



**Planning & Zoning Commission
Tuesday, March 1, 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 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 February 15, 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: 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 childcare facility in the Residential Medium (RM) zone district.

2. Project: Code Amendment to Section 4.07.140. Parking Exemption in the Central Business District (CBD)
File # LURA22-02
Applicant: Town of Eagle
Location Town of Eagle
Staff Contact: Peyton Heitzman, Planner II
Request: Amend Section 4.07.140. to modify parking requirements for a change in use for an existing building in the Central Business District (CBD).
3. Project: Code Amendment to Section 4.04.070. Indoor Recreation in Nonresidential Zone Districts (continued from February 15, 2022)
File # LURA22-01
Applicant: Town of Eagle
Location Town of Eagle
Staff Contact: Peyton Heitzman, Planner II
Request: Staff is requesting that the Planning & Zoning Commission review and provide feedback on a previous amendment to the Town of Eagle Municipal Code (Code), specifically Section 4.04.070, Schedule of uses permitted in nonresidential zone districts, and Section 4.03.040, Definitions.

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 I



MEETING MINUTES
Planning & Zoning Commission
Tuesday, February 15, 2022, 6:00 PM
Public Meeting Room / Eagle Town Hall
200 Broadway, Eagle, CO 81631

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PUBLIC WIFI - TOEE – ((TOEEWireless))

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

This was an in-person meeting with access for the public to attend virtually via Zoom.

6:00 PM REGULAR MEETING CALLED TO ORDER

Chair Hood called the meeting to order at 6:01 PM.

COMMISSIONERS PRESENT

Matt Hood, Bill Nutkins, Jesse Gregg,
Charlie Perkins, Keegan Winkeller,
Kyle Hoiland

COMMISSIONERS ABSENT

Robert Townsend, Lani Webb

STAFF

Chad Phillips – Community Development Director
Dennis Wike – Town Engineer
Peyton Heitzman – Planner II
Tez Hawkins – Senior Planner
Nikki Davis - Administrative Tech II
Jim White – Interim Town Manager

APPROVAL OF MINUTES

1. Minutes dated February 1, 2022

The February 1, 2022 meeting minutes were approved without change.

PUBLIC COMMENTS

Public comment opened at 6:03 PM.

Laurel Broy, 401 W Seventh St. – Broy is opposed to the Mountain Tots Preschool project, she lives directly across the street from the property. She is concerned about setting a precedent for homes to be converted to businesses as well as the traffic impacts.

Laurie Diversey, 624 McIntire St. – Diversey is opposed to the project. She expressed concerns about lack of parking, traffic impacts, and adequate space both inside and outside the building to accommodate 30 kids. She asked if the applicant could change the use or build something larger once they receive the Special Use Permit.

Carmen Weiland, 335 W Seventh St. – Weiland is opposed to the project. They recently purchased their property and have concerns about excessive noise. She is a beekeeper and explained how loud, excessive noise can affect their behavior.

Public comment closed at 6:11 PM.

PUBLIC HEARINGS

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 childcare facility.

Staff Presentation

Hawkins explained that staff is requesting additional information related to traffic, parking, stacking, and queuing to ensure the use would be compatible with the overall area.

Q & A

Nutkins asked to confirm if this application is for a preschool and Hawkins replied yes, the school would be for children ages 2-7. Nutkins also asked if staff is reviewing state regulations for preschools including square footage requirements. Hawkins explained that the applicant confirmed adequate indoor and outdoor space compared to state requirements. Additionally, the applicant must obtain local approval prior to obtaining state approval on the facility. The application was referred to Eagle County Environmental Health and once the Town grants approval, this agency will provide their comments.

MOTION: HOILAND MOTIONED TO CONTINUE FILE # SU22-01, THE SPECIAL USE PERMIT FOR 641 MCINTIRE STREET, TO THE MARCH 1, 2022 PLANNING & ZONING COMMISSION MEETING. MOTION WAS SECONDED BY NUTKINS AND PASSED UNANIMOUSLY.

Hood closed file # SU22-01.

2. Project: 410 Broadway 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.

Staff Presentation

Heitzman described how the new plat would vacate the property's center lot line and create a new encroachment easement along the northern property line. The applicant has already revised the plat in response to the technical comments provided by the Town. Staff noted the vacation of the lot line is procedural in order for the applicant to obtain a building permit. Staff recommended approval of the application with two conditions.

Q & A

Nutkins asked if Public Works found any necessity for a utility easement. Wike replied, no.

Applicant Presentation

Desmond noted that the Town's attorney requested the vacation of the lot line.

Public Comment

Public comment opened at 6:19 PM. There was no public comment.

Discussion

The Commission expressed unanimous support for approval.

MOTION: PERKINS MOTIONED TO APPROVE FILE # LL22-01, 410 BROADWAY LOT LINE ADJUSTMENT, WITH THE FOLLOWING CONDITIONS:

- 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.**

MOTION WAS SECONDED BY NUTKINS AND PASSED UNANIMOUSLY.

Hood closed file # LLA22-01.

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 4.04.707. to include additional indoor recreational uses in the Schedule of uses and the associated definitions to be located in Section 4.03.040.

Staff Presentation

Heitzman began by explaining the Town's Code currently allows for indoor recreation through a Special Use Permit in most of the nonresidential zone districts, except for areas zoned as industrial. Staff is proposing a new use called Indoor Recreation (less than 2,500 square feet) which would be use by right in commercial and public areas and prohibited in industrial zones. A new definition would accompany the code amendment to provide clarity on the small-scale indoor

recreation use. Staff researched neighboring Western Slope towns and confirmed that similar communities allow indoor recreation as a use by right. When determining the square footage requirement, staff examined other indoor recreation properties in town such as Yoga Off Broadway, the climbing gym, and the old Bonfire taproom. Staff believes the new use supports Town goals and policies including economic development and promoting a mix of uses in the Broadway commercial core. With that analysis, staff recommended approval of the new use and definition.

Q & A

Hoiland asked if the new use accounts for an indoor shooting range such as firearms and archery to which Heitzman replied, no. Phillips explained this definition is intended for boutique recreation, particularly as a use by right in areas like the Broadway district. Additionally, the new use is intended to be a broad net and that the standard should govern. Hood confirmed that shooting range already exists as its own use.

Winkeller asked to clarify the process for amending a zone district. Fellow Commissioners replied that this request is for a change in use only.

Gregg asked if this would generate more parking than other commercial uses. Heitzman explained that the new Parking Fee in-Lieu program modified parking standards by requiring additional parking or fee when there is a change in use that results in the need for additional parking. Considering the implications of this requirement, staff will be presenting these standards to the Commission for reassessment. Gregg asked what the current parking requirements are for the existing indoor recreation use. Phillips noted that the parking ratio section of the Code is limited but staff could research other options. Additionally, this section can be covered in the Land Use Code update.

Hood called attention to Ordinance No. 12, Series 2016 which amended Section 4.04.070. of the Municipal Code adding “Indoor Recreation Facilities”, “Shooting Range, and “Theater” to the schedule of uses permitted in non-residential zone districts. This ordinance permitted indoor recreation as a use by right, including industrial areas, except for uses over 6,500 square feet in the Central Business District. The latter triggered the Special Use Permit process. Hood expressed favor towards keeping this definition, stating the climbing gym on Chambers Avenue is a good example of what could have been a use by right approval. Several Commissioners agreed with this suggestion.

Gregg asked about the industrial zone district and the possibilities of new recreation facilities in East Eagle. Hood suggested that this use in an industrial area should require a Special Use Permit, regardless of size.

Staff shared that they were unaware of the 2016 Ordinance and the approval is not reflected in MuniCode where the Land Use Code currently lives. Phillips requested continuance of the file for staff to investigate why the 2016 approval is not in the current Land Use Code.

MOTION: HOILAND MOTIONED TO CONTINUE FILE # LURA22-01, THE CODE AMENDMENT TO SECTION 4.04.070 – INDOOR RECREATION IN NONRESIDENTIAL ZONE DISTRICTS, TO THE MARCH 1, 2022 PLANNING & ZONING COMMISSION MEETING. MOTION WAS SECONDED BY GREGG AND PASSED UNANIMOUSLY.

Hood closed file # LURA22-01.

COMMUNITY DEVELOPMENT DEPARTMENT AND TOWN COUNCIL UPDATE

1. Department and Council Updated: February 15, 2022

Community Development has created a customer satisfaction survey for Planning requests and applications. The intent is to collect more feedback and present an annual report to the Planning Commission and Town Council. The quarterly CTIX (Construction Trades Information Exchange) newsletter is also another communication piece from the department.

Wike provided an update on the installation of rapid blocks at the Eagle River Park. Public Works continues to meet with the Core of Engineers, contractors, and consultants with a goal of obtaining permits and beginning installation in 2023.

Phillips included an update on the recent West Eagle affordable housing work session with Eagle County. The county has hired a design team, but they continue to have challenges with establishing road access. Additionally, there was a separate meeting held with Grand Avenue property owners, representatives from Eagle County, the Grand Avenue consultant, and the Town to discuss how these various West Eagle projects can dovetail. Each project relies on or impacts a neighbor.

As for the Hockett Gulch project, Phillips noted the applicant is working through the second round of referral agency responses and that staff anticipates more activity in the spring. Hood requested for additional lead time when large development applications become available so that the Commission has plenty of time to review the materials.

Wike provided an update on the upcoming art mural project at Alpine Lumber. Proposals have been reviewed with a landscaping architect and Public Works has met with the artist to establish a project timeline. The project rendering and budget will be submitted soon, followed by project initiation in late spring or early summer. Phillips included Alpine Lumber has expressed interest in rebuilding the shed along Eby Creek Road.

OPEN DISCUSSION

No additional discussion items.

ADJOURN

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

MEETING ADJOURNED AT 7:08 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: March 1, 2022

PROJECT: Mountain Tots Preschool

REQUEST: A Special Use Permit (SUP) to operate a childcare facility in the Residential Medium (RM) Zone District.

FILE NUMBER: SU22-01

APPLICANT: Meghan Wilson, Mountain Tots Preschool

LOCATION: 641 McIntire Street

CODE: Chapter 4.04 Zoning
Chapter 4.05 Zoning Review

ZONING: Residential Medium Zone District

EXHIBITS: A: Project Narrative and Application Materials
B: Improvement Location Certificate & Site Plan
C: Site Photos
D: Public Comment
E: Referral Comments

PUBLIC COMMENT: Staff has received six public comment letters as of February 25, 2022. Letters received after this time will be gathered and entered into the public record at the hearing. Written comments are included in Exhibit D. Staff and the Planning Commission heard comments from three residents on February 15, 2022, before the file was continued. All three commenters were adjacent property owners opposing the application due to excessive noise and traffic and lack of parking area.

STAFF: Tez Hawkins, Senior Planning Consultant –
tez.hawkins@baselinecorp.com

INTRODUCTION

The Mountain Tots Preschool is a non-profit organization and has operated in Eagle County since 1974. The Mountain Tots Preschool is located at 236 W 3rd Street in the Town of Eagle, the "Existing Site." Due to the rise in rental costs, the Preschool must relocate to a more cost-sustainable location. They've identified a new site at 641 McIntire Street, the "Property."

The new site is located in the RM zone district and per [Section 4.04.060. - Schedule of uses permitted in residential zone districts](#), a Special Use permit is required to operate a childcare facility at the Property. The request to operate a childcare facility in the RM zone district is the "Proposed SUP."

In addition to reducing cost, the Property provides the following benefits:

- An increased floor space that allows the Applicant to operate at full capacity.
- An existing greenhouse to facilitate agricultural education.
- An increased outdoor area.
- A 50% increased parking and loading area.
- A detached garage for added storage and office space.
- Proximity to the Eagle Valley Library District and Eagle Town Park.



Figure 1. Existing Site



Figure 2. Proposed Site

ISSUES FOR DISCUSSION

1. The 2021 Amended Elevate Eagle Comprehensive Plan (the "Comprehensive Plan") encourages "childcare and infant care facilities in commercial, mixed-use and residential neighborhoods as appropriate." Is this site the "Appropriate" location for a childcare facility?
 - a. Suppose the Proposed SUP is approved, and it is later found that 641 McIntire St. is not the appropriate location for a childcare facility. In that case, it is not in the best interest of the Town or the Applicant to have the Special Use permit revoked.
2. How should [Section 4.07.140.C- Number of Required Parking Spaces](#) be assessed for childcare facilities?

