



**Planning & Zoning Commission
Tuesday, February 1, 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 - 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

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

1. Minutes dated January 18, 2022

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: Eagle Sinclair Station Drive Through and Building Addition
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 maximum lot coverage beyond what is allowed for in the Commercial General zone district.

OPEN DISCUSSION

1. Discuss/provide feedback on staff reports and presentations (formatting, detail, general layout, etc.)

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, January 18, 2022, 6:00 PM
Public Meeting Room / Eagle Town Hall
200 Broadway, Eagle, CO 81631

ON-LINE MEETING

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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 6:02 PM.

COMMISSIONERS PRESENT

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

COMMISSIONERS ABSENT

Keegan Winkeller, Lani Webb

STAFF

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

APPROVAL OF MINUTES

1. Minutes dated January 4, 2022

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

PUBLIC COMMENT

Public comment opened at 6:03 PM. There was no public comment.

PUBLIC HEARINGS

Hood first opened file # DR21-04 Haymeadow Design Guidelines at 6:04 PM. The file was temporarily tabled and closed. The file was re-opened at 6:26 PM following file # LLA21-01 Gordon Lot Line Adjustment.

1. Project: Gordon Lot Line Adjustment
 File #: LLA21-01
 Applicant: Stephen & Linda Jean Gordon
 Location: 82 Silver Spur & 424 Abrams Creek
 Staff Contact: Peyton Heitzman, Planner II
 Request: To vacate the lot line between lots 40 (82 Silver Spur) and 39 (424 Abrams Creek), consolidating two lots into one lot.

Staff Presentation

Heitzman presented this file. There is a single-family home on 82 Silver Spur while 424 Abrams Creek is a vacant lot. According to the final plat, there is a 7.5-foot utility and drainage easement between lot 39 and 40. If the request is approved, the two lots would be combined to create lot 40A and the existing center lot line and easements would be vacated. Heitzman cited section 4.12.040.C of the Code which requires the final subdivision plat to conform to the Town's regulations, goals, and policies. After review, staff determined the application complies with the standard. Staff included a condition of approval requiring the applicant to address the technical comments on the final plat prior to recording. Furthermore, the consolidation of the two lots supports the Town's policy to mitigate impacts to the natural environment and native species. In conclusion, staff recommended approval with three conditions of approval.

Q & A

Hoiland asked if utilities are found in the easement, would that negate the Planning Commission's approval? Wike replied that if utilities are found, the property owner would not want to vacate them unless they are being vacated up to the right-of-way. Phillips added that staff would need to verify if there are utilities prior to final plat recordation.

Nutkins asked if the applicant could vacate the lot line and not the easement. Phillips replied this is correct.

Gregg asked if the building envelopes are not recorded on the plat for these lots. Heitzman replied that staff did not ask the applicant to provide that information. Gregg cited an Eagle Ranch Association standard which allows only one building site when lots are combined. Heitzman confirmed multiple residences on one lot is not permitted, however, there is the option to build an accessory structure or an expansion.

Nutkins added that if the lot does not have a pre-prescribed building envelope, it results in a maximum building envelope of 16,500 sq.ft. unless the property owner applies for a variance. Heitzman noted that any request to expand would go through the building permit process and staff would verify the building envelope at that time.

Applicant Presentation

The applicant, Stephen Gordon, was present and Heitzman noted he had prepared a statement. However, staff and the applicant continued to experience connectivity issues throughout the hearing. The applicant was not able to provide a clear statement for the record. Phillips noted that the final approval will be with Town Council.

Discussion

Nutkins noted the application has been reviewed by the Eagle Ranch Design Review Board (DRB) and Homeowners Association (HOA) and it meets the requirements of a plat amendment. Nutkins echoed staff's recommendation to check the utility easement and for the property owner to decide if they want to abandon those utilities. Unanimously, the Planning Commission was in support of staff's recommendation for approval.

Public Comment

Public comment opened at 6:17 PM.

Wike stated that the applicant was concerned about permanently abandoning the utility stub-outs. Wike described that historically, this is a practice Public Works has not deviated from when combining two lots. For public health and safety reasons, if a second water and sewer connection is found, both utilities should be permanently abandoned back up to the right-of-way. The applicant asked if there were alternative, more affordable options, but Public Works remained firm on this procedure.

Public comment closed at 6:19 PM.

The Planning Commission was in unanimous support of staff's recommendation to permanently abandon the stub-outs.

MOTION: NUTKINS MOTIONED TO APPROVE THE GORDON LOT LINE ADJUSTMENT FILE # LLA21-01 WITH THE FOLLOWING AMENDED CONDITIONS OF APPROVAL:

- 1. WITHIN 30 DAYS OF APPROVAL, THE FINAL PLAT SHALL BE REVISED TO REFLECT TECHNICAL COMMENTS FROM THE TOWN PLANNING AND PUBLIC WORKS DEPARTMENTS, THE TOWN ATTORNEY, AND THE TOWN'S 3RD PARTY SURVEYOR.**
- 2. PRIOR TO RECORDATION OF FINAL PLAT, THE APPLICANT SHALL VERIFY THAT NO UTILITIES EXIST IN THE TWO SIDE YARD EASEMENTS TO BE VACATED. IF THERE ARE UTILITIES IN THE SIDE YARD EASEMENTS, THE APPLICANT SHALL EITHER REMOVE THEM OR KEEP THE UTILITY EASEMENT AS NOTED.**
- 3. APPLICANT NEEDS TO REMOVE AND ABANDON THE EXISTING SANITARY SEWER & POTABLE WATER STUB-OUTS THAT EXIST FOR LOT 39, 424 ABRAMS CREEK, THROUGH A TOWN OF EAGLE PUBLIC WORKS PERMIT FOR CONSTRUCTION IN THE PUBLIC RIGHT-OF-WAY PRIOR TO RECORDING THE FINAL PLAT.**

MOTION WAS SECONDED BY HOILAND AND PASSED WITH A VOTE OF 6 IN FAVOR (HOOD, NUTKINS, GREGG, TOWNSEND, HOILAND, PERKINS) AND 0 OPPOSED.

Hood closed file # LLA21-01.

2. Project: Haymeadow Design Guidelines
 File #: DR21-04
 Applicant: ABRIKA Properties, LLC
 Location: Haymeadow Planned Unit Development
 Staff Contact: Jessica Lake, Planner I
 Request: Request for a Major Development Permit to establish the design guidelines and create a Design Review Committee in the Haymeadow Planned Unit Development (PUD).

Applicant Presentation

Rick Pylman was the applicant representative. Other members of the Haymeadow design team also present on Zoom included Brandon Cohen, Scott Schlosser, Michael Hood, Michael Noda, Beata Chudobinska, and Alex Fales.

Pylman described that the Planned Unit Development (PUD) Guide serves as the zoning document that governs development standards such as density and permitted uses. The separate design guidelines document controls the design review process. The PUD Guide requires the Town to approve design guidelines prior to any vertical construction. Pylman explained that the team drew examples from other various guidelines to assemble their comprehensive document. The applicant also included a brief narrative which summarized compliance with the PUD Guide, the framework of how Haymeadow functions, and compliance with the Town's goals.

Staff Presentation

Phillips presented this file. First, Phillips highlighted that both the Town's Annexation and Development Agreement (ADA) as well as Haymeadow's PUD Guide both require the submittal of design guidelines ahead of the development permit process. The primary topics addressed in the design guidelines document include general architectural requirements for single and multi-family homes, more specific architectural requirements for interior and exterior finishes, site planning & landscape design, a description of the design review process, establishing a Design Review Committee (DRC), and construction regulations. To conclude, staff recommended approval leaving the Planning Commission with one discussion question: are there any designs that do not "blend appropriately with the character and scale of the surrounding neighborhoods" or do not comply with the policies of Elevate Eagle?

Q & A

Perkins asked if we should include language that addresses electric vehicle (EV) charging stations at residences. Michael Noda replied that the International Residence Code (IRC), International Building Code (IBC), and International Energy Conservation Code (IECC) now require a rough in for EV charging stations regardless of the design guidelines.

Gregg asked for more detail on the irrigation system. He noted the document does not address limits on irrigation square footage and asked if this is something we should include. Pylman confirmed that Haymeadow utilizes an underground non-potable irrigation system. Due to the varying lot sizes throughout Haymeadow, the design team worked to create a balance between water conservation and planting. On every lot, there will be some irrigation and impervious surface. Although the design team chose not to quantify water usage, there is still a greater understanding of limited water rights and availability. Gregg suggested irrigating a percentage of each lot, though with a non-potable system, it should not be much of an issue.

Hood noted that building height should have a clearer definition. Next, Hood asked if the residential multi-family building height limit of 40 ft. conflicts with PUD Guide which has a max limit of 35 ft. Pylman replied they have been working with staff on this new building height definition and measurement. That is one of the minor amendments to the PUD Guide which has been approved, but not yet recorded. Michael Hood expanded on the how the measurement points from the roof have changed.

Nutkins asked if there are any minimum or maximum requirements to fill a lot for walkout basements considering how flat Haymeadow is. Michael Hood disagreed stating there is more slope and their site plans have been adjusted to accommodate the natural topography of the area.

Hoiland asked about the Town of Eagle's Efficient Builder Ordinance. Michael Noda explained the language helps ensure that future developers abide by local, county, and state building requirements for energy efficiency. Hood confirmed this

was an Eagle County ordinance and Pylman replied they would work with staff to refine or strike the language as needed.

