



AGENDA
Planning & Zoning Commission
Tuesday, May 21, 2019
6:30 PM

Public Meeting Room / Eagle Town Hall
200 Broadway
Eagle, CO

This agenda and the meetings can be viewed at www.Townofeagle.org.

PUBLIC WIFI - TOEG – townofeagle2019

6:00 PM - WORK SESSION

1. Discussion of P&Z Work Sessions - Carrie McCool
2. Civic Clerk Update and Training - Dawn Koenig and Jessica Lake

6:30 PM - REGULAR MEETING CALLED TO ORDER

APPROVAL OF MINUTES - *Approval of the minutes from the May 7, 2019 meeting of the Planning and Zoning commission.*

PUBLIC HEARINGS

1. Project: Arnold Variance Requests
File # V18-05
Applicant: John Mark and Donna Arnold
Location 421 E. 3rd Street
Staff Contact: Colton Berck, Planner
Request: Variances for 1) Minimum lot area/dwelling unit (MLA/DU) and 2) 7.5-foot side yard setback reduction for the western property line and a 6.5-foot side yard setback reduction from the eastern property line for a new duplex.
2. Project: Tumbleweed Special Use Permit
File # SU19-03
Applicant: Mark Smith, Tumbleweed Eagle LLC
Location 12 Eagle Park East Drive
Staff Contact: Colton Berck, Planner
Request: Request for a Special Use Permit for a 2,243 square foot retail marijuana store at 12 Eagle Park East Drive within the Commercial General (CG) Zone District.

TOWN BOARD OF TRUSTEES MEETING REVIEW

Staff update to the Planning & Zoning Commission on recent decisions made by the Board of Trustees on various Land Use files.

COMMUNITY DEVELOPMENT DEPARTMENT UPDATE

Staff update to the Planning & Zoning Commission on recent work and upcoming files.

OPEN DISCUSSION

PUBLIC COMMENT

Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person.

ADJOURN

I hereby certify that the above Notice of Meeting was posted by me in the designated location at least 24 hours prior to said meeting.



Jessica Lake
Planning Technician



**Planning and Zoning Commission
Meeting Minutes
May 7, 2019**

PRESENT

Jason Cowles, Chair
Stephen Richards
Charlie Perkins
Jesse Gregg
Brent McFall
Matthew Hood
Bill Nutkins

STAFF

Carrie McCool-Interim Town Planner
Colton Berck- Planner I
Dawn Koenig- Admin Technician

ABSENT

Kyle Hoiland

This meeting was recorded. The following is a condensed version of the proceedings written by Dawn Koenig.

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission held in the Eagle Town Hall was called to order by Jason Cowles at 6:30p.m.

APPROVAL OF MINUTES

Commissioner Richards made a motion to approve the minutes of the March 19th, 2019 meeting. Commissioner Nutkins seconded. McFall abstained as he was not present at the meeting. All others present voted in favor. The motion passed.

PUBLIC COMMENT

Celena Olden 1864 Eagle Ranch Road said that she is a member of the retail business community. She stated that she has concerns about mobile vending businesses and the zoning issues that these types of businesses may create. She stated that brick and mortar businesses pay commercial property taxes each year. Brick and mortar businesses pay increased expenses for utilities as well, she stated. Olden stated that she is making a significant investment in order to be in business in this community. When the mobile businesses are allowed to park on public right of way and do business, they do not pay into any of these levels of taxation, Olden noted. She stated that it is inequitable competition. She said there needs to be some

consideration of equalization. She suggested that retail business perhaps do not pay commercial property tax. She said that this comes down to a zoning issue. Brick and mortar businesses provide jobs and give back to the community in other ways that mobile vendors do not, Olden said.

Commissioner McFall stated that he is the Planning Commission Liaison for the Land Use Code update committee and would be happy to bring her concerns to the committee to see if they could be taken into consideration in the process of updating the Land Use Code.

LAND USE FILES

CT19-01 Sylvan Lake Building Condo Plat

Commissioner Cowles opened file CT19-01 an application for a condominium plat to divide an existing commercial building into six separate condominium units.

STAFF REPORT AND PRESENTATIONS

Planner I Colton Berck introduced project representative Rick Pylman and gave a brief overview of the file. He mentioned that staff has not received formal public comments, however there have been some misinformed posts observed on social media where members of the public assumed this was a request to convert commercial space to residential use. Berck said he has been able to address those concerns when he has received any phone calls regarding the inaccurate information.

He presented the standards of approval and sections of the guiding documents that support approval. He stated that staff is recommending approval of the file with the following conditions:

1. Minor errors or omissions on the plat identified by the Town Engineering and Public Works Departments, Town Attorney, and the Town's 3rd Party Surveyor require correction prior to filing.
2. The title and references of "preliminary plat" shall be removed.
3. Land use summary shall be revised to include square footages per unit.

Q & A

Perkins asked if this change impacts parking requirements or how adequate parking is calculated. Beck said that it does not.

PUBLIC COMMENT

None.

DELIBERATION

McFall motioned to approve file CT19-01 with the staff recommended conditions. Hood seconded. All voted in favor and the motion passed.

TOWN BOARD OF TRUSTEE UPDATE

Haymeadow received approval for the first subdivision filing. The Red Mountain Ranch and Reserve at Hockett Gulch files are still going through the approval process.

COMMUNITY DEVELOPMENT DEPARTMENT UPDATE

Interviews for the Director position was last Monday. Elevate Eagle pop ups took place last week to get community feedback on the Community Plan rewrite. Berck state that there is a photo contest happening on the Elevate Eagle website.

Berck said that the Town hosted a water efficiency workshop on May 1st. Berck said he attended the growing water smart conference in Keystone at the end of April which was focused on integrating planning with water conservation.

ADJOURN

Commissioner Nutkins made a motion to adjourn and Commissioner Richards seconded. All voted in favor. The meeting adjourned at 6:49PM.

Date

Jason Cowles – Planning and Zoning Commission Chair

Date

Dawn Koenig- Admin Technician



CERTIFICATE OF RECOMMENDATION

TO: Planning and Zoning Commission

FROM: Department of Community Development

DATE: May 21, 2019

PROJECT NAME: Arnold Variance Requests

FILE NUMBER: V18-05

APPLICANT: John Mark & Donna Arnold

LOCATION: 421 East 3rd Street

ZONING: Residential Medium (RM)

EXHIBIT(S): A. Application and Cover Letter
B. Aerial & Site Photos
C. Site Plans

STAFF CONTACT: Colton Berck, Planner I

REQUEST: Variances for 1) Minimum lot area/dwelling unit (MLA/DU) and 2) 8-foot side yard setback reduction for the western property line and a 7-foot side yard setback reduction from the eastern property line for a new duplex.

PROJECT DESCRIPTION AND BACKGROUND:

The subject property consists of a single family residence on 0.232 acres (10,105 square feet) in the RM – Residential Medium zone district. The single-story home and carport were constructed in the 1940's. The applicants are seeking two variances for 1) minimum lot area/dwelling unit (MLA/DU) and 2) an 8-foot side yard setback reduction for the western property line and a 7-foot side yard setback reduction from the eastern property line in order to demolish the existing residence and build a new duplex. The variance requests and the respective code requirements are provided in the table below.

#	Standard	Code Requirements	Variance Request
1)	MLA/DU	6,000 square feet of lot area/dwelling unit (12,000 square feet for duplex)	947.5 square foot reduction for 5,052.5 square feet of lot area/dwelling unit (10,105 square feet for duplex)
2)	Side Yard Setback (W)	13 feet (1/2 building height*)	8-foot reduction for a 5-foot setback
	Side Yard Setback (E)	13 feet (1/2 building height*)	7-foot reduction for a 6 foot setback

**The setback requirement for side yards in the RM zone is the greater of 12.5 feet or ½ the building height. Since the applicant has proposed a building height of 26 feet, the side yard setback required is 13 feet.*

ZONING VARIANCE STANDARDS

Listed below are the findings required by Section 4.05.020 of the Land Use and Development Code for approval of a Zoning Variance:

1. That the variance granted is without substantial detriment to the public good and does not impair the intent and purposes of the Town's regulations, goals, policies and plans, including the specific regulation in question; **and**
2. That the variance granted is the minimum necessary to alleviate the hardship; **and**
3. That there exists on the property in question exceptional topography, shape, size or other extraordinary and exceptional situation or condition peculiar to the site, existing buildings, or lot configuration such that strict application of the zone district requirements from which the variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property in question; **or**
4. That such exceptional situation or condition was not induced by any action of the applicant and is not a general condition throughout the zone district.

FINDINGS FOR A ZONING VARIANCE

Standard #1: That the variance granted is without substantial detriment to the public good and does not impair the intent and purposes of the Town's regulations, goals, policies and plans, including the specific regulation in question.

1) Minimum lot area/dwelling unit

Staff Analysis: Duplexes are a permitted use within the Residential Medium (RM) zone district. While the subject property does not currently accommodate the required 6,000 square feet per dwelling unit for two units (12,000 square feet) at 10,105 square feet, the applicant's

proposal to construct a new duplex signifies an investment in an aging residential property thereby protecting the value of property within the community. Staff finds that granting a 947.5 square foot minimum lot area/dwelling unit variance is without substantial detriment to the public good and implements the Eagle Area Community Plan by supporting the goal of maintaining an appropriate and full spectrum of dwelling unit types and price points in the Town. Additionally, staff finds the increase in density is appropriate for this property, is aligned with the stated objectives for the RM zone district and of the purposes of the Town's regulations, goals, policies and plans.

2) Side yard setbacks for a new residential structure

Staff Analysis: One purpose of setback requirements in residential areas is to preserve neighborhood character and provide yard space for residents to enjoy. New construction of duplex on 10,105 square feet presents design options that could adhere to the side yard setback requirements and not impair the intent of the town's regulations. Granting the side yard variance requests, would limit the amount of yard space that is vital to preserving the neighborhood character. Most homes in the RM zone district and adjacent neighborhoods, have a traditional layout with the front doors facing the street, most are front-loaded with generous side yard setbacks between adjacent buildings.

Furthermore, the attached garage perpetuating both side yard variance requests could be sited within the duplex footprint as there is already one garage proposed within the duplex footprint. Relocating the second, attached garage into the proposed duplex footprint would allow the building to be shifted fully outside of the setback, leaving adequate room for a driveway and side yards that are more compatible with the surrounding neighborhood.

