



**Planning & Zoning Commission
Tuesday, December 7, 2021, 6:00 PM
Public Meeting Room / Eagle Town Hall
200 Broadway, Eagle, CO 81631**

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

PUBLIC WIFI - TOEG – townofeagle2019

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

1. This will be an in-person meeting with access for the public to attend virtually via the Zoom link below.

[ACCESS THE ONLINE MEETING HERE.](#)

Please note: All virtual participants are automatically muted. In order to be called upon and unmuted, you will need to use the “Raise Hand” from the Reactions tab at the bottom of your screen. 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 the Planning Department at Planning@townofeagle.org 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

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

1. Minutes dated November 16, 2021

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 HEARINGS

1. Project: Parking Fee In-Lieu Program
File # LURA21-05
Applicant: Town of Eagle
Location Town of Eagle
Staff Contact: Chad Phillips, Community Development Director/Town Planner
Request: For the Planning Commission to provide a recommendation to Town Council on the new Parking Fee In-Lieu Program.

2. Project: 706 Chambers Avenue Special Use Permit

File # SU21-06

Applicant: Dave Dantas Chambers 700 LLC

Location 706 Chambers Avenue

Staff Contact: Peyton Heitzman, Planner I

Request: Request for a Special Use Permit to change the use category of the second-floor residential units in the existing structure from *One single dwelling unit - accessory to a use permitted to Dwelling units - above*.

BUSINESS ITEMS

1. Adoption of the 3-Mile Plan

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: December 7, 2021

OPEN DISCUSSION

ADJOURN

I hereby certify that the above Notice of Meeting was posted by me in the designated location at least 24 hours prior to said meeting.



Jessica Lake
Planner I



MEETING MINUTES
Planning & Zoning Commission
Tuesday, November 16, 2021, 6:00 PM
Public Meeting Room / Eagle Town Hall
200 Broadway, Eagle, CO 81631

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PUBLIC WIFI - TOEE – ((TOEEWireless))

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

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

6:00 PM – REGULAR MEETING CALLED TO ORDER

Vice Chairman Gregg called the meeting to order at 5:58 PM.

COMMISSIONERS PRESENT

Kyle Hoiland, Bill Nutkins, Jesse Gregg,
Robert Townsend, Keegan Winkeller,
Lani Webb (via Zoom)

COMMISSIONERS ABSENT

Matthew Hood, Charlie Perkins

STAFF

Chad Phillips – Community Development Director
Dennis Wike – Town Engineer
Peyton Heitzman – Planner I
Jessica Lake – Planner I (via Zoom)
Nikki Davis - Administrative Tech II

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

1. Minutes dated October 19, 2021

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

2. Minutes dated November 2, 2021

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

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 6:00 PM. There was no public comment.

PUBLIC HEARING

1. Project: Eagle Sinclair Station
File #: DR21-01 & V21-01
Applicant: Turnipseed AIA Architecture + Construction Inc. representing Ed Oyler
Location: 131 Chambers Avenue
Staff Contact: Peyton Heitzman, Planner I
Request: 1) A Minor Development Permit with design variances for a building addition and drive through window on the southeast side of the existing building and 2) a Zoning Variance for increased impervious surface coverage beyond what is allowed for in the Commercial General zone district.

Staff Presentation

Ms. Heitzman presented this file; an application comprised of two requests. First, the minor development permit component which included a request for two design variances: 1) reduce the number of stacking spaces for cars from six to five; and 2) reduce the landscape buffer along Chambers Avenue. It is worth noting that a previous zoning variance on this property was approved in 2016 which reduced the building setback off of Chambers Avenue. The second application was for a zoning variance that would increase impervious coverage of 'all other impervious'.

A rendering of the proposed building extension and drive through illustrated vehicles entering the queue on the south side of the lot. The vehicles would move east, then northeast, exiting the lot on the north side of the property onto Loren Lane. The rendering also included additional parking on the east side of the building. Ms. Heitzman explained that the project supports several Town policies including promoting commercial uses in commercial areas, encouraging reinvestment and expansion of existing business, and supporting businesses near I-70. Despite these benefits, Ms. Heitzman noted that increased traffic to this area could impact the Town's level of service standards. Ms. Heitzman stated that staff found the project to be in general compliance with the Town's zoning and development standards. However, staff questioned the project's ability to comply with the Industrial Use Standards under Section 4.04.100 of the Town code. Specifically, staff questioned 'other objectionable influences beyond the boundaries of the property in which such uses are located ...' once again citing the potential traffic congestion on Chambers Avenue. Ms. Heitzman suggested a condition of approval requiring the eastbound left-hand turn lane off Chambers Avenue to close if enough traffic is generated.

Next, Ms. Heitzman expanded on the two design variance requests. Compared with the standards for a design variance, staff believes that reducing the number of required stacking spaces from six to five met the criteria in the Municipal Code due to the location of the building and the access points off Chambers Avenue. The second design variance requested a 6 ft. front street buffer compared to the required 15 ft. landscaping buffer along a street frontage. The 2016 variance granted the property owner a reduced setback of 12.5 ft. The existing building does not conform with the buffer requirement due to the 2016 variance.

Last, Ms. Heitzman reviewed the zoning variance request. The applicant is requesting to increase 'all other impervious' surface coverage to exceed the 30% coverage permitted in the Municipal Code. If granted, the project would increase lot

coverage to 74%, which includes the building at 9.5% lot coverage. Ahead of reviewing the four standards for a zoning variance, Ms. Heitzman commented that at a minimum the applicant must meet three standards to gain approval.

Ms. Heitzman concluded her presentation with staff's recommendation to deny both the minor development permit and the zoning variance.

Applicant Presentation

Alicia Davis with Turnipseed Architecture spoke briefly. Ms. Davis highlighted that this is an existing condition and they are doing their best to work with the constraints of the lot. She offered to answer questions.

Q & A

Commissioner Townsend asked how the dumpster can be accessed since it is tucked in the corner and if the turning radius is enough for a vehicle to complete a right-hand turn into the drive through. He also asked staff if there is an option to reduce pervious surface coverage. Mr. Wike replied that a reduction could be an option however, there can be associated costs and maintenance issues. Additionally, Mr. Wike suggested that the applicant could gain more impervious surface north of the building by decreasing the depth of the parking spaces near the Subway restaurant. Ms. Davis presented another option to include the canopy as a roof, thereby increasing the size of the building. Mr. Wike also provided solutions for trash service including pick-up outside of business hours or rolling the dumpster out for better access.

Commissioner Nutkins asked if the 2016 zoning variance approval included any restrictions for future variances. Mr. Phillips replied this was unlikely.

Commissioner Gregg asked if the applicant has considered shifting the building addition further north. Ms. Davis replied that it would still be unlikely that they achieve the required six stacking spaces.

Commissioner Hoiland asked about the large overhanging directional sign. Mr. Wike confirmed the sign is owned by Colorado Department of Transportation (CDOT) and recommended the sign stay in its location. Mr. Wike also included a comment about deconstructing the raised island on Chambers Avenue to accommodate stacking into the drive through.

Commissioner Nutkins asked what the traffic threshold is to trigger a closure of the drive through. Mr. Wike replied they have not yet established a plan though it would be multi-step process. The series would likely include a warning, temporary shut off, followed by a permanent shut off and removal of the left-hand turn lane.

Commissioner Gregg asked if the 13 ft. wide drive through can be reduced. Mr. Wike replied that a typical residential driveway is 12 ft. wide.

Commissioner Webb asked what triggers staff is considering to shut down the drive through. Mr. Wike replied that the Public Works director would formulate and enforce a plan. Mr. Phillips included that staff would first contact the landowner but could act quickly if there are health and safety issues.

Commissioner Gregg asked how the Town code measures level of services. He recommended that a traffic engineer provide an assessment of this.

Ed Oyler, 131 Chambers Avenue (applicant) – Mr. Oyler expressed that he has never seen an accident or traffic jam from the eastbound left-hand turn lane off Chambers Avenue. Mr. Oyler included he is pursuing long-term tenants, most recently, name brand commercial businesses that require a drive through. Lastly, Mr. Oyler believes this modification would have a minimal impact.

Mr. Phillips provided a last comment stating the application did not include a traffic report, a resource that would resolve many of the technical questions staff was not able to address.

Public Comment

Public comment opened at 6:45 PM. There was no public comment.

Discussion

1) Zoning Variance

Commissioner Nutkins expressed favor of approving the variance if the applicant agreed to conditions such as utilizing the parking spaces on the north side of the building and including the canopy. However, Commissioner Nutkins had reservations about the proposed plan. Without the zoning variance, the development could not move forward.

Several Commissioners proposed tabling the file until the applicant could provide new calculations to ensure the Commission's decisions are well informed.

Commissioner Gregg argued that the project could be detrimental to public good, especially during peak traffic hours. He suggested adjusting the site plan and consider moving the drive through window further north to achieve the required six stacking spaces. Commissioner Gregg also restated permeable paving as a possible solution.

MOTION: COMMISSIONER ROBERT TOWNSEND MOTIONED TO CONTINUE FILE # V21-01, PENDING REVISED CALCULATIONS OF IMPERVIOUS SURFACES AND CALCULATIONS WHICH INCLUDE THE CANOPY AS AN EXTENSION OF THE BUILDING. THE MOTION WAS SECONDED BY COMMISSIONER BILL NUTKINS AND PASSED WITH A VOTE OF 6 IN FAVOR (HOILAND, NUTKINS, GREGG, TOWNSEND, WINKELLER, WEBB) AND 0 OPPOSED.

Commissioner Gregg closed file V21-01.

2) Minor Development Permit with Two Design Variances

The Commission recommended tabling this file as well, pending more information on stacking and a traffic impact study. Commissioner Gregg said this current design may not be viable, however, the Commission is open to reviewing alternative ideas.

Commissioner Nutkins expanded on the potential congestion in an area already susceptible to crowding. Mr. Oyler agreed that there are traffic challenges in the morning and that he will consider other design options. Additionally, Commissioner Nutkins proposed a westbound right-turn only drive through entrance. Mr. Wike commented this orientation could also have unintended consequences, but that staff would continue to work with the applicant on new ideas.

MOTION: COMMISSIONER KYLE HOILAND MOTIONED TO CONTINUE FILE # DR21-01, PENDING A TRAFFIC IMPACT REPORT AND FURTHER ANALYSIS OF THE STANDARD FOR SIX VEHICLE STACKING SPACES. THE MOTION WAS SECONDED BY COMMISSIONER KEEGAN WINKELLER AND PASSED WITH A VOTE OF 6 IN FAVOR (HOILAND, NUTKINS, GREGG, TOWNSEND, WINKELLER, WEBB) AND 0 OPPOSED.

Commissioner Gregg closed file DR21-01.

PUBLIC HEARING

2. Project: Eagle Ranch 6th PUD Amendment
 File #: PUDA21-01
 Applicant: Eagle Ranch HOA
 Location: Eagle Ranch Planned Unit Development
 Staff Contact: Chad Phillips, Community Development Director/Town Planner, Jessica Lake, Planner I
 Request: Request for a Major PUD Amendment to amend and update the Eagle Ranch PUD Guide and PUD Zoning Plan.

Applicant Presentation

Dominic Mauriello of Mauriello Planning Group presented on behalf of the Eagle Ranch HOA. Over the past year, Mr. Mauriello has been working with the HOA and Executive Board, who have shown unanimous support for the proposed amendments. The Eagle Ranch PUD Guide is over 20 years old and has undergone five amendments since the original inception of the planned unit development (PUD). Today, many revisions are needed to transform the PUD Guide from a pre-development document to a post-development guide that is user-friendly and better reflects the current and future build-out of Eagle Ranch. The amendments address a variety of topics however, the most significant changes are focused on establishing an Eagle Ranch Commercial Core District and increasing residential density throughout the PUD. Another primary change to the guide included updating the zoning map for practicality and accuracy. Mr. Mauriello noted that public outreach and resident feedback has helped inform the amendments.

Currently, the Eagle Ranch PUD allows for 1,295 dwelling units. In order to establish the commercial core, the HOA is requesting to increase this cap and add 100 more dwelling units. These units would be dispersed within the Neighborhood Center Commercial District along Capitol Street and Sylvan Lake Road. The increased density would allow for mixed use projects with units on the second or third floor.

Mr. Mauriello covered other amendment topics including revisions to the PUD zone districts, parking requirements, adjusting the ratio of allowable commercial square footage in the Commercial Core District, reorganizing the list of allowable uses, and the general effort toward improving definitions and standards for clarity and enforcement.

Mr. Mauriello believes the proposed changes comply with the amendment process criteria and that the new guide will help modernize Eagle Ranch. Mr. Mauriello requested for a positive recommendation to the Town Council.

Staff Presentation

Ms. Lake provided staff's presentation which included a brief history of when Eagle Ranch was established. As previously stated by Mr. Mauriello, Eagle Ranch has already completed five PUD amendments with the most recent amendment approved in 2017. These amendments created a mixed use category in the Neighborhood Center zone district; a use the sixth amendment would bolster. To conclude, Ms. Lake reviewed Section 4.11.050 which outlines the requirements to approve amendments to a PUD. Staff did recommend approval along with three conditions. The proposed conditions include:

- 1) Replace "Town of Eagle Town Manager (or assigns) with "Town of Eagle Community Development Director (or assigns);
- 2) Remove "The accessory apartment shall not be leased for a period of less than 28 days"; and
- 3) Provide a definition and general parameters for Special Events in Open Space Districts or remove "Special Events" as a use by right.

Q & A

Commissioner Nutkins asked if the density requirements have been removed from the PUD guide and Mr. Mauriello replied the standards have been moved and consolidated into one section.

