AGENDA
HAYDEN PLANNING COMMISSION

THURSDAY, MAY 28, 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 May 14, 2020 Minutes
4. PUBLIC COMMENTS
   Citizens are invited to speak to the Planning Commission on items that are not on the agenda. There is a 3-minute time limit per person, unless otherwise noted by the Chair. Please note that no formal action will be taken on these items during this time due to the open meeting law provision; however, they may be placed on a future posted agenda if action is required.
5. OLD BUSINESS
6. NEW BUSINESS
   a. MOUNTAIN DOG CARE
      i. Public Hearing: Mountain Dog Care Kennel Conditional Use Permit & Major Site Plan at 402 Commerce Street in the Industrial (I) Zoning District
      ii. Review and Consideration for Approval of Mountain Dog Care Kennel Conditional Use Permit & Major Site Plan at 402 Commerce Street in the Industrial (I) Zoning District
   b. HAYDEN MERCANTILE LUMBER YARD
      i. Public Hearing: Hayden Mercantile Lumber Yard Conditional Use Permit & Major Site Plan at 111 N 6th Street in the Commercial (C) Zoning District
      ii. Review and Consideration for Approval of Hayden Mercantile Lumber Yard Conditional Use Permit & Major Site Plan at 111 N 6th Street in the Commercial (C) Zoning District
   c. DRY CREEK VILLAGE NORTH CONCEPTUAL PLANNED UNIT DEVELOPMENT (PUD) PLAN
      iii. Public Hearing: Dry Creek Village North Conceptual Planned Unit Development (PUD) Plan – Sage Creek Loop
      iv. Review and Consideration for Approval of Dry Creek Village North Conceptual Planned Unit Development (PUD) Plan – Sage Creek Loop
7. STAFF AND COMMISSION MEMBER REPORTS
8. ADJOURNMENT

NOTICE: Agenda is subject to change up to 24 hours before scheduled meeting. 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 7:03 p.m. Other members present were Vice Chair Amy Williams, Emily Waldron, Michelle Lewis, Tim Frentress and Melinda Dudley, Alternate. It was noted that Ms. Dudley was not a voting member this evening. Town Planner Mary Alice Page-Allen were 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**
Commissioner Waldron moved to approve the minutes for the special meeting held on April 30, 2020 as written. Commissioner Frentress seconded the motion. Motion approved unanimously.

**Public Comments**
None.

**Old Business**

**Public Hearing: Old Farm Village Subdivision Sketch Plan (TABLED FROM APRIL 30, 2020)**
Walter Magill, Four Points Surveying and Engineering, reviewed the changes to the plans made in response to the comments received at the April 30th meeting including moving the road, shifting the buildings, adding snow storage area, identifying the road area that will be dedicated to the Town, and plans for Ash and Oak Street development.

Chair Robinson reopened the public hearing at 7:10 p.m.

Beverly Raper, President, Shelton Ditch Company, stated that there are concerns with the project’s impacts to the Shelton Ditch. She stated they would like a 30 foot right-of-way for maintenance, fencing to keep children out of the ditch, and avoidance of pushing snow into the ditch. She stated that the old bridge crossing the ditch must be removed to avoid continued encroachment and specifications must be provided to the Ditch Company for any new bridges.

Jim Caulkins, 609 E Washington St, urged the Planning Commission members to come to the site to assess whether views are restricted by vegetation, noted that while Vista Verde has some similarities to this project it is 250 yards away and only a bit can be seen, and suggested that 35 foot high balloons be set out for a visualization of the view impacts. Mr. Caulkins noted that the development site experiences a 100 yard long, 30 foot wide pond.

Tom Rogalski, 641 E Washington St., stated that the project fails to respect or have regard for the E Washington St. residents, that the road being proposed is a platted alley, and that he doesn’t understand how this development can go forward. He stated that it is the Planning Commission’s job to protect those on both sides of an issue, giving a fair shake, and to ask how it could make things worse or better. He stated that this development is not fair and
is wrong from the get go, making the rest moot. Mr. Rogalski noted that there is no demonstration of mitigation with regard to the maximum height, crowding, the location of the street where the applicant should consider moving it south of the buildings. He continued stating that this proposal is a cruel use of the property and there is much more potential for the property. He stated that the Planning Commission is under no obligation to say yes, and that the E Washington St. residents were here first.

Jo Webster, 689 B E Washington St., via Zoom asked if there were still plans for development of the Maple St. road. Mary Alice replied that the revised plans do not show the road being developed with the emergency services turnaround being located within the development property.

Dallas Robinson, 300 S Spruce St., stated his biggest concern if for the residents of the Town and concern with the existing residents who have devoted their lives in the current environment. He stated that there should not be two frontages, particularly high-density frontages, and effort should be made to still have some privacy suggesting that the road be placed on the other side of the buildings. He noted concerns with drainage as water runs downhill and snow should be plowed towards the ditch not winged into fences. He stated that the development will back up to others’ backyards and they will lose all privacy, that they have invested in their homes, that the development will cause real traffic, and that the development is appalling and the impacts have not been considered. He stated that this type of development divides a community, that effort should be made to protect things and avoid trampling, and that the design should be reconsidered to avoid impacts to people and their investments, adding that development is supposed to improve not impact.

The public hearing was closed at 7:40 p.m.

Mary Alice reviewed the changes to the staff report based on the additional information supplied by the applicant and in follow-up to some of the concerns identified at the April 30th meeting. She noted the Colorado Geologic Survey Geologic Hazard Mapping information that identifies the area below the Shelton Ditch as Unstable Slope or Potentially Unstable Slope.

Ms. Raper asked about the water rights. Mary Alice referred to the information included in the staff report indicating that there are 0.2 cfs that are to be dedicated to the Town and that the project proposes only use of municipal water. Ms. Raper stated that this project does not look at the long-term effect and existing families and she is not in favor. She added that the proposed garden area will cause erosion and impacts to the ditches.
Chair Robinson asked what the plan was for addressing the ground water. David Turcotte stated that a hydrology study will be conducted as part of the next steps and the development will follow engineering guidance.

Commissioner Frentress commented that there is lots of run-off towards the ditch during a normal winter.

Ida Booco noted that the irrigation ditch drains into the lower half of the property.

Commissioner Williams asked what distance the building would be from the north line of the alley. Mary Alice replied 60 feet.

Commissioner Waldron stated such is still a minimal distance between home lot lines to beginning of structures.

Commissioner Williams stated there is some distance between the lot lines and the houses on E Washington St., and that it was appropriate to push buildings back. She stated that the Town has known this project was coming for a long time, that she disagrees with Mr. Rogalski’s comments, and there is a case to be made that a denial is potentially equivalent to a taking.

Commissioner Waldron stated that the proposed project has the wrong feel and is not in keeping with the character of the neighborhood.

Commissioner Frentress stated that three stories is too high but two stories are OK.

Commissioner Lewis stated that she respects the values and opinions expressed, but that change has to happen and help Hayden to survive. She added the density will make them affordable, bring people and support the economy. She stated that the project meets the Development Code criteria.

Chair Robinson stated that she hears what’s being said, that there should be fewer units, they should be turned around and the height should be reduced.

Commissioner Williams commented that when the issue of views comes up it is a scary matter when considering property rights and the lack of any regulatory basis to impose such standards. She continued that this development is legal and allowed, and there is no valid basis for denial. She added that just considering E Washington St. is too small to consider as the neighborhood, that this area is part of the downtown neighborhood and a variety of housing makes up the downtown. She stated that the applicant meets the Town’s guidelines and this project shouldn’t be tossed aside.
Chair Robinson noted that three stories is too high. Commissioner Williams noted that the code allows them to go to this height.

Commissioner Lewis noted that if the building was flipped the balconies would look into backyards versus looking into the open space.

Commissioner Williams stated that it is not possible to get away from being neighbors, and that reducing the buildings to two stories is potentially a taking.

Commissioner Waldron noted that the residences on E Washington St. are one-story buildings. Commissioner Williams noted that the new buildings in Dry Creek are all three-stories.

Commissioner Lewis noted that the development proposal maximizes what's allowed and complies with the Development Code criteria.

Mr. Turcotte stated that if they limited development to a few duplexes they would cost $2 million each, and affordability wouldn't be maintained. He noted that the geologic hazard information requires the development to be clustered and doing so leaves 6 acres of open space. He stated that backyard to backyard doesn't work and the development complies with the requirement to face towards open space. He continued that the project is infill and already zoned, that stripping the project of any profit is a potential taking, that the density is required to maintain affordable but it should be understood that they are making a huge investment. He added that it is their intention to provide good houses for good people, and it will be a beautiful development.

Commissioner Williams noted that the Town has expressed its preference for infill versus sprawl, so this development should come as no surprise.

Mr. Turcotte noted that the property has been for sale for ten years, and there are limits on controlling land not owned.

Commissioner Frentress asked about snow removal, and Mr. Turcotte noted the areas on the plan identified for storage.

Commissioner Williams moved to recommend approval of the Old Farm Village Sketch Plan with the findings of fact that:

1. The proposal meets the standards of the Town of Hayden's Development Code (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.

