



**Planning & Zoning Commission
Tuesday, November 16, 2021, 6:00 PM
Public Meeting Room / Eagle Town Hall
200 Broadway, Eagle, CO 81631**

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 virtually via the Zoom link below.

[ACCESS THE ONLINE MEETING HERE.](#)

Please note: All virtual 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 October 19, 2021
2. Minutes dated November 2, 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: Eagle Sinclair Station Drive-Through and Building Addition
File #: DR21-01 & V21-01
Applicant: Turnipseed AIA Architecture + Construction Inc. representing Ed Oyler
Location: 131 Chambers Avenue
Staff Contact: Peyton Heitzman, Planner I

- Request: 1) A Minor Development Permit with design variances for a building addition and drive through window on the southeast side of the existing building and 2) a Zoning Variance for increased impervious surface coverage beyond what is allowed for in the Commercial General zone district.
2. Project: Eagle Ranch 6th PUD Amendment
File # PUDA21-01
Applicant: Eagle Ranch HOA
Location Eagle Ranch Planned Unit Development
Staff Contact: Chad Phillips, Community Development Director/Town Planner, Jessica Lake, Planner I
Request: Request for a Major PUD Amendment to amend and update the Eagle Ranch PUD Guide and PUD Zoning Plan.
3. Project: Land Use and Development Code Amendment - Accessory Dwelling Units
File # LURA21-06
Applicant: Town of Eagle
Location Town of Eagle
Staff Contact: Chad Phillips, Community Development Director/Town Planner
Request: Consideration of recommending adoption of Section 4.04.100.N concerning Accessory Dwelling Units (ADU's).

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 Updated: November 16, 2021

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, October 19, 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

Chair Hood called the meeting to order at 6:00 PM.

COMMISSIONERS PRESENT

Matthew Hood, Kyle Hoiland, Bill Nutkins,
Charlie Perkins, Jesse Gregg, Robert Townsend,
Keegan Winkeller (via Zoom)

COMMISSIONERS ABSENT

Lani Webb

STAFF

Chad Phillips – Community Development Director
Dennis Wike – Town Engineer
Peyton Heitzman – Planner I
Carrie McCool – Town Contract Planner (via Zoom)
Nikki Davis - Administrative Tech II

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

1. Minutes dated October 5, 2021

MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO APPROVE THE MINUTES. MOTION WAS SECONDED BY COMMISSIONER KYLE HOILAND AND PASSED WITH A VOTE OF 7 IN FAVOR (HOOD, HOILAND, NUTKINS, PERKINS, GREGG, TOWNSEND, WINKELLER) 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 6:02 PM. There was no public comment.

PUBLIC HEARING

1. Project: Land Use and Development Code Amendment – Parking Fee In-Lieu Program Update
File #: LURA21-05
Applicant: Town of Eagle
Location: Town of Eagle
Staff Contact: Chad Phillips, Community Development Director/Town Planner
Request: For the Planning Commission to review and provide feedback on the new Parking Fee In-Lieu Program.

Staff Presentation

Ms. McCool presented this file and began by providing information from a 2017 downtown parking study conducted by WALKER Consultants. The consultant's key recommendation was to improve unimproved rights-of-way dedicated to on-street parking. The most recent study of the Parking Fee In-Lieu Program implemented WALKER's findings and expanded the study area further east to include Howard Street and the newly formed Downtown Development Authority (DDA) boundaries. It also included community outreach which surveyed stakeholders within the study area. The key findings revealed there are 316 existing developed parking spaces downtown and 503 new parking spaces that could be constructed downtown in existing rights-of-way. Ms. McCool then provided preliminary recommendations including applying the fee per space, establishing the program as voluntary, and that the fee would be set at \$23,100 per stall. Public Works was instrumental in developing the proposed fee which accounts for initial capital costs plus a 10-year span of operating costs.

Q & A

Commissioner Hoiland asked if the Town would agree to absorb the capital costs after a certain number of years and if that would reduce or eliminate the fee. Ms. McCool agreed with this thought, stating the Town would include the operating costs in capital improvements.

Chair Hood asked if this fee goes into a parking fund or the Town's general fund. He also asked how the operating costs change over time. Mr. Wike replied that staff is open to the Commission's feedback on adjusting the fee structure. Staff's fee analysis accounts the capital cost to construct the parking space and operating costs for a 10-year time frame. Mr. Wike asked if 10 years was a reasonable time frame.

Commissioner Hoiland asked if we are capped at the number of spaces we currently have. Mr. Phillips commented that we can consider the next parking options, such as a parking structure, as we reach the end of developing the 503 available spaces.

Commissioner Nutkins asked if a developer pays the fee in-lieu of x-amount required parking, when does the Town start to build new parking spaces? Mr. Wike replied that most developments take a couple of years to complete. Within that time, the Town would assess where parking stalls can be built, then begin installing new stalls in phases or by area.

Commissioner Perkins asked to define the study area. Mr. Phillips replied that the boundaries of the study area include 5th Street on the south end, Grand Avenue on the northwest end, and Howard Street on the east end. Commissioner Perkins included a suggestion for the Town to identify potential locations for a future surface lot or parking structure.

Commissioner Townsend asked how developers can meet ADA requirements if they pay the in-lieu fee. Mr. Phillips replied this would be addressed during the development permit stage.

Chair Hood suggested that we limit the amount of fee in-lieu parking.

Mr. Wike commented that about 300 of the 503 unimproved spaces are being used inefficiently for storage.

Chair Hood questioned the effectiveness of the community outreach survey since it only surveyed an existing group of stakeholders in the downtown area.

Commissioner Perkins reaffirmed that we need to secure this money in a specific fund to build or buy a future parking structure or surface lot.

Chair Hood asked how the \$23,100 fee per space compares to the costs of a stall in a surface lot or a ticketed parking structure. Mr. Wike replied that staff compared the fee to other regional parking projects. Silverthorne is proposing a new parking garage at \$50,000 per space. Breckenridge is opening new parking this November at \$100,00 per space.

Commissioner Gregg asked how this program affects future parking requirements in the downtown area. Mr. Phillips replied this would be addressed in the new Land Use Code.

Commissioner Perkins asked if the estimates account for streetlight costs. Mr. Wike replied that the estimate does not include illumination, extended landscaping, or other beautification initiatives.

Commissioner Hoiland asked if the study includes revenue projections. Mr. Wike replied that staff will need to determine how many spaces the Town wants to fund in order to project the sum of funds dedicated to operating costs.

Commissioner Nutkins asked how this program correlates with the existing budget for capital improvement projects. Mr. Wike replied that the existing budget does not account for building additional parking.

Public Comment

Brian Woods, 212 E Third St. – Mr. Woods remarked that he does not see a parking problem downtown and asked what the sales tax benefits are of commercial parking spots. Mr. Woods is in favor of building a surface lot or parking structure in the future.

Paul Duprey, 125 E Fourth St. – Mr. Duprey believes there is limited parking downtown. He asked Mr. Wike to clarify staff's comment regarding storage in existing right-of-way parking spaces. Mr. Duprey also asked for clarification on whether a developer can pay their way out of complying with the Town's parking standards and development codes through this new program.

Discussion

Commissioner Nutkins commented that the program is a good opportunity to generate revenues to improve parking spots. Commissioner Nutkins also suggested that a certain percentage of parking spaces be required on-site. Last, he asked if we anticipate losing any development projects because of this fee.

Chair Hood and Commissioner Winkeller expressed that the fee is too low.

Mr. Phillips commented that this study is focused on public rights-of-way and improving those spaces.

Mr. Wike commented that staff does not know the substructure conditions of existing spaces and what is needed to build new spaces properly. He estimates that about 20-30 spaces would be built at a time.

Commissioner Gregg suggested that we prohibit 100% fee in-lieu and to consider different percentages for different zone districts. Overall, Commissioner Gregg agrees with the proposed \$23,100 per stall and if needed, this fee can be amended in the future.

Chair Hood closed file LURA21-05.

PUBLIC HEARING

2. Project: East Eagle Sub Area Plan (EESAP) – Public Adoption Hearing
File #: LURA21-03
Applicant: Town of Eagle
Location: East Eagle Planning Area
Staff Contact: Chad Phillips, Community Development Director/Town Planner
Peyton Heitzman, Planner I
Jessica Lake, Planner I
Request: Approval of Resolution 03, Series 2021, A Resolution of the Planning & Zoning Commission of the Town of Eagle, Colorado to Adopt the East Eagle Sub Area Plan (EESAP).

Staff Presentation

Commissioner Jesse Gregg recused himself from the file since he is part of the consulting team, Zehren & Associates.

Ms. Heitzman presented this file, providing a historical overview of the project, which began in spring of 2021. The project has been a joint effort between the Town and local architect firm, Zehren & Associates. There have been multiple iterations of the concept map with changes to planning boundary, land uses, and street configurations. Ms. Heitzman stated that the Planning Commission/Town Council joint work session provided the direction for the final adoption draft, focused on topics such as a Gateway Element, flexible language interpretation, and consolidating the types of zone districts.

Q & A

Chair Hood asked about the Eastern Gateway parameters and how they differ from the rest of Commercial/Light Industrial. Ms. Heitzman replied that the plan document contains specific goals and policies related to the Eastern Gateway.

Public Comment

There was no public comment.

Discussion

The Commission expressed mixed opinions about the adoption draft. Chair Hood acknowledged that while the adoption draft reflects Council's direction, he disagreed with the heavy use of Commercial/Light industrial. Commissioner Townsend agreed, highlighting how Mixed-Use was eliminated from the map. Commissioners Nutkins and Perkins voiced their support of the adoption draft stating that residential is still a component through accessory use and that the Town needs to be ready for commercial developers. Commissioner Winkeller echoed the need to maintain higher design standards for the Eastern Gateway to avoid extending the look of Chambers Avenue.

Chair Hood addressed the attorney letter staff received from the property owner. The Commission expressed that this is meant to be an advisory document, not a zoning document dictating what the property owner must build.

MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO APPROVE RESOLUTION NO. 3, SERIES 2021, “A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF EAGLE, COLORADO ADOPTING THE EAST EAGLE SUB AREA PLAN”. MOTION WAS SECONDED BY COMMISSIONER CHARLIE PERKINS AND PASSED WITH A VOTE OF 5 IN FAVOR (HOILAND, NUTKINS, PERKINS, TOWNSEND, WINKELLER) AND 1 OPPOSED (HOOD). COMMISSIONER JESSE GREGG ABSTAINED.

Chair Hood closed file LURA21-03.

COMMUNITY DEVELOPMENT DEPARTMENT & 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. Phillips addressed anticipating more applications related to HB21-1061. Property owners are requesting lot consolidations to avoid paying increased tax rates on vacant land.

Chair Hood asked about the recent Haymeadow public hearing with Town Council. Mr. Phillips replied that Town Council requested the applicant return with additional guarantees such as a timeline for development and subsequent phases of infrastructure as well as increasing the number of locals' housing.

OPEN DISCUSSION

Commissioner Perkins expressed how he liked Steamboat's illumination program, especially downtown. Mr. Phillips commented that the Town did receive a grant for this type of beautification project, however all the lights are back ordered.

ADJOURN

MOTION: COMMISSIONER KYLE HOILAND MOTIONED TO ADJOURN. MOTION WAS SECONDED BY COMMISSIONER BILL NUTKINS AND PASSED WITH A VOTE OF 7 IN FAVOR (HOOD, HOILAND, NUTKINS, PERKINS, GREGG, TOWNSEND, WINKELLER) AND 0 OPPOSED.

MEETING ADJOURNED AT 7:45 PM.

APPROVED:

DATE:

Matthew Hood, Chairman

Nikki Davis, Administrative Tech II



MEETING MINUTES
Planning & Zoning Commission
Tuesday, November 2, 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 6:00 PM.

COMMISSIONERS PRESENT

Matthew Hood, Kyle Hoiland, Bill Nutkins,
Charlie Perkins, Robert Townsend,
Keegan Winkeller, Lani Webb (via Zoom)

COMMISSIONERS ABSENT

Jesse Gregg

STAFF

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

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

1. Minutes dated October 19, 2021

Approval of the October 19, 2021 minutes tabled until November 16, 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 comment opened at 6:01 PM. There was no public comment.

PUBLIC HEARINGS

1. Project: Eagle County Schools Housing
File #: RZ21-02 and S21-01
Applicant: Tom Braun of Braun Associates, Inc. on behalf of Eagle County Schools
Location: 747 E 3rd Street
Staff Contact: Peyton Heitzman, Planner I
Request: Rezoning of a 2.2-acre parcel from Public Area to Residential Medium and a Sketch Plan Subdivision for a residential development (16 units) at the west end of the 3rd Street Campus.

Staff Presentation

Ms. Heitzman presented this file noting there are two parts to this application. With regards to the first request, Ms. Heitzman reviewed the four conditions of rezoning as outlined in the Municipal Code. The conditions evaluate compatibility with surrounding land uses; whether the land was previously zoned in error or that the existing zoning is inconsistent with the Town's plans; that the area has changed substantially such that the proposed zoning better serves the community; or, that the rezoning is incidental to a comprehensive revision of the Town's zoning map. It is worth noting that the application must meet the first two conditions but is only required to meet either Condition #3 or #4. Staff believes the application meets Condition #3 citing that the current zoning was established in the 1970's / 1980's and since then, the surrounding neighborhoods have been built out. Ms. Heitzman stated that Condition #4 does not apply to this application. While the application meets the conditions for rezoning, staff recommended denial citing section 4.04.030. Per this section of the Municipal Code, the plan lacks established lot lines, a requirement which can be met by submitting a final plat.

Next, Ms. Heitzman presented the sketch plan subdivision. Eagle County Schools (ECS) is partnering with Habitat for Humanity (Habitat) to construct 16 deed restricted units. More specifically, 12 units, or 75% of the project, would be reserved for ECS staff, and 4 units, the remaining 25%, would be allocated to local employees housing. Ms. Heitzman noted that the sketch plan subdivision is very conceptual. Staff and the applicant are only seeking general feedback from the Commission at this time.

Commissioner Winkeller asked where we are in the process of receiving the amended final plat. Mr. Phillips replied that we should receive it soon, along with the preliminary and final subdivision applications.

Applicant Presentation

Mr. Braun was accompanied by Emily Peyton, Elyse Howard, and John Welaj from Habitat for Humanity. First, Mr. Braun began by discussing the project goals, centered around retaining teachers and providing them with more housing opportunities. He stated that the portion of land under consideration on the 3rd Street campus is not utilized by the school or athletics and provides existing benefits to support infill. The site blends within an established neighborhood, is walkable to downtown, and already includes infrastructure. Mr. Braun also noted that ECS and Habitat have collaborated on projects before, recalling the Grace Avenue project in Gypsum that housed 12 district families. This new project will target district employees within the 80% - 100% area median income (AMI) threshold; the bracket where educators employed for two to five years traditionally fall within. Mr. Braun briefly touched on the 2020 Eagle County School District Employee Housing Master Plan and its goal to develop 120 new housing opportunities, including the 3rd Street Campus.

Mr. Braun emphasized the importance of the rezoning approval. The approval would strengthen Habitat's ability to secure financial support from donors and enable the group to invest large sums of money required for project design.

Beyond that, Mr. Braun stated they hope to submit for development permit in January or February in anticipation for construction to being in the spring. Next, Mr. Braun shared an image of the sketch plan and conceptual diagram of the proposed housing units. While the recent amendments to the Comprehensive Plan altered the definition of Public/Institutional to now include on-site employee housing, Mr. Braun believes that rezoning the lot to Medium Density Residential better aligns with the project.

To conclude, Mr. Braun briefly addressed the challenge posed by section 4.04.030. He reaffirmed his belief that the Commission has authority to approve their rezoning request based on a legal description. He suggested including a condition of approval that requires the submittal of a legal description with the zoning application ahead of the Town Council hearing.

Mr. Welaj also spoke, expressing Habitat's enthusiasm to participate in another Town of Eagle project. Since the early 2000's, Habit has constructed nearly 80 homes in Eagle County. Mr. Welaj added that as a part of Habitat's strategic planning, they continue seek out unique partnership opportunities with other organizations in the community.

Q & A

Commissioner Hoiland asked if this application required noticing to adjacent property owners. Ms. Heitzman confirmed a mailing and newspaper notice were completed for both the rezoning request and sketch plan. Commissioner Hoiland questioned whether we are opening the door for other applicants to change the review process if we approve this application. Commissioner Winkeller disagreed, stating the Commission does not need to approve every variance.

Commissioner Winkeller asked if staff has received the legal description. Mr. Braun replied he has a surveyor available and they should be able to submit this quickly.

Commissioner Nutkins asked for additional clarity on the conceptual design. Mr. Braun replied the location of the units will likely change based on topography and how efficiently construction can be executed.

Commissioner Perkins asked how emergency vehicles would maneuver this neighborhood. Mr. Braun replied that a small road extension, currently identified between buildings 5 & 6, would enable emergency vehicles to turn around. The precise location of this road extension may change.

Commissioner Webb asked where parking is located. Mr. Braun replied the design accounts for 3 spaces per unit which meets the minimum parking requirements. In addition to driveway parking, the units will also have a garage though the exact size is subject to change.

Commissioner Nutkins asked about the unit size and Ms. Peyton confirmed they are all 3-bedroom units.

Commissioner Townsend asked if the site accounts for guest parking. Mr. Braun replied they are considering this in the design; however, it may be impacted by the number of spaces built on-site at each unit.

Chair Hood asked if there is a compatibility issue between the fire station and residential uses. Mr. Braun replied there are residential uses downhill and across the street from the fire house. They do not perceive any compatibility issues. Next, Chair Hood asked about staff's concerns with approving the application if a condition to submit the final plat by an established deadline was included. Mr. Phillips replied that per the Town attorney, we cannot condition a rezoning.

Commissioner Perkins inquired how the design meets ADA requirements. Mr. Phillips replied these details would be addressed during the minor development permit review.

Mr. Braun clarified they have not submitted a surveyor's legal description yet; however, the application includes scaled and defined drawings of the rezoning area. Mr. Braun also acknowledged that Town Council's final zoning approval cannot be conditioned. Instead, Mr. Braun asked staff if the Commission can propose approval with a condition to Council. Mr. Phillips replied that if the Commission agrees with the applicant's interpretation of section 4.04.030 and they submit a legal description to staff ahead of a Town Council public hearing, that will fulfill the condition. The Commission supported this plan.

Public Comment

Public comment opened at 6:45 PM.

Rick Beveridge, 306 Howard Street – Mr. Beveridge expressed that this is the type of conceptual project the Commission needs to approve before the applicant spends thousands of dollars. He added that from an applicant's perspective, this project appears short-sided and that the lot can handle more than 16 units. Mr. Beveridge believes their Gypsum project was well managed.

Brenda Saucedo, Avon, Colorado – Mrs. Saucedo was born and raised in Eagle County. She read a personalized letter advocating for and supporting the housing project. In her letter, Mrs. Saucedo recounted how Habitat's work has positively impacted her and her family's lives. Today, she is employed by Eagle County Schools as a Family Advocate.

Public comment closed at 6:52 PM.

Discussion

Chair Hood excused himself during Commission discussion for a family emergency. Chair Hood appointed Commissioner Hoiland to serve as Chair for the remainder of the meeting.

Commissioner Nutkins referenced the August 31, 2021 meeting when the Planning Commission reviewed the proposed amendments to the Future Land Use Map (FLUM) and land use designations. As a product of that meeting, Commissioner Nutkins felt that the new Public/Institutional definition should be interpreted in a way that dedicates on-site housing to teachers. He believes this project should fully cater to the Eagle County School District. Mr. Phillips commented that the FLUM amendments were adopted after this application was submitted.

Commissioner Townsend also expressed his support for the project but agreed with staff's recommendation for denial citing the procedure defined in the Municipal Code.

Overall, the Commission voiced their support of the project, recognizing the ongoing need for housing and the emphasis on retaining teachers. They agreed that providing a recorded final plat or legal description prior to a public hearing with Town Council is required for a positive recommendation.

Mr. Braun stated that he agreed with Commissioner Nutkins' previous comment, suggesting that all 16 units be reserved for district staff. The dilemma is that Habitat aims to serve the broader community, not just one entity.

MOTION: COMMISSIONER CHARLIE PERKINS MOTIONED TO APPROVE FILE # RZ21-02, CONTINGENT UPON THE APPLICANT PROVIDING A RECORDED FINAL PLAT OR LEGAL DESCRIPTION PRIOR TO A TOWN COUNCIL PUBLIC HEARING. MOTION WAS SECONDED BY COMMISSIONER KEEGAN WINKELLER AND PASSED WITH A VOTE OF 6 IN FAVOR (WEBB, TOWNSEND, PERKINS, NUTKINS, HOILAND, WINKELLER) IN FAVOR AND 0 OPPOSED.

MOTION: COMMISSIONER CHARLIE PERKINS MOTIONED TO APPROVE FILE # S21-01 SKETCH PLAN. MOTION WAS SECONDED BY COMMISSIONER ROBERT TOWNSEND AND PASSED WITH A VOTE OF 6 IN FAVOR (WEBB, TOWNSEND, PERKINS, NUTKINS, HOILAND, WINKELLER) IN FAVOR AND 0 OPPOSED.

Commissioner Hoiland closed file RZ21-02 and S21-01.

2. Project: Work Session to amend Section 4.04.100.N concerning Accessory Dwelling Units
 File #: LURA21-06
 Applicant: Town of Eagle
 Location: Town of Eagle
 Staff Contact: Chad Phillips, Community Development Director/Town Planner
 Request: To get direction from the Planning and Zoning Commission and to take public input regarding the draft amendments to Section 4.04.100.N *Accessory apartments in owner-occupied single-family dwellings*.

Mr. Phillips presented this file. He began by stating staff's primary intention is to complete the amendments quickly for the community, then have Clarion oversee remaining aspects that require further evaluation. Mr. Phillips added there continues to be a difference of interpretation which has been problematic. With the immediate need for affordable housing, there is an increased level of urgency to make accessory dwelling units (ADUs) accessible. Through this work session, staff is seeking direction to amend the section language.

Public Comment

Rick Beveridge, 306 Howard Street – Mr. Beveridge owns several lots in Eagle. He believes the ADU size can be increased from 700 sq. ft. and that lot size as well as setbacks should be considered when determining the new square footage standard. Mr. Beveridge also expressed that measuring an ADU should exclude exterior stairs. Mr. Beveridge's other comments included a request to make exceptions for setbacks on corner lots, consider ADUs both with and without a garage, and to prohibit short-term rentals in ADUs.

Darryl Lundholm, 102 E Seventh Street – Mr. Lundholm asked for a copy of the presentation and provided his email address to staff.

Rick Pylman, 45 Creamery Trail – Mr. Pylman is a representative of the Haymeadow project. Mr. Pylman suggested focusing on condition #4 of the section. He believes it is too subjective.

Commissioner Nutkins asked if these standards only apply to residential areas and Mr. Phillips replied, yes.

Public comment closed at 7:37 PM.

Discussion

Following Public Comment, the Commission examined the 8 amended standards and provided additional feedback. A variety of questions were discussed regarding parking, where an ADU should be located on the lot if it is detached, and prohibiting short-term rentals in ADUs.

Commissioner Perkins commented that detaching the ADU from the primary residence allows the occupant certain liberties and was in favor of units above detached garages.

Commissioner Winkeller asked if the language should include regulations that restrict or prohibit short-term rentals and Mr. Phillips replied by asking if this would get in the way of making units available. Commissioner Webb

commented that it would encourage the community to follow the rules. Several Commissioners were in favor of striking condition #3 altogether and drafting new language to prohibit short-term rentals in ADUs.

Commissioner Perkins asked if a homeowners' association (HOA) can supersede these conditions and Mr. Phillips replied an HOA can only provide standards more restrictive than the Town's.

Commissioners Winkeller and Nutkins suggested increasing the 800 square feet standard. And/or, adjusting other aspects of condition #8 that speak to how the area is measured.

The Commission agreed on the following direction:

N. Accessory Dwelling Unit (ADU). An ADU is allowed in a single-family dwelling, attached to a single-family dwelling, in an accessory building, or detached from the primary dwelling providing that the following conditions are met:

- 1. The ADU will be a complete, separate dwelling unit that can be isolated from the primary unit or in a location detached from the primary dwelling.*
- 2. The ADU shall include its own independent access.*
- 3. [Language will be replaced with a standard that explicitly prohibits short-term rentals in ADUs].*
- 4. The primary dwelling unit and ADU shall be designed to have an appearance of a single-family home. In the condition of a detached ADU, the ADU will be situated on the rear half of the lot. [Additional standards should be incorporated to address corner lot homes].*
- 5. Maximum lot coverage and maximum floor area ratios may not be exceeded.*
- 6. Off-street parking spaces shall be provided pursuant to Section 4.07.140.*
- 7. The design and size of the ADU shall conform to all other applicable standards and requirements.*
- 8. The ADU shall not exceed 800 square feet using the following means of measurement: measure the area within the inside face of the perimeter walls of the ADU, including habitable space in the basement but excluding stairs, typically mechanical rooms, garages, and decks and porches that are not enclosed.*

Commissioner Hoiland closed file LURA21-06.

3. Project: Eagle Sinclair Station Drive Through and Building Addition
 File #: DR21-01 and V21-01
 Applicant: Turnipseed AIA Architecture + Constructions Inc. representing Ed Oyler
 Location: 131 Chambers Avenue
 Staff Contact: Peyton Heitzman, Planner I
 Request: 1) A Minor Development Permit with design variances for a building addition and drive through window on the southeast side of the existing building and 2) a Zoning Variance for increased impervious surface coverage beyond what is allowed for in the Commercial General zone district.

MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO CONTINUE FILE # DR21-01 AND V21-01, THE DEVELOPMENT PERMIT AND ZONING VARIANCE FOR 131 CHAMBERS AVENUE TO THE NOVEMBER 16TH, 2021, PLANNING AND ZONING COMMISSION MEETING. MOTION WAS SECONDED BY COMMISSIONER CHARLIE PERKINS AND PASSED WITH A VOTE OF 6 IN FAVOR (WEBB, TOWNSEND, PERKINS, NUTKINS, HOILAND, WINKELLER) AND 0 OPPOSED.

Commissioner Hoiland closed files DR21-01 and V21-01.

OPEN DISCUSSION

There were no additional comments or discussion items.

ADJOURN

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

MEETING ADJOURNED AT 8:15 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

DATE: November 16, 2021

FILE NUMBER: DR21-01 & V21-01

PROJECT: Eagle Sinclair Station Drive-Through and Building Addition

APPLICANT: Turnipseed AIA Architecture + Construction Inc. representing Ed Oyler

LOCATION: 131 Chambers Avenue

CODE: Chapter 4.04 Zoning
Chapter 4.05 Zoning Review
Chapter 4.06 Development Review
Chapter 4.07 Development Standards

ZONING: Commercial General Zone District

EXHIBITS: A: Application and Project Narrative
B: Site Plan
C: Aerial Photo
D: Site Photos

PUBLIC COMMENT: Staff has received one letter of public comment as of October 18, 2021. Letters received after this time will be gathered and entered into the public record at the hearing.

STAFF: Peyton Heitzman, Planner I – peyton.heitzman@townofeagle.org

REQUEST: 1) A Minor Development Permit with design variances for a building addition and drive-through window on the southeast side of the

existing building and 2) a Zoning Variance for increased impervious surface coverage beyond what is allowed for in the Commercial General zone district.

INTRODUCTION

This project proposes a 220-sf addition to an existing building on 131 Chambers Avenue. The building addition will be located on the east end of the structure and will operate as a drive-through for an existing restaurant. The development permit application includes two design variances. The first design variance reduces the number of stacked spaces for cars to access the drive-through. The second design variance is requesting a reduced landscape buffer along the southern property line. The project will remove the patio and parking to the south side of the building. The restaurant drive-through will require the construction of a driveway along the southern property line that will run north to the east of the building and connect with Loren Lane to the north. There is also a request for a Zoning Variance for the lot's impervious coverage.

Currently, there is a Subway on the north side of the building, a Sinclair gas station in the center, and the Roundabout Grill, a restaurant, on the south end. The Roundabout Grill space will be serviced by the new drive-through. The property is located at the NE corner of Eby Creek Road and Chambers Avenue. Loren Lane runs along the north side of the property.



The proposal will result in a new street intersection on the north end of the property. The southeast drive entrance off Chambers Avenue will be gated. Use of this entrance will be limited to authorized personnel (e.g. trash services, deliveries, etc.). The gate will reduce potential disruption to the drive-through by having two access points off Chambers Avenue. The gate was a traffic control recommendation from the Town of Eagle Public Works Department.

The application does not provide a traffic impact report and Town referral agencies (Fire District, CDOT, Public Works, Police Department) have expressed concern with safety and traffic generated by the proposed use. The impact of the proposed drive-through is speculative without a traffic impact report, however, an alternative solution is being proposed. In lieu of a traffic study, a condition of approval is recommended that would require an agreement between the Town and applicant. The agreement would stipulate that if the new use generates congestion/safety concerns, the left turn lane off Chambers Avenue would be closed.

In 2016, this property received a development permit for a 440-sf expansion on the south side of the building. The 2016 approval received a Zoning Variance that reduced the setback on the south side of the building from 25 feet to 12.5 feet.

A development permit is required for any renovation of/or addition to any building for a nonresidential use, which would require additional parking spaces. The expansion of the restaurant space increases the overall parking count required for this commercial property. Per

Section 4.06.030., this request qualifies for a minor development permit rather than a major development permit for the following reasons:

- 1) The expansion does not require the extension of municipal facilities beyond the locations or other limits set forth in the Town's regulations, policies or plan.
- 2) No dedication of land is required.
- 3) No development impact report is required.

ISSUES FOR DISCUSSION

1. Is an agreement resulting in the potential closure of the left turn lane from Chambers Avenue a sufficient remedy to future traffic/safety concerns resulting from the drive-through?
 2. Does the request meet the criteria for a zoning variance?
 3. Does the P&Z Commission agree that 5 stacked spaces are enough to serve the proposed drive-through? Does the request meet the criteria for this design variance request?
 4. Does the P&Z Commission agree that the reduced landscape buffer to the south of the building is sufficient? Does the request meet the criteria for this design variance request?
 5. Are there any other concerns regarding the application not addressed in this staff report?
-

STANDARDS FOR MINOR DEVELOPMENT PERMIT (Section 4.06.020)

STANDARD #1: *The proposed development complies with the Town's regulations, goals and policies.*

The analysis presents a review of the proposal as it aligns with policies in the Town's long-range planning documents followed by a review of the Town's Zoning and Development Standards.

Town of Eagle Goals and Policies

In review of the Town's goals and policies, staff referred to the Elevate Eagle Comprehensive Plan (Comprehensive Plan). Relevant policies from the Comprehensive Plan for this proposal include:

- *Policy 1-2.2. Promote commercial development that fits the desired character of the community and its character areas.*
 - a. *Support businesses and activities that benefit from Eagle's proximity to the I-70 corridor.*
- *Policy 1-2.3. Support opportunities to expand and diversify the commercial and light industrial base.*
- *Policy 1-2.4. Work to attract and retain businesses that support and enhance Eagle's tourism revenues, while also seeking to build upon entrepreneurship.*
- *Policy 1-2.8. Encourage continued reinvestment in existing commercial areas.*
- *Policy -2.9. Create a positive business environment that encourages (re)investment and expansion.*

Staff Comment: The Comprehensive Plan provides numerous policies that support commercial uses and encourages redevelopment/expansion of existing businesses, especially businesses in the Town’s commercial areas. Policy 1-2.4. is specific to businesses that support and enhances Eagle’s tourism revenues. A future drive-through would provide a fast, convenient food option for Eagle’s visitors as they are coming or leaving the community with its proximity to the highway interchange.

I-70 Character Area Policies

- *Policy 2-7.1 Portions of the I-70 Influence character area are intended to support commercial and industrial uses, exclusive of other uses. Improvements along Chambers Avenue and Market Streets are auto oriented with limited pedestrian amenities.*

Staff Comment: The existing uses (Subway, Sinclair Station, and Roundabout Grill) fit with the existing character of the I-70 Influence Character Area. The expansion of the roundabout would provide additional support to these existing uses.

- *Policy 2-7.4. Within allowances established by the Town’s level of service (LOS) standards, promote additional highway-oriented businesses (which may also serve local needs) in the vicinity of Eby Creek Road.*

Staff Comment: The addition of the drive-through would promote the highway-oriented businesses that exist on the lot, however, the traffic generated from the drive-through could impact the Town’s LOS standards. As previously mentioned, there is an agreement proposed as a condition of approval that would close the left turn lane access off Chambers Avenue to remedy negative impacts from increased traffic, should they occur.

Town of Eagle Regulations

Staff reviewed the proposed application against the Town’s regulations in Title 4 of the Municipal Code. The standard is listed first, followed by staff’s analysis. Applicable Chapters from the Municipal Code include:

- 1) Chapter 4.04: Zoning
- 2) Chapter 4.06: Development Review
- 3) Chapter 4.07: Development Standards
- 4) Chapter 4.05: Zoning Review Procedures

CHAPTER 4.04. - ZONING

Schedule of requirements (setbacks, building height, etc.)

NON-RESIDENTIAL DISTRICTS TABLE											
ZD	MLA	MLA/DU	MFY		MSY	MRY*		MBH	MLC*	MFA	MUO/DU
CG	20,000 sf		L	25'	Greater of 12.5' or½	com- com	25'	35'	Building 50%; all other	150%	
			C	25'		com- ind	25'				

			A	50'	building height	com- res	75'		impervious 30%		
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Staff Comment: The property is in the Commercial General (CG) zone district. The proposed expansion meets the CG zone district's setbacks (apart from the 2016 zoning variance), minimum lot area, building height, and maximum floor area. The proposal does not meet the CG zone district's impervious surface requirement that allows the building coverage to be a maximum of 50% of the lot and all other impervious coverage to be a maximum of 30% of the lot. The 'all other impervious' surface coverage is currently 59% of the lot and the proposal will increase that coverage to 65%. The applicant is requesting a zoning variance for this standard. Analysis of this request is provided later in the report.

Supplementary regulations and standards (Section 4.04.100)

Section 4.04.100 Industrial use standards. All industrial and commercial uses operating within the Town shall comply with the following standards so that such uses do not create any danger to safety in surrounding areas, do not cause water pollution and do not create offensive noise, vibration, smoke, dust, odors, heat, glare or other objectionable influences beyond the boundaries of the property in which such uses are located, and do not constitute a public nuisance or hazard:

- 1. Volume of sound. Every use shall be so operated that the volume of sound inherently and recurrently generated does not exceed 60 decibels with a maximum increase of five decibels permitted for a maximum of 15 minutes in any one hour at any point on any boundary line of the property on which the use is located.*
- 2. Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on any boundary line of the property on which the use is located.*
- 3. Smoke. Every use shall be so operated that it does not emit smoke exceeding a density of No.1 on the Ringlemann Chart.*
- 4. Particulate matter. Every use shall be so operated that it does not emit particulate matter exceeding 0.2 grains per cubic foot of the flue gas at a stack temperature of 500 degree Fahrenheit.*
- 5. Heat, glare, radiation and fumes. Every use shall be so operated that it does not emit an obnoxious or dangerous degree of heat, glare, radiation, or fumes beyond any boundary line of the property on which the use is located.*

Staff Comment: The Code outlines industrial use standards that apply to all commercial uses operating within the Town. Staff believes the proposed expansion will not create any danger to safety in surrounding areas regarding water pollution, offensive noise, vibrations, smoke, dust, odors, heat, glare or other objectionable influences beyond the boundaries of the property. The only objectionable influence, not listed in standards 1-5 above is the potential for traffic to back up onto Chambers Avenue. Again, this concern is being addressed with a condition of approval and an agreement that could lead to the closure of the left turn access from Chambers Avenue into the property. The referral agencies (CDOT and Public Works) have been made aware of the recommended condition of approval. An additional recommendation from CDOT is, "that the developer place signs on site that prevent vehicles from blocking the access point and directs drivers in a manner that prevents queueing onto the highway." Staff has included a condition of

approval to address signage that will assist with traffic flow. With the consideration of the turn access agreement and new signage, it is still unknown to staff whether the proposed expansion of use will result in a public nuisance or hazard beyond the boundaries of the property as a result of additional traffic and congestion.

CHAPTER 4.07. – DEVELOPMENT STANDARDS

Lighting Standards (Section 4.07.010.)

Section 4.07.010.C. Submittal requirements. A lighting plan shall accompany all applications for development and preliminary subdivision plans and shall be submitted separately from other drawing information. The lighting plans and/or specifications shall show the type of lighting equipment, the lamp source and wattage, fixture locations, mounting heights, shielding and all mounting details. Manufacturer catalog and/or specification materials with scaled drawings or photographs are also required for all lighting equipment. In addition, calculations shall be provided which show point-by-point horizontal illuminance at ground level for all commercial or industrial projects. Calculations for other project types shall be provided at the Town's request.

Staff Comment: The expansion would result in two additional light fixtures on the exterior of the building. The light fixtures will match the existing fixtures on the building. Sheet A0.0 of the plans provides the specs for the proposed fixtures. The light fixtures are downcast and shielded. The Municipal Code requires calculations be provided which show point-by-point horizontal illuminance at ground level for all commercial projects. The intent of this requirement is to ensure that applicants have minimized light pollution and light trespass beyond property lines within commercial areas. This intent is outlined in the objectives section of the lighting standards. Considering the proposed fixtures and the construction of the wood fence, staff does not believe there will be any direct light trespass beyond property lines. The Commission may include a condition of approval requiring footcandle calculations to ensure this is the case.

Landscape Standards (Section 4.07.020.)

Section 4.07.020.B.1. Impervious coverage. No more than 80 percent of the area of any development shall be covered with impervious materials; a minimum of 20 percent of each development shall be covered with landscape materials, as provided below.

Section 4.07.020.B.2. Landscape materials. Landscape materials shall include live plant materials, including grass, ground covers, trees, shrubs, and flower beds. The following landscape materials may cover a maximum of 30 percent of the required landscape area: walks, decks, terraces, water features and decorative rock. No artificial trees, shrubs, turf, or plants may be used as landscape material.

Staff Comment: The application includes a landscape plan on Sheet A1.3 of the submittal. Total impervious coverage under the proposal is 74%, less than the 80% maximum coverage outlined in the landscape standards. The landscape plan shows the majority of landscape coverage will be the existing grass and trees. No new landscaping is proposed with this application. The Code permits up to 30% of landscape material to be non-living plant materials. Just south of the building addition, there is a section of gravel. The amount of gravel is 1025-sf and well below the maximum allowed (9,458 sf pervious surface *.3= 2,837.4sf permitted as non-living material).

Section 4.07.020.B.3. Front Street Buffer. All yards adjacent to primary and secondary streets shall be landscaped...The width of the landscaped buffer shall be five percent of the average of the two side property lines, but not less than 15 feet. Plant material for landscape areas shall be suitable for use in the local climate. All landscape areas shall be irrigated using an underground automatic system.

