



# The Town of Eagle

Box 609 • Eagle, Colorado 81631  
(970) 328-6354 • Fax 328-5203

Meetings:  
2nd and 4th Tuesdays

**AGENDA**  
**Planning & Zoning Commission**  
**Tuesday, May 3, 2016**  
**6:00 P.M.**

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

*This agenda and the meetings can be viewed at [www.townofeagle.org](http://www.townofeagle.org).*

## **ITEM**

**6:00pm – CALL TO ORDER**

**APPROVAL OF MINUTES – April 19, 2016**

## **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.*

## **LAND USE FILES**

### **NEW PUBLIC HEARINGS**

1.	Project:	Trotter Minor Subdivision
	File #:	MS16-01
	Applicant:	Rob Trotter
	Location:	1125 Chambers Avenue
	Staff Contact:	Tom Boni (Town Planner)
	Request:	Subdivide Lot C-12, Eagle Valley Commercial Park subdivision (1125 Chambers Avenue) into two (2) lots.

### **CONTINUED PUBLIC HEARINGS**

2.	Project:	Revisions to Section 4.03.040 - Definitions and Section 4.04 - Zoning of the Town of Eagle Land Use & Development Code
	File #:	LURA16-01
	Applicant:	Town of Eagle
	Location:	N/A
	Staff Contact:	Matt Farrar (Assistant Town Planner)
	Request:	1. Revise Section 4.03.040 to define dog daycare facility. 2. Revise Section 4.04.070 to define regulations for dog daycare facilities.

**ITEM**

		<p><del>3. Revise Section 4.04.070 to modify regulations for indoor recreation facilities. (Approved by Board of Trustees – April 26, 2016)</del></p> <p>4. Revise Section 4.04.070 to define regulations for marijuana testing facilities.</p> <p>5. Revise Section 4.04.100 to modify regulations regarding medical and retail marijuana cultivation facilities and infused-product manufacturing facilities and to expand the area in the Town of Eagle where these uses are permitted.</p>
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**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.*

1. LURA16-01 – Indoor Recreation Facilities

**OPEN DISCUSSION**

**ADJOURN**



# The Town of Eagle

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Meetings:  
2nd and 4th Tuesdays

## Planning and Zoning Commission Meeting Minutes April 19, 2016

### PRESENT

Stephen Richards  
Jamie Harrison  
Charlie Perkins  
Jason Cowles  
Max Schmidt  
Donna Spinelli  
Cindy Callicrate

### STAFF

Tom Boni–Town Planner  
Matt Farrar–Assistant Town Planner  
Angela Haskins–Administrative Assistant

### ABSENT

Jesse Gregg

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

### **CALL TO ORDER**

The regular meeting of the Planning and Zoning Commission held in the Eagle Town Hall on April 19, 2016 was called to order by Jason Cowles at 6:00 p.m.

### **APPROVAL OF MINUTES**

Richards made a motion to approve the February 16, 2016, Planning and Zoning Commission Meeting minutes. Perkins seconded. The motion passed unanimously.

Richards made a motion to approve the March 15, 2016, Planning and Zoning Commission Meeting minutes. Spinelli seconded. Callicrate abstained. The motion passed unanimously.

### **PUBLIC COMMENT**

None

### **LAND USE PUBLIC HEARINGS**

#### ***MPE 16-01, Eby Creek Lot 220C***

Cowles opened the continued File MPE 16-01, Eby Creek Lot 220 C, a request for exception to the 2010 Eagle Area Community Plan to allow for annexation of a 31-acre property into the town. Boni discussed with the Commission the revisions and changes to Resolution No. 2 and the draft of the Deed Restriction Lot 220 C.

Harrison expressed his concerns with the document's language regarding the workforce housing and LERP program. Poukish, the applicant stated that the documents and language were based off the Towns LERP program but with more flexibility. The Commission, applicant and staff continued deliberations.

Harrison made a motion to approve Resolution No. 2 with two changes; Section 2.5 changed to read the exception to the plan is contingent upon the property being annexed into the town. Section 2.2 changed to read 40% of single family homes to be governed by modified LERP requiring initial sale price of \$415,000 with flexible model upgrades requested by the buyer and the terms must be agreed upon between the town and the applicant. Richards seconded. The motion passed unanimously.

***Stout Coffee House Kitchen Expansion  
DR16-02 & V16-01***

Cowles opened Files DR16-02, and V16-01 Stout Coffee House Kitchen Expansion located at 131 Chambers Ave; request for a minor development review for a 420 square foot expansion and a zoning variance to allow for a 12.5' setback from Chambers Ave. The applicant, Marcy Place described to the Commission the plans and need for the expansion. She explained that they have a good customer base that they would like to accommodate with additional seating and space to enjoy their menu. Ed Oyler, the property owner explained the additional parking including the handicap access. Scott Turnipseed, advised the Commission regarding windows and the design variance.

Perkins made a motion to approve File No. V16-01, Zoning variance to allow for a 12.5' setback from Chambers Ave. with staff conditions and recommendations as written. Richards seconded. The motion passed unanimously.

Perkins made a motion to approve File No. DR 16-02, Minor Development review for a 420 square foot expansion with staff conditions and recommendations as written. Spinelli seconded. The motion passed unanimously.

***Break 7:20  
Resume 7:28***

***LURA16-01 Revisions to the Land Use and Development Code***

Cowles opened File LURA16-01, Revisions to Section 4.03.040 – Definitions and Section 4.04 – Zoning of the Town of Eagle Land Use and Development Code. Farrar reviewed the language in the Land Use Development Code (LUDC) that was updated. Farrar stated that discussion on Section 4.03.040 to define dog daycare facilities postponed until the next scheduled meeting. The Commission and staff deliberated Items 3, 4 & 5.

- (3) Revise Section 4.04.070 to modify regulations for indoor recreation facilities. Harrison noted that the word “entirely” should be removed from the definition for an indoor recreation facility.
- (4) Revise Section 4.04.070 to define regulations for marijuana testing facilities.
- (5) Revise Section 4.04.100 to modify regulations regarding medical and retail marijuana cultivation facilities and infused-product manufacturing facilities and to expand the area in Town of Eagle where these uses are permitted.

Commission and staff deliberations regarding marijuana, there were concerns regarding the higher risk business of cultivation compared to retail stores and other marijuana businesses. Randy Cohen with Greater Eagle Fire District stated that the cultivation sites tend to have a greater threat of theft due to the storage of products on site. The Planning and Zoning Commission requested Chief Staufer to be at the next scheduled meeting to discuss these issues.

Richards made a motion to approve LURA 16-01, Item 3. Section 4.04.070 modifications to the regulations for indoor recreation facilities. Items 1, 2, 4 & 5 are continued until the next regularly scheduled meeting on May 3, 2016. Spinelli seconded. The motion passed unanimously.

**MISCELLANEOUS**

Staff and Commission discussed the Eagle River Corridor progress. They also discussed the Land Use Code and its schedule for update. It is noted that it is a priority for staff and the Commission but a timeline is yet to be determined.

**ADJOURN**

Spinelli made a motion to adjourn the meeting. Richards seconded. The motion passed unanimously. The meeting was adjourned at 8:18 p.m.

\_\_\_\_\_  
Date Jason Cowles – Planning and Zoning Commission

\_\_\_\_\_  
Date Angela Haskins – Administrative Assistant



# The Town of Eagle

Box 609 • Eagle, Colorado 81631  
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Meetings:  
2nd and 4th Tuesdays

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## CERTIFICATE OF RECOMMENDATION

**TO:** Planning & Zoning Commission

**FROM:** Department of Community Development

**DATE:** Tuesday, April 29, 2016

**PROJECT NAME:** Trotter Minor Subdivision

**FILE NUMBER:** MS16-01

**APPLICANT:** Rob Trotter

**APPLICABLE SECTION(S) OF MUNICIPAL CODE:**  
Section 4.12.050 (Minor Subdivision)

**EXHIBIT(S):** A. Application Package  
B. Aerial Photo

**PUBLIC COMMENT:** None

**STAFF CONTACT:** Tom Boni, Town Planner

**REQUEST:** Applicant is requesting to resubdivide Lot C-12 of the Eagle Valley Commercial Park into two lots of four and one acres respectively

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**DISCUSSION:**

The property is located on the north side of Chambers Avenue approximately .75 miles east of the Chambers Avenue Round-About. This property was originally subdivided as part of Eagle Valley Commercial Park Subdivision as a 5 acre parcel (Lot C-12). A Minor Subdivision of this property into a three and two acre lot was approved last year but the final plat was never recorded. A Development Plan was also approved to allow the construction of a 4,000 square foot building for a combined medical and recreation marijuana business on the eastern side of this property. Since this was approved, the applicant has changed course in regards to the size of the lot to be subdivided and the size of the store to be constructed. The proposed subdivision creates Lot C-12A (four acres) and C-12B (one acre). Please see final plat submitted as Exhibit A of the application package.

While complete utilities were provided through the original subdivision, only one water service stub was provided on the western side of Lot C-12 and one sewer stub was provided with the construction of the subdivision. Consequently, since our regulations require that each lot be provided with a service stub, we will be requiring the applicant to design and construct additional water and sewer service stubs to Lot C-12B.

This application also includes a request that the Special Use Permits for marijuana businesses originally approved for Lot C-12 be attached to Lot1-12B.

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**MINOR SUBDIVISION REVIEW STANDARDS (SECTION 4.12.030.D)**

1. Complies with the Town's regulations, goals, policies and plans and
2. Any adverse impacts resulting from the subdivision will be reasonably and adequately mitigated by the applicant to minimize such impacts.

Staff believes that this subdivision application complies with Town Regulations. The property is zoned Commercial General which permits a minimum lot size of 20,000 square feet. At four and one acres in size, these lots meet this standard. Utilities are already in place to serve the lots.

The Eagle Area Community Plan identifies this property as Commercial on the Future Land Use Map. The intent of this designation is to provide for a broad variety of commercial uses important to the local and regional economy. Land uses encouraged for this designation include office, business park, distribution center, retail, lodging and entertainment. The two lots being proposed can accommodate the above referenced uses. Lot C-12B is specifically being created to accommodate a retail marijuana business

The staff also believes that the proposed subdivision reasonably and adequately mitigates any adverse impacts.

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**STAFF RECOMMENDATION**

Recommend approval subject to Town Attorney's and Town Engineer's technical revisions to Final Plat and the design and approval of water and sewer service lines to Lot C-12B.

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**PLANNING & ZONING COMMISSION**

1. Questions of Staff and/or Applicant
2. Public Comment
3. Deliberations

# **Trotter Minor Subdivision**

April 2016

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## **Town of Eagle**

**Minor Subdivision**

**Amended Special Use Permit Application**

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**Prepared by:**

**knight planning  
services, inc.**  
P. O. Box 947  
Eagle, Colorado 81631-0947

## **Trotter Minor Subdivision Amended Special Use Permit**

### **Table of Contents**

#### **Land Use Application**

##### **Cover Letter**

##### **Section I Applicant's Identity**

Written Description  
Land Use Applications  
Vicinity Map

##### **Section II Minor Subdivision 4.12.010**

2.1 Written Description  
2.2 Supplemental Reports  
2.3 Subdivision Plat  
2.4 Written Description  
2.5 Drawings  
2.6 Lighting Plan

##### **Section III Amendment Special Use Permit 4.05.010**

3.1 Written Description  
3.1.A Conditions of Special Use  
3.1.B Special Use Review

##### **Section IV Conclusion**

##### **Exhibits:**

**Exhibit A** Letter of Authorization  
**Exhibit B** Proof of Ownership  
**Exhibit C** NRCS Soils Map and Description  
**Exhibit D** Adjacent Property Owners List and Map  
**Exhibit E** Final Plat  
**Exhibit F** Town of Eagle Resolutions

##### **Separate Cover:**

Mylar of Final Plat, Prepared by Starbuck Surveyors

April 12, 2016

Tom Boni, Town Planner  
Town of Eagle  
PO Box 609  
Eagle, CO 81631-609

RE: Trotter Minor Subdivision

Dear Tom,

I appreciate you meeting with me regarding the Trotter Minor Subdivision and Amended Special Use Permit applications, regarding the property at 1125 Chamber Avenue.

