



AGENDA
Planning & Zoning Commission
Tuesday, July 7, 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 PUBLIC PARTICIPATION

- Virtual Meeting Procedure
- [Register in advance for this meeting here.](#)
- 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.heizman@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 June 16, 2020 meeting of the Planning and Zoning commission.*

1. Minutes dated June 16, 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: V20-02 770 Castle Drive Setback Variance
File # V20-02
Applicant: Cynthia and Otto Talley
Location 762 & 768 Castle Drive (previously known as 770 Castle Drive)
Staff Contact: Jessica Lake, Planner I
Request: Zoning Variance to reduce the side yard setback by 5-feet and the rear yard setback by 5-feet on two newly platted lots at 762 & 768 Castle Drive.
2. Project: SU20-01 263 & 483 Sawatch Special Use Permit (SUP)
File # SU20-01
Applicant: Dave Dantas
Location 263 & 483 Sawatch Road
Staff Contact: Jessica Lake, Planner I
Request: Request for a Special Use Permit to allow for 19 Accessory Dwelling Units under Section 4.04.070, *one single dwelling unit - accessory to a use permitted* in the Commercial General zone district, replacing permit #SU17-06.
3. Project: Consideration of recommendation for approval regarding a possible amendment to the Municipal Code to create an automatic termination period for certain types of land use approvals.
File # LURA20-02
Applicant: Town of Eagle
Location Town of Eagle
Staff Contact: Chad Phillips, Community Development Director/Town Planner
Request: Request for approval of amendments to the Municipal Code (Code) for the purpose of increasing the level of service, providing clarity, creating a simplified process, and supporting the Strategic Plan and other guiding documents.

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, June 16, 2020
6:00 PM

ON-LINE MEETING

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

PUBLIC WIFI - TOEG – townofeagle2019

Virtual Meeting Procedure

- [Register in advance for this meeting here.](#)
- 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.heiztman@townofeagle.org and we will do our best to assist you.

6:00 PM - REGULAR MEETING CALLED TO ORDER

Chair Matthew Hood called the meeting to order at 6:03pm.

COMMISSIONERS PRESENT

Robert Townsend, Lani Webb, Jesse Gregg,
Matthew Hood, Kyle Hoiland, Brent McFall

COMMISSIONERS ABSENT

Charlie Perkins
Bill Nutkins

STAFF

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

APPROVAL OF MINUTES *Approval of the minutes from the June 2, 2020 meeting of the Planning and Zoning Commission.*

1. Minutes dated June 2, 2020

MOTION: COMMISSIONER JESSE GREGG MOTIONED TO APPROVE THE MINUTES. MOTION WAS SECONDED BY COMMISSIONER KYLE HOILAND AND PASSED WITH A VOTE OF 6 (TOWNSEND, WEBB, GREGG, HOOD, HOILAND, AND MCFALL) 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.

DISCUSSION

1. Discussion of a code amendment to create an automatic termination period for certain types of land use projects.

Mr. Phillips discussed the staff memo in the agenda packet. He informed the Commission that there is an applicant who has gone through the subdivision process and was approved with conditions. Now, the applicant has decided not to move forward with the approval and instead the applicant wants to leave their Plat in the original state. Currently, the Plat for the new zoning has not been recorded.

Q&A

Chair Hood inquired what would happen to the applicant's file if the Commission did not move forward with the code amendment. Staff responded that there are no penalties however the file would remain in limbo. Chair Hood asked that with the approval from the Commission and/or Town Council, would applications need to be formally withdrawn? He followed up with another question asking if the applicant wanted to sell their property and did not do anything with pursuing the recording of the approved Plat, would it impact the buyer? Staff said that it would be a possibility.

The Commission asked for the timeframe that a plat needs to be recorded within and if the plat would become null and void if nothing happened within the identified timeframe. Staff informed the Commission that the Plat is required to be recorded within the timeframe identified in the resolution. However, if the plat is not recorded within that timeframe, there is nothing identified in the Town Code that explains the result of this.

Staff informed the Commission they would like to use their software to create alerts that would prompt them to inform the applicants of their deadline to record their plats. The question staff is asking the Commission is, what happens when the applicant chooses not to move forward with the recording?

Commission Webb included that when a timeframe is identified and an applicant asks for an extension, how would the Commission determine the timeframe extension? Staff informed the Commission that this extension request would be included in the ordinance so the timeframes would be written clearly.

The Commission supports staff presenting this discussion to Town Council and drafting an ordinance to present to the Commission.

TOWN COUNCIL MEETING REVIEW

Staff update to the Planning & Zoning Commission on recent decisions made by the Town Council on various Land Use files.

The Code Amendment to Section 4.04.070 was approved by Town Council.

COMMUNITY DEVELOPMENT DEPARTMENT UPDATE

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

1. Department update and answers to questions.

Staff went over the memo providing updates on requested Community Development applications. Commission Townsend requested staff to provide these memos on a monthly basis. The Commission agreed. Staff will provide the Commission with these memos once a month.

OPEN DISCUSSION

None.

ADJOURN

MOTION: COMMISSIONER BRENT MCFALL MOTIONED TO ADJOURN. MOTION WAS SECONDED BY COMMISSIONER JESSE GREGG AND PASSED WITH A VOTE OF 6 (TOWNSEND, WEBB, GREGG, HOOD, HOILAND, AND MCFALL) IN FAVOR AND 0 OPPOSED.

APPROVED:

DATE:

Matthew Hood, Chair

Angie Kyle, Community Development Administrative Tech II



CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Community Development Department

DATE: July 7, 2020

PROJECT NAME: 770 Castle Drive Setback Variance

FILE NUMBER: V20-02

APPLICANT: Cynthia and Otto Talley

LOCATION: 762 & 768 Castle Drive (Previously known as 770 Castle Drive)

CODE: Section 4.03.010 (General Purposes)
Section 4.04.080 (Schedule of Requirements in Residential Districts)
Section 4.04.100 (Supplementary Regulations and Standards)
Section 4.05.020 (Variance Standards)

ZONING: Residential Multi-Family (RMF) Zone District

EXHIBIT(S): A: Project Narrative
B: Design Drawings
C: Applicant Photos
D: West Eagle Sub Area Future Land Use Map
E: Site Photos

PUBLIC COMMENT: Staff has not received any letters of public comment as of July 2, 2020. Letters received after this time will be gathered and entered into the public record at the hearing.

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

REQUEST: Zoning variance to reduce the side yard setback by 5-feet and the rear yard setback by 5-feet on two newly platted lots at 762 & 768 Castle Drive.

INTRODUCTION:

The subject properties are zoned Residential Multi-Family (RMF) and located at the newly created 762 and 768 Castle Drive. The three lots were subdivided from one and are 8,394 sf (Lot 3), 6,319 sf (Lot 2) and 6,322 sf (Lot 1) respectively in size.

The applicant has demolished the existing single family house that used to sit on what is now Lots 1 and 2 and is proposing to construct a single-family home with an accessory dwelling unit (ADU) above the garage on both Lots 1 and 2. An existing residential structure on Lot 3 will remain and is not the subject of this variance request.

The applicants, Cindy and Otto Talley, are requesting to reduce one side yard setback on each property by 5-feet and to reduce each rear yard setback by 5-feet. This would create a minimum side yard setback of 7.5-feet and a minimum rear yard setback of 15-feet. The maximum buildable dimensions, if this variance request is granted, would be 32-feet wide by 80-feet long.

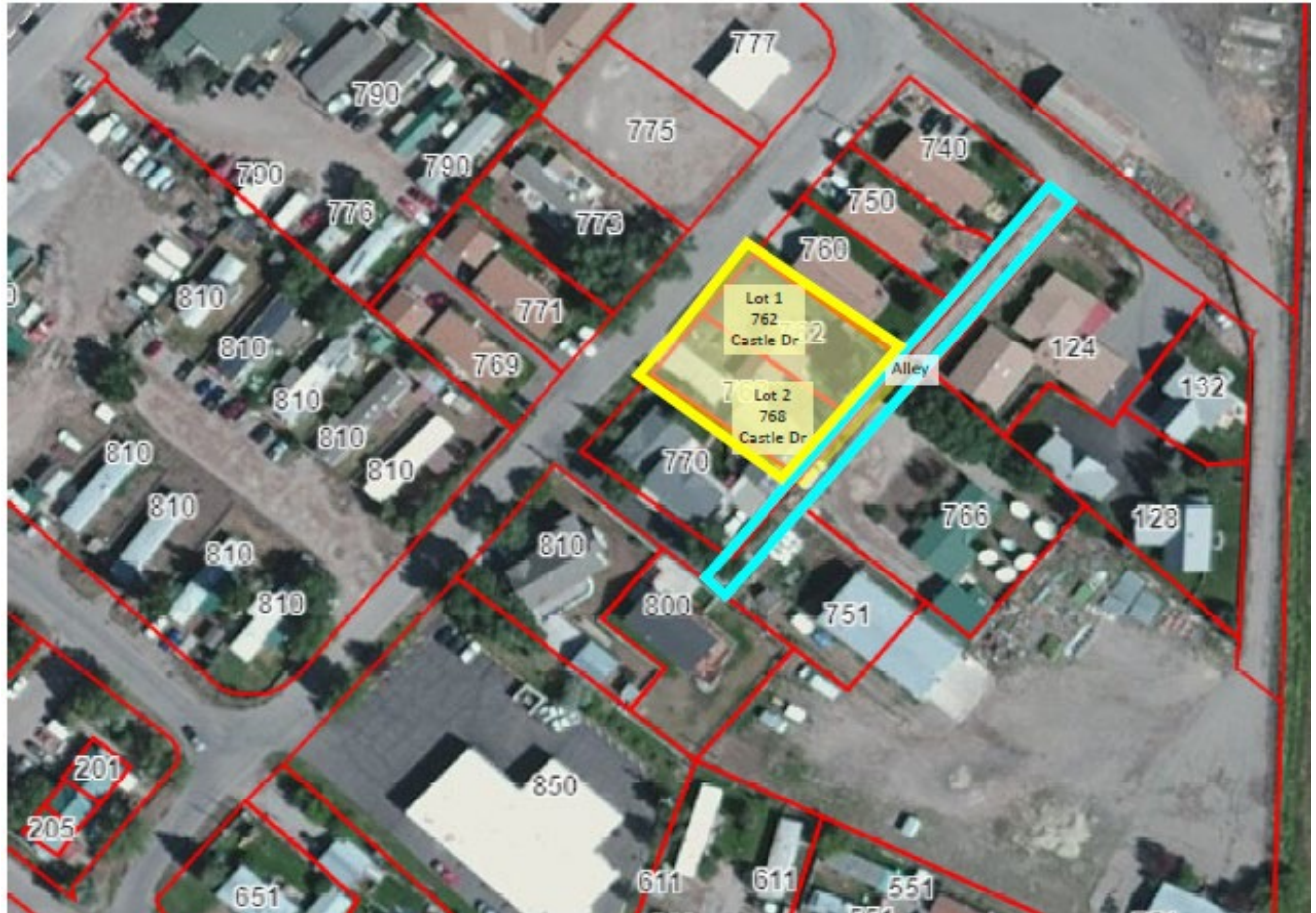
Variance Requested for Lots 1 and 2								
Zone District	Min. Lot Area / Dwelling Unit	Min. Front Yard		Min. Side Yard	Min. Rear Yard	Min. Build Height	Min Lot Coverage*	Max Floor Area
RMF	n/a	L	25'	7.5'	15'	35'	Building 50%; all other impervious 20%	150%

Required Setbacks for a Primary Structure								
Zone District	Min. Lot Area / Dwelling Unit	Min. Front Yard		Min. Side Yard	Min. Rear Yard	Min. Build Height	Min Lot Coverage*	Max Floor Area
RMF	6,000 sf	L	25'	Greater of 12.5' or ½ building height	20'	35'	Building 50%; all other impervious 20%	150%

Lots 1 and 2 were recently platted, in January 2020, through the minor subdivision process and each lot is legal and conforming (exceeds minimum sf). Each lot is roughly 6,300 sf and 52-feet wide by 120-feet long. Once setbacks are imposed, this leaves roughly 27-feet wide by 75-feet long as the maximum building footprint.

The West Eagle neighborhood is an eclectic mix of single-family residential, multi-family townhomes and duplexes, mobile homes, and commercial uses. The GIS map below shows the

subject property and surrounding uses and zone districts. The subject properties are shown in yellow and are directly bordered by single-family to the East, a mix of residential and commercial to the North/Northwest, residential to the West and County owned land to the South/Southeast.



The applicant states that the variance is required in order to build a cost-effective product to serve elderly or senior residents of the community and to provide infill development.

ISSUE FOR DISCUSSION

1. What is the hardship on a flat, legal, conforming lot(s)?

REVIEW OF TOWN GOALS, POLICIES AND PLANS

In review of Standard (a), staff refers to the following Town enacted documents:

- Title 4 of the Town of Eagle Municipal Code – Land Use and Development Code
- The Town of Eagle Strategic Plan – Adopted in 2017
- The Eagle Area Community Plan – Adopted in 2010
- The West Eagle Sub Area Plan – Adopted in 2011
- Eagle County Housing Needs Assessment - 2016

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

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

Staff Comment: This project is in line with Purpose J to increase housing stock and the variety of housing within the Town with the addition of two new single-family homes both with an ADU. This project will also add to the variety of housing types found in Town as most homes are not a patio or single-story style.

Town of Eagle Strategic Plan:

Major Objective 8: Improving housing availability and affordability.

Staff Comment: Major Objective 8 was included in the Strategic Plan in order to promote cost-effective solutions in maintaining adequate housing supply and support for the entire population. The construction of two patio homes with ADU's will lend to Objective 8 by increasing the housing supply for a portion of the population, which might be underserved.

2016 Eagle County Housing Needs Assessment – pgs. 24-25:

In 2010, the 65+ population comprised 6% of the total Eagle County population. By 2025 that number is projected to rise to 17%. There is a need for more retirement/independent living options for the growing 65+ population in Eagle County. Additional housing options for retirees would have the added benefit of freeing up existing housing units that can be used to house the workforce that replaces them.

Staff Comment: As noted in the County Housing Assessment, senior housing is a need. This segment of the population is predicted to continue to grow and it is important to further diversify housing stock in order to accommodate this age group. Patio or single floor living could also appeal to a variety of age groups and family situations in the community, not just seniors.

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

Chapter 3 of the Eagle Area Community Plan states that maintaining an appropriate and full spectrum of dwelling unit types and price points is very important in a fast growing and increasingly expensive community like Eagle.

Staff Comment: The proposed homes and ADU's could provide a potentially affordable housing option and add to the variety of dwelling units.

West Eagle Sub Area Plan: Chapter V

Chapter V. Goals and Objectives: This Sub Area Plan recognizes that infill development is a means of stabilizing and revitalizing the West Eagle Neighborhood.

Staff Comment: The proposed project is an infill development and therefore meets this goal of the West Eagle Sub Area Plan.

West Eagle Sub Area Plan: Chapter VI

Chapter VI – Future Land Use Map / Circulation Plan: The Future Land Use Map shows 762 & 768 Castle Drive as Mixed Use Development. Page 18 defines Mixed Use as Development of land within the Mixed Use designations is permitted to be either commercial or residential. The mixing of uses may be either vertical, in buildings where commercial is on the ground floor and residential is located above, or horizontal, where a residential building and a commercial building are located on

the same lot or next to each other on adjacent lots. Commercial land uses generally allowed include commercial services, and offices including medical and professional services. On the northwest side of Castle Drive residential development that also includes working studios and shops for craftspeople is permitted within the Mixed Use designation. In all proposals for mixed use development, and particularly if artisan/craft uses are requested, mitigation measures must be included in the building design to ensure that impacts such as noise, vibration, dust, and odors are appropriately mitigated.

