



MEETING MINUTES
Planning & Zoning Commission
Tuesday, September 21, 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

This was an in-person meeting with access for the public to attend via Zoom.

6:00 PM – REGULAR MEETING CALLED TO ORDER

Chair Hood called the meeting to order at 6:05 PM.

COMMISSIONERS PRESENT

Matthew Hood, Jesse Gregg, Kyle Hoiland,
Bill Nutkins, Robert Townsend,
Lani Webb (via Zoom)

STAFF

Chad Phillips – Community Development Director
Nikki Davis - Administrative Tech II
Dennis Wike – Town Engineer

COMMISSIONERS ABSENT

Charlie Perkins, Keegan Winkeller

APPROVAL OF MINUTES *Approval of minutes from the following meetings(s) of the Planning & Zoning Commission.*

1. Minutes dated August 31, 2021

MOTION: COMMISSIONER KYLE HOILAND MOTIONED TO APPROVE THE MINUTES. MOTION WAS SECONDED BY COMMISSIONER BILL NUTKINS AND PASSED WITH A VOTE OF 6 (HOOD, GREGG, HOILAND, NUTKINS, TOWNSEND, WEBB) IN FAVOR 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 three (3) minutes per person. Those who are speaking are requested to state their name & address for the record.*

Public comment opened at 6:08 PM.

Robert Sanders, 158 Soleil Circle – Mr. Sanders commented that they are inundated with sand from BMX track and asked if the Town can do anything about this. Mr. Wike from Public Works offered to follow up with the organization that manages the track and review their erosion control plans.

Public comment closed at 6:10 PM.

PUBLIC HEARINGS

1. **Project:** Haymeadow PUD Amendment
 File #: PUDA21-02
 Applicant: ABRIKA Properties, LLC
 Location: Sylvan Lake Road / Brush Creek Road
 Staff Contact: Chad Phillips, Community Development Director/Town Planner
 Request: A major PUD amendment request to exchange 6.5 acres in the northeastern corner of the combined school/rec parcel for 8 acres of park space in Neighborhood C of Haymeadow and transferring 72 multi-family units from Neighborhoods B & C onto the 6.5-acre parcel.

Applicant Presentation

Rick Pylman, a representative of the project, was the first to present. Also representing the applicant in-person were Scott Schlosser and Jens Werner. Mr. Pylman stated that their first application requesting to swap the school site with a residential location was denied based on the inability to meet Condition 2 of Section 4.11.050. The land swap would have disrupted the synergy of the school and Mountain Recreation facilities. Furthermore, the request was strongly opposed by many Eagle community members.

The new application requests to exchange 6.5 acres of Tract E with 8 acres of land within Neighborhood C at the intersection of Sylvan Lake Road and Ouzel Lane. As a result of this exchange, 72 multi-family units would be transferred from Neighborhood B & C into Neighborhood A1 which has an existing water pressure zone. The new density in this area would equate to 11 units per acre. Moreover, this swap would enable the applicant to begin developing multi-family units on the far west parcel known as RMF1 (Residential Multi-Family 1) and utilize existing infrastructure. Construction would initiate on the south end, stretch north, then west onto the desired 6.5 acres. Inversely, the 8-acre parcel in Neighborhood C would be dedicated to the Town and added to the pre-approved 14-acre recreation site near the Fire Station.

Mr. Pylman also shared that Colorado Parks and Wildlife (CPW) provided a new referral comment indicating the 6.5 acres is part of an existing wildlife corridor and there are concerns with development in that area. According to Mr. Pylman, this is contradictory to a comment CPW provided in January 2021. Mr. Pylman went on to describe how the PUD already includes several north-south wildlife passages in addition to a 500-ft. wide wildlife corridor east of the Haymeadow boundary.

To conclude, Mr. Pylman outlined public benefits of the PUD amendment including accelerated development of multi-family housing, LERP (Local Employee Residency Program) dedicated units, and deed restricted units; increasing public

land dedication; and maintaining the school-Mountain Recreation master plans, a vision strongly supported by Eagle citizens.

Staff Presentation

Mr. Phillips affirmed that this is not a repeat of the school swap application. The primary focuses of Mr. Phillips' presentation included the uses approved on Tract E, a summary of public comments both opposing and supporting the application, and staff's recommendation for approval based on compliance with Conditions 1-6 of Section 4.11.050. To conclude, Mr. Phillips posed discussion questions including mandating a timeframe to construct the 72 multi-family units and if the possible impacts to the animal migration corridor could be considered non-conformant with the Elevate Eagle Comprehensive Plan (Comp Plan).

