AGENDA
HAYDEN PLANNING COMMISSION

THURSDAY, JANUARY 23, 2020
7:00 P.M.
HAYDEN TOWN HALL – 178 WEST JEFFERSON AVENUE

REGULAR MEETING

1. CALL TO ORDER, MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. CONSIDERATION OF MINUTES
   a. Review and Consider Approval of March 28, 2019 Minutes

4. PUBLIC COMMENTS

5. OLD BUSINESS

6. NEW BUSINESS
   a. Public Hearing: Village Retail Site Plan – 735 E Jefferson Avenue
   b. Review and Consideration for Approval of Village Retail Site Plan – 735 E Jefferson Avenue

7. STAFF AND COMMISSION MEMBER REPORTS

8. ADJOURNMENT

NOTICE: Agenda is subject to change. If you require special assistance in order to attend any of the Town’s public meetings or events, please notify the Town of Hayden at (970) 276-3741 at least 48 hours in advance of the scheduled event so the necessary arrangements can be made.
The regular meeting of the Hayden Planning Commission was called to order by Chair Angie Robinson at 7:07 p.m. Other members present were Tim Frentress and Kellie Rockey. Vice Chair Amy Williams and member Michele Lewis were excused. Chief Tuliszewski was also in attendance.

| Moment of Silence and Pledge of Allegiance | Chair Robinson asked for a moment of silence and led the Pledge of Allegiance. |
| Consideration of Minutes January 24, 2019 | Commissioner Frentress moved to approve the minutes of the regular meeting held January 24, 2019 as written. Chair Robinson seconded, with the vote unanimously approved 3-0. |
| Public Comments | None. |
| Old Business | None. |
| New Business | None. |

**Public Hearing: Kum & Go #1904 Site Plan**

Public Hearing opened: 7:10 p.m. Comments were received by the Planning Commissioners from Linda Bertram, 159 N Chestnut, Hayden, CO, was very against it due to noise and snow; Josh Mayle, 159 N Chestnut, Hayden, CO was against it due to lights, alley access and noise; Tammie Delaney, 198 E Lincoln, was concerned about the streetscaping; Jack Giessinger, 148 S 5th Street, Hayden, CO, believes it is positive step towards business in Hayden. Public Hearing closed: 7:26 p.m.

**Review and Consider Approval of Kum & Go #1904 Site Plan**

Commissioner Frentress moved to approve the Kum & Go Site Plan with additional conditions: 1. The Site Plan is contingent upon Town Council’s approval and adoption of the Right-of-Way Vacation Ordinance at their April 18, 2019 meeting, for vacating a portion of the shared alley. 2. The Applicant shall receive Final Plat/Replat approval from the Town Council at their April 18, 2019 meeting and record the Final Plat/Replat prior to building permit approvals. 3. Addressing the concerns of neighbors on fencing, report back on turning the pumps 90 degrees for large vehicles and snow storage. Commissioner Rockey seconded, with a vote unanimously approved 3-0.

| Staff and Commission Reports | None |
| Adjournment | Chair Robinson adjourned the meeting at 8:10 p.m. |

Recorded by:                      Sharon Johnson, Town Clerk

APPROVED THIS 23RD DAY OF JANUARY, 2020

__________________________________
Angie Robinson, Chair

*Draft minutes subject to editing and approval prior to becoming official record.*
Town of Hayden

Planning Commission Agenda Item

MEETING DATE: January 23, 2020

AGENDA ITEM TITLE: Village Retail LLC Site Plan

AGENDA SECTION: New Business

PRESENTED BY: Mary Alice Page-Allen, Town Planner

APPLICANT(S): Cherie Sanders and Mark Wellstone, Village Retail LLC.

CAN THIS ITEM BE RESCHEDULED: Not recommended.

