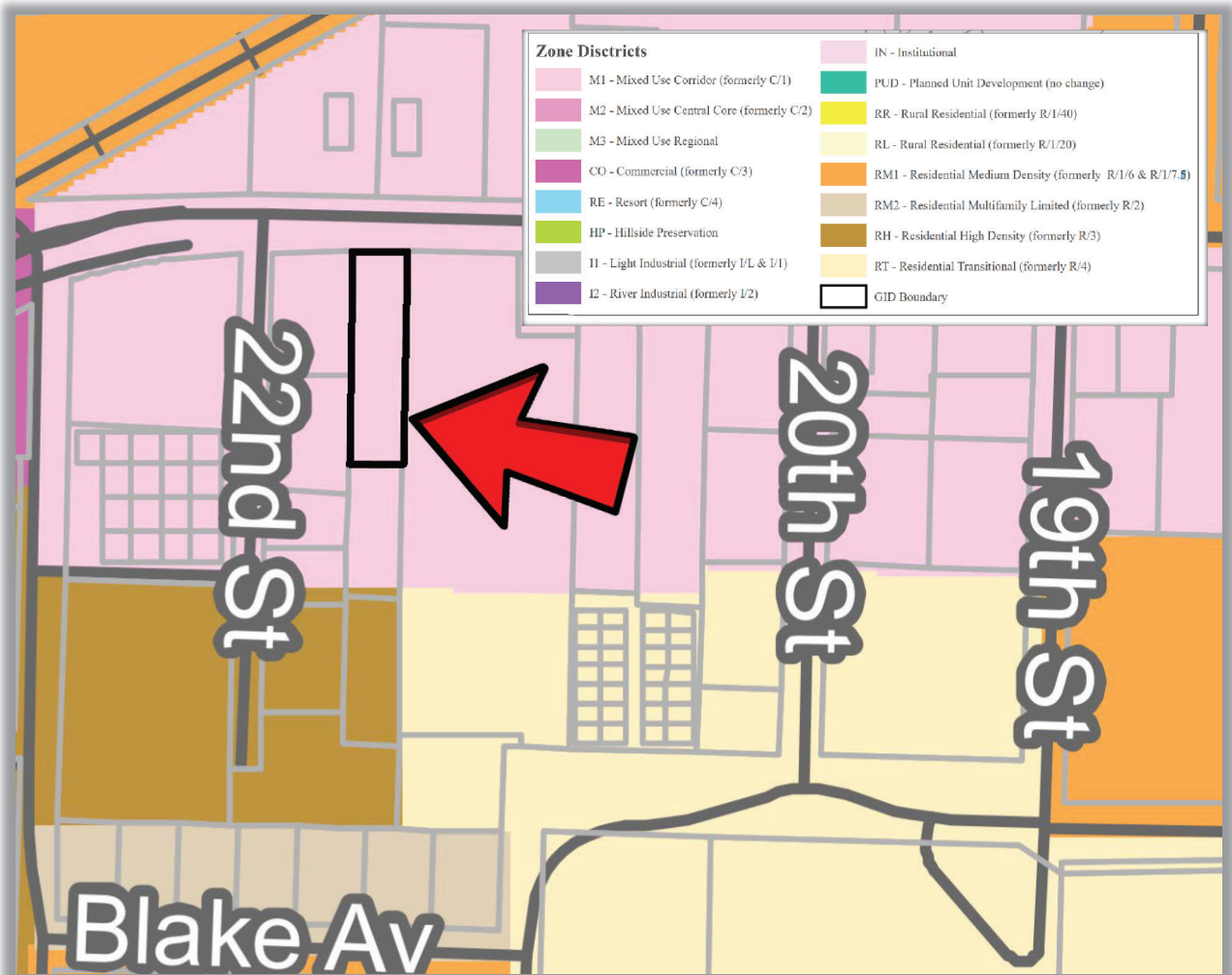
PROOF OF COMPLIANCE WITH ZONING AND LAND USE LAWS

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.

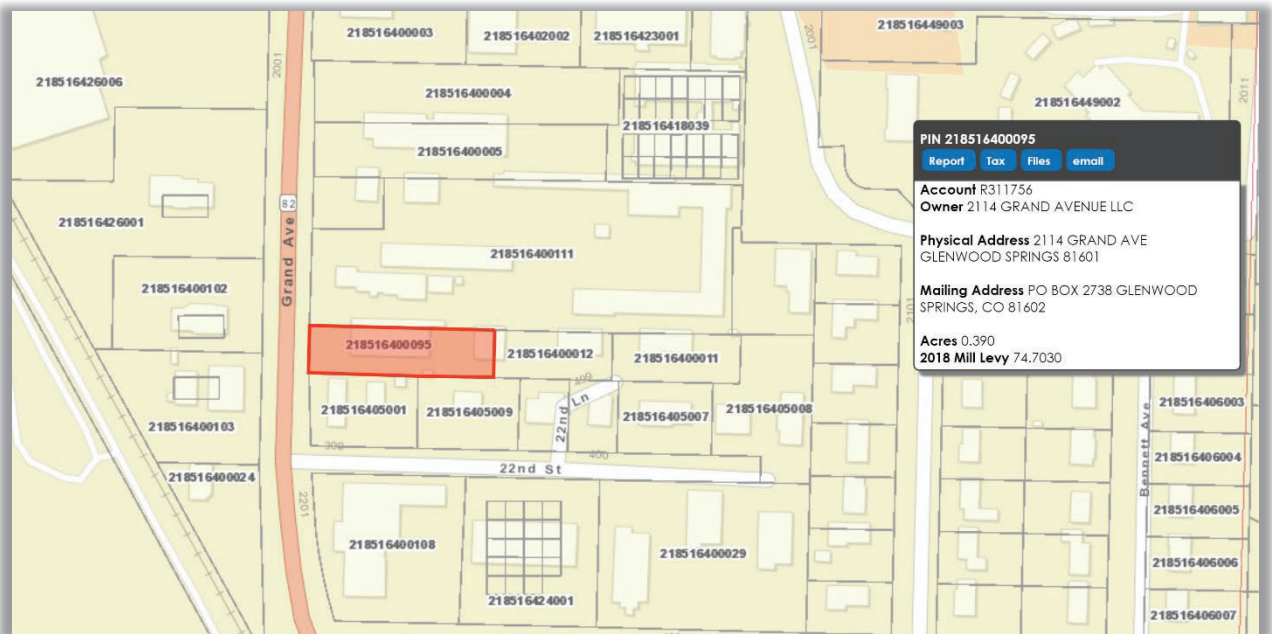


Article 1 of 2

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

PETITION 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, Alexander 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 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: 512 10th Street apt. 30
2. Currently, the direct neighborhood of The Kind Castle's location does not have any retail marijuana stores. We need another marijuana retailer in that area and The Kind Castle would meet this need in the neighborhood.
3. The Applicant offers better prices, quality, and more options than existing stores in Glenwood Springs.
4. 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.
5. I believe The Kind Castle will mitigate odors but the odor from marijuana will not cause any nuisance.
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, serve the Hispanic community, and provide 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: Alexander Gonzalez Name: 5/1/21

Date: Alexander Gonzalez

PETITION 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, Roberto Carlos, 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: 2102 Grand Avenue Glenwood Springs CO 81601
2. Currently, the direct neighborhood of The Kind Castle's location does not have any retail marijuana stores. We need another marijuana retailer in that area and The Kind Castle would meet this need in the neighborhood.
3. The Applicant offers better prices, quality, and more options than existing stores in Glenwood Springs.
4. 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.
5. I believe The Kind Castle will mitigate odors but the odor from marijuana will not cause any nuisance.
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, serve the Hispanic community, and provide 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: [Signature]

Name: Roberto Carlos

Date: 05-01-2021

PETITION 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, Bryan Z Bohlander, 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: 2321 Bennett Ave, Apt C, Glenwood Springs, CO 81601
2. Currently, the direct neighborhood of The Kind Castle's location does not have any retail marijuana stores. We need another marijuana retailer in that area and The Kind Castle would meet this need in the neighborhood.
3. The Applicant offers better prices, quality, and more options than existing stores in Glenwood Springs.
4. 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.
5. I believe The Kind Castle will mitigate odors but the odor from marijuana will not cause any nuisance.
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, serve the Hispanic community, and provide 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: Bryan Z Bohlander

Name: Bryan Z Bohlander

Date: 8/1/2021

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.

ATTORNEYS AT LAW
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.

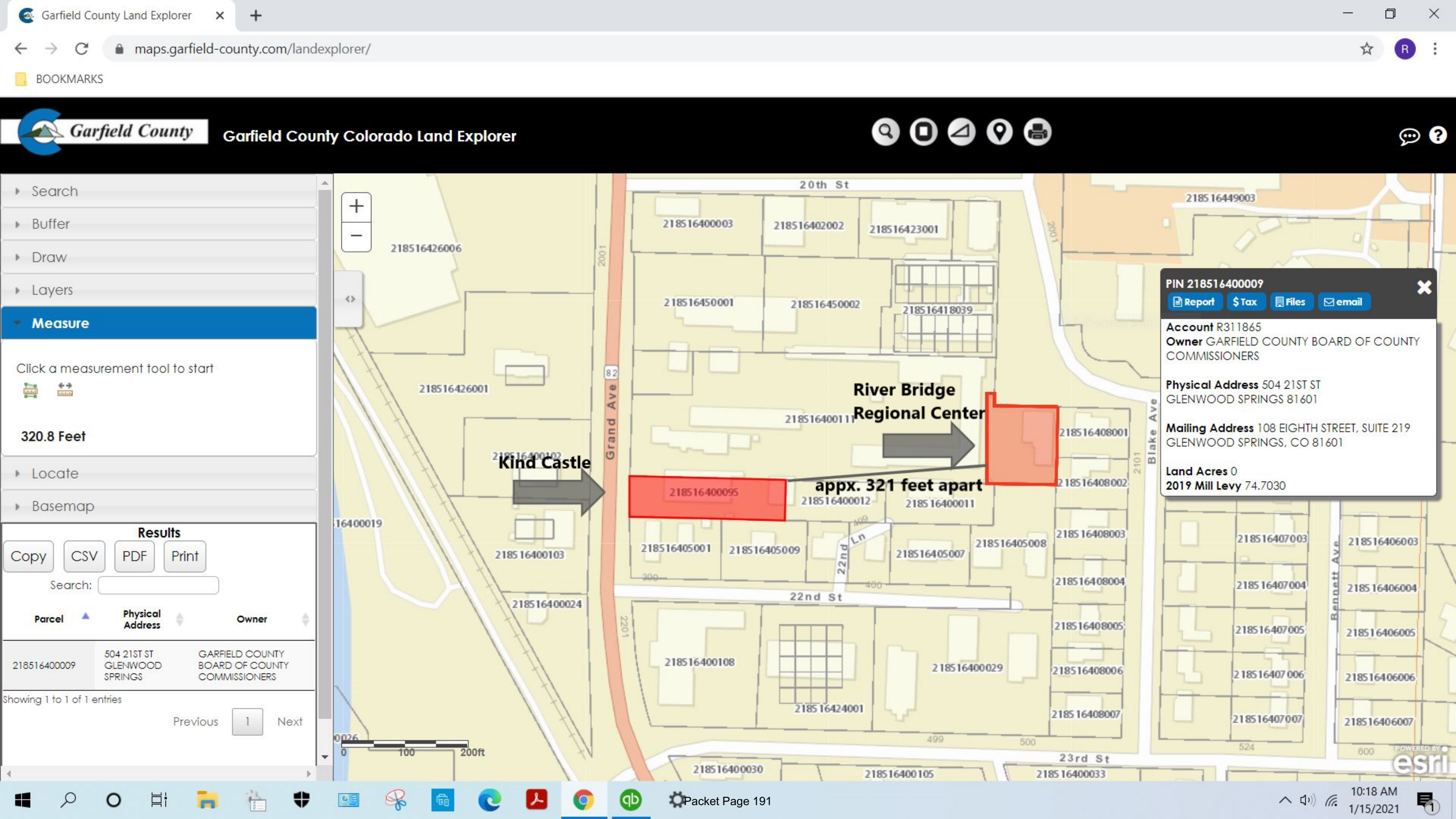
Other than making the incompatible use bigger, nothing has changed between the last application and this one. The fact remains that the use itself—a retail marijuana store—is incompatible with other surrounding uses, and the impact of that use on adjacent properties has not been sufficiently mitigated. 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



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.

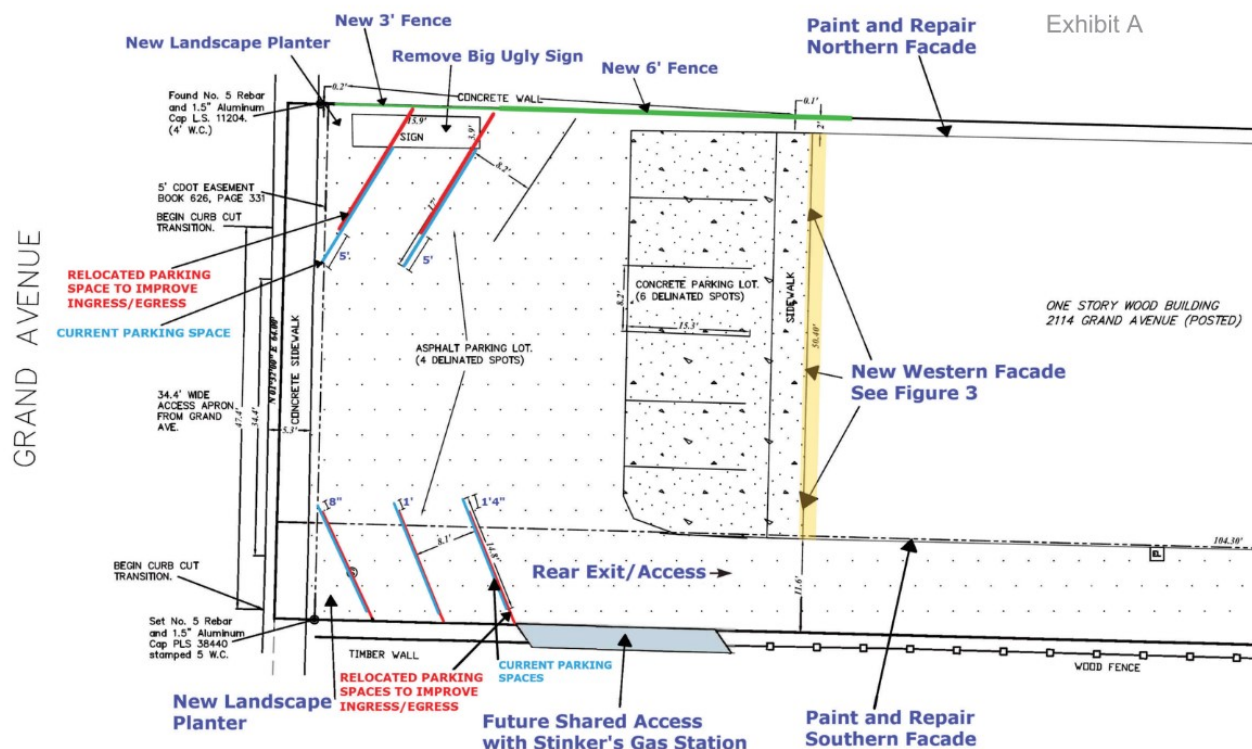


FIGURE 1 – SITE PLAN

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		Basis of	Time		
Manual, 10th Edition	ITE Code	Rate	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

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

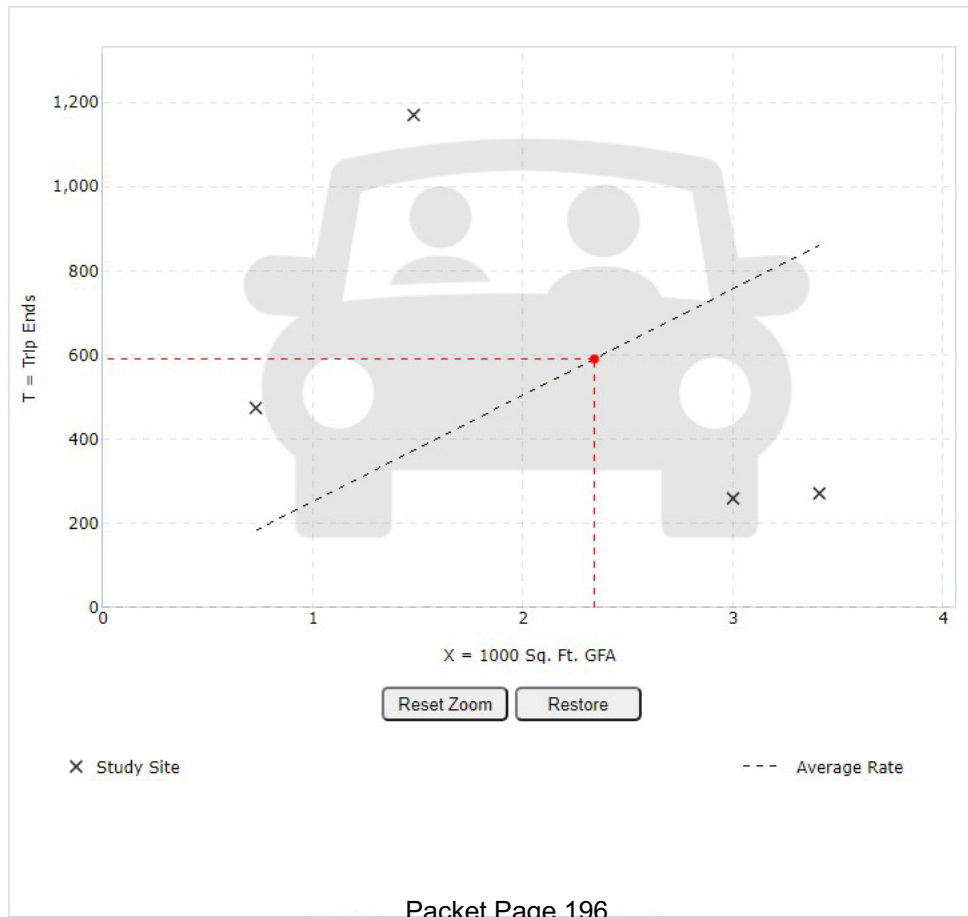
SETTING/LOCATION:
General Urban/Suburban

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:

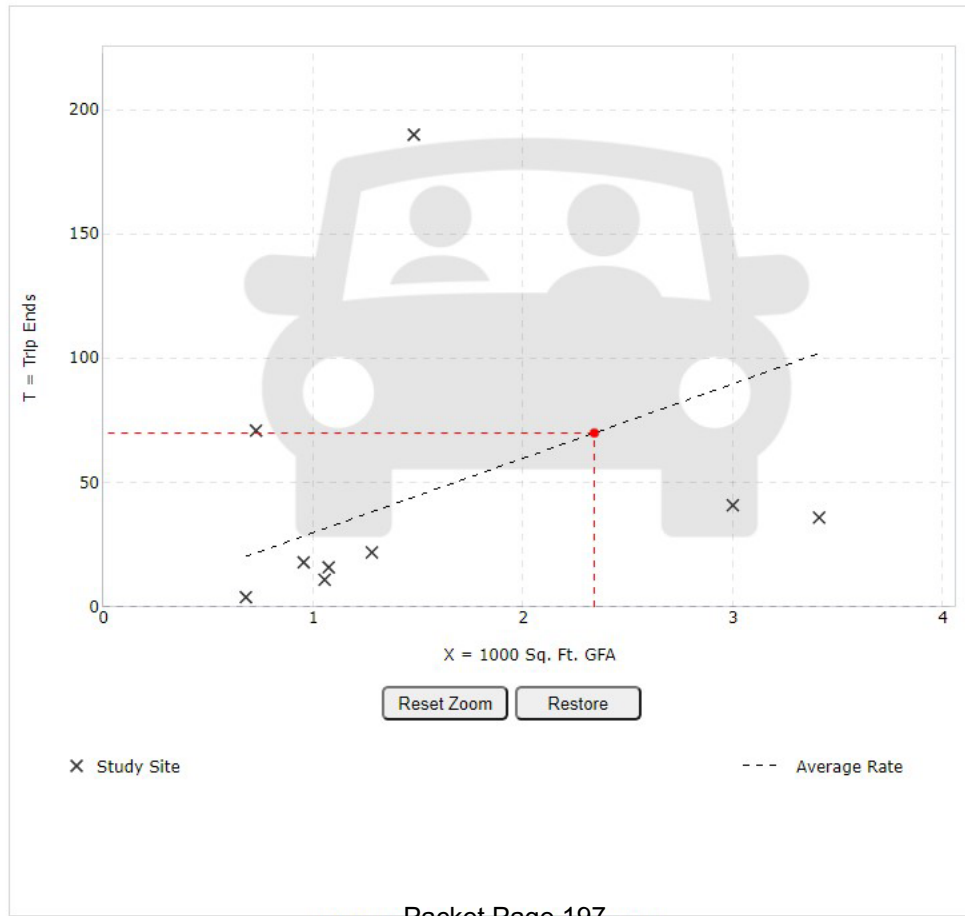
Vehicle

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

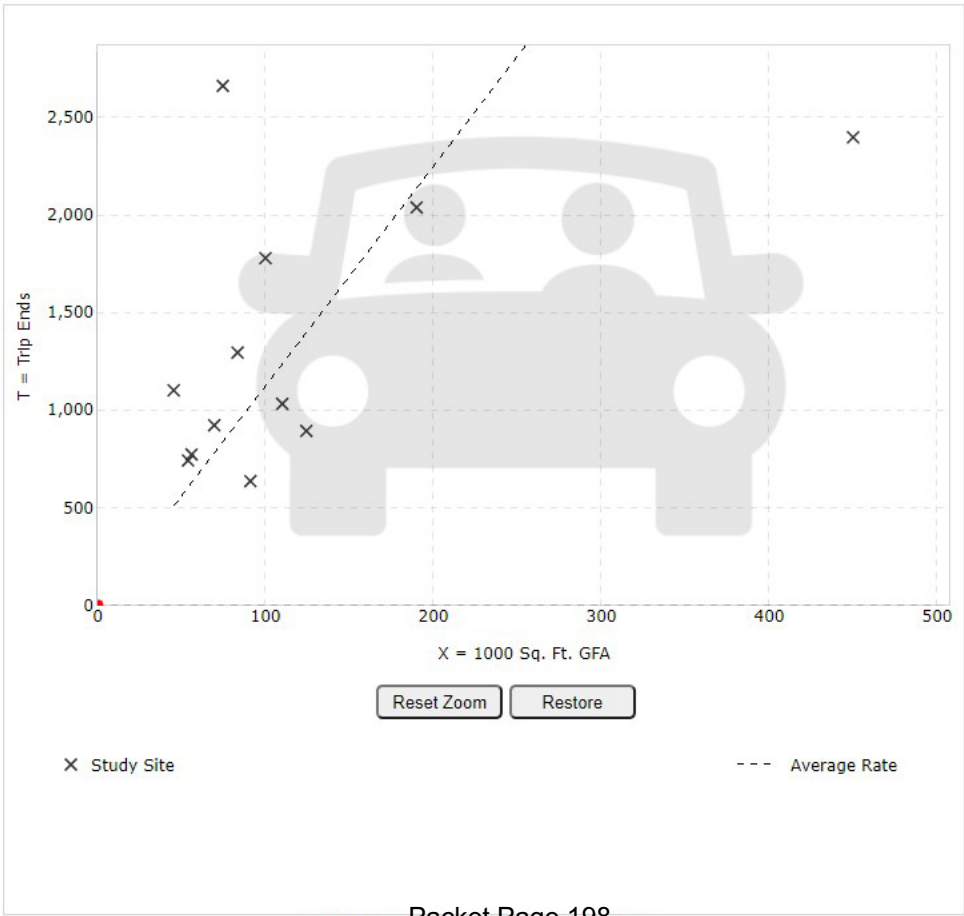
TRIP TYPE:

Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:

0.65

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

R²:

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:

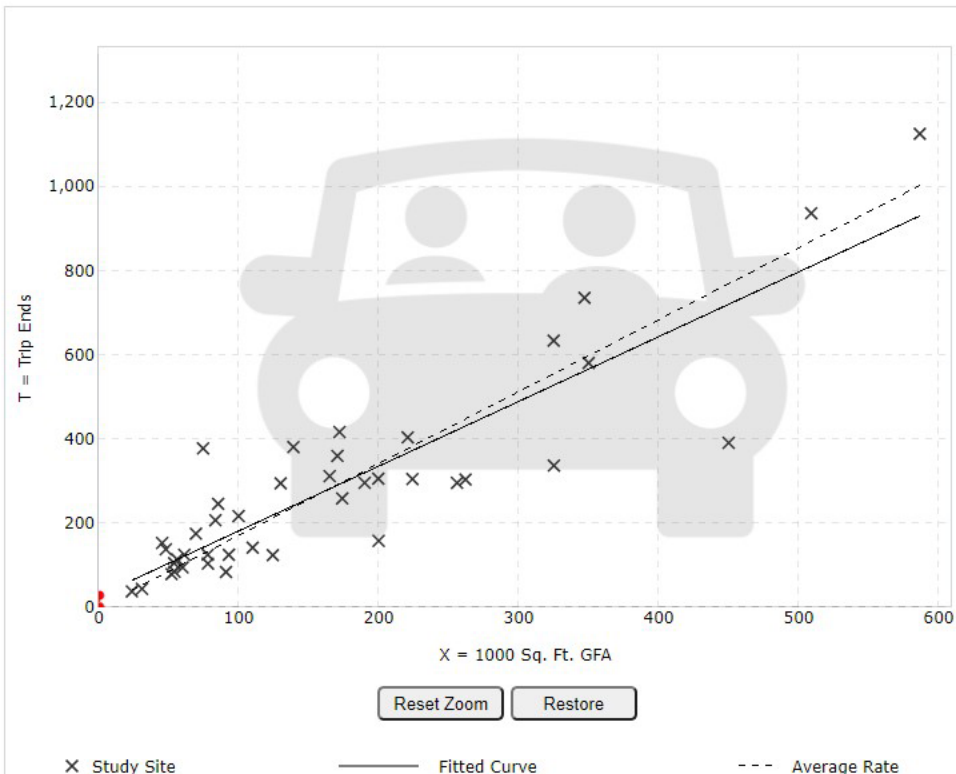
Vehicle

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

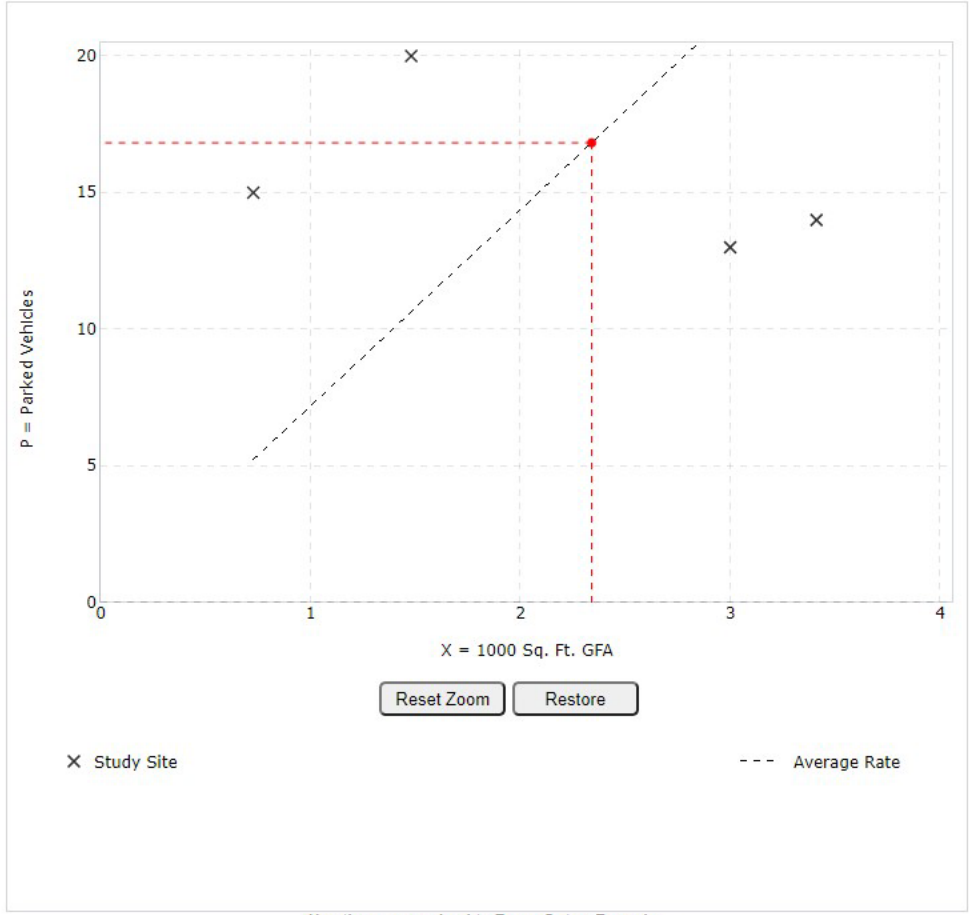
TIME PERIOD:
Weekday (Monday - Friday)

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:

R²:

Calculated Parking Demand:
Average Rate: 17 (Total)

From: [Roger Titmus](#)
To: [Trent Hyatt](#)
Subject: The Kind Castle - Support Letter
Date: Monday, March 8, 2021 3:34:51 PM

Hi Trent,
Hope life is good for you in GS. Got the notice of our neighbor's plans to give their building a facelift.
Just wanted to drop a line saying we're in support.
All the best,

Roger Titmus
Stinker Stores
208-337-2830

This communication is the property of Stinker Stores and may contain confidential or privileged information. Unauthorized use of this communication is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify the sender by reply e-mail and destroy all copies of the communication and any attachments.

Scott Dillard

March 22, 2001

TO: City Planning Department

RE: Support of Kind Castle application

Please accept this letter of support for the Kind Castle application located at 2114 Grand Avenue. I own apartment units to the east of this location on 22nd Street and feel that a single tenant occupying this retail space would be a benefit to this section of Grand Avenue. The offer of a right turn only exit from the property would help make Grand Avenue safer at this location and at the stop sign at 22nd and Grand. The remodeled front with a raised sign would help the aesthetics of the area.

I would rather see a marijuana retail site with a single tenant than see this site with multiple tenants like it was before. I have other properties in the valley and marijuana retail sites have not caused any issues.

Thanks,

Scott Dillard

03/22/2021

Scott Dillard

Rene Tornare
PO Box 39
Aspen, CO 81612

TO: City of Glenwood Springs Planning Department
RE: 2114 Grand Avenue letter of support for Kind Castle

March 22, 2021

To whom it concerns:

I am writing this letter in support of the Kind Castle retail store at 2114 Grand Avenue. I am the owner of the 4 plex bordering this property to the east, just behind their back shop apartment. My tenants share this alley access with 2114 Grand and would greatly appreciate the changes and added benefits that this remodel, parking lot improvements and access plan would bring to this area of Grand. It is a challenge owning property in this location and this plan will make many issues better.

The marijuana operation does not affect my property at all. I do not know of any issues that these retail outlets have caused. I am more interested in having a single tenant with a new parking lot plan and limited right hand turn access on Grand. What product is sold from this location just does not matter.

Thank you for your time and best regards,

Rene Tornare

03/22/2021

Rene Tornare
Owner, 405 22nd Lane, Glenwood Springs, Colorado

RE: 06-20 Consideration of a Special Use Permit for a Retail Marijuana establishment at 2114 Grand Avenue

April 22, 2021

Dear City Council Members,

In this letter, we will address concerns on behalf of owners of Cedar Lodge Motel Inc. regarding the Special Use Permit application for a Retail Marijuana shop at 2114 Grand Avenue. Our points will highlight the inevitable safety and liability concerns should this permit be approved.

Jozef and Maria Koziol have owned Cedar Lodge for over 30 years and have greatly contributed to the Glenwood Springs community during their time here. This is a multi-generational family business and more often than not, the owners' grandkids and family members are on site with them. This is in addition to the thousands of families that choose to stay at Cedar Lodge. Our tourists love the "small-town" feel they have been accustomed to when visiting our charming town. They often tell us this. Having marijuana shops all throughout our community will definitely be detrimental. As small business owners, this is a very sensitive issue for us.

A big concern we need to address includes the safety of OUR employees, guests and visiting family members. Presently, we routinely find store patrons of 2114 Grand Ave. parked in our lot when there are not enough spots available next door. The following link is a small example of what we've witnessed at our property: <https://www.dropbox.com/sh/2kjozhdqh8dm53d/AAD2P6ZKnI5pfKol0k6Ovyfsa?dl=0>. With this being said, putting a Retail Marijuana shop in such a busy location congested with pedestrians and commuters is simply dangerous. The applicant states they will employ approximately 10 full-time employees. There is *not* enough parking for even the staff of that size, much less customers. This leads us to have numerous concerns regarding the safety of guests and staff. Overflow parking would surely become a great safety hazard as well as a huge liability for the hard-working immigrant owners. Additionally, our property includes an outdoor and indoor pool. Kids are often walking around the parking lot, enjoying our amenities. The potential for increased traffic flow of non-registered guests poses a huge risk for us.

The owners of Cedar Lodge Motel take great pride in their property and this town. The owners realize the negative impact that a Retail Marijuana establishment in such close proximity would have on their lodging business. We would also like to point out that the proposed location is near tenants and rental properties. Concerns remain for current residential tenants that have families who potentially will have to share a common wall with retail marijuana. These factors must not be overlooked.

We take our responsibility to our guests seriously and the safety and welfare of our guests and staff is top priority. This is a very sensitive subject for us and we respectfully ask you to deny the applicant's permit application. Thank you for your time.

Regards,

Barbara Koziol

Barbara Koziol (on behalf of Maria and Jozef Koziol)

Cedar Lodge Motel, Inc.
2102 Grand Ave
Glenwood Springs, CO 81601

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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Haley M. Carmer
hcarmer@garfieldhecht.com

April 27, 2021

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. City Council will be considering Kind’s new Application on May 6, 2021. 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.

Kind was allowed to submit its pending Application because, according to Kind, it is materially different from its first one. But the changes Kind has made to its proposal are not enough to bring the Application into compliance with the Code’s SUP approval criteria. First and foremost, 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 Planning & Zoning Commission (“P&Z”) and Council found the first time around, locating the store at the Property will divert business from downtown and other commercial centers, which conflicts with the City’s Comprehensive 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 Kind’s facility

may be the first marijuana establishment in the City to share a wall with a two¹ residential units. Council should be weary of setting a precedent of this nature. Note too that 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.

Similarly, even though there are other dispensaries near hotels in the City, none are as close to those lodging facilities as Kind's shop would be to Cedar Lodge. The Green Dragon dispensary on South Glen Avenue (an example Kind referred to during the public hearing before P&Z) is separated from the nearest hotel by the Taqueria El Nopal/Smoker Friendly building and parking lot and 29th Street, a distance door-to-door of over 500 feet. Kind's recently-approved dispensary in Glenwood Meadows is across Wulfsohn Road from the Marriott hotels and is not visible from the entry of those buildings. Finally, the distance between the southwest corner of the Hotel Colorado and the northeast corner of the former Martin's Recreational building was nearly 200 feet. In contrast, Cedar Lodge and the Property share a boundary line, the Cedar Lodge owners live on-site with family visiting regularly, and the distance between the front door of Kind's proposed dispensary and the front door of Cedar Lodge's front office is approximately 90 feet. To argue that a marijuana dispensary on the Property is compatible with surrounding uses just because other dispensaries might be close to hotels in other parts of the City is not persuasive considering the unique aspects of the Property and adjacent uses. Hence the need for special review of the Application to consider issues specific to the location of the proposed development.

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.

¹ Based on Garfield County assessor records, Kind argued at the P&Z hearing that two other marijuana stores in Glenwood—the Green Joint and Doctor's Garden—have residential uses on site. Even if that is the case, it is not clear whether the residential use at the Green Joint is in the same building as the dispensary, and the residential use at the Doctor's Garden may be on the upper floor of that building. In that event, there would be more separation between the marijuana and residential uses (if any) than exists on the Property at issue here.

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. A separate letter submitted to Council on behalf of the Cedar Lodge owners includes a link to videos showing how patrons of the Property regularly utilize Cedar Lodge’s parking area. 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 Council is at all inclined to recommend approval of the Application, at a minimum, Council 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 currently nonconforming—is also a safety concern. In the past, the fire department has expressed concern about responding to an emergency at the Property due to the circulation on the lot. Indeed, first responders have had to park on Cedar Lodge’s property when responding to emergencies at the Property due to its inadequate parking area and circulation. 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.

Shortly before the February 23, 2021, P&Z hearing, Kind completed a new traffic study of its proposed use. The traffic study Kind submitted with its first SUP application last year projected that a dispensary (notably, one smaller than is proposed in the Application) would nearly double the existing, average daily trips to and from the Property. According to the new study, the peak hour trips generated by a dispensary on the Property would be about the same as the existing peak hour trips. But the new study is based on traffic counts conducted at the Green Dragon dispensary on South Glen Avenue, not the ITE Trip Generation Manual. Whether the traffic generated at Kind’s dispensary would be more or less than what is experienced at Green Dragon remains to be seen. And regardless of any additional traffic and Grand Avenue’s capacity to accommodate it, cars entering and exiting the Property will impact the flow of traffic (and motorist, pedestrian, and bicycle safety) differently than what’s experienced at the Green Dragon considering (i) the Property’s poorly designed parking area that intuitively orients customers parking on site to back toward and into Grand Avenue traffic and (ii) Green Dragon’s two easily-accessible access points.

