



MEETING MINUTES
Planning & Zoning Commission
Tuesday, November 2, 2021, 6:00 PM
Public Meeting Room / Eagle Town Hall
200 Broadway, Eagle, CO

This agenda and the meetings can be viewed at www.Townofeagle.org.
PUBLIC WIFI - TOEE – ((TOEEWireless))

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

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

6:00 PM – REGULAR MEETING CALLED TO ORDER

Chair Hood called the meeting to order at 6:00 PM.

COMMISSIONERS PRESENT

Matthew Hood, Kyle Hoiland, Bill Nutkins,
Charlie Perkins, Robert Townsend,
Keegan Winkeller, Lani Webb (via Zoom)

STAFF

Chad Phillips – Community Development Director
Dennis Wike – Town Engineer
Peyton Heitzman – Planner I
Nikki Davis – Administrative Tech II

COMMISSIONERS ABSENT

Jesse Gregg

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

1. Minutes dated October 19, 2021

Approval of the October 19, 2021 minutes tabled until 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 comment opened at 6:01 PM. There was no public comment.

PUBLIC HEARINGS

1. Project: Eagle County Schools Housing
File #: RZ21-02 and S21-01
Applicant: Tom Braun of Braun Associates, Inc. on behalf of Eagle County Schools
Location: 747 E 3rd Street
Staff Contact: Peyton Heitzman, Planner I
Request: Rezoning of a 2.2-acre parcel from Public Area to Residential Medium and a Sketch Plan Subdivision for a residential development (16 units) at the west end of the 3rd Street Campus.

Staff Presentation

Ms. Heitzman presented this file noting there are two parts to this application. With regards to the first request, Ms. Heitzman reviewed the four conditions of rezoning as outlined in the Municipal Code. The conditions evaluate compatibility with surrounding land uses; whether the land was previously zoned in error or that the existing zoning is **inconsistent with the Town's plans**; that the area has changed substantially such that the proposed zoning better serves the community; or, that the rezoning is incidental to a **comprehensive revision of the Town's zoning map**. It is worth noting that the application must meet the first two conditions but is only required to meet either Condition #3 or #4. Staff believes the **application meets Condition #3** citing that the **current zoning was established in the 1970's / 1980's** and since then, the surrounding neighborhoods have been built out. Ms. Heitzman stated that Condition #4 does not apply to this application. While the application meets the conditions for rezoning, staff recommended denial citing section 4.04.030. Per this section of the Municipal Code, the plan lacks established lot lines, a requirement which can be met by submitting a final plat.

Next, Ms. Heitzman presented the sketch plan subdivision. Eagle County Schools (ECS) is partnering with Habitat for Humanity (Habitat) to construct 16 deed restricted units. More specifically, 12 units, or 75% of the project, would be reserved for ECS staff, and 4 units, the remaining 25%, would be allocated to local employees housing. Ms. Heitzman noted that the sketch plan subdivision is very conceptual. Staff and the applicant are only seeking general feedback from the Commission at this time.

Commissioner Winkeller asked where we are in the process of receiving the amended final plat. Mr. Phillips replied that we should receive it soon, along with the preliminary and final subdivision applications.

Applicant Presentation

Mr. Braun was accompanied by Emily Peyton, Elyse Howard, and John Welaj from Habitat for Humanity. First, Mr. Braun began by discussing the project goals, centered around retaining teachers and providing them with more housing opportunities. He stated that the portion of land under consideration on the 3rd Street campus is not utilized by the school or athletics and provides existing benefits to support infill. The site blends within an established neighborhood, is walkable to downtown, and already includes infrastructure. Mr. Braun also noted that ECS and Habitat have collaborated on projects before, recalling the Grace Avenue project in Gypsum that housed 12 district families. This new project will target district employees within the 80% - 100% area median income (AMI) threshold; the bracket where educators employed for two to five years traditionally fall within. Mr. Braun briefly touched on the 2020 Eagle County School District Employee Housing Master Plan and its goal to develop 120 new housing opportunities, including the 3rd Street Campus.

