



**Town Council
AMENDED AGENDA
Tuesday, July 14, 2020
ON-LINE MEETING**

*This agenda and the meetings can be viewed at www.Townofeagle.org.
Times listed are approximate and are subject to change.*

MEETING ACCESS

1. Register in advance for this meeting:

[ACCESS THE ON-LINE MEETING HERE](#)

After registering, you will receive a confirmation email containing information about joining the meeting.

Please note: All participants are automatically muted. In order to be called upon and unmuted you will need to use the "raise hand"

All votes will be by roll call. When it's your turn to speak, the moderator will unmute your line and you will have two (2) minutes for public comment.

For technical difficulties please email bill.shrum@townofeagle.org and we will do our best to assist you.

CALL TO ORDER - 6:00 PM

ROLL CALL - 6:05 PM

ADOPTION OF AGENDA - 6:05 PM *Opportunity for amendment or deletions to the agenda.*

PUBLIC COMMENT - 6:05 PM *Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to three (3) minutes per person per topic unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to sign in.*

CONSENT AGENDA - 6:15 PM *Consent agenda items are routine Town business, items which have received clear direction previously from the council, final land use file documents after the public hearing has been closed, or which do not require council deliberation. (5 Minutes)*

1. Minutes - June 23, 2020
2. Bill Pay - June 2020
3. 2019 Audit Extension Letter
4. Resolution 39-2020 "A Resolution of the Town of Eagle Extending the Declared Local Disaster Emergency"

STAFF REPORTS - 6:20 PM *The Town Manager and department staff prepare and provide internal updates to the council.*

1. Town Manager Update
2. Department Update for June 2020
3. Lower Basin Water Treatment Plant

BUSINESS ITEMS - 6:25 PM *Items and / or Public Hearings are listed under Business may be old or new and may require review or action by the council.*

1. QUASI JUDICIAL HEARING AND PUBLIC HEARING: Land Use File Number SU20-01 - 263 & 483 Sawatch Special Use Permit (SUP)
 - a. Resolution 37, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Special Use Permit for 263 and 483 Sawatch Road"
2. Resolution 38, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado, Approving the Franchise Termination Agreement between the Town of Eagle and CenturyTel Broadband Services, Inc."
3. Ordinance 19, Series 2020, "An Ordinance Amending Title 4 of the Eagle Municipal Code to Provide for an Automatic Termination of Certain Land Use Approvals if Conditions of Approval are not Satisfied or Documents are Not Timely Recorded"
4. CARES Act Funding Proposal

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS - 7:50 PM

1. Council Retreat Follow Up
2. In Person Town Council Meeting Format - July 28, 2020
3. Council Committee Updates
4. 2020 Eagle County 4-H Junior Livestock Virtual Auction
5. Letter of Support for Uniform COVID-19 Testing Strategy

EXECUTIVE SESSION - 8:10 PM

1. Executive Session pursuant to C.R.S. Section 24-6-402(4)(b)(e), to receive legal advice on specific legal questions and to determine positions develop a negotiating strategy and instruct negotiators regarding the following: 1. The Johnson irrigation system, 2. The Town of Eagle Augmentation Station water right; and 3. Use agreements regarding the Eagle River water park and request to adjourn the regular meeting at the conclusion.

ADJOURN - 8:30 PM

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.



Jenny Rakow, CMC
Town Clerk

PUBLIC WIFI - TOEG – townofeagle2019



MEETING MINUTES
Town Council
Tuesday, June 23, 2020
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO

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MEETING ACCESS

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CALL TO ORDER - 6:00 PM

ROLL CALL - 6:05 PM

COUNCIL MEMBERS PRESENT

Matt Solomon, Andy Jessen, Scott Turnipseed, Ellen Bodenhemier, Adam Palmer (6:11 p.m.), David Gaboury

COUNCIL MEMBERS ABSENT

Pappy Kerst

STAFF PRESENT

Brandy Reitter, Town Manager
Matt Mire, Town Attorney
Bill Shrum, Assistant to the Town Manager
Jenny Rakow, Town Clerk
Jill Kane, Finance Director/Treasurer
Chad Phillips, Comm Dev Director/Town Planner
Bryon McGinnis, Public Works Director
Joey Stauffer, Police Chief
Lynette Horan, Human Resources Manager

ADOPTION OF AGENDA

There were no changes to the agenda.

MOTION: Council Member Matt Solomon motioned to Approve the Agenda. The motion was seconded and passed with a vote of 5 in favor (Solomon, Jessen, Turnipseed, Bodenheimer, Gaboury) and 0 opposed.

PUBLIC COMMENT

Mayor Turnipseed opened Public Comment for items not on tonight's agenda, there was no public comment.

PRESENTATIONS

1. QuietKat, Jake Roach
Jake Roach provided information about his business and location on Broadway and the new warehouse on Chambers. Request to discuss at an upcoming meeting regarding EBikes.
2. Downtown Development Authority, Downtown Business Alliance
Kat Conner provided an update to the Council on the on DDA and Business Alliance and Partnership with the

Town and request to place a ballot question for the November election.

Council Comments: discussion on estimated collection amounts and purposes for expenditures. Discussion on the structure of the alliance and buy-in from business owners.

3. Lower Basin Water Treatment Plant, SGM, and MWH Constructors - Project Update Presentation

Bryon McGinnis opened this item. Warren Swanson and Tyler Hendricks provided an overview of the packet presentation provided to the Council.

Council Comments: risk assessment was not significant beyond the contingency included in the budget. The target operational date is January 2021 with completion scheduled for March 2021. Bryon McGinnis offered a tour of the facility to all Council members.

4. Public Safety Approaches in Eagle, Chief Joey Stauffer

Chief Stauffer updated the town council on current law enforcement in Eagle.

Council Comments: commended the chief on community policing and extended support and appreciation to EPD staff.

CONSENT AGENDA

MOTION: Council Member Matt Solomon motioned to Approve the Consent Agenda. The motion was seconded and passed with a vote of 6 in favor (Solomon, Jessen, Turnipseed, Bodenheimer, Palmer Gaboury) and 0 opposed.

1. Minutes - June 9, 2020, and June 18, 2020

2. Resolution 34, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Extending the Declared Local Disaster Emergency"

STAFF REPORTS

1. Town Manager Update

BUSINESS ITEMS

1. Source Water Protection Plan - Adoption

Deron Dirksen presented this item. The staff is requesting the Council to adopt the plan.

Paul Hempel from Colorado Rural Water Association provided a presentation of the plan.

Council Comments: security for water facilities was reviewed, as security and wildfire danger were listed as a priority. Follow up will be assisted by working with other agencies with dedicated source water staff.

Mayor Turnipseed opened public comment. There was no public comment.

MOTION: Council Member David Gaboury motioned to Approve the Source Water Protection Plan as written.

The motion was seconded and passed with a vote of 6 in favor (Solomon, Jessen, Turnipseed, Bodenheimer, Palmer Gaboury) and 0 opposed.

2. Resolution No. 35, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Authorizing the Town Manager to Execute a Collaboration Agreement for Disbursement of CARES Act Funding Through Eagle County"

Brandy Reitter presented this item.

Council Comments: Further discussions on the allocation of these funds will occur before September 1st.

MOTION: Council Member Matt Solomon motioned to Approve Resolution No. 35, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Authorizing the Town Manager to Execute a Collaboration Agreement for Disbursement of CARES Act Funding Through Eagle County". The motion was seconded and passed with a vote of 6 in favor (Solomon, Jessen, Turnipseed, Bodenheimer, Palmer Gaboury) and 0 opposed.

3. Resolution No. 36, Series 2020, "A Resolution Approving an Intergovernmental Agreement Between Eagle County and the Town of Eagle for the Ridgeway Open Space Project"

John Staight presented this item.

Mayor Turnipseed opened public comment. There was no public comment.

MOTION: Council Member Andy Jessen motioned to Approve Resolution No. 36, Series 2020, "A Resolution Approving an Intergovernmental Agreement Between Eagle County and the Town of Eagle for the Ridgeway Open Space Project". The motion was seconded and passed with a vote of 6 in favor (Solomon, Jessen, Turnipseed, Bodenheimer, Palmer Gaboury) and 0 opposed.

4. Discussion of Code Amendment to Create an Automatic Termination Period for Certain Types of Land Use Projects

Chad Phillips presented this item.

Council Comments: assurances that this amendment would not create more work for staff and address situations where lapses occur on approvals with no follow through on completion. Staff will prepare an Ordinance to amend the code for consideration at the next meeting.

5. Eagle Ranch Broadband Systems Design and Joint Trench Funding

Bill Shrum presented this item.

Council Comments: confirmation that the broadband will be for community use. The advantage is for cost savings and assuring best practices for the conduit. Third parties could lease the infrastructure to repay the capital improvement fund for costs and will be discussed with bond counsel. Concern regarding spending funds without having a bond in place. Bond proceeds will go towards the costs of the joint trenching. The bond presentation will occur in July and a financing update will also take place.

MOTION: Council Member Matt Solomon motioned to Approve Eagle Ranch Broadband Systems Design and Joint Trench Funding in the amount of \$835,000.00, begin a system design analysis with Comcast, and obtain approval from bond counsel for reimbursement before final approval. The motion was seconded and passed

with a vote of 6 in favor (Solomon, Jessen, Turnipseed, Bodenheimer, Palmer Gaboury) and 0 opposed.

6. Council Chambers Technology Upgrade
Bill Shrum presented this item.

Council Comments: Request to trim some of the costs and possibly consider different platform if it could save money. Request for additional outlets for the Council dais. The goal is to continue with a live stream to ensure engagement levels remain elevated over in-person meetings. Council requested additional considerations and direct staff with a not to exceed bid for vendors.

7. U.S. Highway 6/Grand Ave. Corridor Master Plan Study RFP
Bill Shrum presented this item.

Council Comments: discussed focus on multimodal opportunities, traffic calming, collaborating on the plans with Gypsum, and recognizing Highway 6 as a commercial area. Staff recommended including zoning appropriate for the area in conjunction with the land-use code update. Request to review the insurance liability requirements and increase if necessary. Request to remove the not to exceed number. A stakeholder group will be formed to review and comment on the study.

8. Mobile Vendor Policy Proposal
Bill Shrum presented this item.

Council Comments: direction to staff to work with Town Attorney to prepare an Ordinance for consideration.

9. 2020 Event Status and Discussion
Brian Hall presented this item.

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS

1. Council Committee Update

Council Member Solomon requested feedback on NWCCOG information previously forwarded.

Council Member Bodenhemier – OSAC update meeting with Ernest. Creating a committee for discussion and will meet on July 28th.

Council Member Gaboury - home rule assignment to create a code of conduct. Inquiring on timeline. Currently working on a review with Brandy, Matt, and Andy. The plan is to present a draft in early Fall to wrap up by the end of the year.

Council Member Solomon – requested a LERP policy for the town and to update the website with more information on Town requirements and policies.

2. Town Council's Newsletter - "Pappy's Points"

EXECUTIVE SESSION

Executive Session pursuant to C.R.S. Section 24-6-402(4)(b)(e), to receive legal advice on specific legal questions

1. and to determine positions develop a negotiating strategy and instruct negotiators regarding Intergovernmental Agreement dated July 25, 1995, between the Town, Eagle County School District Re-50J and the Western Eagle

County Metropolitan District, use agreements regarding the Eagle River water park and the Johnson irrigation system.

MOTION: Council Member Andy Jessen motioned to continue the regular meeting past 10:00 p.m. The motion was seconded and passed with a vote of 6 in favor (Solomon, Jessen, Turnipseed, Bodenheimer, Palmer Gaboury) and 0 opposed.

MOTION: Council Member Andy Jessen motioned to enter into Executive Session pursuant to C.R.S. Section 24-6-402(4)(b)(e), to receive legal advice on specific legal questions and to determine positions develop a negotiating strategy and instruct negotiators regarding Intergovernmental Agreement dated July 25, 1995, between the Town, Eagle County School District Re-50J and the Western Eagle County Metropolitan District, use agreements regarding the Eagle River water park and the Johnson irrigation system and to adjourn the regular meeting at the conclusion of the Executive Session. The motion was seconded and passed with a vote of 6 in favor and 0 opposed. (10:05 p.m.)

ADJOURN - 10:45 PM

Approved:

Date:

Scott Turnipseed, Mayor

Jenny Rakow, CMC Town Clerk

**BILL SCHEDULE
JUNE 2020**

GENERAL FUND

Town Council

Signature Signs Inc	Office Supplies	6.00
Forward Tech Solutions, LLC	Computer Support	154.00
Eagle Chamber Of Commerce	Community Requests	4,250.00
Porchlight Players	Community Requests	550.00
Total Town Council		\$ 4,960.00

General Government

Meritain Health	Health Insurance Claims	1488.77
Colorado Mtn. News Media	Election Expense	80.50
Red Canyon Café	Election Expense	(7.61)
Forward Tech Solutions, LLC	Computer Support	5,003.50
Mammoth Networks	Computer Support	866.67
Total General Government		\$ 7,431.83

General Administration

Sharp, Colleen	Utility Refund	71.45
Hartford, The	Disability Insurance Premiums	1,626.68
Meritain Health	Health Insurance Premiums	35,284.29
MetLife	Vision Insurance Premiums	1,322.13
Gonzalez, Norma	Facility Usage Deposit Refund	750.00
Guillen-Hernandez, Jose Luis	Facility Usage Deposit Refund	750.00
Mahaffey, Jennifer	Facility Usage Deposit Refund	750.00
Schaffino, Farah	Facility Usage Deposit Refund	750.00
Meritain Health	Health Insurance Claims	3638.6
Jb T-Shirts	Office Supplies	250.00
Pitney Bowes	Communication & Transportation	147.50
Colorado Mtn. News Media	Legal Notices	630.31
Mail Chimp	Dues & Subscriptions	74.99
Chase Paymentech	C.C. Transaction Fees	1,358.68
Xpress Bill Pay	C.C. Transaction Fees	681.84
Caselle, Inc.	Computer Support	2,190.00
Forward Tech Solutions, LLC	Computer Support	620.96
US Bank Equipment Finance	Contract Payments	394.80
Cirsa	Insurance - Pavilion	148.45
Total General Administration		\$ 51,440.68

Community Development

Meritain Health	Health Insurance Claims	4962.57
Fleet Services	Gas & Oil	33.49
Forward Tech Solutions, LLC	Communication & Transportation	27.00
McCool Development Solutions, LLC	Professional Services	8,914.00
Advanced Engineering & Environmental Svc	Planning Reimbursable	13,223.75

Community Development (Cont.)

Colorado Mtn. News Media	Planning Reimbursable	120.55
Garfield & Hecht, P.C.	Planning Reimbursable	2,670.50
Hoffman, Parker, Wilson & Carberry PC	Planning Reimbursable	5,875.00
Mott MacDonald	Planning Reimbursable	4,737.50
Quenon Engineering And Surveying	Planning Reimbursable	2,400.00
Resource Engineering Inc	Planning Reimbursable	1,112.50
Hoffman, Parker, Wilson & Carberry PC	Legal	1,527.00
Forward Tech Solutions, LLC	Computer Support	743.88
Town Of Gypsum	Contract Services	1,235.00
US Bank Equipment Finance	Contract Payments	394.80
Total Community Development		\$ 47,977.54

Municipal Court

Meritain Health	Health Insurance Claims	148.88
Forward Tech Solutions, LLC	Computer Support	64.59
High Country Copiers	Contract Payments	56.68
Total Municipal Court		\$ 270.15

Streets

Meritain Health	Health Insurance Claims	5657.32
King Soopers Customer Charges	Office Supplies	11.85
Alpine Lumber Co.	Repair & Maintenance Supplies	24.35
Colorado Asphalt Services, Inc	Repair & Maintenance Supplies	470.00
G & S Tool Clinic, LLC	Repair & Maintenance Supplies	2.42
Glenwood Springs Auto Parts Inc	Repair & Maintenance Supplies	74.89
Grand Junction Pipe & Supply	Repair & Maintenance Supplies	921.22
Gypsum Eagle Ace Hardware	Repair & Maintenance Supplies	93.84
J C Supply Company	Repair & Maintenance Supplies	898.50
LiftLine Capital/Stencil Ease	Repair & Maintenance Supplies	295.00
Signature Signs Inc	Repair & Maintenance Supplies	135.00
Two Valley Tire LLC	Repair & Maintenance Supplies	175.00
United Rentals (North America) Inc	Repair & Maintenance Supplies	12.87
Wear Parts & Equip Co, Inc	Repair & Maintenance Supplies	790.50
Glenwood Springs Auto Parts Inc	Vehicle Repair & Maintenance Supplies	16.99
Mountain Communications & Electronics	Vehicle Repair & Maintenance Supplies	35.98
Two Valley Tire LLC	Vehicle Repair & Maintenance Supplies	1,078.05
Fleet Services	Gas & Oil	665.83
Gypsum Eagle Ace Hardware	Equipment - Supplies	99.99
Grand Junction Pipe & Supply	Communication & Transportation	14.00
J C Supply Company	Communication & Transportation	104.80
AllData	Dues & Subscriptions	1,500.00
Holy Cross Energy	Utility Services	4,293.70
Verizon Wireless, Bellevue	Utility Services	326.54
Safety-Kleen Systems, Inc.	Repair & Maintenance Services	467.85
Forward Tech Solutions, LLC	Computer Support	393.47
Total Streets		\$ 18,559.96

Public Safety

Meritain Health	Health Insurance Claims	13101.17
Amazon	Office Supplies	24.50
American Assoc Of Notaries	Office Supplies	19.95
Vista Print	Office Supplies	53.60
Amazon	Operating Supplies	170.36
AT&T	Operating Supplies	1.08
Galls	Operating Supplies	29.00
Green Mountain Promotions	Operating Supplies	59.60
Sirchie	Operating Supplies	77.30
Galls	Uniforms	251.50
Patterson, Jamie	Uniforms	23.00
Glenwood Springs Auto Parts Inc	Vehicle Repair & Maintenance Supplies	313.37
Fleet Services	Gas & Oil	1,476.94
Glenwood Springs Auto Parts Inc	Gas & Oil	79.84
Amazon	Minor Equipment	443.08
Galls	Minor Equipment	599.98
Grace Ammo LLC	Equipment & Supplies - Grants	3,149.00
Amazon	Communication & Transportation	6.34
American Assoc Of Notaries	Communication & Transportation	6.95
Federal Express Corp.	Communication & Transportation	109.52
Galls	Communication & Transportation	11.96
Green Mountain Promotions	Communication & Transportation	6.80
Sirchie	Communication & Transportation	38.44
Vista Print	Communication & Transportation	8.99
AT&T Mobility	Utility Services	585.86
Colorado Dept Of Law	Recruitment	154.14
Town Of Avon	Professional Services	507.50
White Water Express Carwash	Repair & Maintenance Services	19.10
Forward Tech Solutions, LLC	Computer Support	319.80
Dolan Consulting Group	Training & Travel - Grants	500.00
High Country Copiers	Contract Payments	169.46
Total Public Safety		\$ 22,318.13

Buildings & Grounds

Meritain Health	Health Insurance Claims	3721.92
King Soopers Customer Charges	Office Supplies	11.85
Alpine Lumber Co.	Repair & Maintenance Supplies	(29.00)
Copy Plus	Repair & Maintenance Supplies	11.70
Costco	Repair & Maintenance Supplies	14.99
Eagle Lock & Key	Repair & Maintenance Supplies	31.00
G & S Tool Clinic, LLC	Repair & Maintenance Supplies	313.00
Grainger	Repair & Maintenance Supplies	118.50
Grand Junction Pipe & Supply	Repair & Maintenance Supplies	1,282.52
Gypsum Eagle Ace Hardware	Repair & Maintenance Supplies	66.96
MacDonald Equipment	Repair & Maintenance Supplies	1,216.43

Buildings & Grounds (Cont.)