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. To date,

Kind has not explained where its HVAC system will vent the filtered air. 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 any 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. Council agreed once 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, especially when that license will go to a company that was recently granted the same type of license for another location in the City. 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 City Council to once again deny the Application. At a minimum, Council should include a condition of approval requiring Kind to address the overflow parking issue by, among other things, installing signage and fencing approved by adjacent property owners.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Haley Carmer', with a stylized, cursive script.

Haley M. Carmer

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, Martin Jinez Lopez, 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 Avenue Apt 1H
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: Martin Jinez Lopez

Name: Martin Jinez Lopez

Date: 04/17/2021

NOTARIZATION FOR DOCUMENT AS AN AFFIDAVIT IN SUPPORT OF KIND GLENWOOD LLC

STATE OF Colorado)
COUNTY OF Garfield)

Sworn to before me this 17th day of April, 2021,
by Martin Topete.

Kira Robbins
Notary Public

My Commission Expires: Mar 2, 2025



AFFIDAVIT OF PARTY IN INTEREST

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

1. Alex M Sanchez, 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: Mountain Shadow 334
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 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: 

Name: Alex

Date: 4-22-2021

PETITION 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, COLLIN TRICHE, 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: E 23rd ST ASPENWOOD APARTMENTS
 2. Currently, the direct neighborhood of The Kind Castle's location does not have any retail marijuana stores. We need another marijuana retailer in that area and The Kind Castle would meet this need in the neighborhood.
 3. The Applicant offers better prices, quality, and more options than existing stores in Glenwood Springs.
 4. 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.
 5. I believe The Kind Castle will mitigate odors but the odor from marijuana will not cause any nuisance.
 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, serve the Hispanic community, and provide 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: C. Triche

Name: COLLIN TRICHE

Date: 4/22/21

PETITION 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, SPENCER ICE, 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: 417 E 23rd ST.
2. Currently, the direct neighborhood of The Kind Castle's location does not have any retail marijuana stores. We need another marijuana retailer in that area and The Kind Castle would meet this need in the neighborhood.
3. The Applicant offers better prices, quality, and more options than existing stores in Glenwood Springs.
4. 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.
5. I believe The Kind Castle will mitigate odors but the odor from marijuana will not cause any nuisance.
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, serve the Hispanic community, and provide 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: Spencer Ice Name: Spencer Ice

Date: 4-22-21

PETITION 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, Andrew Johnson, 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: 418 E 23 St
2. Currently, the direct neighborhood of The Kind Castle's location does not have any retail marijuana stores. We need another marijuana retailer in that area and The Kind Castle would meet this need in the neighborhood.
3. The Applicant offers better prices, quality, and more options than existing stores in Glenwood Springs.
4. 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.
5. I believe The Kind Castle will mitigate odors but the odor from marijuana will not cause any nuisance.
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, serve the Hispanic community, and provide 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.

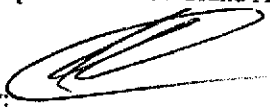
By: Andrew Johnson Name: Andrew Johnson
Date: 4-22-21

PETITION 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, Carlos 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 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: 1128 Pixin Ave
2. Currently, the direct neighborhood of The Kind Castle's location does not have any retail marijuana stores. We need another marijuana retailer in that area and The Kind Castle would meet this need in the neighborhood.
3. The Applicant offers better prices, quality, and more options than existing stores in Glenwood Springs.
4. 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.
5. I believe The Kind Castle will mitigate odors but the odor from marijuana will not cause any nuisance.
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, serve the Hispanic community, and provide 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: 

Name: Carlos Gonzalez

Date: 04/22/2021

PETITION 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, Emanuel 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 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: Mountain Shadow 3345
2. Currently, the direct neighborhood of The Kind Castle's location does not have any retail marijuana stores. We need another marijuana retailer in that area and The Kind Castle would meet this need in the neighborhood.
3. The Applicant offers better prices, quality, and more options than existing stores in Glenwood Springs.
4. 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.
5. I believe The Kind Castle will mitigate odors but the odor from marijuana will not cause any nuisance.
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, serve the Hispanic community, and provide 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: Emanuel Gonzalez Name: [Signature]

Date: April 22, 2021

PETITION 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, JUAN NUNEZ, 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: 50627 WY 6 -24 GLENWOOD SPRINGS CO
2. Currently, the direct neighborhood of The Kind Castle's location does not have any retail marijuana stores. We need another marijuana retailer in that area and The Kind Castle would meet this need in the neighborhood.
3. The Applicant offers better prices, quality, and more options than existing stores in Glenwood Springs.
4. 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.
5. I believe The Kind Castle will mitigate odors but the odor from marijuana will not cause any nuisance.
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, serve the Hispanic community, and provide 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: [Signature] Name: _____

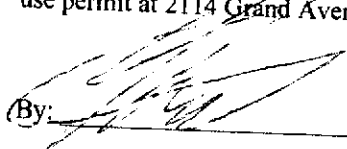
Date: JUAN NUNEZ 4-22-21

PETITION 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, Stanley Anggasuria, 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: 2321 Bennett Ave. Unit A Glenwood Springs, CO
2. Currently, the direct neighborhood of The Kind Castle's location does not have any retail marijuana stores. We need another marijuana retailer in that area and The Kind Castle would meet this need in the neighborhood.
3. The Applicant offers better prices, quality, and more options than existing stores in Glenwood Springs.
4. 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.
5. I believe The Kind Castle will mitigate odors but the odor from marijuana will not cause any nuisance.
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, serve the Hispanic community, and provide 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: 

Name: Stanley Anggasuria

Date: 04/22/21

**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

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



City Council
STAFF REPORT
City of Glenwood Springs
May 20, 2021

Agenda Item: Appointments to Historic Preservation Commission

Action Requested: Appoint Patricia Stark and Grant Stevens to the Historic Preservation Commission.

Department: City Administration

Presented By: Gretchen Ricehill, Assistant Director of Economic and Community Development

Background Info: There are two open seats on the Historic Preservation Commission; one regular seat and one alternate.

We received applications from Patricia Stark and Grant Stevens. Currently Patricia Stark serves as an alternate. Since her appointment she has been a regular attendant and participant at the Commission meetings.

Grant Stevens is a new Glenwood Springs resident and was previously employed by the National Trust for Historic Preservation in both Denver and Washington, DC. Staff interviewed Mr. Stevens in April. He is enthusiastic about serving on the Commission and helping to further the Commission's mission.

Both applications are attached for Council review.

Issues: None.

Staff Recommendation: Staff and Council liaison Tony Hershey recommend that Patricia Stark be appointed as a regular member and Grant Stevens be appointed as an alternate.

Respondent

<

1

Anonymous

>

80:21

Time to complete

Historic Preservation Commission Application

Thank you for your interest and time commitment in serving your community. Please complete all questions on this application.

Personal Information

1. Name *

Patricia M. Stark

2. Home Address *

809 Blake Avenue Glenwood Springs, CO 81601

3. Mailing Address *

809 Blake Avenue Glenwood Springs, CO 81601

4. Home Phone *

(970) 379-6041

5. Work Phone *

N/A

6. Mobile Phone *

(970) 379-6041

7. Email Address *

pisadora19@hotmail.com

8. Occupation *

Retired

Personal and Professional Interests

9. Why are you interested in serving on the Historic Preservation Commission? *

I am the former Archivist for the Glenwood Springs Historical Society, a position I held for ten years. In that role and during that time, I learned a great deal about not only the history of Glenwood, but it's buildings, homes and the families that lived in them. Our home has been locally landmarked as it was built by a Black couple in 1910, The Kinneys. George Kinney is mentioned in Lena Urquhart's book "Glenwood Springs: Spa in the Mountains." I think it is important that the residents, homeowners and businesses of Glenwood become more aware of the incredible history contained within the walls of historic buildings, homes and areas of this community.

10. What do you view as your role if selected as a member to the Historic Preservation Commission? *

I view my role as a resource to the Commission on Glenwood's history. I am able to access research information through the Archives in the Museum, as well as locate land records in the County Clerk and Recorder's Office. In addition, I performed in the Museum's Ghost Walk for 7 years in the role of Dolly Barlow Landis Barnes, who married the first White Settler of Glenwood Springs, James Landis. which increased my knowledge of Glenwood's beginnings. In addition, I was able to contribute history to the signage under the new Grand Avenue Bridge.

11. Do you have any professional experience in one of the following disciplines: architecture, landscape architecture, architectural history, history, archaeology, planning, geography, anthropology, building trades, law, or real estate? (Note - professional experience in these fields is not a requirement for appointment to the commission.) *

My professional experience is primarily Glenwood's History. Also, I am a self-taught student of American and World History and its Architecture.

12. Please list degrees received, school/college/university attended and area of study. *

Graduate of SUNY @ Buffalo, NY in Business. Received a Certificate from the New York School of Interior Design.

13. The Historic Preservation Commission generally attends one meeting a month in the evening. Do you have any existing time commitments that will hamper your ability to serve? *

No.

14. What experience do you have working with people on a board, commission, or committee? *

For the past two years, I have worked on the Historic Preservation Commission as an "alternate," and now wish to apply for a permanent position.

15. Please select today's date. *

3/9/2021



16. Have you served on the Historic Preservation Board before? *

☐ No

☒ Yes

Reappointment Applicants

17. Why do you think you should be reappointed? *

The Historic Preservation Commission is vital to this Community. It insures that structures and areas are maintained and not altered, destroyed or demolished without regard to their historic significance. I feel strongly that I can continue to contribute to that end.

18. Have you served two or more terms on the Historic Preservation Commission? *

Yes, but as an "alternate." Now I wish to become permanent.

Powers and Duties of the Historic Preservation Commission

(as defined in Title 020 of the Glenwood Springs Municipal Code)

Composition of the Historic Preservation Commission:

a. Seven (7) citizens, at least six (6) who are residents of the City and one (1) who may reside outside of the City but within the 81601 zip code area or own real property or a business with in the City.

Powers and Duties:

(l) Powers and Duties of Historic Preservation Commission. The powers and duties of the Historic Preservation Commission shall be:

(1) To recommend to City Council methods for the protection and preservation of the City's historic and cultural heritage, including, but not limited to, the designation of historic landmarks and districts by appropriate regulations.

(2) To recommend to City Council methods for enhancing property values and the stabilization of historic neighborhoods.

(3) To recommend to City Council methods for increasing economic and financial benefits, including, but not limited to, City attractions.

(4) To provide educational opportunities to increase public appreciation of the City's unique heritage.

(5) To do any other tasks related to the historic preservation of resources in the community of Glenwood Springs.

Appointment, Removal, Term and Vacancies of Boards and Commissions

Glenwood Springs, CO Municipal Code 020.020.040

(a) Appointment and term of members. Except as otherwise provided, all appointments to the boards and commissions shall be by the City Council for terms of three (3) years each, and each member shall serve until his/her successor is appointed and takes office; provided, however, that the initial terms of office may be shortened by the City Council so as to provide overlapping terms of office. Appointments shall expire the day before the first regular meeting of the City Council in each month according to the following schedule:

(1) February:
Planning and Zoning Commission;
Finance Advisory Board;
Tourism Promotion Board;
Building Board of Appeals.

(2) March:
Transportation Commission;
Arts and Culture Board;
Parks and Recreation Commission;
Airport Board;
River Commission.

(3) April:
Local Liquor Licensing Authority;
Victim's Witnesses Assistance and Law Enforcement Board;
Historic Preservation Commission;

Glenwood Springs Housing Commission.

(b) Alternate members. The City Council at its discretion may appoint up to three (3) persons as alternate members for each board or commission. If a regular member of a board or commission is to be absent from a meeting, the presiding officer for the meeting may select an alternate member to fill such absence and to attend and serve at the meeting. The alternate member may exercise all powers at the meeting which the absent regular member could exercise, and the alternate's powers and privileges shall terminate at the end of the meeting attended. The presiding officer may at his/her discretion select the same alternate to serve at successive meetings in the absence of any member.

(c) Limit to term of members. No Board member shall serve more than two (2) terms on the same board or commission.

(d) Removal of members. All appointed members of a board or commission shall be subject to removal, at any time, by the City Council. In the event an appointed member of a board or commission ceases to qualify for membership, his or her appointment is immediately terminated.

(e) Vacancies. The City Council shall fill all vacancies on boards and commissions by appointment for the unexpired term.

(Code 1971 §§ 2-63, 2-64, 2-67; 6-95 § 1; 10-07 § 2; Ord. No. 9-2018 , § 2, 4-20-2018)

Respondent

<

2

Anonymous

>

15:35

Time to complete

Historic Preservation Commission Application

Thank you for your interest and time commitment in serving your community. Please complete all questions on this application.

Personal Information

1. Name *

Grant Stevens

2. Home Address *

713 Palmer Ave. #2, soon to be 819 Grand #1 Glenwood Springs, CO 81601

3. Mailing Address *

713 Palmer Ave. #2, soon to be 819 Grand #1 Glenwood Springs, CO 81601

4. Home Phone *

NA

5. Work Phone *

(970) 963-3977

6. Mobile Phone *

(319) 427-0260

7. Email Address *

grant.r.stevens@gmail.com

8. Occupation *

Communications Director, Wilderness Workshop

Personal and Professional Interests

9. Why are you interested in serving on the Historic Preservation Commission? *

I have a personal interest in Historic Preservation, having grown up in a Main Street Community and working at the National Trust for Historic Preservation (national nonprofit advocacy organization). Historic places should reflect the diversity of a community; they provide a valuable way to understand the past and look towards the future.

10. What do you view as your role if selected as a member to the Historic Preservation Commission? *

To regulate the city's 22 designated landmarks, support the designation of new landmarks, and increase awareness of the city's unique history.

11. Do you have any professional experience in one of the following disciplines: architecture, landscape architecture, architectural history, history, archaeology, planning, geography, anthropology, building trades, law, or real estate? (Note - professional experience in these fields is not a requirement for appointment to the commission.) *

My 7 years at the National Trust for Historic Preservation were in the Marketing Department, so I have a basic understanding of architectural history and history, but no formal training (only lots of enthusiasm!).

12. Please list degrees received, school/college/university attended and area of study. *

Coe College (Cedar Rapids, IA) - Bachelors Degree (Political Science & American Studies),
2011 Vermont Law School (South Royalton, VT) - Masters in Environmental Law & Policy,
2019

13. The Historic Preservation Commission generally attends one meeting a month in the evening. Do you have any existing time commitments that will hamper your ability to serve? *

No

14. What experience do you have working with people on a board, commission, or committee? *

In my roles at the National Trust for Historic Preservation and now at the Wilderness Workshop, I regularly work with Boards, Committees, and elected officials.

15. Please select today's date. *

4/4/2021



16. Have you served on the Historic Preservation Board before? *

☒ No

☐ Yes

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(Code 1971 §§ 2-63, 2-64, 2-67; 6-95 § 1; 10-07 § 2; Ord. No. 9-2018 , § 2, 4-20-2018)



City Council
STAFF REPORT
City of Glenwood Springs
May 20, 2021

Agenda Item: Award Proposal for Council Chambers

Action Requested: Award Proposal for Council Chambers

Department: Information Technology

Presented By: Alissa Owsley, Director of Information Technology
Steve Boyd, COO

Background Info: The RFP that we released generated 4 responses from vendors. Staff has worked with them to clarify and establish the terms of the contract and we believe this meets Council's objectives and is the best value for the City. Total cost is within the budgeted amount listed in the supplemental appropriation.

Lowest Cost Proposal Overview

- Total cost of \$135,000
- Ford AV, founded in 1973
- Denver office
- Project is self-performed, no sub-contractors
- Current clients on western slope

System Overview

- Broadcasting and video conferencing capability
- Hybrid virtual/in-person capability
- Audio; 8 speakers, two microphone arrays, 4 gooseneck microphones for staff and guests, 7 conference units with gooseneck microphones for Councilors
- 1 - 75 inch 4k wall-mount screen, 3 - 75 inch 4k ceiling-mount screens, 3 pan/tilt cameras 20x zoom 60 degree rotation, 8 output matrix switcher frame, 2 countdown timers
- 2 year warranty
- Simple control system with customer training
- Concurrent Spanish language translation, close captioning available
- 2-year service contract included , 24-hour phone response time
- ADA compliance

Issues: NA

Staff Recommendation: Acceptance of Ford's RFP submittal

April 30, 2021

Steve Boyd
Chief Operating Officer
City of Glenwood Springs
101 W. 8th Street
Glenwood Springs, CO 81601

Subject: Response for BD2021-12 Council Chamber Upgrades

Dear Mr. Boyd

Ford Audio-Video Systems, Inc. (Ford AV) respectfully submits for your consideration the attached recommendations for the audio-video portions of your upcoming project. These recommendations are based on our 40 years of excellence in the audio-video integration industry.

The following individuals may be contacted if questions should arise regarding our submittal:

1. Brad Jones, Senior Account Manager. Mr. Jones prepared the submittal. Both email and phone calls are effective ways to reach him. His contact information may be found below.
2. Jerry McGargill, Job Center Division Engineering Manager, mcgaj@fordav.com, 720-374-2345.
3. Jim Post, Sales Estimator, postj@fordav.com, 720-374-2345

Ford is in receipt of zero (0) addendums at the time of this submittal.

Please feel free to contact us with any further inquiries. We look forward to serving you.

Respectfully,

FORD AUDIO-VIDEO SYSTEMS, INC.



Brad Jones
Senior Account Manager

FORD AUDIO-VIDEO SYSTEMS, INC.

Glenn Booth
Division Manager

Voice: 720-374-2345
Cell: 303-917-1589
Email: joneb@fordav.com
Website: www.fordav.com



Helping People Communicate!

COMPANY INFORMATION

GENERAL INFORMATION

Established in 1973, Ford is a privately owned Audio/Video Integrator that specializes in the installation of complex technical systems on heavy construction sites and under demanding time schedules.

Single Focus | Engineering and service-based; focused on the design, installation and service of AV systems

Full-Service Locations | Oklahoma City (HQ), Atlanta, Austin, Dallas, Denver, Honolulu, Houston, Las Vegas, New York City, Philadelphia, Phoenix, Salt Lake City, San Francisco, Tulsa and Washington, D.C.

Support Offices | Support staff in Chicago, Detroit, Kansas City, Little Rock, San Antonio and Wichita
Licensing | Low voltage licenses in 20 states. Ford employs licensed Professional Engineers (PE) and is licensed to perform engineering

Financial | Ford operates with no debt; has audited financial statements; and is bondable to \$50 million

JOB CENTER

The Job Center is responsible for the execution of each project. Each office provides engineering, programming, design, project management, field supervision, field engineers, installation technicians, service and sales.

Job Center Staff | Responsible for executing the engineering, management, and installation of all jobs. This includes 80 engineers and programmers, 35 project managers, 45 job superintendents and 125 installation technicians

No Outsourcing | No outsourcing of engineering, programming or installation work. Ford self-performs all work except where union labor is required. In this case, a union electrical contractor is hired

Safety | Safety is PRIORITY ONE. Ford's Safety Officer begins each week with a company-wide safety meeting, video conferenced to all offices. Daily job site safety meetings are conducted. Ford's Job Superintendents have OSHA-30 certifications and most installation personnel have OSHA-10 certifications maintaining a low EMR rating

Quality Assurance Team | Job site visits ensure safety regulations and best practices are followed.

Nationwide | An average of 40 installation crews work across the U.S. each week, with an installation run rate of about \$2.5 million per week

Engineering | Staff includes two Registered Professional Electrical Engineers. Ford is proficient with 3D (Revit) and Building Information Modeling (BIM) CAD drawings

Project Resources | Every job is assigned a Project Manager, Project Engineer, Job Superintendent and an Account Manager. Large projects may have multiple Engineers and Job Superintendents

FAST FACTS

\$135
Million Annual Sales

700
Projects Annually

530+
Full-Time Employees

15
Full-Service Offices

CLIENTS

Apple
 AT&T
 Dell
 DFW International
 Airport
 ExxonMobil
 J.W. Marriott
 M.D. Anderson
 State Farm

PURCHASING CONTRACTS

BuyBoard
 GSA
 NCPA
 OMES of Oklahoma
 State of Arizona - Procure AZ
 State of Texas - DIR
 TIPS Interlocal Purchasing
 Systems
 UT Supply Chain Alliance
 (And others)

NETWORKING

Certifications | Employs Cisco CCNA and CCNP certified team members and is a Cisco VAR

Internal Network | Manages a MPLS data network between offices without outsourcing IT, networking, server or data storage functions and utilizes Skype for Business, Polycom and Cisco videoconferencing on a daily basis

Experience | Provides full integration, configuration, and maintenance of videoconferencing systems and bridges including Polycom, Cisco, LifeSize and Skype for Business

Design Collaboration | IT personnel collaborate with AV design teams on projects with AV systems that operate on a corporate network. IT engineers collaborate with the owner's IT group and ensure all networked systems are configured to support the AV system

CUSTOMER SERVICE & SUPPORT

Ford's Technology Assurance Program provides service options after the installation is complete. The program includes a Technical Assistance Center with a call center staff of tier one, two and three technical support personnel.

Responsive | The Technical Assistance Center responds to service requests 24/7/365 using a toll-free number or web form

Service Level Agreements | SLA's are custom tailored to meet the customer's requirements and can include on-site operational support

Web Portal | Provides access to the customer's current and prior jobs, work orders, sales orders, system drawings, operation manuals and inventory of AV devices by campus, building, floor, room and more

Global Support | Provides international service and support for companies with global operations

Dedicated Enterprise Support | A dedicated Enterprise Service Manager is assigned to customers with AV assets dispersed across multiple buildings, states and countries

TRAINING & TECHNOLOGY ADOPTION SERVICES

Ford maintains a dedicated Customer Training Group to provide technology adoption and training services.

Customized Training | Materials and classes are created to meet the customer's unique needs

Training Collaboration | Collaborates early in the project to discuss and design a training program that meets the customer's requirements

Training Deliverables | Deliverables can include Quick Start Guide, Step-by-Step Guide, technology and system self-paced web-based videos and on-site classroom instruction

SOFTWARE DEVELOPMENT

Software is at the center of how current AV systems perform, which is why Ford has a dedicated software development team.

Specialized Programming Groups | Two software development groups are maintained – one specializing in AV control systems and one for business applications

Programming Collaboration | A programming specialist is assigned early in a project to collaborate in the design and ensure the control system meets the customer's requirements





CLAIRE M. FORD, JD, BS

CHIEF EXECUTIVE OFFICER

Ms. Ford has directed the administrative and financial aspects of Ford since its inception in 1973. She built an action-oriented employee base and executive team by instilling a culture of open dialogue and collaborative problem resolution. This atmosphere fosters confidence and trust with both internal and external stakeholders (employees, customers and vendors) which ensures corporate success. Under her leadership, the company has grown to become one of the largest AV integrators in the United States.

CERTIFICATION/EDUCATION

JD - Juris Doctorate from Oklahoma City University
BS - Bachelor of Science from the University of Arts & Sciences – Chickasha, OK

PROFESSIONAL SOCIETIES

American Bar Association Construction Division
Bar for the United States of America, Western District Court of Oklahoma
National Organization of Women Business Owners
Women's Business Enterprise National Council Court Appointed Special Advocate (CASA Volunteer)
The Children's Center, Board of Directors (Emeritus)

EXPERIENCE/BACKGROUND

Ms. Ford's ability to streamline operations and keep corporate overhead to a minimum has kept Ford at the forefront of an increasingly competitive trade. As one of the company's founders and the person most responsible for the corporate structure required to support each project, the depth and scope of Ms. Ford's knowledge of each project undertaken by Ford is second to none.

Ms. Ford serves as a liaison for the company's broad range of ongoing relationships with business partners, financial institutions, and vendors. Her extensive experience in operational and fiscal management, as well as strategy development and execution, makes her well suited to serve as a key leader in delivering quality service to clients and executing the company's growth plans.

EMPLOYMENT DATE

January 1973





JAMES A. FORD, BSEE, PE

PRESIDENT

Mr. Ford founded Ford in 1973 and thereafter has steadily guided the company's technological growth and development. Initially serving the sound reinforcement and recording studio/audio production market, Mr. Ford's technical background and leadership has helped to make Ford America's leading system integrator.

CERTIFICATION/EDUCATION

BSEE - Bachelor of Science in Electrical Engineering, University of Oklahoma

PE - Registered Professional Engineer in Oklahoma (PE 15378), Arizona (PE 64011), Colorado (PE 28438), Georgia (PE 037260), Texas (SN 78262)

PROFESSIONAL SOCIETIES

Acoustical Society of America since 1973

ASCAP since 1967

Audio Engineering since 1971

AVIXA, Asia Board Member 2013-2014

AVIXA, Board of Directors 2005-2012, Secretary/Treasurer 2009, President-Elect 2010, President 2011, and Chairman 2012

National Association of Professional Engineers since 1988

National Systems Contractors Association

EXPERIENCE/BACKGROUND

Under Mr. Ford's leadership, Ford has expanded to twelve locations nationally and has gained an international reputation for quality, affordability and professionalism.

Mr. Ford has overseen the company's operations since its inception. He closely guides most of the projects including airports, stadiums, convention centers, and corporate/governmental audiovisual and security systems. He is highly experienced in the use of acoustical and sound system computer modeling for integration of sound reinforcement systems, noise control, and room acoustics.

Mr. Ford has taught certification courses for the National Systems Contractors Association. He has written and published articles on a broad range of industry trade publications, including Sound and Video Contractor News, Mix Magazine, Modern Recording, and Creator Magazine.

EMPLOYMENT DATE

January 1973



Re: Ford Audio-Video Systems LLC

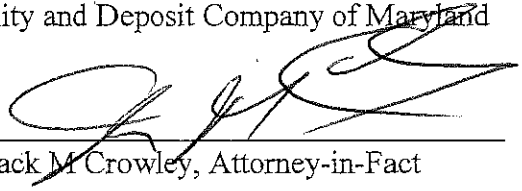
It has been the privilege of Willis of Oklahoma/Texas, Inc. and Fidelity and Deposit Company of Maryland to provide surety bonds on behalf of Ford Audio-Video Systems LLC for over 24 years. In our opinion, Ford Audio-Video Systems LLC remains properly financed, well equipped, and capably managed.

At the present time, Fidelity and Deposit Company of Maryland provides a \$50,000,000 single project / \$75,000,000 aggregate surety program to Ford Audio-Video Systems LLC. As always, Fidelity and Deposit Company of Maryland reserves the right to perform normal underwriting at the time of any bond request, including, without limitation, prior review and approval of relevant contract documents, bond forms, and project financing. We assume no liability to you or any affiliates if for any reason we do not execute such bonds.

Fidelity and Deposit Company of Maryland is listed on the U.S. Treasury Department's Listing of Approved Sureties (Department Circular 570), and is rated A (Excellent) (XV) by A.M. Best Company.

Thank you for your attention in this matter and please do not hesitate to contact me at 405/552-4863 should you have any questions.

Fidelity and Deposit Company of Maryland

By: 

Jack M. Crowley, Attorney-in-Fact

April 30, 2021

Steve Boyd
Chief Operating Officer
City of Glenwood Springs
101 W. 8th Street
Glenwood Springs, CO 81601

Subject: Response for BD2021-12 Council Chamber Upgrades

I am not aware of identify any lawsuits or litigation, past or present, that Ford Audio-Video LLC has been a party to. Nor am I aware of any pending plans to sell or merge the company.

Respectfully,

FORD AUDIO-VIDEO SYSTEMS, INC.



Brad Jones
Senior Account Manager

Voice: 720-374-2345
Email: joneb@fordav.com
Website: www.fordav.com



express yourself

ford  **AV**

express yourself



Author. Writer. Performer. Presenter. All are

labels we give ourselves. But yet, if you think about it,

it is only until the message is successfully received

that the process becomes complete. The uninformed

become the informed. The uninspired become inspired.

The hopeless are given hope. Ford Audio-Video

Our business is helping people communicate.

Remember, there is no art if there is no audience.

So go ahead, express yourself.





ENGINEERING The engineering team provides the foundation from which extraordinary AV systems are created. Each engineer brings years of academic training and industry experience to each project. With degrees in electrical, mechanical, acoustics, physics, theater, and computer science, Ford's Engineers have the technical expertise to design systems and programs that are easy to use and put you in control of your system.

PROJECT MANAGEMENT Project Managers live in the real world of having to make the AV systems work. Keeping abreast of the latest industry technology, coupled with extensive construction experience, is what makes Ford Project Managers the best in the business, capable of meeting each day's challenges with tried-and-true or innovative solutions, as the particulars demand. Planning, scheduling, resource management, execution and problem resolution are the fundamentals upon which Ford Project Managers build and deliver exceptional systems; safely, on time and to specification.

INSTALLATION & TESTING The culmination of the design, planning and decision making process depends upon the physical installation of the equipment at the job site. The objective of Job Superintendents and Installation Technicians is to take the specifications, drawings and equipment and apply their craftsmanship to build a system of outstanding performance. The system is tested and commissioned by Ford Engineers and Project Managers prior to turning over to the customer.

CUSTOMER TRAINING As technology advances, AV systems are more complex, requiring customer training on how to utilize all the features and benefits. Ford provides a wide variety of customizable training including on-site training, online training, instruction manuals, website videos, and education seminars. The value of the customer's investment can only be realized when its employees are fully trained in the proper use of the system.

TECHNOLOGY ASSURANCE Ford offers a full suite of managed services ranging from break-fix to asset management to full-time, on-premises support personnel. As AV systems take on a strategic role in events, presentations and meetings, Ford is prepared with the services you need to keep them operating reliably and ready to work when you are. Our AV engineering, software development and networking expertise combine to maintain your AV communication systems and solve difficult problems when they occur.

CORPORATE *expressions*



IMA
Denver, CO



SONIC INDUSTRIES
Oklahoma City, OK



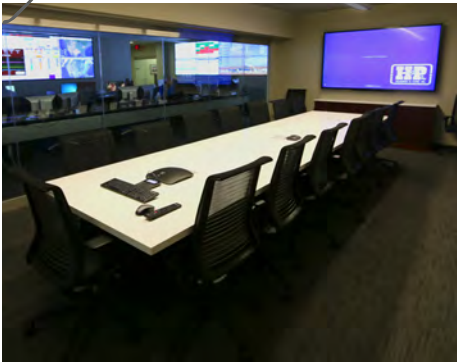
LIBERTY GLOBAL
Denver, CO

Business is an exchange of ideas, thoughts, words, promises...In essence, communication is the key to every company's future. Once thought of as a luxury, AV technology has become a necessary means of communication. Whether it's a single boardroom or an entire corporate campus, Ford's experienced technical staff will design and install a system to help accomplish your goals.

"I hold the Ford AV team in very high regard... I have been impressed by the professionalism, attention to detail, integrity and follow-through."

Penne Allen
Dell EMC
Round Rock, TX

ENERGY *expressions*



HELMERICH & PAYNE
Tulsa, OK



DEVON ENERGY
Oklahoma City, OK



EXXONMOBIL
Houston, TX

Energy companies use advanced AV systems with 3D visualization to find new sources of oil and gas. Videoconferencing systems improve communications resulting in better business decisions and the distribution of information and energy products. The use of AV technology can provide faster decisions with the ability to quickly and easily collaborate anywhere and anytime.

"Ford AV continues to show professionalism and why we choose them for installations. It's nice to see professionalism, respect for their work and good customer service."

Barry Jennings
National Renewable
Energy
Golden, CO

MUSEUM *expressions*



OKLAHOMA CITY NATIONAL MEMORIAL & MUSEUM
Oklahoma City, OK



DENVER MUSEUM OF NATURE & SCIENCE
Denver, CO



AUSTIN CHILDREN'S MUSEUM - THINKERY
Austin, TX

"Our visitors are literally from around the world and Ford AV helps us deliver our story to the visitors to enhance their visit here and bring attention to memorial mission."

Kari Watkins
OKC National Memorial & Museum
Oklahoma City, OK

Museums are built to educate and entertain; to take you back to a different time and place. Within their walls visitors may find themselves engaged in the appreciation of art or compelled by a story of historical importance. Ford incorporates today's technology to enhance each visitor's experience while respecting the integrity of the past.

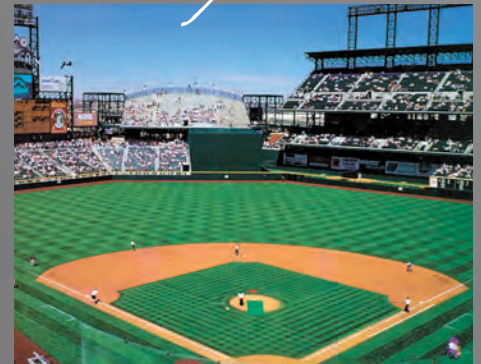
SPORTING VENUE *expressions*



MILE HIGH STADIUM
Denver, CO



CHESAPEAKE ENERGY ARENA
Oklahoma City, OK



COORS FIELD
Denver, CO

"Ford AV's commitment to getting the job done... was very impressive."

Scott Magennis
Colorado Rockies Baseball
Denver Sports
Denver, CO

Each week, legions of sports fans cheer on their favorite teams in venues across the nation. Whether a small arena of a 100,000-seat stadium, everyone needs to be able to hear and see. With experience gained from integrating projects such as the Denver Broncos stadium, Colorado Rockies arena, FedEx Forum, and the granddaddy of them all, the Houston Astrodome, Ford can deliver high impact audio and video to each sports fan.

GOVERNMENT *expressions*



VETERANS AFFAIRS COMMITTEE BOARDROOM
Washington, D.C.



LOUISIANA STATE CAPITOL
Baton Rouge, LA



U.S. HOUSE OF REPRESENTATIVES
Washington, D.C.

The U.S. House of Representatives engaged Ford to install new AV systems for multiple hearing rooms in 2002. Every year since, the U.S. House has awarded Ford additional projects and has come to depend upon precision installation that meets their demanding time schedules. Over four decades, Ford has provided installations for all levels and branches of governmental entities - Federal, state and local.

"You are an icon to your service and profession."

Frank Bereitschaft
US Environmental
Protection Agency
Dallas, TX

EDUCATION *expressions*



UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES
Little Rock, AR



UNIVERSITY OF TULSA LAW SCHOOL
Tulsa, OK



REGIS UNIVERSITY
Denver, CO

The classroom is experiencing a global shift in providing curriculum to students through the use of computers, networks and AV display technology. wBlackboards are replaced with interactive whiteboards, TVs replaced with digital displays, and distance learning extends the reach of teachers to students all over the world. Educators use AV technology to help shape the minds of students who have grown up using computers and AV systems.

"The wisest decision we have made was to choose Ford AV for this project. The support we received at all phases was outstanding."

A. Michael Valladolid
University of Texas-
Houston Education
Houston, TX

HEALTHCARE *expressions*



PARKLAND HOSPITAL
Dallas, TX



MD ANDERSON CANCER CENTER
Houston, TX



DENVER CHILDREN'S HOSPITAL
Denver, CO

"The Ford AV team went out of their way to be flexible. Great work!"

Gregory Allen
Children's Hospital
Aurora, CO

"Where does it hurt?" When technology does not work it can hurt those relying on it. Health care professionals depend on a variety of diagnostic images, images that must be accurate. Videoconferencing can transmit images and sound (cardiac heart beats) to remote locations, which means the best treatment options are available for patients anywhere in the world. Medical schools now use real images transmitted in real time to train tomorrow's doctors.

HOUSE OF WORSHIP *expressions*



SOUTHEAST CHRISTIAN CHURCH
Parker, CO



COTTONWOOD CHRISTIAN CENTER
Los Alamitos, CA



SAGEMONT BAPTIST CHURCH
Houston, TX

"Truly the best contract experience."

Betsy Burke
Gateway Community
Church
Houston, TX

It is all about delivering a message and now there are new ways to deliver it. Churches today want to integrate an abundance of sensory technology into their facilities. Whether it is a single sermon or a full broadcast production, everyone benefits from the technology available to churches today. It is all about communicating.

ENTERTAINMENT & HOSPITALITY

expressions



HEYDAY ENTERTAINMENT
Moore, OK



JW MARRIOTT HILL COUNTRY RESORT
San Antonio, TX



WYNN CASINO
Las Vegas, NV

Conference centers and meeting facilities are expected to provide a unique setup for their customers' needs. This requires a flexible infrastructure system and an AV system that is equally flexible. Using wireless touchpanels, AV media, computer graphics, and data from any source can be routed to any combination of rooms in the facility. There are more ways than ever to enhance a visitor's experience.

"Could not have been easier to work with."

**Ben Britton
Westin Hotel
Denver, CO**

THEATER

expressions



MCALLEN PERFORMING ARTS CENTER
McAllen, TX



LILA COCKRELL THEATRE
San Antonio, TX



OKLAHOMA CITY CIVIC CENTER
Oklahoma City, OK

The house lights dim, a hush settles over the crowd, the curtain opens. Lights! Sound! Action! The audience has come to be entertained and there is nothing like a live performance to provide that thrill, provided the acoustics, audio and lighting technology properly enhance the performers and scenery. To turn a good performance into a great performance, Ford provides exactly that balance.

"Your company's efforts helped make the Rio Suite Hotel and Casino expansion a success."

