



AGENDA
Planning & Zoning Commission
Tuesday, February 16, 2021
6:00 PM

ON-LINE MEETING

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

PUBLIC WIFI - TOEG – townofeagle2019

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

1.
 - 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

MOMENT OF SILENCE

APPROVAL OF MINUTES *Approval of the minutes from the January 5, 2021 meeting of the Planning and Zoning commission.*

1. Minutes dated January 5, 2021

PUBLIC COMMENT

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

PUBLIC HEARINGS

1. Project: 700 Chamber Ave, Lot 3 Special Use Permit
File # SU21-01
Applicant: Richard Patriacca of DR Chambers, LLC
Location 700 Chambers Avenue, Lot 3
Staff Contact: Peyton Heitzman, Planner I
Request: Special use permit to change upstairs residential use from *One single dwelling unit - Accessory to a use permitted to Residential – Above Street Level*.

WORKSESSION

1. West Eagle Sub Area Plan (WESAP) Amendment

PRESENTATION

1. PZ Handbook

COMMUNITY DEVELOPMENT DEPARTMENT AND TOWN COUNCIL UPDATE

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

1. Department and Council Update

OPEN DISCUSSION

ADJOURN

I hereby certify that the above Notice of Meeting was posted by me in the designated location at least 24 hours prior to said meeting.



Jessica Lake
Planner I



AGENDA
Planning & Zoning Commission
Tuesday, January 5, 2021
6:00 PM

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6:00 PM - REGULAR MEETING CALLED TO ORDER

Co-Chair Gregg called the meeting to order at 6:00pm.

COMMISSIONERS PRESENT

Jesse Gregg, Kyle Hoiland, Bill Nutkins, Robert Townsend, Lani Webb, Keegan Winkeller, Charlie Perkins (joined at 6:06)

COMMISSIONERS ABSENT

Matthew Hood

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 December 15, 2020 meeting of the Planning and Zoning Commission.*

1. Minutes dated December 15, 2020

MOTION: COMMISSIONER KYLE HOILAND MOTIONED TO APPROVE THE MINUTES. MOTION WAS SECONDED BY COMMISSIONER BILL NUTKINS AND PASSED WITH A VOTE OF 6 (GREGG, NUTKINS, TOWNSEND, WEBB, WINKELLER, HOILAND) IN FAVOR AND 0 OPPOSED.

PUBLIC COMMENT

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

Co-Chair Gregg opened public comment at 6:02. There was no public comment. Public Comment closed at 6:03pm.

PUBLIC HEARINGS

1. Project: Haymeadow Filing 1, 1st Amendment
File # S20-01
Applicant: Brandon Cohen, Abrika Properties, LLC
Rick Pylman, Pylman & Associates
Location Haymeadow Filing 1 (a portion of the 660 acres along Brush Creek Rd)
Staff Contact: Jessica Lake, Planner I
Request: A request to update the final plat for Haymeadow Filing 1 to reflect as-built utilities and other minor adjustments.

STAFF PRESENTATION

Jessica Lake presented the file to request to update the final plat for Haymeadow Filing 1 to reflect as-built utilities and other minor adjustments. This project is an amended final plat, the original was approved by Council in the Spring of 2019. This amended plat revises easements from the first phase of construction, which included only infrastructure. This plat doesn't change any lot lines or densities within the project. Currently, the easements don't match up with the infrastructure that was installed; this is what this amendment seeks to address. The applicant provided staff with a version of the 2019 plat in which the changes were highlighted. This version was sent to other departments to aid in the review process.

The code does not specifically include a process to amend a final plat, but after discussions, staff determined that the final plat process was the most appropriate for this application. The Standards for Final Subdivision Plat are to Review for conformance with approved preliminary subdivision plan for compliance with the requirements for final subdivision plat. The Town's Engineer or surveying consultant shall compare the legal description of the subject property with the county records to ensure that: 1) The property described contains all contiguous single ownership; 2) The lots and parcels have descriptions which both close and contain the area indicated; and 3) The plat is correct in accordance with surveying and platting standards of the State.

Standard 1, Staff finds that the application is in general compliance with Code standards and is consistent with the final plat for Haymeadow Filing 1. Standard 2, The Town's surveyor has reviewed the legal

description and subsequent requirements and has provided comments. Staff is recommending a condition of approval for all staff/surveyor comments to be incorporated prior to recordation.

Staff recommends approval with conditions of file S20-01 Haymeadow Filing 1, 1st Amendment based on Standards (1) and (2) of Section 4.12.030. of the Municipal Code. Specifically, finding that the application: complies with the previously approved final plat for Haymeadow Filing 1 as required by Section 4.12.030.L.1; and has been reviewed by a surveying consultant and comments have been accepted by the applicant as required by Section 4.12.030.L.2.

Conditions of approval:

- Within 30 days of the date of this Resolution, the Applicant shall make technical changes to the Final Plat as directed by Town staff; and
- The Final Plat shall be recorded before March 1, 2021. The Town Planner may grant one administrative extension of this deadline, of up to 180 days, upon good cause shown. Any further extensions must be considered by the Town Council.

Q&A

Commissioner Hoiland asked if staff was made aware of the changes during the process or was staff just made aware of these? Staff responded that there were conversations with Public Works prior to the work and that everyone was aware that there were going to be changes after the fact. Dennis Wike, Town Engineer, informed that he started at the end of March and was involved with some of the work related to Haymeadow. John Boyd, Public Works Operations Manager and Dan McFadden, Public Works Inspector were working with Haymeadow representatives and were primarily involved in making these tweaks to the infrastructure plan. This file is to ensure that all these changes are being captured appropriately. These are all minor adjustments.

PUBLIC COMMENT

Co-Chair Gregg opened Public Comment at 6:10pm. There was no public comment. Public Comment closed at 6:10pm.

DELIBERATION

Commissioner Nutkins suggested that since Public Works has been working with the applicant, and that the file has been reviewed by Planning, that the Commission should go forward with a motion. Commissioner Webb agreed.

MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO APPROVE APPROVAL WITH CONDITIONS OF FILE S20-01 HAYMEADOW FILING 1, 1ST AMENDMENT BASED ON STANDARDS (1) AND (2) OF SECTION 4.12.030. OF THE MUNICIPAL CODE, WITH THE FOLLOWING CONDITIONS:

- 1. WITHIN 30 DAYS OF THE DATE OF THIS RESOLUTION, THE APPLICANT SHALL MAKE TECHNICAL CHANGES TO THE FINAL PLAT AS DIRECTED BY TOWN STAFF; AND**

2. THE FINAL PLAT SHALL BE RECORDED BEFORE MARCH 1, 2021. THE TOWN PLANNER MAY GRANT ONE ADMINISTRATIVE EXTENSION OF THIS DEADLINE, OF UP TO 180 DAYS, UPON GOOD CAUSE SHOWN. ANY FURTHER EXTENSIONS MUST BE CONSIDERED BY THE TOWN COUNCIL.

MOTION WAS SECONDED BY COMMISSIONER ROBERT TOWNSEND AND PASSED WITH A VOTE OF 7 (GREGG, NUTKINS, TOWNSEND, WEBB, WINKELLER, HOILAND, AND PERKINS) IN FAVOR AND 0 OPPOSED.

BUSINESS ITEMS

1. Presentation from Eagle County regarding the 2021 Eagle County Comprehensive Plan Update

Morgan Beryl, Community Development Director, Kris Valdez, Senior Planner, and Colton Berck, Associate Planner presented the status of the 2021 Eagle County Comprehensive Plan Update. The Eagle County Comprehensive Plan was last updated in 2006. They discussed that they are currently in Phase I due to COVID-19 restrictions. In Phase I, they will work through background and analysis. In Phase II, around August 2021, they will have a plan drafted, and in December 2021, they will have a final adopted plan.

Morgan went over the Collaboration Structure. This is to ensure that all voices are being heard. Eagle County went over their feedback loop, to create the plan, propose it, and then bring it to the project teams to gather their feedback. After, they would update and present to focus groups, technical groups, and Eagle County P&Z Commission. They would continue to update their document so they don't lose any voices. The guiding principles for this plan include health, equity, resilience, economic development, social and environmental justice, and umbrella plan. They are hoping that this will assist various departments, like housing, as a guiding plan.

Colton Berck presented on the coordination and community engagement of the plan. The three engagement values are 1) Inclusive, to including as many people as possible, 2) Engaging, to ensure people are genuinely interested in the content, and 3) Focused, to be thoughtful with the audience. He spoke on Eagle County VISTA which is a highly participatory community-driven process lead by Eagle County to identify a vision for the future of the region and the strategies and actions needed to make it a reality. VISTA's purpose is to build community, create vision for the future, and raise the bar on community engagement. VISTA is made up by three teams: VISTA Project Management Team, VISTA Stewardship Team, and VISTA Action Team. Eagle County is receiving services from L'Ange to ensure the LatinX community members' voices are included. Colton went over the Engagement Tools which he summarized as the County going out to solicit feedback. Kris Valdez went over the Technical Advisory Committee which is a diverse group of people to assist in advising and guide the plan. They opened up to questions to the P&Z commissioners. Chad asked if they are looking for volunteers. Kris said once they are through the background and analysis, they want to present back to the P&Z commission to gather feedback. Colton said he is recruiting for the Stewardship Team, he will send the nomination form to staff.

Commissioner Gregg asked about Economic Development. Colton discussed how the VISTA has been impacted with COVID-19 but it is now focusing on the Comprehensive Plan process. Eagle County is reaching out to small businesses to see how they are impacted.

Commissioner Perkins asked Chad if there is a map of the Town of Eagle boundary that shows what property is owned by Eagle County. He would find this helpful to understand what the county owns in our city limits. The Town of Eagle doesn't currently have a GIS in place, however this can be gathered from the Assessors. Morgan said they will send this to staff as the County puts these in place.

OPEN DISCUSSION

Commission Gregg asked if the Haymeadow re-zoning file was open. Staff responded that it is not yet opened.

Staff is not renewing the Logan Simpson contract for the code rewrite.

Commission Hoiland asked there is any progress on the joint housing project with the Eagle County. Chad informed that there was a West Eagle plan work session with Town Council because Eagle County wants to move forward with this project. The West Eagle plan is 10 years old and needs modernization. The revision of this plan is a low priority for staff however the Future Land Use map needs to be addressed because the county stated that they are going to annex into the Town of Eagle prior to developing the land. The current West Eagle Subarea plan maps shows that the Eagle County land they want to develop is zoned for senior housing, however that has changed with the development of Castle Peak. If they want to do a project that isn't senior housing related, then the map needs to be revised.

ADJOURN

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

I hereby certify that the above Notice of Meeting was posted by me in the designated location at least 24 hours prior to said meeting.



Jessica Lake
Planner I



STAFF REPORT AND CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Community Development Department

DATE: February 16, 2021

FILE NUMBER: SU21-01

PROJECT: 700 Chambers Ave., Lot 3

REQUEST: Request for a Special Use Permit to change the use category of the second-floor residential units in the existing structure from *One single dwelling unit – accessory to a use to Dwelling units – above street level*.

APPLICANT: Richard Patriacca

LOCATION: 700 Chambers Avenue, Lot 3, Building C

CODE: Chapter 4.04 Zoning
Chapter 4.05 Zoning Review
Chapter 4.07 Development Standards

ZONING: Commercial General (CG) Zone District

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

PUBLIC COMMENT: Staff has received 0 letters of public comment as of 2/12/2021. Letters received after this time will be gathered and entered into the public record at the hearing.

STAFF: Peyton Heitzman, Planner I – peyton.heizman@townofeagle.org

INTRODUCTION

On October 10, 2017, Town Council approved an amended Special Use Permit to allow residential units at 700 Chambers Avenue, Lot 3. The property is in the Commercial General (CG) zone district. The residential units were approved through the use category *One Single Dwelling Unit – Accessory to a use permitted*. At time of approval, the CG zone district only permitted residential as an Accessory use while all other residential uses were prohibited in the CG zone district. The Accessory residential use required the residential units to have an associated use permitted in the Land Use and Development Code's (Code) schedule of uses. For the 2017 approval, the permitted uses were classified as 'commercial,' with the specific use to be assigned at a later date.

The Planning Commission approved a Minor Development Permit on September 3, 2019 to allow for the construction of the building on Lot 3 with four commercial and two residential units on the first floor and four residential units on the second floor. The structure has been built and is currently occupied.

In 2020, Town Council amended the use category, *Dwelling units – above street level*, as a Special Use (S) in the CG zone district. The schedule of uses for nonresidential zone districts offers three residential use options that are reflected in the use chart below. The asterisk indicates that the use is not permitted.

ZONING DISTRICT	CBD	CL	CG	PA	I
USE					
Dwelling units - above street level	P	S	S	S	*
High density, multifamily dwelling ¹	S	*	*	*	*
One single dwelling unit - accessory to a use permitted	*	*	S	*	S

Schedule of uses in nonresidential zone districts ([Section 4.04.070](#) - Updated 2020)

The applicants are applying for a new Special Use Permit that would change the use of the upstairs residential units from Accessory residential to *Dwelling units – above street level*. The 2017 Special Use approval interpreted the Accessory residential use to require a one-to-one ratio of residential to commercial in order for each unit to meet the definition of Accessory. This request to change the residential use would remove the one-to-one ratio restriction. Without this restriction, the applicants would have the ability to subdivide the upstairs residential separate from the commercial. The two (2) street level residential units would continue as Accessory residential under the existing Special Use Permit.

ISSUES FOR DISCUSSION

1. Will the new residential use for the upstairs units (Dwelling units – above street level) be compatible with the surrounding area?
2. Does the proposed Special Use meet the Town’s goals, policies and plans?

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: This development’s Special Use Permit and Development Permit were approved under previous planning documents such as the 2010 Eagle Area Community Plan. Staff reviewed the proposed Special Use Permit against the recently adopted Elevate Eagle Comprehensive Plan (2020), the Town of Eagle Strategic Plan (2020), and Title 4 of the Land Use and Development Code to determine how the proposed use aligns (or does not align) with current Town of Eagle planning documents.

Elevate Eagle Comprehensive Plan (2020):

Chapter 4: Goals & Policies

Policy 1-1.1 Ensure a healthy mix of housing types and densities (e.g. Single-family, duplex, multifamily, mixed use, and accessory dwelling units) to allow for greater diversity.

Staff Comment: The development adds an alternative housing type to the Town’s housing portfolio. The change in residential use may result in fewer live-work units if residential units are sold separate from the commercial, however, more apartment style units will be available for families not wanting the commercial tied to their residential unit.

Policy 2-4.1.b Mixed-use developments should provide adequate pedestrian amenities/facilities including off street parking, sidewalks, landscaped areas/planters, gathering areas and nighttime lighting (that is appropriate to dark sky standards but provides adequate lighting for night recreation, safety, and entertainment).

Staff Comment: The Lot provides sufficient off-street parking for the proposed use. There is a small amount of green space behind the building and landscaping to the front, however, there are no public parks or recreation outdoor spaces along Chambers Avenue. The closest public park, Chambers Park, is approximately a half mile walk from the building. Public transportation is less than half a mile away with the nearby Eagle Chambers Park & Ride transit stop. Both require pedestrians to cross Eby Creek Road. The pedestrian bridge that connects to Market Street and grocery shopping is also easily accessible and within walking distance. Other amenities such as landscaping, sidewalks, and lighting were addressed under existing standards in Section 4.07 through the approved 2019 Minor Development Permit.

Policy 2-5.3 Support vertical mixed use, horizontal mixed use or a combination of mixed-use patterns in appropriate areas (such as the Broadway Street extension into the River Corridor Sub Area). Minimize the extension of mixed-use areas away from the Town Center in order to promote Broadway Street as the heart of the community.

Staff Comment: By changing the classification of the upstairs residential units, the residential would no longer be Accessory and the building may be considered a mixed use building though the term “mixed use” is not defined in the Code. The CG zone district may not be considered an “appropriate area” for mixed use due to its distance from Broadway Street. The goal does not prohibit the development of mixed-use outside of Broadway, rather it requests to “minimize” mixed use development. This goal may be intended for new development but could also be applied to re-development and existing development.

Policy 2-7.1 Portions of the I-70 Influence character area are intended to support commercial and industrial uses, exclusive of other uses. Improvements along Chambers Avenue and Market Streets are auto oriented with limited pedestrian amenities.

