



To: Mayor and Town Council
From: Peyton Heitzman, Planner I
Chad Phillips, Community Development Director
Date: January 12, 2021
Agenda Item: 700 Chambers Avenue, Lot 3 Condominium Plat

REQUEST:

The applicant, Richard Patriacca, is requesting approval of a Final Plat to subdivide 700 Chambers Avenue, Lot 3 into 10 Condominium Units, and defining common and limited common elements.

BACKGROUND:

On October 10, 2017, Town Council approved an amended Special Use Permit to allow residential units 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 that zone district. The accessory residential use required the residential to have an associated use permitted in the Code's 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 Code provides a definition for "Accessory" as a use *subordinate to and customarily associated with the use of the lot*. Previous approvals have 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. The 2017 approval established the one-to-one ratio of residential to commercial, however, that ratio was achieved by counting residential and commercial units throughout the 700 Chambers Avenue Subdivision (lots 2 through 4), rather than each individual lot. The building on Lot 3 was approved with four commercial units and six residential units.

This past June, Town Council amended Title 4 of the Municipal Code to modify 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 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. Images of the building are included as an attachment.

ANALYSIS:*Plat Review*

The Final Plat has been reviewed by Public Works, Planning, the Town Attorney, a third-party surveyor, the Building

Official and the Fire District. Comments have been provided to the applicant. A resubmittal has been received and is under staff review. A condition of approval requiring all technical changes be adequately addressed prior to recording the plat is included in the resolution for approval.

The Building Official expressed concerns that cannot be addressed through technical changes to the plat. The subdivision of Lot 3 may be problematic to the accessibility provisions of the Building Code. Accessible dwelling units proposed and built on lots 3 and 4 allow the entire 700 Chambers Avenue Subdivision to meet the minimum required accessible dwelling unit requirements. This was permitted by the interpretation that the property be considered one "site." Further subdividing of 700 Chambers Avenue may result in a change to this definition of site (IBC Section 1107.6.2.1), resulting in accessibility issues.

The standards for a condominium plat are outlined in Section 4.12.050 of the Code. This section requires that the Final Plat meet the requirements set forth in Section 4.12.020(C), including but not limited to, providing an application form and fee, title commitment, addresses of surrounding property owners, and technical details for the Final Plat (title, arrow, vicinity map, etc.). Staff has reviewed the application and has determined that the criteria in Section 4.12.020 (C) has been met. Staff has confirmed the Final Plat shows the location of the existing building to be divided as required in Section 4.12.050.B. The applicant has provided a copy of the condominium declaration to the Town as required in Section 4.12.050.D.

Section 4.12.050.C of the Code requires the Town's Engineer or surveying consultant compare the legal description of the subject property with the County records to ensure that a) The property described contains all contiguous single ownership b) The lots and parcels have descriptions which both close and contain the area indicated; and c) The plat is correct in accordance with surveying and platting standards of the State. The Town's third-party surveyor and staff have reviewed the plat against these requirements. All comments have been incorporated into the Final Plat.

Zoning Review

As previously mentioned, the residential use was approved as Accessory to the commercial use. The proposed division of the property into condominium units would allow the accessory residential to be sold separately from the commercial use. Under separate ownership, the residential use would no longer fit the definition of "Accessory." The approval of this application would eliminate the Town's ability to ensure the one-to-one ratio is maintained and remove the legal use associated with the residential units, resulting in a non-conforming zoning situation. Further, there are no other residential uses in the CG zone district that the residential units could be classified without obtaining a new Special Use Permit. The Town Attorney has also expressed the opinion that the proposed subdivision will result in an unlawful situation under the Code.

As detailed in the applicant's narrative, the applicant believe that Town Council previously approved the development's ability to subdivide the residential separate from commercial within this subdivision. Staff reviewed previous meeting minutes, resolutions, and recordings. Though there were discussions about a future subdivision application, no evidence of a previous approval or agreement was found. The meeting minutes can be found on the Town's website under the "Active Land Use Applications" webpage.

Alternative Solutions

Staff has found two alternatives that would allow the structure to be subdivided into condominium units while meeting the zoning standards of the Code. These alternatives have been shared with the applicant.

The first solution is for a new Special Use Permit to change the residential use from *One Single Dwelling Unit – Accessory to a use permitted* to *Dwelling units – above street level*. Under this residential use the applicant could subdivide residential units separate from the commercial use. All residential units on the ground floor would need to continue their Accessory use status since those units are not located above street level. To maintain the one-to-one ratio of commercial to Accessory residential, the ground floor residential would need to be sold with the commercial unit that they are accessory to. The building on Lot 3 has two ground floor residential units. This approach to subdividing the residential under a separate use category may qualify the 700 Chambers Avenue subdivision for the Local Employee Residency Program (LERP) outlined in Section 4.04.110 of the Code. Understanding the full implications of LERP would require further analysis from staff. Additionally, the Elevate Eagle Comprehensive Plan has recently been adopted and ratified. Any application for a Special Use Permit will need to support the guidelines of this newly adopted plan rather than the previous 2010 Community Plan.

The second solution allows the residential units to keep the use classification of *One Single Dwelling Unit – Accessory to a use permitted*. The 700 Chambers Avenue would first need to consolidate lots 2 through 4 prior to subdividing. Through the subdivision of the property into condominium units, each condominium unit would be required to consist

of both a commercial unit and an Accessory residential unit. This would allow the property to maintain the one-to-one ratio of residential to commercial. The purpose of consolidating the lots is to rectify the residential units on Lot 3 that are Accessory to commercial units on a separate lot.

To summarize the alternative solutions (pending future approval):

- Table this application, obtain a Special Use Permit changing residential dwellings from Accessory to *Above Street Level*, OR
- Deny this application, consolidate lots, re-subdivide units in consolidation, (still requires one-to-one ratio)

COMMUNITY INPUT:

Staff held an Administrative Hearing for the application on December 16, 2020. No public comments were received during the hearing and no other public comments have been received regarding the application.

BUDGET / STAFF IMPACT:

No impact to budget or staff.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED:

This development meets Town Council's major objective to diversify the attainable housing stock. The building on Lot 3 contains six (2) bedroom residential units that have diversified the attainable housing stock in town.

