



**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 - TOEG – townofeagle2019

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

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

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

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

PUBLIC COMMENTS: If you are unable to attend, public comments regarding any items on the 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

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 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.

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*.
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.

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

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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, 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 capitol costs after a certain number of years and if that would reduce or eliminate the fee?

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.

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 available 503 spaces.

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

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 unidentified group of stakeholders in the downtown area.

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

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 street light costs. Mr. Wike replied that the estimate does not include illumination, extended landscaping, or other beautification initiatives.

Commissioner Nutkins asked how this program correlates with the existing budget for capitol improvement projects.

Commissioner Hoiland asked if the study includes revenue projections.

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 their opinion 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 we don't know the substructure conditions of existing spaces and to build them 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

Request: Jessica Lake, Planner I
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 to 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



**STAFF REPORT AND
CERTIFICATE OF RECOMMENDATION**

TO: Planning & Zoning Commission

FROM: Community Development Department

DATE: November 2, 2021

FILE NUMBER: RZ21-02 and S21-01

PROJECT: Eagle County Schools Housing

APPLICANTS: Tom Braun of Braun Associates, Inc. on behalf of Eagle County Schools

LOCATION: 747 E 3rd Street

CODE: Chapter 4.04 Zoning
Chapter 4.05 Zoning Review
Chapter 4.12 Subdivision Review

ZONING: (Existing) Public Area

EXHIBITS: A: Application and Project Narrative
B: Petition for Rezoning
C: Sketch Plan
D: Vicinity Map
E: Aerial Photo
F: Site Photos

PUBLIC COMMENT: No public comments received as of October 29, 2021.

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

REQUEST: The applicant seeks approval of 1) rezoning of a 2.2-acre parcel from Public Area to Residential Medium and 2) a Sketch Plan Subdivision for a residential development (16 units) at the west end of the 3rd Street Campus.

INTRODUCTION

Eagle County Schools is requesting to rezone 2.2-acres on the western end of their property located at 747 E 3rd Street. Existing zoning is Public Area and the proposed zoning is Residential Medium. Accompanying the rezone request is a Sketch Subdivision for the development of eight duplexes. The purpose of the sketch subdivision is to exchange information and ideas between the applicant and decision-making bodies at the conceptual level for the proposed development.



The applicant is proposing 12 of the dwelling units be sold to staff of Eagle County Schools at or below 100% AMI. The remaining four units will be sold as local employee housing at or below 80% AMI.

The 2.2-acres is a section of a 15.7-acre parcel under the sole ownership of Eagle County Schools. The property is surrounded by residential neighborhoods with the Bluffs to the north and northeast, and old town neighborhoods to the south and southwest.

If the Planning & Zoning Commission and Town Council are favorable to the development concept and find the proposal to be in line with Town goals, policies and plans, the applicant may subsequently apply for preliminary plat/final plat and development permit.

DISCUSSION ITEM(S)

1. Does the proposed zoning align with the Comprehensive Plan?
2. Does the development proposal align with the Town's policies outlined in the Elevate Eagle Comprehensive Plan (Comprehensive Plan)?

REZONING STANDARDS FOR APPROVAL (SECTION 4.05.030.A.)

The conditions for rezoning as outlined in Section 4.05.030 of the Land Use and Development Code are:

STANDARD #1: *That the rezoning is compatible with surrounding land uses, and is consistent with the Town's goals, policies and plans.*

Compatible with surrounding land uses:

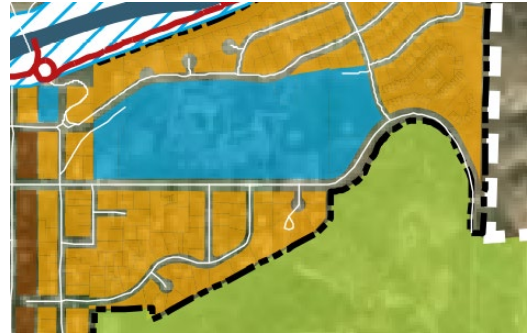
Staff comment: There are residential uses to the north and south of the area proposed for rezoning. The school property as a whole is surrounded by single-family homes and multi-family residential buildings with the exception of the Fire District property that is the adjacent property to the west. Schools are uses typically found in residential neighborhoods and are seen as compatible uses. Both the existing school use and the proposed residential use are compatible with the surrounding land uses.

