AGENDA
Planning & Zoning Commission
Tuesday, November 1, 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 – October 4, 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:	A Storage Place Minor Development Permit
	File #:	DR16-05
	Applicant:	Joshua Banklage
	Location:	800 Chambers Avenue
	Staff Contact:	Tom Boni (Town Planner)
	Request:	Minor Development Permit to allow non-conforming siding in the Chambers Avenue Commercial Area.
2.	Project:	Revisions to Section 4.14.080 – Criteria for Determining Availability and Adequacy of Community Facilities Revisions to Section 4.13.160 – Municipal Park Land Dedication Revisions to Section 4.03.060 – Public Notice
	File #:	LURA16-02
	Applicant:	Town of Eagle
	Location:	N/A
	Staff Contact:	Tom Boni (Town Planner)
	Request:	1. Revise Section 4.14.080 to change the methodology used to determine the existing demand and capacity of community facilities.

ITEM		
		2. Revise Section 4.13.160 to clarify when a municipal park land dedication is required. 3. Revise Section 4.03.060 to eliminate requirement to send Subdivision notices by certified mail.
TOWN BOARD OF TRUSTEES MEETING REVIEW *Staff update to the Planning & Zoning Commission on recent decisions made by the Board of Trustees on various Land Use files.*		
1. Boyz Toyz Special Use Permit		
2. Wall Street Commons Special Use Permit		
3. ABWD Studio Apartment Special Use Permit		
OPEN DISCUSSION		
ADJOURN		

Planning and Zoning Commission
Meeting Minutes
October 4, 2016

PRESENT
Stephen Richards, Acting Chair
Jamie Harrison
Charlie Perkins
Jesse Gregg
Cindy Callicrate
Kyle Hoiland

STAFF
Tom Boni – Town Planner
Danielle Couch – Administrative Assistant

ABSENT
Jason Cowles
Max Schmidt

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 October 4, 2016, was called to order by Stephen Richards at 6:06 p.m.

SWEARING IN OF NEW COMMISSION MEMBERS

Danielle Couch swore in Jamie Harrison, Charlie Perkins and Kyle Hoiland as the newly appointed members of the Planning & Zoning Commission.

Jamie Harrison commented that the Commission had had three open positions which were advertised in August and for which we received four applicants. The Town Board of Trustees appointed applicants to the three vacant positions at their September 27 meeting. Harrison welcomed new Commission member Kyle Hoiland and thanked Donna Spinelli for her four years of service. He said he appreciated Spinelli's point of view and participation although he did not always agree with her position. Harrison moved for a unanimous informal proclamation of appreciation for Spinelli's time on the Planning & Zoning Commission. Richards seconded. The motion passed unanimously.

APPROVAL OF MINUTES

Stephen Richards moved to approve the minutes of the September 20, 2016, Planning & Zoning Commission Meeting. Cindy Callicrate seconded. The motion passed unanimously.

PUBLIC COMMENT

Joe Stauffer, 200 Broadway

Chief Stauffer is attending to speak as a citizen regarding the housing crisis in Eagle and the County. He has experienced difficulty hiring and retaining officers and other community members who are essentially the "working poor." Our economic viability is reliant on the blue collar workers. There are numerous examples that have come to his attention as Police Chief. In one case this summer, the Police Department was informed that there were a number of people living in a school bus; it turns out they were teachers waiting for housing. In other cases, directly affecting his work force, two Eagle Police Officers have had to move out of Eagle County, one officer had his rent increased by $1,000, and another officer had a rent increase so significant it prompted him to move out of his home into a roommate situation.

Chief Stauffer encouraged the Planning & Zoning Commission to keep considerations for transitional housing at the forefront of their review of upcoming development files. He recognizes that parking is an issue, especially in the downtown business district but is hopeful that with the devolution of Highway 6 more parking options will become available.

LAND USE PUBLIC HEARINGS

V16-07 Tumbleweed Sign Variance

Richards opened File V16-07 for Tumbleweed Sign Variance located at 1125 Chambers Avenue. The Planning & Zoning Commission recently reviewed the development permit for this location which was approved by the Board of Trustees on September 27. Staff explained that this request is for sign square footage that is a net increase of 30 sq. ft. over the prescribed sign size, primarily facing south and west. The hardship regarding sign size is due to the unique design of the building and the narrowness of the lot. This request transfers the total square footage that would be allowed with a monument sign to be included in the storefront signage and eliminates a monument sign.

Architect Maggie Fitzgerald described the lettering of the signage as internally-lit white letters against a dark-stained wood façade on the south and west facing sides, and a green internally-lit cross (indicative of a marijuana dispensary) on the parapet facing generally northeast and southwest. Harrison asked Staff if there is any concern about illumination; there is not.

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

Harrison made a motion to approve file V16-07 with the following conditions:

1. Applicant shall not construct a monument sign and relinquishes the right to do so.
2. Signage is limited to 22 sq. ft. on the west and south sides of the building, and 16 sq. ft. on the sides generally facing I-70 and Chambers Avenue.

Gregg seconded. The motion was unanimously approved. Richards closed file V16-07.

SU16-04 ABDW Studio Apartment

Richards opened File SU16-04 for ABDW Studio Apartment located at 801 Chambers Avenue. This is a Special Use Permit for a residential unit in this building. Staff explained that the current zoning for this property is Commercial General (CG) and its current use is a recently constructed office/warehouse/showroom for Alan-Bradley Doors & Windows. There is an additional (separate) commercial tenant in the far western bay of the building. The Land Use & Development Code refers to the allowance of one apartment per use in a commercial building and this building does operate several uses concurrently. There is sufficient parking for both commercial and residential uses. The studio apartment would be located on the second floor and is intended generally to be employee housing.

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Jim Harris attended on behalf of applicant Brad Wright. He stated that ABDW is a growing business and have hired four new employees this year, many of whom have relocated from out of state. This apartment will allow employees who are new to the area a place to land when they arrive so they can go to work immediately.

Hoiland asked if there are any environmental concerns with an apartment located above a warehouse. Harris verified that this apartment would be located above the showroom area and that the warehouse space is used primarily for storage. Gregg asked if there are indeed two uses occurring in the commercial space. Tom Boni said that there are two and arguably three uses occurring (office, warehouse, other contractor).

Boni compared this file to another similar file last year, the Live-Work Units on Chambers Avenue. Staff had recommended that the residential units be available only to employees of the related commercial operation. The applicant argued that recommendation stating that if his employees did not have need of the residential units they should be made available to others. The Board of Trustees agreed that any available housing not utilized by employees of the commercial enterprise should be offered on the free market.

Callicrate asked what happens to the residential unit if the additional contractor moves out of the space currently occupied. Boni said there is no good answer but he would lean toward making housing space available to help with the housing crisis. Callicrate asked if it was reasonable to require the residential unit to be available only to workers in Eagle. Boni said that would be a decision for the Board of Trustees.

Perkins asked if there is a gate at the entrance to the property from Chambers. Harris said there is not. Perkins said if there was he would have had concerns about emergency service access to the residential unit after hours.

Harrison commented that it is unfortunate that the Planning & Zoning Commission is being forced to make a policy decision where it is not well accommodated by the Code. He is inclined to support this file just because of the current housing situation in the Town. However, he also feels that the Board of Trustees needs to deal with this problem more systematically and look at the potential conflicts that may arise between commercial and residential uses and we need to come up with a plan that will accommodate both. We need a thorough legislative approach as to how we are going to integrate various uses into this district. He doesn't think that this residential unit should be restricted to be available only to an employee of this particular business because the impacts on the town and the workforce are the same. Although he is going to support this file he is very uncomfortable with it and he wishes the Board of Trustees would address this issue more systematically. He wants a solution that will allow them to equally, fairly and efficiently apply good rules that are based on good, sound judgment, rather than this piecemeal context. Harrison asked Boni to please convey his concerns to the Board.

Harrison made a motion to approve file SU16-04 to allow an additional dwelling unit at 801 Chambers Avenue without any limitation on who can live there. Hoiland and Perkins seconded. The motion was unanimously approved. Richards closed file SU16-04.

SU16-03 Wall Street Commons
V16-08 Wall Street Commons Rear Yard Setback Variance
V16-09 Wall Street Commons Open Space Variance

Richards opened Files SU16-03, V16-08 and V16-09 for Wall Street Commons at 243 Wall Street. Boni noted that although Jason Cowles was unable to attend this evening's meeting, he did provide

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comments which Boni read into the record (attached). Harrison stated that although he was absent from the September 20 meeting when this file was originally opened, he has listened to the recording of that meeting and intends to participate in this decision.