Knight Planning Services, Inc has prepared a joint application to create the Trotter Minor Subdivision and to specify the current Special Uses on the property to a newly created one (1) acre lot.

I look forward to working with you and your staff as you review this application and it proceeds through the planning process.

Best Regards,



Terrill Knight  
Knight Planning Services

## Section 1.0 Applicant Information

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**Applicant's Identity:** Robert Trotter  
11157 Gypsum Creek Road  
Gypsum, CO 81637  
970-524-8323  
[rob@trotterrealestate.com](mailto:rob@trotterrealestate.com)

**Representative's Identity:**

Land Planner: Terrill Knight  
Knight Planning Services, Inc.  
P.O. Box 947  
Eagle, CO 81631-0947  
970-328-6299  
[kps@vail.net](mailto:kps@vail.net)

Surveyor: Richard E. Borden  
Starbuck Surveyors  
P.O. Box 1584  
Eagle, CO 81631  
970-328-7208

A letter of authorization to represent the applicant is attached as **Exhibit "A"** to this application.

**Property Ownership:** ILB Partnership II, LLC  
11157 Gypsum Creek Road  
Gypsum, CO 81637  
970-524-8323  
[rob@trotterrealestate.com](mailto:rob@trotterrealestate.com)

Disclosure of ownership is attached as **Exhibit "B"** to this application

**Legal Description:**

Subdivision: Eagle Valley Commercial Park Filing 3, Lot C-12  
Physical Address: 001125 Chambers Ave – Eagle, CO

**Vicinity Map:**

A vicinity map and GIS Aerial map showing the subject property is located directly following this page.

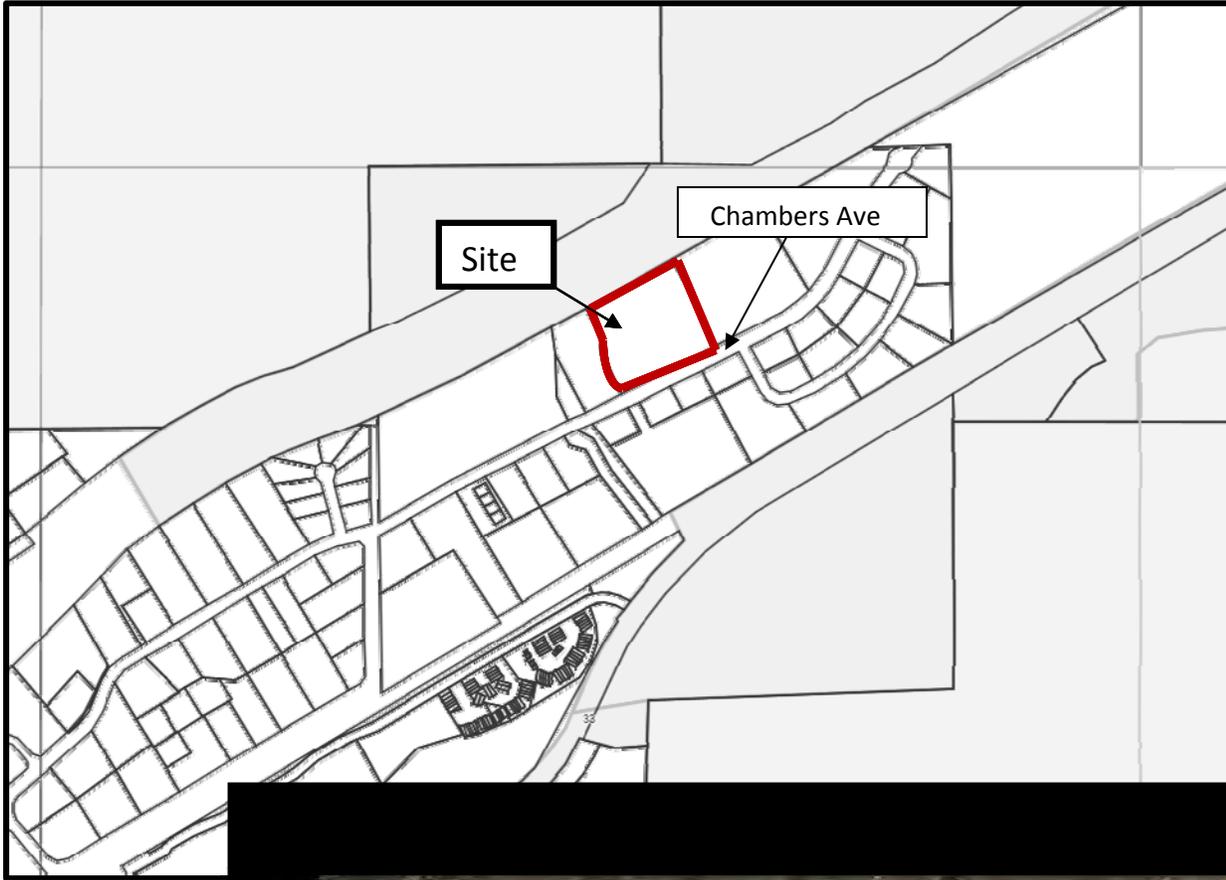
**Description of Application:**

This combined application of a Minor Subdivision and an Amended Special Use Permit is to subdivide Lot C-12 of Eagle Valley Commercial Park, Filing 3; a five (5) acre lot into two (2) lots. Lot C-12A the westerly lot would be subdivided into a four (4) acre lot and Lot 12-B the easterly lot would become a one (1) acre lot.

Lot C-12 currently has several Special Use Permits that have been approved and issued by the Town of Eagle to sell, cultivate, and infuse both recreational and medical marijuana. The applicant is requesting that the Special Uses be transferred to the newly created Lot C-12B of the Trotter Minor Subdivision.

# Vicinity and Context Map

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**Town of Eagle, Colorado  
Land Use and Development  
Application Form  
for  
Subdivision or Planned Unit Development Review**

Subdivision

<input type="checkbox"/> Concept Plan	<input type="checkbox"/> Lot Line Adjustment
<input type="checkbox"/> Preliminary Plan	<input type="checkbox"/> Condominium & Townhouse
<input type="checkbox"/> Final Plat	<input checked="" type="checkbox"/> <b>Minor Subdivision</b>
	<input type="checkbox"/> P.U.D. Zoning Plan

**Project Name:** Trotter Minor Subdivision

**Application Section No.** 4.12.010

**Location:**

**Street Address:** 001125 Chambers Ave

**Subdivision:** Eagle Valley Commercial Park, Filing 3, Lot C-12

Legal Description:

**Description/Purpose:** The purpose of this application is to re-subdivide Lot C-12 of Eagle Valley Commercial Park, Filing 2 into a 1 AC Parcel and a 4 AC Parcel.

**Attach List of Names and Addresses of the Following:** See Table of Contents for Exhibit List  
**Adjacent Property Owners**  
**Surface Mineral Rights Owners**  
**Lessees of Subsurface Mineral Rights**  
**Mortgages and Lienholders**

**Applicant Name:** ILB Partners II, LLC Robert T. Trotter, Manager

**Phone:** 970-524-8323

**Address:** % Rob Trotter-11157 Gypsum Creek Rd-Gypsum, CO 81637

**Fee Owner of Record:** Same as above

**Contract Owner of Record:** NA

**Contact Person:** Terrill Knight, Knight Planning Services, Inc. **Phone:** [970] 328-6299  
P.O. Box 947, Eagle, CO 81631-0947 [kps@vail.net](mailto:kps@vail.net)

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

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**Representatives Signature**

Terrill Knight, Knight Planning Services, Inc.

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April 15, 2016

**Date**

\*\*\*\*\* Letter of Authorization may be found in "Exhibit A" \*\*\*\*\*

\*\*\*\*\* Town Use \*\*\*\*\*

Date Application Received \_\_\_\_\_ File Number \_\_\_\_\_

Review Fee \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By \_\_\_\_\_

Date Application Certified As Complete  
\_\_\_\_\_

By  
\_\_\_\_\_

Public Hearing Schedule:  
Planning & Zoning Commission \_\_\_\_\_  
Town Board of Trustees \_\_\_\_\_

Action Taken:  
Planning & Zoning Commission:  
\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

Town Board of Trustees:  
\_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

## Section 2.0 Minor Subdivision

### 4.12.010 Plan and Plat Requirements

#### 2.1 Concept and Written Description

The concept of this Minor Subdivision is to subdivide Lot C-12 of Eagle Valley Commercial Park, Filing 3, a five (5) acre lot into two (2) lots. Lot C-12-A the westerly lot would be subdivided into a four (4) acre lot and Lot 12-B the easterly lot would become a one (1) acre lot.

This parcel is in the Commercial General (CG) zoning for the Town of Eagle and located on Chambers Avenue.

The proposed parcels are surrounded by Commercial General (CG) parcels, as well as Industrial (I) and Public (PA) lots.



Many lots within the Eagle Valley Commercial Park have been built on and provided the community with a variety of commercial necessities for the Town of Eagle.

#### 2.2 Supplemental Reports:

##### a. Soils Information:

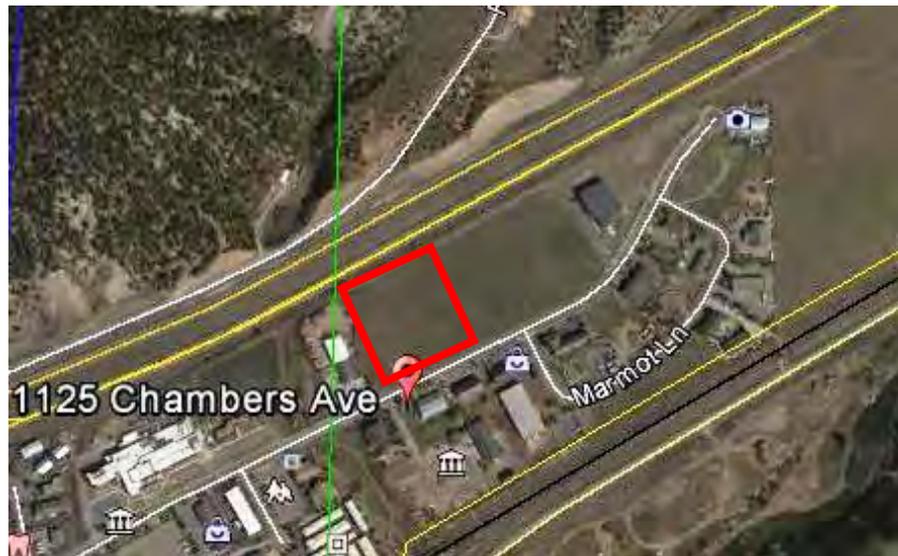
A soils map from the Natural Resource Conservation Service of the site is attached to this application as **Exhibit "C"**. The site is north of the Town of Eagle town site, the Eagle River and the Union Pacific Railroad right-of-way and directly south of the I-70 Corridor. The area is predominately in Unit 6 – Almy loam, 1 to 12 percent slopes. This is a deep, well drained soil. Permeability is moderate and available water capacity is high. This unit is well

suited to hay and pastureland and has very few limitations. It is well suited to home site development.