Staff Comment: The property is surrounded by streets to the north, south and west. The Code requires the width of front street buffers be five percent of the average of the two side property lines, but not less than 15 feet. There will be a grass buffer to southern end of the property, however, the buffer is located outside of the property boundary and is only approximately 5 feet wide. The Code does not specifically state that the buffer be located within Town property. Further, the landscape buffer is less than 15 feet and not in compliance with the Code's landscape standards. The applicant is requesting a design variance for a reduced front street buffer.

The Code requires all landscape area along the front street buffer be irrigated using an underground automatic system. Sheet A0.0 provides that the existing underground irrigation system will remain.

Section 4.07.020.B.4. Boundary buffer. The boundaries of every development shall be landscaped to adequately buffer potential incompatibility between adjacent land uses. Screening of parking lots from adjacent properties shall be required. Screening must be provided to eliminate headlight glare from lot onto adjacent property and to screen views into parking lots. Planting buffers along the edge(s) of parking lots must be a minimum of five feet wide or a combination of fencing and a two-foot wide buffer may be used.

Staff Comment: The Municipal Code's landscape standards require a boundary buffer to prevent potential incompatibilities between adjacent land uses. The applicant is proposing a 6 feet wood privacy fence on the east side of the property to mitigate any incompatibilities between the drive-through and the adjacent property, that is operated as a bank. The fence will screen the proposed parking and eliminate headlight glare from the lot onto the adjacent property. The Code requires a minimum planting buffer between subject property and the adjacent property. This project exceeds the 5 feet (or 2 feet with fencing) minimum planting buffer standard. The new parking area for the three parallel parking spaces on the east end of the property will be curbed.

General Architectural Standards (Section 4.07.040.)

Section 4.07.040.5. Building materials.

- a. Building materials should be sympathetic and harmonious with the natural setting of Eagle. Traditional materials used in construction of buildings in rural mountain communities are wood, stone, stucco, and brick masonry. A variety of materials should be employed within the building facade. Stone or masonry delineating the building foundation is encouraged. Screw down metal roofs are permitted.*

- b. Facade and roof colors shall have subtle, neutral, or earth tone colors. Muted colors are encouraged. The use of high intensity colors, metallic colors, black, or fluorescent colors is prohibited. Exemplary colors are available for review at the Town hall.*

Staff Comment: As shown on Sheets A3.1 and A3.2 of the plans, the building expansion uses the same building materials as the existing building. The existing building and expansion meet the standards for material and color. The wood is a traditional building material that is found in rural mountain communities and the Code permits the use of metal roofs, which is being proposed. The existing color of the building is brown, which meets the colors permitted in the Code – subtle, neutral, or earth tone colors. The existing building also includes a red trim that accents the door, windows, and roof line. It is unclear from the plans if this complementary red trim will be a feature of the expansion.

Section 4.07.040.B.5 Utility connection. Underground utility connection is encouraged. Where the connection meets the building, risers, utility meters, panel boxes, etc., are encouraged to be covered with the same or compatible material as the siding material unless expressly prohibited by utility company regulations.

Staff Comment: The civil plans show utility boxes and pedestals that are visible from Chambers Avenue. Section 4.07.040.B.7 of the Municipal Code encourages the screening of utility connections unless expressly prohibited by utility company regulations. If approved, the P&Z Commission may want to consider a condition of approval that screening, through landscape or compatible material with the siding, be provided to all utility services visible from the street. See list of all recommended conditions of approval at the end of the staff report.

Section 4.07.040.B.8. Trash receptacles. Areas for trash receptacles shall be designed so that the receptacle, as much as possible, cannot be viewed from the street or yard. Access to the receptacles must be provided to allow easy ingress and egress by trash hauling vehicles. Dumpsters must be placed on concrete pads.

Staff Comment: The plans show a trash enclosure for the new location of the trash receptacle. Staff is missing details such as the height of the enclosure, material, color, and if the receptacle will be placed on a concrete pad. If approved, staff recommends a condition of approval that there be a concrete pad placed under the trash receptacle, that the trash enclosure be made of compatible materials, and be constructed at a height that fully screens the trash receptacle.

Parking Standards (Section 4.07.140.)

The Municipal Code provides the parking requirement for each use in [Section 4.07.140.C.3](#). For restaurant space, the Code requires *1 ½ per 100 square feet of floor area use or design for use by the public, plus 1 ½ per 200 square feet of kitchen floor space*. Gas stations are required to have *one per 100 square feet of retail or office floor area, plus stacking spaces in accordance with Subsection (L)(2)(a) of this section...* Subsection (L)(2)(a) states, *for any drive-in or drive-through retail or service use, there shall be provided stacking space for vehicles waiting for service, sufficient to prevent any such vehicles from extending onto the public right-of-way at any time*. The drive-through addition was calculated at the 1 ½ per 200 square feet since it is a

restaurant use but not considered a public space. The parking calculation is available in the table below.

<u>Use</u>	<u>Spaces required</u>	<u>Square footage</u>	<u>Number of Parking spaces required per sf</u>
Subway Kitchen Floor Space	1.5 space per 200 sf	515	3.87
Subway Seating for Public	1.5 space per 100 sf	323	4.85
Sinclair Gasoline Station	1 space per 100 sf	526	5.26
Roundabout Grill Kitchen Floor Space	1.5 space per 200 sf	1332	9.99
Roundabout Grill Seating for Public	1.5 space per 100 sf	121	1.82
Drive-through addition	1.5 space per 200 sf	220	1.65
Total Required:			27.44 (round up to 28)

Staff Comment: The proposal meets the minimum required parking space count. With the additional 220 sf drive-through, the property is required to have 28 parking spaces, or two additional spaces. Sheet A1.2 shows that the project provides 29 parking spaces with the addition of the parallel parking to the east of the building. This includes 8 parking spaces under the gas station canopy, which is located towards the center of the property and appears to be sufficient distance to prevent vehicles from extending into the right-of-way. By including the 8 canopy spaces in the overall parking count, parking spaces needed for the other uses in the building will be served by these canopy spaces. For example, a patron parked under the canopy may choose to leave their car by a gas pump while they pickup food from one of the restaurants in the building.

Section 4.07.140.C.3.f. *Drive-through window accessory to indoor restaurant: a minimum of six stacking spaces per drive-up window, in accordance with Subsection (L)(2) of this section.*

Staff Comment: The Municipal Code requires a minimum of six stacking spaces per drive-up window when the window is accessory to an indoor restaurant, which is the case for this application. The applicant is requesting a design variance to reduce the number of required stacking spaces to five.

STANDARDS FOR A DESIGN VARIANCE (Section 4.07.160.)

The applicant is requesting two design variances to accompany the development permit. The design variances are for 1) the stacked parking spaces for the drive-through and 2) a decreased front street buffer.

STANDARD #1: *A design variance may be granted if there exists on the property in question exceptional topographical, soil, or other subsurface condition, or other extraordinary conditions peculiar to the site, existing buildings, or lot configuration, such that strict application of the regulation from which the variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the applicant;*

STANDARD #2: *or that the public good would be better served by granted the variance.*

1) *Design variance for stacking spaces for drive-through*

Staff Comment: The first design variance is requesting to reduce the number of stacked parking space for the drive-through from six to five spaces. The applicant does not provide how the project qualifies for a design variance, only that due to the current location of building and street access, the drive-through can only accommodate the 5 spaces. There may be *peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the applicant* as it relates to the current configuration and location of both the building and access points. It is not clear to staff that granting the design variance would better serve the public good, especially if the drive-through proves popular and generates traffic that could backup onto Chambers Avenue.

2) *Decreased front street buffer*

Staff Comment: The second request is to reduce the width of the front street buffer along Chambers Avenue. The Municipal Code requires a minimum of a 15-foot buffer along a street frontage. The proposal is requesting to reduce that buffer to approximately 6 feet. The street buffer would be located completely outside the property, as depicted in the site plans. The applicant shares that the property and the existing building are already out of compliance with this requirement. The distance between the building and Chambers Avenue is 12.5 feet. There is a concrete patio to the south of the building that further reduces the landscape buffer to less than 8 feet. There may be an *extraordinary condition peculiar* to the existing building's location on the site that would result in *peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the applicant*, which would qualify the project for this design variance. The location of the building prohibits the project from complying with the front street buffer requirement. The drive-through cannot be accomplished without this design variance. Like the previous design variance request, it is not clear to staff that granting the design variance would better serve the public good.

STANDARDS FOR ZONING VARIANCE (Section 4.05.020.A.1)

The applicant is requesting a zoning variance for increased impervious surface coverage of 'other impervious' (excluding the building). The Municipal Code requires that impervious surfaces, not including the building, be limited to 30% of the site per Section 4.04.090 of the Code. This project proposes to increase the non-building impervious surface from 59% to 65% resulting in further nonconformance with the standards in the CG zone district. A zoning variance for impervious surface was not included in the 2016 development permit approval. An analysis of the zoning variance request against each of the criteria is provided below.

NON-RESIDENTIAL DISTRICTS TABLE											
ZD	MLA	MLA/DU	MFY		MSY	MRY*		MBH	MLC*	MFA	MUO/DU
CG	20,000 sf		L	25'	Greater of 12.5' or½	com- com	25'	35'	Building 50%; all other	150%	
			C	25'		com- ind	25'				

			A	50'	building height	com-res	75'		impervious 30%		
			C	25'							

**Table pulled from Section 4.04.090. of the Municipal Code. MLC = Maximum lot coverage.

The Planning Commission may grant a variance provided it finds both Subsections (A)(1)(a) and (b) of this section and either Subsection (A)(1)(c) or (d) of this section are applicable.

- a. That the variance granted is without substantial detriment to the public good and does not impair the intent and purposes of the Town's regulations, goals, policies and plan, including the specific regulation in question; and*

Applicant Response: This request for a variance in no way creates a detriment to the public good or is in conflict with the Town of Eagle's regulations and policies.

Staff Comment: The request for increased 'other impervious' does not appear to be detrimental the public good. The existing situation on the lot is already out of conformance with the Maximum Lot Coverage (MLC) requirement. What is being proposed will increase the 'other impervious' by 6%. While not provided in the Code, staff believes the purpose for the MLC requirement is to maintain pervious surface for drainage and avoid large expanses of asphalt. The impervious surface for the entire lot is below the 80% maximum (building *and* other impervious combined), leading staff to believe that drainage is not the primary concern in this situation. Some commercial uses require more asphalt/drive area than other uses, such as gas stations. The Municipal Code only provides one standard for MLC and does not account for uses that require a smaller building and greater amount of 'other impervious' coverage. Staff believes the request meets the intent of the regulation as it relates to drainage. However, the proposal will increase the amount of asphalt and reduce landscaping on the site, which could impair the intent of the regulation. As previously provided in the staff report, the overall proposal is supported by the Town's Comprehensive Plan.

- b. That the variance granted is the minimum necessary to alleviate the hardship; and*

Applicant Response: This request for a variance would still be under the total 80% site coverage, and is the minimum necessary to provide the drive through amenity within the commercial district of the Town of Eagle.

Staff Comment: The applicant has not shown that the variance is the minimum necessary to alleviate the hardship. It is not clear to staff that the pervious surface cannot be increased in other areas on the lot to offset the projects increased impervious surface coverage. It was suggested that if parking spaces labeled 13 through 17 were to be shifted to the west (see sheet A1.2), then the amount of other impervious could be reduced.

- c. That there exists on the property in question exceptional topography, shape, size or other extraordinary and exceptional situation or condition peculiar to the site, existing buildings, or lot configuration such that strict application of the zone district requirements from which the variance is requested would result in peculiar and*

exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property in question; or

Applicant Response: This request is in addition to an existing variance on the property, including a setback variance that was approved for the Stout House addition in 2016. This property is already above the 30% impervious coverage and well below the 50% of building coverage. Because of the nature of the business, more parking/driveway than building square footage is necessary.

Staff Comment: When determining an exceptional situation, criteria c. refers to the physical layout of the lot. The type of use (e.g. gas station/restaurants) is not considered an exceptional situation that would warrant a zoning variance. Staff concludes that, if denied, there would not be *peculiar and exceptional practical difficulties to or exceptional and undue hardship* because the site does not contain any exceptional condition that meets this hardship criteria.

d. That such exceptional situation or condition was not induced by any action of the applicant and is not a general condition throughout the zone district.

Applicant Response: This does not apply.

Staff Comment: Staff agrees with the applicant, this standard does not apply to this situation.

STAFF RECOMMENDATION

Staff recommends DENIAL of the Minor Development Permit DR21-01 based on Standards (1) of Section 4.06.020.B. of the Municipal Code with the following conditions of approval. Specifically, that the application:

1. The proposal may result in increased traffic and congestion that violates Section 4.04.100 by resulting in an objectionable influence beyond the boundaries of the property.

Staff recommends DENIAL of file number V21-01 based on Standards (a), (b) and (c) of Section 4.05.020. of the Municipal Code. Specifically, that the application:

1. The proposal impairs the intent of the impervious surface coverage regulation in Section 4.04.090 (Schedule of requirements).
2. The proposal is not the minimum necessary to alleviate hardship; and
3. There is not an exceptional situation that would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property in question.

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to the Minor Development Permit and Zoning Variance file # DR21-01 and V21-01:

1. Approve the application with no conditions.

2. Approve the application with conditions.
3. Continue (table) the application. (Provide staff and the application detail regarding information needed for a decision).
4. Deny the application. (Cite all Code sections and/or Plan policies that resulted in motion for denial)

FINDINGS OF FACT

Findings for Denial

DR21-01 Minor Development Permit

1. The proposed development does not comply with the Town's regulations, specifically Section 4.04.100.L. of the Municipal Code.

V21-01 Zoning Variance

1. The zoning variance request does not meet Standards (a), (b) and (c) of Section 4.05.020 of the Municipal Code.

Findings for Approval

DR21-01 Minor Development Permit

1. The proposed development complies with the Town's regulations, goals and policies, because (P&Z fill in rationale)_____.

V21-01 Zoning Variance

1. The zoning variance request complies with Subsection (A)(1)(a) and (b) of Section 4.05.020 and either Subsection (A)(1)(c) or (d), specifically (P&Z to share the Standard that the proposal complies with and fill in rationale) _____.

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

1. An agreement be drafted by the Town Attorney prior to issuance of building permit that requires the closure of the left turn lane off Chambers Avenue on to the property based on a to-be-defined increase in traffic level and/or public safety concern. All costs associated with drafting the agreement will be a pass-through cost and a responsibility of the applicant.
2. The developer place signage on site that prevent vehicles from blocking the access point and directs drivers in a manner that prevents queueing onto the highway. This includes, but is not limited to, one "DO NOT ENTER" sign at the drive-through lane exit onto Loren Lane to prevent drivers from entering from the north.
3. The applicant is responsible for the construction of a concrete pad for the trash receptacle, which shall be reflected in the plans prior to issuance of building permit. The building permit shall also include details for the trash enclosure that will align with standards in Title 4.

4. Impact fees be paid prior to application for building permit.
5. The applicant will provide footcandles for the new fixture(s). Administrative approval will be required prior to issuance of building permit.



TOWN OF EAGLE
COMMUNITY DEVELOPMENT
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LAND USE & DEVELOPMENT APPLICATION

Pursuant to the Land Use & Development Code, Title 4

ZONING REVIEW	DEVELOPMENT REVIEW	SUBDIVISION REVIEW
☐ Special Use Permit	☐ Minor Development Permit	☐ Concept Plan
☐ Zoning Variance	☐ Major Development Permit	☐ Preliminary Plan
☐ Rezoning	PLANNED UNIT DEVELOPMENT (PUD) REVIEW	☐ Final Plat
☐ Temporary Use Permit	☐ PUD Zoning Plan	☐ Lot Line Adjustment
☐ Amendment to Zone District Regulations	☐ PUD Development Plan	☐ Condominium / Townhouse
☐ Encroachment Permit		☐ Minor Subdivision

PROJECT NAME Eagle Sinclair Station - Drive Through + Bldg Addition

PRESENT ZONE DISTRICT Commercial PROPOSED ZONE DISTRICT _____
general (if applicable)

LOCATION

STREET ADDRESS 0131 Chambers Ave.

PROPERTY DESCRIPTION

SUBDIVISION Eby Creek Subdivision LOT(S) 4 BLOCK 1
(attach legal description if not part of a subdivision)

DESCRIPTION OF APPLICATION/PURPOSE Addition of a drive through window, requires addition to existing building and addition of a driveway along the side and back of building, with a new exit on to Loren Lane. Also adding 4 parking spaces

APPLICANT NAME Ed Oyler PHONE _____

ADDRESS Westworld@centurytel.net EMAIL _____

OWNER OF RECORD Eby Creek Partnership LLC PHONE Eagle AMACo

ADDRESS P.O. Box 1898 Eagle, CO 81631 EMAIL _____

REPRESENTATIVE* Scott S. Turnipseed AIA Architecture + Construction Inc. PHONE 970.328.3900

ADDRESS P.O. Box 3388 Eagle CO 81631 EMAIL alicia@sstaia.com

*A representative must submit an affidavit or power of attorney signed by the property owner of record authorizing the representation.

APPLICATION SUBMITTAL ITEMS:

The following submittal materials must be submitted in full before the application will be deemed complete (please check all items that are being submitted):

- ☒ Applicable fees and deposits.
- ☒ Project Narrative, describing the project, its compliance with any applicable review criteria, any impacts to the surrounding area, and any other relevant information.
- ☒ Surrounding and interested Property Ownership Report (see project specific checklist for more information).
- ☒ Proof of Ownership (ownership & encumbrance report) for subject property.
- ☒ Site Plan, drawn to scale and depicting the locations and boundaries of existing and proposed lots and structures.
- ☒ Project specific checklist.

FEES AND DEPOSITS:

See Eagle Municipal Code Section 4.03.080

1. Application fees shall be paid in full at the time of the filing of the application and unless paid, the application shall not be deemed complete. All fees are nonrefundable.
2. As described in Eagle Municipal Code § 4.03.080, third-party consultants may be necessary for the review and processing of applications. These costs ("pass-through costs") must be paid by the applicant. If pass-through costs are expected, the applicant must pay a deposit at the time the application is filed. If at any time the deposit does not fully cover the pass-through costs, the applicant must pay another subsequent deposit before the Town will continue processing the application.
3. The Town may withhold the recording of any Subdivision Final Plat or Development Plan or the signing of any Resolution or Ordinance until all pass-through fees are paid in full.
4. Within 30 days of approval or denial of an application, any remaining deposit shall be returned to the applicant. If an application is withdrawn, any remaining deposit shall be returned to the applicant within 60 days.

I have read the application form and certify that the information contained herein is correct and accurate to the best of my knowledge. I understand that it is my responsibility to provide the Town with accurate information related to this application. I UNDERSTAND THAT FILING AN APPLICATION IS NOT A GUARANTEE THAT THE APPLICATION WILL BE APPROVED.

Signature Alicia Davis Date 6/23/2021
Scott S. Thurnpseed & A
Architecture + Const. Inc

FOR OFFICE USE ONLY

DATE RECEIVED _____	BY _____	FILE NUMBER _____
REVIEW FEE _____	DATE PAID _____	RECEIVED BY _____
DATE CERTIFIED COMPLETE _____	BY _____	
P&Z HEARING DATE _____	DECISION _____	
BOT HEARING DATE _____	DECISION _____	



January 29, 2021

0131 Chambers Avenue
Eagle Sinclair Station
Proposal for a Minor Development Permit

This is a commercial property in the Town of Eagle. The proposed project includes removing the existing concrete patio and replacing it with a driveway that serves a drive-through window for a proposed Dunkin Donuts restaurant at the restaurant space at the south side of the building. This proposal includes the revised driveway, parking, and building addition. The current building is 2930 square feet, one level. There is ample parking on the site. See A1.2 for proposed site plan/parking plan.

The proposed addition is 220 square feet, which includes the drive-up window.

A Zoning Variance request has been submitted to the Town of Eagle for lot coverage.

A Design Variance is requested for the number of cars required for drive-through stacking spaces.

The Town Code currently requires 6 stacking spaces per drive up window.

We request a variance to be allowed 5 stacking spaces for the drive up window.

We believe that this project is compatible with the commercial district within the Town of Eagle and will result in a positive contribution to the town and it's citizens.

Development Permit application checklist comments:

- Location of existing and proposed land uses – [provided](#). [Land use unchanged](#).
- Location and dimensions of existing and proposed:
 - Buildings: [provided in drawings](#)
 - Parking spaces and vehicular areas: [provided in drawings](#)
 - Utility distribution systems and utility easements: [easements provided on drawings](#).
[Utility distribution unchanged](#).
 - Drainage improvements and drainage easements: [not applicable – drainage unchanged](#).
 - Roads, alleys, curbs, curb cuts, and other access improvements: [one curb cut requested one way onto Loren Lane](#).
 - Any other improvements: [No additional, all improvements noted on the drawings](#).
 - Any proposed reservations or dedications of public right of way, easements, or other public lands: [No](#)
- Existing topography and any proposed changes in topography: [The lot is relatively flat, spot elevations provided on ILC](#).



- Circulation and transportation conditions: A one way driveway to access a restaurant drive through window is requested. Circulation would be one way on the south side of the building and wrap around the east side to exit onto Loren Lane. This would be a one way driveway. A sidewalk between the new drive and Chambers Avenue is expected to occur along with this project to improve pedestrian access along Chambers Avenue.
- Evidence of adequate water supply and other services and facilities needed to serve the developmet: No additional services will be required.
- Evidence of adequate water rights needed to serve the development: Not applicable.
- A statement of compatibility with the town's goals and policies: See beginning of this letter for statement.
- Any plans or reports required pursuant to chapert 2.07 including landscape plan, parking plan, architectural design, and development impact report: Landscaping will include grass in non-paved areas, otherwise existing landscaping is to remain as is. Parking plan is noted on the proposed site plan. Architectural drawings have been provided.
- A proposal for municipal or park land dedication or fee: Not provided/applicable.
- Any request for design variance or zoning action: Zoning and design variances have been requested. See applications and beginning of this letter.
- Phasing Plan: No phasing is proposed.
- Lighting plan: Two additional exterior light fixtures are proposed and on the plans. They will match existing.

Thank you,

Alicia Davis AIA, Architect

alicia@sstaia.com

90.209.6304

Scott S Turnipseed AIA, Architecture & Construction Inc.

P.O. Box 3388

Eagle, Colorado 81631



October 25, 2021

0131 Chambers Avenue
Eagle Sinclair Station
Proposal for a drive-though window and building addition

Zoning Variance Requests

Lot coverage:

A Zoning Variance is requested for Lot Coverage.

The existing lot coverage is 9% for building coverage, 59% for impervious surface, and 68 % total.

Due to the fact that this is an established gas station and with two restaurants, we would like to request that the building (50%) and impervious coverage (30%) allowances be added together to require an overall site coverage of 80%

We request that the variance is extended to allow the proposed 69% of the total lot area.

The revised minor development plan and zoning variance resubmittals dated 9.21.2021 are requesting an increase in building coverage to 9.5% and impervious surface of 65%, bringing the overall site coverage to 74%

The remaining property is well maintained with irrigated grass and trees.

In regards to the Code (section 4.05.020.B.1.a)

1. *A variance from the strict application of any zone district requirement or supplementary regulation of this chapter may be granted by the Planning Commission following the procedures and conditions herein, except that no use shall be allowed in any zone district in which it is not listed as a permitted or special use. [The Planning Commission may grant a variance provided it finds both Subsections \(A\)\(1\)\(a\) and \(b\) of this section and either Subsection \(A\)\(1\)\(c\) or \(d\) of this section are applicable.](#)*

- a. *That the variance granted is without substantial detriment to the public good and does not impair the intent and purposes of the Town's regulations, goals, policies and plan, including the specific regulation in question; and*

This request for a variance does not create a detriment to the public good or is in conflict with the Town of Eagle's regulations and policies.

- b. *That the variance granted is the minimum necessary to alleviate the hardship; and*

This request for a variance would still be under the total 80% site coverage, and is the minimum necessary to provide the drive through amenity within the commercial district of the Town of Eagle.

- c. *That there exists on the property in question exceptional topography, shape, size or other extraordinary and exceptional situation or condition peculiar to the site, existing buildings, or lot configuration such that strict application of the zone district requirements from which the variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property in question; or*

This request is in addition to an existing variance on the property, including a setback variance that was approved for the Stout House addition in 2016. This property is already above the 30% impervious coverage and well below the 50% of building coverage. Because of the nature of the business, more parking/driveway than building square footage is necessary.

- d. *That such exceptional situation or condition was not induced by any action of the applicant and is not a general condition throughout the zone district.*

This does not apply.

A Zoning Variance is requested for the required Landscape Buffer:

Section 4.07.020.B.3. Front Street Buffer. All yards adjacent to primary and secondary streets shall be landscaped...The width of the landscaped buffer shall be five percent of the average of the two side property lines, but not less than 15 feet. Plant material for landscape areas shall be suitable for use in the local climate. All landscape areas shall be irrigated using an underground automatic system.



We request a variance for the Front Street Buffer requirement along Chambers Avenue. This area is already out of compliance with the existence of the concrete patio within 7'6" of the property line. The property line is 226' long. The proposed drive thru driveway is 44' of additional pavement area along Chambers and would only be eliminating a small amount of grass. Much of the area within 15' of the property line along Chambers is patio, parking, and two existing driveways/curb cuts. There is no formal landscaping along Chambers.

The existing grass areas on the lot are served by an underground irrigation system and that would be extended into any new areas of grass.

Sincerely,

Alicia Davis AIA

alicia@sstaia.com

90.209.6304

Scott S Turnipseed AIA, Architecture & Construction Inc.

P.O. Box 3388

Eagle, Colorado 81631

EAGLE SINCLAIR STATION

DRIVE-THROUGH AND BUILDING ADDITION

0131 CHAMBERS AVENUE



OWNERS:

EBY CREEK PARTNERSHIP LLLP
EAGLE AMACO
PO BOX 1898
EAGLE, CO 81631-1898

ARCHITECT:

SCOTT S. TURNIPSEED AIA
ARCHITECTURE & CONSTRUCTION, INC.
1143 CAPITOL STREET, SUITE 211
P.O. BOX 3388
EAGLE, COLORADO 81631
T (970) 328-3900

SURVEYOR:

ARCHIBEQUE LAND CONSULTING LTD.
115 BROADWAY, PO BOX 3893
EAGLE, CO 81631
P: (970) 328-6020
info@prolandsurvey.com

CIVIL ENGINEER:

LKP ENGINEERING INC.
LUIZA PETROVSKA
P.O. BOX 2837
EDWARDS, COLORADO 81632
(970) 926-9088
luiza@lkpeng.com

BUILDING CODE:

2015 INTERNATIONAL BUILDING CODE (IBC)
2015 INTERNATIONAL MECHANICAL CODE (IMC)
2015 INTERNATIONAL ELECTRICAL CODE (NEC)
2015 INTERNATIONAL ENERGY CODE
CLIMATE ZONE 6B

DRAWING INDEX:

- A0.0

COVER SHEET
- A1.1

EXISTING SITE PLAN
- A1.2

PROPOSED SITE PLAN
- A1.3

LANDSCAPE PLAN
- SUBDIVISION PLAT
- IMPROVEMENT LOCATION CERTIFICATE
- C-1

GRADING AND DRAINAGE PLAN
- C-2

CIVIL DETAILS
- A2.1

EXISTING FLOOR PLAN
- A2.2

PROPOSED FLOOR PLAN
- A3.1

EXISTING ELEVATIONS
- A3.2

PROPOSED ELEVATIONS

LIGHT FIXTURE:

EXISTING
URBAN BARN, HIGH GALVANIZED
INDOOR OUTDOOR WALL LIGHT
11.25" X 8.5"
STANDARD BASE LED BULB
12 WATTS



PROJECT SUMMARY:

PARCEL NUMBER: 1939-324-01-008
ZONING : COMMERCIAL GENERAL
NUMBER OF STORIES : 1

FLOOR AREA:

EXISTING	2,930 SF
ADDITION	220 SF
PROPOSED TOTAL	3,150 SF

PARKING:

NUMBER OF EXISTING SPACES: 26
NUMBER OF PROPOSED SPACES: 30

DRIVE-THROUGH:

PROPOSED STACKING SPACES: 5

SITE COVERAGE:

SITE AREA:
37,026 SF

EXISTING

BUILDING FOOTPRINT	3,356 SF	9%
IMPERVIOUS SURFACE	21,719 SF	59%

TOTAL IMPERVIOUS 25,075 SF 68%

PROPOSED

BUILDING FOOTPRINT	3,576 SF	9.5%
IMPERVIOUS SURFACE (NEW ASPHALT 2,273 SF)	23,992 SF	65%

TOTAL IMPERVIOUS 27,568 SF 74%

ZONING VARIANCE:

REQUESTING A ZONING VARIANCE FOR
IMPERVIOUS SURFACE AREA OF 65%
TOTAL IMPERVIOUS SURFACE AREA OF 74%

MINOR DEVELOPEMENT PLAN:

REQUESTING AN ADDITION TO THE EXISTING
RESTAURANT ON THE CHAMBERS SIDE OF THE SINCLAIR
GAS STATION BUILDING, WHICH IS TO INCLUDE A DRIVE
THRU WINDOW AND NEW DRIVEWAY. THIS ALSO
INCLUDES DEMOLITION OF THE EXISTING PATIO AND
PARKING AREA TO THE SIDE AND REAR OF THE
BUILDING. CONSTRUCTION OF A NEW DRIVEWAY ALONG
THE SIDE AND REAR OF THE BUILDING, PARKING AREAS,
AND RELOCATED DUMPSTER. A 6' FENCE IS PROPOSED
ALONG THE PROPERTY LINE ADJACENT TO LOT 5.
ALL NEW MATERIALS ARE TO MATCH THE EXISTING
BUILDING.

DESIGN VARIANCE:

REQUESTING A DESIGN VARIANCE FOR A 5 CAR STACK
TO BE ALLOWED AT THE DRIVE THRU WINDOW.

LANDSCAPE:

REMAINING IRRIGATED GRASS AREA TO BE UNCHANGED
NO ADDITIONAL IRRIGATION
GRAVEL AREA ADDED AT THE DRIVE THRU WINDOW AREA
6' WOOD PRIVACY FENCE ADDED ALONG PROPERTY LINE

ZONING VARIANCE

RESUBMITTAL 2 SEPT. 21, 2021

MINOR DEVELOPEMENT PLAN

RESUBMITTAL 2 SEPT. 21, 2021

ISSUE:	DATE:
ZONING VARIANCE	01.13.2021
MINOR DEVELOPEMENT PLAN	01.14.2021
M D PLAN RESUBMITTAL	06.23.2021
M D PLAN RESUBMITTAL 2	09.21.2021
AND	
ZONING VARIANCE RESUBMITAL	

SCOTT S. TURNIPSEED AIA
ARCHITECTURE
& CONSTRUCTION INC.
P.O. BOX 3388
1143 CAPITOL STREET, SUITE 211
EAGLE, COLORADO 81631
970.328.3900 WWW.SSTAPL.COM

A0.0

COVER SHEET



EAGLE SINCLAIR STATION

DRIVE-THROUGH AND BUILDING ADDITION

0131 CHAMBERS AVENUE

LOT 4, BLOCK 1, EBY CREEK SUBDIVISION

EAGLE, COLORADO 81631



DRIVE-THROUGH AND BUILDING ADDITION
0131 CHAMBERS AVENUE
LOT 4, BLOCK 1, EBY CREEK SUBDIVISION
EAGLE, COLORADO 81631

SCOTT S. TURNIPSEED AIA
ARCHITECTURE
& CONSTRUCTION INC.
P.O. BOX 3368
1143 CAPITOL STREET, SUITE 211
EAGLE, COLORADO 81631
970.328.3900 WWW.SSTAIA.COM

EXISTING SITE PLAN



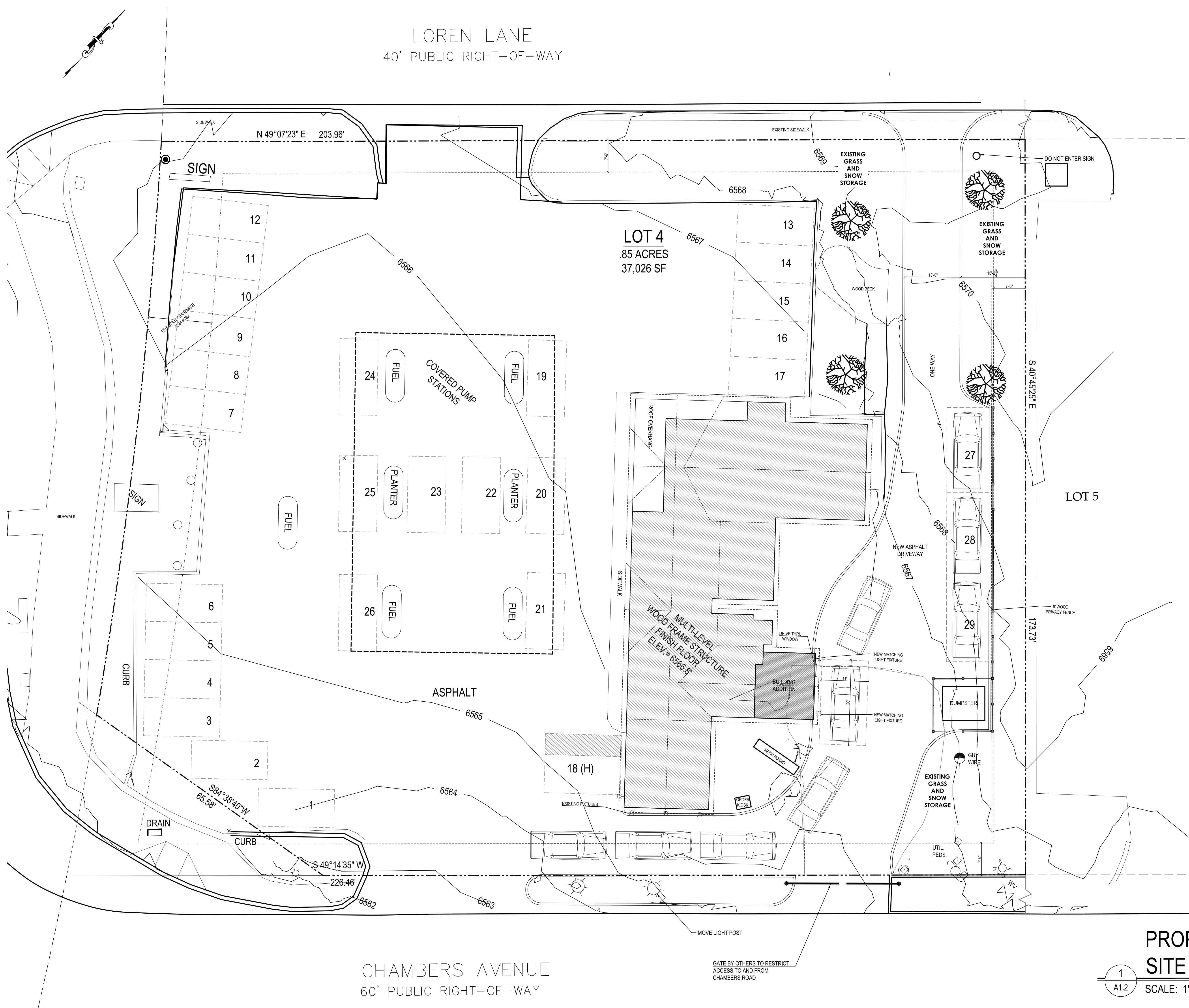


DRIVE-THROUGH AND BUILDING ADDITION
0131 CHAMBERS AVENUE
LOT 4, BLOCK 1, EBY CREEK SUBDIVISION
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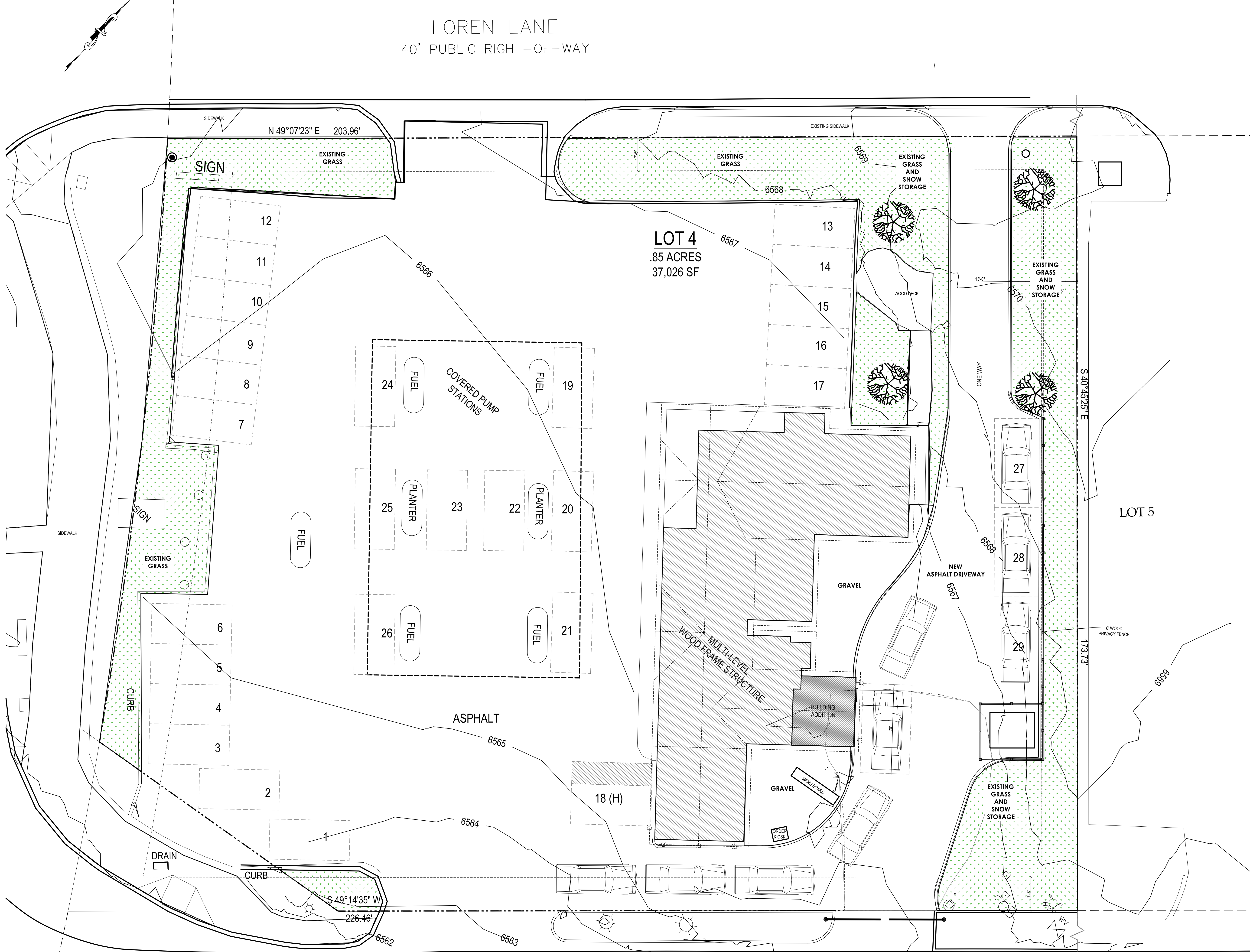
A1.2

PROPOSED
SITE PLAN



PROPOSED SITE PLAN

SCALE: 1" = 10'-0"



DESCRIPTION AND CERTIFICATION OF OWNERSHIP:

KNOW ALL BY THESE PRESENTS that the undersigned being sole owners in fee simple of all that real property described as follows:

Several tracts of land designated the Eby Creek Subdivision in the Town of Eagle Colorado, lying in Tracts 63 and 68, in Sections 32 and 33 Township 4 South, Range 84 West of the 6th Principal Meridian, boundary of said tracts of land being more particularly described as follows, to wit:

BLOCK ONE

Beginning at a point from which Corner No. 4 of Tract 68 bears N84°20'57"W 1727.11 feet distant, a point from which the Town of Eagle street monument located at Fifth and Broadway bears S06°09'20"W 2802.45 feet distant; thence along the Southerly right of way boundary line of Interstate Highway No. 70 N43°53'40"E 614.93 feet; thence N43°43'21"E 396.42 feet; thence departing said highway right of way boundary line S30°52'00"E 1088.74 feet to a point on the Northerly right of way boundary line of the Denver and Rio Grande Western Railroad; thence along said railroad right of way S58°56'05"W 1042.76 feet to a point on the Easterly right of way boundary line of Interstate Highway No. 70; thence along said highway right of way N22°49'00"W 321.65 feet; thence 383.56 feet on a curve to the left with a radius of 1220.90 feet, the chord of which bears N31°49'00"W 381.98 feet; thence N40°49'00"W 63.60 feet; thence N01°32'00"E 73.82 feet to the point of beginning.

