



**Planning & Zoning Commission
Tuesday, September 6, 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

1. This will be an in-person meeting with access via Microsoft Teams. First-time users of Teams will need to download the app.

Microsoft Teams meeting

Join on your computer or mobile app: [Click here to join the meeting](#)

Or call in (audio only): [+1 469-770-0416](tel:+14697700416), [122048615](tel:+122048615) United States, Dallas

Phone Conference ID: 122 048 615#

Please Note: All participants must remain muted until they are requested to speak. This will reduce background noise disruptions for all meeting attendees. When it is your turn to speak, you will have three (3) minutes for public comment. For technical difficulties, please email Nikki.Davis@townofeagle.org and we will do our best to assist you.

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.

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 August 16, 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: Code Amendment to Section 4.12.040 - Lot Line Adjustment
File # LURA22-06
Applicant: Town of Eagle
Location: Town of Eagle

Staff Contact: Chad Phillips, Community Development Director/Town Planner

Request: For the Planning & Zoning Commission's review and recommendation on amending Section 4.12.040 of the Land Use and Development Code.

2. Project: Code Amendment to Section 4.13.240 - Assurance for Completion of Public Improvements

File # LURA22-07

Applicant: Town of Eagle

Location: Town of Eagle

Staff Contact: Chad Phillips, Community Development Director/Town Planner

Request: For the Planning & Zoning Commission's review and recommendation on amending Section 4.13.240 of the Land Use and Development Code.

OPEN DISCUSSION

1. Town of Eagle is accepting nominations for the 2022 Community Impact Award. Additional information along with the nomination form is available on the Town's website here: ([LINK](#)).
2. The American Planning Association, Colorado Chapter annual conference is taking place September 28-30, 2022. Preview the detailed event schedule here: ([LINK](#)).

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.



Nikki Davis
Administrative Technician II



MEETING MINUTES
Planning & Zoning Commission
Tuesday, August 16, 2022, 6:00 PM
Public Meeting Room / Eagle Town Hall
200 Broadway, Eagle, CO 81631

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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

Hood called the meeting to order at 6:00PM.

1. Reappointed Member Oath, Matthew Hood
2. New Member Oath, Jamie Woodworth Foral

COMMISSIONERS PRESENT

Kyle Hoiland, Bill Nutkins, Charlie Perkins,
Matt Hood, Keegan Winkeller,
Jennifer Filipowski, Jamie Woodworth Foral

COMMISSIONERS ABSENT

Keith Klesner

STAFF

Chad Phillips – Community Development Director
Dennis Wike – Town Engineer
Jessica Lake – Planner I
Nikki Davis - Administrative Tech II

APPROVAL OF MINUTES

1. Minutes dated August 2, 2022

The minutes were approved without change.

PUBLIC COMMENT

Hood opened public comment. There was no public comment.

PUBLIC HEARINGS

1. Project: Minor Subdivision of Haymeadow Lots 9-13 and Tract F
File #: MS22-02
Applicant: Brandon Cohen, ABRIKA Properties LLC
Location: 1833 Sylvan Lake Rd (Lot 13), 1845 Sylvan Lake Rd (Lot 12), 1869 Sylvan Lake Rd (Lot 11), Tract F, 1871 Sylvan Lake Rd (Lot 10), and 1883 Sylvan Lake Rd (Lot 9)
Staff Contact: Jessica Lake, Planner I
Request: An application for a Minor Subdivision to replat Lots 9-13 and Tract F in Filing 1 of the Haymeadow PUD.

Hood opened file # MS22-02.

Staff Presentation

Lake presented this file. The Municipal Code has one standard for approving a minor subdivision: that the final subdivision plat conforms to the Town's regulations, policies, and goals. Staff's review confirmed the application meets the technical criteria and conforms with the Haymeadow PUD guide and zoning plat.

Staff recommended approval with conditions.