**Michael Spainhour
Marnell Corrao Associates
Las Vegas, NV**

TRANSPORTATION *expressions*



LOS ANGELES INTERNATIONAL AIRPORT
Los Angeles, CA



DALLAS/FORT WORTH INTERNATIONAL AIRPORT
Dallas/Fort Worth, TX



DENVER INTERNATIONAL AIRPORT
Denver, CO

**"Your team was excellent
in every aspect of the
project."**

BARC-DFW
Dallas, TX

Who's listening? Millions of travelers experience the sound of Ford, 365 days a year. Ford is the largest provider of airport sound, paging and signage systems in the United States. Airport systems are integrated solutions consisting of hardware, software and audio/visual. These systems serve to keep travelers informed of gate announcements, life safety, flight changes, arrivals and departures, gate and baggage claim announcements, and to meet ADA and international language requirements.

AEROSPACE *expressions*



NORTHROP GRUMMAN
Azusa, CA



B-2 BOMBER SIMULATOR
Tinker AFB, OK



JOHNSON SPACE CENTER MISSION CONTROL
Houston, TX

**"I am very happy to
recommend your
company in pursuit of
additional projects of a
very complex nature.."**

James R. Nuber
Northrop Grumman
Segundo, CA

Today's aerospace companies consist of forward thinkers on the cutting edge and they expect the same from their AV provider. Command centers and ground control facilities include a multitude of commercial, industrial and military applications. Through continuing education, Ford engineers stay abreast of the most advanced AV equipment available. This allows us to integrate the most complex systems required by high-tech companies.

RETAIL & DIGITAL SIGNAGE

expressions



COCA-COLA DISNEY SPRINGS
Orlando, FL



RETAILMENOT
Austin, TX



EXECUTIVE BRIEFING CENTER
Dallas, TX

In today's market, digital signage is simply a smart business move. With this informational marketing resource, you can present your company's message instantaneously to customers worldwide from a desktop computer. Whether updating prices on a fast food menu or displaying the benefits of the latest hybrid car, let Ford provide the system while you decide how to creatively target your customers.

"Professional & competent as always!"

Patrick Kells
World of Coca-Cola
Atlanta, GA

PROFESSIONAL PARTNERS

expressions



JW MARRIOTT HILL COUNTRY RESORT
San Antonio, TX



LOUISIANA STATE CAPITOL
Baton Rouge, LA



CITY CENTER
Las Vegas, NV

On many projects, architects and AV consultants work with Ford to design high-quality systems installed to exacting specifications. Some of the consultants we have worked with include: Acentech, Acoustic Dimensions, ADG, Arup, BAi, Coffeen Fricke and Associates, DL Adams, Jaffe Holden, K2 Audio, Kirkegaard, McKay Conant Hoover, PMK, The Sextant Group, Shen Milsom & Wilke, Thorburn Associates, URS, Veneklasen, Akustiks, Cosentini, Datacom Design Group, Dickensheets, HFP, Ross & Baruzzini, TechKnowledge, Waveguide, and WJHW.

"A project of this magnitude could only have been achieved through talent, diligence and quality workmanship."

R. Douglas Leonhard
USAA Real Estate
Company
Six Flags Fiesta Texas
San Antonio, TX

MEMBERS/SPONSORS OF:

AIA • *infoComm* • NSCA • **Syn-Aud-Con** • **U.S. GREEN BUILDING COUNCIL**

express yourself

In 1973, Jim and Claire Ford followed their passion

and founded what was to become one of the largest

audio/video/lighting companies in the U.S. With over

500 employees, they still provide daily leadership and

personalized service. Ford Audio-Video engineers and

installs systems across the nation providing sound, video

and lighting systems for any type of business or venue.



HEADQUARTERS

4800 WEST INTERSTATE 40 | OKLAHOMA CITY, OK 73128

PHONE: 405-946-9966

LOCATIONS

OKLAHOMA CITY (HQ) | ATLANTA | AUSTIN | DALLAS | DENVER
HONOLULU | HOUSTON | LAS VEGAS | NEW YORK CITY
PHILADELPHIA | PHOENIX | SALT LAKE CITY | SAN FRANCISCO
TULSA | WASHINGTON, D.C.

SUPPORT OFFICES

CHICAGO | DETROIT | KANSAS CITY
LITTLE ROCK | SAN ANTONIO | WICHITA

INDUSTRY CERTIFICATIONS

CTS | CTS-D | CTS-I | APEx | CCNA | CCNP | PMP
LICENSED PROFESSIONAL ENGINEERS

FOR MORE INFORMATION, CALL OR VISIT US AT:

800.654.6744

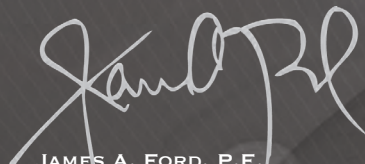
WWW.FORDAV.COM

Choosing the most appropriate AV contractor for any facility is critical to the success of your business. You need the latest innovations in communication to be competitive in today's business environment and you want to make certain that each dollar invested helps to fulfill your dream of communicating with your customers, employees and vendors.

We understand that it is about trust and knowledge.

Sincerely,

FORD AUDIO-VIDEO SYSTEMS, LLC


JAMES A. FORD, P.E.
President

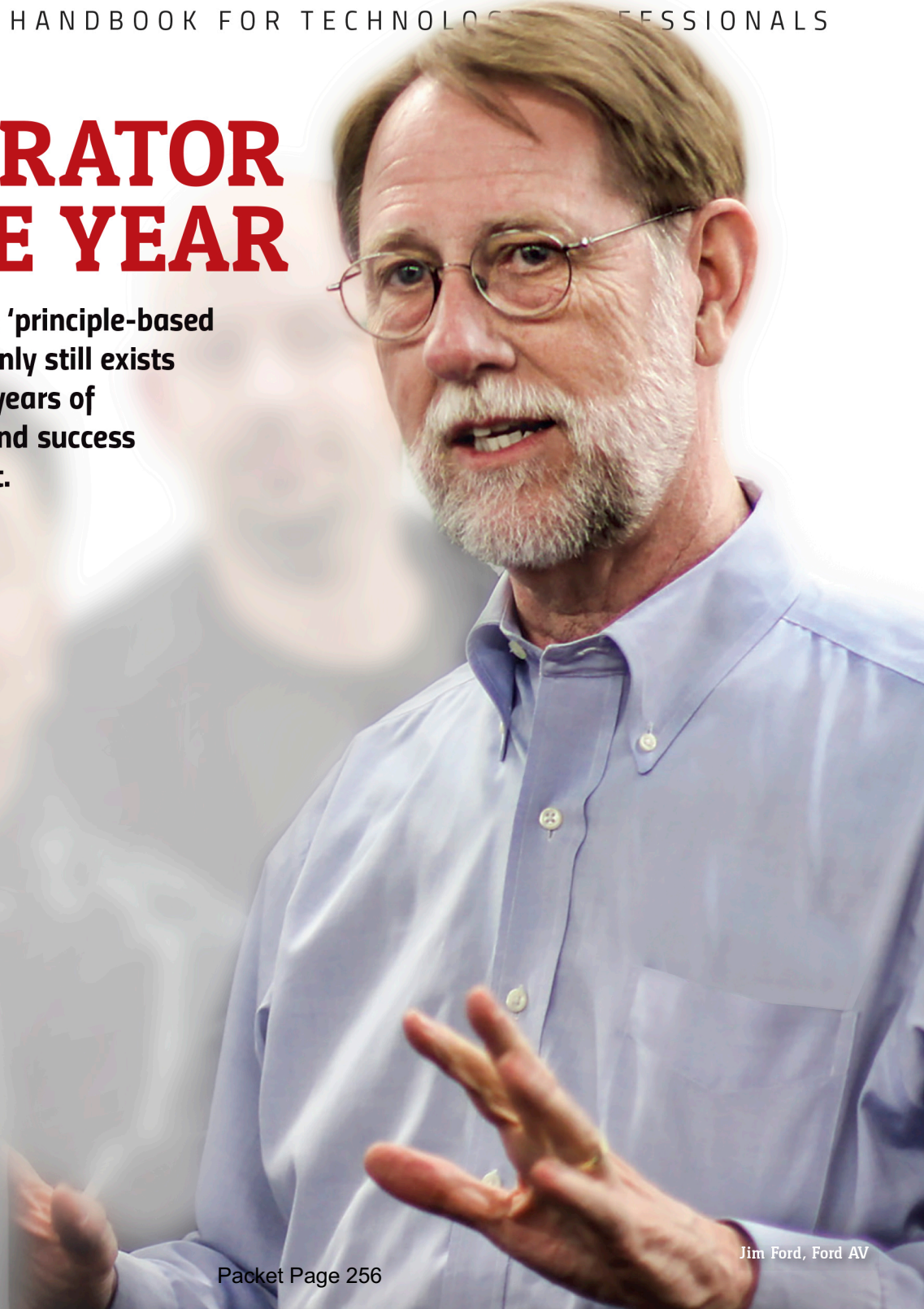


Commercial INTEGRATOR

THE BUSINESS HANDBOOK FOR TECHNOLOGY PROFESSIONALS

INTEGRATOR OF THE YEAR

Ford AV proves that 'principle-based management' not only still exists but can lead to 45 years of sustained growth and success with no end in sight.



Jim Ford, Ford AV

INTEGRATOR OF THE YEAR

FORD AUDIO-VIDEO

Principle-based management helps earn new business from longtime clients and find new ones. It also helps with recruiting, as some employees with 30+ years at the company will tell you ... but don't think for a second Ford AV is stuck in the '70s. **By D. Craig MacCormack**



A LOT HAS CHANGED about the AV industry since Jim and Claire Ford opened their namesake company in 1973. Through all of those changes and amidst turmoil across the industry, Ford Audio-Video has remained a constant.

From its early days with only a handful of employees through today's staffing levels of more than 500 people spread around the country, Jim Ford says Ford Audio-Video has remained rooted in "principle-based management," an old business mantra that he says "is more important than making money."

That said, Ford AV has done their fair share of that too, with \$135 million in revenue and 750 commercial installations spread across myriad vertical markets, including — but not limited to — corporate, government, healthcare and education.

We chose Ford AV as our 2018 Integrator of the Year for all of those reasons, and then some. Let's hear more about how the

Fords have balanced sticking to their principles with helping the business they founded grow for 45 years.

"We're large enough to do virtually any type of job, but we're still managed and led by the same group that's led us for the last 30 years," says Jim Ford. "So many [AV integrators] appear to be the same today.

"Our primary focus is keeping our promises to customers. It's easy to talk, it's easy to sell, but it's hard to do the work. Once you get to a certain point of success, it's good for your employees to believe in a company that's interested in doing the right thing. It's good for your customers too. The day they believe you're working on their behalf is the day they'll trust you more," he says.

To punctuate his point, Ford talks about how a convention center company in Las Vegas that first became a Ford AV customer about 20 years ago recently called to ask about refreshing its technology.

"That's a big thing when they start to rely on you and to trust you," says Ford. "Just answering calls and responding to emails is a giant first step."

Stability and Principles

As mentioned, the Fords are part of a management team that has largely remained the same for the past three decades. That's a huge asset that's helped Ford AV be able to clearly articulate their mission and philosophy both internally and externally.

"We're sticking with a sense of principles," says Jim Ford. "When you do that, your employees see that."

Most major decisions at Ford AV are made by division managers. The leadership team holds monthly meetings to talk about the future of the company, but there are no plans for any management changes any time soon, he says. That doesn't mean they're not thinking about the next generation of Ford AV leadership.

"We're completely open to look at our future," says Ford.

It's not just leadership; Ford AV boasts many employees who



have been with the company for more than 30 years. Corporate VP Bryan Burdick went from being a Ford AV customer to Ford AV sales rep in 1978.

"We're a company of integrity and a family," says Burdick, who was a 20-year-old live sound engineer when he joined the Ford AV team. "We work as one company, not a bunch of separate companies. We're always interested in helping people grow and take on more responsibility."

Scott Abbott joined Ford AV about 14 years ago after the coffee company for which he was CEO was bought by Sara Lee and he was eventually let go after the transition was completed.

He remembers applying for a division manager position in Ford AV's Oklahoma City office and getting a call from Claire Ford seven minutes after he submitted his resume, even though he didn't have specific AV experience.

"I had played in bands and knew about live event equipment," says Abbott. He moved up to director of marketing before taking on division manager roles in Denver, Houston and Las Vegas, then going to director of sales before taking on his current role as VP of sales.

"In 21 years prior to Ford AV, I worked for one company but it had three different owners," says Abbott. "You think you're sta-

Ford AV employees are constantly trained on the latest techniques and approaches to AV integration. President Jim Ford (opposite page) says the company's leadership team is hands-on and remains in close contact with everyone across the company.

Ford Audio-Video

PRIMARY LOCATION: Oklahoma City, Okla.

ADDITIONAL LOCATIONS: Full-service offices in Atlanta; Austin, Texas; Dallas; Denver; Honolulu; Houston; Las Vegas; New York City; Philadelphia; Phoenix; San Francisco; Tulsa, Okla.; and Washington, D.C. Support offices in Chicago; Detroit; Kansas City, Mo.; Little Rock, Ark.; Salt Lake City, Utah; San Antonio, Texas; and Wichita, Kan.

PRINCIPALS: CEO Claire Ford; president Jim Ford, PE; corporate VP David Allen; corporate VP Bryan Burdick; and VP of sales Scott Abbott

WEBSITE: fordav.com; fordav.church

YEARS IN BUSINESS: 45 years (opened in 1973)

EMPLOYEES: 525

TOTAL REVENUES: \$135 million
(all from commercial projects)

NUMBER OF COMMERCIAL INSTALLS LAST YEAR:
750 in 2017

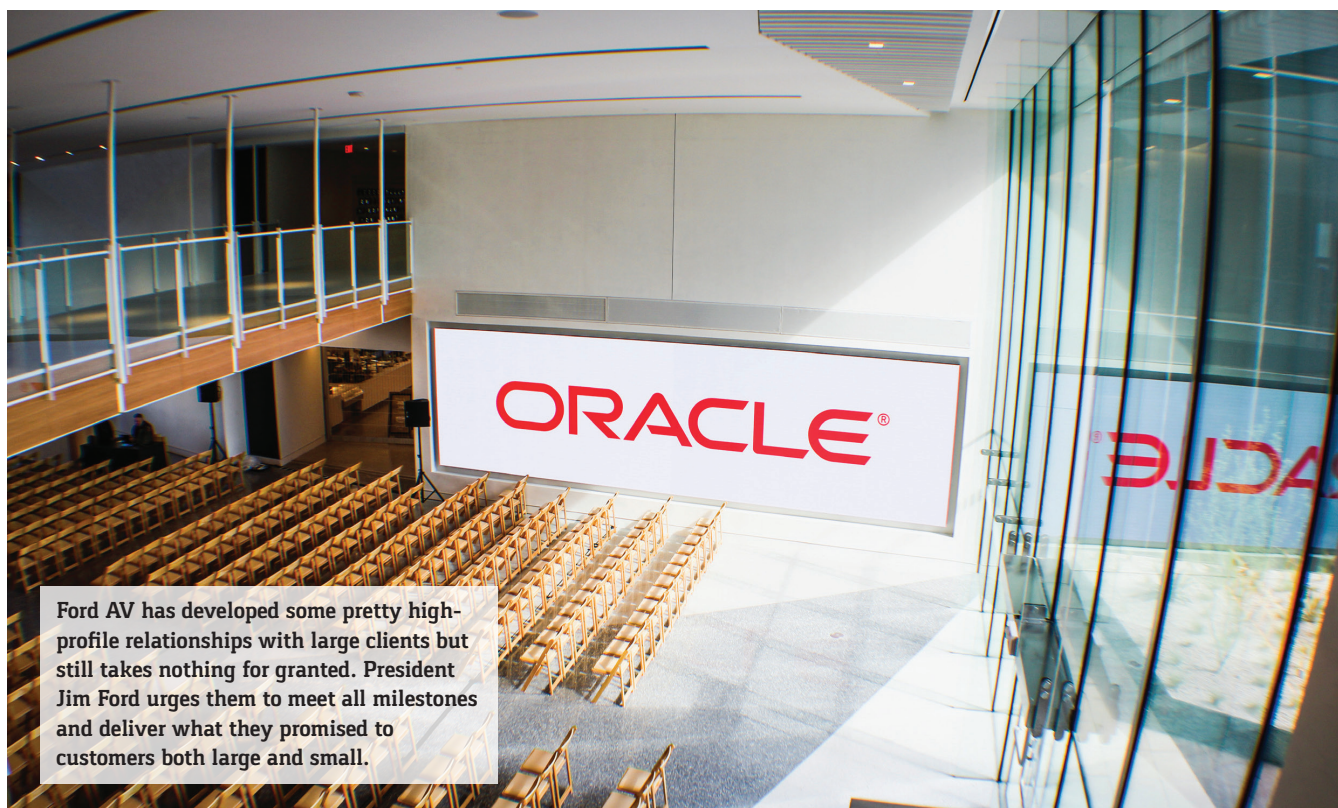
TOP VERTICAL MARKETS: corporate, government, healthcare and education

TOP 5 BRANDS: Samsung, Crestron, Biamp, Harman, Sony

"My company does the delivery of large complex technical projects on time better than any other company."

CLIPSNAPSHOT





Ford AV has developed some pretty high-profile relationships with large clients but still takes nothing for granted. President Jim Ford urges them to meet all milestones and deliver what they promised to customers both large and small.

ble and safe, then someone else comes in and has a different idea about how to run the company.”

As a privately held company, Ford AV boasts stable ownership and a profitable business approach, says Abbott. That’s probably why so many employees have stayed with them for so long.

“Some of these conglomerate companies hold on to a business for four or five years, then dump it. They tend to be unstable and the customer ends up suffering when the management and direction keeps on changing,” he says.

“The policies we put in place here don’t waver,” says Abbott. “Our mission is to use our reputation and our work to make the customer confident they’re making the right decision. It’s not just about growth. It’s about stability. A lot of people have worked for a company that’s been sold, then they’ve gotten laid off. It’s very comforting to know that your paycheck will never bounce and this company will be here when you retire.”

If you had to use Twitter to describe what your company does what would you tweet?

@Ford AudioVideo designs, installs, rents and services professional sound, video and lighting systems for businesses and places of worship

And while the company has continued to grow in size, scope and geography, “we’re still small enough that we know almost all of the employees,” says Jim Ford.

“We’re very hands-on and we always promote from within whenever we can. It makes life easy when you work with people you trust. It makes it fun to come to work,” he adds.

The Right Mix of People, Projects

Ford AV has always made sure to load its staff with engineers, but Jim Ford knows how important it is to also have people with a background in the arts “who are creative” among its employees.

“We hire a lot of technical people, but our basic nature is to be looking forward all the time,” he says. Ford AV has seen an influx of young employees within the past five to 10 years to help to carry the company forward into the future.

Today’s hires — and those who’ve been with the company for decades — “better be good at networking and programming” if they’re going to thrive in an environment that’s become more focused on AV components on IT networks, says Jim Ford.

“If you’re not strong in networking, it’s probably going to fail on the systems you’re installing,” he says.

Ford AV has long had its own full-time internal training staff to help employees stay current on the latest certifications. For some, that means monthly or even weekly sessions in the classroom.

That training brings about consistency in performance and execution from all Ford AV offices, says Ford.

“One of the biggest issues with this industry is being able to deliver a quality product from every office,” he says. “We look at Ford AV as one big technical resource.

“You have to have processes in place and make sure people follow those processes. One question that hovers over every decision the company makes is, ‘Who has the personal desire to be excellent?’”

Whether Ford AV is working in stadiums, churches, hospitals or airports, “the technology is almost the same in any market,” says Ford. “We don’t know where the next opportunity is going to come from.

“If you rely on one vertical, it can lead to some trouble,” he says.

Abbott agrees, saying “we have enough irons in the fire that we



Ford AV has versatility to work in a variety of vertical markets and can shift staffers in a particular direction when one market dries up or seize on the opportunity another one provides.

can respond to areas where the opportunities are really strong.” That includes Ford AV’s rental and service departments.

“We’re so diversified in what we do,” says Burdick. “We’re able to shift gears quickly.”

Jim Ford was president and chairman of the then-InfoComm International board as part of his nine-year tenure and was a member of the InfoComm Asia board too.

That experience “gave me time to think about the future of AV and it really helped our company,” he says.

How Times Have Changed

Looking back on 45 years running an AV integration company, Jim Ford says “technology was simple and business was simple” when

he and Claire took the plunge into the space in 1973.

“It’s far more complicated now,” says Jim Ford. “The demands and expectations of customers are much higher now. That’s why being able to execute on your promises is so important.”

Technology has come and gone and competitors have opened and closed in the past 45 years, but Jim and Claire Ford remain committed to a company that operates using simple principles that have deep roots in everything they do.

“Our philosophy is: be an expert, work hard and treat people fairly and honestly,” says Jim Ford. “We’ve always been about growing out of success. When you get an opportunity, are you ready for it?”

When Burdick joined Ford AV, “there was no Internet so you had to educate the customers.” For Ford AV, that meant extended hours on Thursday nights, office hours on Saturdays and training classes.

“Our primary focus is keeping our promises to customers. It’s easy to talk, it’s easy to sell, but it’s hard to do the work.”

—JIM FORD, PRESIDENT

EVERYTHING ISN’T ALWAYS PERFECT

JIM FORD’S BIGGEST PET PEEVE about those in the AV industry is “undervaluing the products and services that we sell.”

He believes AV as an industry doesn’t always give itself enough credit for the value it brings to its customers.

Ford gets frustrated on those rare occasions when the company misses a milestone, particularly on a large project. In those instances, it’s up to leadership to gather the facts, determine possible solutions and execute on the best one.

“If you get the team around the table, you almost always can figure out what you should do to correct the problem you’re having,” he says. “It’s not acceptable to promise to do something and then not do it.”

Looking to the Future

When you listen to Ford talk about his time in the AV integration space, there’s never a sense he’s ready to walk away from it — or even thinking about it. He seems to get just as big of a charge out of the word Ford AV does as ever.

“I’m astounded by the opportunities that appear seemingly every week,” he says.

Burdick is equally enthusiastic about his place with Ford AV



From corporate to health care to government to education and beyond, customers from myriad backgrounds know they'll get exactly what they asked for when Ford AV is their AV integrator.

going forward.

"This industry is fun for me," he enthuses. "Audio-visual technology is ever-changing and we get to refresh and change and grow with our knowledge. I like interacting and making a difference in the industry and in people's lives. I don't see any end in sight."

Ford AV added a call center about 10 years ago and it continues to improve the service offerings it provides for customers, although that's always been part of what the integration firm has done, says Ford.

"Making it work has always been part of what we do," he says.

Ford AV has also seen itself go global in a sense in the past decade, working with partners in various countries when U.S.-based customers want to expand their offerings overseas. In those cases, Ford AV does the design and engineering and relies on local partners to do the actual installation.

Global support has become a bigger part of the business in the past five years, says Jim Ford.

Burdick has worked closely with Cisco on opportunities for Ford AV and says that's a big part of what they do today.

"AV used to revolve around broadcast," he says. "Today, it's more about consumer electronics and IT."

Abbott has no doubts the future of Ford AV is strong and he expects the next generation of leaders to build on what the company has done for its first 45 years.

"There are people behind us chomping at the bit to get their opportunity someday," he says. **CI**

USE OF SUBCONTRACTORS

April 30, 2021

Steve Boyd
Chief Operating Officer
City of Glenwood Springs
101 W. 8th Street
Glenwood Springs, CO 81601

Subject: Response for BD2021-12 Council Chamber Upgrades

Ford Audio-Video LLC will self-perform the necessary tasks to deliver and commission your audio video system. It is not Ford AV's intent to hire subcontractors.

Respectfully,

FORD AUDIO-VIDEO SYSTEMS, INC.



Brad Jones
Senior Account Manager

Voice: 720-374-2345
Email: joneb@fordav.com
Website: www.fordav.com



Helping People Communicate!

COMPANY AND PERSONNEL QUALIFICATIONS

April 30, 2021

Steve Boyd
Chief Operating Officer
City of Glenwood Springs
101 W. 8th Street
Glenwood Springs, CO 81601

Subject: Response for BD2021-12 Council Chamber Upgrades

Ford Audio-Video LLC submits the following references:

- 1) State of Colorado, Capitol Building
 - a. Zack Wimberly
 - b. 303-866-5844
 - c. Zack.Wimberly@state.co.us
 - d. Multiple projects including audio video system updates in the House Committee Rooms and Senate Committee Rooms. Projects included microphones at the dais, microphones at the witness table, control system touch panels, speakers, dais mix/minus system, wall-mounted displays and videowall displays.
 - e. Customer is very satisfied with Ford's systems and continues to consider Ford for upcoming projects.
- 2) City of Westminster
 - a. Dan Long
 - b. 303-658-2160
 - c. dlong@cityofwestminster.us
 - d. City Council Chambers project included microphones at the dais, microphone at the podium, displays in the Chamber and the Boardroom, monitors at the dais.
 - e. Customer is very satisfied with Ford's installation and programming. The customer continues to consider Ford for upcoming projects.
- 3) City of Thornton
 - a. Jennifer Cahill
 - b. 303-538-7330
 - c. Jennifer.cahill@cityofthornton.net
 - d. Installed audio video systems for the Active Adult Center, Fire Station #1, Community Connections, and Council Chambers.
 - e. Customer is very satisfied with Ford's systems and continues to consider Ford for upcoming projects.

Thumbnail

Government



U.S. Capitol Visitor Center
Washington, D.C.



Wyoming Capitol Square
Cheyenne, WY



Colorado State Capitol
Denver, CO



Thornton Fire Department
Thornton, CO



City of Southlake
Southlake, TX



Oklahoma State Capitol
Oklahoma City, OK



Tulsa Housing Authority
Tulsa, OK



Douglas County Library
Castle Pines, CO



Houston Metro Transit Authority
Houston, TX

Project Profile

City of Westminster City Hall
Westminster, CO



Scan QR code to view related video.



System Features

The City of Westminster, a northwest suburb of Denver, has seen an increase in populace, necessitating an upgrade to the city council chambers and board room.

- HD displays provide content feed for each person on the dais
- Wireless microphones for audience participation, awards and presentations
- ADA compliant induction loop hearing system
- Microphones for each position on the dais
- 80" HD displays for audience viewing
- Integrated control system for staff to monitor the various aspects of the audio-video and conferencing systems
- Teleconferencing capabilities in the board room include a HD camera and software

Participants

Owner
City of Westminster

Contractor
GH Phipps Construction

AV Contractor
Ford Audio-Video Systems

www.fordav.com
800-654-6744

ford AV
Helping People Communicate!

Project Profile

Oklahoma State Capitol
Oklahoma City, OK



System Features

The Oklahoma State Capitol completed a 6-year, multimillion-dollar renovation and restoration. The project updates both the building's infrastructure and systems.

- Capitol Press Room - 130" Direct View LED wall with 1.5mm pixel pitch, PTZ camera, wireless microphones and ceiling speakers
- Governor's Conference Room - Two 98" UHD displays behind the podium, 75" UHD displays on the walls, PTZ cameras, multi-element table mics and loudspeakers
- Supreme Court - Multi-speaker column array speakers and low-profile desktop microphones on judges' bench
- Building - 65 displays for wayfinding, including 28 touch-enabled interactive 4K displays

Participants

Owner

State of Oklahoma

General Contractor

Manhattan Construction

AV Contractor

Ford Audio-Video Systems

www.fordav.com
800-654-6744

ford  **AV**
Helping People Communicate!

Project Profile

Wyoming Capitol Square
Cheyenne, Wyoming



System Features

Originally built in 1888, the Wyoming Capitol Square underwent a four-year renovation that included restoration of historical architecture, new construction and major technology updates throughout the campus.

- House and Senate Legislative Chambers feature 4K displays and individual desks have microphone and custom loudspeakers as part of a large mix-minus sound system
- Conference spaces include 75" 4K interactive touch displays with built-in cameras, microphone array, speakers and OPS computer for meetings and teleconferencing
- Student Learning Center utilizes 96" 4K interactive touch displays with thirty-two simultaneous touch points allowing visitors to fully engage with the AV in the space.
- Auditorium features 119" projection screens and projectors with custom rotating lifts that precisely align them to their screens while maintaining a low profile

Participants

Owner

State of Wyoming

Architects

HDR Architecture, Inc.

General Contractor

JE Dunn Construction Company

Consultant

K2 Audio

AV Contractor

Ford Audio-Video Systems

www.fordav.com
800-654-6744

ford  **AV**
Helping People Communicate!

April 30, 2021

Steve Boyd
Chief Operating Officer
City of Glenwood Springs
101 W. 8th Street
Glenwood Springs, CO 81601

Subject: Response for BD2021-12 Council Chamber Upgrades

Names and professional resumes of the key personnel that will be performing the proposed services can be found on the following pages.



GLENN BOOTH, BSEE, CTS

DENVER DIVISION MANAGER

As the Denver Division Manager, Glenn is focused on providing customers an exceptional AV technology solution and experience. He oversees all staff and operations at the Denver Division.

CERTIFICATION/EDUCATION

BSEE - Bachelor of Science in Electrical Engineering,
University of Colorado
Former Director of Marketing - Yamaha Corporation
VP Business Development & Marketing - Dimetis
Broadcasting Solutions
CTS - Certified Technology Specialist, AVIXA

EXPERIENCE/BACKGROUND

Under Glenn's leadership, the Denver staff provides excellent account management, engineering support, installation, service and training--setting a high bar for design ingenuity and precise execution in one of the nation's largest markets.

Outside of work, Glenn is a professional musician and composer.

EMPLOYMENT DATE

February 2020



LONNY WAYNE, BM, PMP, CTS-I

PROJECT MANAGER

As a Project Manager (PM), Lonny is responsible for coordinating all phases of a project. This includes purchasing, assembly, scheduling manpower and material assets, testing and training.

CERTIFICATION/EDUCATION

BM - Bachelors of Music in Music Business, University of Southern California
PMP - Project Management Professional, Project Management Institution
CTS - Certified Technology Specialist, AVIXA
CTS-I - Certified Technology Specialist Installation, AVIXA
OSHA-30
Crestron NVX Design and Application
Crestron NVXN Networking
IED Globalcom Certification
Hilti Powder Actuated Tool Certified
Hilti Firestop Systems Certified

SELECTED PROJECTS

Denver International Airport - Denver, CO
Colorado State Capital - Denver, CO
Cherry Creek Mall Audio Upgrade - Denver, CO
Dairy Center for the Arts - Boulder, CO
Silverthorne Performing Arts Center - Silverthorne, CO
Columbine Country Club - Littleton, CO
Monarch Casino - Black Hawk, CO
Elevations Credit Union - Boulder, CO

EXPERIENCE/BACKGROUND

Under Lonny's leadership as the PM, he is the center of communication - ensuring the owner, consultants, architect, general contractor and other contractors are well informed of all aspects of the installation and on-site requirements. His priority is total customer satisfaction, ensuring each project is accomplished with the highest standards - on time and on budget.

Lonny enjoys home improvement and music. He also enjoys learning and solving difficult problems.

EMPLOYMENT DATE

March 2014





JERRY MCGARGILL, BSEE, AAS, CTS-D

JOB CENTER DIVISION ENGINEERING MANAGER

As the Job Center Division Engineering Manager (DEM), Jerry is responsible for overseeing the engineering work performed by the division. This involves providing peer review, training, Quality Assurance & Control (QA/QC) as well as coordinating engineering resources. His team is responsible for design development as well as software programming, on-site installation supervision, system testing, commissioning and documentation.

CERTIFICATION/EDUCATION

BSEE - Bachelor of Science in Electrical Engineering,
University of Iowa
AAS - Associates of Applied Science, Iowa Western College
CTS-D - Certified Technology Specialist Design, AVIXA
Biamp Tesira, QSC & Certified Soundweb Designer
Creston Digital Media Designer Certification
Crestron Core Systems Programming Certification
AtlasIED Globalcom.IP Certification
EASE Level 1 & 2 Certificates
Meyer Sound System Design and Optimization
SDVoE Design Certificate
Denver Fire Department Journeyman

SELECTED PROJECTS

Mile High Stadium - Denver, CO
FedEx Forum Memphis Arena - Memphis, TN
BBVA Compass Stadium - Houston, TX
Budweiser Event Center - Loveland, CO
Coors Field - Denver, CO
Denver International Airport - Denver, CO
Los Angeles International Airport - Los Angeles, CA
Mount Rushmore National Monument - Keystone, SD
Salt Lake College for New Media - Salt Lake City, UT

EXPERIENCE/BACKGROUND

The DEM's primary focus is to maintain the highest quality engineering standards and ultimately ensure the owner's objectives for the space are achieved through AV technology. His attention to detail helps achieve total customer satisfaction, making certain the project performs with excellence- on time and on budget.

Jerry's interests include writing and recording music.

EMPLOYMENT DATE

January 1995





RICHARD LALIBERTE, AA, CTS-I **JS QUALITY ASSURANCE**

The Job Superintendent Quality Assurance (JSQA) position, utilizes the rich experience of only the most seasoned Job Superintendents. The JSQA is not only responsible for the execution of a project's installation, but also for teaching and mentoring the next generation of Job Superintendents about job site installation and quality assurance. Richard helps to ensure each project is accomplished to rigid specifications safely, on time, within budget and to the satisfaction of the customer.

CERTIFICATION/EDUCATION

AA - Associate in Electronic Communications, Denver Technical College
CTS - Certified Technology Specialist, AVIXA
CTS-I - Certified Technology Specialist Installation, AVIXA
OSHA-30
IED Globalcom Certified
Globalcom Announcement Control System Certification
Denver Fire Department Journeyman
Hilti Power Actuated Tool Certified
Hilti Firestop Systems Certified
Low Voltage Journeyman License -Wyoming

SELECTED PROJECTS

IMA Financial - Denver, CO
Arrow Electronics - Denver, CO
TIC Holdings - Denver, CO
Sierra Nevada - Denver, CO
Denver International Airport - Denver, CO
Kiewit Construction - Denver, CO

EXPERIENCE/BACKGROUND

Richard has years of experience as a Job Superintendent with some of Ford's largest and most complex projects. He is responsible for the successful deployment of the project and oversees job site communication with other trades and owner's representatives. Additionally, he is responsible for coordinating quality assurance efforts and assists with Installation Technician and Job Superintendent training.

Richard is an outdoor enthusiast who enjoys skiing, boating, hiking, camping, and horseback riding. He also volunteers as a Cub Master for the Boy Scouts of America.

EMPLOYMENT DATE

October 2000



PROJECT TIMELINE

April 30, 2021

Subject: Response for BD2021-12 Council Chamber Upgrades

Ford Audio-Video LLC project timeline milestones.

Date	Event	Responsible Party
5/10	Notice of Award	City
5/10	Schedule work	Ford AV
5/11	Job Initiation Meeting	Ford AV
5/10-5/15	Drafting	Ford AV
5/17	Order materials	Ford AV
5/17	Touch panel Meeting	City and Ford AV
5/17 – 6/1	Touch panel drawing	Ford AV
6/1	Touch panel submittal	Ford AV
6/2	Touch panel submittal approval	City
6/2 – 6/13	Touch panel programming	Ford AV
6/14 – 6/18	Installation on site	Ford AV
6/15 – 6/18	System Commissioning	Ford AV
6/18	System Training	City and Ford AV
6/30	Sign off	City

VALUE / COST OF EFFORTS

Customer	City of Glenwood Springs	Contact	Alissa Owsley
Quote	BJ47275		

A. DESCRIPTION OF WORK

Ford shall provide and install the following systems for City of Glenwood Springs (CUST) of Glenwood Springs, CO in their remodel project:

1. COUNCIL CHAMBERS

a. EQUIPMENT RACK

- 1) One (1) owner-furnished equipment (OFE) shall be utilized in the existing location to house the AV equipment.
 - a) The Customer is responsible for providing electrical power and a live network drop to the rack location.

b. AUDIO SYSTEM

- 1) Eight (8) OFE speakers shall be utilized and evenly distributed throughout the room to provide audio reinforcement in the room.
- 2) One (1) 4-channel 500 watt, audio amplifier shall be provided and installed in the equipment rack to power the speakers.
- 3) One (1) digital signal processor (DSP) shall be provided and installed in the equipment rack for audio signal routing, equalization, feedback suppression, echo cancellation, and compression as needed. The DSP shall be populated with four (4) 4-channel mic/line level input cards, two (2) 4-channel analog output cards, and one (1) Dante bridge card.
- 4) Two (2) 24" x 24" microphone arrays shall be ceiling-mounted and evenly distributed in the room for use by the gallery.
- 5) Three (3) 18" gooseneck microphones with desk stand base shall be provided and installed in locations to be coordinated by Ford and the customer prior to installation.
- 6) One (1) digital discussion system control unit, with software, shall be installed in the OFE rack. The unit distributes digital audio, control data, and power to the meeting chairman, delegate, and interpreter.
- 7) Seven (7) conference units with 20" gooseneck microphone, speaker, voting capability and cable shall be provided and installed at the OFE dais.

