MEETING OF THE PLANNING COMMISSION
BOULDER COUNTY, COLORADO

WEDNESDAY, JULY 21, 2021 AT 1:30 P.M.

PLEASE NOTE: Due to COVID-19 concerns, this hearing will be held virtually. Information regarding how to participate will be available on the Planning Commission webpage in advance of the hearing (approximately July 14, 2021) at https://boco.org/PC. To join the meeting by phone, dial 1-833-568-8864 (toll free) and enter the Webinar ID: 161 481 2839.

This agenda is subject to change. Please call ahead or check the Planning Commission webpage to confirm an item of interest (303-441-3930 / https://boco.org/PC). Public comments are taken at meetings designated as public hearings. For special assistance, contact our ADA Coordinator (303-441-3525) at least 72 hours in advance.

There will be opportunity to provide public comment remotely on the subject items during the respective virtual Public Hearing portion for each item. If you have comments regarding any of these items, you may mail comments to the Community Planning & Permitting Department (PO Box 471, Boulder, CO 80306) or email to planner@bouldercounty.org. Please reference the docket number of the subject item in your communication. Call 303-441-3930 or email planner@bouldercounty.org for more information.

Call to Order

Roll Call

Approval of Minutes/Miscellaneous Business
Approval of meeting minutes from June 16, 2021.

Staff Updates

Items

1. **Docket V-21-0001: Hartsell Vacation (Tabled from June 16, 2021)**
   
   **Public Hearing**
   
   **Request:** Request to vacate the alleyway at 1104 Eldorado Ave between the south 70 feet of lots 1 through 6 and the entirety of lots 42-48 of Block 51 in the townsite of Eldora, Colorado, as well as a triangular portion of Old 11th Avenue east of the subject property as recorded with Boulder County under reception #90916881.
   
   **Location:** 1104 Eldorado Avenue, approximately 2 and 1/4 miles west of the intersection of Lake Eldora Ski Road and Eldora Avenue, Section 21, Township 1S, Range 73W.
   
   **Zoning:** Forestry (F) Zoning District
   
   **Applicants:** Stephanie J. Hartsell, Donna Burbank, and William Ellwood
   
   **Property Owners:** Stephanie J. and Paul S. Hartsell
   
   **Website:** https://boco.org/V-21-0001
   
   **Action Requested:** Recommendation to BOCC
   
   Public testimony will be taken.
2. **Docket SU-21-0002/SPR-21-0033: Cooper Vacation Rental and Residential Addition**
   **Public Hearing**
   **Request:** Special Review and Site Specific Development Plan for a Vacation Rental of 120 days per year for up to six guests and Site Plan Review for an existing unpermitted 120-square-foot shed and residential addition of 576 square feet on an approximately 3.5-acre parcel.
   **Location:** 458 County Road 90, located on the north side of County Road 90 approximately 0.5 miles west of its intersection with State Highway 7 Business, in Section 26, Township 3N, Range 73W.
   **Zoning:** Forestry (F) Zoning District
   **Applicant:** Rebecca R. Cooper Revocable Trust
   **Property Owner:** Rebecca R. Cooper
   **Agent:** Mike Daley
   **Website:** [https://boco.org/SU-21-0002-SPR-21-0033](https://boco.org/SU-21-0002-SPR-21-0033)
   **Action Requested:** Recommendation to BOCC
   **Public testimony will be taken**
   **Staff Planner(s):** Nathaniel Shull

3. **Docket SU-21-0003: Smetana Partnership, LLC - Special Use Marijuana Store**
   **Public Hearing**
   **Request:** Special Use Review to allow an increase of up to 250 average daily trips on the subject 0.68-acre parcel.
   **Location:** 7521 Ute Highway, located on the northeast corner of the intersection of State Highway 66 and N. 75th Street in Section 24, Township 3N, Range 70W.
   **Zoning:** Business (B) Zoning District
   **Applicant:** SBUD, LLC dba Star Buds
   **Property Owner:** Smetana Partnership LLP, c/o Judy Smetana
   **Agent:** Michael Foote
   **Website:** [https://boco.org/SU-21-0003](https://boco.org/SU-21-0003)
   **Action Requested:** Recommendation to BOCC
   **Public testimony will be taken**
   **Staff Planner(s):** Nathaniel Shull

**Adjournment**
MEETING OF THE PLANNING COMMISSION  
BOULDER COUNTY, COLORADO  

WEDNESDAY, JULY 21, 2021 AT 1:30 P.M.

