



**Planning & Zoning Commission
Tuesday, February 15, 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 an in-person meeting with access for the public to attend virtually via the Zoom link below.

[ACCESS THE ONLINE 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 February 1, 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.

1. Project: Mountain Tots Preschool Special Use Permit
File # SU22-01
Applicant: Mountain Tots Preschool
Location 641 McIntire Street
Staff Contact: Tez Hawkins, Senior Planner
Request: To obtain a Special Use Permit to operate a child care facility.

2. Project: 410 Broadway Station Lot Line Adjustment
File # LLA22-01
Applicant: Bryan Desmond on behalf of JEH Investments, LLC
Location 410 Broadway
Staff Contact: Peyton Heitzman, Planner II
Request: To approve a final plat vacating the lot line between lots 15 and 16, Block 22, Town of Eagle, consolidating two lots into one lot.
3. Project: Code Amendment to Section 4.04.070 - Indoor Recreation in Nonresidential Zone Districts
File # LURA22-01
Applicant: Town of Eagle
Location Town of Eagle
Staff Contact: Peyton Heitzman, Planner II
Request: Amend Section 4.04.070. to include additional indoor recreational uses in the Schedule of uses and the associated definitions to be located in Section 4.03.040.

COMMUNITY DEVELOPMENT DEPARTMENT AND TOWN COUNCIL UPDATE

Staff update to the Planning & Zoning Commission on recent work, upcoming files and decisions made by Town Council.

1. Department and Council Update: February 15, 2022

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



MEETING MINUTES
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 - 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, Charlie Perkins,
Keegan Winkeller, Lani Webb

COMMISSIONERS ABSENT

Kyle Hoiland

STAFF

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

APPROVAL OF MINUTES

1. Minutes dated January 18, 2022

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

PUBLIC COMMENT

Public commented opened at 6:02 PM. There was no public comment.

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

Staff Presentation

Heitzman presented this file, a request comprised of two applications. She noted that the minor development permit application has changed since the last Planning Commission hearing on November 16, 2021. The applicant increased the building expansion request from 220 sf to 244 sf. This change would allow the property owner to move the drive through window further north towards Loren Lane and increase the queueing capacity for more vehicles. Accompanying the development permit application are two design variance requests which remain the same as presented during the last hearing: 1) reduce stacking spaces for cars from six to five and 2) reduce the landscape buffer along Chambers Avenue. The second application is a zoning variance request to increase the maximum lot coverage of the non-building impervious surface from 47% to 55%.

From the previous Planning Commission hearing, Heitzman recalled the Commission's concerns related to traffic impacts from the drive through and the application's inability to meet the Town Code's conditions for a zoning variance. To address the traffic concerns, the applicant collaborated with Public Works to create a traffic mitigation plan. This plan will be formalized between the Town and applicant. Furthermore, the applicant added a door to the building addition which would allow employees to deliver orders by foot to vehicles in the parallel parking spaces. These spaces are intended to relieve traffic congestion in the queue, especially with reduced stacking spaces. Heitzman also explained there is a condition of approval to install signage and help facilitate traffic flow.

Lastly, and after further review with the applicant, staff believes the application does meet the first three conditions for a zoning variance. The variance standards weigh the application against factors such as detriment to the public good, impairment of the Town's regulations, ensuring that the variance granted is the minimum necessary to alleviate a hardship, and if there is an exceptional condition specific to the property that would result in a hardship for the property owner.

Staff recommended approval for both applications. There are six conditions of approval related to the development permit.

Perkins joined the meeting at 6:07 PM.

Q & A

Nutkins asked about parking spot #27 from the site plan stating it looks like it encroaches into the 12 ft. wide drive through lane. If there is a larger vehicle parked in that spot, will someone in the queue be able to leave? Wike replied that spots #27 & #28 are the most important spaces to keep so that vehicles can move out of the queue and wait for their food. Townsend asked about eliminating space #29 in order to pull the other two holding spaces back. Winkeller suggested the applicant show as many spots as possible to help with stacking and open up the drive through to the left. Phillips added that the landscape requirements need to be met.

Nutkins asked if there are future plans to add a sidewalk on Chambers Avenue. He described how people walk on the north side of Chambers Avenue for quicker, more direct access to the bus stop regardless of the lack of sidewalk. Wike replied there is a sidewalk on Loren Lane and on the south side of Chambers Avenue. The CDOT (Colorado Department of Transportation) sign will make sidewalk development challenging, however, the Town could improve way finding signage to the existing sidewalk system in the area.

Perkins asked what the snow removal or storage strategy was for this area. Alicia Davis, the applicant representative, replied there are designated areas: two areas to the north by Loren Lane and the other, which is south, behind the dumpster enclosure. Perkins also asked to confirm the strategy for trash removal. Davis replied the trucks would go straight through, south to north. Currently the property owner pushes the dumpsters in and out of the enclosure for the trucks and they would continue this process. Wike included that trash service occurs outside of business hours.

Gregg asked about utilizing pervious paving to mitigate some of the impervious surfaces. Heitzman replied that no pervious paving has been added to the plans. Staff did not have concerns about water drainage. Gregg asked if all storm water drains to Chambers Avenue or if there is a new storm water inlet on the site. Wike confirmed that drainage does flow out onto Chambers Avenue and there is no intent to add additional drainage features.

Applicant Presentation

While Davis did not have a separate presentation, she highlighted they have been working on this project for over a year trying to develop a plan that would satisfy all parties. Davis included that the drive through has become critical for the applicant's business and trying to secure a long-term restaurant tenant which would ultimately be an amenity to the Town. If approved, Davis offered to reconfigure grading to ensure the drive through is good for construction.

Q & A

Nutkins inquired about parking spots #13-17 which are directly north of the building. He questioned why the applicant did not want to move them forward to increase landscaping and what kind of delivery trucks use these spaces. Davis explained the delivery trucks use these spaces to avoid traffic from the gas station and that motorists will use the spaces before getting on the highway. Moreover, this is a vehicular-based business in the commercial zone district near I-70. It is reasonable for this type of business to have this much asphalt and it is unlikely that the applicant would consider adding the pervious pavers. While in favor of approving the application, Nutkins stated he would like to see the property move closer to compliance.

Webb asked about the feasibility of larger vehicles going through the drive through, especially if there are vehicles in the three holding spaces. Perkins added this is a popular spot for construction labor crews so there will be large vehicles there. Phillips suggested a condition of approval for minimum design sizes. Hood verified that the holding spaces are oversized so there is room to meet the Code. Wike recommended restricting or prohibiting trailer access.