ATTACHMENTS: Applicant Narrative
 Site Plan
 Elevation Plans

BACKGROUND REVIEW:

The applicants are under contract to purchase Lot 3, Cook Minor Subdivision, a 0.21 acre (9,148 sq. ft.) lot located at 735 E Jefferson Avenue. They have submitted a Site Plan application to develop the site for a retail marijuana store on this Commercial (C) zoned parcel where the proposed retail store use is allowed by right. The proposal is to remodel or replace the existing 863 sq. ft. residential structure for the retail store use, demolish the existing garage, and develop the property with parking areas, landscaping and signage. As proposed, the improvements will meet all typical setbacks and other dimensional standards of the Code.

Water, sewer, gas and electrical services are available on the property, and customer access will be from US 40 on the north side of the lot, and employees will access the site and park from the adjoining alley on the south.

An analysis of the applicable location and distance provisions contained in Chapter 5.25, Retail Marijuana Stores, shows that this proposed location is one of the very few properties within the Town of Hayden that meet these standards. Such a use must be within 150 feet of a major transportation facility like US 40 or the airport and in excess of 1,000 feet away from uses such as day cares, parks and libraries.
## COMPLIANCE WITH REVIEW CRITERIA:

### COMPLIANCE WITH TITLE 5 – BUSINESS TAXES, LICENSES AND REGULATIONS

**Chapter 5.25 – Retail Marijuana Stores**

**Section 5.25.040 – Restrictions Related to Retail Marijuana Stores: Location and Operation**

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<th>Complies</th>
<th>Yes</th>
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<td>A. All applicable rules, requirements and restrictions imposed by the State of Colorado apply to retail marijuana store activities conducted pursuant to a license issued pursuant to this Chapter, as if fully set forth herein. A proven violation of any such rule, requirement or restriction may form the basis of disciplinary action under Section 5.25.050 of this Chapter specifically including but not limited to suspension or revocation of a license pursuant to the process set forth in Section 5.22.150 of this Title 5. <strong>Staff Comment: A condition is recommended below that stipulates that the store’s local and State retail marijuana licenses shall be in good standing at all times the operation is open for business.</strong></td>
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<th>Complies</th>
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<td>B. A retail marijuana store may operate only between the hours of 7 a.m. and 10 p.m. daily. <strong>Staff Comment: A condition is recommended below that limits the hours of operation for the store to between the hours of 7 a.m. and 10 p.m. daily.</strong></td>
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<th>Complies</th>
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<td>C. A retail marijuana store may not be located or operated within one thousand (1000) feet of a day care facility, public or private school, child care center, drug or alcohol treatment or rehabilitation facility or public park, open space, recreational or library facility. This required distance shall be measured as a direct line between the nearest two points of each respective property boundary. This location restriction shall apply when a retail marijuana store is proposed to be licensed at a particular premise and shall not operate to require a previously-approved retail marijuana store to relocate if another use listed within this subsection C subsequently locates within 1,000 feet of the store. <strong>Staff Comment: A distance analysis to the cited facilities shows that the proposed store location is not within 1,000 feet of these facilities. A finding in this regard is recommended below.</strong></td>
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<td>D. A retail marijuana store may not be located or operated more than 150 feet from a major transportation facility. For purposes of this Subsection E a “major transportation facility” means a transportation facility funded, at least in part, and regulated by the federal government, including by way of example only, airports and highways. <strong>This distance</strong></td>
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shall be measured as a direct line between the nearest point of the property line upon which the store is located to the nearest point of the property line upon which the transportation facility is located or, in the case of a highway, the nearest point of dedicated and platted right-of-way, regardless of paved roadway, shoulder areas or other constructed improvements. Staff Comment: The north boundary of the parcel under consideration herein is common with the south boundary of the US Highway 40 right-of-way, and therefore meets this standard. A finding in this regard is recommended below.