Bryan Desmond is the applicant and has lived here since 2002. He feels it is important that people know that he lives and works here. He has built over 100 homes in the town of Eagle and hears repeatedly that there is not enough housing. He has heard from the Board of Trustees that one of the primary ways they feel that one of the best ways to increase sales tax revenues is to develop residential areas in the downtown core.

Wall Street Commons would be located at 243 Wall Street and is currently zone Central Business District (CBD). The Special Use Permit is to allow a high-density residential development in the CBD. The development would include ten 1-bedroom units and eight 2-bedroom units, ranging in size from about 540 sq. ft. to about 840 sq. ft. Parking requirements for this development are 31 total spaces and the applicant is requesting to use on-street parking to meet those requirements. The request for a Rear Yard Setback Variance is to allow encroachment into the rear yard setback of 25 feet because there is no rear alley. The request for an Open Space Variance is to reduce the requirement for onsite open space because he believes the courtyard/patios/balconies and proximity to Town Park provides adequate open space to residents.

Hoiland asked if the units would be for sale or for rent. Desmond said he intends to maintain ownership of the building and rent the units. Gregg asked what the price points would be for the units. Desmond said it is still early but he thinks $800-$900 for one-bedroom units and $1300-$1450 for two-bedroom units. Harrison asked to clarify the zoning. Boni said that a zoning variance was approved in 2002 that made this property CBD. The current zoning map of the town does not reflect this zone change.

Staff believes that the application addresses the intents and policies of the Eagle Area Community Plan. Although the use is compatible with the surrounding mix of residential and commercial uses, Staff feels that the relationship of this proposed three-story building is incompatible with surrounding buildings in terms of scale. Regarding parking, the Town has previously had a practice of allowing a development to construct parking in the right of way adjacent to their building to meet parking requirements. However, Staff does not believe that there is adequate parking as this application is proposed and would recommend denial on that basis. Regarding the open space variance, Staff feels more information is needed to get a more concrete idea of how much square footage is actually available in the patios and courtyard area. For the rear yard variance, Staff thinks there could be some reconfiguration to the structure to increase the distance between the development and the existing single family home. Because this is located on a corner lot the applicant can determine which street is the "front;" as it is currently presented the rear yard is adjacent to Service Master to the west.

Richards opened public comment.

Terrill Knight, 449 Castle Peak Road
Mr. Knight has been running a land planning business for 35 years and is here speaking on behalf of Jack and Penny Olesen. He feels the CBD is going to grow and be in transition for many years and the idea of using all of the neighborhood parking inhibits future growth in the area. He thinks the project should be dismissed on the surface just for that. Mr. Knight said that when he is working on a project that will impact a neighborhood he makes a point to talk to the neighbors, which has not happened in this case. He feels a new development should meet its own needs (parking). He thinks the building is nice but doesn't fit in with downtown Eagle architecture. If this development

is approved as presented the Town will have eliminated development rather than helped promote it.

Dan Leary, 204 W Third Street
Mr. Leary lives directly across from this proposed development to the south. He has lived here since 1976 and has seen a lot of development and growth. He understands the housing crisis and as a business owner had difficulty finding employees because they can't find housing but the housing crisis will not be solved with this development. He has not heard anything about these units being deed-restricted or rent-restricted and he does not believe there is anything to prevent Desmond from selling the property to a third party after it is constructed. Mr. Leary said that he has never met Mr. Desmond although he has seen him once or twice and doesn't know why Desmond has not approached any of the neighbors. Mr. Leary asked if the front door should be on the "front" of the building; as it is presented he will be looking at the trash enclosure for the building. He does not agree with the parking proposal and believes that at the price points for these units there will be more vehicles per unit than the minimum calculated. He asked if there are really balconies on all of the units and if there is any storage provided; will the balconies turn into storage space. There are existing mature trees that will be removed to allow for construction. Giving 31 free parking spots (on-street) is not fair; it eliminates the parking for the neighborhood. He agreed with Cowles' comment about establishing a fee in lieu program to build parking. He doesn't agree with a three-story building; it doesn't agree with the existing neighborhood. This issue is about too many units with not enough parking.

Bill Harris, 214 W Third Street
Mr. Harris acknowledged that the housing situation in the County has been dire for as long as he can remember; he grew up in Minturn and attended Eagle Valley High School. He believes the problem is not a shortage of housing, it is a lack of income. He said Desmond bought this property in 2007 during the housing bubble and believes that this development is about recouping his losses on this lot. For as long as Desmond has owned the property, Mr. Harris doesn't believe he has been a good neighbor or maintained the property. The height of the building is not acceptable to him and the parking is abysmal. He really thinks something good can be done on that lot but it has to be a lot less dense and with a lot less impact on the neighborhood.

Sandy VanCampen Harris, 214 W Third Street
Ms. Harris lives across the street from the proposed development and her concern is the parking. She has two parking spaces in front of her house and wants to be able to keep them. She does not know how Desmond will be able to accommodate 34 parking spaces where he only has room for 14. Additionally, people parking for Bonfire Brewing and Service Master as well as events at Town Park utilize on-street parking throughout the neighborhood. Parking is at a premium. The density of the development is too much.

Richards closed public comment and asked Desmond if he would like to respond to any of the comments raised.

Desmond said he appreciates the comments that he heard and apologized for not coming to the neighbors to present his ideas about the area and what he's proposing. One of his intents for this meeting was to create a dialogue. He recognizes that parking is an issue and cited information contained in the public comment submitted by Matt Farrar about what other towns are doing to address parking issues. Desmond said it is hard to do any development without being impactful to some part of the community. He reemphasized that he has spent a lot of time trying to develop this project and wants to do what is right for the town. He welcomes comments from the community and the Board of Trustees to get to the best solution.

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Gary Brooks from Alpine Engineering completed a public facilities impact report for the project. The grid street system in the CBD can accommodate an infill project such as this because traffic naturally disperses based on where a pinch-point is. The public utility companies have provided ability to serve letters. The water line was recently upgraded and can accommodate service and the water demand can be accommodated in the current treatment system.

Perkins said that this proposal exposes a fundamental challenge we have as a community. He likes the project but cannot support it based on the parking issue and he thinks the density is a stretch. He wants to find a better strategy for a comprehensive parking program for the CBD. He doesn't want to lose projects because we can't find parking for them; he wants to find a solution.

Callicrate agreed with Perkins. She thinks this project is needed and would benefit the town. Parking is an issue (she noted that the plans as shown incorrectly number the parking spaces) and using public parking for development does not benefit the town. It is incumbent on the Town to figure out how to address parking. She would love to see downtown develop into a vibrant area that people can live and work. She also agreed that the density is too much for this location. She would like to discuss how to make this a project that can be supported.

Harrison said that we have to be addressing the housing issue. We need to have a comprehensive look but he doesn't think that should stop this project. We are desperately in need of this sort of development. He thinks that the impact on the neighbor to the north is too severe and the setbacks need to be addressed. We have wide streets in Eagle he thinks we should use them to park instead of requiring developers or residents to pay to park. He asked if the parking problems that this development would create would really be such a burden on the community and acknowledged that if every development came in with the same request then it could burden the community. But he also believes that we shouldn't stop every project along the way. He feels this project needs some tweaking but is not in favor of holding off the project entirely.

Hoiland said he likes the project and thinks it helps solve some of the problems in the community. He likes the design and thinks the density is OK even though the parking is an issue. He thinks with the needs in the valley everyone needs to make some sacrifices. If he was able to vote on this file, he would be in favor of it.

Gregg said he agrees with the concept and thinks we need more affordable housing but said the parking is an issue. He noted that the applicant showed no attempt to make parking available onsite and felt that was unacceptable. He doesn't think the scale of the building fits contextually with the property to the north and suggested a step down of the building, an increased setback, and/or a landscape buffer. He has an issue with the lack of open space onsite and thinks that even with Town Park close by, children would be playing in the street. A larger setback on the north or west side of the property could help increase the onsite open space. He thinks the trash enclosure is in a strange place, right next to the front entrance. He also noted that this is the Central Business District and 3rd Street is a main corridor into/through town. He thinks a commercial component in the building would make sense. He cannot support the project as it is presently designed.

