



MEETING MINUTES
Planning & Zoning Commission
Tuesday, January 4, 2022, 6:00 PM
Public Meeting Room / Eagle Town Hall
200 Broadway, Eagle, CO 81631

ON-LINE MEETING

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 on-line meeting with access for the public to attend via Zoom.

6:00 PM – REGULAR MEETING CALLED TO ORDER

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

COMMISSIONERS PRESENT

Matt Hood, Bill Nutkins, Jesse Gregg,
Robert Townsend, Kyle Hoiland,
Keegan Winkeller

COMMISSIONERS ABSENT

Lani Webb, Charlie Perkins

STAFF

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

1. Appointment of Chairman and Vice Chairman

MOTION: HOILAND MOTIONED TO REAPPOINT MATT HOOD AS CHAIRMAN AND JESSE GREGG AS VICE CHAIRMAN. MOTION WAS SECONDED BY TOWNSEND AND PASSED WITH A VOTE OF 6 IN FAVOR (HOOD, NUTKINS, GREGG, TOWNSEND, HOILAND, WINKELLER) AND 0 OPPOSED.

APPROVAL OF MINUTES

1. Minutes dated November 16, 2021

MOTION: NUTKINS MOTIONED TO APPROVE THE MINUTES AS AMENDED BY GREGG. MOTION WAS SECONDED BY HOILAND AND PASSED WITH A VOTE OF 5 IN FAVOR (NUTKINS, GREGG, TOWNSEND, HOILAND, WINKELLER) AND 0 OPPOSED. HOOD ABSTAINED.

2. Minutes dated December 7, 2021

MOTION: GREGG MOTIONED TO APPROVE THE MINUTES. MOTION WAS SECONDED BY NUTKINS AND PASSED WITH A VOTE OF 4 IN FAVOR (HOOD, NUTKINS, GREGG, TOWNSEND) AND 0 OPPOSED. HOILAND AND WINKELLER ABSTAINED.

PUBLIC COMMENT

Public comment opened at 6:06 PM. There was no public comment.

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 Contractor's Yard at 263 Sawatch Road.

Staff Presentation

Heitzman presented this file. The property, currently zoned Commercial General, would continue to operate as a contractor's yard if granted the permit. Items such as large commercial vehicles, storage containers, and construction equipment and materials would be stored at the location. Heitzman reviewed the four standards for granting a Special Use Permit. After review, staff determined the application satisfies three of the four standards, noting that standard four is not applicable to this file. As it relates to standard three, which addresses street improvements, traffic volume, vehicles access, and adequate parking, staff included a condition of approval that would limit access from 706 Chambers Avenue to 263 Sawatch Road to emergency response vehicles. Staff also reviewed the file against the Town's zoning standards. To comply with the Outside Storage Standards, Heitzman noted that the front street buffer needs to meet the landscape standards outlined in the Code. Staff included a condition of approval requiring the applicant to meet all landscape standards at time of development permit. Overall, staff recommended approval for the Special Use Permit with eight conditions of approval. Heitzman concluded with a question to the Commission: should the applicant be allowed to proceed with this request considering Resolution 29, Series 2018 which limits extending contractor storage use on the property?

Q & A

Hood asked if there are any legal issues related to the 2018 Resolution. Particularly with condition # 8 which plainly states no further extension of the contractor storage use shall occur after two years from approval or obtaining building permit, whichever happened first. Nutkins recalled that the Commission's intent was to encourage development of that property and prevent the continued use of contractor storage. Hood questioned whether the Planning & Zoning Commission or Town Council were bound to uphold condition # 8 since it is not a requirement of the Land Use Code. Phillips commented that the condition is up for review and can be changed.

Nutkins asked if all eight conditions from Resolution 29, Series 2018 were met; there is a strikethrough over condition # 7. Heitzman replied that some conditions were met while others changed in order to develop buildings in the 700 Chambers Avenue subdivision. However, staff determined that the applicant complied with most of the conditions. Nutkins suggested that if the previous conditions were not met, increased enforcement should be in place this time to

ensure compliance. Heitzman included that the new conditions of approval provide more flexibility. Nutkins observed that the contractor yard is becoming more permanent.

Application Presentation

Ashley Patriacca was the applicant representative. While the applicant is requesting to extend the use of the contractor's yard, Patriacca said they do intend to develop. The Patriaccas purchased this property in 2019 from Mike Dantas and several of the 2018 conditions were met while Dantas was owner. As buildings B & C at 700 Chambers Avenue were constructed, some of the 2018 conditions were changed and the Patriaccas utilized 263 Sawatch Road as contractor's storage. The Patriaccas wish to continue storing contractor equipment here until this location is ready to be developed. However, the current challenge is getting a detention pond engineered. Further build out of the lot would also include parking and a recreational area. The applicant continues to work with the Town's engineering department, however, obtaining their approval is taking time. With the ongoing setbacks from COVID-19, the applicant is concerned that the Special Use Permit's two-year limit may not allow them enough time to complete both the development and building permit process.

Heitzman confirmed that a different Special Use Permit was granted in 2020 with a condition that prevents the applicant from moving forward with a development permit for both 263 and 483 Sawatch Road until plans are established for the detention pond.

Q & A

Nutkins asked if there are two overlaying Special Use Permits and Heitzman confirmed, yes.

