



**Planning & Zoning Commission
Tuesday, October 5, 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 September 7, 2021
2. Minutes dated September 21, 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: 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 3-Mile Plan
Staff Contact: Peyton Heitzman, Planner I
Request: Approval of Resolution 02, Series 2021, "A Resolution of the Planning and Zoning Commission of

the Town of Eagle, Colorado Amending the Elevate Eagle Comprehensive Plan”

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 and Town Council Joint Work Session
Tuesday, September 7, 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

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

6:00 PM – REGULAR MEETING CALLED TO ORDER

MOTION: COMMISSIONER KEEGAN WINKELLER MOTIONED TO APPOINT COMMISSIONER KYLE HOILAND AS CHAIR FOR THE MEETING. MOTION WAS SECONDED BY COMMISSIONER KYLE HOILAND AND APPROVED UNANIMOUSLY.

Commissioner Hoiland called the meeting to order at 6:06 PM.

COMMISSIONERS PRESENT

Kyle Hoiland, Bill Nutkins, Keegan Winkeller,
Charlie Perkins, Lani Webb (via Zoom)

COUNCILMEMBERS PRESENT

Scott Turnipseed, David Gaboury, Janet Bartnik,
Geoffrey Grimmer, Ellen Bodenhemier, Mikel Kerst

COMMISSIONERS ABSENT

Matthew Hood, Jesse Gregg,
Robert Townsend

COUNCILMEMBERS ABSENT

None

STAFF

Brandy Reitter – Town Manager
Chad Phillips – Community Development Director
Tom Gosiorowski, Public Works Director
Peyton Heitzman – Planner I
Jessica Lake – Planner I
Nikki Davis - Administrative Tech II

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 6:07 PM. There was no public comment.

WORK SESSION

1. Project: East Eagle Sub Area Plan (EESAP)
File #: LURA21-03
Applicant: Town of Eagle
Location: East Eagle – 175 acres East of Chambers Ave, between Hwy 6 and I-70
Staff Contact: Chad Phillips, Community Development Director
Peyton Heitzman, Planner I
Jessica Lake, Planner I
Request: Staff is looking for input from the Town Council (Council) and the Planning & Zoning Commission (Commission) on the draft EESAP and the Conceptual Land Use Diagram/Future Land Use Map (FLUM).

Staff Presentation

Rather than a traditional presentation, staff focused on a list of discussion questions for Council and the Commission to consider. They are as follows:

- *Are there any suggestions for improvements to the draft subarea plan?*
- *Are any goals/policies missing from the plan?*
- *Goal #5 speaks to residential on the planning area. Are these policies still relevant under the revised FLUM?*
 - *Goal: To ensure an appropriate mix of residential, commercial, and industrial development through the Town, residential development should be limited in the EESAP area.*
- *Is there an appropriate amount of residential in the FLUM considering the residential uses allowed under the definitions of the Mixed Use and Commercial/Light Industrial land use categories?*
- *The Commercial/Light Industrial states that residential uses are limited and will mainly include employee units located above street level.*
 - *Is this description too broad to determine the appropriate amount of residential for this land use category?*
 - *For example, in the existing Commercial General zone district, residential is only permitted as an accessory use or above street level.*
- *Is the draft language for the Mixed-Use category appropriate?*
 - *Should condo and apartment buildings be allowed as a use by right?*
 - *If yes, how do we ensure there is a balance between commercial and residential overall?*
- *In terms of land uses on the FLUM, should land north of the interchange and east of the wildlife corridor be Commercial/Light Industrial (as drafted) or would Interstate Commercial be more appropriate?*

Mr. Phillips expanded on these questions by also asking if we increase Residential or keep the conceptual map as is, are there any foreseeable conflicts with the draft policies?

Mayor Turnipseed asked to clarify the land uses under consideration. First, that Interstate/Commercial would have limited Residential; Commercial/Light Industrial would be live/work, promoting workforce housing; and lastly, that Mixed-Use currently has an undetermined ratio of Commercial to Residential. Mr. Phillips replied that previous direction

given suggested that Mixed-Use be defined per site, not by a specific area; that Commercial/Light Industrial would represent a look reflective of what exists on Chambers Avenue today; and that Residential would be a minor use throughout all the East Eagle zone districts.

A variety of topics were discussed such as the regulations for residential uses above Commercial; the requirements and regulations for large-scale retail operations; suggestions to maximize Interstate Commercial, adjust Commercial/Light Industrial further west and expand Mixed-Use further east; and aligning Residential uses to complementary areas such as the Future River Access and Park and the Red Mountain Ranch development. Previously noted feedback such as a balanced approach, flexible interpretation, encouraging developer investment, and avoiding the creation of a third downtown district were also echoed. Mayor Turnipseed voiced strong notions of approving more Commercial to sustain long-term financial security for the Town. Several Councilmembers also supported this comment. Councilmember Grimmer commented that the conceptual map is inconsistent with Goal #5 of the draft EESAP and favors the original conceptual map. Additionally, with the assorted zoning, Councilmember Grimmer said this is beginning to feel like an extension of Chambers Avenue. Mayor Turnipseed suggested adjusting the goals and policies instead of changing the map. Town Manager Reitter commented that the intent of this project is to create an intentional and predictable planning document.

Public Comment

Public comment opened at 6:50 PM.

Brett Heron, (address not stated) – Mr. Heron is the landowner-developer representative with RED Development. First, Mr. Heron restated their proposal to provide a land use study, which was declined by Council. He advised that the study could be helpful to determine how much more industrial, office and retail are needed in East Eagle and offered to finance the project. RED Development is considering a specific consultant already who estimates a six-week window to complete the study. Mr. Heron wanted to clarify their intention for the Mixed-Use area explaining that it would be Residential above ground-floor Commercial uses. He estimated that Residential would equal roughly 8% of the total East Eagle area. Mr. Heron suggested consolidating to one Commercial designation then identifying specific use areas through a separate zoning document. Mr. Heron's last suggestion was to convert 15 acres of the far western Commercial/Light Industrial site to Residential because most inquiries they receive are for high-density residential development. Having Residential in that area would help develop the preliminary infrastructures and roads required for subsequent phases.