Hood expressed concerns for traffic impacts during peak hours. Davis replied that the applicant has agreed to close the drive through during peak traffic hours. Hood emphasized that there is an agreement with the Town and the applicant should be aware of the potential risk and negative business impact if the Town decides to shut down the drive through.

Webb noted that between 7:30am – 8:30am, there is significant traffic in Town and at this gas station. If those are the prime business hours, how would the applicant mitigate traffic impacts? Davis explained the drive through closure would be temporary until traffic alleviates itself. Winkeller highlighted that if the applicant does not shut it down, Public Works will react quickly. Phillips echoed that if the problem is consistent, the access would be scheduled for future review and additional enforcement mechanisms.

Gregg asked if there was a traffic study. Wike replied Public Works constructed a traffic generation table instead highlighting there are unknown variables and there is no way to make an enforcement decision at this time. He added that it will be the owner or operator's responsibility to have controls in place.

Public Comment

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

Discussion

Phillips reframed the requests adding the restaurant is a use by right.

Townsend expressed his support for staff's recommendation for approval.

Nutkins supported approval of the development permit request. He restated the recommendation of moving the drive aisle west instead of widening it. As for the zoning variance on the landscaping, Nutkins disagreed with the applicant's hardship and asked if there is a condition that would prohibit future conditions on this lot. Phillips replied the property owner can request to have conditions lifted in the future and that conditions can be subject to change based on the regulations in place at that time.

Perkins observed that while the property has been a non-confirming use for some time, the applicant has demonstrated efforts to provide a solution to address the Town's requirements. The business would benefit commerce in the Town. Perkins expressed confidence in Public Works being able to respond and remediate the traffic concerns. Perkins was in support of the project.

Webb echoed her concerns about traffic impairment. She stated that as long as the owner is aware of the traffic and that the Town can step in as needed, she is in favor of supporting the application. Webb added that another restaurant, which the Town needs, will hopefully succeed at this location.

Winkeller observed that the applicant has made efforts to mitigate traffic concerns. He expressed hesitation towards approving a non-confirming property with previous variances though supports the increase of commerce in Eagle. Winkeller agreed with Nutkins' idea of shifting the drive aisle to ensure proper traffic clearance. He also supported all the suggested conditions of approval.

Gregg supported approval of the development permit request. As for the design variance, he did not think the applicant made enough effort to come into compliance and mitigate impervious surface. Gregg was not in favor of approving the landscaping zoning variance.

Hood supported approval of the development permit and design variances. He explained that while there are traffic concerns, staff and the applicant have tried to coordinate and address the unknown to a satisfactory level. Hood noted that the Commission should consider the Town's goals and policies. While this may not be the best configuration for a drive through restaurant, it will likely be a successful location due to visibility in a traffic zone. As for the zoning variance, Hood agreed with staff's interpretation outlining how this application meets the hardship criteria. Hood added that it is practically difficult to make a drive through restaurant at this location and not reduce impervious surface. Hood expressed that this is a relatively minor change with significant gains.

MOTION: TOWNSEND MOTIONED TO APPROVE FILE # DR21-01, THE MINOR DEVELOPMENT PERMIT WITH THE SIX CONDITIONS AS OUTLINED IN THE STAFF REPORT BASED ON COMPLIANCE WITH SECTION 4.06.020. OF THE LAND USE AND MUNICIPAL CODE. TOWNSEND AMENDED THE MOTION ADDING A SEVENTH CONDITION OF APPROVAL STATING THAT ALL PARKING SPOTS AND THE DRIVE AISLE SHALL MEET TITLE 4 STANDARDS. MOTION WAS SECONDED BY WEBB

AND PASSED WITH A VOTE OF 6 IN FAVOR (HOOD, NUTKINS, TOWNSEND, PERKINS, WINKELLER, WEBB) IN FAVOR AND 1 OPPOSED (GREGG).

MOTION: TOWNSEND MOTIONED TO APPROVE FILE # V21-01 BASED ON STANDARDS (A), (B), AND (C) OF SECTION 4.05.020. OF THE MUNICIPAL CODE. MOTION WAS SECONDED BY WEBB AND PASSED WITH A VOTE OF 5 IN FAVOR (HOOD, TOWNSEND, PERKINS, WEBB, WINKELLER) AND 2 OPPOSED (NUTKINS, GREGG).

Chair Hood closed file # DR21-01 and file # V21-01.

OPEN DISCUSSION

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

The Commission expressed their appreciation for staff's work. The reports are detailed, well done and encourages the Commission to refer back to Title 4. The level of communication from staff has also improved and is appreciated by the Commission.

Winkeller requested to see staff's recommendation for approval underneath the proposed conditions so both items are on one page.

Phillips noted that the Commission does not have to vote on approving or denying the meeting minutes and that staff can update this in the Planning & Zoning Commission handbook.

Last, staff continues to follow Eagle County protocols therefore moving forward, we will resume in-person meetings with the option to join virtually based on individual preference.

ADJOURN

MOTION: PERKINS MOTIONED TO ADJOURN. THE MOTION WAS SECONDED BY NUTKINS AND PASSED UNANIMOUSLY.

MEETING ADJOURNED AT 7:32 PM.

APPROVED:
DATE:

Matthew Hood, Chairman

Nikki Davis, Administrative Tech II



To: Planning and Zoning Commission

From: Tez Hawkins, Planner, Community Development

Date: February 15, 2022

Agenda Item: Mountain Tots Preschool Special Use Permit, SU22-01

REQUEST:

Additional information related to stacking, queuing, parking, and traffic is required for staff to complete the evaluation of the application. Therefore, staff requests the file be continued to the March 1, 2022 Planning & Zoning Commission meeting.

RECOMMENDED ACTION OR PROPOSED MOTION:

I move to CONTINUE File# SU22-01, the Special Use Permit for 641 McIntire Street, to the March 1, 2022, Planning & Zoning Commission meeting.

ATTACHMENTS:

None.



**STAFF REPORT AND
CERTIFICATE OF RECOMMENDATION**

TO: Planning & Zoning Commission

FROM: Community Development Department

DATE: February 15, 2022

PROJECT: 410 Broadway Lot Line Adjustment

FILE NUMBER: LLA22-01

APPLICANT: Bryan Desmond on behalf of JEH Investments, LLC

LOCATION: 410 Broadway

CODE: Chapter 4.12 Subdivision Review
Chapter 4.05 Zoning Review

ZONING: Commercial Business District (CBD)

EXHIBITS: A: Project Application
B: Aerial and Photos of Site
C: Final Plat

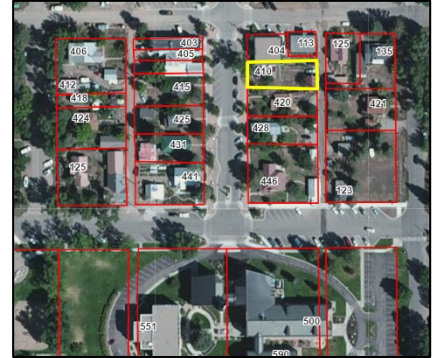
PUBLIC COMMENT: Staff has received 0 letters of public comment as of February 11, 2022. Letters received after this time will be gathered and entered into the public record at the hearing.

