



**Planning & Zoning Commission
Tuesday, September 21, 2021, 6:00 PM
Public Meeting Room / Eagle Town Hall
200 Broadway, Eagle, CO**

This agenda and the meetings can be viewed at www.Townofeagle.org.

PUBLIC WIFI - TOEG – townofeagle2019

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

1. This will be an in-person meeting with access for the public to attend via the Zoom link below.

[ACCESS THE ON-LINE MEETING HERE](#)

Please note: All participants are automatically muted. In order to be called upon and unmuted, you will need to use the "Raise Hand" from the Reactions tab at the bottom of your screen. When it is your turn to speak, the moderator will unmute your line and you will have three (3) minutes for public comment.

PUBLIC COMMENTS: If you are unable to attend, public comments regarding any items on this agenda can be submitted to the Planning Department at Planning@townofeagle.org and will be included as part of the record.

For technical difficulties, please email nikki.davis@townofeagle.org and we will do our best to assist you.

6:00 PM - REGULAR MEETING CALLED TO ORDER

APPROVAL OF MINUTES *Approval of minutes from the following meeting(s) of the Planning & Zoning Commission.*

1. Minutes dated August 31, 2021

PUBLIC COMMENT

Citizens are invited to comment on any item not on the agenda subject to a public hearing. Please limit your comments to three (3) minutes per person. Those who are speaking are requested to state their name & address for the record.

PUBLIC HEARINGS

1. Project: Haymeadow PUD Amendment
File #: PUDA21-02
Applicant: ABRIKA Properties, LLC
Location: Sylvan Lake Road / Brush Creek Road
Staff Contact: Chad Phillips, Community Development Director/Town Planner
Request: A major PUD amendment request to exchange 6.5 acres in the northeastern corner of the combined school/rec parcel for 8 acres of park space in Neighborhood C of Haymeadow and transferring 72 multi-family units from Neighborhoods B & C onto the 6.5-acre parcel.

2. Project: Appointment of Planning Commission Liaison to the Land Use and Development Code Update Committee
- File # LURA21-02
- Applicant: Town of Eagle, Staff
- Location: Town of Eagle
- Staff Contact: Chad Phillips, Community Development Director/Town Planner
- Request: Staff requests that the Planning & Zoning Commission appoint a new liaison to the Land Use and Development Code Update Committee to fill an existing vacancy.

COMMUNITY DEVELOPMENT DEPARTMENT AND TOWN COUNCIL UPDATE

Staff update to the Planning & Zoning Commission on recent work, upcoming files and decisions made by Town Council.

1. Department and Council Update

OPEN DISCUSSION

ADJOURN

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.



Jessica Lake
Planner I



MEETING MINUTES
Planning & Zoning Commission
Tuesday, August 31, 2021, 6:00 PM
Public Meeting Room / Eagle Town Hall
200 Broadway, Eagle, CO

This agenda and the meetings can be viewed at www.Townofeagle.org.
PUBLIC WIFI - TOEE – ((TOEEWireless))

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

1. This was an in-person meeting with access for the public to attend via Zoom.

6:00 PM – SPECIAL MEETING CALLED TO ORDER

Chair Hood called the meeting to order at 6:02 PM.

COMMISSIONERS PRESENT

Matthew Hood, Jesse Gregg,
Robert Townsend, Charlie Perkins,
Lani Webb, Bill Nutkins

STAFF

Chad Phillips – Community Development Director
Peyton Heitzman – Planner I
Nikki Davis - Administrative Tech II
Dennis Wike – Town Engineer

COMMISSIONERS ABSENT

Kyle Hoiland, Keegan Winkeller

APPROVAL OF MINUTES *Approval of minutes from the following meeting(s) of the Planning & Zoning Commission.*

1. Minutes dated June 15, 2021

MOTION: COMMISSIONER CHARLIE PERKINS MOTIONED TO APPROVE THE MINUTES. MOTION WAS SECONDED BY COMMISSIONER JESSE GREGG AND PASSED WITH A VOTE OF 6 (HOOD, GREGG, TOWNSEND, PERKINS, WEBB, NUTKINS) IN FAVOR AND 0 OPPOSED.

PUBLIC COMMENT *Citizens are invited to comment on any item not on the agenda subject to a public hearing. Please limit your comments to three (3) minutes per person. Those who are speaking are requested to state their name & address for the record.*

Public comment opened at 6:04 PM. There was no public comment.

WORK SESSION

1. Project: Update to Chapter 3 of the Elevate Eagle Comprehensive Plan (2021)
File #: LURA21-04
Applicant: Town of Eagle
Location: Town of Eagle and Unincorporated Eagle County within the Town's Urban Growth Boundary
Staff Contact: Peyton Heitzman, Planner I
Request: For feedback and direction regarding proposed changes to the Future Land Use Map and Land Use Categories in the Elevate Eagle Comprehensive Plan.

STAFF PRESENTATION

Peyton Heitzman presented this file, first by providing an image of the Future Land Use Map (FLUM) and the proposed changes. The specific areas under consideration are as follows:

1. Land North of I-70: Currently designated as Commercial Light Industrial. Staff is proposing to redesignate this area as High Density Residential instead. Staff reviewed this proposal against the Comprehensive Plan (Comp Plan) and concluded that while it supports goals for a healthy mix of housing types and densities, the change conflicts with policies specific to the I-70 Influence Character Area. These policies limit residential development to allow only workforce housing and commercial uses.
2. Haymeadow: Staff received a request to expand Medium Density Residential which was reviewed against the Haymaker Trailhead Master Plan. Staff found no conflicts with policies in the Comp Plan but acknowledged that the change would encroach on the conceptual PUD's Town Recreation and School Site. Although this area is not planned for a specific recreational use at this time, the change to the FLUM could limit opportunities for non-residential/public institutional uses in the future.
3. School Parcel: The landowners have requested to change a portion of the Public/Institutional land use to Medium Density Residential. This change supports the Comp Plan's policy for a health mix of housing types and densities.
4. Property near Cemetery: Staff is requesting to change the designation from Public Institutional to Downtown Neighborhood. The property is currently used as Residential and was likely a missed error when the FLUM was adopted.
5. East Eagle Sub Area (EESAP): Staff is requesting to update the FLUM to reflect changes in the EESAP planning boundary and avoid two amendments to Chapter 3.

Following this, Ms. Heitzman shifted topics to discuss changes to Future Land Use Categories. The specific use categories under consideration are as follows:

1. Medium Density Residential: Staff is requesting to modify the language under Primary Uses so as not to limit the multi-family option to just townhomes.
2. Public/Institutional: Staff is requesting to add Employee Housing as a Secondary Use to stimulate workforce housing.

To conclude, Ms. Heitzman offered a series of discussion questions for the Commission which focused on appropriateness, balance, and considering consequences of the proposed changes.

QUESTIONS FROM THE COMMISSION

Commissioner Nutkins requested clarification on the specific Commercial/Light Industrial areas being considered for designation change.

The Commissioners asked about amendments to the upcoming PUD application. Chad Phillips replied that the proposed amendments are only applicable to the Future Land Use Map.

Commissioner Gregg asked about 'The House' operating under a Special Use Permit. Mr. Phillips confirmed that under the current zoning, this property is zoned as high-density multi-family, which is a special use. Commissioner Gregg also asked to verify the size of the Haymeadow parcel under consideration to which Mr. Phillips replied, roughly 6.5 acres.

Chair Hood asked if the Public/Institutional site was already a use of the Town. Mr. Phillips replied that it will be discussed during the application hearing though posed the question, "Is this an appropriate location for Medium Density Residential?"

Commissioner Gregg asked how accessory/secondary use for employee housing is defined for Public/Institutional. Mr. Phillips replied it is defined in Title 4.

Chair Hood asked about the revised definition for Medium Density Residential and if there is a separate definition for multi-family. Commissioner Nutkins asked if this new definition will create potential future conflict.

PUBLIC COMMENT

Terry Quinn, 123 West Fourth St. – Mr. Quinn has lived in Eagle since the 1970's voiced concerns about employee housing. He is concerned that Eagle will become too crowded and lose its current charm and value, a community for middle class families. Additionally, he believes the employee housing will be filled with employees who work up valley, such as in Vail or Beaver Creek.

Tambi Katieb, (address not stated) – Mr. Katieb commented that there should be tighter restrictions around secondary uses geared toward employee housing in Public/Institutional areas. Eagle shouldn't be responsible for solving the Valley's housing crisis.

Public comment closed at 6:33 PM.

DELIBERATION

Commissioner Nutkins commented that we would need to create stricter definitions for housing projects within Public/Institutional areas.

Commissioner Townsend commented that having flexibility in the language is a positive with long range planning. He also asked if there are potential conflicts between the big picture versus stricter definition.

Chair Hood commented that employee housing on Public/Institutional lots should be reserved for people living and working in Eagle.

Commissioners Nutkins and Gregg agreed on creating clearer definition of the uses.

Commissioner Perkins highlighted the importance of flexibility in future land use definitions to provide options for developers.

Following deliberation, the Commission reviewed staff's discussion questions:

Question 1: Are the proposed changes to the FLUM appropriate and better serve the community?

Question 2: Does the change from Commercial/Light Industrial to High Density Residential north of I-70 exceed what is considered to be an acceptable amount of residential for the area?

Question 3: Is Mixed Use a more appropriate land use for the properties north of I-70?

Question 4: Is the expansion of the MDR in the Haymeadow Development appropriate for this site?

Question 5: Should the Public/Institutional land use category include employee housing as a secondary use?

Question 6: Are there unintended consequences to the proposed changes?

The Commission was supportive of redesignating the land north of I-70 to High Density Residential or Mixed Use because the topography makes it largely undesirable for commercial access. Commissioner Gregg commented that Mixed Use may be more appropriate in an effort to preserve commercial lands on Market Street, an important development area to maintain as identified in the Comp Plan. The Commission strongly supported this idea.

Haymeadow's request received mixed opinions. The Commission, with the exception of Commissioner Perkins, believes the 6.5 acres under consideration should remain reserved for school and recreational use and that there is already enough residential density within Haymeadow for future development.

Next, the Commission discussed a similar request regarding the middle school parcel and dedicating a small piece of the land to employee housing. Most of the Commission was reluctant to support this minor change compared to greater amendments on the FLUM, especially as the Commission considers broader impacts and the challenges of mixed zoning on one parcel. Perhaps the more effective approach to this request is through amendments in the land use categories language.

Lastly, the requests to redesignate the property near the cemetery from Public Institutional to Downtown Neighborhood as well as expanding the boundary for the East Eagle Sub Area were unanimously supported.

To close the discussion items, Commissioner Gregg highlighted the importance of defining accessory employee housing within Public/Institutional areas. This topic is the most undefined and potentially challenging to execute. Staff asked to clarify if accessory employee housing should be defined as workforce housing or on-site housing. The Commission explained their preference to avoid employee housing that is significantly removed from the employing organization or commercial area.

Richard Karsh, 142 Soleil Circle – Mr. Karsh commented that he would prefer to see Medium Density Residential and expanding the influence of Mountain Recreation within Haymeadow.

COMMUNITY DEVELOPMENT DEPARTMENT AND TOWN COUNCIL UPDATE *Staff update to the Planning & Zoning Commission on recent work, upcoming files and decisions made by Town Council.*

1. Department and Council Update

OPEN DISCUSSION

Commissioner Nutkins inquired about any progress for an art mural wall to serve as screening around Alpine Lumber. Dennis Wike commented that Public Works has been exploring budget, materials, and design concepts. Commissioner Nutkins also requested for Code Enforcement follow up in the interim.

Commissioner Perkins asked if there is an opportunity for the Railroad to refurbish and upgrade the bridge on Eby Creek Road.

Mr. Wike volunteered to provide a future update on rapid blocks installation.

Commissioner Gregg asked when features at the River Park are going to be completed. Mr. Wike commented it will be discussed as Public Works finalizes budget season.

ADJOURN

MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO ADJOURN. MOTION WAS SECONDED BY COMMISSIONER JESSE GREGG AND PASSED WITH A VOTE OF 5 (HOOD, GREGG, TOWNSEND, PERKINS, NUTKINS).

MEETING ADJOURNED AT 7:30 PM.

APPROVED:

DATE:

Matthew Hood, Chairman

Nikki Davis, Administrative Tech II



STAFF REPORT AND CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Community Development Department

P&Z COMMISSION DATE: September 21, 2021

TOWN COUNCIL DATE: October 12, 2021

FILE NUMBER: PUDA21-02

PROJECT: Haymeadow PUD Amendment (Swap recreational lands for residential)

REQUEST: A Major Planned Unit Development (PUD) Amendment within the Haymeadow development. This amendment would swap approximately 6.5 acres of a portion of Tract E allocated for recreational uses for 8 acres of multi-family development presently approved in Neighborhood "C."

APPLICANT: Rick Pylman, Pylman & Associates, Inc.
Scott Schlosser, Owner's Representative
Brandon Cohen, Abrika Properties, LLC

LOCATION: 660 acres south and east of Sylvan Lake Rd and Brush Creek Rd

CODE: Section 4.11.050 – Amendments to planned unit development zoning and development plans.

ZONING: PUD Zone District

ATTACHMENTS:

- Project Narrative including Site Plans, Conceptual Plans and Development Impact Report
- Redlined PUD Guide
- Public Comment
- [Fox Tuttle Traffic Impact Study dated August 14, 2013 {LINK}](#)
- Referral Agency Responses

STAFF: Chad Philips, A.I.C.P., Director, Community Development
Department chad.phillips@townofeagle.org

INTRODUCTION

Staff has received an application for a PUD amendment involving the Haymeadow development. This application is separate from the PUD amendment request that was denied earlier this year. The current application, like that request, involves the exchange or swap of approximately 6.5 acres of Tract E for 8 acres of land within Neighborhood C. Tract E was accepted by the Town of Eagle during the original Haymeadow approvals for school and recreational purposes. The portion of Neighborhood C proposed for amendment was approved through the PUD process as Multi-Family Residential. The amendment relocates the recreational Town-owned land to the approved Multi-Family area and vice-versa. The proposal would not add additional density or approve any new uses. The outcome would be to relocate uses already approved through the PUD process.



The 8-acre portion of Neighborhood C (shown on the *Proposed PUD Development Plan* as Tract F1) that was intended for Multi-Family development will be re-classified as recreational uses, and the Multi-family density of Neighborhoods B and C will be reduced by 72 units and transferred to the new 6.5 acre parcel in Neighborhood A1.

The Haymeadow property was annexed, zoned PUD, and initially platted in 2014. The entire property is roughly 660 acres in size extending south and east from the current intersection of Brush Creek Road and Sylvan Lake Road. Since the original 2014 approvals, the Annexation and Development Agreement has been amended twice, the Final Plat for Filing 1 has been approved, as has an amendment to that plat to address discrepancies in the platted easements. Earlier in 2021, an application for a PUD amendment involving the school site for residential swap was denied by Town Council.

The PUD Guide sets out densities for the five different neighborhoods within the 660-acre area of land. In 2014, 837 total dwelling units were approved, of that total, 344 are designated as multi-family housing and 493 are single family or duplex units. The PUD Guide does allow for some limited swapping of densities between single family/duplex and multi-family and between neighborhoods. The multi-family units could develop as small condos units in a two or three story building or larger-scale townhomes, allowing for greater flexibility based on market conditions. Design Guidelines for the Haymeadow property have *not* been approved and will be submitted to the Town via the Major Development Permit process prior to issuance of building permits. That

step will be the Town's opportunity to review designs for both multi-family and single family/duplex construction. Once the Design Guidelines are approved, the Haymeadow Metropolitan District and eventually the Haymeadow Design Review Board will be responsible for enforcing those guidelines. The Town will continue to have enforcement responsibility for only the regulations contained in the PUD Guide.

In 2013 a Traffic Impact Study was put together by Fox Tuttle Transportation Group, LLC. This study looked at the Town as a whole to address the impact that the development of the Haymeadow property would put on existing streets throughout Eagle. There is not an in-depth analysis regarding the internal streets and flow of circulation internal to the Haymeadow Development. Such analysis will be required during the Preliminary Subdivision review. This study is attached to this report via a link for those who would like to review in full.

In review of this application, staff has solicited feedback from Public Works and Engineering, the Building Department, Greater Eagle Fire District, Eagle County School District, Mountain Recreation, Eagle County Community Development, and Colorado Parks & Wildlife. Outstanding concerns from these agencies have been incorporated into staff's review, and when appropriate, as a condition of approval or as the basis for a recommendation.

ISSUES FOR DISCUSSION

1. Should the approval include a timeframe for construction of the 72 multifamily units?
2. Would the possible impacts to the Mule Deer migration corridor result in a finding of non-conformance with the 2020 Elevate Eagle Comprehensive Plan?

CONDITIONS FOR AMENDMENTS TO PLANNED UNIT DEVELOPMENTS

SECTION 4.11.050.A.1-6:

CONDITION #1: *The proposed amendment is consistent with the efficient development and preservation of the entire planned unit development.*

Staff Comment: The swap request is consistent with the clustering of housing towards more developed areas. The initial plan distributed multi-family housing throughout the PUD and into Neighborhoods A1, A2, B, and C. The amendment allows for housing stock to be built and possibly enter the market sooner in the project phasing but restricts more multi-family housing to Neighborhood A1.

