



**Planning & Zoning Commission
Tuesday, May 19, 2026, 6:00 PM
Public Meeting Room / Eagle Town Hall
200 Broadway, Eagle, CO 81631**

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

PUBLIC COMMENTS: If you are unable to attend, public comments regarding any items on this agenda can be submitted to the Planning Department at Planning@townofeagle.org and will be included as part of the record.

REGULAR MEETING CALLED TO ORDER

PUBLIC COMMENT

Citizens are invited to comment on any item not on the agenda subject to a public hearing. Please limit your comments to three (3) minutes per person. Those who are speaking are requested to state their name & address for the record.

APPROVAL OF MINUTES *Approval of minutes from the following meeting(s) of the Planning & Zoning Commission.*

1. May 5, 2026 P&Z Meeting Minutes

COMMUNITY DEVELOPMENT DEPARTMENT AND TOWN COUNCIL UPDATE

Staff update to the Planning & Zoning Commission on recent work, upcoming files and decisions made by Town Council.

1. Welcome New Staff
2. Community Development Department Update

OPEN DISCUSSION

ADJOURN

DINNER

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.

Gram Dick
Administrative Technician II



MEETING MINUTES
Planning & Zoning Commission
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This agenda and the meetings can be viewed at www.Townofeagle.org.

PUBLIC WIFI – Eagle Guest

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

This was an in-person meeting with the option for the public to attend via Teams.

6:00 PM - REGULAR MEETING CALLED TO ORDER

Commissioner Matt Hood called the meeting to order at 6:03 PM.

COMMISSIONERS PRESENT

Matt Hood, Keith Montag, KaLynn Morrison, Bill
Nutkins, Keegan Winkeller

COMMISSIONERS ABSENT

Erin Cook, Chad Koch, Benjamin Leape,
Colleen Sharpe, Jennifer Sturgeon

STAFF

Kyle Brotherton – Interim Com Dev Director
Jessica Lake – Senior Planner
Sydney Dynek – Planner I
Gram Dick – Admin Tech II
Ryan – IT Analyst II

APPROVAL OF MINUTES

1. Minutes approved from April 21, 2026. Motion passed unanimously. All in favor.

DECLARATION OF CONFLICTS OF INTEREST

No Conflicts of Interest disclosed.

PUBLIC COMMENT

Commissioner Hood opened the floor for public comment on items not on the agenda, but there were none.

PUBLIC HEARING

1. **Project:** McDonald's Minor Development Permit
File #: DR25-10
Applicant: Jessica McCallum, Kimley-Horn
Location: 291 Eby Creek Road
Staff Contact: Kyle Brotherton, Interim Com Dev Director
Request: Minor Development Permit application for a proposed fast food restaurant located at 291 Eby Creek Road in the Commercial General (CG) District. The proposed project will include an approximate 4,100± square foot building with 36 parking spaces.

Staff Presentation

Kyle Brotherton, Interim Community Development Director, presented file DR25-10 to the Planning and Zoning Commission regarding the proposed redevelopment of the former Burger King fast food restaurant property at 291 Eby Creek Road into a new McDonald's location. Kyle began by identifying Jessica McCallum, P.E. of Kimley-Horn, as the applicant and explained that the subject property was zoned Commercial General. He stated that the request before the Commission involved a minor development permit to redevelop an existing vacant fast food restaurant into a new restaurant with updated site improvements and building design. He also noted that staff had not received any public comments prior to the hearing. During his presentation, Kyle walked the Commission through a series of site photographs and renderings, describing the property's location on the northwest corner of the Interstate 70 and Eby Creek Road interchange, existing access conditions, surrounding roadway connections, and the current state of the vacant structure. He explained that improvements had already been made to the access road serving the property and that the conceptual renderings illustrated the intended redevelopment of the site.

Kyle then provided a detailed review of the applicable approval criteria and Land Use and Development Code requirements. He explained that the proposal was evaluated for consistency with the Elevate Eagle Comprehensive Plan as well as numerous chapters of the Town's LUDC. He stated that no Planned Unit Development or special area plan governed the property, so the review focused primarily on comprehensive plan consistency and code compliance. He explained that staff found the project aligned with several Comprehensive Plan goals because it redeveloped an underutilized commercial parcel while continuing to protect the adjacent riparian corridor located west of the site. Kyle further described how the project met the standards of the Commercial General zoning district, including frontage, lot coverage, and setback requirements. He clarified that although the standard riparian setback was typically 75 feet, a previously approved subdivision case, MS25-01, had reduced the setback requirement to 50 feet for this parcel, making the proposal compliant with the approved subdivision and applicable regulations.

