



AGENDA
Planning & Zoning Commission
Tuesday, January 21, 2020
6:00 PM

Public Meeting Room / Eagle Town Hall
200 Broadway
Eagle, CO

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

PUBLIC WIFI - TOEG – townofeagle2019

6:00 PM - REGULAR MEETING CALLED TO ORDER

APPROVAL OF MINUTES

1. Approval of the minutes from the November 5, 2019 meeting of the Planning and Zoning Commission.
2. Approval of the minutes from the December 3, 2019 meeting of the Planning and Zoning Commission.

PUBLIC COMMENT

Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person.

PUBLIC HEARINGS

1. Project: 306 Howard Street Variance
File # V19-02
Applicant: Rick Beveridge
Location 306 Howard Street
Staff Contact: April Kroner, Comm Dev Dir/Town Planner
Request: Request for a Variance to create four lots with a lot size of less than 6,000 sf in the Residential Medium (RM) Zone District.

2. Project: 422 McIntire Eagle Auto Consignment Special Use Permit
File # SU19-05
Applicant: Trevor Theelke, Eagle Auto Consignment
Location 422 McIntire Street
Staff Contact: April Kroner, Comm Dev Dir/Town Planner
Request: Request for a Special Use Permit to relocate Eagle Auto Consignment from 106 Broadway to 422 McIntire Street.
3. Project: 770 Castle Drive Talley Subdivision
File # MS19-02
Applicant: Cynthia and Otto Talley
Location 770 Castle Drive
Staff Contact: April Kroner, Comm Dev Dir/Town Planner
Request: Request for a Minor Subdivision to subdivide one lot into three lots.

DISCUSSION *Items presented to the Planning & Zoning Commission for discussion and feedback.*

1. Discussion of Commission Terms and Appointments
2. Mobile Vending
3. Short-Term Rentals

TOWN BOARD OF TRUSTEES MEETING REVIEW

Staff update to the Planning & Zoning Commission on recent decisions made by the Board of Trustees on various Land Use files.

COMMUNITY DEVELOPMENT DEPARTMENT UPDATE

Staff update to the Planning & Zoning Commission on recent work and upcoming files.

OPEN DISCUSSION

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.



Jessica Lake
Planning Technician



**Planning and Zoning Commission
Meeting Minutes
November 5, 2019**

PRESENT

Jason Cowles, Chair
Stephen Richards
Brent McFall
Jesse Gregg
Bill Nutkins
Kyle Hoiland
Matthew Hood

STAFF

April Kroner- Town Planner
Bill Shrum- Assistant to the Town Manager
Dawn Koenig- Admin Technician
Jessica Lake- Planning Technician

ABSENT

Charlie Perkins
Kyle Hoiland

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 Commission Chair Jason Cowles at 6:00p.m.

APPROVAL OF MINUTES

Commissioner Nutkins made a motion to approve the minutes of the October 17th, 2019 meeting. Commissioner Richards seconded. Commission Chair Cowles and Commissioner Hood abstained as they were not present. The motion passed.

PUBLIC COMMENT

None.

LAND USE FILES

V19-01- Variance request for 446 Washington (Withdrawn)

Community Development Director April Kroner described the request and explained to the commissioners why the file was withdrawn. She stated information came to light that the property is not being used as a

residence but is being used as a business which is not a permitted use. Therefore, the variance request cannot be considered until the property is brought into conformance with the code, Kroner said.

Review of Special Use Permit SU18-06 -Per Resolution 63-2018, the Special Use Permit shall be subject to review by the Planning Commission at a properly noticed public hearing.

Cowles opened the review of file SU18-06.

STAFF REPORT AND PERSENTATIONS

Kroner described the file and explained that one of the conditions of approval was a review of the Special Use permit at one year after it was initially approved. She recommended allowing the continuance of the special use permit. Kroner explained the code provisions around revocation of a special use permit and the duration of a special use permit specified in the code.

PUBLIC COMMENT

Melissa Reed owner of the business with the Special Use Permit asked if it was permanent. Kroner stated that it was, if they remain in compliance with all of the Town Regulation and conditions of approval.

SU19-04-Tumbleweed Medical Marijuana

Cowles opened file SU19-04 a request for a Special Use Permit to relocate the existing Special Use Permit (SU14-09) for medical marijuana retail sales from 1125 Chambers Avenue to 12 Eagle Park East Drive.

STAFF REPORT AND PERSENTATIONS

Kroner explained the request for the re-location of the existing special use permit. She stated that it is technically not a transfer of a Special Use Permit, but really a new Special Use Permit.

She described the existing conditions of the subject site. Kroner explained that the state recently made a change to regulations allowing businesses to combine medical and retail marijuana businesses to have the same entrance but separate counters for sales.

Kroner presented the findings for approval of special use permits. She stated that much of this was reviewed with approval of the retail marijuana Special Use Permit that was approved for this location earlier this year. She stated that there is a condition that there would be no vehicle exiting on to Chambers Avenue.

Q & A

Richards asked if the existing chain link fence will be removed. Project representative Scott Schlosser said that it would be removed except for the portion of the fence that borders the adjacent stone business as it was required to remain there as a condition of approval for the prior Special Use Permit.

Staff recommends approval with the following 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. The Chambers Avenue access shall not be permitted for exiting the property.

Cowles asked if the Special Use Permit for retail marijuana is in use at this location. Kroner responded that the site is currently under construction. Cowles said that he wants to ensure that these permits are used in a timely manner as the Town only grants a very limited number and this business was granted previous Special Use Permits which they did not use in over five years. He said that this

Hood what the difference is between this Special Use Permit and the one that was approved for this same location earlier this year. Kroner explained that this one is for medical marijuana retail sales and the one approved earlier is for recreational marijuana retail sales. Kroner also explained that all other prior Special Use Permit approvals for this business are now void.

Schlosser said the other location at 1125 Chambers Avenue has been sold.

PUBLIC COMMENT

None.

DELIBERATION

Commissioner McFall made a motion to approve SU19-04 with conditions 1 & 2 as recommended by staff. Commissioner Hood seconded. All in favor. The motion passed.

DR19-04- 106 Broadway Development Permit

Cowles opened file DR19-04 a request for a Minor Development Permit to construct a mixed-use building in the Broadway Overlay District with ground floor commercial, space for public art installations, and twenty for-sale condominiums on the second and third floors, including two Local Employee Residence Program units.

STAFF REPORT AND PERSENTATIONS

Kroner introduced the owner's representative Joanna Hopkins.

Hopkins introduced the file and offered background information on the property owners. She stated that the project is a re-development to re-vitalize downtown including three subdivided properties. Hopkins presented an overview of the site and project vision noting that the property is located on a very prominent corner and gateway to Broadway. She said that the property owners want the proposed development to fit in and elevate the area while paying special attention to the corners. Hopkins noted a curved property line along Grand Avenue and the plan to extend the Broadway streetscape elements on to Grand Avenue. Hopkins also noted the parking areas with some covered parking being included.

Hopkins presented elevation renderings of the building facing Grand Avenue and Broadway noting that the side of the building on Grand Avenue will include public art installations or murals. She noted the inclusion of outdoor dining nooks on the south side of the building. She also indicated the intended use of the ground floor units will be commercial with residential use on the second and third floors.

Kroner mentioned the applicable development standards design variance standards as written in the Land Use and Development Code. She noted the requirements for building height and special considerations on corner properties in the Broadway District. Kroner stated that the height requirement of 35' can be exceeded on corner treatments by up to 30% of the height of the building. She stated that this project will be 42' in height at the corner of Grand Avenue and Broadway which meets the code requirements. Kroner went on to describe the design variances being requested. She said the parking stalls are required by code to be 9' x 19' but the applicant is asking for a design variance to allow the parking stalls to be 9' x 18'. Kroner said that it is typical standard to see parking stalls that are 9' x 18'. She stated that there is a public benefit to meet parking requirements on site and staff supports allowing this design variance. Kroner said that the code allows for zero setbacks for front and side yards but requires a 25' rear yard setback in this zone district. She said that the rear yard setback requirement will likely be reduced with land use code update. Kroner stated that this project does not meeting the rear yard setback and staff supports this design variance. She said that the code also requires that a deciduous shade tree needs to be included for every 10 parking

spaces. Therefore, this project would need to include two trees in the parking area. Kroner stated it is not beneficial to do so and there are no other landscape standards in this zone district.

Kroner stated that staff recommends approval of the following design variances:

1. Rear-yard building setback of 12' (25' required, may be reduced if a garage is constructed in the setback).
2. Parking space dimensions of 9' x 18' (9' x 19' required).
3. Eliminate interior parking lot landscaping requirement (one deciduous shade tree to be planted in the interior of a parking lot for every ten parking spaces in parking lots with 10 or more spaces).

Kroner also stated that staff recommends approval of the development with the following conditions:

1. Identify the locations of the lighting fixtures on the building, and provide the cut sheet for the fixtures, for planning staff review and approval prior to issuance of a building permit.
2. Final civil plan set will be revised to reflect final technical comments from the Public Works Department/Town Engineer.
3. Provide a note on the Site Plan sheet stating that snow will be removed from the site (as there is not room for on-site snow storage).
4. The building will require a monitored fire alarm system that is located in the commercial spaces and common areas of the residential portion of the building, per the Greater Eagle Fire District.
5. Work with the Public Works Department to ensure signage is provided to address one-way traffic flow through the alley.
6. A public facilities impact report must be submitted to the Town Planner for approval prior to development permit issuance.

Q & A

Nutkins asked if the one-way on the alley would impact other properties on the alley and if public works has contacted the other property owners about this requirement. Kroner said that she assumes that Town Public Works has contacted the other property owners. She noted that the request to make the alley one-way was made by Town Public Works staff and offered to re-evaluate the request with them.

Cowles asked what direction the one-way travel would be, Kroner said that the direction of travel would be south to north. Cowles said that the direction seems to be wrong. Nutkins agreed. Kroner said that she would work with Town Public Works staff to perhaps refine the request. McFall stated that the condition could be modified to state that the Public Works Department will evaluate one-way traffic flow through the alley.

Hopkins said that the project works with one or two-way travel in the alley. They would be happy to amend the condition to find a better way, she said.

Gregg asked if the crosswalk existing across the alley on Grand Avenue should be concrete or paved. Richards noted that it is currently gravel.

PUBLIC COMMENT

Wayne Hauter owner of 105 Capitol Street said he has a major concern with the alley traffic. He stated that businesses along the alley use his parking lot for access and he fears that the use of his parking lot will increase with the creation of the one-way traffic flow. He said he likes the project but is concerned that the way the parking is designed will contribute to the problem.

Ryan Murry owner of Red Canon Café stated that with the approval of Broadway Station there were varying sizes of parking spots. He indicated that it is difficult to travel from North to South through the alley. He said that there are 20 spaces including the handicapped spots being included in the project and no commercial parking. He added that there will be a multiplier effect with more cars with multiple tenants in 2-bedroom units especially if the Broadway Station development moves forward. Murry said that he owns lots in the middle of the two projects and asked where all of the extra vehicles will park. He said that the parking for his building will be reduced to one space with this development as he has an agreement with the property owner to provide parking. He added that he likes the foresight and the honoring of the neighbors with the design of the project.

Nutkins asked Murry about the pedestrian alley way between the project and his building. Murry said that he would have to lose the residential units and turn them into commercial use and may be forced to re-evaluate how he rents the building. He stated he will lose parking in the alley and that he rents a shed that comes with parking and will lose those spaces if this development moves forward. He said his employees and tenants will be impacted by losing parking.

Stan Kensinger of the Chamber of Commerce Business Advocacy Council said he thinks this is a fabulous project. He said that the location is the gateway to downtown and will extend the Broadway streetscape around the corner onto Grand Avenue. He said that Broadway Station will be breaking ground in winter. Kensinger said the Broadway Revitalization Committee is doing a fabulous job of revitalizing the core of downtown. Encourage more dense living in the core. He said there is no parking problem in the evening and there will be no parking problems on Broadway with better enforcement. Single family lots are spoken for and dense living in the core will encourage economic development, he said. Kensinger asserted that there are zero vacancies in commercial, and industrial properties in town. He asked that the project be considered positively.

Katie Butters stated that she is doing work on Broadway for her dad. She said that traffic with vehicles and pedestrians is ridiculous. She said she is concerned about how traffic is going to be managed with all of the construction happening with the new developments in the area, especially with the river park.

DELIBERATION

Cowles asked if the traffic and orientation with traffic flow on the alley could be re-visited. Kroner said that she would discuss the issue with Town Engineering.

Nutkins asked if there is a multiplier factor in the code that requires more parking for larger residential units. Kroner stated that the code requirement is one parking space per residential unit if restaurant or retail businesses are located on the first floor. She expanded that many downtown areas eliminating parking requirements in central business districts to be more pedestrian friendly. Kroner said that it is not feasible for downtown projects to provide parking in the downtown areas and would result in an unsuccessful downtown area. She said employee parking is an enforcement issue and said the Town may look at acquiring a lot in the general area for parking. When the community has a parking problem, it will be an exciting time because it would indicate vibrancy, Kroner said. She stated that she has been discussing

downtown parking with the Town Manager and would like to do more education for the public and perhaps provide maps of available public parking in the downtown area. She said the project in question did a great job of meeting the parking requirement while hiding the on-site parking within the design of the building.

Hood asked if the parking standards apply to CBD or just the Broadway district. Kroner said that in both the CBD and Broadway districts, restaurant or retail on ground floor triggers the requirement for one space for each residential unit. She added that communities are establishing parking maximums not minimums.

Cowles asked how many spaces are available in the downtown area. He said that there is an enforcement issue with residents using the right-of-way for parking and storage of recreational vehicles, etc. He said he is looking forward to having more enforcement and extending formalized parking and streetscapes with future developments. He stated that the project in question is meeting the parking requirement. He said he is confused about the alley traffic discussion and how to resolve that. Cowles said he has no problem with the design variance for parking stall dimensions. He said the side yard setback is confusing. Kroner reiterated the code requirements for corner lots and designating the rear yard. Cowles said that the landscaping requirement is not applicable since this would not be an exterior parking lot.

Gregg and Hood said they agree about the landscaping.

Hood said that he thinks the parking space variance is reasonable and something that he typically sees as an engineer. He said he was concerned with the traffic flow in the alley. He said he likes the project and that it is exactly what the town needs in that location. Hood said he likes the parking plan and is pleased that it is included in the project.

Kroner suggested that the Town Engineering team look at the project and the surrounding properties in terms of traffic flow through the alley. Nutkins said that he agrees. Richards suggested that the owner of 105 Capitol install a traffic calming mechanism or a gate to discourage through traffic on his property.

Nutkins stated that he has no issue with any of the design variances. He said that he agrees with Kensinger in that adding density will contribute to the vibrancy of the downtown area. He commented that the façade along Grand Avenue is the entrance to downtown and is being left to artwork being installed to add vibrancy so he is concerned that may not happen. He added that he likes the interior alley design considerations. Richards said that he thinks that the art installations will be utilized, and he is excited about it. Nutkins mentioned that the streetscape may be redesigned with the completion of the Highway 6 corridor study.

McFall said that this project is about as good as we can hope to see in this location and the project designers did a good job. He said he would like to see the alley traffic issue be resolved and that he has no problem with the other conditions.

Gregg said that he agrees with McFall and likes the pedestrian alley way. He suggested that the two trees that should be planted in the parking area be relocated elsewhere on the site.

Richards said that he likes the project but has sympathy for the adjacent property owners and the impact the project may have on them and their businesses.

Ryan Murry asked for a chance to address some of the parking issues that were discussed. He said that he thinks the project itself is great and likes the integration of the pedestrian alley way that borders his property. He re-iterated that there are parking issues on the block. He stated that he thinks the approval of the Broadway Station project was a missed opportunity for the Town to require a fee in lieu for parking. He stated that any development coming into downtown that asked for a parking variance should be required to either make improvements to the surrounding on-street parking or pay a fee.

Cowles thanked Murry for his comments and noted that the parking in lieu fee is something the Town has considered. He said making improvements to the sidewalks and rights-of-way becomes more important as more development takes place.

McFall suggested that the condition for one-way traffic flow through the alley be modified or approval of the project be tabled until such time the issue is resolved. Richard said that he is comfortable having the applicant work with staff to re-evaluate the issue. Nutkins said he would like to see town staff consider the adjacent property owner's needs in coming up with a plan. Hood said that he is in favor of waiting until the issue is resolved and brought back for public hearing so that all interested parties have a change to offer comment.

Cowles said that he is inclined to vote rather than table the decision.

Hopkins said that the project works with or without the one-way alley traffic and it was not a request from the applicant. She said that she is willing to work with the owners of 105. Would like a vote tonight.

Kroner said that she is happy to work with the Town Engineering team and would ask that they involve the adjacent property owners. Nutkins suggested a gate on the west side of the property at 105 Capitol to prevent cut through traffic. Kroner said that the cut through issue exists apart from this project.

Wayne Hauter said that having traffic cut through his lot is also a safety issue. Kroner again stated that she would have the Town Engineers look at this. She said the Highway six study will modify traffic flows in the area in the future as well.

McFall made a motion to approve the design variances as recommended by staff and added that the trees required to be in the parking spaces be relocated elsewhere on the property. McFall made a motion to approve file DR19-04 with the following conditions:

1. Identify the locations of the lighting fixtures on the building, and provide the cut sheet for the fixtures, for planning staff review and approval prior to issuance of a building permit.
2. Final civil plan set will be revised to reflect final technical comments from the Public Works Department/Town Engineer.
3. Provide a note on the Site Plan sheet stating that snow will be removed from the site (as there is not room for on-site snow storage).
4. The building will require a monitored fire alarm system that is located in the commercial spaces and common areas of the residential portion of the building, per the Greater Eagle Fire District.
5. Issues of access to and from the site shall be reviewed by town engineer and reviewed with the adjacent property owners.
6. A public facilities impact report must be submitted to the Town Planner for approval prior to development permit issuance.