Public Comment

Public comment opened at 6:47 PM.

TJ Davis, 505 Church Street – Davis asked for further clarification on the irrigation plan and if water usage will be allocated by the HOA or per residence. Pylman explained the irrigation system will operate similar to the Town's schedule and billing structure.

Public comment closed at 6:48 PM.

Discussion

Unanimously, the Planning Commission supported approval for the design guidelines. Several Commissioners acknowledged that the document is aligned with other design guidelines and nearby neighborhoods like Soleil and Brush Creek Townhomes.

Hood and Gregg echoed the recommendation for a maximum lot percentage to create an irrigation plan. Hoiland questioned how the Town can dictate water usage when Haymeadow would be utilizing its own non-potable water. Townsend asked if there was a water usage standard and Pylman replied they would have to perform additional studies to determine how much water is left after development and landscaping.

Wike explained that the water rights have been dedicated to the Town and leased back to Haymeadow. It is the Town's water rights. Pylman added that the Brush Creek Management Plan dictates when water can be pulled out of Brush Creek based on minimum stream flow standards. Gregg voiced his concern about the potential for massive lawns and the need to establish a cap for irrigated areas. He noted there is no language in the design guidelines that discourages massive amounts of lawn though the decision could be managed by the Design Review Committee. Hoiland cited section 3.3 - Resource Conservation and suggested inserting water conservation language there. Phillips said there isn't anything that supports that requirement either in the Development Code or Elevate Eagle. It will likely be reviewed during the Code update. Wike noted that about a year ago, Town Council adopted a water conservation / water efficiency plan. He suggested that may be the appropriate item to insert in section 3.3. Pylman agreed with this comment stating they will work with staff to obtain the document.

MOTION: HOILAND MOTIONED TO APPROVE FILE # DR21-04 HAYMEADOW DESIGN GUIDELINES BASED ON CONFORMANCE WITH CHAPTERS 4.06 AND 4.07 OF THE MUNICIPAL CODE AND THE HAYMEADOW PUD GUIDE. MOTION WAS SECONDED BY TOWNSEND AND PASSED WITH A VOTE OF 6 IN FAVOR (HOOD, NUTKINS, GREGG, TOWNSEND, HOILAND, PERKINS) AND 0 OPPOSED.

Hood closed file # DR21-04.

3. Project: 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 II
Request: 1) A Minor Development Permit with design variances for a building addition and drive-through window on the southeast side of the existing building and 2) a Zoning Variance for increased

impervious surface coverage beyond what is allowed for in the Commercial General zone district.

MOTION: HOILAND MOTIONED TO CONTINUE FILE # DR21-01 & V21-01, THE DEVELOPMENT PERMIT AND ZONING VARIANCE FOR 131 CHAMBERS AVENUE, TO FEBRUARY 1, 2022, PLANNING & ZONING COMMISSION MEETING. MOTION WAS SECONDED BY PERKINS AND PASSED WITH A VOTE OF 6 IN FAVOR (HOOD, NUTKINS, GREGG, TOWNSEND, HOILAND, PERKINS) AND 0 OPPOSED.

Hood closed file # DR21-01 & V21-01.

COMMUNITY DEVELOPMENT DEPARTMENT AND TOWN COUNCIL UPDATE

1. Department and Council Update: January 18, 2022

Nutkins asked about the Eagle County School District Housing file and if it was continued or approved. Heitzman explained the Town attorney's recommendation for a minor Municipal Code amendment that would permit rezoning prior to subdivision.

Phillips included that Town Hall is still doing virtual meetings until further notice.

OPEN DISCUSSION

No other discussion items.

ADJOURN

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

MEETING ADJOURNED AT 7:13 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: February 1, 2022

FILE NUMBER: DR21-01 & V21-01

PROJECT: Eagle Sinclair Station Drive Through and Building Addition

APPLICANT: Turnipseed AIA Architecture + Construction Inc. representing Ed Oyler

LOCATION: 131 Chambers Avenue

CODE: Chapter 4.04 Zoning
Chapter 4.05 Zoning Review
Chapter 4.06 Development Review
Chapter 4.07 Development Standards

ZONING: Commercial General Zone District

EXHIBITS: A: Project Narrative
B: Site Plan
C: Public Works Traffic Memo
D: Aerial Photo ([LINK](#))
E: Site Photos ([LINK](#))

PUBLIC COMMENT: Staff has received one letter of public comment as of January 28, 2022. Letters received after this time will be gathered and entered into the public record at the hearing.

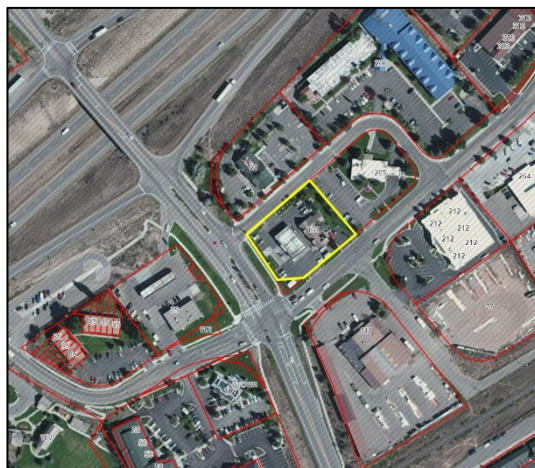
STAFF: Peyton Heitzman, Planner – peyton.heitzman@townofeagle.org

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 maximum lot coverage beyond what is allowed for in the Commercial General zone district.

INTRODUCTION

This project proposes a 244-sf addition to an existing building on 131 Chambers Avenue. The building addition will be located on the east end of the structure and will operate as a drive through for an existing restaurant. The development permit application includes two design variances. The first design variance reduces the number of stacked spaces for cars to access the drive through. The Municipal Code requires a minimum of six stacked spaces and the request is for five stacked spaces. The second design variance is requesting a reduced landscape buffer along the southern property line. The Municipal Code requires a minimum front street buffer of 15 feet and the applicant is requesting the buffer be reduced from 12.5 feet to 8 feet. The project will remove the patio and parking to the south side of the building. The restaurant drive through will require the construction of a driveway along the southern property line that will run north and connect with Loren Lane. The drive through window will provide service on the northeast end of the building. There is also a request for a Zoning Variance for the property's maximum lot coverage.



The full staff report from the November 16, 2021, Planning & Zoning Commission meeting can be accessed through this [LINK](#). Included in this staff report is an analysis of the concerns raised by the Commission during the last meeting. The primary concern related to the Development Permit was traffic generated from the new use that could cause objectionable influences beyond the boundaries of the property (queuing on surrounding streets). The other concern noted during the meeting was the application's ability to meet the standards for a Zoning Variance for the requested lot coverage.

ISSUES FOR DISCUSSION

1. Is an agreement resulting in the potential closure of the left turn lane from Chambers Avenue a sufficient remedy to future traffic/safety concerns resulting from the drive-through?
2. Does the request meet the criteria for a zoning variance?
3. Are there any other concerns regarding the application not addressed in this staff report?

STANDARDS FOR MINOR DEVELOPMENT PERMIT (Section 4.06.020)**TRAFFIC ANALYSIS**

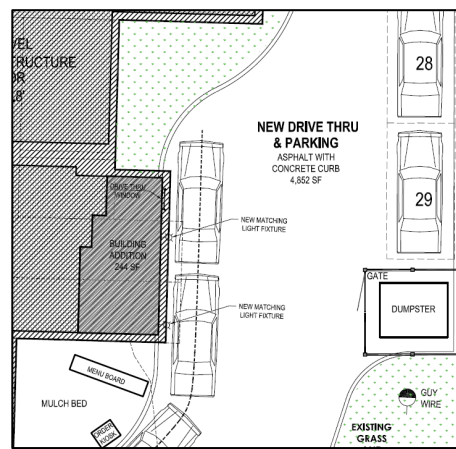
During the Planning & Zoning Commission meeting, the Commission requested additional information related to parking to better understand potential off sight impacts resulting from the drive through use. The applicant coordinated with Town staff and the Public Works Department provided a traffic analysis that is included in the packet. In summary, the analysis states:

- Possible negative impacts from new drive-through include traffic impacting surrounding streets (Chambers Avenue, Eby Creek Roundabout, Eby Creek Road), which could affect the Town's CDOT Access Permit for Chambers.
- Anticipating new traffic generated from the drive-through is difficult. The Town will best understand the impacts once the drive-through has been installed on the property, hours of operations are known, and new tenant is in place and operating.
- Recommended course of action is for owner/operator to put steps into place that mitigate negative traffic impacts. If owner/operator is unsuccessful and traffic becomes an issue then the Town of Eagle Public Works will step in as necessary. Remedial steps would be outlined in an agreement between the owner/operator and Town. The steps include:
 - Temporarily or permanently restrict or close the existing eastbound Chambers Avenue left turn lane into the Sinclair Station at 0131 Chambers,
 - Temporarily or permanently restrict or close the New Drive-Through Lane at the Sinclair Station,
 - Temporarily or permanently restrict or close the existing Chambers Avenue Driveway into 0131 Chambers Avenue, or
 - Any other action deemed necessary including restricting hours of operation for the drive-through.
- The Town's Home Rule Charter provides the Council the ability to pass an emergency ordinance to quickly act on the steps above for the preservation of public property, health, welfare, peace, or safety. Any emergency ordinance and the above-mentioned agreement will require Town Council approval.

