



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

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

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

PUBLIC WIFI - TOEE – ((TOEEWireless))

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

1. Virtual Meeting Procedure

- [ACCESS THE ON-LINE MEETING HERE](#)
- Please note: All participants are automatically muted. In order to be called upon and unmuted, you will need to use the "raise hand."
- When it's your turn to speak, the moderator will unmute your line and you will have three (3) minutes for public comment.
- PUBLIC COMMENTS: If you are unable to attend, public comments regarding any items on this agenda can be submitted to the planner listed on the application, and will be included as part of the record.
- For technical difficulties please email Nikki.davis@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 6:03pm.

COMMISSIONERS PRESENT

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

STAFF

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

COMMISSIONERS ABSENT

None

PUBLIC COMMENT *Citizens are invited to comment on any item no on tonight's Agenda. Please limit your comments to three (3) minutes per topic unless arrangements have been made for a presentation with the Administrative Technician. Those who are speaking are requested to provide their name and address prior to beginning.*

Public comment opened at 6:04pm. There was no public comment. Public comment closed at 6:05pm.

PUBLIC HEARING

1. Project: Haymeadow PUD Amendment (continued from March 2, 2021)
 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
 allocation 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 in equal size and desirability.

Rick Pylman began the applicant presentation by giving a brief overview of the school site and residential swap. A 14.22-acre portion of Tract E that was intended for a school will be re-classified as part of Neighborhood, increasing the density of this neighborhood by 112 multi-family units. This equates to 7.9 units per acre. Alternatively, an 18.3-acre portion of Neighborhood C will be re-classified as the school site. The currently approved multi-family density in Neighborhoods B & C will be reduced by 112 units. Proposed density (in Neighborhood A) is consistent with other multi-family neighborhoods in Eagle, comparable to the Soleil Duplex density. Additionally, applicant believes proposed land swap does not interfere Mountain Rec's master plan. Original "Field of Dreams" concept of is no longer reflected in Mountain Rec's plan as it would interfere with other events such as mountain bike championships.

Shifting to the traffic impact study, Rick introduced Kari McDowell Schroeder, traffic engineer, into the presentation. The traffic study used in the application was conducted in 2013 and included data around Haymeadow, Brush Creek, Eagle Ranch and open space to the east. This study, along with the October 2020 memo, focused on external trips around Haymeadow. On March 26th, the traffic study was re-conducted to include internal analysis on both the original PUD configuration as well as the school swap configuration. The intersections they looked at include Sylvan Lake & Brush Creek, three internal intersections, and Brush Creek & Ouzel. The traffic study also concluded that the new school site is more walkable (examined .5 mile radius). In summary, traffic impacts are expected to be minor with no significant change in Level of Service (B or better through 2040). Recommendations from the updated traffic study include: left turn lane on Brush Creek Road at Ouzel Lane (recommended with or without school swap) and left turn lane on Brush Creek Road at the cabin (recommended with or without school swap).

Rick shifted the presentation to address the need of diverse and attainable housing units in Eagle, citing the Elevate Eagle Comprehensive Plan, and noting that currently there are no homes available under \$750,000 in Eagle. He presented a list of public benefits believed to be a direct outcome of the PUD amendment and additionally voiced that he believes their application meets the six criteria found in the Town of Eagle Land Use Regulations. Furthermore,

applicant agrees with staff's recommendation to approve the land swap along with staff's suggested conditions of approval for both the land swap and cabin use.

Staff Presentation

Jessica Lake began the staff presentation acknowledging that this is the second public hearing for the Haymeadow PUD Amendment request. The application was last heard on March 2nd and was continued based on staff's request for an updated traffic study as well as a remodel for water pressure in Filing 1. Staff confirmed the two requests being discussed: school swap and cabin renovation.

Staff called to attention key words from Section 4.11.050 as they pertain to conditions of amendment strictly from a land use perspective and staff confirmed that the application meets all six criteria. As a summary of this evaluation: 1) The original application compared to the new application does not appear to be more efficient than the other; 2) From a land use perspective, the uses do not affect the public interest in a substantially adverse manner; 3) There is no sole benefit from this application, several parties (applicant, housing advocates and those who want to buy in Haymeadow) will benefit from the approval; 4) From a land use perspective, despite the land swap, schools and housing units are compatible uses in residential neighborhoods; 5) Application does not propose any alterations to the open space plan; 6) Met through a condition of approval – applicant's commitment to provide streets and utilities to proposed school site and Neighborhood C. Staff recommends APPROVAL WITH CONDITIONS of the school swap based on Conditions 1-6 of Section 4.11.050 of the Municipal Code. Staff has included 10 conditions of approval, the two new conditions being conditions #9 and #10. Condition #9 asks the applicant to submit an application for subdivision of Tract E, the new school parcel, the cabin parcel, and the new open space parcel within one year from the current application's approval date. Condition #10 requires updated water modeling for Neighborhood A in addition to a plan for completion for the Sylvan Lake / Brush Creek Road roundabout.

