



MINUTES
Planning & Zoning Commission
Tuesday, March 16, 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.heiztman@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 6:02pm.

COMMISSIONERS PRESENT

Jesse Gregg, Bill Nutkins, Robert Townsend,
Matthew Hood, Keegan Winkeller,

STAFF

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

COMMISSIONERS ABSENT

Lani Webb, Kyle Hoiland, Charlie Perkins

APPROVAL OF MINUTES *Approval of the minutes from the February 16, 2021 meeting of the Planning and Zoning commission*

1. Minutes dated February 16, 2021

MOTION: COMMISSIONER ROBERT TOWNSEND MOTIONED TO APPROVE THE MINUTES. MOTION WAS SECONDED BY COMMISSIONER BILL NUTKINS AND PASSED WITH A VOTE OF 4 (GREGG, NUTKINS, TOWNSEND, HOOD) IN FAVOR, 1 ABSTAINED (WINKELLER), AND 0 OPPOSED.

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.*

Public comment opened at 6:05pm, there was no public comment. Public comment closed at 6:06pm.

PUBLIC HEARING

1. Project: Base Camp Eagle File # RZ20-02 / SU20-03
Applicant: Shawn and Marci Colby
Location: 3220 Brush Creek Road
Staff Contact: Peyton Heitzman, Planner I
Request: Request to: 1) Zoning a parcel of land in unincorporated Eagle County to Town of Eagle Rural Residential (RR) zoning. 2) A Special Use Permit for a Recreational Vehicle Park for the construction of approximately 53 RV and tent camp sites.

APPLICANT PRESENTATION

Tambi Katieb and Daiva Miselis with Land Planning Collaborative are the primary consultant for the landowners. Other contacts also on the presentation include project engineers Jordan Kehoe and Dan Cokley with SGM Engineering and project landscape engineer Kathy Aalto with Ceres+ Landscape Architecture.

The Colby property proposed for annexation is surrounded on three sides by the Haymeadow PUD. What is Base Camp Eagle: a 13.5-acre property requesting annexation and zoning for a seasonal RV Park & Campground. Applicants see this is as a unique opportunity to support Eagle-based recreational tourism aligned with Town goals. The applicants shared that this seasonal (April-November) dark sky campground would offer 53 sites on approximately 10 acres of the parcel and would accommodate RV, tent and group camping. Additional campground amenities would include electric hook ups at each site; 4 scattered water stations; heavily screened buffers; picnic areas; on-site owners & managers; water service, toilets and future bath house; limited lighting fixtures; trail connectivity. Each spacious site will be furnished with a fire ring and picnic table. Other park management ideals include short-term stays only (max 14 days), quiet hours, fire safety restrictions, no ATV or OHV use.

Applicants believe the project addresses and aligns with several community goals including ideal location for land use plans, trail use access, supports seasonal visitors and economic development of the Town and complements the 2020 Comprehensive Plan.

Commissioner Gregg asked what the plan is for the fence and the pasture area. Tambi answered that the existing fencing would be removed and that there wouldn't be new fencing built around the sites. There wouldn't be any perimeter fencing around the property line.

Commissioner Winkeller asked about Scott Schlosser's public comment letter in regard to the partnership with Haymeadow. Tambi informed the Commission that there will be a trail easement that is shared and locating a permanent alignment in the field in coordinating these locations. Nothing that Tambi foresees could be controversial to Haymeadow or cause another amendment to the property.

STAFF PRESENTATION

Peyton Heitzman presented the file to the Commission. She started by presenting the two public comment submissions that were submitted after the agenda was published:

Scott Schlosser, Haymeadow Owners Representative. Thank you for contacting me regarding the request from the Town of Eagle to grant access through the Haymeadow property to connect to the Haymaker trail system. Haymeadow is supportive of the Base Camp proposed use on the applicants property. We will work with the Town of Eagle and the applicant to find an alignment for a soft path trail easement or other use agreement from the Haymeadow property to the applicants property for the use of the campground guests. We believe that the projects close proximity to the Town's Haymaker Trail, will be a benefit and a draw for mountain bikers camping at the facility. We will require that the trail be aligned along Brush Creek Road until it reaches the existing unpaved driveway that leads to the cabin. This area will remain in agricultural production for many years so trail users will have to ride along the road to connect to the Haymaker Trails. In the future, when any development occurs in this area it would be possible to design an actual trail that would connect to the Haymaker Trails. It would be our preference that the connection trail from the applicant's property be used exclusively for guests of the applicants property. Please let me know if you require any additional information from Haymeadow. We are looking forward to this project and think it will bring more visitors to our town.