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Call to Order

Roll Call

Approval of Minutes/Miscellaneous Business
Approval of meeting minutes from June 16, 2021.

Staff Updates

Items

1. **Docket V-21-0001: Hartsell Vacation (Tabled from June 16, 2021)**
   
   **Public Hearing**
   
   **Request:** Request to vacate the alleyway at 1104 Eldorado Ave between the south 70 feet of lots 1 through 6 and the entirety of lots 42-48 of Block 51 in the townsite of Eldora, Colorado, as well as a triangular portion of Old 11th Avenue east of the subject property as recorded with Boulder County under reception #90918881.
   
   **Location:** 1104 Eldorado Avenue, approximately 2 and 1/4 miles west of the intersection of Lake Eldora Ski Road and Eldora Avenue, Section 21, Township 1S, Range 73W.
   
   **Zoning:** Forestry (F) Zoning District
   
   **Applicants:** Stephanie J. Hartsell, Donna Burbank, and William Ellwood
   
   **Property Owner:** Stephanie J. and Paul S. Hartsell
   
   **Website:** [https://boco.org/V-21-0001](https://boco.org/V-21-0001)

   **Action Requested:** Recommendation to BOCC
2. **Docket SU-21-0002/SPR-21-0033: Cooper Vacation Rental and Residential Addition**

   **Public Hearing**

   **Request:** Special Review and Site Specific Development Plan for a Vacation Rental of 120 days per year for up to six guests and Site Plan Review for an existing unpermitted 120-square-foot shed and residential addition of 576 square feet on an approximately 3.5-acre parcel.

   **Location:** 458 County Road 90, located on the north side of County Road 90 approximately 0.5 miles west of its intersection with State Highway 7 Business, in Section 26, Township 3N, Range 73W.

   **Zoning:** Forestry (F) Zoning District

   **Applicant:** Rebecca R. Cooper Revocable Trust

   **Property Owner:** Rebecca R. Cooper

   **Agent:** Mike Daley

   **Website:** [https://boco.org/SU-21-0002-SPR-21-0033](https://boco.org/SU-21-0002-SPR-21-0033)

   **Action Requested:** Recommendation to BOCC

   **Public testimony will be taken**

   **Staff Planner(s):** Ryan Kacirek

3. **Docket SU-21-0003: Smetana Partnership, LLC - Special Use Marijuana Store**

   **Public Hearing**

   **Request:** Special Use Review to allow an increase of up to 250 average daily trips on the subject 0.68-acre parcel.

   **Location:** 7521 Ute Highway, located on the northeast corner of the intersection of State Highway 66 and N. 75th Street in Section 24, Township 3N, Range 70W.

   **Zoning:** Business (B) Zoning District

   **Applicant:** SBUD, LLC dba Star Buds

   **Property Owner:** Smetana Partnership LLP, c/o Judy Smetana

   **Agent:** Michael Foote

   **Website:** [https://boco.org/SU-21-0003](https://boco.org/SU-21-0003)

   **Action Requested:** Recommendation to BOCC

   **Public testimony will be taken**

   **Staff Planner(s):** Nathaniel Shull

4. **Executive session as authorized under CRS 24-6-402(4)(b) related to Denver Water's 1041 Permit Application, Docket SI-20-0003**

   **Adjournment**
PUBLIC HEARING
BOULDER COUNTY, COLORADO
PLANNING COMMISSION

DATE: July 21, 2021
TIME: 1:30 p.m.

PLEASE NOTE: Due to COVID-19 concerns, this hearing will be held virtually. Information regarding how to participate will be available on the Planning Commission webpage in advance of the hearing (approximately July 14, 2021) at https://boco.org/PC. To join the meeting by phone, dial 1-833-568-8864 (toll free) and enter the Webinar ID: 161 481 2839.