Shifting the discussion to the cabin request, staff called to attention key words from Section 4.11.050. As a summary of the evaluation: 1) In terms of efficiencies, the cabin will be renovated into a seasonal use venue. A condition of approval has been included to ensure the venue connects to Town water & waste water; 2) Staff included conditions of approval in order to mitigate problems that could affect public use of the trails around the cabin (conditions of approval #4-6); 3) Approval of the application would benefit the applicant and local events and wedding businesses; 4) Both special events and trail access are compatible uses; 5) Ensures the open space plan must be substantially similar in quantity or quality (condition of approval #1); 6) Applicant will install a left-hand turn lane at Brush Creek Road and provide staff with a parking plan for the cabin. Staff recommends APPROVAL WITH CONDITIONS for the request to renovate an existing cabin to an event space and swap this open space parcel with land equal in size and desirability based on Conditions 1-6 of Section 4.11.050 of the Municipal Code. Staff has included 10 conditions of approval, reviewing conditions #9 and #10. Condition #9 asks that the applicant work with County and Town staff to determine necessary improvements for left-turn lane on Brush Creek Road which will be completed before any special events at the cabin site. Condition #10 asks the applicant to provide staff with a site plan showing designation for 20 parking spaces.

QUESTIONS

Commissioner Hoiland asked about Condition #9, if the one-year timeline expires does the land swap become null & void? Chad Phillips said yes, citing that it is a condition of approval. However, this timeline could be extended if the Commission and/or Council approved. Second, Commissioner Hoiland asked about Condition #10, if this land swap happens does it accelerate the plan to construct the connector road from Brush Creek Road to Highway 6. Staff replied

no, this would not accelerate that project but instead would accelerate the re-alignment of Sylvan Lake Road & Brush Creek Road (phase 2). Could we add a condition to accelerate the connector road from Brush Creek to Highway 6 (Brush Creek Road extension)? Chad replied that project requires Council's approval.

Chair Hood also asked about the one-year trigger around Condition #9. Chad reconfirmed that this serves as a condition of approval in order for Council to make a decision.

Commissioner Nutkins asked if Mountain Rec was included in the packet and what their comments were. Staff replied that they quoted Mountain Rec as a referral agency in the March 2nd staff report, specifically around Conditions #1, #2 and #4. A second question was posed to Rick asking if they had considered going north or east along existing residential area. Rick replied that Mountain Rec felt this idea was less attractive compared to existing land swap plan.

Commissioner Winkeller asked Rick what was less attractive about this to Mountain Rec. Per the staff report, Mountain Rec felt that the side-by-side split idea was a negative impact. While do-able, it doesn't resolve the joint-use lost as a result of the swap and creates a less usable parcel on the south end. The top-bottom configuration is preferred if the swap is approved. Mountain Rec and its Board remain opposed to the swap overall. Commissioner Nutkins commented how the sense of indifference does not help the neighboring homeowners.

Commissioner Perkins asked what level of education the school provides. Initial thought would be K-8, no change from district. How far is the new location from existing location? Rick confirmed just under a mile. Are we increasing emergency response times by moving the school east? A fire station is proposed across the street from the new school site. Rick added further comment stating there are multiple bike path connections back to the Mountain Rec Park and the Haymaker trail which still provides access to overflow parking. Commissioner Perkins asked if the school was anticipating use of the recreational benefits of the nearby park? Rick replied that the school was still planning to build their own fields to ensure they can use at their discretion. Chair Hood interjected with some comments from the chat feature, indicating that Mountain Rec did not agree with Rick's statement.

Commissioner Webb asked if we knew when Eagle County School District (ECSD) would need the elementary school to open. How many residences will be built before we actually need the school? Staff replied that ECSD does not have a pre-determined timeline. Commissioner Hoiland drew example from Buckhorn Valley in Gypsum who received a parcel of land for a future school site in 2008/2009 and after 11 years, it still has not been developed. One could speculate that the Haymeadow school site could still be 10 years out from development.

