



MINUTES
Planning & Zoning Commission
Tuesday, March 2, 2021
6:00 PM

ZOOM MEETING

This agenda and the meetings can be viewed at www.Townofeagle.org.

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

1. Virtual Meeting Procedure

- Register in advance for this meeting [here](#).
- Public comments can be made when the Chair opens the public comment. Please prompt through Zoom to raise your hand and you will be called on when it is your turn.
- All public attendees will be muted during the meeting, unless the Chair or meeting facilitator invites them to speak live during the meeting.
- Meetings are recorded and will be published on the Town's web page.
- For technical difficulties, please email peyton.heitzman@townofeagle.org and we will do our best to assist you.

6:00 PM - REGULAR MEETING CALLED TO ORDER

Chair Hood called the meeting to order at 6:08pm.

COMMISSIONERS PRESENT

Jesse Gregg, Kyle Hoiland, Bill Nutkins, Robert Townsend, Lani Webb, Matthew Hood, Keegan Winkeller

COMMISSIONERS ABSENT

Charlie Perkins

STAFF

Chad Phillips – Community Development Director
Angie Kyle - Administrative Tech II
Jessica Lake - Planner I
Peyton Heitzman – Planner I

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.*

Opened public comment at 6:08pm. There was no public comment.

PUBLIC HEARING

1. Project: Powell Annexation Zoning Review
File #: RZ20-01
Applicant: William and Nancy Powell
Location: 21 & 25 Violet Lane
Staff Contact: Peyton Heitzman, Planner I
Request: Request to zone two parcels of land in unincorporated Eagle County to Town of Eagle Residential Medium (RM) zoning.

STAFF PRESENTATION

Peyton Heitzman presented the file to the Commission. The applicant, Willy Powell, was present and informed the commission that he sold a 20-foot permit and construction easement to the Town of Eagle for the water main leading to the Lower Basin Treatment Plant which makes him eligible for annexation. He has been on town sewer for decades and is currently on a well, he plans to connect to town water. He bought this property in 1979 and subdivided in 1988. He plans to continue to live on this property. He plans to raise the apartment building due to deficiencies in the property and will comply with all regulations associated with completing this.

Q & A

Commissioner Nutkins asked if the applicant is currently going through the annexation process with Town Council. Staff informed the Commission that the annexation has been accepted by Town Council and the meeting date is for March 23rd, 2021. The demolition of the 4-plex does not require a development permit, just a building permit

PUBLIC COMMENT

Opened public comment at 6:22pm. There was no public comment.

DELIBERATION

Commissioner Nutkins does not see a problem and agrees with staff. Commissioners Townsend, Hoiland, Gregg and Winkeller also agree.

MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO APPROVE FILE RZ20-01 ZONING 21 & 25 VIOLET LANE WITH NO CONDITIONS, BASED ON THE FOLLOWING FINDINGS: THE APPLICATION MEETS THE REQUIREMENTS OF TITLE 4 OF THE LAND USE AND DEVELOPMENT CODE AND IS IN CONFORMANCE WITH THE 2020 ELEVATE EAGLE COMPREHENSIVE PLAN AND THE EAGLE RIVER CORRIDOR PLAN.

MOTION WAS SECONDED BY COMMISSIONER LANI WEBB AND PASSED WITH A VOTE OF 7 (GREGG, NUTKINS, TOWNSEND, WEBB, HOILAND, WINKELLER, HOOD) IN FAVOR AND 0 OPPOSED.

PUBLIC HEARING

2. Project: Haymeadow PUD Agreement
File #: PUDA20-01
Applicant: Brandon Cohen, Abrika Properties, LLC
Rick Pylman, Pylman & Associates, Inc
Scott Schlosser, Owner's Representative
Location: 660 acres south and east of Sylvan Lake Rd and Brush Creek Rd
Staff Contact: Jessica Lake, Planner I
Request: Two requests for a major PUD amendment within the Haymeadow development.
1) Request to swap the School Land portion of Tract E with multi-family development and to allocate a different parcel for a future school site. 2) Request to renovate an existing cabin currently located in open space to the East of Neighborhood D as an event space and to swap this open space parcel with land equal in size and desirability.

