



**AGENDA**  
**Planning & Zoning Commission**  
**Tuesday, January 15, 2019**  
**6:30pm**

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

*This agenda and the meetings can be viewed at [www.townofeagle.org](http://www.townofeagle.org).*

**PUBLIC WIFI - TOEE – ((TOEEWireless))**

**6:00 PM – WORK SESSION**

**6:30 PM – REGULAR MEETING CALLED TO ORDER AND ROLL CALL**

**APPROVAL OF MINUTES:** Approval of the minutes from the December 18, 2018 meeting of the Planning and Zoning commission.

**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.*

**PUBLIC HEARINGS**

1.	Project:	120 E. Third Street
	File #:	SU18-08 & V18-04
	Applicant:	Lisa Kunkel, Kit Austin – Pierce Architecture
	Location:	120 East 3 <sup>rd</sup> Street
	Staff Contact:	Colton Berck, Planner 1
	Request:	Zoning Variance for minimum lot size and Special Use permit for ground floor residential in the Central Business District (CBD).
2.	Project:	101 & 115 E. Second Street
	File #:	LLA18-07
	Applicant:	Bryan Desmond, Marcin Engineering, LLC
	Location:	101 & 115 E. 2 <sup>nd</sup> Street
	Staff Contact:	Colton Berck, Planner 1
	Request:	Lot Line Adjustment to remove the shared lot line between lots 18-20, block 19 of the Eagle Subdivision, creating a single lot.

<b><u>TOWN BOARD OF TRUSTEES MEETING REVIEW</u></b> <i>Staff update to the Planning &amp; Zoning Commission on recent decisions made by the Board of Trustees on various Land Use files</i>
<b><u>COMMUNITY DEVELOPMENT DEPARTMENT UPDATE</u></b> <i>Staff update to the Planning &amp; Zoning Commission on recent work and upcoming files</i>
<b><u>OPEN DISCUSSION</u></b>
<b><u>ADJOURN</u></b>
I hereby certify that the above Notice of Meeting was posted by me in the designated location at least 24 hours prior to said meeting.



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Jessica Lake  
Planning Technician



**Planning and Zoning Commission  
Meeting Minutes  
December 18th, 2018**

**PRESENT**

Jason Cowles, Chair  
Jesse Gregg  
Bill Nutkins  
Charlie Perkins  
Kyle Hoiland  
Brent McFall

**STAFF**

Morgan Landers- Town Planner  
Colton Berck- Planner I  
Dawn Koenig- Admin Assistant

**ABSENT**

Stephen Richards  
Matthew Hood

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

**CALL TO ORDER**

The regular meeting of the Planning and Zoning Commission held in the Eagle Town Hall on December 18th, 2018 was called to order by Jason Cowles at 6:33p.m.

**APPROVAL OF MINUTES**

Hoiland made a motion to approve the minutes of the December 4th meeting. McFall seconded. Cowles abstained as he was absent from the December 4th meeting. All others present voted in favor. The motion passed.

**PUBLIC COMMENT**

None.

**LAND USE FILES**

***DR18-04 Eagle Ranch Apartments 816 Sylvan Lake Road***

Cowles opened file DR18-04, a request for a Minor Development Permit for a 22-residential unit multifamily project in the Eagle Ranch Neighborhood Center, eventually to be converted to an independent senior care living facility.

Project architect JV DeSousa from JV DeSousa Architecture LLC said that they will be changing the project name to Two Ten as there is another file under consideration by the Eagle Ranch DRB with the name Eagle Ranch Apartments.

DeSousa said that the last time the project was presented to the PZ Commission, there were several items that the PZ Commission asked the applicants to address such as setbacks and sight distances, landscaping and impervious lot coverage, site grading and building height.

He said that they are proposing to build a new site wall on the NW corner of the building. DeSousa presented renderings of the changes to address the issue of sight distance and grading. He said the change will create a terraced landscaped buffer between the building and the sidewalk to address the grade change and sight distance at the corner. He presented a revised grading plan for the site.

He presented a street view rendering of the site wall and landscape terracing on the NW corner of the property.

DeSousa addressed the concern about the relationship of the main floor to the street level and sidewalk. He said that a few revisions were presented to Cassia, the potential future owners of the property, and they had concerns about the number of ramps that were required with these changes, and they were concerned about mobility for the future residents. DeSousa asked the Commissioners to reconsider the plan as presented at the last meeting.

He presented a section view of the property to show the grade change between the main floor and the sidewalk. He said that this type of grade change is commonly seen in surrounding properties on Sylvan Lake Road.

DeSousa said the building height is measured from the lowest point of the existing grade to the mid-point of the highest roof gable. It is just under 32' at the highest point, he said. He said the parapets are about 30" tall. DeSousa said the building height at the intersection of Eagle Ranch Rd and Sylvan Lake Road is a max of 27' tall from existing grade to the top of roof.

DeSousa presented a floor plan and again said that the revisions that were made since the last presentation at the request of the commissioners were not favorable to the future owners. He pointed out that the ground floor on adjacent single-family home is almost at the same elevation as the second floor of the proposed project.

Berck presented an overview of the file. He said that staff has received two letters of public comment that were included in the packet for the commissioners.

He noted that clear vision triangles on the north corners of the building have been added to the plan to provide clear sight distance at the intersections. Berck said that this has been reviewed by the Town Public Works team and the plan meets their standards and there are no issues with sight distance at those corners.

Berck addressed the deck setback encroachments. He said there are a total of 6 decks and 6 balconies above, that are encroaching into the setbacks. Staff is recommending that these setback encroachments be included in the design variances for this application, Berck said. He noted that if the use were to be a senior living facility, there would be zero-setback requirement so, for the future use, it would be in compliance without the need for a design variance. Berck said that the site is constrained in that it has three front yards and applying the front yard setback requirement on three sides poses a unique challenge. He also said that the value of having a deck or balcony is a consideration for approval.

Berck said that this project meets building height standards.

He said that the addition of the site wall and other landscaping elements such as the terracing on the northwest corner is desirable to Staff.

Berck said that Staff is recommending a design variance for the landscape buffer in the parking area. He said that Staff does not find including a buffer necessary on the side adjacent to the ball field. He said that Staff has asked for one landscaping island in the parking lot to reduce the visual impact of the parking area. He said it would not reduce the parking spots and would also be consistent with the code requirements.

Berck said that Town Public Works staff is requesting revisions to some of the landscape features to allow for snow storage. A community garden area is now being included, Berck said. He also said a mulched area is now being included instead of rock mulch to increase the pervious area.

Berck said that the commissioners suggested a loading area in front of the front entrance. He said that the applicants have proposed a plan for a dedicated covered loading area to be built at some point in the future.

Berck said that there was a request for the trash enclosure to be rotated 45 degrees from Freestone Rd. It was concluded that this was not an ideal change in that it would be difficult for a trash truck to exit the site, Berck said. He said the applicants suggested keeping the trash enclosure in the original spot and orientation and staff agreed.

Berck presented the Standards for approval of a Minor Development Permit and Standards for a Design Variance.

Beck said that the Design Variance requests are in compliance with standard two.

Berck presented the following Staff Recommendations:

Staff recommends a positive determination of adequate public facilities.

Staff recommends approval of the following design variances according to standard 2 for a design variance:

1. Allowance of a 11' setback for the north eastern corner (15 is required)
2. Allowance of patio/balcony setback encroachments as indicated on sheet G.6 of Exhibit E.
3. Allowance of a reduction of 9 required off-street parking spaces (38 spaces are required).
4. A dedicated loading area shall not be required on this site.
5. Landscape buffer for the southern perimeter of the parking area shall not be required.

Staff recommends approval of the Minor Development Permit DR18-04 according to standard 1 for a minor development permit with the following conditions:

1. Final landscape plan and lighting plan will be reviewed and approved by the Town Planner prior to execution of the Development Permit.
2. Final civil plan set will be reviewed and approved by the Town Engineer prior to the execution of the Development Permit.
3. A shared parking agreement shall be executed prior to building permit application.
4. A maintenance agreement between the applicant and the Town shall be executed prior to building permit application.
5. A performance guarantee per section 4.06.020(F) of the Land Use & Development Code shall be provided to the Town prior to building permit application for sidewalk improvements and street light.

## Q & A

Hoiland asked Berck to go over the trash enclosure again. He asked if the trash enclosure would be at a 45-degree angle or a 90-degree angle. Berck said that Public Works staff recommended the enclosure be oriented at a 90-degree angle. He said that as they explored the possibility of the 45-degree orientation, it was found that it would be challenging for a trash truck to exit the site.

Gregg asked what the proposed materials will be for the site wall on the northwest corner. DeSousa said that he has not selected the final materials. They would like to use concrete or brick to match it to the building with a brick-like appearance, he said.

Gregg asked why the corner is so angular and suggested that the corner could be softened. DeSousa said that it was designed to appear as though it is part of the building. He said they did consider other alternatives. They are concerned with plants growing too tall and obscuring the site distance, DeSousa said. Gregg said that he liked the idea of this wall and it looks better than the past version.

Perkins asked if there was any consideration for electric car charging stations on this site. Tori Franks said that the intent is to get the project certified for LEED. She said that the electric car charging stations would come into play to obtain the certification. She said she would bring it under consideration.

Perkins asked the applicants if they will allow pets to be kept by the residents. Franks said that they haven't gotten to that yet. She said that at another project they had to cap the number of pets. Franks said that they may approach this project in the same way.

Perkins said that he would encourage the applicants to pursue the covered loading area in the parking lot.

## PUBLIC COMMENT

Joanne Rock of Eagle Villas located at 405 Nogal Rd. said she submitted a letter as public comment that was included in the packet for the commissioners. She presented a site plan for the site. She said she was concerned that there is not enough green space included in the project. She said that there is a vacant parcel of land on the other side of Castle Peak Senior Center that is also owned by Eagle County. She asked that the commissioners reserve final judgment on this project until more information is known. She said that the project is "shoe horning" the number of units into the site. She said that if the project is going to be converted to a senior housing facility, there will be a need for additional ADA parking needs which require more space.

She also said she is concerned with a publicly funded project being used for a non-profit entity for use by their employees. She said that she thinks it is a bad idea to have a shared parking plan with the Castle Peak Senior Center in exchange for a certain number of units to provide housing for their employees.

Rock asked why they are not using the other larger lot on the other side of the senior center for this project. She said this lot might be a good spot for a group home.

Rock questioned why the County has the property held in the name of an LLC.

She said that if the project is geared toward entry level working class people, there will likely be two working people in each unit and they would likely have two cars. She said she is concerned that if senior residents have to park in the adjacent lot, it would be challenging for them.

She said that she applauds the work of the designers on the project but is concerned that the impacts of the project are being underestimated.

She said she talked to some people who live in the area and said that she along with some of the area residents think that the Town should put a stop light in or make a four-way stop at the intersection of Sylvan Lake Rd and Eagle Ranch Rd.

Rand Conro, the Admission Director for Castle Peak said that he wanted to say that Cassia completely supports this project with the long-term plan to purchase the property for independent senior living. He said Cassia is committed to employee housing as well. They already provide staff housing in a few condos nearby and seven units in the assisted living center. He said it is challenging to retain staff in the current housing environment.

Sybill Navas of 2396 Eagle Ranch Rd said that initially, she thought this project is great. She said she rents an apartment on her property and tells her tenants they can only have one car. She said that it is problematic in that they all have two cars. She said she is concerned with the project and the proximity to the school for ease of access especially in the morning and during drop off. She said that she is concerned about the amount of hardscaping and the environmental concerns with that. She said that she hopes that perhaps alternatives could be looked at.

Michael Hazard spoke representing the Eagle County Housing Task Force and said the group is supportive of the project as workforce housing is needed in the area.

Mick Daley of the Eagle Chamber said he is here to support the project. He said he commends Eagle County for the innovative solution this project represents. Mick said that he may need this type of housing in 10 years. He said that the collaboration that is going into this project is a win all around.

## **DELIBERATION**

Nutkins asked about lighting issues that were raised at the last hearing and if the issues were resolved. Berck said that there is a condition that the lighting plan be reviewed by Town Planner but there are no issues with the lighting plan as proposed.

Cowles confirmed the order in which the approvals should be motioned.

Nutkins asked Berck to present the site plan. He asked if the only snow storage is near the trash enclosure. DeSousa said there is also snow storage on the east end of the parking area. Nutkins said that he is concerned that the snow storage will block the sidewalk. Elena Scott, the landscape architect for the project said that there is about 18 feet of space on the Eagle Ranch Road side.

Hoiland asked if Staff is requiring the landscaping island for snow storage. Hoiland said that he doesn't feel the landscape island is necessary. He said he is against adding the island.

Nutkins thanked the designers for putting the streetscape renderings together as it was helpful for him to visualize how the building fits in to the surrounding areas. He said he is concerned with the encroachments. He said he wishes that there was more effort made to move the decks onto the site, so they do not encroach so much. DeSousa said that they did investigate moving the decks in a bit more, but it would require the loss of a parking space. Nutkins said that he disagreed. DeSousa said that the size of the decks is a great use for the neighborhood feel and the use of the space.

Elena Scott said that Berck mentioned that there would be zero setback requirements as a senior living facility. She said they really wanted to maintain the neighborly feel. She said that the design as is would allow the inclusion of the community garden area.

Nutkins said they must look at this project right now not the use in the future. He stated that it seems like the building was designed at the edge of the setbacks and the decks were designed outside of the setbacks intentionally with the assumption that the variance would be granted.

DeSousa said that there are some areas in the nearby neighborhood on Gamble, MacDonald, and Founders Street where the front porches are close to the sidewalk and very similar to what they are proposing on the site.

Nutkins said that he is concerned with parking. He said he doesn't believe that there will only be one car per unit. He said that the dens and closets could be converted to bedrooms. He said he likes the shared parking plan.

McFall said that he looks very favorably on this project. He said he thought it is well thought out and well designed. McFall said that it is consistent with the surrounding areas. He said that the setback variance request is consistent with the surrounding development. He said that he is comfortable with granting the variance request for the decks. He said he would be voting in favor of the project as recommended by staff.

Hoiland thanked the applicants for the revisions. He said he has no issue with the setback variance.

Hoiland asked about the parcel on the other side of Castle Peak that the County owns and what the intended use of the land is. Franks said that when the County acquired the land it was the entire area including the site where Castle Peak now sits. She said Cassia had to purchase the land from the County. Franks said that Cassia has the first right of refusal on either of the parcels on both sides. She said that the way the existing Castle Peak building is laid out, they would be able to easily expand their operation onto that other parcel.

Hoiland asked if the sale of the project to Cassia is included in the performance agreement. Berck said it is not. He said the performance agreement is to cover the cost of any of the quasi-public improvements such as the sidewalks or work in the right of ways that needs to take place with the development of the site.

Hoiland said that he is fully in support of the project.

Perkins said that he is in support of the project and commends the design team for the revisions they made. Perkins said that the right-hand turn lane off Sylvan Lake Road onto Eagle Ranch Road will be an issue for our Public Works team as it could become icy.

Gregg said that he agrees with Perkins that the designers did a great job in addressing the concerns that were raised at the last meeting. He said that he is ok with allowing the setback variance as it will add to the street scape. He said that he thought that the designated loading area should be required at TCO.

Cowles said that he wanted to address some of the comments made from the public. He said that he works for a public entity that provides housing for employees. He said that it is a needed benefit to provide to employees in public service positions.

Cowles said that the original PUD drainage report is a forward-thinking plan. He said that he appreciates the comments and concerns about drainage, but the proposal will likely be less impactful than what was originally approved by the PUD.

Cowles said that a traffic study recommended a traffic signal at the intersection of Sylvan Lake Road and Eagle Ranch Road at some point in time. Town did not want to do that initially as at the time it was not

necessary, Cowles said. He said it is not the applicant's responsibility to take care of that now, but the town needs to follow through. Cowles thanked the public for their comments.

Gregg said that he thought the loading area should be required so that residents can unload items and go park offsite. Hoiland said he would like to see this as well. Landers said that if there was a dedicated loading site, the parking variance would need to be increased.

McFall said that perhaps they could add one more space to the shared parking agreement. Landers said that could be a good way to handle it. Gregg said he agreed.

McFall made a motion to find a positive determination of adequate public facilities. Nutkins seconded. Cowles abstained. All others present voted in favor. The motion passed.

McFall made a motion to approve the following design variances:

1. Allowance of a 11' setback for the north eastern corner (15 is required)
2. Allowance of patio/balcony setback encroachments as indicated on sheet G.6 of Exhibit E.
3. Allowance of a reduction of 10 required off-street parking spaces (38 spaces are required).
4. A dedicated loading area shall be required on this site.
5. Landscape buffer for the southern perimeter of the parking area shall not be required.

Gregg seconded. Cowles abstained. All others present voted in favor. The motion passed.

McFall made a motion to approve the minor development permit with the following conditions:

1. Final landscape plan and lighting plan will be reviewed and approved by the Town Planner prior to execution of the Development Permit.
2. Final civil plan set will be reviewed and approved by the Town Engineer prior to the execution of the Development Permit.
3. A shared parking agreement shall be executed prior to building permit application and will account for one additional parking space to account for the space removed by the covered loading area. The covered loading area must be provided prior to issuance of a Temporary Certificate of Occupancy.
4. A maintenance agreement between the applicant and the Town shall be executed prior to building permit application.
5. A performance guarantee per section 4.06.020(F) of the Land Use & Development Code shall be provided to the Town prior to building permit application for sidewalk improvements and street light.

Hoiland seconded. Cowles abstained. All others present voted in favor. The motion passed.

The commissioners paused for a 10 min break.

### ***SU18-09 Sweet Leaf Pioneer 825 Chambers Ave.***

Cowles opened file SU18-09, a request for a Special Use Permit to relocate the existing medical and retail marijuana store, retail marijuana cultivation, and marijuana infused products to a new location within the Commercial General Zone District.

Landers gave an overview of the file. She said that staff has not received any public comment on this file to date.

She gave an overview of the site and presented the boundaries of the area where the activities/proposed use is allowed in the Town.

Landers said the request is consistent with the number of licenses the town has available as well.

Landers listed the square footage of each of the proposed uses in the space on the site.

Landers presented some site photos of the existing conditions on the property including onsite parking. She said that staff has made suggestions to the applicant for configuring the parking for their proposed use.

Landers presented the standards for approval of a Special Use Permit.

Landers referenced sections of the Eagle Area Community Plan, Strategic Plan and the Land Use Code in support of the proposal.

