



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

ON-LINE MEETING

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MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

- Virtual Meeting Procedure
- [Register in advance for this meeting here.](#)
- Public comments can be made when the Chair opens the public comment. Please prompt through Zoom to raise your hand and you will be called on when it is your turn.
- All public attendees will be muted during the meeting, unless the Chair or meeting facilitator invites them to speak live during the meeting.
- Meetings are recorded and will be published on the Town's web page.
- For technical difficulties, please email peyton.heizman@townofeagle.org and we will do our best to assist you.

6:00 PM - REGULAR MEETING CALLED TO ORDER

Chair Matthew Hood called the meeting to order at 6:00pm.

COMMISSIONERS PRESENT

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

APPROVAL OF MINUTES *Approval of the minutes from the June 16, 2020 meeting of the Planning and Zoning commission.*

1. Minutes dated June 16, 2020

MOTION: COMMISSIONER KYLE HOILAND MOTIONED TO APPROVE THE MINUTES. MOTION WAS SECONDED BY COMMISSIONER JESSE GREGG AND PASSED WITH A VOTE OF 5 (TOWNSEND, WEBB, GREGG, HOOD, AND HOILAND) IN FAVOR, 2 ABSTAINED (NUTKINS AND PERKINS) AND 0 OPPOSED.

PUBLIC COMMENT

Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person.

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

PUBLIC HEARINGS

1. Project: V20-02 770 Castle Drive Setback Variance
File # V20-02
Applicant: Cynthia and Otto Talley
Location 762 & 768 Castle Drive (previously known as 770 Castle Drive)
Staff Contact: Jessica Lake, Planner I
Request: Zoning Variance to reduce the side yard setback by 5-feet and the rear yard setback by 5-feet on two newly platted lots at 762 & 768 Castle Drive.

PUBLIC COMMENT

David Tymkovich and Bettie Tymkovich, 750 Castle Drive via email on July 4, 2020 2:58:44 PM

To Whom it May Concern,

The said property owners Cindy and Otto Talley have been wonderful neighbors of ours for over twenty years. We are pleased with the prospect of them doing major improvements on their property and we are confident they will complete a timely project that will benefit our neighborhood. The Talleys have our full support.

Sincerely,
David Tymkovich
Bettie Tymkovich
750 Castle Drive
Eagle, CO
970-988-2767

Lance & Lisa Schober, 773 Castle Drive sent via email on July 7, 2020 8:23 AM

My husband Lance, and I, are the property owners of 773 Castle Drive which is located directly across the street from the requested project. We are requesting that the P & Z Committee approve variance requests to reduce the rear & side yard setbacks in light of the following facts:

- The town of Eagle has been discussing the need for more affordable housing for quite some time. Considering that this project will address those needs, I feel the town should be more accommodating and approve these minor variances.

- The town required the Talleys to dedicate five feet of their property as public right of way without compensation. They had already designed the 2 homes for these lots before replatting based on setback requirements, and had come up with homes that will be able to serve the needs of the community. The requested reductions to setbacks due to the loss of that 5 feet, are minor and will not affect the cohesiveness of our neighborhood because there really is no cohesiveness at this point in time.
- The Talleys have already considered reducing the size of the homes or building second stories. In either of those cases, the changes required would no longer allow them to build the type of cost effective, affordable and functional homes that were originally planned which causes hardship.

Please give serious consideration to approving this variance request. We believe that these two new homes, as currently designed, will only serve to enhance our neighborhood.

Sincerely,
Lance & Lisa Schober
773 Castle Drive
970-306-5757

Vanda Whittaker, 771 Castle Dr. sent via email on July 6, 2020 10:50 PM

To members of the P&Z board,

I am writing on behalf of Cindy and Otto Talley and their request for a variance on their building site at 762 and 768 Castle Drive. I own a home directly across the street at 771 Castle dr. I have walked the Tally's property and been shown the plans with the variance. There will be no negative impact to parking, the street, or my property as a neighbor. The design is tasteful and appropriate for this neighborhood. Thank you for your consideration and I ask that you grant this variance.

Vanda Whittaker
771 Castle Dr.

Joyce Reiche, 771 Castle Drive via email sent on Tuesday, July 7, 2020 8:32 AM

To the Town of Eagle Planning Commissioners,

I am writing to give my support for the variance request for Cindy and Otto Talley at 762 and 768 Castle Drive. I have looked at their plan, and feel that the project will bring a much needed value to our neighborhood and the town.

Sincerely,
Joyce Reiche
771 Castle Drive
Eagle, CO

Louise Carter, 769 Castle Dr sent via email on July 6, 2020 9:22 PM

To Whom it concerns,

We live at 769 Castle Drive. We are close neighbors to the Talley's build project and though we are unable to attend the meeting regarding the Variance request, we would like to express our support for the variance request. We are confident that the project is fair and honest as Otto and Cindy Talley are.

Please grant them their request.

Rod and Louise Carter
769 Castle Dr, Eagle
970-376-5582

STAFF PRESENTATION

Staff reviewed the staff report from the packet for the variance.

Q&A

Nutkins asked if there is one side yard setback that is being broached. Lake replied, that there are two sides in the yard setback for each of the two lots. It is the stairs from the deck that are in the setback.