The use of a "shared campus" between the Recreation District and the School District was noted as being an example of efficient development in the approved PUD and the resulting synergy was a key factor in the denial of the previous PUD amendment. The ability for students to walk to recreation amenities from the school, sharing playgrounds and fields, sharing parking between not only the rec center and school but also for events, expanded after school opportunities and programs were seen as benefits of having the Recreation District and the School District facilities abutting each other. Adding 72 dwelling units into the mix would increase efficiency.

Within the 660-acre neighborhood, the proposed swap of uses on a total of 14.5 acres would have minimal overall impact and would preserve the intent of the approved PUD.

CONDITION #2: *The proposed amendment does not affect in a substantially adverse manner either the enjoyment of land abutting upon, adjoining or across a street from the planned unit development or the public interest.*

Staff Comment: Because the actual land use on the 6.5 acre parcel has not been specifically identified from the list of uses by-right approved in the Haymeadow PUD Guide, it is difficult to juxtapose impacts between multifamily residential and approved uses. The same can be said for the proposed 8-acre recreation parcel in Neighborhood C. Staff does not anticipate any adverse internal or external impacts by relocating already approved uses to the new locations.

The list of approved uses for Tract E is included below under the ENVIRONMENTAL topic.

CONDITION #3: *The proposed amendment is not granted solely to confer a special benefit upon any person.*

Staff Comment: The proposed swap does benefit the developer. Approval of this request would enable the developer to more efficiently utilize the existing infrastructure as well as sell product earlier. Benefits to the community would include 1) housing stock that is available sooner than approved, 2) providing 72 units within walking distance to a school and a major recreational facility, and 3) adding 1.5 acres to a new/expanded recreational amenity. Staff suggests that the proposed amendment does not confer a special benefit upon any person.

CONDITION #4: *The proposed amendment does not contain proposed uses that detract from other uses approved in the PUD.*

Staff Comment: Both recreation sites and multi-family housing are approved uses under the current PUD. Swapping locations does not seem to directly detract from other uses approved in the PUD. It is unlikely that adding/relocating more multifamily housing to this area detracts from other uses, although it does result in a much more consolidated area of multifamily housing.

CONDITION #5: *The proposed amendment does not contain an open space plan that differs substantially in quantity or quality from that originally approved.*

Staff Comment: The swap request does not impact the approved open space plan for the development. The result would be to swap one development area for another.

CONDITION #6: *The proposed amendment contains street and utility plans that are coordinated with planned and/or existing streets and utilities for the remainder of the PUD.*

Staff Comment: The proposed swap does not include any alterations to the approved internal street plan. A conceptual access/building layout has been included as part of the applicant's narrative. More detailed plans are a required element of the Subdivision and Development Review processes.

ANALYSIS OF DEVELOPMENT IMPACT REPORT

SECTION 4.07.100:

C. Development impact report requirements.

1. For each area under Subsection (B) of this section for which the response is "will" or "could possibly," a development impact report addressing such concern may be requested by the

- Town Planner before development review by the Planning Commission or may be required by the Commission or Town Board at any time prior to final approval. In addition, a public facilities impact statement may be required in accordance with the provisions of [Chapter 4.14](#).*
- 2. The development impact report shall include technical studies, data, conclusions, summaries, and recommendations, performed by qualified professionals and at a level of detail commensurate with the potential impact of the development. The content, form, preparers and detail shall be adequate to enable the Town staff, Planning Commission and Town Board to Judge the impact of the proposal and the adequacy of the proposed mitigating measures, and shall be subject to approval of the Town Manager.*
 - 3. The development impact report shall describe temporary and long-term impacts of the project, both primary and secondary, beneficial and detrimental. The report shall include assessment of the following:*
 - a. Adverse effects which cannot be avoided if the proposal is implemented.*
 - b. Mitigating measures proposed to minimize the impact.*
 - c. Cumulative and long-term effects of the proposal, which either significantly reduce or enhance the state of the environment.*
 - d. Possible alternatives to the proposed action.*
 - e. Irreversible environmental changes resulting from implementation of the proposal.*
 - f. Population and economic impacts of the proposal.*

Staff Comment: Staff has reviewed the applicant's responses to the development impact report and has only one concern regarding the proposed swap. Based on the referral response obtained from the Colorado Parks and Wildlife (CPW), development of the 6.5-acre area would result in the loss of a Mule Deer migration corridor that could have severe impacts on the herd. In communication with CPW, staff was informed that this is based on new data that was not a part of the 2014 Haymeadow PUD approval. As part of the current PUD Guide, the 6.5-acre area as well as the whole 32-acre Tract E is approved for school and recreational uses. CPW referral comments were considered as part of the 2014 approval.

ANALYSIS OF THE 2020 ELEVATE EAGLE COMPREHENSIVE PLAN (Comp Plan)

Staff Comment: Staff has identified the relevant tools and policies from the 2020 Comp Plan and have provided the P&Z Commission the following comments:

Future Land Use Map (FLUM).



All changes in zoning (including major PUD changes) need to be evaluated for conformance with the Comp Plan. In addition to the policies of the Plan, another tool used to evaluate conformance is the FLUM. The land included in this application is reflected in the FLUM as: Tract E – Public/Institutional and Neighborhood C – Medium Density Residential. The FLUM categories reflect the currently approved future land use categories. While the FLUM does not show the areas in question being what the applicant is requesting, the applicant’s narrative references language included on the FLUM: *Flexible interpretation of the boundaries may be granted by the Town Planning staff, Planning and Zoning Commission, and Town Council, provided the proposed change is consistent with the vision, goals, and strategies contained in this Plan.* Because the land immediately west of the Haymeadow Multi-Family area in question (the 6.5-acre area) is depicted as Residential Multi Family, this “Flexible interpretation” language may be appropriate in determining conformance. As for the *Neighborhood C* 8-acre reclassification, it would not be an expansion of an existing abutting land use category on the FLUM. However, the FLUM depicts existing (or approved) Public/Institutional (P/I) uses as the desired future use for those areas and does not show areas where a change to P/I should occur. This is based on the knowledge that most P/I uses are either a use by-right or Special Use Permit under traditional zoning (they can occur most anywhere).

HOUSING

1-1.1. Ensure a healthy mix of housing types and densities (e.g. Single-family, duplex, multifamily, mixed use, and accessory dwelling units) to allow for greater diversity.

1-1.3. Stimulate the creation of workforce housing through town policies, incentives, and regulatory procedures. Collaborate with community partners and the private sector to expand the reach of Eagle’s workforce housing efforts.

1-2.1. Provide opportunities that increase the likelihood of the Town’s citizens to work within Eagle.

Staff Comment: The proposal is to relocate already approved multifamily units within the Haymeadow community. The applicant is including in this application the proposal to deed restrict another 10% of the 70 units as local’s housing. While no timeframe was included as part of the application for the construction of the proposed 72 units, approval could mean that the units would be constructed more quickly than presently approved. Further conformance with these policies could be achieved with the inclusion of timeframes for construction to address the existing demand for housing.

ENVIRONMENTAL

2-5.4. Preserve viewsheds and view corridors in key areas throughout Town. Work to preserve high quality agricultural lands, rural lands as appropriate, public lands, wildlife resources, water resources and forest resources when evaluating new development and/or annexations.

2-8.1. Support and preserve the attributes and quality of the “county lane” experience along Brush Creek Road.

2-8.2. Encourage clustering to balance conservation and development objectives so that wildlife habitat, views and sensitive environmental areas are preserved.

2-8.3. Large developments should provide for neighborhood connections setback significantly from Brush Creek Road to allow for a continued “county lane” experience.

4-1.2. Protect and preserve wildlife habitat, movement corridors, and other sensitive lands.

4-1.3. Mitigate impacts to the natural environment and native species.

4-1.4. Maintain and work to enhance the quality of valued viewsheds and view corridors.

4-1.5. Protect lands of high conservation or recreation value as open space. a. Promote the acquisition and/or conservation of private properties as open space

4-4.1. Development should avoid natural hazards and impacts on environmentally sensitive and hazard-prone areas. a. Discourage buildings or land disturbances on steep slopes, ridgelines and other hazard areas.

Staff Comment: Due to the location of the two properties in question, the “country lane” experience should not be impacted if the swap is approved. Viewsheds should not be impacted much beyond what has already been approved. Based on the referral comments from Colorado Parks and Wildlife, there seems to be concerns regarding the development of 72 multifamily units and the negative impacts to a Mule Deer migration corridor. Many of the factors that would be considered environmental (wildlife, views, air, water, etc.) would be addressed at the design phase (the next step) of the Town’s PUD approval process – if this application is approved. Staff notes that the uses by-right in the approved Haymeadow PUD Guide on the 6.5-acre Recreation Open Space/School track include:

- a. Indoor and outdoor recreation and entertainment facilities.*
- b. Parks and picnic facilities.*
- c. Community Center.*
- d. Cultural and educational buildings and activities.*
- e. Concessions, food and beverage service.*
- f. Special events including sports events and tournaments, entertainment and cultural events.*
- g. Public Administration building.*
- h. Administration/Maintenance facilities.*
- i. Equestrian, pedestrian and bicycle trails.*
- j. Dog park.*
- k. Community gardens.*
- l. Playgrounds, play equipment and water features.*
- m. Temporary structures, tents and trailers associated with special events.*
- n. Landscape improvements.*
- o. Lakes, ponds, reservoirs and irrigation ditches*
- p. Public and/or Private School and related ancillary facilities, which may include, but not be limited to, classrooms, common areas, gymnasiums, cafeterias, theatres, offices, meeting rooms, parking, and outdoor recreation and athletic facilities. A bus barn or overnight vehicle storage area would not be considered a use-by-right.*
- q. Special events utilizing either indoor or outdoor facilities of the school, including sporting, cultural or entertainment events.*
- r. Temporary construction/administration office.*
- s. Agricultural uses.*
- t. Public or private roads and utilities including bridges, utility, improvements, lines and mains, facilities, services and buildings.*
- u. Additional uses determined to be similar to uses by right listed above*

LIFESTYLE

3-4.2. Maintain existing public land boundaries, unless the public benefits realized by a land trade or exchange clearly outweigh any negative impacts.

3-3.1. Ensure residents have access to recreation amenities. a). Support efforts to enhance and expand parks, trails (hiking, biking, motorized), and recreation amenities. b). Require new development to provide adequate parks, trails, other recreational facilities, and connections to pedestrian/bicycle-oriented amenities.

Staff Comment: While this proposal would not maintain the existing public/Town land boundary on Tract E, the public land approved in the existing PUD as the fire station and Trailhead Park (Tract F park and recreation amenities off of Ouzel Lane) would be expanded by 8 acres. The overall net increase in public land will be 1.5 acres. The 6.5 acre parcel was chosen because it is not a part of the Mountain Recreation master plan. Approval of this project would limit any future expansion of the Mountain Recreation facility but would allow for the expansion of the Trailhead Park – Tract F amenities. This could be considered a positive element to the future residents of later phases of Haymeadow and the Town in general. Adding more units near the Pool and Ice facility would decrease the reliability on vehicular trips to that destination.

TRANSPORTATION

2-4.1. Enhance pedestrian access and amenities, and public gathering areas to promote social interaction. a. New development should provide amenities such as sidewalks, parks, open space systems, and bicycle paths.

2-8.4. New development should create connections to existing trails and pedestrian areas within the Brush Creek character area, where appropriate

2-8.5. Enhance multi-modal and pedestrian connectivity within the Brush Creek Character Area.

3-3.2. Improve the safety and efficiency of bicycle and pedestrian crossings throughout Town; with additional improvements along Grand Avenue/Highway 6.

5-1.5. Support transit-oriented development, and improvements that promote multimodal transportation options.

5-2.2. Ensure streets effectively accommodate transit, bicycles, pedestrians and other transportation options as determined appropriate.

5-3.2. Ensure efficient multimodal connectivity between all residential areas and public destinations.

5-3.3. Encourage a compact development pattern

Staff Comment: With the placement of 72 multifamily units closer to the Pool and Ice facility, pedestrian access and the level of compact development will increase. Because the uses in the 8-acre parcel have not been identified, multimodal issues have not been addressed. Connectivity issues related to all applicable forms of transportation will be included as part of the next step of the PUD process (if approved). The TOE Public Works Department has submitted comments addressing the need to complete the Sylvan Lake Rd/Brush Creek Rd roundabout earlier than required because of the impacts resulting from adding 72 units to the early phases of the development.

STAFF RECOMMENDATION

Staff recommends APPROVAL WITH CONDITIONS of file PUDA21-02, a Major PUD Amendment request to swap 6.5 acres of Tract E with 8 acres of the Multi-Family area of Neighborhood C, based on compliance with Conditions 1-6 of Section 4.11.050. of the Municipal Code and general compliance with the Elevate Eagle Comprehensive Plan. Specifically, that the application:

1. Proposes solutions consistent with efficient development and preservation of the entire planned unit development; and
2. Would not affect either the enjoyment of land or the public interest in a substantially adverse manner; and
3. Is not granted solely to confer a special benefit upon any person; and

4. Does not contain uses that have been shown to detract from other uses approved in the PUD; and
5. Does not contain an open space plan that differs substantially in quantity or quality from that originally approved; and
6. Contains (or will) contain street and utility plans that are coordinated with planned and/or existing streets and utilities for the remainder of the PUD.

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to the Planned Unit Development amendment #PUDA21-02:

1. Recommend approval with no conditions.
2. Recommend approval with conditions.
3. Continue (table) the application:
(Provide staff and the applicant detail regarding information needed for a decision.)
4. Recommend denial:
(Cite all Code sections and/or Plan policies that resulted in motion for denial.)

IF APPROVED WITH CONDITIONS, THE PLANNING & ZONING COMMISSION MAY CONSIDER THE FOLLOWING:

I move to RECOMMEND APPROVAL of file PUDA21-02, a Major PUD Amendment request to swap 6.5 acres of Tract E with 8 acres of the Multifamily area of Neighborhood C, with the following finding of fact and CONDITIONS OF APPROVAL:

Finding of Fact:

That the application is in conformance with Section 4.11 of the Land Use and Development Code and the 2020 Elevate Eagle Comprehensive Plan.

Conditions of Approval:

1. The PUD amendment shall include:
 - a. The applicant obtaining 6.5 acres of Tract E in exchange for the dedication of 8 acres to the Town of Eagle in Neighborhood C for recreational purposes as described in the Haymeadow PUD Guide.
 - b. Transference of 72 multifamily units from Neighborhoods B and C to Neighborhood A1.
 - c. The 72 transferred units shall include an additional 10% deed restricted units limiting them to occupancy by Town of Eagle residents.
 - d. Other approved elements as described in the applicant's narrative or as reflected in the Town Council minutes.
2. Prior to conveyance of the 6.5-acre portion of Tract E from the Town of Eagle to Abrika; The Town of Eagle and Abrika shall enter into an agreement outlining Abrika's timing and

commitment to extend road and utility improvements to the proposed 8-acre recreation site.

3. Prior to submittal of the Final Plat application or a Development Permit application (or the next step in the PUD approval process), the applicant shall work with Town Staff and Attorneys to determine whether the Annexation and Development Agreement is required to be amended.
4. Prior to submittal of a Final Plat application or a Development Permit application (or the next step in the PUD approval process), the applicant shall work with Colorado Parks and Wildlife and create a Wildlife Mitigation Plan.
5. All additional details associated with the LERP units shall be evaluated at the time of the Major Development Permit review (or the next step in the PUD approval process).
6. Included with the application for a Development Permit (or the next step in the PUD approval process), developer shall submit a Joint Excavation Plan to comply with the Town's recently passed Joint Excavation Ordinance, identifying the steps taken to install conduits and their dedication for future broadband utilities planning to serve the development.
7. Included with the application for a Development Permit (or the next step in the PUD approval process), developer shall submit documentation detailing potable water and non-potable water changes in use, quantity, pressure, etc. expected from the proposed use changes, especially as it relates to irrigation.
8. The Sylvan Lake/Brush Creek on-site roundabout will need to be constructed including the realignment of both Brush Creek Rd and Sylvan Lake Rd into the roundabout. This work will need to be completed before the first multifamily Certificate of Occupancy is issued.
9. Included in the application for the Final Plat, the applicant shall document the age of all reports referenced in the PUD amendment application, disclose what assumptions of these studies are no longer accurate, include new data (if available), and submit new or updated reports if needed.
10. In the application for Development Permit (or the next step in the PUD approval process) the applicant shall provide documentation that the existing on and off-site stormwater system of pipes, ditches, basins, etc. are capable of accommodating the flow for any new development.



PUD Amendment

July 2021

Haymeadow PUD Amendment 2021

August 26, 2021

Prepared for:

ABRIKA Properties, LLC
8250 Southwest 27th Avenue
Ocala FL 34476

Prepared by:

Pylman & Associates, Inc.
PO Box 2338
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Haymeadow Project Team

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Introduction

The Haymeadow team appreciates all the feedback we received during the public hearings on our last PUD Amendment application and understands that while the housing shortage in Eagle is a critical issue recognized by all stakeholders, the Town and Community view the synergy between the future school and Mtn Rec facilities as a core amenity of Haymeadow that should not be changed. We have taken this feedback into consideration and had further conversations with Mtn Rec to come up with a better plan that still accomplishes many of the goals we hoped to accomplish with the prior Amendment application.

