



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

PRESENT

Jason Cowles, Chair
Stephen Richards
Brent McFall
Jesse Gregg
Bill Nutkins
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V19-01- Variance request for 446 Washington (Withdrawn)

Community Development Director April Kroner described the request and explained to the commissioners why the file was withdrawn.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 he wanted to ensure that the applicants move forward with the business and utilize the Special Use Permits.

Commissioner Hood asked 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 PRESENTATIONS

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.