As part of his analysis, Kyle Brotherton reviewed the project's compliance with use standards, site design regulations, landscaping requirements, parking standards, lighting regulations, sustainability requirements, and procedural criteria. He explained that fast food restaurants were permitted through a minor review process; however, because the building required design review approval, the application was elevated to a public hearing before the Planning and Zoning Commission. He stated that the project generally complied with the commercial design standards despite one parking layout issue in which more than 50 percent of the parking area was located between the building and the public right-of-way. Kyle explained that staff nevertheless found the intent of the standard had been met because of existing site constraints, the riparian setback area, the existing building footprint, and the established vehicular access configuration. He also highlighted that the proposal exceeded parking and bicycle parking requirements by providing 36 vehicle spaces where 21 were required, additional long-term and short-term bicycle parking, and 14 drive-through stacking spaces where only five were required.

Kyle Brotherton further informed the Commission that the project complied with outdoor lighting standards based on lumen and foot candle calculations and that geotechnical reports submitted by the applicant had been

reviewed and supported by the Colorado Geological Survey. He stated that impacts to protected species and environmental resources would be minimal because the property had already been previously developed. He concluded his presentation by stating that staff found the proposal consistent with all applicable review criteria and recommended approval of DR25-10 with one condition requiring the applicant to provide tree caliper measurements at the time of building permit submission to ensure compliance with the Town's minimum landscaping standards.

Questions for Staff

The Planning and Zoning Commission asked several questions regarding parking standards, the applicability of the Town's design review requirements, and the project's proposed signage. Commissioner Nutkins first requested additional clarification regarding the project's parking layout and the Town code provision limiting the amount of parking permitted between a building façade and the adjacent public right-of-way. In response, Kyle Brotherton, Interim Community Development Director, explained that Section 410-050 of the Land Use and Development Code contained a site design standard for commercial and mixed-use developments that prohibited more than 50 percent of the parking area from being located between the building and the public right-of-way. He stated that staff nevertheless supported the proposal because the application represented the redevelopment of an already developed commercial site and involved the reuse of the existing building footprint. Kyle further explained that the property was constrained by riparian setback requirements and existing circulation patterns, making alternative parking arrangements difficult. He noted that the applicant was reducing the overall amount of parking on the site from approximately 40 existing spaces to 36 proposed spaces, thereby reducing the visual and physical impact of parking between the roadway and the building. He also pointed out that the property functioned as a double-frontage site and emphasized that the proposed landscaping improvements would provide sufficient buffering to minimize the visual impacts of the parking areas from adjacent public rights-of-way.

Commission members also questioned why the application had been elevated to a public hearing before the Planning and Zoning Commission when there did not appear to be any unusual or substantive design review concerns associated with the project. Commissioner Hood specifically asked what aspects of the project design required Commission review and whether there were any additional design standards that the Commission was expected to evaluate. Kyle Brotherton responded that the Town's code required Planning and Zoning Commission review for projects involving design review associated with new buildings or additions, even if the project otherwise qualified for a more administrative minor review process. He explained that staff had initially attempted to process the application at the staff level but ultimately determined that the language of the code mandated public review before the Commission. Another staff member, Jessica Lake, a Senior Planner with the Town of Eagle, added that the provision had previously been identified as a section of Chapter 4.17 that may require clarification or amendment in a future code update because the current wording lacked specificity. Commissioners then asked whether the application would proceed to the Town Council following Planning and Zoning review or whether Commission approval would conclude the design review process. Additional discussion clarified that no separate or heightened design review standards applied to the proposal beyond the general standards already addressed in the staff report and use table. Kyle confirmed that there were no additional use-specific or design-specific criteria contained within Chapters 4.10 or 4.17 that would apply uniquely to the project beyond the general development standards already evaluated by staff.

Commissioner Montag also inquired about the proposed signage for the redevelopment and whether the submitted renderings accurately reflected the signs that would ultimately be installed on the property. In response, Kyle Brotherton explained that the applicant had submitted a separate sign package during the secondary submittal process. However, the signage application was still under staff review and had not yet been finalized. He stated that because the applicant sought to continue moving through the entitlement process efficiently, the sign review had been separated from the broader development permit review. As a result, the signage depicted in the conceptual renderings could change before final approval and installation. Kyle clarified that the Commission's review at that meeting was limited to the overall development permit request for the fast food restaurant redevelopment and did not include final sign approval or a separate design review board process. He reiterated that the Planning and Zoning Commission was

reviewing only the development proposal currently before them and that the signage package would continue through the Town's separate administrative review procedures.