STANDARDS FOR SPECIAL USE PERMIT

Section 4.05.010.A.1.a

STANDARD #1: *The proposed use is consistent with the provisions of this chapter and with the Town's goals, policies, and plans.*

Staff evaluated the Proposed Special Use for consistency with the Comprehensive Plan and Sections 4.04.100.J. and 4.04.100.P- V. of the Town's Land Use and Development Code (the "Code").

2021 Amended Elevate Eagle Comprehensive Plan

- 1) Chapter 3: Future Land Use – Downtown Neighborhood
 - a. The Property is located in the "Downtown Neighborhood" area. Broadly, the primary and secondary uses permitted in this area are residential medium uses and vertical mixed-use closer to downtown Eagle.

Staff Comment: Though childcare facilities are not explicitly mentioned in the uses designated for the "Downtown Neighborhood", the Comprehensive Plan goals encourage childcare and infant care facilities in commercial, mixed-use, and residential neighborhoods as appropriate.

- 2) Goal 1-2 Expand and Diversify the Town's Economic Opportunities
 - a. Policy 1-2.11 Encourage childcare and infant care facilities in commercial, mixed-use, and residential neighborhoods as appropriate.

Staff Comment: The Proposed Special Use directly addresses Goal 1-2 and Policy 1-2.11. However, as stated in Policy 1-2.11, the location of the childcare facilities in residential zone districts must be appropriate. Except for Section 4.04.100.J.- *Minimum use standards* and Section 4.04.100.P- V-*Marijuana Related Uses*, there are no standards in the Town's Code that define "appropriate" locations for childcare facilities. *Minimum Use Standards* and *Marijuana Related Uses* are discussed later in this staff report.

Regarding "appropriate" locations, staff's ability to objectively evaluate the Proposed SUP against this goal is limited by the lack of standards and requirements in the Code. However, Chapter 5, Action 1.15, of the Comprehensive Plan, gives the Town action items to identify and evaluate regulations that may limit childcare in certain zone districts. Therefore, at this time, staff identifies the lack of regulations and standards related to childcare facilities as a barrier.

4.04.100.P- V. Marijuana Related Uses. All Marijuana Uses "shall be located a minimum of 1,000 feet from schools, as defined in the Colorado Medical Marijuana Code, licensed childcare facilities, alcohol or drug treatment facilities, and the campus of a college or university."

Staff Comment: The Proposed Special Use is not located within 1,000 feet of any Marijuana-Related Uses.

Section 4.04.100.J.- Minimum use standards. In all zone districts, except as otherwise specified herein, all uses shall be designed and operated in compliance with the following minimum standards:

1. All fabrication, service and repair operations shall be conducted within a building, except in the industrial zone, where such uses may be conducted outside a building if within a fence as set forth in Subsection (J)(2) of this section.

Staff Comment: There are no service and repair operations associated with this use.

2. All storage of materials except merchandise displayed for retail sale shall be within a building or in the rear yard and obscured from view from surrounding properties by a fence in conformance with Subsection (H)(6) of this section.

Staff Comment: The garage located on the Property provides indoor storage for the Proposed Special Use. The playground apparatus located at the current Mountain Tots Property will relocate to the rear yard of the new Property's. The fence at the Property will expand to accommodate the playground apparatus and meet the outdoor area requirements by the state of Colorado; the fence will extend to the front yard. Staff anticipates additional outdoor materials and items associated with a childcare facility, such as gardening materials, toys, picnic tables, and rock chalk.

3. Loading and unloading of vehicles shall be conducted on private property and not on any street or alley, except in the CBD, where it may be from a designated loading zone or alley.

Staff Comment: The Town's Code does not provide explicit parking requirements for childcare facilities. After an examination of other jurisdictional land use codes, including the Town Frisco, City of Aspen, and Town of Silverthorne, staff recommends eight total parking spaces; one parking space for each employee and one parking space for every eight students. The specific recommendation is to have four parking spaces in the side and rear yard for staff and four parking spaces in the front yard for student pick-up and drop-off loading areas.

To mitigate traffic and the over-stacking of vehicles in front of the facility and the immediate area, the Applicant proposes to meter pick-up and drop-off times. Metering times are provided in 10-minute intervals and limit up to four vehicles loading or unloading within a 10-minute interval. Please refer to Exhibit A, which shows the Applicant's proposed traffic metering if implemented. The traffic metering document shown in Exhibit A shows a maximum of 17 students over three weeks. The state of Colorado licenses Mountain Tots for 30 students but ideally operates with 26 total students. Three families have more than one student at the school, which lowers the number of cars per student; however, this may change over time as students phase in and out of the school.

Parking and loading areas are available on the Property within the side and rear yard on the south and west side of the Property. In addition, parking and loading areas within the public right-of-way of McIntire Street are available outside the property's front yard under the Town's Parking Fee-in-Lieu program; however, the Applicant will not pursue this option for parking.

The Applicant proposes to construct on-site parking for use by Mountain Tots Preschool employees and loading/unloading during pick-up and drop-off periods. Adjacent property owners may consider this a disturbance if stacking and queuing vehicles prohibits efficient circulation and low service levels within the neighborhood during pick-up/drop-off times.

4. No dust, noise, odor, fumes, glare, or vibration shall be projected beyond the lot.

Staff Comment: Generation of dust, odor, fumes, glare, or vibration by the Proposed Special Use is not anticipated.

Mountain Tots' hours of operation are Monday thru Friday, 7:30 AM to 5:30 PM. Noise associated with childcare facilities is anticipated during these hours. Theis noise is expected to occur 2-4 times throughout the day during outdoor activities such as recess, educational lessons taught outdoors, lunch or snack breaks, and pick-up/drop-off times. Adjacent Property owners who are at home during Mountain Tots' operating hours may consider the noise a disturbance or above the appropriate level for a medium-density residential neighborhood. Noise generated by traffic is also anticipated during pick-up and drop-off hours.

In response to excessive noise, the Applicant intends to mitigate the students' time outside on the Property by bringing the students to the Town Park. In addition, the Applicant will mitigate traffic-generated noise by metering parents' pick-up and drop-off times.

If the noise becomes a nuisance, staff recommends additional noise mitigation for the outdoor area, such as outdoor acoustic panels on the interior of the fence.

5. Any structure in the Central Business District without a side yard shall have a windowless wall on that side, with at least four hours' fire resistance, or as provided in the International Building and Fire Codes.

Staff Comment: The Proposed SUP is not located in the Central Business District. However, the Fire District has provided comments.

STANDARD #2: The proposed use is compatible with existing and allowed uses surrounding or affected by the proposed use.

Staff Comment: The Town's Code and Long-Range Plans do not provide compatibility guidance for childcare facilities. State regulations also do not provide guidance.

To evaluate compatibility staff reviewed parking, traffic, noise, visual impacts, and existing precedents within the Town. Staff analyzed Aspen Prep, the Rocky Mountain School of Discovery, and the Learning Tree. Regarding compatibility, staff excluded the Rocky Mountain School of Discovery Prep, located at 902 Grand Avenue, and Aspen Prep, located at 56 Market Street, because they are not located in comparable zone districts.

The comparison between the Learning Tree, located at 502 Capitol Street, and the Proposed SUP is that both are located in the RSM zone district; both include Town right-of-way adjacent to the front yard; and both operate with 3-4 teachers during similar hours of the day.

The contrast between the two childcare facilities is that the Learning Tree is located on a thoroughfare that carries more traffic than the location of the Proposed SUP. However, the Learning Tree has fewer students, therefore, it generates less traffic.

No negative visual impacts are anticipated. Except for landscape improvements, signage, and fencing, there are no anticipated changes to the exterior of the existing building. The Applicant

proposes to fence all areas where students have outdoor access. Staff does not expect any visual impacts related to parking. The additional parking associated with the use is limited to pick-up and drop-off times and employee parking is concentrated in the side and rear of the Property. Please refer to the attached site plan for the proposed fenced areas. (Exhibit B).

STANDARD #3: Street improvements adequate to accommodate traffic volumes generated by the proposed use and provision of safe, convenient access to the use and adequate parking are either in place or will be constructed in conjunction with the proposed use, as approved by the Town.

Staff Comment: Within the Town's Code, childcare facilities do not have specific parking requirements. Section 4.07.140.C.5 states, "For uses not specifically listed herein, the use classification for purposes of parking requirements shall be determined by the Town Planner, based on similarity of the proposed use to the listed use classification. If the Town Planner determines that a proposed use is not comparable to any use listed herein, they shall request the Planning Commission to determine off-street parking requirements for the proposed use at a regular Commission meeting."

The staff Planner and Town Engineer researched other land use codes, including the Town of Frisco, City of Aspen, and Town of Silverthorne. The parking requirements of these municipalities provided a consistent recommendation of eight parking spaces when applied to the Proposed SUP. The attached site plan depicts the proposed parking on the site. Parking is included in the front yard for pick-up/loading and drop-off/unloading on the rear and side.

Staff has concerns about stacking, queuing, and traffic during the peak hours of pick-up and drop-off times at the childcare center. To mitigate this, the Applicant will meter drop-off times. In addition, to mitigate circulation issues, staff recommends that all pick-up and drop-off vehicles arrive at the Property from the north using McIntire Street and exit to the south using 7th Street This removes left turns into the Property and creates a predictable traffic pattern for employees and adjacent property owners.

STANDARD #4: The special conditions for specific uses, as provided in this section are met.

Staff Comment: There are no special conditions for Childcare Facilities.

STAFF RECOMMENDATION

Staff recommends Approval With Conditions of Special Use Permit SU22-01 based on Standards 1-4 of Section 4.05.010. of the Municipal Code. Specifically,:

1. If the Planning commission deems 641 McIntire Street an "appropriate" location for a childcare facility under the 2021 Amended Elevate Eagle Comprehensive Plan, the proposed use is consistent with Standard 1 of Section 4.05.010.A.1.a including and as conditioned Section 4.04.100.J. -Minimum use standards; and
2. As conditioned, street improvements adequate to accommodate traffic volumes generated by the proposed use and provision of safe, convenient access to the use and adequate parking are either in place or will be constructed in conjunction with the proposed use, as approved by the Town (Standard 3 of Section 4.05.010.A.1.a); and

3. As conditioned, the proposed use is compatible with existing and allowed uses surrounding or affected by the proposed use. (Standard 3 of Section 4.05.010. A.1.a); and
4. The special conditions for specific uses, as provided in this section, are met because there are no special conditions for childcare facilities. (Standard 3 of Section 4.05.010. A.1.a)

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to the Special Use Permit:

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

1. With the exceptions of Section 4.05.010.A.1.a-*Standards of Special Use*, Section 4.04.100.J. - *Minimum use standards*, and Section 4.04.100.P- V. *Marijuana Related Uses*, childcare facilities have no specific compatibility standards.
2. Childcare facilities are encouraged in the existing and future land uses based on the goals and policies of the 2021 Amended Elevate Eagle Comprehensive Plan. (Standard 1 of Section 4.05.010.A.1.a)
3. The use is generally compatible with the surrounding land uses except for traffic and noise generation from children outdoors. (Standards 1-3 of Section 4.05.010.A.1.a)

IF APPROVED, THE P&Z COMISSION MAY CONSIDER THE FOLLOWING SUGGESTED CONDITIONS OF APPROVAL:

1. All pick-up and drop-off vehicles shall arrive at the Property from McIntire Street and exit to the south on McIntire using 7th Street to improve traffic circulation. During peak times, drop-off and pick-up shall be encouraged to enter McIntire from the north and exit to the south. All pick-up/loading and drop-off/unloading shall occur in the Property's front yard to discourage using the rear alley associated with the Property.
2. All pick-up and drop-off shall be restricted to the four spots in the front yard. Pick-up and drop-off shall not take place outside of the four designated parking spots located in the front yard.



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 ☐ Zoning Variance ☐ Rezoning ☐ Temporary Use Permit ☐ Amendment to Zone District Regulations ☐ Encroachment Permit	☐ Minor Development Permit ☐ Major Development Permit PLANNED UNIT DEVELOPMENT (PUD) REVIEW ☐ PUD Zoning Plan ☐ PUD Development Plan	☐ Concept Plan ☐ Preliminary Plan ☐ Final Plat ☐ Lot Line Adjustment ☐ Condominium / Townhouse ☐ Minor Subdivision

PROJECT NAME Mountain Tots Preschool
PRESENT ZONE DISTRICT Residential Medium **PROPOSED ZONE DISTRICT** _____
(if applicable)

LOCATION

STREET ADDRESS 641 McIntire Eagle, CO 81631

PROPERTY DESCRIPTION

SUBDIVISION _____ **LOT(S)** _____ **BLOCK** _____
(attach legal description if not part of a subdivision)

DESCRIPTION OF APPLICATION/PURPOSE Mountain Tots Preschool is asking for a special use permit to be able to run the Preschool out of the 641 McIntire in old Eagle.