Notice is hereby given that the following public hearing will be held by the Boulder County Planning Commission at the date and time specified above. All persons interested in the following items are encouraged to participate in such hearing and aid the Planning Commission members in their consideration.

There will be opportunity to provide public comment remotely on the subject items during the respective virtual Public Hearing portion for each item. If you have comments regarding any of these items, you may mail comments to the Community Planning & Permitting Department (PO Box 471, Boulder, CO 80306) or email to planner@bouldercounty.org. Please reference the docket number of the subject item in your communication. Call 303-441-3930 or email planner@bouldercounty.org for more information.

Docket V-21-0001: Hartsell Vacation (Tabled from June 16, 2021)
Request to vacate the alleyway at 1104 Eldorado Ave between the south 70 feet of lots 1 through 6 and the entirety of lots 42-48 of Block 51 in the townsite of Eldora, Colorado, as well as a triangular portion of Old 11th Avenue east of the subject property as recorded with Boulder County under reception #90916881. The application is submitted by Stephanie J. Hartsell, Donna Burbank, and William Ellwood (applicants) and Stephanie J. and Paul S. Hartsell (owners). The proposal is in the Forestry (F) Zoning District at 1104 Eldorado Avenue, approximately 2 and 1/4 miles west of the intersection of Lake Eldora Ski Road and Eldora Avenue, Section 21, Township 1S, Range 73W.
Website: https://boco.org/V-21-0001

Docket SU-21-0002/SPR-21-0033: Cooper Vacation Rental and Residential Addition
Special Review and Site Specific Development Plan for a Vacation Rental of 120 days per year for up to six guests and Site Plan Review for an existing unpermitted 120-square-foot shed and residential addition of 576 square feet on an approximately 3.5-acre parcel. The application is submitted by Rebecca R. Cooper Revocable Trust (Owner) c/o Rebecca R. Cooper (applicant). The proposal is in the Forestry zoning district at 458 County Road 90, located on the north side of County Road 90 approximately 0.5 miles west of its intersection with State Highway 7 Business, in Section 26, Township 3N, Range 73W.
Website: https://boco.org/SU-21-0002-SPR-21-0033

Docket SU-21-0003: Smetana Partnership, LLC - Special Use Marijuana Store
Special Use Review to allow an increase of up to 250 average daily trips on the subject 0.68-acre parcel. The application is submitted by SBUD, LLC dba Star Buds (applicant) and Smetana
Partnership LLP, c/o Judy Smetana (property owner). The proposal is in the Business zoning district at 7521 Ute Highway, located on the northeast corner of the intersection of State Highway 66 and N. 75th Street in Section 24, Township 3N, Range 70W. Website: https://boco.org/SU-21-0003

Due to COVID-19 response, many Boulder County office locations are closed until further notice. Detailed information regarding these items is available online at https://boco.org/cpp.

It is Boulder County policy to make county programs, meetings, activities, and services accessible to individuals with disabilities, according to the Americans with Disabilities Act. If you need special assistance, contact the ADA Coordinator at 303-441-3525 at least 72 hours before the scheduled event.

Published: July 9, 2021-- Daily Times-Call

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Notice is hereby given that the following public hearing will be held by the Boulder County Planning Commission at the date and time specified below. All persons interested in the following items are encouraged to participate in such hearing and aid the Planning Commission members in their consideration.

There will be opportunity to provide public comment remotely on the subject items during the respective virtual Public Hearing portion for each item. If you have comments regarding any of these items, you may send comments to the Community Planning & Permitting Department (PO Box 471, Boulder, CO 80306) or email to permitreview@bouldercounty.org. Please reference the docket number of the subject item in your communication. Call 303-441-3938 or email planners@bouldercounty.org for more information.