Commissioner Townsend asked if Public Works would comment on the new traffic impact study, particularly internal circulation. Tom Gosiorowski, Town of Eagle Public Works Director, stated that there was no big consequential change to the level of traffic performance regardless of where the school was located.

Commissioner Winkeller asked Rick if the developer would view the land swap as a hardship or a way to develop efficiently, particularly to quickly build attainable housing. Will the approval of this amendment increase the development progress timeline? Brandon Cohen, the developer, confirmed that the land swap would accelerate the development pace and ensures that the project keeps moving forward. By bringing higher density products into phase one, this secures the cash flow to pay for the next series of infrastructure. Additionally, the Town attorney will draft an agreement that requires the developer to extend the infrastructure to the new school parcel which includes a new water tank and the roundabout at Ouzel Lane.

Commissioner Hoiland asked Chad and Jessica what the terms are for building the new connector road to Highway 6. The design plans are currently with the Town Engineer and Public Works and from today, there is a two-year timeline for land acquisitions. Cumulatively, there is a five-year mark for the construction of the road. Based on the building permit trigger point (300 units), developing higher density sooner could accelerate the construction timeline. Commissioner Hoiland also asked to clarify that the applicant must meet all six conditions of approval. Staff confirmed that yes, the conditions must be met and serve as the basis for the Commission and Council's approval.

PUBLIC COMMENT

Public comment opened at 7:13pm. Public comment closed at 8:05pm.

Michael J. Kleinman, 98 Soleil Circle – Why would Town attorney prepare an agreement for the setbacks if the Council has not approved the amendment? Also, in reading the ordinance, it seems that the special condition only applies to the developer, gaining financial benefit. How does this amendment grant a special benefit to anyone else?

Sam Blethen, 392 Eagle Road, Avon – Voiced support for the development, he and his family would love to move to Eagle. Would like to see the project move forward and create more opportunity for people to move to Eagle. Believes the development plan would be successful.

Mike Claymon, 116 Soleil Circle – Voiced opposition to the land swap, focusing on item #2 from section 4.11.050. Believes that this particular item does not address land use but rather how this amendment affects the public interest. Amendment would block mountain views, move the school farther down (8/10 of a mile), remove the school from the adjacent Mountain Rec facilities, reduce property values to adjacent land and increase traffic on Eagle Ranch Road which are substantial adverse impacts.

Kirstin Shaw, 2189 Brush Creek Road – Voiced concerns about extra traffic on Brush Creek Road especially due to the current 40 MPH speed limit; 7 families on Brush Creek Road would be directly impacted. Has asked for speed limit to be reduced but has not received an answer. As for the cabin, asked that wildlife closures be considered as well, not just the Haymaker trail. Next, what is the backup on the blind curve? Lastly, what does the turning lane look like and what sections of the road would be taken, Brush Creek Road is already very narrow.

Mike McCormack, 88 Seabreeze Street – Currently the Vice President on the Mountain Rec Board and also serves on the Mountain Rec Foundation Board. Voiced that Mountain Rec has a cordial relationship with the developers. Feels that Mountain Rec's needs were mischaracterized with previous statements that indicated they only wanted the extra parking and that this plan doesn't adversely affect Mountain Rec's plans. The Board would respectfully disagree with these statements. The school's original location is much more synergistic with Mountain Rec's use (multiple fields and additional parking closer to the facilities). Feels that the current plan is a good plan and is in community's best interest but if the land swap happens, they may need to recreate their plans.

Pete Danforth & Amy Gornikiewicz, 106 Soleil Circle – Began by addressing Rick's presentation on property density. Believes the developer's challenges with the water tank and infrastructure are not local homeowners' problem. Next, commented on the date of the traffic study (from 2013) and believes the data is bad. Believes that more people would be negatively impacted. Next, does not think 20 parking spaces is enough for the cabin. Agreed with Kristin Shaw's comment in that seasonal cabin closure should coincide with wildlife closure, not trail closure. Lastly, believes the developer's stance on wanting to create affordable housing is more about the developer being overbudget and now they are trying to catch up.

Lizzy Owens, 49 Soleil Circle – Voiced that this land swap would adversely affect the enjoyment of the land, especially for the future kids going to the school. By approving the swap, we are taking away recreational opportunities from kids and this adversely affects our community. Does not see any good reason to approve this.