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

REQUEST: To approve a final plat vacating the lot line between lots 15 and 16, Block 22, Town of Eagle, consolidating two lots into one lot.

INTRODUCTION

JEH Investments, LLC (Applicant) is the owner of 410 Broadway, consisting of lots 15 and 16, Block 22, as described on the Town of Eagle original plat (Property). The Applicant is requesting to vacate a lot line and consolidate two lots into one, Lot 15A. The property received a development permit in 2019 to build a mixed use building consisting of nine residential units and office/retail space on the first floor. Prior to construction of the approved building, the owner is required to consolidate the two lots into one lot.



In addition to the vacation of the lot line between lots 15 and 16, the final plat creates an encroachment easement along the northern property line. This new easement addresses a buried concrete footer from the building on 404 Broadway that is encroaching onto the Property.

Staff is recommending two conditions of approval. 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. This is a condition that staff typically includes in subdivision approvals. It provides applicants a flexible timeline to address technical comments after final approval. While Public Works records only show that one potable water and sanitary sewer line exist on the two lots, the second condition of approval requires the Applicant abandon any additional service lines found during the construction of the new building on the Property.

STANDARDS FOR A LOT LINE ADJUSTMENT

[Section 4.12.040.](#)

STANDARD #1: *The final subdivision plat conforms to the Town's regulations, goals and policies.*

Regulations

Staff Comment: The Municipal Code requires the application's plat meet all requirements in [Section 4.12.020.C](#). The Final Plat has been reviewed by the Town Engineer, Planning, and a 3rd party surveyor to ensure the document has been prepared to meet all requirements set forth by the Municipal Code. All comments have been shared with the applicant and a condition of approval has been included having the Applicant address all technical comments within 30 days of approval from the Town Council.

Goals and Policies

Staff Comment: Staff reviewed the application against goals and policies in the Elevate Eagle Comprehensive Plan (Comprehensive Plan). While the lot consolidation is not specifically supported by policies in the Comprehensive Plan ([LINK](#)), approval of this file avoids a nonconforming situation on the lot. The consolidation allows for the construction of the 410 Broadway building which is supported by numerous economic development, housing and Broadway-specific goals and policies.

STAFF RECOMMENDATION AND FINDINGS

Staff recommends APPROVAL with conditions of the 410 Broadway Lot Line Adjustment file #LLA22-01 based on compliance with Section 4.12.040 of the Municipal Code.

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to the 410 Broadway Lot Line Adjustment file # LLA22-01:

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)

SUGGESTED MOTION

Staff recommends APPROVAL of the 410 Broadway Lot Line Adjustment file #LLA22-01 with the following finding and conditions.

FINDINGS FOR APPROVAL

The application meets the technical criteria for a Final Plat found in Section 4.12.020.C and the request is supported by goals and policies in the Elevate Eagle Comprehensive Plan.

SUGGESTED 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. Applicant needs to remove and permanently abandon any secondary sanitary sewer and/or potable water service lines found during the course of construction on 410 Broadway.



TOWN OF EAGLE
COMMUNITY DEVELOPMENT
200 BROADWAY • PO BOX 609 • EAGLE, CO 81631
PHONE: 970-328-9655 • FAX: 970-328-9656
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 410 BROADWAY

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

LOCATION

STREET ADDRESS 410 BROADWAY

PROPERTY DESCRIPTION

SUBDIVISION TOWN OF EAGLE LOT(S) 15 & 16 BLOCK 22
(attach legal description if not part of a subdivision)

DESCRIPTION OF APPLICATION/PURPOSE VACATE LOT LINE
PER TDE FOR CONSTRUCTION OF 410 BROADWAY
NEW CONSTRUCTION BUILDING - NO MINERAL INTEREST

APPLICANT NAME BRYAN DESMOND PHONE _____

ADDRESS PO Box 3518 EMAIL _____

OWNER OF RECORD JFH INVESTMENTS PHONE _____

ADDRESS BRVIN LLC EMAIL _____

REPRESENTATIVE* [Signature] 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.