Richards seconded the motions. All voted in favor. The motions passed.

DISCUSSION AND RECOMMENDATION REGARDING CAMPING WITHIN THE TOWN OF EAGLE

Kroner said that the intention is to get the discussion going in regard to camping in certain zone districts and during special events with an event permit. RV parks are allowed by Special Use Permit in the Resource District and the Commercial General. She stated there are requirements for having an RV park outlined in the land use code and wanted to get thoughts from commissioners regarding allowing tent camping separate from RV parks. Cowles said that he thinks that the area next to the stock yard and the county fairgrounds is the best space. Gregg said he agrees with Cowles.

Kroner said this conversation also applies to areas that may want to annex into Town. Cowles said that it may be difficult to manage this through the zoning process and would be better managed on public land. He added that it would not necessarily need to be managed by the Town even if the site was located on public land. Kroner said the Town could start looking at the standards for allowing camping in consideration of such things as duration and permitted use vs special use, and policing.

McFall stated that this issue does not rise to the level of priority at this time. Kroner suggested that it could be addressed as part of the code update.

Stan Kensinger commented that he has personal experience with campgrounds. He stated that they encourage homelessness, encourage substance abuse, and they encourage crime. He said that it is the last thing our Town needs to be in the business of doing. He said that everyone thinks of great people camping, but the people who literally camp are the ones we don't want in town.

TOWN BOARD OF TRUSTEE UPDATE

Kroner noted that the Minor Subdivision and Development located at 1353 Chambers Avenue was approved by the Town Board. She also noted that the Lot Line Adjustment file located at 1088 and 1092 Fourth of July Road was approved.

COMMUNITY DEVELOPMENT DEPARTMENT UPDATE

Kroner provided a report on recent activity in the department. Notable highlights: Brush Creek Rd extension working with CDOT and Eagle County. Fairgrounds master plan has been prioritized and the Town is working with the Eagle County to move the project along. Discussions about the Red Development property. All vested rights are expired. Defaulted back to resource zoning. Cowles cautioned that the Town should not let the plan the developers have for the property drive the future land use map, rather the other way around. Slated for commercial/light industrial. Considering doing a sub area plan. Community driven plan. Bill Shrum is heading up economic development efforts until department is fully staffed.

OPEN DISCUSSION

ADJOURN

Commissioner Richards made a motion to adjourn and Commissioner Nutkins seconded. All voted in favor. The meeting adjourned at 8:11PM.

Date

Jason Cowles – Planning and Zoning Commission Chair

Date

Dawn Koenig- Admin Technician



**Planning and Zoning Commission
Meeting Minutes
December 3rd, 2019**

PRESENT

Jason Cowles, Chair
Stephen Richards
Brent McFall
Jesse Gregg
Bill Nutkins
Kyle Hoiland
Charlie Perkins
Kyle Hoiland
Matthew Hood

STAFF

April Kroner- Town Planner
Bill Shrum- Assistant to the Town Manager
Dawn Koenig- Admin Technician

ABSENT

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 Commission Chair Jason Cowles at 6:00p.m.

APPROVAL OF MINUTES

Commissioner Hoiland said he was listed as attending and he was not Present. Commission Chair Cowles mentioned that the last sentence of 2 page of minutes was not complete. Commissioner Richards made a motion to approve the minutes of the November 5th, 2019 meeting pending revisions. Commissioner McFall seconded. Hoiland abstained as he was not present at the meeting. The motion passed.

PUBLIC COMMENT

None.

LAND USE FILES

DR19-03 410 Broadway Minor Development Permit

Cowles opened file DR19-03, a request for a Minor development permit to construct a mixed-use building with 1,800 sf of commercial space and 9 residential units in the Broadway Overlay District.

STAFF REPORT AND PERSENTATIONS

Kroner noted that the file was recently brought to the commissioners as an appeal. She mentioned that the applicant, David Nudell was present at the hearing. Kroner gave a summary of the location and the current conditions at the site noting that the existing building needs to be torn down but that there are asbestos issues. She stated that the Town is working with the applicant seeking funding from the State of Colorado Department of Local Affairs to assist in asbestos abatement and removal.

Kroner reviewed the project proposal and presented some of the site details. Kroner noted that the exterior design elements including building height conform with the design requirements of the Broadway Overlay District.

Kroner summarized the development standards and noted the staff supported design variances that will require approval as follows:

1. Rear-yard building setback of 22' (25' required, may be reduced if a garage is constructed in the setback).
2. Allow one compact car parking space with dimensions of 8' x 19' (9' x 19' required).
3. Allow a reduction in the number of off-street parking spaces by 3 spaces by providing a total of 6 off-street parking spaces (9 required).

Kroner presented the staff recommended conditions of approval:

1. Final lighting fixture selection cut-sheets must be provided to Community Development staff for review and approval prior to issuance of a temporary certificate of occupancy.
2. Address final technical comments from PW/Engineering prior to issuance of a building permit.

Q & A

Commissioner Hoiland asked if the building would have a crawlspace or basement. Nudell said that the building will be slab on grade.

Kroner mentioned that there were two public comment letters submitted after publication of the packet. The letters were distributed to the planning commissioners.

Hoiland asked if the letters that were submitted were from persons who reside in the Town of Eagle. Kroner stated that she does not know.

Commission Chair Cowles asked for clarification on a provision written in the staff report indicating that the applicant can provide off-site parking within a 200' radius of the subject property to fulfill the off-street parking requirement, but that it may not be possible to achieve in this location. Kroner stated that it is written in the code that this provision applies if the development includes more than 5 dwelling units. Cowles asked if pay-in-lieu was being considered or if the applicant was asked to improve on-street parking in an area near this site. Kroner said that it is not currently a policy or a provision of the code to require pay-in-lieu or to require off site parking improvements. She stated that it is currently under consideration and will be prioritized for the early part of 2020. Cowles asked what was holding up the decision. He stated that it is not terribly complex or difficult to estimate what the cost would be to provide parking improvements. Kroner reiterated that this is a high priority issue and will be considered early in 2020 along with other parking management and enforcement issues. He asked if fee-in-lieu could be added as a condition of approval if the applicant does not apply for a building permit before the town institutes the policy. Kroner said that it certainly is something the commissioners could add as a condition of approval.

Commissioner Hoiland said that he was not in favor of the fee-in-lieu being applicable if the fee has not been established. It would be difficult for developers to move projects forward without knowing the cost of the fee they may be subject to. He said that he is not against the fee-in-lieu but would not want to apply it to projects that are approved before the fee is established.

Commissioner Perkins asked about the grant application for asbestos removal. He asked what happens if the grant is not awarded. Kroner said that from the Town's standpoint, the asbestos issue will need to be dealt with regardless, adding that the town would pursue code enforcement action if the property is not dealt with.

Commissioner Gregg asked how close the neighboring building is on the north side of the property. Property owner David Nudell said there is a zero-setback requirement. Nutkins and Richards asked about code requirements and egress windows along that side of the building. Architect Maggie Fitzgerald said that the egress is down the stairs and not out the window on this building. Kroner said that the Town Building Official will be evaluating the proposed plans to ensure compliance with code requirements.

PUBLIC COMMENT

Paul Duprey of 125 4th Street said that back in the 90s when he first bought his house, he was considering building a garage with an apartment on the second story. He stated that at the time he was told that he would have to provide two off-street parking spots for each living space for a total of four. He asked if the parking standards were different for this project because of the different zoning districts. Kroner said the alley way between his property and the property in question separates the Broadway District from the Central Business District. She stated that parking requirements in residential areas would need to meet as outlined in the code. He asked where potential businesses occupying the commercial spaces would be getting deliveries. Fitzgerald said that the intent is to have deliveries received in the front of the building on Broadway. Duprey said that with 6 residential apartments there is a possibility of 12 vehicles that would need a place to park. He asked where they would park noting that residential parking is not allowed on Broadway overnight. He said that when the building located at 404 Broadway was built, he asked the asked that for room for fire rescue and emergency vehicle access in the alley. Duprey said that employees that may work in the proposed building will have no place to park. He mentioned that there is unrelenting dust in the area as it is and said that with increased traffic in the ally it will only get worse. He said he would like to see the alley way paved to keep the dust down. He stated he understands that progress needs to happen but does not understand why the code requirement about not allowing residential units on the ground floor having is being waived in this case. He mentioned that he submitted a comment letter for the last hearing on this proposal. Kroner stated that his letter was included in the last packet when this file was originally on the agenda. Duprey thanked the commissioners for their time.

Russell Guise said that he is a property owner of 404 Broadway. He said that the only thing he has concerns about is parking. He said he likes the proposal and the design of the building that is being proposed. He said that there is limited parking available on 4th Street. He said that it is likely that there will be multiple cars for each of the residential units. He said that he does not see the hardship. He quoted the code requiring one parking space for each residential unit if there is retail space on the ground floor. He requested that the commissioners consider the parking issue very carefully.

DELIBERATION

Commissioner Hood said that he does not see why providing the required amount of parking is such a burden for the developer. He mentioned that the commissioners already allowed for residential on the ground floor in part to give the developer a chance to redesign the project to include more parking. He says he sees parking as a sticking point and that the applicant should have to meet the standards of the code. Hood stated that only providing 6 parking spaces does not seem fair. He said he is open to requiring a fee-in-lieu.

Commissioner Richards said that he agrees with Hood. He would like to see something done to provide for more parking or a fee-in-lieu. He said he would also like to see the alley paved.

Commissioner Gregg said that he agreed with Hood and Richards. He said he thought that the parking was going to be addressed by reducing one of the ground floor units. He said he would like to see the applicant provide some offsite parking improvements along Capitol or 4th Streets. Gregg said he is ok with the rest of the variance requests.

Hoiland said that he is ok with all of the design variances. He said the additional 3 spaces are not going to make or break Broadway. He said there is plenty of available parking on Broadway. Hoiland said that he would like to see something done about the dust on the alley.

Hood said that parking on Broadway can't be overnight, so it is not intended for residential use.

Nutkins said that he likes the project and would really like to see something like this happen on this site. He said he thinks there is a parking problem that should be addressed sooner than later. He said he appreciates the revision the applicant made but would have liked to see the second ground floor unit eliminated to further relieve the parking issue. He stated that other recently approved developments in the area found a way to include the parking on site.

Perkins said that he likes the idea of a fee-in-lieu for parking. He said he likes the proposal and thinks that the retail spaces will be successful in the coming years. He said he has no issue with the setback or the other design variances and is in support of the project.

Commissioner McFall said that he is in support of the project. He shares concerns about the parking and hopes the town works toward a solution. He supports the project as presented.

Cowles said that he is sympathetic to the parking issues but thinks this is a good project. He said that for some reason parking is a sensitive issue in the town. He said that perhaps in the future if the town grows and there is a parking issue the town would have the funds to provide a parking area. He said smaller lots have a difficult time providing on-site parking. He stated that the town has a parking management problem, not a parking problem and enforcement is needed. Cowles said that he would have liked to see a better attempt to meet the on-site parking requirements. He said that if concessions are not made with parking requirements, Broadway will never be vibrant.

Nutkins said that it would have been nice to have more on-site parking included in the project. He questioned if they were doing the right thing by allowing the ground floor unit if the parking requirement would be met if it was not included.

Hoiland said that it is too late to do that. Nutkins said that it is not too late, the applicants do not have to have the ground floor unit and they are not obligated to approve it as proposed.

Hood said that there are ways to design the building so that more parking is included. He asked that the applicant provide more options to include parking.

Cowles said that he looks at it a different way. He said that the land use code may be out of date and in need of updating instead of being designed around cars. He said that the applicant should have to perhaps pay a fee-in-lieu.

Hoiland made a motion to approve file DR19-03 with the staff recommended variances and conditions of approval. McFall seconded. Perkins, Hoiland, Cowles, and McFall voted in favor. Richards, Gregg, Hood voted against. The motion passed 4-3 (Commissioner Nutkins, as the alternate, does not vote when all commissioners are present).

Kroner summarized the highest and best use for properties in the Broadway area. She stated that communities are moving away from parking requirements in downtown areas. She mentioned that the town is committed to enhancing enforcement efforts and a full-time code enforcement officer is funded for the fourth quarter of 2020.

McFall asked how to make best use of the parking inventory we do have. He said, for example, the overnight parking in Broadway is not set in stone and could be modified depending on the needs of the town and what is in the best interest of the community.

There was a brief refreshment break from 7:10PM to 7:15PM

DISCUSSION ON MOBILE VENDING

Postponed

DISCUSSION ON DRAFT COMP PLAN

Kroner said that the commissioners will have other opportunities to provide comments if they have not had a chance to review the plan in depth.

Commissioner Gregg mentioned that the future land use map and specifically the low density residential does not match what exists today. Kroner said that Future Land Use Map typically does not line up with what you might see in existence.

Gregg said that the low-density areas are not clear and identify areas that are not currently low density. Kroner said that she has identified that definitions for high, medium, and low-density areas have not been clearly provided.

Cowles mentioned that the FLUM in the document does not present well. Will need to be a full-size map that should be included.

Kroner said that the future land uses, and the allowed zones need refinement. Hood mentioned that the majority of the downtown area should not be identified as low density residential. He said low density residential should not be the zoning for east of Capitol.

Gregg said Soleil circle is labeled as mixed use and should not be.

Nutkins identified areas around village homes should not be low density and is at least medium density or mixed use. Cowles said that all of Eagle Ranch is PUD. McFall mentioned that there are areas of Eagle Ranch that are not low density as shown on the FLUM.

Kroner said that there is currently no residential low-density zoning in Eagle.

McFall said that perhaps the FLUM should show the existing PUD. Kroner said that there should be commentary on the amount of PUD area and the effect that has on future growth.

Kroner said that a future land use map does not affect zoning, it is just the intention for the future.

Cowles said that PUD areas should be recognized or noted on the future land use map.

Kroner suggested that there should be an overlay of the FLUM to identify the PUD areas. Cowles agreed.

Gregg again stated that the Soleil Homes should not be identified as mixed use.

Kroner said that there should be important areas that are identified for future intended land use like the RED Development property. Cowles said that he agrees. Kroner said that it was the expressed desire of the committees to identify areas of special importance. Kroner said that she has communicated this intent to the current land owners of the RED Development property so that they have an idea of what the town would support. She said that the current owner would like to see residential. Cowles said that the owners made a mistake by purchasing the land at a high price and residential would allow them to recoup costs.

Kroner asked the commissioners if they would be supportive of any residential use on that property. Nutkins said that he would support residential use along HWY 6 or near chambers. Hood said that the town does not need residential in that area at all. Cowles said that if the town wants to bring any type of large business to the town it would be best on this property. He would not support residential in that area. McFall said that RED will be a long-term property holder of that land.

Nutkins said that the town of eagle is a bedroom community. Cowles said that it did not have to be.

Nutkins said that the accessory dwellings on Chambers should also be addressed he said that he thinks Chambers should be mixed use.

Perkins asked if the RED would be required to build an interchange on I-70. Cowles said that it would be cost prohibitive unless residential is included.

Kroner said that the town is looking at offering micro-phases to the utility infrastructure on the property.

McFall said that if the Town passes the charter, the town would have more flexibility in that way.

Kroner asked if the commissioners could take a look at the draft and future use, goals actions and strategies.

Gregg asked about the multifamily apartments on nogal rd. Being labeled as mixed use.

All commissioners requested a hard copy on 11x17.

Hood mentioned Elevating our Inclusive Culture. What is goal 2.3? or confusion on the actions and goals.

Kroner said that the goal was to have the draft go out to the public in January. She said that she has identified that there was to be a joint work session between the TBOT and the PZ before the draft is released to the public. The commissioners were in favor of having the meeting. Scheduling, probably late January.

Kroner said that the consultant was also to do a fiscal analysis that will take some time. The public draft will not be likely until Feb or March.

McFall mentioned that the consultants came in with an aggressive schedule and he is not surprised that they are behind schedule especially given the staff turnover on both ends.

Kroner said that other things should be addressed in the comp plan in regard to the downtown area and residential use and parking.

Cowles said that he would be happy to come up with a unit cost for a parking space. He said that the downtown area on street parking needs to be formalized.

Nutkins said that if we want the downtown area to be pedestrian friendly, more residential would not be compatible.

Cowles said that formalizing the parking would go a long way to changing the perception that there is no parking.

Nutkins mentioned that the Broadway street scape was completed 10 years ago and was not continued since then. No other improvements have been made along the side streets.

Cowles said that parking requirements kill projects and we get caught up in focusing on parking that the overarching goals for vibrancy and economic vitality get lost.

Nutkins said that the cash in lieu is time to happen.

Hood mentioned that the public perception of not doing anything is bad. The cash in lieu would help with that and at least give the commissioners a chance to tell the public that the town is taking steps toward a solution.

McFall said that revitalized downtown raises property values.

DISCUSSION ON SHORT TERM RENTALS.

Postponed

ADJOURN

Commissioner McFall made a motion to adjourn and Commissioner Nutkins seconded. All voted in favor. The meeting adjourned at 8:11PM.

Date

Jason Cowles – Planning and Zoning Commission Chair

Date

Dawn Koenig- Admin Technician



CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Department of Community Development

DATE: January 21, 2020

PROJECT NAME: 306 Howard Street Variance

FILE NUMBER: V19-02

APPLICANT: Rick Beveridge

LOCATION: 306 Howard Street

ZONING: Residential Medium (RM)

EXHIBIT(S):

- A. Application & Narrative
- B. Survey Plat
- C. Topographical Plan
- D. Draft Preliminary Project Plan
- E. Public Comment

PUBLIC COMMENT: Staff has received 1 letter of public comment and two phone calls as of January 17, 2020. Letters received after this time will be gathered and entered into the public record at the hearing.