Docket V-21-0001: Hartwell Vacant (Filed from June 18, 2021)
Request to vacate the allowso at 1141 Elberton Ave between the south 76 feet of lots 1 through 6 and the entirety of lots 42-49 of Block 51 in the townsite of Eldora, Colorado, as well as a triangular portion of 326 11th Avenue east of the subject property as recorded with Boulder County under reception #901688. The application is submitted by Stephanie J. Hartsell, Dennis Hartsell, and William Elwell (applicants) and Stephanie J. and Paul S. Hartsell (owners). The proposal is in the Forestry zoning district at 40 County Road 90 located on the north 1/2 mile west of the intersection with State Highway 9 Business, in Section 16, Township 16N, Range 72W. Website: https://boco.org/V-21-0001

Docket SU-21-0002/SRP-21-0033: Cooper Vacation Rental and Residential Addition
Special Review and Site Specific Development Plan for a Vacation rental of 120 days per year for up to six guests and Site Plan Review for installing unpermitted 120-square-foot shed and residential addition of 974 square feet on an approximately 3.5-acre parcel. The application is submitted by Rebecca K. Cooper (Owner) and Rebecca K. Cooper (applicant). The proposal is in the Forestry zoning district at 400 Elberton Ave, located on the north side of Elberton Avenue, approximately 1/2 mile east of its intersection with State Highway 9 Business, in Section 16, Township 15N, Range 73W. Website: https://boco.org/SU-21-0002/SRP-21-0033

Docket SU-21-0003: Smotana Partnership, LLC Special Use Maricopa Store
Special Use Review to allow an increase of up to 250 average daily trips on the subject 0.88-acre parcel. The application is submitted by SBDB, LLC (dba Star Buil (applicant) and Smotana Partnership (CO buyer/Smotana, property owner). The proposal is in the Business zoning district at S21 Highway located on the northeast corner of the intersection of S21 Highway 66 and S 15th Street in Section 16, Township 15N, Range 72W. Website: https://boco.org/SU-21-0003

Due to COVID-19 response, many Boulder County office locations are closed until further notice. Detailed information regarding these items is available online at https://boco.org/cpp.

It is Boulder County policy to make county programs, meetings, activities, and services accessible to individuals with disabilities, according to the Americans with Disabilities Act. If you need special assistance, contact the ADA Coordinator at 303-441-2526 at least 72 hours before the scheduled event.

Published Longmont Times Call July 9, 2021-1814618

Prairie Mountain Media, LLC
PUBLISHER'S AFFIDAVIT
County of Boulder
State of Colorado

The undersigned, _Shayla Najera_, being first duly sworn under oath, states and affirms as follows:

1. Haishia is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the Longmont Times Call.
2. The Longmont Times Call is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Boulder County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereeto is a true copy, published in the Longmont Times Call in Boulder County on the following date(s):

   Jul 9, 2021

_Signature_

Subscribed and sworn to me before me this ________________ day of ________________, 2021.

_Melissa K. Bayre_
Notary Public

MELISSA L. NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20064049936

(MY COMMISSION EXPIRES DECEMBER 11, 2022)

Account: 1050753
Ad Number: 1814618
Fee: $77.14
MEETING OF THE PLANNING COMMISSION
BOULDER COUNTY, WEDNESDAY, JULY 21, 2021
{Approved October 20, 2021}

The Planning Commission of Boulder County held a regular afternoon session via Zoom on Wednesday, July 21, 2021.

Call to Order
The meeting was called to order at 1:33 p.m. by Vice Chair Mark Bloomfield.

Roll Call
Members Present: Ann Goldfarb
Gavin McMillan
Lieschen Gargano
Vice Chair Mark Bloomfield
Sam Fitch
Second Vice Chair Melanie Nieske
Todd Quigley
David Hsu

Members Excused: Sam Libby Chair

Approval of Minutes/Miscellaneous Business
Approval of meeting minutes from June 16, 2021.

MOTION: Gavin McMillan MOVED that the Boulder County Planning Commission APPROVE the meeting minutes from June 16, 2021.
SECOND: Ann Goldfarb
VOTE: Motion PASSED {8:0}

Staff Updates
None.