Richards asked if having a commercial tenant in the building would change the parking requirement. Boni said that it would actually require a slight increase in the required parking. Richards said that on the whole, the Commission would like to see Desmond present a project that is going to work. He can give a little on the parking but given our current requirements the proposal is very lacking; he agreed with Harrison to utilize the street for some of the parking but does not feel that all of the parking should be on-street. He wondered if giving space for onsite parking

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would reduce the number of units to make in unfeasible to develop. There needs to be a better solution for the adjacent property to the north and thinks the narrowest parts of the setback should be switched to the west side of the property. He thinks this needs to be reworked a bunch and cannot support it as currently presented.

Desmond said that he has tried to design this property to allow for onsite parking but said that the lot is not big enough to accommodate even 5-6 parking spaces. He said the project doesn't work with onsite parking so he won't do it. He is not opposed to doing commercial development but he doesn't think we need more commercial space; we need residential space. He asked for more direction from the Commission so that he knows what he should do to make this a successful project.

Richards asked the Commission for suggestions. Harrison feels that this is not a decision for the Planning & Zoning Commission; it should go to the Board of Trustees to make the hard decisions. It does not make a lot of sense for them to spend a lot of time on this because it is a Board of Trustees policy decision. The best thing the Commission can do is recommend approval or denial and move the file to the Board of Trustees to make the final determination.

Regarding process, Richards asked if there is a way to get feedback from the Board of Trustees without yet making a recommendation on this file. Boni said that would not fit into our typical process. The file could be moved forward with a request that the file is remanded back to the Planning & Zoning Commission after the Board makes a policy decision regarding the parking issue. Another option would be to advance the Special Use Permit to the Board and to continue the Variance Permits pending the decision on the Special Use Permit.

Hoiland asked about Cowles' idea about a fee in lieu for parking. Boni said that those type of impact fees require a complex nexus that would need to be analyzed and that likely won't happen for at least six months.

Hoiland asked if Desmond would be willing to reserve units for public workers and teachers and/or reducing rent for those workers. Desmond said he would be willing to explore that as an option.

Callicrate said that she agrees with Harrison that it is critical to figure out how to make these kind of developments work.

Harrison made a motion to approve file SU16-03 finding that the proposed use is consistent with the Land Use Code and the Town's policies, particularly with relation to affordable housing and infill development, the proposed use is compatible with existing uses, street improvements are adequate and there are adequate public improvements, and there is adequate parking in place or to be constructed. No second. The motion is dead.

Callicrate made a motion to approve file SU16-03 with the following conditions:

1. The density of is reduced.
2. Parking is addressed either by requiring more parking onsite or by reducing the parking requirement (to be addressed by the Board of Trustees).

Harrison asked if the Commission should put numbers on those conditions to give the applicant more direction. No second. The motion is dead.

Perkins made a motion to deny files SU16-03, V16-08 and V16-09 for the following reasons:

1. Density is too high.
2. Parking is inadequate and there has been no attempt to accommodate parking onsite.

Harrison recommended amending the motion to include only file SU16-03. Perkins agreed to amend the motion. Gregg seconded. The motion passed with Harrison dissenting.

Harrison made a motion to continue files V16-08 and V16-09 to the Planning & Zoning Commission meeting on November 1, 2016. Gregg seconded. The motion was unanimously approved.

Richards suggested to Desmond that he rework the building configuration, which might sacrifice a unit or two, and see if the project still pencils out. The Board will need to address the policy decisions regarding parking. Richards closed files SU16-03, V16-08 and V16-09.

TOWN BOARD OF TRUSTEES MEETING REVIEW

1. Tumbleweed Dispensary – Approved with the Planning Commission's recommendations
2. Boyz Toyz – Continued to October 25, 2016

OPEN DISCUSSION

Harrison asked how the search for an Assistant Planner is going. Boni said we held interviews last week and are currently checking references. We hope to have someone on staff by the end of October.

ADJOURN

Richards made a motion to adjourn the meeting. Hoiland seconded. The motion passed unanimously. The meeting was adjourned at 8:48 p.m.

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Date Stephen Richards – Planning and Zoning Commission Acting Chair

_____ _____

Date Danielle Couch – Administrative Assistant

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From:	Jason Cowles
To:	Tom Boni
Cc:	Jamie Harrison; Charlie Perkins; Cindy Callicrate; Max Schmidt; Stephen Richards; Jessie Gregg; Kyle Hoiland; sjgrichards@centurytel.net; Danielle Couch; John Schneiger
Subject:	Re: Wall Street Commons
Date:	Tuesday, October 04, 2016 9:31:17 AM

Tom,

I don't think I will be able to make the meeting tonight. I came down with a nasty stomach bug last night, and am staying home from work to rest. I do want to provide a few comments for the group to consider on the Wall Street commons file:

1. I'm in favor of the project because of the current demand for housing of this type, but the on-street parking component is too much. I'm in favor of allowing some on-street parking to make up for off-street parking requirements, but this one pushes the limit of what seems reasonable. That being said, Matt raises some excellent points in his letter. I think that our off- street parking requirements are too high, and are standing in the way of our goals to increase development in the CBD. I've said this before and I will say it again... I've run into this problem in the past while working on other development projects in town, and would really like to see us address the issue by revising the code. I also feel that a cash-in-lieu program that could build up a fund for either on-street parking improvements or a parking lot/garage is an idea that we should consider. I'd be curious to hear from the developer whether 14 spaces at
$30k a piece would kill the project from a financial standpoint, and if so, how many spaces could he reasonably afford to pay an in-lieu fee for... that might actually dictate what the right amount of density for this project is.

2. I'm ok with less open space on the project given the proximity to town park, but the "open space" provided just seems like an afterthought. It won't see the sun most of the time, as evidenced by the 3D renderings. It should be in the front of the building along the street frontage so that it's an amenity rather than an afterthought.

3. The zero lot line concept on the north side of the building doesn't seem appropriate given the residential use abutting the project. I think that a 5' setback would be appropriate.

4. Back to the subject of parking... I took the opportunity to visit the site and look at parking along Wall Street, and I think we could do a better job of parking enforcement. I noticed several trailers parked in the right-of-way that haven't moved in the past two weeks.

In it's current form, I can't support this application, but I think that with some re-tooling to address the issues noted above, it could be a great project for the Town to consider.

Thanks,
Jason

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CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Department of Community Development

DATE: November 1, 2016

PROJECT NAME: **Alpine Storage Place Renovation**

FILE NUMBER: DR16-05

APPLICANT: Joshua Banklage

LOCATION: 800 Chambers Avenue

APPLICABLE SECTION(S) OF MUNCIPAL CODE:
Section 4.06 (Development Review)
Section 4.07 (Development Standards)

EXHIBIT(S):
A. Application Letter
B. Aerial Photos of Site and Material Images

PUBLIC COMMENT: None Received

STAFF CONTACT: Tom Boni, Town Planner

REQUEST: Minor Development Permit to re-side storage buildings including Variance from Design Standards

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DISCUSSION:

There are nine storage buildings that comprise Alpine Storage as shown of the attached aerial photo. This is a very successful storage facility and leases space to both commercial and residential users. Commercial user store materials here rather than in their store where space is a premium. Residential users store household goods that do not fit comfortably in their homes. Many people move to housing in Eagle County that is significantly smaller than their previous housing and need storage space.

The current siding of these storage buildings is primarily wood panels commonly referred to as T-111 which is a material that is not allowed by the Chambers Avenue Design Standards. These buildings were likely constructed prior to the adoption of the Design Standards. This material is in fair to poor condition. There is a new owner of the complex who wants to improve the appearance of the facility. The applicant is requesting the use of some metal ribbed siding combined with a significant wainscot of stone veneer where the building are visible from the Chambers Avenue. The building materials are shown on the attachment together with a legend of where the stone veneer will be used. The stone veneer will be approximately 8 feet high and will transition to metal siding above that. This will significantly improve upon the existing visual image of this property from Chambers Avenue. More than half of these building are not visible from Chambers Avenue.

DESIGN VARIANCE STANDARDS (SECTION 4.07.060):

Per Section 4.070.060 of the Land Use & Development the body authorizing a development permit may grant a variance from the strict application of the requirements of Chapter 4.06 (Development Standards) based on the following findings:

1. There exists on the property in question exceptional topographical, soil, or other sub-surface condition, or other extraordinary conditions peculiar to the site, existing buildings, or lot configuration, such that strict application of the regulation from which the variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the applicant; <u>OR</u>

2. That the public good would be better served by granting the variance.

Staff believes that the existence of 10 buildings in a pattern where most of the building facades are not directly visible from Chambers Avenue or Sawatch Road is an exceptional condition. The other aspect supporting the requested variance is that these building were constructed prior to the adoption of the Design Standards and the requested siding is a significant improvement to the existing condition. Therefore, we believe that Finding #1 can be made in consideration of this Variance Request to use ribbed metal siding on portions of these buildings.

