



AGENDA
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
JUNE 3, 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: Jun 3, 2021 11:30 AM Mountain Time (US and Canada)

Topic: 2021/06/03 Regular Council Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87860690447>

Or One tap mobile :

US: +13462487799,,87860690447# or +16699006833,,87860690447#

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: 878 6069 0447

International numbers available: <https://us02web.zoom.us/j/87860690447>

GLENWOOD SPRINGS URBAN RENEWAL AUTHORITY

- | | | |
|-------|--|--------------------------|
| 11:30 | 2. Roll Call | |
| | 3. Election of the Chair and Vice Chair | Discussion and/or Action |
| | 4. Approval of Minutes | Discussion and/or Action |
| | A. January 7, 2020 Minutes | |
| | B. January 16, 2020 Minutes | |
| | 5. West Glenwood Mall Update and Action Recommendation | Discussion and/or Action |
| | 6. Opportunity Parcels | Discussion and/or Action |
| 12:00 | 7. Adjournment | |

ZOOM INSTRUCTIONS

8. You are invited to a Zoom webinar.

When: Jun 3, 2021 3:00 PM Mountain Time (US and Canada)

Topic: 2021/06/03 Regular Council Meeting

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WORK SESSION

3:00	9. Survey Question Presentation by Keith Fredrick	Information/Discussion
3:30	10. Financial Advisory Board	Information/Discussion
4:15	11. Elected Official Training	Information/Discussion

REGULAR SESSION

6:15	12. Roll Call	
	13. Pledge of Allegiance	
	14. Agenda Changes & Conflicts	
6:20	15. Citizens Appearing Before Council (for items not on the Agenda-comments limited to 3 minutes)	
6:30	16. Council Comments	
7:00	17. 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 the May 20, 2021 Meeting	
	B. Colorado Mountain College Foundation Letter of Support for Enterprise Zone Application to the Colorado Economic Development Commission.	

- C. Amendment to City Manager Figueroa's Contract
- D. Ordinance 2021-05, 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. (Second Reading)

ACTIONS AND/OR PRESENTATIONS

- | | | |
|------|---|--------------------------|
| 7:05 | 18. 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 20, 2021 meeting. | Discussion and/or Action |
| 7:25 | 19. Resolution 21-10 - A resolution finding substantial compliance of Petition for Annexation with CRS 31-12-107 and setting public hearing regarding eligibility for annexation of property located at 214 Center Drive (PIN: 2185-061-00-042) | Discussion and/or Action |
| | (Note: there will be no discussion at this meeting about the project, this agenda item is just to set the date.) | |
| 7:30 | 20. Community Clean-up Discussion | Discussion and/or Action |
| 7:50 | 21. City Owned Property Housing RFQ | Discussion and/or Action |
| 8:00 | 22. Two Rivers Trail - Recent grant award and pending project | Discussion and/or Action |
| 8:15 | 23. Financial Advisory Board Grant Award Recommendations | Discussion and/or Action |
| 8:20 | 24. Glenwood Springs Utility Assistance Program | Discussion and/or Action |
| 8:30 | 25. Arts and Culture Board Appointment | Discussion and/or Action |
| 8:35 | 26. Electronic Participation City Council Meetings | Discussion and/or Action |
| 8:50 | 27. Recommendation for Group Travel Allowance | Discussion and/or Action |
| 9:05 | 28. Report from City Administration | |
| | A. City Manager | |
| | B. City Attorney | |
| | C. Correspondence Incoming/Outgoing | |
| 9:10 | 29. Adjournment | |



MINUTES
City of Glenwood Springs
Urban Renewal Authority
Regular Meeting
January 7, 2020
Third Floor Conference Room, City Hall
101 W. 8th Street
3:34 PM

1. Roll Call

Present at roll call were Commissioners: Rick Voorhees, Jonathan Godes, Charlie Willman, Shelley Kaup, Steve Davis, Paula Stepp (remotely), John Martin, Tate Fairbanks, Landon Churchill

Absent: Commissioner Tony Hershey

Also present were: Debra Figueroa, GURA Executive Director
Jenn Ooton, Asst. City Manager
Karl Hanlon, City Attorney
Jasmin Ramirez (Board of Education)

- 2.** Commissioner Willman made a motion to nominate Commission Voorhees as Chair, which was seconded by Commissioner Kaup. The motion was approved unanimously.

Commissioner Godes offered to serve as Vice Chair. The nomination was seconded by Commissioner Kaup. The Authority members approved Commission Godes as the Vice Chair unanimously.

- 3.** Commissioner Willman made a motion to approve the draft bylaws with amendments to Section 1 - replacing the sentence regarding no December meetings with a sentence stating that the Authority will have regular meetings that are set by resolution. Chair Voorhees seconded the motion, which passed unanimously.

- 4.** Prior to the Executive Session, City Attorney Hanlon let the Authority know that item 4 needed to be removed from the agenda, and that the Authority would need to hold a special meeting on January 16, 2020, to consider the settlement agreement.

Commissioner Godes made a motion to go into Executive Session to conduct a conference with the Urban Renewal Authority Director and City Attorney for the Purpose of Determining Positions Relative to Matters That May be Subject to Negotiations,

Developing Strategy for Negotiations, and Instructing Negotiators; and to Conduct a Conference with the City Attorney to Receive Legal Advice in Accordance with C.R.S. 24-6-402(4)(b), and (e) related to West Glenwood Mall. The motion was seconded by Commissioner Willman, and was approved unanimously.

5. Chair Voorhees and Executive Director Figueroa thanked everyone for attending the first meeting.
6. The meeting was adjourned at 4:24pm.



MINUTES
City of Glenwood Springs
Urban Renewal Authority
Regular Meeting
January 16, 2020
Third Floor Conference Room, City Hall
101 W. 8th Street
4:45pm

1. Roll Call

Present at roll call were Commissioners: Rick Voorhees, Jonathan Godes, Charlie Willman, Shelley Kaup, Steve Davis, Paula Stepp, Tony Hershey, Maureen Stepp (Board of Education). Tate Fairbanks and John Martin arrived late.

Absent: Landon Churchill

Also present were: Debra Figueroa, GURA Executive Director
Jenn Ooton, Asst. City Manager
Karl Hanlon, City Attorney

- 2.** City Attorney Karl Hanlon presented a Ross Settlement Agreement for consideration, under which Ross Dress for Less would withdraw the lawsuits against the City and Urban Renewal Authority, the City would withdraw its motion for attorney's fees and the City would withdraw from the URA Plan the condemnation authority. Mr. Hanlon noted that Centerpointe Development, under contract to purchase the West Glenwood Mall, is also part of the agreement.

Commissioner Willman moved to approve the settlement agreement. Commissioner Godes seconded the motion, which passed unanimously. Commissioners Tate Fairbanks and John Martin arrived after the vote.

- 3.** Commissioners asked questions about next steps and ideas related to tenancy in the development. Mr. Hanlon noted that the URA would likely be reconvened in the summer and that having influence over tenant mix would probably require gap investment into the project.
- 4.** The meeting was adjourned.



City Council
STAFF REPORT
City of Glenwood Springs
June 3, 2021

Agenda Item: Survey Question Presentation by Keith Fredrick

Action Requested: Provide input on questions to be included in the survey.

Department: City Administration

Presented By: Debra Figueroa, City Manager

Background Info: On May 20th Council directed staff to facilitate an opinion poll from residents to inform Council on priorities. Keith Frederick will attend to run through the proposed survey questions and get input from Council.

Issues: NA

Staff Recommendation: NA

CITY OF GLENWOOD SPRINGS -- ONLINE SURVEY

INTRO: Thank you for agreeing to take this survey about local issues and possible ballot referendum your Glenwood Springs City is considering. Your input is needed. Please proceed to the next question.

A1. Are you registered to vote in Glenwood Springs?

- ☐ Yes, registered
- ☐ Not Registered/Don't Know **[TERMINATE]**

A2. Are you registered as a Democrat, Republican, an Independent, or something else?

☐	☐	☐
Democrat	Republican	Independent/Other

1. When local elections are held in Glenwood Springs for City Council or ballot issues, how often do you vote – always, most of the time, only occasionally, or never?

☐	☐	☐	☐
Always	Most of the time	Only occasionally	Never

2. In general, how would you rate the job the City of Glenwood Springs does providing services and keeping the city in good condition – very positive, somewhat positive, neutral or negative?

☐	☐	☐	☐
Very positive	Somewhat positive	Neutral	Negative

3. Given the level of services provided, do you think the overall level of taxes you pay as a resident of Glenwood Springs is much too high, somewhat too high, about right, or even a bit low?

☐	☐	☐	☐
Much too high	Somewhat too high	About right	A bit low

Next, rate each of the following aspects of Glenwood Springs as either very positive, somewhat positive, neutral, or negative.

	Very Positive	Somewhat Positive	Neutral	Negative
4. The condition of the streets and roads.	☐	☐	☐	☐
5. The level of traffic congestion.	☐	☐	☐	☐
6. The condition of the city's water and sewer system.	☐	☐	☐	☐
7. Having enough bike lanes.	☐	☐	☐	☐
8. Having enough recreational trails in the city.	☐	☐	☐	☐
9. Having enough sidewalks so it is safe to walk everywhere.	☐	☐	☐	☐
10. Having affordable housing.	☐	☐	☐	☐
11. The population and building growth Glenwood Springs is experiencing.	☐	☐	☐	☐

12. As you may know, Glenwood Springs voters in 2016 – 5 years ago -- approved a tax increase to build or fix city bridges, roads and other infrastructure projects. How would you rate the job the city has done on these projects – very positive, somewhat positive, neutral or negative?

☐	☐	☐	☐
Very positive	Somewhat positive	Neutral	Negative

13. The City of Glenwood Springs is considering asking voters the following Ballot question. Would you vote YES or NO on the following:

Increase the city's sales tax by three-quarters cents (0.75%) to pay for a comprehensive infrastructure re-build of city streets, roads, and water system including:

- *Repairing or repaving 43 lane miles of roads and streets;*
- *Re-doing street drainage systems with new curbs, gutters and sidewalks; and*
- *Replacing old deteriorating water and sewage pipes.*

☐	☐
Vote Yes	Vote No

14. **[IF VOTE NO]** And if this ballot issue instead asked for a lower sales tax increase of half a percent (0.5%) and do less projects... would you vote YES or NO for this comprehensive infrastructure re-build sales tax increase?

☐	☐
Vote Yes	Vote No

15. Next, do you AGREE or DISAGREE with this statement opponents to this sales tax increase might make:

“With this tax increase, Glenwood Springs would have the among the highest sales tax in the state and this is on top of the city just raising water rates and voters recently passing taxes to fix streets and bridges. Taxes are high enough and it is just NOT a good idea to keep expanding infrastructure that encourages more growth.”

☐	☐	☐
Agree	Disagree	Don't Know

16. **[IF AGREE]** What bothers you the most about this proposed tax increase... what is the worst thing about it?

Lastly, some statements from supporters of the sales tax plan.

Rate your reaction to each of these statements as either very persuasive, somewhat persuasive, or not at all persuasive as a reason to vote YES for a sales tax increase to pay for comprehensive infrastructure projects.

	Very persuasive	Somewhat persuasive	Not at all persuasive
17. Many of the water and sewer pipes under Glenwood streets are over 100 years old and are busting open. They need to be replaced.	☐	☐	☐
18. About 75 percent of the lane miles on city streets are deteriorated, under standard or have potholes. If we don't act now, conditions on the streets will only get worse.	☐	☐	☐
19. It is more efficient to comprehensively address the problems on the surface and below the surface of Glenwood streets at the same time. One comprehensive project that replaces aging water pipes and then resurfaces streets as well as fixes curbs, gutters, and sidewalks will make sure everything is built right and will last a very long time.	☐	☐	☐
20. When streets are redone, BIKE LANES and better sidewalks can be put in to improve safety of bikers and pedestrians.	☐	☐	☐
21. This infrastructure package will include new and upgraded recreational trails in the city.	☐	☐	☐
22. The water pipes are so old and so deteriorated that the city and the Fire Department are unable to do pressure stress tests because it would blow out the pipes. This means there may not be enough water pressure to fight fires.	☐	☐	☐
23. More drought conditions and damaging wildfires are putting excessive cost pressures on the city's water system and this comprehensive re-build of the city's water infrastructure and roads is the best way to ensure the reliable delivery of water into the future.	☐	☐	☐

24. Lastly, after hearing all this information, would you vote YES or NO for a three-quarters cents (0.75%) increase in the city's sales tax to pay for a comprehensive infrastructure plan for city streets and roads, water and sewer system, and expanded trails?

☐	☐
Vote Yes	Vote No

NOW, JUST A FEW QUESTIONS FOR CLASSIFICATION PURPOSES.

25. What is your gender?

☐	☐
Male	Female

26. What is your age?

☐	☐	☐	☐
18-39	40-54	55-64	65-Up

27. How long have you lived in Glenwood Springs?

☐	☐	☐	☐	☐
0-5 years	6-10 years	11-20 years	21-30 years	Longer than 30 years/ Native/ Born here

THANK YOU FOR YOUR PARTICIPATION.



City Council
STAFF REPORT
City of Glenwood Springs
June 3, 2021

Agenda Item: Financial Advisory Board

Action Requested: Financial Advisory Board Work Session
1. Grant Award Recommendation
2. Annual Memo of Budget Consideration

Department: City Administration

Presented By: Steve Boyd, COO
Yvette Gustad, Finance Director

Background Info: The 2021 grant application cycle produced \$173,300 in requests. Including the Tourism (\$71,394), A&I (\$159,491) and the reserve (\$75,730) carried over from 2020 the funds available are \$306,615. FAB is recommending \$155,300 in awards now and that Council consider whether it wants to offer another opportunity for applications to be received later in the year.

The annual budget memo provides a list of items that FAB feels are important considerations in either the 2021 or 2022 budget processes.

Annie Olson, from Summer of Music, has requested permit fees to use the park be waived. Staff has invited her to this work session to see if City Council would be willing to use FAB grant funds for this request. There is ample room in the remaining funds since the fees would be \$2,500. This request was not included in their grant application to FAB.

Issues: NA

Staff Recommendation: Staff defers to Council

CITY OF GLENWOOD SPRINGS GRANT APPLICATIONS 2021

2021 Tourism Budget	\$71,394
2021 A&I Budget	\$159,491
2021 Year-end Reserve	<u>\$75,730</u>
Total Available Grant Funds	\$306,615

		Council Approved:	Request:	FAB:	Council Approved:
<u>APPLICANT NAME</u>		<u>2020</u>	<u>2021</u>	<u>2021</u>	<u>2021</u>
1	A Way Out	\$0	\$4,500	\$7,500	
2	Access After School		\$7,500	\$7,500	
4	Andy Zanca Youth Empowerment Program	\$0	\$3,000	\$3,000	
7	Catholic Charities	\$12,500	\$30,000	\$30,000	
10	Dance Initiative Inc	\$0	\$6,300	\$6,300	
12	Family Visitor Programs	\$2,500	\$5,000	\$5,000	
13	Family Resource Center of RF Schools		\$5,000	\$5,000	
16	HomeCare and Hospice of the Valley	\$3,750	\$5,000	\$5,000	
17	Junior Achievement	\$0	\$2,000	\$4,000	
18	KDNK Community Radio	\$0	\$5,000	\$0	
19	Literacy Outreach	\$0	\$3,000	\$3,000	
20	Middle Colorado Watershed Program	\$0	\$5,000	\$5,000	
21	Mountain Valley Developmental Services	\$5,000	\$10,000	\$10,000	
22	Raising a Reader	\$0	\$3,000	\$5,000	
23	River Bridge Regional Center	\$5,000	\$10,000	\$10,000	
24	Smiling Goat Ranch	\$0	\$10,000	\$10,000	
25	Summer of Music	\$0	\$4,000	\$4,000	
26	Summit54	\$0	\$10,000	\$10,000	
27	Eagle Valley Land Trust	\$0	\$20,000	\$0	
31	Western Slope Veterans Association		\$5,000	\$5,000	
34	Youth Zone	\$0	\$20,000	\$20,000	
		\$147,950	\$173,300	\$155,300	\$0
		Amount Remaining=>		\$151,315	

MEMORANDUM

TO: Glenwood Springs City Council
FROM: Financial Advisory Board
DATE: June 3, 2021
SUBJECT: **Annual Memo of Budget Considerations**



The Financial Advisory Board would like to offer the following comments to Council for consideration;

1. When the 2021 Budget was submitted in September 2020 the COVID pandemic was in full swing and 2021 revenues were uncertain. At the time FAB supported a sales tax forecast in the range of 10% to 15% down from the 2020 forecast to generate a conservative 2021 budget. Total sales tax revenue was budgeted at \$18.9 million in 2020 which produces a 2021 forecast of \$17 million. However, through April tax revenues are up approximately 15% above 2019 actuals on a year-to-date basis. Actual receipts in 2019 were \$18.8 million. FAB believes that an official amendment of sales tax revenue of \$1.5 million is still a relatively conservative estimate and more representative of anticipated actual results.
2. To protect the General Fund from a worst-case scenario and provide some flexibility Council passed an ordinance in 2020 recognizing sales tax revenue that would normally be collected in the Capital Projects Fund in the General Fund instead which came in at approximately \$1.3 million. The City has weathered the COVID crisis better than the “worst reasonable case” scenario had outlined, so those funds are more needed in the Capital Projects Fund instead of the General Fund so FAB supports a one-time transfer of \$1.3 million from the General Fund to the Capital Projects Fund.
3. We continue to believe that unrestricted, available reserve amounts of \$2,000,000 in the Capital Projects Fund and \$3.0 million in the A&I Fund are an appropriate minimum.
4. We believe Council should consider allocating money from each fund that expends payroll into an informal reserve for Employee Compensation in the 2021 budget adjustment. Retaining high performing staffers is a priority in this environment and the recently completed staffing survey identified significant areas in the City where employees are not earning at market rates. In order to address these in the 2022 budget these reserves could allow the City to implement salary adjustments where they are most needed slightly more quickly by having this reserve available. We recommend Council utilize the salary study currently underway to implement compensation increases as needed to stay competitive.
5. In 2021 the City was awarded approximately \$1.05 million in Federal stimulus money. Rather than increasing current spending or having those funds drop into available reserves the Board would like to see a separate informal reserve established in this amount that could be used to match grant opportunities that could help the local economy or otherwise support the City’s business community. These funds will likely need to be segregated anyway as their expenditure may be audited by the Federal Government. This reserve would also allow staff time as necessary to fully understand how/where these stimulus dollars can be spent and give us time to understand what impact the recent fires may have on the summer season with respect to debris flow and I-70 interference.

6. In addition we believe a good target for unrestricted available reserves going into the 2022 calendar year is a minimum of \$6,000,000 or approximately 30% of forecasted general fund expenditures.
7. Maintain the existing \$1 million reserve in the General Fund for opposing Rocky Mountain Industrial's plan to expand the mine.
8. Appropriate at least \$100,000 in the A&I Fund and the Capital Projects Fund as a contingency that staff can use for projects that need change orders or are otherwise slightly over-budget. This will provide realistic budget numbers for the public and contractors and still allow staff to make relatively small field decisions that increase the cost of one or more projects.
9. Increase the Interfund Cost of Service transfer from 2021 levels in all funds by 2% in 2022 to offset inflation. FAB recognizes that it is important to revisit the calculation of each fund's cost of service, but that is a significant undertaking that can wait for now as it is unlikely to add substantial value in the 2022 budget process.
10. FAB discourages Council from loaning money between funds or otherwise not transferring enough capital to the Fleet Fund.

Lastly, FAB encourages Council to consider the impact on staff of the handful of major projects planned along with efforts to replace the City's Enterprise Resource Program. This implementation will demand staff resources from nearly all departments and functions. Directing staff to address less essential items may undermine attempts to improve long-term productivity and contribute to employee morale issues.

Thank you for allowing the Financial Advisory Board the opportunity to participate in the 2022 budget process.

Sincerely,

Financial Advisory Board

Ksana Oglesby, Chair
Steve Beckley, Vice-Chair
Christian Henny
Dan Sullivan
Kathryn Trauger
Munro Wilcox

cc: *Debra Figueroa, City Manager*
Steve Boyd, COO
Yvette Gustad, Finance Director



City Council
STAFF REPORT
City of Glenwood Springs
June 3, 2021

Agenda Item: Elected Official Training

Action Requested: NA

Department: City Administration

Presented By: Debra Figueroa, City Manager

Background Info: Every two years after an election our risk sharing agency provides Councilors with an outline of current issues that may create legal liability. Sam Light is an attorney with CIRSA will be here to lead the discussion.

A presentation from Mr. Light will be added once it is received by staff.

Issues: NA

Staff Recommendation: NA



Seven Key Commitments for Success in Public Office

Presented by Sam Light, CIRSA General Counsel



City Council Training June 3, 2021

Introduction

Presentation Overview

•Key commitments that will enhance your effectiveness and success and as a City official – which in turn will reduce risk for the City and you individually. Topics we will touch on include:

- The role of public official
- Transparency
- Running good meetings
- Ethical obligations
- The City's structure & liability
- Due process requirements

•Presentation is a training resource only; is not intended to address or provide legal advice on any specific, pending issues.

One: Commit to the Role of Public Official

- Being a public official means your role has changed:
 - Citizen-government official (24/7!)
 - Outsider-insider
 - Critic/proponent-representative
- The role requires an understanding that in the eyes of the community, you are always a public official.

One: Commit to the Role of Public Official

- When you became a City official, you agreed to uphold and follow applicable laws, including the City's charter, ordinances, etc. What does that commitment embody?
 - A commitment to respect your role/responsibility in the City structure.
 - A commitment to lawful conduct, including following the City's rules, procedures and criteria in making decisions.
 - A commitment to ethical practices.
 - A commitment to professional courtesy and respect for one another's divergent viewpoints and styles.

One: Commit to the Role of Public Official

- As local government officials, part of your role is delivering good governance which, at root, is based both practically and legally on a few core concepts:
- Openness & Transparency** (open meetings/records laws);
- Fundamental Fairness** (due process);
- Predictability & Evenhandedness** (equal protection, certiorari claims, etc.); and
- Mutuality of Respect**

Two: Commit to Transparency

- Transparency is a basic expectation for public entities.
- Citizens take interest in the goings-on of the City, how/when those goings-on are discussed, and the opportunities afforded to them to listen in on/participate in the discussion.
- A lack of transparency can cause massive trust and credibility issues, and potential claims/disputes over compliance.

Two: Commit to Transparency

- The Open Meetings Law (OML) applies to all meetings of the City Council and other boards, commissions, etc.
- Applies to 3 or more or a quorum, whichever is less.
- Requires discussion/action on public business to take place at a meeting open to the public.
- And, if action will be taken or a quorum will be present, there must be timely notice—agenda posted at least 24 hours in advance.

Two: Commit to Transparency

- A “meeting” includes any gathering to discuss public business, in person, by phone, or electronically (e-mail, etc).
- The OML permits executive sessions only for limited and specified purposes and following specified procedures. Make sure your executive session procedures are set up to comply with OML. https://www.cirsa.org/member_resource/colorado-court-of-appeals-weighs-in-on-the-calling-of-executive-sessions-youll-want-to-read-this/.
- Keep in mind: The policy of the OML is that “the formation of public policy is public business and may not be conducted in secret.” Thus, don’t subscribe to parallel processes that could heighten OML risks.

Two: Commit to Transparency

- How can you break faith with the OML? Let's count some ways...
 - A duly authorized executive session is convened but discussion veers off the announced topic. What to do?
 - Three members of Council have a lengthy e-mail exchange about the merits of a policy question that is on the next agenda. (Recently adopted House Bill 21-1025 will bring some clarity regarding application of the OML to e-mails; see, <https://www.cirsa.org/news/how-the-colorado-open-meetings-law-applies-to-elected-officials-email/>)
 - Discussions are occurring via social media—OML concerns?

Two: Commit to Transparency – Social Media Tips

- Keep personal and any official sites separate. Use appropriate settings, etc. to distinguish sites.
 - While law is still developing, cases elsewhere confirm that First Amendment principles will apply to official City sites or those sites that are governmental in nature.
- Don't engage in discussions of quasi-judicial matters.
- If on balance there is a need for the City and/or its officials to correct disinformation or address "true threats," consider carefully the who, how, when and where.
- Campaign activities must be on personal accounts.
- Adopt and follow a social media policy.

Two (b): Protect the City's Confidences

A Scenario

In executive session the Council develops a strategy for negotiating a purchase of water rights. The water engineer says the rights are worth \$30,000-40,000 per acre-foot and the Council instructs the City Manager to meet with the owner and negotiate for up to \$30,000 per acre foot. Council member Smith sees the owner the next day and tells her the City is willing to pay \$30,000 per acre-foot and may go as high as \$40,000. Problem?

What if Council member Smith opposes the purchase and, instead, tells the owner that though she'll get an offer, negotiating with the City is a waste because "I'm going to do everything I can to be sure we don't buy this water."

Three: Commit to Running Good Meetings

- Plan for...and lay the groundwork for...orderly & productive public meetings! Great meetings don't usually happen by happenstance.
 - Give the agenda the time, attention and focus it deserves.
 - Use and expect civility in your meetings.
 - Maintain a degree of formality at meetings.
 - Develop process rules, guidelines and/or norms of conduct. Use simple rules of procedure to facilitate, not debilitate.

Three: Commit to Running Good Meetings

- Find time for self-examination if meetings aren't going well:
 - Are our “public comment” periods turning into “public inquisition” periods or “public argument” periods? How do we handle public comments?
 - Do we “suffer” from lack of focus or excessive informality?
 - Are parties speaking on/over/across/for each other?
 - Are we undermining fruitful discussions via preemptive strikes and/or hidden agendas?
 - What are the dynamics that are allowing this to happen?

Four: Commit to Ethical Conduct

- In Colorado, ethics scandals are rare – but happen from time to time.
- Ethical misjudgments greatly undermine public confidence in public bodies, and appearances of conflicts can be just as damaging as actual conflicts.
- Can result in personal criminal and civil liability.
- There is often a “personal benefit” exclusion from public officials’ liability coverage.

Four: Commit to Ethical Conduct

- The theme that runs through codes of ethics is: It is not permissible to gain a personal benefit by virtue of holding public office.
- Conflicts of Interest: Disclose, recuse, don't vote, and don't influence other members.
 - Become familiar with your Conflicts of Interest Code (Article 020.040); See also this CIRSA video: <https://www.cirsa.org/wp-content/uploads/2020/06/How-To-Deal-With-Conflicts-Of-Interest-Final.mp4>
- Don't disclose or use any confidential information for personal benefit.
- Decline any gifts that seem to be connected to your service (and abide by gift rules).

Five: Commit to Supporting the City Structure

- Everyone within the organization has a “job description”—it is important that you honor your “job description,” both to help ensure the organization functions at a high level, and to avoid risks of liability, including the risk of personal liability!
- You have protection from personal liability if you are “within the scope of employment” and not acting “willfully and wantonly.”
- Means everyone needs to know and respect their “job description.”
- Conduct that is “outside the scope” or “willful and wanton” can result in a loss of governmental immunity and create liability, including the potential of personal liability for you. Can also result in potential loss of insurance coverage.

Five: Commit to Supporting the City Structure

- Tips to support the structure and avoid concerns around “role discipline” and “scope”:
 - Understand “job description” and stay within it. Look to your structural documents.
 - Your role is a group role; if you are thinking of acting individually, ask whether you have authority to act (and if you don’t, don’t do it).
 - Recognize that elected act primarily as a BODY, and exercise responsibilities mainly by VOTING in a PUBLIC MEETING.
 - Therefore, think “We” ... not “I”! If you find yourself about to act in terms of “I” rather than “we” ...that’s a red flag.

Five: Commit to Supporting the City Structure

- Adherence to the organizational structure is important in the area of employee relations:
 - Except for the City Council's few direct reports, elected and appointed officials are not employee supervisors. Rather, under your organizational structure, the Manager is responsible for supervision of employees (Charter 6.4). Therefore:
 - Don't get individually and improperly involved in personnel issues.
 - Don't engage in or facilitate activities that bypass the City's chain of command or personnel rules.
 - If you receive or have concerns, trust that your Manager is your point of contact.
 - Focus appropriate Council attention on supervision of direct reports.

Five: Commit to Supporting the City Structure

Policy Governance

- Is the governing body's focus on governance rather than management or administration?
 - Management is not the same thing as governance! Being a “super-manager” or “micro-manager” is still not governing.
 - Governance is policy-setting, big picture, and forward-looking, rather than making reactive, case-by-case decisions as issues arise, or after-the-fact after a problem surfaces.
- The governing body:
- Has the longest time horizon—looking down the road.
 - Has the broadest interests in mind.
 - Should develop “a taste for the grand expanse of the big picture.”

- John Carver, Boards that Make a Difference.

Five: Commit to Supporting the City Structure

Where Does the Governing Body Focus its Efforts?

Ownership



Governance



Management



Supervision



Front Line Employment

Five: Commit to Supporting the City Structure

Deliberate with Many Voices; Speak with One Voice

- Recognize that while your Council is made up of individuals, each with different goals and priorities; it is a single body.
- Therefore, resolve to speak with one voice to your support staff, and follow established channels.
- The Council is responsible for sorting out and reconciling the views and priorities of its members, so that it can speak with one voice. This is how the Council achieves clarity, credibility and accountability to its voice.

Six: Commit to Providing Due Process

- While the Council has the paramount role of policy making (or legislative matters), the Council also has a “quasi-judicial” role.
- This is when you are deciding specific “cases,” or “applications” and for these “quasi-judicial” matters—including most land use applications—the members are essentially acting as judges and therefore must behave like judges.
- In this role you are required by law to provide “due process” and a failure to provide due process exposes you and the City to liability.

Six: Commit to Providing Due Process

- A quasi-judicial decision is one that:
 - Determines the rights of a specific person/entity for a specific property (or protected property interest).
 - Is based on facts developed at a hearing to resolve the particular interests in question. In this process, you are called upon to apply existing legal standards to a specific case.
- The key characteristics of a quasi-judicial process are notice, a hearing, and a decision based on the record and set criteria, by a fair and impartial decision-maker—that's you!
- Quasi-Judges—familiarize yourself with the QJ rules of engagement! See this CIRSA video:
<https://www.cirsa.org/wp-content/uploads/2020/05/Quasi-Judicial-Proceedings.mp4>

Due Process - Tips for Quasi-Judges

- Limit your involvement to just your participation at the public hearing.
- Don't engage with one side or the other, or with your fellow members, before or outside the hearing (ex parte contacts). This is a critical responsibility that goes along with your power to decide quasi-judicial matters.
- Remain neutral; don't make up your mind before the hearing and don't make prejudicial pre-hearing statements.
- Don't participate if you have a prohibited conflict of interest in the matter (code of ethics).
- Don't make your decision on the basis of irrelevant or non-existent standards. Base your decision only on the applicable criteria.

Due Process - Tips for Quasi-Judges (and Beyond!)

- Deliberations Matter - Whether you're in "policy" mode or "quasi-judicial" mode, group deliberation is important. Your Council's discussions are where:
 - Your group formulates the bases of its impending decision.
 - The applicant (if any), the public, and others obtain an understanding of your position.
 - If the matter is QJ, your discussions are what a reviewing judge will look at to understand why you decided the matter as you did (and whether you followed your own rules).
 - So Discuss and Deliberate – Talk Amongst Yourselves!! Use Sam's "Rule of Why."

Seven: Embrace Wise Leadership

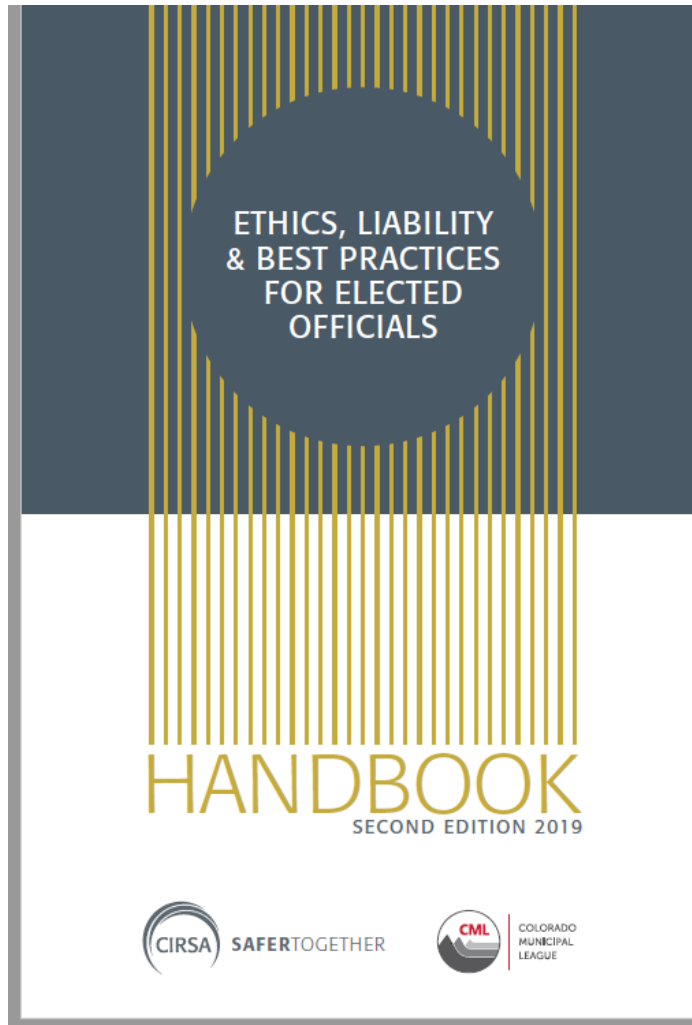
- As a body, commit to a “no surprises” approach while dealing with one another and staff.
- Deal effectively with discord. Every public body has disagreements but discord should not drive meetings, your agenda, or how you interact with the community, each other, or staff. And folks can disagree without being disagreeable.
- Recognize that certain liability risks—in particular civil rights claims—can be exacerbated by “bad facts” that suggest (or are perceived to be based upon) retaliatory or reactive conduct. To build faith and trust (and reduce risk) use courtesy, tact, and diplomacy in interactions, especially in public settings.
- You set the tone for the whole organization in terms of the treatment of employees, citizens, and the business community.
- Always keep in mind that you are the stewards of the City’s best interests and assets.

Conclusion

Thank you for your public service!

And for the opportunity to present.

Resources



CIRSA Elected Officials Handbook:

<https://www.cirsa.org/wp-content/uploads/2019/06/EthicsLiabilityBestPracticesHandbookForElectedOfficials.pdf>

CIRSA Executive Director Tami Tanoue's Webinar on Ethics, Liability, and Best Practices for Elected Officials:

<https://www.cirsa.org/wp-content/uploads/2020/05/Ethics-Liability-and-Best-Practices-Webinar-2020.mp4>

CIRSA Webinar on Quasi-Judicial Proceedings Basic Training & Best Practices:

<https://www.cirsa.org/wp-content/uploads/2020/05/Quasi-Judicial-Proceedings.mp4>

Conclusion

Colorado Intergovernmental Risk Sharing Agency

- Not a commercial insurance company; CIRSA is a Colorado public entity self-insurance pool for property, liability, and workers' compensation coverages.
- Formed in 1982 by an intergovernmental agreement of 18 municipalities pursuant to CML study committee recommendations.
- Total membership today stands at 282 member municipalities & affiliated entities:
 - 278 are members of the PC pool
 - 139 are members of WC pool
- CIRSA views proactive approaches to risk management as critical member services – is a win-win.
- More information at www.cirsa.org; CIRSA elected and appointed officials' resources: <https://www.cirsa.org/safety-training/elected-officials/>.

Conclusion

Speaker Bio

Sam Light is General Counsel for the Colorado Intergovernmental Risk Sharing Agency (CIRSA). Previously Mr. Light was a partner with the Denver law firm of Light | Kelly, P.C., specializing in municipal and other public entity law, insurance law and defense of public entities and elected officials. Sam is a frequent speaker on municipal law and has practiced in Colorado since 1993.



City Council
STAFF REPORT
City of Glenwood Springs
June 3, 2021

Agenda Item: Minutes from the May 20, 2021 Meeting

Action Requested: City Council Minutes from May 20, 2021

Department: City Clerk

Presented By:

Background Info:

Issues:

Staff Recommendation:



MINUTES
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
MAY 20, 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

04:30 Roll Call

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

04:58 Pledge of Allegiance

Mayor Godes led the Pledge.

05:13 Agenda Changes and Conflicts

Councilor Hershey requested agenda item 25 to agenda item 11 or 12. Mayor Godes suggested moving it to agenda item 13. All council members agreed.

No conflicts of interest.

06:42 Citizens Appearing Before Council

Sharma Phillips requested clarification on for pay exercise classes at City parks. She is looking for a permit for less than one hour twice a week and believes that fitness instructors are being singled out. There is no rule, law or ordinance that prevents her from doing her classes for pay at the park. Her class had a warmup event to see who could pick up the most trash.

10:45 Council Comments

Mayor Godes responded to Sharma Phillips. A lot of latitude was given to a lot of groups and people due to COVID-19. This situation is unique, and the process is currently being referred to the Park and Recreation Commission to give a recommendation to Council. Mayor Godes supports waiving park fees for thirty to forty-five days while they wait for the recommendation. Debra Figueroa, City Manager, stated that rules have been in code since 2018. Karl Hanlon, City Attorney, commented that there is a process to follow and that the thirty-to-forty-five-day waiver could be a slippery slope. Mayor Godes appreciated the clarification but would still be okay with waiving the code.

Mayor Pro Tem Willman is empathetic to Ms. Phillips' position but is not prepared to waive the code. He also commented about a CML Board retreat and how travel and costs will be covered. Debra Figueroa replied that there is money in the budget available. Mayor Godes asked to have this subject moved to another Council meeting.

Councilor Stepp is for flexibility for the parks fee waiver. She stated that she felt there would not be a rush on businesses who wanted to have a waiver. Councilor Stepp was contacted by a citizen on if it were possible to comment in another way on controversial issues. Karl Hanlon commented that most jurisdictions allow use of a name and a town. Councilor Stepp received a letter about having a porta-potty set up on Rio Grande Trail by the High School due to people using bushes to relieve themselves in. Brian Smith, Parks and Recreation Director, is aware of the request and stated that the City spent over \$7,000 last month and are trying to be careful with their budget. Councilor Stepp commented that some City Board and Commission members have departed or have been termed out and did not receive a 'thank you', she suggested a letter expressing gratitude from the Council. Debra Figueroa replied that a letter is usually sent but some people may be missed.

Councilor Kaup agreed with making sure a letter from Council is sent to Board and Commission members. Councilor Kaup agreed there should be changes to permits to allow for pay activities but does not agree with out and out waiving of the code. Debra Figueroa commented that for pay activities can occur three times a year or through special permit requests directly with City Council. City Attorney stated that these are for contracts for use of City property. Hanlon said that there is an internal meeting next week for options for Parks and Recreation so something can come before council.

Councilor Kaup received a link from a citizen to a 9-News article about the housing crisis in Frisco, and the apparent transfer to a 'second homeowner' community in Glenwood. She wanted Legal to bring them options to discourage this. Mayor Godes thinks a conversation with the Housing Commission, Planning and Zoning and Legal should happen. Karl Hanlon commented that the housing issue is affecting employment and all mountain communities, and that the conversation should start with the Housing Commission.

Councilor Davis is sympathetic to Ms. Phillips and stated that exceptions should be made for schools and classes and that currently school already use the parks without interference from the City.

34:15 Councilor Davis moved, seconded by Councilor Hershey, to allow Sharma Phillips a 45-day permit to hold her exercise class for no more than 2 days per week.

Ayes: Kaup, Godes, Hershey, Stepp, Davis

Nays: Willman

Motion passed 5-1

Debra Figueroa commented that there will be other requests and asked if they should go on the agenda. Mayor Godes commented that each request should come before Council on Citizen Comments.

38:16 Bryanna Starbuck, Public Information Officer, played a video presentation on Glenwood Springs Emergency Watershed Protection Project – Project Complete Celebration. Mayor Godes thanked Manager Figueroa, Attorney Hanlon, Matt Langhorst, and all the partners and staff for all their hard work in completing this project.

47:43 Motion for Consent

47:48 Mayor Pro Tem Willman moved, seconded by Mayor Godes to approve the consent agenda.

Passed unanimously.

ACTIONS AND/OR PRESENTATIONS

48:04 Office of Financial Empowerment

Jon Fox-Rubin and Barbara Freeman presented on a new state office – the Office of Financial Empowerment.

Mayor Godes thanked Jon and Barbara for their presentation and all the work that they do in the community.

1:01:28 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 advised that any comments since the last council meeting on May 6, 2021 have been included in the agenda packet.

Chris Hawkins of Alpine Planning, representing the applicant, presented, and requested that council keep an open mind, that Planning and Zoning recommended approval and offered rebuttal to comments.

Eric Marquez, traffic engineer, representing the applicant, presented, and offered rebuttal to comments.

John Dyet, owner, thanked the Council for allowing this to come before them again and offered rebuttal to comments.

Mayor Pro Tem Willman who would like to move this out of Council discussion. He also expressed concerns regarding the Chief of Police comments, traffic, and safety.

Mayor Godes commented on the concerns of the prior applications, its morality, parking, that there will be a new nice-looking building in the community if the store fails, and if denied it would be for the wrong reasons.

Councilor Stepp commented on the image of marijuana, usage, and her concerns on the closeness to residential and school areas.

Councilor Kaup asked if concerns raised by the Chief of Police for rear access and possible break-ins have been mitigated. Treat Hyatt replied that he does not know about the walls to prevent break-ins, but the no-parking area can be required. Mayor Godes commented that the yellow lining can become a condition. Councilor Davis moved to approve, Councilor Kaup seconded with the condition of added yellow lining to allow access to the rear of the building.

1:37:53 Councilor Davis moved, seconded by Councilor Kaup, to approve with conditions found in the May 5, 2021 Staff Report and with the condition that the parking lot is striped, Planning File 69-20 Consideration of a Special Use Permit for a Retail Marijuana establishment at 2114 Grand Avenue.

Ayes: Davis, Godes, Kaup

Nays: Stepp, Hershey, Willman

Tied 3-3

Motion failed.

Karl Hanlon commented because this is a land use hearing he would like to consider a motion in the alternative. Mayor Pro Tem Willman commented that the motion was not approved and was not denied. Karl Hanlon agreed and commented that if there was something missing that could be added to change a councilors vote, or continue the item until all councilors are present, to reach a resolution.

1:41:36 Mayor Pro Tem Willman moved, seconded by Councilor Kaup, to continue Planning File 69-20 Consideration of a Special Use Permit for a Retail Marijuana establishment at 2114 Grand Avenue, to the next meeting on June 3, 2021 to allow Councilor Wussow to review this section of the hearing so all seven members of the Council can vote.

Passed unanimously.

1:42:30 COVID 19 Update and Face Covering Extension

Councilor Hershey commented that he would like the City to be consistent. Mayor Godes would like to encourage unvaccinated staff to continue to wear masks.

1:42:35 Mayor Godes moved, Seconded by Councilor Stepp, to revoke everything that is not in line with CDC and State guidelines and recommendations and encourage unvaccinated people to continue to wear masks but not make it a requirement by special order or law.

Passed unanimously.

1:45:05 Appointments to Historic Preservation Commission

Gretchen Ricehill, Assistant Director for Economic and Community Development, commented that there are two available seats. She recommends that Patricia Stark be moved from an alternate seat to a regular seat, and that after interviewing Grant Stevens, he be given an alternate seat. Councilor Hershey agrees it is important to move someone up and appoint someone to the alternate seat.

Mayor Godes commented that appointees should be interviewed by a Council member and not by staff.

1:47:15 Councilor Hershey moved, Seconded by Councilor Kaup, to approve the motion as presented by staff.

Ayes: Davis, Willman, Stepp, Kaup, Hershey

Nays: Godes

Passed 5-1

Mayor Pro Tem Willman requested that the Tourism Board be moved to the next agenda item.

1:50: Mayor Pro Tem moved, Seconded by Councilor Stepp, to move the Tourism Board agenda item to the next agenda item.

Ayes: Davis, Willman, Stepp, Kaup, Godes

Nays: Hershey

Passed 5-1

1:50:45 Tourism Promotion Board Composition and Terms

Lisa Langer would like an adjustment to the ordinance to allow citizen seat who may have an interest in tourism and to promote a couple of the alternates to fill the two empty seats, a tourism seat, and a citizen seat. Mayor Pro Tem Willman asked if the code needs to be changed. Karl Hanlon replied that if the council wants to appoint like this, he will catch the code up with a cleanup ordinance at the next meeting.

1:52:17 Councilor Stepp moved, Seconded by Mayor Pro Tem Willman, to approve the change in fulfilling the roles on the Tourism Board and move the two people up to fill out the positions on the Tourism Board.

Ayes: Stepp, Davis, Willman, Hershey

Nays: Kaup, Godes

Passed 4-2

1:55:20 Award Proposal for Council Chambers

Steve Boyd, Chief Operating Officer, presented. Councilor Kaup commented on individual IT set up for each member. Alissa Owsley, Information Technology, replied that monitors will be replaced by laptops, each will have a touchscreen and a microphone and the ability to share any computer in the room and to the screen. Mayor Pro Tem Willman asked if microphones will be open all the time. Jim Post replied that every position will be able to mute their microphone and will have the ability to have someone running the meeting capable of muting microphones as needed. Microphones will be off unless activated. There will be a total of four displays set up for council and the public to view. Mayor Godes asked if there is anything technologically missing and are the microphones capable of being heard in the live YouTube broadcast. Jim Post replied that this will be as advanced as needed but simplistic, and that the design will be zoned for better microphone pickup.

2:07:17 Councilor Kaup moved, Seconded by Mayor Godes, to award Ford AV the contract for the Council Chamber Technology Upgrades.

Passed unanimously.

2:09:15 Recess

2:22:19 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.

Gretchen Ricehill presented. Question from Councilor Kaup if screening on shipping containers would meet the new code. Gretchen Ricehill said that it would.

2:27:20 Councilor Kaup moved, Councilor Stepp, to approve the adoption of the amendments to No 2021-03 of the City of Glenwood Springs, Colorado, 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 as revised by staff.

Passed unanimously.

2:28:55 Ordinance No 2021-05 for CWCB Loan

Matthew Langhorst, Director of Public Works, presented that the previous Resolution was requested to be upgraded to an Ordinance by the Bond Council.

No public comment

2:30:05 Mayor Pro Tem Willman moved, Seconded by Councilor Stepp, to approve Ordinance 2021-05 for the CWCB Loan.

Passed unanimously.

2:31:24 Memorandum of Understanding regarding Residential Development within RH District of Glenwood Meadows

Karl Hanlon presented. Councilor Stepp asked about the amount of housing allowed, if a lift station is not put in there would be no development, if a new lift station would be able to serve nine hundred units, what the cost reimbursement is and the time commitment to when units would come online. Karl Hanlon replied that the amount of housing should apply to the residential development, but two open lots in the business development could potentially be used for residential development. He said that the current lift station would need maintenance and upgrades to serve any future development. He also replied that it is designed to serve eleven hundred to twelve hundred units and that the company could recover around eight hundred dollars per unit that they do not develop, which is not uncommon for large projects. A per unit surcharge would be added to a future development as a cost recovery and passed on to the contractor who originally fronted money and that it is hard to predict a timeline for development, with apartment units are the most sought after.

Mayor Pro Tem Willman asked about the traffic impact fee, the meaning of an “equitable share” and “no further extractions”. Karl Hanlon replied that future traffic mitigation has been waived due the original significant investment and it will get the City through the planning phase to shovel ready. A traffic study had been done and the most significant thing is signalization at West Wolfson intersection. The equitable share is five hundred dollars per unit. No further extractions is the contractor saying they have put in their value and they are done with their share.

No public comment.

2:47:55 Councilor Hershey moved, Seconded by Mayor Pro Tem Willman, to ratify the Memorandum of Understanding between Glenwood Meadows LLC and the City executed by the City Manager.

Passed unanimously.

2:49:12 City Owned Property Housing RFQ

Hannah Klausman, Economic and Community Development, presented.

Mayor Godes mentioned that this matter was addressed at a workshop prior to the regular session.

No public comment.

Councilor Davis commented that south of 27th Street project until South Bridge is in place is out of the question and the parcel on 8th Street and Midland is prime corner of real estate and not a location for affordable housing.

Councilor Stepp commented that from thirty possible sites, these two sites are the most viable for good standard affordable housing projects.

3:03:45 Councilor Stepp moved, Seconded by Councilor Kaup, to request an RFQ to establish any potential partnerships for the 27th Street and 8th Street Projects.

Councilor Kaup commented that this project was initiated by City Council and the two locations are the best potentials for investment for a community housing project and the South Bridge project is waiting for the potential award of the brick grant.

Hannah Klausmen commented that thirteen thousand dollars from last year could fit into the Community Development Department budget.

Mayor Godes commented that they must wait to see if the brick grant is awarded and if not, he does not see how they can move forward with, as of today, thirty-five million dollars needed.

Mayor Pro Tem Willman is concerned for further prior to South Bridge being approved but this is a commitment to begin to solve the housing problem and the feasibility of it, and for future projects.

Councilor Kaup requested to withdraw her Second for the motion and continue to when there is a full council.

03:13:57 Councilor Kaup withdrew her second to request an RFQ to establish any potential partnerships for the 27th Street and 8th Street Projects.

03:14:05 Councilor Kaup moved to continue, seconded by Councilor Hershey, to continue City Owned Property Housing RFQ to the next City Council meeting on June 3rd.

Ayes: Stepp, Willman, Kaup

Nays: Godes, Hershey, Davis

Tied 3-3

Motion failed.

3:15:28 Councilor Stepp moved, Seconded by Councilor Hershey, to request an RFQ to establish any potential partnerships for the 27th Street and 8th Street Projects.

Ayes: Willman, Stepp, Kaup

Nays: Davis, Godes, Hershey

Tied 3-3

Motion failed.

Councilor Hershey commented that the community does not want more growth and highlights the issues around 8th Street and Colorado of traffic, parking and the amount of business conducted by the State Courts, the County, and the City.

Mayor Godes thanked the Housing Commission for their work.

3:19:35 South Canyon Planning

03:19:50 Mayor Godes moved, Seconded by Councilor Davis to continue South Canyon Planning to the next City Council meeting on June 3rd.

Passed unanimously.

3:20:10 Electronic Participation City Council Meetings

3:20:16 Mayor Pro Tem Willman moved, Seconded by Councilor Hershey, to continue Electronic Participation City Council Meetings to the next City Council meeting on June 3rd.

Passed unanimously.

3:20:43 To-Go Alcohol Locations

Jennifer Ooten, Assistant City Manager, wanted to check that City Council is still in favor of to-go alcohol to be consumed in the Bethel Plaza area. Councilor Hershey asked for confirmation that this is consistent with State's temporary COVID-19 orders. Karl Hanlon confirmed.

3:22:34 Councilor Hershey moved, seconded by Council Davis, to continue to-go alcohol locations consistent with State of Colorado temporary COVID-19 orders.

Passed unanimously.

3:23:07 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)

Steve Boyd and Debra Figueroa presented. Councilor Stepp asked if the city has the staff to put into place projects, or if this money should be kept in reserve over for 2022 budget discussion. Steve Boyd replied that staffing is an issue, and the city will prioritize and complete projects where possible.

No public comment

Councilor Hershey commented for clarification of extra action to replace reduced salary for the City Manager. Steve Boyd replied that he would produce a contract adjustment for the City Manager and something to give the Council members money back, for the Council to vote on.

Mayor Godes thanked Steve Boyd and Yvette Gustad for all the long hours and hard work to get the City to this point throughout the last year and a half and recognized the staff as they City's biggest asset.

Mayor Godes asked if there was a suggestion to revisit the City Manager repayment in the next few meetings. Councilor Hershey confirmed.

3:28:15 Mayor Pro Tem Willman moved, seconded by Councilor Kaup, to approve 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.

Passed unanimously.

Mayor Pro Tem Willman commented that Staff should not return with a recommendation to repay Council for lost wages. Councilor Hershey concurs.

Steve Boyd asked for confirmation not to bring back the pay lost by the Counsel. Councilor Hershey and Debra Figueroa agreed.

3:34:02 Repeal Resolution 2020-32 and 2020-4 Temporarily Suspending the Sign Ordinance.

3:34:49 Mayor Pro Tem Willman moved, Seconded by Councilor Kaup, to Repeal Resolution 2020-32 and 2020-4 Temporarily Suspending the Sign Ordinance.

Councilor Kaup asked if this repeal would affect the 'take-a-minute' signs in the City and how quickly can the community signs be replaced. Mayor Godes said it would affect all signs. Karl Hanlon suggested that the signs would just need to be moved to another property rather than just being taken down and put back up again.