In addition Lot C-12 of Eagle Valley Commercial Park is in a previously subdivided area where many commercial structures have been constructed; including the Eagle County Justice Center directly to the west of this site.

**b. Site Conditions:**

The site consists of a five acre parcel of land, located between the I-70 Corridor and Chambers Avenue within the Eagle Valley Commercial Park, Filing 3. The site is relatively flat with a mix of dry land vegetation.



**c. Impacts:**

Minimal impacts are expected to the utility systems. This minor subdivision is requesting to subdivide the existing five acre lot into a four (4) acre lot on the west and a one (1) acre lot on the east side; therefore, creating two lots within an established commercial park where adequate utilities have been in place for years.

**c. Need:**

This minor subdivision of creating a four (4) acre lot and a one (1) acre lot will be beneficial to the Town of Eagle by providing an opportunity to increase business opportunities into the Town and therefore increasing sales tax without causing undue strain on the Town facilities and fulfilling the Master Plan Goals.

**d. Town of Eagle Goals:**

This minor subdivision meets the goals of the Town of Eagle Master Plan, as there will not be additional strain on the Town's water and sewer systems. Therefore, the plan meets the goal of providing efficient, safe and economical water and sewage treatment.

The Trotter Minor Subdivision application also meets the goals of providing an area and amenities for other than the tourist industry. It is anticipated that these commercial sites will provide local jobs as well as provide the Town with an increase in sales tax.

This application meets the Community Plan Goals set forth in Eagle Area Community Plan, September 1996 by maintaining a small town non-resort atmosphere. This plan also meets the Eagle Area Community Plan Goals by concentrating this minor subdivision around the existing town center and not significantly increasing density.

This application concentrates the development in and around the Town of Eagle and helps to maintain the small town, non-resort atmosphere and within a previously approved commercial park.

**e. Adjacent Property Owners**

A map and list of adjacent property owners is attached as **Exhibit "D"** to this application.

**f. Mineral Rights Owners:**

N/A

**2.3 Subdivision Plat:**

The Subdivision Plat has been prepared according to the Town of Eagle standards and is attached to this application as **Exhibit "E"**.

**2.4 Written Description:**

The written description of this minor subdivision may be found in beginning of Section II.

**2.5 Drawings:**

Reproducible Mylar drawings certified by a licensed engineer and drawn to the Town specifications have been submitted under separate cover. The Final Plat may be found in **Exhibit "E"** of this application.

**g. Engineering specifications and cross section drawing for public and private improvements.**

This Minor Subdivision Application is requesting no significant increase in density; therefore, engineering specifications and cross section drawings for public and private improvements are not required.

**h. Ability to serve letters;**

Ability to serve letters for this minor subdivision are not provided. The site is currently being served by adequate utility service.

**i. Erosion and Sediment Control Plan:**

As shown on the Final Plat of the re-subdivision of Lot C-12 of Eagle Valley Commercial Park, Filing 3; there are 25 foot drainage ditches and easements on the north side of the lot. On the south side of the lot the plat shows two drainage and utility easements totally 35 feet along Chambers Avenue. The plat further shows 12.5 feet drainage and utility easements along the both the east and west lot lines.

**j. Highway Access Permit:**

No Highway Access Permit is required. This issue was addressed with the approval of the Eagle Valley Commercial Park. The Trotter Minor Subdivision is accessed by Chambers Avenue.

**k. Locations and specifications of traffic control devices:**

This Minor Subdivision Application will not require the need for traffic control devices.

**l. Cost estimates for all public improvements:**

The Trotter Minor Subdivision Application is requesting no major increase in density; therefore, cost estimates for public improvements are not needed. Existing streets are adequate for the proposed uses. The Trotter Minor Subdivision is within an existing and established commercial business park.

**m. Development Impact Report:**

This Minor Subdivision Application is requesting no significant increase in density; therefore, a Development Impact Report is not needed.

**n. Engineering specifications and cross section drawings for any off site road impacts:**

This Minor Subdivision Application is requesting no significant increase in density; therefore, engineering specification and cross section drawings are not needed.

**2.6 Lighting Plan:**

This Minor Subdivision Application is requesting no significant increase in density; therefore, there is no change in the street lighting requirements.

## **Section 4.0**

### **Application Conclusion**

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**Conclusion:**

This combined application is requesting to subdivide a five (5) acre lot in the Eagle Valley Commercial Park, Filing 3 into two lots. A four (4) acre lot and a one (1) acre lot.

The application also is requesting to have the Special Use Permits that are attached to the five (5) acre lot, owned by ILB Partners II, LLC and located at 1125 Chambers Ave be specific to the proposed newly created one (1) acre Lot C-12B.

The approval of these requested applications will help to promote and facilitate the continued success of commercial businesses and sales tax within the Town of Eagle, further promoting the success and vitality of this community.



EXHIBIT A  
Letter of Authorization

ILB Partners II, LLC  
%Rob Trotter  
11157 Gypsum Creek Road  
Gypsum, Colorado 81637

April 15, 2016

Tom Boni, Town Planner  
Town of Eagle  
P.O. Box 609  
Eagle, CO 81631-0609

RE: Trotter Minor Subdivision

Dear Tom,

As owner and managing partner of Lot C-12 of Eagle Valley Commercial Park, Filing #3; I authorize Knight Planning Services, Inc. and Terrill Knight to represent this Minor Subdivision and Amended Special Use application before the Town of Eagle.

Do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Trotter", written over the word "Sincerely,".

Rob Trotter

cc: Knight Planning Services, Inc.



EXHIBIT B  
Proof of Ownership

## OWNERSHIP AND ENCUMBRANCE REPORT

**Date:** April 11, 2016  
**Effective Date:** March 30, 2016  
**Attn:** Terrill Knight  
**Company:** Knight Planning  
**Address:** PO Box 947  
**Phone:** (970) 328-6299  
**Fax:** (970) 328-6254  
**Email:** kps@vail.net

**O & E Order Number:** H0464994

**Schedule No.:** 193933109001 R051704  
**Vesting:** ILB Partners II, LLC  
**Vesting Deed Info.:** Warranty Deed recorded January 26, 2006 at Reception No. 200602080  
**Property Address:** 1125 Chambers Avenue , Eagle, CO 81631  
**Legal Description:**

Lot C-12, Eagle Valley Commercial Park, Filing No. 3, according to the plat recorded December 11, 2000 at Reception No. 746022, County of Eagle, State of Colorado.

### Encumbrances:

None

*NOTE: This information is for your sole use and benefit and is furnished as an accommodation. The information has been taken from our tract indices, without reference to, or examination of, instruments which purport to affect the real property. The information is neither guaranteed nor certified, and is not an Abstract of Title, Opinion of Title, nor a Guarantee of Title, and our liability is limited to the amount of the fees.*

**Prepared By:** Patricia Keyes  
**Email:** pkeyes@heritagetco.com  
**Phone:** 970-328-5211



CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Clara

}  
SS

On Jan 17<sup>th</sup>, 2006 before me, Sunita Singh, Notary Public  
Date Name and Title of Officer

personally appeared Michael A. Maily  
Name of Signer(s)

\_\_\_\_\_ personally known to me

proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal

Singh  
Signature of Notary Public

Description of Attached Document

Title or Type of Document: Special Warranty Deed

Document Date: \_\_\_\_\_ Number of Pages: -1-

**EXHIBIT "A"**

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 March 22, 1929, IN BOOK 106 AT PAGE 519.

TERMS, CONDITIONS AND PROVISIONS OF ANNEXATION AGREEMENT RECORDED June 14, 1995 IN BOOK 663 AT PAGE 231.

RESTRICTIVE COVENANTS WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANT OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN UNLESS AND ONLY TO THE EXTENT THAT SAID COVENANT (a) IS EXEMPT UNDER CHAPTER 42, SECTION 3607 OF THE UNITED STATES CODE OR (b) RELATES TO HANDICAP BUT DOES NOT DISCRIMINATE AGAINST HANDICAP PERSONS, AS CONTAINED IN INSTRUMENT RECORDED August 08, 1996, IN BOOK 702 AT PAGE 366 AND AMENDMENT THERETO RECORDED FEBRUARY 18, 1997 IN BOOK 718 AT PAGE 831 AND SECOND NOTICE OF ANNEXATION RECORDED AUGUST 19, 1998 AT RECEPTION NO. 666477 AND THIRD NOTICE OF ANNEXATION RECORDED DECEMBER 27, 2000 AT RECEPTION NO. 746978.

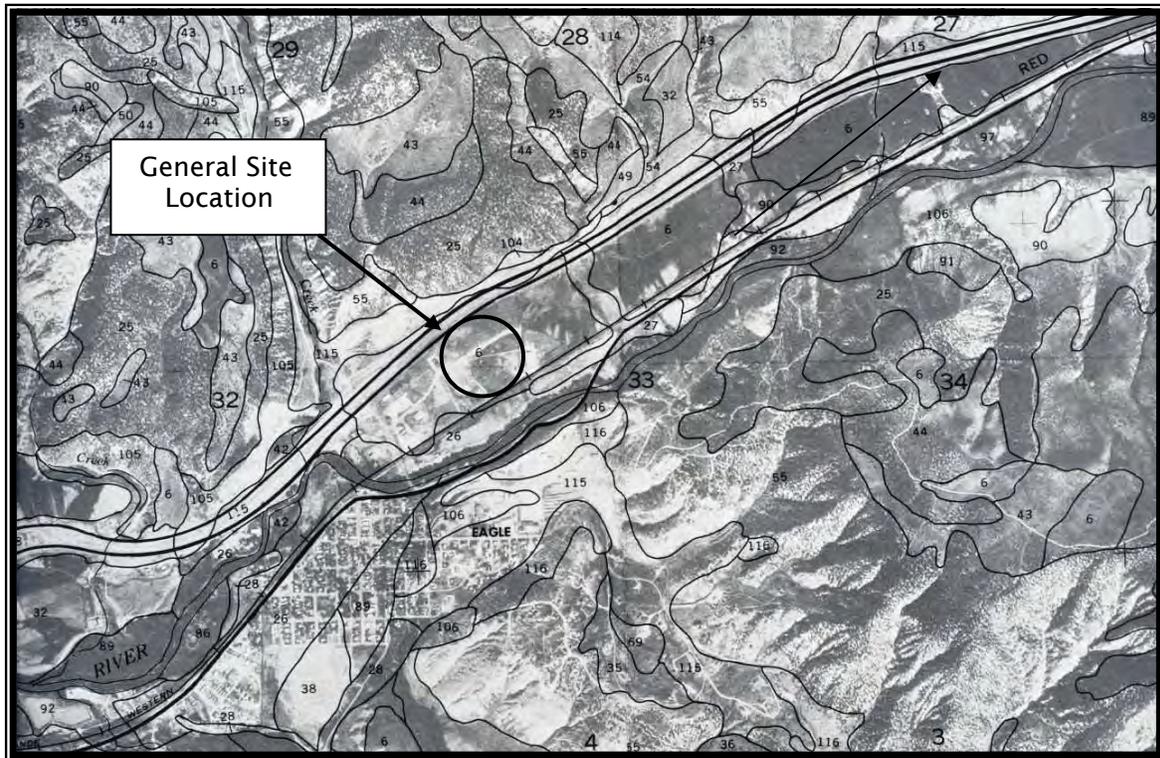
EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF EAGLE VALLEY COMMERCIAL PARK, FILING NO. 3 RECORDED DECEMBER 11, 2000 AT RECEPTION NO. 746022.

