



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 theater 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.

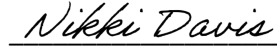
APPROVED:

DATE:



JESSE GREGG (Jan 6, 2022 12:15 MST)

Jesse Gregg, Vice Chairman



Nikki Davis, Administrative Tech II

APPROVED PZ Minutes 2021 11-16

Final Audit Report

2022-01-06

Created:	2022-01-05
By:	Nikki Davis (nikki.davis@townofeagle.org)
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Document e-signed by JESSE GREGG (jesse.gregg@townofeagle.org)

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