COMPLIANCE WITH HAYDEN COMPREHENSIVE PLAN:

Section 7.16.020(f)(1)(iii) of the Hayden Development Code (Code) states that “[t]he reviewing authority shall review development applications for compliance with all relevant standards and criteria as set forth in the specific procedures for the particular application in [the Code]” as well as general criteria which apply including compliance “with the goals and policies of the Comprehensive Plan” (Plan). Therefore, any proposal should be considered in light of the applicable policies of the Plan. While the Plan contains numerous policies regarding land use and development, staff has selected the following checklist to highlight the policies most directly applicable to this application. Interested parties are encouraged to review the Plan to determine if there are other policies that may be applicable to the review of this application.

Chapter 5 – Implementation

Section 5.3 – Specific Policies and Actions to Implement the Policies of the Comprehensive Plan

Section 5.3.4 – Commercial

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<tr>
<th>Policies</th>
<th>Yes</th>
<th>No</th>
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<td>4.7 The Town will support locating commercial uses that primarily serve the local community … in the area both east and west of the Historic Downtown Zoning District.</td>
<td>✓</td>
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<td>A4.7 Create a US 40 Service Commercial Zoning District adjacent to the Historic Downtown Retail Zoning District along US 40 frontage to allow service-oriented business that benefit from easy auto access. Staff Comment: The 2007 Amendment to the Comprehensive Plan includes a map that designates Service Commercial districts east and west of the Central Business District, and the property under consideration herein lies within the Service Commercial district on the east side of Town.</td>
<td>✓</td>
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<td>4.10 The Town will support locating commercial uses including commercial that depends on a regional market and auto access along US 40 frontage east and west of the US 40 Service Commercial Zoning District.</td>
<td>✓</td>
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Create a US 40 Auto Oriented Commercial zoning district as shown in the Comprehensive Plan to allow service and retail commercial uses that depend on auto access such as drive thru facilities, car sales, etc. Staff Comment: The proposed use will be located in the Plan-designated Service Commercial district. The property is zoned Commercial (C).

COMPLIANCE WITH THE TOWN OF HAYDEN DEVELOPMENT CODE

While the Hayden Development Code (Code) contains numerous regulations regarding land use, staff has selected the following checklist to highlight the regulations directly applicable to this application. Interested parties are encouraged to review the Code to determine if there are other regulations that may be applicable to the review of this application.

Chapter 7.16 – Development Review Procedures

Section 7.16.020 – General Procedures and Requirements.

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<tr>
<th>Complies</th>
<th>No</th>
<th>Section</th>
<th>Standards</th>
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<td>Yes</td>
<td>No</td>
<td>c.</td>
<td>Step 3: Application Processing</td>
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<td>(2)</td>
<td>Referral to Other Agencies. Development applications may be referred to other agencies for review and comment … Referral agencies may include, but are not limited to:</td>
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<td>(i)</td>
<td>Any utility, local improvement or service district or ditch company, when applicable. Staff comment: A referral was forwarded to Hayden Public Works Department, Yampa Valley Electric Association (YVEA) and West Routt Fire Protection District on January 2, 2020. Public Works responded that water and sewer facilities exist to serve the proposed use. No other comments have been received to date.</td>
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<td>(ii)</td>
<td>The Colorado Department of Transportation when the proposed development is adjacent to or in sufficient proximity to affect a right-of-way, interchange or other facility. Staff comment: A referral was forwarded to the Colorado Department of Transportation and an access permit from the Colorado Department of Transportation will need to be obtained in compliance with CDOT standards. A condition in this regard is recommended below.</td>
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<td>(iv)</td>
<td>Any other agency concerned with a matter of area of local interest that could be affected by the application. Staff comment: A referral was forwarded to the Hayden Police Department and the Chief has stated that he will coordinate with the applicant when the local marijuana license is filed.</td>
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f. **Step 6: Review and Decision**