Landers said that Eagle County has no drug or alcohol rehab facilities in the Justice Center site nearby, otherwise this use would not be allowed at this site. Landers also gave an overview of the surrounding uses. She said that there are many high intensity commercial uses in the area. She noted that there is not a high concentration of residential units accessory to a use permitted in the surrounding areas.

Landers said that the proposed hours of operation is within the code requirements.

She noted that when the property was recently subdivided it included an access easement for circulation in and out of the site.

Landers said that there will be two ADA required parking spaces. She said staff recommended a location for the ADA spaces and reorientation of some other parking spaces. Landers said that the applicants are amenable to the suggested changes. She added that there are 24 required parking spaces and the existing plan has 39.

Landers then said that Staff recommends approval of the Special Use Permit with the following conditions:

1. Occupancy of the property for the approved use shall not be permitted prior to the issuance of State of Colorado Licenses for the references uses.
2. Upon issuance of licenses by the State of Colorado, Special Use Permits 09-05, 13-09, and 13-10 shall become void.
3. Relocation of the ADA parking space in the diagonal center parking area to the diagonal parking stall adjacent to the building.
4. Addition of one ADA parking space to meet minimum requirements for ADA accessibility.
5. Removal of the parallel parking spots at the building entrance to provide for better site distance when diagonal parking users are backing out.

## **Q & A**

Cowles asked about the voiding of the existing special use permits upon issuance of the State License. Landers said it is a bit of a catch 22 situation where the Town waits for the State, and the State waits for the town to approve. Landers said that they could rework that requirement so that it is more feasible.

Manzanares said that the state needs 3 months. Landers suggested voiding the existing Special Use Permits upon occupancy of the new space.

McFall asked if the medical licenses and Special Use Permit would be affected by this. Landers said no the medical use is separate and will remain at the current site.

Nutkins asked how medical and the retail is differentiated. Landers said that they are all separate and none of this affects the medical operation or Special Use Permits.

Manzanares said that there are state issued tags that go on the plants that indicate if the plant is for the medical industry or the retail industry.

Perkins asked if the applicants have plans to place signage on the back of the building facing I-70. Manzanares said there is an existing building that blocks sight, so they do not have any plans for that.

Perkins asked if they need to make upgrades to the electrical and water service to the building. Manzanares said they are working with holy cross and Public Works to increase water and power capacity.

Cowles asked if there would be a subsequent Minor Development Permit request. Landers said it is not required for the current plan as they are not expanding the footprint of the building.

Perkins asked what the busiest time of day is for the existing store. Manzanares said that it is typically 4-7pm and can depend on flight schedules. Perkins asked Landers if the commissioners needed to make a motion approving the hours of operation. Landers said they would not have to for this file. She said the only time they would have to do so is if the applicants request operating hours that fall outside of what the code allows. She noted that the code allows hours of operation for marijuana businesses from 8am to Midnight.

Gregg asked if there is only one entrance to the building. Manzanares said that there is only one entrance for sales. He said that there is another door but that it would be locked. They are happy to only have one due to state requirement for ID checks, Manzanares said.

#### **PUBLIC COMMENT**

None.

#### **DELIBERATION**

Nutkins made a motion to approve Special Use Permit SU18-09, a Special Use Permit for a 5,500 square foot retail marijuana grow facility, a 400 square foot medical marijuana store, a 1400 square foot retail marijuana store, and a 600 square foot marijuana infused product (MIP) manufacturing area with the following conditions:

1. Occupancy of the property for the approved use shall not be permitted prior to the issuance of State of Colorado Licenses for the references uses.
2. Upon Occupancy, Special Use Permits 09-05, 13-09, and 13-10 shall become void.
3. Relocation of the ADA parking space in the diagonal center parking area to the diagonal parking stall adjacent to the building.
4. Addition of one ADA parking space to meet minimum requirements for ADA accessibility.
5. Removal of the parallel parking spots at the building entrance to provide for better site distance when diagonal parking users are backing out.

Gregg seconded. All voted in favor. The motion passed.

#### **TOWN BOARD OF TRUSTEE UPDATE**

Landers said that the TBOT adopted the 2019 budget at their last meeting. Funding for the Land Use Code and Comp Plan rewrite has been included, she said. Landers said the HWY 6 study was also funded. She said the RFP will go out in the summer and the County is still planning to match funds.

Landers said that continued installation is planned for increased parking signage for downtown.

Landers reported that the TBOT had a lengthy discussion regarding THOR and Century Link service at their last meeting. Landers said some good things and some frustrating things came out of the meeting and there was a lot of public comment. The TBOT moved to explore an audit of Century Link services. Landers said that the Town is participating in the THOR project and NWCCOG received a grant from DOLA for the project.

Landers said that the Special Use Permit for the Accessory Dwelling Unit at 1320 Chambers Ave. was approved. The TBOT removed the condition for striped parking, Landers said.

Landers reported that the TBOT adopted a resolution to become a Tree City. She said this will allow the Town to enforce the code and prompt property owners to remove hazardous dead and dying trees. She said it would also open the Town to grant opportunities for tree care and planting.

Landers said that there will not be a TBOT meeting on Christmas and no PZ hearing on New Year's Day.

There was a brief discussion about the current level of service provided to the Town by Century Link. Cowles said that the Town has not been a priority for them to provide service and the Town is caught between acquisitions and mergers. He relayed his personal experience with the company over the years.

Landers commented on the maintenance and capital improvement strategy that was communicated by Century Link representatives at the TBOT meeting.

## **COMMUNITY DEVELOPMENT DEPARTMENT UPDATE**

Landers said that the department has been working hard all year. She reported that in 2017 there were 36 land use files and in 2018 there were 56.

Perkins asked if the Village Market Development Permit has expired. Landers said that she would check and that she has not heard from the applicants in a while.

Landers said that a joint meeting for the Comp Plan and Land Use Code Committees took place last night. McFall commented that he thought the discussions were productive. He said the conversations centered on how to create jobs and affordable housing.

Landers said the next planning week will take place at the end of January or early February.

Landers said the annexation files continue to move through the process and commented that the beginning of the year will be busy.

**ADJOURN**

Perkins made a motion to adjourn and McFall seconded. All voted in favor and the meeting adjourned at 8:53 PM.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jason Cowles – Planning and Zoning Commission Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dawn Koenig – Administrative Assistant

DRAFT



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## CERTIFICATE OF RECOMMENDATION

**TO:** Planning & Zoning Commission

**FROM:** Department of Community Development

**DATE:** January 15, 2019

**PROJECT:** 120 East 3<sup>rd</sup> Street (Special Use & Variance)

**FILE NUMBER:** SU18-08 & V18-04

**APPLICANT:** Lisa Kunkel  
Kit Austin, Pierce Architects

**LOCATION:** 120 East 3<sup>rd</sup> Street

**CODE:** Chapter 4.04 Zoning  
Chapter 4.05 Zoning Review

**ZONING:** Central Business District (CBD)

**EXHIBITS:** A: Application & Cover Letter  
B: Site Photos  
C: Site Plans  
D: Improvement Survey Plat

**PUBLIC COMMENT:** No letters have been received, staff has met with a neighboring property regarding property lines (discussed later in this staff report).

**STAFF:** Colton Berck, Planner I

**REQUEST:** Zoning Variance for minimum lot size and Special Use permit for ground floor residential in the Central Business District (CBD).

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## DISCUSSION

The applicant has applied to the Town for a Special Use Permit for ground floor residential in the Central Business District as well as a Variance for minimum lot area, located at 120 East 3<sup>rd</sup> Street. The property is an existing building located within the Central Business District (CBD). The existing building contains three offices and some vacant space, the applicant is looking to renovate the building in order to add three new housing units and a total of two office spaces.

“Dwelling units – above street level” is a permitted use in the Central Business District (4.04.070 of the Land Use & Development Code). As the applicant is proposing an accessible apartment on the ground floor of the building, a special use permit is required for a “high density, multifamily dwelling”. See sections on “Standards for Approval for Special Use Permits” and “Findings for Special Permits” later in this staff report.

The lot under review is 2,128.5 square feet in size, which is 996.5 square feet under the minimum requirement of 3,125 square feet for the Central Business District (4.04.090). See sections on “Standards for Approval for Variances” and “Findings for Variance” later in this staff report.

Regarding parking standards, section 4.07.140(A)(3) of the Land Use and Development Code indicates that “when the use of an existing building or space is changed”, “off-street parking, loading areas and landscaping shall be provided as required for the new use, whether or not they were provided for the existing use.” In most zone districts this section of code would trigger additional improvements, but the sentence immediately following states: “the requirements contained in this subsection shall not apply in the Central Business District (CBD) or Broadway District”. Under this section of code, additional parking, loading areas, and/or landscaping is not required for this application. Section 4.07.140(A)(2) indicates that when an existing use or building is expanded, additional parking would be required. As the applicant has stated the building footprint of the building will remain unchanged, this section of code does not apply.

In terms of land use process, staff does not believe a development permit is triggered through this application. The requirements for a development permit (4.06.020(A)) are as follows:

1. Construction of any building for nonresidential use;
2. Renovation of or addition to any building for nonresidential use, which would require additional parking spaces, under Section 4.07.060, whether or not such spaces are actually required;
3. Renovation of or addition to any building for nonresidential use which would make a substantial change, as determined by the Town Manager, in the visual appearance of the building or in the visual impact of the building on its neighborhood;
4. Construction of any residential project containing eight or more dwelling units;
5. Establishment of a mobile home park pursuant to Chapter 4.09; or
6. Any planned unit development, as set forth in Chapter 4.11.

As this project does not trigger additional parking spaces and the renovation will not make a substantial change in the visual appearance of the building or visual impact of the building on its neighborhood, staff has determined that a development permit is not necessary for this project. The result is that if these requests are approved, the next regulatory step is building permit

application. In terms of approvals, the variance receives final decision by the Planning Commission and the special use receives a recommendation from the Planning Commission to the Town Board of Trustees, who make final decision on the special use.

As noted previously, an adjacent property (the Masonic Lodge to the east) met with Town Staff on October 17<sup>th</sup> to raise a potential issue with the property lines indicated on the initially submitted improvement location certificate (see Exhibit C). The primary concern was the possibility that the existing building may have been built beyond the property lines to the east. Staff requested the applicant provide further verification that the property lines indicated on the ILC were correct. The applicant worked with a registered surveyor to develop an Improvement Survey Plat (Exhibit D) which verifies the property lines as indicated in the originally submitted ILC which are not trespassing beyond property lines.

Staff has reviewed the project for compliance with the standards for approval for special-use permits and variances. A detailed discussion of the project is included in the Standards for Approval and Findings for Special Use Permit and Variances below.

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## **STANDARDS FOR APPROVAL**

### Special Use Permit

The general requirements for a Special Use Permit as described in Section 4.05.010 of the Land Use and Development Code are:

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

### Variance

The general requirements for a Variance as described in Section 4.05.020 of the Land Use and Development Code are:

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

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

---

## FINDINGS FOR SPECIAL USE PERMIT

***Standard #1:** The proposed use is consistent with the provisions of this Chapter and with the Town's goals, policies and plans.*

The Eagle Area Community Plan generally provides the goals, policies and plans for the Town. The Future Land Use Map designates the property as Historic Town (HT). The property also falls into the Town Center Special Character Area.

1. Chapter 3: Land Use – Community Needs
  - a. Maintaining and appropriate and full spectrum of dwelling unit types and price points is very important in a fast growing and increasingly expensive community like Eagle.

Staff believes this special-use provides needed housing units which supports existing and future business operations in the Town and provides additional density in the downtown core.

2. Chapter 4: Future Land Use Map – Historic Town (HT)
  - a. Preserve Eagle's commercial and old town residential neighborhood character.
  - b. Encourage mixed use in commercial areas, as practical.
  - c. Encourage infill and redevelopment of underutilized lots. As the need for additional commercial space arises, retail and commercial uses should expand incrementally out from the Broadway Central Business District.

As this application proposes mixed-use redevelopment of an existing building in the downtown core, staff believes this special use request meets each of the three intents included above.

3. Chapter 5: Special Character Areas – Town Center
  - a. The development of new higher density and mixed-use areas should grow incrementally outward from the established Broadway main street area.
  - b. Ensure that infill and redevelopment is compatible in design, context and scale with the existing development in the Town Center Character Area.
  - c. In commercial/retail areas, encourage mixed-use with retail, restaurant and entertainment uses on the ground levels and office, lodging and residential uses above.

This proposed project is in close proximity to the established Broadway main street area and entails redevelopment of an existing building. Although this special use includes a single ground floor residential unit, staff believes that as the unit is intended for accessibility and is not adjacent to the street, this mixed-use proposal is compatible with the Town's goals.

4. Chapter 10: Housing

- a. Encourage a mix of housing types and price points that are affordable to an appropriate range of incomes.

The application meets this housing policy as it adds 3 additional housing units to an existing building.

5. Strategic Plan Major Objective 8: Improve Housing Availability and Affordability

- a. Housing should support a diverse population, including all ages, ethnicities and income groups.
- b. Housing should provide a wide range of housing types in walkable neighborhoods.

This proposed project provides additional housing for those who prefer living in the denser downtown core as well as providing a needed accessible unit in the downtown. The proximity to pedestrian infrastructure and public transportation options presents ample walkability.

Staff believes this proposed special use meets the standard 1 criteria per the discussion above.

***Standard #2: The proposed use is compatible with existing and allowed uses surrounding or affected by the proposed use.***

The Central Business District has a multitude of uses, ranging from residential to commercial. In the immediate area of this project are the masonic lodge, hair salons, Wells Fargo, St Mary's church and associated property, Yetis Grind, as well as a variety of commercial offices and single family residences.

As this project is proposed to ultimately consist of 2 office spaces and 3 residential units, staff believes there is compatibility not only with the vibrant and diverse surrounding uses but the internal uses as well. The Central Business District is particularly ideal for mixed-use developments.

Staff believe standard 2 is met with this application based on the discussion above.

***Standard #3: Street improvements adequate to accommodate traffic volumes generated by the proposed use and in provision of safe, convenient access to the use and adequate parking are either in place or will be constructed in conjunction with the proposed use, as approved by the Town.***

Regarding parking standards, section 4.07.140(A)(3) of the Land Use and Development Code indicates that "when the use of an existing building or space is changed", "off-street parking, loading areas and landscaping shall be provided as required for the new use, whether or not they

were provided for the existing use.” In most zone districts this section of code would trigger additional improvements, but the sentence immediately following states: “the requirements contained in this subsection shall not apply in the Central Business District (CBD) or Broadway District”. Under this section of code, additional parking, loading areas, and/or landscaping is not required for this application. Section 4.07.140(A)(2) indicates that when an existing use or building is expanded, additional parking would be required. As the applicant has stated the building footprint of the building will remain unchanged, this section of code does not apply.

The existing parking behind the building is currently unimproved. Through this project, the applicant is proposing improving and formalizing two parking spaces, one being ADA compliant for the accessible residential unit. The spaces are accessed off the alley and are tucked behind the building, which is ideal for the downtown core. The spaces will be assigned, which prevents issues of parking management. The existing building does not appear to have issues regarding parking or traffic in its current condition. Traffic volumes and parking counts are not anticipated to significantly increase through the changes proposed in this application, and the improvements being implemented will significantly minimize the impacts of increased activity.

Staff believe standard 3 is met with this application based on the discussion above.

---

## **FINDINGS FOR VARIANCE**

Section 4.04.100(G)(6) of the Land Use & Development Code states that: “An individual lot which does not meet the minimum lot area requirement for the zone district in which it is located shall be considered a legal nonconforming lot, and any building situated on such lot shall be considered a legal nonconforming building, subject to the provisions of this section. Such legal nonconforming lot may be used for construction of a building allowed in the zone district, provided all other zone district regulations, including, but not limited to, setbacks, are met.”

Under this standard the existing non-conforming lot would result in the building also being designated as “legal non-conforming” with all relevant restrictions applying to such a designation. This designation presents hardship as it disincentives and makes it more difficult to secure and invest resources into revitalization efforts in the downtown core, which is a frequently stated objective in the Town’s goals, policies, and plans.

*Standard #1: That the variance granted is without substantial detriment to the public good and does not impair the intent and purposes of the Town’s regulations, goals, policies and plans, including the specific regulation in question.*

In review of the first standard, staff refers to three primary Town enacted documents:

- Title 4 of the Town of Eagle Municipal Code – Land Use and Development Code
- The Town of Eagle Strategic Plan – Adopted in 2017
- The Eagle Area Community Plan – Adopted in 2010

Title 4 of the Municipal Code contains the Land Use and Development Code. Applicable Sections include:

- Section 4.03.010: Purposes
- Section 4.04.080: Schedule of Requirements in Residential Districts

#### 4.03.010: Purposes

Staff believes the following purposes stated in Title 4 of the land use code are directly applicable to this variance request: purposes G, H, J. What follows is an in-depth analysis of these purposes and the guidance staff believes they contribute towards this application.

*Purpose G: Protecting both urban and non-urban development and conserving the value of property*

This variance request signifies an investment in downtown property in the Town of Eagle. As the existing lot's legal non-conforming status renders the building also "legal non-conforming", there are challenges in promoting investment of significant resources. Not only does this variance request assist in preserving existing commercial uses, but it provides the opportunity for additional use of the property. Staff believes this variance request meets the purpose of maintaining value and capital investment in the Town of Eagle.

*Purpose H: Preventing the overcrowding of land and avoiding undue concentration of population.*

The Central Business District does not have a "minimum lot area per dwelling unit" requirement, meaning this minimum lot size variance does not alter dwelling unit density consideration. Staff does not consider the addition of 3 residential units an undue concentration of population, particularly as the downtown core is in need of additional density to support the existing and future businesses.

*Purpose J: Providing for a variety of housing and neighborhood types and densities and a range of housing costs.*

As stated with the previous purposes, this variance would enable the property owner to not be investing significant resources into a legal non-conforming building due to subdivisions of land prior to implementation of zoning codes. Increasing the housing inventory within existing Town infrastructure presents an economically efficient investment. Staff believes this variance request would continue to maintain a balanced mixture of housing types and densities in the downtown.

#### Town of Eagle Strategic Plan:

*Major Objective 8: Improving housing availability and affordability*

Major Objective 8 was included in the Strategic Plan in order to promote cost-effective solutions in maintaining adequate housing supply and support for the entire population. This variance enable additional housing stock to be developed within the Town.

