



AGENDA
Planning & Zoning Commission
Tuesday, September 20, 2016
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.

ITEM

6:00pm – CALL TO ORDER

APPROVAL OF MINUTES – September 6, 2016

PUBLIC COMMENT

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

LAND USE FILES

NEW PUBLIC HEARINGS

1.	Project:	Wall Street Commons
	File #:	SU16-03
	Applicant:	Bryan Desmond
	Location:	243 Wall Street
	Staff Contact:	Tom Boni (Town Planner)
	Request:	Special Use Permit to allow High Density Residential Building on a lot in the Central Business District.
2.	Project:	Wall Street Commons
	File #:	V16-08
	Applicant:	Bryan Desmond
	Location:	243 Wall Street
	Staff Contact:	Tom Boni (Town Planner)
	Request:	Zoning Variance from the Rear Yard Setback.
3.	Project:	Wall Street Commons
	File #:	V16-09
	Applicant:	Bryan Desmond
	Location:	243 Wall Street
	Staff Contact:	Tom Boni (Town Planner)

<u>ITEM</u>	
Request:	Zoning Variance to reduce the amount of open space required pursuant to 4.05.010.A.3.b (300 sf per unit or 5,400 sf)
<u>TOWN BOARD OF TRUSTEES MEETING REVIEW</u>	
<i>Staff update to the Planning & Zoning Commission on recent decisions made by the Board of Trustees on various Land Use files.</i>	
1. Rocky Mountain School of Discovery	
<u>OPEN DISCUSSION</u>	
<u>ADJOURN</u>	



**Planning and Zoning Commission
Meeting Minutes
September 6, 2016**

PRESENT

Jason Cowles, Chair
Stephen Richards
Charlie Perkins
Jamie Harrison
Jesse Gregg
Max Schmidt
Donna Spinelli

STAFF

Tom Boni – Town Planner
Danielle Couch – Administrative Assistant

ABSENT

Cindy Callicrate

This meeting was recorded and the CD will become part of the permanent record of the minutes. The following is a condensed version of the proceedings written by Danielle Couch.

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission held in the Eagle Town Hall on September 6, 2016, was called to order by Jason Cowles at 6:06 p.m.

APPROVAL OF MINUTES

Stephen Richards moved to approve the minutes of the August 2, 2016, Planning & Zoning Commission Meeting. Charlie Perkins seconded. The motion passed unanimously with Jesse Gregg and Donna Spinelli abstaining.

PUBLIC COMMENT

None

LAND USE PUBLIC HEARINGS

LURA16-01 Revisions to Section 4.03.040 – Definitions and Section 4.04 – Zoning of the Town of Eagle Land Use & Development Code

Cowles opened File LURA16-01, items 1 and 2, regarding the definition and regulation of dog daycare facilities. Staff has not had time to focus on this item and the facilities currently in the Town are running efficiently and with no complaints. Staff requested a continuation to October 4 to further discuss this item.

Cowles made a motion to continue the file to October 4, 2016. Gregg seconded. The motion was unanimously approved.

DR07-10(R) Addison Center 2016 Renewal

Cowles opened file DR07-10(R), a one-year renewal of the Addison Center Development Permit. The second phase of the development has not yet constructed and staff recommends a one-year renewal of the permit.

Harrison asked the applicant if leases are going well in the constructed phase of the development; the applicant said they are continuing. Spinelli asked about the Village Market; the applicant said they are continuing to work on the project.

Cowles open public comment and hearing none, closed public comment.

Richards made a motion to approve the one-year renewal of file DR07-10(R). Harrison seconded. The motion was unanimously approved.

DR16-04 Tumbleweed Dispensary

Cowles opened file DR16-04, a Major Development Plan for a medical and recreational marijuana retail location. The new building would be located at 1125 Chambers Avenue, which is within the area on Chambers Avenue that allows marijuana retail establishments. The property has already been through the Special Use process with a previous business, Rocky Mountain Pure. The property owners are the same but this business owner is new.

The property is currently vacant and the applicant is proposing a 4,000 square foot building to house a marijuana infusion operation and recreational and medical marijuana retail sales. In addition, the applicant is proposing a dog park located on the back of the property as an amenity for customers and citizens. Staff feels that the location of the building and the dog park minimized the impact on the I-70 corridor. The Development Plan meets the standards and Staff recommends approval.

There is one Design Variance associated with the file related to the location of the loading dock, which by standards should be located on the side of the building rather than facing I-70. The creation of the lot at this size made it difficult to locate the building and very difficult to locate the loading dock on the side of the building. Strategic landscaping in the dog park area will help create a visual buffer. Staff recommends approval of the Design Variance with additional landscaping to buffer the loading dock.

The applicant, Mark Smith, will be running the dispensary. He and his partner manufacture edibles and vapes under multiple brands. There is already a Tumbleweed Dispensary located in Edwards and two in Parachute. The location in Eagle would have the same motif with western barn wood and all reclaimed and all natural materials. The dog park was not a last minute thought; the Parachute location has a dog park as well and it is a nice amenity for customers, and would be open to the public.

