



**Planning and Zoning Commission
Meeting Minutes
March 19th, 2019**

PRESENT

Jason Cowles, Chair
Stephen Richards
Charlie Perkins
Jesse Gregg
Matthew Hood
Bill Nutkins

STAFF

Carrie McCool- Interim Town Planner
Colton Berck- Planner I
Dawn Koenig- Admin Technician

ABSENT

Kyle Hoiland
Brent McFall

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 was called to order by Jason Cowles at 6:30p.m.

INTERIM PLAN FOR TOWN PLANNER

Town Manager Brandy Reitter introduced Carrie McCool with McCool Development Solutions as the Interim Town Planner. Reitter said she will be updating the Commissioners on the transition at a later time.

APPROVAL OF MINUTES

Commissioner Hood made a motion to approve the minutes of the March 5th, 2019 meeting. Commissioner Gregg seconded. Perkins and Nutkins abstained as they were not present at the meeting. All others present voted in favor. The motion passed.

CORRECTION OF MINUTES

There was an error in need of correction in the minutes from the February 5, 2019 meeting of the Planning and Zoning Commission. Commissioner Richards moved to approve the correction. Hood seconded. Commissioner Perkins abstained as he was not present at the meeting. All others voted in favor. The motion passed.

PUBLIC COMMENT

None.

COMPREHENSIVE PLAN AND LAND USE CODE REWRITE UPDATE

Colton Berck presented a status update on the project to the Commission. He noted recent community outreach and online engagement efforts and said that the committee for the Comprehensive Plan is currently working on redefining vision statements for the five theme statements.

QUESTIONS

Greggs asked when the draft of the Comprehensive Plan will be available. Berck said that July 29th is the current target date.

LAND USE FILES

S18-01 Haymeadow Subdivision Filing 1

Commissioner Cowles opened file S18-01, a request to formally plat the entire boundary of the Haymeadow property and address the requirements of the approved Haymeadow Annexation and Development Agreement that are triggered at Final Plat approval.

STAFF REPORT AND PRESENTATIONS

Project Representative Rick Pylman gave a presentation on the file. He gave a summary of the background of the file and vision for the entire project.

He spoke about the traffic and wildlife concerns that were addressed at the PUD approval in 2014.

Project Civil Engineer Gary Brooks with Alpine Engineering presented details on a traffic impact study for the project that was completed in 2013. He noted the various triggers for road improvements the developers are responsible for installing around the development and the timing for the Brush Creek Road extension. Brooks mentioned other road improvements identified in the traffic study and said that it is the Town's responsibility to identify if and when these other improvements are made. He stated that Haymeadow contributes funding to the Town for these improvements through impact fees and a real estate transfer tax applied to every lot sold in the development.

Rick Pylman explained what gets triggered after approval of this file according to the Annexation and Development Agreement. He said that approval of the final plat for the first subdivision does not create or allow any vertical development. Pylman noted that the Annexation and Development Agreement stipulates that the Town needs to approve the architectural and design guidelines before any building permit application is accepted for any of the single family or duplex lots. He noted the infrastructure elements and land dedications that will commence upon approval of this file.

Pylman stated that all irrigation in the Haymeadow development will be provided by a non-potable system and that flood irrigation will continue to be used on the agricultural land.

Pylman concluded by saying that the project has gone through an extensive review process with Town Staff and third-party consultants. He stated that the developers agree with all of the Town Staff recommended conditions of approval.

Carrie McCool, of McCool Development presented an over view of the file including the applicant, location, zoning, current use, and request. She gave an overview of the previous approval for the Haymeadow PUD that was approved by the TBOT on May 25th, 2014.

McCool then gave an overview of Haymeadow Filing 1 noting the platting and dedications that will take place upon approval as well as the major infrastructure and site work.

McCool presented the three standards of approval for a final plat:

1. Technical Standards have been met.
She noted that this project has been sent out for referral to internal as well as external agencies. Many of the items are related to engineering, McCool said. She stated that staff finds that this file has Demonstrated consistency with technical standards (i.e., prepared by a registered surveyor, legal description, street names, addresses, certification blocks)
2. Conformance with the approved preliminary plan.
McCool stated that the applicants are in conformance with the approved preliminary plan. She noted however that there were the following adjustments made that exceed code requirements:
 - The final plat includes the entirety of the property, the preliminary plan didn't include the full annexed property.
 - Specific acreages for all tracts and lots being created by the plat, the preliminary plan only included tract and lot lettering/numbering.
 - Addresses and street names.
 - The preliminary plan included the platting of all of Neighborhood A1, however, Filing 1 only includes a portion of Neighborhood A1 (see Exhibit I), as such, the full extent of Sylvan Lake Rd to Ouzel lane is not being platted at this time.
 - The general shape of the Fire Station Parcel has changed, however, the acreage remains consistent with the requirements of the ADA
 - The preliminary plan didn't include the 30' wide right-of-way dedication along Brush Creek Road as required by the ADA. The final plat includes this.
 - The final plat includes a more extensive land use summary outlining parcel label, area, land use, and address.
3. Compliance with the Annexation and Development Agreement. McCool stated that the proposal is in compliant, however the following adjustments needed to be made and will be addressed with conditions:
 - Wetland Dedication, Restoration and Enhancement – Success Criteria required to benchmark success of enhancement.
 - Raw water irrigation required for MF and common area/parks – must be constructed to serve each phase of the development.
 - Transfer Assessment Covenant Required.
 - Landscape Standards for Streetscapes shall be reviewed and approved.
 - Construction Operations Plan must be reviewed and approved by Public Works.