#### Eagle Area Community Plan:

*Chapter 3: Land Use – Community Needs*

Chapter 3 of the Eagle Area Community Plan states the final factor that influences land-use decisions as "6. Community Needs". Within this the description of this factor (page 23), the plan states that "maintaining an appropriate and full spectrum of dwelling unit types and price points

is very important in a fast growing and increasingly expensive community like Eagle.” Staff believes this variance request meets this factor as it bolsters quality-of-life improvements, affordability, and economic development for housing in the Town of Eagle.

#### Chapter 5: Special Character Areas – Town Center

Maintain the existing grid street pattern and the small lot sizes established by the 1905 Eagle Town Plat to the extent possible.

#### Standard #1 Recommendation:

Staff believes this variance request meets Standard #1 due to the prior discussions. Purposes G, H, J, the Town of Eagle Strategic Plan, and the Eagle Area Community Plan provide compelling guidance in support of the request. In terms of the public good, staff believe an increase in density is appropriate for this property and aligns with the Community Plan, Strategic Plan, and Land Use Code for developments in the downtown core.

*Standard #2: That the variance granted is the minimum necessary to alleviate the hardship.*

In terms of defining the hardship faced in this situation, staff believes the primary factor is the legal non-conforming designation for both the lot and building due to the lot being under the minimum lot size for the Central Business Zone District. A legal non-conforming lot and building hold a number of additional restrictions that inhibit the development potential and best use of the property, as indicated in items 1-7 of Section 4.04.100(G) of the Land Use and Development Code.

As this lot was subdivided in the original Eagle subdivision, the non-conforming lot has existed for decades. A property retaining a legal non-conforming status in perpetuity, which is unlikely to ever become “conforming”, presents a permanent hinderance on the lot. Most importantly the structure built upon the lot, even if it abides by all other zoning regulations (which this building does), is still designated as legal non-conforming. This designation can inhibit the ability to secure financing and other investment mechanisms, resulting in the Town’s goals of prioritizing infill redevelopment in the downtown not being enacted.

As previously stated, this building and site (existing and proposed) abide by all other zoning regulations for the Central Business District. The rear yard setback is 25.5’, requirement is 25’. Building coverage represents 67% of the lot, 80% is the maximum. Total floor area is calculated at 3,013 square feet, representing 138.5% lot coverage where 240% is the maximum. Building height (from the midpoint of the highest gable roof to lowest adjacent grade) is about 29’, 35’ is the maximum. There are no front yard or side yard setbacks in the Central Business Zone District. If this variance were to be approved, all other zoning requirements would still apply.

#### Standard #2 Recommendation:

As stated above, the designation of “legal non-conforming” for the lot and building conveys a perpetual hardship for the property. If the Town’s goals, policies, and plans for infill redevelopment in the downtown core are to be realized, such inhibitors should be removed whenever possible. Staff believe as this property abides by all other zoning requirements, this variance is the minimum necessary to alleviate the hardship.

*Standard #3: That there exists on the property in question exceptional topography, shape, size or other extraordinary and exceptional situation or condition peculiar to the site, existing buildings, or lot configuration such that strict application of the zone district requirements from which the variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property in question.*

This property is exceptional due to the lot size being under the minimum required for the Central Business Zone District discussed in Standard #2. Leaving the property in a state of perpetual legal non-conforming status results in peculiar and exceptional practical difficulties not anticipated in the Land Use and Development Code and contrary to the goals, policies, and plans of the Community and Strategic Plans.

Standard #3 Recommendation:

Staff believes this variance request meets the requirements of Standard #3.

---

**STAFF RECOMMENDATION**

Staff recommends approval of the Special Use Permit SU18-08 and Variance V18-04 without conditions.



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

**LAND USE & DEVELOPMENT PERMIT APPLICATION**

*Pursuant to the Land Use & Development Code, Title 4*

<p><b>ZONING REVIEW</b></p> <p><input checked="" type="checkbox"/> Special Use Permit</p> <p><input checked="" type="checkbox"/> Zoning Variance</p> <p><input type="checkbox"/> Rezoning</p> <p><input type="checkbox"/> Temporary Use Permit</p> <p><input type="checkbox"/> Amendment to Zone District Regulations</p>	<p><b>DEVELOPMENT REVIEW</b></p> <p><input type="checkbox"/> Minor Development Review</p> <p><input type="checkbox"/> Major Development Review</p>	<p><b>SUBDIVISION OR PLANNED UNIT DEVELOPMENT REVIEW</b></p> <p><input type="checkbox"/> Concept Plan</p> <p><input type="checkbox"/> Preliminary Plan</p> <p><input type="checkbox"/> Final Plat</p> <p><input type="checkbox"/> Lot Line Adjustment</p> <p><input type="checkbox"/> Condominium / Townhouse</p> <p><input type="checkbox"/> Minor Subdivision</p> <p><input type="checkbox"/> P.U.D. Zoning Plan</p>
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PROJECT NAME THE KUNKEL BUILDING

PRESENT ZONE DISTRICT RESIDENTIAL MULTI-FAMILY PROPOSED ZONE DISTRICT N/A  
 (RMF) (if applicable)

**LOCATION**

STREET ADDRESS 120 E THIRD ST.

**PROPERTY DESCRIPTION**

SUBDIVISION EAGLE LOT(S) 3 BLOCK 21  
 (attach legal description if not part of a subdivision)

DESCRIPTION / PURPOSE ZONING VARIANCE FOR LOT SIZE AND SPECIAL USE PERMIT FOR ADA RESIDENTIAL UNIT ON STREET LEVEL.

APPLICANT NAME KIT AUSTIN PHONE 970-476-6342

ADDRESS PIERCE ARCH. -1650 FAIRIDGE BLVD, G1 VAIL, CO 80409 EMAIL kaustin@vailarchitects.com

OWNER OF RECORD KUNKEL FAMILY PARTNERSHIP LLLP PHONE 970-701-1322

ADDRESS 255 BROOKSIDE CT BOULDER, CO 80302 EMAIL \_\_\_\_\_

REPRESENTATIVE LISA KUNKEL PHONE 970-701-1322

ADDRESS 255 BROOKSIDE CT BOULDER, CO 80302 EMAIL lisa@kunkel@yahoo.com

The above information is correct and accurate to the best of my knowledge.

Signature [Signature] Date 8/17/2018

*In addition to the Application Fee payable at time of Land Use Application, costs related to public notices, postage, Town Attorney Fees and any related outside consultant fees required to review the application shall be billed to the applicant.*

**FOR OFFICE USE ONLY**

DATE RECEIVED \_\_\_\_\_ BY \_\_\_\_\_ FILE NUMBER \_\_\_\_\_

REVIEW FEE \_\_\_\_\_ DATE PAID \_\_\_\_\_ RECEIVED BY \_\_\_\_\_

DATE CERTIFIED COMPLETE \_\_\_\_\_ BY \_\_\_\_\_

P&Z HEARING DATE \_\_\_\_\_ DECISION \_\_\_\_\_

TBOT HEARING DATE \_\_\_\_\_ DECISION \_\_\_\_\_

Property:  
120 E Third  
Eagle, CO 81657

Zoning Variance – Lot Size  
Special Use Permit – Addition of an ADA Unit

We are applying with Eagle Community Development in order to receive a Zoning Variance and Special Use Permit for the building at 120 East Third Street. Currently the property contains three offices and a portion of vacant space.

It is the owner's intent to create new office and residential spaces. The result should be three new housing units and two office spaces.

Zoning Variance – Lot Size

The current lot size for 120 E Third St is 2128.5 square feet (.04 acres) which is 996.5 square feet under the required minimal 3125 square feet. We are seeking a Zoning Variance to overcome this obstacle.

Special Use Permit – Addition of an ADA Unit

In this zone district, residential units are not allowed on the street level. We are proposing the addition of an ADA accessible unit on the ground level. The addition of this unit should hopefully provide a handicapped resident a living opportunity in a unit which is centrally located in Eagle. This residential unit is at the rear of the property and will not affect the commercial nature of the main level in this zone district.

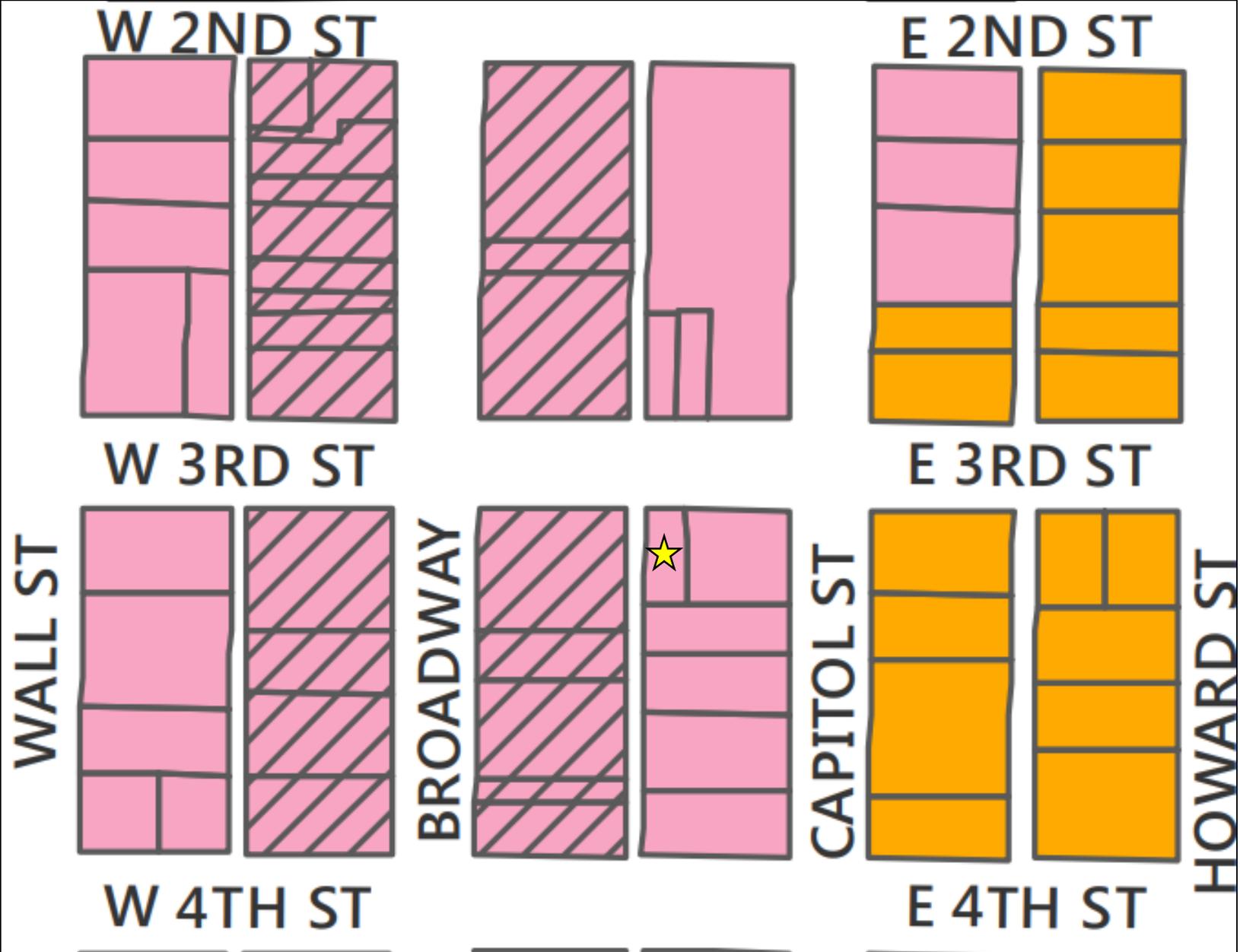
Conclusion

We believe this application will provide a great asset to Eagle with two street front commercial spaces and three ideally located residential units which should bring value to the neighborhood and city as a whole.

















# 120 E THIRD STREET EAGLE, CO 81631

## BUILDING CODE SUMMARY

BUILDING CODE: 2015 IBC  
 CONSTRUCTION TYPE: TYPE V-A  
 DWELLING UNITS: 2  
 OCCUPANCY TYPE: R-2

10/29/2018  
 ZONING VARIANCE

## PROJECT DIRECTORY

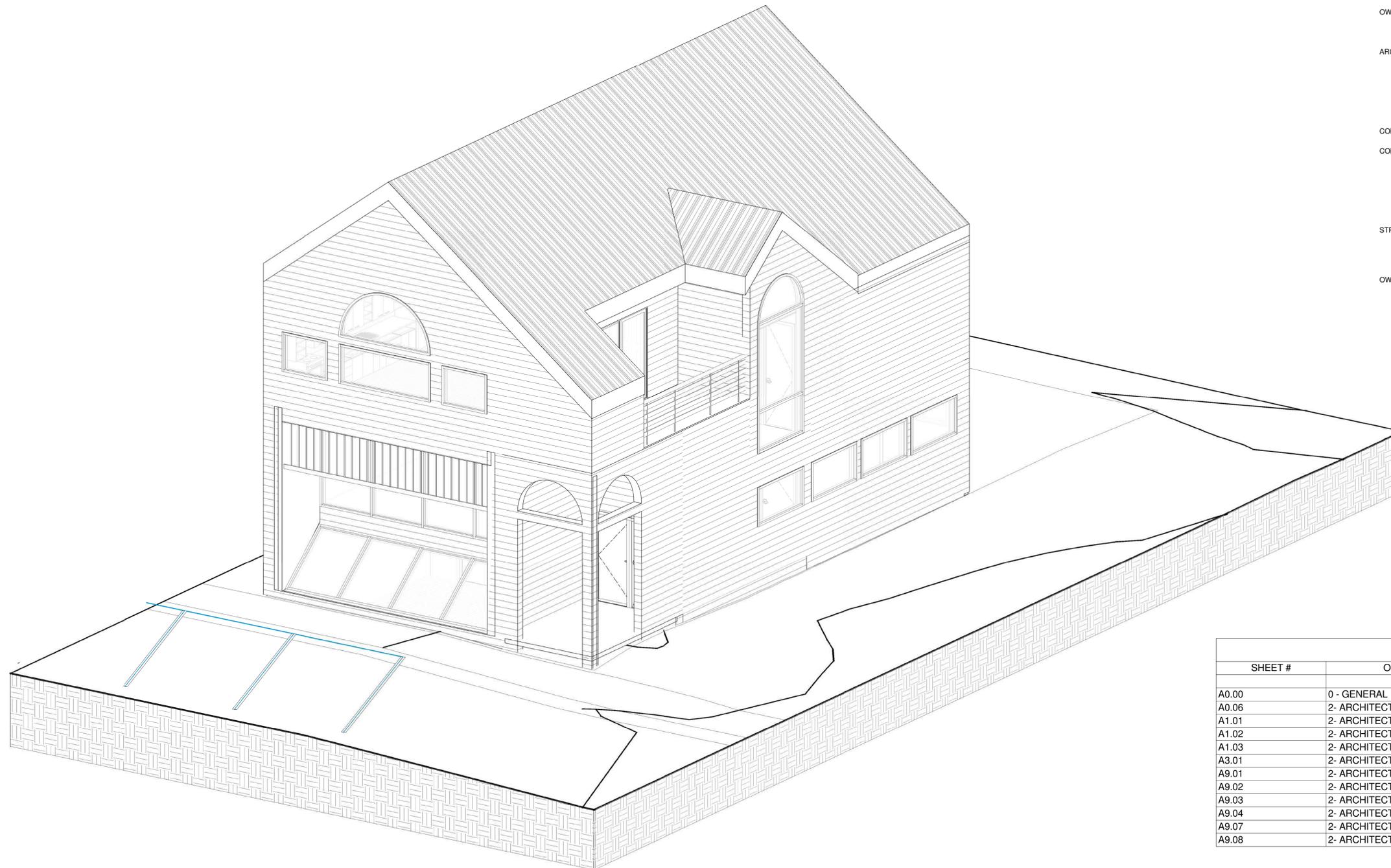
OWNER: VAIL REC DISTRICT  
 VAIL, CO 81657

ARCHITECT: BILL PIERCE, PRINCIPAL IN CHARGE  
 PIERCE ARCHITECTS  
 1650 E. VAIL VALLEY DRIVE, C1  
 VAIL, COLORADO 81657  
 P: 970.476.6342  
 F: 970.476.4901  
 E: bill@vailarchitects.com

CONSULTANTS: TBD  
 CONTRACTOR: TBD

STRUCTURAL ENGINEER: P:  
 E:

OWNER'S REP: P:  
 E:



120 E THIRD STREET  
 120 E THIRD STREET  
 EAGLE, CO 81631  
 Project Number - 1832

SHEET INDEX				
SHEET #	O	DESCRIPTION	BY	ISSUE DATE
A0.00	0 - GENERAL	COVER	PIERCE ARCHITECTS	10/29/2018
A0.06	2- ARCHITECTURE	SITE PLAN	PIERCE ARCHITECTS	10/29/2018
A1.01	2- ARCHITECTURE	BASEMENT & ENTRY	PIERCE ARCHITECTS	10/29/2018
A1.02	2- ARCHITECTURE	LEVEL 2 & 2.5	PIERCE ARCHITECTS	10/29/2018
A1.03	2- ARCHITECTURE	LEVEL 3 & 3.5	PIERCE ARCHITECTS	10/29/2018
A3.01	2- ARCHITECTURE	BUILDING SECTION 1	PIERCE ARCHITECTS	10/29/2018
A9.01	2- ARCHITECTURE	3D MODEL	PIERCE ARCHITECTS	10/29/2018
A9.02	2- ARCHITECTURE	3D MODEL	PIERCE ARCHITECTS	10/29/2018
A9.03	2- ARCHITECTURE	3D MODEL	PIERCE ARCHITECTS	10/29/2018
A9.04	2- ARCHITECTURE	3D MODEL	PIERCE ARCHITECTS	10/29/2018
A9.07	2- ARCHITECTURE	3D MODEL	PIERCE ARCHITECTS	10/29/2018
A9.08	2- ARCHITECTURE	3D MODEL	PIERCE ARCHITECTS	10/29/2018

NOT FOR  
 CONSTRUCTION



www.vailarchitects.com  
 1650 Faltridge Road, Suite C-1  
 Vail, Colorado 81657  
 f.(970) 476-4901 p.(970)476-6342

COVER

A0.00



EAST THIRD STREET	UNIT #3 1,170 SF	UNIT #2 572 SF	BUILDING REAR
	OFFICE #2 352 SF	ADA #1 566 SF	
	OFFICE #1 452 SF		

PROJECT INFO  
1/8" = 1'-0"