3:37:29 Councilor Kaup withdrew her second, to Repeal Resolution 2020-32 and 2020-4 Temporarily Suspending the Sign Ordinance.

3:37:39 Mayor Pro Tem Willman moved, Seconded by Councilor Hershey, to Repeal Resolution 2020-32 and 2020-4 Temporarily Suspending the Sign Ordinance

Ayes: Stepp, Davis, Willman, Godes, Hershey

Nays: Kaup

Passed 5-1

3:40:00 Downtown Banners.

Brian Smith presented. Councilor Kaup objected to one of the images being presented. Brian Smith also mentioned that one of the images may be replaced. Mayor Godes asked if the images had been presented to the Arts Commission and Parks and Recreation for suggestions. Brian Smith replied that the Arts Commission had seen the images, but the Parks and Recreation Commission has yet to see them. Smith said the Downtown Development Authority have seen them and they are excited to have them displayed. The project is being funded by CDOT and DDA.

3:49:54 Report from City Administration

A. City Manager

Debra Figueroa commented that she attended a detox meeting and they requested if City Council would consider setting aside, in the marijuana fund, a fifty-thousand-dollar detox reserve in the 2022 budget for matching funds. Councilor Stepp commented that matching funds are available from the County, and she will help in grant applications. Debra Figueroa commented that if okay it will just be included in the 2022 budget.

Mayor Godes asked about the grants recently awarded to the City. Debra Figueroa commented that the City received a three hundred-thousand-dollar grant to assist with the homeless. The Deveraux sidewalk project is very close to being funded by CDOT, who also gave fifty-thousand-dollar grant for the Main Street project. DOLA gave one hundred-thousand-dollar grant to move forward with the comprehensive plan.

B. City Attorney

No report from Karl Hanlon.

C. Correspondence Incoming/Outgoing

3:53:45 Adjournment

09:56 Mayor Pro Tem Willman moved, seconded by Councilor Kaup, to adjourn.

Passed unanimously.



City Council
STAFF REPORT
City of Glenwood Springs
June 3, 2021

Agenda Item:	Colorado Mountain College Foundation Letter of Support for Enterprise Zone Application to the Colorado Economic Development Commission.
Action Requested:	Approve draft letter of support
Department:	City Administration
Presented By:	Debra Figueroa, City Manager
Background Info:	Colorado Mountain College Foundation is applying to the Colorado Office of Economic Development and International Trade for Enterprise Zone status. This status is desirable to facilitate its capital fundraising campaign to build a Nursing Simulation Lab at the Spring Valley campus. By offering donors an additional tax credit (beyond the standard non-profit donation credit), they hope to incentivize them to invest in this critical upgrade to its nursing education infrastructure.
Issues:	NA
Staff Recommendation:	Staff recommends that City Council approves the letter of support or the CMC Foundation.



CMC FOUNDATION ENTERPRISE ZONE OVERVIEW

Colorado Mountain College Foundation is applying to the **Colorado Office of Economic Development and International Trade** for Enterprise Zone status. This status is desirable to facilitate our capital fundraising campaign to build a Nursing Simulation Lab at the Spring Valley campus. By offering donors an additional tax credit (beyond the standard non-profit donation credit), we hope to incentivize them to invest in this critical upgrade to our nursing education infrastructure. A Letter of Support (draft attached) from your organization will greatly support our application.

Why a new Nursing Simulation Lab? Due to space constraints Spring Valley's existing lab has limited capacity to provide the required 750 hours of clinical training for the registered nurse certificate. The State allows educational institutions to provide up to 50% of these hours by simulation, however we are only able to provide 20% of the content onsite. Students must incur travel expenses and disruption to complete the remaining work at a health care facility. Rural health care facilities are few and distant. In-house nursing staff are required to supervise the students, yet there is a shortage of nursing staff locally. The pandemic has exacerbated the situation as the limited nursing staff must prioritize Covid-related care over student supervision. A large-capacity Nursing Simulation Lab will alleviate the regional shortage of qualified nurses by increasing CMC's capacity to graduate qualified nurses into the workforce.

What is an Enterprise Zone Credit?

An Enterprise Zone Credit is an additional tax credit provided by the State of Colorado, of up to 25% on charitable gifts by Colorado tax payors to capital projects designated as Enterprise Zone Contribution Projects in specific rural areas of Colorado. In CMC districts, this currently applies to the Steamboat Springs Nursing Simulation Lab project. Based on details provided by the state, we believe it may possibly also apply to Spring Valley Nursing Simulation Lab project in the future (application in-process).

Purpose

The Enterprise Zone Program was developed to stimulate economic development in distressed rural areas of the state. Since the simulation lab project both creates jobs and provides resources for training/re-training in areas of critical need (i.e., health care), it is considered as contributing to the effort to stimulate economic growth and has been approved as Enterprise Zone Contribution project.

Requirements/Eligibility Rules

Individuals or businesses who pay income taxes in the State of Colorado are eligible to receive Enterprise Zone tax credits for contributions made to Enterprise Zone Contribution Projects. Colorado Mountain College Foundation is limited to total credits of \$750,000, from \$3 million in gifts.

How to utilize the Enterprise Zone Credit for your Donation

CMC Foundation will submit your donation for credit under the Enterprise Zone Contribution Project program. If you qualify, you will receive a separate notification from the Office of Economic Development and International Trade to use in preparation of your tax return.



City of Glenwood Springs
101 West 8th Street
Glenwood Springs, CO 81601

June 3, 2021

RE: Colorado Mountain College Foundation's Enterprise Zone application

To Whom It May Concern:

It is my pleasure to provide this letter of support on behalf of the Colorado Mountain College Foundation toward their application for an Enterprise Zone Contribution Project.

CMC's construction of a new Nursing Simulation Lab will enable the college to produce more, and better-trained Registered Nurses and Bachelor's-prepared nurses to work for local/regional healthcare providers. This project represents a significant opportunity to enhance the skills of our local workforce, address the increasing demand for healthcare workers in our community, and support our local economy.

CMC's investment in the Simulation Laboratory is a significant enhancement of our region's nursing education and training infrastructure. This investment will ensure that there is a steady stream of new nurses graduating into the workforce at a time when healthcare needs are exploding, and our state is facing a dramatic nursing shortage.

Health care providers, while being some of our region's major employers, also serve a critical function for local tourism. Having top-quality, well-staffed health care providers in the area is important to attracting the active tourists upon whom our local economy depends.

I believe this project will help ensure that our community will have the trained workforce it needs to meet the demands of the region for the next decade and beyond. Our rural region will need a continuous flow of skilled nurses to keep up with the increasing needs of an ageing population. This project directly addresses that need.

We fully support CMC in this application and look forward to the project's success.

Sincerely,

Jonathan Godes, Mayor
City of Glenwood Springs



City Council
STAFF REPORT
City of Glenwood Springs
June 3, 2021

Agenda Item: Amendment to City Manager Figueroa's Contract

Action Requested: Approve Contract Amendment

Department: City Administration

Presented By: Steve Boyd, COO

Background Info: Council approved the appropriations ordinance submitted by staff in the May 20th meeting. The ordinance included an appropriation for all employees, including the City Manager, to have the remaining amount of salary reduction and furloughs refunded to them as well as unpaid 401k contributions. Staff is able to execute the refunds to all employees except the City Manager, whose contract requires an amendment.

Issues: NA

Staff Recommendation: Staff recommends approval

SIXTH AMENDMENT TO EMPLOYMENT AGREEMENT

This SIXTH AMENDMENT TO EMPLOYMENT AGREEMENT is made this 3rd day of June 2021, by and between the City of Glenwood Springs, Colorado (hereinafter “Employer” or the “City”), and Debra M. Figueroa (hereinafter “Employee” or “City Manager”).

WHEREAS, the City and Employee entered into an Employment Agreement on May 9, 2016 (the “Employment Agreement”), a First Amendment to Employment Agreement in February 2017, a Second Amendment to Employment Agreement in November 2017, a Third Amendment to Employment Agreement in May 2019, a Fourth Amendment to Employment Agreement in April 2020, and a Fifth Amendment to Employment Agreement on September 17, 2020; and

WHEREAS, Section IV. A. of the Employment Agreement provides “Compensation shall be reviewed annually as provided for in Section III.A. above”; and

WHEREAS, a Cost of Living Adjustment (COLA) for 2020 would have increased Employee’s compensation from \$165,000 to \$170,000 in early 2020; and

WHEREAS, despite the desire to increase Employee’s compensation, in April 2020 the parties agreed to temporarily decrease Employee’s salary to \$150,000 and discontinue 401k contributions effective May 1, 2020 due to revenue losses and other financial challenges caused by the Novel Coronavirus-COVID-19 pandemic and executive and public health orders issued to mitigate the spread of the virus; and

WHEREAS, the Fourth Amendment to Employment Agreement provides that Employee’s salary will return to \$170,000 upon a determination by the City and Employee that the City’s financial position has stabilized; and

WHEREAS, based on steadily improving tax collection numbers and economic stability, the Fifth Amendment to Employment Agreement restored Employee’s salary to \$170,000 effective August 17, 2020; and

WHEREAS, the City now wants to compensate Employee for the decrease in her salary from May 1, 2020 to August 16, 2021 as well as the 401k contributions Employee would have received had she been paid an annual salary of \$170,000 during that time; and

NOW THEREFORE, in consideration of the promises and covenants contained herein, the parties agree as follows:

1. Compensation. The annual Compensation referenced in Section IV.A. of the Employment Agreement, as amended, shall be retroactively increased to \$170,000 effective May 1, 2020. The City shall make a lump sum payment to Employee equal to the difference between the compensation described in this section and the compensation paid to Employee from May 1, 2020 through August 16, 2020. The City shall also make a lump sum payment to Employee’s 401k account equal to the amount of 401k contributions that would have been paid on the compensation described in this section from May 1, 2020 through August 16, 2020.

2. All other terms and conditions of the Employment Agreement, as amended, shall remain unchanged.

IN WITNESS WHEREOF, the parties have executed this Sixth Amendment to Employment Agreement as of the date first above written.

EMPLOYER:
CITY OF GLENWOOD SPRINGS,
COLORADO

EMPLOYEE:

By: _____
Jonathan Godes, Mayor

Debra M. Figueroa

ATTEST:

City Clerk/Deputy City Clerk



City Council
STAFF REPORT
City of Glenwood Springs
June 3, 2021

Agenda Item:	Ordinance 2021-05, 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. (Second Reading)
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 CWCBC 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
June 3, 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 20, 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

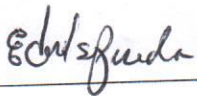
reporting current drug use.

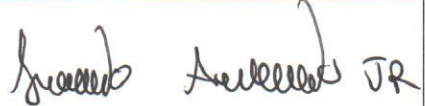
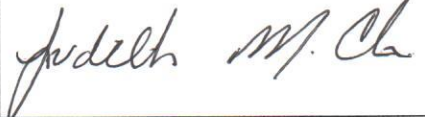
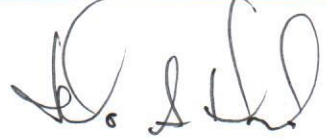
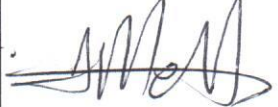
47% of all young people use illegal drugs at least once by the time they leave high school, according to a 2018 study.

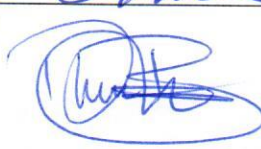
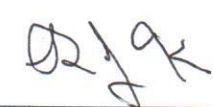
CITIZEN PETITION

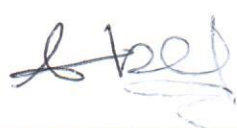
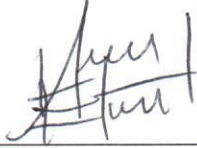
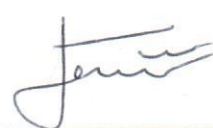
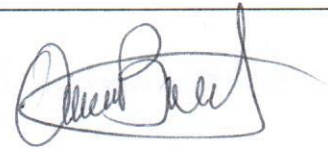
OPPOSITION TO KIND CASTLE DISPENSARY AT 2114 GRAND AVENUE

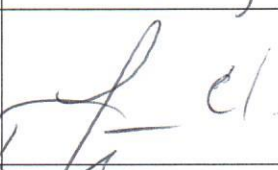
Kind Glenwood, LLC d/b/a Kind Castle has submitted a special review use application to the City of Glenwood Springs for permission to operate a retail marijuana dispensary at 2114 Grand Avenue. This property is located between Stinkers gas station and the Cedar Lodge Motel and includes two residential 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 2RD 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 Lane GWS CO 81601	
Edgar Diaz	3030 Grand toll 4 Ave	

From: [Kelli Shedden](#)
To: [Trent Hyatt](#)
Subject: Opposition to Kind Castle
Date: Wednesday, May 19, 2021 1:36:37 PM

Hello Mr. Hyatt,

I was recently made aware that Kind Castle has resubmitted a special review use application to operate a retail marijuana dispensary at 2114 Grand Ave. My husband is the current pastor of Defiance Church at 23rd and Blake which owns two properties on Blake Ave, the church and a house. We are opposed to yet another Marijuana shop moving into GWS. What we need is not more stores catering to a vice, but rather places that offer products that better our town, lead to more community engagement, or a shared space that many people would use. It is not as if this would be the only option to buy marijuana in town, there are many others just a few blocks away.

Let's find better options to fill out storefronts and not become a destination town to just come and get high. Let's do better and be better!

Please pass on my concerns and I have high hopes that you will deny their application.

I am available to discuss further if needed.

Kelli Shedden



**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 is 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.

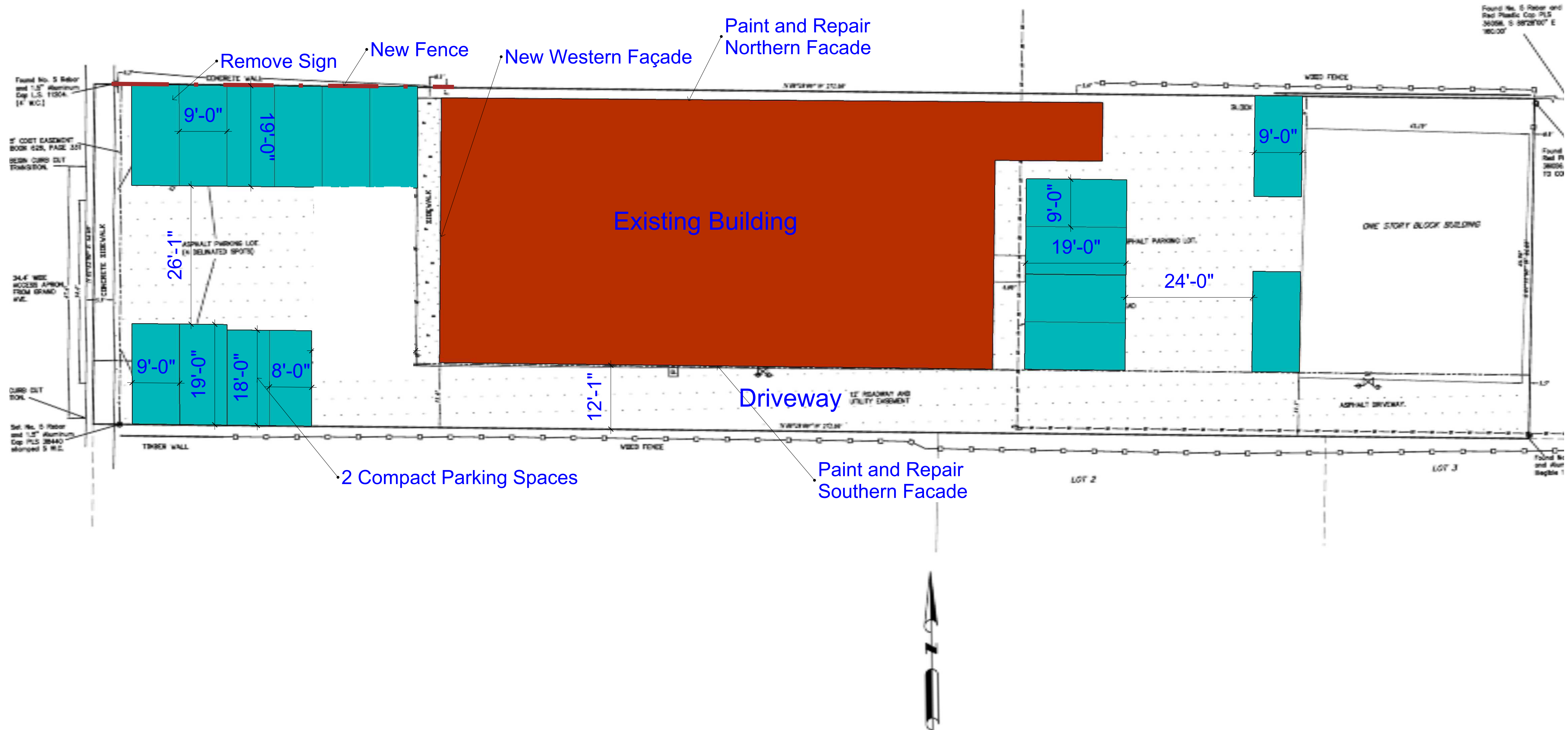
Thanks,



Richard Koziol

vip@glenwoodspringscedarlodge.com

708-927-7493-cell phone

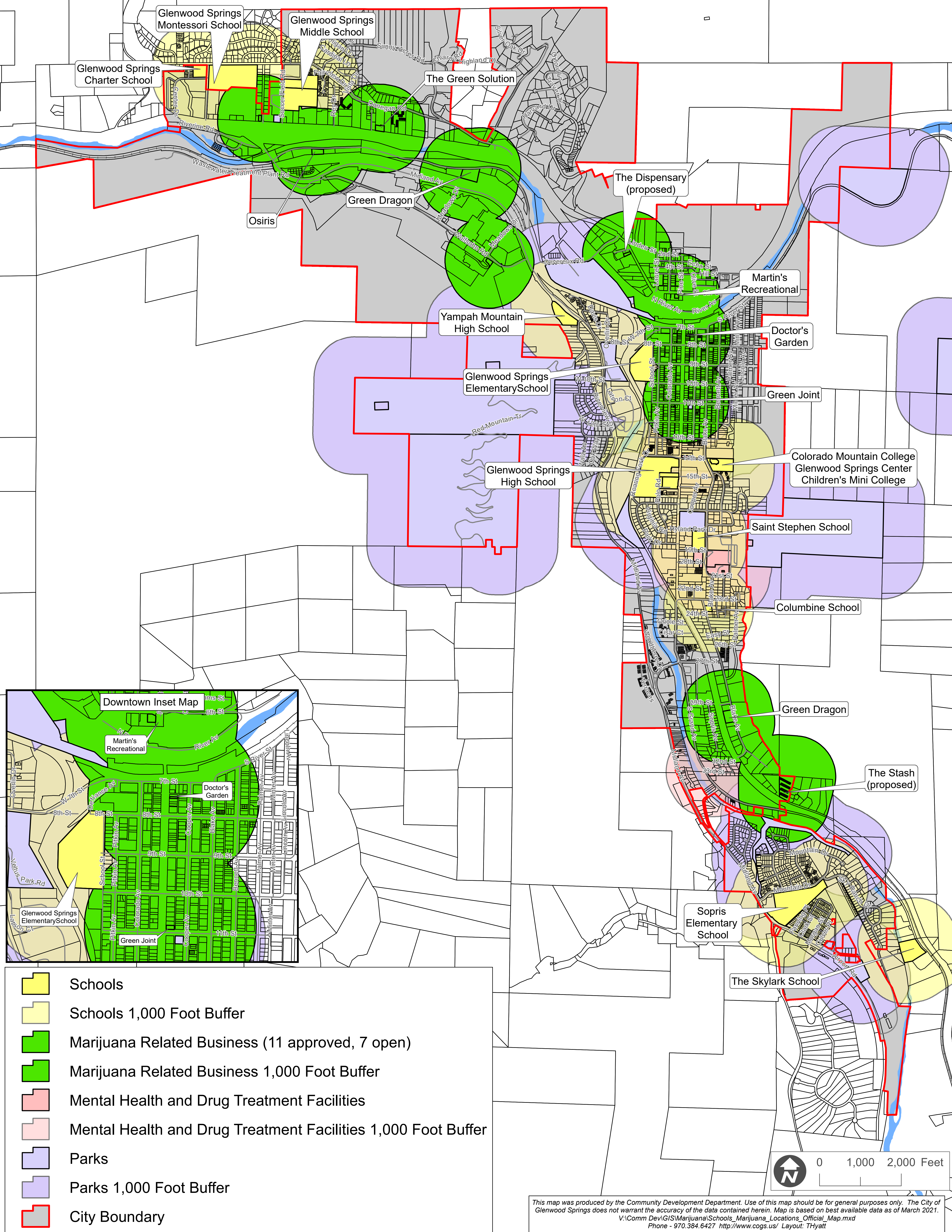




School and Marijuana Business Locations and Required Buffers

Per Ordinance No. 27-20

Effective December 17, 2020



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', with a stylized, cursive script.

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.*

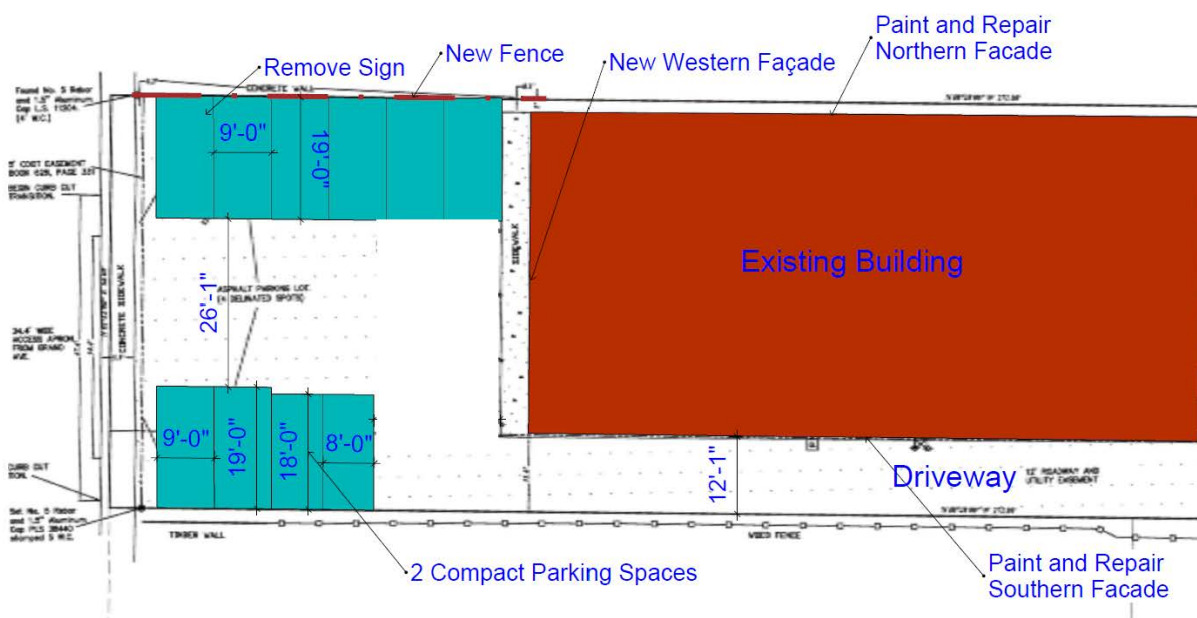
BACKGROUND/ANALYSIS

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 1,957square feet, are intended to serve the subject retail marijuana business. Suite A is being retained by the applicant as office space.

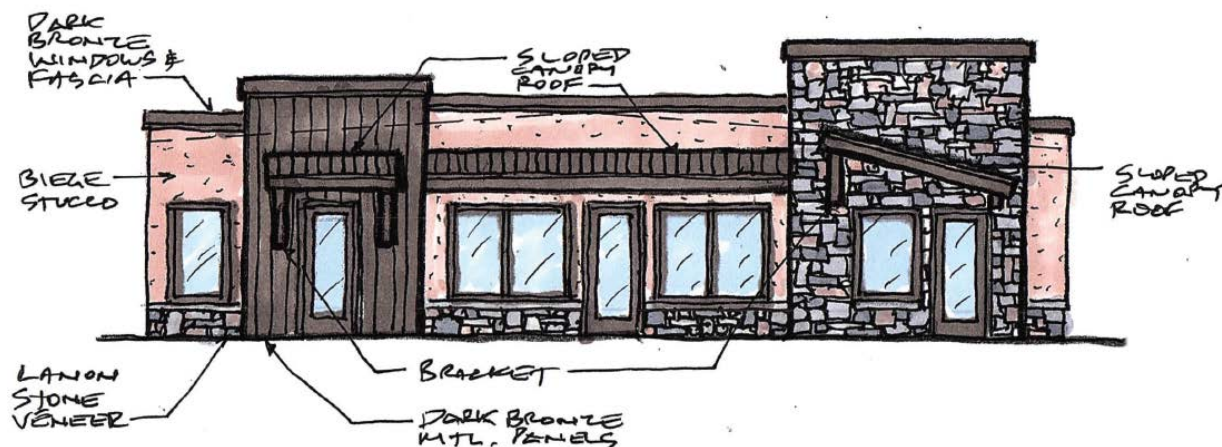
A similar yet different application was denied (5-2) by City Council on June 18, 2020 following a recommendation for denial (7-0) from the Commission. Thereafter, Kind Glenwood LLC revised their proposal to address issues/concerns outlined by both bodies and requested City Council allow

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.



Packet Page 122

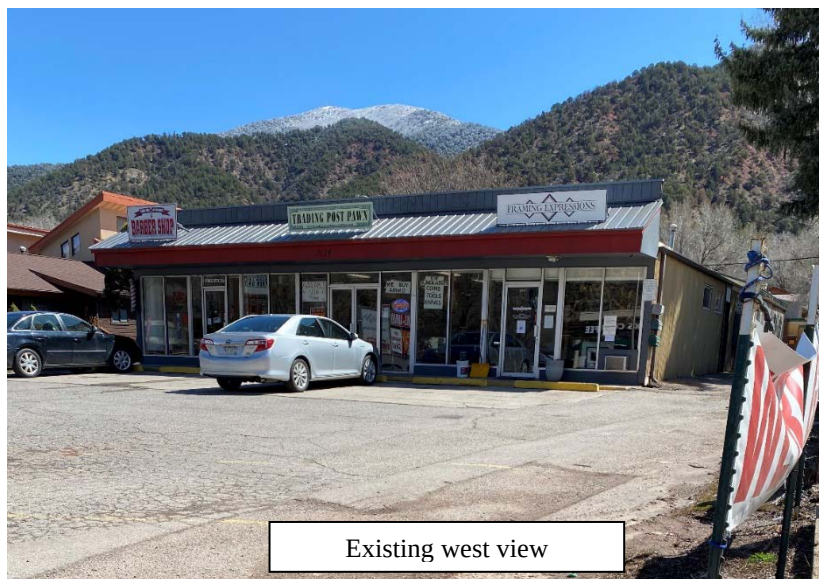
Previously, the applicant was hesitant to make facade improvements while only leasing a portion of the existing building. With the inclusion of all units/building space, they propose replacing windows, adding roof pitch and height variations, and changes in materials and colors to enhance the aesthetic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

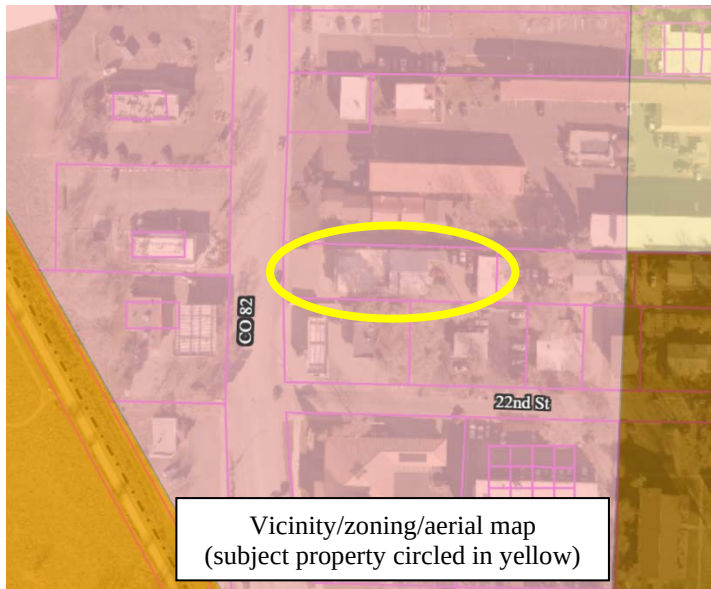


effective date of recent revisions to marijuana related business standards, mainly separation/buffers. Therefore, the former requirements are applicable to this submittal.

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

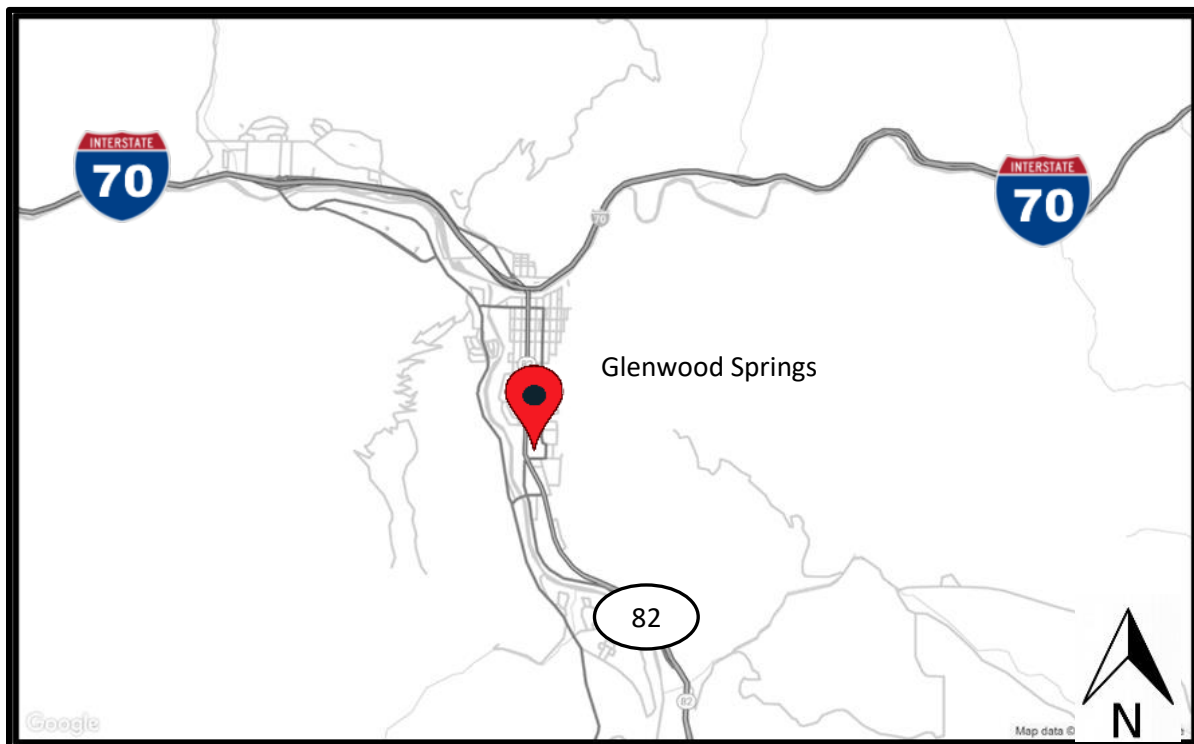
1. Introduction

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

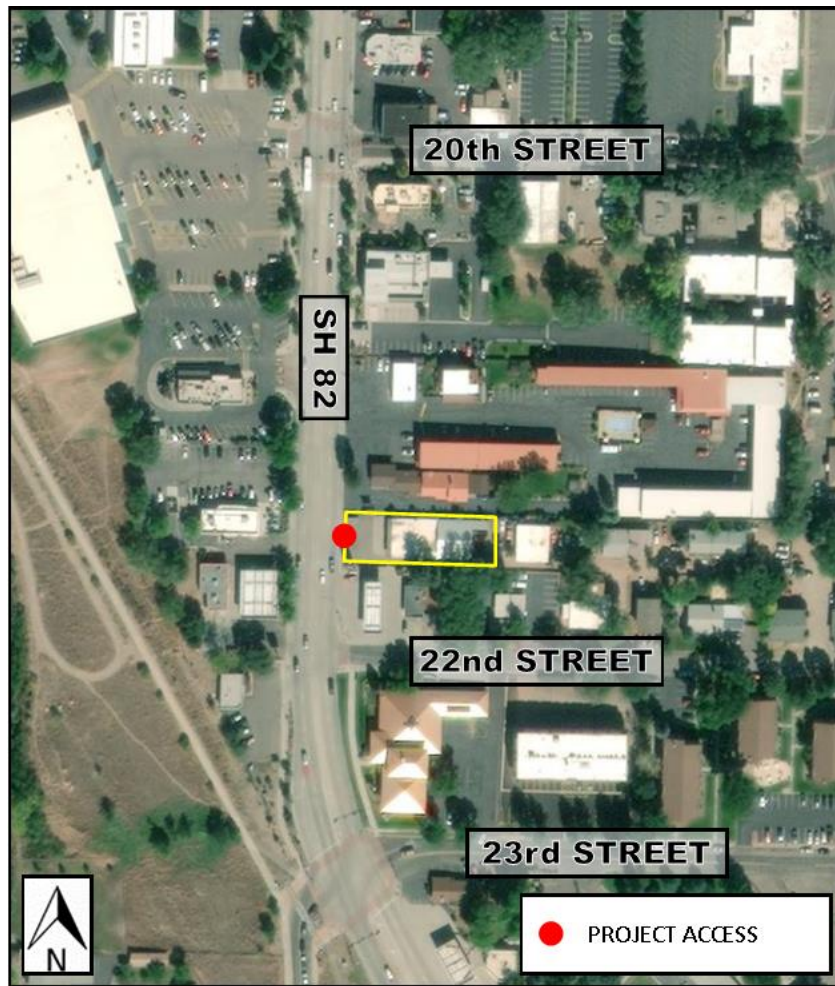
As shown in Figure 1, the proposed Project will be located on the south side of Glenwood Springs along SH 082A to the north of 22nd street at MP 1.33. The Project is expected to be completed in 2023. The dispensary hours will be 8:00 am to 7:00 pm, daily.

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

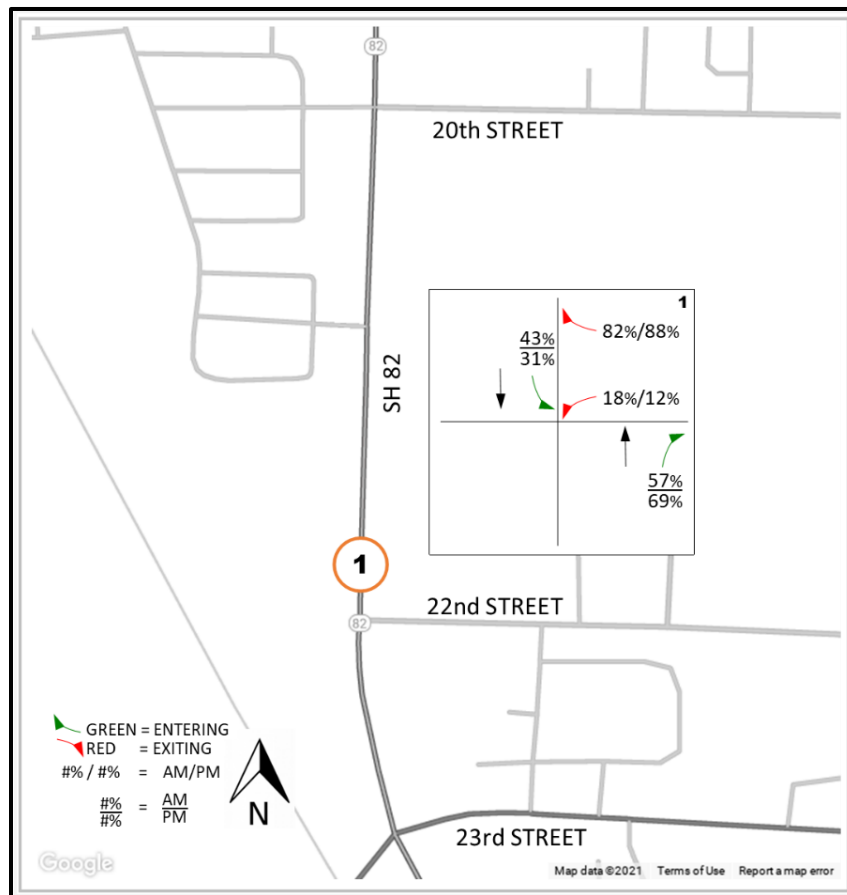


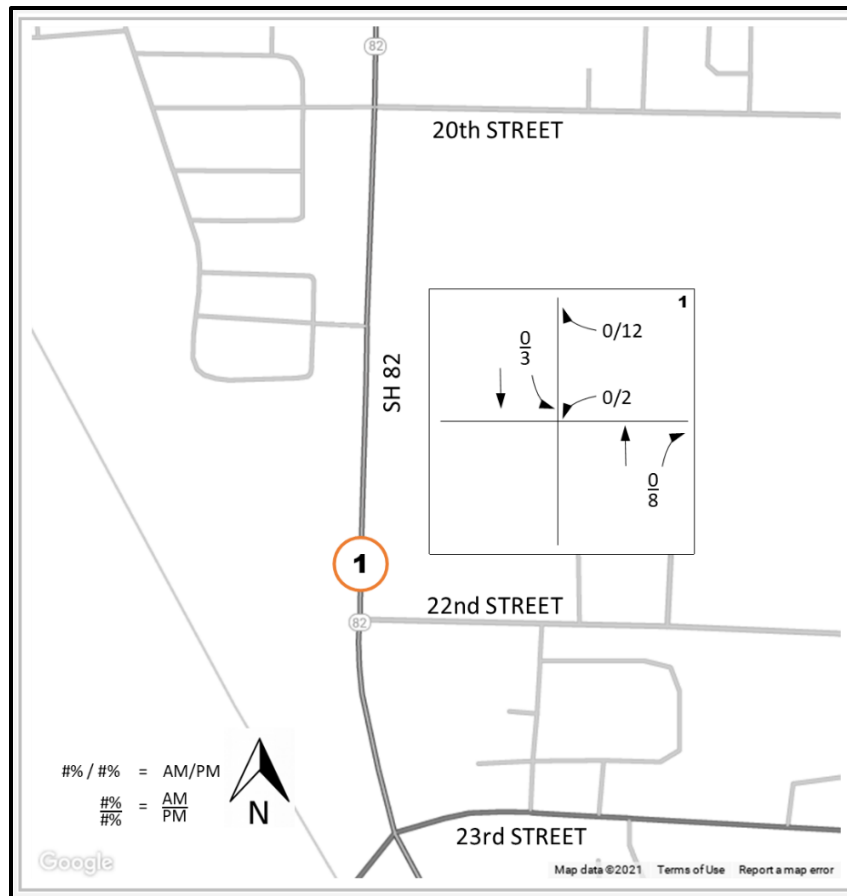
Figure 3 shows similar AM and PM Project peak hour distributions. However, with AM Project peak hour trip generation being 70% of the PM peak hour volume, only PM Project peak hour traffic is evaluated in this study since the AM and PM distributions are similar and AM trip assignment is not shown.

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

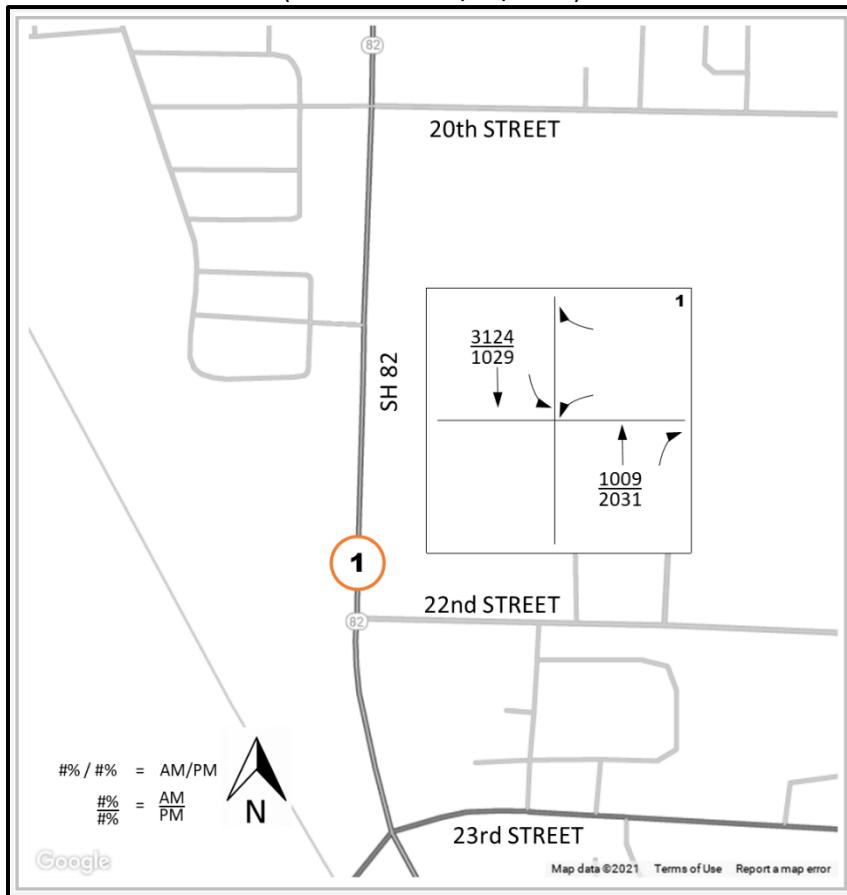
CDOT Count Station ID 214: SH 082A Traffic Data - South of Blake Ave, Glenwood Springs

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)

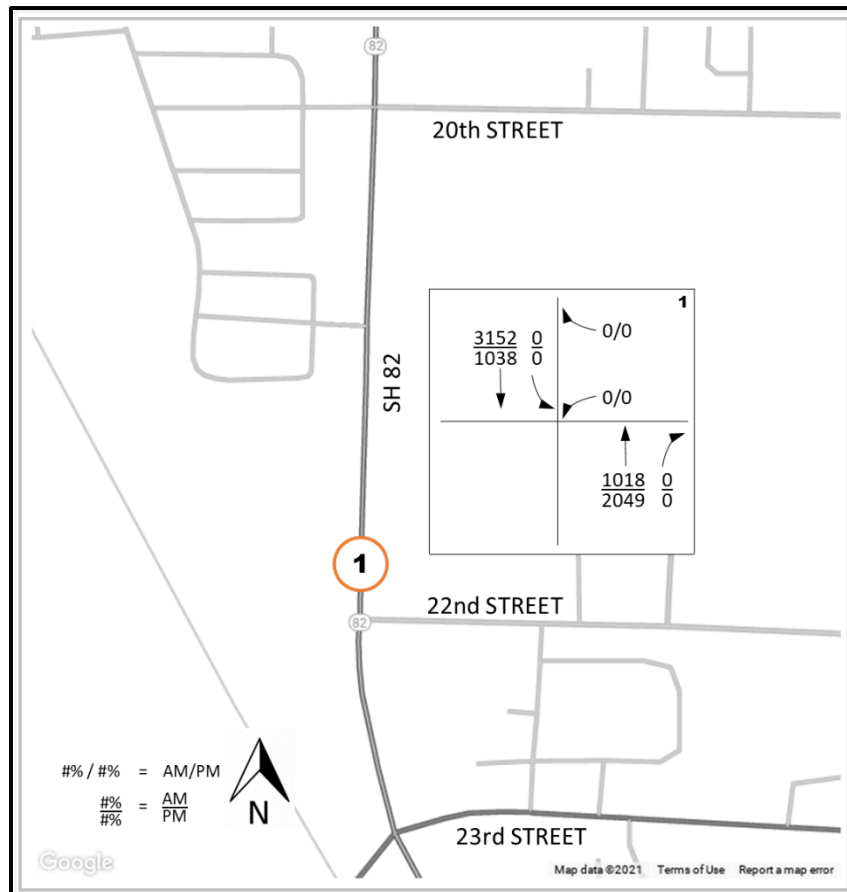


Figure 7 –Total Peak Hour Future Traffic (Year 2023)

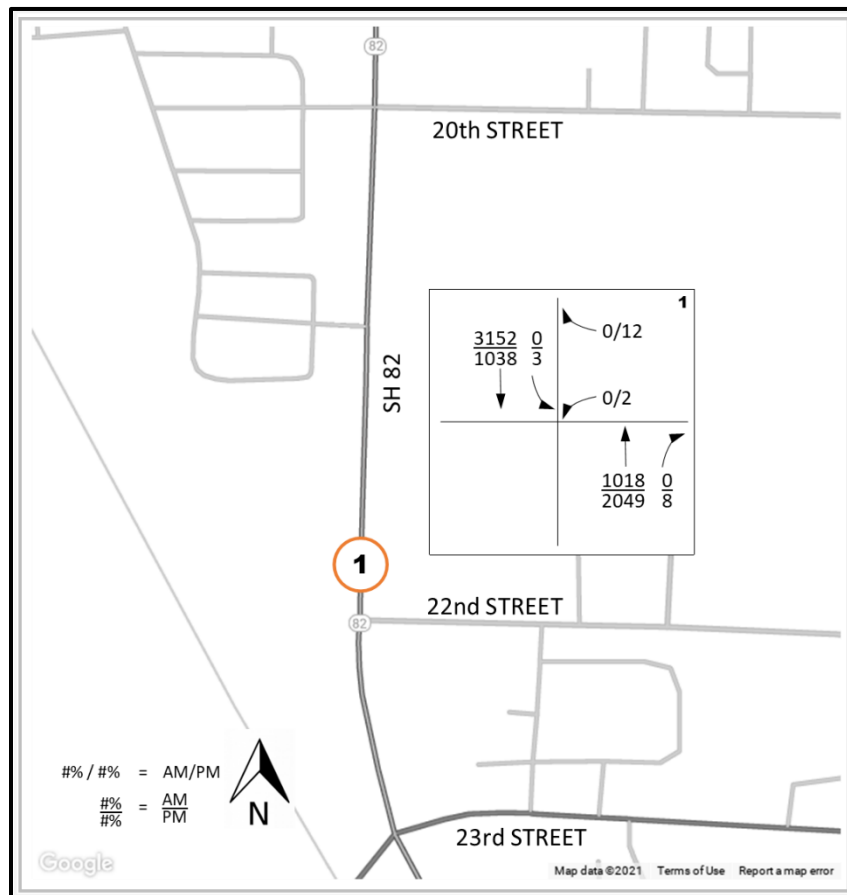


Figure 8 – Background Peak Hour Future Traffic (Year 2043)

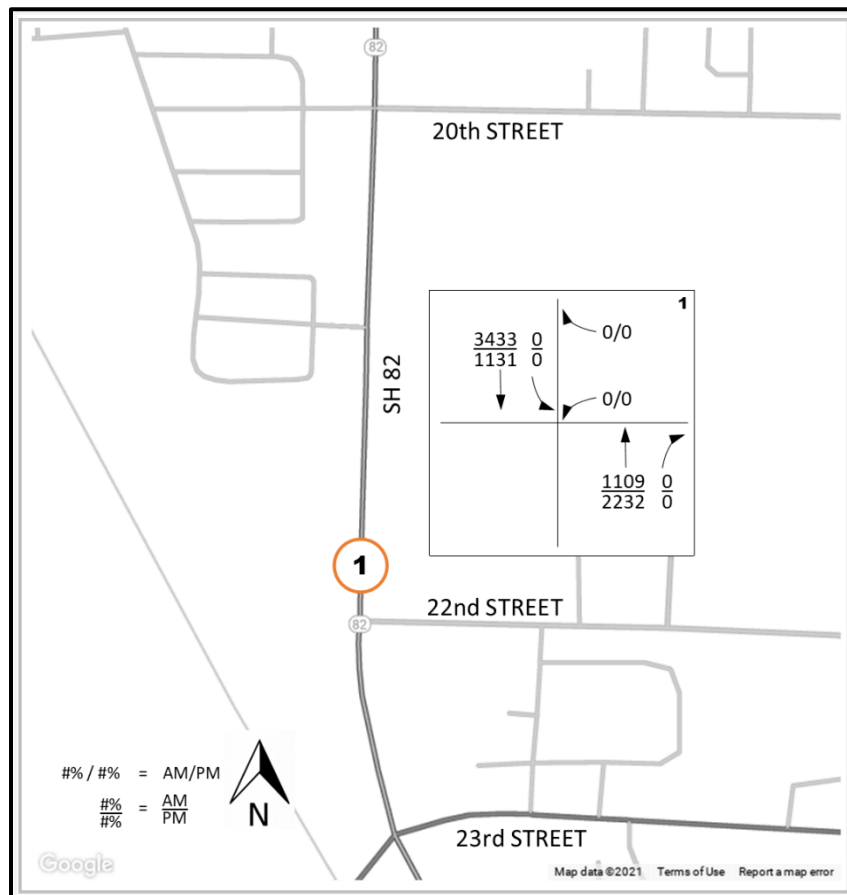
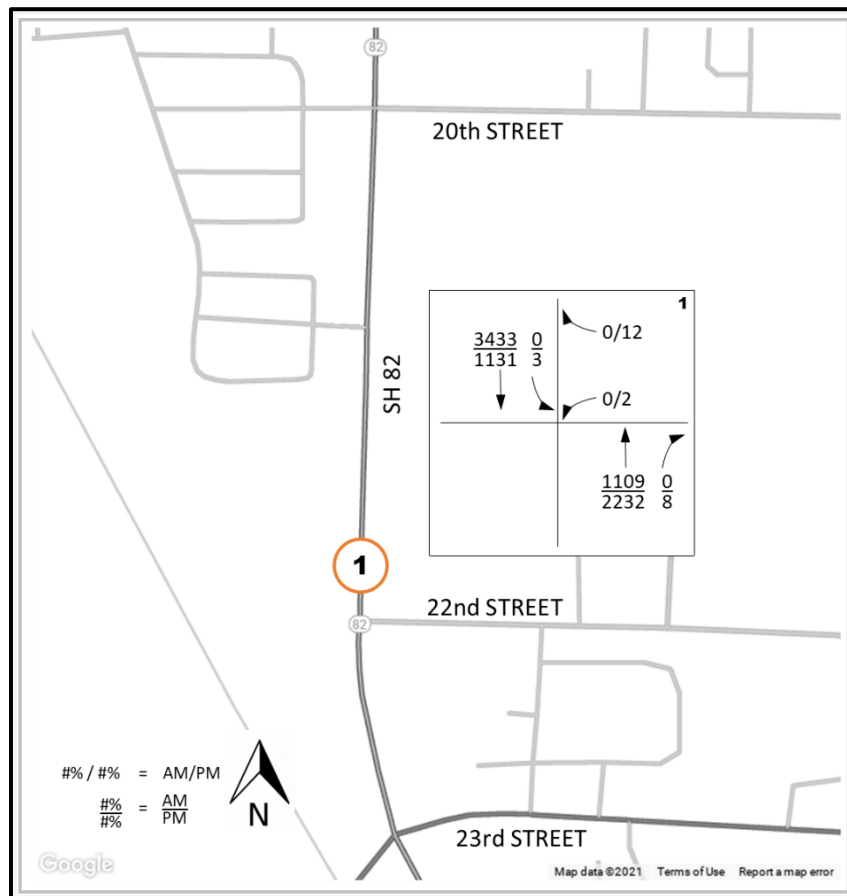


Figure 9 – Total Peak Hour Future Traffic (Year 2043)



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



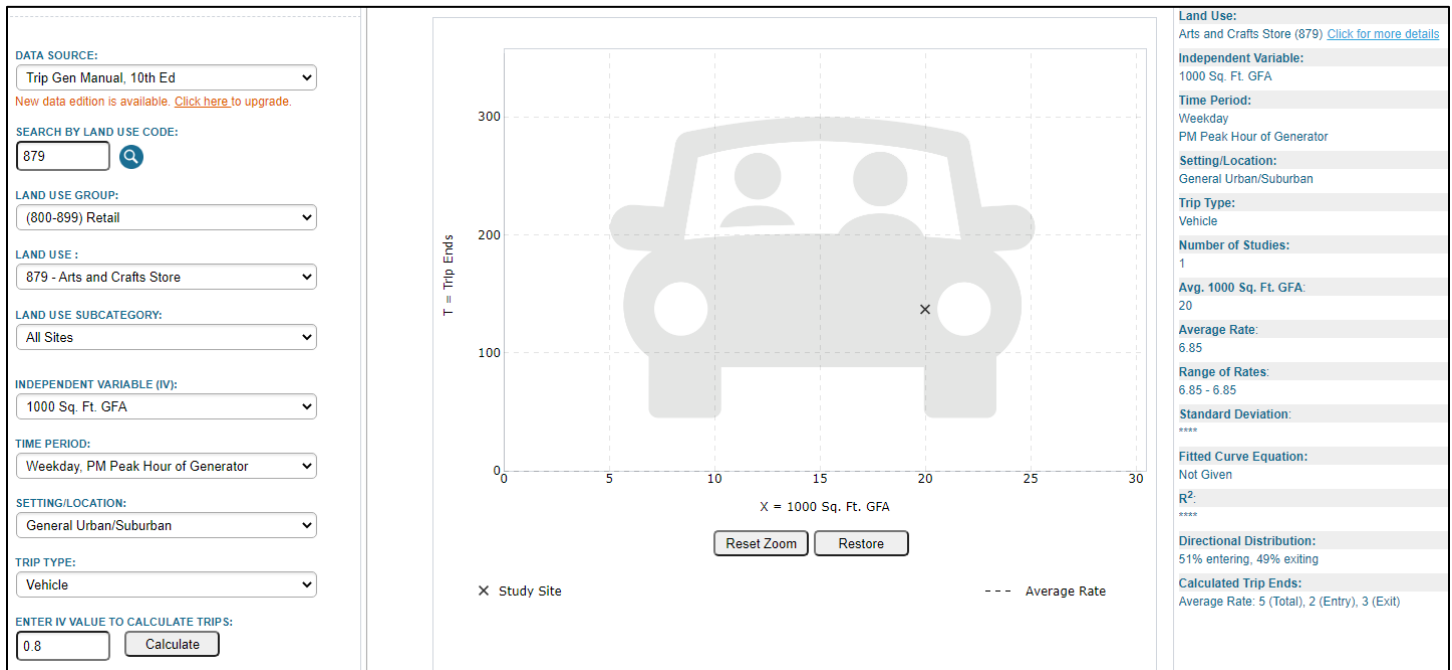
11. Existing Access Permits

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

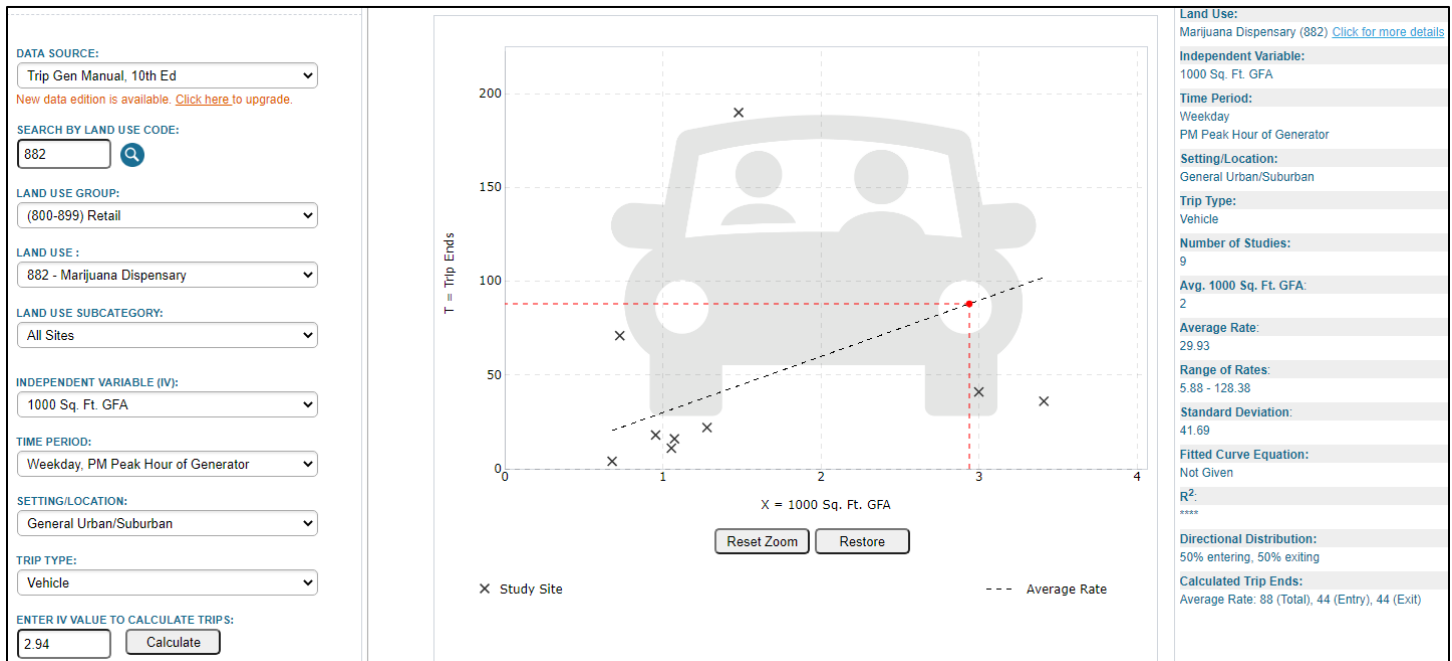
- Auxiliary lanes are not required.
- A CDOT access permit is not required as the increase in traffic volumes at the access is less than 20%.
- Due to the low peak hour project traffic volumes, the full movement project intersection will continue to work similarly to existing service levels through year 2043.