Q & A

Nutkins asked what Tract F's original purpose was. Lake replied it was intended for parking and open space. The replatting does not affect the development plan measurements.

Public Comment

There was no public comment.

Deliberation

The Commission unanimously agreed to recommend approval.

MOTION: HOILAND MOTIONED TO RECOMMEND APPROVAL OF FILE #MS22-02 THE HAYMEADOW MINOR SUBDIVISION OF LOTS 9-13 AND TRACT F WITH THE FOLLOWING CONDITIONS:

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

MOTION WAS SECONDED AND PASSED UNANIMOUSLY.

MOTION PASSES.

Hood closed file # MS22-02.

COMMUNITY DEVELOPMENT DEPARTMENT AND TOWN COUNCIL UPDATE

The job posting for either a Planner 1, 2, or 3 is now live. The Code Enforcement Specialist position remains open, and staff has received one application. Building Inspector is the third open position in the queue.

The Reserve at Hockett Gulch major development permit application will be presented again at during the August 23rd Town Council meeting.

Currently, the September public hearing schedule is light for the Planning & Zoning Commission.

Hoiland provided some highlights from the Land Use and Development Code update committee, specifically around the housing data presentation.

Wike added that striping on Grand Avenue will be redone. There are also scattered re-paving projects around town which will be completed soon, weather dependent.

OPEN DISCUSSION

No other discussion items.

ADJOURN

MOTION: NUTKINS MOTIONED TO ADJOUR. MOTION WAS SECONDED AND APPROVED UNANIMOUSLY.

MEETING ADJOURNED AT 6:00PM.



To: Planning & Zoning Commission

From: Community Development Department

Date: September 6, 2022

Agenda Item: Section 4.12.040 – Lot line adjustments.

REQUEST:

Staff is requesting the Planning & Zoning Commission's review and recommendation on amending Section 4.12.040. of the Land Use and Development Code (Code).

INTRODUCTION:

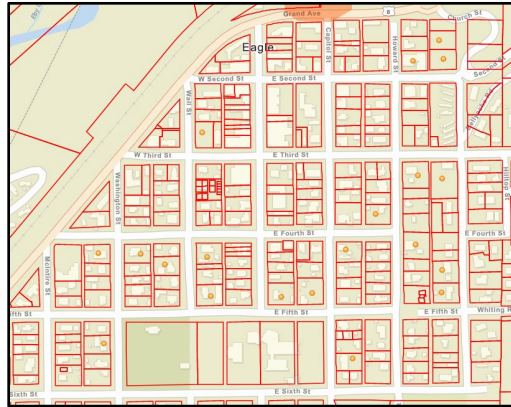
This section of the Code was amended in July of this year through Ordinance 13, Series 2022 to allow for a more efficient review process for lot line adjustments, including the vacation of interior lot lines. The amendment allowed for historic lots within the original Town plat to be exempt from platting in the case of a vacation of interior lot lines, however, this exemption was limited to properties with up to three adjacent lots. Staff is proposing to expand this exemption to properties with up to four adjacent lots.

ANALYSIS:

Staff is proposing the following redline changes to Section 4.12.040.E.

- E. Lots within the original Town plat. A lot line adjustment shall not be required if all of the following conditions exist:*
- 1. The applicant owns ~~three (3)~~ four (4) adjacent lots that could not be built on individually in compliance with this Title*
 - 2. All lots were platted in 1905 as part of the original plat of the Town;*
 - 3. The lots are zoned residential and the proposed improvements will comply with all applicable requirements of this Title if the ~~three (3)~~ four (4) lots are treated as one (1) lot; and*
 - 4. The applicant executes an agreement, in a form approved by the Town and to be recorded against both lots, waiving any rights to sell any of the lots separately.*

Upon further analysis of existing lots within the original Town plat, there are several lots excluded from the new platting exemption. A few (not all) of these lots have been identified in the image below. Staff believes the increase from three to four lots for platting exemption will be insubstantial in terms of the use of the land. The benefits include an more streamline review and approval process for these residents.



