



# 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 17, 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 – May 3, 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:	Eagle Tubing and Photography
	File #:	TU16-01
	Applicant:	Ken Hoeve
	Location:	100 Fairgrounds Road / Chambers Park
	Staff Contact:	Matt Farrar (Assistant Town Planner)
	Request:	Temporary use permit for a mobile vendor at Chambers Park.

### **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. Trotter Minor Subdivision
2. Poukish Pre-Annexation Discussion
3. Eagle River Park Update (*see attached memo*)

### **OPEN DISCUSSION**

### **ADJOURN**



# The Town of Eagle

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Meetings:  
2nd and 4th Tuesdays

## Planning and Zoning Commission Meeting Minutes May 3, 2016

### PRESENT

Stephen Richards  
Jesse Gregg  
Charlie Perkins  
Jason Cowles  
Donna Spinelli  
Cindy Callicrate  
Max Schmidt

### STAFF

Matt Farrar—Assistant Town Planner  
Carla Nelson—Administrative Assistant

### ABSENT

Jamie Harrison

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 Carla Nelson.

### **CALL TO ORDER**

The regular meeting of the Planning and Zoning Commission held in the Eagle Town Hall on May 3, 2016 was called to order by Jason Cowles at 6:06 p.m.

### **APPROVAL OF MINUTES**

Perkins made a motion to approve the April 19, 2016, Planning and Zoning Commission Meeting minutes. Richards seconded. The motion passed unanimously.

### **PUBLIC COMMENT**

None

### **LAND USE PUBLIC HEARINGS**

#### ***MS16-01 Trotter Minor Subdivision***

Cowles opened File MS16-01, Trotter Minor Subdivision, located at 1125 Chambers Avenue, a request to subdivide lot C-12 of the Eagle Valley Commercial Park, zoned Commercial General (CG), into a one acre lot and a four acre lot.

Terrill Knight, of Knight Planning Services, spoke as the applicant's representative. Mr. Knight explained that the request

was to subdivide lot C-12 into two lots. Water and sewer to lot C-12B would have to be provided by the applicant, as only one water and sewer service had been provided with the construction of the original Eagle Valley Commercial Park subdivision. The Commission raised concerns about the dimensions of proposed lot C-12B but Mr. Knight stated that even though the lot is narrow, the applicant believes that the lot, including the setbacks, would be large enough for a retail marijuana business.

Staff recommended approval of the file with the conditions that the final plat be subject to technical revisions by the Town's attorney and the Town's engineer in regards to the water and sewer service lines to lot C-12B.

Richards made a motion to approve Rob Trotter Minor Subdivision File MS16-01, to subdivide lot C-12 into a one acre lot and a four acre lot, with the condition that the final plat be subject to review from the Town's attorney and the Town's engineer and subject to the design and approval of the water and sewer service lines to lot C-12B. Gregg seconded. The motion passed unanimously.

Cowles closed File MS16-01.

#### ***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 proposed amendments to the Land Use and Development Code (LUDC). Farrar noted that the Board of Trustees approved revisions to Section 4.04.070 to modify regulations for indoor recreational facilities, Item 3 at the meeting on April 26, 2016.

- (1) Revise Section 4.03.040 to define dog daycare facility.
- (2) Revise Section 4.04.070 to define regulations for dog daycare facilities.

Farrar noted that the intent was to amend the Code to include regulations and definitions for dog daycare facilities, Items 1 and 2. Cowles opened public comment and the following citizens addressed the Commission:

1. Ann Egan, 215 Howard Street. Ms. Egan is concerned with the language of the code regarding the size of the operation. She added that the code should address the number of complaints or violations.

2. Dominic Mauriello, of Mauriello Planning Group. Mr. Mauriello noted that he had visited one of the dog daycare facilities and found that, as a general rule, noise was not an issue. He is concerned with overnight boarding and not the number of animals at each facility. Mr. Mauriello also expressed that he believed that daycare facilities should be allowed as a use by right in the Commercial General zone district.
3. Dawn Victorino, Ruff Cuts owner. Ms. Victorino feels that daycare and overnight boarding should not be categorized together. In regards to high volume operations, Ms. Victorino felt that the category for high volume should be 15 animals or more. Ms. Victorino stated that the State has three classifications for codes regarding dog facilities: kennel, boarding and training.
4. Chief of Police, Joe Staufer. Chief Staufer is pleased with the current business owners operating dog daycare facilities, having no violations in the last one and a half years. He suggests that dog daycare businesses obtain a special use permit and to keep the regulation of the dog daycare facilities at the Town/administrative level and not be regulated by criminal prosecution.

