



TOWN OF ERIE

645 Holbrook Street
Erie, CO 80516

Meeting Agenda Planning Commission

Wednesday, August 7, 2024

6:30 PM

Council Chambers

In Person Meeting

Virtual Link for Viewing & Public Comment Only: <https://bit.ly/7Aug24PCMtg>

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO FLAG

6:30pm

II. ROLL CALL

III. APPROVAL OF THE AGENDA

IV. APPROVAL OF MINUTES

[24-367](#)

Approval of the July 17, 2024 Planning Commission Meeting Minutes

Attachments:

[July 17, 2024 Planning Commission Meeting Minutes](#)

V. PUBLIC COMMENTS

6:35-6:45pm

(This agenda item provides the public an opportunity to discuss items other than items that are on the agenda. The Planning Commission is not prepared to decide on matters brought up at this time, but if warranted, will place them on a future agenda.)

VI. GENERAL BUSINESS

[24-362](#)

PUBLIC HEARING: A Resolution of the Planning Commission of the Town of Erie Recommending That the Town Council Adopt an Ordinance Amending Title 10 of the Erie Municipal Code Regarding the Retail Sale of Marijuana

Attachments:

[Resolution P24-12](#)

[Draft Ordinance](#)

[Notice](#)

[Staff Presentation](#)

6:45-7:15pm

[24-352](#)

Discussion on Drive-through Regulations

Attachments:

[Presentation](#)

7:15-8:00pm

[24-353](#) Best Legal Practices Discussion

8:00-8:20pm

[24-360](#) DISCUSSION: Planning Commission Biannual Report to the Town Council

Attachments: [September 2023 Biannual Report](#)
[February 2024 Biannual Report](#)

8:20-8:35pm

VII. STAFF REPORTS

8:35-8:45pm

(This agenda items is reserved for specific items from Staff requiring Commission direction or just relaying important information.)

VIII. COMMISSIONER REPORTS AND DISCUSSION ITEMS

8:45-8:55pm

(This agenda item is for all Planning Commission reports and items of information as well as Commission discussion items, not listed on the agenda.)

IX. ADJOURNMENT

8:55pm



TOWN OF ERIE

645 Holbrook Street
Erie, CO 80516

Planning Commission

Board Meeting Date: 8/7/2024

File #: 24-367, **Version:** 1

SUBJECT:

Approval of the July 17, 2024 Planning Commission Meeting Minutes

DEPARTMENT: Planning & Development

PRESENTER: Doug Trettin, Secretary

STAFF RECOMMENDATION:

Approval of the Meeting Minutes

SUMMARY AND BACKGROUND OF SUBJECT MATTER: N/A

ATTACHMENTS:

- July 17, 2024 Planning Commission Meeting Minutes

TOWN OF ERIE

*645 Holbrook Street
Erie, CO 80516*



Meeting Minutes

Wednesday, July 17, 2024

6:30 PM

In Person Meeting

Virtual Link for Viewing & Public Comment Only:

Council Chambers
<https://bit.ly/17Jul24PCmtg>

Planning Commission

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO FLAG

Chair Burns called the July 17, 2024 Planning Commission Meeting to order at 6:31pm.

II. ROLL CALL

Roll Call:

- Commissioner Braudes - present
- Commissioner Dreckman - present
- Commissioner Baham - absent
- Commissioner Hemphill - present
- Commissioner Booth – absent excused
- Vice Chair Laws - present
- Chair Burns - present

A quorum was present.

III. APPROVAL OF THE AGENDA

Commissioner Hemphill moved to approve the agenda of the July 17, 2024 Planning Commission Meeting. The motion, seconded by Vice Chair Laws, carried with the following roll call vote:

- Commissioner Braudes - yes
- Commissioner Dreckman - yes
- Commissioner Hemphill - yes
- Vice Chair Laws - yes
- Chair Burns - yes

Motion passes unanimously.

IV. APPROVAL OF MINUTES

[24-346](#) Approval of June 26, 2024 Planning Commission Special Meeting Minutes

Attachments: [July 26, 2024 Planning Commission Special Meeting Minutes](#)

Commissioner Braudes moved to approve the Meeting Minutes of the June 26, 2024 Planning Commission Meeting. The motion, seconded by Vice Chair Laws, carried with the following roll call vote:

- Commissioner Braudes - yes
- Commissioner Dreckman - yes
- Commissioner Hemphill - yes
- Vice Chair Laws - yes
- Chair Burns - yes

Motion passes unanimously.

V. PUBLIC COMMENTS

Public comment was taken from the following:

Christine Hackett Eisenberg 798 Limestone Dr.
Regarding Elevate Erie:

- Resources for Open Space and Parks & Recreation.
- Smalltown feel, sense of community, and high density.
- Care for nature, preserving the character of Old Town, and managing growth.
- Longer period of time for Town Council to review.
- Bigger public engagement.
- The Scenarios don't indicate street names and existing uses. Scenarios B & C seem to incorporate radical change.

John Mortellaro 1732 Southard St.

Regarding Elevate Erie:

- Maps are not clearly presented – no street names provided.
- Preserving open space, nature, and green space.
- Clarification of the priorities for determining high density and mixed-use areas.
- Community meeting engagement.

Clifford Zwart 1654 Woodward St.

Regarding Elevate Erie, specifically the Comprehensive Plan update:

- Inclusion of Parks and Open Space in the Comprehensive Plan. No overlay provided for parks and open space.
- Impacts of the plan scenarios not clearly presented through existing and possible uses shown in Comprehensive Plan.
- Levels of service and drainage capable of handling the growth that is represented through the Comprehensive Plan.
- Better forums to promote better public input and engagement.

VI. GENERAL BUSINESS

[24-329](#)

A Resolution of the Planning Commission of the Town of Erie Finding that the Erie Gateway Phase 1 Urban Renewal Plan is in Conformance with the Town of Erie Comprehensive Plan

Attachments: [Resolution P24-10](#)
[Erie Gateway Phase 1 Urban Renewal Plan 1.1.2024](#)
[Planning Commission Notice](#)
[Staff Presentation](#)

Chair Burns announced Agenda Item 24-329: A Resolution of the Planning Commission of the Town of Erie Recommending that the Town Council Approve the Erie Gateway Phase 1 Urban Renewal Plan.

Chair Burns opened the presentation at 6:48 pm and turned it over to staff.

Julian Jacquin, Director of Economic Development and Urban Renewal gave a presentation to the Commission on the Erie Gateway Phase 1 Urban Plan.

Chair Burns brought it to the Commission for questions/comments of staff at 6:59

Some questions/comments included the following:

- Similarity between the Elevate Erie plan and the 2015 plan for this area
- Paying for development concerning Metro Districts
- Written recommendation in the form of a vote on the agenda item
- Summerfield plat approval status

- Possibility for future amendments
- URA infrastructure improvements versus developer infrastructure improvements
- Planning and process for future infrastructure improvements south of County Road 10 to Erie Parkway
- URA funding and how and where it is used
- Commissioners thanked staff for their efforts

Chair Burns closed the presentation at 7:09 pm.

Vice Chair Laws moved to approve Resolution P24-10: Erie Gateway Phase 1 Urban Renewal Plan. The motion, seconded by Commissioner Braudes, carried with the following roll call vote:

Commissioner Braudes - yes
Commissioner Dreckman - yes
Commissioner Hemphill - yes
Vice Chair Laws - yes
Chair Burns - yes

The motion passes unanimously.

[24-331](#)

PUBLIC HEARING: A Resolution of the Planning Commission of the Town of Erie Recommending that the Town Council Approve the Parkdale Masters Property Planned Development - Development Plan Amendment No. 1

Attachments: [PC Resolution P24-11](#)
[Staff Report](#)
[Staff Presentation](#)
[Applicant Presentation](#)
[Proposed PD-DP Amendment](#)
[Application and Written Narrative](#)
[Additional Application Materials](#)
[DRT Review Comments](#)
[Neighborhood Mtg Summary](#)
[Public Hearing Notices](#)

Chair Burns announced Agenda Item 24-331: Public Hearing for Resolution of the Planning Commission of the Town of Erie Recommending that the Town Council Approve the Parkdale Masters PD Amendment.

Chair Burns opened the Public Hearing at 7:11 pm and turned it over to staff.

Harry Brennan, Senior Planner gave a presentation to the Commission on the Parkdale Masters PD.

The applicant, John Prestwich of PCS Group, also provided a presentation and background of the project to the Commission.

Chair Burns opened up the Public Comment portion of the Public Hearing at 7:19 pm.

Public comment was taken from the following:

Christine Hackett Eisenberg 798 Limestone Dr.

- Pocket Parks and Open Space in relation to dwelling units
- Regulations on providing parks and open space

Chair Burns closed the Public Comment portion of the Public Hearing at 7:21pm.