Signature Signs Inc	Repair & Maintenance Supplies	494.50
Water Technology Group	Repair & Maintenance Supplies	4,006.00
Glenwood Springs Auto Parts Inc	Vehicle Repair & Maintenance Supplies	22.83
Fleet Services	Gas & Oil	344.40
Glenwood Springs Auto Parts Inc	Gas & Oil	218.17
Home Depot Pro	Janitorial Supplies	1,146.04
Grand Junction Pipe & Supply	Communication & Transportation	20.00
MacDonald Equipment	Communication & Transportation	76.53
Century Link	Utility Services	1,023.64
Holy Cross Energy	Utility Services	4,934.08
Verizon Wireless, Bellevue	Utility Services	711.72
Jerry-master Janitorial	Janitorial Maint. Contracts	4,316.00
Eagle Lock & Key	Repair & Maintenance Services	105.00
Yarger Services, LLC	Repair & Maintenance Services	150.00
Forward Tech Solutions, LLC	Computer Support	208.38
G H Daniels III & Associates	Contract Payments	8,000.00
Superior Alarm & Electronics	Contract Payments	399.00
Total Buildings & Grounds		\$ 32,936.16

Information Center

Forward Tech Solutions, LLC	Computer Support	54.00
Total Information Center		\$ 54.00

Marketing & Events

Meritain Health	Health Insurance Claims	992.51
Adobe Acropro	Dues & Subscriptions	24.99
ASCAP	Dues & Subscriptions	371.28
Google Storage	Dues & Subscriptions	1.99
Forward Tech Solutions, LLC	Computer Support	50.60
Total Marketing & Events		\$ 1,441.37

Engineering

Meritain Health	Health Insurance Claims	1521.85
King Soopers Customer Charges	Office Supplies	11.85
United Rentals (North America) Inc	Operating Supplies	88.57
Fleet Services	Gas & Oil	14.85
Verizon Wireless, Bellevue	Utility Services	184.65
Forward Tech Solutions, LLC	Computer Support	393.39
Total Engineering		\$ 2,215.16

TOTAL GENERAL FUND**\$ 189,604.98****CAPITAL IMPROVEMENTS FUND**

Menke, David	Use Tax Refund	1,272.24
Northwest Colo Council Of Gov.	Project THOR	46,808.11
Elan City Inc.	Police Department Equipment	10,718.00

CAPITAL IMPROVEMENTS FUND (Cont.)

Federal Express Corp.	Patrol Vehicles	131.00
Motorola Solutions	Patrol Vehicles	5,888.18
Total CAPITAL IMPROVEMENTS FUND		\$ 64,817.53

WASTE WATER FUND

Meritain Health	Health Insurance Claims	4360.44
USA Blue Book	Office Supplies	57.95
Western Slope Supplies Inc	Office Supplies	22.35
Mid-American Research Chemical	Operating Supplies	123.00
D Jensen Electric	Repair & Maintenance Supplies	4,676.61
Eagle River Water & Sanitation District	Repair & Maintenance Supplies	2,666.25
USA Blue Book	Repair & Maintenance Supplies	254.00
Fleet Services	Gas & Oil	100.73
Eagle River Water & Sanitation District	Communication & Transportation	18.68
Federal Express Corp.	Communication & Transportation	478.62
NexTrust Inc	Communication & Transportation	332.56
USA Blue Book	Communication & Transportation	33.07
Western Slope Supplies Inc	Communication & Transportation	1.75
Century Link	Utility Services	1,194.82
Holy Cross Energy	Utility Services	22,479.54
Verizon Wireless, Bellevue	Utility Services	351.91
Schmueser, Gordon, Meyer Inc.	Engineering	828.75
Veris Environmental LLC	Sludge Disposal	3,277.73
D Jensen Electric	Repair & Maintenance Services	5,379.75
Forward Tech Solutions, LLC	Computer Support	474.39
Colo Dept Of Public Health & Environment	Testing & Permits	115.00
Eagle River Water & Sanitation District	Testing & Permits	1,920.00
Seacrest Group	Testing & Permits	1,280.00
SGS North America Inc	Testing & Permits	1,046.83
Cummins Rocky Mtn LLC	Contract Payments	2,500.50
Railroad Management Company	Contract Payments	552.10
Total WASTE WATER FUND		\$ 54,527.33

WATER FUND

Meritain Health	Health Insurance Claims	6037.79
King Soopers Customer Charges	Office Supplies	11.84
Chemtrade Chemicals Corporation	Operating Supplies	5,406.86
DPC Industries, Inc.	Operating Supplies	1,451.00
King Soopers Customer Charges	Operating Supplies	4.58
Kubwater Resources, Inc.	Operating Supplies	4,215.24
Nalco Chemical Co	Operating Supplies	6,150.07
360 Civil, Inc.	Repair & Maintenance Supplies	480.00
Glenwood Springs Auto Parts Inc	Repair & Maintenance Supplies	14.99
Grand Junction Pipe & Supply	Repair & Maintenance Supplies	74.81
In-Situ Inc	Repair & Maintenance Supplies	80.00
Rick McCoy Plumbing	Repair & Maintenance Supplies	10.25

WATER FUND (Cont.)

USA Blue Book	Repair & Maintenance Supplies	603.01
Water Technology Group	Repair & Maintenance Supplies	2,945.00
Fleet Services	Gas & Oil	279.82
Federal Express Corp.	Communication & Transportation	26.87
In-Situ Inc	Communication & Transportation	15.00
Kubwater Resources, Inc.	Communication & Transportation	369.31
NexTrust Inc	Communication & Transportation	332.56
USA Blue Book	Communication & Transportation	60.52
AmeriGas	Utility Services	1,151.94
Century Link	Utility Services	1,194.84
Holy Cross Energy	Utility Services	15,854.76
Verizon Wireless, Bellevue	Utility Services	538.69
Garfield & Hecht, P.C.	Legal	289.50
Resource Engineering Inc	Engineering	10,965.00
Bureau Of Reclamation	Green Mountain Reservoir	2,345.00
360 Civil, Inc.	Repair & Maintenance Services	1,120.00
Rick McCoy Plumbing	Repair & Maintenance Services	150.00
Eagle River Water & Sanitation District	Testing & Permits	275.00
SGS North America Inc	Testing & Permits	470.66
Comfort Inn & Suites	Travel	(2.09)
Forward Tech Solutions, LLC	Computer Support	683.20
Railroad Management Company	Contract Payments	1,105.73
US Bank Equipment Finance	Contract Payments	394.81
Ground Engineering Consultants	Lower Basin Water Treatment	3,981.00
Browns Hill Engineering	Upper Basin Water Treatment	669.75
Total WATER FUND		\$ 69,757.31

REFUSE FUND

NexTrust Inc	Communication & Transportation	332.57
Vail Honeywagon	Repair & Maintenance Service	261.00
Vail Honeywagon	Contract Services	48,806.08
Total REFUSE FUND		\$ 49,399.65

OPEN SPACE FUND

Meritain Health	Health Insurance Claims	29.78
Alpine Lumber Co.	Repair & Maintenance Supplies	158.60
Wylaco Supply Co	Repair & Maintenance Supplies	461.25
Vail Honeywagon	Repair & Maintenance Services	249.26
Forward Tech Solutions, LLC	Computer Support	58.74
Mountain Pest Control, Inc.	Weed & Pest Control	980.00
Total OPEN SPACE FUND		\$ 1,937.63

TOTAL	\$ 430,044.43
PAYROLL	\$ 289,757.65
GRAND TOTAL	\$ 719,802.08



To: Mayor and Town Council
From: Jill Kane, Finance Director
Date: July 14, 2020
Agenda Item: 2019 Audit Extension Letter

REQUEST: Staff is requesting the Town Council review and approve the Request for Extension of Time to File the 2019 Audit.

BACKGROUND: Staff is requesting a 60-day extension of the due date to submit the 2019 Audit to the State due to the delay in conducting the 2019 audit fieldwork as a result of Covid-19.

ANALYSIS: Annual municipal audits are due to the State, annually, on July 31ST. If a municipality needs a 60-day extension, the request needs to be made prior to the end of seven months following the Town's fiscal year end, July 31, 2020. This extension will allow enough time to complete the 2019 audit, answer auditor questions, and for staff to complete a comprehensive review of the 2019 audit and financial statements.

COMMUNITY INPUT: There has been no public input on this matter.

BUDGET / STAFF IMPACT:

- BUDGET – There is no budget impact since there is no fee to request an extension with the State.
- STAFF – This does have an impact on staff time allocations. Staff is usually done working on the audit by this time of year is moving to other priorities, primarily budget. Staff will need to focus on both to make sure all tasks are completed in a timely manner.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED: Objective No 2: Enhance the Financial Health of the Town – Staff is responsible for ensuring that the Town's financial information is reliable and properly reported.

RECOMMENDED ACTION OR PROPOSED MOTION: Motion to **approve** or **deny** the request for a 60-day extension of the due date to submit the 2019 audit to the State.

ATTACHMENTS:

- Audit Extension Request Letter



Request for Extension of Time to File Audit

This request must be submitted no later than six months follow a school districts fiscal year end, 8 months following housing authority's fiscal year end and seven months following all other local government's fiscal year end. All requests submitted after the due date will not be considered.

Requests may be submitted to fax number **303-869-3061** or email **osa.lg@state.co.us**.

Government Name:	TOWN OF EAGLE, COLORADO
Name of Contact:	ROGER D. MAGGARD, CPA
Address:	901 GRAND AVENUE, SUITE 203
City/Zip Code	GLENWOOD SPRINGS, CO 81601
Phone Number:	970-945-8588
Fax Number:	970-945-2398
E-mail	RMAGGARD@HMHCPA.COM
Fiscal Year Ending (mm/dd/yyyy):	DECEMBER 31, 2019
Amount of Time Requested (in days): Not to exceed 60 days	60 DAYS
Comments (optional):	

I understand that if the audit is not submitted within the approved extension of time the government named in the extension request will be considered in noncompliance without further notice, and the State Auditor shall take further action as prescribed by Section 29-1-606(5)(b), C.R.S.

Must be signed by a member of the governing board.

Signature	_____
Printed Name:	_____
Title:	_____
Date:	_____



We Set the Standard for Good Government



To: Mayor and Town Council
From: Jenny Rakow, Town Clerk
Date: July 14, 2020

Agenda Item: Resolution 39-2020 "A Resolution of the Town of Eagle Extending the Declared Local Disaster Emergency"

REQUEST: Staff is requesting that the Town Council review a proposal to extend the Local Disaster Emergency through August 14, 2020.

BACKGROUND: On March 10, 2020, the Governor of the State of Colorado recognized the COVID-19 pandemic and declared a state of emergency by Executive Order D 2020 018 and on March 15, 2020, Mayor McKibbin declared a disaster emergency in and for the Town of Eagle, Colorado, pursuant to the Colorado Disaster Emergency Act, C.R.S. § 24-33.5- 701, et seq. (the "Act");

ANALYSIS: The emergency conditions caused by the COVID-19 pandemic, as defined by C.R.S. § 24-33.5-702, persist and require additional and sustained action by the Town. While still unknown, financial assistance can be sought if a "Local Disaster Emergency" is properly declared and filed. This Resolution is intended to fulfill requirements related to assistance. The declaration has to be extended every 30 days.

COMMUNITY INPUT: None required.

BUDGET / STAFF IMPACT: Budget impacts of COVID-19 are being provided to the Council.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: Protecting Public Health, Safety, and the Environment – the Town is committed to protecting the well-being of its people and the community using Sound Finances and Increased Efficiency.

RECOMMENDED ACTION OR PROPOSED MOTION: MOTION TO APPROVE CONSENT AGENDA.

ATTACHMENTS:

1. 39 Emergency Cont-Reso

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 39
(Series of 2020)

A RESOLUTION OF THE TOWN OF EAGLE EXTENDING THE DECLARED LOCAL DISASTER EMERGENCY

WHEREAS, on March 10, 2020, the Governor of the State of Colorado recognized the COVID-19 pandemic and declared a state of emergency by Executive Order D 2020 018;

WHEREAS, on March 15, 2020, Mayor McKibbin declared a disaster emergency in and for the Town of Eagle, Colorado, pursuant to the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (the "Act");

WHEREAS, on March 19, 2020, by Resolution No. 12, the Town Council ratified the Mayor's declaration and made a declaration of emergency effective for 30 days;

WHEREAS, by Executive Order D 2020 003, amended by Executive Orders D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109 and D 2020 126 the Governor of the State of Colorado amended and extended the State's emergency declaration until August 8, 2020; and

WHEREAS, the emergency conditions caused by the COVID-19 pandemic, as defined by C.R.S. § 24-33.5-702, persist and require additional and sustained action by the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TOWN OF EAGLE, COLORADO, THAT:

Section 1. Effective July 14, 2020 the declaration of a disaster emergency in and for the Town of Eagle, a copy of which is attached, is extended to August 14, 2020.

Section 2. Pursuant to C.R.S. § 24-33.5-709(1), this Resolution shall be given prompt and general publicity and shall be filed promptly with the Town Clerk, the Eagle County Clerk and Recorder and the Colorado Office of Emergency Management.

INTRODUCED, READ, PASSED AND ADOPTED ON JULY 14, 2020.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Town Council

From: Brandy Reitter, Town Manager

Date: July 14, 2020

Re: Town Manager Report

Administration & Organization

Staff continues to work on follow up from the Town Council meetings. Included is a list of items that that staff is tracking in July:

- Lodging tax proposal – July 28
- Open Space/Recreation/Parks Advisory Committee – July 28
- Mobile Vendor ordinance - July 28

Council Follow Up Status and Running List

- Open Space Advisory Committee Follow up – **Scheduled for July 28**
- LERP information posted on website – **Completion by July 17**
- Broadband bond proceed reimbursement – **In progress**
- Bring back CARES Act funding proposals – **Completed**
- Bring back LUC amendment ordinance from June 23 – **Completed**
- Noonball legal letter and press release sent - **Completed**

The 2021 Budget development process has started and below is a calendar of the process. This list serves as a reminder for the Town Council through the end of the year:

- July 24 – Operating budgets due to Finance
- August 3 – 7 – Operating budget staff meetings
- SAVE THE DATE: September 24 & 29 – CIP and operating budget work sessions with Town Council
- October 13 – 2021 Budget presentation
- October 27 – Public Hearing
- November 10 – Public hearing
- November 24 – Public hearing
- December 8 – Adopt 2021 Budget

COVID-19 Regional Updates – The pandemic continues to take up a lot of time for the entire organization. Below are a few updates on the impacts to the organization:

- The operations for the Town of Eagle remain the same with no changes.
- Eagle County submitted a variance to enter into the black diamond phase and is still awaiting a response from the State of Colorado.
- Eagle County revised the blue phase and communication was sent to the Town Council last week. The info can be found [here](#).
- Eagle County is asking each jurisdiction to request that the state develop a uniform testing strategy to assist with the public health response. The letter is in the packet for the council to review.
- The trend is that the disease is spreading again in the community and 11% of tests are coming back positive.