Typical single family homes have front and back yards and due to the reduced side yard setbacks and the orientation of the duplex, the reduction of both the side yards would not be compatible with other residential structures in the neighborhood. Staff finds that based on this analysis of the applicant's proposal to reduce the side yard setbacks, there could be some impairment on the intent and purposes of the Town's regulations, goals, policies and plans, including the purpose of side yard setbacks.

Standard #2: That the variance granted is the minimum necessary to alleviate the hardship.

1) Minimum lot area/dwelling unit

Staff Analysis: The applicants purchased the property in its current lot configuration and size in 1981. The property consists of 10,105 square feet with no opportunity to accommodate additional square footage. Staff finds the variance requested would allow one additional unit on the property which would be the minimum necessary to alleviate the hardship.

2) Side yard setbacks for a new residential structure

Staff Analysis: Through the development review process, the applicant has not thoroughly evaluated all potential design alternatives that would not require side setback variances. With a lot size of 10,105 square feet there are numerous configurations and design options to build a duplex that would not require side setback variances. For instance, based on the proposed building locations on the property, if the garage was incorporated into the duplex structure the building was shifted west in order to meet the 13-foot easterly side yard setback the resulting west side yard setback would be approximately 18 feet. As such, the site could be designed in full conformance to the setback standards. Additionally, the applicant did not locate any utility lines within either of the side yards, which was previously noted as a possible reason for an adjusted east side yard setback. As such, the applicant has not demonstrated a hardship for the variance request to side yard setbacks.

Standard #3: That there exists on the property in question exceptional topography, shape, size or other extraordinary and exceptional situation or condition peculiar to the site, existing buildings, or lot configuration such that strict application of the zone district requirements from which the variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property in question.

1) Minimum lot area/dwelling unit

Staff Analysis: An increase in lot area would require additional land for which no opportunities exist. As such, the strict application of these zoning requirements would result in practical difficulties in accommodating an allowed use on the property in question.

2) Side yard setbacks for a new residential structure

Staff Analysis: As noted above, the applicant has not demonstrated hardship that would necessitate the setback variance in order to develop two (2) dwelling units on the property. Without further design analysis from the applicant, Staff is unable to find an extraordinary or exceptional situation exists that would prohibit the applicant from constructing the duplex under the current side yard setback requirements. As noted in the staff analysis for Standards #1 and #2 above, staff finds that the development of a duplex on this property can comply with the required setbacks in addition to all other development standards, except the MLA/DU as requested herein.

PUBLIC NOTICE AND COMMENTS

The public hearing for the variance requests were publicly noticed in accordance with the applicable public notification requirements of the Eagle Land Use and Development Code. No public comments were received for this application.

STAFF RECOMMENDATION

- 1) Staff recommends **APPROVAL** of the minimum lot area/dwelling unit (MLA/DU); and
- 2) **CONTINUANCE** of the side setback variances to allow for the applicant to explore alternative design options and provide sufficient information to review the side setback variance per the criteria above.

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to V18-05 Arnold Variance Request 1) Minimum lot area/dwelling unit (MLA/DU) reduction of 947.5 square feet:

1. I find the application substantially meets the standards for approval, and move to **APPROVE** Request 1) of V18-05 Arnold Variance Requests with no conditions.
2. I find the application substantially meets the standards for approval, and move to **APPROVE** Request 1) of V18-05 Arnold Variance Requests with the following conditions of approval:

<insert conditions of approval>

3. I find that the Applicant has not provided sufficient information to review the application per the standards for approval and move to **CONTINUE** Request 1) of V18-05 Arnold Variance Request to the next regularly scheduled meeting.
4. I find that the application does not substantially meet the standards for approval and move to **DENY** Request 1) of V18-05 Arnold Variance Requests.

Below are the Planning and Zoning Commission options related to V18-05 Arnold Variance Request 2) 8-foot side yard setback reduction for the western property line and a 7-foot side yard setback reduction from the eastern property line for a new duplex:

1. I find the application substantially meets the standards for approval, and move to **APPROVE** Request 2) of V18-05 Arnold Variance Requests with no conditions.
2. I find the application substantially meets the standards for approval, and move to **APPROVE** Request 2) of V18-05 Arnold Variance Requests with the following conditions of approval:

<insert conditions of approval>

3. I find that the Applicant has not provided sufficient information to review the application per the standards for approval and move to **CONTINUE** Request 2) of V18-05 Arnold Variance Requests to the next regularly scheduled meeting.

4. I find that the application does not substantially meet the standards for approval and move to **DENY** Request 2) of V18-05 Arnold Variance Requests.



TOWN OF EAGLE
COMMUNITY DEVELOPMENT
200 BROADWAY • PO BOX 609 • EAGLE, CO 81631
PHONE: 970-328-9655 • FAX: 970-328-9656
www.townofeagle.org

LAND USE & DEVELOPMENT PERMIT APPLICATION

Pursuant to the Land Use & Development Code, Title 4

ZONING REVIEW ☐ Special Use Permit ☒ Zoning Variance ☐ Rezoning ☐ Temporary Use Permit ☐ Amendment to Zone District Regulations	DEVELOPMENT REVIEW ☐ Minor Development Review ☐ Major Development Review	SUBDIVISION OR PLANNED UNIT DEVELOPMENT REVIEW ☐ Concept Plan ☐ Preliminary Plan ☐ Final Plat ☐ Lot Line Adjustment ☐ Condominium / Townhouse ☐ Minor Subdivision ☐ P.U.D. Zoning Plan
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PROJECT NAME 421 East Third Street
PRESENT ZONE DISTRICT Town - 013 PROPOSED ZONE DISTRICT _____
(if applicable)

LOCATION

STREET ADDRESS 421 East Third Street

PROPERTY DESCRIPTION

SUBDIVISION Eagle Town LOT(S) 7-12 BLOCK 2
(attach legal description if not part of a subdivision)

DESCRIPTION / PURPOSE MLA/DU - slight increase of 1895. We have 10,105.92 and need 12,000

MEY - reduce from 25' - 20'
MSY - reduce from 12.5' - 5' (Fire Station next door)

APPLICANT NAME John Mark Arnold PHONE 970-376-1294
ADDRESS PO Box 374 Eagle, CO 81631 EMAIL themark@yahoo.com
OWNER OF RECORD Spouse PHONE djpasielka@gmail.com
ADDRESS Donna J. Arnold EMAIL _____
REPRESENTATIVE _____ PHONE _____
ADDRESS _____ EMAIL _____

The above information is correct and accurate to the best of my knowledge.

John Mark Arnold
Signature

10/17/18
Date

In addition to the Application Fee payable at time of Land Use Application, costs related to public notices, postage, Town Attorney Fees and any related outside consultant fees required to review the application shall be billed to the applicant.

FOR OFFICE USE ONLY

DATE RECEIVED _____ BY _____ FILE NUMBER _____
REVIEW FEE _____ DATE PAID _____ RECEIVED BY _____
DATE CERTIFIED COMPLETE _____ BY _____
P&Z HEARING DATE _____ DECISION _____
TBOT HEARING DATE _____ DECISION _____

**John Mark Arnold
Post Office Box 374
Eagle, Colorado 81631**

*Items in RED have been
altered since submission.*

Re: 421 East Third Street
Parcel # 1939-333-07-004
Schedule/ Acct # R019310

October 17, 2018

To: Colton Berck and Morgan Landers
Town of Eagle Planning Commission
Post Office Box 609
Eagle, CO 81631

Dear Ms. Landers and Mr. Berck

Enclosed please find the items that Mr. Berck requested from us for the completion of our Land Use / Variance Application.

I bought this property in 1981, living there until 1987. The original structure was built in 1946 and clearly predates any city building codes. We have held onto the property all these years, in hopes of developing it for the benefit of the community and our retirement income. Now that the Town of Eagle's long term plans are for more dense housing, I believe we are in alignment with that concept and wishing to request a slight increase to our MLA/DU for a modest duplex. The three items that we are requesting:

1. ~~Sub divide the lot for resale purposes for the future duplex (if we get approved)~~
2. Slightly increase our MLU/DU. you require 6000 per unit, we now have 5,052, therefore are asking for approx. 950 sq. ft. increase per unit. Total of 1895.00
3. Variance on the East side from 12.5 feet to (6)5' (this is the side next to Fire Station), West from 12.5' to 5', and south side (Font of site) from 25' to 20' set back, see attached plan showing these.

As the property stands now, it is non-conforming to present day needs. The dwelling is very outdated and needs to be replaced. The original late 19th century hitching post on the back of the property is now rendered useless; the topography and general condition of the

property needs a complete revamp to be considered useful. See enclosed pictures of the original hitching posts in rear of property and the existing dwelling.

Our GOAL is to build a modest duplex. We understand that we are already zoned for multi-housing; we just need an increase for the "Minimum Lot Area per Dwelling Unit." and would also like a variance for 2 setbacks.

In summary and referring to your schedule of residential requirements, these are our requests:

MLA/DU: We have 10,105.92 we need 12,000. That is an increase of 1895.00 or 950 per unit for a duplex.

~~MFY: Local Street. Required 25' we are asking to reduce to 20'~~

MSY: Requesting to reduce East side, next to the Fire Station from 12.5 to (6)5'

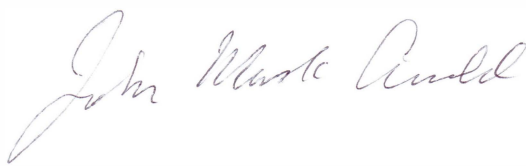
Requesting from 12.5 to 5' on West side.