MINOR DEVELOPMENT PERMIT STANDARDS (SECTION 4.06):

The general requirements for a Minor Development Permit as described in Section 4.06 of the Land Use and Development Code are:

1. Compliance with the Town's regulations, goals, policies and plans.

2. Any adverse impacts resulting from the proposed development are reasonably and adequately mitigated to minimize such impact.

FINDINGS FOR MINOR DEVELOPMENT PERMIT:

As mentioned above, 800 Chambers Avenue is located in a mix of Commercial General and Industrial zoning. Storage building are an appropriate use in this neighborhood. The Chambers Avenue Commercial Area is neighborhood identified in the Land Use and Development Code with specific Design Standards. The Design Standards for this area emphasize the importance of site planning for buildings within this area to fit in rather than stand alone. The standards also recognize the importance of creating a favorable visual image of this area particularly when viewed from I-70. Development along Chambers Avenue and Swatch Road has occurred which minimizes visual impact of this development from the surrounding road system.

The Community and Design Chapter of the Eagle Area Community Plan (EACP) also recognizes the importance of visual quality in our neighborhoods that reinforce a sense of place. While this is a small project, improvements to the siding of these building indicates a pride of ownership and furthers the goals of this Chapter. "Peoples pride in their community often begins with its attractiveness and the way that its layout enhances their quality of life._EACP

Staff believes that the improvements requested to the siding of this building complies with the Towns goals, policies and plans and that any adverse impacts are reasonably mitigated.

STAFF RECOMMENDATION:

Staff recommends approval of file number DR16-05 including the design variance, based on a finding of compliance with the Development Review standards and the Design Variance standards set forth in the Town's Land Use & Development Code.

PLANNING & ZONING COMMISSION

1. Questions of Staff and/or Applicant

2. Public Comment

3. Deliberations

Eagle Embroidery
Chambers Ave
Mountain Flour
4
3
2
1
9
800 Chambers Avenue
1
A Storage Place - Alpine
o Bell
8
7
6
5
Sawatch Rd
Sawatch Rd

Installation and Sample Info

- Bldgs 1-4 –
  - Wrapped in metal from the toeboard up
  - Bottom wrapped in rock fascia
- Bldgs 5-8 –
  - wrapped in metal
- Bldg 9 –
  - Wrapped in metal from the toeboard up
  - Bottom wrapped in rock fascia

Josh Barklage, General Manager
Alpine Storage
Alpine@aspselfstorage.com
(970) 328-6311

CERTIFICATE OF RECOMMENDATION

TO: Planning and Zoning Commission

FROM: Community Development Department

DATE: November 1, 2016

PROJECT NAME: Land Use and Development Code Text Change: Public Notice, Municipal and Park Land Dedication, & Adequate Public Facilities

FILE NUMBER: LURA16-02

APPLICANT: Town of Eagle

LOCATION: N/A

APPLICABLE SECTION(S) OF MUNCIPAL CODE: Section 4.03.060, 4.13.160, 4.14.080 and 4.05.040.

EXHIBITS: Proposed Revisions to above referenced the Land Use and Development Code

STAFF CONTACT: Tom Boni, Town Planner

REQUEST: Revision to remove requirement of certified, return receipt, mailings for subdivision applications, clarification to the application of the Municipal and Parkland Dedication Requirement and revisions to how we calculated existing demand capacity of our public facilities

INTRODUCTION:

The first requested revision is to reduce the additional time and expense of sending out notices to property owners within 250 feet of any land requested to be subdivided. All of our other land use application use standard mail service. We have checked with Ed Sands, Town Attorney, and there is no State Statute requiring this special treatment of subdivision applications.
The second revision involves a clarification of when to apply the Municipal and Parkland Dedication requirement. The current language is confusing.

The third revision concerns how we determine existing demand on our public facilities through the Adequate Public Facilities Regulations. While the current approach is systematic and clear, it does not reflect how new public facilities are planned and constructed. The current language requires us to assume complete construction of all the units approved in Haymeadow and construction of all of the remaining units in Eagle Ranch in determining the availability of any capacity for additional development including infill development. We have recently discussed this problem with the Board of trustees and they have requested that we provide some flexibility into the determination.

DISCUSSION:

One of the Action Items listed in the 2010 Eagle Area Community Plan is to update the Town of Eagle's Land Use and Development Code.

COMPLIANCE/NONCOMPLIANCE WITH LAND USE & DEVELOPMENT CODE:

The Town Board may after the recommendation of the Planning and Zoning Commission may amend any regulation contained in the Land Use and Development Code. Amendments to may be made upon a finding that the amendment is consistent with the Town's goals, policies and plans.

As referenced above, one of the action items in the 2010 Eagle Area Community Plan (Plan) is revise the Land Use and Development Code and ensure that it is as straight forward and user friendly as possible.

These revisions respond directly to this Policy.

STAFF RECOMMENDATION:

The first revision is straightforward.

The latter two revisions our significant and require careful consideration. Planning Staff has prepared a first draft of these revisions and look forward to a discussion with the Planning and Zoning Commission as well as any interested members from the public.

Staff will be providing a power point on this topic to assist in understanding what is being proposed and how we believe it will work to facilitate business in the Town. As a revision to regulations, there are many aspects to consider. Regulations are always difficult to write and we want to make sure that we consider them carefully.

4.03.060 PUBLIC NOTICE

A. For every public hearing required by this Title, the Town shall notify the public of the date, time and place of such hearing by:

1. Publication once in a newspaper published within the Town, prior to the hearing by a minimum of the number of days set forth below; and

2. Delivering notice by first class mail, ~~except Subdivision review which shall be by certified mail,~~ to those landowners entitled to such notice, as set forth below; and

3. Posting notice at the Eagle Town Office, 200 Broadway, Eagle at least five days prior to the hearing.

REVIEW	MAIL NOTICE TO OWNERS OF	PUBLICATION/MAILING DEADLINE
Subdivision	Subject land and minerals (& lessees), adjacent land*	5 days prior
Zoning Variance	Adjacent land	5 days prior
Special Use	Land within 250' *	5 days prior
Rezoning, Zoning Amendment	Land within 250' *	15 days prior
PUD Zoning Plan	Land within 250' *	15 days prior
Development Permit (minor)	Adjacent land	5 days prior
Development Permit (major)	Land within 250' *	5 days prior
PUD Amendment		
Site Specific Development Plan (other than those specified above)	Land with 250' *	5 days prior

* In determining owners of adjacent land or owners of land within 250' public and private rights-of-way shall not be considered.

B. The applicant shall be responsible for the accuracy of the list of names and addresses of owners as they appear in the records of the Eagle County Clerk and Recorder.

C. When a proposed amendment to the zone district regulations pertains to an entire zone district or all zone districts, notice shall be given pursuant to A.1 and A.3 above.

D. Major Activity Notice

When a subdivision or commercial or industrial activity is proposed which will cover five or more acres of land, the Town of Eagle shall send notice to ~~the Colorado land use commission,~~ the state geologist, and the Board of County Commissioners of the proposal prior to approval of any zoning change, development permit subdivision or building permit application associated with such a proposed activity.

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Amended 06/02/91
Amended 11/21/93
Amended 04/16/95

4.13.160 MUNICIPAL AND PARK LAND DEDICATION.

Every annexation, subdivision or development permit unless otherwise provided here-in shall include a dedication of land to the Town, Recreation District, or other entity, as determined by the Town Board, to be used for parks and recreation or municipal functions requiring land, or the payment of a park and municipal land fee, as provided herein, at the time of approval of the annexation, final plat, issuance of a development permit-. The following applications are exempt from this requirement are subdivisions of land or development permits within subdivisions that have already been subject to this regulation and infill development within the Town Center and West Eagle Mixed Use Areas identified on the Future Land Use Map of the 2010 Eagle Area Community Plan. ~~Every subdivision and development which increases the number of dwelling units or the acreage of non- residential land above that approved as of the effective date of this Title shall make the additional dedication or fee payment based upon the increased number of units or acreage, as provided herein, at the time of approval of the final plat, issuance of a development permit, or issuance of a building permit whichever may first occur.~~

A. Description.

1. Dedicated land may include flood plain lands, national and state historical or natural features, and proposed public areas set aside in state, regional, county or Town plans. Dedicated park land shall not include sites for technical, private or public schools, sites for service organizations which are not open to the general public, and sites unsuitable for public use due to steep slopes, rock formations, adverse topography, utility easements, or other features which may be harmful to health and safety.