2. The proposed improvement site for the residential units is appropriate as it avoids mapped Unstable Slopes and Potentially Unstable Slope areas on the property.

3. There is a need or desirability within the community for the applicant’s development and the development will help achieve a balance of land use and/or housing types in conformance with the applicable provisions of the Town of Hayden Comprehensive Plan and Hayden Development Code.

4. The configuration of the public open space property does not allow for three hundred (300) feet of street frontage due to the property’s environmental constraints, and a waiver of such standard is appropriate.

5. Given the small acreage for dedication for school site, fee in lieu is appropriate and such shall be paid in accordance with the provisions of Section 7.24.140, Hayden Development Code.

Subject to the following conditions:

1. All setbacks be determined by an approved Site Plan, and the Applicant shall submit such Site Plan with the preliminary plan application.

2. The following shall be included with the submittal materials for Preliminary Plan consideration:
   a. A Traffic Study completed by a qualified traffic engineer with the preliminary plat submittals;
   b. An engineering report that demonstrates the adequacy of the proposed dedication of water rights for the Town to supply future water demands of the project;
   c. An engineering report that demonstrates the adequacy of the Town’s sewage treatment and collection facilities for the project;
   d. A detailed drainage analysis prepared by a qualified professional;

3. In accordance with Section 11.4, Annexation Agreement, the Developer shall pay the West Routt Fire Protection District the amount of $100.00 per residential lot/unit ($3,800) prior to recording of any Final Plat for the development.

4. Plans submitted for preliminary plan shall show privacy fencing installation along the east line of the property.
5. Elevation and unit layout plans shall be included in the preliminary plan submittal; all setbacks shall be shown or noted for review and approval.

6. The trails and the southern 4 acres shall be dedicated as public open space.

7. Oak Street and Ash Street shall be developed to access the development in accordance with the Public Works Department and Hayden Development Code requirements and meeting all other applicable standards including a looped roadway system over Oak and Ash Streets and a Fire District-compliant turnaround.

8. The right-of-way for all streets being platted must be conveyed to the Town after final acceptance unless otherwise approved by the Town. The Town Council shall determine whether the Town or a Homeowner’s Association will accept maintenance of the road right-of-way.

9. Street naming and property address numbering will be coordinated between the Applicant, Town of Hayden and Routt County.

10. All roadway improvements shall meet the standards for a Local Street as such is outlined in Section 7.24.-070(c)(i) and (iv), Local Streets.

11. Any accessible parking spaces shall be provided directly adjacent to accessible units and in accordance with the provisions of Section 7.24.080 of the Code.

12. Sidewalk plans meeting the standards of Section 7.24.090 of the Code, and any request for an exception to those standards, shall be included in the plans submitted with the preliminary plan application.

13. All infrastructure plans show that lines are located underground unless otherwise exempted by the Town Council or under the provisions of the Code.

14. The Applicant shall provide a proposal for the development and maintenance of the open space and trails acceptable to the Town.

15. The determination of the appropriate ownership structure meeting the standards of Section 7.24.120, Parks and Open Space shall be determined by the Town Council prior to the submittal of the preliminary plan application.

16. A fee-in-lieu for public school site equivalent to the standards of Section 7.24.140 shall be paid prior to the recording of the Final Plat.

Commissioner Lewis seconded the motion. Motion failed by a vote of 2 in favor, 3 opposed.

Commissioner Waldron moved to recommend denial of the Old Farm Village Sketch Plan. Commissioner Frentress seconded the motion. Motion passed by a vote of 3 in favor, 2 opposed.

New Business None.
Mary Alice Page-Allen updated the Planning Commission on current activities, and stated that there will be a Planning Commission meeting on May 28th.

Chair Robinson adjourned the meeting at 8:10 p.m.

Recorded by:

___________________________
Mary Alice Page-Allen

APPROVED THIS DAY OF MAY 28th, 2020

___________________________
Angie Robinson, Chair
Town of Hayden

Planning Commission Agenda Item

MEETING DATE: May 28, 2020

AGENDA ITEM TITLE: Public Hearing: Mountain Dog Care
Conditional Use Permit
Major Site Plan & Alternate Design Application
402 Commerce St., Hayden

AGENDA SECTION: New Business

PRESENTED BY: Mary Alice Page-Allen
Planning & Economic Development Director

APPLICANT: Zachary & Charlotte Wuestewald

CAN THIS ITEM BE RESCHEDULED: Not recommended.

ATTACHMENTS: Applicant Narrative
Site Plan

BACKGROUND REVIEW:

The Applicants are proposing to construct a new 4,800 sq. ft. building on Lot 27, Valley View Business Park, 402 Commerce Street (the “Property”) to house a small animal boarding kennel and associated operations. Additionally, there will be a second story residential unit within the footprint of the building. The Property is located in the Industrial (I) zone district, and these uses are conditionally permitted in the district.

The site is bounded on the west by Natural Path Botanicals’ processing operations building, on the north by trail/open space, Crandell Avenue and the Hayden Cemetery, and on the east and south by undeveloped industrially zoned lots within the Valley View Business Park. The site is 0.41 acres in size.

The Applicants’ operation plans include providing grooming, veterinarian care, associated retail product sales, training and both daycare and long-term small animal boarding. Kennel
operations of this type are subject to the rules and regulations outlined in the Pet Animal Care and Facilities Act (PACFA), including licensing, that is overseen by the Colorado Department of Agriculture.

The Conditional Use Permit will be considered by the Town Council subsequent to the Planning Commission’s consideration. The Major Site Plan is only reviewed by the Planning Commission. Concurrently with the Major Site Plan, the Planning Commission is considering an Alternate Design application with regard to the placement of the proposed building.

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 5.3.1 – Light Industrial

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<td>Yes</td>
<td>A3.2</td>
<td>Actively work to attract light industrial uses that create jobs through the Hayden Economic Development Commission. <em>Staff comment: This project was awarded a Business Grant by the Hayden Economic Development Commission to assist with the first steps of the construction project. As part of that application, the Applicant identified that the operation will provide employment for 3-5 persons as well as provide a location for veterinarians, groomers and trainers to provide services locally instead of having to travel outside the community to do so.</em></td>
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Chapter 6 – 2007 Amendment to Comprehensive Plan

Section 6.5 – Future Land Use Map

2. Map designations. Staff comment: The Valley View Business Park is located in a Business/Light Industrial area designated on the Future Land Use Map.

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 7.16.060 – Conditional Use.

In order to provide flexibility and to help diversify uses within a zoning district, specified uses are permitted in certain districts subject to the granting subject to the granting of a conditional use permit. Specific conditional uses for each zone district are listed in the Table of permitted and conditional uses by Zoning District. Because of their unusual or special characteristics, conditional uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process prescribed in this Section is intended to assure compatibility and harmonious development between conditional uses, surrounding properties and the Town at large. Conditional uses may be permitted subject to such conditions and limitations as the Town may prescribe to ensure that the location and operation of the conditional uses will be in accordance with the conditional use criteria. The scope and elements of any conditional use may be limited or qualified by the conditions applicable to the specific property. Where conditions cannot be devised to achieve these objectives, applications for conditional use permits shall be denied.

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(b) Review Authority. The Planning Commission shall review applications for conditional uses and shall provide a recommendation to the Council after conducting a public hearing. The Council shall render the final decision on an application for conditional uses after conducting a public hearing. Conditional uses shall be approved by resolution of the Council. Staff comment: A condition is recommended below that requires the conditional use permit shall be authorized and approved by a resolution approved by the Town Council.
(c) **Review Criteria.** The Planning Commission and Council shall use the following review criteria as the basis for recommendations and decisions on applications for conditional uses:

1. The proposed conditional use is consistent with the Comprehensive Plan and all applicable provisions of this Development Code and applicable state and federal regulations. *Staff comment: See the analysis herein. A finding in this regard is recommended below.*

2. The proposed conditional use is compatible with the purpose and intent of the zoning district in which it is located and any applicable use-specified standards in the Development Code. *Staff comment: See the analysis herein. A finding in this regard is recommended below.*

3. The proposed conditional use is compatible with adjacent uses in terms of scale, site design and operating characteristics. *Staff comment: See the analysis herein. A finding in this regard is recommended below.*

4. The proposed conditional use will not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district. *Staff comment: See the analysis herein. A finding in this regard is recommended below.*

5. The proposed conditional use will result in efficient on- and off-site traffic circulation which will not have significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site. *Staff comment: See the analysis herein. A finding in this regard is recommended below.*

6. Any significant adverse impacts (including but not limited to hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts) anticipated to result from the conditional use will be mitigated or offset to the maximum extent practicable. *Staff comment: Notice to surrounding property owners and agency referrals have not identified any issues. A review of Chapter 6, Animals, Hayden Municipal...*
Code, Animals Disturbing the Peace (6.20.010), provides that noise-related animal issues are unlawful, and a condition is included below that requires animals be contained inside the building if such standard is being violated and at all times between the hours of 8 p.m. and 7 a.m. Additionally, the analysis contained herein related to the Site Plan has identified recommended conditions of approval that mitigate potential impacts of the proposed use. A finding in regard to this standard is recommended below, as well as a condition of approval that the conditional use permit is authorized subject to the Site Plan approval conditions of approval.