Consistent with Town goals, policies and plans:

Staff comment: Within the Elevate Eagle Comprehensive Plan (Comprehensive Plan) is the Future Land Use Map (FLUM) that describes the Town of Eagle's desired future. The map includes future land use designations for areas within the Town's Urban Growth Boundary. The Eagle County Schools project is shown as Public/Institutional (P) on the FLUM. The Comprehensive Plan's description of the Public/Institutional category is *civic uses, such as the schools, government buildings, and public service and recreation facilities, within varied settings, including Downtown, along the Eagle River, and within and*

adjacent to neighborhoods. The primary uses include *public and civic uses, including recreational facilities, public services, schools, healthcare, and governmental offices.* Secondary uses include *accessory uses and on-site employee housing.* The proposed zoning for the ECS Project does not fully align with the Public/Institutional land use designation in the FLUM. The project will provide employee housing for Eagle County Schools staff.

The FLUM contains language that allows a flexible interpretation of the boundaries within the FLUM if granted by the Town Planning staff, Planning and Zoning Commission, and Town Council, provided the proposed change is consistent with the vision goals, and strategies contained in the Comprehensive Plan. If the Planning Zoning Commission determined that this proposal is a good candidate for this “flexible interpretation of the boundaries”, the most appropriate land use category to review against would be the Medium Density Residential (MDR) land use. The MDR land use surrounds the ECS property and is the land use most similar to the Residential Medium zone district. The description for the MDR land use is *single and multi-family neighborhoods built on a traditional development pattern, served by a highly connected street pattern, and interspersed with schools, public facilities, walkable neighborhoods amenities, parks and trails.* The primary uses in the MDR include *small lot, single-family units, **duplexes**/triplexes, multi-family, and townhomes.*



Goals/Policies in the Comp Plan:

Staff reviewed the policies within the Comprehensive Plan against the ECS proposal. Relevant policies are followed by staff comments below.

- *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.*
Staff comment: Roughly 80% of Town of Eagle’s housing stock is single-family homes. The Town has also approved a large number of high-density multi-family units (approximately 844 units) through the Reserve at Hockett Gulch and Haymeadow developments. This proposal ensures a healthy mix of housing types and densities by providing duplexes, an alternative to a single-family home and higher-density multi-family complexes.
- *Policy 1-2.5 Provide opportunities for a balanced mix of housing and services to support local businesses, employees, residents, and visitors.*
Staff comment: Housing opportunities through this project will be for families with incomes in the 80-100% AMI level or as the application mentions, the “missing middle”. Twelve (12) units will be available for ECS employees, and the other 4 units will be dedicated for local employee housing living year-around in Eagle. The four units for general local employee housing will target families at or below 80% AMI. Within this project, there is a balanced mix of housing for multiple income levels.
- *Policy 2-1.10. Encourage, where appropriate, increased density near the Downtown core.*
Staff comment: The project location is less than ½ a mile from Broadway. This increased density near the downtown core may result in more shoppers/customers at the local retail shops and restaurants on Broadway.
- *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 constructions.*

- a. *Ensure residential infill and redevelopment blend appropriately with the character and scale of surrounding neighborhoods.*
- b. *Utilize infill and conservation-oriented development to accommodate growth while retaining open lands and protecting environmentally sensitive areas.*

Staff comment: Staff has not received architectural designs to determine whether the building design will meet the character of the surrounding neighborhoods. ECS is requesting Residential Medium zoning that will match the zoning of the surrounding residential neighborhoods. Many of the homes to the north are single-family homes, however, there are multi-family buildings to the south and west of the ECS property. With other multi-family structures in the area, the proposal appears to blend with the character and scale of surrounding neighborhoods in terms of density and housing type.

