



**Planning and Zoning Commission
Meeting Minutes
October 3rd, 2017**

PRESENT

Jason Cowles, Chair
Stephen Richards
Charlie Perkins
Kyle Hoiland
Jamie Harrison
Jesse Gregg

STAFF

Morgan Landers –Town Planner
Dawn Koenig– Administrative Assistant

ABSENT

Max Schmidt
Cindy Callicrate

This meeting was recorded. The following is a condensed version of the proceedings written by Dawn Koenig.

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission held in the Eagle Town Hall on October 3rd, 2017, was called to order by Jason Cowles at 6:03 p.m.

APPROVAL OF MINUTES

None of the Board members had any revisions to the minutes of the August 5, 2017 Planning & Zoning Commission Meeting. Stephen Richards motioned to approve the minutes. Kyle Hoiland seconded. The motion passed unanimously.

PUBLIC COMMENT

None.

LAND USE PUBLIC HEARINGS

SU15-05(A) and SU15-06(A)

Jason Cowles opened files SU15-05(A) and SU15-06(A). The applicant is requesting an amendment to both Special Use Permits to allow for six two-bedroom units (4 on second floor and 2 ground floor) on Lot 3 and Lot 4 of 700 Chambers Ave. The site is located in the Commercial General (CG) Zone District.

Morgan Landers stated that these Special Use Permits were being revisited in response to a recent Building Code interpretation of ADA requirements. Landers gave an overview of the proposal. She stated

that the Applicant is being represented at the meeting by Jeff Manley, the architect, and owner/member of 700 Chambers, LLC, Dave Dantas. Landers said the amendment to the Special Use Permits is to allow 6 residential units on Lots 3 and 4 which, Landers said, is an adjustment from what the current Special Use Permits allow for on the property.

Jamie Harrison asked for clarification on what the Special Use Permits are for. He wondered if it was to only allow 6 residential units on each of the two Lots (3 & 4) or if there will be some other use included on the lots. Landers stated that there will be commercial components included on the lots, but that the commercial use is a use by right. She said that the Special Use Permits are technically for the residential portion of the project.

Landers went on to present an overview of the project as a whole and what has been stipulated in the existing Special Use Permits. She said that the Special Use Permits that were previously approved were for residential units on the second floor vertically attached to a commercial use on the ground floor. The current proposal is for six two-bedroom units (4 on second floor and 2 ground floor) on each of the two Lots (3 & 4).

She gave some background on how the proposed Amended Special Use Permits came up. Landers said that when the Town became aware of the recent SAFEbuilt Building Code interpretation of ADA requirements on live/work projects, this project was evaluated and based on the Code interpretation at that time, the finding was that this project would not meet the ADA requirement. Town Staff discussed the ADA requirements with Dave Dantas to come up with a solution to the ADA requirements. The Town received a different Code interpretation from the ICC after the fact, and the applicant elected to move forward with the new proposal to include accessible ground floor units. Landers also said that the project would still meet the Land Use Code requirement of one residential unit per permitted use, although these units would not necessarily be as vertically stacked as similar projects are.

Jamie Harrison asked for clarification on the difference between the previously approved Special Use Permits and the proposed amendment to them. Landers said that the project as a whole will still meet the Land Use Code requirement of one residential unit per permitted use. The residential units and commercial uses will be spread out between the different Lots on the site.

Jason Cowles asked if the units were being condoized. Jeff Manley, the project architect said that the units are condoized, but not attached horizontally or vertically.

Landers said that the previous Town Planner, had required the vertical integration of the units although it is not a code requirement to do so. Landers also explained that additional interpretations have been made after the recent challenges with ADA requirements and Town Staff became more flexible with the requirement that the commercial and the accessory residential be vertically stacked.

Cowles then asked why not call the project "mixed use" not "live/work" if the commercial and residential units are not connected. Landers said that effectively these projects are becoming mixed use instead of live/work and that she has moved away from using the term "live/work".

Stephen Richards pointed out that the only reference to live/work in the Land Use Code is accessory dwelling for a use permitted.

Landers said that as Town Staff has seen more of these projects come through the door, there has been an evolution of the interpretation of the requirement for the stacking of the uses. She also said that she agrees with Cowles' interpretation that this project is more of a mixed-use project rather than a traditional live/work project.

Richards stated that the live/work projects that they have seen recently have been 50% commercial space and 50% residential space. He asked if that is something Town Staff is still requiring. Landers said that they are focusing more on the one-to-one ratio of a dwelling unit allowed per permitted use. She said they have seen people looking for more flexible options in the commercial market. They are not necessarily looking for a standard 1000 sq ft of commercial space. The thought process evolved to accommodate for folks that are not looking for as much commercial space. She stated that we are dipping into an area where the Town does not have good regulatory structures in place. There is no mixed-use zone district that would be able to accommodate these projects better.

Jamie Harrison reminded the commissioners that the conversation was getting into deliberations and he wanted to be sure that the commissioners got the full presentation.

Landers gave more details of the proposed layout of Lots 3 and 4. Harrison pointed out that the commercial spaces could be modified and combined at any time depending on the desires of the owner/tenant. He asked if the developer would have to get an amendment to the Special Use Permit to still allow for the residential space if the number of commercial units were ever reduced. Landers stated that the number of commercial units needs to match the number of residential units during review and permitting, however, there isn't a mechanism to track future conversions. She said the commercial uses are a use by right, and the allowance of the residential units is what requires a Special Use Permit.