Harrison asked if the dog park would be fenced and with what type of fencing. Smith said it would be and he would like to keep with the façade of the building. Harrison also asked if it is legal to smoke marijuana in the dog park. Smith said it is NOT legal and that is not the intent of the dog park. Perkins asked what the operating hours of the dog park are and if there is proposed lighting. The dog park will generally have the same hours as the business and there are no special requests

regarding the dog park area and there is no special use involved. Harrison said he could see potential for conflict between the dog park and any new neighbors due to noise, etc. Smith said that if there are issues with the dog park that are affecting his business he will certainly address it.

Maggie Fitzgerald, the project architect, presented the site and architectural plans and explained that the loading dock on the back of the building is actually a 10 x 10 garage door, not a typical loading dock. Harrison asked if there is anything in the code that would specifically allow or not allow this type of delivery entrance; Boni recommended approval of the design variance to be sure.

Schmidt asked if the site plan allows for snow removal and storage. Fitzgerald said there are areas in the rear and front of the building that can accommodate snow storage; she will note them on the plans.

Cowles noted that it looks like the storm water will sheet across the sidewalk as it exits the property. The storm water should be reviewed by the Town Engineer before approval.

Gregg noted that there is a transformer box in the front landscaping area that should have some additional shielding. He also said that he prefers the lantern style light fixtures installed at the Parachute location rather than the light fixtures shown on the plan.

Perkins asked if there is any fire suppression required with the commercial kitchen. Smith said there is not; the kitchen is more of an assembly production than “cooking.” Perkins also asked if there needs to be something to distinguish the recreational entry from the medical entry. Smith said that they will be distinguished with door signing and most customers are accustomed what to look for when entering.

Cowles opened public comment and hearing none, closed public comment.

Cowles made a motion to approve file DR16-04 with the following conditions:

1. Town Engineer to review and approve sidewalk, water main connection, detention and drainage.
2. Applicant to submit a landscape plan for review.
3. Applicant to provide Staff with lighting plan.
4. It is the opinion of the Planning & Zoning Commission that the garage bay does not meet the description of a loading dock so the Design Variance is not required.

Gregg seconded. The motion was unanimously approved. Cowles closed file DR16-04.

TOWN BOARD OF TRUSTEES MEETING REVIEW

1. Creekside Lofts – Approved with the Planning Commission’s recommendations.

OPEN DISCUSSION

Staff is continuing to receive applications for the Assistant Planner position as well as the vacancies on the Planning & Zoning Commission and the Board of Trustees. The Assistant Planner and Planning & Zoning Commission close on September 9; the Board of Trustees closes on September 16.

Gregg asked about the Eagle River Park project. Boni said the RFQ is almost ready to be advertised and we hope to have someone on contract by January. The in-water work will be delayed until December 2017.

ADJOURN

Richards made a motion to adjourn the meeting. Harrison seconded. The motion passed unanimously. The meeting was adjourned at 7:29 p.m.

Date

Jason Cowles – Planning and Zoning Commission Chair

Date

Danielle Couch – Administrative Assistant



CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Department of Community Development

DATE: September 20, 2016

PROJECT NAME: Wall Street Commons

FILE NUMBERS: SU16-03, V16-08, V16-09

APPLICANT: Bryan Desmond

LOCATION: 243 Wall Street

APPLICABLE SECTION(S) OF MUNICIPAL CODE:
Section 4.05 (Zoning Procedures)
Section 4.04 (Zoning)

EXHIBIT(S): A. Application Packet
B. Aerial Photographs

PUBLIC COMMENT:

STAFF CONTACT: Tom Boni, Town Planner

REQUEST: Applicant is requesting:

1. Special Use Permit to allow High Density Residential Building on a lot in the Central Business District.
2. Zoning Variance from the Rear Yard Setback
3. Zoning Variance to reduce the amount of open space required pursuant to 4.05.010 A.3.b (300 sf per unit or 5,400 sf)

DISCUSSION:

The property is located at the north west corner of Third Street and Wall Street in the Central Business District (CBD). Staff concurs with the applicant that there is a need for more residential density in the downtown Eagle neighborhood. This property is two blocks north of the Town Park and one block west of commercial uses on Broadway. In order to construct an all residential building in the CBD, a Special Use Permit is required. This application is for 18 units in a three story building with a common green space located in the north west corner of the property of approximately 1,300 square feet. The units have also been provided outside decks.

In review of this Special Use Permit a finding of adequate public facilities is required. The two key public facilities required to be analyzed are traffic impacts to the surrounding street system and water usage impact to our water treatment plant. The threshold for this review as set forth in Chapter 4.14.020 is 10 units. The applicant has not provided a Public Facilities Information Report. The Town Planner is required to make a recommendation of the adequacy of public facilities part of any staff report to the Planning Commission or Town Board for Development Approval.