RECOMMENDED ACTION:

Following the Administrative Hearing, Staff issued a written recommendation of denial, which is attached. Section 4.12.050 of the Code states, When reviewing a proposal to divide an existing structure into condominium or townhouse units, the Town Council may require the subject property to come into compliance with this Code and ordinances as necessary to safeguard the public health, safety and welfare. Along with approving or denying the application, Council has the option to table the application until it can comply with Town zoning standards. Below are the Town Council's options related to the 700 Chambers Avenue, Lot 3 Final Plat.

1. Denial of Application: I move to **APPROVE** Resolution No. 5, Series 2020 A Resolution of the Town Council of the Town of Eagle, Colorado Denying the Final Plat for 700 Chambers Avenue, Lot 3 Condominium Plat, based on the findings of fact set forth in the Resolution of Denial:
2. Tabling of Application: I move to **TABLE** Resolution No. 5, Series 2020 A Resolution of the Town Council of the Town of Eagle, Colorado Approving the Final Plat for 700 Chambers Avenue, Lot 3 Condominium Plat until a future date when the application comes into compliance with all applicable provisions of the Eagle Municipal Code.
3. Approval of Application: I move to **APPROVE** Resolution No. 5, Series 2020 A Resolution of the Town Council of the Town of Eagle, Colorado Approving the Final Plat for 700 Chambers Avenue, Lot 3 Condominium Plat, based on the findings and with the conditions of approval set forth in the Resolution of Approval:

ATTACHMENTS:

- Staff Recommendation
- Resolution No. 5, Series 2021 (Resolution for approval and denial)
- Resolution No. 57, Series 2017
- Pictures of Building C on Lot 3
- Application and Narrative
- Final Plat 700 Chambers Avenue, Lot 3
- Email correspondence with Town Council



To: Mayor and Town Council

From: Peyton Heitzman, Planner I
Chad Phillips, Town Planner, Community Development Director

Date: December 30, 2020

Re: Staff Recommendation for File#CT20-04 700 Chambers Ave, Lot 3 Final Plat

The procedures for processing an application to divide a property into condominium units can be found in Section 5.12.050.A.2 of the Eagle Municipal Code (Code). Through these procedures, applications can avoid the public hearing process and receive approval at a regular Town Council meeting. Prior to this approval, staff must hold an Administrative Hearing subject to public notice requirements outlined in Section 4.03.060 of the Code that includes notice to adjacent property owners and notice published in a local newspaper. The Code requires the Town Planner, or designee, make a recommendation of approval or denial to Town Council following the Administrative Hearing.

Staff held the Administrative Hearing through the Zoom platform on December 16, 2020 at 12:00 PM. No members of the public commented in favor or against the application. Staff in attendance included Peyton Heitzman, Planner I. Applicants in attendance included Ashley Patriacca.

Staff recommends that Town Council deny the application. The denial is based on the following:

1. A zoning violation that will result from the division of Lot 3 into condominium units, specifically Section 4.04.070 of the Code.
2. The approval of the application would result in a change of use from what was granted to the property through Resolution No.57, Series 2017. (attached)

The residential units on the property were permitted as Accessory to the commercial use. The division of the building would no longer allow the residential units to be classified as accessory, leaving the residential units without a legal status.

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 5
(Series of 2021)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
DENYING THE APPLICATION FOR A FINAL PLAT FOR 700 CHAMBERS AVENUE, LOT
3

WHEREAS, DR Chambers, LLC owns the real property located at 700 Chambers Avenue, Lot 3, Town of Eagle, Eagle County, Colorado (the "Property");

WHEREAS, on October 13, 2020, Richard Patriacca (the "Applicant") submitted an application for approval of a Final Plat to create 10 condominium units and define common and limited common elements on the Property (the "Application");

WHEREAS, on December 16, 2020, the Town Planner held a properly-noticed administrative hearing to consider the Application, and following that hearing, recommended denial of the Application;

WHEREAS, on January 12, 2021, the Town Council held a properly-noticed public hearing to consider the Application; and

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

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

Section 1. The Town Council finds as follows:

a. The Application does not comply with Resolution No. 57, Series 2017, which Resolution approved an amendment to an existing Special Use Permit for the Property to allow residential units only as accessory uses, and if the Application were approved, the residential units would no longer be accessory uses;

b. Approval of the Application is not in the best interest of the public health, safety and welfare.

Section 2. Based on the foregoing findings, the Town Council hereby denies the Application for a Final Plat for 700 Chambers Avenue, Lot 3.

INTRODUCED, READ, PASSED AND ADOPTED ON JANUARY 12, 2021.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 5
(Series of 2021)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
APPROVING THE FINAL PLAT FOR 700 CHAMBERS AVENUE, LOT 3

WHEREAS, DR Chambers, LLC owns the real property located at 700 Chambers Avenue, Lot 3, Town of Eagle, Eagle County, Colorado (the "Property");

WHEREAS, on October 13, 2020, Richard Patriacca (the "Applicant") submitted an application for approval of a Final Plat to create 10 condominium units and define common and limited common elements on the Property (the "Application");

WHEREAS, on December 16, 2020, the Town Planner held a properly-noticed administrative hearing to consider the Application, and recommended denial of the Application;

WHEREAS, on January 12, 2021, the Town Council held a properly-noticed public hearing to consider the Application; and

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

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

Section 1. The Town Council finds that the Application complies with all applicable provisions of the Eagle Municipal Code and that approval of the Application is in the best interest of the public health, safety and welfare.

Section 2. Based on the foregoing findings, the Town Council hereby approves the Final Plat for 700 Chambers Avenue, Lot 3, subject to the following conditions:

a. 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

b. The Final Plat shall be recorded on or 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.

INTRODUCED, READ, PASSED AND ADOPTED ON JANUARY 12, 2021.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

RESOLUTION NO. 57
(Series of 2017)

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO, GRANTING AN AMENDMENT TO THE DR CHAMBERS, LLC SPECIAL USE PERMIT FOR A PARCEL OF LAND LOCATED AT LOT 3, 700 CHAMBERS AVENUE, EAGLE, COLORADO.