Staff Comment: As previously mentioned, there are limited pedestrian amenities, however there are sidewalks along both sides of Chambers Avenue for pedestrians. Staff is concerned that the resulting non-Accessory units may conflict with, rather than support, the by-right uses in this zone district. With the residential already constructed, the question is – does the change in use detract or support the commercial and industrial uses on Chambers Avenue?

Policy 2-7.2 Workforce housing that directly supports on-site commercial or light industrial uses is considered an acceptable amount of residential in these districts.

Staff Comment: The change in residential use would allow the residential units to be sold separate from the commercial units. This separation would allow the residential units to be sold to individuals not working out of the commercial units and arguably, no longer classify as workforce housing.

Town of Eagle Strategic Plan (2020):

Major Objective: Diversify the Attainable Housing Stock

The Town creates opportunities for a diversified, attainable housing stock for a variety of rental and purchase options.

Staff Comment: The change in residential use may allow the residential units upstairs to sell at a more affordable rate since the units will not be tied to the commercial use. This would create purchase options, should the owners choose to sell. Alternatively, the separation of residential and commercial units through this new Special Use Permit would remove the overall number of live/work units for purchase or rent along Chambers Avenue. For a buyer or small business owner looking for a live/work space, this could make a purchase of two separate units unattainable.

Title 4 – Land Use and Development Code

Chapter 4.07. – Development Standards

Section 4.07.070. – Chambers Avenue Area Commercial General (CG) zone district is “for commercial and tourist uses including lodging, dining, recreation facilities and compatible uses, and for heavier commercial uses, low impact manufacturing uses, and compatible uses.”

Staff Comment: The Code calls out the appropriate uses in the CG zone district, including the need for compatible uses within the zone district that is intended for commercial,

manufacturing, and tourism. The compatibility of residential with the other surrounding uses is an important consideration that staff analyses in further detail under Standard #2.

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

Staff Comment: Staff has evaluated the compatibility of the proposed use with the surrounding uses. Surrounding uses include a climbing gym, veterinary clinic and kennel, offices, restaurants, and other service establishments. There have been recent complaints from the residents of 700 Chambers Avenue about dogs barking on the adjacent property, which is an approved veterinary clinic with an outdoor kennel. Staff believes the change in residential use may result in an incompatibility issue if non-live/work units are added to an area where commercial and light industrial uses exist.

STANDARD #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.*

Staff Comment: Staff does not anticipate any additional traffic to be generated from the new Special Use classification. The building on Lot 3 provides 23 parking spaces though only 21 spaces are required per Section 4.07.140.C. The change in Special Use will not result in an need for additional parking spaces, resulting in adequate parking for the property.

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

Staff Comment: There are no special conditions for this specific use in Section 4.05.010 of the Code. This standard does not apply to this project.

STAFF RECOMMENDATION

The 2020 change to the schedule of uses in the Code has allowed for this type of Special Use Permit to be considered by the Planning and Zoning Commission and, ultimately, Town Council. The proposed use of the residential units from *Accessory residential* to *Dwelling units – above street level* may not result in a significant impact to the area aside from the ability of the owners to sell commercial separate from residential following the subdivision of the property.

Staff reviewed the application against Standards 1-4 of the Special Use Permit outlined in Section 4.05.010.A.1.a. Through this review, staff found that the application meets Standards (3) and (4). As the current applicant exists, Standard (1) and (2) have not been met due to concerns with the compatibility of the change in residential use with surrounding uses. However, with the addition of the suggested condition of approval, staff recommends approval of this application.

1. The Condominium Association (or similar) will provide notice to residents through covenants that the dwellings are not part of a residential community and that residents should anticipate the noise generated from commercial uses in the area to be greater than that in a residential neighborhood.

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to Special Use Permit SU21-01:

1. Approve with no conditions: I move to APPROVE the Special Use Permit with no conditions, based on the following findings:

<insert findings>
2. Approve with conditions: I 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 move to CONTINUE the request for the 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 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 OF FACT

The application substantially meets the requirements for Title 4 of the Use and Development Code and supports the 2020 Elevate Eagle Comprehensive Plan and 2020 Strategic Plan.

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

1. The Condominium Association (or similar) will provide notice to residents through covenants that the dwellings are not part of a residential community and that residents should anticipate the noise generated from commercial uses in the area to be greater than that in a residential neighborhood.

Narrative Attachment

For Land Use & Development Application for Lot 3, Building C, Chambers Avenue Condominiums

Date of Application 1/15/2021

We are seeking approval for a new Special Use Permit to change the residential use in Building C, Lot 3, at 700 Chambers Avenue. We would like to change from *One Single Dwelling Unit- Accessory to a use permitted to Dwelling units-above street level*. This new residential use would allow us to subdivide the upper level residential units separate from the commercial units. The residential units on the ground floor would each be accessory to one of the commercial spaces to continue their Accessory residential status, since those units do not meet the terms of above street level. Having the ability to separate the units would allow us as business partners to have a clean division of the property to get separate loans for our portions. This is not necessarily a new application in that this application does continue residential use and has no additional impact on neighboring partners from what was approved prior. In this application, we are reconfiguring how the units within the building are deeded in order to comply with the newer *Dwelling units-above street level* residential use.

Agreed Upon Site/ Plat Information

The final plat for Lot 3 of the 700 Chambers Avenue Subdivision conforms to the preliminary plat that was reviewed and approved by the town. The final plat has addressed any concerns that were voiced by the town staff and town's engineers. Lots 3 and 4 complete the development that was previously approved by the Town of Eagle and under the current special use permit (file #SU15-05 A). Some information was updated within SU16-07 demonstrating continued conformance to the Town's regulations, goals and policies.

The proposed project meets the standards as provided in Section 4.07.022, including but not limited to setbacks, building massing/form/orientation, architectural detail, landscape/sidewalks, and parking

The proposed development is in conformance with the Town's goals and policies. The proposal will meet all of the development standards of the Commercial General zone district, as demonstrated in the sections below:

Cost Estimate for All on-site/off site Public improvements:

No Improvements are being constructed.

Variances: No Variances.

Utilities:

Water and sewer lines were extended to serve Lots 2-4 and was guaranteed in a Subdivision Improvement Agreement, which has been fulfilled. Electric, water and sewer have been extended to an easement serving lots 3 and 4 with the service points/connection points already in place. Adequate water and other services were verified as part of the Subdivision Improvement Agreement/review. The civil drawings are part of the original submittal.

Fire Protection Plan:

Though the project is within the 3 mile driving distance from the fire station, the building design will incorporate a fire sprinkler system and be equipped with a monitored alarm system to serve the whole building. During the design build process/layout of sprinkler heads there shall be a review by the Fire Marshal before installation of the systems. During the Special Use Permitting process the connection of the road through the property to Sawatch was reviewed and approved by the Fire Marshal. This connection was a requirement of the, in place, minor subdivision plan.

Lighting Design for Parking:

The lighting design was completed by RAB lighting and was attached to the original submittal. To comply with the lighting ordinance, the designer has targeted a min of 0.5 fc in the parking lot, and a max of 3 fc, with an avg: min of 4:1. This layout provides a min of 0.5 fc, a max of 4.8 fc, and an avg: min of 3.6:1

Compliance with the Town's Goals, Policies, and Regulations

The vision provided in the 2010 Eagle Area Community 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."

The residential/ commercial park at 700 Chambers is consistent with and in some ways furthers the goals and policies as provided in the 2010 Eagle Area Community Plan. Lot 3 is located close to the town center of Eagle and are located within the Town's Urban Growth Boundary. The building is in a planned residential/ commercial park built with materials and colors that improve the level of appearance in the area of Chambers Avenue through the design of the buildings, the harmonizing colors, and planned landscaping. The signage and future structures will correspond with this level of development and further enhance the appearance of Chambers Avenue.

The Eagle Area Community Plan also provides planning approaches which are vital to the Town's vision statement. Below, we address a few of these approaches we feel our buildings directly influence:

- 1) Concentrate Urban and Infill Development: Lot 3 is located within a platted residential/ commercial subdivision, surrounded by other commercial uses and within walking distance to Eagle town center and other commercial areas located off of Eby Creek Road.
- 2) Maintain the Area's "Sense of Community": the building is located in our residential/ commercial park that is unique, in that it provides recreational opportunities with the climbing gym for the community, which builds on Eagle's reputation for being an active place for residents and visitors. The commercial spaces are attracting businesses that deliver to the

recreational aspect of the town and also businesses that build on the family concept of the climbing gym too. The residential units are attracting tenants who want to be located close to work, those interested in the surrounding businesses, and those wanting to enjoy the local outdoors that are easily accessible via walking, biking, short drives, or the county bus.

- 3) Maintain and Enhance Recreational Opportunities: Recognizing that active recreational opportunities are important to Eagle residents, this residential/ commercial park project provides new opportunities for recreation for families and kids. The climbing gym expands the offerings for families in the valley. Dewey Dabbles is also very popular location for both adults and kids. We are hoping to continue to build upon new family options or businesses that support new options for families.
- 4) Provide Affordable Housing: This project provides a new opportunity for housing within a major commercial center and close to employment opportunities located within walking distance or accessed by the county bus which has a bus stop within a short walking distance. The recreational and family centered businesses have each been a draw for our residential tenants. Due to businesses within the area being family focused, we do background checks on the residential tenants. From the beginning, we have given rent discounts to teachers, firemen and policemen. Now during the pandemic, we have broaden those discounts to honor those frontline employees by offering a discount on rent of about \$200/month.

BUILDING 'C'

Eagle Center at
700 Chambers Ave

Lot 3

Development Set 6.10.19
REVISED 7.16.19

PROJECT INFORMATION

Owner: D R CHAMBERS LLC
PO BOX 2322
AVON, CO 81620

Location: 700 Chambers Avenue #C

LOT 3

Subdivision: 700 Chamber Avenue Subdivision
Lot: 3, A RESUBDIVISION OF LOT 1
Eagle, Colorado 81631
Parcel #: 1939-332-19-003

700 Chambers Avenue #D

LOT 4

Subdivision: 700 Chamber Avenue Subdivision
Lot: 4, A RESUBDIVISION OF LOT 1
Eagle, Colorado 81631
Parcel #: 1939-332-19-004

CODE: 2015 IBC

Class of Work: New

Type of Construction: Type V-B

Type of Occupancy: B/R-2 Mixed use

Type M was used for Occupancy since it is most restrictive

Sprinkler system with alarm: yes

Levels: 2-story

Architect: Martin Manley Architects

Jeffrey P Manley AIA

PO Box 1587

Eagle, CO 81631

970.328.5151

jeff@martinmanleyarchitects.com

ZONING SUMMARY

12" = 1'-0"

ZONING INFORMATION LOT 3

Lot area: .525 acres 22,869 s.f.
Building footprint: 4,366 s.f.
Roof area: 5,036 s.f.
Building area:

First Level = 4,366 s.f.
Second Level = 4,480 s.f.
Total = 8,846 s.f.

Commercial rental Floor Area total= 1,898 s.f. + GCE

Building occupancy = persons- see sheet A0.1 for calculations
Maximum Height = 35'-0".

Proposed Max Ridge height = 27'-3"

Landscape area required: 4,573.8 (20% of total)

Landscape area provided: 4,590 s.f. (20%)

Impervious coverage: by building, sidewalks, or parking:

Maximum allowed: 18,295.2 s.f. (80% of total),

Total impervious provided: 18,279 s.f. (80%)

Parking Requirements:

Parking 2 for each residential unit

2X6 units = 12 parking spaces

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

unit #1 commercial/retail floor space =220 s.f./225 = .97 parking spaces

unit #2 commercial/retail floor space =740 s.f./225 = 3.28 parking spaces

unit #3 commercial/retail floor space =703 s.f./225 = 3.24 parking spaces

unit #4 commercial/retail floor space =236 s.f./225 = 1.04 parking spaces

Total comerial/retail parking = 8.53 or 9 parking spaces

REQUIRED PARKING FOR LOT 3 = 12+9 =21 parking spaces

TOTAL PARKING PROVIDED FOR LOT 3 = 23 parking spaces (2 extra provided)

including 3 accessible parking stalls

NOTE: (2) Parking stalls in the northwest corner are used as part of the Lot 1 (Climbing Gym count)

Setbacks: Front: 17.5', Sideyard: 17.5', Back: 17.5'

ZONING INFORMATION LOT 4

Lot area: .568 acres 24,742 s.f.
Building footprint: 4,366 s.f.
Roof area: 5,036 s.f.
Building area:

First Level = 4,366 s.f.
Second Level = 4,480 s.f.
Total = 8,846 s.f.

Commercial rental Floor Area total= 1,898 s.f. + GCE

Building occupancy = persons- see sheet A0.1 for calculations

Maximum Height = 35'-0".

Proposed Max Ridge height = 27'-3"

Landscape area required: 4,948.42 s.f. (20% of total)

Landscape area provided: 6417 s.f. (26%)

Impervious coverage: by building, sidewalks, or parking:

Maximum allowed: 19,793.58 s.f. (80% of total),

Total impervious provided: 18,325 s.f. (74%)

Parking Requirements:

Parking 2 for each residential unit

2X6 units = 12 parking spaces

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

unit #1 commercial/retail floor space =236 s.f./225 = 1.04 parking spaces

unit #2 commercial/retail floor space =703 s.f./225 = 3.12 parking spaces

unit #3 commercial/retail floor space =740 s.f./225 = 3.28 parking spaces

unit #4 commercial/retail floor space =220s.f./225 = .97 parking spaces

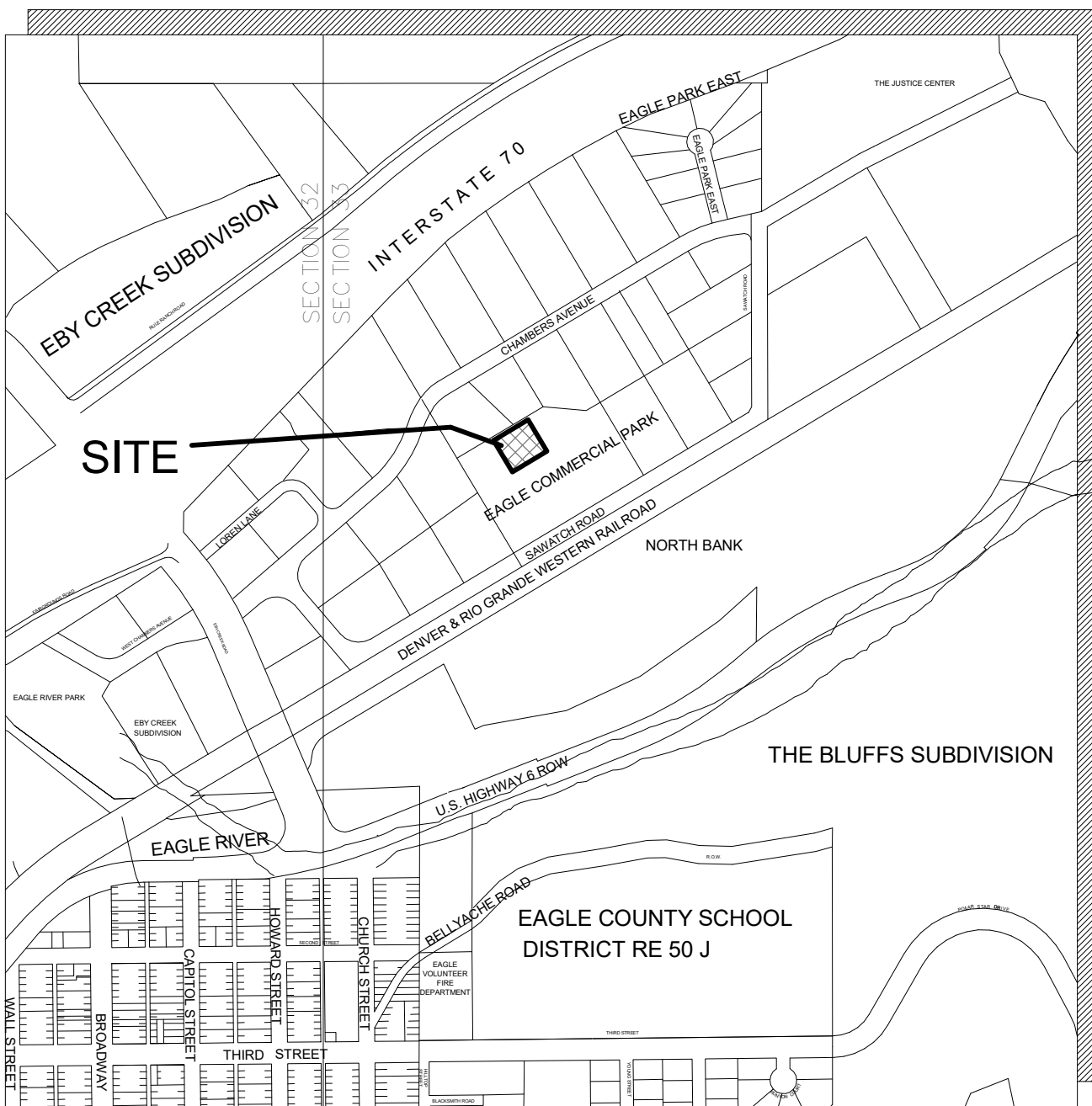
Total comerial/retail parking = 8.41 or 9 parking spaces

REQUIRED PARKING FOR LOT 4 = 12+9 =21 parking spaces

TOTAL PARKING PROVIDED FOR LOT 4 = 28 parking spaces (7 extra provided)

including 3 accessible parking stalls

Setbacks: Front: 17.5', Sideyard: 17.5', Back: 17.5'



VICINITY MAP SCALE 1" = 1000'

Section 33, T4S, R84W

Vicinity Map

1/4" = 1'-0"

EXTERIOR FINISHES

Roofing: ASPHALT SHINGLES, ELK-GAF
Color: BARKWOOD

Flashing and Gutters:
Paint lock aluminum
Color: DARK BRONZE

CEMENT STUCCO SYSTEM
LIGHT SAND TEXTURE (1.5 MEDIUM)
COLOR: STO
LTV= 32

Horizontal Siding system at corner bump-outs

10" Cement board lap siding (Hardie plank or sim.)

