



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

This agenda and the meetings can be viewed at www.Townofeagle.org.

PUBLIC WIFI - 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.

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| 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