Appendix A – Project Trip Generation

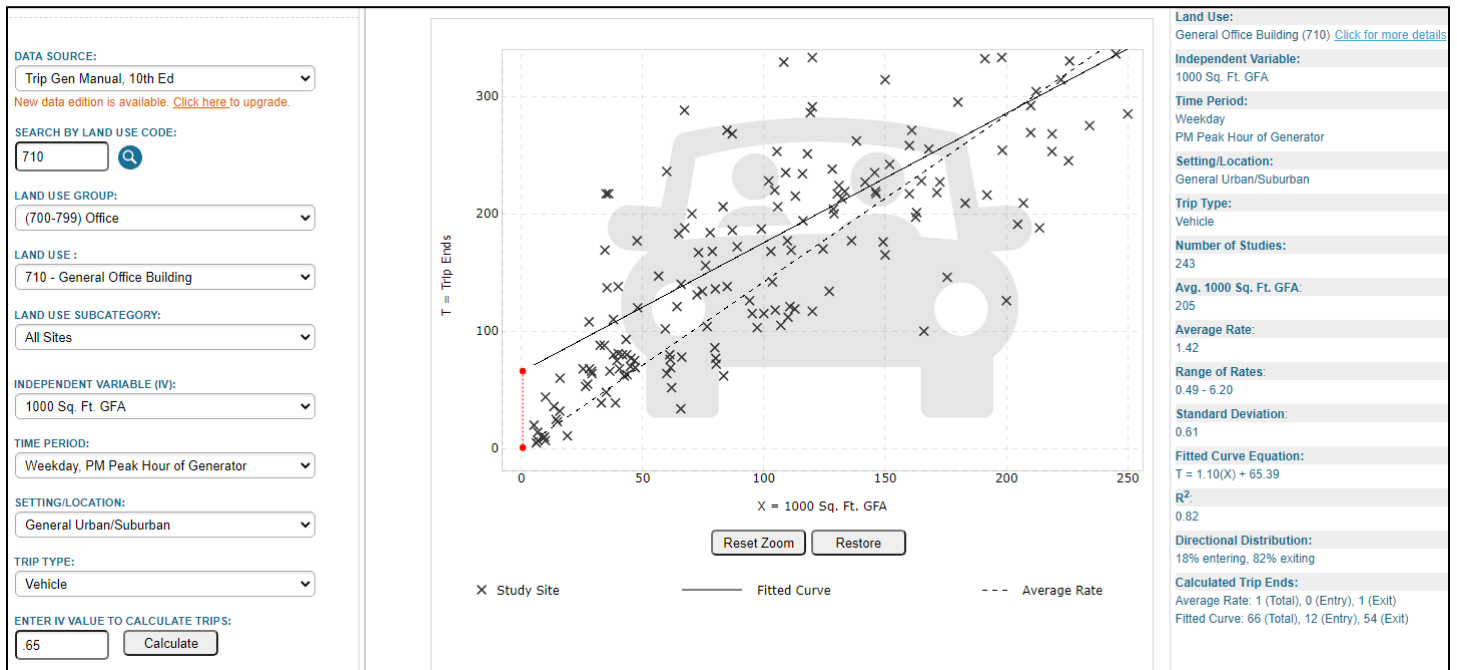


PM Peak Hour for Existing LUC 879

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

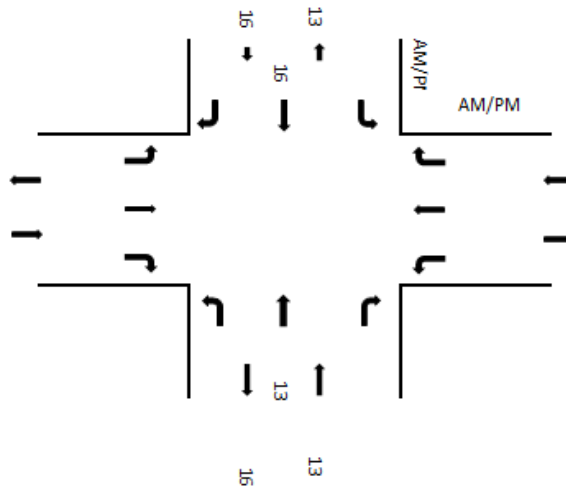
APEX
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Counted by: APEX
Count Date: 1/27/2021

Peak Season Adjust: 1

Time									Entering				Exiting				Total
PM																	Volume
13:30									0				0				0
13:45									0				0				0
14:00									0				0				0
14:15									0				0				0
14:30									0				0				0
14:45									0				0				0
15:00									0				0				0
15:15									0				0				0
15:30									0				0				0
15:45									0				0				0
16:00									1				1				2
16:15									0				1				1
16:30									1				1				2
16:45									3				3				6
17:00									7				5				12
17:15									2				7				9
17:30									1				1				2
17:45									0				0				0
Totals									15				19				34

Peak Hr	0	0	0	0	0	0	0	0	0	0	13	0	0	0	16	0	0	29
Intersection Peak Hour:																		
															EB	WB	NB	SB
															0	0	13	16
																		Total
																		29



Appendix B – Intersection Turning Movement Count Traffic Summaries

Intersection Turning Movement Count Summary

Project: Kind Castle
 Location: Glenwood Springs
 EB/WB Road: Project Access
 NB/SB Road: Glenwood Ave

Intersection 1



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

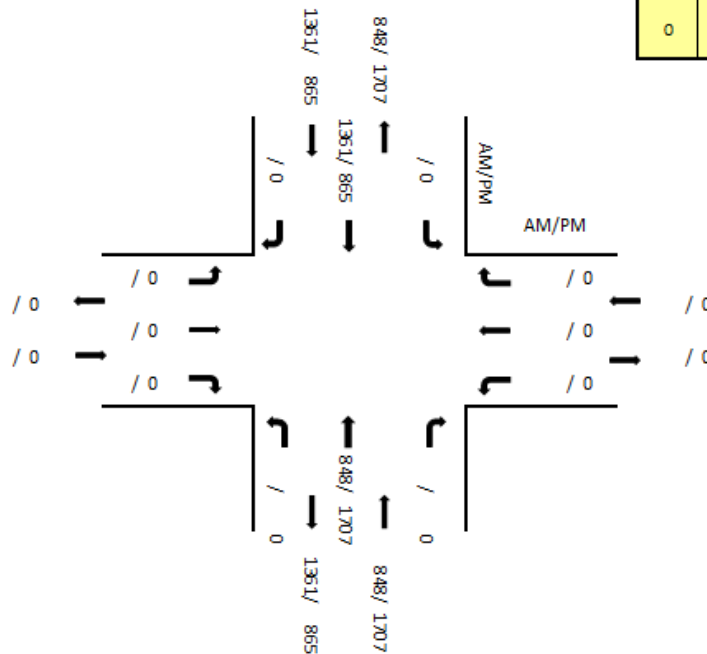
Peak Season Adjust: 1

Time	Project Access - (EB)				Project Access - (WB)				Glenwood Ave - (NB)				Glenwood Ave - (SB)				Total
	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Volume
7:00 AM	0	0	0	0	0	0	0	0	0	95	0	0	0	319	0	0	414
7:15	0	0	0	0	0	0	0	0	0	155	0	0	0	335	0	0	490
7:30	0	0	0	0	0	0	0	0	0	169	0	0	0	382	0	0	551
7:45	0	0	0	0	0	0	0	0	0	223	0	0	0	365	0	0	588
8:00	0	0	0	0	0	0	0	0	0	231	0	0	0	325	0	0	556
8:15	0	0	0	0	0	0	0	0	0	225	0	0	0	289	0	0	514
8:30	0	0	0	0	0	0	0	0	0	221	0	0	0	295	0	0	516
8:45	0	0	0	0	0	0	0	0	0	306	0	0	0	315	0	0	621
Totals	0	0	0	0	0	0	0	0	0	1625	0	0	0	2625	0	0	4250

Peak Hr	0	0	0	0	0	0	0	0	0	848	0	0	0	1361	0	0	2209
Intersection Peak Hour: 7:30-8:30 AM													EB	WB	NB	SB	Total
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	848	1361	2209

Time	Project Access - (EB)				Project Access - (WB)				Glenwood Ave - (NB)				Glenwood Ave - (SB)				Total
	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Volume
4:00 PM	0	0	0	0	0	0	0	0	0	381	0	0	0	214	0	0	595
4:15	0	0	0	0	0	0	0	0	0	388	0	0	0	217	0	0	605
4:30	0	0	0	0	0	0	0	0	0	412	0	0	0	178	0	0	590
4:45	0	0	0	0	0	0	0	0	0	419	0	0	0	192	0	0	611
5:00	0	0	0	0	0	0	0	0	0	405	0	0	0	255	0	0	660
5:15	0	0	0	0	0	0	0	0	0	455	0	0	0	219	0	0	674
5:30	0	0	0	0	0	0	0	0	0	428	0	0	0	199	0	0	627
5:45	0	0	0	0	0	0	0	0	0	350	0	0	0	171	0	0	521
Totals	0	0	0	0	0	0	0	0	0	3238	0	0	0	1645	0	0	4883

Peak Hr	0	0	0	0	0	0	0	0	0	1707	0	0	0	865	0	0	2572
Intersection Peak Hour: 4:45-5:45 PM													EB	WB	NB	SB	Total
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1707	865	2572



Appendix B – Intersection Turning Movement Count Traffic Summaries

Intersection Turning Movement Count Summary

Project: Kind Castle
 Location: Glenwood Springs
 EB/WB Road: Project Access
 NB/SB Road: Glenwood Ave

Intersection Access

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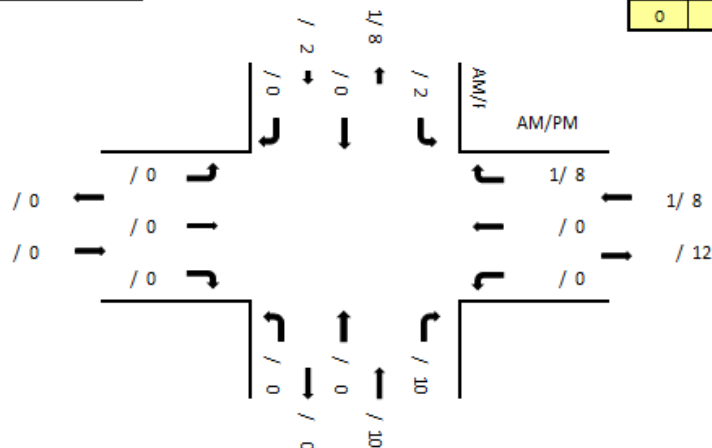
Counted by: APX
 Count Date: 1-27/1-28
 Peak Season Adjust: 1

Time	Project Access - (EB)				Project Access - (WB)				Glenwood Ave - (NB)				Glenwood Ave - (SB)				Total
	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Volume
7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:30	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
7:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
8:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	2

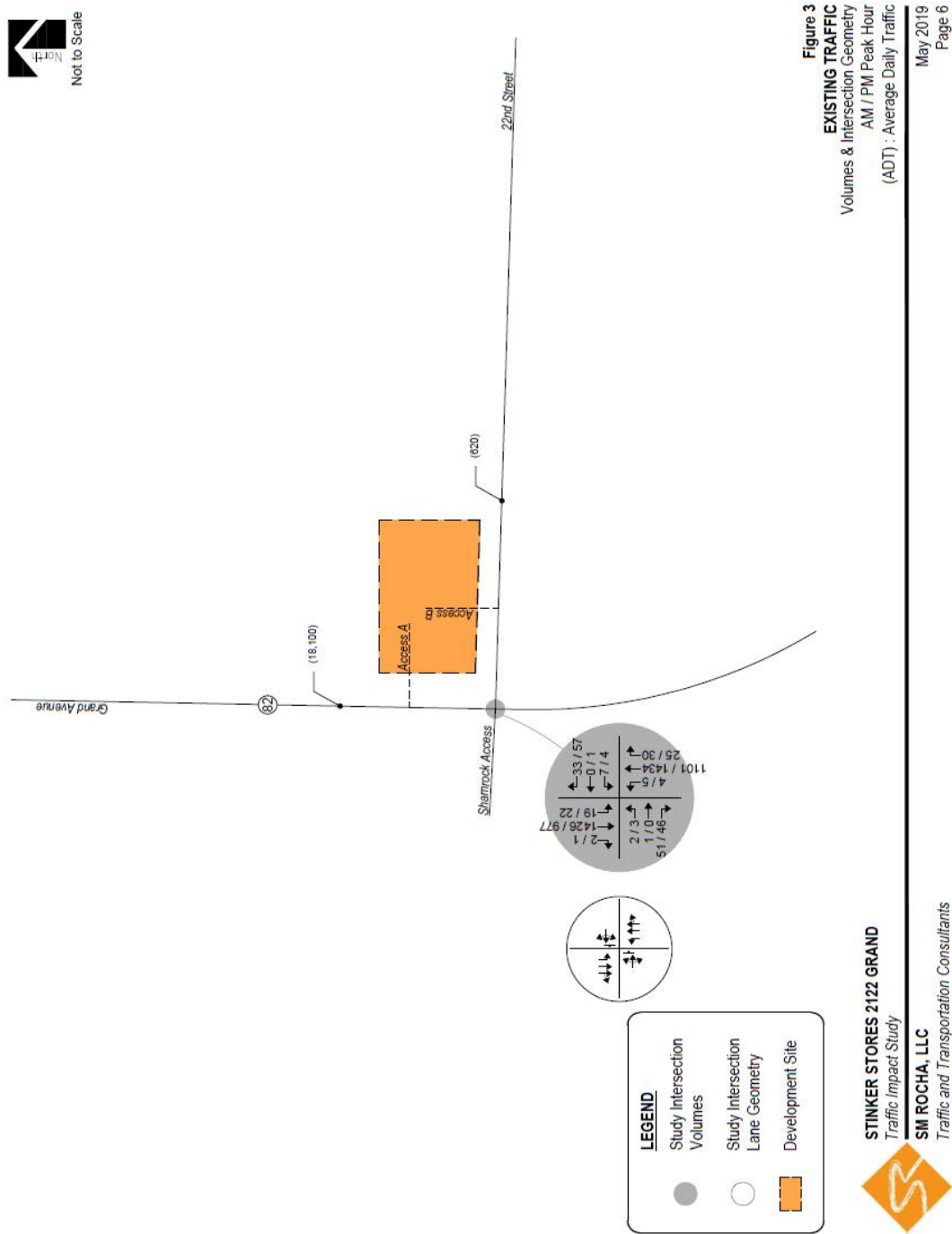
Peak Hr	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Intersection Peak Hour: 6:45-7:45 AM													EB	WB	NB	SB	Total
													0	1	0	0	1

Time	Project Access - (EB)				Project Access - (WB)				Glenwood Ave - (NB)				Glenwood Ave - (SB)				Total
	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Left	Thru	Right	RTOR	Volume
4:00	0	0	0	0	0	0	2	0	0	0	5	0	1	0	0	0	8
4:15	0	0	0	0	0	0	2	0	0	0	2	0	1	0	0	0	5
4:30	0	0	0	0	0	0	3	0	0	0	2	0	0	0	0	0	5
4:45	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	2
5:00	0	0	0	0	1	0	1	0	0	0	3	0	1	0	0	0	6
5:15	0	0	0	0	0	0	3	0	0	0	2	0	0	0	0	0	5
5:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	2
Totals	0	0	0	0	1	0	13	0	0	0	15	0	4	0	0	0	33

Peak Hr	0	0	0	0	0	0	8	0	0	0	10	0	2	0	0	0	20
Intersection Peak Hour: 4:00-5:00 PM													EB	WB	NB	SB	Total
													0	8	10	2	20



Appendix B – Intersection Turning Movement Count Traffic Summaries



SM Rocha, LLC Existing Traffic Counts at SH 82 & 22nd Street

Appendix C – Peak Hour Traffic Calculations

INT 1 - SH 82 & Access

2/4/2021

Kind Castle Glenwood

AM Condition												
Description	Eastbound			Westbound			Northbound			Southbound		
	L	TH	R	L	TH	R	L	TH	R	L	TH	R
Existing Volumes								848			2625	
¹ Seasonally Adjusted base volumes	0	0	0	0	0	0	0	1009	0	0	3124	0
Trip Distribution % Inbound Phase 1	0%	0%	0%	0%	0%	0%	0%	0%	57%	43%	0%	0%
Trip Distribution % Outbound Phase 1	0%	0%	0%	18%	0%	82%	0%	0%	0%	0%	0%	0%
Driveway Enter "1" Yes, or "0" No Phase 1	1	1	1	1	1	1	1	1	1	1	1	1
Trip Distribution % Inbound Phase 2	0%	0%	0%	0%	0%	0%	0%	0%	57%	43%	0%	0%
Trip Distribution % Outbound Phase 2	0%	0%	0%	18%	0%	82%	0%	0%	0%	0%	0%	0%
Driveway Enter "1" Yes, or "0" No Phase 2	1	1	1	1	1	1	1	1	1	1	1	1
Project Trip Volume Inbound - Phase 1	0	0	0	0	0	0	0	0	0	0	0	0
Project Trip Volume Outbound - Phase 1	0	0	0	0	0	0	0	0	0	0	0	0
Project Trip Volume Total - Phase 1	0	0	0	0	0	0	0	0	0	0	0	0
Project Trip Volume Inbound - Phase 2	0	0	0	0	0	0	0	0	0	0	0	0
Project Trip Volume Outbound - Phase 2	0	0	0	0	0	0	0	0	0	0	0	0
Project Trip Volume Total - Phase 2	0	0	0	0	0	0	0	0	0	0	0	0
Growth Factor Period 1	0.000	0.000	0.000	1.000	0.000	1.000	0.000	1.009	1.000	1.000	1.009	0.000
Growth Factor Period 2	0.000	0.000	0.000	1.000	0.000	1.000	0.000	1.099	1.000	1.000	1.099	0.000
Future Background Volume - Period 1				0		0		1018	0	0	3152	
Future Background Volume - Period 2				0		0		1109	0	0	3433	
Other Trip Assignment AM Period 1												
Other Trip Assignment AM Period 2												
Total Future Volume - Period 1				0		0		1018	0	0	3152	
Total Future Volume - Period 2				0		0		1109	0	0	3433	

PM Condition												
Description	Eastbound			Westbound			Northbound			Southbound		
	L	TH	R	L	TH	R	L	TH	R	L	TH	R
Existing Volumes								1707			865	
Seasonally Adjusted base volumes	0	0	0	0	0	0	0	2031	0	0	1029	0
Trip Distribution % Inbound Phase 1	0%	0%	0%	0%	0%	0%	0%	0%	69%	31%	0%	0%
Trip Distribution % Outbound Phase 1	0%	0%	0%	12%	0%	88%	0%	0%	0%	0%	0%	0%
Trip Distribution % Inbound Phase 2	0%	0%	0%	0%	0%	0%	0%	0%	69%	31%	0%	0%
Trip Distribution % Outbound Phase 2	0%	0%	0%	12%	0%	88%	0%	0%	0%	0%	0%	0%
Project Trip Volume Inbound - Phase 1	0	0	0	0	0	0	0	0	8	3	0	0
Project Trip Volume Outbound - Phase 1	0	0	0	2	0	12	0	0	0	0	0	0
Project Trip Volume Total - Phase 1	0	0	0	2	0	12	0	0	8	3	0	0
Project Trip Volume Inbound - Phase 2	0	0	0	0	0	0	0	0	8	3	0	0
Project Trip Volume Outbound - Phase 2	0	0	0	2	0	12	0	0	0	0	0	0
Project Trip Volume Total - Phase 2	0	0	0	2	0	12	0	0	8	3	0	0
Growth Factor Period 1				1.000		1.000		1.009	1.000	1.000	1.009	
Growth Factor Period 2				1.000		1.000		1.099	1.000	1.000	1.099	
Future Background Volume - Period 1				0		0		2049	0	0	1038	
Future Background Volume - Period 2				0		0		2232	0	0	1131	
Other Trip Assignment AM Period 1												
Other Trip Assignment AM Period 2												
Total Future Volume - Period 1				2		12		2049	8	3	1038	
Total Future Volume - Period 2				2		12		2232	8	3	1131	

NOTES:

1. Peak season factor of 1.19 applied to EB and WB through volumes

1: Grand Ave & Project Access
 HCM 2010 TWSC

 Year 2023 Total
 Timing Plan: PM Peak

Intersection						
Int Delay, s/veh	0.2					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	2	12	2049	8	3	1038
Future Vol, veh/h	2	12	2049	8	3	1038
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	75	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	2	13	2227	9	3	1128
Major/Minor	Minor1	Major1	Major2			
Conflicting Flow All	2802	1118	0	0	2236	0
Stage 1	2232	-	-	-	-	-
Stage 2	570	-	-	-	-	-
Critical Hdwy	6.84	6.94	-	-	4.14	-
Critical Hdwy Stg 1	5.84	-	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-	-
Follow-up Hdwy	3.52	3.32	-	-	2.22	-
Pot Cap-1 Maneuver	15	201	-	-	228	-
Stage 1	67	-	-	-	-	-
Stage 2	529	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	15	201	-	-	228	-
Mov Cap-2 Maneuver	57	-	-	-	-	-
Stage 1	67	-	-	-	-	-
Stage 2	522	-	-	-	-	-
Approach	WB	NB	SB			
HCM Control Delay, s	32.1	0	0.1			
HCM LOS	D					
Minor Lane/Major Mvmt	NBT	NBR/WBLn1	SBL	SBT		
Capacity (veh/h)	-	-	148	228	-	
HCM Lane V/C Ratio	-	-	0.103	0.014	-	
HCM Control Delay (s)	-	-	32.1	21	-	
HCM Lane LOS	-	-	D	C	-	
HCM 95th %tile Q(veh)	-	-	0.3	0	-	

1: Grand Ave & Project Access
 HCM 2010 TWSC

 Year 2043 Total
 Timing Plan: PM Peak

Intersection						
Int Delay, s/veh	0.2					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	2	12	2232	8	3	1131
Future Vol, veh/h	2	12	2232	8	3	1131
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	75	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	2	13	2426	9	3	1229
Major/Minor	Minor1	Major1	Major2			
Conflicting Flow All	3052	1218	0	0	2435	0
Stage 1	2431	-	-	-	-	-
Stage 2	621	-	-	-	-	-
Critical Hdwy	6.84	6.94	-	-	4.14	-
Critical Hdwy Stg 1	5.84	-	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-	-
Follow-up Hdwy	3.52	3.32	-	-	2.22	-
Pot Cap-1 Maneuver	10	172	-	-	190	-
Stage 1	52	-	-	-	-	-
Stage 2	498	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	10	172	-	-	190	-
Mov Cap-2 Maneuver	44	-	-	-	-	-
Stage 1	52	-	-	-	-	-
Stage 2	490	-	-	-	-	-
Approach	WB	NB	SB			
HCM Control Delay, s	38.7	0	0.1			
HCM LOS	E					
Minor Lane/Major Mvmt	NBT	NBR/WBLn1	SBL	SBT		
Capacity (veh/h)	-	-	122	190	-	
HCM Lane V/C Ratio	-	-	0.125	0.017	-	
HCM Control Delay (s)	-	-	38.7	24.3	-	
HCM Lane LOS	-	-	E	C	-	
HCM 95th %tile Q(veh)	-	-	0.4	0.1	-	

***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

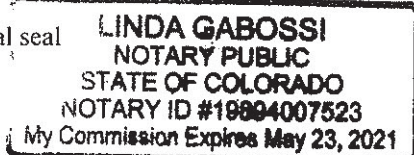
STATE OF COLORADO)

) 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

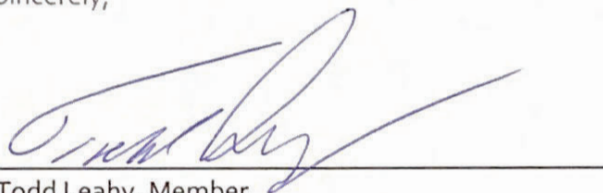
December 19, 2019

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

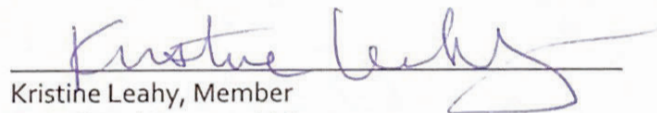
Dear Ms. Ricehill,

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.

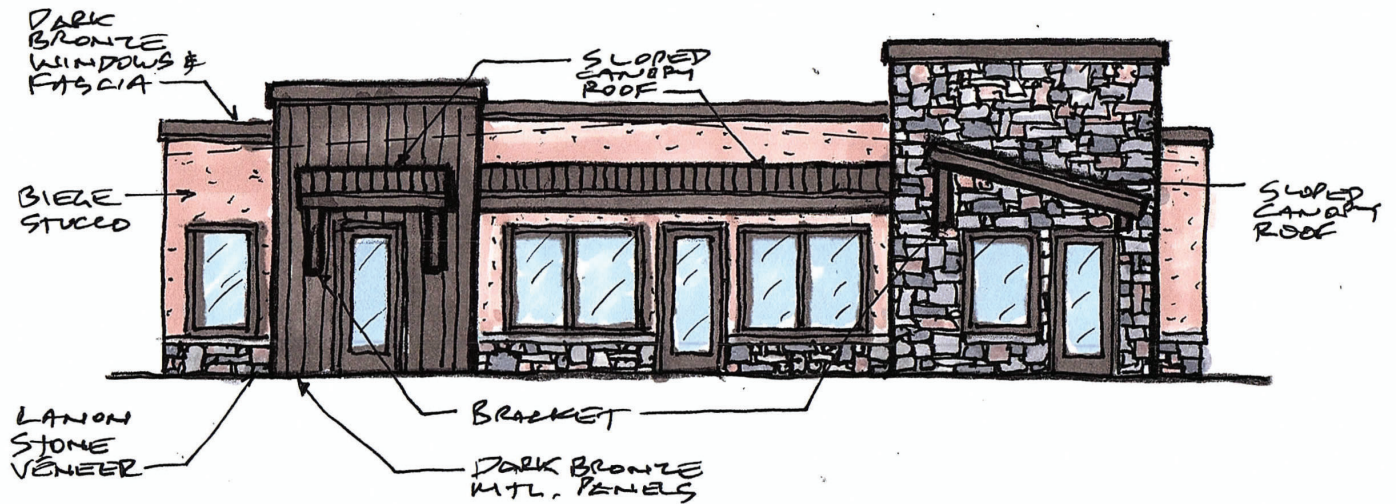
Sincerely,

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.



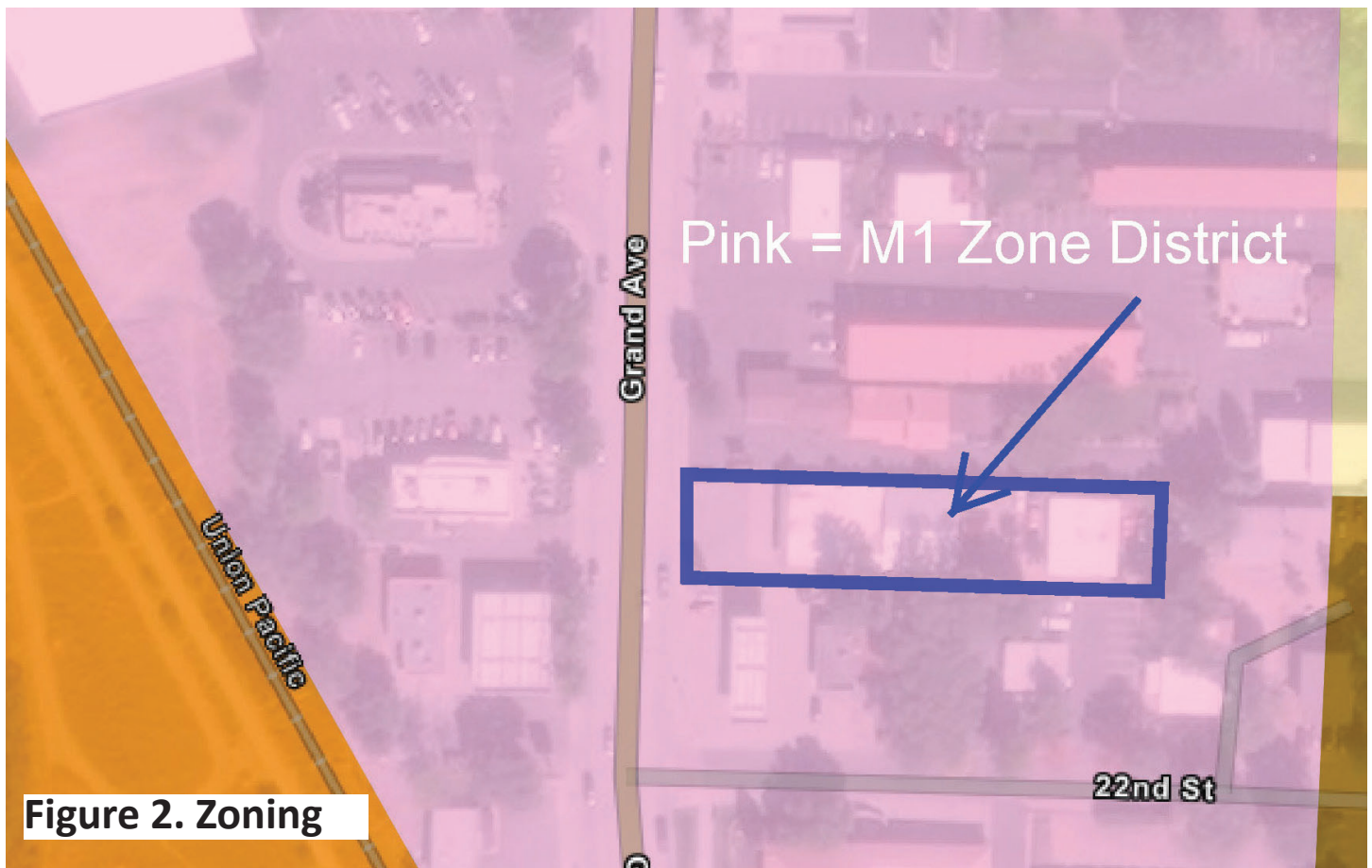


Figure 2. Zoning

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.

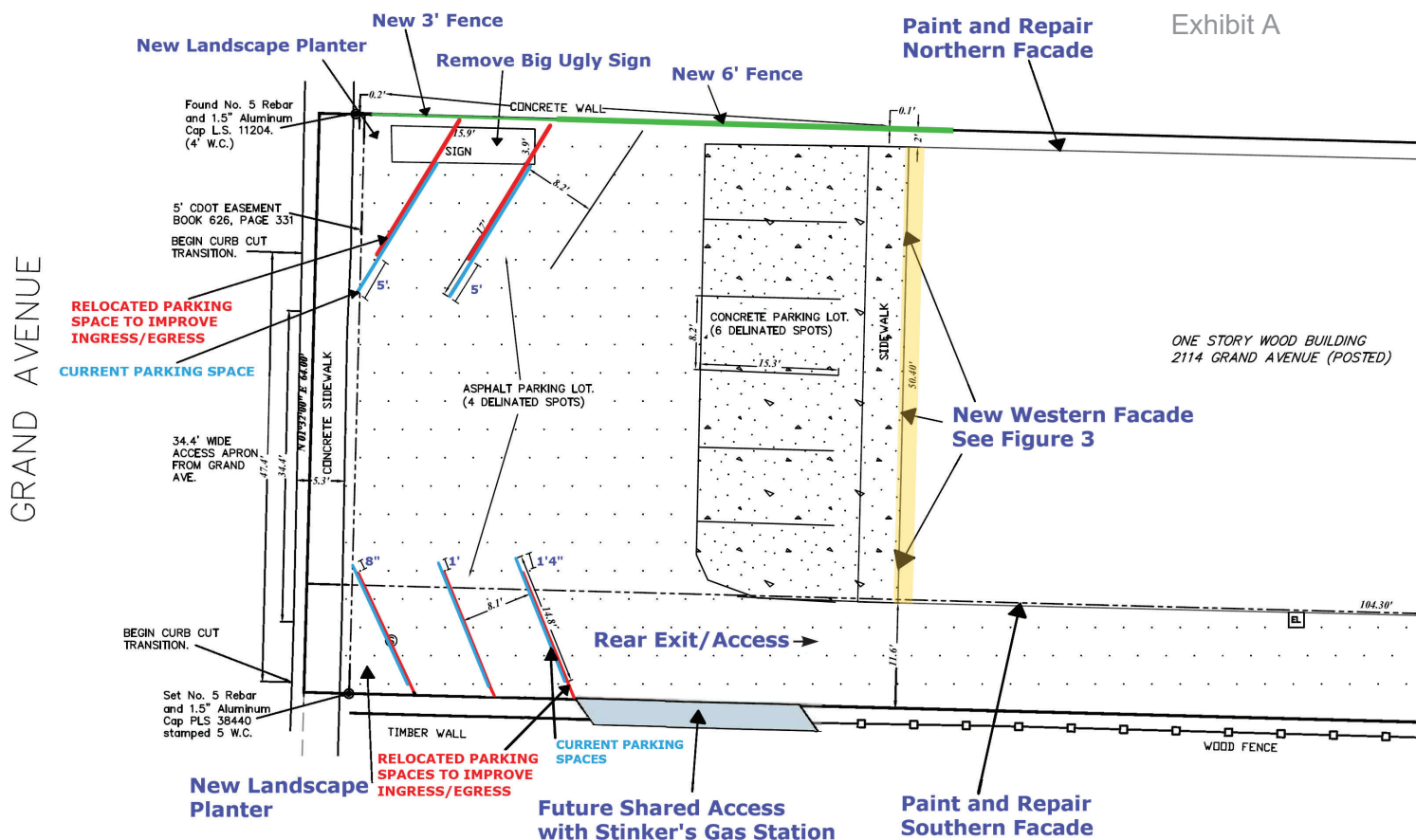
The following sections analyze how the project meets the special use permit approval criteria contained in Development Code Section 070.060.050(e)(3)(e)(2).

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.

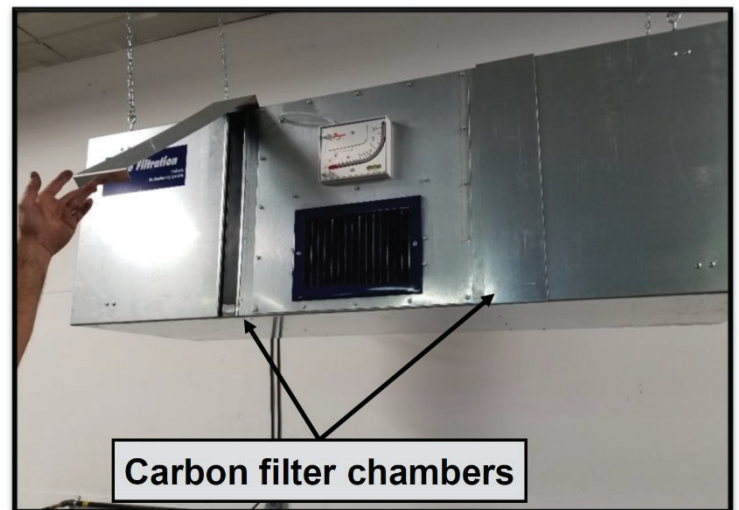


The design of the Site and building will also assure compatibility with surrounding land uses. The Applicant will install a fence along the full length of the northern property line with Cedar Lodge as shown in the Facility Site Plan (Attached hereto as Exhibit A) that will prevent easy access between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

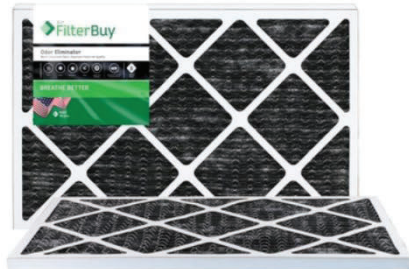
The Facility will also ensure compatibility and minimized, even eliminated, impact through its mechanical conditioning. The Applicant's Odor Mitigation Plan is extraordinarily equipped and will make odor impossible. The retail sales area and product storage room will be equipped with AF-3000C Heavy Odor 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.

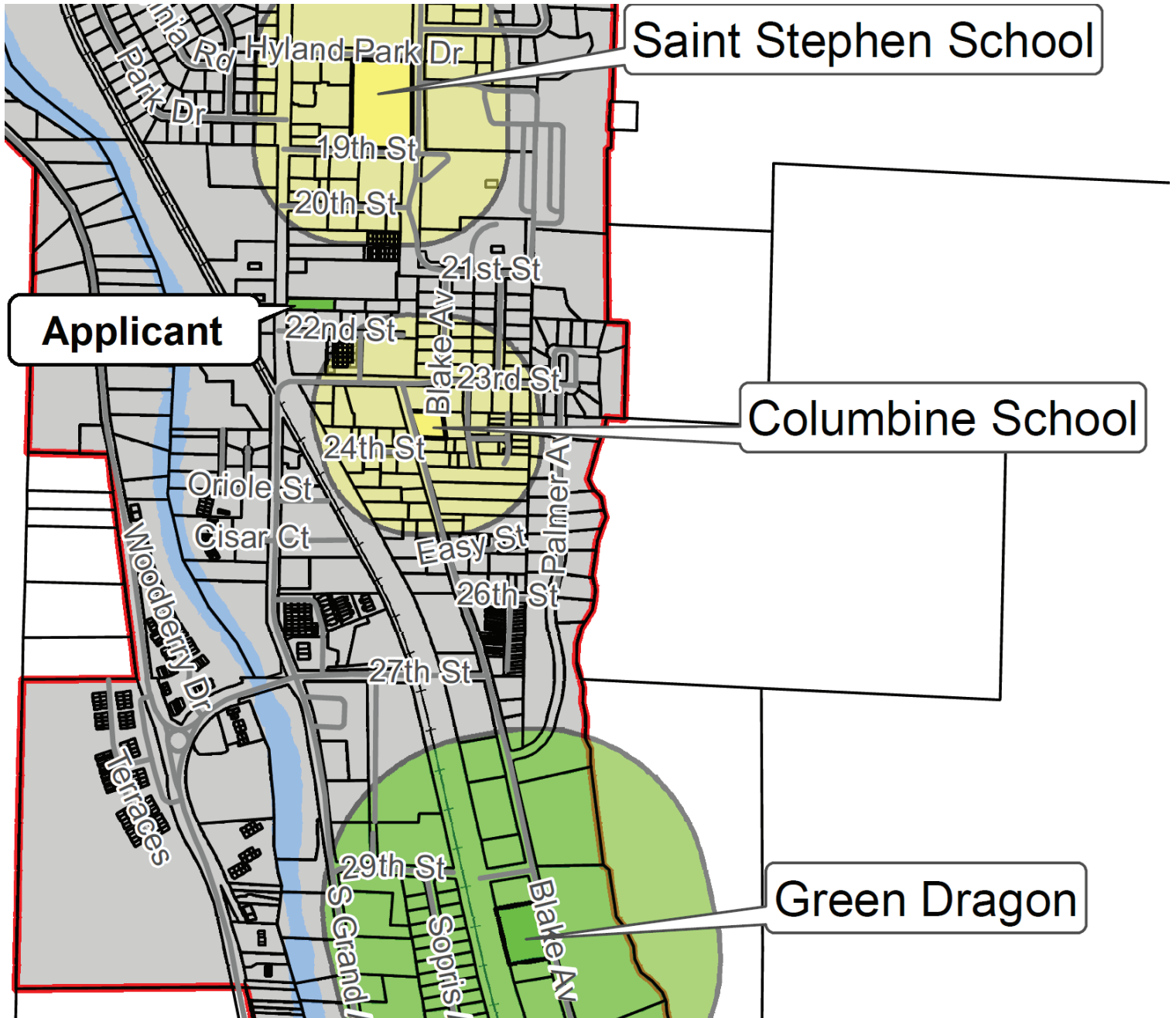


Figure 4. City Buffer Map

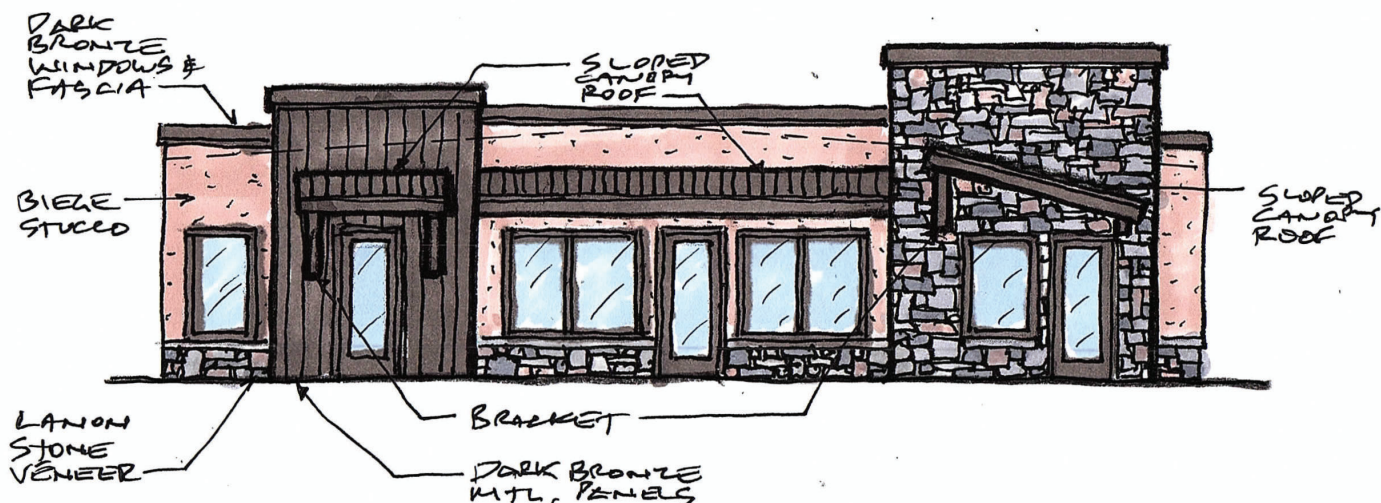


Figure 3. Conceptual Western Facade Plan

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

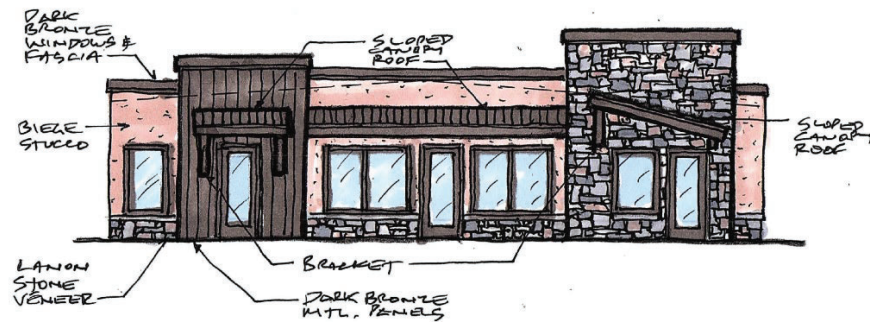
It is time to remove the numerous signs cluttered everywhere and uplift this property's appearance.



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

FLOOR PLAN

SECURITY/SURVEILLANCE PLAN VERSION

FLOOR AREA SPACE:

- SUITE B TOTAL AREA = 1,560 SQ FT
- HABITABLE SPACE OF SUITE B = 1,040 SQ FT
- SUITE C TOTAL AREA = 779 SQ FT
- HABITABLE SPACE OF SUITE C = 397 SQ FT

FLOOR AREA (HABITABLE) = 1,437 SQ FT

ODOR ELIMINATION FEATURES:

There will be no product weighing/handling/packaging room at this location which substantially eliminates odor to a large degree.

Most product will be stored at the Applicant's other location in the Glenwood Meadows area.

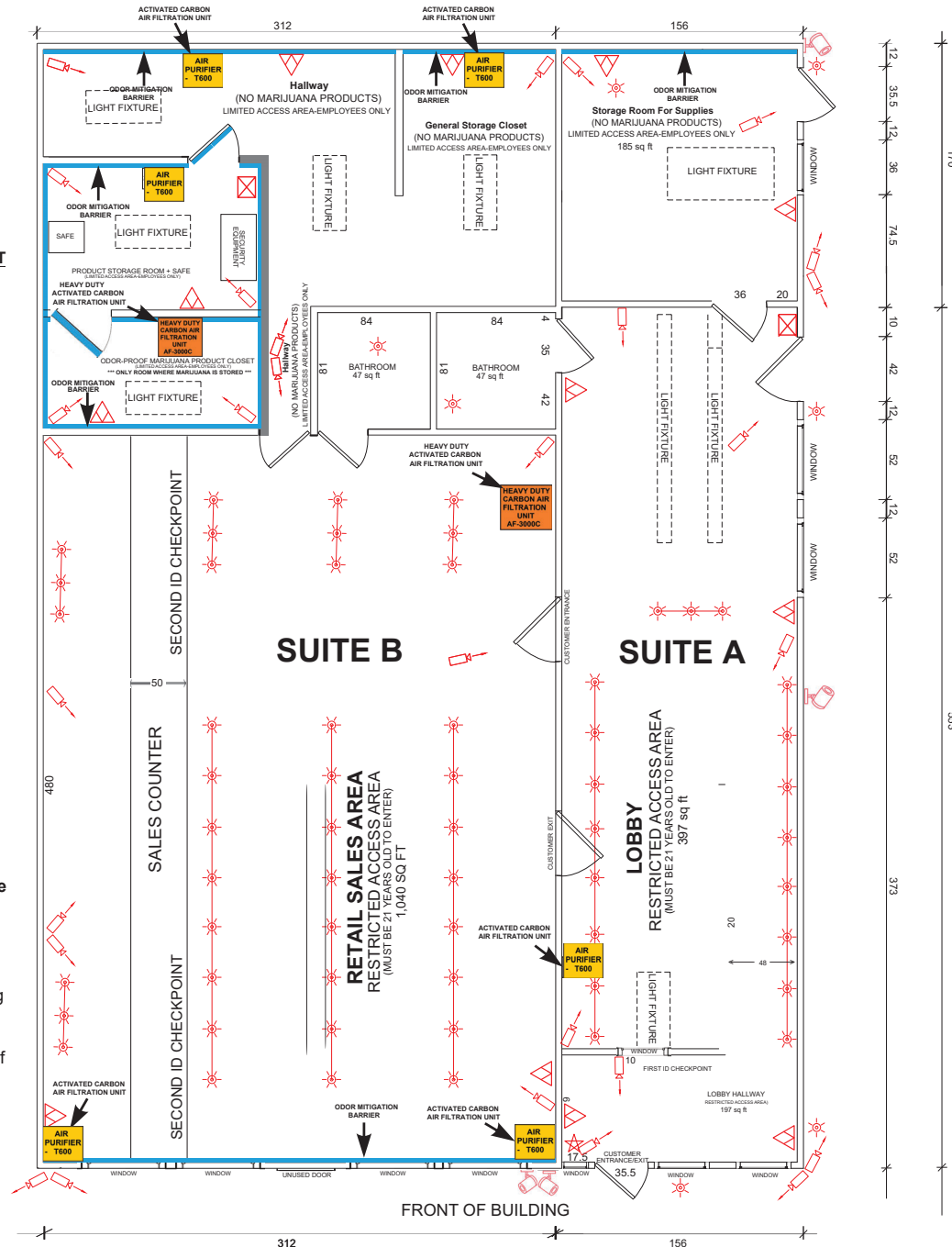
- This shop will store a limited amount of product, which is held in odor-proof bulk plastic bags until handled/packaged. The packaged product is also substantially odor-proof.
- The limited amount of product on site will be stored in an odor-proof storage closet.
- The odor-proof storage closet is located within the Product Storage Room.
- The Product Storage Room is surrounded by a hallway and all walls shall be reinforced for odor elimination.