APPLICANT NAME Mountain Tots Preschool **PHONE** 970-328-2300
ADDRESS 236 W 3rd Street Eagle, CO 81631 **EMAIL** mountaintots@yahoo.com
OWNER OF RECORD Meghan Wilson **PHONE** 970-445-0479
ADDRESS 68 W Foxglove Lane Eagle, Co 81631 **EMAIL** meghanw@mtnwst.com
REPRESENTATIVE* Mountain Tots Preschool Board **PHONE** 970-328-2300
ADDRESS 236 W 3rd Street Eagle CO 81631 **EMAIL** mountaintots@yahoo.com

*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. **Contract**
- ☐ 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.

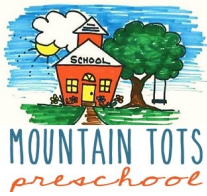
I have read the application form and certify that the information contained herein is correct and accurate to the best of my knowledge. I understand that it is my responsibility to provide the Town with accurate information related to this application. I UNDERSTAND THAT FILING AN APPLICATION IS NOT A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

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 _____	



Mountain Tots Preschool

236 W. 3rd Street | PO Box 333

Eagle, CO 81631

(970) 328-2300

info@mountaintotspreschool.com

www.mountaintotspreschool.com

SPECIAL USE PERMIT REQUEST

Mountain Tots Preschool has been on the search for a permanent new home for the last seven years. We have explored several options, connected, and networked with multiple County and Town employees. This past May our landlord more than doubled the monthly rent we pay for our current location at 236 W 3rd Street, that we have occupied since 1974. For the economic viability and longevity of the school, it's prudent we find a new, permanent location where Mountain Tots will flourish and continue to provide a crucial service to the community.

We have entered a contract with Scott and Courtney Bennett to purchase their property at 641 McIntire St. in Eagle. Scott and Courtney are in the process of building a new home and we've been able to agree on an extended closing date. This allows us time to get our financing in order, as well as apply for any grants available and submit for a Special Use Permit.

The property at 641 McIntire St. gives us enough square footage to continue to operate the preschool for 30 full-time spots every day. There is great outdoor space, and the detached garage gives us the storage and office space for our Director. The greenhouse on the property will remain and gives the kids a great opportunity to learn and grow their own food. The proximity to the Eagle Town Park and Library ensures children at Mountain Tots Preschool may continue to benefit from these tremendous community resources. The Mountain Tots Board has toured and evaluated countless properties, both commercial and residential over the past several years in our pursuit to find a new home for the preschool. 641 McIntire St. is the culmination of our exhaustive search.

We are attaching a copy of the signed contract along with a letter from the Bennetts that is notarized advising their consent for the special use permit, given that the closing on property is successfully executed to Mountain Tots Preschool. If the sale of their property to Mountain Tots does not close, the special use permit for 641 McIntire St will be withdrawn.

Mountain Tots is a longstanding preschool in the Town of Eagle, and year after year we provide childcare to 50 plus families in our Town.

Our understanding is Childcare centers qualify for Special Use Permits under Section 4.04.060 of the Code of Ordinances for the Town of Eagle. We feel strongly that by granting Mountain Tots Preschool this Special Use Permit, it aligns with Goals & Policies of the Comprehensive Plan concept that is supported by the Town's Vision. Specifically:

- 1-2.1. Provide opportunities that increase the likelihood of the Town's citizens to work within Eagle.
- 1-2.2. Promote commercial development that fits the desired character of the community and its character areas.
- 1-2.5. Provide opportunities for a balanced mix of housing and services to support local businesses, employees, residents, and visitors.
- 2.11. Encourage childcare and infant care facilities in commercial, mixed use and residential neighborhoods as appropriate

The proximity of 641 McIntire St. also aligns with the redevelopment plans of West End and integrating and connecting the community and Town of Eagle.



Mountain Tots Preschool

236 W. 3rd Street | PO Box 333

Eagle, CO 81631

(970) 328-2300

info@mountaintotspreschool.com

www.mountaintotspreschool.com

We have also included several articles and resources that talk about the shortage and issues with early childhood education in the State and in our valley. All great reasons why it is so prudent for the Town to approve the Special Use Permit for the Mountain Tots to make 641 McIntire St. our permanent home.

Regarding parking, we have attached the ILC with the areas marked out on the premise of building where we can have designated parking spots. These are marked P1-P10. We've completed an analysis of pick-up and drop-off times (attached) using current attendance sheets. Based on the analysis, we can anticipate a maximum of four vehicles picking up or dropping off children during the peak hours. The 10 parking spots identified on the ILC will provide ample parking for parents and staff. The two other preschools in Eagle located in residential areas, The Learning Tree of Eagle and Rocky Mountain School of Discovery, have significantly less designated parking, reinforcing our confidence in the analysis. If necessary, we are willing to pay for a traffic engineer to monitor traffic, meter drop-off and pick-up times, and work with the town of Eagle to further analyze and evaluate parking needs.

It has been mentioned to us by multiple sources if we can't find designated parking on the premise that we would have to pay a large fee for designated spots in the town right away. Mountain Tots is a non-profit preschool and cannot afford to purchase this building, do the necessary renovations, and then pay for these parking spots. This is not a viable option for us.

Currently half of our families would be coming in from Highway 6 to McIntire St. and the other half would be coming from Capital and enter on 7th, or could enter on 6th, if there is a preference. We would advise parents they are not allowed to use the alley.

Our current building is under contract to sell and will be a quick close and there is potential that the new owner will not renew our lease and the school will be forced to close. We greatly appreciate your willingness to work with Mountain Tots Preschool and consideration for granting a Special Use permit to make 641 McIntire St. our permanent home.

From: [Meghan Wilson](#)
To: [Tez Hawkins](#)
Cc: ["brookevailkw@gmail.com"](#); ["Tina Sanders"](#); ["Sarah Froman"](#); ["Jess Deerr"](#); [Dennis Wike](#)
Subject: RE: Mountain Tots Special Use Permit
Date: Monday, February 21, 2022 4:13:25 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Tez,

Thank you for your time today. We will be making the revisions to the ILC to show the parking spot dimensions and the fence extension. Please see my responses in red below. I will forward the updated ILC with the information noted below shortly.

Traffic

- Dennis did put traffic counters up. We thought it would be good to know and save you some time. **Thank you!**
- The Traffic Metering document:
 - Are the numbers provided showing the number of students or the number of cars?-
This is the number of students that get dropped off and picked up per day. Currently we have 3 families that have more than 1 student at the school. This could change with Summer and Fall enrollment. Currently we are licensed for 30 kids but have not run at full capacity for the past 4 years. Ideally our numbers would be 18 kids max in the front room and 8 kids max in the back room. We have only been running one room on Fridays for the past 1.5 years.
 - Does the spreadsheet show existing traffic metering or proposed traffic metering? If it's existing metering can you provide the dates? **I ran these off the current sign in sheets and did 1 week in December. December 6-10, 2021 and 1 week in January 10-14, 2022 and 1 week in February 7-11, 2022. Do the number of students differ between summer and winter? It appears that student attendance drops off dramatically on Fridays. There is not seasonal fluctuation. 68 kids are on the waitlist and when one leaves, we add one off the waitlist. We do only run one classroom on Fridays as mentioned above. The need we have for Fridays currently doesn't justify opening both rooms on Friday. This can change with summer and fall enrollment.**
 - That would be great if you had a daily or weekly attendance sheet table for the past year. **We do have daily attendance logs and are happy to provide those as we must keep those for state licensing. There is not seasonal fluctuation. We do have some kids that leave in the summer and then the fall, as we are a true preschool, so we do start our new school year each fall. We currently have 68 kids on the waiting list of if one leaves in the middle of the year, we just add a child from the waitlist.**
 - How long does each parent stay to drop off? **5 minutes is normal and typical, which is why we did the metering in 10-minute increments to allow for some fluctuation.**
 - Can you state the staff-to-student ratio? **State licensing requirements based on the age of the kids the school serves are 1 teacher to 10 students, but as I mentioned above, we typically have 2 teachers in the front room and 1 in the back room even with 26**

children as our ideal capacity. On Fridays we have 2 teachers for the one room. The Director is also onsite at least 60% of the time but she also teaches a few days a week and fills in for lunch breaks.

- Site Plan
 - Please provide dimensions for all of the parking spots shown. Please see updated ILC.
 - Staff looked at the number of parking spots in other towns and determined that eight parking spots will be recommended to the planning commission. 4 spots are strictly for the maximum staff members on-site at a time. This is four staff members, correct? The other four are for pick up and drop off. With that being said, can you move on a parking spot from the rear to the front, so all pickup/drop-off is limited to McIntire street? This is strongly preferred. Please see updated ILC to reflect one additional spot up front that could be on the premise and designated to give us 4 for drop off/pick up spots. We are showing all the spots available and would like to discuss this more at the hearing. The spots in front of the garage and in the alley would be for teacher parking only and no drop off/pick up.
 - Can you draw in the fence extension you are planning. Please see updated ILC.
 - With all this said on the site plan, do you all still meet the required outdoor space from the state? Yes. With the revisions on the ILC that would still allow us 3,222 of outdoor space for the children to play and that is more than the required 75 square feet per child.
- Noise
 - I expect noise-related children being outdoors will arise. There are sound mitigation panels that attach to fences that may be a solution for you all. We do understand there could be concerns about this. The great thing about this location is the proximity to the Town Park and we do plan to use that to our advantage. We currently respect our neighbors and the noise, and we do have a bell system that we use when the outside noise level is too loud.

Please let me know if there are any additional questions.

Thank you!

Meghan Wilson meghanw@mtnwst.com
Mountain West Insurance & Financial Services, LLC
201 Centennial, 4th Floor
Glenwood Springs, CO 81601
(970) 945-9111 main office line
(970) 384-8239 direct line
(970) 945-2350 fax
www.mtnwst.com

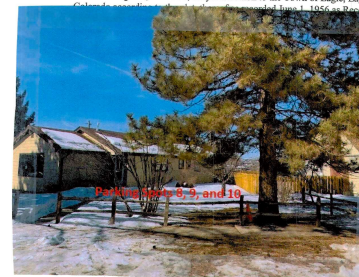
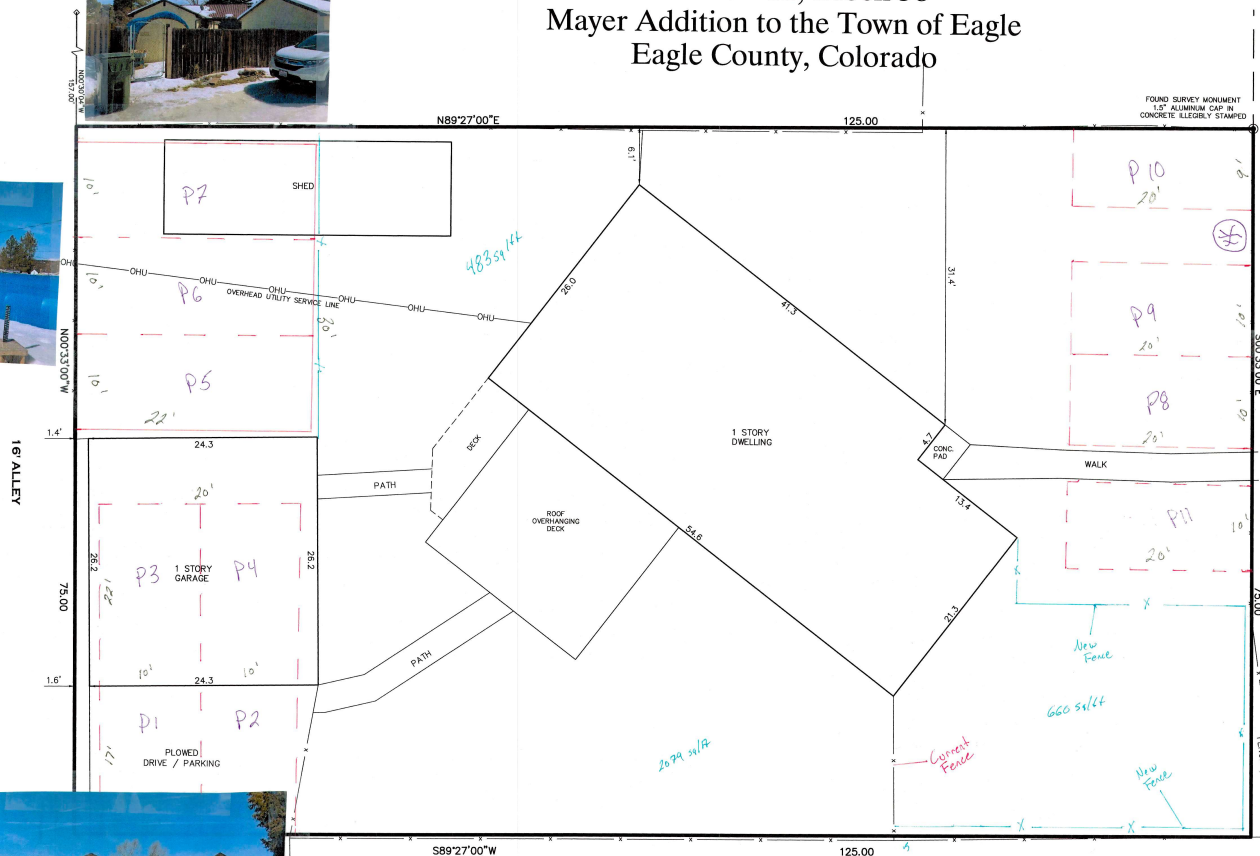
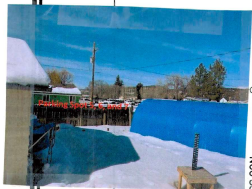
CONFIDENTIALITY NOTICE: The information contained in this email and attached document(s) may contain confidential information that is intended only for the addressee(s). If you are not the intended recipient, you are hereby advised that any disclosure, copying, distribution, or the taking of any

