



AGENDA
Planning & Zoning Commission
Tuesday, May 5, 2020
6:00 PM

ON-LINE MEETING

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

PUBLIC WIFI - TOEG – townofeagle2019

MEETING ACCESS INFORMATION AND PUBIC PARTICIPATION

1. Virtual Meeting Procedure
 - Register in advance for this meeting
Registration
URL: <https://us02web.zoom.us/meeting/register/tZYtdOyprTorHtH5lNHPTmADz6etB7YmOpi4>
 - Public comments can be made when the Chair opens the public comment. Please prompt through Zoom to raise your hand and you will be called on when it is your turn.
 - All public attendees will be muted during the meeting, unless the Chair or meeting facilitator invites them to speak live during the meeting.
 - Meetings are recorded and will be published on the Town's web page.
 - For technical difficulties, please email peyton.heitsman@townofeagle.org and we will do our best to assist you.

6:00 PM - REGULAR MEETING CALLED TO ORDER

APPROVAL OF MINUTES *Approval of the minutes from the April 21, 2020 meeting of the Planning and Zoning commission.*

1. April 21, 2020

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: V20-01 446 Washington Street Zoning Variance (continued)
File #: V20-01
Applicant: Tracie Schumacher
Location: 446 Washington Street
Staff Contact: Jessica Lake - Planner I

Request: Zoning variance to reduce the front yard setback from 25' to make the front of the new garage and accessory dwelling unit in line with the South side of the existing house.

DISCUSSION

1. Discussion with staff regarding possible amendments to Title 4 of the Municipal Code, involving uses and standards within the Commercial General (CG) Zone District.
2. P&Z and Community Development Department staff - introductions and discussion

TOWN COUNCIL MEETING REVIEW

Staff update to the Planning & Zoning Commission on recent decisions made by the Town Council 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
Planner I



MINUTES
Planning & Zoning Commission
Tuesday, April 21, 2020
6:00 PM

ON-LINE MEETING

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PUBLIC WIFI - TOEG – townofeagle2019

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

1.
 - Virtual Meeting Procedure
 - Register in advance for this meeting;
 - Registration URL: https://zoom.us/meeting/register/uJcrc-2qrJiG1ho87VDj7M_OUVBYvu8-g
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6:00 PM - REGULAR MEETING CALLED TO ORDER

Chair Matthew Hood called the meeting to order at 6:01pm.

COMMISSIONERS PRESENT

Robert Townsend, Lani Webb, Jesse Gregg,
Matthew Hood, Charlie Perkins, Kyle Hoiland,
Brent McFall, Bill Nutkins

STAFF

Chad Phillips – Community Development Director
Angie Kyle - Administrative Tech II
Jessica Lake - Planner I
Peyton Heitzman – Planner I

Brandy Reitter - Town Manager
Bill Shrum – Asst. to Town Manager

COMMISSIONERS ABSENT

APPROVAL OF MINUTES *Approval of the minutes from the March 3, 2020 meeting of the Planning and Zoning Commission.*

1. March 3, 2020

MOTION: COMMISSIONER BILL NUNKINS MOTIONED TO APPROVE THE MINUTES. MOTION WAS SECONDED BY COMMISSIONER BRENT MCFALL AND PASSED WITH A VOTE OF 8 IN FAVOR AND 0 OPPOSED.

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.

Chair Hood opened public comment. There was no public comment.

The Town Manager introduced the new Community Development Director, Chad Phillips. Chad Phillips comes from Routt County with 35 years of experience in Planning.

The Town Manager left the meeting.

PUBLIC HEARINGS

1. Project: 446 Washington Street Zoning Variance
File # V20-01
Applicant: Tracie Schumacher
Location 446 Washington Street
Staff Contact: Jessica Lake - Planner I
Request: Zoning Variance to reduce the front yard setback from 25' to 2.6' to build a new garage with an accessory dwelling unit above.

Staff presented the standards of the variance request.

Q&A:

Commissioner asked to get a background of the property.

Applicant Tracie Schumacher responded that she owned the property for 9 years. Schumacher presented the plans for her garage location. She introduced Tom Boni who has been working with her on her project. Boni informed that the ADU is approved in the code. This variance is based on where the garage is being placed. Schumacher is requesting a 5-foot setback so she can keep the log building. Boni mentioned as Eagle continues to grow, he believes the 2.5 feet from the property line will give enough space for the town to create sidewalks along the block. Boni presented that the plans allow a 12.5-foot space between the proposed ADU and the existing log structure. The space between the building will be used for landscaping. Boni addressed Standard A.1.a, Standard A.1.b, Standard A.1d.

A commissioner asked if the garage would have access from the alley way. Boni responded that the access would be from 5th street and not the alley way.

Commissioner asked the size of the ADU, Schumacher responded that it is the size of a two-car garage, it is currently 24-feet deep by 21-feet wide. She is proposing 25-feet deep by 23 feet wide structure.

Commissioner asked how the ADU is going to be accessed. Schumacher responded that there is a parking spot next to it, and the ADU would be accessed by stair in the interior of her backyard. This is located on the West side of the building.

Commissioner asked if the setback is a hardship. Staff read a response from the Building Official, that addressed that if the accessory storage structures are "accessory and incidental" to the single family residence, then no separation requirements are needed between structures and wall rating or protection is not required if the storage shed is exempt from a permit (less than 120 square feet). A garage located on a property is also exempt from fire restive construction if it is at least two feet from the property line. In accordance to 15 IRC Sec R302.1 exceptions 2 and 4. An accessory garage that is incidental to the single family residence has a requirement for separation between dwelling and garage less than 3' requires the garage wall to be 1-hr fire resistive rated but no requirements for any set-backs between buildings. This does not include a garage with an accessory dwelling unit contained within it. That type of structure shall be five feet from the property or rated walls without openings if less than five from a property line."