2. A minimum of eighty (80) percent of land dedicated shall have a slope of ten (10) percent or less and shall lend itself to utilization for municipal and public recreation purposes, including but not limited to the following: playing fields, tennis courts, picnic sites, trails, boating areas, maintenance buildings, and offices.

3. Wherever a development proposal includes any part of a pedestrian, bicycle, equestrian or skiing trail designated by the Town in its plans, a public easement shall be dedicated in compliance with the plan, and such easement may be included in the required park land dedication.

4. Adequate water rights dedication must be provided for all municipal and park land dedication, pursuant to Title 12.

5. The Town, at its sole discretion, may elect to use the land dedication for any municipal function which it deems necessary. Such use shall be compatible with surrounding uses.

B. Amount.

Park and municipal land shall be dedicated in the ratio of 0.012 acres per resident of the proposed development, to be computed as follows:

1. 3.5 residents per single family dwelling unit.

2. 3.0 residents per two-family dwelling unit.

3. 2.5 residents per multi-family dwelling unit or mobile home.

For commercial or industrial uses, eight percent of the total gross area shall be dedicated for park lands.

C. Private Recreation Facilities.

The total acreage required for dedicated lands may be reduced by up to fifty percent in exchange for provision of private recreation facilities in the development, if the Town Board finds all of the following:

1. The private recreation facilities will fulfill a major portion of the recreational demands of the residents or employees of the proposed development;

2. The private recreation facilities will be completed at the same time as or prior to the housing or non-residential facilities in the development;

3. The private recreation facilities will be maintained as such for a minimum period of ten years; and

4. Adequate water rights dedication and tap fee payment pursuant to Title 12 and irrigation system development will be provided for private recreation facilities. For irrigation systems using treated water, tap fees shall be paid and water rights conveyed to the Town. Irrigation system development shall be conveyed to the entity responsible for the ongoing maintenance of the private recreation facilities. For irrigation systems using raw water, water rights and irrigation system development shall be conveyed to the entity responsible for the ongoing maintenance of the private recreation facilities.

5. Adequate provisions are made, subject to the approval of the Town Attorney, to ensure 1. and 2. above.

D. Payment in Lieu of Dedication.

1. In the event park or municipal land is not needed within the area of development due to the size of the development or proximity of other parkland, then the Town may require the applicant to pay cash-in-lieu of land dedications or to dedicate other property owned by the applicant for use as park land.

2. The amount of cash payment required shall be based on the number of acres of park land dedication which otherwise would be required, less any reductions for private recreation facilities, as provided above. The Town Board shall, by resolution, set the per-acre fee for park land, which shall be updated from time to time.

3. If the Town determines to accept other property not within the development instead of or as partial payment toward the cash payment required hereunder, the value of the other property shall be its market value, as determined by a qualified appraiser approved jointly by the Town and the applicant.

4. Payment in lieu of land dedication shall be due and payable at the time of Final Subdivision Plat approval and shall be described in the subdivision agreement or development permit.

5. Of the proceeds from a payment in lieu of land dedication, a minimum of 50% shall be placed in a park land fund to be established and maintained for the acquisition and improvement of land for parks, playgrounds and recreation areas, which may benefit the residents of the Town in general, as well as those of the proposed subdivision or development. The remainder of the proceeds, if any, shall be placed in the Town Capital Improvements Fund. Such determination shall be made at the sole discretion of the Board of Trustees.

CHAPTER 4.14

ASSURANCE OF ADEQUATE PUBLIC FACILITIES

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4.14.010 INTENT

It is the intent of the Chapter to adopt a program to insure that land for Public Facilities or the Public Facilities needed to support new development meet or exceed Adopted Level of Service standards approved by the Town;

To insure that no Subdivision approval, Planned Unit Development approval, Development Permit approval, or Special Use Permit is granted or issued which would cause a reduction in the level of service for any Public Facilities below the Adopted Level of Service standards approved by the Town;

To insure that adequate Public Facilities or in the case of schools the availability of land needed to support new development or a special use are available concurrent with the impacts of such development or use;

To establish uniform procedures for the review of the adequacy of Public Facilities needed to service new development, new subdivisions or new special uses;

To facilitate implementation of the goals and policies of the Town's Master Plan, including the Eagle Area Community Plan relating to adequacy of Public Facilities; and

To insure that all applicable legal standards and criteria are properly incorporated in these procedures and requirements.

It is the intention of this Chapter that in the case of schools, the adequacy of public facilities may be satisfied by the adequate provision of land that is available to the Eagle County School District and specifically designated for the construction of new schools.

4.14.020 APPICABILITY

Except as provided in this Section, the provisions of this Chapter shall apply to all applications for Subdivision approval pursuant to Chapter 4.12; Planned Unit Development approval pursuant to Chapter 4.11; Development Permit approval pursuant to Chapter 4.06; and Special Use Permit approval pursuant to Section 4.05.010 considered by the Town for final approval after December 1, 1997. If there are two sequential applications required for the approval of a project, the APF Regulations shall be reviewed during the final approval stage of the application. No applications for such approval shall be granted unless a positive Determination of Adequacy or positive Determination of Adequacy subject to conditions has been made by the Town in accordance with this Chapter in addition to conformance with all other requirements necessary for approval of the proposed development of special use. Provided, however, this Chapter shall not apply to Subdivisions, Planned Unit Developments, Development Permits, or Special Use Permits for ten (10) single family or ten (10) multi-family units located on one (1) or more contiguous parcels of land held under the same or substantially the same ownership, or to non-residential developments containing 12 or less equivalent units (EQR), as defined in Chapter 12.16 of the Eagle Municipal Code, on one (1) or more contiguous parcels of land held under the same or substantially the same ownership. In addition, this Chapter shall not apply to any special use, development, project, structure or activity which does not result in the creation of a new residential, commercial, or industrial structure or change of use which adversely impacts existing Public Facilities.

4.14.030 DEFINITIONS

As used in this Chapter, the following words and phrases are defined as follows:

A. "Adopted Level of Service" means the Level of Service (LOS) standards as adopted by the Town.

B. "Applicant" means the property owner, or duly designated representative of the property owner who submits an Application for Development Approval.

C. "Application for Development Approval" means an application for approval of an Annexation, Subdivision Preliminary or Final Plan, approval of a Planned Unit Development, approval of a Development Permit, or approval of a Special Use Permit.

D. "Capacity" means the maximum demand that can be accommodated by a Public Facility without exceeding the Adopted Level of Service standards for such facility.

E. "Capital Improvements Program" means a program adopted by the Town for providing Public Facilities, including the Town's Street Improvements Plan.

F. "Determination of Adequacy" means a determination that each Public Facility will or will not be available concurrent with the impacts of the proposed development of special use at the Adopted Levels of Service standards or will be available subject to certain conditions. A Determination of Adequacy shall be made by the Board of Trustees, Planning Commission or administrative personnel that is vested with authority pursuant to this Title to review and render a final approval of an Application for Development Approval.

G. "Level of Service" means an indicator of the extent or degree of service provided by, or proposed to be provided by, a Public Facility based upon and related to the operational characteristics of the Public Facility or the capacity per unit of demand for each Public Facility.

H. "Planned Capital Improvements" means a capital improvement or an extension or expansion of a capital improvement which does not presently exist, but which is included within a Capital Improvements Program.

I. "Public Facilities" means capital improvements provided by the Town of Eagle or another governmental entity including, but not limited to, facilities for providing water, wastewater, fire protection, emergency services, public schools, parks, and transportation facilities which are required by this Chapter to be adequate and available as a condition of development or special use approval. In the case of schools, Public Facilities may also include land owned by the Eagle County School District or land to be dedicated that is specifically intended for the construction of schools.