Open Space Staffing – John Staight is leaving the Town of Eagle and his last day is July 16. There will be a small COVID-19 style going away party at Town Hall and details will be emailed. Staff is evaluating the position prior to posting and will discuss the next steps with the Town Council on July 28.

The search for Sebastian Rodriguez who went missing last month has been resolved. Unfortunately, the child was recovered in the Eagle River. The Town would like to thank all of the volunteers, law enforcement, fire departments, medial responders and partners who helped with the search.

Staff is working on a proposal to assist with relief for businesses that want to host small events since most larger events have been cancelled or scaled back to comply with public health orders. That presentation will occur on July 28. Staff needed more time to put things together before coming to the Town Council.

Economic Development & Planning

River Park

There are a few outstanding issues that the Executive Committee (EC) is working on. Those items are below:

- CPW provided a response to the Town’s mitigation plan submitted to the USACE. Once the USACE responds, the executive committee will meet to discuss the next steps.
- Eagle County has requested a small meeting with Commissioner Kathy Chandler-Henry, Jeff Shroll, Scott Turnipseed, Andy Jessen and the Town Manager to discuss the Use Agreement. Staff will schedule this after the Town Council has discussed legal items.
- There is an executive session planned for the evening to discuss the remaining items related to the River Park.

Elevate Eagle

- Staff is working with the consultants to pick up where the team left off pre-COVID-19. Some members of the Town Council have expressed setting aside a work session to review the draft document and plan again. Now that there are new members on council, it might be good to solicit additional feedback.
- Let staff know if there is a desire to schedule a work session with P&Z to review the plan and future land use map.

Outreach & Meetings – *Updates on participation in community outreach opportunities, regional/community meetings, and project-specific meetings.*

- July 15 – COVID-19 Managers Taskforce meeting

Sincerely,



Brandy Reitter
Town Manager



To: Mayor and Town Council

From: Brandy Reitter, Town Manager, and Department Leads

Date: July 14, 2020

Re: Department Updates for June 2020

ASSISTANT TO THE TOWN MANAGER

Economic Vitality and Development Work

- The Economic Vitality Committee has formed four ad-hoc working groups:
 - Marketing and Branding
 - Data Collection and Benchmarking
 - Improving Regional Connections and Resources
 - Business Recruitment and Retention.
- Future Economic Vitality Committee meetings will be held on the third Monday of the month at 1:00 PM.
- We are preparing a Rural Economic Development Initiative (REDI) grant application to assist with market research and infrastructure needs for Eagle's Outdoor Recreation and Technology industries. The grant application is due August 11th.

Downtown Broadway

- EagleARTS is holding their annual July arts festival for their ArtWalk July 10th. Broadway will be closed from 2nd Ave to 3rd Ave to accommodate the additional artists, vendors, and musicians.
- CDPHE has submitted a contract to the Town to begin asbestos abatement at 410 Broadway. Work will begin when we can coordinate the schedules with the abatement firm.

Project THOR / Broadband

- Comcast has begun work in Eagle Ranch. Based on the high cost Comcast is paying for their work, it is ineffective to consider joint trenching partnerships in Eagle Ranch.
- The Town Engineer, Dennis Wike, and I have met with Holy Cross Energy and have had very productive conversations on partnering to install shared fiber routes in Town. We are amending the Town System Designs to incorporate win/win scenarios for both sides.
- Project THOR has chosen to alter their bandwidth provisions to a "Service Level Agreement" (SLA) model. Current usage models show 0.99999% uptime and full speed allowances at all tiers.

Census

- The Town of Eagle's self-response rate as of July 9 is 57.4%. Eagle County's response rate is 33.3%. The State overall has a response rate of 65.3%, above the national average of 61%.
- Census workers are visiting individual homes to follow up on non-responsive households. The census can still be filled out online at my2020census.gov

Municipal Projects

- The Wastewater Rate and Tap Fee Study RFP has concluded, and a vendor will be chosen by July 20th.
- We are assembling a Highway 6 Stakeholder Group to assist with future projects and the corridor study. Interested members should notify me by email at bill.shrum@townofeagle.org.

CCCMA Emerging Leaders

- The Town and Colorado Workspace are hosting a local meet-up for the CCCMA Emerging Leaders summer camp conference held July 30-31st. Up to 10 regional local government administrators will join us. The conference topics are on inclusive communication and building diverse teams.

PUBLIC WORKS

LBWTP Construction

PROJECT UPDATE SUMMARY

- TPO Roofing Complete
- Masonry Complete
- Large Process Piping Install Complete
- Electrical Gear Delivered/Installed
- Generator Delivered and Installed

PLANNED ACTIVITIES FOR THE NEXT 4 WEEKS:

- Pull Wire, Install Control Panels, Install Gear for Electrical
- Door Installation
- Continue Process Mechanical Pipe and Equipment Install
- HVAC/Ductwork/Plumbing Installation
- Yard Pipe Installation

Black Hills Gas Line Along Highway 6

- The construction Project of installing the new 6" high pressure natural gas line in the eastbound lane and the 2" asphalt overlay of both lanes is complete. Striping will be finalized soon or by July 20th.

Pavement Management

- Town received four bids for pavement on Thursday 7/8/20 and are evaluating costs.

Capitol Street Water & Sanitary Sewer

- Construction documents and specifications are being finalized. Construction Advertisement anticipated for July 2020.

Cemetery Tank

- Construction documents are being developed.

Water Efficiency Plan

- Draft plan review completed by Colorado Water Conservation Board and under 60-day public review. Draft plan will be presented to Town Council soon.

THOR Project

- Grant application to bring THOR to the Public Works facility on Chambers Rd from the existing Eby Creek handhole was successful. Finalizing plans and specifications to proceed with purchasing and installing the Communications Pre-Fab structure at PW and the alignment to install the fiber from the handhole to the structure.

Comcast ROW Infrastructure

- Construction of the first three of the total 20 proposed power supplies for the Eagle build-out began the last week of June. Approved Comcast's second Construction in the ROW Permit Application for the

installation of conduits, boxes, pedestals, fiber, and co-ax cables in the area known as EMUX-01 which is the northwestern half of Eagle Ranch. Comcast has notified nearby Eagle Ranch residents with door tags and ordered utility locates along the routes. Installation to start in mid-July. Additionally, addressing joint trenching opportunities with Comcast for THOR Project & other providers.

Public Works Operations & Maintenance

- Public Works fixed major water break located near Brush Creek on July 1st.
- Sanitary sewer main flushing will start soon.
- Locating existing utilities for Comcast.
- Pavement crack filling to be completed August 10 – August 14.
- Setting up for special events in town.
- Buildings and Grounds has opened the parks and restrooms and are maintaining the Water park and roundabouts.
- Mowing and weed eating operations in the right of way in progress.
- Yard Waste Facility is open for the season.
- Town parks irrigation is up and running and mowing and weed eating has begun.
- Spraying for weeds in the parks and around town buildings.
- Crews are sweeping the streets.
- Crew is in the process of repairing the streetlights.
- Tree trimming operations in right of way and around stop signs.
- Repair of water meters and remotes now that Covid-19 has allowed access.
- Replacement of street signs.

Public Works Budget

- Public Works has completed DRAFT 10-year Capital Improvement Budgets for
 - Streets
 - Street Resurfacing
 - Buildings and Grounds
 - Water
 - Wastewater
 - Refuse
 - Stormwater Fund
 - Fleet Sales Tax Capital Improvement Fund

SPECIAL EVENTS

Town of Eagle - Special Events:

- Monitored MEAC and Comm. Funding budget for changes due to “Go” – “No-Go” events.
- Worked with producers who still plan on executing their events. They submitted adjusted plans. These plans were run by Eagle County Health to demonstrate how the producers will execute their event under current safety and health guideline and restrictions.
- Introduced Eagle Enduro to Eagle County Health to develop a Covid 19 plan for his event. That was successful. His event is 7/12/20.
- Worked with producers with events scheduled to be executed for July and August to get them through the TOE Event Permitting Application process.
- Talked to all Fall event producers and reviewed initial plans for September and October events and a look towards winter
- Eagle Outside Fest (Mike McCormack) - currently scheduled Aug. 28-30, 2020. Discussing other his plans that might work better with the current Health and safety guidelines and restrictions.
- Received/developed new special event permit requests for...
 - Eagle Enduro Race (7/12/20)
 - Eagle Ranch Classic MTB Bike Race (6/30 & 7/1/2020, VRD)
 - ArtWalk Fest (7/10/20, Broadway Closure)
 - Eagle Ranch Amazing Race (9/19/20)
 - Eagle 5K (9/19/20)
 - Eagle Ranch Music Series (Dates TBD)
- Reviewed request from Erin Vega to close Founders Rd. by Capitol for possible special events ideas
- Reviewed initial proposal for Eagle Ranch Music Series
- Began execution Yoga at The Park series

MEAC:

- MEAC meetings continue in the Zoom platform.
- Reviewed current upcoming events schedule and updated budget.
- Updating the Eagle Events schedule as new information becomes available.

Eagle Info Center:

- Created plan to open Info Center beginning July that included operations plans, content review and considerations for current health and safety guidelines and restrictions.
- Brought back our part time employees and did rehire orientation with TOE-HR.
- Opened the Info Center on Friday July 3 for summer season.
- Current operations plan – Info Center open Wednesdays through Sundays, 11:00am to 4:00pm. Tentative closure date for summer season is Sunday, September 13, 2020. We will review whether we wish to keep it open longer into the Fall prior to this date.
- List of physical improvements and renovations to the building inside and out are on hold at this time.
- Plans for future inside enhancements, repairs and upgrades to décor and exhibits are on hold.
- Working with Eagle Historical Society to discuss Summer 2020 operations plan for our Info Center and their Historical Museum in regard to current health orders and restrictions.

- Continued to discuss EHS providing list of historical exhibits to fit into exhibit schedule at Info Center Historical room or on porch over the summer.



Digital Sign:

- Updated regularly with current info. We are updating requests for Census 2020 information.
- Promoting message for Eagle Downtown businesses
- Promoting upcoming events

Eagle Student Volunteer Program:

This is a program I am trying to develop. We have a lot of young people who need volunteer hours for their schools and need something to do in the summer. This teaches them giving of their time for others. We bring in local youth to work on projects that serve the greater community. In 2019 students helped lead the Kids 4th of July Kids Parade and cook a ton of hotdogs last year. So far in 2020 students have cleaned and repaired the Brush Creek Playground and oiled the fence railing at Bruch Creek Park in 2020. Helps the Town, helps them.





Eagle at Work & Eagle at Play - Social Media Promotion:



Other Info Posts –



HUMAN RESOURCES

Benefits

- Continued assistance on FFCRA leave policies due to COVID, revised policy drafted and sent 6/10/2020
- Continued work on renewal quotes and retirement options for 2021 budget

Recruiting - Onboarding

- Hire new B & G Seasonal staff member, conducted Safety and seasonal HR orientation for 3 B & G Seasonal staff, process paperwork
- Post and initiate recruitment process for Water Operator open position
- Recall notices sent for information center staff & reactivate email licenses

Risk Management, Safety and Work Comp

- Manage 4 General Liability & PC claims, 3 in progress, 1 new
- Assist with 1 work comp lost time claim, 3 total claims open
- Advise on Safety Protocol for Municipal Court in person process
- Order more PPE for Black Diamond phase
- Prepare for CIRSA Safety Audit 7/30
- Conducted Safety FFCRA leave orientations for recalled Info Center Staff

Other

- Respond to 3 verifications of employment
- Training: attended 2 educational webinars
- Conduct Exit interview for outgoing Water Operator
- Assist with CORA request for compensation data
- Participate in Council Strategic Planning Session 6/26
- HR CIP for 2021 submitted to Finance

TOWN CLERK

Communications

- Communications Committee: Bi-Weekly meetings on Thursdays through June.
- Town Hall Zoom with Community
- Eagle Today was sent June 25th
 - Pappy's Letter
 - Utility Information
 - Be Our Guest promotion

Licenses

- BUSINESS: License Renewals 10 in June and 359 total licenses issued for 2020
- LIQUOR:
 - Primavera Liquors Renewal
 - Moe's Renewal
 - Eagle Liquor Mart Renewal

Website – www.townofeagle.org

- Ask the Town questions: 6
 - Police Report inquiry x 2
 - Utility inquiry x 3
 - Yard Waste inquiry
 - Animal Abuse inquiry

Training

- State Liquor Training 6/8

Sales Tax

- 1,067 On-Line retailers remitted sales tax in June for a total of \$41,772.54
- The second quarter sector totals will be available next month.

2020						
Month	Filing Period	Revenue Period	.5% to River Park	4% to General Fund	O/U	
Jan	\$ 367,071.14	\$ 578,686.45	\$ 64,298.49	\$ 514,387.96		35%
Feb	\$ 577,583.12	\$ 480,407.70	\$ 53,378.63	\$ 427,029.07		24%
Mar	\$ 410,688.96	\$ 463,471.24	\$ 51,496.80	\$ 411,974.44		16%
1 Q	\$ 1,355,343.22	\$ 1,522,565.39	\$ 169,173.93	\$ 1,353,391.46		25%
Apr	\$ 416,206.42	\$ 553,180.68	\$ 61,464.52	\$ 491,716.16		31%
May	\$ 494,589.07	\$ 492,253.55	\$ 54,694.84	\$ 437,558.71		20%
Jun		\$ 508,611.57	\$ 56,512.40	\$ 452,099.17		18%
2 Q	\$ 910,795.49	\$ 1,554,045.80	\$ 172,671.76	\$ 1,381,374.04		23%

MUNICIPAL COURT

- Court June 17th
- Cases are still being processed and court staff is working with all defendants who wish to reach plea arrangements before all in-person court dates.

June Citations Issued:

Animal Control	7
Misdemeanor	4
Parking	2
Traffic	13
Total	26

June Fines and Fees Collected (includes collections for previous months)

Court Costs	175.00
Criminal Police Equipment and Training Surcharge	10.00
Deferred Judgment Fee	70.00
Fines	1640.00
Outstanding Judgement Fee	0
Police and Equipment Surcharge Traffic	160.00
Police and Equipment Surcharge Criminal	60.00
Stay of Execution Fee	0
Victim Restitution Fee	0
Total	\$2115.00

June Dispositions (Payments or Court Appearances)

Animal Control	5
Misdemeanor	1
Parking	10
Traffic	16
Total	32

Outstanding Fines and Fees by Date:

Current	0.00
1-30 Days Past Due	3178.25
31-60 Days Past Due	0
61-90 Days Past Due	0
91-180 Days Past Due	200.00
Over 180 Days Past Due	24,848.28
Total	\$28226.53

COMMUNITY DEVELOPMENT

BUILDING UPDATES–

- **Permit Review**
 - 20TEGL-5105 Talon Flats Building/Building/Eng review Comments Due 7-9-20
 - 20TEGL-5091 Broadway Station/2nd Round Building Comments Generated Status of other agency review. Due 7-10-20
 - 19TEGL-4836 210 Freestone- preparing for occupancy approval in next two weeks. 19TEGL-4923 Tumbleweed-Will resume work next week, parking lot paving and rest of exterior.
 - 20TEGL-5028 The Assembly Sign Permit Inquiry.
 - Occupancy Status for 1393 Chambers
 - TCO issued Thursday 7-2-20.

ADMINISTRATIVE

- Community Core – Land Use File Migration Project
- Website Updates –
 - Town Initiatives
 - Comprehensive Plan
 - Land Use Code Update
 - Highway 6 Corridor Plan
 - Schedule for when RFP is released and responses due
 - Eagle Sub Area Plan – add later
 - Apps
 - 700 Chambers – approved to TC
 - Variance Talley – delete
 - LURA – approved to TC
- Permit Tech
 - Discuss with TC - budget
- GIS Systems - Comm Dev to address Zone Map information

PLANNING

- **APPLICATIONS IN PROGRESS**
 - AN17-01/ PUD18-01/ PFP19-01 Red Mtn Ranch –
 - Noticing Friday, July 10th
 - AN20-01 Powell Park Annexation – Agency feedback by 7/3
 - AN20-02 Basecamp Eagle – (on hold)
 - CT20-02 Soleil Townhome Plat - Agency feedback by 6/29
 - Need performance guarantee in place before the approvals
 - SU20-01 263 & 483 Sawatch –
 - Staff Report – P&Z recommended approval
 - V20-02 Talley Variance –
 - Staff Report – denied
 - Notice of Land Use Decision
 - Sign Permit application under review for Knapp Ranch and The Assembly –
- **APPLICATION(S) FOR PRE-APP MEETING**
 - County's West Eagle Property - ComDev meeting with County
- **PUDS**
 - Eagle Ranch – 6th PUD Amendment – Erin Vega & Rick Pylman Ranch – no progress
 - Haymeadow PUD amendment –
 - Discussed project with Haymeadow, Mtn Rec, and School District

- ORDINANCES
 - Impact Fee Ordinance Update –
 - No updates
 - Process to address removing a TC approval
 - Going to council next week
- FOLLOW UP CONCERNS
 - LLA19-02 1088/1092 Fourth of July Rd – Record Plat –
 - Brush Creek Rd Extension - no progress
- LONG RANGE PLANNING
 - Elevate Eagle Comprehensive Plan - staff's edit of Chapter 5 – possible TC/P&Z work session
 - Title 4 Land Use Code Update - re-start with Logan Simpson beginning
 - Hwy 6 Corridor Study - RFP
 - East Eagle Sub Area Plan - Discussing scope with consultant – launch this month

PLANNING & ZONING COMMISSION

- P&Z Commission term expirations - both requested renewal
 - Charlie Perkins
 - Kyle Hoiland

Lower Basin Water Treatment Plant

Project Progress Report – July 14th, 2020

SAFETY

Total manhours worked to date = 100,000+

Health, Safety, and Environmental Incidents			
Incident Type	Details	Total Incidents in the Period	Total To Date
Health & Safety	None for reporting period	0	1
Environmental	None for reporting period	0	0
Community	None for reporting period	0	0

SCHEDULE

Project schedule update provided to team on June 09, 2020

Notice to Proceed: 17 August 2018	<u>Original Contract</u>	<u>Current Contract</u>	<u>Forecast</u>
Total Contract Time	731 Days	874 Days	
Substantial Completion Date	11 July 2020	01 December 2020	26 January 2021
Final Completion Date	11 September 2020	01 February 2021	26 March 2021

PROJECT FINANCIALS

Payment Application #24 submitted and approved.