Commissioner asked if the applicant has looked at other designs of the structure that would be possible to construct a 2-car garage and meet building code? Schumacher responded that she cannot get a 2-car garage in this space, it does not work with this lot, because of the two side yards and proximity to the neighbors. She said that it doesn't

work.

Commissioner asked what the feasibility is of using the shed. Schumaker said you can see the shed from the park, and she wants to repurpose it. She said that the public will be able to see it. From the downtown park perspective, she wants it to not look like a garage, and keep the building where it is at.

Commissioner asked if she could move the log structure to give more setback for the garage. Schumaker said no, she does not know where she would move it and that it would have to be removed. She feels that this solution is the least impactful to all the neighbors by leaving it where it is at.

Commissioner questioned Staff, if we are talking about this log structure as a historical structure, is there anything to say that it would have to stay there. Staff believes that the commission can request to move it. Commissioner clarified that if they approve, could the commission have a condition that the structure not be torn down. Staff responded that this would be a problem to enforce. In this application, Staff focused on the applicant keeping the log cabin in its original site.

Commissioner informed the commission that there is not a historic society for landmarks in Eagle. Schumaker responded that her log cabin is in the Eagle archive.

The commissioners addressed the fire code being the reason for the distance between the property line and the ADU to allow the applicant to install windows. Staff confirmed that it is from the property line. The 5 feet is for an ADU and not a structure. The 5-feet is for the windows for the ADU. The Commissioner addressed that the applicant could still build an ADU with a fire rated wall and no windows.

PUBLIC COMMENT:

Public Comment letters are in the packet, there was none that was added after the packet was published.

Chair Hood opened public comment at 6:59pm.

Jessica Von Stralendorff lives at 440 Washington St. and is the next-door neighbor to this property, she wrote in as opposition.

Chair Hood closed public comment at 7:04pm.

COMMISSION DELIBERATIONS:

Commissioner comment that he does not believe that the requirements for a variance have been met in application. Would be receptive to a future application with a greater

setback. Not in support of request.

Commissioner commented does not see where the conditions have been met. Using the existing shed as a historical factor is not a valid argument. If the applicant comes back with an alternate setback, he may be more in favor.

Commissioner commends applicant for her willingness to make the property attractive. After reviewing packet and comments, it is hard to support the requested variance.

Commissioner said that this application needs to fit the code as much as possible.

Other Commissioners were in agreeance of the others that they are not in favor of this variance requested.

Staff recommends tabling this decision based on the comments on:

- Relocation of the log structure
- Alley access
- Reduction of the 12" space between garage and shed

Applicant Schumaker is willing to work with staff to present it revisions back to the commission.

MOTION: COMMISSIONER BRENT MCFALL MOTIONED TO TABLE THIS DECISION AND PRESENT THE APPLICATION AT THE NEXT MEETING ON MAY 5TH, 2020. MOTION WAS SECONDED BY COMMISSIONER KYLE HOILAND AND PASSED WITH A VOTE OF 8 IN FAVOR AND 0 OPPOSED.

2. Project: Red Mountain Ranch Preliminary Plan/Final Plat
File # PFP19-01
Applicant: Red Mountain Ranch Partnership, LLP
Eagle River Commercial, LLC
Griffin Development, LLC
Location Approximately 106 acres on the east end of the Town boundaries, south of Highway 6, north of the Eagle River.
Staff Contact: Carrie McCool - Contract Planner
Request: Request for concurrent Preliminary Plan/Final Plat to subdivide the 106.194 acre property of land into seven (7) parcels.

Carrie McCool presented the Project description and background.

McCool informed the Commissioners that there was one public comment that was received from Patrick Adler, who presented red lines to the following: access easement along HWY 6 Corridor does not accommodate the roundabout and that the 1.4 acre parcel dedicated to a non-profit education center was not identified.

Rick Pylman, with Pylman & Associates, Inc., commented that the dedicated parcel was dropped out of Area Plan 7, the eastern part, because of utilities. They took that out of the development plan. He mentioned that when they start the annexation, they will dedicate some of the parcels to the TOE.

Q&A

Commissioner commented that looking at the parcels and the open space on the PUD plan, it looks like the parcel extended to the north side of the river, on the final plat it looks like it extends to the center part of the river. Plyman informed the Commission that there are two open space parcels, the one on the south side of the river is dedicated to the Town of Eagle, the one in the center to the north will be zoned open space and owned by HOA.

Commissioner commented that with Parcel 5, he found an old Plat, in the mid-1980s, there was a parcel that was plated through Eagle County, under the same ownership but as a separate parcel that included the 50 ft. setback. This plan vacates the old plat.

Commissioner questioned that because the PUD has changed, are they going to come back with a PUD amendment for the PUD guide for the commission to review for approval. McCool informed that the applicant would address this when the application goes to Town Council. She informed the Commission that back in February and March in 2019, there were set conditions of zoning the final plat, and the applicant included them in the revised application that will be presented to Town Council. This is the 5th filing of Red Mountain Ranch. The Commission then asked if they are going to revisit the final PUD. McCool informed him that the next step is for the PUD to be reviewed and go to the Town Council.

PUBLIC COMMENT:

Chair Hood opened public comment at 7:52pm and to raise your hand in the zoom meeting to be called upon.

Patrick Adler, with Trinity Red Eagle Development, presented to the Commission the Exhibit A site plan that was recorded. He addressed that it illustrates the roundabouts, and a lot of work has been done by Eagle River Station. This has been recorded and Red Mountain Ranch has to abide. In Parcel 3, it talks about a nature education center being

dedicated to a nonprofit group. The roundabout is taking up a big chunk of this piece of property. Things that have been figured out have not been incorporated in final plat. He is requesting the commission to table this to address the things that have been planned.