- 8) One (1) assistive listening system shall be provided and installed. The unit shall include one (1) base unit mounted in the OFE rack, one (1) antenna kit, four (4) portable display RF receivers, four (4) ear speakers, two (2) neck loops, four (4) 2-packs of batteries and one (1) ADA notification sign. The system may be used with an interpreter, not provided by Ford AV, to provide audio in a second language.
- 9) One (1) OFE 1-channel assistive listening transmitter (Dante) shall be installed in the OFE rack.
- 10) One (1) OFE gooseneck mic located at the OFE podium shall be utilized and remain at the podium.

c. VIDEO SYSTEM

- 1) One (1) OFE 75" flat panel display with OFE wall mount shall be utilized and installed in a location to be coordinated by Ford and the customer to show Customer provided content.
 - a) The Customer is responsible for providing electrical power to the screen location.
- 2) Three (3) 75" 4K, flat panel displays with ceiling-mounts shall be provided and installed in locations to be coordinated by Ford and the customer prior to installation to show Customer provided content.
 - a) The Customer is responsible for providing electrical power to the flat panel locations.
- 3) One (1) OFE PC shall be utilized and installed in the OFE rack location.
- 4) One (1) USB input/output bridge shall be installed in the OFE rack and connect to the OFE PC via USB.
- 5) Three (3) pan/tilt/zoom cameras with 20X zoom and 60 degree field of view shall be ceiling mounted in locations to be coordinated by Ford and the customer prior to installation.
- 6) One (1) quad-view switcher shall be provided and installed in the OFE rack. The switcher shall connect to the cameras.
- 7) One (1) digital media 8-input 8-output matrix switcher frame shall be provided and installed in the OFE rack. The matrix switcher shall be populated with three (3) 4K HDMI input cards, one (1) 4K digital media input card, one (1) 2-channel 4K HDMI output card and two (2) 2-channel digital media output cards. The unit shall connect to the quad-view switcher and the OFE PC.
- 8) One (1) digital media transmitter shall be provided and installed at the OFE podium. The unit shall have two (2) HDMI input receptacles and connect to the matrix switcher via twisted pair.
- 9) Four (4) digital media receiver/scalers shall be provided. One (1) unit shall be installed at each of the four (4) flat panel display locations. The units shall connect to the matrix switcher via twisted pair and to the corresponding display via HDMI.

- 10) One (1) streaming/recording device shall be provided and installed in the OFE rack. The device shall connect to the matrix switcher via HDMI.
- 11) One (1) wireless collaboration gateway shall be installed in the OFE rack. The unit shall allow meeting participants to connect their own devices to share their own content wirelessly.
- 12) Two (2) countdown timers shall be provided and installed in locations to be coordinated by Ford and the customer prior to installation.

d. CONTROL SYSTEM

- 1) One (1) control system with one (1) processor and one (1) 28-port managed data switch shall be provided and installed in the equipment rack to route the AV sources and to provide control of the AV components.
- 2) One (1) 10" wired tabletop touch panel shall be provided, installed on the OFE dais, and programmed to control the following:
 - a) Flat panel displays – power on/off
 - b) System Volume – up/down/mute
 - c) Source Selection – OFE podium input, wireless presentation device
 - d) Recording/Streaming – power on/off



4230 Carson Street, Denver, CO 80239 720-374-2345 Fax 405-946-9991

PROPOSAL NO.	BJ47275
DATE	02/16/21
PAGE	1 of 3
CUSTOMER NO.	CGCOGLE

SALES QUOTE

BILL TO

City of Glenwood Springs
101 West 8th Street
Glenwood Springs, CO 81601
Attn: Alissa Owsley

SHIP TO

City of Glenwood Springs
101 West 8th Street
Glenwood Springs, CO 81601
Attn: Alissa Owsley

SALES REP	LOCATION	DIVISION	DATE NEEDED	TAX CODE	TYPE	CLASS	INV TIME	SHIP CPL	PRINTED ON
JONEB	4	4	02/16/21	COGOV	QJ	J		no	04/29/21 12:42 PM
SHIP VIA	FREIGHT	TERMS		PURCHASE ORDER #				CUSTOMER PHONE #	
CUST								970-945-2575	
QUANTITY		ITEM NUMBER		DESCRIPTION			UOM	PRICE	EXTENDED PRICE
OWNER FURNISHED EQUIPMENT									
1.00		OFE.MISC1		75" DISPLAY & MOUNT			EA	0.00	0.00
1.00		OFE.MISC2		PC			EA	0.00	0.00
8.00		OFE.MISC3		IN-CEILING SPEAKERS			EA	0.00	0.00
1.00		OFE.MISC4		SHURE GOOSENECK MIC			EA	0.00	0.00
1.00		OFE.MISC5		LISTEN TECH LT-82			EA	0.00	0.00
2.00		OFE.MISC6		EQUIPMENT RACK			EA	0.00	0.00

SECTION TOTAL:									0.00
COUNCIL CHAMBERS AV EQUIPMENT									
3.00		SAMS.QB75R		DISP, 75", 4K, UHD, LED/LCD, 350NIT			EA	2,125.00	6,375.00
				Add, Line Level, Material (Misc)					0.00
3.00		CHIE.FHB5147		MOUNTING HARDWARE KIT			EA	10.00	30.00
1.00		CHIE.XCB1U		MOUN, X-LRG CEILING MOUNT POLE			EA	800.00	800.00
1.00		CHIE.XCM1U		MOUN, XL, SINGLE COLUMN, CEILING			EA	414.00	414.00
3.00		CHIE.CMA110		ACCE, PLATE, CEILING			EA	50.00	150.00
3.00		CHIE.CMS0406W		MOUN, ADJ. PIPE 48" TO 72", WHT			EA	126.00	378.00
1.00		QSC.IOUSBBRIDGE		CONF.VID, POE AV TO USB BRIDGE			EA	1,473.00	1,473.00
3.00		QSC.PTZ-20X60		CAME, PTZ, 20X ZOOM, 60 DEGREE NE			EA	3,846.00	11,538.00
3.00		QSC.PTZ-CMB1		ACCE, CAMERA CEILING BRACKET			EA	88.00	264.00
1.00		MARS.VMV-402-SH		SWITCHER, QUAD-VIEW, AUDIO METER			EA	627.00	627.00
1.00		CRES.DMMD8X8CPU		SWIT, 8X8 DM MATRIX SWITCHER			EA	2,756.00	2,756.00
3.00		CRES.DMC-4KZ-HD		CARD, HDMI 4K60 4:4:4 HDR INPUT			EA	513.00	1,539.00
1.00		CRES.DMC-4KZ-C		CARD, DM, 4K60, 8G+, HDR INPUT			EA	705.00	705.00
1.00		CRES.DMC4KZHDO		CARD, 2CH HDMI OUT, 4K 60			EA	1,154.00	1,154.00
2.00		CRES.DMC4KZCOHD		CARD, 2 CH, HDR DM OUTPUT, 8G+			EA	833.00	1,666.00
1.00		CRES.DMTX4KZ202		TRAN, 4K60 4:4:4 HDR TRANSMIT			EA	962.00	962.00
4.00		CRES.DMRMC4KZSC		RECE, DM 4K RECEIVER & SCALER			EA	1,154.00	4,616.00
1.00		MERS.SP-8000-E5		SOLSTICE GEN3 WITH 5 YEAR SUB			EA	1,909.00	1,909.00
1.00		QSC.CORE510I		DSP, 256X256 QSYS CORE 8 I/O SL			EA	5,128.00	5,128.00
4.00		QSC.CIML4		AV, 4CH MIC/LINE INPUT 48V PHAN			EA	269.00	1,076.00
2.00		QSC.COL4		AV, Q-SYS 4CH LINE ANALOG OUT			EA	244.00	488.00
1.00		QSC.CDN64		Q-SYS DANTE BRIDGE CARD 64X64			EA	1,282.00	1,282.00
1.00		LABG.E5:4		4CHX500W AMP			EA	834.00	834.00
2.00		SHUR.MXA910W-A		MIC, 2'X2', CEIL ARRAY, W/INT DPS			EA	3,845.00	7,690.00



4230 Carson Street, Denver, CO 80239 720-374-2345 Fax 405-946-9991

PROPOSAL NO.	BJ47275
DATE	02/16/21
PAGE	2 of 3
CUSTOMER NO.	CGCOGLE

SALES QUOTE

BILL TO

City of Glenwood Springs
101 West 8th Street
Glenwood Springs, CO 81601
Attn: Alissa Owsley

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SALES REP	LOCATION	DIVISION	DATE NEEDED	TAX CODE	TYPE	CLASS	INV TIME	SHIP CPL	PRINTED ON	
JONEB	4	4	02/16/21	COGOV	QJ	J		no	04/29/21 12:42 PM	
SHIP VIA	FREIGHT	TERMS		PURCHASE ORDER #				CUSTOMER PHONE #		
CUST								970-945-2575		
QUANTITY		ITEM NUMBER		DESCRIPTION			UOM	PRICE	EXTENDED PRICE	
2.00		CHIE.CMA440		MOUN,SUSP,CEILING PLATE,8"X2"			EA	100.00	200.00	
2.00		CHIE.RPMA266		RPA ELITE, KEY A, INCL SLM266, BLKEA			EA	193.00	386.00	
2.00		CHIE.CMS0406W		MOUN,ADJ. PIPE 48" TO 72",WHT			EA	126.00	252.00	
3.00		SHUR.MX418D/S		MIC,18" DESKTOP MIC			EA	269.00	807.00	
3.00		SHUR.A412B		MIC,ANGLED BASE FOR GOOSENECK			EA	59.00	177.00	
1.00		SHUR.DIS-CCU-US		CNTRL UNIT FOR DDS5900/DCS6000			EA	1,538.00	1,538.00	
1.00		SHUR.SW6000		SOFT,CONF MANAGEMENT PACK			EA	2,692.00	2,692.00	
6.00		SHUR.MXC630		CONF UNIT W/VOTING & SPEAKER			EA	678.00	4,068.00	
7.00		SHUR.MXC420DF/C		20" DUAL FLEX CARDIOD GOOSENEC			EA	186.00	1,302.00	
1.00		SHUR.EC6001-20		CABL.20M BLACK DDS 5900 CAT5E			EA	64.00	64.00	
7.00		SHUR.EC6001-02		CABL,DDS,2M,BLK,CAT5E,W/RJ45			EA	17.00	119.00	
1.00		LIST.LS-48-072		ASSI,RF SYSTEM, STATIONARY			EA	1,684.00	1,684.00	
1.00		CRES.CP4		DATA,4-SERIES CONTROL SYSTEM			EA	1,282.00	1,282.00	
1.00		CRES.TS1070BS		DISP.TOU,10.1" TABLETOP BK			EA	1,923.00	1,923.00	
1.00		CISC.SG35028MPK		SWIT,,28,PORT,GIGABIT,POE			EA	1,080.00	1,080.00	
1.00		SHUR.MXC640		MIC,MXC TOUCHSCREEN CONF. UNIT			EA	1,143.00	1,143.00	
1.00		EXTR.60-1594-01		RECORDING, H.264 STREAMING/REC			EA	2,174.00	2,174.00	
2.00		FAV.MISC10		COUNTDOWN TIMER			EA	962.00	1,924.00	

									SECTION TOTAL:	76,669.00
WIRE, CABLE & MISCELLANEOUS										
3.00		FAV.MISC1		DISPLAY MOUNTING HARDWARE			EA	50.00	150.00	
8.00		FAV.MISC2		SPEAKER RIGGING HARDWARE			EA	18.00	144.00	
2.00		FAV.MISC3		MIC RIGGING HARDWARE			EA	50.00	100.00	
2.00		FAV.MISC4		EQUIPMENT RACK HARDWARE			EA	250.00	500.00	
1.00		FAV.MISC5		MISCELLANEOUS INSTALL SUPPLIES			EA	1,500.00	1,500.00	
2.00		MIDD.EB1FAVLOGO		PANE,1 SP,W/FAV LOGO			EA	17.00	34.00	
300.00		BELD.1695A		WIRE,RG6/U,#18,750HM,PLEN,CATV			FT	1.13	339.00	
1,000.00		WEST.25291B		2,COND,22,7X30,BARE,SHLD,CMP			FT	0.13	130.00	
500.00		WEST.25225B		WIRE,2C,16G,PLENUM,GRAY			FT	0.25	125.00	
100.00		WEST.254246		WIRE,4PR,24AWG,CAT 6,CMP			FT	0.36	36.00	
2.00		BTX.CD-EZRJ456		CONN,RJ45,CAT6			EA	1.00	2.00	
1,000.00		CRES.DMCBL8GPSP		WIRE,24/8 STP,8G,PLENUM,			FT	0.86	860.00	
20.00		CRES.DM8GCONNWG		CONN,DM,8G,WG,RJ45			EA	4.00	80.00	
10.00		COMP.MHD18G6PRO		4K60 18G HIGH SPEED HDMI CABLE			EA	27.00	270.00	
1.00		COMP.MHD18G12PR		CABLE,MICROFLEX PRO			EA	51.00	51.00	



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PAGE	3 of 3
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SHIP VIA	FREIGHT	TERMS	PURCHASE ORDER #				CUSTOMER PHONE #		
CUST							970-945-2575		

QUANTITY	ITEM NUMBER	DESCRIPTION	UOM	PRICE	EXTENDED PRICE
1.00	C2G.28102	2M USB 2.0 A/B CBL BLK	EA	4.00	4.00
5.00	C2G.03975	CABL, 6FT, CAT6, SNAGLESS, UTP CAB	EA	4.00	20.00

SECTION TOTAL: 4,345.00

INTEGRATION SERVICES

INTEGRATION SERVICES

35,558.00

SECTION TOTAL: 35,558.00

MERCHANDISE : 81,014.00

LABOR : 35,558.00

FREIGHT : 0.00

SALES TAX : 0.00

QUOTE AMOUNT : 116,572.00

Thank you for your business. www.fordav.com

PROPRIETARY INFORMATION. The information contained herein is for use by the parties hereto and is not for distribution outside their respective companies. All material is guaranteed to be as specified. All work shall be completed in a workmanlike manner according to standard practices. Any deviation from the above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above this estimate. This agreement is contingent upon accidents or delays beyond our control. Owner shall carry fire and other necessary insurance. Our workers are covered by Worker's Compensation insurance. This proposal is valid for 30 days.

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

AUTHORIZED BY: _____ DATE: _____

COST PAGE

Equipment	\$81,014.00
Labor	\$27,333.08
Travel Expenses	\$8,224.92
Additional Fees	\$0.00
Service Contract	\$5,950.00*

*This Preventive Maintenance Agreement includes the following:

- Two (2) scheduled maintenance visits per year
- Two (2) unscheduled services calls per year
- Ford AV responds to service request, by phone, within 24 hours
- Ford AV provides service, on-site, as scheduled



City Council
STAFF REPORT
City of Glenwood Springs
May 20, 2021

Agenda Item: Tourism Promotion Board Composition and Terms

Action Requested: Provide direction on any changes to the Tourism Promotion Board Structure.

Department: City Administration

Presented By: Glenwood Springs Legal, Legal

Background Info: The Tourism Promotion Board thinks some changes to the structure and membership of the Board would be helpful. Attached is a letter from Lisa Langer, Director of Tourism Promotion, on the potential changes.

Issues: NA

Staff Recommendation: Staff defers to Council

Director of Tourism Recommendation:

Regarding Tourism Promotion Board's current empty Citizen seat, vacated Tourism seat, and staggered term limit adjustment.

- See Tourism Promotion Board recommendation for ordinance adjustment below. It references a simple change in the board make-up criteria, which would change the three Citizen seats to “**may** have an interest in a tourism business.”
- Appoint current alternate, Suzanne Emery to in the Citizen seat vacated in February 2021.
- Appoint current alternate, Lindsay Ball, GM of the Glenwood Hot Springs, to fill the recently vacated Tourism seat.
- Instead of having the two seats above “fill” a one-year term, adjust each of those terms to an initial 3-year term. This would help with the issue of half the board terming out at the same time.
- If these recommendations are accepted by city council, there would be one alternate left on the Tourism Promotion Board. Heather Motross-Cowan could remain as a floating alternate to fill where needed if the board is short a quorum.

At the Tourism Promotion Board meeting of March 11, 2021, Nancy Heard moved that Lisa Langer present the following recommendation to city council for their consideration. Krissy Clary seconded, and the motion carried unanimously. *(The highlighted area is the recommended change.)*

Tourism Promotion Board: For City Council Consideration

- a. Two (2) representatives from tourism-related businesses located within the city;
- b. Two (2) representatives from lodging businesses located within the city;
- c. One (1) representative from restaurant or retail businesses located within city;
- d. One (1) representative from the Glenwood Springs Chamber Resort Association; and
- e. **Three (3) citizens, who are residents of the city, that may have a financial interest in a tourism-related business.**

Tourism Promotion Board: *Amended by City Council January 7, 2015 Current:*

- a. Two (2) representatives from tourism-related businesses located within the city;
- b. Two (2) representatives from lodging businesses located within the city;
- c. One (1) representative from restaurant or retail businesses located within city;
- d. One (1) representative from the Glenwood Springs Chamber Resort Association; and
- e. Three (3) citizens, at least two (2) who are residents of the city and that shall not have a direct financial interest in a business referenced in (a), (b) or (c) above and one (1) who is a resident that may have a financial interest in a business referenced in (a), (b) or (c) above.



City Council
STAFF REPORT
City of Glenwood Springs
May 20, 2021

Agenda Item:	Second Reading, Ordinance No 2021-03 of the City of Glenwood Springs, Colorado, Amending Title 070 Sections 070.010.070, 070.020.020, 070.030.020, 070.030.030, 070.030.040, 070.040.020, 070.040.050, 070.040.060, 070.040.080, 070.040.090, 070.040.110, 070.050.040, 070.060.020, 070.060.050, 070.060.070, 070.070.020, AND 070.070.030 of the Glenwood Springs Municipal Code.
Action Requested:	Planning File 66-20 Consideration of various code text amendments to Glenwood Springs Municipal Code Title 070 and adoption of Ordinance 2021-03 (second reading).
Department:	Economic and Community Development
Presented By:	Gretchen Ricehill, Assistant Director of Economic and Community Development
Background Info:	At the May 6, 2021 meeting Council considered several amendments to Title 070, the Development Code. Council discussed a proposed addition to section 070.030.040-<i>Accessory Uses and Structures</i>, regarding outdoor portable storage containers, also known as shipping or conex containers, in particular: • Shipping container height which was proposed to be a maximum of 10 feet; • Adding an exception for temporary use of containers on projects not requiring a building permit; • Prohibiting permanent use unless containers are screened and designed or clad to meet the non-residential design standards; and • Addressing use of existing containers and setting a timeframe to come into compliance with the newly adopted code requirements.

Based on Council direction, staff proposes the following additions shown in **red** font:

...

(4) Portable Storage Containers

a. Applicability

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.

b. Exceptions

Portable storage containers may be temporarily placed on construction sites for storage incidental to an active construction or remodeling project subject to the following:

1. A building permit has been issued for construction on site and the permit has not expired; and
2. 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; or
3. **A temporary portable storage container permit has been issued by the Director subject to the following:**
 - i. **The owner shall submit an application on a form provided by the Director and shall pay the application fee set by City Council resolution.**

ii. The storage container may remain on site for up to 45 days during one calendar year. The Director may renew the permit for up to 45 additional days.

iii. The storage container shall comply with the Location, and Site Layout and Design requirements of d and e.1 through e.4 below.

c. Where Permitted

Portable storage containers are allowed in zoning districts according to Table 030.1, *Table of Allowed Uses*.

d. Location

1. Portable storage containers shall be located at the rear or side of a principal building.
2. Portable storage containers shall not be located within circulation aisles, fire lanes, easement areas, or public rights-of-way.
3. Portable storage containers may be located within parking areas provided that the containers do not occupy any required parking space.
4. Portable storage containers shall not be located within any required landscaped or common open space areas.

e. ~~Number and Size~~ Site Layout and Design

1. Portable storage containers shall not exceed ten feet in height.
2. ~~In no case shall the total number of portable storage containers on site exceed 1,000 square feet.~~ The maximum total lot coverage of all portable storage containers on site shall not exceed 1,000 square feet.
3. Portable storage containers shall be a single height and shall not be stacked.
4. A building permit is required where the total sum of all portable storage containers on site exceeds 120 square feet.
5. Portable storage containers shall incorporate architectural details and roof slopes that are compatible with the primary building or adjacent uses. Exterior wall materials shall be brick, natural and cultured stone, wood, or stucco, and colors shall be earth-tone. Design, materials, and color shall be subject to Director review.
6. Portable storage containers are subject to the site/architectural plan review procedures as set forth in 070.060.050, *Development Permits*.

f. Screening Required

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 fences, walls, or berms that are at least six feet in height and provide 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.

g. Nonconforming Portable Storage Containers

Portable storage containers in existence at the time of adoption of this paragraph (4) shall be removed or brought into full compliance within 120 days of adoption.

....

Additional Information

During the May 6th meeting, Council also discussed existing containers in use at two tire stores, specifically Discount Tire and Big-O, both located on Highway 6 in West Glenwood. After conducting code enforcement actions related to portable storage container use at both properties, Discount Tire received Planning and Zoning Commission approval on June 23, 2020 for the construction of a 2,838 square foot addition. Discount Tire has three years from the date of approval to construct its addition. Big-O Tire received a special use permit on January 12, 2021 allowing continued use of its storage containers, with the condition that they be screened from view of Highway 6 within 180 days of approval (no later than July 12, 2021).

Issues:

Attached for reference is the March 23, 2021 Planning and Zoning Commission staff report that includes a spreadsheet of the proposed Code Amendments; as well as Ordinance 3 and Exhibit A. Note that Exhibit A incorporates the updated requirements related to portable storage containers per the information contained in this report.

Staff Recommendation:

At their March 23, 2021 hearing, the Planning and Zoning Commission found that the recommended amendments satisfied the code amendment approval criteria found in Section 070,060.040(c)d.3.

Therefore staff recommends that City Council uphold the Planning and Zoning Commission's recommendation **and approve the amendments to Title 070 by adopting Ordinance 3, Series 2021 (second reading)**.



Planning Commission Report

Date March 23, 2021 (Updated 5/6/2021 for City Council meeting)
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; January 26, and February 23, 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 Planning & Zoning Commission 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, staff added the following code amendments: 1) Corrections to a marijuana establishment reference; and 2) signage location on buildings in the downtown core. During the March 23, 2021 hearing, the Commission considered the highlighted and new amendments and recommended certain revisions. Information about the amendments and final/approved recommendations is in blue font in the attached spreadsheet.

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>HP</td><td rowspan="5"></td></tr><tr><td>...</td><td>...</td><td></td></tr><tr><td>Density, maximum</td><td>...</td><td>Areas on a lot with slopes up to 20 percent: 1 du/10,000 <u>5,000 sf</u> Areas on a lot with slopes greater than 20 percent: see 070.040.020(b)</td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></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 <u>5,000 sf</u> 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	<table><tr><td colspan="4">Table 030.1: Table of Allowed Uses</td></tr><tr><td>Use Category</td><td>Use Type</td><td></td><td></td><td rowspan="6"></td></tr><tr><td>...</td><td>...</td><td></td><td></td></tr><tr><td colspan="3">Public Institutional, And Civic Uses</td><td></td></tr><tr><td rowspan="3">Community and Cultural Facilities</td><td>Assembly</td><td></td><td></td></tr><tr><td>Civic <u>building facility</u></td><td></td><td></td></tr><tr><td>...</td><td></td><td></td></tr></table>				Table 030.1: Table of Allowed Uses				Use Category	Use Type				...	...			Public Institutional, And Civic Uses				Community and Cultural Facilities	Assembly			Civic <u>building facility</u>			...		
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		the use to “Civic Facility”.	<table><tr><td>...</td><td>...</td><td></td><td></td></tr></table>	...	...																							
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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	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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		several use definitions include provisions for 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	
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		to obtain a special use permit. Staff recommends 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	<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</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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	drainage • whether the 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	<u>project subject to the following:</u> 1. <u>A building permit has been issued for construction on site and the permit has not expired; and</u> 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. <u>Portable storage containers shall not exceed ten feet in height.</u> 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 and March meetings, Commissioners suggested- • deleting the maximum 8' wide x 16' long x 8' high requirement; • adding screening requirement when adjacent to lodging uses;
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		include a refuse container.	• requiring landscaping in addition to fence screening; • adding a 10 foot container height limit. Additionally, staff added clarification that the containers shall not be stacked. Staff added recommended changes, reflected in red font above.																																																																																																																
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	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 <table><tr><th colspan="19">INDUSTRIAL USES</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">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</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></table>	INDUSTRIAL USES																			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</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>
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		energy into thermal, chemical, mechanical, or electrical energy.		<u>Ground Mounted</u>															
		Recommended changes 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.		<u>Solar Energy System, Large Scale Roof Mounted</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>
		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																	

...

070.030.030 Use-Specific Standards

...

(f) Industrial Uses

...

(5) Solar Energy System, Large Scale

a. For ground-mounted units, a minimum of 20 percent of the site shall consist of landscaped areas. Use of pollinator plants is encouraged.

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.

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.

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070.030.020 – Table 030.1

ACCESSORY USES

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</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>		

		districts.	<table><tr><td></td><td><u>System, Small Scale</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> During the December meeting, Commissioners had several comments regarding the addition of small and large-scale solar regulations including- • 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. Staff made modifications based on the Commission’s recommendations which are reflected in red font above. See also comments under definitions – Solar Energy System, Small Scale (row #22 of this spreadsheet)		<u>System, Small Scale</u>																			...																	
	<u>System, Small Scale</u>																																								
	...																																								
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	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.																																						

		structures on a parcel. There are other sections of the Code that address or limit lot coverage: • Accessory structures must observe zoning 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	
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		1,000 square foot maximum. Although the Accessory Uses and Structures section includes the statement: “Unless otherwise stated in the Code”, staff 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	(d) General Standards for Accessory Uses and	(d) General Standards for Accessory Uses and Structures

	and Structures	Structures (1)g Number and Size of Accessory Dwelling Units. Issue: There is an incorrect citation in paragraph (1)g4.	(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</u> 20%, and <u>in excess of</u> 25%.	Table 040.1: Allowed Residential Development <table><tr><th>Average Slope of Overall Site (within LOD)</th><th>Residential Allowable Units</th></tr><tr><td><u>In excess of</u> 20% and up to 25%</td><td>...</td></tr><tr><td><u>In excess of</u> 25% and up to 30%</td><td>...</td></tr></table> During the March meeting, Commissioners recommended clarifying the threshold slope classifications.	Average Slope of Overall Site (within LOD)	Residential Allowable Units	<u>In excess of</u> 20% and up to 25%	...	<u>In excess of</u> 25% and up to 30%	...
Average Slope of Overall Site (within LOD)	Residential Allowable Units								
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<u>In excess of</u> 25% and up 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 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.	070.040.050 Landscaping, Screening, and Fencing .. (b) Applicability ... (2) Exemptions a. Single- and two-family residential uses except 070.040,050(d), <i>Streetscape Requirements</i> and 070.040.050(f)(2), <i>Fence Standards</i>, and <u>070.040.050(f)(3) Retaining Wall Standards.</u>
13	070.040.060 Off-		Delete Table 040.9 and Figure 040-10.

	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. 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><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><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>	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	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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			Figure 40-10: Parking Stall and Aisle Dimension Measurements
14	070.040.060 Off-Street Parking and Loading	(e) Parking Alternatives 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	070.040.060 ... (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

		that the parking reduction is automatically applied and approved. Staff recommends clarification that consideration of the reduction is not automatic.	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 And (f) Temporary Sign Standards	In the Sign Code, there is a circular issue related to the display of yard signs that needs correcting. 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>	070.040 Development Standards ... 070.040.110 Signs ... (d) Signs Not Requiring a 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

		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.	45- 15 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. During the March meeting, Commissioners recommended that temporary signs be removed 15 days following the event.
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	070.040 Development Standards ... 070.040.110 Signs ... (i) Summary of Permanent Sign Standards ... (3) Nonresidential Uses in Residential Zone Districts.

	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 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	<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. - Number, Maximum. One attached or one freestanding sign shall be allowed. - Sign Area, Maximum. Ten square feet. - Sign Height, Maximum. 42 inches. - 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.
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		by special review.	
New Addition	070.040.110 Signs	(j) Sign District Standards (3) Additional Standards in the Downtown Core	d. 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. During the March 23rd meeting, the Commission recommended removing this standard.
18	070.060.050 Administration and Procedures – Development Permits	(c) Construction Plans At issue is the name “Construction Plans” which 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	070.060 Administration and Procedures ... 070.060.050 Development Permits ... (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”. During the December and March hearings, 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

		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. 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	... (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 by a separate agreement with the City.
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		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 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.	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> 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. Commissioners recommended a 5,000 square foot threshold.

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 the following design/development standards: • Residential and non-residential design standards • Parking area landscaping standards	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 <u>or 3</u> 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. 3. <u>Design Variance Approval Criteria</u> <u>In reviewing a variance application from 070.040.050, Landscaping, Screening, and Fencing; 070.040.060(h)(6), Parking Area Landscaping; 070.040.080, Residential Site and Building Design; and 070.040.090, Non-Residential and Mixed-Use Site and Building Design, 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></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>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>				

22	070.070.020 Definitions of Use Categories and Specific Use Types	Staff recommended adding large and small-scale solar energy systems to the Land Use Table. These terms are currently undefined.	070.070.020 Definitions of Use Categories and Specific Use Types ... (d) Industrial Uses ... (6) Utilities ... c. Wastewater Treatment Facility <u>Solar Energy System, Large-Scale</u> <u>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.</u> d. Wind Power Generation <u>Wastewater Treatment Facility</u> ... <u>e. Wind Power Generation</u> ... (e) Accessory Uses and Structures ... <u>e. Solar Energy System, Small-Scale</u> <u>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.</u> At the December meeting, some Commissioners commented that the maximum 10 Kw cap for residential small scale solar is limiting. Commissioners and staff also discussed net metering which is a utility rate structure that requires the electric department and/or MEAN (the 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	Issue: staff recommends removing “outdoor storage, accessory” from the land	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>

	Specific Use Types	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).	<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>
25	070.070.020 Definitions of Use Categories and Specific Use Types	<i>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 businesses”. This change was inadvertently omitted from the Home Occupation definition.</i>	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.

Councilor Kaup Attachement

Councilor Kaup's Questions

1. What is temporary storage for?
2. 10' height seems excessive - higher than most plate heights on a house.
3. 1000 s.f - larger than most accessory dwellings or storage sheds. Code --e refers to 'number and size', --e.2 says 'In no case shall total *number* of portable storage containers exceed 1000 s.f.'
We should clarify this to address total s.f., the units don't match.
4. How long will these be allowed to stay onsite?
5. Are these allowed indefinitely? It is essentially expanding the building capacity on a site...
6. Can you please explain purpose, why the need for 1000 s.f., and 10 ft. height?

Gretchen Ricehill's Answers

We were/are having growing issues with portable (shipping, or Conex) storage containers showing up on commercial properties, but we do not have regulations to address them appropriately. They are used for all types of storage from used tires to goods/materials.

We want to be able to address placement, such as not allowing them to take up required parking spaces, not allowing them in front of buildings, or in required setbacks. Some containers can become unsightly, so we want to require that they be screened, much like screening dumpsters. Also, we need to make sure that they don't affect a property's storm drainage pattern so as to cause problems on adjacent properties.

Regarding your other questions

1. Height – 10 feet was suggested by the P & Z. I think that many containers are around 6-8 feet in height.
2. Square footage – originally, I suggested a maximum number. The Commission reasoned that there were many different container sizes and it might be better to limit by coverage. Thanks for catching the fact that I didn't remove "number" from the recommended code text. The Commission suggested 1000 square feet which was consistent with our maximum allowance for accessory buildings, including accessory dwelling units. This 1,000-sf coverage would allow for 6 of the large containers. Again, we're open to other thoughts if you feel this square footage should be reduced.
3. Duration – we propose allowing the containers on site permanently.

I understand your concern regarding use/abuse as "housing". Unfortunately, with these regulations we are trying to address what we perceive as a need from businesses but in doing so it could have unintended consequences. In the past when we became aware of sheds, for example, being used for housing, we addressed the issue through enforcement of the building code.

ORDINANCE NO. 03

Series of 2021

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, AMENDING TITLE 070 SECTIONS 070.010.070, 070.020.020, 070.030.020, 070.030.030, 070.030.040, 070.040.020, 070.040.050, 070.040.060, 070.040.080, 070.040.090, 070.040.110, 070.050.040, 070.060.020, 070.060.050, 070.060.070, 070.070.020, AND 070.070.030 OF THE GLENWOOD SPRINGS MUNICIPAL CODE.

WHEREAS, the City of Glenwood Springs (“Glenwood Springs” or the “City”) is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Glenwood Springs Home Rule Charter; and

WHEREAS, on August 2, 2018, City Council approved a revised development code as set forth in Title 070 of the Municipal Code; and

WHEREAS, in the process of applying the revised development code, City staff discovered provisions that need clarification or modification relating to use regulations; accessory uses; landscaping, screening and fencing; off-street parking; signs; administration and procedures; and rules of construction and definitions; and

WHEREAS, City staff also identified the need for additional Code provisions to address issues that were not contemplated in the originally approved 2018 Code update, including additional design variance criteria; requirements for portable storage containers; and new terminology for the “Construction Plans” review process; and

WHEREAS, recommended amendments to the development code to address the foregoing issues are set forth on **Exhibit A** attached hereto; and

WHEREAS, on March 23, 2021, the Planning and Zoning Commission found that the recommended amendments on **Exhibit A** satisfy the Code Amendment Approval Criteria set forth in Section 070.060.040(c)d.3. and recommended adopting the amendments on Exhibit A; and

WHEREAS, the City Council finds and declares that the amendments to the development code on **Exhibit A** satisfy the Code Amendment Approval Criteria set forth in Section 070.060.040(c)d.3. and are proper and necessary to advance the public health, safety and welfare of the City’s residents.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, ORDAINS:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Title 070 of the Glenwood Springs Municipal Code is hereby amended as set forth in **Exhibit A** attached hereto.

INTRODUCED, READ ON FIRST READING, PASSED AND ORDERED
PUBLISHED BY TITLE ONLY THIS 6TH DAY OF MAY 2021.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk

INTRODUCED, READ ON SECOND READING, AND ORDERED PUBLISHED BY
TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE OF SECOND
PUBLICATION THIS _____ DAY OF _____ 2021.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk

EXHIBIT A

The following sections of the Municipal Code are amended as follows with **double underlined bold text added** and ~~strike through text deleted~~.

ARTICLE 070.010 GENERAL PROVISIONS

...

070.010.070 - Nonconformities

...

(c) Nonconforming Uses

Nonconforming uses of land or structures are subject to the following additional limitations:

(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. **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.**

...

ARTICLE 070.020: ZONING DISTRICTS

...

070.020.020 – Summary of Dimensional Standards

...

(c) Other Residential Districts

Table 020:4 Summary of Other Nonresidential Dimensional Standards		
Lot Standards	...	HP
...	...	
Density, maximum	...	Areas on a lot with slopes up to 20 percent: 1 du/ 10,000 <u>5,000</u> sf Areas on a lot with slopes greater than 20 percent: see 070.040.020(b).

...

EXHIBIT A

ARTICLE 070.030: USE REGULATIONS

...

070.030.020 – Table of Allowed Uses

...

(d) Classification of New and Unlisted Uses

...

(4) Post-Determination Actions

a. Appeals of the Director's determination shall be made following the procedures under 070.060.070(c),
Appeals Appeals.

[NEXT PAGE]

EXHIBIT A

(e) Table of Allowed Uses

Table 030.1: Table of Allowed Uses																		
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
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Public, Institutional, and Civic Uses																		
Community and Cultural Facilities	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Civic building facility																	
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Industrial Uses																		
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
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, Large Scale Roof Mounted</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>
	Wastewater treatment facility																	

EXHIBIT A

...	...																	
Accessory Uses																		
	Backyard Chickens																	
	...																	
	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>P</u>	<u>070.030.040(d)(4)</u>	<u>No requirement</u>
	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>		<u>No requirement</u>
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

EXHIBIT A

070.030.030 – Use-Specific Standards

...

(f) Industrial Uses

...

(5) Solar Energy System, Large Scale

a. For ground-mounted units, a minimum of 20 percent of the site shall consist of landscaped areas. Use of pollinator plants is encouraged.

b. 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.

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.

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.~~

~~(5)~~ **(4)** Dimensional Standards for Accessory Structures

...

~~(6) Outdoor Storage~~

~~Outdoor storage associated with any accessory use or structure is prohibited.~~

(d) Additional 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.

...

(4) Portable Storage Containers

a. Applicability

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.

b. Exceptions

Portable storage containers may be temporarily placed on construction sites for storage incidental to an active construction or remodeling project subject to the following:

- 1. A building permit has been issued for construction on site and the permit has not expired; and**
- 2. 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; or**
- 3. A temporary portable storage container permit has been issued by the Director subject to the following:**
 - i. The owner shall submit an application on a form provided by the Director and shall pay the application fee set by City Council resolution.**
 - ii. The storage container may remain on site for up to 45 days during one calendar year. The Director may renew the permit for up to 45 additional days.**
 - iii. The storage container shall comply with the Location, and Site Layout and Design requirements of d and e.1 through e.4 below.**

c. Where Permitted

Portable storage containers are allowed in zoning districts according to Table 030.1, Table of Allowed Uses.

d. Location

- 1. Portable storage containers shall be located at the rear or side of a principal building.**
- 2. Portable storage containers shall not be located within circulation aisles, fire lanes, easement areas, or public rights-of-way;**
- 3. Portable storage containers may be located within parking areas provided that the containers do not occupy any required parking space.**
- 4. Portable storage containers shall not be located within any required landscaped or common open space areas.**

e. Site Layout and Design

- 1. Portable storage containers shall not exceed ten feet in height.**
- 2. The maximum total lot coverage of all portable storage containers on site shall not exceed 1,000 square feet.**
- 3. Portable storage containers shall be a single height and shall not be stacked.**
- 4. A building permit is required where the total sum of all portable storage containers on site exceeds 120 square feet.**
- 5. Portable storage containers shall incorporate architectural details and roof slopes that are compatible with the primary building or adjacent uses. Exterior wall materials shall be brick, natural and cultured stone, wood, or stucco, and colors shall be earth-tone. Design, materials, and color shall be subject to Director review.**
- 6. Portable storage containers are subject to the site/architectural plan review procedures as set forth in 070.060.050, Development Permits.**

f. Screening Required

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 fences, walls, or berms that are at least six feet in height and provide 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.

g. Nonconforming Portable Storage Containers

Portable storage containers in existence at the time of adoption of this paragraph (4) shall be removed or brought into full compliance within 120 days of adoption.