APPLICANT PRESENTATION

Applicant Rick Pylman began the presentation with the Haymeadow PUD Preliminary Plan approval from 2014. To summarize, the Plan for the 660-acre parcel included 837 units (40% multi-family & 60% single family); 60% open space; system of trails throughout; five distinct neighborhoods, community parks, a fire station and school site. He discussed the community background, the PUD development plan, the 2019 Filing 1 Final Plat infrastructure and the land dedications. The first phase of development is focused around utilizing an existing water pressure zone that could accommodate the park & school sites and first phase of homes. Today's application contains two separate requests: school site/residential location swap and use of existing cabin for special events. Applicant went into further detail on the PUD Amendment request, first by highlighting the public benefits of PUD amendments as they pertain to changing conditions/community needs (cites the Healthcare Center and Continuing Care projects brought into Eagle Ranch). Applicant also highlighted the great supply/demand imbalance for entry level pricing on homes and how this amendment would address that need sooner. Next point suggested the existing school site is going to be vacant for many years as Eagle County Schools has not indicated future plans to build a school. The proposed land swap offers a larger park and school site; Haymeadow plans to designate an additional 5 LERP units to Eagle County School District (ECSD) employees. Presentation then explained the effects of the land swap on neighborhoods A1, B and C and their densities. Applicant then discussed, in further detail, the neighborhood details of the school swap, build out of the community trail system throughout Haymeadow and how the traffic patterns will shift. Applicant's presentation then shifted to the second request regarding plans for the cabin located next to

Haymeadow's Neighborhood D. The cabin upgrade includes major interior and landscaping renovation. It would serve as a luxury community event space for intimate events. He discussed the conceptual cabin site which would include relocating a portion of the Haymaker bike path, major event/tent lawn, service area/sanitation system and seasonal availability.

To summarize, applicant went through the conditions for PUD Amendment, the 9 criteria for a PUD Amendment and their responses to each. He addressed the public comment concerns including traffic (Frost Creek and school site), fire department/school location, and LERP units being dispersed throughout Haymeadow. He went through the staff recommendation and informed the Commission that the application complies with all the conditions.

STAFF PRESENTATION

Jessica Lake presented the file information and the two requests. She informed the Commission that the Trails Manager has reviewed and supports the cabin request. Staff reviewed the six conditions (standards of approval) from Section 4.11.050 required to amend PUD development zoning and development plans. For the school, staff recommends a continuance (tabling) of the swap of the school land portion of Tract E with multi-family development to allocate a different parcel for a future school site until April 6, 2021 based on updating the original traffic study and providing a remodel for all utilities, specifically water service for the increased density within Filing 1. Staff requested to receive this information by March 26, 2021 however if the Commission does not agree with staff, there are 9 conditions of approval for the school site swap.

In regard to the cabin, staff is recommending approval with conditions based on the 6 conditions for a PUD amendment. Staff believes application meets all 6 conditions in addition to the 9 suggested conditions of approval. Eagle County Community Development provided an email on March 1 indicating their concerns with traffic to the cabin and that Colorado Department of Transportation (CDOT) does have specific requirements around this project. Based on this comment staff has included two additional conditions for approval (10 & 11) regarding a left-hand turn lane and a site plan for 20 parking spaces.

Staff concluded the presentation with discussion topics for the Commission, which include the following: are both the school swap and cabin renovation efficient developments; does the school swap and cabin renovation affect the enjoyment of land and public interest; does the school swap detract from use of school-rec parcel and does the cabin detract from the Haymaker trail use; and lastly are both requests in compliance with the 2010 Eagle Area Community Plan.

Q & A

Commissioner Holiand asked if the applicant has to meet all the conditions? Staff confirmed that applicant must meet all 6 conditions.