(3) **Findings.** The reviewing authority shall adopt written findings which document that a recommendation or decision is based upon a determination of whether the development application complies with the applicable review criteria. The written findings shall state the conditions or mitigation. *Staff comment: Recommended findings of fact and conditions are included below for the Planning Commission’s consideration.*

(4) **Conditions.** The reviewing authority may recommend approval or may approve a development application with conditions where such conditions are deemed necessary to ensure compliance with the applicable review criteria and the purpose and intent of this Development Code. Conditions shall be in written form and attached to the approved plan, plat or permit. Conditions may include specific time limits for performance of any condition. Conditions may include financial performance guarantees from the applicant where the condition requires improvements for mitigation, where deemed necessary to public health, safety or welfare or where deemed necessary to protect adjacent property or public infrastructure. Financial performance guarantees shall be in the form of an agreement which is acceptable to the Town and shall be executed by the applicant. *Staff comment: See above comment. Additionally, the applicant is proposing a fee-in-lieu for the sidewalk installation to allow for the Town to complete final design and implementation of a sidewalk project along US 40 through Town. Accepting the fee-in-lieu will assure that the installed sidewalk matches what is installed elsewhere, as well as provide some of the Town-provided financial match needed for the sidewalk project. A recommended finding and condition are included below addressing the proposed fee-in-lieu.*

### Section 7.16.100 – Site Plan.

This Section sets forth procedures and criteria for the review and approval of Site Plans.

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<th>Complies</th>
<th>Section Standards</th>
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<td>Yes</td>
<td><strong>Review Criteria.</strong> The following review criteria applies to review of Site Plans:</td>
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<td>No</td>
<td>(d) All required information is shown on the Site Plan. <em>Staff Comment: The Site Plan and accompanying information show improvements on the lot, utilities, topography, access and other features needed to demonstrate compliance with the applicable design standards.</em></td>
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|√|____|
(2) The lot size and lot dimensions are consistent with the approved Final Plat.  *Staff Comment:* The property involved is the full extents of Lot 3, Cook Minor Subdivision.

(3) No building, structures, or other improvements encroach or infringe upon any easements, including but not limited to: access, utility and drainage easements.

(4) The proposed site grading is consistent with the requirements of any applicable adopted storm drainage criteria or master drainage plans.  *Staff Comment:* The applicant proposes to grade the impervious parking areas to drain to the landscaped areas on the property.

(5) The density and dimensions of the proposed improvements conform to the zone district standards.

(c) **Duration of Approval.** An approved Site Plan shall be effective for a period of three (3) years from the date of approval, unless otherwise stated on the approved Site Plan. Building permits shall not be issued based on Site Plans that have an approved date more than three (3) years old.  *Staff Comment:* A condition is recommended below in this regard.

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**Chapter 7.24 – Development Standards**

**Section 7.24.020 – Application of Community Design Standards.**
The Planning Commission … will evaluate each proposal based on these principles and the context within which each project is located. The principles are intended to be specific enough to guide development, but not to preclude creative design solutions. Applicants must substantially conform to the design principles in this Section unless it can be demonstrated that an acceptable alternative meets one or more of the following conditions:

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<th>Complies</th>
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<td>Yes</td>
<td>(d) Strict application or unique site features make the principle impractical.  <em>Staff comment:</em> The applicant is proposing a fee-in-lieu for the sidewalk installation to allow for the Town to complete final design and implementation of a sidewalk project along US 40 through Town. Accepting the fee-in-lieu will assure that the installed sidewalk matches what is being installed elsewhere downtown, as well as provide some of the Town-provided financial match needed for the sidewalk project.  A recommended finding and condition are included below addressing the proposed fee-in-lieu.</td>
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Section 7.24.040 – Compact Urban Growth

Complies Standards
Yes No
(b) General Provisions.

√

(1) No development shall be approved unless it is located within the established Growth Management Area and is consistent with the Town Comprehensive Plan. **Staff Comment:** See analysis herein. **A recommended finding in this regard is included below.**

Section 7.24.060 – Lots and Blocks

Complies Standards
Yes No
(b) General Provisions.