Commissioner Webb asked for clarification on prohibiting short-term rentals and Ms. Lake confirmed this was a new standard established by Eagle Ranch.

Commissioner Hoiland asked if the proposed square footage for accessory apartments (850 sq.ft) needs to align with the new measurement the Town is considering (800 sq.ft). Since this is for a PUD, Mr. Phillips confirmed the measurement can differ from the Town's.

Commissioner Winkeller asked why staff recommended removing the 28-day lease period. Ms. Lake replied that the standard should be within the covenant or design guidelines so that Eagle Ranch HOA could effectively enforce it.

Commissioner Nutkins asked if the 16,500 sq.ft. building envelope was considered for removal or amendment and Mr. Mauriello replied there was no change.

Commissioner Gregg asked why the metered parking requirements were at zero. Mr. Mauriello replied that this is how it was previously structured in the PUD and presently, the basis to warrant change is minimal.

Commissioner Winkeller asked if bed & breakfasts as a permitted use are removed completely or just from the residential zone districts. Mr. Mauriello confirmed they are still permitted in the commercial district.

Commissioner Nutkins asked for clarification on a public comment from Tambi Katieb. Ms. Lake replied this was a comment to ensure public notice standards were met throughout the hearing process. Also, it was confirmed that legally the HOA could submit this application on behalf of all homeowners.

Public Comment

Public Commented opened at 7:48 PM.

Kevin Sharkey, 267 Mayer Street – Mr. Sharkey serves on the Eagle Ranch Executive Board and is in support of the application. Mr. Sharkey encouraged the Commission to approve.

John Martin, (address not provided) – Mr. Martin is a member of the Eagle Ranch Design Review Board (DRB). Mr. Martin is in favor of increasing the size of accessory apartments to 850 sq.ft. and wants to ensure that exterior stairs going up to the unit is not included in the square footage calculation.

Brad Hagedorn, 1200 Capitol Street – Mr. Hagedorn supports adding 100 units to the commercial center. The commercial center has reached its maximum residential allotment and we are adding density where it makes sense. These proposed units are the type of efficient apartments that will support a local workforce.

Steve Lindstrom, 1140 Capitol Street – Mr. Lindstrom is the owner of Capitol Theater, one of the first buildings established on Capitol Street. Mr. Lindstrom commented that these districts need to evolve. The commercial retail office world has changed and now the demand is for housing. Lastly, the proposed parking is correct.

Rachel M. (address not provided) – Rachel was concerned about the removal of lease limits. After hearing staff's explanation on enforcement, she agreed that it should be regulated by the HOA.

Jay Tucker, 512 Hernage Creek Road – Mr. Tucker asked to clarify how giving 100 housing units to a developer does not confer a special benefit. Several Commissioners replied reaffirming that the 100 units are not guaranteed to a specific developer. Rather, they are contributing to the Eagle Ranch development as a whole. No specific developer has been selected and this approval will open doors for continued development. Mr. Phillips included that the Comprehensive Plan calls for expansion of housing types and housing opportunities therefore the whole community will benefit. Commissioner Gregg clarified that the 100 units would be spread out within the Commercial Core Zone District.

Public comment closed at 8:04 PM.

Deliberation

Commissioner Townsend requested that the Special Events section include a definition. Ms. Lake proposed the following definition: “Special events that travel through the open space but do not include staging.”

Commissioner Webb expressed that if the Eagle Ranch HOA wants to prohibit short-term rentals in their PUD, the HOA should be responsible for enforcing this, not the Town.

The application received unanimous support from the Commission.

MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO APPROVED FILE # PUDA21-01 WITH THE FOLLOWING CONDITIONS OF APPROVAL:

- 1) REDLINED PUD GUIDE PAGE 4, #3 PUD ZONE DISTRICTS – SEE PUD ZONE DISTRICT MAP (EXHIBIT A) – REPLACE “TOWN OF EAGLE TOWN MANAGER (OR ASSIGNS) WITH “TOWN OF EAGLE COMMUNITY DEVELOPMENT DIRECTOR (OR ASSIGNS)”.**
- 2) REDLINED PUD GUIDE PAGE 2, DELETE #4. THE ACCESSORY APARTMENT SHALL NOT BE LEASED FOR PERIODS OF LESS THAN 28 DAYS.**
- 3) PROVIDE A DEFINITION AND GENERAL PARAMETERS FOR SPECIAL EVENTS IN OPEN SPACE DISTRICTS. THE DEFINITION READS AS: “SPECIAL EVENTS THAT TRAVEL THROUGH THE OPEN SPACE BUT DO NOT INCLUDE STAGING.”**

MOTION WAS SECONDED BY COMMISSIONER KYLE HOILAND AND PASSED WITH A VOTE OF 6 IN FAVOR (HOILAND, NUTKINS, GREGG, TOWNSEND, WINKELLER, WEBB) AND 0 OPPOSED.

Commissioner Gregg closed file PUDA21-01.

PUBLIC HEARING

3. Project: Land Use and Development Code Amendment - Accessory Dwelling Units
 File #: LURA21-06
 Applicant: Town of Eagle
 Location: Town of Eagle
 Staff Contact: Chad Phillips, Community Development Director/Town Planner
 Request: Consideration of recommending adoption of Section 4.04.100.N concerning Accessory Dwelling Units (ADU's).

Staff Presentation

Mr. Phillips explained that after discussions with both the Planning Commission and Town Council, staff has prepared a draft amendment. Staff wanted to provide an immediate response to the community and broader Code-related topics can be addressed through the Land Use Code update. Mr. Phillips reviewed each of the proposed amended standards, highlighting simplification and clarity of interpretation.

Q & A

Commissioner Nutkins asked about the measurement criteria for Standard #6 and how it compares to Eagle Ranch's calculation method. Mr. Phillips replied that previously, a measurement standard was not defined in the Eagle Ranch PUD. Staff then relied on the Town code which drew reference to the International Building Code (IBC). This caused many inconsistencies in the past and staff's intent is to minimize confusion moving forward.

Public Comment

Public comment opened at 8:20 PM.

Scott Schlosser, 390 Bluffs Drive - Mr. Schlosser is an active civic volunteer and is in support of the amendments. Serving as the President of the Bluffs Subdivision HOA, he noted that their neighborhood was one of the first groups to promote ADU's. Mr. Schlosser is a representative of the Haymeadow development as well as a volunteer member on the Land Use and Development Code update committee.

Rick Beveridge, 306 Howard Street – Mr. Beveridge also submitted written public comment voicing support of the amendments. Mr. Beveridge has many years of experience in planning and own several lots in Old Town and West Eagle that would qualify for an ADU. Everyone supports more housing and this is a great way to do it.

Public comment closed at 8:23 PM.

Deliberation

Commissioner Hoiland asked about Mr. Beveridge's comments on land use and zoning as they relate to ADU's, such as setback requirements. Mr. Phillips replied that these topics can be addressed through the Land Use Code update with Clarion. If the Commission prefers that staff address Mr. Beveridge's recommendations, staff would need to re-advertise for a new hearing.

Commissioner Gregg asked if lot size could be a factor in determining the size of an ADU. Commissioner Nutkins argued that for consistency, using lot size was not a good standard. Commissioner Webb disagreed citing a number of lots in downtown Eagle that are 2-3 times larger than average. These lots would offer more room to build. Mr. Phillips commented that those larger downtown Eagle lots may be eligible for uses with greater density, such as a duplex.

Commissioner Hoiland requested to increase the square footage to 850 sq.ft. to be aligned with Eagle Ranch. Commissioner Gregg agreed with this, highlighting Eagle Ranch's public outreach and informed efforts to establish that standard.

Commissioner Nutkins requested that exterior stairs be excluded from the square footage calculation.

Mr. Wike commented that Eagle Ranch established a one-bedroom restriction on their ADU's to align with parking requirements.

MOTION: COMMISSIONER KEEGAN WINKELLER MOTIONED TO RECOMMEND APPROVAL OF THE AMENDMENTS TO SECTION 4.04.100.N OF THE TOWN OF EAGLE MUNICIPAL CODE REGARDING THE STANDARDS FOR ACCESSORY DWELLING UNITS AS PRESENTED IN THE NOVEMBER 16, 2021 STAFF REPORT. THE COMMISSION ALSO RECOMMEND THE FOLLOWING AMENDMENT TO THE LANGUAGE OF STANDARD #6:

The ADU shall not exceed 850 square feet using the following means of measurement: measure the area within the inside face of the perimeter walls of the ADU, including habitable space in the basement. The following shall be excluded from the calculation of square footage: stairs, typical mechanical rooms, garages, and unenclosed decks and porches.

MOTION WAS SECONDED BY COMMISSIONER BILL NUTKINS AND PASSED WITH A VOTE OF 6 IN FAVOR (HOILAND, NUTKINS, GREGG, TOWNSEND, WINKELLER, WEBB) AND 0 OPPOSED.

Commissioner Gregg closed file LURA21-06.

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

1. Department and Council Update: November 16, 2021

OPEN DISCUSSION

Commissioner Gregg asked about an undeveloped lot on the north side of Sylvan Lake Road, 1200 Capitol Street. Who is responsible for putting in a sidewalk here and creating connectivity between Village Homes and downtown? Mr. Wike commented that the Hagedorns have projects on two lots in that area. Ms. Heitzman asked about the approvals and entitlements for Village Market. There may be an opportunity for public improvements and a sidewalk.

Commissioner Nutkins asked if there are any discussions about development above City Market, including the he knows the landowners. Mr. Phillips replied there is no formal pre-application but discussions are ongoing.

ADJOURN

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

MEETING ADJOURNED AT 8:40 PM.

APPROVED:

DATE:

Matthew Hood, Chairman

Nikki Davis, Administrative Tech II



To: Town of Eagle Planning and Zoning Commission

From: Chad Phillips, A.I.C.P., Director, Community Development Department
Peyton Heitzman, Planner I, Community Development Department
Jessica Lake, Planner I, Community Development Department
Carrie McCool, Eagle Contract Planner

Date: December 7, 2021

Agenda Item: LURA21-05; Amendment to Chapter 4.07, Development Standards, Section 4.07.140 Parking Standards of the Town of Eagle Municipal Code, Title 4 - Land Use and Development Code

REQUEST: Amend Chapter 4.07, Development Standards, Section 4.07.140 Parking Standards of the Town of Eagle Municipal Code, Title 4 - Land Use and Development Code to implement the Town of Eagle Parking Fee In-Lieu Program.

BACKGROUND: A thorough background and analysis of the Parking Fee In-Lieu Program is part of the November 2, 2021, Town Council staff report ([LINK](#)). It includes the project background, study area boundaries, community outreach summary, parking inventory, reasonable relationship study, and Planning and Zoning Commission feedback utilized to prepare the attached Land Use and Development amendment to the Parking Standards.

ANALYSIS: The objective of the proposed Code amendment is to update the Eagle Municipal Code to do the following:

- Provide downtown projects or uses the option to pay an in-lieu fee rather than providing on-site parking spaces with the exception of providing accessible parking spaces.
- Leverage existing unimproved right-of-way dedicated to on-street parking.
- Address downtown parking supply sufficiency by paving, striping, and installing signage in unimproved rights-of-way dedicated to on-street parking.
- Ensure parking for the disabled is provided on-site.
- Provide property owners or applicants the ability to construct public parking in the Town's right-of-way instead of paying the fee in-lieu of providing the required parking.

Staff has provided the proposed amendments to Section 4.07.140 Parking Standards in a redlined format with text additions in **red** and text proposed to be deleted in ~~striketrough~~ stemming from community, Planning and Zoning Commission and Council input. Below is an overview of the proposed text additions and deletions:

- Provide clarification that the requirements contained in the parking standards apply to the Central Business Zone District (CBD) and Broadway Districts.

- Allow for exceptions for single-family and multifamily dwellings with two through five dwelling units to meet parking requirements through the parking fee in lieu program.
- Define the Town's Parking Fee In-Lieu Parking Program boundary.
- Allow flexibility of a property owner or applicant to satisfy all or a portion of a property's parking as required by the Town's parking regulations on-site or by providing a fee in-lieu payment to the Town.
- Maintain the requirement to provide parking for the disabled on-site.
- Set forth the timing of payment of the fee in-lieu to prior to issuance of a development permit, special use permit or building permit, whichever comes first.
- Establish the parking fund to receive and disburse funds to conduct parking studies or evaluations, construct parking facilities, the operation and maintenance of parking facilities, and administrative services related to parking within the parking fee in-lieu program boundaries.
- Set forth the fee amount of \$23,100 (capital cost of \$16,100 and operating cost of \$7,000 per space) in the fee schedule established by resolution of the Town Council. The fee will be automatically adjusted annually by the percentage of the construction cost index has increased (inflationary factor) or decreased over each successive year.
- As of January 1, 2032, the Town will assume all operating costs of on-street parking in the town right-of-way within the Parking Fee In-Lieu Program boundaries.
- Set forth an option for property owners or applicants to construct public parking and all associated infrastructure improvements in the Town's right-of-way instead of paying the fee in-lieu of providing the required parking. Such parking shall adhere to the Section 4.07.140 Parking Standards and Chapter 13.18 Construction within the Public Right-of-Way of the Land Use and Development Code. In these instances, property owners or applicants would be required to pay to town's operating costs of \$7,000 per space fee in-lieu.

COMMUNITY INPUT: Town Staff spearheaded community outreach efforts that included regular discussions related to downtown parking issues and possible solutions with the newly formed Downtown Development Authority and Economic Vitality Committee. Other public input opportunities included a digital survey distributed to eighty (80) downtown stakeholders. The community outreach summary of the Parking Fee In-Lieu Program is part of the November 2, 2021, Town Council staff report ([LINK](#)).