(In Exchange for this we would offer the Fire station to grade their property along the fence line to be more level, safer for them to maintain and mow their grass) see photo

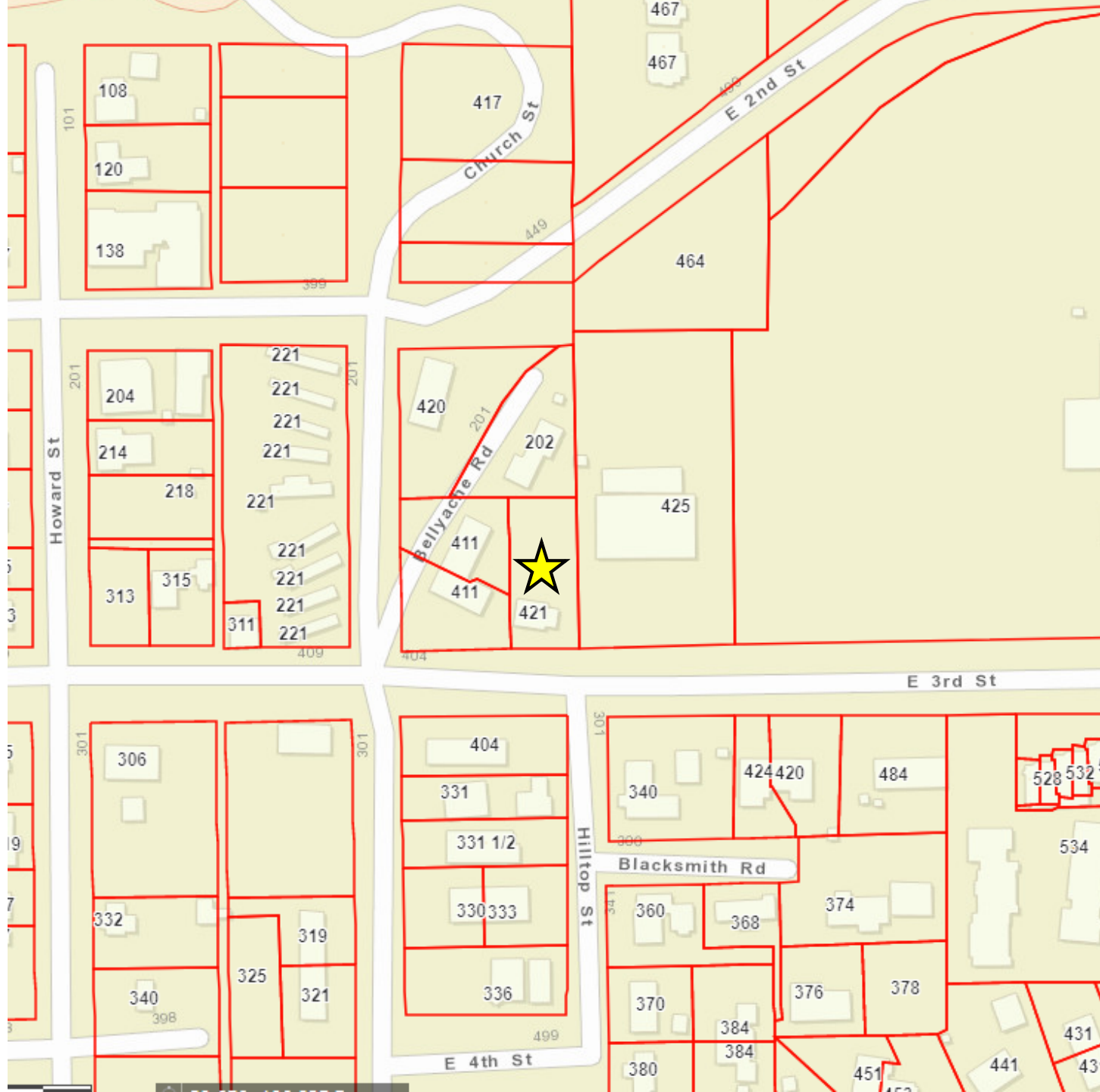
MRY: Existing is Adequate

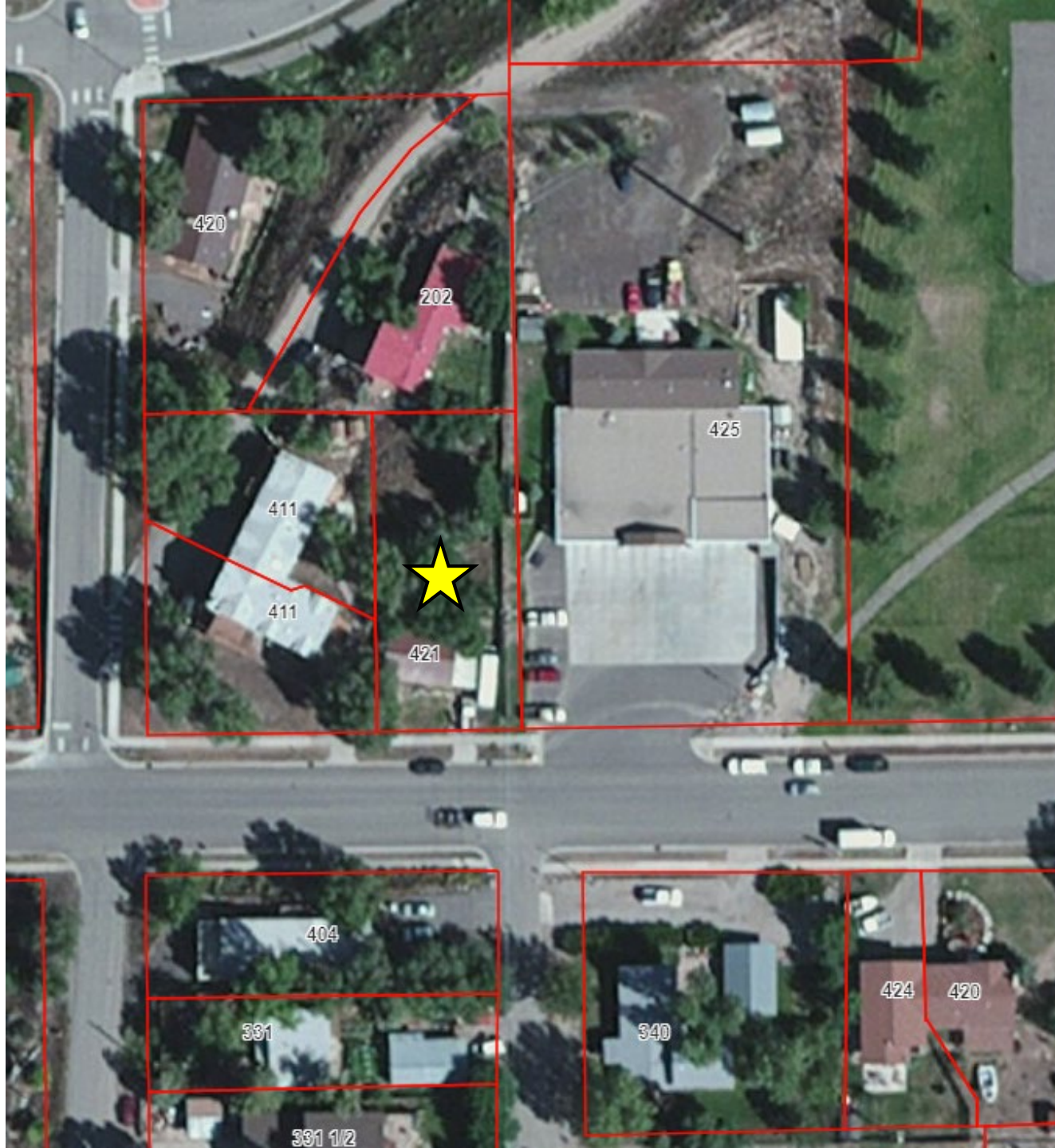
MLC: The Proposed Duplex dwelling will not exceed this. Allowed 4,042. Proposed 3950