√

(2) Lot dimension and configuration.

(viii) Commercial, business and industrial lot access to adjacent street.

√

(C) Driveway access to an arterial street from a commercial, business or industrial lot shall be not less than one hundred (100) feet from any intersection on the arterial street or from another commercial, business or industrial lot’s access as measured from the intersection right-of-way lines or driveways. **Staff comment:** Shelton Lane is approximately 325 feet from the driveway access for this proposal, and Maple Street is approximately 116 feet. There are no other commercial, business or industrial lot access points in this vicinity.

7.24.080 – Parking

Complies Standards
Yes No
(b) General Provisions. In all zone districts, off-street parking facilities for the storage of motor vehicles for the use of occupants, employees and patrons of the building or structures hereafter erected, altered or extended shall be provided and maintained as herein prescribed.

√

(2) Integrate parking lots with surroundings. Parking lots shall not dominate the frontage of pedestrian-oriented streets, interfere with designated pedestrian or bicycle routes, or negatively impact surrounding neighborhoods. The pedestrian character of streets and buildings shall be maximized through continuity of buildings and landscape frontage. **Staff Comment:** A 21 foot deep landscaped area
is proposed adjacent to US 40, and such meets the buffering and landscaping design standards of Section 7.24.080(4) and Section 7.24.150(c)(2)(ii)(D).

(4) **Landscaping.** Parking lots shall be landscaped, screened and buffered as provided in this Chapter.

(9) **Lighting.** All parking area lighting shall be full cutoff type fixtures. Any light used to illuminate parking areas or for any other purpose shall be so arranged as to reflect the light away from nearby residential properties, and away from the vision of passing motorists. *Staff Comment: Plans and accompany materials state that parking area lighting will be full cut-off and downcast with photocell operations.*

(c) **Paved off-street parking requirements.**

(1) Paved off-street parking shall be provided according to the minimum requirements as specified: Retail store or personal service establishment: One parking space for each two hundred square feet of gross leasable area. *Staff comment: The building is less than 1000 sq. ft. that requiring five (5) parking spaces and six (6) public spaces plus three (3) employee spaces are proposed to be provided.*

(2) Off-street parking for commercial uses shall be sufficient to provide parking for employees of all proposed uses as well as long-term customer parking. Spaces reserved for employees shall be designated as such by means of striping and signage. Parking shall be located at the rear and sides of buildings to the greatest extent possible and screen from the view of streets as provided in this Article. *Staff Comment: Three (3) employee parking spaces are proposed to be provided to the rear (alley side) of the property, and a 20+ foot deep landscape buffers the public parking area on the north (US 40) side of the property. A condition is recommended below that requires that signage be placed indicating the employee parking spaces.*

(e) **Handicap parking spaces.**

(4) Number of handicap parking spaces: Total parking spaces in lot: 1-25: 1 space required. *Staff Comment: A van accessible parking space is proposed to be provided, and such is adjacent to the proposed accessible store access.*
Section 7.24.090 – Sidewalks

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Section Standards

(b) General Provisions.

(2) Sidewalks required. In all zone districts, except for the O district, sidewalks are required along both sides of a street. 

Staff comment: The applicant is proposing a fee-in-lieu for the sidewalk installation to allow for the Town to complete final design and implementation of a sidewalk project along US 40 through Town. Accepting the fee-in-lieu will assure that the installed sidewalk matches what is installed elsewhere, as well as provide some of the Town-provided financial match needed for the sidewalk project. A recommended finding and condition are included below addressing the proposed fee-in-lieu.