Jason Cowles, 64 Aidan Road – Served on the Eagle Planning & Zoning Commission for over 8 years, including 6 years as the Chairman. Began by commenting on our community's longtime need for affordable housing and how he could understand the developer's desire to capitalize on the current situation by frontloading multi-family housing. The concern is that are we sacrificing the community's long-range vision for this site so that the developer can maximize on the current housing/market conditions.

Ryan May, 2037 Brush Creek – Voiced that the recreation area is the life-blood of the community and our children. Understands that if the land swap doesn't happen, there will be bigger apartment complexes and more multi-family units but if the swap does happen, there will be a chance for smaller houses in your view. Seeking more clarification on this but understand development needs to happen. Overall, he is opposed to the land swap.

Rae Sanders, 158 Soleil Circle – A supporter of the land swap and voiced that several neighbors are also in support of the developer's proposal. Commented on a petition that went around and she said many people did not sign this in order to remain neutral and avoid conflicts with their neighbors. Rae welcomes the buffer zone being proposed between her home and any developments behind her. She was unaware of Mountain Rec's development plans and the many events that happen in the area which was not ideal for her home (dust, noise, lots of cars). Highlighted that is in not uncommon for PUDs to change through the course of development and that this is OK. Lastly, acknowledged the visionary planning from 2008 but our world has changed and the land swap gives people an opportunity to buy homes in the area sooner. This would benefit the Town through increased tax revenues.

Chris Romer, 97 Main Street, Edwards – President & CEO of the Vail Valley Partnership as well as the regional Chamber of Commerce representing Eagle County. Their organization supports the original Haymeadow proposal and they currently do not have an official position on the land swap. Encouraging the Commission to follow the land use code and try to remove emotions from the case. Also encouraging the group to defer to getting housing done and the positive impact this will have on the community.

Jeff Baran, 74 Field Street – Voiced concerns for design criteria surrounding water pressure in the community in the short-term. If this gets approved, asked for a stipulation that a new water tank be put in now so that normal design criteria will follow. He is opposed to the land swap. Lastly, should we postpone efforts on the cabin restoration to better address the housing need?

Dave & Laura Cushing, 150 Soleil Circle – Supports the land swap, this provides immediate solution to the housing need. Affordable housing is a big part of Eagle's expansion and this will have a direct impact on businesses. For personal reasons, having the buffer zone will be positive because development is happening no matter what.

Matt Owens, 49 Soleil Circle – Opposed to the land swap, the town is vulnerable to great financial risk from the developer. This is a debt-free development meaning no bank loans and that the developer is paying for this from their own funds. Second, acknowledged how the developer will commit to putting in more infrastructure for the school but only when the school is ready, no sooner. Third, developer is under no timeline obligation to complete the phases. If the swap happens, the Town will gain a larger piece of land but less valuable.

Debra Dieter, 17 Fir Court – Opposed to the land swap as it reduces coordination with Mountain Rec. Also has traffic concerns on Ouzel Lane and timing impact. Asking for more transparency about the developer's timeline and more facts.

Staff replied to the public comment questions. First, Town attorney is drafting agreement prior to the land swap so that Council can review agreement in conjunction with this request. Regarding the applicant solely conferring a benefit (standard #3), staff believes there are benefits to other members of the community, not just the developer. Next, to address the left-hand turn lane on Brush Creek Road, staff commented that there was land dedicated to the Town on the Haymeadow side of Brush Creek Road to accommodate this. Rick confirmed this as correct. Next, to address the wildlife and seasonal closures around the cabin, staff added condition of approval requiring closure December – May or based on Colorado Parks and Wildlife's (CPW) recommendation, whichever was more restrictive. Next, to address the water pressure, staff has already asked the developer for an updated assessment at the time of the next subdivision. Public Works confirmed there would be no negative impacts to water pressure for neighborhoods outside of Haymeadow. The assessment would determine if the developer needs to upsize piping internal to Haymeadow. Next,

staff confirmed there will be a condition presented to council with an agreement regarding infrastructure to proposed school site.

Traffic Engineer, Kari, answered questions from public comment. First, their study results did analyze added traffic to Brush Creek Road with the school site swap roughly based on demand and travel time. Next, the increase in delay at Brush Creek and Ouzel is anticipated to increase from 12 to 13 seconds during morning peak times. Next, they support reducing traffic speed on Brush Creek Road but this is a county road therefore it would fall to Eagle County to produce the traffic studies and make the decision. Next, the proposed left-hand turn lane (both to the cabin site and onto Ouzel Lane) comply with Eagle County's design standards.