The project is removing a field area; however, this land is not public open space. The property is not an environmentally sensitive area.

- *Policy 2-5.1. Maintain and enhance the sense of community in Eagle.*

Staff comment: The installation of locals housing will help maintain and enhance the sense of community in Eagle by limiting opportunity for second homeowners or short-term rental properties. The proposal will provide an opportunity for ECS staff to live and work within the community.

- *Policy 3-3.1. Ensure residents have access to recreation amenities.*

- a. *N/A*

- b. *Require new development to provide adequate parks, trails, other recreational facilities, and connections to pedestrian/bicycle-oriented amenities.*

Staff comment: This proposal does not provide additional parks, trails, recreation facilities, etc.,. The location is near the local trail system (Charlie Brown Trail and Boneyard). There is also access to paved trail system with access near the cemetery and access to the ECO trail to the north. Residents will have access to fields and playgrounds on the school campus.

- *Policy 3-5.4. Require new development to provide trail (hiking, biking, motorized) connections to local and regional destinations or existing trail systems.*

Staff comment: There is connectivity from the proposed development to the existing trail system. The application's Vicinity Map show the development's proximity to the nearest trail system. The existing sidewalk along the south property line provides a convenient connection to the Charlie Brown Trail at the intersection of Mill Road and Polar Star Drive.

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

Staff comment: The project is not located within sensitive lands, nor does the redevelopment of the site impact wildlife habitat/movement corridors, based on information available to staff (see comment below).

- *4-1.7. Utilize the most current analysis tools and mapping to identify critical wildlife habitats and movement corridors.*

Staff Comment: Staff looked at the Eagle County Community Wildlife Roundtable Interactive Map Viewer to look at impacts on wildlife habitat, migration corridors, winter/summer ranges, etc. and found no conflict with the proposed 2.2 acres for the ECS project.

- *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 property is not located on a steep slope or ridgeline. No other hazards have been identified for the area.

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

Staff comment: The proposal is less than a mile from the transit stops at 5th St & Wall St and the Chambers Park n Ride.

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

Staff comment: At 16 dwelling units for approximately 2.2-acres, the proposal would be requesting the maximum density permitted in Residential Medium zone district.

STANDARD #2: *That the land to be rezoned was previously zoned in error or the existing zoning is inconsistent with the Town's goals, policies and plans.*

Staff Comment: The land subject to rezoning was not previously zoned in error. The Planning & Zoning Commission may consider the existing zoning inconsistent with the following goals, policies and plans:

- *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.*
- *2-1.10. Encourage, where appropriate, increased density near the Downtown core.*
- *5-1.4. Promote the development of compact neighborhoods in close proximity to public transit options, and allowing increased residential, retail, and mixed-use densities in areas close to transit stops.*

A common theme with all the policies above is that they encourage increased residential density near the Town core and support efforts for locals housing, both of which are accomplished through this application. The proposal would maximize the usefulness of the property and develop on a portion that is arguably underutilized as it exists today. The existing zoning, Public Area, prohibits any kind of residential use under existing zoning standards. This limitation to the zone district may be considered inconsistent with Town policies.

STANDARD #3: *That the area for which rezoning is requested has changed substantially such that the proposed rezoning better meets the needs of the community; OR*

Staff Comment: The area subject to rezoning has changed substantially since the property was zoned Public Area back in the 1970's/80's. The surrounding residential neighborhoods are almost completely developed, leaving little to no vacant lots for future residential development in the area. This rezoning would lend to residential opportunities for infill near the town core and is in alignment with previously mentioned policies 1-1.3, 2-1.10, and 5-1.4.

The proposed zoning better meets the needs of the community by adding attainable housing while at the same time, not eliminating land essential for school purposes. Eagle County Schools has other properties within the Town to address the growing student population. In addition to the 747 E 3rd Street property, Eagle County Schools owns two other properties within the Town of Eagle to utilize for school buildings. One of the properties, 333 Eagle Ranch Road, already operates a school from the property. The other property, though not yet formally dedicated to Eagle County Schools, is the Haymeadow property. The future school site within the Haymeadow development is vacant and has

development potential to absorb additional students that are anticipated with the Town's growing population.