Preconstruction Contract Amount	\$638,062
Original Construction Contract Amount	\$22,938,752
Change Orders Approved to Date (CO's 1-11)	\$1,349,646
Overall GMP Including Approved CO's	\$24,288,398
Change Orders Approved to Date	1-11
Payment Applications Submitted	24
Amount Billed to Date	\$15,497,977.00

PROJECT UPDATE SUMMARY

- TPO Roofing Complete
- Masonry Complete
- Large Process Piping Install Complete
- Electrical Gear Delivered/Installed
- Generator Delivered and Installed

PLANNED ACTIVITIES FOR THE NEXT 4 WEEKS:

- Pull Wire, Install Control Panels, Install Gear for Electrical
- Door Installation
- Continue Process Mechanical Pipe and Equipment Install
- HVAC/Ductwork/Plumbing Installation
- Yard Pipe Installation

PROJECT PHOTOS – SEE NEXT PAGE

PROJECT PHOTOS

Blower Room 07-09-20



Generator/Transfer Switch Set 07-09-20





To: Mayor Turnipseed and Town Council

From: Jessica Lake, Planner I, Community Development Department

Date: July 14, 2020

Agenda Item: SU20-01 263 & 483 Sawatch Special Use Permit (SUP)

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 must be acted upon before 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 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.

ANALYSIS:

See Staff Report dated July 7, 2020 for full project analysis.

Standards for a Special Use Permit: Section 4.05.010.

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

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

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.

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

COMMUNITY INPUT:

SU20-01 was publicly noticed on June 18, 2020 in accordance with Colorado State Statute § 24-70-103 and Section 4.03.060. of the Town of Eagle Municipal Code. No letters of public comment have been received as of July 10, 2020.

BUDGET / STAFF IMPACT:

No impact to budget or staff.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

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.

RECOMMENDED ACTION OR PROPOSED MOTION:

At the July 7, 2020 Planning and Zoning Commission meeting, the Commission recommended the following:

I find that the application substantially meets the standards for approval, and move to approve Resolution 37, Series 2020, A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Special Use Permit for 263 Sawatch Road and 483 Sawatch Road; based on the

finding, that the application is improved but substantially similar to SU17-06, which was generally approved under the same code and plan, with the following conditions of approval:

- 1) Permit #SU17-06 will be null and void upon issuance of a permit for SU20-01;
- 2) 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];
- 3) The dwellings shall remain as *Accessory* as defined in the Town's Development Code;
- 4) 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; and
- 5) 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.

ATTACHMENTS:

- PZ Staff Report dated July 7, 2020
- SU20-01 PZ Approval Recommendation
- Project Narrative dated June 18, 2020
- Traffic Report / Trip Counts dated November 20, 2017
- Project Site Plans
- Chambers – Aerial Map – Residential Count/Estimate
- Site Photos
- Applicant Comments to Respond to Staff Review
- Staff Report SU17-06
- Resolution 37-2020



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.



Planning & Zoning Commission
Tuesday, July 7, 2020
6:00 PM

COMMISSIONERS PRESENT

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

COMMISSIONERS ABSENT

Brent McFall

STAFF

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

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.

Chair Hood opened file SU20-01 the Sawatch Special Use request located at 263 & 483 Sawatch Road.

STAFF PRESENTATION

Jessica Lake, Planner I, reviewed the staff report from the packet for the special use permit.

Q&A

Commissioner Hoiland asked if there was record from the previous special use permits at 700 Chambers, that allowed the extra parking to be used for this project.

- Lake responded that the additional six parking spots in the common area parking is allowed to be applied to Building D. The section of the code allows this regardless if it was in the conditions of the previous special use permits. There are three parking spots that are missing. There would need to be a petition to P&Z that would have to noticed to apply the additional joint use of parking. This can be applied to the loading spaces, at night, for instance.

Commissioner Gregg asked for an update on with the drainage easement that defines the detention pond.

- Lake responded that the applicant informed the town that this will be addressed during the development permit process.

Commission Nutkins asked for the total of residential units in this area.

- Mr. Manley responded that there are 6 residential units in the Climbing Gym building, 4 residential units in Building B, 6 residential units in Building C, and they are proposing 6 residential units for building D.

Jeffrey P. Manley, AIA of Martin Manley Architects, presented the project from the packet for the special use permit.

Dave Dantas, DW Dantas Construction LLC, discussed this project further. He informed the Commission that he came up with these opportunities when he attended the Urban Land Institute Meeting. He said that the goals from that meeting were to do infill building to get people close to transportation, services, and stores. He said that these buildings are accomplishing these goals. He discussed how these buildings are creating a community with children. He believes these are create opportunities for those who are working from home. Dantas believes that having residential on the second floor does not cause an issue with the commercial on the ground floor. The other option to residential is to have office spaces on the second floor, however Dantas expressed that Eagle does not need offices.

Dantas presented several options for how to best use the detention pond to make it more of an asset to the development. The following options he presented are:

- Option 1: Grade and seed area to a more park like condition
- Option 2: Install water storage tanks, cover with soil and make the area less deep
- Option 3: Add water storage tanks and playground equipment
- Option 4: create a world class outdoor climbing wall

Rick and Ashley Patriacca are partners with Mr. Dantas and spoke in support of the project.

Chad Phillips, Community Development Director, added that, except for the parking, the verbiage in the code, such as “consistent, compatible, significant, minimize, promote” is going to lead P&Z to make a decision. He continued that top of that, the Commissioners are using the historical approvals of the other SUPs related to this one. Staff is working to make this clearer in the code and take out this subjectivity to assist with these applications.

PUBLIC COMMENT

Chair hood opened public comment at 7:56pm. There was no public comment.

DELIBERATION

Commissioner Nutkins wants to stay consistent with his previous direction for this project. He said that Jeff, Dave, and Rick have done a wonderful apartment complex/mixed use project; however, that is not something that is in the Town’s guidelines and land use code right now for the Commercial General Zone District (CGD). He does not support this application as it does not comply with the CGD. He said that after the buildings are

completed, there is going to be a combined 40+ residential units in the CGD. There is not open space, green space or a park to support this community, except the proposal for the detention pond. He continued that the CGD is for commercial not residential. Commissioner Nutkins said that there should not be 3-bedroom apartments in this district. These apartments are set up for a whole family to live there, and that should not be the goal, it should be more of a stepping-stone for families. The residential square footage in these buildings outweighs the commercial square footage. He agrees with Dave that these allow more smaller commercial components not big box. He discussed how the renderings showed that these buildings are residential triplexes, and that there is not an area for signage for commercial. It appears that the Commercial units are garages to the residential. He questioned, at what point does residential become more significant to commercial in CGD? The residential component is under special use review, it is not a use by right.

Commissioner Hoiland believes that the Commission needs to follow through with this project to keep this area consistent and bring a level of quality to that neighborhood. He said that there is a need for housing, and he thinks that Dantas and Patriacca did a great job with the commercial use. He said that it will help the economy and help small businesses to rent. He is all for this.

Commissioner Perkins said that P&Z supported the other Special Use Permits for the same projects. It does not seem right not to support this request. He is concerned with the pedestrian safety at the roundabout and thinks that the bus stop is in the wrong place. He is concerned that this project does add significant residential, but is supportive of the project, because it has already been approved once.

Commissioner Webb agrees with Commissioner Perkins. She said that this project had already been approved, and that the applicants are coming forth with a very appealing project. She thinks that this is opening a can of worms by letting more residential in the CGD. This project has been approved once, coming to the applicants now and saying that P&Z are playing by different rules does not seem right. She noted that the Town needs to figure out how much residential can be allowed in CGD.

Commissioner Townsend agrees with Commissioner Webb. He said that since there is an approved plan and this is one unit less than that plan, he would have a hard time going against it.

Commissioner Gregg said that this is a great improvement on what was previously proposed. He likes the idea of filling in the pond and turning it into a public park. He has a problem with these because currently, the children are going across the railroad tracks to the playground which is not safe. He likes the idea of including a park. He said the live work is denser but there are opportunities. He is in support of the project but would like to include a condition that the detention pond get turned into a usable open space for this lot to help support the children in this neighborhood.

Commissioner Hood said he agrees with Commissioner Gregg and Commissioner Webb. He asked when does residential become significant in the CDG? The main reason he is in support of this project is because the applicants have followed the direction they were given, and P&Z has historically been approving this. He said that the issue needs to be addressed in our code rewrite.

Commissioner Perkins asked if there was a mechanism in our code for the applicant to present their plan for the detention pond. Phillips responded that this is addressed in the development review. Commissioner Perkins believes that there is wonderful potential that this detention pond could be something nice.

MOTION: COMMISSIONER KYLE HOILAND FINDS THE APPLICATION SUBSTANTIALLY MEETS THE STANDARDS FOR APPROVAL, AND MOVE TO APPROVE THE SPECIAL USE PERMIT, BASED ON THE FOLLOWING FINDINGS: THAT THE APPLICATION IS IMPROVED BUT SUBSTANTIALLY SIMILAR TO SU17-06 WHICH WAS GENERALLY APPROVED UNDER THE SAME CODE AND PLAN. MOTION WAS SECONDED BY COMMISSIONER LANI WEBB AND PASSED WITH A VOTE OF 6 (TOWNSEND, WEBB, GREGG, HOOD, HOILAND, AND PERKINS) IN FAVOR AND 1 (NUTKINS) OPPOSED.

DRAFT

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





November 20, 2017

Gregory Sparhawk, AIA
GPS Designs Architecture
301 Boulder Street, #333
Minturn, CO 81845

Re: **Proposed Work-Live Development at 263 and 483 Sawatch Road
Eagle, Colorado
Traffic (Trip) Distribution Letter**

Dear Greg:

Per requirements of the Town of Eagle, we have prepared a trip generation and distribution letter for the proposed work-live development to be located at 263 and 483 Sawatch Road within the Eagle, Colorado. The site for the proposed mixed-use development is located on the north side of Sawatch Roach within the Town of Eagle, Colorado. This letter will establish the anticipated trip generation and distribution for the development as shown on Exhibit 2, Preliminary Site Plan, and determine if further study may be required.

Vicinity / Site Plan

The project site is located in the NW 1/4 of Section 33, T.4 S., R. 84 W., within the Town of Eagle, Eagle County, Colorado. A vicinity map has been included and is attached as Exhibit 1 and aerial map is included as Exhibit 3 in the Appendix. The site is bordered by Sawatch Road to the south and a mix of developed and undeveloped parcels on all other sides. Developed properties in the vicinity are generally commercial in nature along Chambers Avenue to the north. A rail line parallels Sawatch Road to the south, which separates Sawatch Road and Nogal Road. Along Nogal Road there are several

multi-family residential units with frontage on the Eagle River.

Sawatch Road is a local access road for commercial and light industrial uses that connects to Chambers Avenue in two locations. Interstate 70 provides regional access to the area, which can be accessed by Eby Creek Road via Chambers Avenue west of the site.

Trip Generation

Trip generation is determined by use of the *Trip Generation Manual, 9th Edition* published by the Institute of Transportation Engineers. The purpose of the Trip Generation Manual (TGM) is to compile and quantify empirical trip generation rates for specific land uses within the US, UK and Canada. Generally, the Trip Generation Manual is the industry standard accepted reference for estimating trip generation. The apartment units fall under Land Use Category 220 "Apartment" and the commercial portion of the site falls under Land Use Category 826, "Specialty Retail Center." The trip generation for proposed project is shown in the table below.

Table 1 - Project Trip Generation

Land Use	ITE Code	Size	Units	Daily Trips	AM Peak Hour			PM Peak Hour		
					In	Out	Total	In	Out	Total
Apartments	220	20	Dwellings	133	2	8	10	8	4	12
Specialty Retail	826	16	KSF	709	*	*	*	19	24	43
TOTAL	-	-	-	842	2	8	10	27	28	55

*Specialty Retail Centers are not typically open for business during the AM peak hour. Therefore, no trip generation data is available for the AM peak hour.

As shown in the table above, the proposed project is anticipated to generate 10 AM peak hour trips, 55 PM peak hour trips, and 842 average daily trips.

Trip Types

Nearly all developments are made up of the following six trip types: new (destination) trips, pass-by trips, diverted trips, shared (internal) trips, multi-modal (non-vehicular) trips, and transit oriented trips. In order to better understand the trip types available for land access and how they relate to this project, a description of each specific type follows.

New (Destination) Trips - These types of trips occur only to access a specific land use such as a new retail development or a new residential subdivision. These types of trips will travel to and from the new site and a single other destination such as home or work. This is the only trip type that will result in a net increase in the total amount of traffic within the study area. The reason primarily is that these trips represent planned trips to a specific destination that never took trips to that part of the City prior to the development being constructed and occupied. This project will develop new trips.

Pass-by Trips - These trips represent vehicles which currently use adjacent roadways providing primary access to new land uses or projects. These trips, however, have an ultimate destination other than the project in question. They should be viewed as drop-in customers who stop in on their way home from work. A good example is a quick stop at

the grocery store to pick up an ingredient for dinner on the way home from work or at a latte stand to grab a coffee on the way to work. This can make this trip pre-determined, but the stop is still on the way by. Another example would be on payday, where an individual generally drives by their bank every day without stopping, except on payday. On that day, this driver would drive into the bank, perform the prerequisite banking and then continue on home. In this example, the trip started from work with a destination of home, however on the way, the driver stopped at the grocery store/latte stand and/or bank directly adjacent to their path. Pass-by trips are most always associated with commercial/retail types of developments. The commercial portion of this project could experience pass-by trips, but the roadway providing direct access to the site (Sawatch Road) does not carry a significant amount of traffic that would result in a significant amount of pass-by traffic to be diverted from this roadway. Therefore, no pass-by trips are anticipated for this site.

Diverted (Linked) Trips - Diverted trips are like pass-by trips, but diverted trips occur from roadways that do not provide direct access to the site. Instead, one or more streets must be utilized to get to and from the site. Similar to pass-by trips, diverted trips are most always associated with commercial/retail type developments. Diverted trips could be expected from Chambers Avenue, Eby Creek Road or a number of other roadways. Due to the multiple routes that could be taken and the inability to verify these type of trips, diverted trips were not accounted for within this analysis.

Shared (Internal) Trips - Internal trips are the portion of trips generated by a mixed-use development that both begin and end within the development. When estimating trip generation for a development with several uses, each use will generate its own trips. If those trips occur between two of the onsite uses without using the external roadway system, it is considered a shared or internal trip. This trip type reduces the number of new trips generated on the public road system and is most commonly used for commercial or mix-use developments. Determining these trip types is more difficult to quantify and without specific guidance are usually determined by engineering judgment on a project by project basis. The intent of the project is to promote these type of trips by providing both living and working space on the site. Tables 7.1 and 7.2 of ITE's *Trip Generation Handbook* provides internal capture rates for multi-use developments. The correlation between retail and residential uses on a mixed-use site ranges from 31% to 53% of the total trips generated by the residential use and 9% to 12% of the retail use.

Multi-Modal Trips - These are non-vehicular trips to and from the site, mostly comprised of pedestrian and bicycle trips. Generally, they are local trips from the surrounding neighborhood or adjacent businesses. If a development is in an area with a high amount of bicycle and pedestrian activity, such as a downtown setting or college campus, a reduction of vehicular trips would be anticipated. During field observation, very few bicycles were seen in the vicinity of the site. There are not any sidewalks along Sawatch Road in the vicinity the site and a railway runs parallel to and borders Sawatch Road to the south, which makes accessing the site as a pedestrian less likely. Therefore, the amount of pedestrian and bicycle activity for the site is anticipated to be minimal and a reduction of vehicular trips is not anticipated to be significant.

Transit Trip - Eagle County is served by ECO Transit with public bus providing service to Gypsum, Eagle, Edwards, Vail, Avon, Minturn and Leadville. The nearest bus route to the site is on Eby Creek Road approximately ½ mile west of the site. Transit trips may comprise a small portion of the trips for the site, but no reduction was applied.

Based on the various trip types depicted above and the nature of the proposed project, a trip reduction was applied to the trip generation estimates shown in Table 1 to account for internal (shared) trips. Based on the Trip Generation Handbook, approximately 53% of the trips from the residential portion of the site are anticipated to access the commercial uses on the site without utilizing external roadway, which corresponds to approximately 2 PM peak hour residential egress trips and 2 PM peak hour retail ingress trips. Of the ingress trips to the residential portion, approximately 31% are projected to be from the retail on site, which corresponds to 2 PM peak hour residential ingress trips and 2 PM peak hour retail egress trips. Therefore, of the 55 PM peak hour trips shown in table 1, 8 are anticipated to occur within the site and 47 are anticipated to be driveway trips utilizing the external roadway system.