Staff Comment: The future designation for this land is proposed as mixed-use, which may be either commercial or residential. No commercial is proposed for this project, the definition provided for mixed-use is vague at best and confusing at worst. The proposed project increases the residential density in the neighborhood, staff believes this fulfills the intent of the sub area plan.

West Eagle Sub Area Plan: Chapter VI

Chapter VI – Future Land Use Map / Circulation Plan: Continuum of Care Retirement Community: designated as the area to the east of Castle Drive at the eventual extension of Seventh St. – This is an area specifically identified to accommodate a range of housing and related care facilities, primarily focused on seniors and disabled residents. It includes such housing services as assisted living, skilled nursing, short-term rehabilitation, independent living and memory care facilities. Land uses and building arrangement and design within this area should be integrated with and complement the public park facility to the south.

Mixed Use – Public Purpose: This area allows for a variety of residential and related uses including higher density multi-family housing, facilities for foster care of children, human service needs, and an expansion of the Continuum of Care Retirement Community are also appropriate in this area: rehabilitation, independent living and memory care facilities. Land uses and building arrangement and design within this area should be integrated with and complement the public park facility to the south.

Staff Comment: The sub area plan proposes a senior care facility on the county property directly to the east of the subject property along the newly extended Seventh Street. The proposed project could be a desirable location for seniors if the county goes through with building a senior care facility or senior housing at the proposed location.

STANDARDS FOR ZONING VARIANCE

Section 4.05.020.A.1.

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

Applicant Analysis (a): The applicant finds that standard (a) is met, as the request enables them to include an ADU on each site, which enhances the public good by providing additional housing for a single professional, a professional couple or a potential caretaker. Without access to the ADU, they would not be able to include it in the plan. The applicant finds that a slightly smaller rear yard setback would better meet the goals and objectives of the community as it allows them to add a higher density to the lots.

Staff Comment: The purpose of setback regulations is to provide spacing between uses and structures. Setbacks also protect buildings and roads or alleys by providing a buffer; as well as promoting public safety through standard site distances. Setbacks also provide design continuity for district. Reducing the setbacks might slightly impair the Town's regulations in that a cohesive design will not be achieved. However, the overarching policies and plans of the Town would not be impaired. This project would also not cause a substantial detriment to the public good.

Staff finds that the variances requested meet this requirement. While it might slightly impact design and buffering in the neighborhood, it would not be a significant impact and still falls within the standards provided in other policies and plans.

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

Applicant Analysis (b): The applicant believes that the variance requested is the minimum necessary to alleviate the hardship. The only way for the applicant to build the proposed structures as designed is through the granting of the variance request, therefore it is the minimum necessary.

Staff Comment: Staff finds that the variances requested do not meet Standard (b). The lot meets the minimum square footage for the zone district and is a regular shape, staff does not recognize that a hardship exists.

Standard (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;

Applicant Analysis (c): The applicant finds that there are exceptional practical difficulties to build the structures that have been designed on the lots with the existing setbacks.

Staff Comment: Staff finds that the variances requested do not meet Standard (c). Each lot is a standard size and they meet the size (sf) requirement for single-family home. There is not exceptional topography, shape, size, or other extraordinary and exceptional situation or condition peculiar to the site, or lot configuration. Staff must find that one of the listed items is the hardship and then apply it. The result of that hardship would then present a peculiar and exceptional or practical difficulty and cause exceptional or undue hardship upon the owner if the variance were to be denied. If denied, then the resulting situation would be two vacant, recently subdivided flat lots that exceed the minimum square footage (not a peculiar and exceptional practical difficulty).

Standard (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.

Applicant Analysis (d): The applicant did not provide an analysis for Standard (d).

Staff Comment: Staff finds that the variances requested do not meet Standard (d). Assuming that the exceptional situation is that the lots are too small and narrow, staff again states that the lots are flat, legal, and conforming.

STAFF RECOMMENATION

Staff recommends denial of Zoning Variance V20-02 based on Standards (b), (c) and (d) of Section 4.05.020. of the Municipal Code. Specifically, that the application:

1. Standard (b). Because the conforming lots meet the minimum square footage for the zone district and are of a regular shape; and
2. Standard (c). The lots do not present any exceptional conditions and no practical difficulty exists if the variance is denied; and
3. Standard (d). There is no exceptional situation on the lots.

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to zoning variance V20-02:

1. Approve with no conditions: I find the application substantially meets the standards for approval, and move to APPROVE the zoning variance with no conditions, based on the following findings:

<insert findings>

2. Approve with conditions: I find the application substantially meets the standards for approval, and move to APPROVE the zoning variance, based on the following findings and with the following condition(s) of approval:

<insert findings>

<insert conditions of approval>

3. Continue (table) the application: I find that the applicant has not provided sufficient information to review the application per the standards for approval and move to CONTINUE the request for zoning variance approval to the next regularly scheduled meeting. (Provide staff and the application detail regarding information needed for a decision).
4. Denial: I find that the application does not substantially meet the standards for approval and move to DENY the zoning variance; based on the following findings: (Cite all Code sections and/or Plan policies that resulted in motion for denial)

FINDINGS FOR APPROVAL

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 Section 4.05.020 of the Town's Land Use and Development Code 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, because granting the variance would only slightly impact design and buffering in the neighborhood; and

(b) That the variance granted is the minimum necessary to alleviate the hardship, because (P&Z fill in rationale)_____; 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, because (P&Z fill in rationale)_____;
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, because (P&Z fill in rationale)_____.

IF APPROVED, P&Z MAY CHOOSE TO CONSIDER THE FOLLOWING CONDITIONS OF APPROVAL:

1. A Building Permit shall be applied for within 24 months of variance approval.
2. The variance approval is specific to the plans considered under the application. Minor revisions can be approved administratively without notice.

Otto & Cindy Talley
PO Box 3970
Eagle, CO 81631

Town Of Eagle
Community Development
200 Broadway
PO Box 609
Eagle, CO 81631

May 14, 2020

To Whom It May Concern,

We are writing this letter to request two variances on our property at 770 Castle Drive, Eagle, CO. We recently re-platted the property into three lots, which created the Talley Subdivision.

Our plan is to develop Lots 1 and 2 by building a single-family home with an attached garage, and an ADU above the garage on each lot. Given that this development is an infill project, we are limited to the size of the footprint that is available for building.

Our first variance request is to allow us 5' in one side setback of each of the lots to allow access to the ADUs above the garages. In actuality, the stairs will occupy only approximately 22' of the 120' of the property. As you can see in the attached document, we have done extensive investigation of other possibilities, and have found that there are no other feasible options.

Our second variance request is to allow us 5' in the rear setback. Originally, we had designed a home that fit within the setback requirements set forth by the Town of Eagle Land Use and Development Code, but in order to get the property re-platted, we had to relinquish 5' of our property for a Right-Of Way to the Public. This caused the available footprint to be reduced by 5'. Again, our hardship is explained in detail in the attached document.

We look forward to further discussing these variance requests with you and the Planning & Zoning Commissioners.

Please reach out if you have questions, or need additional information.

Best Regards,



Otto Talley



Cindy Talley

Otto and Cindy Talley

Talley Subdivision

Variance Request

May 14, 2020

Variance Request #1:

We are requesting a variance of 5' from the 20' rear yard setback code. Originally, we designed a home that fit within the setback requirements set forth by the Town of Eagle Land Use and Development Code. In order to re-plat our property into 3 lots, the Town of Eagle took 5' at the front of our property for a Right-Of-Way to the Public. Our home design no longer meets the new set-back requirements.

A 15' rear setback, which is up against an alley, 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. Our homes coincide with the Town's goals in providing affordable/attainable housing opportunities, providing infill/redevelopment (Town of Eagle Land Use & Development Code Assessment June 2019 Standards, pg 5), and act as a transition between lower existing residential densities to the east and higher residential densities otherwise permitted within this Residential designation to the west. (West Eagle Sub Area Plan Goals and Objectives: Section V, pg 18-19).

We have designed the single-story homes as they are more cost-effective, and with the thought that they might provide housing options for the elderly/senior residents. Adding a second level would eliminate the possibility for a person who may have mobility issues to reside in the homes, and it would increase the cost to build the homes, which in turn would put them out of reach for many looking to purchase.

The fact that we had to relinquish 5' of our property for the Town's Right-of-Way results in an extraordinary and exceptional situation, and causes an undue hardship upon us, as the houses were designed to fit within the original footprint allowed, using the space to create efficient, comfortable and manageable spaces within each home. Reducing the size of the homes will create spaces that are, in reality, not livable.

Variance Request #2:

We are requesting a variance of 5' from one of the 12.5' side yard setbacks on each lot to accommodate a stairway up to the ADUs above the garages. The setbacks are without substantial detriment to the public good, and instead provide access to a living space that will provide additional housing, therefore becoming a contribution to the public good. The Town's goals and plans are to provide affordable/attainable housing options and we feel that we meet these goals and plans by including the ADU's in our plan.

The stair access to the ADU's will sit in approximately 22' of the 120' of the properties, which is less than 20% of the area in question. We have investigated other options for locating the stairs, and they have

all created greater hardships. Putting the stairs in the garages will reduce the garages to a single-car garage, requiring another vehicle to be parked on the street. Putting the stairs between the houses and garages will greatly reduce the size of the homes, which, as stated earlier, will create spaces that are, in reality, not livable.

Because this is an infill development, the building footprints are very limited. We feel that the application of the current side yard setback creates an exceptional practical difficulty in that there is no other reasonable solution to locating the stairs to the ADU's.

Our vision for the ADU's is to provide housing for individuals who may not otherwise be able to live, work and play in Eagle, because of lack of affordable housing. Additionally, The ADU's will provide income that can help offset the cost of a mortgage for a homeowner, or a place for family members who might act as caregivers for an elderly/senior homeowner. Strict application of the 12.5' side yard setback would prevent us from including the ADU's in our plan, therefore reducing the number of housing units that could be available(Eagle Area Community Plan, Chapter 2, pg 12).

The overall height of the buildings are 24'-9".

Our landscaping will be xeriscape design, consisting of small stones, large pavers, and a small area of grass for Django, our dog. The landings at the main entry, garage entry and mud room entry will be a composite slat, through which water can drain. The stairs to the ADU's will have bar grating treads, steel balusters and cable rails. The driveway will be paved from the garage to the street. The total impervious coverage is as follows:

Each structure: 2,160 sq ft

Each driveway: 800 sq ft

Total coverage: 2,960 sq ft

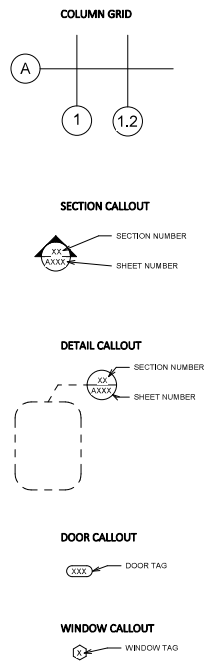
Total site: Lot 1 762 Castle Drive: 6,322 sq ft

Total site: Lot 2 768 Castle Drive: 6,319 sq ft

GENERAL NOTES

- 1. ALL DIMENSIONS ARE SET TO THE FACE OF STUD, UNLESS OTHERWISE STATED. QUANTITY TAKE-OFFS MUST BE TAKEN AND VERIFIED BY THE CONTRACTOR, NOTIFY DESIGNER OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK.
- 2. THE WORK SHALL CONFORM TO THE APPLICABLE BUILDING CODE AND ALL OTHER ORDINANCES, CODES AND REGULATIONS LISTED IN THE SPECIFICATIONS OR ON THE DRAWINGS, AND REQUIRED BY THE LOCAL BUILDING AUTHORITIES. THE GOVERNING CODE, RULES AND REGULATIONS ARE COLLECTIVELY REFERRED TO AS "THE CODE". THE CONTRACTOR SHALL REPORT ANY INCONSISTENCIES, CONFLICTS OR OMISSIONS.
- 3. THE DESIGNER APPROVAL OF SHOP DRAWINGS AND PRODUCT SUBMITTALS SHALL NOT RELIEVE THE GENERAL CONTRACTOR OR SUBCONTRACTOR FROM RESPONSIBILITY FOR DEVIATIONS FROM THE DRAWINGS OR SPECIFICATIONS UNLESS IT IS IN WRITING.
- 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONSTRUCTION SITE SAFETY, CONSTRUCTION METHODS AND TECHNIQUES AND SHALL AT ALL TIMES ENSURE THE SAFETY OF WORKERS FROM CONSTRUCTION SITE ACCIDENTS. THE CONTRACTOR SHALL COMPLY WITH THE PERTINENT HEALTH AND SAFETY REGULATIONS FOR REQUIRED METHODS FOR PROTECTING THE PUBLIC AND CONSTRUCTION WORKER'S HEALTH AND SAFETY DURING THE CONSTRUCTION PERIOD.
- 5. THE CONTRACTOR SHALL MAKE ALL NECESSARY PROVISIONS FOR THE PROTECTION OF EXISTING FACILITIES ON AND ADJACENT TO THE SITE DURING CONSTRUCTION.
- 6. FOLLOW ALL MANUFACTURER'S REQUIREMENTS REGARDING SPECIFICATIONS, ASSEMBLIES, MATERIALS, AND ADVISE DESIGNER OF ANY DISCREPANCIES OR CONTRADICTIONS WITH THESE DOCUMENTS.

SYMBOL LEGEND



TALLEY SUBDIVISION



VICINITY MAPS



PROJECT INFORMATION

PROJECT ADDRESS
770 CASTLE DRIVE
EAGLE, CO 81631

PARCEL ID #
(PENDING)

PROJECT DESCRIPTION
SINGLE FAMILY HOME WITHIN THE CITY LIMITS OF EAGLE CO, CONDITIONED CRAWSPACE, GARAGE, AND ATTACHED ADU ABOVE GARAGE.