Both the Council and Commission expressed mixed opinions on the proposed residential change. Mayor Turnipseed was still opposed to the landowner sponsored study and members from Council and the Commission agreed with this. Councilmember Grimmer inquired if staff could collaborate with Mr. Heron on the study and Town Manager Reitter replied that the Town would need to manage and pay for this study since it is not linked to a development application. This approach will likely cost \$30,000 - \$60,000 and take nearly a year to complete.

Mr. Phillips commented that the draft being presented will be the zoning and planning document. The planning document will be a combination of the map and policies to guide decisions on the appropriate land uses for this site.

Commissioner Hoiland asked for feedback on this mix: reducing Interstate Commercial, increasing Commercial General and shifting Mixed-Use to the west end, and converting Mixed-Use to Residential. Are there compatibility issues?

Councilmember Bodenheimier added that Interstate Commercial requires higher design standards. She said it would be wise to preserve this designation as it relates to creating a future Eastern Gateway.

Mr. Phillips commented on considering types of dwellings and if we are also considering children and amenities suited for them. He asked if this is an appropriate location for Residential since it is directly next to Commercial and situated

between a highway and an interstate. Councilmember Bartnik expressed opposition to adding High-Density Residential, citing the lack of sufficient access to community services, open space, and amenities. Councilmember Bodenhemier asked what the triggers are for High-Density or Multi-Family to require open space and community amenities.

Mayor Turnipseed expressed a preference for restricting Residential in Mixed-Use and allowing for employee housing above Commercial.

Merv Lapin, (address not stated) – Mr. Lapin expressed how significantly the Town relies on sales tax revenues. There is no other area in Town viable for highly visible commercial development apart from East Eagle. Mr. Lapin estimates that in 20 years, the Town will grow to a population of 20,000 people. Mr. Lapin supports commercial development and that presently, the easiest projects that quickly generate revenue are Residential.

Councilmember Gaboury commented that the Town has other projects and initiatives and if we don't find space for them, they will not be successful. His preference is to keep the Commercial/Light Industrial and Interstate Commercial as their own districts. Additionally, we should not mix any Residential within the 26 acre Commercial/Light Industrial site.

Mr. Heron commented that recreational use can still fit within the 26-acre western parcel even if half of it was used for High-Density Residential with on-site amenities. He wanted to highlight the importance of residential to initiate development and expand infrastructure.

Councilmember Grimmer commented that he disagrees with the projection of having 20,000 residents in town. He also asked if it's feasible to create a separate property tax district in East Eagle with lower tax margins while leveraging that to make Residential more valuable. Lastly, he commented that if we become a two-exit town, that highway exit should be west of Eagle and recommended that we collaborate with Gypsum. The latter idea also helps with obtaining federal funding.

Councilmember Kerst replied that the Town should collaborate with both Gypsum and Eagle County as it relates to a western highway exit. He is also in support of creating more Commercial opportunities and generating revenues for the Town.

Mayor Turnipseed believes that any residential in this area should be deed restricted for Eagle County residents and people who work in Eagle. Second homeowners should be restricted from investing in this area. Town Manager Reitter commented that we cannot enforce deed restrictions on rentals.

Commissioner Perkins inquired about the 35 ft. building height restriction and Mr. Heron confirmed that most Multi-Family developers prefer a four-story building height minimum.

Mayor Turnipseed asked about potential challenges selling developments that are deed restricted and Mr. Heron replied he does not have enough experience to advise on this issue. However, Mr. Heron does envision this area as rentals and not for second homeowners. Following this, Mayor Turnipseed asked if the Town needs more rental units in East Eagle since many are already being developed in Reserve at Hockett Gulch.

In summary, the majority of both the Council and the Commission were in support of maintaining a higher percentage of commercial sites in East Eagle. While high-density residential development was recognized as a critical element in the initial phase, the Council and the Commission seemed to favor removing both residential and mixed-use from the plan. Last, the site between the electrical line and wildlife corridor plus the 17.6-acre eastern parcel should all be converted to Interstate Commercial.

Public comment closed at 8:05 PM.

Mr. Phillips recapped the following items to guide staff in creating the next draft. They are as follows:

- Ensure clear, flexible language and definitions in both the Commercial/Light Industrial and Commercial Interstate locations.
- The 17.6-acre far east parcel will be converted to Interstate Commercial and further labeled as 'Gateway Element'.
- The section between the power line and drainage will be converted to all Interstate Commercial.
- To prevent or limit continuous boundary modifications to the map, staff will add language that allows flexible interpretation of variances, as also seen in the Elevate Eagle Comp Plan.
- The 26-acre western parcel will remain as Commercial/Light Industrial.

The Planning Commission will consider an adoption draft, followed by ratification.

ADJOURN

MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO ADJOURN. MOTION WAS SECONDED BY COMMISSIONER CHARLIE PERKINS AND PASSED UNANIMOUSLY.

MEETING ADJOURNED AT 8:15 PM.

APPROVED:

DATE:

Matthew Hood, Chairman

Nikki Davis, Administrative Tech II



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

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PUBLIC WIFI - TOEE – ((TOEEWireless))

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

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

6:00 PM – REGULAR MEETING CALLED TO ORDER

Chair Hood called the meeting to order at 6:05 PM.

COMMISSIONERS PRESENT

Matthew Hood, Jesse Gregg, Kyle Hoiland,
Bill Nutkins, Robert Townsend,
Lani Webb (via Zoom)

STAFF

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

COMMISSIONERS ABSENT

Charlie Perkins, Keegan Winkeller

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

1. Minutes dated August 31, 2021

MOTION: COMMISSIONER KYLE HOILAND MOTIONED TO APPROVE THE MINUTES. MOTION WAS SECONDED BY COMMISSIONER BILL NUTKINS AND PASSED WITH A VOTE OF 6 (HOOD, GREGG, HOILAND, NUTKINS, TOWNSEND, WEBB) 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 6:08 PM.

Robert Sanders, 158 Soleil Circle – Mr. Sanders commented that they are inundated with sand from BMX track and asked if the Town can do anything about this. Mr. Wike from Public Works offered to follow up with the organization that manages the track and review their erosion control plans.

Public comment closed at 6:10 PM.

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.

Applicant Presentation

Rick Pylman, a representative of the project, was the first to present. Also representing the applicant in-person were Scott Schlosser and Jens Werner. Mr. Pylman stated that their first application requesting to swap the school site with a residential location was denied based on the inability to meet Condition 2 of Section 4.11.050. The land swap would have disrupted the synergy of the school and Mountain Recreation facilities. Furthermore, the request was strongly opposed by many Eagle community members.

