



**Town of Timnath  
 Planning Commission  
 Regular Meeting Minutes  
 May 24, 2011  
 7:00 p.m.**

**1. Call to Order**

Vice Chair Lindeberg called the meeting to order at **7:00 p.m.**

**a. Roll Call**

Chair	Claudine Zachara.....	N
Vice-Chair	Jan Lindeberg .....	Y
Commissioner	John Trenary .....	Y
Commissioner	Dick Weiderspon.....	Y
Commissioner	Phil Goldstein	Y
Alternate Commissioner	John Stewart .....	N
Alternate Commissioner	Scott Taylor	Y

Community Development Coordinator Linda Griess, Town Planner T.J. Dlubac, Town Engineer Don Taranto, Interim Town Manager Sherri Wagner, Attorney Tami Goodlette

**2. Consent Agenda: Minutes**

**a. No Consent**

**3. Business and Discussion items:**

**a. Text Amendments to Section 16.3.1.16 Definitions, 16.3.12 Home Occupations & 16.3.13 Accessory Uses of the Timnath Municipal Code -**

Planner Dlubac presented to the Commissioners the issues and background for Medical marijuana ordinances being presented to Town Council for a second reading in June.

**ISSUE / BACKGROUND**

**KEY POINTS/SUPPORTING INFORMATION:**

1. C.R.S. 12-43.3-901 makes it unlawful to possess more than six medical marijuana plants for each patient. C.R.S. 12-43.3-106(8) limits primary caregivers to no more than five patients. Thus, under the Medical Marijuana Code, primary caregivers may have up to 30 medical marijuana plants.

2. The Land Use Code presently does not prohibit medical marijuana centers, medical marijuana optional premises cultivation operations, and medical marijuana-infused products manufacturers as home occupations or accessory uses. The Land Use Code also presently does not limit the number of primary caregivers or marijuana plants per dwelling.

3. Amending the home occupation and accessory use provisions of Town of Timnath Land Use Code to prohibit medical marijuana centers, medical marijuana optional premises cultivation operations, and medical marijuana-infused products manufacturers as home occupations or accessory uses.

4. Amending the home occupation provisions of Town of Timnath Land Use Code to limit the number of medical marijuana plants in each dwelling to twelve (12), of which no more than six (6) plants may be mature, and adding criminal penalties for the violation on the limitation of plants in a dwelling.

5. Amending the home occupation provisions of Town of Timnath Land Use Code to limit the number of primary caregivers in each dwelling to one (1).

The Timnath Town Council has reviewed the ordinance on 1<sup>st</sup> Reading on Tuesday, May 17. Second reading and the Public Hearing will be held on Tuesday, June 7, 2011.

**ADVANTAGES:**

By limiting the number of caregivers and plants per dwelling, it facilitates the task of law enforcement who will now only need to count the number of plants in the house to determine if the caregiver is in compliance, rather than first determine the number of patients the caregiver has, and then count the plants to ensure the caregiver is under the five plants per patient limit of the Medical Marijuana Code.

**DISADVANTAGES:**

This type of ordinance limiting the number of plants and caregivers per dwelling unit has not been tested in a court case.

Commissioner Trenary asked if a primary caregiver would require a Timnath business license. He expressed concerns that if the Town did issue the business license, if the Town would be liable for any activities related to the license. He suggested that there should be a statement on the business license which would release the Town from any responsibility or liability of the primary caregiver.

Commissioner Taylor asked if the Town could investigate the business license and follow up with a recommendation, if necessary, without holding up the ordinance's related to Medical Marijuana. Planner Dlubac suggested that a motion could include that statement.

Commissioner Goldstein wanted to be sure that this recommendation would not hold up the Council's vote and the ordinances could be approved within the recommended time frame. This was confirmed by Planner Dlubac and Attorney Goodlette.

**RECOMMENDED MOTION:**

Commissioner Trenary made a motion to recommend approval of the revisions to Chapter 16 with the recommendation that Town Council investigate the need for a release associated with the issuance of a business license for primary caregivers falling under the home occupation. Commissioner Weiderspon seconded the motion.