McCool said that Staff recommends approval of the Haymeadow Subdivision Filing 1, Final Plat with the following conditions:

1. No building permit application or Development Permit application shall be accepted by the Town of Eagle until the Design Guidelines establishing architectural and building material standards, landscape design, urban design, site design standards and a design review process for development within Haymeadow have been reviewed and approved by the town of Eagle as outlined in the Subdivision Improvements Agreement.
2. Protective covenants, homeowners' association (HOA) documents, and articles of incorporation for HOA including the Transfer Assessment Covenant shall be finalized prior to final plat recording.

3. Success Criteria for the Ecological Restoration Plan and Wetland Enhancement Plan shall be approved by the Public Works Director and Open Space Manager prior to execution of the Subdivision Improvements Agreement.
4. A maintenance agreement shall be executed between the Town of Eagle and the Haymeadow Metropolitan District prior to the acceptance of any public improvements as outlined in the Subdivision Improvements Agreement.
5. A Raw Water Irrigation Operations Plan shall be submitted for review and approval prior to execution of the Subdivision Improvements Agreement.
6. The final Landscape Standards for Streetscapes shall be approved by the Town Planner prior to execution of the Subdivision Improvements Agreement.
7. A Construction Operations Plan shall be submitted for review and approval prior to execution of the Subdivision Improvements Agreement.
8. Final technical comments from Town Planner, Town Engineer, and Town Attorney shall be addressed prior to final plat recording.

Q & A

Commissioner Hood asked about a condition in the ADA regarding the metro district service plan that did not have the date in the materials provided to the Commissioners. Pylman said that metro district service plan is in place and they are up and running and have been holding regular meetings.

Commissioner Cowles asked what the responsibilities are of the metro district. Pylman said that they are working on a Maintenance and Operations Agreement that outlines what the Town is responsible for maintaining and what the metro district is responsible for. He said the details have been reviewed by Town Staff and the document, once completed, will be reviewed and approved by the Town's attorney. Pylman said that the metro district maintains much of the open space areas that will be dedicated to the Town. He said that the Town will be responsible for plowing the streets and taking care of the overall storm drainage system. He said that on-street parking will be maintained and enforced by the metro district.

Cowles asked if the raw water system will have a fee. Pylman gave details on how the system will be maintained and how it is operated.

Commissioner Perkins asked if approval of this file will trigger the establishment of the Haymeadow Design Review Board. Pylman said that it would.

Hood said that one of the conditions of approval in the ADA is for trying to get the Postal Service to offer mail delivery. He asked how this will be addressed. Pylman said that the pressure is still on the Postal Service to provide PO Boxes. They have been communicating with the Postal Service to see if they are open to drop boxes in the development, he said. Pylman said the Postal Service has been difficult to work with, but the developers do have plans to provide drop boxes at the park areas if the Postal Service ever decides they can provide that service.

PUBLIC COMMENT

Cowles opened the hearing to public comment.

Kirstin Shaw of 2189 Brush Creek Road asked if the 10-foot paved path from the development to the pool and ice rink will be subject to seasonal closure. She asked if water flowing into the storm drainage system and ultimately into wetlands will be regulated. She stated that the wetland area is across the road from her house and she is concerned about flooding. Shaw also asked if the widening of Brush Creek Road will encroach into the wetland area.

Celena Olden of 1864 Eagle Ranch Rd. asked if there is a fire evacuation response plan for this area.

She asked if there was any consideration for the wildlife plan to be updated or if there will be updated comments from Colorado Parks and Wildlife. Olden also asked with regard for the traffic study, if there are plans to widen HWY 6 and will properties be condemned as a result.

Tom Olden of 1864 Eagle Ranch Rd. asked if roads are going to be altered in such a way that make logging operations more difficult to occur. He voiced concerns about evacuation plans. Olden stated that since 2014, other development projects have come online or are being proposed. He said he is concerned about the traffic impacts of all of the developments combined. He asked if the impacts of these developments are being considered all together.