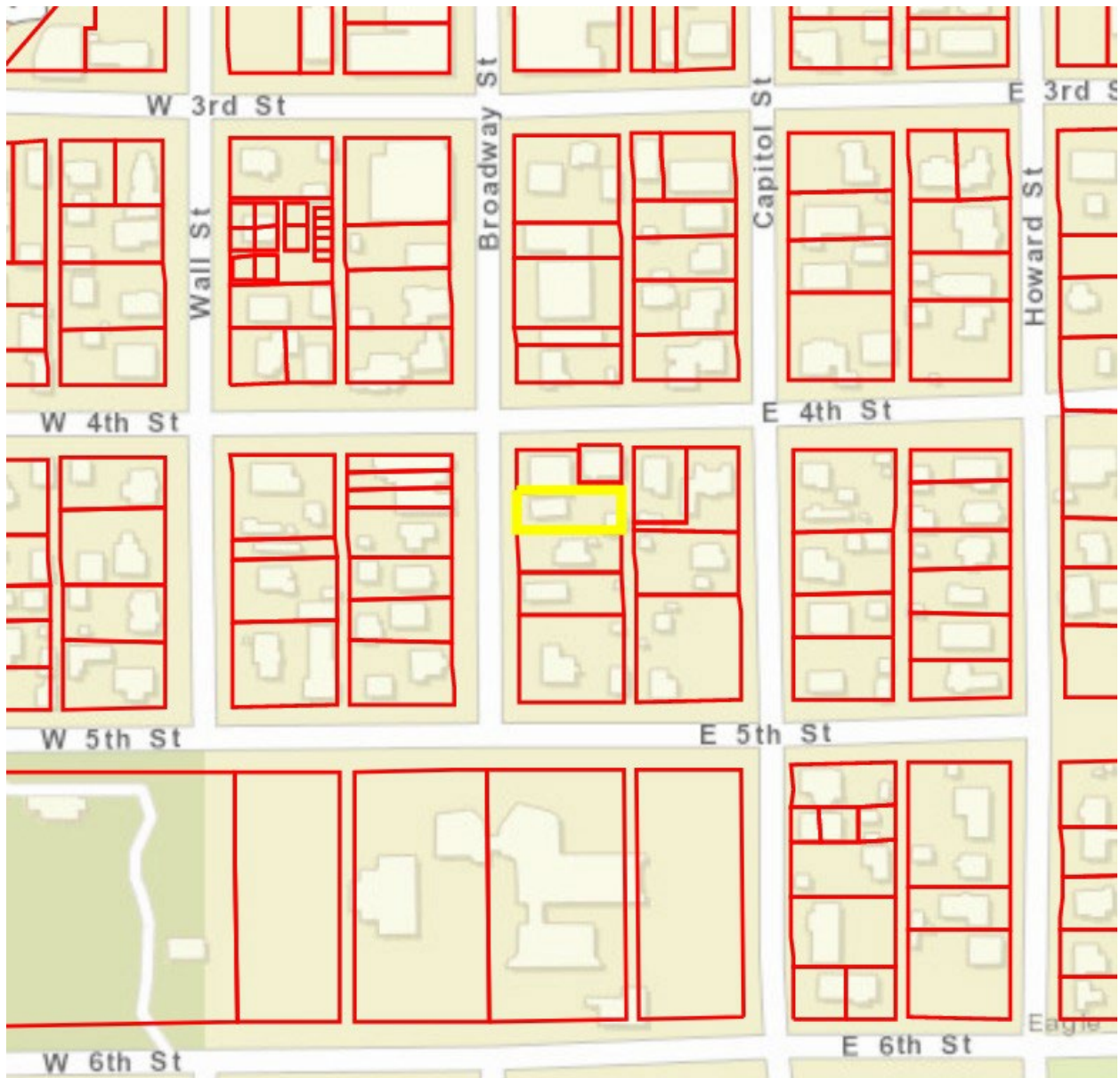
I have read the application form and certify that the information contained herein is correct and accurate to the best of my knowledge. I understand that it is my responsibility to provide the Town with accurate information related to this application. I UNDERSTAND THAT FILING AN APPLICATION IS NOT A GUARANTEE THAT THE APPLICATION WILL BE APPROVED.

 1-14-22
Signature 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 _____	

Aerial

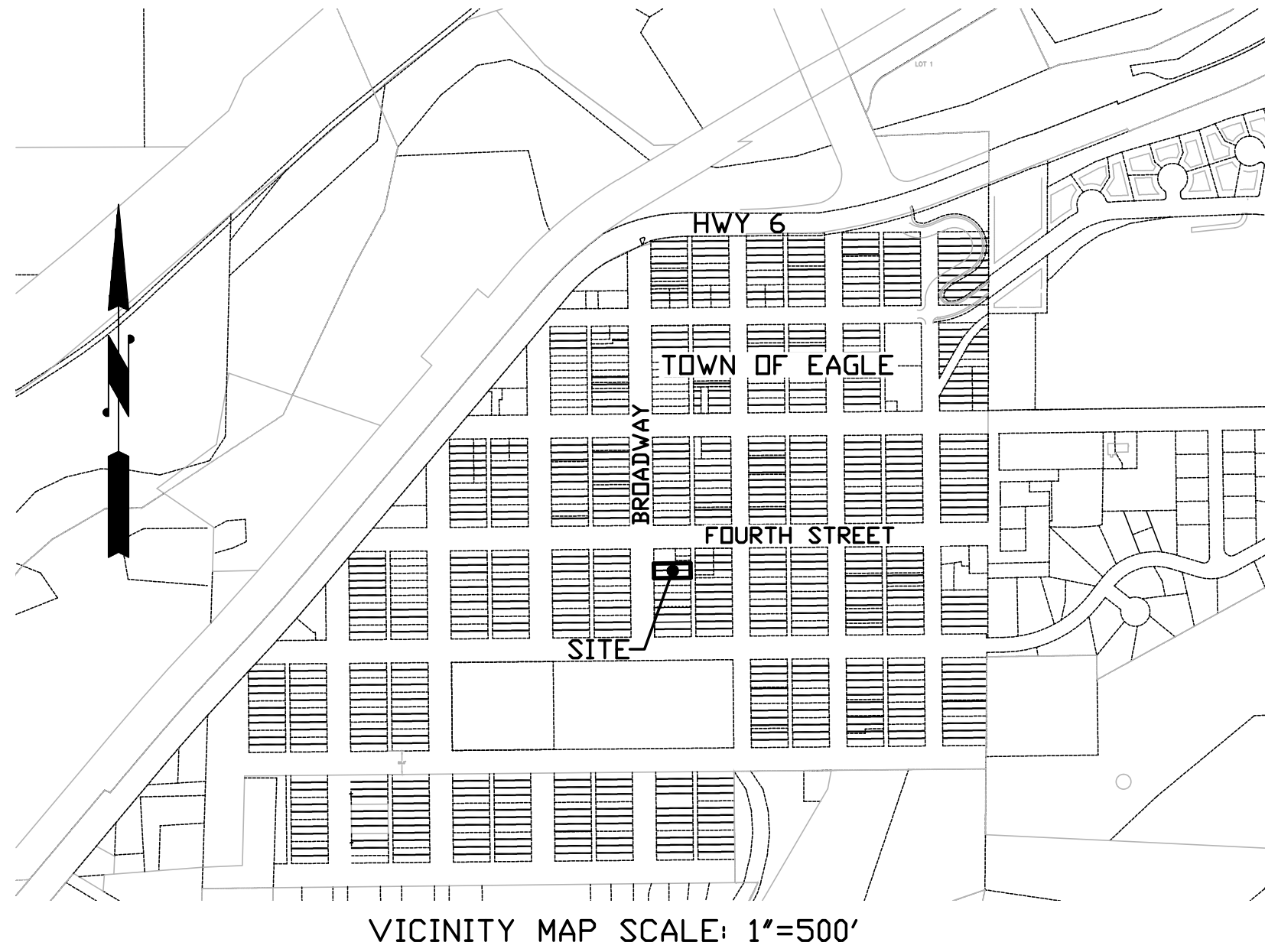


Photos of Site





FINAL PLAT
TOWN OF EAGLE - LOT 15A
A Consolidation of Lot 15 and Lot 16, Block 22, Town of Eagle
Town of Eagle, County of Eagle, State of Colorado



CERTIFICATE OF DEDICATION AND OWNERSHIP

Know all men by these presents that JEH INVESTMENTS LLC, A COLORADO LIMITED LIABILITY COMPANY, the sole owners in fee simple of all that real property described as follows:

LOTS 15 AND 16, BLOCK 22, TOWN OF EAGLE, according to the FINAL PLAT recorded January 1, 1905 in Book E, Page 2 at the Eagle County Clerk and Records Office, Eagle County, Colorado, containing 0.1435 acres more or less;

have by these presents laid out, platted and subdivided the same into lots and blocks as shown on this plat and designate the same as TOWN OF EAGLE – LOT 15A, A CONSOLIDATION OF LOT 15 AND LOT 16, BLOCK 22, TOWN OF EAGLE, the Final Plat thereof, a Subdivision in the Town of Eagle, County of Eagle, State of Colorado; and do hereby grant, convey, dedicate and set apart to the Town of Eagle, County of Eagle, Colorado, for public use the streets shown hereon, including avenues, drives, courts, places and alleys, the public lands shown hereon for their indicated public use and the utility and drainage easements shown hereon for utility and drainage purposes only.