...

ARTICLE 070.040 – DEVELOPMENT STANDARDS

...

070.040.020 - Sensitive Area Protection

(a) General Provisions

...

(2) Applicability

This section shall apply to any proposed development that requires one or more of the following:

a. Any development permit required by 070.060.050, Development Permits, including:

...

3. ~~Construction~~ **Final** Plans (070.060.050(c);

...

(b) Hillside Development

...

Table 040.1: Allowed Residential Development

Average Slope of Overall Site (within LOD)	Residential Allowable Units
<u>In excess of 20% and up to 25%</u>	...
<u>In excess of 25% and up to 30%</u>	...

...

(d) Development in Waterways and Areas of Special Flood Hazard

EXHIBIT A

...

(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.

...

070.040.050 – Landscaping, Screening, and Fencing

...

(b) Applicability

...

(2) Exemptions

- a. Single- and two-family residential uses except 070.040.050(d), *Streetscape Requirements* and ~~070.040.050(f)(2), *Fence Standards*, and 070.040.050(f)(3) *Retaining Wall Standards*.~~

...

070.040.060 - Off-street Parking and Loading

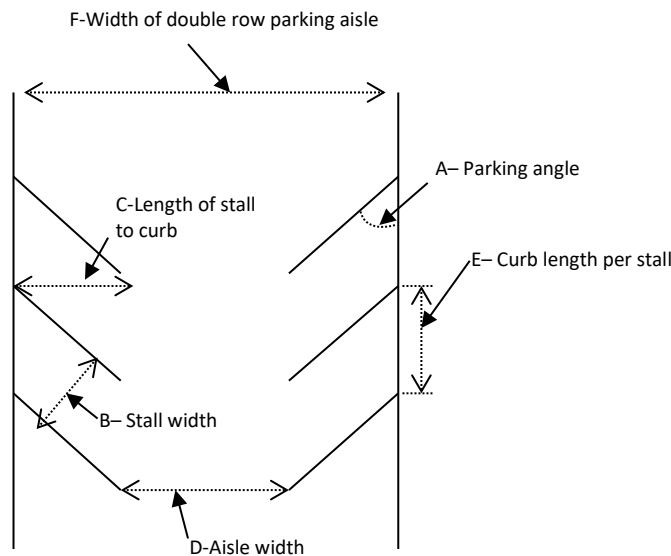
[Delete Table 040.9 and Figure 40.10 and renumber all subsequent tables and figures]

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
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

EXHIBIT A

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
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

Figure 40-10: Parking Stall and Aisle Dimension Measurements



070.040.060 – Off-Street Parking and Loading

...

(e) Parking Alternatives

The developer of a property may submit an application to the Director requesting consideration of alternatives 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. **When considering the use of on-street parking, the Director shall consider existing on-street parking demands in the vicinity of the proposed development.** The on-street parking spaces shall be available for public use. Elimination of on-street

EXHIBIT A

parking for any reason may result in a requirement for the applicant to provide additional off-street parking to comply with this Code.

...

070.040.080 - Residential Site and Building Design

...

(c) Administration

...

(2) Site/Architectural Plan Review Process

...

b. Interpretations as to applicability or design requirements contained within this Section shall be the responsibility of the Director. Appeals of the Director's interpretations shall be heard according to the process set forth in 070.060.070(c), ~~Appea~~ Appeals.

...

070.040.090 – Nonresidential and Mixed-Use Site and Building Design

...

(c) Administration

(1) Site/Architectural Plan Review Process

...

b. Interpretations as to applicability or design requirements contained within this Section shall be the responsibility of the Director. Appeals of the Director's interpretations shall be heard according to the process set forth in 070.060.070(c), ~~Appea~~ Appeals.

...

070.040.110 – Signs

...

(d) Signs Not Requiring a Permit

...

(19) Window signs

Signs displayed in or upon a window. Such displays shall not contain flashing lights visible from a public street.

(19) (20) Yard Signs

EXHIBIT A

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~~ 15 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.

...

(i) Summary of Permanent Sign Standards

...

(3) Nonresidential Uses in Residential Zone Districts.

~~Except for nonresidential uses in the RT-Residential Transitional zoning district,~~ 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.

...

(j) Sign District Standards

...

(3) Additional Standards in the Downtown Core

...

~~d. 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.~~

...

e. d. Portable Sign Standards

...

ARTICLE 070.050 – HISTORIC PRESERVATION

...

EXHIBIT A

070.050.040 – Landmark Alteration Certificate

...

(l) Appeals

Anyone aggrieved by any decision of the GSHPC may file an appeal pursuant to the procedures set forth in 070.060.070(c), ~~Appeal~~ **Appeals.**

...

ARTICLE 070.060 – ADMINISTRATION AND PROCEDURES

...

070.060.020 – Summary Table of Development Review Procedures

Table 060.1: Summary of Development Review Procedures

KEY: R= Review and Recommendation D= Review and Decision A= Appeal ✓ = required

Procedure	Code Reference	Notice			Pre-App. Neigh. Meeting	Pre-Application Conference	Review and Decision-Making Bodies			
		Published	Mailed	Posted			Staff	DRC	Planning Comm.	City Council

...

DEVELOPMENT PERMITS

Site/	Admin.	...	...	...	...	...	...	...	...	...
Architectural	Minor	...								
Plan Review	Major	...								
Optional Master Plan	...									
Construction <u>Final</u> Plans	070.060.050(c)					✓	D	R ^[2]	A	

...

070.060.050 - Development Permits

(a) Site/Architectural Plan Review

(1) Purpose

This subsection describes the process by which propose development is reviewed for compliance with the development and design standards of this Code. The site/architectural plan review procedure ensures that potential impacts of development are considered before submittal of an application for ~~construction~~ **final** plan approval (pursuant to the City of Glenwood Springs Engineering Standards) or issuance of a building permit.

...

(2) Applicability

EXHIBIT A

...

2. ~~Construction~~ **Final** Plans

...

i. An application for administrative site/architectural plan approval may be submitted and reviewed concurrently with an application for ~~construction~~ **final** plan review. In such case, the Director shall review the ~~construction~~ **final** plan application concurrently with the site/architectural plan application, but the Director shall not decide the ~~construction~~ **final** plan approval until after the site/architectural plan decision is made by the appropriate approval body.

ii. The choice to submit ~~construction~~ **final** plans concurrently with an associated administrative site/architectural plan is at the applicant's discretion, and the applicant shall be responsible for making any necessary changes to the ~~construction~~ **final** plans based on the site/architectural plan approval.

...

(3) Administrative Site/Architectural Plan Review Procedure

...

b. Application Submittal and Handling

The administrative site/architectural plan application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 070.060.030(d). ~~Construction~~ **Final** plan applications submitted concurrently with administrative site/architectural plans shall include the required materials per the City's Engineering Standards.

...

d. Post-Decision Actions and Limitations

...

2. No Building Permit without Approval

No building permit shall be issued until the administrative site/architectural plan and associated ~~construction~~ **final** plans have been approved pursuant to this subsection.

...

(4) Minor Site/Architectural Plan Review Procedure

...

b. Application Submittal and Handling

The minor site/architectural plan application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 070.060.030(d). ~~Construction~~ **Final** plan applications submitted concurrently with minor site/architectural plans shall include the required materials per the City of Glenwood Springs Engineering Standards.

...

EXHIBIT A

f. Post-Decision Actions and Limitations

...

2. No Building Permit without Approval

No building permit shall be issued until the minor site/architectural plan and associated ~~construction~~ **final** plans have been approved pursuant to this subsection.

...

(5) Major Site/Architectural Plan Review Procedure

...

c. Application Submittal and Handling

The major site/architectural plan application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 070.060.030(d). ~~Construction~~ **Final** plan applications submitted concurrently with minor site/architectural plans shall include the required materials per the City's Engineering Standards.

...

g. Post-Decision Actions and Limitations

Post-decision actions and limitations in 070.060.030(i) shall apply with the following modifications:

...

2. No Building Permit without Approval

No building permit shall be issued until the major site/architectural plan and associated ~~construction~~ **final** plans have been approved pursuant to this subsection.

...

(c) ~~Construction~~ **Final** Plans

(1) Purpose

The ~~construction~~ **final** plans procedure provides a mechanism for the City to review and approve technical drawings associated with approved development applications and to ensure compliance with this Code and the City's Engineering Standards.

(2) Applicability

a. General

Except for a single-family detached, or a two-family dwelling, approval of ~~construction~~ **final** 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~~ **final** plans pursuant to this section is also required for any application that includes infrastructure or utility improvements unless such improvements are guaranteed by a separate agreement with the City.

b. Concurrent Review

An application for ~~construction~~ **final** plans approval may be submitted concurrently with an application for any site/architectural plan approval.

EXHIBIT A

(3) ~~Construction~~ **Final** Plan Procedure

Figure 060-9 identifies the applicable steps from the common review procedures in 070.060.030 that apply to the review of ~~construction~~ **final** plans. Additions or modifications to the common review procedures are noted below.

Figure 060-9: Summary of Construction Final Plans Procedure

1	2	3	4	5	6
...	...	...	...	...	...
...	...	...	...	...	Construction Final plans expire if an associated development permit expires

...

b. Application Submittal and Handling

~~Construction~~ **Final** plans shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 070.060.030(d).

c. Staff Review and Action

1. Director Review and Decision

The Director shall review the ~~construction~~ **final** plans in accordance with 070.060.030(e) and shall approve, approve with conditions, or deny the ~~construction~~ **final** plan application according to the approval criteria below.

2. ~~Construction~~ **Final** Plans Approval Criteria

In reviewing and approving construction final plans, the Director shall determine that:

...

- ii. The ~~construction~~ **final** plans comply with all applicable standards in this Code;
- iii. The ~~construction~~ **final** plans comply with the City's Engineering Standards;
- iv. The ~~construction~~ **final** plans comply with other applicable City standards and policies; and
- v. The ~~construction~~ **final** plans comply with requirements and conditions of approval for any prior approvals.

d. Post-Decision Actions and Limitations

Post-decision actions and limitations in 070.060.030(i) shall apply with the following modifications:

1. Effect of Approval

~~Construction~~ **Final** plans approval authorizes the subsequent submittal of a building permit application or permit for other site-disturbance activities, such as a grading or excavation permit or a floodplain development permit.

EXHIBIT A

2. Expiration of Approval

~~Construction~~ **Final** plans approval shall automatically expire at the time an associated building permit application expires. ~~Construction~~ **Final** plans without an associated building permit application shall not expire.

3. Modifications to Approved ~~Construction~~ **Final** Plans

A minor modification to an approved ~~construction~~ **final** plan may be approved by the Director, provided that the applicant demonstrates that the proposed modification:

...

4. Inspections

City staff may inspect sites authorized by ~~construction~~ **final** plans to determine whether development activities are consistent with approved plans and whether any additional protection measures are necessary to mitigate adverse impacts.

...

(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. **Projects that are less than 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.**

...

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.

...

EXHIBIT A

2. Variance Approval Criteria

Except as provided in paragraph 3 below, 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.

3. Design Variance Approval Criteria

In reviewing a variance application from 070.040.050, Landscaping, Screening, and Fencing; 070.040.060(h)(6), Parking Area Landscaping; 070.040.080, Residential Site and Building Design; and 070.040.090, Non-Residential and Mixed-Use Site and Building Design, 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>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>

EXHIBIT A

		<u>The strict application of the Code standards for which a variance is sought would produce undue hardship.</u>
--	--	---

...

ARTICLE 070.070 – RULES OF CONSTRUCTION AND DEFINITIONS

...

070.070.020 - Definitions of Use Categories and Specific Use Types

...

(b) Public, Institutional, and Civic Uses

(1) Community and Cultural Facilities

...

b. Civic ~~Building~~ Facility

Any noncommercial public ~~building~~ facility housing uses for the prepose of promoting the general health, safety, and welfare of the citizens of Glenwood Springs. Some civic ~~buildings~~ facilities are also considered government offices.

...

(d) Industrial Uses

...

(6) Utilities

...

c. ~~Wastewater Treatment Facility~~ Solar Energy System, 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.

d. ~~Wind Power Generation~~ Wastewater Treatment Facility

...

~~d.~~ e. Wind Power Generation

EXHIBIT A

...

(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.**

c. ~~Outdoor Storage, Accessory~~ **Portable Storage Container**

~~The incidental keeping of goods, materials, or equipment in a location not enclosed by walls and a roof.~~
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.

...

e. Solar Energy System, 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.

...

070.070.030 - All Other Terms Defined

...

~~Construction Plans~~

~~Technical engineered drawings demonstrating compliance with this Code, the Building Code, and the City of Glenwood Springs Engineering Standards. Review and approval of construction plans shall be pursuant to 070.060.050(c).~~

...

Fence

A man-made barrier of any material or combination of materials erected to enclose, screen, or separate areas.

Final Plans

Technical engineered drawings demonstrating compliance with this Code, the Building Code, and the City of Glenwood Springs Engineering Standards. Review and approval of final plans shall be pursuant to 070.060.050(c).

EXHIBIT A

Finished Grade

...

Lot Coverage

The percentage of a lot area occupied by the ground area of principal and accessory buildings or structures **excepting the percentage covered by ground-mounted Small Scale Solar Energy Systems.**



City Council
STAFF REPORT
City of Glenwood Springs
May 20, 2021

Agenda Item: **BREAK**

Action Requested:

Department: City Clerk

Presented By:

Background Info:

Issues:

Staff Recommendation:



City Council
STAFF REPORT
City of Glenwood Springs
May 20, 2021

Agenda Item: Ordinance No 2021-05 for CWCB Loan

Action Requested: Approval and Authorization for Signature of Ordinance 2021-05 CWCB Loan

Department: Public Works

Presented By: Matthew Langhorst, Public Works Director

Background Info: In the last meeting Council approved a Resolution accepting the terms of a low interest loan (described again below) taken by the Water Enterprise Fund from the Colorado Water Conservation Board. Our Bond Council at Kutak Rock has advised us that an Ordinance is more appropriate. This Ordinance replaces the passed Resolution, there are no changes in the terms of the loan.

The City of Glenwood Springs applied for and received authorization from the Colorado Water Conservation Board (CWCB) for up to an \$8 million dollar low interest loan under their Wildfire Emergency Impact loan program. The loan is for design and construction of the 16" redundant waterline from the Roaring Fork Pump Station up to the Red Mountain Water Plant, mixing vault at the plant and for the sediment removal infrastructure constructed at the No Name tunnel.

Issues: None at this time.

Staff Recommendation: Staff is Recommending Approval and Authorization for Signature of Ordinance 2021-05 CWCB Loan Ordinance.

ORDINANCE NO. 2021-005

Series of 2021

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE, AUTHORIZING A LOAN FROM THE COLORADO WATER CONSERVATION BOARD TO FINANCE WATER IMPROVEMENTS, AND THE EXECUTION OF A LOAN CONTRACT AND RELATED PROMISSORY NOTE TO DOCUMENT THE LOAN; PROVIDING THE TERMS OF THE LOAN AND OTHER DETAILS IN CONNECTION THEREWITH

WHEREAS, the City of Glenwood Springs is a municipal corporation duly organized and operating as a home rule city under Article XX of the Constitution of the State of Colorado and the City Charter (unless otherwise indicated, capitalized terms used in this preamble shall have the meanings set forth in Section 1 of this Ordinance); and

WHEREAS, as codified in Article 080.070 of the Municipal Code, the City has established its Utility Enterprise which constitutes an enterprise within the meaning of Article X, Section 20 of the Colorado Constitution and undertakes utility activities including the diversion, storage, carriage, delivery, distribution, collection, treatment, use, reuse, augmentation, exchange or discharge of electricity, water, wastewater, fiber optics or storm drainage services, and the acquisition of electricity, water or water rights in accordance with applicable provisions of State law, the City Charter, and the Municipal Code; and

WHEREAS, as part of its Utility Enterprise, the City has heretofore determined and undertaken to operate and maintain “Water Facilities” and “Wastewater Facilities” as defined in Section 080.070.020 of the Municipal Code as a joint system (the Water Facilities and Wastewater Facilities are collectively defined herein as the “System”) and the financial activities of the System are annually accounted for by the City in the City’s “Water and Sewer Enterprise Fund”; and

WHEREAS, in calendar year 2020 the Utility Enterprise was, and in calendar year 2021 the Utility Enterprise continues to be, operated as a government-owned business authorized to issue its own revenue bonds and receiving under 10% of annual revenue in grants from all State and local governments combined, and the City Council of the City has determined that the Utility Enterprise is an “enterprise” within the meaning of Article X, Section 20 of the Colorado Constitution; and

WHEREAS, the City Council is acting hereunder as the governing body of the Utility Enterprise as provided in Section 080.070.050 of the Municipal Code; and

WHEREAS, the City has been presented with CWCB Intergovernmental Loan Contract Number CMS 164684 CT2021-3104 to finance all or a portion of the costs of System redundancy and pre-treatment improvements to ensure the City’s continued ability to deliver treatable water to the water treatment plant and has resolved to authorize the Loan pursuant to Resolution 2021-09 previously passed by the City Council; and

WHEREAS, the City's repayment obligation under the Loan Contract will be evidenced by the Promissory Note which constitutes a special revenue obligation payable from the Water and Sewer Fund and the substantially final form of the Loan Contract and related appendices have been reviewed by the City staff and made available to the City Council; and

WHEREAS, the City Council desires to authorize the execution of the Loan Contract, the issuance and delivery of the Promissory Note, and the execution of any additional documentation which may be related to the financing;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, ORDAINS:

Section 1. Definitions. The following terms shall have the following meanings as used in this Ordinance:

"Capital Improvements" means the acquisition of land, easements, facilities and equipment, other than ordinary repairs and replacements, and the construction or reconstruction of improvements, betterments and extensions for use by or in connection with the System which, under Generally Accepted Accounting Principles, are properly chargeable as capital items.

"City" means the City of Glenwood Springs, Colorado, acting by and through its Utility Enterprise.

"City Charter" means the home rule Charter of the City of Glenwood Springs.

"City Council" means the City Council of the City, acting as the governing body of the Utility Enterprise as provided in Section 080.070.050 of the Municipal Code.

"C.R.S." means the Colorado Revised Statutes, as amended and supplemented as of the date hereof.

"CWCB" means the Department of Natural Resources, Colorado Water Conservation Board, an agency of the State.

"CWRPDA 2010 Loan" means the Loan Agreement, dated as of May 1, 2010 by and between the City and the Colorado Water Resources and Power Development Authority, and related Governmental Agency Bond, dated May 13, 2010, issued in the aggregate principal amount of \$29,820,000.

"Enabling Laws" means City Charter, Article 080.070.040 of the Municipal Code, Title 31, Article 35, Part 4, C.R.S. and Title 11, Article 57, Part 2, C.R.S. and all other laws of the State establishing the power of the City to complete the financing contemplated by this Ordinance.

"Generally Accepted Accounting Principles" shall mean accounting principles, methods and terminology followed and construed for enterprises which are employed in business comparable to the business of the Utility Enterprise, as amended from time to time.

“Gross Revenues” means (a) all rates, fees (including system improvement fees), charges and revenues directly or indirectly derived by the City for the services furnished by, or use of, the System, or any part thereof, including all income attributable to any future dispositions of property or rights or related contracts, settlements, or judgments held or obtained in connection with the System or its operations, (b) the proceeds of any insurance covering business interruption loss relating to the System, and (c) all income and revenue derived from the investment of any of the funds used to account for the financial activity of the System; provided however, that there shall be excluded from Gross Revenues (i) moneys borrowed and used for providing Capital Improvements, (ii) any money and securities, and investment income therefrom, in any refunding fund, escrow account, or similar account pledged to the payment of any bonds or other obligations for the purpose of defeasing the same, and (iii) any moneys received as grants or appropriations from the United States, the State of Colorado, or other sources, the use of which is limited or restricted by the grantor or donor to the provision of Capital Improvements or for other purposes resulting in the general unavailability thereof, except to the extent any such moneys shall be received as payments for the use of the System, services rendered thereby, the availability of any such service, or the disposal of any commodities therein. Notwithstanding anything contained above, amounts deposited in a rate stabilization account shall not be deemed Gross Revenues in the calendar year deposited and amounts withdrawn from such rate stabilization account shall be deemed Gross Revenues in the year withdrawn.

“Loan Contract” means the State public loan, identified by Intergovernmental Loan Contract Number CMS 164684 CT2021-3104, as the same may be amended from time to time, by and between the City and the State acting by and through the CWCBC.

“Municipal Code” means the Glenwood Springs Municipal Code, as amended.

“Net Revenues” means the Gross Revenues after deducting Operation and Maintenance Expenses.

“Note Account” means the “2021 CWCBC Promissory Note Account,” established by the provisions hereof for payment of the principal of and interest on the Promissory Note.

“Operation and Maintenance Expenses” means all reasonable and necessary current expenses of the City, paid or accrued, for operating, maintaining, and repairing the System, but only if such charges are applied on a consistent basis and made in conformity with Generally Accepted Accounting Principles; provided however, that there shall be excluded from Operating Expenses any allowance or transfers for depreciation, payments in lieu of taxes or franchise fees, legal liabilities not based on contract, expenses incurred in connection with Capital Improvements, and payments due in connection with any bonds or other obligations issued to provide Capital Improvements.

“Ordinance” means this Ordinance, including any amendments or supplements hereto.

“Parity Obligations” means the CWRPDA 2010 Loan and future loans, bonds, notes or other multiple fiscal year financial obligations having a lien upon the Pledged Revenues or any part thereof on a parity with the lien thereon of the Promissory Note.

“Payment Dates” means the dates established pursuant to the Loan Contract for the annual payment of the principal of and interest on the Promissory Note, as set forth therein.

“Pledged Revenues” means the Net Revenues and moneys on deposit in the Reserve Account.

“Pro Rata Portion” means when used with respect to a required credit to the accounts or subaccounts established for the payment of the principal of and interest on the Promissory Note and any Parity Obligations, the dollar amount derived by dividing the amount of principal or interest to come due on the next principal or interest payment date by the number of monthly credits required to be made prior to such payment date.

“Project” means any purpose for which proceeds of the Promissory Note may be expended under the Enabling Laws, as referenced in the preambles to this Ordinance and more specifically described in Appendix 1 to the Loan Contract.

“Project Account” means the “CWCB 2021 Promissory Note Project Account,” established by the provisions hereof for the purpose of paying the Project Costs. The Project Account may include separate subaccounts relating to the respective Loan Contract.

“Project Costs” means the City’s costs properly attributable to the Project and permissible as “Eligible Expenses” as set forth in Section 9 of Appendix 1 of the Loan Contract.

“Promissory Note” means the Promissory Note evidencing the City’s repayment obligation from the date of substantial completion of the Project, as set forth in Appendix 3 to the Loan Contract.

“Required Reserve Amount” means an amount equal to the annual payment on the Promissory Note, one-tenth of which amount shall be funded annually until fully established and maintained in accordance with Section 11(D) of the Loan Contract.

“Reserve Account” means the “CWCB 2021 Reserve Account,” established by the provisions hereof for the purpose of securing repayment of the Promissory Note.

“State” means the State of Colorado.

“Subordinate Obligations” means loans, bonds, notes or other multiple fiscal year financial obligations having a lien upon the Pledged Revenues or any part thereof junior and subordinate to the lien thereon of the Promissory Note.

“System” means the Wastewater Facilities and Water Facilities.

“Utility Enterprise” means the Utility Enterprise which has been established by the City, as codified in Article 080.070 of the Municipal Code, and which includes, but is not limited to, the activities and operations of the System.

“Wastewater Facilities” means (as defined in Article 080.070.020 of the Municipal Code) any one or more of the various devices used in collection, treatment, or disposition of sewage or

industrial, commercial, or domestic wastes of a liquid or water-carried nature, together with any ground water, surface water, or storm water that may be contributed into or permitted to enter such devices.

“*Water and Sewer Fund*” means the City’s Water and Sewer Enterprise Fund, or any successor fund or accounts within which the City records and accounts for the financial activity of the System.

“*Water Facilities*” means (as defined in Article 080.070.020 of the Municipal Code) any one or more works and improvements used in and as a part of the collection, treatment, or distribution of water for the beneficial uses and purposes for which the water has been or may be appropriated.

Section 2. Approval of Loan Contract and Authorization of Promissory Note. Pursuant to and in accordance with the Enabling Laws, there is hereby authorized and approved the execution of the Loan Contract. There shall be issued by the City the Promissory Note in the aggregate principal amount not to exceed \$8,080,000, for the purpose of paying the Project Costs and other costs in connection with the Promissory Note. All covenants, statements, representations and agreements contained in the Loan Contract and the Promissory Note are hereby approved and adopted as the covenants, statements, representations and agreements of the City. The accomplishment of the Project is hereby authorized, approved and ordered and it is hereby determined that the Promissory Note matures at such time not exceeding the estimated life of the Project.

Section 3. Security for the Promissory Note.

(a) *Pledge of Net Revenues.* The Promissory Note is payable from the Pledged Revenues and the Pledged Revenues are hereby pledged to the payment of the Promissory Note and the amounts due under the Loan Contract. The Promissory Note shall constitute an irrevocable first lien upon the Pledged Revenues, but not necessarily an exclusive such lien.

(b) *Budgeting and Appropriation of Pledged Revenues.* The amounts necessary to pay all costs and expenses incidental to the issuance of the Promissory Note and to pay the principal of and interest on the Promissory Note when due and to fund the Reserve Account are hereby appropriated for said purposes, and such amounts as appropriate for each year shall also be included in the annual budget and the appropriation bills to be adopted and passed by the City Council in each year, respectively, until the Promissory Note has been fully paid, satisfied and discharged.

(c) *Flow of Funds.* The City shall credit to the Water and Sewer Fund all Gross Revenues immediately upon receipt. The City shall pay from the Water and Sewer Fund all Operation and Maintenance Expenses as they become due and payable. After such payment or the allocation of Gross Revenues to such payment, the City shall apply the Net Revenues in the following order of priority:

FIRST, to the credit of or deposit in the accounts or subaccounts established for the payment of interest on the Promissory Note and Parity Obligations, if any,

the Pro Rata Portion equal to the interest coming due on the next succeeding interest payment date for the respective obligations;

SECOND, to the credit of or deposit in the accounts or subaccounts established for the payment of principal on the Promissory Note and Parity Obligations, if any, the Pro Rata Portion equal to the principal coming due on the next succeeding principal payment date for the respective obligations;

THIRD, to the credit of any reserve accounts established for the payment of the Promissory Note and the Parity Obligations, if any, the amounts required in the Ordinances or related documents authorizing and controlling the establishment of such reserve accounts; and

FOURTH, to the credit of any other fund or account as may be designated by the City, to be used for any lawful purpose, any moneys remaining in the Water and Sewer Fund after the payments and accumulations set forth in FIRST through THIRD hereof.

(d) *The Promissory Note Does Not Constitute a Debt.* The CWCB may not look to the general fund or any other fund of the City for the payment of the obligation established herein, except the special funds pledged therefore. The obligation established herein shall not constitute a debt or indebtedness of the City within the meaning or any constitutional, Charter or statutory provision or limitation, and shall not be considered or held to be a general obligation of the City. This obligation shall not be payable in whole or in part from the proceeds of general property taxes, and the full faith and credit of the City is not pledged for payment thereof.

Section 4. Form of Promissory Note. The Promissory Note shall be in substantially the form set forth in Appendix 3 to the Loan Contract with such changes thereto, not inconsistent herewith, as may be necessary or desirable and approved by the officials of the City executing the same (whose manual signatures thereon shall constitute conclusive evidence of such approval). The interest rate authorized for the Promissory Note is 1.80% per annum (and the maximum net effective interest rate shall not exceed an additional 0.25% per annum), exclusive of any late charges of 5.0% of the annual payment due which may be imposed pursuant to the terms of the Loan Contract for any late payments. The maturity date shall be not later than thirty (30) years from the payment initiation date, as set forth in the Loan Contract.

Section 5. Water and Sewer Fund and Establishment of Accounts.

(a) *Reaffirmation of Fund; Creation of Accounts.* There is hereby reaffirmed the Water and Sewer Fund as a proprietary fund of the City. There is hereby established within the Water and Sewer Fund the Note Account, the Reserve Account and the Project Account. The foregoing fund and accounts shall be maintained by the City in accordance with the provisions of this Ordinance.

(b) *Project Account.* All moneys received from CWCB under the Loan Contract shall be credited to the Project Account, in one or more subaccounts relating to the Loan Contract as determined in the discretion of the City's Chief Operating Officer,

and shall be applied solely to the payment of the Project Costs. Upon the determination of the City Manager that all Project Costs have been paid or are determinable, any balance remaining in the Project Account (less any amounts necessary to pay Project Costs not then due and owing) shall be applied solely in accordance with the terms of the Loan Contract, including without limitation Section 8 thereof.

(c) *Note Account.* Moneys in the Note Account shall be used solely for the purpose of paying the interest on and principal of the Promissory Note. There shall be credited to the Note Account an amount of Pledged Revenues which, when combined with other legally available moneys in the Note Account, will be sufficient to pay the principal of and interest on the Promissory Note when due. In the event of insufficient Pledged Revenues for the payment of amounts due on the Promissory Note and Parity Obligations, if any, moneys shall be applied as provided in the Loan Contract and in the financing documents providing for the Parity Obligations.

(d) *Reserve Account.*

(i) Moneys in the Reserve Account shall be used, if necessary, only to prevent a default in the payment of the principal of or interest on the Promissory Note on any Payment Dates and the Reserve Account is hereby pledged to the payment of the Promissory Note. In the event the amounts credited to the Note Account are insufficient to pay the principal of or interest on Promissory Note when due, the City shall transfer from the Reserve Account to the Note Account an amount which, when combined with moneys in the Note Account will be sufficient to make such payments when due.

(ii) Commencing with the first Payment Date, the City shall annually credit an amount equal to one-tenth of the Required Reserve Amount on or before each Payment Date until such time as the amount credited thereto is equal to the Required Reserve Amount (i.e., the Reserve Account is to be fully funded within ten years from substantial completion of the Project). In the event that moneys from the Reserve Account are transferred to the Note Account as provided in paragraph (i) of this Subsection, such amount shall be replenished as provided in the Loan Contract. Moneys credited to the Reserve Account may be invested or deposited in lawful securities or obligations and all interest income from the investment or reinvestment of moneys credited to the Reserve Account shall be credited to the Reserve Account until the amount therein is equal to the Required Reserve Amount, at which time as the balance of the Reserve Account shall be maintained in the Required Reserve Amount and such interest income shall be credited to the Note Account.

Section 6. Various Findings, Determinations, Declarations and Covenants. The City Council, having been fully informed of and having considered all the pertinent facts and circumstances, hereby finds, determines, declares and covenants that:

(a) *Pledged Revenue Obligations.* No loans, bonds, notes or other multiple fiscal year obligations shall be issued payable from the Pledged Revenues and having a

lien thereon which is superior to the lien of the Promissory Note. As of the date of this Ordinance, the CWRPDA 2010 Loan is the City's only outstanding loan, bonds, notes or other multiple fiscal year obligations with a parity lien on the Pledges Revenues. The City may issue additional Parity Obligations or Subordinate Obligations only upon compliance with the requirements Section 11(E) of the Loan Contract.

(b) *Compliance with Law.* The issuance of the Promissory Note and all procedures undertaken incident thereto are in full compliance and conformity with all applicable requirements, provisions and limitations prescribed by the constitution and laws of the State, including the Enabling Laws, and all conditions and limitations of the Enabling Laws relating to the issuance of the Promissory Note have been satisfied.

(c) *Enterprise Status.* The Utility Enterprise, as formally established by the City, is an "enterprise" within the meaning of Article X, Section 20 of the Colorado Constitution. The City has and will continue to maintain the System as an "enterprise" within the meaning Article X, Section 20 of the Colorado Constitution, and the meaning of Title 37, Article 45.1, C.R.S.; provided, however, after the current calendar year the City may disqualify the "enterprise" in any year in which said disqualification does not materially, adversely affect the enforceability of the covenants made in the Loan Contract. In the event that the "enterprise" is disqualified and the enforceability of the covenants made by the City in the Loan Contract are materially, adversely affected, the City covenants to immediately take all actions necessary permit the enforcement of the covenants made in the Loan Contract.

(d) *Best Interests.* It is in the best interest of the City and its residents that the Promissory Note be authorized, issued and delivered at the time, in the manner and for the purposes provided in this Ordinance.

Section 7. Amendment of Ordinance. This Ordinance may be amended only with the prior written consent of CWCB.

Section 8. Supplemental Public Securities Act.

(a) *Application of Act.* Pursuant to Section 11-57-204, C.R.S., the City hereby elects to apply all of the provisions of the Supplemental Public Securities Act to the issuance and delivery of the Promissory Note with the exception of Section 11-57-211, C.R.S.

(b) *Limitation of Actions.* In accordance with Section 11-57-212, C.R.S., no legal or equitable action can be brought with respect to any legislative acts or proceedings in connection with the authorization or issuance of the Promissory Note more than thirty days after the date of adoption of this Ordinance.

(c) *No Recourse against Officers and Agents.* Pursuant to Section 11-57-209, C.R.S., if a member of the City Council, or any officer or agent of the City acts in good faith, no civil recourse shall be available against such member, officer, or agent for payment of the principal of or interest on the Promissory Note.

(d) *Pledged Revenue Lien.* The creation, perfection, enforcement and priority of the pledge of Net Revenues to secure or pay the Promissory Note shall be governed by Section 11-57-208, C.R.S. and this Ordinance. The Pledged Revenues shall immediately be subject to the lien of such pledge without any physical delivery, filing, or further act. The lien of such pledge on the Pledged Revenues shall be on a parity with all other Parity Obligations, and shall have priority over any and all other obligations and liabilities of the City. The lien of such pledge shall be valid, binding and enforceable as against all persons having claims of any kind in tort, contract, or otherwise against the City irrespective of whether such persons have notice of such liens.

Section 9. Approval of Related Documents. The Mayor (or in the Mayor's absence the Mayor Pro Tem) and City shall, and they are hereby authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this Ordinance, including, but not limited to, the execution of the Loan Contract, the Promissory Note, the Security Agreement (as set forth in Appendix 5 to the Loan Contract) and such additional agreements, certificates and affidavits as may be reasonably required. The execution by the appropriate City official of any document authorized herein shall be conclusive proof of the approval by the City of the terms thereof.

Section 10. Ordinance is Contract with Owners of Promissory Note and Irrepealable. After the Promissory Note have been issued, this Ordinance shall be and remain a contract between the City and CWCB and shall be and remain irrepealable until all amounts due with respect to the Promissory Note shall be fully paid, satisfied and discharged and all other obligations of the City with respect to the Promissory Note shall have been satisfied in the manner provided herein.

Section 11. Headings, Table of Contents and Cover Page. The headings to the various sections and subsections to this Ordinance, and the cover page and table of contents that appear at front of this Ordinance, have been inserted solely for the convenience of the reader, are not a part of this Ordinance and shall not be used in any manner to interpret this Ordinance.

Section 12. Severability. It is hereby expressly declared that all provisions hereof and their application are intended to be and are severable. In order to implement such intent, if any provision hereof or the application thereof is determined by a court or administrative body to be invalid or unenforceable, in whole or in part, such determination shall not affect, impair or invalidate any other provision hereof or the application of the provision in question to any other situation; and if any provision hereof or the application thereof is determined by a court or administrative body to be valid or enforceable only if its application is limited, its application shall be limited as required to most fully implement its purpose.

Section 13. Repeal of Inconsistent Ordinances, Bylaws, Rules and Orders. All ordinances, resolutions, bylaws, rules and orders, or parts thereof, that are inconsistent with or in conflict with this Ordinance, are hereby repealed to the extent of such inconsistency or conflict.

Section 14. Ratification of Prior Actions. All actions heretofore taken (not inconsistent with the provisions of this Ordinance or the Enabling Laws) by the City Council or by the officers and employees of the City directed toward the issuance of the Promissory Note for the purposes herein set forth are hereby ratified, approved and confirmed.

INTRODUCED, READ ON FIRST READING, PASSED AND ORDERED
PUBLISHED BY TITLE ONLY THIS ____ DAY OF _____, 2021.

CITY OF GLENWOOD SPRINGS,
COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk

INTRODUCED, READ ON SECOND READING, AND ORDERED PUBLISHED BY
TITLE ONLY TO BE EFFECTIVE UPON PUBLICATION THIS ____ DAY OF _____, 2021.

