



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.

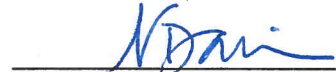
MEETING ADJOURNED AT 7:32 PM.

APPROVED:

DATE:



Matthew Hood, Chairman



Nikki Davis, Administrative Tech II