The new plan would still result in the addition of much needed attainable housing units delivered with the already planned first phase homes at Haymeadow by exchanging 6.5-acres (only ~6 acres usable) in the northeastern corner of the combined school/rec parcel for 8 acres of park space in Neighborhood C of Haymeadow and transferring 72 multi-family units from Neighborhoods B & C onto the 6.5-acre parcel (rather than the previously proposed 112 units). The 6.5-acre parcel is north of the originally planned school site, and not utilized in the current Mtn Rec expansion plan. Therefore, **this land exchange would not require relocation of the school and would not require a change to Mtn Rec's expansion plan.** We believe this alternative addresses all concerns that were expressed regarding our prior proposal, while maintaining most of the recognized benefits. We are also proposing to commit to deed-restrict an additional 10% of the units on the proposed land exchange parcel for local residents.



DHM DESIGN LANDSCAPE ARCHITECTURE
URBAN DESIGN + LAND PLANNING
ECOLOGICAL PLANNING

MULTI FAMILY SITE STUDY
HAYMEADOW DEVELOPMENT
JULY 2021

Figure 1

HAYMEADOW

1.0 Description of proposed project.

The Haymeadow PUD was approved by Town of Eagle Ordinance No. 11, Series of 2014 after several years of PUD Concept Zoning Plan and PUD Zoning Plan review.

The development plan for Haymeadow evolved out of a careful analysis of many factors, including the [2010 Eagle Area Community Plan](#), existing growth and land use patterns, anticipated long term residential housing needs, existing and desired recreational amenities, existing and planned traffic circulation patterns and the landforms and environmental sensitivities of the property.

The primary element of the design influence was clearly the Eagle Area Community Plan. Alignment to the revised EACP was and remains very important to the development team. In fact, the project's initial application was tabled until the new EACP could be formed and adopted by the Town of Eagle. The result is a PUD that closely aligns with the applicable goals of the 2010 EACP. Specifically the chapters on *Vision*, *Land Use* and the *Conservation Oriented Development* section of [Chapter 4](#) all gave very specific direction to the Haymeadow design. The concepts of livability, sense of community, stewardship of the natural environment and compact walkable neighborhoods are also all reflected in the approved plan.

The approved plan consists of five distinct neighborhoods, community parks, a fire station, a K-8 sized public school site and expansive open space tracts. The plan features extensive setbacks from Brush Creek Road and a diminishing level of density as the property transitions up Brush Creek Road. The neighborhoods are situated around a framework of open space corridors, parks and trails that create an organized layout of neighborhoods and public spaces.

The Haymeadow PUD is approved for 837 dwelling units on 660 acres. This includes 344 multi-family units and 493 single family/duplex units. Multi-family units are distributed throughout Neighborhoods A1, A2, B and C. Multi-family housing opportunities have always been envisioned as a variety of home sizes that will range from entry level condominiums to larger family oriented townhomes and flats. Approximately 335 acres of the total area of 660 acres has been designated as open space.

The approved Development Plan outlines the general location of the proposed primary access roads, neighborhoods, school, fire station and parks and open space areas. (See Figure 2, Approved Development Plan)

The purpose of this application is to propose a change in the configuration of the approved PUD Development Plan by exchanging park space within the existing infrastructure for larger park space near the future Haymeadow Trailhead Park, and transferring some of the multi-family residential units from further neighborhoods in Haymeadow into the first phase.

1.1 Park site amendment

Specifically, the proposed amendment to the PUD would exchange 6.5 acres of park space within Tract E for 8 acres of park space in Neighborhood C. (See Figure 3, Proposed revised PUD Development Plan) Note that due to the existing bike path that crosses the 6.5 acre parcel, less than 6 acres of the Tract E parcel would actually be usable for park space. 72 units of the approved multi-



LAND USE SUMMARY

Parcel	Acreage	MF Units	SF/Duplex	Total
A1	41.7	146 (64%)	82 (36%)	228
A2	46.4	86 (45%)	103 (55%)	189
B	61.0	48 (23%)	161 (77%)	209
C	47.1	64 (40%)	97 (60%)	161
D	52.8	0 (0%)	50 (100%)	50
I	05.8	0 (0%)	0 (0%)	0
Subtotal:	254.8	344 (41%)	493 (59%)	837

	Tract	Acreage	Use
T.O.E Recreation / School	E	32.733	
Community Park	F	20.501	Recreation Open Space
Fire Station	G	1.675	Fire Station
Subtotal:		54.83	
Road ROW		15 Ac.	

Development Parcels	254.8 Ac.
Tracts	54.83 Ac.
ROW	15.00 Ac.
Open Space	335.37 Ac.
Total:	660.00 Ac.

Multi-Family
 Single Family / Duplex Lots



LAND USE SUMMARY

Parcel	Acreage	MF Units	SF/Duplex	Total
A1	48.2	218 (72%)	82 (28%)	300
A2	46.4	86 (45%)	103 (55%)	189
B	61.0	28 (15%)	161 (85%)	189
C	39.1	12 (11%)	97 (89%)	109
D	52.8	0 (0%)	50 (100%)	50
I	05.8	0 (0%)	0 (0%)	0
Subtotal:	253.3	344 (41%)	493 (59%)	837

Tract	Acreage	Use
T.O.E Recreation/ School	E 26.23	Recreation Open Space
Community Park	F & F1 28.50	
Fire Station	G 1.675	
Subtotal:	56.33	
Road ROW	15 Ac.	

Development Parcels	253.3 Ac.
Tracts	54.83 Ac.
ROW	15.00 Ac.
Open Space	335.37 Ac.
Total:	660.00 Ac.

- Multi-Family
- Single Family / Duplex Lots

See Haymeadow PUD Development Plan Application Book dated 12/2013 for general descriptions, as amended by the approved Haymeadow PUD Annexation Development Agreement.

Figure 3 Proposed PUD Development Plan

family unit density in Neighborhoods B & C will be shifted onto the 6.5 acres in the northeastern corner of Tract E.

- A 6.5-acre portion of Tract E that was intended for park space will be re-classified within the PUD Development Plan and PUD Guide as a part of Neighborhood A and the density of Neighborhood A will be increased by 72 units.
- An 8-acre portion of Neighborhood C that was intended for development will be re-classified as park space, and the multi-family density of Neighborhoods B and C will be correspondingly reduced by 72 units.

The shift of the multi-family density from Neighborhoods B and C into Neighborhood A1 allows Haymeadow to integrate more multi-family homes into the recently installed Phase 1 infrastructure.

This will allow Haymeadow to better respond to the current housing demand for entry level and attainably priced units earlier in the project and to place those units closer to the community core, a principle highlighted in the EACP. The current level of extreme housing demand for entry level and attainable units was not foreseen in the planning stages that took place prior to the 2014 approval. The applicant believes that the ability to accelerate the pace of multi-family development and use economies of scale to design and build a more attainable housing product targeted to the “missing middle” is a significant public benefit provided by the proposed PUD Amendment. The amendment of 6.5 acres of Tract E to residential and of 8 acres of Neighborhood C to park space represents an additional increase in the overall Haymeadow recreational land dedications of 1.5 acres.

There is no increase in density from the overall approved PUD. The overall approval will remain at 837 dwelling units with the same ratio of 344 multi-family units and 493 single family/duplex units.

Neighborhood	2014 Approved Density	Proposed Density
A1	228	300 (+72)
A2	189	189
B	209	189 (-20)
C	161	109(-52)
D	50	50
TOTAL density	837	837

Assuming approval of these applications, a final plat application process will follow. This final plat will create the division of Tract E which will then be given to Abrika in exchange for the park space within Neighborhood C. The development of the multi-family units would then be contingent upon a Major Development Permit approval and concurrent approval of architectural and landscape design guidelines.

2.0 Environmental Analysis

The approved Haymeadow PUD included a thorough environmental analysis of the property that was reviewed as a part of the Haymeadow Concept and Zoning PUD review processes. Environmentally sensitive portions of the property such as wildlife habitat, wetlands, geologically sensitive areas and drainageways were identified and protected by designating these areas as open space. The rec/school parcel and the multi-family locations were found to be areas suitable for development and are approved for such uses. The relocation of density from Neighborhoods B & C onto the school/rec parcel should not create any new adverse environmental impacts.

Western Ecosystems, Inc. completed a wildlife analysis of the Haymeadow property for the approved PUD Concept plan and the PUD Zoning Plan applications.

The Western Ecosystems, Inc. assessment is based upon existing CDOW wildlife habitat mapping, Mr. Thompson's extensive field analysis of this site and adjacent private properties, which have been ongoing since 1994, and conversations with CDOW and Town of Eagle representatives.

The report includes an in depth analysis and description of each habitat type found on the site and provides a series of development recommendations designed to mitigate project impact upon wildlife values. The Haymeadow PUD Development Plan is in conformance with these recommendations.

Western Ecological Resource, Inc completed a thorough description of existing vegetation communities, an evaluation of the presence of federal threatened, endangered and candidate plants and provided an estimate of impacts to the various vegetation communities for the approved Haymeadow PUD Concept and Zoning Plans.

Of the 660 acres that comprise the Haymeadow property the development plan as designed impacts only 17.69 acres of native vegetation and will impact 509 acres of introduced non-native vegetation.

The Haymeadow open space corridors have been strategically designed to protect wetlands, riparian areas and large stands of Cottonwood and Willow trees.

The proposed amendment to the PUD does not add any additional impact to native vegetation areas or to wetlands. The proposed uses will occur in areas of introduced or disturbed vegetation.

Access and Traffic

The proposed shift in location of a portion of the Neighborhood B and C multi-family density does not create any new density or uses and will not change the overall traffic volumes generated from the Haymeadow site. No change in the layout of the primary roads; Sylvan Lake Road and Ouzel Lane is proposed. No meaningful changes to trip distribution are expected to occur.

Water and Wastewater

As there is no increase or decrease in the intensity or density of the proposed plan there is no effect upon the water rights dedication requirements or the capacity of the water and wastewater plants and infrastructure.

The proposed residential parcel at the northeast portion of Tract E, is equal to or lower in elevation than most of the infrastructure installed as part of Haymeadow Filing 1 and would therefore have similar water pressures as defined in the Town of Eagle Mott MacDonald memo dated March 8, 2019. The highest building topographically is proposed to have a first-floor elevation of approximately 6712 which correlates to the upper level of a 3-story building having an elevation of approximately 6732. This elevation would have a static pressure of approximately 47 psi. The recommendation contained in the Mott MacDonald memo is to have a minimum pressure of 30 psi at the upper floors of the proposed buildings. Also, per the Mott MacDonald memo, there is adequate water storage within the Town pressure zone to accommodate the proposed density increase.

The existing sanitary sewer mains and non-potable water mains installed as part of the Haymeadow Filing 1, have sufficient capacity to support the site development and density as proposed.

Emergency Services

The applicant has had an early conversation with representatives of the Greater Eagle Fire Protection District. At this time there are no identified negative impacts associated with the shift in location of the multi-family use. The proposed multi-family site has multiple points of access and may be designed to meet fire department access requirements.

LERP program

As there is no change in density and no change in the multi-family and single family/duplex unit ratio there is no effect upon the LERP program requirements of the Haymeadow PUD. The approved Haymeadow LERP plan requires that 10% of the 837 units be deed restricted as LERP units and approves for them all to be multi-family units. The shift in location of the multi-family units into Neighborhood A1 will allow more multi-family to be constructed in earlier phases of the project, which will result in substantially more LERP units constructed sooner. To meet the overall 10% requirement, 24% of all the multi-family units will be designated as LERP units.

We are also proposing to include a separate deed restriction on an additional 10% of the 72 units transferred to Neighborhood A1 that would require the units to be sold only to Eagle residents, without restrictions on price appreciation.

Eagle Area Community Plan/Elevate Eagle

As stated above, the approved Haymeadow plan was designed to a very high level of compliance with the EACP.

The EACP includes a vision statement and the Vision chapter of the plan (page 5) includes eleven planning concepts as integral to the Town's vision statement. These planning concepts are broad

based statements that apply well to the overall Haymeadow PUD and were important in informing the design process. The shift in location of the multi-family does not create any adverse effect upon the overall compliance of the Haymeadow PUD with any of the vision elements of the Eagle Area Community Plan.

Another important element of the EACP is the Land Use Chapter (page 13). The Land Use Chapter recognizes six primary factors that influence land use decisions. Again, the approved Haymeadow plan closely hews to these factors and was found to be in compliance with this important section of the EACP. The shift in location of the multi-family does not create any adverse effect upon the overall compliance of the Haymeadow PUD with these six factors of the Land Use Chapter.

A strong tenet of the EACP was to locate higher densities closer to the community core and to feather out the unit per acre density as the distance from the community core increased (page 7, Factors of Livability #1). The proposed PUD amendment creates a higher level of compliance with this aspect of the EACP. The EACP also notes that “a healthy vibrant community should have... a range of housing choices for residents at all income levels, and that the development of workforce and affordable housing in Eagle can help to ensure a more sustainable community” (Chapter 10, page 132). Chapter 10 of the EACP is the Housing section. This section of the EACP discusses housing needs, goals and policies at some length. The proposed PUD Amendment creates a higher level of compliance with this aspect of the EACP, as it allows Haymeadow to accelerate the phasing of multi-family units.

The shift in the multi-family location does not create any adverse effect upon the overall compliance of the Haymeadow PUD with the Eagle Area Community Plan.

The Town of Eagle adopted the Elevate Eagle Comprehensive Plan on December 5, 2020. This application is subject to the Elevate Eagle plan as the current Comprehensive Plan for the Town of Eagle. The Elevate Eagle plan recognizes and supports the design and goals of the Haymeadow PUD.

The very first goal articulated in the plan, Goal 1-1 (page 48) states: *“Promote a wide range of attainable housing opportunities for young adults, families, aging residents, workforce and others.”* The sub-policies to Goal 1-1 numbered 1-1.1 and 1-1.3 directly support the proposed PUD Amendment.

The second goal of the Elevate Eagle plan is Goal 1-2, (page 48) which states: *“Expand and diversify the Town’s economic opportunities.”*

The Who We Are section (page 78/79) of the Elevate Eagle Plan clearly articulates the importance and benefit of creating a variety of attainable housing options to support new employees and their families, as well as retirees and millennials.

The Where We Live section (pages 83/83) articulates the need for “middle” section housing. The section describes the Eagle demographics that are currently weighted heavily toward single family housing stock with some rental opportunities, but with limited opportunities in the middle sector. Haymeadow is weighted 60%/40% single family/multi-family. Shifting some of this multi-family into Neighborhood A1 allows for a higher range of multi-family unit types and price points and allows those units to be delivered earlier in the project phasing.

The Economy section (page 84/85) states the importance of housing availability to the economy, relaying the often stated finding that the lack of attainable housing is a primary factor hindering employee retention and business growth.

The Elevate Eagle plan includes a Future Land Use Map (“FLUM”) as a guide to development decisions and anticipates the location land uses over the next 10 to 20 years. In the case of the Haymeadow PUD the FLUM recognizes and reflects the existing PUD Development Plan land uses and highlights the public/institutional lands and the medium and low density residential areas. While the plan reflects the approved development plan it also recognizes that the Haymeadow PUD has built in flexibility in the exact boundaries of those areas. The FLUM also states that “flexible interpretation of the boundaries may be granted by the Town Planning Staff, Planning and Zoning Commission and Town Council, provided the proposed change is consistent with the vision, goals, and strategies contained within this plan”.

The proposed amendment to the Haymeadow PUD shifts the location of a portion of the public/institutional land to a location in Neighborhood C that is adjacent to other public/institutional land and park space and shifts a portion of the Neighborhood C medium density area to the Neighborhood A location shown on Figure 1. The overall area of public/institutional land will be increased by 1.5 acres and the overall area of low density residential land will be decreased by 1.5 acres.

This amendment in the FLUM boundary line locations directly addresses the Elevate Eagle goals of shifting the overall Town ratio of multi-family to single family land towards the multi-family side.

A careful read of all of the vision, goal and strategies with the Elevate Eagle plan indicates support for this minor shift in the boundaries of these two areas.

The Vision statements of the plan describe broad community wide ideals for community character, lifestyle, environment and connections that the Haymeadow PUD will continue to meet with the proposed PUD Amendment. The minor shift in the location of medium density residential and public/institutional land within the neighborhoods of Haymeadow will have a positive effect upon the Vision of the Elevate Eagle plan.

The shift is directly supported by Goal 1 of the Elevate Eagle plan and is in harmony with Goal 2-B, which describes the Brush Creek character area. Again, the minor shift in boundaries and the overall increase in public/institutional lands will have a positive effect upon the goals of the plan that relate to this proposal.

The flexibility language built into the FLUM section of the Elevate Eagle plan was expressly written to allow minor shifts and deviations from the FLUM map boundaries when a land use proposal has no overall effect to vision and goals of the Elevate Eagle plan. This proposed amendment meets that interpretation.

3.0 Conditions for PUD Amendment

In accordance with the Town of Eagle Town Code Section 4.11.050 an approved PUD zoning plan or an approved PUD development plan may be amended if the applicant demonstrates that the proposed modification:

1. Is consistent with the efficient development and preservation of the entire planned unit development.

The proposed amendment is consistent with, and in fact, improves upon, the efficient development and preservation of the entire planned unit development. The use of vacant land that is not currently planned for use by either Mtn Rec or the future school allows for an efficient development of the PUD and for an efficient use of the existing first phase infrastructure network.