The new application requests to exchange 6.5 acres of Tract E with 8 acres of land within Neighborhood C at the intersection of Sylvan Lake Road and Ouzel Lane. As a result of this exchange, 72 multi-family units would be transferred from Neighborhood B & C into Neighborhood A1 which has an existing water pressure zone. The new density in this area would equate to 11 units per acre. Moreover, this swap would enable the applicant to begin developing multi-family units on the far west parcel known as RMF1 (Residential Multi-Family 1) and utilize existing infrastructure. Construction would initiate on the south end, stretch north, then west onto the desired 6.5 acres. Inversely, the 8-acre parcel in Neighborhood C would be dedicated to the Town and added to the pre-approved 14-acre recreation site near the Fire Station.

Mr. Pylman also shared that Colorado Parks and Wildlife (CPW) provided a new referral comment indicating the 6.5 acres is part of an existing wildlife corridor and there are concerns with development in that area. According to Mr. Pylman, this is contradictory to a comment CPW provided in January 2021. Mr. Pylman went on to describe how the PUD already includes several north-south wildlife passages in addition to a 500-ft. wide wildlife corridor east of the Haymeadow boundary.

To conclude, Mr. Pylman outlined public benefits of the PUD amendment including accelerated development of multi-family housing, LERP (Local Employee Residency Program) dedicated units, and deed restricted units; increasing public

land dedication; and maintaining the school-Mountain Recreation master plans, a vision strongly supported by Eagle citizens.

Staff Presentation

Mr. Phillips affirmed that this is not a repeat of the school swap application. The primary focuses of Mr. Phillips' presentation included the uses approved on Tract E, a summary of public comments both opposing and supporting the application, and staff's recommendation for approval based on compliance with Conditions 1-6 of Section 4.11.050. To conclude, Mr. Phillips posed discussion questions including mandating a timeframe to construct the 72 multi-family units and if the possible impacts to the animal migration corridor could be considered non-conformant with the Elevate Eagle Comprehensive Plan (Comp Plan).

Q & A

Commissioner Nutkins asked for clarification on the water rights situation. The current understanding is that the applicant has not met current obligations and the only way to do that is by approving this swap. Mr. Phillips replied that we will see this in the preliminary subdivision phase and that we are only seeking conceptual approval with this application. Mr. Pylman commented that significant water rights have been dedicated to the Town. He also confirmed that first, water use is not increasing with this new application, and second, this first phase of development would occur within an existing water pressure zone.

Chair Hood asked if the increased number of proposed units within the pressure zone would have negative impacts on the same service to neighboring residents. Mr. Pylman replied that this is not a concern, and that Town analysis supports this. The water service impacts will be reassessed through the development permit process. Additionally, Mr. Pylman and Mr. Wike confirmed the applicant will not be able to proceed into subsequent development phases without building a new water tank if they begin to encounter water service issues.

Commissioner Nutkins asked how many multi-family units are proposed for the northern section of Neighborhood A1. Mr. Pylman replied 77 units which equates to about 15 units an acre. RMF1 will begin with multi-family, estimating 25 units per year beginning in 2022. Mr. Pylman also commented that developing these 77 units first would enable them to finance the next phases of infrastructure, including a new water tank. Commissioner Nutkins also asked about the 8 acres in Neighborhood C and if there is a potential to lose public land when construction begins. Mr. Pylman did not foresee this as an issue. Next, Commissioner Nutkins asked about the LERP dispersion and concerns that it is front-end heavy. Mr. Pylman replied that as they develop multi-family, they must maintain a specific percentage of LERP units, as required by the Town. Mr. Pylman said their plan is to stay ahead of that percentage requirement, likely around 25% of their multi-family units. Lastly, Commissioner Nutkins asked about availability of design guidelines and Mr. Pylman replied those will be available with the first development permit application.

Commissioner Hoiland asked if the Town can still develop the 8 acres in Neighborhood C. Mr. Pylman replied yes, the same uses apply to the new location.

Commissioner Gregg asked about the estimated timeline to build Phase 1 and if it will include the Fire Station and community park across from Ouzel Lane. Mr. Pylman replied that Phase 1 is only the southern half of Neighborhood A1. Some of the Fire Station utilities are already installed and the remaining utilities will be installed at the District's request. In order to build on the 8-acre parcel, developers would need to extend the road from Ouzel Lane/Brush Creek Road and install the remaining utilities. Mr. Pylman also noted that the plan does not anticipate roads going through Soleil Homes or Field Street.

Commissioner Webb asked if approved, what are the anticipated start and completion dates. Mr. Pylman stated they are planning to submit the development permit application for RMF1 by November and hope to initiate development in the spring.

Chair Hood asked how many acres remain on the school site after subtracting the requested 6.5 acres and Mr. Pylman replied about 26 acres. Additionally, Chair Hood asked what the process would be to build homes on that site since, according to the PUD guides, homes are currently not a permitted use on Tract E. Mr. Phillips replied an amendment is possible however there is currently no process for this change. Chair Hood also asked if workforce housing could be built on this parcel instead since the amended definition of Public/Institutional on the Future Land Use Map (FLUM) will now include this element. Mr. Phillips replied that the approval will likely require workforce housing to be linked to recreational uses and be on site; an approval process that could be difficult.

Commissioner Gregg asked if we are loosely interpreting boundaries and parcel lines on the FLUM. Mr. Phillips replied that flexible interpretation of the boundaries can be granted if the proposed changes are consistent with the visions and goals in the Comp Plan.

Public Comment

Public comment opened at 7:08 PM.

Robert Sanders, 158 Soleil Circle – Mr. Sanders preferred the first application stating it provided better screening for Soleil homeowners. He also had concerns with dedicated green space and preserving animal migration paths.

Martha Miller, 172 Soleil Circle – Ms. Miller also preferred the first application and shared concerns about multi-family units being too close to Soleil homes. Also, having worked for Colorado Department of Transportation (CDOT) for 20 years, Ms. Miller understands the importance of wildlife corridors. Also, she believes we are taking public land and giving it to the developer for profit.