One of the obstacles to redevelopment that owners of downtown real estate have pointed out to staff are the parking standards. The Town has been studying the amount of on-street parking that can be constructed on our wide rights of ways to accommodate parking requirements of development on the adjacent land. Town Staff also recognizes that residential and commercial uses require parking generally at different times of day that should allow a significant sharing of parking. This has been a trend in many communities to introduce residential into downtowns to create a more active nightlife and the more efficient use of parking. Research is indicating that people attracted to downtown neighborhoods are less reliant on the automobile and generally require less parking than residents in other parts of Town.

The applicant's proposal generates 31 spaces and 14 on street spaces are shown adjacent to his lot. The remaining 17 space are shown across Wall Street in front of the CenturyTel property and on the south side of the CenturyTel property on Third Street.

The CBD has no front or side yard setback requirements; however, it has a 25-foot rear yard setback. This rear yard setback requirement, I believe, was provided to accommodate parking for employees accessible from the alley.

The Applicant is requesting that for yard purposes, the Wall Street Frontage be considered the front to the building. Therefore, the rear of property abuts the ServiceMaster Building. As mentioned earlier, there is courtyard provided on the north west corner of the building which accommodates the setback in this portion of the lot. On the southern side there is a stairway and trash enclosure that is located approximately 5 feet from the rear lot line.

The other zoning variance is related to the requirement to provide 300 square feet of useable space per unit. This would require 5,400 square feet. The applicant is providing a courtyard of approximately 1200 square feet and balconies to all of the units. The building is also setback from Wall Street which also adds some open space. The applicant needs to provide a calculation of the open space to determine the exact amount to provide. Staff believes it is approximately 2600 square feet.

STANDARDS FOR SPECIAL USE PERMIT (SECTION 4.05.010):

Listed below are the findings required by Section 4.05.010 of the Land Use & Development Code for approval of a Special Use Permit:

1. The proposed use is consistent with the provisions of this Chapter and with the Town's goals, policies and plans, and
2. The proposed use is compatible with existing and allowed uses surrounding or affected by the proposed use, and
3. Street improvements adequate to accommodate traffic volumes generated by the proposed use and provision of safe, convenient access to the use and adequate parking are either in place or will be constructed in conjunction with the proposed use, as approved by the Town, and
4. The special conditions for specific uses, as provided in this Section, are met.

FINDINGS FOR SPECIAL USE PERMIT:

Standard #1:

Subject property is zoned Central Business District. Chapter 4.04.060 (Schedule of Uses Permitted in Residential Zone Districts) identifies a High Density Multi-Family Building as a Special Use in the CBD.

The Eagle Area Community Plan (Plan) generally provides the goals, policies and plans for the Town. This property is located within the Town Center (Historic Town) Future Land Use Designation. Two relevant Intent Statement listed for this area are:

1. Maintain residential uses in close proximity to shopping and business locations to enhance local retail and business success.
2. Encourage infill and redevelopment of underutilized lots.

Chapter 6 of the Plan includes a Policy to "maintain and improve the appearance of the community gateways and streetscapes to better establish and reinforce the Town's identity and sense of place." This Chapter also includes Policies to encourage development that builds upon and adds value to Eagle Unique community character through adherence to high quality standards of design and construction and to support transit oriented development.

Staff believe that this application addressed these Intent Statement and Policies.

Standard #2:

The surrounding land use to the west is commercial (ServiceMaster building) to the north is part of the CBD but used as a single family residence/small auto repair shop. To the east is a CenturyTel property with a small building housing a technical station and to the south single family development. Staff believes that the proposed residential use is compatible with the mix of residential and commercial surrounding uses.

Standard #3:

Street Improvements, Parking & Access:

This property is located in a neighborhood that is served by a grid street system. Access connection from this parcel include Third Street, Wall Street, Broadway, Capitol and Church Street. During peak hours, traffic in and out of this property can avoid congestion at local road intersections with Highway 6 by using Third to Church which provides access to Highway 6/Eby Creek Round About. Staff believes that adequate access is provided by the surrounding street system.

Parking

As referenced earlier, the parking plan includes 14 spaces to be constructed within the right of way adjacent to the building and 17 spaces to be provided adjacent to the CenturyTel building. This is a significant off site accommodation of parking. In the past the Town has had a policy of allowing a development to construct parking in the right of way adjacent to their building to accommodate parking requirements of the building. In this case, significant parking is located in parking spaces on the street fronting the CenturyTel property. From a technical point of view, there is not the provision of onsite parking as required by our code. However, as previously noted, this has been the impediment to redevelopment in the CBD and the Town has been pursuing a policy of using improvements to our right of way to accommodate parking demand. To date, Staff practice has been to allow on street parking adjacent to the property to be credited as required parking. However, the 17 spaces proposed adjacent to the CenturyTel property is a significant departure from this practice. Therefore, Staff cannot make a finding of adequate parking.