4.14.040 PUBLIC FACILITIES INFORMATION REPORT

A. All applications for approval of a Subdivision Preliminary Plan, Planned Unit Development Plan, Development Plan, or Special Use Permit shall be accompanied by a Public Facilities Information Report, unless otherwise determined by the Town Planner. Such report shall include sufficient information to allow the Town to coordinate with applicable service providers to determine the impact of the proposed development or special use on Public Facilities pursuant to the procedures set forth in this Chapter. The information required shall include, but shall not be limited to:

1. The total number and type of structures or dwelling units, and the gross density of the proposed subdivision, development or special use;

2. The location of the proposed subdivision, development or special use;

3. An assessment of the anticipated impacts on the Town street system from the proposed subdivision, development, or special use and if applicable a statement of any steps proposed to address potential impacts;

4. If an Applicant seeks an exemption from the requirements of this Chapter based upon a claim that the Applicant has obtained and possesses a vested right to undertake and complete the subdivision or development, information sufficient to permit the Town to determine the validity of the Applicant's claim of exemption; and

5. All information required by Sections 4.14.110 through 4.14.130.

6. Any other appropriate information as may be deemed necessary by the Town Planner in evaluation the adequacy of Public Facilities consistent with the provisions of the Chapter.

B. If the Public Facilities Information Report is incomplete or the submission requirements have not been satisfied, the Town Planner shall so notify the Applicant of any deficiencies in writing. If the Public Facilities Information Report is complete and the submission requirements have been satisfied, the Town Planner shall evaluate the proposed subdivision, development or special use for compliance with the applicable Adopted Level of Service standards and shall submit a recommendation regarding the adequacy of the Public Facilities.

4.14.050 RECOMMENDATION BY TOWN PLANNER

A. Upon receipt of a completed Public Facilities Information Report, the Town Planner shall evaluate the proposed subdivision, development, or special use, including, at a minimum, an evaluation of the following:

1. The number and type of structures or units proposed by the Applicant;

2. The proposed timing and phasing of the subdivision, development, or special use if applicable;

3. The specific Public Facilities impacted by the proposed subdivision, development or special use;

4. The extent of the impact of the proposed subdivision, development, or special use on all Public Facilities;

5. The capacity of existing Public Facilities, and if applicable in the case of schools the availability of land to construct new schools, to serve the proposed subdivision, development or special use which will be impacted by the proposed subdivision, development, or special use based on the Adopted Levels of Service;

6. The demand on the existing capacity of Public Facilities from all existing and approved subdivisions, developments, and uses;

7. The availability of existing capacity of the Public Facility to accommodate the proposed subdivision, development, or special use, and if applicable in the case of schools the availability of land to construct new schools;

8. If existing capacity is not available, any capacity that is planned to be added and the year in which such planned capacity is projected to be available to serve the proposed subdivision, development, or special use;

9. If the Applicant seeks an exemption from the requirements of this Chapter based upon a claim that the Applicant has obtained and possesses a vested right to undertake and complete the subdivision or development, an opinion from the Town Attorney regarding the validity of the claim;

10. In the case of schools, if adequate land is currently not available for the construction of new schools necessary to serve the proposed development, the adequacy of any additional land that is proposed to be dedicated as an element of the proposed subdivision, development, or special use specifically for the construction of a new school.

B. If the Town Planner concludes that each Public Facility will be available concurrent with the impacts of the proposed subdivision, development or special use at the applicable Adopted Levels of Service, or in the case of schools that either facilities are available concurrent with the impacts of the proposed subdivision, development or special use, or that land sufficient to allow for the construction of new schools is available or will be made available, the Town Planner shall make a positive Recommendation of Adequacy.

C. If the Town Planner concludes that any Public Facility will not be available concurrent with the impacts of the proposed development, subdivision or special use at the Adopted Levels of Service based upon existing Public Facilities, the Town Planner may make a negative Recommendation of Adequacy or, in the alternative, may make a positive Recommendation with appropriate conditions consistent with the following:

1. Deferral of ~~further~~ the application for Annexation, Subdivision Final Plat, ~~or~~ Development Permit or Special Use Permit approval until all Public Facilities are available and adequate if existing Public Facilities are not adequate to meet the Adopted Levels of Service for the development or special use proposal;

2. Reduction of the density or intensity of the proposed annexation, subdivision, development, or special use including conditions regarding the phasing of the annexation, subdivision, development, or use to a level consistent with the available capacity of the Public Facility; or

3. Provision by the Applicant of the Public Facilities, or in the case of schools land sufficient to allow for the construction of new schools, necessary to provide capacity to accommodate the proposed subdivision, development or special use at the Adopted Level of Service at the time that the impact of the proposed subdivision, development, or special use will occur; and

4. Any other reasonable conditions, that may in the case of schools include, but not limited to, the dedication of land that is intended specifically for the construction of new schools, to insure that all Public Facilities will be adequate and available concurrent with the impacts of the proposed subdivision, development, or special use.

D. The Town Planner's Recommendation of Adequacy shall be made part of any Staff Report accompanying any Administrative, Planning Commission, or Town Board review of Applications for Development Approval.

4.14.060 DETERMINATION OF ADEQUACY

A. Following receipt of the Recommendation of Adequacy and as a part of the Town's procedures for review and final approval of any Application for Development Approval, and subject to compliance with all other regulations applicable to the application and request for approval, the Town Board, Planning Commission, or administrative staff member vested with authority to approve any subdivision, development or special use may:

1. Make a positive Determination of Adequacy; or

2. Make a negative Determination of Adequacy; or

3. Make a positive Determination of Adequacy with appropriate conditions consistent with the conditions contained in Section 4.14.050(C).

4.14.070 EFFECT AND EXPIRATION OF DETERMINATION OF ADEQUACY

A. A positive Determination of Adequacy shall be deemed to indicate that Public Facilities are or will be available and adequate to serve the proposed subdivision, development or special use until such time that the Determination of Adequacy expires. No Application for Subdivision Final Plat approval, Planned Unit Development Plan approval, Development Permit approval, or Special Use

Permit approval shall be granted unless a positive Determination of Adequacy or a positive Determination of Adequacy subject to conditions has been made by the Town.

B. A positive Determination of Adequacy issued pursuant to the Chapter shall be deemed to expire at the earlier of:

1. The expiration, waiver, lapse, or revocation of the subdivision, development of special use approval for which the positive Determination of Adequacy was made; or

2. Failure by the Applicant to timely comply with the conditions attached to a positive Determination of Adequacy; or

3. Three (3) years following the date of issuance of a positive Determination of Adequacy, if development has not commenced or earlier if stipulated in the approval of the land use application.~~.~~

4.14.080 CRITERIA FOR DETERMINING AVAILABILITY AND ADEQUACY OF COMMUNITY FACILITIES.

A. Level of Service Standards. Compliance with Level of Service standards shall be measured in accordance with the standards set forth in this Chapter, as they may be amended from time to time.

B. Range of Impacts. Any proposed subdivision development or special use which could result in a range of potential impacts shall be reviewed as if the greater impact would result. The review and evaluation of Public Facilities required by this Chapter shall compare the capacity of Public Facilities to the ~~maximum~~ maximum projected demand which may result from the proposed subdivision, development or special use.

C. Existing Demand and Capacity. Where the adequacy and availability of a Public Facility is based upon an evaluation of available capacity, the existing demand upon the Public Facility shall be ~~determined by adding together~~determined by a consideration of:

1. The existing demand placed upon the Pubic Facility from all current users whether within or outside the Town;

2. The projected demand for the Public Facility created by the anticipated completion of approved ~~al~~ but uncompleted development; and

3. The projected demand upon the Public Facility created by the anticipated completion of any proposed subdivision, developments or special uses for which a Public Facilities Impact Statement has been submitted to the Town.

In reviewing existing demand and capacity, the Town shall consider the anticipated phasing of construction of other approved development and anticipated future improvements to existing public facilities in making

their determination.

D. Capital Improvements. No improvement proposed or undertaken by an Applicant to increase existing capacity of a Pubic Facility or an improvement proposed to be made to avoid a deterioration in the Adopted Levels of Service shall be accepted by the Town unless the improvement is included within the Town's Capital Improvement Program or unless the improvement is determined by the Board of Trustees to directly and substantially advance improvement is determined by the Board of Trustees to directly and substantially advance one or more established goals or policies of the Town of Eagle. An Applicant's commitment to construct or expand a Public Facility prior to the issuance of a building permit may be included as a condition for the Determination of Adequacy and any such commitment shall ~~include, at a minimum, the~~include the following:

1. A finding that the planned capital improvement is included within the Capital Improvement Program or directly and substantially advances one or more established goals and policies of the Town;

2. An estimate of the total funding needed to construct the planned capital improvement and a description of all the costs associated therewith;

3. A schedule for commencement and completion of construction of the planned capital improvement with specific target dates for multi-phase or large-scale capital improvement projects;

4. At the option of the Town and pursuant to an agreement between the Town and the Applicant, and only if the planned capital improvement will provide capacity exceeding the demand generated by the proposed subdivision, development or special use, reimbursement to the Applicant for the pro rata cost of providing the excess capacity.