Chair Hood closed public comment at 8:00pm.

Commissioner questioned Red Development if these comments were valid? McCool said that they are vested rights.

Commission asked if Adler's comments, in terms of roundabouts were correct. McCool said that the document that Adler presented is based on two landowners' agreement. As land development happens, McCool said that there are annexation, zoning, and platting processes. The applicant has worked hard with the neighbors. They were trying to engage the neighbor to the north and how to accommodate any roundabouts that CDOT would require, McCool said that this project is just not there yet.

Commissioner Charlie Perkins recused himself from voting.

MOTION: COMMISSIONER BRENT MCFALL MOTIONED TO APPROVE THE REQUEST FOR CONCURRENT PRELIMINARY PLAN/FINAL PLAT TO SUBDIVIDE THE 106.194 ACRE PROPERTY OF LAND INTO SEVEN (7) PARCELS. MOTION WAS SECONDED BY COMMISSIONER BILL NUTKINS AND PASSED WITH A VOTE OF 8 IN FAVOR AND 0 OPPOSED.

3. Project: Talon Flats Minor Development Permit
File # DR20-01
Applicant: Bryan Desmond, Venture Associates, LLC
Location 1203 Capital Street/761 Sylvan Lake Road
Staff Contact: Carrie McCool - Contract Planner
Request: Minor Development Permit approval for a mixed-use building with 1,264 square feet of retail space; 1,014 square feet of office space; and twenty (20) residential rental units.
McCool informed that this project has received approval from Eagle Ranch Development Review Board.

The Town of Eagle standard if for the Fire Department to review the sprinkler and alarm when available. The infrastructure served by town existing construction has been approved; There is a deed restricted requirement however it is not under the Eagle County LERP program. Eagle Ranch was annexed in 1999, and, in the agreement. ER does their own affordable housing program, so because the adopted annexation agreement was before the LERP requirement, this project is exempt from the town's LERP requirement.

McCool read the one Public Comment Letter:

April 21,2020

To the Planning Commission

My name is Stephanie Glenwright and I live at, and own the loft unit 203 in the Addison building which will be most impacted by the proposed building of Talon Flats. I will miss my view out of my dining room as it will become Talon Flats and will no longer be able to enjoy the beautiful Christmas tree and all the year round activities that go on in this park like area.

The building is going to be higher than any on Capitol Street in Eagle Ranch Village. My handicapped husband and I think it will look grossly out of place. A 2-story building would have been tolerable.

One of my concerns is the lack of light between the proposed Talon Flats building and Addison Building. The snow will never be gone from the walk. We will not be able to walk to and from our front door, as it will be like the sidewalk behind Color Roasters Shop. To get to Color, the new shop going in and Endorphin, which we access almost daily, we have to use the street during the winter months. The street can be treacherous also but our only alternative. Despite shoveling, and snowmelt, it never melts. There will be no other access to our building, as my husband uses a walker and the stairs are out of the question for both of us, being in our eighties. All we can come up with is, a heated sidewalk. Also the lack of sunlight will not help any plantings to survive on either the Addison or Talon sides. It will not be a pretty entrance and up to Eagle Ranch standards.

My other concern is the dumpster. The heavy dumpster lid is difficult for most people to open. Now that the offices are not working the dumpster is essentially empty. However when the dentist and the realtors are open it can overflow. Also when the landscape company does its clean up , it can overflow. We do not have recycling so everything goes into this dumpster. It will have to be emptied more frequently or we will have trash and varmints all around it. This current community asset will become a detriment to our Eagle Ranch Village.

Sincerely,

Stephanie and Earl Glenwright

970-471-5287

steff@glenwright.com April 21,2020

Staff recommends approval of DR20-01 with no conditions.

Q&A

Commissioner asked McCool if there are any requirements of a certain percentage of commercial in this zoning. McCool responded that they are just guidelines. She said she included it in the staff analysis. The guidelines say that there should be retail however this is over 20 years old. With the long-range goals and housing challenges, we looked at this and the guidelines are a “should” instead of a “shall” for retail and office.

Commissioner asked that if there are 77 remaining lots, after this development, will there be 57 remaining units. What happens to those remaining lots? Are those owners out of luck? Do ADUs count toward this? McCool responded that this is only parcel A the neighborhood center, this is a great question and a challenge with this PUD, the applicant might come forward with a 6th PUD amendment. Staff responded that the ADU does not apply to residential density, all the vacant lots are counted already for the 77 remaining lots. Staff counted a “lot” that hasn’t been built on as a “lot in use”. The 77 are from several developments that have not been built.

Glenn Harakal, Architect with Turnipseed Architecture & Construction Inc. commented that the Brush Creek building area in Eagle Ranch originally included a building on this lot. The intent was to share the lobby, elevator and a bridge.

Chair Hood opened Public Comment at 8:40pm:

Mick Daly, 1843 e Haystacker Dr. in Eagle Ranch is no longer on the Eagle Chamber of Commerce but of the town Economic Vitality Committee and 10 years as an Eagle Ranch resident. He stated that this is a much needed commercial and residential development. Once we are passed COVID19, in 2021 the demand for commercial will increase.

Close public comment at 8:44pm

Commissioner stated his support of the project, however he wished there were more commercial retail. For a small little Eagle Ranch town center, 4 units of residential is not worth taking away commercial and walkability. He would like to see more commercial. Overall, in general, he believes it is a great project.

Commissioner stated that he likes the project. He thinks that it has enough commercial. He likes the way the intersection at Capital street is building out. He would like to see the condition on the landscaping.

Commissioner asked if the applicant has done a study of the commercial need and if the ration makes sense. Harakal responded that the retail should be on Capital Street, if the frontage on Sylvan Lake Road is not commercial, that is ok. Harakal continued that he

wants to see more commercial, but until there are completed neighborhoods like Haymeadow, he does not see the need for commercial.