The Planning and Zoning Commission received public comment from two citizens at the October 19, 2021, public hearing. Minutes of this meeting can be viewed here ([LINK](#)).

Town Council reviewed the Parking Fee In-Lieu Program at a work session on November 2, 2021, wherein three citizens provided public comment as summarized below:

- Overall support for the Parking Fee In-Lieu Program; however, the fee may be too low.
- Concerns with the potential for too much pavement and removal of existing trees in the right-of-way.
- Support for landscaping and beautification.
- Support for the in-lieu approach to allow for the acquisition of a surface lot in the future.
- Support for developers to provide on-site parking.
- Support for installation of electric charging stations in town right-of-way.
- During build out of the parking in the right-of-way, consider beautification (landscaping), addressing drainage (stormwater), and adding bike lanes to encourage all modes of travel.
- Support for parking enforcement and permits downtown.
- Consider partnering with the DDA to purchase land for parking in the future.

- Consider utilizing alternative construction materials to address stormwater concerns like grass brick as permeable asphalt is expensive.

The proposed Code amendment will be open for public comment at the December 7, 2021, Planning and Zoning Commission meeting and is scheduled for the January 11, 2021, Town Council meeting.

BUDGET:

The funds utilized to complete the Downtown Parking Fee in-Lieu Program were approved as part of the 2021 budget.

RECOMMENDED ACTION OR POTENTIAL MOTIONS:

Staff recommends **approval** of the Code amendment to Chapter 4.07, Development Standards, Section 4.07.140 Parking Standards of the Town of Eagle Municipal Code, Title 4 - Land Use and Development Code to implement the Town of Eagle Parking Fee In-Lieu Program.

ATTACHMENTS:

- Amendments to Section 4.07.140 Parking Standards Redlines

Amendments to Section 4.07.140 Parking Standards Redlines

Section 4.07.140. Parking standards.

In order to ensure that safe and convenient off-street parking is provided to serve the requirement of all land uses in the Town, and to avoid congestion in the streets, the requirements of this chapter shall be minimum requirements for all land uses, unless specifically excepted herein. Additional spaces above the number required may be installed, but the maximum number of access ways to and from parking areas shall not be exceeded.

A. *Applicability.*

1. Except as provided herein, the provisions of this chapter shall apply to all uses established or commenced on or after the effective date of the ordinance from which this Title is derived. For uses existing on this date, parking spaces or areas existing on this date shall not be diminished in number or size to less than that required for such use under this chapter.
2. When an existing use or building is expanded, as measured in floor area used, off-street parking, loading areas and landscaping shall be provided as required for the added floor area, whether or not they were provided for the existing use or building.
3. When the use of an existing building or space is changed to either:
 - a. A use in a different use category as set forth in Subsection (C) of this section; or
 - b. A use in the same use category which requires more off-street parking than the existing use;

off-street parking, loading areas and landscaping shall be provided as required for the new use, whether or not they were provided for the existing use; ~~provided, however, the requirements contained in this subsection shall not apply in the Central Business Zone District (CBD) or Broadway District.~~

4. Parking as a use accessory to a lawful land use shall be allowed in all zone districts, except that commercial parking, wherein fees are assessed to those using the parking, shall be limited to those zone districts allowing commercial and office uses.

B. *Parking plan.*

1. Except for single-family and two-family dwellings, no use requiring parking shall commence before review and approval by the Town Planner of a parking plan. The parking plan shall be drawn to a scale, accuracy and level of detail determined by the Town Planner as necessary to demonstrate compliance with the provisions of this chapter. The parking plan shall depict the following, as required pursuant to this chapter: parking and loading spaces; circulation areas; curb cuts; dimensions and material of screening and/or landscaping; proposed drainage, grading, surfacing and subsurfacing; fire lanes; snow storage areas; facilities and spaces for the disabled; specifications for signs, wheel stops and lighting; and other pertinent details.
2. The Town Planner shall have the authority and responsibility to determine compliance of a parking plan with the provisions of this chapter. Such determination shall be made within ten days of submittal of the parking plan and shall be acknowledged on a form provided by the Town and shall be filed at the Town hall.

- #### C. *Number of parking spaces required.*
- Off-street parking spaces shall be provided according to the following schedule, and when computations result in a fraction, the next highest whole number shall apply. When parking is required for more than one use, the sum of the requirements for all uses shall apply.

-
1. *Use category—Residential and lodging uses.*
 - a. Single-family dwelling or duplex: two per dwelling unit for units with fewer than three bedrooms, and three per dwelling unit for units with three or more bedrooms.
 - b. Multiple-family dwelling: 1½ per dwelling unit for units with one bedroom, two per dwelling unit for units with two bedrooms, 2½ per dwelling unit for units with three or more bedrooms, plus one additional space per six dwelling units.
 - c. Accommodation units, temporary lodging: one per separate unit for temporary or long-term accommodations, including management and employee units.
 - d. Mobile home: two per mobile home.
 - e. Recreational vehicle: 1½ per campsite in RV park.
 2. *Use category—Institutional and public assembly uses.*
 - a. School: to be determined pursuant to Subsection (C)(5) of this section.
 - b. Church: one per five seats or one per 100 square feet of floor area used or designed for public, whichever is greater.
 - c. Hospital: one per two patient beds, plus one per three full-time employees, plus one per part-time or full-time staff doctor.
 - d. Nursing home: one per four patient beds, plus one per three full-time employees, plus one per part-time or full-time staff doctor.
 - e. Housing project for senior citizens: one per dwelling unit, plus one per six dwelling units for visitors.
 - f. Auditorium, assembly hall, gymnasium, skating rink, theater, library, convention hall, exhibition hall, sports arenas, funeral home and other places of public assembly not otherwise listed herein: one per four seats or one per 100 square feet of floor area used or designed for use by the public, whichever is higher.
 3. *Use category—Commercial uses.*
 - a. General office, public administration: one per 300 square feet of floor area used or designed for office or public use.
 - b. Medical, dental, veterinary office, service establishment: one per 250 square feet of floor area used or designed for office or public use.
 - c. Retail sales business for sale of goods: parking area equal in square footage to the total floor area of the building, excluding one-half of storage and display areas used for bulky items requiring extensive floor area such as household appliances, furniture, automobiles, farm and construction equipment.
 - d. Indoor restaurant, bar or tavern, handling the sale of food or beverages, or both, primarily for consumption on the premises: 1½ per 100 square feet of floor area used or designed for use by the public, plus 1½ per 200 square feet of kitchen floor space.
 - e. Outdoor restaurant, bar or tavern providing food or beverages, or both, to customers in an outdoor area: one per 200 square feet of outdoor floor area.
 - f. Drive-in or drive-through restaurant without indoor eating area for the public: three per 100 square feet of floor area, plus a minimum of six stacking spaces per drive-up window, in accordance with Subsection (L)(2) of this section.

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- g. Drive-through window accessory to indoor restaurant: a minimum of six stacking spaces per drive-up window, in accordance with Subsection (L)(2) of this section.
 - h. Drive-through retail or service establishment or vehicle washing facility: one per employee per major shift, plus stacking spaces in accordance with Subsection (L)(2) of this section.
 - i. Nightclub, lounge, dance hall: one per 100 square feet of floor area or 0.3 space per person maximum rated capacity, whichever is greater.
 - j. Gasoline station: one per 100 square feet of retail or office floor area, plus stacking spaces in accordance with Subsection (L)(2)(a) of this section.
 - k. Vehicle repair or maintenance facility: one per 100 square feet of retail or office floor area, plus three per service bay.
 - l. Bus depot: one per 100 square feet of floor area, in addition to loading and unloading areas. Ten percent of parking spaces required, or a minimum of two spaces, shall be reserved for overnight or long-term parking.
 - m. Bowling alley: four per bowling lane.
 - n. Outdoor commercial recreational use, including swimming pool, skating rink, and park: to be determined pursuant to Subsection (C)(5) of this section.
 - o. Private club, health club: to be determined pursuant to Subsection (C)(5) of this section.
4. *Use category—Industrial uses.*
- a. Industrial, manufacturing, warehousing, wholesale business:
 - 1. One per 1,000 square feet of floor area used or designed for storage, warehousing, distribution, wholesale sales, or a combination thereof.
 - 2. Plus one per 350 square feet of floor area used or designed for manufacturing assembly, parking, preparation, research facilities, experimental or testing laboratories, or other such uses.
 - 3. Plus one per 300 square feet of floor area used or designed for retail sales or office use.
 - b. Self-storage, mini-warehousing establishment: one per full-time employee on duty, plus vehicular movement areas sufficient to allow on-site loading and unloading.
5. *Other uses.* For uses not specifically listed herein, the use classification for purposes of parking requirements shall be determined by the Town Planner, based on similarity of the proposed use to the listed use classification. If the Town Planner determines that a proposed use is not comparable to any use listed herein, he shall request the Planning Commission to determine off-street parking requirements for the proposed use at a regular Commission meeting. The Planning Commission shall make such determination based on the following criteria: the similarity of the use to those uses listed herein, the zone district of the property, the need for off-street parking in the area where the property is located, the nature and extent of use of the property by the public, the number of employees who will work on the subject property, and the use capacity.
6. *Uses not known.* For unknown commercial space for which all or part of the space has no use designated the parking requirement shall be as follows: parking spaces shall be provided at the rate of one per 225 square feet for the first floor and one per 275 square feet for all other floor area, except that an indoor restaurant, bar or tavern may occupy no more than 25 percent of the floor area without providing for additional spaces.

-
- D. *Size.* Each off-street parking space shall cover an area not less than nine feet wide and 19 feet long. All parallel parking spaces shall be a minimum of 22 feet in length.
- E. *Garages and covered parking.* Parking requirements may be met by garages and carports covering or enclosing spaces which comply with minimum size provisions of this chapter.
- F. *Location of parking spaces.*
1. For single-family dwellings and multifamily dwellings with two through five dwelling units, off-street parking spaces shall be located on the same lot as the dwelling or a common lot associated with the dwelling except as provided under Section 4.07.140 M. Parking Fee In-Lieu.
 2. Off-street parking may be located on any part of the lot occupied by the dwellings or uses for which such parking space is required except that no parking space shall be established in a required front yard setback on any lot containing three or more dwellings. Enclosed underground parking spaces may be located anywhere on the lot.
 3. For multifamily dwellings with more than five dwelling units and all nonresidential uses parking spaces may be located within a 200-foot radius of the subject property, measured from any point on the property. If the use and the parking area are not owned by the same owner, the owner of the subject use shall submit for approval by the Town Attorney, a binding agreement affording him use of the parking area.
 4. No parking space shall be located closer than five feet from a window or door of a habitable structure.
- G. *Exclusive use for parking.* Except for single-family and two-family dwellings no off-street parking or loading space shall be used for any purpose other than the parking of vehicles. No parking space shall be converted to another use unless it is replaced concurrently with another parking space meeting all of the requirements of this chapter.
- H. *Joint use of parking spaces.* Where an owner or developer can document that two separate uses do not require parking during the same hours and that adequate provisions have been made to ensure that the uses will not require parking during the same hours, such owner or developer may petition the Planning Commission for permission to allow parking spaces which otherwise comply with the provisions of this chapter to fulfill the requirements for both uses. Permission for such joint use of parking spaces may be granted subject to such conditions as the Planning Commission finds necessary to carry out the purpose and intent of this chapter. Such request shall follow the Town's review procedures for zoning variance, as set forth in Section 4.05.020, except that hardship criteria shall not apply.
- I. *Common parking area.* Common parking areas may be provided in areas designated to serve jointly two or more buildings, units, structures or uses, provided that the total number of parking spaces shall not be less than that required for each use.
- J. *Loading areas.* For those uses requiring deliveries or service by truck and which are not contiguous to an alley, an off-street delivery truck berth at least 14 feet wide and 30 feet long shall be provided in addition to the required parking area. Where the property or use is served or designed to be served by tractor-trailer delivery vehicles, the off-street loading berth shall be designed so that delivery vehicles using the loading area do not obstruct traffic movements in the parking area or in the public right-of-way.
- K. *Parking area surfacing.* The following requirements shall apply to every residential and nonresidential parking area finished surface:
1. *Residential parking areas.*

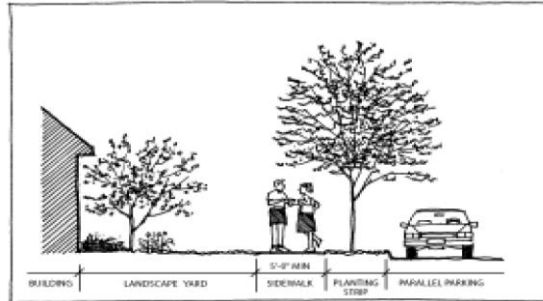
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- a. All parking areas serving a single-family dwelling or four or fewer units shall have parking areas surfaced with asphalt, concrete, brick, gravel or road base.
 - b. All parking areas serving five or more units shall have parking areas surfaced with asphalt or concrete.
 - 2. *Nonresidential parking areas.*
 - a. All parking areas serving nonresidential buildings which contain ten or fewer parking spaces and have less than 3,000 square feet of parking area shall have parking areas surfaced with asphalt, concrete, brick, gravel or road base.
 - b. All parking areas serving nonresidential buildings which contain more than ten parking spaces or have more than 3,000 square feet of parking area shall have parking areas surfaced with asphalt or concrete.
 - L. *Design of parking areas.* The following design standards of this section shall be met for all parking areas, whether or not the parking area is required.
 - 1. *Access.*
 - a. Except single- and two-family dwellings, each access way between a public street and the parking area shall be not less than 15 feet nor more than 35 feet wide at the intersection of the access way with the public street, and a divider stop at least six feet long shall be installed if the access way exceeds 25 feet in width. Each access way shall be clearly and permanently marked and defined through the use of landscaping, rails, fences, walls or other barriers or markers. Said marking and defining may be augmented by painting or striping.
 - b. Except single- and two-family dwellings, access from any parking area onto a collector or arterial street and from any parking area with four or more parking spaces onto a local street shall be designed to permit user vehicles to enter and exit unrestricted in forward drive. Single- and two-family dwellings may stack parking spaces except that unobstructed and direct access must be provided for a minimum of two spaces. Access ways shall be designed so as to reduce the number and proximity of access points along public streets.
 - c. Access ways on the same lot frontage shall be separated by a minimum curb length of 30 feet. For lots of 100 to 200 feet of frontage, the minimum length of curb separation shall be increased by one foot for every five feet of property length beyond 100 feet. For lots exceeding 200 feet of frontage, access ways shall be separated by at least 50 feet. In the case of a corner lot, access ways shall be located not closer than 50 feet to the intersecting street right-of-way line, or where lot frontage is less than 75 feet, the maximum distance possible from the intersecting street right-of-way line, as determined by the Town Planner.
 - d. The intersection of an access way with a public street shall be located not closer than 15 feet to a side lot line, except that a common access way to two adjacent properties with combined width not exceeding 35 feet may be provided at the common lot line.
 - 2. *Stacking spaces.*
 - a. For any drive-in or drive-through retail or service use, there shall be provided stacking space for vehicles waiting for service, sufficient to prevent any such vehicles from extending onto the public right-of-way at any time. In no case shall fewer than two such stacking spaces be provided for each window or counter on the entrance side, and one such space on the exit side where an exit is provided.
 - b. No bays designed to be entered from more than one direction shall be permitted.