BLOCK TWO

Beginning at a point from which Corner No. 4 of Tract 68 bears N49°34'14"W 1221.09 feet distant, a point from which the Town of Eagle street monument located at Fifth and Broadway bears S12°43'24"E 2218.95 feet distant; thence along the Southerly right of way boundary line of Interstate Highway No. 70 N72°12'30"E 93.13 feet; thence N58°11'45"E 289.98 feet; thence N57°13'45"E 236.20 feet; thence departing said highway right of way S36°30'12"E 199.73 feet; thence N57°13'45"E 200.00 feet to a point on the Westerly right of way boundary line of Interstate Highway No. 70; thence along said boundary line 156.94 feet on a curve to the right with a radius of 1070.90 feet, the chord of which bears S27°00'54"E 156.80 feet; thence along said right of way S22°49'00"E 340.36 feet to a point on the Northerly right of way boundary line of the Denver and Rio Grande Western Railroad; thence along said railroad right of way S59°08'00"W 487.99 feet; thence departing said railroad right of way S87°43'00"W 77.20 feet; thence N53°37'00"W 461.70 feet; thence N41°34'00"W 235.42 feet to a point on the Southerly right of way boundary line of Interstate Highway No. 70, the place of beginning.

BLOCKS THREE AND FOUR

Beginning at a point from which the Corner No. 4 of Tract 68 bears S89°30'00"W 285.00 feet distant; thence N89°30'00"E 240.00 feet; thence S00°17'00"E 502.91 feet, to a point on the Northerly right of way boundary line of U.S. Interstate Highway No. 70; thence along and conforming to said U.S. Interstate Highway right of way boundary line as follows: to wit,

S.89°45'00"E 118.62 feet; thence N.35°09'00"E 412.31 feet; thence N.55°53'30"E 427.90 feet; thence N.40°49'00"W 360.50 feet; thence 207.14 feet on a curve to the left with a radius of 197.80 feet, the chord of which bears N.70°49'00"W 197.80 feet; thence N.10°49'00"W 150.00 feet; thence 364.22 feet on a curve to the right with a radius of 347.80 feet, the chord of which bears S.70°49'00"E 347.80 feet; thence S.40°49'00"E 260.50 feet; thence N.54°05'00"E 1127.77 feet;

thence departing from said Interstate Highway boundary line N.35°55'00"W 214.48 feet; thence S.70°58'58"W 126.60 feet; thence S.64°16'49"W 115.81 feet; thence S.70°13'06"W 259.96 feet; thence S.65°46'13"W 212.04 feet; thence S.62°31'56"W 93.38 feet; thence S.58°21'02"W 94.56 feet; thence N.42°09'36"W 422.00 feet; thence S.74°15'13"W 106.28 feet; thence S.02°21'49"W 147.31 feet; thence S.82°18'30"W 215.88 feet; thence S.89°30'00"W 361.63 feet; thence S.00°17'00"E 830.31 feet to the point of beginning, and containing 60.924 acres, more or less; have by these presents laid out, platted and subdivided the same into lots and blocks as shown hereon and designate the same as EBY CREEK SUBDIVISION in the Town of Eagle, State of Colorado, and do hereby dedicate for public use the streets shown on page 2 of this filing including avenues, drives, courts, places and alleys, the public lands and drainage easements shown on page 2 of this filing for utility and drainage purposes only; and do further state that this subdivision shall be subject to the protective covenants filed and recorded for this subdivision in the Office of the Clerk and Recorder of Eagle County, Colorado as Document No. 140926

EXECUTED this 17th day of February, A.D. 1976

OWNERS:

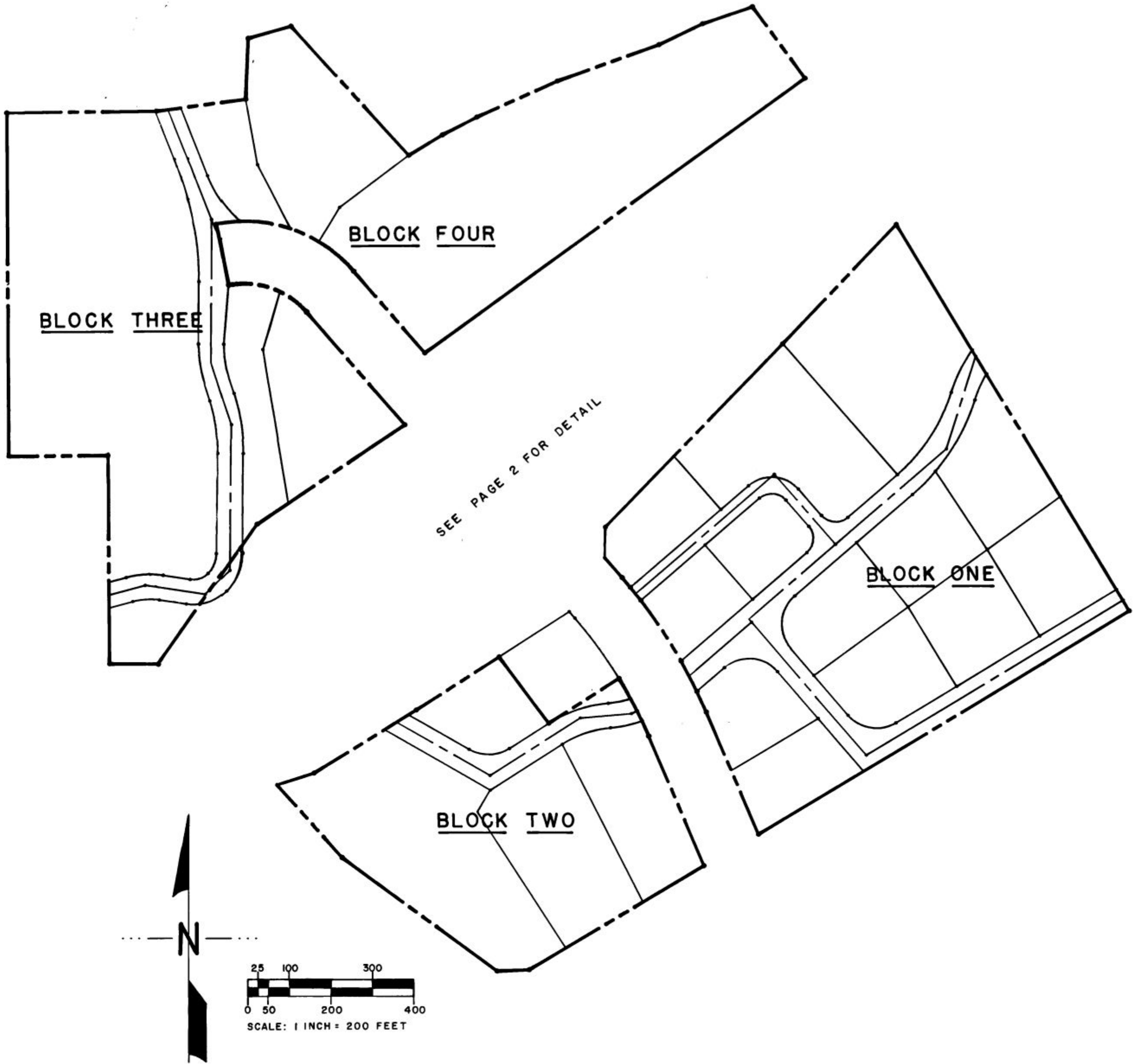
Ross E Chambers, individually and as general partner of Ross Chambers & Associates, a partnership
Loren G Chambers Shirley H. Chambers

STATE OF COLORADO)
COUNTY OF EAGLE) SS
The foregoing Dedication was acknowledged before me this 17 day of February, A.D. 1976, by Ross E Chambers, Shirley H Chambers & Loren G Chambers, individually & as a partnership, Notary Public
My commission expires 3-24-79
Barbara Wood

TITLE CERTIFICATE
Terence J. Quinn does hereby certify that I have examined the title to all lands shown upon this Plat and that Title to such lands is vested in free and clear of all liens, taxes and encumbrances, except as follows: Vested in Ross E. Chambers, a partnership, and Loren G. Chambers, subject to deeds of trust recorded in Book 233, Pages 202 and 200, Book 235, Pages 681 and 682, and Book 244, Page 685; and Assignment of Rents recorded in Book 244, Page 686; lien of 1975 real property taxes, and miscellaneous easements, mineral rights, etc. by record.

Dated this 18th day of February, A.D. 1976

Terence J. Quinn
Attorney at Law



SURVEYOR'S CERTIFICATE

I, Jack W. Johnson, do hereby certify that I am a registered Land Surveyor licensed under the laws of the State of Colorado, that this Plat is a true, correct and complete Plat of the EBY CREEK SUBDIVISION as laid out, platted, dedicated and shown hereon, that such Plat was made from an accurate survey of said property under my supervision and correctly shows the location and dimensions of the lots, easements and streets of said subdivision in compliance with applicable regulations governing the subdivision of land.

In Witness whereof I have set my hand and seal this 1st day of November, A.D. 1975

Jack W. Johnson
R.L.S. 4551
STATE OF COLORADO

CLERK AND RECORDER'S CERTIFICATE

This Plat was filed for record in the Office of the Clerk and Recorder at 12:30 o'clock P.M. February 18, 1976 and is duly recorded in Book 244, Page No. 742 Reception No. 140925
CASE 2 DRAWER E
Maxwell R. Bary
Clerk and Recorder

By: Fannie Baker
Deputy \$20.00

TOWN COUNCIL'S CERTIFICATE

This Plat approved by the Town Council of Eagle, Colorado this 17th day of February, A.D. 1976, for filing with the Clerk and Recorder of Eagle County and for conveyance of the public dedications shown on page 2 of this filing; subject to the provision that approval in no way obligates Eagle County or the Town of Eagle for financing or constructing of improvements on lands, streets or easements dedicated to the public except as specifically agreed to by the Town Council and further that said approval shall in no way obligate Eagle County or the Town of Eagle for maintenance of streets dedicated to the public until construction of improvements thereon shall have been completed to the satisfaction of the Town Council.

Patrick J. Carlow
Mayor

Witness my hand and seal of the Town of Eagle

ATTEST Sandy Kreppner
Town Clerk

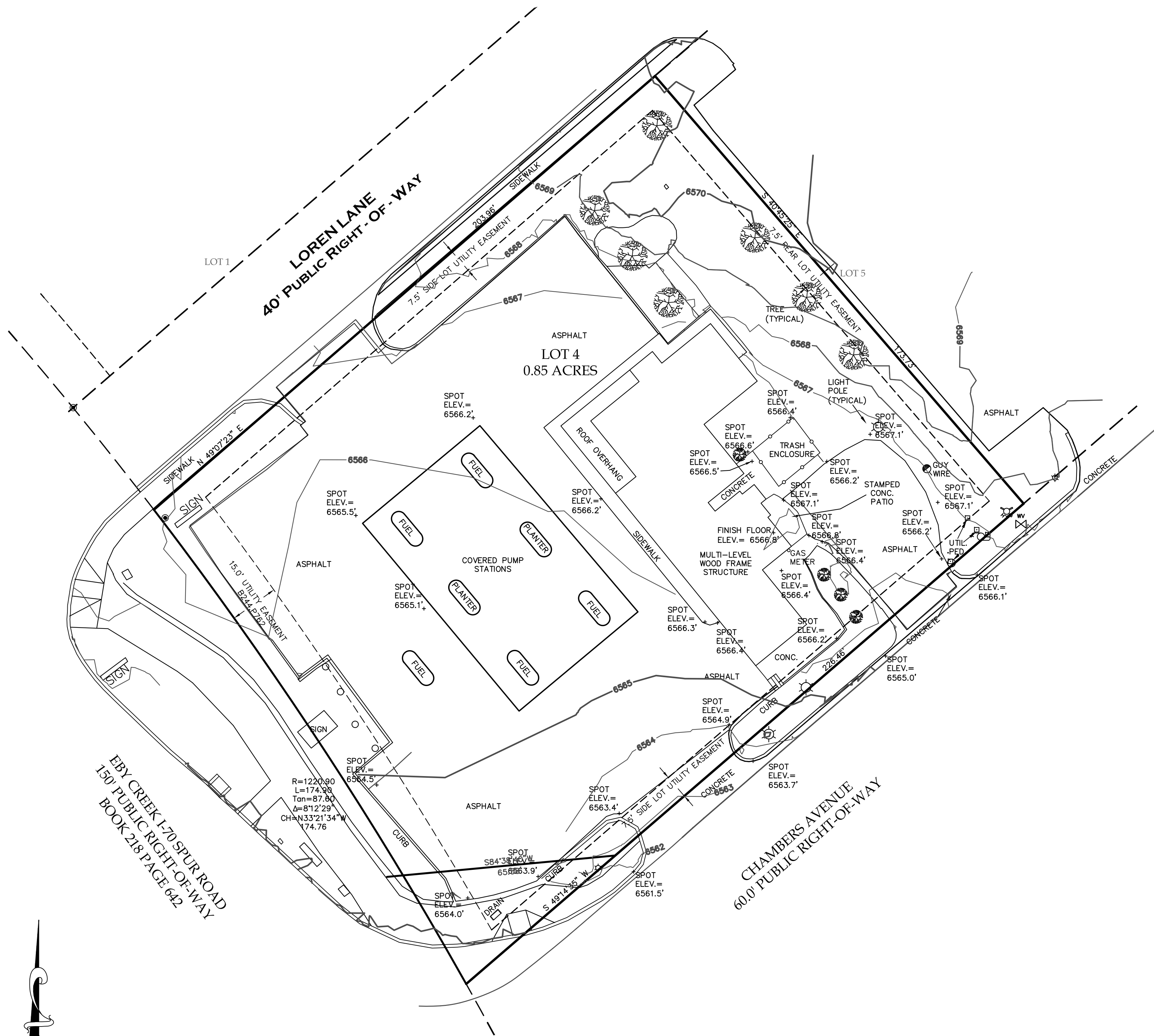
DEDICATION OF UTILITY EASEMENT

A perpetual easement for the installation and maintenance of utilities and drainage facilities, including, but not limited to, electric lines, gas lines, telephone lines, is reserved and dedicated over and through the PRIVATE AND PUBLIC ROADS AND STREETS WITHIN THIS SUBDIVISION. Together with an EASEMENT being fifteen (15) feet in width along the exterior of subdivision boundary line, and 7.5 feet in width along all side and rear lot lines as shown on plat, unless otherwise indicated, together with the right to trim interfering trees and brush. Together with perpetual right of ingress and egress for installation, maintenance and replacement of such lines. Said easements and rights shall be utilized in a reasonable and prudent manner. In the event that one party purchases two or more contiguous lots, the above statement will not apply to interior lot lines.

Final Plat
EBY CREEK SUBDIVISION

PREPARED BY
JOHNSON AND KUNKEL LAND SURVEYING CO.
P.O. BOX 718, EAGLE, COLORADO
PHONE 328-7229

IMPROVEMENT LOCATION CERTIFICATE
& TOPOGRAPHIC MAP
Lot 4, Block 1
EBY CREEK SUBDIVISION
TOWN OF EAGLE, COUNTY OF EAGLE, COLORADO



LEGAL DESCRIPTION:
Lot 4, Block 1, Eby Creek Subdivision according to the Final Plat thereof, as filed for record on January 5, 1999 in Book 244 at Page 762 in the Clerk and Recorder's Office, County of Eagle, State of Colorado.

- NOTES:
- 1) Date of Field Work: MARCH 2021
 - 2) Location of Improvements, Lot lines, and Easements are based upon the above referenced Final Plat of Eby Creek Subdivision and survey monuments, as well as other boundary evidence found at the time of this certification - This is not a Boundary Survey.
 - 3) Street Address: 0131 Chambers Avenue.
 - 4) Due to snow and ice accumulation certain improvements may not be shown.
 - 5) This Improvement Location Certificate For Building Permit was prepared for the exclusive use of Ed Oyler, and is valid only if print has original seal and signature of surveyor.
 - 6) Lineal Units of the U.S. Survey Foot were used herein.

CERTIFICATION

I hereby certify that this Improvement Location Certificate for Building Permit was prepared for Ed Oyler, that this is NOT a Land Survey Plat, Improvement Survey Plat, or statutory Improvement Location Certificate and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines.

The purpose of this certificate is to depict construction improvements relative to property lines.

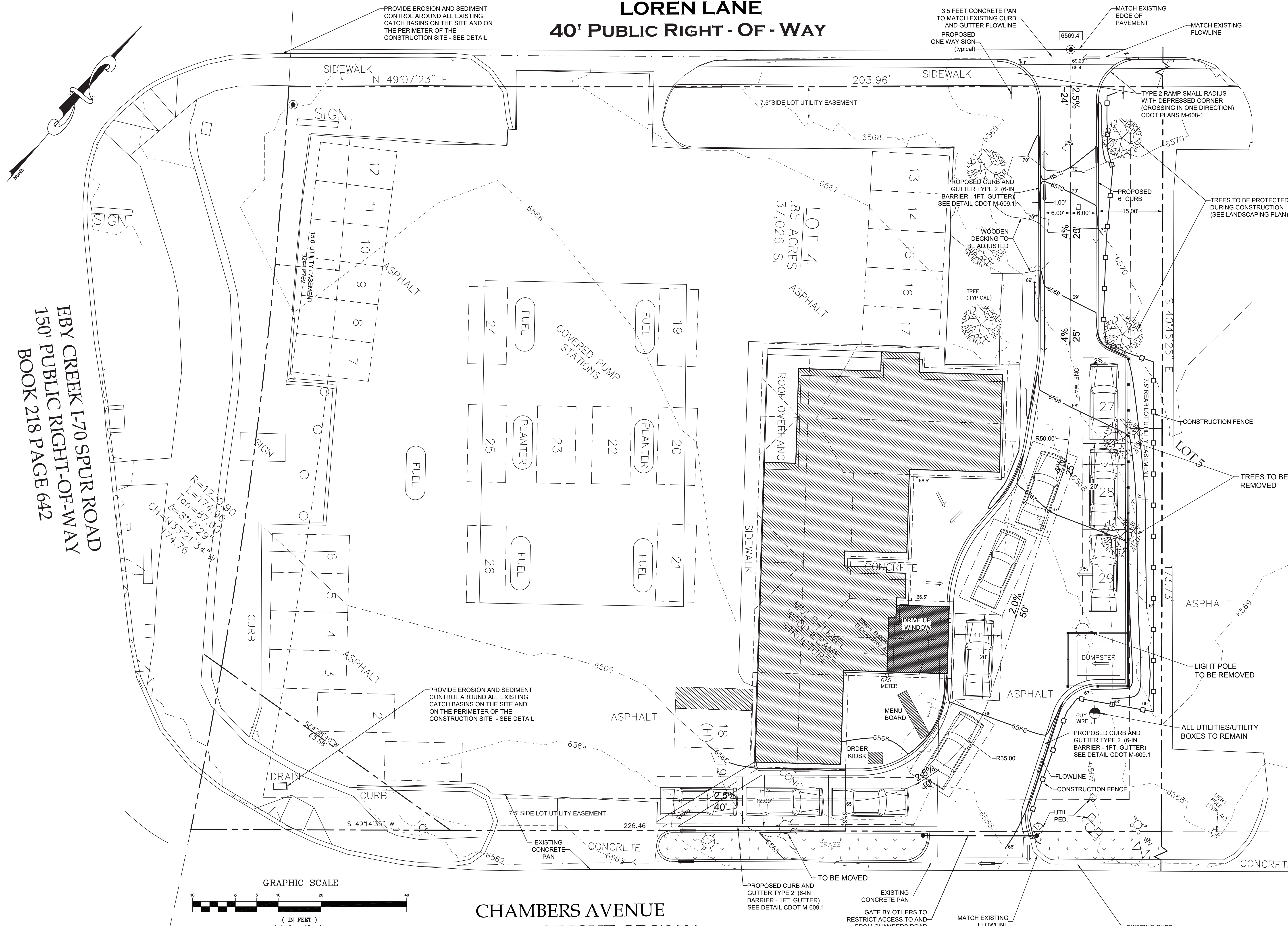


Theodore J. Archibeque PLS 37902
Colorado Professional Land Surveyor

Archibeque Land Consulting, Ltd
~ Professional Land Surveying & Mapping ~
115 Broadway - P.O. Box 3893 Eagle, Colorado 81631
970.328.6020 Office 970.328.6021 Fax
INFO@PROLANDSURVEY.COM

IMPROVEMENT LOCATION CERTIFICATE & TOPOGRAPHIC MAP Lot 4, Block 1 EBY CREEK SUBDIVISION TOWN OF EAGLE, COUNTY OF EAGLE, COLORADO			
DRAWN BY:	TJA	DRAWING NAME:	16105_TOP SINCLAIR.dwg
SHEET	1 OF 1	DATE:	4-27-2021
		CHECKED BY:	TJA

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon. Additionally, this document is prepared for the sole purpose of use by the parties stated hereon. The improvements are generally situated as shown and only apparent (visible at the time of fieldwork) improvements and encroachments are noted. Archibeque Land Consulting, Ltd., its owner(s) and employee(s) will not be liable for more than the cost of this document, and then only to the parties specifically shown hereon. Acceptance and/or use of this document for any purpose constitutes acknowledgement and agreement to all terms stated herein.



NO.	DATE	DESCRIPTION	BY
1.	9/22/2021	TOE REFERRAL COMMENTS	L.P.

**DRIVE-THROUGH
GRADING & DRAINAGE PLAN**

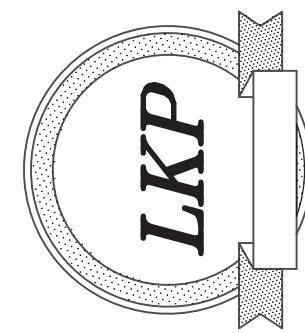
LOT 4, BLOCK 1, EBY CREEK SUBDIVISION
1317 CHAMBERS AVENUE
TOWN OF EAGLE
EAGLE COUNTY, COLORADO

EAGLE SINCLAIR STATION

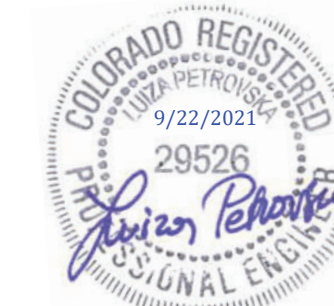
CIVIL/GEOTECHNICAL

Engineering, Inc.

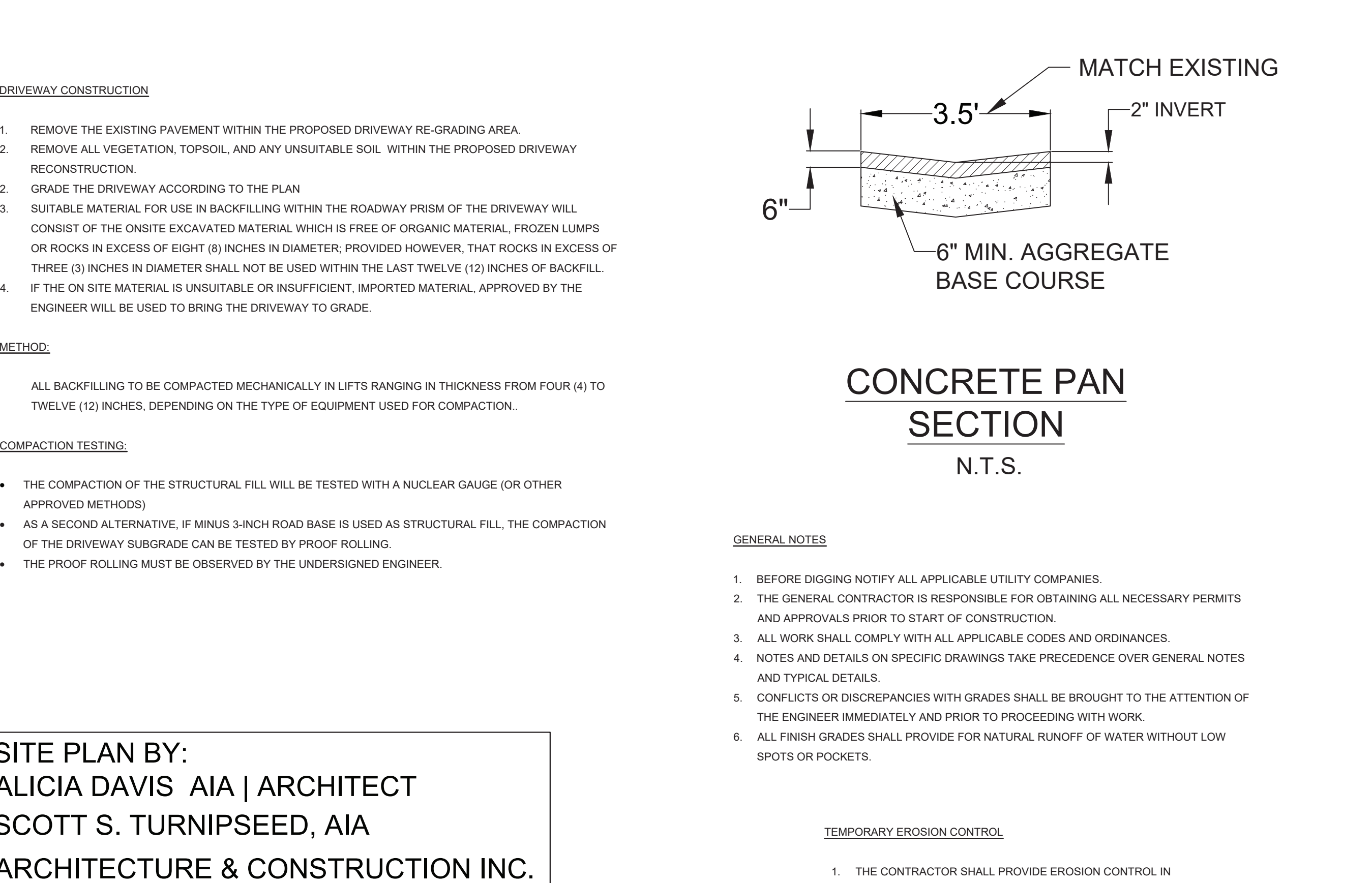
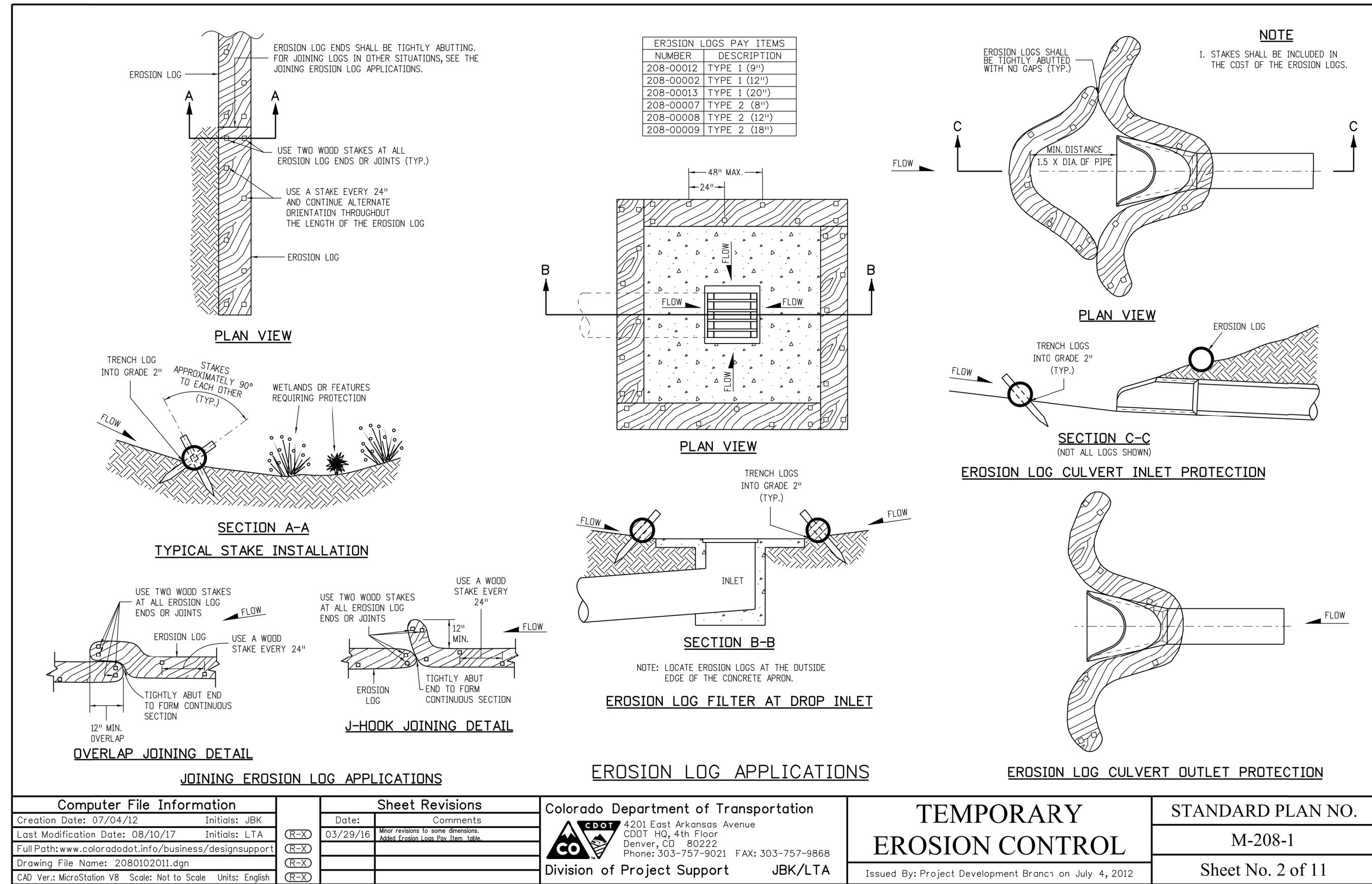
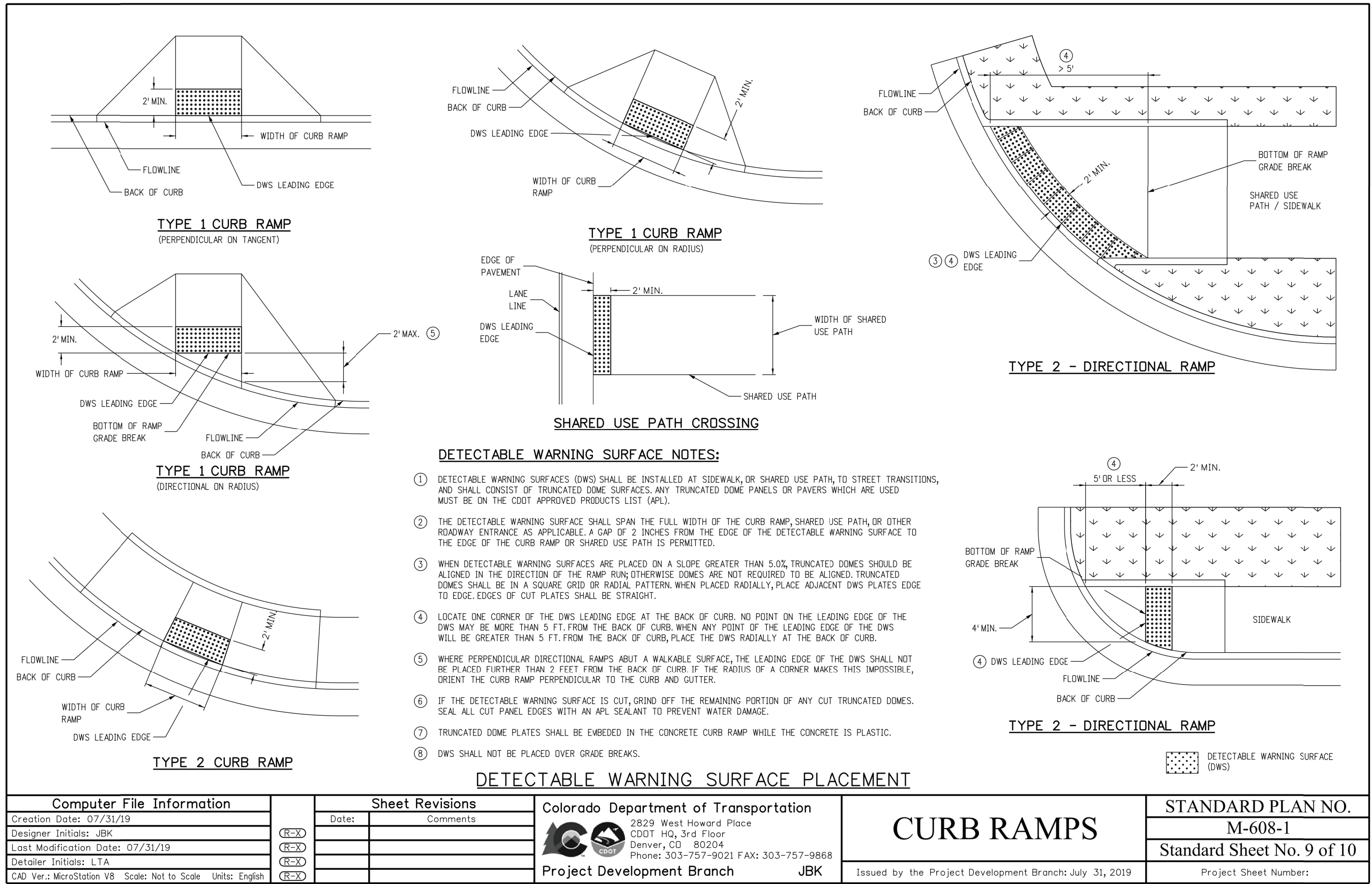
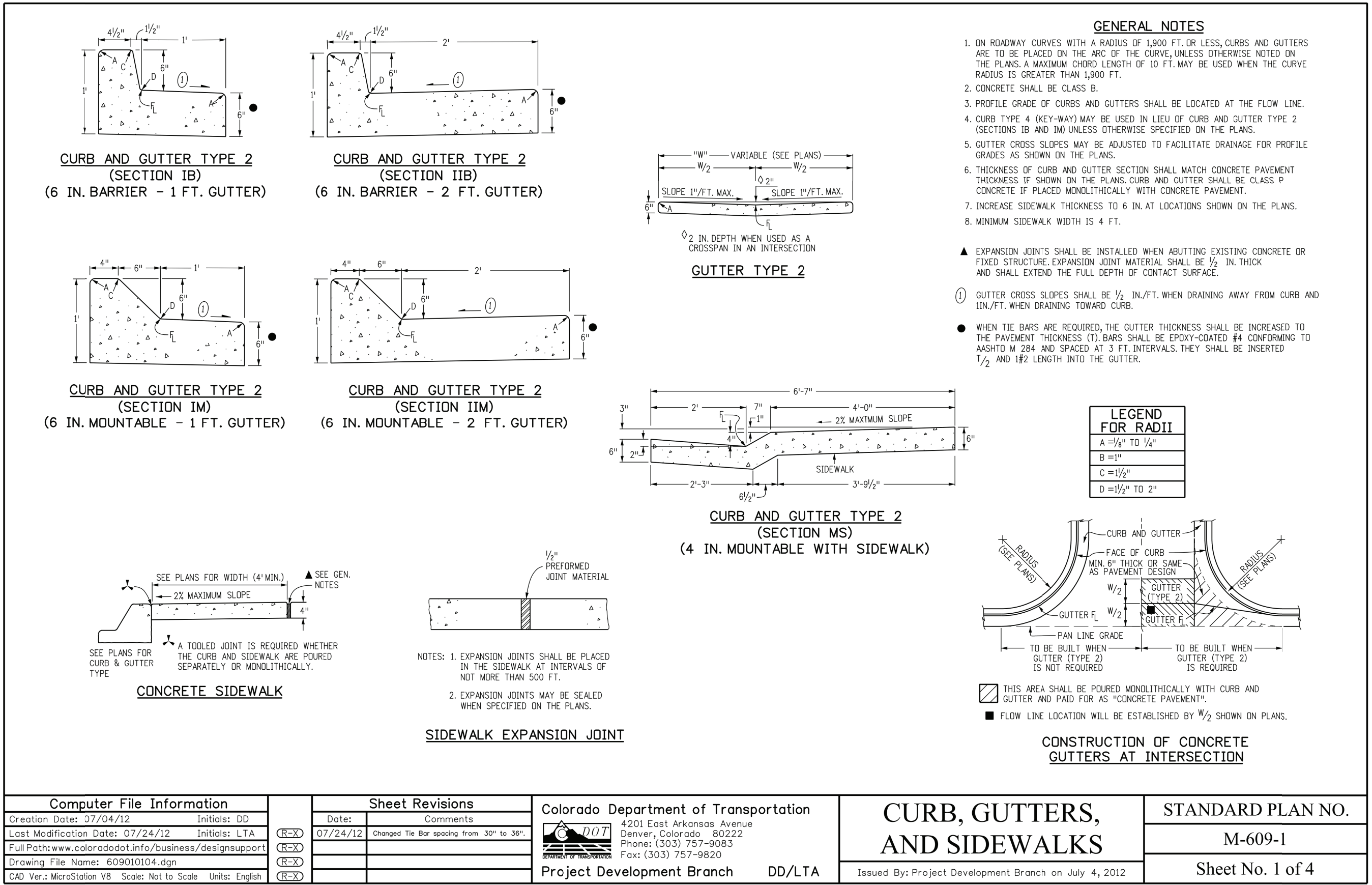
P.O. Box 724 Eagle, CO 81631
Tel (970) 390-0307 www.LKPEngineering.com