E. Availability of Land or the Dedication of Land for Schools. School facilities may be deemed adequate if the Eagle County School District owns land sufficient to construct a new school that can provide capacity to serve the proposed subdivision, development or special use. If land is not currently available, school facilities may be deemed adequate if the Applicant dedicates land as an element of the subdivision, development or special use sufficient in size to accommodate construction of a new school. In such cases, the dedication of land shall be provided concurrent with the initial final plat or the initial building permit (whichever comes first) for the subdivision, development or special use.

4.14.090 ADMINISTRATION

A. Rules and Regulations. The Town Board may adopt, by ordinance or resolution, any necessary rules, regulations, administrative guidelines, and processes to efficiently and fairly administer and implement this Chapter.

B. Administrative Fees. The Town Board may establish, by ordinance or resolution, fees and a fee schedule for each of the administrative procedures, determinations,

and approvals required by this Chapter.

4.14.100 VESTED RIGHTS

A. Nothing in this Chapter shall limit or modify the rights of an Applicant to complete any subdivision or development for which the Applicant has obtained and possesses a vested right to undertake and complete the subdivision or development pursuant to Article 68 of Title 4, C.R.S., as amended, and as implemented by Chapter 4.17, or pursuant to Colorado law.

B. A Determination of Adequacy shall not affect the otherwise applicable provisions of this Title 4 of the Eagle Municipal Code, all of which shall be operative and remain in full force and effect without limitation.

4.14.110 PUBLIC SCHOOLS

A. Public school facilities shall be deemed to be adequate and available for a proposed subdivision, development or special use in one of three ways:

1. If existing Eagle County School District's schools facilities intended to serve residents of the subdivision, development or special use meet or exceed the applicable adopted Level of Service standards set forth below in paragraph C, or

a. Provision of adequate public school facilities are a condition of the subdivision, development or special use approval and are guaranteed to be provided at or before the approval of a final plat, issuance of Special use Permit, or issuance of the first Building Permit within the proposed subdivision, development, or particular phase thereof; or

b. Necessary public school facilities are under construction and will be available at the time the impacts of the proposed subdivision, development, or particular phase thereof, or special use will occur; or

2. If the Eagle County School District owns land sufficient in size and location to allow for the construction of new school facilities that can adequately serve residents of the proposed subdivision, development or special use, and that the District's long range plans are to construct a school on such land and that this school is intended to serve the area subject to the proposed subdivision, development or special use.

3. If land sufficient in size and location to allow for the construction of new school facilities that can reasonably serve the residents of the proposed subdivision, development or special use will be dedicated by the Applicant of the subdivision, development or special use to the Eagle County School District, and that the District's long range plans are to construct a school on such land.

B. All applications for approval of a Subdivision Preliminary Plan, Planned Unit

Development Plan, Development Permit or Special Use Permit containing residential units shall be accompanied by a summary of the total number of dwelling units and the type and the size of dwelling unit. This information will be used by the Eagle County School District to estimate the number of school aged children expected to be generated by the proposed development.

C. The following Level of Service standards (LOS) shall apply:

1. The maximum number of students per classroom. The following are guidelines used by the Eagle County School District for maximum class size:

Kindergarten, First Grade -	25 students per class
Second and Third Grade -	30 students per class
Grades Four through Six -	30 students per class
Grades Seven through Twelve -	A school average of 25 students per class (*The nature of a departmentalized school is that some classes will be larger than others*)

The guidelines outlined above are established by the Eagle County School District when "economically feasible." Maximum and average classroom sizes are dependent upon a number of factors and are subject to change over time.

2. Projected enrollments (as estimated based on Section 4.14.080(C)) of schools that will serve the residents of the proposed subdivision, development or special use do not exceed the capacity of said schools. School capacity shall be based on the average of the "stressed" and "functional" capacities as outlined in Eagle County School District Building Capacity Study, dated October 19, 2012, or as may be amended by the District.

D. Town of Eagle and the Eagle County School District agree to cooperate and collaborate on monitoring the rate of new residential development, existing school capacity and plans for future school capacity. The purpose of this effort is to provide an accurate data base for making future decisions on the adequacy of school facilities as contemplated by this Ordinance.

1. On an annual or as needed basis the Eagle County School District will provide to the Town a report summarizing the capacity of all existing schools that serve residents of the Town of Eagle.

2. On an annual or as needed basis Town of Eagle will provide to the District a report summarizing the location and type of all existing residential development within the Town boundary.

3. The Town of Eagle will notify the District of any new proposals for

residential development that may not otherwise be addressed by this Ordinance.

4. On an annual or as needed basis the Eagle County School District will provide the Town with a report summarizing any plans for new school development contemplated for land the District owns or land that may be dedicated to the District. This report will indicate the anticipated type and size of school to be developed, however any future plans outlined in this report shall not be binding on the District.

Amended 11/21/97
Amended 09/17/98
Amended 01/26/99
Amended 03/25/14

4.14.120 FIRE PROTECTION SERVICES

A. Public safety facilities and equipment for fire protection and first response emergency medical services shall be deemed to be adequate and available for a proposed subdivision, development or special use if the facilities and equipment available to provide such services to the subdivision, development or special use will meet or exceed the applicable adopted Level of Service (LOS) standards set forth in subsection (C) below, and

1. Adequate public safety facilities and equipment for fire protection and first response emergency medical services are currently in place or will be in place prior to issuance of a Special Use Permit or the first Building Permit within a subdivision, development or a particular phase thereof; or

2. Provision of adequate public safety facilities and equipment for fire protection and first response emergency medical services are a condition of the subdivision, development or special use approval and are guaranteed to be provided at or before the approval of a Final Plat, issuance of Special Use Permit, or issuance of the first Building Permit within the proposed subdivision, development, or particular phase thereof; or

3. Necessary public safety facilities and equipment for fire protection and first response emergency medical services are a condition of the subdivision, development or special use approval and are guaranteed to be provided at or before the approval of a Final Plat, issuance of Special Use Permit, or issuance of the first Building Permit within the proposed subdivision, development, or particular phase thereof; or

4. Provision for adequate public safety facilities and equipment for fire protection and first response emergency medical services are guaranteed by an executed and enforceable Development Agreement of Subdivision Improvements Agreement which ensures that such facilities will be in place at the time that the impacts of the proposed subdivision, development, or any particular phase thereof, or special use will occur; or

5. The Town Board determines that fire protection and first response emergency medical services risks are sufficiently mitigated through the provision of approved, built-in, automatic fire protection systems in all improvements (occupancies); the use of approved fire resistive construction in all improvements (occupancies); the use and maintenance of approved fire resistive landscaping; and/or the private provision of approved first response emergency medical services. In such event, mitigation of fire protection and first response emergency medical service risks will meet the equivalent minimum Level of Service standards as set forth below and as amended from time-to-time.

A. All applications for approval of a Subdivision Preliminary Plan, Planned Unit Development Plan, Development Plan or Special Use Permit larger than 20 dwelling units or 20,000 square feet of commercial or industrial space shall be accompanied by a Public Safety Impact Plan. The Town Planner in consultation with the Greater Eagle Fire Protection District, shall approve the methodology used to develop the fire protection and first response emergency medical services aspects of such Public Safety Impact Plan.

B. Except as otherwise provided in this Section, the following Level of Service (LOS) standards shall apply:

1. The provisions of the current Fire Code, Building Code and any other duly adopted code, statute, ordinance, or standard related to fire protection are being met; or approved; enforceable, equivalent protection or mitigation efforts are undertaken.

2. Adequate response times will be maintained if the new development is approved. Response times will adhere to the following except as indicated below:

a. Provide first response basic life support (BLS) and automatic external defibrillation (AED) in under six minutes for 90 percent of all calls requiring emergency medical assistance within the Town.

b. Provide rescue services within eight minutes for 90 percent calls within the Town.

c. The response time requirement for fire response only, may be waived at the option of the Town Board in consultation with the Greater Eagle Fire Protection District if approved, built-in, automatic fire protection systems are installed and maintained in all improvements (occupancies).