In addition, the Special Use application is governed by the Adequate Public Facilities ordinance and a Public Facilities Information Report is required.

ZONING VARIANCE STANDARDS:

Listed below are the findings required by Section 4.05.020 of the Land Use & Development Code for approval of a Zoning Variance:

1. That the variance granted is without substantial detriment to the public good and does not impair the intent and purposes of the Town's regulations, goals, policies and plans, including the specific regulation in question; and
2. That the variance granted is the minimum necessary to alleviate the hardship; and

3. That there exists on the property in question exceptional topography, shape, size or other extraordinary and exceptional situation or condition peculiar to the site, existing buildings, or lot configuration such that strict application of the zone district requirements from which the variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property in question; or
4. That such exceptional situation or condition was not induced by any action of the applicant and is not a general condition throughout the zone district.

FINDINGS FOR VARIANCES (Rear Setback and Open Space):

Staff believes that the requested variances can be granted without detriment to the public good and do not impair the intent and purposes of the Town Regulations, goals, policies and plans. The rear yard setback was related to access from alleyways that are typical in the CBD but not present on this property. The open space requirement is less relevant to this building because of convenient access to Town Park located two blocks to the south. The applicant has provided an attractive courtyard and includes outside decks appurtenant to each unit.

Staff also believe that the appropriate compromise has been achieved to minimize the degree of the variance requested.

Lastly, the corner property and its size provide exceptional difficulties to allow the development of this property given the costs of construction.

STAFF RECOMMENDATIONS:

Recommend denial of the Special Use Permit conditional based upon a lack of adequate parking.

Recommend approval of the two Zoning Variance based upon the above referenced findings.

PLANNING & ZONING COMMISSION:

1. Questions of Staff and/or Applicant
2. Public Comment
3. Deliberations

WALL STREET CROSSING

DOWNTOWN EAGLE SIMPLE LIVING

9 September, 2016

Town of Eagle, Colorado

Reference: Wall Street Crossing, Proposed Multi-Family Residential Development, 243 Wall Street

In 2006, I purchased a residence at 243 Wall Street and had it re zoned to commercial business district, with the future hope of someday providing a needed amenity for the Town of Eagle. Since that time I have planned and built over 100 single and multi-family residential projects in Eagle alone, including my own current residence in Eagle Ranch. Since the purchase, while renting the single family residence, I created potential mixed use development ideas that included residential, office, retail, and restaurant components.

As I learned more about the current goals and needs of Eagle, it became clearer to me that Eagle has a unique opportunity to support growth of existing businesses and future smart growth by providing higher density living within the downtown central business district. I have always noticed a need for downtown core living as a prerequisite for a vibrant and economically successful downtown. Considering commercial vacancies and continued growth now is the time to provide a more affordable option for the mountain life style living. Thus, I am excited about the new concept for a total multi-family development for Wall Street Crossing without any commercial or retail components.

While this concept will help advance the vibrancy of the downtown central business district, it will also provide a more affordable housing option that our town and county are in great need of

Special Use Permit: Main floor residential (less need for commercial or retail use here)

Variance: On-site Parking requirement while providing Street Scape improvement

Variance: Open space (some provided, but site is too small for total requirement)