MATCHING COLORS OF LOT 1 CLIMBING GYM
confirm before application of any paint/finish
Country Red, Sand/tan, and LP Cedar
COLOR: Benjamin Moore

Sidewalks, curbs, and Entry walk:

Concrete, broom finish

Drive:

Asphalt parking lot and drive

Windows and doors:

Fiberglass windows and doors

Color: Brown

Fascia and Timbers roof supports

2X6 and 2x10 Fascia

8X8 Timbers

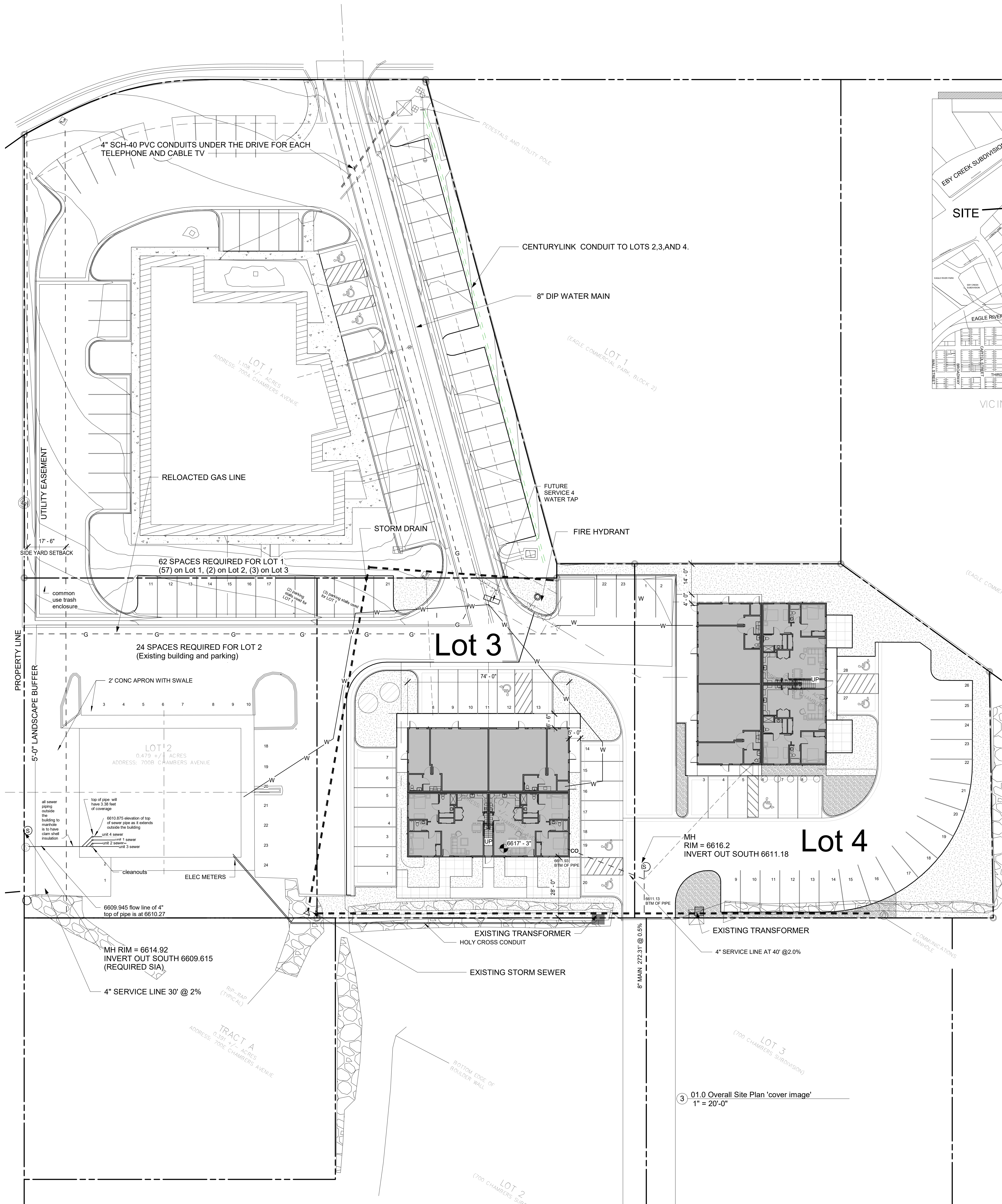
Rough sawn texture

COLOR: Benjamin Moore Fairview Taupe HC-85

Drawing List

Sheet Number	Sheet Name
A0.0	Cover Sheet
A0.1	Area Plans
A0.2	Accessible route
A1.1	Site Plan
A1.2	Landscape Plan
A2.1	First Level Plan
A2.2	Second Level Plan
A2.3	Roof Plan
A3.1	Exterior Elevations
A3.2	Exterior Elevations

Grand total: 10



MARTIN MANLEY
ARCHITECTS

970.328.5151 OFFICE
PO Box 1587, Eagle, CO 81631
www.martinmanleyarchitects.com

No.	Description	Date

Consultant
Address
Phone
e-mail

Consultant
Address
Phone
e-mail

Consultant
Address
Phone
e-mail

Consultant
Address
Phone
e-mail

BUILDING 'C'

LOT 3 DEVELOPMENT of Eagle Center

700 Chambers Avenue

Eagle, CO 81631

Development Permit Set

Date	07.17.19
Project number	1990
Cover Sheet	A0.0

Occupancy Calc. based on Table 1004.1:

Residential	200 gross per person
2nd Level unit 1	1120 s.f. / 200 s.f.per person= 5.6 persons per unit
2nd Level unit 2	1120 s.f. / 200 s.f.per person= 5.6 persons per unit
2nd Level unit 3	1151s.f. / 200 s.f.per person= 5.755 persons per unit
2nd Level unit 4	1151 s.f. / 200 s.f.per person= 5.755 persons per unit
2nd floor occupancy	= 22.71 persons

1st Level unit 5	1158 s.f. / 200 s.f.per person= 5.79 persons per unit
1st Level unit 6	1158 s.f. / 200 s.f.per person= 5.79 persons per unit
1st floor Residential occupancy	= 11.58 persons
Occupants	34.29 persons total Residential for building

Occupancy review

Business Area	100 gross per person
Mercantile Area at grade	30 gross
Mercantile Storage/Stock	300 gross

Most restrictive is Mercantile at grade @ 30 gross per person

1st Level Commercial unit 1 floor area	220 s.f.
1st Level Commercial unit 2 floor area	741 s.f.
1st floor Commercial areas sharing toilet facility=	961 s.f.
Commercial unit 1 and 2=	961 s.f. / 30 persons= 32.03 persons
1st Level Commercial unit 3 floor area	703 s.f.
1st Level Commercial unit 4 floor area	236 s.f.
1st floor Commercial areas sharing toilet facility=	939 s.f.
Commercial unit 1 and 2=	939 s.f. / 30 persons= 31.30 persons

Building Occupancy= 97.62 persons or 98 persons total for building

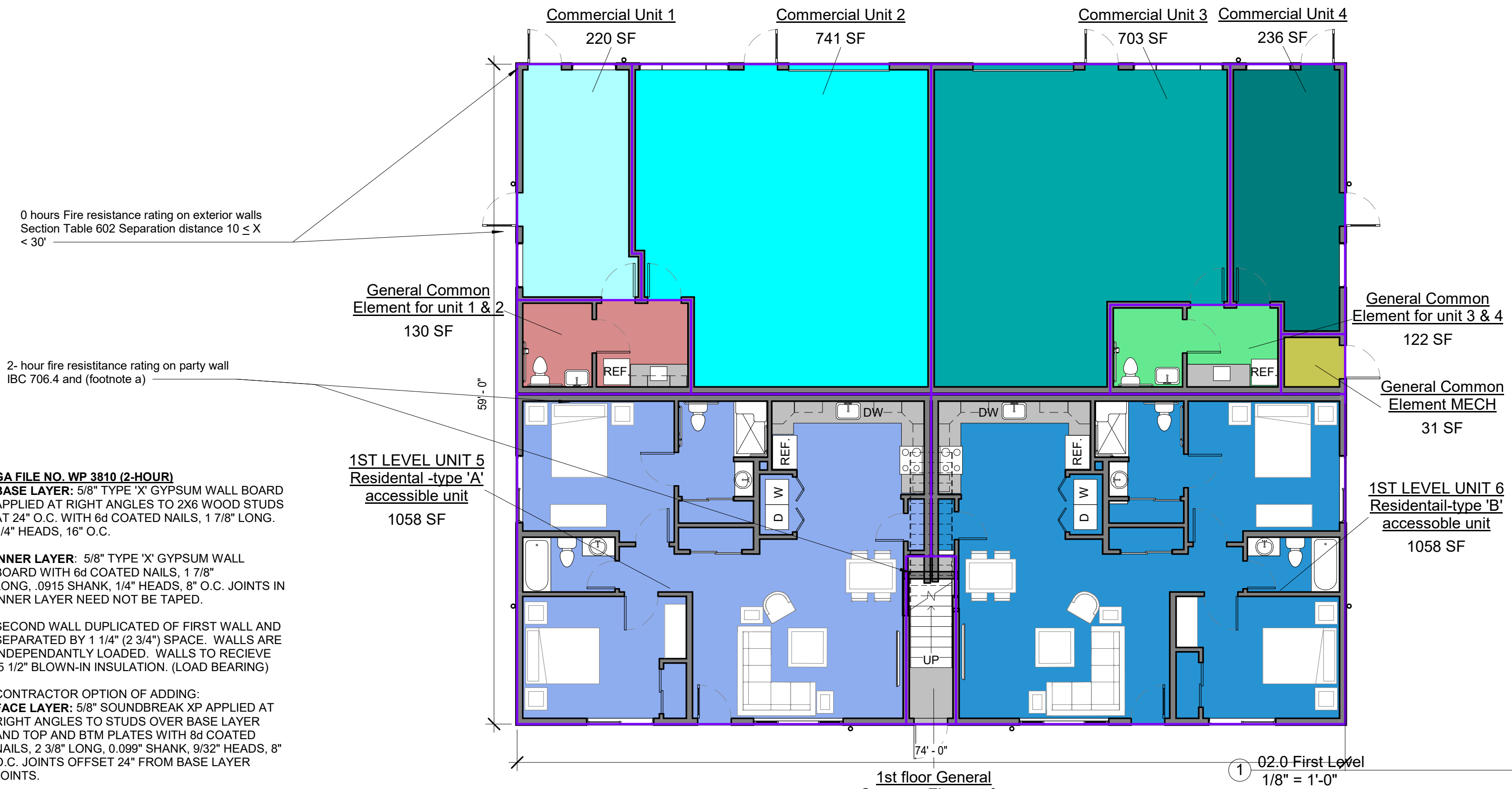
Unit occupancy=64 persons for Commercial use

Plumbing fixture calc: table 2902.1 for M occupancy

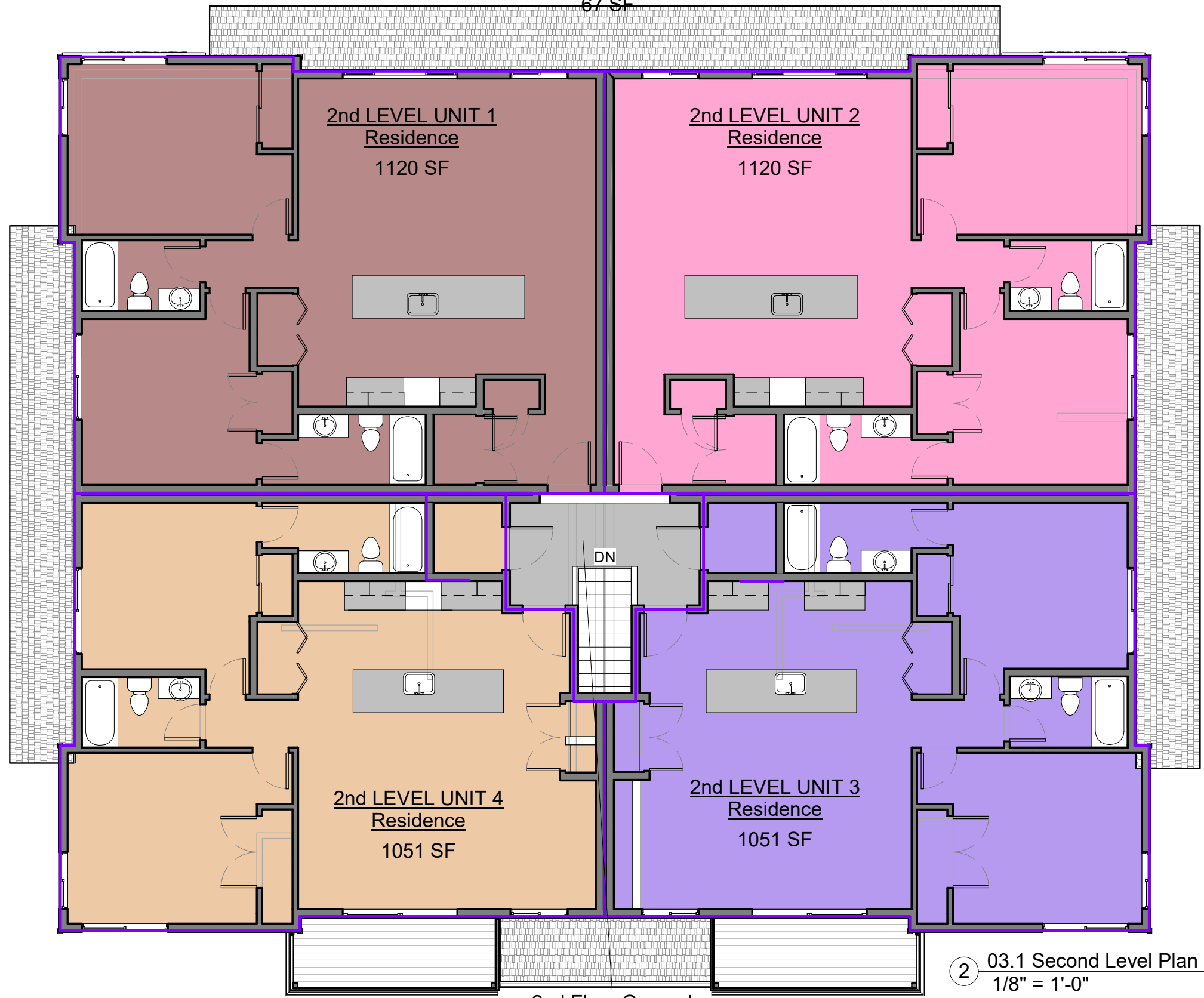
Total =	32.03 persons for Commercial unit 1 and 2
Total =	31.30 persons for Commercial unit 3 and 4
29.02.2 Separate Facilities, Exception #3 occupant load of 50 or less.	