Chair Burns brought it back to the Commission for questions/comments of the applicant and staff.

Some questions/comments included the following:

- Purpose of the application is to have the ability to build duplexes
- The already approved Final Plat meets parks and open space standards.
- The overall approved plat for Parkdale includes duplex residences
- Allowing duplexes would give flexibility to the products offered for the Parkdale development
- Standards for providing parks and open space for the Parkdale development
- Applications having requirements for Open Space
- Reason for this application to allow duplexes in this area of the Parkdale neighborhood
- The development of Parkdale includes green spaces, greenways, and landscaping

Chair Burns closed the Public Hearing at 7:21pm.

Commissioner Dreckman moved to approve Resolution P24-11: Parkdale Masters PD Amendment. The motion, seconded by Vice Chair Laws, carried with the following roll call vote:

- Commissioner Braudes - yes
- Commissioner Dreckman - yes
- Commissioner Hemphill - yes
- Vice Chair Laws - yes
- Chair Burns - yes

The motion passes unanimously.

[24-345](#)

Update on Elevate Erie

Attachments: [Presentation](#)

Chair Burns announced Agenda Item #24-345: A Presentation of an Elevate Erie Update

Josh Campbell and Keiley Gaston, Senior Strategic Planners, gave a presentation and update on the agenda item.

Chair Burns brought it back to the Commission for any questions/comments of staff.

Some questions/comments included the following:

- Commissioners thanked staff for their efforts
- Designations that distinguish between Agriculture and Open Space/Protected land
- Overview of the Plan process and team, including consultants

- Advisory stakeholder groups and role
- 2,000+ community touchpoints throughout engagement:
 - Phase 1: Setting the Stage
 - Phase 2: Defining the Direction
 - Phase 3: Scenario Planning
 - Phase 4: Policy Framework & Realizing the plan (upcoming, 6 weeks, with 12 in-person events and online component)
- Future Land use map is visionary, not predictive or regulatory
- Only 1.5 square miles within Town are not already under construction, planned, or entitled, very little developable land remains.
- The creation of the Future Land Use Map includes many variables and aligns with:
 - Comp Plan values
 - Community feedback from engagement
 - Fiscal & Market Analysis
 - Technical and Advisory feedback
- Effectiveness of pop-up engagement efforts, and how public comments have shaped plan
- There is a lot of Open Space in plan
- Mixed use allows people to easily access daily needs in a pedestrian environment

The Commission thanked staff for the presentation and update.

VII. STAFF REPORTS

Kelly Driscoll, Planning Manager reported on the following:

- Completion of Trainings
- Attendance and notification
- Absences resulting in removal from the Commission

VIII. COMMISSIONER REPORTS AND DISCUSSION ITEMS

The Commission reported on and discussed the following:

- Upcoming National Planning Conference and making a presentation on topics there.
- Issues with agenda packet downloading
- Future discussion over Parking issues and requirements in the works
- Working session on implications of Quasi-Judicial evaluation process as it relates to General Welfare and incorporation of General Welfare into deliberations.

IX. ADJOURNMENT

Commissioner Dreckman moved to adjourn the July 17, 2024 Planning Commission Meeting. The motion, seconded by Commissioner Hemphill, carried with all voting in favor thereof.

Chair Burns adjourned the July 17, 2024 Planning Commission Meeting at 8:15 pm.



TOWN OF ERIE

645 Holbrook Street
Erie, CO 80516

Planning Commission

Board Meeting Date: 8/7/2024

File #: 24-362, **Version:** 1

SUBJECT:

PUBLIC HEARING: A Resolution of the Planning Commission of the Town of Erie Recommending That the Town Council Adopt an Ordinance Amending Title 10 of the Erie Municipal Code Regarding the Retail Sale of Marijuana

DEPARTMENT: Economic Development

PRESENTER(S): Stephanie Pitts-Noggle, Economic Development Manager
Amy Teetzel, Director of Administrative Operations

TIME ESTIMATE: 30 minutes

FISCAL SUMMARY: N/A

POLICY ISSUES:

Whether to recommend to the Town Council adoption of the ordinance laying out the proposed zoning and licensing procedures for the retail sale of marijuana within the Town.

STAFF RECOMMENDATION:

Adopt the resolution recommending Town Council adopt an ordinance allowing for the sale of retail marijuana within the Town's jurisdiction should the voters approve the imposition of a 5% excise tax on such sales in the November 2024 election.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Since 2012, the Town of Erie has had a moratorium in place banning the sale of retail marijuana within the Town's jurisdiction. The Town Council (formerly the Board of Trustees) has heard updates from Town staff on this matter in 2016, twice in 2021, and, most recently, in December 2023. The latter presentations included information in response to the 2021 and 2023 Community Survey results in which the majority of Erie resident respondents said they were in favor of overturning the moratorium if the Town adopted robust zoning requirements and an excise tax on any marijuana sales.

With the Council's direction, Town staff have been preparing a ballot item for the November election that asks voters to approve the imposition of a 5.0% excise tax on marijuana sales. Should this pass, it would effectively end the moratorium. Town staff presented the ballot language to Council on July

9 and July 23, 2024. The next step is to have both the Planning Commission and Town Council approve an ordinance laying out the rules and regulations for the sale of marijuana that would be implemented if the ballot measure passes.

Town staff worked collaboratively to establish proposed zoning regulations based on accepted best practices, and by reviewing multiple neighboring municipalities' approaches to zoning for similar retailers. Some of the best practices in regulations include restricting marijuana store sizes to no more than 5,000 square feet, in addition to requiring that no store be within 1,000 feet of any school activity, 250 feet of any residential zoning, and no less than 1,000 feet from any other retail marijuana store. Further, the ordinance establishes a maximum of two retail stores in Erie.

Licensing requirements for any marijuana businesses adhere closely to what is required for liquor licensing, with the Municipal Court acting as the Local Licensing Authority, and applications and renewals being processed through the Town Clerk's office. There are some key differences, however, notably that the applicant must go through the State's application process first, then file an application with the local licensing authority.

If approved, the ordinance lifting the moratorium and imposing the new zoning regulations would only go into effect if the ballot item for the 5.0% excise tax is approved by the voters in November, effective Jan. 1, 2025.

COUNCIL PRIORITY(S) ADDRESSED:

- ✓ Prosperous Economy
- ✓ Fiscally Responsible

ATTACHMENT(S):

1. Resolution P24-12
2. Draft Ordinance
3. Notice
4. Staff Presentation

**Town of Erie
Planning Commission
Resolution No. P24-12**

**A Resolution of the Planning Commission of the Town of Erie
Recommending that the Town Council Adopt an Ordinance
Repealing and Reenacting Chapter 9 of Title 4 of the Erie Municipal
Code to Establish Licensing Procedures for Medical and Retail
Marijuana Within the Town**

**Now, Therefore, be it Resolved by the Planning Commission of the Town
of Erie, Colorado, that:**

Section 1. Findings. The Planning Commission finds and determines that the Ordinance repealing and reenacting Chapter 9 of Title 4 of the Erie Municipal Code to establish licensing procedures for medical and retail marijuana within the Town, as attached hereto, is in the best interest of the public health, safety and welfare of the Town.

Section 2. Decision. Based on the foregoing findings, the Planning Commission hereby recommends that the Town Council adopt the Ordinance as attached hereto.

Adopted this 7th day of August, 2024.

Tim Burns, Chair

Attest:

Doug Trettin, Secretary

**Town of Erie
Ordinance No. 031-2024**

An Ordinance of the Town Council of the Town of Erie Repealing and Reenacting Chapter 9 of Title 4 of the Erie Municipal Code, to Establish Licensing Procedures for Medical and Retail Marijuana Businesses in the Town

Whereas, all marijuana sales are currently prohibited within the Town;

Whereas, the Town Council desires to permit medical and retail marijuana sales within the Town; and

Whereas, the Town Council wishes to establish licensing procedures to regulate the sale of medical and retail marijuana within the Town.

Now Therefore be it Ordained by the Town Council of the Town of Erie, Colorado, as follows:

Section 1. The Noncriminal Violations Table in Section 1-4-6A of the Erie Municipal Code is hereby amended by the addition of the following:

| | |
|--------|-------------------------------|
| 4-9-10 | Marijuana business violations |
|--------|-------------------------------|

Section 2. References to Chapters 9 and 11 of Title 4 in the Criminal Violation Table in Section 1-4-6B of the Erie Municipal Code are hereby repealed.

Section 3. Chapter 9 of Title 4 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

**Chapter 9
Marijuana Businesses**

4-9-1 – Authority, scope, and purpose.

A. The Town Council hereby finds and declares that it has the power to adopt this Chapter and the prohibitions set forth herein pursuant to Article XVIII, §§ 14 and 16 of the Colorado Constitution; the Colorado Marijuana Code, C.R.S. § 44-10-101, *et seq.*, C.R.S. § 29-20-101, *et seq.*, and Title 31, C.R.S.

