



MEETING MINUTES
Planning & Zoning Commission
Tuesday, July 5, 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

Vice Chairman Gregg called the meeting to order at 6:08pm.

COMMISSIONERS PRESENT

Jesse Gregg, Bill Nutkins,
Keith Klesner, Charlie Perkins

COMMISSIONERS ABSENT

Kyle Hoiland, Matt Hood,
Jennifer Filipowski, Keegan Winkeller

STAFF

Chad Phillips – Community Development Director
Dennis Wike – Town Engineer
Peyton Heitzman – Planner II
Nikki Davis - Administrative Tech II

APPROVAL OF MINUTES

1. Minutes dated June 21, 2022

The minutes were approved without change.

PUBLIC COMMENT

Public comment opened at 6:08pm. There was no public comment.

Vice Chairman Gregg requested to amend the agenda by moving Resolution No. 58, Series 2022 from Public Hearings to Consent Agenda.

MOTION: PERKINS MOTIONED TO AMEND THE AGENDA AS REQUESTED. THE MOTION WAS SECONDED BY KLESNER AND APPROVED UNANIMOUSLY.

PRESENTATIONS

1. CU Outdoor Recreation Economy (ORE) District Strategy Presentation

Bill Nutkins arrived at 6:16pm.

William Shutkin and Brian Lewandowski from the Colorado University (CU) - Boulder consulting team presented the findings of this study and best practice models suitable for the Town.

Kevin Brubeck from the Economic Vitality Committee (EVC) provided additional comments. He asked the Commission to consider leveraging the findings of this study and creating the foundation for our community as we also rewrite the land use regulations.

Perkins asked for the group to consider harnessing music and incorporating that into this model. Shutkin replied that suggested creating an Arts District.

Klesner explored how to balance increasing workforce-attainable housing stock with the growth of remote workers who are often at a higher income bracket.

Phillips added the finding a willing landowner will be the next piece of the puzzle. The project will reactivate with the hire of a new Assistant Town Manager and Economic Development Specialist.

CONSENT AGENDA

1. Resolution No. 58, Series 2022 "A Resolution of the Planning and Zoning Commission of the Town of Eagle, Colorado Conditionally Approving the Minor Planned Unit Development Amendment for Certain Property Within the Town of Eagle Known as Reserve at Hockett Gulch"

MOTION: KLESNER MOTIONED TO APPROVE RESOLUTION NO. 58, SERIES 2022. MOTION WAS SECONDED BY NUTKINS AND APPROVED UNANIMOUSLY.

PUBLIC HEARINGS

1. Project: 435 Eby Creek Apartments Major Development Permit
File #: DR22-03
Applicant: Jeffrey P Manley AIA of Martin Manley Architects on behalf of Rick Patriacca
Location: 435 Eby Creek Road
Staff Contact: Peyton Heitzman, Planner II
Request: A Major Development Permit to construct a 30-unit apartment building on 2.804 acres. There are six design variances associated with this request.

Site Visit

Nutkins provided an overview of the site visit conducted on June 21, 2022 with the development team and staff.

Staff Presentation

Heitzman presented this file. The 30-unit apartment building will contain (6) one-bedroom units and (24) two-bedroom units; all available as rentals. Additionally, (3) of the units will be subject to the Town's deed restricted local employee residency program (LERP).

Staff reviewed the application against six chapters of the Town's Municipal Code (Code) to grant a Major Development Permit. While staff believes the application is in general conformance with the Code, there are certain topics subject to interpretation and require additional feedback from the Commission. The first topic is regarding the measurement of building height. The other topic requiring additional feedback is related to design standards of the North Interchange Area. It is unclear to staff when the subarea standards should be applied.

There are six design variances associated with this application related to landscaping, parking, location of access way and public strip, and slope on the project site. The Code provides two criteria for granting a design variance. Staff believes the application meets Standard #1 and satisfies various goals and policies from the Comprehensive Plan (Comp Plan).

Staff recommended approval with conditions.

Q & A

Nutkins asked to clarify that the North Interchange Area has different design standards. Heitzman replied there are stricter standards for that character area.

Perkins noted the site looks tricky for emergency vehicles to maneuver and asked if the building will be sprinkled. The applicant replied they have had numerous conversations with Randy Cohen from the Greater Eagle Fire Protection District related to access and safety features.

Klesner asked about meeting the Town's sustainability goals, suggesting the application provides little to no firm commitments. Heitzman replied that sustainability standards in Title 4 will be addressed through ReCode Eagle. She added that the applicant has made an effort to enhance green practices such as increasing solar use. Phillips added that compliance with Comp Plan policies is often subjective and not required.

