



MINUTES

Planning & Zoning Commission

Tuesday, February 16, 2021

6:00 PM

ZOOM MEETING

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MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

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

6:00 PM - REGULAR MEETING CALLED TO ORDER

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

COMMISSIONERS PRESENT

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

COMMISSIONERS ABSENT

Keegan Winkeller

STAFF

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

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

MOTION: COMMISSIONER KYLE HOILAND MOTIONED TO APPROVE THE MINUTES. MOTION WAS SECONDED BY COMMISSIONER JESSE GREGG AND PASSED WITH A VOTE OF 6 (GREGG, NUTKINS, TOWNSEND, WEBB, HOILAND, PERKINS) IN FAVOR AND 1 ABSTAINED (HOOD).

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

Project: 700 Chamber Ave, Lot 3 Special Use Permit

File #: SU21-01

Applicant: Richard Patriacca of DR Chambers, LLC

1. Location: 700 Chambers Avenue, Lot 3

Staff Contact: Peyton Heitzman, Planner I

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*.

Peyton Heitzman presented the file. The applicant is requesting a change of the use category from accessory to dwelling above street level. She displayed an aerial of the site and the building which is currently occupied. In 2017, Lot 3 received a SUP to construct a building with residential and commercial units. The residential units were approved in the CG zone district as Accessory units. These Accessory units were required to maintain a 1:1 ratio with a commercial unit. In 2019, the Lot was granted a minor development permit to construct the existing building.

When the 2017 SUP was approved, it was the only residential use permitted in the Commercial General zone district. However, In 2020, the Municipal Code was changed to allow an additional residential use in the CG zone district, which is Dwelling units- above street level. This residential use is only permitted through a SUP. The applicants would like to reclassify the residential units upstairs from Accessory to “Dwelling units-above street level”. This would allow the residential to subdivide separate from the commercial. The street level units will keep as Accessory residential. There are two street level residential units in Building C.

The Municipal Code provides four standards for the review of SUPs. Staff reviewed each standard and found concerns with the first two standards, which I will discuss in greater detail in the next couple of slides. Staff has found the application to be in compliance with Standard #3. Staff does not anticipate **that** the change in residential use will generate additional traffic. There is also sufficient parking for the proposed use. The application is also in compliance with Standard #4 since there are no special conditions for this use as required by the Code.

Staff is concerned that the application does not meet standards 1 and 2 because of issues with compatibility among the residential and surrounding uses. Town planning and regulatory documents describe the importance of having uses on Chamber's Avenue that support the commercial and industrial uses in the area. Staff is concerned that the change of use and the resulting non-Accessory units may conflict with, rather than support those commercial and industrial uses. It has come to staff's attention that residents in the subdivision have complained about noise generated from the veterinary clinic that also operates an outdoor kennel and is an adjacent property. This is the only incompatibility between the residential and the existing surrounding uses that staff is aware of at this time. This concern with the incompatibility of uses is addressed through a condition of approval. Staff's recommendation for this application is Approval with the condition that residents are made aware that the development is located in a commercial zone district and that the commercial uses in the area may generate noise greater than that in a residential neighborhood.

Applicant Ashley Patriacca explained that they need to divide these units as the ADA prevented them to have a clear cut live-work stacking, and they are readdressing this. They have come to an agreement that if they have this street level will have two commercial unit will be tied to the two Accessible unit. Dave Dantas will own an ADA unit with a commercial unit and Ashley and Rick Patriacca will own the others.

QUESTIONS

Commissioner Holiand asked if the applicant intends to sell the unit. Ashley said that right now they don't foresee selling these units but they don't know if they would in the future. She said that the units would be difficult to sell with the commercial tied to the residential unit. The only income on these units are currently rental income. Chad clarified that if this is approved, these units would be standalone units and not tied to a commercial space. The applicants are requesting this for financing reasons so they can split the building amount owners with the bank. The units are live-work but they are not stacked on top of each other. Peyton informed that there is no vertical stacking with the live/work.