Commissioner ask if the 4 residential units, could they become commercial in the future? Harakal said that could be an option depending on the owner, if that is income that would come from those spaces. Harakal said that Commercial is hard to fill right now.

Joanna Hopkins of Hopkins Development said that the applicant has provided more than 15% of the landscaping, and it seems to be burdensome to go back over 20 years, on 171 acres.

MOTION: COMMISSIONER KYLE HOILAND MOTIONED TO APPROVE THE REQUEST FOR A MINOR DEVELOPMENT PERMIT APPROVAL FOR A MIXED-USE BUILDING WITH 1,264 SQUARE FEET OF RETAIL SPACE; 1,014 SQUARE FEET OF OFFICE SPACE; AND TWENTY (20) RESIDENTIAL RENTAL UNITS. MOTION WAS SECONDED BY COMMISSIONER BRENT MCFALL AND PASSED WITH A VOTE OF 8 IN FAVOR AND 0 OPPOSED.

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.

Nothing to report at this time.

COMMUNITY DEVELOPMENT DEPARTMENT UPDATE

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

OPEN DISCUSSION

Staff mentioned that if there were any technical difficulties, to let Community Development know. Also, with a short agenda, we can talk more between staff and commission at the next meeting.

ADJOURN

MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO ADJOURN. MOTION WAS SECONDED BY COMMISSIONER CHARLIE PERKINS AND PASSED WITH A VOTE OF 7 IN FAVOR AND 0 OPPOSED.

APPROVED:

DATE:

Matthew Hood, Chair

Angie Kyle, Community Development Administrative Tech II

DRAFT



To: Planning and Zoning Commission

From: Jessica Lake, Planner I – Jessica.lake@townofeagle.org

Date: May 5, 2020

Agenda Item: V20-01 446 Washington Street Setback Variance
Continued review from P&Z Commission Hearing held April 21, 2020.

REQUEST: Zoning variance to reduce the front yard setback from 25' to make the front of the new garage and accessory dwelling unit (ADU) align with the South side of the existing house.

BACKGROUND:

This memo represents the modified request, with staff support, based on direction from the Commission and Code requirements. On April 21, 2020 the Planning and Zoning Commission heard file V20-01 at a publicly noticed hearing. The Commission approved the motion to continue the file to the next meeting and provided staff with the direction to work with the applicant to revise the request to one that staff could support. The Commission further directed staff to evaluate the following:

- Relocation of the shed.
- Alley access.
- Reducing the 12' space between the garage and the shed.
- Could the garage be aligned with the house setback?
- What is the minimum necessary to alleviate the hardship?

Staff met with the applicant, Tracie Schumacher, on Monday, April 27, 2020 and discussed the above items. Each item was discussed along with the pros and cons of each possible situation.

ANALYSIS:

- Relocation of the shed:

Applicant - This does not appear to be feasible for the applicant. The cost involved, as well as the difficulty involved in relocating a log structure puts it out of the realm of possibility.

Staff - The age of the structure is part of the reason that the applicant, staff and the Commission are interested in retaining the structure. Relocating the shed could compromise its structural integrity and there is no guarantee that it would survive a move.

- Alley access:

Applicant - The applicant preferred not to spend too much time discussing this as a viable option for several reasons. It would be difficult to turn into the garage from the alley due to the width of the alley and the two utility poles located in the alley at each rear corner of the property. The applicant also did not want to have to park parallel to the garage on a parking pad.

Staff - Staff sent an email to the Town's Engineer Department to discuss this option. A full report was received on April 29, 2020. Findings from this report noted, of the corner lots in the 16-block area, over 20 side-entry garages were found and a few with ADUs. All entries were from the street right of ways (ROWs) and none from the 16' alleys. Most were located on the street/alley corner only a few feet from the side-yard property line and rear-yard property line. Garages accessed from the 16' alleys are limited to interior block lots, not corner lots and have various rear-yard setbacks. Many of the side-entry garages (accessed from the street not the alley) had vehicles parked head-in on the driveway to the garages. Side-entry garages with entry from the street ROWs is preferred, more useable, and likely safer than alley access for all corner lots.

- Reduce the 12' space between the garage and the shed and align the garage with the house setback:

Applicant - The applicant felt that this was the best way to achieve the design, keep the shed and get useable square footage between the garage and the ADU.

Staff - Staff worked with the applicant to identify and discuss some of the potential issues of this property. There is a utility line that crosses the property from the North East corner to the house. The line is roughly 12' from the ground, as measured by the applicant. The utility line could be relocated by the applicant and the garage structure built where the shed currently stands, the project would then almost meet code requirements, however either a 2.5' setback variance would still be required or the size of the garage would need to be reduced by 2.5'.

446 Washington is a historic lot in downtown Eagle, there are two contiguous platted parcels, which make up one lot. Though the Code does not expressly prohibit building on top of the parcel line that runs through the center of this lot, a condition of approval has been added to allow this property to conform to the minimum lot requirement per Section 4.03.040. The Code defines a lot as a piece, plot or parcel of land or assemblage of contiguous parcels of land as established by survey, plat or deed. Staff believes that if the applicant revises the land title to show contiguous parcels of land then she will be meeting Code requirements for a lot.

A sewer line runs through the middle of the property and would run under the new garage.

- Building Department comments – The code does not prohibit a slab to be on top of a sewer service for a home (private line). Provisions shall be made to protect and support the foundation from that penetration. The plumbing code will also allow a building drain/sewer to be contained within a slab, as long as the slab design allows a void to be created due to the service line taking space away from concrete. Whatever the foundation design; it shall be frost protected. Either 4' deep or a shallow frost protected foundation with an engineered design and seal. Many homes in Eagle have some type of foundation structure above the sewer service as it enters the building.