The Commission discussed the proposed Code amendments and determined that they needed additional information prior to making a judgement on the proposed Code amendments.

- (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.

The Commission and staff discussed expansion of the area where marijuana businesses are allowed in town, the potential impacts of allowing greater area for these types of businesses to operate, and possibly allowing for additional cultivation facilities, infused products manufacturers and testing facilities. Chief Staufer stated that he was cautiously optimistic about allowing an expanded area. He stated that crime prevention through environmental design could allow for additional opportunities and could be acceptable if done in a

responsible manner. Marijuana grow facilities invite the greatest potential of crime due to the amount of product at the facility. Testing facilities are not as prone to crime, and have stricter regulations. The Commission felt generally comfortable with increasing the allowance for infused product manufacturers and testing facilities, however the Commission stated that the allowance for cultivation facilities and stores should remain the same.

Cowles made a motion to continue LURA 16-01, Items 1, 2, 4 and 5, until the meeting on June 7, 2016. Gregg seconded. The motion passed unanimously.

**ADJOURN**

Richards made a motion to adjourn the meeting. Perkins seconded. The motion passed unanimously. The meeting was adjourned at 8:41pm.

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Carla Nelson – Administrative Assistant



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## CERTIFICATE OF RECOMMENDATION

**TO:** Planning & Zoning Commission

**FROM:** Department of Community Development

**DATE:** May 17, 2016

**FILE NUMBER:** TU16-01

**PROJECT NAME:** Eagle Tubing & Photography

**LOCATION:** 100 Fairgrounds Road

**APPLICANT:** Ken Hoeve

**EXHIBIT(S):** A. Application  
B. Staff recommended location for temporary vendor  
C. Site photos

**PUBLIC COMMENT RECEIVED:** 1. Letter from Matt Solomon (May10)

**APPLICABLE SECTION(S) OF MUNICIPAL CODE:** Section 4.04.100.B (Temporary Use)

**STAFF CONTACT:** Matt Farrar, Assistant Town Planner

**REQUEST:** Temporary use permit for a mobile vendor at Chambers Park.



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## **DISCUSSION:**

The proposed location for Eagle Tubing & Photography temporary operation is on town owned property at 100 Fairgrounds Road (i.e., Chambers Park). The town property is zoned Public Area (PA). The Town's Land Use & Development Code does not explicitly define temporary vending as a use in the non-residential zone districts so staff has advised the applicant to pursue a temporary use permit for the temporary operation that they are proposing. Pursuant to section 4.04.100.B of the Land Use & Development Code, "Any use, including construction office or yard, construction housing and camper trailers, carnival, fair, tent meeting, or any use listed in this Chapter, may be allowed on a temporary basis (less than 12 months), upon issuance of a temporary use permit."

Per the applicant's cover letter, they would like to locate a trailer at Chambers Park from which they would:

1. Rent inflatable tubes and related equipment; bicycles and related equipment; and, disc golf equipment.
2. Offer commercial photography.
3. Sell soft serve ice cream and frozen yogurt.

The applicant is requesting that the temporary use permit be issued for 12-months, although they only anticipate being on site for approximately five (5) months. If their first year of operation is successful, the applicant has indicated that they would like to come back for subsequent temporary use permits in coming years.

It is worth noting that one of the concepts discussed for the "Recreation Core," described in the Town of Eagle – River Corridor Plan, was to provide space for temporary vendors. Staff believes that temporary vendors in this area will help contribute to the desired "Wow" factor and will help to add another, active element to the "Recreation Core." These vendors may also contribute additional sales tax to the town.

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## **TEMPORARY USE PERMIT STANDARDS (SECTION 4.04.100.B)**

1. Such use is compatible with the neighborhood proposed.
2. The site of the temporary use will be returned to its original condition or improved after completion of the temporary use, and adequate provision has been made therefore, subject to the approval of the Town Attorney. Such provision may include a bond or other security.
3. Such use is in conformance with the goals and policies of the Town.