MFA: Existing is adequate



10-18-18



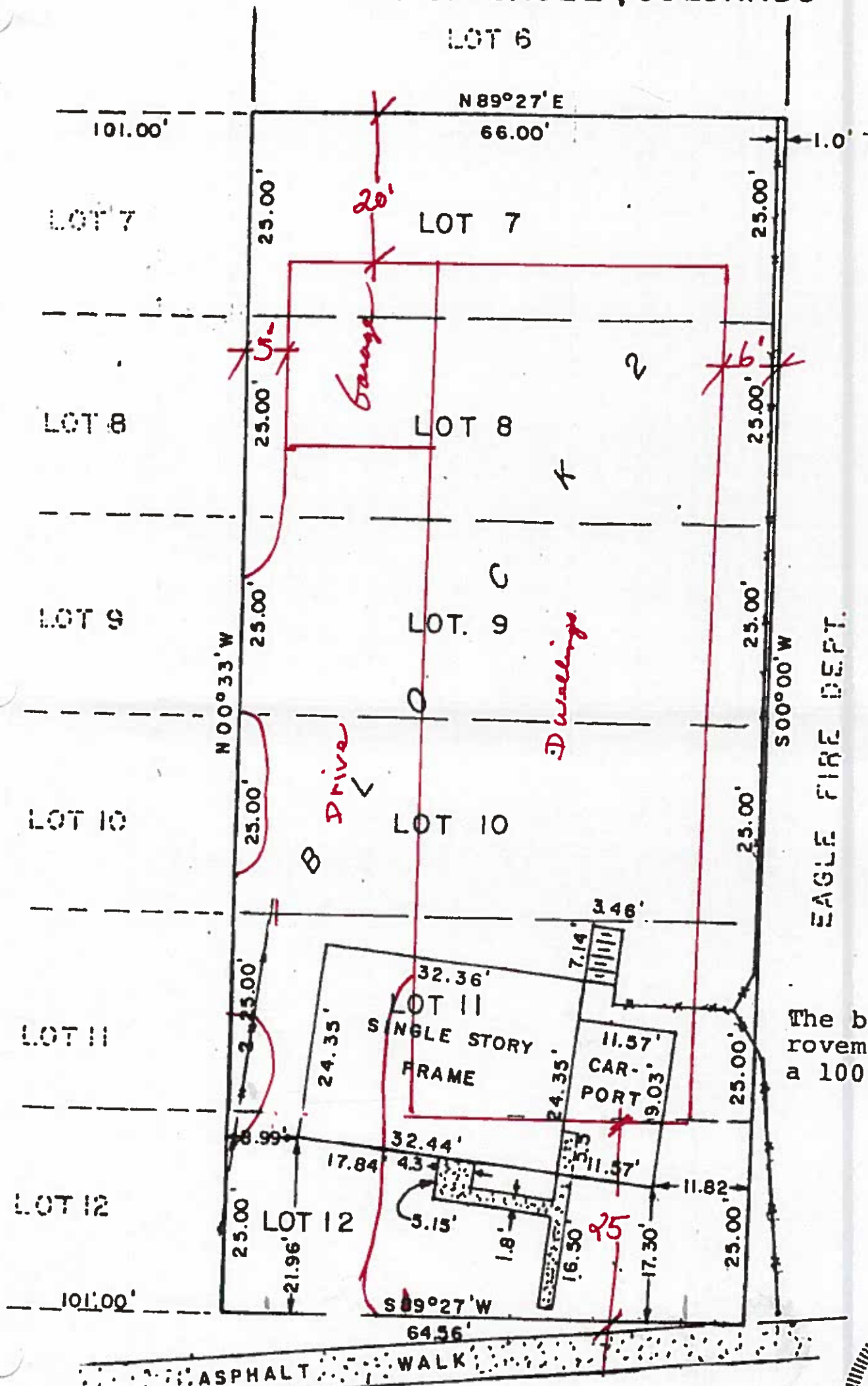








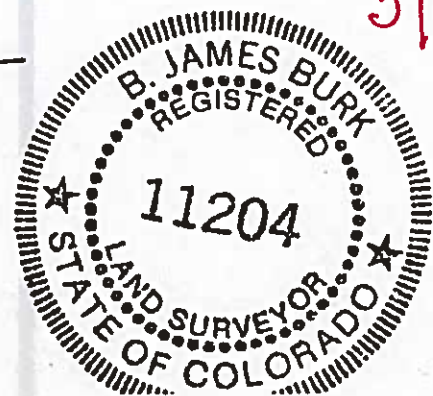
IMPROVEMENT LOCATION CERTIFICATE
A PORTION OF LOTS 7-12, BLOCK 2
TOWN OF EAGLE, COLORADO



The building, lots and improvements are not within a 100 year flood plain.

SCALE 1" = 20'

V18-05
J Mark Arnold
3/18/19



THIRD STREET

I hereby certify that this improvement location
certificate was prepared for First Capitol Mortgage.
I further certify that the improvements on the above
described lots on this date, except for utility work



CERTIFICATE OF RECOMMENDATION

TO: Planning and Zoning Commission

FROM: Department of Community Development

DATE: May 21, 2019

PROJECT: Tumbleweed Retail Special Use Permit

FILE NUMBER: SU19-03

APPLICANT: Mark Smith, Tumbleweed Eagle LLC

LOCATION: 12 Eagle Park East Drive

ZONING: Commercial General (CG) District

EXHIBITS: A: Application and Narrative
B: Plan Set
C: Site Photos

STAFF: Colton Berck, Planner I

REQUEST: Special Use Permit approval for a 2,243 square foot retail marijuana store

PROJECT DESCRIPTION AND BACKGROUND

The applicant is requesting to relocate their recreational retail marijuana use from 1125 Chambers Avenue to 12 Eagle Park East Drive. Approval for a medical and recreational marijuana retail, grow, and infusion establishment located at 1125 Chambers Avenue was granted in 2014. In 2016, a major development permit was approved for a 4,000 square foot commercial building for these approved uses and location with the licenses being transferred to ILB Partners II, LLC (Tumbleweed Dispensary).

No additional marijuana uses are being requested in this application. Recreational retail marijuana use is considered a special use of “retail marijuana store” in the Commercial General Zone District.

In 2018, the Town of Eagle updated the Land Use and Development Code to change the boundaries where marijuana related businesses (sales and cultivation) are permitting. The area is shown in Figure A below:

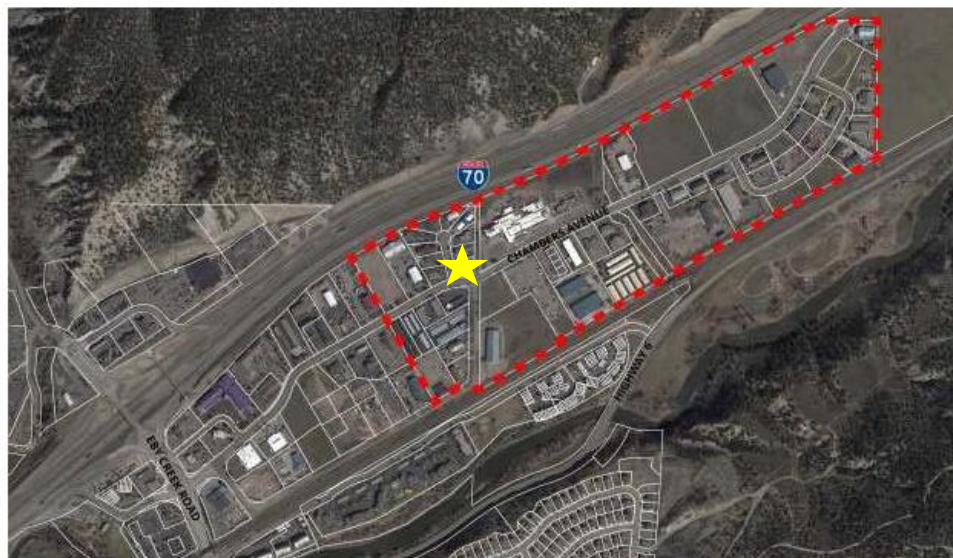


Figure A

The proposed relocation of the Tumbleweed dispensary is within the established boundaries and noted as a star on the figure above. The site consists of one primary building comprising a single story. The applicant is not proposing any changes to the existing square footage of the building.

APPROVAL CRITERIA AND STAFF FINDINGS FOR A SPECIAL USE PERMIT

In accordance with Eagle Municipal Code, Title 4 Land Use and Development Code, Section 4.05.010, all applications for special uses shall demonstrate compliance with applicable standards and criteria herein.

Standard #1: *The proposed use is consistent with the provisions of this Chapter and with the Town's goals, policies and plans.*

Staff Analysis: The Town of Eagle Land Use and Development Code permits the proposed uses as a Special Use on properties zoned Commercial General (CG) or Industrial (I) in a designated area identified in Section 4.04.100 – Supplementary Regulations (see Figure A above). The subject property is zoned Commercial General (CG) and is located within the designated area for these uses. Therefore, the proposed facility is in compliance with this section of the Land Use and Development Code.

The code also restricts the location of these facilities to a certain distance from residential zone districts (100 ft) and from schools, licensed child care facilities, alcohol and drug treatment facilities and college campuses (1,000 ft). The proposed location is not within the areas restricted by the Land Use and Development Code and remains compliant with this standard.

Utilizing the second of two permitted retail marijuana licenses within the town per Section 4.04.100(U)) enables the Town of Eagle to further bolster its local economy and provides for a

competitive regional advantage as supported by the Eagle Area Community Plan (2010). Additionally, strategies to promote Economic Vitality and Development include facilitating reinvestment into a vacant commercial building for new sales-tax generating purposes as encouraged by the Town’s Strategic Plan. Approval of this special use permit would continue to forward the objectives of the Town’s goals, policies, and plans.

Standard #2: *The proposed use is compatible with existing and allowed uses surrounding or affected by the proposed use.*

Staff Analysis: The surrounding uses of the proposed property include a variety of general offices, a dental office, a dog daycare facility, auto repair shops, warehouse sales and distribution for HVAC and construction companies, and outdoor and indoor storage areas. Less than 250 feet west of this property is the approved new location for Sweet Leaf Pioneer, the Town’s first commercial marijuana establishment.

The previous use of the subject property was offices, retail, and warehouse distribution. In review of the proposed use of the building required for the operations of a retail marijuana store, it is consistent with the surrounding uses with minimal potential for conflict. The proposed location is not within an existing building that is shared with other tenants, limiting the potential challenges with ventilation that sometimes arise in buildings with multiple tenants. A building permit will be required prior to occupying the space. At that time, appropriate ventilation and other requirements in the Land Use and Development Code and Building Code will be administered to minimize orders associated with the marijuana use or any other potential impacts to adjacent properties.

Standard #3: *Street improvements adequate to accommodate traffic volumes generated by the proposed use and in provision of safe, convenient access to the use and adequate parking are either in place or will be constructed in conjunction with the proposed use, as approved by the Town.*

Staff Analysis: Upon review of the site circulation, street network and parking, the site appears to have the appropriate infrastructure to accommodate the proposed use. As this proposal requires a special use “recreational marijuana store” that is from a different use category than the prior existing uses, and analysis of required off-street parking is required (Section 4.04.140 A.3.a). Staff has reviewed the parking required for the entirety of the proposed project under the use categories for Commercial and Industrial Uses (Section 4.07.140 C.3 and 4) as it appears that the proposed uses are aligned most closely with that category.

Use Category	Square Footage (approx.)	Parking Required
Office Space	388	2
Warehouse – Storage	523	1
Retail Sales (recreational marijuana store)	1,332	5
Total	2,243	8

Eight (8) parking spaces are required to adequately serve the development. Sheet A1.1 (Exhibit B) shows 10 proposed off-street parking spaces, which exceeds the parking requirement by two (2) spaces. One (1) of the 10 spaces is ADA compliant, which is required by Code. In review of

the parking plan, staff identified areas where circulation could be improved to reduce congestion of the site during busy times, a particularly important consideration for the highly trafficked Chambers Avenue Area. These include allowing access onto the property via Chambers Avenue or Eagle Park East Drive while prohibiting exiting of the property from Chambers Avenue access point as well as providing the appropriate ingress/egress signage. As such, Staff recommends the following:

1. The Chambers Avenue access shall not be permitted for exiting the property.
2. A separate sign permit shall be submitted to the Town for review and approval for ingress/egress signage.

Additionally, as perimeter landscaping is required per section 4.07.020(B)(4), the site plan will need to be revised to include the required landscape screening.

Staff finds standard 3 can be met with the recommended revisions to the submitted site plan.

PUBLIC NOTICE AND COMMENTS

The public hearing for the variance requests were publicly noticed in accordance with the applicable public notification requirement of the Eagle Land Use and Development Code. No public comment has been received.