(7) Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development. *Staff comment: A referral was made to local agencies. No issues were identified, and local law enforcement has identified this type of operation as something that is locally needed. Additionally, an analysis of other facilities and services is made herein. A finding in this regard is recommended below.*

(8) Adequate assurances of continuing maintenance have been provided. *Staff comment: See the analysis herein. A finding in this regard is recommended below.*

(9) The proposed conditional use meets all the applicable standards in Chapter 7.24 Development Standards. *Staff comment: See the analysis herein. A finding in this regard is recommended below.*

(d) **Authority to Impose Conditions on Permit.** The Council may approve conditional use permit that have the following conditions or limitations: The conditional use may be revocable; may be granted for a limited time period; or may be granted subject to conditions as the Council may determine appropriate to mitigate adverse impacts, promote compatibility with surrounding uses, or otherwise necessary to meet the review criteria. Conditions may include, but shall not be limited to: requiring special setbacks, open spaces, fences or walls, landscaping or screening, street dedication and improvement, regulation of vehicular access and parking, signs, illumination, hours and methods of operation, control of potential nuisances, prescription of standards for maintenance of buildings and
grounds, and prescription of development schedules. **Staff comment:** Conditions of approval are recommended below.

**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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<td><strong>Standards</strong></td>
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<td>(d)</td>
<td><strong>Review Criteria.</strong> The following review criteria applies to review of Site Plans:</td>
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<td>All required information is shown on the Site Plan. <strong>Staff Comment:</strong> The Site Plan and accompanying information show improvements on the lot needed to demonstrate compliance with the applicable design standards or Alternate Design standards.</td>
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<td>The lot size and lot dimensions are consistent with the approved Final Plat. <strong>Staff Comment:</strong> The property involved is the full extents of Lot 27, Valley View Business Park.</td>
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<td>No building, structures, or other improvements encroach or infringe upon any easements, including but not limited to: access, utility and drainage easements.</td>
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<td>The proposed site grading is consistent with the requirements of any applicable adopted storm drainage criteria or master drainage plans. <strong>Staff comment:</strong> Grading was completed when the subdivision was developed, and a drainage plan with easements was implemented as well. The site plan incorrectly shows a “utility and drainage easement” along the east line of the Property; it should be noted as a “utility and trail easement”.</td>
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<td>The density and dimensions of the proposed improvements conform to the zone district standards. <strong>Staff comment:</strong> The site plan locates the proposed building within 5 feet of the north (rear) and within 8 feet of the west (side) lot line. The Industrial (I) zone district requires that buildings have a 20-foot rear yard setback and a 15-foot side yard setback. Section 7.16.150, Alternative Design, has been considered below for this site-specific plan given the need to design the site appropriately for the proposed use in conformance with the Development Code’s Industrial Architectural Standards, e.g. placing the parking area to the side of the building, avoiding a “wall” affect along the</td>
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public rights-of-way, outdoor animal pens to the rear of the lot and away from adjacent occupancies that may be impacted.

(e) **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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**Section 7.16.150 – Alternative Design**

Alternative design is a procedure that allows development to meet the intent of the design-related provisions of this chapter through an alternative design. It is not a general waiver or weakening of regulations; rather, this application procedure permits a site-specific plan that is equal to or better than the strict application of a design standard in Chapter 7.24 of this Development Code. This procedure is not intended as a substitute for a variance or administrative modification or a vehicle for relief from standards in this Development Code. Alternative Design shall apply only to the specific site for which it is requested and does not establish a precedent for assured approval of other requests.

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<td>Yes</td>
<td>A.</td>
<td><strong>Applicability.</strong> The Alternative Design procedures shall be available for any design, development or engineering standard set forth in Chapter 7.24 Design Standards of this Development Code. <em>Staff comment: This standard is applicable to resolve setback criteria so the proposed development will better meet the Section 7.24.190 (E) Industrial Architectural Standards. As well, the type of operation will require fencing in excess of the six (6) foot height limitation.</em></td>
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<td>B.</td>
<td><strong>Review Procedures.</strong> Applications for alternative equivalent compliance shall be processed concurrently with the underlying development and application for which Alternative Design with the applicable design standards is desired and shall follow the procedures for such underlying development application. Applications for Alternative Design may be initiated by the owner of property for which Alternative Design is desired.</td>
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|          | C.      | **Review Authority.** The review authority shall be the review authority as set forth for the underlying development application. The Planning Commission shall review all Alternative Design applications that have a concurrent minor development plan application. *Staff comment: This Alternative Design is being
considered concurrently with the Major Site Plan review process overseen by the Planning Commission.

D. **Review Criteria.** The review authority shall use the following review criteria as the basis for a decision on an application for Alternative Design: **Staff comment:** Findings with regard to the applicable review criteria for this standard are included below.

1. The proposed alternative achieves the intent of the subject design or development standard to the same or better degree than the subject standard; **Staff comment:** Siting the building in the proposed manner allows the parking to be provided at the side of the building in conformance with Section 7.24.190 (E)(1)(b)(iv) and to avoid a “wall” affect along the public right-of-way of Commerce Street in conformance with Section 7.24.190(E)(1)(d)(i). Allowing fencing to exceed the six (6) foot height limitation is relevant to the proper operation and management of the proposed use.

2. The proposed alternative achieves the goals and policies of the Comprehensive Plan to the same or better degree than the subject standard; **Staff comment:** See the analysis herein.

3. The proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject standard; **Staff comment:** The implementation of this project will bring a needed service, a new business, and additional local employment to Hayden.

4. The proposed alternative imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this title. **Staff comment:** The proposed use is fully located on Lot 27, and the proposed Alternative Design locates the more potentially impactful use of the site away from other occupancies.

E. **Conditions.** The reviewing authority may recommend or impose conditions on an approval for Alternative Design provided that such conditions are related to ensuring the performance of the Alternative Design to meet or exceed the subject standard. Such conditions may include performance guarantees, required timeframes or the ability to revoke an approval for Alternative Design. **Staff comment:** No specific conditions related to the Alternative Design are proposed.
however there are specific conditions recommended related to the Site Plan.

F. **Effect of Approval.** Alternative Design shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests. *Staff comment: A finding in this regard is recommended below.*

Chapter 7.20 – Zone Districts and Official Zoning Map

Section 7.20.130 – I-1 Light Industrial District

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<td>Yes</td>
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<td><strong>Intent.</strong> This district is intended to provide locations for a variety of workplaces including light industrial uses, research and development offices and institutions. This district is also intended to accommodate secondary uses that complement and support the primary workplaces uses, such as hotels, restaurants, convenience shopping, and childcare. Additionally, this district is intended to encourage the development of planned office and business parks and to promote excellence in the design and construction of buildings, outdoor spaces, transportation facilities and streetscapes.</td>
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| Yes      | (D)     | **Conditional uses.** Permitted conditional uses in the I-1 District shall be as follows:  
1. Accessory dwelling when associated with a permitted use.  
26. Small animal boarding (kennels)  
*Staff comment: The scope of uses under this proposal conform to these conditionally permitted uses.* |

Chapter 7.24 – Development Standards

7.24.080 – Parking

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<th>Section</th>
<th>Standards</th>
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<tbody>
<tr>
<td>Yes</td>
<td>(B)</td>
<td><strong>General Provisions.</strong> 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.</td>
</tr>
</tbody>
</table>
3. **Location.** Parking lots shall be located to the rear or side of buildings or in the interior of a block whenever possible. *Staff comment: The proposed parking lot is located to the side of the building.*

6. **Off-Street Parking Design.** Any off-street parking area shall be designed so that vehicles may exit without backing onto a public street unless no other practical alternative is available. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility or other structure. *Staff comment: The parking lot design meets this standard.*

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: A condition is recommended below that requires all exterior lighting shall be downcast and opaquely shielded and that parking area lighting shall be full cutoff type fixtures.*

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

(1) Paved off-street parking shall be provided according to the minimum requirements as specified: Business park/industrial: 1 space each for the maximum number of employees present at any one time plus space to accommodate all trucks and other vehicles used in connection with the facility *Staff comment: It is anticipated that there will be 3-5 employees total over various shifts plus a resident in the on-site apartment. Seven (7) parking stalls are provided.*

(e) **Handicap parking spaces.**

(4) Number of handicap parking spaces: Total parking spaces in lot: 1-25: 1 space required. *Staff Comment: One (1) accessible parking space is provided in proximity to the entrance to the stores.*
Section 7.24.090 – Sidewalks

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<th>Complies</th>
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<tbody>
<tr>
<td>Yes</td>
<td>2.</td>
<td>Sidewalks Required. In all zone districts, except for the O district, sidewalks are required along both sides of a street. Within the O district, sidewalks are required along one side of the street unless the development is served by rural streets. <strong>Staff comment:</strong> Sidewalks have not been required in the Valley View Business Park in accordance with this standard, and a finding that such in not required for this proposal is recommended below. However, there are trail connections to the exterior of the Business Park and one of them runs along the east line of the Property. A condition is recommended below that the Site Plan be modified to show the construction of a 10 foot wide soft surface trail connecting from Commerce Street to the trail/walkway located in Open Space A, Valley View Business Park.</td>
</tr>
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Section 7.24.150 – Landscape Design