DRIVEWAY



DRAWN BY:	L.P.
CHECKED BY:	L.P.
PROJECT NO.:	21-3510
SEE REVISIONS BOX	
DATE:	JUNE 21, 2021
DRAWING NO.:	21-3510CIVIL.DWG
SHEET	C-1



NO.	DATE	DESCRIPTION
1.	9/22/2021	TOE REFERRAL COMMENTS
		L.P.
		BY

DRIVE-THROUGH
GRADING & DRAINAGE PLAN

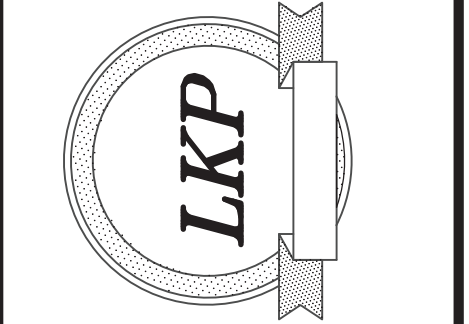
LOT 4, BLOCK 1, EBY CREEK SUBDIVISION
131 CHAMBERS AVENUE
TOWN OF EAGLE
EAGLE COUNTY, COLORADO

EAGLE SINCLAIR STATION

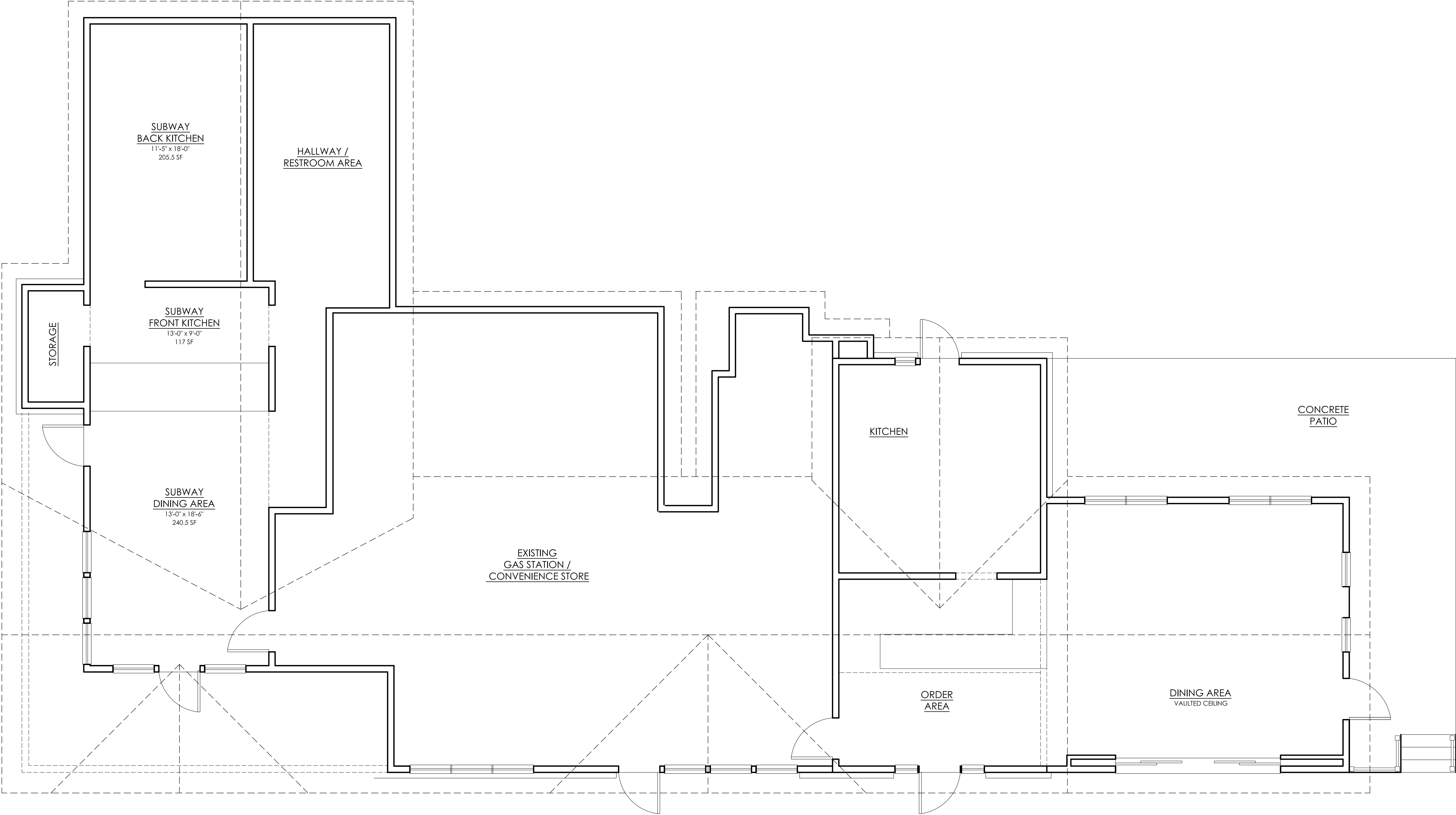
CIVIL/GEOTECHNICAL

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DETAILS	
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CHECKED BY:	L.P.
PROJECT NO.:	21-3510
SEE REVISIONS BOX	
DATE:	JUNE 21, 2021
DRAWING NO.:	21-3510CIVIL.DWG
SHEET	C-2

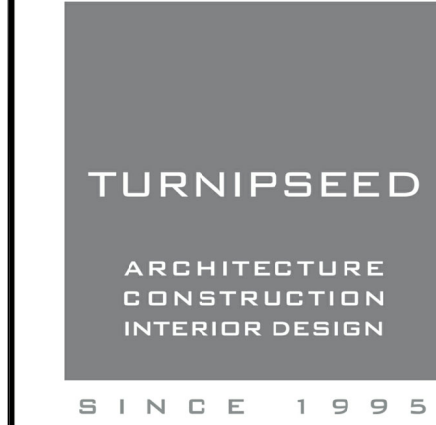
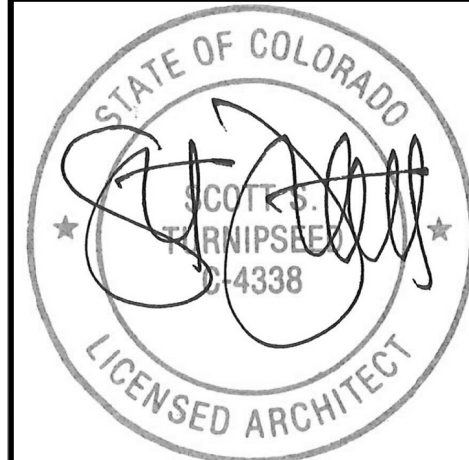


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A2.1

EXISTING FLOOR PLAN

SCALE: 1/4" = 1'-0"



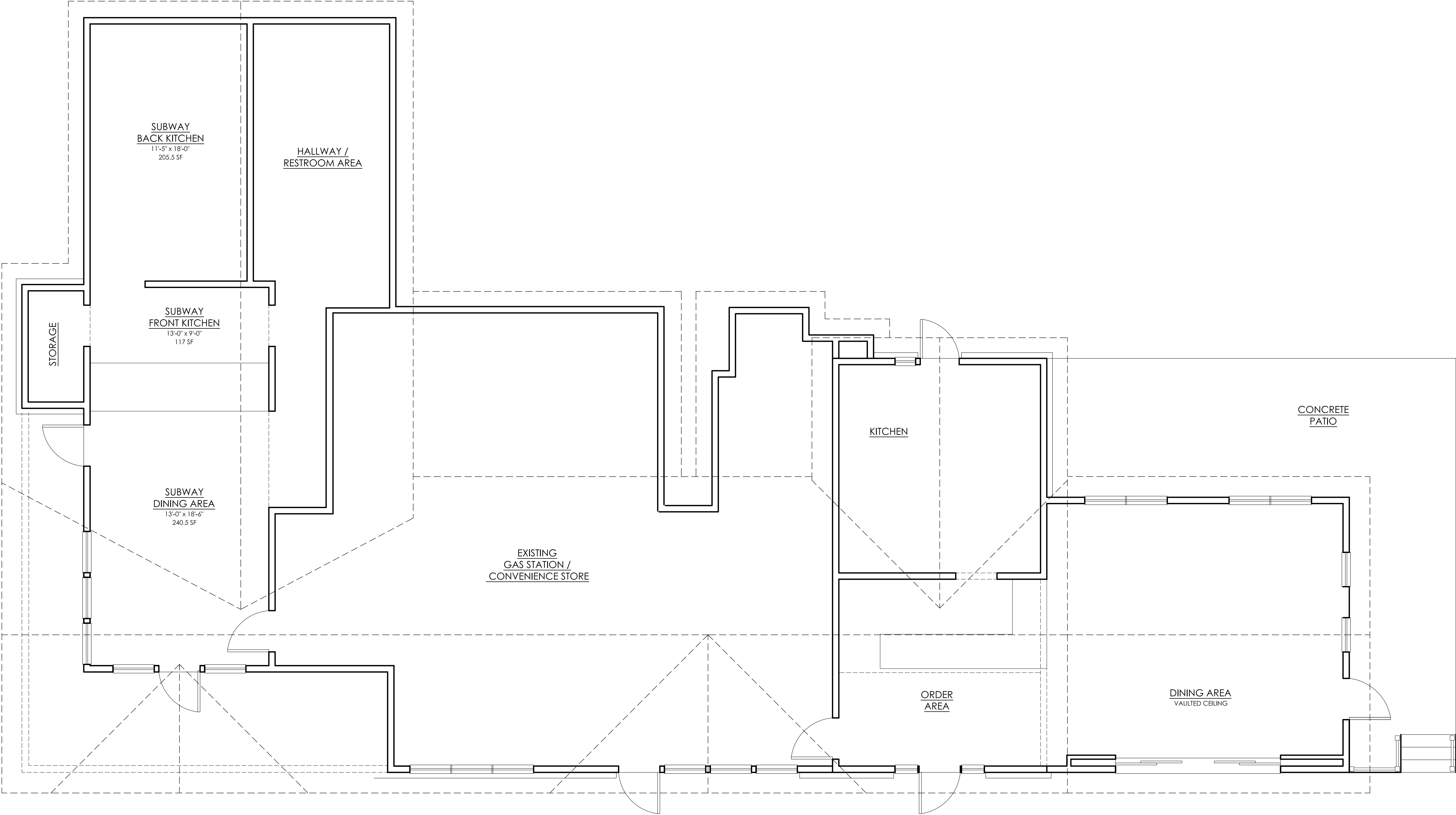
ZONING VARIANCE
RESUBMITTAL SEPT. 21, 2021

EAGLE SINCLAIR STATION

DRIVE-THROUGH AND BUILDING ADDITION
0131 CHAMBERS AVENUE
LOT 4, BLOCK 1, EBY CREEK SUBDIVISION
EAGLE, COLORADO 81631

ISSUE:	DATE:
ZONING VARIANCE	01.13.2021
MINOR DEVELOPMENT PLAN	01.14.2021
M D PLAN RESUBMITTAL	06.23.2021
M D PLAN RESUBMITTAL 2	09.21.2021
AND	
ZONING VARIANCE RESUBMITAL	

SCOTT S. TURNIPSEED AIA
ARCHITECTURE
& CONSTRUCTION INC.
P.O. BOX 3388
1143 GARFIELD STREET, SUITE 211
EAGLE, COLORADO 81631
970.328.3800 WWW.SSTAA.COM

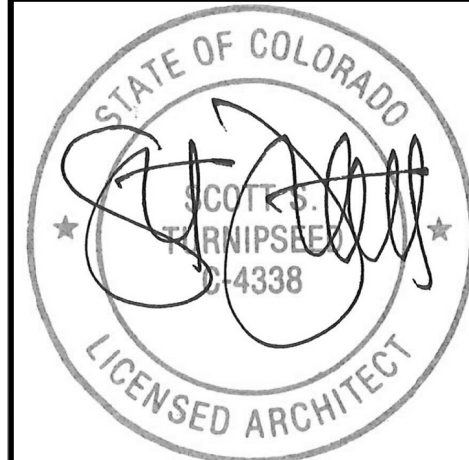


1

A2.1

EXISTING FLOOR PLAN

SCALE: 1/4" = 1'-0"



TURNIPSEED

ARCHITECTURE
CONSTRUCTION
INTERIOR DESIGN

SINCE 1995

ZONING VARIANCE
RESUBMITTAL SEPT. 21, 2021

EAGLE SINCLAIR STATION

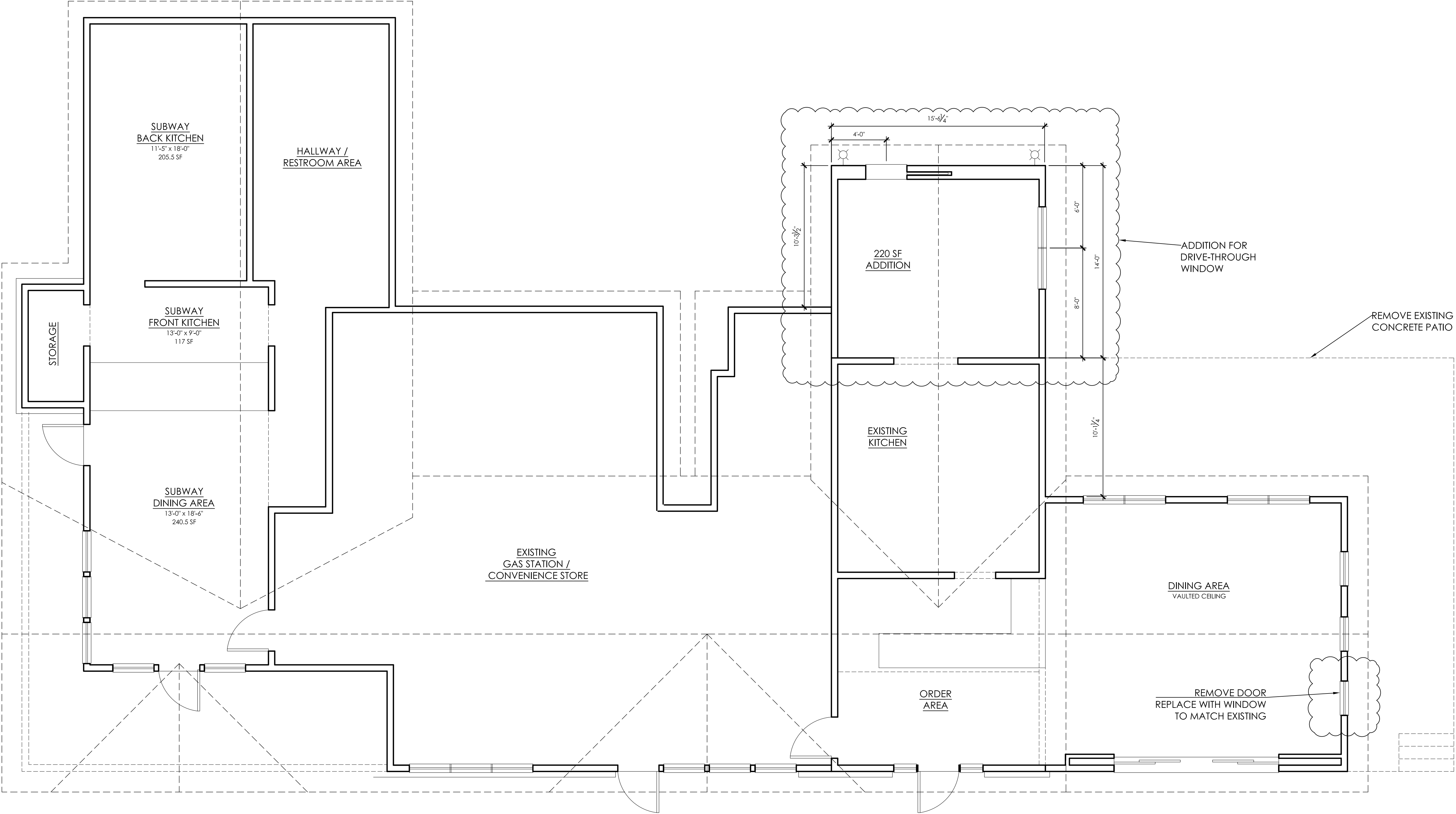
DRIVE-THROUGH AND BUILDING ADDITION
0131 CHAMBERS AVENUE
LOT 4, BLOCK 1, EBY CREEK SUBDIVISION
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970.328.3800 WWW.SSTAA.COM

A2.1

EXISTING
FLOOR PLAN

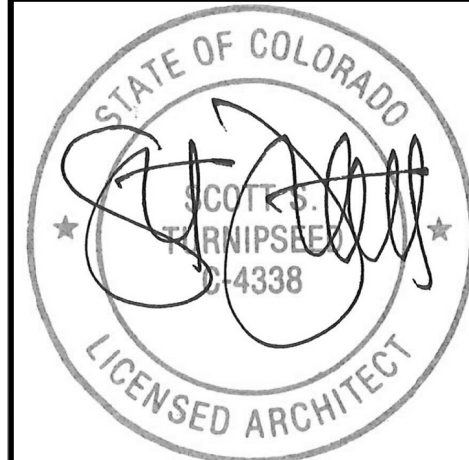


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A2.2

PROPOSED FLOOR PLAN

SCALE: 1/4" = 1'-0"



ZONING VARIANCE
RESUBMITTAL SEPT. 21, 2021

EAGLE SINCLAIR STATION

DRIVE-THROUGH AND BUILDING ADDITION

0131 CHAMBERS AVENUE

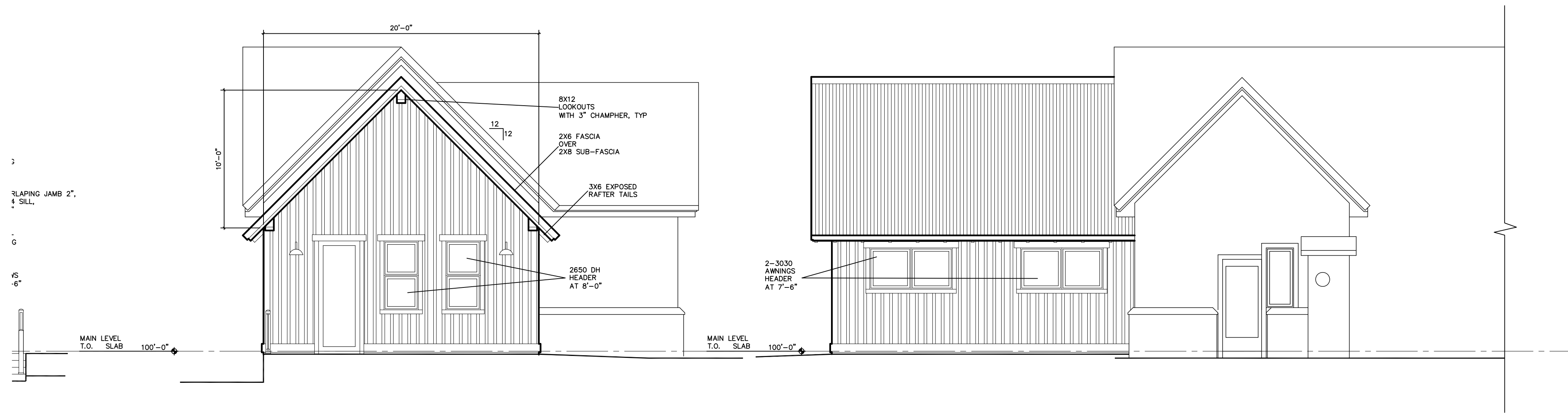
LOT 4, BLOCK 1, EBY CREEK SUBDIVISION

EAGLE, COLORADO 81631

ISSUE:	DATE:
ZONING VARIANCE	01.13.2021
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AND	
ZONING VARIANCE RESUBMITAL	
SCOTT S. TURNIPSEED AIA ARCHITECTURE & CONSTRUCTION INC. P.O. BOX 3188 1143 GUNTER STREET, SUITE 211 EAGLE, COLORADO 81631 970.328.3800 WWW.SSTAA.COM	



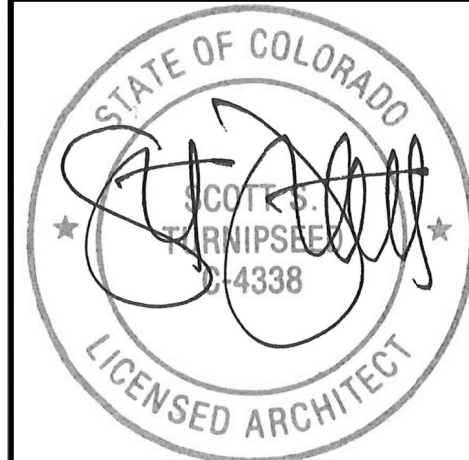
1
A3.1
EXISTING
FRONT / WEST ELEVATION
SCALE: 3/16" = 1'-0"



2
A3.
EXISTING
SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



3
A3.1
EXISTING
EAST ELEVATION
SCALE: 3/16" = 1'-0"



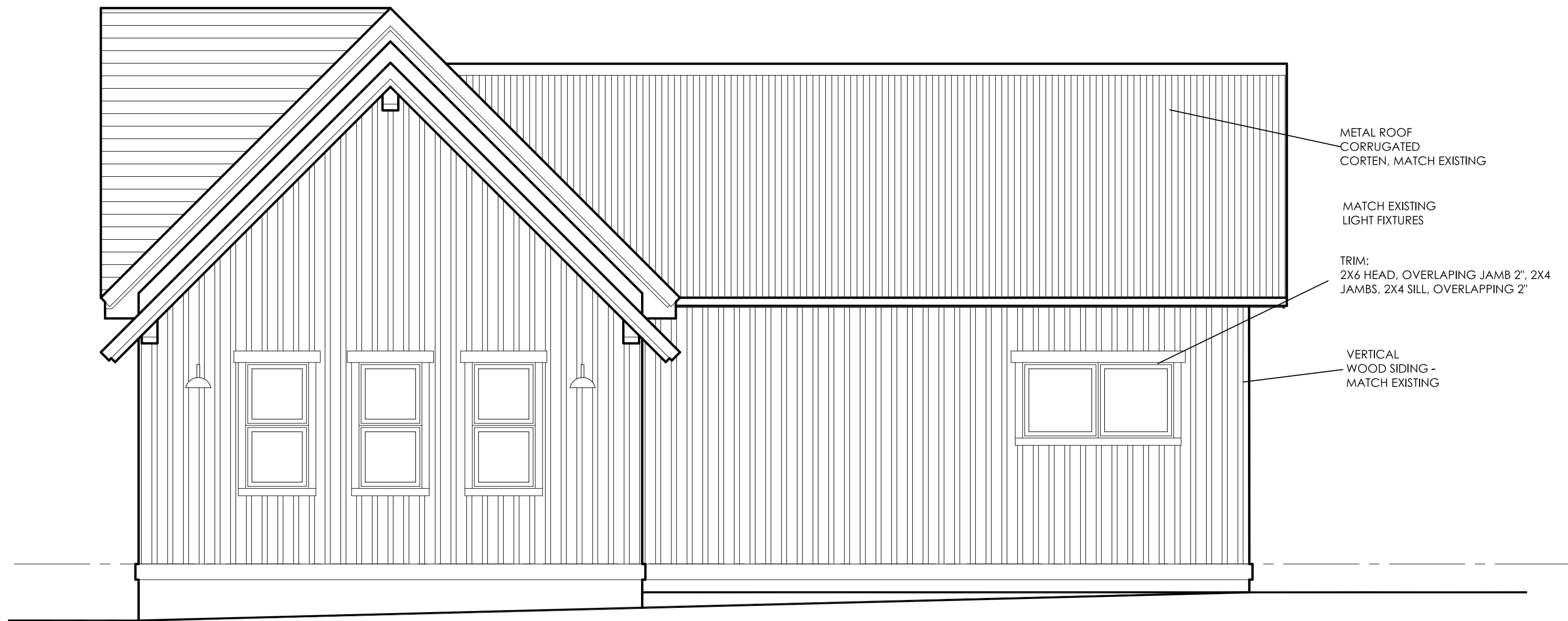
EAGLE SINCLAIR STATION
DRIVE-THROUGH AND BUILDING ADDITION
0131 CHAMBERS AVENUE
LOT 4, BLOCK 1, EBY CREEK SUBDIVISION
EAGLE, COLORADO 81631

ZONING VARIANCE
RESUBMITTAL SEPT. 21, 2021

MINOR DEVELOPMENT PLAN
RESUBMITTAL 2 SEPT. 21, 2021

ISSUE:	DATE:
ZONING VARIANCE	01.13.2021
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AND	
ZONING VARIANCE RESUBMITAL	

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EAGLE, COLORADO 81631
970.328.3800 WWW.SSTAA.COM



PROPOSED
SOUTH ELEVATION

1
A3.2

SCALE: 1/4" = 1'-0"



PROPOSED
EAST ELEVATION

2
A3.2

SCALE: 1/4" = 1'-0"



EAGLE SINCLAIR STATION
DRIVE-THROUGH AND BUILDING ADDITION
0131 CHAMBERS AVENUE
LOT 4, BLOCK 1, EBY CREEK SUBDIVISION
EAGLE, COLORADO 81631

ZONING VARIANCE
RESUBMITTAL SEPT. 21, 2021

MINOR DEVELOPMENT PLAN
RESUBMITTAL 2 SEPT. 21, 2021

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ZONING VARIANCE RESUBMITAL	

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P.O. BOX 3388
1143 GARDEN STREET, SUITE 211
EAGLE, COLORADO 81631
970.328.3800 WWW.SSTAA.COM

Aerial of 131 Chambers Avenue











CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Community Development Department

DATE: November 16, 2021

FILE NUMBER: PUDA21-01

PROJECT: Eagle Ranch 6th PUD Amendment

REQUEST: Request for a Major PUD Amendment to amend and update the Eagle Ranch PUD Guide and PUD Zoning Plan.

APPLICANT: Eagle Ranch HOA, Marc Ruh

APPLICANT REPRESENTATIVE: Mauriello Planning Group, Dominic Mauriello

LOCATION: Eagle Ranch PUD

CODE: Section 4.11.040 – PUD Review Procedures
Section 4.11.050 – Amendments to planned unit development zoning and development plans.

ZONING: Planned Unit Development Zone District

EXHIBITS:

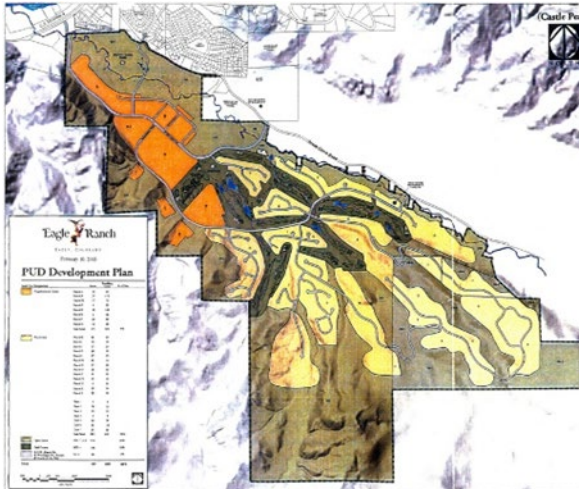
- A: Project Narrative
- B: Redlined PUD Guide
- C: Zoning Map
- D: Commercial Core Parking Analysis dated April 5, 2021
- E: Commercial Core Parking Map
- F: Traffic Memorandum dated September 2, 2021
- G: Public Comment Letters

PUBLIC COMMENT: Staff has received 5 letters of public comment as of November 12, 2021. Letters received after this time will be gathered and entered into the public record at the hearing.

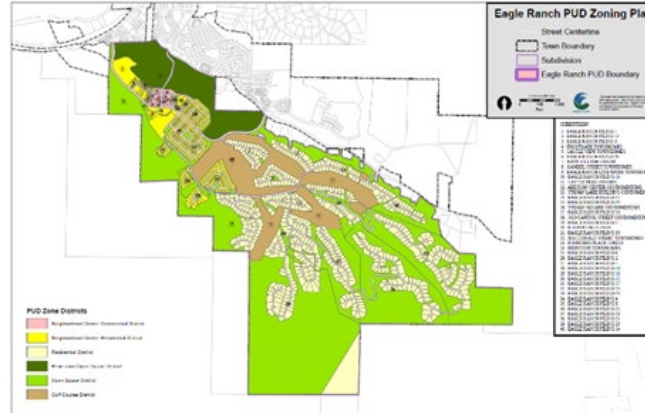
STAFF: Chad Phillips, Director, chad.phillips@townofeagle.org
Jessica Lake, Planner I, jessica.lake@townofeagle.org

INTRODUCTION

The Eagle Ranch Homeowner's Association has submitted an application requesting to amend and update the 5th PUD Guide. The application includes a comprehensive update to Eagle Ranch's PUD Guide in order to reflect the many changes over the past 20 years from the original inception of the planned unit development. In all previous iterations of the PUD Guide, densities were laid out by neighborhood and planning parcels, and the commercial area planning area was challenging to differentiate from the residential neighborhoods surrounding it. As the Town is responsible for enforcing this document, staff has reviewed all the changes through the lens of ease of use and enforceability. One of the primary changes included in this application is to the Eagle Ranch PUD Zoning Plan (Zoning Map), which has been updated to better reflect current and future build-out of Eagle Ranch. This is the first change to the Zoning Map in Eagle Ranch's 20-year history. The map that staff has had to rely on is very difficult to read and interpret.



Original Zoning Map



Proposed Zoning Map

Another primary request of this application is an increase in the residential density allowed in the PUD. Currently, Eagle Ranch is able to build up to 1,295 dwelling units (accessory dwelling units (ADU's) are not counted towards density). The HOA is requesting to add 100 dwelling units in the commercial core. With the current number of dwelling units allowed (1,295), no additional residential density could be added to the Commercial Core. There are two vacant lots in the Commercial Core, one of those has a development permit attached to it (both are highlighted in the image below). Increasing the density to allow for additional residential could allow these lots to develop as mixed use projects. The increased density proposed would also allow for one- or two-story buildings along Capitol and Sylvan Lake to add residential units to a second or third floor.



GIS – Eagle Ranch Commercial Core

The rest of the changes included in this 6th PUD amendment are largely housekeeping items and it is hoped that the changes made will improve clarity and aid with enforcement of the zoning regulations.

- Definitions
 - Accessory Apartments – expanded definition (previously only included in the permitted use section). Accessory Apartments are proposed to increase in size from 700 sf to 850 sf, are to be kept as “a complete, separate housekeeping unit”, the owner shall occupy at least one of the units on the lot, and they shall not be leased for periods of less than 28 days.
 - Bed and Breakfast – revised definition
 - Building Height – new to this section
 - Floor area – new to this section
 - Floor area, net – new to this section
 - Hotel, Motel and Lodge – revised definition
 - Planning Parcels – revised to adhere to revised Zoning Map
 - Seating area – new to this section
- PUD Zone Districts – revised to align with the revised Zoning Map and provide the DRB and Town Staff with improved direction regarding uses.
 - Staff has included a condition of approval to change “Town of Eagle Town Manager (or assigns)” to “Town of Eagle Community Development Director (or assigns)”.
 - Neighborhood Center / Uses by Right / Special Uses / Minimum Building Setback Requirements – revised to align with Zoning Map.
 - Maximum Building Height – revised to allow for buildings of up to 40’ and a maximum of 3-stories in the Commercial Core.
 - Maximum Lot Coverage – revised to remove landscape requirements for the Commercial Core and allow the Design Review Board (DRB) to approve and enforce landscaping on a case-by-case basis.

- Maximum Density – revised to reflect requested density increase for Commercial Core.
- Neighborhood Center Residential District – new district added for increased clarity. This neighborhood is built-out and no new residential is to be added.
- Residential Districts – planning parcels have been removed to align with the Zoning Map. These neighborhoods make up the rest of the PUD’s residential neighborhoods not included in the Neighborhood Center Residential District, some vacant lots are still available, but all residential is accounted for in these neighborhoods.
- Building Envelopes – these still pertain to the same areas as they did before, they now reference plats rather than planning parcels.
- Ridgeline Visibility – this section has been removed.
- Recreation Open Space District / Open Space District / Golf Course District – revised to align with Zoning Map.
- Open Space District – Special Events added as a use by right.
- Density Control and Water Rights Dedication – Eagle Ranch is requesting that payment of water rights for the additional 100 dwelling units proposed be deferred until time of building permit application – this is a request that Town Council will need to consider and provide direction to the Town Manager, as per Sections 12.26.030 and 12.06.050 of the Municipal Code.
- Parking Rules and Requirements – parking has been re-evaluated and a new matrix is proposed. Based on the analysis provided by the applicant representative and review by Town Staff, the updated reduction in parking requirements should be adequate to provide for current and future development in the Commercial Core, based on a shared use system.
- Minor Modifications – updated to provide review standards.

ISSUES FOR DISCUSSION

1. Accessory Apartments have increased in maximum allowable size and additional clarity added regarding the owner-occupied clause. Staff is unsure how the 28-day minimum lease term would be enforced by the Town and has included a condition of approval to remove this. Does the Commission have any concerns, comments, or questions with the proposed changes or with Staff’s condition of approval? Does the Commission think that the definition of measurement should align with the new Town language for ADU’s?
2. Does the Commission have any concerns that the increased residential density will add undo congestion to the Commercial Core?
3. The applicant has provided an analysis of the Parking Rules and Requirements, does the Commission have concerns about the proposed matrix?
4. Should a definition for Special Events be provided? Special Events has been added as a “use by right” in the Open Space District. Does the Commission think that we should have a definition of what types of events could occur and if so, should there be any parameters included?

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 proposed amendment contains many changes that, in staff's opinion, enhance the clarity of the document and reduce interpretation and inconsistencies. Clarified responsibilities between Town Staff and the Eagle Ranch DRB should lead to more efficient development on the remaining lots in both the Commercial Core and the Residential Districts. The existing landscaping and parking requirements for the Commercial Core are working as prohibitors to development and re-development of lots and buildings in this neighborhood. The proposed revisions seek to address these concerns and propose a new way of looking at parking in this mixed-use area of Eagle Ranch, as well as acknowledging that landscaping is largely complete. Staff believes that all of the changes proposed are consistent with efficient development and preservation of the planned unit development.

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: This amendment revises the Zoning Map to provide greater clarity and separate the Commercial Core mixed use area from the Neighborhood Center residential area. The amendment also proposes an increased density of 100 residential dwelling units in the Commercial Core, the open space dedicated to the Town remains the same. This amendment should not have an adverse effect on the land abutting, adjoining or across the street from Eagle Ranch. While this amendment allows for the creation of 100 new units, it is extremely unlikely that this will occur quickly; it is believed that some existing buildings may decide over time to increase from one or two-stories to two or three-stories, but as of today, there have been no applications submitted to the DRB for increased height in the Commercial Core. Existing buildings in the Commercial Core currently range from roughly 20 ft to 35 ft; it is possible under the current standards that several buildings could have re-developed and added height, however this has not happened. It is also possible that the current density, parking and landscaping requirements have been prohibitors to property owners interested in building up. While the addition of new residential units will have an effect on parking and traffic, the Parking Analysis and Traffic Memo's submitted with this application have been reviewed by staff and we are comfortable with the assertions made. The existing parking lots and on-street parking provide enough spaces to accommodate the increase in residential density in this area. As development is likely to take place over a long period of time, like build-out in Eagle Ranch has overall, staff does not find that this amendment effects the public interest in a substantially adverse manner.

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

Staff Comment: The list of proposed changes included in this amendment is quite vast and the amendment will not confer a special benefit upon any person. Town Staff, the Eagle Ranch DRB and homeowner's benefit from the increased clarity proposed by this amendment. Developers and commercial property and building owners will benefit from the proposed increase in residential density in the Commercial Core.

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

Staff Comment: The proposed uses remain largely the same from previous amendments to the PUD Guide. Any changes to uses in this amendment are primarily for clarification purposes. Some uses currently considered to be Special Uses have been moved to Uses by Right, but with greater clarity attached to them. Staff believes this is an improvement over the current Guide, as it reduces process for uses that fit within the Commercial Core. Staff does not believe that any of the changes submitted detract from other uses approved in the PUD Guide.

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 open space plan has not changed with this amendment and the open space in Eagle Ranch is the same in terms of quantity and quality as what was originally approved. The Open Space Manager has reviewed the documents submitted with this application and his comments have been incorporated into the attached redlined PUD Guide.

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.*

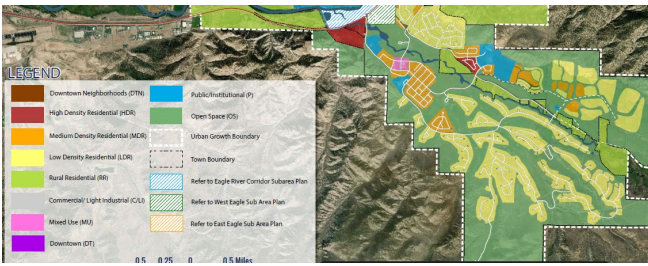
Staff Comment: The proposed amendment does not contain any changes to street and utility plans. Eagle Ranch's streets and utilities are built-out and any future impacts are accounted for.

ANALYSIS OF THE 2020 ELEVATE EAGLE COMPREHENSIVE PLAN

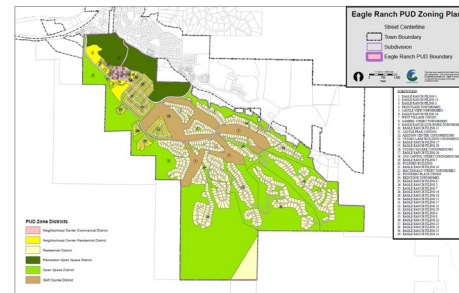
SECTION 4.11.050.D: *Review of PUD amendments.* Minor PUD Amendments shall be reviewed in the manner provided for minor development permit reviews, as contained in [Section 4.06.060](#). Major PUD amendments shall be reviewed in the manner set forth for original PUD applications, as contained in [Section 4.11.040](#).

SECTION 4.11.040.B.7.a.i: *Town Council review.* Approve the proposed PUD zoning plan, subject to any conditions it finds necessary to protect the public health, safety and welfare or to ensure compliance with the Town's regulations, goals, policies and plans.

Future Land Use Map (FLUM): The proposed Zoning Map more closely reflects the Elevate Eagle FLUM.



Elevate Eagle FLUM



Eagle Ranch PUD Zoning Plan

Policy 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.*

Policy 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.*

Policy 1-2.6. *As development occurs, ensure the Town's overall mix of land uses remains aligned with community goals.*

Policy 1-2.8. *Encourage continued reinvestment in existing commercial areas.*

Policy 2-3.3. *Ensure new development builds upon and adds value to Eagle's unique community character through adherence to high quality standards of design and construction.*

b. Utilize infill and conservation-oriented development to accommodate growth while retaining open lands and protecting environmentally sensitive areas.