Walls adjacent to tenants in the rear shall be reinforced with an odor-proof layer and covered with additional drywall.

No marijuana products or customers in suite A for an additional buffer to the North neighboring property.

The basement is unusable space, its not part of the licensed premises, and therefore shall not be utilized for this establishment.

Air conditioning/heating system's negative air machine will be equipped with an activated carbon air filter to force purify the air for odor.



*WALLS ARE 6 INCHES IN THICKNESS

Exhibit A

- KEY
- ★ LOCATION OF POSTED LICENSE
 - ⊠ ALARM KEY PADS
 - ⊙ LIGHTS
 - ▽ MOTION DETECTORS
 - SECURITY CAMERAS (ARROW INDICATES DIRECTION)
 - ⊙ AFTER HOURS MOTION SENSOR LIGHTS

NOTE:

SECURITY SYSTEM & ODOR MECHANISMS:

29	SECURITY CAMERAS
12	ALARM MOTION DETECTORS
2	ALARM KEY PADS
4	MOTION SENSOR SECURITY LIGHTS
3	LAYERS OF WALLS/ROOMS ENCASED MARJUANA STORAGE, REINFORCED TO PREVENT ODOR PERMEATION
2	HEAVY DUTY INDUSTRIAL STRENGTH ODOR ELIMINATING UNITS
2	ID CHECKPOINTS RETAIL / LOBBY
6	CARBON FILTER AIR PURIFICATION UNITS FOR TOTAL ODOR MITIGATION

PROJECT

ARCHITECTURE
DRAFTING

2114 GRAND AVENUE
SUITES B & C
GLENWOOD SPRINGS, CO 81601

DRAWING TITLE
FLOOR PLAN

*MEASUREMENTS ARE IN INCHES

FOR AGREEMENT

A/001

AFFIDAVIT OF REAR NEIGHBOR RESIDENT

IN SUPPORT OF THE APPLICATIONS OF KIND GLENWOOD LLC d/b/a THE KIND CASTLE TO RECEIVE CITY APPROVALS FOR ITS RETAIL MARIJUANA STORE LICENSE AND SPECIAL USE PERMIT AT 2114 GRAND AVENUE IN GLENWOOD SPRINGS

I, Fabe Gamima Castro Espinoza state the following in support of Kind Glenwood LLC d/b/a The Kind Castle's (hereinafter "The Kind Castle") application to apply for and receive all approvals from the City to operate a Retail Marijuana Store licensed at 2114 Grand Avenue, Suites A-C, Glenwood Springs, CO 81601:

1. As a Party in Interest, 21 years of age or older, I reside in the City of Glenwood Springs, Colorado.
My address is: 2114 Grand Ave Unit 2 & 3
2. I believe The Kind Castle can mitigate odors but the odor from marijuana will not bother me or my family.
3. Currently, our direct neighborhood does not have any retail marijuana stores. We need another marijuana retailer and I believe The Kind Castle would meet this need in our neighborhood.
4. Currently, the nearest marijuana store is well over 3,000 feet away from my residence, therefore as a Party in Interest, the desires of the adult inhabitants is to allow this retail marijuana store to operate.
5. One business occupying the entire commercial front of the building such as The Kind Castle is desired to better manage the parking, sign, and egress/ingress traffic. The Kind Castle's new application is substantially different.
6. I believe approving this retail marijuana store license and special use permit meets the needs of the neighborhood and desires of the adult inhabitants in the City of Glenwood Springs since this approval will bring additional customers to the area and surrounding businesses, promote walkability instead of driving, providing jobs to residents thereby improving the economy and ultimately benefiting the city.
7. There has been no noticeable negative effects or complaints related to the retail marijuana stores.
8. The Applicant offers better prices, quality, and more options than existing stores in Glenwood Springs.
9. I support The Kind Castle and their application to receive a retail marijuana store license at 2114 Grand Avenue, Suites A-C, in the City of Glenwood Springs. Since this business meets my needs as an adult inhabitant, I also support the continuous renewal of this license and permit annually.
10. I believe The Kind Castle meets all requirements set forth by the City of Glenwood Springs to operate a retail marijuana business at 2114 Grand Avenue, Suites A-C, in the City of Glenwood Springs, Colorado.
11. Since the City voted to allow retail marijuana sales, there has been significant development in City as a result of the new retail marijuana stores. There has also been an increase in visitors and tourism for marijuana products.
12. Based on the foregoing, I request that the City of Glenwood Springs, including its City Council and its Planning and Zoning Commission, approve The Kind Castle's application for a retail marijuana store license and special use permit at 2114 Grand Avenue, Suites A-C, in the City of Glenwood Springs.

By: [Signature]

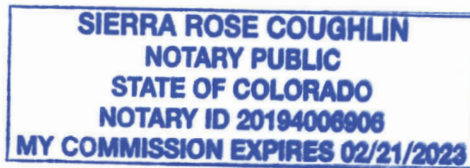
Name: Fabe Gamima Castro Espinoza

Date: 10/10/2020
11/6/2020

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

STATE OF Colorado)
COUNTY OF Garfield)

Sworn to before me this 6th day of November, 2020
by Febe Castro Espinoza.




Notary Public

My Commission Expires: 02/21/2023

AFFIDAVIT

IN SUPPORT OF THE APPLICATIONS OF KIND GLENWOOD LLC d/b/a THE KIND CASTLE TO RECEIVE CITY APPROVALS FOR ITS RETAIL MARIJUANA STORE LICENSE AND SPECIAL USE PERMIT AT 2114 GRAND AVENUE IN GLENWOOD SPRINGS

I, Kristine Leahy, state the following in support of Kind Glenwood LLC d/b/a The Kind Castle's (hereinafter "The Kind Castle") application to apply for and receive all approvals from the City to operate a Retail Marijuana Store licensed at 2114 Grand Avenue, Suites A-C, Glenwood Springs, CO 81601:

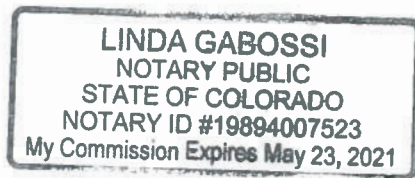
1. As a Party in Interest, 21 years of age or older, I reside in the City of Glenwood Springs, Colorado. My address is: 1028 Blake Avenue, Glenwood Springs, CO 81601
2. The Kind Castle will mitigate odor but I certify that marijuana odor will not cause issues to my tenants.
3. Currently, our direct neighborhood does not have any retail marijuana stores. We need another marijuana retailer and I believe The Kind Castle would meet this need in our neighborhood.
4. The Applicant offers better prices, quality, and more options than existing stores in Glenwood Springs.
5. Currently, the nearest marijuana store is well over 3,000 feet away from this property, therefore as a Party in Interest, the desires of the adult inhabitants is to allow this retail marijuana store to operate.
6. One business occupying the entire commercial front of the building such as The Kind Castle is desired to better manage the parking and egress/ingress traffic. The Kind Castle's new application is substantially different than the prior one because it now encompasses the entire retail front (Suites A, B and C), with Suite B as the retail sales area instead of Suite C therefore eliminating all the prior application's issues (i.e. parking, odor, traffic, etc).
7. There has been no noticeable negative effects or complaints related to the retail marijuana stores.
8. I believe approving this retail marijuana store license and special use permit meets the needs of the neighborhood and desires of the adult inhabitants in the City of Glenwood Springs since this approval will bring additional customers to the area and surrounding businesses, promote walkability instead of driving, and providing jobs to residents thereby improving the economy and ultimately benefiting the city.
9. I support The Kind Castle and their application to receive a retail marijuana store license at 2114 Grand Avenue, Suites A-C, in the City of Glenwood Springs. Since this business meets my needs as an adult inhabitant, I also support the continuous renewal of this license and permit annually.
10. I believe The Kind Castle meets all requirements set forth by the City of Glenwood Springs to operate a retail marijuana business at 2114 Grand Avenue, Suites A-C, in the City of Glenwood Springs, Colorado.
11. Since the City voted to allow retail marijuana sales, there has been significant development in City as a result of the new retail marijuana stores. There has also been an increase in visitors and tourism for marijuana products.
12. Based on the foregoing, I request that the City of Glenwood Springs, including its City Council and its Planning and Zoning Commission, approve The Kind Castle's application for a retail marijuana store license and special use permit at 2114 Grand Avenue, Suites A-C, in the City of Glenwood Springs.

By: Kristine Leahy Name: Kristine Leahy
 Date: 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

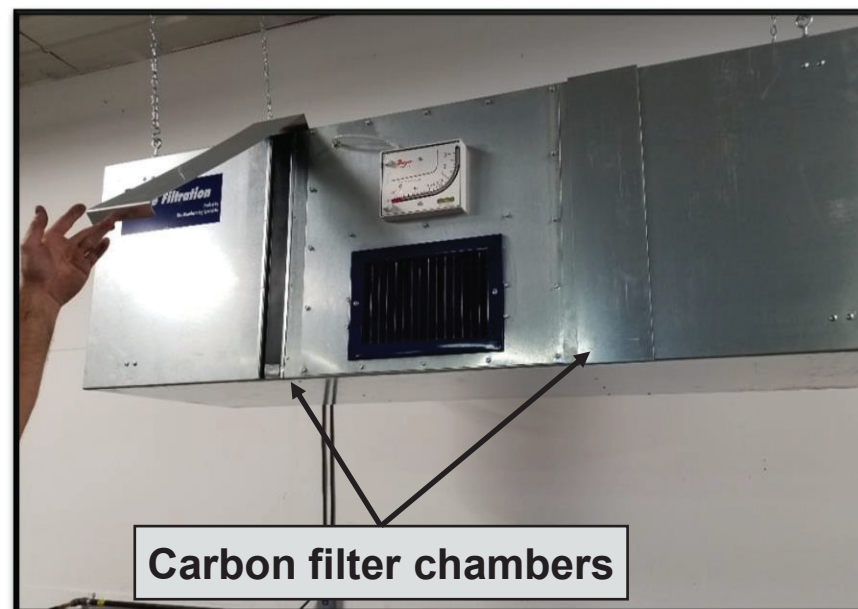
The Kind Castle shall utilize extensive odor mitigation tactics to ensure marijuana odor is filtered from the air to avoid permeating the Applicant's marijuana store site. The new air conditioning/heating system's negative air machine (model #6560 or similar) will be equipped with an activated carbon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

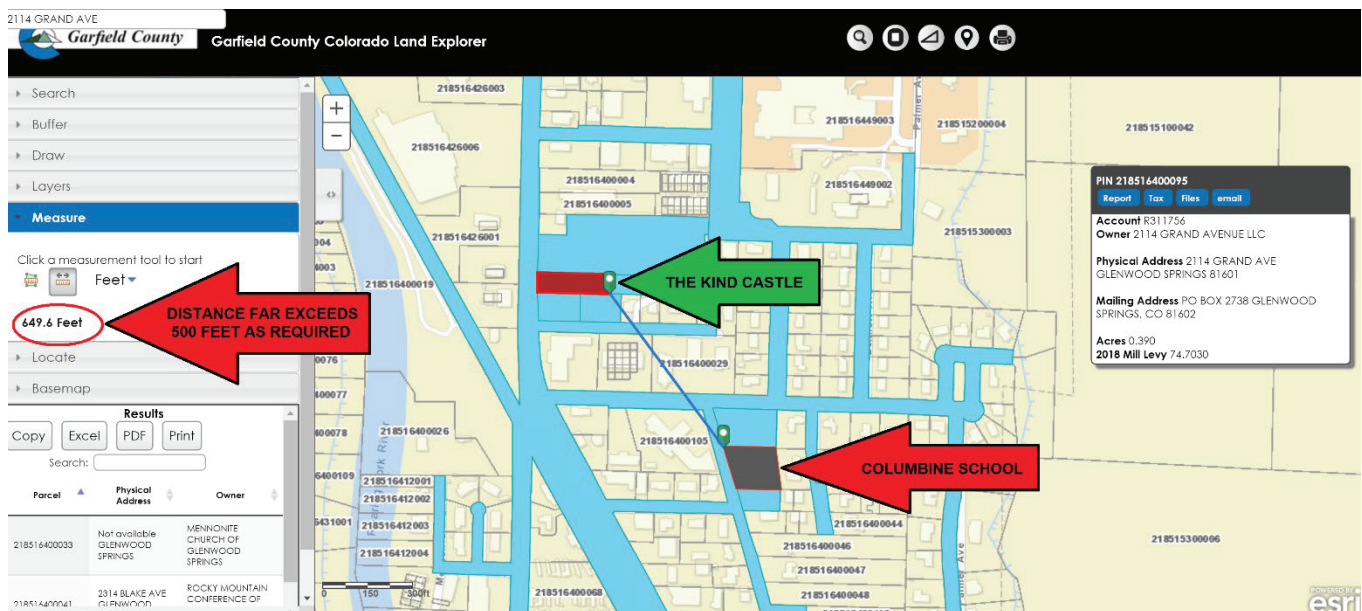
AREA MAP

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:

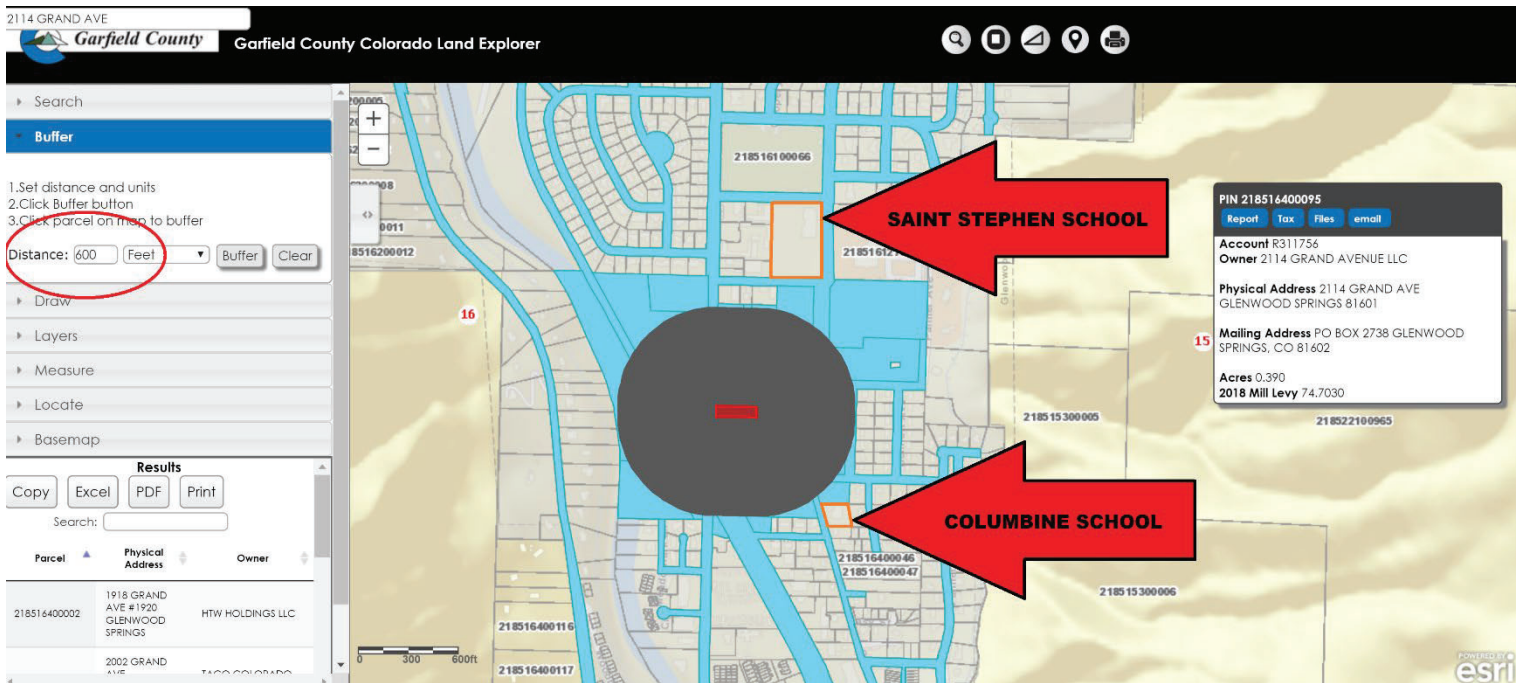
MAP 1 – DISTANCE TO COLUMBINE SCHOOL (GARFIELD COUNTY ASSESSOR)

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.



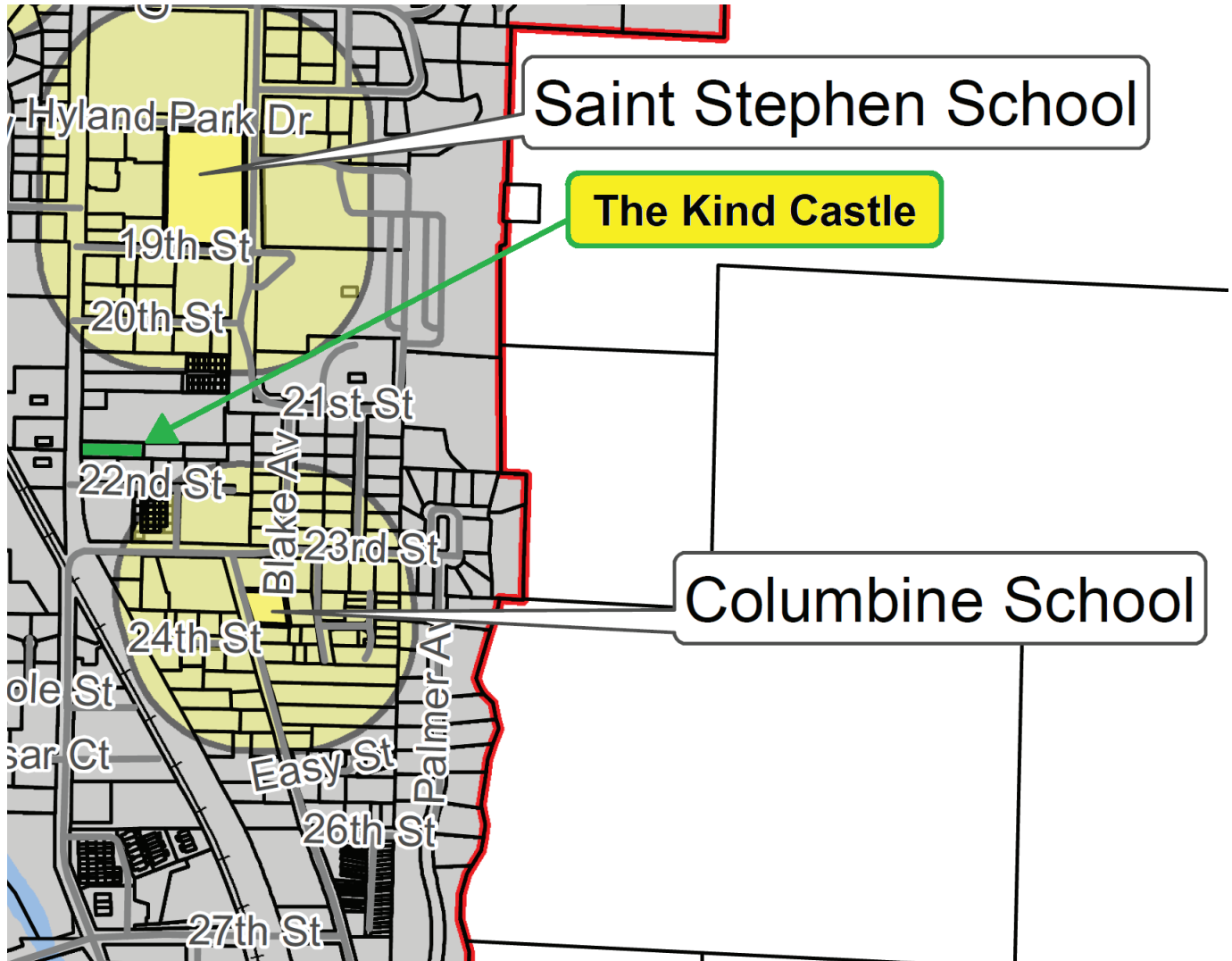
AREA MAP – Page 2 of 5

AREA MAP – PROXIMITY TO OTHER MARIJUANA ESTABLISHMENT

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

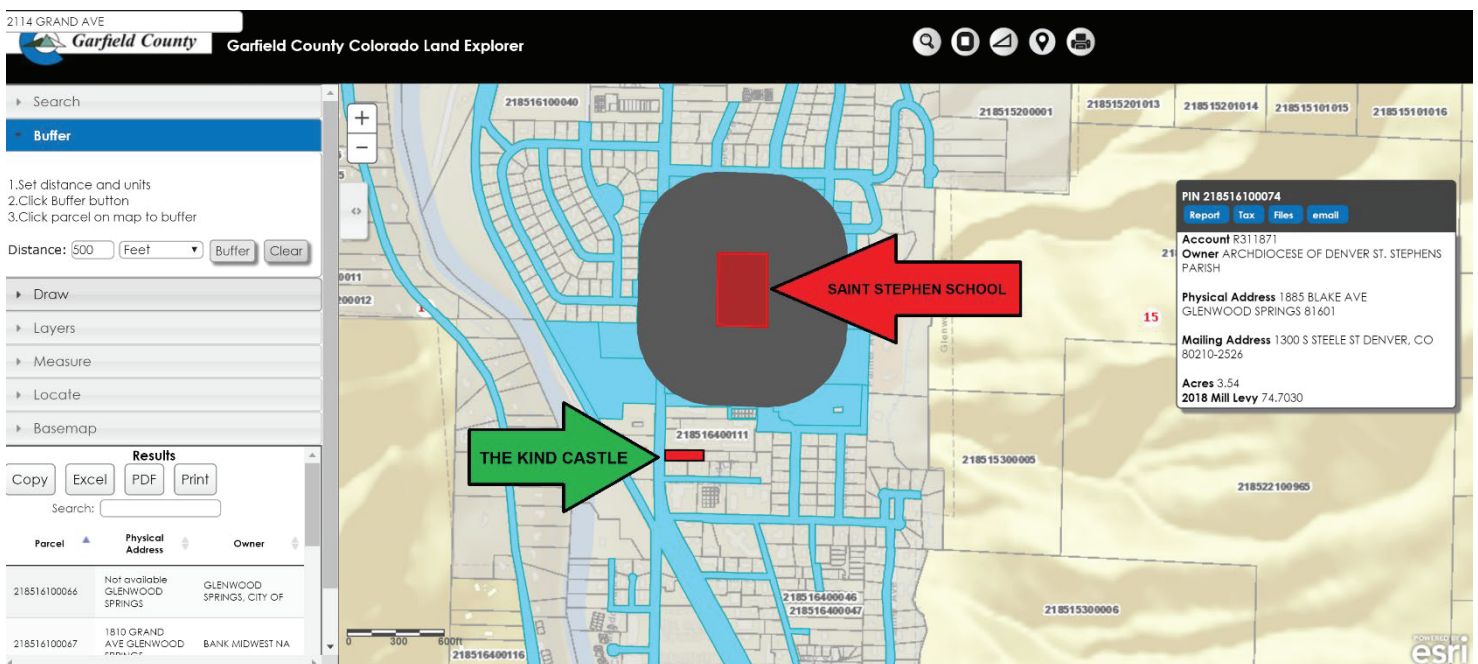
The buffer of 500 feet was added to the schools' locations created by the City of Glenwood Springs which the Applicant's indication of its location added to the map. The buffers are still far from reaching the Applicant's property lines, which significantly exceeds the city's minimum required distance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

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



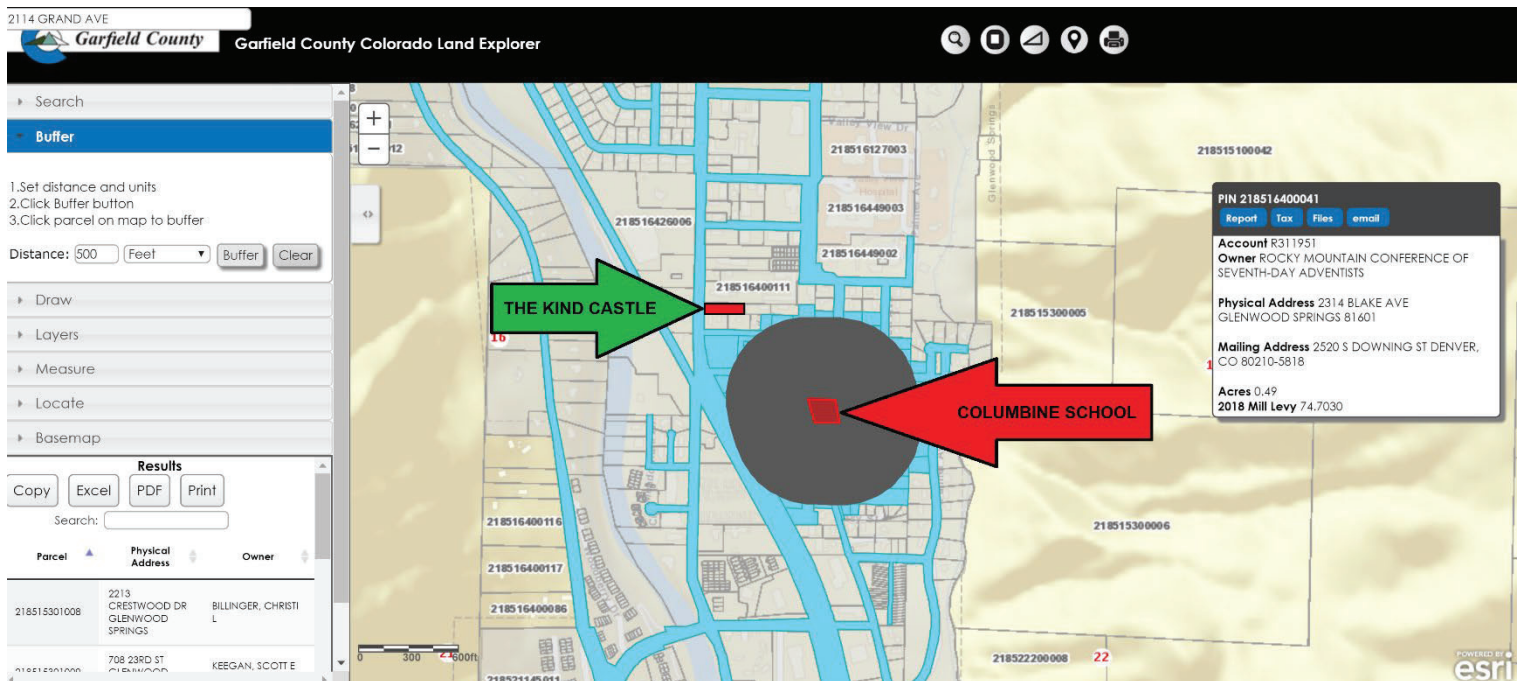
MAP 4 SAINT STEPHEN SCHOOL WITH 500 FOOT BUFFER (GARFIELD COUNTY ASSESSOR)

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.



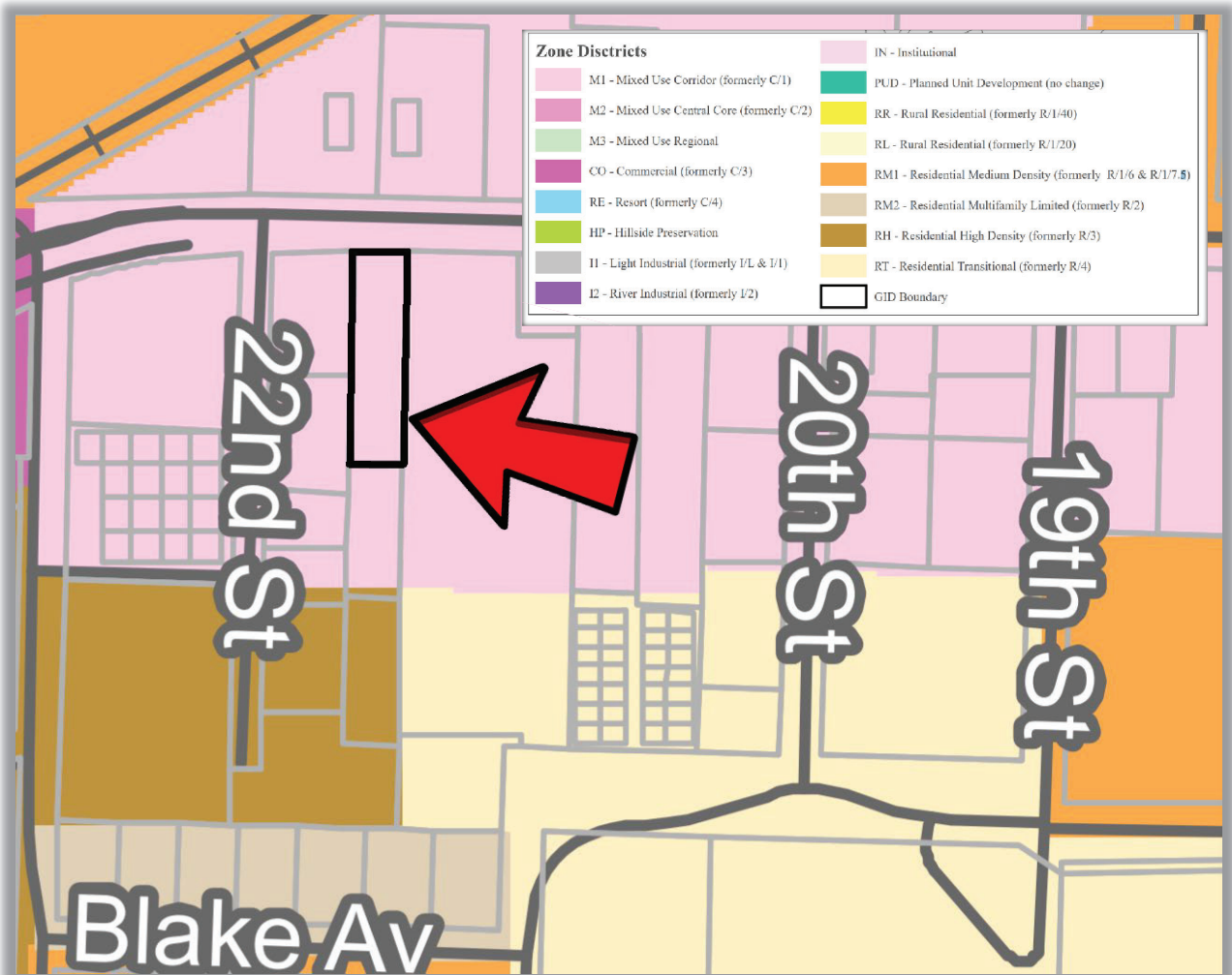
PROOF OF COMPLIANCE WITH ZONING AND LAND USE LAWS

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.

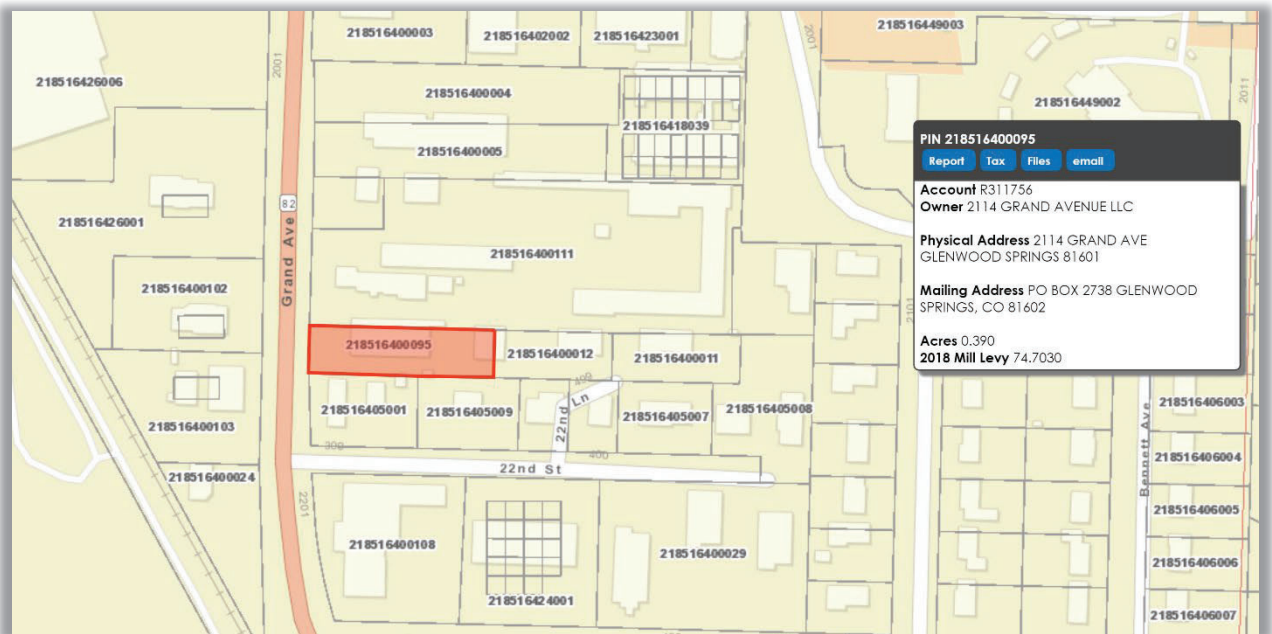


Article 1 of 2

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: RD

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 81604
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.
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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.

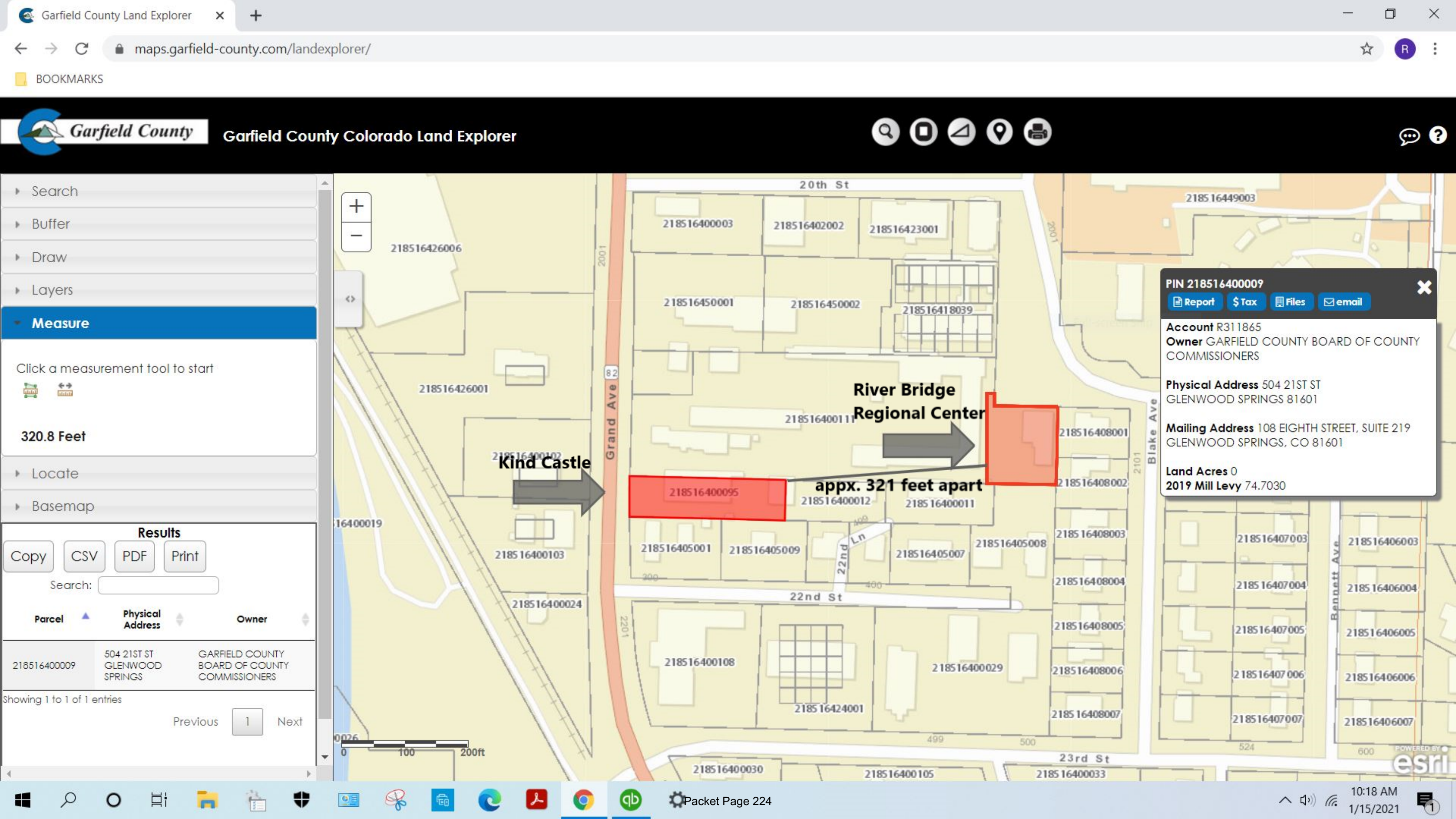
Other than making the incompatible use bigger, nothing has changed between the last application and this one. The fact remains that the use itself—a retail marijuana store—is incompatible with other surrounding uses, and the impact of that use on adjacent properties has not been sufficiently mitigated.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

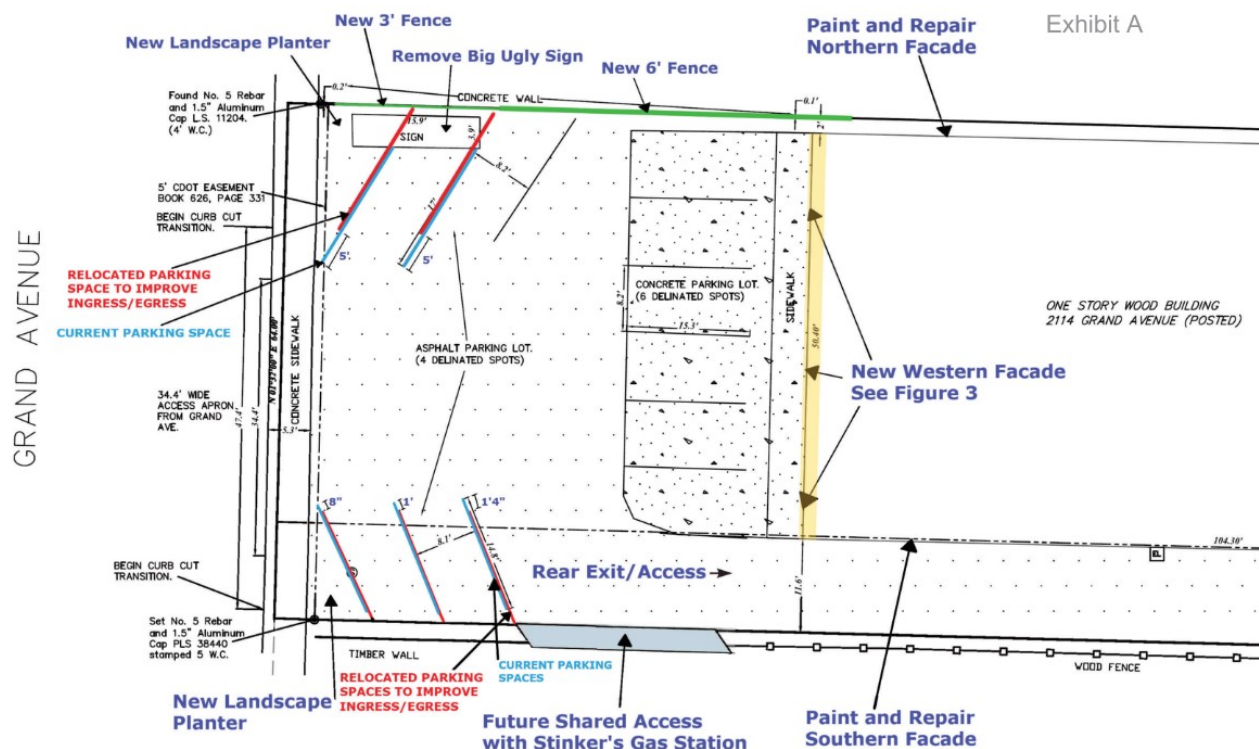


FIGURE 1 – SITE PLAN

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

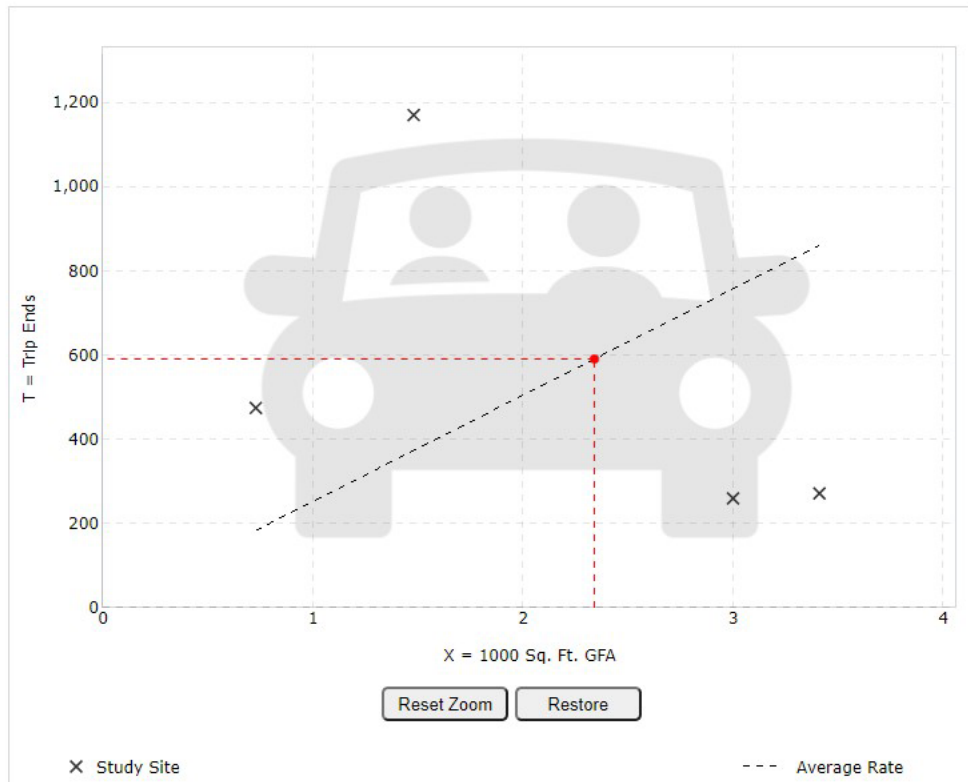
SETTING/LOCATION:
General Urban/Suburban

TRIP TYPE:
Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:
2.34 Calculate

Data Plot and Equation

Caution – Small Sample Size



Reset Zoom Restore

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

R²:

Directional Distribution:
50% entering, 50% exiting

Calculated Trip Ends:
Average Rate: 591 (Total), 295 (Entry), 296 (Exit)

Graph Look Up



[Query](#) [Filter](#)

DATA SOURCE:

Trip Gen Manual, 10th Ed

New data edition is available. [Click here to upgrade.](#)

SEARCH BY LAND USE CODE:

882

LAND USE GROUP:

(800-899) Retail

LAND USE :

882 - Marijuana Dispensary

LAND USE SUBCATEGORY:

All Sites

INDEPENDENT VARIABLE (IV):

1000 Sq. Ft. GFA

TIME PERIOD:

Weekday, PM Peak Hour of Generator

SETTING/LOCATION:

General Urban/Suburban

TRIP TYPE:

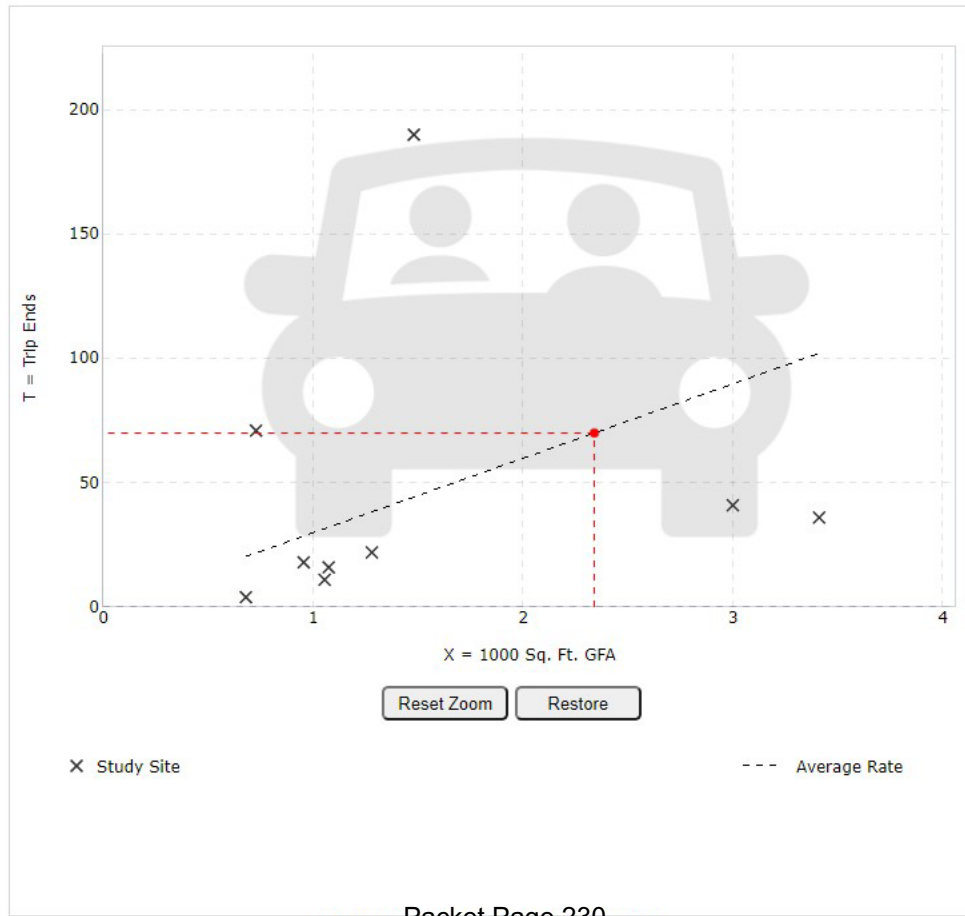
Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:

2.34

[Calculate](#)

Data Plot and Equation



DATA STATISTICS

Land Use:
Marijuana Dispensary (882) [Click for more details](#)

Independent Variable:
1000 Sq. Ft. GFA

Time Period:
Weekday
PM Peak Hour of Generator

Setting/Location:
General Urban/Suburban

Trip Type:
Vehicle

Number of Studies:
9

Avg. 1000 Sq. Ft. GFA:
2

Average Rate:
29.93

Range of Rates:
5.88 - 128.38

Standard Deviation:
41.69

Fitted Curve Equation:
Not Given

R²:

Directional Distribution:
50% entering, 50% exiting

Calculated Trip Ends:
Average Rate: 70 (Total), 35 (Entry), 35 (Exit)



Query Filter

DATA SOURCE:
Trip Gen Manual, 10th Ed

New data edition is available. [Click here to upgrade.](#)

SEARCH BY LAND USE CODE:
715

LAND USE GROUP:
(700-799) Office

LAND USE:
715 - Single Tenant Office Building

LAND USE SUBCATEGORY:
All Sites

INDEPENDENT VARIABLE (IV):
1000 Sq. Ft. GFA

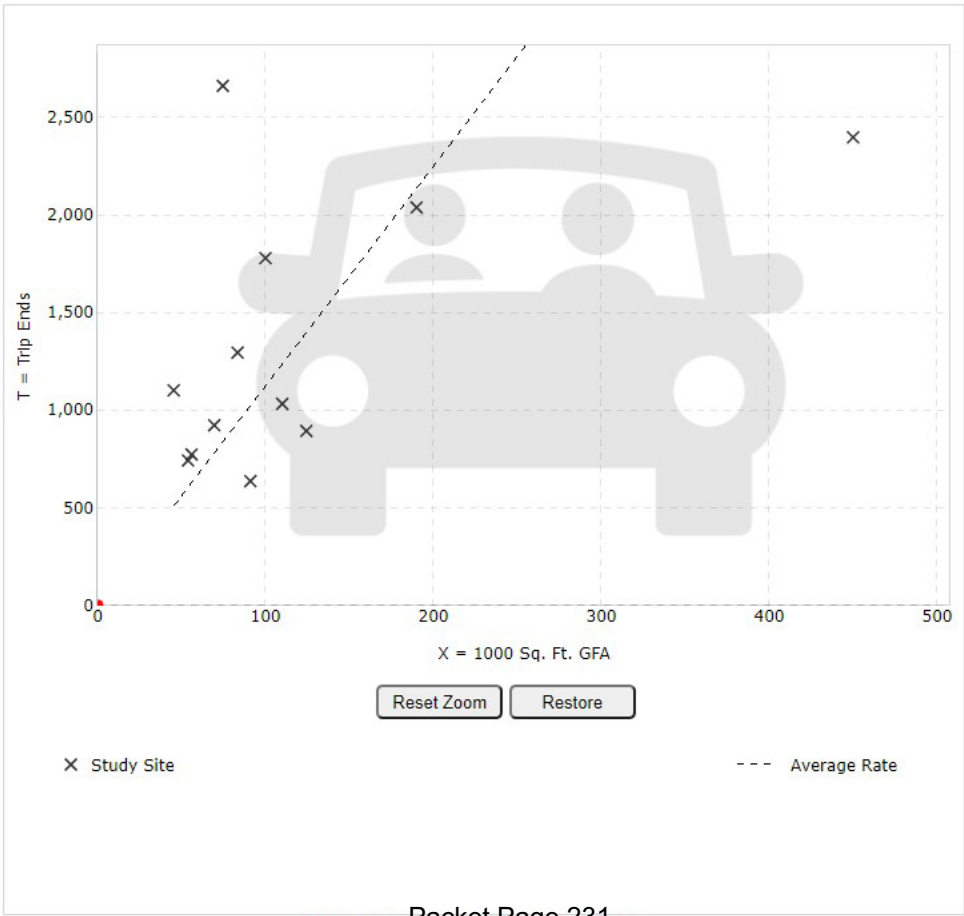
TIME PERIOD:
Weekday

SETTING/LOCATION:
General Urban/Suburban

TRIP TYPE:
Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:
0.65 Calculate

Data Plot and Equation



DATA STATISTICS

Land Use:
Single Tenant Office Building (715) [Click for more details](#)

Independent Variable:
1000 Sq. Ft. GFA

Time Period:
Weekday

Setting/Location:
General Urban/Suburban

Trip Type:
Vehicle

Number of Studies:
12

Avg. 1000 Sq. Ft. GFA:
121

Average Rate:
11.25

Range of Rates:
5.33 - 35.68

Standard Deviation:
7.71

Fitted Curve Equation:
Not Given

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:

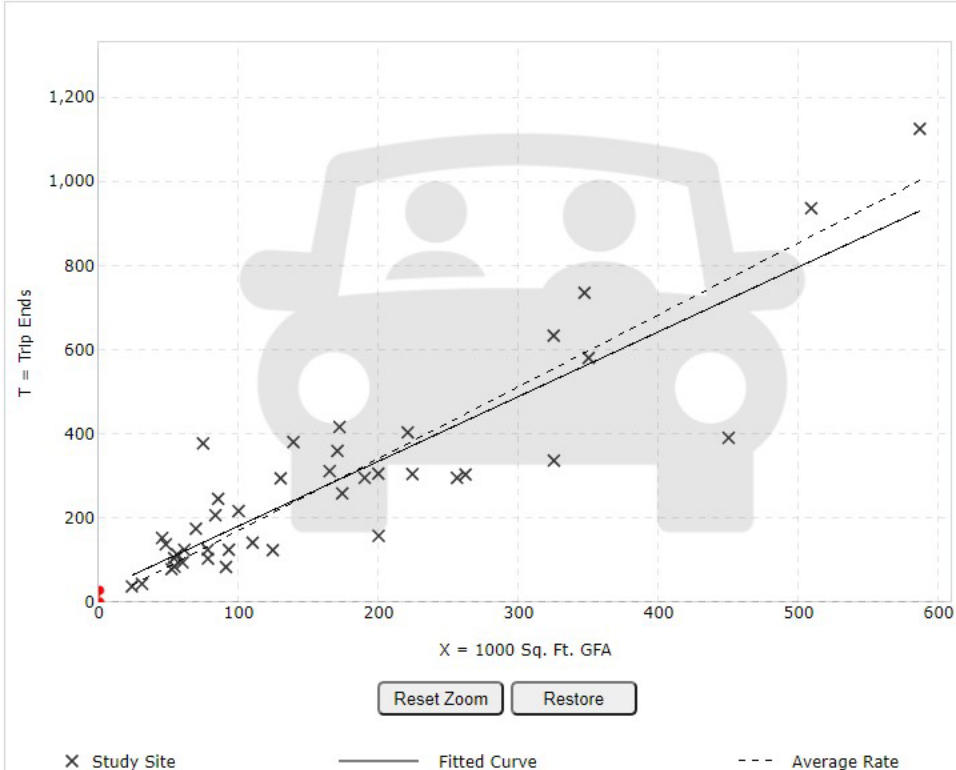
Vehicle

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

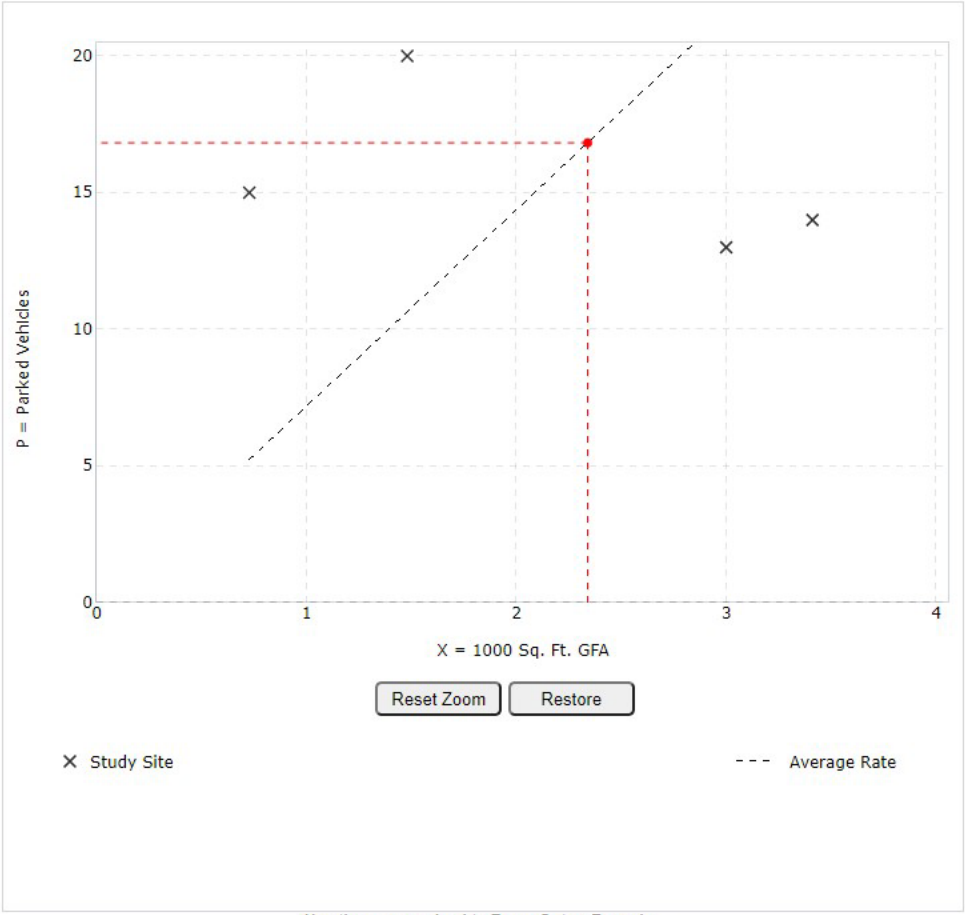
ENTER IV VALUE TO CALCULATE PARKING DEMAND:

2.34

Calculate

Data Plot and Equation

Caution – Small Sample Size



Reset Zoom Restore

Use the mouse wheel to Zoom Out or Zoom In.
Hover the mouse pointer on data points to view X and P values.