3. *Parking for the disabled.* A minimum of one parking space for the disabled shall be provided for each nonresidential use which requires a minimum of 15 parking spaces. For such uses requiring more than 15 spaces, one space designed for the disabled shall be provided for each additional 40 spaces. Such spaces shall be located as close as possible to a major entrance of a building or use. Such spaces shall be a minimum of 12 feet in width, unless located parallel to a sidewalk, in which case they shall be a minimum of nine feet in width. Parallel spaces shall be a minimum of 24 feet in length. All parking spaces for the disabled shall be designated by means of a permanent identification sign.
4. *Parking area layout.* Every parking area shall be designed according to the following table. The top line of figures for each parking angle constitutes minimum design standards and the lower two lines constitute higher standards to be employed at the option of the owner or developer. The owner or developer may select the parking angle and the line of figures for such parking angles and then all figures in that line shall become requirements.

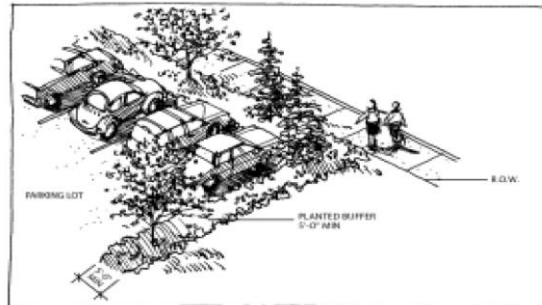
MINIMUM PARKING SPACE AND DRIVEWAY REQUIREMENT

Parking Angle	Stall Width	Length of Stall to Curb	Aisle Width	Curb Length per Stall	Width of Double Row with Aisle
10	9'0"	9.0	12.0	23.0	30.0
	9'6"	9.5	12.0	23.0	31.0
	10'0"	10.0	12.0	23.0	32.0
20	9'0"	15.0	11.0	26.3	41.0
	9'6"	15.5	11.0	27.5	42.0
	10'0"	15.9	11.0	29.2	42.0
30	9'0"	17.3	11.0	18.0	45.6
	9'6"	17.8	11.0	19.0	46.6
	10'0"	18.2	11.0	20.0	47.0
45	9'0"	19.8	13.0	12.7	52.5
	9'6"	20.1	13.0	13.0	53.3
	10'0"	20.5	18.0	14.1	54.0
60	9'0"	21.0	18.0	10.4	60.0
	9'6"	21.2	18.0	11.0	60.4
	10'0"	21.5	18.0	11.5	61.0
70	9'0"	21.0	19.0	9.6	61.0
	9'6"	21.2	18.5	10.1	60.9
	10'0"	21.2	18.0	10.6	60.4
80	9'0"	20.3	24.0	9.1	64.3
	9'6"	20.4	24.0	9.6	64.3
	10'0"	20.5	24.0	10.2	65.0
90	9'0"	19.0	24.0	9.0	62.0
	9'6"	19.0	24.0	9.5	62.0
	10'0"	19.0	24.0	10.0	62.0

5. *Grade of parking.* Outdoor parking areas shall not exceed four percent grade and shall be not less than one percent grade. The grade of access ways shall not exceed four percent within 100 feet of the intersection with a public street.
6. *Landscaping.*



- a. Except in the CBD zone district, at least ten percent of the total un-enclosed parking area, including access ways, shall be devoted exclusively to landscaping of trees, shrubs, and ground cover which reduce the visual impact and assist in defining on-site traffic movement when the number of parking spaces required is ten or more. Such landscaping shall be in addition to the front street buffer as set forth in Section 4.07.020. Hedges provided to fulfill any screening requirements may be included in the ten percent landscaping requirement. Screening of parking lots from adjacent properties shall be required. Screening must be provided to eliminate headlight glare from lot onto adjacent property and to screen views into parking lots. Planting buffers along the edges(s) of parking lots must be a minimum of five feet wide or a combination of fencing and a two-foot wide buffer may be used.
- b. Non-living ground cover shall not exceed 20 percent of the required landscaping area.



7. *Lighting.* Security lighting shall be provided in all parking areas with more than ten spaces used or designed for use during evening hours. The lighting shall meet the requirements of the Section 4.07.010.
8. *Drainage.* All parking areas shall be designed and graded to restrict site drainage to a rate no greater than the historical rate, before development, for the 25-year storm, or shall include development of a storm drainage system to convey runoff water to a site approved by the Town Planner.
9. *Snow storage.* All parking areas shall address snow storage and removal of snow.

M. Parking Fee In-Lieu

A. Applicability.

1. For properties located within the Town's Parking Fee In-Lieu Program boundary defined by Grand Avenue to the north and west, Howard Street to the east, and 5th Street to the South (Figure 1), a property owner or applicant may satisfy all or a portion of a property's parking as required by the Town's parking regulations except for the required Parking for the Disabled shall be constructed on the subject property, by providing a fee in-lieu payment to the Town.



Figure 1: Parking Fee In-Lieu Program Boundaries

2. Parking Fund Established. All fees collected pursuant to this section shall be deposited in a parking fund to be created by resolution of the Town Council and shall receive and disburse funds for the purpose of conducting parking studies or evaluations, constructing parking facilities, the operation and maintenance of parking facilities, and administrative services related to parking within the parking fee in-lieu program boundaries.
3. Amount. The parking fee-lieu to be paid by any property owner or applicant is determined in accordance with the fee schedule established by resolution of the Town Council. The fee shall be automatically adjusted annually by the percentage of the construction cost index has increased or decreased over each successive year.
4. Partial Payment Amount. A property owner or applicant, at their expense, may construct public parking and all associated infrastructure including curb and gutter, sidewalks, lighting, stormwater utilities, utility relocations, vegetation, and restoration activities in town right-of-way adjacent to or nearby the subject property as approved the Town Engineer through a Construction in the Public Right-of-Way Permit instead of paying the capital costs portion of the parking fee in-lieu amount. Parking constructed by property owner or applicant shall adhere to Section 4.07.140 Parking Standards and Chapter 13.18 Construction within the Public Right-of-Way of the Land Use and Development Code. The Property Owner shall pay the Town's operating costs per space fee in-lieu as determined in accordance with the fee schedule established by resolution of the Town Council.

5. Payment of Fee. If a property owner or applicant elects to pay the parking fee in-lieu of providing the parking required by the Town's parking regulations, it shall be paid prior to the issuance of a development permit, special use permit or building permit, whichever comes first.



STAFF REPORT AND CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Community Development Department

DATE: December 7, 2021

FILE NUMBER: SU21-06

PROJECT: 706 Chambers Avenue

REQUEST: Request for a Special Use Permit to change the use category of the second-floor residential units in the existing structure from *One single dwelling unit – accessory to a use permitted to Dwelling units – above street level.*

APPLICANT: Dave Dantas Chambers 700 LLC

**APPLICANT
REPRESENTATIVE:** Ashley Patriacca

LOCATION: 706 Chambers Avenue

CODE: Chapter 4.04 Zoning
Chapter 4.05 Zoning Review
Chapter 4.07 Development Standards

ZONING: Commercial General (CG) Zone District

EXHIBITS: A: Application and Project Narrative
B: Site Plan
C: Chambers Aerial Map
D: Site Photos

PUBLIC COMMENT: Staff has received 0 letters of public comment as of 12/3/2021. Letters received after this time will be gathered and entered into the public record at the hearing.

STAFF:Peyton Heitzman, Planner I – peyton.heitzman@townofeagle.org

INTRODUCTION

Dave Dantas (Applicant) is requesting a Special Use Permit to change the use of the second-floor residential units from *One Single Dwelling Unit – Accessory to a use permitted* (Accessory residential) to *Dwelling units - above street level*. In 2019, the Planning Commission approved a Minor Development Permit for the building that was completed in 2021. Both the commercial and residential units are currently occupied.

The building contains six 2-bedroom apartments and 1,900 square feet of commercial space. The application's request for a change in use is limited to four apartments on the second floor. The two apartments on the first floor will continue as Accessory residential units to the commercial units, which are also located on the first floor. The current Accessory residential use requires a one-to-one ratio of



residential to commercial in order for each unit to meet the definition of Accessory. This request to change the residential use would remove the one-to-one ratio restriction for the second-floor residential units. Without this restriction, the Applicant would have the ability to subdivide the 2nd floor residential separate from the commercial units. A similar request was granted in early 2021 for the adjacent property to the west. The staff report from this application can be accessed through this [LINK](#).

The property is located in the Commercial General (CG) zone district. Surrounding uses include a veterinary/kennel, an autobody/mechanic shop and carwash, contractor yards, and similar mixed-use buildings with both residential and commercial uses. Two lots to the south, currently operating as contractor yards, received Special Use Permits in 2019 for live-work units with the Accessory residential uses and undefined commercial uses.

ISSUES FOR DISCUSSION

1. Will the new residential use for the upstairs units (Dwelling units – above street level) be compatible with the surrounding area?
2. Does the proposed Special Use meet the Town's goals, policies and plans?

STANDARDS FOR SPECIAL USE PERMIT**Section 4.05.010.A.1.a**

The Municipal Code provides four standards for Special Use Permits. Analysis of the request against each standard can be found below.

STANDARD #1: *The proposed use is consistent with the provisions of this Chapter and with the Town's goals, policies and plans.*

Staff Comment: Staff reviewed the application against the Elevate Eagle Comprehensive Plan (2020) and Title 4 of the Land Use and Development Code to determine how the proposed use aligns with current Town of Eagle planning documents.

Elevate Eagle Comprehensive Plan (2020)

Chapter 4: Goals & Policies

Policy 1-1.1 Ensure a healthy mix of housing types and densities (e.g. Single-family, duplex, multifamily, mixed use, and accessory dwelling units) to allow for greater diversity.

Staff Comment: The development adds an alternative housing type to the Town's housing portfolio. The change in residential use may result in fewer live-work units if residential units are sold separate from the commercial, however, more apartment style units will be available for families not wanting the commercial tied to their residential unit.

Policy 2-4.1.b Mixed-use developments should provide adequate pedestrian amenities/facilities including off street parking, sidewalks, landscaped areas/planters, gathering areas and nighttime lighting (that is appropriate to dark sky standards but provides adequate lighting for night recreation, safety, and entertainment).

Staff Comment: The property provides sufficient off-street parking for the proposed use. There are no public parks or recreation outdoor spaces along Chambers Avenue. The closest public park, Chambers Park, is approximately a half mile walk from the building. Public transportation is less than half a mile away with the nearby Eagle Chambers Park & Ride transit stop across Eby Creek Road. The pedestrian bridge that connects to Market Street and grocery shopping is also easily accessible and within walking distance. Other amenities such as landscaping, sidewalks, and lighting were addressed under existing standards in Section 4.07 through the approved 2019 Minor Development Permit.

Policy 2-5.3 Support vertical mixed use, horizontal mixed use or a combination of mixed-use patterns in appropriate areas (such as the Broadway Street extension into the River Corridor Sub Area). Minimize the extension of mixed-use areas away from the Town Center in order to promote Broadway Street as the heart of the community.

Staff Comment: By changing the classification of the upstairs residential units, the residential would no longer be Accessory and the building may be considered a mixed use building, though the term "mixed use" is not defined in the Code. The policy does not prohibit the development of mixed-use outside of Broadway, rather it requests to "minimize" mixed use development outside the Town Center. This goal may be intended for new development but could also be applied to re-development and existing development.

Policy 2-7.1 Portions of the I-70 Influence character area are intended to support commercial and industrial uses, exclusive of other uses. Improvements along Chambers Avenue and Market Streets are auto oriented with limited pedestrian amenities.

Staff Comment: Within what was previously referred to as the 700 Chambers Avenue Subdivision are commercial uses that benefit from their close proximity to residential units, including a restaurant and the climbing gym and fitness center. With the residential already constructed, the question is – does the change in use detract, support, or impact the commercial and industrial uses on Chambers Avenue? The change in use does not impact the existing improvements in the area.