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## COMPLIANCE WITH TEMPORARY USE PERMIT STANDARDS

1. Existing land uses in proximity of the proposed location for the mobile vendor include:
  - a. Eagle Crossing Shopping Center
  - b. Eagle Diner
  - c. American National Bank
  - d. Eagle Townhouse Subdivision
  - e. Chambers Avenue Park n' Ride
  - f. Conoco Gas Station
  - g. Chambers Park/Town of Eagle Visitor Center/Eagle County Historical Society Museum/Boat Ramp
  - h. Tractor Trailer Parking Lot
  - i. Eagle County Rodeo Arena and Fairgrounds
  - j. Interstate 70

Based on the mixed-use nature of the adjacent land uses and the proposed location's proximity to the town's interchange area (which is primarily commercial), staff finds that the proposed temporary vendor is compatible with the surrounding neighborhood.

2. Staff is recommending that the trailer be located in the area shown in Exhibit B. The site being recommended by staff is a vegetated portion of Chambers Park and therefore it is being recommending that the trailer be stored on site for the duration of the temporary use permit. By limiting movement of the trailer, it is believed that impacts on the vegetation can be minimized. In addition, staff is recommending that the applicant provide the Town with a security (subject to approval by the Town Attorney) to ensure that the area where the trailer is to be located can be restored to its original condition upon expiration of the temporary use permit.

If these terms are agreeable to the applicant, staff believes that adequate provisions have been made to ensure that the site for the temporary operation will be restored to its original condition.

3. There are two, town documents that are relevant to this application. Those are the 2010 Eagle Area Community Plan (EACP) and the Town of Eagle – River Corridor Plan.

Chapter 11 of the EACP discusses goals, policies and recommended strategies for economic development in Eagle. The policies and recommended strategies most relevant to this application include:

- Promote businesses and activities that benefit from Eagle's proximity to the I-70 corridor (Policy 1.1, Recommended Strategy E).
- Attract viable businesses and trades specifically for Eagle and/or potential local niche markets (Policy 1.1, Recommended Strategy I).



- Expand retail diversity to reduce sales tax leakage (Policy 1.2).
- Support opportunities to expand the number and diversity of businesses in Eagle (Policy 1.2, Recommended Strategy A).
- Work to create more local jobs and additional outlets for goods and services (Policy 1.2, Recommended Strategy C).

The Town of Eagle – River Corridor Plan identifies a “Recreation Core” that is comprised of Chambers Park and the proposed Eagle River Park. One of the objectives identified for the “Recreation Core” is to increase tourism in Eagle. Staff believes that additional amenities in Chambers Park may help to attract additional visitors to Eagle and potentially get those visitors to extend their stay in the town.

Staff believes that the Eagle Tubing & Photography operation achieves many of the economic development objectives identified in the EACP and objectives identified for the “Recreation Core” described in the Town of Eagle – River Corridor Plan. Therefore, staff believes that the proposed use is in conformance with the goals and policies of the town.

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## **STAFF RECOMMENDATION**

Staff recommends approval of a 12-month temporary use permit for Eagle Tubing & Photography based on a finding of compliance with the temporary use permit standards, subject to the following conditions:

1. Applicant shall locate outside of the I-70 right-of-way and in a location that does not impact parking for the Visitor Center/Chambers Park.
2. Prior to commencement of operations, the applicant shall obtain a lease from the Town of Eagle in order to locate their operation on town property.
3. Applicant shall store trailer on site for the duration of the temporary use permit in order to minimize impacts on park vegetation.
4. Applicant shall provide the Town with a security, subject to the Town Attorney, to ensure that the area where the trailer is located will be restored to its original condition. Amount of security will be determined by town staff based on potential impacts of the temporary operation.
5. Prior to commencement of operations, applicant shall provide the Town with proof of liability insurance that provides coverage for the Town of Eagle.
6. Signage for the temporary operation shall be subject to the Town of Eagle’s Sign Code.