REQUIRED BY CODE

vc/Men and wc/Women	lav/Men and lav/Women	Drinking fountain	mop sink
1	1	1 (bottled water)	1



1st floor General Common Element for upper level residences
67 SF



2nd Floor General Common Element for upper level residences
139 SF

TOTAL AREA OF BUILDING = 8,846 S.F.

Area Schedule (UNIT 1)	
Name	Area
2nd LEVEL UNIT 1 Residence	1120 SF
Grand total: 1	1120 SF

Area Schedule (UNIT 2)	
Name	Area
2nd LEVEL UNIT 2 Residence	1120 SF
Grand total: 1	1120 SF

Area Schedule (UNIT 3)	
Name	Area
2nd LEVEL UNIT 3 Residence	1051 SF
Grand total: 1	1051 SF

Area Schedule (UNIT 4)	
Name	Area
2nd LEVEL UNIT 4 Residence	1051 SF
Grand total: 1	1051 SF

Area Schedule (Common general element/Mech Closet)	
Name	Area
General Common Element MECH	31 SF
1st floor General Common Element for upper level residences	67 SF
General Common Element for unit 3 & 4	122 SF
General Common Element for unit 1 & 2	130 SF
2nd Floor General Common Element for upper level residences	139 SF
Grand total: 5	489 SF

Area Schedule (UNIT 5)	
Name	Area
1ST LEVEL UNIT 5 Residential -type 'A' accessible unit	1058 SF
Grand total: 1	1058 SF

Area Schedule (UNIT 6)	
Name	Area
1ST LEVEL UNIT 6 Residential-type 'B' accessible unit	1058 SF
Grand total: 1	1058 SF

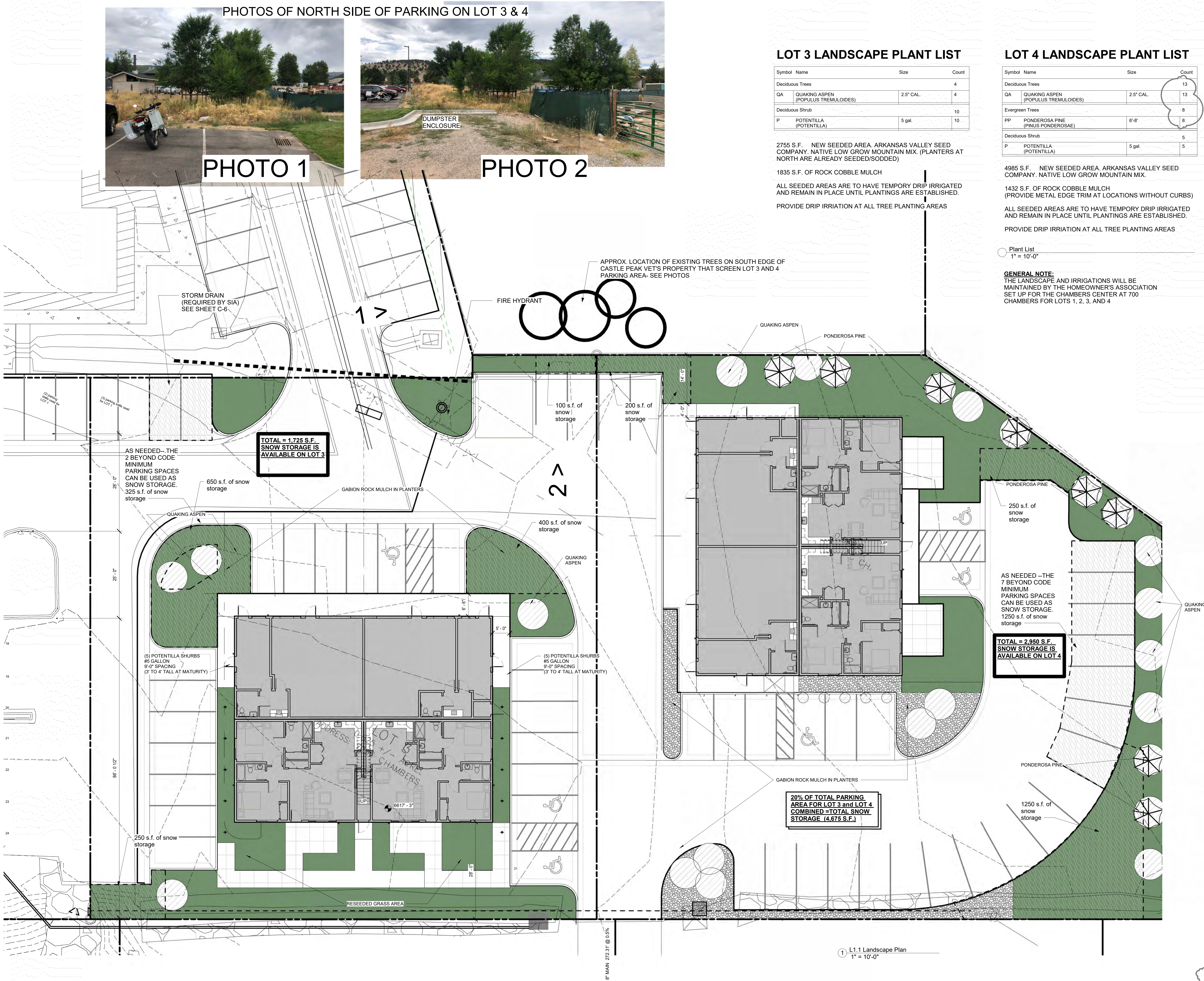
Area Schedule (commercial 1st level)	
Name	Area
Commercial Unit 1	220 SF
Commercial Unit 4	236 SF
Commercial Unit 3	703 SF
Commercial Unit 2	741 SF
Grand total: 4	1900 SF

REVISIONS	
No.	Description

Consultant Address	Consultant Address
Phone	Phone
Fax	Fax
e-mail	e-mail

Consultant Address	Consultant Address
Phone	Phone
Fax	Fax
e-mail	e-mail

Consultant Address	Consultant Address
Phone	Phone
Fax	Fax
e-mail	e-mail



PHOTOS OF NORTH SIDE OF PARKING ON LOT 3 & 4



LOT 3 LANDSCAPE PLANT LIST

Symbol	Name	Size	Count
Deciduous Trees			
QA	QUAKING ASPEN (POPULUS TREMULOIDES)	2.5" CAL.	4
Deciduous Shrub			
P	POTENTILLA (POTENTILLA)	5 gal.	10

2755 S.F. NEW SEEDDED AREA. ARKANSAS VALLEY SEED COMPANY. NATIVE LOW GROW MOUNTAIN MIX. (PLANTERS AT NORTH ARE ALREADY SEEDDED/SODDED)

1835 S.F. OF ROCK COBBLE MULCH

ALL SEEDDED AREAS ARE TO HAVE TEMPORY DRIP IRRIGATED AND REMAIN IN PLACE UNTIL PLANTINGS ARE ESTABLISHED.

PROVIDE DRIP IRRIGATION AT ALL TREE PLANTING AREAS

LOT 4 LANDSCAPE PLANT LIST

Symbol	Name	Size	Count
Deciduous Trees			
QA	QUAKING ASPEN (POPULUS TREMULOIDES)	2.5" CAL.	13
Evergreen Trees			
PP	PONDEROSA PINE (PINUS PONDEROSAE)	6"-8"	8
Deciduous Shrub			
P	POTENTILLA (POTENTILLA)	5 gal.	5

4985 S.F. NEW SEEDDED AREA. ARKANSAS VALLEY SEED COMPANY. NATIVE LOW GROW MOUNTAIN MIX.

1432 S.F. OF ROCK COBBLE MULCH (PROVIDE METAL EDGE TRIM AT LOCATIONS WITHOUT CURBS)

ALL SEEDDED AREAS ARE TO HAVE TEMPORY DRIP IRRIGATED AND REMAIN IN PLACE UNTIL PLANTINGS ARE ESTABLISHED.

PROVIDE DRIP IRRIGATION AT ALL TREE PLANTING AREAS

Plant List
1" = 10'-0"

GENERAL NOTE:
THE LANDSCAPE AND IRRIGATIONS WILL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION SET UP FOR THE CHAMBERS CENTER AT 700 CHAMBERS FOR LOTS 1, 2, 3, AND 4

MARTIN MANLEY ARCHITECTS

970.328.5151 OFFICE
PO Box 1587 Eagle, CO 81631
www.martinmanleyarchitects.com

No.	Description	Date
1	LANDSCAPE PLAN AND SNOW STORAGE	8/29/19

Consultant	Address	Phone	e-mail
Consultant	Address	Phone	e-mail
Consultant	Address	Phone	e-mail

BUILDING 'C'
LOT 3 DEVELOPMENT of Eagle Center
700 Chambers Avenue Eagle, CO 81631
Development Permit Set

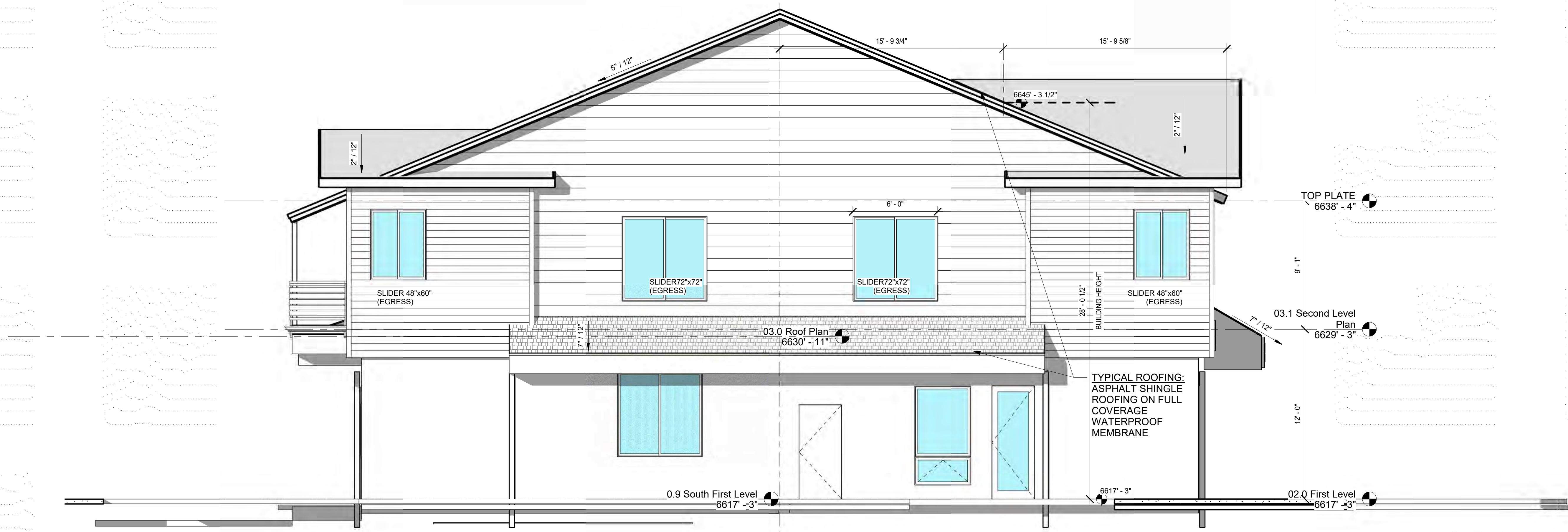
STATE OF COLORADO
JEFFREY P. MANLEY
400519
LICENSED ARCHITECT

Date	07.17.19
Project number	1990
Landscape Plan	

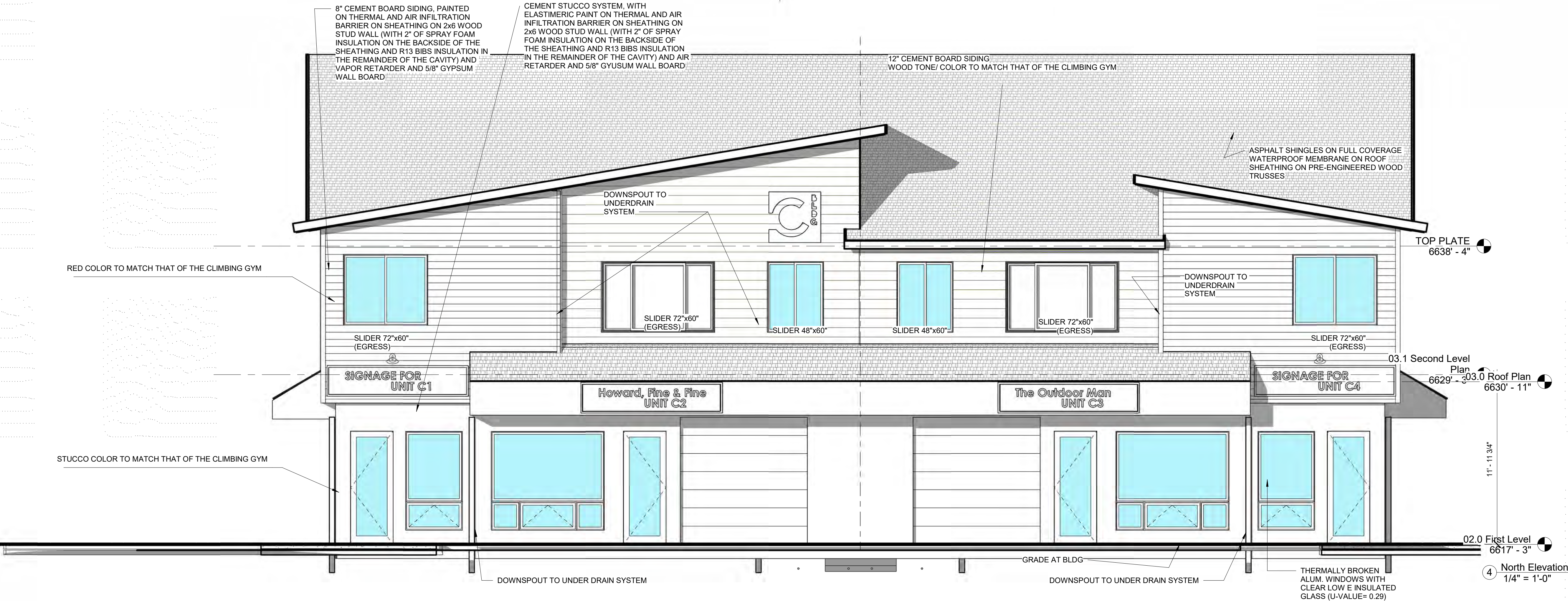
A1.2



2 3D lot 3 from northeast



3 East Elevation
1/4" = 1'-0"



4 North Elevation
1/4" = 1'-0"

REVISIONS			Date
No.	Description		

Consultant
Address
Phone
e-mail

Consultant
Address
Phone
e-mail

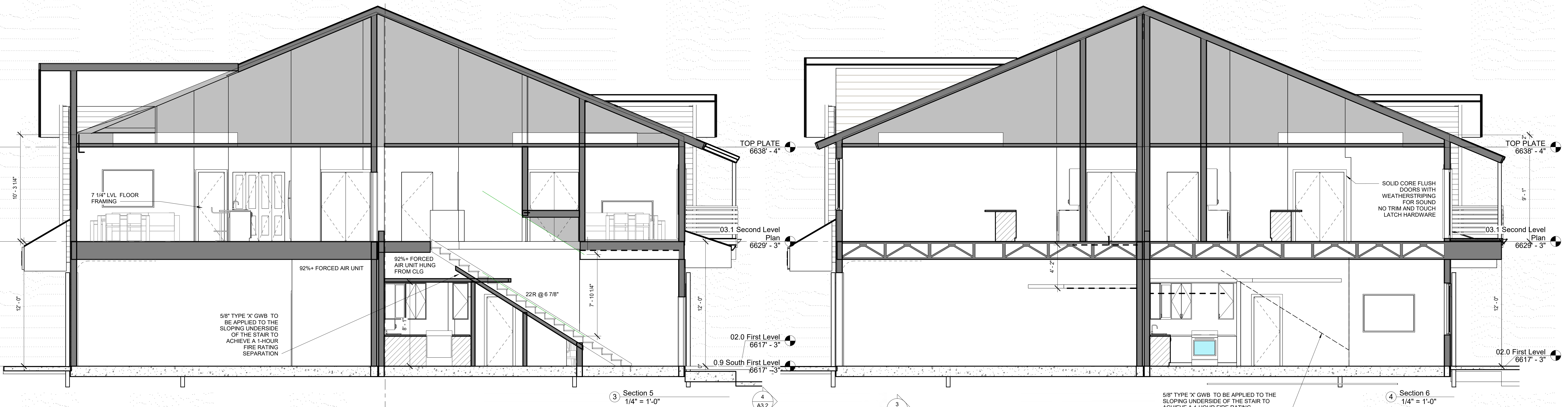
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Address
Phone
e-mail