Trip Distribution

As shown on the site plan, the site will be accessed by Sawatch Road, which connects to Chambers Avenue. All of the traffic to and from the site is anticipated to utilize this the main site access to Sawatch Road. Chambers Avenue extends to the east approximately ½ mile without an outlet. To the west, Chambers Avenue connects to Eby Creek Road at a roundabout controlled intersection. Eby Creek Road provides a connection to I-70 and US Highway 6 and a crossing of Eagle River.

Considering many factors such as the surrounding transportation facilities, typical commuting patterns, existing development in the area and the geography of the area, traffic for the proposed development is anticipated as follows. During the AM and PM peak hours, it is anticipated that 95% or more of the trips will access Chambers Avenue west of the site via Sawatch Road. The remaining 5% or less are anticipated to access other land uses along Chambers Avenue east of the site. At Eby Creek Road & Chambers Avenue, site traffic is anticipated to distribute according to existing traffic patterns at the intersection.

Additionally, based upon field investigations, there does not appear to be any sight distance conflicts for this proposed use and its access to Sawatch Road.

Conclusions and Recommendations

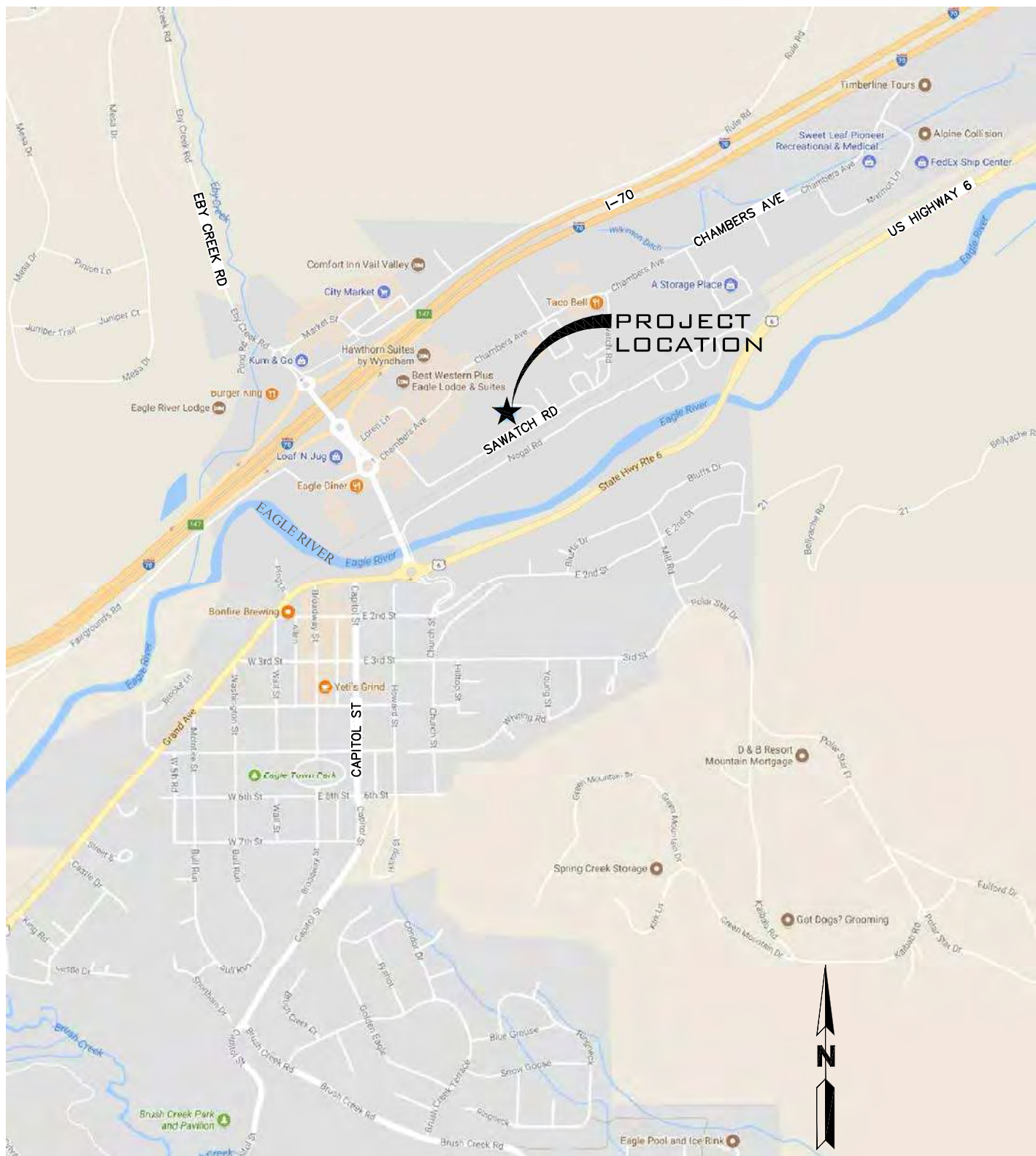
It is anticipated that this project will generate 10 AM peak hour trips, 55 PM peak hour trips and 842 daily trips. Of the trips anticipated, 8 of the site trips are anticipated to be internal (shared) trips and not utilize external roadways. Based on the number of trips generated, we do not believe that there is the potential for this project to significantly impact the existing transportation system. Thus, additional traffic analysis should not be required.

Should you have any questions related to this document or the information contained herein, please call me at 303-653-9200 or email me at craig@civtrans.com

Sincerely,



Craig A. MacPhee, P.E.



NOT TO SCALE

NOVEMBER 20, 2017

EXHIBIT 1

VICINITY MAP

CIVTRANS

Engineering Inc.

CIVIL - TRANSPORTATION - TRAFFIC

P.O. BOX 150335 • LAKEWOOD, CO 80215 • 303-653-9200



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

[illegible]

LOT 2 & 3, SAWATCH COMMERCIAL

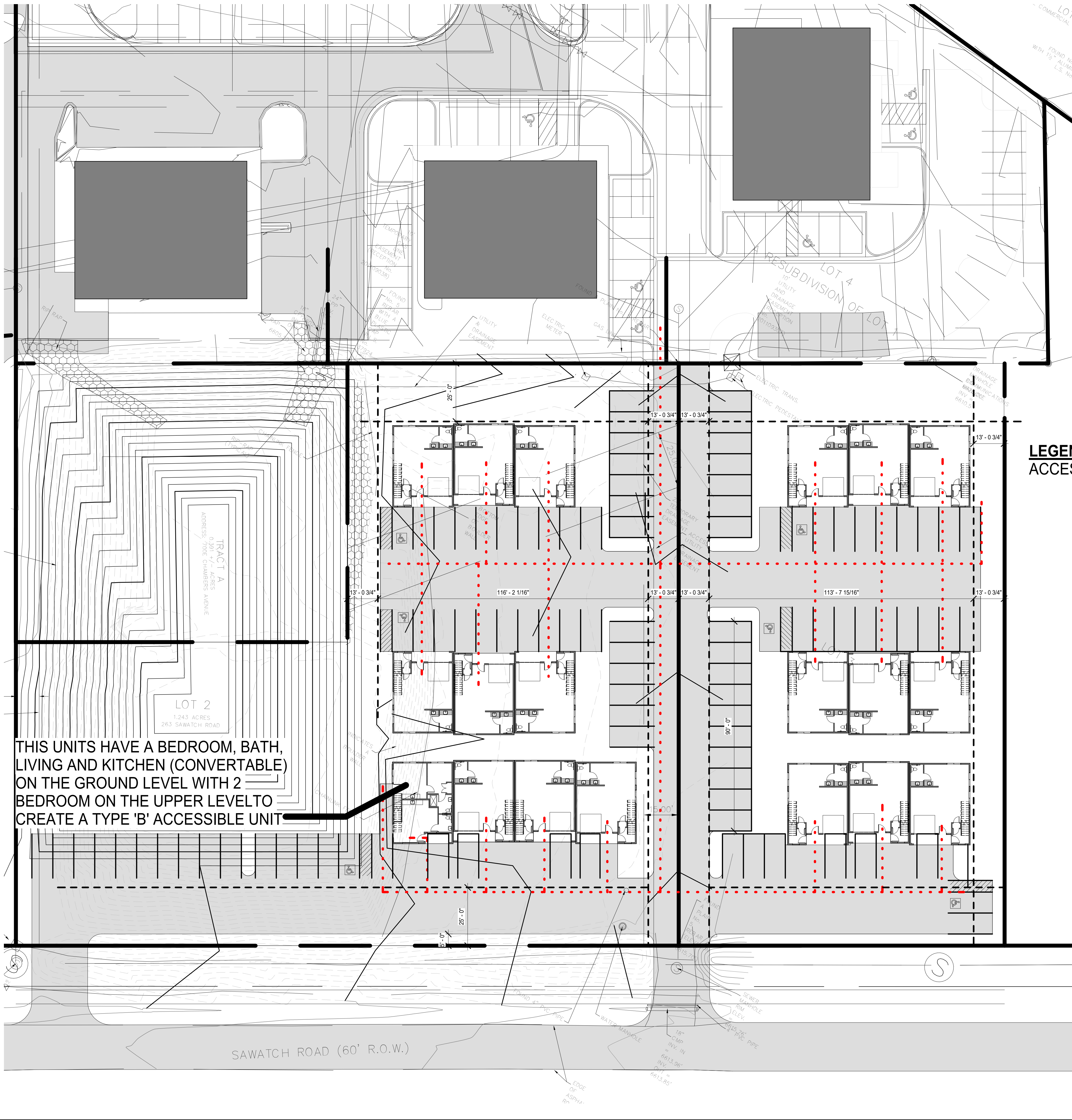
EAGLE COLORADO
SPECIAL USE PERMIT

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"



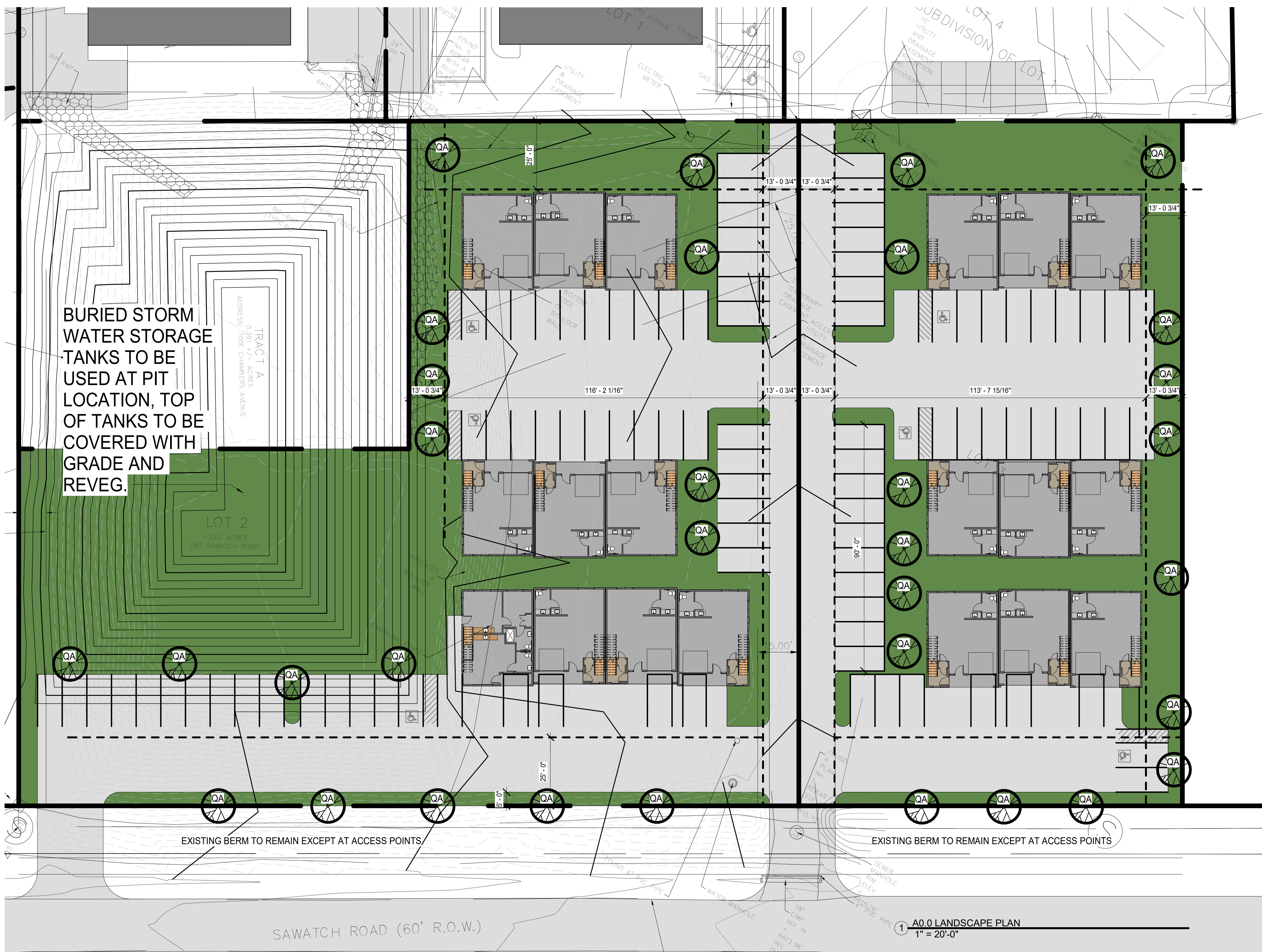
5'-0" to parking surface

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

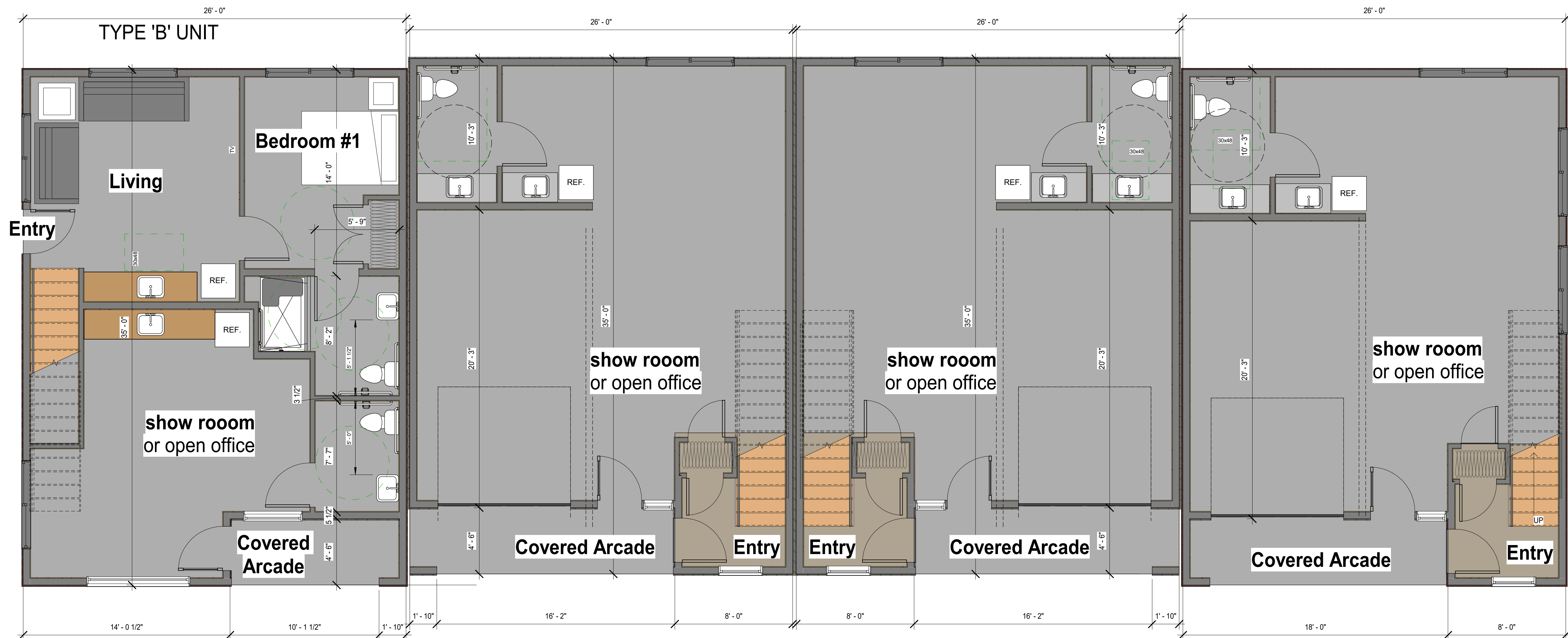
TOTAL OF PERMANENT DRIP AND SPRAY IRRIGATION AREA OF - S.F.

REVISIONS	Description	Date
No.		