The addition of residential units closer to the core of downtown Eagle and Eagle Ranch will add to the energy and vibrancy of those important areas. The proximity of residential units to the pool, ice rink and trailhead complex will be a terrific amenity for those citizens and will help to energize the park. The ability to add more multi-family residential units sooner, units that are targeted to a difficult to serve housing demographic, and accelerate the pace of LERP units seems to be a significant community benefit.

2. Does not affect in a substantially adverse manner either the enjoyment of land abutting upon, adjoining or across a street from the Planned Unit Development or the public interest.

The applicant does not believe that the proposed amendment has a substantial adverse effect upon any lands abutting or within the PUD. The application does not propose any new uses for the approved PUD, it merely shifts the location of existing approved uses. School, residential and park uses will remain adjacent and compatible with one another as is evidenced by the location of schools and parks throughout the greater community. This proposed 6.5 acre expansion of multi-family will continue the planned synergy of the combined school/park site and will add additional walkable units to those facilities. The proposed location for multi-family housing would not affect the views of any residents in Eagle or materially change any traffic patterns. In recognition of the feedback we previously received, the proposed location does not require any changes to the current Mtn Rec expansion plan or require any change in location of the future school.

3. Is not granted solely to confer a special benefit upon any person

The amendment as proposed will foster the efficient development of the PUD and provide an opportunity to develop much needed multi-family housing in an earlier phase of the development. It also increases the total amount of public park space within the development. This does not confer a special benefit upon any person.

4. Does not contain proposed uses that detract from other uses approved in the PUD

The park space and multi-family shift in location does not create any new uses.

5. Does not contain an open space plan that differs substantially in quantity or quality from that originally approved

The proposed amendment increases the quantity and quality of open space in the approved plan.

6. Contains street and utility plans that are coordinated with planned and/or existing streets and utilities for the remainder of the PUD

There are no significant changes to the existing or approved street and utility plans.

4.0 Development Impact Report

The Town of Eagle Land Use Regulations Section 4.07.100 is titled Development Impact Report. The intent of this section of the land use regulations is to ensure that development proposals address and evaluate potential impacts. The section of the Haymeadow PUD Amendment and Preliminary Plan application responds to the purpose, intent and details of this portion of the town land use regulations. Sections taken directly from the Town of Eagle Land Use Regulations are expressed in a bold text format. The applicant responses are expressed in a standard text format.

Purpose - It is the purpose of this Section to:

- 1. Ensure that complete information concerning any adverse effects of the proposed development or subdivision on the environment and essential public and private services and facilities, including educational facilities, as well as the health, safety, order, convenience, prosperity and welfare of present and future inhabitants of the Town is available to the Town Board, the Planning and Zoning Commission and the general public;**

Applicant response: The approved PUD Development Plan included a thorough environmental analysis of the property and that analysis was reviewed as a part of the Haymeadow PUD Zoning and Development Plan review processes. Those Haymeadow applications were assembled in a comprehensive manner and included information throughout the narrative application and the appendices that addresses the environment, essential public and private services and facilities, educational facilities, and the health, safety, order, convenience, prosperity and welfare of present and future inhabitants of the Town.

Environmentally sensitive portions of the property such as wetlands and drainageways were identified and protected by designating these areas as open space. The recreation parcel and the multi-family locations were found to be areas suitable for development.

The shift of Neighborhood B & C multi-family density onto a portion of Tract E does not create any adverse environmental impacts, have any adverse impact upon the provision of the above listed services or other impact to the community that was not identified and mitigated as a part of the 2014 PUD approval.

- 1. Ensure that long term protection of the environment and the provision of essential**

public and private services and facilities such as streets, utilities, and educational facilities are considered in major development and subdivision planning and that land use and development decisions, both public and private, take into account the relative merits of possible alternative actions; and

Applicant response: The 2014 Haymeadow PUD application included a robust environmental analysis of geology, vegetation, wildlife, traffic, drainage, utilities, and water rights and provided information on these topics as well as schools that allowed town officials and citizens opportunity to consider these factors as they evaluated the proposal. The end result of that review process was the 2014 PUD Development Plan and Preliminary plan approval. The geologic, vegetation, wildlife, drainage, utility and water rights analyses are unaffected by this shift in location of land uses. Total traffic will be unaffected and there will be no material changes to traffic patterns.

- 1. Ensure that proposed developments and subdivisions promote a healthful and convenient distribution of population, the wise and efficient expenditure of public funds, including the funds of other governmental entities, as well as the adequate provision of essential public services, facilities and requirements, including schools; and**

Applicant response: This application proposes a shift in location of some multi-family density and of public park / open space. The application materials are sufficient to allow the reviewers the ability to evaluate any adverse impact to the distribution of population.

- 1. Provide procedures for local review and evaluation of the environmental and social-economic effects of proposed development projects and subdivisions, including essential public and private services and facilities, prior to granting major development permits or subdivision approvals; and**

Applicant response: No applicant response is necessary to this section of the Intent. This section of the Town of Eagle Land Use Regulations provides the procedures stated above and the Haymeadow review process is in compliance with those procedures.

- 1. Provide for the reasonable and adequate mitigation of on-site and off- site impacts generated by the proposed development or subdivision on the environment and essential public or private services and facilities, including streets, utilities and educational facilities.**

Applicant response: This application has evaluated on-site and off-site impacts. The applicant does not believe there are any on or off-site impacts that require mitigation above and beyond the current PUD approval.

Preliminary Impact Report

Every Development Permit Application and Preliminary Subdivision Plan shall include a preliminary statement of whether the proposed project will, will not, or could possibly affect the environment, either during construction or on a continuing basis, in each of the following respects:

By altering an ecological unit or land form, such as a ridgeline, saddle, draw, ravine, hillside, cliff, slope, creek, marsh, watercourse, or other natural land form feature

Applicant response: The current approved PUD Development Plan has identified Tract E and the Neighborhood B and C multi-family sites as appropriate for development. The level of disturbance to these respective sites will remain similar. This application will not alter any of these landforms above and beyond the current approval.

By directly or indirectly affecting a wildlife habitat, feeding, or nesting ground;

Applicant response: The majority of the Haymeadow lands exist as irrigated and cultivated agricultural lands, which are not classified by the CDOW as wildlife habitat. However, the northern undisturbed natural lands are classified as habitat. The proximity of homes on Haymeadow could possibly affect this northern wildlife habitat. A complete wildlife analysis was included in the 2014 application and includes a comprehensive analysis of wildlife habitats and potential Haymeadow impacts and improvements, and includes a recommendation for a wildlife movement corridor across the eastern portion of the site. This recommendation, among others, has been incorporated into the Haymeadow design and would be enhanced by the proposed increase in the size of that wildlife movement corridor across the eastern portion of the site. The comprehensive report allowed for a thorough review and understanding of wildlife associated issues. The approved Haymeadow PUD includes wildlife mitigation measures to address potential impacts. The level of disturbance on Tract E will remain similar and will not create any additional affect to wildlife habitat, feeding or nesting areas.

By substantially altering or removing native grasses, trees, shrubs, or other vegetative cover;

Applicant response: The majority of the Haymeadow lands exist as irrigated and cultivated agricultural lands. Tract E does not include native vegetation. The Haymeadow plan will not result in the substantial alteration of native vegetative cover. The level of disturbance to these respective sites will remain the same regardless of whether the use is multi-family or school/rec facilities. This application will not alter any of this vegetative cover above and beyond the current approval.

By affecting the appearance or character of a significant scenic area or resource, or involving buildings or other structures that are of a size, bulk, or scale that would be in marked contrast to natural or existing cultural features;

Applicant response: The proposed PUD Amendment will not affect these factors above and beyond the current approval. These lands are located within the Eagle Area Community Plan Urban Growth Boundary and as such a certain level of impact to the above factors is understood.

By potentially resulting in avalanche, landslide, siltation, settlement, flood, or other land-form change of hazard to health and safety;

Applicant response: This application will not affect these factors.

By discharging toxic or thermally abnormal substance or involving use of herbicides or

pesticides, or emitting smoke, gas, steam, dust, or other particulate matter;

Applicant response: This application will not change the approved PUD in any manner that will affect these factors.

By involving any process which results in odor that may be objectionable or damaging;

Applicant response: This application will not create any odor issues.

By requiring any waste treatment, cooling, or settlement pond, or requiring transportation of solid or liquid wastes to a treatment or disposal site;

Applicant response: This application will not change the approved PUD in any manner that will affect these factors.

By discharging significant volumes of solid or liquid wastes;

Applicant response: This application will not change the approved PUD in any manner that will affect these factors..

By increasing the demand on existing or planned sewage disposal, storm drainage, water distribution system, streets, or other utility systems to a level which is likely to cause an adverse impact on the environment

Applicant response: This application will not change the approved PUD in any manner that will affect these factors.

By involving any process which generates noise that may be offensive or damaging;

Applicant response: This application will not change the approved PUD in any manner that will affect these factors.

By either displacing significant numbers of people or resulting in a significant increase in population;

Applicant response: This application will not displace any people or result in any increase in population that is not already approved through the current PUD.

By pre-empting a site which is desirable for recreational uses or planned open space;

Applicant response: This application will pre-empt 6.5 acres desirable for recreational or open space use in Tract E, but more than offset that by allocating 8 acres desirable for use as recreational space in Neighborhood C.

By altering local traffic patterns or causing an increase in traffic volume or transit service need;

Applicant response: This application will slightly alter traffic patterns internal to Haymeadow.

By substantially affecting the revenues or expenditures of the Town government

Applicant response: This application will substantially increase near-term revenues of the Town by accelerating the timing of the Haymeadow buildout which will result in impact fees paid sooner, as well as accelerating the addition of resident taxpayers to the Town.

By increasing the demand on existing or planned school facilities to a level which is likely to cause an adverse impact on such school facilities, an adverse impact on educational opportunities, or an adverse impact on the revenues and expenditures of the Eagle County School District RE 50-J.

Applicant response: This application will not increase demand on school facilities, educational opportunities or ECSD revenues.

By being a part of a larger project which, at any future stage, may involve any of the impacts listed above.

Applicant response: The application is a part of a larger project that has been reviewed and approved by the Town of Eagle. The Haymeadow PUD is a complete master planned community and has addressed all of the elements associated with the anticipated build-out of the property.

APPENDIX A DRAFT REVISED PUD GUIDE

**SECOND AMENDED
PUD GUIDE FOR
THE HAYMEADOW PLANNED UNIT
DEVELOPMENT**

Deleted: FIRST

Amended and Approved
XX, 2021

Deleted: May 25

This document supersedes and replaces the Haymeadow PUD Guide dated May 25, 2021
and
March 25, 2014.

**APPROVAL OF THIS PLAN CONSTITUTES A VESTED PROPERTY RIGHT
PURSUANT TO SECTION 24-68-103,C.R.S., AS AMENDED**

1. PURPOSE:

The purpose of the Haymeadow PUD Guide is to serve as the governing land use regulations which will control the development of the Haymeadow PUD. The PUD Guide will serve as the “Zone District Regulations” for the PUD and is in conformance with Section 4.11.030 of the Town of Eagle Land Use and Development Code.

The Haymeadow PUD authorizes a total of 837 dwelling units, a public school facility, a fire station, active and passive parks and recreation areas, community facilities, trails and open space on 660 acres of land within the Town of Eagle, Eagle County, Colorado as described in the approved Haymeadow PUD Development Plan. Development within the PUD is administered by the Town of Eagle through the provisions of the PUD Development Plan and this PUD Guide. Building construction within the PUD is governed by the applicable Town of Eagle ordinances, rules, regulations and codes. Approval of this plan constitutes a vested property right pursuant to section 24-68-103,C.R.S., as amended.

The approved Haymeadow PUD Development Plan Drawing dated May 25, 2021 is attached to this PUD Guide as Exhibit A.

2. DEFINITIONS:

Unless otherwise defined below, all terms used in this document shall be as defined by the Town of Eagle Land Use Regulations.

A. Haymeadow PUD

The Haymeadow PUD is a zone district authorized by the Town of Eagle Ordinance No. _____, Series of 2014, and containing the property commonly known as Haymeadow.

B. Bed and Breakfast

An owner occupied dwelling unit that contains no more than four guest rooms where lodging, with or without meals, is provided for compensation.

C. Neighborhood Parcels

Areas as indicated on the approved Haymeadow PUD Development Plan for residential development, the development of which shall be regulated by this Haymeadow PUD Guide. These parcels are listed as Neighborhood A1, Neighborhood A2, Neighborhood B, Neighborhood C and Neighborhood D.

D. Planning Tracts

Areas as indicated on the approved Haymeadow PUD Development Plan and Preliminary Subdivision Plan for non-residential development, the development of which shall be regulated by this Haymeadow PUD Guide. These Tracts are listed as Tract E:

Recreation/School, Tract F: Park, Tract G: Fire Station, Tract I: Cabin, and Tract H: Future Development. The future resubdivision of Tract K will create additional tracts regulated by the PUD Guide. The Preliminary Plan is attached as Exhibit B.

E. Special Use

Special Use shall be as defined in Section 4.05 of the Town of Eagle Land Use and Development Code.

3. PUD ZONE DISTRICTS:

A. Residential One – Neighborhood Parcels A1, A2, B and C:

1. Purpose:
To provide sites for single family and multi-family homes on a variety of lot sizes that will maintain and reinforce the existing small town development pattern, character and architectural heritage of the Town of Eagle and to provide for mixed residential neighborhoods in order to serve the needs of the residents of Eagle. The design of neighborhoods in this district is intended to allow for flexibility, innovation and site sensitive planning that is responsive to both the design character and the functional requirements of the community.
2. Uses by Right:
 - a. One single family home on each specifically designated lot.
 - b. One duplex building (two units) on each specifically designated lot.
 - c. Multiple family residential, including condominiums, townhomes, flats or apartments, and single family or duplex cluster units on specifically designated lots.
 - d. Accessory apartment to single family dwelling as defined by the Town of Eagle (TOE) Municipal Code, not to exceed 700 square feet.
 - e. Utility service structures and buildings.
 - f. Home occupations as defined by the TOE Municipal Code.
 - g. Parks, open space and community gardens.
 - h. Model homes.
 - i. Pedestrian and bicycle trails.
 - j. Ponds, reservoirs and irrigation ditches.
 - k. Temporary construction staging areas.
 - l. Additional uses determined by the Town Planner to be similar to uses by right listed above.
 - m. Accessory uses customarily appurtenant to uses by right listed above including special events.
 - n. A Homeowner Association or Metro District operated or contracted enclosed storage building.
 - o. Typical agricultural uses may continue within each neighborhood until residential site development is initiated within the neighborhood.
 - p. Mail box drop boxes or similar mail delivery facilities.

- q. Temporary sales office.
- 3. Special Uses:
 - a. Day care of more than 8 children and elderly care.
 - b. Special Events
- 4. Minimum Building Setback Requirements:
 - a. Single family with front loaded garage:
 - 1. Front: 12.5 feet minimum setback to the front porch and /or front of the building facade. Porch steps may encroach up to 5 feet into the 12.5 foot required setback. The minimum distance from the front property line to a garage door shall be 25 feet. The maximum front setback for the front porch shall be 22 feet from the front property line.
 - 2. Side: 12.5 feet.
 - 3. Rear: 12.5 feet for one-story elements and 20 feet for two-story elements.
 - b. Duplex with front loaded garage:
 - 1. Front: 12.5 feet minimum setback to the front porch and /or front of the building facade. Porch steps may encroach up to 3 feet into the 12.5 foot required setback. The maximum front setback for the front porch shall be 22 feet from the front property line. The minimum distance from the property line to a garage door facing a front property line shall be 25 feet.
 - 2. Side: 12.5 feet. The minimum distance from the side property line to a garage door shall be 33 feet for a lot with a shared driveway.
 - 3. Rear: 12.5 feet. An unenclosed, covered porch or deck may encroach up to 5 feet into the rear setback.
 - c. Single family and duplex uses with alley loaded garage:
 - 1. Front: 12.5 feet to the front porch and /or front of the building facade. Porch steps may encroach up to 3 feet into the 12.5 foot required setback. The maximum front setback for the front porch shall be 22 feet from the front property line.
 - 2. Side: 12.5 feet
 - 3. Rear: 12.5 feet, however, the minimum distance from the property line to a garage door shall be 22 feet, or 24 feet to the alley travel way, whichever is more restrictive.
 - d. Multiple Family:
 - 1. Front: 15 feet. The minimum distance from the front property line to a garage door shall be 25 feet.
 - 2. Side: 15 feet
 - 3. Rear: 20 feet
 - e. Supplementary setback requirements:
 - 1. Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback.

2. Corner lots shall require compliance with the front setback standards on each side of the lot that fronts a public street.
 3. There shall also be a 50 foot building setback from Sylvan Lake Road in Neighborhood A1 and A2.
5. Maximum Building Height:
35 feet.
6. Maximum Lot Coverage:
 - a. Residential Multi-Family
 1. Building 60%
 2. All impervious materials - 70%
 - b. Residential Single Family
 1. Building 40%
 2. All impervious materials - 60%
7. Maximum Density:
The maximum density shall not exceed 15 dwelling units per gross acre for development within any Multi-Family Tract as shown on the initial Final Plat for each Neighborhood.
8. Neighborhood A1 Core Trail:
The Multi-Family buildings in west/central area of Neighborhood A-1 shall be configured in such a manner to accommodate an alignment of the future 10 foot wide asphalt trail identified on the Neighborhood A-1, Phase 1 Trails Plan as described below.