GROSS AREA PER UNIT
LEVEL 1 = 2169 SF
LEVEL 2 = 700 SF
TOTAL = 2869

PROJECT DIRECTORY

OWNER
CINDY & OTTO TALLEY
P.O. BOX 3970
EAGLE, CO 81631

DESIGNER
TORRE FORM LLC
NOE TORRES
EMAIL: NOE@TORREFORM.COM
PHONE: 970.343.4506

ARCHITECT OF RECORD
JMP ARCHITECTS, INC.
JOHN M. PERKINS, AIA
EMAIL: PERK.JMPARCHITECT@GMAIL.COM
PHONE: 720.201.9760

INTERIOR DESIGNER
CALLIGRATE COMPANY INTERIOR DESIGN
CINDY TALLEY
EMAIL: INFO@CALLIGRATECO.COM
PHONE: 970.328.1590

ENGINEERING
THRASHER LLC
RUSSELL THRASHER
EMAIL: RUSSELLTHRASHER@HOTMAIL.COM
PHONE: 970.471.3231

SURVEYOR
SLAGLE SURVEY SERVICES
MATTHEW S. SLAGLE PLS
EMAIL: MATTHEW@SLAGLESURVEY.COM
PHONE: 970.471.1499

DRAWING INDEX

A000	COVER SHEET
A100	SITE PLAN
A101	VARIANCE PLANS
A102	FLOOR PLAN - LEVEL 1
A103	FLOOR PLAN - LEVEL 2
A104	ROOF PLAN
A201	ELEVATIONS
A202	ELEVATIONS



REVISION:

5/08/20	VARIANCE SET
6/16/20	PROGRESS DO SET

NOT FOR CONSTRUCTION

PROJECT:
TALLEY SUBDIVISION

PROJECT ADDRESS:
770 CASTLE DRIVE
EAGLE, CO 81631

PROJECT #:
20.02

SHEET:
COVER SHEET

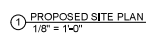
SCALE:
1/4" = 1'-0"

A000



PROGRESS DD SET

A100



REVISION:

5/08/20

VARIANCE SET

6/16/20

PROGRESS DD SET

NOT FOR CONSTRUCTION

PROJECT:

TALLEY SUBDIVISION

PROJECT

ADDRESS:

770 CASTLE DRIVE
EAGLE, CO 81631

PROJECT #:

20.02

SHEET:

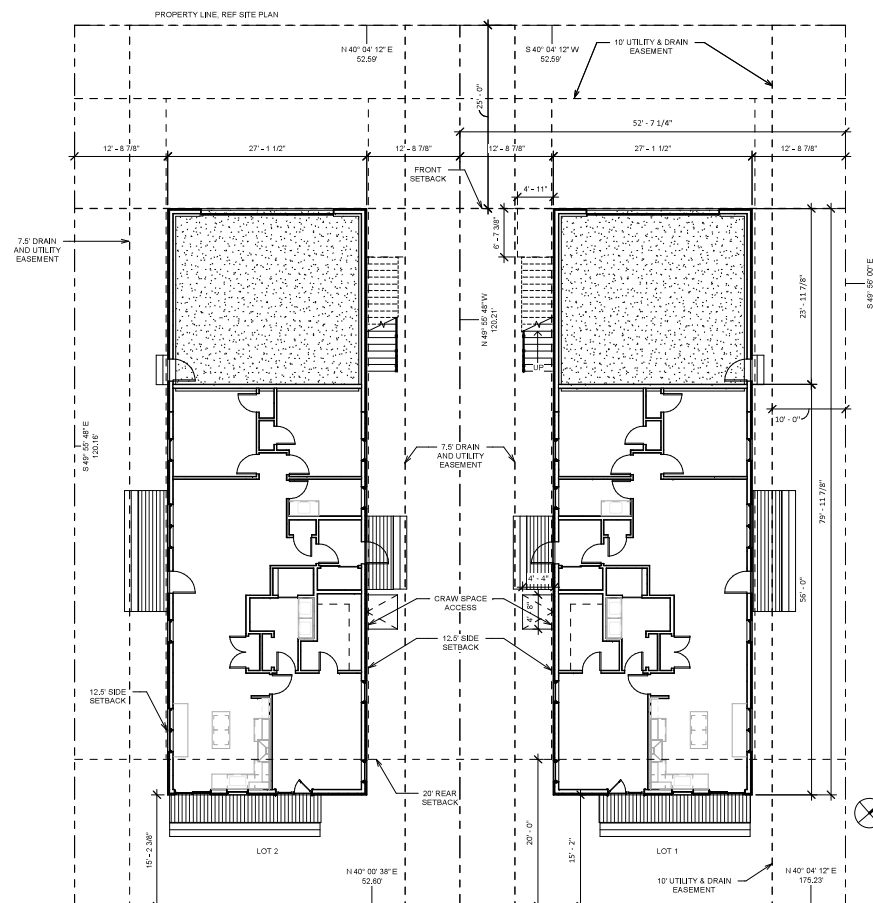
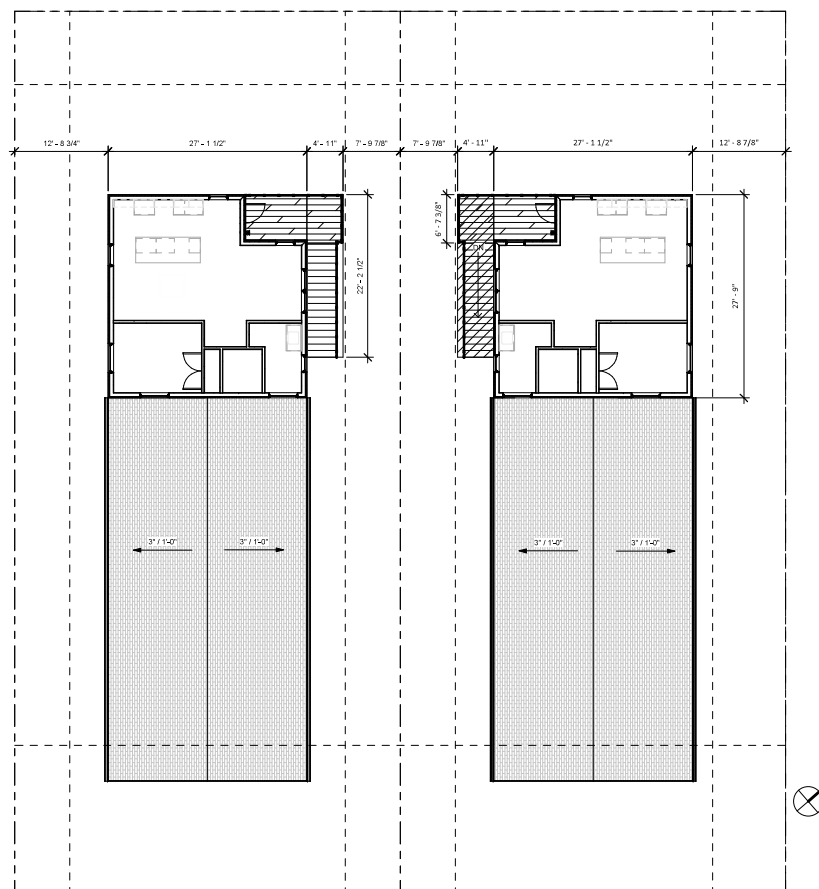
VARIANCE PLANS

SCALE:

$$1/8'' = 1'-0''$$

A101

CASTLE DRIVE





torre form

noe@torreform.com

REVISION:

5/08/20

VARIANCE SET

6/16/20

PROGRESS DO SET

NOT FOR CONSTRUCTION

PROJECT:

TALLEY SUBDIVISION

PROJECT

ADDRESS:

770 CASTLE DRIVE
EAGLE, CO 81631

PROJECT #:

20.02

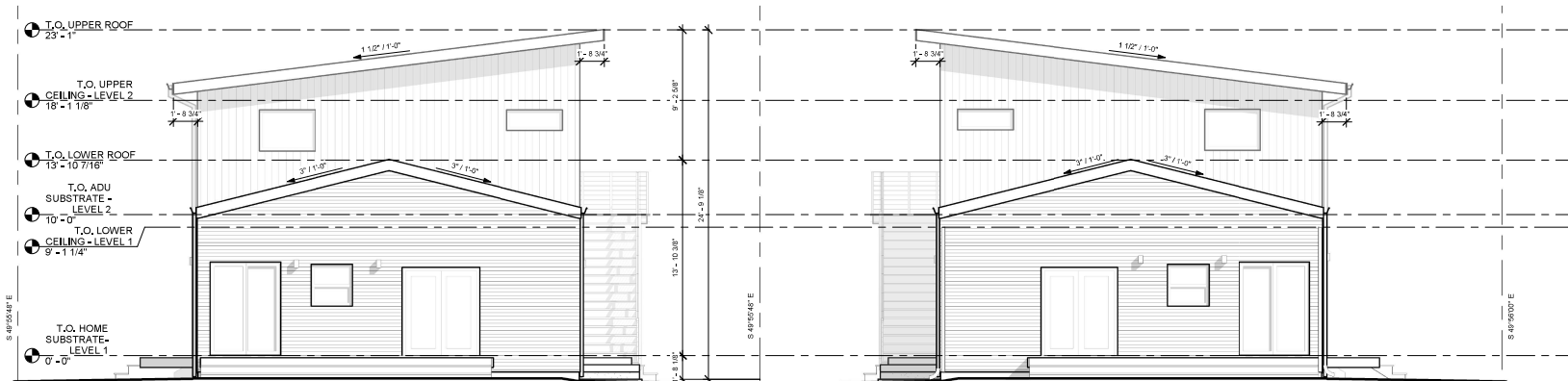
SHEET:

ELEVATIONS

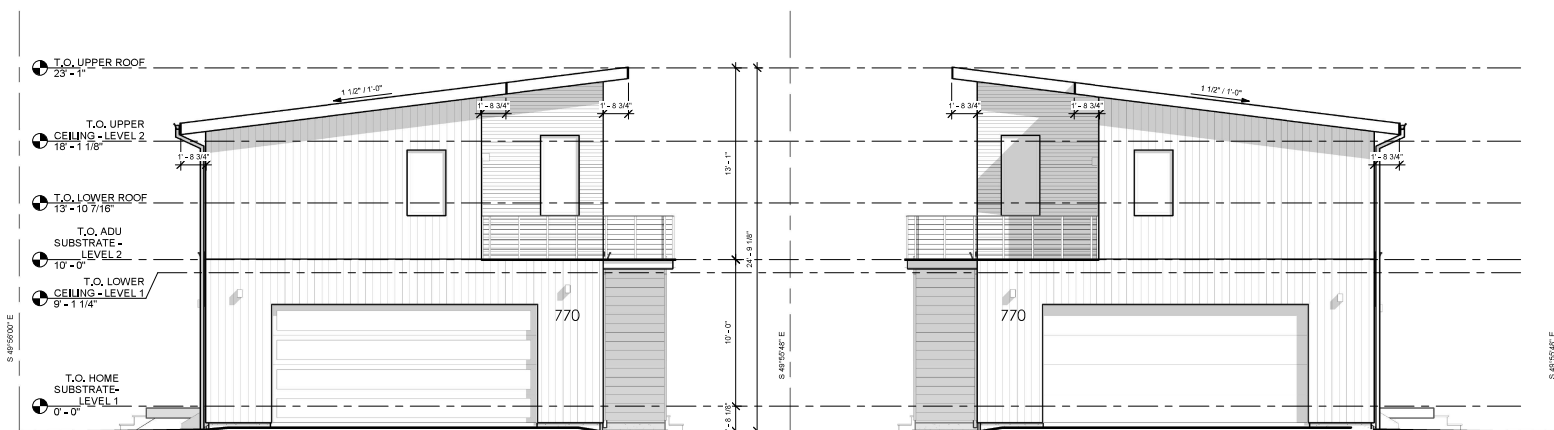
SCALE:

1/4" = 1'-0"

A201



2 VARIANCE - SOUTH ELEVATION
1/4" = 1'-0"



1 VARIANCE - NORTH ELEVATION
1/4" = 1'-0"



torre form

noe@torreform.com

REVISION:

5/08/20

VARIANCE SET

6/16/20

PROGRESS DO SET

NOT FOR CONSTRUCTION

PROJECT:

TALLEY SUBDIVISION

PROJECT

ADDRESS:

770 CASTLE DRIVE
EAGLE, CO 81631

PROJECT #:

20.02

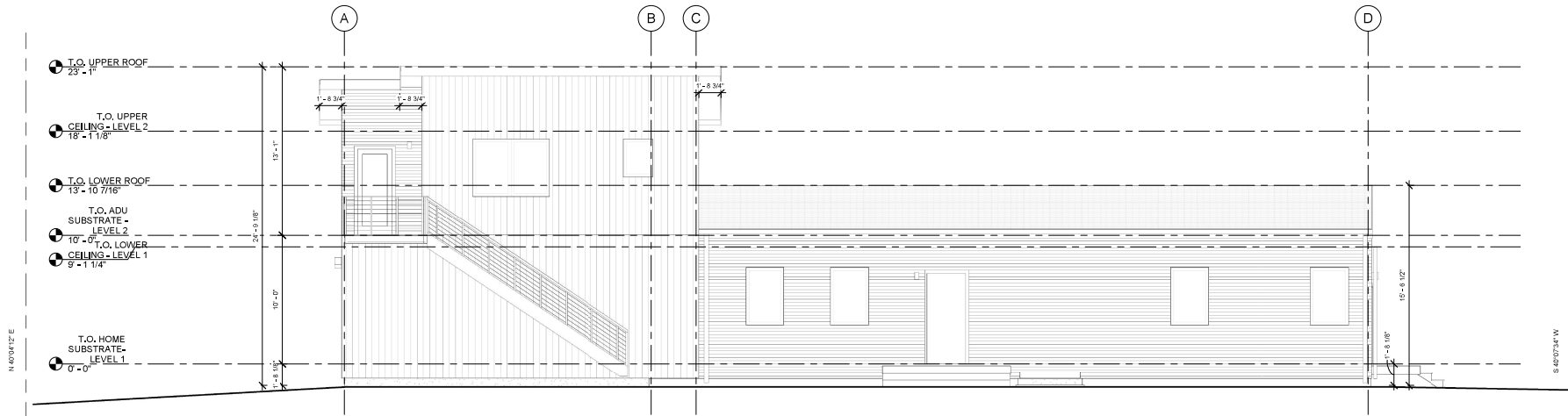
SHEET:

ELEVATIONS

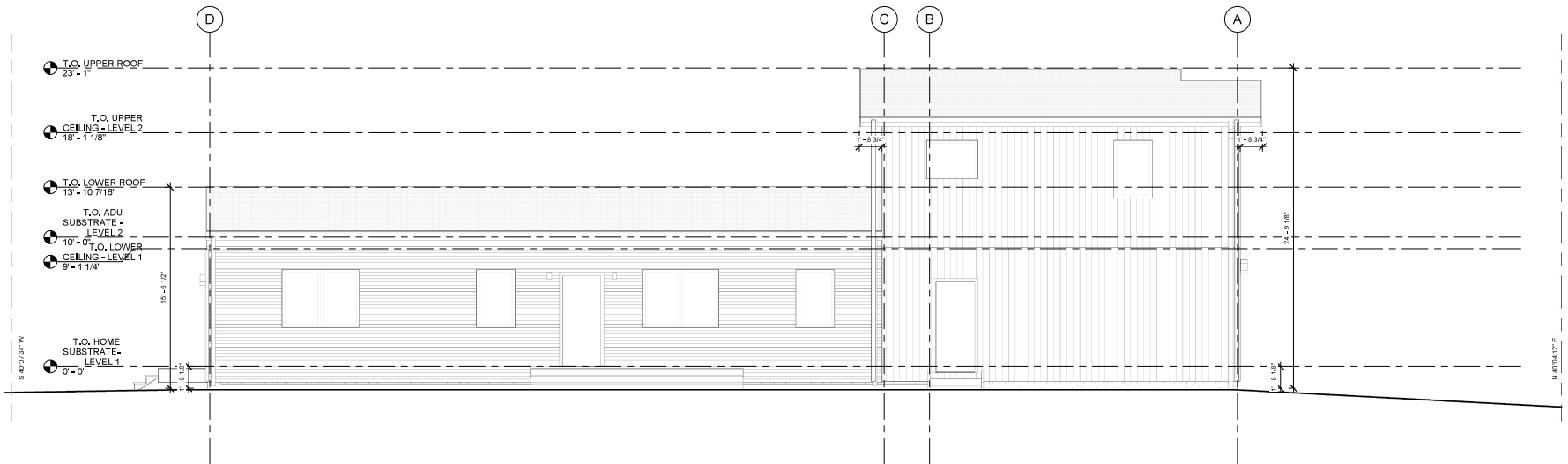
SCALE:

1/4" = 1'-0"

A202



① VARIANCE - WEST ELEVATION
1/4" = 1'-0"



② VARIANCE - EAST ELEVATION
1/4" = 1'-0"

TALLEY SUBDIVISION REDEVELOPMENT

762 & 768 CASTLE DRIVE
EAGLE, CO 81631

TALLEY SUBDIVISION



TALLEY DEVELOPMENT 762 AND 768 CASTLE DRIVE



CASTLE DRIVE



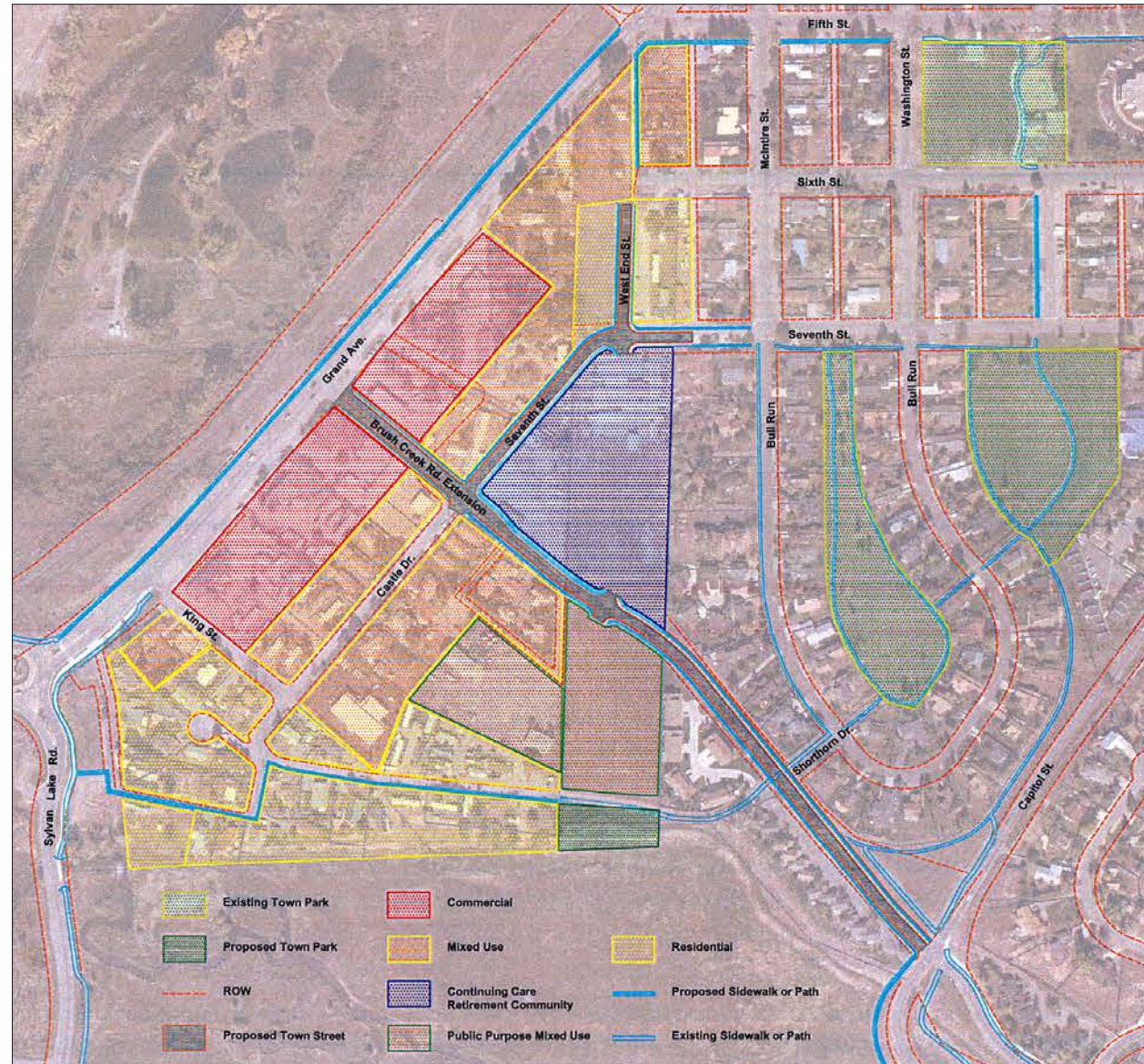
CASTLE DRIVE



PRINCE ALLEY



FUTURE LAND USE MAP DESIGNATIONS



VI. FUTURE LAND USE MAP/ CIRCULATION PLAN

The Future Land Use Map map shows the general distribution of land uses recommended by this plan. Note that these are future land use planning designations and proposed road and pedestrian connections rather than Official Zone Districts and Street Map. Please consult the Town of Eagle Zoning Map for the current zone district designations and street map. Any significant redevelopment of property within the West Eagle Neighborhood is encouraged to use the Planned Unit Development Zone District. This provides flexibility to accommodate a mixture of uses, increased density, flexibility in site design and opportunity for the Town and applicant to agree on a more specific development approval that is beneficial to both applicant/developer and the Town.

See 11x17 Future Land Use Map Designations insert in back.

Figure 19: Land Use Map Designations



Exhibit E: Site Photos



762 Castle Drive & 768 Castle Drive



768 Castle Drive – Lot 2



Rear Alley



Rear Alley



762 Castle Drive – Lot 1



762 & 768 Castle Drive and the rear alley



Castle Drive – looking east



Castle Drive – looking west



CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Community Development Department

DATE: July 7, 2020

PROJECT: 263 & 483 Sawatch Special Use Permit (SUP)

FILE NUMBER: SU20-01

APPLICANT: Dave Dantas

LOCATION: 263 & 483 Sawatch Road

CODE: Chapter 4.04 Zoning
Chapter 4.05 Zoning Review

ZONING: Commercial General (CG) Zone District

EXHIBITS: A: Project Narrative
B: Site Plan
C: Chambers Aerial Map
D: Site Photos

PUBLIC COMMENT: Staff has not received any letters of public comment as of July 2, 2020. Letters received after this time will be gathered and entered into the public record at the hearing.

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

REQUEST: Request for a Special Use Permit to allow for 19 Accessory Dwelling Units under Section 04.04.070, *one single dwelling unit – accessory to a use permitted* in the Commercial General zone district, replacing permit #SU17-06.

INTRODUCTION

263 & 483 Sawatch Road is located in the Chambers Avenue area east of the Post Office and south of the climbing gym. There is an approved Special Use Permit (SUP) at this property for that allows 20 residential units above 20 commercial units split between two equally sized, two-story buildings. Each building was approved for 8,000 sf of commercial and 8,000 sf of residential with two underground parking structures and a surface parking lot. The applicant first proposed an amendment to the existing SUP to staff. Title 4 of the Municipal Code does not have a process for amending a SUP, therefore a new permit must be applied for. The existing SUP is in effect until March 13, 2021. A Building Permit must be issued by this date or the permit is null and void. A condition of approval has been added by staff to nullify SUP SU17-06, should this request be approved.



The current request is for a new SUP for One Single Dwelling Unit-Accessory to a Use Permitted. The proposal includes three (3) buildings on 263 Sawatch (Lot 2) for a total of ten (10) commercial units and ten (10) residential. Three (3) buildings are also proposed for 483 Sawatch (Lot 3) for a total of nine (9) commercial and nine (9) residential units. The project proposes surface parking for the six buildings.

The current request is for a new SUP for One Single Dwelling Unit-Accessory to a Use Permitted. The proposal includes three (3) buildings on 263 Sawatch (Lot 2) for a total of ten (10) commercial units and ten (10) residential. Three (3) buildings are also proposed for 483 Sawatch (Lot 3) for a total of nine (9) commercial and nine (9) residential units. The project proposes surface parking for the six buildings.

The request is for a residential use accessory to a use permitted. The Code defines *Accessory Use* as “a use subordinate to and customarily associated with the use of the lot”. Although the SUP requested could allow as many as one (1) accessory dwelling for each commercial use (unit), the definition of Accessory Use could further limit the total number to what the Planning Commission and Town Council deem accessory or secondary to the use of the lot.

The applicant states that the proposed buildings will be incorporated into the design of the climbing gym and surrounding buildings. The Commercial uses of the proposed buildings will be similar to the uses found in the existing project, which includes retail, office and fitness space (service). The developer has stated that the residential units will not be sold separately from the commercial units, however the developer proposes to have the option to rent the residential units separately from the commercial units.

ISSUES FOR DISCUSSION

1. Are the requested residential units accessory to the use of the lots?
2. Is the proposed residential use compatible with the surrounding area?

3. At what point does residential become significant in the CG District?

STANDARDS FOR SPECIAL USE PERMIT

Section 4.05.010.A.1.a

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

Staff Comment: The proposed uses identified in this project are consistent with the general provisions of the Chapter. The property is zoned Commercial General (CG) which allows for "One Single Dwelling Unit – Accessory to a use permitted" in Chapter 4.04.070 (Schedule of Uses Permitted in Non-Residential Zone Districts) as an SUP. Beginning with the live/work developments on Chambers, the Town interpreted this to allow for a conceptual live/work style project.

The 2010 Eagle Area Community Plan (Plan) generally provides the goals, policies and plans for the Town. The Future Land Use Map designates the property as Commercial. The property also falls within the I-70 Influence Character Area. The relevant intent statements for this area are:

2010 Eagle Area Community Plan:

1) Chapter 3: Land Use – Community Needs

- a. Maintaining and appropriate and full spectrum of dwelling unit types and price points is very important in a fast growing and increasingly expensive community like Eagle.

Staff Comment: This project would result in an increase of live/work units available in Eagle.

2) Chapter 4: Future Land Use Map – Commercial

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

Staff Comment: Compatibility appears to be one of the main issues in determining the appropriateness of this use. While this type of development does occur in the area, the Code defines CG as – *Commercial General – For commercial and tourist uses, including lodging, dining, and recreation facilities and compatible uses, and for heavier commercial uses, low-impact manufacturing uses, and compatible uses.*

3) Chapter 5: I-70 Influence Character Area

- a. Promote sustainable businesses that contribute to the diversification of the local economy.
- b. Maintain existing commercial and industrial zoning in the Chambers Avenue, Market Street, Sawatch Road and Marmot Lane areas.
- c. 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.

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

Staff Comment: Staff recommends that, when concluding the appropriateness of residential on these lots, that existing dwelling units in the area should be considered in order to evaluate what is “significant” residential use.

2017 Town of Eagle Strategic Plan:

- 1) Major Objective 8: Improve Housing Availability and Affordability
 - a. Promote cost-effective solutions in maintaining adequate housing supply and support for the entire population.
 - b. Explore zoning and other methods to create a more balanced and affordable housing mix that supports young people and young families.
- 2) Major Objective No. 10: Address Essential Planning and Land-Use Challenges
 - a. Support a small-town look and feel for Eagle
 - b. Maintain standards that support new development while managing risks to the Town.
 - c. Housing that provides a wide range of housing types in walkable neighborhoods.
 - d. Poor planning, or the lack of planning, can lead to negative outcomes in terms of inadequate infrastructure, degraded public services, or negative impacts on the environment.

Staff Comment: The 2010 Eagle Area Community Plan states that “a number of live/work arrangements may be appropriate” in the Commercial General Zone District. When we pair this statement with the use category in the code, “one single dwelling unit – accessory to a use permitted”. It paints a picture that the intention of the Community Plan and the Land Use Code was to allow for one workforce housing unit as an accessory to a warehouse with office space, or an autobody shop, or even a storage center (live/work). It does not seem to be the intent to allow for a housing project or multiple apartments which are rented separately from the commercial space they are supposed to be accessory to.

The Strategic Plan encourages planners and elected officials to look at and balance several different values, specifically affordable housing, a range of housing types, and strong planning that supports the small-town look and feel of Eagle. When it comes to housing, we are tasked with providing a range of housing types, but that exist in walkable neighborhoods. The Chambers Avenue area is not (and is not planned to be) a walkable neighborhood.

Based on the stated goals, policies and plans noted above, staff finds that this request for a special use does not meet Standard #1.

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

Staff Comment: The Town of Eagle's Land Use and Development code provides for several types of Commercial Zoning. The Commercial Light Zone District, for lighter uses such as retail, services, office space, etc. The Commercial General Zone District, for heavier commercial uses such as warehouses, construction offices and storage, etc. The Industrial Zone District provides for the heaviest uses such as manufacturing, workshops, salvage yards, etc.

Permitted uses in the CG Zone District include temporary lodging (traditional hotel/motel), retail, service establishment (not vehicular), restaurants, workshops, gasoline sales, theater, commercial offices, parks/playgrounds and warehouses. More impactful uses such as dry-cleaning plants, manufacturing, and petroleum products bulk plant are permitted with a Special Use Permit. Special Use Permits for residential could negatively impact future special use permits for dry-cleaning plants, manufacturing and petroleum products.

The proposed project is adjacent to or near the following uses/users:

- Climbing Gym and affiliated Live/Work units (around 18 residential units)
- Eagle Villas (around 120 residential units)
 - Residential Multi-Family Zone District
- New Electric Contractor Storage
- Vacant lot owned by Holy Cross Electric
- Castle Peak Veterinary Services
- USPS Post Office
- Construction Offices / Warehouse
- Automotive Service Establishments
- Gas Stations
- Storage Center
- Commercial warehouses

Eagle Villas is considered a surrounding property to the subject property. However, it has different zoning, therefore staff does not believe that it should be considered for Finding #2, as different criteria applies to different zone districts.

The addition of 19 residential units may be compatible with the uses proposed for the attached commercial units, but they are not compatible with the general surrounding uses of the neighborhood. No other accessory residential exists in the direct surrounding area except for the residential at 700 Chambers Avenue. When determining the compatibility of additional residential uses in the CG district, staff considered that dwellings are for families (not just an individual or couple). While a live/work unit typically doesn't preclude families, children should be considered when processing any residential proposal.

Staff finds that this request for a special use does not meet the compatibility requirement of Standard #2.

STANDARD #3: *Street improvements adequate to accommodate traffic volumes generated by the proposed use and in provision of safe, convenient access to the use and adequate parking are*

either in place or will be constructed in conjunction with the proposed use, as approved by the Town.

Staff Comment: The attached traffic memo states based on the number of estimated generated trips, there will not be a significant impact on the existing transportation system and additional traffic analysis is not necessary. The Town Engineering Department did not find the additional traffic volumes generated to be a significant issue for this project.

The **required** parking for this project is a total of 100 spaces. The calculation per site is as follows:

Lot 2 (263 Sawatch)

(9) two-bedroom units	(2) parking spaces each	18
(1) three-bedroom unit	(2.5) parking spaces each	3
(10) residential units	(1) guest parking space per (6) residential units	2
6,511.2 sf of commercial	(1) space per 225 sf of commercial space	29
TOTAL PARKING SPACES REQUIRED		52

Lot 3 (483 Sawatch)

(9) two-bedroom units	(2) parking spaces each	18
(9) residential units	(1) guest parking space per (6) residential units	2
6,221.7 sf of commercial	(1) space per 225 sf of commercial space	28
TOTAL PARKING SPACES REQUIRED		48

In the project narrative the applicant has agreed to provide (53) parking spaces, including (3) accessible stalls, on Lot 2; and (44) parking spaces, including (4) accessible stalls, on Lot 3. The applicant is requesting to make up the shortage of (4) parking spaces on Lot 3 by creating a parking share plan with Building D of 700 Chambers, which has an overage of (6) parking spaces.