Additionally, the applicant has modified the plans to encourage a better flow of traffic through the drive-through. A door has been added to the building addition near the drive through window. This will allow cars to wait in the parallel parking spaces along the eastern end of the property and have service staff deliver the food by foot. This option will allow vehicles to move through the drive through quicker, limiting queuing onto surrounding streets (Chambers Avenue). The applicant has also modified the site plan and moved the drive through window further north in an effort to increase the driveway length for car stacking. The original site plan and the modified site plan are shown below.



Original Site Plan



Modified Site Plan

The proposal will result in a new street intersection on the north end of the property. The southeast drive entrance off Chambers Avenue will be gated. Use of this entrance will be limited to authorized personnel (e.g. trash services, deliveries, etc.). The gate will reduce potential disruption to the drive through by having two access points off Chambers Avenue. The gate was a traffic control recommendation from the Town of Eagle Public Works Department. During the meeting, the Commission had asked the applicant to consider accessing the drive through from the southeast drive entrance off Chambers Avenue. As noted in the analysis from Public Works, allowing access to the east would require the removal of the traffic island on Chambers Avenue. Further, it would reduce the stacking spaces to the drive through.

Staff has included a condition of approval to address signage that will assist with traffic flow. The condition requires that signage be placed on-site to discourage vehicles from blocking the access point to the property and redirect drivers to avoid queueing onto the highway. This recommendation was taken from the Colorado Department of Transportation (CDOT). The Commission expressed concern that westbound vehicles would not be able to access the drive through off Chambers Avenue due to the tight turning radius. Signage could be added to disallow westbound access to the drive through.

With the consideration of the Public Works recommended action and new signage, staff believes that the application has achieved compliance with Section 4.04.100 – Industrial Use Standards that limit objectionable influences beyond the boundaries of the property (traffic impacts). Staff's recommendation for the Development Permit is approval.

ZONING VARIANCE (Section 4.05.020.A.1)

The applicant is requesting a zoning variance for increased impervious surface coverage of 'other impervious' (excluding the building). The Municipal Code requires that impervious surfaces, not including the building, be limited to 30% of the site per Section 4.04.090 of the Code. This project proposes to increase the non-building impervious surface from 47.8% to 55.2% resulting in further nonconformance with the standards in the Commercial General (CG) zone district. A zoning variance for impervious surface was not included in the 2016 development permit approval. An analysis of the zoning variance request against each of the criteria is provided below.

NON-RESIDENTIAL DISTRICTS TABLE											
ZD	MLA	MLA/DU	MFY		MSY	MRY*		MBH	MLC*	MFA	MUO/DU
CG	20,000 sf		L	25'	Greater of 12.5' or½ building height	com- com	25'	35'	Building 50%; all other impervious 30%	150%	
			C	25'		com- ind	25'				
			A	50'		com- res	75'				
			C	25'							

**Table pulled from Section 4.04.090. of the Municipal Code. MLC = Maximum lot coverage.

The Planning Commission may grant a variance provided it finds both Subsections (A)(1)(a) and (b) of this section and either Subsection (A)(1)(c) or (d) of this section are applicable.

(A)(1)(a) That the variance granted is without substantial detriment to the public good and does not impair the intent and purposes of the Town's regulations, goals, policies and plan, including the specific regulation in question; and

Applicant Response: This request for a variance in no way creates a detriment to the public good or is in conflict with the Town of Eagle's regulations and policies.

Staff Comment: The request for increased 'other impervious' does not appear to be detrimental the public good. The existing situation on the lot is already out of conformance with the Maximum Lot Coverage (MLC) requirement. What is being proposed will increase the 'other impervious' by 7.4%. While not provided in the Code, staff believes the purpose for the MLC requirement is twofold, to maintain pervious surface for drainage and avoid large expanses of asphalt/encourage the beautification of Town with landscaping.

The proposed impervious surface for the entire lot is below the 80% maximum at 75.6% (building *and* other impervious combined), leading staff to believe that drainage is not the primary concern in this situation. Some commercial uses require more asphalt/drive area than other uses, such as gas stations. The Municipal Code only provides one standard for MLC and does not account for uses that require a smaller building and greater amount of 'other impervious' coverage. Staff believes the request meets the intent of the regulation as it relates to drainage. In terms of beautification, the proposal maintains a landscape buffer along Chambers Avenue, Eby Creek Road, and Loren Lane. The majority of landscaping surrounding the property's parking lot and building is located outside the property boundary in the Town right-of-way. The landscaping that will be removed with this request has limited visibility and is located behind the building. Again, staff does not believe the intent of the Municipal Code is impaired through this request.



(A)(1)(b) That the variance granted is the minimum necessary to alleviate the hardship; and

Applicant Response: This request for a variance would still be under the total 80% site coverage, and is the minimum necessary to provide the drive through amenity within the commercial district of the Town of Eagle.

Staff Comment: During the last meeting, it was requested that the applicant consider reducing the lot coverage by shifting the northern parking spaces labeled 13 through 17 to the west (see sheet A1.2). The applicant has shared that moving these parking spaces is problematic since delivery trucks utilize the area behind those parking spaces. Shifting the parking spaces would increase congestion to other areas on the lot. Staff is not aware of another area on site where the applicant could reduce the lot coverage to minimize the variance requested.

(A)(1)(c) That there exists on the property in question exceptional topography, shape, size or other extraordinary and exceptional situation or condition peculiar to the site, existing buildings, or lot configuration such that strict application of the zone district requirements from which the variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property in question; or

Applicant Response: This request is in addition to an existing variance on the property, including a setback variance that was approved for the Stout House addition in 2016. This property is already above the 30% impervious coverage and well below the 50% of building coverage. Because of the nature of the business, more parking/driveway than building square footage is necessary.

Staff Comment: When determining an exceptional situation, criteria c refers to the physical layout of the lot. The type of use (e.g. gas station/restaurants) is not considered an exceptional situation that would warrant a zoning variance. The location of existing building and parking lot may be considered an exceptional situation regarding lot configuration. Efficiencies resulting in less asphalt could be implemented if the development was designed on a vacant lot. If the applicant were to adhere to the strict application of the lot coverage for the CG zone district, a drive through would not be possible. The property, having gone through the Town process to achieve the existing laying, would need to pull out asphalt to meet zone district standards. The zone district's lot coverage requirement limits future redevelopment that would support the uses on the lot, resulting in *exceptional practical difficulties* on the property owner.

(A)(1)(d) That such exceptional situation or condition was not induced by any action of the applicant and is not a general condition throughout the zone district.

Applicant Response: This does not apply.

Staff Comment: Staff agrees with the applicant, this standard does not apply to this situation.

STAFF RECOMMENDATION

Staff recommends APPROVAL with conditions of the Minor Development Permit DR21-01 based on compliance with Section 4.06.020. of the Land Use and Municipal Code.

Staff recommends APPROVAL of file number V21-01 based on Standards (a), (b) and (c) of Section 4.05.020. of the Municipal Code.

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to the Minor Development Permit and Zoning Variance file # DR21-01 and V21-01:

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

FINDINGS OF FACT

Findings for Approval

DR21-01 Minor Development Permit

1. The proposed development complies with Section 4.06.020. of the Land Use and Development Code and conforms to the Elevate Eagle Comprehensive Plan.

V21-01 Zoning Variance

1. The zoning variance request complies with Subsection (A)(1)(a), (b), and (c) of Section 4.05.020 of the Land Use and Development Code. Specifically, that the application:
 - a. The proposal does not impair the intent of the impervious surface coverage regulation in Section 4.04.090.
 - b. The proposal is the minimum necessary to alleviate hardship; and
 - c. The strict application of the requirement would result in an exception situation that would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property in question.

Findings for Denial

DR21-01 Minor Development Permit

1. The proposed development does not comply with the Town's regulations and does not conform to the Elevate Eagle Comprehensive Plan.

V21-01 Zoning Variance

1. The zoning variance request does not meet Standards (a), (b) and either (c) or (d) of Section 4.05.020 of the Municipal Code.

IF APPROVED, THE PLANNING & ZONING COMMISSION MAY CONSIDER THE FOLLOWING CONDITIONS OF APPROVAL:

1. An agreement be drafted by the Town Attorney prior to issuance of building permit that outlines remedies to address negative traffic impacts from the addition of the drive through. All costs associated with drafting the agreement will be a pass-through cost and a responsibility of the applicant.
2. Prior to operation of the drive through, the developer shall place signage on site to facilitate traffic flow and prevent vehicles from blocking the access point and directs drivers in a manner that prevents queueing onto the highway. This includes, but is not limited to, one "DO NOT ENTER" sign at the drive-through lane exit onto Loren Lane to prevent drivers from entering from the north. Signage shall receive final staff approval.
3. The applicant is responsible for the construction of a concrete pad for the trash receptacle, which shall be reflected in the plans prior to issuance of building permit. The building permit shall also include details for the trash enclosure that will align with standards in Title 4.
4. Impact fees be paid prior to application for building permit.
5. The applicant will provide footcandles for the new exterior light fixture(s). Administrative approval will be required prior to issuance of building permit.
6. Screening, through landscaping or material compatible with the building siding, be provided to all utility services visible from the street(s) and shall be installed prior to operation of the drive-through.