STAFF CONTACT: April Kroner, AICP, Community Development Director

REQUEST: Request for a Variance to create four parcels with a lot size of less than 6,000 sf in the Residential Medium (RM) Zone District.

DISCUSSION:

The applicants purchased the property in July of 2019. The existing residence on the site was constructed in 1911. The property is currently one parcel with a size of just over 1 acre (43,734 sq ft), and is split by a 16'-wide public alley (right-of-way). There is an existing single-family home located on the northwest corner of the property, which is intended to remain.

The applicant is proposing to complete a subdivision plat of the property to create additional residential building lots. In the Residential Medium District, newly-created lots must have a minimum lot size of 6,000 sq ft. The applicant is proposing to create seven lots, with four of the seven being below the minimum 6,000 square foot lot size. As shown on the proposed sketch plan, Lots 1-4 (located on the east side of the alley) are shown to be between 5,000 – 5,999 sq ft in area.

CONDITIONS FOR A ZONING VARIANCE

The Planning Commission may grant a variance provided it finds both Subsections (A)(1)(a) and (b) of this section and either Subsection (A)(1)(c) or (d) of this section are applicable:

- (a) That the variance granted is without substantial detriment to the public good and does not impair the intent and purposes of the Town's regulations, goals, policies and plan, including the specific regulation in question; **and**
- (b) That the variance granted is the minimum necessary to alleviate the hardship; **and**
- (c) That there exists on the property in question exceptional topography, shape, size or other extraordinary and exceptional situation or condition peculiar to the site, existing buildings, or lot configuration such that strict application of the zone district requirements from which the variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property in question; **OR**
- (d) That such exceptional situation or condition was not induced by any action of the applicant and is not a general condition throughout the zone district.

Finding (a): That the variance granted is without substantial detriment to the public good and does not impair the intent and purposes of the Town's regulations, goals, policies and plans, including the specific regulation in question.

In review of the first finding, staff refers to three primary Town enacted documents:

- Title 4 of the Town of Eagle Municipal Code – Land Use and Development Code
- The Town of Eagle Strategic Plan – Adopted in 2017
- The Eagle Area Community Plan – Adopted in 2010

Title 4 of the Land Use Code indicates the following purposes:

Purpose J: Providing for a variety of housing and neighborhood types and densities and a range of housing costs.

This variance would enable the property owner to add additional residential building lots to community. Increasing the buildable lot inventory within the Town presents an economically efficient investment, especially within infill areas. Staff believes this variance request would continue to maintain a balanced mixture of housing types and densities in the neighborhood.

Town of Eagle Strategic Plan:

Major Objective 8: Improving housing availability and affordability.

Major Objective 8 was included in the Strategic Plan in order to promote cost-effective solutions in maintaining adequate housing supply and support for the entire population. Staff believes that while relatively small, this variance enables additional housing stock to be developed incrementally within the Town, and in an affordable manner as an infill, smaller-sized lot.

Eagle Area Community Plan: Chapter 3: Land Use – Community Needs

Chapter 3 of the Eagle Area Community Plan states the final factor that influences land-use decisions as “6. Community Needs”. Within the description of this factor (page 23), the plan states that “maintaining an appropriate and full spectrum of dwelling unit types and price points is very important in a fast growing and increasingly expensive community like Eagle.” Staff believes this variance request meets this factor as it bolsters quality-of-life improvements, affordability, and economic development for housing in the Town of Eagle.

Finding (a) Recommendation:

Staff finds that the variance request meets this requirement.

AND Finding (b): That the variance granted is the minimum necessary to alleviate the hardship.

The question before you is: should the reduction in minimum lot area from 6,000 sq ft, to the lot sizes proposed between 5,000 – 6,000 sq ft, be viewed as the minimum necessary to alleviate the hardship? Staff views the hardship as a personal hardship, which is not recognized as a valid hardship by the code or the planning community. It is personal, because the property can be developed into six lots instead of seven, all of which would then be able to meet the minimum lot area of 6,000 sf as required by the Town’s current ordinance.

Finding (b) Recommendation:

Staff believes this variance request is unnecessary as the land does not present any hardships to prevent compliance with the existing minimum lot area requirement.

AND Finding (c): That there exists on the property in question exceptional topography, shape, size or other extraordinary and exceptional situation or condition peculiar to the site, existing buildings, or lot configuration such that strict application of the zone district requirements from which the variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property in question;

OR Finding (d): That such exceptional situation or condition was not induced by any action of the applicant and is not a general condition throughout the zone district.

This property has no exceptional topography, shape or size, or other extraordinary condition that results in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the property owner. The property owner has the ability to create six residential lots, 1 with the existing structure and five new buildable parcels meeting the minimum lot area of 6,000 sq ft.

In addition, the applicant has self-induced the condition of minimum lot sizes below the Code's 6,000 sq ft requirement by creating undersized lots. This issue can be alleviated by the applicant if only 6 lots are proposed, allowing conformance with the Code.

Finding (c) Or (d) Recommendation:

Staff does not believe that this request meets the requirements for either Findings (c) or (d).

STAFF RECOMMENDATION

Staff recommends denial of the variance for the creation of four residential lots with minimum lot areas of less than the code-required 6,000 sq ft lot size, as the request does not meet Findings (b), (c), or (d). While it does meet Finding (a), that alone does not provide grounds for approval of the variance request.



TOWN OF EAGLE
COMMUNITY DEVELOPMENT
200 BROADWAY • PO BOX 609 • EAGLE, CO 81631
PHONE: 970-328-9655 • FAX: 970-328-9656
www.townofeagle.org

LAND USE & DEVELOPMENT APPLICATION

Pursuant to the Land Use & Development Code, Title 4

ZONING REVIEW	DEVELOPMENT REVIEW	SUBDIVISION REVIEW
☐ Special Use Permit	☐ Minor Development Permit	☐ Concept Plan
☒ Zoning Variance	☐ Major Development Permit	☐ Preliminary Plan
☐ Rezoning		☐ Final Plat
☐ Temporary Use Permit	PLANNED UNIT DEVELOPMENT (PUD) REVIEW	☐ Lot Line Adjustment
☐ Amendment to Zone District Regulations	☐ PUD Zoning Plan	☐ Condominium / Townhouse
☐ Encroachment Permit	☐ PUD Development Plan	☐ Minor Subdivision

PROJECT NAME Beveridge/Hoza Property Zoning Variance
PRESENT ZONE DISTRICT RSM PROPOSED ZONE DISTRICT _____
(if applicable)

LOCATION

STREET ADDRESS 306 Howard Street

PROPERTY DESCRIPTION

SUBDIVISION Eagle Townsite LOT(S) 13-19 BLOCK 9
(attach legal description if not part of a subdivision)

DESCRIPTION OF APPLICATION/PURPOSE To allow variance
to create four lots less than the
RSM minimum of 6,000 sq. ft.

APPLICANT NAME Rick Beveridge PHONE 970-390-7594
ADDRESS P.O. Box 1406, Eagle CO 81631 EMAIL rick@beverestates.com
OWNER OF RECORD Richard and Lavinia Beveridge PHONE _____
ADDRESS P.O. Box 1406, Eagle CO EMAIL _____
REPRESENTATIVE* Tom Boni PHONE 970-366-1435
ADDRESS P.O. Box 3625, Eagle CO EMAIL TomBoni3030@gmail.com

*A representative must submit an affidavit or power of attorney signed by the property owner of record authorizing the representation.

APPLICATION SUBMITTAL ITEMS:

The following submittal materials must be submitted in full before the application will be deemed complete (please check all items that are being submitted):

- ☐ Applicable fees and deposits.
- ☒ Project Narrative, describing the project, its compliance with any applicable review criteria, any impacts to the surrounding area, and any other relevant information.
- ☒ Surrounding and interested Property Ownership Report (see project specific checklist for more information).
- ☒ Proof of Ownership (ownership & encumbrance report) for subject property.
- ☐ Site Plan, drawn to scale and depicting the locations and boundaries of existing and proposed lots and structures.
- ☐ Project specific checklist.

FEES AND DEPOSITS:

See Eagle Municipal Code Section 4.03.080

1. Application fees shall be paid in full at the time of the filing of the application and unless paid, the application shall not be deemed complete. All fees are nonrefundable.
2. As described in Eagle Municipal Code § 4.03.080, third-party consultants may be necessary for the review and processing of applications. These costs ("pass-through costs") must be paid by the applicant. If pass-through costs are expected, the applicant must pay a deposit at the time the application is filed. If at any time the deposit does not fully cover the pass-through costs, the applicant must pay another subsequent deposit before the Town will continue processing the application.
3. The Town may withhold the recording of any Subdivision Final Plat or Development Plan or the signing of any Resolution or Ordinance until all pass-through fees are paid in full.
4. Within 30 days of approval or denial of an application, any remaining deposit shall be returned to the applicant. If an application is withdrawn, any remaining deposit shall be returned to the applicant within 60 days.

I have read the application form and certify that the information contained herein is correct and accurate to the best of my knowledge. I understand that it is my responsibility to provide the Town with accurate information related to this application. I UNDERSTAND THAT FILING AN APPLICATION IS NOT A GUARANTEE THAT THE APPLICATION WILL BE APPROVED.

Signature

Ronald Bj

Date

12-17-19

FOR OFFICE USE ONLY

DATE RECEIVED _____ BY _____ FILE NUMBER _____
REVIEW FEE _____ DATE PAID _____ RECEIVED BY _____
DATE CERTIFIED COMPLETE _____ BY _____
P&Z HEARING DATE _____ DECISION _____
BOT HEARING DATE _____ DECISION _____

December 18, 2019

Town of Eagle
Planning Director and Planning and Zoning Commission
PO Box 609
Eagle, CO 81631

Dear April Kroner and Commissioners

Earlier this year, my wife and I purchased the Hoza property located at the corner of Third and Howard Streets consisting of 14 platted lots within the Town of Eagle. A large, historic, single family home is located on the north westerly corner of the property along with a barn north of the home accessed by Third Street. Please see the attached Improvement Location Survey. The property is bisected by an alley with .502 acres on the west side of the alley and .502 acres on the east side for a total of 1.004 acres of private property (43,734 square feet) and is within the Residential Medium Density Zone District (RSM) which establishes 6,000 square feet per residential dwelling. The RSM Zone District would allow seven lots (homesites) on this property.

The Future Land Use Map in the Town of Eagle Master Plan identifies this property as part of the Historic Town designation which allows for a variety of Zone Districts including Residential Multi Family.

In considering development potential of this property, our intent is to retain the existing RSM zoning and make the property available for seven single family homes inclusive of the existing historic home. Our vision for the property is to create seven homesites that maximize solar exposure, the usefulness of side yards, the functionality of the accessory dwelling units and to minimize the potential visual impacts of homes constructed on the hillside on the eastern side of the property. Please see attached concept plan.

We are embarking on a two-step application process to accomplish this vision. The first step is to submit a draft preliminary plan together with a Variance Application to create four lots slightly less than the RSM minimum lot size of 6,000 square feet to be located on the east side of the property. If this variance allowing a reduction in lot size is approved, we will proceed to submit a combined preliminary/final plat subdivision application and a second Variance Application to vary setbacks and allow flexibility in the provisions for Accessory Dwelling Units.

I believe that it is important to mention that current zoning and use by right for the property would allow us to designate lot lines and create five lots in addition to the historic single-family home. In that scenario five additional single-family homes and five garages with ADU's could be built with little regard to any sort of design guidelines. Alternatively, a builder might combine four of the existing lots and create a duplex like the duplex currently constructed just south of this property on Church Street. By allowing us to subdivide the property into 7 lots in total, we are committed to move forward with a quality single family development that will be subject to design standards that address height and massing restrictions among other considerations that will benefit the neighborhood. The development if allowed to proceed will construct a new public sewer main in the alley to better serve those lots fronting Church Street as recommended by the Public Works Department.

In summary, we are requesting a variance to the RSM Zoning Standard of a 6,000 square foot minimum lot size. As shown on the attached draft preliminary plan we are proposing four lots on the east side of the alley with the following square footages:

Lot 1 5,253

Lot 2 5,925

Lot 3 5,982

Lot 4 5,590

As mentioned above, the property contains 43,734 square feet which would allow seven, 6,000-square-foot lots. However, due to the large existing home we are requesting a variance from the minimum lot size which allows locating the existing home on an 8,600 square foot lot, the creation of two lots on the west side that are over 6,100 sq. ft. and four new lots on the east side that are slightly smaller than the standard of 6000 sq. ft. These lots range in size between 5,253 and 5,982 sq. ft. The overall density of seven lots would be maintained as permitted by the RSM Zone District.

The Land Use and Development Code provides that a "variance from the strict application of any zone district requirement or supplementary regulation of this chapter may be granted by the Planning Commission following the procedures and conditions herein, except that no use shall be allowed in any zone district in which it is not listed as a permitted or special use. The Planning Commission may grant a variance provided it finds both Subsections (A)(1)(a) and (b) of this section and either Subsection (A)(1)(c) or (d) of this section are applicable.

- a. That the variance granted is without substantial detriment to the public good and does not impair the intent and purposes of the Town's regulations, goals, policies and plan, including the specific regulation in question; and
- b. That the variance granted is the minimum necessary to alleviate the hardship; and
- c. That there exists on the property in question exceptional topography, shape, size or other extraordinary and exceptional situation or condition peculiar to the site, existing buildings, or lot configuration such that strict application of the zone district requirements from which the variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property in question; or
- d. That such exceptional situation or condition was not induced by any action of the applicant and is not a general condition throughout the zone district."

In granting a zoning variance, the Planning Commission shall modify the application of the regulation so that the spirit of the title is observed, public safety and welfare secured, and substantial justice done."

Compliance with A1-a

The granting of the variance requested provides public benefits to the community by allowing a reasonable sized lot to be created around a larger existing historic home without reducing the overall number of homes otherwise permitted by existing zoning on this one-plus acre property. The granting of this variance also facilitates the preservation of this historic home which has marked the south east corner of Third and Howard Streets for over a century.

As we confront the housing crisis, each opportunity to construct an additional home is of value to the community. The Master Plan for Town of Eagle (Eagle Area Community Plan, EACP) encourages in-fill and redevelopment of under-utilized lots, the construction of workforce housing and the preservation of buildings with historical significance. Please see policies and strategies within the following chapters of the EACP; Town Center Character Area, Community Design, Housing and Historic Preservation.

This application is without substantial detriment to the public good and does not impair the intent and purpose of the Town regulations and complies with the Town's goals and policies.

Compliance with A1-b

The variance requested is the minimum necessary to alleviate the hardship in that the creation of an 8,600 square foot lot for the existing historic home maintains appropriately sized yards and an aesthetic setting for this historic home. The ability to accommodate seven lots as otherwise permitted by the RSM Zoning of this property increases the supply of small "close-in" single family homes. As discussed in the recent Vail Daily Article on housing, providing housing for the missing middle is a significant challenge in Eagle County. It is also a demographic that is recognized as crucial to the Town's vitality and sense of community.

Compliance with A1-c

The unique characteristics of this property include the existing historic home and this exceptionally large, relatively undeveloped property located within the Historic Town Center

Thank you for your consideration of this variance application. We believe this variance application allows us to implement an overall plan for the property that fits into the existing fabric of the neighborhood and will be a positive addition to the Town.

Sincerely,

Handwritten signatures of Rick and LaVina Beveridge in cursive script.