B. Except as otherwise specifically provided herein, this Chapter incorporates the requirements and procedures set forth in the Colorado Marijuana Code and the Colorado Marijuana Rules. In the event of any conflict between the provisions of this Chapter and the provisions of the

Colorado Marijuana Code, including its rules or any other applicable State or local law, the more restrictive provision shall control.

C. The purpose of this Chapter is to provide for the regulation, control, and licensing of the sale of retail and medical marijuana and retail and medical marijuana products within the Town for the purpose of protecting the health, safety, and welfare of Town residents and guests.

4-9-2 – Definitions.

As used in this Chapter, the following terms shall have the following meanings, provided that other terms not specifically enumerated in this Section shall be defined as set forth in § 14 of Article XVIII of the Colorado Constitution, § 16 of Article XVIII of the Colorado Constitution, the Colorado Marijuana Code, and the Colorado Marijuana Rules:

Advertise, advertising, or advertisement: The act of drawing the public's attention to a marijuana business to promote the sale of marijuana or marijuana products by the business.

Applicant: A person that has submitted an application for licensure, an application for renewal of licensure, or any other application pursuant to or required by this Chapter.

Good cause: Any of the following:

1. The applicant or licensee has violated, does not meet, or has failed to comply with any terms, requirements, conditions, or provisions of this Chapter, the Colorado Marijuana Code, the Colorado Marijuana Rules, or any applicable State or local law, rule, or regulation.
2. The licensed premises have operated in a manner that adversely affects public health, welfare, or safety. Evidence to support such a finding may include without limitation a continuing pattern of drug-related criminal conduct upon or in the immediate vicinity of the marijuana business, a continuing pattern of criminal conduct directly related to or arising from the operation of the marijuana business, or an ongoing nuisance condition emanating from or caused by the operation of the marijuana business.
3. The applicant or licensee knowingly submitted a false application, made willful misrepresentations, or knowingly committed fraudulent acts when applying for its license.
4. The applicant or licensee's criminal background check performed by the Town, in its sole discretion, returned a history of criminal convictions. If there is a finding of criminal convictions in a criminal background check, the local licensing authority may consider any information provided by the applicant or licensee regarding the

finding of criminal convictions, including without limitation evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a marijuana business license.

5. The applicant or licensee has failed to comply with any special terms or conditions placed on its license pursuant to an order of the State or the local licensing authority, including those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any renewal or suspension proceedings held subsequent to the date of issuance of the license.

6. The applicant or licensee has been found to be currently delinquent in the payment of any State or local taxes, and record of such delinquency has been filed in a court having jurisdiction or has been made a public record by some other lawful means.

Licensed premises: The premises specified in an application for a license under this Chapter.

Limited access area: A building, room, or other contiguous area upon the licensed premises where marijuana is stored, weighed, packaged, sold, possessed for sale, or transferred, under control of the licensee.

Marijuana: All parts of the plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. Marijuana does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

Marijuana accessories: Equipment, products, or materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

Marijuana business: A medical marijuana business, a retail marijuana business, or a combination of each business in a single location.

Marijuana product: All parts of the plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or

preparation of the plant, its seeds, or its resin, including without limitation concentrate, that is produced at a marijuana products manufacturer and intended for use or consumption, including without limitation edible products, ointments, and tinctures.

Medical marijuana: Marijuana, marijuana concentrate, and marijuana products for "medical use" as defined in § 14(1)(b) of Article XVIII of the Colorado Constitution, that are cultivated, manufactured, distributed, or sold by a marijuana business.

Medical marijuana business: An entity licensed by the Town and State to purchase marijuana from marijuana cultivation facilities or marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to medical patients for medical use.

Retail marijuana business: An entity licensed by the Town and State to purchase marijuana from marijuana cultivation facilities or marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

Transfer of ownership: A change of ownership or corporate structure of any licensee holding a marijuana business license that requires a change of owner application pursuant to the Colorado Marijuana Rules.

4-9-3 – License required.

- A. The local licensing authority may approve and issue licenses for marijuana businesses.
- C. License applications shall be reviewed and acted upon by the local licensing authority in the order in which complete applications are received.
- D. It is unlawful for any person to operate a marijuana business in the Town without first obtaining a license under this Chapter. A separate license is required for each specific business or business entity and for each geographical location. A separate license for a medical marijuana business and retail marijuana business is required for marijuana businesses that operate both types of business in a single location.
- E. The license required by this Chapter shall be in addition to any other licensing and permitting requirements imposed by any other federal, state, or local law. Each marijuana business shall obtain a Town business license.

4-9-4 – Location.

- A. The maximum number of distinct marijuana business locations within the Town shall not exceed two (2) at any point in time. For purposes of this limitation, a marijuana business that operates as a retail marijuana business and a medical marijuana business at a single location shall only constitute one (1) distinct marijuana business location.

B. Each marijuana business shall comply with the location and size requirements in Section 10-3-2 of this Code.

C. Upon receipt of an application for a retail marijuana license from the State licensing authority:

1. The Town Clerk shall initially determine, in consultation with the Planning and Development Department, whether the proposed location complies with Section 10-3-2 of this Code. If the Town Clerk determines that that proposed location would not so comply, the Town Clerk shall notify the State licensing authority in writing that the application is denied by the Town. Otherwise, the Town Clerk shall notify the State licensing authority in writing that the Town's further consideration of the application is subject to the requirements in this Chapter.

2. The Town Clerk's failure to make such a finding shall not preclude the local licensing authority from finding that the proposed license is in violation of any applicable section of this Code, and to deny the issuance of a marijuana business license on this basis.

4-9-5 – Local licensing authority.

A. The Municipal Court shall serve as the local licensing authority (the "LLA") for all new license applications, renewal applications, change of manager requests, applications for transfer of ownership, applications for modifications of premises, show cause orders, and hearings on suspensions, revocations, and other disciplinary actions.

B. The LLA shall not have any financial interest in the operation of any business located or operating in the Town that holds a marijuana license.

C. The LLA shall have all powers and duties granted to local licensing authorities by the Colorado Marijuana Code, as amended, and this Chapter, including without limitation:

1. Considering applications for licensure and renewal of new marijuana businesses, changes of manager, transfers of ownership, modification of licensed premises, and changes of location.

2. Imposing reasonable terms and conditions on a license as may be necessary to protect the public health, safety, and welfare and to obtain compliance with this Chapter and applicable law.

3. Suspending, revoking, or refusing to renew a license for good cause, after notice and a hearing, and imposing fines and penalties related thereto.

4. Administering oaths and issuing subpoenas to require the presence of persons and the production of documents, data compilations, and other evidence at any hearing before the authority, to be served in the same manner as a subpoena issued by the Erie Municipal Court.

D. The LLA may: grant, approve, renew, or deny applications; conduct investigations as required by law or as appropriate to the administration of this Chapter; suspend or revoke licenses; levy penalties, sanctions, and other conditions against licensees; and promulgate rules and regulations for its administration of this Chapter.

E. On behalf of the LLA, the Town Clerk shall:

1. Receive all applications and fees, and issue those licenses granted by the LLA;
2. Attend all meetings of the LLA and serve as secretary of the LLA; and
3. Post and publish all required notices.

4-9-6 – Applications.

A. Applications for new licenses and renewals shall be made on forms provided by the Town Clerk. Applications shall be processed in the order received, provided that no application shall be processed until it is deemed complete by the Town Clerk.

B. Each application shall include the following, at a minimum:

1. Name, address, and date of birth for all controlling beneficial owners of the business and the proposed manager of the marijuana business.
2. Name and address of the marijuana business.
3. Proof of the applicant entity's legal status, and proof of the entity's registration with or certificate of good standing from the Colorado Secretary of State.
4. One of the following forms of identification for the applicant, all controlling beneficial owners of the marijuana business and the proposed manager of the marijuana business:
 - a. An operator, chauffeur, or similar type of driver's license issued by any State within the United States or U.S. Territory;
 - b. An identification card issued by any State for the purpose of proving age using requirements similar to those in C.R.S. §§ 42-2-302 and 42-2-303;
 - c. A U.S. military identification card;
 - d. A valid passport; or
 - e. An enrollment card issued by the governing authority of a federally recognized tribe located in the State of Colorado.

5. The nonrefundable application or renewal fee as set by resolution of the Town Council.

6. Proof of workers' compensation insurance and public liability insurance, which at a minimum meets the current maximum liability amounts for injury to any single person, or for any injury to two (2) or more persons in any such occurrence, as set forth in the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended.

7. A copy of the deed, lease, or contract reflecting the right of the applicant to possess the licensed premises, and if the applicant is not the owner, a notarized statement from the owner of such property authorizing the use of the property for a marijuana business.