Traffic Metering

	Drop Off											Pick up										
December 6-10, 2021	7:30	7:40	7:50	8:00	8:10	8:20	8:30	8:40	8:50	9:00		4:00	4:10	4:20	4:30	4:40	4:50	5:00	5:10	5:20	5:30	Total Number of Students
Monday		3	2	1	1	2	3	3	1	1		4	2		1		2	1	3	3	1	17
Tuesday	1	1	3	2		1	3	1	2	1		1		1	4		2		2	1		11
Wednesday			1	4	3		3		2	1		2	3		3	1		3	1	2		15
Thursday		3	2	4		1		1	2	1		1		3	1	1	1		3	2		12
Friday		1		1	1	3	1	2		1		1		3		1		2	1	1		9

	Drop Off											Pick up										
January 10-14, 2022	7:30	7:40	7:50	8:00	8:10	8:20	8:30	8:40	8:50	9:00		4:00	4:10	4:20	4:30	4:40	4:50	5:00	5:10	5:20	5:30	Total Number of Students
Monday	4	1	1		3		1	1	2			1	2	1	1		1	3	1	3		13
Tuesday	2	2	2	1	1	1	1	4				1	1		3			4	1	1		11
Wednesday		1		4	1		2		2	2		4	2			2	2			1		11
Thursday	2	1	1	2	3	2	2	2					3	1	1			1	1	2		9
Friday	1	1		1	2		2	1		1			2	1		2		3	1	1		10

	Drop Off											Pick up										
February 7-11, 2022	7:30	7:40	7:50	8:00	8:10	8:20	8:30	8:40	8:50	9:00		4:00	4:10	4:20	4:30	4:40	4:50	5:00	5:10	5:20	5:30	Total Number of Students
Monday	3	1	2	4	1		1	1	2			1	2	1	1	3	1	1	1	4		15
Tuesday	3	4		1	3	1	1	4				1	1		3	3		4	1	1		14
Wednesday	1		1	4	3		2		2	2		4	2			3	1	1	1	1		13
Thursday	2	2	1	4	1	2	2	2					3	1	1	2			3	2		12
Friday	1		1	2	2		2	1		1			2	1		3		2		1		9



LEGAL DESCRIPTION:
 Lot 10 through 12, Block 38, Mayer Addition to the Town of Eagle, Eagle,
 Colorado according to the plat therefor recorded June 1, 1956 as Reception No. _____

MCINTIRE STREET
80' PUBLIC RIGHT-OF-WAY



Matthew S. Slagle PLS 34998
Professional Land Surveyor
State of Colorado

SEVENTH STREET
80' PUBLIC RIGHT-OF-WAY

NOTES:

- 1) Posted Street Address: 0641 McIntire.
- 2) Legal description record easements, setbacks, and record deed lines were derived from the heretofore referenced Plat of Mayor Addition to the Town of Eagle along with the Old Republic Insurance Company Classy Title Commitment order No. V50064197 provided by Land Title Guarantee Company and Dated 12-12-2021. Improvements and apparent deed line locations are based upon monuments, found during the time the fieldwork was performed.
- 3) Date of Field Work: January 11, 2022.
- 4) This Improvement Location Certificate was prepared for the exclusive use of those parties certified to herein, and is valid only if print has original seal and signature of surveyor.
- 5) Linal Units of the U.S. Survey Foot were used herein.
- 6) A Boundary Survey is recommended due to lost, obliterated and/or conflicting property corner monumentation.

C.R.S. 38-51-108 (Effective July 1, 2013)
IMPROVEMENT LOCATION CERTIFICATE

I hereby certify that this Improvement Location Certificate was prepared for, and is valid only for use by:

Mountain Tots Preschool, A Colorado Nonprofit Corporation, along with
Scott Bennett and Courtney Bennett

that this is NOT a Land Survey Plat, or Improvement Survey Plat, and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines, and describes the parcel's appearance on

January 11, 2022

I further certify that the improvements on the above described parcel and date, except for utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as shown.



SLAGLE SURVEY SERVICES
800 Castle Drive - P.O. Box 751 Eagle, Colorado 81631
970.471.1499 Office matthew@slaglesurvey.com
www.SlagleSurvey.com

IMPROVEMENT LOCATION CERTIFICATE
 Lots 10 - 12, Block 38
 Town of Eagle, State of Colorado

DRAWN BY: MSS	JOB NUMBER: 22001	DRAWING NAME: 22001_ILC.dwg
SHEET 1 of 1		DATE: 01-16-20

1 INCH = 6 FEET

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered 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 herein.





















KNOW YOU WILL SOON BE OUR NEIGHBORS
WE HAVE RAISED 3 CHILDREN IN OUR
HOME, ALL GRADUATES OF YOUR PRESCHOOL
WE SUPPORT THE SPECIAL USE PERMIT YOU HAVE
APPLIED FOR THROUGH THE T.O.E.



January 26, 2022

RE: SU22-01 Mountain Tots Preschool Special Use Permit

Dear Property Owner:

Meghan Wilson of Mountain Tots Preschool has submitted an application for a Special Use Permit to operate a child care facility on 0.215 acres of land. This property is located at 641 McIntire Street.

The **Planning and Zoning Commission** of the Town of Eagle will hold a public hearing on this application at **6:00 PM on Tuesday, February 15, 2022**. This hearing may be held on a virtual platform and/or in the Eagle Town Hall located at 200 Broadway, Eagle, CO 81631. Determination of in person or virtual platform will be made the Friday before the meeting. Access to the public hearings can be found on the meeting agenda, accessed through the Town website here: <https://www.townofeagle.org/773/Agendas-Minutes-and-Packets>. The Planning and Zoning Commission considers the application, hears public testimony, if any, and makes a recommendation to the Town Council on this land use application.

The **Town Council** of the Town of Eagle will hold a public hearing on this application at **6:00 PM on Tuesday, March 8, 2022**. This hearing may be held on a virtual platform and/or in the Eagle Town Hall located at 200 Broadway, Eagle, CO 81631. Determination of in person or virtual platform will be made the Friday before the meeting. Access to the public hearings can be found on the meeting agenda, accessed through the Town website here: <https://www.townofeagle.org/773/Agendas-Minutes-and-Packets>. The Town Council considers the recommendation of the Planning and Zoning Commission, hears public testimony, if any, and takes action on this land use application.

As a property owner within 250 feet of the subject property, you are being notified of these public hearings. In addition, you are invited to comment on this request, either by appearing in-person or virtually at the scheduled public hearings and giving testimony, by sending an email to tez.hawkins@baselinecorp.com.

The application materials are available for review digitally on the Town's website here: <https://www.townofeagle.org/418/Active-Land-Use-Applications>. If you have any questions regarding this application, please contact Tez Hawkins, via email, or at 970-688-2175.

Sincerely,

Tez Hawkins, Senior Planner, Baseline Engineering Corporation
tez.hawkins@baselinecorp.com
(970) 688-2175

PLEASE LET US
KNOW IF YOU NEED
FURTHER COMMENT.
SINCERELY
JOE & CHERYL
RUSSELL

PO Box 609 • 200 Broadway • Eagle, CO 81631 • www.townofeagle.org • planning@townofeagle.org • 970-328-9655

601 WASHINGTON ST.

From: [Heather Rawlings](#)
To: [Tez Hawkins](#)
Subject: Mountain Tots preschool
Date: Thursday, February 17, 2022 3:55:30 PM
Attachments: [Outlook-t3ptkkey.png](#)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I am writing this letter in support of Mountain Tots preschool.

My husband and I moved to Eagle 20 years ago, though both of us have lived in the Vail Valley for much longer than that.

Our two children attended Mountain Tots preschool. Though they are now 19 and 20, they both still speak fondly of the school and the teachers that they had there. Actually now that I think about it, they are still friends with kids that they met there, and we are still friends with their parents.

As long as I can remember, Mountain Tots has struggled with the impermanence of their location, knowing that they could be forced to find a new home should their lease not be renewed. Despite this challenge, they have persevered. Though the faces of the teachers have changed since they began in 1974 and the children they educated have grown up, they have remained true to their mission statement, to "provide a high quality program that enhances educational, social, emotional, physical, and cognitive development." We live in a small town and the fact that this school has been in high demand and has had a waitlist for much of that time, speaks volumes about both the necessity and the quality of the service that they provide.

Even when our children were young, child care was difficult to find- and finding quality childcare was even harder still. From what I can tell, that challenge has only gotten harder over the years.

I've spent the past two weekends hanging out with a 3 year-old and a 5 year-old who attend Mountain Tots and they are, hands down, two of the most articulate and engaging children I have ever had the pleasure to spend time with. They reminded me a lot of our own children at that age. The common denominator? Mountain Tots. I was delighted to learn that they attend there, as it let me know that the school remains committed to providing exceptional early childhood education.

It is my sincere hope that the special use permit be granted to Mountain Tots so that they can continue to operate and to provide this much needed service to local families. They are making a difference, every day, to the children they serve and to their families.

Sincerely,

Heather Rawlings



Heather Dorf Rawlings

230 Bridge Street | Vail | Colorado 81657
hrawlings@slifer.net | c. 970.471.3673

Due to the increase in wire fraud, please know that I will never email you for wiring instructions. Please call me immediately if you are asked to wire money.

From: [Meghan Wilson](#)
To: [Tez Hawkins](#)
Subject: FW: 641 McIntire Preschool
Date: Wednesday, February 9, 2022 12:46:03 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Tez,

We received the email below from one of the owners near the school. I didn't know if I should share this with you.

Thank you!

Meghan Wilson meghanw@mtnwst.com
Mountain West Insurance & Financial Services, LLC
201 Centennial, 4th Floor
Glenwood Springs, CO 81601
(970) 945-9111 main office line
(970) 384-8239 direct line
(970) 945-2350 fax
www.mtnwst.com

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PLEASE NOTE THAT INSURANCE COVERAGE CAN NOT BE BOUND OR MODIFIED WITHOUT WRITTEN CONFIRMATION FROM MOUNTAIN WEST INSURANCE & FINANCIAL SERVICES, LLC.

From: Jess Deerr <mountaintots@yahoo.com>
Sent: Wednesday, February 09, 2022 12:21 PM
To: Meghan Wilson <meghanw@mtnwst.com>
Subject: Fw: 641 McIntire Preschool

Here is the email from the gentleman that called this morning!

