



**Planning and Zoning Commission
Meeting Minutes
May 21, 2019**

PRESENT

Jason Cowles, Chair
Charlie Perkins
Jesse Gregg
Kyle Hoiland
Matthew Hood
Bill Nutkins

STAFF

Carrie McCool-Interim Town Planner
Bill Shrum- Assistant to the Town Manager
Dawn Koenig- Admin Technician

ABSENT

Stephen Richards
Brent McFall

This meeting was recorded. The following is a condensed version of the proceedings written by Dawn Koenig.

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission held in the Eagle Town Hall was called to order by Jason Cowles at 6:30p.m.

APPROVAL OF MINUTES

Commissioner Hood made a motion to approve the minutes of the May 7th, 2019 meeting. Commissioner Perkins seconded. Commissioner Hoiland abstained as he was not present at the meeting. All others present voted in favor. The motion passed.

PUBLIC COMMENT

Anne Eagan from 214 Howard St. said that she has lived in Eagle a long time and knows a lot of people. People are concerned with traffic and quality of life, Eagan said. She quoted from an article published recently in the paper on April 4th concerning smart growth and traffic in Eagle. She expressed concerns about a bottle neck at HWY 6 and Eby Creek Road. Eagan asked if the roundabouts can be expanded to handle traffic from the recently approved and proposed development in the area.

She asked that the Commissioners do not approve more development until the Town has the results from a complete, independent traffic study.

Colton Berck wanted to express downtown parking problems and HWY 6. Wanted to express gratitude to the Commissioners and thank them for his experience working as Planner I for the Town.

LAND USE FILES

V18-05 Arnold Variance Requests 421 E 3rd St

Chairman Cowles opened file V18-05, requests for Variances for 1) Minimum lot area/dwelling unit (MLA/DU) and 2) 7.5-foot side yard setback reduction for the western property line and a 6.5-foot side yard setback reduction from the eastern property line for a new duplex.

STAFF REPORT AND PERSENTATIONS

Carrie McCool gave an overview of the file and the requests. She said that she has been working with the applicant to find designs to alleviate the need for the side yard setback variance.

Project representative Brad Hagedorn presented details on the request and showed a rendering of the surrounding area noting several duplexes in the area. He said property owner Mark Arnold has owned this parcel since 1981.

Jesse Hagedorn presented a site plan for the proposed development and described the design of the proposed new duplex.

Q & A

Commissioner Perkins asked if the proposed project is modular construction. Jesse Hagedorn said that it is.

Commissioner Gregg noted that there is a lot of elevation change on the lot. Brad Hagedorn said that his civil engineering consultant Matt Wadie said that it is not that challenging. To deal with and there may be a retaining wall required between the units. Hoiland asked if there is a basement. Brad Hagedorn said that the primary residence does, but the smaller unit does not.

Hood asked about the turning radius for the driveway could be lessened at all. Brad Hagedorn said that it is really tight and cannot be any less after consulting with the civil engineer.

Hoiland asked about the building height. Brad Hagedorn said that the 35' is the allowable maximum height and the proposed building height is 26'.

Nutkins asked about the elevation change and the impact on building height. Brad said that the measurement is at finished grade.

Cowles asked if front orientation for the driveways were considered. Brad Hagedorn said it was looked at and not feasible and would not comply with Town Public Works standards.

Carrie McCool presented her staff report on the file. She said that this is a narrow lot and is just short of the required minimum lot size per dwelling. She noted that through working with the applicants, the plans have been modified in such a way that only a 3' side yard variance is now being requested instead of the original 8' variance. McCool presented the standards of approval for a variance. She then presented the Staff Findings relating to each of the variance requests for each of the three standards of approval.

Q & A

Perkins asked if going higher was looked at or if a height variance was looked at instead of a setback variance. Brad Hagedorn said that the thought was that going higher was not in keeping with the design of the area. Project representative Suzanne Goodwin said that the design was made with an aging population in mind and going higher would not be good from that standpoint.

McCool noted that the file was properly noticed in conformance with the land use code.

Nutkins pointed out an alternative design could elevate the need for a variance. Hagedorn said that then they would be asking for a parking variance. Perkins asked how many trees will be removed. Cowles noted that the commission was not being asked to review a landscape plan.

PUBLIC COMMENT

None.

DELIBERATION

Cowles said that he is in favor of both variances given the unique size and location of the site. He suggested that Public Works and Engineering review the final grading plan.

Hoiland said he agreed with Cowles. Hood said he agrees as well and is still contemplating a design alternative that would alleviate the need for the setback variance. He stated he is in favor and thinks the project will be an improvement.

Nutkins said that he does not consider trying to put a duplex on a single-family lot is not a hardship. He said he is concerned with building height. He said that the building height is from existing grade. If the building is higher than 26', it would be a violation of what you are asking for tonight, Nutkins said. He cautioned the applicants on that point.