Rick and LaVina Beveridge
P.O. Box 1406
Eagle CO 81631

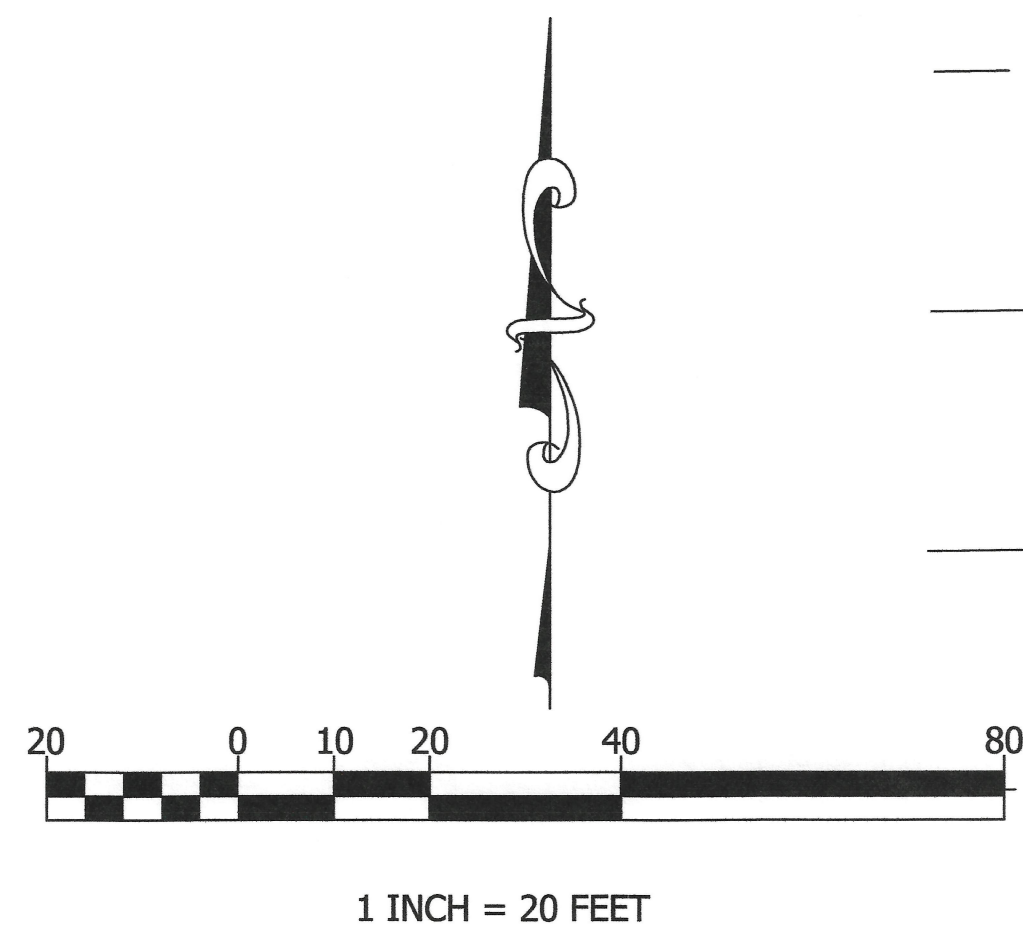
970-390-7594

IMPROVEMENT SURVEY PLAT HOZA PARCELS,

Lots 1 thru 7 and Lots 13 thru 19, Block 9
Town of Eagle, County of Eagle, State of Colorado

SURVEYED LEGAL DESCRIPTION

Lots 1 thru 7, Block 9, Town of Eagle, County of Eagle, State of Colorado according to the Plat thereof and being the same lands as described in that portion of the deed recorded as Reception No. 201325364 in the Office of the Eagle County Clerk and Recorder, County of Eagle, State of Colorado, and more particularly described as follows:
Commencing at a point being the Northeast Corner of Lot 13, Block 9, said Town of Eagle, from which the Northwest Corner of Lot 1, Block 10, of said Town of Eagle bears, and all bearings contained herein being based upon, S02°57'42"E, 380.36 feet; thence N89°47'11"E 16.00 feet to the Point of Beginning being the Northwest Corner of said Lot 1, Block 9; thence N89°24'25"E 125.00 feet to the Northeast Corner of said Lot 1; thence S00°33'00"E, 175.00 feet to the Southeast Corner said Lot 7; thence S89°27'00"W, 125.00 feet to the Southwest Corner of said Lot 7; thence N00°33'00"W, 174.91 feet to the Point of Beginning.
Containing 0.502 Acres more or less.
Along with:
Lots 13 thru 19, Block 9, said Town of Eagle, County of Eagle, State of Colorado according to the Plat thereof and being the same lands as described in that portion of the deed recorded as Reception No. 201325364 in the Office of the Eagle County Clerk and Recorder, County of Eagle, State of Colorado, and more particularly described as follows:
Beginning at a point being the Northeast Corner of said Lot 13, Block 9, from which the Northwest Corner of said Lot 1, Block 10, bears, S02°57'42"E, 380.36 feet; thence S00°33'00"E, 175.00 feet to the Southeast Corner said Lot 19; thence S89°27'00"W, 125.00 feet to the Southwest Corner of said Lot 19; thence N00°33'00"W, 175.00 feet to the northwest Corner of said Lot 13; thence N89°27'00"E, 125.00 feet to the Point of Beginning.
Containing 0.502 Acres more or less.



NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

(BEARING DISTANCE) = PLATTED DIMENSION
BEARING DISTANCE = MEASURED

FOURTH STREET
80' RIGHT OF WAY

COUNTY SURVEYOR'S CERTIFICATE

Deposited this ____ day of _____, 20____, at _____M in Book _____ of the Eagle County Surveyor's Land Survey Plats/Rights-of-Way Surveys at Page _____, Reception Number _____.

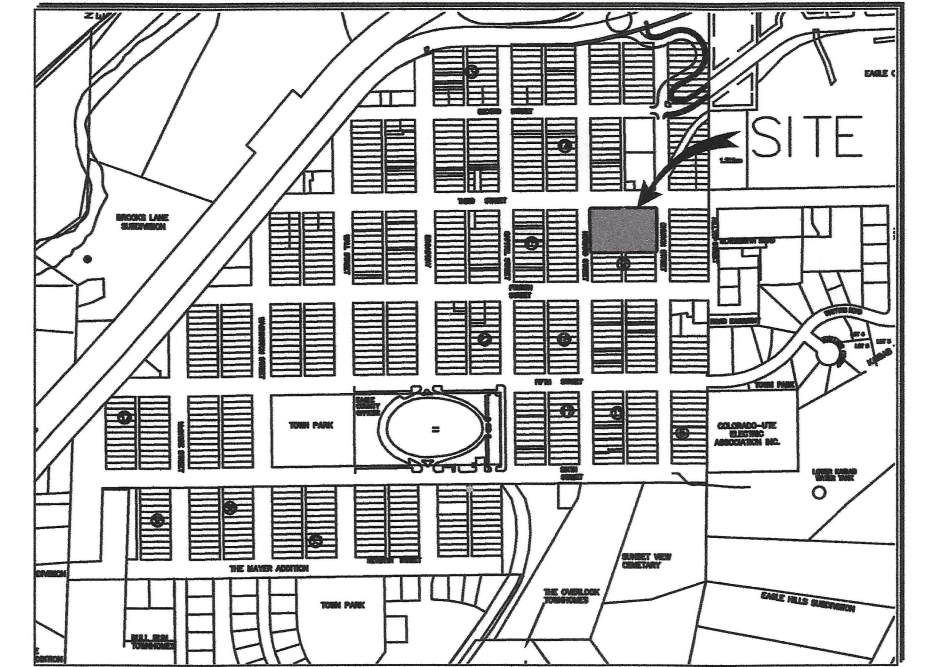
County Surveyor

SLAGLE SURVEY SERVICES

800 Castle Drive - P.O. Box 751 Eagle, Colorado 81631
970.471.1499 Office matthew@slaglesurvey.com
www.SlagleSurvey.com

IMPROVEMENT SURVEY PLAT
HOZA PARCELS,
Lots 1 thru 7 and Lots 13 thru 19, Block 9
Town of Eagle, County of Eagle, State of Colorado

DRAWN BY: MSS	JOB NUMBER: 18015	DRAWING NAME: 18015 ISP.dwg
SHEET 1 OF 1		DATE: 04-20-2018



PORTION OF SE 1 / 4 SEC. 32 AND
SW 1 / 4 SEC. 33 T 4 S, R 84 W, 6th P.M.
SCALE 1" = 800'

SURVEYOR'S NOTES:

- 1) Purpose of this Improvement Survey Plat is to depict improvements relative to the established boundaries of the subject Parcels, in accordance with CRS 38-51-102(9).
- 2) Survey Date: April 17, 2018.
- 3) Basis of Bearing: S 02°57'42" E between found survey monuments marking the Northeast Corner Lot 13, Block 9, and the Northwest Corner Lot 1, Block 10, Town of Eagle, as shown and described hereon.
- 4) Posted Address: 0306 Howard Street.
- 5) Location of Improvements, Lot lines, and Easements are based upon the Plat of Town of Eagle, as deposited at the Eagle County Clerk and Recorders Office and Survey Monuments, shown hereon.
- 6) This Improvement Survey Plat was prepared for the exclusive use of Jay Taylor, and is valid only if print has original seal and signature of surveyor.
- 7) This survey was completed without the aid of a title commitment or policy. Easement and other title searches were not performed by surveyor for this product. There may be other encumbrances, or easements affecting the subject properties that are not shown.
- 8) Lineal Units of the U.S. Survey Foot were used herein.

SURVEYOR'S CERTIFICATE

I, Matthew S. Slagle a Licensed Professional Land Surveyor in the State of Colorado, hereby certify that this Improvement Survey Plat was done by me or under my responsible charge, and that it was performed using the standard care and practice used in the area at the time of the survey, and is based upon the my knowledge, information and belief. This certification is not a guarantee or warranty, either expressed or implied. The Notes hereon are a part of this certification.



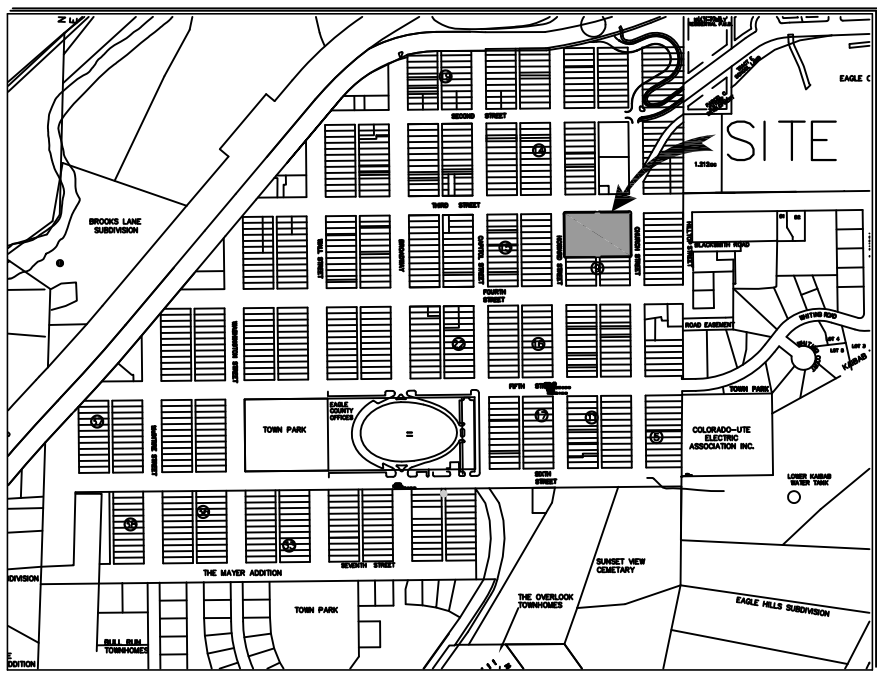
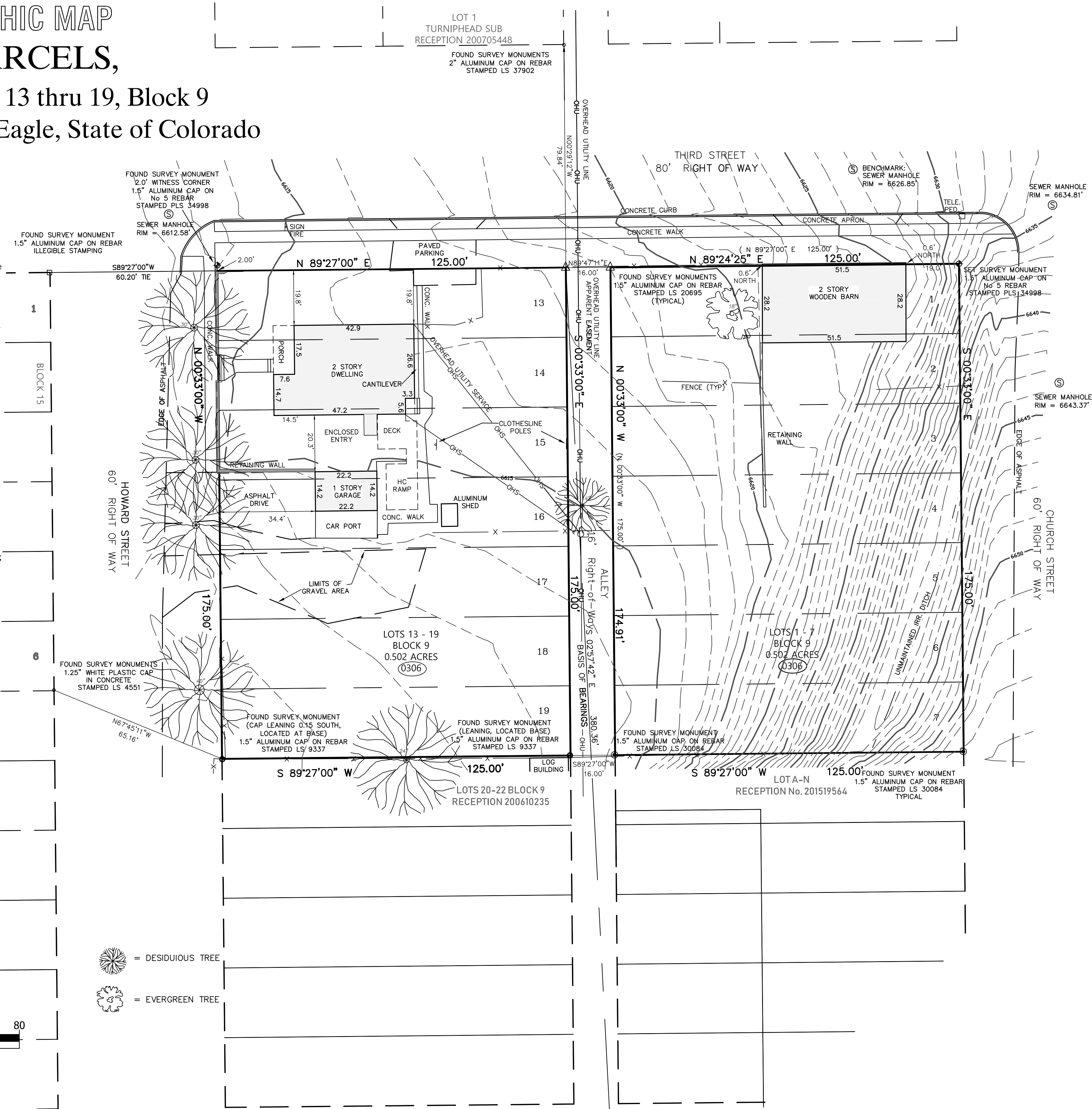
Matthew S. Slagle PLS 34998
Professional Land Surveyor
State of Colorado

TOPOGRAPHIC MAP
HOZA PARCELS,

Lots 1 thru 7 and Lots 13 thru 19, Block 9
Town of Eagle, County of Eagle, State of Colorado

SURVEYED LEGAL DESCRIPTION

Lots 1 thru 7, Block 9, Town of Eagle, County of Eagle, State of Colorado according to the Plat thereof and being the same lands as described in that portion of the deed recorded as Reception No. 201325364 in the Office of the Eagle County Clerk and Recorder, County of Eagle, State of Colorado, and more particularly described as follows:
Commencing at a point being the Northeast Corner of Lot 13, Block 9, said Town of Eagle, from which the Northwest Corner of Lot 1, Block 10, of said Town of Eagle bears, and all bearings contained herein being based upon, S02°57'42"E, 380.36 feet; thence N89°47'11"E 16.00 feet to the Point of Beginning being the Northwest Corner of said Lot 1, Block 9; thence N89°24'25"E. 125.00 feet to the Northeast Corner of said Lot 1; thence S00°33'00"E, 175.00 feet to the Southeast Corner said Lot 7; thence S89°27'00"W, 125.00 feet to the Southwest Corner of said Lot 7; thence N00°33'00"W, 174.91 feet to the Point of Beginning.
Containing 0.502 Acres more or less.
Along with:
Lots 13 thru 19, Block 9, said Town of Eagle, County of Eagle, State of Colorado according to the Plat thereof and being the same lands as described in that portion of the deed recorded as Reception No. 201325364 in the Office of the Eagle County Clerk and Recorder, County of Eagle, State of Colorado, and more particularly described as follows:
Beginning at a point being the Northeast Corner of said Lot 13, Block 9, from which the Northwest Corner of said Lot 1, Block 10, bears, S02°57'42"E, 380.36 feet; thence S00°33'00"E, 175.00 feet to the Southeast Corner said Lot 19; thence S89°27'00"W, 125.00 feet to the Southwest Corner of said Lot 19; thence N00°33'00"W, 175.00 feet to the northwest Corner of said Lot 13; thence N89°27'00"E, 125.00 feet to the Point of Beginning.
Containing 0.502 Acres more or less.



PORTION OF SE 1 /4 SEC. 32 AND
SW 1 /4 SEC. 33 T 4 S, R 84 W, 6th P.M.
SCALE 1" = 800'

SURVEYOR'S NOTES:

- 1) Survey Date: June 13, 20109.
- 2) Posted Address: 0306 Howard Street.
- 3) Location of Improvements, Lot lines, and Easements are based upon the Plat of Town of Eagle, as deposited at the Eagle County Clerk and Recorders Office and Survey Monuments, shown hereon.
- 4) Elevation Datum: 6626.85' on sewer manhole in the right of way for Third Street, as shown hereon. This elevation is based on NGVD 29 datum.
- 5) Contour Interval: 1 foot.
- 6) Utilities are shown approximately and should be field verified prior to excavation.
- 7) Surveyor does not warrant or certify to the integrity of any Digital Data supplied in conjunction with this map and survey.
- 8) This Topographic Survey was prepared for the exclusive use of Rick Beveridge, and is valid only if print has original seal and signature of surveyor.
- 9) Lineal Units of the U.S. Survey Foot were used herein.
- 10) This survey was completed without the aid of a title commitment or policy. Easement and other title searches were not performed by surveyor for this product. There may be other encumbrances, or easements affecting the subject properties that are not shown.
- 11) Lineal Units of the U.S. Survey Foot were used herein.

I, Matthew S. Slagle, a Licensed Professional Land Surveyor in the State of Colorado, hereby certify that this map was prepared by me or under my responsible charge, is based upon the professional land surveyor's knowledge, information and belief, is in accordance with applicable standards of practice, and is not a guaranty or warranty, either expressed or implied. The Notes hereon are a part of this certification.