Policy 2-5.3. *Support vertical mixed use, horizontal mixed use or a combination of mixed use patterns in appropriate areas (such as the Broadway Street extension into the River Corridor Sub Area). Minimize the extension of mixed-use areas away from the Town Center in order to promote Broadway Street as the heart of the community.*

General Staff Comment: These policies generally speak to a diversity of housing types and how a downtown center should grow over time and that infill and re-development is beneficial to residents and businesses. The additional 100 units proposed in this amendment will contribute to additional mixed-use buildings, which will add to the housing mix. The proposed amendment also enables additional reinvestment in an existing commercial area as called for in Policy 1-2.8.

Policy 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: The "Ridge Line Visibility" section in the PUD Guide is shown as deleted. This section of the PUD Guide deals more with the visibility of this area from Brush Creek Road rather than designating this area as environmentally sensitive or hazard prone. Staff does not view the removal of this section as being out of compliance with the plan.

Policy 5-2.1. *Ensure adequate access to and appropriate mobility options within the Town.*

a. Improve circulation on US Highway 6/Grand Avenue.

- b. Design the vehicular network to anticipate future development and transportation needs.*
- c. Locate high traffic generating land uses close to collector and arterial roadways and transit centers.*

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

Policy 5-3.3. *Encourage a compact development pattern.*

General Staff Comment: The proposed amendment does not include additional parking or the addition of any new streets or paths but does propose an additional density of 100 dwelling units. The impact of additional residential units on parking and traffic is offset by a reduction in the overall allowed commercial square footage. These policies are complied with in that the future potential impacts have been studied and have been deemed to be sufficient for the proposed usage. Sidewalks and pedestrian paths are available throughout Eagle Ranch and new residents to the Commercial Core will likewise have access to these. The proposed amendment is in compliance with the policy to encourage a compact development pattern.

STAFF RECOMMENDATION

Staff recommends APPROVAL WITH CONDITIONS of PUDA21-01 based on Conditions 1-6 of Section 4.11.050. of the Municipal Code.

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to planned unit development amendment #PUDA21-01:

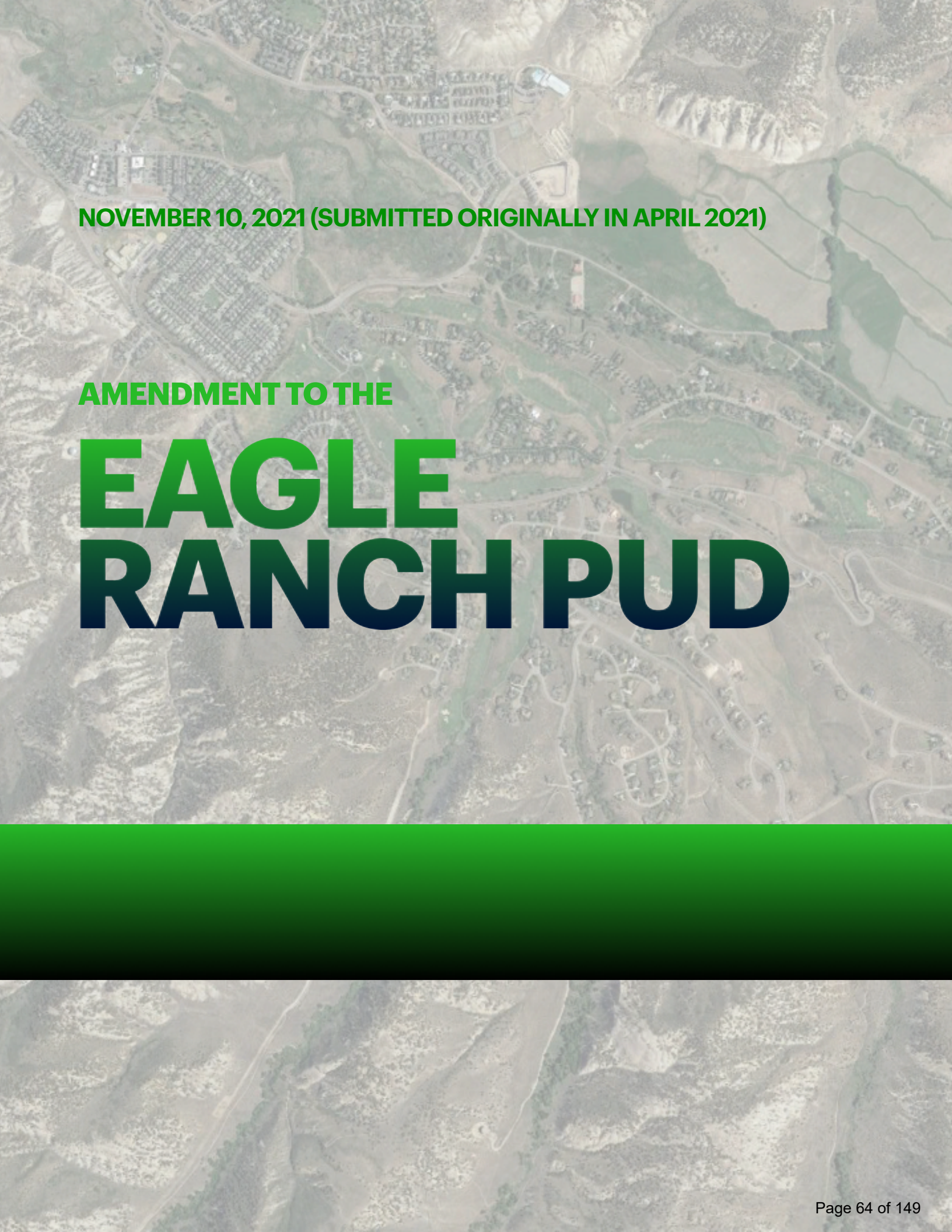
1. Recommend approval with no conditions.
2. Recommend approval with conditions.
3. Continue (table) the application:
(Provide staff and the applicant detail regarding information needed for a decision.)
4. Recommend denial:
(Cite all Code sections and/or Plan policies that resulted in motion for denial.)

FINDINGS OF FACT

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

IF APPROVED, THE COMMISSION MAY CONSIDER THE FOLLOWING SUGGESTED CONDITIONS OF APPROVAL:

1. Redlined PUD Guide Page 4, #3 PUD ZONE DISTRICTS – See PUD Zone District Map (Exhibit A) – replace “Town of Eagle Town Manager (or assigns) with “Town of Eagle Community Development Direct (or assigns)”.
 2. Redlined PUD Guide Page 2, delete #4. The accessory apartment shall not be leased for periods of less than 28 days.
 3. Provide a definition and general parameters for Special Events in Open Space Districts.
- OR
4. Delete “Special Events” as a use by right in the Open Space District.

An aerial photograph of a landscape. In the upper left, there is a residential area with many small houses. To the right of the houses is a golf course with several green fairways and sand traps. A river or stream flows through the lower right portion of the image. The terrain is hilly and covered with sparse vegetation.

NOVEMBER 10, 2021 (SUBMITTED ORIGINALLY IN APRIL 2021)

AMENDMENT TO THE

EAGLE RANCH PUD

Consultant Directory

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mruh@eastwest.com
970.328.2170

Dominic Mauriello, AICP
Mauriello Planning Group
2205 Eagle Ranch Road
Eagle, CO 81631
dominic@mpgvail.com
970.376.3318

INTRODUCTION

Eagle Ranch is a 1,900 acre community of nearly 1,250 properties surrounded by 13 miles of hiking and biking trails and seven neighborhood parks. The commercial district, Eagle Ranch Village, is an eclectic mix of shops, restaurants, fitness club and a movie theater as well as a home to local businesses and residences.

The Board of Directors is embarking on a process to update the zoning document that regulates activities within Eagle Ranch. Eagle Ranch is zoned Planned Unit Development (PUD) by the Town of Eagle. A PUD is a flexible zone district that has allowed Eagle Ranch to develop into the wonderful neighborhood that it is today.

The PUD Guide is the zoning document that regulates uses and development within Eagle Ranch and now after 20 years, is in need of a few modifications to reflect more closely how the neighborhood has been developed. The most significant changes are being proposed to the Eagle Ranch commercial area along Capitol Street but there are changes that affect most neighborhoods.

The Eagle Ranch Homeowners Association is requesting an amendment to the Eagle Ranch PUD Guide to allow for various modifications and clarifications that are needed. The Eagle Ranch PUD was originally adopted in 1998 and subsequently amended in 2001, 2003, 2004, 2013, and 2017.

The Board of the Eagle Ranch HOA held two public meetings of the ownership, both of which were well attended. Every owner within the PUD was notified twice of the proposed amendments and the opportunity to attend a virtual meeting. Based on the input received, many revisions were made resulting in the proposed submittal to the Town. The Board authorized the submittal of the PUD amendments to the Town of Eagle.

PUD BACKGROUND

The current PUD limits the number of dwelling units within the entire Eagle Ranch PUD to 1,295 units. Today, there are 1,245 dwelling units or lots. For reference, a vacant lot is considered one dwelling unit. Of the 1,295 allowed dwelling units, twenty-five (25) units are still available to be built at the Castle Peak Senior Center. There are no dwelling units available for the remainder of the main commercial area on Capitol Street. Therefore, the

HOA is seeking an amendment to allow for an additional 100 dwelling units in this area. Sixty (60) dwelling units exist there today. These additional dwelling units will allow for residential development on the remaining, undeveloped, parcels and would permit the developed commercial sites to add residences. We believe this will improve the vitality of our core commercial area.

Commercial floor area is being reduced in the commercial core area by 15,200 sq. ft. due to concerns from the Town staff related to increased traffic that could be realized over the next 20 years as dwelling units are added. The remaining commercial floor areas remain unchanged. The current PUD allows the following for commercial floor area:

120,000 sq. ft. in the commercial core (Capitol Street) - to be reduced to 104,800 sq. ft.

150,000 sq. ft. at Castle Peak Senior Center

175,200 sq. ft. at the Eagle Medical Center (Medical Only)

Total: 445,200 sq. ft.

The following is an accounting of the existing commercial floor area constructed (or approved such as Hagedorn Building and Village Market) and remaining in Eagle Ranch PUD:

88,477 sq. ft. in the commercial core - Capitol Street (16,323 sq. ft. remaining after adjusting total allowed)

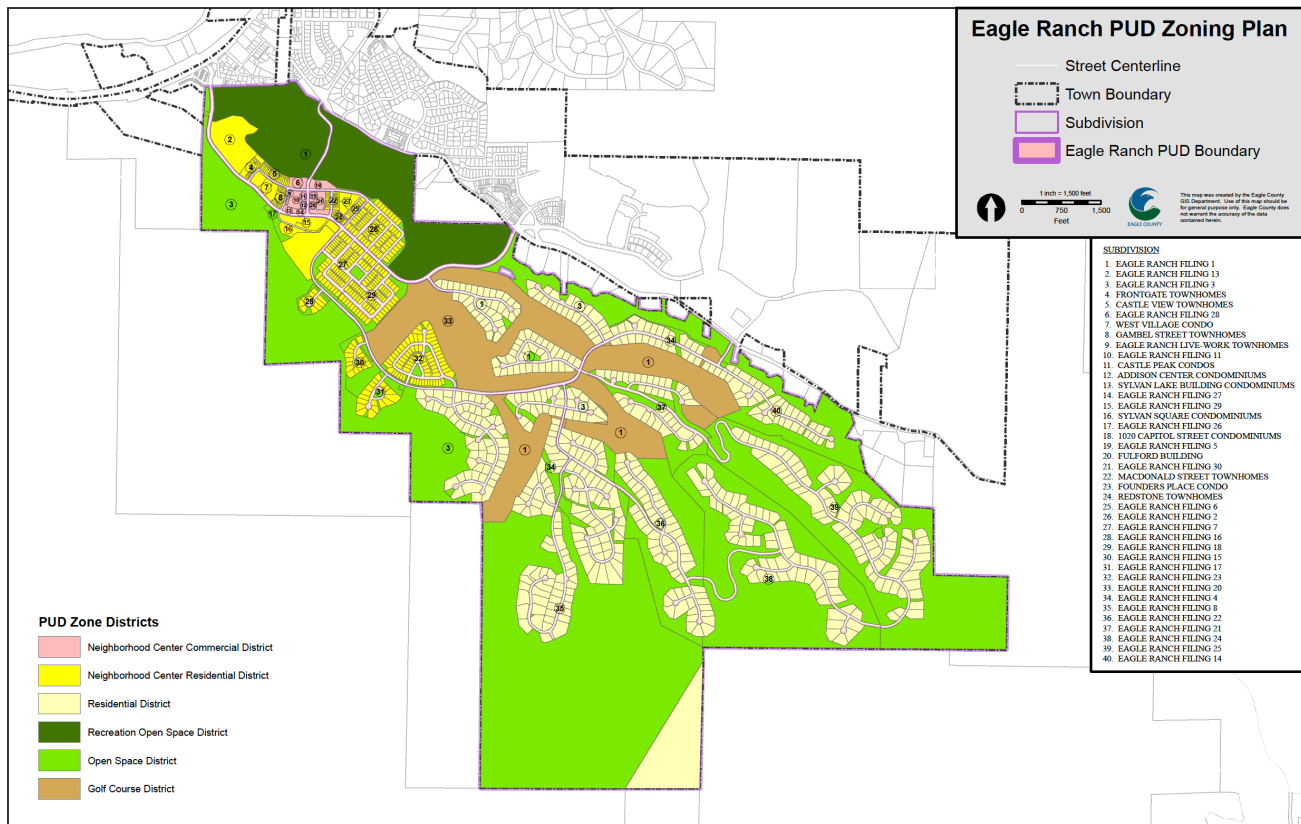
99,579 sq. ft. at Castle Peak (50,421 sq. ft. remaining) (44,000 sq. ft. accounts for residential development on its campus per PUD conversion of residential to commercial)

34,500 sq. ft. at Medical Center (140,700 sq. ft. remaining)

Total built: 170,650 sq. ft. (259,350 sq. ft. remaining after adjusting the total allowed)

SUMMARY OF PROPOSED CHANGES

Along with this submittal, the applicant has provided a revised PUD Guide, including a red-lined version of all changes. Additionally, a zoning new map has been created to accurately reflect the as-built conditions of the PUD. The map and proposed changes are summarized by PUD Zone District below:



Neighborhood Center Commercial District: This is a new district carved out of the previous Neighborhood Center district so that policies could be put in place that apply to this specific district. The changes include:

- Increased building height from 35' to 40' but maintaining the current 3-story building limitation;
- Increasing density provision to allow another 100 dwelling units within this district. This will allow the currently proposed building by the Hagedorns (16 units), any future units associated with the parcel previously approved for a grocery store, and any

conversions or additions to the upper levels of existing buildings or potential expansions of existing buildings;

- The addition of some uses including pet grooming (no boarding), veterinary clinic (no boarding), outdoor Christmas tree sales, indoor automotive sales, and outdoor car charging stations; and
- Parking requirements affecting the commercial district are being proposed to align more closely with accepted standards for mixed use and highly pedestrian areas (parking analysis provided).

Neighborhood Center Residential District: This is an existing district which includes most of the more densely developed residential areas (see map and list in PUD Guide). It also includes Brush Creek Elementary, Castle Peak, and the medical center. The changes include:

- Deleting Bed and Breakfast as an allowable special use; and
- No other changes are proposed. See below for changes to Accessory Apartment.

Residential District: This is an existing district which includes most of the single-family neighborhoods. The changes include:

- Removing multiple-family and duplex uses (never developed in PUD);
- Removing gravel borrow pit, model homes, and temporary sales office as allowed and special uses;
- Removing ridgeline protection provisions that were applicable to certain areas before they were platted as the provision is no longer relevant;
- Incorporating the HOA policy on the effect of consolidating lots by resubdivision which requires dues to be paid based upon the total number of original lots before they were consolidated. The policy also requires payment for past dues when lots are restored after being consolidated for lots consolidated prior to January 1, 2021; and
- See changes below to Accessory Apartment.

Recreation Open Space District: The changes include:

- Removing gravel borrow pits as an allowed use.

Open Space District: The changes include:

- Allowing for special events (i.e., races); and
- Removing gravel borrow pits as an allowed use.

Golf Course District: The changes include:

- Allowing for special events (i.e., races, events, and tournaments);
- Allowing outdoor electric car charging stations; and

- Removing gravel borrow pits as an allowed use.

Other Changes:

There are additional changes proposed for accessory apartments within all single-family areas, along with changes to the parking rules and regulations. These changes are summarized below:

A definition of Accessory Apartments is included within the PUD as follows:

Accessory Apartments: Accessory apartment to owner-occupied single-family dwelling means an individual dwelling unit subordinate to, and contained within or adjacent to, a single-family dwelling as may be further regulated in the Eagle Ranch Design Guidelines, subject to the following requirements:

1. The accessory apartment will be a complete, separate housekeeping unit.
2. The owners of the residence in which the accessory unit is created shall occupy at least one of the dwelling units on the premises except for temporary absences, during which time the owner-occupied dwelling unit shall remain unoccupied.
3. The accessory unit shall not exceed 850 square feet with a maximum of one-bedroom.
4. Occupancy shall not exceed two adults.
5. The accessory apartment shall not be leased for periods of less than 28 days.

Parking Requirements/Rates:

The parking requirements for single-family homes within the PUD remain unchanged.

Parking for a one bedroom multiple family dwelling has been reduced from 1.5 space per unit to 1 space per unit consistent with the parking analysis provided.

The commercial parking requirements for the Neighborhood Center Commercial District are being modify to reflect more closely the parking needs of the uses recognizing the mixed use nature of the area, its walkable and bike-able location, and differing hours of operation for the mix of uses. The current parking availability in this commercial core is 528 parking spaces which includes 164 on-street parking spaces and 364 parking lot spaces.

There is another future parking lot that can be developed located east of the parking lot behind 7 Hermits capable of providing an additional 35 parking spaces. The parking lots are owned by the Commercial Association.

See the PUD Guide and parking analysis study prepared by McDowell Engineering for more details.

CRITERIA FOR REVIEW

Section 9.B Major Modifications of the Eagle Ranch PUD Guide states:

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 amount of commercial space or 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 addition of land into the PUD.*

Applications for major modifications shall be heard in public hearing by the Town Council after receiving a recommendation from the Planning and Zoning Commission. The Town Council 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.

Additionally, Section 4.11.050 - Amendments to Planned Unit Development Zoning and Development, provides the Criteria for Review for a proposed amendment to a PUD. The are as follows:

- 1. Is consistent with the efficient development and preservation of the entire planned unit development;*
- 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;*
- 3. Is not granted solely to confer a special benefit upon any person;*

The proposed changes allow for efficient development and preservation of the entire PUD. Changes will encourage future redevelopment within the commercial core over the next 20 years. The changes affecting the remainder of the PUD are refinements that create help preserve the character of the PUD.

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;

Applicant Response: The changes to the PUD do not have substantially adverse impacts on uses abutting or across the street. The change in building height will have some minor impact on neighboring uses but to the level of being substantially adverse. The Neighborhood Commercial Center is a compact area where density and more intensive development should be encouraged. We believe the potential impacts of building scale are offset by the benefits of having a vital and active commercial center.

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

Applicant Response: The proposed amendments are on behalf of the Eagle Ranch Homeowners Association and do not confer a special benefit upon any person.

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

Applicant Response: The proposed amendments do not include any uses that would detract from other uses within the Eagle Ranch PUD. No new uses are being added that that will detract from other uses within the PUD. Residential density is being increase in the commercial core area to generate vitality, improve local housing opportunities, and improve economic conditions. Special events are listed as a permitted use in certain areas where they are currently occurring (race events, tournaments, etc.). The Town has a special event permit process that regulates such events.

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

Applicant Response: There are no changes to the open space, other than allowing for special events and removing the ability to do gravel borrow pits. As a result, the open space plan does not substantially change and the proposal complies with this criterion.

The Town staff requested that we analyze the open space impacts of the proposed PUD amendment. There is no detailed open space analysis of open space included in any of the Town's comprehensive planning documents including the Elevate Eagle plan completed in 2020. Additionally, the Town has no adopted community standard for open space or any identified need for open space and recreational needs. Collected from various statements and publications on the Town's website, it appears the Town has a total of 1,000+ acres of open space land that it owns including numerous parks, many of which are located within the Eagle Ranch PUD. Additionally, the Eagle Ranch Golf Course contains 200+ acres of open space and recreation land owned by the Eagle Ranch Metropolitan District. There are many acres of open space and recreation areas within development projects throughout the Town as well that are not accounted for. Future dedicated open space (hundreds of acres) is also in the review and development process with several new PUDs within the Town including Red Mountain, Hay Meadow, and Reserve at Hockett Gulch, not accounted for in these numbers. Also not accounted for are the many acres of recreation land owned by the school district. There are many miles of recreation trails, both paved and unpaved within the Town. There are over 104 miles of mountain bike and hiking trails within the Eagle area. The Town is surrounded by hundreds of thousands of acres of public open lands in addition to being in close proximity to two of the largest ski areas in North America.

The Town has a park land dedication provision which was adopted in 1986 which could be used to estimate community need for open space. However, the provision was adopted prior to Supreme Court cases of Nollan and Dolan which require that there be a rational nexus/reasonable relationship between the impacts and the need for park land. The calculations in the Town Code do not appear to be based on any detailed analysis. The status of the Town in 1986 was very different with a population of 1,200 and without Eagle Ranch. For the sake of argument if we use the same formula as included in the park land dedication, there should be 0.012 acres of open space/park land for each resident. If we estimate the Town's population at 7,000 today, that would produce a needed acreage of parks and

open space at 84 acres. The Town has at least 1,200 acres of open space, well in excess of the Town's park land formula.

The addition of 100 multiple family units within the commercial core of Eagle Ranch, based on the park land formula would produce a need for an additional 3 acres of open space or recreation land. The current acreage of parks and open space within the Town and surrounding the Town far exceeds any need for open space produced by the addition of 100 units within the Town.

It is very apparent when frequenting open space and recreational facilities within the Town, that there is a plethora of recreational opportunities. There is no overcrowding of park facilities and many open space and park areas are generally empty for most of the year and yet generate costs to the community to maintain and operate. This may be largely due to the fact that Eagle is largely a single-family community where people recreate in their own yards and due to the way people recreate today, versus 50 years ago, with highly programmed recreation throughout the region (kids programs, camps, skiing, river activities, road biking, mountain biking, ATVs, equestrian facilities, climbing, hiking, and camping).

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

Applicant Response: There are no additional street or utility plans as part of this proposed PUD amendment. The proposal therefore complies with this criterion.

~~FIFTH~~ SIXTH AMENDED PUD GUIDE FOR EAGLE RANCH PLANNED UNIT DEVELOPMENT

Amended and Approved
~~March 14, 2017~~ ADD IN DATE OF APPROVAL

This document supersedes and replaces the ~~Eagle Ranch PUD Guide February 26, 2013~~, December 3, 1998, the Amended PUD Guide dated February 13, 2001, the Amended PUD Guide dated August 2003, ~~and the Amended PUD Guide dated March 30, 2004~~, Eagle Ranch PUD Guide February 26, 2013, and the Amended PUD Guide dated March 14, 2017.

1. PURPOSE

The purpose of the Eagle Ranch PUD Guide is to serve as the governing regulations which will control the development of the Eagle Ranch 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 Eagle Ranch PUD authorizes ~~a total of 1,295 dwelling units, 120,000 square feet of commercial floor area, 175,200 gross square feet of additional commercial area limited to medical facility uses, and 150,000 square feet of additional floor area limited to senior care uses, a mixed-use development~~ on 1,967.91 acres of land within the Town of Eagle, Eagle County, Colorado. Development within the PUD is administered by the Town of Eagle through the provisions of 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.

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. Accessory Apartment:~~

Accessory apartment to owner-occupied single-family dwelling means an individual dwelling unit subordinate to, and contained within or adjacent to, a single-family dwelling as may be further regulated in the Eagle Ranch Design Guidelines, subject to the following requirements:

1. The accessory apartment will be a complete, separate housekeeping unit.
2. The owners of the residence in which the accessory unit is created shall occupy at least one of the dwelling units on the premises except for temporary absences, during which time the owner-occupied dwelling unit shall remain unoccupied.
3. The accessory unit shall not exceed 850 square feet of floor area (as defined by the Town Code) with a maximum of one-bedroom.
4. The accessory apartment shall not be leased for periods of less than 28 days.

B. Accommodation Unit:

Any room or group of rooms without a kitchen, used primarily as a bedroom for transient lodging, and accessible from common corridors, walks, or balconies without passing through another accommodation unit or dwelling unit. For purpose of density calculations one dwelling unit shall equal 3 accommodation units.

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.

Building Height:

The height of a building is measured using an elevated plane above the more restrictive of the existing or finished grade measured along the perimeter of the building or within the building footprint. No portion of the building or structure, except for chimneys may exceed this plane. For multiple family and commercial buildings, non-habitable architectural features such as mechanical appurtenances, chimneys, towers, steeples and similar features may exceed the building height by not more than 15 feet. The elevated plane is determined by the building height limitations contained within this PUD Guide.

~~BC.~~ Eagle Ranch PUD:

The Eagle Ranch PUD is a zone district authorized by the Town of Eagle Ordinance No. 5, Series of 1999, and containing the property commonly known as Eagle Ranch.

Floor area:

The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walks shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts

Floor area, net:

Total floor area minus fifteen percent (15%).

~~CD.~~ 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. Additional parking shall be provided at 1 space per guest room.~~

~~DE.~~ Hotel, Motel and Lodge:

A building containing five or more accommodation units intended for temporary occupancy of guests. Accessory uses to these facilities may include offices, laundry facilities, recreation facilities, lobbies, lounges, kitchen and dining facilities, meeting rooms, retail and other similar accessory uses ~~commonly customarily~~ associated with hotels, motels and lodges.

~~EE.~~ Planning Parcels:

~~Areas as indicated on the Eagle Ranch PUD Development Plan, the development of which shall be regulated by the Eagle Ranch PUD Guide.~~The PUD Guide originally referred to Planning Parcels but these Planning Parcels have been replaced with references to subdivision plats and condominium maps. The PUD Development Plan has been replaced with a PUD Zone District Map that shows all of the platted parcels within the PUD and their zone designations. Individual subdivision plats and condominium maps can be founded in the public records of the Eagle County Clerk and Recorder.

Seating Area:

The area within the interior of a restaurant or bar that contains tables, chairs, and bar stools used to calculated parking requirements.

3. **PUD ZONE DISTRICTS – See ~~attached PUD~~ Development-Zone District Map Plan (Exhibit A)**

The following are the PUD zone districts for Eagle Ranch. Any use not listed shall be prohibited unless determined to be a use similar to Uses By Right or Special Use or an accessory or ancillary use to those allowed as determined by the Eagle Ranch Association (or assigns) and the Town of Eagle Town Manager (or assigns).

Special uses listed herein shall be processed in accordance with the Town of Eagle Municipal Code. No application for special use shall be accepted by the Town unless a written approval has been issued by the Eagle Ranch Association Executive Board or assigns. The Executive Board shall make the following findings when approving a proposal for a special use:

- A. The use is generally compatible with adjacent uses and other uses by right within the district allowed;
- B. The impacts generated by the use are able to be appropriately mitigated; and
- C. The use will likely have a positive impact upon the economic vitality of the district.

1A.Neighborhood Center ~~Commercial District~~ -Parcels A, B, B1, C, D, E, F, G

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 a neighborhood center which will allow for sites for a variety of commercial, residential, lodging, educational and recreational uses and activities in a mixed- use setting in order to serve the needs of the residents of Eagle. The uses by right in these parcels are 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. Lots and parcels included:

Lots 1 and 2, Eagle Ranch Filing 28

1020 Capital Street Condominiums including Lot B-3A

Eagle Ranch Live-work Townhomes

Lot 1, Eagle Ranch Filing 11

Castle Peak Condominiums

Addison Center Condominiums

Lot 2, Eagle Ranch Filing 27

Sylvan lake Building Condominiums

Tract A, Lots 1 and 2, Eagle Ranch Filing 30

Fulford Building

Lots 1 and 2, Block 9, Eagle Ranch Filing 5

23. Uses by Right:

- a) Commercial uses including any activity for the purpose of generating retail business or consumer services including retail stores, professional and medical offices and businesses, banks and financial institutions, real estate sales offices, personal services, food and beverage establishments, public and private clubs, and recreation and entertainment uses. Provided, however, at no time shall the gross square footage of all commercial floor areas in all planning parcels within the Eagle Ranch PUD, exclusive of ~~commercial area for use as medical office and related commercial uses on Lot 1 Filing 13, and exclusive of~~ floor area for senior care uses on Lots 1 and 2, 3, 4, Filing 2629, exceed 120,000 square feet. ~~The 120,000 square feet of commercial space permitted by this Section 2a is in addition to the 175,200 square feet of commercial floor area for medical facility uses as provided in Section 2e and the 150,000 square feet of floor area for senior care uses as provided in 2f.~~
- b) ~~*Residential uses including single family, two family and multi- family dwellings and apartments. However, the total number of residential units in all planning parcels within the Eagle Ranch PUD, including residential units located in live/work units and in mixed use residential/commercial structures, shall not at any time exceed 1,295 units.~~
- c) Live/work units, which combine residential and commercial uses in a single building.
- d) ~~**Extended stay and temporary lodging facilities including hotel, motel, and bed and breakfast.~~
- e) ~~Commercial area for use as medical facility not to exceed 175,200 square feet and limited in location to Lot 1 Filing 13. The following uses and ancillary support uses are the only allowed uses on Lot 1 Filing 13. The following uses are allowed under the category of medical uses:~~
 - ~~Medical offices not to exceed 40,000 square feet.~~

~~Adult health day/_assisted/_extended care living facilities not to exceed 63,000 square feet and 90 beds.~~

~~Outpatient services, including urgent care/occupational health/outpatient surgery/_pharmacy/_lab and waiting and admitting not to exceed 13,000 square feet.~~

~~Inpatient services including birthing center/observation unit/_ICU/_inpatient bed unit not to exceed 18,500 square feet.~~

~~Support services including dining, food prep, records/_administration/_service and loading/_mechanical/_supply, processing and storage not to exceed 11,500 square feet.~~

~~Each of these uses will be allowed a public circulation and fit up factor of 20%, not to exceed the total gross square foot allowance of 175,200. The 175,200 square feet of commercial floor area limited to medical facility uses permitted by this Section 2e is in addition to the 120,000 square feet of commercial floor area as provided for in Section 2a.~~

- ~~f) Without limiting the uses by right related to residential use of the property as otherwise set forth herein, the senior care uses identified in this paragraph 2(f) shall not exceed 150,000 gross square feet and shall be limited in location to Lots 2, 3 and 4, Filing 26. The 150,000 gross square feet of floor area is in addition to the 120,000 square feet of commercial floor area provided in Section 2(a).~~

~~The only uses allowed on Lots 2, 3 and 4, Filing 26 shall be (i) senior care uses as identified below and additional or accessory uses customarily appurtenant to or determined to be incidental thereto; or (ii) 75 residential dwelling units of the type permitted in the Neighborhood Center zone district and additional or accessory uses customarily appurtenant to or determined to be incidental thereto; or (iii) any combination of senior care uses and residential dwelling units as described herein using a conversion factor of 2,000 square feet of senior care use per residential dwelling unit. The foregoing uses shall not diminish the 120,000 square feet of commercial floor area identified in paragraph 2(a) hereof.~~

~~Senior care uses include any combination of independent living, assisted living, skilled nursing, memory care, adult day care, wellness activity center, community center, support services, medical offices, dining facility and food preparation, hair salon, and other uses related and incidental to the provision of senior care services and uses and/or special services for~~

~~handicap/disabled individuals.~~

- ~~ge)~~ ****Educational facilities including public and private schools, colleges, and elderly care.**
- ~~hf)~~ ****Parking facilities.**
- ~~i)~~ ~~**Accessory apartment to owner occupied single family dwelling, as defined in Section 2.A. of this PUD Guide not to exceed 700 square feet.**~~
- ~~jg)~~ **Utility service structures and buildings.**
- ~~kh)~~ ****Churches, museums, libraries, firehouses and other governmental services and public buildings.**
- ~~li)~~ **Indoor and outdoor recreational facilities.**
- ~~mj)~~ **Home occupations.**
- ~~nk)~~ **Parks and open space.**
- ~~o)~~ ~~**Model homes.**~~
- ~~pl)~~ **Equestrian, pedestrian and bicycle trails.**
- ~~qm)~~ **Temporary construction staging areas.**
- ~~rn)~~ **Additional uses determined to be similar to uses by right listed above in this section.**
- ~~so)~~ **Accessory uses customarily appurtenant to uses by right listed in this section ~~above including special events.~~**
- ~~tp)~~ **Childcare, six or less children in compliance with State regulations.*****
- ~~q)~~ ~~**Outdoor electric car charging stations.**~~
- ~~r)~~ ~~**Veterinary clinic without daycare or overnight boarding of pets, except as necessary for medical treatment, and without crematory facilities.**~~
- ~~s)~~ ~~**Pet grooming.**~~
- ~~t)~~ ~~**Indoor automotive sales.**~~
- ~~u)~~ ~~**Outdoor seasonal Christmas tree sales.**~~

~~* These two family dwellings are limited to Parcels A, B1, C, E, F and G.~~

~~** These uses are limited to Parcels A, B and B-1.~~

~~*** six or less children permitted in Parcels A, B, B1, and D~~

3. Special Uses:

- a) *Any commercial use which involves on site fabrication or manufacture of a product.
- b) *Any commercial use which requires outdoor storage & display of merchandise except as listed in uses by right.
- c) *Gasoline service station.
- ~~d) Outdoor storage of automobiles, recreational vehicles and other large items.~~
- ~~ed) Childcare of more than six children in compliance with State regulations.~~
- ~~f) Veterinary clinic, which may or may not include kennel services~~
- ~~g) Kennel, as defined by the Eagle Town Code~~
- ~~* These uses are limited to Parcels A, B and B-1.~~

4. Minimum Building Setback Requirements:

~~a) Commercial uses:~~

There shall be no setback requirements for commercial and mixed use buildings within Parcels accommodating these uses except as may be necessary to accommodate utilities, drainage, access, fire and building code regulations. ~~There shall also be a 50' building setback from minor streams and a 100' building setback from Brush Creek. Uses on Lot 1 Filing 13 shall include a 50' building setback from Sylvan Lake Road, a 25' building setback from all other roads, a 15' building setback from side and rear property lines and a 15' parking setback from Sylvan Lake Road. Senior Care Uses on Lots 2, 3 and 4, Filing 26 have no minimum setback requirements except as may be necessary to accommodate utilities, drainage, access, fire and building code regulations.~~

There shall also be a 50' building setback from minor streams and a 100' building setback from Brush Creek.

~~b) Residential uses:-~~

~~Front: 15 feet.~~

~~Front yard setbacks along MacDonald and Gambel Streets shall be 15' from the property line to the front facade of the building. Porches less than 42" above finish grade and roofs over porches may not be closer than 10' to the front property line. Decks or balconies over porches shall not be closer than~~

~~15' to the front property line. Steps to porches may not be closer than 5' to the front property line.~~

~~Side: 5 feet, except in Tract C, G and E the side yard setback is 7.5 feet. Residential buildings on separate lots must maintain a 15' separation from the primary wall planes.~~

~~Rear: 5 feet, except in Tract C, G and E the rear yard setback is 15 feet.~~

~~There shall also be a 50' building setback from minor streams and a 100' building setback from Brush Creek.~~

5. Maximum Building Height:

~~Commercial, public and senior care buildings (uses) shall be limited to not more than two stories, with the exception that:~~

~~(a1) a senior care building located at the intersection of Capitol Street and Sylvan Lake Road, if constructed, shall be limited to not more than three stories and not to exceed a height of 50 feet. Non-habitable architectural features such as mechanical appurtenances, chimneys, towers, steeples and similar features may exceed the commercial building height by not more than 15 feet. In the event a senior care building is planned for the intersection of Capitol Street and Sylvan Lake Road, such senior care building shall include architectural elements and be located on a site plan to provide a focal point at this key intersection within the Neighborhood Center of the Eagle Ranch Planned Unit Development. Any design review of such senior care building will occur as set forth in paragraph 6 (Design Review) of this PUD Guide.~~

~~(ba2) Mixed use commercial and residential buildings may be three stories not to exceed 35-40 feet in height. Non-habitable architectural features such as mechanical appurtenances, chimneys, towers, steeples and similar features may exceed the building height by not more than 15 feet.~~

~~(eb) Multiple family residential buildings, and apartments shall be limited to 35 40 feet in height and a maximum of three stories. Single-family residential structures shall not exceed 24 feet at the plate line of the primary roof form.~~

6. Maximum Lot Coverage:

Commercial, Mixed use, and Multi Family:

Building - 80%

All impervious materials- 100%

Landscape area – No minimum landscape area is required. Adequate

landscape areas shall be provided as determined by the Design Review Board on a case by case basis recognizing the urban nature of this district.

~~A minimum of 15% of the portion of the Neighborhood Center as depicted in Exhibit A shall be maintained as landscaped area. Should commercial uses extend outside of the boundaries of Exhibit A, the exhibit shall be considered expanded by the boundaries of the commercial uses.~~

~~Residential Multi Family~~

~~Building 60%~~

~~All impervious materials—80%~~

~~Residential Single Family~~

~~Building 40%~~

~~All impervious materials—60%~~

7. Maximum Density:

The maximum density within the Neighborhood Center Commercial District for multiple family residential parcels shall not exceed 15 dwelling units per acre, except for senior care uses and residential uses as identified in Section 3.A1.2(f) shall be limited to 160 units which is approximately 15 units per acre for the entire area of the district.

B. Neighborhood Center Residential District

1. Purpose:

To provide sites for single family homes, townhomes, and multi-family units 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. Also included are medical and senior care facilities.

2. Lots and parcels included:

Macdonald Street Townhomes, Phases 1 and 2, including Tracts A-D

Redstone Townhomes

Founders Place Condominiums

Eagle Ranch Filing 2, Block 4 (Village Homes)

Eagle Ranch Filing 3, Tract B-4 (School)

Eagle Ranch Filing 6, Block 10

Eagle Ranch Filing 7 (Village Homes)

Eagle Ranch Filing 13 (Medical Center)

Eagle Ranch Filing 15 (Newquist Street)

Eagle Ranch Filing 16 (Horton Street)

Eagle Ranch Filing 17 (Seabry Street)

Eagle Ranch Filing 18 (Village Homes)

Eagle Ranch Filing 23 (Aidens Meadow)

Eagle Ranch Filing 26, Tract A (Open Space)

Eagle Ranch Filing 29 (Castle Peak)

Sylvan Square Condominiums

Gambel Street Townhomes

Castle View Townhomes

West Village Condominiums

Frontgate Townhomes

3. Uses by Right:

- a) Residential uses including single-family, two-family and multi-family dwellings and apartments.
- b) Medical facility not to exceed 175,200 square feet and limited in location to Lot 1 Filing 13. The following uses and ancillary support uses are the only allowed uses on Lot 1 Filing 13. The following uses are allowed under the category of medical uses:
 - i. Medical offices not to exceed 40,000 square feet.
 - ii. Adult health day / assisted / extended care living facilities not to exceed 63,000 square feet and 90 beds.
 - iii. Outpatient services, including urgent care /occupational health / outpatient surgery / pharmacy / lab and waiting and admitting not to exceed 13,000 square feet.
 - iv. Inpatient services including birthing center/observation unit / ICU / inpatient bed unit not to exceed 18,500 square feet.
 - v. Support services including dining, food prep, records / administration / service and loading / mechanical / supply, processing and storage not to exceed 11,500 square feet.