Commissioner Nutkins asked about special events parking for the cabin - where is the overflow parking for the shuttle and is the applicant required to submit a Special Use Permit to shuttle people? Staff replied that applicant will not need a Special Use Permit because the cabin is on private property. Chad Phillips included that with the approval, we can't include other approval parameters outside of the PUD, however we can work with the shuttle company to create approved pick-up/drop-off locations. This detail would then be addressed

in the development permit stage. Next, Commissioner Nutkins commented about working with the trail recommendations, he foresees private events complaining about through traffic. He had encouraged that strong language be included to ensure there aren't trail closures, especially on weekends, to accommodate events. Lastly, Commissioner Nutkins asked about the corridor distances between the neighborhoods and Rick replied they are about 300 feet in width. Commissioner Nutkins also included that he sees a significant traffic impact if you move a multi-family parcel. Instead of going towards Soleil, did Haymeadow consider moving the parcel vertically to provide a bigger buffer to those with concerns about the proximity to Soleil? How do the densities match up with what we have been approving? 160 units form 18+ acres and putting them on 14 acres. Calculations decreased from .2 acres per unit to .12 acres per unit. Rick confirmed that it would be more dense, with smaller and more attainable units.

Commissioner Townsend asked if the new traffic study staff is requesting would address the altered traffic flow? Staff replied yes, when they met with Public Works, Town Engineer and Applicant they noted that the traffic study looked at Haymeadow as a whole development and external influences and neither memo studied internal flows – that is the new traffic information staff is requesting. Commissioner Townsend also commented how this PUD amendment increases multi-family units to now 75% on this parcel which will affect the traffic flow.

Commissioner Webb asked what the plan is for the parcel to the north since Applicant is removing multi-family homes from this parcel? Rick replied they will have more room for single-family density though there is no design for this yet.

Commissioner Winkeller asked has the school layout been designed? In Rick's presentation, turning on Ouzel Lane with a right-hand turn in the school, it appears the only right-hand turn is the bus lane. Per this layout, it looks like it's bottlenecking traffic beyond the roundabout. Rick said this rendering shows the site plan for Gypsum Elementary, for scaling purposes, which is not suited for this site. ECSD would design a school specific for this site. To prevent bottlenecking there needs to be a forced right-hand turn to exit out of the school.

Chair Hood asked staff if the traffic study would address if they moved the school site further from Town core, does that mean there are additional trips generated because people are biking/walking less? Staff confirmed they asked for the study to address all transportation modes. The Town already owns the original school site land so why would they give it away in exchange for a different piece of land? Chad Phillips confirmed that Town Council has signed off for the Town to process the application. Land ownership issues are is not a part of Planning & Zoning consideration.

PUBLIC COMMENT

Chair Hood opened public comment at 8:10pm.

Colleen Gauron, 2023 Montgomerie Circle – Commented that The Three Sisters Trail is closed December 1 – July 1, that is an impact to the wedding venue. Also, adding 288 residences is quite significant. She lives in Brush Creek Village which has 80 units and she says that feels pretty dense.

Gary Scanlon, 1720 Montgomerie Circle - Looked at the last workforce housing project at Hockett Gulch, developer sold the land for \$700 million. Encouraged the Commission to continue to table the request and

ensure the Town knows what the land's worth. Also encouraged tabling of the cabin request to avoid feeling rushed to make decisions.

Al Musser, 2315 Eagle Ranch Road – Encouraged the Commission to “follow the money” understanding that the developer is after a large sum of revenue today as opposed to deferring it later. Asked the developer if they would be proposing this land swap if they were not making more money? As for the cabin, it seems to replicate what Brush Creek Pavilion (BCP) offers to the community. It seems that BCP is under-utilized, why would we create a similar venue at additional cost?

Mike Claymon, 116 Soleil Circle – Voiced that he is opposed to land swap. There is nothing wrong with current location, it seems to be the best location and there are many things wrong with the proposed location. The only reason to approve the land swap is to allow the developer to defer the infrastructure costs which is the developer's primary motivation. Don't bail out the developer at the expense of surrounding communities. The most obvious reason for denying this proposal relates to code 4.11.050, item #2 about substantially adversely impacting the neighboring homeowners. Asked the Commission to deny.

Lizzy Owens, 49 Soleil Circle – Adamantly opposed to the school swap. The existing school site was chosen after much research, thought, work and money were already allocated into the project to determine the best location. The original Haymeadow plan supports the partnership with the Mountain Rec location. Also, with regards to code 4.07.100.884 regarding environmental and socioeconomic impacts, the study cited was from 2013 which seems outdated. Encouraging the Commission for a new wildlife study. Lastly, to address the socioeconomic impacts, the proposed 112 units would cost roughly \$350,000 for a 1,000 sq.ft. unit which is unaffordable to many teachers. Additionally, how would the workforce living in this area commute without proper public transportation in this area?