3. Capability of providing adequate fire flows. These flows represent performance standards for the Greater Eagle Fire Protection District using only its ~~fire fighting~~firefighting apparatus and equipment. They do not replace the flow requirements set forth in the Fire Code, as adopted by the Greater Eagle Fire Protection District. The fire flow requirements set forth in such Fire Code anticipate the need for additional resources (mutual aid)

and are based upon fire loading for particular occupancies.

a. 250 GPM initial attack flow within two minutes of arrival for 90 percent of all fires

b. 250 GPM sustained flow within five minutes of arrival for 90 percent of all fires

c. 500 GPM sustained flow within eight minutes of arrival for 80 percent of all structure fires

d. 1,000 GPM sustained flow within five minutes of arrival for all areas within 1,000 feet of a fire hydrant

e. 3,500 GPM sustained flow within 15 minutes of arrival for hydranted areas

4. Consistent and adequate emergency dispatching services is maintained.

5. Approval of the proposed subdivision, development or special use will not increase (worsen) the Greater Eagle Fire Protection District's Insurance Services Organization (I.S.O.) fire protection class rating.

6. These LOS standards may be amended from time-to-time as changes in the Town's fire protection and emergency medical services delivery systems and technology change, and as community expectations change.

C. All or some of the LOS standards contained in subsection (C) above may be waived at the sole discretion of the Board of Trustees, following consultation with the Greater Eagle Fire Protection District, upon satisfaction of the following conditions:

1. Applicant's mitigation of fire protection risks will meet or exceed equivalent protection as set forth in the provisions of the current Fire Code adopted by the Greater Eagle Fire Protection District, the Town's Building Code, and any other duly adopted code, statute, ordinance or standard related to fire protection; and Applicant's mitigation of fire protection risks meet or exceed the equivalent minimum LOS standards as set forth in subsection (C) above, and

2. Applicant's proposed plan to mitigate fire protection and first response emergency medical service risk will be done in such a manner so as not to increase (worsen) the Greater Eagle Fire Protection District's Insurance Service Organization (I.S.O.) fire protection class rating, and

3. Applicant's proposed mitigation plan is guaranteed by an executed and enforceable agreement, with performance guarantees if necessary, between Applicant and the Town.

Amended 9/29/99

4.14.125 EMERGENCY MEDICAL SERVICES

A. Public safety facilities and equipment for emergency medical response shall be deemed to be adequate and available for a proposed subdivision, development or special use if the facilities and equipment available to provide such series to the subdivision, development or special use will meet or exceed the applicable adopted Level of Service (LOS) standards set forth below, and

1. Adequate public safety facilities and equipment for emergency medical services are currently in place or will be in place prior to issuance of a Special Use Permit or the first Building Permit within a subdivision, development or a particular phase thereof; or

2. Provision of adequate public safety facilities and equipment for emergency medical services are a condition of the subdivision, development or special use approval and are guaranteed to be provided at or before the approval of a Final Plat, issuance of Special Use Permit, or issuance of the first Building Permit within the proposed subdivision, development, or particular phase thereof; or

3. Necessary public safety facilities and equipment for emergency medical services are under construction or contract to purchase and will be available at the time the impacts of the proposed subdivision, development, or particular phase thereof, or special use will occur; or

4. Provision for adequate public safety facilities and equipment for emergency medical services re guaranteed by an executed and enforceable Development Agreement of Subdivision Improvements Agreement which ensures that such facilities will be in place at the time that the impacts of the proposed subdivision, development, or any particular phase thereof, or special use will occur; or

5. Emergency medical series risks are mitigated through the provision of approved private provision of approved emergency medical services. In such an event, mitigation of emergency medical service risks shall meet the equivalent minimum Level of Service standards as set forth in subsection (C) below and as amended from time-to-time.

B. All applications for approval of a Subdivision Preliminary Plan, Planned Unit Development Plan, Development Plan or Special Use Permit shall be accompanied by a Public Safety Impact Plan. The Town Planner in consultation with the Western Eagle County Ambulance District, shall approve the methodology used to develop the emergency medical services aspects of such Public Safety Impact Plan.

C. Except as otherwise provided in this Section, the following Level of Service (LOS) standards shall apply:

1. Adequate response times will be maintained if the new development is approved. Response times will adhere to the following except as indicated below:

a. Provide first response basic life support (BLS) and automatic external defibrillation (AED) in under six minutes for 90 percent of all calls requiring emergency medical assistance within the Town.

a. Provide advanced life support within eight minutes for 90 percent of all requiring emergency medical assistance within the Town.

2. Consistent and adequate emergency dispatching services is maintained.

3. These LOS standards may be amended from time-to-time as changes in the Town's emergency medical services delivery systems and technology change, and as community expectations change.

E. All or some of the LOS standards contained in subsection (C) above may be waived at the sole discretion of the Board of Trustees, following consultation with the Western Eagle County Ambulance District, upon satisfaction of the following conditions:

1. Applicant agrees to mitigate emergency medical service risks through the provision of approved private emergency medical services, and

2. Applicant's proposed mitigation plan shall meet the equivalent minimum LOS standards set forth in the subsection above, and

3. Applicant's mitigation plan is guaranteed by an executed and enforceable agreement, including performance guarantees if necessary, between the Town and the Applicant.

Amended 9/29/99

4.14.130 STREET FACILITIES

A. Street facilities shall be deemed to be adequate and available for a proposed subdivision, development or special use if the subdivision, development or special use meets or exceeds the applicable Adopted Level of Service standards set forth below, and

1. All necessary street facilities are currently in place or will be in place prior to issuance of a Special Use Permit or the issuance of the first Building Permit for the development; or

2. Provision of required street facilities are a condition of the annexation,

subdivision, development or special use approval and are guaranteed to be provided at or before the approval of a Final Plat, or the issuance of the Special Use Permit, or issuance of the first Building Permit for the proposed subdivision or development. The street improvements may be phased-in to coincide with impacts from the residential or commercial ~~;~~development; or

3. Required street facilities are under construction and will be available at the time that the impacts of the proposed subdivision, development or special use will occur, or

4. Provision for street facilities needed to achieve the Adopted Level of Service standards are guaranteed by an executed and enforceable Annexation Agreement, Development Agreement or Subdivision Improvements Agreement which ensures that such facilities will be in place at the time that the impacts of the proposed subdivision, development or special use will occur; or

5. Street facilities needed to achieve the Adopted Level of Service standards are included in the Capital Improvements Program; and

   a. The Capital Improvements Program contains a financially feasible funding system from available revenue sources which are adequate to fund the streets required to serve the proposed subdivision, development, or special use; and

   b. The street facilities are likely to be constructed and available at the time that the impacts of the proposed subdivision, development or special use will occur.

B. The Town of Eagle Transportation Study Guidelines provides information on submittal requirements, Level of Service standards, and Determination of Adequacy of facilities. Major elements are summarized in this subsection; however, when preparing a submittal, the Town recommends consulting the full document for guidance.

1. Traffic Impact Study Submittal Requirements

All applications for approval of an ~~Subdivision~~Annexation, Subdivision Preliminary Plan, Planned Unit Development Plan, of Special Use Permit, Subdivision shall be accompanied by a Traffic Impact Study (TIS) performed by a Registered Professional Engineer in the State of Colorado. The following "levels of effort" shall be required for a TIS.

   a. Where the daily trip end generation is less than 500 (50 peak hour trip ends) and no access changes are proposed for the development or use, the TIS may be waived at the Town's discretion upon written request from the Applicant. Every request for a waiver of the TIS requirement shall contain information sufficient to permit the Town Planner to determine whether the proposed development or special use qualifies for a

waiver.

b. Where the proposed development or special use will present the following conditions, an intermediate level TIS will be required:

(1) The daily trip end generation is between 500 and 1000, and

(2) There are less than 100 peak hour trip ends (when the peak hour occurs on the adjacent facility), and

(3) The LOS of the adjacent facility, when the development or special use is completed, equals or exceed the LOS standard established for that facility.

c. A full TIS shall be prepared by the Applicant for all other proposed developments or special uses and, in particular, for developments or special uses with greater than 1000 daily trip ends or more than 100 peak hour trip ends (during this peak hour on the adjacent facility).

d. The Town may require a TIS due to special concerns involving impact to the street system or to track the phased implementation of large developments. All TIS's shall be performed at the cost and expense of the Applicant and submitted in writing to the Town with formal submittal of the Application for the approval requested.

2. Level of Service Standards (LOS)

The Level of Service (LOS) standards for arterial and collector streets in Eagle is Level of Service C or higher. The LOS standards for local streets is Level of Service B or higher. Level of Service determinations shall be applied to streets and intersections using standard traffic engineering practices. The level of service for an intersection shall be the overall level of service for all of the movements. The normal analysis periods are the peak hours of usage of the streets.

Amended 12/21/97
Amended 9/29/99