Gregg asked if the Resolutions expire along with the Special Use Permits or if they extend beyond with the permit is approved for. Heitzman replied the Resolutions serve as the Special Use Permit which is a formal approval from Town Council.

Hood asked if residents have complained about the project. Both Heitzman and Patriacca verified that no complaints have been received.

Public Comment

Public comment opened at 6:34 PM. There was no public comment.

Discussion

Nutkins asserted that the continued use of the contractor's yard is becoming long-term, and the Commission needs to be diligent about holding the applicant to screening standards. Townsend agreed stating this use has been occurring since 2012 and that the property owner is currently in violation, utilizing the property with expired Special Use Permits. Townsend echoed that through enforcement, the conditions should be met in a timely manner.

Gregg agreed that the applicant meets all standards, though the property should now include permanent landscaping since the use is becoming more permanent. The lot should be screened on the north side while the berm is satisfactory on the south side.

Hood acknowledged the applicant's steady progress of developing the parcels. Screening and separation should be a priority for the nearby residents. Hood also expressed that it may not be necessary to include a condition for permanent irrigation that will be torn out at development. Townsend asked if the applicant could install landscaping in the front buffer that won't be torn out at development. Patriacca replied they would know more once plans are finalized.

MOTION: TOWNSEND MOTIONED TO RECOMMEND APPROVE OF FILE # SU21-04 263 SAWATCH CONTRACTORY YARD WITH CONDITIONS BASED ON THE FOLLOWING FINDING: THE FILE # SU21-04 263 SAWATCH CONTRACTOR YARD IS IN CONFORMANCE WITH SECTION 4.05.010 OF THE LAND USE AND DEVELOPMENT CODE AND THE ELEVATE EAGLE COMPREHENSIVE PLAN WITH THE EIGHT CONDITIONS OF APPROVAL AS OUTLINED IN THE STAFF REPORT. MOTION WAS SECONDED BY HOILAND AND PASSED WITH A VOTE OF 6 IN FAVOR (HOOD, NUTKINS, GREGG, TOWNSEND, HOILAND, WINKELLER) AND 0 OPPOSED.

Chair Hood closed file SU21-04.

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

Staff Presentation

Heitzman presented this file and reviewed the four conditions for rezoning. Staff believes the proposed residential use is compatible with surrounding residential properties. There are also commercial uses surrounding the property, however, none were determined to be incompatible. Staff also determined that the current zoning is inconsistent with the Town's Future Land Use Map (FLUM). Furthermore, staff believes the proposed rezoning better meets the needs of the community by promoting more housing opportunities. Heitzman noted that condition # 4 was not applicable since the rezoning is not incidental to a comprehensive revision of the Town's zoning map. Heitzman concluded with staff's recommendation for approval.

Application Presentation

David Nudell spoke briefly. He believes the recent efforts are compatible with the Elevate Eagle Comprehensive Plan and FLUM. The project would be a great addition to the Town's and the Valley's housing stock.

Q & A

There were no questions for staff or the applicant.

Public Comment

Public comment opened at 6:51 PM. There was no public comment.

Discussion

Nutkins voiced his support of the proposed zoning change and agreed this is compatible with The House and other nearby residential areas.

Gregg questioned standard # 3, asking how the area has changed substantially. Hood replied the recent changes made to the FLUM are considered significant. Gregg commented that purely residential was not what he envisioned for mixed

use designation, but it fits into the neighborhood. He thought there would be a commercial component, but it may not make sense at this location. Winkeller agreed with this observation, but also voiced his support.

Hoiland encouraged the applicant to connect with Brian Wodrich of Colorado Parks & Wildlife (CPW). Wodrich is a local wildlife official and one of his concerns is the reduction of wildlife corridors.

Hood also expressed his support. Hood included that when the FLUM was changed to include mixed use, that amendment was intended to offer more flexibility. This project, especially at this location, is aligned with the Comprehensive Plan.

MOTION: HOILAND MOTIONED TO RECOMMEND APPROVAL OF FILE # RZ21-03 REZONING 435 EBY CREEK ROAD WITH NO CONDITIONS, BASED ON THE FOLLOWING FINDINGS: 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. MOTION WAS SECONDED BY WINKELLER AND PASSED WITH A VOTE OF 6 IN FAVOR (HOOD, NUTKINS, GREGG, TOWNSEND, HOILAND, WINKELLER) AND 0 OPPOSED.

Chair Hood closed file RZ21-03.

OPEN DISCUSSION

The annual 12th Night Christmas tree bonfire has been cancelled due to rising COVID-19 exposure concerns.

ADJOURN

MOTION: NUTKINS MOTIONED TO ADJOURN. THE MOTION WAS SECONDED AND PASSED WITH A VOTE OF 6 IN FAVOR (HOOD, NUTKINS, GREGG, TOWNSEND, HOILAND, WINKELLER) AND 0 OPPOSED.

MEETING ADJOURNED AT 7:00 PM.

APPROVED:

DATE:



Matthew Hood (Jan 18, 2022 19:14 MST)

Matthew Hood, Chairman



Nikki Davis, Administrative Tech II

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Final Audit Report

2022-01-19

Created:	2022-01-19
By:	Nikki Davis (nikki.davis@townofeagle.org)
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-  Document created by Nikki Davis (nikki.davis@townofeagle.org)
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-  Document emailed to Matthew Hood (matthew.hood@townofeagle.org) for signature
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