



223 1st Street  
EATON CO 80615  
970.454.3338  
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www.eatonco.org

**Eaton Planning Commission  
AGENDA  
Thursday, November 4, 2021  
7:00 p.m.**

**To be held at the Carsten Board Room at 224 First Street.**

- 1) Roll call.
- 2) Review of the October 7, 2021, Planning Commission Meeting Minutes.
- 3) North Side Addition First Replat – 509 Maple Avenue Replat – Alyssa Rivas, Baseline Corporation.
- 4) Planning & Zoning Code Update/Study Second Session – Vince Harris, Planning Director of Baseline Corporation.
- 5) Adjourn.

*\* If you have public comment but are not comfortable attending in person due to COVID-19, please send the comments to [wesley@eatonco.org](mailto:wesley@eatonco.org) by Thursday at 12:00 p.m., and they will be read into the record or otherwise shared with the Board during the meeting.*

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## PLANNING COMMISSION MINUTES OCTOBER 7, 2021

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A scheduled meeting of the Planning Commission was held on October 7, 2021, at 7:00 p.m. in the Gary Carsten Board Chambers located at 224 First Street.

**Item 1 – Roll Call.** Those members present: Commissioners Aaron Price, Bond Baiamonte, Glenn Babcock, Kevin Ross and Chairperson Karla Winter. Also present: Town Administrator Interim Wesley LaVanchy and Assistant Town Administrator Greg Brinck.

**Item 2 – Review of the May 6, 2021, Meeting Minutes.** Commissioner Price moved to adopt the minutes as written, seconded by Commissioner Babcock. Motion carried 4-0.

**Item 3 – Planning & Zoning Code Update/Study Session – Vince Harris, Planning Director of Baseline Corporation.** Vince Harris handed out a staff memo that gave an outline of the Planning & Zoning Code Update. The Code Update project began with a kickoff meeting in early 2020. The Town Board and Planning Commission held a joint study session on April 2, 2020. From that study session, staff provided a draft of the land use table, development review and administrative procedures, and a submittal requirements table. Based on those discussions and input from Town staff, Baseline had prepared a draft that focuses primarily on the following Articles within Section II (Zoning Ordinance): Article II – Zoning Districts and Land Use Regulations; Article III – Development Standards; Article IV – Administration and Procedures. The last meeting with the Board of Trustees, they wanted the design standards excerpted out of this code and placed in a provision that will adopt design standards and are implemented and utilized by staff when there is a project for review and the approval cycle. These residential and commercial standards will be relied upon to bring high quality architecture to the town and ultimately, if anyone disagrees with the design standards there will be an appeal process. The study session continued with discussion from the first section and ended for the evening at section 7-4-7 Dedication of Land. The Planning Commissioners then decided to continue the study session on November 4<sup>th</sup> and then changed the normal meeting of Thursday, December 2<sup>nd</sup> to Wednesday, December 1<sup>st</sup> for open comment from the public and developer/builder on the updated code. December 16<sup>th</sup>, the clean revised version would be presented to the Board of Trustees for a study session.

**Item 4 - Adjourn.** As there was no further business, the meeting was adjourned at 8:54 p.m.

*Margaret Jane Winter, Town Clerk*

**TOWN OF EATON  
PLANNING COMMISSION MEETING**

Date prepared: October 27, 2021  
Meeting Date: November 4, 2021

**MEMO TO COMMISSIONERS**

**Project Name:** 509 Maple Avenue Minor Subdivision (Lot Split)  
**Project Address:** 509 Maple Avenue Eaton, CO 80615  
**Applicant:** Mark Morrison  
**Property Owner:** Mark Morrison  
**Zoning:** R-2 Lower Density Residential District  
**Prepared by:** Alyssa Rivas - Baseline Corporation  
**Approved by:** Vincent Harris, AICP - Baseline Corporation  
**Reviewed by:** Wesley LaVanchy, Interim Town Administrator



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**BACKGROUND**

509 Maple Avenue (the “Subject Property”) is located in the Town of Eaton, west of Highway 85 near the intersection of Maple Avenue and 5<sup>th</sup> Street. The property is owned by Mark Morrison (the “Applicant”) and is zoned R-2 Lower Density Residential. The Subject Property, which includes Lots 21, 22, and 23, Block 1 of the North Side Addition; and a portion of Lot 20 that lies north of the Great Western Railroad Company's right of way, has a total area of 13,507 square feet (0.31 acre).