Consultant
Address
Phone
e-mail

BUILDING 'C'
LOT 3 DEVELOPMENT of Eagle Center
700 Chambers Avenue Eagle, CO 81631
Development Permit Set



Date	07.17.19
Project number	1990
Exterior Elevations	A3.1



No.	Description	Date
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Address	Consultant
Address	Address
Phone	Phone
Fax	Fax
e-mail	e-mail

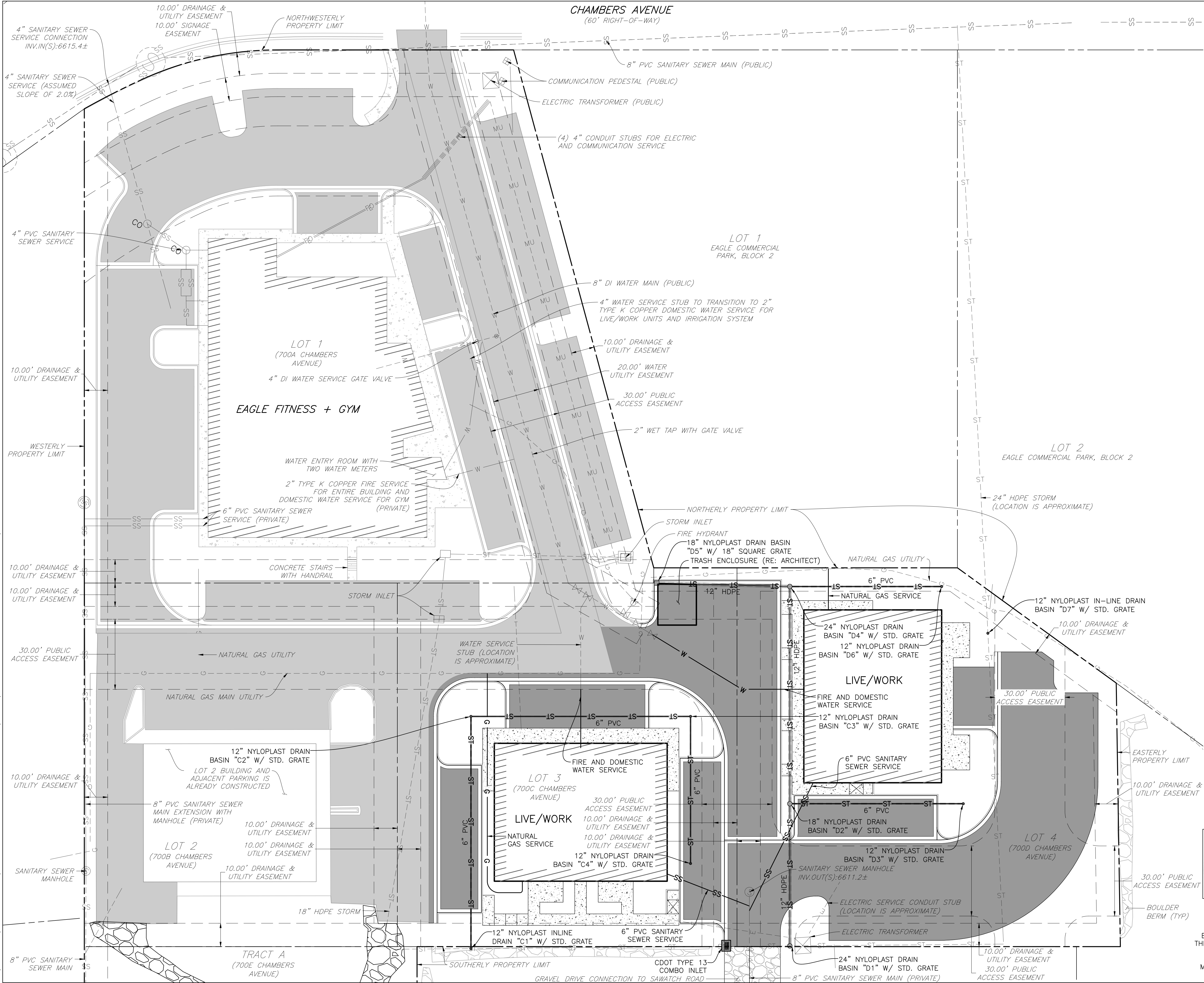
Consultant
Address
Address
Phone
Fax
e-mail

BUILDING 'C'
LOT 3 DEVELOPMENT of Eagle Center
7700 Chambers Avenue Eagle, CO 81631
Development Permit Set

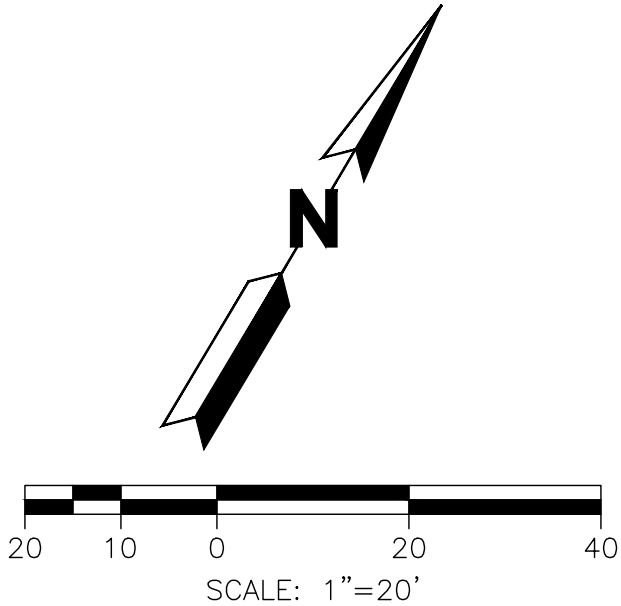


Date	Project number	1990
Exterior Elevations		
A3.2		

D:\DROPBOX\PROJECT FILES\17.006-700 CHAMBERS AVENUE, EAGLE\PLANS\LOTS 3 & 4 - CONSTRUCTION DOCUMENTS\C5.0 OVERALL UTILITY PLAN



FOR ALL UTILITY NOTES, RE: SHEET C5.1



CALL 811 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE OR EXCAVATE FOR MARKING OF UNDERGROUND MEMBER UTILITIES

ENGINEER ASSUMES NO RESPONSIBILITY FOR UTILITY LOCATIONS. THE UTILITIES SHOWN ON THIS DRAWING HAVE BEEN PLOTTED FROM THE BEST AVAILABLE INFORMATION. IT IS, HOWEVER, THE CONTRACTORS RESPONSIBILITY TO FIELD VERIFY THE SIZE, MATERIAL, HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.

LIVE / WORK
700C & 700D CHAMBERS AVENUE
LOTS 3 & 4, 700 CHAMBERS SUBDIVISION
EAGLE, COLORADO

YARNELL CONSULTING &
CIVIL DESIGN, LLC

P.O. BOX 3901, EAGLE, COLORADO 81631
(970) 323-7008

THE DESIGNS SHOWN HEREIN INCLUDING ALL TECHNICAL DRAWINGS, GRAPHIC REPRESENTATION & MODELS THEREOF, ARE PROPRIETARY & CAN NOT BE COPIED, REPRODUCED, OR COMMERCIALY EXPLOITED IN WHOLE OR IN PART WITHOUT THE SOLE AND EXPRESS WRITTEN PERMISSION FROM YARNELL CONSULTING & CIVIL DESIGN, LLC.

NO.	ISSUE / REVISION	NAME	DATE
1.	DESIGN DEVELOPMENT (NO CONST.)	J. YARNELL	7/11/19
2.	DEVELOPMENT PERMIT REVIEW	J. YARNELL	7/17/19
3.			
4.			
5.			

DESIGN BY: J. YARNELL
DRAWN BY: J. YARNELL
REVIEWED BY: J. YARNELL
PROJECT NO: 17.006
DATE: 7/10/2019

SHEET TITLE
OVERALL UTILITY PLAN

SHEET NO.
C5.0









To: Planning & Zoning Commission

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

Date: February 16, 2021

Agenda Item: Public work session regarding an amendment to the West Eagle Sub Area Plan (WESAP) to update the Future Land Use Map (FLUM) and Land Use Categories.

REQUEST: Staff is requesting direction regarding a proposed amendment to the Future Land Use Map and Land Use Categories in the West Eagle Sub Area Plan.

INTRODUCTION:

Town staff has begun the process of updating the WESAP to better reflect the current needs of the community. WESAP was adopted in September of 2011 and covers roughly 40 acres, extending along Grand Avenue from the Sylvan Lake roundabout to the intersection of 5th Street and south to the Eagle Ranch open space. Through the planning process, future land uses were identified within this defined West Eagle area.

The purpose of this focused update is to modify land designations in the FLUM. After conversations with Eagle County and Town Council, staff is seeking public comment and direction from the P&Z Commission on changes to the FLUM and Land Use Categories. With the completion of the Castle Peak Senior Care facility, feedback is requested as to the appropriateness of the "Continuing Care Retirement Community" land use category as shown on the FLUM.

It is important to note that in our existing regulations "Nursing home, group home" is a permitted use in all residential zone districts with a Special Use Permit. This proposed change, if supported by P&Z and Council, would expand the County's options on their West Eagle properties. Now that a retirement home exists in Eagle Ranch, staff is processing this update with the goal of expanding the development options available to the WESAP landowners.

Questions for Discussion:

- Is the existing "Continuing Care Retirement Community" designation the most appropriate for this land in West Eagle?
- Does the Residential description/definition provide enough flexibility for development of this property?
- Do we need to look at / revise the description/definition for Mixed-use or Commercial? (This question was brought up by one or two Council members previously.)
- Are there unintended consequences?

ANALYSIS:

To aid in this discussion of amending the sub area plan, staff has identified several areas of the 2020 Elevate Eagle Comprehensive Plan and the Town of Eagle Strategic Plan for consideration.

2020 Elevate Eagle Comprehensive Plan:

Policies:

- 1-1.1. Ensure a healthy mix of housing types and densities (e.g. single-family, duplex, multi-family, mixed-use and accessory dwelling units) to allow for greater diversity.
- 1-1.2. Promote and encourage additional senior housing. Utilize the findings from the Eagle County Housing Needs Assessment to determine what regulations are needed, what the demand is, and appropriate locations for senior housing.
- 1-1.3. Stimulate the creation of workforce housing through town policies, incentives, and regulatory procedures. Collaborate with community partners and the private sector to expand the reach of Eagle's workforce housings efforts.
- 1-2.5. Provide opportunities for a balanced mix of housing and services to support local businesses, employees, residents and visitors.
- 1-2.6. As development occurs, ensure the Town's overall mix of land uses remains aligned with community goals.
 - Taken all together, the above polices note the importance of a strong mix of housing types, including opportunities for workforce and senior housing. The update to the plan would be consistent with the above as it encourages more flexibility in housing types.

Actions:

- 1.4. Update/amend the West Eagle Sub Area Plan after the Highway 6 Study and Brush Creek Road Extension.
 - A more comprehensive overhaul of the West Eagle Sub Area plan will come after the Corridor Study and the Brush Creek Road Extension design phase; to integrate what we have learned from those projects into the Sub Area Plan. Public outreach will be a part of this plan update as well. The current amendment is much more narrowly focused to update the land use category for the County properties.

2020 Eagle Strategic Plan:

Guiding Principles – Transparency and Community Engagement:

By providing easy access to information and timely responses to customer inquiries, the Town creates an environment that fosters public trust and allows Eagle's residents and business owners to understand the Town's values, priorities and strategic plans. The Town is committed to maintain ongoing, meaningful, and substantive dialogue with the community that is based on clearly defined standards and compelling arguments for proposed policies and investments.

- The change to this plan has been communicated with property owners in West Eagle as well as adjacent property owners. Staff has met with and fielded questions from several residents. Eagle County has presented compelling arguments for this proposed policy change and staff believes that making this update to the West Eagle Sub Area Plan is more in line with future community goals for this area of Eagle.

Major Objectives – Diversify the Attainable Housing Stock:

The Town creates opportunities for a diversified, attainable housing stock for a variety of rental and purchase options.

- This proposed change to the West Eagle Sub Area plan will allow for greater flexibility when the County develops this property. Eagle already has the Castle Peak Senior Life and Rehabilitation

Center. By amending the plan to reflect residential as the future land use category instead of continuum of care retirement, we are expanding the housing options available to the County at time of development of this area of land. Nursing and group homes are available in residential zone districts as a special use, so a senior facility would not be precluded from a residential zone district.

PUBLIC INPUT:

Staff has published notice of the work sessions and the public hearings in the local newspapers, sent notification to property owners within the plan boundaries as well as adjacent properties, and has posted signs on the County's West Eagle property.

Staff has received public feedback and has provided a summary of the feedback below as well as attachments of all comments received.

Staff received questions from 6 community members. No public comment letters have been received as of February 12, 2021. Questions fielded by staff included providing links to the plan; concerns about how this change may or may not affect property values in the area; concerns about road connections and construction of roads, housing and businesses; narrowness of the existing rights of way and concerns over vehicular and pedestrian traffic; concerns about gentrification of the neighborhood and displacement of families in mobile home parks; and concerns about how the plan supports re-development in West Eagle and if this amendment changes that.

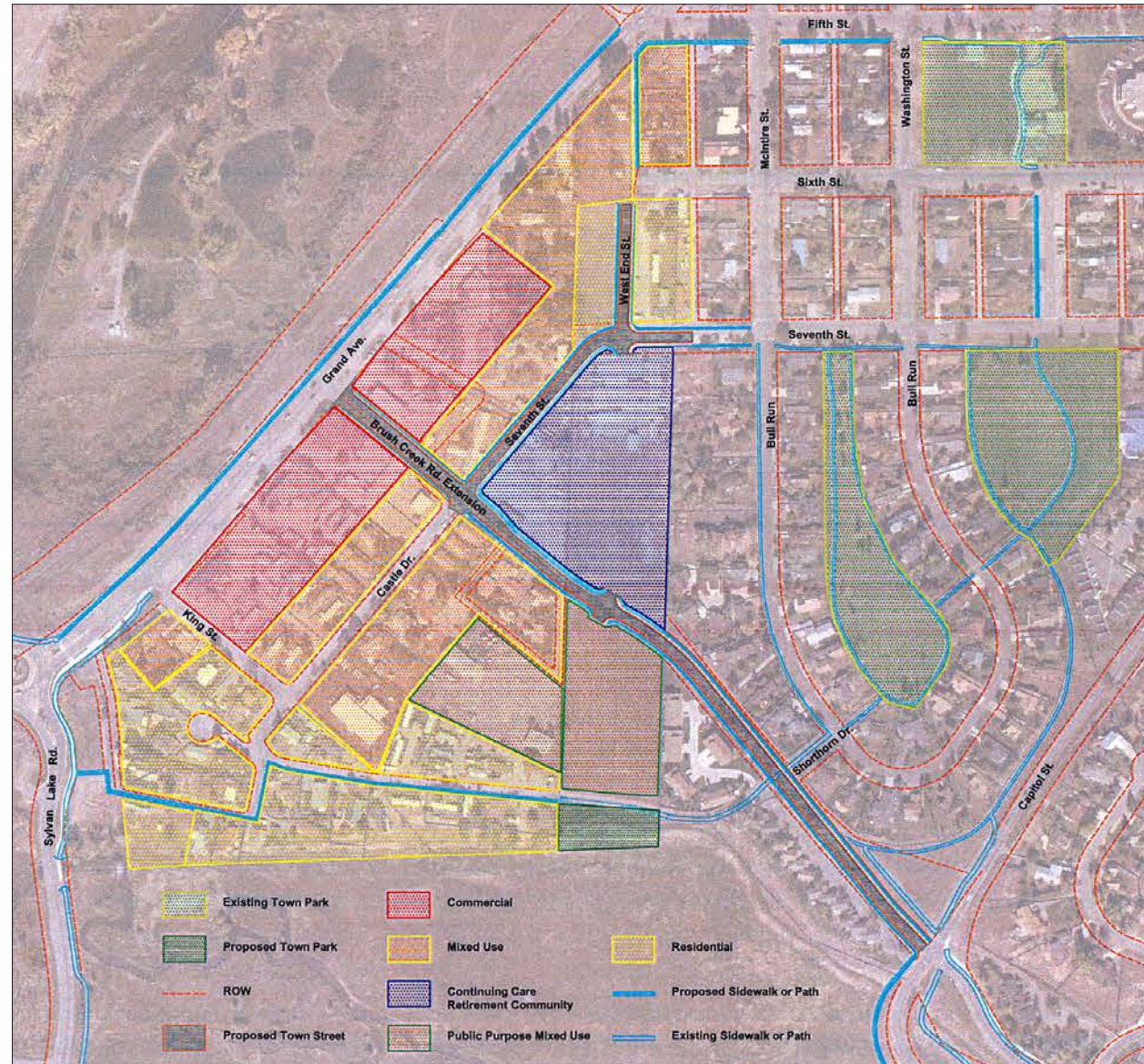
PROCESS SCHEDULE:

February 2021
February 16th (Planning & Zoning Commission) o Worksession: West Eagle Sub Area Plan (WESAP)
February 23rd (Town Council) o Worksession: West Eagle Sub Area Plan (WESAP)
March 2021
March 16th (Planning & Zoning Commission) o WESAP Adoption Hearing
March 23rd (Town Council) o WESAP Ratification Hearing

ATTACHMENTS:

- WESAP Future Land Use Map (2011 version)
- WESAP Future Land Use Map from Eagle County (2021)
- WESAP Future Land Use Designations (2011)
- [2011 Adopted West Eagle Sub Area Plan {LINK}](#)

FUTURE LAND USE MAP DESIGNATIONS

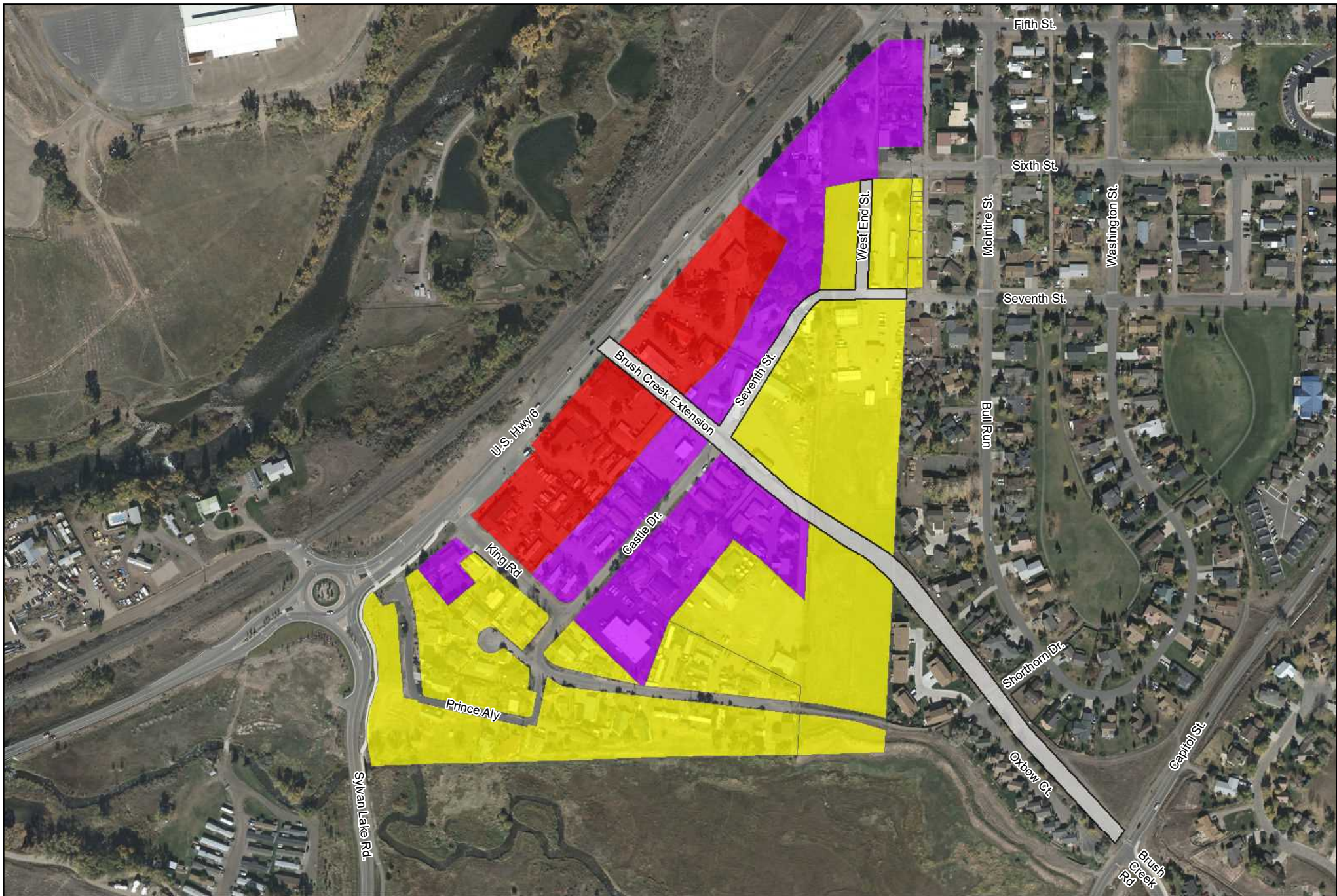


VI. FUTURE LAND USE MAP/ CIRCULATION PLAN

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

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

Figure 19: Land Use Map Designations



West Eagle Sub Area Plan Future Land Use Designations



Commerical



Residential



Mixed Use



Proposed Right of Way



1 inch = 350 feet
0 255 510
Feet

This map was created by the Eagle County GIS Department.
Use of this map should be for general purpose only.
Eagle County does not warrant the accuracy of the data
contained herein.



1. COMMERCIAL

This is a corridor where the Town encourages redevelopment that takes advantage of exposure to significant traffic volumes on Highway 6. This area is also located along the ECO regional transit bus route.

Development of land within the Commercial land use designation should have commercial uses on the first floor. Commercial uses encouraged by the Town include retail, restaurant, commercial services, and offices. Use of upper floor(s) can be commercial or residential depending on market demand. Transit Oriented Development, which allows for commercial with higher residential densities, is encouraged along this corridor. Buildings, including those with three story components, with appropriate setbacks and design features that address massing, access, and civic spaces, are viable options to be considered.

Any redevelopment along this corridor shall comply with the Highway 6 Design Guidelines.

2. MIXED USE

Development of land within the Mixed Use designation is permitted to be either commercial or residential. The mixing of uses may be either vertical, in buildings where commercial is on the ground floor and residential is located above, or horizontal, where a residential building and a commercial building are located on the same lot or next to each other on an adjacent lots. Commercial land uses generally allowed include commercial services, and



Figure 20: Then and now. What was previously a gas station and a convenience store in the past has been recently converted into a BBQ restaurant.

offices including medical and professional services. On the northwest side of Castle Drive residential development that also includes working studios and shops for craftspeople is permitted within the Mixed Use designation.

In all proposals for mixed use development, and particularly if artisan/craft uses are requested, mitigation measures must be included in the building design to ensure that impacts such as noise, vibration, dust, and odors are appropriately mitigated.

3. RESIDENTIAL

Residential development on the eastern edge of the West Eagle Neighborhood



Figure 21: There are stable and attractive single-family homes throughout the West Eagle Area.

should generally act as a transition between lower existing residential densities to the east and higher residential densities otherwise permitted within this Residential designation to the west. Building form, type and massing should complement rather than contrast with the existing residential buildings adjacent to the east. Maximum height of buildings located along this boundary should be two stories. Buildings located on lots adjacent to existing residential uses should provide functional yards on their eastern sides to assist in this transition.

On land located within this land use designation adjacent to the Eagle Ranch Open Space, building design should complement rather than contrast with the existing single family units in this area. The design of these buildings should also be integrated into the topography and provide an attractive transition between the natural open space to the south and the higher density development permitted to the north.

Development of land in the more centrally located portions of this land use category is allowed at higher residential densities typically found in two and three story town house, condominium, or rental apartment buildings. Orientation of these buildings should be to the street with well-screened parking generally located to the rear of the building. Development at these

higher densities should be planned and designed with attention to building massing relationships, the provision of solar access, and the creation of attractive civic spaces.

4. PARK SPACE

This designation is for the creation of a leisure-oriented passive park space designed primarily for sitting and enjoying the spectacular views to the south and southeast.

Grading improvements to this property are encouraged to maximize its usability. A direct extension of the bike path from this new park in the West



Figures 22 and 23: Winter and Summer views of Brush Creek Park is predominant from much of the West Eagle Area.



To: Planning and Zoning Commission

From: Chad Phillips, Community Development Director

Date: February 2, 2021

Agenda Item: Review of the P&Z Handbook

REQUEST: Review and comment on the 2021 draft of the Planning and Zoning (P&Z) Commission Handbook. Please read through the handbook and evaluate it on its thoroughness and clarity. If you have had basic questions in the past in regard to commissioner's duties and the answers are not included in this draft, please bring such issues to the meeting or contact me prior.

BACKGROUND: It became clear to me with the appointment of the Town's newest P&Z members that Town of Eagle (TOE) Community Development Department was lacking in commissioner training materials and opportunities. It is my understanding that historically staff had (inconsistently) given out a handbook from another local government's Planning Commission. While much of the basic knowledge needed for a planning commission applies across the board for all, the TOE does have its nuances. P&Z members can get thrown into some complicated and emotionally charged circumstances and training is essential to prepare for such situations. Now that I have a few months under my belt with the TOE and with some complex agenda items on the horizon, I thought that this would be a good time to create this resource. While I borrowed some of the information from other public sources, much of this text was created to specifically assist the TOE commissioner.

This handbook plays a part in a more formal training program that I am creating for P&Z Commissioners. Staff will be offering annual training to the Commission on topics mostly covered within the handbook, but also other issues that could arise. This will be of great value to new members and a good refresher for those who have been around a while. In addition, the Town Council has approved money in the Department's budget for P&Z commissioner attendance at the annual American Planning Association (APA Colorado) Chapter Conference. Unfortunately, the budget prohibits all P&Z members from attending at one time, but we'll address that as October approaches.

ANALYSIS: The P&Z deals with the Comprehensive Plan, Sub-Area plans, Development Code (Title 4 of the TOE Municipal Code) as well as some statutory requirements. The handbook attempts to clarify the basic duties of the commissioners, as well as avoiding or addressing pitfalls such as *ex parte* communication and conflict of interest. The Town Attorney has reviewed the handbook and comments have been included in this draft. The Town Attorney should be participating in upcoming annual training sessions.

COMMUNITY INPUT: N/A

BUDGET / STAFF IMPACT: N/A

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: This doesn't appear to support a 2021 strategic goal.

RECOMMENDED ACTION OR PROPOSED MOTION: No action necessary. Staff is presenting this draft for review and comment.

ATTACHMENTS: The Planning and Zoning Commission Handbook 2021 draft

Town of Eagle, Colorado

Planning and Zoning Commission Handbook

2021

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Chapter 1 - Introduction

Welcome to the Planning and Zoning Commission

The Planning and Zoning (P&Z) Commission is one of the most visible groups responsible for planning in the Town of Eagle (TOE). The P&Z Commission is an appointed board of residents selected as an advisory and decision group by the Town Council on land use planning matters. The P&Z Commission may perform other duties authorized by State Statute and Town. The P&Z Commission's principle responsibility is neither to the developer nor to any opposition to a particular development. The Commission is responsible to the long-term interests of the community through enforcement of the Comprehensive Plan and Development Code (Title 4 of the Municipal Code).

Overall, the P&Z Commission's tasks are placed into five (5) categories:

1. Current Planning. Simply put, current planning is processing land use applications made by members of the public. These include projects such as Planned Unit Developments (PUD's), Subdivisions, and Developments Permits, and
2. Long-Range Planning. These are typically Town-initiated projects such as revision of the Development Code and Comprehensive (including sub-area) Plans, and
3. Zoning variance applications (when an applicant believes that a project should be approved even though it is against one or more zoning requirements),
4. Appeal of certain decisions made by the Building Official through the Building Permit process (Section 13.16 of the Municipal Code), and
5. Hear and decide appeals to an order, requirement, decision, or determination made by the Community Development Director

You will attend regular meetings, special meetings and work sessions, evaluate projects and proposals, and make tough decisions about community development projects and policies. You will gain more knowledge about activities happening in the TOE and Eagle County and develop a greater understanding about government and public decision making. A good planning commissioner takes the future seriously, works hard, is patient, and willing and able to make decisions. Keep in mind that the Town Council appointed you to the P&Z Commission and expects to hear your comments through either the recording of the meeting or in the minutes taken.

This handbook will help you understand the legal and policy framework for planning. It will also provide you with a reference for the powers and duties of the Commission. As a planning commissioner you must have some understanding of the following topics:

1. Comprehensive planning.
2. Zoning and platting.
3. How the planning commission operates and the role and responsibilities of each individual member.
4. The authority and duties of the commission.
5. Legal aspects of commission conduct.
6. Standards for commission decision-making.

The TOE understands that, at least initially, members of the Commission might not have a useful understanding of the six items above. To assist, the TOE has created this handbook and TOE staff will

perform annual training. If any members believe that additional training is required, contact the Community Development Director. This Handbook covers all these topics and you will be given copies of the Development Code, Comprehensive and Sub-Area plans upon request. Usually, online versions are preferred over paper copies.

Although being a commissioner will always be challenging, this handbook will provide reference to meeting the challenge.

Overview of Variances

The Commission acts as the Town's Board of Adjustments (BOA) to determine if a variance should be approved under specific criteria in Section 4.05.020 of the TOE Development Code that are used to determine hardships.

This handbook will help you understand the legal and policy framework for reviews. It will also provide you with a reference for the powers and duties of the "BOA." As a commissioner you must have some understanding of the following topics:

1. How the BOA operates
2. The authority and duties of the Commission
3. Legal aspects of Commission conduct
4. Standards for BOA and Commission decision-making

The Handbook covers these topics and included in this handbook are sections of the TOE Municipal Code which is dedicated to the adjustments. The Appendix in this handbook also contains additional information for you to review.

You can also access the TOE Development Code and the TOE Comprehensive Plan and Sub-Area plans online at the TOE Community Development Department website.

A Brief History of Planning, Platting and Zoning

"Nothing is permanent but change." - Heraclitus

Community planning in the United States is not a new concept. Early developers designed and planned towns where the streets, public buildings, businesses and homes were built. The planning process helps elected officials when making decisions that will affect the future of their community. The process attempts to ensure that the decisions made by the community will benefit the community as a whole. Planning (long range) takes place when residents, helped by planners, study their town or community and decide what they want their community to be like in the future.

Planning Elements

- Planning can promote and support economic development. The planning process allows residents and decision-makers to examine alternatives and choose courses of action that can promote employment and economic wellbeing.
- Planning can protect property and property values by separating a potentially harmful or disagreeable land use from surrounding residential and commercial uses and by helping to protect

neighborhoods. Property values can also be enhanced when the community plans for parks, trails, playgrounds and other amenities.

- Planning can also help integrate business and residential neighborhoods to promote supportive communities.
- Planning can reduce environmental damage and conserve resources. Planning can help a community identify areas where development may be inadvisable because of environmental conditions or for the protection of wildlife, sensitive habitat or scenic areas.
- Planning provides a forum for reaching consensus. The TOE Comprehensive Plan was developed as a guide to support the community values and community-wide consensus of the future goals to which the community has agreed. The Development Code was adopted to help achieve planning goals in the TOE. Zoning and subdivision regulations are the legal requirements governing the way land is used within Town limits.
- The subdivision requirements within the Development Code control the way land is divided and/or separated. These regulations set standards which subdivision proposals must meet in order to make sure that development takes place in an orderly fashion, support community goals, and that services and utilities are provided appropriately.
- Zoning tries to ensure that there is appropriate land for different uses/activities and that the location of these activities is appropriate when considering surrounding uses. The zoning requirements determine how different areas of land can be used and outline the standards that must be met when developing a specific piece of land. Together, the plan policies and regulations guide elected officials when making decisions.