Matthew S. Slagle PLS 34998
Professional Land Surveyor
State of Colorado

SLAGLE SURVEY SERVICES

800 Castle Drive - P.O. Box 751 Eagle, Colorado 81631
970.471.1499 Office matthew@slaglesurvey.com
www.SlagleSurvey.com

TOPOGRAPHIC MAP HOZA PARCELS, Lots 1 thru 7 and Lots 13 thru 19, Block 9 Town of Eagle, County of Eagle, State of Colorado		
DRAWN BY: MSS	JOB NUMBER: 18015	DRAWING NAME: 18015 Topo.dwg
SHEET 1 OF 1	DATE: 06-23-2019	

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

(BEARING DISTANCE) = PLATTED DIMENSION
BEARING DISTANCE = MEASURED

FOURTH STREET
80' RIGHT OF WAY

FOUND SURVEY MONUMENT
NW COR. LOT 1 BLOCK 10
1.5" ALUMINUM CAP ON REBAR
ILLEGIBLE STAMPING

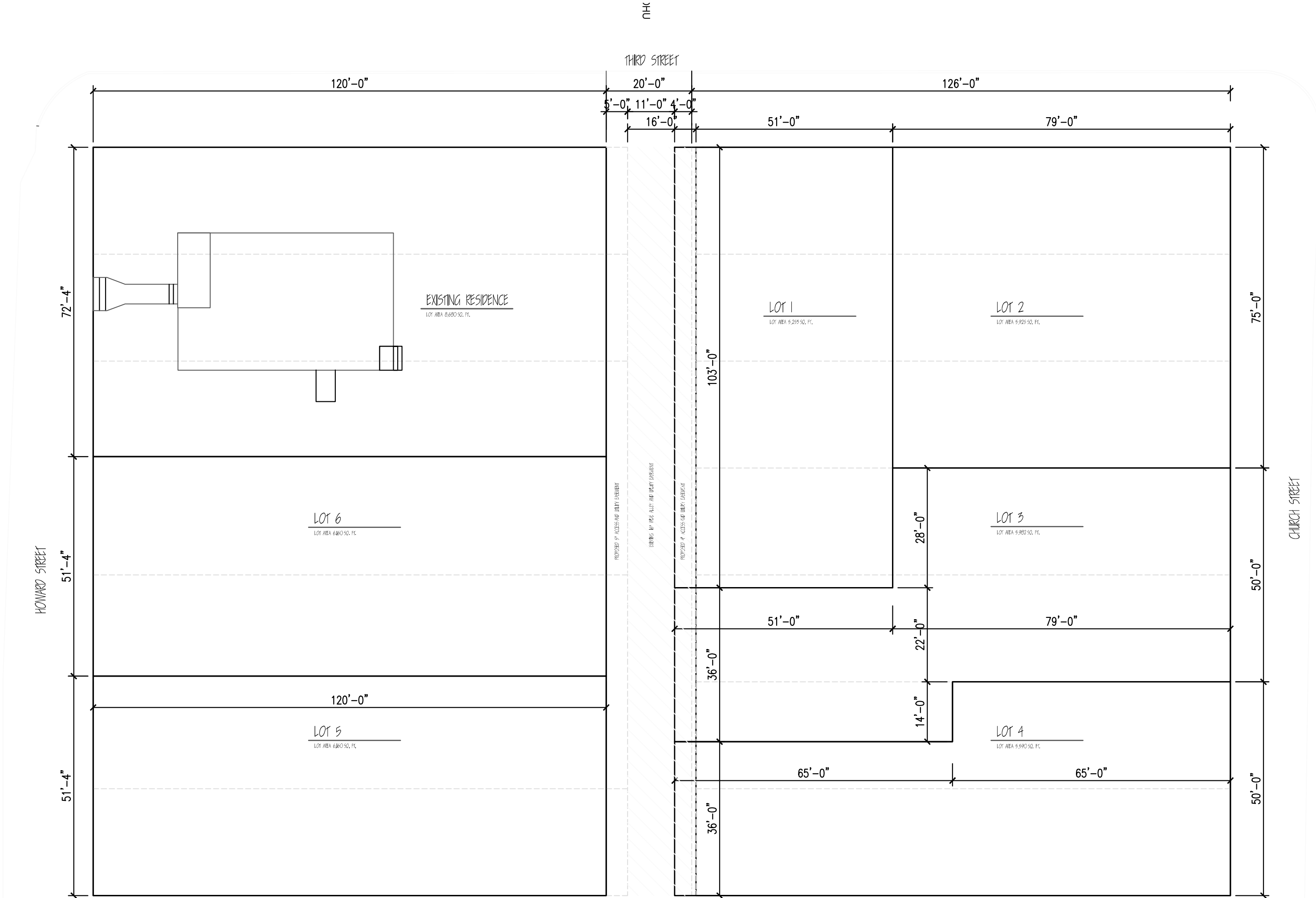


TABLE OF LOT SIZES

LOT 1	5,253 SQ. FT.	LOT 4	5,590, SQ. FT.
LOT 2	5,925 SQ. FT.	LOT 5	6,160 SQ. FT.
LOT 3	5,982 SQ. FT.	LOT 6	6,160 SQ. FT.
EXISTING RESIDENCE LOT		8,680 SQ. FT.	



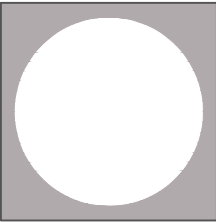
SKETCH PLAN

1" = 20'



The McKinzie Group

P. O. Box 7
652 Wall Street
Eagle Colorado 81631
Phone: 970 - 506 - 1407
Larry@McKinzieGroup.com



DRAFT PRELIM PLAN
PROPOSED SINGLE FAMILY SUBDIVISION
LOTS 1-7 AND 13-19, BLOCK 9
TOWN OF EAGLE



01-20-20 TOWN OF EAGLE REVIEW



DRAFT PRELIM PLAN



5 11

From: [Amanda Bay](#)
To: [Jessica Lake](#)
Cc: [Jesse Horton](#)
Subject: 306 Howard st variance comment submission
Date: Friday, January 17, 2020 12:04:23 PM

Please let me know that you received this email. Thanks!!!

Hi there. I own 331 Hilltop Street, which is to the east 306 Howard St. I will not be able to make Tuesday's variance meeting and I'm not sure if my boyfriend, Jesse Horton, will make it in time for comments so I wanted to make sure our voice was heard.

Rick reached out to us a few days ago, which we very much appreciated. We met with Rick the morning of 1/16/20 and he shared his vision ideas for the property. The comments below are based on the knowledge that has been provided to us via the town's website and what Rick has shared with us. We are first-time homeowners so this is a brand new experience to us.

1. We are indifferent to the variance request for creating the 4 lots that are less than 6,000 sq feet. Splitting the property up into 6 lots OR 7 doesn't make too big of a difference. It's more than what's in that same space now so adjusting them a bit to allow another family to live downtown is not a big deal. We are not opposed to creating more density in downtown Eagle. We're very thankful we get to live in a modest size house that we can afford in downtown Eagle. We think others should have a similar opportunity. The only reason I could see not allowing the variance would be to create 3 larger lots that reach up to Church St. This could possibly encourage houses to be built on the flat "valley" ground and access those properties from the Alley, rather than access from Church and having them hanging off that steep hill. This in term might lower the overall height of the structures and keep our view in tack.
2. Honestly we're a bit scared with how the subdivision and addition of houses against Church street will affect our view. We love our view to the west from our porch and we'd hate to lose it to structures similar to the new duplex on Chuch st or any other house for that matter that would be the town regulation max structure height taken from Church street. The view was one of the major reasons we purchased the house and really is the only thing our property has going for it. It never occurred to us that houses could be built on the west side of church street, accessible via church due to how steep that hill is. We now know that there is nothing in the town's code that prevents people from building on that type of terrain.
3. We know its not a guarantee what Rick will decide to do with the subdivided properties but we do like his ideas of creating a mini subdivision that would have a design review board. This sounds like its the only potential to save at least a portion of our view by limiting the highest point of the structure to not exceed 28' above the highest finish floor, which sounds like it is a lower height restriction than the town of Eagle. This only matters if the houses would be accessed via Church street. If they were built more on the flat "valley" and into the hill, then the structure height might only partially affect our view.
4. That being said we'd be in favor of Rick's long term vision of widening and shifting the alley that only actually exists on plats right now and not in a physical state on the property. Ideally, we'd love it if all the houses against Church street would be accessible via the alley rather than Church st. Allowing him these adjustments might

make it more likely for him to develop the subdivided properties himself rather than selling them off and ending up with a 3 or 4 plex giant boarding house looking structure on Church street that we would then have the pleasure of enjoying from our back deck rather than a view of the west.

5. We would also suggest to the town that the proposed corner lot (3rd st & church, currently where the barn is) would be accessed via 3rd street rather than Church street. This would potentially encourage the builder to not build-up to the max height from church street level and rather build-up to the max height from the lower "valley" portion of the property. We suggest this for numerous reasons. 1) it might be a nice compromise to building in that lot and our property not losing its view and potentially lowering our property value. 2) Church street is pretty steep near the corner of 3rd and we're curious how the access to the driveway would work coming off the steeply angled road and 3) issues with backing out of the driveway and limited visibility on the hill.
6. Change is hard and we're trying to look at this from a logical perspective rather than our heart. We feel like our property is impacted the most of all the neighbors. They will all need to look at a house next to them rather than a small burnt up grass field. Its change no doubt and not ideal for them either but with the potential of houses being built and accessed from Church, it drastically changes our western view above the treetops and houses to looking at houses with no beautiful view. I feel that we have the most to lose in property value as well.

Thank you for considering our concerns.

Amanda Bay & Jesse Horton
781-690-6583

Amanda Bay, PMP
IT Customer Relations & Project Manager
Innovation & Technology
Eagle County Government
970.328.3585
www.eaglecounty.us



CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Department of Community Development

DATE: January 21, 2020

PROJECT: Eagle Auto Consignment

FILE NUMBER: SU19-05

APPLICANT: Trevor Theelke, Eagle Auto Consignment

LOCATION: 422 McIntire Street

ZONING: Commercial Light (CL) District
US Highway 6 Corridor

EXHIBITS: A: Application and Narrative
B: Property Owner Letter of Support
B: Parking Plan
C: Aerial Site Photo

PUBLIC COMMENT: None received.

STAFF: April Kroner, AICP, Community Development Director

REQUEST: Request for a Special Use Permit for Eagle Auto Consignment, Vehicular Sales (new location)

PROJECT DESCRIPTION & BACKGROUND

The applicant is requesting a special use permit for a vehicular sales establishment (Eagle Auto Consignment) to be located at 422 McIntire Street, at the intersection with Highway 6/Grand Avenue. The business is already an established business in the Town of Eagle at 106 Grand Avenue, and has been at that location since 2010, and had received a special use permit from the Town. The current site of Eagle Auto Consignment was recently approved for a new mixed-use development project, and therefore the applicant is relocating the business to the proposed location temporarily. Ultimately, the applicant

intends to move to a final location at 646 Grand Avenue. However, even a temporary establishment of the use does require that a Special Use Permit be obtained; the future use at 646 Grand Avenue will be addressed when that occurs.

The applicant's narrative provides the details of the proposed use and site, which includes a multi-tenant building that also houses Pickup's Pizza and A Good Sport sporting goods store, which will remain. The owner of the property has authorized the applicant to apply and issued a letter of support verifying her intent to lease a portion of the site for Eagle Auto Consignment. The following summarizes the primary components of the proposed establishment:

- Hours of operation: M-F 1:00 pm – 5:00 pm and by appointment; Sat 10:00 am – 3:00 pm and by appointment. Any change to hours of operation shall constitute a need for an amendment to the Special Use Permit (i.e., change standard hours to M-F 10 am – 5:00 pm).
- Eagle Auto Consignment's office will occupy a center location of the building comprising 900 square feet of office space. Per the town's code, a total of 3 off-street parking spaces are required to accommodate this use.
 - With the mix of existing businesses on the site, and no change in building area, the parking review does not include review of the existing businesses. The new use is considered with regards to the code to ensure compliance, and the property owner has been consulted regarding parking and has concurred that the other two businesses parking needs have been, and will continue to be, met on site. In addition, the businesses have some varying hours of operation which allows for shared parking among them in the existing lot, which is encouraged by the Town. Lastly with regards to parking, while the use of on-street parking is not included in meeting parking requirements per the Town's current Land Use Code, this area does have available on-street parking spaces along both McIntire and Fourth Streets, which does accommodate any overflow needs should they ever occur.
- 15 spaces are available for the 'for sale' vehicles, as depicted on the sketch plan. The applicant can have a maximum of 15 vehicles for sale on the site at any one time in the identified parking spaces. If the applicant wishes to sell more vehicles or use different locations on the site for the cars, an amendment to the Special Use Permit would be required.
- There will not be any servicing of vehicles occurring on-site; vehicles are able to be available for sale on the site with any servicing occurring off-site at other business locations.

FINDING FOR SPECIAL USE PERMIT

A special use permit may be granted for a use in a particular zone district provided the Plan Commission and Council find the following:

1. *The proposed use is consistent with the provisions of this Chapter and with the Town's goals, policies and plans.*

The Town of Eagle Land Use and Development Code allows the proposed use via issuance of a Special Use Permit in the Commercial Limited (CL) District. Therefore, the proposed use is in compliance with this section of the Land Use and Development Code if the Permit is issued.

Chapter 11 of the Eagle Area Community Plan (2010 EACP) discusses a variety of Goals, Policies and Strategies for encouraging Economic Development in the Town. Furthermore, Strategy B, under Policy 1.2 states “Work to create more local jobs and additional outlets for goods and services.” The Eagle Area Community Plan encourages businesses that maximize opportunities for shared parking and one-stop shopping. The Community Plan encourages business diversity and maintaining Eagle’s unique character. Eagle Auto Consignment is a unique business in Eagle and in the region.

Approval of this special use permit would continue to forward the objectives of the Town’s goals, policies, and plans.

2. The proposed use is compatible with existing and allowed uses surrounding or affected by the proposed use.

The proposed use is compatible with the existing and allowed uses surrounding this site. Also, the businesses has already been in existence within the Town for the past ten years, at a location just a few blocks away along the same Highway 6 Corridor.

The surrounding uses of the proposed property include a variety of businesses ranging from retail, restaurant and general offices to auto repair shops, see attached site photo for map of surrounding uses. In addition, the immediately surrounding businesses that share the same building and site are compatible with the proposed use and a shared parking lot arrangement has been developed which is determined to meet all businesses needs.

This finding is met with this application based on the items above.

3. Street improvements adequate to accommodate traffic volumes generated by the proposed use and in provision of safe, convenient access to the use and adequate parking are either in place or will be constructed in conjunction with the proposed use, as approved by the Town.

The site has the appropriate infrastructure to accommodate the proposed use. Staff has reviewed the parking (as detailed previously). For the proposed use, a total of 15 parking spaces will be designate for the ‘for sale’ vehicles. An additional 3 parking spaces are required for the 900 square feet of office space being utilized by Eagle Auto Consignment, resulting in a total of 18 spaces for the proposed business (only 3 required for non-for-sale vehicles). There are a total of 29 parking spaces on the site. Deducting the 18 being used for the proposed special use, eleven spaces remain for the other two businesses. As these businesses are not being modified or expanded in any way, the Town just needs to ensure that parking is adequate to continue to support these businesses. Per the owner of the property, and the varying business operation hours which allows for shared use of the parking among the businesses, this need is met.

It has been noted that the striping of the parking spaces on the property is very diminished, and the availability of an ADA space is not visible. While the code doesn’t define requirements for maintenance of parking lots, the Town believes it is in the best interest of the public for these spaces to be more visibly striped. Therefore, the Town will require that with the issuance of the Special Use Permit, that the property owner have the site re-striped by December 31, 2020.

No changes are proposed to the existing site in terms of access and/or circulation, nor are any required.

Staff finds this item can be met with a condition that the parking lot be restriped by December 31, 2020 to better delineate the parking spaces and ADA space for public safety purposes.

4. The special conditions for specific uses, as provided in the code, are met.

The Land Use & Development Code does not identify any special conditions for vehicular sales uses, therefore this finding does not apply.

PUBLIC NOTICE AND COMMENTS

The public hearing for the Special Use Permit request was publicly noticed in accordance with the applicable public notification requirement of the Eagle Land Use and Development Code.

STAFF RECOMMENDATION

Staff recommends **approval** of SU19-05 Special Use Permit for Eagle Auto Consignment (vehicular sales), **with the following 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. The Special Use Permit limits the number of for-sale vehicles on the property to a maximum of 15 at any one time, and such vehicles must be parked in the locations designated on the attached plan.
 3. Hours of operation are to be M-F 1:00 pm – 5:00 pm and by appointment, and Saturday 10:00 am – 3:00 pm and by appointment.
 4. No servicing of vehicles is permitted to occur on the property.
 5. The parking lot must be restriped by December 31, 2020 to better delineate the parking spaces and ADA space for public safety purposes.
 6. A building permit shall be required at time of move in if any construction work is intended and/or for a change of occupancy.
-



TOWN OF EAGLE
COMMUNITY DEVELOPMENT
200 BROADWAY • PO BOX 609 • EAGLE, CO 81631
PHONE: 970-328-9655 • FAX: 970-328-9656
www.townofeagle.org

LAND USE & DEVELOPMENT APPLICATION

Pursuant to the Land Use & Development Code, Title 4

ZONING REVIEW	DEVELOPMENT REVIEW	SUBDIVISION REVIEW
☒ Special Use Permit	☐ Minor Development Permit	☐ Concept Plan
☐ Zoning Variance	☐ Major Development Permit	☐ Preliminary Plan
☐ Rezoning	PLANNED UNIT DEVELOPMENT (PUD) REVIEW	☐ Final Plat
☐ Temporary Use Permit	☐ PUD Zoning Plan	☐ Lot Line Adjustment
☐ Amendment to Zone District Regulations	☐ PUD Development Plan	☐ Condominium / Townhouse
☐ Encroachment Permit		☐ Minor Subdivision

PROJECT NAME Eagle Auto Consignment

PRESENT ZONE DISTRICT _____ PROPOSED ZONE DISTRICT _____
(if applicable)

LOCATION
STREET ADDRESS 422 McIntire Street

PROPERTY DESCRIPTION
SUBDIVISION Eagle LOT(S) 13-19 BLOCK 34
(attach legal description if not part of a subdivision)

DESCRIPTION OF APPLICATION/PURPOSE Relocation of Eagle Auto Consignment
from 106 Grand Ave

APPLICANT NAME Trevor Theelke PHONE 970-331-0789
ADDRESS PO Box 3203 Eagle CO 81631 EMAIL eagle Auto Consignment@gmail.com
OWNER OF RECORD Grand Eagle Real Estate LLC PHONE 970-376-1505
ADDRESS P.O. Box 4636 Eagle, CO 81631 EMAIL McIntire 422 Eagle@yahoo.com
REPRESENTATIVE* Celena Olden PHONE 376-1505
ADDRESS PO Box 4636 Eagle, CO 81631 EMAIL McIntire 422 Eagle@yahoo.com

*A representative must submit an affidavit or power of attorney signed by the property owner of record authorizing the representation.