On February 2, 1902, the Subject Property was recorded by the Weld County Clerk and Recorder in the Subdivision file as Reception No. 82737.

The Subject Property currently contains two single family residential houses, which is not in conformance with the density allowance (only one residential unit) of the R-2 Zone District, as stated in Section 7-2-18 of the Eaton Municipal Code. In addition to the two houses on the lot, there is an existing garage located on the southeast corner of the property. The minimum lot size allowed in the R-2 zone district is 6,000 square feet.

**REQUEST**

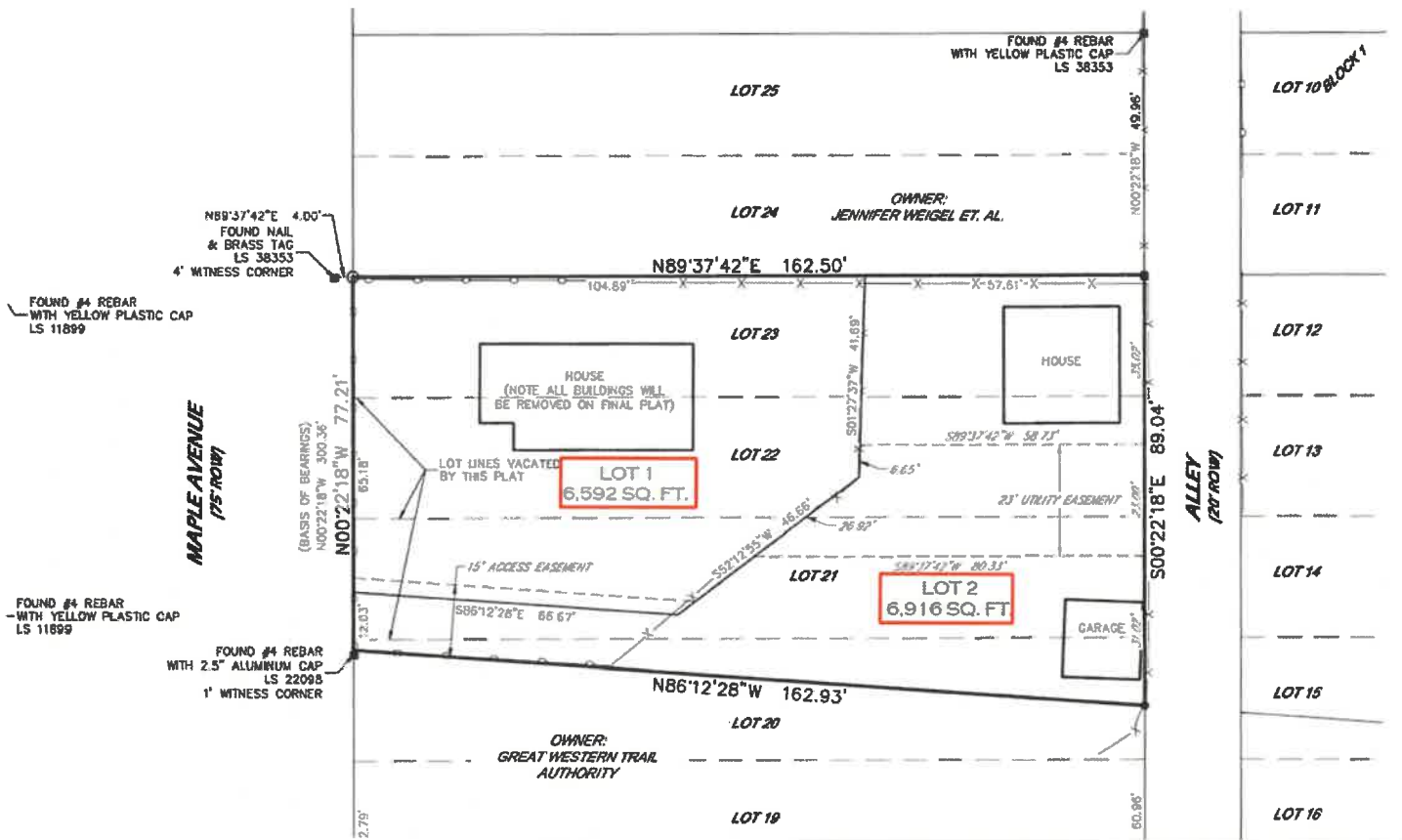
The Applicant, Mark Morrison, submitted an application for a Minor Subdivision and Replat (Lot Split) on August 25, 2021, to resubdivide the Subject Property from one existing and recognized lot, into two lots. The Applicant is the owner of the property, and proposes to establish the western portion of the property (Lot 1) as a 6,592 square foot lot. He proposes to establish the eastern portion of the property (Lot 2) as a 6,916 square foot lot. With the proposed lot split, the Applicant is also requesting to vacate the original 1902 interior lot lines between Lots 20 and 21, 21 and 22, and 22 and 23, to make two large, combined lots. The Applicant is also dedicating a 23-foot-wide utility easement, which is in conformance with the code requirement for a 16-foot minimum width in residential zones.