WHEREAS, by Title 4 of the Eagle Municipal Code, the Town of Eagle enacted a comprehensive zoning ordinance for the Town; and

WHEREAS, the Board of Trustees of the Town of Eagle has received an application by DR Chambers, LLC (the "Applicant"), the owner of real property located at Lot 3, 700 Chambers Avenue, Town of Eagle, County of Eagle, State of Colorado, (the "Property") for an amendment to a special use permit originally approved with conditions on March 24, 2015 for five (5) residential units (4 2-bedroom units or 3 1-bedroom and 2 2-bedroom units) accessory to uses permitted in the Commercial General (CG) Zone District; and

WHEREAS, a public hearing was held before the Town of Eagle Planning and Zoning Commission on October 3, 2017, And the Planning and Zoning Commission recommended approval of the application; and

WHEREAS, a public hearing on said application was held before the Board of Trustees on October 10, 2017, as required by Section 4.05.010(A)(5) of the Eagle Municipal Code; and

WHEREAS, public notice has been given as required by Section 4.03.060 of the Eagle Municipal Code; and

WHEREAS, the Board of Trustees finds and determines that the Applicant has provided sufficient evidence that the proposed amendment to the special use permit is desirable, based on the criteria set forth in Section 4.05.010 of the Eagle Municipal Code:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO:

Section 1. That the amended special use permit for six (6) 2-bedroom units (four on second floor and 2 on ground floor) accessory to uses permitted in the Commercial General (CG) Zone District for Chambers 700 LLC, Lot 3, 700 Chambers Avenue, Town of Eagle, County of Eagle, State of Colorado is hereby approved.

Section 2. Pursuant to Section 4.05.010(A)(1)(b) of the Eagle Municipal Code, the Board of Trustees finds and determines that an additional street improvement fee is required to be paid in accordance with Section 4.13.185 of the Eagle Municipal Code; an additional fire protection services impact fee is required pursuant to Section 4.13.186 of the Eagle Municipal Code.

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado held on October 10, 2017.

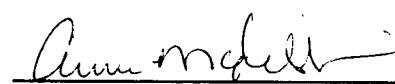
TOWN OF EAGLE, COLORADO

ATTEST:



Jenny Rakow, Town Clerk





Anne McKibbin

Anne McKibbin, Mayor





TOWN OF EAGLE
COMMUNITY DEVELOPMENT
200 BROADWAY • PO BOX 609 • EAGLE, CO 81631
PHONE: 970-328-9655 • FAX: 970-328-9656
www.townofeagle.org

LAND USE & DEVELOPMENT APPLICATION

Pursuant to the Land Use & Development Code, Title 4

ZONING REVIEW	DEVELOPMENT REVIEW	SUBDIVISION REVIEW
<input type="checkbox"/> Special Use Permit <input type="checkbox"/> Zoning Variance <input type="checkbox"/> Rezoning <input type="checkbox"/> Temporary Use Permit <input type="checkbox"/> Amendment to Zone District Regulations <input type="checkbox"/> Encroachment Permit	<input type="checkbox"/> Minor Development Permit <input type="checkbox"/> Major Development Permit PLANNED UNIT DEVELOPMENT (PUD) REVIEW <input type="checkbox"/> PUD Zoning Plan <input type="checkbox"/> PUD Development Plan	<input type="checkbox"/> Concept Plan <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Final Plat <input type="checkbox"/> Lot Line Adjustment <input checked="" type="checkbox"/> Condominium / Townhouse <input type="checkbox"/> Minor Subdivision

PROJECT NAME Lot C, Chambers Avenue Condominiums

PRESENT ZONE DISTRICT _____ PROPOSED ZONE DISTRICT _____
(if applicable)

LOCATION

STREET ADDRESS 700 Chambers Ave.

PROPERTY DESCRIPTION

SUBDIVISION 700 Chambers Ave LOT(S) 3 BLOCK _____
(attach legal description if not part of a subdivision)

DESCRIPTION OF APPLICATION/PURPOSE We are seeking approval to
deed the units separately in Building C at 700 Chambers
Avenue. (For more information, please see attached
narrative).

APPLICANT NAME Richard L. Patriarca PHONE 970-390-3225

ADDRESS PO Box 4556 Eagle, CO 81631 EMAIL rick@privail.com

OWNER OF RECORD DR Chambers, LLC PHONE 970-390-3225

ADDRESS PO Box 2322 Avon, CO 81620 EMAIL rick@privail.com

REPRESENTATIVE* _____ PHONE _____

ADDRESS _____ EMAIL _____

*A representative must submit an affidavit or power of attorney signed by the property owner of record authorizing the representation.

APPLICATION SUBMITTAL ITEMS:

The following submittal materials must be submitted in full before the application will be deemed complete (please check all items that are being submitted):

- Applicable fees and deposits.
- Project Narrative, describing the project, its compliance with any applicable review criteria, any impacts to the surrounding area, and any other relevant information.
- Surrounding and Interested Property Ownership Report (see project specific checklist for more information).
- Proof of Ownership (ownership & encumbrance report) for subject property.
- Site Plan, drawn to scale and depicting the locations and boundaries of existing and proposed lots and structures.
- Project specific checklist.

FEES AND DEPOSITS:

See Eagle Municipal Code Section 4.03.080

1. Application fees shall be paid in full at the time of the filing of the application and unless paid, the application shall not be deemed complete. All fees are nonrefundable.
2. As described in Eagle Municipal Code § 4.03.080, third-party consultants may be necessary for the review and processing of applications. These costs ("pass-through costs") must be paid by the applicant. If pass-through costs are expected, the applicant must pay a deposit at the time the application is filed. If at any time the deposit does not fully cover the pass-through costs, the applicant must pay another subsequent deposit before the Town will continue processing the application.
3. The Town may withhold the recording of any Subdivision Final Plat or Development Plan or the signing of any Resolution or Ordinance until all pass-through fees are paid in full.
4. Within 30 days of approval or denial of an application, any remaining deposit shall be returned to the applicant. If an application is withdrawn, any remaining deposit shall be returned to the applicant within 60 days.

I have read the application form and certify that the information contained herein is correct and accurate to the best of my knowledge. I understand that it is my responsibility to provide the Town with accurate information related to this application. I UNDERSTAND THAT FILING AN APPLICATION IS NOT A GUARANTEE THAT THE APPLICATION WILL BE APPROVED.



Signature

13 October 2020

Date

FOR OFFICE USE ONLY			
DATE RECEIVED	BY	FILE NUMBER	
REVIEW FEE	DATE PAID	RECEIVED BY	
DATE CERTIFIED COMPLETE	BY		
P&Z HEARING DATE	DECISION		
BOT HEARING DATE	DECISION		

Narrative Attachment

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

Date of Application 10/13/2020

We are seeking approval to deed (condo ownership) the units separately in Building C, Lot 3, at 700 Chambers Avenue. Having the ability to deed the properties separately would allow us as business partners to have a clean division of the property to get separate loans for our portions. Before we started construction, a prior approval was made in an amendment to the Special Use Permit in 2017. The Town of Eagle made a provision to provide Accessible Units within the last 2 constructed buildings (building 'C' (lot 3) and building 'D' (lot 4)) to satisfy all the accessible requirements for the entire property a 700 Chambers Avenue. In order to maintain the 1 residential unit accessory to 1 commercial use, it was deemed that the project would be allowed to provide separate deed (condo ownership). This was understood to be the best course since the units would not stack vertically. We would not have started construction or been able to continue the design process on this projects without this approval by the Town of Eagle. We are looking for the Town to uphold this approval, so we can move forward as was agreed upon and was planned.