The sewer service does not pose a hardship per the above comments and the foundation can be built above it as long as all conditions/provisions are met. The sewer service was replaced by the applicant several years ago and therefore should not need maintenance or replacing in the near future.

- What is the minimum necessary to relieve the hardship?:

Staff – Staff finds that if the hardship is the location of the shed and the shed may not be able to be relocated due to age, then the applicant's revised request would meet the minimum necessary qualification. Space would be needed between

the shed and the new garage in order to maintain access and allow the storage functionality of the shed. The shed is the only hardship that staff has identified on the property.

Staff has identified some inconsistencies between the ILC and the sketch submitted by the applicant. We recommend a condition of approval to have the property resurveyed to identify the exact setback of the house and make the garage in line with that.

STANDARDS – 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.

FINDINGS:

- (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.

Staff finds that the variance request meets this requirement. The variance would not create a substantial detriment to the public and does not impair the intent and purposes of the Town's regulations, goals, policies, and plans.

- (b) That the variance granted is the minimum necessary to alleviate the hardship.

Staff finds that the variance request meets this requirement. A certain amount of space is necessary between the shed and the proposed new garage and shed in order to access the shed and use it as storage.

- (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.

Staff finds that the variance request meets this requirement. The configuration of the existing shed would not allow for the garage and accessory dwelling unit to be built to meet zoning requirements.

- (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.

Staff finds that the variance request does not meet this requirement. The location of the shed was not induced by the applicant and the applicant cannot move the shed without potentially destroying it. Sheds and accessory structures are a common condition throughout the zone district and could be looked at as an impediment to meeting zoning requirements on many properties throughout Eagle. Therefore standard (d) is not met because it does not meet the 2nd part of the standard which requires that the hardship is not a general condition throughout the zone district.

PUBLIC COMMENT:

No new public comment has been received as of April 30, 2020. Public Comment received after May 1, 2020 will be read into the record at the Hearing on May 5, 2020.

RECOMMENDED ACTION OR PROPOSED MOTION:

A motion to **approve** or **deny** file V20-01, a zoning variance to reduce the front yard setback from 25' to make the front of the new garage and accessory dwelling unit in line with the South side of the existing house, based on the stated findings, with the following conditions of approval:

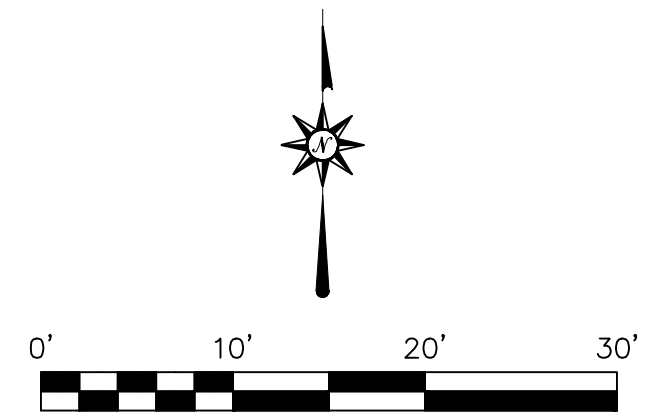
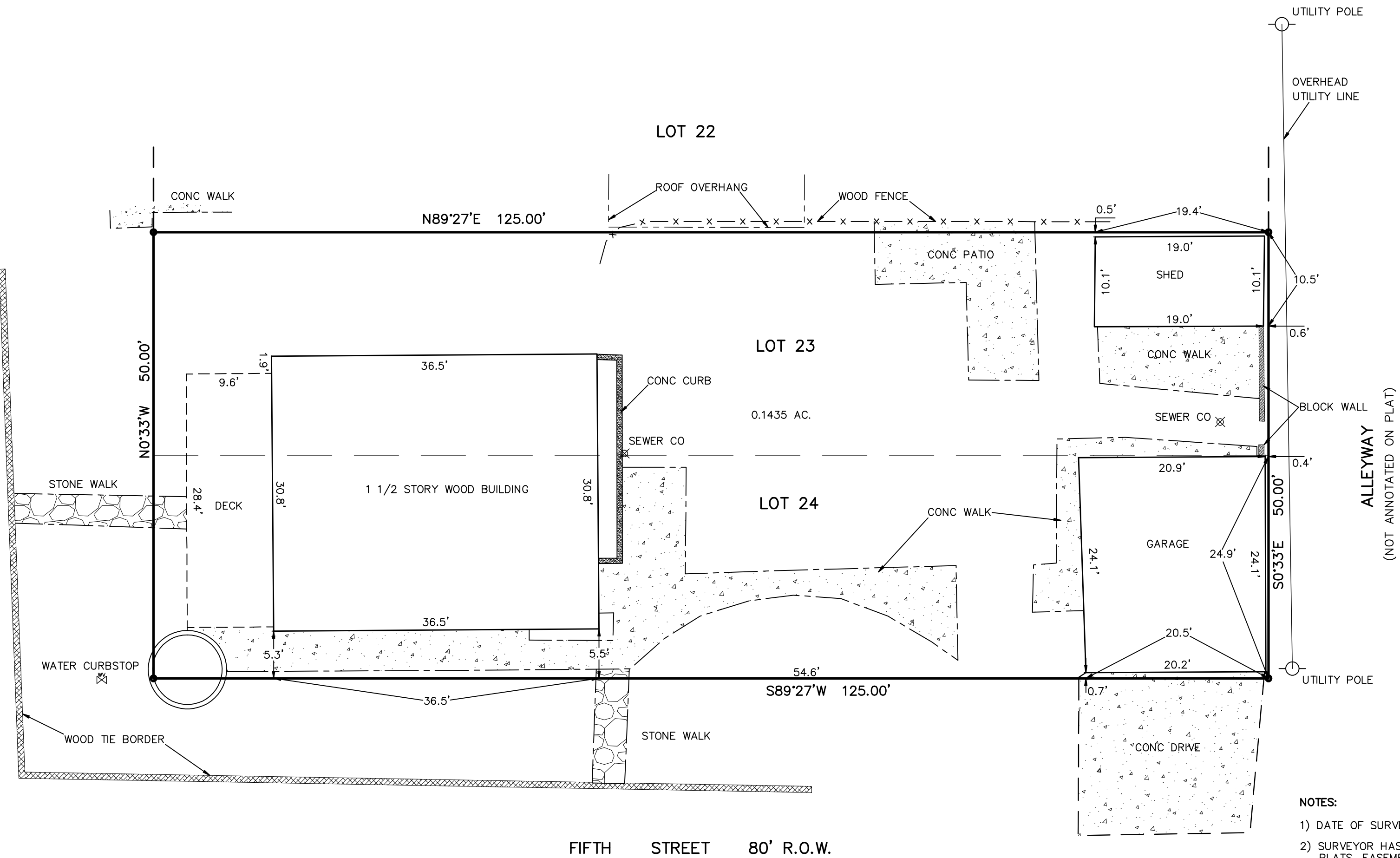
- 1) Prior to issuance of a building permit, a new survey is required to determine the exact setback of the house. The new structure shall meet the most restrictive house setback should the house set on an angle. Minor variations based on survey results can be approved administratively.
- 2) Prior to issuance of a building permit, Lots 23 & 24 of Block 31, need to be assembled (or consolidated) by title or deed in conformance with the Town's Land Use and Development Code.