Stephen Richards asked about the uses of Lot 2. Landers stated that Lot 2 is 4 residential units on the second floor and 6 commercial units on the ground floor. They added walls to create additional commercial units.

Jamie Harrison said that all of these commercial spaces can change over time and be combined or separated depending on the desires of the current tenants. He stated that it is absurd and makes no sense to impose these types of restrictions on the owner's use of this property. He asked where in the Code is it stipulated that there is a one-to-one ratio for a dwelling unit per permitted use.

Landers said that Town Staff created a very unfortunate precedent with the interpretation of the Land Use Code with one dwelling unit per use permitted. Harrison asked when that interpretation was created. Landers said the original development on Lot 2 of 700 Chambers Ave. was the first time the stipulation of the Land Use Code was applied to create a live/work product. She noted that these types of projects especially out on Chambers Ave. are challenging to evaluate without a clear set of standards. The more residential uses that are allowed, will change the look and feel of the area. She said she approached this project with the Code interpretation of a one-to-one ratio, meaning one residential dwelling unit per use permitted. Landers said while evaluating the amendments to these Special Use Permits, she considered if the new proposal would have a big impact from what was already approved under the original Special Use Permits. She said the net increase is one additional unit with the amended permits.

Landers went on to present the standards for approval of a Special Use Permit. She concluded that Staff recommends approval of the Amended Special Use Permit based on the standards.

Jason Cowles asked if the applicant had any comments. Dave Dantas thanked the Commissioners for hearing the new proposal and gave a brief overview on how they ended up asking for an amendment to the existing Special Use Permits. He said that in contemplating the need for ADA accessible units, he wants to make the project inclusive and accessible. He said the Climbing Gym portion of the project is going to be accessible and likes the idea of offering an accessible residential option as well. Charlie Perkins asked how many accessible units total will be built. Dantas said that there will be four. Rick

Patriacca, Dantas' partner in the project said they came up with four units to allow for one per building site wide, which is what they had thought was required under the Building Code interpretation at the time.

Kyle Hoiland asked if there were green space requirements. Landers said there is not a specific requirement for this project since it is not located in a high density residential zone district, but the need for green space has been discussed about the areas around the climbing gym. The applicants still need to apply for a development permit and the need for green space will be evaluated at that time.

Charlie Perkins asked about accessible parking and if it would be provided for the ADA accessible units. Landers said that the applicants re-evaluated parking and accessibility around the site as a whole to ensure accessible routes to all of the buildings.

PUBLIC COMMENT

Jason Cowles opened the floor to public comment.
None.

Q & A

Cowles said he had concerns about referring to the project as a live/work project. Landers said that she does not think that it should be considered or referred to as a live/work project any longer. Jamie Harrison commented that in the Land Use Code it is stated "that while workforce housing may be found to be appropriate on upper levels of some buildings, residential development of any significance in these types of areas should be avoided. Until a sub-area plan for Chambers is completed, minimize the inclusion of residential uses in commercial and industrial areas located along Chambers Ave." Harrison indicated that one of the reasons this was written into the Land Use Code was perhaps to avoid creating a 3rd downtown area in the Town of Eagle on Chambers Avenue. This project and others like it planned for the Chambers Ave. area will end up creating a whole new residential community in a commercial/industrial district. He said that it requires more thought in terms of green space and the Town needs to decide if it really wants to pull residential activities to this area away from the Broadway downtown area. He stated that we are ignoring the language written out in the Land Use Code. Harrison said that he wished that he could consider the project as a mixed-use permit.

Landers made a point of clarification and stated that she did not disagree with any of Harrison's comments. She pointed out that the document being referenced was the Eagle Area Community Plan, not the Land Use Code. She stated that the Eagle Area Community Plan is not a regulatory document and the Land Use Code is. From a regulatory stand point, the Land Use Code allows for a single dwelling unit per use permitted via a Special Use Permit. Cowles clarified by saying that the dwelling must be accessory to the permitted use. He stated that this proposal doesn't quite conform to that distinction and found that to be problematic. He said that he cannot support the amendment to the Special Use Permit. Harrison pointed out that standard one for granting a Special Use Permit is that the proposal has to conform to the Town's goals, policies, and plans, so the Eagle Area Community Plan should be considered relevant to this case because it is part of the Town's goals, policies and plans. Landers said that she agrees and thinks that the plan also discusses a substantial need for housing in the community and balancing the need for housing and diversity in housing.

Cowles pointed out that some development files that have been passed by the commission that would address some of these housing issues have not moved forward. He expressed that it would be wise to look

at some of those files. He said that he feels that they would be making leaps to approve something that is not supported by the Land Use Code.

Kyle Hoiland said that he thinks the new proposal does not differ in a significant way from what was already approved with the original Special Use Permits. He said he thought the area should perhaps be rezoned as mixed-use. He also said he was mindful of the time and effort the developers put into the project. The project is designed well with plentiful parking and includes affordable housing which is also a goal for the Town to provide. Stephen Richards said that he agrees with Hoiland.

Jesse Gregg said that he can see both sides and that this is starting to be a slippery slope. He also said that he thought that adding one more unit to the project would not tip the balance. Gregg said he supports the proposal, but is concerned that separating the commercial spaces from the accessory dwelling units is problematic.

Charlie Perkins said that holistically they are looking at an area of Chambers Avenue and projects are being approved without having a sub-area plan. He wondered what the process of getting a plan looks like and how long it takes. He is concerned about putting more traffic on Chambers Avenue with only one way out, and traffic being added to the roundabout is not desirable. He said he found it hard to deny an applicant a permitted use.