TERMS, CONDITIONS AND PROVISIONS OF SUBDIVISION IMPROVEMENT AGREEMENT RECORDED December 11, 2000 AT RECEPTION NO. 746023.

TERMS, CONDITIONS AND PROVISIONS OF HOLY CROSS ENGERGY UNDERGROUND RIGHT OF WAY EASEMENT RECORDED March 15, 2001 AT RECEPTION NO. 751900.

EXHIBIT C  
Soils Map and Description

# Soils Map



## Soil Classification

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### 6- Almy loam, 1 to 12 percent slopes.

This deep well drained soil is on fans and uplands. It formed in alluvium derived dominantly from calcareous redbed sandstone and shale. Elevation is 6,000 to 7,800 feet. The average annual precipitation is 12 to 14 inches, the average annual air temperature is 42 to 46 degrees F, and the average frost-free period is 85 to 105 days.

Typically, the surface layer is reddish brown loam about 8 inches thick. The upper 3 inches of the subsoil is fine sandy loam. The lower 15 inches is sandy clay loam. The substratum to a depth of 60 inches or more is fine sandy loam. The soil is noncalcareous to a depth of 11 and calcareous below that depth.

Included in this unit are small areas of Empedrado soils. Included areas make up about 20 percent of the total acreage.

Permeability is moderate in the Almy soil. Available water capacity is high. The effective rooting depth is 60 inches or more. Runoff is medium, and the hazard of water erosion is moderate.

This unit is used as rangeland or hayland. The potential plant community is mainly bluebunch wheatgrass, Indian ricegrass, bottlebrush squirreltail, Douglas rabbitbrush, and Wyoming big sagebrush. Prairie junegrass, needleandthread, and Sandberg bluegrass also are included. The average annual production of air-dry vegetation is about 950 pounds per acre. If the range condition deteriorates, Wyoming big sagebrush, Douglas rabbitbrush, cheatgrass, and annual weeds increase in abundance.

The suitability of this unit for range seeding is good. Loss of the surface layer severely reduces the ability of the unit to produce plants suitable for grazing.

This unit is well suited to hay and pasture. It has few limitations. Grasses and legumes grow well if adequate fertilizer is used. If properly managed, the unit can produce 5 tons of irrigated grass hay per acre annually.

This unit is well suited to homesite development.

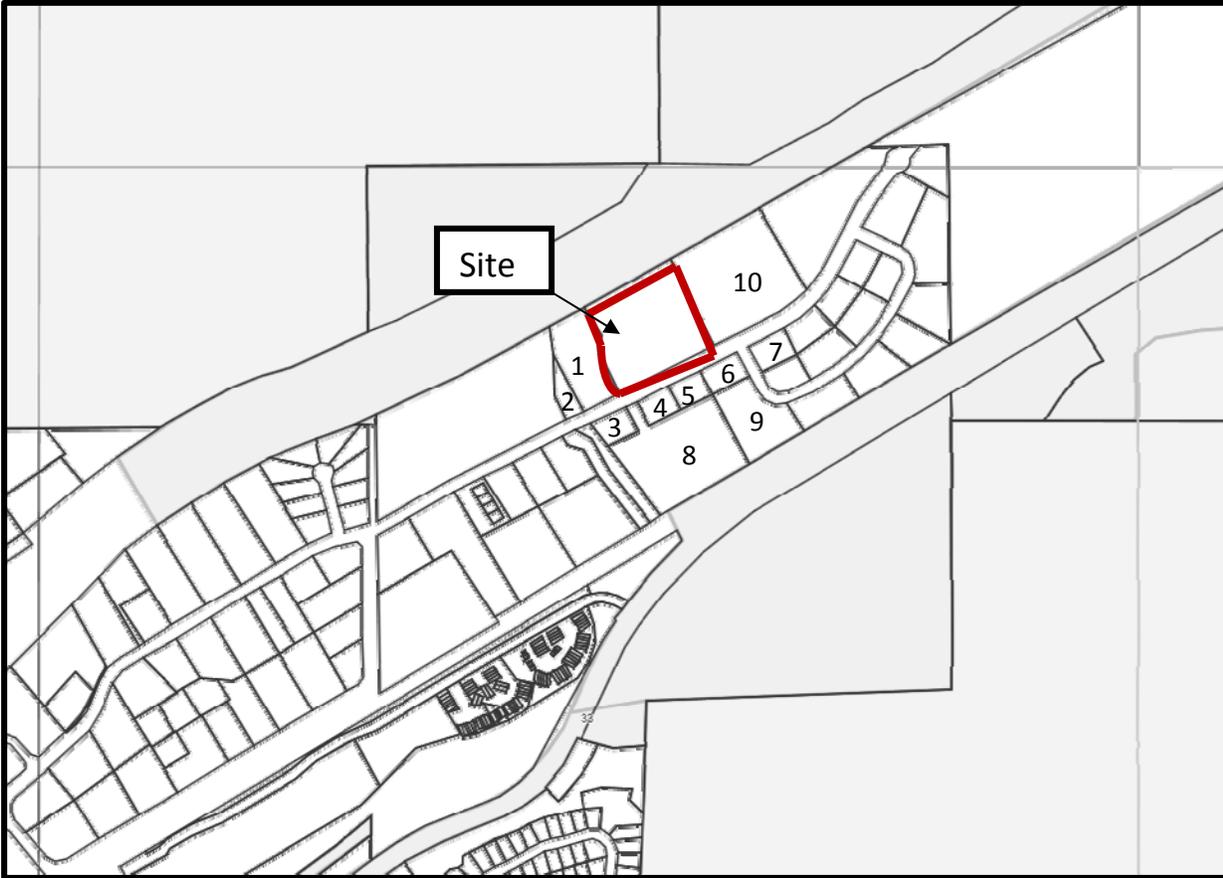
This map unit is in capability subclass IVE, irrigated and nonirrigated. It is in the Tolling Loam range site.



EXHIBIT D  
Adjacent Property Owners

## Adjacent Property Owners Map

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#	Parcel Number	Name	Address
1	193933207001	Eagle Tree Partnership. LLP	6101 S. CR #7-Ft Collins, CO 80528-9502
2	193933207002	Eagle Valley Commercial Park Ownership	PO Box 5640-Avon, CO 81620-5640
3	193933110003	Pulaski, LLC	PO Box 2545-Edwards, CO 81632-2545
4	193933101005	Leach-Adams Storage, LLC	PO Box 3707-Vail, CO 81658-3707
5	193933113001	John-Michael Guarisco Kim Wylene Barberi	PO Box 2184-Eagle, CO 81631-2184
6	193933101007	Vail Valley Cares, Inc	PO Box 1242-Edwards, CO 81632-1242
7	193933102001	Stone Concepts of CO, Inc	PO Box 4330-Eagle, CO 81631-4330
8	193933101001	Town of Eagle	PO Box 609-Eagle, CO 81631-609
9	193933101008	Eagle Warehouse LLC Rodney E. Slifer	230 Bridge Street-Vail, CO 81658-3619
10	193933114003	Algot Declaration of Trust	PO Box 3070-Eagle, CO 81631-3070

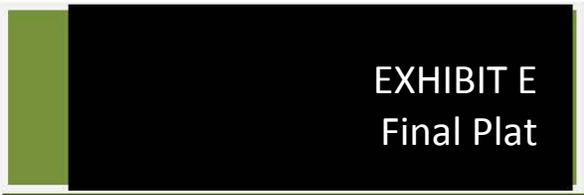


EXHIBIT E  
Final Plat





Rule Rd

Chambers Ave

Chambers Ct

Marmot Ln

© 2015 Google

GOO

1999

Imagery Date: 9/22/2011 39°39'55.76" N 106°48'48.74" W elev 6678 ft



# The Town of Eagle

Box 609 • Eagle, Colorado 81631  
(970) 328-6354 • Fax 328-5203

Meetings:  
2nd and 4th Tuesdays

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## CERTIFICATE OF RECOMMENDATION

**TO:** Planning & Zoning Commission

**FROM:** Department of Community Development

**DATE:** May 3, 2016

**PROJECT NAME:** Revisions to Section 4.03.040 - Definitions and Section 4.04 - Zoning of the Town of Eagle Land Use & Development Code.

**FILE NUMBER:** LURA16-01

**APPLICANT:** Town of Eagle

**APPLICABLE SECTION(S) OF MUNICIPAL CODE:** Section 4.03, Section 4.04 & Section 5.15

**EXHIBIT(S):** A. Proposed revisions to Section 4.03.040 – Definitions & proposed revisions to Section 4.04 – Zoning

**PUBLIC COMMENT:**

1. Email from Emalyn Gordon (March 16, 2016)
2. Email from Jason Hershman (March 18, 2016)
3. Email from Dominic Mauriello (April 14, 2016)

**STAFF CONTACT:** Matt Farrar (Assistant Town Planner)

**REQUEST(S):**

1. Revise Section 4.03.040 to define dog daycare facility.
2. Revise Section 4.04.070 to define regulations for dog daycare facilities.
3. ~~Revise Section 4.04.070 to modify regulations for indoor recreation facilities. (Approved by Board of Trustees – April 26, 2016)~~
4. Revise Section 4.04.070 to define regulations for marijuana testing facilities.
5. Revise Section 4.04.100 to modify regulations regarding medical and retail marijuana cultivation facilities and infused-product manufacturing facilities and to expand the area in the Town of Eagle where these uses are permitted.

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**DISCUSSION:**

The following Land Use & Development Code amendments were continued from the Planning Commission's April 19, 2016 hearing:

1. Dog Daycare Facilities:

The discussion on the proposed Code amendments related to dog daycare facilities was continued from the Planning Commission's April 19, 2016 hearing to the May 3, 2016 hearing. Since no discussion occurred at the April 19 meeting, the proposed Code amendments (see Exhibit A) that would provide a definition for "Animal Services" and allow "Animal Services" as a Special Use in the Central Business District (CBD), Commercial General (CG), Commercial Limited (CL) and Industrial (I) zone districts have not been modified.

Staff did not have an opportunity to meet with the local business owners to discuss the proposed Code amendments and would request that the Commission's May 3 hearing be used as an opportunity to have a discussion with business owners and the public about the proposed Code amendments.

Following this discussion, staff would like to obtain direction from the Planning Commission on the proposed Code amendments in order to make any needed revisions and bring back revised Code amendments to the Planning Commission for final review on May 17, 2016.

Staff has received several emails related to the proposed Code amendments. Copies of those emails are attached.

2. Marijuana Regulations:

Per the Planning Commission's request, staff has invited the Eagle Police Department to attend the May 3, 2016 hearing to discuss the proposed Code amendments (see Exhibit A) related to marijuana businesses with the Commission. Staff would request that the Commission's May 3 hearing be used as an opportunity to have a discussion with police department and the public about the proposed Code amendments.

Following this discussion, staff would like to obtain direction from the Planning Commission on the proposed Code amendments in order to make any needed revisions and bring back the revised Code amendments to the Planning Commission for final review on May 17, 2016.