We hereby accept the responsibility for the completion of all required public improvements for the Subdivision, and further, hereby grant the right to install and maintain all necessary structures to the entity responsible for providing the services for which the easements are established.

We further state that this subdivision shall be subject to the protective covenants filed and recorded for this subdivision in the offices of the Clerk and Recorder of Eagle County, at Reception No. _____

EXECUTED this _____ day of _____, 2022.

Owner: JEH INVESTMENTS LLC, A COLORADO LIMITED LIABILITY COMPANY

Address: 9605 POUNDSTONE PLACE
GREENWOOD VILLAGE, CO 80111

STATE OF _____ }
COUNTY OF _____ } SS

The foregoing Certificate of Dedication and Ownership was acknowledged before me this _____ day of _____, 2022, by _____.

Witness my hand and official seal _____

My commission expires: _____

Notary Public

TITLE CERTIFICATE

Land Title Guarantee Company, does hereby certify that I have examined the title to all lands shown on this plat and that title to such lands is vested in JEH INVESTMENTS LLC, a Colorado Limited Liability Company, free and clear of all liens and encumbrances, except as follows:

EXECUTED this _____ day of _____, 2022.

Title Examiner

TOWN COUNCIL CERTIFICATE

This plat is approved by the Town Council of the Town of Eagle, Colorado, this _____ day of _____, 2022 for filing with the Clerk and Recorder of Eagle County, and for conveyance or dedication to the Town of Eagle of the public dedications shown hereon; subject to the provisions that approval in no way obligates the Town of Eagle for financing or constructing of improvements on said lands, streets or easements dedicated to the public except as specifically agreed to by the Town Council of the Town of Eagle. Further, said approval in no way obligates the Town of Eagle for maintenance of public improvements until construction of said improvements has been completed in accordance with the Town of Eagle's specifications and the Town of Eagle has agreed to accept said improvements. This approval does not guarantee that the size, soil conditions, sub-surface geology, ground water conditions, or flooding conditions of any lot shown hereon are such that a building permit, development permit, or any other required permit will be issued. This approval is with the understanding that all expenses involving required improvements for all utility services, paving, grading, landscaping, curbs, gutters, sidewalks, road lighting, road signs, flood protection devices, drainage structures, and all other improvements that may be required shall be the responsibility of the owners designated hereon and not the Town of Eagle, unless otherwise specifically agreed to in writing by the Town Council.

Town of Eagle, Colorado

By: _____
Mayor

Witness my hand and seal of the Town of Eagle, Colorado

ATTEST: _____
Town Clerk

CERTIFICATE OF TAXES PAID

I, the undersigned, do hereby certify that the entire amount of taxes and assessments due and payable as of _____ upon all parcels of real estate described on this Plat are paid in full.

Dated this _____ day of _____, A.D., 2022.

Treasurer of Eagle County

PLANNING COMMISSION CERTIFICATE

This Plat approved by the Town of Eagle Planning Commission on this _____ day of _____, 2022.

Chairman

SURVEYOR'S CERTIFICATE

I, Randall P. Kipp, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Colorado, that this plat is a true, correct, and complete plat of TOWN OF EAGLE – LOT 15A, A CONSOLIDATION OF LOT 15 AND LOT 16, BLOCK 22, TOWN OF EAGLE, the Final Plat thereof, as laid out, platted, dedicated and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, staked upon the ground in compliance with Title 38, Article 51, C.R.S., as amended, and all other regulations governing the subdivision of land.

EXECUTED this _____ day of _____, 2022.

Randall P. Kipp
Colorado Licensed Professional Land Surveyor
License Number #38079

PLAT NOTES

1. THE PURPOSE OF THIS FINAL PLAT IS TO (1) VACATE THE COMMON LOT LINE BETWEEN LOT 15 AND LOT 16. BLOCK 22, TOWN OF EAGLE AND (2) CREATE A ENCROACHMENT AGREEMENT EASEMENT.
2. SURVEY DATE: OCTOBER 29, 2021.
3. U.S. SURVEY FEET WAS USED FOR THIS SURVEY.
4. ADDRESS: 410 BROADWAY (NOT POSTED).
5. THE LEGAL DESCRIPTION SHOWN HEREON WAS BASED ON A TITLE COMMITMENT PROVIDED BY LAND TITLE GUARANTEE COMPANY , ORDER NO. V50064345 WITH AN EFFECTIVE DATE OF 1–06–2022, FINAL PLAT, TOWN OF EAGLE, BOOK E, PAGE 2 AND SURVEY MONUMENTS FOUND AT THE TIME OF THE SURVEY.
6. BASIS OF BEARINGS: AN ASSUMED BEARING OF S 00° 33' 00" E FROM THE TOWN OF EAGLE FINAL PLAT BOOK E, PAGE 2, BETWEEN A 2.5" ALUMINUM CAP, LS #30091, SET IN MONUMENT BOX AT THE INTERSECTION OF BROADWAY AND SECOND STREET AND A 2.5" ALUMINUM CAP, LS #30091, SET IN MONUMENT BOX AT THE INTERSECTION OF BROADWAY AND FIFTH STREET.
7. BEARINGS AND DISTANCES SHOWN HEREON ARE BOTH PLATTED AND MEASURED.
8. THE ENCROACHMENT EASEMENT DEDICATED TO 404 BROADWAY BUILDING CONDOMINIUMS SHOWN ON SHEET 2 OF 2 IS FOR A BURIED CONCRETE FOOTER ENCROACHMENT ON THE SUBJECT PROPERTY FROM THE BUILDING TO THE NORTH (404 BROADWAY BUILDING CONDOMINIUMS) AND IS MORE PARTICULARLY DESCRIBED ON SHEET 2 OF 2.
9. THIS PROPERTY DOES NOT LAND WITHIN A FLOOD PLAIN PER THE FEMA FLOOD MAP SERVICE.
10. 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.
11. THIS PROPERTY IS ALSO SUBJECT TO THE FOLLOWING:

- RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AND A RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED APRIL 19, 1891 IN BOOK 48 AT PAGE 149.
- EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF THE TOWN OF EAGLE RECORDED JANUARY 1, 1876 IN PLAT BOOK E AT PAGE 2.