Applicant Presentation

Jessica McCallum identified herself as a representative of Kimley-Horn Associates, the civil engineering consultant for the project, and introduced the remainder of the development team participating, including Robert Gosiorowski with McDonald's, Corey Stinar with Eris Architecture, and property owner James Nelson. Jessica stated that the team was available to answer questions following the presentation and explained that the proposal involved redevelopment of the property located at 291 Eby Creek Road near the Interstate 70 interchange.

Jessica then provided an overview of the site location and procedural history of the application. She described the property's position immediately north of Interstate 70 and adjacent to Eby Creek Road, highlighting the boundaries of the commercial parcel. She explained that the property had previously been replatted into two separate lots, one accommodating the Alpine Bank development and the other containing the proposed McDonald's site located directly south of the bank parcel. Jessica stated that the project team had participated in a pre-application meeting with the Town on October 22, 2025, followed by submission of the initial minor development permit application on November 25, 2025. She noted that the Planning and Zoning Commission hearing on May 5, 2026, represented the culmination of several months of review and coordination with Town staff. Jessica further explained that the proposal involved redevelopment of the existing vacant Burger King restaurant into a new McDonald's restaurant with a drive-through use, which she stated was an allowed use within the Commercial General zoning district through the Town's minor permit review process.

As part of her presentation, Jessica McCallum reviewed existing site conditions and emphasized the deteriorated state of the property. She described photographs taken during an August 2025 site visit that depicted overgrown landscaping, cracked pavement, deteriorating site infrastructure, and a boarded up vacant building. She explained that the images illustrated the need for reinvestment and redevelopment at the site. Jessica then transitioned into a detailed discussion of the proposed site layout, explaining that the redevelopment would retain the existing general building footprint while modernizing the property and improving circulation, landscaping, and drainage infrastructure. She described the proposed placement of the new McDonald's building, the drive-through configuration located at the rear of the site, and the parking areas positioned primarily on the east side of the property with additional parking on the west side. She also noted that the project would reuse the site's existing trash enclosure located in the southwest corner of the property.

Jessia McCallum proceeded to walk the Planning Commission through the project's compliance with the Town's Land Use and Development Code standards applicable to the Commercial General zoning district. She explained that the project exceeded the minimum frontage requirement by providing 503 linear feet where only 25 feet were required and remained below the maximum lot coverage limitation by proposing 67.7 percent coverage where 80 percent was allowed. She further detailed the building setbacks, explaining that the project exceeded the required front and side setbacks along Interstate 70, Eby Creek Road, and the adjacent Alpine Bank parcel. Jessica reiterated that the riparian setback reduction from 75 feet to 50 feet had already been approved through the earlier subdivision and environmental impact review process associated with the replat. She additionally noted that the proposed building height of approximately 20 feet 9.5 inches remained well below the maximum permitted height of 35 feet and that the proposed 4,115 square-foot building was substantially smaller than the maximum 25,000 square feet permitted under the zoning district regulations.

Jessica also provided a detailed overview of the site's access, parking, and drive-through circulation design. She explained that access to the property would occur through the existing access connection from the Market Street roundabout and along the improved access road adjacent to the Alpine Bank development. She emphasized that no direct access would be provided from Interstate 70 or Eby Creek Road. Jessica described the drive-through operation in

detail, explaining that the proposed design included three service windows consisting of one pay window and two pickup windows intended to improve operational efficiency during peak traffic periods. She stated that while Town code required only ten drive-through stacking spaces, the proposed design provided twelve spaces between the entrance and pay window and fifteen total stacking spaces overall. She also explained that the site exceeded parking requirements by providing 36 parking spaces where only 21 were required and incorporated electric vehicle infrastructure through the installation of two EV charging stations and fifteen EV-capable parking spaces.

In discussing landscaping and architectural design, Jessica McCallum explained that the redevelopment would include extensive new landscaping improvements around the perimeter of the site, adjacent to the building, and within landscaped parking islands. She stated that much of the existing landscaping along Interstate 70 and Eby Creek Road would remain undisturbed outside the immediate redevelopment areas and that landscaping adjacent to Eby Creek would also largely remain intact due to environmental considerations. Jessica then reviewed the proposed building elevations, comparing the existing Burger King structure with the proposed McDonald's architectural design on all four sides of the building. She identified the east and south elevations as the primary public facing sides of the building, both containing public entrances, while explaining that the west elevation would contain the drive-through windows and the north elevation facing Alpine Bank would function primarily as the rear service side with an employee entrance.