APPLICATION SUBMITTAL ITEMS:

The following submittal materials must be submitted in full before the application will be deemed complete (please check all items that are being submitted):

- ☒ Applicable fees and deposits.
- ☒ Project Narrative, describing the project, its compliance with any applicable review criteria, any impacts to the surrounding area, and any other relevant information.
- ☒ Surrounding and Interested Property Ownership Report (see project specific checklist for more information).
- ☒ Proof of Ownership (ownership & encumbrance report) for subject property.
- ☒ Site Plan, drawn to scale and depicting the locations and boundaries of existing and proposed lots and structures.
- ☒ Project specific checklist.

FEES AND DEPOSITS:

See Eagle Municipal Code Section 4.03.080

1. Application fees shall be paid in full at the time of the filing of the application and unless paid, the application shall not be deemed complete. All fees are nonrefundable.
2. As described in Eagle Municipal Code § 4.03.080, third-party consultants may be necessary for the review and processing of applications. These costs ("pass-through costs") must be paid by the applicant. If pass-through costs are expected, the applicant must pay a deposit at the time the application is filed. If at any time the deposit does not fully cover the pass-through costs, the applicant must pay another subsequent deposit before the Town will continue processing the application.
3. The Town may withhold the recording of any Subdivision Final Plat or Development Plan or the signing of any Resolution or Ordinance until all pass-through fees are paid in full.
4. Within 30 days of approval or denial of an application, any remaining deposit shall be returned to the applicant. If an application is withdrawn, any remaining deposit shall be returned to the applicant within 60 days.

I have read the application form and certify that the information contained herein is correct and accurate to the best of my knowledge. I understand that it is my responsibility to provide the Town with accurate information related to this application. I UNDERSTAND THAT FILING AN APPLICATION IS NOT A GUARANTEE THAT THE APPLICATION WILL BE APPROVED.



Signature

12-26-19

Date

FOR OFFICE USE ONLY

DATE RECEIVED _____	BY _____	FILE NUMBER _____
REVIEW FEE _____	DATE PAID _____	RECEIVED BY _____
DATE CERTIFIED COMPLETE _____	BY _____	
P&Z HEARING DATE _____	DECISION _____	
BOT HEARING DATE _____	DECISION _____	



My name is Trevor Theelke and I have been the owner of Eagle Auto Consignment since we opened in June 2010. We are one of the many great businesses in Eagle that have helped make our town a fantastic place to live, work and play in. In every great small town across Colorado, change and development is inevitable. The town of Eagle has recently approved a new mix use development at 106 Grand Avenue; the current location of Eagle Auto Consignment. With that approval, we plan to move our location to 422 McIntire Street and are ultimately planning to finalize our location at 646 Grand Ave. We would like to continue our business of selling quality preowned cars, trucks, trailers, RV's and motorcycles in Eagle with the approval of a special use permit at 422 McIntire and 646 Grand Ave. when that site becomes available.

The property located at 422 McIntire is the current home to Pickup's Pizza and A Good Sport-sporting goods store. The owner of the property is Celena and Thomas Olden. Pickup's Pizza will continue to occupy the Western most part of the building, A Good Sport will occupy the Eastern most portion of the building and we will occupy the middle; roughly 900 sq. ft of office space

We will continue to operate Eagle Auto Consignment in the same fashion as we have done over the past 10 years; helping car owners sell their vehicles through consignment and providing a local option to purchase a vehicle.

The hours of operation for the 3 businesses are currently as follows:

Eagle Auto Consignment: Monday through Friday: 1:00pm – 5:00pm and by appointment
Saturday: 10:00am – 3:00pm and by appointment

A Good Sport: Tuesday through Saturday: 12:00pm – 6:00pm

Pickup's Pizza: Monday through Thursday/Sunday: 3:00pm – 9:00pm
Friday and Saturday: 3:00pm – 10:00pm

Per the parking plan attached, there are 28 parking spaces on the property (highlighted in red and blue on the attached plat), and more than 20 additional spaces (highlighted in Brown) along the East side of McIntire Street and South side of Fourth Street. There is also an additional parking on the West side of McIntire which creates more than an adequate number of parking spaces for all 3 businesses. Eagle Auto Consignment will occupy the East part of the parking lot (highlighted in Red) consisting of up to 15 parking spaces with overflow on the North end of the lot. All parking has been reviewed and approved by the property owner (letter attached). Customers and employees for all 3 business will have ample shared parking on premises and on the surrounding streets. All 3 businesses vary in hours throughout the week, so parking should never be an issue for any of the businesses.

The property located at 646 Grand Avenue will potentially be available for lease this summer. There is ample parking on the .261 acre lot for customers and for vehicles for sale. This property is zoned commercial/residential would be the sole business of Eagle Auto Consignment. Since there is no definitive parking lot or parking outline, we would propose we occupy the parking lot in a fashion to display for sale vehicles in a professional manner to maximize sales. Both properties are owned by the same owner and have been approved.

The best form of advertising is to showcase vehicles for sale to the thousands of locals and out of town drivers passing by on a daily basis and having signage on the vehicle letting potential buyers know some of the basics of the car without actually having to stop as they drive by to inquire. They'll know the year, mileage and price with professional signage on the windshield, and know if a specific vehicle would fit their purchase criteria. The window stickers will describe the vehicle specifics and the Buyers Guide on the inside side window will indicate whether it comes with a warranty, which is a requirement from the State of Colorado.

Local Business

Eagle Auto Consignment has expanded the Eagle business district to help increase sales tax revenues. Local Eagle businesses have improved with the addition of Eagle Auto Consignment over the past 10 years. Banks, including Wells Fargo, State Farm Bank, ANB, Colorado Business Bank and Alpine Bank have all assisted our car buyers from around the United States. Other businesses also benefiting from Eagle Auto Consignment include Performance Automotive, Circle A Automotive, Alpine Collision, Eagle Valley Autobody, Moe's BBQ, Grand Ave. Grill, Precision Auto Detailing, D&M Auto Detailing, Sinclair, Conoco, Vail Daily and numerous other business throughout Eagle.

We've also had the privilege of making donations to some of our local businesses including the Salvation Army, St. Mary's Parish, Eagle County Schools, Vail Valley Soccer Club, Eagle Chamber of Commerce, Gypsum Chamber of Commerce, Habitat for Humanity and many other businesses.

A Professional Image

We want to continue to be viewed as a professional auto dealership you can trust. We also offer financing options, warranties and cater to having vehicles go through a thorough pre purchase inspection from one of the local mechanics.

Since being granted a special use permit and opening the doors 10 years ago, we have built a strong business and created a new auto selling concept to Eagle County and the Western Slope. In fact, we are the only auto consignment business between Grand Junction and Denver.

I believe that Eagle Auto Consignment has a sound business model and will continue to grow each year. I want Eagle Auto Consignment to continue to offer quality pre-owned vehicles to our local community and assist vehicle owners in selling their car with a hands-free approach. I pride myself on making this business a success for the Town of Eagle through added sales tax revenues and creating a professional, small town character business. Thank you for helping Eagle Auto Consignment be successful in the Town of Eagle and continuing our special use permit to sell cars, trucks, trailers, RV's, motorcycles and powersports with on vehicle stickers/advertising and onsite signage at our new location at 422 McIntire Street and future location at 646 Grand Avenue.

Thank you.



Trevor Theelke

Eagle Auto Consignment

Owner

970-331-0789

eagleautoconsignment@gmail.com

www.eagleautoconsignment.com

-December 17, 2019

Town of Eagle:

As one of the Members of the commercial building located at 422 McIntire in Eagle, CO. I have met with Trevor Theelke, the owner of Eagle Auto Consignment, and have agreed to a lease with him upon receiving a special use permit for the property address from the Town of Eagle. I have also reviewed and approved the proposed parking plan, which will be an open-hours based interface among the businesses at this address.

I think the addition of Eagle Auto Consignment will enhance all of our local businesses and look forward to having them be a part of 422 McIntire.

Please feel free to call if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Celena Olden', with a long horizontal flourish extending to the right.

Celena Olden

GRAND EAGLE REAL ESTATE, LLC.
970-376-1505

[illegible]

- [illegible]

SECRET SOURCE, A CONFIDENTIAL SOURCE, ADVISED THAT THE NAME OF THE T-1 OF
DEPARTMENT OF AGRICULTURE WAS THE APPROVED SOURCE. THE NAME OF THE T-1
OF AGRICULTURE, AND THAT THE NAME OF AGRICULTURE WAS CONFIDENTIAL TO THE T-1 OF AGRICULTURE.

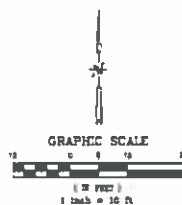
44-38861-1000

FILE INFORMATION

LOT 12 T4S 18 S20E 24 T20N OF 64E ACROSS TO THE PLAT
W-65007 IDENTITY OF 64E STATE OF COLORADO

REPORTED AND _____ DAY OF _____ A.D.
BY _____ OF THE
COUNTY SURVEYORS LAND SURVEY PLAT/BOOKS-OF-RECORD SURVEY AT

REPORTED BY _____



PLAT MAP OF A 10-ACRE PROPERTY IN MCINTIRE, COLORADO

McINTIRE STREET

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

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LOT 39

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EAL
Parking

Onsite Parking



Proposed Eagle Auto
Consignment Office

Single Family Home
Residential Multi-
Family Zone District
(RMF)

Pickups Pizza

A Good Sport

Single Family Home
Residential Multi-
Family Zone District
(RMF)



CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Department of Community Development

DATE: January 21, 2020

PROJECT NAME: 770 Castle Drive Talley Subdivision

FILE NUMBER: MS19-02

APPLICANT: Cynthia and Otto Talley

LOCATION: 770 Castle Drive

ZONING: Residential Multi Family (RMF) District

EXHIBIT(S): A. Application Form
B. Draft Final Plat

PUBLIC COMMENT: Staff has received 1 letter of public comment as of January 17, 2020. Letters received after this time will be gathered and entered into the public record at the hearing.

STAFF CONTACT: April Kroner, AICP, Community Development Director

REQUEST: Request for a Minor Subdivision to subdivide one lot into three lots.

Note: A Minor Subdivision is a subdivision which creates:

- *Only residential lots for a maximum of 4 dwelling units, OR nor more than 4 commercial lots.*

PROJECT DESCRIPTION

The applicant is requesting a minor subdivision to re-subdivide Lot 1 of the Callicrate Subdivision into three (3) separate residential lots, which then can be operated, sold, or developed respectively. Currently, the property includes two separate residential structures, which results in a non-conforming situation as the Town's Land Use Code only permits one principal structure per parcel. The applicant will bring this issue into conformance with the proposed minor subdivision by keeping one residence (the south-westernmost structure) on one lot, demolishing the other structure and creating two vacant, developable lots.

PROJECT REVIEW

As mentioned in the project description portion above, the purpose of the minor subdivision request is to enable the applicant to subdivide into three lots, one which contains an existing residential structure and two new residential building sites. This aligns with the Town's goals, policies, and plans, which includes the Land Use Policy that "New development should be compact, pedestrian friendly and located within or adjacent to existing development to minimize infrastructure and service needs," in addition to meeting several other goals and policies relative to land use and housing.

Town staff has analyzed the proposed lot sizes, building setbacks (as applicable), and other zoning parameters to ensure compliance with the Town regulations.

- All lots meet the lot design standards as set forth in the town code. This includes:
 1. In the RMF District, lots must meet a minimum lot area of 6,000 square feet.
 2. Each lot must have a minimum of 25' of frontage on a dedicated public street and allow access from a public street.
- The footprint of the existing residential structure that is to remain on the property should be depicted on the Final Plat. This allows staff to ensure the subdivision doesn't create a non-conforming situation for the existing structure that is to remain in regards to building side-yard setbacks, or lot coverage for buildings and other impervious areas. Staff has reviewed this based on the available mapping tools and has ensured conformance, however it must be depicted on the plat.
- Castle Drive is very narrow right-of-way at only 40' in total width. Therefore, the Town Engineer requires that a 5' right-of-way dedication to the Town of Eagle be made along Castle Drive. This shall be shown on the plat as 'dedicated to the Town'. In addition, this results in a minor reduction in the lot areas which will now be as follows: Lot 1 = 6,322, Lot 2 = 6,322, Lot 3 = 8,395. All still meet the minimum lot area as required in the RMF district.
- The Town Engineer has identified the following easement revisions need to be addressed on the plat:
 1. Provide a 7.5' Drainage and Utility Easement along all interior property lines.
 2. Revise the 10' Drainage and Utility Easement along Castle Drive to a 10' Drainage, Utility, and Pedestrian easement.
- A note shall be added to sheet 1 of the Final Plat indicating that "all utility and access easements are dedicated to the Town" as required per the Town's subdivision regulations.

PUBLIC NOTICE AND COMMENTS

The public hearing for the minor subdivision was publicly noticed in accordance with the applicable public notification requirement of the Eagle Land Use and Development Code. One letter of public comment was received by January 17, 2020 and is attached. Letters received after this time will be gathered and entered into the public record at the hearing.

STAFF RECOMMENDATION

Staff recommends approval of MS19-02 for a Minor Subdivision with the following conditions:

1. Depict the footprint of the existing residential structure that is to remain on the property on the Final Plat.
2. Town signatures will not be affixed to the final plat for recording until a demolition permit for the “2nd residential structure” on the property has been obtained through the building department.
3. Dedicate 5’ along Castle Drive for public right-of-way; indicate on the plat that this area is ‘dedicated to the Town’.
4. Revise lot areas as applicable based on r-o-w dedication required.
5. Provide a 7.5’ Drainage and Utility Easement along all interior property lines.
6. Revise the 10’ Drainage and Utility Easement along Castle Drive to a 10’ Drainage, Utility, and Pedestrian easement.
7. Add a note to sheet 1 of the Final Plat indicating that “all utility and access easements are dedicated to the Town”.



TOWN OF EAGLE
COMMUNITY DEVELOPMENT
200 BROADWAY • PO BOX 609 • EAGLE, CO 81631
PHONE: 970-328-9655 • FAX: 970-328-9656
www.townofeagle.org

LAND USE & DEVELOPMENT APPLICATION

Pursuant to the Land Use & Development Code, Title 4

ZONING REVIEW	DEVELOPMENT REVIEW	SUBDIVISION REVIEW
☐ Special Use Permit	☐ Minor Development Permit	☐ Concept Plan
☐ Zoning Variance	☐ Major Development Permit	☐ Preliminary Plan
☐ Rezoning	PLANNED UNIT DEVELOPMENT (PUD) REVIEW	☐ Final Plat
☐ Temporary Use Permit	☐ PUD Zoning Plan	☐ Lot Line Adjustment
☐ Amendment to Zone District Regulations	☐ PUD Development Plan	☐ Condominium / Townhouse
☐ Encroachment Permit		☐ Minor Subdivision

PROJECT NAME TALLEY SUBDIVISION

PRESENT ZONE DISTRICT RMF PROPOSED ZONE DISTRICT _____
(if applicable)

LOCATION

STREET ADDRESS 770 CASTLE DRIVE

PROPERTY DESCRIPTION

SUBDIVISION CALLICRATE SUBDIVISION LOT(S) 1 BLOCK _____
(attach legal description if not part of a subdivision)

DESCRIPTION OF APPLICATION/PURPOSE WE ARE REQUESTING APPROVAL FOR
RE-PLATTING OUR CURRENT PROPERTY TO 3 SEPARATE PROPERTIES.

APPLICANT NAME OTTO & CYNTHIA TALLEY PHONE 970.376.4292/970.904.0126

ADDRESS P.O. BOX 3970 EAGLE CO 81631 EMAIL cindy@callicrateco.com
otto@centurytel.net

OWNER OF RECORD SAME AS ABOVE PHONE _____

ADDRESS _____ EMAIL _____

REPRESENTATIVE* N/A PHONE _____

ADDRESS _____ EMAIL _____

*A representative must submit an affidavit or power of attorney signed by the property owner of record authorizing the representation.

Certificate of Dedication and Ownership
Know all men by these presents that Cynthia C. Talley and Otto A. Talley along with FirstBank being sole owner(s) in fee simple, mortgagee or lienholder of all that real property situated in Eagle County, Colorado described as follows:

Lot 1, Callicrate Subdivision according to the Final Plat thereof recorded January 30, 2004 as Reception No. 866468 in the Office of the Eagle County Clerk and Recorder, County of Eagle, State of Colorado.

containing 0.503 acres more or less; have by these presents laid out, platted and subdivided the same into lots and blocks as shown on this final plat under the name and style of TALLEY SUBDIVISION, a subdivision in the County of Eagle; and do hereby accept the responsibility for the completion of required improvements; and do hereby dedicate and set apart all of the public roads and other public improvements and places as shown on the accompanying plat to the use of the public forever; and do hereby dedicate those portions of said real property which are created as easements on the accompanying plat to the public forever as easements for the purposes shown herein, unless otherwise expressly provided thereon; and do hereby grant the right to install and maintain necessary structures to the entity responsible for providing the services for which the easements are established.

EXECUTED this ____ day of _____, A.D., 20__.

Owner: Cynthia C. Talley and Otto A. Talley

By: _____ By: _____
Cynthia C. Talley Otto A. Talley

Address: P.O. Box 3970 770 Castle Drive
Eagle, Colorado 81631

STATE OF COLORADO)
COUNTY OF EAGLE)SS

The foregoing Certificate of Dedication and Ownership was acknowledged before me this ____ day of _____, A.D. 20__, by Cynthia C. Talley as Owner.