CLERK AND RECORDER'S CERTIFICATE

This Plat was filed for record in the office of the Clerk and Recorder at _____ o'clock _____ on this _____ day of _____, 2022, and is duly recorded as Reception No. _____.

Clerk and Recorder

By: _____
Deputy

LAND USE SUMMARY

LOT 15A 410 BROADWAY 0.1435 Acres 6250.0 s.f. MULTI FAMILY

FINAL PLAT TOWN OF EAGLE - LOT 15A <i>A Consolidation of Lot 15 and Lot 16, T.O.E., Blk 22 Town of Eagle, County of Eagle, State of Colorado</i>	
JOB NO.: 211042	DATE: 02–07–2022
SHEET 1 OF 2	DWG NAME: 211042– L15–16 TOE

KIPP LAND SURVEYING

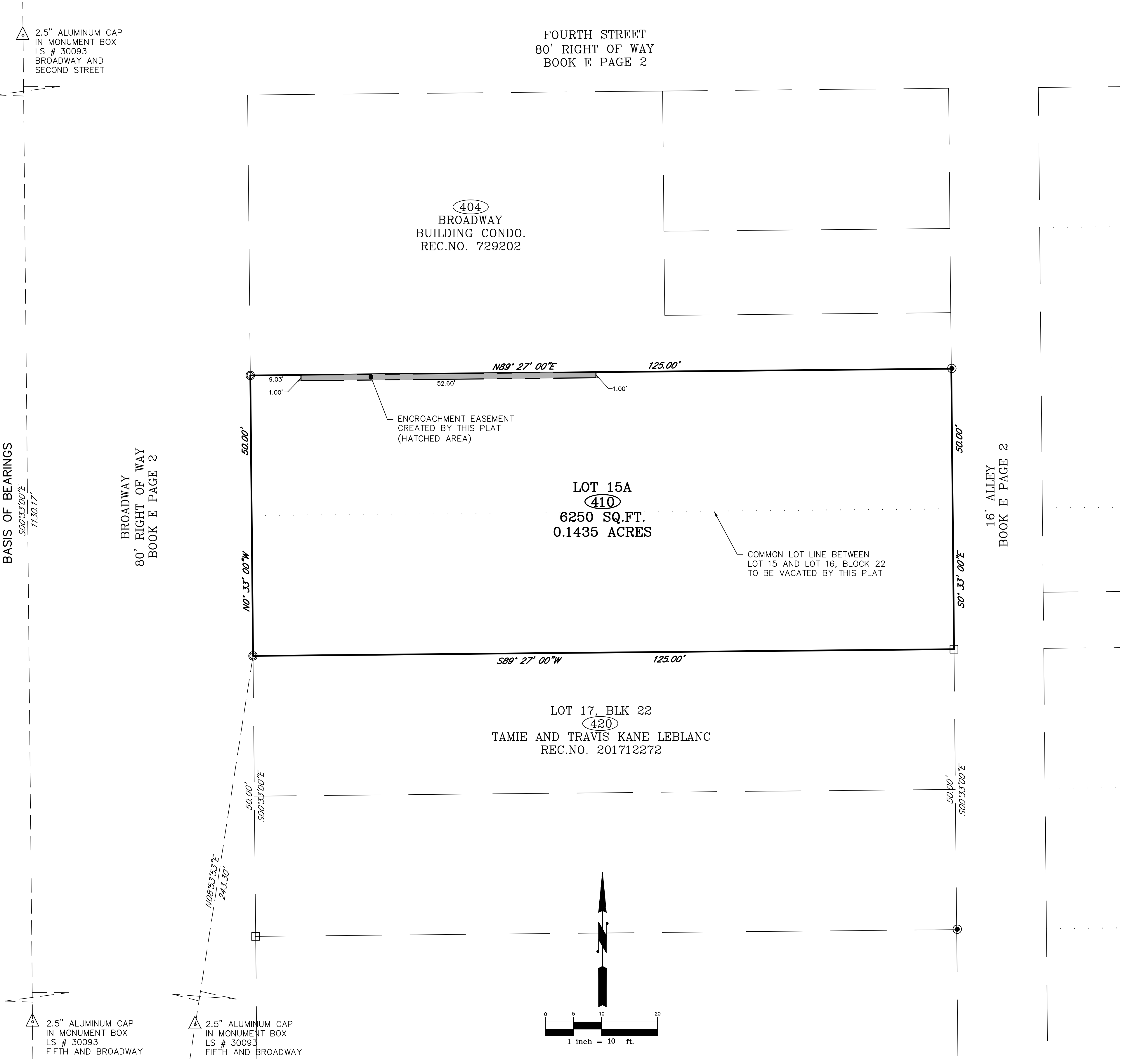
RANDY KIPP P.L.S.
P.O. Box 3154
Eagle, CO 81631
(970) 390-9540

email: randy@kipplandsurveying.com
web: kipplandsurveying.com

FINAL PLAT

A Consolidation of Lot 15 and Lot 16, Block 22, Town of Eagle

Town of Eagle, County of Eagle, State of Colorado





To: Planning & Zoning Commission

From: Peyton Heitzman, Planner, Community Development Department,
peyton.heizman@townofeagle.org

Date: February 15, 2022

Agenda Item: Amend Section 4.04.070. to include additional indoor recreational uses in the Schedule of uses and associated definitions to be located in Section 4.03.040.

REQUEST:

Staff is requesting the Planning & Zoning Commission review and provide input on an amendment to the Town of Eagle Municipal Code (Code) Section 4.04.070. – Schedule of uses permitted in nonresidential zone districts and associated definitions to be located in Section 4.03.040.

INTRODUCTION:

Title 4 of the Land Use and Development Code (Code) provides a schedule of uses, also referred to as land use charts, for both residential and nonresidential zone districts. These land use charts provide general categories that outline what land uses are permitted, permitted with a Special Use Permit, or are prohibited in the Town's various zone districts. While these land use charts have been amended over the years, they are generally outdated and unable to keep up with new land use trends.