The application was referred to the applicable Town of Eaton referral agencies and no agencies object to the proposal.

# Vicinity Map



## Proposed 2-Lot Subdivision



### STAFF ANALYSIS

The Town of Eaton Municipal Code requires all subdivisions to go through a Final Plat process. This application proposes to resubdivide a portion of Lot 20 and all of Lots 21-23, Block 1, North Side Addition into two lots. The applicant has prepared a final plat in accordance with the Eaton Municipal Code.

Staff reviewed the proposed Final Plat based on the Town of Eaton Municipal Code, Sec. 7-2-18 Zoning Ordinance and Sec. 7-4 Subdivision Regulations.

#### *Sec. 7-2-18(e). R-2 Lower Density Residential District Development Standards*

- (1) All development shall be serviced by municipal water and sanitation systems.
- (2) Accessory uses shall represent less than thirty-five (35%) percent of the finished living area on the lot.

Section 7-4-5 of the Eaton Municipal Code outlines design standards for subdivisions, including general site considerations, streets, utility easements, blocks, and lots. Most of the design standards are specifically intended for single-family residential subdivisions. Staff evaluated the proposed subdivision

and finds that the request conforms to the standards that are applicable to the proposed residential subdivision.

Section 7-4-6 outlines required public improvements for subdivisions and Section 7-4-7 outlines requirements for dedications and/or reservations of land. Staff finds that public improvements, dedications, or reservations are not warranted for the proposed 2-lot subdivision. While some public improvements are not required, some are required like a new curb-cut from Maple Avenue and that new separate water and sewer connections will be included. If the proposed lot split is approved, a new water and sewer meter permit must be pulled for Lot 2 and paid for first.

In addition to the above referenced conditions, the Town Engineer has stated that based on the information received and reviewed, staff is recommending that the Town approve the subdivision application as substantially complete with the following actions as noted to incorporated into the final plan set:

- a. The Applicant's surveyor is currently coordinating directly with the Town Engineer/Survey staff to make final modifications to the Plat prior to acceptance and execution of a PLS in Colorado and recorded accordingly.
- b. All plans and plat shall be signed, stamped, executed, and recorded by the applicable parties, such as the owner, Town Planning, Town Engineer, etc.
- c. At a minimum, electronic PDFs shall be provided of the fully executed (all parties) documents.
- d. Owner/developer shall obtain and/or be in possession of the applicable agreement(s), receipt of payment of fees, evidence of water and permit(s) prior to beginning work.

#### **RECOMMENDATION**

Staff recommends approval of the proposed Final Plat and suggests the following motion to the Planning Commission:

#### **MOTION TO APPROVE THE FINAL PLAT OF THE NORTH SIDE ADDITION FIRST REPLAT, LOCATED AT 509 MAPLE AVENUE, SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The applicant shall be required to obtain a separate water and sewer permit for the newly established Lot 2, which must be applied and paid for prior to the official recordation of the replat.
2. The applicant shall be required to complete the items addressed by the Town Engineer related to the actual plat document in advance of the Towns' signatures to be placed on the mylar document indicating a final approval in preparation of getting the mylar recorded in the Weld County Clerk & Recorder's office.

