



MEETING MINUTES
Planning & Zoning Commission
Tuesday, June 21, 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 – Eagle Guest

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

This was an in-person meeting with option for the public to attend via Teams.

6:00 PM - REGULAR MEETING CALLED TO ORDER

Meeting called to order at 6:00pm.

COMMISSIONERS PRESENT

Matt Hood, Jesse Gregg, Bill Nutkins,
Keith Klesner, Jennifer Filipowski,
Keegan Winkeller

COMMISSIONERS ABSENT

Kyle Hoiland, Charlie Perkins

STAFF

Chad Phillips – Community Development Director
Jessica Lake – Planner I
Tez Hawkins – Senior Planner
Nikki Davis - Administrative Tech II

APPROVAL OF MINUTES

1. Minutes dated June 7, 2022

The minutes were approved without change.

PUBLIC COMMENT

Public comment opened at 6:01pm. There was no public comment.

PUBLIC HEARINGS

1. Project: 435 Eby Creek Apartments Major Development Permit
File #: DR22-03
Applicant: Jeffrey P Manley AIA, Martin Manley Architects
Location: 435 Eby Creek Road
Staff Contact: Peyton Heitzman, Planner II
Request: Seeking approval for a Major Development Permit to construct a 30-dwelling unit apartment building on 2.804 acres.

Planning & Zoning Commission Site Visit

On Tuesday, June 21, 2022, members of the Planning & Zoning Commission (Commission) and staff conducted a site visit at 435 Eby Creek Road. Hood provided a summary of their visit and current condition of the site.

Staff Presentation

Phillips requested to continue the file to the July 5, 2022 Commission meeting.

MOTION: KLESNER MOTIONED TO CONTINUE FILE # DR22-03, THE DEVELOPMENT PERMIT FOR 435 EBY CREEK ROAD, TO THE JULY 5, 2022 PLANNING & ZONING COMMISSION MEETING. MOTION WAS SECONDED BY NUTKINS AND APPROVED UNANIMOUSLY.

Hood closed file # DR22-03.

2. Project: Haymeadow RMF 1 & 2 Lot Line Adjustment
File #: LLA22-02
Applicant: Abrika Properties, LLC
Location: 91 Mt. Hope Circle & 24 Snowy Peak Road (Tracts 38 & 55)
Staff Contact: Jessica Lake, Planner I
Request: A request for a lot line adjustment approval to re-plat the lot between RMF-1 and RMF-2.

Planning & Zoning Commission Site Visit

On Tuesday, June 21, 2022, members of the Commission and staff conducted a site visit at Haymeadow. Hood provided a summary of their visit and current condition of the site.

Staff Presentation

Lake presented both Haymeadow files. First, Lake noted a correction made to both staff reports regarding the size of future lot RMF-1A. She explained how the lot line adjustment would modify the acreage of both tracts RMF-1 and RMF-2 and include the vacation of Tract B. To make this adjustment, the application is required to meet the technical standards of the Town's Municipal Code (Code), the Haymeadow PUD Guide and Zoning Plan, and conform to the Comprehensive Plan (Comp Plan). Staff recommended approval with conditions.

Public Comment

There was no public comment.

Discussion

The Commission expressed unanimous support for approval.

MOTION: NUTKINS MOTIONED TO APPROVE FILE # LLA22-02, THE HAYMEADOW LOT LINE ADJUSTMENT OF RMF-1 AND RMF-2, BASED ON COMPLIANCE WITH SECTION 4.12.040 OF THE MUNICIPAL CODE AND WITH THE FOLLOWING CONDITION:

- 1. WITHIN 30 DAYS OF APPROVAL, THE FINAL PLAT SHALL BE REVISED TO REFLECT ANY ADDITIONAL TECHNICAL COMMENTS FROM THE PUBLIC HEARINGS, TOWN STAFF, OR REFERRAL AGENCIES.**

MOTION WA SECONDED BY GREGG AND APPROVED UNANIMOUSLY.

Hood closed file # LLA22-02.

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| 3. | Project: | Haymeadow RMF 1 & 2 Major Development Permit |
| | File #: | DR22-01 |
| | Applicant: | Abrika Properties, LLC |
| | Location: | 91 Mt. Hope Circle & 24 Snowy Peak Circle (Tracts 38 & 55) |
| | Staff Contact: | Jessica Lake, Planner I |
| | Request: | Seeking approval for a Major Development Permit to construct 76 multi-family dwelling units in 7 buildings on 5.03 acres in RMF-1 and 12 multi-family units in 3 buildings on 1.33 acres in RMF-2. |

Staff Presentation

By obtaining a Major Development Permit, the applicant will begin constructing 88 of the 218 multi-family units in Neighborhood A1. Community amenities such as a dog park, park space, playgrounds, and connectivity to the trail system will be primarily located in RMF-1. Nine units will be designated for the Local Employee Residence Program (LERP) with the possibility for more. Lake reviewed conditions of approval from the 2021 PUD amendment. One condition required designating 30 resident-occupied (RO) units above and beyond the LERP requirements. The other condition outlined the timing of construction of dwelling units after obtaining approval of RMF-1.