Agreed Upon Site/ Plat Information

The final plat for Lot 3 & Lot 4 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 #SU14-05). 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 polices. 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 will be 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. Lots 3 and 4 are located close to the town center of Eagle and are located within the Town's Urban Growth Boundary. These buildings are 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: Lots 3 and 4 are 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 buildings are 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.

Narrative Attachment

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

Date of Application 10/13/2020

We are seeking approval to deed the units separately in Building C at 700 Chambers Avenue. Having the ability to deed the properties separately would allow us as business partners to have a clean division of the property to get separate loans for our portions. Before we started construction, a prior approval was made in an amendment to the Special Use Permit in 2017. We would not have started construction on this project without this approval. Now we are looking for the Town to uphold this approval, so we can move forward as was planned.

FINAL PLAT
CHAMBERS AVENUE CONDOMINIUMS, LOT 3
A RESUBDIVISION OF LOT 3
700 CHAMBERS AVENUE SUBDIVISION, A RESUBDIVISION OF LOT 1
TOWN OF EAGLE, COUNTY OF EAGLE, STATE OF COLORADO



VICINITY MAP

Town Council Certificate

This plat approved by the Town Council of the Town of Eagle, Colorado, this _____ day of _____, A.D., 2021, for filing with the Clerk and Recorder of Eagle County, Colorado; subject to the provisions that approval in no way obligates the Town of Eagle for financing or constructing of improvements on said lands, streets or easements dedicated to the public except as specifically agreed to by the Town Council of the Town of Eagle. Further, said approval in no way obligates the Town of Eagle for maintenance of public improvements until construction of said improvements has been completed in accordance with the Town of Eagle's specifications and the Town of Eagle has agreed to accept said improvements. This approval does not guarantee that the size, soil conditions, sub-surface geology, ground water conditions, or flooding conditions of any lot shown hereon are such that a building permit, development permit or any other required permit will be issued. This approval is with the understanding that all expenses involving required improvements for all utility services, paving, grading, landscaping, curbs, gutters, sidewalks, road lighting, road signs, flood protection devices, drainage structures, and all other improvements that may be required shall be the responsibility of the owners designated hereon and not the Town of Eagle, unless otherwise specifically agreed to in writing by the Town Council.

Town of Eagle, Colorado

By: _____
 Mayor

Witness my hand and seal of the Town of Eagle, Colorado

ATTEST:

 Town Clerk

Title Certificate

Land Title Guarantee Company does hereby certify that it has examined the title to all lands shown on this Plat and that title to such lands is vested in D R Chambers, LLC, a Colorado limited liability company, free and clear of all liens and encumbrances, except as follows:

 Executed this _____ day of _____, A.D., 2021.

 Title Examiner



Certificate of Ownership

We, D R Chambers, LLC, a Colorado limited liability company, the sole owner in fee simple of all that real property described as follows:

Lot 3, 700 Chambers Avenue Subdivision, a Resubdivision of Lot 1, according to the plat thereof recorded September 8, 2014 at Reception No. 201415291, County of Eagle, State of Colorado

have by these presents laid out, platted and subdivided the same into units as shown on this plat and designate the same as Chambers Avenue Condominiums, Lot 3, situated in the Town of Eagle, County of Eagle, State of Colorado.

We hereby accept the responsibility for the completion of all required public improvements for the Subdivision, and further, hereby grant the right to install and maintain all necessary structures to the entity responsible for providing the services for which the easements are established.

We further state that this subdivision shall be subject to the protective covenants filed and recorded for this subdivision in the offices of the Clerk and Recorder of Eagle County, Colorado, in Book _____ at Page _____, as Document No. _____.

EXECUTED this _____ day of _____, A.D., 2021.

Owner: D R Chambers, LLC
 a Colorado limited liability company

By: _____

Title: _____

STATE OF _____)
 COUNTY OF _____)
 SS

The foregoing Certificate of Ownership was acknowledged before me this _____ day of _____, A.D., 2021, by _____ as _____ of D R Chambers, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My Commission expires: _____

 Notary Public

Surveyor's Certificate

I, Samuel H. Ecker, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Colorado, that this plat is a true, correct and complete plat of Chambers Avenue Condominiums, Lot 3, as laid out, platted, dedicated and shown hereon, that such plat was made from an accurate survey of said property by me and/or under my supervision and correctly shows the location and dimensions of the units, and lot staked upon the ground in compliance with Title 38, Article 51, C.R.S., as amended, and all other regulations governing the subdivision of land.

Executed this _____ day of _____, A.D., 2021.

 Samuel H. Ecker
 Colorado P.L.S. No. 30091

GENERAL NOTES:

- 1) DATE OF SURVEY: JUNE, 2020.
- 2) BEARINGS BASED UPON THE LINE CONNECTING THE MONUMENTS FOUND IN PLACE MARKING THE NORTHEASTERLY CORNER OF THE SUBJECT PROPERTY, A No. 5 REBAR WITH A 1 1/2" ALUMINUM CAP, P.L.S. No. 37924 AND THE SOUTHEASTERLY CORNER OF THE SUBJECT PROPERTY, A No. 5 REBAR WITH A 1 1/2" ALUMINUM CAP, P.L.S. No. 37924, SAID BEARING BEING S30°52'00" W (ASSUMED) (SEE SHEET 2).
- 3) MONUMENTATION AS INDICATED HEREON.
- 4) THE PURPOSE OF THIS PLAT IS TO CREATE THE CONDOMINIUM UNITS AND THEIR ASSOCIATED LIMITED COMMON ELEMENTS AND GENERAL COMMON ELEMENTS AS INDICATED HEREON.
- 5) THE BOUNDARY DIMENSIONS, EASEMENTS AND RIGHTS OF WAY SHOWN HEREON ARE PER THE RECORD PLAT FOR THE SUBJECT PROPERTY AND TITLE SEARCH PERFORMED BY LAND TITLE GUARANTEE COMPANY, ORDER No. ABH50057235, DATED JUNE 28, 2020 AT 5:00 P.M.
- 6) NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.
- 7) ALL REFERENCES TO RECORD DOCUMENTS ARE TO THOSE OF THE REAL ESTATE RECORDS OF THE OFFICE OF THE EAGLE COUNTY CLERK AND RECORDER.
- 8) UNITS INDICATED HEREON ARE IN U.S. SURVEY FEET.
- 9) DECLARATIONS OR PROTECTIVE COVENANTS FOR THIS SUBDIVISION RECORDED _____ UNDER RECEPTION NO. _____.