Ryan May, 2037 Brush Creek Rd – Mr. May is not anti-development but he prefers the original approved PUD. He disagrees with changing development plans so that the developer can capitalize profits.

Gary Scanlon, 1720 Montgomerie Circle – Mr. Scanlon commented that when the 6.5 acres is gone, there will never be enough room for the school and Mountain Recreation to expand. He asked why we are rushing to give this land away when there won't be development there for another 3-4 years.

Amy Gornikiewicz & Peter Danforth, 106 Soleil Circle – Both are opposed to this application and feel the developer should proceed with the plans already approved. Their reasons include wasting the people's resources, concerns with splitting up the Mountain Recreation campus, increased traffic, disrupting animal migration corridors, no established timeline, and creating unattainable housing. Mr. Danforth also asked for Public Works to install way finding or no-entry signs around Haymeadow.

Cody Scott, 2941 Brush Creek Rd – Mr. Scott believes the developers should proceed with the approved plan.

Public comment closed at 7:23 PM.

Open Discussion

The Commission expressed mixed opinions. Majority of the Commission believe that the new application is still unable to satisfy all the conditions of approval and that we are prematurely trading a valuable piece of Town property. Commissioners Gregg and Townsend voiced concerns that the slow pace of the project could leave the 8-acre green space in Neighborhood C undeveloped and unusable until Phase 2, which has no clear timeline. Commissioner Webb agreed with this remark asking if this change aligns with the Town's long-term vision. Additionally, Commissioner Webb echoed citizen comments urging the developers to remain accountable to their original plans.

Commissioners Nutkins and Hoiland expressed their support for approving the new application and believe the developer has made an effort to satisfy Condition 2. The Town will gain increased public lands with the swap and by denying the application, we are prolonging the development process. Both the school district and Mountain Recreation have remained neutral on the topic therefore it is believed we are not disrupting their projects. Also, both Commissioners agreed that elk and deer herds can adapt to new migrations paths.

Chair Hood argued that Conditions 1-6 must be met. After briefly analyzing the six conditions, Chair Hood questioned the synergies of the land uses, quality of the 8-acre parcel, and if the public would receive equal immediate benefits as the developer.

Mr. Pylman advised that this needs to be a dynamic process and believes the new application now satisfies Condition 2. Mr. Pylman also said that if this application is not approved, it will be difficult to develop RMF1.

MOTION: COMMISSIONER ROBERT TOWNSEND MOTIONED TO DENY FILE # PUDA21-02 HAYMEADOW PUD AMENDMENT BASED ON THE APPLICATION'S INABILITY TO MEET CONDITION #2 OF SECTION 4.11.050 WHICH READS, "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."

MOTION WAS SECONDED BY COMMISSIONER LANI WEBB AND PASSED WITH A VOTE OF 4 IN FAVOR (HOOD, TOWNSEND, WEBB, GREGG) AND 2 OPPOSED (HOILAND AND NUTKINS).

Chair Hood closed file number PUDA21-02.

PUBLIC HEARINGS

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.

Commissioner Hoiland volunteered to be the Planning Commission liaison to the Land Use and Development Code Update Committee.

MOTION: COMMISSIONER ROBERT TOWNSEND MOTIONED TO APPROVE THE APPOINTMENT. MOTION WAS SECONDED BY COMMISSIONER BILL NUTKINS AND PASSED WITH A VOTE OF 6 (HOOD, GREGG, HOILAND, NUTKINS, TOWNSEND, WEBB) IN FAVOR AND 0 OPPOSED.

Chair Hood closed file number LURA21-02.

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

Mr. Wike contributed the following updates. First, the existing permit for rapid blocks at the River Park needs to be finalized with the Core of Engineers and installation should begin in 2022. The Public Works budget will account for additional installation phases. Next, the Alpine Lumber screening mural has been discussed with the Town Council and they expressed concerns about landscaping. Currently, the proposed project budget is \$200,000 though to complete the entire length of the property would increase the budget to \$500,000.

ADJOURN

MOTION: COMMISSIONER KYLE HOILAND MOTIONED TO ADJOURN. MOTION WAS SECONDED BY COMMISSIONER BILL NUTKINS AND PASSED WITH A VOTE OF 6 (HOOD, GREGG, HOILAND, NUTKINS, TOWNSEND, WEBB) IN FAVOR AND 0 OPPOSED.

MEETING ADJOURNED AT 8:05 PM.

APPROVED:

DATE:

Matthew Hood, Chairman

Nikki Davis, Administrative Tech II



To: The Planning and Zoning Commission

From: Peyton Heitzman, Planner I, Community Development Department
Chad Phillips, Director, Community Development Department

Date: October 5, 2021

Agenda Item: Adoption of the amendment to the Elevate Eagle Comprehensive Plan.

REQUEST:

Approval of Resolution 02, Series 2021, "A Resolution of the Planning and Zoning Commission of the Town of Eagle, Colorado Amending the Elevate Eagle Comprehensive Plan".

INTRODUCTION:

This amendment is intended to help the Comprehensive Plan better meet the needs of the community. The purpose of this update is to modify elements of Chapter 3, which focuses on future land uses within the Town of Eagle.

On September 14th Town Council discussed this amendment to the Comprehensive Plan and expressed support for the changes directed by the Planning & Zoning (P&Z) Commission during the August 31st meeting. During the meeting, a community member requested an additional change be made the Future Land Use Map (FLUM) Urban Growth Boundary (UGB). Council did not direct staff to make any changes to the amendment during the meeting. Staff has reviewed the proposed change to the UGB against the policies in the Comprehensive Plan in the 'Analysis' section of this report.

A full analysis of all other proposed changes has been presented in previous staff reports. The reports for the P&Z Commission and Town Council meetings can be accessed through the following links: August 31st P&Z Commission meeting [LINK](#) and the September 14th Town Council meeting [LINK](#).

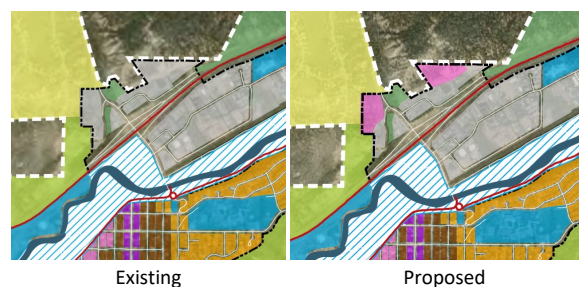
Should the Planning & Zoning Commission adopt the amendment this evening, the Town Council will consider ratification of the amendment to the Comprehensive Plan at their October 26th meeting.