December 7, 2021

0131 Chambers Avenue

Eagle Sinclair Station

Proposal for a drive-through window and building addition

Minor Development Permit - Design Variance Requests

1. A Design Variance is requested for front street buffer:

Section 4.07.020.B.3. Front Street Buffer. All yards adjacent to primary and secondary streets shall be landscaped...The width of the landscaped buffer shall be five percent of the average of the two side property lines, but not less than 15 feet. Plant material for landscape areas shall be suitable for use in the local climate. All landscape areas shall be irrigated using an underground automatic system.

We request a variance for the Front Street Buffer requirement along Chambers Avenue. The proposed plan has a grass area that is 11' +/- between the new drive-through lane and Chambers Avenue. Currently there is approximately 13'. Thus, this area is already out of compliance with the existence of the concrete patio within 7'6" of the property line. There is no formal landscaping along Chambers. The existing grass areas on the lot are served by an underground irrigation system and that would be extended into any new areas of grass.

2. A Design Variance is requested for stacking spaces for drive-through:

Section 4.07.140. - Parking standards. 3.Use category—Commercial uses. G. drive-through window accessory to indoor restaurant: a minimum of six stacking spaces per drive-up window, in accordance with Subsection (L)(2) of this section.

We request a variance for the number of stacking spaces at a drive-through window from 6 to 5. The drive-through window has been moved to the north as much as is feasible and there is room within the existing conditions of the property for 5 cars to stack.

Sincerely,

Alicia Davis AIA

alicia@sstaia.com

Scott S Turnipseed AIA, Architecture & Construction Inc.



December 7, 2021

0131 Chambers Avenue

Eagle Sinclair Station

Proposal for a drive-thru window and building addition

Zoning Variance Requests

A Zoning Variance is requested for Lot Coverage:

This calculation for this has been changed to include the roof that covers the fuel pumps. The revised existing lot coverage is 19.7% for building coverage, 47.8% for impervious surface. Due to the fact that this is an established gas station and with two restaurants, which requires a substantial asphalt area, we would like to request that the building (50%) and impervious coverage (30%) allowances be added together to require an overall lot coverage of 80%. It should be noted that the lot coverage for impervious surface already exceeds the 30% limit stated in the town code. Granting the variance would allow the business to expand the building on the south side and add a drive thru window. This drive thru window allows the business to attract a larger restaurant chain to lease the space and provide added, steady tax revenue to the Town of Eagle. The remaining property is and will be well maintained with irrigated grass and trees. The revised minor development plan and zoning variance resubmittals dated **12.07.2021** are requesting an increase in building coverage to 20.4% and impervious surface of 55.2%, bringing the overall lot coverage to 75.6%.

In regards to the Code (section 4.05.020.B.1.a)

1. *A variance from the strict application of any zone district requirement or supplementary regulation of this chapter may be granted by the Planning Commission following the procedures and conditions herein, except that no use shall be allowed in any zone district in which it is not listed as a permitted or special use. [The Planning Commission may grant a variance provided it finds both Subsections \(A\)\(1\)\(a\) and \(b\) of this section and either Subsection \(A\)\(1\)\(c\) or \(d\) of this section are applicable.](#)*
 - a. *That the variance granted is without substantial detriment to the public good and does not impair the intent and purposes of the Town's regulations, goals, policies and plan, including the specific regulation in question; and*



This request for a variance does not create a detriment to the public good or is in conflict with the Town of Eagle's regulations and policies.

- b. *That the variance granted is the minimum necessary to alleviate the hardship; and*

This request for a variance would still be under the total 80% lot coverage, and is the minimum necessary to provide the drive through amenity within the commercial district of the Town of Eagle.

- c. *That there exists on the property in question exceptional topography, shape, size or other extraordinary and exceptional situation or condition peculiar to the site, existing buildings, or lot configuration such that strict application of the zone district requirements from which the variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property in question; or*

This request is a modification of an existing variance on the property, including a setback variance that was approved for the Stout House addition in 2016. This property is already above the 30% impervious coverage and well below the 50% of building coverage. Because of the nature of the business, more parking/driveway than building square footage is necessary.

- d. *That such exceptional situation or condition was not induced by any action of the applicant and is not a general condition throughout the zone district.*

This does not apply.

Sincerely,

Alicia Davis AIA

alicia@sstaia.com

90.209.6304

Scott S Turnipseed AIA, Architecture & Construction Inc.

P.O. Box 3388

Eagle, Colorado 81631

EAGLE SINCLAIR STATION
DRIVE-THROUGH AND BUILDING ADDITION
0131 CHAMBERS AVENUE



OWNERS:

EBY CREEK PARTNERSHIP LLLP
EAGLE AMACO
PO BOX 1898
EAGLE, CO 81631-1898

ARCHITECT:

SCOTT S. TURNIPSEED AIA
ARCHITECTURE & CONSTRUCTION, INC.
1143 CAPITOL STREET, SUITE 211
P.O. BOX 3388
EAGLE, COLORADO 81631
T (970) 328-3900

SURVEYOR:

ARCHIBEQUE LAND CONSULTING LTD.
115 BROADWAY, PO BOX 3893
EAGLE, CO 81631
P: (970) 328-6020
info@prolandsurvey.com

CIVIL ENGINEER:

LKP ENGINEERING INC.
LUIZA PETROVSKA
P.O. BOX 2837
EDWARDS, COLORADO 81632
(970) 926-9088
luiza@lkpeng.com

BUILDING CODE:

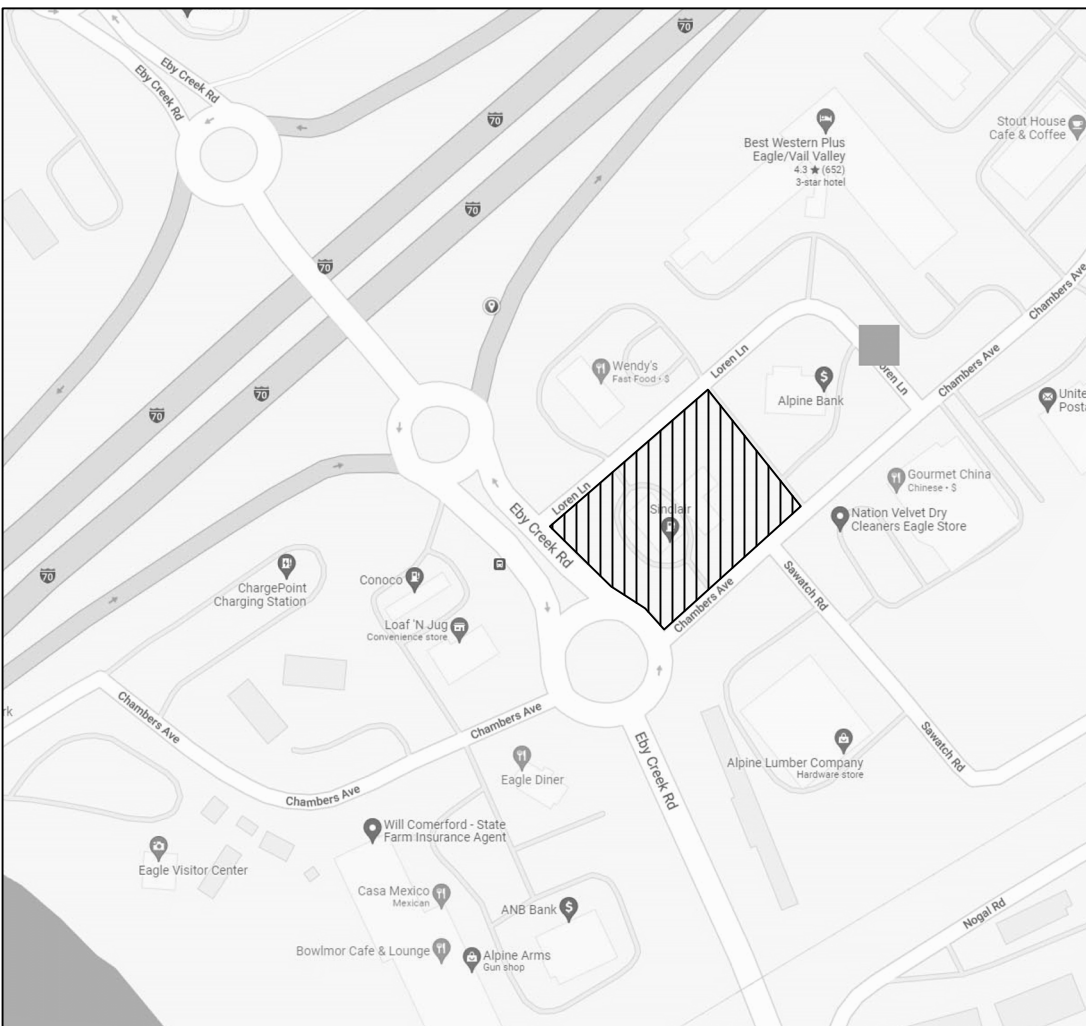
2015 INTERNATIONAL BUILDING CODE (IBC)
2015 INTERNATIONAL MECHANICAL CODE (IMC)
2015 INTERNATIONAL ELECTRICAL CODE (NEC)
2015 INTERNATIONAL ENERGY CODE
CLIMATE ZONE 6B