The applicants, Cindy Talley and Otto Talley, responded to the staff report. They addressed the requested for the setbacks and how these homes are designed for the senior community members.

Commissioner Nutkins asked if the applicants knew the setbacks prior to the platting, which they misunderstood an easement for a right of way.

Chair Hood asked for more information on the confusion with the right of way. Lake responded that the review comments were in there as a requirement and that she thinks the easement ended up in the conditions of approval because of the Brush Creek Extension. If the Town plans to connect Brush Creek road to Castle Drive, then this is why the easement was requested in the Plat.

Chair Hood asked if the future land use map indicates a road is going through Eagle County's property and connecting to Castle drive. Staff responded that the West Eagle Sub Area Plan calls for the connection between the two roads which is why five feet of the Tally's property was taken off their side of the road.

Commissioner Nutkins asked that if the design was based on mobility concerns, then why were there no ramps in the plans to get up to the house or larger doorways that would allow for wheelchair or bathroom ADA. Mrs. Talley responded that the houses are not designed for ADA, they are designed for the elderly that cannot get to bedrooms using stairs, so they designed the houses on one level

Commissioner Nutkins also added that if the proposed designs have ADUs, then the homes themselves will have to be Owner occupied in order to have the ADU occupied.

PUBLIC COMMENT

Chair Hood opened public comment at 6:29pm. There was no public comment.

DELIBERATION

Commissioner Gregg agrees with staff. The only hardship he sees is the financial one.

Commissioner Webb said that she really likes the project, and it would improve the neighborhood. She is having a hard time finding the hardship for the variance.

Commissioner Townsend agrees with staff. He does not see a hardship.

Commissioner Hoiland said that he does see a hardship. He believes it will benefit the neighborhood and Eagle. He is in favor of the variance.

Commissioner Nutkins agrees with staff. The hardship portion is hard for him to find. As an architect, he has designed 1300-square foot homes in spaces that the lots currently allow, and he believes there is room to fit a house and garage on this lot.

Commissioner Perkins said he does not have issues with the stairs on the side. He supports this variance, and he thinks this is good for the neighborhood. He sees this as a good project.

Chair Hood believes there is an argument to the five feet increase in the right of way. He thinks this is a nice project and that it fits well with the Town's goals. He struggles with the side yards' setbacks as he sees this as the design was intended for this variance.

MOTION: COMMISSIONER ROBERT TOWNSEND MOTIONED TO DENY THE ZONING VARIANCE V20-02 BASED ON STANDARDS (B), (C) AND (D) OF SECTION 4.05.020. OF THE MUNICIPAL CODE. MOTION WAS SECONDED BY COMMISSIONER BILL NUTKINS AND PASSED WITH A VOTE OF 5 (TOWNSEND, WEBB, GREGG, HOOD, AND NUTKINS) IN FAVOR AND 2 (HOILAND AND PERKINS) OPPOSED.

2. Project: SU20-01 263 & 483 Sawatch Special Use Permit (SUP)
File # SU20-01
Applicant: Dave Dantas
Location 263 & 483 Sawatch Road
Staff Contact: Jessica Lake, Planner I
Request: Request for a Special Use Permit to allow for 19 Accessory Dwelling Units under Section 4.04.070, *one single dwelling unit - accessory to a use permitted* in the Commercial General zone district, replacing permit #SU17-06.

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 creating 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 Municipal Code (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 (CG) zone district). He does not support this application as it does not comply with the CG zone district. He said that after the buildings are completed, there is going to be a combined 40+ residential units in the CG. 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 CG 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 for additional, 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 CG? 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 CG zone district. 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 CG zone district.

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 CD zone district? 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.

3. Project: Consideration of recommendation for approval regarding a possible amendment to the Municipal Code to create an automatic termination period for certain types of land use approvals.
- File # LURA20-02
- Applicant: Town of Eagle
- Location Town of Eagle
- Staff Contact: Chad Phillips, Community Development Director/Town Planner
- Request: Request for approval of amendments to the Municipal Code (Code) for the purpose of increasing the level of service, providing clarity, creating a simplified process, and supporting the Strategic Plan and other guiding documents.

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.

TOWN COUNCIL MEETING REVIEW

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

There is an RFP for the Hwy 6 corridor study. The East Eagle Sub Area Plan is under works and Phillips has been in contact with the consultant that turned in the proposal. It should be a three-month process. This area is under one property owner.

Chair Hood asked what the plan was for virtual or in-person meetings. Phillips informed the Commissioners that there are no updates at this time.

COMMUNITY DEVELOPMENT DEPARTMENT UPDATE

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

Staff is working with Logan Simpson on the Elevate Eagle Plan, specifically chapter 5 which are the goals and strategies. Staff is reviewing the 2010 Eagle Area Community Plan to integrate tools from this plan into the Elevate Eagle Plan. Staff is looking to have a joint worksession with P&Z and Town Council to review this plan.

When it is time to address Title 4, staff is not going to start from scratch. Staff is going to research various mountain communities to address the code.

OPEN DISCUSSION

None

ADJOURN

MOTION: COMMISSIONER JESSE GREGG MOTIONED TO ADJOURN. 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.

APPROVED:

DATE:

Matthew O. Hood

Matthew O. Hood (Sep 14, 2020 12:00 MDT)

Matthew Hood, Chair



Angie Kyle, Community Development Administrative Tech II