Section 7.24.150 – Landscape Design

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Section Standards

(b) General Provisions. All land development applications shall be accompanied by an appropriate landscape plan … all landscaping within the community shall comply with the intent of these regulations. Staff Comment: The Site Plan indicates that the minimum standard for landscaped area is met, however there are areas outside the designated landscaping shown on the Site Plan that must also be planted and managed appropriately. A condition is recommended below stipulating that all undeveloped areas of the site must be landscaped and maintained appropriately in accordance with the applicable requirements of Section 7.24.150.

(7) Guarantee of Installation. Required landscape improvements shall be installed prior to issuance of a Certificate of Occupancy (CO) for all structures. If weather conditions prevent installation, the developer shall post a financial guarantee for the improvements. This guarantee shall be released upon completion of the installation of the landscaping. Staff Comment: A condition is recommended below that requires that the landscaping be installed prior to the issuance of any CO or a financial guarantee and associated agreement be provided.

(8) Maintenance. In order to provide for the ongoing health and appearance of landscape improvements, all landscaping shall be maintained and replaced by the landowner/occupant as necessary. All property owners/occupants shall be responsible for maintenance of
(c) **Landscaping design standards.**

(1) Landscaping within the right-of-way and required common open space. The developer or assigns shall provide:

- Arterial streets – live groundcover as appropriate to the use and function of the area, including a combination of grass, trees, flowers, paving and one shrub for every one hundred fifty (150) square feet of landscape area clustered into planting beds. Developer shall also install an automatic irrigation system for all landscaping within arterial rights-of-way. *Staff Comment:* Jefferson Avenue/US 40 is an arterial street running east-west through Town. A condition is recommended below that stipulates that a written plan for irrigation and maintenance is provided prior to the issuance of any CO.

(2) Business/commercial development landscaping standards

(4) State Highway corridor landscaping standards. The developer or assigns shall provide:

- Landscape setback to parking lots – fifteen (15) feet from arterials and other streets. The purpose of the setback is to provide a buffer between the highway and parking areas. Signage may be included in this setback. *Staff Comment:* The site plan indicates a landscaped area of twenty (20) feet between the street and the north parking area. A condition is recommended below that stipulates that a sign permit be obtained under the applicable provisions of the Development Code prior to placing any signage on the property.

(d) **Storm drainage facilities.**

(2) **General Provisions.**

(i) Landscaping associated with storm drainage facilities shall be integrated into the overall design of the project. *Staff Comment:* The applicant states that drainage will follow existing patterns and the sufficiency of the drainage area serving the parking areas will be analyzed professionally.
A condition is included below that stipulates that a grading and drainage plan be submitted that provides assurance that storm drainage into the landscaped areas is appropriately designed and in conformance with the standards and requirements of Section 7.24.150(d).

Section 7.24.160 – Buffering and Screening Techniques.

(b) Location and screening of required loading and service areas.

(1) Loading docks, solid waste facilities, recycling facilities and other service areas shall be placed to the rear or side of buildings in visually unobtrusive locations. Staff Comment: A dumpster enclosure for trash and recycling containers is proposed, and is shown to be located to the side and rear of the building. It will be accessed from the alley (rear/south) side of the property.

(d) Dumpsters

(1) Every development that is required to provide one or more dumpsters for solid waste collection shall provide sites for such dumpster that are:

(i) Located to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way. Staff Comment: The dumpster enclosure is located to the side and rear of the building in a location accessed from the alley and away from adjacent residentially zoned properties.

Section 7.24.170 – Fences and Walls.

(b) General Provisions.

(1) Compatibility. Walls and fences shall be architecturally compatible with the style, materials, and colors of the principal buildings on the same lot … A fence or wall may not consist of a solid, unbroken expanse for more than fifty (50) feet. Staff Comment: Fencing is proposed along the west line of the property. A condition is recommended below that stipulates that a fencing plan is submitted and approved prior to construction that meets the applicable standards of Section 7.24.170.

Section 7.24.220 – Lighting.