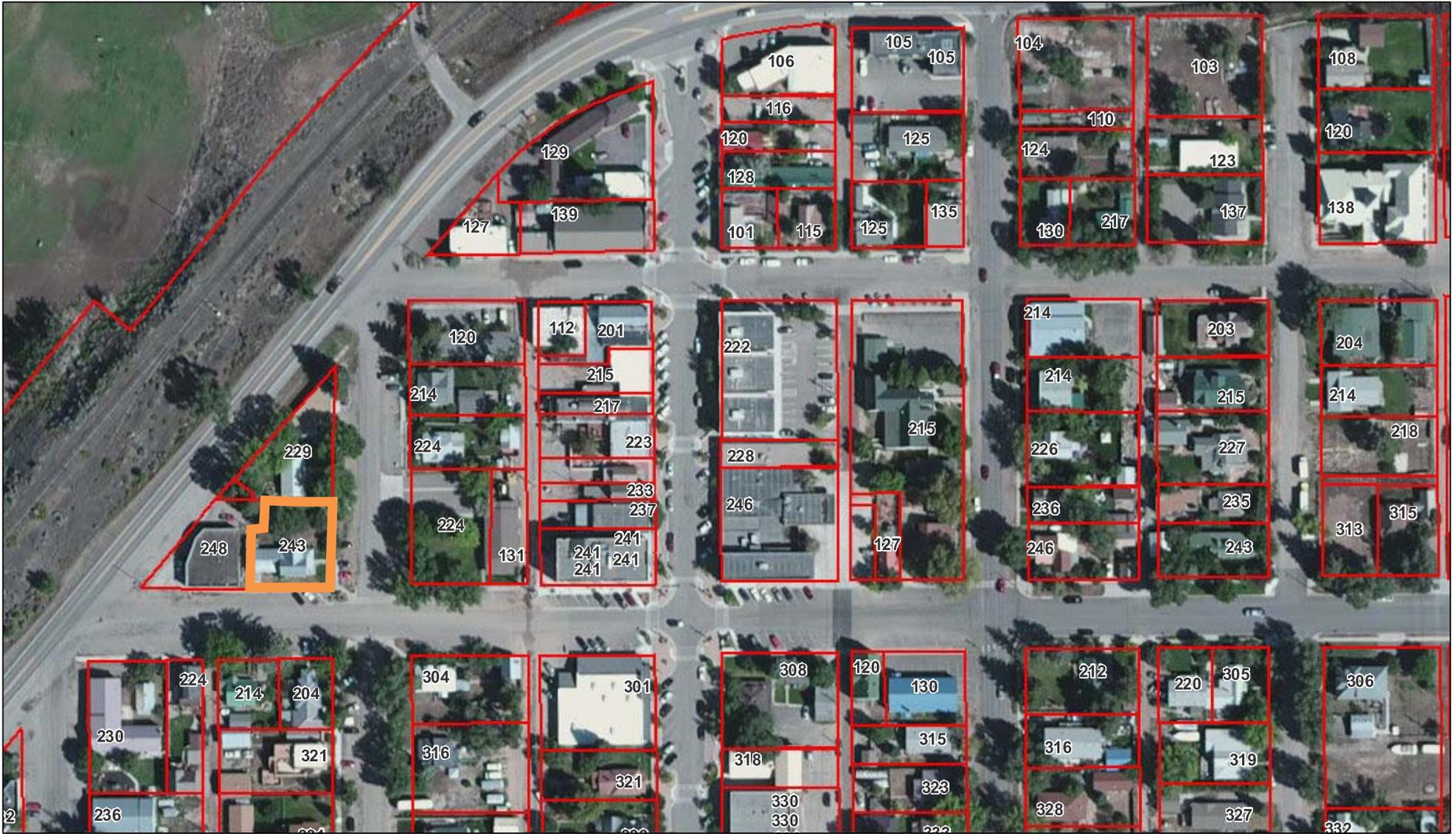
Variance: Rear setback

Wall Street Crossing will provide a more affordable housing opportunity for local living while generating a vibrant downtown atmosphere. Wall Street Crossing living will create a reverse flow of traffic and shift in available parking options at peak times during regular business hours parking will be available during the work day and density of residences while walking to local bars, dining and shopping in the evening hours. I will also provide improved the street scape for the project

Thank you for your consideration. I welcome the opportunity to discuss this.