**Vote passes unanimously by voice vote.**

**4. Reports: from Town Planner Dlubac**

- a. Old Town Character Updates: Town Planner Dlubac gave a overall summary of the Old Town Updates to the Commissioners:

**ISSUE / BACKGROUND**

As Timnath began to define its own destiny, questions of design, feel, and character of the area known as Old Town Timnath (Main Street between CR 40 and Harmony Road, including residential areas off of Dixon and Kern Streets) were raised. In order to grow, yet keep the character of Timnath as a unique community, the character of Old Town had to be defined. In defining this area of Timnath, I am aware of the following studies, surveys, events, and meetings:

- **September 2003** A Citizen's Survey was completed which asked general questions of how the residents relate to the future of Timnath and satisfaction of current services and infrastructure. While this survey does not directly discuss the character of Old Town, it is feedback from the residents of this area of Timnath.
- **March 2006** A Timnath Design Committee was created and tasked with bringing forward recommendations for Main Street and other public infrastructure improvements. Public meetings to gather input and feedback were held on:
  - July 26th → Committee
  - August 2nd → Committee
  - August 9th → Committee
  - August 23rd → Committee
  - January 9th → Planning Commission
  - January 23rd → Planning Commission
  - January 24th → Joint Town Council and Planning CommissionThe outcome of this project was a recommendation to amend the uses allowed in the OTB - Old Town Business District, which is currently the B Downtown Business District.
- **Britina Study - February 2008** the following was a memo written by Becky Davidson, Town Manager, to Town Council on December 16, 2009 outlining this process: Britina Design Group was hired by the Town through a competitive process (no evidence of that) to develop the Downtown Core Study. The original scope focused on planning and included the following elements:
  - Background Research
  - Create a Project Website
  - Community Survey

- Development of Subcommittee
- Design Charette with the public
- Creation of draft plan to include planning and design guideline elements
- Presentation and finalization of plan
 

As the project unfolded, it was obvious that we were missing an important element of the project, specifically the economic reality of the downtown core and how it could develop.
- **P.U.M.A. Market Analysis – December 2008**

We added P.U.M.A. to the team to create a planning and economic look at the Core and the realities of development and the limitations.

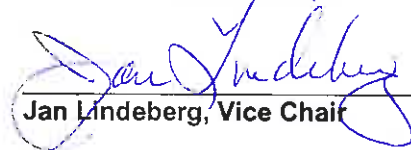
  - Britina was focused on graphic and architectural standards
  - P.U.M.A. was added for the financial feasibility
  - CIG was added to the team for a consideration of “branding”
- **June 2009** - PUMA presented the plan to Town Council on June 10, 2009. The presentation included the report and the survey results.
  - Not sure if this was the final report or not.
  - Not sure if or how the report was approved by Council.
- **September 2009** – Meetings begin between Town staff and PFA to discuss the New Timnath Fire Station approval process and requirements.
  - See *New Timnath Fire Station* section below for other dates associated this project
- **Old Town Character - Early 2011**
  - Interest in the character of Old Town was raised again through the discussions of developing a site for the New Timnath Fire Station. Through those discussions in early 2011, it was apparent that the residents of Old Town were unaware of the previous public outreach and results of those plans.
  - The Town decided to take some steps back to hear the residents’ concerns, analyze the plan results and recommendations, and to validate and propose amendments to the decisions which have been made based on those plans.
  - A Community Meeting was held on March 30, 2011 to provide:
    - A background on the Old Town plans (Britina, PUMA, Comp. Plan, B Zone District)
    - An update on the Old Town Sewer Project
    - Background information used to determine the New Timnath Fire Station site (*see item below*)
  - Takeaway’s from this meeting:
    - The public outreach involved in the plans were not accurately described
    - The public input provided was not adequately (in their opinions) addressed in the final report/map/study
    - Revisit the specific location of the New Timnath Fire Station by utilizing PFA’s criteria for locating a new fire station.
- **Next Steps**
  - We are going to be embarking on a public outreach process to determine the future character, design, and layout of the Old Town Timnath are.
  - We will be bringing status updates, meeting dates, times and information, as well as gathered input and information to the Planning Commission and Town Council on a weekly basis to keep both groups up to date with the happenings of this project.

- o The hope is to complete this project, pending some further direction, within the next 3 to 4 months.
- b. **PROST Plan did get approved by Town Council at the last Council meeting.** Town Planner Dlubac wanted the Commissioners to know that the PROST plan did pass.
- c. **Timnath Reservoir** - Town Planner Dlubac explained the regulations and information regarding the Timnath Reservoir uses. Commissioner Trenary questioned why there was no access for bicyclists and pedestrians from Buss Grove Rd (CR 40). Planner Dlubac explained that the rules and regulations, including the access points, were requirements of CIRSA and that access was allowed from the improved parking area.

**5. Adjournment**

- a. Commissioner Trenary motioned to adjourn, Commissioner Weiderspon seconded. Vice Char Lindeberg officially closed the meeting at **8:43 p.m.**

**TOWN OF TIMNATH  
PLANNING COMMISSION**

  
Jan Lindeberg, Vice Chair

**ATTEST:**

  
Linda Griess, Community Development Coordinator