ANALYSIS:

Future Land Use Map

North of I-70

This amendment includes the change to three properties north of I-70 from the Commercial / Light Industrial land use designation to Mixed Use. These properties include 295 Rule Road, 435 Eby Creek Road, and 85 Pond Road. The allowance of residential through the Mixed Use designation is supported by a policy in the Comprehensive Plan for a mix of housing types and densities. While the Mixed Use designation



helps maintain the commercial character for the area, the amount of residential allowed through the Mixed Use designation may conflict with area- specific policies for the I-70 Character Area which can be found on page 52 of the Comprehensive Plan ([LINK](#)). These goals include:

- *2-7.2. Workforce housing that directly supports on-site commercial or light industrial uses is considered an acceptable amount of residential in these districts.*

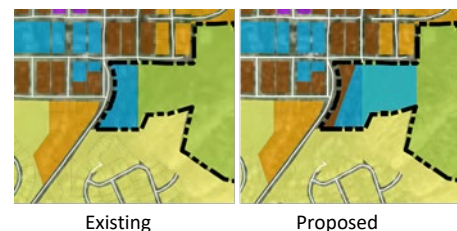
Staff comment: The proposed change to Mixed Use will provide residential opportunities beyond workforce housing, conflicting with this Character Area policy. If the Commission agrees, staff suggests the Commission consider modifying the boundary of the I-70 Influence Character Area to exclude these properties.

- *2-7.6. Maintain existing commercial and industrial zoning in the Chambers Avenue, Market Street, Sawatch Road, and Marmot Lane areas.*

Staff comment: The change from Commercial/Light Industrial to Mixed Use may not fully align with this policy but will maintain the potential for commercial uses on the property that is in the Market Street area.

Property Near Cemetery

This amendment proposes changing the future land use of 220 E Sixth Street (adjacent to the cemetery) from Public / Institutional to Downtown Neighborhood. The property contains a single-family home and the intent to continue the residential use will likely remain in the future.



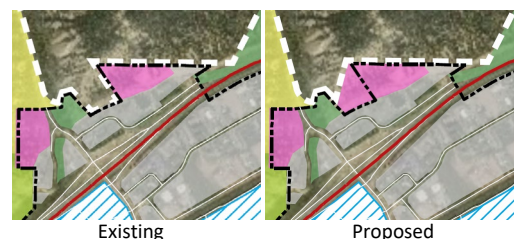
East Eagle Sub Area Plan (EESAP)

Another change to the FLUM includes expanding the land designated as East Eagle. This will allow the FLUM to align with the existing planning boundary of the Eagle Sub Area Plan (EESAP). East Eagle is located to the furthest northeast area of Town.



Urban Growth Boundary

There is a request to expand the Urban Growth Boundary (UGB) to include a portion of 306 Eby Creek Rd. The property is located north of I-70 and adjacent to 295 Rule Road which is Mixed Use under this amendment. The additional land under the expanded UGB is requesting the Mixed Use land designation. The existing UGB runs along parcel lines. Through this request, the UGB will cross through the property, and follow the geographic boundary of the ridge line instead. The expansion of the Mixed Use designation in this area supports policy 1-1.1 in the Comprehensive Plan to *ensure a healthy mix of housing types and densities (e.g. single-family, duplex, multi-family, mixed-use and accessory dwelling units) to allow for greater diversity*. While 306 Eby Creek Rd is currently outside the Town's UGB, this



section of land is within the Town's I-70 Character Influence Area. See page 53 of the Comprehensive Plan for the map of the Character Areas ([LINK](#)). The policies of the I-70 Character Influence area conflict with the Mixed Use land use, as previously mentioned in this report. If the Commission considers modifying the UGB, staff suggests the Commission also consider modifying the boundary of the I-70 Influence Character Area to exclude all Mixed Use designations, including 306 Eby Creek Rd.

Future Land Use Categories

This amendment to the Comprehensive Plan is proposing text changes to the MDR and Public / Institutional Future Land Use Categories. These land use categories can be found on pages 36 and 43 in the Comprehensive Plan.

Medium Density Residential

Staff is proposing to change the text in the MDR category under Primary Uses. The text currently reads, "Small lot, single-family units, duplexes/triplexes, and multi-family townhomes". If approved, the modified text would read, "Small lot, single-family units, duplexes/triplexes, multi-family, and townhomes". This change would allow other multi-family housing options in the MDR that are not strictly townhomes.

Public Institutional

This amendment is proposing to add On-Site Employee Housing as a secondary use for the Public / Institutional land use category.

Questions for Discussion

- Are the proposed changes to the FLUM appropriate and do they better serve the community?
- Should the I-70 Influence Character Area boundary be amended to avoid a conflict between the residential permitted in the Mixed Use category and the policies in the Character Area?
- Are there unintended consequences to the proposed change to the UGB?

COMMUNITY INPUT:

Staff has received two additional public comments since the Commission last reviewed this amendment to the Comprehensive Plan. Both comments are provided in the packet.

BUDGET / STAFF IMPACT:

No impact to the budget.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED:

2020 Eagle Strategic Plan

This amendment to Title 3 of the Comprehensive Plan aligns with the 2020 Strategic Plan's major objective to 'Diversify the Attainable Housing Stock' with the change from the Commercial/Light Industrial land use to Mixed Use north of I-70 that will result in the opportunity for a diversified, attainable housing stock. The major objective to 'Improve Community Responsive Services' is also supported through this amendment. Through this amendment process there have been public discussions and thoughtful evaluation of the Title 3 of the Comprehensive Plan. The regular re-evaluation and update of the

Comprehensive Plan is the Town's way of adopting policies and regulations to be responsive to changes in the business environment, which will encourage thoughtful growth and development.

