

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL  
HELD JANUARY 22, 2008**

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A regular meeting of the Town of Avon, Colorado was held at the Avon Municipal Building, 400 Benchmark Road, Avon, Colorado in the Council Chambers.

Mayor Ron Wolfe called the meeting to order at 5:55 PM. A roll call was taken and Council members present were Rich Carroll, Kristi Ferraro, Amy Phillips, Brian Sipes and Tamra Nottingham Underwood. Dave Dantas was absent. Also present were Town Attorney John Dunn, Town Manager Larry Brooks, Administrative Services Director Patty McKenny, Town Engineer Justin Hildreth, Asst. Town Manager Finance Scott Wright, Community Development Director Eric Heidemann, Public Works/Transportation Director Jenný Strehler, and Community Relations Officer Becky Lawlor as well as members of the press and public.

**APPROVAL OF AGENDA & DISCLOSURE OF POTENTIAL OF CONFLICT OF INTEREST**

Mayor Wolfe noted that 2 items from the work session would be addressed during unfinished business. Town Attorney John Dunn asked if there were any ex parte conversations related to the PUD application, Lot 38 & Lot 39. Councilor Carroll noted some brief conversations he had with neighbors in the area of the PUD amendment for Lots 38 and 39; he noted that his conversations would not impair his ability to make a decision on the matter.

**APPEALS FROM OR RECOMMENDATIONS OF PLANNING & ZONING COMMISSION**

**PUBLIC HEARING** on Ordinance No. 07-10, Series of 2007, Second Reading, An Ordinance Recommending Approval, with Conditions, of a PUD Amendment Application Amending the Village at Avon PUD Planning Areas E, F, H, I and J, Filing 1, Village at Avon Subdivision, Town of Avon, County of Eagle, And Setting Forth Details in Regard Thereto

Property Location: Village at Avon PUD

Applicant: Dominic Mauriello, MPG / Owner: Traer Creek

Description: An Amendment request to reconfigure the planning area boundaries of Planning Areas H, Neighborhood Center; I, Neighborhood Center; E, Village Residential; and F, Village Residential / An amendment to create a larger buffer between commercial uses and the adjacent existing Eaglebend drive residential neighborhood. Also part of the request is a text amendment to the PUD guide that will result in a modification to the current percentages and ratios of commercial-to-residential uses in order to permit more residential density in areas that are presently planned for more commercial square footage / approved on first reading on November 13, 2007; tabled on December 11, 2007

Eric Heidemann, Asst. Town Manager Community Development, presented the Village at Avon PUD application noting that staff was recommending approval of the application. He presented a history of the application, dates of council consideration and action, and noted the dates of other meetings held with the applicant. He noted that the applicant submitted a letter today withdrawing the application. When asked about the letter withdrawing the application, staff noted that there the letter included comments that were not accurate as to how the discussions were proceeding. A review of the conditions was made by Heidemann. Councilor Underwood noted that the applicant shows disregard to the public process with their actions, their late hour letter indicating withdrawal after the many hours that staff, attorneys, councilors have spent is a complete disregard of the public staff's time on this matter. Mayor Wolfe opened the hearing.

- Paul Howell – resident of Eaglebend Drive, asked that he be able to look at something nice out their windows as far as the development goes.
- Roger Wilkinson, resident of Eaglebend Drive, asked about what that meant to the original development agreement; it was noted that his entitlements continue to be outlined in that

agreement with no further approvals for any changes.

Further comments were made by council related to the need to require the developer to master plan the area so that the residents of the community understand what the development would look like. Some comments were made about how the town recovers the costs related to processing applications.

**PUBLIC HEARING** on Ordinance No. 08-01, Series of 2008, First Reading, An Ordinance approving the Planned Unit Development (PUD) Amendment Application Lots 38 and 39, and Tract O, Block 4, Wildridge, Town of Avon, Eagle County, Colorado; and setting forth details in regard thereto.

Matt Gennett, Planning Manager, presented this application and proposal to rezone Lots 38 and 39, Block 4, Wildridge Subdivision from the currently entitled 3 duplexes (or 1 duplex and 1 fourplex) to five single-family residences. The applicant, Frank Hamel, is proposing to enter the subject properties from Wildridge Road East with a driveway cut through Tract O a Town owned parcel. Staff reviewed the following items: Planning and Zoning Resolution, Staff Report dated October 31, 2007, the Avon Comprehensive Plan Policies related to Wildridge Residential District, and a reference to the public input received on the project. He noted the recommendations and meetings held on the application and that the commission recommended approval of the project. He noted that staff recommended denial on the original application based on findings in section 8 of the report called "Findings". It was noted that the Tract O proposal was presented as a "friendly swap" between the town and the applicant. Tambi Katieb, Land Planning Collaborative, Sandie Mendonca, Project Engineer, and Gerry Miramonti, Architect, presented the application and discussed some of the following: Project Context, Existing Zoning, Proposed, Interface with Lot 37, Proposed PUD, Proposed Plat, Commission Deliberation, Planning Commission Conditions of Approval, and a final summary. There was detailed description by the representatives about the time spent on the site planning & road construction proposal for the application. It was noted a great deal of time was spent with the neighborhood as well as the planning commission discussion how to make the project work, thus the request for the down zoning of the project. Mayor Wolfe opened the public hearing