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<th>Complies</th>
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<th>Standards</th>
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<tr>
<td>Yes</td>
<td>(b)</td>
<td>General Provisions. All land development applications shall be accompanied by an appropriate landscape plan … [a]ll landscaping within the community shall comply with the intent of these regulations. <strong>Staff Comment:</strong> A condition is recommended below that requires that a landscape plan for 15% of the site and meeting the other applicable standards of this Section 7.24.150 be submitted and approved by the Planning Director prior to or at the time of the building permit application.</td>
</tr>
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Chapter 7.24.170 – Fences and Walls

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<th>Complies</th>
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<th>Standards</th>
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<tr>
<td>Yes</td>
<td>5.</td>
<td>Height Limitations. Fences or walls shall be:</td>
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<td>No</td>
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<td></td>
<td>f.</td>
<td>In the Industrial (I-1 and I-2) zone districts, a chain link fence may be permitted so long as it is not higher than six (6) feet anywhere on the premises and the visibility at the intersection and from public ways meet the requirements of this article. <strong>Staff comment:</strong> In this instance, the specific use will likely require</td>
</tr>
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fence heights in excess of six (6) feet to properly operate and manage the site. A finding that this is acceptable under the Alternate Design standards is recommended below.

Chapter 7.24.190 – Commercial and Industrial Architecture

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<th>Complies</th>
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<th>Standards</th>
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<tbody>
<tr>
<td>E.</td>
<td>Industrial (I-1 and I-2) Architectural Standards.</td>
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<tr>
<td></td>
<td>1. Intent. Industrial uses shall provide the opportunity to develop industrial facilities and business parks. In addition, the following standards shall apply:</td>
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<td></td>
<td>a. A building’s special architectural features and treatments shall not be restricted to a single façade. All sides of a building open to view by the public, when viewed from public right-of-way shall display a similar level of quality and architectural interest. Staff comment: Elevation plans have not been provided with the site plan. A condition is recommended below that requires that the building meet the standards of this section.</td>
<td></td>
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<tr>
<td></td>
<td>b. Building massing and form. Staff comment: Elevation plans have not been provided with the site plan. A condition is recommended below that requires that the building meet the standards of this section.</td>
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<tr>
<td></td>
<td>i. Office and entry spaces shall be distinguished from the building mass.</td>
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<td>ii. Large, square, “box-like” structures are prohibited. Architectural elements with smaller forms stepping outwards and down are permissible.</td>
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<td>iii. Loading areas shall not front any street or public right-of-way.</td>
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<td></td>
<td>c. Wall articulation. Walls shall not have an uninterrupted length exceeding fifty (50) feet. Pilasters, texture transitions, windows and/or stepping of the wall plane are required. Staff comment: Elevation plans have not been provided with the site plan. A condition is recommended below that requires that the building meet the standards of this section.</td>
<td></td>
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</tbody>
</table>
d. Siting structures.

i. Structures shall be sited to avoid a “wall” affect along public rights-of-way and along adjacent property lines. This can be achieved by varying the building setbacks and clustering buildings. Staff comment: See comments under Alternative Design analysis.

RECOMMENDATION:

Conditional Use Permit

Findings of fact:

1. The proposed conditional use is consistent with the Comprehensive Plan and all applicable provisions of this Development Code and applicable state and federal regulations.
2. The proposed conditional use is consistent with the purpose and intent of the I-1 Industrial zone district and any applicable use-specific standards in the Development Code.
3. The proposed conditional use is compatible with adjacent uses in terms of scale, site design and operating characteristics.
4. The proposed conditional use will not substantially alter the basic character of the I-1 Industrial zone district or jeopardize the development or redevelopment potential of the I-1 Industrial zone district.
5. The proposed conditional use will result in efficient on- and off-site traffic circulation which will not have significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.
6. Any significant adverse impacts anticipated to result from the conditional use have been or will be mitigated or offset to the maximum extent practicable.
7. Facilities and services are or will be available to serve the subject property while maintaining adequate levels of service for existing development.
8. Adequate assurances of continuing maintenance have been provided.
9. The proposed conditional use meets all the applicable standards in Chapter 7.24 Development Standards.

Subject to the following conditions of approval:

1. The conditional use permit shall be authorized and approved by a resolution approved by the Town Council.
2. The operation shall comply with all applicable local and state laws, regulations and requirements at all times.
3. To assure compliance with the applicable standards of Section 6.20.010, Animals Disturbing the Peace – Unlawful, Hayden Municipal Code, any animal who may be considered as disturbing the peace shall be contained inside the building and all animals shall be contained inside the building between the hours of 8 p.m. and 7 a.m. except when under the direct control of their owner or an employee of the kennel operation.

4. The conditional use permit shall be authorized subject to the Site Plan approval conditions of approval for the Hayden Mercantile lumber yard.

**Major Site Plan**

Findings of fact:

1. 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.

2. 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.

3. With regard to the building setbacks and fence heights, the Alternative Design achieves the intent of the subject design or development standard to the same or better degree than the typical standards, achieves the goals and policies of the Comprehensive Plan to the same or better degree than the typical standards, results in benefits to the community that are equivalent to or better than compliance with the typical standards, and imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of the Development Code. This Alternative Design approval only applies to this specific site and proposal and shall not establish a precedent for approval of other requests.

4. As sidewalks were not been required in the interior of the Valley View Business Park, the waiver of the requirement that sidewalks be constructed is appropriate.

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 a building permit has been issued or an application for renewal of the Site Plan approval is approved pursuant to Section 7.16.020, Hayden Development Code (HDC).

2. All exterior lighting shall be downcast and opaquely shielded and any lighting within the parking area shall be full cutoff type fixtures and not exceed 25 feet in height.

3. The Site Plan shall be modified to show the construction of a 10 foot wide soft surface trail connecting Commerce Street to the trail/walkway located in Open Space A, Valley View Business Park and such shall be installed prior to the authorization of a Certificate of Occupancy for the building. This condition shall not preclude the issuance of a Temporary Certificate of Occupancy.
4. A landscape plan for a minimum of 15% of the site and meeting the other applicable standards of Section 7.24.150, Landscaping, HDC, shall be submitted and approved by the Planning Director prior to or at the time of the building permit application.

5. The building shall meet the standards of Section 7.24.190(E), Industrial (I-1 and I-2) Architectural Standards, as determined by the Planning Director at the time of review of the building permit submittals.

**MANAGER’S RECOMMENDATION/COMMENTS:** I concur with this recommendation.
MOUNTAIN DOG CARE

My wife and I are venturing into the animal care industry starting this summer. Mountain Dog Care facility will primarily be a dog care facility, offering both daycare and long term stays. Along with the housing of pets we are also going to have grooming, veterinarian care, retail, and training. We will offer both professional grooming as well as a public dog wash. Mountain Dog Care is in the process of networking with a few local vets to have them work remotely from our location a few days per month to offer vaccines and general checkups for your pets. We have a local dog trainer who will have an office in the facility and be able to do individual and group training sessions.

We intend to employ 3-5 employees as soon as we can open with the possibility of more as we grow our business. We hope to have the business up and running by the end of 2020. We believe we will be an asset to our community in several ways, new jobs, added sales taxes, and bringing new amenities to Hayden. Currently pet owners have to travel to surrounding towns for any of the services we will be providing. Hopefully we will also be able to attract business from out of town clients.

We purchased lot 27 in the industrial park last fall and are preparing to break ground early this summer. We are planning for a 40x120 steel building with interior kennels, offices, and spaces for all of our offerings. We are also including a small 1 bedroom apartment to offer incentive for our workforce who may struggle to find affordable local housing. Rental income on this rental space will also help offset the overall profit and loss of the business. This project will be an investment on our behalf of an estimated $700,000 and we are applying for this grant towards the initial phases of construction, excavation and concrete. We are close on final budgets and plan to apply for a building permit in the next 30 days and break ground as soon as possible with completion of construction by end of 2020.

Estimated Initial project costs

Excavation - $28,750  
Concrete - $40,000  
Total - $68,750

Thank you for your consideration.

Zach Wuestewald  
Mountain Dog Care  
605-695-9569
Town of Hayden

Planning Commission Agenda Item

MEETING DATE: May 28, 2020

AGENDA ITEM TITLE: Public Hearing: Hayden Mercantile Lumber Yard Conditional Use Permit & Major Site Plan 111 N 6th St., Hayden

AGENDA SECTION: New Business

PRESENTED BY: Mary Alice Page-Allen Planning & Economic Development Director

APPLICANT: Danny Hayden

CAN THIS ITEM BE RESCHEDULED: Not recommended.