STAFF RECOMMENDATION

Staff recommends **approval** of SU19-03 Tumbleweed Retail Special Use Permit, **with the following conditions**:

1. Occupancy of the property for the approved use shall not be permitted prior to the issuance of State of Colorado Licenses for the references uses.
2. Upon issuance of licenses by the State of Colorado, Special Use Permit 13-11 shall become void.
3. The Chambers Avenue access shall not be permitted for exiting the property.
4. A separate sign permit shall be submitted to the Town subject to review and approval for ingress/egress signage.
5. Required perimeter landscape screening shall be depicted on the overall site plan to be reviewed and approved by the Town Planner prior to the issuance of building permit.

POTENTIAL MOTIONS

Below are the Planning and Zoning Commission's options related to SU19-03 Tumbleweed Retail Special Use Permit request:

1. I find the application substantially meets the standards for approval and move to **APPROVE** SU19-03 Tumbleweed Retail Special Use Permit with no conditions.

2. I find the application substantially meets the standards for approval and move to **APPROVE** SU19-03 Tumbleweed Retail Special Use Permit with the following conditions of approval:

<insert conditions of approval>

3. I find that the Applicant has not provided sufficient information to review the application per the standards for approval and move to **CONTINUE** SU19-03 Tumbleweed Retail Special Use Permit to the next regularly scheduled meeting.
4. I find that the application does not substantially meet the standards for approval and move to **DENY** SU19-03 Tumbleweed Retail Special Use Permit.



TOWN OF EAGLE
COMMUNITY DEVELOPMENT
200 BROADWAY • PO BOX 609 • EAGLE, CO 81631
PHONE: 970-328-9655 • FAX: 970-328-9656
www.townofeagle.org

LAND USE & DEVELOPMENT APPLICATION

Pursuant to the Land Use & Development Code, Title 4

ZONING REVIEW	DEVELOPMENT REVIEW	SUBDIVISION REVIEW
☒ Special Use Permit ☐ Zoning Variance ☐ Rezoning ☐ Temporary Use Permit ☐ Amendment to Zone District Regulations ☐ Encroachment Permit	☐ Minor Development Permit ☐ Major Development Permit PLANNED UNIT DEVELOPMENT (PUD) REVIEW ☐ PUD Zoning Plan ☐ PUD Development Plan	☐ Concept Plan ☐ Preliminary Plan ☐ Final Plat ☐ Lot Line Adjustment ☐ Condominium / Townhouse ☐ Minor Subdivision

PROJECT NAME Tumbleweed Retail Marijuana Use Permit Location Move

PRESENT ZONE DISTRICT Commercial General **PROPOSED ZONE DISTRICT** _____
(if applicable)

LOCATION

STREET ADDRESS 12 Eagle Park East Drive

PROPERTY DESCRIPTION

SUBDIVISION Eagle Park East **LOT(S)** 10 **BLOCK** _____
(attach legal description if not part of a subdivision)

DESCRIPTION OF APPLICATION/PURPOSE The purpose of this application is to move the existing retail marijuana use permit # SU 13-11 from its previous approved location at 1125 Chambers Road to the new location of the new to be built Tumbleweed retail store which will be located at 12 Eagle Park East Drive

APPLICANT NAME Tumbleweed Eagle LLC, Mark Smith, Partner **PHONE** 612-963-1820

ADDRESS 1187 Gore Trail, Edwards, CO 81632 **EMAIL** austinenergygroup@gmail.com

OWNER OF RECORD Northgate Eagle LLC, Mark Smith, Partner **PHONE** 612-963-1820

ADDRESS 1187 Gore Trail, Edwards, CO 81632 **EMAIL** austinenergygroup@gmail.com

REPRESENTATIVE* Maggie Fitzgerald **PHONE** 970-445-0486

ADDRESS P.O. Box 1328, Eagle, CO 81631 **EMAIL** maggiefitz@gmail.com

*A representative must submit an affidavit or power of attorney signed by the property owner of record authorizing the representation.

APPLICATION SUBMITTAL ITEMS:

The following submittal materials must be submitted in full before the application will be deemed complete (please check all items that are being submitted):

- ☒ Applicable fees and deposits.
- ☒ Project Narrative, describing the project, its compliance with any applicable review criteria, any impacts to the surrounding area, and any other relevant information.
- ☒ Surrounding and interested Property Ownership Report (see project specific checklist for more information).
- ☒ Proof of Ownership (ownership & encumbrance report) for subject property.
- ☒ Site Plan, drawn to scale and depicting the locations and boundaries of existing and proposed lots and structures.
- ☒ Project specific checklist.

FEES AND DEPOSITS:

See Eagle Municipal Code Section 4.03.080

1. Application fees shall be paid in full at the time of the filing of the application and unless paid, the application shall not be deemed complete. All fees are nonrefundable.
2. As described in Eagle Municipal Code § 4.03.080, third-party consultants may be necessary for the review and processing of applications. These costs ("pass-through costs") must be paid by the applicant. If pass-through costs are expected, the applicant must pay a deposit at the time the application is filed. If at any time the deposit does not fully cover the pass-through costs, the applicant must pay another subsequent deposit before the Town will continue processing the application.
3. The Town may withhold the recording of any Subdivision Final Plat or Development Plan or the signing of any Resolution or Ordinance until all pass-through fees are paid in full.
4. Within 30 days of approval or denial of an application, any remaining deposit shall be returned to the applicant. If an application is withdrawn, any remaining deposit shall be returned to the applicant within 60 days.

I have read the application form and certify that the information contained herein is correct and accurate to the best of my knowledge. I understand that it is my responsibility to provide the Town with accurate information related to this application. I UNDERSTAND THAT FILING AN APPLICATION IS NOT A GUARANTEE THAT THE APPLICATION WILL BE APPROVED.

Signature



Date

MARCH 3 2019

FOR OFFICE USE ONLY

DATE RECEIVED _____	BY _____	FILE NUMBER _____
REVIEW FEE _____	DATE PAID _____	RECEIVED BY _____
DATE CERTIFIED COMPLETE _____	BY _____	
P&Z HEARING DATE _____	DECISION _____	
BOT HEARING DATE _____	DECISION _____	

Project Description

Pending the Town of Eagle's approval, Tumbleweed Eagle, LLC proposes to move the approved retail marijuana use permit # SU 13 – 11, from its previous approved location at 1125 Chambers Avenue to the new to be built Tumbleweed retail only store which will be located at 12 Eagle Park East Drive.

The new Tumbleweed retail store will be located in the former location of the Sinton Dairy distribution center.

Tumbleweed currently owns and operates 7 stores in Colorado primarily in the mountain region. The owners of Tumbleweed pride themselves on building facilities that maintain the Western heritage of the Rocky Mountains. All the stores utilize reclaimed barn woods to enhance the quality, look and feel associated with all its stores.

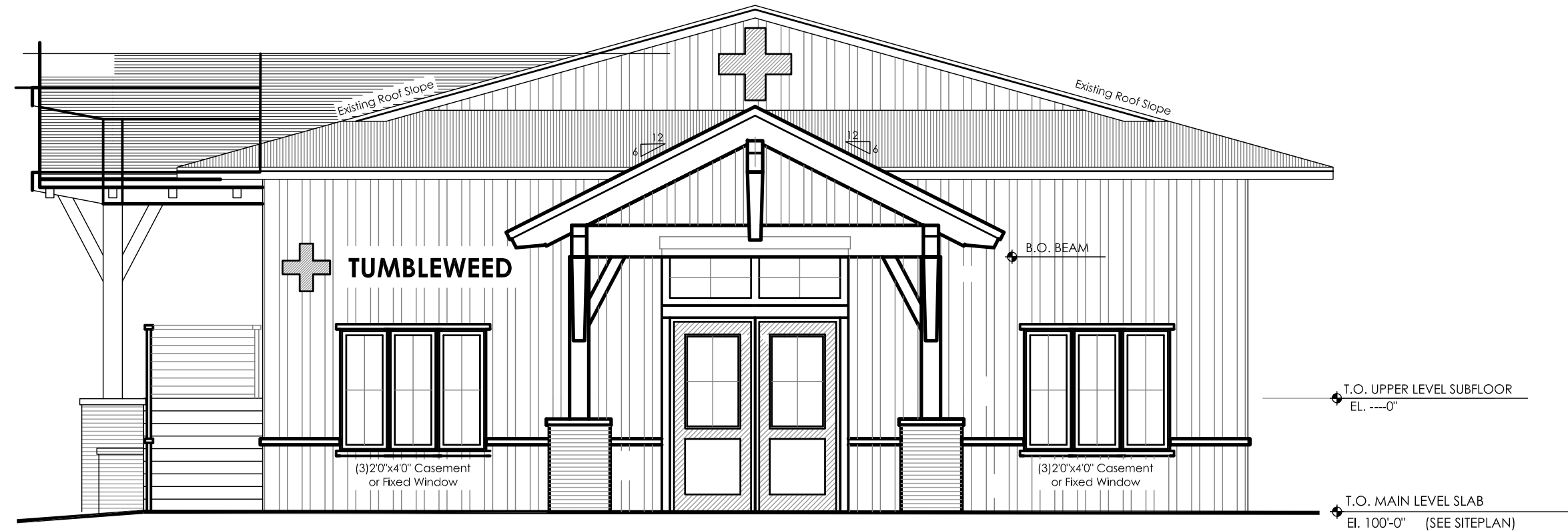
The Eagle store will only be used for Recreational Retail Marijuana sales. The current existing finished square footage of the building is 2,243 GSQ. FT.. There are no plans to add additional square footage to the building.

The space will consist of 1,332 gsf of mercantile/retail space, 388 gsf of office space and 523 gsf of storage.

The Tumbleweed retail stores hours of operation will be from 8:00 am to 9:00 PM.

TUMBLEWEED DISPENSARY

Town Of Eagle
Retail
Chambers Avenue



OWNER
TUMBLEWEED
MARK SMITH
EAGLE, CO 81631
612-963-1820

BUILDER
TBD

ARCHITECT
MAGGIE T. FITZGERALD, AIA
P.O. BOX 1328
EAGLE, COLORADO 81631
(970) 445-0486
maggieTfitz@gmail.com

STRUCTURAL ENGINEER
KURTZ ENGINEERING
BRIAN KURTZ
P.O. BOX 3032
EAGLE, COLORADO 81631
(970) 331-4733
KUTZENGEINER@YAHOO

SURVEYOR
PEAK LAND CONSULTANTS, INC
1000 LIONS RIDGE LOOP
VAIL, COLORADO 81657
PHONE: (970) 476-8644

SOILS
HP GEOTECH
5020 COUNTY RD 154
GLENWOOD SPRING, CO 81631
(970) 945-7988

FLOOR AREAS SUMMARY:

REMODEL TO EXISTING STRUCTURE

LEVEL 1 - RETAIL 1,332 GSQ. FT.