LIGHT FIXTURE:

EXISTING
URBAN BARN, HIGH GALVANIZED
INDOOR OUTDOOR WALL LIGHT
11.25" X 8.5"
STANDARD BASE LED BULB
12 WATTS



VICINITY MAP:



DRAWING INDEX:

A0.0	COVER SHEET
A1.1	EXISTING SITE PLAN
A1.2	PROPOSED SITE & LANDSCAPE PLAN
A2.1	EXISTING FLOOR PLAN
A2.2	PROPOSED FLOOR PLAN
A3.1	EXISTING ELEVATIONS
A3.2	PROPOSED ELEVATIONS

SITE COVERAGE:

SITE AREA:
37,026 SF

EXISTING

IMPERVIOUS SURFACE - ROOF	7,305 SF	19.7%
IMPERVIOUS SURFACE - ASPHALT	17,693 SF	47.8%

TOTAL EXISTING IMPERVIOUS 24,998 SF 67.5%

PROPOSED

IMPERVIOUS SURFACE - ROOF	7,565 SF	20.4%
IMPERVIOUS SURFACE - ASPHALT	20,433 SF	55.2%

TOTAL PROPOSED IMPERVIOUS 27,998 SF 75.6%

PROJECT

SUMMARY:

PARCEL NUMBER: 1939-324-01-008
ZONING : COMMERCIAL GENERAL
NUMBER OF STORIES : 1

FLOOR AREA:

EXISTING	2,930 SF
ADDITION	220 SF
PROPOSED TOTAL	3,150 SF

PARKING:

NUMBER OF EXISTING SPACES: 26
NUMBER OF PROPOSED SPACES: 30

DRIVE-THROUGH:

PROPOSED STACKING SPACES: 5

MINOR DEVELOPEMENT PLAN:

REQUESTING AN ADDITION TO THE EXISTING RESTAURANT ON THE CHAMBERS SIDE OF THE SINCLAIR GAS STATION BUILDING, WHICH IS TO INCLUDE A DRIVE THRU WINDOW AND NEW DRIVEWAY. THIS ALSO INCLUDES DEMOLITION OF THE EXISTING PATIO AND PARKING AREA TO THE SIDE AND REAR OF THE BUILDING, CONSTRUCTION OF A NEW DRIVEWAY ALONG THE SIDE AND REAR OF THE BUILDING, PARKING AREAS, AND RELOCATED DUMPSTER. A 6' FENCE IS PROPOSED ALONG THE PROPERTY LINE ADJACENT TO LOT 5. ALL NEW MATERIALS ARE TO MATCH THE EXISTING BUILDING.

ZONING VARIANCE:

- REQUESTING A ZONING VARIANCE FOR AN IMPERVIOUS SURFACE AREA OF ASPHALT TO BE 55.2 % , TOTAL IMPERVIOUS SURFACE AREA OF 75.6%

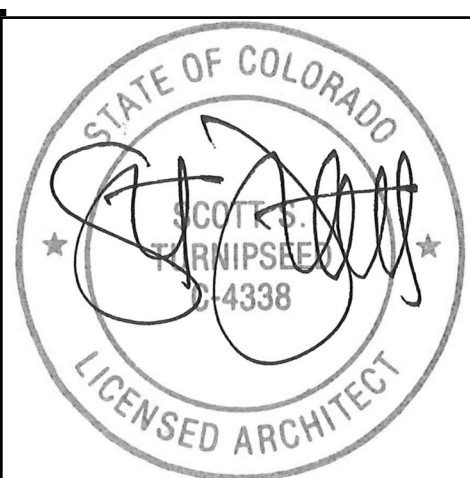
DESIGN VARIANCES:

- REQUESTING A DESIGN VARIANCE FOR A 5 CAR STACK TO BE ALLOWED FOR THE DRIVE THRU WINDOW.
- REQUESTING A DESIGN VARIANCE FOR A LESS THAN 15' LANDSCAPE ZONE AT SOUTH END OF THE PROPERTY.

LANDSCAPE:

REMAINING IRRIGATED GRASS AREA TO BE UNCHANGED
NO ADDITIONAL IRRIGATION

6' WOOD PRIVACY FENCE ADDED ALONG PROPERTY LINE



EAGLE SINCLAIR STATION
DRIVE-THROUGH AND BUILDING ADDITION
0131 CHAMBERS AVENUE
LOT 4, BLOCK 1, EBY CREEK SUBDIVISION
EAGLE, COLORADO 81631

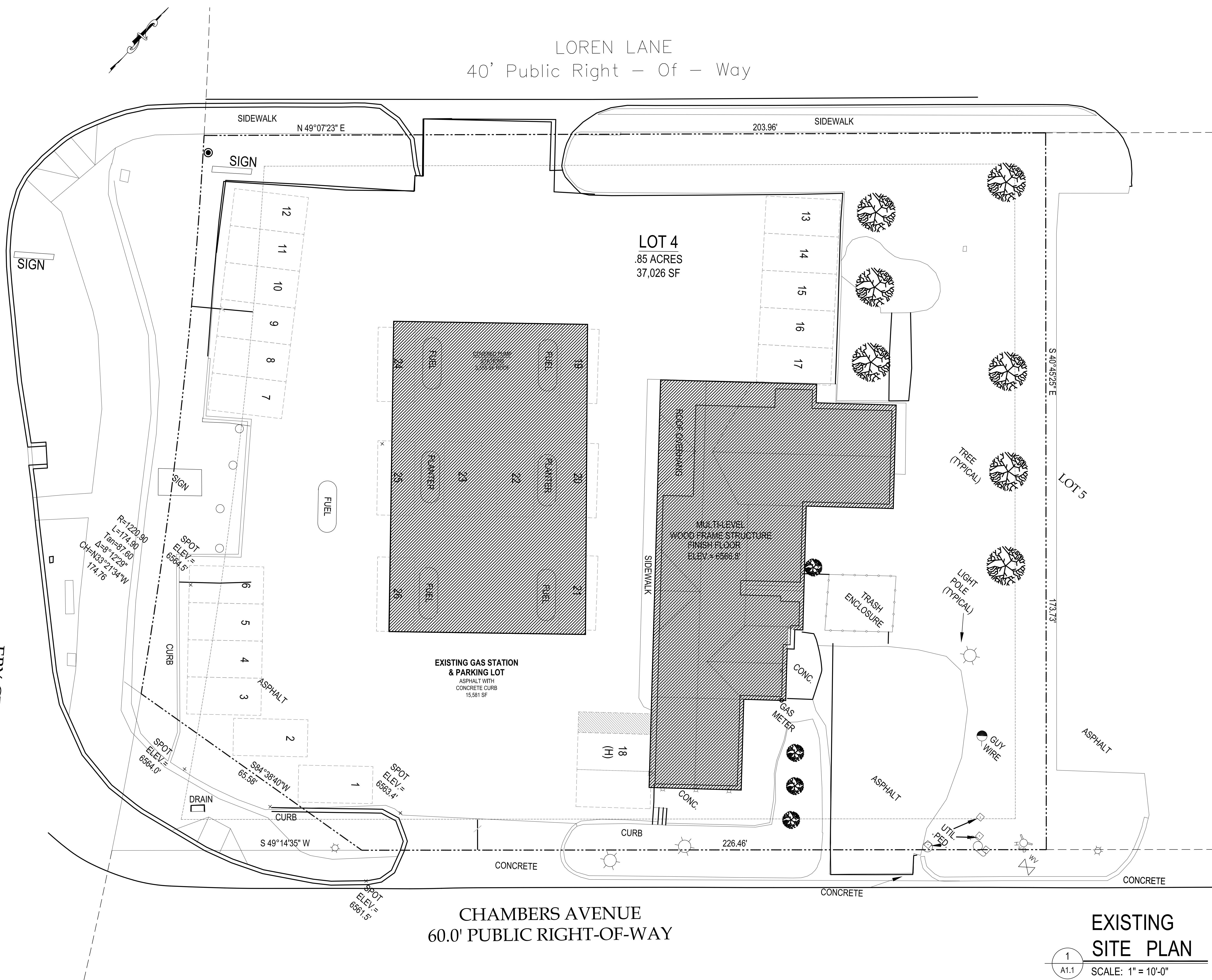
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RESUBMITTAL 3 DEC 7, 2021
MINOR DEVELOPMENT PLAN
RESUBMITTAL 3 DEC 7, 2021

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AND ZONING VARIANCE RESUBMITAL	
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AND ZONING VARIANCE RESUBMITTAL 3	

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A0.0
COVER SHEET

EBY CREEK I-70 SPUR ROAD
150' PUBLIC RIGHT-OF-WAY
BOOK 218 PAGE 642



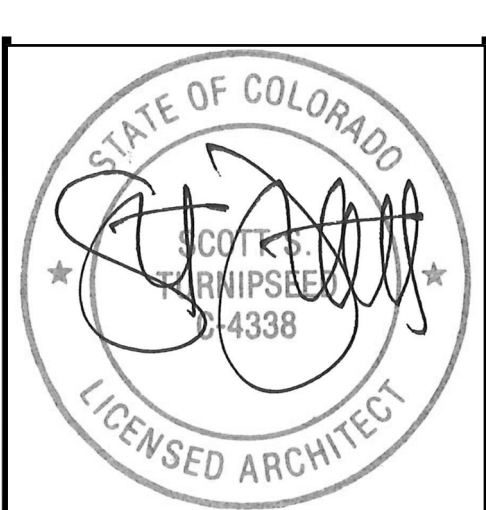
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A1.1
EXISTING
SITE PLAN