Staff is proposing a new use to the nonresidential zone district chart: 'Indoor Recreation (less than 2,500 square feet)'. The Town's land use chart currently includes another recreation-related category called 'Indoor Recreation or theater' that is permitted through a Special Use Permit. The existing use is represented in the chart below.

Section 4.04.070. Schedule of uses permitted in nonresidential zone districts.

ZONING DISTRICT		CBD	CL	CG	PA	I
USE						
Indoor recreation or theater		S	S	S	S	*
Key: CBD = Central Business District CL = Commercial Limited CG = Commercial General PA = Public Area I = Industrial	* = Not Permitted Use P = Use by Right S = Special Use					

Under the existing Code, smaller recreational uses such as karate dojos, yoga studio, etc. are evaluated under the same criteria as large climbing gyms and fitness centers, through the Special Use Permit process. The purpose of a Special Use Permit is to provide additional oversight on uses that may require conditions of approval to mitigate negative impacts resulting from the use or determine that a certain use may not

be appropriate in the proposed location. The costs associated with this process can be burdensome to small operations and should only be required when there is doubt that a certain use may be appropriate within a given zone district.

The ‘Indoor Recreation (less than 2,500 square feet)’ is a new use that will allow small-scale recreation as a use by right in nonresidential zone districts. This new use will also be prohibited in the Industrial (I) zone district. This is consistent with the existing ‘Indoor recreation or theater’ use. The new use is depicted in the chart below.

Section 4.04.070. Schedule of uses permitted in nonresidential zone districts.

ZONING DISTRICT	CBD	CL	CG	PA	I
USE					
Indoor recreation (less than 2,500 square feet)	P	P	P	P	*

Along with the new land use is a definition of ‘Indoor recreation (less than 2,500 square feet)’. The definition, which will be located in Section 4.03.040 ([LINK](#)) is intended to add clarity to the new use. The proposed definition for this new use is, “*Indoor recreation (less than 2,500 square feet)* means an indoor facility, that is 2,500 square feet or less of gross floor area, for individual or groups instruction, training, and practice in fitness related activities, including but not limited to martial arts, gymnastics, aerobics, and yoga.”

Based on comments from the community and guidance from the Comprehensive Plan, staff is proposing this amendment to address this land use issue outside of the current Code amendment process.

ANALYSIS:

Staff researched other western slope communities to see A) if there was a distinction between large and small recreational facilities, B) what zone districts allowed indoor recreation, and C) if the indoor recreation use was allowed as a Use by Right (P) or required a Special Use Permit (S). The communities include Avon, Glenwood Springs, Carbondale, Buena Vista, Frisco, and Steamboat Springs. Staff found that these communities allowed indoor recreation facilities as a Use by Right in the commercial and industrial zone districts. Steamboat Springs was the only community that distinguished between large and small recreation facilities. The Steamboat Springs Municipal Code provided a ‘Studio’ use for indoor facilities of less than 5,000 square feet which allows individual or group instruction on recreation such as yoga, martial arts, gymnastics, aerobics, etc.

Staff’s proposed change to the land use chart would continue to be more restrictive than these other communities but allow small-scale recreational uses to operate as a Use by Right.

When determining the size of the permitted indoor recreational use, staff compared the square footage of other uses/spaces within the Town of Eagle. Staff aired on the side of being more restrictive with allowing indoor recreation as a permitted use, and is proposing the 2,500 sf. The table below shows the size of other spaces in Eagle.

Property	Square Footage
139 Broadway, Unit A (Yoga Off Broadway)	~1,700 sf
228 Broadway (Katch of the Day/NextGen Wireless)	~2,200 sf

700 Chambers Avenue (Climbing Gym)	~16,000 sf
127 W Second Street (old Bonfire building)	~1,800 sf

The Municipal Code requires that amendments to the zone district regulations be consistent with the Town's goals, policies, and plans. Staff reviewed the proposed Code Amendment against the Elevate Eagle Comprehensive Plan (2021 Amendment). Overall, the allowance of small-scale indoor recreation is supported by the Town's goals, policies, and plans. The Amendment is supported by the following goals and policies.

Goal 1-2. Expand and Diversity the Town's Economic Opportunities.

Policy 1-2.7. Support alternative work environments such as home-based businesses, location neutral businesses, mobile vendors, as well as traditional brick and mortar establishments.

Staff Comment: The Code Amendment is supportive of traditional brick and mortar establishments where indoor recreation uses operate.

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

Policy 1-2.9. Create a positive business environment that encourages (re)investment and expansion.

Staff Comment: By eliminating unnecessary regulatory hurdles, the Town of Eagle is creating a positive business environment. The proposed Code Amendment also provides more certainty that a request to operate in the Town will not result in a denied application.

Goal 2-2. Reinforce Broadway Street as the Heart of the Community, from the Eagle River to Town Park.

Policy 2-2.3. Ensure ground floor uses on Broadway create a balanced mix of uses that support a thriving commercial atmosphere.

Staff Comment: The Code Amendment allows small-scale indoor recreation facilities to operate on Broadway with greater ease. The patrons of these establishments may also visit neighboring establishments, resulting in a thriving downtown.

Questions for the Commission's consideration

1. Should a small-scale indoor recreation be required to go through a Special Use Permit process prior to operating in nonresidential zone districts?
2. What are potential impacts that can come from small-scale indoor recreation?
3. If 'Indoor recreation (less than 2,500 square feet)' is added, should it be allowed in every nonresidential zone district except the Industrial zone district?
4. Is less than 2,500 square feet the appropriate size for small-scale indoor recreation?
5. Is the new use supported by the Town's goals, policies, and plans?

COMMUNITY INPUT:

The proposed amendment was noticed in the newspaper on January 27, 2022. Staff has not received any public comment as of February 11, 2022.

RECOMMENDED ACTION OR PROPOSED MOTION:

Staff recommends **APPROVAL** of LURA22-01, an amendment to Section 4.04.070. of the Land Use and Development Code to add 'Indoor recreation (less than 2,500 square feet)' to the Schedule of uses permitted in nonresidential zone district and associated definitions to be located in Section 4.03.040.