#### **Attachments:**

- Application
- Cover Letter/ Narrative
- Conceptual Site Plan for both Lots
- Final Plat



**TOWN OF EATON**  
**LAND DEVELOPMENT APPLICATION**  
 223 1<sup>ST</sup> Street, Eaton, CO 80615 • (970) 454-3338 • Fax (970) 454-3339 • www.colorado.gov/townofeaton

**COMPLETE ALL BOXES**

Applicant Name: <b>Mark Morrison</b>	Applicant Address & Zip Code: <b>37095 CR 27, Eaton, CO 80615</b>
Applicant Phone: <b>701-590-0434</b>	Applicant Email: <b>mark85morrison@gmail.com</b>
Property Owner Name: <b>Mark Morrison</b>	Property Owner Address & Zip Code: <b>37095 CR 27, Eaton, CO 80615</b>
Property Owner Phone: <b>701-590-0434</b>	Property Owner Email: <b>mark85morrison@gmail.com</b>
Project Name: <b>509 Maple Ave Lot Split</b>	Project Description: <b>Splitting 509 Maple Ave via replat process</b>
Project Address/Location: <b>509 Maple Ave, Eaton, CO 80615</b>	Project Parcel Number: <b>070931204007</b>
Subdivision/Lot/Block: <b>North Side Addn/21-23/1</b>	Section/Township/Range: <b>31/07/65</b>
Existing Zoning: <b>R2</b>	Proposed Zoning: <b>R2 (unchanged)</b>
Existing Use: <b>Residential</b>	Proposed Use: <b>Residential</b>

**APPLICATION AGREEMENT:**

I, as the applicant, hereby certify that I believe to the best of my knowledge that all information supplied with this application is true and accurate and that consent of the property owner listed above, without which the requested action cannot lawfully be accomplished, has been granted. Permission is also hereby granted to the Town of Eaton staff and their consultants to physically enter upon and inspect the subject property and take photographs as necessary for preparation of the case. In addition, by signing this application I am agreeing that I am authorized to sign on behalf of the property owner, or business-owner, or applicant and commit and agree to signing a Developer Cost Reimbursement Agreement and deposit with the Town the sum of \$ 2,500 to be used to pay the Town's expenses to review, evaluate and process the Application ("Deposit"), which funds may be used to pay the cost of third-party consultants plus fifteen percent (15%) of such actual costs for Town staff administrative costs and supplies. I agree that I am not acquiring any rights by virtues of the payment of the Town's expenses.

Applicant's Signature Mark Morrison Date: 8/19/21

Project Narrative For:

509 Maple Ave  
Eaton, CO 80615

The subject property is composed of and still legally defined as Lots 21-23, Block 1, North Side Addition, Town of Eaton, County of Weld, Colorado. These lots 21-23 are zoned R2 by the Town of Eaton – no zoning changes are being proposed with this proposal. The existing house was built in 1902 and added onto sometime after sanitary sewer services became available for a total of 1,346 sf, per county records. That record also lists a detached garage of 576 sf, but does not have a date included with the garage core and shell. Sometime prior to my recent purchase of this property, the previous owner(s) have remodeled the detached 576 sf garage into a one-bedroom, one-bathroom residential unit. Both the remodeled garage and the existing house operate off the same water, electric, and sanitary service connection as the original structure. Through phone conversation with previous Town Manager, Gary Carsten- I was informed that access to 509 Maple Ave, as well as access to the alley way to the east, was through the graveled lot to the south (old Great Western RR), instead of from 5<sup>th</sup> Street. It was noted this had been the historical access, as there is not even a curb cut in 5<sup>th</sup> St at the alley intersection. It was indicated that this would also continue to be the access for the proposed lots as per the existing conditions.

The property at 509 Maple Ave is 16,250 sf in area. The minimum lot size within the R2 zoning district is 6,000 sf. It is being proposed to replat this property into two lots, an eastern and western lot, both being over the 6,000 sf minimum. All existing utility services would remain with the existing house with appropriate plugging/capping/etc for the current shared utilities. New water tap and electric service will be proposed and provided for remodeled garage. The existing sanitary sewer is 4" PVC, has been videoed, and runs from the existing house at a west by southwesterly direction running just south of the remodeled garage. The remodeled garage sanitary ties into the 4" PVC just inside the eastern property line before connecting to the Town main. The service is in good working order and is being proposed to remain as-is but protected with an easement to protect both lots, which will be provided on the plat. The easement will allow Lot 1 the ability to install a new sanitary service across Lot 2 if the existing service should ever fail.