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

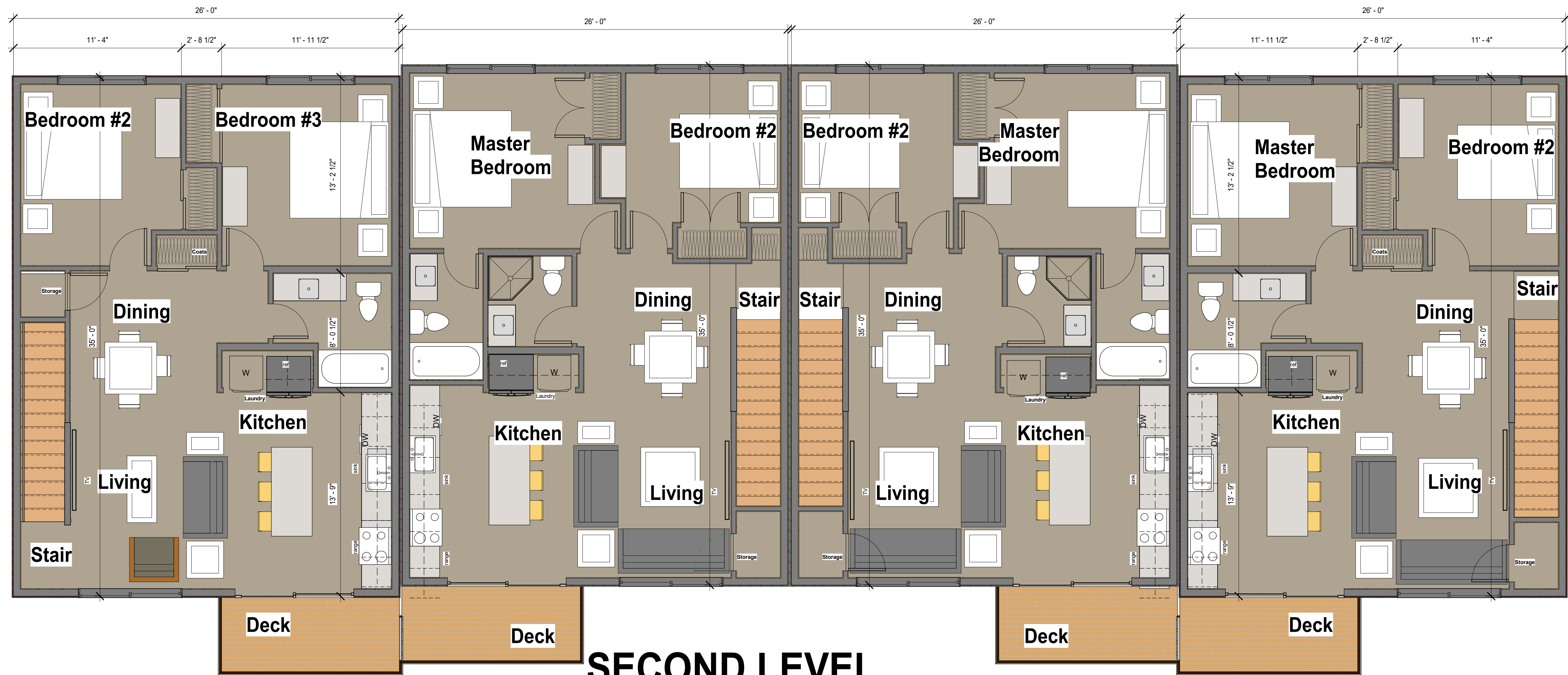
NOT FOR CONSTRUCTION

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



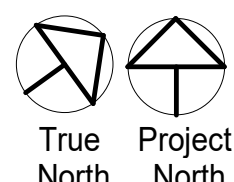
FIRST LEVEL

1 1/4" = 1'-0"



SECOND LEVEL

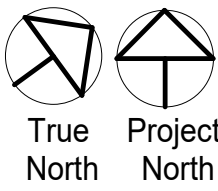
2 1/4" = 1'-0"



No.	Description	Date

NOT FOR CONSTRUCTION

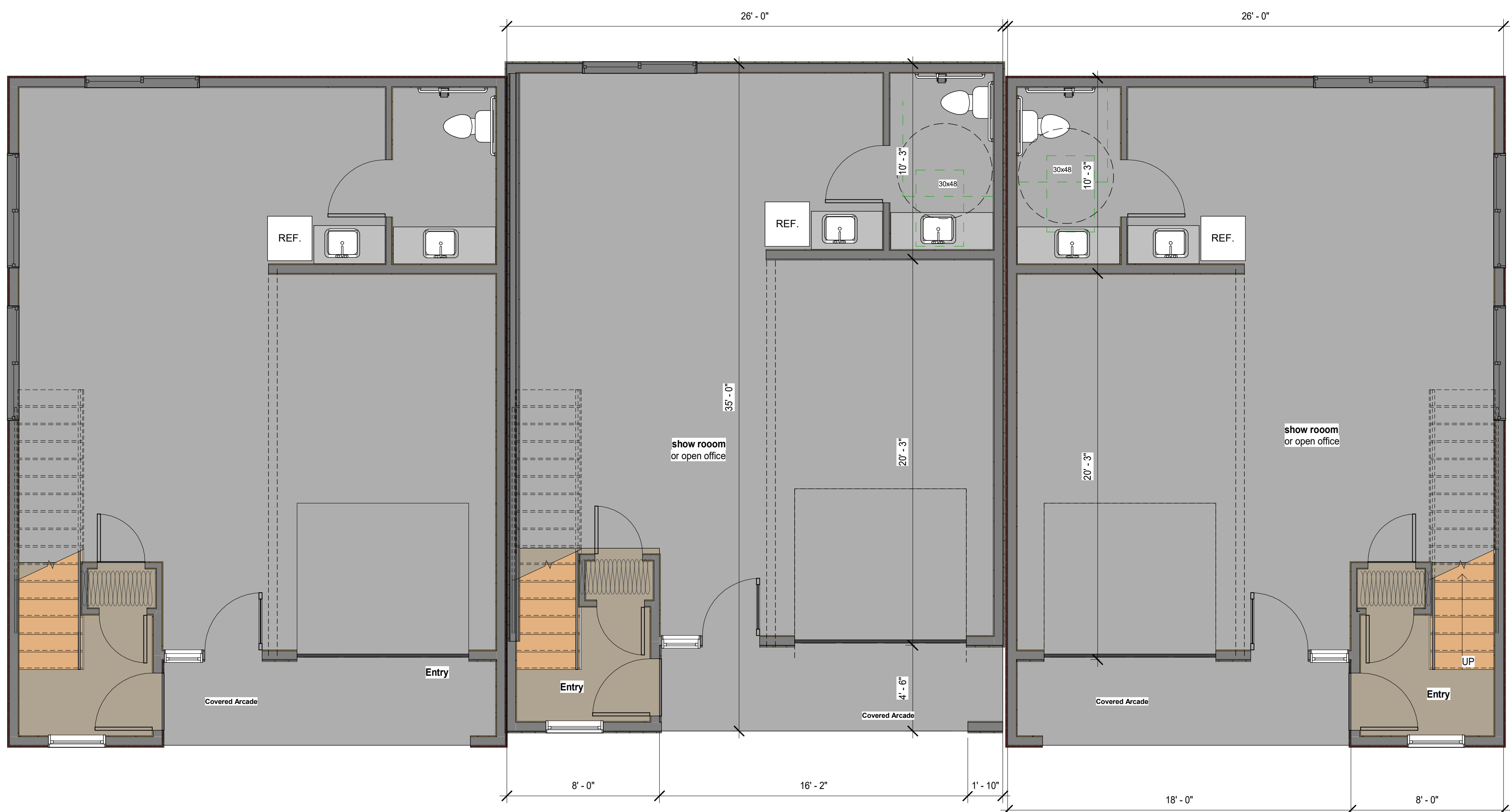
Date	06-18-20
Project number	2010
FIRST AND SECOND LEVEL PLAN	
A2.0	



NOT FOR CONSTRUCTION

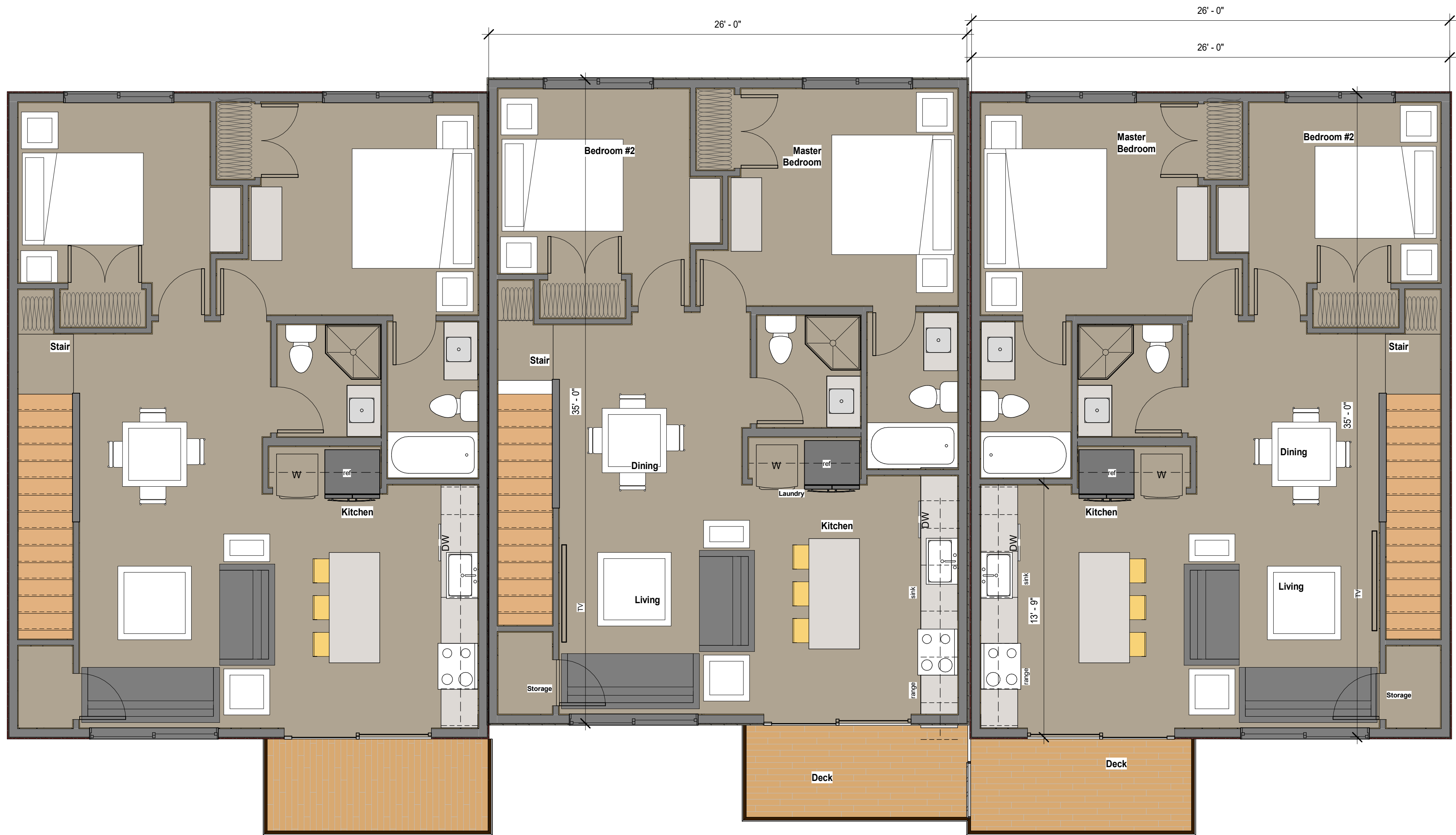
Building E
Lots 2 & 3 Sawtch Commercial
Sawtch - at Eagle Center
PROJECT PHASE

[illegible]



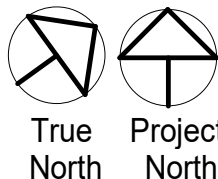
FIRST LEVEL

1 1/4" = 1'-0"



SECOND LEVEL

2 1/4" = 1'-0"



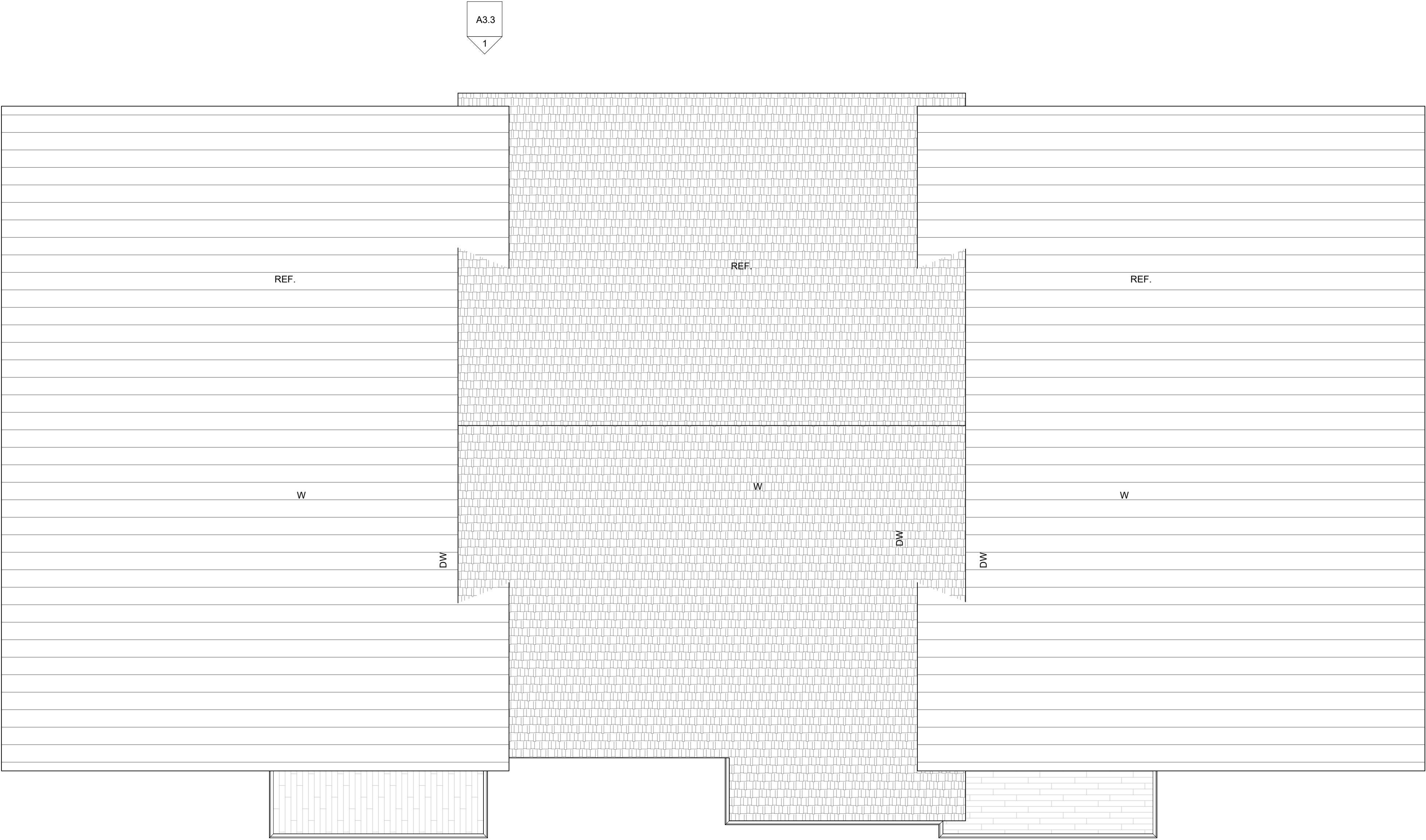
No.	REVISIONS	
	Description	Date

NOT FOR CONSTRUCTION

Date	06-18-20
Project number	2010
FIRST AND SECOND LEVEL PLAN	
A2.4	

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

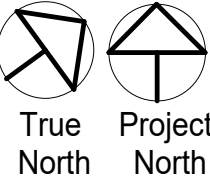
A3.3 4



A3.3 2

A3.3 1

A3.3 3



NOT FOR CONSTRUCTION

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

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



Chambers – Aerial Map



Residential Estimate – Chambers Avenue Area

700 Chambers – 22 residential units approved and built

1115 Chambers – 24 residential units approved and built

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

263 & 483 Sawatch – 19 residential units proposed

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.



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

RE: Presentation to Address the Town's comments- **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*

There is a current Special Use permit (SU17-06, SU18-02)) that was approved in February of 2018 for the applicant Michael Dantas for Lot 2 and 3. This approval is still valid for the next 9 months. This development was approved and found to be in conformance with the Town of Eagle Goals, Policies and Plans. The current project under review is proposed to be 19 commercial and 19 residential, which is smaller than the former proposal, which consist of 20 commercial and 20 residential units within 2 building. The projects followed the "One single Dwelling Unit-Accessory to a use permitted". We are asking that the updated presented project be held to the same and consistent standards of the previous approval and to that of the other similar projects approved within the same Commercial General zone. Similar projects include the 700 Chambers Ave. development (Climbing Gym on Lot 1 and sub Lots 2, 3, and 4) and the Chambers Lofts further east on Chambers Ave, both developments are within the same Commercial General zone in Eagle and meet the "One single Dwelling Unit-Accessory to a use permitted" standard.