DATA STATISTICS

Land Use:	Marijuana Dispensary (882) Click for more details
Independent Variable:	1000 Sq. Ft. GFA
Time Period:	Weekday (Monday - Friday)
Setting/Location:	General Urban/Suburban
Peak Period of Parking Demand:	12:00 - 6:00 p.m.
Number of Studies:	4
Avg. 1000 Sq. Ft. GFA:	2.2
Average Rate:	7.19
Range of Rates:	4.10 - 20.60
33rd / 85th Percentile:	4.25 / 20.60
95% Confidence Interval:	***
Standard Deviation:	6.18
Coefficient of Variation:	86%
Fitted Curve Equation:	***
R ² :	***
Calculated Parking Demand:	Average Rate: 17 (Total)

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/AAD2P6ZKnl5pfKol0k6Ovyfsa?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 Jerez Torote, 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 Jerez Torote

Name: Martin Jerez Torote

Date: 04/17/2024

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

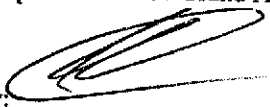
Date: 4-22-21

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: _____

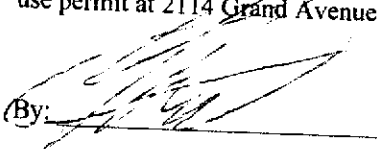
Date: JUAN NUNEZ 4-22-21

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
June 3, 2021

Agenda Item: Resolution 21-10 - A resolution finding substantial compliance of Petition for Annexation with CRS 31-12-107 and setting public hearing regarding eligibility for annexation of property located at 214 Center Drive (PIN: 2185-061-00-042)

(Note: there will be no discussion at this meeting about the project, this agenda item is just to set the date.)

Action Requested: **Action Item 1** - Consideration of a resolution finding substantial compliance with CRS 31-12-104 and initiating annexation proceedings for 15.818 acres located at 214 Center Drive (PIN: 2185-061-00-042)

Department: Economic and Community Development

Presented By: Trent Hyatt, Senior Planner

Background Info: Please note, the action currently being considered is not a decision regarding the annexation nor the related rezoning (initial zoning) of the subject property. Instead, City Council must first consider whether an annexation request is in substantial compliance with Section 31-12-104 Colorado Revised Statutes (CRS) which outlines the minimum standards for the receipt of and consideration of a petition for annexation.

Issues: On January 26, 2021, 214 Center Drive, LLC submitted a petition for annexation (attached) of 15.82 acres into the City of Glenwood Springs' municipal limits. The application was submitted on behalf of the property owner Glenwood Partnership, LLLP. A petition for annexation is a voluntary process requested by the applicant and property owner which is usually a requirement for needed municipal services.

There are two main items to consider in determining substantial compliance, whether there is 1/6th contiguity between the subject property and the municipal boundary and if a community of interest exists between the City and the site. This issues are addressed in more detail below.

As depicted on the the attached draft annexation map, it appears that more than 3/6th, or 1,823.05 feet, of the property adjoins the current municipal boundary located along the north property line of the Glenwood Mall parcel and along the west side of Storm King Road. A platted right-of-way, such as Storm King Road, does not affect contiguity.

CRS defines "community of interest" as the subject area being "urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality." Future development of the site has been anticipated/expected for some time as it is thoroughly addressed in the 2011 Glenwood Springs Comprehensive Plan. The Glenwood Business Center, located at the southwest corner and occupying approximately 22 percent of the site, already utilizes City water and electric services as do many other residences in this vicinity located in unincorporated Garfield County.

Additionally, City Council must set a date at which to begin consideration of the request or annexation proceedings. The Planning and Commission began consideration of the annexation and rezoning at their March 23, 2021 regular meeting. They again considered the requests at their regular April and May meetings. Their recommendation will be coming to City Council sometime in July. Staff requests Council schedule annexation proceedings at a special meeting to allow for required statutory public

noticing. That meeting must be at least 30 days following this consideration and not more than 60 days following this consideration.

Staff Recommendation: Staff recommends approval of the attached resolution finding substantial compliance with CRS 31-12-104 and initiating annexation proceedings for 15.818 acres located at 214 Center Drive (PIN: 2185-061-00-042) with the findings provided below.

Recommended Findings:

1. More than 1/6th contiguity exists between the City and the subject property.
2. A community of interest currently exists between the City and the subject property.
3. Annexation proceedings are set to begin on July 29, 2021 at 6p.m. in Council Chambers of City Hall located at 101 West 8th Street in Glenwood Springs, Colorado.

RESOLUTION 2021-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, FINDING SUBSTANTIAL COMPLIANCE OF A PETITION FOR ANNEXATION AND SETTING A PUBLIC HEARING FOR JUNE 17, 2021, TO DETERMINE IF THE PROPERTY PETITIONED FOR ANNEXATION COMPLIES WITH APPLICABLE STATUTORY REQUIREMENTS AND IS CONSIDERED ELIGIBLE FOR SUCH ANNEXATION

WHEREAS, on January 26, 2021, Glenwood Partnership, LLLP (the “Petitioner”) filed the Petition for Annexation (the “Petition”) attached as Exhibit A with the City of Glenwood Springs (the “City”); and

WHEREAS, the Petition requests annexation to the City of real property located in Garfield County as more particularly described and depicted on the Annexation Map attached as Exhibit B (the “Property”); and

WHEREAS, Petitioner owns 100% of the Property; and

WHEREAS, pursuant to C.R.S. § 31-12-107(1)(f), the City Council is required to determine if the Petition is substantially in compliance with § 31-12-107 and, if so, schedule a public hearing to determine if the proposed annexation complies with section 30 of article II of the Colorado Constitution and C.R.S. §§ 31-12-104 and 31-12-105 or such provisions thereof as may be required to establish eligibility for annexation under the Municipal Annexation Act of 1965; and

WHEREAS, the City Council has reviewed the Petition and has determined that the Petition is substantially in compliance with C.R.S. §31-12-107(1); and

WHEREAS, the City Council desires to adopt, by resolution, its findings regarding substantial compliance of the Petition and to set a public hearing to determine whether the Property satisfies applicable statutory requirements and is considered eligible for annexation under the Municipal Annexation Act.

NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, THAT:

Section 1. The above recitals are hereby incorporated as findings by the City.

Section 2. The Petition substantially complies with the requirements of C.R.S. § 31-12-107(1).

Section 3. A public hearing before the City Council is scheduled for July 29, 2021 at 6:00 pm at City Hall, 101 8th St., Glenwood Springs, CO 81601, for the purpose of determining whether the Property complies with section 30 of article II of the Colorado Constitution and C.R.S. §§ 31-12-104 and 31-12-105 and is eligible for annexation and whether additional terms and conditions are to be imposed upon the annexation of the Property.

INTRODUCED, READ, AND PASSED THIS 3rd DAY OF JUNE 2021.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk

PETITION FOR ANNEXATION

The undersigned Petitioner, in accordance with The Municipal Annexation Act of 1965, Article 12, Title 31, C.R.S., as amended, hereby petitions the City Council of the City of Glenwood Springs, Colorado, for annexation to the City of Glenwood Springs that certain real property more particularly described in Exhibit A (the "Property"), which Exhibit is attached hereto and made a part hereof by reference. In support of this Petition, the Petitioner alleges that:

1. Petitioner is Glenwood Partnership, LLLP, a Colorado limited liability limited partnership. The purpose of this Petition is to enable Petitioner to obtain municipal services within the municipal boundaries of the City of Glenwood Springs.

2. Petitioner alleges that it is the landowner—as that term is defined in the Municipal Annexation Act—of 100% of the Property described in Exhibit A as of the date of this Petition.

3. It is desirable and necessary that the Property be annexed to the City of Glenwood Springs, Colorado.

4. The requirements of C.R.S. §31-12-104 and §31-12-105, as amended, exist or have been met as set forth and shown herein.

5. As provided in C.R.S. § 31-12-104, not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the City of Glenwood Springs.

6. A community of interest exists between the Property proposed to be annexed and the City of Glenwood Springs.

7. The Property proposed to be annexed is urban or will be urbanized in the near future.

8. The Property proposed to be annexed is integrated with or is capable of being integrated with the City of Glenwood Springs.

9. No land in the Property sought to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been or shall be divided into separate parcels without the written consent of the landowner(s).

10. No land in the Property sought to be annexed which is held in identical ownership and comprising twenty (20) or more acres and having an assessed valuation for ad valorem tax purposes in excess of \$200,000.00 has been included in the area without the written consent of the landowner(s).

11. The entire width of any portion of a platted street or alley to be annexed within the Property is included.

12. The proposed annexation will not result in detachment of the Property from any school district or attachment to another district.

13. The Property to be annexed is not presently a part of any incorporated city, city and county, or town; nor have any proceedings been commenced for annexation of part or all of the Property to any other municipality; nor has any election for annexation of such Property or substantially the same Property to the City of Glenwood Springs been held within the twelve (12) months immediately preceding the filing of this Petition.

14. The annexation of the Property proposed to be annexed will not have the effect of extending the boundary of the City of Glenwood Springs more than three (3) miles in any direction from any point of the City of Glenwood Springs municipal boundary in any one (1) year.

15. The signers of this Petition comprise more than fifty percent of the landowners and own more than fifty percent of the Property, exclusive of public streets and alleys and any land owned by the City of Glenwood Springs.

16. The affidavit of the circulator of this Petition stating that each signature hereon is the signature of the person whose name it purports to be is attached to this Petition and made a part hereof by this reference.

17. Attached hereto and incorporated herein by reference are four (4) copies of an annexation map in the form required by C.R.S. §31-12-107(1)(d) and containing:

- a) a written legal description of the boundaries of the area proposed to be annexed;
- b) a map showing the boundary of the area proposed to be annexed;
- c) within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or lots and blocks; and
- d) next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed.

18. Each person signing this Petition for Annexation represents that he or she has full authorization to execute this Petition on behalf of the Petitioner.

19. The notary executing this Petition states that each signature herein is the signature of the person whose name it purports to be.

20. Petitioner reserves the right to withdraw this petition and its signature therefrom at any time prior to the recordation of the annexation map.

21. The mailing address of the Petitioner is as follows: 214 Center Drive, Glenwood Springs, Colorado 81601.

WHEREFORE, Petitioner requests that the City of Glenwood Springs approve the

annexation of the Property into the City.

PETITIONER

Dated: 1-26-2021

Floyd Diemoz

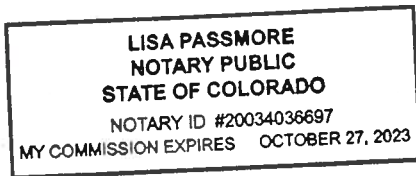
Floyd Diemoz, Managing Partner
Glenwood Partnership, LLLP

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing Petition for Annexation was subscribed and sworn to before me this 26th day of January, 2021, by Floyd Diemoz as Managing Partner of Glenwood Partnership, LLLP, a Colorado limited liability limited partnership.

Witness my hand and official seal.

My commission expires 10/27/2023.



Lisa Passmore
Notary Public

EXHIBIT A

The property that is the subject of Petitioner's Petition for Annexation to the City of Glenwood Springs, Colorado, is legally described as follows:

A PORTION OF THE FOLLOWING DESCRIBED REAL PROPERTY:

A TRACT OF LAND SITUATED IN SECTION 6, TOWNSHIP 6 SOUTH, RANGE 89 WEST OF THE 6TH P.M. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE GLENWOOD SPRINGS MALL SUBDIVISION WHENCE THE WITNESS CORNER TO THE S1/4 CORNER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 89 WEST OF THE 6TH P.M. BEARS N 89° 13' 08" E 866.63 FEET SAID POINT OF BEGINNING ALSO BEING THE SOUTHEAST CORNER OF THAT PARCEL DESCRIBED AS PARCEL C IN BOOK 1205 AT PAGE 589 IN THE OFFICE OF THE GARFIELD COUNTY CLERK AND RECORDER;

THENCE ALONG THE EAST LINE OF SAID PARCEL C N 2° 44' 00" E 605.64 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 130;

THENCE ALONG SAID RIGHT-OF-WAY N 89° 52' 00" E 312.68 FEET;

THENCE N 89° 49' 18" E 860.83 FEET TO THE WEST LINE OF THE MEL-RAY SUBDIVISION;

THENCE ALONG SAID WEST LINE S 1° 52' 00" W 575.96 FEET;

THENCE DEPARTING SAID EAST LINE AND ALONG THE NORTH LINE OF SAID GLENWOOD SPRINGS MALL N 87° 18' 00" W 615.36 FEET;

THENCE S 47° 42' 00" W 125.06 FEET;

THENCE N 87° 18' 00" W 476.98 FEET TO THE POINT OF BEGINNING.

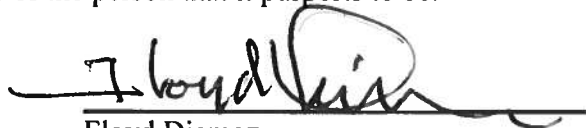
COUNTY OF GARFIELD
STATE OF COLORADO.

AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

I, the undersigned, being duly sworn, do state as follows:

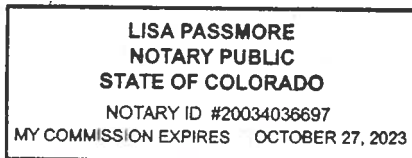
1. I am over the age of 21;
2. I was the circulator of the Petition attached hereto; and
3. Each signature thereon is the signature of the person that it purports to be.


Floyd Diemoz

The foregoing Affidavit of Circulator was acknowledged, subscribed, and sworn to before me this 26th day of January, 2021, by Floyd Diemoz.

Witness my hand and official seal.

My commission expires 10/27/2023.




Notary Public

ANNEXATION MAP OF:
480 DONEGAN
SITUATED IN A PORTION OF SECTION 6, TOWNSHIP 6 SOUTH,
RANGE 89 WEST OF THE 6TH P.M. COUNTY OF GARFIELD, STATE OF COLORADO
SHEET 1 OF 1

TITLE DESCRIPTION (THIS SURVEY EDITS/ADDITIONS)

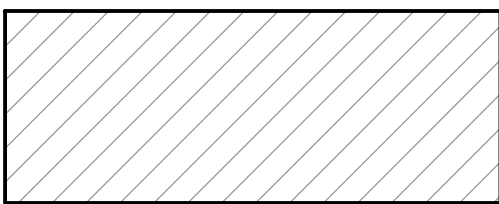
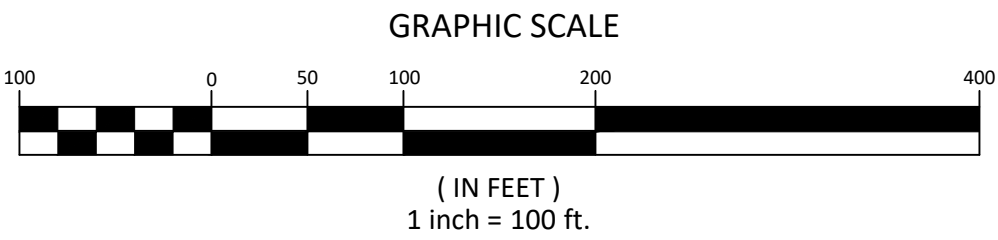
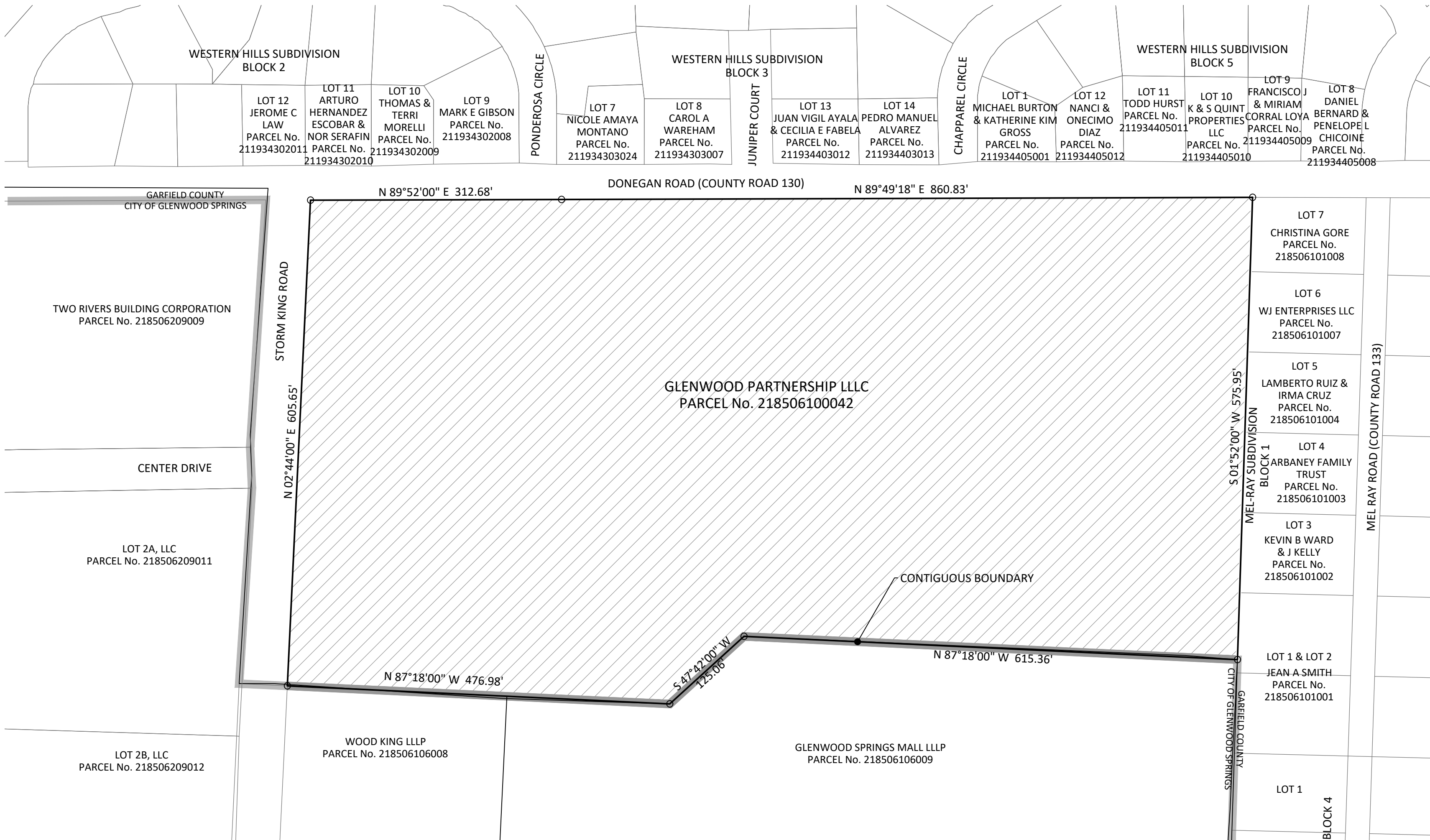
A TRACT OF LAND SITUATED IN SECTION 6, TOWNSHIP 6 SOUTH, RANGE 89 WEST OF THE 6TH P.M. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE GLENWOOD SPRINGS MALL SUBDIVISION WHENCE THE WITNESS CORNER TO THE 1/4 CORNER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 89 WEST OF THE 6TH P.M. BEARS N 89° 13' 08" E 866.63 FEET (N 38° 40' 53" E 853.45 FEET FIELD) SAID POINT OF BEGINNING ALSO BEING THE SOUTHEAST CORNER OF THAT PARCEL DESCRIBED AS PARCEL C IN BOOK 1205 AT PAGE 589 IN THE OFFICE OF THE GARFIELD COUNTY CLERK AND RECORDER; THENCE ALONG THE EAST LINE OF SAID PARCEL C N 2° 44' 00" E 605.64 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 130; THENCE ALONG SAID RIGHT-OF-WAY N 89° 52' 00" E 312.68 FEET; THENCE (CONTINUING ALONG SAID RIGHT-OF-WAY) N 89° 49' 18" E 860.83 FEET TO THE WEST LINE OF THE MEL-RAY SUBDIVISION; THENCE ALONG SAID WEST LINE S 1° 52' 00" W 575.96 FEET; THENCE DEPARTING SAID EAST (WEST) LINE AND ALONG THE NORTH LINE OF SAID GLENWOOD SPRINGS MALL N 87° 18' 00" W 615.36 FEET; THENCE (CONTINUING ALONG SAID NORTH LINE) S 47° 42' 00" W 125.06 FEET; THENCE (CONTINUING ALONG SAID NORTH LINE) N 87° 18' 00" W 476.98 FEET TO THE POINT OF BEGINNING.

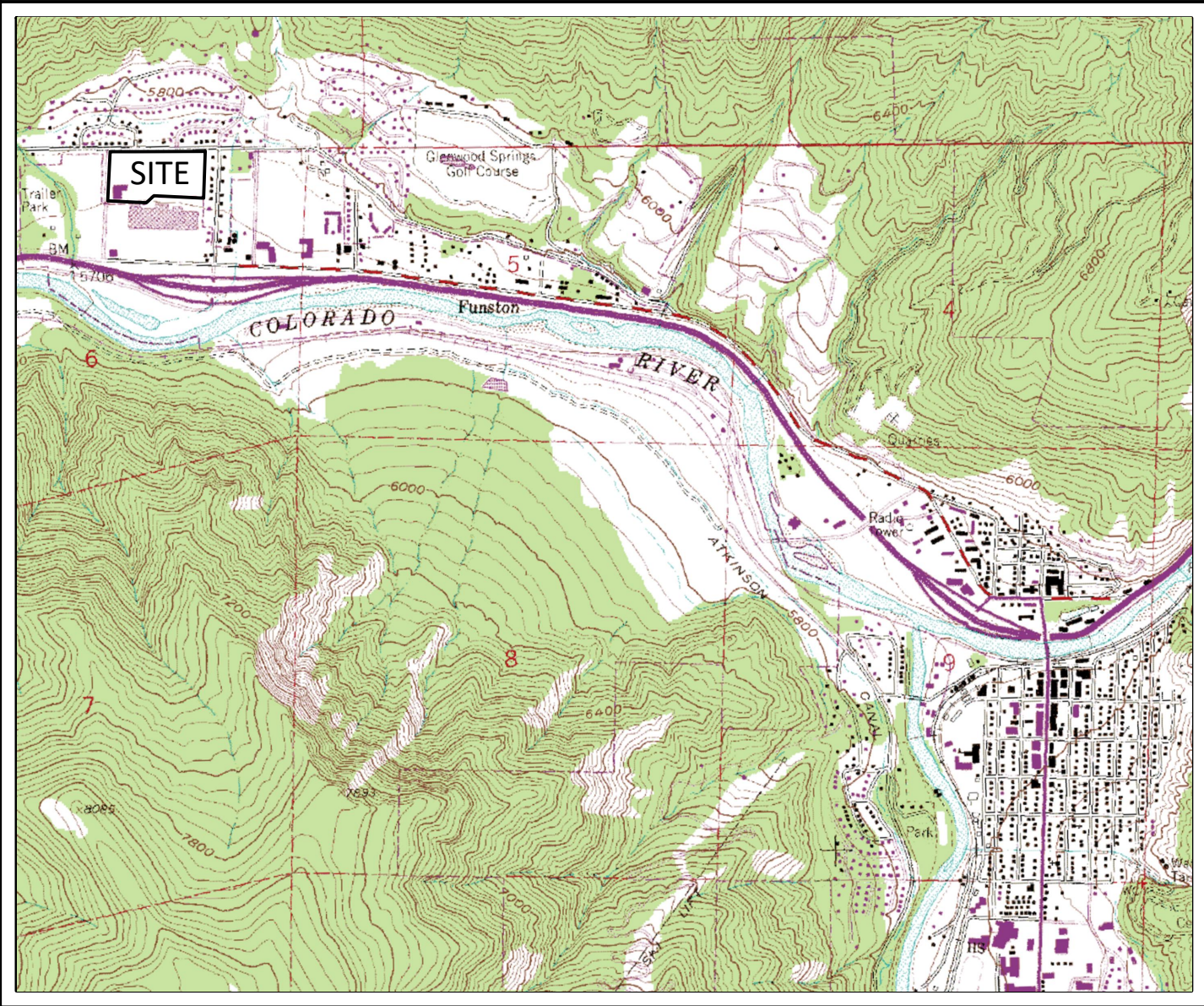
COUNTY OF GARFIELD
STATE OF COLORADO.

CONTIGUOUS BOUNDARY CALCULATION

TOTAL BOUNDARY	3572.51'
1/6TH CONTIGUITY (3572.51 x 1/6)	595.42'
CONTIGUOUS BOUNDARY	1217.40'



AREA TO BE ANNEXED



VICINITY MAP
SCALE: 1" = 2000'

MAP NOTES

- 1) DATE OF PREPARATION: October 2020
UPDATED: January 2021
- 2) BASIS OF BEARING: A bearing of S 01° 52' 00" W along the westerly boundary line of Mel-Ray Subdivision, according to the map thereof recorded in Book 245 at Page 515 of the Garfield County records.
- 3) BASIS OF MAP: The Resubdivision of Glenwood Springs Mall Subdivision, the Map of Mel-Ray Subdivision, the Improvement Survey prepared by Sopris Engineering dated January 25, 2021, and the Title Commitment prepared by Land Title Guarantee Company under Order No. ABS63014094-2, effective date January 10, 2020.
- 4) This survey does not constitute a title search by Sopris Engineering, LLC (SE) to determine ownership or easements of record. For all information regarding easements, rights-of-way and/or title of record SE relied upon the items outlined in Note 3.
- 5) Adjoiner information was taken from the Garfield County GIS website and is accurate as of this date, January 25, 2021.
- 6) All references to recorded documents and plats indicated herein refer to the records of the Garfield County Clerk and Recorder.

CITY COUNCIL CERTIFICATE

The annexation depicted on this map was approved by the City Council of Glenwood Springs, Garfield County, Colorado, by Ordinance No. ____, Series of ____, on the ____ day of ____, 2021.

Mayor

Witness my hand and the seal of the City of Glenwood Springs.

ATTEST:

City Clerk

SURVEYOR'S STATEMENT

I, Mark S. Beckler, L.S. No. 28643, a professional land surveyor licensed under the laws of the State of Colorado, do hereby state that the Annexation Map of 480 Donegan, as shown hereon, was prepared under my supervision on the basis of certain plats, deeds and other documents of record which were augmented with a field inspection conducted under my supervision and that such Annexation Map is true and correct to the best of my knowledge and belief.

BY: _____
Mark S. Beckler, L.S. No.28643

Dated

CLERK AND RECORDER'S ACCEPTANCE

This Annexation Map was filed for record in the office of the Clerk and Recorder of Garfield County at ____ o'clock ____ M. on the ____ day of ____, 2021, as Reception No. ____.

Clerk and Recorder

By _____
Deputy

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

SOPRIS ENGINEERING - LLC
CIVIL CONSULTANTS
502 MAIN STREET, SUITE A3
CARBONDALE, COLORADO 81623
(970) 704-0311 SOPRISENG@SOPRISENG.COM



City Council
STAFF REPORT
City of Glenwood Springs
June 3, 2021

Agenda Item: Community Clean-up Discussion

Action Requested: Discussion

Department: Public Works

Presented By: Matthew Langhorst, Public Works Director

Background Info: The City of Glenwood Springs has discontinued the Annual Spring Cleanup operations in 2020 and 2021 due to the COVID-19 Pandemic. Even prior to this time City Council has been in discussions on how or if to continue the program which takes up approximately 4-5 weeks in the spring of the Streets and SWAT Departments time, when those departments could be working on roadway repairs, maintenance and starting summertime projects with the good weather. What staff is recommending for 2021, since the annual operations were cancelled, is to par the Hazardous Waste Day on August 21st, 2021 with a Community Cleanup Event that would last two days.

This will be a two day event, both days are slightly different from each other: Hazardous Waste Day and Trash Collection Days.

General Plan:

This event would be held at the upper parking lot loop at the Community Center to keep it as City centralized an event as possible.

Provide onsite 2 or 3 - 40 yard metal recycling cans from Green Zone. Green Zone would need to be ready on Friday night to haul the cans off to Silt and bring back fresh cans on Saturday morning if we fill the cans on Friday. Metal would be prepped at the site and put in the cans by Staff.

Provide 2 or 3 - 40 yard "furniture-mattress-wood" cans from Mountain Waste. Mountain Waste will need to be ready on Friday night to haul the cans off to the landfill prior to closing and bring the cans back. Items could include mattresses, furniture, large wood pieces, scrap wood, etc. **Staff will work with the Landfill Manger to organize a list of acceptable items.** These would be hauled to our grind pile instead of trash.

Maybe we have a spare 20 yard can for just trash that we pull from the other the items.

We do not want to do brush, leaves, concrete, brick, etc type collections. People need to haul that to the landfill on their own. These items are bulky and will overwhelm the site quickly due to the amount of space they take up.

Friday (9am to 3pm) August 20th:

We will only be accepting drop offs this day, we will have 3-4 Staff members controlling the line of drop offs and sorting material.

Friday lunch time we will order up Pizzas and drinks for the people working the site.
Staff will coordinate with MW and Green Zone trash can hauling services needed during the day.

Saturday (9am to 3pm) August 21st:

Saturday will be Hazardous Waste Day that Viola runs for us, that will comingle with this event. Bry will be working on setting up sign up sheets for Hazardous Waste Day and Trash Collection Efforts. I will discuss with Jake and see if any of his staff want to work this day and have Monday off or collect some overtime.

We need to coordinate with Lyons and Kiwanis to see how many trucks and people they could supply as volunteers to the event. This will help decide how many trips we can make in a day to peoples homes for collection. Planning on 30 minute time slots with 2 - 4 hour shifts. That would only be 8 trips for one team per shift. I will work both shifts.

People will need to RSVP for hazardous waste day drop off also, they need to drop off per a designated time slot, we will not be picking up hazardous waste.

Lunch can happen from 11am to 1pm, I am ok with feeding anyone that is working or onsite during that time, but I am open to other thoughts.

Do we want to do anything after the event at Two Rivers? Band and Beers or something?

Issues:

Staff intends to bring back the larger discussion of Spring Cleanup in 2022 back during the 2022 Budget discussion in late summer/early fall.

Staff Recommendation:

Provide direction to staff to par Hazardous Waste Day on August 21st, 2021 with a Community Cleanup Event that would last two days.



City Council
STAFF REPORT
City of Glenwood Springs
June 3, 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
June 3, 2021

Agenda Item: Two Rivers Trail - Recent grant award and pending project

Action Requested: Review and approval to move this project into construction.

Department: Engineering

Presented By: Terri Partch, City Engineer

Background Info: At the time of the initial development of Iron Mountain Hot Springs, City staff recognized that pedestrians would be drawn into and through the area between SH6 and Centennial Street. Anticipating that pedestrians would walk in Devereux Road when walking from the Caverns or SH 6 hotels to get to the Iron Mountain Hot Springs, City staff recommended that a new sidewalk be constructed through Two Rivers Park to directly connect the park driveway and the existing pedestrian bridge.

Steve and Jeanne Beckley, the owner of the Iron Mountain Hot Springs, also recognized the value of the direct connection and improved safety of the new sidewalk. The Beckleys have committed \$300,000 toward the construction of the access.

The Water/WW Fund will support this project with \$150,000 to re-route the existing sanitary force main into the park, away from the new trail construction. There is an additional \$40,000 cost that the Water/Wastewater Fund would not incur if it were not for this project and staff is recommending that amount be transferred from the Capital Projects Fund.

The City has recently been awarded \$150,000 from the Colorado Main Streets Grant Program to support the project.

The current estimate for the project is \$900,757.63.

Issues: CDOT Main Street grant Requirements require that the project be completed in eight months

The City has also applied for CDOT Main Street Funds for 6th Street Reconstruction. If awarded, there will be excess funds in the A&I set aside for this project that can be used to cover the project gap. If not awarded, staff recommends that the million dollar match set aside by City Council for grant opportunities be used. Staff should know about the second grant award by the end of June.

Staff Recommendation: Approve moving forward with this critical safety project.

Glenwood Springs

Devereux Road Trail - Phase 1

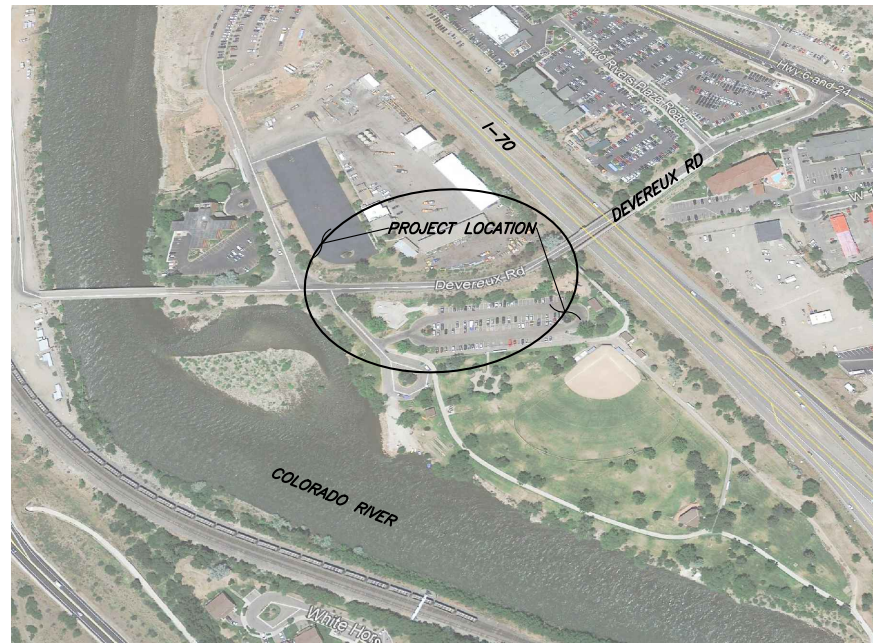
Review Set

May 2021

Sheet Index

Sheet List Table

Sheet Number	Sheet Title
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C03	General Notes 2
C04	Legend & Abbreviations
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C08	Site Plan
C09	Demo Plan
C10	Plan and Profile Station 0+00 to 2+60
C11	Plan and Profile Station 2+60 to 5+30.04
C12	Cross-Section Index
C13	Cross-Sections - Station 0+00 to 0+80
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C15	Cross-Sections - Station 1+80 to 2+60
C16	Cross-Sections - Station 2+70 to 3+50
C17	Cross-Sections - Station 3+60 to 4+30
C18	Cross-Sections - Station 4+40 to 5+00
C19	Typical Sections
C20	Railing and Slope Stability Details



Vicinity Map

N.T.S.

Section 9, Township 6 South, Range 89 West, 6th Principal Meridian

Project List of Contacts

SGM - Project Engineer
Jeff Simonson, PE
Phone: 970-384-9004
Email: JeffS@sgm-inc.com

Terry Bendetti, PE
Phone: 970-384-9026
Email: TerryB@sgm-inc.com

Terri Partch
Glenwood Springs City Engineer
Phone: 970-384-6413
Email: terri.partch@cogs.us



Know what's below.
Call before you dig.

CNCC 1-800-922-1987

UTILITY CONTACT INFORMATION:

ELECTRICAL: CITY OF GWS (970) 384-6353
GAS UTILITY CONTACT: BLACK HILLS ENERGY (888) 890-5554
CABLE TV UTILITY CONTACT: COMCAST CABLE (970) 925-4311.
PHONE UTILITY CONTACT: CENTURYLINK (970) 328-8209.
WATER & SEWER UTILITY CONTACT: CITY OF GWS (970) 384-6344
CITY PARKS & RECREATION: (970) 384-6315

D:\PROJECTS\2018-208-IRONMOUNTAINPERMITTING\004-DEVEREUX TRAIL DESIGN\H-DWGS\CIVIL\PS-SHEETSET\COVER.DWG Plotted: 5/11/2021 10:48 AM By: Terry Bendetti

Computer File Information		Sheet Revisions				 118 West Sixth Street, Suite 200 Glenwood Springs, CO 81601 970.945.1004 www.sgm-inc.com	Preliminary Review Set	Contract Information			Project No./Code
Print Date: 03/27/2020		Rev.	Date	Comments	Init.		No Revisions: -	Contractor: Heyl Construction			No.: -
Last Modification Date: 03/27/2020		☐					Revised: -	Resident Engineer: -			Code: -
Drawing File Name: Cover		☐					Void: -	Project Engineer: -			Sheet Number: C01
Autocad Ver. 2018 Scale: As Shown Units: English		☐						Project Started: 10/07 /19 Accepted: - / - / -			
SGM Project No.: 2018-208.004 Quality Control: #		☐						Comments: -			

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DIVISION 100 – GENERAL PROVISIONS

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE COLORADO DEPARTMENT OF TRANSPORTATION, STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, DATED 2019, AND AS SUBSEQUENTLY REVISED; THE STANDARD PLANS, DATED JULY 2019, AND AS SUBSEQUENTLY REVISED, AND IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS INCLUDED HEREIN.
2. THE CONTRACTOR SHALL LIMIT CONSTRUCTION ACTIVITIES TO THOSE AREAS WITHIN THE LIMITS OF DISTURBANCE AS SHOWN ON THE PLANS. ANY DISTURBANCE BEYOND THESE LIMITS SHALL BE RESTORED TO ORIGINAL CONDITION BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE. CONSTRUCTION ACTIVITIES INCLUDE THE PARKING OF VEHICLES OR EQUIPMENT, DISPOSAL OF TRASH, AND ANY OTHER ACTION WHICH WOULD ALTER EXISTING CONDITIONS. THE CONTRACTOR SHALL NOT PARK ANY VEHICLES OR EQUIPMENT IN, OR DISTURB ANY AREA NOT APPROVED BY THE CITY.
3. ALL EXISTING ACCESSES SHALL REMAIN OPEN TO TRAFFIC THROUGHOUT CONSTRUCTION UNLESS APPROVED BY PERMIT OR WITH APPROPRIATE NOTICE. THE CONTRACTOR SHALL REQUEST APPROVAL FROM THE ENGINEER FOR ALL MINOR CLOSURES PER TRAFFIC CONTROL PLAN – GENERAL SPECIAL PROVISIONS.
4. THE CONTRACTOR SHALL PROTECT ALL WORK AREAS AND FACILITIES FROM WATER AT ALL TIMES. AREAS AND FACILITIES SUBJECTED TO FLOODING SHALL BE PROMPTLY DEWATERED AND RESTORED AT NO COST TO THE PROJECT.
5. CONTROL OF SURFACE RUNOFF AND THE REPAIR OF DAMAGES RESULTING FROM RUNOFF IS SOLELY THE RESPONSIBILITY OF THE CONTRACTOR. THE COST TO CONTROL SURFACE RUNOFF OR REPAIR DAMAGES WILL NOT BE PAID FOR SEPARATELY, BUT SHALL BE INCLUDED IN THE WORK.
6. THE CONTRACTOR SHALL KEEP EXISTING DRAINAGE STRUCTURES FUNCTIONAL AND MAINTAIN DRAINAGE TO THOSE STRUCTURES. MAINTAINING DRAINAGE WILL NOT BE PAID FOR SEPARATELY, BUT SHALL BE INCLUDED IN THE WORK.
7. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION BY THE CITY, OR THEIR ASSIGNED REPRESENTATIVE. THE CITY AND THEIR ASSIGNED REPRESENTATIVES RESERVE THE RIGHT TO ACCEPT OR REJECT ANY SUCH MATERIALS AND WORKMANSHIP THAT DO NOT CONFORM TO THE PLANS AND SPECIFICATIONS LISTED HEREIN. REQUIRED QUALITY CERTIFICATIONS AND DOCUMENTATION SHALL BE SUBMITTED TO THE CITY PRIOR TO PLACEMENT OR USE OF THE MATERIAL.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROJECT QUALITY CONTROL TESTING AND THE CITY WILL PROVIDE INDEPENDENT OWNER ACCEPTANCE TESTING. THE CONTRACTOR SHALL PROVIDE 24 HOUR NOTICE FOR ALL REQUIRED TESTS. REFER TO THE CDOT FIELD MATERIALS MANUAL FOR ADDITIONAL INFORMATION.
9. THE CONTRACTOR SHALL PROTECT ALL EXISTING SURVEY MONUMENTS FROM DAMAGE DURING CONSTRUCTION OPERATIONS. ANY MONUMENTS DISTURBED BY THE CONTRACTOR THAT ARE NOT DESIGNATED FOR RELOCATION SHALL BE RESET AT THE CONTRACTOR'S EXPENSE. THE CONTRACTOR SHALL NOTE THOSE MONUMENTS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACING, AT HIS EXPENSE, ANY PROPERTY PINS REMOVED OR DESTROYED DURING CONSTRUCTION IN ACCORDANCE WITH SECTION 629 OF THE SPECIFICATIONS.
10. SANITARY FACILITIES SHALL BE LOCATED ON SITE. SANITARY FACILITIES SHALL BE FULLY OPERATIONAL BEFORE CONSTRUCTION CAN BEGIN. SANITARY FACILITY PAY ITEM SHALL INCLUDE CLEANING A MINIMUM OF ONCE A WEEK.
11. THE CONTRACTOR SHALL HAVE: ONE COPY OF THE PLANS AND REVIEWED SHOP DRAWINGS FOR THE PROJECT AT THE JOB SITE AT ALL TIMES.
12. ALL SIGNS DESIGNATED TO BE RESET WILL BE RELOCATED PER THE FIELD ENGINEER AND APPROVED BY CITY OF GLENWOOD SPRINGS (CoGS).

PERMITS

1. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS AND DEVELOPING THE METHODS OF COMPLIANCE WITH THOSE PERMITS FOR ALL CONSTRUCTION ACTIVITIES ON THE PROJECT.
2. WORK ACTIVITIES SHALL ADHERE TO THE PERMANENT AND TEMPORARY LIMITS SHOWN ON THE PLANS SET, AS AUTHORIZED IN PERMITS, RIGHTS OF WAYS AND EASEMENTS ISSUED TO THE CITY FOR THE PROJECT.
3. A COLORADO DISCHARGE PERMIT SYSTEM (CDPS) – STORMWATER CONSTRUCTION PERMIT WILL NOT BE REQUIRED.

UTILITIES

1. EXISTING UTILITY LOCATIONS SHOWN ON THE PLAN SHEETS ARE PLOTTED FROM THE BEST AVAILABLE INFORMATION.
2. ANY PUMPING OF WATER MAY REQUIRE A DISCHARGE PERMIT FROM CDPHE WATER QUALITY CONTROL DIVISION, AND SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. ONLY CLEAN WATER THAT HAS NOT PICKED UP SEDIMENT FROM THE WORK AREA SHALL BE DISCHARGED FROM THE SITE WITHOUT PRIOR TREATMENT. WATER CONTAINING ELEVATED LEVELS OF SEDIMENT SHALL BE TREATED PRIOR TO DISCHARGE USING BEST MANAGEMENT PRACTICES AS APPROVED BY THE ENGINEER. CONDITIONS OF THE PERMIT, INCLUDING MONITORING AND REPORTING, WILL NOT BE PAID FOR SEPARATELY, BUT SHALL BE INCLUDED IN THE WORK.
3. DEWATERING DUE TO SUBSURFACE WATER AND GROUNDWATER SHOULD NOT BE ANTICIPATED.
4. THE CONTRACTOR'S ATTENTION IS DIRECTED TO SUBSECTION 105.11 OF THE CDOT STANDARD SPECIFICATIONS AND THE PROJECT SPECIAL PROVISIONS CONCERNING UTILITIES. THE CONTRACTOR SHALL COORDINATE WORK WITH UTILITY COMPANIES SO THAT NECESSARY RELOCATIONS CAN BE ACCOMPLISHED WITHOUT IMPACTING THE CONSTRUCTION SCHEDULE.
5. THE CONTRACTOR SHALL COMPLY WITH ARTICLE 1.5 OF TITLE 9, CRS ("EXCAVATION REQUIREMENTS") WHEN EXCAVATING OR

GRADING IS PLANNED IN THE AREA OF UNDERGROUND UTILITY FACILITIES. THE CONTRACTOR SHALL NOTIFY ALL AFFECTED UTILITIES AT LEAST TWO (2) BUSINESS DAYS, NOT INCLUDING THE ACTUAL DAY OF NOTICE, PRIOR TO COMMENCING SUCH OPERATIONS. THE CONTRACTOR SHALL CONTACT THE UTILITY NOTIFICATION CENTER OF COLORADO (UNCC) AT 811 OR 1-800-922-1987, 72 HOURS IN ADVANCE OF START OF WORK TO HAVE LOCATIONS OF UNCC REGISTERED LINES MARKED BY MEMBER COMPANIES. ALL OTHER UNDERGROUND FACILITIES SHALL BE LOCATED BY CONTACTING THE RESPECTIVE OWNER.

6. LOCATION AND NOTIFICATION OF BOTH UNCC MEMBER AND NON-MEMBER UTILITIES IS THE CONTRACTOR'S RESPONSIBILITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES AS NECESSARY TO INSURE THE UTILITIES WILL NOT BE IMPACTED BY CONSTRUCTION ACTIVITIES.

7. IF FIELD CONDITIONS ARE FOUND TO BE DIFFERENT THAN SHOWN ON THE PLANS, THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY SO THAT APPROPRIATE ACTION CAN BE TAKEN BY THE OWNER.

8. THE FOLLOWING IS A LIST OF KNOWN UTILITIES WITH SERVICE WITHIN OR ADJACENT TO THE PROJECT AREA AND THEIR RESPECTIVE CONTACT INDIVIDUALS. ADDITIONAL UTILITIES MAY BE ENCOUNTERED WITHIN THE PROJECT LIMITS. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING ALL THE WORK BEING DONE BY ALL OF THE UTILITY COMPANIES WITHIN THE PROJECT AREA.

ENTITY	CONTACT	PHONE	CONTACT EMAIL	RECORDS RECEIVED
BLACK HILLS ENERGY (GAS)	JASON COX	970-459-3117	JASON.COX@BLACKHILLSCORP.COM	NO
CDOT FIBER OPTIC BACKBONE	KERRY KRAMER	N/A	KERRY.KRAMER@STATE.CO.US	NO
CENTURY LINK (PHONE, FIBER)	JASON SHARPE	970-328-8290	JASON.SHARPE@CENTURYLINK.COM	NO
GLENWOOD SPRINGS ELECTRIC (ELECTRIC)	DOUG HAZZARD	970-384-6353	DOUG.HAZZARD@COGS.US	NO
GLENWOOD SPRINGS WATER (WATER)	MIKE HOFFMAN	970-384-6388	MIKE.HOFFMAN@COGS.US	NO
GLENWOOD SPRINGS WASTEWATER (SEWER)	MIKE HOFFMAN	970-384-6388	MIKE.HOFFMAN@COGS.US	NO
MCI/VERIZON (FIBER)	LANE GRADY	303-827-9756	LANE.GRADY@VERIZON.COM	NO
W. GLENWOOD SPRINGS SANITATION DISTRICT	JOSH HAMEL	970-274-7805	JTWGSD@OUTLOOK.COM	NO

9. THIS PROJECT DOES NOT MEET THE CONDITIONS FOR A "SUBSURFACE UTILITY ENGINEERING--REQUIRED PROJECT," AS SET FORTH IN THE 8/8/2018 COLORADO STATE LAW. REFER TO THE "COLORADO REVISED STATUTES (CRS) 2018 TITLE 9-1.5-102 SUBSURFACE UTILITY ENGINEERING (SUE) REQUIRED PROJECT COMPLIANCE CHECKLIST" TABLE FOR REFERENCE TO THESE CONDITIONS.
10. UTILITIES ARE DEPICTED ON THESE PLANS IN ACCORDANCE WITH THEIR ACHIEVED "QUALITY LEVELS" AS DEFINED IN THE AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) DOCUMENT ASCE 38, "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA." LOCATION OF EXISTING UTILITIES IS DEPICTED ACCORDING TO THE BEST AVAILABLE INFORMATION, ARE NOT GUARANTEED TO BE ALL INCLUSIVE, AND REPRESENT CONDITIONS AT THE TIME OF DATA COLLECTION. PRIOR TO CONSTRUCTION, CONTRACTOR SHALL VERIFY EXISTING UTILITIES WITH THE UTILITY NOTIFICATION CENTER OF COLORADO (UNCC) AND/OR UTILITY COMPANIES. ALL COSTS ASSOCIATED WITH FIELD VERIFICATION OF LOCATION AND DEPTHS OF UTILITIES FOR DAMAGE PREVENTION SHALL BE BORNE BY THE CONTRACTOR AND SHALL BE COMPLETED PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR NEWLY ACQUIRED UTILITY DATA.
11. UTILITY QUALITY LEVELS ARE GENERALLY DEFINED BELOW. REFER TO ASCE 38 FOR MORE INFORMATION:

11.1. UTILITY QUALITY LEVEL "D" (QLD) – A VALUE ASSIGNED TO A SUBSURFACE UNDERGROUND UTILITY SEGMENT OR UTILITY FEATURE, WHOSE ESTIMATED POSITION IS JUDGED THROUGH UTILITY RECORDS, INFORMATION FROM OTHERS (SUCH AS UNCC 811 FIELD MARKS), OR FROM VISUAL CLUES SUCH AS PAVEMENT CUTS, OBVIOUS TRENCHES, OR EXISTENCE OF SERVICE.