8. A copy of any determination of social equity licensing eligibility issued by the State of Colorado, if applicable.

9. A valid Town business license.

10. A statement of whether any person holding any ownership in the marijuana business interest has:

a. Been denied an application for a marijuana license in this or any other state, or had any such license suspended or revoked; or

b. Been convicted of a felony or has completed any portion of a sentence due to a felony charge within the preceding seven (7) years.

11. A report from a certified industrial hygienist to verify that the marijuana business and its processes and procedures, including without limitation the sale and storage of marijuana, are in compliance with all applicable laws, rules, and regulations set forth in this Chapter and in the Colorado Marijuana Code and Colorado Marijuana Rules, and adequately designed and operated to protect the business, its employees, customers, the general public, and adjacent properties.

12. Copies of background checks, photo identification, and fingerprints of all persons who are required to request a finding of suitability by State law or regulation and any other person required by the local licensing authority, as well as a statement of all violations and penalties for any infractions and offenses by the applicant or applicants controlling beneficial owners, principal officers, managers, agents, or employees relating to any marijuana business in this or any other state, or a statement that no such violations or penalties have occurred.

13. A "to scale" diagram of the premises showing a site plan, building layout, all entries and exits, and all areas in which marijuana products will be stored or dispensed.

14. A comprehensive operations plan for the marijuana business including the following, at a minimum:
 - a. A detailed description and vicinity map of the proposed location, including a full address;
 - b. A general description of site improvements proposed, and the land development approvals required therefor;
 - c. A floor plan showing all interior dimensions of the premises and the layout of the marijuana business, including all limited access areas, areas of ingress and egress, and all security cameras; and
 - d. A description of the products to be sold.
15. A business plan, including the following, at a minimum:
 - a. A general description of the business;
 - b. Details of overall management and operations, including hours of operation, curricula vitae of all principal officers and managers, and staffing plans;
 - c. Commitments of the licensee toward staffing the establishment with a diverse and inclusive workforce, the planned recruitment process for filling positions, employee training, and advancement and benefits packages for all levels of staff;
 - d. Financial information demonstrating liquid assets of at least two hundred fifty thousand dollars (\$250,000) in the applicant's control, financial projections including assumptions used, and sources of funds; and
 - e. A description of the applicant's experience operating marijuana businesses in Colorado or elsewhere.
16. A community engagement plan, including the following, at a minimum:
 - a. The applicant's history of community and neighborhood involvement with other similar businesses;
 - b. Written policies and procedures to address community concerns and complaints;
 - c. A designated point of contact, with comprehensive contact information, for public questions and concerns; and
 - d. Measures and procedures for mitigating any impacts to the neighborhood, foreseen or unforeseen.
17. A security plan indicating how the applicant intends to comply with the Colorado Marijuana Code and the Colorado Marijuana Rules, as well as the following:

- a. Procedures for preventing the use or consumption of marijuana on the premises;
- b. Security measures to prevent unauthorized individuals from entering the limited access area portion of the premises;
- c. Plan to prevent theft or the diversion of marijuana, including maintaining all marijuana in a secure, locked room that is accessible only to authorized persons and, when the business is closed to the public, in a safe or vault or equivalent secured fixture;
- d. Type of alarm system and outdoor lighting to be used;
- e. Copy of the alarm system monitoring contract;
- f. Lighting plan showing the lighting outside of the premises for security purposes and compliance with applicable Town requirements; and
- g. Plan for preventing underage persons from entering the premises.

18. A sustainability plan that describes business practices that will be implemented to mitigate environmental impacts, including energy consumption, water consumption, and waste generation, which may include office operations and supplies, drinking water and other water usage, facility cleaning and waste handling.

19. A plan for disposal of any marijuana or marijuana product that is not sold in a manner that protects any portion thereof from being possessed or ingested by any person or animal, and for any waste generated by the business.

20. A plan for ventilation that will ensure the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the premises or at any adjoining property.

21. Any additional documents or information reasonably requested by the local licensing authority.

C. If the criminal history of an owner, member, manager, financier, or other person named on the application contains information regarding the conviction of a crime or previous denial or revocation of any marijuana or professional license, that person may include with the license application any information regarding such conviction, denial, or revocation. Such information may include without limitation evidence of rehabilitation, character references, and educational achievements, pertaining to the period of time between the applicant's last criminal conviction and the date of the application.

D. The Town Clerk shall review each application for completeness. If the application is incomplete, the Town Clerk shall notify the applicant in writing of the application's deficiencies within twenty-one (21) days of receipt of the application. The applicant shall have twenty-one (21) days from the date of the notification to remedy the deficiencies. If the applicant fails to remedy the deficiencies within the specified period, the Town Clerk shall deny the application and notify the applicant of the denial. If the application is complete, the Town Clerk shall refer the application to the LLA.

E. When the Town Clerk finds an application to be complete, the Town Clerk shall notify all affected Town departments to determine whether the application is in full compliance with all State and local laws, rules, and regulations. The Town Clerk, upon review of all applicable information, shall prepare a report including the findings of such departments, to be submitted to the local licensing authority.

4-9-7 – Public hearing.

A. When a public hearing is required, the LLA shall schedule a public hearing to be held not less than thirty (30) days after the Town Clerk found the application complete. Notice of the public hearing shall be given in accordance with the Colorado Marijuana Code.

B. At the public hearing, the LLA shall evaluate each application on its own merit, not in comparison to other applications, based on a multi-factor balancing test, considering the criteria listed in this subsection and the totality of the circumstances, with the overall goal of approving applications that provide the greatest benefit to the Town and its inhabitants by offering and maintaining the safest environment, the best service, and the fewest negative impacts to the community.

C. When reviewing an application, the LLA shall consider the following criteria:

1. The applicant's experience operating a marijuana business in Colorado or any other State, including compliance with State and local laws, violations, or alleged violations thereof;

2. The convenience of the proposed location to the residents of the Town, considering any synergies, redundancies, or conflicts posed by the proposed locations of other marijuana business applications;

3. The applicant's demonstrated ability to operate and develop the proposed business in a highly regulated industry;

4. The applicant's demonstrated ability to operate an effective and lawful analogous business, if applicable;

5. Diversity of ownership of marijuana industry licenses or permits, including consideration of ownership of any active licenses or businesses located in the United States;

6. The quality and detail of the proposed business plan, community engagement plan, and other application materials;

7. The degree of detail and completeness provided in the application and the extent to which the application includes false or misleading information;

8. Community benefit, which includes providing a living wage and employee benefits and compliance with local, State, and federal employee non-discrimination policies;

9. Additional information that demonstrates the ability to operate in a safe and responsible manner in the Town, including without limitation a review of the quality and thoroughness of application materials, connection to the Town, ability to serve the Town, familiarity with the Town, and innovative business models consistent with the Erie community; and

10. Any other unique benefits the application would present to the inhabitants of the Town and any other factors that may be relevant.

4-9-8 – Renewal.

A. Each license shall be valid for one (1) year from the date of issuance.

B. The licensee shall notify the Town of its intent to renew its license at least forty-five (45) days prior to the expiration of the license.

C. The timely filing of a renewal application shall extend the current license until a decision is made on the renewal; provided that a licensee whose license has been expired for not more than ninety (90) days may file a late renewal application upon the payment of a nonrefundable late application fee to the Town. A licensee who files a late renewal application and pays the requisite fee may continue to operate until a decision is made on the renewal.

D. The LLA may order a public hearing pursuant to Section 4-9-7 of this Code, and may deny a renewal for good cause.

4-9-9 – Manager.

A. Each marijuana business shall have a separate and distinct manager and shall register the manager with the state and the LLA. No person shall be a registered manager for more than one marijuana business.

B. When a person ceases to be a registered manager of a marijuana business, the licensee shall notify the LLA and State as required by law.

C. The LLA may refuse to accept any person as a registered manager unless the person is satisfactory as to character, record, and reputation. In determining a registered manager's character, record, and reputation, the LLA may have access to criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency.

4-9-10 – Operations.

A. All distribution, possession, storage, display, sales and other distribution of marijuana, except for the delivery of marijuana, shall occur only within the restricted area of the premises and shall not be visible from the exterior of the premises.

B. Each licensee shall, within ninety (90) days of receipt of a license, obtain a responsible vendor designation and maintain that designation for the duration of the license.

C. A licensee that operates both a medical marijuana business and a retail marijuana business shall be subject to the following:

1. If a medical marijuana business that allows patients under the age of twenty-one (21) years to be on the premises is dually located with a retail marijuana business, the medical marijuana business and the retail marijuana business shall maintain complete and distinct physical separation, including without limitation separate sales and storage areas, separate entrances and exits, and separate point-of-sale operations.