Properties with >3 lots have an orange dot in image.

COMMUNITY INPUT:

None.

ELEVATE EAGLE COMPREHENSIVE PLAN (2021) AMENDMENT:

Staff reviewed the code amendment against the 2021 Amended Elevate Eagle Comprehensive Plan (Comprehensive Plan). Relevant policies from the Comprehensive Plan include:

- *Policy 2-1.10. Encourage, where appropriate, increased density near the Downtown core.*

Staff Comment: This amendment will create a more efficient process for development in old town Eagle.

RECOMMENDED ACTION OR PROPOSED MOTION:

Staff recommends the Planning & Zoning Commission APPROVE the recommendation to amend the review and approval process Section 4.12.040 – Lot line adjustments.

ATTACHMENTS:

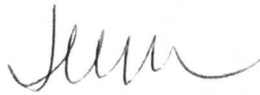
- Ordinance No. 13, Series 2022

PROOF OF PUBLICATION

STATE OF COLORADO)
)
COUNTY OF EAGLE)

I, Jenny Rakow, Town Clerk for the Town of Eagle, do solemnly swear and affirm that I published in full a true and correct copy of ORDINANCE NO. 13 (Series of 2022) "AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO REPEALING AND REENACTING SECTION 4.12.040 OF THE EAGLE MUNICIPAL CODE, REGARDING LOT LINE ADJUSTMENTS" on the Town of Eagle's web site, www.townofeagle.org, on the 13th day of July 2022.

Witness my hand and seal this 13th day of July 2022.



Jenny Rakow
Town Clerk



Ordinance Effective Date:
July 24, 2022

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 13
(Series of 2022)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
REPEALING AND REENACTING SECTION 4.12.040 OF THE EAGLE MUNICIPAL CODE,
REGARDING LOT LINE ADJUSTMENTS

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

Section 1. Section 4.12.040 of the Eagle Municipal Code is hereby repealed in its
entirety and reenacted as follows:

Section 4.12.040 – Lot line adjustments.

A. *Purpose.* This purpose of this Section is to allow for the administrative
approval of lot line adjustments, including vacation of interior lot lines.

B. *Submittal requirements.* The applicant shall submit an application
complying with the final subdivision plat requirements of Section 4.12.020(C), and
a final plat showing all proposed adjustments to the lot lines.

C. *Staff review and decision.* The Town Planner shall administratively
approve a lot line adjustment when all of the following conditions are met:

1. All of the required public improvements have been installed and
approved;
2. All parcels created meet the minimum standards required by the
this Code and other applicable regulations;
3. The lot line adjustment does not adversely affect the character of
the neighborhood or create other adverse impacts;
4. The lot line adjustment does not result in density that exceeds the
allowed density of the original subdivision;
5. A final plat is prepared for filing showing all changes; and
6. In the case of a lot line vacation, the applicant owns both parcels.

D. *Recording required.* Following administrative approval, the applicant shall
record the approved plat with Eagle County at the applicant's expense.

E. *Lots within the original Town plat.* A lot line adjustment shall not be required if all of the following conditions exist:

1. The applicant owns three (3) adjacent lots that could not be built on individually in compliance with this Title
2. All lots were platted in 1905 as part of the original plat of the Town;
3. The lots are zoned residential and the proposed improvements will comply with all applicable requirements of this Title if the three (3) lots are treated as one (1) lot; and
4. The applicant executes an agreement, in a form approved by the Town and to be recorded against both lots, waiving any rights to sell any of the lots separately.

Section 2. 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 3. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON JULY 12, 2022.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk





To: Planning & Zoning Commission

From: Community Development Department

Date: September 6, 2022

Agenda Item: Code Amendment to Section 4.13.240 – Assurance for completion of public improvements.