Landers said that she thought the commissioners were bringing up important points. She stated that it is her understanding that the roundabouts were built to handle traffic at full build out of the commercial space of Chambers Avenue. The sub-area plan will be considered with the full Land Use Code re-write that may be included into the next year's budget. The time frame will depend on the process. She hopes to address those issues in the near future.

Harrison and Cowles both expressed their concern that allowing more residential use in this area does not conform to the Land Use Code.

Stephen Richards stated that he thought they need to be consistent and they had already approved a similar Special Use Permit for the Chambers Lofts project. The new proposal doesn't change the overall number of units, so he is in favor of approval.

Jamie Harrison made a motion to deny files SU15-05(A) and SU15-06(A). Cowles seconded. Hoiland, Gregg, Perkins, and Richards all voted against the motion to deny. The motion did not pass.

Charlie Perkins made a motion to approve files SU15-05(A) and SU15-06(A) based upon compliance with the standards for approving Special Use Permits. Richards seconded. Hoiland, Gregg, Perkins, and Richards all voted in favor of approval, with Cowles and Harrison voting against. The motion passed with a 4-2 vote.

PPFP17-01

Jason Cowles opened file PPFP17-01. The applicant, Chambers Lofts, LLC is requesting Preliminary/Final Plat of the Trotter Minor Subdivision Lot C-12A subdividing one 4-acre parcel into two parcels. Morgan Landers gave an overview of the site located at 1115 Chambers Ave. in the Commercial General Zone District. The site is currently under construction. Landers presented the standards for approval and recommended approval based on the standards. The approval was recommended with the condition that final recommendations from town staff, attorney, and third-party reviewer is incorporated into the recorded plat.

Charlie Perkins asked who the 3rd party reviewer is. Landers responded that the final plat is sent to a 3rd party for peer review.

PUBLIC COMMENT

Jason Cowles opened the floor to public comment.
None.

Q & A

None

Stephen Richards made a motion to approve file PPFP17-01 with the condition that final recommendations from town staff, attorney, and third-party reviewer is incorporated into the recorded plat. Kyle Hoiland seconded. The motion passed unanimously and the file was closed.

PPFP17-02 (Staff requests continuance to October 17th meeting)

Morgan Landers stated that staff is requesting continuance of this file due to missing the public notice not being published in the paper when requested and subsequently, the deadline was missed. Jason Cowles asked if it was appropriate to take public comment even though the file will be continued. Landers said that normally they would wait for a staff presentation to be available to the commissioners and the applicant to be present to take public comment. She also stated that it is up to the commissioners to decide if they would allow public comment. Cowles said that there were clearly members of the public in attendance to hear and comment on files and if they made the effort to attend he would like to open public comment.

PUBLIC COMMENT

Jason Cowles opened the floor to public comment.
None.

Jesse Gregg made a motion to continue file PPFP17-02 to the October 17th meeting. Kyle Hoiland seconded. The motion passed unanimously with a 6-0 vote.

DR17-05 (Staff requests continuance to October 17th meeting)

Morgan Landers stated that staff is requesting continuance of this file due to outstanding issues that need to be resolved with the applicant and the need for more time to review the request. Cowles said he wanted to open this file for public comment. Jamie Harrison said that before the file is opened for public comment, he wanted to be sure that everyone understood what that means. He went on to say that if there is public comment, the two commissioners not present cannot participate in the vote on the file unless they listen to the recording of the public comment taking place at this meeting. He said that if the members of the public wishing to make comments could attend the next meeting, that might be a better way to handle this instead of making comment at this meeting. He said he was not necessarily recommending that they don't make public comment, but wanted everyone to be aware of potential unintended consequences.

Morgan Landers made clear that the reason for requesting continuing the file was not due to receiving an incomplete application or a public notice issue but rather issues with outstanding items staff is working through with the applicant. She stated that having the staff presentation on the file can also sometimes be helpful when the commissioners hear public comment. Due to the unresolved issues that staff is working through with the developers, no staff report was prepared.

Dan Leary of 204 W Third Street asked the commissioners if he could present his concerns with the approval of original Special Use Permit.

PUBLIC COMMENT

Jason Cowles opened the floor to public comment out of respect to the folks who showed up to hear and comment on the file. He stated that none of the commissioners had application materials in front of them so it would be hard to engage in any sort of dialog. Jamie Harrison also said that none of them have the original Special Use Permit and he did not recall what it entails.

Mr. Leary introduced himself and stated that he is concerned with the Special Use Permit that was approved to allow the lot to be used for all residential and no commercial. He said that at the time the Special Use Permit was approved, he was under the impression and told that it was only a conversion of use and not an approval for the number of units. He said he and his neighbors are concerned about the parking if 8 units are approved on this lot for this project. He said that if the project is automatically approved for 8 units he feels as though he and his neighbors were misled.

Cowles asked that staff research what was approved in the Special Use Permit.

John Christianson of 341 Wall Street said that he agrees with Mr. Leary and that he was present at the Town Board of Trustee meeting when the Special Use Permit was approved. He also said that he was under the impression that the Special Use Permit did not specify the number of units and granted use as residential. He said he was not opposed to allowing residential use at all because he does not think commercial use makes sense in that area with the other side of the street being residential. He said he is opposed to having 8 units because it would change the character or the neighborhood and would set the precedent that others could do the same thing. He said that he and a several of his neighbors are committed to preserving the historical nature of their properties. He stated that Wall Street has many homes that have historical value and he is in favor of preserving that.