2020 Elevate Eagle Comprehensive Plan

Policies supported through this amendment include:

- *1-1.1. Ensure a healthy mix of housing types and densities (e.g. single-family, duplex, multi-family, 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 housings efforts.*
- *1-2.1. Provide opportunities that increase the likelihood of the Town's citizens to work within Eagle.*

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to APPROVE Resolution 02, Series 2021, "A Resolution of the Planning and Zoning Commission of the Town of Eagle, Colorado Amending the Elevate Eagle Comprehensive Plan", with the following conditions of approval:

1. The Future Land Use Map (Exhibit A) shall be amended to reflect changes in Land Use Categories.
2. The "Medium Density Residential" Land Use Category shall be amended to read as follows: "Small lot, single-family units, duplexes/triplexes, multi-family, and townhomes" under the Land Use Category's Primary Uses.
3. The "Public / Institutional" Land Use Category shall be amended to include "On-Site Employee Housing" as a Secondary Use.

ATTACHMENTS:

- Resolution 02, Series 2021
- Future Land Use Map
- Future Land Use Designations
- Public Comment
- Elevate Eagle Comprehensive Plan (2020) ([LINK](#))

**TOWN OF EAGLE, COLORADO
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 02
(Series of 2021)**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF
EAGLE, COLORADO APPROVING AND ADOPTING THE 2021 AMENDMENT TO THE
ELEVATE EAGLE COMPREHENSIVE PLAN

WHEREAS, pursuant to C.R.S. § 31-23-206, it is the duty of the Planning and Zoning Commission (the "Commission") to make and adopt a comprehensive plan, also known as a master plan, for the physical development of the Town, including any areas outside its boundaries, subject to the approval of the Town Council, which in the Commission's judgment bears relation to the planning of the Town; and

WHEREAS, on October 5, 2021, the Commission held a properly-noticed public hearing on the Elevate Eagle Comprehensive Plan (2021 Amendment).

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF EAGLE, COLORADO AS FOLLOWS:

Section 1. The Commission hereby approves and adopts the Elevate Eagle Comprehensive Plan (2021 Amendment), with the following modifications:

- a. The Future Land Use Map (Exhibit A) shall be amended to reflect changes in Land Use Categories;
- b. The "Medium Density Residential" Land Use Category shall be amended to read as follows: "Small lot, single-family units, duplexes/triplexes, multi-family, and townhomes" under the Land Use Category's Primary Uses; and
- c. The "Public / Institutional" Land Use Category shall be amended to include "On-Site Employee Housing" as a Secondary Use.

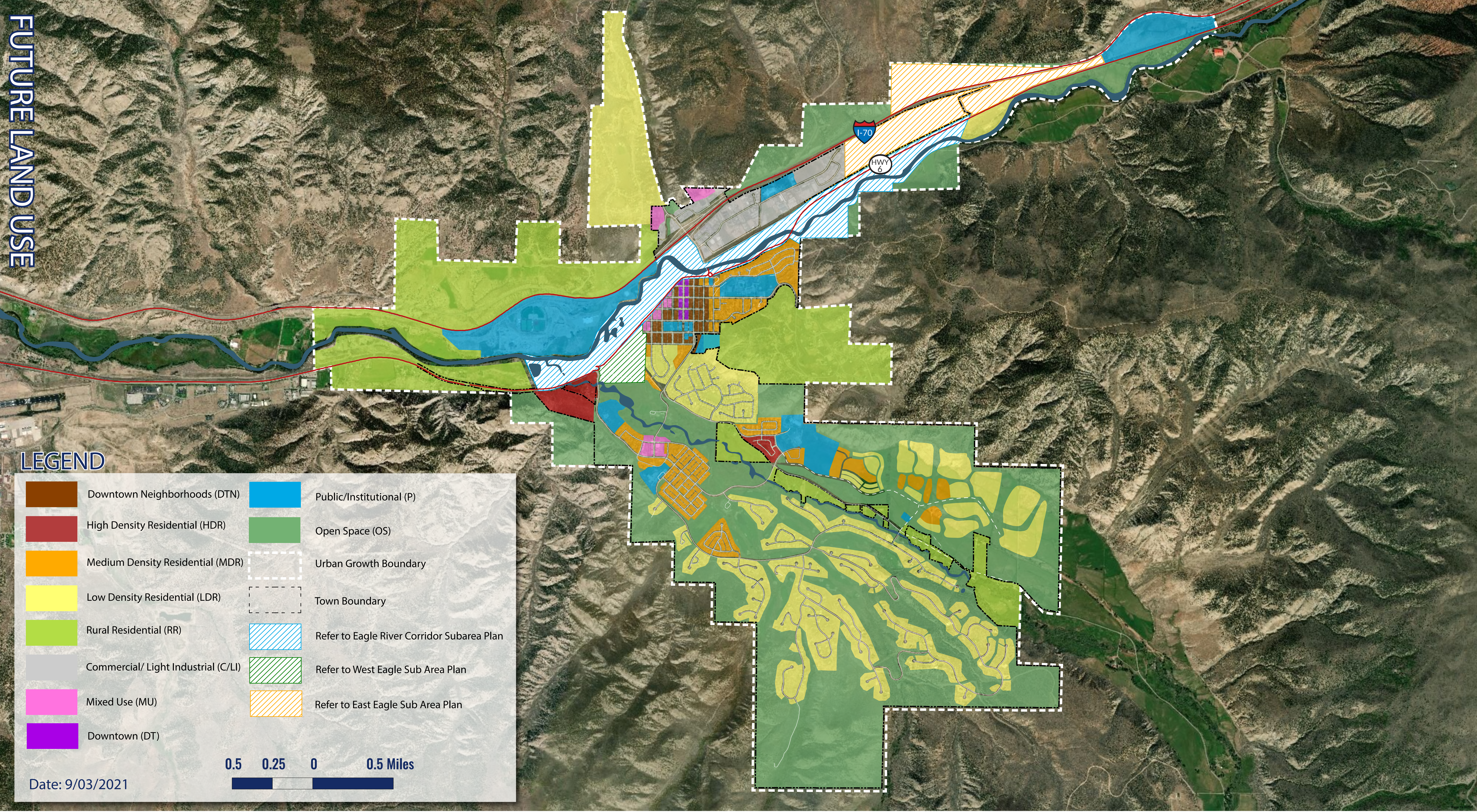
INTRODUCED, READ, PASSED AND ADOPTED ON OCTOBER 5, 2021.