Policy 2-7.2 Workforce housing that directly supports on-site commercial or light industrial uses is considered an acceptable amount of residential in these districts.

Staff Comment: The change in residential use would allow the residential units to be sold separate from the commercial units. This separation would allow the residential units to be sold to individuals not working out of the commercial units and arguably, no longer classify as workforce housing that directly supports on-site commercial uses.

Title 4 – Land Use and Development Code

Chapter 4.07. – Development Standards

Section 4.07.070.A.1.a – Chambers Avenue Area Commercial General (CG) zone district is “for commercial and tourist uses including lodging, dining, recreation facilities and compatible uses, and for heavier commercial uses, low impact manufacturing uses, and compatible uses.”

Staff Comment: The Municipal Code calls out the appropriate uses in the CG zone district, including the need for compatible uses within the zone district that is intended for commercial, manufacturing, and tourism. The compatibility of residential with the other surrounding uses is an important consideration that staff analyses in further detail under Standard #2.

STANDARD #2: *The proposed use is compatible with existing and allowed uses surrounding or affect by the proposed use.*

Staff Comment: Staff has evaluated the compatibility of the proposed use with the surrounding uses. Surrounding uses include a climbing gym, veterinary clinic and kennel, offices, restaurants, and other service establishments. There have been multiple complaints from the residents of 700 Chambers Avenue about dogs barking on the adjacent property, which is an approved veterinary clinic with an outdoor kennel. Staff is concerned that the resulting non-Accessory units will continue to conflict with, rather than support some of the commercial uses in this zone district, mainly the adjacent outdoor kennel. This concern is addressed through a condition of approval requiring communication, through covenants, that the residential units are in a commercial area and that noise generated from those commercial uses will likely be more than expected in a residential neighborhood.

STANDARD #3: *Street improvements adequate to accommodate traffic volumes generated by the proposed use and provision of safe, convenient access to the use and adequate parking are either in place or will be constructed in conjunction with the proposed use, as approved by the Town.*

Staff Comment: Staff does not anticipate any additional traffic to be generated from the new use. The building on Lot D provides 27 parking spaces though only 21 spaces were required under the 2019 Minor Development Approval. The change in use will not result in a need for additional parking spaces, resulting in adequate parking for the property.

STANDARD #4: *The special conditions for specific uses, as provided in this section, are met.*

Staff Comment: There are no special conditions for this specific use in Section 4.05.010 of the Code. This standard is not applicable.

STAFF RECOMMENDATION

Staff reviewed the application against Standards 1-4 of the Special Use Permit outlined in Section 4.05.010.A.1.a. Through this review, staff found that the application meets Standards (3) and (4). Due to concerns with the compatibility of the change in residential use with surrounding uses, staff believes Standards (1) and (2) may be met with the addition of the suggested condition of approval.

Staff recommends **approval** of this application with the following condition of approval.

1. The common interest ownership declaration for the Property shall include an advisement that the residential units are located in a commercial zone and that residents should anticipate the noise generated from commercial uses in the area to be greater than that in a residential neighborhood.

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to Special Use Permit SU21-01:

1. Approve with no conditions: I move to APPROVE the Special Use Permit with no conditions, based on the following findings:
<insert findings>
2. Approve with conditions: I move to APPROVE the Special Use Permit, based on the following findings and with the following condition(s) of approval:
<insert findings>
<insert conditions of approval>
3. Continue (table) the application: I move to CONTINUE the request for the Special Use Permit approval to the next regularly scheduled meeting. (Provide staff and the application detail regarding information needed for a decision).
4. Denial: I move to DENY the Special Use Permit, based on the following findings: (Cite all Code sections and/or Plan policies that resulted in motion for denial)

FINDINGS OF FACT

The application substantially meets the requirements for Title 4 of the Use and Development Code and supports the 2020 Elevate Eagle Comprehensive Plan.

**IF APPROVED, THE P&Z AND COUNCIL MAY CONSIDER THE FOLLOWING SUGGESTED
CONDITIONS OF APPROVAL:**

1. The common interest ownership declaration for the Property shall include an advisement that the residential units are located in a commercial zone and that residents should anticipate the noise generated from commercial uses in the area to be greater than that in a residential neighborhood.



TOWN OF EAGLE
COMMUNITY DEVELOPMENT
200 BROADWAY • PO BOX 609 • EAGLE, CO 81631
PHONE: 970-328-9655 • FAX: 970-328-9656
www.townofeagle.org

LAND USE & DEVELOPMENT APPLICATION

Pursuant to the Land Use & Development Code, Title 4

ZONING REVIEW	DEVELOPMENT REVIEW	SUBDIVISION REVIEW
☐ Special Use Permit	☐ Minor Development Permit	☐ Concept Plan
☐ Zoning Variance	☐ Major Development Permit	☐ Preliminary Plan
☐ Rezoning		☐ Final Plat
☐ Temporary Use Permit	PLANNED UNIT DEVELOPMENT (PUD) REVIEW	☐ Lot Line Adjustment
☐ Amendment to Zone District Regulations	☐ PUD Zoning Plan	☐ Condominium / Townhouse
☐ Encroachment Permit	☐ PUD Development Plan	☐ Minor Subdivision

PROJECT NAME Lot 4, Building C, Chambers Avenue Condominiums

PRESENT ZONE DISTRICT _____ PROPOSED ZONE DISTRICT _____
(if applicable)

LOCATION

STREET ADDRESS 700 Chambers Ave, Building D

PROPERTY DESCRIPTION

SUBDIVISION 700 Chambers Ave LOT(S) 4 BLOCK _____
(attach legal description if not part of a subdivision)

DESCRIPTION OF APPLICATION/PURPOSE I am seeking approval to change the residential use from "One Single Dwelling Unit - Accessory to a use permitted" to "Dwelling Units - Above Street Level."
(Please see attached narrative for further information.)

APPLICANT NAME Dave Dantas PHONE 970-376-6111

ADDRESS PO Box 2322, Avon, CO 81620 EMAIL dave@dw-dantas.com

OWNER OF RECORD Chambers 700 LLC PHONE 970 376 6111

ADDRESS PO Box 2322 Avon CO 81620 EMAIL dave@dw-dantas.com

REPRESENTATIVE* Ashley Patriacca PHONE 970 376 1293

ADDRESS PO Box 4556 Eagle, CO 81631 EMAIL am.patriacca@gmail.com

*A representative must submit an affidavit or power of attorney signed by the property owner of record authorizing the representation.

APPLICATION SUBMITTAL ITEMS:

The following submittal materials must be submitted in full before the application will be deemed complete (please check all items that are being submitted):

- ☐ Applicable fees and deposits.
- ☒ Project Narrative, describing the project, its compliance with any applicable review criteria, any impacts to the surrounding area, and any other relevant information.
- ☒ Surrounding and interested Property Ownership Report (see project specific checklist for more information).
- ☐ Proof of Ownership (ownership & encumbrance report) for subject property. *From Land Title*
- ☐ Site Plan, drawn to scale and depicting the locations and boundaries of existing and proposed lots and structures.
- ☐ Project specific checklist.

FEES AND DEPOSITS:

See Eagle Municipal Code Section 4.03.080

1. Application fees shall be paid in full at the time of the filing of the application and unless paid, the application shall not be deemed complete. All fees are nonrefundable.
2. As described in Eagle Municipal Code § 4.03.080, third-party consultants may be necessary for the review and processing of applications. These costs ("pass-through costs") must be paid by the applicant. If pass-through costs are expected, the applicant must pay a deposit at the time the application is filed. If at any time the deposit does not fully cover the pass-through costs, the applicant must pay another subsequent deposit before the Town will continue processing the application.
3. The Town may withhold the recording of any Subdivision Final Plat or Development Plan or the signing of any Resolution or Ordinance until all pass-through fees are paid in full.
4. Within 30 days of approval or denial of an application, any remaining deposit shall be returned to the applicant. If an application is withdrawn, any remaining deposit shall be returned to the applicant within 60 days.

I have read the application form and certify that the information contained herein is correct and accurate to the best of my knowledge. I understand that it is my responsibility to provide the Town with accurate information related to this application. I UNDERSTAND THAT FILING AN APPLICATION IS NOT A GUARANTEE THAT THE APPLICATION WILL BE APPROVED.

Dan Oke
Signature

5-26-21
Date

FOR OFFICE USE ONLY		
DATE RECEIVED _____	BY _____	FILE NUMBER _____
REVIEW FEE _____	DATE PAID _____	RECEIVED BY _____
DATE CERTIFIED COMPLETE _____	BY _____	
P&Z HEARING DATE _____	DECISION _____	
BOT HEARING DATE _____	DECISION _____	

Narrative Attachment

For Land Use & Development Application for Lot 4, Building D, Chambers Avenue Condominiums

Date of Application 04/08/2021

We are seeking approval for a new Special Use Permit to change the residential use in Building D, Lot 4, at 700 Chambers Avenue. We would like to change from *One Single Dwelling Unit- Accessory to a use permitted to Dwelling units-above street level*. This new residential use would allow all of the buildings at 700 Chambers Ave and Sawatch Ave to have the same designation. The accessible residential units on the ground floor would each be accessory to one of the commercial spaces to continue their Accessory residential status, since those units do not meet the terms of above street level. This is not necessarily a new application in that this application does continue residential use and has no additional impact on neighboring partners from what was approved prior. In this application, we are reconfiguring how the units within the building are deeded in order to comply with the newer *Dwelling units-above street level* residential use.

Agreed Upon Site/ Plat Information

The final plat for Lot 4, Building D of the 700 Chambers Avenue Subdivision conforms to the preliminary plat that was reviewed and approved by the town. The final plat has addressed any concerns that were voiced by the town staff and town's engineers. Lot 4, Building D completes the development that was previously approved by the Town of Eagle and under the current special use permit (file #SU15-05 A). Some information was updated within SU16-07 demonstrating continued conformance to the Town's regulations, goals and policies.

The proposed project meets the standards as provided in Section 4.07.022, including but not limited to setbacks, building massing/form/orientation, architectural detail, landscape/sidewalks, and parking.

The proposed development is in conformance with the Town's goals and policies. The proposal will meet all of the development standards of the Commercial General zone district, as demonstrated in the sections below:

Cost Estimate for All on-site/off site Public improvements:

No Improvements are being constructed.

Variances: No Variances.

Utilities:

Water and sewer lines were extended to serve Lots 2-4 and was guaranteed in a Subdivision Improvement Agreement, which has been fulfilled. Electric, water and sewer have been extended to an easement serving lots 3 and 4 with the service points/connection points already in place. Adequate water and other services were verified as part of the Subdivision Improvement Agreement/review. The civil drawings are part of the original submittal.

Fire Protection Plan:

Though the project is within the 3 mile driving distance from the fire station, the building design will incorporate a fire sprinkler system and be equipped with a monitored alarm system to serve the whole building. During the design build process/layout of sprinkler heads there shall be a review by the Fire Marshal before installation of the systems. During the Special Use Permitting process the connection of the road through the property to Sawatch was reviewed and approved by the Fire Marshal. This connection was a requirement of the, in place, minor subdivision plan.

Lighting Design for Parking:

The lighting design was completed by RAB lighting and was attached to the original submittal. To comply with the lighting ordinance, the designer has targeted a min of 0.5 fc in the parking lot, and a max of 3 fc, with an avg: min of 4:1. This layout provides a min of 0.5 fc, a max of 4.8 fc, and an avg: min of 3.6:1

Compliance with the Town's Goals, Policies, and Regulations

The vision provided in the 2010 Eagle Area Community Plan states: "Eagle will continue to be a high quality livable community through the implementation of strategies that will enhance the Town's unique identity, its economic vitality, its sense of community and the quality and character of the surrounding rural lands."

