



**Planning & Zoning Commission
Tuesday, January 4, 2022, 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 a virtual meeting with access via the Zoom link below.

[ACCESS THE ON-LINE 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

1. Appointment of Chairman and Vice Chairman

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

1. Minutes dated November 16, 2021
2. Minutes dated December 7, 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: 263 Sawatch Road Special Use Permit
File # SU21-04
Applicant: Richard Patriacca
Location 263 Sawatch Road
Staff Contact: Peyton Heitzman, Planner I

- Request: A Special Use Permit to operate a Contracto's Yard at 263 Sawatch Road.
2. Project: 435 Eby Creek Road Rezone
File # RZ21-03
Applicant: David Nudell on behalf of PITW LLC.
Location 435 Eby Creek Road
Staff Contact: Peyton Heitzman, Planner I
Request: To rezone 435 Eby Creek Road from Commercial General to Residential Multi-Family

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

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 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 impact baseline 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 that 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:

Jesse Gregg, Vice Chairman

Nikki Davis, Administrative Tech II



MEETING MINUTES
Planning & Zoning Commission
Tuesday, December 7, 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.

REGULAR MEETING CALLED TO ORDER

Chair Hood called the meeting to order at 6:01 PM.

COMMISSIONERS PRESENT

Matt Hood, Bill Nutkins, Jesse Gregg,
Charlie Perkins, Robert Townsend

COMMISSIONERS ABSENT

Kyle Hoiland, Lani Webb, Keegan Winkeller

STAFF

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

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

1. Minutes dated November 16, 2021

The approval of the November 16th minutes was tabled to January 4th due to lack of a quorum at the start of the meeting (minimum of four voting members). Chair Hood and Commissioner Perkins both abstained since they were absent from that meeting. Commissioner Nutkins asked for clarification on one of his statements during the Eagle Sinclair Station hearing.

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 6:02 PM. There was no public comment.

PUBLIC HEARING

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.

Staff Presentation

Mr. Phillips noted that the current parking standards could inhibit redevelopment or new development on Broadway. In reviewing previous variance approvals, staff uncovered inconsistent application of regulations motivating the Town to initiate a new parking study. Mr. Phillips recapped the findings of the parking study, which built upon a 2017 report and a recent stakeholder group survey. The findings of the new study helped establish the proposed fee of \$23,100 per space along with a new subsection in the Town code for fee in-lieu. The fee will be implemented through the Town's fee schedule; a document adopted annually by Town Council.

Q & A

Commissioner Nutkins asked if this whole section is going to be revamped through Clarion's work and Mr. Phillips replied, that is not the intention.

Chair Hood questioned if the Town's standards require too much parking and if Clarion is assessing the amount of parking required. Mr. Phillips replied that Clarion will review this, however, parking standards will be a minor part of their scope of work.

Public Comment

Public comment opened at 6:10 PM.

Bryan Woods, 212 East Third Street – Mr. Woods believes the parking standards are too high noting that downtown parking only fills up on big event nights. Mr. Woods included that he believes the fee is too high as it relates to maintenance costs for the projected 10 years. Any obligation the Town puts on development is counterproductive to downtown revitalization and the \$23,100 fee per space will impact the cost of living downtown.

Mr. Phillips replied that modifying the proposed \$23,100 fee per space will be a Council decision since it has been removed from Title 4 and added to the fee schedule.

Commissioner Townsend supported the added option which allows a developer to build parking spaces on the Town's right-of-way. Mr. Wike replied this idea came from a recent work session and the Mayor had positive feedback on the proposed fee. Mr. Wike included that the high cost of land, especially downtown, helps offset this fee.

Chair Hood echoed that staff should review the number of parking spaces to ensure the requirement is not too restrictive. This program should be an aid to developers, not a barrier. Mr. Phillips agreed stating the Town is trying to provide another option for developers and possible hardships.

Public comment closed at 6:18 PM.

MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO APPROVE THE CODE AMENDMENT TO CHAPTER 4.07, DEVELOPMENT STANDARDS, 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. THE MOTION WAS SECONDED BY COMMISSIONER ROBERT TOWNSEND AND PASSED WITH A VOTE OF 5 IN FAVOR (TOWNSEND, PERKINS, NUTKINS, HOOD, GREGG) AND 0 OPPOSED.

Chair Hood closed file LURA21-05.

PUBLIC HEARING

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*.

Staff Presentation

Ms. Heitzman presented this file. The Commission heard and recommended approval for a similar application in the spring for Lot D, an adjacent property. In 2017, the undeveloped property received a Special Use Permit which allowed for the construction of a building with residential above commercial units with the exception of two ground floor residential units. The accessory residential units were required to maintain a 1:1 ratio with a commercial unit. Now, the applicant is requesting to reclassify the residential units upstairs from accessory residential to dwelling units above street level. This change would permit residential units to subdivide separate from the commercial units.

Ms. Heitzman reviewed the four conditions for obtaining a Special Use Permit. She noted that while this project is in substantial compliance with the conditions, there may be potential conflicts with a couple standards. The Comprehensive Plan (Comp Plan) states that residential in the commercial zone district should be reserved for workforce housing that directly supports onsite commercial. Staff believes that subdividing residential from commercial would diminish the onsite workforce housing classification as the units will likely house different tenants under individual ownership. Furthermore, there are concerns with incompatibility between residential and nearby commercial uses. There have been noise complaints from an outdoor kennel on an adjacent property. Staff has tried to address this with a condition of approval that requires the property owner to notify residents about the noise.

Staff recommended approval with a condition: that residents are advised they are choosing to live in a commercial zone district where additional noise can be generated.

Applicant Presentation

The applicant representative, Ashley Patriacca, was present on Zoom. Ms. Patriacca noted that their leasing documents address the higher level of noise compared to a residential area. Many of the existing tenants have experienced no problems and new tenants are made aware. As for the reclassification of Building D, Ms. Patriacca reiterated this request was approved for Building C. To comply with the Town's requirements in the past, the property owner constructed two accessory units in the lower level of Building C to meet accessibility standards. Ms. Patriacca added that the change in classification helps with financing these buildings.

Public Comment

Public comment opened at 6:30 PM. There was no public comment.

Discussion

Commissioner Gregg supported the request, commenting that the uses are established and compatible. Commissioner Gregg added that the Commission knew the nearby kennel would be loud, but it should not be a reason for denial. Commissioner Perkins agreed stating the change allows developers more flexibility.

Commissioner Nutkins expressed a different opinion, questioning if this reclassification would lead to an apartment complex in the commercial zone district. He argued that the intent was to create onsite employee housing and this application does not support that concept. The reclassification would enable developers to sell units individually, creating a risk for further increased rental rates. Chair Hood agreed stating this request does not meet the original standards of the 1:1 ratio. The change would not help workforce housing.