2. A medical marijuana business that does not allow patients under the age of twenty-one (21) years to be on the premises may operate a retail marijuana business at a shared premises with the same entrances and exits, and medical and retail marijuana may be separately displayed on the same floor.

3. A medical marijuana business and a retail marijuana business at the same location shall maintain separate and distinct inventory tracking processes for medical marijuana and retail marijuana inventories, and separate records. The inventories shall be clearly tagged or labeled so that the products can be reconciled to a particular medical or retail business.

D. Each marijuana business shall comply with the ventilation plan submitted with the application.

E. Each marijuana business shall be operated in such a manner as to not permit, allow, or cause to be discharged any substance or material prohibited by the Town's wastewater pretreatment requirements into or upon any watercourse or the Town reclamation conduit, facility, or plant.

F. Off-premises storage of marijuana and marijuana products is prohibited.

G. Every licensee shall report to the local licensing authority each of the following events within the time specified, along with an application if necessary:

1. A transfer of ownership shall be reported at least thirty (30) days before the proposed transfer or change.

2. A change of manager shall be reported at least thirty (30) days before the proposed change.

3. A proposed change of location shall be reported at least sixty (60) days before the proposed change.

H. Each marijuana business shall immediately report to the police department any unlawful act, conduct, or disturbance committed upon the premises.

I. The owner or manager of a marijuana business shall respond by phone or email within twenty-four (24) hours of contact by a Town employee at the phone number or email address provided to the Town as the contact for the marijuana business. Each twenty-four (24) hour period during which an owner or manager does not respond shall be considered a separate violation.

4-9-11. - Signage and advertising.

A. A marijuana business shall comply with all Town ordinances regulating signs and advertising.

B. No marijuana business shall use any advertising material that is misleading, deceptive, false, or that, as evidenced either by the content of the advertising material or the medium or the manner in which the advertising is disseminated, is designed to appeal to persons under twenty-one (21) years of age.

C. Except as otherwise provided in this Section, it is unlawful to advertise any marijuana or marijuana product anywhere in the Town where the advertisement is visible from any street, sidewalk, park, or other public place, including without limitation any advertisement which utilizes any of the following media: any billboard or other outdoor general advertising device as defined by Title 10 of this Code; any sign mounted on a vehicle; any hand-held or other portable sign; or any handbill, leaflet, or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property without the consent of the property owner.

D. Notwithstanding the foregoing, a marijuana business may have one (1) sign located on the same lot as the marijuana business which exists solely for the purpose of identifying the location of the marijuana business and which otherwise complies with this Code and any other applicable law;

and marijuana business may also advertise the marijuana business as follows:

1. An advertisement in a newspaper, magazine, or other periodical of general circulation within the Town; or
2. Advertising that is purely incidental to sponsorship of a charitable event by a marijuana business.

E. Each licensee shall post and keep at all times visible to the public, in a conspicuous place on the premises, the following:

1. A sign furnished by the Town Clerk's office, in substantially the following form:

WARNING: THE TOWN OF ERIE POLICE DEPARTMENT SHALL BE NOTIFIED IMMEDIATELY OF ALL UNLAWFUL ACTS AND DISTURBANCES AT THIS BUSINESS.

2. The Town business license.

4-9-11 – Violation and penalties.

A. It is unlawful for any person to:

1. Violate any provision of this Chapter, any condition of an approval granted pursuant to this Chapter, or any law, rule, or regulation applicable to the operation of a marijuana business, including without limitation the Colorado Marijuana Code and the Colorado Marijuana Rules.

2. Allow marijuana or marijuana products to be consumed on a licensed premises.

3. Sell retail marijuana or marijuana products to a person under twenty-one (21) years of age or to a person who does not present a government-issued identification at the time of purchase, or medical marijuana or marijuana products to a person under eighteen (18) years of age or to a person who does not present a government-issued identification and state-issued patient registry card at the time of purchase.

4. Refuse to allow inspection of a marijuana business upon request of an authorized Town employee.

5. Distribute marijuana or any marijuana products within a marijuana business to any person who shows visible signs of intoxication from alcohol, marijuana, or other drugs.

6. Vacate the premises of a marijuana business without adequately clearing the licensee's belongings, including without limitation marijuana, marijuana accessories and marijuana products.

B. In addition to the possible denial, suspension, revocation, or non-renewal of a license pursuant to this Chapter, any person convicted of a

violation of this Chapter shall be subject to the penalties set forth in Section 1-4-4 of this Code.

Section 4. Chapters 10 and 11 of Title 4 of the Erie Municipal Code are hereby repealed in their entirety.

Section 5. The Table of Permitted Uses located in Section 10-3-1 of the Erie Municipal Code is hereby amended to add "Marijuana Business" as a permitted use in the C-C, R-C and B zone districts.

Section 6. Section 10-3-2 of the Erie Municipal Code is hereby amended by the addition of a new Section 10-3-2(C)(9) to read as follows:

10-3-2 - Use-specific standards.

* * *

C. *Commercial uses:*

* * *

9. *Marijuana businesses:*

a. A marijuana business shall not be located less than one thousand (1,000) feet from any school, measured from the nearest applicable property line and using a route of direct pedestrian access.

b. A marijuana business shall not be located less than two hundred fifty (250) feet from any area of the Town zoned for residential use, measured from the nearest applicable property line and using a route of direct pedestrian access.

c. A marijuana business shall not be located less than one thousand (1,000) feet from any other marijuana business, measured from the nearest applicable property line.

d. A marijuana business shall not be larger than 5,000 square feet in floor area.

Section 7. Section 10-11-3 of the Erie Municipal Code is hereby amended by the addition of the following new definition, to appear in alphabetical order:

Marijuana business: A medical marijuana business, a retail marijuana business, or a combination of each business in a single location.

Section 8. The definition of "School" contained in Section 10-11-3 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

School: A public, independent, private, or parochial educational institution serving infants, preschoolers, children or adults, including childcare centers,

preschools, kindergarten through twelfth grade (K-12) institutions, and colleges and universities.

Section 9. Severability. If any article, Section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 10. Safety. The Town Council finds that the adoption of this Ordinance is necessary for the protection of public health, safety, and welfare.

Section 11. Effective Date. This Ordinance shall take effect on January 1, 2025.

Introduced, Read, Passed and Ordered Published this __ day of _____, 2024.

Justin Brooks, Mayor

ATTEST:

Debbie Stamp, Town Clerk

NOTICE OF PUBLIC HEARING
PLANNING COMMISSION
TOWN OF ERIE

Notice is hereby given that on Wednesday, August 7, 2024, at 6:30 PM, or as soon as possible thereafter at the Erie Town Hall Council Chambers, 645 Holbrook Street, Erie, CO 80516, a PUBLIC HEARING will be held by the Erie Planning Commission to consider recommending to Town Council:

- (1) An ordinance amending Chapter 3 of Title 10 of the Erie Municipal Code establishing a new use of "Marijuana Business"; and
- (2) An ordinance amending Chapter 11 of Title 10 of the Erie Municipal Code adding Marijuana Business to Definitions.

Any person may appear at the public hearings and be heard regarding the matters under consideration. A copy of the proposed ordinances are on file and available for public inspection in the office of the Town Clerk.

Debbie Stamp

Town Clerk

FOR QUESTIONS OR COMMENTS, CONTACT
TOWN OF ERIE
PLANNING & DEVELOPMENT DEPARTMENT
P.O. BOX 750
ERIE, COLORADO 80516
PHONE: (303) 926-2770
FAX: (303) 926-2706

Please publish in the Daily Times Call, Wednesday, July 17, 2024.
Please send the affidavit of publication and billing to:

Town Clerk
Town of Erie
PO Box 750
Erie, CO 80516



Retail Marijuana Ordinance: Review and Discussion

Erie Planning Commission

Stephanie Pitts-Noggle, Economic
Development Manager

Amy Teetzel, Director of Administrative
Operations

Aug. 7, 2024

1



Presentation Overview

- Background
- Community Survey Results
- Nearby Municipalities
- Ordinance Overview:
 - Location requirements
 - Licensing process and procedures
- Next steps



Background: Retail Marijuana Moratorium

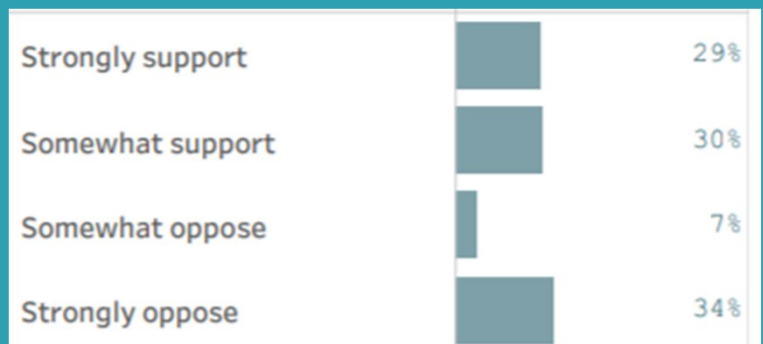
- 2012: Cannabis sales permitted in Colorado; Board of Trustees chooses not to permit sales in Erie.
- 2017: Board of Trustees votes to continue the ban, following the formation of an ad hoc committee.
- 2021: Economic Development staff presents to the Board in Feb., and April Community survey results indicate 59% of residents are supportive of ending the moratorium.
- 2023: Community survey results show 67% of residents are supportive of ending the moratorium. Staff presents to council in Dec.