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## **PLANNING COMMISSION**

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

5/1/2016

Town of Eagle  
Town of Eagle Board of Trustees  
Eagle, Colorado

Re: Temporary Use Permit / Visitors Center

Dear Board of Trustees,

I am writing you to begin the application process for a Temporary Use Permit for a small area located at the Eagle Visitors Center, 100 Fairgrounds Rd. You will find a detailed site location photo as well as a rough draft drawing of the desired style of temporary structure/trailer attached.

The purpose of the permit and business would be to begin retail operations for rentals of inflatable tubes, bicycles and disc golf as well as provide a commercial photography opportunity. The business, Eagle Tubing and Photography (E.T.P), will be a centrally located yet mobile structure that will allow visitors the opportunity to rent tubes, wetsuits, PFDs and helmets to float the river park portion of the Eagle River. E.T.P would also provide affordable cruiser style bicycle rentals to encourage visitors to leave their cars and explore downtown Eagle and the surrounding areas by bike. Inclusive to the rental program would be disc golf packages for visitors for use on the current disc golf course located nearby. Additionally E.T.P would provide photography services to visitors that utilizes the surrounding beauty of the park to capture portraits of visitors and their families. The photography would also expand into the tubing rentals by gathering and selling images to guests floating the river by tube, kayak and raft. It is also being considered to offer retail sales of soft serve ice cream and frozen yogurt if the permit will encompass it.

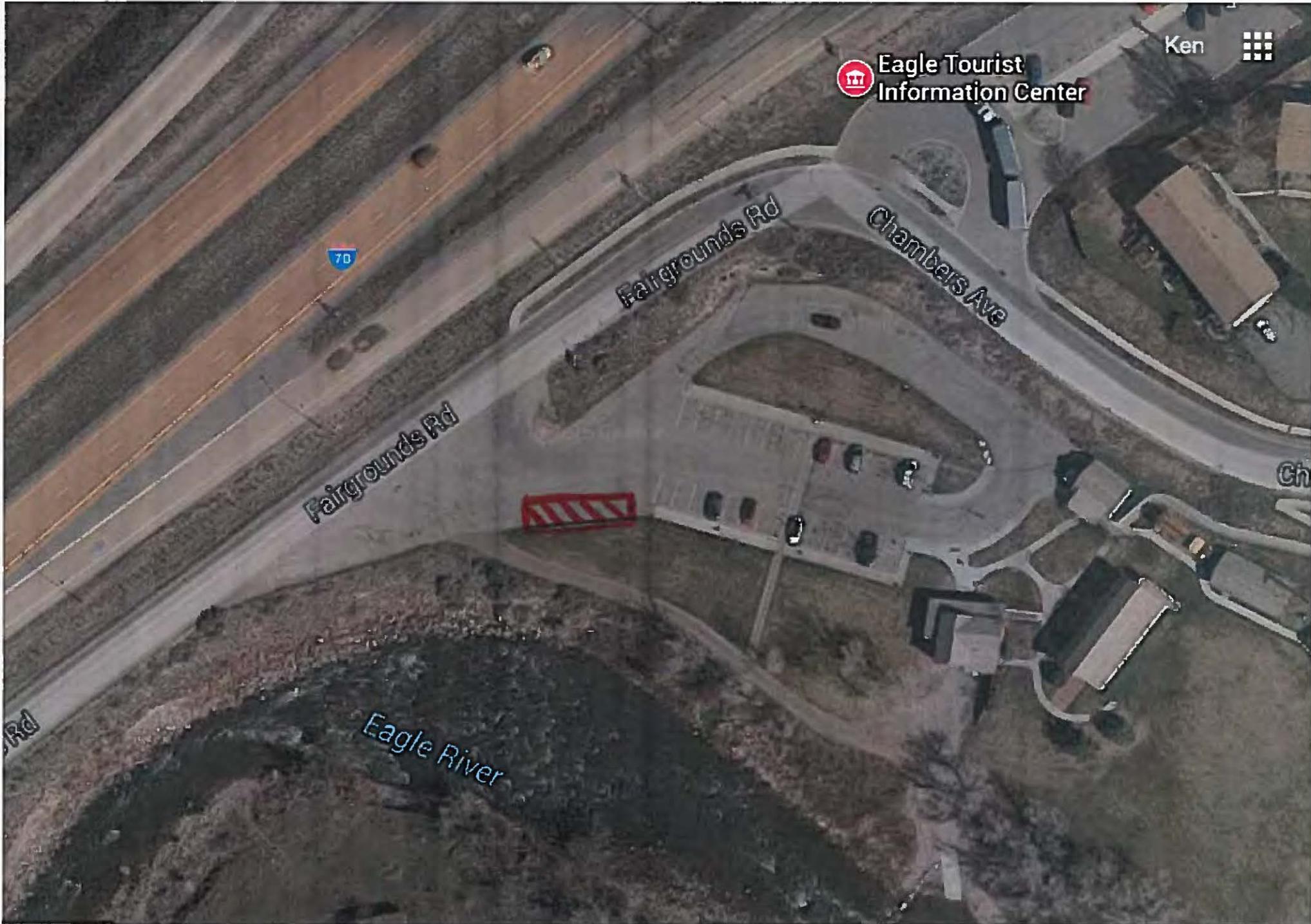
The request to the Town of Eagle by Eagle Tubing and Photography is to be issued a Temporary Use Permit for the length of one year with the site being occupied temporarily for an estimated five (5) months. The trailer, which can be constructed to the town's desired aesthetics, will be a mobile unit that can be removed daily. The daily hours of operation requested would be from 12:00pm until 8:00pm daily. While the current state of the Eagle River is not completely desirable for tubing in 2016, it is requested that the permit be taken into consideration to extend into 2017 and beyond once the park has been constructed. The new Eagle River Park will be far more suited for tubing operations however it is E.T.P's desire to be the leader in riverfront commerce.