Chair Hood invited Dave Dantas, the applicant, to provide additional context to support the request. Mr. Dantas stated they are seeking the same rights as the approval for Building C. Additionally, contrary to previous staff's assessment, Mr. Dantas and his development team do not view the entire project as a whole because the lots have been subdivided. Ms. Patriacca argued they thought they were following the Town's standards by constructing two ground-floor accessible units in Building C. However, those units now make it difficult to comply with the 1:1 vertical model.

Mr. Phillips emphasized that when considering approval or denial of a Special Use Permit, staff's intent is to determine whether the requested use is permitted on the requested site. Mr. Phillips encouraged the Commission to return to the Comp Plan and Title 4 and to cite any policies or regulations that do not support this application.

MOTION: COMMISSIONER ROBERT TOWNSEND MOTIONED TO APPROVE FILE # SU21-06: 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 WITH THE FOLLOWING CONDITION OF APPROVAL:

- 1. THE COMMON INTEREST OWNERSHIP DECLARATION FOR THE PROPERTY SHALL INCLUDE AN ADVERTISEMENT 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.**

MOTION WAS SECONDED BY COMMISSIONER JESSE GREGG AND PASSED WITH A VOTE OF 3 IN FAVOR (TOWNSEND, PERKINS, GREGG) AND 2 OPPOSED (HOOD, NUTKINS).

Chair Hood closed file SU21-06.

BUSINESS ITEMS

1. Adoption of the 3-Mile Plan

Public comment opened at 6:54 PM. There was no public comment.

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

Chair Hood closed Adoption of the 3-Mile Plan.

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: December 7, 2021

Mr. Phillips included a brief update on the first Land Use and Development Code (LUDC) Update Committee meeting with Clarion. Mr. Phillips stated the intent was not to get into the details of the process but more simply, to review Clarion’s code assessment report. To comply with Home Rule statutes, a Chair and Vice Chair will be selected though as an advisory group, the committee will not vote on any decisions. Furthermore, as the committee progresses, updates will be shared with both the Planning Commission and Council.

OPEN DISCUSSION

There is no Planning Commission meeting on December 21st. Instead, the next scheduled meeting will be January 4th.

ADJOURN

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

MEETING ADJOURNED AT 6:58 PM.

APPROVED:

DATE:

Matthew Hood, Chairman

Nikki Davis, Administrative Tech II



**STAFF REPORT AND
CERTIFICATE OF RECOMMENDATION**

TO: Planning & Zoning Commission

FROM: Community Development Department

DATE: January 4, 2022

PROJECT: 263 Sawatch Road

FILE NUMBER: SU21-04

APPLICANT: Richard Patriacca

LOCATION: 263 Sawatch Road

CODE: Chapter 4.04 Zoning
Chapter 4.05 Zoning Review

ZONING: Commercial General Zone District

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

PUBLIC COMMENT: Staff has received no letters of public comment as of December 29, 2021. Letters received after this time will be gathered and entered into the public record at the hearing.

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

REQUEST: A Special Use Permit to operate a Contractor's Yard at 263 Sawatch Road.

INTRODUCTION

Rick Patriacca of SAWATCH 263 RD LLC (Applicant) is applying for a Special Use Permit to operate a Contractor Yard at 263 Sawatch Road. The property is in the Commercial General zone district where Contractor Yards are permitted through a Special Use Permit. The proposed use is intended to be temporary until the Applicant develops on the property. The property was approved for a Special Use Permit in 2020 to allow for buildings with Accessory residential above commercial. Prior to construction, the Applicant will need to apply for a Development Permit. In the meantime, the Applicant would like to continue the Contractor Yard use. The Contractor Yard will be used for the outdoor storage of trucks, trailers, storage containers, constructions equipment, and construction materials (stone, dirt, logs, etc.).



This property has been granted three Special Use Permits for the Contractor Yard operation, which has served multiple developments to the north (700 Chambers Ave., 702 Chambers Ave., 704 Chambers Ave., 706 Chambers Ave.). The first permit was granted in February of 2012 for a 3-year term, then in March of 2015 for an additional 3-years, and the last permit was approved in May of 2018 for a 2-year term. The previous Special Use Permits were approved for two properties, 263 Sawatch Road and 483 Sawatch Road. Both properties are under separate ownership. This request is solely for 263 Sawatch Road.

The 2018 Special Use Permit, approved through Resolution 29, Series 2018 ([LINK](#)), included eight conditions of approval. Most conditions of approval are recommended to continue through this new Special Use Permit if the Council approves this request. The existing Contractor Yard meets a majority of the conditions; however, the property is out of compliance with conditions #3, #4, #5, and #8. Condition #3 required screening along the northern property line. The Applicant met this condition in the past, however, screening to the north was removed when the adjacent property was developed. A condition of approval has been added to re-install this screening. Condition #4 required culverts along the southern berm. Culverts were installed in the past but have been damaged or removed. Public Works has requested a new culvert or a concrete drive be installed, which has been included as a condition of approval. Condition #5 required the Applicant block access to the retention pond through locking jersey barriers. The condition of approval has been modified to generally required the Applicant limit access to the retention pond.

Finally, condition #8 states the “Special Use Permit shall expire two years from approval or upon obtaining building permit for the approved “live/work” use (SU17-06), whichever comes first. No further extensions of the contractor storage use shall occur”. The 2018 Special Use Permit for the Contractor Yard expired in May of 2020 which is why the Applicant is applying for a new Special Use Permit. While the condition of approval states that no further extensions shall occur, nothing in the Code prohibits the Applicant from applying for this Special Use Permit.

ISSUES FOR DISCUSSION

1. Should the Applicant be allowed to proceed with this request considering the condition of approval in Resolution 29, Series 2018, limiting the extension of the contractor storage use?

STANDARDS FOR SPECIAL USE PERMIT

Section 4.05.010.

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

Elevate Eagle Comprehensive Plan (2021 Amendment):

- *Policy 1-2.2. Promote commercial development that fits the desired character of the community and its character areas.*

Staff Comment: While the Contractor Yard use is not a commercial use that fits the desired character of area, it is a temporary use that is intended to support commercial development in the area. 263 Sawatch Road is within the Interstate 70 Influence Character Area in the Comprehensive Plan. Further analysis of the proposed use against policies in the Character Area can be found below.

- *Policy 1-2.3. Support opportunities to expand and diversify the commercial and light industrial base.*

Staff Comment: The Applicant has shared the intent to develop the property like the neighboring buildings to the north (residential above permitted commercial uses). The allowance of this temporary use will provide support for the development of the property, which is slated to have commercial uses. The future commercial space will expand and diversify the Town’s commercial base.

- *Policy 1-2.8. Encourage continued reinvestment in existing commercial areas.*

Staff Comment: See staff comment for Policy 1-2.3.