10/29/2018  
ZONING VARIANCE

120 E THIRD STREET  
120 E THIRD STREET  
EAGLE, CO 81631  
Project Number - 1832

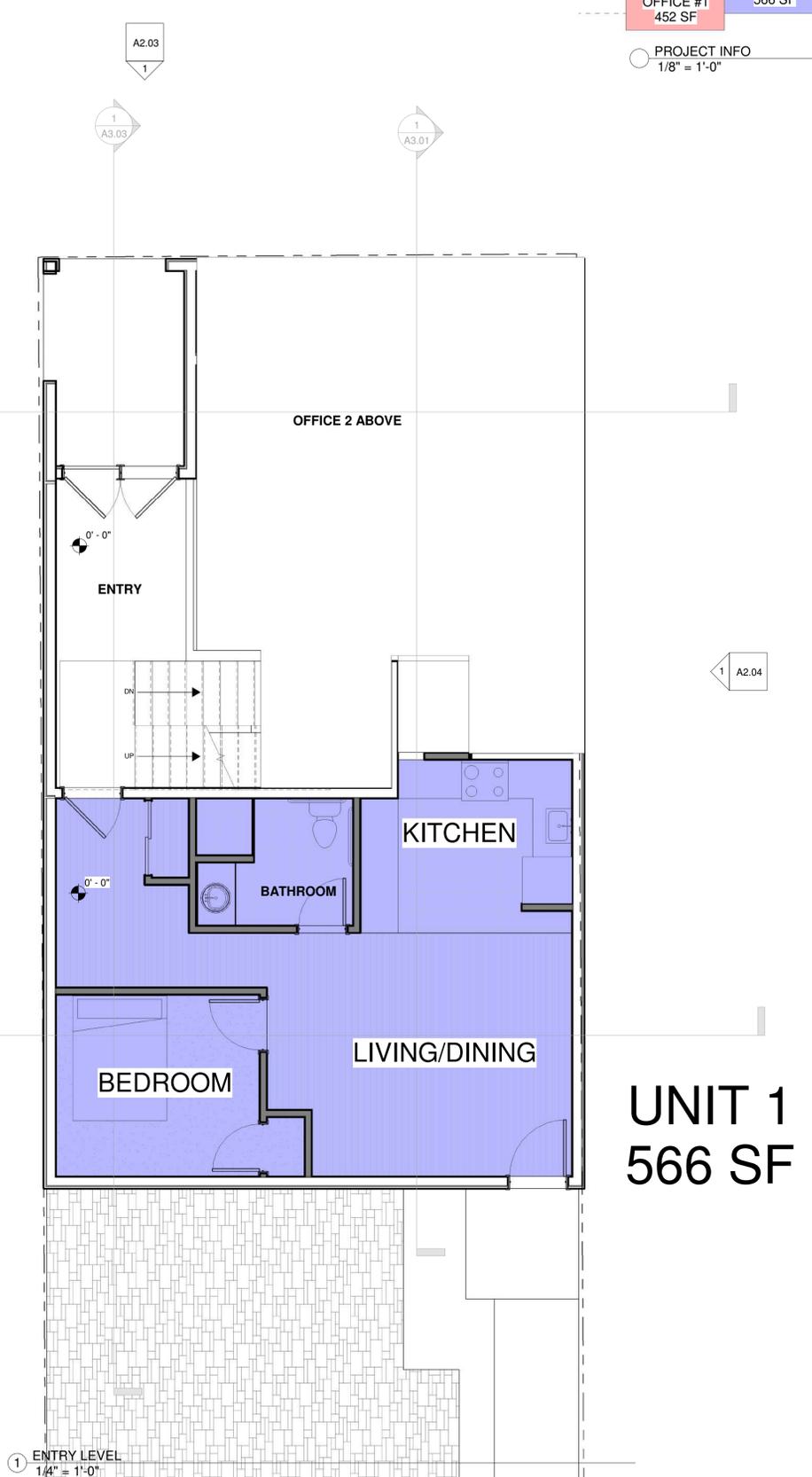
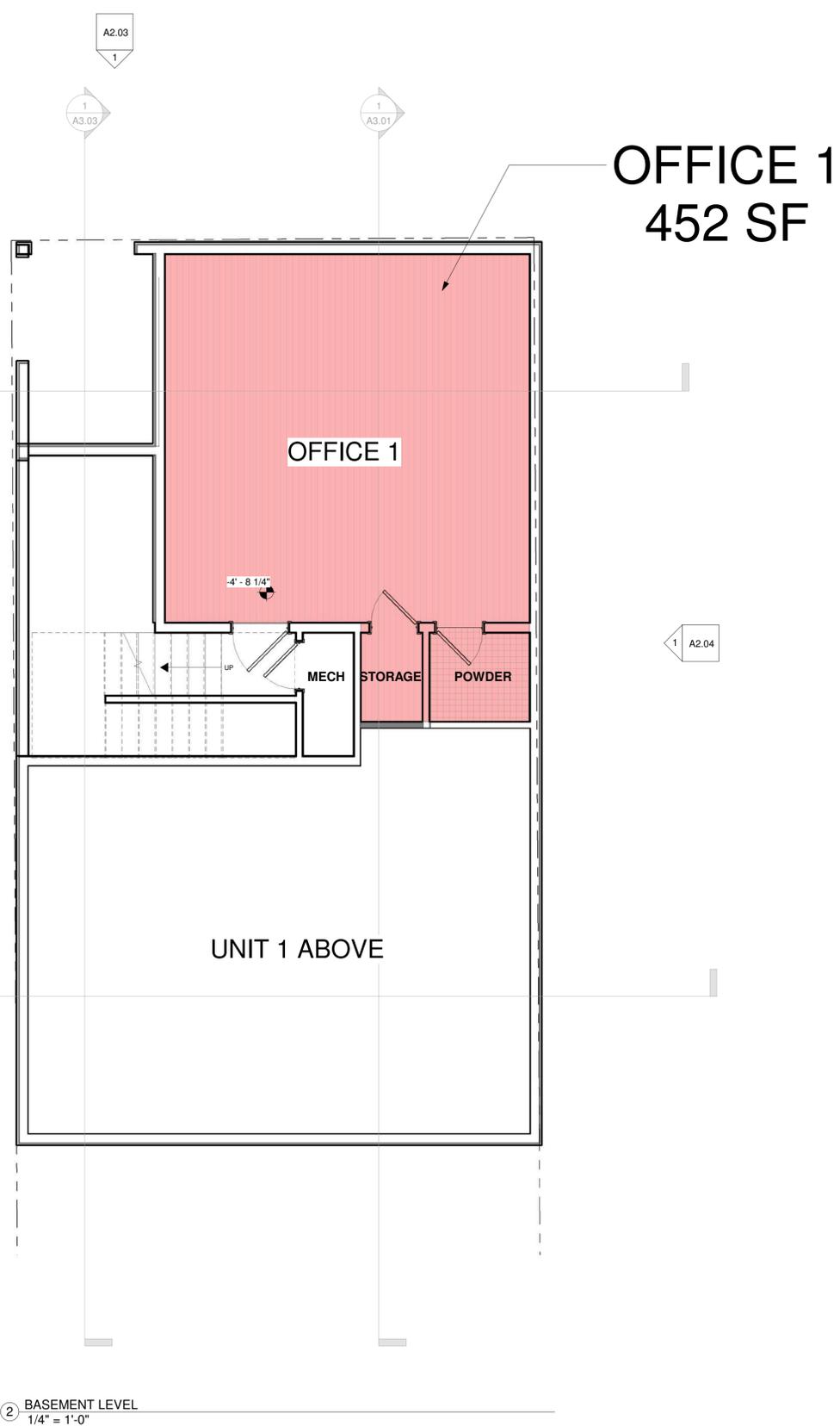
NOT FOR  
CONSTRUCTION



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BASEMENT &  
ENTRY

A1.01



EAST THIRD STREET	UNIT #3 1,170 SF	UNIT #2 572 SF	BUILDING REAR
	OFFICE #2 352 SF	ADA #1 566 SF	
	OFFICE #1 452 SF		

PROJECT INFO  
1/8" = 1'-0"

10/29/2018  
ZONING VARIANCE

120 E THIRD STREET  
120 E THIRD STREET  
EAGLE, CO 81631  
Project Number - 1832

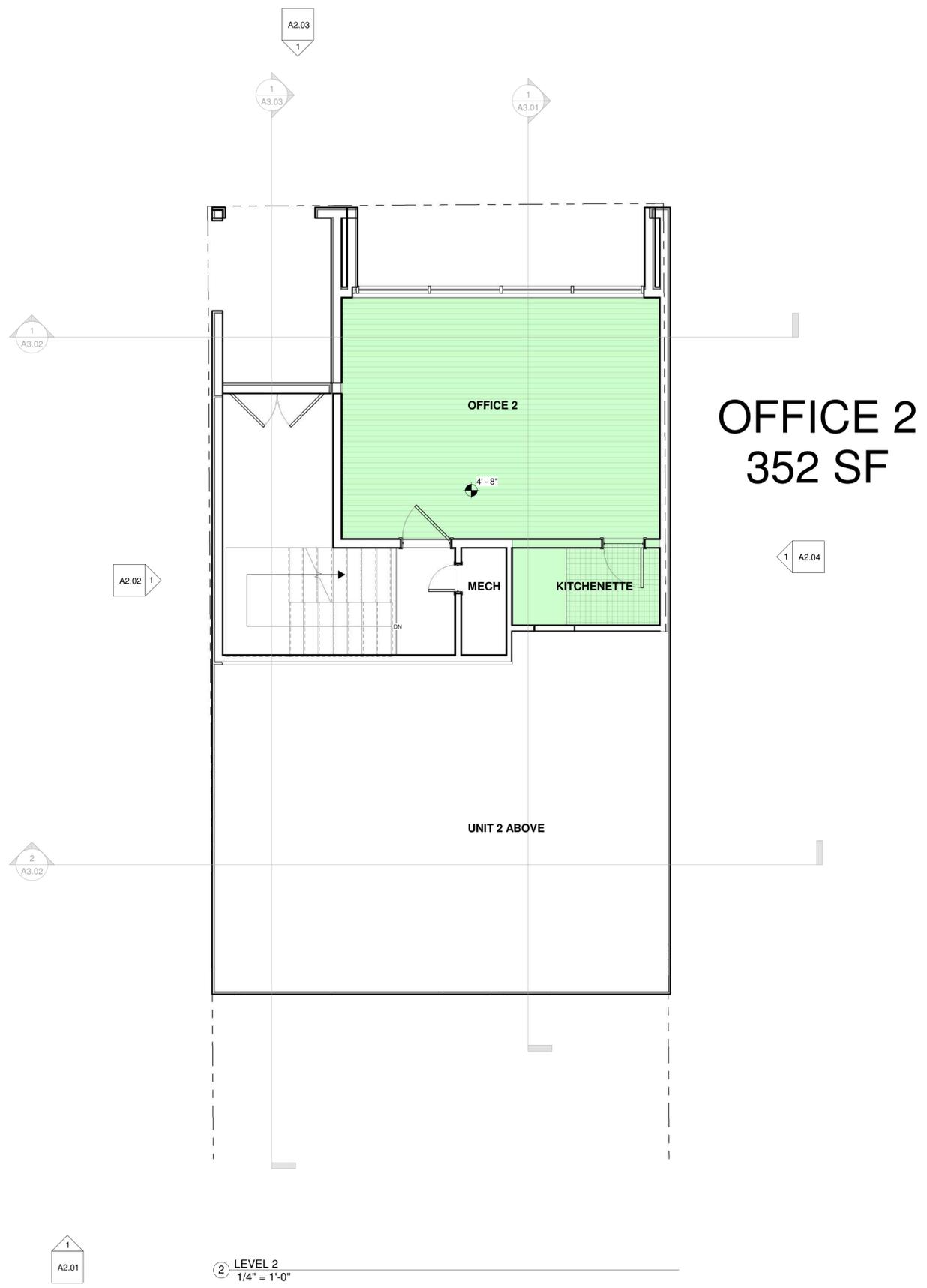
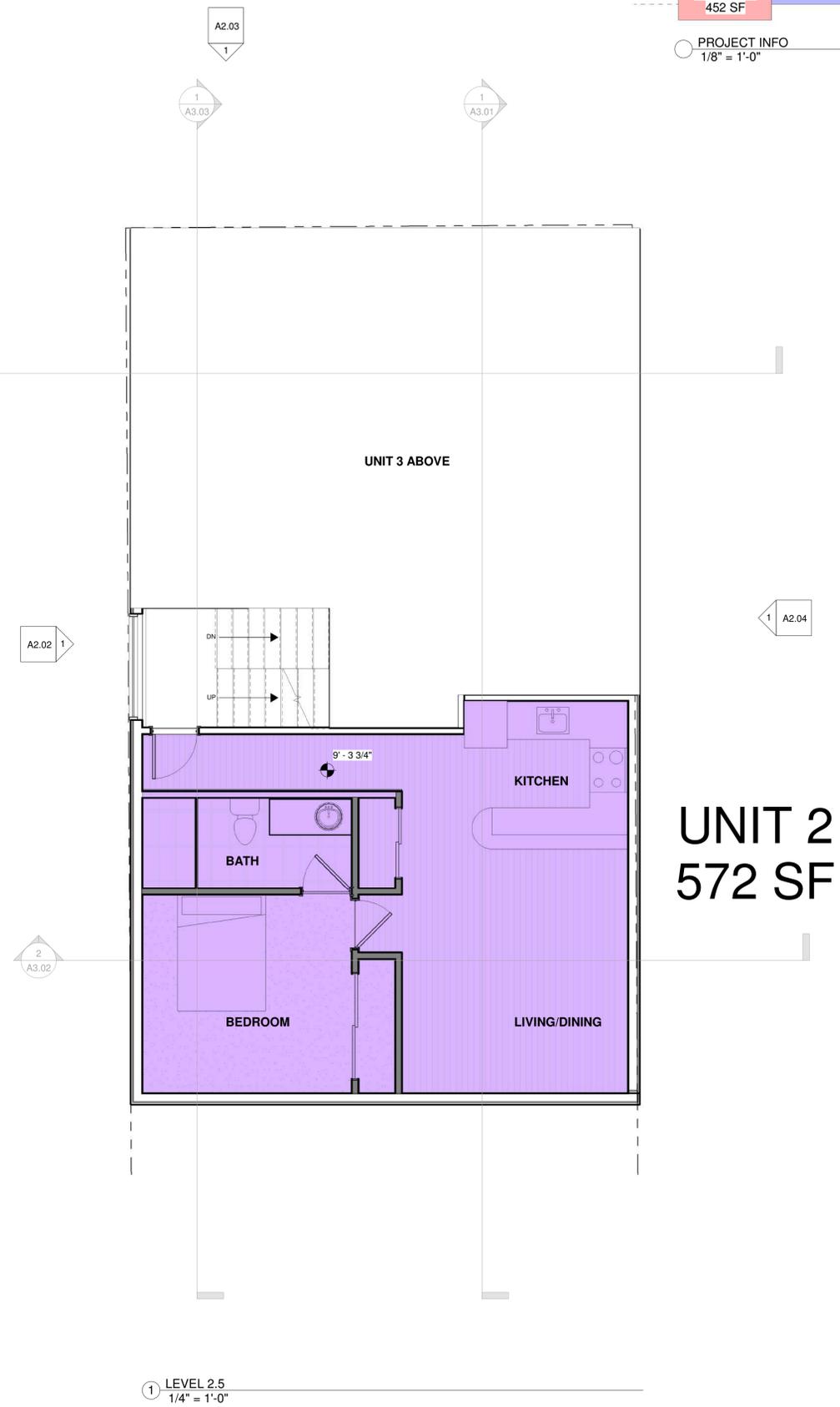
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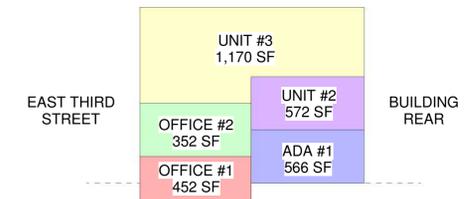


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LEVEL 2 & 2.5

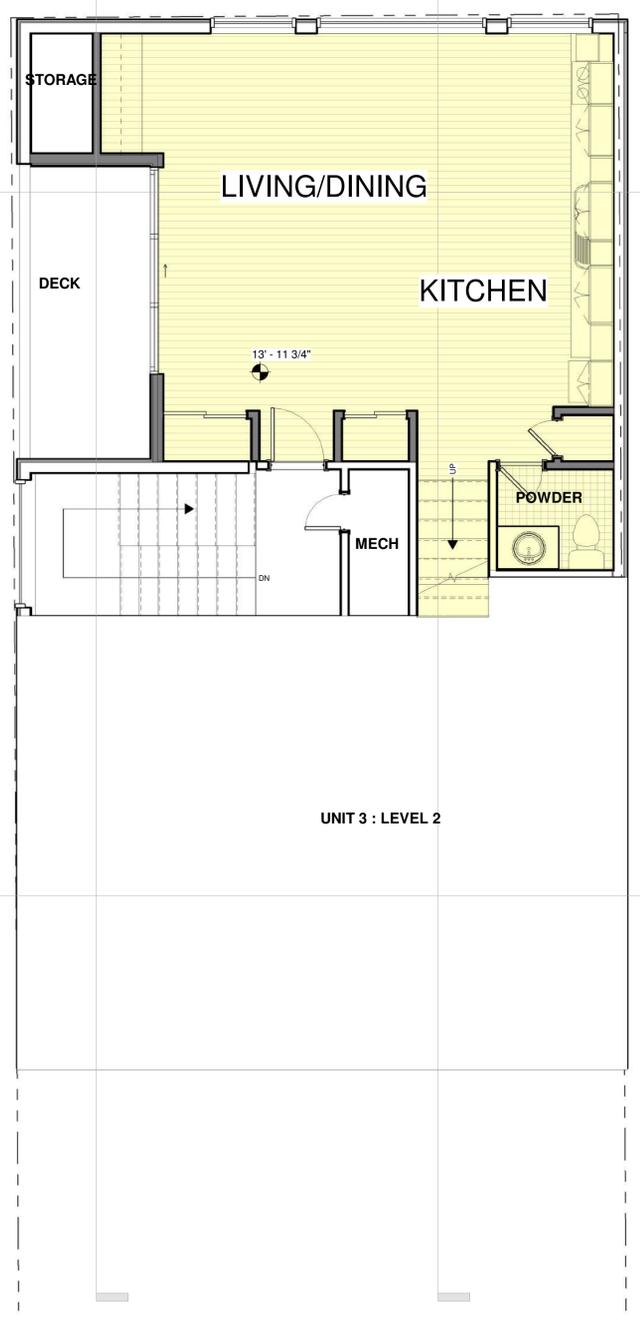
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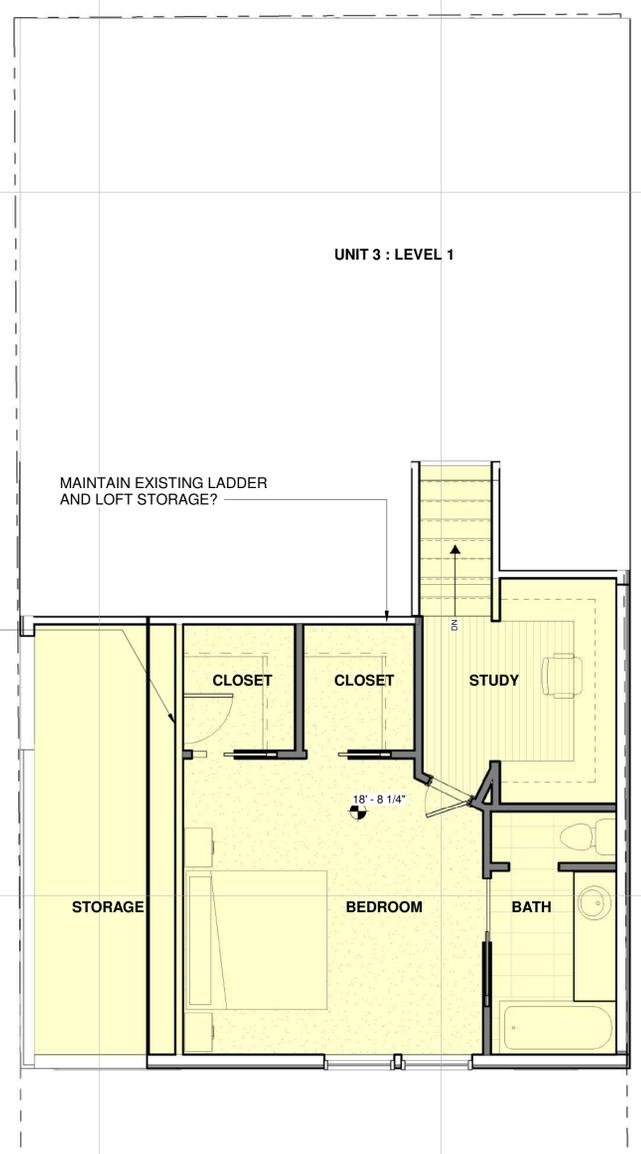