Kat Conner, 710 Bull Run and 228 Broadway Street – She is for the proposed land swap as a business/commercial property owner and workforce housing is needed in Eagle. The main issue with this is that all this housing has been approved and she thinks it's awesome that Haymeadow is wanting to push this development to a quicker time. Brush Creek Elementary is not at capacity therefore the need to build a new school is not as immediate. Lastly, the cabin is amazing and the historic preservation of it would be great for our community and the whole valley to enjoy. It would offer a different experience compared to Brush Creek Pavilion.

Willy Powell, 210 Violet Lane – Former Town Manager when Haymeadow was originally approved and was heavily involved in the planning process. During that planning process the school district created a very detailed site plan of the existing site (school, playing fields and parking) to accommodate regional events. Has this been considered? Next question, has the school district undergone a similar exercise with the land swap. Rick commented that the school district is letting the Town make the decision, and not voicing any advocacy. Willy asks if this is really true?

Barb Wendell, 67 Soleil Circle – In opposition for the land swap and agrees with Mike and Lizzy. To address Kat Conner's comments, the two items (land swap and cabin) should have been separated. After looking at the 81 public comments, 15 businesses were in favor, 1 resident was in favor. We organized an informal petition with over 200 signatures and a Facebook group. Please take those most affected, Eagle residents, in consideration. Everyone in Soleil is against except for one resident. If you would split up the school and the cabin, you would

see the results are totally opposed to this. There is a sudden haste to get this project done, this doesn't eliminate Haymeadow from moving forward with A1, a total 340 housing units. If this wasn't going to happen then you would have put expense into a water tank, that is an additional benefit to the developer to move that over.

Rae Sanders, 158 Soleil Circle – In favor of the school site swap. After discussing this with Brandon Cohen (applicant), she has complete trust in what he is doing. She doesn't want a school fence in her backyard. She said that homes next to schools go down in value, that's what has happen in New Orleans where she is from and owns property. We should be more inviting and more inclusive in regard to shift workers. She is onboard with what the developer is proposing.

Mike Staten, 18 Soleil Circle – Opposed to both the land swap and the cabin. After looking at both sides, he can't see the positive for the residents of Eagle, it seems to be a one-sided affair. We could move that open space to where the BMX track is to complement the recreation amenities already there and make the area more welcoming to the events already in place. With regards to the cabin, it seems to be like a duplication of services. Will the cabin shift focus away from the areas trying to maintain business?

Gina Van Hekken, 59 Soleil Circle – Opposed to swap. Appreciates Commissioner Nutkin's comment on density and how drastic the change will be. She has lived here for 15 years, the draw to Eagle is that it is multi-use, by moving the density all to one area, it will seem crowded. The shared facilities with school site and Mountain Recreation, she understands that it's one of the Town's priorities to bring more events into the Town however where she lives, they already see the overflow of parking. To move the parking a mile out is an overstatement. Spreading out multi-family units throughout Haymeadow development seems to be a better fit with Eagle's vision.

Matt Owens, 49 Soleil Circle – Voiced opposition to school land swap. First question about the buffer zone between Soleil and multi-family units, who is going to irrigate this? Next, requests that the new traffic study account for the fact that many of these new units will be 2-bedroom units and the number of people that may equate to. As for the parking code, looking at the layout provided, at the moment it's not meeting code based on the number of units and parking spaces. They are under 56 parking spots that will overflow to the streets which could cause traffic issues and accidents. Lastly, we are going to miss out on the opportunity to share and host events with Mountain Rec which would take revenue away from the town. Finally, looking at the 2010 and 2020 Comp Plan the high-density zoning should be located closer to I-70.

Public Comment closed at 9:02pm.