Staff Comment: Parking will be further evaluated at time of Development Permit.

Section 4.04.140.J. Loading areas. For those uses requiring deliveries or service by truck which are not contiguous to an alley, an off-street delivery truck berth at least 14 feet wide and 30 feet long shall be provided in addition to the required parking area.

Staff Comment: Staff has identified four (4) loading spaces for Lot 2 and three (3) loading spaces for Lot 3 on the site plan.

Section 4.04.140.I. Common parking area. Common parking areas may be provided in areas designated to serve jointly two or more buildings, units, structures or uses, provided that the total number of parking spaces shall not be less than that required for each use.

Staff Comment: Staff has found a discrepancy on the site plan and what is proposed in the project narrative. On Lot 2, (48) spaces have been counted and (42) spaces counted on Lot 3.

Based on the site plan, the applicant needs to provide (4) additional parking spaces to satisfy the requirements for Lot 2 and six (6) additional parking spaces for Lot 3. The applicant has informed staff that Building D from 700 Chambers has an excess of six (6) parking spaces over and above the requirement for that site; staff has verified that this is correct. Staff recommends applying the common parking area standard for those six (6) spaces on Lot 3. However, Lot 2 still requires three (4) additional parking spaces to satisfy the requirement. Since the focus of this application are the residential units, details of other uses and overall development will be evaluated at the time of the Development Permit application.

Section 4.07.140.H. Joint use of parking spaces. Where an owner or developer can document that two separate uses do not require parking during the same hours and that adequate provisions have been made to ensure that the uses will not require parking during the same hours, such owner or developer may petition the Planning Commission for permission to allow parking spaces which otherwise comply with the provisions of this chapter to fulfill the requirements for both uses. Permission for such joint use of parking spaces may be granted subject to such conditions as the Planning Commission finds necessary to carry out the purpose and intent of this chapter. Such request shall follow the Town's review procedures for zoning variance, as set forth in Section 4.05.020, except that hardship criteria shall not apply.

Staff Comment: Staff would be willing to work with the applicant to bring forward a request for a parking variance in conjunction with a development permit application applying Section 4.07.140.H. should this application for a SUP be approved.

Staff finds, based on the parking analysis, that this request for a special use does not currently meet the parking requirements for Standard #3, however the parking details will be discussed at the time of Development Review.

STANDARD #4: *The special conditions for specific uses, as provided in this section, are met.*

Staff Comment: There are no special conditions applicable to the requested use.

STAFF RECOMMENDATION

Staff recommends denial of Special Use Permit SU20-01 based on Standards (1), (2) and (3) of Section 4.05.010. of the Municipal Code. Specifically, that the application:

1. Results in significant residential development when considering other residential dwellings in the Chambers area, which is discouraged in the CG district (Section 4.05.010.A.1.a.1 and Chapter 5 of the Eagle Area Community Plan); and
2. Results in family dwellings that are not compatible with the existing commercial and light industrial uses in the surrounding area (Section 4.05.010.A.1.a.2); and
3. Does not meet Parking Standards (Section 4.05.010.A.1.a.3).

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to special use permit SU20-01:

1. Approve with no conditions: I find the application substantially meets the standards for approval, and move to APPROVE the special use permit with no conditions, based on the following findings:

<insert findings>

2. Approve with conditions: I find the application substantially meets the standards for approval, and move to APPROVE the special use permit, based on the following findings and with the following condition(s) of approval:

<insert findings>

<insert conditions of approval>

3. Continue (table) the application: I find that the applicant has not provided sufficient information to review the application per the standards for approval and move to CONTINUE the request for special use permit approval to the next regularly scheduled meeting. (Provide staff and the application detail regarding information needed for a decision).
4. Denial: I find that the application does not substantially meet the standards for approval and move to DENY the special use permit; based on the following findings: (Cite all Code sections and/or Plan policies that resulted in motion for denial)

FINDINGS FOR APPROVAL

The general requirements for a Special Use Permit as described in Section 4.05.010 of the Land Use and Development Code are:

1. The proposed use is consistent with the provisions of this Chapter and with the Town's goals, policies and plans, because (P&Z fill in rationale)_____;
and
2. The proposed use is compatible with existing and allowed uses surrounding or affected by the proposed use, because (P&Z fill in rationale)_____;
and
3. Street improvements adequate to accommodate traffic volumes generated by the proposed use and in provision of safe, convenient access to the use and adequate parking are either in place or will be constructed in conjunction with the proposed use, as approved by the Town, because (P&Z fill in rationale)_____;
and

4. The special conditions for specific uses, as provided in this Section, are met.

**IF APPROVED, THE P&Z AND COUNCIL MAY CONSIDER THE FOLLOWING SUGGESTED
CONDITIONS OF APPROVAL:**

1. This approval is for a maximum of 19 accessory residential units [263 Sawatch (Lot 2) max of ten (10) and 483 Sawatch (Lot 3) max of nine (9) residential units].
2. The dwellings shall remain as *Accessory Uses* as defined in the Town's Development Code.
3. All site-specific development improvements including, but not limited to parking, landscaping, impervious coverage, access, setbacks, will be approved as part of the Development Review process.
4. In the event no building permit has been applied for or the special use has not been established within three years of the approval date, the special use permit shall be null and void.

Special Use Permit
Lot 2 and 3
263 & 483 Sawatch Road
Revised -June 18, 2020



Eagle Center Commercial with accessory dwelling units

Special Use Permit to Allow for Residential Use Accessory to a Permitted Use
within the Commercial General Zone District

263 Sawatch Road, Lot 2 of the 700 Chambers Avenue Subdivision

And

483 Sawatch Road, Lot 3 of the 700 Chambers Avenue Subdivision

A map of the property is provided below:



INTRODUCTION

Currently the properties located at 263 and 483 Sawatch Road are being used as site storage for construction equipment. The owners are looking to improve the site to develop into commercial buildings with accessory dwelling units. The uses will be similar to that that been approved as Special Use Permits at the lots 1 through 4 at 700 Chambers and for the Chamber's Lofts on Chambers Avenue. The new development will be an extension of the successful development around the Climbing Gym at 700 Chambers Ave.

Project description:

It is proposed that 3 buildings on lot 2, 263 Sawatch Road, be constructed with commercial/retail on the first level and accessory residential units above. The two buildings (BLDG 'E') and (BLDG 'G') shall have 3 commercial units and 3 residential units. The South building (BLDG 'I') shall have 4 commercial and 4 residential. One of the residential units will be designed to provide a ground floor Type 'B' accessibility for a differently challenged occupant. For a total density of 10 commercial with 10 accessory dwelling units on Lot 2.

On lot 3, 483 Sawatch Road, we are proposing 3 buildings be constructed with 3 commercial on the first floor and 3 residential units above. For a total density of 9 commercial with 9 accessory dwelling units on Lot 3. No accessible units are required at units with less than 4 dwelling units.

The complete proposal for Lots 2 and 3 shall have a total 19 commercial units and 19 accessory dwelling units. This conforms to the 1 residential unit accessory to 1 commercial unit ratio.

Please note that there is an existing active approval of Town of Eagle SUP 17-06 for these properties that the previous owners has in place that allows for a 1:1 ratio of commercial to dwelling units. The design of these structures was for 2 buildings. This would gross 16,000 s.f. of commercial and 16,000 s.f. of residential. The design by the previous owners does not fit with the goals of the current owners. And we feel that the creating smaller buildings will be more attractive to small businesses and improve the residential component of the neighborhood. We are submitting for a new Special Use Permit since there is no process within the Town of Eagle land use to amend this SUP.

Dave Dantas, Rick Patriacca, Sawatch 263 RD LLC and Adam Sanchez, represented by Jeffrey P Manley, AIA of Martin Manley Architects, are requesting a Special Use Permits to allow for residential uses accessory to the permitted commercial uses at Lot 2 and 3 of the 700 Chambers Avenue Subdivision located at 263 and 483 Sawatch Road.



The applicant is proposing buildings to be incorporated into design language to compliment to the Climbing Gym/Indoor Recreation and the uses associated with buildings at 700 Chambers. This proposal mimics the adjacent commercial uses on the first floor, with dwelling primarily located on the level above. The Special Use Permit applied for is specifically for the accessory residential units at 263 and 483 Sawatch Road. The residential portion will be primarily 2 bedrooms per units. The Type 'B' units on lot 2 will be designed to have 3 bedrooms. This 3 bedroom units can be converted to be an accessible design with first level Living, Kitchen, Sleeping, and a bathroom with minimal effort should a person need adaptation.

Provisions:

The residential units will not be sold separately from the commercial unit it is associated with.

There will be an occupancy restriction that allows for no more than 4 residents per unit, but no restriction that the dwelling units be occupied by the owner or employees of the commercial units. Each dwelling unit will have 2 parking spaces per unit.

Commercial units with accessory dwelling units create opportunity in this area of Town. Allowing residential uses above the commercial space allows for opportunities for workers to live close to job creators, reducing commute times and enlivening commercial areas with people present. Also, studies have shown that residential units in commercial areas reduce the potential for crime. This concept, often referred to as "New Urbanism" creates more vibrant commercial areas and provides much needed housing for employees within employment centers. These units are not necessarily intended to be geared towards families. They are intended to meet an underserved segment of the population in need of smaller units close to employment opportunities. There are significant services provided in this neighborhood. In addition to restaurants, retail shops, offices, the post office, etc., the area has strong pedestrian connections to the other areas of town, with sidewalks and bike paths in close proximity. There is a public park just across the railroad tracks. Finally, with the extent of the pedestrian improvements to Eby Creek Road, this site is in close proximity to all that Eagle has to offer including the use of the new pedestrian bridge to significant resident needs like groceries. There are already numerous opportunities and potential locations for family-oriented housing. This product will fill a niche for renters desiring lower cost housing and the ability for roommate situations to reduce costs.

Neighborhood connection.



The property is zoned Commercial General. A “Dwelling Unit, Accessory to a Use Permitted” is considered a Special Use in the Commercial General Zone District by Section 4.04.070 of the Code. A special use permit may be granted by the Town provided the Planning Commission and Board find the following:

1. The proposed use is consistent with the provisions of this Chapter (Chapter 4.05) and with the town's goals, policies, and plans, and
2. The proposed use is compatible with the existing and allowed uses surrounding or affected by the proposed use, and
3. Street improvements adequate to accommodate traffic volumes generated by the proposed use and provision of safe, convenient access to the use and adequate parking are either in place or will be constructed in conjunction with the proposed use, as approved by the Town, and
4. The special conditions for specific uses, as provided in this Section, are met.

ZONING ANALYSIS

Location: Lot 2, 263 Sawatch Road
700 Chambers Avenue Subdivision

Lot 3, 483 Sawatch Road
700 Chambers Avenue Subdivision

Parcel Numbers: 1939-333-45-001

1939-333-45-002

Zoning: Commercial General

Commercial General

Standards of the CG Zone District

Allowed

Minimum Lot Area 20,000 sq. ft.

Minimum Front Yard 25 ft.

Minimum Side Yard > of 12.5 ft. or 1/2 building ht

Minimum Rear Yard 25 ft.

Maximum Building Height 35 ft. to mid span

Maximum Impervious Coverage by building =50%

Lot 2= 27,072.54 s.f.

Lot 3 = 17,489.34 s.f.

Maximum Impervious Coverage by parking =30%

Lot 2= 16,243.52 s.f

Lot 3 = 13,237.88 s.f

80% of Lot 2= **43,316.06 s.f.**

80% of Lot 3= **27,982.94 s.f.**

Maximum Total Floor Area 150%

Lot 2 =81,217.62 s.f. max

Lot 3 =52,468.02 s.f. max

Proposed ~~REVISED~~

Lot 2 size = 1.243 acres/ or 54,145.08 s.f.

Lot 3 size = 0.803 acres or 34,978.68 s.f.

Proposed Front Yard Setback 25 ft.

Proposed Side Yard 12.5 ft. or 1/2 bldg ht (13'-0 ¾")

Proposed Rear Yard 25'

Building Height < 35 ft. to mid span (26'-1 ½")

Proposed Impervious Coverage by building

Lot 2 = 9,148.32 s.f. (16.9%)

Lot 3 = 8,226.66 s.f. (23.5%)

Proposed Impervious Coverage by parking/sidewalks

Lot 2= 22,309.34 s.f. (41.2%)

Lot 3 = 16,987.86 s.f. (48.6%)

Variance Maximum Lot Coverage of building AND parking 80%

Proposed Lot 2 Coverage = **31,457.66 s.f. (58.1%)**

Proposed Lot 3 Coverage = **25,214.52 s.f. (72.1 %)**

Proposed Floor area Lot 2 = 32.2% of site (17,465.9 s.f.)

Proposed Floor area Lot 3= 44.7% of site (15,651 s.f.)

SPECIAL USE PERMIT CRITERIA FOR REVIEW

Section 4.05.010 of the Land Use and Development Code provides the criteria for review for both the Planning Commission and the Town Board. Each of these criteria is listed below, along with the applicant's response for compliance with each criteria.

1. The proposed use is consistent with the provisions of this Chapter (Chapter 4.05) and with the Town's goals, policies, and plans, and

Applicant Response: The 2010 Eagle Area Community Plan sets the vision for the Town of Eagle, providing the Town's goals and policies for land use in the Town of Eagle.

The vision provided in the plan states: Eagle will continue to be a high quality livable community through the implementation of strategies that will enhance the Town's unique identity, its economic vitality, its sense of community and the quality and character of the surrounding rural lands.

Commercial unit with accessory dwelling unit may create a draw to people and businesses that have like-minded goals of recreation based services like the surrounding development. Having a residential component adds to the activation of the neighborhood. The ability to live close to where you work at an affordable price point is a draw that benefits the community. These type of businesses would add to the efforts that the Town of Eagle has embraced with the Climbing Gym and the River front project.

The objective 8 of the town of Eagle Strategic plan states that the Town should "promote cost-effective solutions in maintaining adequate housing supply and support for the entire population"

The Eagle Area Community Plan then provides planning approaches which are integral to the Town's vision statement. While not all of these are applicable to this project, the following approaches have some level of applicability for this project:

- 1) Concentrate Urban and Infill Development: the proposed project is located within the Town's Urban Growth Boundary, within a platted commercial subdivision, surrounded by other commercial and industrial uses.

- 2) Maintain the Area's "Sense of Community": the proposed project is unique, in that it provides living opportunities close to recreational opportunities for the community, and builds on Eagle's reputation for being an active place for residents and visitors. This project, the 700 Chambers development, the Chambers Lofts and the residential south of the railroad track are making a more urban type of community of people with similar residential needs.
- 7) Maintain and Enhance Recreational Opportunities: recognizing that active recreational opportunities are important to Eagle residents, this project provides new opportunities for recreation.
- 8) Provide Affordable Housing: this proposal provides a new opportunity for housing within a major commercial center.

The 2010 Eagle Area Community Plan identifies the subject property as "Commercial" and provides the following intentions for this area:

- A. Provide opportunity for a broad variety of commercial uses important to the local and regional economy.
 - B. Concentrate commercial uses in areas easily accessed by automobiles and trucks.
 - C. Concentrate retail outlets within commercial areas to promote opportunities for one stop shopping.
 - D. Commercial uses are generally not compatible with residential units.
- The Commercial business with accessory dwelling unit arrangements may be appropriate, per zoning,** because these are units that add commercial use and provide the ability to live in the same location. Finding a workforce lodging is one of the struggles of the mountain community. These provide for a need to allow the commercial use to exist and comply with the intentions of this designation. Other special uses for residential uses have been granted within the area of Chambers and Sawatch.