Jess Deerr, Director

*Mountain Tots Preschool
236 W. 3rd Street
Eagle, CO 81631
(970) 328-2300*

----- Forwarded Message -----

From: Russell Thrasher <russellthrasher@hotmail.com>

To: jess@mountaintotspreschool.com <jess@mountaintotspreschool.com>

Sent: Wednesday, February 9, 2022, 10:50:31 AM MST

Subject: 641 McIntire Preschool

Jess,

I have been made aware of Mountain Tots plan to establish a preschool at 641 McIntire. As a homeowner down the street at 722 Bull Pasture I want to let you know that I support your plan. I think it's a great location for a valuable service.

Can't wait to have those kids playing Ding Dong Ditch on me!

Russ Thrasher

970-471-3231

From: [Steve Hoppin](#)
To: [Tez Hawkins](#)
Subject: Public comment on Mountain Tots Special use permit request for 641 McIntire
Date: Tuesday, February 15, 2022 1:15:06 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Tez,

As mentioned in our discussion last week, I have some serious concerns in regards to this Special Permit Use request. they are as follows:

1) First and foremost, locating a preschool zoned for 30 kids and staff at 7th and McIntire would cause an enormous traffic problem. A quick survey of the location reveals some basic problems.

a) **Location is far from any Arterial.** The easiest access from the West is hwy 6 to 5th ave, 1 block east to McIntire, turn right and 2 blocks through RM neighborhood. East access would be from hwy 6 almost 4 blocks through RM up McIntire. North would be similar. South would be Brush creek rd to 7th and then 4+blocks along RM street.

b) **lack of parking for pick up/drop off.** The neighborhood is zoned as 80ft easement owned by the Town of Eagle along both McIntire and 7th. This means no parking spots. Also no Ingress/Egress for all of those cars during pick up and drop off.

2) **Renovation of Garage to office and storage** (per the application) would require them to create the two new parking spots on the property that they are losing per town ordinances.

3) **safety of children in and around structures at 641 mcintire.**

a) with 30+ people in 1215 sq. feet, I would worry about egress compliance in the event of a fire or other emergency.

b) The back structure which includes a covered porch was done completely without permits. This means we have no idea what the load bearing is. I am also fairly sure that commercial load bearing minimums are more than single family residential.

4) **Setting a precedent for Special Use permits in RM zoned communities.**

I believe the intent of the Town of Eagle is to properly zone neighborhoods so people know what to expect when buying and living there. This Special Use Permit Request is really a request to rezone a RM neighborhood. If this goes through, who's currently quiet neighborhood is next?

Property Values

I would be remiss if I left out something that very much concerns myself (and probably other neighbors, but I am speaking just for me). The increased traffic and noise volume of a Preschool right in the middle of a RM zoned neighborhood is not what I planned for, or even thought was possible when I purchased 633 McIntire. It can almost be guaranteed that when people shop for a house, they want a quiet neighborhood, not a preschool adjacent. This would result in depressed prices in regards to surrounding real estate.

Final Comments

I am not against pre-schools in general. They are much needed and quite valuable to the community as a whole. I have two teenagers and remember when they were still young. That being said, we were able to find two very reputable daycare facilities and preschools that were both located in reasonable areas for their businesses. I do truly hope that Mountain Tots does find a new home....or the current landlord comes to his senses. I just do not believe 641 McIntire is the answer for all the reasons outlined above. Thank you for your consideration,

Sincerely,
Steve Hoppin
633 McIntire.

From: [Carmen Weiland](#)
To: [Tez Hawkins](#)
Subject: Re: Written Comments-Mountain Tots Childcare Facility
Date: Thursday, February 24, 2022 8:29:14 AM

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.

Increase of traffic on McIntire, sixth and seventh streets
Not enough parking for 30 parents, my yard will become the parking and turnaround
Wild land fire trucks won't be able to get out they will be blocked during the drop off and pick up times
I have bees and if they swarm I can't control where they swarm to
Two other neighbors have bees as well one in bull run the other near the park
We have neighbors that are retired and are birders, the noise from the summer time play will take away from our quiet neighborhood and you won't be able to enjoy the birds as they will be scared away by the noise
We just moved in and we loved the area, its quiet and the neighbors are nice. This will severely disrupt our quite outdoors during the summer.
Residential should stay residential, there is plenty of commercial space around town or homes on the major streets like capitol, broadway & church
This will only invite other commercial to our corner of 7th and McIntire.
I don't want to live across from a daycare, this is why we purchased where we did. If we wanted to live near a daycare/school we would have purchased a home in eagle ranch across from the school.
That home is not big enough for 30 kids, what to stop them from building a daycare center.....this is a residential neighborhood why is this even being considered!

On Feb 23, 2022, at 2:49 PM, Tez Hawkins <thawkins@townofeagle.org> wrote:

Hi Carmen,

I wanted to connect with you on the Mountain Tots Childcare Facility. Can you provide me with a brief summary of your comments here? You will still be able to offer your comments in person at the hearing next week Tuesday. If I can have them ahead of time, the planning commission can review and evaluate ahead of their recommendations.

Thank you,

Tez Hawkins

Planner

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970.688.2175

CLICK BELOW FOR TOWN WEBSITE, NEWS, EVENTS OR TO PROVIDE FEEDBACK:

[<image001.png>](#) [<image002.png>](#) [<image003.png>](#) [<image004.png>](#)

Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-200.1, et seq.

From: sandell@vail.net
To: [Tez Hawkins](#)
Subject: SU22-01 Mountain Tots Preschool Special Use Permit
Date: Friday, February 11, 2022 3:22:36 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello,

I received the letter regarding the application for the Special Use Permit. I would like to comment in person at the public hearing. What do I need to do to comment?

I am a direct neighbor and opposed to this special use permit.

Thank you,

Laurel

Laurel Broy

sandell@vail.net

970-390-6228cell

Comments received on/after 2.25.22

From: [Kathleen Cropp](#)
To: [Tez Hawkins](#)
Subject: Mountain Tots
Date: Friday, February 25, 2022 11:41:14 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello Tez,

I am a parent at Mountain Tots and I'm emailing in support of their new location. I have perspective both as a parent and neighbor of a preschool.

My son attended Pam Serba's preschool last year in the Terrace neighborhood. We lived 5 doors down from her. We loved seeing her outside with the kids. Pick up and drop off was no issue for the neighbors as the parents were always really respectful and made sure to park on one side of the street only.

When Pam Serba retired we were devastated that we had to switch preschools. The reluctant change turned out to be a blessing. First of all, finding good child care in our county is so difficult. The staff at Mtn Tots is so caring and supportive. Our daughter has had the best experience there!!

I drove by the proposed new location and there is plenty of parking out front! Drive by the current mtn Tots location and you'll only see a few cars outside at a time during the drop off and pick up window. Parents seem to be staggered.

Please consider granting the special use permit as it is vital for the future of our community. If I were a neighbor to this preschool I'd love the positive spirit that the school will bring!!

Thank you for your time,
Kathleen Borgerson

Sent from my iPhone

From: [Courtney Davis](#)
To: [Tez Hawkins](#)
Subject: Pro Daycare
Date: Sunday, February 27, 2022 4:13:57 PM
Attachments: [mountain tots.docx](#)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Tez,

I have attached a letter in support of the daycare. I would like to be clear that one of three people that complained about the daycare has never lived at the location he owns. He has always rented it out. Three years ago he rented it out to 12 people (three separate families) I counted 9 cars out front one summer. Last summer he said he thought he had a "cash cow," on his hands and was considering short term renting the place. It is equally insulating and laughable that he is contesting a daycare. He has shown no interest EVER in this community. He is retired and resides in Gypsum. As someone that is a true native to this community (I was born at the Vail Hospital) I am insulted by this. I have attached a letter for your review. I am a nurse at Vail Health and work till 7:30 on Tuesdays so I wont be at the meeting. I would very much like a letter my to be read by the board members or at the hearing on Tuesday.

Kind Regards,

Courtney Bennett

To the Eagle County Board Members,

I would like to introduce myself. My name is Courtney Benentt, I was born at the Vail Hospital in 1986 and raised in Eagle County. I am currently the home owner of 641 Mcinitre St. in Eagle, CO. My daughter also attends Mountain Tots pre-school and my son is on the wait list to start this fall. I was approached by the president of Mountain Tots a few months ago to see if we would be interested in selling our home to Mountain Tots. We agreed depending on if they could get approval. Over the course of the last months there have been many times I've asked my husband if it wouldn't have been easier to list our house and sell to the highest bidder. Clearly, the answer is yes! We could list and within days be under contract. Instead, we have met with the county inspector, engineers, and sat under scrutiny of our friends and neighbors. We have done so because as a native of Eagle County I have seen too many negative changes in the past 35 years. If we can make a positive change in this community then we will do what it takes.

I am a nurse at the surgery center in Edwards and at Vail health. All of the community members that have had surgery in the last 5 years has probably met myself or my co-workers. After two years of a pandemic anyone in health care will tell you they are tired, frustrated, and burnt out. While many people sat home during the pandemic, I left my then 8 month old and two year old to serve this community. My husband works for a property management company. He answers calls at 2 AM when furnaces go out. He plows the streets of Eagle at 5 AM so that the Eagle County community members can drive to work. We are the working class of Eagle County. We are able to serve our community since we have a daycare that we love and trust. If I don't have a day care to send my children to I can't recover you or your family members after surgery. My husband can't plow your roads. If a local daycare (such as Mountain Tots) shuts down you're not just putting your teachers out of a job, you're putting your working class out of jobs. As a nurse that has served your community through a pandemic, I would venture that the only people that are as tired and frustrated as nurses are probably your teachers.

I am asking you as a native to Eagle County, a mother, a community member, and as a nurse that serves your local hospital to consider what is best at large for Eagle County. I have spent the last few years doing what's best for this community. I have done my part. I left two small children to serve this community through a pandemic. I would love to see this community support me as I have supported them.

Kind Regards,
Courtney Bennett

(970) 471-4813

From: [Sarah Martin](#)
To: [Tez Hawkins](#)
Subject: mountain tots
Date: Friday, February 25, 2022 8:20:16 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Tez,

I am writing in full support of Mountain Tots being given the special use permit to operate the preschool at 641 McIntire. Our three year old is currently enrolled at Mountain Tots and our son will eventually attend as well (as long as there is room to fit him in). I do drop off and pick up most days she attends and there is at most 4 cars in the lot at a time. People drop their kids off, spend 5 minutes, putting away lunches, snacks and saying good bye, then they leave. There aren't 20 cars parked out front and traffic has never been an issue.

I know Mountain Tots has struggled with their lease and prices for real-estate just keep climbing in this area. Our kids need a place to go to school and some place that is permanent solution.

Thank you for your time.
Sarah Martin

From: [Liz Dilley](#)
To: [Tez Hawkins](#)
Cc: [Jess Deerr](#)
Subject: Special Use Permit Hearing March 1
Date: Monday, February 28, 2022 6:27:58 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Tez,

I am writing in full support of Mountain Tots being given the special use permit to operate the preschool at 641 McIntire. We have a three year old enrolled at the moment and hope to have our 2 year enrolled in November. Mountain Tots has been a staple preschool in the area for as long as most people can remember. One of my neighbors, who is now a father himself, went to Mountain Tots as a child. He sends his daughter there now, she is second generation of attendee, isn't that is cool? They are a true local establishment that supports our community. They are now, like most small businesses in the area struggling with their lease and staffing, etc. Our kids need a place to go to school and some place that is permanent solution. We as a community need to support solutions like this for the greater good.

When I drop off and pick up there is at most 4 cars in the lot at a time and often times I am the only parent picking up. When parents drop their kids off they spend at most five minutes at the school. Parking and traffic has never been an issue at any drop off or pick up.

Thank you for your time.

Elizabeth Dilley

Comments received on/after 2.28.22

From: [hymesbrinker](#)
To: [Tez Hawkins](#)
Subject: 641 McIntire
Date: Monday, February 28, 2022 2:18:20 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Tez -

Sent from [Mail](#) for Windows

My wife and I have received the notification concerning the application at 641 McIntire (Mtn Tots). We own 2 properties that will be impacted by this (427 W. 6th primary residence and 426 W. 6th rental). Although we understand the need for childcare in the valley , we don't think this is the right place for it . The obvious concerns are noise (especially in the summer / soundproof fencing will be ineffective). But our biggest concern is traffic – especially people who are in a hurry to drop their kids and are running late. We're afraid people will "loop" around and exit down the alley between 7th and 6th , it's very narrow . Our rental property is adjacent to the alley .