Susan Christensen & Steve Metcalf, P.O. Box 5112 Eagle, CO 81631. We are just hearing some facts about this today. We are not in favor of accelerating development on Brush creek road north of the recent land trust property. The traffic in & out of an RV park is inappropriate for Brush Creek Road in that area. The subdivision that has already been permitted to expand past the town boundaries will be near Colby's eventually. When that time comes, perhaps decades from now, Colby's RV park may be more appropriate than the current land. The impact to our deer & elk will detrimental.

Peyton reviewed the standards and staff's recommendation which is to approve the rezoning request of the application with no conditions. She continued to present the Special Use Permit application. The standards for the Special Use Permit are met however staff recommends as a condition of approval that the applicants provide an area for future and overflow parking. Chapter 4.10 Recreational Vehicle Parks was also reviewed. Staff noted that the Code outlines 3 applicability criteria for these Parks: 1) That no RV shall be used for more than 14 consecutive days. This 14-day limit is included in the Campground & RV Park Management Plan. 2) That no RV remain in the park for more than six (6) months in any 12-month period (this is included as a condition of approval for the Special Use Permit) 3) Lastly, the Code requires all RV Parks obtain a Special Use Permit to operate in the Town (this last criteria will only be achieved with the approval of the Special Use application).

In regards to Chapter 4.04 zoning, staff has reviewed the existing structures on the property to confirm compliance with the zoning standards for the Town's Rural Residential (RR) zone district. Staff has reviewed the existing structures on the property to either confirm compliance with the Zoning standards OR to verify that any structures that do not conform to Town standards, are approved as nonconforming structures. The application include County issued certificates of occupancy (COs) for two single-family homes. The maximum density for the RR zone district is one (1) dwelling unit per two (2) acres. The property complies with this density requirement at two (2) dwelling units for 13.5 acres. One of the single-family homes is occupied by the property owners and the other home, to the west of the property, is rented out to two families. The tenant occupied home has two kitchens. The Code requires that when a parcel containing a nonconforming use or structure is annexed to the Town, said use or structure shall be considered a legal nonconforming use or structure if said use or structure was permitted under county zoning regulations at the time of annexation and subject to any conditions imposed by the county prior to annexation. Staff has received two certificates of occupancy (COs) for the single-family homes. These COs verify county permitting. However, one of the homes contains two dwelling units, which is not reflected in either CO. Without County permitting for the second residential unit in the 2-family home, the structure cannot be considered a legal nonconforming structure. To address this nonconforming situation, staff is recommending two (2) conditions of approval. The applicant had provided a suggested condition of approval to staff following the release of the packet on Friday. Staff wanted to present this condition to the Commission.

Staff has concerns with this modified condition of approval provided by the applicant. The language in the Code is clear that to be classified as a legal nonconforming structure, the structure must have been permitted under county zoning regulations. There is no evidence of County permitting for the two-dwelling unit home. Without evidence of permitting, the alternative to staff is for the home to become a legal conforming structure. To achieve this, staff believes improvements need to be made to address water, sewer and building standards. In terms of zoning, staff believes the two-family dwelling can be classified as employee housing, an accessory use to the commercial RV Park use. Staff has proposed a modified condition #8 from what was in the staff report and what was suggested by the applicant. Condition #8 is split into two conditions of approval to allow the two-family dwelling to come into compliance with Town standards and become a legal structure. Staff recommends APPROVAL for the Special Use Permit for 3220 Brush Creek Road based on Special Use Standards (1), (2) and (3) of Section 4.05.010 of the Municipal Code with conditions of approval #1-7 as presented during the staff report and conditions #8 and #9 as presented during the Public Hearing.

Q & A

Commissioner Townsend asked about the design of the future bathhouses and what kind of amenities they'll include (showers, toilets). Tambi confirmed the desire to install flush toilets, showers and sinks once they are able to connect to a sewer service (likely after phase 1).