Relevant policies from the Interstate 70 Influence Character Area include:

- *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: As previously mentioned, the Contractor Yard is temporary and will support the future development of the property. The use is auto-oriented with contractor vehicles coming in and out of the lot.

- *Policy 2-7.5. Encourage the development of vacant or underutilized lots at the western end of Chambers Avenue with more intensive uses that would benefit from their accessibility to the interstate corridor.*

Staff Comment: It is unclear to staff whether the approval of this Special Use Permit will encourage development of this lot, however, the Applicant intends to construct a building with more intensive uses on the lot in the future.

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

Staff Comment: The property is surrounded by mixed use buildings to the north (residential above commercial), a contractor yard to the east, residential to the south, and a vacant lot to the east. The residential uses to the south are buffered by a berm along the southern property boundary, Sawatch Road, and the Union Pacific rail line. Staff has not received complaints from the residents to the south. On the western end of 263 Sawatch Rd is a detention pond that provides a buffer between the undeveloped property to the west and the Contractor Yard use. A condition of the 2018 Special Use Permit was that a screening fence be installed along the western property line. Staff has included a condition to address screening, however, the location of screening has been modified to the perimeter of the Contractor Yard use, not the property line. Staff has no concerns with compatibility with surrounding uses.

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: Minimal traffic is generated from this use and no street improvements are required at this time. There is an emergency access to the north of the property that connects to 706 Chambers Avenue. This access will be limited to emergency vehicles. Staff recommends a condition of approval that temporary signage or a physical barrier be installed to discourage tenants to the north from using the emergency access. The parking provided onsite is sufficient for the Contractor Yard use. Staff does not believe any street or parking improvements are needed at this time.

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

Staff Comment: This standard does not apply to this application.

STANDARDS FOR ZONING (SECTION 4.04.)

Staff reviewed the request for the Contractor Yard use against the applicable regulations in Chapter 4.40. The following standards are applicable per [Section 4.04.040](#) of the Municipal Code.

Section 4.04.100.J. Minimum use standards. *In all zone districts, except as otherwise specified herein, all uses shall be designed and operated in compliance with the following minimum standards:*

1. *All fabrication, service and repair operations shall be conducted within a building, except in the industrial zone, where such uses may be conducted outside a building if within a fence as set forth in Subsection (J)(2) of this section;*

Staff Comment: This standard is not applicable to this request since there is no proposed fabrication, service or repair operations.

2. *All storage of materials except merchandise displayed for retail sale shall be within a building or in the rear yard and obscured from view from surrounding properties by a fence in conformance with Subsection (H)(6) of this section;*

Staff Comment: Since the proposed use is the storage of construction materials and equipment, storage cannot be limited to the rear yard. Through previous Special Use Permits, there is a berm along the front boundary of the property that provides screening to the south. A condition of this Special Use Permit is that a fence be installed to the north to provide screening from the adjacent property. Screening from surrounding properties will be provided with an exception of the property boundary between 263 Sawatch Rd and 483 Sawatch Rd. Screening between the two properties was not required with the previous Special Use Permits since the two lots operated under the same use. Staff has provided a condition of approval requiring that the Applicants install screening if 483 Sawatch Rd develops.

3. *Loading and unloading of vehicles shall be conducted on private property and not on any street or alley, except in the CBD, where it may be from a designated loading zone or alley;*

Staff Comment: All loading and unloading operations take place on private property.

4. *No dust, noise, odor, fumes, glare or vibration shall be projected beyond the lot.*

Staff Comment: The screening in place, and proposed, is intended to limit dust, noise, odor, fumes, glare or vibrations from projecting beyond the lot.

Section 4.04.100.L. Industrial use standards. *All industrial and commercial uses operating within the Town shall comply with the following standards so that such uses do not create any danger to safety in surrounding areas, do not cause water pollution and do not create offensive noise, vibration, smoke, dust, odors, heat, glare or other objectionable influences beyond the boundaries of the property in which such uses are located, and do not constitute a public nuisance or hazard:*

1. *Volume of sound. Every use shall be so operated that the volume of sound inherently and recurrently generated does not exceed 60 decibels with a maximum increase of five decibels permitted for a maximum of 15 minutes in any one hour at any point on any boundary line of the property on which the use is located.*

2. *Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on the boundary line of the property on which the use is located.*
3. *Smoke. Every use shall be so operated that it does not emit smoke exceeding a density of No.1 on the Ringlemann Chart.*
4. *Particulate matter. Every use shall be so operated that it does not emit particulate matter exceeding 0.2 grains per cubic foot of the flue gas at a stack temperature of 500 degree Fahrenheit.*
5. *Heat, glare, radiation and fumes. Every use shall be so operated that it does not emit an obnoxious or dangerous degree of heat, glare, radiation, or fumes beyond any boundary line of the property on which the use is located.*
6. *Storage.*
 - a. *The outdoor storage of flammable or combustible liquids shall conform to the requirements of Section 5704.4 of the International Fire Code, 2012 Edition. No outdoor storage of flammable or combustible liquids shall occupy any part of a front yard;*
 - b. *Underground storage of flammable or combustible liquids shall conform to all of the requirements of the International Fire Code, 2012 Edition;*
 - c. *No materials or wastes shall be deposited upon a property in such form or manner that they may be transferred off the property by natural causes or forces;*
 - d. *All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outdoors in closed containers.*
7. *Water pollution. No water pollution shall be emitted by the manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the County Health Officer and in compliance with the laws of the environmental protection agency, State Department of Public Health and Environment and Chapter 12.22 before operation of the facilities may begin. All percolation tests or groundwater resources tests which may be required by local or State Health Officers must be met before operation of the facilities may begin.*

Staff Comment: The use of the property as a Contractor Yard has been active since 2012. No violations against standards in Section 4.04.100.L have been reported or found since this time. Staff believes that the applicant is in compliance with this section the Municipal Code. Additionally, the Applicant conducts fire mitigation efforts on the property, most recently burning noxious weeds in the detention pond.

Section 4.04.100.M. Outside storage standards. *Items, including, but not limited to, vehicles, excavation equipment, machinery, utility service supplies, fabrication materials, and general supplies, which are stored outside on a regular, permanent, semi-permanent, or seasonal basis, and which occupy more than 1,000 square feet on any one lot, are subject to the following requirements:*

1. *Location of storage area. As a general rule, outside storage areas shall be situated in the rear yard.*

Staff Comment: As previously mentioned, limiting storage to the rear of the yard is restrictive for a Contractor Yard that's use is primarily storage.