Community Survey Results, 2021

- In 2021, 59% of Erie residents indicated they strongly or somewhat supported ending the moratorium on retail marijuana sales
- 41% either strongly or somewhat opposed ending the moratorium.

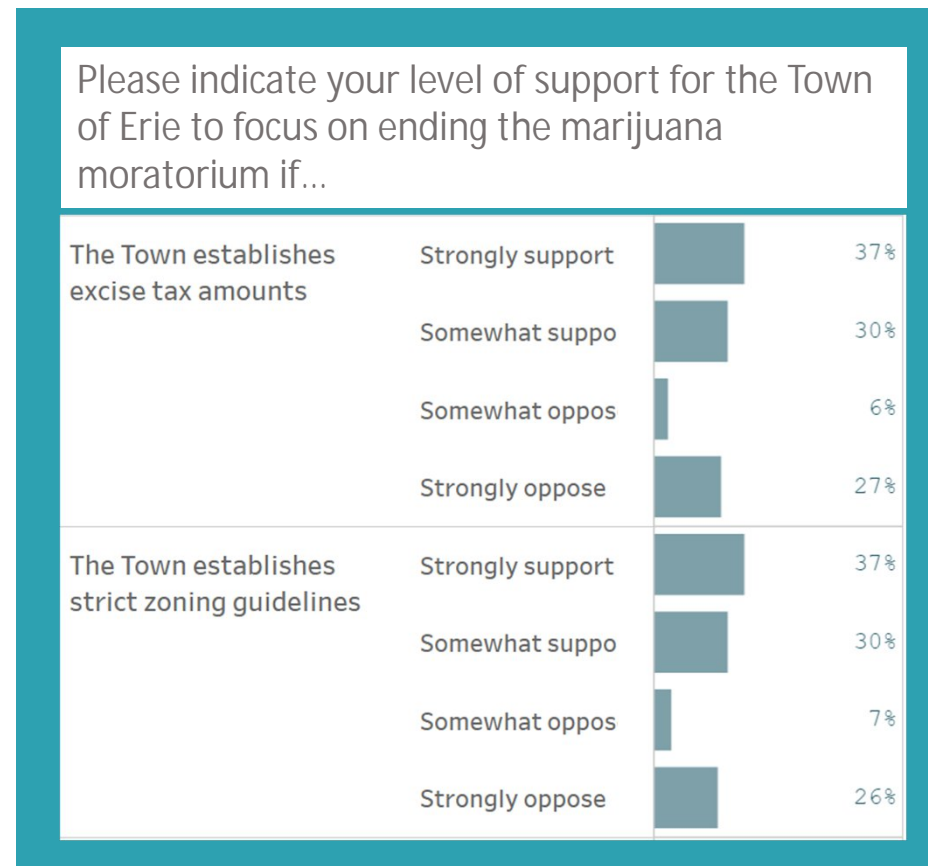
To what extent would you support or oppose ending Erie's current moratorium on retail marijuana businesses and instead establish strict zoning guidelines and regulations to permit Recreational and Medicinal Cannabis retail stores in specified locations within the Town of Erie?





Community Survey Results, 2023

- 67% of Erie residents either strongly or somewhat supported ending the moratorium, imposing an excise tax and establishing strict zoning guidelines.
- 27% were opposed to the imposition of an excise tax;
- 26% were opposed to establishing strict zoning guidelines.





Nearby Municipalities

| City | Sales | Cultivation | Manufacturing | Testing | Delivery | Tax Information |
|-------------|-------|-------------|---------------|---------|----------|--|
| Berthoud | ✓ | | | | | 7% sales and excise tax on retail sales |
| Boulder | ✓ | ✓ | | ✓ | | 5% excise tax, 3.5% sales tax |
| Broomfield | ✓ | | | ✓ | ✓ | 5% excise tax |
| Fort Lupton | ✓ | | | | | 3.1% sales tax with authority up to 10% |
| Lafayette | ✓ | ✓ | ✓ | ✓ | | sales and excise tax 5%; up to 10% |
| Longmont | ✓ | | | | | 3.5% sales tax; 3% excise tax with authority up to 15% |
| Louisville | ✓ | ✓ | | ✓ | | 5% excise tax on cultivation |
| Lyons | ✓ | ✓ | ✓ | ✓ | | 3.5% sales; 5% excise tax; both up to 10% |
| Milliken | ✓ | ✓ | ✓ | ✓ | | occupation tax up to \$10/transaction |
| Nederland | ✓ | ✓ | ✓ | | | 3.75% sales tax |
| Northglenn | ✓ | ✓ | ✓ | | ✓ | 4% sales tax, up to 10% |
| Superior | ✓ | | | | ✓ | Sales legal as of 8/2023 |
| Thornton | ✓ | | | ✓ | ✓ | 5% sales tax |



Ordinance Overview

- Town Council to review ordinance in September.
- Zoning requirements based on best practices and examples from neighboring municipalities.
- Store limit based on capacity of both the Police Department and Town Clerk's office.
- Licensing requirements closely follows liquor licensing.
- Robust licensing section that outlines the roles and responsibilities of all departments involved.



Proposed Zoning Requirements

- Separation of uses
 - 1,000 feet away from any school activity
 - 250 feet away from residential zoning
- Separation of stores
 - No store should be located within 1,000 feet of another.
 - Limited to 2 stores in Erie.



Proposed Zoning Requirements

- Facility Size: no greater than 5,000 sq. ft. for single or combined use
- Ventilation measures required so odor is not perceptible from the exterior.
- Permitted use by right in the following zoning districts:
 - "CC-Community Commercial"
 - "RC-Regional Commercial"
 - "B-Business"



Licensing Requirements

Similar to liquor licensing:

- An application must be filled out, specific documents need to be provided, and background checks must be completed.
- The Town Clerk reviews the application for completeness, schedules a hearing, and issues a license after there is approval from the State and local authorities (Municipal Court).



Licensing Requirements

How it differs from liquor licensing:

- Applicant will need to provide “proof of the State’s finding of suitability”
- Application is submitted with the State first, then sent to the local authority
- Local authority creates their own application forms in addition to the State application
- Applicant must notify the Town of its intent to renew its license at least 45 days prior to the expiration.



Licensing Requirements

Documentation differs:

- Determination of social equity licensing eligibility (optional, issued by the State)
- Report from a certified industrial hygienist
- Business plan, details of overall management and operations, commitments to staffing establishment with diverse and inclusive workforce, experience operating licensed marijuana business in CO, community engagement plan, security plan, sustainability plan, disposal plan, ventilation plan



Next Steps

- Ordinance is presented to Council for adoption, with a public hearing (Sep. 24). The ordinance will not be enacted unless the excise tax measure passes in November.
- Election day (Nov. 5)
- If the ballot measure passes, the Town Clerk's office will start accepting license applications (Jan. 1, 2025)



Questions & Discussion

Stephanie Pitts-Noggle, Economic Development Manager
spn@erieco.gov | 303-746-2781

Amy Teetzel, Director of Administrative Operations
ateetzel@erieco.gov | 303-926-2715



Planning Commission

Board Meeting Date: 8/7/2024

File #: 24-352, **Version:** 1

SUBJECT:

Discussion on Drive-through Regulations

DEPARTMENT: Planning & Development

PRESENTER(S): Sarah Nurmela, Planning & Development Director
Kelly Driscoll, Planning Manager

TIME ESTIMATE: 45 minutes

FISCAL SUMMARY: N/A

POLICY ISSUES:

The Town's built environment impacts the experience and quality of life for those who live, visit, and work in Erie. Ensuring that development fosters a safe, accessible environment that allows for a range of transportation options (walking, biking, driving, etc.), requires analyzing the form, location, and type of development throughout the town. Drive through building typologies foster and prioritize vehicular travel over other modes. Evaluating where these typologies may be appropriate is a policy decision for consideration by the Planning Commission.

STAFF RECOMMENDATION:

Informational only.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Staff will discuss the potential regulation of the location and number of drive-throughs within the town. Drive through commercial establishments are located throughout the community and are primarily focused on major arterial roadways. While drive throughs are responsive to the current retail development trends, they do have an impact on the overall development quality and walkability of the Town's built environment.