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**COMPLIANCE WITH THE TOWN'S GOALS, POLICIES & PLANS**

The Board of Trustees may, after receiving a recommendation from the Planning and Zoning Commission, amend any regulation in the Town of Eagle Land Use & Development Code. Amendments to the Town's Land Use and Development Code may be made upon a finding that the amendments are consistent with the Town's goals, policies and plans.

In Chapter 11 – Economic Development and Sustainability of the 2010 Eagle Area Community Plan (EACP), there is discussion about creating a more diverse economy in Eagle and encouragement of opportunities to expand the local job market. On pages 147 - 149, the EACP provides Goals, Policies and Recommended Strategies for economic development in the town. The recommended strategies under Economic Development Policy 1.2 – Expand retail diversity to reduce sales tax leakage include:

- A. Support opportunities to expand the number and diversity of businesses in Eagle;
- C. Work to create more local jobs and additional outlets for goods and services;
- D. Optimize commercial development. Determine factors that are preventing build-out of existing commercial centers.

In addition, under Land Use Policy 2.2 – New development should be compact, pedestrian friendly and located within or adjacent to existing development to minimize infrastructure and service needs, in Chapter 3 – Land Use of the EACP, the recommended strategies include:

- B. As determined appropriate, work to increase residential and commercial densities in established neighborhood retail center areas.
- C. Work to amend regulatory barriers that prevent the intensification of development in identified areas already served by Town infrastructure.

Staff believes that the proposed code amendments will work towards achieving the Economic Development and Land Use objectives set forth in the EACP.

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## **STAFF RECOMMENDATION**

At this time staff does not have a recommendation on the LURA16-01, items 1, 2, 4 and 5.

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## **PLANNING & ZONING COMMISSION**

1. Questions of Staff
2. Public Comment
3. Deliberations

~~Kennel-Animal Services: Any establishment where dogs, cats, or other household pets domestic animals are bred or raised for sale, boarded, or cared for, and/or groomed commercially, exclusive of veterinary care, commercial grooming, and commercial boarding and/or care of five (5) or less dogs, cats or other household pets.~~

Indoor Recreation Facility: A for profit establishment that provides opportunities for amusement and/or recreation where such activities are conducted within an enclosed structure; including but not limited to bowling alleys, skating rinks, health and fitness clubs, private gymnasiums, pool halls, and video game arcades. The term “indoor recreation” shall not include:

1. Shooting range

Landscaping, Landscaped Area, Landscape Materials: As defined in Chapter 4.07.

Lodging, Extended Stay: To be supplied by Town Attorney: Overnight sleeping accommodations which are managed with the intent of providing extended stay occupancy, generally more than three (3) weeks, to fee paying transients. Extended stay lodging accommodations may be leased on a daily or week to week basis only, and no transient is permitted to reside in an extended stay lodging accommodation for more than 150 days within a consecutive 12 month period.

Lodging, Temporary: Overnight sleeping accommodations which are managed with the intent of providing short term occupancy, generally less than three weeks, to fee paying transients.

Lot: A piece, plot or parcel of land or assemblage of contiguous parcels of land as established by survey, plat or deed.

Lot Area: The total horizontal land area within the boundaries of a lot.

Lot Coverage: Lot or site coverage means the portion of a lot or site covered by materials forming any unbroken surface impervious to water, including:

1. Buildings, decks, patios, structures
2. Streets, driveways, parking lots, and other impervious materials.

Lot Line, Front: The property line of a lot dividing said lot from the adjoining street. On a corner lot the property owner may elect which street frontage shall be the designated front lot line for the purpose of determining the rear yard only.

Lot Line, Rear: The property line of a lot opposite the front lot line.

Lot Line, Side: Any lot property line other than a front or rear lot line.

Major Street Plan: An advisory planning document officially adopted by resolution of the Town Board, which document classifies existing and proposed streets according to size and use.

Marijuana: Marijuana shall have the same meaning as set forth in Section 16(2)(f) of Article XVIII of the Colorado Constitution.

Marijuana Accessories: Marijuana Accessories shall have the same meaning as set forth in Section 16 (2)(g) of Article XVIII of the Colorado Constitution.

Medical Marijuana Business: A person or entity holding a Medical Marijuana Center license as defined in Section 12-43.33-402 C.R.S., a Medical Marijuana – Infused Products Manufacturer license, as defined in Section 12-43.3-404, C.R.S.; and/or an optional premises Cultivation Operation license as defined in Section 12.43.3-403, C.R.S. For the purpose of this definition, a patient that cultivates, produces, possesses or transports medical marijuana, or a primary caregiver that cultivates, produces, sells, distributes, possesses, transports, or makes available marijuana in any form to one or more patients shall not be deemed a “Medical Marijuana Business”. ~~Signage for Medical Marijuana Businesses shall be limited to five (5) square feet permitted on a wall or blade sign. “Sandwich board” signs are permitted only when the business is not adjacent to the public street providing access.~~  
(Ord. 17-2012 §2, 2012)

Manufactured Home: A single-family dwelling which is partially or entirely manufactured in a factory and designed for long-term residential or nonresidential use and transported to its occupancy site; and is not less than twenty-four feet in width and thirty-six feet in length; and is installed on an engineered permanent foundation; and has brick, wood, or cosmetically equivalent exterior siding and a pitched roof; and is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974" 42 U.S.C. 5401 et. seq. as amended and bears such certification label.

Mobile Home: A structure manufactured partially or entirely in a factory, designed for long-term residential use and transported to its occupancy site, which is twelve (12) feet or more in width, is a minimum of 600 square feet and constructed in accordance with the National Mobile Home Construction and Safety Standards Act of 1974 and is licensed by the Colorado Department of Motor Vehicles as a Mobile Home.

Mobile Home Lot: An area of ground intended to accommodate one mobile home, the mobile home pad, a minimum of two parking spaces, a storage shed, utility connections, and openspace.

Mobile Home Lot, Single Wide: A mobile home lot intended to accommodate a mobile home which may not exceed 16 feet in width.

Mobile Home Lot, Double Wide: A mobile home lot intended to accommodate one mobile home which has been transported and placed in two sections forming one whole and which is generally 24 feet in width.

Mobile Home Pad: An area of land in the mobile home space on which a mobile home and appurtenant structures directly sits.

Mobile Home Subdivision: A mobile home park which meets the requirements of Chapter 4.09 and in which individual lots are sold separately, with or without common ownership in the areas outside the mobile home spaces. Pursuant to Chapter 4.11, every

ZONING DISTRICT	CBD	CL	CG	PA	I
<b>USE</b>					
Retail Establishment - except mobile home & vehicular services	P	P	P	*	S
Service Establishment - except vehicular service	P	P	P	*	S
Restaurant	P	P	P	*	*
Tavern	P	P	P	*	*
Office	P	P	P	P	*
Lodging, Extended Stay	*	*	S	*	*
Lodging, Temporary	P	P	P	*	*
Dwelling Units – above Street Level	P	S	*	S	*
High Density, Multi-Family Dwelling <sup>1</sup>	S	*	*	*	*
Park, Playground, Greenbelt	P	P	P	P	P
Indoor Recreation Facility (≤ 6,500 square feet)	P	P	P	P	P
Indoor Recreation Facility (> 6,500 square feet)	S	P	P	P	P
Theater	P	P	P	P	P
Shooting Range	S	S	S	S	S
Public Building, Auditorium or other Public Assembly	S	S	S	S	*
Church, Child Care Facility, School	S	S	S	P	*
Hospital, Clinic, Nursing Home, Group Home	S	S	S	P	*
Commercial Parking Lot or Garage	S	S	S	S	S
Vehicular and Mobile Home Service, Sales and Rental	S	S	S	S	S
Contractor's Yard	*	*	S	*	S
Shop for: Blacksmith, Cabinetry, Glazing, Machining, Off-set printing, Publishing, Sheet metal	S	S	P	*	P
Utility Substation	*	S	S	*	S
Water Impoundment	*	*	S	S	S
Taxidermy Shop	*	S	S	*	S
Dry Cleaning Plant	S	S	S	*	S
Gasoline Sales	S	P	P	*	S
Automobile Salvage Yard	*	*	*	*	P
Manufacturing, assembly, processing, Packaging or preparation of articles or merchandise	*	*	S	*	P
One Single Dwelling Unit – Accessory to a use permitted	*	*	S	*	S
Restaurant – accessory to use permitted	*	*	*	P	P
Office – accessory to use permitted	*	*	*	*	P
Veterinary Clinic	S	S	S	*	S
<del>Kennel</del> Animal Services	S	S	S	*	S
Extraction and Processing of: minerals, rocks, sand, gravel, other earth products	*	*	*	*	S
Storage of Explosives	*	*	*	*	S
Sawmill or Wood Milling Facility	*	*	*	*	S

4.04.070  
(continued)

SCHEDULE OF USES PERMITTED IN NON-RESIDENTIAL ZONE DISTRICTS

ZONING DISTRICT	CBD	CL	CG	PA	I
<b>USE</b>					
Recreational Vehicle Park	*	*	S	*	*
Railroad Transfer Yard, Motor Freight Depot	*	*	S	*	S
Petroleum Products Bulk Plant	*	*	S	*	S
Mobile Home	*	*	*	*	*
Outside Storage	*	S	S	S	P
Self Service Storage Facility	*	*	*	*	S
Wholesale or Distribution Establishment, except mobile home and vehicular sales	S	S	P	*	P
Retail, except mobile home and vehicular Accessory to a principal permitted use	P	P	P	*	P
Service Establishment, except vehicular service – accessory to a principal permitted use	P	P	P	*	P
Sexually Oriented Businesses	*	*	*	*	S
Medical Marijuana Center <del>Business</del> <sup>2</sup> Amended 11/13/12	*	*	S	*	S
Medical Marijuana Infused Products Manufacturer <sup>2</sup>	*	*	S	*	S
Optional Medical Marijuana Cultivation Premises <sup>2</sup>	*	*	S	*	S
Retail Marijuana Store <sup>4</sup> <del>Business (excluding Retail Marijuana Testing Facilities)</del> Amended 10/22/13	*	*	S	*	S
Retail Marijuana Products Manufacturing Facility <sup>4</sup>	*	*	S	*	S
Retail Marijuana Cultivation Facility <sup>4</sup>	*	*	S	*	S
<del>Retail</del> Marijuana Testing Facility	P*	P*	PS	*	SP
Cultivation of Medical Marijuana by Patients and Caregivers in Non-Residential Units ( <b>Commercial or Industrial Spaces</b> ) <sup>3</sup> Amended 10/27/10	*	*	*	*	P
Cultivation of Medical Marijuana by Patients and Caregivers in Residential Dwelling Units ( <b>permitted within Non-Residential Zone Districts</b> ) <sup>3</sup> Amended 10/27/10	P	P	P	P	P
Cultivation of Marijuana for Personal Use in Residential Units	p <sup>5</sup>	p <sup>5</sup>	p <sup>5</sup>	p <sup>5</sup>	p <sup>5</sup>
Cultivation of Marijuana for Personal Use in Non- Residential Units or Structures Amended 10/22/13	*	*	*	*	p <sup>6</sup>
<b>KEY:</b>					
<sup>1</sup> Pursuant to Section 4.05.010.A.3.b	CBD = CENTRAL BUSINESS DISTRICT CL = COMMERCIAL LIMITED CG = COMMERCIAL GENERAL PA = PUBLIC AREA I = INDUSTRIAL				

SCHEDULE OF USES PERMITTED IN NON-RESIDENTIAL ZONE DISTRICTS  
(continued)