Cowles closed public comment.

Jamie Harrison made a motion to continue file DR17-05 to the October 17th meeting. Jesse Gregg seconded. The motion passed unanimously with a 6-0 vote.

TOWN BOARD OF TRUSTEES MEETING REVIEW

Landers gave a summary of the recent Town Board of Trustee meetings. She said that the amended Special Use Permit for the Chambers Lofts project was approved. She spoke briefly about the Lower Basin Water Treatment Plant. Cowles asked if the Town has had interviews with the construction firms. Landers said they have. Landers said that the Town is continuing to work through issues with the County in respect to the Eagle Water Park. She stated that none of those issued impede the white-water in-stream construction. She said that the Town is moving along and continues to work with GovHR for the recruitment process for the Town Manager.

OPEN DISCUSSION

Cowles asked about the vacant position for the Assistant Town Planner. Landers said that an offer was extended and the candidate is re-locating from Nebraska. He is set to start later this month depending on housing.

Stephen Richards asked if there was any opportunity to meet with the Town Board of Trustees to let them know how the commissioners are arriving at their decisions. Landers stated that the trend is for the Town Board of Trustees to take the recommendations of the Planning Commission and put the responsibility in their hands. She said they are seeing less and less deliberations on the Town Board level on land use files.

Cowles asked for an update on the Strategic Plan. Landers said that the Strategic Plan would absolutely be shared with them. Cowles said it would be helpful so that they could carry out the wishes of the elected officials.

Jamie Harrison stated that it appears the Planning Commission and Town Board of Trustees are completely divorced. He said he would like to see more and better communication between the two.

There was a brief discussion on the need to revise the Land Use and Development Code.

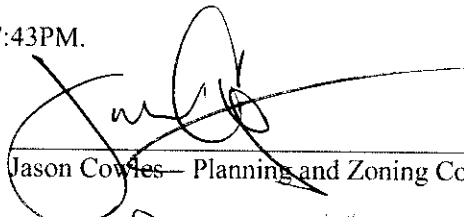
Jamie Harrison made a motion to adjourn. Charlie Perkins seconded. The motion passed unanimously.

ADJOURN

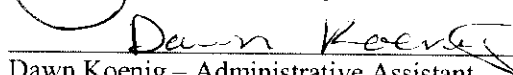
The meeting was adjourned at 7:43PM.

10/17/17
Date

10.17.17
Date



Jason Cowles – Planning and Zoning Commission Chair



Dawn Koenig – Administrative Assistant



MINUTES
Town Board of Trustees
Tuesday, October 10, 2017
6:00 P.M.

Public Meeting Room / Eagle Town Hall
200 Broadway, Eagle, CO

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

Meetings are also aired online at <https://vimeo.com/channels/townofEagle/>.

The following is a condensed version of the proceedings as written by Jenny Rakow.

TRUSTEES PRESENT

Anne McKibbin, Mayor
Andy Jessen
Matt Solomon
Paul Witt
Mikel "Pappy" Kerst
Kevin Brubeck
Scott Turnipseed

STAFF

Ed Sands, Town Attorney
Tom Boni, Acting Town Manager
Frederick E. Tobias, PE, Town Engineer
Jenny Rakow, Town Clerk
Joey Staufer, Police Chief
John Staight, Open Space Coordinator
Jeremy Gross, Special Events Coordinator
Bryon McGinnis, Interim Public Works Director
Jill Ewing, Finance Director
Lynette Horan, Human Resources Manager
Vern Brock, Interim Town Engineer
Colleen Kaneda, NV5
Tim Gagen, GovHR

6:00 PM – REGULAR MEETING CALLED to ORDER

PUBLIC COMMENT - John Cook – 419 Harrier Circle. Mr. Cook provided the board with his background and intent to be involved with the Lower Basin Water Treatment Plant planning process. Mr. Cook provided a list of questions to the Town Clerk for the Town Board and Town Staff to review for response.

PRESENTATION

Rosie Shearwood Community Impact Award – Mayor McKibbin announced the belated presentation of the award to Rosie Shearwood who was present. This is in addition to the formal announcement at Eagle Vision 20-20. Rosie thanked the Board and her supporters. She received a standing ovation to honor her award.

CONSENT AGENDA

1. Minutes –September 26, 2017
 2. Bill Paying and Payroll September 2017
-

Trustee Solomon had questions regarding Minutes that were resolved. Additional question regarding line item coding for Moe's BBQ.

MOTION: Trustee Turnipseed motioned to approve the Consent Agenda. Motion was seconded and PASSED unanimously.

ACTING TOWN MANAGER, ATTORNEY AND STAFF UPDATE

Acting Town Manager.

2017 Personnel Adjustment Request – Tom Boni addressed the Board with this request and stated that the Town is short staffed in winter for snowplowing. Request approval of hiring a new position, full time, Maintenance Worker with mechanic experience, in 2018 budget requests, would like to hire and train in November 2017 before snow plowing season. Request has been approved by Town Manager. Impacts 2017 budget for 4th quarter and 2018 budget. Upon approval of the Personnel Adjustment request, will proceed with recruitment.

MOTION: Trustee Brubeck motioned to approve Personnel Adjustment Request for full-time Maintenance Worker to start in 2017. Motion was seconded and PASSED unanimously.

Abrams Creek Connector Trail Ribbon Cutting – Discussion: John Staight presented this item to celebrate the opening of this trail which was a 7-year process. Additionally, some folks from community have an idea they would like to share regarding the name of the trail.