Toward the conclusion of her presentation, McCallum explained how the project aligned with several goals and policies contained within the Elevate Eagle Comprehensive Plan. She stated that the future land use designation for the property supported commercial and light industrial uses and that the proposed McDonald's redevelopment represented an investment in an underutilized commercial property that would help expand local economic opportunities. She further explained that the project supported policies encouraging highway-oriented commercial development near the Interstate 70 and Eby Creek Road interchange. Jessica devoted particular attention to the project's environmental and erosion control improvements, describing existing erosion problems associated with the site's stormwater pond and deteriorating retaining wall conditions near Eby Creek. Using photographs from the August 2025 site visit, she explained that uncontrolled runoff from the existing water quality pond and sheet flow from parking areas had caused significant erosion around drainage infrastructure and along the retaining wall west of the site. Jessica stated that the redevelopment would correct these issues through regrading of the pond, installation of a new controlled outfall pipe, construction of riprap overflow protection, and installation of trench drains designed to redirect runoff away from the retaining wall. She further explained that disturbed erosion areas would be repaired with imported soil, reseeding, and biodegradable erosion control blankets made from straw and coconut fiber in order to stabilize the site and improve long-term environmental conditions.

Questions For Applicant

Following the presentation by Jessica McCallum, the Planning and Zoning Commission asked several questions concerning the architectural design of the building, the visibility and treatment of service areas, and the extent to which the existing structure would be reused as part of the redevelopment project. Commissioner Nutkins specifically focused on the east elevation of the proposed building, which faced the primary public parking area, and expressed concern that the entrance vestibule appeared understated relative to its prominence as the most publicly visible side of the building. Commissioner Nutkins asked whether the applicant team had explored incorporating additional architectural features, such as a more prominent awning or canopy treatment, to better emphasize the public entrance. Commissioner Nutkins also questioned the placement of multiple service doors along the same elevation, noting that service related functions are often located on less visible portions of commercial buildings, such as rear or side elevations, to minimize their visual impact from primary public viewpoints. Commissioner Nutkins asked whether the project team had considered rearranging the internal building layout to relocate the service doors to a less visible location while further enhancing the appearance of the customer entrance.

In response to those questions, Jessica McCallum deferred to Corey Stinar, the project architect with Aris Architecture, who provided a detailed explanation of the design rationale behind the building layout and façade

treatment. Corey explained that the service doors were intentionally located along the east elevation because that side of the building best accommodated delivery truck circulation and operational requirements for the restaurant. He stated that the walk in cooler and dry storage areas were positioned on that side of the building to facilitate efficient loading and unloading operations and that relocating the service functions to the rear or opposite side of the structure would not be feasible given the site's circulation patterns and delivery vehicle maneuvering needs. Corey explained that the design team had intentionally created an enhanced architectural zone extending from the side entrance along the east elevation and wrapping around the front of the building in order to establish a stronger visual focal point. He noted that the design incorporated a continuous modern cantilevered awning system extending across both the side and front entrances, along with raised parapet elements and varying exterior materials intended to create visual emphasis and architectural articulation.

Corey Stinar described several revisions that had been made to the building elevations during the Town's review process in response to earlier staff comments. He explained that the design team had modified the façade to better highlight the primary customer entrances through the use of contrasting materials and architectural detailing. Specifically, he identified aluminum wood-look battens framing portions of the façade, along with changes in color and finish materials above the storefront windows, which wrapped around the building corner to visually connect the side and front elevations. Corey stated that these design elements were intended to create a cohesive storefront appearance and reinforce the architectural prominence of both the east-facing and south-facing customer entrances. Following his explanation, Commissioner Nutkins acknowledged that the awning feature had not initially been apparent in the architectural renderings and thanked Corey for clarifying the design intent. Corey then further clarified that the white horizontal feature visible on the renderings represented the continuous canopy or awning system that wrapped around the storefront and front façade of the building.

Commission members also asked questions regarding the extent to which the existing Burger King structure would be reused as part of the redevelopment project. Commissioner Hood specifically inquired whether the applicant intended to preserve any portion of the existing building foundation or whether the site would be fully demolished and reconstructed. In response, Corey Stinar explained that the project proposed to retain and reuse the existing foundation along three sides of the building. He stated that only a small expansion on the non-drive-through side of the structure would require installation of new foundation work. Corey clarified that while portions of the existing foundation system would remain in place, all building improvements above grade would be demolished and reconstructed as part of the redevelopment. Commissioner Hood confirmed their understanding that the redevelopment would involve scraping and removing everything above grade while retaining portions of the existing substructure, and Corey affirmed that interpretation.

Public Comment

No Public Comment.