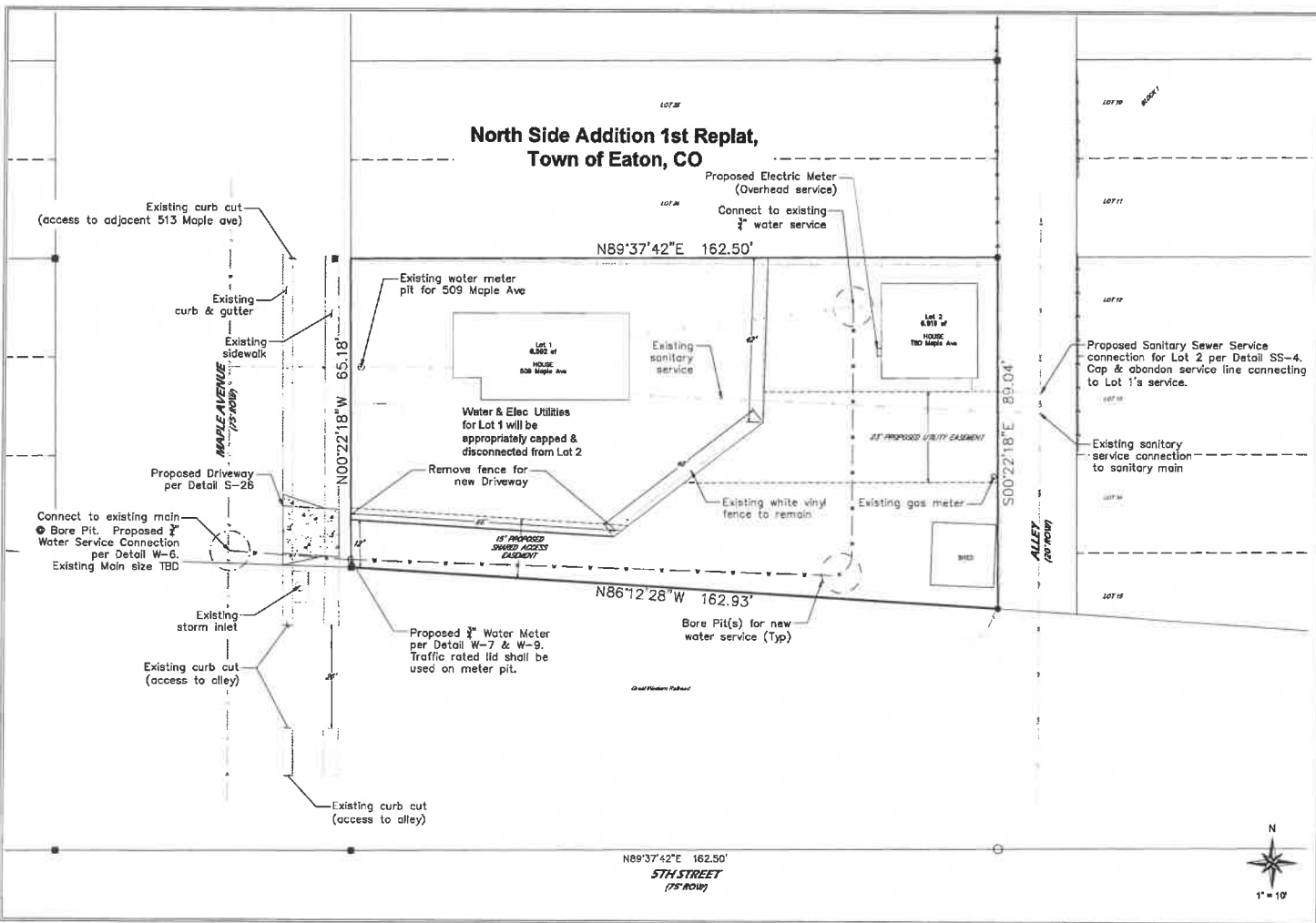
Proposed site drainage will not change from the existing drainage with this proposal. No additional impervious areas are being proposed and no grades or flowlines will be altered with the replat. Therefore, existing runoff will equal proposed runoff and a drainage report or letter would be not of any value to produce or review.