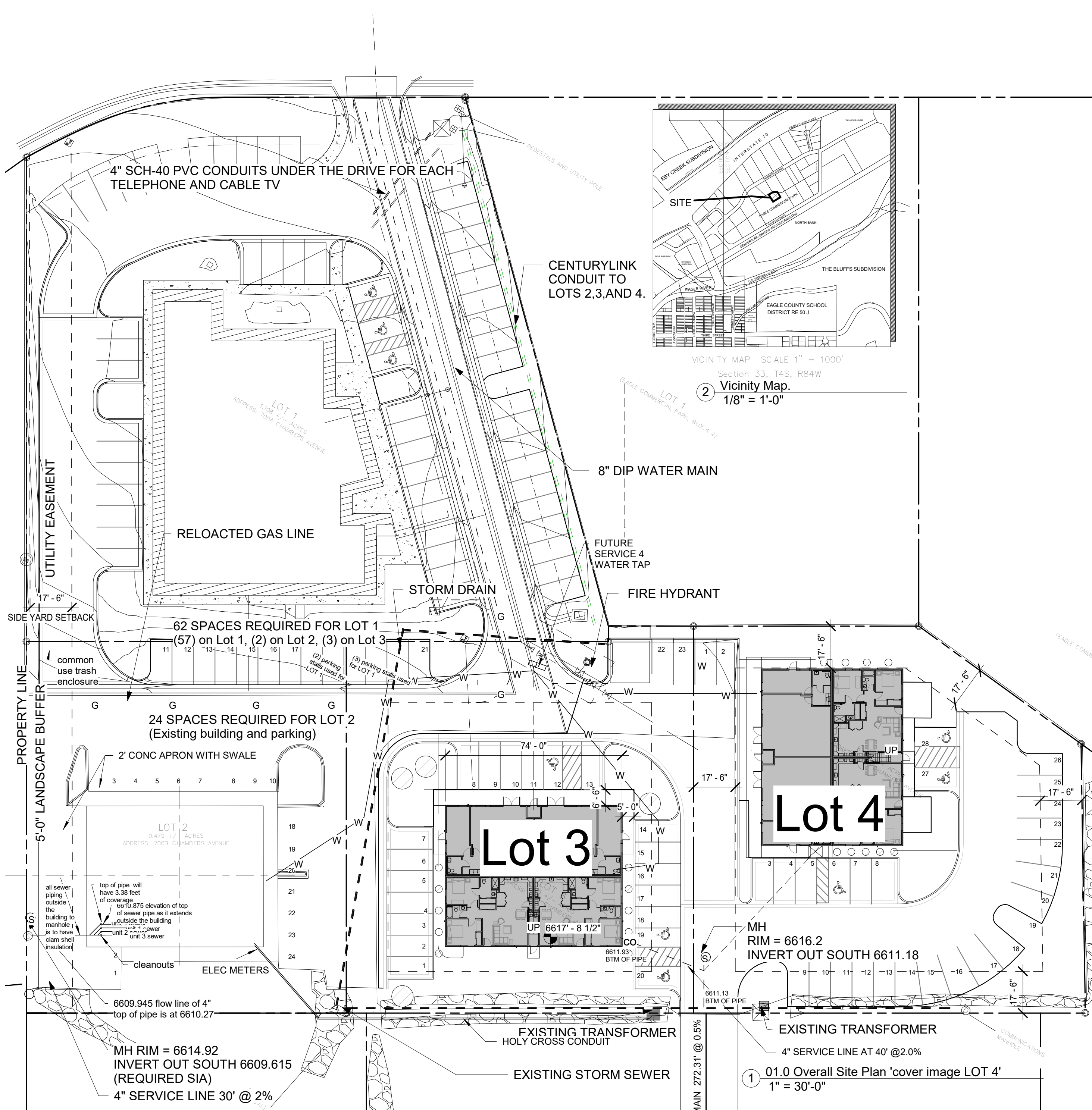
The residential/ commercial park at 700 Chambers is consistent with and in some ways furthers the goals and policies as provided in the 2010 Eagle Area Community Plan. Lot 4, Building D is located close to the town center of Eagle and are located within the Town's Urban Growth Boundary. The building is in a planned residential/ commercial park built with materials and colors that improve the level of appearance in the area of Chambers Avenue through the design of the buildings, the harmonizing colors, and planned landscaping. The signage and future structures will correspond with this level of development and further enhance the appearance of Chambers Avenue.

The Eagle Area Community Plan also provides planning approaches which are vital to the Town's vision statement. Below, we address a few of these approaches we feel our buildings directly influence:

- 1) Concentrate Urban and Infill Development: Lot 4, Building D is located within a platted residential/ commercial subdivision, surrounded by other commercial uses and within walking distance to Eagle town center and other commercial areas located off of Eby Creek Road.
- 2) Maintain the Area's "Sense of Community": the building is located in our residential/ commercial park that is unique, in that it provides recreational opportunities with the climbing gym for the community, which builds on Eagle's reputation for being an active place for residents and visitors. The commercial spaces are attracting businesses that deliver to the

recreational aspect of the town and also businesses that build on the family concept of the climbing gym too. The residential units are attracting tenants who want to be located close to work, those interested in the surrounding businesses, and those wanting to enjoy the local outdoors that are easily accessible via walking, biking, short drives, or the county bus.

- 3) Maintain and Enhance Recreational Opportunities: Recognizing that active recreational opportunities are important to Eagle residents, this residential/ commercial park project provides new opportunities for recreation for families and kids. The climbing gym expands the offerings for families in the valley. Dewey Dabbles is also very popular location for both adults and kids. We are hoping to continue to build upon new family options or businesses that support new options for families.
- 4) Provide Affordable Housing: This project provides a new opportunity for housing within a major commercial center and close to employment opportunities located within walking distance or accessed by the county bus which has a bus stop within a short walking distance. The recreational and family centered businesses have each been a draw for our residential tenants.



ZONING INFORMATION LOT 4

Lot area: 568 acres 24,742 s.f.
Building footprint: 4,366 s.f.
Roof area: 5,036 s.f.
Building area:
First Level = 4,366 s.f.
Second Level = 4,480 s.f.
Total 8,846 s.f.
Commercial rental Floor Area total= 1,898 s.f. + GCE
Building occupancy = persons- see sheet A0.1 for calculations
Maximum Height = 35'-0".
Proposed Max Ridge height = 27'-3"
Landscape area required: 4,948.42 s.f. (20% of total)
Landscape area provided: 6,555 s.f. (26%)
Impervious coverage: by building, sidewalks, or parking:
Maximum allowed: 19,793.58 s.f. (80% of total).
Total impervious provided: 118,187 s.f. (74%)

Parking Requirements:
Parking 2 for each residential unit
2X6 units = 12 parking spaces
1 per 225 s.f. Rate per town code (Section 6)
unit #1 commercial/retail floor space =220 s.f./225 = .97 parking spaces
unit #2 commercial/retail floor space =725 s.f./225 = 3.22 parking spaces
unit #3 commercial/retail floor space =725s.f./225 = 3.22 parking spaces
unit #4 commercial/retail floor space =220 s.f./225 = .97 parking spaces
Total comerial/retail parking = 8.38 or 9 parking spaces
REQUIRED PARKING FOR LOT 4 = 12+9 =21 parking spaces
TOTAL PARKING PROVIDED FOR LOT 4 = 27 parking spaces (6 extra provided)
including 3 accessible parking stalls

Setbacks: Front: 17.5', Sideyard: 17.5', Back: 17.5'

☐ ZONING SUMMARY LOT 4
12" = 1'-0"

Drawing List	
Sheet Number	Sheet Name
A0.0	COVER LOT 3
A0.1	AREA PLAN AND CODE INFO
A0.2	ACCESSIBLE ROUTE PLAN
A1.1	SITE PLAN
A1.2	LANDSCAPE PLAN
A2.1	FIRST LEVEL PLAN
A2.2	SECOND LEVEL PLAN
A2.3	ROOF PLAN
A3.1	Exterior Elevations
A3.2	Exterior Elevations

Drawing List	
Sheet Number	Sheet Name
C1.0	COVER SHEET (CIVIL)
C1.1	GENERAL NOTES (CIVIL)
C2.0	OVERALL SITE PLAN
C2.1	SITE PLAN (LOTS 1-4)
C3.0	EROSION CONTROL NOTES AND LEGEND
C3.1	EROSION CONTROL PLAN
C4.0	OVERALL GRADING PLAN
C4.1	DETAILED GRADING PLAN
C5.0	OVERALL UTILITY PLAN
C5.1	UTILITY NOTES
C5.2	DETAILED UTILITY NOTES
C6.0	HORIZONTAL CONTROL PLAN
C6.1	LINE AND CURVE TABLES
C7.1	DETAILS (CIVIL)
C7.2	DETAILS (CIVIL)
C7.3	DETAILS (CIVIL)
S1	GENERAL NOTES (STRUCTURAL)
S2	FOUNDATION PLAN
S3	UPPER FLOOR/LOW ROOF FRAMING PLAN
S4	ROOF FRAMING PLAN

Drawing List (MECH)	
Sheet Number	Sheet Name
M1.1	FIRST FLOOR HVAC PLAN
M2.1	SECOND FLOOR HVAC PLAN
M3.1	MECHANICAL SPECIFICATIONS

Drawing List (PLUMBING)	
Sheet Number	Sheet Name
P1.0	UNDERGROUND SEWER PLAN
P1.1	FIRST FLOOR SEWER PLAN
P1.2	FIRST FLOOR PIPING PLAN
P2.1	SECOND FLOOR SEWER PLAN
P2.2	SECON FLOOR PIPING PLAN
P4.1	PLUMBING DETAILS AND SCHEDULES
P5.1	PLUMBING SPECIFICATION

Drawing List (ELECTRICAL)	
Sheet Number	Sheet Name
E1.1	FIRST FLOOR ELECTRICAL PLAN
E2.1	SECOND FLOOR ELECTRICAL PLAN
E3.1	ELECTRICAL DETAILS AND SCHEDULES
E4.1	ELECTRICAL SPECIFICATIONS

PROJECT INFORMATION

Owner: CHAMBERS 700 LLC
PO BOX 2322
AVON, CO 81620

Location: 700 Chambers Avenue #C
LOT 3
Subdivision: 700 Chamber Avenue Subdivision
Lot: 3, A RESUBDIVISION OF LOT 1
Eagle, Colorado 81631
Parcel #: 1939-332-19-003

700 Chambers Avenue #D
LOT 4
Subdivision: 700 Chamber Avenue Subdivision
Lot: 4, A RESUBDIVISION OF LOT 1
Eagle, Colorado 81631
Parcel #: 1939-332-19-004

CODE: International Building Code, 2015 Edition, with Appendices C, E, G, I, J and K
Design Review Approval: September 3, 2019
USE OF BUILDING: Residential and commercial
Class of Work: New

Type of Construction: Type V-B
combustible exterior wall assembly
combustible bearing wall assembly
combustible roof and floor construction assembly

Type of Occupancy: B/R2
Type M was used for Commercial Occupancy calculation since it is most restrictive
Sprinkler system with alarm: yes
Levels: 2-story
Heating: gas fired forced air units

Design professional in Responsible Charge: Jeffrey P Manley AIA

Architect: Martin Manley Architects
Jeffrey P Manley AIA
PO Box 1587
Eagle, CO 81631
970.328.5151
jeff@martinmanleyarchitects.com

Structural Engineer:

KRM Consults Inc.
Tim Hennum
PO Box 4572
Vail, CO 81658
970.949.8391
Tim@krmconsultants.com

Civil Engineer: Yarnell Constling & Civil Design LLC
PO Box 3901
Eagle, CO 81631
Justin Yarnell
970.323.7008

MEP Engineer:

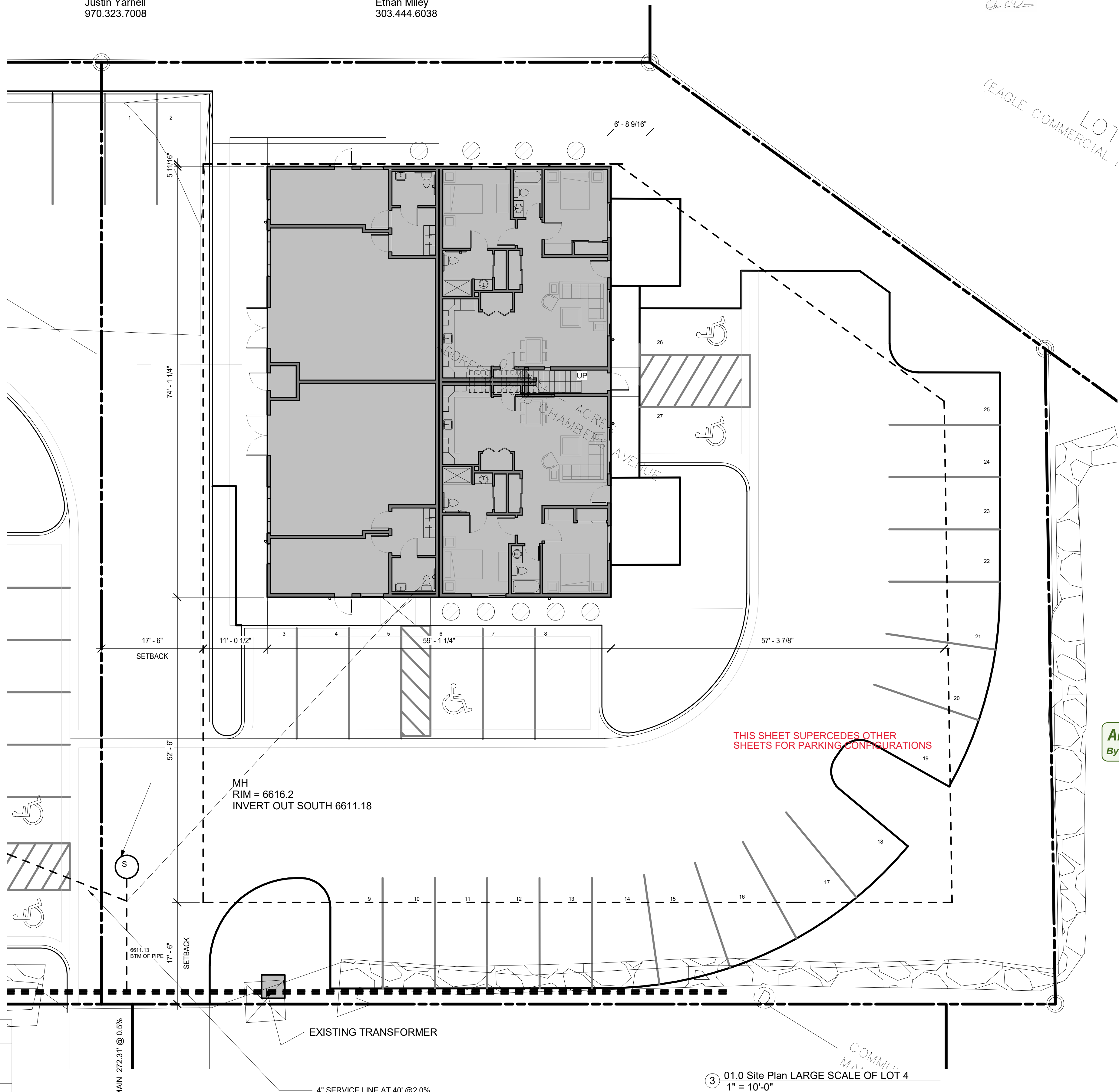
Boulder Engineering
1717 15th Street
Boulder, CO 89302
Ethan Miley
303.444.6038