Mike Claymon of 116 Soleil Cir. asked if it the Commissioners would consider leaving Brush Creek Road and Sylvan Lake Road as is until the traffic volume increases with subsequent phases of the development.

Rosie Sherwood of 9081 Brush Creek Road asked for a further explanation of what the triggers mean. She asked about the implications of the additional platting boundary. Sherwood also asked if this means that the Town is locking in to the entire PUD at this point. She commented that that the soil content in the Brush Creek Valley is variable and changes with the amount of moisture it is exposed to. She said the irrigation of Haymeadow is affecting the soils and farmers have lost tractors and other equipment to sinkholes last summer. Sherwood suggested that the soils be studied more in depth before additional irrigation is utilized.

Sara Metcalf of 1279 Brush Creek Road voiced concerns about the wildlife corridor, fire evacuation, and other impacts and asked the Commission to consider all of the development impacts all together.

Amy May of 2037 Brush Creek Road asked for clarification on the wetland enhancement for phase one. She asked if the plan is just planting trees and shrubs. She mentioned that she spoke with Commissioner Cowles and he indicated that the Town has no current plans to widen Brush Creek Road. She asked if that information is still accurate.

Mick Daly of 1843 East Haystacker Drive and the Eagle Chamber of Commerce said that this is an important project. He said that over the years, this project has taken a lot of Town Staff time. He said the Eagle Chamber once hosted an information forum on this project ahead of the final hearing on the PUD. Daly stated that many of the Commissioners share the frustration he has seeing the efforts go into approve projects and then waiting for projects to happen. He said he gets massively frustrated when projects get approval and then do not end up happening.

Vern Brock from The Town of Eagle Engineering Department said that the Fire Department has reviewed this project and they have not communicated concerns about not being able to respond to emergency situations. Cowles noted that there is a land dedication to the Fire Department included in the development agreement for the intended purpose of building a facility so that they would be able to better serve the surrounding area.

Brock mentioned that the path connecting the development to the pool and ice rink area will be maintained by the Town. He said that the Town is required to preserve the wetland areas and ensure that the areas are not exacerbated or dried up. He said that widening Brush Creek Road will give future planners flexibility and Haymeadow was asked to dedicate land to the Town to provide an opportunity to widen or create a bike path at some point in the future.

Cowles said that the intent is to allow for a pedestrian or bike path along a portion of Brush Creek Road someday.

Hood asked if the 30' was coming out of the Haymeadow land. Gary Brooks said it is and that the land is being dedicated to the Town.

Brooks said that there is an emergency access road in the Haymeadow development that loops into Brush Creek Road.

Brooks said that stormwater is detained and treated to meet the requirements of the Town code before it is released into the wetlands. Cowles mentioned that it would be similar to the ponds near Eagle Ranch on Capital St.

Brooks said part of the enhancement plan is to remove weeds and invasive species as well plant shrubs and trees.

Brooks said that the road and roundabout is going to be designed to handle full size semi-truck and trailer traffic.

Brooks said that there has been a soil report for the entire property and the first phase. He said that all of the sink holes have been identified and they are aware of them. H said there are ways to mitigate them and if found, they will be addressed. McCool mentioned that Colorado Geologic Survey was a referral agency and they did not have any objections to the plans as presented.

McCool said that one of the review criteria for a final plat is that it must be in conformance with the preliminary plan. She said that staff and third-party consultants found that it is in alignment with the preliminary plan. She said that depending on how many lots are developed, that may trigger other infrastructure development or dedications.

Pylman said that the land currently exists under a metes and bounds description. He said that when a property is subdivided, the plat identifies filing numbers, tracts, and lots and blocks. Outside of the first filing, the other undeveloped area will be identified by tract numbers. He said that it is the common way of identifying pieces of land located in a larger development.

In response to the question about seasonal closure of the path connecting the property to the pool and ice rink, McCool said that the Town would defer to Colorado Parks and Wildlife for their recommendations. Cowles said that the path in question is not in an area currently subject to seasonal closure.

Vern Brock addressed the traffic study and the implications for expanding Highway 6. Brock said that the Brush Creek Road extension has been in the works for almost 40 years. With all the traffic implications from all of the development activity, the Town is in the process of conducting a master traffic study, Brock said. He stated he could not say for sure if the Town would acquire any more land. He said the safety issues with some of the intersections along Highway 6 are of greater concern.

Anne Eagan asked when the master traffic study will be done. Brock said that he doesn't know when it will be finished but that it is budgeted for this year. He said the County has contributed funds to the Highway 6 study.