Each of these uses will be allowed a public circulation and fit up factor of 20%, not to exceed the total gross square foot allowance of 175,200.

- c) Senior care facility not exceeding 150,000 gross square feet and shall be limited in location to Lots 1, 2, and 3 of Filing 29.

The only uses allowed on Lots 1, 2, and 3, Filing 29 shall be (i) senior care uses as identified below and additional or accessory uses customarily appurtenant to or determined to be incidental thereto; or (ii) 75 residential dwelling units of the type permitted in the Neighborhood Center Residential District and additional or accessory uses customarily appurtenant to or determined to be incidental thereto; or (iii) any combination of senior care

uses and residential dwelling units as described herein using a conversion factor of 2,000 square feet of senior care use per residential dwelling unit.

Senior care uses include any combination of independent living, assisted living, skilled nursing, memory care, adult day care, wellness activity center, community center, support services, medical offices, dining facility and food preparation, hair salon, and other uses related and incidental to the provision of senior care services and uses and/or special services for handicap/disabled individuals.

- d) Educational facilities including public and private schools, colleges, and elderly care.
- e) Parking facilities.
- f) Accessory apartment
- g) Utility service structures and buildings.
- h) Churches, museums, libraries, firehouses and other governmental services and public buildings.
- i) Indoor and outdoor recreational facilities.
- j) Home occupations.
- k) Parks and open space.
- l) Equestrian, pedestrian and bicycle trails.
- m) Temporary construction staging areas.
- n) Additional uses determined to be similar to uses by right listed in this section.
- o) Accessory uses customarily appurtenant to uses by right listed in this section including special events.
- p) Childcare six or less children in compliance with State regulations.
- q) Outdoor electric car charging stations.

4. Special Uses:

- a) Childcare of more than six children in compliance with State regulations.

5. Minimum Building Setback Requirements:

Front: 15 feet.

Front yard setbacks along MacDonald and Gambel Streets shall be 15' from the property line to the front facade of the building. Porches less than 42" above finish grade and roofs over porches may not be closer than 10' to the front property line. Decks or balconies over porches shall not be closer than 15' to the front property line. Steps to porches may not be closer than 5' to the front property line.

Side: 5 feet, except in Tract C, G and E the side yard setback is 7.5 feet. Residential buildings on separate lots must maintain a 15' separation from the primary wall planes.

Rear: 5 feet, except in Tract C, G and E the rear yard setback is 15 feet.

There shall be a 50' building setback from minor streams and a 100' building setback from Brush Creek.

6. Maximum Building Height:

- a) A senior care building located on Lots 1 and 2, Filing 29 shall be limited to not more than three stories and not to exceed a height of 50 feet.
- b) Multiple family residential buildings, and apartments shall be limited to 35 feet in height. Single-family residential structures shall not exceed 24 feet at the plate line of the primary roof form.
- c) The medical facility located in Eagle Ranch Filing 13 shall be limited to 35' in height.

7. Maximum Lot Coverage:

Medical facility, Senior Care, and Educational facility:

Building - 80%
All impervious materials- 100%

Residential Multi Family:

Building 60%
All impervious materials - 80%

Residential Single Family:

Building 40%
All impervious materials - 60%

8. Maximum Density:

See Section 4 Density Control. Except for the Senior Care facility located in Eagle

Ranch Filing 29, the remainder of this district has no additional density available beyond what has already been subdivided.

BC2. Residential ~~Parcels~~ District H, I, J, K, L, M, N, O, P, P1, Q, R, S, Tracts 1, 2, 3, 4, 5, 6, and 7

1. Purpose:

To provide sites for low density single-family home sites.

2. Lots and parcels included:

Eagle Ranch Filing 1 (Abrams Creek, Lime Park, Haystacker)

Eagle Ranch Filing 3 (Abrams Creek, Robins Egg)

Eagle Ranch Filing 4 (Bunkhouse, Eagle Ranch Road)

Eagle Ranch Filing 8 (Hernage Creek)

Eagle Ranch Filing 14 (Eagle Ranch Road)

Eagle Ranch Filing 21 (Haystacker)

Eagle Ranch Filing 22 (Fourth of July)

Eagle Ranch Filing 24 (East Haystacker)

Eagle Ranch Filing 25 (Haystacker)

23. Uses by Right:

- a) Single-family dwelling ~~u-n-i-t~~ units not to exceed 7,000 square foot maximum size.
- ~~b) Multiple family dwelling units in parcels N & P1.~~
- ~~c) Duplex units on Tract P1.~~
- ~~db) Accessory apartment to owner occupied single family dwelling, as defined in Section 2.A. of this PUD Guide. Accessory apartment to owner occupied single family dwelling unit not to exceed 700 square feet.~~
- ec) Parks, recreation facilities and open space.
- fd) Home occupations.
- ge) Utility services structures and buildings / golf course maintenance facilities.
- hf) Equestrian, pedestrian and bicycle trails.
- ig) Lakes, ponds, reservoirs and irrigation ditches.
- jh) Temporary construction staging areas.

- ki) Additional uses determined to be similar to uses by right listed above.
- lj) Accessory uses customarily appurtenant to uses by right listed above.

~~m) Gravel borrow pit.~~

~~34.~~ Special Uses:

- a) Day care of more than 6 children and elderly care.
- ~~b) Bed and breakfast.~~
- ~~c) Temporary sales office.~~
- ~~d) Model homes.~~

~~25.~~ Minimum Building Setback Requirements:

Front: 25 feet

Side: 12 feet

Rear: 15 feet

Live stream: 50 feet for minor streams, 100 feet for Brush Creek

~~56.~~ Maximum Building Height:

35 feet.

~~67.~~ Density Allowance and Lot Consolidation:

~~The maximum density for multiple family residential parcels shall not exceed 10 dwelling units per acre. One dwelling unit per lot. No lot originally platted shall be further subdivided to create a new lot capable of being developed with dwelling unit.~~

~~Lots may be consolidated from two or more lots, into a single lot through the Lot Line Adjustment or similar process, as may be amended from time to time, with the Town of Eagle. A building envelope shall be established for the new lot for the development of a single-family home and is subject to Eagle Ranch Design Review Board approval in consideration of impacts to neighboring properties, drainage patterns, and natural features. The consolidation does not remove voting rights per the original number of lots. The consolidation of lots may be restored to the previous subdivision with the original lot sizes through the same process used to create the consolidation.~~

~~78.~~ Maximum Lot Coverage:

Building - 30%

All impervious materials - 50%

~~89.~~ Building Envelopes:

~~The Subdivision Final Plat or Plats for Parcels K, L, M and Tracts 1, 2, 3, 4, 5, 6 and 7, as~~

~~shown on the Development Plan as amended 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, home Home site construction disturbance on any lot over 1/2 acre that is located within, or partially within, areas of native vegetation that have not been previously cultivated for agricultural use Eagle Ranch Filings 8, 22, 24, and 25 shall be limited to a building envelope of 16,500 square feet. Developer's application(s) for Subdivision Final Plat approval Parcels K, L, M, and Tracts 1, 2, 3, 4, 5, 6, and 7 as shown on the Development Plan, as amended, shall include a supplemental exhibit specifying lots requiring building envelopes. Upon approval of such supplemental exhibit by the Town, 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 Preliminary Plan application for design review. 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 16,500 20,000 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 outbuildings, driveways, walkways, patios and landscaped areas.

All portions of a lot outside of the designated 16,500 square feet building envelope ~~as require for parcels K, L, M and Tract 1, 2, 3, 4, 5, 6 and 7, as shown on the development plan, as amended,~~ shall be retained in its natural state to maintain undisturbed native vegetation as wildlife habitat. No grading, vegetation manipulation ~~(except noxious weed control protocols and wildfire hazard mitigation protocols adopted by the Town)~~ or landscaping shall be permitted on these lands, except for wildfire hazard mitigation requirements approved by the Design Review Board and in accordance with the requirements of the Town of Eagle and noxious weed control. Underground utility crossings shall be permitted but must be revegetated to a natural condition subject to Design Review ~~Committee Board~~ and Town approval.

9. ~~Ridge Line Visibility:~~

~~At the time of review of an application for subdivision final plat approval that includes those portions of Tract 1 and Tract 6, contained within the Eagle Ranch Addition No. 4, and Tract 7, contained within the Lapin Parcel Addition, as shown on the Development Plan, as amended, that are visible from Brush Creek Road, the developer shall demonstrate that the ridge line visibility of structures on lots within these areas has been minimized when viewed from Brush Creek Road. In addition, at the time of review of an application for subdivision final plat approval that includes the areas described above, the Developer shall present for approval by the Town, a set of "design guidelines" which may establish more restrictive setbacks, allowable building heights, colors, landscaping and/or exterior lighting standards~~

~~than currently exist in the P.U.D. Guide to further address ridge line visual impacts of the residential development as viewed from Brush Creek Road. As used in this section the term “ridge line visibility” shall mean the condition in which a substantial, identifiable portion of the structure is visible against the sky.~~

3CD. **Recreation Open Space** ~~**District—Parcels OS6, OS7**~~

1. Purpose:

To provide sites for park and recreation facilities, open space, water storage and drainage improvements, landscape ~~improvements~~, ~~stream~~ improvements, stream corridors and recreation trails.

2. Lots and parcels included:

Tract OS6, Eagle Ranch Filing 1

Tract OS7, Eagle Ranch Filing 1

~~23.~~ 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 (subject to a special event permit from the Town).
- g) Public Administration building.
- h) Administration / Maintenance facilities.
- i) Equestrian, pedestrian and bicycle trails.
- j) Landscape improvements.
- k) Lakes, ponds, reservoirs and irrigation ditches.
- l) Temporary construction / administration office and sales center.
- m) Agricultural uses.
- n) Public or private roads and utilities including bridges, utility improvements, lines and mains, facilities, services and buildings.

- o) Additional uses determined to be similar to uses by right listed in this section ~~above.~~

- ~~p) Gravel borrow pit.~~

~~34.~~ Minimum Building Setback Requirements:

There shall be a 25' building setback from all lot lines that front public roads. From other lot lines there shall be no minimum except must be sufficient to

accommodate utilities, drainage, access, fire and building code regulations.

There shall ~~also~~ be a 50' building setback from minor streams and a 100' building setback from Brush Creek.

45. Maximum Building Height:

35 Feet. Non-habitable architectural features such as chimneys, towers, steeples and similar features shall be excluded from the calculation of building height.

56. Density Allowance:

N/A.

67. Maximum Site Coverage:

N/A.

DE4. ~~Natural Open Space District—Parcels OS1, OS2, OS3, OS4, OS5, OS8, and Tracts OS-A, OS-B, OS-C, OS-D, OS-E, OS-F, OS-G.~~

1. Purpose:

To provide sites for natural open space, trails and park facilities, water storage and drainage improvements and landscape improvements.

2. Lots and parcels included: (need to generate list of all open space parcels, tracts)

Parcel A, Block 1, Eagle Ranch Filing 1

Parcel B, Block 1, Eagle Ranch Filing 1

Parcel C, Block 2, Eagle Ranch Filing 1

Parcel D, Block 2, Eagle Ranch Filing 1

Tract OS9, Eagle Ranch Filing 2

Tract OS10, Eagle Ranch Filing 2

Tract OS1, Eagle Ranch Filing 3

Tract OS3, Eagle Ranch Filing 3

Tract OS5, Eagle Ranch Filing 3

Tract OS-11, Eagle Ranch Filing 3

Tract U, Eagle Ranch Filing 3

Parcel A, Block 3, Eagle Ranch Filing 3

Parcel B, Block 3, Eagle Ranch Filing 3

Parcel C, Block 3, Eagle Ranch Filing 3

Parcel D, Block 3, Eagle Ranch Filing 3

Parcel E, Block 3, Eagle Ranch Filing 3

Parcel F, Block 3, Eagle Ranch Filing 3

Parcel F, Block 5, Eagle Ranch Filing 3

Parcel A, Block 6, Eagle Ranch Filing 4

Parcel A, Block 7, Eagle Ranch Filing 4

Parcel B, Block 7, Eagle Ranch Filing 4

Tract OS12, Block 6, Eagle Ranch Filing 4

Tract OS13, Block 6, Eagle Ranch Filing 4

Tract OS14, Block 7, Eagle Ranch Filing 4

Tract OS15, Block 7, Eagle Ranch Filing 4

Tract OS16, Block 8, Eagle Ranch Filing 4

Tract A, Eagle Ranch Filing 7

Tract G, Eagle Ranch Filing 7

Tract OS-1, Eagle Ranch Filing 7

Tract T, Eagle Ranch Filing 8

Parcel A, Eagle Ranch Filing 8

Tract OS17, Eagle Ranch Filing 8

Tract OS18, Eagle Ranch Filing 8

Tract OS19, Eagle Ranch Filing 8

Tract OS20, Eagle Ranch Filing 8

Tract OS21, Eagle Ranch Filing 8

<u>Tract OS22, Eagle Ranch Filing 8</u>
<u>Tract OS23, Eagle Ranch Filing 8</u>
<u>Tract OS4, Eagle Ranch Filing 14</u>
<u>Tract B, Eagle Ranch Filing 14</u>
<u>Tract OS-A, Eagle Ranch Filing 15</u>
<u>Tract OS-B, Eagle Ranch Filing 15</u>
<u>Tract OS-C, Eagle Ranch Filing 15</u>
<u>Tract OS-D, Eagle Ranch Filing 15</u>
<u>Tract OS-E, Eagle Ranch Filing 15</u>
<u>Tract C1, Eagle Ranch Filing 16</u>
<u>Tract C2, Eagle Ranch Filing 16</u>
<u>Tract OS-C1, Eagle Ranch Filing 16</u>
<u>Tract OS-C2, Eagle Ranch Filing 16</u>
<u>Tract G1, Eagle Ranch Filing 17</u>
<u>Tract G2, Eagle Ranch Filing 17</u>
<u>Tract G3, Eagle Ranch Filing 17</u>
<u>Tract G4, Eagle Ranch Filing 17</u>
<u>OSG-1, Eagle Ranch Filing 17</u>
<u>OSG-2, Eagle Ranch Filing 17</u>
<u>Tract OS-D1, Eagle Ranch Filing 18</u>
<u>Tract OS-N1, Eagle Ranch Filing 21</u>
<u>Tract OS-N2, Eagle Ranch Filing 21</u>
<u>Tract OS-N3, Eagle Ranch Filing 21</u>
<u>Tract OS-N4, Eagle Ranch Filing 21</u>
<u>Tract OS-N6, Eagle Ranch Filing 21</u>

<u>Tract OS-N7, Eagle Ranch Filing 21</u>
<u>Tract OS-N8, Eagle Ranch Filing 21</u>
<u>Tract OS-M1, Eagle Ranch Filing 22</u>
<u>Tract OS-M3, Eagle Ranch Filing 22</u>
<u>Tract OS-M4, Eagle Ranch Filing 22</u>
<u>Tract OS-M5, Eagle Ranch Filing 22</u>
<u>Parcel OS1, Eagle Ranch Filing 23</u>
<u>Parcel OS2, Eagle Ranch Filing 23</u>
<u>Parcel OS3, Eagle Ranch Filing 23</u>
<u>Parcel OS4, Eagle Ranch Filing 23</u>
<u>Parcel OS5, Eagle Ranch Filing 23</u>
<u>Parcel OS6, Eagle Ranch Filing 23</u>
<u>Tract OS-B, Eagle Ranch Filing 24</u>
<u>Tract OS-C, Eagle Ranch Filing 24</u>
<u>Tract OS-F, Eagle Ranch Filing 25</u>
<u>Tract OS-G, Eagle Ranch Filing 25</u>
<u>Tract OS-I, Eagle Ranch Filing 25</u>
<u>Tract OS-J, Eagle Ranch Filing 25</u>
<u>Tract A, Eagle Ranch Filing 26</u>

23. Uses by Right:

- a) Equestrian, pedestrian and bicycle trails.
- b) Landscape improvements.
- c) Lakes, ponds, reservoirs and irrigation ditches.
- d) Park and picnic facilities.
- e) Public or private roads, trailhead parking and utilities including bridges, utility improvements, lines and mains, facilities, services and buildings.
- f) Agricultural uses.

g) Special events (subject to a special event permit from the Town).

~~g) Gravel borrow pit.~~

~~34.~~ Minimum Building Setback Requirements:

N/A

~~45.~~ Maximum Building Height:

N/A

~~56.~~ Density Allowance:

N/A

~~67.~~ Maximum Site Coverage:

N/A

~~5EF.~~ _____ Golf Course District—Parcels GC1, GC2, GC3, GC4.

1. Purpose:

To provide sites for golf course and related improvements.

2. Lots and parcels included:

Tract GC1, Eagle Ranch Filing 1

Tract GC2, Eagle Ranch Filing 1

Tract GC3, Eagle Ranch Filing 1

Tract GC4, Eagle Ranch Filing 1

Tract GC5, Eagle Ranch Filing 3

Tract GC6, Eagle Ranch Filing 3

Tract GC7, Block 6, Eagle Ranch Filing 4

Tract GC8, Block 6, Eagle Ranch Filing 4

Tract GC9, Block 6, Eagle Ranch Filing 4

Tract GC10, Block 8, Eagle Ranch Filing 4

Tract GC11, Eagle Ranch Filing 8

Tract GC1, Eagle Ranch Filing 20

Tract GC8, Block 6, Eagle Ranch Filing 21

23. Uses by Right:

- a) Golf Course and related ancillary facilities.
- b) Clubhouse and related ancillary facilities, ~~which may include a real estate office solely for marketing Eagle Ranch and Allen Tract properties. Such office shall not exceed 150 square feet of space within existing clubhouse.~~
- c) Maintenance Facilities.
- d) Storm shelters.
- e) Concessions.
- f) Public or private roads and utilities including bridges, pedestrian and bicycle trails, utility improvements, lines and mains, facilities, services and buildings.
- g) Day care and elderly care within the clubhouse facilities.
- h) Outdoor electric car charging stations.
- i) Special events (subject to a special event permit from the Town).
- j) Additional uses determined to be similar to uses by right listed in this section above.
- ki) Accessory uses customarily appurtenant to uses by right listed in this section above.
- j) ~~Gravel borrow pit.~~

34. Minimum Building Setback Requirements:

There shall be a 25' building setback from all lot lines that front public roads. From other lot lines there shall be no minimum except must be sufficient to accommodate utilities, drainage, access, fire and building code regulations and flood plain of live streams.

45. Maximum Building Height:

35 feet.

4. DENSITY CONTROL and WATER RIGHTS DEDICATION

There is no additional residential density available in Eagle Ranch beyond what has already be subdivided and platted except for 75 dwelling units associated with senior care facilities located in Eagle Ranch Filing 29 and 160 dwelling units allowed in the Neighborhood Center Commercial District. Of the 160 dwelling units allowed in the Neighborhood Center Commercial District, 100 dwellings were created by amendment in 2021 at the request of the Executive Board of the Eagle Ranch Property Owners Association

(Executive Board). The Executive Board shall be responsible for dispersing the additional 100 dwelling units within the Neighborhood Center Commercial District subject to rules and regulations that it establishes. Allowable maximum densities for each parcel are set forth within the following density chart; provided however, that any parcel may contain up to 1.5 times the total number of allowable dwelling units as described below. Any such increase in density of a parcel shall be offset by an equal decrease in density from another 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. In no event shall the total number of residential units, including residential units located in live/work units and in mixed-use residential/commercial structures, in all planning parcels within the Eagle Ranch PUD combined exceed 1,295 units. Accessory dwelling units/apartments not exceeding seven hundred (700) square feet appurtenant to owner-occupied single-family dwellings shall not be included in such limitation. The maximum square feet of gross commercial floor area in all planning parcels within the Eagle Ranch PUD shall not exceed ~~120,000~~104,800 square feet, with the exception of medical related facilities on Lot 1, Filing 13 which shall not exceed 175,200 gross square feet and senior care uses on Lots ~~2, 3 and 41 and 2~~, Filing ~~26-29~~ which shall not exceed 150,000 gross square feet, subject to the density and floor area conversion found in section B, 3, c.

Water rights dedication for 1,295 dwelling units and 445,200 sq. ft. of commercial floor area previously allowed by the PUD was found to be sufficient. The PUD was amended in 2022 to reduce the commercial floor area by 15,200 sq. ft., but the water rights associated with this decrease in commercial floor area was not eliminated. Any residential development in excess of 1,295 units will be responsible for paying a water rights dedication fee to the Town, prior to the issuance of a building permit, for the number of units being proposed in excess of the 1,295 dwelling unit limitation.

In the Neighborhood Center Commercial District, Any conversion of a residential unit to a commercial unit, or of a commercial unit to a residential unit, shall ~~first~~ be approved by the Eagle Ranch Design Review Board and subject to review the Town of Eagle Planning Department. Approval by the Town subject to shall be granted if such conversion is in conformance with this PUD Guide and any applicable PUD requirements and building codes. However, no conversion shall be approved if such conversion would cause the maximum number of residential units or maximum commercial square footage set forth above to be exceeded. In addition, no conversion of a residential unit to a commercial unit shall be permitted if such unit has been designated an affordable housing unit pursuant to Section 13 of the Eagle Ranch Annexation and Development Agreement, and such conversion would reduce the total number of affordable housing units below the minimum number of required affordable housing units.

The Town of Eagle reserves the right to deny an application to subdivide (condominiumize) existing designated affordable housing units if the effect of such subdivision would reduce the total number of designated affordable non-owner occupied units below the number of such units agreed upon by the Town of Eagle and the developer of the Eagle Ranch PUD, if any, pursuant to Section 13 of the Eagle Ranch Annexation and Development

Agreement.

The combination of two or more existing residential units into a lesser number of units shall ~~be allowed, first be approved by the Eagle Ranch Design Review Board and the Town of Eagle Planning Department, if any of such units have been designated as an affordable housing unit pursuant to Section 13 of the Eagle Ranch Annexation and Development Agreement.~~ 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 as set forth in Section 13 of the Eagle Ranch Annexation and Development Agreement.

The Eagle Ranch Association (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 application shall be an inventory of dwelling units that have been approved by previously final plats. The Eagle Ranch Association shall maintain a list of units developed and vacant lots allowing for a dwelling unit in order to understand the status of overall density within Eagle Ranch PUD.~~

~~PARCEL # OF DWELLING UNITS~~

A	95
B	175
B1	75
C	20
D	150
E	28
F	103
G	28
H	63
I	18
J	24
K	46
L	63
M	44
N	25
O	32
P	55
P1	45
Q	11
R	34
S	36
I	6

2	25
3	10
4	3
5	18
6	38
7	25

TOTAL — 1,295

5. **PARKING RULES AND REQUIREMENTS**

A. Parking Requirements

All uses within Eagle Ranch will be subject to the parking standards ~~found below of the Town of Eagle Zoning Regulations. Uses not specified shall be regulated by the Town Code.~~ In the Neighborhood Center Commercial District there are ~~where~~ shared parking facilities ~~within existing parking lots owned by one of the community associations and on-street parking.~~ The parking rates indicated below more closely align with a shared parking arrangement which takes into consideration hours of operation and parking characteristics of commercial and residential uses within the commercial area. ~~exist and are available for use, there shall be no parking requirement for theaters or churches.~~ With the exception of the parking spaces on Sylvan Lake Road all on-street parking spaces may be counted toward fulfilling commercial and residential parking requirements. ~~As of January 1, 2021, there are 164 available on-street parking spaces. Each single-family residence shall have a minimum of two onsite parking spaces. Any accessory dwelling associated with an owner occupied single family residence shall have one dedicated onsite parking space.~~

Eagle Ranch Parking Requirements are provided in the table below:

<u>Use</u>	<u>Number of Spaces</u>
<u>Single Family or Duplex</u>	<u>2 spaces per dwelling unit</u>
<u>Accessory Apartment</u>	<u>1 space</u>
<u>Multiple-Family Dwelling</u>	<u>1.5 spaces per dwelling unit with 1 bedroom</u> <u>2 spaces per dwelling unit with 2 or 3 bedrooms</u>
<u>Accommodation or Lodging</u>	<u>0.5 spaces per separate unit</u>
<u>Bed and Breakfast</u>	<u>1 space per guest room plus 2 spaces for dwelling unit</u>
<u>Church</u>	<u>1 space per 5 seats or 1 per 100 sq. ft. of floor area used or designed for public use</u>

	<u>No parking required in the Neighborhood Center</u>
<u>Grocery or liquor store</u>	<u>1 space per 411 sq. ft.</u>
<u>Nursing Home</u>	<u>1 space per 4 patient beds, plus 1 per 3 full-time employees plus 1 per part time or full-time staff doctor</u>
<u>Senior Housing</u>	<u>1 space per unit</u>
<u>Auditorium, assembly hall, gymnasium, skating rink, theater, library, convention hall, exhibition hall, sports arenas, funeral home and other places of public assembly</u>	<u>1 space per 4 seats or 1 space per 100 sq. ft. of floor area designed or used by the public, whichever is less</u> <u>No parking is required for a theater located in the Neighborhood Center Commercial District</u>
<u>Office uses, all</u>	<u>1 space per 300 sq. ft. of net floor area</u>
<u>Retail</u>	<u>1 space per 300 sq. ft. of net floor area</u>
<u>Restaurant or bar</u>	<u>1 space for 65 sq. ft. of indoor seating area</u> <u>No parking is required for outdoor seating areas</u>
<u>Drive-in or drive-through restaurant without indoor eating area for the public</u>	<u>3 spaces per 100 sq. ft. of net floor area</u>
<u>Gasoline station</u>	<u>1 space per 100 sq. ft. of retail or office floor area, plus stacking spaces in accordance with Subsection (L)(2)(a) of this section.</u>
<u>Vehicle repair or maintenance facility</u>	<u>1 space per 100 sq. ft. of retail or office floor area, plus three per service bay</u>

B. Parking Rules

The Eagle Ranch Association and any sub-homeowner associations may adopt covenants and/or rules and regulations that are stricter than the ordinances of Town of Eagle related to parking of vehicles and trailers and storage of equipment, without limitation.

C. Parking Lot Design

Due to the unique characteristics of parking in the Neighborhood Center Commercial District and to maximize parking availability, there is no requirement for internal landscaping of parking lots in the Neighborhood Center Commercial District.

6. DESIGN REVIEW

Design guidelines ~~shall have been adopted prepared~~ which ~~will~~ establish architectural and building material standards, landscape design, urban design, site design standards and a design review process for development within Eagle Ranch. These guidelines, and any subsequent major revisions to the guidelines, shall be subject to the review and approval of the Town of Eagle. In the event that the Eagle Ranch 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.

7. SIGNS

Sign regulations ~~shall be prepared for the Preliminary Plan and PUD Development Plan level of review which will establish standards for the number, type, size, location, design and other considerations related to the display of signs within Eagle Ranch and requirements are included in design guidelines adopted by the Design Review Board.~~

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, 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. Eagle Ranch 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 County and CDOW. Homeowners not in compliance with these dog

restrictions will be responsible for any and all costs incurred by the Town, County, and/or CDOW for enforcing these provisions.

9. **AMENDMENTS TO THE EAGLE RANCH PUD GUIDE, PUD ~~DEVELOPMENT~~ ZONING PLAN AND SUBDIVISION PLANS**

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

A1. 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 Eagle Ranch. Minor modifications include, but are not limited to internal road alignment alterations, minor adjustments to Planning Parcel boundaries, building envelope changes, modification of the text of the PUD Guide, and additions of land uses not previously listed but determined to be similar to listed uses. Minor adjustments to Planning Parcel or subdivision plat 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 Center Commercial District or 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 finding that the proposed modification does not significantly alter the basic intent of the Planning Parcels, does not result in incompatible uses, and does not result in substantial adverse impacts among uses within the PUD. 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.

B2. 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 amount of commercial space or 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 addition of land into the PUD.

~~Major modifications shall be under the authority of the Eagle Board of Trustees. Applications for major modifications shall be reviewed in accordance with the Town Code, heard in public hearing by the Board after receiving a recommendation from the Planning and Zoning Commission. The 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 the TOWN OF EAGLE, COLORADO, a municipal corporation acting by and through its ~~Board of Trustees~~Town Council, this ____ day of _____ ~~2017~~2021.

By: _____
~~Anne McKibbin~~Scott Turnipseed,
Mayor

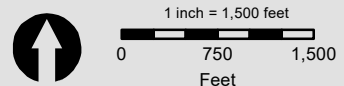
ATTEST

Jenny Rakow, Town Clerk

Exhibit A
PUD Zone Districts Map

Eagle Ranch PUD Zoning Plan

- Street Centerline
- Town Boundary
- Subdivision
- Eagle Ranch PUD Boundary



This map was created by the Eagle County GIS Department. Use of this map should be for general purpose only. Eagle County does not warrant the accuracy of the data contained herein.

PUD Zone Districts

- Neighborhood Center Commercial District
- Neighborhood Center Residential District
- Residential District
- Recreation Open Space District
- Open Space District
- Golf Course District

- SUBDIVISION**
- 1. EAGLE RANCH FILING 1
 - 2. EAGLE RANCH FILING 13
 - 3. EAGLE RANCH FILING 3
 - 4. FRONTGATE TOWNHOMES
 - 5. CASTLE VIEW TOWNHOMES
 - 6. EAGLE RANCH FILING 28
 - 7. WEST VILLAGE CONDO
 - 8. GAMBEL STREET TOWNHOMES
 - 9. EAGLE RANCH LIVE-WORK TOWNHOMES
 - 10. EAGLE RANCH FILING 11
 - 11. CASTLE PEAK CONDOS
 - 12. ADDISON CENTER CONDOMINIUMS
 - 13. SYLVAN LAKE BUILDING CONDOMINIUMS
 - 14. EAGLE RANCH FILING 27
 - 15. EAGLE RANCH FILING 29
 - 16. SYLVAN SQUARE CONDOMINIUMS
 - 17. EAGLE RANCH FILING 26
 - 18. 1020 CAPITOL STREET CONDOMINIUMS
 - 19. EAGLE RANCH FILING 5
 - 20. FULFORD BUILDING
 - 21. EAGLE RANCH FILING 30
 - 22. MACDONALD STREET TOWNHOMES
 - 23. FOUNDERS PLACE CONDO
 - 24. REDSTONE TOWNHOMES
 - 25. EAGLE RANCH FILING 6
 - 26. EAGLE RANCH FILING 2
 - 27. EAGLE RANCH FILING 7
 - 28. EAGLE RANCH FILING 16
 - 29. EAGLE RANCH FILING 18
 - 30. EAGLE RANCH FILING 15
 - 31. EAGLE RANCH FILING 17
 - 32. EAGLE RANCH FILING 23
 - 33. EAGLE RANCH FILING 20
 - 34. EAGLE RANCH FILING 4
 - 35. EAGLE RANCH FILING 8
 - 36. EAGLE RANCH FILING 22
 - 37. EAGLE RANCH FILING 21
 - 38. EAGLE RANCH FILING 24
 - 39. EAGLE RANCH FILING 25
 - 40. EAGLE RANCH FILING 14

Parking Memorandum

To: **Mauriello Planning Group**

Attn: Dominic Mauriello
2205 Eagle Ranch Road
Eagle, CO 81631

From: Kari J. McDowell Schroeder, PE, PTOE

Date: April 5, 2021

Re: **Eagle Ranch Village Commercial Core Parking Analysis**
Eagle, CO

Project Background:

As part of the Eagle Ranch PUD update, McDowell Engineering provided analysis of parking rates for the Eagle Ranch Village Commercial Core. This parking analysis compares the national Institute of Transportation Engineers' (ITE) *Parking Generation Manual*¹ rates to the current Town of Eagle and proposed Eagle Ranch PUD rates.

The parking analysis that we performed is conservative and did not apply additional reductions for uses that do not have overlapping peak parking hours. For example, some offices are closed by the time that the restaurants are seeing peak traffic and parking demands. The current PUD excludes parking for the theater, and we carried that through into the analysis. The theater also represents a known off-peak use operating after typical business hours.

ITE Parking Demand:

ITE's parking data is based upon generalized land use categories, building size/number of dwelling units, and whether the area is a dense downtown, suburban area, or rural in nature. In order to be conservative, the ITE rates for a suburban area were used in this analysis even though the Town of Eagle and the commercial area of Eagle Ranch exhibit many attributes of an urbanized place (walkability and compact development). No additional parking reductions were taken for walking and biking in an area that clearly has these attributes with dwellings in very close proximity to the commercial center. The data collection sites from ITE's national studies do not necessarily have the same walkability and density as the Eagle Ranch Commercial Core. Therefore, the ITE rates can be considered conservative for this analysis.

ITE does not specifically address parking rates for outdoor patio seating at restaurants. Therefore, the calculation was modified to assume that half of the regular restaurant parking rate was applied to the outdoor seating areas. This is reasonable as the outdoor seating is generally spaced further apart; when the weather is good, people generally prefer to sit outside at Eagle's restaurants and the indoor spaces are less busy; and outdoor seating is dependent upon weather. Additionally, outdoor seating, especially in the evening hours, is only utilized for about 3 to 4 months of the year.

¹ *Parking Generation Manual*, 5th Edition, Institute of Transportation Engineers, 2019



The medical clinic, and fitness club are the only uses where ITE recommends a higher parking rate. These rates are offset by the other proposed land use rates that are higher than ITE's rates. Additionally, ITE predicts parking for a multiple family unit at 1.2 parking spaces per unit, regardless of unit size. This rate likely represents a blend of one-, two-, and three-bedroom units. The proposed rates for multiple units (1 space for a one-bedroom units and 2 spaces for a two-bedroom unit) mimic the ITE rate while being more specific to bedroom make up. In other studies of multiple family buildings in Eagle County, we have found a parking rate of approximately 0.7 parking spaces per bedroom. The proposed rates for Eagle Ranch are therefore conservative.

For the Eagle Ranch Village Commercial Core, the current parking standards require 527 parking spaces. With ITE's rates, the requirement would be 344 parking spaces. The proposed PUD modification falls between these two values with a recommended 395 parking spaces.

Proposed Parking Rate:

The proposed PUD amendment's parking rates for the Eagle Ranch Village Commercial Core are within the industry standard. The proposed rates result in a 395-parking space requirement and are conservative compared to the ITE national standard parking rates.

Please call if you would like any additional information or have any questions regarding this matter.