This trail will serve as a main route for school children to access the school site at a location close to the north side of the school's vehicular access system. This trail shall be configured to encourage use by children and designed in such a manner that provides direct views of the school site where possible and places a strong emphasis on safety at roadway crossings. This portion of the trail system will be approved by the Town as part of the Development Permit review process for the adjacent multi-family buildings and the trail shall be constructed concurrent with the multi-family units. In the event construction is initiated on the school prior to completion of the trail, the developer shall cause completion of this trail prior to the opening of the school.
9. Supplemental requirements:
The minimum depth for first floor front porches shall be 7 feet.

B. Residential Two – Neighborhood D:

1. Purpose:
To provide sites for lower density single family homesites.
2. Uses by Right:
 - a. Single family dwelling units not to exceed 7,000 square foot maximum size.
 - b. Accessory apartment to single family dwelling as defined by the Town of Eagle

Municipal Code, not to exceed 700 square feet.

- c. Model homes.
- d. Parks, open space and community gardens.
- e. Home occupations.
- f. Utility service structures and buildings/ maintenance facilities.
- g. Pedestrian and bicycle trails.
- h. Ponds, reservoirs and irrigation ditches.
- i. Temporary construction staging areas.
- j. Additional uses determined to be similar to uses by right listed above.
- k. Accessory uses customarily appurtenant to uses by right listed above.
- l. Accessory buildings may include detached garages, sheds and similar structures.
- m. Temporary tree farm
- n. Typical agricultural uses may continue within the neighborhood until residential site development is initiated.
- o. Mail box drop boxes or similar mail delivery facilities.
- p. Temporary sales office.

3. Special Uses:

- a. Day care of more than 8 children and elderly care.
- b. Bed and breakfast.
- c. Gravel borrow pit for on-site use.
- d. Special Events

4. Minimum Building Setback Requirements:

- a. Front: 25 feet
- b. Side: 15 feet
- c. Rear: 20 feet.

5. Supplementary setback requirements:

- a. Corner lots shall require compliance with the front setback standards on each side of the lot that fronts a public street.
- b. Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback.
- c. All garage doors shall be a minimum of 25 feet from the facing property line.

6. Maximum Building Height:
35 feet.

7. Maximum Lot Coverage:

- a. Building - 30%
- b. All impervious materials - 50%

8. Building Envelopes:

The Subdivision Final Plat or Plats for Neighborhood D shall contain appropriate notations requiring building envelopes to be designated on certain lots prior to any site grading or other disturbance of the designated lot. Specifically, any lot over 1/2 acre shall

be limited to a building envelope of 15,000 square feet. Application(s) for Subdivision Final Plat shall include a supplemental exhibit specifying lots requiring building envelopes. Upon approval of such supplemental exhibit by the Town Planner, any modification of such supplemental exhibit shall require approval from the Town. The owner of such lot shall propose a building envelope as part of the application for design review and building permit. The proposed building envelope shall comply with all criteria affecting building envelopes contained in the Design Guidelines as approved by the Town, and shall be so indicated graphically on a landscape/ site plan. This landscape/site plan shall also include calculations to indicate the building envelope does not exceed 15,000 sq. ft. The Town reserves the right not to issue a building or site improvement permit until a building envelope, if required, that complies with all approved Design Guideline criteria has been approved by the Design Review Committee.

As used in this document, the term "building envelope" shall be deemed to include the residence, any allowable accessory buildings, driveways, walkways, patios, and landscaped areas.

All portions of a lot outside of the designated 15,000 square foot building envelope shall maintain the existing pasture grasses or be landscaped in a dryland, native or xeric style that requires minimal irrigation. Any landscaping of this area shall require approval by the DRB.

9. Wildlife Corridor and Berm:

At the time of the first subdivision plat for Neighborhood D a 500 foot wide wildlife corridor shall be established on the adjacent open space to the east of Neighborhood D, as indicated on the approved PUD Development Plan attached as Exhibit A. If at this time a corresponding 500 foot wide wildlife corridor has not been provided or committed on the adjacent Adam Rib Ranch property, then a 1000 foot wide corridor is required on the Haymeadow Planned Unit Development. At the time of this final plat a deed restriction shall be placed on this wildlife corridor to guarantee its protection. This corridor shall be maintained in agricultural production.

The construction of a landscape screening berm shall be included in the public improvements for Neighborhood D. The purpose of this landscape screening berm is to provide visual buffer between the animals using the wildlife corridor and the activity associated with Neighborhood D. The final plat or deed restriction will include language that ensures this landscape screen/ berm is a permanent landscape feature. A conceptual graphic that illustrates the intent of the landscape berm is attached as Exhibit C.

C. Recreation Open Space/School – Tract E, Town of Eagle Recreation and School Site:

1. Purpose:
To provide a land area for a recreation site and a school site to be dedicated to the Town of Eagle.
2. Uses by Right:
 - a. Indoor and outdoor recreation and entertainment facilities.
 - b. Parks and picnic facilities.
 - c. Community Center.
 - d. Cultural and educational buildings and activities.
 - e. Concessions, food and beverage service.
 - f. Special events including sports events and tournaments, entertainment and cultural events.
 - g. Public Administration building.
 - h. Administration/Maintenance facilities.
 - i. Equestrian, pedestrian and bicycle trails.
 - j. Dog park.
 - k. Community gardens.
 - l. Playgrounds, play equipment and water features.
 - m. Temporary structures, tents and trailers associated with special events.
 - n. Landscape improvements.
 - o. Lakes, ponds, reservoirs and irrigation ditches
 - p. Public and/or Private School and related ancillary facilities, which may include, but not be limited to, classrooms, common areas, gymnasiums, cafeterias, theatres, offices, meeting rooms, parking, and outdoor recreation and athletic facilities. A bus barn or overnight vehicle storage area would not be considered a use-by-right.
 - q. Special events utilizing either indoor or outdoor facilities of the school, including sporting, cultural or entertainment events.
 - r. Temporary construction/administration office.
 - s. Agricultural uses.
 - t. Public or private roads and utilities including bridges, utility, improvements, lines and mains, facilities, services and buildings.
 - u. Additional uses determined to be similar to uses by right listed above.
3. Minimum Building Setback Requirement:
There shall be a 25 foot building setback from all lot lines that front public roads, except from Sylvan lake Road where a 50 foot setback shall be required. From other lot lines there shall be no minimum except must be sufficient to accommodate utilities, drainage, access, fire and building code regulations.
4. Maximum Building Height:
35 Feet. Architectural features such as a tower, cupola or other architectural focal point may have a maximum height of 42 feet if approved by the Haymeadow Design Review Board.

5. Density Allowance:
N/A

6. Maximum Site Coverage:
N/A

D. Natural Open Space Tracts - OS-A, OS-B & OS-C, as labeled on the Preliminary Subdivision Plan, as well as future open space Tracts which will be created through resubdivision of Tract H of the PUD Preliminary Subdivision Plan. The approved PUD Development Plan depicts the general location and size of the future Open Space and Neighborhood areas within Tract H. The PUD Preliminary Subdivision Plan is attached as Exhibit B.

1. Purpose:
To provide sites for natural open space, active recreation, agricultural uses, trails and park facilities, water storage and drainage improvements and landscape improvements.

2. Uses by Right:

- Equestrian, pedestrian and bicycle trails.
- Landscape Improvements.
- Lakes, ponds, reservoirs and irrigation ditches.
- Shade shelters and picnic facilities.
- Public or private roads, trailhead parking, restrooms, and utilities including bridges and utility improvements, tanks, lines, mains, pumphouses, facilities, services and buildings.
- Agricultural uses and associated facilities.
- Community gardens and associated facilities.
- Dog parks.
- Special events associated with agricultural facilities, community garden facilities, trails and trailheads, such as athletic, entertainment or cultural events.

3. Building Setback requirement
25 feet

4. Maximum Building Height
35 feet

5. Gross Density Allowance:
N/A

6. Maximum Site Coverage:
N/A

7. Supplemental Requirements:
The design and placement of recreation trails adjacent to the eastern wildlife corridor and

open space shall minimize the impact of recreation users upon wildlife.

E. Fire Station - Tract G:

1. Purpose:
To provide a site for a fire station and related improvements.
2. Uses by Right:
 - a. Fire station and related ancillary facilities, which may include, but not be limited to, offices, meeting rooms, training areas, crew quarters and temporary residences for fire fighters.
 - b. Additional uses determined to be similar to uses by right listed above.
 - c. Accessory uses customarily appurtenant to uses by right listed above.
3. Building Setback Requirement:
There shall be a 25' building setback from all lot lines.
4. Maximum Building Height:
35 feet. Architectural features such as a tower, cupola or other architectural focal point may have a maximum height of 42 feet if approved by the Haymeadow Design Review Board.
5. Haymeadow DRB approval and Town of Eagle Development Permit approval will be required prior to construction of buildings or alteration of the site.

F. Trailhead Park – Tract F & F1

1. Purpose:
To provide a site for active park and recreation facilities, formal and informal play fields, open space, ponds and water features, stream corridors and recreation trails, community buildings and facilities.
2. Uses by Right:
 - a. Indoor and outdoor recreation and entertainment facilities.
 - b. Parks and picnic facilities.
 - c. Community Center.
 - d. Cultural and educational buildings and activities.
 - e. Concessions, food and beverage service.
 - f. Special events including sports events and tournaments, entertainment and cultural events.
 - g. Administration/Maintenance facilities.
 - h. Homeowner Association or Metro District operated or contracted enclosed storage or administration building.
 - i. Equestrian, pedestrian and bicycle trails.
 - j. Dog park.
 - k. Community gardens.

- l. Playgrounds, play equipment and water features.
 - m. Temporary structures, tents and trailers associated with special events.
 - n. Landscape improvements.
 - o. Lakes, ponds, reservoirs, raw water irrigation structures and facilities and irrigation ditches.
 - p. Temporary construction/administration/sales office. Public or private roads and utilities including bridges, utility, improvements, lines and mains, facilities, services and buildings.
 - q. Agricultural uses.
 - r. Additional uses determined by the Town Planner to be similar to uses by right listed above.
3. Building Setback Requirement:
There shall be a 25' building setback from all lot lines.
4. Maximum Building Height:
35 feet. Architectural features such as a tower, cupola or other architectural focal point may have a maximum height of 42 feet if approved by the Haymeadow Design Review Board.

G. Cabin – Tract I

- 1. Purpose:
To provide a venue for special events including but not limited to weddings, community and corporate events including overnight stays by guests for no more than two consecutive nights.
- 2. Uses by Right:
 - a. Cabin with kitchen, bathrooms and dressing/bedroom rooms.
 - b. Indoor and outdoor special events limited to a maximum of 170 attendees.
 - c. Landscape Improvements
 - d. Seasonal tents for special events
 - e. Parking for no more than 20 vehicles
 - f. Portable self contained restrooms.
 - g. Equestrian, bicycle and pedestrian trails.
- 3. Building setback requirement: 25 feet from all lot lines
- 4. Maximum Building Height 24 feet
- 5. Gross Density Allowance: One Dwelling Unit not to exceed 2,500 square feet floor area
- 6. Maximum site coverage: N/A
- 7. Supplementary Regulations:
 - a. Special Events utilizing outdoor space shall not be allowed on a seasonal basis between the dates of December 1 to May 15.
 - b. No amplified music shall be allowed between the hours of 11:00 pm and 9:00 am.
 - c. Water and wastewater connection to the cabin shall be completed within two years of the time those utilities are extended to within 400 feet of the cabin parcel.
 - d. Special Event parking for events larger than 20 attendees shall be accommodated on ABRIKA owned Haymeadow property or guests shall be shuttled in from private offsite locations. ABRIKA will require that special events organizers agree not to utilize public

parking lots, Town of Eagle property or road right of ways without express permission from the Town of Eagle.

4. DENSITY CONTROL

Allowable maximum densities for each Neighborhood Parcel are set forth within the following density chart; provided however, that any Neighborhood Parcel may contain up to 1.25 times the total number of allowable dwelling units as described below. Any such increase in density of a Neighborhood Parcel shall be offset by an equal decrease in density from another Neighborhood Parcel. The intent of this provision is to allow flexibility in planning to take into account varying site conditions, market conditions and other design factors. There shall be no transfer of density allowed into Neighborhood D.

In no event shall the total number of residential units in all planning parcels within the Haymeadow PUD combined exceed 837 units. Accessory dwelling units not exceeding seven hundred (700) square feet appurtenant to single family dwellings shall not be included in such limitation.

The combination of two or more existing residential units into a lesser number of units shall first be approved by the Haymeadow Design Review Board and the Town Planner if any of such units have been designated as an affordable housing unit pursuant to the Town of Eagle Local Employee Residence Program. Approval by the Town shall be granted if such combination is in conformance with this PUD Guide and any applicable building codes. However, residential units designated as affordable housing units shall not be combined if such combination would reduce the total number of affordable housing units below the minimum number of required affordable housing units required under the Town's Local Employee Residence Program.

The Haymeadow Homeowners (Design Review Board) and the Town of Eagle shall have all remedies available to them at law or in equity to enforce the provisions of this Section.

Accompanying each Final Plat and Development Permit application shall be an inventory of dwelling units that have been approved by previously final plats and/or Development Permits for each respective Neighborhood.

Neighborhood	Single Family/Duplex	Multi-Family	Total # D.U.
A1	82	218	300
A2	103	86	189
B	161	28	189
C	97	12	109
D	50	0	50
TOTAL	493	344	837

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Density within each neighborhood has been defined in the PUD Development Plan and the PUD Guide as two unit types: Multi-Family and Single Family/Duplex. Up to 25% of the units identified as Multi-Family may be converted to Single Family/Duplex units and allowed in areas referenced as Multi-Family on the PUD Zoning Plan. No additional density beyond the 837 approved units is allowed.

5. PARKING REQUIREMENTS

All uses within Haymeadow will be subject to the parking standards of the Town of Eagle Land Use & Development Code with the following exceptions. Any on-street parking spaces shall be constructed as guest or park parking and may not be counted toward fulfilling residential parking requirements. Each single-family or duplex residence shall have a minimum of two on site parking spaces in addition to any garage space. These parking spaces shall fit within the property and not overhang any public walkway or travel way. Any accessory dwelling associated within a single family residence shall have one dedicated on-site parking space. A Bed and Breakfast use as defined in this PUD Guide shall provide the required single family parking plus one additional parking space per guest room. Parking requirements for Cabin-Tract I shall be as specified in Section 3G, Cabin-Tract I.

6. DESIGN REVIEW

Design guidelines shall be prepared which will establish architectural and building material standards, landscape design, urban design, site design standards and a design review process for development within Haymeadow. These guidelines shall be approved and in place for any area of the Haymeadow PUD prior to the approval of any Subdivision Final Plat for that area. The Design Guidelines shall be submitted to the Town for review and approval by the Town Board using the Major Development Permit Review process. Subsequent major revisions to the guidelines shall be subject to the same review and approval process of the Town of Eagle.

The Haymeadow Home Owners Association shall establish a Haymeadow Design Review Board that shall have authority and responsibility over the design review process. In the event that the Haymeadow Design Review Board ceases to fulfill its duties as described in the guidelines the Town of Eagle may assume the role of the Design Review Board.

All projects requiring a Town of Eagle permit shall adhere to the standards of this PUD and, where not specifically covered, the provisions of the Town of Eagle Land Use Code.

Applicants for all new development proposals, new buildings or building modifications, new landscaping or landscaping modifications, as defined in the adopted design guidelines, shall submit such proposals for review and approval by the Design Review Board.

The Town of Eagle shall not issue a building permit or grading permit without prior approval by the Design Review Board as demonstrated by drawings stamped as approved by the Design Review Board.

1. Architectural Design Standards:

The site design concept for Haymeadow, and for Neighborhood A in particular, is to create pedestrian friendly, walkable well-connected neighborhoods. A streetscape plan that includes a wide planting strip with street trees and sidewalks along both sides of the street will frame the residential development.

In the single family and duplex neighborhoods relatively narrow lots with uniform building setbacks, recessed garages and a well-established front porch element will create a strong neighborhood pattern. As the development progresses into Neighborhoods B, C and D the approved PUD Development Plan density decreases and the narrow lot pattern and streetscape design may become more relaxed.

Multi-family buildings will also be oriented to respect the streetscape while providing off-street parking. The buildings will be arranged to also focus on courtyard and open space access that will maintain a less formal but equally inviting pedestrian neighborhood quality.

The architecture of the Haymeadow community will both integrate with and enhance the beauty of the Town of Eagle and the Brush Creek valley. The intended goal is to develop a series of neighborhoods at ease with the surrounding ranching setting that look and feel like a natural evolution of the greater Eagle community. This will be assured through the development, adoption and enforcement of design guidelines that:

- a. Establish design and construction standards that both fit in the setting and ensure a consistent high level of quality across a wide array of housing types;
- b. Respond to the unique attributes and sensitivities of the site which are reflected in the design tenets underlying the plan;
- c. Implement a diverse but cohesive, unified and balanced architectural and landscape theme;
- d. Control massing of buildings to be appropriate in scale and context;
- e. Site structures in a manner which responds to existing physical site features, maximizes vistas, privacy and addresses energy usage ;
- f. Utilize forms and materials that honor the site's cultural history.

The Applicant has begun to develop housing designs that are illustrative of its vision for the property and are attached as Exhibit D.