Certificate of Taxes Paid

I, the undersigned, do hereby certify that the entire amount of taxes and assessments due and payable upon all parcels of real estate described on this plat are paid in full as of _____.
 Dated this _____ day of _____, A.D., 2021.

 Treasurer of Eagle County

Mortgagee or Lienholders Certificate

NBH Bank does hereby certify that it is the holder of a deed of trust against the lands shown on this plat and hereby consents to the subdivision of the lands shown hereon.

EXECUTED this _____ day of _____, A.D., 2021.

By: _____

Title: _____

STATE OF _____)
 COUNTY OF _____)
 SS

The foregoing Certificate of Ownership was acknowledged before me this _____ day of _____, A.D., 2021, by _____ as _____ of NBH Bank.

Witness my hand and official seal.

My Commission expires: _____

 Notary Public

Clerk and Recorder's Certificate

This Plat was filed for record in the office of the Eagle County Clerk and Recorder at _____ o'clock _____, on the _____ day of _____, 2021 and is duly recorded at Reception No. _____.

EAGLE COUNTY CLERK AND RECORDER

By: _____, Deputy

Declarations or Protective Covenants are filed at Reception No. _____.

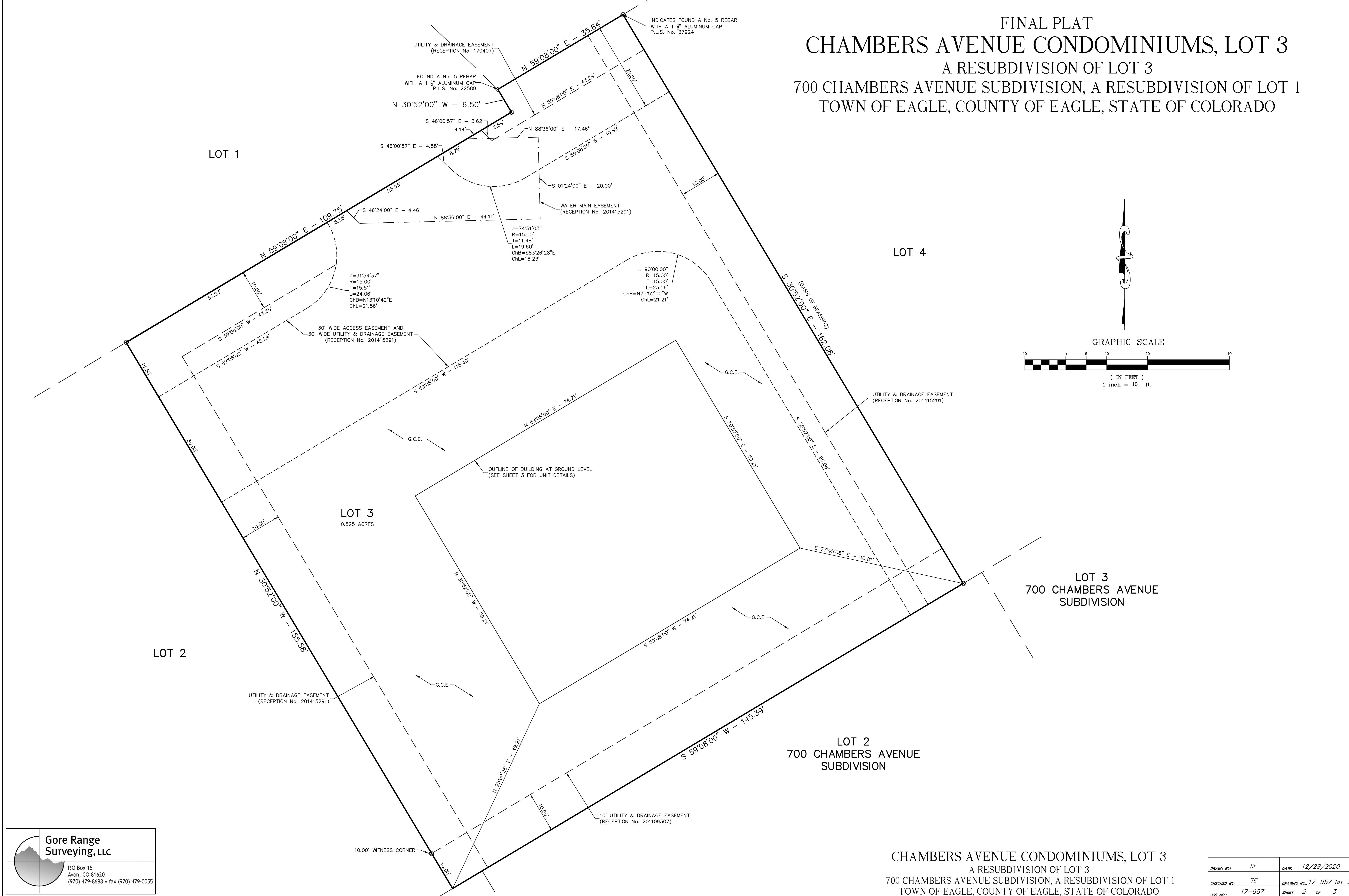
CHAMBERS AVENUE CONDOMINIUMS, LOT 3

A RESUBDIVISION OF LOT 3

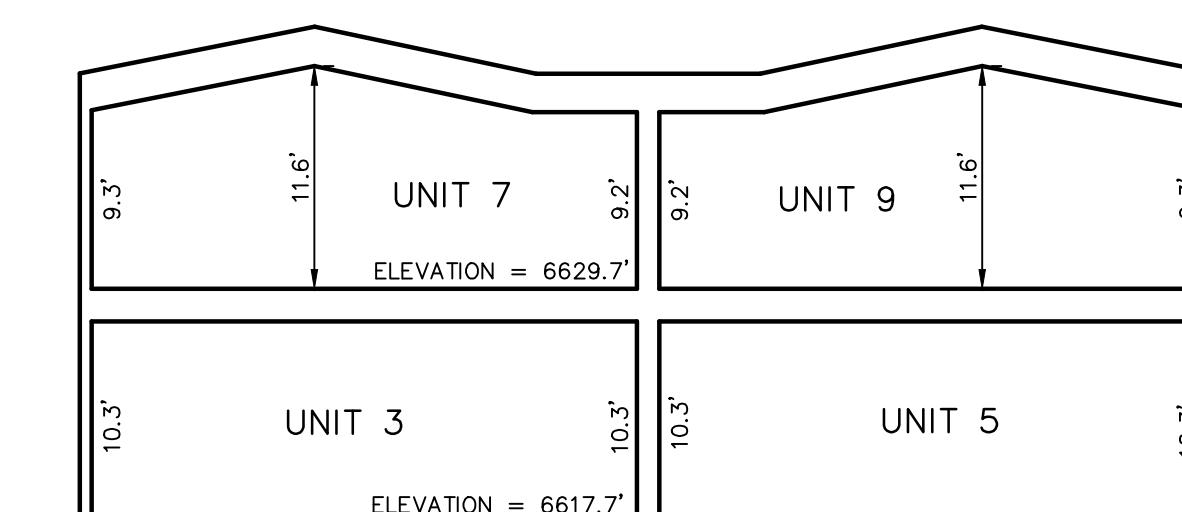
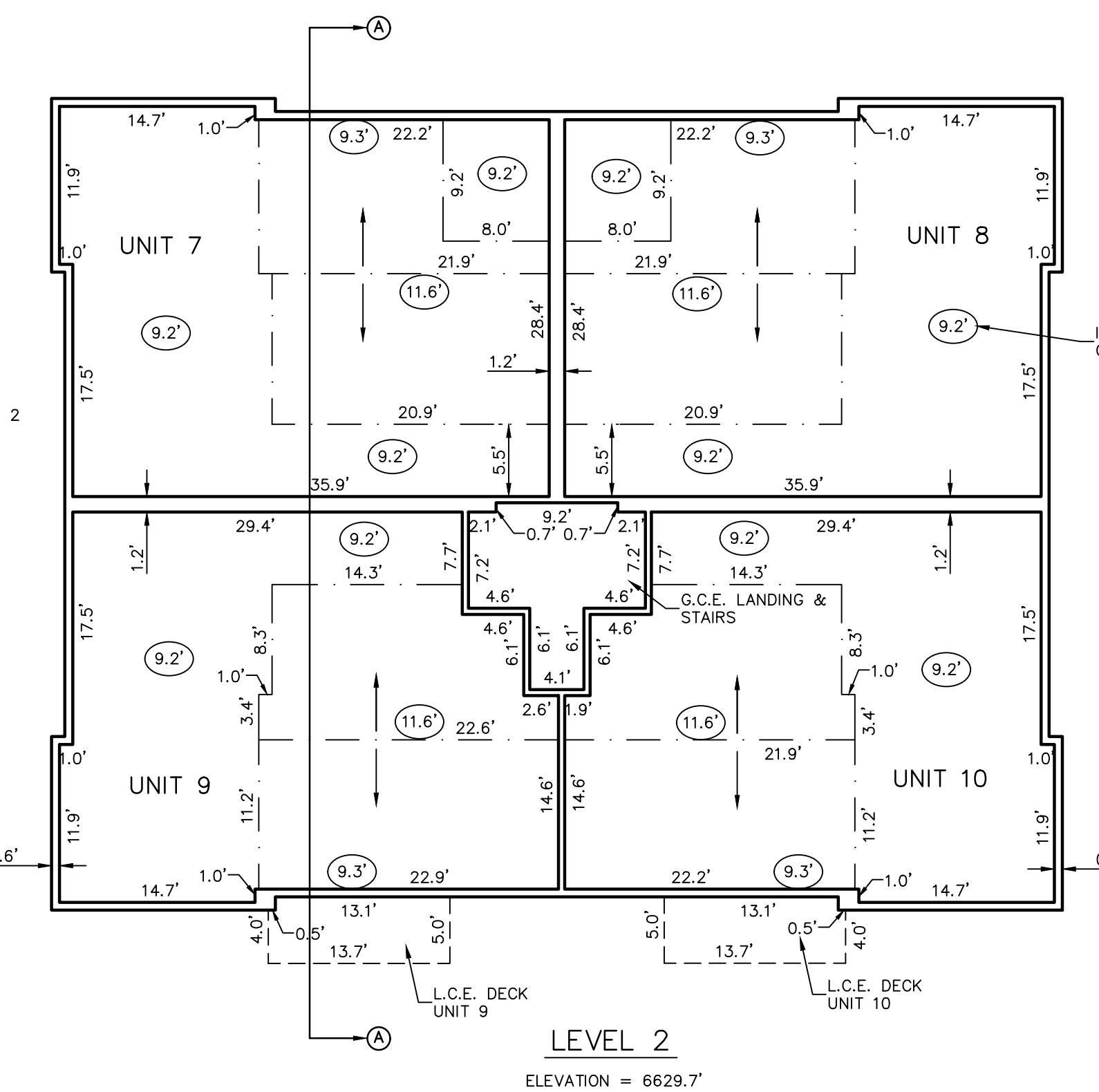
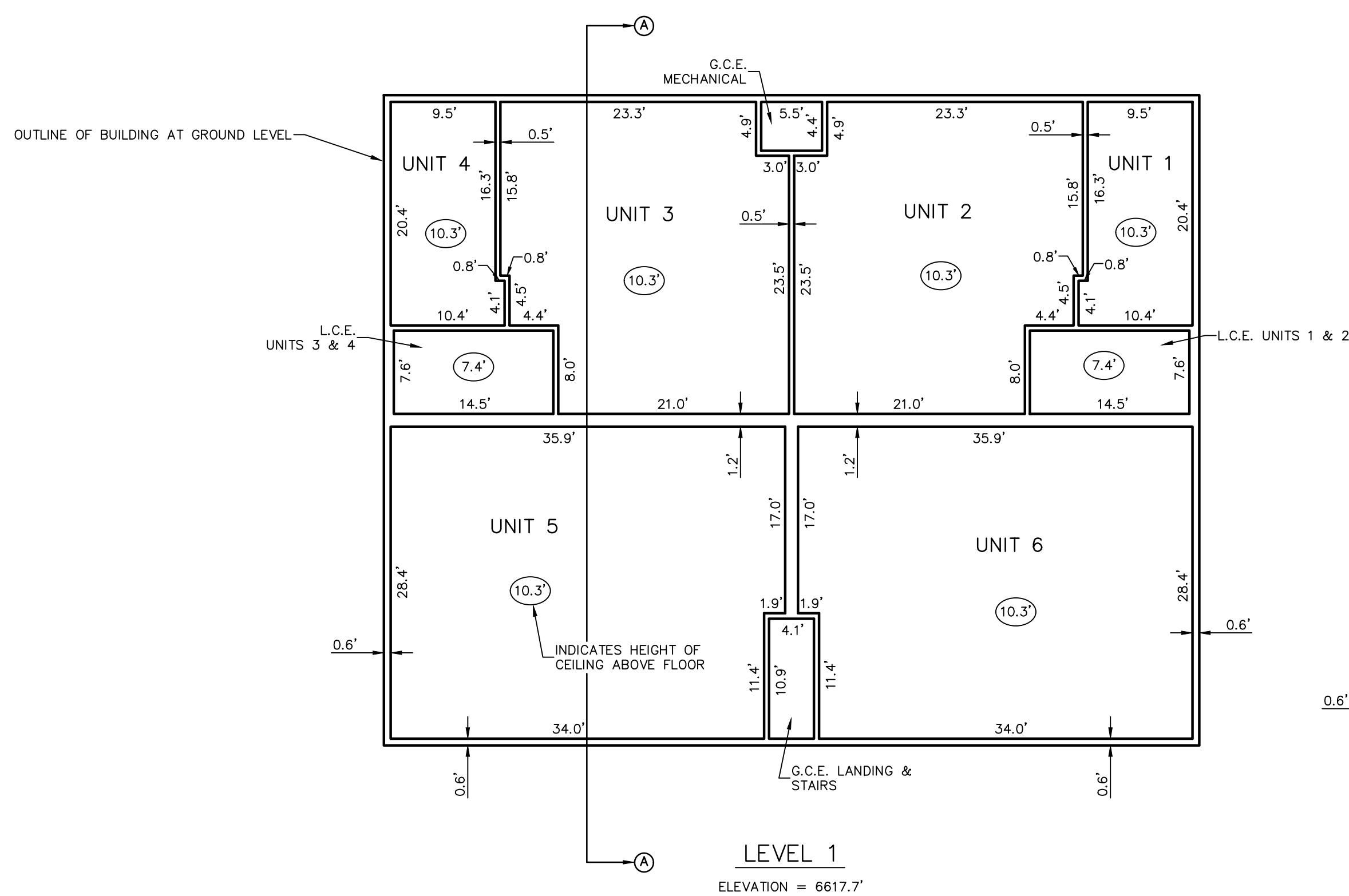
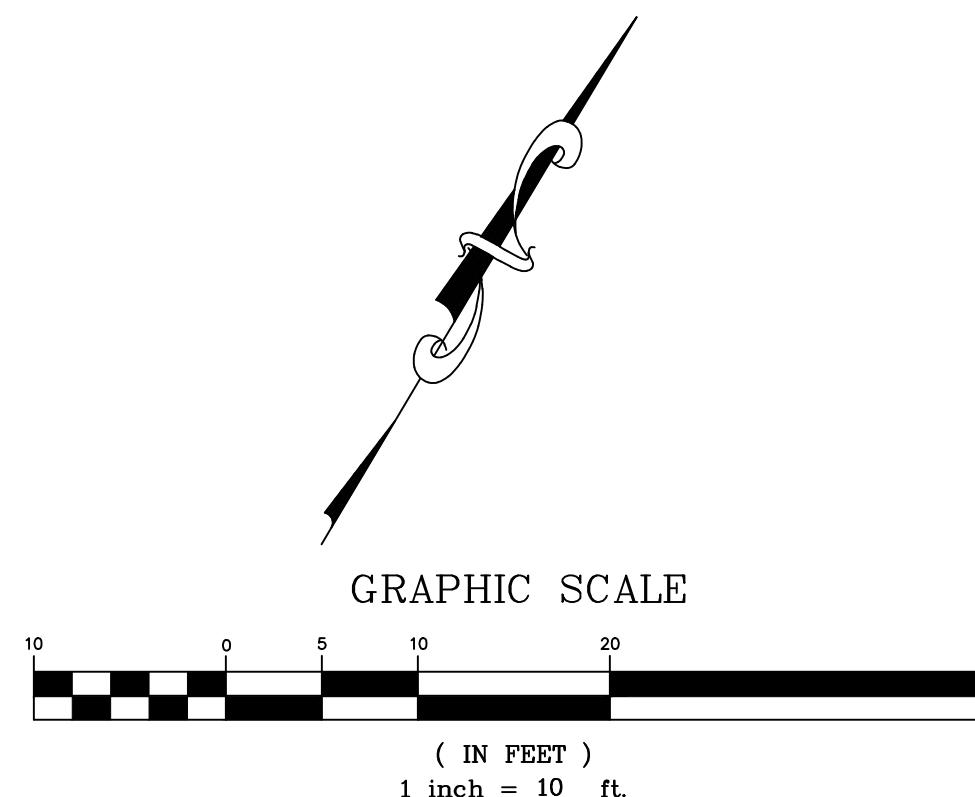
700 CHAMBERS AVENUE SUBDIVISION, A RESUBDIVISION OF LOT 1
 TOWN OF EAGLE, COUNTY OF EAGLE, STATE OF COLORADO