PROJECT INFO  
1/8" = 1'-0"

# UNIT 3 1,071 SF



② LEVEL 3  
1/4" = 1'-0"



① LEVEL 3.5  
1/4" = 1'-0"

10/29/2018  
ZONING VARIANCE

120 E THIRD STREET  
120 E THIRD STREET  
EAGLE, CO 81631  
Project Number - 1832

NOT FOR  
CONSTRUCTION



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LEVEL 3 & 3.5

A1.03



NORTH

10/29/2018  
ZONING VARIANCE

120 E THIRD STREET  
120 E THIRD STREET  
EAGLE, CO 81631  
Project Number - 1832

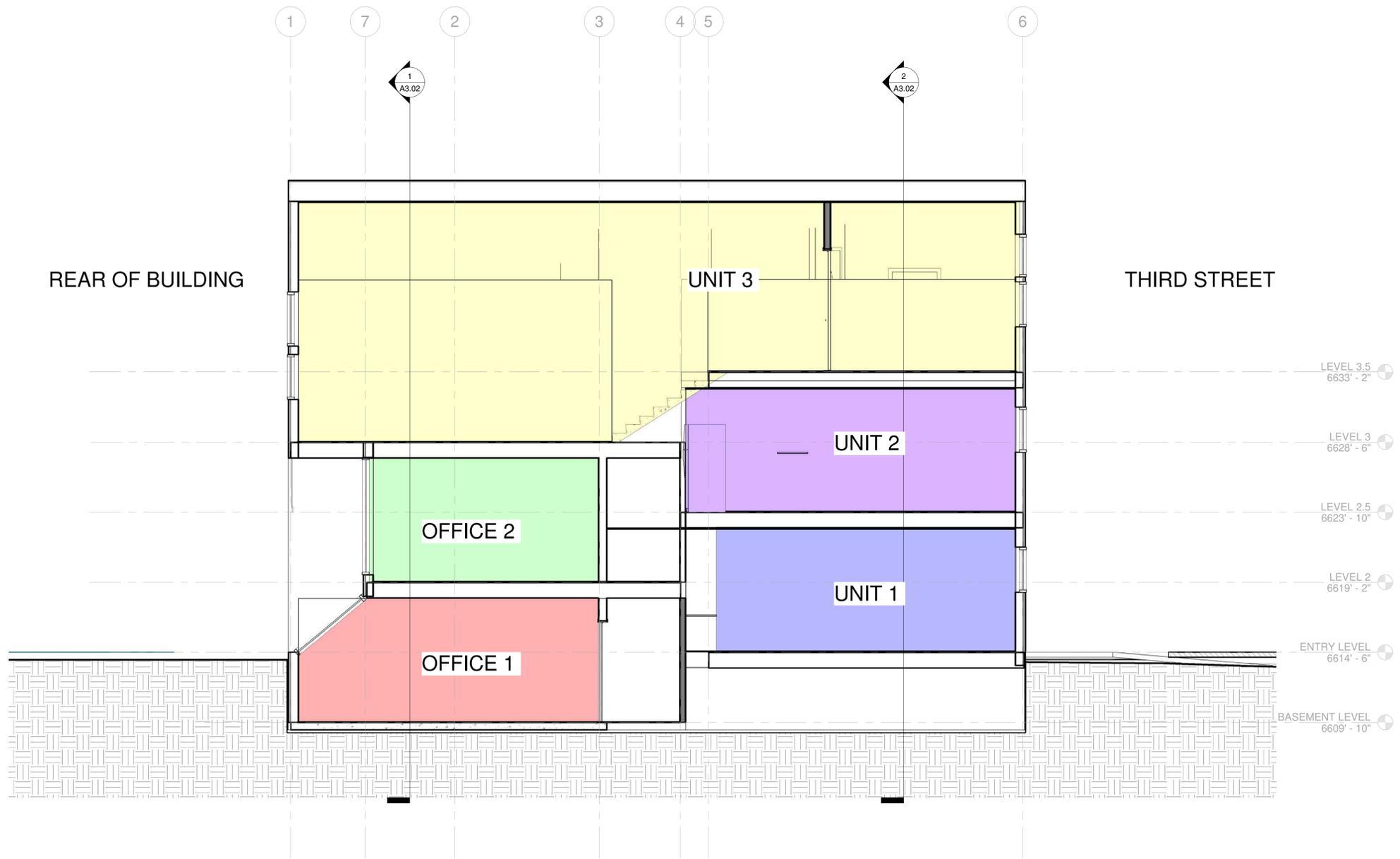
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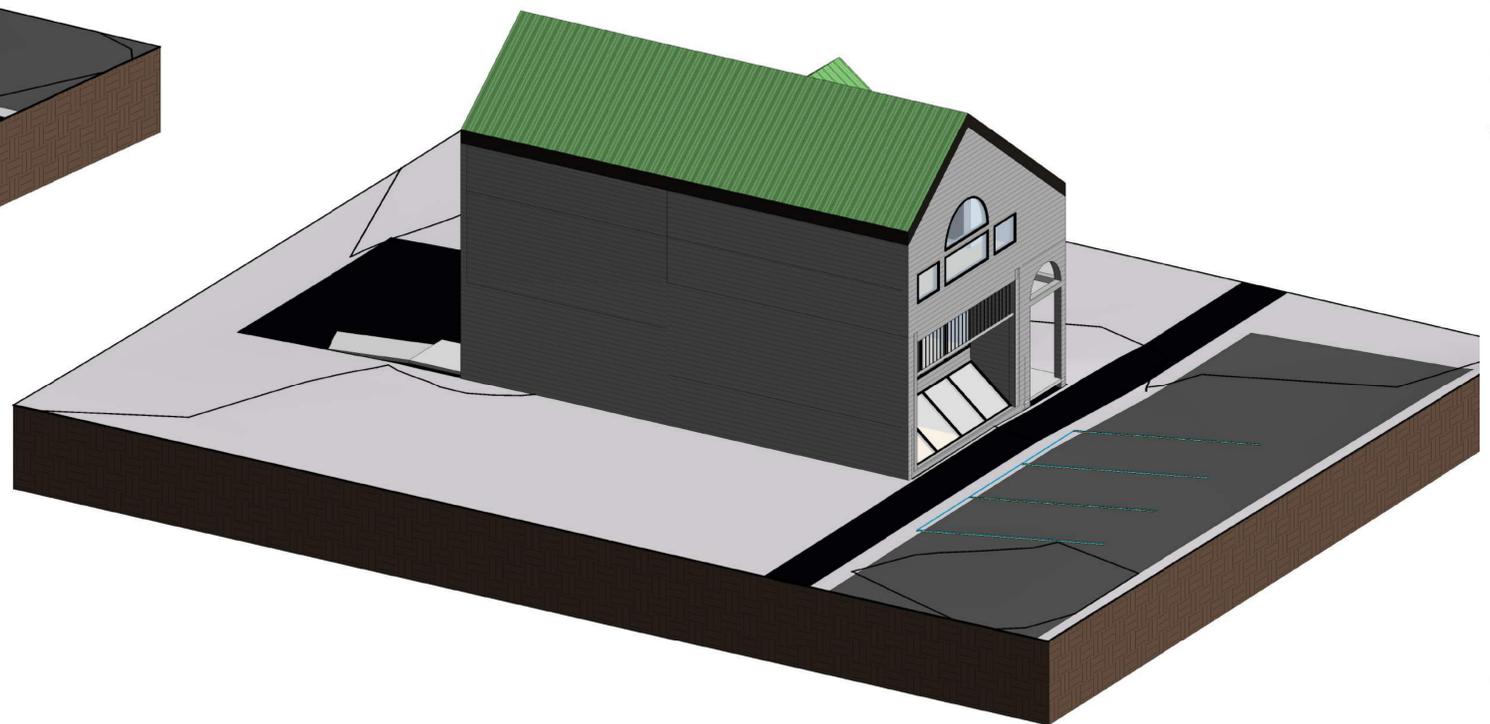
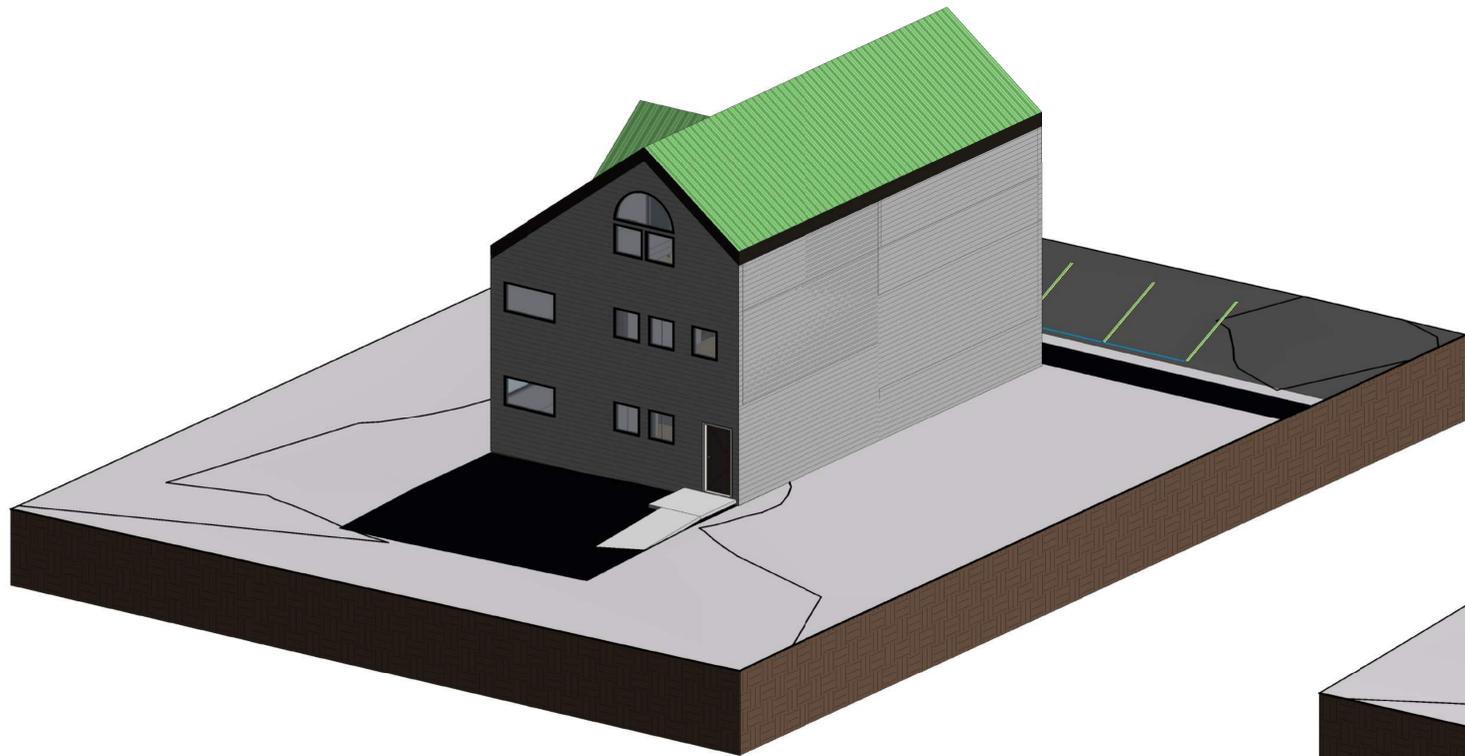
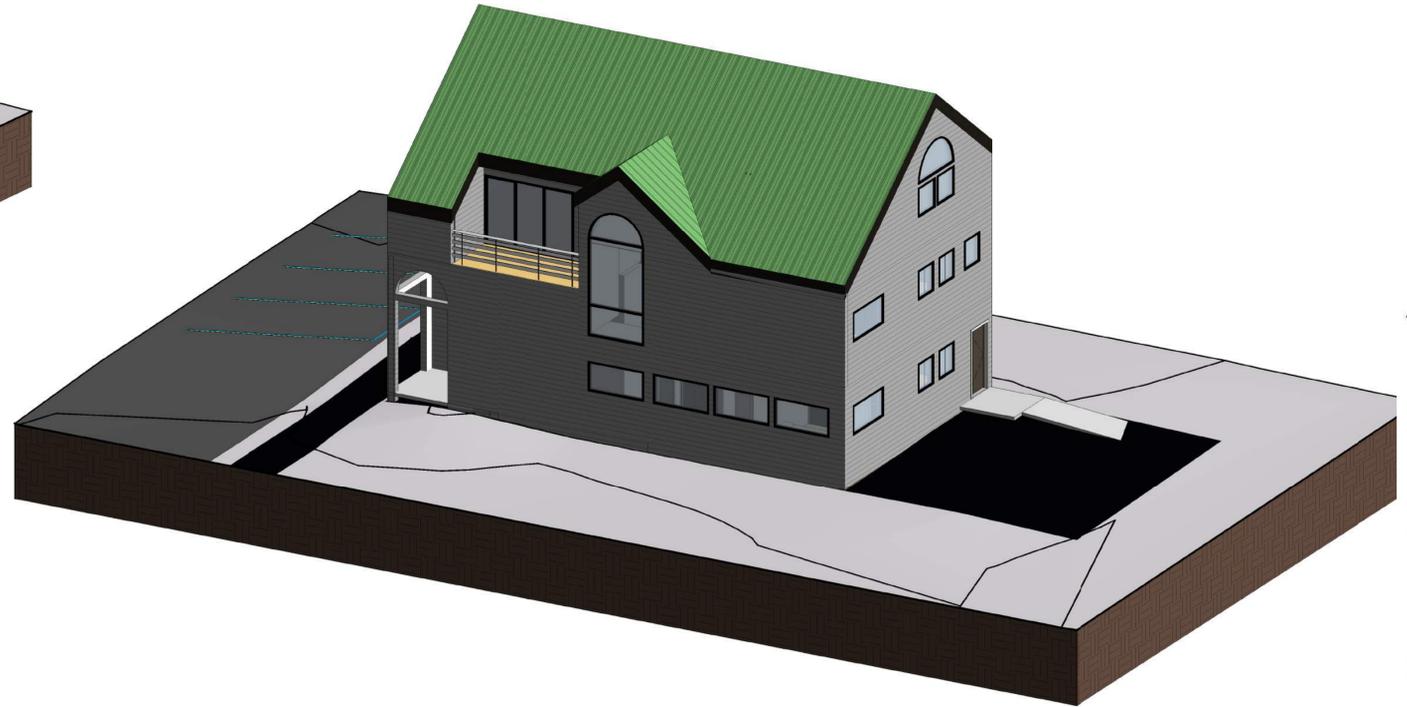
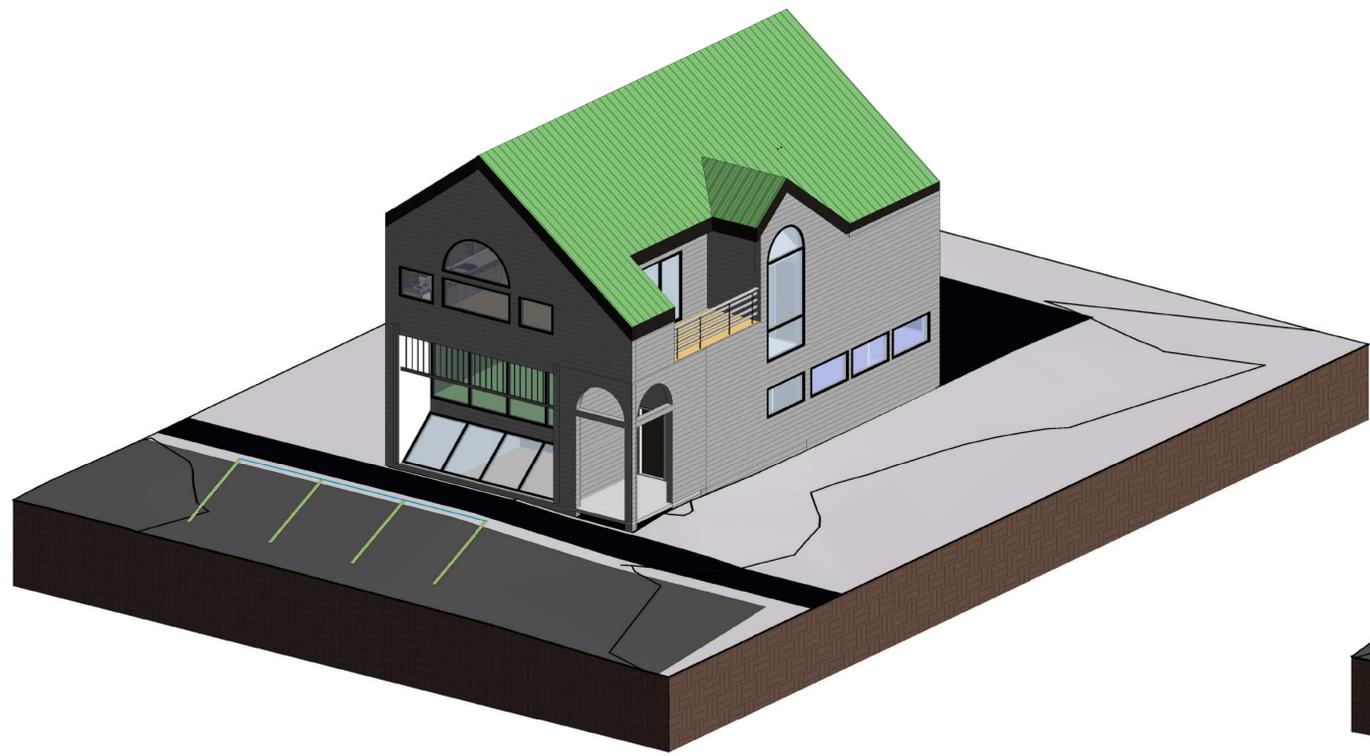
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1650 Faltridge Road, Suite C-1  
Vail, Colorado 81657  
t.(970) 476-4901 p.(970) 476-6342