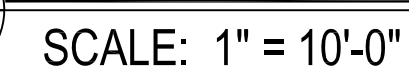


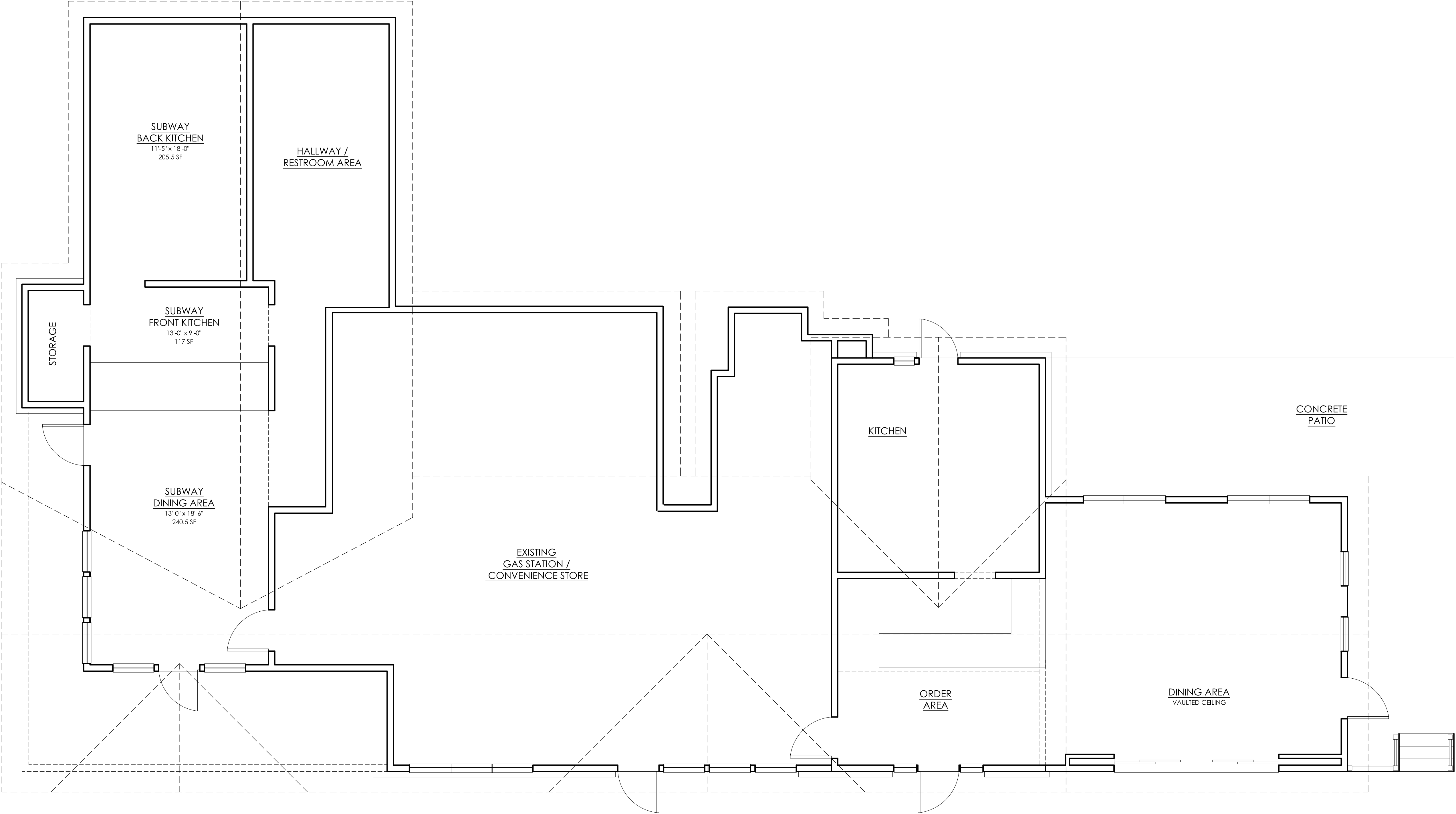
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A1.2

PROPOSED SITE PLAN



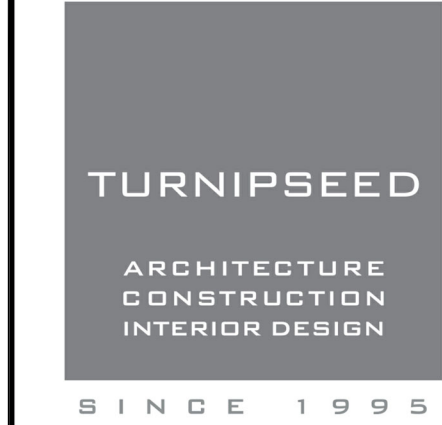
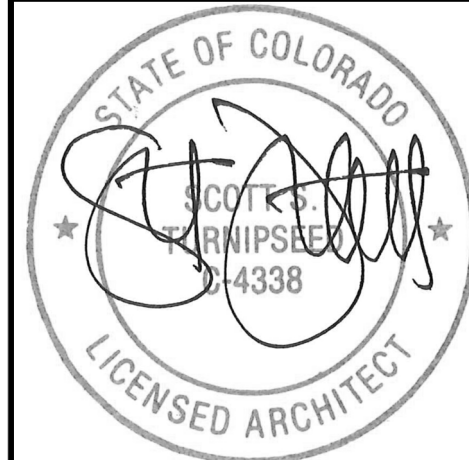


1

A2.1

EXISTING FLOOR PLAN

SCALE: 1/4" = 1'-0"



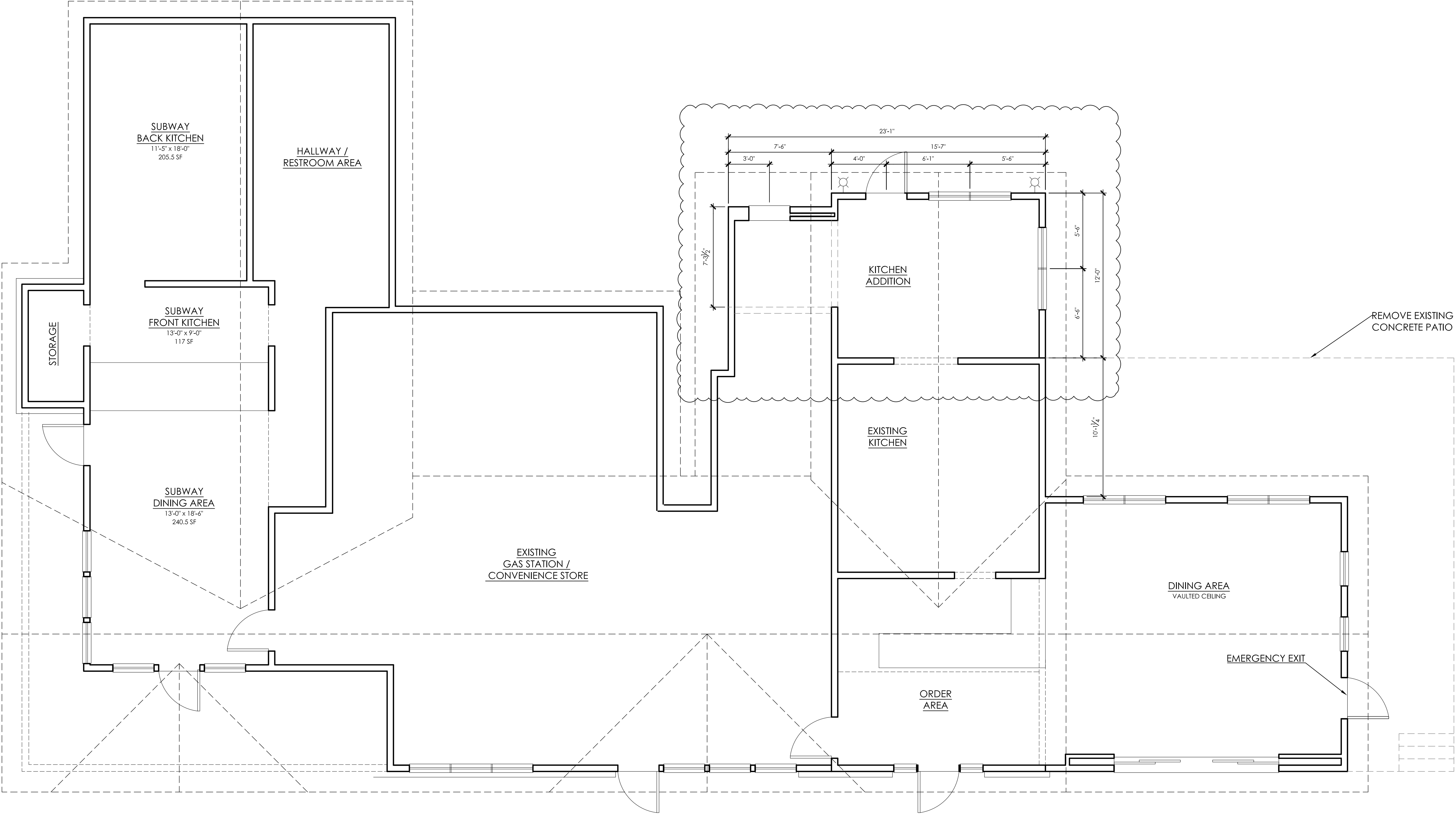
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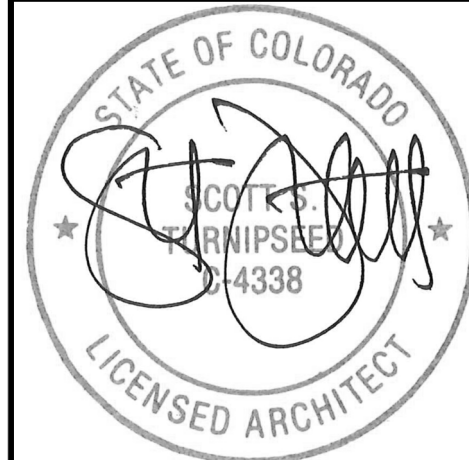