ATTACHMENTS:

ILC dated April 13, 2017

Revised Site Plan dated April 27, 2020

WASHINGTON STREET 80' R.O.W.



- NOTES:**
- 1) DATE OF SURVEY: 4/13/2017
 - 2) SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR AMENDED PLATS, EASEMENTS OF RECORD (OTHER THAN PLATTED), ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
 - 3) NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER 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 THE CERTIFICATION SHOWN HEREON.
 - 4) BASIS OF PROPERTY LINE LOCATION: FOUND MONUMENTS MARKING THE WEST PROPERTY LINE LOTS 19 & 20.
 - 5) BEARINGS AND DISTANCES ALONG PROPERTY LINES SHOWN HEREON ARE AS SHOWN ON THE SUBDIVISION PLAT ONLY. A BOUNDARY SURVEY WOULD BE NECESSARY TO DETERMINE THE TRUE DIMENSIONS OF THE LOT AND SETBACKS, WHICH MAY VARY FROM THE PLATTED DIMENSIONS.
 - 6) BUILDING SETBACK INFORMATION IS NOT PLATTED. PRIOR TO ANY DESIGN OR CONSTRUCTION IMPROVEMENTS ON THIS PROPERTY, THE TOWN OF EAGLE SHOULD BE CONTACTED FOR CORRECT BUILDING SETBACK INFORMATION.
 - 7) POSTED ADDRESS: 446 WASHINGTON STREET.

IMPROVEMENT LOCATION CERTIFICATE

I hereby certify that this Improvement Location Certificate was prepared for TRACIE SCHUMACHER that it is not a land survey plat or improvement survey plat, and that it is not to be relied upon for the establishment of fence, building or other future improvement lines.

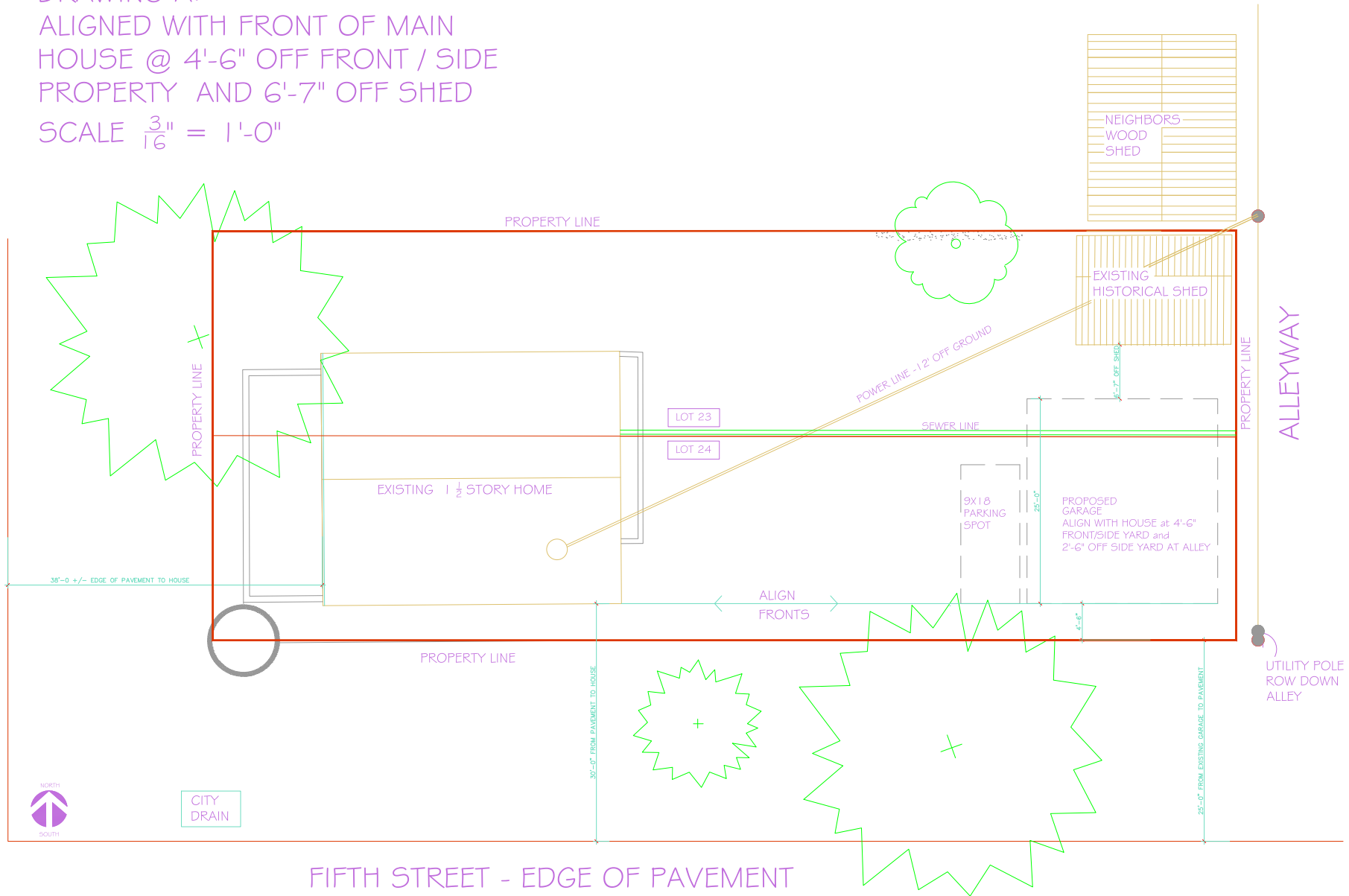
I further certify that the improvements on the above described parcel on this date, 4/13/17, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.