Chapter 2 – The Planning and Zoning Commission

The Role of the Planning and Zoning Commission

Colorado state statutes set out the responsibilities of the Commission (C.R.S. §§ 31-23-201 through 314). The Planning Commission's primary function is to prepare and adopt a comprehensive plan. This process has been completed and the TOE has an adopted Comprehensive Plan which will guide you in your decision making. The Comprehensive Plan and other Sub-Area plans should be reviewed and updated as needed to reflect the goals of the community. Often the most controversial role of the Planning Commission is to review current planning applications. The Commission will review applications based on conformance with the TOE Development Code and the TOE Comprehensive Plan and Sub-Area plans.

The Planning Commission reviews, through public hearings, proposed zoning changes, subdivisions, replats, as well as dedication and vacations of public land, rights-of-way, easements, Special Use Permits (SUP), and Development Permits. The Commission is closely involved in the preparation and amendment of land use regulations and provides recommendations to the Town Council.

While the TOE Development Code requires strict application of requirements for all properties in the TOE, Colorado State Statutes require that the Town Council of any town which enacts zoning regulations provide for a Board of Adjustment (CRS 31-23-307). The TOE Planning and Zoning Commission also serves as the Board of Adjustment.

A variance is the appeal process for a property owner to request exemption from certain required Town regulations. Typically, variances are requested for areas of the Development Code that establish minimum setback, lot width, lot area, floor area, and maximum allowable building height. Three of the four TOE criteria must be met in order for a hardship to be determined and a variance to be approved – specifically a and b and either c or d of Section 4.05.020. The criteria are as follows:

1. A variance from the strict application of any zone district requirement or supplementary regulation of this chapter may be granted by the Planning Commission following the procedures and conditions herein, except that no use shall be allowed in any zone district in which it is not listed as a permitted or special use. The Planning Commission may grant a variance provided it finds both Subsections (A)(1)(a) and (b) of this section and either Subsection (A)(1)(c) or (d) of this section are applicable.

- a. That the variance granted is without substantial detriment to the public good and does not impair the intent and purposes of the Town's regulations, goals, policies and plan, including the specific regulation in question; and*
- b. That the variance granted is the minimum necessary to alleviate the hardship; **and***
- c. That there exists on the property in question exceptional topography, shape, size or other extraordinary and exceptional situation or condition peculiar to the site, existing buildings, or lot configuration such that strict application of the zone district requirements from which the variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property in question; or*
- d. That such exceptional situation or condition was not induced by any action of the applicant and is not a general condition throughout the zone district.*

These four criteria are placed in your staff report for your review and will include the applicant's and staff's comments.

Burden of Proof

In cases of variance and certain appeals, the Commission's task is not to solve each problem brought to it, but instead to only determine whether the necessary standards of hardship have been met and whether granting a variance will not injure the public health, safety and welfare. The burden of proof is upon the applicant to prove that the criteria for a hardship has been met. The job of the commissioner is to strictly interpret the local regulations; meaning that the variance must be denied if certain requirement has not been proven.

Variance Guidance

Hardship should not be self-imposed. The development of the property should be designed to meet the regulations, not the criteria or wishes of the applicant. Only conditions specifically affecting the land or lot should be considered. In general, when the property owner would have a reasonable use of their property without the variance, the variance request should be denied. A variance should not be granted due to financial reasons. An application should not be approved just because it is more convenient to have the variance.

Additional standards

In granting a zoning variance, the Commission shall modify the application of the regulation so that the spirit of the title is observed, public safety and welfare secured, and substantial justice done. Pursuant to C.R.S. § 31-23-307, as amended, the Commission may vary or modify the application of zoning regulations for the purpose of considering access to sunlight for solar energy devices.

Appeals to Building Official decisions

The 2015 International Building Code (IBC) Section 113.1, authorizes a creation of a Board of Appeals in *order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals*. The IBC commentary states, *This section provides an aggrieved party with a material interest in the decision of the building official a process to appeal a such a decision before a board of appeals. This provides a forum, other than the court of jurisdiction, in which to review the building official's actions.*

Per the TOE Municipal Code Section 13.16.010, the Commission has been appointed as the Board of Appeals to hear any appeals of a decision made by the Building Official relating to the adopted Building Code. A Board of Appeals provides an applicant a way to hear any grievance created by a decision rendered by the Building Official.

The 2015 IBC Section 113.2 Limitations on Authority states; *An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall not have the authority to waive requirements of this code.*

The IBC commentary states, *This section establishes the grounds for an appeal, which claims the building official has misinterpreted or misapplied a code provision. The board is not allowed to set aside any of the technical requirements of the code.* The Commission's purpose is not to provide a variance to the code provision, only whether or not the code has been applied correctly. The Commission shall find/rule upon any appeal as compliant with the code or not.

Qualifications of a P&Z Commissioner

The most important qualification that a commission member must have is a belief that planning is essential to the community – specifically through the creation and enforcement of the Comprehensive Plan. You will be asked to devote a considerable amount of time and energy to the job and you must be willing to be objective and make decisions that further the best interests of the whole community and support the TOE Comprehensive Plan and Development Code. You must be open minded, willing to learn, and to change ideas in the light of new evidence. You must have the ability to define what is a issue and the strength to make effective decisions. As for the duties specific to deciding on variances, the commissioner must take the position that the TOE Development Code is essential, worth defending, and should only be varied when strict compliance creates a defined hardship.

Responsibility of a P&Z Member

To conduct effective meetings, Commissioners must be informed of the application and the issue(s) associated with the application. Preparation is key to be an effective planning commissioner and it starts with knowledge of the Comprehensive Plan and Development Code. In addition, an effective commissioner comes prepared for the meeting. This means that, in advance of the meetings, you prepare for meetings by reading all materials included in the staff packet. Remember, these current planning applications are submitted by fellow citizens. By being prepared you will be able to examine the facts on an issue, process public comments and create dialog which will be the basis of a decision.

The success of a meeting depends on active participation from a wide range of people. The P&Z Commission should be a forum for discussion of issues and people should feel free and encouraged to express their opinions. Commissioners should act in a fair, ethical, and consistent manner while maintaining an acceptable and objective position. Decisions should not be based on personal philosophy or opinion. Rationale for decisions must always be divulged.

Chairmanship

Knowing the role of the Chair will help all Commissioners during a P&Z Commission meeting. The chair or vice-chair plays a vital role in how well the Commission functions. The ability of the chair to run a meeting is important and essential if the Commission is to get its work done. Commission members will expect the chair to display leadership skills and to run well organized and purposeful meetings. In turn, a Commissioner should be up to date on policies, regulations and the information pertaining to the meeting to help support the chair.

Role of the Chair

The attitude and abilities of the chair are critical to the successful operation of the Commission. A capable chair understands the issues, understands their fellow members, can maintain order, and is able to bring the commission to a decision even on complicated or controversial issues. “Punting” to the Town Council on land use issues is not an option. A person should be named as chair for his or her leadership abilities, in addition to having other qualities such as preparedness, integrity, and fairness. The chair is somewhat "removed" from the meeting in that she or he may not participate as fully in the meeting as the other members. It is the chair's job to preside over the meeting and to lead the group toward making a decision.

If a chair is too forceful in the display of opinion, this can be perceived as using undue influence in the outcome – as opposed to a “regular” Commissioner.

Responsibilities of the Chair

In a nutshell, make sure the meetings go as smoothly as possible while consistently applying the Development Code and Comprehensive Plan. Specifically, the chair has two types of responsibilities: those contained in the commission's handbook and basic parliamentary rules.

Elements of a successfully run meeting:

- **Meeting management.** It is the chair's responsibility to run an orderly meeting and conduct the Commission's business in a fair and timely manner. Other Commissioners, the staff, and the public will look to the chair for leadership. However, in certain confusing or controversial times, the Community Development Director can assist the chair by providing support and clarity.
- **Maintaining order.** Do not allow members of the public to clap, cheer, whistle, and so on either for or against testimony that is being presented or in response to comments by Commissioners during their deliberations. This is not entertainment – this is the public process! This type of display not only interrupts the meeting, but can intimidate members of the public, the applicant, and other Commissioners. The chair should "gavel down" this kind of behavior and run an orderly meeting. The chair should not permit members of the commission to accuse or overtly challenge one another, members of the public, or persons testifying.
- **Keeping business moving.** The Commission should not endlessly mull over matters (analysis paralysis), continually request new information, and otherwise delay decision making when the information needed for doing so has been presented. The chair should move the meeting along by summarizing the facts and the positions presented by Commissioners and bringing matters to a vote. Failure to do so is unfair to the Town Council (which may be relying on the commission's recommendation), to the applicant, and to others who may be unfairly burdened by a delay. There are certainly applications that may result in a motion for tabling/continuance (to a date-specific or indefinitely) if the Commission needs more information to make a decision. It should be made clear to staff and the applicant what information the commission needs.
- **Managing public testimony.** Public testimony may be limited to 3 minutes (no less), but all must be given the same limitation. In the case where many citizens wish to comment, the chair may assign a timekeeper and clearly state the maximum time for comments prior to the opening of public comment. Testimony should pertain to the matter under deliberation. The chair should discourage successive witnesses from repeating the same testimony over and over again. The chair may interrupt speakers who are repetitive, rambling, or speaking on issues not related to the proposal at-hand. The Commission also needs to show that it is interested in what the witnesses have to say.
- **Preventing arguments.** The chair should prevent sharp exchanges from occurring between Commissioners and persons testifying and between commission members themselves. The Chair should limit the dialogue between Commissioners and persons testifying to fact gathering that will contribute to the Commission's decision-making ability. This is important to prevent a loss of the commission's objectivity and credibility.
- **Understanding parliamentary procedure.** The Commission should be clear about hearing procedure, which is usually based on elements of Robert's Rules of Order. This is crucial to the Chair's ability to run an orderly meeting. The Chair must be familiar with parliamentary procedure.

The chair must understand motions and amendments to motions, the order in which business is conducted, topics that are and are not debatable, and so on.

- **Tying things together.** This is the ability to take into account public testimony, Commission deliberations, and the issue at hand in guiding the Commission toward a decision. It is based on the chair's ability to discern a position that a majority of the commission can support and that is fair to the public. The chair should avoid comments like "I would entertain a motion to approve" because that could be perceived as improper influence on controversial or split-vote decisions.

Qualities of a Good Chair

The chair must be strong enough to make sure the meetings are run by the rules but fair enough to be above cutting people off before they have had their say or squelching arguments with which (s)he does not agree. In other words, the chair's "gavel" should be wielded by someone who can use its power properly. The ability of the chair to run a meeting is important if the commission is to get its work done. Commissioners will expect the chair to display leadership skills and to run well-organized and purposeful meetings. A good chair will be:

- **Tactful.** The chair must show tact with other members and the public. A rude or insulting chair will reflect poorly on the whole commission and will alienate other commissioners and members of the community.
- **Decisive.** The chair may have to think and act quickly in overseeing the conduct of the commission's business. This may include summarizing positions, clarifying motions, and giving direction to staff based on the differing views of Commissioners.
- **Respected.** A chair, whose judgment has been tested and found to be good, whose opinion is valued. This is key to conducting the commission's business and enhancing its role in the community decision-making process.
- **Knowledgeable about the Issues.** Of all members, the chair must be able to understand the business before the commission. Failure to understand an item which the Commission is to act on can lead to confusion and result in poor decision-making. The chair needs to put in extra effort studying the agenda items and preparing for the meeting.

Quorum

The P&Z Commission is made up of seven (7) voting members and one (1) alternate. A quorum is the minimum number of Commissioners needed in order to conduct business. There must be four (4) Commissioners in attendance for a meeting to be held (quorum). If all seven (7) Commissioners are present, the alternate does not vote.

It is imperative that Planning Commission members notify the Planning Department well in advance when they know that they will be absent for meetings, such as vacations, or otherwise not able to attend a meeting. Applications before the P&Z Commission have had to meet legal requirements for processing and notification. Applicants and staff have spent hours working on projects and every effort should be made to make sure that an application is heard, and that the applicant and the public receive a fair and complete review.

The Role of Planning Staff:

- Provides professional land use expertise to support the community and decision makers
- Administers the land use regulations

- Prepares staff reports and notices for meetings
- Researches planning, land use, and development issues
- Advises and assists the Planning and Zoning Commission
- Educates and assists the public
- Knows and interprets laws and ordinances
- Conducts community planning projects
- Negotiates, facilitates, and coordinates between agencies, developers and the public
- Enforces the Development Code and conditions of approval stipulated by P&Z and Council
- Provides continuity throughout the years

Chapter 3 – P&Z Commission Meetings

Types of Planning Commission Meetings. The Commission may use several different types of meetings in order to conduct its business. These include regular meetings, special meetings and work sessions. Regular Commission meetings are held the first and third Tuesdays of every month and begin at 6 p.m. The meetings are held at the TOE Town Hall, 200 Broadway Street in the Council Chambers. With restrictions such as those put in place as a result of the COVID-19 pandemic, meetings may be held virtually. You will be mailed/emailed a packet prior to the meeting which contains all of the items to be heard. You can also choose to view the packets on-line or you can pick it up at the Community Development Department. These packets are usually completed the Thursday or Friday of the week prior to the meeting.

Agenda

A typical meeting agenda is as follows:

- II. Call to Order
- III. Roll call
- IV. Public comment - This time is for comments from members of the public on items that are not being heard on the agenda, but comments are taken under review if needed. Commission comments are not appropriate, and no action is taken during public comment time. However, the Commission may direct staff to schedule the topic of comment for an upcoming agenda.
- V. Approval of minutes
- VI. Announcements
- VII. Consent Agenda items
- VIII. Applications (files) and/or work sessions
- IX. Community Development Director update
- X. Adjournment

P&Z Current Planning Application Review Process

- I. Applicant presents application
- II. Staff presents any updates, new information, or overview
- III. P&Z's questions of the applicant and/or staff (no opinions at this time)
- IV. Public comments
- V. Public comment closed
- VI. Applicant's response to public comment
- VII. Staff response
- VIII. Planning Commission additional questions of applicant or staff if needed
- IX. Deliberation. (This time is dedicated to comments and discussion from each commissioner. Members express their opinions and comments to members of the Planning Commission prior to a motion and which direction that they are planning to vote. This time can also be used to discuss proposed Conditions of Approval (COA's) as presented in the staff report and suggested changes or additions.)
- X. Motion. A motion can be made by any Commissioner including an alternate. A round of discussion takes place after the motion is seconded. If a motion dies due to lack of a second, another motion is necessary. When a motion is made, the maker must include findings of fact that relate the decision to specific elements of the Development Code and Comprehensive Plan.

- XI. Vote. Roll call stating yea or nay will be taken on all motions in virtual meetings, and during in-person meetings, only when there is a split vote. Alternate members cannot vote if there are seven (7) regular members in attendance but can make a motion and participate in discussion.

Findings of fact

Findings are a statement by the Commission for the evidence and reasoning it used to arrive at a decision. Findings are important in helping the Town Council, public, and the applicant understand the Commission's conclusion and reason for granting or denying the application. Findings shall be based on the regulations, plans, and evidence and should be clear and concise. Findings based on the TOE Comprehensive Plan and Development Code are suggested in the staff report, and included in the resolution prepared by staff. . A common reason that courts overrule commission decisions is that the commission failed to express findings to support their decision.

Motion

The motion should be clear in stating the decision of the Commission. Stating a motion places a matter before the Commission for its consideration and permits debate to take place. Additional supporting language to a motion can be included as conditions of approval or finding of fact. Discussion can clarify conditions, suggest the addition or removal of conditions, and/or make amendments to conditions. If amendments or changes are proposed to a motion with a second, this can be done with majority approval of the Commission – even if the motions maker or one who seconded opposes. The motion, conditions, and findings should be clearly stated before the vote is taken.

A motion to table should clearly state why the application is being tabled and what additional information it needs for further review in order to make a decision. An application can be tabled to a specific hearing date or, if it is uncertain how long it will take to get the additional information, the item can be tabled indefinitely. A motion to deny should include findings to support the motion specifically setting forth the reasons why the application is not in compliance with the Comprehensive or Sub-Area plans, and/or individual requirements of the Development Code. During discussion on the motion, Commissioners give their reasons for either supporting or not supporting the motion as stated. It is important for Commissioners to give their reasons for voting yea or nay on a motion. In cases where the Commission is giving a recommendation, Town Council will benefit from this level of detail.

If a decision is appealed, detailed findings of fact will support the Planning Commission's decision in the appeal process.