Discussion

The Planning and Zoning Commission collectively characterized the project as straightforward and generally consistent with prior land use approvals for the site, noting that the redevelopment replaced a previously similar commercial use with another permitted fast food restaurant use that fit within the existing commercial framework of the area. Commissioner Montag stated that the application appeared to be a straightforward case of replacing an existing use with a comparable one and noted that earlier concerns regarding drive-through stacking had been adequately addressed through staff explanations and applicant responses. Commissioner Montag also indicated that signage review would remain subject to staff-level evaluation and assumed that future sign submittals would comply with applicable Town standards.

Other commissioners echoed similar sentiments, stating that the redevelopment represented an appropriate reuse of an underutilized commercial site and would help reactivate a vacant property that had previously operated as a fast food restaurant for many years. Commissioner Morrison noted that their primary concern had been related to circulation and frontage road access, but stated that those concerns had been resolved through the information provided during the presentation and staff responses. While Commissioner Nutkins reiterated a lingering preference for relocating service doors away from the public-facing parking lot side of the building, they acknowledged the applicant's operational constraints and indicated that the architectural screening and façade treatment adequately mitigated the visual impact of those elements. Commissioner Nutkins further emphasized that the project would bring renewed commercial activity to a prominent gateway location in the Town of Eagle and expressed support for the continued use of the site for restaurant purposes.

Additional commissioners expressed appreciation for the proposed redevelopment, noting that the existing vacant structure negatively impacted the visual character of the area and that reactivating the site represented a positive improvement for the community. Commissioner Hood specifically described the vacant building as a visual detriment at a key entry point into town and stated that replacing it with an active commercial use would be beneficial. Commissioners also reiterated that the proposed drive-through stacking configuration appeared to be well designed and appropriately addressed one of the primary functional concerns for projects of this type. Commissioner Winkeller stated that the treatment of service doors and building articulation successfully helped integrate operational elements into the overall façade design, even if those features were still somewhat visible from the primary parking area.

The Planning and Zoning Commission expressed appreciation for the applicant's cooperation throughout the entitlement process. The Commissioners collectively concluded that the project represented a beneficial reuse of an existing commercial site, would improve a visible vacant property, and would contribute positively to the Town's commercial corridor, ultimately expressing overall support for the application as presented.

Motion

Commissioner Montag moved to approve file number DR25-10 resolution 09 series 2026 with the listed conditions of approval based on the testimony provided and the recommended findings of fact and conclusions of law as detailed in the Staff report. Commissioner Nutkins seconded, and the motion to approve passed all in favor.

CLOSING COMMENTS

The Planning and Zoning Commission took the opportunity to publicly acknowledge and thank Kyle Brotherton for his service, expressing appreciation for his contributions to the Town's Community Development Department and noting that he would be missed in his role. Commissioners conveyed both gratitude and personal regard for his work, with multiple members offering informal remarks of appreciation during the open discussion period.

Following these acknowledgements, the Commission discussed an unrelated development inquiry regarding a nearby gas station redevelopment project. Commissioner Nutkins asked for clarification on the scope of improvements being made to the site, noting awareness that changes were occurring but lacking detail on the extent of the redevelopment. In response, town staff explained that the project involved a significant interior renovation of the existing structure, along with limited exterior façade improvements intended to modernize the building's appearance. It was further explained that while the site's overall use would remain consistent as a gas station and convenience retail operation, the ownership group had changed, which had resulted in a rebranding effort and potential name change for the business. The Commission also discussed whether the fuel pumps would remain operational during and after redevelopment, and staff confirmed that the fueling component of the site was expected to continue in service as part of the overall project.

The Commission further debated the broader implications of Council's action, particularly whether repeated variances could effectively undermine the integrity of the municipal code and lead to ongoing reactive amendments. The Commission discussed the appropriate roles of the Commission versus Town Council, noting that the Commission's responsibility was to apply the code as written, while Council had authority to interpret policy direction and initiate code changes. Staff clarified that Council had formally directed staff to develop options for amending the step-back regulations, and that code amendments could be initiated by staff, Council, or the Commission, but not by individual applicants.

The discussion reflected concern about consistency in land use decision-making, the proper process for correcting potential code ambiguities, and the balance between strict code enforcement and policy flexibility. The Commission generally agreed that while errors or oversights in the code should be addressed through formal amendments, variance approvals should remain limited and consistent with statutory criteria to avoid setting precedent that could weaken the regulatory framework.

ADJOURN

Commissioner Nutkins motioned to adjourn. Commissioner Montag seconded, and the motion to adjourn passed unanimously. All in favor.

Meeting Adjourned at 6:39 PM

AI Assistance

These meeting minutes were generated with the assistance of AI technology to enhance accuracy, organization, and clarity. The final version was reviewed and approved by Gram Dick to ensure completeness and adherence to meeting records.