ATTACHMENTS: Applicant Narrative Floodplain Firmette Site & Lumber Rack Plans

BACKGROUND REVIEW:

The Applicant is proposing to expand the current operations at the Hayden Mercantile/Ace Hardware operation to include lumber and building materials sales. An exterior lumber supply yard is proposed to be located on the west side of the existing structure currently housing the Hayden Mercantile and Ace Hardware businesses. The property has Commercial (C) zoning, and supply yard establishments with outdoor storage are conditionally permitted in the district.

The site is bounded on the west by Dry Creek, on the north by a parcel owned by the Town of Hayden that extends west from W Lincoln Avenue, 6th Street on the east and the Mountain Valley Bank parcel to the south. The 1.73 acre (75,449 sq. ft.) lot has an existing 11,652 sq. ft. grocery store and a 4,550 sq. ft. hardware store located on it. There is an existing 575 sq. ft. canopied storage area attached to the south side of the hardware store. The east side of the property is devoted to customer/employee parking areas and service/delivery access.
Access to the lumber yard area will come from the north will be via the W Lincoln Avenue extension or from the south through the parking lot and via the common ingress and egress easement serving both lots in the B&A Holdings Minor Subdivision. Almost the entirety of the site is designated as Zone AE Floodplain, however the lumber yard development avoids any impacts to the floodway or flood control berm area east of Dry Creek. As well, racks will be located outside of the platted 20-foot utility easement bisecting the lot from north to south.

**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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<th>Complies</th>
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<th>Policies</th>
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<tr>
<td>Yes</td>
<td>4.7</td>
<td>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. <em>Staff comment: This property is located in the auto-oriented commercial area on the west end of Town.</em></td>
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**Section 5.3.16 – Floodplains and Drainage**

| | 16.2 | The Town’s policy is to discourage any development within active drainage ways and the 100-year floodplain. Exceptions can be made for uses compatible with periodic flooding such as trail systems, golf courses and other public or private uses that will permit the free passage of floodwaters. *Staff comment: The proposed development is located on property in Zone AE 100-year floodplain. There is a constructed floodwall east of Dry Creek, and the installation of the lumber racks and finish |
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grading will not impair any passage of floodwaters in the event of flooding. The lumber racks will need to be adequately anchored to assure they are secure in the event of flooding, and a condition in this regard is noted below.

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 7.16.060 – Conditional Use.
In order to provide flexibility and to help diversify uses within a zoning district, specified uses are permitted in certain districts subject to the granting subject to the granting of a conditional use permit. Specific conditional uses for each zone district are listed in the Table of permitted and conditional uses by Zoning District. Because of their unusual or special characteristics, conditional uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process prescribed in this Section is intended to assure compatibility and harmonious development between conditional uses, surrounding properties and the Town at large. Conditional uses may be permitted subject to such conditions and limitations as the Town may prescribe to ensure that the location and operation of the conditional uses will be in accordance with the conditional use criteria. The scope and elements of any conditional use may be limited or qualified by the conditions applicable to the specific property. Where conditions cannot be devised to achieve these objectives, applications for conditional use permits shall be denied.

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<tr>
<td>Yes</td>
<td>(b) Review Authority. The Planning Commission shall review applications for conditional uses and shall provide a recommendation to the Council after conducting a public hearing. The Council shall render the final decision on an application for conditional uses after conducting a public hearing. Conditional uses shall be approved by resolution of the Council. Staff comment: A condition is recommended below that requires the conditional use permit shall be authorized and approved by a resolution approved by the Town Council.</td>
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| (c) Review Criteria. The Planning Commission and Council shall use the following review criteria as the basis for |
recommendations and decisions on applications for conditional uses:

(1) The proposed conditional use is consistent with the Comprehensive Plan and all applicable provisions of this Development Code and applicable state and federal regulations. **Staff comment:** See the analysis herein. A finding is this regard is recommended below.

(2) The proposed conditional use is compatible with the purpose and intent of the zoning district in which it is located and any applicable use-specified standards in the Development Code. **Staff comment:** See the analysis herein. A finding in this regard is recommended below.

(3) The proposed conditional use is compatible with adjacent uses in terms of scale, site design and operating characteristics. **Staff comment:** See the analysis herein. A finding in this regard is recommended below.

(4) The proposed conditional use will not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district. **Staff comment:** See the analysis herein. A finding in this regard is recommended below.

(5) The proposed conditional use will result in efficient on- and off-site traffic circulation which will not have significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site. **Staff comment:** See the analysis herein. A finding in this regard is recommended below.

(6) Any significant adverse impacts (including but not limited to hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts) anticipated to result from the conditional use will be mitigated or offset to the maximum extent practicable. **Staff comment:** Notice to surrounding property owners and agency referrals have not identified any issues. The analysis contained herein related to the Site Plan has identified several recommended conditions of approval that mitigate potential impacts of the proposed use. A finding in regard to this standard is recommended below, as well as a condition of approval that the conditional use permit is
Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development. **Staff comment:** A referral was made to local agencies. Public Works identified the need to upgrade the drainage inlet at the northeast corner of the property to assure an adequate access pathway is maintained, and a condition in this regard is included below as it relates to the Site Plan. No other issues were identified. Additionally, an analysis of other facilities and services is made herein. A finding in this regard is recommended below.

Adequate assurances of continuing maintenance have been provided. **Staff comment:** See the analysis herein. A finding in this regard is recommended below.

The proposed conditional use meets all the applicable standards in Chapter 7.24 Development Standards. **Staff comment:** See the analysis herein. A finding in this regard is recommended below.

**Authority to Impose Conditions on Permit.** The Council may approve conditional use permit that have the following conditions or limitations: The conditional use may be revocable; may be granted for a limited time period; or may be granted subject to conditions as the Council may determine appropriate to mitigate adverse impacts, promote compatibility with surrounding uses, or otherwise necessary to meet the review criteria. Conditions may include, but shall not be limited to: requiring special setbacks, open spaces, fences or walls, landscaping or screening, street dedication and improvement, regulation of vehicular access and parking, signs, illumination, hours and methods of operation, control of potential nuisances, prescription of standards for maintenance of buildings and grounds, and prescription of development schedules. **Staff comment:** Conditions of approval are recommended below.
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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<tr>
<td>Yes  No</td>
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<td>(d) Review Criteria. The following review criteria applies to review of Site Plans:</td>
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<td>(1) All required information is shown on the Site Plan. <em>Staff Comment: The Site Plan and accompanying information show improvements on the lot needed to demonstrate compliance with the applicable design standards.</em></td>
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<td>√   No</td>
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<td>(2) The lot size and lot dimensions are consistent with the approved Final Plat. <em>Staff Comment: The property involved is the full extents of Lot 1, B&amp;A Holdings Minor Subdivision.</em></td>
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<tr>
<td>√   No</td>
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<td>(3) No building, structures, or other improvements encroach or infringe upon any easements, including but not limited to: access, utility and drainage easements.</td>
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<td>√   No</td>
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<td>(4) The proposed site grading is consistent with the requirements of any applicable adopted storm drainage criteria or master drainage plans.</td>
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<td>√   No</td>
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<td>(5) The density and dimensions of the proposed improvements conform to the zone district standards.</td>
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<td>√   No</td>
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<td>(e) <strong>Duration of Approval.</strong> 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. <em>Staff Comment: A condition is recommended below in this regard.</em></td>
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Chapter 7.20 – Zone Districts and Official Zoning Map

Section 7.20.120 – C Commercial District

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<tr>
<td>Yes  No</td>
<td>(a) Intent. The C: Commercial District is intended to support current residential land uses, redevelopment of existing commercial properties, and the development of new mixed use, retail, service and related development projects. This district supports auto-oriented and auto-dependent uses as well as uses</td>
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which provide a wide range of general retail goods and services for residents of [the] community. This C: Commercial zone includes lands within Hayden that are both open developed lands, and small parcels nestled within thriving residential areas. Proposals for development in this zone district must meet all design standards in the Development Code in order to mitigate impact on these residential areas. While commercial and mixed uses are encouraged across this zone district, those uses cannot negatively impact the nearby properties that wish to remain in residential use.

(C) Conditional uses. Permitted conditional uses in the C District shall be as follows:
1. Retail and supply yard establishments with outdoor storage
   
   Staff comment: The scope of uses under this proposal conform to these conditionally permitted uses.

Chapter 7.24 – Development Standards

7.24.080 – Parking

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<tr>
<td>Yes</td>
<td>(B)</td>
<td>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.</td>
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| √       | (7)     | Circulation Area Design. Circulation areas shall be designed to facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area. Staff comment: The site plan shows that the lumber yard activities are located away from the car parking areas and plans for adequate circulation to access the area. |

| √       | (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: There are fifty-two (52) existing paved parking spaces serving the existing structure, and no new building(s) are proposed that would
require additional parking calculations. Eighty-one (81) spaces would be required under this standard if the existing buildings were being constructed today. A finding is included below that the existing non-conforming parking area is sufficient for the uses currently located and proposed on this property.

(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.