The discussion will cover:

- Existing Regulations
- Best Practices
- Discussion

File #: 24-352, **Version:** 1

The intent of the discussion is to determine whether regulation of drive throughs would be appropriate for meeting the Town's vision for the built environment.

COUNCIL PRIORITY(S) ADDRESSED:

- ✓ Well-Maintained Transportation Infrastructure
- ✓ Small Town Feel
- ✓ Safe and Healthy Community

ATTACHMENT(S):

1. Presentation



ERIE
COLORADO

Drive-through Regulations

Planning Commission

Sarah Nurmela, Planning & Development Director

Kelly Driscoll, Planning Manager

August 7, 2024



Agenda

- Existing Regulations
- Best Practices
- Discussion



Why Regulate?

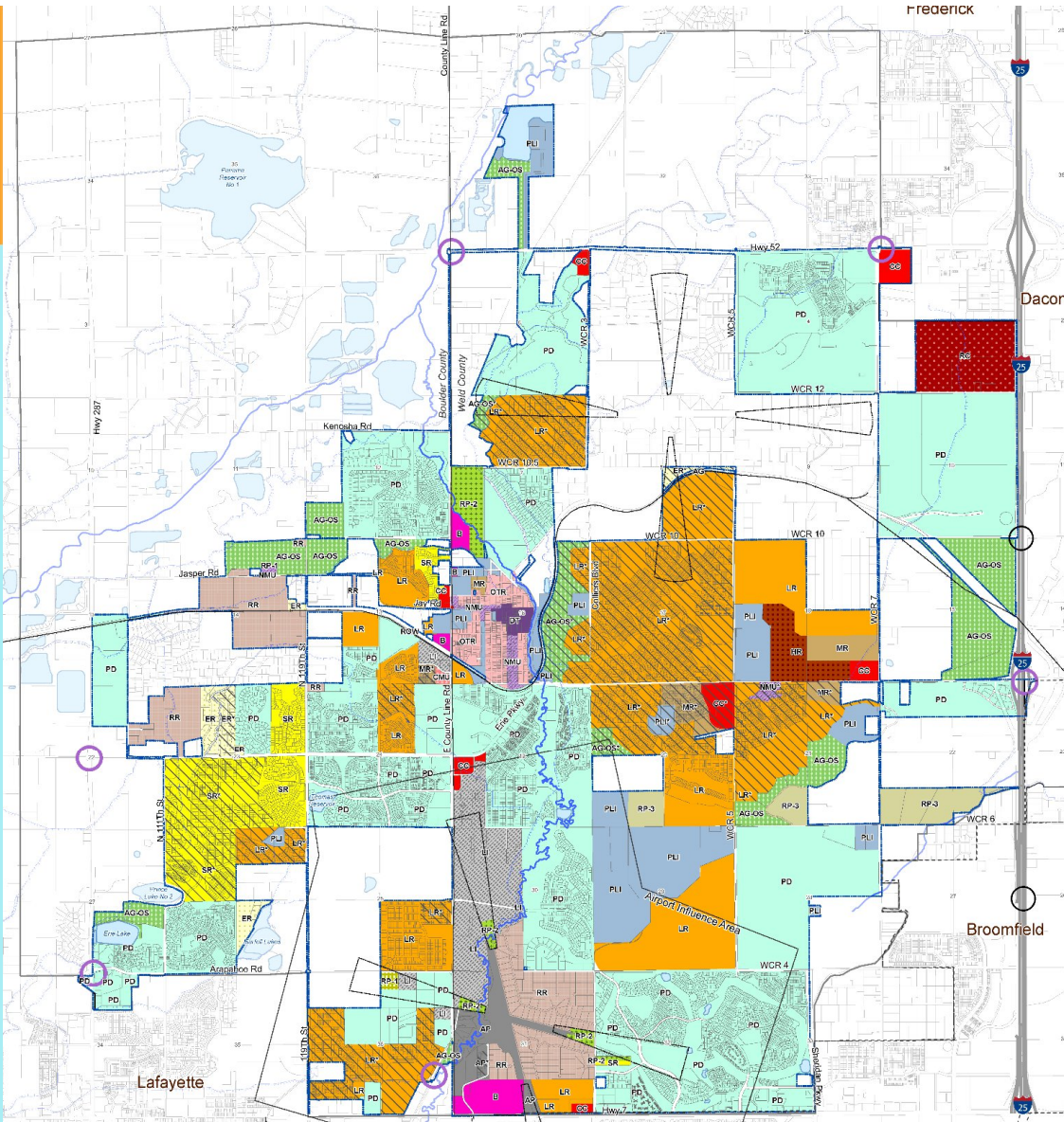
- Pedestrian/Bicyclist Safety
- Walkability and Quality of Built Environment
- Air Quality
 - Idling vehicles produce more carbon dioxide
 - Ground level ozone
- Urban Heat Island



Existing Drive-through Regulations

Drive-through or up service: Business designed to permit customers to remain in their motor vehicles while being accommodated by the business.

Permitted in Community Commercial, Regional Commercial, Business, and Light Industrial districts.



Zoning Legend

| | | |
|---------------------------------|-----------------------------------|--|
| Rural Preservation 1 (RP-1) | Planned Development (PD) | Agriculture/Open Space (AG/OS) |
| Rural Preservation 2 (RP-2) | Regional Commercial (RC) | Planning Area Boundary |
| Rural Preservation 3 (RP-3) | Community Commercial (CC) | Planned Unit Development (PUD) Overlay |
| Rural Residential (RR) | Business (B) | Erie Town Boundary |
| Estate Residential (ER) | Downtown District (DT) | County Boundary |
| Suburban Residential (SR) | Neighborhood Mixed-Use (NMU) | Community Gateways |
| Low Density Residential (LR) | Community Mixed-Use (CMU) | I-25 Interchange |
| Medium Density Residential (MR) | Light Industrial (LI) | |
| High Density Residential (HR) | Public Lands & Institutions (PLI) | |
| Old Town Residential (OTR) | Airport (AP) | |



Existing Drive-through Regulations

- **Community commercial (CC):** Full range of community-oriented retail and service commercial uses.
- **Regional commercial (RC):** Regionally-oriented large retail and service commercial uses, and highway-oriented commercial uses such as shopping centers, big-box retail, gas stations, restaurants, hotels and similar and associated land uses.
- **Business (B):** Office, research and development, and other similar uses.
- **Light industrial (LI):** Light industrial uses including warehousing and limited outdoor sales and storage



Existing Drive-through Regulations

Drive through car “Stacking” Requirements

| Type of Use | Minimum Vehicular Stacking Spaces* | Measured From |
|--------------------------------|------------------------------------|----------------|
| Bank, teller lane | 4 | Teller window |
| Bank, ATM | 3 | Teller machine |
| Restaurant, with drive through | 8 | Order box |
| Pharmacy, with drive through | 4 | Pick-up window |
| Car Wash, automatic | 6 | Bay entrance |
| Car Wash, self-service | 3 | Bay entrance |
| Car wash, full-service | 4 | Bay entrance |
| Gas Station, gas pump island | 30 feet from each end of island | |



Existing Drive-through Regulations

Use specific standards (10-3-2.3.)

- Shall be located, sized, and designed to **minimize traffic, noise, and glare impacts** on surrounding properties
- Shall be **buffered from adjacent rights-of-way and properties** through architectural elements, screening, landscaping, or site design
- A **landscaping buffer** with a minimum width of ten feet is required when drive-through or drive-up uses abut residential lots in a residential or mixed-use district
- Noise generated on the site by talk boxes shall not cause a nuisance