Q & A

Commissioner Nutkins asked for clarification on the water rights situation. The current understanding is that the applicant has not met current obligations and the only way to do that is by approving this swap. Mr. Phillips replied that we will see this in the preliminary subdivision phase and that we are only seeking conceptual approval with this application. Mr. Pylman commented that significant water rights have been dedicated to the Town. He also confirmed that first, water use is not increasing with this new application, and second, this first phase of development would occur within an existing water pressure zone.

Chair Hood asked if the increased number of proposed units within the pressure zone would have negative impacts on the same service to neighboring residents. Mr. Pylman replied that this is not a concern, and that Town analysis supports this. The water service impacts will be reassessed through the development permit process. Additionally, Mr. Pylman and Mr. Wike confirmed the applicant will not be able to proceed into subsequent development phases without building a new water tank if they begin to encounter water service issues.

Commissioner Nutkins asked how many multi-family units are proposed for the northern section of Neighborhood A1. Mr. Pylman replied 77 units which equates to about 15 units an acre. RMF1 will begin with multi-family, estimating 25 units per year beginning in 2022. Mr. Pylman also commented that developing these 77 units first would enable them to finance the next phases of infrastructure, including a new water tank. Commissioner Nutkins also asked about the 8 acres in Neighborhood C and if there is a potential to lose public land when construction begins. Mr. Pylman did not foresee this as an issue. Next, Commissioner Nutkins asked about the LERP dispersion and concerns that it is front-end heavy. Mr. Pylman replied that as they develop multi-family, they must maintain a specific percentage of LERP units, as required by the Town. Mr. Pylman said their plan is to stay ahead of that percentage requirement, likely around 25% of their multi-family units. Lastly, Commissioner Nutkins asked about availability of design guidelines and Mr. Pylman replied those will be available with the first development permit application.

Commissioner Hoiland asked if the Town can still develop the 8 acres in Neighborhood C. Mr. Pylman replied yes, the same uses apply to the new location.

Commissioner Gregg asked about the estimated timeline to build Phase 1 and if it will include the Fire Station and community park across from Ouzel Lane. Mr. Pylman replied that Phase 1 is only the southern half of Neighborhood A1. Some of the Fire Station utilities are already installed and the remaining utilities will be installed at the District's request. In order to build on the 8-acre parcel, developers would need to extend the road from Ouzel Lane/Brush Creek Road and install the remaining utilities. Mr. Pylman also noted that the plan does not anticipate roads going through Soleil Homes or Field Street.

Commissioner Webb asked if approved, what are the anticipated start and completion dates. Mr. Pylman stated they are planning to submit the development permit application for RMF1 by November and hope to initiate development in the spring.

Chair Hood asked how many acres remain on the school site after subtracting the requested 6.5 acres and Mr. Pylman replied about 26 acres. Additionally, Chair Hood asked what the process would be to build homes on that site since, according to the PUD guides, homes are currently not a permitted use on Tract E. Mr. Phillips replied an amendment is possible however there is currently no process for this change. Chair Hood also asked if workforce housing could be built on this parcel instead since the amended definition of Public/Institutional on the Future Land Use Map (FLUM) will now include this element. Mr. Phillips replied that the approval will likely require workforce housing to be linked to recreational uses and be on site; an approval process that could be difficult.

Commissioner Gregg asked if we are loosely interpreting boundaries and parcel lines on the FLUM. Mr. Phillips replied that flexible interpretation of the boundaries can be granted if the proposed changes are consistent with the visions and goals in the Comp Plan.

Public Comment

Public comment opened at 7:08 PM.

Robert Sanders, 158 Soleil Circle – Mr. Sanders preferred the first application stating it provided better screening for Soleil homeowners. He also had concerns with dedicated green space and preserving animal migration paths.

Martha Miller, 172 Soleil Circle – Ms. Miller also preferred the first application and shared concerns about multi-family units being too close to Soleil homes. Also, having worked for Colorado Department of Transportation (CDOT) for 20 years, Ms. Miller understands the importance of wildlife corridors. Also, she believes we are taking public land and giving it to the developer for profit.

Ryan May, 2037 Brush Creek Rd – Mr. May is not anti-development but he prefers the original approved PUD. He disagrees with changing development plans so that the developer can capitalize profits.

Gary Scanlon, 1720 Montgomerie Circle – Mr. Scanlon commented that when the 6.5 acres is gone, there will never be enough room for the school and Mountain Recreation to expand. He asked why we are rushing to give this land away when there won't be development there for another 3-4 years.