(e) **Handicap parking spaces.**

(4) Number of handicap parking spaces: Total parking spaces in lot: 1-25: 1 space required. *Staff Comment: Three accessible parking spaces are provided in proximity to the entrance to the stores.*

### Section 7.24.150 – Landscape Design

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<th>Complies</th>
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<th>Standards</th>
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<tbody>
<tr>
<td>Yes</td>
<td>Yes</td>
<td>(b) <strong>General Provisions.</strong> All land development applications shall be accompanied by an appropriate landscape plan … [a]ll landscaping within the community shall comply with the intent of these regulations. <em>Staff Comment: There are existing landscaped areas adjacent to the grocery store, between lots, adjacent to Dry Creek.</em></td>
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### Chapter 7.32 – Flood Regulations

#### 7.32.040 – Methods of Reducing Flood Losses

In order to accomplish its purposes, this chapter uses the following methods:

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<td>Yes</td>
<td>Yes</td>
<td>(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. *Staff comment: A condition is recommended below that all racks and other equipment related</td>
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to the lumber yard use be properly anchored to avoid floatation during a flood event.

RECOMMENDATION:

Conditional Use Permit

Findings of fact:

1. The proposed conditional use is consistent with the Comprehensive Plan and all applicable provisions of this Development Code and applicable state and federal regulations.
2. The proposed conditional use is consistent with the purpose and intent of the C: Commercial zone district and any applicable use-specific standards in the Development Code.
3. The proposed conditional use is compatible with adjacent uses in terms of scale, site design and operating characteristics.
4. The proposed conditional use will not substantially alter the basic character of the C: Commercial zone district or jeopardize the development or redevelopment potential of the C: Commercial zone district.
5. The proposed conditional use will result in efficient on- and off-site traffic circulation which will not have significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.
6. Any significant adverse impacts anticipated to result from the conditional use have been or will be mitigated or offset to the maximum extent practicable.
7. Facilities and services are or will be available to serve the subject property while maintaining adequate levels of service for existing development.
8. Adequate assurances of continuing maintenance have been provided.
9. The proposed conditional use meets all the applicable standards in Chapter 7.24 Development Standards.

Subject to the following conditions of approval:

1. The conditional use permit shall be authorized and approved by a resolution approved by the Town Council.
2. The conditional use permit shall be authorized subject to the Site Plan approval conditions of approval for the Hayden Mercantile lumber yard.
**Major Site Plan**

Findings of fact:

1. 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.
2. 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.
3. The existing non-conforming parking area is sufficient for the uses currently located and proposed on this property.

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 renewal of the Site Plan approval is approved pursuant to Section 7.16.020, Hayden Development Code (HDC).
2. All racks and other equipment related to the lumber yard use shall be properly anchored to avoid floatation during a flood event. If required, a building permit related to the anchoring method, shall be obtained.
3. The drainage inlet at the northeast corner of the property shall be upgraded to meet the specifications of the Hayden Public Works Department to assure an adequate access pathway is maintained.

**MANAGER’S RECOMMENDATION/COMMENTS:** I concur with this recommendation.
Attached to the long standing Hayden Mercantile, the Hayden Ace Hardware was constructed and opened in 2018. Since then, the business has grown and the owners now see an opportunity to meet a growing need for common building materials, such as 2x lumber, sheet goods, etc.

Since it would be space and cost prohibitive to store these materials inside, an exterior lumber yard is being proposed for the west side of the existing structure housing the Mercantile and Ace businesses. A minor access road will connect the existing parking lot that primarily is used for employees, then loop around to the main customer parking lot that connects to the bank parking lot, identified as LOT 2 on the attached site plan. This access road will be used by employees to use equipment to off load deliveries to then move back to the lumber yard, then upon purchase, move purchased materials back to the parking lot for customer pick up.

The lumber yard would be comprised of pre-manufactured steel rack, which would be located outside the floodway and flood plan, and structurally anchored to concrete piers.

This usage is consistent with the current use of the site and will not negatively affect any surrounding businesses or property owners. It is in character with the current Commercial zoning of the property and will provide a positive commercial opportunity for the town and the business owner.

Sincerely,

Wendy Lind

Axial Arts Architecture
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/20/2020 at 11:43:02 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.
NO SIDEWALK EXISTS. PEDESTRIANS CURRENTLY WALK ON DIRT PATH.

EXISTING FIRE HYDRANT (APPROX. LOCATION SHOWN, LOCATED ADJACENT TO POST OFFICE SIGN).

EXISTING "CURB" CUT (NO CURB EXISTS).
MAX Load per arm: 2952.0 lbs

IN THE DRAWING:

QUOTATION

INDEX DATE CHECKED DRAWN

RELEASE

INTERLAKE MECALUX Inc.

Date: 04/24/2020

Drawn by: A. Cunningham

To System and Measures in the Drawing:

This drawing is the property of MECALUX S.A. It must not be copied without written consent and must be returned on request. The information shown on it is to be regarded as confidential and must not be disclosed to any third party.
Plan Review Comments for Application Hayden Planning for Ace Hardware

Date: 05/22/2020

Subject Property Address: 111 North 6th
Project Name: Hayden Ace Hardware Lumberyard Area
Applicant: Hayden Ace Hardware

Dear Applicant,

The Routt County Regional Building Department has provided the following Plan Review Comments for your application with the Routt County Planning Department.

1. This application is being reviewed under the 2015 ICC Building Codes and the 2017 NEC State Adopted Electrical Code.

2. The Building Department would simple remind the applicant that a building permit will be required for the outdoor storage racks per the 2015 IBC. We suggest having your Engineer or manufactures Engineer review or local climate and seismic zone information along with a past Soils Report you would have on file from the time your building was constructed. This information will assist the Engineer in preparing a design that will adhere to our local conditions.

3. Mary Alice Page-Allen with the Town of Hayden also mentioned this property lies with a Flood Hazzard area, the 2015 IBC has specific design standards your Engineer of Record will want to review to ensure the design meets any applicable code requirement related to this Appendix section within the IBC.

The Building Department is willing to meet in advance of the Permit Application submittal to discuss any design questions or concerns to help the professional and owner save time on the design. We look forward to working with you on this project and appreciate your time in reading this letter.

Sincerely,

Todd Carr, Building Official
Town of Hayden

Planning Commission Agenda Item

MEETING DATE: May 28, 2020

AGENDA ITEM TITLE: Public Hearing: Dry Creek Village North Preliminary Planned Unit Development (PUD) Plan

AGENDA SECTION: New Business

PRESENTED BY: Mary Alice Page-Allen Planning & Economic Development Director

APPLICANT: Damon Hill, Falcon Logistics Corp.

CAN THIS ITEM BE RESCHEDULED: Not recommended.

ATTACHMENTS: Applicant Narrative
Proposed PUD Overlay Concept Plan (1 page)
Building Concept Plans – Downslope & Level (7 pages)
Building Concept Plans – Upslope (3 pages)
Hillhouse Plan – Senior Group Home (1 page)
Frank Case, Public Works, Email & Wtr/Swr Plan, 5/20/20
Jerry Robison, Orchard Mesa Estates, Email, 5/25/20
Preliminary Plat Drawings, 7/15/2005 (10 pages)

BACKGROUND REVIEW:

The Applicant is proposing to place a Planned Unit Development (PUD) Plan overlay on a 12.8-acre portion of the unplatted Dry Creek Village development property. The Property is located at the southeast edge of Town, accessed via Hawthorne St/CR37 and the east leg of the Hayden Parkway, and lies directly south of the Valley View Business Park.

Begun in 2005, Dry Creek Village Subdivision (Subdivision) consists of 47.18 acres. After receiving Preliminary Plat approval from the Town, the initial 2008 final plat filing laid out 54 building lots on the southernmost 16.3 acres, with the remaining 30.9 acres (Parcel A) held for future development. To date, just under 30 homes have been built on the platted lots, and the
remaining property remains undeveloped. Some of the infrastructure was built and associated
 easements platted on Parcel A. Parcel A has since been divided, with 18.1 acres currently held
 by Orchard Mesa Estates I, LP, one of the original development partners (Orchard Mesa), and
 the 12.8 acres that is the subject of this proposal (Property) held by Falcon Logistics Corp.

The Applicant is seeking approval of a Preliminary PUD that would allow the Property to be
developed for 35 twin homes (70 residential dwellings), 7 four-plexes (28 residential dwellings),
1 tri-plex (3 residential dwellings), and 1 senior residential group home for a total of 102
residential dwelling units. The parcel is within the Residential Low Density (RLD) zone district,
and earmarked in the Hayden Comprehensive Plan for Medium Density Residential defined as
over 6 and up to 8 units per acre. The proposed density calculation is 7.96 residential units per
acre or 5,472 sq. ft. (gross) per residential unit. Of note, the Applicant is also requesting an
exception to the PUD standard that requires a minimum of 35 acres for eligibility under the
Development Code’s criteria for PUDs.