1

A2.2

PROPOSED FLOOR PLAN

SCALE: 1/4" = 1'-0"



EAGLE SINCLAIR STATION

DRIVE-THROUGH AND BUILDING ADDITION
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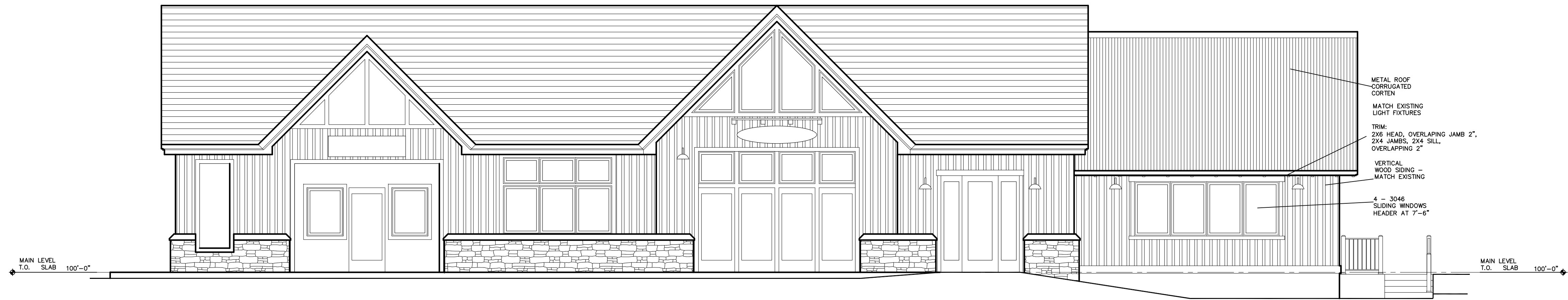
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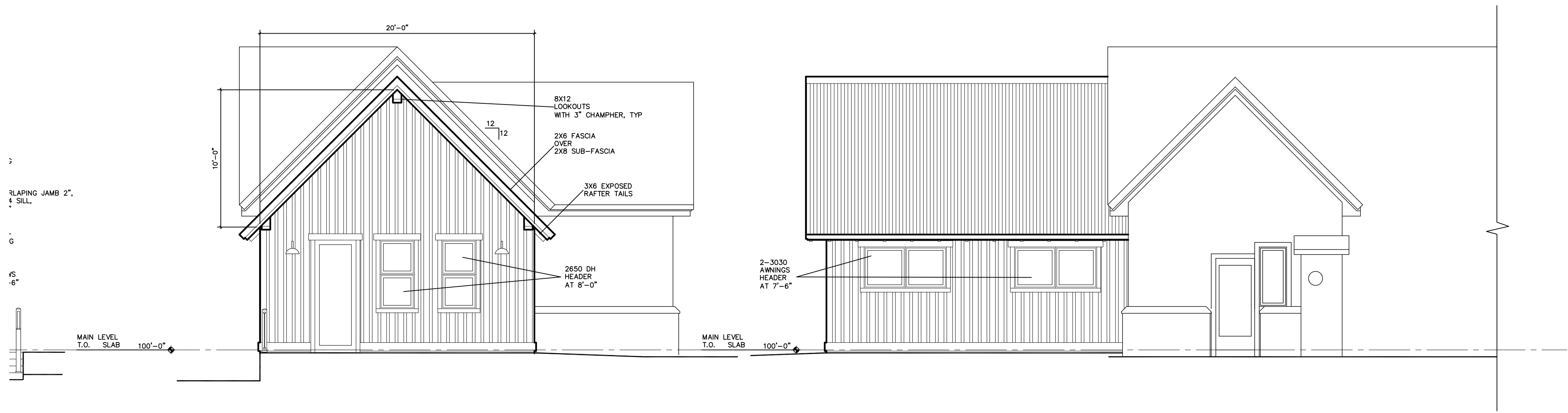
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A2.2



1
A3.1

EXISTING
FRONT / WEST ELEVATION
SCALE: 3/16" = 1'-0"

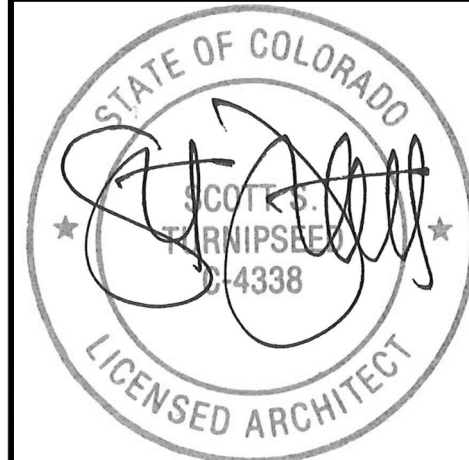


2
A3.

EXISTING
SOUTH ELEVATION
SCALE: 3/16" = 1'-0"

3
A3.1

EXISTING
EAST ELEVATION
SCALE: 3/16" = 1'-0"