Amy Gornikiewicz & Peter Danforth, 106 Soleil Circle – Both are opposed to this application and feel the developer should proceed with the plans already approved. Their reasons include wasting the people's resources, concerns with splitting up the Mountain Recreation campus, increased traffic, disrupting animal migration corridors, no established timeline, and creating unattainable housing. Mr. Danforth also asked for Public Works to install way finding or no-entry signs around Haymeadow.

Cody Scott, 2941 Brush Creek Rd – Mr. Scott believes the developers should proceed with the approved plan.

Public comment closed at 7:23 PM.

Open Discussion

The Commission expressed mixed opinions. Majority of the Commission believe that the new application is still unable to satisfy all the conditions of approval and that we are prematurely trading a valuable piece of Town property. Commissioners Gregg and Townsend voiced concerns that the slow pace of the project could leave the 8-acre green space in Neighborhood C undeveloped and unusable until Phase 2, which has no clear timeline. Commissioner Webb agreed with this remark asking if this change aligns with the Town's long-term vision. Additionally, Commissioner Webb echoed citizen comments urging the developers to remain accountable to their original plans.

Commissioners Nutkins and Hoiland expressed their support for approving the new application and believe the developer has made an effort to satisfy Condition 2. The Town will gain increased public lands with the swap and by denying the application, we are prolonging the development process. Both the school district and Mountain Recreation have remained neutral on the topic therefore it is believed we are not disrupting their projects. Also, both Commissioners agreed that elk and deer herds can adapt to new migrations paths.

Chair Hood argued that Conditions 1-6 must be met. After briefly analyzing the six conditions, Chair Hood questioned the synergies of the land uses, quality of the 8-acre parcel, and if the public would receive equal immediate benefits as the developer.

Mr. Pylman advised that this needs to be a dynamic process and believes the new application now satisfies Condition 2. Mr. Pylman also said that if this application is not approved, it will be difficult to develop RMF1.

MOTION: COMMISSIONER ROBERT TOWNSEND MOTIONED TO DENY FILE # PUDA21-02 HAYMEADOW PUD AMENDMENT BASED ON THE APPLICATION'S INABILITY TO MEET CONDITION #2 OF SECTION 4.11.050 WHICH READS, "DOES NOT AFFECT IN A SUBSTANTIALLY ADVERSE MANNER EITHER THE ENJOYMENT OF LAND ABUTTING UPON, ADJOINING OR ACROSS A STREET FROM THE PLANNED UNIT DEVELOPMENT OR THE PUBLIC INTEREST."

MOTION WAS SECONDED BY COMMISSIONER LANI WEBB AND PASSED WITH A VOTE OF 4 IN FAVOR (HOOD, TOWNSEND, WEBB, GREGG) AND 2 OPPOSED (HOILAND AND NUTKINS).

Chair Hood closed file number PUDA21-02.

PUBLIC HEARINGS

2. **Project:** Appointment of Planning Commission Liaison to the Land Use and Development Code Update Committee.
 File #: LURA21-02
 Applicant: Town of Eagle, Staff
 Location: Town of Eagle
 Staff Contact: Chad Phillips, Community Development Director/Town Planner
 Request: Staff requests that the Planning & Zoning Commission appoint a new liaison to the Land Use and Development Code Update Committee to fill an existing vacancy.

Commissioner Hoiland volunteered to be the Planning Commission liaison to the Land Use and Development Code Update Committee.

MOTION: COMMISSIONER ROBERT TOWNSEND MOTIONED TO APPROVE THE APPOINTMENT. MOTION WAS SECONDED BY COMMISSIONER BILL NUTKINS AND PASSED WITH A VOTE OF 6 (HOOD, GREGG, HOILAND, NUTKINS, TOWNSEND, WEBB) IN FAVOR AND 0 OPPOSED.

Chair Hood closed file number LURA21-02.

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

Mr. Wike contributed the following updates. First, the existing permit for rapid blocks at the River Park needs to be finalized with the Core of Engineers and installation should begin in 2022. The Public Works budget will account for additional installation phases. Next, the Alpine Lumber screening mural has been discussed with the Town Council and they expressed concerns about landscaping. Currently, the proposed project budget is \$200,000 though to complete the entire length of the property would increase the budget to \$500,000.

ADJOURN

MOTION: COMMISSIONER KYLE HOILAND MOTIONED TO ADJOURN. MOTION WAS SECONDED BY COMMISSIONER BILL NUTKINS AND PASSED WITH A VOTE OF 6 (HOOD, GREGG, HOILAND, NUTKINS, TOWNSEND, WEBB) IN FAVOR AND 0 OPPOSED.

MEETING ADJOURNED AT 8:05 PM.

APPROVED:

DATE:



Matthew Hood, Chairman



Nikki Davis, Administrative Tech II