TOWN OF EAGLE PLANNING AND ZONING
COMMISSION

Matthew Hood, Chair

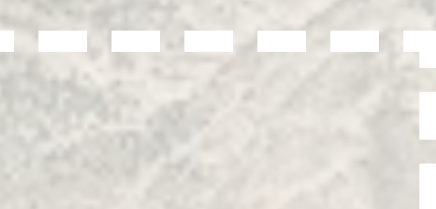
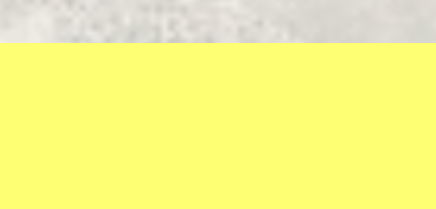
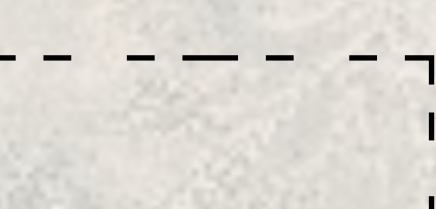
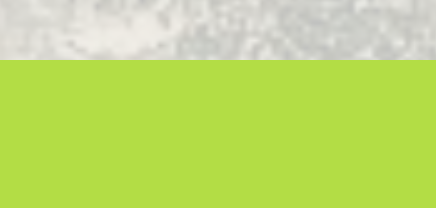
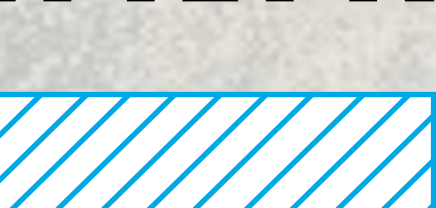
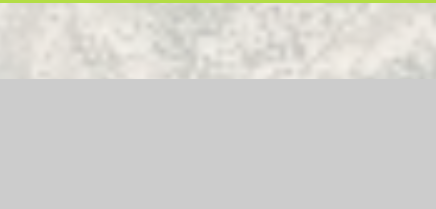
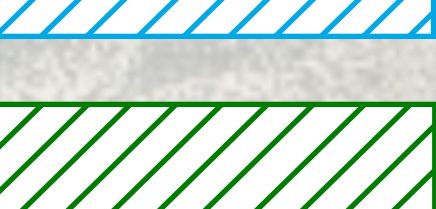
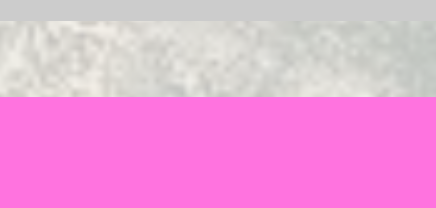
ATTEST:

Nikki Davis, Administrative Technician II



FUTURE LAND USE

LEGEND

	Downtown Neighborhoods (DTN)		Public/Institutional (P)
	High Density Residential (HDR)		Open Space (OS)
	Medium Density Residential (MDR)		Urban Growth Boundary
	Low Density Residential (LDR)		Town Boundary
	Rural Residential (RR)		Refer to Eagle River Corridor Subarea Plan
	Commercial/ Light Industrial (C/LI)		Refer to West Eagle Sub Area Plan
	Mixed Use (MU)		Refer to East Eagle Sub Area Plan
	Downtown (DT)		

0.5 0.25 0 0.5 Miles

Date: 9/03/2021

Future Land Use Categories

Below is a table outlining which zoning designations are most appropriate for each Future Land Use Category, and each category is further described on the following pages and includes: an overview of the general character, features, and amenities; desired primary and secondary uses; examples of representative development types and forms within Eagle, and connections to the surrounding area.

LAND USE	ALLOWED ZONES
<i>Correlates with existing zoning categories as of January 2020</i>	
RURAL RESIDENTIAL	R – Resource RR - Rural Residential PUD - Planned Urban Development
LOW DENSITY HOUSING	RL - Residential Low Density PUD - Planned Urban Development
MEDIUM DENSITY HOUSING	RM - Residential Medium Density RMF – Residential Multi-Family P – Public Area PUD - Planned Urban Development
HIGH DENSITY HOUSING	RMF – Residential Multi-Family RH – Residential High Density P – Public Area CL – Commercial Limited
COMMERCIAL/ LIGHT INDUSTRIAL	CG - Commercial General CL - Commercial Limited I - Industrial
MIXED USE	CL - Commercial Limited P – Public Area PUD - Planned Urban Development RMF - Residential Multi-Family
DOWNTOWN	CBD - Central Business District
DOWNTOWN NEIGHBORHOOD	CL - Commercial Limited RL - Residential Low Density RM – Residential Medium Density RMF – Residential Multi-Family
PUBLIC/INSTITUTIONAL	PA - Public Area
OPEN SPACE	R – Resource

MEDIUM DENSITY RESIDENTIAL



Description:

Single and multi-family neighborhoods built on a traditional development pattern, served by a highly connected street pattern, and interspersed with schools, public facilities, walkable neighborhood amenities, parks, and trails.

PRIMARY USES

Small lot, single-family units, duplexes/triplexes, **multi-family, and townhomes.**

SECONDARY USES

Public uses, neighborhood and community parks.

APPROXIMATE DENSITY

4 - 16 DU/Acre

PUBLIC/INSTITUTIONAL



Description:

The Public/Institutional category identified civic uses, such as schools, government buildings, and public service and recreation facilities, within varied settings, including Downtown, along the Eagle River, and within and adjacent to neighborhoods.

PRIMARY USES

Public and civic uses, including recreational facilities, public services, schools, healthcare, and governmental offices.

SECONDARY USES

Accessory Uses,
On Site Employee Housing

Peyton Heitzman

From: dnudell@vail.net
Sent: Wednesday, September 22, 2021 3:48 PM
To: Peyton Heitzman
Subject: Revised Public Comment on the FLUM re 435 Eby Creek Road

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.

Hi Peyton,

Here is the revised public comment, ready for distribution.

Thank you,

David



David Nudell, Broker/Owner

970-445-1766 (direct), 970-390-0492 (cell)

217 Broadway, Eagle, CO 81631

MountainLifestyleProperties.com dnudell@vail.net

9/22/21

To: Peyton Heitzman, Chad Philips, The Planning and Zoning Commission, and the Town Council

Re: Proposed Future Land Use Change for 435 Eby Creek Road

Thank you All for the hard and detailed work it takes to create an update of this kind. I know from my volunteer work on the Elevate Eagle Community Plan Update Committee which contributed to this file that this is a significant piece of work that has to be very carefully considered by all involved.