McCool said that Colorado Parks and Wildlife is a referral agency and they have been consulted on this project and have reviewed the final plat. Celena Olden asked if they will offer updated comments since the PUD was approved back in 2014. Olden said conditions have changed for the herds and Elk are experiencing a population decline in the area. Cowles said that the Town could ask them to offer updated comments. Pylman said that CPW was contacted as a referral agency for this file before the Commission tonight and they had no comments.

In response to the question about delaying the construction of the roundabout, Brooks said that the original approval was to build four legs of the roundabout. He said that it has been broken out into two phases. He said that the area contains several pieces of major underground infrastructure that they would prefer to complete at this point. Brooks said the plan was to construct all of the major underground infrastructure and part of the roundabout in such a way that would allow for the second phase to be constructed without much of an impact.

Gregg asked what drove the decision to build the roundabout in two phases. Brooks said that to modify the existing road will be very impactful. He said to realign the road after all of the underground infrastructure is installed will be much less impactful.

Celina Olden asked about the larger evacuation plan for the Town. Cowles said that is a question better asked of the Police and Fire Departments.

Cowles said that Sylvan Lake Road is designed to be 4 lanes through Eagle Ranch. He said it was always intended to be the arterial road for traffic through Eagle Ranch. The on-street parking would be eliminated when 4 lanes are implemented at a time when the town deems appropriate, Cowles said.

Town Public Works Director Bryon McGinnis said that there are bigger discussions about traffic and evacuations that are not tied to any specific development including Haymeadow.

Tom Olden said that these main roads were designed before some of the recent development projects were under consideration and asked if the roads can still handle traffic from these developments.

Cowles said that the Eby Creek Road roundabouts were built to their full potential when they were constructed. He said that they were designed with growth potential from other developments that did not end up moving forward that had similar densities as the developments currently under consideration. Cowles said that the Town is currently looking at how to address traffic volumes and design concerns on Highway 6.

DELIBERATION

Cowles said that he is not sure how the raw water irrigation system is going to work. He asked if there were any mechanisms in place to encourage efficiency so that more water stays in Brush Creek and asked if there will be incentives to conserve water. He said that he believes conservation is an important aspect of managing a raw water irrigation system.

Pylman said that one of the issues with developing non-potable water systems is that it is not necessarily good for conservation. The system will be expensive and providing the water will be costly, he said. They will have modern, current landscape design guidelines and they will be charging for use of the system, Pylman said. The Town will have a lot of control over the water rights, Pylman said. He said the Brush Creek Management Plan is the governing document that dictates minimum water flows and the development will adhere to the Plan.

Hood said that within the scope of the review of the file, it appears to be in conformance with review criteria. We should approve the file, he said.

Nutkins said that he agrees with Hood and stated that this is a technical file and they are meeting all the requirements.

Gregg said that he agrees that this file meets the standards for approval.

Perkins agreed and said that he wanted to thank Town Staff and the applicants for all the work that went into the project to date. He said he is in favor of approval. Perkins said that he is concerned with overall traffic volumes throughout Town.

Richards said that he is in favor of approval and appreciates the public comments. He said that he thinks it would be good to hear from the Fire Department on their plan for dealing with emergencies. He said that he thought the applicant did a good job of addressing all the issues and working with the Town's requirements.

Cowles said that he said that this file is in conformance with the standards of approval. He said he also appreciated the public comments and the input from the community.

Commissioner Hood made a motion to approve S18-01 based on compliance with standards of approval 1 through 3 with the Staff recommended conditions for approval 1-8. Richards seconded. All present voted in favor. The motion passed.

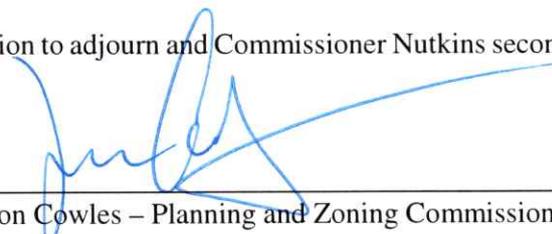
TOWN BOARD OF TRUSTEE UPDATE

Brandy Reitter gave an update on the TBOT hearing on March 12th. The Reserve at Hockett Gulch file was heard by the TBOT and continued to the hearing on April 9th, Reitter said. The TBOT seemed as though they were ok with all the conditions of approval recommended by the Planning Commission, however, there is still an unresolved issue with a request from the applicant team relating to the assessment of Water and Sewer Plant Investment Fees for the project.

ADJOURN

Commissioner Richards made a motion to adjourn and Commissioner Nutkins seconded. All voted in favor. The meeting adjourned at 8:55PM.

5/7/19
Date



Jason Cowles – Planning and Zoning Commission Chair

5.7.19
Date



Dawn Koenig- Admin Technician