Items

1. **Docket V-21-0001: Hartsell Vacation (Tabled from June 16, 2021)**
   
   **Public Hearing**
   Nathaniel Shull, Planner II, presented the application for Stephanie Hartsell, request to vacate the alleyway at 1104 Eldorado Ave between the south 70 feet of lots 1 through 6 and the entirety of lots 42-48 of Block 51 in the townsite of Eldora, Colorado, as well as a triangular portion of Old 11th Avenue east of the subject property as recorded with Boulder County under reception #90916881. The proposal is in the Forestry zoning district, 1104 Eldorado Avenue, approximately 2 and 1/4 miles west of the intersection of Lake Eldora Ski Road and Eldora Avenue, Section 21, Township 1S, Range 73W.

   **PUBLIC HEARING OPENED**

   **SPEAKERS:** Stephanie Hartsell - 1104 Eldorado Ave; Donna Burbank - 1090 Klondike Ave (pooled time with John Hundemann - 1630 30th Street).
MOTION: Ann Goldfarb MOVED that the Boulder County Planning Commission
CONDITIONALLY APPROVE and recommend to the Board of County Commissioner
CONDITIONAL APPROVAL of Docket V-21-0001: Hartsell Vacation for the entire 12-foot
alley as well as the triangular portion of the right-of-way within old 11th avenue without
an easement pursuant to the conditions staff has recommended, conditions 1 - 7, on
page 14 of the staff report as amended.

SECOND: Sam Fitch

CONDITIONS OF APPROVAL:

1. The alley right-of-way at 1104 Eldorado Ave between the south 70 feet of Lots 1-6 and the
entirety of Lots 43-48 of Block 51 in the Townsite of Eldora, Colorado shall be vacated.

2. The section of alley between Lot 7 and Lot 42 shall be vacated and vested to the owners of
the abutting land, with each abutting owner taking to the center of the right-of-way as
depicted under Figure 7 as shown in the staff recommendation dated July 14, 2021.

3. The triangular portion of Old 11th Avenue right-of-way as recorded with Boulder County
under reception #90916881 shall be vacated and divided in half by drawing a line originating
from the southeast-southwest corner of the triangle to the opposite site equidistant along the
perpendicular line, with each half granted to its respective abutting property owner as
depicted under Figure 7 as shown in the staff recommendation dated July 14, 2021.

4. The Applicant shall obtain a land survey stamped by a professional Colorado Licensed
Surveyor to affirm that the division of the triangular portion of Old 11th Avenue right-of-way
results in the Applicant receiving the portion to which their land is nearest in proximity.

5. The Applicant shall relocate existing driveway as necessary to provide the needed width of
access which complies with County’s Multimodal Transportation Standards.

6. Any development, including buildings or structures of any kind, shall be prohibited on the
vacated triangular portion of Old 11th Avenue as recorded with Boulder County under
reception #90916881 except for infrastructure required for the maintenance and upkeep of
the existing driveway, as well as improvements for the necessary relocation of the existing
driveway as stated in condition 5.

7. The applicant shall meet all the post approval requirements within 45 days one year after
the date of the Board of County Commissioners’ Resolution approving this vacation. This
Resolution and associated documents shall also be recorded by Community Planning &
Permitting Staff with the County Clerk and Recorder’s Office within this 45-day one-year
timeframe. This vacation approval shall not be considered final or effective until this
recordation. Finally, this vacation approval shall expire if recordation does not occur within
the required 45-day one-year timeframe (unless an extension is granted).

VOTE: Motion PASSED {6:2}

2. **Docket SU-21-0002/SPR-21-0033: Cooper Vacation Rental and Residential Addition**

   **Public Hearing**

   Ryan Kacirek, Planner II, presented the application for Rebecca Cooper and Mike Daley,
Special Review and Site Specific Development Plan for a Vacation Rental of 120 days per
year for up to six guests. The proposal is in the Forestry zoning district at 458 County Road
90, located on the north side of County Road 90 approximately 0.5 miles west of its
intersection with State Highway 7 Business, in Section 26, Township 3N, Range 73W.

**PUBLIC HEARING OPENED**

**SPEAKERS:** Rebecca Cooper (Applicant) - 458 County Road 90; Mike Daley (Agent) -
13245 Highway 7; Edward Yagi - 1515 Big Owl Road; Tom and Barb Kostorhyz - 253 Dale
Drive.