Gregg said that he tends to agree with Nutkins that there is no hardship, but the narrow lot is challenging.

Perkins said that when he first looked at the file, he was hesitant about the orientation of the building and getting in and out of the garage. He said that on-site parking is important. He stated that he thinks that overall the project is an improvement to the neighborhood and that he is inclined to approve the variance requests.

Commissioner Hood moved to approve the variance request for a reduction of 947.5sqft for the required minimum lot area/dwelling unit, finding that it meets the standards for approval. Commissioner Nutkins Seconded. All voted in favor.

Nutkins raised a concern about the setback requirement being tied to the building height and stated that if the building height exceeds the proposed height of 26', the variance request should be reduced accordingly.

Commissioner Hood moved to approve the variance request for a 3' reduction for the east set back requirement finding that the request meets the standards of approval. Commissioner Gregg seconded. All voted in favor.

SU19-03 Tumbleweed Special Use Permit

Chairman Cowles opened file SU19-03, a Request for a Special Use Permit for a 2,243 square foot retail marijuana store at 12 Eagle Park East Drive within the Commercial General (CG) Zone District.

STAFF REPORT AND PERSENTATIONS

McCool presented an overview of the file and introduced project architect Maggie Fitzgerald. She started by orienting the Commissioners on the project description and file background. She noted that the request is essentially for relocation on an existing Special Use Permit located at 1125 Chambers Ave. McCool presented the approval criteria. She noted that the file was properly noticed, and no public comment was received to date.

McCool stated that Staff recommends approval with the following 5 conditions:

1. Occupancy of the property for the approved use shall not be permitted prior to the issuance of State of Colorado Licenses for the references uses.
2. Upon issuance of licenses by the State of Colorado, Special Use Permit 13-11 shall become void.
3. The Chambers Avenue access shall not be permitted for exiting the property.
4. A separate sign permit shall be submitted to the Town subject to review and approval for ingress/egress signage.
5. Required perimeter landscape screening shall be depicted on the overall site plan to be reviewed and approved by the Town Planner prior to the issuance of building permit.

Q & A

Cowles asked when the Special Use Permit was originally approved. McCool said that it was approved in 2014. He recommended placing a time limit on these types of Special Use permits since there are only two available in the Town. Project representative Scott Schlosser said that Tumbleweed is purchasing the permit from the current permit holder as it is a different LLC group that holds the original permit.

Cowles said that he is suggesting that if the license is granted, there should be a stipulation that the license needs to be put to use within a certain time frame. He said the Town is losing out on tax dollars when one of only two businesses allowed is not in operation. McCool asked what the suggested time frame would be. Cowles said that he would suggest a building permit needs to be applied for within a year of Special Use Permit approval.

There was discussion about the various types of licenses that are available for the Marijuana industry.

Maggie Fitzgerald gave a description of the exterior changes. She confirmed that there are 8 parking spaces provided on site. She said that the applicants will be installing landscaping. She noted that the building will have a reclaimed western look.

Perkins asked about hours of operation. McCool said that the Commissioners and Town Board of Trustees could set forth hours of operation. Cowles said we would limit the hours to what is allowed by the Municipal Code.

PUBLIC COMMENT

None.

DELIBERATION

Cowles suggested that the sixth condition be added that a building permit needs to be applied for within one year or the Special Use Permit will expire.

Commissioner Nutkins made a motion to approve file SU19-03 with the conditions recommended by Staff, and a condition that a building permit needs to be applied for within one year of approval or the Special Use Permit will expire. Commissioner Hood Seconded. All voted in favor.

TOWN BOARD OF TRUSTEE UPDATE

Carrie McCool said that the next TBOT meeting on May 28th has Red Mountain Ranch and The Reserve at Hockett Gulch on the agenda.

Cowles asked if the Annexation agreements have been negotiated with Staff. Carrie said that they are still being worked out with Staff at this time.

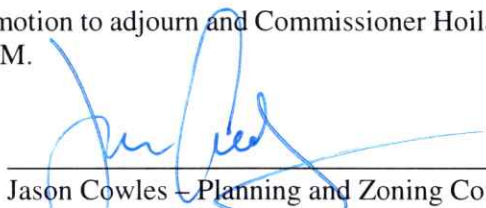
COMMUNITY DEVELOPMENT DEPARTMENT UPDATE

Bill Shrum said that he is going to be the staff contact for the Elevate Eagle Comprehensive Plan and Code Rewrite moving forward. He said by June the public outreach phase will be complete and the Town expects to see some written product soon after. Shrum said the consultants suggested that the Commissioners get involved and share what these updates will mean to them. He is requesting video snippets or written letters from the Commissioners.

ADJOURN

Commissioner Nutkins made a motion to adjourn and Commissioner Hoiland seconded. All voted in favor. The meeting adjourned at 8:20PM.

7/16/2019
Date



Jason Cowles – Planning and Zoning Commission Chair

7.16.19
Date



Dawn Koenig- Admin Technician