Michael J. Post
Colorado P.L.S. 30116
30116
4/13/2017
PROFESSIONAL LAND SURVEYOR

IMPROVEMENT LOCATION CERTIFICATE
LOTS 23 & 24, BLOCK 31
TOWN OF EAGLE,
EAGLE COUNTY, COLORADO

WASHINGTON STREET - EDGE OF PAVEMENT

DRAWING A:
ALIGNED WITH FRONT OF MAIN
HOUSE @ 4'-6" OFF FRONT / SIDE
PROPERTY AND 6'-7" OFF SHED
SCALE $\frac{3}{16}" = 1'-0"$



studio80
INTERIOR DESIGN

P.O. BOX 3366
EAGLE, CO 81631
970-337-4770 OFFICE

446 WASHINGTON STREET
EAGLE, COLORADO 81631

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DATE:	DESCRIPTION:
4.21.20	VARIANCE REQUEST
5.06.20	VARIANCE REQUEST

ELEVATIONS

PLAN A
JOB: 1601



To: Town of Eagle Planning and Zoning Commission

From: Chad Phillips, A.I.C.P., Director, Community Development Department

Date: 4/30/20

Agenda Item: Discussion with staff regarding possible amendments to Title 4 of the Municipal Code, involving uses and standards within the Commercial General (CG) Zone District

REQUEST: Staff is requesting direction regarding amendments to the Municipal Code (Code) for the purpose of providing clarity, eliminating possible conflicts, and supporting policies of the Community Plan and other guiding documents.

INTRODUCTION:

Upon review of the Code, Town Planning staff and attorneys have noted instances in the language that are unclear at best and at worst a conflict. Although the Town has initiated the update of the whole Code, staff is proposing action to be taken prior to the completion of the update process in this instance.

ANALYSIS:

Within Section 4.04.070. – *Schedule of uses permitted in nonresidential zone districts*, uses and process include the following criteria within the CG district:

One single dwelling unit - accessory to a use permitted	Special Use Permit (SUP)
Dwelling units - above street level	Not Allowed
High density, multifamily dwelling	Not Allowed

From these standards, it is unclear to what extent should residential development be allowed in the CG district. Staff has provided the following questions for consideration. Answers to these questions will provide staff direction to create solutions to address possible shortcomings in the Code.

- What types of residential units should be allowed in the CG district (if any)?
- If accessory dwelling units could be allowed through the SUP process, should they only be permitted above street level?
- If the intent was to allow for “live/work” type projects, should all accessory dwellings be limited to a location above the street level?
- Can the *One single dwelling unit - accessory to a use permitted* land use be used to create a “live/work” project, or does this limit the whole project/structure to only one (1) dwelling?
- Is a “live/work” building with more than 3 accessory dwelling units considered multi-family, thus not allowed in the CG district?
- Should the Code be amended to address these issues or left as-is?

To aid in the decision of amending the Code to accurately reflect the goals of the community, staff has identified several areas of the 2010 Eagle Area Community Plan and the Town of Eagle Strategic Plan for consideration. Although the Elevate Eagle Comprehensive Plan is still in draft form (adoption pending), staff has included relevant excerpts.

2010 Eagle Area Community Plan

Land Use Policy 2.2

New development should be compact, pedestrian friendly and located within or adjacent to existing development to minimize infrastructure and service needs.

Recommended Strategies:

F. Ensure residential infill and redevelopment outcomes blend appropriately with the character and scale of surrounding neighborhoods.

Future Land Use Map – Commercial Areas Description –

Intent D. Commercial uses are generally not compatible with residential units. A limited number of live work arrangements may be appropriate, per zoning.

Interstate 70 Influence Character Area

Narrative: “Portions of the I-70 Influence Character Area are intended to support commercial and industrial sites, exclusive of other uses. Improvements along Chambers Avenue and Market Streets, for example, are generally auto-oriented with limited pedestrian amenities, and while workforce housing may be found to be appropriate on upper levels of some buildings, residential development of any significance in these areas should be avoided.”

