



**Planning and Zoning Commission  
Meeting Minutes  
September 6, 2016**

**PRESENT**

Jason Cowles, Chair  
Stephen Richards  
Charlie Perkins  
Jamie Harrison  
Jesse Gregg  
Max Schmidt  
Donna Spinelli

**STAFF**

Tom Boni – Town Planner  
Danielle Couch – Administrative Assistant

**ABSENT**

Cindy Callicrate

This meeting was recorded and the CD will become part of the permanent record of the minutes. The following is a condensed version of the proceedings written by Danielle Couch.

**CALL TO ORDER**

The regular meeting of the Planning and Zoning Commission held in the Eagle Town Hall on September 6, 2016, was called to order by Jason Cowles at 6:06 p.m.

**APPROVAL OF MINUTES**

Stephen Richards moved to approve the minutes of the August 2, 2016, Planning & Zoning Commission Meeting. Charlie Perkins seconded. The motion passed unanimously with Jesse Gregg and Donna Spinelli abstaining.

**PUBLIC COMMENT**

None

**LAND USE PUBLIC HEARINGS**

***LURA16-01 Revisions to Section 4.03.040 – Definitions and Section 4.04 – Zoning of the Town of Eagle Land Use & Development Code***

Cowles opened File LURA16-01, items 1 and 2, regarding the definition and regulation of dog daycare facilities. Staff has not had time to focus on this item and the facilities currently in the Town are running efficiently and with no complaints. Staff requested a continuation to October 4 to further discuss this item.

Cowles made a motion to continue the file to October 4, 2016. Gregg seconded. The motion was unanimously approved.

***DR07-10(R) Addison Center 2016 Renewal***

Cowles opened file DR07-10(R), a one-year renewal of the Addison Center Development Permit. The second phase of the development has not yet constructed and staff recommends a one-year renewal of the permit.

Harrison asked the applicant if leases are going well in the constructed phase of the development; the applicant said they are continuing. Spinelli asked about the Village Market; the applicant said they are continuing to work on the project.

Cowles open public comment and hearing none, closed public comment.

Richards made a motion to approve the one-year renewal of file DR07-10(R). Harrison seconded. The motion was unanimously approved.

***DR16-04 Tumbleweed Dispensary***

Cowles opened file DR16-04, a Major Development Plan for a medical and recreational marijuana retail location. The new building would be located at 1125 Chambers Avenue, which is within the area on Chambers Avenue that allows marijuana retail establishments. The property has already been through the Special Use process with a previous business, Rocky Mountain Pure. The property owners are the same but this business owner is new.

The property is currently vacant and the applicant is proposing a 4,000 square foot building to house a marijuana infusion operation and recreational and medical marijuana retail sales. In addition, the applicant is proposing a dog park located on the back of the property as an amenity for customers and citizens. Staff feels that the location of the building and the dog park minimized the impact on the I-70 corridor. The Development Plan meets the standards and Staff recommends approval.

There is one Design Variance associated with the file related to the location of the loading dock, which by standards should be located on the side of the building rather than facing I-70. The creation of the lot at this size made it difficult to locate the building and very difficult to locate the loading dock on the side of the building. Strategic landscaping in the dog park area will help create a visual buffer. Staff recommends approval of the Design Variance with additional landscaping to buffer the loading dock.

The applicant, Mark Smith, will be running the dispensary. He and his partner manufacture edibles and vapes under multiple brands. There is already a Tumbleweed Dispensary located in Edwards and two in Parachute. The location in Eagle would have the same motif with western barn wood and all reclaimed and all natural materials. The dog park was not a last minute thought; the Parachute location has a dog park as well and it is a nice amenity for customers, and would be open to the public.

Harrison asked if the dog park would be fenced and with what type of fencing. Smith said it would be and he would like to keep with the façade of the building. Harrison also asked if it is legal to smoke marijuana in the dog park. Smith said it is NOT legal and that is not the intent of the dog park. Perkins asked what the operating hours of the dog park are and if there is proposed lighting. The dog park will generally have the same hours as the business and there are no special requests

regarding the dog park area and there is no special use involved. Harrison said he could see potential for conflict between the dog park and any new neighbors due to noise, etc. Smith said that if there are issues with the dog park that are affecting his business he will certainly address it.

Maggie Fitzgerald, the project architect, presented the site and architectural plans and explained that the loading dock on the back of the building is actually a 10 x 10 garage door, not a typical loading dock. Harrison asked if there is anything in the code that would specifically allow or not allow this type of delivery entrance; Boni recommended approval of the design variance to be sure.

Schmidt asked if the site plan allows for snow removal and storage. Fitzgerald said there are areas in the rear and front of the building that can accommodate snow storage; she will note them on the plans.

Cowles noted that it looks like the storm water will sheet across the sidewalk as it exits the property. The storm water should be reviewed by the Town Engineer before approval.

Gregg noted that there is a transformer box in the front landscaping area that should have some additional shielding. He also said that he prefers the lantern style light fixtures installed at the Parachute location rather than the light fixtures shown on the plan.

Perkins asked if there is any fire suppression required with the commercial kitchen. Smith said there is not; the kitchen is more of an assembly production than “cooking.” Perkins also asked if there needs to be something to distinguish the recreational entry from the medical entry. Smith said that they will be distinguished with door signing and most customers are accustomed what to look for when entering.

Cowles opened public comment and hearing none, closed public comment.

Cowles made a motion to approve file DR16-04 with the following conditions:

1. Town Engineer to review and approve sidewalk, water main connection, detention and drainage.
2. Applicant to submit a landscape plan for review.
3. Applicant to provide Staff with lighting plan.
4. It is the opinion of the Planning & Zoning Commission that the garage bay does not meet the description of a loading dock so the Design Variance is not required.

Gregg seconded. The motion was unanimously approved. Cowles closed file DR16-04.

## **TOWN BOARD OF TRUSTEES MEETING REVIEW**

1. Creekside Lofts – Approved with the Planning Commission’s recommendations.

## **OPEN DISCUSSION**

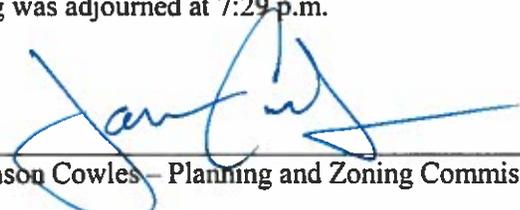
Staff is continuing to receive applications for the Assistant Planner position as well as the vacancies on the Planning & Zoning Commission and the Board of Trustees. The Assistant Planner and Planning & Zoning Commission close on September 9; the Board of Trustees closes on September 16.

Gregg asked about the Eagle River Park project. Boni said the RFQ is almost ready to be advertised and we hope to have someone on contract by January. The in-water work will be delayed until December 2017.

**ADJOURN**

Richards made a motion to adjourn the meeting. Harrison seconded. The motion passed unanimously. The meeting was adjourned at 7:29 p.m.

9/20/16  
Date

  
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Jason Cowles – Planning and Zoning Commission Chair

9/20/16  
Date

  
\_\_\_\_\_  
Danielle Couch – Administrative Assistant