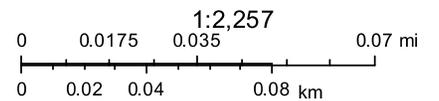
Bryan Desmond

Eagle County GIS Web Map

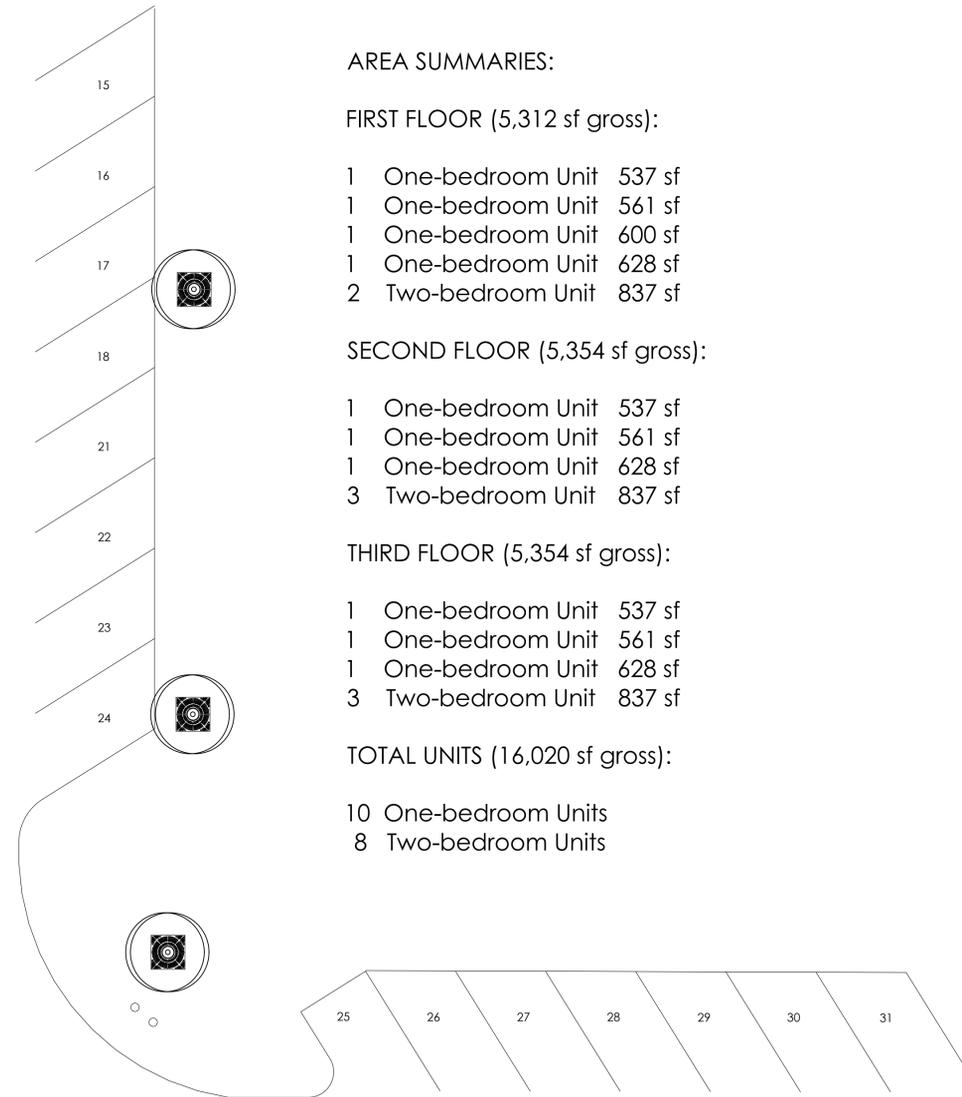
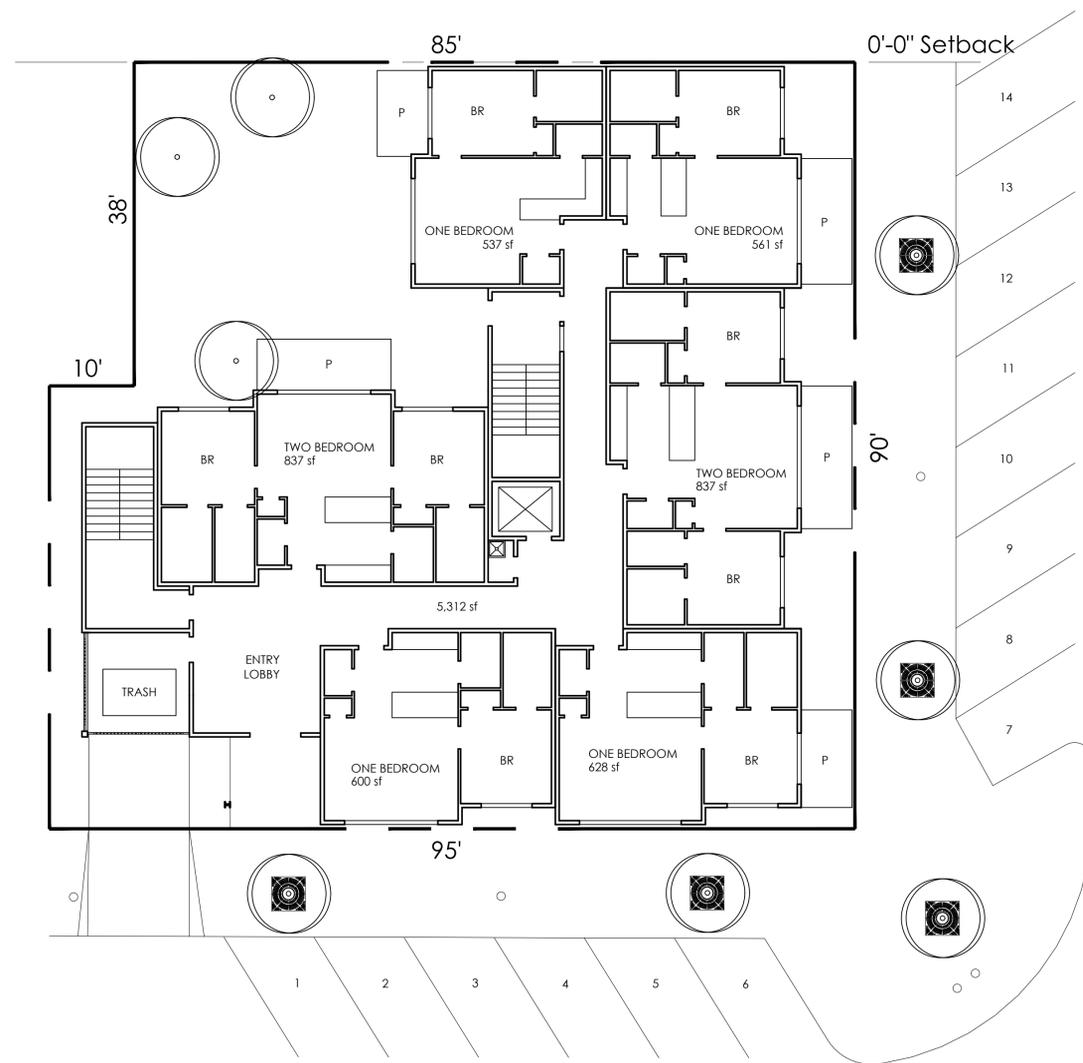