Lastly, the Eagle Area Community Plan designates this property as within the "I-70 Influence Character Area" as indicated on the map:

The Eagle Area Community Plan provides the following Planning Principles for the "I-70 Influence Character Area":

- A. Within allowances established by the Town's level of service (LOS) standards, promote additional highway oriented businesses (which may also serve local needs) in the vicinity of Eby Creek Road. Encourage the development of vacant or underutilized lots at the western end of Chambers Avenue with more intensive uses that would benefit from their accessibility to the Interstate corridor.
- B. Maintain existing commercial and industrial zoning in the Chambers Avenue, Market Street, Sawatch Road and Marmot Lane areas.
- C. Promote sustainable businesses that contribute to the diversification of the local economy.
- D. Periodically review and update existing design guidelines in the area to assure conformance with desired outcomes.
- E. Promote pedestrian movement and access within and between retail areas, residential areas and lodging areas.
- F. In the event that significant development is approved east of Chambers Avenue, develop a sub-area plan for the Chambers Avenue corridor.
- 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.
- H. Require compatible edge treatments and/or landscaped buffers on the margins of developed areas to assure an appropriate visual and functional transition to adjacent properties.
- I. Require perimeter landscaping, internal landscape islands and/or screening to minimize the visual impacts of large surface parking lots and outdoor equipment storage areas.
- J. Work to attenuate noise impacts from I-70 through layout and building design, and through the strategic placement of landscape improvements.

As indicated in the analysis provided above, the proposed project is consistent with and in many ways, furthers the goals and policies as provided in the 2010 Eagle Area Community Plan.

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

Applicant Response: The three lots to the north have been approved for commercial with accessory dwelling unit building types/ uses. These lots with this building type are within a zone Commercial General, as are all of the surrounding properties as indicated in the Town of Eagle Zoning Map provided



The Commercial General District is intended:

For commercial and tourist uses including lodging, dining, and recreation facilities and compatible uses, and for heavier commercial uses, low-impact manufacturing uses, and compatible uses.

Both the permitted and special uses allowed in the Commercial General zone district are in furtherance of this intent. Dwelling units accessory to permitted uses are a special use in this zone district. In addition, the proposal will meet all of the development standards of the Commercial General zone district. **A variance is requested for the total impervious site coverage of the parking and sidewalks from 30% of total site to 50% With the limiting factor being that the Total impervious coverage by building and by parking/sidewalks not exceed the 80% and no other variances are anticipated at this time. We are requesting for overlap use of a total of 6 parking stalls with the LOT 4, Building 'D' of 700 Chambers Ave. to the north of the properties be used. This Lot 4, BLDG "D" was approved with 6 additional parking stalls than code requires. These properties will create an agreement within the HOA documents. The Ownership parties are the same as these lots or have an agreement for the common benefit. This sharing of 6 stalls will satisfy the parking requirements for this project.**

The existing uses of the surrounding properties are provided on the following map and photos:



BLDG C and D at 700 Chambers Ave



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

Applicant Response: The access to the property from Sawatch Road has been designed to accommodate estimated traffic volumes for the site. Additional access is available through the 700 Chambers development to the north of Chambers Avenue. The parking provided will mostly meet the Eagle Land Use Code requirements as provided in Chapter 4.07. Though the exact commercial uses are not known at this time, there is adequate parking to address the commercial requirements. The following parking analysis was completed by Civ Trans Engineering Inc. for the existing SUP on file with the town of Eagle for the site

Parking Calculations REVISED

Town of Eagle Parking requirements

Chapter 4.07.050 (page 53) Section C.

1. Use category Residential (PORTION OF DWELLING UNITS)

- a. Single Family Dwelling = 2 per unit for units with fewer than 3
- b. Multi Family Dwelling = 1 ½ for 1 bedroom, 2 per 2 bedroom

3. Use Category- Commercial use

- a. General office 1 per 300 s.f. of floor area

5. Other uses

For uses not specifically listed herein, the use classification for purposes of parking requirements shall be determined by the Town Planner, based on similarity of the proposed use to the listed use classification. If the Town Planner determines that a proposed use is not comparable to any use listed herein, he shall request the Planning Commission to determine off-street parking requirements for the proposed use at a regular Commission meeting. The Planning Commission shall make such determination based on the following criteria: the similarity of the use to those uses listed herein, the zone district of the property, the need for offstreet parking in the area where the property is located, the nature and extent of use of the property by the public, the number of employees who will work on the subject property, and the use capacity.

6. Uses Not Known (COMMERCIAL portion)

For unknown commercial space for which all or part of the space has no use designated the parking requirement shall be as follows: parking spaces shall be provided at the rate of one per 225 square feet for the first floor and one per 275 square feet for all other floor area, except that an indoor restaurant, bar or tavern may occupy no more than 25% of the floor area without providing for additional spaces.

Parking Calculations for Lot 2:

Building E, G, and i (3 buildings)

Parking 2 for each residential unit

Total 12 residential units **parking = 2 stalls X 12 units = 24 parking spaces**

add 1 guest stall per 6 residential units = **2 parking spaces**

1 per 225 s.f. Rate per town code (Section 6)

Typical commercial/retail floor space (excluding toilet)=6,511.2 s.f./225 = 28.9 parking spaces

REQUIRED PARKING = 29 commercial/retail **parking + 26 for residential = 55 parking spaces**

TOTAL PARKING PROVIDED= 53 parking spaces (3 accessible parking stalls)

REQUEST FOR shared 2 Parking stalls with lot 4, BLDG 'D' of 700 Chambers

lot 4, building 'D' of 700 Chambers has a surplus of 6 parking stalls. Also, shared parking of residential and commercial can occur with business hour and res. parking needs being at different schedules.

Parking Calculations for Lot 3:

Building F, H and J area: (3 buildings)

Parking 2 for each residential unit

Total 9 residential units **parking = 2 stalls X 9 units = 18 parking spaces**

add 1 guest stall per 6 residential units = **2 parking spaces**

1 per 225 s.f. Rate per town code (Section 6)

Typical commercial/retail floor space (excluding toilet)=6,221.7 s.f./225 = 27.7 parking spaces

REQUIRED PARKING = 28 commercial/retail **parking + 20** for residential = 48 parking spaces

TOTAL PARKING PROVIDED= 44 parking spaces shown (4 accessible parking stalls)

REQUEST FOR shared 4 Parking stalls with lot 4, BLDG 'D' of 700 Chambers

lot 4, building 'D' of 700 Chambers has a surplus of 6 parking stalls. Also, shared parking of residential and commercial can occur with business hour and res. parking needs being at different schedules.

Refer to attached drawings and diagram below

As indicated in the analysis, there is adequate parking available for the potential uses for this site. While more detailed plans will be submitted with a Development Application, plans have been provided to show that the parking and access will be safe and adequate for this use:



4. The special conditions for specific uses, as provided in this Section, are met.

Applicant Response: There are no special conditions for specific uses listed in Section 4.05.010 of the Land Use and Development Code.



View from north access point to Building G

south building



Proposed Building 'E', 'F', 'H', AND 'J' on Lot 2 and Lot 3



Thank you,

Jeffrey P Manley AIA, Martin Manley Architects





1 A0.0 SITE PLAN
1" = 20'-0"

[illegible]

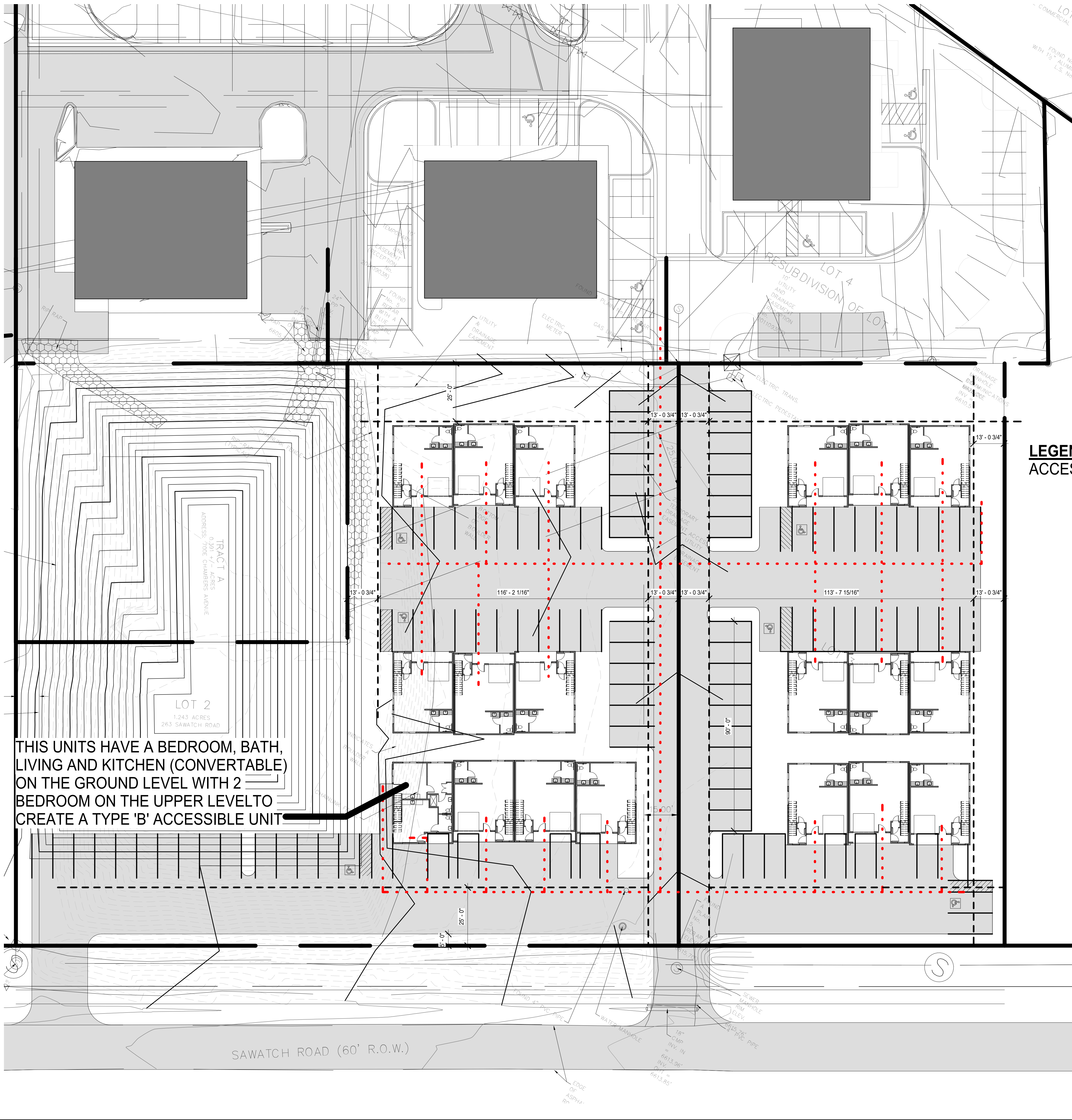
LOT 2 & 3, SAWATCH COMMERCIAL

EAGLE COLORADO
SPECIAL USE PERMIT

NOT FOR CONSTRUCTION

Date	06-16-20
Project number	2020
SITE PLAN	
A1.1	

1 A0.0 SITE PLAN ACCESSIBILITY MAP
1" = 20'-0"



LEGEND
ACCESSIBLE ROUTE



2 PARKING SIGNAGE
1" = 1'-0"



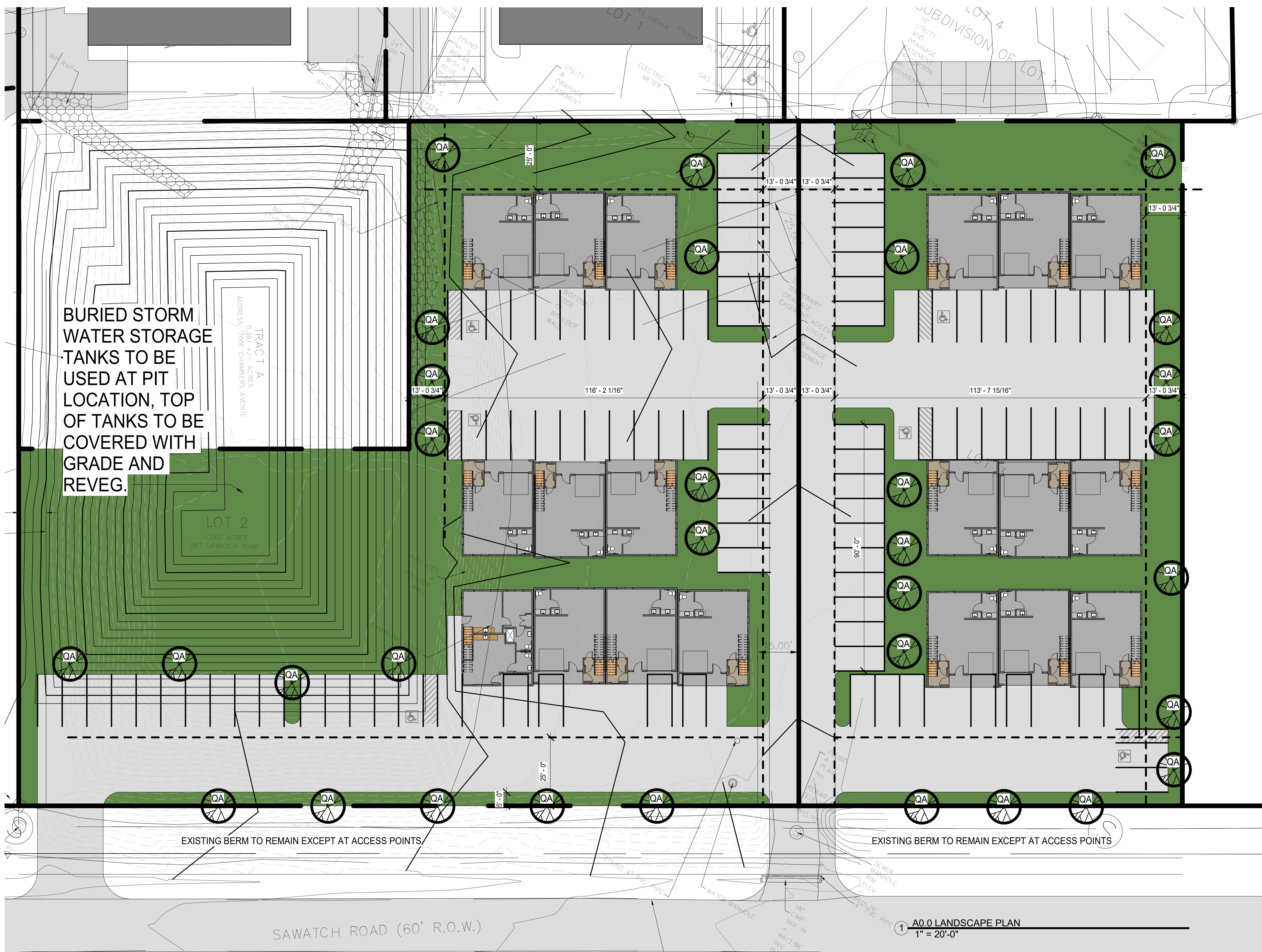
5'-0" to parking surface

No.	Description	Date

LOT 2 & 3, SAWATCH COMMERCIAL
EAGLE COLORADO
SPECIAL USE PERMIT

NOT FOR CONSTRUCTION

Date	06-16-20
Project number	2020
ACCESSIBLE ROUTE	
A1.1.1	



LANDSCAPE LEGEND
1/8" = 1'-0"