2. *Buffer. Outside storage areas in the front yard or on lots with no, or minimal, structures shall be required to provide a front street buffer as provided in Section 4.07.020(B).*

Staff Comment: The property has a berm along the full length of the front yard that provides a buffer and visual barrier to the Contractor Yard. Section 4.07.020(B) provides specific standards for material coverage, size, sprinkler systems, etc. While the existing berm conforms to a majority of these standards, there are a few nonconformities. The berm is not served by an underground sprinkler system and does not meet the minimum width for a landscape buffer (15'). Previous approvals have deferred compliance to these standards to development, due to the temporary nature of the use. Staff is recommending a condition of approval that the Property come into compliance with all landscape standards at time of development permit.

STAFF RECOMMENDATION

Staff recommends APPROVAL with conditions of SU21-04 263 Sawatch Rd Contractor Yard based on Standards (1), (2) and (3) of Section 4.05.010. of the Municipal Code. Specifically, that the application:

1. The application is in substantial compliance and is consistent with the provisions of this chapter and with the Town's goals, policies and plans; and
2. Surrounding uses are primarily commercial and/or industrial and are generally compatible with existing and allowed uses surrounding or affected by the proposed use; and
3. Traffic volumes are minimal and there are 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.

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to SU21-04 263 Sawatch Rd Contractor Yard:

1. Recommend approval with no conditions.
2. Recommend approval with conditions.
3. Continue (table) the application. (Provide staff and the applicant detail regarding information needed for a decision).
4. Recommend Denial. (Cite all Code sections and/or Plan policies that resulted in motion for denial).

SUGGESTED MOTION:

I move to RECOMMEND APPROVAL File # SU21-04 263 Sawatch Rd Contractor Yard with conditions, based on the following finding:

FINDING FOR APPROVAL

The File #SU21-04 263 Sawatch Rd Contractor Yard is in conformance with Section 4.05.010. of the Land Use and Development Code and the Elevate Eagle Comprehensive Plan.

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

1. Storage of containers, materials, and small vehicles (lower intensity) can be stored on the lot.
2. Primary access to and from the lot will occur on off Sawatch Road. Emergency access shall not be used as general site access. The emergency access shall be restricted through signage or a physical barrier.
3. Temporary screening fencing (6' chain link fence with slats or fabric) will be installed along the full western perimeter of the Contractor Yard use. Existing screening shall be repaired. Screening shall be added along the northern property line. The minimum height of the fencing shall be six feet.
4. If the adjacent property to the east (483 Sawatch Road) develops, screening shall be added to avoid conflicts with future residential or commercial uses.
5. A culvert or concrete driveway designed as a low water crossing needs to replace the previously permitted culvert in the existing driveway that is no longer present. The new culvert or concrete driveway needs to be installed in accordance with the Town of Eagle Public Works standards and under a Town of Eagle Public Works Permit for Construction in the Public Right-of-Way.
6. Access to the retention pond will be restricted. Retention area shall not be used for depositing material of any sort.
7. Uses permitted shall be limited to outside storage of trucks, trailers, storage containers, wood dryer, wood mill, and construction equipment. Stone, dirt, and logs are also permitted to be stored on the property. Any use outside of these parameters shall be removed within sixty (60) days of special-use approval, to be reviewed and approved by the Town Planner at a conducted site visit.
8. This Special Use Permit shall expire in one year from approval. The Town Planner may grant one administrative extension of this deadline, of up to one year, upon good cause shown. Any further extensions must be considered by the Town Council.



TOWN OF EAGLE
COMMUNITY DEVELOPMENT
200 BROADWAY • PO BOX 609 • EAGLE, CO 81631
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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	PLANNED UNIT DEVELOPMENT (PUD) REVIEW	☐ Final Plat
☐ Temporary Use Permit	☐ PUD Zoning Plan	☐ Lot Line Adjustment
☐ Amendment to Zone District Regulations	☐ PUD Development Plan	☐ Condominium / Townhouse
☐ Encroachment Permit		☐ Minor Subdivision

PROJECT NAME 263 Sawatch Road

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

LOCATION

STREET ADDRESS 263 Sawatch Road

PROPERTY DESCRIPTION

SUBDIVISION 700 Chambers Ave Subdivision LOT(S) 2 BLOCK _____
(attach legal description if not part of a subdivision)

DESCRIPTION OF APPLICATION/PURPOSE We would like to continue to use the property for contractor's storage until we build the buildings on the property.

APPLICANT NAME Richard Patriacca PHONE 970-390-3225

ADDRESS PO Box 4556; Eagle, CO 81631 EMAIL rich@peivail.com

OWNER OF RECORD Sawatch 263 RD, LLC PHONE 970-390-3225

ADDRESS PO Box 2322 Avon CO 81620 EMAIL rich@peivail.com

REPRESENTATIVE* _____ PHONE _____

ADDRESS _____ EMAIL _____

*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.
- ☐ 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.



Signature

8 June 2021

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 263 Sawatch Road
Contractor's Yard

Date of Application 6/8/2021.

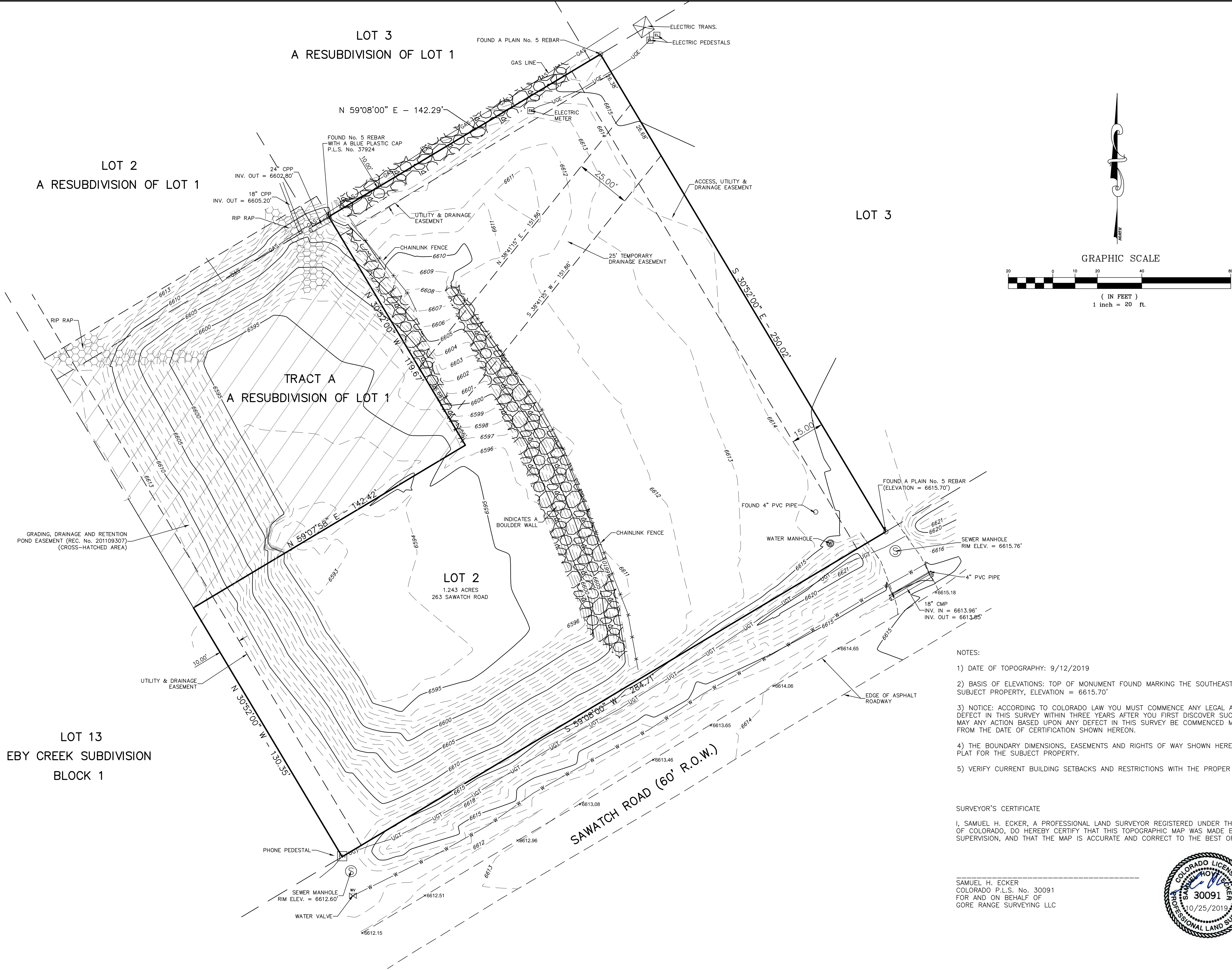
Revised 9/28/2021.