CITY OF GLENWOOD SPRINGS,
COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk



City Council
STAFF REPORT
City of Glenwood Springs
May 20, 2021

Agenda Item: Memorandum of Understanding regarding Residential Development within RH District of Glenwood Meadows

Action Requested: **Memorandum of Understanding** - regarding Residential Development within RH District of Glenwood Meadows

Department: Economic and Community Development

Presented By: Jennifer Ooton, Assistant City Manager
Trent Hyatt, Senior Planner
Karl Hanlon

Background Info: On December 28, 2020, BLD Group, LLC, submitted a Major Site/Architectural Plan Review application related to the construction of 300 multi-family apartment units on Lots 11 C-B (PIN: 2185-041-41-003) and 11 C-C (PIN: 2185-041-41-002) of the Glenwood Meadows Subdivision No. 6. On January 26, 2021, the applicant supplemented the original submittal with a Minor Subdivision application. Please note, these applications are not up for consideration at this time.

Thereafter, Assistant City Manager/Community Development Director Jenn Ooton provided a letter outlining the City's interpretation of various stipulations outlined in the 2002 Glenwood Meadows Annexation and Development Agreement and Zoning and Development Plan (ADA) and subsequent amendments (specifically the Third and Fourth) thereto limiting the number of residential units in the Glenwood Meadows development to a total of 475, of which only 300 can be constructed as apartments. Ultimately, the City recommended the applicant submit an amendment to the ADA in order to move forward with their original request.

On March 8, 2021, the applicant submitted an appeal of the Director's decision outlined in the February 26 letter. A hearing for the Appeal was anticipated for a May 10 special meeting of the Planning and Zoning Commission. However, the City and BLD Group, LLC came to an agreement on how to address various issues previously identified by the City. This resulted in a request for a continuance of the May 10 appeal request in lieu of execution of the memorandum of understanding by the parties and ratification/acceptance thereafter by City Council.

Issues:

Staff Recommendation: Staff recommends approval of the attached Memorandum of Understanding.

**MEMORANDUM OF UNDERSTANDING
REGARDING RESIDENTIAL DEVELOPMENT WITHIN RH DISTRICT OF
GLENWOOD MEADOWS**

The following Memorandum of Understanding ("MOU" or "Agreement") sets forth the terms and conditions upon which the City of Glenwood Springs, Colorado, a Colorado municipal corporation (the "City") and Glenwood Meadows, LLC, a Colorado limited liability company ("GM") agree to resolve certain infrastructure issues related to future development in Glenwood Meadows as related to future development on lots retained by GM.

RECITALS

WHEREAS, GM originally annexed approximately three hundred and forty-five (345) acres of real property within the City of Glenwood Springs, which Property is commonly known as "Glenwood Meadows" pursuant to that certain Ordinance No. 17, Series of 2002, and Ordinance No. 18, Series of 2002; and

WHEREAS, on September 18, 2002, the City and Owner entered into an Annexation and Development Agreement to set forth their agreements in writing concerning the terms and conditions of annexation of the Property to the City, the zoning of the Property under the City's Municipal Code and the adopted and incorporated Zoning and Development Plan, as well as the other conditions of the development of the Property, which Annexation and Development Agreement was recorded in the records of the Garfield County Clerk and Recorder on December 6, 2002 as Reception No. 616083 (the "Original ADA"); and

WHEREAS, the City and Owner have since entered into: (i) the First Amendment to the Original ADA, which First Amendment was recorded May 6, 2004, as Reception No. 651648, and (ii) the Second Amendment to the Original ADA, which Second Amendment was recorded July 26, 2004 as Reception No. 656670, and (iii) the Third Amendment to the Original ADA, which Third Amendment was recorded December 2, 2010 as Reception No. 795138, and (iv) the Amended and Restated Third Amendment to the Original ADA, which Amended and Restated Third Amendment was recorded August 16, 2011 as Reception No. 806719; (v) the Fourth Amendment to the Original ADA, recorded April 10, 2015 as Reception No. 861345; (the Original ADA, together with all subsequent, recorded amendments thereto is hereafter referenced to as the "ADA"); and

WHEREAS, the City and Owner entered into a Memorandum of Understanding dated July 16, 2013; and

WHEREAS, Glenwood Meadows, LLC is the present owner of certain vacant, undeveloped lots within Glenwood Meadows: (i) Lots 12 and 13 of GM #2 Plat; (ii) Lot 10C of GM #3 Plat; (iii) Lot 11C-B of GM #6 Plat; and (vi) Lot 11C-C of GM #6 Plat (collectively, "GM Retained Lots"); and

WHEREAS, BLD Group, LLC is under contract to purchase portions of Lot 11C-B and 11C-C of GM #6 Plat and has submitted a Major Architectural Review and Minor Subdivision Application with the City of Glenwood Springs on December 29, 2020 and January 26, 2021 respectively (the "Applications"); and

WHEREAS; on March 1, 2021 the City's Assistant City Manager issued a letter to BLD and GM ("Interpretation Letter") that the City is unable to process the Applications because it would exceed the residential unit limits established for the Glenwood Meadows Development based on the City's interpretation of the ADA, as amended; and

WHEREAS, BLD and GM dispute such interpretation, but have agreed to enter into this MOU to resolve the difference of opinion and to expedite the processing of the Applications.

AGREEMENT

1. Contribution Towards Lift Station Upgrades. In the event BLD's Applications are approved for at least 300 multi-family units and BLD or its successor is issued a building permit pursuant to such approvals, GM will, in addition to City standard system improvement fees including Sewer System Improvement fees, make a payment of \$475,000 to the City at the time of issuance of a building permit which funds shall be used directly for the necessary upgrade of the Midland Sewer lift station to an estimated capacity sufficient to serve all future development within all of Glenwood Meadows. The parties agree that this contribution represents 50% of the estimated costs to upgrade the lift station to such capacity and that the City will fund the balance of the actual costs required and commits to completion of the necessary lift station upgrades and any other necessary sewer system work prior to BLD's request for a certificate of occupancy. In the event the costs required to upgrade the lift station are less than \$950,000, the City shall promptly reimburse GM's pro rata for its excess contribution. In the event such costs exceed \$950,000, GM shall not be required to contribute any additional funds.

2. Cost Reimbursement. GM shall be entitled to cost recovery from any future impact or other fees paid by any future development within Glenwood Meadows, including on the GM Retained Lots, at a rate of \$814 per EQR which amount shall increase annually with CPI. The City shall make payment to GM at the time a building permit is issued for such development. This obligation shall expire 20 years after the GM payment.

3. Traffic Impact Fee. In the event BLD's application and/or other residential development is approved on GM's Lot 12 of GM #2, Plat Lot 11C-B and/or Lot 11C-C of GM #6 Plat and a building permit is issued for the same, GM will fund an equitable share attributable to 415 additional residential units pursuant to the City's 2021 Glenwood Meadows area traffic study of improving Glenwood Meadows' Midland Avenue intersections, not to exceed \$500.00 per fully permitted residential unit. Such funding will occur at the later of issuance of a building permit or at time the City contracts for design of such intersection improvements.

4. Interpretation of ADA. The City agrees that, upon the execution of this Agreement, its interpretation of the ADA is that the ADA remains in full force and effect, including but not limited to Section I. A. of the Fourth Amendment to the Original ADA, recorded April 10, 2015 as Reception No. 861345 and therefore 415 additional residential units,

of which 300 may be commercial apartments, are permitted within the RH zoned Lot 12 of GM #2 and Lot 11C-B and Lot 11C-C of GM #6 Plat and these 415 residential units, of which 300 may be commercial apartments, are independent of residential development completed or permitted on other lots and zone districts within Glenwood Meadows, the capacity of which is defined by the zoning of such lots. City agrees that this interpretation shall be binding upon the City for future applications within the GM Retained Lots.

5. Withdrawal of Interpretation. Concurrent with execution of this MOU, the City formally withdraws the Interpretation Letter and shall continue to or begin formally processing the Applications, and any other heretofore submitted Glenwood Meadows development applications, pursuant to the City's standard development review process. GM and BLD shall request a continuance of their appeal of the Interpretation Letter and the Planning and Zoning Commission Appeal hearing scheduled for May 10, 2021. Upon ratification of this Agreement by City Council, GM and BLD shall formally withdraw their appeal and cancel the agenda item. The parties understand that the City cannot guarantee approval of the Applications or other pending development applications, but rather such applications shall be subject to the approval of City Council according to the criteria set forth in the Glenwood Springs Land Use Code.

6. Contingency. The Paragraph 1 Contribution and Paragraph 2 Cost Reimbursement of this Agreement is contingent upon approval of the Applications for at least 300 multi-family units. In the event the Applications are withdrawn, denied, or approved but the Final Plat is never recorded, or approved but such approvals expire, and no building permit and corresponding payment is made, then Paragraph 1 Contribution and Paragraph 2 Cost Reimbursement provision of this Agreement shall be null and void and terminate automatically. In the event any building permits for any other residential units are issued for all or portions of RH zoned Lot 12 of GM #2 and Lot 11C-B and Lot 11C-C of GM #6 Plat, such residential units shall, in addition to City standard Sewer System Improvement fees, fund Lift Station improvements at a rate \$814 per EQR, which amount shall increase annually with CPI.

7. No Further Exactions. Consistent with Paragraph 3(a) of the ADA, The City shall not charge any future impact fee, surcharge, special permit fees, special taxes or assessments, development fees or tap fees, or any other item against the GM Retained Lots unless the same is exacted uniformly and non-discriminatorily throughout the City, except as otherwise set forth in this MOU.

8. Recordation of Final Agreement. The terms of this Agreement shall be memorialized in a written agreement between GM, or its successor owners, recorded against all of the GM Retained Lots within the RH zone - Lot 12 of GM #2, Lot 11C-B and Lot 11C-C of GM #6 Plat. Such recordation shall occur at the time a Subdivision Improvements or Development Agreement is recorded.

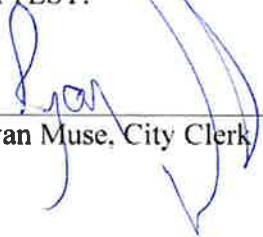
9. Ratification. This MOU shall be presented for ratification by the City Council on the next meeting following execution. In the event this MOU is not ratified by the City Council by May 21, 2021, this Agreement shall be null and void.

Executed this 6th day of May 2021.

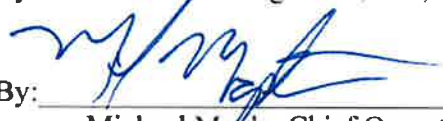
CITY OF GLENWOOD SPRINGS, COLORADO

By: 
Debra Figueroa, City Manager

ATTEST:


Ryan Muse, City Clerk

GLENWOOD MEADOWS, LLC,
a Colorado limited liability company
By: Dunrene Management, Inc., Manager

By: 
Michael Maple, Chief Operating Officer



City Council
STAFF REPORT
City of Glenwood Springs
May 20, 2021

Agenda Item:	City Owned Property Housing RFQ
Action Requested:	Review of Request for Qualification document as recommended by the Housing Commission for City owned property housing project.
Department:	City Administration
Presented By:	Hannah Klausman, Senior Planner
Background Info:	At the August 2020 work session with the Housing Commission, City Council directed the Housing Commission to begin information gathering on opportunities and potential partners for a City-owned land housing project. Housing Commissioners and Council liaisons have been conducting discussions with area nonprofits, businesses, organizations, and other municipalities seeking information on needs and interest. Through these conversations, several key items were identified. A small committee from Housing Commission has also been attending an 8-week Housing Development training from Interfaith Alliance Housing Equity Campaign. The virtual training series focused on affordable housing development for faith communities, nonprofits, and local governments on the western slope. With assistance from the Housing development training team, the Commission has drafted a Request for Qualifications (RFQ) for review by Council. The goal is to get Council approval to move forward with issuing an RFQ to review development partners for a possibly housing project on two identified city owned parcels. The RFQ identifies the following project outcomes: • The project must benefit households at 120 percent Area Median Income (AMI) or less. Projects including 60-100% AMI are identified as a priority. • The project must maximize the number of units on the site with a goal of density. Site analyses include maximum number of units allowed per municipal code. a. 8th and Midland Property, 7 Units b. Iddings Property, 14 Units • Ownership and/or rental models will be considered. Home ownership is identified as a priority. This will include developer assistance with financial homeownership literacy and financing qualification. • Long term public benefit is required. 30-year minimum timeline.
Issues:	As part of the next steps in considering development proposals, there are several items that require Council action and consideration.

Land Contribution Process

The RFQ can leave this topic open, however it would be helpful to potential developers to know how the City plans to contribute land towards the project if a developer can meet the stated affordability outcomes. City Council is the approving authority for land transfers and leases. A brief explanation of the two models is provided below.

Land Lease:

A land lease is a device to retain long-term ownership interests in real property and to control how private parties use land. The long-term lease has been a vehicle for implementing public-private partnerships often used in connection with an affordable housing project to further charitable or economic goals.

Like a Land Trust model the City would retain the title to the land under affordable homes selling the buildings to homebuyers. The City would then enter into a 99-year ground lease, which gives the homeowner day-to-day use of the land while preserving long-term control over its use. This model implies a desire to continue to manage the land.

Land Transfer:

This model can include land donated, or sold.

This would involve contributing property at either no cost, or reduced cost to developers that commit to specific affordability requirements or redeveloped with affordable housing. The City would place restrictions that run with the land restricting the rent or sale price to desired affordability levels. Affordability restrictions could be placed for prolonged affordability.

Additional considerations for Council

Land Appraisal

The technical advisory training team recommended getting an appraisal on the property for negotiating purposes. The Iddings property has a previous appraisal that would need updating, and the Midland Property would need an appraisal completed. This is an expense that will need to be accounted for prior to releasing the RFQ.

Project Advisory Group

The RFQ identifies an advisory group to create review criteria and serve as RFQ proposal review team. Staff has included a recommended list of candidates from various boards and commissions to serve in this capacity. Recommended members have indicated an interest and availability. Staff asks that Council review and approve the appointments.

Fee Waivers

Housing Commission recommends Council consider system improvement fee waivers for this potential project in order to ensure affordability. Fee waivers can be requested at time of formal proposal however it would be helpful to include in the RFQ as a possibility. Housing Commission is recommending a commitment to waive all of the system improvement fees.

CHFA Technical Assistance Training

CHFA is piloting a new Technical Assistance Program to help catalyze small-scale affordable housing developments by providing access to an affordable housing consultant and pre-development grant assistance. Potential small-scale projects, of 30 units or less, may apply for affordable housing planning and development technical assistance services and pre-development grants to further their work.

Staff is planning to apply when the second round opens in 2021.

Staff Recommendation: Staff is seeking direction from Council on the RFQ and the appointment of the Project Advisory Group.

REQUEST FOR QUALIFICATIONS (RFQ) FOR THE DEVELOPMENT OF PROPERTY IN GLENWOOD SPRINGS, CO

INTRODUCTION

This request for qualifications (RFQ) is to identify a development partner for the City of Glenwood Springs (the City) for two properties owned by the City of Glenwood Springs, CO. The two locations are included below.

8th and Midland Property:

Section: 9 Township: 6 Range: 89 A TR IN THE NESW CONT .58 AC. EXCEPT A TR CONT .179 AC AS DESC IN BK 1759 PG 723.

Iddings Property:

Section: 27 Township: 6 Range: 89 TR IN NENW, ALSO A TR OF LAND CONT 22,505 SQFT, EXCEPT A TR OF LAND CONT 1,983 SQFT AS BOTH DESC IN BLA BK 1346 PG 676.

A 2019 Regional Housing Study overwhelmingly indicated a housing need in the Roaring Fork Valley and, specifically for Glenwood Springs. [Greater Roaring Fork Regional Housing Study 2019](#). Glenwood's needs are projected to be as many as 2000 rental and homeowner units. Greatest demands are for housing to meet 120% AMI and below. However, the needs are broad and include owner occupied housing, senior housing, workforce housing and affordable & low-income housing. The city has recognized this need and made it a strategic priority and goal to increase inclusionary housing and housing types.

Site and Design Background

Both sites are currently vacant land owned by Glenwood Springs.

Subject Property: 8th and Midland

Total site is 17,500 square feet

Site is Zoned Residential High Density (RH)

Maximum units allowed: 8

Site is a corner lot. City utilities including water, sewer, and electric are accessible. It is close to shopping, schools and public transportation. It is adjacent to multifamily and single-family housing and Midland Avenue, a major arterial street. Prior conceptual sketch plans and additional details are attached.

Subject Property: Iddings

Total site is 35,332 square feet

Site is Zoned Residential High Density (RH)

Maximum units allowed: 14

The Iddings Property is further from the city center but near an elementary school and major arterial street (Midland). The site includes a hillside towards the back of the property that abuts to open space. The property is adjacent to multifamily housing.

[Glenwood Springs Zoning Map](#)

Sites are subject to policies in the Glenwood Springs building code. [Glenwood Springs Planning Dept. and Development Code](#)

Residential High Density Zoning

The RH district is intended to accommodate various housing types ranging from single-family detached on small lots to multifamily dwellings. The RH district is intended to transition between established neighborhoods and more intense commercial or other nonresidential districts.

Dimensional Standards of RH

Table 020.9: RH District		
Dimensional Standards		
Lot Standards, Minimum		
A	Lot area, single-family detached (sq ft)	4,500
	Lot area, attached dwellings sharing common wall (sq ft)	2,250 per unit
	Landscaped area (for multifamily dwellings) (%)	20
Setbacks, Minimum		
B	Front (from arterial streets) (ft)	15
	Front (from other streets) (ft)	10
C	Side (ft)	5
D	Rear (ft)	10
Building Standards, Maximum		
E	Building height (ft)	40

Permitted Uses in RH

- Dwelling Multifamily
- Dwelling Townhouse
- Dwelling, Two-family
- Dwelling, Single-family detached
- Accessory Dwelling Units
- Child Day Care
- Community Garden
- Short Term Rental

Proposal summary and vision

Housing is a key challenge to the long-term viability of our community. We are proposing a project for the City to provide resources for increasing affordable housing options to members of our community. Glenwood Springs would contribute city owned land and fee waivers as appropriate to ensure affordability, as the basis for a partnered project for additional housing in Glenwood.

Glenwood Springs Housing Commission

Project vision

Goal – Support the development of two housing projects on behalf of the City of Glenwood Springs.

Why - Housing need is a key challenge to the long-term viability of our community. There is a demonstrated demand for more affordable housing choices for people desiring to live in Glenwood Springs.

What – Commitment from City Council for a housing development on two City-owned parcels.

How – Identify and partner with a qualified developer in exchange for use of City owned land.

Who – Qualified Development and Financial Partners, City Glenwood Springs Housing Commission, City staff.

Desired Outcomes

- The project must benefit households at 120 percent Area Median Income (AMI) or less. Projects including 60-100% AMI are identified as a priority.
- The project must maximize the number of units on the site with a goal of density. Site analyses include maximum number of units allowed per municipal code.
- Ownership and/or rental models will be considered. Home ownership is identified as a priority. This will include developer assistance with financial homeownership literacy and financing qualification.
- Long term public benefit is required at a minimum of 30 years. Occupancy and Ownership of projects over ten (10) units will be subject to the City's newly adopted Inclusionary Housing guidelines.

Required Outcomes

The City of Glenwood Springs has indicated it will be flexible to the extent possible with the list of above parameters, especially given the competitive nature of existing housing resources and a potential need to pivot with market changes as of the current pandemic.

Proposal Goals

We are seeking proposals from development partners that would be consistent with the following City goals and policies:

2020 Community Action Plan [Glenwood Springs Community Action Plan](#)

Goal 2: Economic Diversification: Support opportunities for business development in downtown Glenwood Springs, building on and expanding beyond the tourism economy and supporting entrepreneurship opportunities for residents.

Goal 3 – Affordable Housing: Support opportunities for housing in Glenwood Springs that is affordable and accessible for all, including seasonal and permanent residents.

City Strategic Vision 2020-25 [2020-25 Strategic Vision](#)

Goal 3, Specific strategies to protect, preserve and improve the quality of life:

- Oppose any threats to livability and environment of our community.
- Develop affordable housing with strategic partners so more people who work in the city can live in the city.

The City is seeking a housing project with desirable amenities that will help build and diversify the housing market, create employment opportunities, complement the other development activities in the area and meet both the city goals and the interests of the community.

The prospective development partner can make a proposal for either or both properties. The actual type of housing, density, site plan, ownership or rental and public benefit will be up to the prospective partner. The property will, however, involve some form of deed restriction. Strongest consideration will be given to proposals targeted toward workforce and affordable housing, higher density, owner occupancy, home ownership and residential and construction quality. A proposed partner considering both sites could, if desired and economically feasible, propose different types of housing (e.g. rental or owned, workforce or senior) on each parcel.

Selecting a Development Partner, Site Control Options

The City strongly prefers to create and implement a redevelopment plan with an experienced Developer who is interested in acting as the co-developer of the newly developed property ("The Project"). The City seeks help assessing appropriate financial structures and programs that would provide flexibility in uses for the Project. The City would rely on its selected development partner to help define the final site

development program, identify funding sources, define timing for development, and coordinate any tax credit funding with other sources (grants, low-interest loans, etc.). The City would assist with community engagement and outreach efforts and all efforts that relate to the development of the overall site.

An ideal development partner would have experience with 1) the use of a variety of financing tools 2) experience with residential development practices, 3) experience with racially and ethnically diverse neighborhoods and a commitment to hire minority and women-owned businesses.

The selected developer would be expected to undertake all feasibility and pre-development activities. After a pre-development plan is created, the Developer would implement the plan by redeveloping the site and acting as the long-term owner of the Project. The City prefers a land transfer with land use restrictions for affordability, but is open to negotiating based on the needs of the redevelopment plan and what makes the most sense for both parties.

As a team, the Developer and the City's leadership will develop a plan that meets the financial, social, and physical needs of the City while also being financially viable for the selected developer over the long term. Other preferred qualifications for the ideal development partner are experience in developing with Private Activity Bonds, and experience working on the Western Slope of Colorado and the Roaring Fork Valley.

The developer selected under this RFQ will be asked to execute a Memorandum of Understanding with the City, which will outline the developer's predevelopment, development, and project operation activities. The MOU will also outline the City's role in connection with the proposed development, including but not limited to provision of the site, project coordination, decision-making authorities, assistance with community outreach and engagement, and assistance with local government processes and support.

Timeline

Any selected developer will follow the land use application timelines as set by Community Development. This will include public hearings before Planning and Zoning Commission and City Council depending on project size as stipulated in [Section 070.060 Administration and Procedures](#) of the Development Code. In addition, Residential projects over 24 units are required to conduct a neighborhood meeting prior to application submittal.

Insurance Requirements

PROPOSAL SUBMISSION

Proposal submission

Proposers must submit copies of their proposals as follows:

Proposals shall be delivered to staff on or before: **TBD**

RFQ INQUIRIES

Prospective responders may direct questions to:

Hannah Klausman, AICP
Senior Planner, Community Development Department
101 W 8th Street
Glenwood Springs, CO 81601

hannah.klausman@cogs.us

970-384-6407 (office)

970-319-6269 (mobile)

PROPOSAL CONTENTS

Proposals shall be submitted in the specified form below. Please list responses under headings and numerical and alphabetical sections sequentially, as follows:

1. Introduction and Organization Information:

- a. Title of this RFQ
- b. Name and mailing address of principal organization making this proposal.
- c. Form of the organization. Please check one:
☐ Non-profit ☐ For-profit Corporation or LLC ☐ Partnership ☐ Sole Proprietor
- d. Incorporated or registered in (state)
- e. Website address
- f. Names and contact information of the principal(s) of the business: Owner, president, CEO, partners, general partner or sole proprietor.
- g. Contact person, including email and phone number.

2. Signature Requirements:

The Cover Letter must be signed by an officer empowered by the applicant to sign such material and thereby commit the developer to the obligations contained in the Proposal and in the resulting contract. Further, the signing and submission of the Proposal shall indicate the intention of the applicant to adhere to the provisions described in this RFQ, including the required certifications.

- a. Proposals submitted on behalf of a Partnership shall be signed in the organization name by a partner or the Attorney-In-Fact. If signed by the Attorney-In-Fact, there shall be attached to the proposal a Power-Of-Attorney evidencing authority to sign proposals, dated the same date as the proposal and executed by all partners of the organization.
- b. Proposals which are submitted on behalf of a corporation shall have the correct corporate name thereon and the actual signature of the authorized officer of the corporation written (not typed) below the corporate name. The title of the office held by the person signing for the corporation shall appear below the signature of the officer.
- c. Proposals which are submitted by an individual doing business under a developer name ("dba") shall be signed in the name of the individual doing business under the proper organization name and style.

3. Developer Qualifications

Describe the developer and provide a statement of the organization's qualifications to perform requested affordable housing financing, planning, construction, development, and management services. Please address how your firm meets the selection criteria.

4. Team Qualifications:

Please include resumes of key principals and individuals who will be overseeing or involved with the Project.

5. Project Experience

- a. Please describe your team's experience with mixed-income urban development, affordable housing, and any experience in Colorado specifically. Speak to experience in the Roaring Fork Valley, if relevant.
- b. Please describe your team's experience in affordable housing development and ownership using Low Income Housing Tax Credits (LIHTC) and other funding sources applicable to the Project.
- c. The City is committed to a policy of non-discrimination and prefers to work with a developer that has a track record and commitment to the use of Locally-Owned Small Businesses (LOSB's) and Minority/Woman Business Enterprises (M/WBE). Please provide any relevant experience and/or plans to address this business preference.
- d. Please address financial commitment and available equity, including willingness to invest own funds in the project and describe financial capacity to guarantee a multi-million-dollar housing development.
- e. Please describe your firm's approach to community engagement and outreach. Please include specific examples.
- f. Please describe your firm's approach to and experience with working with a local nonprofit agency or mission driven organizations. In addition, please address the potential of providing a right of first refusal to a local nonprofit agency at year fifteen if using the LIHTC program for financing. The City has not determined

whether it will hold the right of first refusal itself or assign the right to another trusted non-profit partner, but respondents should assume that the City will desire the right of first refusal.

6. Associations: Please provide a description of any associations with other individuals or firms or any form of subcontracting that is planned for the Project.

7. References: Provide a minimum of three references for related projects where your team has financed, planned, developed, constructed, and managed a similar project. Please include Colorado references when possible.

8. Project Plan and Schedule: Provide a brief discussion of your team's approach to the successful implementation and long-term sustainability of the Project, including but not limited to a suggested development timeline, preliminary thoughts concerning the overall development of the site, preliminary project and programmatic design ideas, and approach to ensuring best practices in operations, management, and services. Provide preliminary thoughts regarding land price, developer fee split, and other financial returns for RCF and any considerations that would impact the financial returns to RCF as the project sponsor and landowner.

9. Examples: Please provide examples (including pictures) of other projects developed and owned by your team. Please include the unit count, types and sizes, total development cost, date of when the project was completed, and debt and equity used to finance the Project.

10. Disclosures: Please disclose any claims, lawsuits, formal disputes for work or services previously or currently being performed. Please disclose any loss of funding NOT due to budget cuts or cuts to programs.

Proposal Documents and Drawings:

- a. A written description of the proposed project.
- b. Conceptual drawings showing the location, layout, and primary elements of the proposal.
- c. Conceptual architectural plan.
- d. Proposed uses, location of uses, and densities
- e. Tentative schedule

EVALUATION CRITERIA

A project advisory group selected by Council and staff, shall develop a ranking criterion that meets City legal requirements for RFQ evaluation. This will be done in tandem with qualified consultants and training already completed. The ranking criteria will be included in the final RFQ.

The project advisory group will review and evaluated submittals based upon the firm's demonstrated ability to meet the purpose and requirements of the Request for Qualifications. Specific evaluation criteria include but are not limited to:

- a. Overall quality of the submission
- b. Project development and financing
- c. Experience and ability of the firms and key personnel assigned to the project and performance on similar xxx projects
- d. Quality, clarity, creativity and understanding of the scope of work outlined that clearly and specifically illustrates the tasks that will be completed and accomplished.
- e. Results of reference checks and past performance for other clients.

Council may, in its sole discretion, expand or reduce the criteria upon which it bases its final decisions regarding selection of the developer for this parcel.



City Owned Property Housing RFQ

Date: May 20, 2021
To: City Council
From: Hannah Klausman, AICP, Senior Planner
Subject: Project Advisory Group Appointment

The purpose of the Project Advisory Group will be to create review criteria for the RFQ development proposal assessment, as well as make a recommendation to Council on a developer partner to move forward with.

Staff has selected recommended candidates from other City boards and commissions that have knowledge and experience applicable to the project scope. Staff recommends the following candidates for the Project Advisory Group:

Peter Waller,
Planning and Zoning Commission

James Fousnought,
Parks and Recreation Board

Dave Merritt,
Airport Board
Former City Councilor

Ellen Doles,
Housing Commission

Shelley Kaup,
Council Liaison

Hannah Klausman,
Staff Liaison



City Council
STAFF REPORT
City of Glenwood Springs
May 20, 2021

Agenda Item: South Canyon Planning

Action Requested: Evaluation of Planning Options for South Canyon Hotsprings.

Department: Parks & Recreation

Presented By: Brian Smith, Recreation Director

Background Info: South Canyon is a vast area of City-owned land with approximately 3,000 acres of designated parkland. This public land encompasses the City landfill, a shooting range, and vast area of unmanaged open space. South Canyon is the site of a set of undeveloped hot springs pools (a.k.a. the “Hippy Hot Springs”) where locals venture despite insufficient filtration flow and unhealthy fecal form bacteria levels.

The City also has concerns about illegal camping in the canyon. Recent interest from developers in transforming the undeveloped hot springs into a tourist destination, as well the construction of the new trails and potential for establishing camp grounds in the area, has generated concerns from a variety of stakeholders regarding impacts on nearby residents and the health of the ecosystem in the canyon, which is vulnerable to illegal dumping, human impacts, and fire risk.

Recreational Features:

- Archery Range
- Hiking/ Biking- South Canyon Trail System
- Hot Springs
- Gun Range
- Historical Sites

Issues:

- Primitive hot springs plagued by public safety issues, illegal activities, trash, broken glass, human waste, and high bacterial levels.
- High fire risk from illegal camp fires and the coal seam fires with no alternate evacuation routes.
- Roadside Dumping at turnoff along Route 134 leading to and above the landfill.
- Degraded health of the South Canyon Creek causing a polluted tributary into the Colorado.
- Illegal shooting threatens the safety of visitors and residents and leaves a lot of debris.
- Vandalism of unmarked historical sites in the Canyon.
- Social (or Pirate) trails creep into private property and sensitive wildlife habitat.
- Vandalism of the Gun Range and the law enforcement training areas and lack of maintenance and management by the gun club.

South Canyon Plan:

The Parks & Recreation Department has applied for planning grants and submitted budget appropriation request to conduct an improvement plan for South Canyon for several years. Grant requests have not been successful yet and other critical projects have taken priority for funding. A South Canyon Plan includes studies into the health of the water system, assessment of historical sites, evaluation of wildlife habitat, planning for a higher standard of maintenance, completion of development of the formalized trail systems, improvements to the existing gun range and archery range properties, development of camping sites, and development and a management plan for the

hot springs.

Several preparatory reports have been completed over the last few years to move a South Canyon Plan forward including:

- A Historical Study completed by Mountain States Historical in 2018.
- An independent study of the water table and water quality in the canyon done by Steve Beckley in 2018.
- Design of a developed shooting sports park done by Marty Fischer Course Design in 2018.
- An evaluation of the Canyon wildlife habitations conducted by CPW/DNR in 2019.
- Stream health and water quality monitoring evaluated by the department with the Middle Colorado Watershed Council in 2019.
- A bio-diversity study completed by the Colorado Natural Heritage Program in 2020.

An outline of a South Canyon Plan has been developed by Parks & Recreation and is included in the Council Packet.

Issues:

Area Specific Planning:

While the many recreational needs and safety issues in South Canyon affect each amenity planning efforts are best served by a phased and area autonomous approach. Because of the scale of impact developing the currently undeveloped hot springs will have on other features and residents in the area, staff recommend starting with a development and management plan for the hot springs.

South Canyon Hot Springs Planning Needs:

1. Appropriation of New Water Rights
2. Water Engineering: how much water can the spring produce, FEMA Floodplain (may not be necessary due to the size of the stream), potential impacts to the stream due to development, continued water quality assessment (some of this has been completed by Steve Beckley and we have those reports)
3. Traffic Study: traffic impacts and access points
4. Infrastructure Needs: water, sewer, stormwater, electric
5. Geo-Tech
6. Wetland Study & Delineation (CNHP did not include aquatic life in the Biological Diversity Study)
7. Public outreach (judging from past projects in South Canyon this will be a big part of the planning)
8. Fire Mitigation and Evacuation Planning

Planning Options:

There are 4 outcome options that will direct how planning proceeds for Council to evaluate and consider for South Canyon Hot Springs Improvements:

1. Develop the hot springs as a public and open access amenity, maintained by the City, similar the white water park or Carbondale's Penny Hot Springs, making improvements to allow for better filtration and water quality, safer access, trash receptacles, portalets and other public use improvements.
2. Develop the hot springs as a formalized facility, managed and maintained by the City. This option would hardscape and increase the number of pools and include a mechanical filtration system, improved access, parking, developed picnic areas and amenities as a paid day use park.
3. Contract with a private entity to develop the hot springs with a lease agreement, with operations and maintenance to be conducted by the private business. Similar to the White Water Inc. boat ramp and other private hot springs in the City.
4. Development in partnership with a private contractor to improve the hot springs as in option 2 to be owned and maintained by the City and managed in agreement with a private business to provide transportation to the Canyon and operation of a reservation system. Similar to Hanging Lake.

Staff Recommendation:

Staff defers to Council for direction.

SOUTH CANYON AREA PARKS PLAN

Project Description:

The City of Glenwood Springs, CO, seeks to develop an area plan for the approximately 3,000 acres of designated parkland in the South Canyon area, west of downtown Glenwood Springs. The plan will provide recommendations for improving and protecting the canyon's ecosystem while enhancing public access to recreation and historical resources in the area. The plan will build upon recent studies and public outreach to address a variety of proposed upgrades to existing trails and sites, as well as the development of new recreational opportunities in the area, including camp sites and bike trails.

1. PLAN TYPE:

The City of Glenwood Springs seeks to support the development of a South Canyon Area Parks Plan to address the need for comprehensive studies and planning to protect and improve the ecosystem of this undermanaged and underutilized area while improving public access to existing and planned recreational and historical amenities.

Located west of Glenwood Springs, the South Canyon is a vast area of City-owned land with approximately 3,000 acres of designated parkland. This public land encompasses the City landfill, a shooting range, and vast area of unmanaged open space. South Canyon is the site of a set of undeveloped hot springs pools (a.k.a. the "Hippy Hot Springs") where locals venture despite insufficient filtration flow and unhealthy fecal form bacteria levels. The City also has concerns about illegal camping in the canyon. Recent interest from developers in transforming the undeveloped hot springs into a tourist destination, as well the construction of the new trails and potential for establishing camp grounds in the area, has generated concerns from a variety of stakeholders regarding impacts on nearby residents and the health of the ecosystem in the canyon, which is vulnerable to illegal dumping, human impacts, and fire risk.

The South Canyon Area Parks Plan project will bring together stakeholders from across the community, including residents, developers, outdoor adventure groups, environmental groups, and public agencies to undertake a planning process that will seek to address these challenges and find solutions acceptable to all parties. The key deliverable will be an improvement plan that addresses the misuse happening in the canyon, outlines potential approaches for enhancing public access and enjoyment of the area, and provides a framework for protection of the ecosystem and habitat that will bring awareness to this unique public amenity. This plan will build past efforts to inventory the historical and biological resources in South Canyon, including an intensive archaeological survey in 2003 with the US Forest Service to assess the historic significance and condition of the historic coal mining sites and a recently completed historical assessment.

The outcome of the project will be a plan that informs new management and recreation practices with understanding of the area's natural and cultural assets and the risks and benefits of developing new recreational opportunities. The plan will help to move forward on a clear path of action that will balance needs for preservation and protection with the advantages of enhanced public access to this unique public amenity. Potential recreation will include new mountain bike trails that

highlight the canyon's historic, 19th Century coal mining sites; a safe designated camp ground that will reduce illegal camping and mitigate associated wildfire risks, and a clean, developed hot springs destination.

2. PLANNING PROCESS:

(1) Convene Stakeholders – The Parks & Recreation Department will convene a South Canyon Area Parks Plan project team with representation from local officials, community members, outdoor adventure groups, landowners, developers, and environmental groups.

(2) Review Previous Plans & Studies – The project team will then undertake a comprehensive review of existing conditions and gather data from surveys, assessments, and planning efforts, including the History and Summary of South Canyon Coal Mine Historic Site prepared by Mountain States Historical, the South Canyon Trails Plan prepared by Kay-Lin Enterprises for Roaring Fork Mountain Bike Association, and development proposals.

(3) Conduct Resource Inventory – The project team will inventory existing assets in the South Canyon area, identifying and categorizing the land presently used by the public but without guarantee of remaining public; areas experts have identified as having historic or biological value worthy of preservation (animal and vegetative habitat, the streambelt corridor, traprock ridges, historic mining sites); areas unsuitable for development due to slope, wetland status, fire risk, flooding, or shallow soils; areas that might be preserved by regulation; cultural resources such as scenic vistas and community gathering places (Hippy Hot Springs); and areas used for outdoor recreation (gun range, bike trails).

(4) Assess Community Needs & Preferences – The project team will review stakeholder input to date, including the memorandum raising concerns of Garfield County and Glenwood Springs residents and minutes from public meetings. The project team will secure additional public input through scheduled workshops, public meetings, surveys, and stakeholder interviews, as well as digital engagement through social media and websites. Initial public outreach will ensure public understanding of and involvement in the planning process.