Applicant Presentation

Ryan Smith from the development team spoke first. He stated they are working with predominantly local contractors and design professionals in an effort to execute this as a local project. The goal is to begin construction in late summer 2022 and complete the project by the end of 2023. Smith noted that they are future-proofing the building without financially committing to costly design features such as solar or electric vehicle charging stations (EVCs). The development group is exploring grant options but have not secured those resources at this time.

Jeffrey Manley presented next. He narrated a 3D video rendering of the development project, explaining the design elements and reviewing the topographical challenges of the lot. The building is pushed up against the hillside based on the natural topography. Manley's presentation also included various architectural renderings and site plans. Next, Manley expanded on the development team's interpretation of building height and further reviewing the design variances.

Q & A

Perkins asked about snow storage. Manley pointed out specific reserved sites around the perimeter adding that the landscape plan specific trees that can handle more snow loads.

Nutkins expressed that he understands Manley's interpretation of measuring building height but noted this is not the most restrictive method.

Gregg asked if there are any common rooms or outdoor storage space. Manley replied they are providing 5'x11'x10' storage closets to ensure tenants are not bringing everything inside.

Nutkins asked how much of the project is deed restricted. Manley explained the idea is this a for-rent development. Smith added they are discussing these terms with staff. The Town's Code is not set up to provide clear guidance on that topic at this time which contributes to the ambiguity. The development team is trying to be financially cognizant, noting they can commit to prohibiting short-term rentals (STRs). This would affect occupancy and the pro forma was not created to include STRs.

Gregg asked why coniferous trees are not used in the landscape plan. Manley replied there is already a concentration of coniferous trees behind the building adding they are also prone to high fire danger. Gregg highlighted significant grading on the front buffer but noted there was no landscaping. Manley said they are seeding it with low growth/low water use plants. The developers do not intend to plant outside of the property. Last, Gregg asked if a wall can be added to support the 1x1 slope on the south side. The development stated they are looking into it and are trying to match grading on the southwest corner of the lot.

Perkins asked if there is signage. Manley confirmed it will be at the front entrance.

Public Comment

There was no public comment.

Nutkins noted there was one email comment from June 30, 2022, regarding LERP concerns.

Discussion

Sidewalk connection: Wike expressed that the Town wants to see the sidewalk completed and connect to an amenity or specific destination. The final design of the south road is still under discussion. Wike also noted that cost-sharing this project will be decided by Town Council. Gregg echoed the need for more outdoor recreation amenities. Manley acknowledged their efforts to establish a sidewalk instead of a dirt path from the southeast portion of the parking lot. Gregg suggested utilizing the area behind the building if the retaining wall is modified. Smith replied that Colorado Parks and Wildlife (CPW) advised against creating access to this area.

Subject to North Interchange Area design standards: The Commission unanimously agreed the design standards should apply more to commercial development.

Plant variety: The Commission said yes; the current landscape plan requires more buffering. Wike stated the Town is not looking to take on additional duties at this time, therefore if there is plating in the right-of-way (ROW), the applicant will need an encroachment agreement and will also be responsible for maintenance.

Additional landscaping added to the rear of the building: The Commission said no.

What considerations should be given to the (3) LERP units: The Commission agreed with staff's proposed condition. Nutkins suggested drafting a proposal with alternative ideas to try and satisfy LERP requirements. The development agreement will provide the final guidelines.

How to measure building height: The Commissioners expressed mixed opinions on the interpretation.

Klesner expressed concerned about the sidewalk, landscaping, and seeing firmer commitments to sustainable initiatives.

Perkins suggested making LERP a condition and approving the building height variance. The community needs this housing, it is in a good location near downtown, and buildable sites are decreasing in Eagle.

Nutkins expressed support for the project noting all things are approvable by variance or conditioned approval.

Gregg added there should be some outdoor space for the residents. The front landscape buffer variance is fine insisted on more planting. Manley replied they can add more evergreen trees and establish an encroachment agreement with the Town. The development team will continue to collaborate with Public Works on sidewalk connectivity. Last, the team will continue to explore viable solar solutions.

