



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

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 6:02 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