REQUEST:

Staff is requesting the Planning & Zoning Commission's review and recommendation on amending Section 4.13.240 of the Land Use and Development Code (Code).

INTRODUCTION:

When public improvements (water/sewer mains, sidewalks, street signage, etc.) are required in a subdivision or development, this section of the Code provides the Town with the tools to ensure that the public improvements are completed to the satisfaction of the Town's standards.

ANALYSIS:

Staff is proposing to repeal and replace Section 4.13.240.F and G. The amendment will simplify how the Town collects performance guarantees for these improvements as well as add flexibility to the timing for completing public improvements. The existing language fails to recognize the unique needs of individual projects. By removing Section 4.13.240.G. in its entirety, Town Council will be able to approve the timing for completing public improvements through the development agreement or subdivision improvement agreement. Currently, the Code restricts the release of building permit until all public improvements have been completed. Under the new language detail of release of building permit and certificate of occupancy will be negotiated under the necessary agreement.

The existing language is copied below followed by the proposed language.

Existing – Section 4.13.240. ([LINK](#))

F. Performance guarantee.

1. In order to secure the construction and installation of the public improvements above-described and shown on the developer's concept plan, preliminary plan, utility, drainage, landscaping, park improvements, street improvements plans and other documents submitted to the Town, for which the developer is responsible, the developer shall furnish the Town with:
 - a. A certificate or other evidence, in good and sufficient form, approved by the Town Attorney of a performance bond or an irrevocable letter of credit to secure the performance and completion of the public and private improvements in an amount equal to 110 percent of the estimated costs of said facilities; or

- b. Such other collateral as may be satisfactory to the Town Attorney. Such performance guarantee shall be provided within 30 days following the effective date of the ordinance approving the subdivision, unless otherwise determined by the Town Council.
2. The estimated cost of such improvements shall be a figure mutually agreed upon by the developer's engineer and the Town's Engineer. The purpose of such cost estimate is solely to determine the amount of security and may be revised from time to time to reflect the actual cost. No representation shall be made as to the accuracy of these estimates, and the developer agrees to pay the actual cost of all such public or private improvements.
3. Upon the developer's failure to perform its obligations hereunder, and as provided by any subdivision improvements agreement, and in accordance with all plans, drawings, specifications and other documents submitted to the Town as approved, within the applicable time periods, the Town may give written notice to the developer and the surety on a performance bond or the issuer of an irrevocable letter of credit, that the Town, as agent for the developer, is proceeding with the task of installing the public or private improvements in the development in whole or in part. Upon this assumption by the Town, the surety or issuer of the irrevocable letter of credit shall be authorized to disburse funds, upon written request from the Town, showing the proposed payee and the amount to be paid. Copies of any such request shall be sent to the developer's last known address. The developer shall be given an opportunity to appear before the Town Council concerning any such assumption by the Town, within 30 days of the giving of such notice by the Town.
4. The developer shall in writing designate and irrevocably appoint the Mayor of the Town as its Attorney-in-fact and agent for the purpose of completing all public or private improvements required by this Title or any applicable subdivision improvements agreement in the event of a default by the developer. If any legal proceedings are commenced by the developer concerning the Town's assumption of the task of installing the public or private improvements, and if the developer does not prevail in said legal proceedings, the surety or issuer of the letter of credit as well as the Town shall be entitled to recover the reasonable Attorney's fees incurred therein from the developer.

G. Building permits for construction of a building.

1. Issuance of a building permit. The following improvements, as required in this chapter, shall be installed and shall be approved by the Town Engineer prior to the issuance of a building permit for the construction of any building in the development:
 - a. Permanent property corner monuments.
 - b. Wastewater mains and service laterals to each lot and all necessary wastewater infrastructures to provide service to the subdivision (i.e., lift station).
 - c. Water mains and service lines to each lot and all necessary water infrastructures to provide service to the subdivision.
 - d. Fire hydrants.
 - e. Storm drainage structures and conveyances, including associated erosion control devices as needed to prevent siltation of new or existing storm drainage facilities.
 - f. Street paving with curb and gutter as required.
 - g. Soil stabilizing structures.
 - h. Final utilities, including telephone, cable television, electrical service and gas lines or as required by the subdivision improvements agreement or development permit.