Adam Palmer with Hardscrabble Trail Coalition proposed naming the trail for Nate Piccolo from Yeti's Grind who passed away last year.

Tara Piccolo also spoke about the trail and the story behind LOV Bikes.

Charlie Brown spoke in support of naming the trail LOV Connection.

Board appreciated the presentation from the public and agreed that the trail name was an appropriate way to honor a local citizen.

MOTION: Mayor McKibbin motioned to name the Abrams Creek Connector Trail the LOV Connection. Motion was seconded and PASSED unanimously.

A Ribbon Cutting ceremony will be held on November 11th at 11:00 a.m.

Town Park Ribbon Cutting – Discussion. Bryon McGinnis stated that the park is finally done, but the landscaping is not complete. We will address final landscaping next spring. Bryon thanked his staff and supported ribbon cutting this Saturday. Board discussed timing of event with Jeremy Gross, Special Events Coordinator. Final time will be determined and publicized for Saturday, October 14th.

SGM Contracts – Tom Boni presented the contracts needing financial approval from SGM that were not identified in the 2017 budget. Mayor McKibbin recused herself from this discussion and stepped down from the dais. The contracts represent an amendment to the environmental assessment work on Violent Lane for the main water line connection to the new plant and high way six, the variable surcharge study and reviewing the 90% design to ensure compliance with the 2015 Building Code, which was adopted earlier this year. Total amount of contracts is a not to exceed of \$33,100.00.

Warren Swanson, President of SGM was present and provided explanation of contract intent.

Board comments were to confirm value engineering was taking place, request to review results from the conservation and efficiency study, confirmed that payment would be made by a transfer from the water fund, and discussion regarding what would happen if the contracts were not approved.

MOTION: Trustee Turnipseed motioned to direct staff to enter into a contract with SGM for the Lower Basin Water Treatment Plant to update the drawings in compliance with our current code, identify potential disposal of the lagoon, continue and complete the variable rate surcharge study and design the water line connection at Violet Lane. Motion was seconded and PASSED unanimously.

Lower Basin Water Treatment Plant – Construction Manager at Risk Contract Award (Pre-Construction Services).

Warren Johnson presented this item. Warren explained the intent of the CMAR and how it assists the Town with cost savings and budgeting. The qualifications of the bidders were provided and recommendation for MWH Constructors to be the contractor. Managing risk and cost escalation is what the guaranteed maximum price will address using this model.

Tom Boni is reviewing a draft contract and would like to bring to Board for final approval on October 24th. We are proposing a price a reduction and a monthly payment arrangement based upon time and materials.

Mike from MWH Constructors was present and thanked the Board for the opportunity.

MOTION: Trustee Turnipseed motioned to direct staff to begin the contract preparation to hire MWH Constructor for preconstruction services in the not to exceed amount of \$152,062 to be paid monthly for time and materials. Motion was seconded and PASSED with a vote of six (6) in favor (Solomon, Jessen, Brubeck, Kerst, Turnipseed and Witt) and one (1) abstain (McKibbin).

Eagle River Park Update, NV5 – Colleen Kaneda provided summary of current project, including the GOCO grant for the Upland Park, contractor for White Water Park, due diligence on the project site, agreement with the Case Property, coordination with Eagle County of the parking configuration, 401 certification, and Meadows Trail access design.

Ed Sands noted that the Town will enter into a License Agreement with the county that he will review. This allows us to use their property for construction.

Trustee Solomon will attend the white-water park interviews due to Trustee Jessen's absence. Colleen will present finalists for review in the next board packet.

A ground-breaking ceremony was also suggested. Staff will develop a plan with NV5.

Staff/Department Updates

Trustee Turnipseed requested the water rate study prior to Christmas.

Town Attorney – Ed Sands stated he attended a two-day municipal attorney's conference and may some things for the next meeting.

Mayor McKibbin modified the agenda order to hear the Land Use Files prior to New and Old Business to accommodate the applicants who are present.

LAND USE FILES

Project: Lot 3, 700 Chambers Ave.
File #: SU15-05(A)
Applicant: Chambers 700, LLC
Location: Lot 3, 700 Chambers
Staff Contact: Morgan Landers
Request: The applicant is requesting an amendment to a Special Use Permit to allow for six two-bedroom units (4-2nd floor and 2 ground floor) at a site in the Commercial General (CG) Zone District.

Mayor McKibbin opened SU15-05A. Tom Boni presented this item due to Morgan Landers' absence.

Applicant requested option to condominiumize commercial separate from residential.

Ed Sands noted that if the residential units are sold individually, the Local Employee Residency Program ("LERP") may be in effect depending on the ownership of these lots. Applicant stated that lot three and four are different owners. Tom Boni stated staff would like to work with the applicant on the relationship and determine intent of the program on this project.

Tom provided the findings for the special use permit:

Standard #1 The Eagle Area Community Plan (EACP) and the Land Use and Development Code provides the goals, policies and plans for the Town. Chapter 4.04 – Zoning of the Land Use & Development Code permits "One Single Dwelling Unit – Accessory to a use permitted" as a Special Use within the Commercial General (CG) Zone District. The subject property is zoned Commercial General (CG) and therefore is in compliance with this provision of the Code.

In the EACP, the Future Land Use Map designates the property as Commercial. The property also falls within the I-70 Influence Character Area. The EACP addresses this type of project in a few areas.