RESPONSE TO PUBLIC COMMENT

Rick began the deliberation segment. Rick clarified that the project proposes 258 multi-family units in Neighborhood A1. The proposed site plan is detailed for 188 units, which equates to 9-10 units per acre which is not an unusual condominium density level. The proposed land swap does give the developer the opportunity to pay back costs for infrastructure much more quickly, not as financial mismanagement but as development efficiency. To address wildlife issues, the Division of Wildlife was a referral agency and they did not pose many issues around trail and open space closures surrounding the cabin request. Closure on the trail

is due to calving area. Next, addressing the “Field of Dreams” concept, Rick indicated that Mountain Rec does not have this included in their conceptual master plan anymore and that the multi-fields concept would be deferred to the fairgrounds area. We don’t need Field Street to serve this project, the only reason it would happen is through the Town or Mountain Rec. Next, to address the traffic study, Rick confirmed that they use Institute of Traffic Engineers’ Standards for multi- and single-family units in order to meet parking code. Lastly, applicants are open to Bill’s suggestion on a vertical layout. They assumed the proposed suggestion was better for Mountain Rec but they are open to other configurations. Lastly, based on Mountain Rec’s illustrative concept, using a portion of the parkland there is still room for all their plans and the proposed school site swap still provides an option for overflow parking. Rick also commented that the school district supports the land swap, saying they preferred the new site and there is no concern over synergy with Mountain Rec based on the new park the applicant had proposed to build.

The Planning & Zoning Commission is not considering land value in this swap, that issue will be for Town Council to weigh on. Similarly, in trying to address the question of capacity use at Brush Creek Pavilion and the duplication of services with the proposed cabin, Chad reaffirmed that the Commission filters information and comes up with decision by enforcing regulations and plans. Staff reports are created to help guide this decision. Ultimately, the question at hand: Is this land use appropriate for this site?

Commissioner Nutkins commented that because the cabin is a private venue/business, the question of whether we need another venue or not seems irrelevant. It is up to the private owner.

Chair Hood commented on the multiple questions surrounding the positive or negative impacts on property values and the detriment or benefit to the adjacent property owners. Chair Hood reiterated that Council will discuss.

Commissioner Nutkins asked if the 32 acres is currently dedicated and owned by the Town. Jessica confirmed it is. Because the land is currently Town property, it seems to make more sense that Council should have approved the land swap first before the Commission address appropriate land use requested by a private entity. Chad restated to try and put that thought process aside and simply address the land use and whether it complies with the Town’s plans and policies.

Chad addressed detail issues presented by Matt Owens. There will be a development permit after the PUD because a lot of those details, such as number of parking spaces, will be addressed through the development permit process.

Chair Hood asked about the height limitations for school use versus residential use. Chad commented that once a district purchases land for school development, they have statutory authority to bypass local land use and local building code because they use a state inspector. However, the residential height limitations for Haymeadow would still be applicable, which is 35 feet for a multi-family dwelling.

Commissioner Gregg asked Rick about oversaturation of single-family units in Eagle however in Phase I, they are still building single-family lots. So, what is the purpose of the land swap? Why can’t these single-family lots be used to transfer the multi-family density onto those lots and negate the land swap? Rick commented on the efficiency of using the infrastructure-ready land now and bringing on multi-family units sooner.

MOTION: COMMISSIONER ROBERT TOWNSEND MOTIONED TO CONTINUE TO TABLE PUDA20-01, THE CURRENT DISCUSSION OF THE LAND SWAP, PENDING INFORMATION FROM THE APPLICANT AND FURTHER DISCUSSION BY THE PLANNING & ZONING COMMISSION ON APRIL 6TH.

MOTION WAS SECONDED BY COMMISSIONER KYLE HOILAND AND PASSED WITH A VOTE OF 7 (GREGG, NUTKINS, TOWNSEND, WEBB, HOILAND, WINKELLER, HOOD) IN FAVOR AND 0 OPPOSED.

ADJOURN

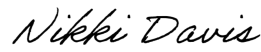
MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO ADJOURN. MOTION WAS SECONDED BY COMMISSIONER KYLE HOILAND AND PASSED WITH A VOTE OF 7 (GREGG, NUTKINS, TOWNSEND, WEBB, WINKELLER, HOILAND, AND HOOD) IN FAVOR AND 0 OPPOSED.

APPROVED:

DATE:



Jesse Gregg, Vice Chairman



Nikki Davis, Administrative Tech II