We are seeking an extended approval for the Special Use Permit for the operation of a contractor storage yard located at 263 Sawatch Road, Eagle, CO. This parcel of land is located in the Commercial General Zone District. We would like to maintain the contractor's yard status until we start developing this parcel of land. In prior applications, both 263 and 483 Sawatch Road were under a special use permit together. The two properties are currently under separate ownership and will apply for special use permit separately. This application is solely for 263 Sawatch Road.

We would like to use the land to store containers, materials, construction supplies, construction equipment, trailers and vehicles that are SMM or registered vehicles. This storage yard allows us to have space to store materials, supplies and equipment.

There is a primary access to and from the lot on the southeast side of the property. The emergency access located through The 700s Chambers shall not be used as a general site access.

To meet the requirements of Resolution 29 Series of 2018, there will be a temporary fence with screening located at the western side of the property at the point before the drainage pit. There will also be a temporary fence at the northern side of the property. There is a berm along the southern side of the property. The eastern side of the property is 483 Sawatch Road. We were told we do not need a separation of these same use properties at this time.



- NOTES:
- 1) DATE OF TOPOGRAPHY: 9/12/2019
 - 2) BASIS OF ELEVATIONS: TOP OF MONUMENT FOUND MARKING THE SOUTHEASTERLY CORNER OF THE SUBJECT PROPERTY, ELEVATION = 6615.70'
 - 3) NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.
 - 4) THE BOUNDARY DIMENSIONS, EASEMENTS AND RIGHTS OF WAY SHOWN HEREON ARE PER THE RECORD PLAT FOR THE SUBJECT PROPERTY.
 - 5) VERIFY CURRENT BUILDING SETBACKS AND RESTRICTIONS WITH THE PROPER GOVERNING AUTHORITY.

SURVEYOR'S CERTIFICATE

I, SAMUEL H. ECKER, A PROFESSIONAL LAND SURVEYOR REGISTERED UNDER THE LAWS OF THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS TOPOGRAPHIC MAP WAS MADE BY ME AND UNDER MY SUPERVISION, AND THAT THE MAP IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SAMUEL H. ECKER
COLORADO P.L.S. No. 30091
FOR AND ON BEHALF OF
GORE RANGE SURVEYING LLC



TOPOGRAPHIC MAP
LOT 2, 700 CHAMBERS AVENUE SUBDIVISION
TOWN OF EAGLE
EAGLE COUNTY, COLORADO

Gore Range
Surveying, LLC

P.O. Box 15
Avon, CO 81620
(970) 479-8698 • fax (970) 479-0055

DRAWN BY: SE	DATE: 10/25/2019
CHECKED BY: SE	DRAWING NO.: 19-1171 topo
JOB NO.: 19-1171	SHEET 1 OF 1

Aerial Photo



Site Photos









**STAFF REPORT AND
CERTIFICATE OF RECOMMENDATION**

TO: Planning & Zoning Commission

FROM: Community Development Department

DATE: January 4, 2022

PROJECT: 435 Eby Creek Road

FILE NUMBER: RZ21-03

APPLICANT: PITW LLC.

**APPLICANT
REPRESENTATIVE:** David Nudell

LOCATION: 435 Eby Creek Road

CODE: Chapter 4.04 Zoning
Chapter 4.05 Zoning Review
Chapter 4.12 Subdivision Review

ZONING: Commercial General Zone District

EXHIBITS: A: Project Application and Narrative
B: Rezone Petition
C: Site Plan
D: Aerial Photo
E: Site Photos

PUBLIC COMMENT: Staff has received no letters of public comment as of December 29, 2021. Letters received after this time will be gathered and entered into the public record at the hearing.

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

REQUEST: The Applicant seeks approval to rezone a parcel from Commercial General to Residential Multi-Family.

INTRODUCTION

PITW LLC. (Applicant) is requesting to rezone a 2.804-acre parcel from Commercial General (CG) to Residential Multi-Family (RMF). The property is located at 435 Eby Creek Road (Property), north of I-70 and west of Eby Creek Road.

The Eby Creek Mesa subdivision is to the west of the Property. The neighborhood is a low-density, single-family subdivision located outside of the Town boundary but within the Town's Urban Growth Boundary. The property directly to the north is open space owned by the Eby Creek Mesa Homeowners Association. To the south is a multi-family residential structure. Other uses in the area are commercial including a grocery store, bank, medical office, restaurants, liquor store, and more.



This request to rezone follows the Town's recent Amendment to the Elevate Eagle Comprehensive Plan (Comprehensive Plan) which included a modification of the Future Land Use Map (FLUM). The future land use designation was changed from Commercial/Light Industrial to Mixed Use in the FLUM. This change in future land use allows for greater residential density than would have been allowed under the Commercial/Light Industrial designation. The Comprehensive Plan provides a list of allowed zone districts that correlate with future land uses in the FLUM. This list can be found on page 32 of the Comprehensive Plan ([LINK](#)). Residential Multi-Family zoning is listed as an allowed zone district for Mixed Use. The Site Plan shows that the Applicant intends to construct a multi-family residential apartment complex on the Property. A Development Permit would be required for any multi-family structure with eight or more dwelling units.