Commissioner Nutkins inquired about the prohibited use of ATV and OHV type of vehicles and wondered about the origin of that comment. Tambi replied it was a comment from a referral, possibly Eagle County. There was an additional question about landscaping, particularly adding more the trees at the entrance in an effort to quell any concerns of the neighbors. Shawn Colby, the owner of the property,

responded that they chose fat albert trees that will grow fatter and wider to provide coverage which will also complement the built-up berm, all which will serve as an effective screen and buffer.

Commissioner Gregg asked about the Eastern part of the property as to why there weren't any trees for coverage. The applicant informed that this was to provide views to their guests.

Chair Hood asked for clarification that the rezoning and the special use requests are two separate requests and can be motioned separately. Peyton confirmed that the rezoning and Special Use Permit are two separate requests and can be motioned separately.

Chair Hood asked about the relevance of the management plan – is it part of the Special Use Permit approval or a condition of approval? Peyton informed the Commission that the management plan, or specific items from the management plan, can be included in the conditions of approval if preferred. Chad Phillips informed the Commission that whatever the Commission decides to approve or change within the management plan, that would be enforceable in the future.

Chair Hood asked for clarification on the two-unit structure on the property. Peyton restated that staff is recommending #8 and #9 for conditions of approval.

Tambi asked about condition of approval #4, particularly about the dimension of the parking size requirement (9' x 19'). Would staff consider revising the text or omitting the specific dimension and simply stating that the site plan meets the requirements of the Municipal Code. The Commission agreed to modifying the condition of approval and Peyton made the change in text.

PUBLIC COMMENT

Chair Hood opened public comment at 6:58pm.

Cindy Talley, 770 Castle Drive - She has a question about clarifying the traffic from I-70 to the RV park.

Scott Schlosser, 390 Bluffs Drive - He is in support of this project. He echoed his public comment letter. He also wanted to highlight the trail easement along Brush Creek, noting that it's important that it connect to future trail systems. He offered to assist if there are any other questions related to Haymeadow.

Chair Hood closed public comment at 7:02pm.

Tambi responded to the public comment questions. In reference to Scotts questions, there is a 30' right of way that is being issued to the Town of Eagle and a 10' public utility easement that could potential be used as a paved trail across the property. Tambi addressed the traffic by introducing Dan Cokley to present. Dan provided a brief overview of the traffic impact stating that largely, the applicant needs to be most mindful of good sight distance for large vehicles and RVs turning into the campground.

DELIBERATION

The Commissioners discussed their thoughts on the application. Commission Nutkins likes the project and has from the beginning. Commission Townsend is in favor of the application and appreciates staff's conditions. Commissioner Gregg appreciates the electrical panels. His main concern is how will Base Camp alter the country lane road experience of Brush Creek Road, however he believes the benefit to the town will eliminate this. Commissioner Winkeller has concerns with fires and would like to hear from the applicant on how they plan to mitigate these fires. Shawn Colby responded and informed the commission that they will follow all the issued fire bans and that fires will be in the fire rings on a fire pad that is surrounded by irrigated native grass. There will be manicured grounds, and the field surrounding them flooded lands. Commissioner Winkeller asked about the RV light. Shawn Colby said that the rules will not allow RVs to use exterior lights; they are committed to keeping a dark sky. Chair Hood is in favor of the project and believes zoning is appropriate and it fits the comprehensive plan as well as the special use permit. He said that the concerns raised from public comment are legitimate but thinks the applicant did a great job addressing those.

MOTION: COMMISSIONER ROBERT TOWNSEND MOTIONED TO APPROVE RZ20-02 FOR 3220 BRUSH CREEK ROAD BASED ON THE FOLLOWING FINDINGS: THE APPLICATION CONFORMS TO THE 2020 ELEVATE EAGLE COMPREHENSIVE PLAN. MOTION WAS SECONDED BY COMMISSIONER JESSE GREGG AND PASSED WITH A VOTE OF 5 (GREGG, NUTKINS, TOWNSEND, HOOD, WINKELLER) IN FAVOR, AND 0 OPPOSED.