Following the Commission's discussion, staff modified Condition #14 and Condition #19. Staff also added Condition #20, Condition #21, and Condition #22. Staff conditions of approval are now as follows:

1. A LERP Plan shall be provided with the Development Agreement to be approved by Town Council. No TCO will be provided until the LERP units have been established.
2. The monument sign be approved through the Town sign permit process, subject to the standards in Chapter 4.08.
3. A drainage plan including all the required information from Section 4.13.050 shall be provided and approved by the Town Engineer prior to issuance of building permit.
4. All new utility service connections to the building shall be placed underground in compliance with Section 4.13.160.
5. Gravel shall be installed at the entrances to the public right-of-way to prevent tracking mud during construction or until asphalt has been installed.
6. A geotechnical engineer shall validate the 2007 Soils Study prior to the application of a building permit.
7. Prior to issuance of building permit, the geologic and geotechnical study shall be expanded to discuss all of the mapped geologic hazards potentially impacting the site as identified in the online Geological Hazard Maps. Recommendations shall be incorporated into the project plans.
8. The Applicant shall provide engineering estimates on sediment load for site drainage prior to issuance of building permit. Recommendations shall be incorporated into the project plans.
9. CPW shall provide final approval of the dumpster enclosure.
10. Additional trees with full foliage shall be added south of the dumpster enclosure to further discourage residents from walking behind the building.
11. Education materials shall be prepared and shown to staff prior to issuance of TCO. Staff will only verify that the items in CPW's referral letter have been addressed.
12. Prior to issuance of TCO, the Applicant shall provide a dog enclosure if there is a suitable location on site.
13. If the Building Code or other applicable criteria requires more ADA accessible parking than Title 4, the greater number of spaces shall apply.
14. The Applicant shall be responsible for the crosswalk, flashing crossing signage, and any other safety signage, to the sidewalk east of Eby Creek Road identified in the plans. Timing, payment, and manner of completion shall be addressed in the Development Agreement. Full connection to an existing Town sidewalk shall be achieved prior to issuance of TCO.

15. On-site stormwater treatment to replace the required on-site detention will be supplied and approved by the Town Engineer prior to issuance of building permit.
16. The Stormwater Management Plan Narrative shall be required with the building permit application.
17. Final utility details shall be approved by the Town Engineer prior to issuance of building permit.
18. It shall be the responsibility of the Applicant to provide a set of consistent plans with the Municipal codes and Town of Eagle specifications at time of building permit application.
19. Applicant shall work with the Town Engineer to minimize slopes greater than 2:1 and provide all necessary slope protections.
20. The Applicant shall either obtain a zoning variance for the building height or amend the building design to conform with the building height measurement in Section 4.07.040.B.2.
21. The Applicant shall include at least one EV charging station and infrastructure for future EV charging stations for covered parking spaces.
22. The Applicant shall include additional landscaping including six 8' coniferous trees to the front landscape buffer. Landscaping within the Town ROW shall receive an encroachment permit through the Town's process and be maintained by the property owner.

MOTION: KLESNER MOTIONED TO APPROVE FILE # DR22-03, 435 EBY CREEK APARTMENTS MAJOR DEVELOPMENT PERMIT, WITH THE 22 CONDITIONS AND SIX DESIGN VARIANCES. MOTION WAS SECONDED BY NUTKINS AND APPROVED UNANIMOUSLY.

Gregg closed file # DR22-03.

Meeting temporarily adjourned at 9:09pm. Meeting resumed at 9:11pm

2. Project: Code Amendment to Section 4.12.040. – Lot Line Adjustment
File #: LURA22-06
Applicant: Town of Eagle
Location: Town of Eagle
Staff Contact: Peyton Heitzman, Planner II
Request: To amend Section 4.12.040. - Lot line adjustments and make the review and approval process administrative.

Staff Presentation

Heitzman presented this file. Based on feedback from various applicants, staff is requesting to make this application process administrative with no public hearing process. A final plat will still be required for recording. If the requested lot line adjustment falls within the original Town plat with the historic 25' x 50' lots, no platting will be required. Staff recommended six conditions for approving future lot line adjustments. In the case of lots within the original Town plat, staff recommended four conditions for future approvals.

Q & A

Gregg asked the square footage of three lots (related to cases of lots within the original Town plat). Heitzman confirmed 125 sq ft.

Wike highlighted the policy of abandoning duplicate utilities.

Gregg asked if there are other conditions that require the Commission's review of lot line adjustments. Phillips replied that the new zoning code will include bump-up and call-up provisions.

Public Comment

There was no public comment.

Discussion

No further discussion.

MOTION/SECOND: NUTKINS MOTIONED TO APPROVE THE RECOMMENDATION TO AMEND THE REVIEW AND APPROVAL PROCESS FOR SECTION 4.12.040. LOT LINE ADJUSTMENTS IN ACCORDANCE WITH ORDINANCE NO. 13, SERIES 2022. MOTION WAS SECONDED BY PERKINS AND APPROVED UNANIMOUSLY.

Gregg closed file # LURA22-06.

OPEN DISCUSSION

Nutkins commented that he had a water main break from a Comcast boring project.

ADJOURN

MOTION: PERKINS MOTIONED TO ADJOURN. MOTION WAS SECONDED BY KLESNER AND APPROVED UNANIMOUSLY.

MEETING ADJOURNED AT 9:19PM.