TOTAL FINISHED S.F. 2,243 GSQ. FT.

PROJECT SUMMARY:

TENANT FINISH OF EXISTING BUILDING WITH SOME EXTERIOR MATERIAL & ENTRY UPGRADES :
1 STORY, ABOVE SLAB ON GRADE
RETAIL - MARIJUANA "RECREATIONAL RETAIL"

OCCUPANCIES:
GROUP M MERCANTILE / RETAIL SALES
(M = 60sf/occ 1,332 gsf/ 60 = 23 occs)
GROUP B GENERAL OFFICE
(OFFICE = 100sf/occ 388 gsf/ 100 = 4 occs)
GROUP B STORAGE
(WAREHOUSE = 500sf/occ 523 gsf/ 500 = 2 occs)

29 TOTAL OCCUPANTS

CONSTRUCTION TYPE : 5B, NON SPRINKLERED

NUMBER OF STORIES : 1

ZONING : COMMERCIAL DISTRICT - MIXED USE
LOT: PARCEL 10

SETBACKS: 0' FRONT, -' SIDES, -' BACK

PARKING REQUIRED: RETAIL SALES & OFFICE 1/250 @ 1,720sf = 7
WAREHOUSE 1/2,000 sf 523 @ = 1
PARKING REQUIRED = 8
PARKING PROVIDED: 8 SPACES (1 ADA COMPLIANT)

DRAWING INDEX:

A0.0 COVER SHEET

TOPOGRAPHIC LOT SURVEY - ILC

A0.1 EGRESS PLAN, LIFE SAFETY INFO
A1.1 EXISTING SITE PLAN &
NEW SITE PLAN /NEW LANDSCAPE
A2.2 LEVEL 1 FLOOR PLAN
A2.3 ROOF PLAN, WALL SECTION

S-1 STRUCURAL GENERAL NOTES, STAIRS
ENTRY FRAMING, DETAILS

Maggie T. Fitzgerald, AIA
— a r c h i t e c t —
P.O. Box 1328 Eagle, Colorado 81631
970.445.0486

TUMBLEWEED - EAGLE
TENANT FINISH & RENOVATION
12 EAGLE PARK EAST, PARCEL 10
EAGLE, CO 81631

issue: TOWN OF EAGLE PLANNING SET
date: 5-16-2019

A0.0
COVER SHEET

GENERAL NOTES

1. BUILDING TIES ARE PERPENDICULAR OR RADIAL TO PROPERTY LINES AND ARE INDICATED IN PARENTHESIS (XX.X').
2. PEAK LAND CONSULTANTS, INC. DID NOT PERFORM A TITLE SEARCH OF THE SUBJECT PROPERTY TO ESTABLISH OWNERSHIP, EASEMENTS OR RIGHTS-OF-WAY OF RECORD. RECORD DOCUMENTS UTILIZED IN THIS IMPROVEMENT LOCATION CERTIFICATE WERE PROVIDED BY LAND TITLE GUARANTEE COMPANY ORDER NO. VCS0052007 DATED NOVEMBER 02, 2018 AT 5:00 P.M..
3. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

EXCEPTIONS:

- PER SAID TITLE COMMITMENT PROVIDED BY LAND TITLE GUARANTEE COMPANY, THE FOLLOWING AFFECT THE SUBJECT PROPERTY:
9. RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED FEBRUARY 21, 1895, IN BOOK 48 AT PAGE 451 AND IN BOOK 48 AT PAGE 452. (NOT ABLE TO PLOT)
 10. EASEMENT AND RIGHT OF WAY AS GRANTED TO HOLY CROSS ELECTRIC ASSOCIATION, INC. IN INSTRUMENT RECORDED FEBRUARY 17, 1972 IN BOOK 223 AT PAGE 189. (BLANKET IN NATURE, NOT ABLE TO PLOT)
 11. RESTRICTIVE COVENANTS WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED SEPTEMBER 26, 1978, IN BOOK 275 AT PAGE 809 AND AS AMENDED IN INSTRUMENT RECORDED FEBRUARY 13, 1979 IN BOOK 281 AT PAGE 896. (NOT ABLE TO PLOT)
 12. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF EAGLE COMMERCIAL PARK RECORDED AUGUST 25, 1978 UNDER RECEPTION NO. 170407. (AS SHOWN HEREON)
 13. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF EAGLE PARK EAST RECORDED APRIL 18, 1983 UNDER RECEPTION NO. 254242. (AS SHOWN HEREON)

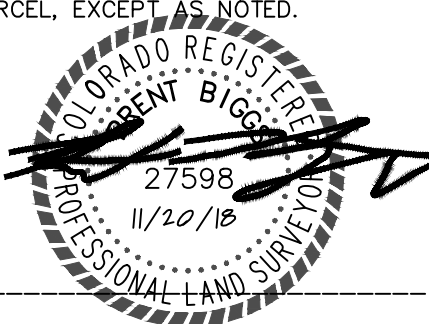
LEGEND

- 12 ADDRESS
- UTILITY POLE
- GUY WIRE
- TELEPHONE PEDESTAL
- ELECTRIC BOX
- EDGE ASPHALT
- CHAIN LINK FENCE
- OVERHEAD UTILITY LINE

IMPROVEMENT LOCATION CERTIFICATE

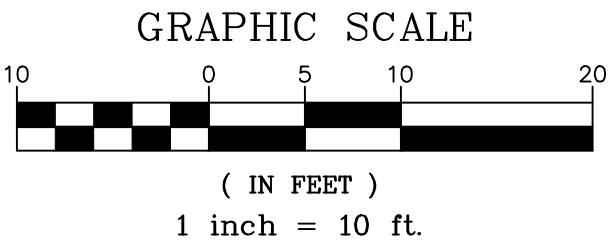
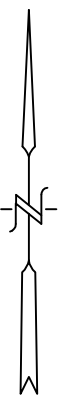
I HEREBY CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE WAS PREPARED FOR CST PROPERTIES, LLC THAT IT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, AND THAT IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING OR OTHER FUTURE IMPROVEMENT LINES.

I FURTHER CERTIFY THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON THIS DATE, 11/12/18, EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN, THAT THERE ARE NO ENVOACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS INDICATED, AND THAT THERE IS NO APPARENT EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED.



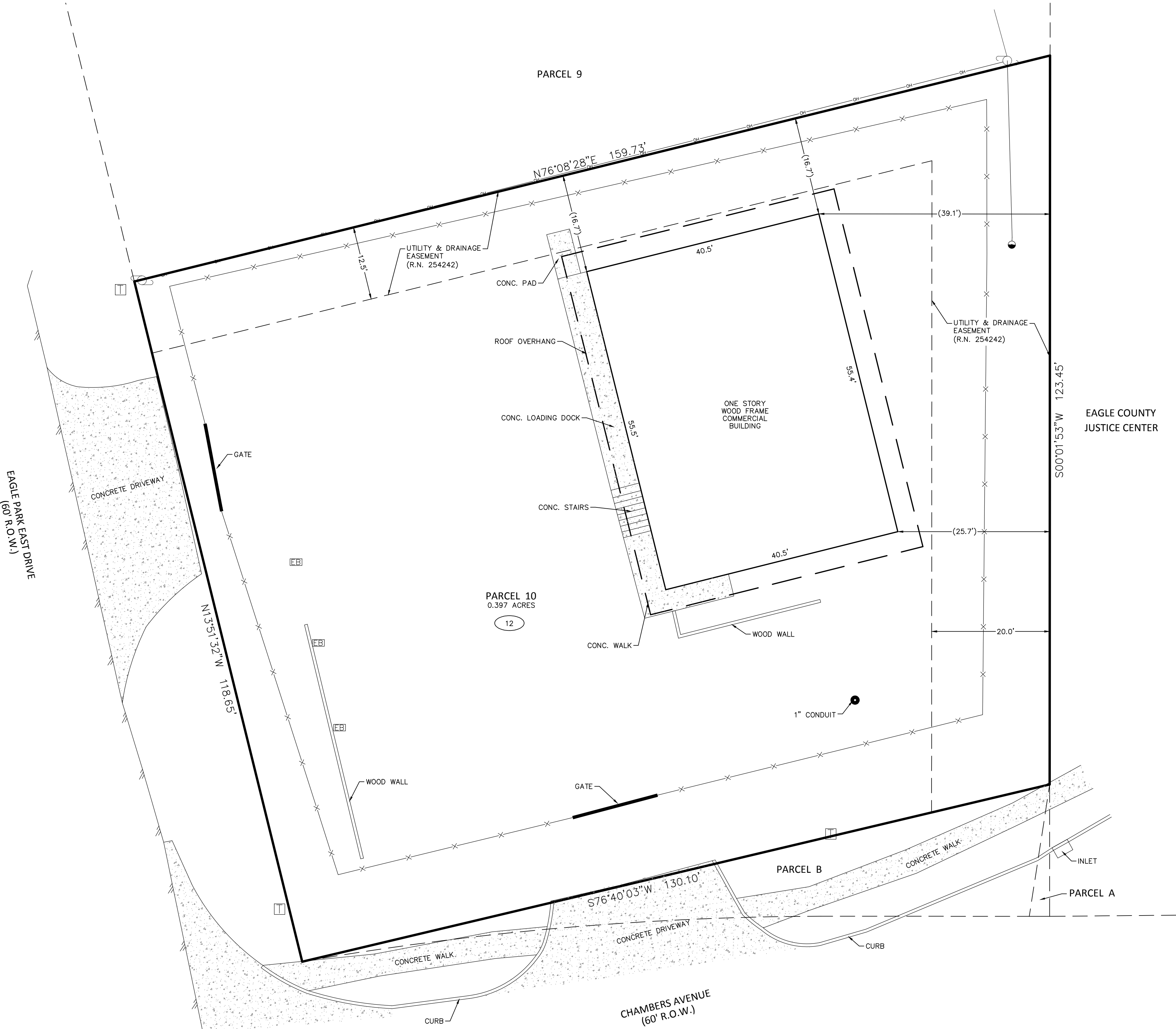
DATE: _____

BRENT BIGGS
COLORADO P.L.S. No. 27598
FOR & ON BEHALF OF PEAK LAND CONSULTANTS, INC.