Sincerely,
McDowell Engineering, LLC



Kari J. McDowell Schroeder, PE, PTOE
Traffic Engineer

Enclosed: Exhibit B – Neighborhood Center Commercial District Parking Analysis

Exhibit B
Neighborhood Center Commercial District
Parking Analysis and Inventory
March 2021

Existing Buildings									
Location	Use	Floor area or Units	Current PUD/TOE formula	Current Parking Required	Proposed Formula	Proposed Parking Required	ITE formula	ITE Predicted Parking	ITE Land Use
Northwest Corner of Capitol & Founders	The Boneyard-Indoor Seating Area	1819	0.015	27.3	0.0154	28.0	0.0105	19.1	#931 quality restaurant
	The Boneyard-Kitchen or Outdoor Floor Area								
	Colorado Workspace Coworking	3086	0.0075	23.1	0	0.0	0.0053	16.2	#931 quality restaurant (50%)
	Colorado Workspace Coworking - first floor	1600	0.0044	7.0	0.0033	5.3	0.0024	3.8	#710 general office
	Colorado Workspace Coworking - 2nd floor	5325	0.0036	19.2	0.0033	17.6	0.0024	12.7	#710 general office
	Subtotal			76.6		50.9		51.9	
Northeast Corner of Capitol & Founders	7 Hermits-Indoor Seating Area	1959	0.015	29.4	0.0154	30.2	0.0105	20.6	#931 quality restaurant
	7 Hermits-Kitchen or Outdoor Floor Area	2301	0.0075	17.3	0	0.0	0.0053	12.1	#931 quality restaurant (50%)
	Peridot Hair Design - 1st floor	1465	0.0044	6.4	0.0033	4.8	0.0020	2.9	#820 shopping center
	Capital Street Condos Unit R-1	1	2	2.0	2	2.0	1.2100	1.2	#220 low rise multifamily
	Capital Street Condos Unit R-2	1	2	2.0	2	2.0	1.2100	1.2	#220 low rise multifamily
	MF Visitor Parking			1.0		0.0	0.0000	0.0	
	Subtotal			58.1		39.0		38.0	
Southeast Corner of Capitol & Founders	Berkshire Hathway - 1st floor	1869	0.0044	8.2	0.0033	6.2	0.0024	4.5	#710 general office
	Capitol Theater	10517	0	0.0	0	0.0	0.0000	0.0	#444 movie theater
	Vacant (Old Spa) - 1st floor	1010	0.0044	4.4	0.0033	3.3	0.0024	2.4	#710 general office
	Zealous School - 1st floor	2963	0.0044	13.0	0.0033	9.8		0.0	
	Academy Mortgage Corp & Martin Insurance Co - 1st floor	3161	0.0044	13.9	0.0033	10.4	0.0024	7.6	#710 general office
	Vacant (Old Land Title) - 1st floor	1396	0.0044	6.1	0.0033	4.6	0.0024	3.3	#710 general office
	Common Wealth Financial Group (unit #101) - 1st floor	1016	0.0044	4.5	0.0033	3.4	0.0024	2.4	#710 general office
	Eagle Area Apartments Fulford Building 201	5	1.5	7.5	1	5.0	1.2100	6.1	#220 low rise multifamily
	Fulford Building 202	1	2	2.0	2	2.0	1.2100	1.2	#220 low rise multifamily
	MF Visitor Parking			1.0		0.0	0.0000	0.0	
	Subtotal			60.7		44.7		27.5	
Capital Street Frontage from Founders to Sylvan Lake Road	Slifer Smith & Frampton - 1st floor	968	0.0044	4.3	0.0033	3.2	0.0024	2.3	#710 general office
	Slifer Smith & Frampton - 1st floor	1242	0.0044	5.5	0.0033	4.1	0.0024	3.0	#710 general office
	Land Title Company - 1st floor	1137	0.0044	5.0	0.0033	3.8	0.0024	2.7	#710 general office
	Axis Sports Medicine - 1st floor	1052	0.0044	4.6	0.0033	3.5	0.0024	2.5	#710 general office
	Eagle Ranch Wine & Spirits Liquor Store - 1st floor	1970	0.0044	8.7	0.00243	4.8		0.0	
	The Assembly-Indoor Seating	761	0.015	11.4	0.0154	11.7	0.0105	8.0	#931 quality restaurant
	The Assembly-Kitchen or Outdoor Floor Area	681	0.0075	5.1	0	0.0	0.0053	3.6	#931 quality restaurant (50%)
	The Assembly-Kitchen or Outdoor Floor Area	450	0.0075	3.4	0	0.0	0.0053	2.4	#931 quality restaurant (50%)
	The Assembly-Seating	614	0.015	9.2	0.0154	9.5	0.0105	6.5	#931 quality restaurant
	West Eagle Ranch LLC & Eagle Ranch DRB (Unit #206)	638	0.0036	2.3	0.0033	2.1	0.0024	1.5	#710 general office
	West Eagle Ranch LLC & Eagle Ranch DRB (Unit #210)	539	0.0036	1.9	0.0033	1.8	0.0024	1.3	#710 general office
	West Eagle Ranch LLC & Eagle Ranch DRB (Unit #208)	534	0.0036	1.9	0.0033	1.8	0.0024	1.3	#710 general office
	West Eagle Ranch LLC & Eagle Ranch DRB (Unit #212)	359	0.0036	1.3	0.0033	1.2	0.0024	0.9	#710 general office
	Skip Tracey Investments (unit #205) (Land Title of the Rockies)	689	0.0036	2.5	0.0033	2.3	0.0024	1.6	#710 general office
	Scott Turnipseed LLC & Eagle Ranch DRB	539	0.0036	1.9	0.0033	1.8	0.0024	1.3	#710 general office
	Scott Turnipseed LLC & Eagle Ranch DRB	539	0.0036	1.9	0.0033	1.8	0.0024	1.3	#710 general office
	Scott Turnipseed LLC & Eagle Ranch DRB	587	0.0036	2.1	0.0033	1.9	0.0024	1.4	#710 general office
	All Kids Dental - 1st floor	795	0.0044	3.5	0.0033	2.6	0.0039	3.1	#630 clinic
	All Kids Dental - 1st floor	1291	0.0044	5.7	0.0033	4.3	0.0039	5.0	#630 clinic
	Unit C3- Vacant - 1st floor	1434	0.0044	6.3	0.0033	4.7	0.0024	3.4	#710 general office
	Eagle Family Dentistry - 1st floor	1462	0.0044	6.4	0.0033	4.8	0.0039	5.7	#630 clinic
	Talon Flats 2 - 1st floor	1276	0.0044	5.6	0.0033	4.2	0.0020	2.5	#820 shopping center
	Talon Flats 2	400	0.0036	1.4	0.0033	1.3	0.0024	1.0	#710 general office
	Castle Peak Condos Unit 202	1	1.5	1.5	1	1.0	1.2100	1.2	#220 low rise multifamily
	Castle Peak Condos Unit 204	1	2	2.0	2	2.0	1.2100	1.2	#220 low rise multifamily
	Castle Peak Condos Unit 201	1	2	2.0	2	2.0	1.2100	1.2	#220 low rise multifamily
	Castle Peak Condos Unit 203	1	2	2.0	2	2.0	1.2100	1.2	#220 low rise multifamily
	Addison Center Condominiums	1	2	2.0	2	2.0	1.2100	1.2	#220 low rise multifamily
	Addison Center Condominiums	1	2	2.0	2	2.0	1.2100	1.2	#220 low rise multifamily
	Addison Center Condominiums	1	2	2.0	2	2.0	1.2100	1.2	#220 low rise multifamily
	Addison Center Condominiums	1	2	2.0	2	2.0	1.2100	1.2	#220 low rise multifamily
	Talon Flats 2 -2 Bedroom	14	2	28.0	2	28.0	1.2100	16.9	#220 low rise multifamily
	Talon Flats 2 -1 Bedroom	6	1.5	9.0	1	6.0	1.2100	7.3	#220 low rise multifamily
	MF Visitor Parking			4		0	1.2100	0.0	#220 low rise multifamily
	Subtotal			158.5		126.0		96.1	
Sylvan Lake Road west of	Endorphin - 1st floor	4885	0.0044	21.5	0.0033	16.1	0.0047	23.1	#492 health/fitness club
	Vail Integrative Medical Group - 1st floor	857	0.0044	3.8	0.0033	2.8	0.0039	3.3	#630 clinic
	Color Coffee Shop-Kitchen	1497	0.0075	11.2	0	0.0	0.0018	2.7	#936 coffee/donut shop without drive-thru window
	Color Coffee Shop-Seating Area	749	0.015	11.2	0.0154	11.5	0.0018	1.3	#936 coffee/donut shop without drive-thru window
	Yoga Off Broadway - 1st floor	1127	0.0044	5.0	0.0033	3.7	0.0047	5.3	#492 health/fitness club
	Knapp Ranch - 1st floor	1127	0.0044	5.0	0.0033	3.7	0.0020	2.2	#820 shopping center
	Knapp Ranch - 1st floor	1098	0.0044	4.8	0.0033	3.6	0.0020	2.1	#820 shopping center

Location	Use	Floor area or Units	Current PUD/TOE formula	Current Parking Required	Proposed Formula	Proposed Parking Required	ITE formula	ITE Predicted Parking	ITE Land Use
Capital	Subtotal			62.5		41.5		40.2	
	Foundation for Greater Good - 1st floor	793	0.0044	3.5	0.0033	2.6	0.0024	1.9	#710 general office
	Eagle Taiji - 1st floor	793	0.0044	3.5	0.0033	2.6	0.0047	3.8	#492 health/fitness club
	Vail Financial Services - 1st floor	793	0.0044	3.5	0.0033	2.6	0.0024	1.9	#710 general office
	Evolve Spa & Boutique - 1st floor	793	0.0044	3.5	0.0033	2.6	0.0020	1.5	#820 shopping center
	Martial Arts - 1st floor	793	0.0044	3.5	0.0033	2.6	0.0047	3.8	#492 health/fitness club
	AVAIL Soft Tissue & Spine - 1st floor	793	0.0044	3.5	0.0033	2.6	0.0039	3.1	#630 clinic
	Eagle Ranch Work Live Lot 1	1	2	2.0	2	2.0	1.2100	1.2	#220 low rise multifamily
	Eagle Ranch Work Live Lot 2	1	2	2.0	2	2.0	1.2100	1.2	#220 low rise multifamily
	Eagle Ranch Work Live Lot 3	1	2	2.0	2	2.0	1.2100	1.2	#220 low rise multifamily
	Eagle Ranch Work Live Lot 4	1	2	2.0	2	2.0	1.2100	1.2	#220 low rise multifamily
	Eagle Ranch Work Live Lot 5	1	2	2.0	2	2.0	1.2100	1.2	#220 low rise multifamily
	Eagle Ranch Work Live Lot 6	1	2	2.0	2	2.0	1.2100	1.2	#220 low rise multifamily
	MF Visitor parking			2	0	0.0	0.0000	0.0	
Gambel Street	Subtotal			34.9		27.7		23.2	
Total Existing Buildings				451.4		329.8		276.8	
Proposed Buildings									
	Village Market	15300	0.00243	37.2	0.00243	37.2	0.0029	44.8	#850 Supermarket
	1200 Capital (Building L - Hagadorn) - 1st floor	1170	0.0044	5.1	0.0033	3.9	0.0024	2.8	#710 general office
	1200 Capital (Building L - Hagadorn) - 2 Bedroom	8	2	16.0	2	16.0	1.2100	9.7	#220 low rise multifamily
	1200 Capital (Building L - Hagadorn) - studio	8	1.5	12.0	1	8.0	1.2100	9.7	#220 low rise multifamily
	MF Visitor Parking			5		0	0.0000	0.0	
Total Proposed Buildings				75.3		65.0		67.0	
Total Current + Proposed				526.7		394.9		343.7	
		Spaces After Village Market Developed							
Total Onstreet Parking	164	164							
Total Parking Lot Parking	364	377							
Total Parking Available	528	541							
Future Parking Lot available	35	35							

Eagle Ranch Commercial Zone Onstreet and Parking Lot Parking Counts

164 onstreet parking spaces

62
172' = 7
90' = 4
67' = 3
97' = 4
256' = 11
234' = 10
47
962' = 43
226' = 10
153
60' = 2
125' = 5
10
125' = 5
8
102

Google Earth

Traffic Memorandum

To: **Town of Eagle**
Attn: Tom Gosiorowski
1050 Chambers Avenue
Eagle, CO 81631

From: Kari J. McDowell Schroeder, PE, PTOE

Date: September 2, 2021

Re: **Eagle Ranch PUD Amendment for Additional Residential Units
Trip Generation Analysis
Eagle, Colorado**

Project Background:

McDowell Engineering has prepared a memorandum summarizing the anticipated traffic generated from a proposed planned unit development (PUD) amendment for the Eagle Ranch subdivision located in Eagle, CO. The Eagle Ranch Property Owner's Association (POA) is seeking an amendment to the PUD that would add multifamily residential units in lieu of commercial floor area in the Eagle Ranch core area. The existing PUD has a current entitlement of 31,000 square feet of commercial surplus floor area. The proposed changes to the PUD will add 100 multifamily residential dwelling units in lieu of a portion of commercial floor area.

Trip Generation:

The traffic that is anticipated to be generated from the proposed 100 multifamily dwelling units was estimated using the Institute of Transportation Engineers' 10th *Edition of the Trip Generation Manual*¹. Mid-rise multifamily housing is applicable for buildings with three or more stories of residential use. The ITE trip generation references used for these analyses are included as an attachment to this memorandum.

- Mid-Rise Multifamily Residential: The average rate published by ITE for land use #221 (Multifamily Housing Mid-Rise) estimates that 100 dwelling units will produce 517 vehicle trips per day (vpd), including 31 trips per hour (vph) in the morning peak hour and 39vph in the evening peak hour. These calculations include a five percent multimodal reduction.
- Commercial: ITE land use #820 (Shopping Center) was used to estimate the reduction of commercial floor area trips anticipated by the swap.

¹ Trip Generation Manual, 10th Edition. Institute of Transportation Engineers, 2017.

- Commercial vs. Mid-Rise Multifamily Residential: The swap of 15,200sf of commercial area would have the same daily traffic impact as 100 mid-rise multifamily residential units. These both produce 517vpd. The proposed residential use would produce 10vph fewer in the morning peak hour and 19vph fewer in the evening peak hour.

Therefore, equivalent traffic is produced with this swap rate:

- o **100 Mid-Rise Multifamily Dwelling Units = 15,200sf Commercial Floor Area**

Detailed calculations for the trip generation analysis are included in **Table 1**.

Summary:

The traffic that is anticipated to be generated from the proposed 100 multifamily dwelling units was estimated using the Institute of Transportation Engineers' 10th *Edition of the Trip Generation Manual*². The Eagle Ranch HOA is interested in swapping a portion of their unrealized commercial floor area for multifamily residential units. In making this amendment to the PUD, the following rate produces equivalent daily traffic volumes. Morning and evening peak hour volumes are less for the proposed residential uses than the previous commercial use.

- o **1 Mid-Rise Multifamily Dwelling Units = 152sf Commercial Floor Area**

Please call if you would like any additional information or have any questions regarding this matter.

Sincerely,
McDowell Engineering, LLC



Kari J. McDowell, PE, PTOE
Traffic Engineer

Enclosed: Table 1 – Eagle Ranch PUD Amendment Project Trip Generation Comparison
ITE Trip Generation Data Plots

² Trip Generation Manual, 10th Edition. Institute of Transportation Engineers, 2017.

Table 1: Project Trip Generation Comparison

			ITE Trip Generation Equation ³			Average Weekday	Morning Peak Hour		Evening Peak Hour			
ITE Code	Units ²	Eq. Coef	Avg. Weekd ay	AM Peak Hour	PM Peak Hour	Trips (vpd)	% Trips (vph)	Trips (vph)	% Trips (vph)	Trips (vph)	% Trips (vph)	Trips (vph)
Commercial to Mid-Rise Multifamily Residential												
Commercial Floor Area												
#820 - Shopping Center	15.2 kSF	Type a= b=	Rate 37.75	Rate 3.00	Rate 4.21	574	54% 25	46% 21	50% 32	50% 32		
Multi-Modal Reduction	-10%					-57	-3	-2	-3	-3		
Removed Commercial Trips						517	22	19	29	29		
							41		58			
Mid-Rise Multifamily Residential (3+ Stories of Residential)												
#221 - Multifamily Housing (Mid-Rise)	100 DU	Type a= b=	Rate 5.44	Rate 0.32	Rate 0.41	544	27% 9	73% 23	60% 25	40% 16		
Multi-Modal Reduction	-5%					-27	0	-1	-1	-1		
Proposed New Residential Trips						517	9	22	24	15		
							31		39			
Comparison of Removing Commercial and Replacing with Mid-Rise Residential												
						0	-13	3	-5	-14		
							-10		-19			

Notes:

¹ Values obtained from *Trip Generation, 10th Edition*, Institute of Transportation Engineers, 2017.

² DU = Dwelling Units, kSF = 1,000 Square Feet



Multifamily Housing (Mid-Rise) (221)

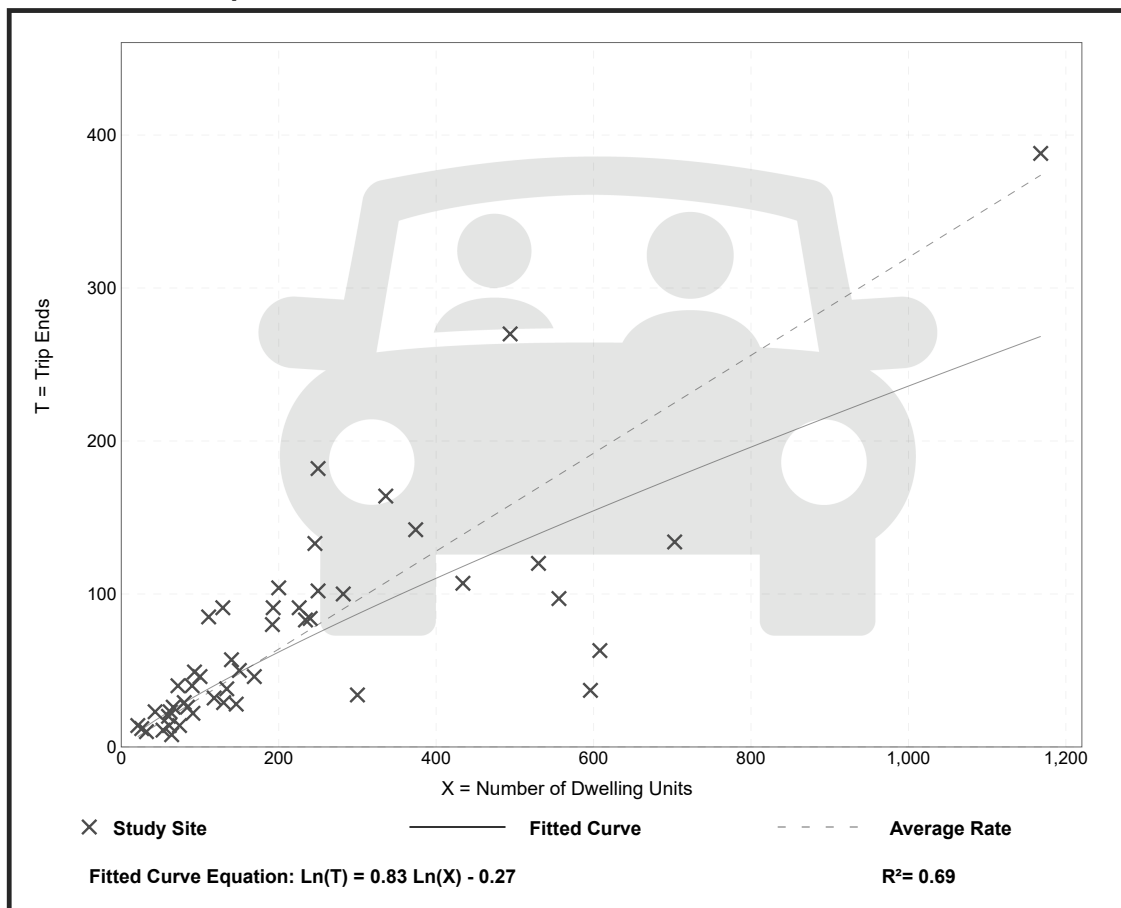
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
AM Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 48
Avg. Num. of Dwelling Units: 225
Directional Distribution: 27% entering, 73% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.32	0.06 - 0.77	0.17

Data Plot and Equation



Trip Gen Manual, 10th Ed + Supplement • Institute of Transportation Engineers

Multifamily Housing (Mid-Rise) (221)

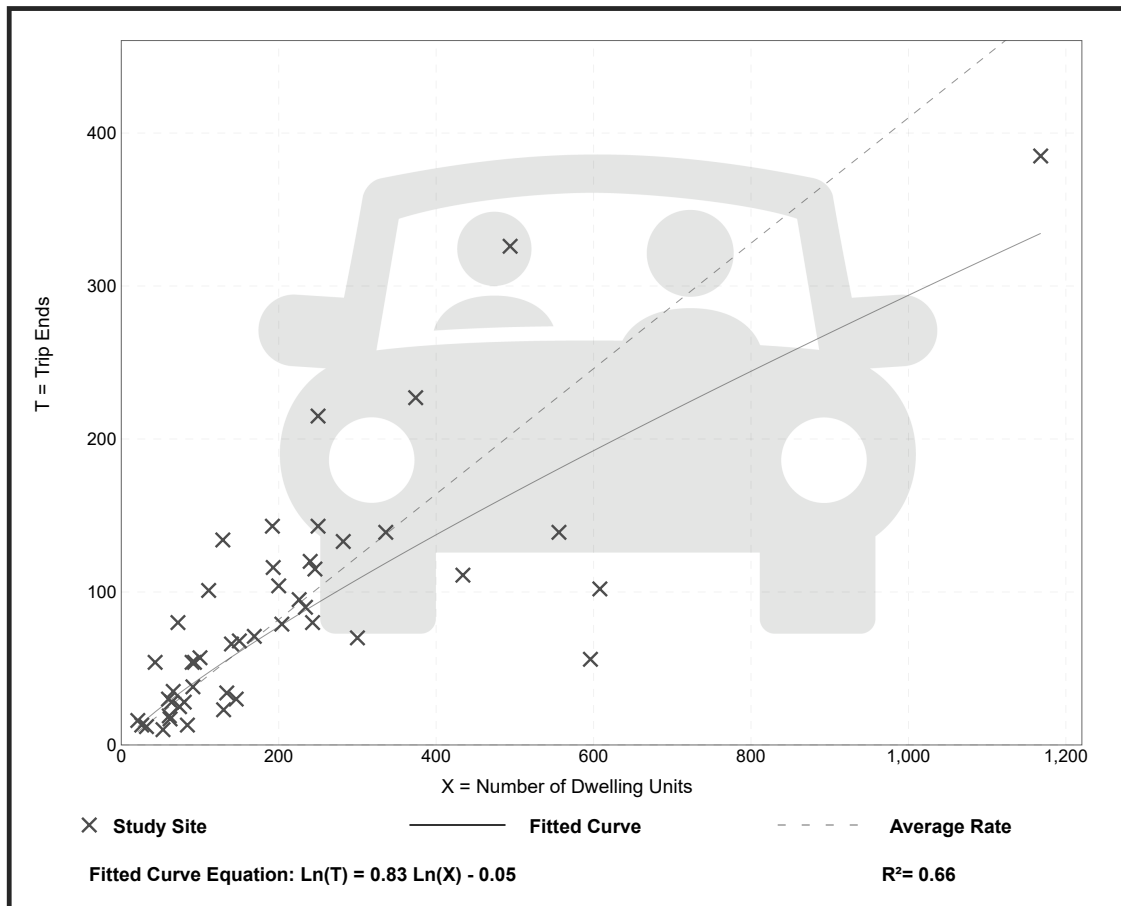
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
PM Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 47
Avg. Num. of Dwelling Units: 211
Directional Distribution: 60% entering, 40% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.41	0.09 - 1.26	0.22

Data Plot and Equation



Trip Gen Manual, 10th Ed + Supplement • Institute of Transportation Engineers

Shopping Center (820)

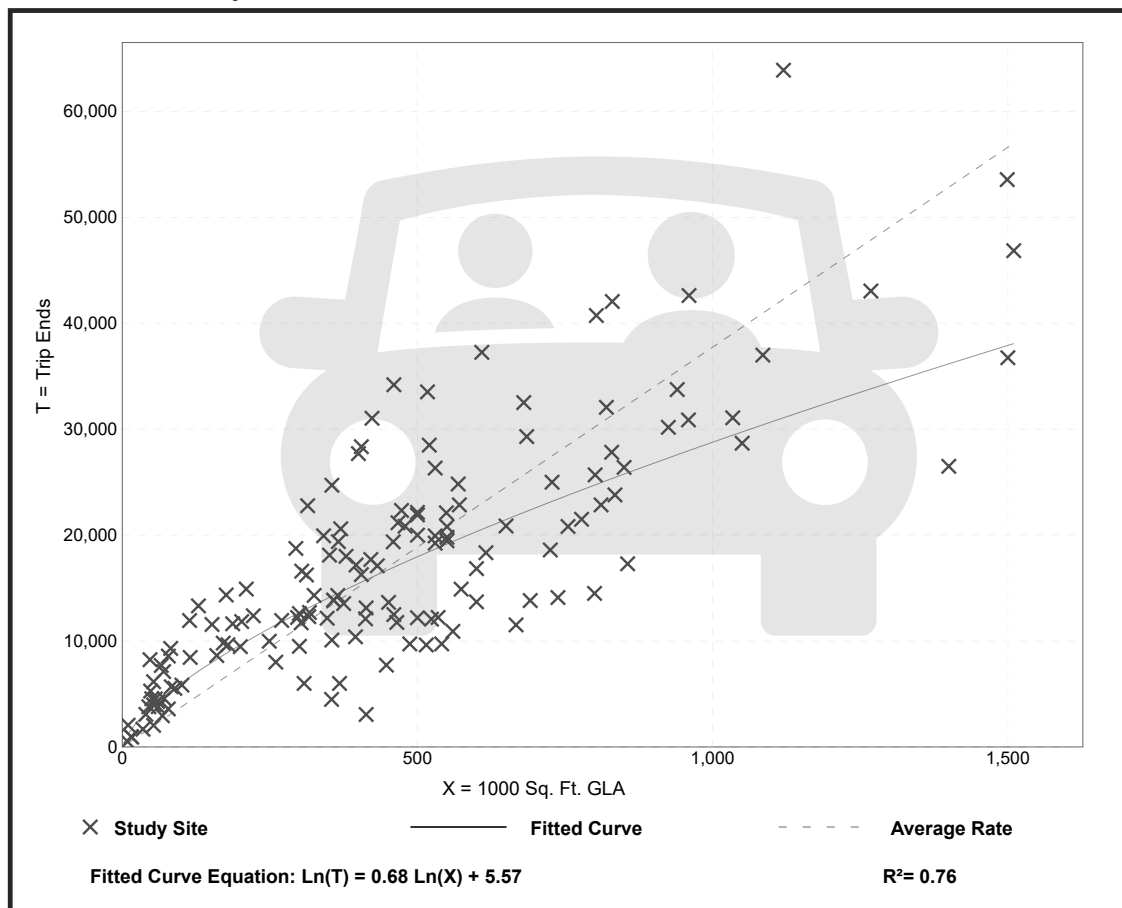
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 147
Avg. 1000 Sq. Ft. GLA: 453
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
37.75	7.42 - 207.98	16.41

Data Plot and Equation



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Shopping Center (820)

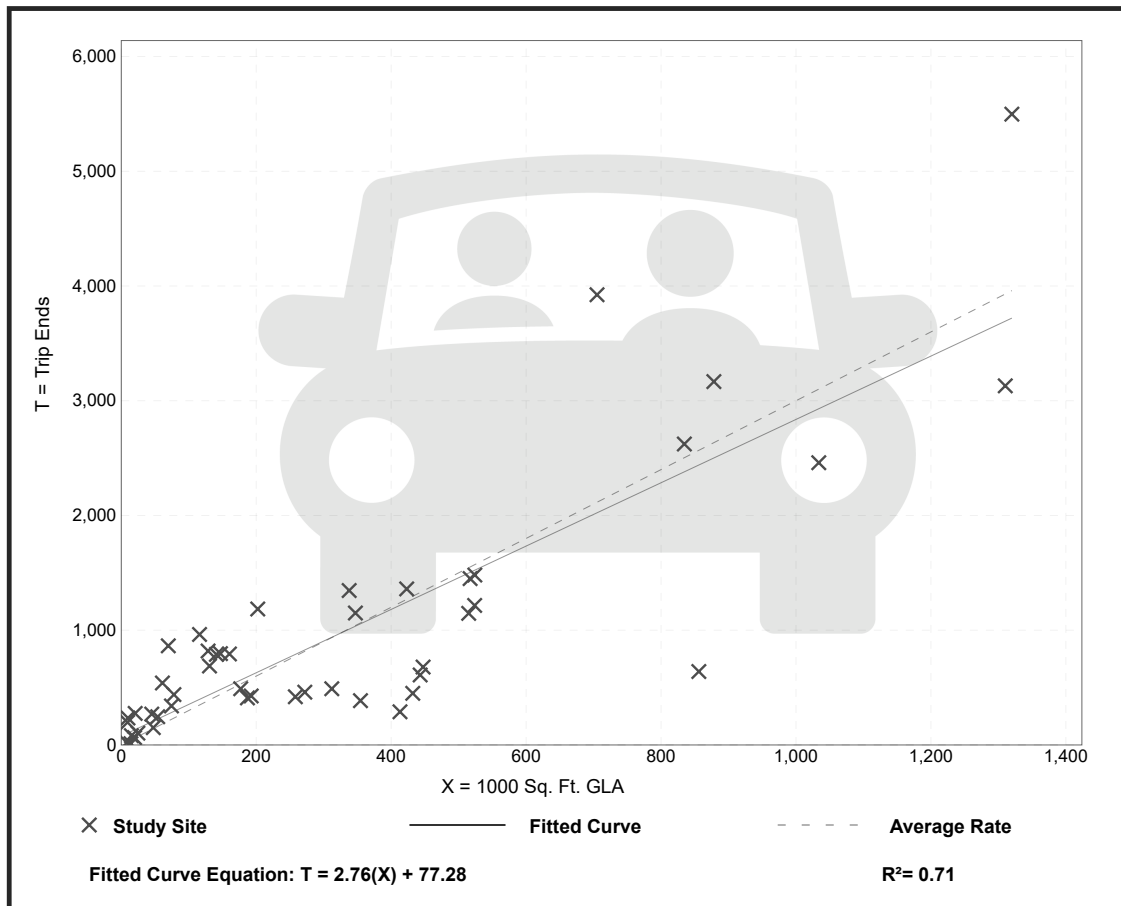
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
AM Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 47
Avg. 1000 Sq. Ft. GLA: 323
Directional Distribution: 54% entering, 46% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.00	0.70 - 23.74	1.85

Data Plot and Equation



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Shopping Center (820)

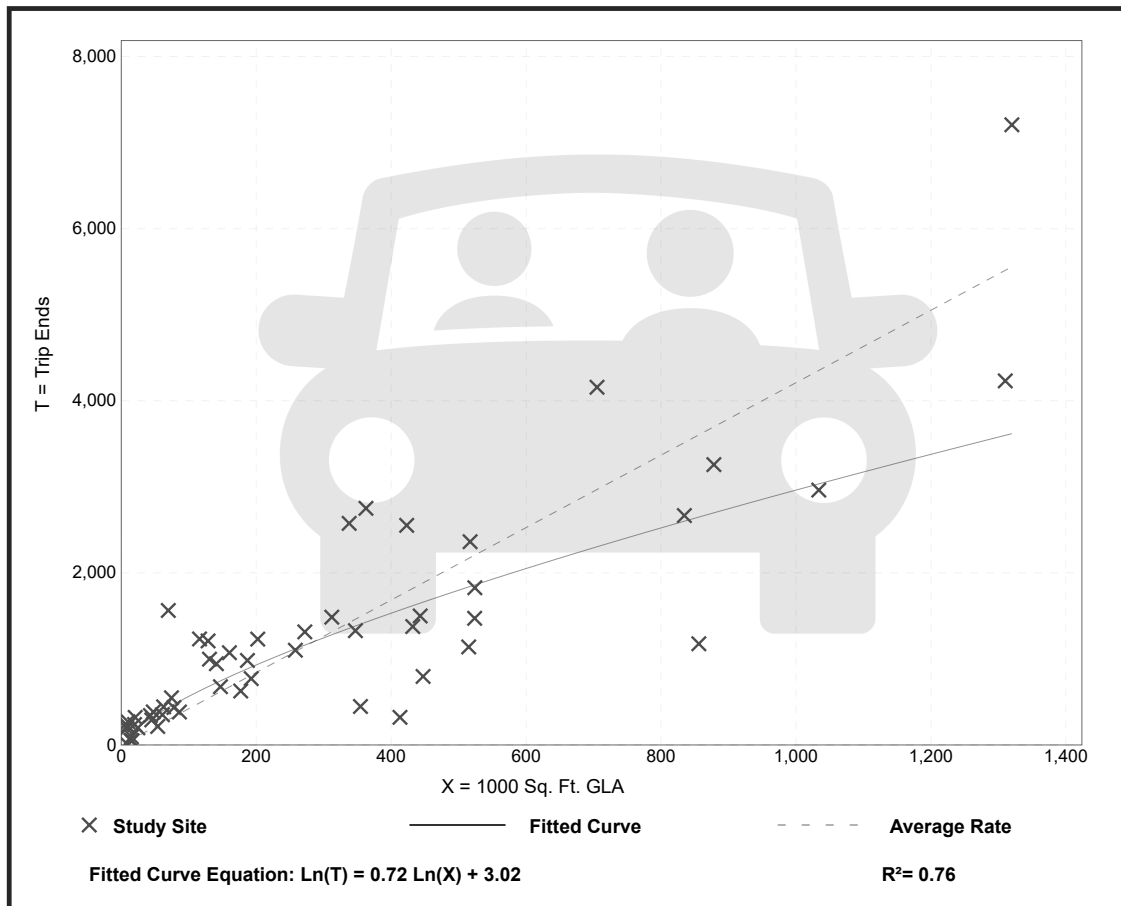
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
PM Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 53
Avg. 1000 Sq. Ft. GLA: 298
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
4.21	0.78 - 27.27	2.47

Data Plot and Equation



Trip Gen Manual, 10th Ed + Supplement • Institute of Transportation Engineers

From: [Tambi Katieb](#)
To: [Jessica Lake](#)
Cc: [Chad Phillips](#)
Subject: Re: ER PUD amendment
Date: Tuesday, April 20, 2021 6:51:30 PM

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Thanks Jessica. I'm still curious how the HOA is applying to amend our property's zoning without owner authorization and how (and who) will be responsible for new impacts to traffic, water use, parkland dedication and impact fees, etc. but I'll read through what's out there. Have a good evening!

Best,

Tambi Katieb, AICP
Land Planning Collaborative, Inc.
P.O. Box 3722
Eagle, CO 81631
Mobile: 970.401.3861
Email: tambi@landplanco.com
Web: www.landplanco.com

> On Apr 20, 2021, at 5:15 PM, Jessica Lake <jessica.lake@townofeagle.org> wrote:
>
> Hi Tambi,
>
> The application has been sent out for initial comments only, it is not a complete application yet.
>
> Once the application is complete and comments have been received we will send out notices, we have a complete list of property owners and will follow the same process and procedures as previously done.
>
> Best,
> Jessica Lake
> Planner I
> TOWN OF EAGLE
> 200 Broadway, PO Box 609, Eagle Co 81631
> Phone: 970-328-9627, Fax: 970-328-9656
> HOURS: Monday – Friday, 8:00am – 2:00pm
> CLICK BELOW FOR TOWN WEBSITE, NEWS, EVENTS OR TO PROVIDE FEEDBACK:
>
> Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-200.1, et seq.
>
> -----Original Message-----
> From: Tambi Katieb <tambi@landplanco.com>
> Sent: Tuesday, April 20, 2021 5:01 PM
> To: Jessica Lake <jessica.lake@townofeagle.org>
> Cc: Chad Phillips <chad.phillips@townofeagle.org>
> Subject: ER PUD amendment
>

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>

>

> Hi Jessica, Chad,

>

> I understand the Eagle Ranch PUD amendment has gone out for referral.

>

> I'm wondering when public notices will be sent to all property owners of the PUD as was done for the previous PUD amendment, and what the Town's legal opinion is regarding the HOA having broad authority to submit on behalf of all property owners who did not provide individual written authorization for this submittal on their behalf.

>

> Thank you,

> Tambi

>

> Tambi Katieb, AICP

> Land Planning Collaborative, Inc.

> P.O. Box 3722

> Eagle, CO 81631

> Mobile: 970.401.3861

> Email: tambi@landplanco.com

> Web: www.landplanco.com

>

>

>

From: [Jean Gordon](#)
To: [Jessica Lake](#)
Subject: RE: PUD amendment
Date: Friday, October 29, 2021 1:36:05 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

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Thank you for your response

Sent from [Mail](#) for Windows

From: [Jessica Lake](#)
Sent: Friday, October 29, 2021 11:15 AM
To: [Jean Gordon](#)
Cc: [Tom Gosiorowski](#)
Subject: RE: PUD amendment

Hi Jean, thank you for your question.

Eagle Ranch is proposing to minimize the traffic impacts by further limiting the amount of commercial build-out and “swapping” that for increased potential for residential build-out. Both Sylvan Lake Road and Capitol Street were built with full build-out of Eagle Ranch in mind – this would have included a full commercial build out. At this time the HOA believes that a full commercial build-out is unlikely to ever occur and so will be tailoring back the allowed square footage in order to accommodate increased residential in the commercial core area of Eagle Ranch. In the original traffic study for Eagle Ranch there are triggers for certain traffic control devices, such as stop signs or traffic lights at the intersections of Capitol and Sylvan Lake and Eagle Ranch Rd and Sylvan Lake. There is also the possibility that Sylvan Lake Rd could lose on-street parking in favor of an additional drive lane on each side. Public Works and Engineering has reviewed traffic memo provided by Eagle Ranch and they are very familiar with the original traffic study. At this time they are comfortable with the assertions made by Eagle Ranch in the trip generation memo.

I have copied Tom, the Public Works Director, in case he has any additional information to share with you.

We appreciate your concerns and will keep them in mind during our review of this application. If you would like to submit public comment regarding any part of this application, please do so and send it to my attention.

Best,

Jessica Lake

Planner I

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9627, Fax: 970-328-9656

HOURS: Monday – Friday, 8:00am – 2:00pm

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From: Jean Gordon <whoopi10@hotmail.com>

Sent: Thursday, October 28, 2021 3:49 PM

To: Jessica Lake <jessica.lake@townofeagle.org>

Subject: PUD amendment

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Sent from [Mail](#) for Windows

Dear Jessica: I have received the notice of PZ meeting regarding the above. I will not be in Eagle at the time of the meeting. My concern has to do with access to Eagle ranch. Currently there are only two methods of access, Sylvan Lake Rd and Capital Street. With current level of population those two roads can be quite congested even in good weather. My question is what is the impact of 100 more multifamily dwellings on the ability to get in and out of Eagle Ranch? I will await your response.

Thank you

Stephen and Jean Gordon

82 Silver Spur

Eagle

913-226-0070

From: [Tom Subranni](#)
To: [Jessica Lake](#)
Subject: Objection to a portion of the PUDA21-01 Eagle Ranch 6th PUD amendment.
Date: Friday, October 29, 2021 7:12:43 PM

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.

Dear Planner Lake,

Kindly accept this email requesting deletion of the Accessory Apartments proposed amendment.

My wife and I own a building lot fronting on the Eagle Ranch Golf Course.

Our building plans include an accessory apartment.

Here are my reasons for deletion:

1. The mandate that a residence with an accessory apartment must be “occupied” by the owner except for “temporary absences” is clearly unreasonable, vague and unlawful.

In other words, the owner is mandated or forced to “occupy” the residence if it contains an accessory apartment except for the owner’s “temporary absence.”

Does “occupy” mean the owners must be physically present? Also, how long is a “temporary absence?”

My wife and I have a home in another state, and plan to spend time there. Assuming, hypothetically, that we stay 6 months away, does that period of time constitute a “temporary absence?”

2. The amendment also suggests that the main residence cannot be rented during the said hypothetical six-month period if an accessory apartment is present. This is clearly unreasonable and clearly violates a lot owner’s property rights and also should be stricken.

3. In summary, the Accessory Apartments amendment unlawfully impinges and limits the rights of property owners and should be deleted in its entirety from the Application which is focused on a totally different objective.

The subject accessory apartment amendment appears to be a “throw-in,” and not relevant to the main purpose of the overall amendment which, in part, is to increase the number of residences to help alleviate the known and severe housing shortage.

The proposed Accessory Apartments amendment limits and restricts needed housing. In other words, the amendment pulls in the opposite direction.

Kindly pass this email along to any relevant parties for their consideration, and please place it in the hearing record.

Of course, I would be more than happy to discuss this subject with you or any other interested party.

Thank you.

Respectfully submitted, Tom and Kate Subranni
609-335-1882
Gullcottage115@gmail.com

From: [Tom Subranni](#)
To: [Jessica Lake](#)
Cc: [Chad Phillips](#)
Subject: Re: Objection to a portion of the PUDA21-01 Eagle Ranch 6th PUD amendment.
Date: Monday, November 1, 2021 9:44:59 AM

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Jessica,

Thanks for the speedy reply.

I am a retired attorney and was solicitor for the Northfield, NJ Planning/Zoning Board for 38 years. I have much experience in planning and zoning.

I agree that paragraph 3 of the original document language needs clarification, and possibly deleted.

The proposed language goes beyond clarification, repeats in general the existing regulation, and actually creates more vagueness, which I mentioned in my objection.

For example, what is meant by “occupy,” and “temporary absences,” appearing in the existing and proposed regulations?

Note that “bona fide” is dropped in the proposed amendment. Does that mean the absence no longer needs to be “bona fide?”

As you know, I believe the whole idea of occupancy should be deleted as an unreasonable infringement of property rights and too vague to enforce.

If you know, please share with me the underlying reason for paragraph 3, which would help me understand why it is needed.

In conclusion, the amendment should delete paragraph 3 of the original regulation.

Thank you so much for considering my objection.

As always, you may contact me anytime by email or cellphone (609-335-1882). We are two hours later than you in Colorado.

> On Nov 1, 2021, at 11:04 AM, Jessica Lake <jessica.lake@townofeagle.org> wrote:

>

> 3. The owners of the residence in which the accessory unit is created shall occupy at least one of the dwelling units on the premises except for bona fide temporary absences.

From: [Jessica Lake](#)
To: ["Stephen Hoffman"](#)
Cc: [Chad Phillips](#); dominic@mpgvail.com; [Marc Ruh](#)
Subject: RE: Eagle Ranch PUD Amendment
Date: Tuesday, November 9, 2021 9:54:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Hi Stephen, thank you for your comments and questions. I have done my best to answer your questions below in blue. I have also included additional clarification from the applicant's representative in red.

