



MINUTES
Planning & Zoning Commission
Tuesday, April 20, 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. This will be an online meeting.
[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 is 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 Jenny Rakow, Town Clerk, 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

Commissioner Gregg called the meeting to order at 6:00 PM

COMMISSIONERS PRESENT

Jesse Gregg, Kyle Hoiland, Bill Nutkins,
Robert Townsend, Charlie Perkins

STAFF

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

COMMISSIONERS ABSENT

Matthew Hood, Lani Webb,
Keegan Winkeller

APPROVAL OF MINUTES *Approval of the minutes from the following meetings of the Planning and Zoning Commission.*

1. Minutes dated March 2, 2021

MOTION: COMMISSIONER KYLE HOILAND MOTIONED TO APPROVE THE MINUTES. MOTION WAS SECONDED BY COMMISSIONER BILL NUTKINS AND PASSED WITH A VOTE OF 5 (GREGG, HOILAND, NUTKINS, TOWNSEND, PERKINS) IN FAVOR AND 0 OPPOSED.

2. Minutes dated March 16, 2021

MOTION: COMMISSIONER JESSE GREGG MOTIONED TO APPROVE THE MINUTES. MOTION WAS SECONDED BY COMMISSIONER BILL NUTKINS AND PASSED WITH A VOTE OF 3 (GREGG, NUTKINS, TOWNSEND,) IN FAVOR AND 0 OPPOSED. COMMISSIONERS KYLE HOILAND AND CHARLIE PERKINS ABSTAINED.

3. Minutes dated March 31, 2021

MOTION: COMMISSIONER CHARLIE PERKINS MOTIONED TO APPROVE THE MINUTES. MOTION WAS SECONDED BY COMMISSIONER KYLE HOILAND AND PASSED WITH A VOTE OF 5 (GREGG, HOILAND, NUTKINS, TOWNSEND, PERKINS) IN FAVOR AND 0 OPPOSED.

4. Minutes dated April 6, 2021

MOTION: COMMISSIONER KYLE HOILAND MOTIONED TO APPROVE THE MINUTES. MOTION WAS SECONDED BY COMMISSIONER CHARLIE PERKINS AND PASSED WITH A VOTE OF 5 (GREGG, HOILAND, NUTKINS, TOWNSEND, PERKINS) IN FAVOR AND 0 OPPOSED.

PUBLIC COMMENT *Citizens are invited to comment on any item on the Agenda subject to a public hearing. Please limit your comments to three (3) minutes per person.*

Public comment opened at 6:06pm. There was no public comment.

PUBLIC HEARINGS

1. Project: 113 E. Fourth Street Veterinary Clinic Special Use Permit
File #: SU21-03
Applicant: Dr. Susan O'Brien
Location: 113 E. Fourth Street
Staff Contact: Jessica Lake, Planner I
Request: Application for a Special Use Permit for Veterinary Clinic in the Broadway Overlay District

Staff Presentation

Jessica Lake initiated the presentation, first by highlighting that veterinary clinics are allowed in most of the Town's Commercial Zone District with a Special Use Permit. The Municipal Code does not outline specific standards or requirements for a veterinary clinic. The lot size is roughly 2,221 sq. ft. and there is no off-street parking for this

property. Staff included historical background on the property in addition to current photos of the building, driveway, and adjacent alley. Lastly, staff reviewed the four standards for a Special Use Permit (noting that Standard 4 does not apply to this application) and after assessment, staff recommends Approval with Conditions based on standards (1), (2), and (3) of section 4.05.010 of the Municipal Code. Staff suggested three conditions of approval.

COMMENTS FROM THE COMMISSION

Commissioner Nutkins asked about vehicles parked in the alley and if they are parked in the right of way or on their private property? Staff commented we would need Public Works to confirm. Commissioner Nutkins also asked about the email comment from Sheila Fitzpatrick, talking about caring for large animals like horses - what is the plan for that? Staff commented that the application confirmed this location is for small animals and pocket pets only. Commissioner Nutkins suggested adding a condition of approval specifying no large breeds. He also asked if there is a requirement for managing biohazard waste. Staff commented this might be part of building requirements, this is not tied to land use.

Commissioners Perkins & Hoiland asked if staff is comfortable enforcing the 10-minute time limit for loading/unloading. Mr. Phillips commented that staff would contact the permit holder if the Town received complaints. Public Works can help enforce and monitor activity in the alley.

Commissioner Townsend asked what qualifies as a small/pocket pet? If applicant decides to do something for larger pets, will they need to change the application use? Applicant replied by defining what small animals (i.e., dogs & cats) and pocket pets (i.e., hamsters) are and confirmed there will be no large animals on that property.