DELIBERATION

Chair Hood asked to discuss the request for the cabin renovation first. Commissioner Winkeller voiced that he was ok with the cabin as long as bike traffic is allowed to go through the property. It would be a useful addition to the community. Commissioner Webb agreed also highlighting the importance of shutting down for wildlife mitigation. Commissioner Nutkins agreed that it is a viable thing for the community. Commissioner Gregg agreed stating that the cabin request meets all six conditions of approval. Commissioner Perkins agreed stating how the new venue could help generate revenue for the Town. Commissioner Hoiland and Chair Hood also agreed to the summary of comments.

MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO APPROVE FILE PUDA20-01, A MAJOR PUD AMENDMENT REQUEST TO RENOVATE AN EXISTING CABIN CURRENTLY LOCATED IN THE OPEN SPACE TO THE EAST OF NEIGHBORHOOD D AS A SPECIAL EVENT SPACE AND TO SWAP A PORTION OF THE OPEN SPACE WITH A PARCEL EQUAL IN SIZE AND DESIRABILITY WITH THE FOLLOWING FINDING OF FACT AND CONDITIONS OF APPROVAL. THE APPLICATION IS SUBSTANTIALLY IN CONFORMANCE WITH SECTIONS 4.07 AND 4.11 OF THE LAND USE AND DEVELOPMENT CODE IN THE 2010 EAGLE AREA COMPREHENSIVE PLAN. AS STATED BY STAFF, THE CONDITIONS OF APPROVAL #1-10 ARE MET.

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

Chair Hood shifted the discussion to the land swap. Commissioner Nutkins highlighted Condition #2 (are there substantial adverse effects to the enjoyment of the land abutting, adjoining or across the Planned Unit Development or to the public interest) and how much public opposition there is, the conflict with Mountain Rec and the neighborhood impacts. From a planning aspect, the applicant meets many of the requirements. While this housing will be a benefit to the community, there are still other housing projects to consider. Next, it seems that the school district will continue to remain neutral but we should not ignore the other referral agency's (Mountain Rec) objections. Commissioner Townsend echoed sentiments around Condition #2 pointing out the word 'enjoyment' is very subjective. Also, does not like the idea of losing the regional draw between Mountain Rec and the school site. Commissioner Perkins thanked the development team. He understands the need to frontload the multi-family units however the relationship between Mountain Rec and the school is also important and he would prefer the school site at its current location. The current school site also minimizes emergency response time from the future fire department site. Commissioner Hoiland agreed with all the previous comments also voicing that he believes Condition #2 was not met. Having the school next to the rec facilities for sport and community events works better at the current location. Commissioner Gregg voiced that he does not believe the land swap is in the public's best interest and that moving the school site further away does not make sense. Also, the public concerns that have been voiced make it difficult to deny how the community will be impacted.

Commissioner Webb voiced that she is on the fence. The new school site offers more walkability and the school district seems indifferent to their location. Furthermore, the proposed housing would offer an immediate solution to our community's need. Commissioner Winkeller echoes everyone's comments. The current school location and its connection with Mountain Rec will create a huge hub for the Town. To approve the land swap would take away from the community's greater vision. Chair Hood voiced that he recognizes the applicant's efforts to mitigate and balance the benefits and the detriments (example, adding the buffer zone near Soleil). Also, there is the benefit to providing the multi-family housing which would be great to see immediately from this development. Is that a big enough benefit to the detriment of splitting the synergies between Mountain Rec and the school district (public benefit)?

MOTION: COMMISSIONER ROBERT TOWNSEND MOTIONED TO DENY FILE PUDA20-01, A MAJOR PUD AMENDMENT 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. BECAUSE OF THE FOLLOWING FINDING OF FACTS, APPLICATION DOES NOT MEET CONDITION #2 OF SECTION 4.11.050.A.2 OF THE MUNICIPAL CODE.

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

PUBLIC HEARING

2. Project: 629 Sawatch Contractor Yard Special Use Permit
 File #: SU21-02
 Applicant: Jay VanVoorst, JCV LLC
 Location: 629 Sawatch Road
 Staff Contact: Jessica Lake, Planner I
 Request: Request for Special Use Permit to allow a Contractor Yard, including outdoor storage of trucks, trailers, storage containers, office trailers, construction equipment and fuel storage, at 629 Sawatch Rd.