BUILDING  
SECTION 1

A3.01



1 BUILDING SECTION 1  
1/4" = 1'-0"



10/29/2018  
ZONING VARIANCE

120 E THIRD STREET  
120 E THIRD STREET  
EAGLE, CO 81631

Project Number - 1832

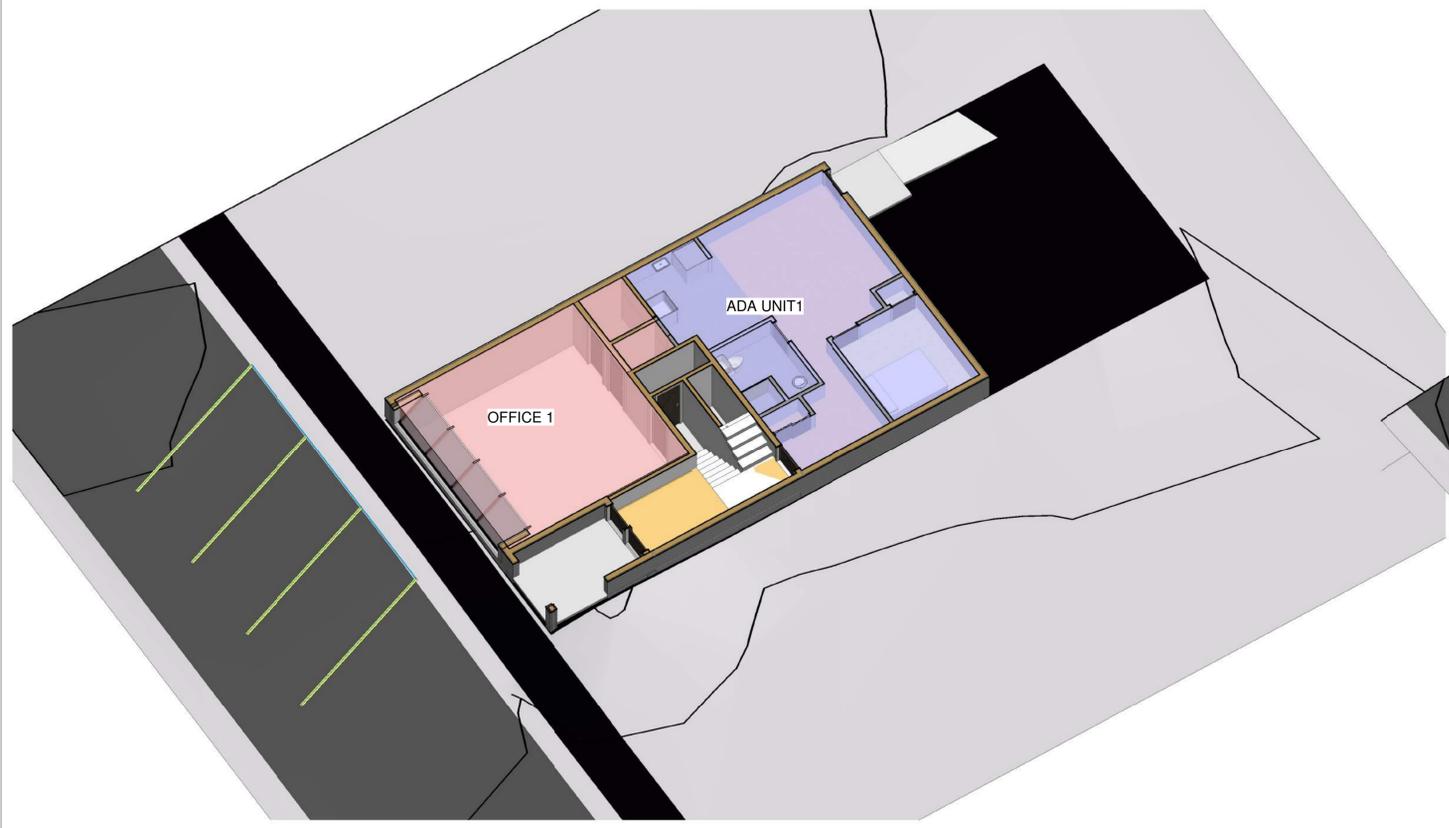
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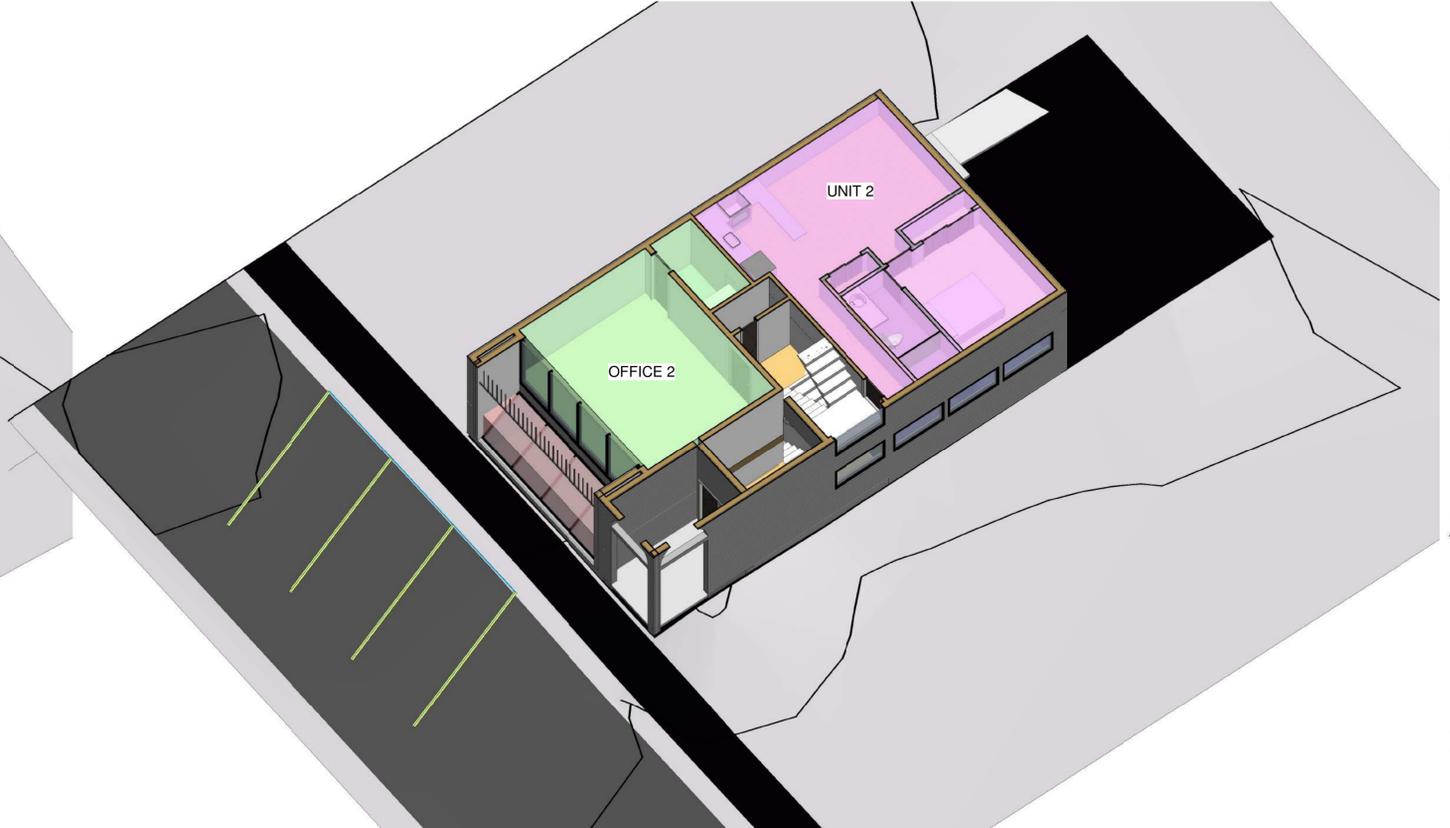
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1650 Faltridge Road, Suite C-1  
Vail, Colorado 81657  
t.(970) 476-4901 p.(970) 476-6342

3D MODEL

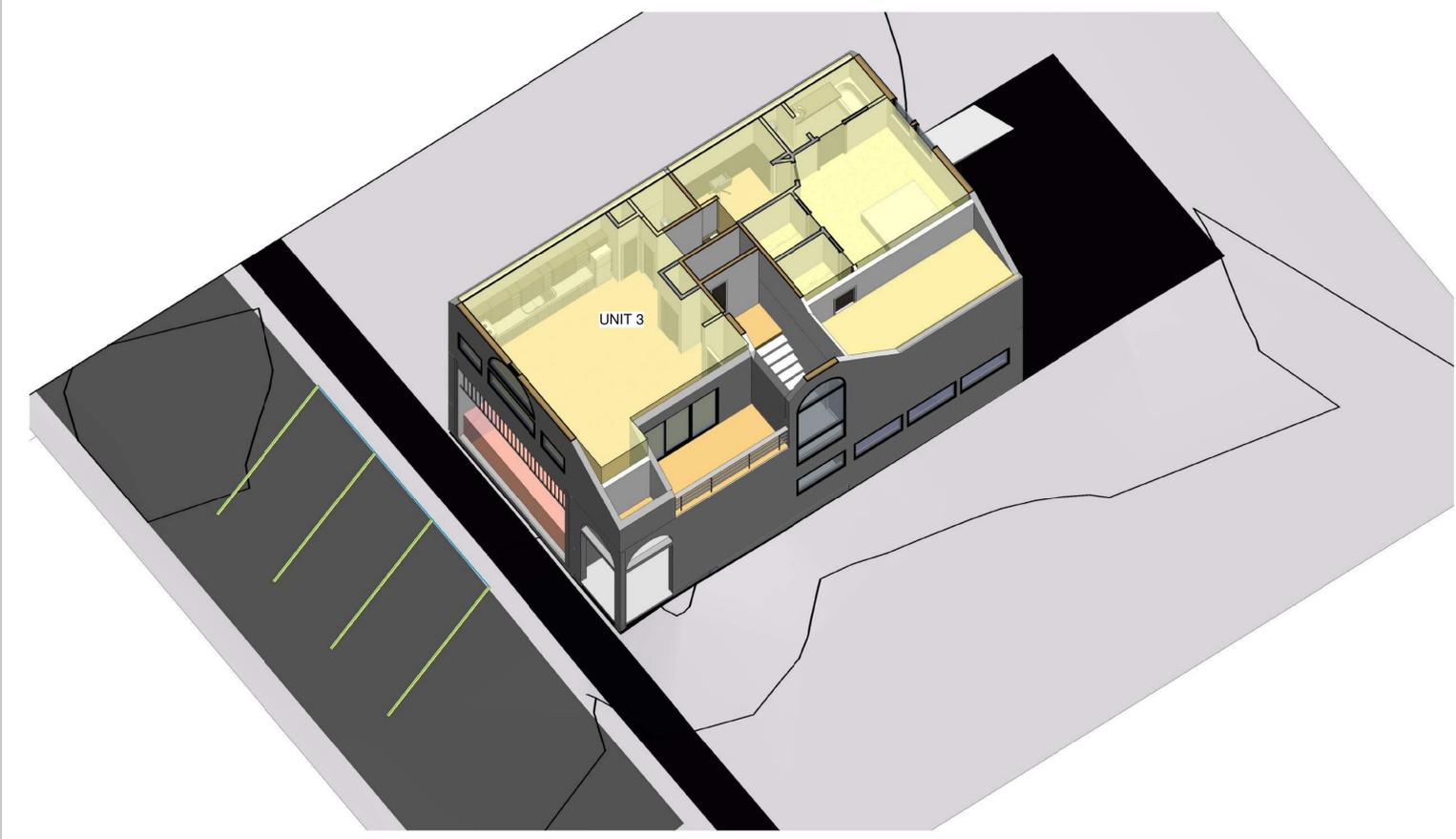
A9.01



① ENTRY/BASEMENT



② 2/2.5



③ 3/3.5

10/29/2018  
ZONING VARIANCE

120 E THIRD STREET  
120 E THIRD STREET  
EAGLE, CO 81631

Project Number - 1832

NOT FOR  
CONSTRUCTION



www.vailarchitects.com  
1650 Faltridge Road, Suite C-1  
Vail, Colorado 81657  
t.(970) 476-4901 p.(970) 476-6342