STANDARD #4: *That the rezoning is incidental to a comprehensive revision of the Town's zoning map which recognizes a change in conditions and is consistent with the Town's goals, policies and plans.*

Staff Comment: There has not been a comprehensive revision of the Town's zoning map. This standard does not apply.

ZONING STANDARDS FOR APPROVAL (SECTION 4.04.030.)

Except where otherwise indicated, zone district boundaries shall follow municipal corporation limits, section lines, lot lines, centerlines of stream beds, and right-of-way centerlines or extensions thereof. In un-subdivided land or where a zone district boundary divides a lot or parcel, the location of such boundary, unless indicated by dimensions, shall be determined by scale of the zone district map. Where a zone district boundary coincides with a right-of-way line and said right-of-way is subsequently abandoned, the zone district boundary shall then follow the centerline of the former right-of-way. Land not part of public right-of-way and which is not indicated as being in any zone district shall be considered to be included in the most restrictive adjacent zone district even when such district is separated from the land in question by a public right-of-way.

Staff Comment: While staff find that the proposal aligns with the Comprehensive Plan and the criteria for rezoning, Section 4.04. 030 requires that zone district boundaries follow municipal corporation limits, section lines, lot lines, centerlines of stream beds and right-of-way center lines or extensions thereof. The proposed residential zone district is a portion of an existing lot and does not follow the property lot lines. The applicant is proposing the lot lines be established through a later subdivision application; however, staff find that this procedural approach is in violation of Section 4.04.030 of the Code. For this reason, staff is recommending denial of the zoning application.

The second sentence in Section 4.04.030 states, *in un-subdivided land or where a zone district boundary divides a lot or parcel, the location of such boundary, unless indicated by dimension, shall be determined by scale of the zone district map.* This sentence may allow for the interpretation that the zone district boundary could be indicated by dimensions, rather than the boundaries permitted in the first sentence (section lines, lot lines, centerlines of stream beds and right-of-way center lines or extensions thereof). Staff believes the intent of this second sentence is to address current zoning that does not meet the permitted zone district boundaries established in the first sentence.

SKETCH PLAN SUBDIVISION TOPICS TO DISCUSS AT MEETING (SECTION 4.12.030)

Per Section 4.12.010.C of the Municipal Code, the Planning Commission is tasked with providing recommendations that relate to the potential impact of the proposal on the Town, its population, services and facilities, environment, character, existing and potential land uses, and economy. The Municipal Code also outlines a list of topics for the Commission to consider and discuss in their review of the proposal. The Applicant's response to each of these topics is included.

The Commission shall make recommendations to the Town Council regarding the proposal and its conformance with the Town's goals, policies and plans. Such recommendation may relate to the following topics:

1. *How the proposed project complies with the subdivision design and development standards (Chapter 4.13), the Eagle Area Community Plan (Comprehensive Plan) and the purpose of this Title.*

Applicant comment: The projects compliance with the town's comprehensive plan is discussed above (see application narrative). The project's compliance with subdivision design and development standards is best addressed during preliminary plan review when more detailed project design is completed. Based on evaluation of the subject site, the applicants are confident that the project can be designed to conform with these standards.

Staff Comment: Staff's full analysis of the projects compliance with the Comprehensive Plan is provided previously in the staff report. A policy of the Comprehensive Plan worth noting is 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 constructions.* A condition the Commission may want to consider is for the exterior design of the dwellings to be in character with that of the surrounding neighborhoods and adhere to high quality standards of design and construction.

Many of the requirements in Chapter 4.13 have already been satisfied for this lot since it is located in a previously subdivided area (sidewalks, lot/block design, street patterns, etc.). The development may require the dedication of easements and the relocation/ abandonment of public improvements such as a water and wastewater line. As mentioned in the application narrative, the applicant is working with staff to determine if cash in lieu of water rights dedication is needed.