At the time the Subdivision was annexed, the Annexation Agreement (Agreement) anticipated
the potential for future filings and increased density. The Preliminary Plat is cited as being the
Master Development Plan (MDP) for the Subdivision, though there are provisions in the
Agreement that the MDP is to be updated at the time of review of each plat filing as such may be
necessary. The Agreement also contains provisions for fee-in-lieu to be paid for parks/open
space, schools and urban services, and includes the basis for their calculation. There are some
additional agreements that address the Subdivision-related improvements and reimbursements
between the Town and the developer that remain intact. While there will be a need for additional
or revised documentation, as well as engineering and the review/development of construction
level drawings for the extension and construction of infrastructure that was not completed at the
time of Filing No. 1, this can be handled prior to or in conjunction with the next steps of Final
PUD and Final Plat for this second phase of development. This request is mainly to explore the
concept of developing different types and diversity of housing under the Town’s PUD
provisions.

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 5.3.1 – Comprehensive Plan

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<tr>
<td>Yes</td>
<td>1.3</td>
<td>New development shall demonstrate that adequate public facilities are available to serve its needs. <em>Staff comment: The Preliminary Plat for this acreage anticipated 49 single family lots. This proposal effectively doubles the number of dwelling units. A condition is recommended below that requires the analysis of water, sewer, roads and other infrastructure serving the development is adequate to meet the needs of the development including the anticipated 50 units on the property owned by Orchard Mesa within the remainder of Parcel A.</em></td>
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Section 5.3.7 – Parks, Trails and Recreation

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<td>Yes</td>
<td>7.2</td>
<td>New development shall provide neighborhood park facilities or impact fees-in-lieu to meet the demand created by the residents of the development. <em>Staff comment: The Annexation Agreement contains requirements for the payment of fees-in-lieu for parks/open space, schools and urban services. These calculations should be revisited to assure they remain valid in light of the additional number of residential units being proposed under this application. A condition in this regard is recommended below.</em></td>
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Section 5.3.10 – Water and Land Use

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<td>Yes</td>
<td>10.2</td>
<td>The Town shall only allow development that can demonstrate [there is] adequate infrastructure (service lines, water treatment, etc.) to deliver water to new development without negatively impacting existing users within Town. <em>Staff comment: See comment at Section 1.3 above.</em></td>
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Section 5.3.10 – Wastewater and Land Use

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<td>Yes</td>
<td>11.2</td>
<td>Any new development must demonstrate adequate sewage treatment and sewer line capacity from the proposed development to the sewage treatment plant. <strong>Staff comment:</strong> See comment at Section 1.3 above.</td>
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<td>Yes</td>
<td>11.4</td>
<td>In the layout and design of new developments, adequate drainage ways and erosion protection should be provided. <strong>Staff comment:</strong> A drainage plan was reviewed at the time of Preliminary Plat approval. Any Final Plat will need to conform to the drainage plan or be revised by a qualified professional to assure adequate drainage measures are provided.</td>
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Section 5.3.16 – Floodplains and Drainage

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<td>Yes</td>
<td>16.4</td>
<td>Any new development must demonstrate adequate drainage ways and erosion protection should be provided. <strong>Staff comment:</strong> A drainage plan was reviewed at the time of Preliminary Plat approval. Any Final Plat will need to conform to the drainage plan or be revised by a qualified professional to assure adequate drainage measures are provided.</td>
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Chapter 6 – 2007 Amendment to Comprehensive Plan

Section 6.4 – Land Use Densities

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<td>Yes</td>
<td>1</td>
<td><strong>Average Densities.</strong> Each residential land use category has a range of densities listed below. These ranges are intended to be firm guides for the number of residential units allowed on a parcel of land. For example, an LDR: Low Density Residential project on 10 acres of land could have between 11 and 59 units on the property and match the Comprehensive Plan land use designation.</td>
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Average (gross) densities for the various residential land uses are shown below:

**MDR:** Medium Density Residential = over 6 and up to 8 units/acre

**Staff comment:** The proposed PUD is located within a designated Medium Density Residential area on the Future Land Use Map and would have 7.96 units per acre.
Mix of Residential Types. The Town of Hayden specifically encourages a mix of housing types within land use areas. The combination of single-family, duplex and condo or townhome residences on a parcel of land and meeting the gross densities listed above will help develop neighborhoods that support a mix of families, ages and economic situations. Staff comment: The proposed PUD will provide townhomes/twinhomes, tri-plex and four-plex residences and a senior group home adjacent to Dry Creek Village Filing No. 1, a development of single-family residences.

Section 6.5 – Future Land Use Map

Map designations. Staff comment: This property is identified as Medium Density Residential on the Future Land Use Map.

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 7.16.080 – Planned Unit Development.

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<td>Yes</td>
<td>A. Purpose. This Section is intended to allow flexible development patterns that are not specifically provided for in this Development Code. It is the purpose of this section:</td>
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<td>1. To promote and permit flexibility that will encourage innovative and imaginative approaches in land development and renewal that will result in a more efficient, aesthetic, desirable and economic use of land while maintaining density and intensity of use consistent with the applicable adopted plans, regulations and policies of the Town; Staff comment: See analysis contained herein.</td>
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<td>2. To promote development within the Town that can be conveniently, efficiently and economically served by existing</td>
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local utilities and services or by their logical extension; \textit{Staff comment: See analysis contained herein.}

3. To promote design flexibility, including placement of buildings, use of open space, pedestrian and vehicular circulation systems to and through the site and off-street parking areas in a manner that will best utilize potential on-site characteristics such as topography, geology, geography, size and proximity; \textit{Staff comment: See analysis contained herein. The building concept plans include variations that address the topographical challenges of the Property.}

√ ___ ___

5. To provide for the compatibility with the area surrounding the project site; \textit{Staff comment: See analysis contained herein.}

√ ___ ___

6. To provide for usable and suitably located open space such as, but not limited to, bicycle paths, playground areas, courtyards, tennis courts, swimming pools, planned gardens, outdoor seating, outdoor picnic areas and similar open space. \textit{Staff comment: Plans include 2.39 acres of open space connected via trails and sidewalks with adjacent open space/park areas in the surrounding neighborhood.}

√ ___ ___

8. To improve the design, quality and character of new development; and

√ ___ ___

9. To provide compensating community benefits to offset any impacts of the development and in recognition of design flexibility. \textit{Staff comment: The Annexation Agreement contains requirements for the payment of fees-in-lieu for parks/open space, schools and urban services. These calculations should be revisited to assure they remain valid in light of the additional number of residential units being proposed under this application. A condition in this regard is recommended below.}

B. Eligibility Criteria. All of the following criteria must be met for a property to be eligible to apply for PUD approval.

1. \textbf{Property Eligible.} Properties within the Town must include a gross land area of not less than thirty-five (35) acres, except in the MH zone district where the gross land area shall not be less than five (5) acres, to be eligible to apply for PUD approval. \textit{Staff comment: The Applicant is requesting an exception to this standard as the project will provide a diversity of needed
housing types and other associated benefits to the community and the project’s consistency with the remaining PUD standards. A finding in this regard is recommended below.

2. **Consistency with Comprehensive Plan.** The proposed development shall be consistent with the Comprehensive Plan. 

   *Staff comment: See analysis contained herein.*

3. **Consistent with PUD Intent.** The proposed development shall be consistent with the intent and spirit of the PUD purpose statement in subsection (A) of this section. 

   *Staff comment: See analysis contained herein.*

4. **Compatibility with Existing Uses.** The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the Development Code or planned for in the Comprehensive Plan. 

   *Staff comment: The proposal continues and expands the residential uses identified for this area.*

5. **Public Benefit.** A recognizable and material benefit will be realized by both the future residents and the Town as a whole through the establishment of a PUD, where such benefit would otherwise be infeasible or unlikely. 

   *Staff comment: The development of a diversity of housing options not otherwise found in Town, the payment of fees-in-lieu at the recalculated rate, and the development of parks/open space and connected trails all serve to provide benefits to the community.*

6. **Sufficient Land Area for Proposed Uses.** Sufficient land area has been provided to comply with all applicable regulations of the Development Code, to adequately serve the needs of all permitted uses in the PUD projects and to ensure compatibility between uses and the surrounding neighborhood. 

   *Staff comment: The development is residential in nature and located adjacent to additional residential development. The gross density is 7.96 units per acre and 5,472 sq. ft. per dwelling unit.*

C. **Dimensional and Development Standards.** The following dimensional and development standards shall apply to all PUDs.