3D MODEL

A9.02

10/29/2018  
ZONING VARIANCE

120 E THIRD STREET  
120 E THIRD STREET  
EAGLE, CO 81631  
Project Number - 1832

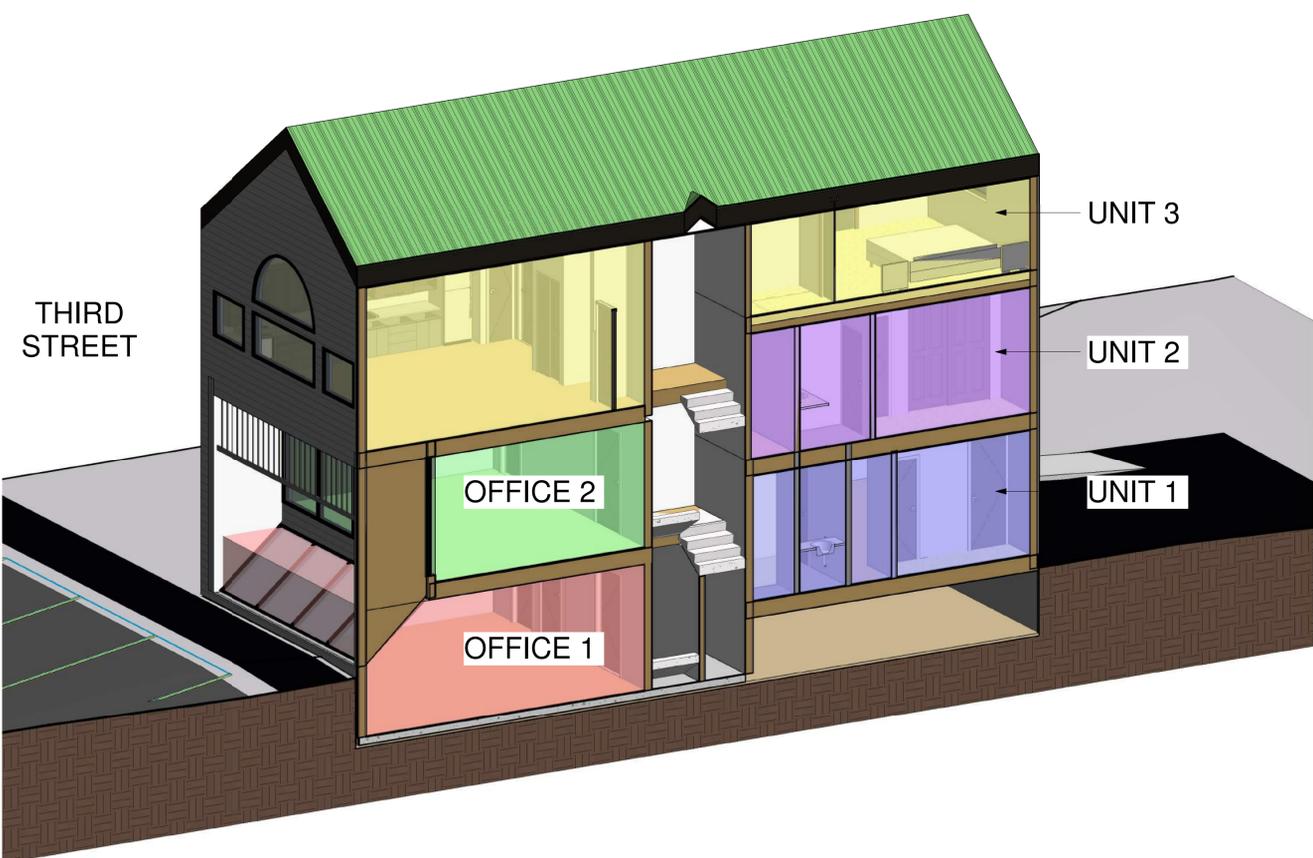
NOT FOR  
CONSTRUCTION



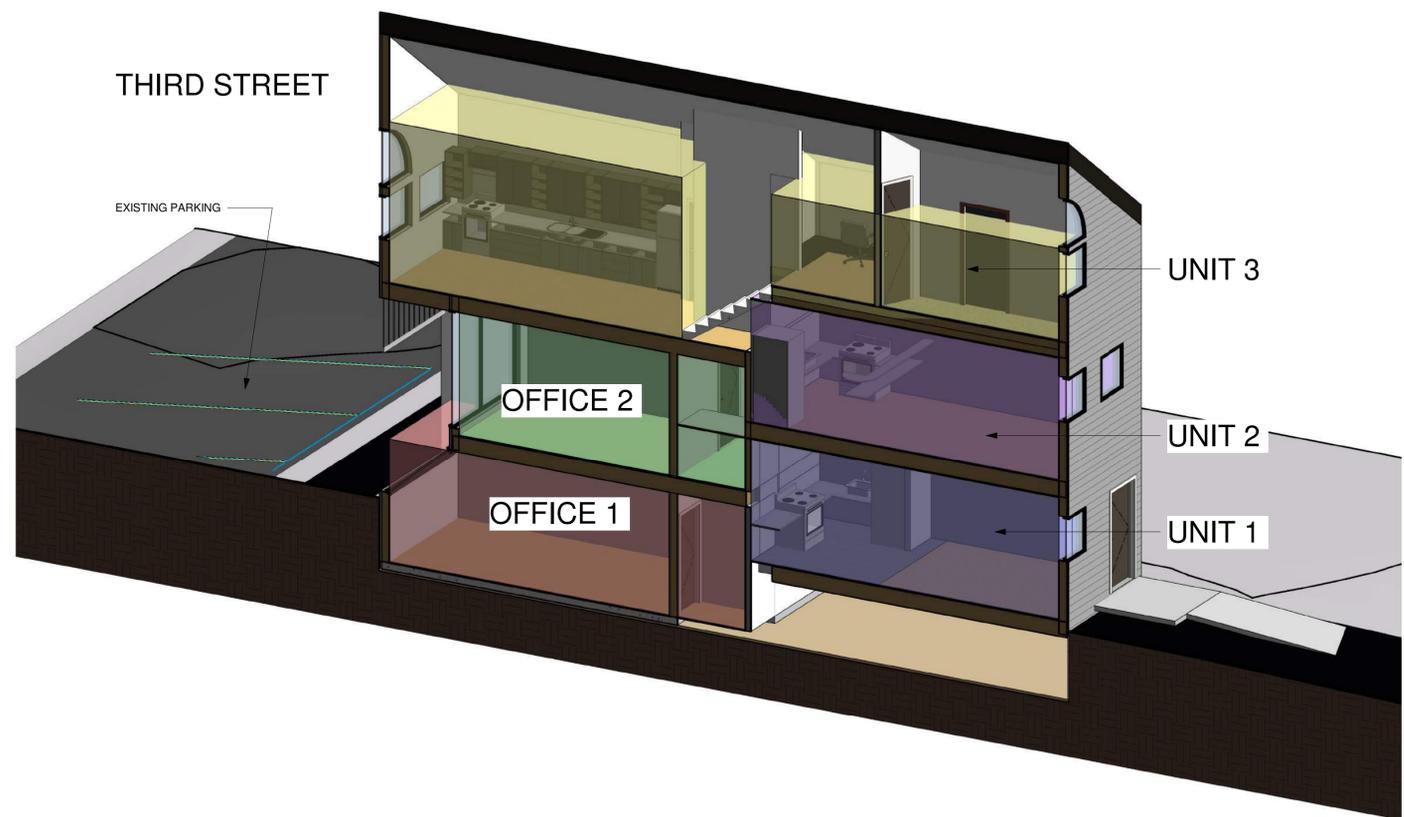
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Vail, Colorado 81657  
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3D MODEL

A9.03



1 SECTION 1



2 SECTION 2

# IMPROVEMENT LOCATION CERTIFICATE, 120 E THIRD ST

Town of Eagle, County of Eagle, State of Colorado

**DESCRIPTION**

WEST 29' OF LOTS 1 THRU LOT 3, Block 21, subdivision: EAGLE, Town of Eagle, Eagle County, State of Colorado.

**NOTES:**

- 1) DATE OF SURVEY: 5-31-18
- 2) STREET ADDRESS: 120 E THIRD ST (posted)
- 3) The legal description, record easement, and building setback locations were derived from the above referenced Plat of EAGLE. This survey was performed without the aid of a title commitment or policy.
- 4) Improvements and Apparent Deed Line locations are based upon monuments found at the time of this survey, as shown and described hereon.

**CERTIFICATION**

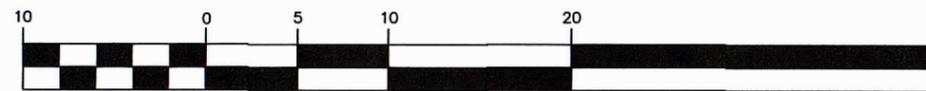
I hereby certify that this Improvement Location Certificate was prepared for the owners and that this is NOT a Land Survey Plat or Improvement Survey Plat, and that it is not to be relied upon for the establishment of fence, building, or other future improvements lines.

I further certify that the improvements on the above described parcel on this date, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no APPARENT evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

Patrick J. Quenon P.L.S. 37924  
Colorado Registered Professional  
Land Surveyor



**GRAPHIC SCALE**



( IN FEET )  
1 inch = 10 ft.

NOTICE: According to Colorado law you MUST commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

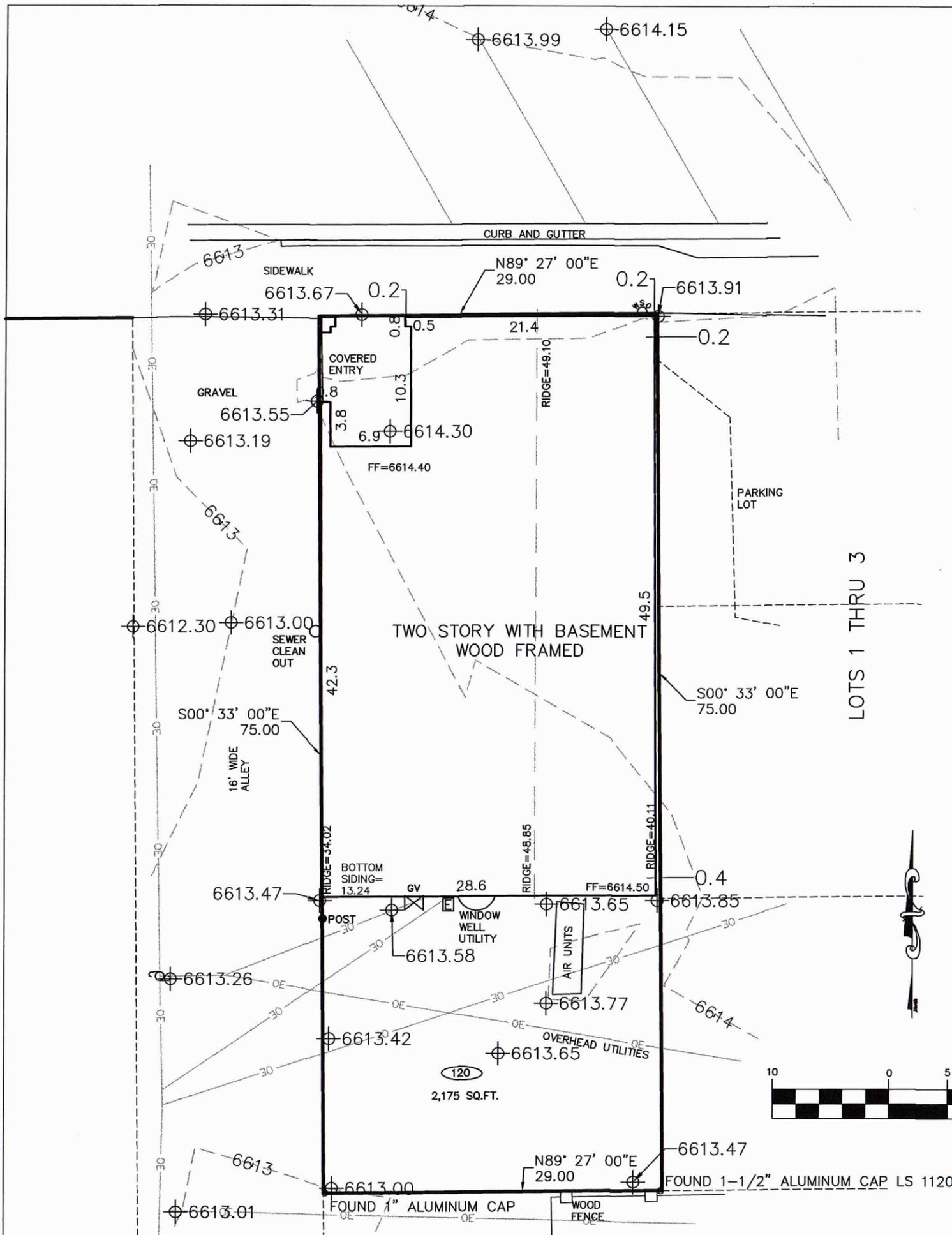
**IMPROVEMENT LOCATION CERTIFICATE**  
WEST 29 FEET OF LOT 1-3 , BLOCK 21 ,  
SUBDIVISION:

**EAGLE**  
Town of Eagle, County of Eagle, State of Colorado

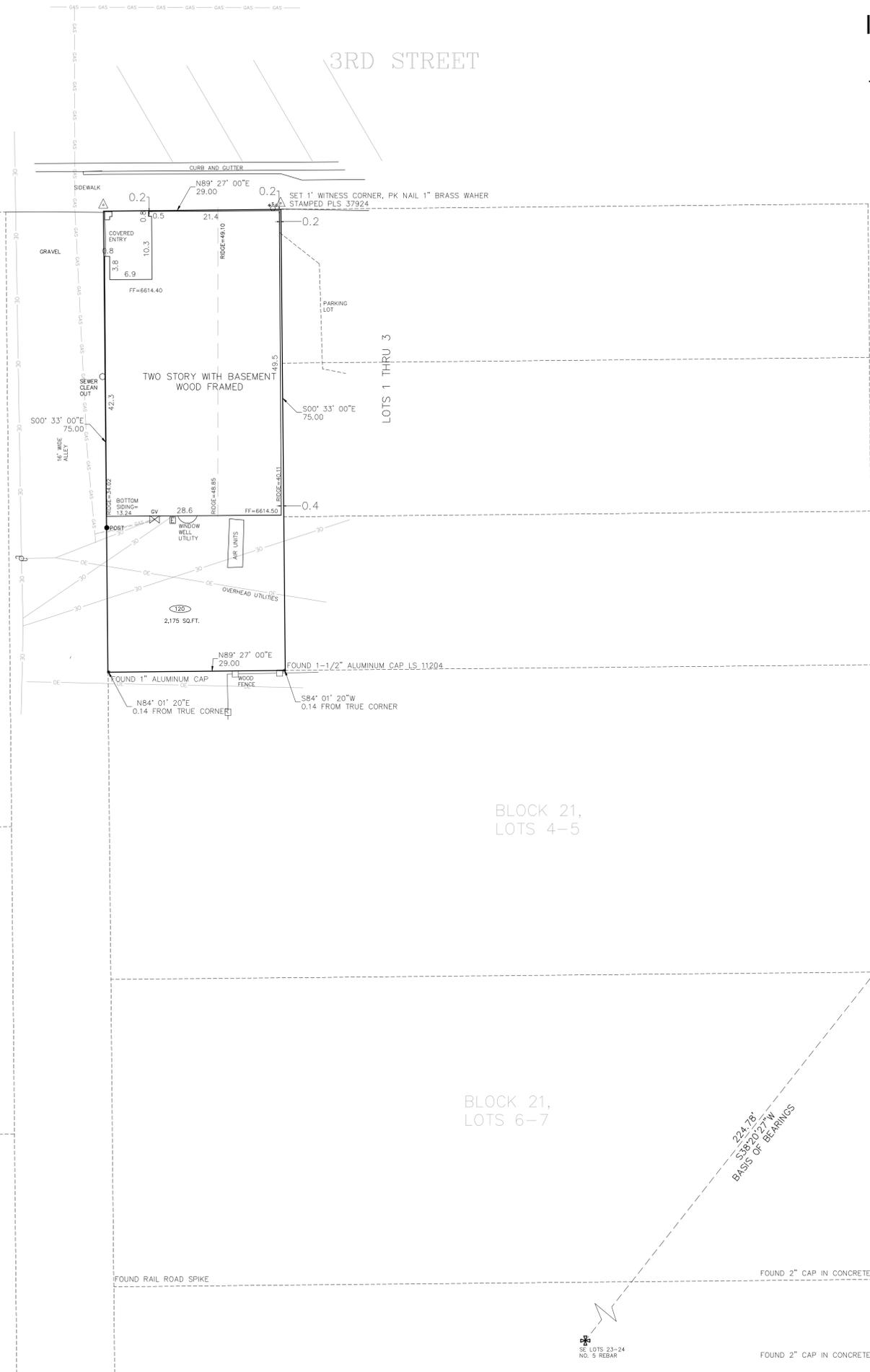
**Quenon Engineering and Surveying, LLC**  
P.O. Box 151, Eagle, Colorado, 81631, (970) 328-5117

DATE: **5-30-18**

DWG: **120THIRD**



**IMPROVEMENT SURVEY PLAT**  
**120 E THIRD ST**  
 Town of Eagle, County of Eagle, State of Colorado



PARCEL DESCRIPTION  
 WEST 29' OF LOTS 1 THRU LOT 3, Block 21, subdivision: EAGLE, Town of Eagle,  
 Eagle County, State of Colorado.

NOTES:

- 1) DATE OF SURVEY: 5-31-18, 12-05-18
- 2) STREET ADDRESS: 120 E THIRD ST (posted)
- 3) The legal description, record easement, and building setback locations were derived from the above referenced Plat of EAGLE. This survey was performed without the aid of a title commitment or policy.
- 4) Improvements and Apparent Deed Line locations are based upon monuments found at the time of this survey, as shown and described hereon.
- 5) BASIS OF BEARINGS of S 38°20'27" W between the Northeast corner for Lots 6-7, Block 21, being a found #5 rebar and the Southeast corner of Lots 23-24, Block 21, being a found #5 rebar.

LEGEND:

- FOUND 1-1/2" ALUMINUM CAP LS 11204
- ⊕ FOUND 3/4" (no. 5) rebar
- FOUND 2" SURVEY CAP IN CONCRETE
- △ SET PK NAIL AND 1" BRASS WASHER, PLS 37924

Surveyor's Certification:

I, Patrick J. Quenon, a Professional Land Surveyor in the State of Colorado, on the basis of my knowledge, information and belief do hereby certify to the Kunkel Family Partnership, LLP, that on December 5th, 2018 a property survey was made under my supervision, and as a result of a survey made to normal standards of care of a Professional Land Surveyor practicing in the State of Colorado, that the Survey herein is an accurate representation of the property as determined by this survey. All notes shown hereon are a part of this certification. The survey does not constitute a title search by Quenon Engineering and Surveying, LLC, to determine ownership or to verify the description shown; the compatibility of this description with that of adjacent properties; nor easements of record.



Patrick J. QuenonC  
 Colorado Registered  
 Professional Land Surveyor  
 PLS No. 37924

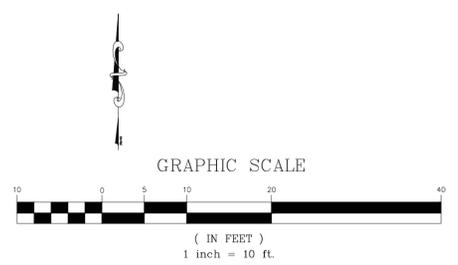
Filing Certificate:

Deposited this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ M.  
 in Book \_\_\_\_\_ of the County Surveyor's Land Survey  
 Plats/Right-of-Way Surveys at page \_\_\_\_\_  
 Reception Number \_\_\_\_\_

(signed) County Surveyor

BLOCK 21,  
 LOTS 4-5

BLOCK 21,  
 LOTS 6-7



According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

SE LOTS 23-24  
 NO. 5 REBAR

FOUND 2" CAP IN CONCRETE



## CERTIFICATE OF RECOMMENDATION

**TO:** Planning & Zoning Commission

**FROM:** Department of Community Development

**DATE:** January 15, 2019

**PROJECT NAME:** 101 & 115 E 2<sup>nd</sup> Street Lot Line Adjustment

**FILE NUMBER:** LLA18-07

**APPLICANT:** Bryan Desmond  
Marcin Engineering, LLC

**LOCATION:** 101 & 115 E 2nd Street

**APPLICABLE SECTION(S)  
OF MUNICIPAL CODE:** Section 4.12.030 (Lot Line Adjustment)

**EXHIBIT(S):**

- A. Application Form & Narrative
- B. Aerial Photo of Site
- C. Draft Final Plat
- D. DR18-01 Land Use Decision

**PUBLIC COMMENT:** No public comment received

**STAFF CONTACT:** Colton Berck, Planner I

**REQUEST:** Lot Line Adjustment to remove the shared lot line between lots 18-20, block 19 of the Eagle Subdivision, creating a single lot.

---

**DISCUSSION:**

The minor development permit for Broadway Station (DR18-01) was approved with conditions (see Exhibit D for Land Use Decision) by the Planning Commission on March 20, 2018. The project is to construct a mixed-use project in the Broadway Overlay District consisting of 3,975 square feet of commercial space and 22 studio apartments at 101 & 115 E 2nd Street.

This lot line adjustment is being requested due to the following reason:

- To combine the two lots and apply for a building permit.

---

**LOT LINE ADJUSTMENT STANDARDS**

Listed below are the findings required by Section 4.12.030 of the Land Use & Development Code for the process and approval of a Lot Line Adjustment:

1. The term “lot line adjustment” and the provisions of this section shall apply to subdivision in which a lot line or a portion thereof is being moved to a location different from that shown on an official plat filed with the County Clerk and Recorder and where the potential for development of resulting parcels remains substantially unchanged, in relation to number of lots, number of units, size of buildings, types of uses allowed, and similar factors.
2. The lot line adjustment complies with the town’s goals, policies, and plans.
3. That any adverse impacts resulting from the lot line adjustment be reasonably and adequately mitigated by the applicant to minimize such impacts.

---

**FINDINGS FOR A LOT LINE ADJUSTMENT**

Staff believes that this proposal is appropriate for review and approval under the Lot Line Adjustment provision of the code as the use of lots remains unchanged and general number of lots is from two to a single lot. There are no changes to the boundary of either lot, other than the shared lot line being removed.