For any questions or concerns, please feel free to contact:

Mark Morrison  
701-590-0434  
[mark85morrison@gmail.com](mailto:mark85morrison@gmail.com)



**North Side Addition 1st Replat,  
Town of Eaton, CO**

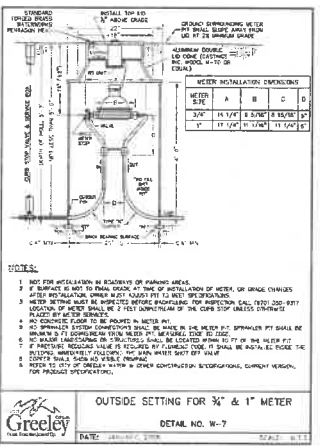
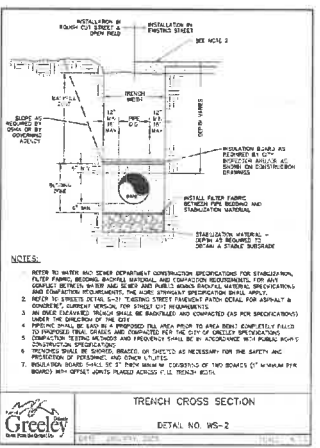
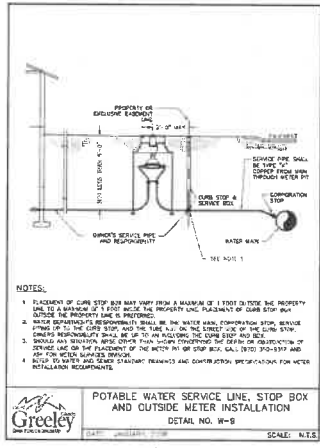
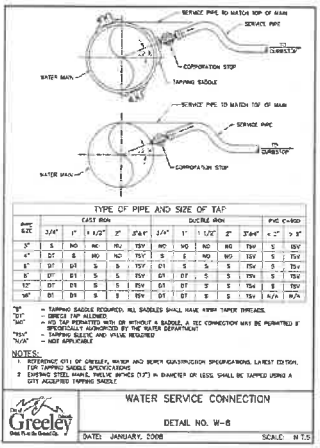
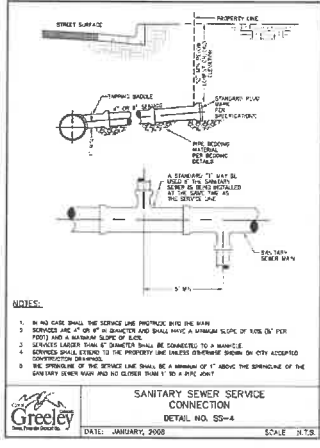
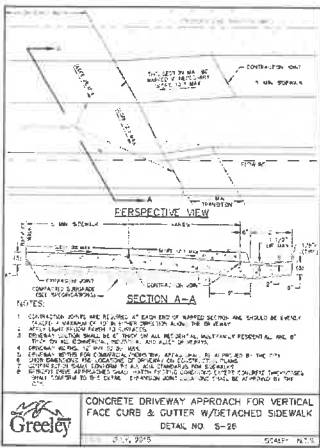


**OWNER:**  
MARK MORRISON  
3705 CR 27  
EATON, CO 80515

**SITE PLAN**  
600 MAPLE AVE - LOT LINE ADJUSTMENT  
NORTH SIDE ADDITION, 1ST REPLAT  
TOWN OF EATON, CO



**SITE PLAN**



OWNER: MARK MORRISON  
 37055 CP 27  
 EATON, CO 86615

CONSTRUCTION DETAILS  
 600 MAPLE AVE - LOT LINE ADJUSTMENT  
 NORTH SIDE ADDITION, 1ST REPLAT  
 TOWN OF EATON, CO

DETAILS



**TOWN OF EATON**  
**STAFF MEMO – NOVEMBER 4, 2021 PC STUDY SESSION**

Date prepared: October 28, 2021

**Project Name:** Eaton Code Update  
**Prepared by:** Vince Harris, AICP - Baseline Corporation  
Lauren Richardson – Baseline Corporation  
**Approved by:** Vince Harris, AICP - Baseline Corporation



**UPDATE FOR SECOND STUDY SESSION**



**CC:** Wesley LaVanchy, Interim Town Administrator  
Jane Winter, Town Clerk  
Avi Rocklin, Town Attorney  
Greg Brinck, Asst. Town Administrator