**PUBLIC HEARING CLOSED**

**MOTION:** Gavin McMillan MOVED that Planning Commission CONDITIONALLY
APPROVE and recommend that the Board of County Commissioners CONDITIONALLY APPROVE Docket SU-21-0002: Cooper Vacation Rental with the conditions outlined in the staff report, there are 13 in the staff report and he would like to recommend all of them with the exception of conditions 6, 7, 11, and 12.

SECOND: Lieschen Gargano

CONDITIONS OF APPROVAL:

1. The applicants shall provide a Development Agreement, for review and approval by County staff, prior to the issuance of a license or permits by the Boulder County Community Planning & Permitting Department and prior to the recordation of said agreement within one year of approval.

2. The applicants must maintain a valid Boulder County Vacation Rental License while the short-term rental is in operation.

3. The subject property may not be marketed or used for wedding, reception, or similar private or public events.

4. The Vacation Rental is approved for a maximum of 120 days per year with a minimum night stay of 3 nights.

5. The Vacation Rental is limited to a maximum occupancy of six individuals, including children.

6. The approved size for the development is approximately 1,682 square feet of residential floor area.

7. Prior to issuance of building permits, submit to the Community Planning & Permitting Department for review and approval, one set of exterior color samples (color chips, brochure, or catalog page) and material samples to be used including roof, siding and trim. Please note that due to COVID-19 distancing restrictions samples may be provided electronically. Samples should be included as part of the building plan set required at the time of permit application.

a. Prior to issuance of a Certificate of Occupancy, the Community Planning & Permitting Department must inspect and verify that the approved color samples are used on the new structure.

8. At license application, the applicants must submit a driveway design that complies with the Boulder County Multimodal Transportation Standards, including: Table 5.5.1 - Parcel Access Design Standards (1-Lane Mountain Access), Standard Drawing 11 - Private Access, Standard Drawing 14 - Access with Roadside Ditch, Standard Drawing 15 - Access Profiles Detail and Standard Drawing 16 - Access & Grade Clearance. If the required improvements involve more than 50 cubic yards of non-foundational earthwork, then the applicants must also obtain a Grading Permit.

a. Prior to issuance of a license, the Community Planning & Permitting Department must verify that the driveway complies with the Boulder County Multimodal Transportation Standards.

9. Prior to issuance of a license, the applicants must sign an Access Improvement and Maintenance Agreement.

10. At license application, the applicants must submit a site plan showing the dimensions of the emergency turnaround area and distance from the front and rear of the house of emergency turnaround. The emergency turnaround must comply with Standard Drawing 19 - Typical Turnaround & Pullout Locations.

11. Prior to issuance of building or grading permits, submit to the Community Planning and Permitting Department for review and approval one copy of a Revegetation Plan (see handout titled “Revegetation” as an example). Every attempt should be made to preserve the existing vegetation and minimize ground disturbance. No species on List A, B or C in the County’s 2004 Noxious Weed Management Plan may be used to meet revegetation requirements. The Revegetation Plan shall use native grass species, provide an
explanation of the treatment of excavated topsoil, mapped delineation of all disturbance areas (this includes construction staging and soil stockpiling areas, driveway, utility lines, and septic system), and locations of silt fences, catch fences, and erosion control logs down slope of disturbed areas and matting requirements if necessary.

a—Prior to issuance of a Certificate of Occupancy, the full installation of the approved Revegetation Plan must be inspected and approved by the Community Planning and Permitting Department.

12. Prior to issuance of building permits, one copy of a proposed lighting plan must be submitted to the Community Planning and Permitting Department for review and approval. Down lighting is required, and all bulbs must be fully shielded to prevent light emissions above a horizontal plane drawn from the bottom of the fixture. The lighting plan must indicate the location of all exterior fixtures on the site and structure and must include cut sheets (manufacturer’s specifications with picture or diagram) of all proposed fixtures. The lighting plan shall be included as part of the building plan set required at the time of permit application. In order to minimize adverse visual impacts, exterior lighting fixtures shall be limited to one fixture for each exterior entrance. No landscape or driveway lighting is permitted. Prior to issuance of a Certificate of Occupancy, the full installation of the approved lighting plan must be inspected and approved by the Community Planning and Permitting Department.