Mr. Braun emphasized the importance of the rezoning approval. The approval would strengthen Habitat's ability to secure financial support from donors and enable the group to invest large sums of money required for project design.

Beyond that, Mr. Braun stated they hope to submit for development permit in January or February in anticipation for construction to being in the spring. Next, Mr. Braun shared an image of the sketch plan and conceptual diagram of the proposed housing units. While the recent amendments to the Comprehensive Plan altered the definition of Public/Institutional to now include on-site employee housing, Mr. Braun believes that rezoning the lot to Medium Density Residential better aligns with the project.

To conclude, Mr. Braun briefly addressed the challenge posed by section 4.04.030. He reaffirmed his belief that the Commission has authority to approve their rezoning request based on a legal description. He suggested including a condition of approval that requires the submittal of a legal description with the zoning application ahead of the Town Council hearing.

Mr. Welaj also spoke, expressing Habitat's enthusiasm to participate in another Town of Eagle project. Since the early 2000's, Habit has constructed nearly 80 homes in Eagle County. Mr. Welaj added that as a part of Habitat's strategic planning, they continue seek out unique partnership opportunities with other organizations in the community.

Q & A

Commissioner Hoiland asked if this application required noticing to adjacent property owners. Ms. Heitzman confirmed a mailing and newspaper notice were completed for both the rezoning request and sketch plan. Commissioner Hoiland questioned whether we are opening the door for other applicants to change the review process if we approve this application. Commissioner Winkeller disagreed, stating the Commission does not need to approve every variance.

Commissioner Winkeller asked if staff has received the legal description. Mr. Braun replied he has a surveyor available and they should be able to submit this quickly.

Commissioner Nutkins asked for additional clarity on the conceptual design. Mr. Braun replied the location of the units will likely change based on topography and how efficiently construction can be executed.

Commissioner Perkins asked how emergency vehicles would maneuver this neighborhood. Mr. Braun replied that a small road extension, currently identified between buildings 5 & 6, would enable emergency vehicles to turn around. The precise location of this road extension may change.

Commissioner Webb asked where parking is located. Mr. Braun replied the design accounts for 3 spaces per unit which meets the minimum parking requirements. In addition to driveway parking, the units will also have a garage though the exact size is subject to change.

Commissioner Nutkins asked about the unit size and Ms. Peyton confirmed they are all 3-bedroom units.

Commissioner Townsend asked if the site accounts for guest parking. Mr. Braun replied they are considering this in the design; however, it may be impacted by the number of spaces built on-site at each unit.

Chair Hood asked if there is a compatibility issue between the fire station and residential uses. Mr. Braun replied there are residential uses downhill and across the street from the fire house. They do not perceive any compatibility issues. Next, Chair Hood asked about staff's concerns with approving the application if a condition to submit the final plat by an established deadline was included. Mr. Phillips replied that per the Town attorney, we cannot condition a rezoning.

Commissioner Perkins inquired how the design meets ADA requirements. Mr. Phillips replied these details would be addressed during the minor development permit review.

Mr. Braun clarified they have not submitted a surveyor's legal description yet; however, the application includes scaled and defined drawings of the rezoning area. Mr. Braun also acknowledged that Town Council's final zoning approval cannot be conditioned. Instead, Mr. Braun asked staff if the Commission can propose approval with a condition to Council. Mr. Phillips replied that if the Commission agrees with the applicant's interpretation of section 4.04.030 and they submit a legal description to staff ahead of a Town Council public hearing, that will fulfill the condition. The Commission supported this plan.

Public Comment

Public comment opened at 6:45 PM.

Rick Beveridge, 306 Howard Street – Mr. Beveridge expressed that this is the type of conceptual project the Commission needs to approve before the applicant spends thousands of dollars. He added that from an applicant's perspective, this project appears short-sided and that the lot can handle more than 16 units. Mr. Beveridge believes their Gypsum project was well managed.