1. **Overlay District.** A PUD shall be an overlay district and shall be applied over an underlying zone district. If there is no underlying zone district, one shall be established prior to or
concurrently with a PUD approval. The rezoning process et forth in Section 7.16.050 shall be used to establish the underlying zone district. *Staff comment: The underlying zone district is RLD.*

2. **Permitted Uses.** PUD uses shall be limited to those allowed as permitted, accessory or special review uses in the underlying zone district. *Staff comment: The intent of the RLD zone district is for a residential district with a mixture of lot sizes and building types that create viable neighborhoods that connect with each other and integrate into the community with new streets, bikeways, sidewalks, paths and trails. A finding that the PUD rezoning complies with this intent is recommended below.*

3. **Development Standards.** Chapter 7.24, Development Standards, shall apply to PUD projects. *Staff comment: See analysis contained herein.*

E. **Procedures for Preliminary Planned Unit Development.** The general procedures set forth in Section 7.16.020 shall apply to preliminary PUD applications. Where subdivision approval will be required to implement development in a proposed PUD, the applicant shall file a single preliminary PUD plan incorporating the application requirements of both the PUD and subdivision Preliminary Plans. The provisions and procedures for public notice, hearing and review for a PUD as prescribed in this section shall apply to the application. *Staff comment: The Preliminary Plan process was undertaken previously and approval given.*

1. **PUD Master Plan and Guide Required.** The application for PUD rezoning shall include a preliminary PUD plan. The Manager shall require sufficient detail in the preliminary PUD plan to provide an opportunity for the approving bodies to make informed decisions and evaluate compliance with the applicable approval criteria. The plan shall include, at a minimum:

   a. A quantitative summary of existing conditions on the subject property; *Staff comment: This information is included in the Preliminary Plan information.*

   b. A list of uses to be allowed within the PUD by right, a list of uses to be allowed only with a special review use permit and a list of temporary uses; *Staff comment: All uses shown on the
Preliminary PUD plan are proposed as uses by right.

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- **c.** Parking analysis based on proposed uses; **Staff comment:** All residences have parking included in conformance with the parking standards of Section 7.24.
- **d.** Density of uses proposed. **Staff comment:** The gross density is 7.96 units per acre or 5,472 sq. ft. per unit.
- **e.** Location of public and private open space; **Staff comment:** Finalization of whether the open space/park areas will be public or private will be determined in conjunction with the Final PUD and Final Plat processes.
- **f.** Location of existing and proposed buildings on the site; **Staff comment:** See Building Concept Plans.
- **g.** Road, street and pedestrian networks proposed; **Staff comment:** Those proposed align with what was approved at the time of the Preliminary Plan approval.
- **h.** Drainage facilities; **Staff comment:** A drainage plan was reviewed as part of the Preliminary Plan approval.
- **i.** Existing or proposed utilities and public services. **Staff comment:** These were part of the Preliminary Plan review and approval.
- **j.** If development is to be phased, a description of the phase components and timing; **Staff comment:** A condition is recommended below requiring a phasing plan be submitted with the Final PUD plan application.
- **k.** A statement that development on the site will meet applicable standards of the underlying zoning district and this Development Code or a statement specifying the standards of the underlying district and this Development Code to which modifications are proposed and the justification for such modifications; and **Staff comment:** The Applicant is requesting an exception from the acreage requirement of 35 acres for PUD plans and has detailed the types of residential units to be included in the PUD.
1. A statement specifying the public benefits to be contained in or associated with the PUD. **Staff comment:** The Annexation Agreement outlines the public benefits identified for the Dry Creek Village Subdivision, and the Applicant’s narrative identifies the provision of a diversity of housing types that the project will provide.

4. **Review Criteria.** The Planning Commission and Council shall consider the following criteria as the basis for a recommendation or decision to rezone a property to PUD overlay, approve a preliminary PUD plan or process a PUD amendment: **Findings under these standards are recommended below.**

   a. The PUD addresses a unique situation, confers a substantial benefit to the Town and/or incorporates creative site design such that it achieves the purposes of this Development Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to: improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads and other utilities and services; or increased choice of living and housing environments; **Staff comment:** A finding is recommended below that states that the proposed PUD will provide increased choice of living and housing environments.

   b. The PUD rezoning will promote the public health, safety and general welfare. **Staff comment:** A finding in this regard is recommended below.

   c. The PUD rezoning is consistent with the Comprehensive Plan, the purposes of this Development Code and the eligibility criteria outlined in Section 7.16.[080](b); **Staff comment:** Findings addressing these standards are recommended below.

   d. Facilities and services (including roads and transportation, water, gas, electric, police and fire protection and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development; **Staff comment:** Much of these matters were addressed at the time of annexation of the property. Additionally, conditions are recommended below to address any
potential additional impacts.

\[\checkmark\] e. Compared to the underlying zoning, the PUD rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife and vegetation, or such impacts will be substantially mitigated; *Staff comment: See the analysis herein.*

\[\checkmark\] f. Compared to the underlying zoning, the PUD rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract; and *Staff comment: The PUD contains residential uses and adjacent properties are residential as well.*

\[\checkmark\] g. Future uses on the subject tract will be compatible in scale with uses or potential future uses on other properties in the vicinity of the subject tract. *Staff comment: See above comment.*

5. **Submission Deadline for Final PUD Master Plan.** Within six (6) months following approval of the preliminary PUD plan, the applicant shall initiate the second stage of the application process by filing with the Manager a final PUD plan and subdivision plat if necessary, containing in final form all the information required in the preliminary PUD plan, along with such other documents as may be necessary to implement the plan or to comply with all applicable requirements of this Development Code. Upon written request by the applicant prior to the application lapsing, the Planning Commission, for good cause, may extend the period for filing the final PUD plan for a period not to exceed six (6) months. *Staff comment: A condition is recommended below in this regard.*

**RECOMMENDATION:**

Findings of fact:

1. 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.
2. 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.
3. It is appropriate to authorize a PUD plan on 12.8 acres as the project will provide a
diversity of needed housing types, other associated benefits to the community, and is
consistent with the remaining PUD standards.
4. The PUD Plan will provide a residential development with a mixture of lot sizes and
building types that create viable neighborhoods that connect with each other and integrate
into the community with new streets, bikeways, sidewalks, paths and trails and thereby
meets the intent of the underlying zone district.
5. The proposed PUD will provide increased choice of living and housing environments.

Subject to the following conditions of approval:

1. The effective date of this approval is the date upon which the Town Council approves the
application. Within six (6) months following approval of the preliminary PUD plan, the
applicant shall initiate the second stage of the application process by filing with the
Manager a final PUD plan and subdivision plat if necessary, containing in final form all
the information required in the preliminary PUD plan, along with such other documents
as may be necessary to implement the plan or to comply with all applicable requirements
of this Development Code. Upon written request by the applicant prior to the application
lapsing, the Planning Commission, for good cause, may extend the period for filing the
final PUD plan for a period not to exceed six (6) months.
2. An analysis of water, sewer, roads and other infrastructure serving the development shall
be prepared by qualified professionals to determine their adequacy in meeting the needs
of the development including the anticipated 50 units on the property owned by Orchard
Mesa within the remainder of Parcel A. Such report shall be submitted with the Final
PUD Plan.
3. The calculations of fees-in-lieu contained in the Annexation Agreement for parks/open
space, schools and urban services shall be revisited to assure they remain valid in light of
the additional number of residential units being proposed. An amendment to the
Annexation Agreement criteria in these regards shall be submitted with the Final PUD
application.
4. A phasing plan be submitted with the Final PUD plan application.

**MANAGER’S RECOMMENDATION/COMMENTS:** *I concur with this recommendation.*
PUD APPLICATION NARRATIVE

Dry Creek North is intended to be a natural progression of Dry Creek Village, Phase 1. The dedicated easement for Dry Creek North Road is in place along with the dedicated easements for the main water lines. The roadway is to subgrade and the main water line, hydrants and valves are in place. A short portion of Dry Creek Road North (south end) will need to be dedicated, engineered and constructed along with the sewer and water services for the total project.

Our vision for the project is a PUD overlay on RLD zoned property. The Town Comprehensive Plan indicates MDR-7. Our proposed density falls within the MDR-7 criteria. The proposed plan is to build primarily twin homes with detached garages, with six parcels reserved for triplex, and four-plex and one lot set aside for Residential Senior Housing adjoining the open space for easy access.

We are in the process of completing the single family units in Phase 1 and have observed the market changing to a lower cost product. Many customers (first time buyers) are being priced out of buying a home. We think our project could meet that need and would certainly increase the overall demographics and tax base for the Town.
Mary Alice

Attached is a picture of our lines that are currently installed and in use. There is a lot of infrastructure to be built. The developer will need to put in the gravity sewer system, complete the water line, and then build the curb/gutter, drainage inlets and underground system (or swales and culverts) and streets. I like the Sage Creek Loop name for the north road instead of Vista Montana. My thought is all of the addresses should come from Sage Creek Loop or Lane because that’s where the driveways will go.

Frank Case
Public Works Superintendent

Town of Hayden
P.O. Box 190
178 West Jefferson
Hayden, CO 81639-0190
970-276-3741 office
970-734-6025 cell
970-276-3644 fax
Frank Case@haydencolorado.org
www.haydencolorado.org
Mary, I received a notice of hearing and meeting from you. I am with Orchard Mesa Estates.

We have a problem with rezoning. I have been corresponding with Damon Hill at Falcon Logistics Corp. for the last year and a half about the rezoning. It's all in an HOA now and we wish to keep it in the HOA.

Dry Creek Village has been in an HOA since its inception in 2005. Who do we need to talk with to keep it in the HOA?

We feel that making a change from HOA to PUD will lower the property values.

We advised Damon that we would not change our property to a PUD. Damon said that they would not be able to make the change on their property unless we agreed to change ours also.

Please take our position into consideration in this matter when making a decision.

If you have any questions, you can contact me by email or by phone. (580-227-4700)

Jerry Robison
Operating Manager, Orchard Mesa Estates