Commissioner Gregg asked the applicant about oxygen and ventilation tanks for her operation. Applicant confirmed they will be using an oxygen concentrator, a smaller and safer unit, and there will be no delivery of large tanks. Also, a professional company handles all their biohazard waste. Commissioner Gregg asked if there is an intent to have kennel operations. The applicant replied that the backyard will only be used to walk dogs after surgery procedures. Kennels would be indoors and monitored overnight for post-op, not a boarding-style operation.

Commissioner Hoiland asked if the Commission should consider concern from a public comment letter where an individual stated they may not move forward with a future development project on Broadway if this file is approved. Mr. Phillips replied that this concern should not be a factor in the Commission's decision. The staff report provides the criteria for evaluation which did not include this type of off-site impact.

PUBLIC COMMENT

Dawn Holmes, 59-136 Kipa Mai Way, Kamuela, HI – Stated that Dr. O'Brien was their family vet (mixed animals including large and small breeds). Her values to the community as a small animal veterinarian are immense. She is very knowledgeable and talented. A brick-and-mortar business in town would be an asset.

Stephanie Scott, 717 Edwards Village Blvd – Agrees with Dawn's comments. A closer and local clinic would be an asset to the community, she also uses Dr. O'Brien as a personal veterinarian. With an influx of people moving to the community, having more veterinary clinics would benefit Eagle and Edwards.

Jean Duprey, 125 Fourth Street – Lives near the building and they have their cars next to the alley. Castle Peak and Gypsum Animal Clinics only have 12 parking spaces and oftentimes their parking lot is full. Many businesses have a parking variance. As her business grows, the traffic of customers will change and not just be limited to appointment traffic. There is no realistic way to predict parking needs. She is also concerned about noise levels increasing from public parking that will affect nearby residents.

Stev Riden, Howard, CO - Asked the applicant several questions. Is this a product of opportunity to have this building? Is there a particular reason you chose this site? Are there conditions attached to approval that might prohibit anything beyond 10-minutes and large animals? Are there non-confirming uses and can we prohibit that? Do you realize the expense of making this functional against the existing codes? Applicant replied that the living space downstairs will be used as an office / staff break room. She is already in the process of working with contractors to get the building up to code and commercial suppliers to get proper equipment. She chose this building because it feels natural for the scope of animals she will be working with. Applicant does not feel like there is competition, it is based more on vet care needs in the region. Lastly, Mr. Riden encouraged the Planning and Zoning Commission to consider a fee in lieu so that the Town can eventually purchase property to use for parking.

Thomas Boyken, 447 Neilson Gulch Road – Stated that he supports Dr. O’Brien’s business reputation. As a former Eagle Chamber of Commerce Board Director, he supports bringing more business to Eagle. If we continue to use parking as a hurdle, our Town can’t grow. Regarding noise, he’s never noticed loud noise from vet clinics. Animal noise is oftentimes inside the office. Growing the Business District will only increase the Town’s revenue. Mr. Boyken welcomes competition to the Town as it gives customers the opportunity to pick and choose who they want to work with and drives them to a certain area. Dr. O’Brien is his personal vet.

RESPONSE TO PUBLIC COMMENT

Applicant addressed public comment. First, applicant recapped that they are a mobile practice and will continue that aspect of her business. Their goal is to employ only one other vet along with efficient staff. If they are operating in an overcrowded office, it goes against their fear-free practice. The fear-free environment accounts for external factors such as paint color, having separate examination rooms for cats and dogs, and ensuring the lobby is a quiet area.

Commissioner Perkins asked the applicant if they are going to remodel the interior. Applicant confirmed they intend to go through the entire building permitting process. They want to create 2 exam rooms, 1 treatment room, a surgery room, and storage.

Commissioner Nutkins asked staff if there are existing non-confirming uses in the building. Staff replied this has been discussed with current owner. Dr. O’Brien proposed to discontinue those non-confirming uses. Staff confirmed that Public Works received a referral for this application.

Commissioner Gregg asked about other vet office on Broadway and if they were required to provide parking as part of their Special Use Permit? Staff confirmed this as true. The other vet office was approved in 1999 and required to have on-site parking. Today’s standards in the Municipal Code regarding parking do not apply in the Central Business Zone District or Broadway District. Commissioner Nutkins commented that he considers the vet clinic as a service establishment however exempts it from providing parking because of Section 4.07.140.A.3.