Brenda Saucedo, Avon, Colorado – Mrs. Saucedo was born and raised in Eagle County. She read a personalized letter advocating for and supporting the housing project. In her letter, Mrs. Saucedo recounted how Habitat's work has positively impacted her and her family's lives. Today, she is employed by Eagle County Schools as a Family Advocate.

Public comment closed at 6:52 PM.

Discussion

Chair Hood excused himself during Commission discussion for a family emergency. Chair Hood appointed Commissioner Hoiland to serve as Chair for the remainder of the meeting.

Commissioner Nutkins referenced the August 31, 2021 meeting when the Planning Commission reviewed the proposed amendments to the Future Land Use Map (FLUM) and land use designations. As a product of that meeting, Commissioner Nutkins felt that the new Public/Institutional definition should be interpreted in a way that dedicates on-site housing to teachers. He believes this project should fully cater to the Eagle County School District. Mr. Phillips commented that the FLUM amendments were adopted after this application was submitted.

Commissioner Townsend also expressed his support for the project but agreed with staff's recommendation for denial citing the procedure defined in the Municipal Code.

Overall, the Commission voiced their support of the project, recognizing the ongoing need for housing and the emphasis on retaining teachers. They agreed that providing a recorded final plat or legal description prior to a public hearing with Town Council is required for a positive recommendation.

Mr. Braun stated that he agreed with Commissioner Nutkins' previous comment, suggesting that all 16 units be reserved for district staff. The dilemma is that Habitat aims to serve the broader community, not just one entity.

MOTION: COMMISSIONER CHARLIE PERKINS MOTIONED TO APPROVE FILE # RZ21-02, CONTINGENT UPON THE APPLICANT PROVIDING A RECORDED FINAL PLAT OR LEGAL DESCRIPTION PRIOR TO A TOWN COUNCIL PUBLIC HEARING. MOTION WAS SECONDED BY COMMISSIONER KEEGAN WINKELLER AND PASSED WITH A VOTE OF 6 IN FAVOR (WEBB, TOWNSEND, PERKINS, NUTKINS, HOILAND, WINKELLER) IN FAVOR AND 0 OPPOSED.

MOTION: COMMISSIONER CHARLIE PERKINS MOTIONED TO APPROVE FILE # S21-01 SKETCH PLAN. MOTION WAS SECONDED BY COMMISSIONER ROBERT TOWNSEND AND PASSED WITH A VOTE OF 6 IN FAVOR (WEBB, TOWNSEND, PERKINS, NUTKINS, HOILAND, WINKELLER) IN FAVOR AND 0 OPPOSED.

Commissioner Hoiland closed file RZ21-02 and S21-01.

2. Project: Work Session to amend Section 4.04.100.N concerning Accessory Dwelling Units
 File #: LURA21-06
 Applicant: Town of Eagle
 Location: Town of Eagle
 Staff Contact: Chad Phillips, Community Development Director/Town Planner
 Request: To get direction from the Planning and Zoning Commission and to take public input regarding the draft amendments to Section 4.04.100.N *Accessory apartments in owner-occupied single-family dwellings*.

Mr. Phillips presented this file. He began by stating staff's primary intention is to complete the amendments quickly for the community, then have Clarion oversee remaining aspects that require further evaluation. Mr. Phillips added there continues to be a difference of interpretation which has been problematic. With the immediate need for affordable housing, there is an increased level of urgency to make accessory dwelling units (ADUs) accessible. Through this work session, staff is seeking direction to amend the section language.

Public Comment

Rick Beveridge, 306 Howard Street – Mr. Beveridge owns several lots in Eagle. He believes the ADU size can be increased from 700 sq. ft. and that lot size as well as setbacks should be considered when determining the new square footage standard. Mr. Beveridge also expressed that measuring an ADU should exclude exterior stairs. Mr. Beveridge's other comments included a request to make exceptions for setbacks on corner lots, consider ADUs both with and without a garage, and to prohibit short-term rentals in ADUs.

Darryl Lundholm, 102 E Seventh Street – Mr. Lundholm asked for a copy of the presentation and provided his email address to staff.