BUILDING 'D'

Eagle Center at 700D Chambers Ave Lot 4

Development Set 6.10.19 REVISED 7.16.19 PERMIT SET 04.10.20

20TEGL-5083 FIELD/OFFICE COPY
REVIEWED FOR CODE COMPLIANCE IN ACCORDANCE
TO 2015 IRC SECTION R106.3 SUBJECT TO FIELD INSPECTION
SEE FINAL APPROVAL LETTER DATED 518-20
CHARLIE DAVIS



MARTIN MANLEY
ARCHITECTS

REVISIONS	
No.	Date
1	5/27/20

Consultant
Address
Phone
e-mail

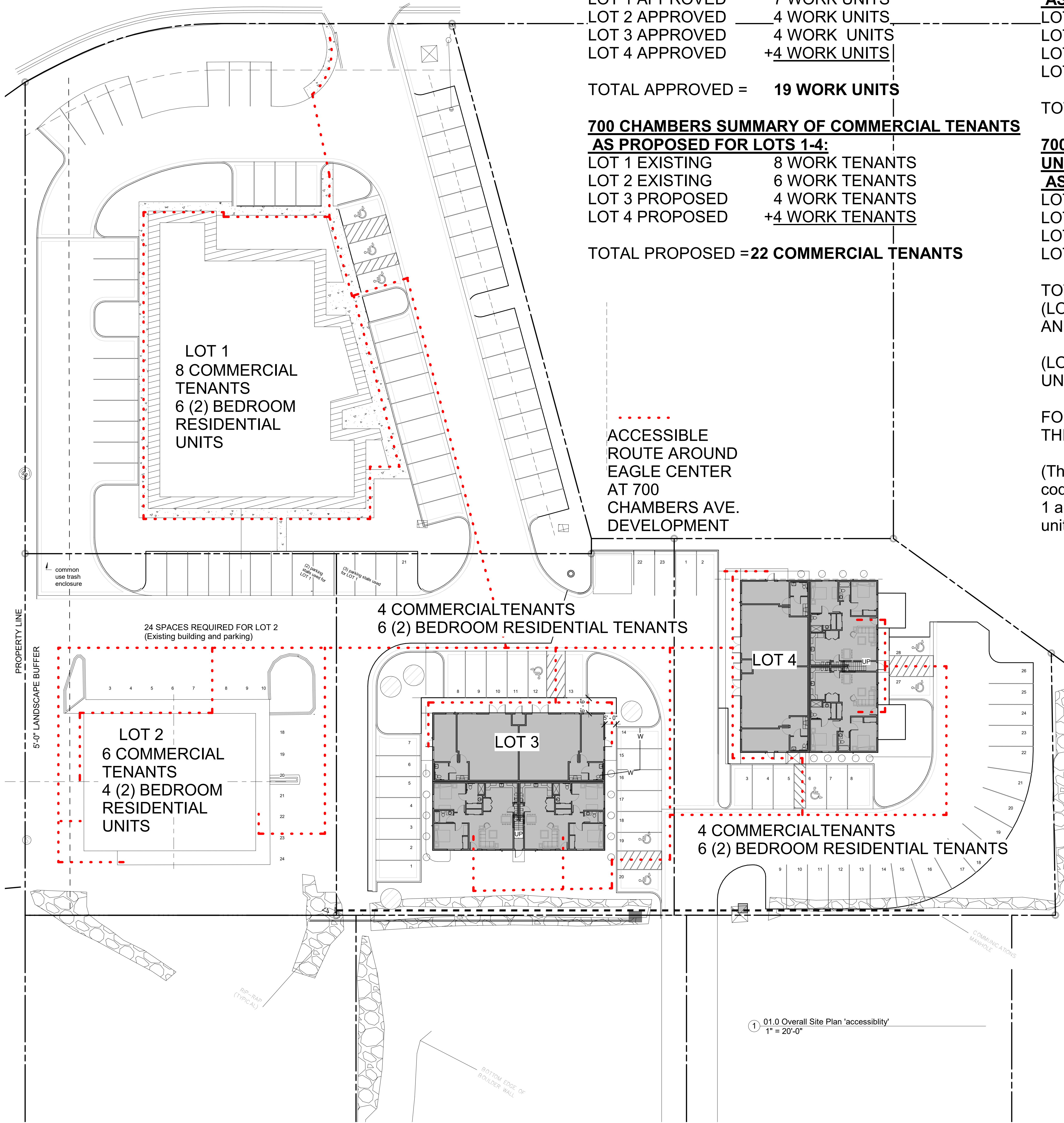
Consultant
Address
Phone
e-mail

BUILDING 'D'
LOT 4 DEVELOPMENT of Eagle Center
700 Chambers Avenue
Eagle, CO 81631
PERMIT SET

APPROVED
By Charlie Davis at 11:08 am, Jun 11, 2020



Date: 04.10.20
Project number: 1990
COVER LOT 4
A0.0.



**700 CHAMBERS SUMMARY OF COMMERCIAL UNITS
AS APPROVED BY SUP FOR LOTS 1-4:**

LOT 1 APPROVED	7 WORK UNITS
LOT 2 APPROVED	4 WORK UNITS
LOT 3 APPROVED	4 WORK UNITS
LOT 4 APPROVED	+4 WORK UNITS

TOTAL APPROVED = 19 WORK UNITS

**700 CHAMBERS SUMMARY OF COMMERCIAL TENANTS
AS PROPOSED FOR LOTS 1-4:**

LOT 1 EXISTING	8 WORK TENANTS
LOT 2 EXISTING	6 WORK TENANTS
LOT 3 PROPOSED	4 WORK TENANTS
LOT 4 PROPOSED	+4 WORK TENANTS

TOTAL PROPOSED =22 COMMERCIAL TENANTS

**700 CHAMBERS SUMMARY OF RESIDENTIAL UNITS
AS APPROVED BY SUP FOR LOTS 1-4:**

LOT 1 APPROVED	7 UNITS
LOT 2 APPROVED	5 UNITS
LOT 3 APPROVED	5 UNITS
LOT 4 APPROVED	+5 UNITS

TOTAL APPROVED = 22 RESIDENTIAL UNITS

**700 CHAMBERS SUMMARY OF RESIDENTIAL UNITS
AS PROPOSED FOR LOTS 1-4:**

LOT 1 EXISTING	6 UNITS
LOT 2 EXISTING	4 UNITS
LOT 3 PROPOSED	6 UNITS
LOT 4 PROPOSED	+6 UNITS

TOTAL PROPOSED =22 RESIDENTIAL UNITS
(LOTS 3 CONTAINS 1 TYPE 'B' ACCESSIBLE AND 1 TYPE 'A' ACCESSIBLE UNIT)

(LOTS 4 CONTAINS 2 TYPE 'B' ACCESSIBLE UNITS)

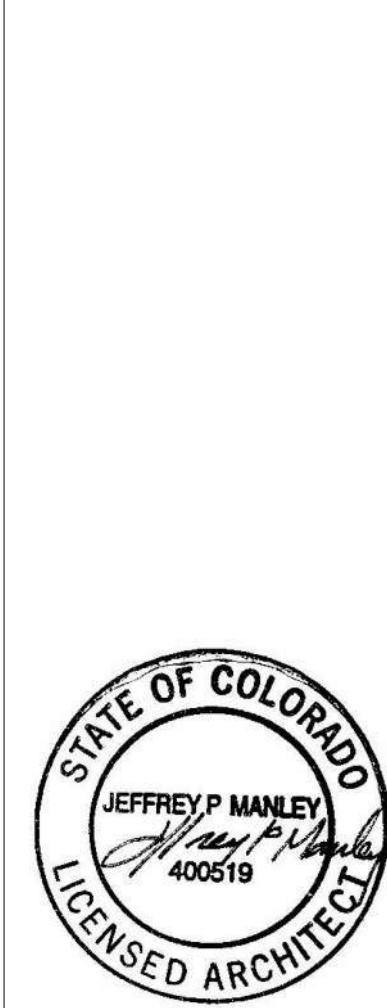
FOR A TOTAL OF 4 ACCESSIBLE UNITS FOR THE COMPLEX

(This total is equal to the total number required by code,
1 accessible unit for each building with more than 3 units)

No.	Description	Date

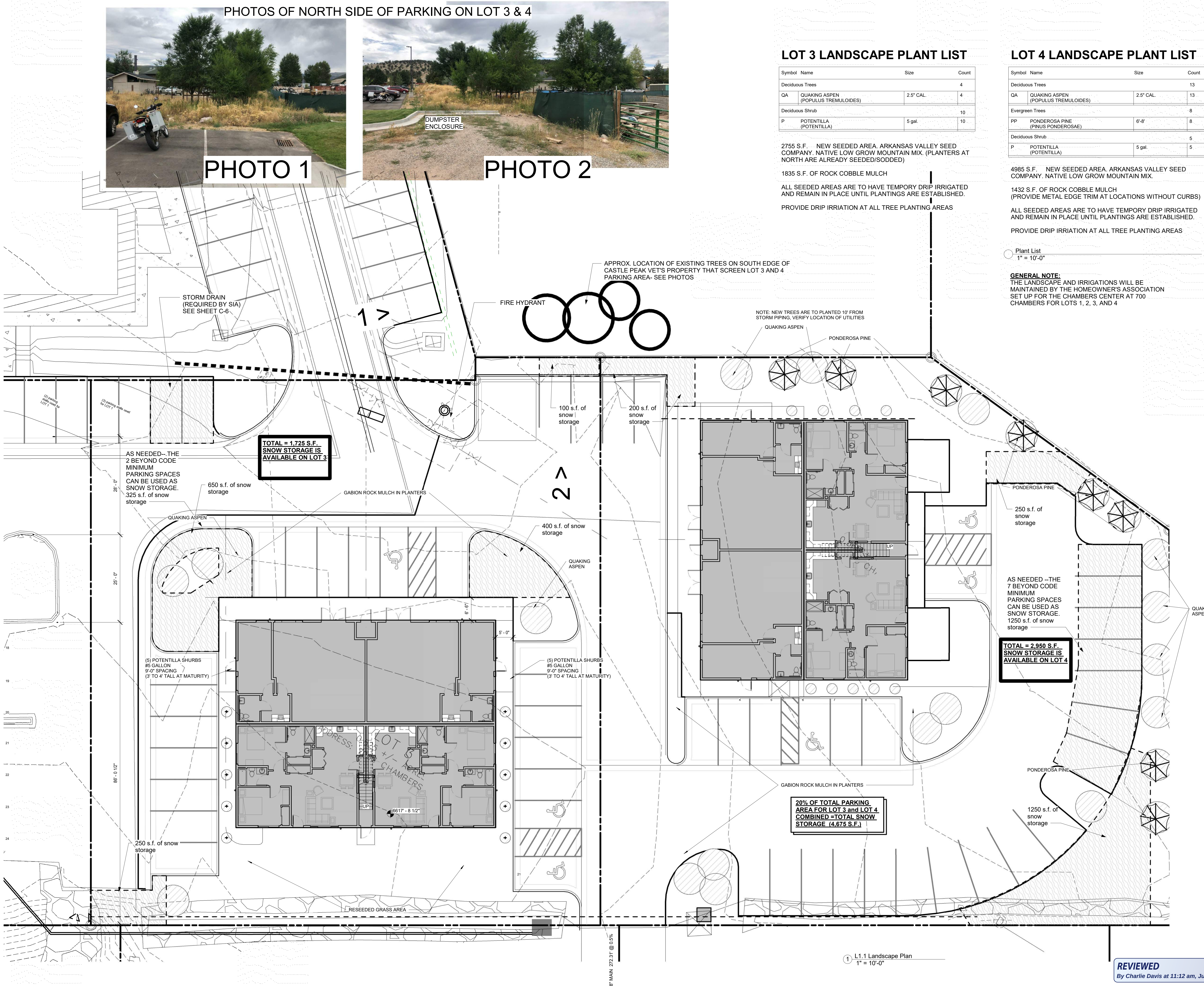
Consultant Address Phone e-mail	Consultant Address Phone e-mail

BUILDING 'D'
LOT 4 DEVELOPMENT of Eagle Center
700 Chambers Avenue Eagle, CO 81631
PERMIT SET



Date	04.10.20
Project number	1990
ACCESSIBLE ROUTE PLAN	A0.2

REVIEWED
By Charlie Davis at 11:12 am, Jun 11, 2020



MARTIN MANLEY ARCHITECTS

970.328.5151 OFFICE

PO Box 1587 Eagle, CO 81631

www.martmanleyarchitects.com

REVISIONS

No.	Description	Date

Consultant

Address

Phone

e-mail

Consultant

Address

Phone

e-mail

Consultant

Address

Phone

e-mail

BUILDING 'D'