MOTION: COMMISSIONER ROBERT TOWNSEND MOTIONED TO APPROVE #SU20-03 SPECIAL USE PERMIT FOR 3220 BRUSH CREEK ROAD BASED ON SPECIAL USE STANDARDS (1), (2) AND (3) OF SECTION 4.05.010 OF THE MUNICIPAL CODE WITH CONDITIONS OF APPROVAL #1-3 AND 5-7 AS PRESENTED IN THE STAFF REPORT, CONDITION #4 AS MODIFIED AND CONDITIONS #8 AND #9 AS PRESENTED DURING THE PUBLIC HEARING.

- 1. NO RVS WILL BE PERMITTED TO REMAIN IN THE RV PARK FOR MORE THAN SIX MONTHS IN ANY 12-MONTH PERIOD.**
- 2. APPLICANTS TO DESIGNATE FUTURE PARKING AREA WITH SIX (6) FUTURE ADDITIONAL PARKING SPACES. FOUR (4) OF THE SPACES WILL BE REQUIRED WITH THE CONSTRUCTION OF CABINS. THE OTHER SPACES WILL BE AVAILABLE SHOULD PARKING BECOME AN ISSUE.**
- 3. PARKING SHALL BE ALLOWED ONLY IN APPROVED AREAS. NO PARKING IS PERMITTED ON RV PARK ROADWAYS, IN TOWN OF EAGLE RIGHTS-OF-WAY, OR ON BRUSH CREEK ROAD.**
- 4. AUTOMOBILE PARKING SPACES IN THE RV PAD SITES WILL BE MODIFIED TO MEET CURRENT TOWN PARKING REQUIREMENTS PER SECTION 4.07.140 OF THE MUNICIPAL CODE.**
- 5. PRIOR TO CONSTRUCTIONS, STAFF TO REVIEW APPLICATION MATERIALS FOR COMPLIANCE WITH SECTION 4.10.030.J THAT EVERY RV PARK BE DESIGNED AND OPERATED IN ACCORDANCE WITH THE UNIFORM PLUMBING CODE PROVISIONS FOR RECREATIONAL VEHICLE PARKS, AND WITH THE MUNICIPAL CODE CITED SECTIONS OF THE STATE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT'S "STANDARDS AND REGULATIONS FOR CAMPGROUNDS AND RECREATION AREAS."**
- 6. ACCESSORY USES AND STRUCTURES MAY BE APPROVED ADMINISTRATIVELY WITHOUT NOTICE.**

- 7. EXTERIOR LIGHTING WILL ADHERE TO TOWN OF EAGLE LIGHTING STANDARDS.**
- 8. THE APPLICANTS WILL EITHER PROVIDE PROOF THAT THE STRUCTURE CONTAINING TWO DWELLING UNITS WAS LEGALLY ESTABLISHED OR THAT THE APPLICANTS, UPON ANNEXATION, MAKE ANY IMPROVEMENTS NECESSARY TO COMPLY WITH WATER, SEPTIC, AND BUILDING REQUIREMENTS.**
- 9. THE STRUCTURE CONTAINING TWO DWELLING UNITS IS APPROVED AS EMPLOYING HOUSING. IN THE EVENT NO CAMPGROUND EMPLOYEES REQUIRE SUCH HOUSING, THE UNITS MAY BE RENTED TO THE GENERAL PUBLIC.**

MOTION WAS SECONDED BY COMMISSIONER BILL NUTKINS AND PASSED WITH A VOTE OF 5 (GREGG, NUTKINS, TOWNSEND, HOOD, WINKELLER) IN FAVOR, AND 0 OPPOSED.

PUBLIC HEARING

1. Project: Amendment to West Eagle Sub Area Plan File # LURA21-01
Applicant: Town of Eagle
Location: As defined in the 2011 West Eagle Sub Area Plan - roughly 40 acres, extending along Grand Avenue from the Sylvan Lake roundabout to the intersection of 5th Street and south to the Eagle Ranch open space.
Staff Contact: Jessica Lake, Planner I
Request: Approval of Resolution 01, Series 2021, "A Resolution of the Planning and Zoning Commission of the Town of Eagle, Colorado Amending the West Eagle Sub Area Plan".

STAFF PRESENTATION

Jessica Lake presented the file to the Commission. She shared public comments and plans from Eagle County. She presented the West Eagle Sub Area Plan Future Land Use Map updated zonings. The only update to the plan made was the commercial section to reflect the auto-oriented businesses.