Chair Hood clarified that the other buildings were building 1-to-1 live work units. This specific building is not because this building on lot 3 was required to build accessible units. The project including all the buildings were built 1-to-1 not this specific building.

Commissioner Nutkins asked why the applicants want to split the building. Ashley clarified that they are doing this based on the bank. Nutkins asked if there is no intention to sell these separately, why separate these. The bank is requesting that in order to split this building and have separate financing between the owners, that they need to do this to separate the units.

Commissioner Gregg asked if this was a plat issue to separate the building. Ashley responded they didn't have a separate plat. Chad clarified that the processing of the special use permit is the first step and then the platting will be the second step. This needs to be determined if the units that are on ground level are tied to each other and cannot be sold separately.

PUBLIC COMMENT

Chair Hood opened up public comment at 6:24pm. There was no public comment.

DELIBERATION

Commissioner Holand informed that he agrees with staff and doesn't see anything wrong with approving it. Commissioner Perkins supports this as a mode to allow the owners to utilize the property as they want and he is inclined to approve. Commissioner Webb agreed and said this is something that is necessary based on finances. Commission Townsend said he does not see an issue. Commissioner Gregg agrees with staff's recommendation and it doesn't change the use, so he is inclined to approve it. Commissioner Nutkins agrees with the commissioner. Chair Hood disagrees and informed that he is not inclined with creating apartment buildings in the Chambers area. He understands that this doesn't change anything for the projects that are already built. He said that request is not intended for Commercial General. Commissioner Nutkins said that the recent change in the code that occurred last year for the Commercial General zoning allows this, because he felt the same as Chair Hood when this project came through initially, he voted against it. He said that the commission has to be careful on how these files are approved, but they have to follow the change in the town code.

Commissioner Hoiland pointed out that if the applicants need this special use permit for financing and to keep the project moving forward, then it is best to allow them to go forward. Commissioner Nutkins clarified that it's not that the applicants can't get financing, the applicants want this because they have a particular why they want to finance this project. Chad reminded the commission that with any application, there is a term permit. The question is if the land use is appropriate on this site. Staff prepared the staff report with the recommendation, this development has already been approved, but the difference now is that it would not be a live-work structure.

MOTION: COMMISSIONER CHARLIE PERKINS MOTIONED TO APPROVE THE SPECIAL USE PERMIT WITH NO CONDITIONS, BASED ON THE FOLLOWING FINDINGS: 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. MOTION WAS SECONDED BY COMMISSIONER KYLE HOILAND AND PASSED WITH A VOTE OF 6 (GREGG, NUTKINS, TOWNSEND, WEBB, HOILAND, PERKINS) IN FAVOR AND 1 OPPOSED (HOOD).

WORKSESSION

1. West Eagle Sub Area Plan (WESAP) Amendment

Jessica Lake presented this file. The zoning included in the West Eagle area include Commercial Limited (CL), Planned Unit, Development (PUD), Residential Multi-Family (RMF), and Residential Medium (RM). Jessica presented the Future Land Use Map in the 2011 West Eagle Sub Area plan that shows the County property as both a Continuing Care Retirement Community and as Public Purpose Mixed Use.

This map is one that Eagle County and the GIS department put together for this amendment. This shows the changes that are currently proposed. The purpose of this worksession is for staff to take public comment to determine if these changes meet the needs of the community and to determine if there are any other changes that might be in line with this update. Staff is also hoping for comments and feedback from the Commissioners to determine if they are in agreement with the changes proposed or have other

items that could be incorporated into this quick update scope. Staff will also be soliciting comments from Town Council and will incorporate all comments and feedback into a focused revision to this plan for adoption by P&Z and ratification by Council.

QUESTIONS

Commission Nutkins asked if this area for Eagle County or if this was part of our comprehensive plan. Jessica informed that because this is a sub area plan, the comprehensive plan refers to this as it is a focused area at this time.

