

The regular meeting of the Hayden Planning Commission was called to order by Chair Amy Williams at 7:04 p.m. Other members present were Commissioner Tim Frentress and Commissioner Carly Kelly, Commissioner Melinda Dudley attended virtually. Community Development Director Tegan Ebbert, Town Manager Mathew Mendisco, and Public Works Director Bryan Richards and Applicant, Joe Armstrong, Main Street Apartments, LLC, were also present.

Pledge of Allegiance

Chair Williams led the Pledge of Allegiance.

Consideration of Minutes

Commissioner Frentress moved to approve the Planning Commission minutes for the meeting held on February 23, 2023 as written. Commissioner Kelly seconded the motion. Motion approved unanimously.

Main Street Apartments Site Plan Application

Ms. Ebbert indicated that this meeting is a continuation of the public hearing from February 23, 2023 when the application was tabled to solely allow for more research into alternative traffic access plans. Ms. Ebbert discussed the efforts that were made in the prior month that included Town staff working with their contract engineer, CDOT, the applicant, and holding a community open house.

Town staff were able to eliminate several alternative access points as a result of CDOT declining access or roadway connections that wouldn't significantly reduce traffic due to their lesser desired traveled pathways. Of the available options, staff are recommending an amended access plan that combines primary access from W Washington Avenue, by way of S 3rd Street, and an exit only, right turn only access point from the subject property onto US Highway 40. This access onto US Highway 40 that CDOT has indicated that they will consider approving to date. This proposal is depicted in Exhibit A of the staff packet.

Alternatively, if access becomes available via an easement through the private property located directly to the east, Lot 1, Campus Subdivision, prior to installation of road improvements, staff prefer this option over the proposal depicted in Exhibit A. Specifically, this access proposal is to connect the subject parcel east to W Washington Avenue to intersect with S Poplar Street, in combination with access off of W Washington Avenue, by way of S 3rd Street. This requires permission from the private property owner of Lot 1, Campus Subdivision, that to date has declined an easement allowing access. The applicant has a renewed request into the private property owner of Lot 1, Campus Subdivision currently. This proposal is depicted in Exhibit B. A condition of approval is recommended below indicating that this is the preference if the private owner of Lot 1, Campus Subdivision grants an access easement.

Mr. Armstrong reiterated that this is a phased project therefore all five buildings will not be constructed immediately. It will likely be several years before buildings 4 and 5 begin construction.

Public Comment

JJ Pike commented that she views the access plan depicted in exhibit A as only half of a fix and she prefers to see a one way in access point going from S Poplar to W Jackson through to W Washington. Further she questioned whether this development will leave this town better than we found it like the Hayden Manifesto desires due to the density of the project.

Charlie Cook commented that it is likely that everyone in this town knows someone who is interested in growing this town and starting a small business. When it comes to leaving the town better than we found it, he has witnessed businesses open up but also seen businesses shut down. To provide opportunities for local businesses to succeed, we need to have the population to support them.

Trevor Gann commented that he is a member of the Hayden Town Council and he is here representing himself as an individual Council member. He has been asked what would it take for this town to no longer feel like the place he grew up in and this development might just be that. The decision made to night is subject to appeal by either the applicant or a member of the Town Council, therefore he imagines that regardless of the decision that Planning Commission makes it will be appealed.

Roundtable

Commissioner Frentress indicated that he continues to see the traffic as a safety issue due to the amount of kids that travel up and down the street and people trying to get in and out of their driveways. He thinks that this is a little too big and would like it to be cut down to about 75 units. We need places for people to live and get a start in this community. He also has concerns about this traffic in combination with rerouted I-70 traffic from each time the Glenwood Canyon closes. Even the plan depicted in Exhibit B creates concerns.

Commissioner Dudley asked how the right turn only lane would be built at US Highway 40 depicted in Exhibit A. Ms. Ebbert responded that it would likely be directional concrete.

Motion to Approve

Commissioner Kelly moved to approve the Main Street Apartments, LLC Site Plan application with the following findings of fact:

1. The proposal meets the standards of the Town of Hayden's Development Code, is in general conformance with the intent and purpose of the Hayden Forward Master Plan and preserves the health, safety and welfare of the citizens of the Town of Hayden.