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The Code Update project began with a kickoff meeting in early 2020. The Town Board and Planning Commission held a joint study session on April 2, 2020. For that study session, staff provided a draft of the land use table, development review and administrative procedures, and a submittal requirements table. Based on those discussions and input from Town staff, Baseline had prepared a draft that focuses primarily on the following Articles within Section II (Zoning Ordinance):

**Article II – Zoning Districts and Land Use Regulations**

- Land Use Table – This table will replace the listing of allowed and special uses that currently appears within each zoning district.
- Supplemental Use Standards – Any special standards that apply to certain land uses.
- Accessory Uses and Structures – Specifying allowed accessory uses to both residential and non-residential land uses. This section includes the newly proposed Accessory Dwelling Units and Short-Term Rental uses on residential property.
- Temporary Uses and Structures – Specifying allowed temporary uses.

**Article III – Development Standards**

- Dimensional Standards Table – This table presents the typical dimensional standards (minimum lot area, maximum building height, minimum setback, etc.) for each zoning district.
- Building Design Standards – This section added architectural standards to ensure high-quality buildings in the Town. This section is now suggested to NOT include specific building design standards in the actual code and now indicates that such standards will be generated and used during an Administrative Review process when building plans are reviewed by the Planning Department and the Town Administrator. Discussion will take place about this at the study session on October 7.

**Article IV – Administration and Procedures**

- General Requirements – This section covers pre-application conferences, general application procedures and requirements, neighborhood meetings, and approval procedures.
- Appeals – This section covers general appeal procedures, including appeals from administrative decisions

- General Notice and Public Hearing Requirements – This section consolidates the public notice regulations in one location in the code. Any application type or process that requires public notice will reference this section rather than repeating the language.
- Submittal Requirements Table – This table will provide the list of submittal requirements for the primary land development application types.
- Development Applications and Permits – This will consolidate the procedure for all types of land development applications. This includes Planned Unit Development procedures, which under the current code is contained in Section III.

This staff report is accompanied by the newest draft of the code since the last meeting with the Board of Trustees on March 18, 2021. Since then, it was decided by staff and Board leadership to put this Code Amendment on ‘hold’ until such time as a new Town Administrator was hired. This discussion item came up with the new Town Administrator (Interim) and with Board leadership, and it was decided to re-start the completion of the Updated Code. For the most part, this DRAFT is very similar to the March 2021 DRAFT except in the building and architectural standards that will not be included in a code amendment in the proposed Zoning Code. Staff proposes the following review and adoption schedule:

### Updated Schedule

<p>Thursday October 7          Wednesday November 4          Nov 5 to Dec 16  <b>Wednesday December 1</b>          Thursday December 16          Thursday January 6          Thursday January 20</p>	<p>Planning Commission Study Session (completed)          Planning Commission Study Session          Planning Commission and Public Comment Period          Planning Commission Review and Public input (written or verbal)          Board of Trustees Study Session          Planning Commission Public Hearing and Recommendation to Board          Board Public Hearing and Adoption of new Zoning &amp; Subdivision Code</p>
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### **RECOMMENDATION**

Staff recommends that the Planning Commission evaluate the previously provided draft document (in a CLEAN format as well as the redline version) and provide staff any comments or direction regarding the DRAFT Eaton Zoning & Subdivision Code Update. This November 4 meeting is essentially a continuation of the recent October 7 meeting being a working study session for staff and Planning Commission to overview this document again, since it has been 6 months since seen by the Planning Commission, and to allow the Planning Commission the opportunity to offer input before staff completes a more refined DRAFT CODE that will be *presented / explained / reviewed* at the December Planning Commission and Board of Trustees meetings. It is anticipated that the official Code Adoption public hearings will be completed in January 2022 by both the PC and the BoT.

Between now and the Wednesday December 1 public input session, we anticipate a variety of wordsmithing to be done to this document to address staff input, public input, Planning Commission input, legal input from Avi Rocklin (Town Attorney), and Board of Trustees input. Let’s use the October 7 and November 4 meetings to refresh our minds with the task at hand to remind ourselves of where we were at this last spring, look at this with old and fresh eyes, and be ready to move forward to refine the draft code appropriately, with all perspectives in mind. See you Thursday evening to have a discussion.