<p><sup>2</sup> Medical Marijuana Centers <del>Businesses</del> allowed only on Commercial General and Industrial zoned properties East of Nogal Gulch. <del>Please Refer to attached map at the end of this Section labeled Exhibit A.</del></p> <p>Medical Marijuana Infused Products Manufacturer and Optional Medical Marijuana Cultivation Premises allowed only on Commercial General and Industrial zoned properties along Chambers Avenue, east of Eby Creek Road. <del>Please Refer to attached map at the end of this Section labeled Exhibit B.</del></p> <p>Refer to Section 4.04.100 (P) concerning supplementary regulations and standards for Medical Marijuana <del>Businesses.</del> Amended ###/###/16</p>	
<p><sup>3</sup> See Section 4.04.100(R) concerning supplementary regulations and standards for the cultivation of medical marijuana by patients and primary caregivers in Non-Residential Zone Districts. Amended 10/27/10</p>	
<p><sup>4</sup> Retail Marijuana Stores <del>Businesses</del> allowed only on Commercial General and Industrial zoned properties east of Nogal Gulch. Refer to map at the end of this Section labeled Exhibit A. <del>Retail Marijuana Testing Facilities are not permitted in any zone district.</del></p> <p>Retail Marijuana Products Manufacturing Facility and Retail Marijuana Cultivation Facility allowed only on Commercial General and Industrial zoned properties along Chambers Avenue, east of Eby Creek Road. Refer to map at the end of this Section labeled Exhibit B.</p> <p>Refer to Section 4.04.100 (U) for supplementary regulations and standards for Retail Marijuana <del>Businesses.</del> Amended ###/###/16</p>	
<p><sup>5</sup> See Section 4.04.100(S) concerning supplementary regulations and standards for the cultivation of marijuana for personal use in residential units in both residential and non-residential zone districts.</p>	
<p><sup>6</sup> See Section 4.04.100(T) concerning supplementary regulations and standards for the cultivation of marijuana for personal use in non-residential units or structures in non-residential zone districts.</p>	
<p>* = NOT PERMITTED USE</p>	
<p>P = USE BY RIGHT</p>	
<p>S = SPECIAL USE</p>	

3. The owner of an extended stay temporary lodging facility shall provide at all times an adequate number of beds within each unit contained in the lodging facility for the stated capacity of each respective unit. The owner of the lodging facility shall not permit persons in excess of the stated capacity for each unit to reside in the respective units.
4. No pets or domestic animals of any kind, except service dogs for the disabled, shall be kept or harbored by guests within any unit of the lodging facility.

P. Medical Marijuana Businesses

~~Medical Marijuana Businesses shall only be located east of Nogal Gulch in the Commercial General (CG) and Industrial Zone Districts pursuant to a special use permit. All Medical Marijuana Businesses shall be located a minimum of 1,000 feet from schools, as defined in the Colorado Medical Marijuana Code, Section 12-43.3-101, et. Seq., C.R.S., licensed childcare facilities, as defined in the Colorado Medical Marijuana Code, alcohol or drug treatment facilities, as defined in the Colorado Medical Marijuana Code, and the campus of a college or university, as defined in the Colorado Medical Marijuana Code. In addition, Medical Marijuana businesses shall be located a minimum of 100 feet from any residential zone district. The required distances specified above shall be measured from a District boundary line to the subject property line. Signage for Medical Marijuana Businesses shall be limited to five (5) square feet permitted on a wall or blade sign. "Sandwich board signs" are permitted only when the business is not adjacent to the public street providing access. (Ord. 17-2012 §5, 2012)~~

1. Limitation on the Number of Medical Marijuana Centers within the Town.

The number of Medical Marijuana Centers permitted within the Town is based on population. A maximum of one (1) Medical Marijuana Center shall be permitted for every 5,000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State of Colorado Demographer's Office.

In the event more than one (1) Land Use Application for a Medical Marijuana Center of the same classification are submitted to the Town in close proximity to one another, the applications comply with all the requirements of this Chapter and the Colorado Medical Marijuana Code, but the Town is not permitted to approve all of the applications because of the limitations set forth in this subsection, the Board of Trustees shall first review for approval the application which was first submitted and determined to be complete by the Town Planner, or their designee.

2. Limitation on the Number of Medical Marijuana Infused Products Manufacturer and Optional Medical Marijuana Cultivation Premises within the Town.

The number of Medical Marijuana Infused Products Manufacturer and Optional Medical Marijuana Cultivation Premises permitted within the Town is based on population. A maximum of two (2) Medical Marijuana Infused Products Manufacturers and Optional Medical Marijuana Cultivation Premises shall be permitted for every 5,000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State of Colorado Demographer's Office.

In the event more than one (1) Land Use Application for a Medical Marijuana Infused Products Manufacturer or Optional Medical Marijuana Cultivation Premises of the same classification are submitted to the Town in close proximity to one another, the applications comply with all the requirements of this Chapter and the Colorado Medical Marijuana Code, but the Town is not permitted to approve all of the applications because of the limitations set forth in this subsection, the Board of Trustees shall first review for approval the application which was first submitted and determined to be complete by the Town Planner, or their designee.

3. Permitted Locations.

Medical Marijuana Centers shall only be located in the Commercial General (CG) and Industrial (I) Zone Districts east of Nogal Gulch pursuant to a Special Use Permit. Refer to map at the end of this Section labeled Exhibit A.

Medical Marijuana Infused Products Manufacturer and Optional Medical Marijuana Cultivation Premises shall only be located on properties along Chambers Avenue that are within the Commercial General (CG) and Industrial (I) Zone Districts and are located a minimum of one thousand seven hundred and fifty feet (1,750') from the centerline of Eby Creek Road pursuant to a Special Use Permit. If any portion of such property is within the required minimum distance from Eby Creek Road, no Medical Marijuana Infused Products Manufacturer or Optional Medical Marijuana Cultivation Premises shall be permitted on that property. Refer to map at the end of this Section labeled Exhibit B.

4. Distance from Schools, Licensed Childcare Facilities, Alcohol or Drug Treatment Facilities and College Campus.

All Medical Marijuana Businesses shall be located a minimum of one thousand feet (1000') from schools, as defined in the Colorado Medical Marijuana Code, licensed childcare facilities, alcohol or drug treatment facilities, and the campus of a college or university.

5. Distance from Residential Zone District.

All Medical Marijuana Businesses shall be located a minimum of one hundred feet (100') from any residential zone district which shall

be measured from the zone district boundary line to the subject property line.

~~6. Distance from Other Medical Marijuana Businesses.~~

~~There shall be no distance requirement between Medical Marijuana Businesses.~~

7. Restrictions on Mobile Facilities and Delivery of Marijuana Products.

No Medical Marijuana Business shall be located in a movable or mobile vehicle or structure and no Medical Marijuana products shall be delivered in the Town unless such delivery is specifically permitted by the Colorado Medical Marijuana Code.

8. Hours of Operation.

Medical Marijuana Businesses shall limit their hours of operation to ~~between 11:00 a.m. and 7:00 p.m.~~ to those permitted by the Colorado Medical Marijuana Code or as otherwise provided in the Special Use Permit.

9. Operation of Multiple Businesses at a Single Location.

A person may operate any Medical Marijuana Business and any Retail Marijuana Business permitted by this Section at the same location if in full compliance with the requirements of the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code.

10. Specific Requirements for a Medical Marijuana Center.

Small samples of Medical Marijuana products offered for sale may be displayed on shelves, counters and display cases. All bulk marijuana products shall be locked within a separate vault or safe (no other items in this safe), securely fastened to a wall or floor, as approved by the Police Department.

A Medical Marijuana Center may sell “drug paraphernalia” as that term is defined in Chapter 9.15 of the Eagle Municipal Code to Patients only and shall be exempt from the prohibitions contained in said Chapter. ~~Provided, however, a Medical Marijuana Center shall not display “drug paraphernalia” for sale on the Licensed Premises and such “drug paraphernalia” shall only be shown to Patients upon request.~~

11. Specific Requirements for an Optional Medical Marijuana Cultivation Premises.

If co-located with an Optional Medical Marijuana Cultivation Premises, the area of the proposed Licensed Premises utilized for cultivation shall be physically separated from the area of the premises open to the public or to Patients. Walls, barriers, locks, signage and other means shall be employed to prevent the public or Patients from entering the area of the Licensed Premises utilized for cultivation of marijuana.

12. No Products to be Visible from Public Places.

Marijuana plants, products, accessories, and associated paraphernalia contained in any Medical Marijuana Business shall not be visible from a public sidewalk, public street or right-of-way, or any other public place.

13. No Beer or Alcohol on Premises.

No fermented malt beverages and no alcohol beverages, as defined in the Colorado Beer Code and the Colorado Liquor Code, respectively, shall be kept, served or consumed on the Premises of a Medical Marijuana Business.

14. ~~Restrictions Regarding Signage.~~

~~Signs shall not be permitted on the exterior of Optional Premises Cultivation Operation facilities and Medical Marijuana Infused Products Manufacturing facilities.~~

~~All signage associated with a Medical Marijuana Center shall meet the standards established in the Eagle Municipal Code and the Eagle Land Use and Development Code. In addition, no sign associated with a Medical Marijuana Center shall use the word “marijuana”, “cannabis”, or any other word or phrase commonly understood to refer to marijuana unless such word or phrase is immediately preceded by the word “medical” or the message of such sign includes the words “for medical use” or “for medicinal purposes” in letters that are no smaller than the largest letter on the sign. No depiction of marijuana plants or leaves shall appear on any exterior sign of a Medical Marijuana Center.~~

15. Storage of Products.

All products and accessories shall be stored completely indoors and on-site.

16. Consumption of Marijuana Prohibited.

No consumption of any Medical Marijuana product shall be allowed or permitted on the Licensed Premises or adjacent grounds.

17. Storage of Currency.

All currency over \$1,000.00 shall be stored within a separate vault or safe (no marijuana in safe), securely fastened to a wall or floor, as approved by the Police Department.

18. Prevention of Emissions and Disposal of Materials.

Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the Licensed Premises shall be provided at all times. In the event that any debris, dust, fluids or other substances shall exit the Licensed Premises, the landowner and licensee shall be jointly and severally responsible for the full cleanup immediately.

Businesses shall properly dispose of all materials and other substances in a

safe and sanitary manner in accordance with State regulations and Eagle County Landfill regulations.

~~A Medical Marijuana Center and an Optional Medical Marijuana Cultivation Premises~~ As applicable, Medical Marijuana Businesses shall be equipped with ventilation systems with carbon filters sufficient in type and capacity to eliminate marijuana odors emanating from the interior to the exterior of the premises discernible by reasonable persons. The ventilation system must be inspected and approved by the Building Official.

If carbon dioxide will be used in any cultivation area, sufficient physical barriers or a negative air pressure system shall be in place to prevent carbon dioxide from moving into the ambient air, into other units in the same building or into an adjacent building in a concentration that would be harmful to any person, including persons with respiratory disease, and shall be inspected and approved by the Building Official and the Greater Eagle Fire Protection District.

All State regulations concerning ventilation systems shall be followed.

19. Compliance with Other Codes.

The Licensed Premises and adjacent grounds of a Medical Marijuana Business shall comply with all zoning, health, building, fire, and other codes and ordinances of the Town as shown by completed inspections and approvals by the Town Planner, Building Department, Greater Eagle Fire Protection District, and the Eagle County Health Department, if applicable.