2. Issuance of a certificate of occupancy. The following improvements, as required in this chapter, shall be installed and shall be approved by the Town Engineer prior to the issuance of a certificate of occupancy:
 - a. Sidewalks, bikeways and trails.
 - b. Street lighting.
 - c. Permanent soil stabilization and revegetation measures.
 - d. Land dedication conveyances.
 - e. Landscaping of common open spaces, park and recreation areas, whether dedicated to the Town or to a homeowners' association.
 - f. Non-potable irrigation system, if applicable.
 - g. All other required public or private improvements pursuant to the applicable subdivision improvements agreement or development permit and this Title.
 - h. All other documents as required by the Town Planner.
3. Variance or hardship. In cases where strict application of the requirements of Subsection (G)(2) of this section would place undue hardship on the applicant for a certificate of occupancy, he may provide security subject to approval by the Town Attorney and by the Town Manager to cover the cost of completion of the required improvements and the maintenance of any incomplete street sections which might be involved. This security shall be to assure the Town that the improvements are installed in the event that the applicant fails to install them as agreed. As improvements are completed, the applicant may apply to the Town Manager for release of all or part of the security, which release shall also be subject to approval by the Town Engineer and the Town Attorney.

Proposed

F. Performance guarantee.

1. To ensure the installation of required public improvements, the subdivision improvement agreement or development agreement shall require the developer to guarantee the completion of all such improvements by one or more of the methods specified in this section. The means of a guarantee may be changed during the guarantee period through a written modification of the agreement only. The amount of the guarantee shall be determined on the basis of the developer's engineer's cost estimate, as accepted by the Town. The guarantee shall remain in effect until final acceptance of improvements.
2. The engineer's cost estimate shall state the estimated cost of completion for each required public improvement, and must be approved by the Town. The guarantee of completion of public improvements shall include a ten (10) percent overrun allowance.
3. The following are options for the performance guarantee:
 - a. Deposit in escrow. The developer may elect to deposit a cash sum equal to the guarantee as required herein. In the case of an escrow account, the developer shall file with the Town an escrow agreement in a form approved by the Town Attorney.
 - b. Letter of credit. The developer may elect to provide from a bank or other responsible financial institution authorized to do business in the state an irrevocable letter of credit in a form approved by the Town Attorney.
 - c. Bond. For landscaping improvements only, the Town may, in its sole discretion, accept a bond, in a form approved by the Town Attorney.

4. If the developer fails to complete any specified improvements within the required time period, the Town may immediately and without further action draw upon the escrow or letter of credit as necessary to finance the completion or partial completion of those improvements.

COMMUNITY INPUT:

None.

ELEVATE EAGLE COMPREHENSIVE PLAN (2021) AMENDMENT:

Staff reviewed the code amendment against the 2021 Amended Elevate Eagle Comprehensive Plan (Comprehensive Plan). Relevant policies from the Comprehensive Plan include:

- 5-4.1. Maintain public services and infrastructure per community expectations and Town standards.

Staff Comment: The current language in Section 4.12.240. is rigid and does not accommodate the needs of individual projects. The amendment to Section 4.12.240 will provide the Town flexibility to require infrastructure at a time agreed upon by the Town Council through an agreement. This amendment will still require that Town standards be upheld while also meeting the needs of individual projects.

RECOMMENDED ACTION OR PROPOSED MOTION:

Staff recommends the Planning & Zoning Commission APPROVE the recommendation to amend the review and approval process for Section 4.13.240 – Assurance of public improvements.

ATTACHMENTS:

- None.