11.2. UTILITY QUALITY LEVEL "C" (QLC) – A VALUE ASSIGNED TO A SUBSURFACE UTILITY SEGMENT, WHOSE ESTIMATED POSITION IS JUDGED THROUGH CORRELATING UTILITY RECORDS OR SIMILAR EVIDENCE TO UTILITY FEATURES, VISIBLE ABOVE AND/OR BELOW GROUND.

11.3. UTILITY QUALITY LEVEL "B" (QLB) – A VALUE ASSIGNED TO A SUBSURFACE UTILITY SEGMENT OR SUBSURFACE UTILITY FEATURE WHOSE EXISTENCE AND POSITION IS BASED UPON GEOPHYSICAL METHODS COMBINED WITH PROFESSIONAL JUDGMENT AND WHOSE LOCATION IS TIED TO THE PROJECT SURVEY DATUM.

11.4. UTILITY QUALITY LEVEL "A" (QLA) – A VALUE ASSIGNED TO THAT PORTION OF A SUBSURFACE UTILITY SEGMENT OR SUBSURFACE UTILITY FEATURE THAT IS DIRECTLY EXPOSED (OR VERIFICATION OF PREVIOUSLY EXPOSED AND SURVEYED UTILITIES), MEASURED, AND WHOSE LOCATION AND DIMENSIONS ARE TIED TO THE PROJECT SURVEY DATUM. (E.G. A TEST HOLE OR TEST PIT.)
12. RELIANCE UPON THESE DATA FOR RISK MANAGEMENT PURPOSES DURING BIDDING DO NOT RELIEVE THE EXCAVATOR OR UTILITY OWNER FROM FOLLOWING ALL APPLICABLE UTILITY DAMAGE PREVENTION STATUTES, POLICIES, AND/OR PROCEDURES DURING EXCAVATION. IT IS IMPORTANT THAT THE CONTRACTOR INVESTIGATES AND UNDERSTANDS THE SCOPE OF WORK BETWEEN THE PROJECT OWNER AND THEIR ENGINEER REGARDING THE SCOPE AND LIMITS OF THE UTILITY INVESTIGATIONS LEADING TO THESE UTILITY DEPICTIONS.
13. SHOULD THE CONTRACTOR ENCOUNTER UNKNOWN AND/OR ABANDONED UTILITY FACILITIES THE CONTRACTOR SHALL VERIFY WITH THE RESPECTIVE UTILITY OWNER THAT THE UTILITY MATERIAL IS INACTIVE/ABANDONED BEFORE REMOVAL FROM THE WORK AREA.
14. THE CONTRACTOR SHALL COMPLY WITH COLORADO REVISED STATUTES (CRS) 2018, TITLE 9, ARTICLE 1.5-103 (10), "All NEW UNDERGROUND FACILITIES, INCLUDING LATERALS UP TO THE STRUCTURE OR BUILDING BEING SERVED, INSTALLED ON OR AFTER 8/8/2018, MUST BE ELECTRONICALLY LOCATABLE WHEN INSTALLED."



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Drawing File Name: Cover.dwg		2	3/31/21	CoGS Comments–Trail Realignment	TLB		Revised: -		Engineer: ---	Structure	---	Code: -	
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SGM Project No.: 2018-208.004 Quality Control: CL							Void: -		Sheet Subset:	Subset Sheets:		Sheet Number: C02	

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DIVISION 200 – EARTHWORK

1.

PROTECTIVE PLASTIC FENCE AND EROSION CONTROL MEASURES SHALL BE IMPLEMENTED BEFORE CONSTRUCTION AND GRADING OPERATIONS BEGIN. CONTRACTOR’S VEHICLES AND EQUIPMENT SHALL BE WASHED AND FREE OF SOIL AND DEBRIS CAPABLE OF TRANSPORTING NOXIOUS WEED SEEDS OR ROOTS FROM OTHER AREAS BEFORE BEING BROUGHT ON THE PROJECT SITE.
2.

CLEARING AND GRUBBING SHALL INCLUDE REMOVAL OF ALL TRASH AND DEBRIS WITHIN THE PROJECT LIMITS. ALL SURFACE OBJECTS, TREES, TREE STUMPS, ROOTS, BUSHES, LANDSCAPING AND OTHER PROTRUDING OBSTRUCTIONS WITHIN THE LIMITS OF CUTS AND FILLS SHALL BE CLEARED AND GRUBBED, INCLUDING MOWING AS REQUIRED. ALL OTHER TREES AND BUSHES SHALL BE PROTECTED.
3.

THE CONTRACTOR SHALL FIELD VERIFY EXISTING PAVEMENT ELEVATIONS PRIOR TO COMMENCING REMOVAL, PLANING AND PAVING OPERATIONS. ANY DEVIATION OR DISCREPANCY SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER.
4.

WHERE CUTTING OF ASPHALT PAVEMENT IS REQUIRED AS SHOWN IN THE PLANS, THE CUTTING SHALL BE DONE TO A NEAT WORK LINE WITH A SAW OR CUTTING WHEEL AS APPROVED BY THE ENGINEER. THIS WORK WILL BE PAID FOR AS ITEM 202 – SAWING ASPHALT.
5.

ALL REMOVALS SHALL BECOME THE PROPERTY OF THE CONTRACTOR UNLESS OTHERWISE INDICATED IN THE PLANS AND PROJECT SPECIFICATIONS. THE CONTRACTOR SHALL PROPERLY DISPOSE OF ALL MATERIALS. ALL EXCESS MATERIAL GENERATED WITHIN THE PROJECT LIMITS SHALL BE REMOVED FROM THE PROJECT SITE. THIS WORK WILL NOT BE PAID FOR SEPARATELY, BUT SHALL BE INCLUDED IN THE WORK.
6.

IN THE EVENT THAT PROJECT PERSONNEL ENCOUNTER UNKNOWN SOIL AND/OR GROUNDWATER CONTAMINATION, CONSTRUCTION ACTIVITIES SHOULD CEASE IMMEDIATELY AND THE PROCEDURES OUTLINED IN THE CDOT STANDARD SPECIFICATIONS SECTION 250 SHALL BE FOLLOWED.
7.

DUST CONTROL SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE COST OF THIS WORK WILL NOT BE PAID FOR SEPARATELY, BUT SHALL BE INCLUDED IN THE EARTHWORK ITEM. WATER SHALL BE USED AS A DUST PALLIATIVE WHERE REQUIRED. LOCATION SHALL BE AS DIRECTED BY THE ENGINEER. WATER TO BE PROVIDED BY CONTRACTOR.
8.

TYPE OF COMPACTION FOR THIS PROJECT WILL BE:
FINE GRAINED SOILS – AASHTO T-99 (STANDARD PROCTOR)
COARSE GRAINED SOILS – AASHTO T-180 (MODIFIED PROCTOR)
9.

WATER FOR COMPACTION WILL NOT BE PAID FOR SEPARATELY BUT SHALL BE INCLUDED IN THE WORK.
10.

MOISTURE–DENSITY CONTROL WILL BE REQUIRED FOR THE FULL DEPTH OF THOSE EMBANKMENTS, AGGREGATE BASE COURSE (CLASS 2), AND AGGREGATE BASE COURSE (CLASS 6) ON THIS PROJECT:

DEPTH OF MOISTURE–DENSITY CONTROL FOR THIS PROJECT SHALL BE AS FOLLOWS:
FULL DEPTH OF ALL EMBANKMENTS AND ENGINEERED FILLS
BASES OF CUTS AND FILL 6 INCHES
FULL DEPTH OF EMBANKMENT SECTIONS USED FOR DITCHES AND CHANNEL CHANGES
11.

ALL EMBANKMENT MATERIAL BELOW PAVED ROADWAY SHALL HAVE A MINIMUM R–VALUE OF 20 WITHIN THE TOP 22 INCHES OF SUBGRADE.
12.

PROOF ROLLING OF THE SUBGRADE WILL NOT BE MEASURED AND PAID FOR SEPARATELY, BUT SHALL BE INCLUDED IN THE WORK.
13.

EXCAVATION REQUIRED FOR COMPACTION OF BASES OF CUTS AND FILLS WILL NOT BE PAID FOR SEPARATELY, BUT WILL BE INCLUDED IN THE WORK.
14.

THE THICKNESS OF TOPSOIL SHALL BE 4 INCHES AT LOCATIONS SHOWN IN THE PLANS. TOPSOIL IS REQUIRED AND SHALL BE GENERATED WITHIN THE PROJECT LIMITS FROM THE BEST AVAILABLE MATERIAL AS APPROVED BY THE ENGINEER. NO IMPORTATION OF TOPSOIL WILL BE ALLOWED. TOPSOIL SHALL BE STRIPPED AND STORED SEPARATELY DURING CONSTRUCTION ACTIVITIES IN LOCATIONS APPROVED BY THE ENGINEER. TOPSOIL SHALL BE PLACED ON AREAS TO BE RECLAIMED JUST PRIOR TO SOIL CONDITIONING, RESEEDING AND MULCHING TO MINIMIZE COMPACTION FROM CONSTRUCTION EQUIPMENT. STOCKPILED TOPSOIL WILL NOT BE MEASURED BUT SHALL BE INCLUDED IN THE WORK IN ACCORDANCE WITH SECTION 207. PLACEMENT OF STOCKPILED TOPSOIL WILL BE MEASURED AND PAID AS TOPSOIL (ONSITE) IN ACCORDANCE WITH SECTION 207.
15.

ANY OPEN EXCAVATION LEFT UNATTENDED SHALL BE BARRICADED OR FENCED OFF BY THE CONTRACTOR.
16.

ALL TEMPORARY EXCAVATION SUPPORT (SHORING) REQUIRED TO CONSTRUCT CERTAIN ELEMENTS OF THIS PROJECT WILL BE MEASURED AND PAID FOR UNDER ITEM 206–01600.
17.

THE CONTRACTOR SHALL LIMIT CONSTRUCTION ACTIVITIES TO THOSE AREAS WITHIN THE PROJECT LIMITS OF DISTURBANCE AND/OR TOES OF SLOPES AS SHOWN ON THE PLANS AND CROSS SECTIONS. ANY DISTURBANCE BEYOND THESE LIMITS SHALL BE RESTORED TO THE ORIGINAL CONDITION BY THE CONTRACTOR AT THE CONTRACTOR’S EXPENSE. CONSTRUCTION ACTIVITIES IN ADDITION TO NORMAL CONSTRUCTION PROCEDURE SHALL INCLUDE THE PARKING OF VEHICLES OR EQUIPMENT, DISPOSAL OF DEBRIS OR ANY OTHER ACTION WHICH COULD ALTER THE EXISTING CONDITIONS. THE CONTRACTOR SHALL NOT STOCKPILE OR STORE EQUIPMENT WITHIN 30 FEET OF THE EDGE OF TRAVELED WAY DURING THE PROJECT, UNLESS PROTECTED BY TEMPORARY BARRIER OR EXISTING GUARDRAIL.

DIVISION 400 PAVEMENT

1.

THE CONTRACTOR SHALL SUBMIT A PAVING SEQUENCE SCHEDULE TO THE ENGINEER AT LEAST 10 WORKING DAYS PRIOR TO BEGINNING THE PAVING OPERATION. PAVING SHALL NOT BEGIN UNTIL THE SCHEDULE HAS BEEN ACCEPTED IN WRITING BY THE ENGINEER.
2.

THE CONTRACTOR SHALL SUBMIT HOT MIX ASPHALT LONGITUDINAL JOINT AND PAVEMENT MARKING PLAN PRIOR TO THE PRE–PAVING CONFERENCE PER CDOT STANDARD SPECIFICATIONS SECTION 401.
3.

PAVING SHALL NOT BEGIN UNTIL THE ENGINEER HAS APPROVED THE SUBGRADE. THE PAVEMENT SUBGRADE SHALL BE PROOF ROLLED AND APPROVED BY THE ENGINEER PRIOR TO THE PLACEMENT OF ANY PAVEMENT. AREAS THAT DEFORM UNDER HEAVY WHEEL LOADS AS DETERMINED BY THE ENGINEER ARE NOT STABLE AND SHALL BE REMOVED AND REPLACED TO ACHIEVE A STABLE SUBGRADE PRIOR TO PAVING. THE ENGINEER SHALL APPROVE THE TYPE AND WEIGHT OF THE VEHICLE TO BE USED FOR THE PROOF ROLL. THE CONTRACTOR SHALL PROVIDE ALL EQUIPMENT AND LABOR NECESSARY FOR THE PROOF ROLL. PROOF ROLLING WILL NOT BE PAID FOR SEPARATELY, BUT SHALL BE INCLUDED IN THE WORK. APPROVED SUBGRADE SHALL HOLD APPROVAL FOR 24 HOURS. IF THE TIME HAS EXPIRED, CONTRACTOR MUST PROOF ROLL AGAIN.
4.

FOR APPROXIMATE PLAN QUANTITIES OF PAVEMENT MATERIALS, THE FOLLOWING RATES OF APPLICATION WERE USED:
TACK COAT EMULSIFIED ASPHALT (SLOW–SETTING)..... @ 0.1 GALS/SQ. YD. (DILUTED)
BITUMINOUS PAVEMENT..... @ 147 LBS. / CU. FT.
AGGREGATE BASE COURSE (CLASS 2)..... @ 133 LBS./ CU. FT.
AGGREGATE BASE COURSE (CLASS 6)..... @ 136 LBS./ CU. FT.
5.

DILUTED EMULSIFIED ASPHALT FOR TACK COAT SHALL CONSIST OF 1 PART EMULSIFIED ASPHALT (SLOW–SETTING) AND 1 PART WATER.
6.

A TACK COAT OF EMULSIFIED ASPHALT (SLOW–SETTING) SHALL BE APPLIED AT THE FOLLOWING LOCATIONS:
 - BEFORE PLACING NEW PAVEMENT OVER EXISTING PAVEMENT
 - ALONG THE FACE OF ALL EXISTING PAVEMENT, AND ALL SURFACES AGAINST WHICH ASPHALT IS TO BE PLACED BETWEEN PAVEMENT COURSES
7.

THE FOLLOWING SHALL BE FURNISHED WITH EACH BITUMINOUS PAVER:
 - A SKI TYPE DEVICE AT LEAST 30 FEET IN LENGTH
 - SHORT SKI OR SHOE
 - 500 FEET OF CONTROL LINE AND STAKES
8.

ANY LAYER OF BITUMINOUS PAVEMENT THAT IS TO HAVE A SUCCEEDING LAYER PLACED THEREON SHALL BE COMPLETED TO THE FULL AVAILABLE WIDTH WITHIN EACH PHASE OF CONSTRUCTION BEFORE A SUCCEEDING LAYER IS PLACED.
9.

WHERE NEW PAVEMENT IS TO ABUT EXISTING PAVEMENT, THE EXISTING PAVEMENT SHALL BE REMOVED TO A NEAT VERTICAL LINE USING A PAVEMENT–CUTTING SAW AS WELL AS A 2 INCH MILL & OVERLAY FOR 2 FEET PAST THE SAWCUT OR OTHER METHOD AS APPROVED BY THE ENGINEER.
10.

PRIOR TO PLACING TACK COAT OR BITUMINOUS PAVEMENT, THE PAVED SURFACE SHALL BE CLEAN. SWEEPING OR OTHER CLEANING METHODS MAY BE REQUIRED AND WILL NOT BE PAID FOR SEPARATELY BUT SHALL BE INCLUDED IN THE WORK. SWEEPING SHALL BE DONE WITH A PICKUP BROOM OR OTHER EQUIVALENT DEVICE.

DIVISION 600 – MISCELLANEOUS

1.

COLD WEATHER CONCRETING OPERATIONS SHOULD NOT BE ANTICIPATED FOR THIS PROJECT. HOWEVER, IF COLD WEATHER OCCURS THESE OPERATIONS SHALL BE PERFORMED IN ACCORDANCE WITH CDOT STANDARD SPECIFICATIONS SECTIONS 601 AND 203. THIS COST SHALL BE INCLUDED IN THE WORK.
2.

SEVERITY OF POTENTIAL SULFATE EXPOSURE ON THIS PROJECT IS CLASS 0 WHERE ELEMENTS ARE IN DIRECT CONTACT WITH SOIL. ALL PRECAST AND CAST IN PLACE CONCRETE SHALL MEET THE REQUIREMENTS SPECIFIED IN SECTION 601, 624, AND 701.
3.

ALL SURVEYING NECESSARY TO COMPLETE THE WORK SHALL BE DONE BY THE CONTRACTOR. THIS WORK WILL BE PAID FOR AS ITEM 625, CONSTRUCTION SURVEYING, LUMP SUM. REFER TO THE SURVEY TABULATION SHEET.
4.

CONSTRUCTION TRAFFIC CONTROL SHALL CONFORM TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND CDOT M&S STANDARDS. THE CONTRACTOR WILL BE REQUIRED TO SUBMIT A METHOD OF HANDLING TRAFFIC (MHT) TO THE ENGINEER FOR APPROVAL FOR EACH APPLICABLE PHASE OF WORK.
5.

THE CONTRACTOR SHALL DETERMINE WHERE TO STOCKPILE MATERIAL AND STORE EQUIPMENT FOR THE PROJECT. TRAFFIC CONTROL MEASURES REQUIRED TO ACCOMMODATE MATERIAL AND EQUIPMENT STORAGE SHALL BE INCLUDED IN THE MHT.
6.

THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING ALL DRAINAGE SYSTEMS DURING CONSTRUCTION.
7.

CONTRACTOR SHALL PROVIDE AS–BUILT DRAWINGS AT END OF THE PROJECT.
8.

TYPE 3 OBJECT MARKERS SHALL BE INSTALLED ON THE ENDS OF EACH PEDESTRIAN RAILING SECTION. 1 "LEFT" AND 1 "RIGHT" TYPE 3 OBJECT MARKERS (4"x8" SIZE) ARE NOT CALLED OUT IN THE PLANS BUT SHALL BE INSTALLED IN THE APPROPRIATE DIRECTION FOR EACH PEDESTRIAN SECTION. OBJECT MARKERS ARE PAID FOR AS CLASS 1 SIGN PANELS. PAYMENT INCLUDES ALL BOLTS NECESSARY TO FASTEN PANELS TO PEDESTRIAN RAILING END POSTS.

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Legend

	EXIST. TELEPHONE LINE		EXIST. SEWER MANHOLE
	EXIST. GAS LINE		EXIST. CLEANOUT
	EXIST. CABLE TELEVISION LINE		EXIST. WATER VALVE
	EXIST. UNDERGROUND ELECTRICAL LINE		NEW WATER VALVE
	EXIST. OVERHEAD ELECTRICAL LINE		EXIST. FIRE HYDRANT
	EXIST. WATER LINE & SIZE		NEW FIRE HYDRANT
	EXIST. SEWER LINE & SIZE		EXIST. WATER METER
	EXIST. FIBER OPTIC LINE		NEW WATER METER
	NEW CABLE LINE		EXIST. WATER SHUT-OFF VALVE
	NEW ELECTRIC LINE		EXIST. WATER MANHOLE
	NEW TELEPHONE LINE		EXIST. WATER SPIGOT
	NEW GAS LINE		EXIST. WELL
	NEW WATER LINE & SIZE		EXIST. PVC PIPE
	NEW SEWER LINE & SIZE		EXIST. UTILITY POLE
	NEW FIBER OPTIC LINE		NEW UTILITY POLE
	EXIST. CULVERT & SIZE		EXIST. GUY WIRE
	NEW CULVERT W/ END SECTION		EXIST. SIGN
	EXIST. SWALE FLOWLINE		NEW SIGN
	NEW SWALE FLOWLINE		FINISHED SPOT ELEV. W/ DESCRIPTION
	EXIST. FENCE LINE		EXIST. MAILBOX
	EXIST. ROCK WALL		NEW MAILBOX
	EXIST. EDGE OF PAVEMENT		EXIST. IRRIGATION HEADGATE
	NEW EDGE OF PAVEMENT		NEW IRRIGATION HEADGATE
	PROPERTY LINE		EXIST. IRRIGATION MANHOLE
	LIMITS OF DISTURBED AREA		EXIST. IRRIGATION VALVE
	NEW WATER SERVICE		EXIST. IRRIGATION CONTROL VALVE
	EXIST. WATER SERVICE		EXIST. IRRIGATION CONTROL BOX
	EXIST. VEGETATION TO BE REMOVED		EXIST. IRRIGATION SPRINKLER HEAD
	EXIST. VEGETATION		EXIST. ELECTRIC TRANSFORMER
	EXIST. MONUMENT MARKER		EXIST. ELECTRIC METER
	CONTROL POINT		EXIST. ELECTRIC PANEL
	TEST PIT		EXIST. ELECTRIC MANHOLE
	TRANSITION CG		
	EROSION LOG		
	EXIST. WOOD COLUMN		
	SOIL BORING LOCATION		

	EXIST. GAS METER
	EXIST. GAS VALVE
	EXIST. GAS MARKER
	EXIST. TRAFFIC CONTROL BOX
	EXIST. TRAFFIC SIGNAL
	EXIST. TELEPHONE PEDESTAL
	EXIST. TELEPHONE MANHOLE
	EXIST. CABLE TELEVISION PEDESTAL
	EXIST. FIBER OPTIC MARKER
	EXIST. TREE STUMP
	EXIST. LIGHT POLE
	NEW LIGHT POLE
	EXIST. FLOOD LIGHT
	EXIST. STORM DRAIN MANHOLE
	EXIST. STORM DRAIN INLET
	EXIST. LARGE ROCK/BOULDER
	EXIST. \"T\" POST
	EXIST. SATELLITE DISH
	EXIST. HEATING/AC UNIT
	EXIST. ELECTRIC SERVICE
	NEW SEWER/STORM DRAIN MANHOLE W/RIM LOCATION
	NEW CURB INLET
	NEW FLARED END SECTION (ADS)
	NEW FLARED END SECTION (CMP)
	EXIST. CONIFEROUS TREE & SIZE
	EXIST. DECIDUOUS TREE & SIZE
	EXIST. CONIFEROUS TREE TO BE REMOVED
	EXIST. DECIDUOUS TREE TO BE REMOVED

Abbreviations

AASHTO	AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS	MAT'L	MATERIAL
ABC	AGGREGATE BASE COURSE	MAX.	MAXIMUM
ADT	AVERAGE DAILY TRAFFIC	MIN.	MINIMUM
AP	ANGLE POINT	MHT	METHOD OF HANDLING TRAFFIC
APPROX	APPROXIMATE	MLW	MASONRY LANDSCAPE WALL
AS	ASPHALT	MPH	MILES PER HOUR
ASPH	ASPHALT	N	NORTHING
BF	BLOCK FACING	N/A	NOT APPLICABLE
BMP	BEST MANAGEMENT PRACTICES	NAT.	NATIVE GRASS AREA
BOT	BOTTOM	NE	NORTH EAST
BOW	BACK OF SIDEWALK	NHS	NATIONAL HIGHWAY SYSTEM
BP	BEGIN PROJECT	NO.	NUMBER
BVCE	BEGIN VERTICAL CURVE ELEVATION	N.T.S.	NOT TO SCALE
BVCS	BEGIN VERTICAL CURVE STATION	NW	NORTH WEST
BW	BOTTOM WALL	OC	ON CENTER
C	CURB	O/S	OFFSET
CC	CURB CUT	PC	POINT OF CURVATURE
CDOT	COLORADO DEPARTMENT OF TRANSPORTATION	PERM	PERMANENT
CDPHE	COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT	PG	PAGE
CG	CENTERLINE	PGL	PROFILE GRADE LINE
CL	CORRUGATED METAL PIPE	PI	POINT OF INTERSECTION
CMP	CORRUGATED PLASTIC PIPE	PL	PROPERTY LINE
CPP	CORRUGATED PLASTIC PIPE	PNT	POINT
CNTL	CONTROL	PROP	PROPOSED
CONC	CONCRETE	PT	POINT OF TANGENCY
CONST	CONSTRUCTION	PVC	POLYVINYL CHLORIDE
CONT.	CONTINUOUS	PVI	POINT OF VERTICAL INTERSECTION
CP	CENTER POINT	PVMT	PAVEMENT
CRB	CONCRETE REACTION BLOCK	R	RIGHT
CU	CUBIC	R-R	REMOVE & REPLACE
D	DEEP	RAD.	RADIUS
DR	DRAIN	RCP	REINFORCED CONCRETE PIPE
DW	DRIVEWAY	REF.	REFERENCE
DWS	DETECTABLE WARNING SURFACE	REQ.	REQUIRED
E	EASTING	REQ.'d	REQUIRED
EA.	EACH	REVEG	REVEGETATE
EG	EXISTING GRADE	ROW	RIGHT-OF-WAY
EL	ELEVATION	RP	RADIUS POINT
ELEC	ELECTRIC	RW	RETAINING WALL
ELEV	ELEVATION	SD	STORM DRAIN
EOA	EDGE OF ASPHALT	SECT.	SECTION
EOD	EDGE OF DRIVEWAY	SED	SEDIMENT
EOP	EDGE OF PAVEMENT	SF	SQUARE FEET
EOG	EDGE OF GRAVEL	SHDR	SHOULDER
EP	END PROJECT	SMH	SEWER MANHOLE
ESMT	EASEMENT	SOD	GRASS AREA
ET	ELECTRIC TRANSFORMER	SPECS	SPECIFICATIONS
EVCE	END VERTICAL CURVE ELEVATION	S.S.D.	STOPPING SIGHT DISTANCE
EVCS	END VERTICAL CURVE STATION	STA.	STATION
EX.	EXISTING	SE	SOUTH EAST
EXIST.	EXISTING	SL	SEWER LINE
FF	FINISH FLOOR	SW	SIDEWALK
FG	FINISHED GRADE	T	TREAD STAIRS
FH	FIRE HYDRANT	TBC	TOP BACK CURB
FHWA	FEDERAL HIGHWAY ADMINISTRATION	TC	TOP CURB
FL	FLOWLINE	TELE	TELEPHONE
FR	FROM	TEMP	TEMPORARY
FT.	FEET	TP	TOP OF PIPE
GB	GRADE BREAK	TRANS.	TRANSITION
GR	GRAVEL	TR.FLG.	TRAFFIC FLANGE ON FIRE HYD.
GRAV.	GRAVEL	TRUNC	TRUNCATED
HC	HANDICAP RAMP	TW	TOP OF WALL
HMA	HOT MIX ASPHALT	TYP.	TYPICAL
HORIZ.	HORIZONTAL	VC	VERTICAL CURVE
HP	HIGH POINT	V.P.	VALLEY PAN
HPG	HIGH PRESSURE GAS	VLV	VALVE
HWY	HIGHWAY	W	WIDE
HYD	HYDRANT	W/	WITH
INV.	INVERT	WL	WATER LINE
L	LEFT	WSO	WATER SHUT OFF
LF	LINEAL FEET	W.W.M.	WELDED WIRE MESH
LP	LOW POINT	X-S	CROSS SLOPE
L.S.	LANDSCAPED AREA		

Computer File Information		Sheet Revisions				 SGM 118 West Sixth Street, Suite 200 Glenwood Springs, CO 81601 970.945.1004 www.sgm-inc.com	Preliminary Review Set		Devereux Road Trail - Phase 1			Project No./Code	
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Autocad Ver. 2018 Scale: As Shown Units: English		3	4/23/21	CoGWS Comments Dated 04/20/21.	TLB								
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						Void: -	Sheet Subset:	Subset Sheets: -- of --	Sheet Number: C04				

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☐ M-100-2	ACRONYMS AND ABBREVIATIONS (4 SHEETS)	4-7
☐ M-203-1	APPROACH ROADS.....	8
☐ M-203-2	DITCH TYPES	9
☐ M-203-11	SUPERELEVATION CROWNED AND DIVIDED HIGHWAYS (3 SHEETS)	10-12
☐ M-203-12	SUPERELEVATION STREETS (2 SHEETS)	13-14
☐ M-206-1	EXCAVATION AND BACKFILL FOR STRUCTURES (2 SHEETS)	15-16
☐ M-206-2	EXCAVATION AND BACKFILL FOR BRIDGES (2 SHEETS)	17-18
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☐ M-210-1	MAILBOX SUPPORTS (2 SHEETS)	30-31
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☒ M-216-1	SOIL RETENTION COVERING (2 SHEETS)	33-34
☐ M-412-1	CONCRETE PAVEMENT JOINTS (5 SHEETS)	35-39
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☐ M-601-2	DOUBLE CONCRETE BOX CULVERT (CAST-IN-PLACE) (2 SHEETS)	45-46
☐ M-601-3	TRIPLE CONCRETE BOX CULVERT (CAST-IN-PLACE)	47
☐ M-601-10	HEADWALL FOR PIPES	48
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COLORADO
DEPARTMENT OF TRANSPORTATION
M&S STANDARDS PLANS LIST
July 31, 2019

Revised on February 16, 2021

ALL OF THE M&S STANDARD PLANS, AS SUPPLEMENTED AND REVISED, APPLY TO THIS PROJECT WHEN USED BY DESIGNATED PAY ITEM OR SUBSIDIARY ITEM.

THE M&S STANDARD PLANS USED TO DESIGN THIS PROJECT ARE INDICATED BY A MARKED BOX ☒, AND WILL BE ATTACHED TO THE PLANS. ALL THE OTHER M&S STANDARD PLANS ARE STILL ELIGIBLE FOR CONSTRUCTION IF APPROVED BY AN APPROPRIATE CDOT ENGINEER.

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☐ S-614-43	TRAFFIC LOOP AND MISCELLANEOUS SIGNAL DETAILS (8 SHEETS)	245-252
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☐ S-614-45	PEDESTRIAN PUSH BUTTON POST ASSEMBLY DETAILS (NEW, ISSUED ON DECEMBER 3, 2020)	
☐ S-614-50	STATIC SIGN MONOTUBE STRUCTURES (12 SHEETS)	255-266
☐ S-614-60	DYNAMIC SIGN MONOTUBE STRUCTURES (14 SHEETS)	267-280
☐ S-627-1	PAVEMENT MARKINGS (9 SHEETS) (REVISED ON FEBRUARY 16, 2021)	281-289
☐ S-630-1	TRAFFIC CONTROLS FOR HIGHWAY CONSTRUCTION (24 SHEETS)	290-313
☐ S-630-2	BARRICADES, DRUMS, CONCRETE BARRIERS (TEMP) AND VERTICAL PANELS	314
☐ S-630-3	FLASHING BEACON (PORTABLE) DETAILS	315
☐ S-630-4	STEEL SIGN SUPPORT (TEMPORARY) INSTALLATION DETAILS (2 SHEETS)	316-317
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☐ S-630-6	EMERGENCY PULL-OFF AREA (TEMPORARY)	320
☐ S-630-7	ROLLING ROADBLOCKS FOR TRAFFIC CONTROL (3 SHEETS)	321-323

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Devereux Road Trail - Phase 1					
Item Number	Item	Quantity	Unit	Unit Price	Price
1	Clear and grub brush/trees	1	LS		
2	Topsoil/organics removal and haul	125	cy		
3	Granular fill in MSE wall	472	tons		
4	Excavation and subgrade prep for walls	569	cu yd		
5	Uphill and down hill MSE walls	4500	sf		
6	Road base	170	tons		
7	Concrete walk	4100	sf		
8	Railing	512	lf		
9	Ramps at Crossings	2	each		
10	Signage	6	each		
11	Removal of guard rail	1	LS		
12	End Terminal replacement	1	LS		
13	Traffic Control	40	hour		
14	Mobilization	5	percent		
15	Quality Control testing	1	percent		
	Total Estimate of Cost				
	Contingency				
	Total Opinion of Probable Cost				

Computer File Information		Sheet Revisions				Preliminary Review Set		Devereux Road Trail - Phase 1 Summary of Approximate Quantities				Project No./Code	
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DEVEREUX TRAIL – PHASE 1 LINE TABLE				
LINE	BEARING	LENGTH	START PT. (N,E)	END PT. (N,E)
L1	S47°46'29"W	35.23'	42136.98,16580.82	42113.31,16554.74
L2	S61°44'50"W	91.05'	42105.45,16543.61	42062.35,16463.41
L3	S88°32'32"W	168.77'	42038.59,16373.82	42034.29,16205.11
L4	N83°44'40"W	41.82'	42033.65,16155.91	42038.21,16114.34
L5	N71°23'27"W	3.59'	42040.01,16097.95	42041.15,16094.55

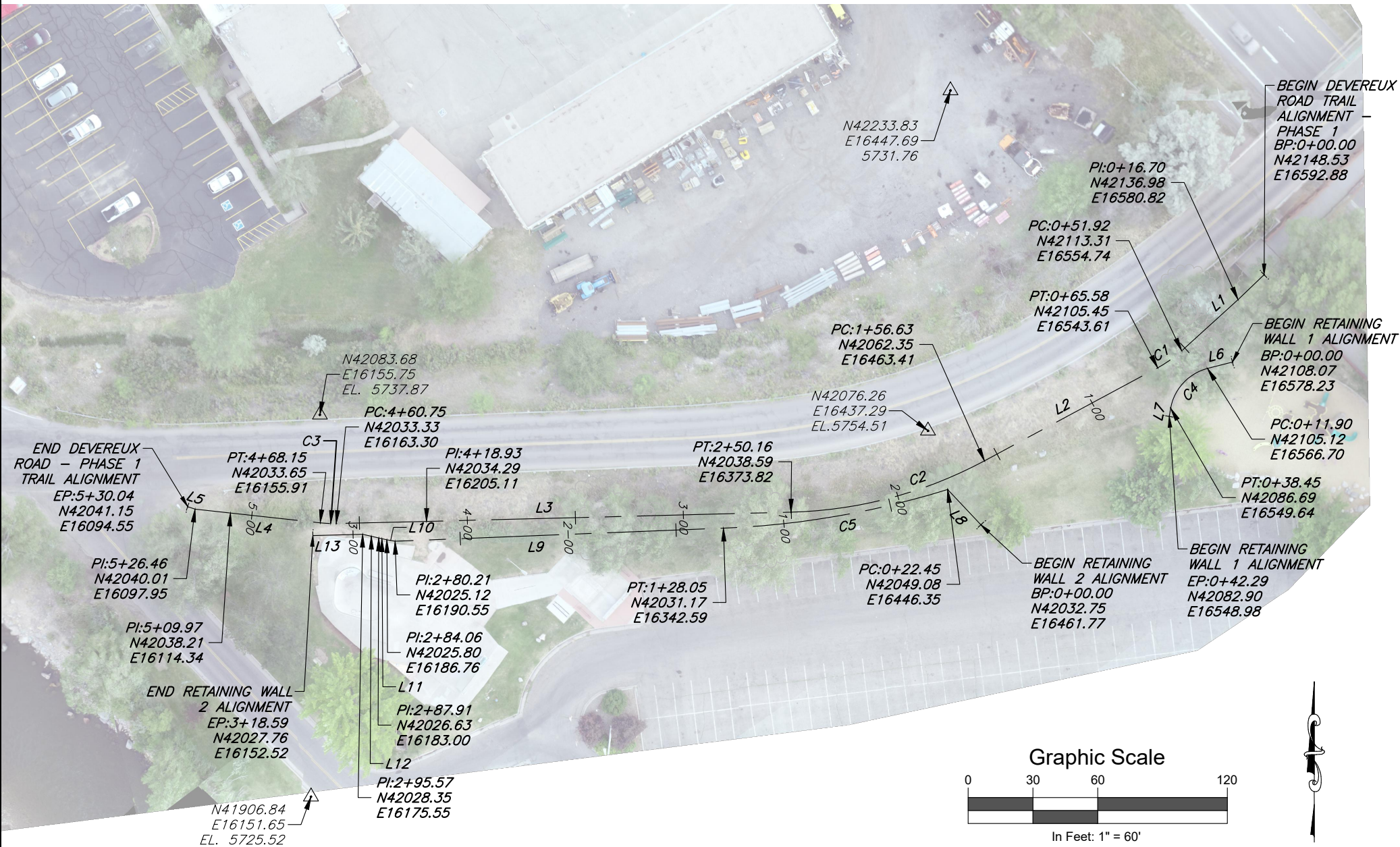
DEVEREUX TRAIL – PHASE 1 CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	56.00'	13.66'	6.86'	13.62'	S54°45'40"W	13° 58' 22"
C2	200.00'	93.53'	47.64'	92.68'	S75°08'41"W	26° 47' 42"
C3	56.00'	7.40'	3.71'	7.40'	N87°31'52"W	7° 34' 25"

RETAINING WALL 1 LINE TABLE				
LINE	BEARING	LENGTH	START PT. (N,E)	END PT. (N,E)
L6	S75°38'53"W	11.90'	42108.07,16578.23	42105.12,16566.70
L7	S9°53'41"W	3.84'	42086.69,16549.64	42082.90,16548.98

RETAINING WALL 1 CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C4	23.13'	26.54'	14.95'	25.11'	S42°46'17"W	65° 45' 13"

RETAINING WALL 2 LINE TABLE				
LINE	BEARING	LENGTH	START PT. (N,E)	END PT. (N,E)
L8	N43°21'30"W	22.45'	42032.75,16461.77	42049.08,16446.35
L9	S87°43'09"W	152.16'	42031.17,16342.59	42025.12,16190.55
L10	N79°48'00"W	3.85'	42025.12,16190.55	42025.80,16186.76
L11	N77°26'47"W	3.85'	42025.80,16186.76	42026.63,16183.00
L12	N77°01'57"W	7.65'	42026.63,16183.00	42028.35,16175.55
L13	S88°31'43"W	23.03'	42028.35,16175.55	42027.76,16152.52

RETAINING WALL 2 CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C5	403.10'	105.60'	53.10'	105.30'	S80°12'30"W	15° 00' 35"



SURVEY CONTROL NOTES:

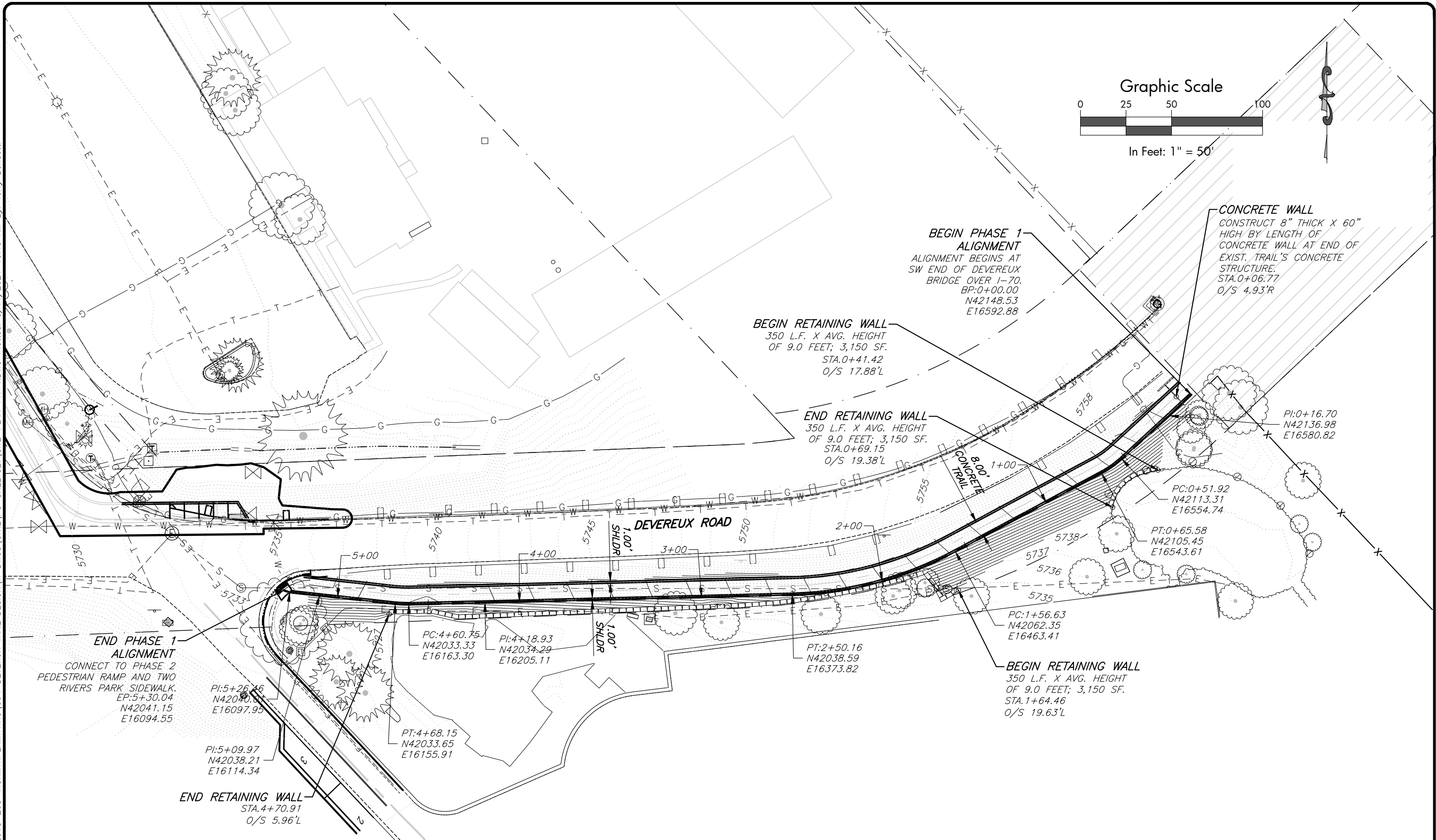
1. SURVEY CONTROL POINTS ARE FROM EXISTING CONDITIONS SURVEY, CONDUCTED BY SGM's SURVEY DEPARTMENT.
2. CONTRACTOR TO VERIFY SGM's CONTROL POINTS TO BE USED FOR CONSTRUCTION LAYOUT OR FOR ESTABLISHING LOCAL HORIZONTAL AND VERTICAL CONTROL FOR CONSTRUCTION, PRIOR TO BEGINNING ANY CONSTRUCTION. QUESTIONS ARISING FROM VERIFICATION OF SGM's CONTROL POINTS SHOULD BE DIRECTED TO SGM's SURVEY DEPARTMENT.
3. CONTRACTOR TO TAKE RESPONSIBILITY FOR ESTABLISHING HORIZONTAL AND VERTICAL CONTROL FOR THIS PROJECT.

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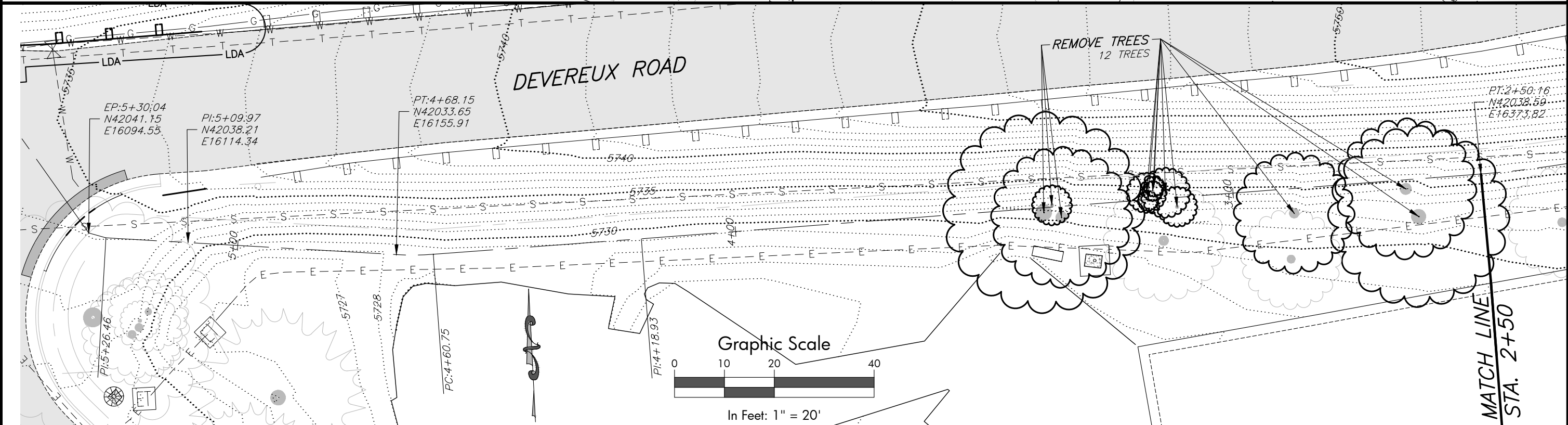
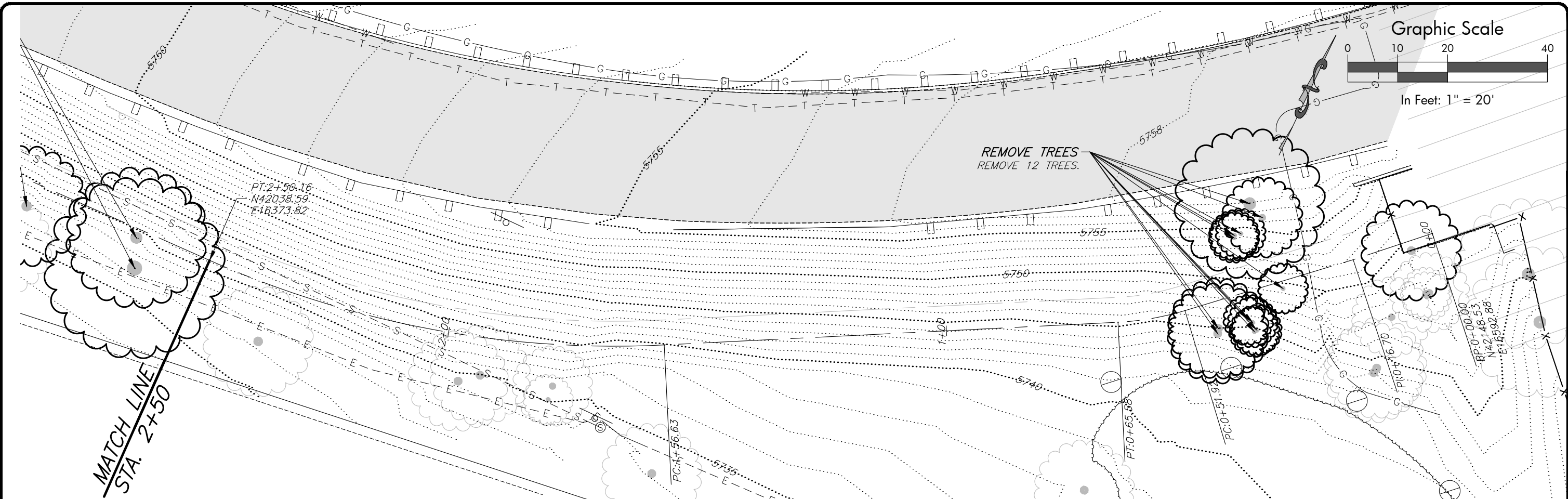


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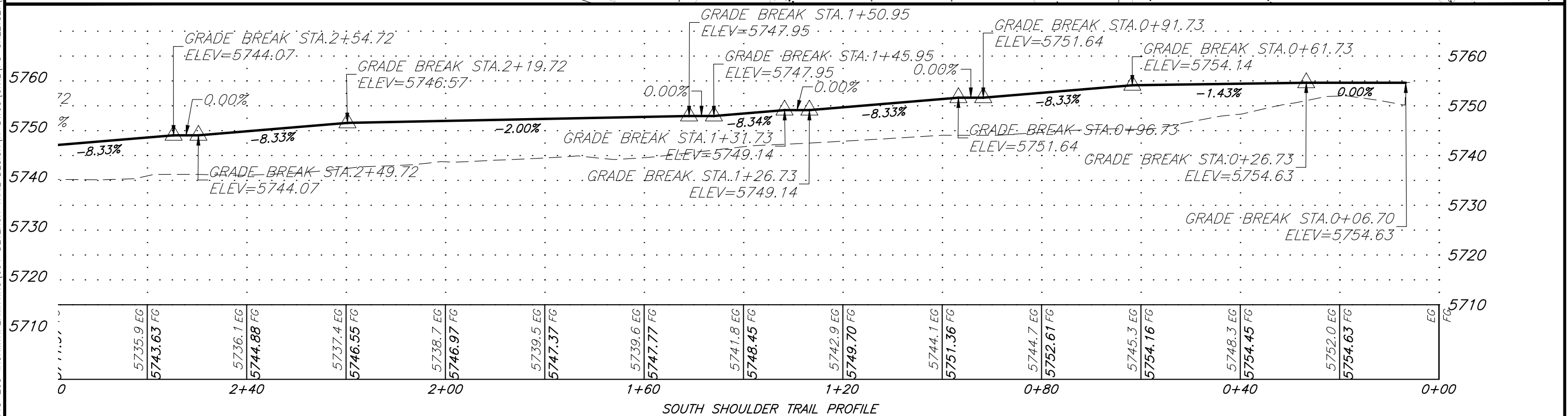
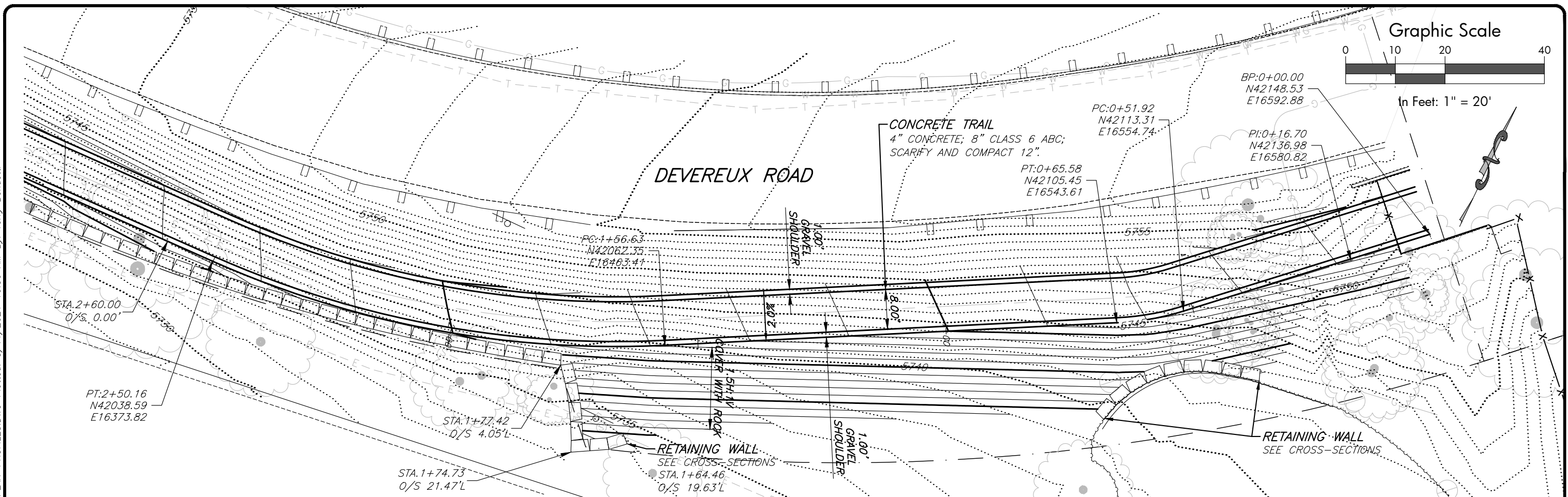
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Drawing File Name: DemoPlans						Revised:	-	Drawn By:	TL	Numbers		
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SGM Project No.: 2018-208.004 Quality Control:												Sheet Number: C09