20. No Harm to Public Health, Safety or Welfare.

The Licensed Premises and adjacent grounds of a Medical Marijuana Business shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.

21. Additional Requirements.

At the time that a Special Use Permit is granted, or at any time the Board of Trustees approves a major change to a Medical Marijuana Business, the Board of Trustees may impose on the Applicant any conditions related to the proposed use that is reasonably necessary to protect the public health, safety or welfare, including but not limited to the following:

- a. Additional security requirements;
- b. Limits and requirements on parking and traffic flows;
- c. Requirements for walls, doors, windows, locks and fences on the licensed premises and adjacent grounds;
- d. Limits on Medical Marijuana Products that may be sold;

- e. Requirements and limits on ventilation and lighting;
- f. Limits on noise inside the licensed premises or on the adjacent grounds;
- g. Prohibitions on certain conduct in the Medical Marijuana Business;
- h. Limits on hours of operation that are more restrictive than prescribed by subsection (8) above;
- i. A requirement that the Applicant temporarily close the Medical Marijuana Business to the public until certain changes, inspections or approvals are made; and
- j. A limitation on the square footage of the Medical Marijuana Business.

22. Penalty for Violation.

Any violation of the provisions of this subsection or the conditions of the Special Use Permit granted, by a Medical Marijuana Business shall be punishable by a civil fine of up to one thousand dollars (\$1,000.00). Each day that a violation is committed, exists or continues shall be deemed a separate and distinct offense. In addition, any violation of the provisions of this subsection, or any conditions imposed by the Special Use Permit may result in the revocation of the Special Use Permit.

Q. Cultivation of Medical Marijuana by Patients and Primary Caregivers in Residential Dwelling Units

The cultivation, production, or possession of marijuana plants for medical use by a patient or primary caregiver, as such terms are defined by Article XVIII, Section 14 of the Colorado Constitution, shall be allowed in residential dwelling units subject to the following conditions:

1. The cultivation, production or possession of marijuana plants shall be in full compliance with all applicable provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, Sections 12-43.3-101, *et. seq.*, C.R.S., and the Medical Marijuana Program, Section 25-1.5-106, C.R.S.
2. Marijuana plants that are cultivated, produced or possessed shall not exceed the presumptive limits of no more than two (2) ounces of a useable form of marijuana unless otherwise permitted under Article XVIII, Section 14 of the Colorado Constitution and no more than six (6) marijuana plants, with three (3) or fewer being mature, flowering plants that are producing a useable form of marijuana shall be cultivated or permitted within a primary residence.

operations. Any person cultivating marijuana for personal use shall have an initial building and safety inspection conducted by the Town, shall comply with any conditions of said inspection, and shall submit to a periodic building and safety code inspection thereafter.

5. All cultivation shall be located within a secure building. Grow operations in permanent or temporary greenhouses are not permitted.
6. No more than 36 plants may be grown in any industrial unit.
7. The cultivation of marijuana plants shall not be permitted on exterior portions of a lot or a building. The cultivation, production or possession of marijuana plants within a building or unit must not be perceptible from the exterior of the building or unit.
8. Any form of signage shall be prohibited; unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited; light pollution, glare or brightness resulting from grow lamps that disturbs adjacent property shall be prohibited; and excessive noise from ventilation fans shall be prohibited.
9. Pursuant to Section 9-7-113, C.R.S., the use of a compressed flammable gas as a solvent in the extrication of THC or other cannabinoids is prohibited.

U. Retail Marijuana Businesses (Amended ####/16)

1. Limitation on the Number of Retail Marijuana Stores Businesses within the Town.

The number of Retail Marijuana Stores Businesses permitted within the Town is based on population. A maximum of one (1) Retail Marijuana Store, ~~one (1) Retail Marijuana Cultivation Facility, and one (1) Retail Marijuana Products Manufacturer~~ shall be permitted for every 5,000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State of Colorado Demographer's Office.

In the event more than one (1) Land Use Application for a Retail Marijuana Store Business of the same classification are submitted to the Town in close proximity to one another, the applications comply with all the requirements of this Chapter and the Colorado Retail Marijuana Code, but the Town is not permitted to approve all of the applications because of the limitations set forth in this subsection, the Board of Trustees shall first review for approval the application which was first submitted and determined to be complete by the Town Planner, or their designee.

2. Limitation on the Number of Retail Marijuana Products Manufacturing Facilities and Retail Marijuana Cultivation Facilities Businesses within the Town.

The number of Retail Marijuana Products Manufacturing Facilities and Retail Marijuana Cultivation Facilities ~~Businesses~~ permitted within the Town is based on population. A maximum of two (2) Retail Marijuana Products Manufacturing Facilities and Retail Marijuana Cultivation Facilities, ~~one (1) Retail Marijuana Cultivation Facility, and one (1) Retail Marijuana Products Manufacturer~~ shall be permitted for every 5,000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State of Colorado Demographer's Office.

In the event more than one (1) Land Use Application for a Retail Marijuana Products Manufacturing Facilities and Retail Marijuana Cultivation Facilities ~~Business~~ of the same classification are submitted to the Town in close proximity to one another, the applications comply with all the requirements of this Chapter and the Colorado Retail Marijuana Code, but the Town is not permitted to approve all of the applications because of the limitations set forth in this subsection, the Board of Trustees shall first review for approval the application which was first submitted and determined to be complete by the Town Planner, or their designee.

3. Permitted Locations.

Retail Marijuana Stores shall only be located in the Commercial General (CG) and Industrial (I) Zone Districts east of Nogal Gulch pursuant to a Special Use Permit. Refer to map at the end of this Section labeled Exhibit A.

Retail Marijuana Products Manufacturing Facility and Retail Marijuana Cultivation Facility shall only be located on properties along Chambers Avenue that are within the Commercial General (CG) and Industrial (I) Zone Districts and are located a minimum of one thousand seven hundred and fifty feet (1,750') from the centerline of Eby Creek Road pursuant to a Special Use Permit. If any portion of such property is within the required minimum distance from Eby Creek Road, no Retail Marijuana Products Manufacturing Facility or Retail Marijuana Cultivation Facility shall be permitted on that property. Refer to map at the end of this Section labeled Exhibit B.

4. Distance from Schools, Licensed Childcare Facilities, Alcohol or Drug Treatment Facilities and College Campus.

All Retail Marijuana Businesses shall be located a minimum of one thousand feet (1000') from schools, as defined in the Colorado Retail Marijuana Code, licensed childcare facilities, alcohol or drug treatment facilities, and the campus of a college or university.

5. Distance from Residential Zone District.

All Retail Marijuana Businesses shall be located a minimum of one hundred feet (100') from any residential zone district which shall be

measured from the zone district boundary line to the subject property line.

6. Restrictions on Mobile Facilities and Delivery of Marijuana Products.

No Retail Marijuana Business shall be located in a movable or mobile vehicle or structure and no Retail Marijuana products shall be delivered in the Town unless such delivery is specifically permitted by the Colorado Retail Marijuana Code.

7. Hours of Operation.

Retail Marijuana Stores shall limit their hours of operation to those permitted by the Colorado Retail Marijuana Code ~~between 11:00 a.m. and 7:00 p.m.~~ or as otherwise provided in the Special Use Permit.

8. Operation of Multiple Businesses at Single Location.

A person may operate any Medical Marijuana Business and any Retail Marijuana Business permitted by this Section ~~a licensed Medical Marijuana Center and Medical Marijuana Optional Premises Cultivation Facility, Medical Marijuana Infused Products Manufacturing Facility, and any Retail Marijuana Business permitted by this subsection~~ at the same location if in full compliance with the requirements of the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code.

9. Specific Requirements for a Retail Marijuana Store.

A Retail Marijuana Store may only sell Retail Marijuana, Retail Marijuana Products, Marijuana Accessories and non-consumable products such as apparel, and marijuana related products such as childproof packaging containers. Retail Marijuana Stores shall be prohibited from selling or giving away any consumable product, including but not limited to tobacco products or alcohol, or edible products that do not contain marijuana, including but not limited to sodas, candies or baked goods.

10. No Products to be Visible from Public Places.

Marijuana plants, products, accessories, and associated paraphernalia contained in a Retail Marijuana Business shall not be visible from a public sidewalk, public street or right-of-way, or any other public place.

11. No Beer or Alcohol on Premises.

No fermented malt beverages and no alcohol beverages, as defined in the Colorado Beer Code and Colorado Liquor Code, respectively, shall be kept, served or consumed on the premises of a Retail Marijuana Business.

12. Consumption of Marijuana Prohibited.  
No consumption or smoking of any Retail Marijuana Products shall be allowed or permitted on the premises or adjacent grounds of a Retail Marijuana Business.

~~13. Signage shall be specifically approved as part of the special use permit application process for the Retail Marijuana Business.~~

14. Storage of Products.  
All products and accessories shall be stored completely indoors and on site.

15. Prevention of Emissions and Disposal of Materials.  
Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the business premises shall be provided at all times. In the event that any debris, dust, fluids or other substances shall exit the business premises, the property owner and operator shall be jointly and severally responsible for the full cleanup immediately.

Businesses shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with State regulations and Eagle County Landfill Regulations.

~~A Retail Marijuana Cultivation Facility, Retail Marijuana Store and Retail Marijuana Testing Facility~~ As applicable, ~~Retail Marijuana Businesses~~ shall be equipped with ventilation systems with carbon filters sufficient in type and capacity to eliminate marijuana odors emanating from the interior to the exterior of the premises discernible by reasonable persons. The ventilation system must be inspected and approved by the Building Official.

If carbon dioxide will be used in any cultivation area, sufficient physical barriers or a negative air pressure system shall be in place to prevent carbon dioxide from moving into the ambient air, into other units in the same building or into an adjacent building in a concentration that would be harmful to any person, including persons with respiratory disease, and shall be inspected and approved by the Building Official and the Greater Eagle Fire Protection District.

All State regulations concerning ventilation systems shall be followed.

16. Compliance with Other Codes.  
Any Retail Marijuana Business and the adjacent grounds of the Retail Marijuana Business shall comply with all zoning, health, building, fire and other codes and ordinances of the Town as shown by completed inspections and approvals by the Town Planner, Building Department, Greater Eagle Fire Protection District, and the Eagle County Health Department, if applicable.

17. No Harm to Public Health, Safety or Welfare.  
The Licensed Premises and adjacent grounds of a Retail Marijuana Business shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.

18. Additional Requirements.

At the time that a Special Use Permit is granted, or at any time the Board of Trustees approves a major change to a Retail Marijuana Business, the Board of Trustees may impose on the Applicant any conditions related to the proposed use that is reasonably necessary to protect the public health, safety or welfare, including but not limited to the following:

- a. Additional security requirements;
- b. Limits and requirements on parking and traffic flows;
- c. Requirements for walls, doors, windows, locks and fences on the licensed premises and adjacent grounds;
- d. Limits on Retail Marijuana Products that may be sold;
- e. Requirements and limits on ventilation and lighting;
- f. Limits on noise inside the licensed premises or on the adjacent grounds;
- g. Prohibitions on certain conduct in the Retail Marijuana Business;
- h. Limits on hours of operation that are more restrictive than prescribed by subsection (37) above;
- i. A requirement that the Applicant temporarily close the Retail Marijuana Business to the public until certain changes, inspections or approvals are made; and
- j. A limitation on the square footage of the Retail Marijuana Business.