Symbol	Name	Size	Count
Conifer Trees			0
CS	Colorado Spruce (Picea pungens)	6'-8' tall	0
Deciduous Trees			33
QA	QUAKING ASPEN (POPULUS TREMULOIDES)	1.5" to 2.5" CAL.	33
FC	FRUITLESS FLOWERING CRABAPPLE (Malus 'Spring Snow') (15' TALL MATURE HT)	2" CAL.	0
Deciduous Shrubs			TBD
SP	SPIREA, ANTHONY WATERER (Spiraea japonica 'Anthony Waterer')	#5	-
LL	DWARF KOREAN LILAC (SYRINGA MEYERI 'PALABIN') OR Fendler ceanothus, mountain-lilac	#5	-
CE	COTONEASTER DAMMERI CORAL BEAUTY (COTONEASTER DAMMERI)	#5	-
Perennial Ground covers			
GC	SNOW IN SUMMER, STONECROP, CREEPING PHLOX, NATIVE LOW-GROW GRASSES, ROCKY MTN. FESCUE	- square feet of cover.	
Mulched Areas			
MULCH	SHREDDED BARK MULCHED AREA - AROUND TREES AND SHRUBS NOT COVERED BY GROUND COVER	- square feet of cover.	
Natural Grass Areas (reveg)			
NG	SOD MIX OF GRASSES AND FESCUE SEED. ARKANSAS VALLEY SEED COMPANY, NATIVE LOW GROW MOUNTAIN MIX. SOD AREA TO BE - S.F., OTHER AREAS ARE TO SPRAYED WITH A FERTILIZER AND SEED MIX. EFFORT TO BE MADE TO KEEP ALL FERTILIZER OUT OF THE POND.	Spray Irrigation in sod areas that will become mowed lawn, temp drip irrigation in areas to become more natural	

IRRIGATION NOTE:
1 ALL REVEGED AREAS ARE TO TEMPORARY DRIP IRRIGATION
2 THE GROUND COVER AND PLANTING BEDS ARE TO RECIEVE PERMANENT MICRO SPRAY AND DRIP IRRIGATION

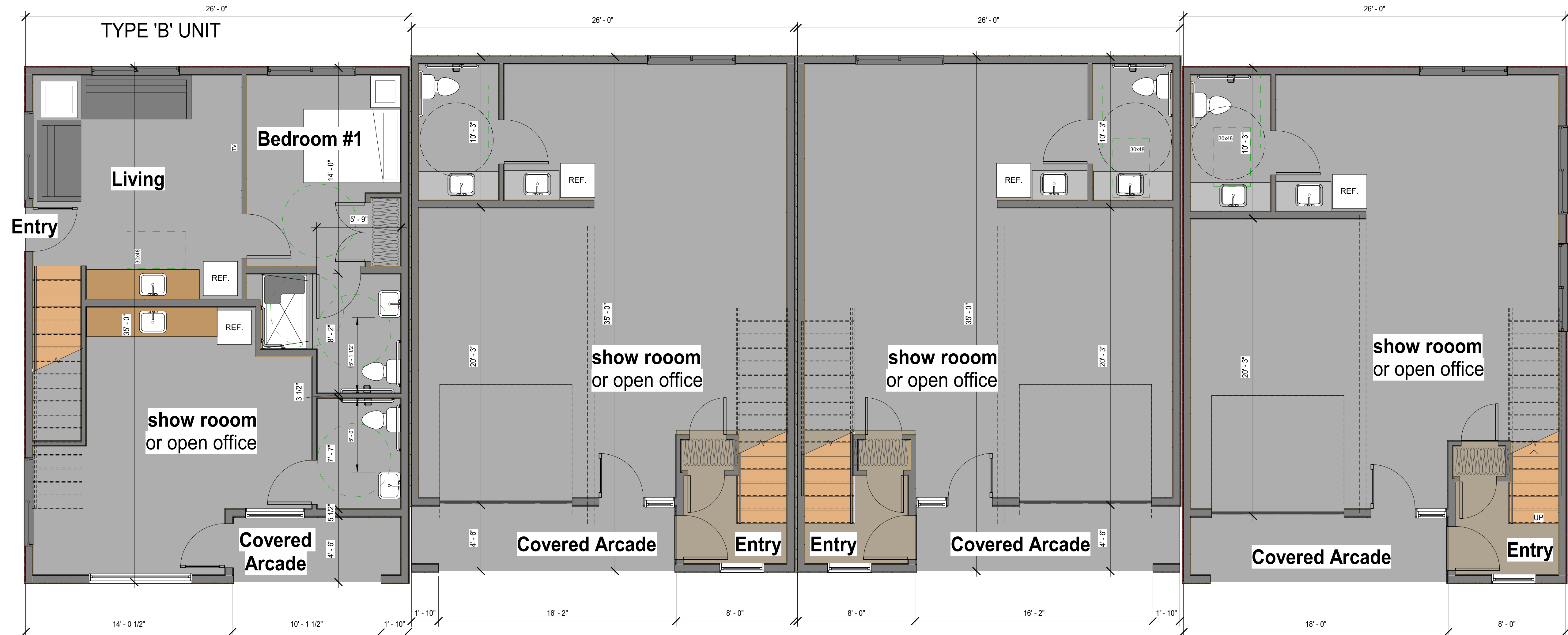
TOTAL OF PERMANENT DRIP AND SPRAY IRRIGATION AREA OF - S.F.

REVISIONS	Description	Date
No.		

LOT 2 & 3, SAWATCH COMMERCIAL
EAGLE COLORADO
SPECIAL USE PERMIT

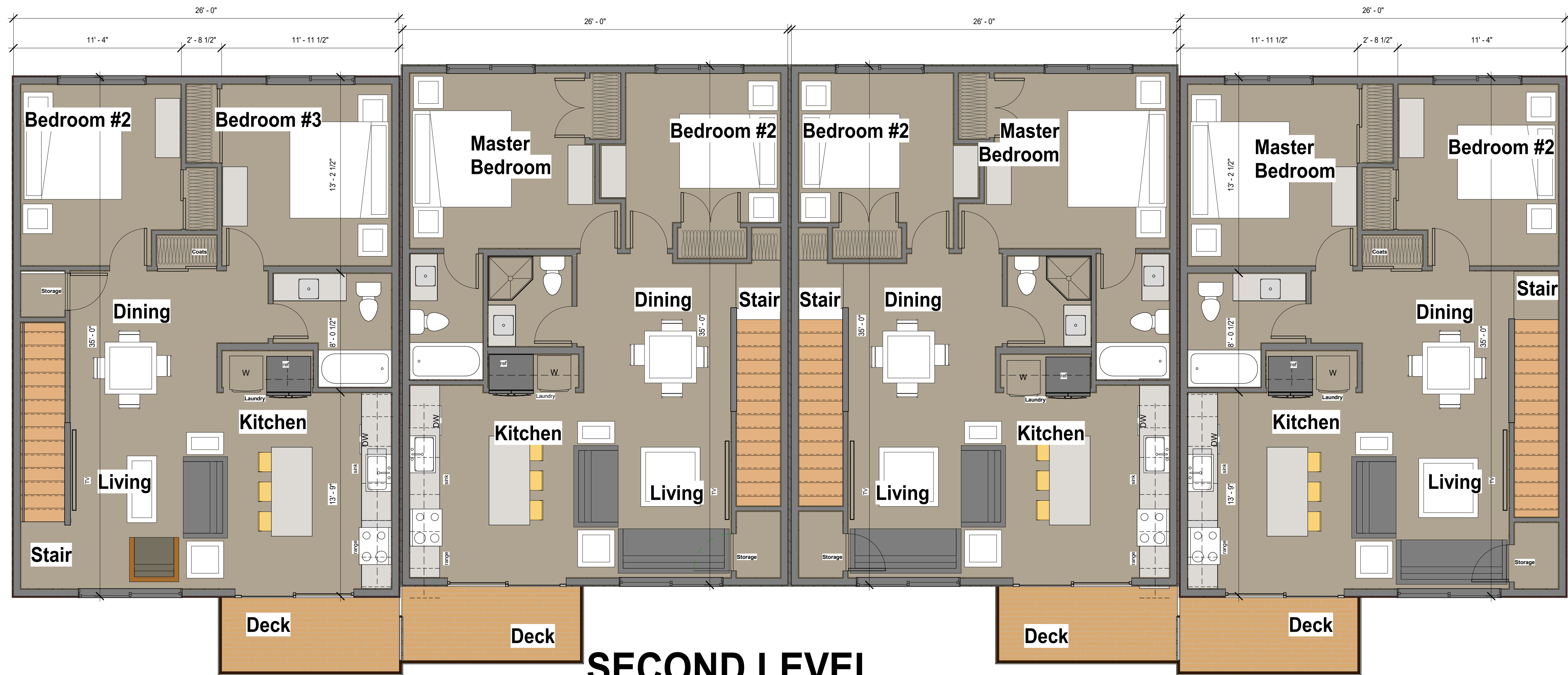
NOT FOR CONSTRUCTION

Date	06-16-20
Project number	2020
LANDSCAPE PLAN	
A1.2	



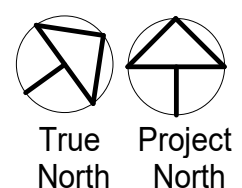
FIRST LEVEL

1 1/4" = 1'-0"



SECOND LEVEL

2 1/4" = 1'-0"