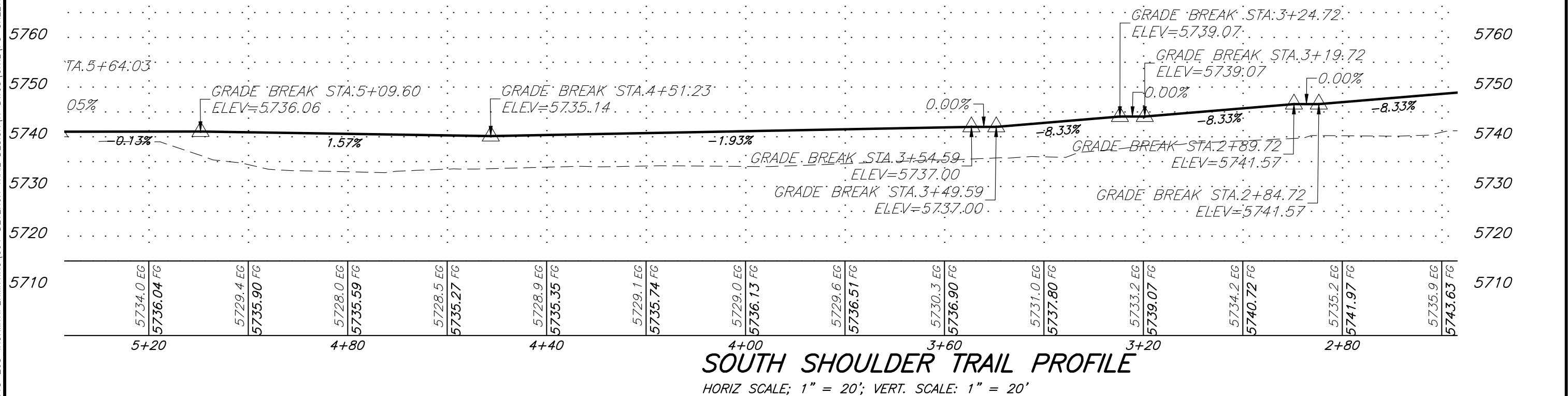
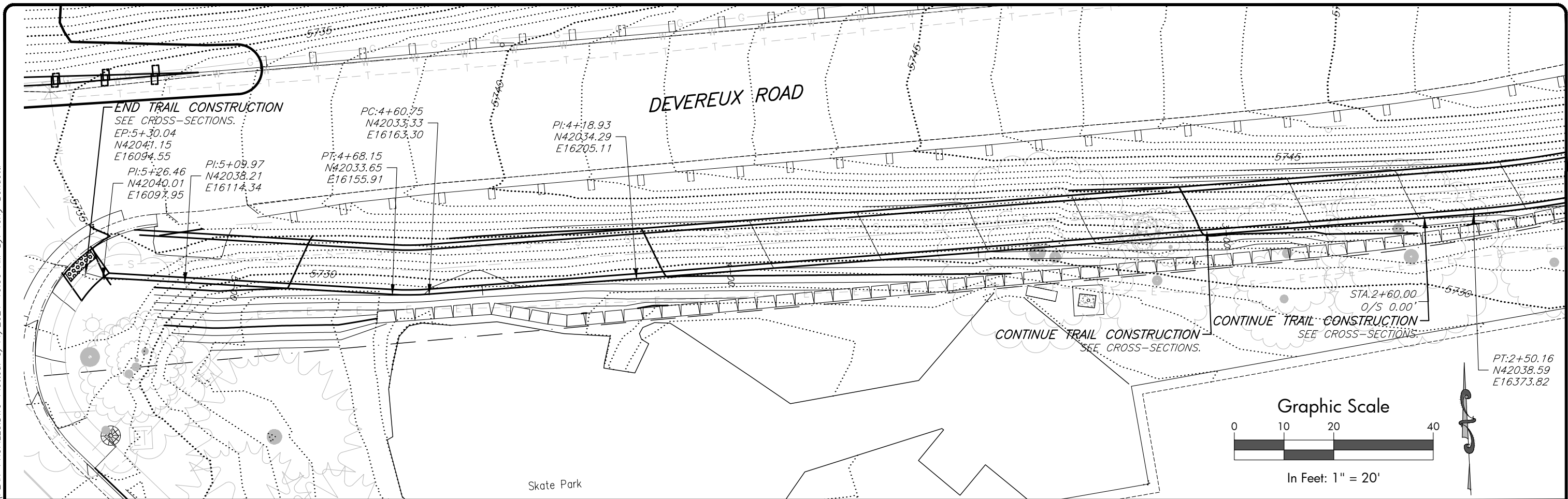


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Computer File Information		Sheet Revisions				 SGM 118 West Sixth Street, Suite 200 Glenwood Springs, CO 81601 970.945.1004 www.sgm-inc.com	Preliminary Review Set		Devereux Road Trail - Phase 1 Plan and Profile Station 0+00 to 2+60			Project No./Code	
Print Date: 5/11/2021		Rev.	Date	Comments	Init.		No Revisions: -		No.: -				
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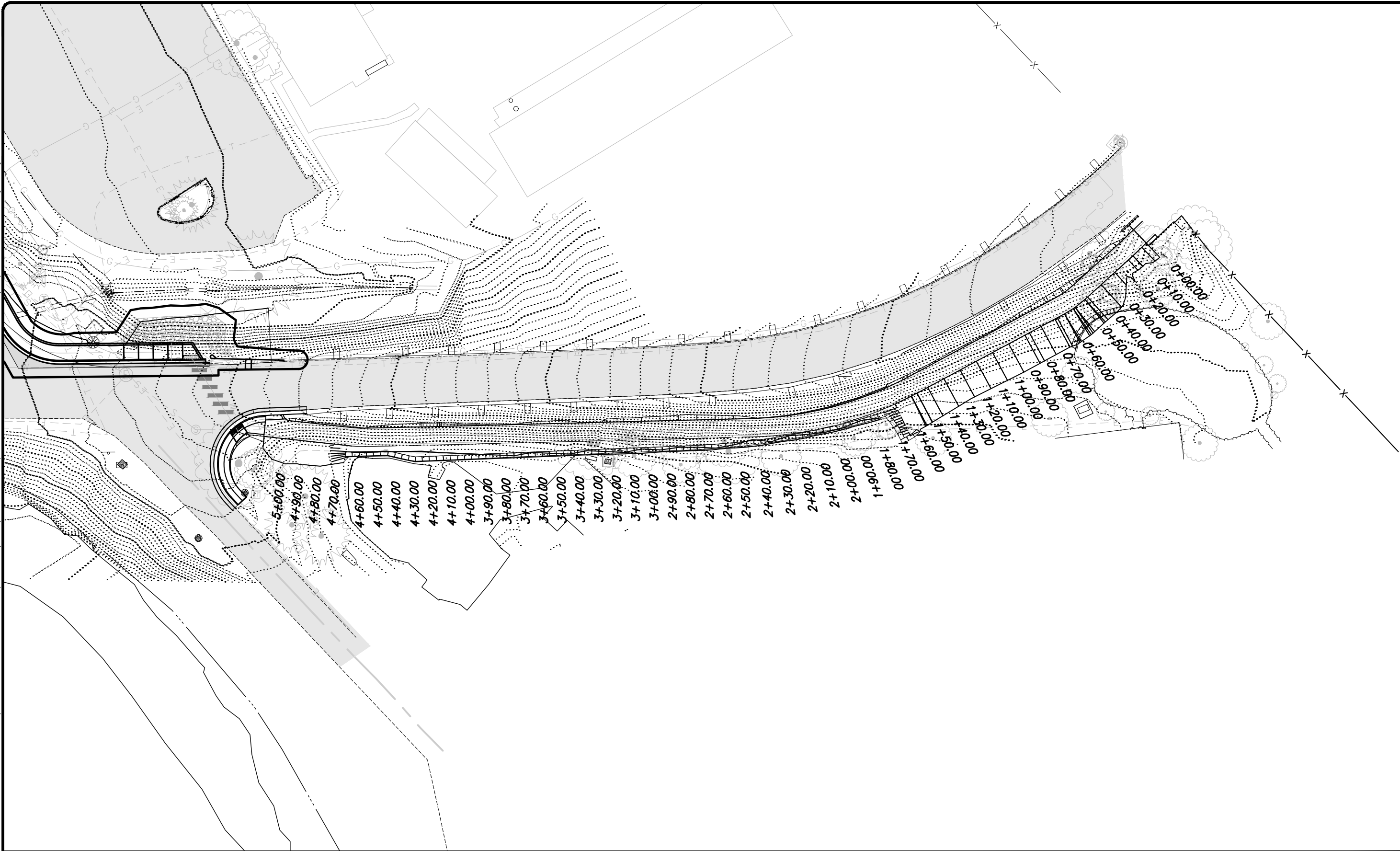
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Computer File Information				Sheet Revisions				Preliminary Review Set				Devereux Road Trail - Phase 1				Project No./Code	
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SGM Project No.: 2018-208.004 Quality Control: .																	

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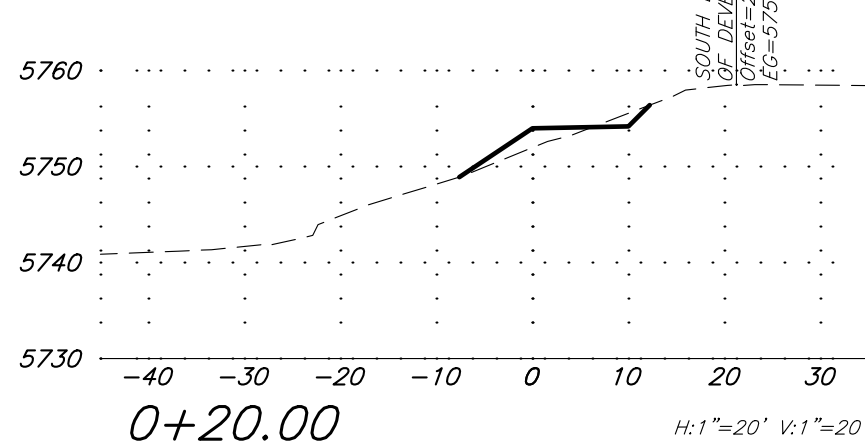
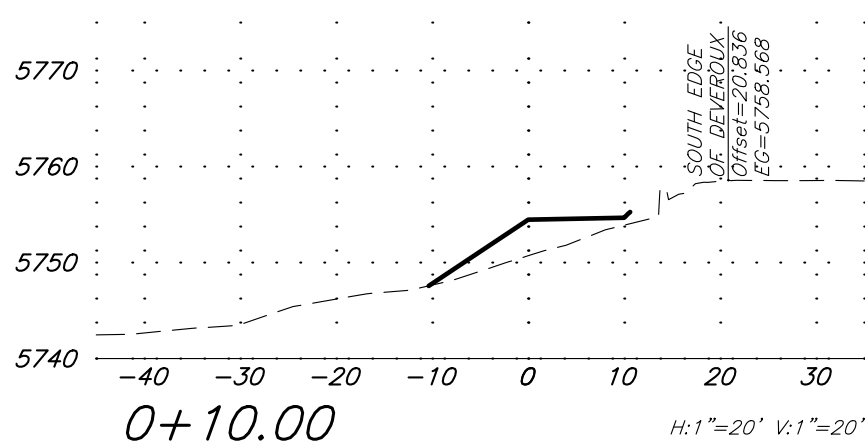
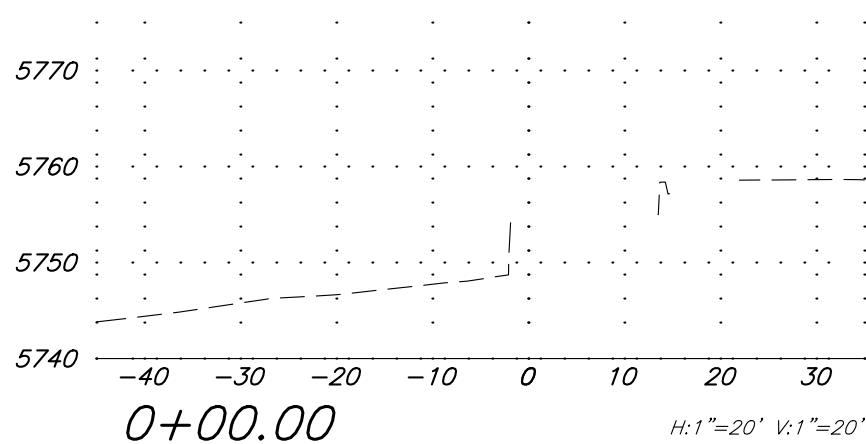
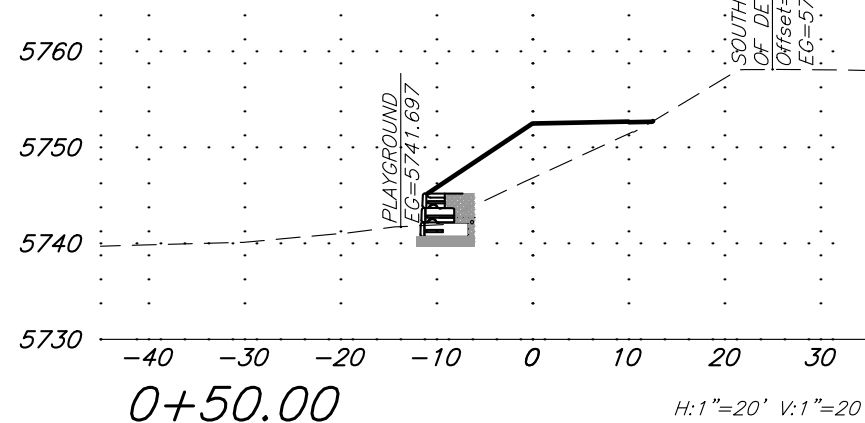
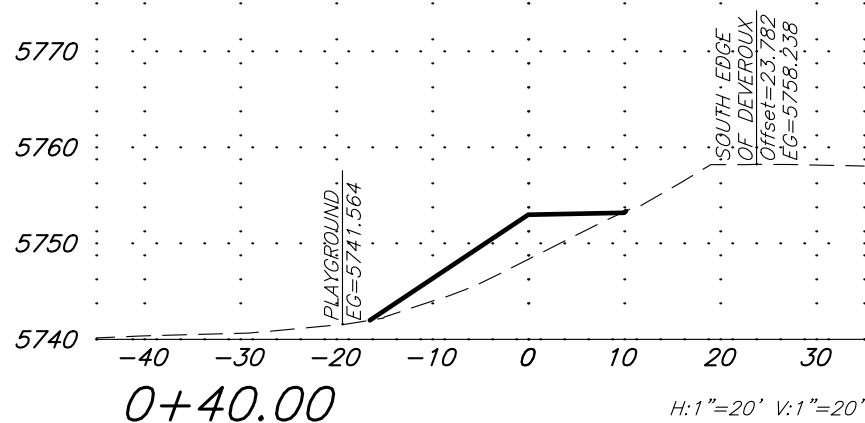
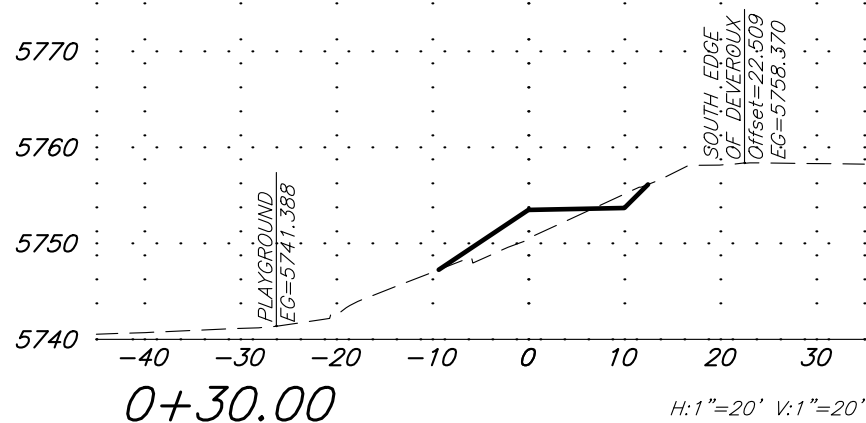
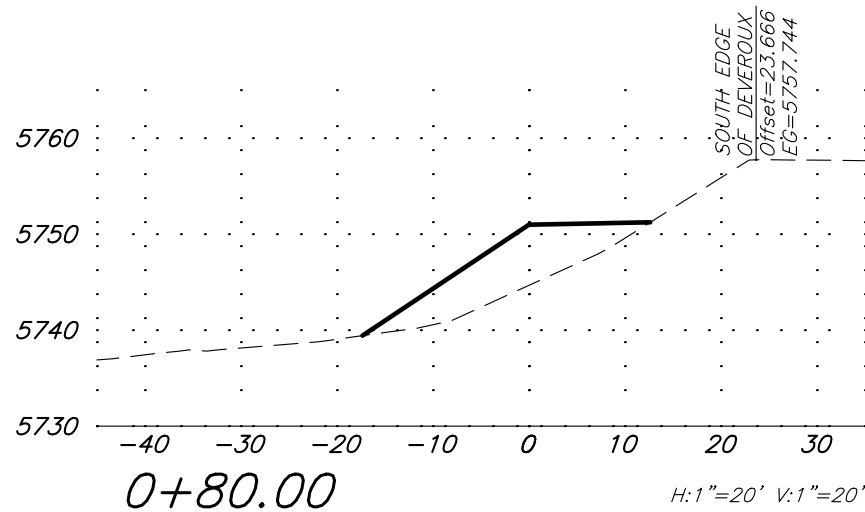
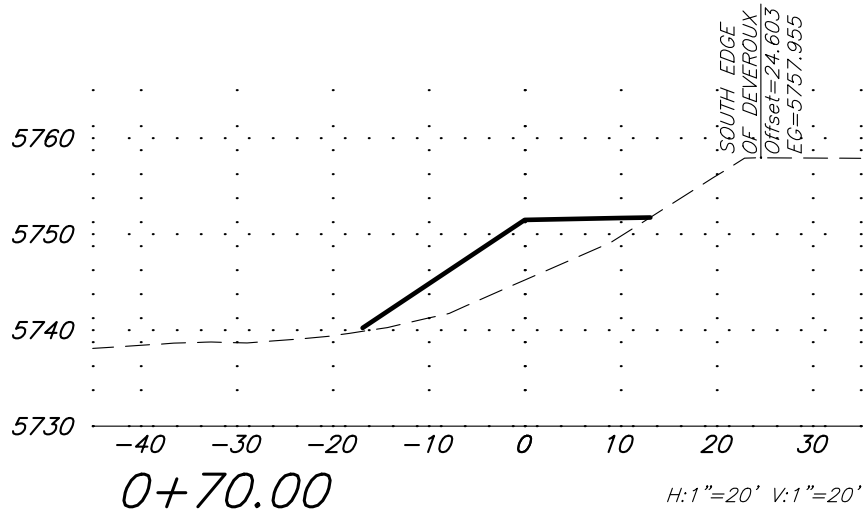
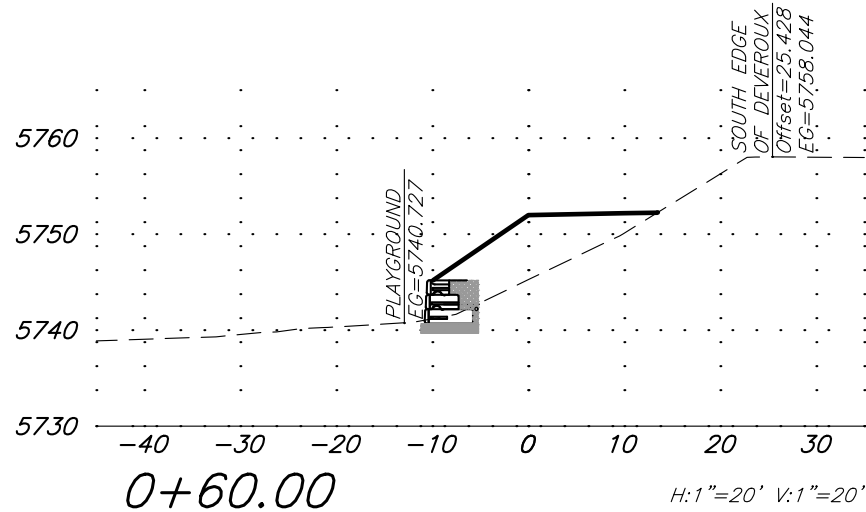


Computer File Information		Sheet Revisions				 118 West Sixth Street, Suite 200 Glenwood Springs, CO 81601 970.945.1004 www.sgm-inc.com	Preliminary Review Set		Devereux Road Trail - Phase 1			Project No./Code	
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SGM Project No.: 2018-208.004 Quality Control: .													



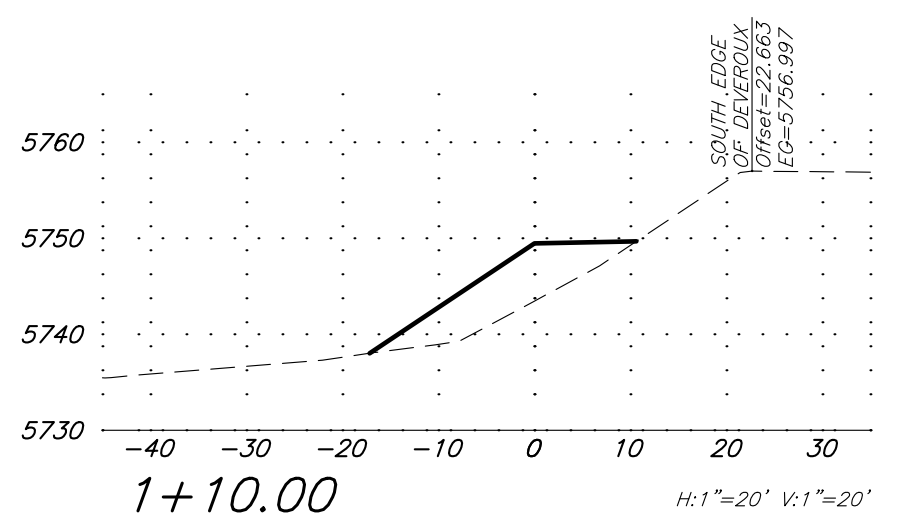
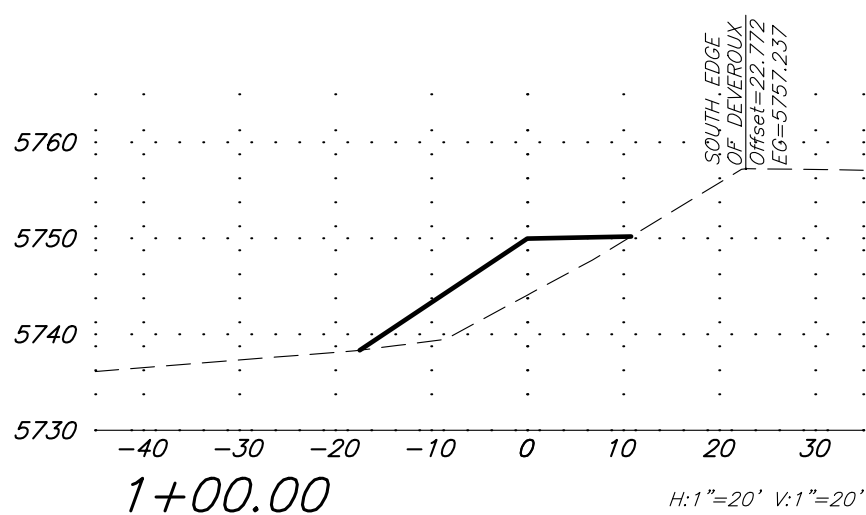
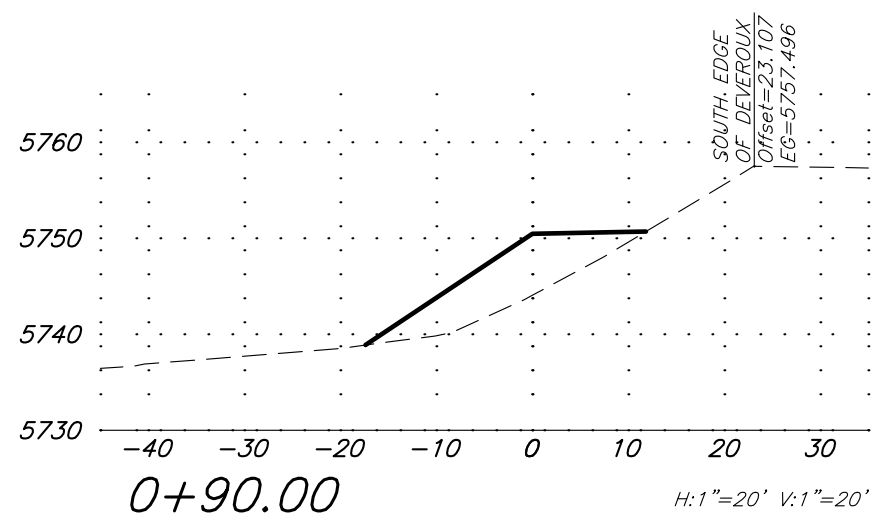
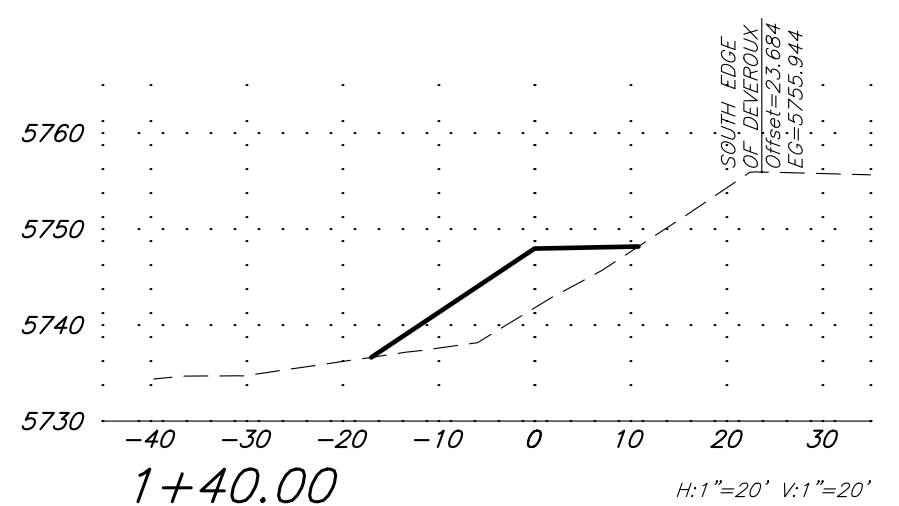
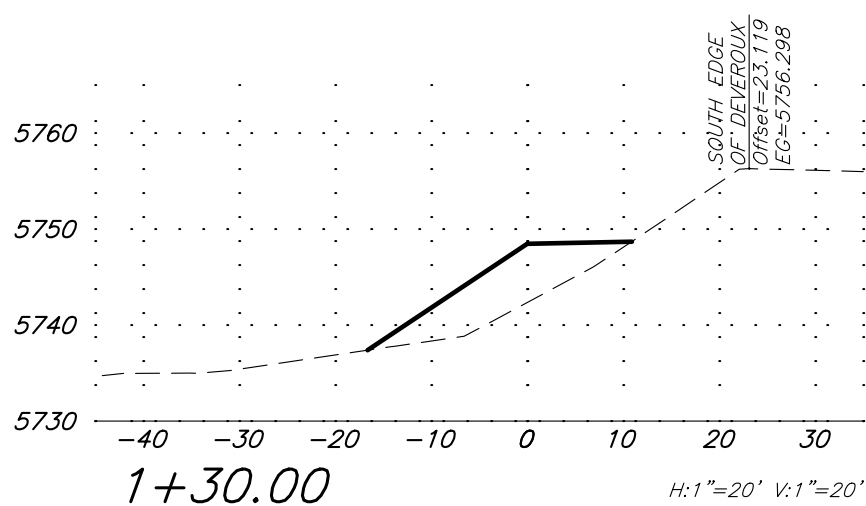
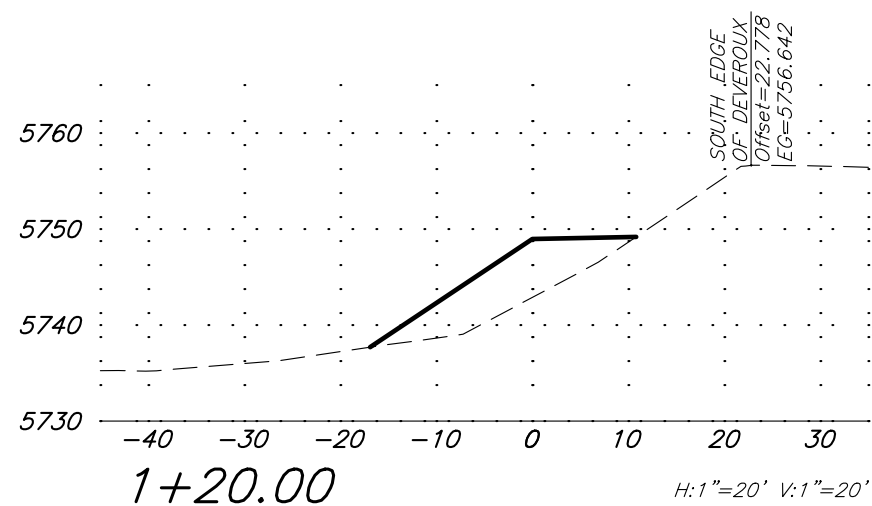
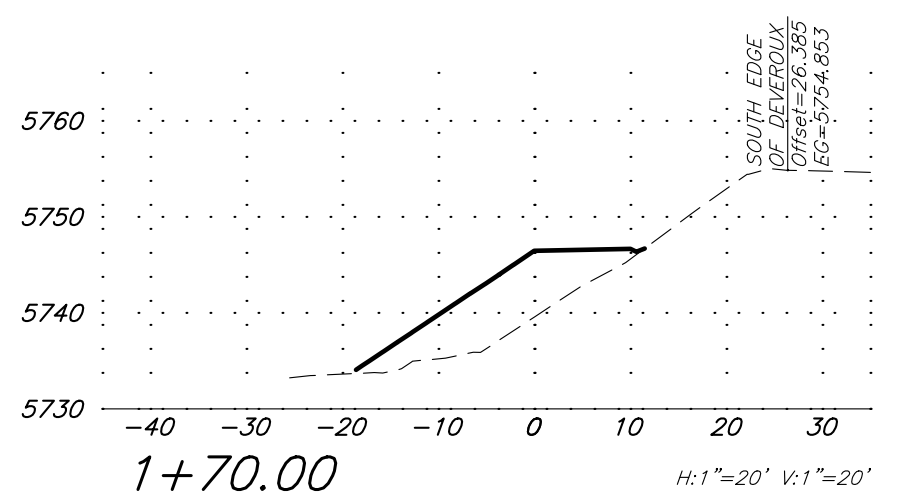
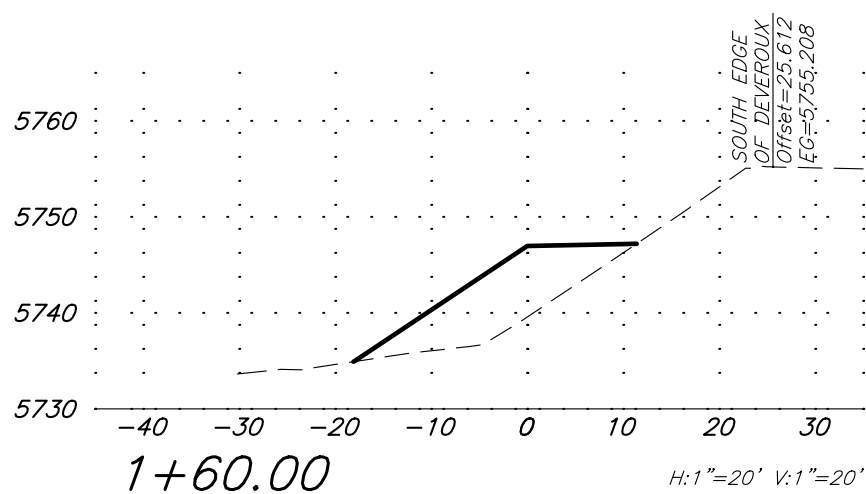
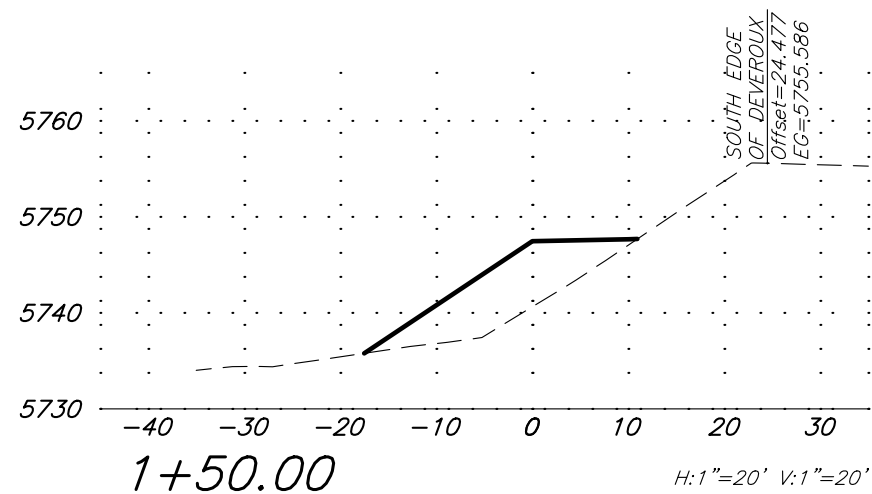
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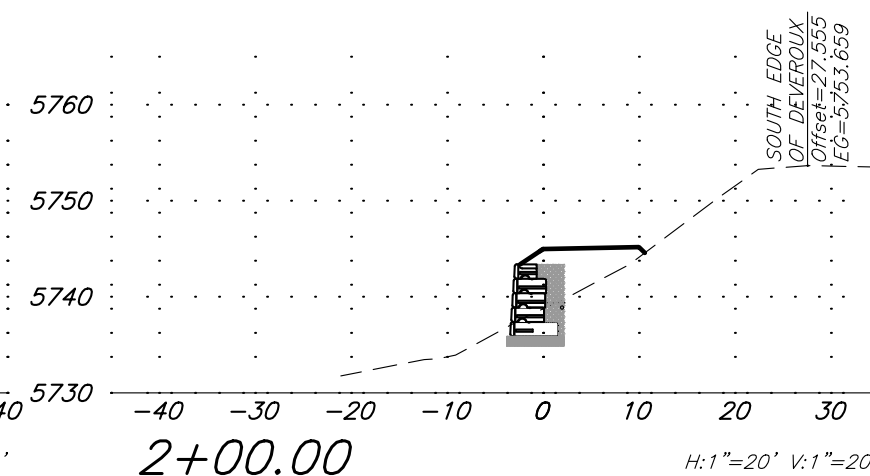
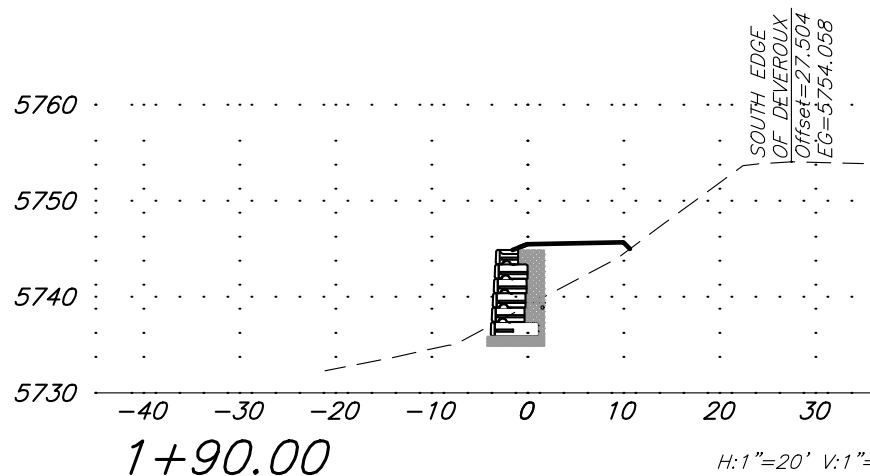
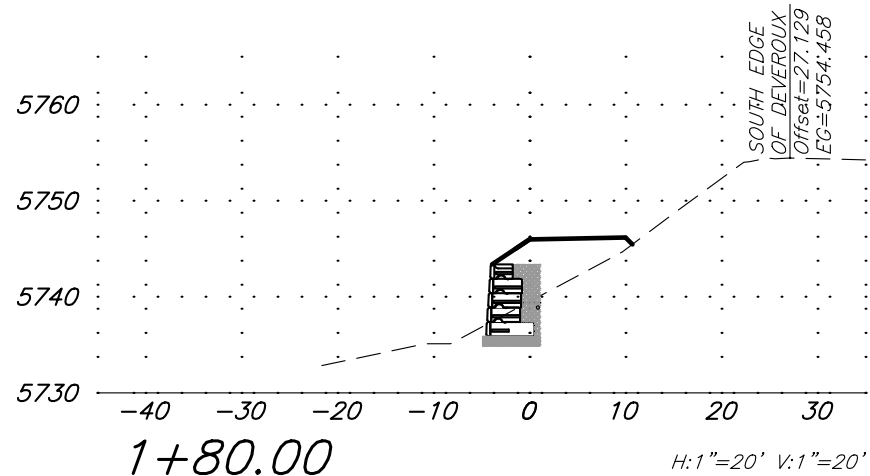
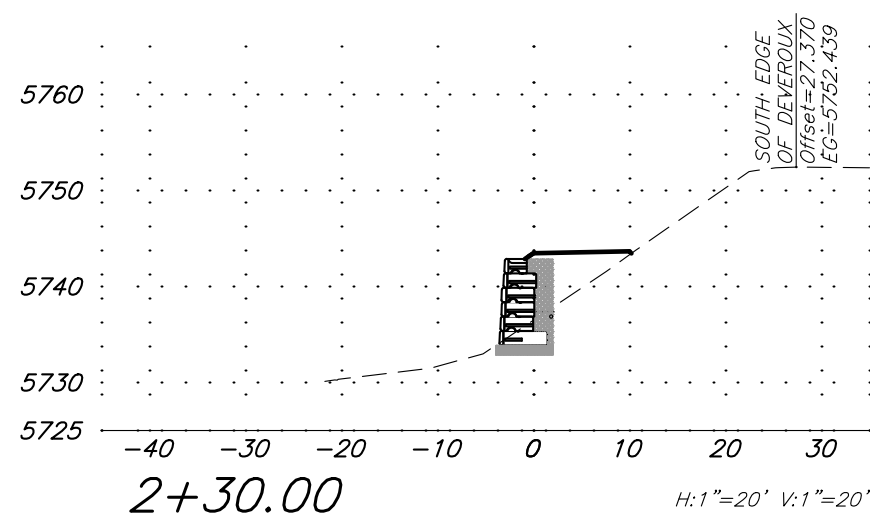
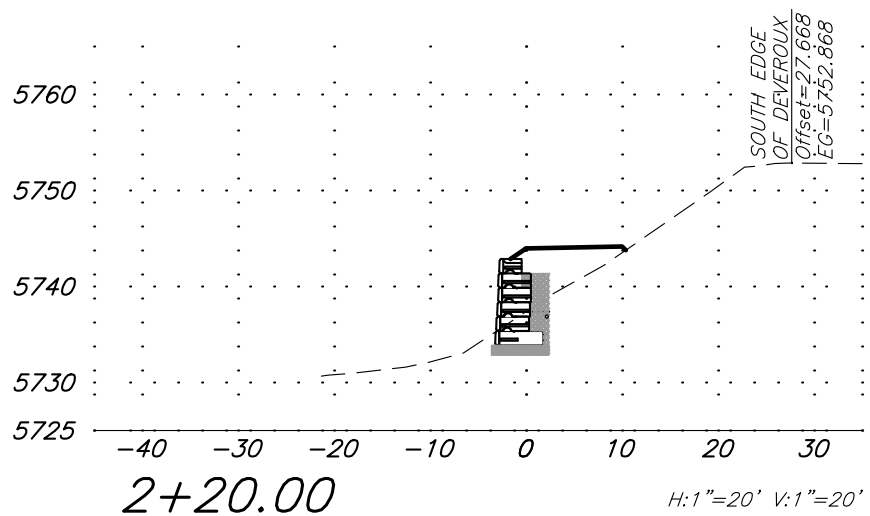
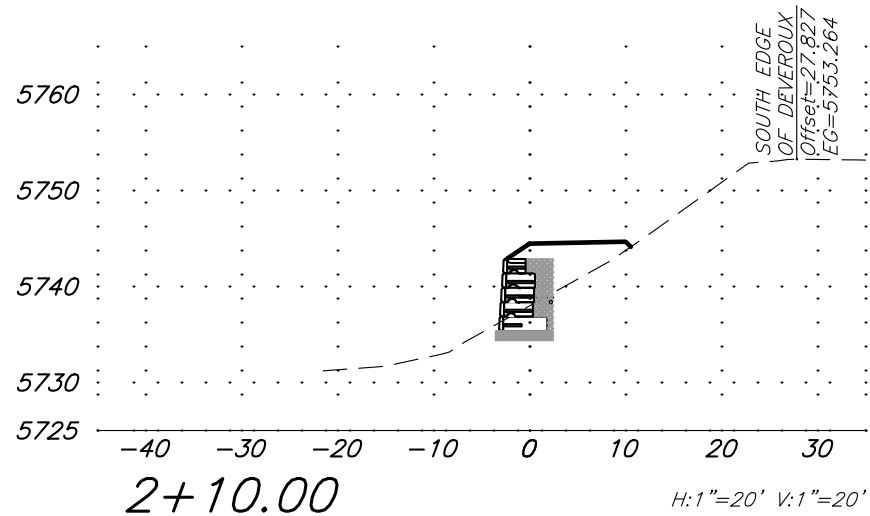
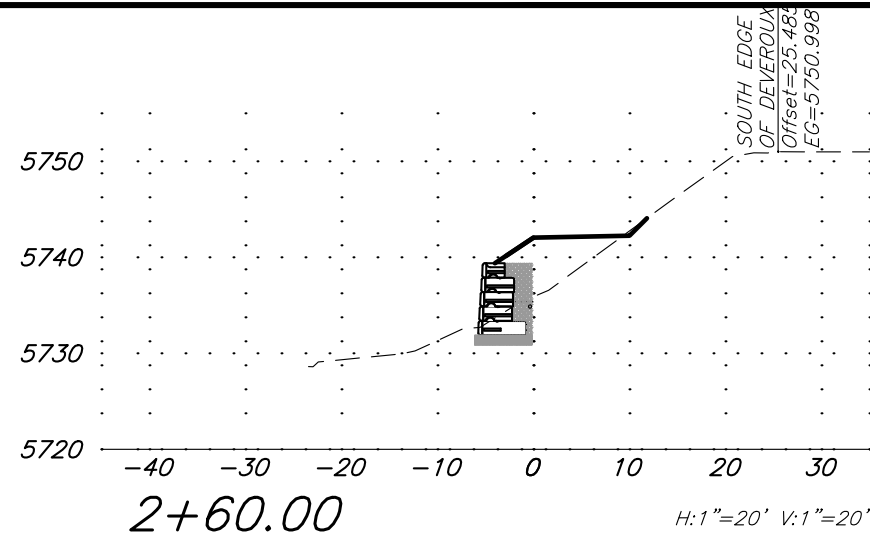
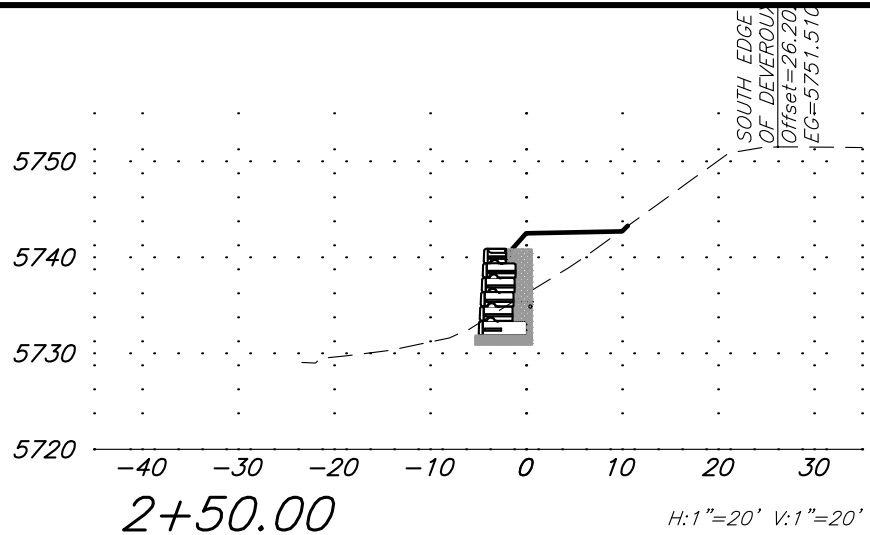
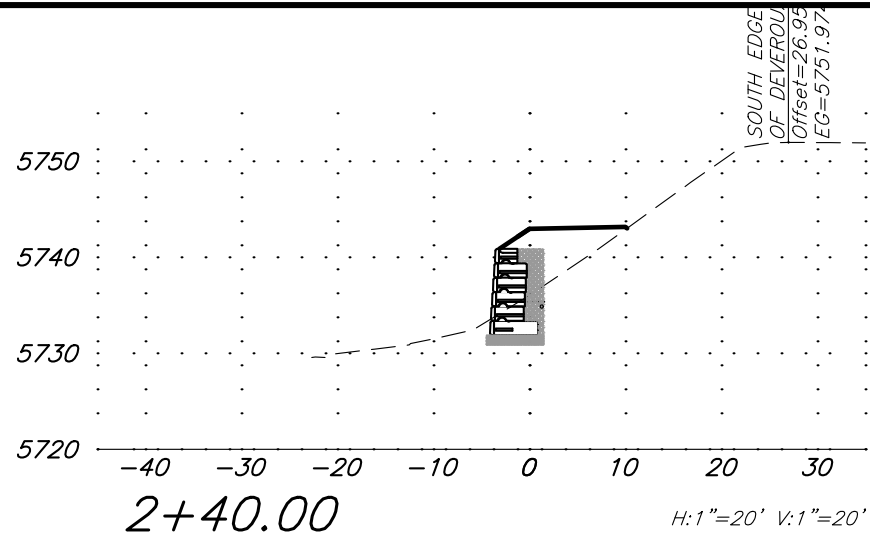
Computer File Information		Sheet Revisions				 118 West Sixth Street, Suite 200 Glenwood Springs, CO 81601 970.945.1004 www.sgm-inc.com	FINAL REVIEW		Devereux Road Trail			Project No./Code	
Print Date: 5/11/2021		Rev.	Date	Comments	Init.		No Revisions: SET -		Cross-Sections - Station 0+00 to 0+80			No.: ____	
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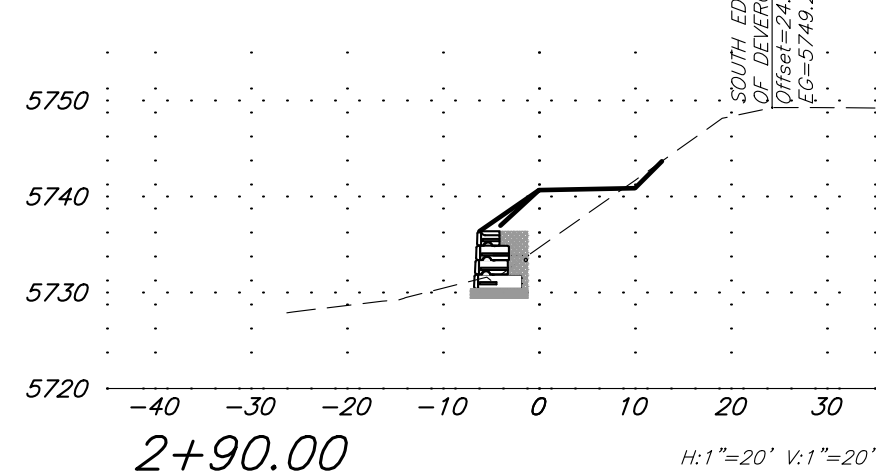
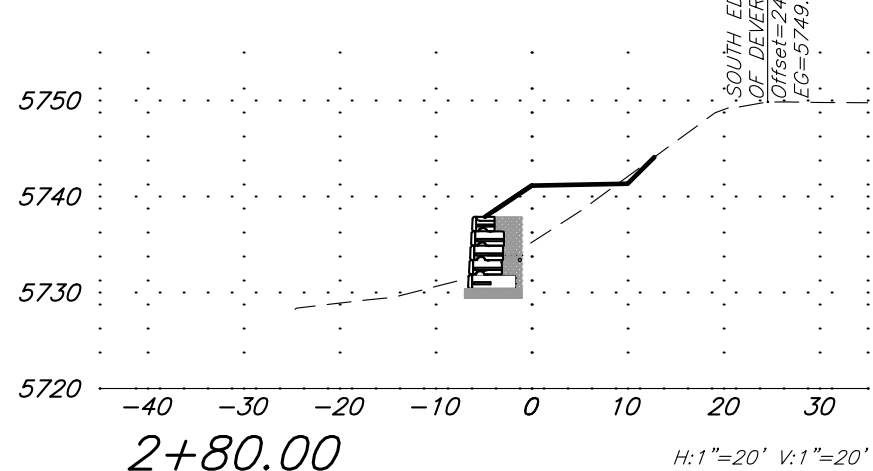
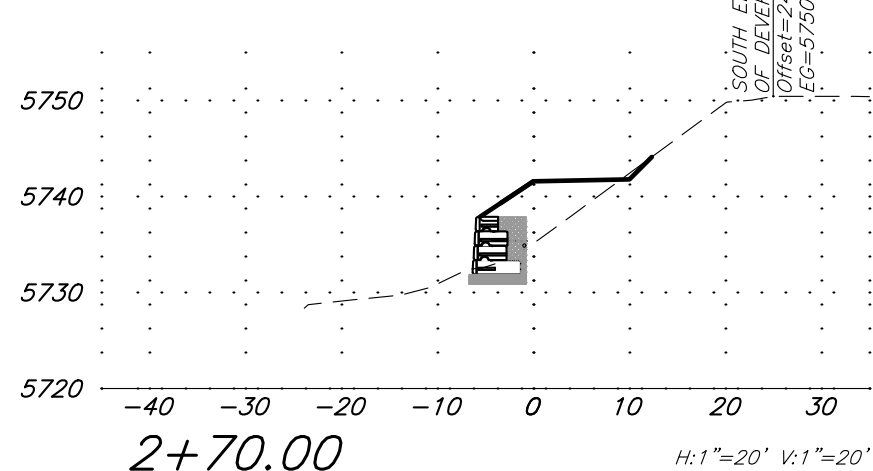
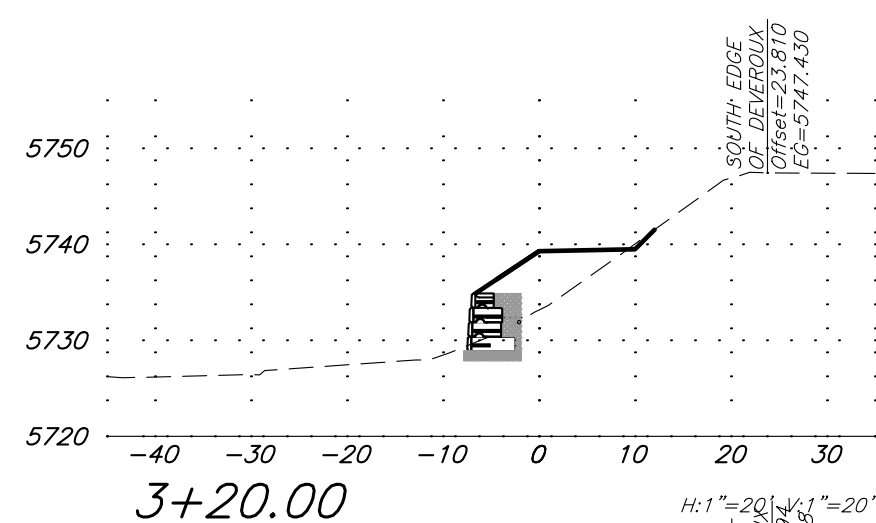
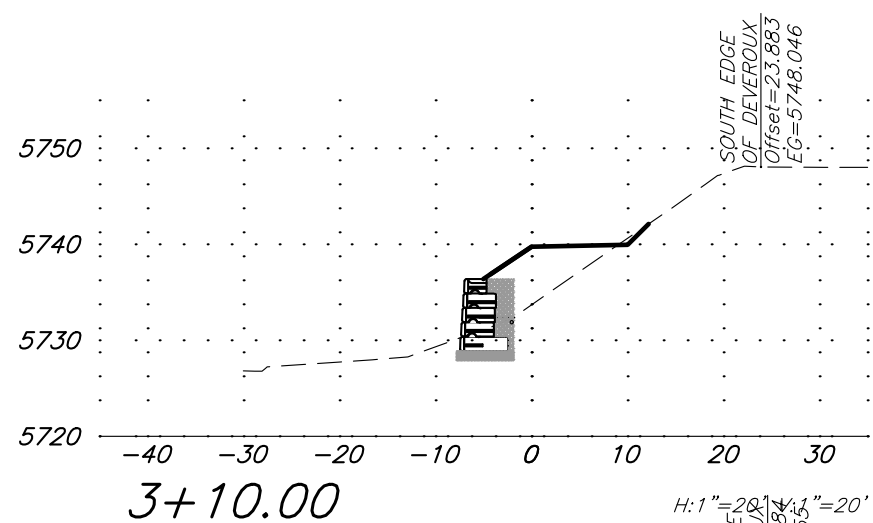
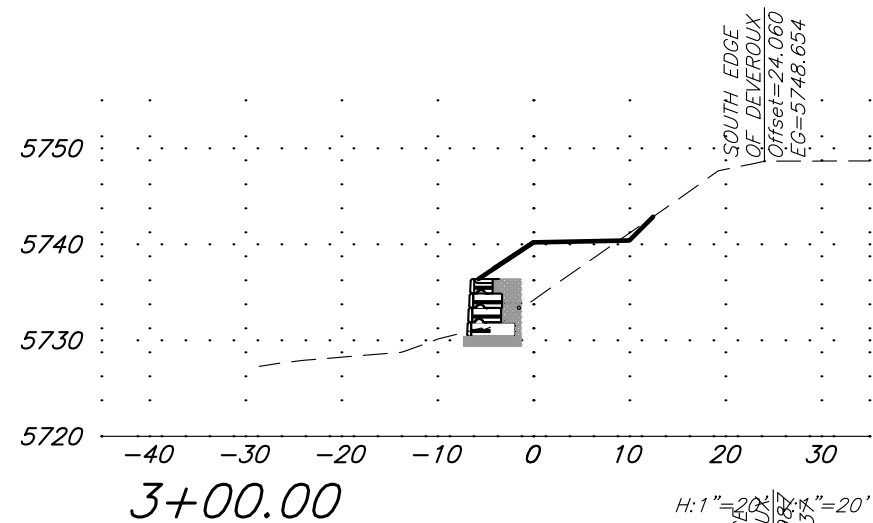
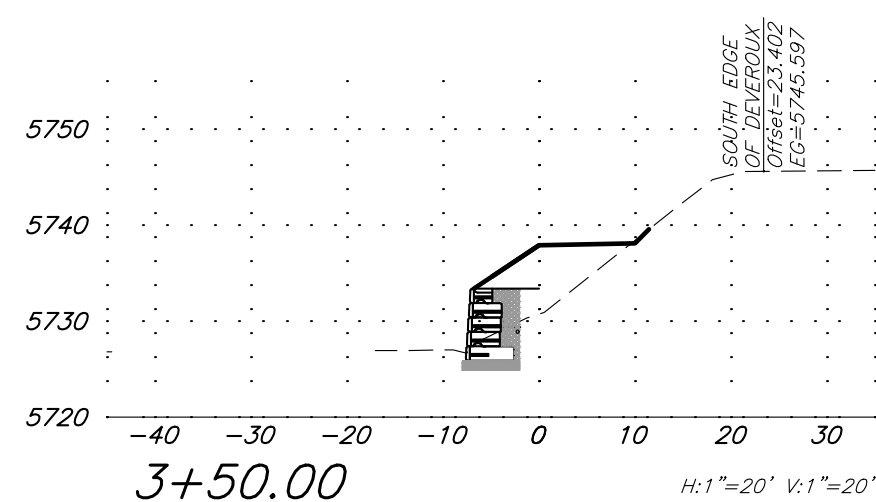
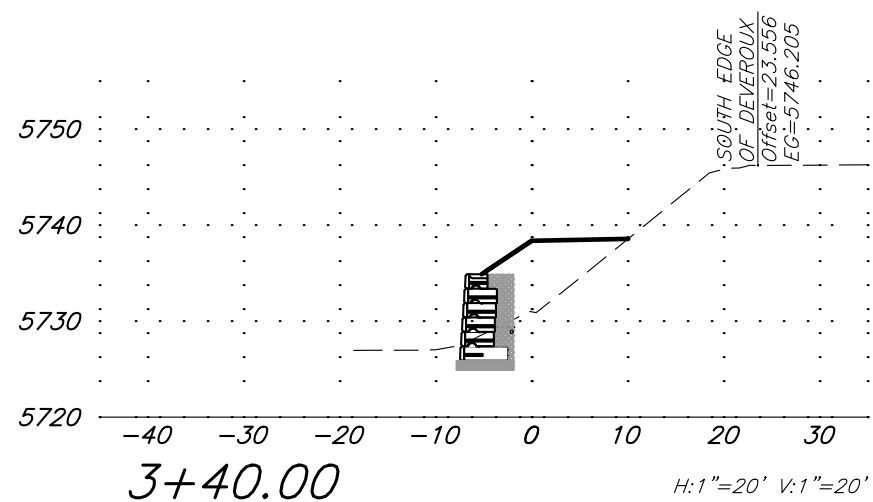
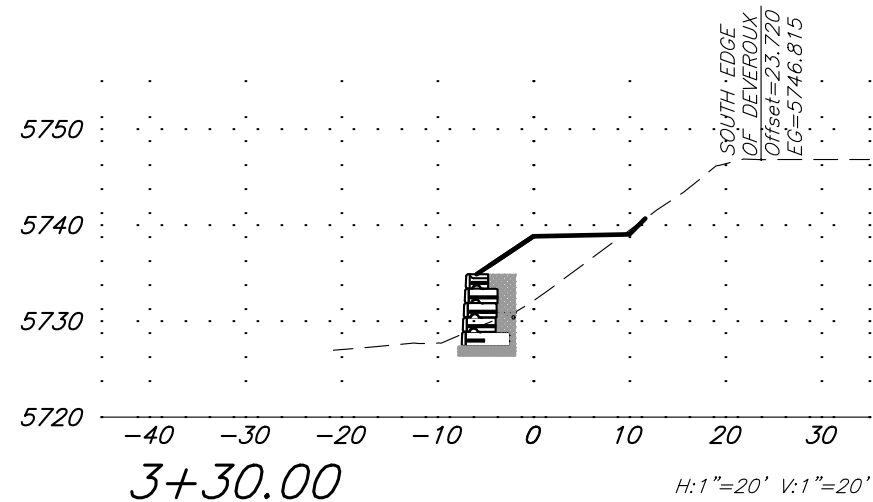
Computer File Information		Sheet Revisions				 SGM 118 West Sixth Street, Suite 200 Glenwood Springs, CO 81601 970.945.1004 www.sgm-inc.com	FINAL REVIEW		Devereux Road Trail			Project No./Code		
Print Date: 5/11/2021		Rev.	Date	Comments	Init.		No Revisions: SET -		Cross-Sections - Station 0+90 to 1+70			No.: ____		
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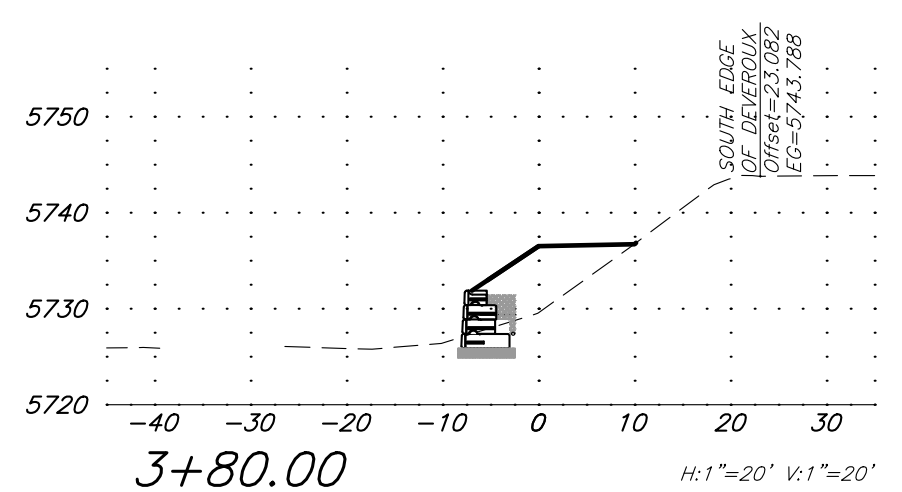
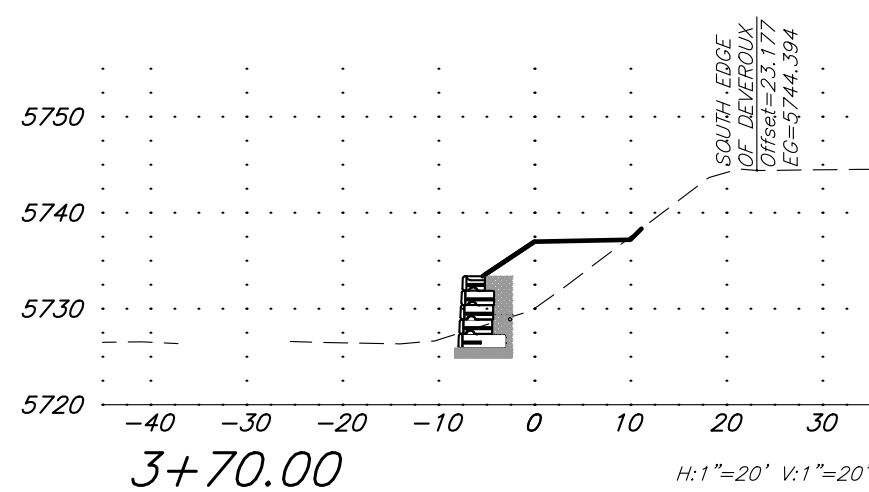
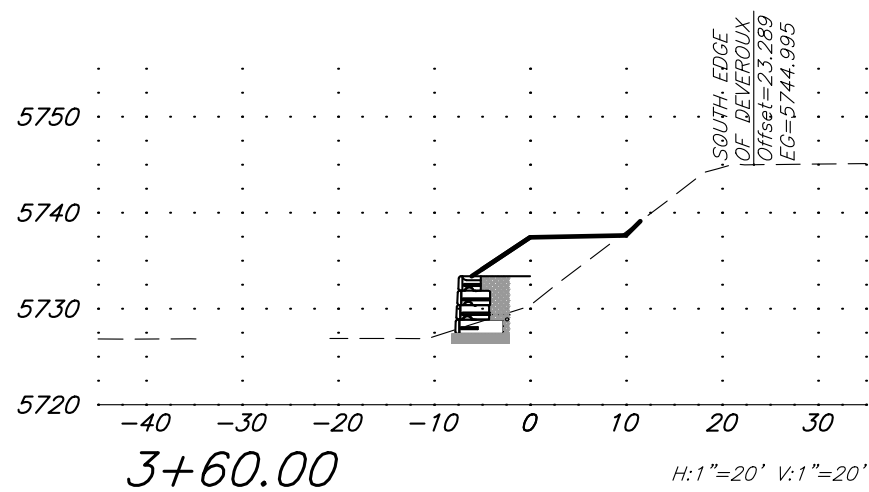
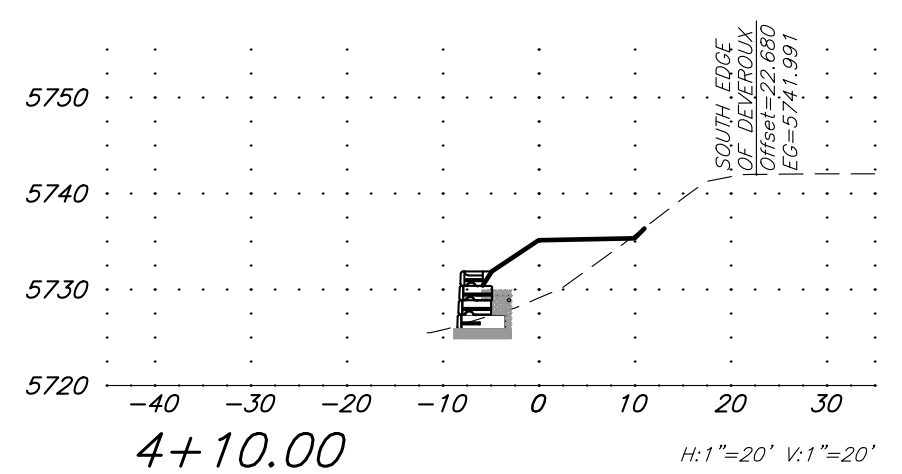
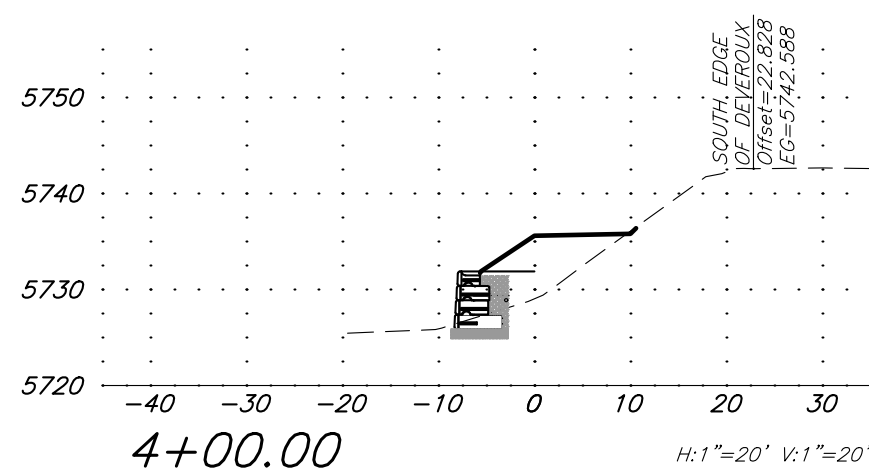
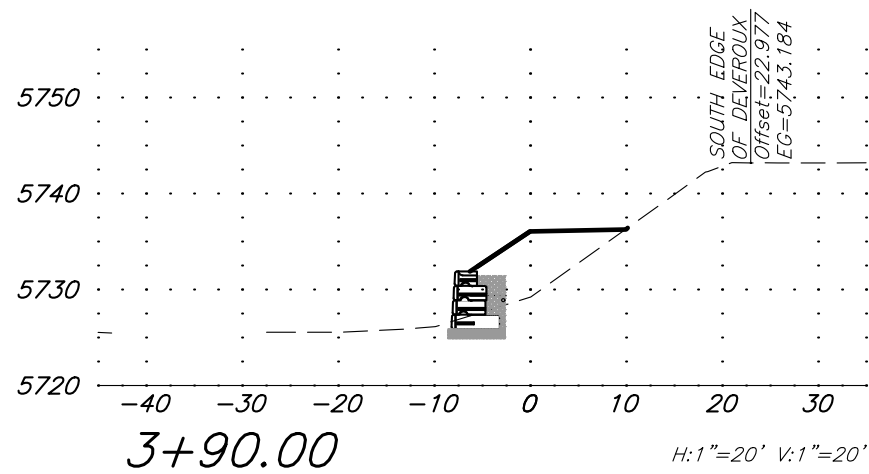
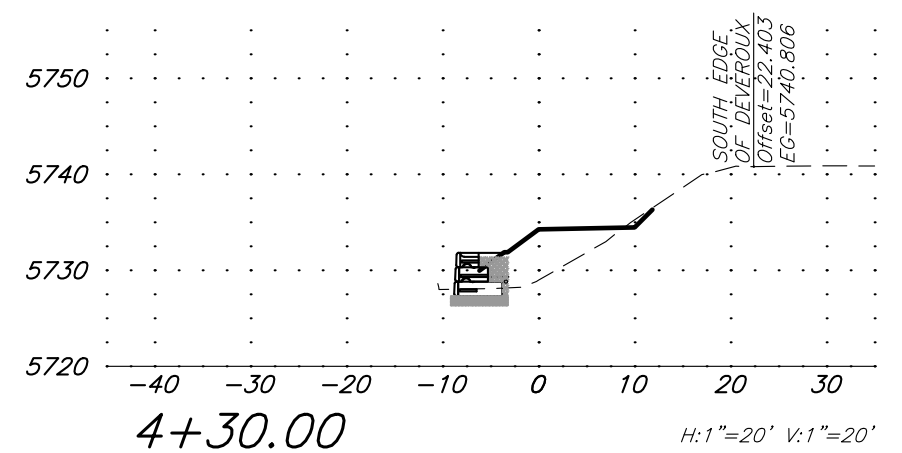
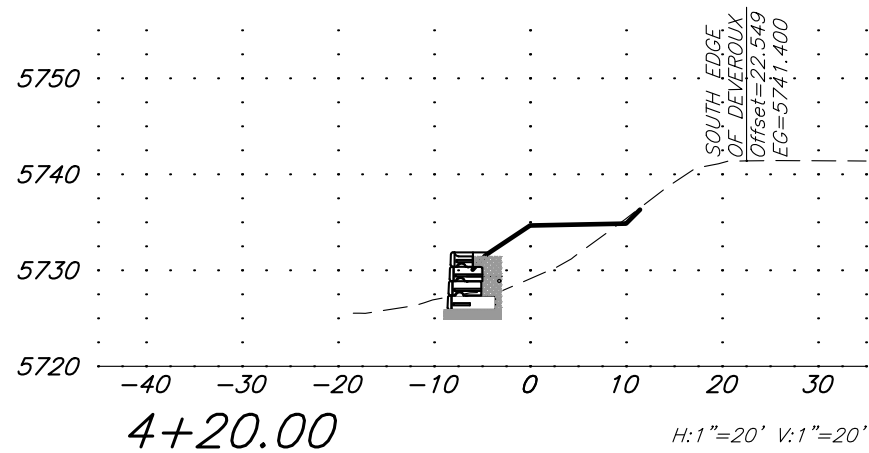
Computer File Information		Sheet Revisions			 118 West Sixth Street, Suite 200 Glenwood Springs, CO 81601 970.945.1004 www.sgm-inc.com	FINAL REVIEW		Devereux Road Trail			Project No./Code	
Print Date: 5/11/2021		Rev.	Date	Comments		No Revisions: SET		Cross-Sections - Station 1+80 to 2+60			No.: ____	
Last Modification Date: 03/27/2020		1				Revised:		Engineer:	Structure		Code: -	
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Computer File Information		Sheet Revisions				 118 West Sixth Street, Suite 200 Glenwood Springs, CO 81601 970.945.1004 www.sgm-inc.com	FINAL REVIEW		Devereux Road Trail			Project No./Code	
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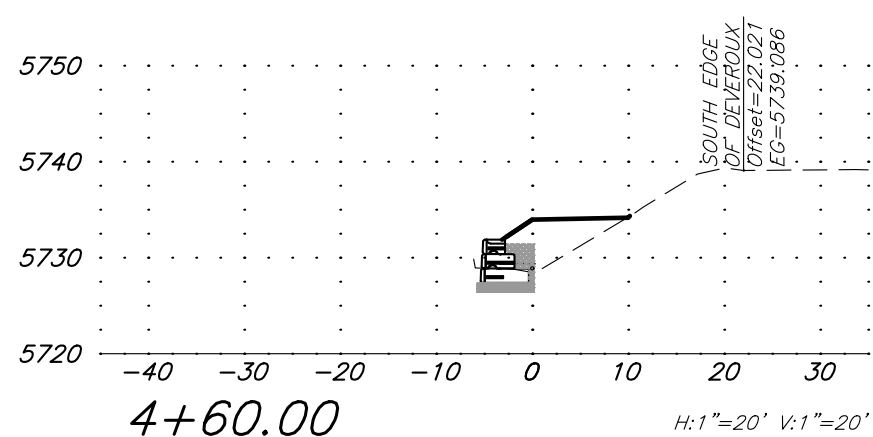
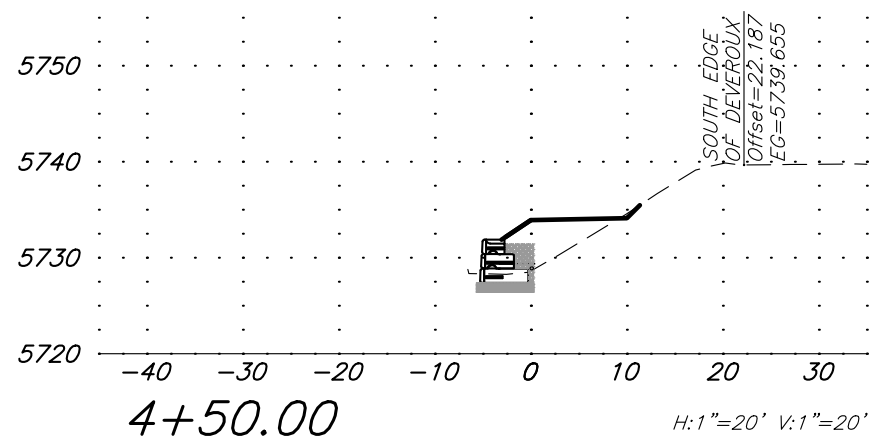
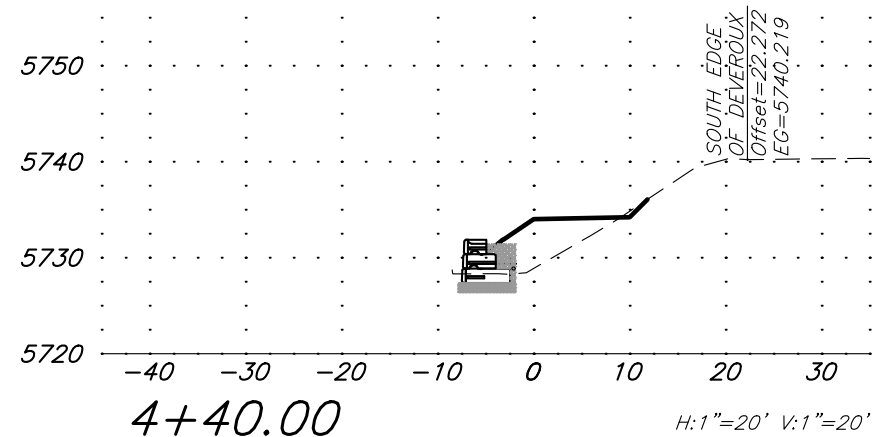
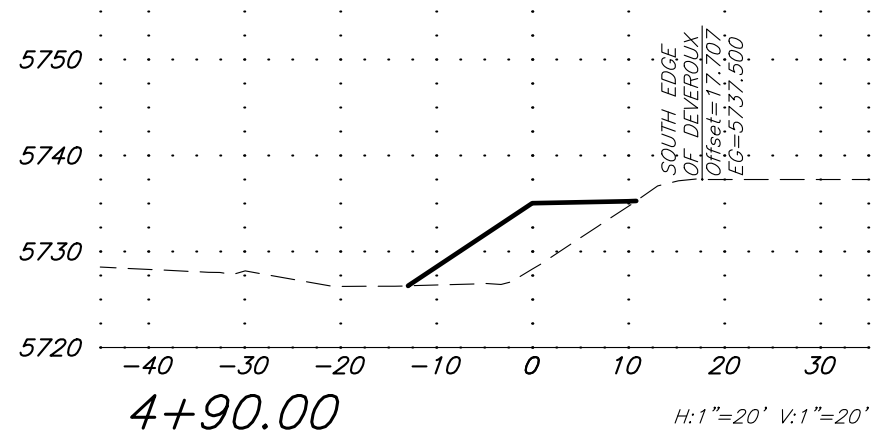
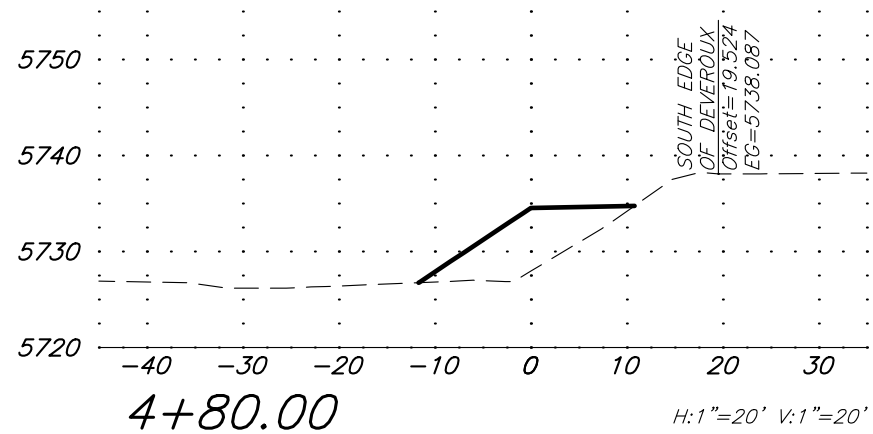
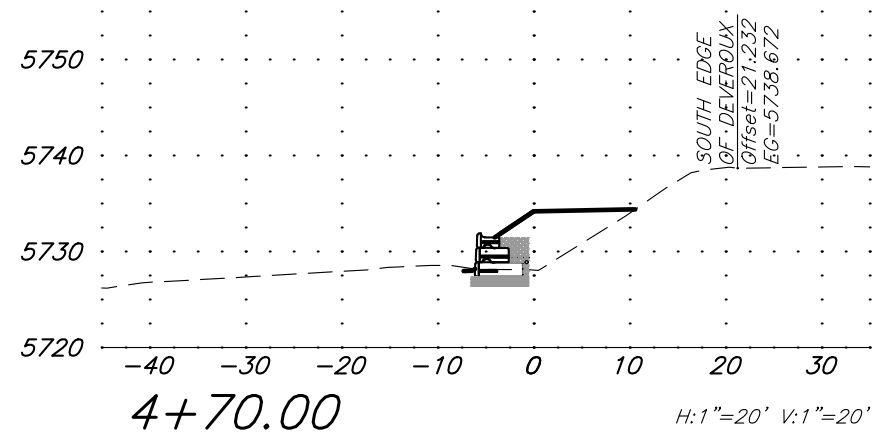
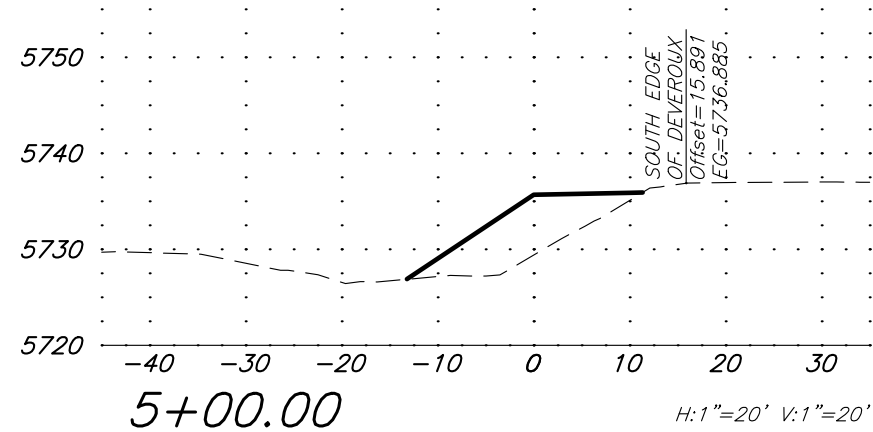