My Commission expires _____
Witness my hand and official seal.

(SEAL) _____
Notary Public

The foregoing Certificate of Dedication and Ownership was acknowledged before me this ____ day of _____, A.D. 20__, by Otto A. Talley as Owner.

My Commission expires _____
Witness my hand and official seal.

(SEAL) _____
Notary Public

Lender Consent

FirstBank being the beneficiary of the deed of trust recorded in the office of the clerk and recorder of Eagle County as Reception No. _____, as amended from time to time, hereby consents to and approves this final plat of Talley Subdivision and agrees that any foreclosure or other enforcement action under such deed of trust shall not cause a termination or invalidation of this final plat.

By: _____
Authorized Signer

STATE OF COLORADO)
COUNTY OF _____)SS.

The foregoing lender consent was acknowledged before me this ____ day of _____, 20__ by _____ as an Authorized Signer for _____.

My Commission Expires: _____

Witness My Hand And Official Seal.

Notary Public

SEE GENERAL NOTES SHEET 2

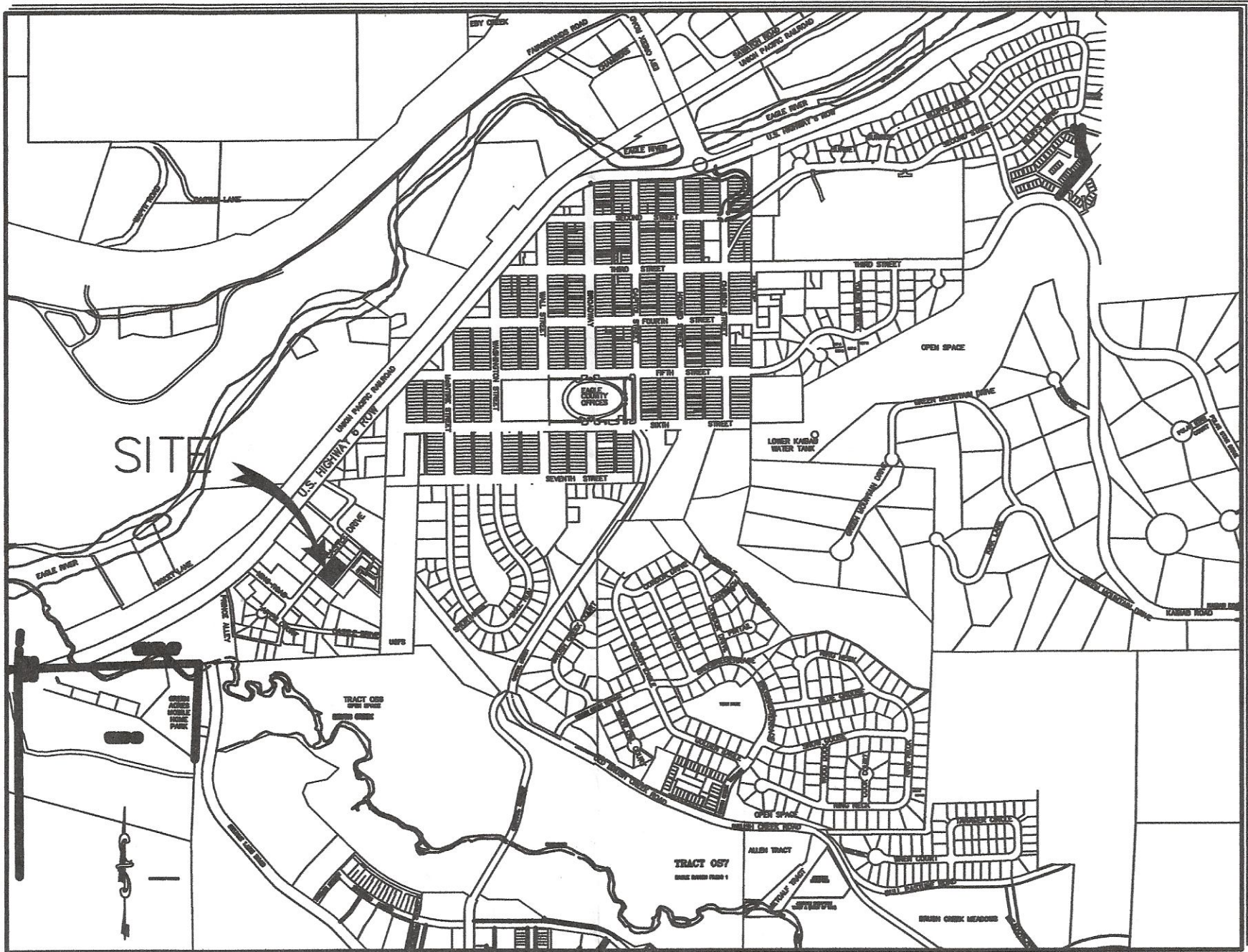
NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

FINAL PLAT

Talley Subdivision

A Resubdivision of Lot 1, Callicrate Subdivision

Town of Eagle, County of Eagle, State of Colorado



SCALE 1" = 1000'
PORTION OF SECTION 5,
TOWNSHIP 5 SOUTH, RANGE 84 WEST, 6th P.M.

Certificate of Taxes Paid

I, the undersigned, do hereby certify that the entire amount of taxes and assessments due and payable as of _____ upon all parcels of real estate described on this plat are paid in full.

Dated this day ____ of _____, A.D., 20__.

Treasurer of Eagle County

Title Certificate

_____ does hereby certify that it has examined the Title to all lands shown upon this Plat and that Title to such lands is vested in _____, free and clear of all liens, and encumbrances, except as follows:

Dated this ____ day of _____, A.D., 20__.

AGENT: _____

Clerk and Recorder's Certificate

This Plat was filed for record in the Office of the Clerk and Recorder at _____ o'clock ___, on this day of _____, 20__ and is duly recorded at Reception No. _____.

Clerk and Recorder

By: _____
Deputy

LAND USE SUMMARY		
LOT	LAND USE	AREA
LOT 1	Residential	6,585 Sq. Ft.
LOT 2	Residential	6,582 Sq. Ft.
LOT 3	Residential	8,744 Sq. Ft.
TOTAL=	27,911 Sq. Ft. —	0.503 ACRES

County Commissioners' Certificate

Based upon the review and recommendation of the Eagle County Director of Community Development, the Board of County Commissioners of Eagle County, Colorado hereby approved this plat this ____ day of _____, A.D., 20__, for filing with the Clerk and Recorder of Eagle County and for conveyance to the County of the public dedications shown herein; subject to the provisions that approval in no way obligates Eagle County for maintenance of roads dedicated to the public until construction of improvements thereon shall have been completed in accordance with Eagle County specifications and the Board of County Commissioners of Eagle County has by a subsequent resolution agreed to undertake maintenance of the same. This approval does not guarantee that the size, soil conditions, subsurface geology, ground water conditions or flooding conditions of any lot shown hereon are such that a building permit, sewage disposal permit or any other required permit will be issued. This approval is with the understanding that all expenses involving required improvements for all utility services, paving, grading, landscaping, curbs, gutters, sidewalks, road lighting, road signs, flood protection devices, drainage structures and all other improvements that may be required shall be the responsibility of the subdivider and not the County of Eagle.

Chairman, Board of County Commissioners
Eagle County, Colorado

Witness my hand and seal of the County of Eagle.

ATTEST: _____
Clerk to the Board of County Commissioners

Planning Director Certificate

Pursuant to the Eagle County Land Use Regulations, the Director of Eagle County Community Development hereby approves this final plat the ____ day of _____, A.D., 20__.

Director, Community Development
County of Eagle, Colorado

STATE OF COLORADO)
COUNTY OF EAGLE)SS

The foregoing instrument was acknowledged before me this ____ day of _____, A.D., 20__, by _____.

My Commission expires: _____
Witness my hand and official seal.

(SEAL) _____
Notary Public

Surveyor's Certificate

I, Matthew S. Slagle, do hereby certify that I am a Professional Land Surveyor licensed to practice land surveying under the laws of the State of Colorado, that this subdivision plat is a true, correct and complete plat of TALLEY SUBDIVISION as laid out, platted, dedicated and shown hereon, that such plat was made from an accurate survey of said property by me and/or under my supervision and accurately shows the location and dimensions of the lots, easements and rights of way of said plat as the same are monumented upon the ground in compliance with applicable regulation governing the subdivision of land, that such plat is based upon the professional land surveyor's knowledge, information and belief, that such plat has been prepared in accordance with applicable standards of practice, and that such plat is not a guaranty or warranty, either expressed or implied.

In Witness Whereof, I have set my hand and seal this ____ day of _____, A.D., 2019.

SEAL Colorado Licensed Professional Land Surveyor
Matthew S. Slagle
License Number 34998



Matthew S. Slagle PLS 34998
Professional Land Surveyor
State of Colorado

Revised Per Town Comments 12-14-19 MSS

SLAGLE SURVEY SERVICES

800 Castle Drive - P.O. Box 751 Eagle, Colorado 81631
970.471.1499 Office matthew@slaglesurvey.com
www.SlagleSurvey.com

FINAL PLAT

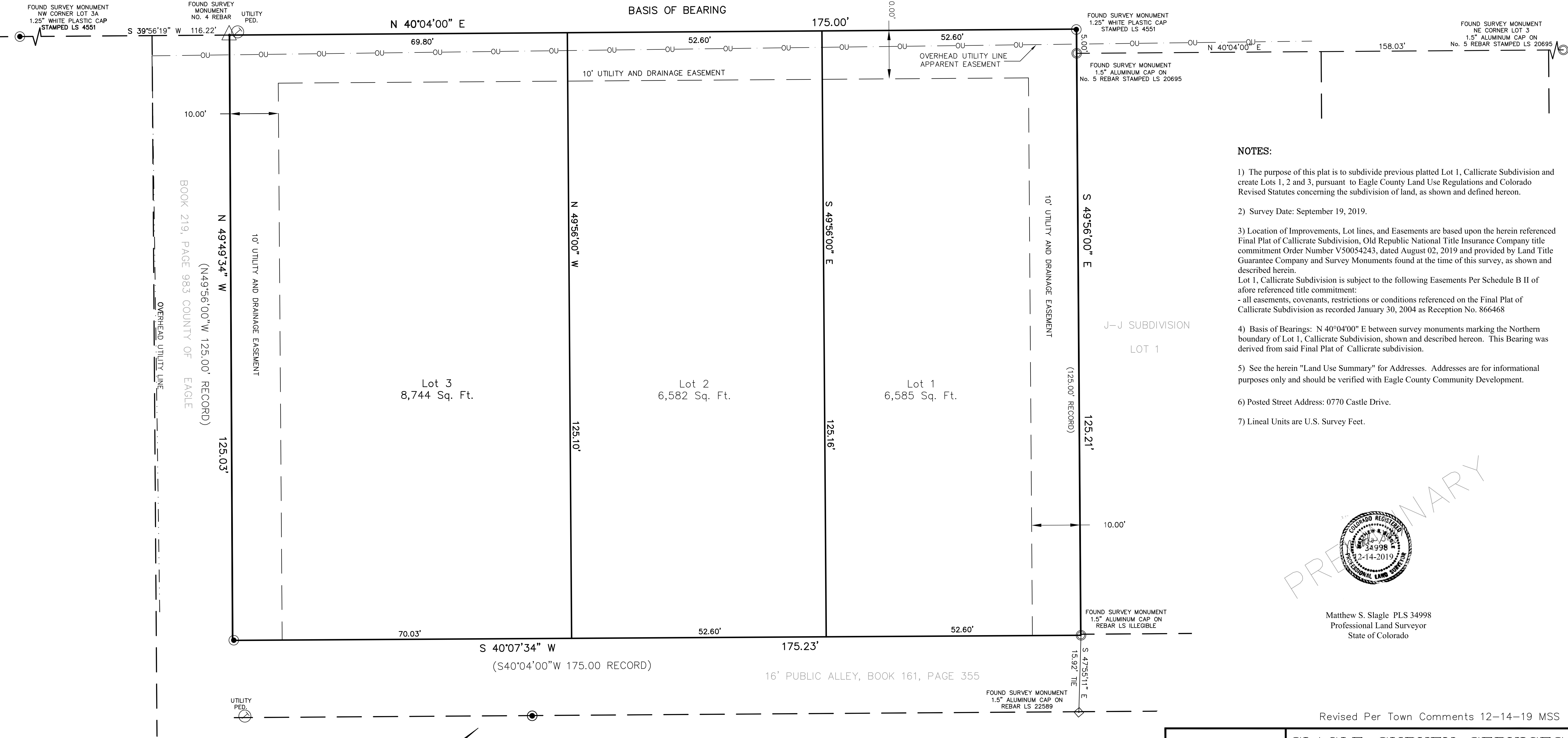
Talley Subdivision

A Resubdivision of Lot 1, Callicrate Subdivision
Town of Eagle, County of Eagle, State of Colorado

DRAWN BY: MSS	JOB NUMBER: 19043	DRAWING NAME: 19043_Plat.dwg
SHEET 1 OF 2		DATE: 09-21-2019

FINAL PLAT
Talley Subdivision
A Resubdivision of Lot 1, Callicrate Subdivision
Town of Eagle, County of Eagle, State of Colorado

CASTLE DRIVE (40' ROW)
Reception No. 88599



- NOTES:
- 1) The purpose of this plat is to subdivide previous platted Lot 1, Callicrate Subdivision and create Lots 1, 2 and 3, pursuant to Eagle County Land Use Regulations and Colorado Revised Statutes concerning the subdivision of land, as shown and defined hereon.
 - 2) Survey Date: September 19, 2019.
 - 3) Location of Improvements, Lot lines, and Easements are based upon the herein referenced Final Plat of Callicrate Subdivision, Old Republic National Title Insurance Company title commitment Order Number V50054243, dated August 02, 2019 and provided by Land Title Guarantee Company and Survey Monuments found at the time of this survey, as shown and described herein.
Lot 1, Callicrate Subdivision is subject to the following Easements Per Schedule B II of afore referenced title commitment:
- all easements, covenants, restrictions or conditions referenced on the Final Plat of Callicrate Subdivision as recorded January 30, 2004 as Reception No. 866468
 - 4) Basis of Bearings: N 40°04'00" E between survey monuments marking the Northern boundary of Lot 1, Callicrate Subdivision, shown and described hereon. This Bearing was derived from said Final Plat of Callicrate subdivision.
 - 5) See the herein "Land Use Summary" for Addresses. Addresses are for informational purposes only and should be verified with Eagle County Community Development.
 - 6) Posted Street Address: 0770 Castle Drive.
 - 7) Lineal Units are U.S. Survey Feet.



Matthew S. Slagle PLS 34998
Professional Land Surveyor
State of Colorado

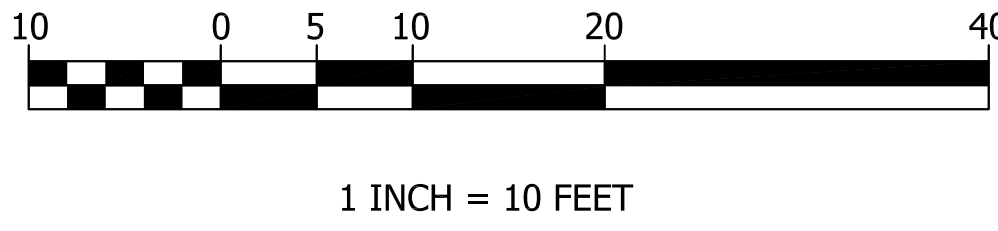
Revised Per Town Comments 12-14-19 MSS



SLAGLE SURVEY SERVICES
800 Castle Drive - P.O. Box 751 Eagle, Colorado 81631
970.471.1499 Office matthew@slaglesurvey.com
www.SlagleSurvey.com

FINAL PLAT Talley Subdivision A Resubdivision of Lot 1, Callicrate Subdivision Town of Eagle, County of Eagle, State of Colorado		
DRAWN BY: MSS	JOB NUMBER: 19043	DRAWING NAME: 19043_Plat.dwg
SHEET 1 OF 2	DATE: 09-21-2019	

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.



From: [Lisa Schober](#)
To: [Jessica Lake](#)
Subject: re: MS19-02 770 Castle Drive Minor Subdivision
Date: Monday, January 13, 2020 8:00:28 AM

In regard to the above application, we are aware of Otto and Cindys plans for the subdivision. My husband Lance and I have no objections or issues with the approval of this application.

Sincerely,

Lisa J. Schober
Eagle County Assessor's Office
970-328-8658

Planning and Zoning Commission TERMS

As of 12/13/2019

Name	Term Expiration	Re-applying (Y/N)
Jason Cowles, Chairman	2/28/2020	N
Stephen Richards	2/28/2020	N
Brent McFall	2/28/2020	?
Kyle Hoiland	9/27/2020	?
Charlie Perkins	6/12/2020	?
Jesse Gregg	7/22/2022	
Matthew Hood	7/22/2022	
Bill Nutkins (Alternate)	7/22/2022	



To: Mayor and Board of Trustees

From: Bill Shrum, Assistant to the Town Manager

Date: November 27, 2019

Agenda Item: Policy Considerations for a Mobile Vending Ordinance

REQUEST: To review policy examples from nearby and similar communities to give staff direction on the development of a mobile vending ordinance.

INTRODUCTION: The Town of Eagle currently uses right-of-way easement agreements and business licenses to allow for mobile vending use in Town. Many towns like Eagle have a fully defined mobile vending licensing program which can outline the acceptable uses, locations, and procedures to conduct mobile vending in town.

ANALYSIS: There are a variety of nuanced policies in different towns that allow for mobile vending. This memo will highlight where there is consensus and use feedback on these items to inform a proposed ordinance for the Town.