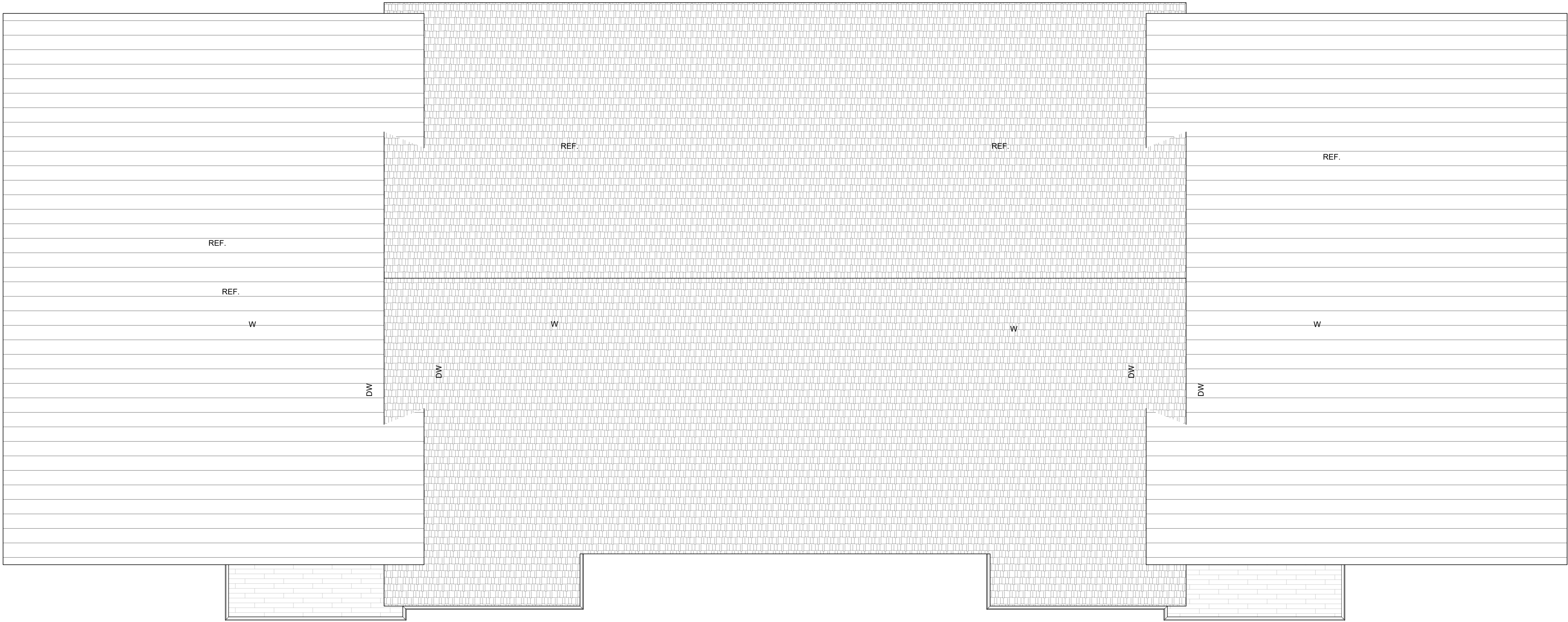
No.	Description	Date

NOT FOR CONSTRUCTION

Date	06-18-20
Project number	2010
FIRST AND SECOND LEVEL PLAN	
A2.0	

1 ROOF PLAN
1/4" = 1'-0"

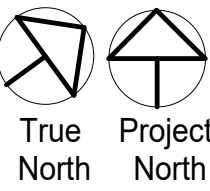
A3.0 4



A3.0 1

A3.0 2

A3.0 3



NOT FOR CONSTRUCTION

Date	06-18-20
Project number	2010
ROOF PLAN	
A2.1	

BUILDING E
Lots 2 & 3 Sawtch COMMERCIAL
Sawatch- at Eagle Center
PROJECT PHASE

REVISIONS	
No.	Description



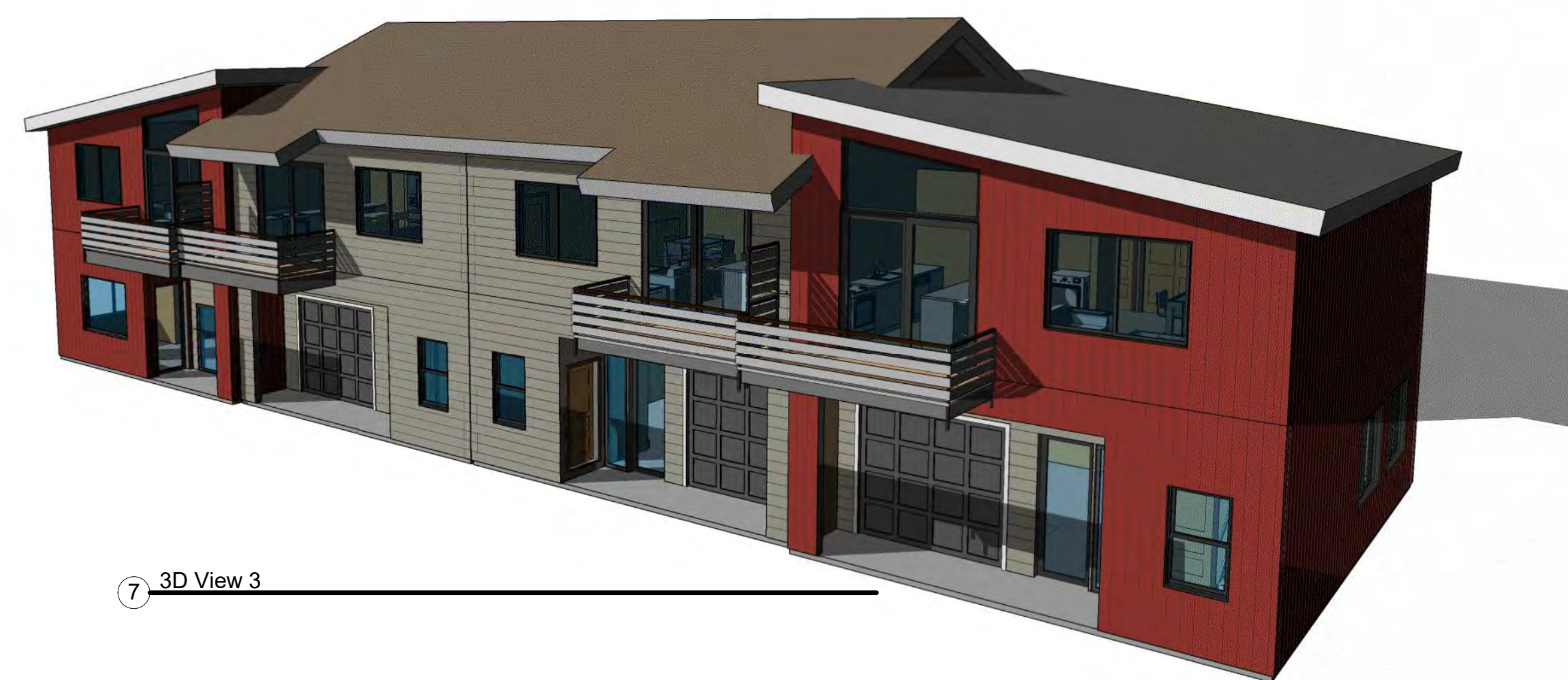
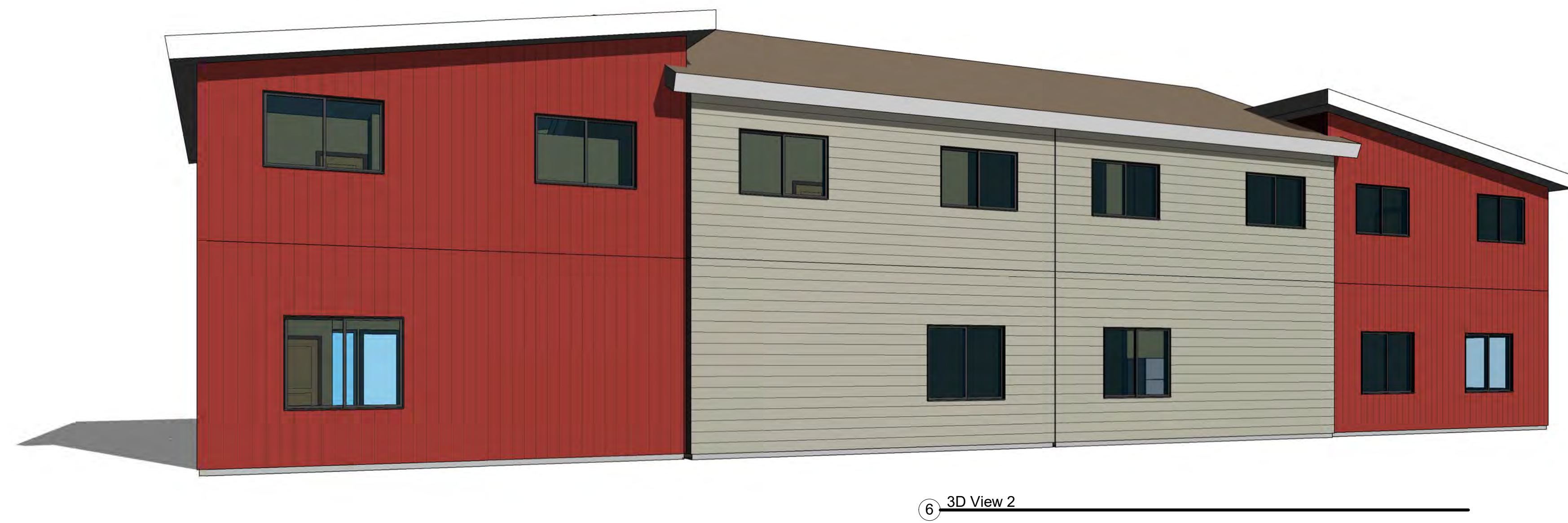
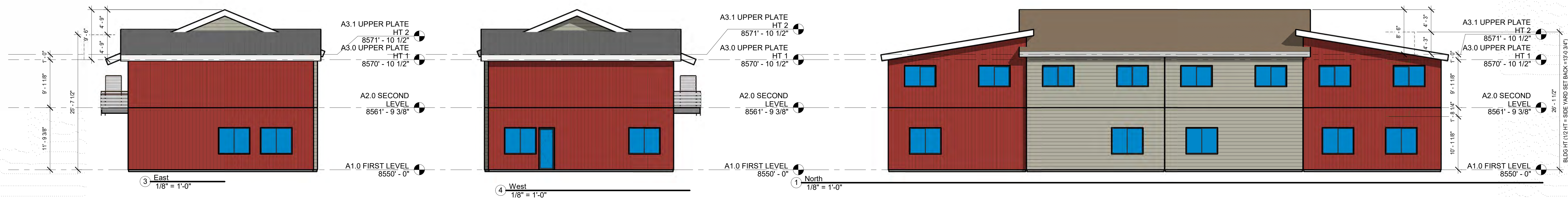
MARTIN MANLEY

ARCHITECTS

970.328.5151 OFFICE

PO Box 1587 Eagle, CO 81631

www.martinmanleyarchitects.com

[illegible]

BUILDING E

Lots 2 & 3 Sawtch Commercial

Sawatch- at Eagle Center

PROJECT PHASE

NOT FOR CONSTRUCTION

Date	06-18-20
Project number	2010
EXTERIOR ELEVATIONS	
A3.0	



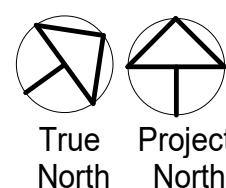
FIRST LEVEL

1 $\frac{1}{4}'' = 1'-0''$



SECOND LEVEL

② $\frac{1}{4}'' = 1'-0''$



 **MARTIN MANLEY**
ARCHITECTS

970.328.5151 OFFICE

PO Box 1587, Eagle, CO 81631
www.martinmanleyarchitects.com

[illegible]

Building F
Lots 2 & 3 Sawtch Commercial
Sawtch- at Eagle Center
SPECIAL USE PERMIT

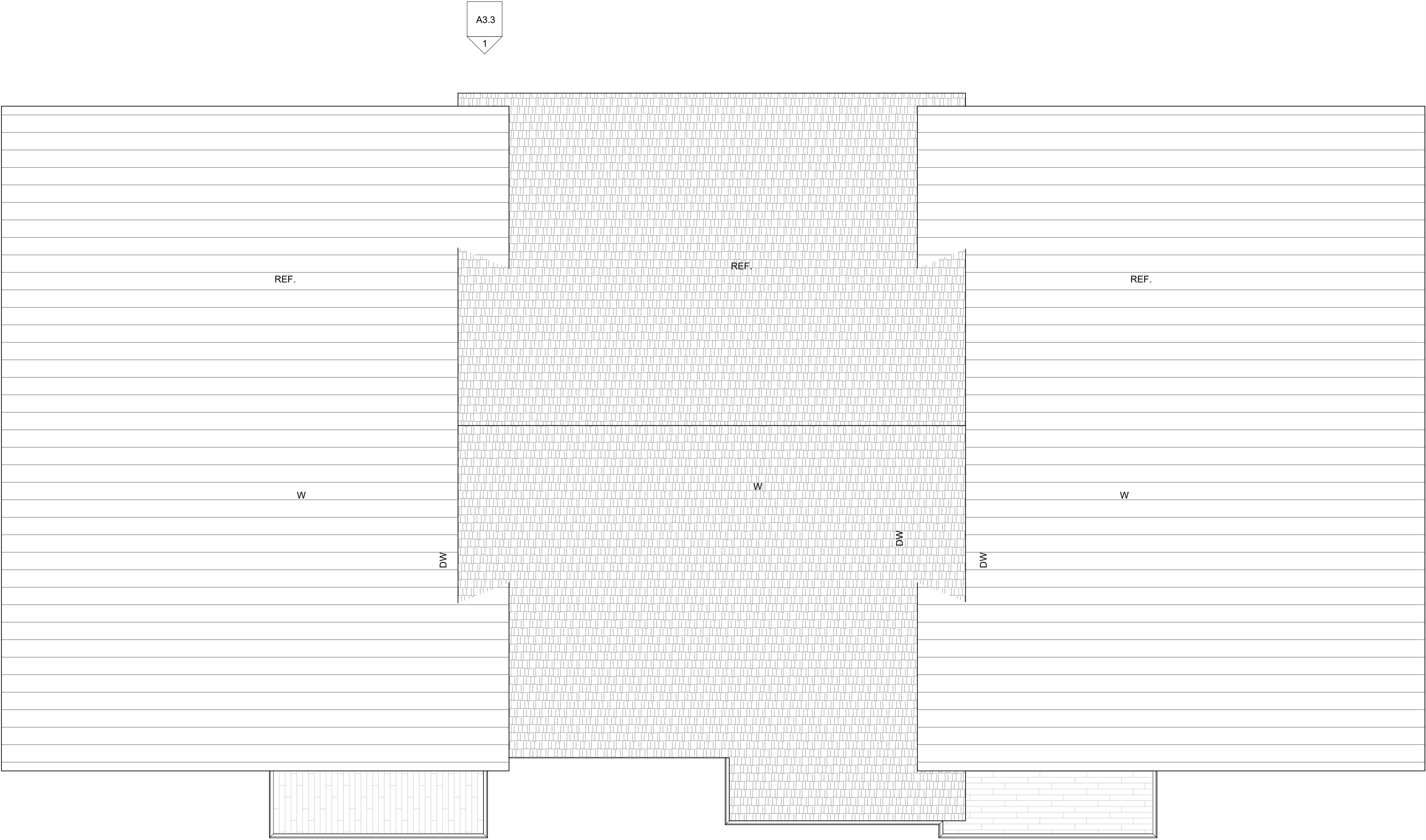
NOT FOR CONSTRUCTION

Date	06-18-20
Project number	2010
FIRST AND SECOND LEVEL PLAN	

A2.4

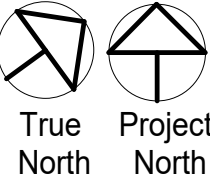
1 ROOF PLAN
1/4" = 1'-0"

A3.3 4



A3.3 2

A3.3 3



Date	06-18-20
Project number	2010
ROOF PLAN	
A2.5	

NOT FOR CONSTRUCTION

BUILDING F
Lots 2 & 3 Sawtch COMMERCIAL
Sawatch- at Eagle Center
SPECIAL USE PERMIT

REVISIONS		
No.	Description	Date



MARTIN MANLEY

ARCHITECTS

970.328.5151 OFFICE

PO Box 1587 Eagle, CO 81631

www.martinmanleyarchitects.com



Exhibit C: Chambers – Aerial Map



Residential Estimate – Chambers Avenue Area

700 Chambers – 16 residential units approved and built

1115 Chambers – 24 residential units approved and built

263 & 483 Sawatch – 19 residential units proposed

263 & 483 Sawatch – 20 residential units approved under SU17-06

Additional residential dwelling units are in the Chambers Avenue area; it is not the intent of this report to count the additional single residential units in the area at this time.



Exhibit E: Site Photos



Holy Cross Property – Vacant Land



Existing Topographical Condition – Lot 2



Shared Drive – Lots 2 & 3



Road Frontage – Sawatch / Lot 2



Lot 2



Lot 3



Road Frontage – Sawatch / Lot 3



Lot 3



New Electric Contractor Yard – 629 Sawatch / Lot 4



View of train tracks/private property from Lot 2 Sawatch Rd south towards Nogal Road



To: Planning & Zoning Commission

From: Chad Philips, Director, Community Development Department
Jessica Lake, Planner I, Community Development Department

Date: July 7, 2020

Agenda Item: Consideration of recommendation for approval regarding a possible amendment to the Municipal Code to create an automatic termination period for certain types of land use approvals.

REQUEST:

Staff is requesting approval of amendments to the Municipal Code (Code) for the purpose of increasing the level of service, providing clarity, creating a simplified process, and supporting the Strategic Plan and other guiding documents.

INTRODUCTION:

Upon review of the code, Town Planning staff and attorneys have noted that there is no process in the Code for applicants who would like to rescind their project after approval, but prior to final action. The only option available to these applicants is to go through the original process again. After several conversations between staff, attorneys, and members of the community, we are proposing to add a process to the development code to allow applicants a way out should circumstances change that would no longer make a project viable. Such process is proposed as an automatic lapse, without the need to take the project back to the approval authority.

Staff understands that there is a general reluctance of the Commission and Council to make code amendments prior to the adoption of a new Development Code. However, this change will create a recourse to those applicants who have previously had no choice other than to start the process over. If approved, this change to Title 4 will be included in the draft of the amended Code rewrite, so action today will reduce time spent during the whole Title 4 update process. Staff is working towards providing regulatory consistency and clarity by creating standards that will be easier for the development community to understand and will provide a simplified process for current and future staff to implement.

ANALYSIS:

To aid in this discussion of amending the Code, staff has identified several areas of the 2010 Eagle Area Community Plan and the Town of Eagle Strategic Plan for consideration.

2010 Eagle Area Community Plan

Chapter 3: Land Use, #6 Community Needs.

Meeting the needs of an evolving community is a strong factor in local land use decisions.

2017 Eagle Strategic Plan

Standards – to provide consistent value to the community, and to be transparent in its decision making and communications, it is essential that the Town develop and comply with standards... They also provide a mechanism for having a more meaningful dialogue with the community and empowering the Town's staff to enhance quality of life in Eagle.

Transparency and Community Engagement – The Town is committed to maintaining an ongoing, meaningful, and substantive dialogue with the community that is based on clearly defined standards and compelling arguments for proposed policies and investments.

At recent work sessions, both the Planning and Zoning Commission (6/16) and Town Council (6/23) have directed staff to continue to process the amendment. Minutes can be seen at: <https://www.townofeagle.org/773/Agendas-Minutes-and-Packets>

PROPOSED AMENDMENT:

Chapter 4.05 of the Eagle Municipal Code is amended by the addition of a new Section 4.05.050, to read as follows:

Section 4.05.050 – Automatic termination of approvals.

- A. Except as otherwise expressly provided in this Chapter, any approval issued by the Town Council or the Planning and Zoning Commission pursuant to this Chapter shall automatically terminate, without further action of the Town, unless, within 60 days of the date of approval, all conditions of approval have been satisfied and any associated plat, agreement or other document that is required to be recorded has been recorded with the County Clerk and Recorder.
- B. The automatic termination shall not apply to any approved rezoning, but shall apply to all of the following, without limitation: variances, subdivision plats and lot line adjustments.
- C. The Town Council or Planning Commission may modify the 60-day deadline in the motion, resolution or ordinance of approval, and in such case, the modified deadline shall control.

RECOMMENDED ACTION AND PROPOSED MOTION:

Staff suggests that the Planning and Zoning Commission recommend to Town Council the adoption of the draft language as an amendment to Title 4 of the Municipal Code.

Proposed Motion: I move to recommend the approval of the amendment to Title 4 of the Municipal Code by creating Section 4.05.050 as described in the Staff memo dated July 7, 2020 with the Finding of Fact that the amendment is in conformance with the Strategic Plan and the Eagle Area Community Plan.