19. Penalty for Violation.

Any violation of the provisions of this subsection or the conditions of the Special Use Permit granted, by a Retail Marijuana Business shall be punishable by a civil fine of up to one thousand dollars (\$1,000.00). Each day that a violation is committed, exists or continues shall be deemed a separate and distinct offense. In addition, any violation of the provisions of this subsection, or any conditions imposed by the Special Use Permit may result in the revocation of the Special Use Permit.

Amended 03/20/90

Amended 06/02/91  
Amended 04/16/95  
Amended 02/13/00  
Amended 10/27/10  
Amended 11/13/12  
Amended 10/22/13

Exhibit A. Area where Medical Marijuana Centers and Retail Marijuana Stores are permitted.

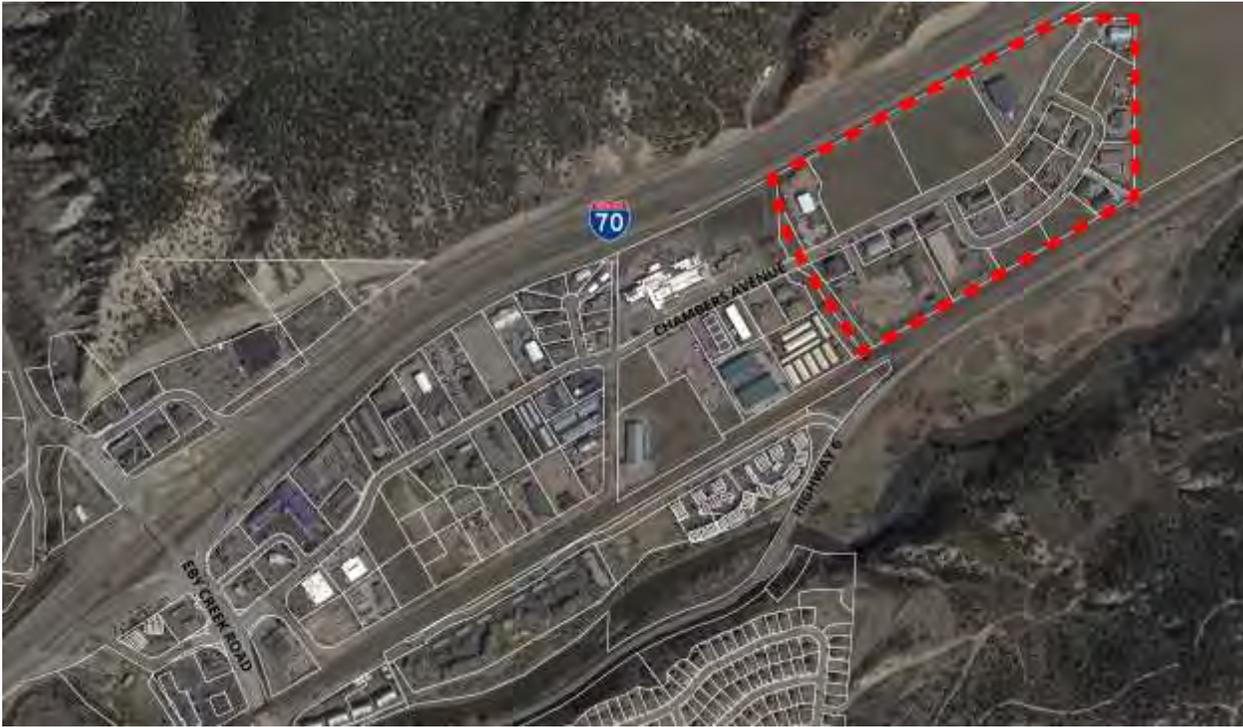
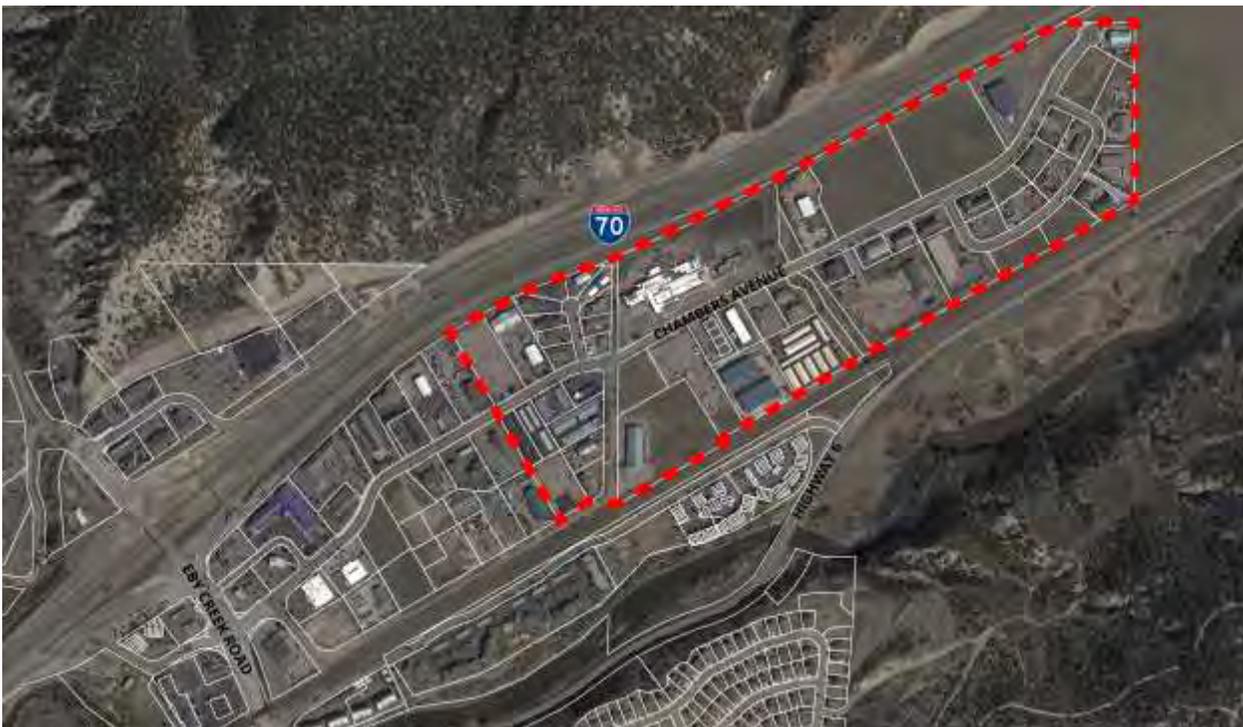


Exhibit B. Area where Medical Marijuana Infused Products Manufacturers, Optional Medical Marijuana Cultivation Premises, Retail Marijuana Products Manufacturers, and Retail Marijuana Cultivation Facilities are permitted.



**From:** Emalyn Gordon [<mailto:Emalyn.Gordon@vvh.org>]

**Sent:** Tuesday, March 15, 2016 9:25 AM

**To:** Angela Haskins <[angela@townofeagle.org](mailto:angela@townofeagle.org)>

**Subject:** The Dirty Dog

To Whom It May Concern: I am writing in support of Patty Roth and her business The Dirty Dog. I am really disappointed that Town is listening to the owner of Wanderlust in regard to her business. She was established long before he opened his business here. She has not had any dogs run away or had to close because of widespread illness. The Town government should realize he is trying to deflect the attention away from his poorly run operation. My dogs **love going to Patty's!** They wait in the car before it is even time to leave. **Patty's husband has** been teaching my puppy to fetch and socialize him with other dogs. He is a rescue puppy. I do not know what I would do if her business is forced to close. There are plenty of dogs in this town to support more than one doggy daycare. Please do not take the Wanderlust owner seriously!! We need Patty and The Dirty Dog!!

Sincerely,  
Emalyn J. Gordon

Emalyn J. Gordon  
Billing Auditor  
EVMC  
PO Box 129  
Eagle, CO 81631-0129  
P: 970-328-6357  
F: 970-328-5653

Dear Tom & Matt,

I've had to do a little bit of homework on your initial email to me. I have gone to great measures to operate in compliance with the Town of Eagle's Land Use and Development Code, as well as the Department of Agriculture, and I want nothing more than to continue to do so. I am not aware of any language that would prohibit this type of use in our current location, please forward that to me when you have an opportunity. We are a small business, operating at times on a shoestring budget, that has been granted a business license by the Town of Eagle for our use at two separate locations on two occasions. I have also gone through the process of applying and being granted a Special Use Permit for our ranch. The cost of an application alone is over \$500.00 dollars and I would enlist Dominic's guidance as well (which can be very expensive). This process is very cost prohibitive and I believe can be avoided as our location permits us to operate as we are without the Special Use Permit. I will be attending the April 19th hearing as I would like to be a participant in the discussion and review of animal services in our town. I know that we have provided a wonderful service to the people of Eagle and have over a thousand customers throughout the Vail Valley, as well as employing 6 individuals in our town and providing 2 of them with housing. I am happy to comply with anything that is being asked of us provided it is in Eagle's Land Use and Development Code - please send that over at your convenience. Thank you much, call me if you have any questions or concerns.

Regards,

Jason Hershman

[www.Wanderlustdogs.com](http://www.Wanderlustdogs.com)

[Info@Wanderlustdogs.com](mailto:Info@Wanderlustdogs.com)

970-432-8654 - Office



"The Vail Valley's Premier 5-Star Dog Facility"

Hi Matt and Tom:

I was just brought into the loop on this issue. I will be out of the country next week and will not be able to attend the hearing.

Is this item of such urgency that it cannot be delayed a couple of meetings so that I can get educated and have a chance to work with you?

I am wondering if what you have listed below maybe casts a net too far in terms of impacts. I could see taking a step back and analyzing the components of some of these animal services to see what use has an impact to a degree that would generate a need for a Special Use Permit.

I could see there being different procedural requirements in the different zone districts based on the type and impacts of other uses in those districts.

What is the impact of an animal business (noise, traffic, odor?) that makes it necessary to be a special use permit compared to the impacts of other allowable uses. For instance, in Commercial General the Town allows as a use by right any retail establishment, like a grocery store that has great traffic and parking implications, not to mention trash, recycling, loading and delivery, semi-truck. The following other uses by right, likely have far greater impacts:

- Restaurants - noise, traffic, kitchen exhaust, parking, late hours of operation, people smoking outside, people talking outside, bands, people singing inside/outside, etc.
- Tavern - dido the above
- Industrial shops like machine shops or sheet metal production - noise, potential for fire, loading and delivery,
- Gasoline sales - traffic, odor, noise, pollution, lighting, hours of operation, fuel storage,
- Wholesale and distribution centers - large truck traffic, aesthetics, noise,

An operation like Wanderlust, has limited traffic impacts, no semi-truck needs, limited hours of operation (7:30am to 6:00 pm M-F, and 9-5 sat, closed Sunday which translates to a quiet facility for 13 hours a day), NO overnight boarding, no unattended dogs in kennels like the vet has, no burning of dead dogs or cats, no pollution (wastes are disposed of per county regs), no lighting impacts, some minor noise impacts.

This type of Animal Service should be in a category that is a use by right. Maybe the trigger for a special use permit should be overnight boarding where dogs might be left unattended for hours without supervision.

Anyway, we would like an opportunity to work with you on staff before something gets sent up to the P&Z if that is an option.

Let me know.

Thanks,

**Dominic F. Mauriello, AICP**

**Mauriello Planning Group, LLC**

PO Box 4777

2205 Eagle Ranch Road

Eagle, Colorado 81631

970-376-3318 cell

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