The Code provides three standards for a Major Development Permit. First, the application is required to meet either the PUD Guide or the Code Standards' technical, design, environmental, and LERP criteria. Next, the proposed development must comply with the Code's subdivision, improvements, and dedications standards. Lake stated the Development Agreement will address the subdivision requirements and improvement agreement fees. Last, the proposed development must comply the Town's goals and policies. While staff believes the application aligns with the Comp Plan, Lake identified several Comp Plan policies for the Commission to consider. Furthermore, Lake provided additional discussion topics focused on LERP, the Phasing Plan, critiquing the building design, and evaluating if the application aligns with and improves the Town's identity.

Staff recommended approval with 10 conditions to address items such as development permit expiration, LERP compliance, as well as with technical design and landscaping requirements.

Applicant Presentation

Members of the Haymeadow design team Rosa Foth, Michael Hood, Michael Noda, and Alex Fales were present. Noda and Fales attended via Teams.

Michael Hood emphasized the focus of this development plan would be on building design, architecture, and the landscape plan. Noda explained that they designed seven multi-family condominium units and three townhomes with very compact footprints. The buildings' design drew inspiration from homes and barns found around Eagle, tactfully imitating prevailing colors, materials, and form. Noda expanded on other structural details including the roof design and massing. He highlighted additional benefits of the small footprint design including ease of landscape integration, accessibility for parking, and improved walkability throughout the neighborhood. Fales gave an overview of the landscape plan. Within RMF-1, residents will have access to internal neighborhood parks and desirable proximity to the core park. A focus of the plan is to prioritize water resources and increase density of shade trees. The outskirts have denser landscaping around the buildings and integrates with surrounding native grass, a good fire defensible space.

Michael Hood provided a thorough project summary, illustrating the details of topics such as the project's LERP contributions and diversification of Eagle's housing stock; compliance with the phasing and timing requirements; maintaining and improving Eagle's character with a concentration on open and green spaces; and enhancing sense of place throughout Haymeadow. Michael Hood stated the development team agrees with staff's list of conditions, adding clarification that a few of the conditions were included as a response to referral agency comments.

Q & A

Gregg asked about the tandem parking design and its impact on safety and pedestrian visibility. Michael Hood replied that they've created 8 ft. sidewalks with a mountable curb and added lighting on the corners. The parking space behind the garage would be assigned to the owner. This design was a creative approach to meet the parking requirements while reducing impervious surface. Not every unit will have a garage; they are available on a first-come-first-served basis. The sidewalk systems also travel outside the building perimeter providing alternative routes that minimize pedestrian traffic behind the garages. Parking on the sidewalks will be prohibited by the HOA.

Hood asked how the trail connections work. Michael Hood explained there are access points both on the north and south side of the property, both of which go through the Town's public right-of-way (ROW). The north side connection is part of Filing 1.

Hood asked how renting the units would impact LERP. Michael Hood replied the unit would remain deeded as LERP and would be rented to a LERP applicant. Scott Schlosser, Haymeadow's real estate representative, added they are using The Valley Home Store's pricing regulations.

Gregg noted that the landscape plan does not include coniferous trees. Michael Hood confirmed that was intentional since they are a native species. Gregg added the staff report and conditions of approval ask for this.

Klesner asked about electric vehicle (EV) charging stations. Michael Hood stated they have designated six EV spaces; however, EV spaces do not contribute to their parking count. Instead, the garages will be retrofitted with the proper conduit giving property owners the framework to set up this service through Holy Cross Energy. Phillips asked rhetorically, is it a parking spot or a charging station? Hood request that this topic be assessed in the code update.

Nutkins asked if staff reviewed the building design against the Haymeadow design guidelines to which Lake replied, yes.

Gregg asked why the roofs were black. Michael Hood replied that is part of the architectural design.

Public Comment

There was no public comment.

Discussion

The Commission reviewed each of staff's discussion items.

Michael Hood confirmed that the trigger for build out is 12 months from Town Council's approval. Gregg suggested adding a condition requiring nine LERP units in Phase 1 specifically. Lake added that the Town will need to establish a tracking program, similar to The Valley Home Store's system. Winkeller countered, expressing he likes having LERP dispersed through the project as it increases diversity throughout the community.

The Commission agreed that the phasing plan aligns satisfies the timing of construction condition.