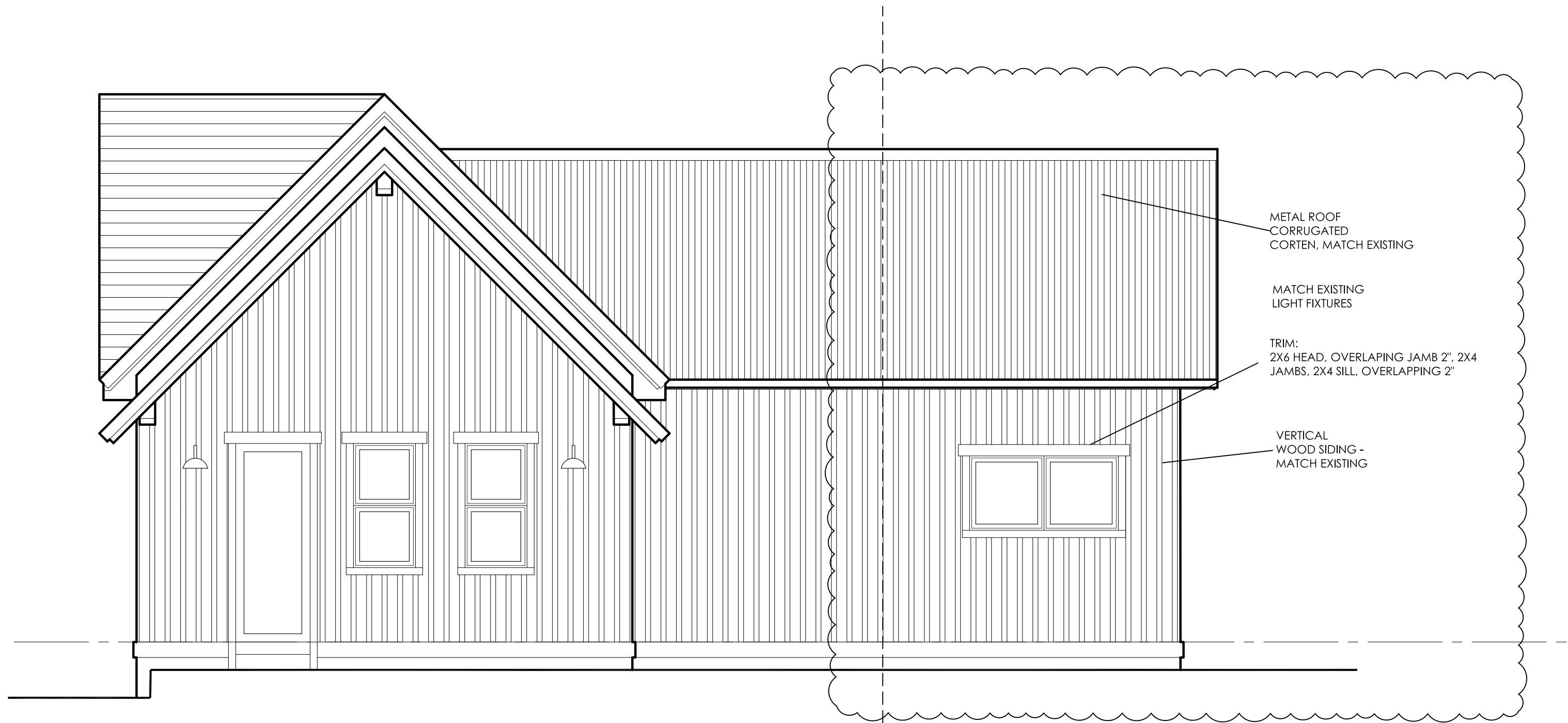
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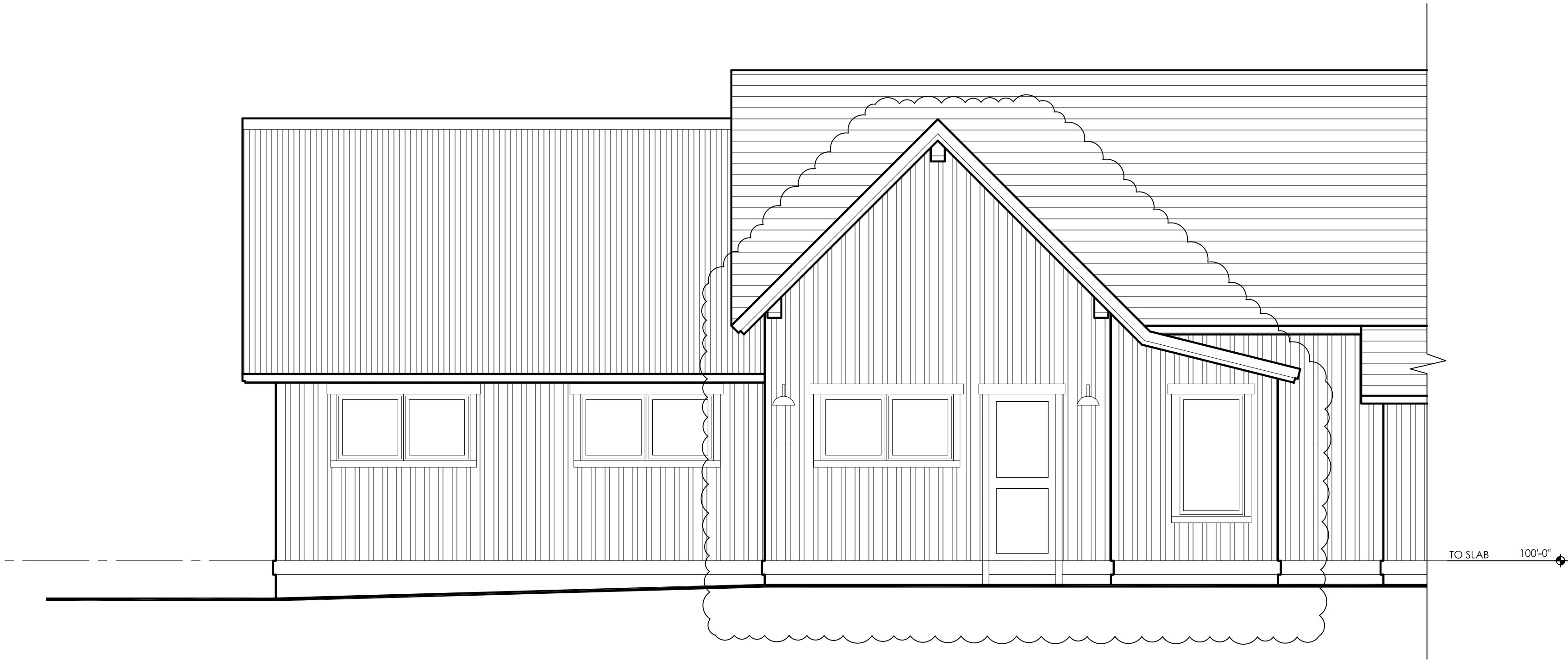
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PROPOSED
SOUTH ELEVATION

1
A3.2

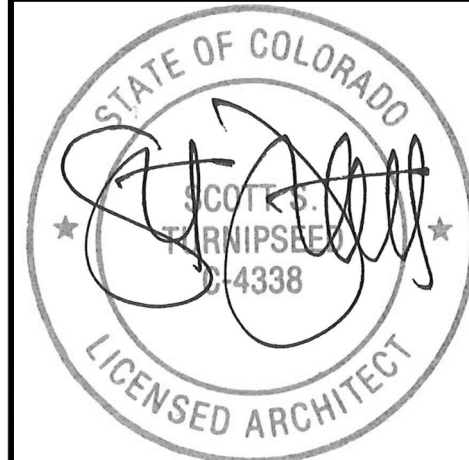
SCALE: 1/4" = 1'-0"



PROPOSED
EAST ELEVATION

2
A3.2

SCALE: 1/4" = 1'-0"



EAGLE SINCLAIR STATION
DRIVE-THROUGH AND BUILDING ADDITION
0131 CHAMBERS AVENUE
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To: TOE Community Development

From: Dennis Wike, Town Engineer

Date: January 21, 2022

Item: Proposed Language for Sinclair Station Development Review DR21-01 and V21-01; 0131 Chambers Avenue, Eagle, CO.

REQUEST:

The Town of Eagle Public Works Department requests that the following language be incorporated into any approval of the Sinclair Station Development Review DR21-01 and V21-01 at 0131 Chambers Avenue.

INTRODUCTION:

Town of Eagle Public Works and other Town of Eagle Departments have concerns that traffic generated by the proposed new drive-through access lane to be added to the existing building on the tract at 0131 Chambers Avenue could potentially create negative traffic impacts to Chambers Avenue, Eby Creek-Chambers Roundabout and/or Eby Creek Road if not properly managed that could adversely affect public property, health, welfare, peace, or safety. In addition, any negative impacts to the Eby Creek-Chambers Roundabout or Eby Creek Rd could adversely affect the Towns CDOT Access Permit for Chambers Avenue.

A review of Trip Generation tables from the Institute of Transportation Engineers for the addition of the proposed drive-through lane is inconclusive as the Range of Rates and the Standard Deviation are so large that only looking at the Average Trip Generation Rate can give you misleading answers. The traffic trip generation for this property is best based on actual data from the property after the addition of the drive-through lane with the new tenant and managing any adverse outcomes as suggested below

Additionally, we looked at using the east Chambers driveway, presently used as the delivery drive for the facility as the access for the drive-through lane but due to insufficient stacking lengths for the proposed window location this would not work. This east drive only works if the traffic island in Chambers was removed and the drive-through window location is moved North to the location of the Subway store which we were told is not an option.

Similar concerns about negative traffic impacts were raised at the time of the design & construction of the Eby Creek-Chambers Roundabout concerning allowing a left turn lane on Chambers Avenue into the Sinclair Station Chambers Driveway at 0131 Chambers from east-bound Chambers. To date, the addition of the Chambers left-turn lane into the Sinclair Station has not significantly negatively impacted traffic flow in the area but that may change with the addition of this proposed drive-through access lane.

RECOMMENDED ACTION:

With the potential for significant negative impacts to traffic on Chambers Avenue, Eby Creek-Chambers Roundabout and/or Eby Creek Road that cannot be assessed with total certainty concerning the addition of the proposed drive-through access at 0131 Chambers Public Works would like to make sure that the Developer/Owner understands some of the actions that the Town may unilaterally need to take to alleviate negative traffic impacts. The following list is an example of actions and not an exhaustive list of other actions that may be taken.

- Chapter 11.04 TRAFFIC CODE of the Town of Eagle CODE OF ORDINANCES adopts by reference the Model Traffic Code for Colorado by the Colorado Department of Transportation.
- The Model Traffic Code For Colorado Part 1 Section 111. POWERS of LOCAL AUTHORITIES. (1) Except as otherwise provided in subsection (2) of this section, this article does not prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from:
 1. (l) Regulating or prohibiting the turning of vehicles, consistent with the provisions of this article;
 2. (v) Adopting such temporary or experimental regulations as may be necessary to cover emergencies or special conditions;
 3. (w) Adopting such other traffic regulations as are provided for by this article;
- As such, if the Town of Eagle Council determines at its sole discretion that it is necessary for the preservation of public property, health, welfare, peace, or safety the Town may:
 1. Temporarily or permanently restrict or close the existing eastbound Chambers Avenue left turn lane into the Sinclair Station at 0131 Chambers,
 2. Temporarily or permanently restrict or close the New Drive-Through Lane at the Sinclair Station,
 3. Temporarily or permanently restrict or close the existing Chambers Avenue Driveway into 0131 Chambers Avenue, or
 4. Any other action deemed necessary.
- In accordance with Article VI. ORDINANCES, 6.01 Action by Ordinance requires that any act that places any burden upon or limiting the use of private property shall be by ordinance.
- Therefore, in accordance with Article VI. ORDINANCES, 6.044 Emergency Ordinances the Council may adopt an emergency ordinance if necessary for the immediate preservation of public property, health, welfare, peace, or safety. Determination by the Council as to the existence of an emergency shall be final and conclusive

Peyton Heitzman

From: Carey Salomonson <coyoteridge@skybeam.com>
Sent: Wednesday, October 13, 2021 8:09 AM
To: Peyton Heitzman
Subject: DR21-01 & V21-01 Eagle Sinclair Station

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Heitzman,

Thanks you for your invitation to comment concerning Ed Oyler's minor development permit with design variances.

As an adjacent property owner occupied by a Wendy's store we have no objections to his proposals for increased use and changes to of his business operations as described in your letter dated October 8, 2021.

Respectfully, Carey J. Salomonson, Managing Partner Ross E. Chambers Assoc. LLP

Sent from [Mail](#) for Windows