ISSUES FOR DISCUSSION

1. Does the proposed zoning align with the Elevate Eagle Comprehensive Plan?

REZONING STANDARDS FOR APPROVAL (SECTION 4.05.030.A.)

STANDARD #1: *That the rezoning is compatible with surrounding land uses, and is consistent with the Town's goals, policies and plans.*

Compatibility with surrounding land uses:

Staff Comment: The Property is adjacent to 85 Pond Road which contains a multi-family apartment complex. The residential use of the neighboring property is compatible with the allowed residential density in the proposed zoning. While the Property is close to the Eby Creek subdivision, both properties have their own street access and are separated by a steep slope. The commercial uses in the area are located across Eby Creek Road to the east. Staff does not anticipate any incompatibilities with the residential zoning and the surrounding residential and commercial land uses.

Consistency with Town goals, policies and plans:

Staff Comment: Staff has provided an analysis of the project against relevant policies from the Elevate Eagle Comprehensive Plan below.

- *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: This new zoning will promote a healthy mix of housing types and densities by allowing a new multi-family complex. Roughly 80% of Town of Eagle's housing stock is single-family homes. This project will provide the community with another multi-family housing option in addition to the ~844 units approved (not constructed) through the Reserve at Hockett Gulch and Haymeadow developments.

- *Policy 2-3.3 Ensure new development builds upon and adds value to Eagle's unique community character through adherence to high quality standards of design and constructions.*
 - a. *Ensure residential infill and redevelopment blend appropriately with the character and scale of surrounding neighborhoods.*
 - b. *Utilize infill and conservation-oriented development to accommodate growth while retaining open lands and protecting environmentally sensitive areas.*

Staff Comment: Staff has not received architectural designs to determine whether the building design will meet the character of the surrounding residential and commercial uses. This policy will be reevaluated with the Development Permit application. With another multi-family structure in the area, the proposal appears to blend with the scale of surrounding neighborhoods in terms of density and housing type.

- *Policy 2-4.1. Enhance pedestrian access and amenities, and public gathering area to promote social interactions.*
 - a. *New development should provide amenities such as sidewalks, parks, open space, systems, and bicycles paths.*
 - 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 applicant has provided a conceptual site plan that has limited details. Staff encourages the Applicant consider public improvements, such as sidewalks, landscaping, gathering areas, etc. in the site design for Development Permit to ensure conformance with Policy 2-4.1.

- *Policy 2-5.4. Preserve viewsheds and view corridors in key areas throughout Town. Work to preserve high quality agricultural lands, rural lands as appropriate, public lands, wildlife resources, water resources and forest resources when evaluating new development and/or annexations.*

Staff Comment: The location of the property does not appear to impact any viewsheds or view corridors. The property's location does not impact agricultural lands, rural lands, public lands, water resources and forest resources. Staff looked at the Eagle County Community Wildlife Roundtable Interactive Map Viewer to understand potential impacts to wildlife habitat, migration corridors, winter/summer ranges, etc. The property is located within Mule Deer migration corridors and severe winter range according to the Map ([LINK](#)). Staff recommends the Applicant consider ways to mitigate negative impacts to wildlife with the development design.

- *Policy 3-3.1. Ensure residents have access to recreation amenities.*
 - a. *N/A*

- b. *Require new development to provide adequate parks, trails, other recreational facilities, and connections to pedestrian/bicycle-oriented amenities.*

Staff Comment: Access to recreation amenities is unknown at this time and will be reviewed at time of Development Permit.

- *Policy 3-5.4. Require new development to provide trail (hiking, biking, motorized) connections to local and regional destinations or existing trail systems.*

Staff Comment: The location of the property may limit opportunities to connect to local and regional trail systems. This policy will be re-evaluated at time of Development Permit.

- *Policy 4-1.2. Protect and preserve wildlife habitat, movement corridors, and other sensitive lands.*
- *Policy 4-1.7. Utilize the most current analysis tools and mapping to identify critical wildlife habitats and movement corridors.*

Staff Comment: See staff's response to Policy 2-5.4.

- *Policy 4-4.1. Development should avoid natural hazards and impacts on environmentally sensitive and hazard-prone areas.*

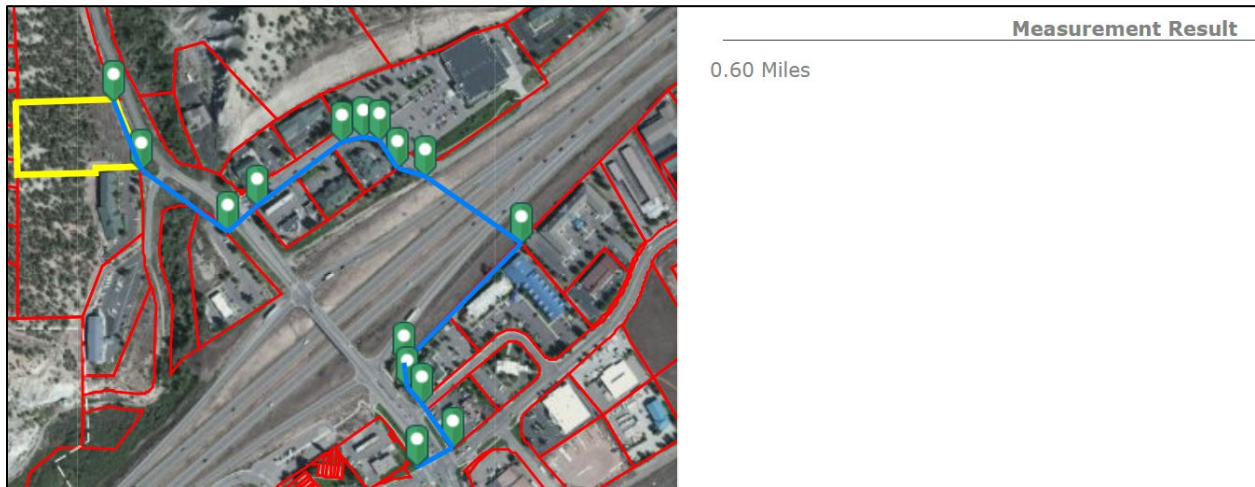
- a. *Discourage buildings or land disturbances on steep slopes, ridgelines and other hazard areas.*

Staff Comment: A portion of the property is located on a steep slope or ridgeline. The image below, taken from Eagle County GIS, indicates slopes greater than or equal to 30% in red. The conceptual site plan shows that the applicant is planning to construct on the eastern end of the property to avoid the slope.