Nutkins expressed that while he likes the building design, it seems detached from the design of neighboring homes. Winkeller and Nutkins provided a range of technical critique regarding the roof form and elements. Gregg added that the black roof will stand out and recommended lighter colors to blend with the landscape.

Next, the Commission reviewed staff's recommended conditions of approval.

Nutkins asked if the Commission could add a condition which has staff re-review the design guidelines. Lake responded that the staff could create a condition that reflects the changes the Commission requested and present that to Town Council. The Town Code dictates that a development plan cannot be changed unless it is recommended by the Commission.

Hood questioned if the Commission could dictate whether the architectural design matches Eagle's character. Winkeller noted the Commission is only making a recommendation.

Gregg asked for clarification on landscape buffers on the norther section. Lake replied that the condition is meant to address street buffers throughout the development.

MOTION: FILIPOWSKI MOTIONED TO APPROVE FILE # DR22-01, THE HAYMEADOW MAJOR DEVELOPMENT PERMIT FOR RMF-1 AND RMF-2, BASED ON COMPLIANCE WITH CHAPTERS 4.06, 4.07, 4.12, 4.13 OF THE MUNICIPAL CODE, THE SECOND AMENDED PUD GUIDE FOR THE HAYMEADOW PUD, AND THAT THE APPLICATION IS SUPPORTED BY THE GOALS AND POLICIES OF THE 2021 ELEVATE EAGLE COMPREHENSIVE PLAN. THE FOLLOWING CONDITIONS OF APPROVAL APPLY:

- 1. THE DEVELOPMENT PERMIT SHALL BE INCORPORATED INTO THE BUILDING PERMIT AND ALL CONDITIONS SHALL APPLY TO THE BUILDING PERMIT. IF MORE THAN THREE YEARS ELAPSE (JULY 12, 2025) WITHOUT THE APPLICATION FOR A BUILDING PERMIT, A NEW DEVELOPMENT PERMIT SHALL BE REQUIRED, FOLLOWING THE PROCEDURES SET FORTH IN THIS CHAPTER.**
- 2. FINAL LERP COMPLIANCE, SUCH AS, WHICH UNITS WILL BE DESIGNATED AS LERP, THEIR ADDRESSES, AND THEIR PRICE POINTS MAY BE DEFERRED UNTIL CONDO/TOWNHOME PLAT APPLICATION SUBMITTAL.**
- 3. SECTION 3.A.4.E.3. OF THE PUD GUIDE SHALL BE UPDATED TO INCLUDE THE FOLLOWING LANGUAGE IN THE NEXT PUD GUIDE AMENDMENT: THE 50' SETBACK ALONG SYLVAN LAKE RD SHALL BE MEASURED FROM EITHER THE BACK OF ASPHALT OR EDGE OF CURB, WHICHEVER IS MORE RESTRICTIVE.**
- 4. THE 2ND AND 3RD SENTENCE OF SECTION 2.F. OF THE PUD GUIDE (BUILDING HEIGHT) SHALL BE UPDATED IN THE NEXT PUD GUIDE AMENDMENT TO READ AS FOLLOWS: MEASUREMENT SHALL BE FROM EXISTING OR FINISHED GRADE, WHICHEVER IS MORE RESTRICTIVE. FOR NEW SUBDIVISIONS AND/OR DEVELOPMENT PERMITS, EXISTING GRADE, SHALL BE DETERMINED BY THE APPROVED GRADING PLAN FOR THE SUBDIVISION OR DEVELOPMENT PERMIT.**
- 5. THE NEIGHBORHOOD ENTRANCE SIGN SHALL REQUIRE A SIGN PERMIT AND THE LOCATION OF THE SIGN SHALL NOT BE PLACED IN A CLEAR VISION AREA OR SITE TRIANGLE. ANY FUTURE SIGNS WILL NOT BE**

CONSIDERED A PUD OR DEVELOPMENT PERMIT AMENDMENT AND SHALL COMPLY WITH THE TOWN SIGN CODE.

6. ALL TRASH ENCLOSURES SHALL BE BEAR RESISTANT.

7. ALL PROPOSED ROCK GROUND COVER SHALL BE REPLACED WITH WOOD MULCH AT TIME OF BUILDING PERMIT APPLICATION, HOWEVER, SHOULD THE LAND USE CODE BE UPDATED PRIOR TO INSTALLATION OF GROUND COVER THE APPLICANT MAY SUBMIT A CHANGE REQUEST TO STAFF FOR ADMINISTRATIVE APPROVAL TO SWITCH TO ANOTHER GROUND COVER MATERIAL, IN COMPLIANCE WITH THE DEVELOPMENT CODE AT THE TIME OF SUBMITTAL.