Commissioner Webb asked that if we changed the zoning from of the senior care facility, how easy is it to reverse this change if in the future it is determined that a senior care facility is what Eagle needs. Jessica researched current residential zone districts and a senior care facility is allowed in every residential zone as a special use permit. Chad Phillips added that this isn't a change in zoning, it's a change in the future land use category as shown on the future land use map. What this means is that if there is a zoning request in the future, it should mirror this plan.

Commission Townsend asked why this is being discussed at this time. Chad informed that this is because Eagle County developing this land and opening up more options for them.

PUBLIC COMMENT

Chair Hood open public comment.

Tori Franks, Real Estate and Development Manager at Eagle County Government, discussed the background of the parcels. Eagle County is issuing an RFQ for this area for affordable housing as a Phase I, what can be developed at this time in terms of infrastructure as what exists at this time and then look at what would need to be done during the Brush Creek road extension phase.

Chair Hood asked what the current needs are for senior care facility. Tori responded that the rehab and skilled care center is paid for by Medicare so it is easy to fill while the assisted living is more difficult because the pricing is free market. When Eagle County developed 210 Freestone, it is currently affordable housing, however these were designed to be converted to independent living should Castle Peak senior care facility like to purchase this property to provide more senior living opportunities in the future. Tori mentioned that senior living and senior housing is important, however she doesn't have updated data, but she is providing what she has heard in Eagle County properties. The lower and fixed income senior facilities in Eagle, Seniors on Broadway and Golden Eagle, have extensive waitlists. The need for low-income senior housing is high and Eagle County is aware of this.

Johanna Hopkins, Hopkins Development Strategies, she is representing the buyer for 546 Grand Ave. The 2-acre parcel is in two zoning categories. They are requesting that the property be designated all mixed use to create more flexibility in the development process. They are requesting this consideration when updating the Future Land Use Map.

Bruce Noring (sp) 702 Prince Alley, he was on the original committee when they created the original map. He is requesting to participate on the West Eagle Sub Area Committee, once it is formed. Is the Forest Service continuing to lease the vacant property? Tori said that the Forest Service is using this

parcel for their horses. He is requesting that when this lease expires to open this property to connect West Eagle to Downtown. He asked if there is a timeframe for Haymeadow to develop the Brush Creek extension. Jessica said that the timeline for Haymeadow to submit these plans to the Town by May 2021. Chad informed Bruce that after the Brush Creek road extensions and Highway Corridor study, then the Town of Eagle may look into doing a more comprehensive look at West Eagle and that would be the appropriate time for the design committee. This discussion is just for the future land use map and the categories.

Chair Hood closed public comment.

DELIBERATION

The Commission looked into specific parcels and zoning in the West Eagle Sub Area map. They discussed the Highway 6 Corridor impact on this as well.

In regard to the West Eagle Sub Area Plan Future Land Use Map, P&Z Commission direction is to:

- Change the Senior Care Facility category to residential.
- Change the parcel located at 546 Grand Ave to all Mixed Use instead of split.
- The property on the South end, staff is going to look at development constraints and buildability and just have this show as “parked.”
- Check with Public Works on West End street and the connections with Highway 6.
- Identify public Right-of-Way that comes off Castle Drive on the map

In regard to the Land Use Categories, P&Z Commission direction is to:

- Keep the three categories: Residential, Mixed Use, and Commercial
- There are no changes to Residential or Mixed Use. However, Commercial will include new language that would guide it toward lodging and “auto-oriented” businesses such as drive-thru restaurants and parking, businesses that would not conflict with Broadway.

PRESENTATION

1. PZ Handbook

Chad Phillips presented the “Town of Eagle, Colorado Planning and Zoning Commission Handbook 2021” to the commissioners and provided examples for guidance.

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

Chair Hood asked about how the two vacancies on the Town Council would be handled. Staff informed him that there will be appointments, and these vacancies will be on the ballot for the next regular election.

Commissioner Nutkins asked about the lumber yard fence. He added that this is an eye sore for the community and that this should be replaced. Jessica suggested that he connect with Bill Shrum for answers.

ADJOURN

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

APPROVED:

Matthew Hood, Chair

DATE

3-16-2021

Angie Kyle, Administrative Tech II

DATE