These illustrative drawings:

- are examples of the type and style of housing that can be achieved in each residential building type. The architectural character will offer variety but will also include a style that ties together the single family and multi-family building types;
- reflect the general design principals outlined above which are the framework to be expanded upon and implemented in future design guidelines.

The architecture of the Haymeadow Community is inspired by the natural materials and simple gathered forms of the surrounding historic Colorado ranch compounds. These typical asymmetric historic buildings which evolved over time have a casual and intimate

architecture which is at harmony with the land. The proposed palette of natural earth colored stucco, timbers and stained wood sidings will give the buildings a natural patina that will blend in with the surroundings. The architecture of the community will be rooted in the history of the place.

The main element of the house should typically be two stories in height and typically have gable roof(s) with smaller attached one-story elements with typical shed roofs. Buildings are generally taller in the middle and step down at ends with typically one and a half story massing at the sides of the house and should step with grade to minimize site grading.

Primary building materials/colors must be muted tones derived from the earth, trees and rock outcroppings of the surroundings environment.

2. **Environmental Building Practices:**

- a. Low environmental impact and energy efficiency approaches to site planning, design, landscaping and construction are highly encouraged.
- b. Owners are encouraged to review LEED guidelines published by the US Green Building Council (www.usgbc.org) which encourage energy efficiency, resource efficiency and healthy indoor air quality.
- c. Passive and active solar is highly encouraged. Hot water and photo voltaic solar panels are encouraged to be well planned and integrated in to the architectural design. Panels should be installed in the same plane as the roofs and close to flush with the roof. Solar panels and all associated mounting brackets and hardware shall be all black. No bright shiny metal elements are allowed.

3. **Landscape Design Standards:**

Landscape Design Standards will be written and adopted as an integral part of the overall design guidelines. The intent of the landscape design guidelines will be provide standards for landscaping and water conservation within the PUD that enhance and maintain the character of the residential neighborhoods and public spaces of the Haymeadow PUD. The Landscape Design Guidelines shall comply with the Town of Eagle Water Efficiency & Conservation plan as applicable. This will be accomplished by:

- a. Setting minimum and maximum standards for planting within residential and public spaces.
- b. Promoting the conservation of water through selection of proper plant palettes and the use of efficient irrigation techniques.
- c. Controlling the spread of noxious weeds and invasive plant species.

4. **Illumination Design Standards:**

Illumination design standards for residential and public uses shall be included within the approved design guidelines. The intent of these standards will be to provide compliance with adopted Town of Eagle lighting requirements and appropriate dark sky practices.

5. **Fencing Design Standards:**

Fencing design standards shall be included within the approved design guidelines. The intent of these standards will be to provide a compatible appearance among residential properties and to regulate the structure, location, height, color and materials of fencing prior to installation. Where appropriate and as required, wildlife friendly fencing will be specified.

6. **Specific Design Considerations:**

Specific design considerations have been discussed with the Town of Eagle through the Haymeadow PUD Development Plan approval process. This section of the PUD provides a commitment to incorporate certain design considerations into the Haymeadow Design Guidelines.

- a. Final Plat and Development Permit applications shall include site and landscape design considerations for each Sylvan Lake Road intersection that creates key visual corridors into the adjacent neighborhood, creating a sense of welcome and entry. This is of specific importance at the school road intersection.
- b. Any development plan that includes a enclosed storage building or a HOA/Metro District maintenance yard shall include appropriate landscape screening to screen the view from the public street. Any yard and building plan structures shall require approval of the Haymeadow Design Review Board.
- c. Cedar or other wood shake shingle products shall not be allowed as a roofing material.
- d. Multi-Family development and Fire Station shall be subject to Town of Eagle Development Permit review as outlined in Section 4.06 of the Town of Eagle Land Use and Development Code.

7. SIGNS

Sign regulations shall meet the Town of Eagle sign code; unless a comprehensive Haymeadow Sign Program is approved by the Town of Eagle.

8. DOGS AND PET CONTROL

Each dwelling unit will be permitted to house up to two dogs and offspring up to three months old. Residents will be prohibited from harboring dogs on their property unless they have adequate facilities (i.e., animals kept in residence, a fenced yard, an electronically fenced yard, dog run, or kennel) to contain the animals. Enclosed runs must be located immediately adjacent to the home, within the lot's building envelope if an envelope is required, and shall not exceed 1,000 square feet. If facilities are inadequate to contain the dog(s), the animals will be immediately removed from the subdivision until adequate structures can be built.

At no time are dogs to be allowed to run freely, other than within designated leash free dog parks. Haymeadow shall be subject to any and all leash laws and other pet regulations as adopted by the Town of Eagle.

Stray dogs may also be controlled by the Town and/or County and Colorado Department of Parks

and Wildlife (CDPW). Homeowners not in compliance with these dog restrictions will be responsible for any and all costs incurred by the Town, County, and/or CDPW for enforcing these provisions.

Contractors, subcontractors and other construction related visitors shall be prohibited from bringing dogs onto the Haymeadow PUD.

9. FENCING

Any fencing separating a residential lot from adjacent natural open space shall be required to meet the wildlife friendly fencing guidelines of Colorado Parks and Wildlife.

The Haymeadow Metro District and/or Homeowners Association shall be responsible for maintaining a fence at appropriate perimeter sections of the PUD to keep cattle grazing on adjacent lands from entering the Haymeadow PUD.

10. TOWN OF EAGLE DEVELOPMENT PERMIT

All multi-family buildings, the fire station, school and Trailhead Park pavilion building shall be required to obtain a Development Permit pursuant to Section 4.06 of the Town of Eagle Land Use and Development Code

11 TRASH RECEPTACLES

Single family residences within the Haymeadow PUD shall be restricted from storing or leaving trash receptacles outside overnight. Trash receptacles shall be placed outside on the day of pick-up and shall be returned to an indoor location the same day.

Multi-family buildings shall provide wildlife resistant trash enclosure structures consistent with the approved Design Guidelines.

12. CONFLICTS

The specific provisions of this Guide shall supersede those of the Town of Eagle Land Use Regulations. However, where the Guide does not address an issue, the specific provisions of the Town of Eagle Land Use Regulations shall prevail. In cases of dispute or ambiguity, the Board of Trustees shall act to interpret.

13. AMENDMENTS TO THE HAYMEADOW PUD GUIDE, PUD DEVELOPMENT PLAN AND SUBDIVISION PLANS

It is anticipated that modifications or amendments to this PUD Guide, the PUD Development Plan, and Subdivision Plans will be necessary from time to time as Haymeadow progresses. This PUD Guide provides for two types of modifications or amendments: minor and major.

A. Minor Modifications:

Minor modifications are those changes which will not alter the original project concept but which may result in minor changes in the design of Haymeadow. Minor modifications include, but are not limited to internal road alignment alterations, minor adjustments to parcel boundaries, building envelope changes, and additions of land uses not previously listed but determined to be similar to listed uses. Minor adjustments to Planning Parcel boundaries shall be defined as:

Change in land use of a parcel of property not to exceed 20,000 square feet to conform to the land use of property immediately adjacent to it, provided however, that the provisions of this article shall not apply to property adjacent to any parcel of property the land use of which has previously been changed pursuant to the provisions of this article. Minor modification shall also include any decrease in size of a Neighborhood Residential parcel that is offset by an equal increase in an open space parcel.

Minor modifications may be authorized by the Town of Eagle Zoning Administrator upon written request. The Zoning Administrator shall act upon any minor modification request within 30 days of such a request. Any decision by the Zoning Administrator may be appealed in writing to the Eagle Board of Trustees within 30 days of such decision.

B. Major Modifications:

Major modifications are those changes not considered to be minor modifications and are changes that could alter the character or land use of a portion of the project.

Major modifications shall include:

1. Any increase in the total number of residential units.
2. Any change in land use designation of any parcels within the PUD, except as provided above.
3. Any additional of land into the PUD.

Major modifications shall be under the authority of the Eagle Board of Trustees. Applications for major modifications shall be heard in public hearing by the Board after receiving a recommendation from the Planning and Zoning commission. The Town Board shall approve the modification if it is found that the modification is consistent with the efficient development of the entire PUD and does not substantially affect the enjoyment of land abutting the PUD or the public interest.

Approved by Abrika Properties, LLC, the developer of the Haymeadow PUD, this _____ day of _____, 2021.

By: _____

TOWN of EAGLE Signature block:

Approved by the TOWN OF EAGLE, COLORADO, a municipal corporation acting by and through its Board of Trustees, this _____ day of _____, 2021.

_____, Mayor

ATTEST:

Town Clerk

Peyton Heitzman

From: Chad Phillips
Sent: Tuesday, September 14, 2021 10:04 AM
To: Peyton Heitzman
Subject: FW: Second Haymeadow land swap proposal

Chad Phillips, A.I.C.P.

Community Development Director/Town Planner

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9655, Fax: 970-328-5203

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From: Michael Kleinman <michaeljkleinmanlaw@gmail.com>
Sent: Tuesday, September 7, 2021 1:10 PM
To: Chad Phillips <chad.phillips@townofeagle.org>
Subject: Second Haymeadow land swap proposal

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Dear Mr. Phillips,

I understand Abrika has filed another land swap proposal to amend the PUD that was passed years ago. The last proposal was denied by the planning commission and then the city counsel.

This proposal is equally poorly thought out and as with the first proposal benefits ONLY the developer in violation of the applicable ordinances

My wife and I oppose the second Haymeadow land swap proposal for the reasons below:

1. According to the developer, construction of the 72 multi-family units in this proposal won't be started for several years because they are planning to start building the multi-family units in neighborhood A1 in the spring

of 2022. If there is a benefit to anyone besides the developer, which is highly questionable, it could only be the existence of more multi-family units. However, it would be at least 5 years before the units would be available. Therefore, this proposal does not benefit anyone except the developer. There are already other multi-family units planned which could be started without this questionable swap.

1. The development will look like these 72 multi-family units were an add-on and an afterthought. This development will look like it was not well thought out and not cohesive. It will look cobbled together and very ad hoc.
2. There is no benefit to the TOE to giving up 6.5 acres of open space right next to the Mtn Rec facilities, the BMX track, the future bike park, and the future school in exchange for 8 acres of park space $\frac{3}{4}$ of a mile away.
3. The only reason the developer is proposing this land swap is so that the sales of these 72 units can fund the cost of building a water tank. That is the developer's problem to solve and not the Town of Eagle's problem.
4. It just makes sense to use the 6.5 acres for recreational purposes because it is immediately adjacent to Mtn Rec and the school.

Thank you for your consideration and please vote for denial of this land swap proposal.

Michael J. Kleinman Esq.
C/O Law Offices of Michael L. Poindexter\
2132 Montane Dr. E.
Golden, Colorado 80401
Telephone: 970-328-3986
Facsimile: (303) 526-1981
Alternate Email: Kleinmanlaw@q.com • Cellular Phone 303.359.1825

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Peyton Heitzman

From: Chad Phillips
Sent: Tuesday, September 14, 2021 10:05 AM
To: Peyton Heitzman
Subject: FW: Second Haymeadow land swap proposal

Chad Phillips, A.I.C.P.

Community Development Director/Town Planner

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9655, Fax: 970-328-5203

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From: Michael Kleinman <michaeljkleinmanlaw@gmail.com>
Sent: Tuesday, September 7, 2021 1:18 PM
To: Chad Phillips <chad.phillips@townofeagle.org>
Subject: Re: Second Haymeadow land swap proposal

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I am sorry that I hit send while editing.

This developer has demonstrated poor planning and follow through as evidenced by their untimely completion of the road,,their failure to maintain the property as it is overrun with weeds throughout the project and their failure to take down a silt fence that is equally an eyesore as the noxious weeds.

They claim they are concerned about providing housing to the Eagle community yet they have not started one home on one lot since their completion of the infrastructure.

This plan benefits no-one but the developer. What do they think the City will do with an 8 acre parcel down the road? They have presented no proposed use to the City because they only care about avoiding the cost of a water tank. As others have expressed to you, the land is contiguous to the rec district and the planning commission and the City Council should hold Abrika to its bargain and stop these self-serving attempts to modify the existing PUD

Michael J. Kleinman Esq.
C/O Law Offices of Michael L. Poindexter\
2132 Montane Dr. E\
Golden, Colorado 80401
Telephone: 970-328-3986
Facsimile: (303) 526-1981

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On Tue, Sep 7, 2021 at 1:09 PM Michael Kleinman <michaeljkleinmanlaw@gmail.com> wrote:

Dear Mr. Phillips,

I understand Abrika has filed another land swap proposal to amend the PUD that was passed years ago. The last proposal was denied by the planning commission and then the city council.

This proposal is equally poorly thought out and as with the first proposal benefits ONLY the developer in violation of the applicable ordinances

My wife and I oppose the second Haymeadow land swap proposal for the reasons below:

1. According to the developer, construction of the 72 multi-family units in this proposal won't be started for several years because they are planning to start building the multi-family units in neighborhood A1 in the spring of 2022. If there is a benefit to anyone besides the developer, which is highly questionable, it could only be the existence of more multi-family units. However, it would be at least 5 years before the units would be available. Therefore, this proposal does not benefit anyone except the developer. There are already other multi-family units planned which could be started without this questionable swap.
1. The development will look like these 72 multi-family units were an add-on and an afterthought. This development will look like it was not well thought out and not cohesive. It will look cobbled together and very ad hoc.
2. There is no benefit to the TOE to giving up 6.5 acres of open space right next to the Mtn Rec facilities, the BMX track, the future bike park, and the future school in exchange for 8 acres of park space ¾ of a mile away.
3. The only reason the developer is proposing this land swap is so that the sales of these 72 units can fund the cost of building a water tank. That is the developer's problem to solve and not the Town of Eagle's problem.
4. It just makes sense to use the 6.5 acres for recreational purposes because it is immediately adjacent to Mtn Rec and the school.

Thank you for your consideration and please vote for denial of this land swap proposal.

Michael J. Kleinman Esq.
C/O Law Offices of Michael L. Poindexter\
2132 Montane Dr. E.\

Golden, Colorado 80401

Telephone: 970-328-3986

Facsimile: (303) 526-1981

Alternate Email: Kleinmanlaw@q.com • Cellular Phone 303.359.1825

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Peyton Heitzman

From: Chad Phillips
Sent: Tuesday, September 14, 2021 10:05 AM
To: Peyton Heitzman
Subject: FW: Haymeadow land swap proposal #2 opposition

Chad Phillips, A.I.C.P.

Community Development Director/Town Planner

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9655, Fax: 970-328-5203

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From: Mike Claymon <mikeclaymon@hotmail.com>
Sent: Tuesday, September 7, 2021 11:06 AM
To: Chad Phillips <chad.phillips@townofeagle.org>
Subject: Haymeadow land swap proposal #2 opposition

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I oppose the second Haymeadow land swap proposal for the reasons below:

1. According to the developer, the 72 multi-family units in this proposal won't even be started for several years because they are planning to start building the multi-family units in neighborhood A1 in the spring of 2022. If there is a benefit to anyone besides the developer, which is highly questionable, it could only be the existence of more multi-family units. However, it would be at least 5 years before the units would be available. Therefore, this proposal does not benefit anyone except the developer.
2. The development will look like these 72 multi-family units were an add-on and an afterthought. This development will look like it was not well thought out and not cohesive. It will look cobbled together and very ad hoc.
3. There is no benefit to the TOE to giving up 6.5 acres of open space right next to the Mtn Rec facilities, the BMX track, the future bike park, and the future school in exchange for 8 acres of park space $\frac{3}{4}$ of a mile away.
4. The only reason the developer is proposing this land swap is so that the sales of these 72 units can fund the cost of building a water tank. That is the developer's problem to solve and not the Town of Eagle's problem.
5. It just makes sense to use the 6.5 acres for recreational purposes because it is immediately adjacent to Mtn Rec and the school.

Thank you for your consideration and please vote for denial of this land swap proposal.

Mike Claymon
116 Soleil Circle
Eagle, CO

Peyton Heitzman

From: Chad Phillips
Sent: Tuesday, September 14, 2021 10:06 AM
To: Peyton Heitzman
Subject: FW: Haymeadow land swap opposition

Chad Phillips, A.I.C.P.

Community Development Director/Town Planner

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9655, Fax: 970-328-5203

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From: Linda Bennett <linda4bennett@gmail.com>
Sent: Tuesday, September 7, 2021 11:02 AM
To: Chad Phillips <chad.phillips@townofeagle.org>
Subject: Haymeadow land swap opposition

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I oppose the second Haymeadow land swap proposal for the following reasons:

1. According to the developer, the 72 multi-family units in this proposal won't be started for several years because they are planning to start building the multi-family units in neighborhood A1 in the spring of 2022. It will be at least 5 years before the units will be available. This proposal is of little benefit to anyone except the developer.
2. This second proposal indicates that this development was not well thought out and the developer is again seeking a bail-out rather than working his approved plan.
3. There is no benefit to the TOE in giving up 6.5 acres of open space right next to the Mtn Rec facilities, the BMX track, the future bike park, and the future school in exchange for 8 acres of park space $\frac{3}{4}$ of a mile away. It just makes sense to use the 6.5 acres for recreational purposes because it is immediately adjacent to these facilities.
4. The only reason the developer is proposing this land swap is so that the sales of these 72 units can fund the cost of building a water tank. That is the developer's problem to solve and not the Town of Eagle's problem.

Thank you for your consideration and please vote for denial of this land swap proposal.