- *Policy 5-1.4. Promote the development of compact neighborhoods in close proximity to public transit options, and allowing increased residential, retail, and mixed-use densities in areas close to transit stops.*

Staff Comment: The proposal is less than a mile from the Chambers Park n Ride transit stop (see following image). There is limited access from the property to Market Street where the sidewalk connects to the pedestrian bridge. The applicant may want to consider improvements to enhance connectivity through the site design.



STANDARD #2: *That the land to be rezoned was previously zoned in error or the existing zoning is inconsistent with the Town’s goals, policies and plans.*

Staff Comment: The land was not previously zoned in error. The existing zoning is inconsistent with the Town’s goals, policies, and plans. The property is designated as Mixed Use on the FLUM, a future land use that is intended to provide more residential density than allowed under the current Commercial General zoning.

STANDARD #3: *That the area for which rezoning is requested has changed substantially such that the proposed rezoning better meets the needs of the community; OR*

Staff Comment: The property has changed substantially with the new land use designation in the FLUM that allows for greater residential density to better meet the housing needs of the community. The surrounding properties have also experienced substantial change. The property to the south rezoned from Commercial General in 2018, allowing for the current apartment complex.

STANDARD #4: *That the rezoning is incidental to a comprehensive revision of the Town’s zoning map which recognizes a change in conditions and is consistent with the Town’s goals, policies and plans.*

Staff Comment: There has not been a comprehensive revision of the Town’s zoning map. This standard does not apply.

STAFF RECOMMENDATION

Staff recommends APPROVAL of rezoning 435 Eby Creek Road from Commercial General to Residential Multi-Family based on Standards (1), (2) and (3) of Section 4.04.030. of the Municipal Code. Specifically, that the application:

1. That the rezoning is compatible with surrounding land uses, and is consistent with the Town’s goals, policies and plans; and
2. The existing zoning is inconsistent with the Town’s goals, policies and plans; and
3. That the area for which rezoning is requested has changed substantially such that the proposed rezoning better meets the needs of the community.

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to File # RZ21-03 rezoning 435 Eby Creek Road:

1. Recommend approval with no conditions.
2. Recommend approval with conditions.
3. Continue (table) the application. (Provide staff and the applicant detail regarding information needed for a decision).
4. Recommend Denial. (Cite all Code sections and/or Plan policies that resulted in motion for denial).

SUGGESTED MOTION:

I move to RECOMMEND APPROVAL File # RZ21-03 rezoning 435 Eby Creek Road with no conditions, based on the following findings:

FINDINGS FOR APPROVAL

The application meets the requirements of Title 4 of the Land Use and Development Code and is in conformance with the Elevate Eagle Comprehensive Plan (2021 Amendment).



TOWN OF EAGLE
COMMUNITY DEVELOPMENT
200 BROADWAY • PO BOX 609 • EAGLE, CO 81631
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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	PLANNED UNIT DEVELOPMENT (PUD) REVIEW	☐ Final Plat
☐ Temporary Use Permit	☐ PUD Zoning Plan	☐ Lot Line Adjustment
☐ Amendment to Zone District Regulations	☐ PUD Development Plan	☐ Condominium / Townhouse
☐ Encroachment Permit		☐ Minor Subdivision

PROJECT NAME 435 EBY CREEK ROAD Residential Multi Family
PRESENT ZONE DISTRICT Commercial / General PROPOSED ZONE DISTRICT ~~High Density Residential~~ (RMF)
(if applicable)
LOCATION
STREET ADDRESS 435 EBY CREEK ROAD, Eagle CO 81631
PROPERTY DESCRIPTION
SUBDIVISION Perry Subdivision LOT(S) 3 BLOCK _____
(attach legal description if not part of a subdivision)
DESCRIPTION OF APPLICATION/PURPOSE Rezoning of Property to RMF
~~High Density Residential~~ Pursuant to FLUM and
Community Plan Update

APPLICANT NAME PITW LLC. PHONE 818-216-9573
ADDRESS 2111 Mulholland Drive, Woodland Hills, CA EMAIL DAN@SPITZERfamily.com
OWNER OF RECORD PITW LLC. PHONE _____
ADDRESS _____ EMAIL _____
REPRESENTATIVE* David Nudell PHONE 970-390-0492
ADDRESS 210 MESA DRIVE Eagle CO 81631 EMAIL DNUDELL@VAIL.NET

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

10/27/21

To: Peyton Heitzman, Chad Philips, The Planning and Zoning Commission,
and the Town Council

Re: Zone Change Application Project Narrative – 435 Eby Creek Road

I, David Nudell, am the agent for PITW LLC, the owner of 435 Eby Creek Road, which has asked me to pursue a zone change to Residential Multi Family (RMF) zoning for 435 Eby Creek Road after full approval of the Community update plan and FLUM has occurred. PITW executed the petition and notarized permission in advance, in anticipation of the approval by the Town Council, after unanimous approval by the Planning Commission.

For the past 15 years, this property has been marketed within its current zoning, commercial general, and has attracted 6 or 7 contracts, but all were unable to make a project "pencil" due to the unique topographic features of this lot, which necessitate a deep cut and retaining wall, not to mention the generally out of the way location for a commercial enterprise, and the market value of any of the proposed finished commercial property has not been able to justify the cost of development.

Because 435 Eby Creek Road is abutted by The House, which has Multi Family Residential zoning, and also by Eby Creek Mesa, a residential subdivision, and because commercial development on this parcel has not proven to be successful over a long period of time, I ask you to please consider Residential Multi Family (RMF) zoning for this parcel. This request is supported by the Mixed Use designation for this parcel recently approved by the Planning Commission and Town Council, which envisions RMF as an allowable use under the Mixed Use FLUM designation in this location.

This request is supported by the following Comprehensive Plan policies and goals:

1-1.1 supports residential on this parcel, aspiring to " ...ensure a healthy mix of housing types and densities (e.g. single-family, duplex, multi-family, mixed use and accessory dwelling units) to allow for greater diversity.

There is a great need in the Town of Eagle for smaller multifamily units as many of those that live and work in town are getting priced out of both the rental and sale markets.

5-1.4 Promote the development of compact neighborhoods in close proximity to public transit options, and allowing increased residential, retail, and mixed-use densities in areas close to transit stops.

5-1.5 Support transit-oriented development, and improvements that promote multi-modal transportation options.

5-3.2. Ensure efficient multimodal connectivity between all residential areas and public destinations.

The Comprehensive Plan further states a goal of **Elevating our Connections**, "Provide carpool incentives, and encourage car sharing, free bus, etc." as well as offering ". . . residents and visitors a choice to move efficiently and safely using a variety of modes that provide seamless access to both the natural and technological environment."