Probably the biggest concern is the traffic coming out of the Forest Service property onto the 7th st. spur heading east , that road is very narrow with no sidewalks , cars and trees on either side impacting the necessary " clear view " . It's without a doubt a serious public safety issue. Also there's no stop sign at 7th and McIntire intersection heading east/west. Although I've lived across the street from the Forest Service for 30 years and found them to be good neighbors they generally have large trucks and are hauling various trailers (horse, atv's , construction equip. etc) . In the morning they seem to be ready to " blow and go " . Mtn Tots at this location is an accident waiting to happen. The approval of this application also sets a terrible precedent allowing other businesses to relocate to residential areas.

Possible solutions – Bob and Patty Roth are thinking of relocating and selling their property at 432 W. 5th St. Maybe someone could contact Mtn Tots and see if that might work for both . It's a similar size home with a large outdoor area , already zoned commercial , easy pick-up/ drop-off . direct access to Hwy 6. Patty currently operates The Dirty Dog pet grooming business there.

Or how about Retrofitting one of the buildings at the Eagle Ranch Pavilion property. Public/Private Partnership?

Respectfully – Tommy / Marcia Hymes

From: [Jackie Devens](#)
To: Planning@townofeagle.org; [Tez Hawkins](#)
Subject: Mountain Tots / 641 McIntire
Date: Monday, February 28, 2022 9:51:20 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Tez -

I've are writing in support of Mountain Tots purchase of 641 McIntire. Our family currently has one daughter attending Mountain Tots and we plan to our younger daughter attend once she is old enough. In a time when childcare is such a challenge to secure, we are so lucky to have a facility like Mountain Tots in our community. Mountain Tots provides a loving, safe and nurturing environment for our children - and it deserves a permanent home to continue to do so. The purchase of 641 McIntire would guarantee this amazing preschool the stability it needs to continue to provide this invaluable service to local families.

Thank you,

Jackie and Chris Devens

--

Jacqueline Devens
PO Box 5973
Eagle, CO 81631
412.551.6300

From: [Erin Kadrmas](#)
To: [Tez Hawkins](#)
Subject: Mountain Tots- special use permit
Date: Monday, February 28, 2022 1:26:54 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Tez,

I am writing in support of Mountain Tots being given the special use permit to operate the preschool at 641 McIntire.

Mountain Tots has been an integral part of early childhood education in the Eagle area for 40 years. Several people I know who went there now send their own children to Mountain Tots!

My son, who is now in kindergarten, attended Mountain Tots last year and I cannot say enough good things about them. Drop off and pickup was always a breeze, even though their current location only has 4 dedicated parking spots. Parents are patient and efficient in getting kids to/from school, you honestly would never know there were 20+ toddlers in the building or on the playground.

With Eagle and the surrounding area growing, not to mention the already high demand for early childhood education centers, it would be a huge loss if Mountain Tots is not approved for a new location since their current one is under contract and they will probably lose their lease in the near future.

I know Mountain Tots' parent board has been tirelessly looking for new locations and trying to stay in the Eagle area to serve the many residents who rely on and entrust them with their children. I hope that you are able to approve this special use permit and keep this valuable resource and beloved preschool open.

Thank you so much for your time.
Erin Kadrmas
Eagle, CO

From: [Claire Ewing](#)
To: [Tez Hawkins](#)
Subject: Mountain Tots - 641 McIntire
Date: Tuesday, March 1, 2022 2:36:20 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello,

My name is Claire Ewing and I am a Mom of a preschooler at Mountain Tots preschool. I wanted to send my positive regards toward Mountain Tots at 641 McIntire. My husband also went to Mountain Tots and grew up here in Eagle, it is a staple of the Eagle community and deserves the best home for our thriving youngsters in the community.

There are rarely more than 3-4 parents dropping off or picking up at Mountain Tots at the same time causing little to no issues with parking and street blockage.

Thank you for caring for our community and our families!
Claire



Claire Ewing

Director of Inside Sales | Central & South East

m: 303-968-5420

vacasa.com

From: [Planning Department](#)
To: [Tez Hawkins](#)
Subject: FW: Mountain Tots Preschool Special Use Permit - Public Comment
Date: Monday, February 28, 2022 2:43:46 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

1 of 2 new public comment received today.

Would you like me to update & republish the packet or just print these out for tomorrow's meeting?

My best,

Nikki Davis

Community Development

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9655, Fax: 970-328-9656

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Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-200.1, et seq.

From: Jamie Woodworth <jamiewoodworth1@gmail.com>
Sent: Monday, February 28, 2022 2:11 PM
To: Planning Department <Planning@townofeagle.org>
Subject: Fwd: Mountain Tots Preschool Special Use Permit - Public Comment

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.

To whom it may concern,

I'm writing in support of the special use permit for Mountain Tots Preschool.

Our community already suffers from a dearth of childcare options, so depriving it of one of the few childcare centers available seems silly at best - especially when considering the fact that Mountain Tots has been operating in the town for close to 40 years.

I have read some of the comments received from other members of the community voicing

concerns about traffic and parking. It's interesting that this is what they're choosing to focus their attention on, given the fact that at any time during the typical drop off/pick up period, there are 5 cars AT MOST parked outside the school, and parents are inside for 5-10 minutes tops.

I'd urge both P&Z and Town Council to approve this special use permit so that Mountain Tots can move forward with procuring a space and continue to serve the kids and families of our community for years to come.

Respectfully,

Jamie Woodworth

From: [Planning Department](#)
To: [Tez Hawkins](#)
Subject: FW: Mountain Tots
Date: Monday, February 28, 2022 2:43:58 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

2 of 2 public comment.

My best,

Nikki Davis

Community Development

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9655, Fax: 970-328-9656

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From: Todd Foral <toddforal@gmail.com>
Sent: Monday, February 28, 2022 2:37 PM
To: Planning Department <Planning@townofeagle.org>
Subject: Mountain Tots

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.

To whom it may concern,

I was pleased to hear that Mountain Tots has found a new location. I am writing this letter in full support of the special use permit.

Mountain Tots has been in use for many years and has provided many locals with a great pre school experience. I urge you to approve this special permit so they can continue to provide schooling for our community.

Thank you Todd Foral

From: [Nikki Little Fedishen](#)
To: [Tez Hawkins](#)
Subject: Special use permit
Date: Monday, February 28, 2022 10:19:33 AM

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.

Hi Tez,

Thank you for reaching out to us. Unfortunately, we are out of the country until mid March. This makes it very difficult to review current zoning uses and compare how compatible the special use requested differs. Traffic and parking are a big concern. The number of children that will be allowed will affect this concern. Building alterations will change the current "residence" and transform any future use of this property.

What precedents are being set by this change in use? Is the town prepared for other requests for business development in a residential area? What is the length of time this permit will be issued? If it were to be granted, against the neighbors' concerns, then I would ask it be given only a 1 year period. Allowing the adjacent owners to follow up with and register any concerns that may become apparent during this time.

Our neighbors have voiced similar concerns regarding this special use permit application.

Thanks,
Nikki Fedishen

From: [Justin Bozich](#)
To: [Tez Hawkins](#)
Subject: Support for Mtn. Tots Special Use Permit
Date: Monday, February 28, 2022 11:24:07 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Mr. Hawkins,

My name is Justin Bozich, I live in Eagle and I am emailing you in support of Mountain Tots special use permit application for 640 McIntyre in Eagle. Please feel free to contact me if you have any questions.

Regards,

Justin Bozich
2682 East Haystacker Drive
Eagle, CO 81631
970-306-3478

From: [Morgan Hill](#)
To: [Tez Hawkins](#)
Subject: Re: TOWN OF EAGLE REFERRAL REQUEST-Mountain Tots Preschool Special Use Permit (SU22-01)
Date: Thursday, February 10, 2022 1:35:04 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Tez,

Eagle County Environmental Health's comment pertains to the plan review process for childcares. Mountain Tots Preschool should consult with our team before beginning construction on their new facility to ensure it adheres to health and sanitation requirements. Please direct them to fill out our [plan review application](#) and let us know if you have any questions at environment@eaglecounty.us or (970) 328-8755.

Thank you,
Morgan

On Wed, Jan 26, 2022 at 12:45 PM Tez Hawkins <tez.hawkins@baselinecorp.com> wrote:

TOWN OF EAGLE COMMUNITY DEVELOPMENT DEPARTMENT
ELECTRONIC REFERRAL

Hi,

This notice is to advise you that an application was submitted for the following project:

Project Name: Mountain Tots Preschool

Application Types: Special Use Permit

File Number: SU22-01

Project Request: A Special Use Permit to operate a child care facility in the Residential Medium (RM) zone district.

Project Location: 641 McIntire Street

Applicant: Meghan Wilson

Return Requested: March 8, 2022

The plans and associated documents you need for your review are attached to this email.

Hard copies are also available for review at the Community Development Department upon request. If you are missing/need anything further, let us know.

The Town of Eagle Community Development Department requests your review and response via email by March 8, 2022, or we will assume you have no comments or objections. If you have any questions about these applications, please do not hesitate to contact me. Thank you for your time and effort in reviewing these applications.

Thank you,

TEZ HAWKINS | SENIOR PLANNER | Town of Eagle Planning Consultant

Baseline Engineering Corporation | Engineering, Planning, & Surveying

Phone: 970.688.2175 | www.baselinecorp.com | [Social Media](#)

Office: [112 N. Rubey Drive, #210, Golden, CO 80403](#)

--

Morgan Hill, M.S.
Environmental Health Manager
Eagle County Public Health and Environment
(970) 328-8757
morgan.hill@eaglecounty.us

From: [Randel Q. Cohen](#)
To: [Tez Hawkins](#)
Cc: [charlie.davis@townofeagle.org](#); [dennis.wike@townofeagle.org](#); [cbuhlman@townofeagle.org](#); [sandra.mutchler@eagleschools.net](#); [ecad@ecparamedics.com](#); [crussell@evld.org](#); [morgan.hill@eaglecounty.us](#); [heath.harmon@eaglecounty.us](#); [JBartnik@MountainRec.org](#); [Peyton Heitzman](#); [meghanw@mtnwst.com](#)
Subject: Re: TOWN OF EAGLE REFERRAL REQUEST-Mountain Tots Preschool Special Use Permit (SU22-01)
Date: Wednesday, January 26, 2022 2:58:39 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Tez,

Thank you for the email and referral for Mountain Tots Preschool.
I have reviewed the proposal and the International Fire Code and have the following comments.

- 1) For this change of use a fire alarm system will be required on the new location in accordance with IFC 907.2.3 and NFPA 72
- 2) The number of exits and exit access doors must meet the requirements of IFC 1006 and IFC Table 1006.2.1.
- 3) The required number of exits must be in accordance with IFC 1006.3.3
- 4) Based on the square footage on record at the County Assessor's Office (1346 sq ft) and this being an E Occupancy - Daycare facility the total occupant load of the building should be 38 people. All exits must be sized to accommodate the occupant load.
- 5) Exit signs must be installed in accordance with IFC 1013.

If there are any questions please contact me.

Thank You,

Randy

--

Randel Q. Cohen
Division Chief of Life Safety / Fire Marshal
Greater Eagle Fire Protection District
425 E. Third Street
PO Box 961
Eagle, CO 81631

Office: 970.328.7244 ext.112

Cell: 970.977.6269

www.gefpd.org



Ready...

From: [Charlie Davis](#)
To: [Randel Q. Cohen](#); [Tez Hawkins](#)
Cc: [Dennis Wike](#); [Carrie Buhlman](#); [sandra.mutchler@eagleschools.net](#); [ecad@ecparamedics.com](#); [crussell@evld.org](#); [morgan.hill@eaglecounty.us](#); [heath.harmon@eaglecounty.us](#); [JBartnik@MountainRec.org](#); [Peyton Heitzman](#); [meghanw@mtnwst.com](#)
Subject: RE: TOWN OF EAGLE REFERRAL REQUEST-Mountain Tots Preschool Special Use Permit (SU22-01)
Date: Wednesday, February 2, 2022 1:07:05 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good Afternoon Tez,

Mr. Cohen hit all the highlights and provided feedback for a cursory review of the proposal. I am in complete agreement with the following:

1. The change in Use (Occupancy) is occurring and a complete code analysis and summary shall be developed and provided by the design professional in charge. (Registered State of Colorado Architect). This shall be included with a building permit application for this project. Code Reference 2015 IBC Section 105.1 and 107.1 and 2015 IEBC (International Existing Building Code) Chapter 10
2. Other IFC references disclosed before are also found and supported within the 2015 IBC, same sections, and requirements.
3. All electrical plumbing and mechanical system changes shall also accompany the building permit plans and all shall be designed, signed and sealed by the appropriate Colorado licensed engineers of record.