Staff Presentation

Jessica Lake began the staff presentation. This is a request for a Special Use Permit to allow a contractor yard, including outdoor storage of trucks, trailers, storage containers, office trailers, construction equipment and fuel storage. This property has been used as a contractor yard for 9 years and the Town issued Special Use Permits for it in 2012, 2015 (each a 3-year permit) and 2018 (just a 2-year permit). Applicant is currently requesting 5 years for this Special Use Permit. Section 4.05.010 of the Municipal Code says that a Special Use Permit may be limited in duration (not less than 3 years), location, party entitled to the benefit thereof, and/or other specifics. Staff included photos taken around the property. Staff believes the application meets the four standards for a Special Use Permit with conditions of approval.

Staff recommends APPROVAL WITH CONDITIONS based on Standards 1-4 of section 4.05.010 of the Municipal Code. The Findings of Fact determine 1) the application is in conformance with Chapters 4.04 and 4.05 of the Land Use and Development Code, the 2020 Elevate Eagle Comprehensive Plan and the 2020 Town of Eagle Strategic Plan. 2) Landscaping requirements are in compliance under section 4.07.040.B.4 with the existing perimeter fence. Full landscaping compliance will be required with the application for a Development Permit for a permanent structure or subsequent phases of the project.

Q & A

Commissioner Nutkins asked about the temporary effect of the Special Use Permit (SUP) on landscaping. Staff replied that there is an option for a permanent SUP however since the previously issued SUPs had time limits, we are trying to remain uniform and impose a time limit on this SUP. Given how long this contractor yard has been operating and that we are now considering approving an additional 5 years, it may be beneficial to require landscaping at least on the Sawatch Road entrance area to enhance the look. Staff cited front street buffer standards that would be applicable to any development.

Commissioner Townsend commented that the additional 5-year extension should be enough time for the applicant to put landscaping in.

Commissioner Hoiland asked if imposing landscaping on this contractor yard would affect other storage yards on Chambers Avenue who don't have any landscaping. Are we going to start enforcing this on everyone on that street? Chad commented that this became a code enforcement case last year due to expired permits.

Commissioner Webb asked what standard we're going to take moving forward – enforce landscaping or let everyone have a Special Use Permit? Chad said we are typically addressing this on a case-by-case basis. Commissioners Winkeller and Gregg agreed on the case-by-case approach however anything exceeding 10 years of use should invest in landscaping.

Commissioner Nutkins asked whether or not there is a permanent structure on the property. Staff reviewed the property images and confirmed it appears to be temporary structure (like a canopy).

Commissioner Perkins asked for the operating hours of the yard and staff confirmed 8am-5pm as this is their main office site. Next, what is the nearest housing to this location. They are 700 Chambers, Buildings C & D followed by the Nogel Road area.

Commissioner Gregg asked what the previous conditions of approval were. Staff noted the following: reducing number of entrances into the lot from 2 to 1; temporary screening and fencing on the perimeter; repair the southern fence; and that the Special Use Permit will expire within 2 years or upon obtaining a building permit for the property. Applicants have indicated they would like to build a permanent structure on the property.

PUBLIC COMMENT

Public comment opened at 9:22pm. Public comment closed at 9:23pm.

OPEN DISCUSSION

Chair Hood agrees that we should not allow another extension without enforcing landscaping. At a minimum, the front street buffer standards - Section 4.07.020 - should be enforced per the Building Code given that the remainder of the perimeter will have screening, fencing, existing trees and shrubs.

Commissioner Hoiland agrees with the extension but disagrees on enforcing landscaping. This is not a well-traveled street and there are other nearby businesses without landscaping.

MOTION: COMMISSIONER CHARLIE PERKINS MOTIONED TO APPROVE SPECIAL USE FILE SU21-02 WITH THE FOLLOWING STAFF RECOMMENDATIONS #1-7. THE COMMISSION WOULD LIKE TO ADD CONDITION #8: THE APPLICANT SHALL PROVIDE FRONT STREET BUFFER IN ACCORDANCE WITH SECTION 4.07.020, LANDSCAPE STANDARDS OF THE MUNICIPAL CODE.

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

APPROVED:

DATE:



Jesse Gregg, Vice Chairman



Nikki Davis, Administrative Tech II