ATTACHMENTS:

- Zoning Map ([LINK](#))
- Schedule of uses permitted in nonresidential zone districts ([LINK](#))
- Elevate Eagle Comprehensive Plan ([LINK](#))



To: Planning & Zoning Commission

From: Chad Phillips, Director/Town Planner, Community Development Department
Jessica Lake, Planner, Community Development Department
Peyton Heitzman, Planner, Community Development Department
Nikki Davis, Administrative Technician, Community Development Department

Date: February 15, 2022

Agenda Item: Community Development Department Update

LONG RANGE PLANNING

- **The Land Use and Development Code Update**
 - The Code Committee held its third meeting on 2/7/22 to discuss various zoning fixes that would promote affordable housing in the community.
 - The next committee meeting is scheduled for 3/14/22 to review M1 (zoning districts, allowed uses, and standards that regulate those uses).
 - The draft sign code will be released in the next few weeks. The first Planning & Zoning work session is scheduled for 3/15/22.
 - As public drafts of sections of the new code become available, community members can view these resources at www.Townofeagle.org/ReCodeEagle.
- **Grand Avenue Corridor Study**
 - Project is now in Phase 3 (December 2021 – April 2022). Phase 3 objectives include preliminary design (30%), developing an implementation & phasing plan, and securing Planning Commission and Town Council adoption.
 - Town Council held a work session 2/1/22 to discuss the progress made & provide feedback.
 - A meeting was held 2/10/22 to open communication and discuss the many overlapping plans impacting the areas. Topics included the Brush Creek Road Extension, the Grand Ave Corridor Study, the Eagle County West Eagle Housing Project, the TOE Development Code Update process, and landowners' input.
- **HB21-1271 DOLA Innovative Housing Strategies: Planning Grant Program**
 - Due to low response, the Comprehensive Housing Assessment RFP was republished on 1/24/22 with the submittal deadline currently set to 2/25/22.

LAND USE APPLICATIONS IN PROGRESS

- **DR21-02 & PPFP21-01: Reserve at Hockett Gulch**
 - A Subdivision and Major Development Permit application. Staff received application resubmittal on September 13th and completeness review is ongoing.
 - Development Agreement along with Covenants, Conditions & Restrictions (CCR&Rs) have been sent



to Town attorney for review.

- A site visit with Colorado Parks & Wildlife (CPW) was held on 2/7/22 to discuss recommendations on wildlife preservation measures including a designated vegetated area for deer and elk, and wildlife fencing.
- **LLA21-01: Gordon Lot Line Adjustment**
 - Application for lot consolidation.
 - Town Council held a public hearing on 2/8/22 and the application was continued to 3/8/22.
- **DR21-04: Haymeadow Design Guidelines**
 - Town Council held a public hearing on 2/8/22 and the application was continued to 3/8/22.
 - Article from hearing: [Eagle Town Council picks apart Haymeadow neighborhood design | VailDaily.com](#)
- **DR222-01 & LLA22-02: Haymeadow RMF 1&2**
 - Applications received. Public hearings schedule to be announced.
- **546 Grand Ave rezone**
 - Application received but applicants have requested to put application on hold.
- **SU22-01 Mountain Tots SUP (641 McIntire Street)**
 - Application to operate a childcare facility.
 - Public hearing schedule:
 - Planning Commission 2/15/22
 - Town Council 3/1/22
- **410 Broadway LLA**
 - Application for lot consolidation.
 - Public hearing schedule:
 - Planning Commission 2/15/22
 - Town Council 2/22/22

A **Planner of the Day** schedule allows staff to field zoning questions from the community. A variety of these inquiries require on-going conversations with staff.

- January 2022 - (9) inquiries received
- February 2022 – (6) inquiries received to date

Code Enforcement: Active Cases

- (5) – Planning
- (0) – Building



TOWN COUNCIL AND PLANNING & ZONING COMMISSION MEETING SCHEDULE:

February 2022
February 15 th Planning & Zoning Commission • 410 Broadway Lot Line Adjustment • 641 McIntire Mountain Tots Preschool Special Use Permit • Update to Section 4.04.070. Indoor Recreation in the Central Business District • Community Development and Council Update
February 22 nd Town Council • 410 Broadway Lot Line Adjustment • Update to Section 4.04.070. Indoor Recreation in the Central Business District
March 2022
March 1 st Planning & Zoning Commission • Update to Section 4.07.140 Parking Exception
March 8 th Town Council • Haymeadow Design Guidelines (continued from 2/8) • Gordon Lot Line Adjustment (continued from 2/8) • 641 McIntire Mountain Tots Special Use Permit • Update to Section 4.07.140 Parking Exception • Community Development Department Update
March 14 th LUDC Committee • Module 1 Discussion
March 15 th Planning & Zoning Commission • Sign Code Work Session • Community Development and Council Update
March 22 nd Town Council • No land use files scheduled at this time.
April 2022
April 5 th Planning & Zoning Commission • Sign Code Recommendation
April 12 th Town Council • No land use files scheduled at this time. • Community Development Department Update
April 19 th Planning & Zoning Commission • No land use files scheduled at this time. • Community Development and Council Update
April 26 th Town Council • Sign Code Adoption



BUILDING DEPARTMENT UPDATE: *Major Construction Projects Under Review and Oversight*

- **Broadway Station: Mixed Use/Multi-Family**
 - Ongoing work on interior punch list and exterior finishes. Developer is aiming for occupancy certificate by mid-February 2022. Potential commercial tenants have begun preliminary analysis of indoor tenant improvements and outdoor spaces.
- **410 Broadway: Mixed Use/Multi-Family**
 - Building review is complete and awaiting approval from other agencies. Developer has submitted a lot consolidation application.

TYPE OF WORK PERFORMED	NUMBERS PERFORMED IN 2021	NUMBERS PERFORMED TO-DATE 2022
Inspections (n/i planning/pw)	1,380	146
Building Permits Processed	359	36

TOWN COUNCIL UPDATES AND LAND USE DECISIONS:

January 25, 2022: Town Council Meeting

- RZ21-02 & S21-01 Eagle County Schools Rezone and Sketch Plan Subdivision
 - Town Council adopted Ordinance 2, Series 2022 modifying Section 4.04.030 – Zone District Boundaries. The modifications allow for zoning prior to subdividing if the applicant enters into a development agreement with the Town. The ECS Housing application was continued to 1/25/22 and approved by Town Council.
- SU21-04: 263 Sawatch
 - Special Use Permit application for contractor yard.
 - Approved by Town Council on 1/25/22.
- RZ21-03: 435 Eby Creek Road
 - An application to rezone to Residential Multi-Family (RMF). Application is deemed complete.
 - Approved by Town Council on 1/25/22.

February 8, 2022: Town Council Meeting

- LLA21-01: Gordon Lot Line Adjustment
 - Application for lot consolidation.
 - Town Council held public hearing on 2/8/22. Application was continued to 3/8/22.
- DR21-04: Haymeadow Design Guidelines
 - Town Council held public hearing on 2/8/22. Application was continued to 3/8/22.
 - Article from hearing: [Eagle Town Council picks apart Haymeadow neighborhood design | VailDaily.com](#)