Thanks for the opportunity to review the application.

Best,

Charlie Davis

Building Official

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9657, Cell: 970-471-2781 Fax: 970-328-9656

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To: Planning & Zoning Commission

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

Date: March 1, 2022

Agenda Item: Code Amendment to Section 4.07.140. Parking Exemption in the Central Business District (CBD)

REQUEST:

Update to Section 4.07.140. modifying parking requirements when there is a change in use for an existing building in the Central Business District (CBD).

INTRODUCTION:

On January 11, 2022, Town Council adopted Ordinance No. 01, Series 2022. This ordinance amended Title 4 of the Eagle Municipal Code (Code) to implement a Parking Fee In-Lieu Program and modified existing parking standards within the Code. Prior to the formal adoption of this new Parking Fee In-Lieu Program, the Planning & Zoning Commission and Town Council held four work sessions and public hearings to discuss the proposed changes to the Code. The staff report from the adoption hearing can be accessed through this ([LINK](#)).

The voluntary Parking Fee In-Lieu Program gives businesses and developers within a designated area in town multiple options to meet the Code's required parking count. These options include 1) provide off-street parking as required by the Code, 2) provide a fee of \$23,100 per space in lieu of off-street parking, or 3) construct the required number of on-street parking space(s) and pay the one-time maintenance costs of \$7,000 per space. There are more nuances to the program that can be found in the approved ordinance through this ([LINK](#)). The purpose of the program is for developers or property owners to meet the parking needs of the community when on-site parking is financially and/or logistically unachievable. The designated area for the program can be found in the image to the right.

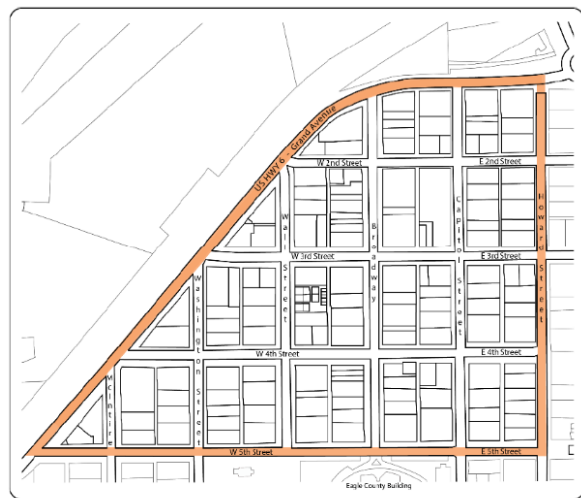


Figure 3: Parking Fee In-Lieu Program Boundary

Prior to the adoption of the Parking Fee In-Lieu Program, the Central Business Zone District (CBD) and Broadway District were exempt from providing additional parking when a new use moved into an existing building and generated the need for more off-street parking. Through the adoption of Ordinance No. 01, Series 2022, this exemption language was stricken as shown below.

Section 4.07.140.A.3. When the use of an existing building or space is changed to either:

a. A use in a different use category as set forth in subsection (C) hereof; or

b. A use in the same use category which requires more off-street parking than the existing use; off-street parking, loading areas and landscaping shall be provided as required for the new use, whether or not they were provided for the existing use.; ~~provided, however, the requirements contained in this subsection shall not apply in the Central Business Zone District (CBD) or Broadway District.~~

The purpose of removing this exemption to the CBD and Broadway District was to require property owners to provide sufficient parking for the use(s) within their building. With the new fee in-lieu option, the property owner or business could fund on-street parking when on-site parking was not feasible. Street improvements in the downtown area have not kept up with the need for parking generated from new development. As a result, parking complaints have arisen. The new fee in-lieu program was an attempt to address this issue.

While the code amendment went through a public process and the implications of the new program were discussed at length, staff believes there may be unintended consequences from the stricken language that may require further vetting before the Planning & Zoning Commission and Town Council.

ANALYSIS:

The new Parking Fee In-Lieu Program may impact new development differently than existing development. Existing buildings face unique site constraints, especially in the downtown area. Many existing buildings on Broadway have little to no opportunity to develop additional off-street parking if a new use triggers the need for additional parking. Unlike new development, owners of existing buildings are unable to utilize the efficiencies from an existing construction project for the purposes of developing parking in the right-of-way (ROW). New developments have already hired crews and assembled materials, potentially reducing the cost of constructing on-street parking to meet the Code parking requirements. Existing buildings requiring additional parking would likely be required to pay the fee in-lieu for the development of on-street parking spaces in the ROW.

To better understand the potential implications of the stricken language in the downtown area, staff has put together two scenarios.

Scenario (1) Outdoor Dining: If a restaurant were to occupy the new Broadway Station building and pursue outdoor dining on the sidewalk, the parking standards would trigger the need for additional parking. The Code requires one parking space per 200 square feet of outdoor space. At \$23,100 per space, the cost of providing parking may limit the business' ability to have outdoor dining.

Scenario (2) Change of Use: Roam Gourmet moved into 139 Broadway in 2021, prior to the removal of the exemption language. Had the restaurant moved in under existing parking regulations, the tenant would have had to provide approximately 11 parking spaces (see count below). There is no off-street parking available on the property and if the tenant or business chose the fee in-lieu option, the total cost of on-street parking would have been \$254,100.

Use	Requirement	Square footage	Parking Needed
Restaurant (floor area for outdoor dining)	1 per 200	500	2.5

Restaurant (floor area for public use)	1.5 per 100	275	4.125
Restaurant (floor area for kitchen) - food truck/bar	1.5 per 200	492	3.69
Total (rounded up):			11

Elevate Eagle Comprehensive Plan (2021 Amendment)

Staff reviewed the Code Amendment against the Elevate Eagle Comprehensive Plan (Comprehensive Plan). As noted below, policies from the Comprehensive Plan support both the removal and exclusion of the parking exemption language for the CBD and Downtown District. Relevant policies from the Comprehensive Plan include:

GOAL 1-2. EXPAND AND DIVERSIFY THE TOWN'S ECONOMIC OPPORTUNITIES.

- *Policy 1-2.4. Work to attract and retain businesses that support and enhance Eagle's tourism revenues, while also seeking to build upon entrepreneurship.*

Staff Comment: Many of the downtown businesses collect revenues from tourism. When attracting businesses to existing downtown buildings, the fee in-lieu for parking may deter small, start-up businesses on Broadway. It is unknown to staff whether it will be the property owner or the business that will incur the in-lieu fee. If the fee is paid for by the property owner, the costs for parking will likely trickle down to the business.

- *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.*
- *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: The three policies above speak to supporting existing businesses and encouraging a positive business environment in the Town's commercial areas. Providing sufficient parking to patrons is a benefit to the businesses and the parking fee in-lieu allows for the development of off-street parking to help meet the parking needs downtown. On the other hand, the fee in-lieu amount may be cost prohibitive for businesses to move into the downtown area. By removing the exemption language, the required parking counts may limit expansion and new uses in existing buildings.

GOAL 2-1. ENHANCE THE VIBRANCY AND VIABILITY OF DOWNTOWN.

- *Policy 2-1.2. Conduct a parking study after completion of Broadway Station and consider a parking in-lieu of fee and potential sites for a Central Business District overflow parking lot or structure.*

Staff Comment: As the Commission was aware, this policy was partially achieved by implementing the Parking Fee In-Lieu Program. The policy does not differentiate between new and existing development. The second portion of the policy, identifying potential sites in the CBD for a parking lot or structure, is a long-term goal for the enhancement of downtown.

- *Policy 2-1.7. New development is encouraged to include landscaping consistent with the mature area including extended sidewalks, pedestrian amenities, and parking enhancements.*

Staff Comment: This policy addresses the need for new development to provide parking enhancement.

GOAL 2-4. CONNECT EAGLE'S UNIQUE NEIGHBORHOODS PHYSICALLY AND VISUALLY THROUGH A WALKABLE AND TRAIL-ORIENTED ENVIRONMENT WITH HIGH-QUALITY WAYFINDING.

- *2-4.1. Enhance pedestrian access and amenities, and public gathering areas to promote social interaction.*
 - b. Mixed-use developments should provide adequate pedestrian amenities/facilities including off-street parking, sidewalks, landscaped areas/planters, gathering areas and nighttime lighting (that is appropriate to dark sky standards but provides adequate lighting for night recreation, safety, and entertainment).*

Staff Comment: Many existing structures in downtown Eagle are mixed-use developments. The policy speaks to the need for mixed-use developments to enhance pedestrian amenities, including off-street parking. The parking exemption language for the CBD and the Downtown District does not align with this policy.

The Town of Eagle is undergoing a comprehensive rewrite to Title 4 of the Code called ReCode Eagle. ReCode Eagle will include a substantial public engagement effort, taking code changes through the Town's stakeholder committee and then to the community at large. The Parking Fee In-Lieu Program was adopted outside the Title 4 update in response to an urgent, recognized need that the previous standards, when strictly enforced, prohibited/limited development and redevelopment in the program boundary area. While the Planning & Zoning Commission can review and provide a recommendation to the Town Council on the parking exemption language, staff is recommending adding the stricken language back into the Code and have the parking exemption be considered through ReCode Eagle's public process.

COMMUNITY INPUT:

No public comment has been received as of February 23, 2022. Letters received after this time will be gathered and entered into the public record at the hearing.

RECOMMENDED ACTION OR PROPOSED MOTION:

Staff recommends the Planning & Zoning Commission **APPROVE** the recommendation to reinstate the parking exemption language for the CBD and Broadway District and have the policy reexamined through the ReCode Eagle process.

ATTACHMENTS:

- Ordinance No. 01, Series 2022
- Zoning Map ([LINK](#))
- Elevate Eagle Comprehensive Plan ([LINK](#))

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 01
(Series of 2022)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
AMENDING TITLE 4 OF THE EAGLE MUNICIPAL CODE TO IMPLEMENT A
VOLUNTARY PARKING FEE IN-LIEU PROGRAM WITHIN A DEFINED AREA IN THE
TOWN

WHEREAS, the Town has determined that parking is a financial and logistical deterrent to development in the Town;

WHEREAS, the Town desires to allow developers or property owners within the Parking Fee In-Lieu Program Boundary to pay a fee instead of providing all or a portion of the parking spaces required by the Town's parking regulations;

WHEREAS, the Town has conducted a study to determine the cost of providing a parking space in the Town, and calculated an appropriate fee-in-lieu based on that study; and

WHEREAS, the Town Council finds that it is desirable and necessary, and in the best interest of the public health, safety and welfare, that a Parking Fee In-Lieu Program be implemented to encourage development in the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AS FOLLOWS:

Section 1. Section 4.07.140(A)(3) of the Eagle Municipal Code is hereby amended as follows:

Section 4.07.140. – Parking standards.

A. Applicability.

1. Except as provided herein, this Chapter shall apply to all uses established or commenced on or after the effective date of the ordinance from which this Title is derived. For uses existing on this date, parking spaces or areas existing on this date shall not be diminished in number or size to less than that required for such use under this Chapter.

2. When an existing use or building is expanded, as measured in floor area used, off-street parking, loading areas and landscaping shall be provided as required for the added floor area, whether or not they were provided for the existing use or building.

3. When the use of an existing building or space is changed to either:

a. A use in a different use category as set forth in subsection (C) hereof; or

b. A use in the same use category which requires more off-street parking than the existing use; off-street parking, loading areas and landscaping shall be provided as required for the new use, whether or not they were provided for the existing use.; ~~provided, however, the requirements contained in this subsection shall not apply in the Central Business Zone District (CBD) or Broadway District.~~

Section 2. Chapter 4.13 of the Eagle Municipal Code is hereby amended by the addition of a new Section 4.13.260, to read as follows:

Section 4.13.260. – Voluntary parking fee-in-lieu program.

A. **Applicability.** For properties located within the Town's Parking Fee-In-Lieu Program Boundary (the "Program Boundary"), defined by Grand Avenue to the north and west, Howard Street to the east, and 5th Street to the south (Figure 3), a property owner or applicant may voluntarily satisfy all or a portion of a property's parking requirements by providing a cash in-lieu payment to the Town; provided that the required parking for the disabled shall be constructed on the subject property.