- a. Chapter 3: Land Use – Community Needs
 - i. "Maintaining and appropriate and full spectrum of dwelling unit types and price points is very important in a fast growing and increasingly expensive community like Eagle."
- b. Chapter 4: Future Land Use Map – Commercial
 - i. "A limited number of live work arrangements may be appropriate, per zoning."
- c. Chapter 5: I-70 Influence Character Area
 - i. "While workforce housing may be found to be appropriate on upper levels of some buildings, residential development of any significance in these areas should be avoided."
 - ii. "Until a sub-area plan for Chambers Avenue corridor is completed, minimize the inclusion of significant residential use in commercial and industrial areas located along Chambers Ave, Marmot Lane, Sawatch Road and Market Street."

Although the community plan does not fully support residential in the Chambers area, there is a growing urgency toward the need for housing in our communities. Even with adjustments in the target AMI for affordable housing, the county has a major gap in housing for our population and the town of Eagle plays a critical role in the housing solution. Part of this solution is providing housing options for many people with many different types of housing preferences. Although many people desire to have a single-family home, duplex, or townhouse, there is a demographic that is looking for different, more affordable options such as condos/apartments. These units will add to the housing diversity of the town of Eagle.

Standard #2 Staff has evaluated the compatibility of uses for this project. Although the project is in one of the more flexible zone districts for commercial uses. The trend for this area is for lower intensity commercial uses and staff believes that trend is likely to continue. Adjacent to this project is a vacant property, proposed climbing gym, veterinary clinic and kennel, offices, restaurants, and other service establishments.

Many members of the younger population are looking for more walkable options close to infrastructure/transportation and local amenities such as restaurants, grocery stores, etc. Staff believes that this area has the potential to become a unique community, close to a climbing gym, restaurants, grocery, and Pilates studio that will attract a younger demographic. This project is also in close proximity to one of the densest residential projects in the town (townhomes and villas on Nogal Rd) and is only separated by a single railroad and a vacant parcel of land. The property is also connected to the sidewalk and trail system for the town which makes it accessible to downtown Eagle as well.

Standard #3 The main street improvement plans and access for the project have not changed and will remain with the current request. The parking demands for the project adjust with the change to more residential which reduces the total square footage of commercial space. For Lots 1-4 (including the climbing gym) a total of 128 parking spaces is required. The site currently provides 138 spaces, ten more than required.

Standard #4 This standard does not apply to this project.

Tom Boni noted that the Planning Commission was split on the approval due to the request to allow residential units to be split from the commercial space because this is in the General Commercial Zone District and not Mixed Use.

Board discussion was related to the residential separation from the commercial units and fairness of this project's request compared to others in same zone district; whether this project triggers the LERP requirement; this project moves away from work/live intent of residential and commercial units; need to revise the Land Use Code; staying consistent with approvals for these types of requests; ownership of the lots and employee housing component.

Ed Sands noted that the Resolution will need to be amended to change the ownership of Lot 3 to D R Chambers LLC.

Dave Dantas applicant provided the board with his intent to provide ADA accessible units to whomever needs them, rather than tied to the commercial units. Was not aware of the LERP requirements.

Tom Boni reiterated that the request tonight is for the Special Use Permit, the LERP and subdivision questions will be addressed both at Building Permit and Development Permit.

Mayor McKibbin opened this item for public comment. There was no public comment.

Resolution 56-2017 A Resolution of The Board of Trustees of The Town of Eagle, Colorado, Granting an Amendment to The Chambers 700, LLC Special Use Permit for A Parcel of Land Located at Lot 3, 700 Chambers Avenue, Eagle, Colorado.

MOTION: Trustee Turnipseed motioned to approve Resolution 56-2017 with amendment to the Resolution to change Chambers 700 LLC to D R Chambers LLC in every instance. Motion was seconded and PASSED with a vote of six (6) in favor (Solomon, Jessen, Brubeck, Kerst, McKibbin, and Turnipseed) and one (1) against (Witt).

Project: Lot 4, 700 Chambers
File #: SU15-06(A)

Applicant: Chambers 700, LLC
Location: Lot 4, 700 Chambers
Staff Contact: Morgan Landers
Request: The applicant is requesting an amendment to a Special Use Permit to allow for six two-bedroom units (4-2nd floor and 2 ground floor) at a site in the Commercial General (CG) Zone District.

Resolution 57-2017 A Resolution of The Board of Trustees of The Town of Eagle, Colorado, Granting an Amendment to The Chambers 700, LLC Special Use Permit for A Parcel of Land Located at Lot 4, 700 Chambers Avenue, Eagle, Colorado.

Mayor McKibbin opened this item for public comment, there was no public comment.

MOTION: Trustee Turnipseed motioned to approve Resolution 57-2017. Motion was seconded and PASSED with a vote of six (6) in favor (Solomon, Jessen, Brubeck, Kerst, McKibbin, and Turnipseed) and one (1) against (Witt).

Project: R & H Mechanical/Chambers Lofts
File #: PPFP 17-01
Applicant: Chambers Lofts, LLC
Location: 1115 Chambers Ave.
Staff Contact: Morgan Landers
Request: Preliminary/Final Plat of the Trotter Minor Subdivision Lot C- 12A subdividing one 4-acre parcel into two parcels.

Tom Boni presented this item and provided the findings for the minor subdivision:

Standard #1 The processing of the minor subdivision is the next step in the process for the completion of the Special Use Permit and Development Permit approved for the project. Compliance with the Town's goals and plans were reviewed during those applications. The minor subdivision is in compliance with the requirements of Section 4.13 of the Land Use and Development Code, ensuring that the appropriate certificates are represented, all easements (access, drainage, and utility) are appropriately delineated, and access is created for the new lot created through this process.