The staff report may contain some of this information, but the report is focused on our Code standards and specifically the criteria for approval of a PUD Amendment. One of your questions mentions one of those criteria – conferring a special benefit upon any person.

https://library.municode.com/co/eagle/codes/code_of_ordinances?nodeId=COOR_TIT4LAUSDECO_CH4.11PLUNDE_S4.11.050AMPLUNDEZODEPL

Please let me know if you have any additional questions.

Best,

Jessica Lake

Planner I

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9627, Fax: 970-328-9656

HOURS: Monday – Friday, 8:00am – 2:00pm

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From: Stephen Hoffman <SHoffman@olivejudd.com>
Sent: Thursday, November 4, 2021 11:03 AM
To: Jessica Lake <jessica.lake@townofeagle.org>
Cc: Chad Phillips <chad.phillips@townofeagle.org>
Subject: RE: Eagle Ranch PUD Amendment

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Thank you, Jessica.

I have the following comments/questions:

1. The PUD is currently approved for 1,295 residential units. The narrative indicates that today there are 1,245 units (a vacant lot is considered a Unit) presumably meaning that there are an additional 50 residential units available for development within the current PUD that have not been allocated to any property. The request is for 100 additional units. So, if this is approved, there are up to an additional 150 units that could be developed within Eagle Ranch. Just curious as to where these units could possibly be placed. There appear to be only 4 developable parcels within the vicinity of the proposed new commercial district: This may be a point that needs clarifying in the narrative. Of the 50 lots, 25 are available only to the Castle Peak Senior Center. The other 25 units were “used” as part of the Senior Care facility. The 25 units can be converted to commercial/medical floor area with the formula that has been in the PUD for some time. There is no density assigned to any other parcels including the medical facilities and vacant parcels owned by the Eagle Ranch medical facilities on Sylvan Lake Road. In theory the parking lots could be redeveloped in parking structures and density or commercial floor area could be added at some point over the next 20 years. The 100 units requested with this application would only be for the Commercial Core. The addition of 100 units to the Commercial Core could allow for mixed use (residential and commercial) at 1200 Capitol and 785 Sylvan Lake Rd (although this property currently has an approved commercial only development permit). It would also allow for existing buildings to add residential units by adding one or two stories (depending on what is already built).
 - a. Eagle Ranch Commercial Association (Parcel 210905452003) Appox. 0.7 acre
 - b. Nobox (Parcel 210905452002) Appox. 0.5 acre, currently used as parking.
 - c. Eagle Health Care Center (Parcel 210905305001) Appox. 10.4 acres
 - d. Senior Care Land Company (Parcel 210905451001) Appox. 1.36 acres
2. The narrative indicates that residential units could be added to the existing commercial buildings. Where? On top? Yes. How many units could realistically be added to the top of the commercial buildings? If all 100 units were constructed the density for the Commercial Core would be 15 du/acre. The Narrative suggests that these units would be affordable. Which begs the question – is it economically viable to add an additional story to an existing building for a handful of residential Units? That is a question that individual building owner’s would need to assess, the request only provides the opportunity for them to assess this question. Shoehorning 100-150 residential units into such a small area does not seem practical or feasible, **unless, the intent is to either convert or redevelop existing commercial buildings into residential uses.** The potential for re-development is not something that was addressed in previous iterations of the PUD Guide, the applicant has indicated that the interest in redevelopment may be there now or in the near future and so this amendment has tried to allow commercial property owners that opportunity. If the parcel owned by the Village Market does not develop as a grocery store it could be developed with commercial and residential units from the 100 units of available density.
3. The narrative indicates that over 17K sf of commercial use is still available under the PUD. Where would this additional commercial area plus 150 residential units go? Assuming 1,000

sf per residential unit, that's at least 167K SF of building area on essentially 1.2 acres?? I really do not understand how this is achievable **unless the plan is to either redevelop parking lots or redevelop/convert existing commercial space to residential use.** Parking lots are unlikely to be redeveloped (although it is possible). There is also the ability to add parking to the lot behind 7 Hermits, the addition to this parking could be tied to a future development or re-development. The applicant has noted that it is unlikely that commercial will ever be built-out to the maximum allowed. It's possible that the residential will also never be built-out to the 100 units proposed in this amendment. The available commercial floor area could be used for expansions of existing commercial facilities. An example might be the expansion of the building containing the Boneyard building or the redevelopment of the building containing the gym facility.

4. The traffic study indicates that the traffic generation for 15,200 SF of Commercial Uses would offset 100 residential units, yet, the Narrative indicates that the commercial uses are only being reduced by 14,200 SF. Is this just a typo? I believe this is a typo. Typo/error.
5. Is there a study that shows how many of the 1,245 Units have actually been built and how many of the 1,245 Units are vacant lots? I think that would be good information to know to further evaluate the request. I believe Marc and Dominic have these numbers, we will get back to you on this one.
6. **The parking reduction proposal is alarming.** Why the need to reduce the parking space requirements? For the most part, the parking areas exist and are fully built out. **Is the real intent to redevelop the parking lots into residential or commercial uses?** No. The newly opened Talon Flats has already created an impact on parking. Eliminating parking will have a negative impact on the residential and commercial uses in this area. Engineering and Public Works have reviewed the traffic and parking and believe that the changes are in line with typical parking standards for neighborhood/commercial centers. No one is eliminating any parking with this proposal. All of the parking lots are owned by the Commercial Association.
7. They are proposing to increase the building height limit to 40 feet. What is the current height of the existing buildings? The current allowed maximum is 35 ft, Talon Flats is 3-stories and 35 ft. I don't think you can properly evaluate the impact of this increase without knowing this information. The current buildings are mostly, if not all, two story. If they are all 20-25 feet tall, essentially doubling their height would be significant. Adding another story to the existing buildings would have a negative affect to the look of Capital Street. It seems to me that adding this additional building mass could turn Capital Street into a dark and dreary canyon. I think most of the existing buildings are between 25' and 30' in height except for the building with the gym/color coffee, etc.
8. Can you let me know what the Hagadorns Project is and where it is located? Referenced on Page 5 of the Narrative. 1200 Capitol Street, this project is currently in the DRB review phase, it will not come through to the Town as a development permit application until the DRB has reviewed and approved it.

9. “The proposed amendments are on behalf of the Eagle Ranch Homeowners Association and do not confer a special benefit upon any person.” This statement is disingenuous and categorically false. The primary goal of this amendment is to permit the development of 100 more residential units in the Neighborhood Commercial Center benefiting only the property owners in this area. There are only one or two vacant developable parcels remaining in this area. Furthermore, the amendment was initially requested by a commercial property owner as per the attached Meeting Minutes of the Eagle Ranch Association. Town Staff has been having discussions and creating lists of items that are unclear and difficult to enforce in the PUD Guide with East West Partners for the past two years. This list of items has been incorporated into this Amendment. The 100 units certainly is the “big ask”, but it is still only one of many changes. This is a criteria for approval of the application, so this will be weighed and voted on by Planning Commission and Town Council. Your concerns will be shared with both bodies and if you are able to be present (in-person or virtually) at the public hearings, you will have the opportunity to address them directly and make your case. The intent is that the amendment does not just benefit a single individual.

This application is a fairly obvious attempt to help the commercial core of Eagle Ranch – it really helps no one else. The other amendments are merely window dressing. Currently, Eagle Ranch is not fully built out. I have been advised that over 200 of the 1,245 units remain unbuilt. So, we are going to add the right to build 100 additional units in a very compact area when more than 200 units still have yet to be built in the subdivision? This does not take into account that there are 50 units that have not been allocated from the original PUD of 1,295 units. I do not see the need to add 100 units to an area that for all intents and purposes is built out. **Why not just allocate the 50 units that are not yet allocated in the existing PUD to this area to accommodate the vacant lots in this District?** Or is the ultimate plan to convert/redevelop the commercial uses and make this just a high density residential area? I do not believe this is the intent. That is not what anybody of Eagle Ranch bought into.

Additionally, until the height of the existing buildings is known, the request for raising the height limit cannot be properly evaluated.

Finally, I question the need to modify the parking requirements at this time unless there will be assurances that the 528 existing parking spaces will not be redeveloped or lost. The parking study indicates that there is only a need for 395 parking spaces based on ITE generation rates. Do you really think there is a surplus of 133 parking spaces for Eagle Ranch? This is not a new development. These are existing uses (although I grant you that these uses are underutilized – but that is another story). Why use theoretical parking generation rates for uses that are already in place? A more appropriate study would have determined peak parking demand over a period of time for the existing uses. Then compare existing utilization of the parking areas to the ITE rates and see where we are. From what I understand, the impetus for re-evaluating the parking was to 1) determine if there were inefficiencies with the existing standards – I believe that it was found that this was accurate and 2) to allow for development of the vacant lot and potential re-development (or adding residential on top of existing buildings). New buildings and existing properties that want to add height will need to meet the parking standards. Based on the analysis provided the previous parking standards were unnecessarily restrictive and would have prohibited the development of 1200

Capitol as well as any re-development.

I am going to be out of town on November 16. I would appreciate if this would be read into the record at the Planning and Zoning Commission meeting. This email and my responses will be included in the packet provided to the Planning Commission ahead of the November 16th meeting. The Commission is very good about bringing up issues from the public during the Public Hearing. The Hearing will also be a hybrid, so a Zoom link will be on the Agenda posted November 12th if you are able to attend virtually on the 16th. I hope that I was able to answer most of your questions, as I said above I'm happy to provide more information or answer any additional questions.

Thank you.

Steve

Steve Hoffman
200 Harrier Circle
954-295-3385

From: Jessica Lake <jessica.lake@townofeagle.org>
Sent: Tuesday, October 26, 2021 2:01 PM
To: Stephen Hoffman <SHoffman@olivejudd.com>
Cc: Chad Phillips <chad.phillips@townofeagle.org>
Subject: RE: Eagle Ranch PUD Amendment

Hi Stephen,

I just wanted to let you know that the ER PUD Amendment application is complete.

Documents have been uploaded to our website if you would like to review them - <https://www.townofeagle.org/418/Active-Land-Use-Applications>.

Best,

Jessica Lake

Planner I

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9627, Fax: 970-328-9656

HOURS: Monday – Friday, 8:00am – 2:00pm

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From: Stephen Hoffman <SHoffman@olivejudd.com>
Sent: Tuesday, September 21, 2021 8:37 AM
To: Jessica Lake <jessica.lake@townofeagle.org>
Subject: RE: Eagle Ranch PUD Amendment

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Thank you Jessica.

From: Jessica Lake <jessica.lake@townofeagle.org>
Sent: Tuesday, September 21, 2021 10:18 AM
To: Stephen Hoffman <SHoffman@olivejudd.com>
Subject: RE: Eagle Ranch PUD Amendment

Hi Stephen,

Thank you for reaching out. We do not yet have a complete application for the Eagle Ranch PUD Amendment. There is still required information that we are waiting on.

Once we have a complete application, all materials will be available on our website here:

<https://www.townofeagle.org/418/Active-Land-Use-Applications>

Best,

Jessica Lake

Planner I

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9627, Fax: 970-328-9656

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From: Stephen Hoffman <SHoffman@olivejudd.com>

Sent: Tuesday, September 21, 2021 8:09 AM
To: Jessica Lake <jessica.lake@townofeagle.org>
Subject: Eagle Ranch PUD Amendment

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Hi Jessica,

How would I go about obtaining a copy of the application and supporting documentation/studies filed for the Eagle Ranch PUD Amendment?

Thank you for your assistance.

Steve

Steve Hoffman
200 Harrier Circle
Eagle, CO 81631
954-295-3385



To: Planning and Zoning Commission

From: Chad Phillips, A.I.C.P., Community Development Director

Date: November 16, 2021

Agenda Item: Consideration of recommending adoption of Section 4.04.100.N concerning Accessory Dwelling Units (ADU's)

REQUEST: After gaining input and direction from the P&Z Commission, Town Council, and the public, staff is presenting the following amendments to Section 4.04.100.N. regarding Accessory Dwelling Units for recommendation of adoption to Town Council. The existing language can be seen online at Section 4.04.100.N *Accessory apartments in owner-occupied single-family dwellings*. ([LINK](#))

BACKGROUND: Over the years, enforcement and interpretation of the section of the Development Code that includes the parameters for the development of accessory dwelling units (ADU) has been problematic because of the incomplete and unclear language. The areas staff proposes for amendment include 1) allowing ADUs to be detached from the primary dwelling, 2) increasing the size of the ADU from 700 to 800 square feet, and 3) clearly describing how that square footage is measured. If this language is approved, staff anticipates efficiency and consistency in the application of this section as well as having the ADU standards better reflect the needs of the community.

The intent of these amendments is to provide some flexibility and clarity. With the ongoing Development Code update process, these changes are proposed as quick fixes to reflect current citizen concerns. Any lingering issues associated with ADU's can be addressed through the update process being carried out by the Town and Clarion Associates.

ANALYSIS: As the community's need for all types of housing increases, so does the need for modifying the Development Code to meet such demand. Through the recent P&Z Commission and the Town Council discussions regarding ADU's, staff has compiled comments and direction generally described as:

- Support for increasing the maximum square footage from 700 to 800
- Clarifying parameters for measuring square footage to allow for more livable area
- Clarifying that ADU's can be detached
- The need for additional types of rental housing takes priority over the old goal of hiding an ADU on a residential lot
- Existing criteria 5, 6, and 7 are duplicative and should be removed

EXISTING LANGUAGE WITH CHANGES SHOWN:

The *existing language* is as follows. Plain font reflects language left as-is. **Bold** font shows new wording. ~~Strikethrough~~ indicated wording removed.

N. Accessory **Dwelling Unit (ADU)** ~~apartments in owner-occupied single-family dwellings. An owner or owners of a single-family dwelling in residential zone districts may construct and/or permit the occupancy of an accessory dwelling unit~~ **An ADU is allowed** in such a single-family dwelling, attached to a single-family dwelling, ~~or in an accessory building,~~ **or detached from the primary dwelling** providing that the

following conditions are met:

1. The ~~accessory apartment~~ **ADU** will be a complete, separate-housekeeping-unit that can be isolated from the ~~primary original-unit~~ **or in a location detached from the primary dwelling.**
2. ~~The ADU shall include its own independent access. Separate outside access shall be created; provided, however, one airlock type entry may be used if separate access to the accessory apartment exists following the initial outside entry.~~
3. The owners of the **property** residence in which the **ADU** accessory unit is created **located** shall occupy at least one of the dwelling units on the premises **as a full-time residence** except for bona fide temporary absences.
4. ~~The ADU accessory apartment shall be designed so that, to the degree reasonably feasible, the appearance of the lot building remains that of is that of containing just a single family residence. In general, new ADU entrances shall be located on the side or the rear of the building.~~
5. ~~Maximum lot coverage and maximum floor area ratios may not be exceeded.~~
6. ~~Off-street parking spaces shall be provided pursuant to [Section 4.07.140](#).~~
7. ~~The design and size of the ADU apartment shall conform to all other applicable standards and requirements.~~
8. The ~~accessory unit~~ **ADU** shall not exceed ~~700 gross~~ **800** square feet, ~~as defined by the currently adopted edition of the Uniform Building Code using the following means of measurement:~~ **measure the area within the inside face of the perimeter walls of the ADU, including habitable space in the basement but excluding stairs, typical mechanical rooms, garages, and decks and porches that are not enclosed.**

CLEAN LANGUAGE TO BE CONSIDERED FOR ADOPTION:

N. Accessory Dwelling Unit (ADU). ADU's are subject to the following standards:

1. One (1) ADU is allowed on all lots containing a single family dwelling.
2. An ADU may be located in a single-family dwelling, attached to a single-family dwelling, detached from a single-family dwelling, or in an accessory building.
3. An ADU shall be a complete, separate Dwelling Unit.
4. The ADU shall include its own independent access.
5. The owners of the property in which the ADU is located shall occupy at least one of the dwelling units on the premises as a full-time residence except for bona fide temporary absences.
6. The ADU shall not exceed 800 square feet using the following means of measurement: measure the area within the inside face of the perimeter walls of the ADU, including habitable space in the basement, but excluding stairs, typical mechanical rooms, garages, and decks and porches that are not enclosed.

The schedule for the discussion and adoption of the amendments to Section 4.04.100.N is as follows:

- November 2, 2021 - P&Z Commission work session
- November 9, 2021 - Town Council discussion
- November 16, 2021 - P&Z Commission recommendation
- December 14, 2021 – Town Council adoption

Comments from the November 11, 2021 Town Council discussion have been included in this draft.

COMMUNITY INPUT: Public input has been taken throughout this review process and reflected in the minutes linked below.

BUDGET / STAFF IMPACT: There should not be any impacts to the budget. It is anticipated that, with the adoption of the suggested revisions, that staff will see a decrease in time spend enforcing/interpreting the ADU requirements.

RECOMMENDED ACTION OR PROPOSED MOTION: "I move to recommend approval of the amendments to Section 4.04.100.N. of the Town of Eagle Municipal Code regarding the standards for Accessory Dwelling

Units as presented in the November 16, 2021 staff report.”

ATTACHMENTS:

- Draft P&Z Commission Minutes dated November 2, 2021



MEETING MINUTES
Planning & Zoning Commission
Tuesday, November 2, 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

Chair Hood called the meeting to order at 6:00 PM.

COMMISSIONERS PRESENT

Matthew Hood, Kyle Hoiland, Bill Nutkins,
Charlie Perkins, Robert Townsend,
Keegan Winkeller, Lani Webb (via Zoom)

COMMISSIONERS ABSENT

Jesse Gregg

STAFF

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

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

1. Minutes dated October 19, 2021

Approval of the October 19, 2021 minutes tabled until November 16, 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 comment opened at 6:01 PM. There was no public comment.

PUBLIC HEARINGS

1. Project: Eagle County Schools Housing
File #: RZ21-02 and S21-01
Applicant: Tom Braun of Braun Associates, Inc. on behalf of Eagle County Schools
Location: 747 E 3rd Street
Staff Contact: Peyton Heitzman, Planner I
Request: Rezoning of a 2.2-acre parcel from Public Area to Residential Medium and a Sketch Plan Subdivision for a residential development (16 units) at the west end of the 3rd Street Campus.

Staff Presentation

Ms. Heitzman presented this file noting there are two parts to this application. With regards to the first request, Ms. Heitzman reviewed the four conditions of rezoning as outlined in the Municipal Code. The conditions evaluate compatibility with surrounding land uses; whether the land was previously zoned in error or that the existing zoning is inconsistent with the Town's plans; that the area has changed substantially such that the proposed zoning better serves the community; or, that the rezoning is incidental to a comprehensive revision of the Town's zoning map. It is worth noting that the application must meet the first two conditions but is only required to meet either Condition #3 or #4. Staff believes the application meets Condition #3 citing that the current zoning was established in the 1970's / 1980's and since then, the surrounding neighborhoods have been built out. Ms. Heitzman stated that Condition #4 does not apply to this application. While the application meets the conditions for rezoning, staff recommended denial citing section 4.04.030. Per this section of the Municipal Code, the plan lacks established lot lines, a requirement which can be met by submitting a final plat.

Next, Ms. Heitzman presented the sketch plan subdivision. Eagle County Schools (ECS) is partnering with Habitat for Humanity (Habitat) to construct 16 deed restricted units. More specifically, 12 units, or 75% of the project, would be reserved for ECS staff, and 4 units, the remaining 25%, would be allocated to local employees housing. Ms. Heitzman noted that the sketch plan subdivision is very conceptual. Staff and the applicant are only seeking general feedback from the Commission at this time.

Commissioner Winkeller asked where we are in the process of receiving the amended final plat. Mr. Phillips replied that we should receive it soon, along with the preliminary and final subdivision applications.

Applicant Presentation

Mr. Braun was accompanied by Emily Peyton, Elyse Howard, and John Welaj from Habitat for Humanity. First, Mr. Braun began by discussing the project goals, centered around retaining teachers and providing them with more housing opportunities. He stated that the portion of land under consideration on the 3rd Street campus is not utilized by the school or athletics and provides existing benefits to support infill. The site blends within an established neighborhood, is walkable to downtown, and already includes infrastructure. Mr. Braun also noted that ECS and Habitat have collaborated on projects before, recalling the Grace Avenue project in Gypsum that housed 12 district families. This new project will target district employees within the 80% - 100% area median income (AMI) threshold; the bracket where educators employed for two to five years traditionally fall within. Mr. Braun briefly touched on the 2020 Eagle County School District Employee Housing Master Plan and its goal to develop 120 new housing opportunities, including the 3rd Street Campus.

Mr. Braun emphasized the importance of the rezoning approval. The approval would strengthen Habitat's ability to secure financial support from donors and enable the group to invest large sums of money required for project design.

Beyond that, Mr. Braun stated they hope to submit for development permit in January or February in anticipation for construction to being in the spring. Next, Mr. Braun shared an image of the sketch plan and conceptual diagram of the proposed housing units. While the recent amendments to the Comprehensive Plan altered the definition of Public/Institutional to now include on-site employee housing, Mr. Braun believes that rezoning the lot to Medium Density Residential better aligns with the project.

To conclude, Mr. Braun briefly addressed the challenge posed by section 4.04.030. He reaffirmed his belief that the Commission has authority to approve their rezoning request based on a legal description. He suggested including a condition of approval that requires the submittal of a legal description with the zoning application ahead of the Town Council hearing.

Mr. Welaj also spoke, expressing Habitat's enthusiasm to participate in another Town of Eagle project. Since the early 2000's, Habit has constructed nearly 80 homes in Eagle County. Mr. Welaj added that as a part of Habitat's strategic planning, they continue seek out unique partnership opportunities with other organizations in the community.

Q & A

Commissioner Hoiland asked if this application required noticing to adjacent property owners. Ms. Heitzman confirmed a mailing and newspaper notice were completed for both the rezoning request and sketch plan. Commissioner Hoiland questioned whether we are opening the door for other applicants to change the review process if we approve this application. Commissioner Winkeller disagreed, stating the Commission does not need to approve every variance.

Commissioner Winkeller asked if staff has received the legal description. Mr. Braun replied he has a surveyor available and they should be able to submit this quickly.

Commissioner Nutkins asked for additional clarity on the conceptual design. Mr. Braun replied the location of the units will likely change based on topography and how efficiently construction can be executed.

Commissioner Perkins asked how emergency vehicles would maneuver this neighborhood. Mr. Braun replied that a small road extension, currently identified between buildings 5 & 6, would enable emergency vehicles to turn around. The precise location of this road extension may change.

Commissioner Webb asked where parking is located. Mr. Braun replied the design accounts for 3 spaces per unit which meets the minimum parking requirements. In addition to driveway parking, the units will also have a garage though the exact size is subject to change.

Commissioner Nutkins asked about the unit size and Ms. Peyton confirmed they are all 3-bedroom units.

Commissioner Townsend asked if the site accounts for guest parking. Mr. Braun replied they are considering this in the design; however, it may be impacted by the number of spaces built on-site at each unit.

Chair Hood asked if there is a compatibility issue between the fire station and residential uses. Mr. Braun replied there are residential uses downhill and across the street from the fire house. They do not perceive any compatibility issues. Next, Chair Hood asked about staff's concerns with approving the application if a condition to submit the final plat by an established deadline was included. Mr. Phillips replied that per the Town attorney, we cannot condition a rezoning.

Commissioner Perkins inquired how the design meets ADA requirements. Mr. Phillips replied these details would be addressed during the minor development permit review.

Mr. Braun clarified they have not submitted a surveyor's legal description yet; however, the application includes scaled and defined drawings of the rezoning area. Mr. Braun also acknowledged that Town Council's final zoning approval cannot be conditioned. Instead, Mr. Braun asked staff if the Commission can propose approval with a condition to Council. Mr. Phillips replied that if the Commission agrees with the applicant's interpretation of section 4.04.030 and they submit a legal description to staff ahead of a Town Council public hearing, that will fulfill the condition. The Commission supported this plan.

Public Comment

Public comment opened at 6:45 PM.

Rick Beveridge, 306 Howard Street – Mr. Beveridge expressed that this is the type of conceptual project the Commission needs to approve before the applicant spends thousands of dollars. He added that from an applicant's perspective, this project appears short-sided and that the lot can handle more than 16 units. Mr. Beveridge believes their Gypsum project was well managed.

Brenda Saucedo, Avon, Colorado – Mrs. Saucedo was born and raised in Eagle County. She read a personalized letter advocating for and supporting the housing project. In her letter, Mrs. Saucedo recounted how Habitat's work has positively impacted her and her family's lives. Today, she is employed by Eagle County Schools as a Family Advocate.

Public comment closed at 6:52 PM.

Discussion

Chair Hood excused himself during Commission discussion for a family emergency. Chair Hood appointed Commissioner Hoiland to serve as Chair for the remainder of the meeting.

Commissioner Nutkins referenced the August 31, 2021 meeting when the Planning Commission reviewed the proposed amendments to the Future Land Use Map (FLUM) and land use designations. As a product of that meeting, Commissioner Nutkins felt that the new Public/Institutional definition should be interpreted in a way that dedicates on-site housing to teachers. He believes this project should fully cater to the Eagle County School District. Mr. Phillips commented that the FLUM amendments were adopted after this application was submitted.

Commissioner Townsend also expressed his support for the project but agreed with staff's recommendation for denial citing the procedure defined in the Municipal Code.

Overall, the Commission voiced their support of the project, recognizing the ongoing need for housing and the emphasis on retaining teachers. They agreed that providing a recorded final plat or legal description prior to a public hearing with Town Council is required for a positive recommendation.

Mr. Braun stated that he agreed with Commissioner Nutkins' previous comment, suggesting that all 16 units be reserved for district staff. The dilemma is that Habitat aims to serve the broader community, not just one entity.

MOTION: COMMISSIONER CHARLIE PERKINS MOTIONED TO APPROVE FILE # RZ21-02, CONTINGENT UPON THE APPLICANT PROVIDING A RECORDED FINAL PLAT OR LEGAL DESCRIPTION PRIOR TO A TOWN COUNCIL PUBLIC HEARING. MOTION WAS SECONDED BY COMMISSIONER KEEGAN WINKELLER AND PASSED WITH A VOTE OF 6 IN FAVOR (WEBB, TOWNSEND, PERKINS, NUTKINS, HOILAND, WINKELLER) IN FAVOR AND 0 OPPOSED.

MOTION: COMMISSIONER CHARLIE PERKINS MOTIONED TO APPROVE FILE # S21-01 SKETCH PLAN. MOTION WAS SECONDED BY COMMISSIONER ROBERT TOWNSEND AND PASSED WITH A VOTE OF 6 IN FAVOR (WEBB, TOWNSEND, PERKINS, NUTKINS, HOILAND, WINKELLER) IN FAVOR AND 0 OPPOSED.

Commissioner Hoiland closed file RZ21-02 and S21-01.

2. Project: Work Session to amend Section 4.04.100.N concerning Accessory Dwelling Units
 File #: LURA21-06
 Applicant: Town of Eagle
 Location: Town of Eagle
 Staff Contact: Chad Phillips, Community Development Director/Town Planner
 Request: To get direction from the Planning and Zoning Commission and to take public input regarding the draft amendments to Section 4.04.100.N *Accessory apartments in owner-occupied single-family dwellings*.

Mr. Phillips presented this file. He began by stating staff's primary intention is to complete the amendments quickly for the community, then have Clarion oversee remaining aspects that require further evaluation. Mr. Phillips added there continues to be a difference of interpretation which has been problematic. With the immediate need for affordable housing, there is an increased level of urgency to make accessory dwelling units (ADUs) accessible. Through this work session, staff is seeking direction to amend the section language.

Public Comment

Rick Beveridge, 306 Howard Street – Mr. Beveridge owns several lots in Eagle. He believes the ADU size can be increased from 700 sq. ft. and that lot size as well as setbacks should be considered when determining the new square footage standard. Mr. Beveridge also expressed that measuring an ADU should exclude exterior stairs. Mr. Beveridge's other comments included a request to make exceptions for setbacks on corner lots, consider ADUs both with and without a garage, and to prohibit short-term rentals in ADUs.

Darryl Lundholm, 102 E Seventh Street – Mr. Lundholm asked for a copy of the presentation and provided his email address to staff.

Rick Pylman, 45 Creamery Trail – Mr. Pylman is a representative of the Haymeadow project. Mr. Pylman suggested focusing on condition #4 of the section. He believes it is too subjective.

Commissioner Nutkins asked if these standards only apply to residential areas and Mr. Phillips replied, yes.

Public comment closed at 7:37 PM.

Discussion

Following Public Comment, the Commission examined the 8 amended standards and provided additional feedback. A variety of questions were discussed regarding parking, where an ADU should be located on the lot if it is detached, and prohibiting short-term rentals in ADUs.

Commissioner Perkins commented that detaching the ADU from the primary residence allows the occupant certain liberties and was in favor of units above detached garages.

Commissioner Winkeller asked if the language should include regulations that restrict or prohibit short-term rentals and Mr. Phillips replied by asking if this would get in the way of making units available. Commissioner Webb

commented that it would encourage the community to follow the rules. Several Commissioners were in favor of striking condition #3 altogether and drafting new language to prohibit short-term rentals in ADUs.

Commissioner Perkins asked if a homeowners' association (HOA) can supersede these conditions and Mr. Phillips replied an HOA can only provide standards more restrictive than the Town's.

Commissioners Winkeller and Nutkins suggested increasing the 800 square feet standard. And/or, adjusting other aspects of condition #8 that speak to how the area is measured.

The Commission agreed on the following direction:

N. Accessory Dwelling Unit (ADU). An ADU is allowed in a single-family dwelling, attached to a single-family dwelling, in an accessory building, or detached from the primary dwelling providing that the following conditions are met:

- 1. The ADU will be a complete, separate dwelling unit that can be isolated from the primary unit or in a location detached from the primary dwelling.*
- 2. The ADU shall include its own independent access.*
- 3. [Language will be replaced with a standard that explicitly prohibits short-term rentals in ADUs].*
- 4. The primary dwelling unit and ADU shall be designed to have an appearance of a single-family home. In the condition of a detached ADU, the ADU will be situated on the rear half of the lot. [Additional standards should be incorporated to address corner lot homes].*
- 5. Maximum lot coverage and maximum floor area ratios may not be exceeded.*
- 6. Off-street parking spaces shall be provided pursuant to Section 4.07.140.*
- 7. The design and size of the ADU shall conform to all other applicable standards and requirements.*
- 8. The ADU shall not exceed 800 square feet using the following means of measurement: measure the area within the inside face of the perimeter walls of the ADU, including habitable space in the basement but excluding stairs, typically mechanical rooms, garages, and decks and porches that are not enclosed.*

Commissioner Hoiland closed file LURA21-06.

3. Project: Eagle Sinclair Station Drive Through and Building Addition
 File #: DR21-01 and V21-01
 Applicant: Turnipseed AIA Architecture + Constructions Inc. representing Ed Oyler
 Location: 131 Chambers Avenue
 Staff Contact: Peyton Heitzman, Planner I
 Request: 1) A Minor Development Permit with design variances for a building addition and drive through window on the southeast side of the existing building and 2) a Zoning Variance for increased impervious surface coverage beyond what is allowed for in the Commercial General zone district.

MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO CONTINUE FILE # DR21-01 AND V21-01, THE DEVELOPMENT PERMIT AND ZONING VARIANCE FOR 131 CHAMBERS AVENUE TO THE NOVEMBER 16TH, 2021, PLANNING AND ZONING COMMISSION MEETING. MOTION WAS SECONDED BY COMMISSIONER CHARLIE PERKINS AND PASSED WITH A VOTE OF 6 IN FAVOR (WEBB, TOWNSEND, PERKINS, NUTKINS, HOILAND, WINKELLER) AND 0 OPPOSED.

Commissioner Hoiland closed files DR21-01 and V21-01.

OPEN DISCUSSION

There were no additional comments or discussion items.

ADJOURN

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

MEETING ADJOURNED AT 8:15 PM.

APPROVED:

DATE:

Matthew Hood, Chairman

Nikki Davis, Administrative Tech II



To: Planning & Zoning Commission

From: Chad Phillips, Director/Town Planner, 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: November 16, 2021

Agenda Item: Community Development Department Update

LONG RANGE PLANNING

- **The Land Use and Development Code Update**

- Staff received Clarion's Code Assessment Report and the initial staff review is complete with comments submitted to Clarion on November 2nd. Staff is anticipating the Sign Code draft by end of November.
- The Steering Committee forming documents are forthcoming, following a review from Clarion.
- Staff is aiming to schedule an introductory meeting the week of November 15th and the Code Assessment meeting the week of December 6th.

- **Elevate Eagle Comprehensive Plan**

- Town Council ratified the adopted the amendments to the Future Land Use Map (FLUM) and Future Land Use Categories on October 26th. The updated Comprehensive Plan is now available on the Town of Eagle website.

- **Grand Avenue Corridor Study**

- Project is now in Phase 2 (April 2021 – November 2021) which has a greater focus on conceptual planning.
- Summary from the July Phase 2 Design Charette and graphics from the October Progress meeting are now available on the project site ([LINK](#)).
- Future meetings scheduled:
 - Stakeholder group meeting December 2021 (exact date TBD)
 - Town Council work session 2/1/22

- **East Eagle Sub Area Plan (EESAP)**

- Town Council ratified the EESAP adoption draft on November 9th. Project close out underway, including updating public documents and Town of Eagle website.

- **SolSmart (Bronze Solar Designation) – CommDev lead project**

- Clarion has provided additional comments on baseline zoning assessment.
- Permit Tech will assume lead role with Clarion's assistance.
- No new information to report as of 11/12/21.



- **HB21-1271 DOLA Innovative Housing Strategies: Planning Grant Program**
 - The Town was awarded a \$45,000 grant from the Department of Local Affairs (DOLA) to 1) conduct a Housing Assessment and 2) modify the Land Use Code update to include a component that analyzes land use regulations that limit/support attainable housing in the Town and additional public outreach that focuses on existing and proposed regulations.

LAND USE APPLICATIONS IN PROGRESS

Pre-Application Meetings

- **(1)** pre-application meeting has been completed / forthcoming in November.

Planning Active Applications

- **Reserve at Hockett Gulch**
 - A Subdivision and Major Development Permit application. Staff received application resubmittal on September 13th and completeness review is ongoing.
 - Post referral meetings were conducted on October 20th and November 9th. Main topics included building height interpretation, reconfiguration of development phasing, and addressing covenants.
 - Third post referral meeting will focus on architecture, landscape, open space, and traffic impacts.
- **PUDA21-02 Haymeadow 2nd PUD Amendment**
 - Town Council approved the application at the November 9th public hearing.
 - Applicant submitted revised narrative to address completion of Sylvan Lake/Brush Creek roundabout, timing of vertical construction, inclusion of 30 Resident Occupied housing units, units for sale vs for rent, and timing of improvements to the 8-acre parcel in Neighborhood C.
- **PUDA21-01 Eagle Ranch 6th PUD Amendment**
 - Planning Commission public hearing scheduled for 11/16/21.
- **SU21-05: 332 Grand Ave (AG Roofing)**
 - Special Use Permit application submitted for outdoor storage, but applicant also needs to apply for shop use. Application not deemed complete for processing.
 - No new information to report as of 11/12/21.
- **SU21-04: 263 Sawatch**
 - Special Use Permit application for contractor yard.
 - Application deemed complete and public hearings have been scheduled.
- **RZ21-02 & S21-01: Eagle County School District (ECSD) 3rd Street Housing**
 - Planning Commission voted to approve both the rezone and sketch plan subdivision applications.
 - Town Council public hearing scheduled for 12/14/21.



- **446 Broadway**
 - Staff received application for development permit. Application not deemed complete for processing.
 - No new information to report as of 11/12/21.
- **341 Broadway (Mountain Animal Hospital Center)**
 - Staff received partial submission for a minor development permit. Application not deemed complete for processing.
 - No new information to report as of 11/12/21.

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.

- October 2021 - (11) inquiries received
- November 2021 – (5) inquiries received to date

Code Enforcement: Active Cases

- (5) – Planning
- (1) – Building
- (1) – Public Works

TOWN COUNCIL and PLANNING & ZONING COMMISSION MEETING SCHEDULE:

November 2021
November 16 th Planning & Zoning Commission • ADU Recommendation Public Hearing • Eagle Ranch 6th PUD Amendment • Sinclair Station Development Permit / Zoning Variance • Community Development and Council Update
November 23 rd Town Council • Meeting Cancelled - Thanksgiving
December 2021
December 7 th Planning & Zoning Commission • Parking Fee in-lieu Recommendation Public Hearing • 706 Chambers Ave – SUP/Condo Plat • Three-Mile Plan • Community Development and Council Update
December 7 th Town Council Special Meeting and Work Session • No land use file scheduled at this time.
December 14 th Town Council • ADU adoption hearing



• ECSD Rezone & Sketch Plan • Eagle Ranch 6th PUD Amendment • Three-Mile Plan (Consent Agenda) • Community Development Department Update
December 21 st Planning & Zoning Commission • Meeting Cancelled - Christmas
December 28 th Town Council • Meeting Cancelled – Christmas / New Year

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

- **Broadway Station: Mixed Use/Multi-Family**
 - Developer team continues to work with Building Official and Public Works on revised plans and addressing comments. Work on exterior finishes underway.
- **410 Broadway: Mixed Use/Multi-Family**
 - Third-party plan review comments have been assembled and sent to applicant. Awaiting applicant feedback.

TYPE OF WORK PERFORMED	NUMBERS PERFORMED IN 2020	NUMBERS PERFORMED TO-DATE 2021
Inspections (n/i planning/pw)	1,970	1,112
Building Permits Processed	498	240

TOWN COUNCIL UPDATE:

October 26, 2021: Town Council Meeting

- Council adopted Resolution No. 72, Series 2021, “A Resolution of the Town Council of the Town of Eagle, Ratifying the Planning and Zoning Commission’s Adoption of the 2021 Amendment to the Elevate Eagle Comprehensive Plan”.
- Council tabled adopting Resolution No. 73, Series 2021, “A Resolution of the Town Council of the Town of Eagle, Colorado to Ratify the Adopted East Eagle Sub Area Plan (EESAP)” to the November 9th Council meeting.

November 2: Town Council work session

- Parking Fee in-lieu policy discussion.

November 9th: Town Council Meeting

- Council adopted Ordinance No. 13, Series 2021, “An Ordinance of the Town Council of the Town of Eagle, Colorado Approving a Major PUD Amendment to Swap Approximately 6.5 Acres of the Recreational Land Portion of Tract E for Multi Family Development and to Dedicate an 8 Acre Parcel for Future Recreational Uses



- for the Haymeadow PUD”.
- Council adopted Resolution No. 73, Series 2021, “A Resolution of the Town Council of the Town of Eagle, Colorado to Ratify the Adopted East Eagle Sub Area Plan (EESAP)”.
- Council discussion on amending Section 4.04.100.N concerning Accessory Dwelling Units.