(b) General Provisions.
(3) Concealed light source. Light sources shall be concealed or shielded to the maximum extent feasible to minimize the potential for glare and unnecessary diffusion on adjacent property and away from the vision of passing motorists. All lights shall be directed downward and the light source shall be equipped with “cut-off” devices so that it will not be visible from any adjacent property and to ensure that ambient skyward light is eliminated. Accent and flagpole lighting shall be permitted to be directed upward as long as the light source is shielded and not visible from any adjacent property. Light fixtures installed under canopies, awnings, overhangs and the like shall be fully recessed. **Staff comment:** The application indicates that exterior lighting will be downcast and opaque shielded.

(4) Hours of lighting operation. All parking lot lighting fixtures and exterior building lights, except those required for security purposes, shall be extinguished within one (1) hours after the end of business hours and remain extinguished until one (1) hour prior to the beginning of business hours. If a portion of a parking lot is used after dark, only that portion shall be lights. **Staff Comment:** The application states that the parking area and exterior lighting will be run on photocells so they turn on only at dark and will be extinguished within an hour of closing nightly.

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Section 7.24.280 – Public Improvements Agreements.

(b) Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required public improvements shown in the … documents may also be required.

(d) The following improvements shall be constructed unless waived by the Council.

(4) Sidewalks. **Staff Comment:** The applicant is proposing a fee-in-lieu for the sidewalk installation to allow for the Town to complete final design and implementation of a sidewalk project along US 40 through Town. Accepting the fee-in-lieu will assure that the installed sidewalk matches what is installed elsewhere, as well as provide some of the Town-provided financial match needed for the sidewalk project. A recommended finding and condition are included below addressing the proposed fee-in-lieu.
RECOMMENDATION:

Findings of fact:

1. The location of the proposed retail marijuana store meets the standards of Chapter 5.25, Retail Marijuana Stores.
2. The property consider for development herein is located within the establish Growth Management Area consistent with the policies of the Town of Hayden’s Comprehensive Plan.
3. The proposal meets the standards of the Town of Hayden’s Development Code, is in general conformance with the intent and purpose of the Town of Hayden Comprehensive Plan and preserves the health, safety and welfare of the citizens of the Town of Hayden.
4. It is appropriate to accept fee-in-lieu for sidewalks to assure that the installed sidewalk matches what is being proposed to be installed along US 40 by the Town as well as providing a financial match needed for the US 40 sidewalk project.

Subject to the following conditions of approval:

1. The effective date of this approval is the date upon which the Planning Commission approves the application. The approval shall expire three (3) years from its effective date, unless application for a building permit is made within the term of the approval or unless application for renewal of the Site Plan approval is approved pursuant to Section 7.16.020, Hayden Development Code (HDC).
2. The store’s local and State retail marijuana licenses shall be in good standing at all times the operation is open to the public for business.
3. The hours of operation for the store shall be between the hours of 7 a.m. and 10 p.m. daily.
4. An access permit from the Colorado Department of Transportation shall be obtained in compliance with CDOT standards.
5. A fee in lieu of sidewalk construction in the amount of $6544.32 ($163.20/lf * 40.1 ft) shall be paid to the Town prior to the authorization of any building or demolition permit.
6. Signage shall be installed indicating the employee parking spaces.
7. All undeveloped areas of the site shall be landscaped and maintained appropriately in accordance with the applicable requirements of Section 7.24.150, HDC.
8. The landscaping shall be installed prior to the issuance of any Certificate of Occupancy (CO) or a financial guarantee and associated agreement shall be provided.
9. A written plan for irrigation and maintenance shall be provided prior to the issuance of any CO.
10. A sign permit shall be obtained under the applicable provisions of the Development Code prior to placing any retail signage is erected on the property.
11. A grading and drainage plan shall be submitted that provides assurance that storm drainage into the landscaped areas is appropriately designed and in conformance with the standards and requirements of Section 7.24.150(d), HDC.
12. A fencing plan shall be submitted and approved prior to the authorization of any building or demolition permit and fence construction that meets the applicable standards of Section 7.24.170, HDC.