Planning Principles: Interstate 70 Influence Character Area

G. Until a sub-area plan for the Chambers Avenue corridor is completed, minimize the inclusion of significant residential use in commercial and industrial areas located along Chambers Avenue, Marmot Lane, Sawatch Road and Market Street.

Housing Policy 1.2

Promote the preservation and/or creation of a wide range of housing units, including single family, duplex, multifamily and mixed-use arrangement units.

Recommended Strategies:

E. Allow and encourage accessory units within single family residential zones and in new development.

Elevate Eagle – Comprehensive Plan (November 2019 draft)

Future Land Use Map.

Staff note: The area of CG zoning around the Chambers/Sawatch area is shown as a “mixed use” land use category. The Plan’s Land Use category “Mixed Use” includes CG as an allowed zone.

Mixed Use:

Description: Areas that include a variety of local entertainment, civic, medical, residential, and retail uses with integrated essential services. Building types may include free-standing, low- to mid-rise

buildings with high quality design integrated with urban elements such as pedestrian connectivity, shared parking, and green space.

Primary Uses: Areas designated for commercial, office, civic, and service uses supporting general neighborhood needs.

Secondary Uses: Integrated multifamily residential and commercial, either horizontally or vertically.

Allowed Density: 4 - 10 DU/Acre

Actions: 1.1

Establish a new, mixed-use zoning district and associated standards within the LUDC to encourage residential dwellings within vertical mixed-use buildings.

TOWN OF EAGLE STRATEGIC PLAN

Major Objective No. 8: Improve Housing Availability and Affordability

Solution #4

Explore zoning and other methods to create a more balanced and affordable housing mix that supports young people and young families.

I look forward to our conversation and the Planning and Zoning Commission's comments and direction at our meeting on May 5th.



To: Town of Eagle Planning and Zoning Commission

From: Chad Phillips, A.I.C.P., Director, Town of Eagle Community Development Department

Date: April 29, 2020

Re: P&Z and Community Development Department staff - introductions and discussion

Commissioners,

I thought I'd take advantage of Tuesday's light agenda to provide the opportunity to properly introduce myself and, because there are a few newer staff members in addition to new P&Z members, have introductions all around. While I have many philosophies and goals as a planner and director, I'm sure that you'll see that open communication is high on the list and appropriate introductions are a good way to begin our working relationship. In addition to providing you some of my background, I asked the department's Planning staff members to provide a short bio so that you know a little more about all of us going into the discussion. Please feel free to come to the meeting with questions for us in hopes of making this greeting as fruitful as possible.

Chad Phillips, A.I.C.P., Community Development Director/Town Planner

Chad has 35 years of experience in various fields of land use, including US Army cartographer/terrain analyst, mining reclamation specialist, and public sector land use planner. In 1992 he graduated from Metropolitan State University of Denver with a degree in land use planning. He has worked as a planning professional in several communities of Colorado, including the Cities of Denver, Greeley, Evans, and, most recently, Routt County. He was hired as senior planner in Routt County, CO in 1998, eventually serving as the director of planning for 13 years between 2007 and 2020. Chad has a passion for helping to create balanced, livable communities that honor Colorado's lifestyle and history.

Originally from California, Chad moved to Colorado while in high school and says it was like coming home. His priority is to spend quality time with his wife and two children. His hobbies include skiing, fishing, softball, disc golf, hunting, coaching youth baseball, and building home audio speakers.

Jessica Lake is a Planner I for the Town of Eagle, where she regularly interfaces with the public explaining various land use processes and procedures. Jessica has worked for the Town of Eagle for the past two years, beginning as a Planning Technician and was promoted to Planner I in February of this year. Jessica has a wide variety of responsibilities within the Department and loves having the opportunity to work on many different types of projects (especially the long-range projects).

Jessica also goes by Jess, but never Jessie. She has lived in Eagle for four years with her husband (Tom), dog (Breck) and two rambunctious kids Dylan (5 yo) and Emma (3 yo). Jessica and her family love the outdoor lifestyle of Eagle and the family friendly vibe. Jessica and her husband also own and operate a small business at Copper Mountain and have been called property hoarders by friends and family – they currently have six.



Angie Kyle joined the Town of Eagle's Community Development team in February 2020. She comes to the Town of Eagle with experience in project management, community engagement, and office management. With a B.A. in Communications, she has managed both external and internal communications through various mediums, including newsletters, promotional materials, and mass email distributions in the public, private, and education sectors. She has a wealth of experience managing various offices, including at Red Sandstone Elementary. As an Eagle resident, she is excited to contribute her specialties to the Town of Eagle and dive into the Planning, Zoning, and Building projects and initiatives. On the weekends you can find Angie fly fishing, taking hikes with her family, or floating down the river.

Peyton Heitzman has been a Planner I with the Town of Eagle since early February 2020. Prior to this role, she worked in the City Manager's office with the City of Cortez for two years. Before pursuing a career in the public sector, she gained experience working as a contracts administrator for a staffing firm and as a legal assistant for an attorney's office. Peyton received her bachelor's degree in U.S. History from Fort Lewis College and this August she plans to graduate with her master's degree in Public Policy from the University of Colorado, Denver. Peyton was raised in Glenwood Springs where she developed a love for trail running, skiing, and time spent on the river. She is a Subaru drivin', Birkenstock wearin' Coloradoan. The only thing she's missing is a dog, but stay tuned.

As part of this introduction, I would request you to share some of your community experience with us, specifically past events that have shaped the Town into what it is today and what you believe are the current major land use issues that we now face. As planners who are new or relatively new to the Department, what advice or words of wisdom do you have for us? With the recent Comprehensive Plan update process, what feedback from the citizens would you like to emphasize? Any questions for us?

While I would prefer having this conversation face-to-face, I am looking forward to our virtual meeting.

Stay safe and see you all on Tuesday.