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August 20, 2012

Via Hand Delivery

Steve Timms, Interim Planning Manager
Planning Department
City of Commerce City
7887 E. 60th Avenue
Commerce City, CO 80022

Re: Weiss/Ivita Wellness – Appeal of Planning Commission Decision
Case No. CU-99-12

Dear Mr. Timms:

This letter along with the attached application and checks totaling \$1,625.00, satisfy the appeal requirements of Sec. 21-3415 *et seq.* of the Commerce City, City Code. Specifically, my client, Ivita Wellness, is appealing the August 8, 2012 decision by Mr. Paul Workman (attached as Exhibit 1), denying the Conditional Use Permit application – Case No. CU-99-12 (“Decision”).

My client argues that the Decision is improper for several reasons. (1) The distance requirements of Sec. 21-5249 were met; (2) a trailhead is not within the definition of a “park”; and (3) to the extent a trailhead is considered a “park” it is more than 1,000 feet from the “medical marijuana business” as that term may be defined.

Thank you for your attention to this matter. Please advise as to when this matter will be heard by the Commerce City Planning Commission. Thanks.

Sincerely,

FOSTER GRAHAM MILSTEIN & CALISHER, LLP

David Wm. Foster, Partner

DWmF/cw

Enclosures

cc: Paul Workman, City Planner
Karen Stevens, Esq. – City Attorney’s Office