LOT 4 DEVELOPMENT of Eagle Center

700 Chambers Avenue Eagle, CO 81631

PERMIT SET

STATE OF COLORADO

JEFFREY P. MANLEY

400519

LICENSED ARCHITECT

04.10.20

1990

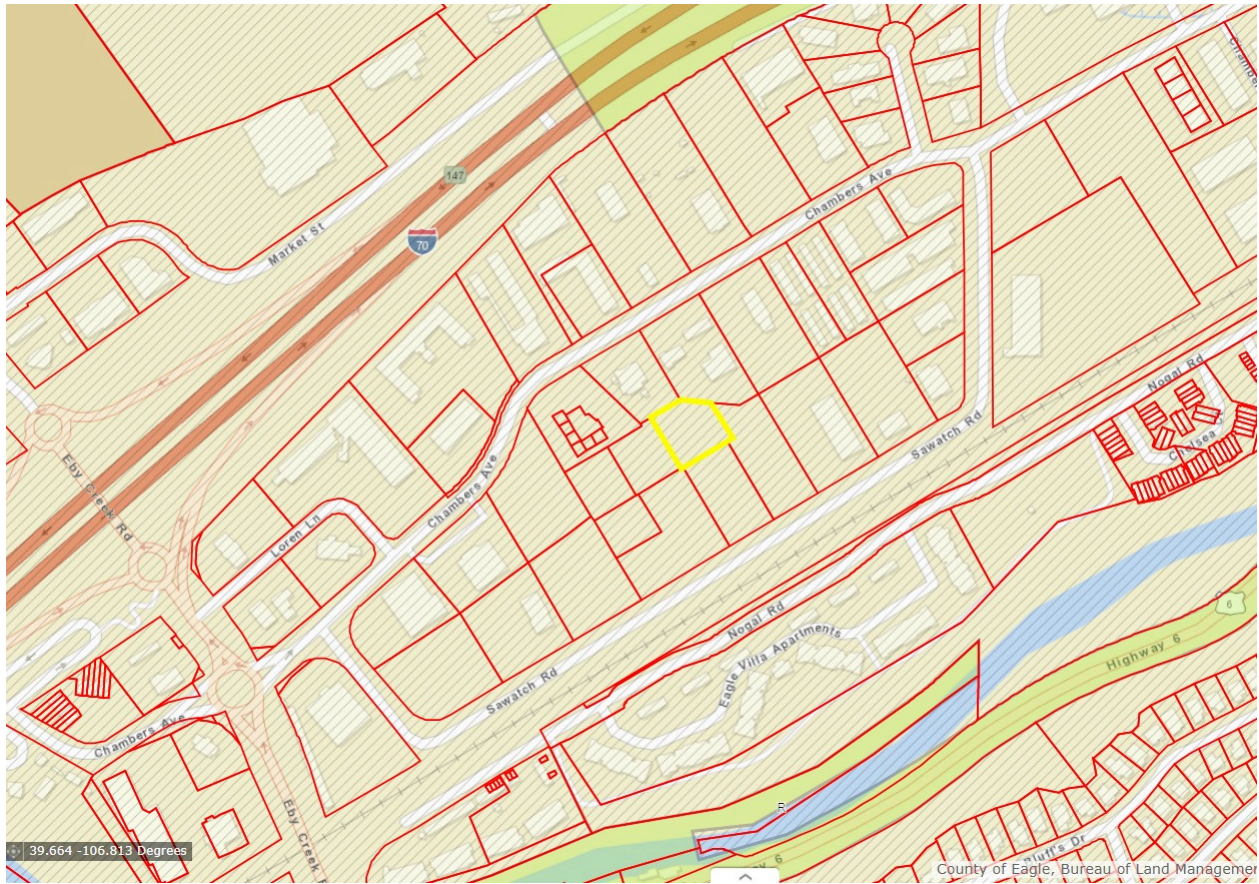
Project number

LANDSCAPE PLAN

A1.2

REVIEWED

By Charlie Davis at 11:12 am, Jun 11, 2020











To: Planning & Zoning Commission

From: Peyton Heitzman, Planner I, Community Development Department
Chad Phillips, Director, Community Development Department

Date: December 7, 2021

Agenda Item: Three-Mile Annexation Plan

REQUEST:

Staff is requesting the Commission recommend re-adoption of the Three Mile Annexation Plan (3-Mile Plan) that is in Appendix B (page 93) of the Elevate Eagle Comprehensive Plan ([LINK](#)).

BACKGROUND:

Municipalities in Colorado are required to prepare and adopt a 3-Mile Plan prior to annexing property into their territorial boundaries per C.R.S. 31-12-105 et. seq. The 3-Mile Plan is a long-range plan that outlines where municipalities intend to annex property and describes how they will ensure the service of adequate public facilities within the newly annexed territory and the remainder of land within Town boundaries.

ANALYSIS:

Per state statute, the Town must adopt a 3-Mile Plan on an annual basis. The Town did not initiate a 2021 update of the 3-Mile Plan and there are no changes being proposed with this request. This agenda item and motion affirms that the existing plan is relevant and not in need of an amendment. The 3-Mile Plan will reflect what was adopted in the amended Elevate Eagle Comprehensive Plan (2021).

COMMUNITY INPUT:

None.

RECOMMENDED ACTION OR PROPOSED MOTION:

A motion to **approve or deny** Resolution 04, Series 2021 "A Resolution of the Planning and Zoning Commission of the Town of Eagle, Colorado, Adopting a Three Mile Plan for the Town of Eagle, Colorado."

ATTACHMENTS:

- Resolution 04, Series 2021

**TOWN OF EAGLE, COLORADO
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 04
(Series of 2021)**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF
EAGLE, COLORADO ADOPTING A THREE MILE PLAN FOR THE TOWN OF EAGLE

WHEREAS, pursuant to C.R.S. §31-12-105(1)(e)(I), as amended, prior to the completion of any annexation within a three-mile area outside the boundaries of a municipality, a municipality is required to have in place a plan ("Three Mile Plan"), which generally describes, if applicable, the proposed location, character, and extent of certain public facilities to be provided by the municipality and the proposed land uses for the three-mile area and such plan must be updated at least once annually; and

WHEREAS, the Planning and Zoning Commission ("Commission") and the Town Council of the Town of Eagle, Colorado has adopted the three (3) mile plan as a component of the Elevate Eagle Comprehensive Plan (2021 Amendment); and

WHEREAS, the Elevate Eagle Comprehensive Plan (2021 Amendment) contains a three (3) mile annexation plan as required by law which is still applicable.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF EAGLE, COLORADO AS FOLLOWS:

Section 1. The Commission hereby finds and determines that the annexation plan contained within the Elevate Eagle Comprehensive Plan (2021 Amendment) meets the requirements of C.R.S. §31-12-105(1)(e)(I).

Section 2. The Elevate Eagle Comprehensive Plan (2021 Amendment) is hereby approved and re-adopted as the annexation plan for the Town of Eagle, Colorado in accordance with applicable law.

INTRODUCED, READ, PASSED AND ADOPTED ON OCTOBER 5, 2021.

TOWN OF EAGLE PLANNING AND ZONING
COMMISSION

Matthew Hood, Chair

ATTEST:

Nikki Davis, Administrative Tech II



To: Planning & Zoning Commission

From: Chad Phillips, Director/Town Planner, Community Development Department
Jessica Lake, Planner I, Community Development Department
Peyton Heitzman, Planner I, Community Development Department
Nikki Davis, Administrative Technician II, Community Development Department

Date: December 7, 2021

Agenda Item: Community Development Department Update

PLANNING & ZONING COMMISSION 2022 APPOINTMENTS

On January 4, 2022, the Planning Commission will appoint a Chair and Vice Chair for the 2022 calendar year. Additional information will be provided in a staff memo, to be included in that meeting's packet.

LONG RANGE PLANNING

- **The Land Use and Development Code Update**
 - December 6th is the first LUDC committee meeting. Staff and the committee have received the Code Assessment public review draft. General project overview and public draft discussion will be the focus of the meeting.
 - Sign Code stakeholder call also scheduled for December 6th. Clarion and staff have invited members of the sign manufacturing & installation community to gather feedback for amending sign code standards. Sign code public draft anticipated early 2022.
- **Grand Avenue Corridor Study**
 - Project is now in Phase 3 (December 2021 – April 2022). Phase 3 objectives include preliminary design, developing an implementation & phasing plan, and securing Planning Commission and Town Council adoption.
 - A land and business owner update meeting was held on December 2nd.
 - Upcoming meeting schedule:
 - Stakeholder meeting 12/9/21
 - Town Council work session 2/1/22
- **East Eagle Sub Area Plan (EESAP)**
 - Town Council ratified the EESAP adoption draft on November 9th. Project close out underway, including updating public documents and Town of Eagle website.
- **SolSmart (Bronze Solar Designation) – CommDev lead project**
 - Clarion has provided additional comments on baseline zoning assessment.
 - Permit Tech will assume lead role. First objective is to establish and implement permitting best practices to provide efficient approval process.



- No new information to report as of 12/3/21.
- **HB21-1271 DOLA Innovative Housing Strategies: Planning Grant Program**
 - Staff is awaiting further direction from Department of Local Affairs (DOLA) on procurement standards prior to publishing the consultant RFP.

LAND USE APPLICATIONS IN PROGRESS

Pre-Application Meetings

- **(1)** pre-application meeting(s) scheduled in December.

Planning Active Applications

- **DR21-02 & PPFP21-01: Reserve at Hockett Gulch**
 - A Subdivision and Major Development Permit application. Staff received application resubmittal on September 13th and completeness review is ongoing.
 - Additional post referral meetings scheduled for December 10th. Main topics included landscape design and architecture.
- **PUDA21-01: Eagle Ranch 6th PUD Amendment**
 - Planning Commission voted to approve application with three conditions of approval.
 - Public hearing schedule:
 - Town Council 12/14/21
- **SU21-04: 263 Sawatch**
 - Special Use Permit application for contractor yard. Application deemed complete.
 - Public hearing schedule:
 - Planning Commission 1/4/22
 - Town Council 1/11/22
- **RZ21-02 & S21-01: Eagle County School District (ECSD) 3rd Street Housing**
 - Planning Commission voted to approve both the rezone and sketch plan subdivision applications.
 - Public hearing schedule:
 - Town Council 12/14/21
- **CT21-01 & SU21-06: 706 Chambers, Lot D**
 - An application for condo plat and special use permit. Application is deemed complete.
 - Public hearing schedule:
 - Planning Commission 12/7/21 (Special Use Permit)
 - Town Council 1/11/22 (Special Use Permit and Condo Plat)



- **LLA21-01: 82 Silver Spur Road**
 - Application for lot consolidation.
 - Public hearing schedule:
 - Planning Commission 1/18/22
 - Town Council 2/8/22
- **RZ21-03: 435 Eby Creek Road**
 - An application to rezone to Residential Multi-Family (RMF). Application is deemed complete.
 - Public hearing schedule:
 - Planning Commission 1/4/22
 - Town Council 1/25/22
- **DR21-04: Haymeadow Design Guidelines**
 - Application materials received and have been sent out for referral comments.
 - Staff working with applicant to establish a project timeline.
 - Public hearing scheduled TBA.
- **DR21-03: 341 Broadway (Mountain Animal Hospital Center)**
 - Staff received partial submission for a minor development permit. Application not deemed complete for processing.
 - No new information to report as of 12/3/21.
- **SU21-05: 332 Grand Ave (AG Roofing)**
 - Special Use Permit application submitted for outdoor storage, but applicant also needs to apply for shop use. Application not deemed complete for processing.
 - No new information to report as of 12/3/21.
- **446 Broadway**
 - Staff received application for development permit. Application not deemed complete for processing.
 - No new information to report as of 12/3/21.
- **OTHER: Village Market**
 - The entitlements for the Development Improvements Agreement with Eagle Ranch Village LLC for development occurring on Lot 2 and Tract A, Eagle Ranch, Filing No. 30 Subdivision, also known as Village Market, will expire on June 23, 2022. The approved development plan includes public improvements such as sidewalks, streetscape, etc.

A **Planner of the Day** schedule has been implemented to field zoning questions from the community. A variety of these inquiries require on-going conversations with staff.

- November 2021 - (9) inquiries received
- December 2021 – (1) inquiries received to date



Code Enforcement: Active Cases

- (5) – Planning
- (1) – Building

TOWN COUNCIL and PLANNING & ZONING COMMISSION MEETING SCHEDULE:

December 2021
December 7 th Planning & Zoning Commission • Parking Fee in-lieu Recommendation • 706 Chambers Ave – SUP/Condo Plat • Three-Mile Plan • Community Development and Council Update
December 7 th Town Council Special Meeting and Work Session • Broadband Discussion
December 14 th Town Council • ADU Ordinance • ECSD Rezone & Sketch Plan • Eagle Ranch 6th PUD Amendment • Consent Agenda: Three-Mile Plan • Community Development Department Update
December 21 st Planning & Zoning Commission • Meeting Cancelled - Christmas
December 28 th Town Council • Meeting Cancelled – Christmas / New Year
January 2022
January 4 th Planning & Zoning Commission • 263 Sawatch – SUP for contractor yard • 435 Eby Creek Rezoning • Business Item: Appoint 2022 Chair and Vice Chair
January 11 th Town Council • Parking Fee in-lieu Ordinance • 706 Chambers Ave – SUP/Condo Plat • Consent Agenda: Appoint new Land Use and Development Code (LUDC) Update committee liaison • Community Development Department Update
January 18 th Planning & Zoning Commission • 82 Spur Road Lot Consolidation • Sinclair Station • Community Development and Council Update
January 25 th Town Council • 263 Sawatch – SUP/Condo Plat • 435 Eby Creek Road Rezoning



BUILDING DEPARTMENT UPDATE: *Major Construction Projects Under Review and Oversight*

- **Broadway Station: Mixed Use/Multi-Family**
 - Ongoing work on exterior finishes. Developer aiming for occupancy certificate January 2022.
- **410 Broadway: Mixed Use/Multi-Family**
 - Building review comments completed by December 3rd.

TYPE OF WORK PERFORMED	NUMBERS PERFORMED IN 2020	NUMBERS PERFORMED TO-DATE 2021
Inspections (n/i planning/pw)	1,970	1,306
Building Permits Processed	498	346

TOWN COUNCIL UPDATE:

November 23, 2021: Town Council Meeting

- No Town Council meeting due to Thanksgiving holiday.