(5) Confirm Objectives – The project team will establish a set of objectives for the plan, such as creating a blueprint for preservation, maintenance, and development of parkland that balances preservation/environmental protection with enhanced public access/recreational opportunities.

(6) Seek Expertise – The project team will solicit assistance from public agencies with knowledge about land planning, resource protection, and historic preservation, such as the CO Department of Natural Resources, Colorado Parks & Wildlife, and History CO. The project team will procure a consultant to provide professional help with specific areas of identified need within the planning process.

(7) Plan Development – The South Canyon Area Parks Plan will identify assets that need to be maintained, provide recommendations regarding proposed development, and outline action steps for how the plan will be accomplished.

Deliverable: The South Canyon Area Parks Plan will describe and rank-order priorities for addressing protection, maintenance, and/or proposed upgrades to: natural areas; ecology and watershed health; the bike trail system; the gun range; the archery range; historical sites; the hot springs; the landfill; camping areas; mine reclamation and coal seam fires, and emergency action plans and evacuation routes. The plan will include a matrix that describes the proposed programs/projects, location, cost estimates, funding strategies and potential sources of funding, the timeline for implementation, and best practices for partnering, using volunteers to promote stewardship, adopting “green” environmental practices, outreaching to vulnerable populations, and instituting performance measurement programs.

4. NEEDS/CHALLENGES:

The City’s current lack of proactive management of the South Canyon area has (ironically) resulted in a great deal of preventable work for the Parks Department, as “pirate trails” creep into private property and sensitive wildlife habitat; roadside dumping along Route 134 is degrading the health of the stream causing a polluted tributary into the Colorado River; illegal shooting from the Glenwood Springs Gun Club threatens the safety of visitors and leaves a lot of debris; vandals have damaged unmarked historical sites in the Canyon; and the primitive hot springs have been plagued by trash, broken glass, and human waste that has generated bacterial levels so high that a Bio Hazard sign had to be posted to warn the public of the unsafe conditions.

There is general consensus among stakeholders across the community that action must be taken to manage these hazards; however, some stakeholders differ with regard to their conceptions for future use of the parkland in terms of what types of recreational amenities or private development might be beneficial or potentially hazardous to the area. This planning process will be designed to find solutions that best serve a variety of stakeholders who may have diverging interests they seek to protect. Making informed decisions regarding the future of the Canyon will require expert input on biological, historical, and recreational assets beyond the capacity of the Parks Department. Expert input will enable the Parks Department to move forward confidently with new plans.

The partners and stakeholders that will be engaged in the planning process, include concerned Garfield County and Glenwood Springs residents (represented by the South Canyon Group Coalition), adventure groups (such as the Roaring Fork Mountain Bike Association), the City (which bears the cost of management), developers (including Steve Beckley, who owns Glenwood Caverns Adventure Park and Iron Mountain Hot Springs), and public agencies (including DNR and CPW). Representation from these stakeholder groups will participate in the project team, provide data and assessments available to them, encourage participation in public input sessions, and provide expertise and knowledge for relevant aspects of the planning process. The plan will outline specific roles for each stakeholder.

The project will address the following challenging questions about South Canyon that have been set forth by the stakeholders listed above:

- How can we improve the safety and health of the primitive hotsprings for continued public use?
- How can we prevent pollution and illegal dumping? How much would prevention efforts cost?
- How do we maximize public benefit from the South Canyon parkland? What types of recreational amenities is there demand for?
- How might trail development impact the canyon's historic and biologic resources?
- How might new private development of recreational opportunities such as an archery range or commercial hot springs impact the canyon's historic and biologic resources?
- How do we minimize impacts of recreational development in the canyon?
- How should areas of the canyon that have historic and biological be protected?
- How can the water quality of the creek be improve in the long-term?
- What wildlife exists in the canyon that may depend on canyon habitat to survive? How do we protect wildlife habitat in the parkland?
- How will new uses impact needs for parking?
- Who will maintain new trails and amenities in the canyon? How will maintenance be funded?
- How will residents of the area be affected by planned development? Will there be traffic impacts?

5. IMPLEMENTATION:

The final plan will serve as a blueprint for implementation, clearly outlining the roles, responsibilities, and actions necessary to achieve the defined objectives, as well as a strategy to secure funding for implementation by leveraging state and County-level grant resources will local funds. The Glenwood Springs Parks & Recreation Department will advance the plan for adoption by the City Council, initiating a final, well-advertised public hearing for feedback and comment. Cost estimates and policy considerations developed within the plan will inform budgeting for maintenance and capital expenditures, as well as policy changes and approvals that may be necessary to implement the vision for South Canyon. Following adoption of the plan, the project team will host a series of informational meetings about plan implementation that will ensure continued public support and momentum. The team will also generate briefing materials to distribute to potential funders to build support.

The partnerships established for the planning project with Garfield County, the Roaring Fork Mountain Bike Association, landowners, developers, and public agencies, will be sustained to ensure timely implementation. The project team will establish a standing task force of members critical to the implementation of the plan to carry forward the work outlined within it. These partners may also provide matching funds on future grant applications for implementation.

The plan will instate well-thought-out management practices for this vast area of public land that was previously neglected, which will have significant impacts for ending the misuse that threatens the canyon and for enhancing protections for the historical and biological resources therein. Not only will this generate health, safety, and economic benefits for local residents, but it will also generate benefits for wildlife and water quality that extend far beyond the City boundary.

The project will protect wildlife through addressing pollution and guiding smart development; promote public safety through cleaning up toxic waste and mitigating fire risk; connect people to the outdoors by enhancing recreational opportunities on bike trail and at the hot springs; and inspire exploration of unique public lands that previously lacked sufficient infrastructure for access.

South Canyon Management Zones

Legend

-  Park Lands - Open Space
-  Bureau of Land Management

MIDDLE

- 'Alpine Slide' Trail
- Gun club usage?
- Access agreements for adjacent landowners
- City landfill site
- Dead standing timber removal & repurposing
- Douglas fir & Pinon pine regeneration coups

LOWER:

- Archery range upgrade
- Pedestrian bridge usage?
- Carpark lot establishment
- Trail head
- Hot springs public usage

UPPER

- 'Horse Mountain' Trail proposal
- Coal seam fire mitigation work
- Carpark
- Dumping hotspots



Current Issues & Actions

Packet Page 377

Created By: Adrian J. Brown
Trails & Open Space Section
Date: 1/14/2021



City Council
STAFF REPORT
City of Glenwood Springs
May 20, 2021

Agenda Item: Electronic Participation City Council Meetings

Action Requested: Provide direction on electronic participation by City Council members.

Department: Attorney

Presented By: Glenwood Springs Legal, Legal

Background Info: City Council discussed electronic participation in early 2018. At that time, City Council decided not to move forward. City Council has asked staff to bring back this discussion in light of changes in technology due to COVID-19. Attached is the previous ordinance as a place to begin the conversation.

Issues: NA

Staff Recommendation: Staff defers to City Council.

CITY OF GLENWOOD SPRINGS

ORDINANCE NO. 2018-20

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO AMENDING ARTICLE 020.030 OF THE GLENWOOD SPRINGS MUNICIPAL CODE BY THE ADDITION OF SECTION 020.030.120 TO PROVIDE TERMS AND CONDITIONS FOR LIMITED TELEPHONE AND ELECTRONIC PARTICIPATION BY MEMBERS OF CITY COUNCIL AT CITY COUNCIL MEETINGS

WHEREAS, the Colorado Open Meetings Law, § 24-6-401, *et seq.*, C.R.S., provides that a public meeting may occur by telephone, electronically, or by other means of communication in addition to gathering in person; and

WHEREAS, City of Glenwood Springs ("City") desires to permit limited participation by one or more City Council Members at City Council meetings by telephone or electronic means in accordance with the terms and conditions described herein;

WHEREAS, the City wishes to amend Article 020.030 of the Glenwood Springs Municipal Code by the addition of Section 020.030.120, Telephone and Electronic Participation in City Council Meetings; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Glenwood Springs Municipal Code is hereby amended to add Section 020.030.120 so that it reads as follows, with additions shown in double underlined text:

020.030.120. Telephone and Electronic Participation in Council Meetings.

(a) A Member of the City Council may participate and vote by telephone or electronic means at a meeting of the City Council if the Member is unable to physically attend. Such telephonic or electronic participation privileges shall be exercised only in accordance with this Section 020.030.120.

(b) For purposes of this Section 020.030.120, electronic participation means participation by video or similar electronic means which is clear, uninterrupted and allows two way communication for the participating Member.

(c) Telephonic or electronic participation by a Member shall be permitted only upon the occurrence of the following:

- (1) The Member(s) who desires to participate by telephone or electronically provides notice of his or her desire to participate by telephone or electronically and his or her telephone or electronic contact information to the City Clerk sufficiently in advance of the meeting so that the City can provide the technical means necessary to fulfill such request.
- (2) The meeting in which the Member wishes to participate by telephone or electronically is not a quasi-judicial hearing or executive session.
- (3) The Member is unable to physically attend the meeting due to illness, family emergency, work obligations, or other special circumstances and not merely for the convenience of the Member to avoid physically attending a particular meeting.
- (4) The Members physically present at the City Council meeting vote in favor of permitting telephone or electronic participation by the requesting Member.
- (d) A Member participating in a City Council meeting by telephone or electronic means shall not be counted toward the establishment of a quorum for any City Council meeting.
- (e) It is the intent of this Section 020.030.120 that telephonic or electronic participation shall be an infrequent or occasional substitution for physical attendance by a Member at City Council meetings and shall not occur by one Member more than twice annually.
- (f) If a Member requests and receives approval to participate in a certain meeting by telephone or electronically, the Member is also expected to participate by telephone or electronically at other meetings that are scheduled during the Member's absence.
- (g) Members at a City Council meeting may discontinue the use of the telephonic or electronic participation by a Member where the telephonic or electronic participation results in unreasonable delays or interference in the City Council meeting process. Such discontinuance shall be decided by a majority vote of those Members physically present.
- (h) Application of this Section 020.030.120 is expressly limited to meetings of the City Council. The members of other City boards and commissions shall not have the privilege of telephonic or electronic participation in meetings.

Section 3. Any and all ordinances or parts of ordinances in conflict herewith shall hereby be repealed to the extent of the conflict only.

Section 4. If any section, subsection, clause, phrase, or provision of this ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

INTRODUCED, READ ON FIRST READING, PASSED AND ORDERED
PUBLISHED BY TITLE ONLY THIS ____ DAY OF _____, 2018.

CITY OF GLENWOOD SPRINGS, COLORADO

Michael Gamba, Mayor

ATTEST:

Catherine Mythen Fletcher, City Clerk

INTRODUCED, READ ON SECOND READING, AND ORDERED PUBLISHED BY
TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE OF SECOND
PUBLICATION THIS _____ DAY OF _____, 2018.

CITY OF GLENWOOD SPRINGS, COLORADO

Michael Gamba, Mayor

ATTEST:

Catherine Mythen Fletcher, City Clerk



City Council
STAFF REPORT
City of Glenwood Springs
May 20, 2021

Agenda Item: To-Go Alcohol Locations

Action Requested: Direction whether to keep in place the To-Go alcohol drinking areas in the Bethel Plaza area under bridge.

Department: City Administration

Presented By: Debra Figueroa, City Manager

Background Info: Last year, City Manager Debra Figueroa designated Bethel Plaza as a public area where alcoholic beverages may be consumed in response to COVID-19 safety protocols.

Restaurant patrons at this time are still able to consume to-go alcohol beverages in Bethel Plaza under the Grand Avenue Bridge. This is intended to provide an area where people can take sealed to-go beverages from the restaurants for consumption and expand outdoor dining options in response to the evolving pandemic. Alcohol consumption hours are daily from 11 a.m. to 8 p.m. This area is not intended to be an expansion of any restaurant's patio area.

Issues: There have been some complaints that restaurants have not be serving To Go beverages in sealed containers. The Clerk's Office has sent a reminder regarding the requirements for sealed containers, which is attached with this packet.

Staff Recommendation: Continued use of Bethel Plaza as a designated location where drinking in a public place is permitted.

120.030.070 - Drinking in public areas.

- (a) Except as provided in Subsection (b) below, it shall be unlawful for any person to drink or consume any alcoholic beverage, as defined in C.R.S. § 12-47-103, as amended, in or about any public street, alley, road, highway, bridge, sidewalk, park, trail, vehicle, automobile parking lot, other publicly owned property, or property commonly or generally held out as open to the public for commercial purposes that is located within the City limits.
- (b) Notwithstanding the prohibition in Subsection (a) above, persons of legal age may publicly drink or consume alcoholic beverages consistent with the following:
 - (1) In any establishment and premises licensed for the sale and consumption of alcoholic beverages, and only during such licensed hours;
 - (2) Fermented malt beverages and wine may be consumed in park lands designated in Section 090.030.010 hereof; and
 - (3) Pursuant to a special events permit granted pursuant to state law or where a permit to use a City-owned recreation facility has been granted for the purpose of conducting a private party at which guests may attend by invitation only and at which there is no sale of ethyl alcohol, direct or indirect.
 - (4) Alcoholic beverages may be consumed in public areas designated in writing by the City Manager within the City's General Improvement District (GID). The City Manager shall cause appropriate signage to be erected in such public areas.
- (c) It shall be unlawful for any person to drink or consume or permit the drinking or consumption of alcoholic beverages in violation of Subsections (a) and (b) above.
- (d) During any trial for a violation of this section, any bottle, can or any other container with labeling indicating the contents of such bottle, can or container shall be admissible into evidence, and the information contained on any label on such bottle, can or other container shall be admissible into evidence and shall not constitute hearsay. A jury or a judge, whichever is appropriate, may consider the information upon such label in determining whether the contents of the bottle, can or other container were composed in whole or in part of an alcoholic beverage. A label which identifies the contents of any bottle, can or other container as "beer," "ale," "malt beverage," "fermented malt beverage," "malt liquor," "wine," "champagne," "whiskey" or "whisky," "gin," "vodka," "tequila," "schnapps," "brandy," "cognac," "liqueur," "cordial," "alcohol," or "liquor" shall constitute prima facie evidence that the contents of the bottle, can or other container was composed in whole or in part of an alcoholic beverage.

(Code 1971 § 11-16; 31-96 § 1; 18-05 § 2; 18-05 § 2; Ord. No. 9-2017, § 2, 6-1-2017; Ord. No. 23-2020, § 2, 10-15-2020)



COLORADO
Department of Revenue
Specialized Business Group—
Liquor & Tobacco

Physical Address:
1697 Cole Boulevard, Suite 200
Lakewood, CO 80401

Mailing Address:
P.O. Box 17087
Denver, Colorado 80217-087
Fax: 303-866-2428

BULLETIN 20-24

REFERENCE: 47-1101(D)(9) CHANGES EFFECTIVE NOVEMBER 1, 2020 - “SEALED CONTAINERS”

DATE: October 31, 2020

Dear Stakeholders,

This bulletin is issued to provide guidance in regards to the modifications made to rule 47-1101(D)(9), more precisely about the meaning of “sealed containers” acceptable for takeout and delivery of alcoholic beverages for on-premises liquor licensees.

Acceptable types of containers and examples

Per subsection 44-3-103(51), C.R.S., “sealed containers” means any container or receptacle used for holding an alcohol beverage, which container or receptacle is corked or sealed with any stub, stopper, or cap.

Below are a few examples of acceptable containers under subsection 44-3-103(51), C.R.S.



Beginning November 1, 2020, per Regulation 47-1101(D)(9) 1 CCR 203-2, “sealed containers,” for purposes of Regulation 47-1101, shall also include a rigid container that is new, has never been used, has a secure lid or cap designed to prevent consumption without removal of the lid or cap, and is tamper-evident..

Below are examples of types of containers that may be used **only when affixed with tamper evident material**.



“Tamper evident” means a lid or cap that has been sealed with tamper-evident material, including, but not limited to, wax dip, heat shrink wrap, or adhesive tape or other material, designed to reveal the removal or opening of the lid, cap, or seal.

Below are examples of tamper evident material.



Unacceptable types of containers and examples

“Sealed container” **does not** include a container with a lid with sipping holes or openings for straws or a container made of paper or polystyrene foam. The unacceptable types of containers remain unacceptable, even when used with tamper evident material. The only exception to the prohibition on sipping holes, is that a plastic lid with a straw hole may be utilized when the surrounding lid edge and straw hole are covered by a tamper evident tape or a tamper evident adhesive label, sealing the cup and preventing the contents from being consumed during transit.

Below are some examples of unacceptable types of containers.



Reminder - Warning Labels

Any sealed container containing an alcohol beverage that is sold for takeout or delivery other than an alcohol beverage sealed by its manufacturer, shall be affixed with a warning statement, with a minimum fourteen (14) font size, stating as follows: "WARNING: DO NOT OPEN OR REMOVE SEAL WHILE IN TRANSIT."

You can find the labels [here](#).

Reminder - Refilling of sealed containers

Pursuant to Regulation 47-904(C), 1 CCR 203-2: "Except manufacturers or malt liquor manufacturers with an onsite wholesale sales room, no licensee shall refill or permit the refilling of any alcohol beverage container with alcohol beverage or reuse any such container by adding distilled spirits or any substance, including water, to the original contents or any portion of such original contents." At no time should retail liquor establishments be refilling alcohol beverage containers for off-premises consumption.

These establishments would include the following: Hotel & Restaurant, Beer & Wine, Clubs, Lodging and Entertainment, Tavern, and Optional Premises. The only license types that can refill containers are Manufacturers of malt, vinous, and spirituous liquors, to include Distillery Pubs, Brew Pubs, Limited Wineries, Wineries, Breweries, and Distilleries.

The Division wants to be flexible regarding acceptable sealed containers used for takeout and delivery and encourages licensees to submit questions or suggestions pertaining to them. You can submit suggestions, and detailed descriptions including pictures of sealed containers to confirm with the Division whether or not they are considered acceptable at dor_led@state.co.us.

The Division reserves the right to amend or withdraw industry bulletins at any time but will try to give as much forewarning as possible prior to such amendment or withdrawal.

Please do not hesitate to reach out to LED at dor_led@state.co.us if you have any questions regarding this bulletin. We thank you for your continued diligence and partnership as we all work together to keep ourselves and our neighbors safe.

Colorado Liquor Enforcement Division



City Council
STAFF REPORT
City of Glenwood Springs
May 20, 2021

Agenda Item: Ordinance No 2021-04; An Ordinance of the City Council of the City of Glenwood Springs, Colorado, Amending the 2021 Appropriation Ordinance to Reflect Carryovers from the 2020 Budget, Reallocation of Funds, and Expenditures Approved after Submission of the 2021 Budget (ONE READING)

Action Requested: Approval of Ordinance 4, Series of 2021 amending the 2020 budget appropriation.

Department: City Administration

Presented By: Debra Figueroa, City Manager
Steve Boyd, COO
Yvette Gustad, Finance Director

Background Info: Each year Council passes an Ordinance to formally appropriate any changes from the originally passed budget. Staff circulated a Memo to Council on Friday, May 7th, 2021 pointing out the more prominent line items along with a draft of Exhibit A, the appropriation list.

Attachments to this agenda item include:

- Ordinance No. 4, Series of 2021
- Memo from staff to Council on May 7, 2021.
- Questions from Council and answers from staff from the original Exhibit A.
- Exhibit A

There is a change here in Exhibit A from the one circulated on May 7th; the appropriation for refunding temporary pay cuts and furloughs for staff and Council due to COVID in 2020 is broken out into specific budget lines for every fund that pays full-time employees on a separate page.

We also reduced the Council Chambers project in the Capital Projects fund from \$175,000 to \$135,000.

Issues: None

Staff Recommendation: Staff recommends approval.

ORDINANCE NO. 4

Series of 2021

**AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS,
COLORADO, AMENDING THE 2021 APPROPRIATION ORDINANCE
TO REFLECT CARRYOVERS FROM THE 2020 BUDGET,
REALLOCATION OF FUNDS, AND EXPENDITURES APPROVED
AFTER SUBMISSION OF THE 2021 BUDGET.**

WHEREAS, the City of Glenwood Springs appropriated funds for the fiscal year 2021 commencing January 1, 2021 and ending December 31, 2021 by Ordinance No.28, Series of 2020; and

WHEREAS, subsequent to the adoption of the 2021 budget, City Council determined it necessary to carry over into the 2021 budget funds for projects that were budgeted for but not completed in 2020; and

WHEREAS, the City's recent redesign of its Chart of Accounts to more effectively budget and manage financial activities requires the reallocation of funds from one budget line to another; and

WHEREAS, subsequent to the adoption of the 2021 budget, City Council approved via vote from the dais the expenditure of additional funds in 2021 for certain initiatives;

WHEREAS, the City Council has determined it is the best interest of the City to amend the 2021 appropriation ordinance to reflect the modifications described herein and more fully on Exhibit A attached hereto and incorporated herein; and

WHEREAS, pursuant to Section 4.4(j) of the Municipal Charter of the City of Glenwood Springs, an appropriation ordinance is not required to have introductory and second readings.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENWOOD
SPRINGS, COLORADO, ORDAINS THAT:**

The appropriation of funds for fiscal year 2021, as approved by Ordinance 2020-28, is hereby amended as set forth on **Exhibit A**.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED BY TITLE ONLY
THIS 20TH DAY OF MAY 2021.

CITY OF GLENWOOD SPRINGS, COLORADO

ATTEST:

Jonathan Godes, Mayor

Ryan Muse, City Clerk

MEMO



To: Glenwood Springs City Council
Re: 2021 Budget Amendment
Date: May 7, 2021
From: Debra Figueroa, City Manager
Steve Boyd, COO
Yvette Gustad, Finance Director

Between the COVID pandemic, forest fires and periodic I-70 closures 2020 turned out to be a difficult year for the City on several fronts. In April, as the severity of the pandemic started to become known, staff began to model different scenarios of decreased revenue and increased expenditures. While not a great year, the City prepared to handle a significantly worse outcome than we experienced. For the most part, we were able to maintain appropriate City operations without suffering large decreases in fund balances.

This document provides a summary of each fund's 2020 performance, its amended 2021 budget and overview of available reserves. The mid-year appropriation proposed by staff to formally amend the 2021 budget is included and will be submitted to Council for approval on May 20th. Though Council is aware of nearly all these requests, the list is fairly long and may require some explanation. We will be contacting each of you next week to schedule a few minutes to run through these items and make sure everyone's questions are answered.

A few particular points of interest:

- Our working forecast assumed tax revenues would be down 15% from the 2019 budget. We ended up down approximately 6% from 2019 numbers which is a key reason our reserves were not significantly depleted.
- In the General Fund, revenue losses from fees and charges were offset by spending freezes imposed by staff.
- To maintain flexibility in the event a worst-case scenario materialized staff asked Council to temporarily recognize tax revenue that is normally realized in the Capital Projects Fund in the General Fund instead from July 1 through December 31. That amounted to \$1.4 million and was done to give us the option to leave it in the General Fund if we needed it to maintain staff numbers through the end of the year. We are pleased that the health of the General Fund held up well enough that we are able to transfer from the General Fund back to Capital Projects in the same amount.

- Likewise, each employee and Councilor accepted a 10% salary reduction or furlough for some portion of 2020. Financial results were good enough that we were able to distribute half of that amount to employees earlier, and this amendment proposes returning the remaining amount to all employees and Councilors.
- The budgeted transfer from A&I to the General Fund for the Recreation Center subsidy was \$1.1 million. Because it was closed for much of the year its revenues were greatly impacted. The transfer required to fully cover the subsidy would be greater than \$1.1 million, but in consideration of the health of the A&I Fund this amendment assumes only the budgeted amount be transferred from A&I.
- Particularly hard hit was our Tourism industry, most notably Accommodations Tax receipts were down 36% for the year. The original budget included a transfer of \$156,264 to the General Fund to offset costs of special events and some downtown maintenance. These were not done in 2020 as a result of COVID so this budget appropriation has that transfer not being made in 2020 to the General Fund in order to maintain positive reserves in the Tourism Fund.
- This amendment meets all the original recommendations from the Financial Advisory Board including minimum reserve amounts in the General Fund, Capital Projects Fund and A&I Fund.

Exhibit A included in this document is organized in three sections; 1) amounts not previously formally appropriated, 2) amounts appropriated in the 2020 budget that staff is asking to be carried forward into 2021, and 3) amounts that are already appropriated in 2021 but are being moved to a different account line in our General Ledger for more accurate or standardized reporting in our accounting system.

Please note that 2020 financial results will not be final until our annual audit is completed this summer, but staff is not aware of any material changes that will need to be made from this report.

2021 Budget Appropriation Questions from Council

What is the salary return and does this included what already was returned ... I assume from the furlough.

Yes this is the salary return, Council approved the first part and we are comfortable we can absorb that in the existing budget because we have enough empty positions. So this includes the second half, and all of Debra/Council if you decide you want to do that. I think I'll break this out into a separate section so its more clear because it does seem confusing.

Was Debbie Wilde's contract originally \$30,000 and did we approve an increase in the last year or two?

It's an hourly contract in 2020 we spent \$36,532 with her, the original PO was for \$30,000. We were unsure if/how we would need her this year when we submitted the budget in October so nothing was in.

What is the firearms carry over?

These are police dept rifles that were budgeted and ordered in 2020, but they were subsequently backordered and we took delivery in 2021 so we are paying for them with 2021 dollars.

The micro loan comes in at 93,000 and costs 118,000 in the carry over. Is this the same thing?

Yes the total project cost if we expend it all would be \$118,000 so we have to appropriate that amount. We don't have to recognize the \$93,000 that we will get in revenue but if we're sure we'll get it we try to get it in the budget.

I can't remember the shared costs on Sayre Park 1. What is the city paying and what are the partners paying?

The City appropriation is up to \$114,079 from park impact fees, \$147,342 from Game On and Hoop d'Ville, \$25,000 from FMLD mini grant, total cost of the project is \$246,422.

Can you remind what "8th Street Connect" is?

That's the area around the 8th St Bridge, we want to add turn lanes and sidewalks on 8th Street.

Are net A&I appropriations is a negative number. How do we fix that or how are we covering those costs?

Most of what's pulling us down is the South Midland project. We estimated the percentage of the project we'd get done in 2021 in the budget before it was bid and we'll get further this year than we estimated so we're just appropriating the addition funds from the bond we issued to spend in 2021 instead of 2022.

Summary of Additional Appropriations 2021 Budget Amendment

General Fund		Capital Projects Fund	
<u>Revenues</u>		<u>Revenues</u>	
Sales Tax	\$608,108	Sales Tax	\$ 202,703
Stimulus	\$1,050,000	Revenue Return from Gen Fund	\$ 1,377,040
Revenue Return to Cap Proj	\$1,377,040	Three Mile Park Grant	\$ 190,000
Microloan, Grant Funded	\$93,000	Archery grant	<u>\$20,000</u>
Gear Library, Grant Funded	<u>\$8,000</u>	Total	\$ 1,789,743
Total	\$3,136,148	<u>Supplemental Expenses</u>	
<u>Supplemental Expenses</u>		TIF	\$ 28,243
COVID	\$85,000	HVAC	\$ 125,000
Mine	\$50,000	Archery	\$ 20,000
Debbie Wilde Contract	\$40,000	Council Chambers	\$ 135,000
IT Security Audit	\$35,000	Sayre Park Wall	<u>\$11,550</u>
Sophos	\$30,000	Total	\$ 319,793
Salary study	\$16,520	<u>Carryovers</u>	
DOLA Grant Police Mental Health	\$2,700	Parks HQ	\$ 165,080
Drainage map	\$15,000	CC Windows	\$ 8,840
Meadows study	\$17,800	Sayre Park Phase 1	\$ 122,085
Latino Outreach	\$15,000	Flood Plain Analysis	\$ 135,000
Bridge Insurance	\$51,660	ERP	\$ 130,000
TIF increase	\$84,730	City Hall Doors	\$ 15,000
Deputy Fire Chief	\$84,821	Wayfinding	\$ 50,000
Hannah	\$85,758	Security Cameras	\$ 60,000
Gear Library, Grant Funded	\$8,000	Park Door Locks	\$ 50,000
Community Polling	\$35,000	Three Mile Park	\$ 231,000
Salary Return	<u>\$110,550</u>	8th St Connection	\$ 50,000
Total	\$767,539	Move Study	<u>\$ 55,012</u>
<u>Carryovers</u>		Total	\$ 1,072,017
Zoning	\$30,000	Net Capital Proj Appropriation \$ 397,933	
Stormwater and Debris Flow	\$100,000		
Firearms	\$21,805		
Art plan	\$40,625		
IT audit from CP	\$35,000		
Economic Development Plan	\$50,000		
Microloan	<u>\$118,000</u>		
Total	\$395,430		
Net General Fund Appropriation \$1,973,179		A&I Fund	
		<u>Revenues</u>	
		Sales Tax	\$ 405,405
		South Midland	<u>\$ 1,116,758</u>
		Total	\$ 1,522,163
		<u>Supplemental Expenses</u>	
		TIF Increase	\$56,486
		Airspace Study	\$60,000
		South Bridge	\$360,685
		South Midland	<u>\$1,637,349</u>
		Total	\$ 2,114,520
		<u>Carryovers</u>	
		Trail Improvements	\$34,460
		27th St Erosion Control	\$2,813
		27th St Landscaping	<u>\$152,948</u>
		Total	\$190,221
		Net A&I Appropriation -\$782,578	

Exhibit A - Appropriations Ordinance 2021

Fund	From	To	Amount	Explanation
The following supplemental appropriations are funds not previously appropriated by Council				
Sales Tax Revenue Forecast Increase (\$1,500,000 total)				
General Fund, Revenue		0100020-41210 - General Sales Tax	\$608,108	Increase in sales tax revenue from revised forecast.
Street Tax Fund, Revenue		0100020-41210 - General Sales Tax	\$202,703	
Bus Tax Fund, Revenue		0100020-41210 - General Sales Tax	\$81,081	
Capital Projects Fund, Revenue		0100020-41210 - General Sales Tax	\$202,703	
A&I Fund, Revenue		0100020-41210 - General Sales Tax	\$405,405	
Additional General Fund Appropriations				
General Fund Revenue		0100040-42310 - Grants	\$1,050,000	Federal Stimulous Bill (Lost Revenue)
General Fund Revenue		0100040-42310 - Grants	\$93,000	Grant revenue for micro loan program
General Fund Revenue		0100040-42310 - Grants	\$8,000	Gear Library
General Fund, Non-Dept		01120-58100 - COVID	\$85,000	Direct costs, most or all will be reimbursed by grants
General Fund, Non-Dept		01112-52845 - Mine Opposition	\$50,000	Increase from \$100,000 to \$150,000 due to litigation
General Fund, Administration		01112-51710 - Professional Services	\$40,000	Debbie Wilde's contract for Detox/Homeless Consulting
General Fund, IT		01117-51710 - Professional Services	\$35,000	IT Security Audit
General Fund, IT		01117-52610 - Technology	\$30,000	Sophos (IT fire wall) - offset by discount of \$25,200
General Fund, HR		01115-51710 - Professional Services	\$16,520	Salary and Benefits Study
General Fund, Police		01131-52510 - Grants	\$2,700	DOLA Grant for mental health training
General Fund, Engineering		01144-51710 - Professional Services	\$15,000	Drainage Facilities Mapping (Colo School of Mines)
General Fund, Engineering		01144-51710 - Professional Services	\$17,800	Meadows Traffic/Parking Study
General Fund, Non-Dept		01120-51710 - Professional Services	\$15,000	Latino Outreach
General Fund, Non-Dept		01120-51710 - Professional Services	\$35,000	Community Polling (Council 5-6-2021)
General Fund, City Clerk		01114-53510 - Liability and Casualty Ins.	\$51,660	Insurance for the 3 bridges across the Colo River
General Fund, Transfer Out		01999-55930 - Transfer to Cap Projects	\$1,377,040	Transfer to Recover Redirected Revenue from 2020
Increase in TIF contributions from the City to DDA (\$154,568 total)				
General Fund, Non-Dept		01120-52820 - TIF	\$84,730	Increase the amount from each fund paid to the DDA now that we know where their fiscal year came in (March 1 - February 28). The net budget impact for the City is an increase of \$154,568. Also fixes an error in the transfer from Bus Tax Fund.
Street Tax Fund		13253-52820 - TIF	\$28,243	
Bus Tax Fund		18170-52820 - TIF	(\$43,135)	
Capital Projects Fund		31390-52820 - TIF	\$28,243	
A&I Fund		33300-52820 - TIF	\$56,486	
DDA		8600020-41620 TIF Sales Tax Revenue	\$209,000	Added TIF amount to DDA revenue
DDA		86180-51710 - Professional Services	\$250,000	6th Street Design
New Positions that add FTE (3)				
Fire EMS		43133-51110 - Regular Employees	\$60,000	Deputy Fire Chief, assuming 7/1 2021 start date. Approved by Council on 3/18/21.
Fire EMS		43133-51210 - Health Insurance	\$15,500	
Fire EMS		43133-51220 - Long Term Disability	\$150	
Fire EMS		43133-51230 - Basic Life Insurance	\$152	
Fire EMS		43133-51250 - FICA Contribution	\$4,590	
Fire EMS		43133-51260 - Retirement Contribution	\$4,200	
Fire EMS		43133-51270 - Unemployment Insurance	\$180	
Fire EMS		43133-51280 - Workers Compensation	\$49	
General Fund, Transfer Out	01999-55930 - Transfer to Fire EMS	4300070-44370 Transfer from General Fund	\$84,821	Transfer to cover cost of Deputy Fire Chief
General Fund, Transfer Out	01999-55930 - Transfer to Fire EMS	4300070-44370 Transfer from General Fund	\$33,723	Transfer to cover cost of compensation refund

Exhibit A - Appropriations Ordinance 2021

<u>Fund</u>	<u>From</u>	<u>To</u>	<u>Amount</u>	<u>Explanation</u>
General Fund, Planning		01141-51110 - Regular Employees	\$60,255	This replaces a Planner (Hannah) who was redirected in 2020 to be acting PIO. PIO was budgeted in 2021 across General Fund, Electric and Water; Senior Planner was not budgeted in 2021.
General Fund, Planning		01141-51210 - Health Insurance	\$16,125	
General Fund, Planning		01141-51220 - Long Term Disability	\$151	
General Fund, Planning		01141-51230 - Basic Life Insurance	\$153	
General Fund, Planning		01141-51250 - FICA Contribution	\$4,609	
General Fund, Planning		01141-51260 - Retirement Contribution	\$4,218	
General Fund, Planning		01141-51270 - Unemployment Insurance	\$181	
General Fund, Planning		01141-51280 - Workers Compensation	\$66	
Tobacco Tax		16999-52810 - Other Operating Expense	\$30,000	Tax rebates from first year collections
Tobacco Tax		16999-52510 - Grants	\$150,000	School District/YouthZone contribution
Airport		27450-59520 - Capital Outlay	\$16,500	Runway/tail number cameras
Capital Projects		3100070-44370 - Transfer from General Fund	\$1,377,040	Transfer in to Recover Redirected Revenue from 2020
Capital Projects		3100070-42310 - Transfer from General Fund	\$190,000	Three mile grant
Capital Projects		3100070-42310 - Transfer from General Fund	\$20,000	Archery Grant
Capital Projects		3135-60000 - Facility Improvements	\$125,000	HVAC System hardware and software upgrade
Capital Projects		3135-60000 - Park Improvements	\$20,000	CDW Grant for Archery Range
Capital Projects		3110-60000 - Council Chambers	\$175,000	Upgrades and Improvements to Council Chambers
Capital Projects		3135-60000 - Sayre Park Retaining Wall	\$11,550	Repairs needed to stabilize
A&I Fund		3300060-43910 - Cost Reimbursement	\$200,000	From RFTA for Trail Connections and Retaining Wall
A&I Fund		3335-61000 - Trail Improvements	\$200,000	Trail Connections and Retaining Wall
A&I Fund		3330-60000 - South Bridge	\$60,000	Airspace Study
A&I Fund		3330-60000 - Trail Improvements	\$28,352	LoVa Trail Design
A&I Fund		3330-60000 - South Bridge Design	\$360,685	80% reimbursed by federal earmark
A&I Fund		3335-61000 - Tree and Fire Mitigation	\$20,000	Replaces previously existing line item
Conservation Trust		4835-60000 - LoVa Trail Construction	\$100,000	New Castle Grant, these funds are already in reserve in Cons Trust