Rick Pylman, 45 Creamery Trail – Mr. Pylman is a representative of the Haymeadow project. Mr. Pylman suggested focusing on condition #4 of the section. He believes it is too subjective.

Commissioner Nutkins asked if these standards only apply to residential areas and Mr. Phillips replied, yes.

Public comment closed at 7:37 PM.

Discussion

Following Public Comment, the Commission examined the 8 amended standards and provided additional feedback. A variety of questions were discussed regarding parking, where an ADU should be located on the lot if it is detached, and prohibiting short-term rentals in ADUs.

Commissioner Perkins commented that detaching the ADU from the primary residence allows the occupant certain liberties and was in favor of units above detached garages.

Commissioner Winkeller asked if the language should include regulations that restrict or prohibit short-term rentals and Mr. Phillips replied by asking if this would get in the way of making units available. Commissioner Webb

commented that it would encourage the community to follow the rules. Several Commissioners were in favor of striking condition #3 altogether and drafting new language to prohibit short-term rentals in ADUs.

Commissioner Perkins asked if a homeowners' association (HOA) can supersede these conditions and Mr. Phillips replied an HOA can only provide standards more restrictive than the Town's.

Commissioners Winkeller and Nutkins suggested increasing the 800 square feet standard. And/or, adjusting other aspects of condition #8 that speak to how the area is measured.

The Commission agreed on the following direction:

N. Accessory Dwelling Unit (ADU). An ADU is allowed in a single-family dwelling, attached to a single-family dwelling, in an accessory building; or detached from the primary dwelling providing that the following conditions are met:

- 1. The ADU will be a complete, separate dwelling unit that can be isolated from the primary unit or in a location detached from the primary dwelling.*
- 2. The ADU shall include its own independent access.*
- 3. [Language will be replaced with a standard that explicitly prohibits short-term rentals in ADUs].*
- 4. The primary dwelling unit and ADU shall be designed to have an appearance of a single-family home. In the condition of a detached ADU, the ADU will be situated on the rear half of the lot. [Additional standards should be incorporated to address corner lot homes].*
- 5. Maximum lot coverage and maximum floor area ratios may not be exceeded.*
- 6. Off-street parking spaces shall be provided pursuant to Section 4.07.140.*
- 7. The design and size of the ADU shall conform to all other applicable standards and requirements.*
- 8. The ADU shall not exceed 800 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 but excluding stairs, typically mechanical rooms, garages, and decks and porches that are not enclosed.*

Commissioner Hoiland closed file LURA21-06.

3. Project: Eagle Sinclair Station Drive Through and Building Addition
 File #: DR21-01 and V21-01
 Applicant: Turnipseed AIA Architecture + Constructions 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.

MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO CONTINUE FILE # DR21-01 AND V21-01, THE DEVELOPMENT PERMIT AND ZONING VARIANCE FOR 131 CHAMBERS AVENUE TO THE NOVEMBER 16TH, 2021, PLANNING AND ZONING COMMISSION MEETING. MOTION WAS SECONDED BY COMMISSIONER CHARLIE PERKINS AND PASSED WITH A VOTE OF 6 IN FAVOR (WEBB, TOWNSEND, PERKINS, NUTKINS, HOILAND, WINKELLER) AND 0 OPPOSED.

Commissioner Hoiland closed files DR21-01 and V21-01.

OPEN DISCUSSION

There were no additional comments or discussion items.

ADJOURN

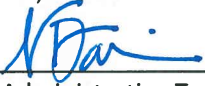
MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO ADJOURN. THE MOTION WAS SECONDED BY COMMISSIONER ROBERT TOWNSEND AND PASSED WITH A VOTE OF 6 IN FAVOR (WEBB, TOWNSEND, PERKINS, NUTKINS, HOILAND, WINKELLER) AND 0 OPPOSED.

MEETING ADJOURNED AT 8:15 PM.

APPROVED:

DATE:

Matthew Hood, Chairman



Nikki Davis, Administrative Tech II