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.

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

comments which Boni read into the record. 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.

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

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.

11/1/16
Date

Stephen Richards – Planning and Zoning Commission Acting Chair

11/1/2016
Date

Danielle Couch – Administrative Assistant