Municipal Park land dedication is not applicable to this application since it is located on a previously subdivided parcel. The School Land Dedication is a requirement of the Municipal Code, though the applicant is requesting a waiver on this requirement. This request will be considered with the preliminary/final plat application.

Considering the conceptual nature of this application, a few of the subdivision design and development standards will need to be reviewed during subsequent applications (Preliminary Plat/Development Permit). These standards include off street parking, fire protection, drainage, and erosion/sediment control, stabilization, and revegetation.

2. *The developer's goals and vision for the project.*

Applicant comment: The applicant's goals for this project are outlined above under "The need for this request".

Staff Comment: The goals and vision for this project, to develop attainable employee/locals housing at a density that fits the surrounding neighborhood, achieves many of the policies outlined in the Comprehensive Plan.

3. *How the proposed development incorporates variety in the type, design and siting of buildings.*

Applicant comment: This is a small residential project and as such there is no variety in the type or design of homes to be developed.

Staff Comment: The architectural design of the duplexes has not been provided at this point in the application. The buildings' character and ability to integrate with the surrounding neighborhoods is an important consideration.

4. *How the proposed subdivision will be connected to and integrated with surrounding natural and developed areas.*

Applicant comment: There are no significant or notable natural features on or surrounding the site. Homes in this location will integrate well with surrounding residential neighborhoods in the vicinity.

Staff Comment: The proposal is located on a previously subdivided lot within an almost fully developed area of Town. The development is not proposing major changes to the infrastructure such as street alignment and appears to be integrating with the surrounding developed areas.

5. *How the project will impact neighboring properties (i.e., water drainage, traffic circulation, environmental impacts, view corridors).*

Applicant comment: It is expected that the surrounding road system will be capable of accommodating the limited traffic that will be generated by the project. Based on initial site evaluation, site drainage should be able to be accommodated. There are no significant environmental or viewshed considerations on this site.

Staff Comment: The applicant's narrative under "Development Considerations" addresses the water drainage and traffic circulation for this project. The narrative mentions that surface drainage runs south/southwest along this property. The applicant will provide a detailed grading and drainage plan with the Preliminary Plan application. The applicant has provided an initial estimate of traffic generated from the project and anticipates minimal impact to the traffic circulation in the area. As mentioned previously in the staff report, mapping from the Eagle County Community Wildlife Roundtable Interactive Map Viewer does not show negative impacts to wildlife habitats/movement corridors. The property is not within a floodplain. The environmental impacts, if any, are anticipated to be minimal. Lastly, the property does not appear to significantly impact the view corridor of the neighborhood. Based on information provided, the new structures may impact the southern neighbor's view of the Castle Peak area to the north. This is difficult to determine based on the information provided at this stage in the application. However, large mature trees that run along the southern boundary of the property already obstruct the northern-facing view.

6. *How the design is cost-effective and environmentally responsive to site features and constraints and how potential impacts to natural systems will be mitigated.*

Applicant comment: The sketch plan is designed based on topography of the site. Most homes are located on the flatter portions of the site, allowing for more cost-effective construction. There are no other environmental features that influenced site design.

Staff Comment: Per the application narrative, the design of the development takes into consideration the topography of the site. The applicant plans to conduct a site-specific soils report with the Preliminary Plan. At this point in the application, the applicant is using a 2017 Geotechnical Study for the 3rd Street Campus as an indicator that there are no major concerns from the soil and geotechnical standpoint. No other site features and constraints have been identified at this time.

7. *How the design capitalizes on natural and cultural assets on and around the site to build a positive and distinctive identity.*

Applicant comment: N/A.

Staff Comment: The design builds on the cultural asset that is the school campus. The project will provide employee housing to serve the school. The increase in density will, even if minimally, increase foot traffic on Broadway Street, strengthening the liveliness and identity of the downtown core. In terms of natural assets, the development's proximity to the local trail system will capitalize on access from the residential development to the natural trail asset.