Response to second request to amend Haymeadow:

To exchange 6.5 acres in NE corner of the combined school/rec parcel for 8 acres of park space in Neighborhood C of Haymeadow and transferring 72 multi-family units from Neighborhoods B & C on the 6.5-acre parcel.

I am opposed to this 2nd request to amend the Haymeadow project. The reasons why coincide with the 1st amendment request in many aspects.

- 1) The swap of parcels improves outcomes ONLY for the developer. It provides no advantage to the rec center/school site whatsoever and does not comport with the synergies that were focused on maintaining with the original study. It directly conflicts with the Elevate Eagle Comprehensive Plan, Chapter 4.1.010 C in the approved PUD, that various land use elements are designed so that they inter-relate cohesively with each other. The original approved boundary between the PUD and adjacent land areas was taken into consideration to follow the requirements with particular attention to ensure that land use patterns were compatible with the school site and adjacent recreational and future master planned recreational facilities. This 2nd request to amend does not provide the same.
- 2) This additional cluster of 72 multi-family units, never part of the original plan or approval, only benefits the developer and their profit. This does not benefit the Town today or in the near future and could likely endanger the neighbors adjacent to the development. Approving an additional 72-multi-family-unit development in the proposed area without requiring the developer to first implement their future-planned water storage tank could certainly create human-safety and water-use issues for neighboring residents, mountain rec, and land in the vicinity. Depletion of water pressure would not only negatively impact day-to-day regular water use, but it could also create life-threatening issues should insufficient water pressure be available to fight a house or forest/wild fire in this area.
Has the developer submitted any 'water-use or water-pressure studies' to coincide with this new-build request of an additional 72 units? Insofar as their approved plan acknowledges the need for the water tank before completion of the development, allowing for a change that front loads high water consumption multi-family housing prior to improving the water infrastructure could endanger the surrounding residents and facilities.
- 3) The developer has repeatedly stated that all studies demonstrate the acute need and demand for workforce housing. However, this developer continues to postpone and delay their own approved workforce housing and development, essentially creating delays that make the problem worse. Their timeline for completion moves farther and farther out as they repeatedly attempt reconfigurations to front load the maximum possible number of units prior to having to put in place the water storage tank that is required for basic life safety. Fundamentally, the developer is putting their profits ahead of basic resident safety. The Town probably recognizes this and therefore refusal of the developer's attempts to put profits before people should be imminent.
- 4) Citing the developer's original statements to secure approval for the entire development, Haymeadow stated this in the PUD Annexation and Development Agreement Resolution 12 regarding LERP (Local Employee Residency Program): "*The LERP units shall be dispersed in a reasonable manner throughout each neighborhood. There may be more than one LERP unit per building, and there may be multi-family buildings that contain three or more LERP units. However, all, or a significant concentration of, the required LERP units for each*

neighborhood shall not be located within one multi-family project or cluster of buildings.”

The developer is now contradicting his own prior statements on which his prior approval is based. The Town and its residents (both present and future) appear to be nothing more than impediments in the eyes of the developer.

- 5) Under the TOE Amendments to PUD Zoning and Development Plans, Conditions for Amendment, section 4.11.050A(2), this proposed amendment application does affect in a substantially adverse manner either the enjoyment of land abutting upon, adjoining or across a street from the planned unit development or the public interest, and therefore should not be approved in this case, as neighboring housing developments and community areas are adversely affected. Clearly, creating potential water safety issues or use issues would be “adverse”.
- 6) Under the TOE Amendments to PUD Zoning and Development Plans, Conditions for Amendment, section 4.11.050(3), this proposed amendment confers a special benefit to the developer, allowing him to use unfettered, the Town water supply instead of building a new one that is required for this development. This is a monetary benefit serving only the developer while endangering the Town residents. Allowing the developer to build more and higher density units prior to having to cover the costs related to resident safety water infrastructure only serves the profits of the developer. Rejecting this proposed 2nd request to amend will give the Town a better understanding of the true intentions of the developer. After all, as alluded to by the developer in prior meetings, if they had to build the water storage tank too soon, they would likely just walk away from the project instead.
- 7) This new request for a 72-unit development brings into play the prior comments of the developer stating, “we do not anticipate” using Field Street as a through-street. Please again refer to Mountain Recreation letter submitted December 3, 2020 by Board President, Elizabeth Jones and Board Member, Tom Pohl, referencing their concerns about any potential extension of Field Street. *“One item to note based on the public planning process for the Haymaker Trailhead Concept Plan: The proposed PUD Amendment concept plan illustrating the school parcel does not fully match the adopted Haymaker Trailhead Concept Plan’s outline for the school portion of the parcel, as uses were blended. The proposed parcel boundary shown appears to suggest that a road centerline could be constructed from the current terminus of Field Street to the future unnamed street connecting to Neighborhood A. The impacts of traffic flows through the adjoining neighborhood were considered during the concept planning process following resident comment and review of the Soleil development plans. The Haymaker Trailhead concept plan specifically included installation of a gate past the Field Street terminus with the idea that the gate was intended to be opened only for special events such the CHSAA regional and state mountain bike competitions or large tournaments. Traffic flows created by opening a street from Soleil Homes through a multi-family development to Neighborhood A1 may trigger a desire to review projected traffic impacts to the Soleil neighborhood based on that public input process.”* Insofar as this density of housing in this remote, less-than-accessible (by current, approved plans) location would presumably require the extension of Field Street in order to ensure responsive emergency vehicle access, a revised traffic flow study is surely required. Such a study would undoubtedly determine a vast change to traffic flow through Soleil resulting in substantial negative impact to homeowners.

Peyton Heitzman

From: Chad Phillips
Sent: Thursday, September 16, 2021 9:09 AM
To: Peyton Heitzman
Subject: FW: PUDA21-02 Haymeadow PUD Major Amendment

Chad Phillips, A.I.C.P.

Community Development Director/Town Planner

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9655, Fax: 970-328-5203

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From: Dave & Linda Gerdes <grdstr@gmail.com>
Sent: Wednesday, September 15, 2021 9:33 PM
To: Chad Phillips <chad.phillips@townofeagle.org>
Subject: PUDA21-02 Haymeadow PUD Major Amendment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We are **opposed** to the land swap that is requested by Brandon Cohen of Abrika Properties LLC.

First, the land parcel reserved for a future school should not be moved anywhere. This plan was approved by the planning and zoning commission and the town council. Why are we having repeated discussions about this? It reminds us of a child who doesn't get what he wants from a parent, so they change the story slightly and go to the other parent... in this case, Mr. Cohen has made a change to the land swap, but he still wants to move the future school property. The 6.5 acre school / rec parcel should be non-negotiable. Let's move on... Abrika Properties LLC has already wasted the 2021 building season. They need to decide if they want to finish what they started, or hand it off to someone who will.

Why was the 6.5 acres designated for a school? Was that **bait** that Mr. Cohen threw out and agreed to in an effort to get approval for the Haymeadow development? And now, he seems hell-bent on making a **switch**. That is a classic con game.

Many people have purchased homes on nearby property, understanding that a future school or rec area would be very close. The change that is proposed could affect their property values and resale. It's just not right, or necessary.

This really sounds like a contractor / company that did not have a solid plan to begin with. No structures have been built yet, and they are already wanting to make a significant change. What will be the next amendment, and will these requests be a regular theme as the development progresses?

We really hope that the Town of Eagle will stand firm, and keep the school / rec parcel where it was originally approved.

Sincerely,
Linda & Dave Gerdes
2171 Montgomerie Circle

Peyton Heitzman

From: Jenny Rakow
Sent: Thursday, September 16, 2021 8:59 AM
To: Peyton Heitzman
Subject: FW: Haymeadow family residential project

Peyton: Did you want to distribute this to Town Council, Planning Commission?

Jenny Rakow, CMC

Town Clerk & Municipal Court Supervisor

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9623, Fax: 970-328-5203

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From: Robert Crawford <robrawdaddy70@hotmail.com>
Sent: Thursday, September 16, 2021 8:45 AM
To: Clerk Group <clerk@townofeagle.org>
Subject: Haymeadow family residential project

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Dear Town Council, Planning Commissioners & Town Staff,

My name is Robert Crawford and I have been an Eagle County resident for more than two decades. I have been paying attention to the Haymeadow development for several years and plan to be one of the first to own a home there when they become available. I have a family and have always been drawn to the connectivity between town, trails, parks and the Haymeadow development.

I am writing this letter because I know that Haymeadow is applying to amend their PUD. I was supportive and emailed my support for the Haymeadow amendment that was reviewed and denied in April of this year. While I supported that amendment, I understood and respected the reasons that the Town Council made its decision to deny the application.

Today, with the new amendment application, I believe most, if not all, of the concerns voiced in April have been solved. What Haymeadow is asking to change no longer impacts Mtn Rec or the School land, and I believe that the concerns of neighbors have been addressed.

So, again, I write in support of Haymeadow's proposed amendment. I support the amendment because I understand how crucial housing is to our local economy and the local business community.

I look forward to seeing this wonderful development start building homes. I also believe this amendment is an improvement over the currently approved plan.

It is a choice to live here and have the mountain lifestyle in the Vail Valley. We will always have growth due to the awesome people that live and choose to live here. In the case of Haymeadow they are not asking to build more total units, just build more already approved units in the early phases. People need housing and Eagle and Haymeadow are a great place to be. I hope you will approve the amendment request.

Thank you for taking the time to read my letter and I hope this will make an impression on you as you make your decision on Haymeadow. I think we can all agree that more housing is necessary, so why not provide it with units that are already approved in a more timely manner?

Thank you,

Robert Crawford (future homeowner)

Robcrawdaddy70@hotmail.com

480 332 5313.



**TOWN OF EAGLE
REFERRAL RESPONSE SUMMARY REPORT**

ISSUED: 9/16/2021

Project Name:	Haymeadow PUD Amendment
Owner/Applicant:	Brandon Cohen, ABRIKA Properties, LLC
Applicant Representative:	Rick Pylman
Prepared by:	Chad Phillips, Community Development Director

The Eagle Community Development Department is issuing the following Referral Response Summary Report. If you have any questions or concerns regarding any comment, contact me or the individual agency to clarify the statement and reach an understanding. It is in the applicant's best interest to contact each internal and external referral agency directly in order to streamline the development review process.

REFERRAL COMMENTS SECTION

Community Development – Chad Phillips: chad.phillips@townofeagle.org

Staff has reached out to applicant representative but formal comments will be addressed in the staff report.

Building Department – Charlie Davis: charlie.davis@townofeagle.org

I have no comments for this proposed amendment.

Engineering/Public Works – Dennis Wike: dennis.wike@townofeagle.org

1. PUD/ADA: With the proposed increase of density from the added 72 multi-family units in the initial Filing the Sylvan Lake/Brush Creek on-site roundabout will need to be completed with the realignment of both Brush Creek Rd and Sylvan Lake Road into the roundabout. This work will need to be completed before the first Certificate of Occupancy is issued. Review prior documentation and resubmit with required revisions needed to construction schedule to maintain expected Levels of Service.
2. PUD/ADA: Submit a Joint Excavation Plan to comply with the Towns recently passed Joint Excavation ordinance identifying steps taken to install conduits & their dedication for future broadband utilities planning to serve the development.
3. PUD: Re-model all utilities, especially water service, for the proposed increase in density within Filing 1 due to changes in uses, location, building type, & number of stories. Submit documentation showing existing utilities in Filing 1 can support proposed changes within Filing 1 and highlight any required changes to the existing utilities to meet requirements.



4. PUD: Submit documentation detailing potable water and non-potable water changes in use, quantity, pressure, etc expected from the proposed use changes, especially for irrigation waters. Documentation will be reviewed by TOE subject matter experts.
5. PUD: Document age of all reports referenced in this document, discuss what assumptions of these studies are no longer accurate, if new data is available, and if any are reports need to be updated to be relied upon.
6. PUD: Expand Water & Wastewater paragraph to include analysis done to show existing water & wastewater systems are adequate for the increased 72 units in Neighborhood A.
7. PUD: With increased impervious areas from new 6.5 acre tract with 72 multi-family unit, provide documentation that existing stormwater system of pipes, ditches, basins, etc are capable to accommodate the increased flow for both water quality & quantity on-site. Highlight any required changes to existing infrastructure needed to accommodate the increased flow.

Greater Eagle Fire District – Randy Cohen: rcohen@GEFPD.org

No comments received.

Colorado Parks and Wildlife (CPW) – Brian Wodrich: Brian.Wodrich@State.CO.US

Colorado Parks and Wildlife (CPW) has had an opportunity to review the Haymeadow PUD Amendment request to exchange 6.5 acres in the northeastern corner of the combined school/rec parcel for 8 acres of park space in Neighborhood C of Haymeadow and transferring 72 multi-family units from Neighborhoods B & C onto the 6.5-acre parcel. CPW appreciates the opportunity to provide the following comments and recommendations.

The location of this parcel exchange falls within mule deer winter range and has a mule deer migration pattern that runs directly through the section of the proposed exchange. This mule deer migration pattern connects two important sections of mule deer winter concentration and severe winter range in Eagle. These sections of winter concentration and severe winter range carry high importance to the survival of the local mule deer population, especially during high snow years. While the existing Haymeadow property does not necessarily carry high habitat value in its current agricultural state, it does carry very high value for wildlife migration to better habitat areas. The placing of 72 multi-family units within these migration patterns would be detrimental to the local mule deer herd. CPW sees the original plan of only having a school in this “School Site section” as the better of the two options in regards to mule deer migration. Having only the school in this section will leave a majority of the migration pattern area unbuilt, which in turn will provide a larger green space footprint, allowing for more unobstructed deer passage throughout the remaining open space within this section.

This proposed amendment that would place 72 multi-family units directly in the mule deer migration pattern would have a significant negative impact on the local mule deer herd, especially during winter months when they rely upon this undeveloped area to migrate between these important winter concentration areas. The construction of 72 multi-family units at this proposed location will create a large, imposing physical barrier to mule deer migration and it will also bring a much higher level of year round human disturbance. This human disturbance will come in the form of both standard home occupancy and activities of the 72 families, as well as a large wildlife disturbance while these homeowners recreate out their back yards directly into the mule deer migration.

The migration pattern area within the “School Section” is also several hundred feet lower in elevation than the wildlife corridor proposed in the original plan, east of “Neighborhood D”. While all wildlife corridors have value, especially



within this very large type of development, the lower elevation of the migration area within the “School Section” adds to the overall migration value, especially during high snow years when the higher elevations do become much more difficult, if not impassable, for mule deer migration.

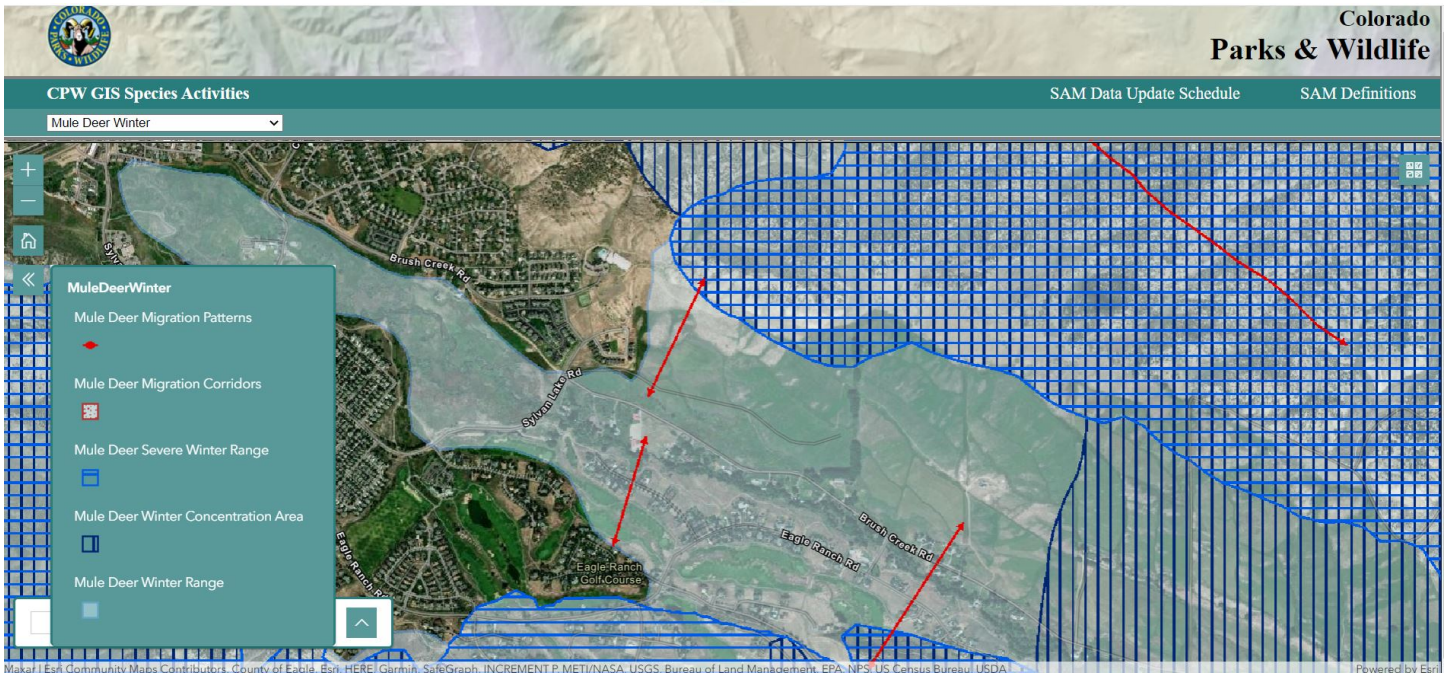
Additionally, the increase of wildlife predator calls within the Town of Eagle is becoming more and more concerning to CPW. This proposed amendment of placing 72-multi-family homes within a mule deer migration pattern will also attract more mountain lions to the home sites as they follow the mule deer herd. CPW feels that placing 72 units in this location will increase human-predator conflicts and bring an unnecessary risk to human safety for the new families occupying these 72 units.