TOE COMMENTS RE: Standard #1 FROM THE FORMER PROPOSAL FOR LOT 2 and 3

The Planning Commission and Board of Trustees have both expressed hesitation regarding the growing number of residential units on Chambers. While staff echoes these concerns, we believe this project is suited to justify meeting Standard #1. This project sits between a current live/work project to the north and a large residential area just south of the railroad. Objective 8 of the recently completed strategic plan states that the Town should "promote cost-effective solutions in maintaining adequate housing supply and support for the entire population", staff believes this development satisfies this objective.

The added commercial spaces provide unique opportunities for smaller-scale operations in a commercially active area of Town. To better manage the growth of residential units on Chambers, staff is undergoing the process to revise the land-use code provision enabling this type of accessory residential. Staff is also in favor of conducting an East Chambers Small Area Plan to better understand and guide development in this area of Town. Under current regulations and plans, staff believes this project meets the precedent and consistent application of policy in meeting standard #1.

The area looked at as a whole, and not by zoning perimeters, sees a very active neighborhood that has residential components occurring along Chambers and the surrounding. This SUP for the Sawatch development adds 19 residences. In comparison to the density of the Villas and the housing on the East side of the Eby Creek round-a-bout, this number is not substantial. We are in keeping with the goals and direction of New Urbanism. Some highlighted elements are, to create a mix of residential and businesses to limit the reliance on cars and fossil fuels, having residential close to mass transit (bus stop), and walking distance to grocery and restaurants. The infill of vacant or Brown site is one of the higher point generators for building and developments seeking LEED certification. We believe we understand intention of the code and present that this project of 19 units is not adding 'significant' residential density and has a balanced proportion with the small boutique commercial retail and office spaces/uses. Another large apartment type building like the Villas would not 'fit' the intention.

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

Compatibility with the other existing uses is a point of discussion of the Planning Staff. The Commercial General zone is one of the more flexible and broad zone districts within the town. **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.** In addition uses for Office, Retail, and green space/park are approved. (Section 4.04.070)

The staff has noted surrounding uses (**in bold below**)

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

I would add to that list the following to show a varied collection of types of business in the CG zone:

- Bank
- Hair Salon
- Optometrist
- HR Block (office)
- A & Z clothing, Moontime Bike shop (retail)
- Dance Studio (recreation)
- BLDG 'C' and 'D' on lots 3 and 4 of 700 Chambers Ave. with commercial TBD and 12 residential
- BLDG 'B' on lot 2 of 700 Chambers Ave. with office commercial units and 4 residential units
- Restaurants
- Live/Work at the Chambers Lofts (commercial and residential)
- Justice Center

The blend of these smaller commercial uses and residential uses in the area are very compatible with the uses proposed within this application. Other uses that are more impactful required Special Use Permits and are more dispersed in other the areas within the Commercial General zone and are not adjacent to the Sawatch lots. Creating buildings that are not huge warehouses or storage yards starts to develop a 'Front Door' to the Town of Eagle. We need the person passing on I-70 to be aware that the Town is a vibrant community and not just a stop filled with warehouses and gas stations. We feel there is a need to provide space for the smaller commercial spaces and hope to create an active environment. The Town has gone to great effort to add the Pedestrian Bridge and the White Water Park to connect the Town to the interstate, creating a sense of welcoming. As you drive, ride, or walk you see an activated hub at Chambers Ave. The new rec. path that passes thru this area. Again, joining the surrounding Land Use zones within the town in a way that is a pleasing environment. The development being reviewed is reinforcing a smaller scale and the mix that already exists. This proposal compliments and is consistent with the past the approvals and uses in the area.

The project is providing a valuable resource in housing that is needed within Eagle County. The residential component creates that stepping stone residence that is difficult to find up and down the valley. The 2017 Town of Eagle Strategic Plan, Major objective 8 is looking to "promote cost effective solutions in maintaining adequate housing supply and support the entire population AND explore zoning and other methods to create a more balanced and affordable housing mix that supports young people and young families." The New Urbanism concept is directed at these demographic groups... Close to work and Close to recreation. The residential component will aid in uplifting the businesses in the area. The rent on the apartments has been offered at a reduced rate for First Responders, Teachers, and Healthcare employees to show appreciation during the COVID epidemic.

There are several day camps within the immediate location. Dewey Dabbles and the Climbing Gym both have camps with 4 to 15 kids each day of the summer (covid-19 dependent), and the Dance Studio across Chambers has several group classes. Activity in the area is happening for all ages. A park and open place is also discussed within the staffs' notes. The detention pond is an opportunity that we are looking at for adding more outdoor park recreation to compliment the residences. The development team is looking to do some infill and landscaping to the 'pit' to build a place the kids and adults can engage in activities. It is proposed that some recreation equipment could be added and creating terraced benches to the sloped sides of the area would make it more usable and walkable. The pit rarely retains water and it has been discussed to add buried retention tanks to reduce the depth of the pit and create more flat usable park space. The third component of the area with residential use is access to a 'walkable' environment. The Town spent a large amount of expense to connect the area to the north side of I-70, and create recreation/bike paths. There is a sidewalk along Chambers Ave. that runs east to west. Connecting the user to the amenities of the area, like restaurants, grocery, the white water park, and to Eby Creek road sidewalk to access the Broadway downtown area and beyond. Currently, you see kids riding their bikes or walking to the climbing gym, grocery, and other amenities. The pedestrian bridge sidewalks at the roundabouts added conductivity to activate the 'Front Door' of Eagle.

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.*

We have been working with staff on demonstrating that the parking can be accommodated either within the lot, or within the sharing of parking with the excess parking stalls at the Lot 4, Building 'D' of the 700 Chambers project, or complying with Section 4.07.140 H for Joint use of parking spaces due to hours of operation differences between commercial and residential uses.



I hope that these explanations help to present the project that is approvable and consistent with the current Special Use Permit and other Special Use Permits the town has approved along Chambers Ave. I look forward to presenting and discussing the project with staff and Planning and Zoning on July 7th.

Thank you,
Jeffrey P Manley AIA (Architect)



CERTIFICATE OF RECOMMENDATION

TO: Planning and Zoning Commission

FROM: Department of Community Development

DATE: March 6, 2018

PROJECT NAME: Sawatch Mixed Use - 263 & 483 Sawatch Road

FILE NUMBER: SU17-06 Special Use Permit for Live/Work in Commercial General Zone District

APPLICANT: Michael Dantas

STAFF CONTACT: Colton Berck, Planner I

APPLICABLE SECTION(S) OF MUNICIPAL CODE:

Section 4.05 (Zoning Review)
Section 4.06 (Development Standards)

EXHIBIT

- A. Aerial Photo
- B. Applicant Letter and Project Request
- C. Site Plans (existing and future)
- D. Traffic Memo

PUBLIC COMMENT: No public comment received to date.

REQUEST:

1. A Special Use Permit to allow for a Live/Work project in the Commercial General (CG) Zone Districts at 263 & 483 Sawatch Road.

DISCUSSION:

This file was originally heard by the Planning and Zoning Commission on February 28, 2018. At that time, the commissioners received a presentation by staff and the applicant demonstrating the desire of the project. After deliberation by the commissioners evaluating this project, the commissioners requested the file be continued in order to obtain guidance from the Town Attorney on the process for dual special-use applications for the same property as well as getting a clear interpretation on the nature of the easements for the subdivision. Since the last meeting, the Town Attorney has reviewed the application and has the following guidance.

For the dual special-use applications:

Staff recognizes that the ideal situation would have been the applicant submitting concurrent applications for both the mixed use and outdoor storage special use permits. At the time of application, Town Staff was not aware that an extension would be requested. Staff have reviewed the issue of dual special-use applications for the same property and have received the following recommendations:

-
- Multiple special-use permits are legal, but not encouraged. Conditions for approval should be mindful of timeframes and spatial considerations of the site.
 - It is recommended to place a shorter expiration date on the outdoor storage application that would support the development of the mixed use project if approved.
-

Staff will be presenting the storage application to the Planning and Zoning Commission on March 20th and will consider the appropriate conditions for the Storage Yard Special Use extension at that time.

For the subdivision easements:

The final plat for 700 Chambers Avenue Subdivision created a 30' access, utility and drainage easement from Sawatch to Chambers through the subdivision. This easement was dedicated to the Town and allows for vehicular and pedestrian ingress and egress. The Town agrees that through traffic is not appropriate, and would recommend this easement remain for full pedestrian access from Sawatch to Chambers but limit non-emergency vehicular access from Sawatch to Chambers. Staff recommends physical controls (bollards, etc.) to limit non-emergency vehicular access from Sawatch to Chambers in order to facilitate access to and from this property to be via Sawatch Road.

In the original hearing, Staff had included this condition as a potential consideration for approval: "A maximum 10% reduction in required off-street parking spaces, additional parking reduction not to exceed 25% can be approved by the Town Planner upon review and approval of a shared parking study conducted by a qualified third-party consultant at the time of development permit application. Commercial off-street parking requirements based on unknown commercial use provision (1 space per 225 sqft.)." After deliberation, the Commission felt that a 17% reduction was appropriate and it was largely thought that a shared parking study was not necessary. Staff has removed this condition, and replaced with a 17% parking reduction maximum instead.

Background

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 for onsite storage of construction equipment. The original special-use permit for this purpose was approved in 2012 and an extension was approved in 2015, which expires this March. Staff has received an extension request for this use (SU18-02).

The applicant is requesting a special use permit to allow for "One Single Dwelling Unit-Accessory to a use permitted" in two commercial general zoned parcels (lots 2 and 3 of the 700 Chambers Avenue Subdivision). This project is proposed to include 20 residential units above 20 commercial units split between two equally sized, two story buildings. Each building would hold 8,000 square feet of commercial and 8,000 square feet of residential space. Each commercial unit and above residential unit will be condominiumized as a pair to comply with the "accessory to a use permitted" requirement of the special use provision in the Land Use Code. This project proposes two underground parking structures as well as a surface parking lot between the two buildings. More detail can be found under standard 3 below.

In the submitted cover letter, the applicant states the primary commercial use will be boutique commercial spaces. Under the commercial general district, these uses could also be retail establishments (except mobile home and vehicular services), service establishments (except for vehicular service), and/or offices, among many other permitted uses. Staff has reviewed the Special Use Permit application submittal with members of the engineering, public works, fire, and police departments.

The initial proposal of the applicant included plans for a 30% parking reduction. Staff believed this level of parking reduction was too high as even the applicant states it is likely that some of the commercial unit owners will rent out the accessory residential units. After a series of discussions and revisions, the final submitted parking plan requests a 17% reduction in the parking requirements. Further discussion of the parking can be found under standard 3.

STANDARDS FOR SPECIAL USE PERMIT (SECTION 4.05.010)

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, and
2. The proposed use is compatible with 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 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, and
4. The special conditions for specific uses, as provided in this Section, are met.

FINDINGS FOR SPECIAL USE PERMIT

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

The proposed project is consistent with the provisions of the Chapter. The property is zone 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 a Special Use. Beginning with the live/work development on Chambers, Staff has interpreted this to allow for a conceptual live/work style project.

The 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. Two relevant Intent Statement listed for this area are:

1. Statements of Support:
 - a. Chapter 3: Land Use – Community Needs
 - i. 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.
 - b. Chapter 4: Future Land Use Map – Commercial
 - i. A limited number of live work arrangements may be appropriate, per zoning.
 - c. Chapter 5: I-70 Influence Character Area
 - i. Promote sustainable businesses that contribute to the diversification of the local economy.
 - d. Strategic Plan Major Objective 8:
 - i. Promote cost-effective solutions in maintaining adequate housing supply and support for the entire population.

2. Statements of Caution:

a. Chapter 5: I-70 Influence Character Area

- i. 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.
- ii. 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.

The Planning Commission and Board of Trustees have both expressed hesitation regarding the growing number of residential units on Chambers. While staff echoes these concerns, we believe this project is suited to justify meeting Standard #1. This project sits between a current live/work project to the north and a large residential area just south of the railroad. Objective 8 of the recently completed strategic plan states that the Town should “promote cost-effective solutions in maintaining adequate housing supply and support for the entire population”, staff believes this development satisfies this objective.

The added commercial spaces provide unique opportunities for smaller-scale operations in a commercially active area of Town. To better manage the growth of residential units on Chambers, staff is undergoing the process to revise the land-use code provision enabling this type of accessory residential. Staff is also in favor of conducting an East Chambers Small Area Plan to better understand and guide development in this area of Town. Under current regulations and plans, staff believes this project meets the precedent and consistent application of policy in meeting standard #1.

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

The Commercial General zone district is one of the more flexible and broad zone districts within the town. Allowable uses include second floor residential, lodging, retail, commercial offices, and warehouses. More impactful uses such as dry cleaning plant, manufacturing, and petroleum products bulk plant are permitted with a Special Use Permit.

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

- Future Climbing Gym and affiliated Live/Work units (around 18 residential units)
- Eagle Villas (around 120 residential units)
- Castle Peak Veterinary Services
- Automotive Service Establishments
- Restaurants
- Gas Stations
- USPS Post Office
- Commercial retail and offices

Staff believes that the use is compatible with existing and allowed uses surrounding or affected by the proposed use.

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.

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.

As part of the 700 Chambers Subdivision, an access easement was placed across the subject property to create a consistent access from Chambers Avenue to Sawatch Road. As part of the Climbing Gym terms, this access will be developed as an emergency access. This emergency access will then become a permanent access as a condition for approval for the development permit approval for this mixed-use project. Dedicated pedestrian easements will also be required to ensure pedestrian access along the property's main drive.

The required parking for the project is a total of 108 spaces. The calculation (accord is as follows:

8 two-bedroom units at two spaces each = 16 spaces
12 one-bedroom units at 1.5 spaces each = 18 spaces
1 guest parking space per 6 residential units = 3 spaces
1 space per 225 sqft of commercial space = 71 spaces

The proposed spaces provided include 28 underground spaces per building (56 total) and 34 surface lot spaces for a grand total of 90 provided spaces. This falls short 18 spaces, or 17%, of the required off-street parking. The proposed 5 spaces in the southwest corner of the property are not viable due to existing retention and drainage easements. In previous similar applications for this area, the highest percentage reduction granted was a 7% reduction. Although there will certainly be some effect of complimentary uses due to the shared uses/time of day arrangement, staff believes the maximum percentage reduction should not exceed 10% based on application materials received thus far.

In the recently completed downtown parking study, there is a suggestion that the Town consider up to a 25% reduction in off-street parking requirements, but only if a "shared parking study performed by a third party experienced in producing such studies" be completed for the project. Staff believes that such a study would be necessary in approving a parking reduction higher than 10% of the requirement.

Standard #4 – Not Applicable

STAFF RECOMMENDATION:

1. Staff recommends approval of a Special Use Permit to allow for a Live/Work project in the Commercial General (CG) Zone Districts at 263 and 483 Sawatch Road with the following conditions:
 - a. A maximum of 20 residential units.
 - b. The residential units cannot be sold separately from the accessory commercial units below.
 - c. A maximum 17% reduction in parking requirements.
 - d. Access control to prevent vehicular through access into lot 1 from lots 2 and 3.

PLANNING & ZONING COMMISSION

1. Questions of Staff/Applicant
2. Public Comment
3. Deliberations

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 37
(Series of 2020)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
APPROVING A SPECIAL USE PERMIT FOR 263 AND 483 SAWATCH ROAD

WHEREAS, on March 20, 2020, Dave Dantas and Jeffrey Manley of Martin Manley Architects (collectively, the "Applicant") submitted an application for a Special Use Permit (the "Application") to allow for 19 accessory dwelling units to be constructed at 263 and 483 Sawatch Road, Eagle, Colorado (the "Property");

WHEREAS, the Property is located in the Commercial General Zone District;

WHEREAS, one single dwelling unit – accessory to a use permitted is a special use in the Commercial General Zone District;

WHEREAS, on July 7, 2020 Planning and Zoning Commission held a properly noticed public hearing on the Application and recommended that the Town Council approve the Application with conditions;

WHEREAS, on July 14, 2020, the Town Council held a properly noticed public hearing on the Application; and

WHEREAS, the Town Council, upon reviewing the recommendation of the Planning and Zoning Commission, and upon hearing the statements of staff and the public, and giving due consideration to the matter, determines as provided below.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AS FOLLOWS:

Section 1. Findings. The Town Council finds that the Application is improved but substantially similar to SU17-06, which was generally approved under the same Code and Plan.

Section 2. Decision. Based on the foregoing findings, the Town Council hereby approves the Application and issues the associated Special Use Permit, subject to the following conditions:

- a. Permit #SU17-06 will be null and void upon issuance of a permit for SU20-01;
- b. There shall be a maximum of 19 accessory residential units on the Property, with up to 10 units at 263 Sawatch (Lot 2), and up to 9 units at 483 Sawatch (Lot 3);
- c. The dwelling units shall remain as *Accessory* as defined in the Eagle Municipal Code; and

d. All site-specific development improvements including without limitation parking, landscaping, impervious coverage, access, setbacks, will be considered as part of the Development Review process.

Section 3. Expiration. If, within three years of the date of this Resolution, no building permit has been issued for the special use, the Special Use Permit shall automatically terminate, without further action of the Town.

INTRODUCED, READ, PASSED AND ADOPTED ON JULY 14, 2020.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Town Council

From: Bill Shrum, Assistant to the Town Manager

Date: July 14, 2020

Agenda Item: Resolution 38, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving the Franchise Termination Agreement between the Town of Eagle and CenturyTel Broadband Services, Inc."