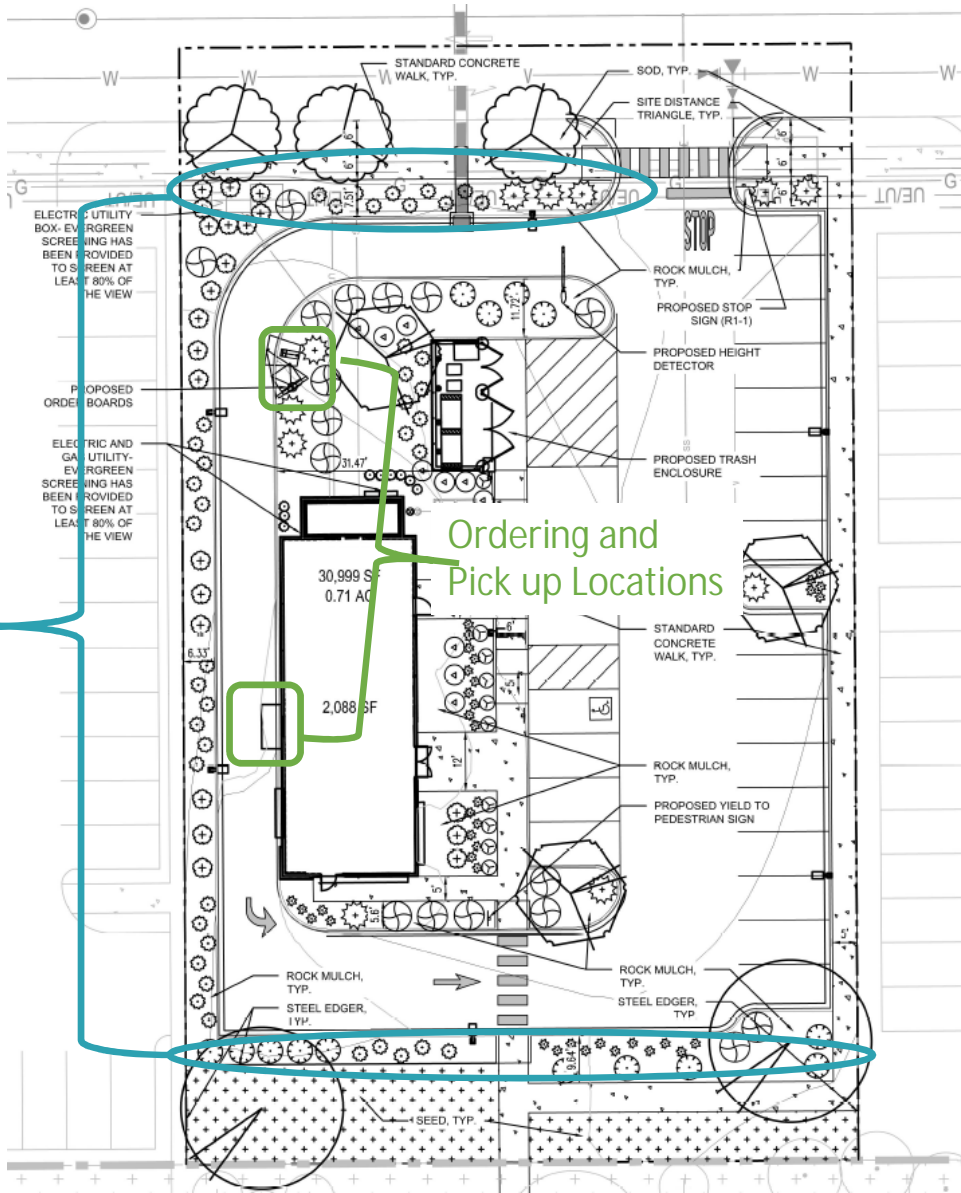
Existing Drive-through Regulations

Screening standards (10-6-4)

- Designed and located to **reduce the potential visual and acoustic impacts** of these functions on adjacent residential property, public streets, and primary internal drive circulation routes in a multi-building complex.
- Ordering and pick-up window areas shall not be oriented toward residential property, arterial streets, and collector streets.
- **Minimum landscape setback** to drive through service areas and stacking drives from streets, and primary internal drive circulation routes in a multi-building complex shall be ten feet.



10 foot
Landscape
Buffer



Ordering and
Pick up Locations



Best Practices

Floating Zones or Overlays

- Locational & Design Criteria

Conditional or Special Review Uses

- Use Specific Criteria

Limits based on
development size

Separation Requirements

- Minimum distance from other drive-throughs
- Distance from less intense uses

Frontage Requirements

- Screening
- Pedestrian safety
- Noise reduction



ERIE
COLORADO

DISCUSSION



TOWN OF ERIE

645 Holbrook Street
Erie, CO 80516

Planning Commission

Board Meeting Date: 8/7/2024

File #: 24-353, **Version:** 1

SUBJECT:

Best Legal Practices Discussion

DEPARTMENT: Town Attorney

PRESENTER(S): Kunal A. Parikh, Esq.

TIME ESTIMATE: 20 minutes

FISCAL SUMMARY:

n/a

POLICY ISSUES:

n/a

STAFF RECOMMENDATION:

Informational discussion item only.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Planning Commission Chair Burns and Vice Chair Laws requested time to discuss best practices with legal counsel.

COUNCIL PRIORITY(S) ADDRESSED:

- ✓ Engaged and Diverse Community
- ✓ Effective Governance



TOWN OF ERIE

645 Holbrook Street
Erie, CO 80516

Planning Commission

Board Meeting Date: 8/7/2024

File #: 24-360, **Version:** 1

SUBJECT:

DISCUSSION: Planning Commission Biannual Report to the Town Council

DEPARTMENT: Planning & Development

PRESENTER(S): Kelly Driscoll, Planning Manager

TIME ESTIMATE: 15 minutes

POLICY ISSUES:

Boards and Commissions regularly report to Town Council on goals, accomplishments, reviews and other items.

STAFF RECOMMENDATION:

Informational only.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The Planning Commission will discuss drafting the 2nd Biannual report to the Town Council. Planning Commissioners should note that the presentation is scheduled for the September 10 Town Council meeting, and materials should be finalized by 5 p.m. on Aug. 23. Previous reports are provided as examples.

COUNCIL PRIORITY(S) ADDRESSED:

- ✓ Attractive Community Amenities
- ✓ Engaged and Diverse Community
- ✓ Prosperous Economy
- ✓ Well-Maintained Transportation Infrastructure
- ✓ Small Town Feel
- ✓ Safe and Healthy Community
- ✓ Effective Governance
- ✓ Environmentally Sustainable
- ✓ Fiscally Responsible

ATTACHMENT(S):

File #: 24-360, **Version:** 1

1. September 2023 Biannual Report
2. February 2024 Biannual Report

Planning Commission Biannual Report to the Board of Trustees

Tim Burns, Vice-Chair

September 12, 2023

Mission & Team

- The Planning Commission reviews proposed land uses and forwards recommendations to the BOT. In addition to an on-going quasi-judicial role related to land-use permits; Planning Commission also plays an active role in contributing to Comprehensive Plan Updates via participation on the Plan Advisory Committee & contributing to the Transportation Mobility Plan.

Members

| Name | Email | Expires |
|-----------------------|-----------------------|----------|
| Robert (Bob) Braudes | Email | May 2024 |
| Sherri Booth | Email | May 2026 |
| Tim Burns, Vice-Chair | Email | May 2026 |
| Ben Hemphill | Email | May 2024 |
| Kiley Baham | Email | May 2026 |
| Delaney Dreckman | Email | May 2024 |
| Martin Laws | Email | May 2024 |



February 2023 to August 2023 Review

- Held Public Hearings and Provided Recommendations to BoT on Development Applications and Related Items
 - 1 Preliminary Plat Application
 - 3 PD Amendments
 - 3 Revisions to Ordinances to Erie Municipal Code
- Continued to Work with Town Staff on Elevate Erie Comprehensive Plan & Transportation Mobility Plan



Goals for 2023-24

- **Mission Oriented:** Continue to provide feedback and recommendations related to new applications that are consistent with the Comprehensive Plan and UDC
- **Continuing Education & Skill Development:** Quarterly trainings focused on process and procedures, roles, responsibilities in addition to new commissioner onboarding as necessary.
- **Increased Collaboration:** Consistent communication with town staff and Board of Trustees.
 - Bi-weekly meetings with Planning Manager
 - Quarterly meeting with Director, Planning & Development



Questions & Discussion

Planning Commission Biannual Report to the Town Council

Tim Burns, Chair

February 27, 2024



Mission & Team

- The Planning Commission reviews proposed land uses and forwards recommendations to the Town Council. In addition to an on-going quasi-judicial role related to land-use permits; Planning Commission also plays an active role in contributing to Comprehensive Plan Updates via participation on the Plan Advisory Committee & contributing to the Transportation Mobility Plan.

| | |
|-------------------------|----------|
| Robert (Bob) Braudes | May 2024 |
| Ben Hemphill | May 2024 |
| Delaney Dreckman | May 2024 |
| Sherri Booth | May 2026 |
| Christopher Baham | May 2026 |
| Martin Laws, Vice-Chair | May 2024 |
| Tim Burns, Chair | May 2026 |



September 2023 to February 2024 Review

- Held Public Hearings and Provided Recommendations to Town Council on Development Applications and Related Items
 - 1 Planned Development
 - 1 Preliminary Plat
 - 1 PD Amendment
- 4 Elevate Erie Presentations & Discussions
- Affordable Housing Update
- CIRSA Training



Goals for 2024

- **Mission Oriented:** Continue to provide feedback and recommendations related to new applications that are consistent with the Comprehensive Plan and UDC
- **Comprehensive Plan and Traffic Mobility Study:** Assist the Planning staff with delivering the Elevate Erie 2024 Comprehensive Plan revision.
- **Continuing Education & Skill Development:** Conduct trainings focused on process and procedures, roles, and responsibilities.



Questions & Discussion