Aside of leaving the entire Haymeadow area undeveloped, CPW feels the best option for wildlife would be the original plan of building only a school in the “School Section” and have the dense housing of 72 multi-family units remain in the original Neighborhood B & C location to allow for mule deer migration.

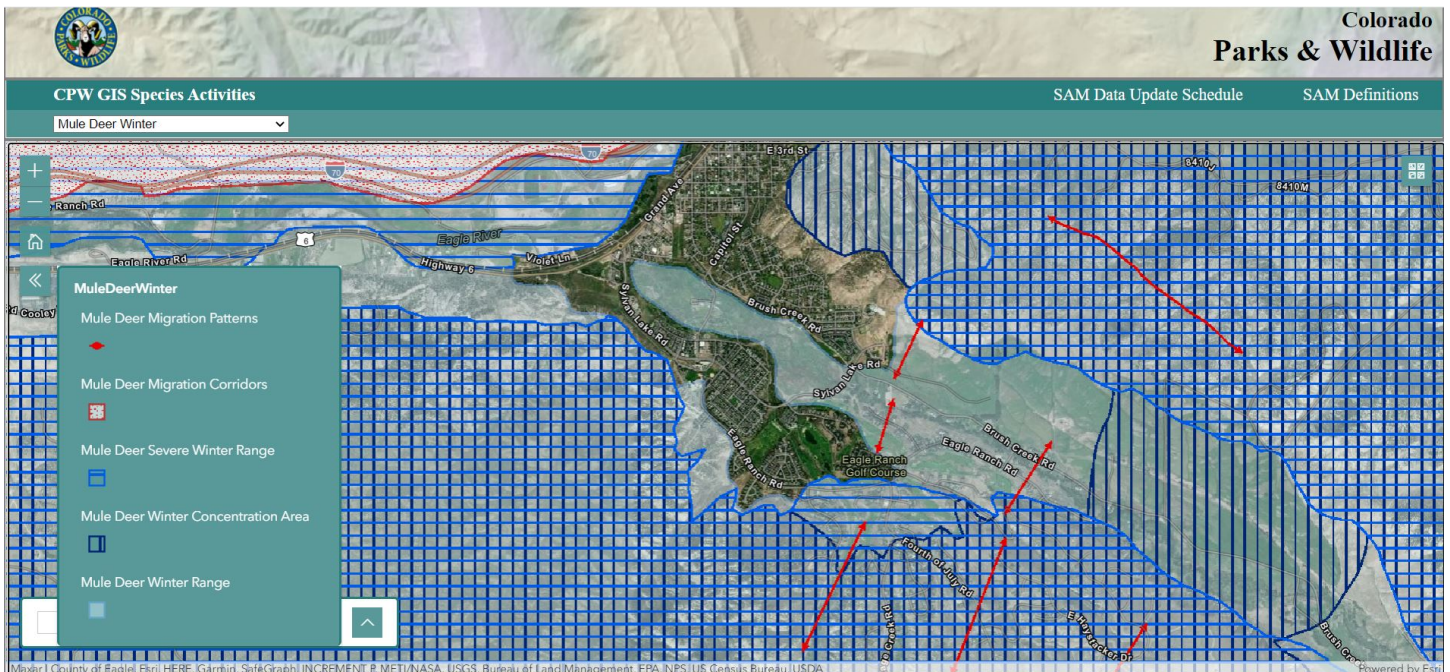
In addition of the PUD amendment regarding 72-multi-family units, CPW would also like to take this opportunity to provide the following recommendations will help to avoid and minimize negative impacts to the previously mentioned local wildlife species and their habitats within this development:

- Ensure that bear-proof containers are utilized for all garbage and food-related waste on the property during and after construction. Education materials should be posted throughout the neighborhoods and provided to all new home owners to ensure human-wildlife conflicts are kept to a minimum. Animals (especially black bears) do become habituated to anthropogenic food sources, which often leads to the euthanasia of these animals due to repeated conflicts with people.
- Refer to CPW’s Fencing with Wildlife in Mind document and ensure that any new perimeter fencing, if deemed necessary, is in compliance with the standards outlined in that document.
- Discourage fruit, berry, or nut producing trees and shrubs from the landscaping plan to further reduce attractants for bears and other wildlife.

As a referral agency we hope to provide recommendations and provide concerns that may help make this proposal more successful. CPW will attend any meetings that we are requested and provide explanations or further information regarding our comments. The contact for CPW on this project will be District Wildlife Manager, Brian Wodrich at Brian.Wodrich@State.CO.US, 970-948-9166.



(CPW Species Activity Map_Mule Deer Winter)



(CPW Species Activity Map zoomed out_Mule Deer Winter)

Eagle County Schools – Sandra Mutchler: sandra.mutchler@eagleschools.net

Thank you and your staff for passing along referral information on the proposed amendment to the Haymeadow PUD. The purpose of this letter is to share Eagle County Schools (ECS) perspective on this proposal. Our comments are specific to the proposed change to the school dedication site and do not address other land use aspects of this application.



Based on the information in the Introduction Section to exchange 6.5 acres in the northeastern corner of the combined school/recparcel for 8 acres of park space in Neighborhood C the District believes we would not be negatively impacted by this relocation.

ECSD is requesting that if it is approved and when the property is subdivided the school site be defined as a separate tract.

Mountain Recreation – Janet Bartnik: jbartnik@mountainrec.org

I forwarded the referral request to the board members who had commented on the initial PUD amendment proposal from Haymeadow. They have reviewed this new amendment proposal and have no comments on this application.

Please let me know if you need more information from Mountain Rec.

Next Steps

For formal resubmittals, the Project Team shall address all of the Town Staff and external referral agency comments then submit a revised Site Plan and other documents as referenced in the above comments.

A Public Hearing is scheduled before the Planning & Zoning Commission on 9/21/2021. If able to revise the plans prior to that date, we are able to lessen any conditions of approval.

If you have any questions concerning comments on your project or the development review process, please feel free to contact me at chad.phillips@townofeagle.org.



To: Planning & Zoning Commission

From: Chad Phillips, Director, Community Development Department
Nikki Davis, Administrative Technician II, Community Development Department

Date: September 21, 2021

Agenda Item: Appointment of Planning Commission liaison to the Land Use and Development Code Update Committee.

REQUEST:

Staff requests that the Planning & Zoning Commission (the Commission) appoint a new liaison to the Land Use and Development Code Update Committee (the Committee) to fill an existing vacancy.

INTRODUCTION:

The Town is recommending a comprehensive update to the Land Use and Development Code. This project and the initial appointments were first organized in 2018. The structure of the original Committee included six citizens, a Planning & Zoning Commissioner, and a Councilmember. Staff is now requesting that the Commission appoint a new member to fill the vacancy created with the resignation of Brent McFall.

Furthermore, with recent approval from Council, staff has appointed two new citizen members to the Committee. Presently, the Committee includes the following citizen members, four who previously served in 2018 and have agreed to resume their roles:

1. Rick Pylman
2. Scott Schlosser
3. Lee Hoover
4. Allison Kent
5. Dawn Koenig - *newly appointed*
6. Jack Albertson - *newly appointed*

Mayor Scott Turnipseed is serving as the temporary Councilmember liaison to the Committee. A permanent liaison will be appointed following the elections in November 2021.

Working alongside Clarion Associates, the Committee will help guide the process and inform the creation of the new code. The Committee serves as an advisory group but does not adopt or set policy for the Town.

ANALYSIS:

The anticipated time commitment, responsibilities, meetings, and project modules are outlined in the consultant scope of services, accessible through this [LINK](#).

With the project formally underway, the Committee can look to the following three major phases in the estimated timeline:

1. Code Assessment and Outline of Proposed Changes
2. Prepare Draft Land Use Code
3. Land Use Code Adoption Draft and Adoption Process

COMMUNITY INPUT:

Staff received four applications during the citizen volunteer recruitment period between early August and September 3rd. Advertisements were published through the Town's website, the Vail Daily, Facebook and printed posters. The recruitment pieces were multicultural, aimed at broadening our reach throughout the community. As for general public comment regarding this project, staff has not received any.

BUDGET / STAFF IMPACT:

Staff has budgeted meeting expenses in the Community Development budget to support the Committee.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

Reactivating the Land Use and Development Code Update Committee supports the Town's Strategic Plan in several ways. A citizens' committee ensures that we continue to have meaningful and substantive dialogue with the public through "Transparency and Community Engagement." Furthermore, by rewriting the Land Use and Development Code and embracing "Sound Planning", the Town can efficiently "[respond] to economic trends and evolving needs of Eagle's residents and businesses."

ATTACHMENTS:

Land Use Code Committee Overview Document



CITIZENS COMMITTEE

LAND USE CODE COMMITTEE OVERVIEW

What is a citizen committee?

A citizen committee is a non-regulatory advisory group to the Town Council, Planning and Zoning Commission, and town staff. The group is appointed by the Town Council and is charged with ensuring that community feedback is sought out and incorporated in the Development Code language proposed by the town or its consultants. The committee will review plans and policies and provide feedback on Code amendments based on the stated vision/goals of the project, gathered community input, and potential outcomes or consequences. The committee advises but does not adopt or set policy for the town.

The Town's commitment to YOU:

- We will listen to you and respect your point of view.
- We are here to guide and support you and your work.
- We will facilitate productive dialogue and crucial conversations.
- We will be respectful of your time by being prepared.
- We are open to new ideas and unique ways of getting the work done.

Your commitment to the Committee and the Process:

- **Show up as a group, leave as a group** – Engage in crucial conversations, ask questions, and challenge assumptions. Ultimately, this group functions as one body. Once a recommendation by the group has been made, support the decision moving forward internally in the group and externally to community members.
- **Come prepared and participate** – review materials/notes and complete surveys or research as indicated to ensure productive meetings and an efficient process. We expect all members to actively participate in the dialogue to ensure fairness in the process. This demonstrates respect for your peers and the time they have also dedicated.
- **Listen and be respectful of other points of view** – Consistent interruptions, negative body language, derogatory comments, or verbal discounts of committee member's contributions will not be tolerated in meetings. Staff and the consultant will facilitate meetings to ensure each member has an opportunity to contribute and will not permit monopolization of the dialogue by any one member of the group.
- **Communicate early and often** – members are expected to attend committee meetings with consistency. Please RSVP for each meeting and notify staff if an absence is anticipated. Committee members are permitted to be absent from three regularly scheduled meetings. Staff will work to schedule meetings around school schedules and holiday weeks to avoid conflicts.
- **Discuss concerns directly with staff** – Concerns about the process or committee members are important and should be brought to the attention of town staff first. Negative dialogue in the community about the process, committee members, or staff will not be tolerated. This jeopardizes the credibility of the committee and the process and is a disservice to the community.

Staff Contact Information:

Chad Phillips, AICP, Community Development Director
200 Broadway
Eagle, CO 81631
chad.phillips@townofeagle.org (970) 328-9651



To: Planning & Zoning Commission

From: Chad Phillips, Director, Community Development Department
Jessica Lake, Planner I, Community Development Department
Peyton Heitzman, Planner I, Community Development Department
Nikki Davis, Administrative Technician II, Community Development Department

Date: September 21, 2021

Agenda Item: Community Development Department Update

LONG RANGE PLANNING

- **The Land Use and Development Code Update**
 - Following the project kick-off in August, Clarion has also completed auxiliary meetings with the Downtown Development Authority (DDA), Open Space & Recreation Advisory Committee (OSRAC), Eagle River Fire Protection District (ERFPD), and The Eagle Chamber of Commerce. Introductory meetings with the Economic Vitality Committee (EVC), the Climate Action Collaborative, and Town of Eagle Police Department forthcoming.
 - Staff is anticipating the Code Assessment Report by October 17th and Sign Code draft by mid-late October. Staff and Clarion met to review a draft outline of the Sign Code on September 14th.
 - Two new citizen volunteers have been appointed to the Land Use and Development Code Update Committee: Dawn Koenig and Jack Albertson.
- **Elevate Eagle Comprehensive Plan**
 - Staff is reworking the draft of proposed changes to the Future Land Use Map (FLUM) and Land Use Categories after public hearing feedback. Anticipated timeline of events includes the following:
 - October 5 – Planning Commission Adoption
 - October 26 – Town Council Ratification
- **Grand Avenue Corridor Study**
 - Project is now in Phase 2 (April 2021 – October 2021) which has a greater focus on conceptual planning.
 - Phase 2 Design Charette was held July 15-20.
 - Phase 2 Monthly Team Calls, latest one scheduled for September 21st.
- **East Eagle Sub Area Plan (RED Development parcel)**
 - Continuing to revise concept plan and draft plan based on public feedback.
 - Council and Planning Commission joint work session was held September 7th.
 - Anticipated time of events includes the following:
 - September 17 – Public Adoption Draft posted
 - October 19 – Planning Commission Adoption
 - October 26 – Town Council Ratification



- **SolSmart (Bronze Solar Designation) – CommDev lead project**
 - Baseline zoning assessment has been completed.
 - Permit Tech will assume lead role with Clarion’s assistance.
 - No new information to report as of 9/21.
- **Community Core and Archiving Files**
 - Planning staff continues to import land use files into Community Core (current primary use is for building permits). This work will be ongoing for the foreseeable future.

LAND USE APPLICATIONS IN PROGRESS

Pre-Application Meetings

- (1) pre-application meeting has been held in September.

Planning Active Applications

- **Reserve at Hockett Gulch**
 - A Subdivision and Major Development Permit application. Staff received a new application in July, completeness review issued. Resubmittal has been received.
 - Applications have been sent out for department and agency referral. Staff is working on review comments.
 - Early grading permit issued in August.
- **Brush Creek Road Extension**
 - Design/construction plans have been submitted to Town Engineer and the approval deadline was May 14th.
 - Public Works to work with Town Attorney, Town Manager and Council on drafting of approvals.
 - No new information to report as of 9/21.
- **Haymeadow**
 - PUDA21-02 Haymeadow PUD Major Amendment
 - Received new application in July, under staff review.
 - Pre-application meeting forthcoming to review design guidelines and Phase I of Multi-Family development permit.
 - October 12 – Town Council Public Hearing
- **PUDA21-01 Eagle Ranch 6th PUD Amendment**
 - Application received, ongoing completeness review.
 - Staff has requested a traffic impact study.
- **DR21-01 Sinclair Station**
 - Referral agency comments shared with applicant in August.



A **Planner of the Day** schedule has been implemented to field zoning questions from the community. A variety of these inquiries require on-going conversations with staff.

- August 2021 - (7) inquiries received
- September 2021 – (2) inquiries received to date

Code Enforcement: Active Cases

- (4) – Planning
- (1) – Building
- (3) – Public Works

TOWN COUNCIL and PLANNING & ZONING COMMISSION MEETING SCHEDULE:

September 2021
September 28 th (Town Council) • No files scheduled at this time.
October 2021
October 5 th (Planning & Zoning Commission) • Adoption Hearing: Amendments to Chapter 3, Future Land Use Map (FLUM), of the Comprehensive Plan.
October 12 th (Town Council) • Haymeadow PUD Amendment. • Community Development Department Update.
October 19 th (Planning & Zoning Commission) • Adoption Hearing: EESAP. • Community Development and Council Update.
October 26 th (Town Council) • Ratification Hearing: EESAP. • Ratification Hearing: Amendments to Chapter 3, Future Land Use Map (FLUM), of the Comprehensive Plan.

BUILDING DEPARTMENT UPDATE: *Major Construction Projects Under Review and Oversight*

- **Broadway Station: Mixed Use/Multi-Family**
 - Re-assessing building entrance for proper accessibility grade, awaiting revised plans. Anticipated approval in the Fall of 2021. No new construction changes as of 9/21.
- **Talon Flats: Mixed Use/Multi-Family**
 - Required public improvement construction underway. General Contractor to phase inspection approvals for units on each story in the coming weeks. Target for Occupancy is October 2021. No new construction changes as of 9/21.



TYPE OF WORK PERFORMED	NUMBERS PERFORMED IN 2020	NUMBERS PERFORMED TO-DATE 2021
Inspections (n/i planning/pw)	1,970	925
Building Permits Processed	498	166

TOWN COUNCIL UPDATE:

August 10, 2021: Town Council Meeting

No land use files were presented during this meeting.

August 24, 2021: Town Council Meeting

No land use files were presented during this meeting.

September 7, 2021: Planning & Zoning Commission and Town Council Joint Work Session

Land Use Decisions:

- LURA21-03 East Eagle Sub Area Plan Public Discussion

September 14, 2021: Town Council Meeting

- LURA21-04 Elevate Eagle Comp Plan Update
 - Proposed amendments to the FLUM and Land Use Category definitions.
- Appointed two new citizen members to the Land Use and Development Code Update Committee.
- Approved application submittal for a planning grant from the Colorado Department of Local Affairs to assess the Town's housing needs and regulations. Application will be submitted September 20th.