As mentioned in the discussion portion above, the purpose of the lot line adjustment is to enable the developer to consolidate the two lots and apply for a building permit as a single building cannot exist on multiple lots according to Town Code. Additionally, as single lot cannot contain multiple sewer and water service lines (per Title 12 of the Municipal Code), Public Works has requested a condition that any redundant water and sewer lines be abandoned within six months of building permit issuance. Staff believes that these factors meet standard 2 as they bring the developer into compliance with the Town’s land use, utility, and building regulations.

The consolidation of lots does not impact the existing use or future use of the property, particularly as the Central Business District and Broadway Overlay District have no minimum front yard and side yard requirements. This adjustment does not create a substantial impact on the other existing residential or commercial uses of the area and is necessary for an approved project to come to fruition. This application has been reviewed and approved by the Public Works Department, Town Attorney, and Third-Party Surveyor. Staff believes these factors meet standards 1 and 3 as the lot-line adjustment does not substantially change or negatively impact the lots in question or any surrounding lots.

---

**STAFF RECOMMENDATION**

Staff recommends approval of LLA18-07 based on the standards 1 through 3 for a Lot Line Adjustment with the following conditions:

1. The final plat document will be revised to reflect final technical comments from the Town Engineering and Public Works Departments, Town Attorney, and the Town’s 3<sup>rd</sup> Party Surveyor.
2. Redundant water and sewer lines to lot shall be abandoned within six months after building permit issuance, as approved by the Public Works Director.



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

**LAND USE & DEVELOPMENT PERMIT APPLICATION**  
*Pursuant to the Land Use & Development Code, Title 4*

<p><b>ZONING REVIEW</b></p> <input type="checkbox"/> Special Use Permit <input type="checkbox"/> Zoning Variance <input type="checkbox"/> Rezoning <input type="checkbox"/> Temporary Use Permit <input type="checkbox"/> Amendment to Zone District Regulations	<p><b>DEVELOPMENT REVIEW</b></p> <input type="checkbox"/> Minor Development Review <input type="checkbox"/> Major Development Review	<p><b>SUBDIVISION OR PLANNED UNIT DEVELOPMENT REVIEW</b></p> <input type="checkbox"/> Concept Plan <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Final Plat <input checked="" type="checkbox"/> Lot Line Adjustment <input type="checkbox"/> Condominium / Townhouse <input type="checkbox"/> Minor Subdivision <input type="checkbox"/> P.U.D. Zoning Plan
--	---	--

PROJECT NAME 2<sup>nd</sup> and Broadway

PRESENT ZONE DISTRICT Central Business District PROPOSED ZONE DISTRICT \_\_\_\_\_  
 (if applicable)

**LOCATION**

STREET ADDRESS 101 E. 2<sup>nd</sup> Street / 115 E. 2<sup>nd</sup> Street

**PROPERTY DESCRIPTION**

SUBDIVISION Town of Eagle (1906 MAP) LOT(S) 18,19,20 BLOCK 19  
 (attach legal description if not part of a subdivision)

DESCRIPTION / PURPOSE lot line adjustment to abandon dividing lot line and combine two parcels into one for development.

APPLICANT NAME Bryan Desmond PHONE 970-376-7162

ADDRESS P.O. Box 3518 Eagle, CO 81631 EMAIL bryan@desmondhomebuilders.com

OWNER OF RECORD Second and Broadway Ltd PHONE 970-376-7162

ADDRESS PO Box 3 Eagle, CO 81631 EMAIL bryan@desmondhomebuilders.com

REPRESENTATIVE Marcin Engineering, LLC PHONE 970-748-6274

ADDRESS 101 Eagle Rd #5, Aron CO 81620 EMAIL greg@marcinengineering.com

The above information is correct and accurate to the best of my knowledge.

Signature [Handwritten Signature]

Date 11/2/18

*In addition to the Application Fee payable at time of Land Use Application, costs related to public notices, postage, Town Attorney Fees and any related outside consultant fees required to review the application shall be billed to the applicant.*

<b>FOR OFFICE USE ONLY</b>		
DATE RECEIVED _____	BY _____	FILE NUMBER _____
REVIEW FEE _____	DATE PAID _____	RECEIVED BY _____
DATE CERTIFIED COMPLETE _____	BY _____	
P&Z HEARING DATE _____	DECISION _____	
TBOT HEARING DATE _____	DECISION _____	



October 22, 2018

Colton Berck, Planner I  
Town of Eagle  
200 Broadway, PO Box 609  
Eagle CO 81631

**RE: 2<sup>nd</sup> and Broadway – Lot Line Adjustment Application  
Request Narrative**

Dear Colton:

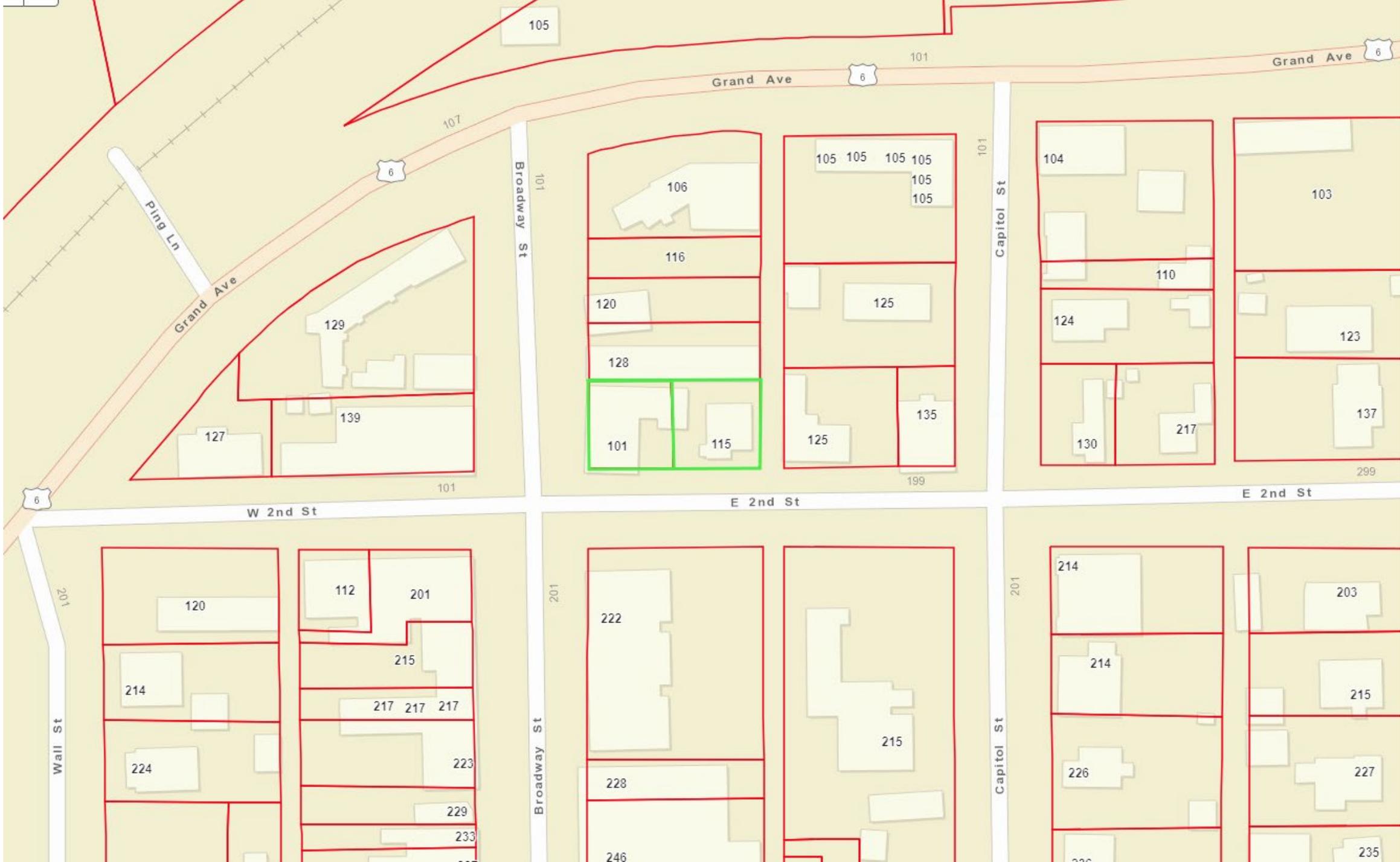
On behalf of Bryan Desmond and Second and Broadway Ltd., please see the attached application for a lot line adjustment at the properties of 101 E. 2<sup>nd</sup> Street and 115 E. 2<sup>nd</sup> Street in Eagle, Colorado. The purpose of this application is to abandon the property line that runs north to south between said properties, thus creating a single lot for development.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory Olson".

Gregory Olson

**MARCIN ENGINEERING, LLC**



# Final Plat 2ND & BROADWAY STATION A RESUBDIVISION OF LOTS 19 & 20 AND A PORTION OF LOT 18, BLOCK 19 Town of Eagle, County of Eagle, State of Colorado

### Certificate of Dedication and Ownership

Know all men by these presents that Second and Broadway, Ltd., a Colorado limited liability company being sole owners in fee simple, mortgagee or lienholder of all that real property situated in Eagle County, Colorado described as follows:

Parcel I:  
The West 51 feet of Lots 19 and 20, and  
The West 51 feet of the South 15 feet of Lot 18, Block 19, Town of Eagle,  
County of Eagle, State of Colorado

Parcel II:  
The East 74 feet of Lots 19 and 20,  
The East 74 feet of Lot 18, Block 19, Town of Eagle,  
County of Eagle, State of Colorado

Containing 0.186 acres more or less; have by these presents laid out, platted and subdivided the same into lots and blocks as shown on this final plat under the name and style of 2ND & BROADWAY STATION, A RESUBDIVISION OF LOTS 19 & 20, AND A PORTION OF LOT 18, BLOCK 19, subdivision in the Town of Eagle; and do hereby accept the responsibility for the completion of the required improvements; and do hereby dedicate and set apart all of the public roads and other public improvements and places as shown on the accompanying plat to the use of the public forever; and do hereby dedicate those portions of said real property which are created as easements on the accompanying plat to the public forever as easements for the purposes shown herein, unless otherwise expressly provided thereon; and do hereby grant the right to install and maintain necessary structures to the entity responsible for providing the services for which the easements are established.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_

By: \_\_\_\_\_ Title \_\_\_\_\_

Owners— Second and Broadway, Ltd.; a Colorado limited liability company

Address: PO Box 3518

Eagle, CO 81631

STATE OF COLORADO )  
                                  )SS  
COUNTY OF EAGLE    )

The foregoing Certificate of Dedication and Ownership was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_ by \_\_\_\_\_ as \_\_\_\_\_ of 980 Winslow, LLC.

My Commission expires \_\_\_\_\_  
Witness my hand and official seal.

(SEAL) \_\_\_\_\_  
Notary Public

### PLANNING COMMISSION CERTIFICATE

This plat approved by the Town of Eagle Planning Commission the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

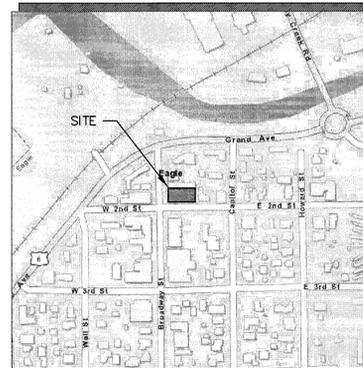
\_\_\_\_\_  
Chairman

### SURVEYOR'S CERTIFICATE

I, Thomas S. Marcin, do hereby certify that I am a Professional Land Surveyor licensed under the laws of the State of Colorado, that this plat is a true, correct and complete Plat of the 2nd & Broadway Station Subdivision, as laid out, platted, dedicated and shown hereon, that such plat was made from an accurate survey of said property by me and/or under my supervision and correctly shows the location and dimensions of the lots, staked upon the ground in compliance with Title 38, Article 51, C.R.S., as amended, and all other regulations governing the subdivision of land.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2018.

Thomas S. Marcin, PLS 37999  
Professional Land Surveyor  
State of Colorado



VICINITY MAP APPROXIMATE SCALE 1" = 400'  
Section 32, T4S, R84W, 6th PM

LAND USE SUMMARY			
PARCEL 1	3311 SF ±	101 E. SECOND ST	VACATED
PARCEL 2	4792 SF ±	115 E. SECOND ST	VACATED
LOT 1	8103 SF ±	115 E. SECOND ST	MIXED USE - COMMERCIAL/RESIDENTIAL

### BOARD OF TRUSTEES CERTIFICATE

This plat approved by the Board of Trustees of the Town of Eagle, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ for filing with the Clerk and Recorder of Eagle County, Colorado, and for conveyance or dedication to the Town of the public dedications shown hereon; subject to the provisions that approval in no way obligates the Town of Eagle for financing or constructing of improvements on said lands, streets or easements dedicated to the public except as specifically agreed to by the Board of Trustees of the Town of Eagle. Further, said approval in no way obligates the Town of Eagle for maintenance of public improvements until construction of said improvements has been completed in accordance with the Town of Eagle's specifications and the Town of Eagle has agreed to accept said improvements. This approval does not guarantee that the size, soil conditions, sub-surface geology, ground water conditions, or flooding conditions of any lot shown hereon are such that a building permit, development permit, or any other required permit will be issued. This approval is with the understanding that all expenses involving required improvements for all utility services, paving, grading, landscaping, curbs, gutters, sidewalks, road lighting, road signs, flood protection devices, drainage structures, and all other improvements that may be required shall be the responsibility of the owners designated hereon and not the Town of Eagle, unless otherwise specifically agreed to in writing by the Board of Trustees.

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

By: Mayor \_\_\_\_\_ Town Clerk \_\_\_\_\_

### CLERK AND RECORDER'S CERTIFICATE

This Plat was filed for record in the office of the Eagle County Clerk and Recorder at \_\_\_\_\_ o'clock \_\_\_\_M., on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and is duly recorded at Reception No. \_\_\_\_\_

EAGLE COUNTY CLERK & RECORDER

By: \_\_\_\_\_  
Deputy

### NOTES:

- 1) Survey Date: December 12, 2017
- 2) The purpose of this Minor Subdivision Plat is to combine Parcel 1 as created by Quit Claim Deed recorded in Book 563 Page 599 on September 30, 1991 and Parcel 2 as created by Quit and Claim Deed recorded in Book 347 Page 285 recorded October 15, 1982, by vacating their shared property line thus creating Lot 1, 2nd and Broadway Station. Property lines separating Lots 18 and 19, as well as Lots 19 and 20 of Block 19, Town of Eagle according to the 1906 Map said property lines being entirely within Parcels 1 and 2, will also be vacated as part of this Plat.
- 3) Basis of bearings is S 63°04'32" E between the northwest and southeast corners of Parcel A, monumented as shown hereon.

### TITLE CERTIFICATE

Commonwealth Land Title Insurance Company does hereby certify that it has examined the title to all lands shown on this Plat and that title to such lands is vested in Second and Broadway, Ltd., a Colorado limited liability company free and clear of all liens and encumbrances, except as follows: \_\_\_\_\_

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Title Examiner

### CERTIFICATE OF TAXES PAID

I, the undersigned, do hereby certify that the entire amount of taxes and assessments due and payable as of \_\_\_\_\_ upon all parcels of real estate described on this plat are paid in full.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Treasurer of Eagle County



# PRELIMINARY

Final Plat 2ND & BROADWAY STATION A RESUBDIVISION OF LOTS 19 & 20 AND A PORTION OF LOT 18, BLOCK 19 Town of Eagle, County of Eagle, State of Colorado	
DRAWN BY: DRL	DATE: 10/31/18
CHECKED BY: TSM	DRAWING NO.: PLAT
JOB NO: 17093	SHEET: 1 OF 2



**MARCIN ENGINEERING LLC**  
  
P.O. BOX 1062  
AVON, CO 81620  
(970) 748-0274  
(970) 748-9021 FAX

NOTICE: According to Colorado law you MUST commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.





## NOTIFICATION OF LAND USE DECISION

**FILE NUMBER: DR18-01**

*This form represents a notification of decisions rendered by the Town of Eagle Board of Trustees and/or the Planning and Zoning Commission in response to the application for land use action described below and pursuant to Title IV of the Eagle Municipal Code.*

**APPLICANT:** BDES, Inc. – Bryan Desmond

**OWNER OF RECORD:** Kay Guffey

**DATE OF APPLICATION:** January 18, 2018

**LOCATION:** 101 & 115 East 2<sup>nd</sup> Street, Eagle, CO 81631

**DESCRIPTION OF REQUEST:** Minor Development Permit for a mixed-use project in the Broadway Overlay District consisting of 3,975 square feet of commercial space and 22 studio apartments.

### **PLANNING COMMISSION ACTION:**

Approval of following variances:

1. 11'2" storefront window heights (12' window height required).
2. A reduction of 16 spaces in required on-site parking (22 required).
3. Five of the six on-site parking spaces to be designated as compact. Compact parking spaces have a minimum size of eight feet in width and sixteen feet in length.
4. Allow for an 11' rear-yard setback.

Positive determination of Adequate Public Facilities.

Approval of file DR18-01 with the following conditions:

1. An encroachment agreement will be required at building permit to include all items (awnings, landscaping, patio furniture, etc.) intended for placement or overhang in the public right of way.
2. All signs shall require a sign permit and will be subject to Town sign code.
3. A photometric plan and fixtures with wattage/lumens shall be provided at the time of building permit application for review and approval of the Town Planner.
4. Building permit submittal shall include details of on-site parking signage and other signage planned for parking area.



5. The final civil plans shall include all conditions and final comments from the Town Engineer, Public Works, and Planning Department for review and approval by the Town Planner and the Town Engineer prior to issuance of Minor Development Permit.
6. Project will maintain a 240% maximum floor area to be verified at building permit.

**DATE:** March 20, 2018

**BOARD OF TRUSTEES ACTION:** N/A

**DATE OF COMMENCEMENT:** March 20, 2018

**TERM:** Development permit shall expire upon the first occurrence of the following events:

1. Three (3) years from its effective date, unless application for a building permit is made or unless application for renewal of the development permit is approved, pursuant to Chapter 4.06 of the Land Use and Development Code; or
2. Upon expiration of the building permit for such development if such expiration occurs at least three (3) years following the effective date of the development permit; or
3. Upon abandonment of the development, if such abandonment occurs at least three (3) years following the effective date of the development permit. Abandonment shall be defined as the date one (1) year after the last significant progress toward the construction of the development occurred. Abandonment shall be determined at the sole discretion of the Building Official, and such determination may be appealed pursuant to Section 4.03.050 of the Land Use and Development Code.

Morgan Landers  
Community Development Director-Town Planner

3.30.18

Date