Once the Highway 6 Corridor study and the code update is completed this plan will then have a full comprehensive plan. This amendment is to approve the zoning for the future land use map for the West Sub Area Plan.

PUBLIC COMMENT

Chair Hood opened public comment at 7:35pm.

Kim Bell Williams, Eagle County housing Director - Thanked staff for presenting the correct information. The county has control over the 9 acres, the Forest Service is a partner when approving any future modifications to their parcel.

Cindy Talley, 770 Castle Drive - With the rezoning of these properties, is there any consideration of infrastructure of the existing roads in the area. The concerns from the residents in this area including property value, density, the mobile home park, and traffic. Will there be any requirement for hours of operation, these properties back up to residents, will the town limit the hours of operation as the lights and traffic will impact the homeowners in this neighborhood.

Chair Hood closed public comment at 7:40pm.

Chad Phillips addressed Cindy Talley's questions. He informed her that the updates tonight are not updates to the zoning maps and the traffic impact studies come when development plans are being reviewed. These will be addressed with individual projects. Staff informed Cindy that each concern was addressed individually. Property values vary and concerns with road conditions and new roads will not happen anytime in the near future. Traffic studies are likely to be completed prior to any changes in the road infrastructure. Concern about gentrification of the neighborhood and displacing families in the mobile home park was considered. The re-routing of the 7th Street connection was discussed amongst staff, Eagle County and Alpine Engineering and this connection has always been a part of the West Eagle Plan. Chad informed that we receive public questions that are summarized in the staff report but they are not officially submitted as public comment. In regard to the operating hours, these will be addressed as a use by right under the code standards, unless it is added as a condition of approval by a governing entity.

MOTION: COMMISSIONER JESSE GREGG MOTIONED TO APPROVE LURA21-01 RESOLUTION NO. 01, SERIES 2021, "A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF EAGLE, COLORADO AMENDING THE WEST EAGLE SUB AREA PLAN", WITH THE FOLLOWING CONDITIONS OF APPROVAL:

- 1. THAT THE FUTURE LAND USE MAP (EXHIBIT A) HAS BEEN AMENDED TO REFLECT CHANGES IN LAND USE CATEGORIES AND POSSIBLE STREET ALIGNMENTS, AND**
- 2. AMEND THE "COMMERCIAL" LAND USE CATEGORY AS FOLLOWS: "DEVELOPMENT OF LAND WITHIN THE COMMERCIAL LAND USE DESIGNATION SHOULD HAVE COMMERCIAL USES ON THE FIRST FLOOR. COMMERCIAL USES ENCOURAGED BY THE TOWN INCLUDE RETAIL, RESTAURANT, COMMERCIAL SERVICES, OFFICES, AUTO-ORIENTED BUSINESSES SUCH AS RESTAURANTS WITH DRIVE-THROUGHS AND LODGING/HOTELS. SUCH COMMERCIAL USES SHOULD SUPPORT, AND NOT COMPETE, WITH BROADWAY BUSINESSES."**

MOTION WAS SECONDED BY COMMISSIONER KEEGAN WINKELLER AND PASSED WITH A VOTE OF 5 (GREGG, NUTKINS, TOWNSEND, WINKELLER, HOOD) IN FAVOR AND 0 OPPOSED.

COMMUNITY DEVELOPMENT DEPARTMENT AND TOWN COUNCIL UPDATE *Staff update to the Planning & Zoning Commission on recent work, upcoming files and decisions made by Town Council.*

1. Department and Council Update

OPEN DISCUSSION

There will be a special meeting for an open house for the East Sub Area Plan on March 31, 2021 at 6pm via Zoom. Staff informed the Commission that Hockett Gulch may be submitting a file soon. The Brush Creek extension plans were submitted. These are getting reviewed and approved by the Town Engineer. A public process isn't required however staff recognizes the public interest and will make this a public process.

ADJOURN

MOTION: COMMISSIONER JESSE GREGG MOTIONED TO ADJOURN. MOTION WAS SECONDED BY COMMISSIONER KEEGAN WINKELLER AND PASSED WITH A VOTE OF 5 (GREGG, NUTKINS, TOWNSEND, HOOD, WINKELLER) IN FAVOR, AND 0 OPPOSED.

APPROVED:

DATE:



Jesse Gregg, Vice Chairman



Nikki Davis, Administrative Tech II