Standard #2 Staff believes that all impacts created by the minor subdivision have been reasonably and adequately mitigated through the Development Permit process.

Also included was the recommendation for approval that prior to filing, final recommendations from town staff, attorney, and third-party reviewer is incorporated into the recorded plat.

Mayor McKibbin opened this item for public comment. There was no public comment.

Ordinance 25-2017 An Ordinance of The Town of Eagle, Colorado, Approving A Subdivision Within the Town of Eagle to Be Known as Trotter Minor Subdivision; And Approving a Site-Specific Development Plan Establishing Vested Property Rights Pursuant To Article 68 Of Title 24, C.R.S., And Chapter 4.17 Of the Eagle Municipal Code.

MOTION: Trustee Turnipseed motioned to approve Ordinance 25-2017. Motion was seconded and PASSED unanimously.

Project: Creekside Lofts Minor Subdivision
File #: PPFP17-02
Applicant: ERLI Lot 2 LLC

Location: 718 Prince Alley
Staff Contact: Morgan Landers
Request: *Request to continue this file to the October 24, 2017 Town Board Meeting*

Mayor McKibbin opened this item for public comment, there was no public comment.

MOTION: Trustee Turnipseed motioned to continue File Number PPFP17-02 to the October 24, 2017 Town Board Meeting. Motion was seconded and PASSED unanimously.

MEETING BREAK

OLD BUSINESS

Town Manager Search Status Update and Request for Approval of Timeline (GovHR). Tim Gagen provided the Town Board with the documents for approval in the board packet, which included: a. establish job search goals including the writing of the job description; b. Deadlines for applications; c. Requirements for applicants and d. Selection procedures and the timeframe for appointing or employing the Town Manager.

Also presented was a contract to complete this work. The board needs to authorize by vote to move forward.

MOTION: Trustee Turnipseed motioned to approve the a. establish job search goals including the writing of the job description; b. Deadlines for applications; c. Requirements for applicants and d. establish selection procedures and the timeframe for appointing or employing the Town Manager and giving the committee the authority to change the timeline if deemed necessary. Motion was seconded and PASSED unanimously.

Trustee Brubeck thanked the committee for their work on this item.

NEW BUSINESS

2018 Budget Highlights Discussion/Delivery of Draft Budget. This item was presented by Tom Boni, Acting Town Manager and Jill Ewing, Finance Director.

A budget worksession was requested and the date chosen is Thursday, October 26, 2017 at 6:00 p.m.

The current budget will require removal of approximately \$800,000 in expenditures to create a balanced budget. Town board was provided with a high-level overview of revenues, staffing requests, costs related to employee benefits, pay plan adjustments and merit increases.

Staff will also be working on review of charges for services in community development and specifically fees tied to development reviews.

Board requested Tom Boni and Department Heads to review fee schedule, finding health insurance savings, provide wellness incentives to reduce insurance costs, determine critical items, address board goals and our strategic plan.

Single Track Sidewalk Phase 3 - John Staight, Open Space Coordinator presented this item.

Request is for approval the following agreements: 1) Trail Easement and Construction Access Easement Agreement between the Town of Eagle and Eagle County School District RE-50J; 2) Trail Easement and Construction Access Easement agreement between the Town of Eagle and Eagle Ranch Commercial Center Association.

Board inquired what easements the bike path will be on and asked Town Attorney to determine whether it was an exclusive or non-exclusive easement to ensure we are not infringing.

MOTION: Trustee Solomon motioned to approve the Trail Easement and Construction Access Easement Agreement between the Town of Eagle and Eagle County School District RE-50J and the Trail Easement and Construction Access Easement agreement between the Town of Eagle and Eagle Ranch Commercial Center Association pending Attorney review of the Easements. Motion was seconded and PASSED unanimously.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS

Mayor's Update - Compact of Colorado Communities Request for Appointment

Mayor McKibbin stated CCC is looking for elected officials or staff to be part of four working groups and committees. Andy confirmed that he can attend until we determine a staff member who can.

Trustee Solomon stated his concern that Town of Gypsum recently got hacked. This is a concern with our information using cloud applications. Both Vail and Gypsum have backup servers on site and it costs less. There is less risk to losing data and having rates increased. IO Partners is a company that does this type of service.

Trustee Turnipseed asked about doing a large solar array at the Lower Basin Water Treatment Plant. If there is an opportunity to design it, it could possibly be part of the project cost. Tom said it will be done.

ADJOURN (10:30 p.m.)

10/24/17
Date

Anne McKibbin
Anne McKibbin, Mayor

Jenny Rakow
Jenny Rakow, CMC Town Clerk





**Planning and Zoning Commission
Meeting Minutes
September 3, 2019**

PRESENT

Jason Cowles, Chair
Brent McFall
Bill Nutkins
Stephen Richards
Charlie Perkins
Kyle Hoiland
Matthew Hood

STAFF

April Kroner- Town Planner
Bill Shrum- Assistant to the Town Manager
Dawn Koenig- Admin Technician

ABSENT

Jesse Gregg

This meeting was recorded. The following is a condensed version of the proceedings written by Dawn Koenig.

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission held in the Eagle Town Hall was called to order by Commission Chair Jason Cowles at 6:01p.m.

APPROVAL OF MINUTES

Commissioner Hood made a motion to approve the minutes of the July 16th, 2019 meeting. Commissioner McFall seconded. Commissioners Nutkins and Richards abstained as they were not present at the meeting. All others present voted in favor. The motion passed.