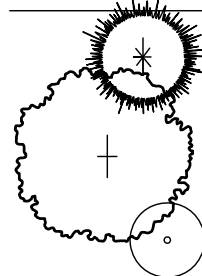
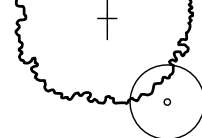
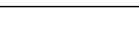


IMPROVEMENT LOCATION CERTIFICATE
PARCEL 10
EAGLE PARK EAST
TOWN OF EAGLE, EAGLE COUNTY, COLORADO

DRAWN: KPJ	REVIEWED: BB	SHEET 1 OF 1
DATE: 11/16/18	PLC JOB#: 2205	



Plant Schedule

Symbol	Common Name	Scientific Name	Flower	Growth Height/Spread	Exposure	Count	Size	
	Colorado Spruce	XXXX	None	25'/15'	Sun/Filtered Shade	7	6' Ht.	Trees
	Flowering Crabapple	Malus sp. 'Dolgo'	Pink	15'/20'	Sun	1	2' Cal.	
	Quaking Aspen	Populus tremuloides	None	35'/25'	Sun	9	2' Cal.	
	Native Yellow Potentilla	Potentilla fruticosa	Yellow	2'/2'	Sun	9	5 Gal.	Shrubs
	Redwing Dogwood	Cornus stolonifera 'Bailey'	White	8'/8'	Adaptable	8	7 Gal.	
	Ornamental Grass	Karl Foerster Grass	Insignificant	3-6'/3'	Sun	3	5 Gal.	
	Ural False Spirea	Sorbaria sorbifolia	White	5'/7'	Sun/Filtered Shade	5	5 Gal.	
	Mixed Perennials						1 Gal., 18" o.c.	Grasses and Groundcovers
	Gravel Cobble						Sq. Ft.	
	Gravel Cobble/Grass Mulch at beds, drip edge; Owner preference, verify						Sq. Ft.	
	Native Grass Mix to Match Existing Grasses, Irrigated & Maintained						All Disturbed Areas	

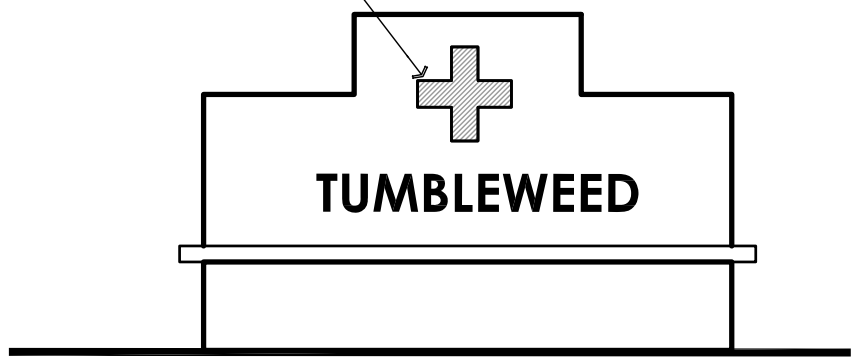
Irrigation Chart

Total Irrigated Area: Drip Irrigation s.f., Re-Veg areas s.f.	3,997 Re-Veg s.f. & 1,426 Drip s.f.
	3,997 * 1.1 = 3,997
	1,426 * 0.6 = 886

Exterior Lighting

10' EXTERIOR WALL MOUNTED SOURCE DOWNLIGHT

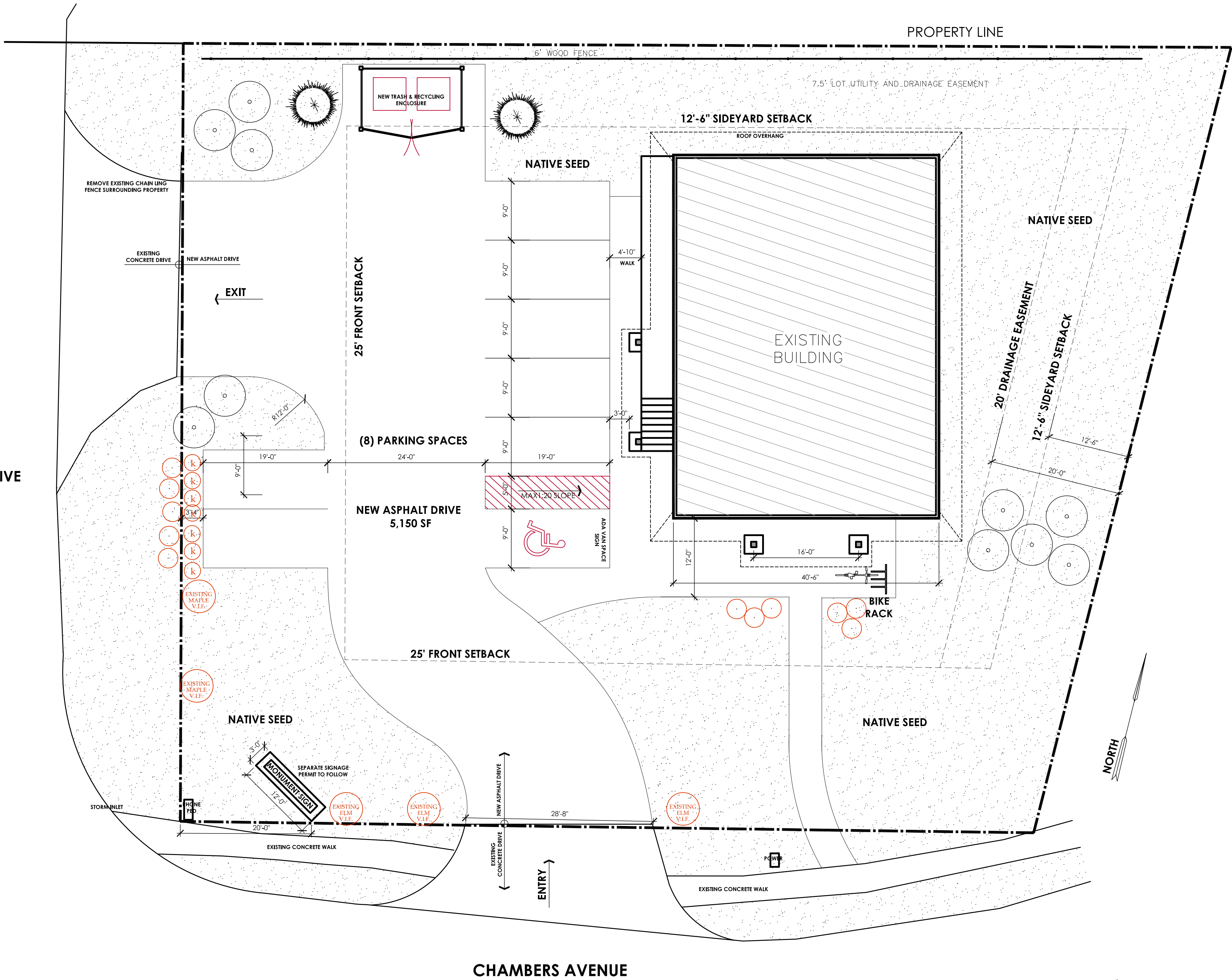
21 SF OF WALL SIGNS
+ 40 SF MONUMENT SIGN



SIGNAGE - SEPARATE APPLICATION TO FOLLOW

SCALE: 1/4" = 1'-0"

EAGLE PARK EAST DRIVE



CHAMBERS AVENUE

OVERALL SITE PLAN

SCALE: 1" = 10'-0"

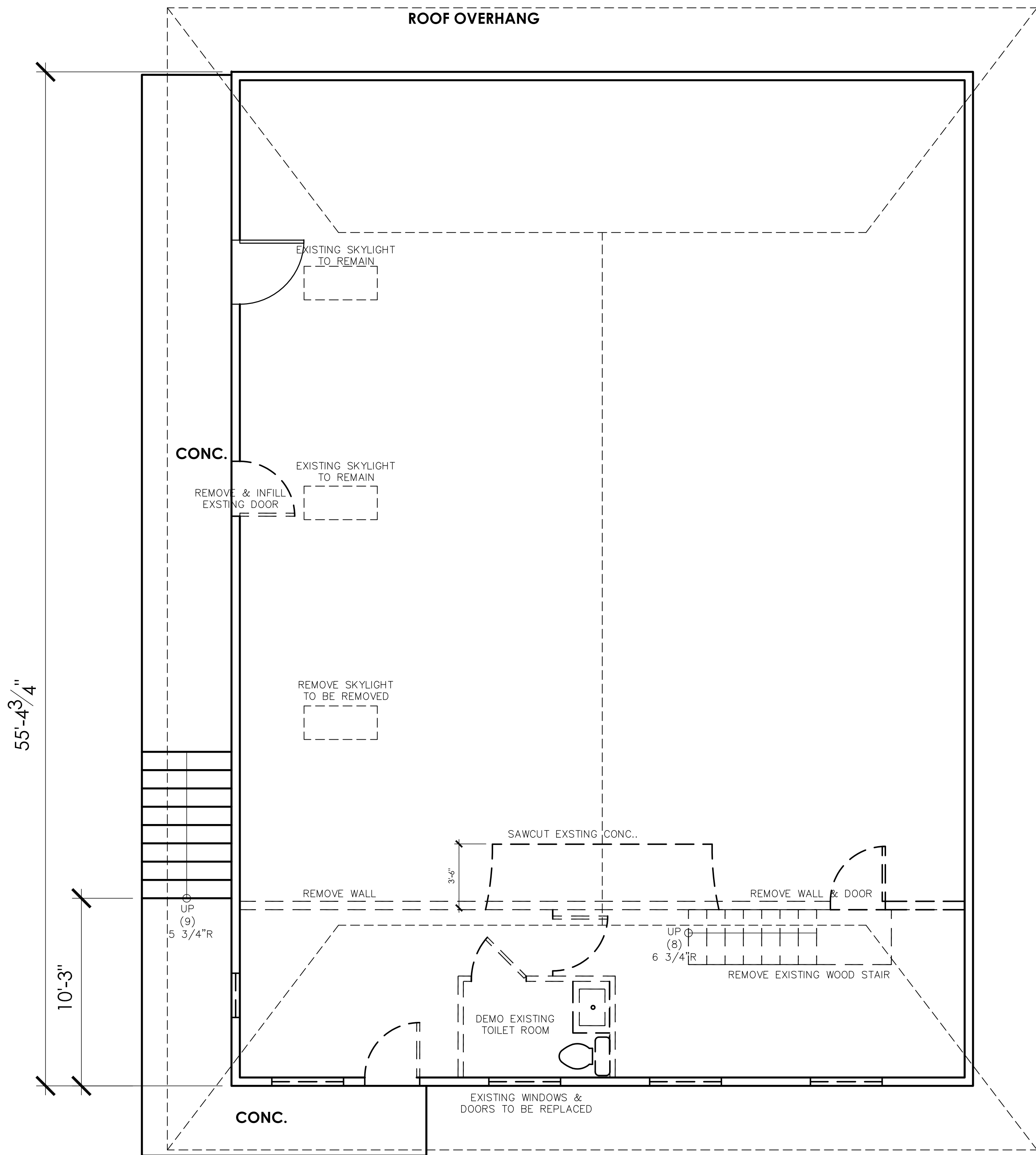
Maggie T. Fitzgerald, AIA
— architect —
P.O. Box 1328 Eagle, Colorado 81631
970.445.0486