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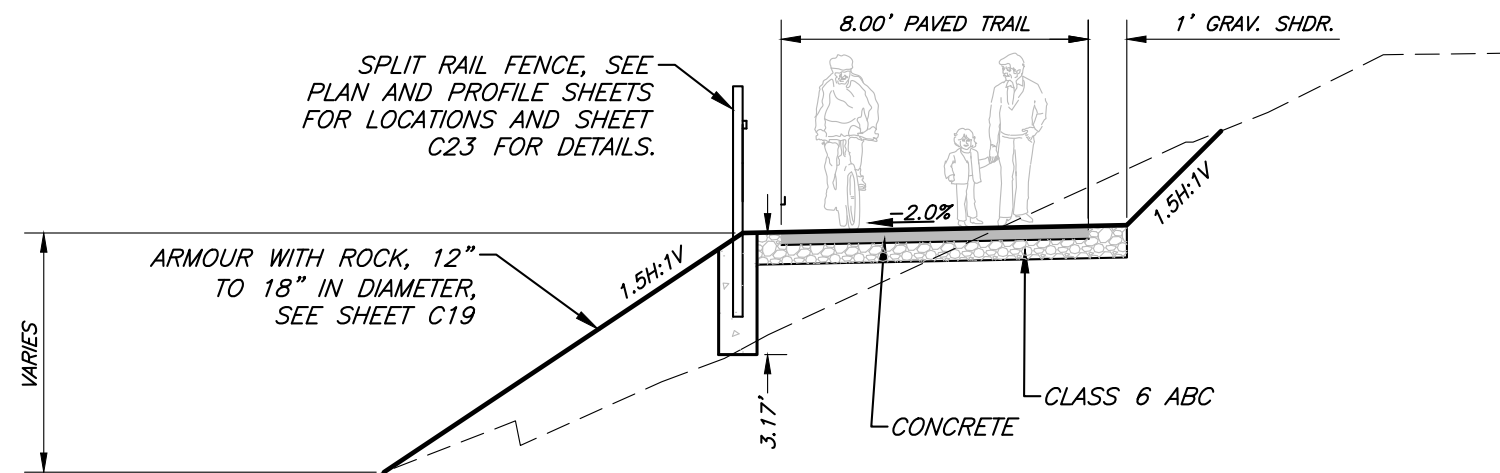
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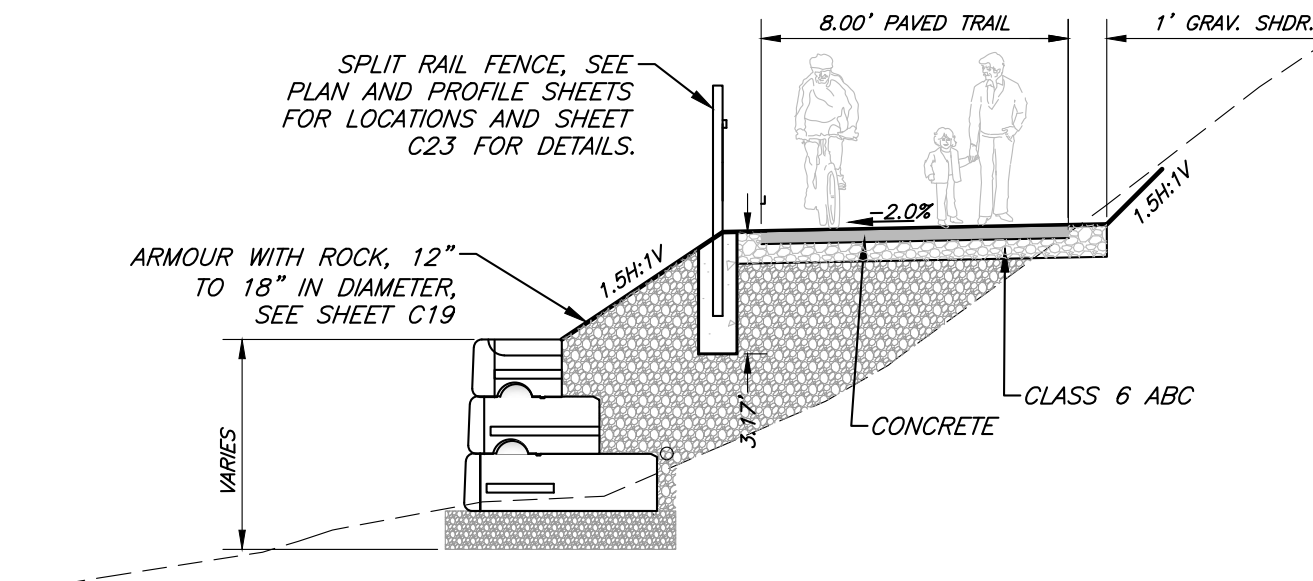


Computer File Information		Sheet Revisions			SGM 118 West Sixth Street, Suite 200 Glenwood Springs, CO 81601 970.945.1004 www.sgm-inc.com	FINAL REVIEW		Devereux Road Trail			Project No./Code	
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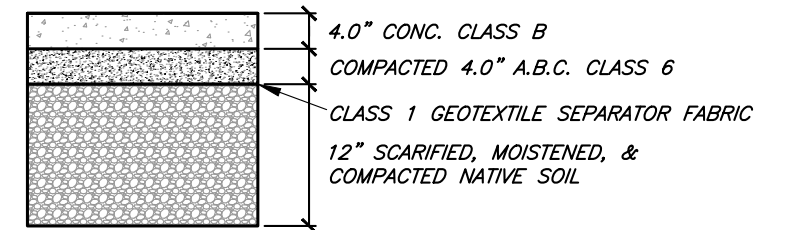
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DEVEREUX ROAD MULTI-USE TRAIL – PHASE 1 TYP SECTION
STA. 0+00 TO 0+50; 0+70 TO 1+80; 4+70 TO END
SCALE: 1" = 5'



DEVEREUX ROAD MULTI-USE TRAIL –
PHASE 1 TYP SECTION
STA. 0+50 TO 0+70; 1+80 TO 4+70
SCALE: 1" = 5'



TYP. CONCRETE SIDEWALK
SECTION DETAIL
N.T.S.

TYP. CONCRETE SIDEWALK NOTES

1. COMPACTION OF MATERIALS SHALL BE TO A MIN. OF 95% OF THE STANDARD PROCTOR AT A MOISTURE CONTENT BETWEEN $\pm 2\%$ OF OPTIMUM MOISTURE AS DETERMINED USING ASTM STANDARD D-698.
2. CONCRETE SHALL BE CLASS B.
3. EXPANSION JOINTS SHALL BE INSTALLED 100' ON CENTER AND WHEN ABUTTING EXISTING CONCRETE OR FIXED STRUCTURE. EXPANSION JOINT MATERIAL SHALL BE $\frac{1}{2}$ IN. THICK AND SHALL EXTEND THE FULL DEPTH OF CONTACT SURFACE.
4. CONTRACTION JOINTS SHALL BE 1" DEEP BY $\frac{1}{8}$ " – $\frac{1}{4}$ " WIDTH AT INTERVALS EQUAL TO PATH WIDTH.
5. USE $\frac{1}{4}$ " RADIUS ON ALL EDGES.
6. CURE FOR 72 HOURS USING CURING COMPOUND OR MOISTURE.

SECTION
D

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Computer File Information			Sheet Revisions				Preliminary Review Set		Devereux Road Trail - Phase 1				Project No./Code	
			Rev.	Date	Comments	Init.			Typical Sections				No.: -	
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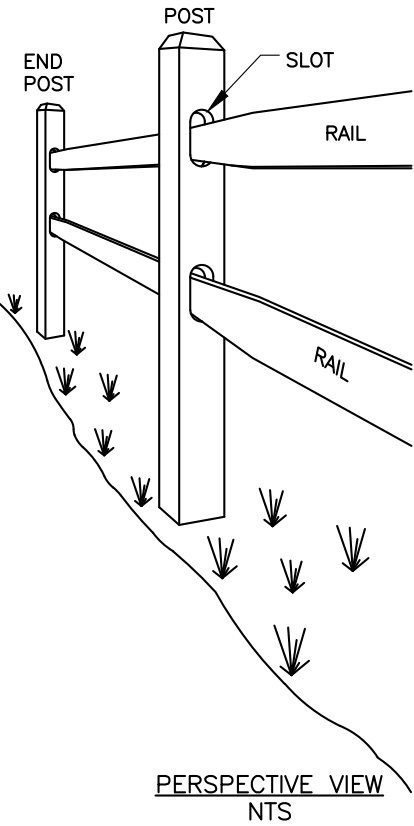
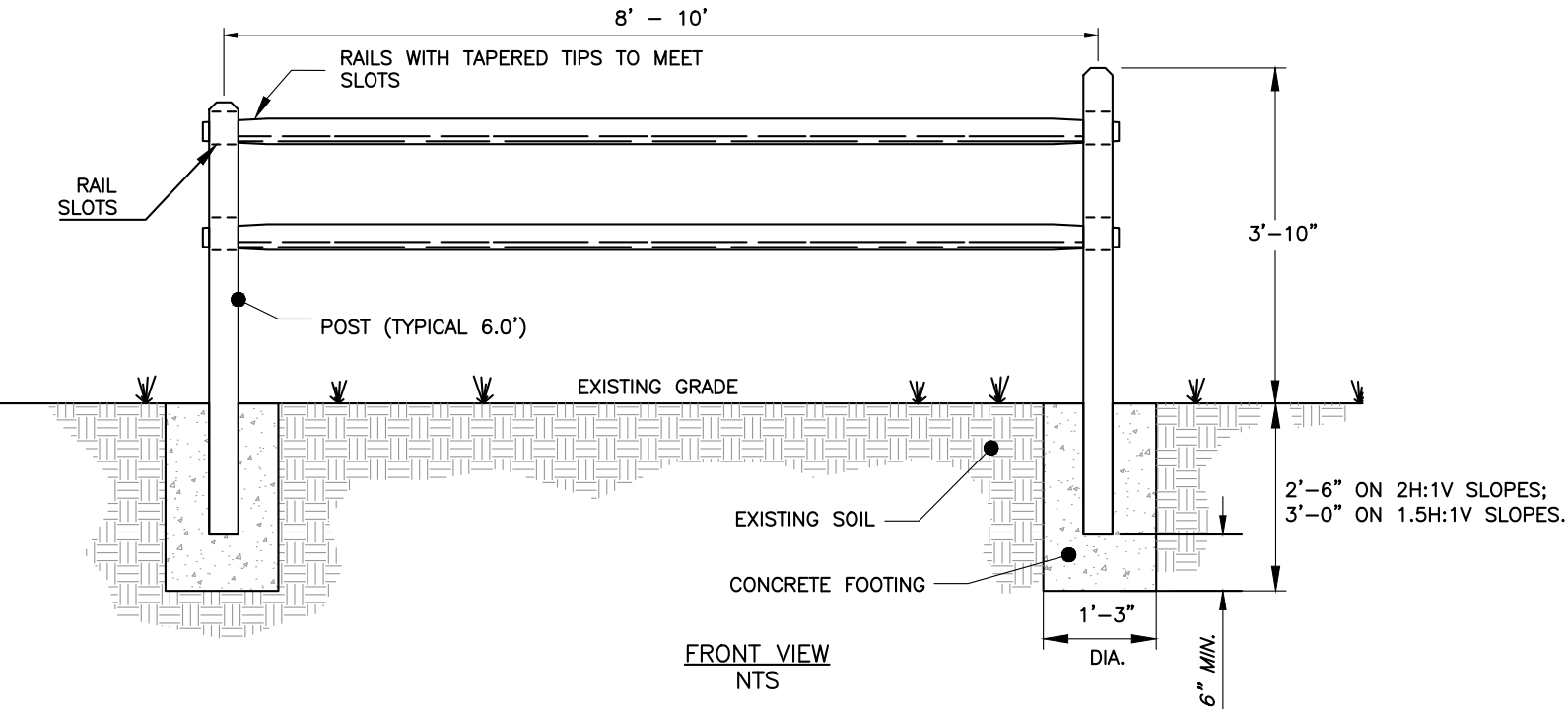


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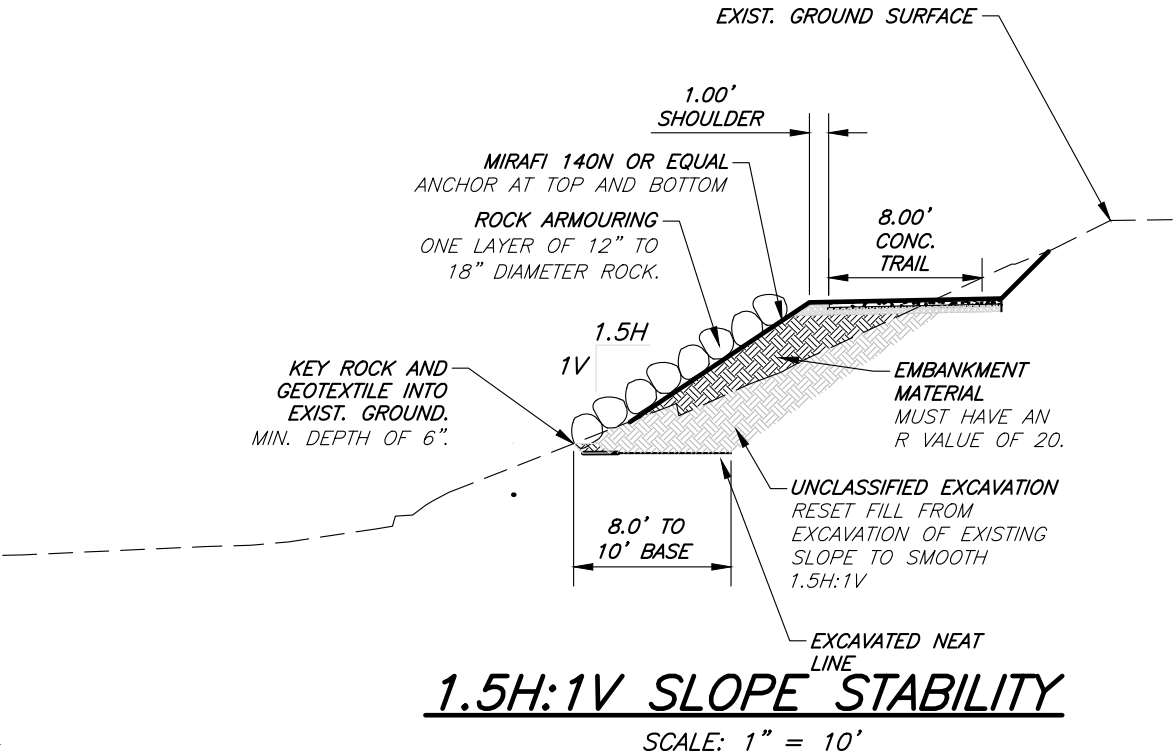
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D:\PROJECTS\2018-208-IRONMOUNTAINPERMITTING\004-DEVEREUX TRAIL DESIGN\H-DWG\DETAILS-PH-1.DWG Plotted: 5/11/2021 10:51 AM By: Terry Bendetti

- NOTE:
1. ALL WOOD FOR SPLIT RAIL FENCE TO BE PRE MANUFACTURED.
 2. END POST SHALL BE TERMINAL POST.



SPLIT RAIL FENCING DETAIL



Computer File Information		Sheet Revisions				Preliminary Review Set		Devereux Road Trail - Phase 1 Railing and Slope Stability Details				Project No./Code	
Print Date: 5/11/2021		Rev.	Date	Comments	Init.	No Revisions:	-	Engineer:	JS	Structure	---	No.:	-
Last Modification Date: 03/27/2020		1	10/20/20	Connection to Caverns Village	TLB	Revised:	-	Drawn By:	TL	Numbers	---	Code:	-
Drawing File Name: Details-Ph-1.dwg		2	3/31/21	CoGS Comments-Trail Realignment	TLB	Void:	-	Sheet Subset:		Subset Sheets:	C20 of 1	Sheet Number:	C20
Autocad Ver. 2018 Scale: As Shown Units: English		3	4/23/21	CoGWS Comments Dated 04/20/21.	TLB								
SGM Project No.: 2018-208.004 Quality Control: #													



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City Council
STAFF REPORT
City of Glenwood Springs
June 3, 2021

Agenda Item: Financial Advisory Board Grant Award Recommendations

Action Requested: Award of City grants as recommended by the Financial Advisory Board

Department: City Administration

Presented By: Steve Boyd, COO
Yvette Gustad, Finance Director

Background Info: The 2021 grant application cycle produced \$173,300 in requests. Including the Tourism (\$71,394), A&I (\$159,491) and the reserve (\$75,730) carried over from 2020 the funds available are \$306,615. FAB is recommending \$155,300 in awards now and that Council consider whether it wants to offer another opportunity for applications to be received later in the year.

Annie Olson, from Summer of Music, has requested permit fees to use the park be waived. Staff has invited her to this work session to see if City Council would be willing to use FAB grant funds for this request. There is ample room in the remaining funds since the fees would be \$2,500. This request was not included in their grant application to FAB.

Issues: NA

Staff Recommendation: Staff supports FAB's recommendation.

CITY OF GLENWOOD SPRINGS GRANT APPLICATIONS 2021

2021 Tourism Budget	\$71,394
2021 A&I Budget	\$159,491
2021 Year-end Reserve	<u>\$75,730</u>
Total Available Grant Funds	\$306,615

	Council Approved:	Request:	FAB:	Council Approved:
<u>APPLICANT NAME</u>	<u>2020</u>	<u>2021</u>	<u>2021</u>	<u>2021</u>
1 A Way Out	\$0	\$4,500	\$7,500	
2 Access After School		\$7,500	\$7,500	
4 Andy Zanca Youth Empowerment Program	\$0	\$3,000	\$3,000	
7 Catholic Charities	\$12,500	\$30,000	\$30,000	
10 Dance Initiative Inc	\$0	\$6,300	\$6,300	
12 Family Visitor Programs	\$2,500	\$5,000	\$5,000	
13 Family Resource Center of RF Schools		\$5,000	\$5,000	
16 HomeCare and Hospice of the Valley	\$3,750	\$5,000	\$5,000	
17 Junior Achievement	\$0	\$2,000	\$4,000	
18 KDNK Community Radio	\$0	\$5,000	\$0	
19 Literacy Outreach	\$0	\$3,000	\$3,000	
20 Middle Colorado Watershed Program	\$0	\$5,000	\$5,000	
21 Mountain Valley Developmental Services	\$5,000	\$10,000	\$10,000	
22 Raising a Reader	\$0	\$3,000	\$5,000	
23 River Bridge Regional Center	\$5,000	\$10,000	\$10,000	
24 Smiling Goat Ranch	\$0	\$10,000	\$10,000	
25 Summer of Music	\$0	\$4,000	\$4,000	
26 Summit54	\$0	\$10,000	\$10,000	
27 Eagle Valley Land Trust	\$0	\$20,000	\$0	
31 Western Slope Veterans Association		\$5,000	\$5,000	
34 Youth Zone	\$0	\$20,000	\$20,000	
	\$147,950	\$173,300	\$155,300	\$0
		Amount Remaining=>	\$151,315	



City Council
STAFF REPORT
City of Glenwood Springs
June 3, 2021

Agenda Item: Glenwood Springs Utility Assistance Program

Action Requested: Approve up to \$200,000 in Marijuana Tax Funding for a one year Utility Assistance Program.

Department: City Administration

Presented By: Debra Figueroa, City Manager

Background Info: The City of Glenwood Springs Water and Wastewater Departments initiated an updated rate study in 2020 due to shortfalls within the revenue versus cost of operations hit a breaking point. City Council discussed the results of the rate study at work session on October 15, 2020, January 21, 2021, and March 18, 2021.

At the April 15, 2021 meeting, City Council approved an average increase of 36.8% to water and wastewater rates to become effective as of June 1, 2021. Residents and businesses will see this increase in their July 2021 bill. City Council requested staff design and implement a one year program to help low- income residents pay the difference in the increase of the water and wastewater bills. Staff reached out to the River Center in New Castle and will work in partnership with the non-profit on this program.

As designed, residents can qualify working with the River Center based other federal low-income programs such as Temporary Assistance for Needy Families (TANF) or enrollment in Medicaid. Staff and the River Center have created a flyer that is attached to this agenda item that details the ways a family or individual could qualify for assistance. The River Center will provide monthly assistance on a first come first served basis until funding or demand ends. Staff will credit the average increase each month (for one year only) to a qualified customer's bill. It is the intent of staff to include this flyer in the July utility bill.

Issues: Staff is suggesting that the one time amount put into this program should be \$200,000 and should come from the Marijuana Tax fund. Current reserve balance in the Marijuana Fund is \$300,000.

Employees involved in the decision making chain of this program will not be able to apply for assistance even if qualified.

Staff Recommendation: Staff recommends approving the Glenwood Springs Utility Assistance Program. This one-time program will allow low-income residents time to adjust to the new water and wastewater rates.

UTILITY ASSISTANCE

Applications are being received by the River Center of New Castle for **one-time** utility assistance. You may fill out an application via their website at www.rivercenternewcastle.org or can request one to be emailed or mailed to you by calling 984-4333.

Program qualifications: You or a member of the household must qualify under one of these programs to be eligible*:

• SNAP • LEAP • TANF • WIC • Medicaid • CHP+ • Head Start • Free & Reduced Lunch

HOW TO APPLY FOR ASSISTANCE

- 1 Fill out the application online at www.rivercenternewcastle.org or request a paper copy be sent to you.
- 2 Send in required verification documents.
- 3 Payment will be made, if approved, directly to the City of Glenwood Springs and applied to your account.

QUESTIONS?



EMAIL
info@rivercenternewcastle.org



PHONE
970.984.4333



WEBSITE
www.rivercenternewcastle.org

* You will need to send in verification



City Council
STAFF REPORT
City of Glenwood Springs
June 3, 2021

Agenda Item: Arts and Culture Board Appointment

Action Requested: Arts and Culture Board Appointments

Department: Parks & Recreation

Presented By: Brian Smith, Recreation Director

Background Info: The Arts & Culture Board has one regular seat available with the term expiring 03/2022. Kyle Jones applied and interviewed with Councilor Kaup on May 18, 2021. Kyle is eligible for appointment.

Issues: None

Staff Recommendation: Staff defers to Council.

Respondent



6

Anonymous



08:44



Time to complete

Arts and Culture Board Application

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

Personal Information

1. Name *

Kyle Jones

2. Home Address *

12 Ptarmigan Dr. Glenwood Springs, CO 81601

3. Mailing Address *

12 Ptarmigan Dr. Glenwood Springs, CO 81601

4. Home Phone *

7202056151

5. Work Phone *

7202056151

6. Mobile Phone *

7202056151

7. Email Address *

knjonesco@gmail.com

8. Occupation *

Pianist and Music Educator

Personal and Professional Interests

9. Why are you interested in serving on the Arts and Culture Board? *

I'm interested in promoting music and art in Glenwood springs and helping to bridge the gap between different entities such as non profits, the city, and schools to better support artists.

10. What do you view as your role if selected as a member of the Arts and Culture Board? *

Ideas and logistics

11. Do you have marketing, advertising, or public relations experience or skills? *

Yes. Public relations as a board member for Bristlecone Arts Collaborative, as a music teacher promoting music programs, as a former political organizer, and as a performer marketing and advertising myself.

12. Do you have Arts/Culture experience or skills? (ex. Performing arts, visual arts, public arts, museums arts, or education? *

I have been a public school music teacher, worked for multiple arts entities in the valley including defiance community theatre in Glenwood, Aspen community theatre, Jazz Aspen Snowmass, Rock and Roll Academy, and a community performer.

13. Can you describe an experience making a decision based on public opinion? *

When making this type of decision it is important to hear all pertinent viewpoints and balance those against your personal expertise while also working to persuade and coalition build to yield the best results satisfying the majority of needs and opinions.

14. Can you separate yourself from your personal opinions and represent the City's goals, policies, plans, and the Glenwood Springs Municipal Code in an equitable fashion? *

Yes

15. Do you have any existing time commitments that will hamper your ability to serve? *

Schedule is flexible

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

I have been on the Bristlecone Arts Collaborative Board which is a non profit arts education organization that collaborated with schools and artists

17. Please select today's date. *

4/29/2021



18. Have you served on the Arts and Culture Board before? *

☒ No

☐ Yes

Powers and Duties of the Arts and Culture Board

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

Composition of the Arts and Culture Board

(14) Arts and Culture Board:

a. Eight (8) members, at least five (5) of which are residents of the City, three (3) of which may reside outside of the City, and one (1) of which being a youth representative under the age of eighteen (18) or not having completed his or her final year of high school. Those representatives residing outside of the City must reside within the 81601 postal zip code area, own real property or a business within the City, or attend school within the City.

Powers and Duties

(n) Arts and Culture Board. The powers and duties of the Arts and Culture Board shall be:

- 1) To promote awareness, access, and appreciation of the fine, performing, and practical arts for City residents and visitors.
- 2) To advise the City Council in connection with all matters relating to the artistic and cultural development of the City.
- 3) To provide opportunities for cultural and art experience and education for children and adults.
- 4) To promote increased interaction among artists and opportunities for growth and exposure.
- 5) To promote knowledge and appreciation for cultural forms of artistic expression.
- 6) To make recommendations to the City Council with respect to annual budget appropriations for

the arts.

7) To advise and consult with local arts groups as requested by such groups or by the City Council.

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)





City Council
STAFF REPORT
City of Glenwood Springs
June 3, 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
June 3, 2021

Agenda Item: Recommendation for Group Travel Allowance

Action Requested: NA

Department: City Administration

Presented By: Debra Figueroa, City Manager

Background Info: City Council has requested an agenda item to discuss travel approval for City Council members. The 2021 Budget has \$4,000 for City Council travel, and an additional \$7,000 for professional development.

Issues: NA

Staff Recommendation: Staff defers to City Council.