September 16, 2016

- Lines**
- Address Labels
 - Override 1
 - Parcels



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



AREA SUMMARIES:

FIRST FLOOR (5,312 sf gross):

- 1 One-bedroom Unit 537 sf
- 1 One-bedroom Unit 561 sf
- 1 One-bedroom Unit 600 sf
- 1 One-bedroom Unit 628 sf
- 2 Two-bedroom Unit 837 sf

SECOND FLOOR (5,354 sf gross):

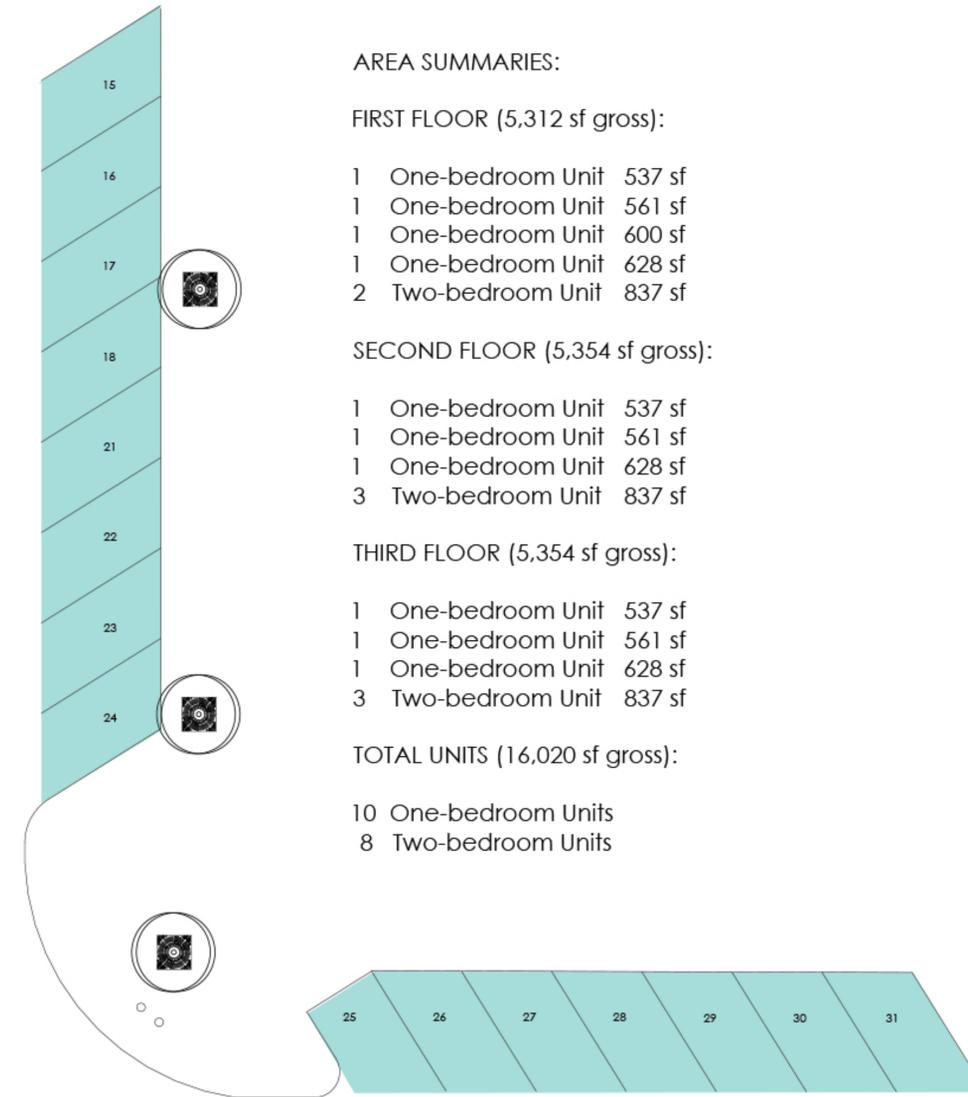
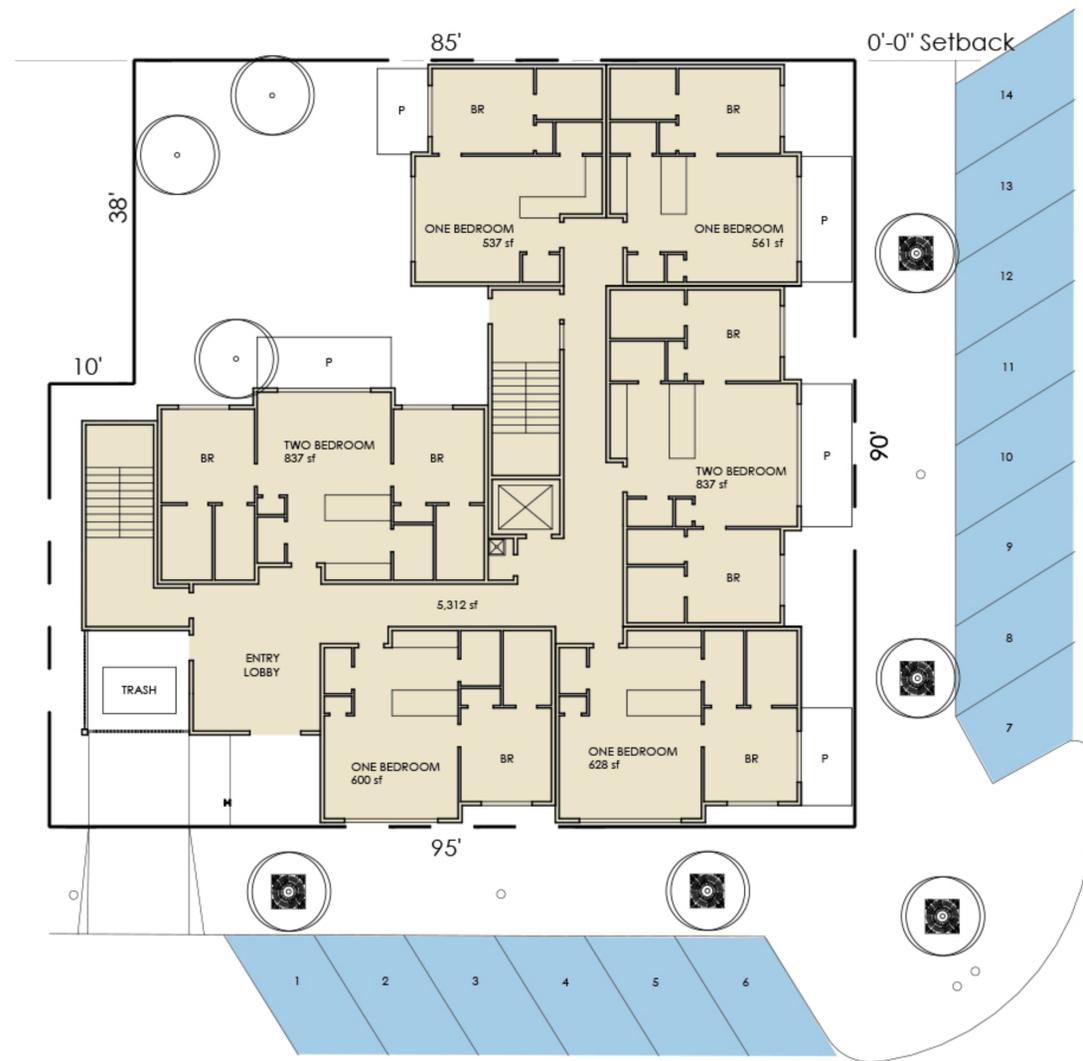
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- 3 Two-bedroom Unit 837 sf