TUMBLEWEED - EAGLE
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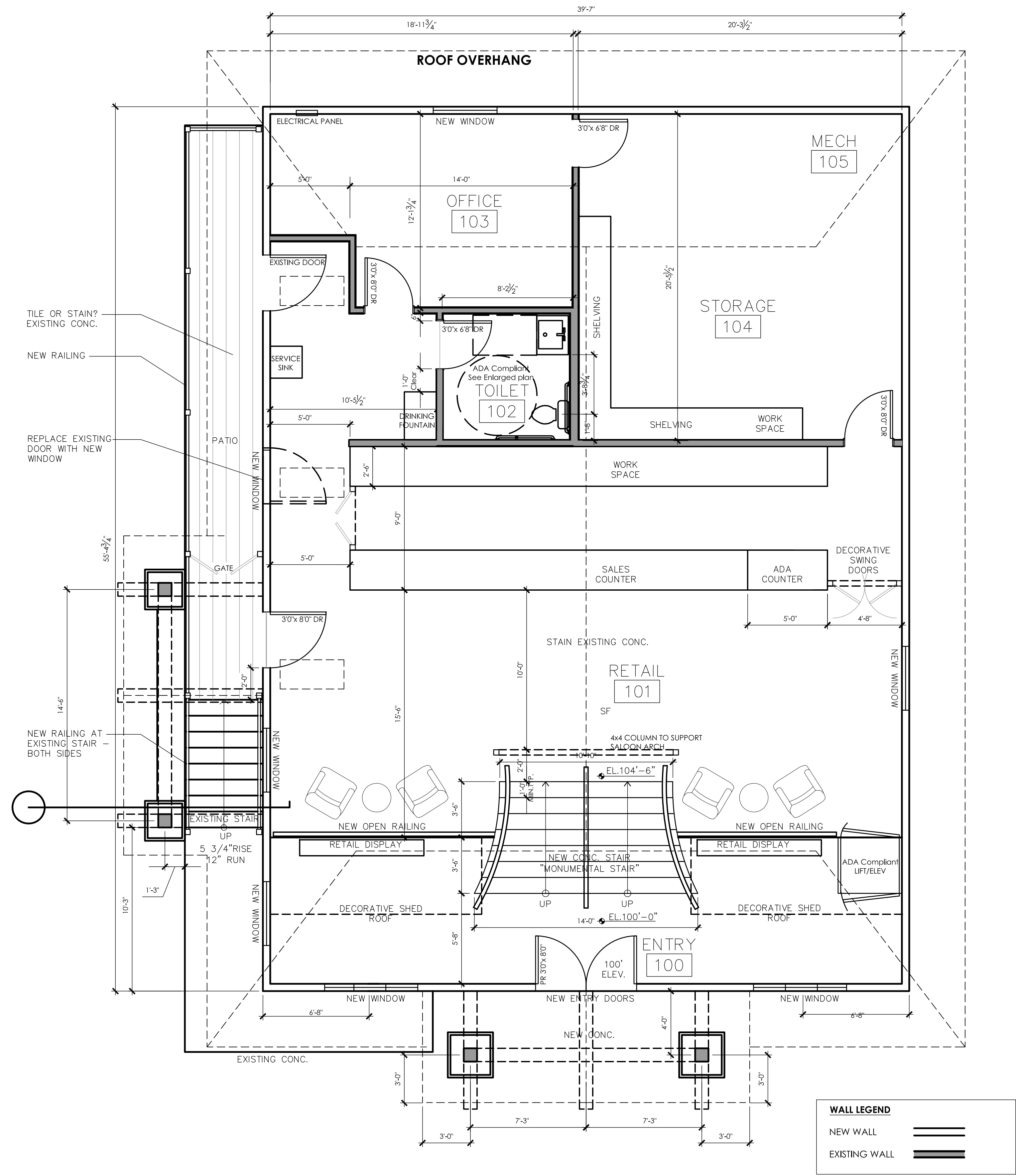
A1.1
OVERALL SITE PLAN



2
A2.2

EXISTING/DEMO PLAN

SCALE: 1/4" = 1'-0"



1
A2.2

MAIN LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"

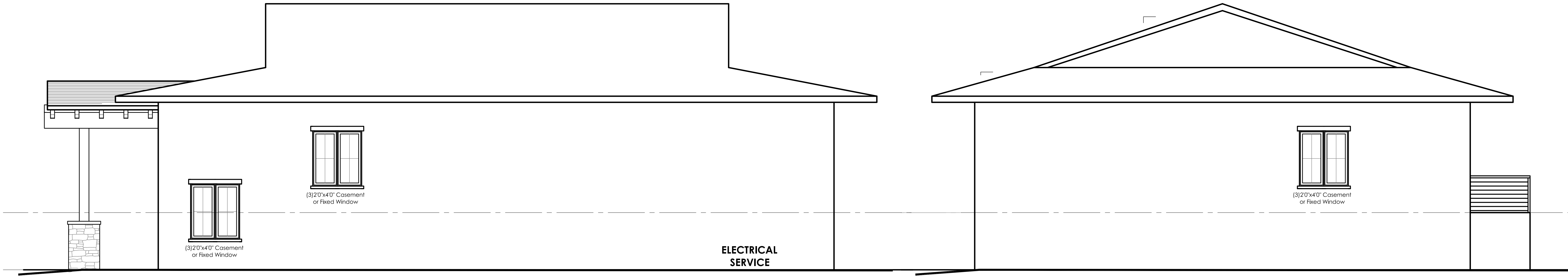
EAGLE, CO 81631



SCALE: 1/4" = 1'-0"

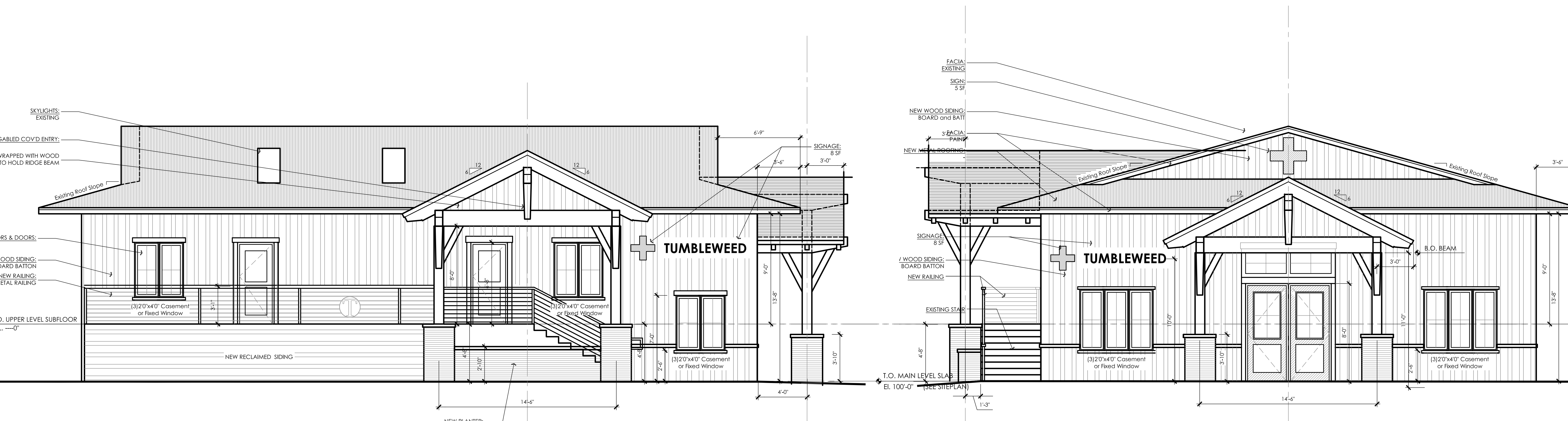
3

SCALE: 1/4" = 1'-0"



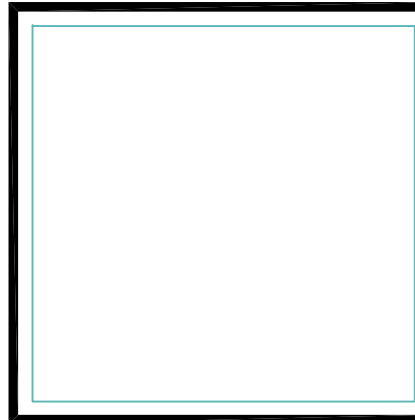
4
A3.1
EAST ELEVATION
SCALE: 1/4" = 1'-0"

3
A3.1
NORTH ELEVATION
SCALE: 1/4" = 1'-0"



2
A3.1
WEST ELEVATION
SCALE: 1/4" = 1'-0"

1
A3.1
SOUTH / ENTRY ELEVATION
SCALE: 1/4" = 1'-0"



Issue:	TOWN OF EAGLE PLANNING SET		Date:	2-27-2019