I was unfortunately not able to attend the August 31st meeting due to illness, but it had been called to my attention that there had been a transition to adjust the FLUM designation for this property away from High Density Residential (HDR) to Mixed Use (MU).

Part of the rationale for this change had to do with the I-70 Influence Character Area, which speaks to mostly commercial and commercial related uses. This is what all of these parcels were originally zoned for, and why the I-70 Influence Character area was created.

However, over the last two years, the Elevate Eagle Comprehensive Plan update committee has worked hard to re-envision the town, and this is one of the areas of its focus. I believe that the

combination of this visioning, and the rezoning of The House as multifamily residential has changed the character of this area enough to merit a re-examination of the older I-70 Influence Character area, and it should therefore not be the deciding factor in the re-visioning of this area. Staff also remarked that Mixed Use is *also* not completely consistent with the I-70 influence Character Area.

The staff report from August 31, 2021 suggested that this property “may not be commercially viable.” This property has been under contract 6 or 7 times over the last 15 years pursuant to commercial developments. It has fallen out of contract every time. The strength of the market for commercial development is inadequate for any project to get off the ground in this location due to the topography, which necessitates an expensive deep cut and retaining wall, as well as its out of the way location. Residential however can garner sufficient revenue to create a successful development there.

Because 435 Eby Creek Road is abutted by The House, which has Multifamily Residential zoning, and also by Eby Creek Mesa, a residential subdivision, and because commercial development on this parcel has not proven to be successful over a long period of time, I ask you to please reconsider High Density Residential (HDR) designation for this parcel on the Future Land Use Map. This request is strongly supported by the property owner, the volunteers and drafters of the Elevate Eagle Comprehensive Plan, and by many of the residents of Eby Creek Mesa.

This request is further supported by the following Comprehensive Plan policies:

1-1.1 supports residential on this parcel, aspiring to “...ensure a healthy mix of housing types and densities (e.g. single-family, duplex, multi-family, mixed use and accessory dwelling units) to allow for greater diversity.

There is a great need in the Town of Eagle for smaller multifamily units as many of those that live and work in town are getting priced out of both the rental and sale markets.

5-1.4 Promote the development of compact neighborhoods in close proximity to the public transit options, and allowing increased residential, retail, and mixed-use densities in areas close to transit stops

This would be a compact neighborhood, walking distance to City Market, banks, restaurants, the park and ride, and the bus stop.

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

As discussed above, many popular public destinations are easily reachable on foot and via bicycle from this location, with the park and ride an easy walk away.

In conclusion, there is a great need for multifamily residential in the Town of Eagle, and this is a near ideal location to put it. The area north of I-70 has evolved from a purely commercial zone to one with multifamily residential, which has changed the character of it in a positive way, and fills an urgent need in our town. Any commercial component on this property would be a bit of an orphan, and not synergistic with the other commercial north of I-70. One cannot even see the property sitting at Pickled, looking past 1stBank.

Changing the designation of this parcel back to High Density Residential (HDR) would be consistent not only with the direction of recent redevelopment, but also with the visioning process that led to the creation of the FLUM that was originally put in front of you, as well as helping to fill a great need in the community.

Thank you very much for considering this change.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Nudell". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

David Nudell

dnudell@vail.net

970-390-0492

Thomas M. Boni
PO Box 3625
Eagle Colorado, 81631
tomboni3030@gmail.com
970-366-1435

September 29, 2021

Peyton Heitzman
Planner
Town of Eagle
PO Box 609
Eagle, CO 81631

Re: Expansion of the Urban Growth Boundary – NE Side

Dear Peyton,

The property that we are requesting to be added to the Urban Growth Boundary is a portion of Lot 220C of the Eby Creek Subdivision as shown on the attached aerial photograph. This land is immediately east of Lot 1, Eagle Interchange East Subdivision (Town of Eagle) owned by the applicant and north of Boone's Liquor Store. The land is separated by a steep ridge from the remainder of Lot 220 C thereby making it inaccessible to the remainder of the lot which gains access from Eby Creek Road. The buildable portion of Lot 1 is a bench that extends east into this property. The applicant would like to annex this land into the Town of Eagle and add it to Lot 1, thereby increasing the size of the lot and including the entirety of the existing bench as a development site. We request that this area be identified as Mixed Use on the Future Land Use Map. We have reduced the size of the requested extension to more specially relate to the topography of the area and to avoid the riparian land along Eby Creek.

The Future Land Use Chapter of the Elevate Eagle Comprehensive Plan provides that "flexible interpretation of the boundaries may be granted by the Town Planning Staff, Planning and Zoning Commission and the Town Council provided that the proposed change is consistent with the vision, goals and strategies contained in the Plan."

However, since there is a Minor Amendment to the Comprehensive Plan currently underway, the applicant requests that this minor modification to the Urban Growth Boundary be included in the amendment.

Goal 1.1 of the Plan is to “promote a wide range of attainable housing opportunities.

The strategy listed under this goal is to “ensure a healthy mix of housing types and densities for greater diversity of housing types.” In the “where we live” appendix of the Plan, it is noted that the housing stock of the Eagle is dominated by single family homes (86%) which is significantly lower than the average for the State which is 70%.

This additional land will facilitate the construction of more multi family housing which is supported by this goal. Multi-Family housing is also more attainable than single family housing and provide opportunities for first time home buyers.

Goal 5.3.3 of the Plan is to “promote compact development allowing increased residential, retail and mixed-use densities in areas close to transit stops where appropriate. The location of this land immediately north of the Boone’s Liquor Store and City Market Property is within walking distance of the Eco Transit Stop at Chambers Avenue/Eby Creek Road intersection. The requested expansion of the Urban Growth Boundary located on the north side of the Eagle Interchange will also minimize traffic impacts to the remainder of Town. The requested extension of the Urban Growth Boundary and facilitating the development of this property as part of the Town of Eagle supports this goal.

We look forward to presenting this minor modification to the urban growth boundary to the Planning and Zoning Commission on Tuesday, October 5.

Sincerely,

Tom Boni

Land Planner

Cc: Mike Dantas, Tim Henum