- Leslie Roubos, 5039 Wildridge Rd E., opposes the application and objects to the retaining wall and doubling the construction time. (Letter included in packet)
- Gwen Salko, 5177 Longsun Lane, opposes the project (letter included in packet)
- John Salko, 5177 Longsun Lane, resident here for 20 years, opposes the application, concerned about views and the value of his home being reduced. (Letter included in the packet).

With no further comments from the public, Mayor Wolfe closed the public hearing. The Town Council provided some feedback which included some of the following comments:

- What is the Public Benefit to building these units?
- There are many site constraints
- Very concerned about the construction of the road and the retaining wall
- Is not compliant with policies of Avon's Comprehensive plan for Wildridge
- Requested building smaller units
- Requested a phasing of the construction

After further questions and discussion a motion was made. Council Ferraro moved to table Ordinance No. 08-01 until February 12, 2008 in order to allow Mr. Katieb to speak to the applicant, Frank Hamel, about some of the concerns expressed tonight. Councilor Phillips seconded the motion and it passed with a four to one vote (Sipes nay; Dantas absent).

Resolution No. 08-04, Series of 2008, A Resolution approving a Subdivision Variance Application from Avon Municipal Code Section 16.40.330, for Lots 38 and 39, Block 4, Wildridge, Town of Avon, Eagle County, Colorado; and setting forth details in regard thereto was tabled with a motion by Councilor Phillips and seconded by Councilor Ferraro. The motion passed with a four to one vote (Sipes nay; Dantas absent).

Scott Wright, Asst. Town Manager Finance, presented Resolution No. 08-05, Series of 2008, Resolution adopting Amended Investment Policies. He noted that the Town's investment advisors have recommended a few minor "housekeeping" type changes to the Town's investment policy. There are no financial implications to these changes. Councilor Phillips moved to approve Resolution No. 08-05; Councilor Ferraro seconded the motion and it passed unanimously by those members present (Dantas absent).

#### **UNFINISHED BUSINESS**

Shane Pegram, Engineer I, presented the Operating Agreement with the Vail Corporation d/b/a Vail Associates, Inc. related to Tract O, Beaver Creek Subdivision as part of Town of Avon Water Park Activities. Pegram noted that the boat ramp is within the easement of Tract O and the proposed agreement with Vail Corporation mandates the operating season, hours, maintenance and security. The town will be required to provide Portable toilets, changing facilities, trash receptacles, signage and protective fencing. Concerns about the parking for everyday use was discussed.

#### **MAYORS REPORT**

Mayor Ron Wolfe presented updates to meetings with the Housing Action Team, specifically the discussion on the Stratton Flats project, as well as the Eagle County Open Space Advisory Committee.

#### **TOWN MANAGER REPORT**

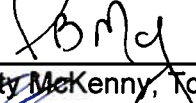
Larry Brooks, Town Manager, spoke about a scheduling a future discussion to discuss a proposed amendment to the Special District Ordinance. He also noted that the Eagle County School District is requesting a participant(s) to serve on its committee evaluating the Battle Mountain High School site. Councilor Ferraro agreed to serve on that committee.

#### **CONSENT AGENDA**

Mayor Wolfe asked for a motion on the Consent Agenda. Councilor Carroll moved to adopt the consent agenda which included the minutes of January 8, 2008; Councilor Underwood seconded and the motion passed unanimously.

There being no further business to come before the Council, the meeting was adjourned at 8:45 PM.

RESPECTFULLY SUBMITTED:

  
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Patty McKenny, Town Clerk

APPROVED:

Rich Carroll

  
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Dave Dantas

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Kristi Ferraro

  
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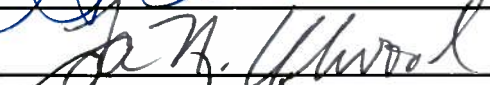
Amy Phillips

  
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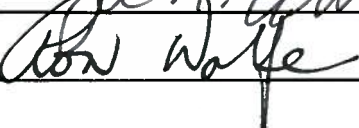
Brian Sipes

  
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Tamra Underwood

  
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Ron Wolfe

  
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