Commissioner McFall made a motion to approve the minutes of the August 6th, 2019 meeting recognizing that there was not a quorum present at the August 6th meeting. Commissioner Hoiland seconded. Commissioners Richards, Perkins, Hood, and Nutkins abstained as they were not present at the meeting. The motion passed.

PUBLIC COMMENT

None.

LAND USE FILES

PPFP19-01 Red Mountain Ranch Preliminary and Final Plat - Request for Continuance

Commission Chair Cowles opened file PPFP19-01 noting the request to continue. Commissioner Hoiland made a motion to continue the file until the next scheduled Planning and Zoning Commission hearing on September 17th. Commissioner Hood seconded. All voted in favor. The motion passed.

DR19-01 700 Chambers Ave Lot 3 Development Permit & DR19-02 700 Chambers Ave Lot 4 Development Permit

Commission Chair Cowles opened both files DR19-01 and DR19-02. Project architect Jeff Manley presented an overview of both files. He showed a brief 3D rendering of the entire development and architectural plans for the whole development and the specific developments being proposed on lots 3 and 4. He commented on aspects of the development including meeting requirements for the ratio of residential and commercial units, accessibility, parking, and landscaping. He commented on the cohesive design elements that have been incorporated into the overall design of the site. Manley pointed out areas that will be intended for snow storage and spoke about a drainage and utility easement located on the east end of the property that contains a sewer line.

Q & A

Hoiland asked about the location of the sewer line and if it was a live line. Community Development Director April Kroner said that there use to be an easement in place for it, but the easement was vacated when the final plat was approved for the subdivision. She said that she has spoken to the Town Public Works staff and no one could determine why the easement was vacated at that time. Kroner said that the Town is asking that the easement be put back in place.

Nutkins asked if they would be reviewing the setbacks and other zoning requirements with this file. Kroner said they would be, but that staff has already determined that the proposed project meets the setback requirements.

Nutkins asked about the prior Special Use Permit approvals stating that lots 3 and 4 are only allowed 5 residential units. Kroners said that the Special Use Permits were amended in 2017 allowing for 6 residential units in each of lots 3 and 4.

Hood asked about any requirements for maintaining square footage ratios. Kroner spoke about the requirements that were outlined in the amended Special Use Permits. Hood asked about any conditions in the original special use permit. Kroner said that the original special use permit stipulates that the residential units may not be sold separately from the commercial units, however, that was taken out of the Special Use Permits when they were amended.

Manley said that this is what they had to come up with to meet the requirements of the town for ADA requirements while maintaining the one to one ratio of an accessory dwelling allowed for each use permitted.

Nutkins said that the commissioners need to look at the intent of the code in regard to allowing accessory dwellings for a use permitted. Kroner said that the approvals have already been given for the accessory units and there is nothing that can be done at this point to prevent the inclusion of the residential units that have been approved with the amended Special Use Permits. She acknowledged that there were approvals that have been given that might not have been given if they were to be asked for today.

McFall said that this goes back to the interpretation of the code regarding the one to one ratio. He said he does not like this interpretation but at this point, for this file, it cannot be changed.

Hoiland asked if there is a barrier between lots 3 and 4 and the new lot that Dave Dantas now owns. Manley said that there is a bump of land between the properties. Dave Dantas described the barriers between all the lots and other properties. Hoiland said that he is concerned about kids playing and people living in an area where there is a contractor storage yard right next-door sighting a safety concern. Dantas said that he is looking at partnering with another parcel owner to make the area look better and to create more usable area surrounding the development.

STAFF REPORT

Kroner stated that there were no public comments received on these files. She stated that she is recommending approval of the files with the conditions outlined in the staff report.

PUBLIC COMMENT

None

DELIBERATION

Commissioner McFall made a motion to approve file 19-01. Commissioner Richards seconded. All voted in favor.

Commissioner Hoiland made a motion to approve file 19-02 with the following conditions:

- A new 20' drainage easement shall be provided over the 24-public storm drain, via separate document. (Such easement had existed but was vacated by the Final Plat for 700 Chambers Avenue Subdivision, A Re-subdivision of Lot 1).

Commissioner McFall seconded. All voted in favor.

TBOT UPDATE

Community Development Director April Kroner said that the TBOT heard the file for the Reserve at Hockett Gulch annexation and PUD guide and it was continued to the next scheduled meeting on September 10th. She said that there was debate around the deed restricted units and revisions to the ADA are being made. Kroner mentioned that staff has received public comment both for and against. The deed restrictions are now set to 45% of the multi-family units and 15% on the single family, she said. Kroner also stated that the deed restrictions have no income restrictions, just stipulates that the buyer must work in Eagle County.

Kroner reported that the TBOT did not vote to increase the age limit for tobacco products. The buying age will remain at 18. Assistant to the Town Manager Bill Shrum said that Eagle will be the only community in the area that has not yet or intends in the future to raise the age.

COMMUNITY DEVELOPMENT DEPARTMENT UPDATE


Kroner mentioned that she would like to make some changes to the development review process to ensure a seamless review process. She said that she would like to hold off on scheduling the hearings until staff has time to review and comment on the application.


ADJOURN

Commissioner Hoiland made a motion to adjourn and Commissioner Richards seconded. All voted in favor.
The meeting adjourned at 6:59 PM.

9/17/19
Date

9.17.19
Date


Jason Cowles – Planning and Zoning Commission Chair
STEPHEN RICHARDS


Dawn Koenig- Admin Technician