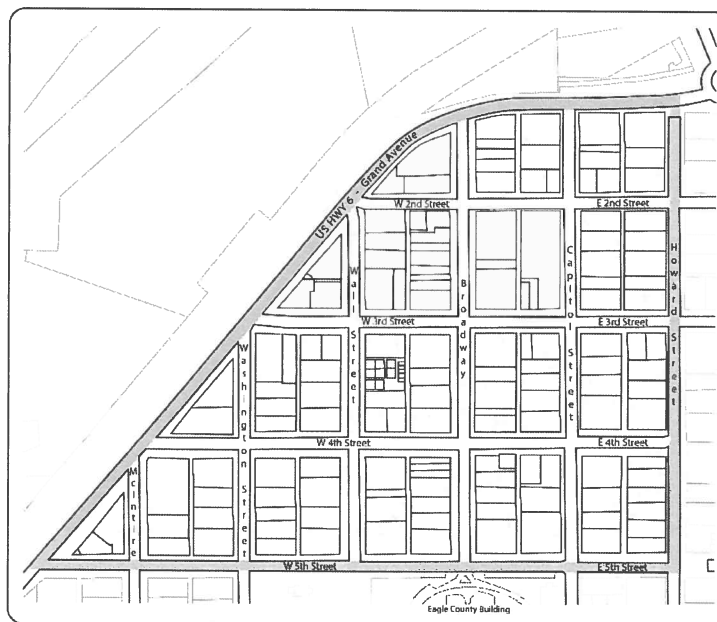


Figure 3: Parking Fee In-Lieu Program Boundary

B. **Amount.** The amount of the parking fee in-lieu shall be twenty-three thousand one hundred dollars (\$23,100) per space. The fee shall be automatically adjusted on January 1st of each year by the percentage that the construction cost

index has increased or decreased. The current amount for each year shall be shown in the fee schedule adopted by the Town Council by resolution.

C. **Payment.** The fee-in-lieu shall be due and payable with the application for a development permit, special use permit or building permit, whichever comes first.

D. **Partial Payment.** A property owner or applicant, at its expense, may construct public parking adjacent to its property, with all associated infrastructure and improvements required by the Town. If such parking is constructed, the fee-in-lieu shall be reduced to sixteen thousand one hundred dollars (\$16,100) per space, adjusted on January 1st of each year by the percentage that the construction cost index has increased or decreased. All such parking shall comply with the parking standards set forth in Section 4.07.140 and the standards for construction within the public right-of-way set forth in Chapter 13.18.

E. **Use of Funds.** All funds collected pursuant to this Section shall be used to conduct parking studies or evaluations, construct parking facilities, operate and maintain parking facilities, and administrative services related to parking, all within the Program Boundary.

Section 3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 4. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

Section 5. Effective Date. Pursuant to Section 6.03 of the Eagle Home Rule Charter, this Ordinance shall take effect 10 days after publication following adoption.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON JANUARY 11, 2022.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk



1/6/2022

Y:\EAGLE\PARKING IN LIEU OF FEES PROGRAM\CODE AMENDMENT\1 11 21 COUNCIL ADOPTION\ORDINANCE_PARKING FEE IN-LIEU-0123021_COUNCIL PACKETS.DOCX

Peyton Heitzman

From: dnudell@vail.net
Sent: Tuesday, March 1, 2022 12:09 PM
To: Peyton Heitzman
Subject: P&Z Meeting tonight and Town Board Meeting Next Week

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.

Hi Peyton,

For publication to public comment regarding the waiving of fees in lieu of parking requirement for the central business district:

I am very much in favor of waiving this requirement in the central business district. An example of the consequences of not waiving the fees:

There are recently signed leases at Broadway Station for both a restaurant and a juice bar. Both entities anticipate requesting outdoor seating which would be a great public amenity and ambiance creator for Broadway. The Broadway sidewalk beautification project was done, with large sidewalk islands, and there is ample space for such outdoor seating. However, if there is a fees in lieu of parking requirement for this outdoor seating, neither entity would be able to afford to pay it due to the rather large tenant improvement costs for these new spaces, as well as the associated costs and risks of brick and mortar startup businesses, especially because such outdoor seating would only be useable for 5 to 5.5 months per year.

The Broadway Station and the 410 Broadway building were both approved with fewer than the "required" amount of parking both because of the public benefit of such buildings, because the lot sizes of the buildings are not conducive to additional parking, and because the parking study hired by the town has shown that there is ample parking in the downtown area, even if patrons will sometimes have to park and walk a block or two to get to their destination, as is true in all thriving downtown areas such as those in Glenwood Springs, Carbondale, Breckenridge, Steamboat Springs, Telluride, and many others. These towns, like Eagle, have made the decision to leverage the public parking in their downtown areas for the public good of redevelopment of older buildings leading to a thriving downtown.

I strongly support this continued support of our historic downtown area by waiving the fees in lieu of parking requirement for the central business district.

Sincerely,

David Nudell
210 Mesa Drive and 217 Broadway
Eagle, CO 81631

970-390-0492



To: Planning & Zoning Commission

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

Date: March 1, 2022

Agenda Item: Code Amendment to Section 4.04.070. Indoor Recreation in Nonresidential Zone Districts (Continued from February 15, 2022)

REQUEST:

Staff is requesting that the Planning & Zoning Commission review and provide feedback on a previous amendment to the Town of Eagle Municipal Code (Code), specifically Section 4.04.070, Schedule of uses permitted in nonresidential zone districts, and Section 4.03.040, Definitions.

INTRODUCTION:

During the February 15, 2022, Planning & Zoning Commission meeting, staff presented a new use to the nonresidential zone district chart, 'Indoor Recreation (less than 2,500 square feet)', as well as an associated definition. During the meeting, a discrepancy was found in the Code, revealing that a similar code amendment was approved in 2016 through Ordinance No. 12, Series 2016. After looking through multiple meeting minutes and staff reports, staff found no evidence that the approval had been rescinded. Around 2016-2017, the Town of Eagle moved the Code from PDF to the MuniCode web-based platform. Staff believes the 2016 approval failed to carry over to the new platform. Ordinance No. 12, Series 2016, separated 'Indoor recreation or Theater' into four separate land uses and provided definitions for the land uses as outlined below.

Ordinance No. 12, Series 2016

ZONING DISTRICT	CBD	CL	CG	PA	I
USE					
Indoor Recreation Facility (≤ 6,500 square feet)	P	P	P	P	P
Indoor Recreation Facility (> 6,500 square feet)	S	P	P	P	P
Theater	P	P	P	P	P
Shooting Range	S	S	S	S	S

Definitions

Indoor Recreation Facility: A for profit establishment that provides opportunities for amusement and/or recreation where such activities are conducted within an enclosed structure; including but not limited to bowling alleys, skating rinks, health and fitness clubs, private gymnasiums, pool halls, and video game arcades. The term "indoor recreation" shall not include shooting ranges.

Shooting Range: A facility designed and used for the purpose of discharging firearms.

Theater: A facility designed and used for the viewing of movies and/or live performances of musicians or other performing artists.

ANALYSIS:

While the 2016 approval achieves many of the purposes set by the amendment proposed by staff on February 15, 2022, the 2016 approval provides for greater flexibility. The 2016 approval allows the 'Indoor Recreation Facility' and 'Theater' as a use by right in more nonresidential zone districts. The Commission expressed concern with allowing a Shooting Range as a use by right in the CBD. The 2016 approval accounts for the Shooting Range use and requires a Special Use Permit in all commercial zone districts.

The Planning & Zoning Commission may provide input and request changes to the 2016 approval; however, staff recommends maintaining the 2016 approval, recognizing the ReCode Eagle public process is underway and may result in changes to the use chart within the year.

COMMUNITY INPUT:

Staff has not received public comment as of February 23, 2022.

RECOMMENDED ACTION OR PROPOSED MOTION:

That the Planning & Zoning Commission recommend upholding the code amendments from Ordinance No. 12, Series 2016 and have the policy reexamined through the Recode Eagle process.

ATTACHMENTS:

- Ordinance No. 12, Series 2016
- Staff Report from February 15, 2022 ([LINK](#))

ORDINANCE NO. 12
(Series of 2016)

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO AMENDING SECTION 4.03.040 OF THE EAGLE MUNICIPAL CODE CONCERNING LAND USE AND DEVELOPMENT CODE DEFINITIONS BY ADDING DEFINITIONS FOR THE TERMS "INDOOR RECREATION FACILITY", "SHOOTING RANGE", AND "THEATER"; AND AMENDING SECTION 4.04.070 OF THE EAGLE MUNICIPAL CODE CONCERNING THE SCHEDULE OF USES PERMITTED IN NON-RESIDENTIAL ZONE DISTRICTS, BY ADDING THE ABOVE TERMS TO SUCH SCHEDULE.

WHEREAS, Section 4.05.040 of the Eagle Municipal Code provides that the Town Board may, after the recommendation of the Planning Commission, amend any regulation of any Zone District, which amendment may be initiated by the Town or by the owner of real property, and an amendment to a Zone District regulation may be made upon a finding that the amendment is consistent with the Town's goals, policies and plans; and

WHEREAS, the Town initiated an application to amend Title 4 of the Eagle Municipal Code, the Town's Land Use and Development Code, in the manner hereinafter set forth; and

WHEREAS, the Town of Eagle Planning and Zoning Commission held hearings on the proposed amendments on March 15, 2016 and April 19, 2016, and recommended approval of the proposed amendments with one minor text change; and

WHEREAS, the Board of Trustees of the Town of Eagle held public hearings on said proposed amendments on March 2, 2016 and April 26, 2016; and

WHEREAS, notice of the public hearings was provided in accordance with the requirements of Section 4.03.060 of the Eagle Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO:

Section 1. The Board of Trustees of the Town of Eagle finds and determines that the amendments to the Town's Land Use and Development Code as set forth below are consistent with the Town's goals, policies and plans.

Section 2. Section 4.03.040 of the Eagle Municipal Code, concerning definitions, is hereby amended to include the following terms in alphabetical order:

Indoor Recreation Facility: A for profit establishment that provides opportunities for amusement and/or recreation where such activities are conducted within an enclosed structure; including but not limited to bowling alleys, skating rinks, health and fitness clubs, private gymnasiums, pool halls, and video game arcades. The term "indoor recreation" shall not include shooting ranges.

Shooting Range: A facility designed and used for the purpose of discharging firearms.

Theater: A facility designed and used for the viewing of movies and/or live performances of musicians or other performing artists.

Section 3. That the Schedule of Uses Permitted in Non-Residential Zone Districts contained in Section 4.04.070 of the Eagle Municipal Code is hereby amended to include the following additional uses.

ZONING DISTRICT	CBD	CL	CG	PA	I
USE					
Indoor Recreation Facility ($\leq$ 6,500 square feet)	P	P	P	P	P
Indoor Recreation Facility ($>$ 6,500 square feet)	S	P	P	P	P
Theater	P	P	P	P	P
Shooting Range	S	S	S	S	S

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado held on April 26, 2016.

TOWN OF EAGLE, COLORADO

By:

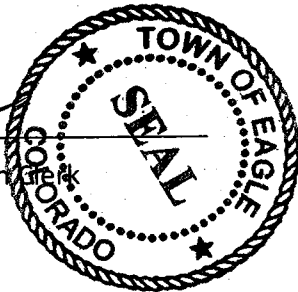


Anne McKibbin, Mayor

ATTEST:



Jenny Rakow, Town Clerk



Publication Date:

May 5, 2016

Trustee Jessen introduced, read and moved the adoption of the ordinance titled,

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO AMENDING SECTION 4.03.040 OF THE EAGLE MUNICIPAL CODE CONCERNING LAND USE AND DEVELOPMENT CODE DEFINITIONS BY ADDING DEFINITIONS FOR THE TERMS "INDOOR RECREATION FACILITY", "SHOOTING RANGE", AND "THEATER"; AND AMENDING SECTION 4.04.070 OF THE EAGLE MUNICIPAL CODE CONCERNING THE SCHEDULE OF USES PERMITTED IN NON-RESIDENTIAL ZONE DISTRICTS, BY ADDING THE ABOVE TERMS TO SUCH SCHEDULE.

and upon adoption that it be published pursuant to law and recorded in the Book of Ordinances.

Trustee Witt seconded the motion. On roll call, the following Trustees voted "Aye":

Solomon McKibbin

Jessen Witt

Kerst

Trustees voted "Nay":

None