Conditions of approval:

1. Vehicular access will be primarily off of West Washington Avenue by way of S 3rd Street in conjunction with secondary traffic flow exiting the subject property onto US Highway 40 in a exit only, right turn only traffic lane as depicted in Exhibit A of the staff packet.
2. If access becomes available from the subject property to W Washington Avenue through Lot 1, Campus Subdivision prior to the installation of US Highway 40 exit only, right turn only traffic lane, said access shall become the preferred access location in conjunction with access from W Washington Avenue by way of S 3rd Street as depicted in Exhibit B of the staff packet.
3. Town staff shall be authorized to finalize the traffic access plan details and permitting in conjunction with Colorado Department of Transportation and the applicant.
4. The effective date of this approval is the date upon which the Planning Commission approves the application. The approval shall expire two (2) 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.
5. Two of the proposed apartment buildings must vary in architectural appearance in compliance with Section 7.24.190, Hayden Development Code.
6. All exterior lighting must be downcast and opaquely shielded and comply with the standards in Section 7.26.210, Hayden Development Code.
7. A fee-in-lieu for public school site equivalent to the standards of Section 7.24.140, Hayden Development Code, shall be paid prior to the issuance of a Certificate of Occupancy.
8. The developer shall enter into an Improvements Agreement with the Town of Hayden in compliance with 7.24.280, Hayden Development Code, for any road restriping and intersection modifications required by the Town of Hayden and CDOT, any off-site improvements, the installation of sidewalks, fire hydrants, landscaping, and any other necessary improvements connected to this develop or as a result of the impacts associated with this development as defined in the Town's land use code.
9. Compliance with the Community Housing Standards, Section 7.24.300, Hayden Development Code, must be established and approved by Town Council prior to the issuance of a full building permit.
10. The approved amended traffic access plan shall comply with emergency responder access to the subject property.
11. Snow Storage Easements must be secured from the owners of Lot 1, Campus Subdivision prior to issuance of a building permit.
12. A utility easement must be secured from the owner of Lot 3, Campus Subdivision prior to issuance of a building permit.

13. Compliance with Parking Lot Landscaping Standards, 7.24.1690(C)(6), is required. An updated landscape plan shall be provided to staff that demonstrates compliance prior to the issuance of a building permit.

Commissioner Williams seconded the motion; the motion failed with Commissioners Williams and Kelly voting aye and Commissioners Frentress and Dudley voting nay.

Motion to Continue

Commissioner Frentress moved to continue (table) the vote to a future meeting so a full board of five Planning Commission members can be present.

For clarification, Town contract Attorney, Gerald Dahl commented that if the absent Planning Commission member can participate at a future meeting if they establish a record that the beginning of the meeting that they reviewed all the packet materials, listen to the prior meetings that they missed, and feel confident that they are fully informed to be capable of voting. The subsequent meeting would be for action only, because the public hearing has been closed.

Commissioner Dudley indicated that she voted nay because of the traffic concerns. She recognizes that options are limited largely in part due to what CDOT is willing to authorize but even the language of recommended condition of approval #2 being pursued IF it becomes available does not alleviate her concerns. She does not have a problem with the overall density of the project and recognizes that it meets the Development Code and intent of the Master Plan however the lack of options with regards to US Highway 40 access is the concern.

Commissioner Williams commented that from her perspective this project does meet the Development Code and the Master Plan and from her view it is very dangerous to take away rights that have been set out in zoning. The community willingly and with thought zoned this parcel to have these uses by right. Maintaining property rights such as zoning are extraordinarily important from her standpoint.

Commissioner Kelly commented that she acknowledges that change is a scary thing however growth and change come hand in hand. This community needs housing inventory as is indicated in the Housing Needs Assessment and this community needs growth to succeed. She also cannot support not ignoring uses by right and private property rights.

Commissioner Dudley seconded the motion; the motion failed the motion failed with Commissioners Williams and Kelly voting nay and Commissioners Frentress and Dudley voting aye.

Motion to Deny

Chair Williams moved to deny the application for the purpose of allowing the applicant to appeal the decision to Town Council and move forward with the application because the Planning Commission is incapable of rendering a decision.

Commissioner Frentress seconded; the motion passed unanimously.

Staff Report

Ms. Ebbert noted that there are no additional active applications on the schedule at this moment however there is a minor regulation amendment being proposed and that is scheduled for April 13th. The Commission indicated that they would like to meet at 6 pm.

Adjournment

The meeting was adjourned at 8:05 p.m.

Recorded by:

Tegan Ebbert

APPROVED THIS _____ DAY OF _____, 2023

Amy J. Williams, Chair