435 Eby Creek Road is located near the Market Street Commercial Center, and would be a compact neighborhood where residents can walk to the market, liquor store, bank, Ti Amo, Pickled, and many other businesses. This location is ideal for multimodal transportation as it is located extremely close to I-70, a major transportation corridor, as well as being very close to the park and ride. It is also conveniently located for pedestrian and bicycle traffic as it is very near the bike path and bridge over I-70 connecting this parcel to the rest of town. Walkable, Bikeable, close connections to the bus system and public transportation. Because of the proximity to the bus stop, there is a much greater likelihood that residents at 435 Eby Creek Road will avail themselves of the bus when traveling up valley.

Elevating our Unique Character: In the Comprehensive plan process, most agreed with the statement that "Eagle is a diverse community made up spectacular mountain views, human-scaled development, and distinct neighborhoods ranging in character from a vibrant and quirky downtown to formalized and fresh new neighborhoods and everything in-between."

Supporting this zone change is completely in keeping with this sentiment, placing human scaled residential close to one of the commercial hubs of Eagle, while enjoying stunning mountain views, and multimodal transportation connectivity.

In conclusion, there is a great need for multifamily residential in the Town of Eagle, and this is a near ideal location to put it. The area north of I-70 has evolved from a purely commercial zone to one with multifamily residential, which has changed the character of it in a positive way, and fills an urgent

need in our town. Residential in this location would have a much more minimal impact than in any other location in town for traffic, as most residents would not have a daily commute driving through town and the roundabouts.

Changing the zoning of this parcel to Residential Multi Family (RMF) would be consistent not only with the direction of recent redevelopment, but also with the visioning process that led to the creation of the recently approved Elevate Eagle Comprehensive Plan and FLUM, as well as helping to fill a great need in the community.

Thank you very much for considering this zone change.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Nudell". The signature is fluid and cursive, with a large initial "D" and "N".

David Nudell

dnudell@vail.net

970-390-0492

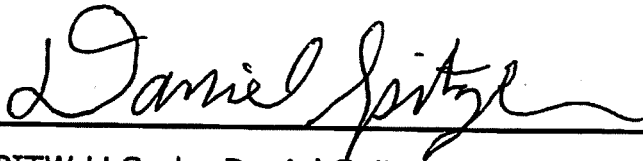
10/12/21

To: The Town of Eagle

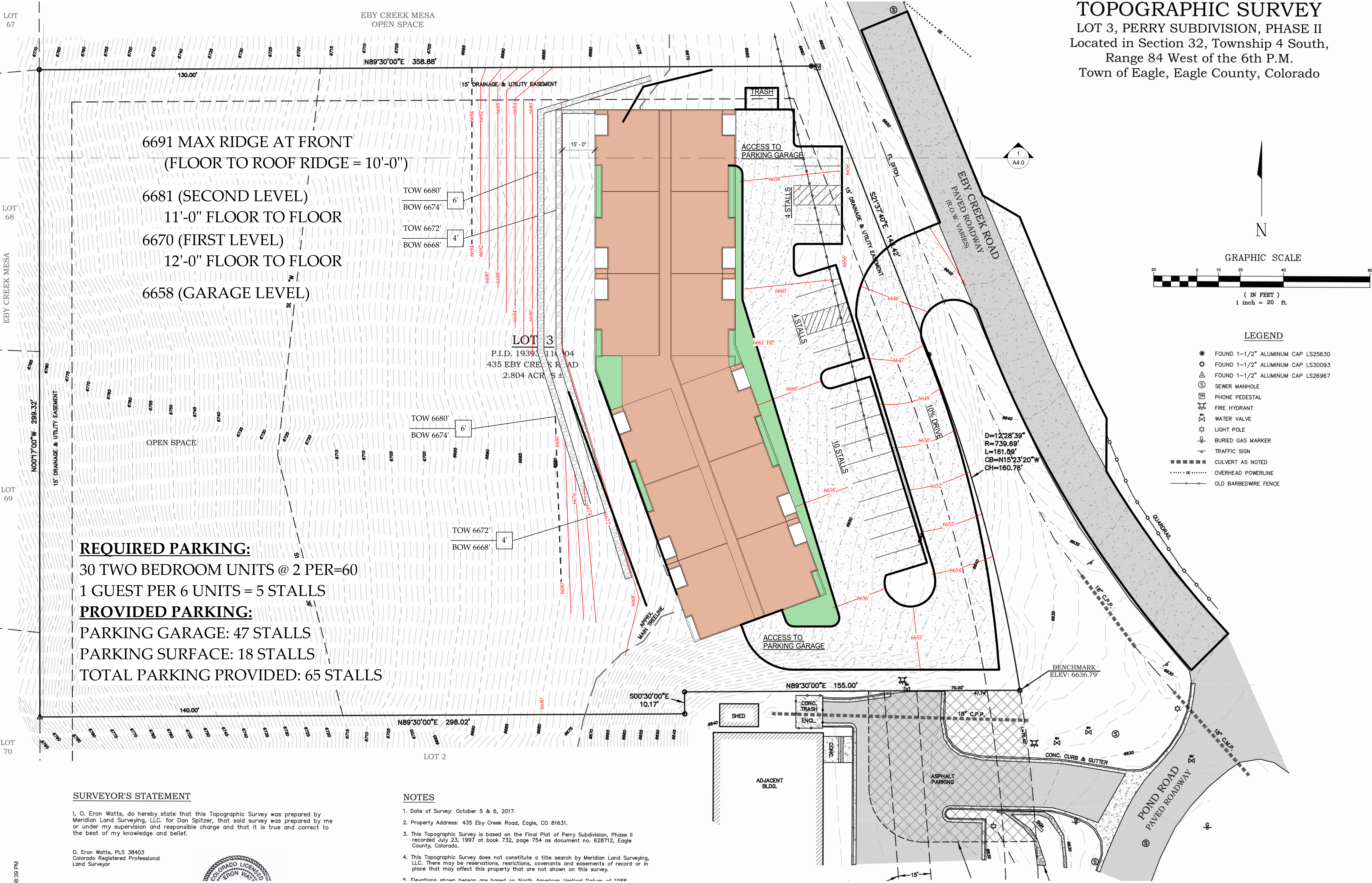
Re: Petition

From: PITW LLC, by Daniel Spitzer

PITW LLC hereby affirms that PITW LLC is the only owner of 435 Eby Creek Road, and wishes to pursue a zone change to High Density Residential zoning.

A handwritten signature in cursive script, reading "Daniel Spitzer", is written over a solid horizontal line.

PITW LLC., by Daniel Spitzer, Manager



MARTIN MANLEY ARCHITECTS

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REVISIONS

No.	Description	Date

30 UNIT APARTMENT BUILDING
435 EBY CREEK ROAD
CONCEPTUAL PHASE

10-13-21
Project number
2175
SITE PLAN

A1.1

Page 45 of 49

1 Section 1



30 UNIT APARTMENT BUILDING
435 EBY CREEK ROAD
CONCEPTUAL PHASE

[illegible]

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Aerial Photo



Site Photos