I believe Eagle Tubing and Photography has several elements that make a business of this kind a great contribution to the Town of Eagle and surrounding businesses. It's a unique and original concept that will engage visitors to the park and afford them an opportunity to not only explore the river corridor but more importantly encourage them to explore the surrounding businesses and downtown. It will also serve as a venue for visitors to capture their visit to Eagle with a beautiful commemorative photograph that can not only be hung in their home but also be shared on social media outlets, expanding Eagle's reach and marketing efforts. The business is completely compatible with the Town's vision and desire to transform this portion of it's property into a viable commercial resource. Additionally the proprietor of the business, Kenneth TenHoeve, is a longtime business owner and athlete with a focus on outdoor recreation and an emphasis on river recreation.

Thank you for your consideration of this business endeavor. I believe that the future of Eagle is brighter than ever and that this project is in line with the goals of the Town of Eagle to draw visitors and locals to the Eagle River Park. It will also serve as an educational piece in 2016 to inform visitors to what is being constructed and to invite them back once the park is complete. By being in business for the summer of 2016 it will also allow Eagle Tubing and Photography the opportunity to get feedback from the public as the park is under development as well as direct visitors to other businesses in town.

Sincerely,

Ken TenHoeve



Eagle Tourist Information Center

Ken



70

Fairgrounds Rd

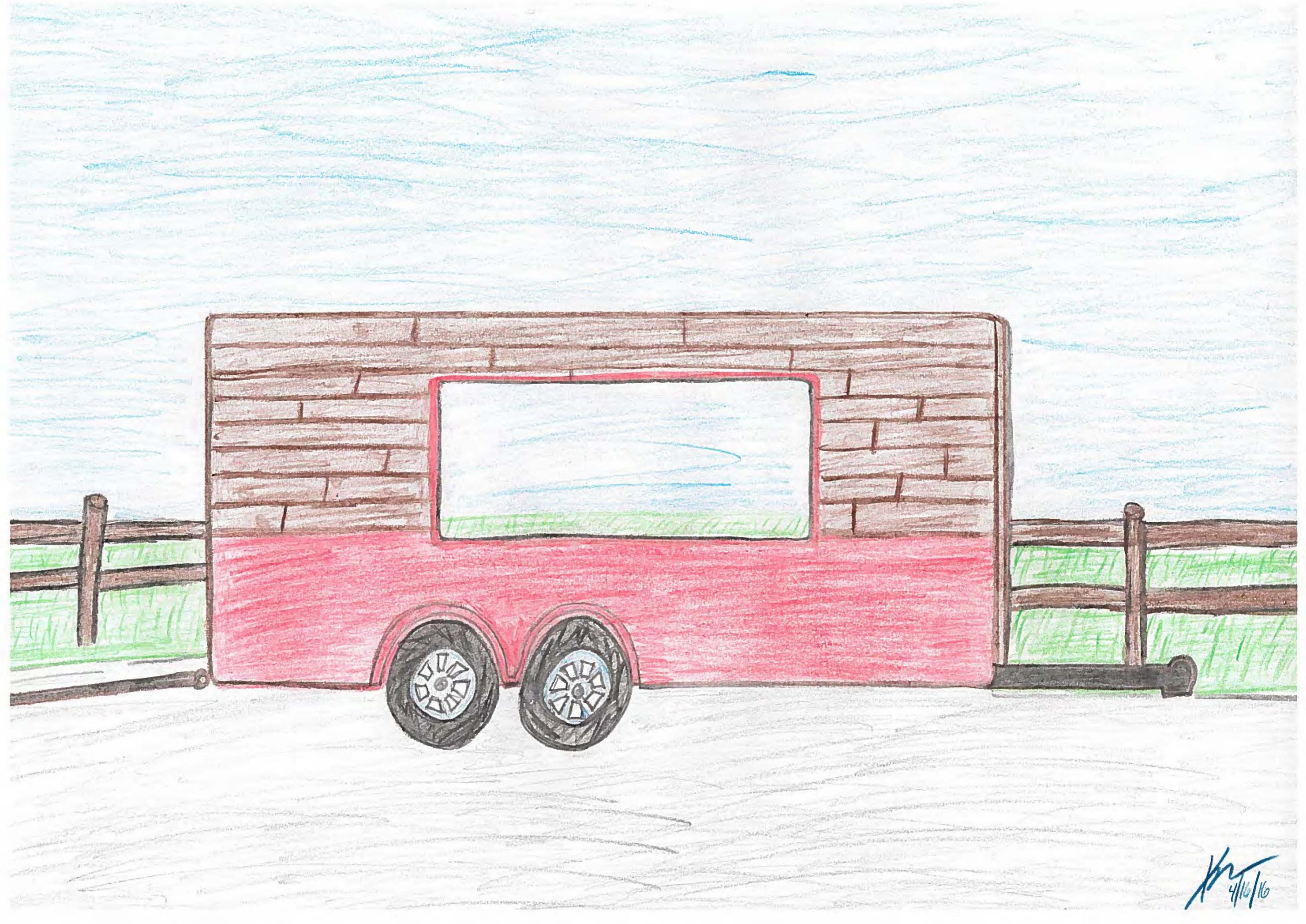
Chambers Ave

Fairgrounds Rd

Eagle River

Rd

Ch



*[Signature]*  
4/16/16



FOUND ON  
CRAIGSLIST!

## HOT WHEELS

BEST  
IN  
TOW

It's a well-known fact that Washington Coast shores are frigid, even in summer. Need a rain jacket? Probably. A wetsuit? Definitely. A mobile steam room? Yes, please! "We wanted to build a sauna in our backyard but didn't want to make it a permanent feature," says Sara Gainey of Seattle's Form Shop Fabrication, which she co-owns with her fiancé, Carl Ostergaard, and their friend John Dietrich. Starting with a retired horse trailer, the three gutted, insulated, sealed, and rebuilt the interior with cedar paneling, benches, and a Finnish stove. The saunas are made to order; this one also converts into a bed, so Gainey and Ostergaard can camp in it—or turn it into backyard guest quarters. *Prices*

BEST  
OF THE  
WEST

WHAT WE'RE TRACKING THIS MONTH



Town of Eagle  
200 Broadway  
PO Box 609  
Eagle, CO 81631

May 12, 2016

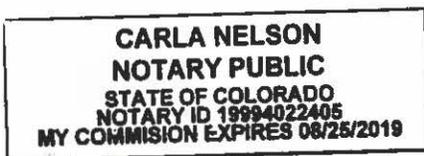
Ken Hoeve  
918 Mayne Street  
Gypsum, CO 81637

Ken-

The Town of Eagle grants you permission to pursue a temporary use permit for a temporary vending operation at Chambers Park (100 Fairgrounds Road). You will be required to obtain a lease from the Town of Eagle prior to commencement of any operations on town property.