Most mobile vending ordinances have the following characteristics:

- Town Sales Tax, Business License, and Mobile Vending license required
- Operations conducted in matching zoning (commercial/industrial) or on private property
- Signage is allowed when affixed to the vehicle
- Street furniture and refuse is the responsibility of the mobile vendor
- Operations are authorized only in specific sites, proposed at the time of license application

Relevant variations of some of these characteristics or other considerations are the following:

- Mobile vending operations can only be conducted as a part of a special event
- Variable buffers enforced from traditional brick and mortar stores with similar use
- Zoning variances outside traditional use require site specific review
- Continuous periods of use, seasonality, or percentage of operation limits each year
- Saturation limits which allow for a given limit as determined by BoT/ Town Manager
- Hand-powered carts, though stationary, apply for peddler licenses

Existing uses in Town have identified non-matching zoning locations as desirable for mobile vending. Recreational sites like the Pool and Ice Rink, Eagle River Park, and Brush Creek Open Space may be viable locations for mobile vendors depending on events and scheduled use. The imposition on parking spaces in the right-of-way is a concern when granting a license for use in a zone rather than in designated sites.

COMMUNITY INPUT: The Town has received community feedback supporting the development of clear mobile vending regulations, as well as concern about impacts to traditional brick and mortar and other

sales tax and property tax paying businesses. We have also received feedback regarding the presence of mobile vendors at organized events in Town, asking for conformity with otherwise approved uses or a clear deferment to event organizers when using otherwise approved mobile vending sites.

BUDGET / STAFF IMPACT: The staff impact in facilitating a mobile vending licensing program is nominal. Site approval process when left to the Town will require staff time and work, when site approval is proposed and supplied by the applicant, the staff impact is like any other site review and cost recovery can apply to the fee amount. The increase of successful mobile vendors in the Town can provide additional commercial sales tax and bring vitality to a variety of locations in Town.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED: Adoption of a mobile vending ordinance and licensing program can provide oversight regarding public health, safety, and the environment. This ordinance can also help spur economic vitality and improve the financial health of the Town.

RECOMMENDED ACTION OR PROPOSED MOTION: Staff is asking the Board of Trustees to review the enclosed information and provide guidance on policy which should be incorporated into a draft Mobile Vending Ordinance.

ATTACHMENTS: Mobile vending ordinance matrix.xls

Mobile Vending Policy Matrix

	Other Notes	Licenses	In matching zone	Distance from brick and mortar	Signage	Different sites	Continuous time	Waste	Ultimate Approval for right of way
Avon	Allows for food trucks but only in designated areas in town. Peddlers and solicitors are allowed.	Business license, sales tax license.	Only authorized town locations.	N/A	N/A	Only specific areas	N/A	Need refuse plan, right of way plan.	N/A
Boulder	Prohibits mobile sales vending from a vehicle, trailer, mobile home, or camping tent on public or private property.	Sales tax + fence permits + public property use permit.	Must match zoning.	150' from residential, 150' from restaurant, 200' from another mobile food - no more than 4 vehicles per private property in commercial zones.	Only on vehicle.	One site plan.	Sales - 2 weeks in 3 month period cannot run before 7 or after 9, no more than 4 hours continuous.	All impacts mitigated, no less than 3 receptacles.	City Manager
Breckenridge	Carts must be constructed with matching materials and aesthetically match community or site, no cart on vacant lot allowed - can provide up to 12 seats.	Class D or class B development (large/small cart) - all need business license.	Yes, unless special event.	N/A	Must conform to sign code, one free-standing sign allowed.	In conservation district, only allowed 3 large, 4 small carts. No limit on special events.	N/A	N/A	All carts must be on private property.
Broomfield	Can only occupy 1 stall, no trailers.	Sales tax license - no other permits.	N/A	Commercial vehicle cannot park <30' of an intersection, 10' of a driveway, or 30' of a speed limit sign.	Only affixed to vehicle.	Any right-of-way allowed, must have private property permission.	One hour maximum in any location	No street furniture, no trash allowed.	N/A
Buena Vista	Chaffee County building inspection needed for power, sanitation - and water respectively - town right of way use requires an encroachment permit and revocable license agreement.	State and local sales tax, RoW requires encroachment permit (\$25) + revocable license.	Residential zone approval comes from Board of Trustees - Commercial zone approval comes from the Town Manager.	N/A	Temporary	Vendor provides full site plan, trails, alleys, structures, setbacks, property lines - elevation of cart/booth + signs.	Days must be consecutive per permit per location.	N/A	Town Manager
Carbondale	Preapplication meeting required.	Town sales tax + Colorado Department of Public Health.	Public property required, Town Manager sign, private required, owners permit, use must match zone.	4 feet clearance on sidewalk and 20 feet from intersections.	N/A	Full site plan, easements, buildings and utilities brought to town.	N/A	N/A	Building manager or community development director
Crested Butte	N/A	4 food, 2 merch vending license.	N/A	N/A	Signage must be affixed to cart/vehicle.	Photograph and /or drawing w dimensions of cart/vehicle.	Must operate minimum 80 days.	Vendor responsibility to keep clear.	Town Manager
Estes Park	Seen as accessory use, cannot be on undeveloped land.	N/A	Limited to 5 zones.	N/A	One temporary sign.	N/A	N/A	Must provide containers.	N/A
Frisco	Administered through special events permits only.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Green Mountain Falls	N/A	5 days advance notice (food and peddler license).	Must be compatible use (for food).	N/A	N/A	N/A	N/A	N/A	Town Board

Johnstown	N/A	State and Town sales tax/ business.	Yes	500' - must have written permission from all inside.	Only what is affixed to truck.	Individual site plan for each.	Only allowed to sell 12h in every 24h.	Must secure all generated waste.	N/A
Moab	N/A	Business license, miscellaneous license.	In matching zone except ice cream trucks - no commerce in residential.	Vendor supplies site plan, private property must supply 1 space per temp structure and cannot reduce parking of permanent business. Exemption by Town Manager, in no case shall temp use reduce private parking.	N/A	Supply site plan on application, zoning must match, max 36 sq. ft of space, food max 8x25x10, up to 6 seats on sidewalk.	N/A	Must resolve trash each day.	City Treasurer
Salida	Vendors must suppliment any parking spaces used in act of vending.	State sales tax license - encroachment permit required per site.	Only in specific locations and with Town Manager approval.	N/A	N/A	N/A	A variety of permit durations are available.	N/A	Town Manager
Silverthorne	Only for special events with other tent vendors - no license or permit for operation in town RoW.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Vail	Administered through special events permits only.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A



To: Planning and Zoning Commission

From: Bill Shrum, Assistant to the Town Manager

Date: November 27, 2019

Agenda Item: Short-Term Rental (STR) Policy Proposal

REQUEST: Staff requests the Planning and Zoning Commission review analysis of ordinances from comparable towns regarding short-term rental licensing, taxing, and enforcement.

INTRODUCTION: Technology platforms to allow owner-occupied units to be rented for short-term periods has proliferated recently, in particular demand in tourism-dependent communities as alternative options to traditional lodging like hotels. The Town of Eagle has a taxing and licensing program for hotels but does not have such a program for STR units and the like. Other communities in a similar geographic and economic situation as Eagle have been surveyed for their own solutions and presented here to help inform an ordinance for the Town of Eagle.

ANALYSIS: Communities that have a STR or equivalent ordinance for licensing and taxation each have unique conditions, community values, and economic reasons for their decisions. Generally, these conditions range from tolerant, enabling, and supportive of STR use to restrictive and tightly controlled. Variations on common policies seek to relate STR taxes and fees to those required from traditional lodging, to facilitate owner-occupied full-time residency, and saturation of use in zones that may not be traditionally used for what some may consider commercial activity.

In the following table and more comprehensive attachment, different policy perspectives model restrictive, moderate, and free-market views on various impacts of STR units. These are presented to provide context to a continuum of possible solutions which could be adopted by the Town of Eagle.

	Minimal	Moderate	Restrictive
License and Inspection Fee	\$50 /yr.	\$150-\$200 fee annually	\$600 fee annually
Are primary or non-primary residences allowed?	Yes	Only primary	Only ADU's w primary
Required Taxes to Collect	Sales	Sales + Lodging	Sales, Lodging, and VRBO fee
Taxes collected, enforced, or remitted by:	Owner	Town	Third party software
Neighbors notified of STR license	No	Only for multi-dwelling	Yes
Saturation limit	No	Restricted by town quota	Restricted by neighborhood quota
Zoning Limitations	No	Limited to residential zone	STR overlay, residential restrictions
Occupancy Limit	No	2 + 2 per bedroom	Max based on building code

One element of the analysis that did not have a consistent theme was the dedication or restriction of collected funds by the Town. Some communities have encumbrances on STR and lodging taxes and fees for recreation, affordable housing, and other community priorities. Many of the communities collect these fees as a part of general fund collections and leave it to the annual budget appropriations process to steer the funds according to the values of the community.

COMMUNITY INPUT: Questions about the Town potentially regulating STR's have been the topic of discussion at the Marketing and Events Committee in August as well as other community forums in town. There are members of the community interested in economic development and tourism industries that would be impacted by this ordinance, as well as residents in neighborhoods with a distinct character that fear a change should their neighbors predominantly change from owner-occupied. Finally, hotels and other commercial lodging businesses in town have expressed concern at the perceived inequity between the taxes they pay and contribute to the town in comparison to what is viewed as a similar commercial use such as STR's.

BUDGET / STAFF IMPACT: Current staff impact is minimal as we are only reviewing policy at this time and this work has been budget neutral.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED: A thoughtful STR ordinance and licensing policy would speak to each of the six stated business values of the Town: Sound planning, reliable and cost effective services, economic development, sound finances and increasing efficiency, protecting public health, safety, and the environment, and transparency and community engagement. Depending on the adopted policies, STR licenses can ensure scarce housing stock be maintained for permanent resident housing affordability and availability.

RECOMMENDED ACTION OR PROPOSED MOTION: Town staff recommends that the Planning and Zoning commission review the attached material and provide guidance regarding the policies that would be encapsulated in a Short-Term Rental ordinance.

ATTACHMENTS: STR Ordinance Matrix.xls

Short-Term Rental Property Ordinance Matrix - March 2019, Amended Nov. 2019

credits: Colorado Association of Ski Towns, CML, City of Fort Collins, Town of Eagle

City	Primary Residence Allowed	Non-Primary Residence Allowed	Which Taxes Required	Tax Collected: by Muni or Listing Agency	Licence Required	Neighbor Notification	Concentration Limit	Zoning Limitations	Fees	Occupancy Requirement	Require a "local responsible party" for complaints?	Mandatory response time for the responsbile party to address complaint?	Utilize a 24 hour call center?	Compliance Efforts?	Weblink to ordinance	Number of Listings
Avon	Yes	Yes	Sales tax	N/A	Yes, non-tranferrable	No	No	Short Term Overlay Districts- Primarily Town Core	Annual Business License is \$75	No	No	No	No	MuniRevs	http://www.avon.org/str	135
Basalt	Yes	May only be rented on a short-term basis with the primary residence	Sales tax	N/A	Business license, safety inspection, annually renewable	No	No on single family, max of 6 short-term rental allowed in multi-family buildings	No	\$150 annually	No more than 3 unrelated people	Resident or business owner in Roaring Fork Valley	N/A	No	N/A	https://www.basalt.net/Documents/Ordinance%20List%20-%202019.pdf	n/a
Beaver Creek	No	Yes	5.35% Sales + .96% STR	By BCRC	Yes, annual Business License	No	No	No	\$200 annually	No	Yes	30 days	No	Host Compliance to find owners renting on their own who have not paid the proper tax/ assessment	http://beavercreekresort.com	1200
Breckenridge	Yes	Yes	Sales tax	Municipality	Yes, non-tranferrable	No	No	None- unless deed restricted workforce housing, then prohibited	BOLT: \$75-\$175 annually/ Admin Fee: \$25-\$150 annually	No	Yes	60 minutes	Yes STR Helper	STR Helper	www.townofbreckendridge.com/shortterm	3781
Crested Butte	Yes	Yes	4.5% lodging sales tax and 5% Vacation Rental Excise tax, the excize tax collected is used to fund affordable housing projects	The Property owner or authorized agent is responsible for collecting and remitting taxes through the Town's on-line licensing and sales tax software program	Vacation Rental License@ Town of Crested Butte Business License both required	Yes, 100ft radius	No. The number is limited to 30% of total freemarket residential units in town located in permitted zone districts. Currently 213 unlimited vacation rental licenses can be issued	Yes. Restricted to permitted zones, Not allowed in deed restricted housing or ADU's that are required to be long-term rentals	Unlimiated Vacation Rental License fee: \$750/ yr. Primary residence License fee of \$200/yr with a maximum of 60 nights of rental per year	2 people per bedrom plus an additional 2 people for the unit with a maximum occupancy of 10 people. Occupancy over 10 people requires additional parking space be provided on site for every four additional people or part thereof.	Yes	1 hour	No. complaints can be lodged via phone or email to the Vacation Rental Inspector at Town Hall	STR Helper generates a monthly list of non-compliant properties based on our licensed properties	https://www.crestedbutte-co.gov/indidx.asp?SEC=0DA56E89-36E1-4A3A-8001-5F16483DEFCD&Type=B_BA_SIC	209 unlimited, 17 primary
Dillon	Yes	Yes	Sales tax	State collected sales tax but lodging tax remitted to town	yes, renew annually	No	No	No	\$50 annually	No	Yes	No	Yes	STR Helper	https://www.townofdillon.com/business-resources/dillon-short-term-rental-str	113
Durango	Yes	Yes	Sales/lodging	AirBnB collects for listings, taxes remitted to city by owner/manager in other cases	Yes, non-tranferrable	Yes, 300ft radius	Yes, by zone including total number and by block face	Yes, only allowed in certain zones	\$750 first time and \$100 annually	No	Yes	N/A	No	HostCompliance	http://online.encodeplus.com/regs/durango-co/doc-viewer.aspx#secid-273	93
Estes Park	No	Yes	Sales tax	N/A	Yes for in town with fee, operating permit for county with no fee	Yes	No	No	\$200 base + \$50 per bedroom	2 per bedroom, plus 2 up to 8. Large vacation home application available for homes larger than 3 bedroom	Yes	30 minutes- may be changed to 1h	Yes	HostCompliance	www.estes.org/businesslicensing	588 residential and 190 commercially zoned. Waiting list of 37
Fraser	Yes	Yes	Sales/lodging	Do not self collect	Registration	No	No	No	\$150	No	Yes	One hour	No	N/A	https://www.frasercolorado.com/303/Short-Term-Rental	
Frisco	Yes	N/A	Yes	N/A	Yes	No	No	No	\$75 business license	No	N/A	N/A	No	N/A	https://www.friscogov.com/	N/A
Georgetown	Yes	Yes	Sales/lodging	N/A	Yes, non-tranferrable	Yes	7% per town ward	No	\$500 first time, \$250 annually	Based on sq. ft, must be posted	Yes, within clear creek county	N/A	No	N/A	https://library.municode.com/co/georgetown/codes/municipal_code?nodeId=TIT5BULIRE_CH5.28SHMREREST	N/A
Grand Lake	Yes	Yes	Nightly rental	Listing agency	Yes, renew annually	Yes	No	No	\$600 annually	No	Yes	15 min	No	STR Helper	http://www.townofgrandlake.com	N/A
Silverthorne	Yes	Yes	Yes, annual str license in addition to requirement to remit sales & lodging tax to the town	Owners are responsible for collection/ remittance of taxes except for listings on AirBnB VCA with Airbnb. Sales and lodging tax due monthly to the Town of Silverthorne	Yes, short term rental license issued to property owner. Non-transferrable, renews annually on Dec. 1	Only in case of duplex	No	No	Tiered: Studio = \$100, 1br = 150, 2br=200, 3br=250, 4br+=300	Max advertised occupancy= 2/bedroom+2	Yes	11pm-7am (60 min) 7am-11pm (30 min)	Yes	STR Helper	https://www.silverthorne.org/town-services/finance-administrative-services/business-liquor-licenses	100
Snowmass Village	Yes	Yes	3.5% sales/2.4% lodging	N/A	Yes, non-tranferrable	No	No	No	No	Yes, under the building code	N/A	N/A	No	N/A	https://www.tosv.com/Documents/Ordinance%20List%20-%202019.pdf	N/A
Steamboat	Yes	Yes	Sales/lodging	Municipality	Sales tax license required; rental permit required for single family homes and duplexes in most zone districts	Yes for rental permits	No	No	\$50 Sales Tax Fee (one time, \$500 rental permit fee, \$75 annual renewal fee	1 per 200 sf; max 16	No	No	No	N/A	CDC Section 302.E.4 (http://steamboatsprings.net/246/Community-Development-Code)	171 active permits, approx 2386 listings in area
Telluride	Yes	Yes	Sales tax	N/A	Yes	No	No	Yes, restrictions in residential zone	\$165 base fee + 22 per bedroom	No	No	No	No	Yes	http://www.telluride-co.gov/DocumentCenter/View/260/short-term-trental-regs	547

						Yes, for duplex neighbor only, proof of notification required				Tiered: 150 per unit for unmanaged, \$10 per unit for managed, \$5 per unit for condo/hotel managed (24x7 front desk)	Not permitted in employee housing units, more than three validated complaints in one year could cause revocation of registration for 2 years					
Vail	Yes	Yes	Sales/lodging	Property owner or representative/ booking agency	Yes, registration required per unit	No	No	No			Yes, local contact within 1h required, evidenced by copy of drivers license	60 min response time unless between 11pm-7am, then 30 min	STR Helper	STR Helper	https://www.vailgov.com/s/short-term-rentals	1650
Winter park	Yes	Yes	Sales tax	Municipality	Yes, non-tranferrable	No	No	No		\$60 annually	No	No	No	LodgingRevs	https://www.wpgov.com/19	N/A