DRAWN BY:	SE	DATE:	12/28/2020
CHECKED BY:	SE	DRAWING NO.:	17-957 lot 3
JOB NO.:	17-957	SHEET	1 OF 3

FINAL PLAT
CHAMBERS AVENUE CONDOMINIUMS, LOT 3
A RESUBDIVISION OF LOT 3
700 CHAMBERS AVENUE SUBDIVISION, A RESUBDIVISION OF LOT 1
TOWN OF EAGLE, COUNTY OF EAGLE, STATE OF COLORADO



FINAL PLAT
CHAMBERS AVENUE CONDOMINIUMS, LOT 3
A RESUBDIVISION OF LOT 3
700 CHAMBERS AVENUE SUBDIVISION, A RESUBDIVISION OF LOT 1
TOWN OF EAGLE, COUNTY OF EAGLE, STATE OF COLORADO



ADDRESS TABLE:	
UNIT	ADDRESS
UNIT 1	700 CHAMBERS AVENUE, BUILDING C, UNIT 1
UNIT 2	700 CHAMBERS AVENUE, BUILDING C, UNIT 2
UNIT 3	700 CHAMBERS AVENUE, BUILDING C, UNIT 3
UNIT 4	700 CHAMBERS AVENUE, BUILDING C, UNIT 4
UNIT 5	700 CHAMBERS AVENUE, BUILDING C, UNIT 5
UNIT 6	700 CHAMBERS AVENUE, BUILDING C, UNIT 6
UNIT 7	700 CHAMBERS AVENUE, BUILDING C, UNIT 7
UNIT 8	700 CHAMBERS AVENUE, BUILDING C, UNIT 8
UNIT 9	700 CHAMBERS AVENUE, BUILDING C, UNIT 9
UNIT 10	700 CHAMBERS AVENUE, BUILDING C, UNIT 10

Peyton Heitzman

From: Peyton Heitzman
Sent: Thursday, August 27, 2020 3:36 PM
To: Dave Dantas
Cc: Chad Phillips; Brandy Reitter
Subject: RE: Lot C - division into condo units application

Hi Dave,

Though the intent to condominiumize may have been discussed when you were amending the special use permit back in 2017, staff at that time had not received an application for that specific purpose and, to our knowledge, had not performed a formal application review. Without a formal review, previous staff may have missed some of the regulatory challenges that your application is now facing. We reviewed the special use permits for lots C and D and there are no conditions of approval that allow you to condominiumize the lots under current standards. We are simply applying the standards that are in place at this time.

One item that I did not make clear in my previous email is that you are still able to submit an application and go through the process outlined in Section 4.12.050 of the Code. Upon submission of a complete application, staff will hold an administrative hearing to receive public input on the application. Following that hearing, staff will provide a recommendation for approval/denial to the Town Council during a regular meeting. If staff recommends denial of the application, we will schedule public hearing to have the application to go before Town Council for final decision.

Here's a link to the Code section in case you would like to read it in its entirety:

https://library.municode.com/co/eagle/codes/code_of_ordinances?nodeId=COOR_TIT4LAUSDECO_CH4.12SURE_S4.12.050DIPRINCOTOUN

Ultimately, the decision to condominiumize lies with Town Council. Again, based on the standards outlined in my previous email and the information provided to this point, staff will recommend denial. This is subject to change if you application contains new information not previously provided to staff. Getting this information to you prior to submitting an application and paying the related fees was intended to be a courtesy.

Happy to answer any questions or concerns you have about the process. Thanks!

Best regards,

Peyton Heitzman

Planner I

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9619

CLICK BELOW FOR TOWN WEBSITE, NEWS, EVENTS OR TO PROVIDE FEEDBACK:



Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-200.1, et seq.

From: Scott Turnipseed <scott.turnipseed@townofeagle.org>
Sent: Thursday, August 27, 2020 7:53 AM
To: Brandy Reitter <brandy.reitter@townofeagle.org>
Cc: Chad Phillips <chad.phillips@townofeagle.org>; David Gaboury <dgaboury1@gmail.com>; Dave Dantas <dave@dwdantas.com>; Peyton Heitzman <peyton.heitzman@townofeagle.org>
Subject: FW: Lot C - division into condo units application

Brandy and Chad,

Could you please let Dave know his options to dispute/appeal Peyton's determination?

Thanks so much!

Scott Turnipseed

Mayor

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-6354, Fax: 970-328-5203

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Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-200.1, et seq.

From: Dave Dantas <dave@dwdantas.com>

Sent: Wednesday, August 26, 2020 6:44 PM

To: Scott Turnipseed <scott.turnipseed@townofeagle.org>; David Gaboury <david.g@townofeagle.org>; Dave Dantas <dave@dwdantas.com>

Cc: Rick Patriacca <rick@pcivil.com>; ashleyLewis@earthlink.net

Subject: FW: Lot C - division into condo units application

Scott, David

I believe your staff is creating policy again. This was discussed when concept of buildings with accessible units was created.

Regards,

Dave Dantas

Dave@dwdantas.com

DWDantas.com

970 376 6111

----- Original message -----

From: Peyton Heitzman <peyton.heitzman@townofeagle.org>
Date: 8/26/20 2:06 PM (GMT-07:00)
To: Dave Dantas <dave@dwdantas.com>
Cc: Chad Phillips <chad.phillips@townofeagle.org>, Angie Kyle <angie.kyle@townofeagle.org>, Jessica Lake <jessica.lake@townofeagle.org>, Charlie Davis <charlie.davis@townofeagle.org>
Subject: Lot C - division into condo units application

Hi Dave,

I hope you are well. Before you submit your application to divide Lot C into condo units, I wanted to share some challenges your application will face with the approval process.

The special use permit for Lot C approved residential as *One Single Dwelling Unit – Accessory to a use permitted* (Section 4.04.070 of Municipal Code). Since the residential was approved as an accessory to a use permitted, which in this case was commercial, the accessory residential cannot be sold separately from the commercial use. The 1:1 ratio (one residential accessory to commercial) was approved through the collective count of commercial and residential units between lots C and D. Lot C contains more residential units than commercial and Lot D contains more commercial units than residential, not meeting the 1:1 ratio within each individual lot. It's my understanding that this approach was taken to meet ADA regulations between the two structures on the lots.

The Code's definition of accessory use is *a use subordinate to and customarily associated with the use of the lot* (Section 4.03.040). By this definition, the accessory residential use on one lot should not have been tied to a commercial use on a separate lot. Since the residential accessory use cannot be sold separately from the commercial, and in this case the residential accessory is tied to commercial on a separate lot, staff does not see how Lot C can be condominiumized while conforming to the standards of the Code.

Additionally, Section 4.04.040. states, *No building or structure shall be erected and no existing building or structure shall be moved, removed, altered or extended, nor shall any land, building or structure be used for any purpose or in any manner other than as provided among the uses hereinafter listed in the district regulations for the district in which such land, building, or structure is located.* For the reasons described above, staff believes the division of Lot C into condo units will change the residential uses within the building from *One Single Dwelling Unit – Accessory to a use permitted* (as approved under the special use permit) to *High density, multifamily dwelling* (prohibited in the CG Zone district). Based on the information provided, the application will not advance with staff support. Let me know if you have any questions or if you would like to discuss further. Thanks!

Best regards,

Peyton Heitzman

Planner I

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9619

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