13. The applicants shall be subject to the terms, conditions, and commitments of record and in the file for docket SU-21-0002/SPR-21-0033: Cooper Vacation Rental and Residential Addition

VOTE: Motion PASSED {8:0}

3. Docket SU-21-0003: Smetana Partnership, LLC - Special Use Marijuana Store
Public Hearing
Nathaniel Shull, Planner II, presented the application for SBUD, LLC dba Star Buds (applicant) and Smetana Partnership LLP, c/o Judy Smetana (property owner), Special Use Review to allow an increase of up to 250 average daily trips on the subject 0.68-acre parcel. The proposal is in the Business zoning district at 7521 Ute Highway, located on the northeast corner of the intersection of State Highway 66 and N. 75th Street in Section 24, Township 3N, Range 70W.

PUBLIC HEARING OPENED:

SPEAKERS: Mike Foote (agent) - Lafayette., Dan Pabon (applicant) - 4880 Havana Street Ste. 201; Dan Burkhardt - 11887 N. 75th Street.

PUBLIC HEARING CLOSED:

MOTION: Sam Fitch MOVED that the Planning Commission CONDITIONALLY APPROVE and recommend to the Board of County Commissioners CONDITIONAL APPROVAL of Docket SU-21-0003: Smetana Partnership, LLC - Special Use Marijuana Store.

SECOND: Ann Goldfarb

CONDITIONS OF APPROVAL:

1. Average traffic generation for the use is limited to 250 average daily trips (“ADT”). The Applicant shall measure traffic generation at one year and two years after the approval of this docket by the Board of County Commissioners and shall submit reports immediately thereafter to the Community Planning & Department for review. The measurements shall count traffic for a full week to determine the usage. Community Planning & Permitting Department shall review and determine the necessity for additional annual traffic generation measurements after the two-year review. If at any time the ADTs exceed 250, the Applicant must apply for and receive approval under the Special Use Review provisions in Article 4-600 of the Boulder County Land Use Code.

2. The Applicant shall install four additional parking spaces for its employees, resulting in a total of 16 spaces, including one ADA van-accessible space. Prior to commencement of the
approved ADT increase, the applicant shall submit a parking plan to Community Planning & Permitting (CPP) for review and approval. The plan shall illustrate the inclusion of these additional required parking spaces. Such spaces shall be installed and inspected by CPP prior to commencement of the approved use expansion on the subject property.

3. The Applicant shall install a minimum of one bicycle parking space on site. Bicycle parking spaces must be included in the parking plan. Said bicycle parking shall be installed and inspected by CPP prior to commencement of the approved use expansion on the subject property.

4. The Applicant shall submit a detailed access decommission plan for review and approval by CPP showing a method for permanently decommissioning the access point on N. 75th Street. Such decommissioning features shall be installed and inspected by A&E Staff prior to commencement of the approved increase of ADT on the property.

5. The Applicant shall widen the northern access point off N. 75th Street to comply with the County’s Multimodal Transportation Standards. Said improvement shall be installed and inspected by A&E Staff prior to commencement of the approved increase of ADT on the property.

6. The Applicant shall be subject to the terms, conditions, and commitments of record and in the file for docket SU-21-0003 Smetana Partnership, LLC Special Use Marijuana Store.

VOTE: Motion PASSED {7:1}

4. Executive session as authorized under CRS 24-6-402(4)(b) related to Denver Water’s 1041 Permit Application, Docket SI-20-0003

MOTION: Gavin McMillan MOVED to hold an executive session as authorized under CRS 24-6-402(4)(b) for legal advice on issues related to Denver Water’s 1041 permit application, Docket SI-20-0003.
SECOND: David Hsu
VOTE: Motion PASSED {8:0}

Adjournment
The meeting was closed at 5:33 p.m.