Appeals

If a Commission decision (not a recommendation) is appealed as outlined in the Development Code, the proposal would then be heard by the Town Council. Decisions on variances and certain appeals are filed in District Court and cannot be appealed to the Town Council. The District Court looks at whether the Commission acted in excess of its jurisdictions (not following legal standards) or abusing discretion (making findings of fact not supported by competent evidence in the record). Again, detailed findings of fact and motion will support the Zoning Commission's decision in the appeal process.

Meeting Tips

- Keep in mind that implementing the Master Plan and enforcing the Zoning and Subdivision Regulations are always the main task of the Commission.

- Review of an application may contain many different levels of presentation. Applicants and the public will present testimony and information which must be considered in order to base a decision.
- Discussion should stay on the facts and not the presenters of the facts. Recommendations and decisions shall be based on fact and not on opinion or hearsay and consistently relate to the enforcement of the Comprehensive Plan and the Development Code.
- Each proposal must be evaluated on its own merits.
- Do not get bogged down in details or side issues.
- Do not give opinions or judgments on complex technical matters.
- If 'experts' are brought in by either side, the Commission should not hesitate to make sure it is getting facts. Question the experts and the applicants.
- Do not bring up the pro's and con's of an item before all evidence is presented; the public will lose confidence in the Commission if they think their minds are made up prior to round table discussions. Keep an open mind until the end of discussions and the motion is made.
- Throughout your decisions there is a need for consistency. Consistency leads to predictability, a necessary quality in order for applicants to be able to produce information and plans that will meet the regulations and not waste the time of all parties involved.
- Basing decision on the Master Plan, Sub-Area Plans and criteria outlined in the Zoning and Subdivision Regulations will go a long way to ensure this consistency and predictability as well as making decisions legally defensible.
- Clearly define the major issues involved in each case and address them before making a recommendation.

Chapter 4 - Types of Commission Decisions and Responsibilities

Planning Commission decisions can be either legislative or quasi-judicial.

Legislative Decision

Legislative decisions are decisions that make or interpret policy. The decision may be broad ranging such as recommending the adoption of a comprehensive plan or very specific, such as recommending amendment to the Zoning and Subdivision Regulations. The key element of legislative decisions is that they apply equally (or are meant to apply equally) to everyone in the community, not just to a specific property.

Quasi-Judicial Decision

Generally, quasi-judicial proceedings involve decisions that have a direct effect on the right and liability of a single property or, occasionally, a small group of identified properties. Quasi-judicial proceedings deal with matters in which a determination will be made on whether an application meets all the established requirements for a permit or other entitlement. The Commission must determine whether, from all the evidence presented, the required standards have been met.

If you are uncertain if an item is a legislative or quasi-judicial decision you should speak with the Community Development Director. A partial list is included in the Appendix section.

Due Process

No person shall ...be deprived of life, liberty, or property without due process of law; ..."
– Fifth Amendment of the US Constitution.

Generally, quasi-judicial proceedings must be conducted in accordance with procedural due process. That means adequate proper notice and an opportunity to be heard, and a basic fairness in procedure, including some type of impartial decision maker. The application must be processed so that parties believe in the fairness of the process and be given a fair hearing and an opportunity to be heard.

Ex Parte Contact

Direct communication between a citizen and a Commissioner is common because of Commissioners' visibility in the community and the nature of their work. Discussions with members of the public outside of the public forum can be a beneficial way to exchange information and help keep Commissioners informed of residents' attitudes. However, while such contact may be permissible on a legislative matter, it is not permissible in a quasi-judicial proceeding.

Ex parte is a Latin term that means "from or on one side only." It is the label for private communication between an interested party in a quasi-judicial proceeding and a member of the body that is hearing the matter. The essential feature of an *ex parte* contact is that someone with an interest in a quasi-judicial decision before the commission (an applicant, representative of an applicant or opponent of the application, an adjacent property owner, or member of the public) is attempting to influence a decision outside of the public forum. Unless corrected, *ex parte* communication can result in a violation of procedural due process.

What to Do When It Occurs

Ex parte contact can occur in a number of ways, and many are quite innocent and unintentional. Telephone calls, informal meetings or even a casual encounter on the street can present the opportunity for citizens to express facts or an opinion about a quasi-judicial matter to a Commissioner. As soon as a Commissioner senses that they are about to be involved in an *ex parte* contact, the Commissioner should stop the citizen and explain that Commissioners are not permitted to discuss anything about the matter except at the hearing and recommend that the citizen submit comments in writing to staff or attend the meeting.

Correcting *Ex parte* Contacts

If you have been involved in an *ex parte* contact under any circumstance, you may be able to overcome the fairness problem by disclosing the contact and the substance of what was related to you at the beginning of the public hearing. This will get the evidence you received on the record and out into the public realm. Then, you should state whether you believe that the contact has swayed your view and whether you can give an unbiased view to all of the evidence presented. If the answer is that you can remain unbiased, you may continue, but if not, you must recuse yourself from the discussion and vote.

Site Visits

Occasionally, a site visit will be scheduled by the Community Development Department for the Commissioners to view an area subject to an application. These visits can be beneficial to the Commission to help make a decision but should be handled carefully. All questions regarding site issues during the visit should be heard by all Commissioners at the same time and no side-bar (or any other) discussion should occur. Site visits are usually scheduled the same day as the hearing so that all members in attendance will also hear the application at the meeting. Individual site visits are discouraged, especially if you will encounter an individual involved in the application.

A 'drive by' individual visit is not encouraged. If you drive by the site (it is not expected for you to detour around a site), you must avoid any discussions with the public, petitioner, or owner of the property while in the area. Please keep in mind that even though you are involved in the review of this site, accessing the site without permission is not appropriate. During the roundtable, the P&Z should summarize the details of the site visit, especially if there were members not present.

Conflict of Interest or bias

Impartiality may be lost by a conflict of interest. The Appendix has additional information with regard to conflict of interest. A conflict of interest arises when a Commissioner would receive a direct financial benefit from voting a particular way on an application. It is not a conflict of interest if a Commissioner happens to live next door to a property that is the subject of the application, even if approving or denying the application would affect that Commissioner's property value. The financial interest must be direct. If you have any questions about whether you have a conflict of interest, you may contact the Community Development Director, or if your question involves confidential financial information, the Town Attorney.

If you have a conflict of interest, you cannot participate in the discussion or the decision. The Commissioner with the conflict should vacate their seat and leave the meeting during the discussion. This reduces the possibility and appearance that the Commissioner's presence is affecting or influencing the decision of the Commission.

Appendices

Legislative or Quasi-Judicial Decisions

Following is a list of The TOE permitted and review processes that are reviewed by the Planning Commission. If you have any questions if there could be a conflict of interest you should contact the Community Development Director.

Quasi-Judicial

Minor Development Permit – NOTE: MDP's are heard by Planning Commission for a final hearing. They are not an advisory application to the Council but may be appealed to Council.

Special Use Permit

Major Development Permit

Final PUD

Zoning Change (rezoning)

Sketch Subdivision

Preliminary Subdivision

Final Subdivision

Zoning Variance NOTE: The P&Z Commission's decisions may not be appealed to the Council.

Legislative

Community Plan reviews

Comprehensive Plan Amendment review

Development Code Amendment reviews -

Vacation of Right of Way or Public Utility Easement



To: Planning and Zoning Commission

From: Chad Philips, Director, Community Development Department
Jessica Lake, Planner I, Community Development Department
Peyton Heitzman, Planner I, Community Development Department
Angie Kyle, Administrative Technician II, Community Development Department

Date: February 16, 2021

Agenda Item: Community Development Department Update

COMMUNITY DEVELOPMENT DEPARTMENT UPDATE:

Comprehensive Plan / Land Use Code Update

- The Land Use Code update
 - RFP is in progress, completion expected by week of February 15, 2021
- Elevate Eagle Comprehensive Plan
 - Appendix A revisions – we will be reaching out to Eagle County Housing and DOLA for updated housing data.

Long Range Planning

- Hwy 6 Corridor Study
 - Weekly meetings with Zehren to clarify stakeholder responsibilities.
 - Survey work has begun as well as high level engineering data collection.
- East Eagle Sub Area Plan (Red Development parcel)
 - The contract has been finalized.
 - Kickoff meeting with staff, Zehren and RED was held 2/11/21.
 - Additional meetings are tentatively scheduled.
 - Council/Manager/PW direction needed for I-70 interchange and possibly a few other items.
- West Eagle Sub Area Plan
 - The County is in discussions with staff about amending the West Eagle Sub area plan to modify the land use for their property (712 Castle Drive).
 - Worksession scheduled with P&Z for Feb. 16th; Adoption scheduled with P&Z for Mar. 16th
 - Worksession scheduled with TC for Feb. 23rd; Ratification scheduled with TC for Mar. 23rd
- SolSmart – CommDev lead project
 - Solar initiative / designation – Town will be pursuing Bronze level solar designation through SolSmart.
 - Zoning review is next step, this is done by an outside agency at no cost to the Town.
 - Expecting guidance on zoning code amendments to encourage solar on residential and commercial projects.
 - This project will likely be ongoing for at least a year due to planning/building staff workloads.



Community Core Software

- Planning staff is working on migrating land use files to the Community Core software. This software is currently used for building permits. This work will be ongoing for the foreseeable future.

A Planner of the Day schedule has been implemented to field zoning questions from the public. Staff received (15) questions in January and (12) to date in February; many of these questions require ongoing conversations.

Code Enforcement

- Planning staff has (0) active code enforcement cases.
- Building staff has (0) active code enforcement cases.

Mobile Vending – planning staff is responsible for process, review and issuance of mobile vending permits in the Town and at the Eagle River Park. Process is still being ironed out for these permits, though applications are being submitted. Thus far, staff has/is reviewing (3) applications and has issued (1) permit.

APPLICATIONS IN PROGRESS:

Pre-Application Meetings

- (11) pre-application meetings took place in December/January/February.

Applications

- Red Mountain Ranch
 - Landowners working with 1) CDOT on Hwy 6 access and 2) water system engineering.
 - No additional updates
- Reserve at Hockett Gulch
 - Awaiting app for major development permit
 - No proposed schedule/timeline from developer as of 1/29/2021
 - No additional updates
- Brush Creek Road Extension
 - Awaiting submittal of design/construction plans (January/February?)
 - Staff to work with CDOT (potential need to raze building to accommodate road and 10' path)
 - Design/construction plans have not been submitted as of Feb. 11th.
- Haymeadow
 - S20-01 Amended Final Plat
 - Reviews are completed and final comments are being addressed.
 - Mylars, signatures and recording likely to be completed prior to March 1st.
 - PUDA20-01 PUD Amendment
 - Referral comments sent to Haymeadow team, awaiting revised application.
 - Public Notice sent 2/5/2021 (publication 2/11), property owner notifications sent 2/10.
- AN20-01 Powell Park Annexation
 - Petition approved by Council on Jan. 26th
- AN20-02 Basecamp Annexation
 - Petition to go before Council March 9th



- 700 Chambers, Lot C
 - CT20-04 – 700 Chambers, Lot C Condo Plat
 - Inquiries out to dispatch and Land Title regarding addressing of units.
 - SU21-01 – 700 Chambers, Lot C Special Use
 - Complete application, agency review complete and public hearings scheduled.
- DR21-01 Sinclair Station
 - Completeness review pending – incomplete application as of 2/11/21
- SU21-02 629 Sawatch Special Use Permit
 - Completeness review pending – incomplete application as of 2/11/21

Upcoming Meeting Schedule:

February 2021
February 16 th (Planning & Zoning Commission) ○ SU21-01 700 Chambers, Lot 3 ○ Worksession: West Eagle Sub Area Plan (WESAP) ○ Presentation: PZ Handbook
February 23 rd (Town Council) ○ AN20-02 Basecamp Annexation Petition (accepting application and setting public hearings) ○ Worksession: West Eagle Sub Area Plan (WESAP) ○ <i>Executive Session: Powell Annexation (tentative)</i>
March 2021
March 2 nd (Planning & Zoning Commission) ○ AN20-01 Powell Annexation (Zoning) ○ PUDA20-01 Haymeadow PUD Amendment ○ Dept/Council Update
March 8 th week of (Special Meeting) ○ <i>East Eagle Sub Area Plan – review in progress plan</i>
March 9 th (Town Council) ○ SU21-01 / CT20-04 – 700 Chambers, Lot 3 ○ CommDev Department Update ○ <i>Executive Session: Powell Annexation (tentative)</i>
March 16 th (Planning & Zoning Commission) ○ AN20-02 Basecamp Annexation (Zoning & Special Use) ○ WESAP Adoption Hearing
March 20 th week of (Public Open House) ○ <i>East Eagle Sub Area Plan – review of preliminary plan draft graphics</i>
March 23 rd (Town Council) ○ AN20-01 Powell Park Annexation (Annexation and Zoning) ○ West Eagle Sub Area Plan Ratification ○ PUDA20-01 Haymeadow PUD Amendment
April 2021
April 6 th (Planning & Zoning Commission)



○ <i>Potential Special Use Permit</i> ○ <i>Potential Special Use Permit</i> ○ Dept/Council Update
April 13 th (Town Council) ○ AN20-02 Basecamp Annexation, Zoning and Special Use ○ CommDev Department Update
April 20 th (Planning & Zoning Commission) ○ <i>Worksession – East Eagle Sub Area Plan (tentative)</i>
April 27 th (Town Council) ○ <i>Potential Special Use Permit (tentative)</i> ○ <i>Potential Special Use Permit (tentative)</i> ○ <i>Worksession: East Eagle Sub Area Plan (EESAP) (tentative)</i>

BUILDING DEPARTMENT:

Major Construction Projects Under Review and Oversight:

- Lower Basin Water Treatment Plant
- Broadway Station Mixed Use/Multi-Family
 - Overhead work submittal pending
- Talon Flats Mixed Use/Multi-Family
 - Ongoing plan revisions
- Butter Tenant Improvement for 139 Broadway (Ekahi Grill)
 - Partial TCO
 - Sign Permit required
- Moe's Outdoor Dining Expansion
 - Preliminary meeting held with planning and building
- 522 Capitol
 - Damage done to single family residence (SFR) due to explosion.
 - No severe structural damage to the property.
- 341 Broadway
 - Permit released
- Code Adoption Process
 - Had local building official meeting to discuss 2021 code adoption process and amendments. Reviewing to see if amendments can be consistent throughout County – will not be possible with all amendments.
- CITIX – newsletter from CommDev/Building to the Contractor community. 1st publication planned for March 1st.

TYPE OF WORK PERFORMED	NUMBER PERFORMED IN 2020
Inspections (n/i planning/pw)	1,970
Building Permits Processed	453



TOWN COUNCIL UPDATE:

The Town hired a full-time Public Works Director, Tom Gosiorowski.

January 12, 2021 Town Council Meeting:

- East Eagle Sub Area Plan contract with Zehren & Associates was approved. The timeline for this project is 16 weeks.
- S20-01 Haymeadow Filing 1, 1st Amendment was approved by Council.
- CT20-04 Condo Plat for 700 Chambers, Lot 3 – no action was taken on this file. Approval of the application as submitted would have resulted in a zoning violation.
- The Eagle Bucks Program was approved via Resolution No. 03, Series 2021.
- Members of the Grand Ave Corridor Study Stakeholder Committee were named by Council. 18 community members have signed up to be on the stakeholder committee. The stakeholder committee will be limited to nine members with meetings open to the public. Stakeholder Committee Members:
 - Jamie Harrison
 - Kim Bradley
 - Anne McKibbin
 - Kristen Miller
 - Shane Dickman
 - Tony Powell
 - Martha Miller
 - Dan Brown
 - Kevin Sharkey
- Eagle was awarded a CDOT grant to install pedestrian and traffic safety improvements to Broadway, this includes the installation of “festival lighting”.

January 26, 2021 Town Council Meeting:

- Council accepted the petition and scheduled the public hearings for AN20-01 Powell Park Annexation.
- Brian Lieberman, Open Space Manager, presented on the Vail Valley Mountain Trail Alliance GOCO Grant Funding Letter of Support for a Trail Conservation Crew.
- Larry Moore, Eagle Climbing Gym, presented on the proposed Climbing Wall Park on top of the detention pit at 700 Chambers and 263 Sawatch.

February 9, 2021 Town Council Meeting:

- Moment of silence for Seth, Andy, Adam and Jeff.
- Black Hills Energy Franchise Agreement approved.
- Brian Lieberman (ToE's Open Space Manager) was appointed to serve as the Town representative on the Eagle Ranch Wildlife Committee.
- Community grant requests were discussed, as was a potential donation from the Town to San Juan Search and Rescue.
- Town Council vacancies were discussed.