THIRD FLOOR (5,354 sf gross):

- 1 One-bedroom Unit 537 sf
- 1 One-bedroom Unit 561 sf
- 1 One-bedroom Unit 628 sf
- 3 Two-bedroom Unit 837 sf

TOTAL UNITS (16,020 sf gross):

- 10 One-bedroom Units
- 8 Two-bedroom Units



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TOTAL UNITS (16,020 sf gross):

- 10 One-bedroom Units
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WALL STREET COMMONS

View from SE corner of West 3rd Street and Wall Street

TURNIPSEED
ARCHITECTURE
CONSTRUCTION
INTERIOR DESIGN
SINCE 1995



WALL STREET COMMONS

View looking South along Wall Street

TURNIPSEED
ARCHITECTURE
CONSTRUCTION
INTERIOR DESIGN
SINCE 1995



WALL STREET COMMONS

View looking NE along West 3rd Street

TURNIPSEED
ARCHITECTURE
CONSTRUCTION
INTERIOR DESIGN
SINCE 1995



WALL STREET COMMONS

Aerial view along West 3rd Street

TURNIPSEED
ARCHITECTURE
CONSTRUCTION
INTERIOR DESIGN
SINCE 1995



WALL STREET COMMONS *Aerial view along Wall Street*

TURNIPSEED
ARCHITECTURE
CONSTRUCTION
INTERIOR DESIGN
SINCE 1995



WALL STREET COMMONS *Aerial view at rear yard*

TURNIPSEED
ARCHITECTURE
CONSTRUCTION
INTERIOR DESIGN
SINCE 1995