REQUEST: Staff requests that the Town Council review Resolution 38, Series 2020 regarding the termination of the Franchise agreement with CenturyTel Broadband Services, Inc. (CBSI).

INTRODUCTION: The Franchise agreement with CenturyTel was initially signed with Ordinance 12, Series 1982 on October 26, 1982. Recently, the Town renewed the Franchise April 25, 2014 for a period of 10 years. CenturyTel notified the Town that they intended to cease cable service in Eagle under the trade name "PRISM", and that service would cease June 30, 2020. Legal staff representing the Town has been in negotiation with CenturyTel prior to that date to reach a franchise termination agreement that would meet the needs of both parties.

ANALYSIS: The Franchise Agreement between CenturyTel and the Town of Eagle only pertains to the provision of cable services (video) for the Town of Eagle. Broadband internet and other services provided by CenturyTel are not services covered under the existing franchise agreement.

A franchise agreement allows the Town to regulate the use of rights of way and utility easements for service, in exchange for a franchise fee. These regulations contain provisions for the Town to audit a franchise holder for the use of assets placed in the Town rights of way and provide tools for the Town to have these assets managed by the franchise holder. Some of these rights persist through the termination of the franchise agreement, as listed in the resolution. It is the advice of legal counsel for the Town that right of way management tools lost in the franchise provisions be added to the Town Code as an ordinance to address rights of way management, and not added to the termination agreement.

COMMUNITY INPUT: There is no community input required at this time.

BUDGET / STAFF IMPACT: The Franchise Termination Agreement retains the license fee CenturyTel must pay to the Town of Eagle through the duration of the agreement. Our yearly franchise fee payment is roughly \$9,000, and due to the low number of video subscribers the resulting fee is anticipated to decrease only slightly.

RECOMMENDED ACTION OR PROPOSED MOTION: Staff recommends the Council make a motion to **approve** or **deny** Resolution 38, Series 2020, "A resolution of the Town Council of the Town of Eagle,

Colorado, approving the franchise termination agreement between the Town of Eagle and CenturyTel Broadband Services, Inc.”

ATTACHMENTS:

Resolution 38-2020 Termination of the CBSI Franchise.pdf

CenturyTel Franchise Termination Agreement for the Town of Eagle.pdf

**TOWN OF EAGLE, COLORADO
RESOLUTION #38
(SERIES 2020)**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO,
APPROVING THE FRANCHISE TERMINATION AGREEMENT BETWEEN THE TOWN
OF EAGLE AND CENTURYTEL BROADBAND SERVICES, INC.

WHEREAS, CenturyTel Broadband Services, Inc. (CBSI) renewed their franchise agreement with the Town of Eagle on April 25, 2014; and

WHEREAS, the franchise agreement is scheduled to expire on April 25, 2024; and

WHEREAS, the franchise agreement allows for CBSI to provide cable services within the Town rights of way; and

WHEREAS, CBSI has notified the Town that it will cease provide cable services on or before June 30, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE EAGLE TOWN COUNCIL:

Section 1. The Town of Eagle will affirm the Termination of its Franchise Agreement with CenturyTel Broadband Services, Inc. effective June 30, 2020.

Section 2. Stated in the Termination of Franchise, the following sections of the agreement will survive termination.

- A. Section 3.1, Franchise Fee.
- B. Section 3.2, PEG (Public, Education and Government) Fee Support
- C. Section 3.3, Payments
- D. Section 3.6, Audits
- E. Section 3.8, Interest on Late Payments
- F. Section 3.10, Payment on Termination
- G. Section 3.12, Tax Liability
- H. Section 5, Financial and Insurance Requirements
- I. Section 7. Reports and Records
- J. Sections 16.1 – 16.3, Procedure for Remedying Agreement Violations, Alternative Remedies and Assessment of Monetary Damages
- K. Section 20.4, Venue
- L. Section 20.13, Attorneys' Fee

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the Town Council of the Town of Eagle, Colorado, held on July 14th, 2020.

TOWN OF EAGLE, COLORADO

By: _____
Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

FRANCHISE TERMINATION AGREEMENT

This Franchise Termination Agreement ("Termination") is entered into on this ____ day of _____ 2020 by and between The Town of Eagle (the "Town"), a municipal corporation, and CenturyTel Broadband Services, Inc. (hereinafter "CBSI"). The Town and CBSI shall sometimes be referred to herein individually as a "Party" and collectively as the "Parties."

1. This Termination terminates the cable franchise agreement between the Town and CBSI entered into on or about April 25, 2014 (the "Franchise").

2. The Franchise is scheduled to expire on April 25, 2024.

3. Section 2.1 (A) of the Franchise is a grant of a right to use Town rights of way to provide cable service and the imposition of an obligation on CBSI to provide the cable services contemplated in the Franchise. CBSI has informed the Town that it intends to cease providing services prior to the end of the Initial Term, which would otherwise constitute a violation of Section 2.1 (A) and 2.8 (3) of the Franchise. The Parties have agreed however, subject to the Franchise Sections listed under Paragraph 4 below, to terminate the Franchise. The termination date of the Franchise shall be June 30, 2020.

4. The Franchise provisions listed below shall survive termination.

- A. Section 3.1, Franchise Fee.
- B. Section 3.2, PEG (Public, Education and Government) Fee Support
- C. Section 3.3, Payments
- D. Section 3.6, Audits
- E. Section 3.8, Interest on Late Payments
- F. Section 3.10, Payment on Termination
- G. Section 3.12, Tax Liability
- H. Section 5, Financial and Insurance Requirements
- I. Section 7. Reports and Records
- J. Sections 16.1 – 16.3, Procedure for Remedying Agreement Violations, Alternative Remedies and Assessment of Monetary Damages
- K. Section 20.4, Venue
- L. Section 20.13, Attorneys' Fee

IN WITNESS WHEREOF, the parties have caused this Termination to be executed in their respective names on the date of this Termination and effective as of June 30, 2020.

CENTURYTEL BROADBAND SERVICE, INC.

THE TOWN OF EAGLE

Signature

Signature

Name

Name

Title

Title

Date

Date



To: Mayor Turnipseed and Town Council

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

Date: July 14, 2020

Agenda Item: ORDINANCE 19-2020 AMENDING TITLE 4 OF THE EAGLE MUNICIPAL CODE TO PROVIDE FOR AN AUTOMATIC TERMINATION OF CERTAIN LAND USE APPROVALS IF CONDITIONS OF APPROVAL ARE NOT SATISFIED OR DOCUMENTS ARE NOT TIMELY RECORDED

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. More specifically, an automatic termination of certain approvals under certain circumstances.

INTRODUCTION:

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

On May 5, 2020 and May 12, 2020 the Planning & Zoning Commission and the Town Council requested that staff and the attorney draft an Ordinance to remedy a shortcoming in processes within Title 4.

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 on 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>. At the July 7, 2020 Planning and Zoning Commission meeting, the Commission voted unanimously to recommend approval of the language contained within the attached draft ordinance.

PROPOSED AMENDMENT:

Chapter 4.05 of the Eagle Municipal Code will be 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 OR PROPOSED MOTION:

Staff recommends to Town Council to support the recommendation from the Planning and Zoning Commission to adopt the draft language as an amendment to Title 4 of the Municipal Code.

Motion to approve or deny the adoption of Ordinance No. 19, Series 2020, “AN ORDINANCE AMENDING TITLE 4 OF THE EAGLE MUNICIPAL CODE TO PROVIDE FOR AN AUTOMATIC TERMINATION OF CERTAIN LAND USE APPROVALS IF CONDITIONS OF APPROVAL ARE NOT SATISFIED OR DOCUMENTS ARE NOT TIMELY RECORDED”

ATTACHMENTS:

- Ordinance 19-2020
- Minutes of the Planning & Zoning Commission Public Hearing dated June 2, 2020.

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 19-2020
(Series of 2020)

AN ORDINANCE AMENDING TITLE 4 OF THE EAGLE MUNICIPAL CODE TO PROVIDE FOR AN AUTOMATIC TERMINATION OF CERTAIN LAND USE APPROVALS IF CONDITIONS OF APPROVAL ARE NOT SATISFIED OR DOCUMENTS ARE NOT TIMELY RECORDED

NOW BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AS FOLLOWS:

Section 1. 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.

Section 4. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 5. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON JULY 14, 2020.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk



Planning & Zoning Commission
Tuesday, July 7, 2020
6:00 PM

COMMISSIONERS PRESENT

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

COMMISSIONERS ABSENT

Brent McFall

STAFF

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

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.

STAFF PRESENTATION - Phillips presented the staff report.

Q&A - None

PUBLIC COMMENT - There was no public in attendance.

DELIBERATION

Chair Hood stated that this was already discussed at the June 16th meeting. There were no additional comments from the Commissioners.

MOTION: COMMISSIONER JESSE GREGG MOTIONED TO APPROVE 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. MOTION WAS SECONDED BY COMMISSIONER KYLE HOILAND AND PASSED WITH A VOTE OF 7 (TOWNSEND, WEBB, GREGG, HOOD, HOILAND, PERKINS AND NUTKINS) IN FAVOR AND 0 OPPOSED.



To: Mayor and Town Council

From: Brandy Reitter, Town Manager

Date: July 14, 2020

Agenda Item: CARES Act Funding Proposal

REQUEST:

Staff requests that the Town Council review funding proposal ideas for the CARES Act relief money allocated to the Town by Eagle County.

INTRODUCTION:

As part of the CARES Act, Congress allocated \$275M to counties and local governments in the State of Colorado. Since June 23, the Town executed the IGA with Eagle County and filled out the opt in paperwork to utilize these funds. At the last meeting, staff proposed a few ideas for how the Town Council could use funds while maintaining compliance with CARES Act requirements.

ANALYSIS:

CARES Act Funding Requirements

1. Necessary expenses incurred due to the public health emergency
2. Expenses not accounted for in the budget approved as of March 27, 2020
3. Expenses incurred beginning March 1, 2020, and ending on December 30, 2020

Provided in the budget section are specific funding scenarios. The allocation table presented on June 23 is below:

Organization	Estimated Costs	Amount Allocated
Eagle County Government	\$ 2,410,000	\$ 2,276,595
Town of Avon	\$ 596,877	\$ 563,837
Town of Basalt	\$ 235,503	\$ 222,467
Town of Eagle	\$ 105,000	\$ 99,188
Town of Gypsum	\$ 36,712	\$ -
Town of Minturn	\$ 46,600	\$ 44,020
Town of Red Cliff	\$ 46,614	\$ 44,034
Town of Vail	\$ 1,534,370	\$ 1,449,435
Total Estimate/Incurred Costs	\$ 5,011,676	\$ 4,699,577

** Gypsum decided to forego their allocation to further assist the County, Vail and Avon, stating that their community benefited from decisions made early on and will benefit from actions that will need to be taken to ensure that we have a successful ski season.*

COMMUNITY INPUT:

Input was given by all the jurisdictions in Eagle County.

BUDGET / STAFF IMPACT:

This request has a positive impact on the budget. Provided is a funding allocation summary:

The Town has incurred \$53,174 of COVID-19 expenses which will get reimbursed. Staff requested an additional \$46,014 to max out the possible allocation available to the Town of Eagle. Staff is projecting another \$15,000 in COVID-19 related operational expenditures through December for reimbursement. The remaining \$31,014 could be used by the Town Council for community relief according to the eligibility requirements. These funds must be spent no later than September 1, 2020.

Option 1:

Use funds to pay for current costs of \$53,174, projected costs of \$15,000 and use the remaining \$31,014 for community relief.

Option 2:

Use funds to cover projected costs of \$15,000 and use the remaining \$84,188 for community relief.

Option 3:

Use the total allocation of \$99,188 for community relief and not cover the Town's current costs of \$53,174 or projected costs of \$15,000.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This proposal does not align with the objectives in the strategic plan. However, it does support sound finances and appropriate investment. Since total projected 2020 yearend revenues are down by 18% and the town has incurred unexpected costs due to COVID-19. Reimbursements will help the Town's financial outlook.

RECOMMENDED ACTION OR PROPOSED MOTION:

There are 2 options for the Town Council to consider:

1. Give staff direction on the preferred funding allocation option above.
2. Give staff direction on the method for community relief.
 - a. Donate funding directly to a cause(s) – doesn't require staff time
 - b. Establish a COVID-19 relief fund like the community requests – requires staff time
 - c. Give it back to the County to provide relief – doesn't require staff time
 - d. A combination of (a) and (b)

ATTACHMENTS:

- None.



To: Mayor and Town Council

From: Brandy Reitter, Town Manager

Date: July 14, 2020

Agenda Item: Council Retreat Follow Up

REQUEST:

Staff requests that the Town Council give feedback on the next steps for the strategic plan process.

INTRODUCTION:

Staff and council members attended a 2-day retreat to discuss various topics which included developing the strategic plan. Town Council began the process for the strategic plan on June 26 and there a few steps remaining to finalize the plan. Staff has included next steps in the process as well as ideas for follow up. The purpose of this memo is to provide feedback and to share ideas.

ANALYSIS:

At the meeting on July 28, staff will include notes from the strategic plan session as well as a draft plan. The Town Council needs to discuss the process it would like to take in the review of the material. Below are a few ideas for consideration:

1. Schedule a work session with the consultant to help work through the draft plan
2. Schedule a work session without the consultant to cover topics prior to bringing the consultant back to work through the draft plan
3. Schedule a work session to work through the draft plan internally and then have the consultant polish the final draft

COMMUNITY INPUT:

Community input is not required.

BUDGET / STAFF IMPACT:

There is not a budget impact. However, if staff supports drafting the document, it will take resources.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This proposal does not align with the objectives in the strategic plan. However, it does support good planning. Part of good governance is developing a strategy and vision for the organization.

RECOMMENDED ACTION OR PROPOSED MOTION:

Give staff feedback on the next steps for the review and development of the strategic plan.

ATTACHMENTS:

- None.

2020 Eagle County 4-H Junior Livestock Virtual Auction



Kirchner Slaugh

Hello, my name is Kirchner Slaugh, I will be a freshman this fall at EVHS. When I'm not in school I enjoy playing ice hockey, lacrosse, and I love to skateboard. Although this is only my second year doing a 4-H related livestock project, I have raised turkeys and sold them to local families for Thanksgiving since I was eight years old.

Being a part of the 4-H program, I have learned much more about the science and business of raising livestock, as well as the husbandry involved in caring for and training larger animals. I will be entering my market lamb, *Chubbs* in the Junior Livestock Virtual Auction this year. Please log on to stockshowauctions.com and check out my profile, which includes more info about me, my 4-H experience, and photos of Chubbs. Your support of me and our local 4-H program would be greatly appreciated.

Eagle County 4-H Junior Livestock Virtual Auction

**Begins Friday, July 24, 3:00 PM (MST) and runs
through Saturday, July 25, 8:00 PM (MST)**

***Please log on and support me at
www.stockshowauctions.com***

Potential buyers will need to **register as a buyer** on the Stock Show Auctions website. This is a terminal auction and all animals will be processed at Mountain Meat Packing in Craig, CO. Meat will be delivered back to the Fairgrounds on Wednesday, August 12, 2020.





July 14, 2020

The Honorable Jared Polis
The Governor of Colorado
200 East Colfax Ave.
Denver, CO

Jill Hunsaker Ryan
Executive Director, CDPHE
4300 Cherry Creek Drive South
Denver, CO 80246

Dear Governor Polis and Director Ryan:

As we all weather the challenges brought on by Covid-19, the Town of Eagle is committed to doing whatever it takes to support a resilient and healthy community. Throughout this fall and winter, we strive to ensure that our schools and businesses have the ability to responsibly serve residents and visitors alike based on our Five Commitments to Containment:

- I will maintain 6 feet of social distance
- I will wash my hands often
- I will cover my face in public
- I will stay home when I am sick
- I will get tested immediately if I have symptoms.

A key component to the Five Commitments is the ability for individuals to get tested when necessary, and to receive their results quickly. In order to guarantee that this can occur, the Town of Eagle strongly believes that a uniform testing strategy is needed at the state-level. The strategy should focus testing based on need, avoiding misuse of the limited supply of testing equipment. Throughout our region, we have seen disparities in testing strategies, with testing being conducted even for the “worried well.” This statewide guidance should hold all counties, hospitals, and healthcare providers to the same standard while giving these entities the tools to responsibly administer tests.

We also believe that strong testing and communication systems should accompany this uniform testing strategy. The State should have a stable supply of testing equipment and reagents, and test results should also be consistently delivered within 48 hours. Recently, local healthcare providers have seen results take up to 8 to 10 days. In addition to a strong testing system, we believe that communications should also be robust and target key populations. Eagle County continues to see high numbers of visitors to our region. Tailoring communications to this group through various channels will prevent visitors

from coming to the state unwell and will help our visitors stay well while visiting. These systems are crucial to keeping our economy and healthcare systems going, and work should be done now to ensure that there is enough capacity across all of Colorado.

The Eagle Town Council strongly encourages that leadership within the Governor's Office and the Colorado Department of Public Health and Environment lead these efforts to develop not only the uniform strategy for testing across the state, but also build the infrastructure to support a robust testing system. We are ready and willing to assist with developing this strategy. We are grateful for the support already given to Eagle County by the State of Colorado and wish to ensure that it will continue throughout the duration of this pandemic.

Sincerely,

Scott Turnipseed, Mayor
Town of Eagle, Colorado
Scott.Turnipseed@townofeagle.org