8. ANY SPECIES INCLUDED ON THE LANDSCAPE PLAN THAT ARE NOT LISTED ON EITHER THE TOWN'S LIST OF PREFERRED SPECIES OR ON THE CSU EXTENSION OFFICES LIST OF FIREWISE PLANT MATERIALS WILL NEED TO BE REPLACED WITH SPECIES THAT ARE ON ONE OF THESE LISTS IN THE LANDSCAPE PLAN TO BE SUBMITTED AT TIME OF BUILDING PERMIT APPLICATION.

9. ADDITIONAL DECIDUOUS AND CONIFEROUS TREES SHALL BE ADDED TO BOTH STREET BUFFERS TO MEET THE 30 FOOT AND 20 FOOT ON CENTER MINIMUM SPACING REQUIREMENTS RESPECTIVELY AND ADDITIONAL SHRUBS AND PERENNIALS SHALL BE ADDED TO ACHIEVE MASSING IN THE LANDSCAPE PLAN TO BE SUBMITTED AT TIME OF BUILDING PERMIT APPLICATION.

10. AN UPDATED LIGHTING PLAN SHALL BE SUBMITTED FOR STAFF REVIEW AND APPROVAL PRIOR TO OR AT TIME OF BUILDING PERMIT APPLICATION. ALL FIXTURES INCLUDED IN THE DEVELOPMENT SHOULD BE "IDA DARK SKY COMPLIANT," IF AT ALL POSSIBLE, AND SHALL BE AT A TEMPERATURE OF 3000K OR LESS.

MOTION WAS SECONDED BY KLESNER AND PASSED WITH A VOTE OF 5 IN FAVOR (KLESNER, HOOD, GREGG, WINKELLER, FILIPOWSKI) AND ONE OPPOSED (NUTKINS).

Hood closed file # DR22-01.

4. Project: Stone Concepts Outdoor Storage Special Use Permit
File #: SU22-03
Applicant: Teague Carlson
Location: 1248 Chambers Avenue
Staff Contact: Tez Hawkins, Senior Planner
Request: A request for a Special Use Permit to conduct outdoor storage in the Commercial General (CG) zone district.

Staff Presentation

Hawkins presented this file. The outdoor storage facility was approved in April 2021 with a Temporary Use Permit. The storage facility does not encompass the entire property and is on the rear side of the main building. The Town's Code outlines four standards for granting a Special Use Permit: compliance with the Comp Plan; review of minimum use standards; ensuring the requested use is compatible with existing surrounding uses; and that the proposed special use can accommodate increased traffic, parking, or pedestrian use in addition to ensuring visual screening is maintained by the property owner.

Staff recommended approval with three conditions.

Q & A

Winkeller asked if the property is delinquent since the Temporary Use Permit expired in April 2022. Hawkins replied that the applicant was only required to submit an application ahead of the expiration date.

Hood asked why a Special Use Permit was not issued already. Hawkins explained that the applicant is pursuing a Minor Development Permit to put all their materials inside the building. The applicant added that 1210 Chambers Avenue will become an indoor slab housing facility, they are waiting to secure financing.

Public Comment

There was no public comment.

Discussion

The Commission expressed unanimous support for approval.

MOTION: NUTKINS MOTIONED TO APPROVED SPECIAL USE PERMIT FILE # SU22-03 BASED ON STANDARDS 1-4 OF SECTION 4.05.010 OF THE MUNICIPAL CODE AND WITH THE FOLLOWING CONDITIONS:

1. SCREENING SHALL BE AS SHOWN IN THE APPLICATION AND SHALL BE WEIGHTED SO AS NOT TO BECOME A HAZARD IN ADVERSE WEATHER CONDITIONS. THE APPLICANT SHALL BE RESPONSIBLE FOR SAFELY SECURING THE SCREENING. THE SCREENING SHALL BE AESTHETICALLY MAINTAINED AT THE LEVEL THAT IS SHOWN IN THE APPLICATION.
2. ANY LANDSCAPING OR GROUND COVER DISTURBED AS A RESULT OF THIS PERMIT SHALL BE RESTORED TO ITS PREVIOUS CONDITIONS IF THE OUTDOOR STORAGE FACILITY IS ABANDONED.
3. THE OUTDOOR STORAGE FACILITY'S APPROVAL SHALL NOT BE TRANSFERRED IF THE PROPERTY IS SOLD OR CHANGES USE.

MOTION WAS SECONDED BY GREGG AND APPROVED UNANIMOUSLY.

Hood closed file # SU22-03.

COMMUNITY DEVELOPMENT DEPARTMENT & TOWN COUNCIL UPDATE

Reminder for Commissioners to reapply for their seats.

OPEN DISCUSSION

No other discussion items.

ADJOURN

MOTION: GREGG MOTIONED TO ADJOURN. MOTION WAS SECONDED BY KLESNER AND PASSED UNANIMOUSLY.

MEETING ADJOURNED AT 8:00 PM.