MANAGER’S RECOMMENDATION/COMMENTS:

I concur with this recommendation.
The following is a written narrative for the proposed retail dispensary store located in Hayden, Colorado.

The proposed retail store would be located at 735 E. Jefferson Ave. There are currently two structures on the property, and the plan is to remodel the existing residential structure which currently has a footprint of 25.6 x 33.7 ft (863 square feet).

There will be a complete remodel or replacement within existing footprint of the current residential structure which will include but not limited to:

1. Entry for checking ID’s
2. Retail floor space
3. Half bathroom for employee use
4. Secured safe room which will contain:
   product storage, DVR equipment,
   a bolted down safe, owners safe,
   and office equipment.
5. Windows will be frosted for security purposes

It is important to note that this operation will comply will all Marijuana Enforcement Division regulations in terms of security plan, cameras, and overall aesthetics of the building. We have significant experience and expertise in compliance on both local and state levels at our Blue Heron dispensary located in Oak Creek, Colorado.

The Site Plan has been designed to adhere to chapter 7.24 of the Hayden development standards. Village Retail, LLC. will maintain the small-town character and feel that embodies Hayden, while vastly improving the aesthetics of our site and the Town’s commercial corridor.

The project will be a remodel or replacement of the current structure which has a footprint of 863 square feet. In order to comply with the standards of Hayden, there will be 5 parking spaces and 1 Handicap accessible space.
Mark D. Wellstone  
Village Retail LLC.  
Hayden, Colorado

(located closest to the building). There will be a handicap accessible ramp from sidewalk to front door per ADA standards. In order to encourage pedestrian and bicycle traffic village retail will provide internal sidewalks and bicycle parking (section H).

Our landscape plan includes more than 15% of the entire site. Our site plan demonstrates the required 15 ft setback from the frontage with landscaping and signage, providing a buffer between the Highway and the proposed business establishment as well as enhancing the visual aesthetics in the area. The lot has a gentle slope from HWY 40 towards the alley. Drainage will follow the existing patterns and a professional will be consulted to assess, the sufficiency of drainage area serving the onsite parking area.

Adherence to Section 7.2.4 in regard to buffering and screening techniques, demonstrated by using a combination of landscaping and fencing. All steps or ramps, landscaping, fences and walls will comply with height and other restrictions of this article. Entry, parking, pedestrian access and employee parking will be paved. All parking specs have been designed to fit with 7.24 of the town code. There will be four light poles located at each corner of the designated parking area, not exceeding 25 feet in height. All exterior lighting will be designed in a way that does not adversely affect adjacent properties. The lights will run on a photocell only turning on at dark and will be extinguished within an hour of closing nightly. The lighting will be downcast and opaquely shaded.

One sign will be located in the NE quadrant of the property within the 15 ft setback. The sign will conform nicely to the landscaping. Sign will be a green cross 4X4 complying with the town standards.

Sidewalks and potential curb and cutter are being proposed to be constructed in this area by the town in the near future. In an effort to assure integration with the Town’s proposal we offer to pay a calculated fee in lieu to the town prior to issuance of the license to operate the store.
Operations with comply with the requirements of the ordinance of No. 692 including:

1. Business hours within 7:00 am – 10:00 pm
2. Location in excess of 1,000 feet from any limiting land use
3. Located within 150 feet of a major transportation facility, i.e. US 40.

Section 7.2 4.240 speaks to impacts and nuisances. Although odor is not a typical concern with a retail marijuana store, installation of a hyper fan stealth airflow carbon filter will be part of the plan to eliminate cannabis odor. All product kept on site will be sealed in odor proof containers. An enclosed structure will be built to house a locked dumpster for all waste, and will be screened appropriately.

I have included a couple of examples to demonstrate siding options and desired overall aesthetics of the finished product whether the existing structure is remodeled or replaced.