Sincerely,

Jenny Rakow  
Interim Town Manager



*Carla Nelson*  
*exp. 8-25-2019*

tabbles®  
**EXHIBIT  
B**



*Use of this map should be for general purposes only.  
The Town of Eagle does not warrant the accuracy of  
the data contained herein.*

1 inch = 25 feet      0 12.5 25 Feet



Sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroX, GeoMapping, AeroGRID, IGN, IGP, Swisstopo, and the GIS User Community



EXHIBIT  
C



1550  
106



EXHIBIT  
C







• US MAIL PO Box 5246, Eagle, CO 81631 • TEL 970.306.4121 • FAX 866.954.615 • EMAIL info@AlpineArms.com

Planning and Zoning Commission  
Town of Eagle  
via: Matt Farrar (matt.farrar@townofeagle.org)  
Re: TU16-01 Eagle Tubing & Photography

May 10, 2016

Dear Commission:

I am writing in regards to a temporary use permit application I was notified of yesterday by our Property Manager at Eagle Crossing Shopping Center. I am writing you as both an adjacent business owner and as a property owner at 50 Chambers Ave, Unit G.

For a multitude of reasons, I am against approval of this permit and I encourage you to NOT APPROVE this document. My reasons encompass safety, local business (lack of) support, location of this venture, and other reasons not pertinent to this letter. For a venture of this size, there are plenty of empty business spaces available in the Eagle Crossing Shopping Center (of which I have no interest) – with sidewalk access and within reasonable walking distance to the location requested. It would be at this time, in my opinion, in the best interest of the town and our immediate area for him to invest in the town and this business by opening up with a physical storefront.

I have met with Mr. Ed Sands, the Town attorney, and am recusing myself from this discussion and vote as a Board Trustee.

Please feel free to contact me if you have any questions or comments.

**Please include this letter in the Public Record.**

Thank you,

Matt Solomon  
Founder, General Manager  
DV-S, LLC dba Alpine Arms  
Hitman Holdings, LLC



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## MEMORANDUM

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**TO:** Planning Commission  
**FROM:** Matt Farrar (Assistant Town Planner)  
**SUBJECT:** Eagle River Park Update  
**DATE:** May 17, 2016

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Commissioners-

Below is a brief update on the status of the Eagle River Park project:

1. There is a staff/trustee committee that is meeting regularly to ensure that all of the components of the Eagle River Park are being addressed. This committee is comprised of Anne McKibbin, Andy Jessen, Jenny Rakow, Amy Cassidy, Deron Dircksen, Tom Boni and Matt Farrar.
2. The committee spent a significant amount of time evaluating whether or not to pursue physical scale modelling for the design of the in-stream portion of the river park. Physical scale modelling would have been a \$120,000-\$150,000 add on to the design work currently being done by S20 Design. The committee made the determination that the physical scale modelling of the in-stream portion of the Eagle River Park was not the most cost-effective option for ensuring a world-class final product. The committee's recommendation had been provided to the previous Board and no objections were raised.
3. The committee is in the process of finalizing a timeline for each of the components associated with the Eagle River Park. Staff would be happy to provide those Commissioners that are interested with a copy of this timeline once it is complete.
4. Staff recently met with Eagle County staff to begin discussions on items such as an Intergovernmental Agreement for construction of the river park, a long-term lease with Eagle County for the river park, the landscape design of the park, potential annexation of the river park, and potential removal of a portion of the chain-link fence. Staff is working on scheduling a meeting with the Eagle County BoCC before the end of May to discuss these same items with the commissioners.
5. The committee met with Markian Feduschak, who is spearheading a citizens group, to discuss how this group might best assist the town with the Eagle River Park project, as well as implementation of other components of the Town's River Corridor Plan. Staff is working on determining how this citizens committee might best assist the town with the river park project.
6. The committee met with Caroline Bradford, a consultant who has an extensive background in river projects, to start discussions on how she might be able to assist the town with coordination of the project, as well as pursuit of alternative funding opportunities (e.g., GOCO grants).



7. Staff is working on preparing an RFP for the design of the riverside park space. The intent is to issue the RFP in early to mid-June.
8. S20 Design has submitted, on behalf of the town, an application for a 404 Permit with the ArmyCorps of Engineers. Review, and hopefully approval, of this permit can take up to 6-months.