Commissioner Perkins asked staff if the Commission can include a condition of approval asking the applicant to increase sound insulation if recommended by Chief Building Official? Mr. Phillips replied yes, P&Z can add this type of condition, but recommended the trigger being after significant noise complaints. Commissioner Perkins asked if the noise being generated is interior noise or when pets are dropped off? Applicant addressed the noise concern was from dogs waiting in parked cars, dogs in the building will always have supervision. There is no boarding component and hospitalized animals are there to convalesce, so the intention is to maintain a quiet, relaxed environment.

Public comment closed at 7:00 PM.

DELIBERATIONS

Commissioner Hoiland began deliberations, stating that he is torn about approval given the noise and parking concerns from the neighbors. Overall, he believes the applicant has met the conditions and will likely support this request.

Commissioner Perkins commented that after hearing more from Dr. O'Brien about her business practice and operating hours and standards, he is inclined to approve the file with the conditions staff recommended.

Commissioner Nutkins commented that his biggest concern is the parking, especially downtown. According to the current standards parking is not required but if her staff is using the parking where are customers going to park? Also, if the non-confirming uses become prevalent again after approval, he suggests that should revoke the Special Use Permit. Additional conditions that should be addressed include no large oxygen tanks, no outdoor boarding or crating at any time and no large animals. If applicant receives excessive noise complaints, applicant must present to the Commission again.

Commissioner Townsend believes the noise issue was addressed in the third condition of approval. Mr. Phillips commented that there are state statues about addressing significant noise complaints and staff has standards to enforce mitigating noise. Commissioner Townsend also noted that parking is a "big picture" item we need to address because there is no parking requirement in this area. Overall, he believes the conditions staff presented address all the concerns.

Commissioner Gregg believes the file meets all the standards. He voiced concerns about parking but judging by the standards outlined in the Municipal Code, he does not view this application any different from the other downtown businesses apart from the animal component. Staff's recommended conditions address the noise issue well. He is in favor of approving this file and having additional business on Broadway is beneficial, regardless of a competing business across the street.

MOTION: COMMISSIONER CHARLIE PERKINS MOTIONED TO APPROVE SPECIAL USE PERMIT #SU21-03 WITH THE FOLLOWING CONDITIONS:

- 1.) THE APPLICANT SHALL APPLY FOR AN ENCROACHMENT PERMIT BY MAY 15, 2021. IF NO ENCROACHMENT PERMIT APPROVAL IS ACQUIRED, ANY APPROVALS OBTAINED WITH THIS SPECIAL USE PERMIT SHALL BE WITHDRAWN.**
- 2.) LOADING AND UNLOADING MAY NOT BLOCK THE ALLEY FOR MORE THAN 10 MINUTES AT A TIME. DELIVERIES, LOADING AND UNLOADING SHOULD BE FROM A PARKING SPACE WHENEVER POSSIBLE.**
- 3.) NO DUST, NOISE, ODOR, FUMES, GLARE, OR VIBRATION SHALL BE PROJECTED BEYOND THE LOT.**
- 4.) NO OUTDOOR KENNELS, CRATES, LARGE ANIMALS OR CONVENTIONAL LARGE OXYGEN TANKS.**

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

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

1. Department and Council update

OPEN DISCUSSION

Commissioner Nutkins asked about the Haymeadow email sent to some of the Planning and Zoning Commission and if we have addressed this with the sender? Mr. Phillips said it is not appropriate to discuss the file since it is still on-going. Next, Commissioner Nutkins discussed how Alpine Lumber is building a new facility in Silverthorne and they have attractive, large metal panels that hide their lumber area. Why can't we do something like that in the Town? Mr. Phillips deferred to Bill Shrum on public murals and art.

Commissioner Perkins asked if there are any updates to convening meetings back in the Chamber? Mr. Phillips replied, citing Eagle County updates seem to be on a 30-day cycle and that we remain under direction from the County. Currently, there is no change to virtual meetings.

Commissioner Gregg asked about the Brush Creek Road Extension project and Mr. Phillips replied it is linked to the 1819 Brush Creek Annexation file.

Commissioner Hoiland asked about CIRSA (Colorado Intergovernmental Risk Sharing Agency) training for some of the officials. The Planning and Zoning Commission has interest to participate in future trainings.

ADJOURN

MOTION: COMMISSIONER CHARLIE PERKINS MOTIONED TO ADJOURN. MOTION WAS SECONDED BY COMMISSIONER KYLE HOILAND AND PASSED WITH A VOTE OF 5 (GREGG, HOILAND, NUTKINS, TOWNSEND, PERKINS) IN FAVOR AND 0 OPPOSED.

MEETING ADJOURNED AT 7:28 PM.

APPROVED:

DATE:

Matthew O. Hood
Matthew O. Hood (Jun 15, 2021 05:46 MDT)

Matthew Hood, Chairman

Nikki Davis

Nikki Davis, Administrative Tech II