Exhibit A - Appropriations Ordinance 2021

<u>Fund</u>	<u>From</u>	<u>To</u>	<u>Amount</u>	<u>Explanation</u>
The following appropriations were approved by Council in the 2020 budget and are being carried over to the 2021 budget				
Landfill	29610-59599 - Capitalized Assets		\$18,000	APEX PitBoss Evaporator (Took possession in 2021)
Electric Fund	2450-60000 - Electric Ops Center		\$101,741	EOC Building Design (Neumman, SGM)
Water Wastewater	2150-60000 - Red Mtn South		\$17,000	Red Mtn WTF design work (Kumar)
General Fund	01141-51710 - Professional Services		\$30,000	Zoning Map
General Fund	01144-51710 - Professional Services		\$100,000	Stormwater and Debris Flow
General Fund	01122-53360 - Grants		\$8,000	Gear Library, Grant Funded
General Fund	01999-55940 - Transfer to A&I		\$100,000	Repay \$100,000 CARES act reimbursement (G3)
Arts/Recreation	01122-51710 - Art Plan		\$40,625	Master Plan for Arts Dept
Capital Projects	3110-60000 - General Government		\$15,000	Electronic Doors at City Hall
Capital Projects	3110-60000 - General Government		\$50,000	Wayfinding and Signage
Capital Projects	3110-60000 - General Government		\$130,000	ERP Implementation
Capital Projects	3130-60000 - Public Works		\$135,000	Flood Plain and Structural Bridge Analysis
Capital Projects	3130-60000 - Public Works		\$135,000	8th Street Connection
Capital Projects	3135-60000 - Parks and Recreation		\$165,080	Parks Building Improvements (MOC relocation)
Capital Projects	3135-60000 - Parks and Recreation		\$122,085	Sayre: Includes \$24,978 mini grant, rest from parkland fees
Capital Projects	3135-60000 - Parks and Recreation		\$60,000	Additional Parks and Facilities Security Cameras
Capital Projects	3135-60000 - Parks and Recreation		\$50,000	Remote Door Locks at Parks and City Facilities
Capital Projects	3135-60000 - Parks and Recreation		\$8,840	Community Center Window Repair
Capital Projects	3135-60000 - Parks and Recreation		\$231,000	3 Mile Park (\$190k from Grant Funds)
Capital Projects	31380-51710 - Professional Services		\$55,012	MOVE Study
A&I Fund	3335-61000 - Trail Improvements		\$34,460	Trail Maintenance
A&I Fund	3330-60000 27th Street Construction		\$2,813	Completion of erosion control management
A&I Fund	3330-60000 27th Street Construction		\$152,948	Landscaping Contract Carryover
Street Tax	1330 - 60000 - Red Mtn South		\$200,000	Project not completed
Street Tax	1330 - 60000 - Blake and 23rd to Hgwy 82		\$385,000	Project not completed
Bus Tax Fund	18170-51710 - Professional Services		\$128,363	MOVE Study
GID	37282-51710 - Professional Services		\$36,675	MOVE Study
Conservation Trust	4835-60000 - Park Improvements		\$50,000	Whitewater Park Improvements (+\$50K in 2021)

Exhibit A - Appropriations Ordinance 2021

<u>Fund</u>	<u>From</u>	<u>To</u>	<u>Amount</u>	<u>Explanation</u>
The following appropriations are already approved in the 2021 budget but are being moved to a different GL Code				
General Fund, Non Dept	01120-52810 - Other Operating	01112-52420 - Organization Dues	\$15,000	Consolidate City wide organizational memberships
General Fund, Comm Dev	3110-60000 - USDA Grant Reserve	01141-52510 - Grants	\$118,000	Micro Loan - \$93,000 is reimbursed from Dept of Agriculture
General Fund, Comm Dev	3110-60000 - General Government	01141-51710 - Professional Services	\$50,000	Economic Development Plan Implementation
General Fund	3110-60000 - Police Equipment	01131-53860 - Firearms	\$21,805	Firearms backordered to '21, not capitalized so moved to GF
Capital Projects	3110-60000 - General Government	01117-51710 - Professional Services	\$35,000	IT Security Audit not completed in 2020
Street Tax	13253-51710 - Professional Services	13253-52610 - Technology	\$7,500	Standardize Asset Mgmt Software License
Broadband	22227-51110 - Regular Employees	22227-51120 - Part-time Employees	\$85,000	A full-time Customer Service Representative was in the Broadband budget and is being hired as two part-time positions instead.
	22227-51210 - Health Insurance	22227-51250 - FICA Contribution	\$6,503	
	22227-51220 - Long Term Disability	22227-51270 - Unemployment Comp.	\$80	
	22227-51230 - Basic Life Insurance	22227-51280 - Workers Compensation	\$30	
	22227-51260 - FICA Contribution			
	22227-51260 - Retirement Contribution			
	22227-51270 - Unemployment Comp.			
	22227-51280 - Workers Compensation			
	22227-51380 - Uniform Allowance			

Exhibit A - Appropriations Ordinance 2021

<u>Fund</u>	<u>From</u>	<u>To</u>	<u>Amount</u>	<u>Explanation</u>
The following appropriations are refunds to staff and Council for temporary pay cuts and furloughs				
General Fund, City Council		01100-51110 - Regular Employees	\$10,320	
General Fund, City Council		01100-51150 - FICA	\$789	
General Fund, City Council		01100-51250 - Unemployment Compensation	\$31	
General Fund, Administration		01112-51110 - Regular Employees	\$12,007	
General Fund, Administration		01112-51250 - FICA Contribution	\$919	
General Fund, Administration		01112-51260 - Retirement Contribution	\$840	
General Fund, Administration		01112-51270 - Unemployment Insurance	\$36	
General Fund, Recreation		01113-51110 - Regular Employees	\$6,016	
General Fund, Recreation		01113-51250 - FICA Contribution	\$460	
General Fund, Recreation		01113-51260 - Retirement Contribution	\$378	
General Fund, Recreation		01113-51270 - Unemployment Insurance	\$18	
General Fund, City Clerk		01114-51110 - Regular Employees	\$834	
General Fund, City Clerk		01114-51250 - FICA Contribution	\$60	
General Fund, City Clerk		01114-51260 - Retirement Contribution	\$30	
General Fund, City Clerk		01114-51270 - Unemployment Insurance	\$2	
General Fund, Human Resources		01115-51110 - Regular Employees	\$2,782	
General Fund, Human Resources		01115-51250 - FICA Contribution	\$213	
General Fund, Human Resources		01115-51260 - Retirement Contribution	\$173	
General Fund, Human Resources		01115-51270 - Unemployment Insurance	\$8	
General Fund, Finance		01116-51110 - Regular Employees	\$6,020	
General Fund, Finance		01116-51250 - FICA Contribution	\$461	
General Fund, Finance		01116-51260 - Retirement Contribution	\$386	
General Fund, Finance		01116-51270 - Unemployment Insurance	\$18	
General Fund, IT		01117-51110 - Regular Employees	\$5,494	
General Fund, IT		01117-51250 - FICA Contribution	\$420	
General Fund, IT		01117-51260 - Retirement Contribution	\$385	
General Fund, IT		01117-51270 - Unemployment Insurance	\$16	
General Fund, Municipal Court		01118-51110 - Regular Employees	804	
General Fund, Municipal Court		01118-51250 - FICA Contribution	62	
General Fund, Municipal Court		01118-51260 - Retirement Contribution	32	
General Fund, Municipal Court		01118-51270 - Unemployment Insurance	2	
General Fund, Facilities		01121-51110 - Regular Employees	2,942	
General Fund, Facilities		01121-51250 - FICA Contribution	225	
General Fund, Facilities		01121-51260 - Retirement Contribution	190	
General Fund, Facilities		01121-51270 - Unemployment Insurance	9	
General Fund, Arts		01122-51110 - Regular Employees	2,270	
General Fund, Arts		01122-51250 - FICA Contribution	174	
General Fund, Arts		01122-51260 - Retirement Contribution	136	
General Fund, Arts		01122-51270 - Unemployment Insurance	7	
General Fund, Police		01131-51110 - Regular Employees	14,197	
General Fund, Police		01131-51250 - FICA Contribution	206	
General Fund, Police		01131-51260 - Retirement Contribution	980	
General Fund, Police		01131-51265 - Police Retirement	1,065	
General Fund, Police		01131-51270 - Unemployment Insurance	43	

Exhibit A - Appropriations Ordinance 2021

<u>Fund</u>	<u>From</u>	<u>To</u>	<u>Amount</u>	<u>Explanation</u>
General Fund, Comm Dev		01141-51110 - Regular Employees	5,476	
General Fund, Comm Dev		01141-51250 - FICA Contribution	419	
General Fund, Comm Dev		01141-51260 - Retirement Contribution	369	
General Fund, Comm Dev		01141-51270 - Unemployment Insurance	16	
General Fund, Engineering		01144-51110 - Regular Employees	2,169	
General Fund, Engineering		01144-51250 - FICA Contribution	166	
General Fund, Engineering		01144-51260 - Retirement Contribution	114	
General Fund, Engineering		01144-51270 - Unemployment Insurance	7	
General Fund, Building		01145-51110 - Regular Employees	\$4,859	
General Fund, Building		01145-51250 - FICA Contribution	\$372	
General Fund, Building		01145-51260 - Retirement Contribution	\$325	
General Fund, Building		01145-51270 - Unemployment Insurance	\$15	
General Fund, Streets		01153-51110 - Regular Employees	\$4,859	
General Fund, Streets		01153-51250 - FICA Contribution	\$372	
General Fund, Streets		01153-51260 - Retirement Contribution	\$325	
General Fund, Streets		01153-51270 - Unemployment Insurance	\$15	
General Fund, Parks & Rec		01154-51110 - Regular Employees	\$5,317	
General Fund, Parks & Rec		01154-51250 - FICA Contribution	\$407	
General Fund, Parks & Rec		01154-51260 - Retirement Contribution	\$332	
General Fund, Parks & Rec		01154-51270 - Unemployment Insurance	\$16	
W/WW Fun, Administration		21211-51110 - Regular Employees	\$5,317	
W/WW Fun, Administration		21211-51250 - FICA Contribution	\$407	
W/WW Fun, Administration		21211-51260 - Retirement Contribution	\$332	
W/WW Fun, Administration		21211-51270 - Unemployment Insurance	\$16	
W/WW Fund, Cust Accts. Water		21240-51110 - Regular Employees	\$4,887	
W/WW Fund, Cust Accts. Water		21240-51250 - FICA Contribution	\$374	
W/WW Fund, Cust Accts. Water		21240-51260 - Retirement Contribution	\$299	
W/WW Fund, Cust Accts. Water		21240-51270 - Unemployment Insurance	\$15	
W/WW Fund, Water Treatment		21410-51110 - Regular Employees	\$4,788	
W/WW Fund, Water Treatment		21410-51250 - FICA Contribution	\$366	
W/WW Fund, Water Treatment		21410-51260 - Retirement Contribution	\$335	
W/WW Fund, Water Treatment		21410-51270 - Unemployment Insurance	\$14	
W/WW Fund, Water Distribution		21420-51110 - Regular Employees	\$5,817	
W/WW Fund, Water Distribution		21420-51250 - FICA Contribution	\$445	
W/WW Fund, Water Distribution		21420-51260 - Retirement Contribution	\$407	
W/WW Fund, Water Distribution		21420-51270 - Unemployment Insurance	\$17	
W/WW Fund, WW Treatment		21430-51110 - Regular Employees	\$5,817	
W/WW Fund, WW Treatment		21430-51250 - FICA Contribution	\$445	
W/WW Fund, WW Treatment		21430-51260 - Retirement Contribution	\$407	
W/WW Fund, WW Treatment		21430-51270 - Unemployment Insurance	\$17	
W/WW Fund, WW Collection		21440-51110 - Regular Employees	\$2,440	
W/WW Fund, WW Collection		21440-51250 - FICA Contribution	\$187	
W/WW Fund, WW Collection		21440-51260 - Retirement Contribution	\$132	
W/WW Fund, WW Collection		21440-51270 - Unemployment Insurance	\$7	

Exhibit A - Appropriations Ordinance 2021

<u>Fund</u>	<u>From</u>	<u>To</u>	<u>Amount</u>	<u>Explanation</u>
Broadband Fund		22227-51110 - Regular Employees	\$3,021	
Broadband Fund		22227-51250 - FICA Contribution	\$231	
Broadband Fund		22227-51260 - Retirement Contribution	\$165	
Broadband Fund		22227-51270 - Unemployment Insurance	\$9	
Electric Administration		24220-51110 - Regular Employees	\$1,898	
Electric Administration		24220-51250 - FICA Contribution	\$145	
Electric Administration		24220-51260 - Retirement Contribution	\$133	
Electric Administration		24220-51270 - Unemployment Insurance	\$6	
Electric Customer Accounts		24245-51110 - Regular Employees	1,558	
Electric Customer Accounts		24245-51250 - FICA Contribution	119	
Electric Customer Accounts		24245-51260 - Retirement Contribution	109	
Electric Customer Accounts		24245-51270 - Unemployment Insurance	5	
Electric Distribution		24380-51110 - Regular Employees	9,438	
Electric Distribution		24380-51250 - FICA Contribution	722	
Electric Distribution		24380-51260 - Retirement Contribution	661	
Electric Distribution		24380-51270 - Unemployment Insurance	28	
Landfill		29610-51110 - Regular Employees	\$6,172	
Landfill		29610-51250 - FICA Contribution	\$472	
Landfill		29610-51260 - Retirement Contribution	\$386	
Landfill		29610-51270 - Unemployment Insurance	\$19	
Capital Projects, SWAT		31390-51110 - Regular Employees	\$2,958	
Capital Projects, SWAT		31390-51250 - FICA Contribution	\$226	
Capital Projects, SWAT		31390-51260 - Retirement Contribution	\$166	
Capital Projects, SWAT		31390-51270 - Unemployment Insurance	\$9	
Fire EMS		43133-51110 - Regular Employees	26,487	
Fire EMS		43133-51120 - FICA Contribution	2,813	
Fire EMS		43133-51250 - Retirement Contribution	632	
Fire EMS		43133-51260 - Retirement Contribution	1,755	
Fire EMS		43133-51265 - Retirement Contribution	1,947	
Fire EMS		43133-51270 - Unemployment Insurance	88	
Capital Projects, SWAT		31390-51110 - Regular Employees	\$2,958	
Capital Projects, SWAT		31390-51250 - FICA Contribution	\$226	
Capital Projects, SWAT		31390-51260 - Retirement Contribution	\$166	
Capital Projects, SWAT		31390-51270 - Unemployment Insurance	\$9	
Fleet Fund		64110-51110 - Regular Employees	\$2,958	
Fleet Fund		64110-51250 - FICA Contribution	\$226	
Fleet Fund		64110-51260 - Retirement Contribution	\$166	
Fleet Fund		64110-51270 - Unemployment Insurance	\$9	



City Council
STAFF REPORT
City of Glenwood Springs
May 20, 2021

Agenda Item: Repeal Resolution 2020-32 and 2020-24 Temporarily Suspending the Sign Ordinance.

Action Requested: Formal repeal of Resolutions 2020-32 and 2020-24.

Department: City Administration

Presented By: Jennifer Ooton, Assistant City Manager

Background Info: City Council on May 6, 2021, voted unanimously to reinstate the city's sign code following a suspension of portions of the sign code during the 2020 pandemic.

City Council had previously approved two resolutions regarding the temporary suspension of certain sections of Municipal Code Section 070.040.110. Resolution 2020-24 was originally set to expire in October 2020 after first being enacted in July. Resolution 2020-32 extended the temporary suspension of portions of the sign code related to temporary signage without an end date.

Issues: Staff is requesting this formal action to address the vote already taken by City Council on May 6, 2021.

Staff Recommendation: Staff is requesting a formal repeal of Resolutions No. 2020-24 and No.2020-32.

RESOLUTION NO. 2020-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, EXTENDING THE TEMPORARY SUSPENSION OF PORTIONS OF THE GLENWOOD SPRINGS MUNICIPAL CODE SECTION 070.040.110 RELATING TO TEMPORARY SIGNS.

WHEREAS, the City of Glenwood Springs (“City” or “Glenwood Springs”) is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Glenwood Springs Home Rule Charter (the “Charter”); and

WHEREAS, by Resolution No. 2020-12, the Glenwood Springs City Council declared a local disaster emergency pursuant to Section 24-33.5-709, C.R.S. due to the imminent threat of widespread or severe damage, injury or loss of life or property resulting from COVID-19 requiring emergency action to respond to and protect the life, health and safety of the citizens of Glenwood Springs; and

WHEREAS, Sections 070.040.110(d)(17)a, b and c.1 of the Glenwood Springs Municipal Code regulate the permissible duration and size of temporary off-premises directional signs; and

WHEREAS, Sections 070.040.110(f)(2) and (3) of the Municipal Code regulate the permissible duration, size and location of temporary banners; and

WHEREAS, by Resolution No. 2020-24, City Council temporarily suspended the foregoing sign regulations to help accommodate mandatory social distancing within the City for a period of 120 days or until termination of the City’s emergency declaration, whichever occurs first.

WHEREAS, Resolution No. 2020-24 is scheduled to expire on October 30, 2020, but the emergency declaration remains in effect and the accommodation of social distancing within the City is still necessary for the health, welfare and safety of the residents of Glenwood Springs; and

WHEREAS, the Glenwood Springs City Council finds it is in the best interests of the health, welfare, and safety of the residents of the City of Glenwood Springs to extend the temporary suspension of the sign regulations set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS THAT:

Section 1. The above recitals are hereby incorporated as findings by the City of Glenwood Springs.

Section 2. The City Council hereby suspends Sections 070.040.110(d)(17) a, b and c.1 and 070.040.110(f)(2) and (3) of the Municipal Code. This suspension shall apply only with respect to sign permit applications submitted to the City after Resolution 2020-24 was passed.

Section 3. This Resolution shall remain in effect until repealed or amended by City Council.

INTRODUCED, READ, AND PASSED THIS 15th DAY OF OCTOBER 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Mythen Fletcher, City Clerk

RESOLUTION NO. 2020-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, TEMPORARILY SUSPENDING PORTIONS OF THE GLENWOOD SPRINGS MUNICIPAL CODE SECTION 070.040.110 RELATING TO TEMPORARY SIGNS.

WHEREAS, the City of Glenwood Springs (“City” or “Glenwood Springs”) is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Glenwood Springs Home Rule Charter (the “Charter”); and

WHEREAS, by Resolution No. 2020-12, the Glenwood Springs City Council declared a local disaster emergency pursuant to Section 24-33.5-709, C.R.S. due to the imminent threat of widespread or severe damage, injury or loss of life or property resulting from COVID-19 requiring emergency action to respond to and protect the life, health and safety of the citizens of Glenwood Springs; and

WHEREAS, Sections 070.040.110(d)(17)a, b and c.1 of the Glenwood Springs Municipal Code regulate the permissible duration and size of temporary off-premises directional signs; and

WHEREAS, Sections 070.040.110(f)(2) and (3) of the Municipal Code regulate the permissible duration, size and location of temporary banners; and

WHEREAS, the Glenwood Springs City Council finds and declares that the temporary suspension of the foregoing sign regulations will help accommodate mandatory social distancing within the City; and

WHEREAS, the Glenwood Springs City Council finds it is in the best interests of the health, welfare, and safety of the residents of the City of Glenwood Springs to temporarily suspend the sign regulations set forth herein during the local disaster emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS THAT:

Section 1. The above recitals are hereby incorporated as findings by the City of Glenwood Springs.

Section 2. The City Council hereby suspends Sections 070.040.110(d)(17) a, b and c.1 and 070.040.110(f)(2) and (3) of the Municipal Code. This suspension shall apply only with respect to sign permit applications submitted to the City after this Resolution is passed.

Section 3. This Resolution shall stay in effect for 120 days from the date it is passed or until termination of the City's emergency declaration, whichever occurs first.

INTRODUCED, READ, AND PASSED THIS 2nd DAY OF JULY 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Mythen Fletcher, City Clerk



City Council
STAFF REPORT
City of Glenwood Springs
May 20, 2021

Agenda Item: COVID 19 Update and Face Covering Extension

Action Requested: Direction regarding the indoor mask order.

Department: City Administration

Presented By: Debra Figueroa, City Manager

Background Info: On April 15, 2021, City Council voted to extend the city's indoor face covering/mask order and promote social distancing until May 20, the second Council meeting in May. At that time, the city was aligned with the state's mask order.

Last week, the CDC put out guidance ([When You've Been Fully Vaccinated | CDC](#)) and a one page graphic that is attached to this item that informed the public that they could participate in almost all activities without wearing a mask if they were fully vaccinated. The federal exemption to this is that all people will still be required to wear masks on planes, buses, trains, and other forms of public transportation traveling into, within, or out of the United States, and in U.S. transportation hubs such as airports and stations.

The state of Colorado released a Second Amended Public Health Order 20-38 Limited COVID-19 Restrictions on May 14. The section that focused on face coverings detailed the following:

Face coverings are required pursuant to Executive Order D 2021 103 for certain individuals, age eleven (11) and older, in the following settings:

- a. Preschool through grade 12 schools (including extracurricular activities) and child care centers and services; however, fully vaccinated individuals, including vaccinated children ages 16-18, in a classroom, cohort, or other group of children may remove masks where the teacher(s), caregiver(s), or other staff whose primary responsibility is education or childcare have provided proof of fully completed vaccination to their employer;
- b. Unvaccinated or not fully vaccinated staff of Colorado Department of Motor Vehicle offices;
- c. Unvaccinated or not fully vaccinated residents, staff, and visitors to congregate care facilities, including nursing facilities, assisted living residences, intermediate care facilities, and group homes, except in situations where removal is authorized by the Centers for Medicare and Medicaid Services;
- d. Unvaccinated or not fully vaccinated residents, staff, and visitors to Prisons;
- e. Unvaccinated or not fully vaccinated residents, staff, and visitors to Jails;
- f. Unvaccinated or not fully vaccinated personnel in emergency medical and other healthcare settings (including hospitals, ambulance service centers, urgent care centers, non-ambulatory surgical structures, clinics, doctors' offices, and non-urgent care medical structures);

Exceptions to the face covering requirements include:

- a. individuals 10 years of age or younger,

b. individuals who cannot medically tolerate a face covering, and

c. individuals participating in one of the activities described in Section II.G of Executive Order D 2021 103.

At this point, both the CDC and state of Colorado no longer require or recommend vaccinated individuals wear masks to participate in most activities.

Issues:

Enforcement of the mask order has always been difficult for the PD and has relied heavily upon education only measures. With the new direction from the CDC and the state of Colorado, it has only become more so. The PD and staff will not be able to determine who is vaccinated from those that are unvaccinated.

However, if City Council does want to keep the mask mandate in place, staff is recommending that signage throughout town is updated including the attached sign that was created for business in 2020.

Staff Recommendation:

Staff is recommending that the City no longer require indoor face masks but continue to encourage them in public buildings and facilities, on social media, and through physical signage.

Choosing Safer Activities

Accessible link: <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/participate-in-activities.html>

		Unvaccinated People	Examples of Activities	Fully Vaccinated People
			Outdoor	
Safest			Walk, run, wheelchair roll, or bike outdoors with members of your household	
			Attend a small, outdoor gathering with fully vaccinated family and friends	
			Attend a small, outdoor gathering with fully vaccinated and unvaccinated people	
Less Safe			Dine at an outdoor restaurant with friends from multiple households	
Least Safe			Attend a crowded, outdoor event, like a live performance, parade, or sports event	
			Indoor	
Less Safe			Visit a barber or hair salon	
			Go to an uncrowded, indoor shopping center or museum	
			Attend a small, indoor gathering of fully vaccinated and unvaccinated people from multiple households	
Least Safe			Go to an indoor movie theater	
			Attend a full-capacity worship service	
			Sing in an indoor chorus	
			Eat at an indoor restaurant or bar	
			Participate in an indoor, high intensity exercise class	

Get a COVID-19 vaccine



Prevention measures not needed



Take prevention measures

Wear a mask, stay 6 feet apart, and wash your hands.

- Safety levels assume the recommended prevention measures are followed, both by the individual and the venue (if applicable).
- CDC cannot provide the specific risk level for every activity in every community. It is important to consider your own personal situation and the risk to you, your family, and your community before venturing out.



cdc.gov/coronavirus



COLORADO

Department of Public
Health & Environment

SECOND AMENDED PUBLIC HEALTH ORDER 20-38 LIMITED COVID-19 RESTRICTIONS

May 14, 2021

PURPOSE OF THE ORDER

I am issuing this Public Health Order (PHO or Order) in response to the existence of thousands of confirmed and presumptive cases of Coronavirus disease 2019 (COVID-19) and related deaths across the State of Colorado. This Order supersedes PHO 20-36 COVID-19 Dial and PHO 20-29 Voluntary and Elective Surgeries and Procedures, and implements reduced restrictions for individuals, businesses and activities, as well as reporting requirements for hospitals, to prevent the spread of COVID-19 further in Colorado.

FINDINGS

1. Governor Polis issued **Executive Order D 2020 003** on March 11, 2020, declaring a disaster emergency in Colorado due to the presence of COVID-19. Since that time, the Governor has taken numerous steps to implement measures to mitigate the spread of disease within Colorado, and has further required that several public health orders be issued to implement his orders.
2. I have issued public health orders pertaining to the limitation of visitors and nonessential individuals in skilled nursing facilities, intermediate care facilities, and assisted living residences; defining the terms of the Governor's **Stay at Home**, **Safer at Home**, and **Protect our Neighbors** requirements as well as **Critical Business** designations; requiring hospitals to report information relevant to the COVID-19 response; and requiring the wearing of face coverings in the workplace and urging their use in public. These measures all act in concert to reduce the exposure of individuals to disease, and are necessary steps to protect the health and welfare of the public. Additionally, in reducing the spread of disease, these requirements help to preserve the medical resources needed for those in our communities who fall ill and require medical treatment, thus protecting both the ill patients and the healthcare workers who courageously continue to treat patients.
3. As of May 13, 2021, there have been 524,190 known cases of COVID-19 in Colorado, 29,062 Coloradans have been hospitalized and 6,556 Coloradans have died from COVID-19. Multiple sources of data show that COVID-19 transmission and the use of the hospital system due to COVID-19 have leveled off in Colorado.

Second Amended PHO 20-38 COVID-19 Restrictions

May 14, 2021

4. With the rescission of PHO 20-36 COVID-19 Dial, but the pandemic ongoing, it remains critical for individuals, communities, businesses, and governments to remain vigilant regarding the spread of COVID-19. Individuals are encouraged to remain at least 6 feet away from non-household contacts, wash their hands, and wear a face covering to reduce the likelihood of disease transmission. As we continue to combat COVID-19 in our communities, continuing some limited requirements to mitigate disease spread remain appropriate.

5. The following additional public health orders remain in effect:

- a. PHO 20-20 Requirements For Colorado Skilled Nursing Facilities, Assisted Living Residences, Intermediate Care Facilities, And Group Homes For COVID-19 Prevention And Response;
- b. PHO 20-33 Laboratory Data Reporting for COVID-19; and
- c. PHO 20-37 Vaccine Access And Data Reporting For COVID-19.

INTENT

This Order includes limited requirements for individuals and businesses to mitigate the spread of COVID-19 in Colorado. The Order incorporates the requirements of **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164, D 2020 190, D 2020 219, D 2020 237, D 2020 245, D 2020 276, D 2020 281, D 2021 007, D 2021 035, D 2021 056, and D 2021 079** concerning face coverings. Additionally, the Order maintains some restrictions on certain activities while we continue to take steps to limit the spread of COVID-19 in Colorado, and includes a provision that authorizes CDPHE to require a county to comply with additional restrictions should certain metrics be met. The Order also includes hospital reporting requirements regarding bed capacity to provide the State with critical information to assess the status of the COVID-19 pandemic relative to the statewide capacity to provide necessary medical care and services to Coloradans.

ORDER

This Order supersedes and replaces Public Health Orders 20-29 and 20-36, as amended, effective at 12:01 AM on Saturday, May 15, 2021.

I. COVID-19 RESTRICTIONS

A. FACE COVERINGS

- 1. Face coverings are required pursuant to **Executive Order D 2021 103** for certain individuals, age eleven (11) and older, in the following settings:
 - a. Preschool through grade 12 schools (including extracurricular activities)

Second Amended PHO 20-38 COVID-19 Restrictions

May 14, 2021

- and child care centers and services; *however*, fully vaccinated individuals, including vaccinated children ages 16-18, in a classroom, cohort, or other group of children may remove masks where the teacher(s), caregiver(s), or other staff whose primary responsibility is education or childcare have provided proof of fully completed vaccination to their employer;
- b. Unvaccinated or not fully vaccinated staff of Colorado Department of Motor Vehicle offices;
 - c. Unvaccinated or not fully vaccinated residents, staff, and visitors to congregate care facilities, including nursing facilities, assisted living residences, intermediate care facilities, and group homes, except in situations where removal is authorized by the Centers for Medicare and Medicaid Services;
 - d. Unvaccinated or not fully vaccinated residents, staff, and visitors to Prisons;
 - e. Unvaccinated or not fully vaccinated residents, staff, and visitors to Jails;
 - f. Unvaccinated or not fully vaccinated personnel in emergency medical and other healthcare settings (including hospitals, ambulance service centers, urgent care centers, non-ambulatory surgical structures, clinics, doctors' offices, and non-urgent care medical structures);
3. Exceptions to the face covering requirements include
 - a. individuals 10 years of age or younger,
 - b. individuals who cannot medically tolerate a face covering, and
 - c. individuals participating in one of the activities described in Section II.G of **Executive Order D 2021 103**.
 4. Face coverings of unvaccinated or not fully vaccinated individuals may be removed in a school classroom setting for the limited purpose of playing an instrument that cannot otherwise be played while wearing a face covering.
 5. Nothing in this Order changes or abrogates the Centers for Disease Control and Prevention's (CDC) Order on January 29, 2021, requiring the wearing of masks by travelers to prevent the spread of COVID-19. All Coloradans must abide by the CDC's Order, which can be found at <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>.

B. ALL BUSINESSES AND GOVERNMENT ENTITIES. All businesses and government entities shall comply with the requirements in this Section I.B.

1. Work Accommodations. Employers are strongly encouraged to provide reasonable work accommodations, including accommodations under the Americans with Disabilities Act (ADA) for individuals who cannot obtain access to COVID-19 vaccine or who for medical or other legal reasons cannot take a COVID-19 vaccine.

Second Amended PHO 20-38 COVID-19 Restrictions
May 14, 2021

2. Face coverings. All employers must implement the face covering requirements in **Executive Order D 2021 103** as applicable.
3. Disease mitigation practices. Employers and sole proprietors are strongly encouraged to follow the best practices for disease mitigation found in [CDPHE Guidance](#).

C. MASS INDOOR GATHERINGS

1. In addition to the requirements in Section I.B of this Order, the requirements in this Section I.C apply to **Mass Indoor Gatherings**.
2. a. When more than 100 people are gathered in a room in a **Public Indoor Space**, the setting may operate at 100% capacity not to exceed 500 people, with 6 feet distancing required between parties of unvaccinated people or when vaccination status is unknown. Existing approved variances remain in effect, including 5 Star Program approvals granted by a county. Venues may apply to their local public health agency for a variance to exceed 500 people, to be finally approved by CDPHE. These requirements do not apply to the following sectors:
 - i. Places of worship and associated ceremonies,
 - ii. Retail services,
 - iii. Restaurants that have sit-down dining and do not have unseated areas where 100 or more people could gather (such as dance floors or common gathering areas), and
- iv. School proms and graduations that wish to exceed these thresholds shall be subject to review and approval by local public health agencies in accordance with CDPHE [prom](#) and [graduation](#) guidance.

D. SCHOOLS AND CHILD CARE

1. **Schools** and child care shall work with their local public health agencies as COVID-19 cases occur, and shall follow the CDPHE guidance for [Cases and Outbreaks in Schools and Child Care](#).
2. **Schools** that are entirely remote learning due to ongoing COVID-19 cases and outbreaks shall not have in-person extracurricular activities; except that outdoor graduations may be approved by the local public health agency.

Second Amended PHO 20-38 COVID-19 Restrictions

May 14, 2021

F. ADDITIONAL COUNTY RESTRICTIONS

1. CDPHE may require counties whose resident hospitalizations threaten to exceed 85% of hospital or hospital system capacity to implement additional restrictions to mitigate disease transmission.

G. NON-CONGREGATE SHELTERING

1. Governmental and other entities are strongly urged to make shelter available to people experiencing homelessness whenever possible and to the maximum extent practicable, and are authorized to take all reasonable steps necessary to provide non-congregate sheltering along with necessary support services to members of the public in their jurisdiction as necessary to protect all members of the community.

II. HOSPITAL FACILITY REPORTING

A. COVID-19 Case Reporting. All Colorado hospitals shall report to CDPHE in a form and format determined by CDPHE, certain information for all suspected (pending laboratory test) and confirmed (positive laboratory test) cases of COVID-19, including but not limited to:

1. race and ethnicity;
2. numbers of suspected and confirmed cases who are hospitalized, who are hospitalized and using a ventilator, or who are in the emergency department waiting for an inpatient bed;
3. numbers of suspected and confirmed cases who are discharged and in recovery;
4. deaths due to COVID-19; and
5. medical equipment and supply information, including but not limited to total bed and intensive care unit (ICU) bed capacity and occupancy, ventilator availability and utilization, and availability of N95 masks.

Reporting by hospitals shall be done in CDPHE's EMResource reporting system on a daily basis or as otherwise required by this Order.

B. Hospital Bed Capacity Reporting. All Colorado hospitals shall report to CDPHE the following in EMResource daily at 10:00 a.m.:

1. The daily maximum number of beds that are currently or can be made available within 24 hours for patients in need of ICU level care; and
2. The daily maximum number of all staffed acute care beds, including ICU beds, available for patients in need of non-ICU hospitalization.

III. DEFINITIONS

Second Amended PHO 20-38 COVID-19 Restrictions

May 14, 2021

- A. **Fully Vaccinated** means two (2) weeks after a second dose in a two dose-series of the COVID-19 vaccine, such as the Pfizer or Moderna vaccine, or two (2) weeks after the single-dose vaccine, such as Johnson & Johnson's Janssen vaccine.
- B. **Mass Indoor Gathering** is any indoor space where more than 100 unvaccinated individuals or individuals with unknown vaccination status are gathered in a room.
- C. **Public Indoor Space** means any enclosed indoor area that is publicly or privately owned, managed, or operated to which individuals have access by right or by invitation, expressed or implied, and that is accessible to the public, serves as a place of employment, or is an entity providing services. **Public Indoor Space** does not mean a person's residence, including a room in a motel or hotel or a residential room for students at an educational facility.
- D. **School** means pre-kindergarten through 12th grade. A school includes all grade levels contained in a building or multiple buildings on a campus.

IV. ENFORCEMENT

This Order will be enforced by all appropriate legal means. Local authorities are encouraged to determine the best course of action to encourage maximum compliance. Failure to comply with this order could result in penalties, including jail time, and fines, and may also be subject to discipline on a professional license based upon the applicable practice act.

V. SEVERABILITY

If any provision of this Order or the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

VI. DURATION

This Order shall become effective on Saturday, May 15, 2021 and will expire on June 1, 2021 unless extended, rescinded, superseded, or amended in writing.



Jill Hunsaker Ryan, MPH
Executive Director

5/14/2021

Date



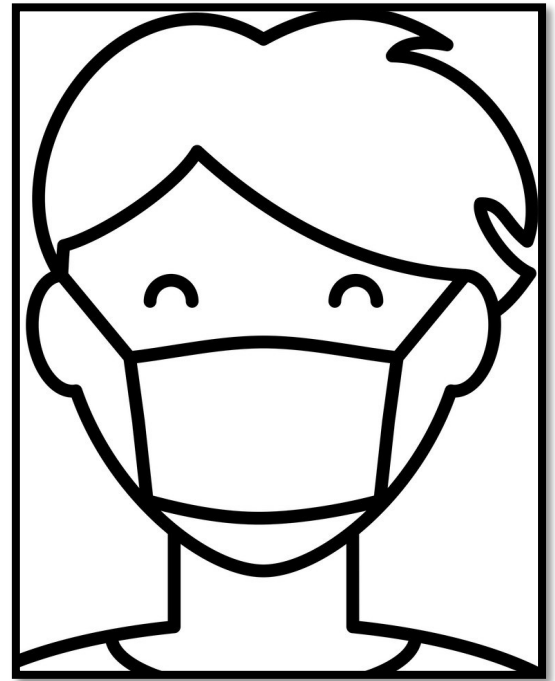
City of Glenwood Springs

PUBLIC HEALTH ORDER 2020-2

Face Covering

REQUIRED:

- To enter the store
- At all times while inside.



A Face Covering is any material that securely covers a person's nose and mouth without the use of one's hands.

*Thank you for keeping
our community safe.*





City Council
STAFF REPORT
City of Glenwood Springs
May 20, 2021

Agenda Item: Downtown Banners

Action Requested: Update on new street banner design.

Department: Parks & Recreation

Presented By: Brian Smith, Recreation Director
Jennifer Ooton, Assistant City Manager

Background Info: Each season staff switch out street banners in the downtown area. For several years these have been decorative art banners appropriate to the season that last for about 2 years before needing to be replaced.

In corporation with the Historical Society and the DDA staff have selected 11 historical photos to display in the banner slots promoting the City's historical heritage. There are 11 banners total that will be displayed.

Banner Locations

Colorado Avenue 4 total:

- Two light poles with one banner on the 800 block of Colorado = 2 banners
- Two light poles with one banner on the 900 block of Colorado = 2 banners

Cooper Avenue 4 total:

- One light pole with one banner at the 713 block of Cooper Ave at Alley = 1 banner
- One light pole with one banner on the 800 block of Cooper at the fire station (there are historic photos of firemen to view that would be ideal in this location= 1 banner
- Two light poles with one banner on the 900 block of Cooper = 2 banners

7th St. 3 total:

- One banner on the west side of the Amtrak stairs on existing pole. (There is a historic train photo of passengers dismounting at the Glenwood Amtrak station that would be appropriate for this location.
- One under Grand Avenue bridge - Bethel Plaza on south side
- One at 7th & Colorado on the north side

Issues: No banners have been selected for the Grand Ave Bridge. Due to disruption with closing the bridge to switch out the banners or the high cost of permanent banners, City staff and the DDA are considering removing the banner brackets.

Staff Recommendation: Informative only.