8. *How the proposal promotes the efficient use of land and public streets, utilities and governmental services.*

Applicant comment: As an infill development site, existing roads and utilities are in place to serve the proposed development.

Staff Comment: The proposal promotes the efficient use of land and public streets, utilities, and governmental services by requesting the use of existing infrastructure as an infill development. The creation of new streets and utilities, rather than the use of existing infrastructure, would result in an expanded service area and likely result in the need for additions services and manpower to provide governmental services that meet Town standards.

STAFF RECOMMENDATION

Staff recommends **DENIAL** for the rezoning of a 2.2-acre parcel located at 747 E 3rd Street from Public Area zoning to Residential Medium zoning based on Section 4.04.030. of the Municipal Code, with the finding of fact and conditions of approval listed below.

Staff does not have a formal recommendation for the Sketch Plan Subdivision application since the request is intended to be a dialog between the applicant and the Planning & Zoning Commission. However, the proposal appears to be in general compliance with the Comprehensive Plan and Sections 4.12.020.A and 4.12.030.A of the Development Code.

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to the zoning of file number RZ21-02 and S21-01:

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).

SUGGESTED MOTION(S)**REZONING:**

I move to RECOMMEND DENIAL of File # RZ21-02, the rezoning a 2.2-acre section of 747 E 3rd Street from Public Area to Residential Medium based on the following findings of fact:

FINDINGS OF FACT

The proposed zone district does not follow municipal corporation limits, section lines, lot lines, centerline of stream beds, and right-of-way centerlines or extensions thereof.

SKETCH PLAN SUBDIVISION:

I move to RECOMMEND APPROVAL or DENIAL of File # S21-01, the sketch plan subdivision for a 2.2-acre section of 747 E 3rd Street for a residential development at the west end of the 3rd Street Campus, based on the following findings:

FINDINGS OF FACT

- 1) The conceptual application is in compliance with the Elevate Eagle Comprehensive Plan.
- 2) Other recommendations in relation to the potential impacts of the proposal on the Town, its population, services and facilities, environment, character, existing and potential land uses, and economy as follows:
 - a. The dwellings be compatible with the surrounding neighborhoods adhere to high quality standards of design and construction.



TOWN OF EAGLE
COMMUNITY DEVELOPMENT
200 BROADWAY • PO BOX 609 • EAGLE, CO 81631
PHONE: 970-328-9655 • FAX: 970-328-9656
www.townofeagle.org

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 225/3rd Street Housing
PRESENT ZONE DISTRICT Public Area PROPOSED ZONE DISTRICT Residential Medium
(if applicable)

LOCATION

STREET ADDRESS 747 E. 3rd Street

PROPERTY DESCRIPTION

SUBDIVISION Eagle Valley Elementary and Middle school subdivision LOT(S) _____ BLOCK _____
(attach legal description if not part of a subdivision)

DESCRIPTION OF APPLICATION/PURPOSE Rezoning request to allow for small residential development on 3rd Street campus.

APPLICANT NAME Eagle County Schools c/o Sandra Farrell PHONE 970 328-2747

ADDRESS 20 Box 740 EMAIL sandra.farrell@eagleschools.net

OWNER OF RECORD Same PHONE _____

ADDRESS _____ EMAIL _____

REPRESENTATIVE* BRAW Associates, Inc. Tom Braw PHONE 970 926 7575

ADDRESS 12 Vail Rd. Suite 600 Vail, CO 81657 EMAIL tom@brawassociates.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

9/3/21

Date

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 _____	

SKETCH PLAN SUBDIVISION and REZONING REQUEST EAGLE COUNTY SCHOOLS/3rd STREET CAMPUS

October 2021

01 INTRODUCTION

The purpose of this report is to explain two separate, but related land use applications that would allow for the potential development of a small housing project at the Eagle County School District's 3rd Street campus. Applications include a Sketch Plan subdivision for a +/- 2.2-acre parcel located at the west end of the 3rd Street Campus and a request to rezone this parcel from Public Area to Residential Medium.

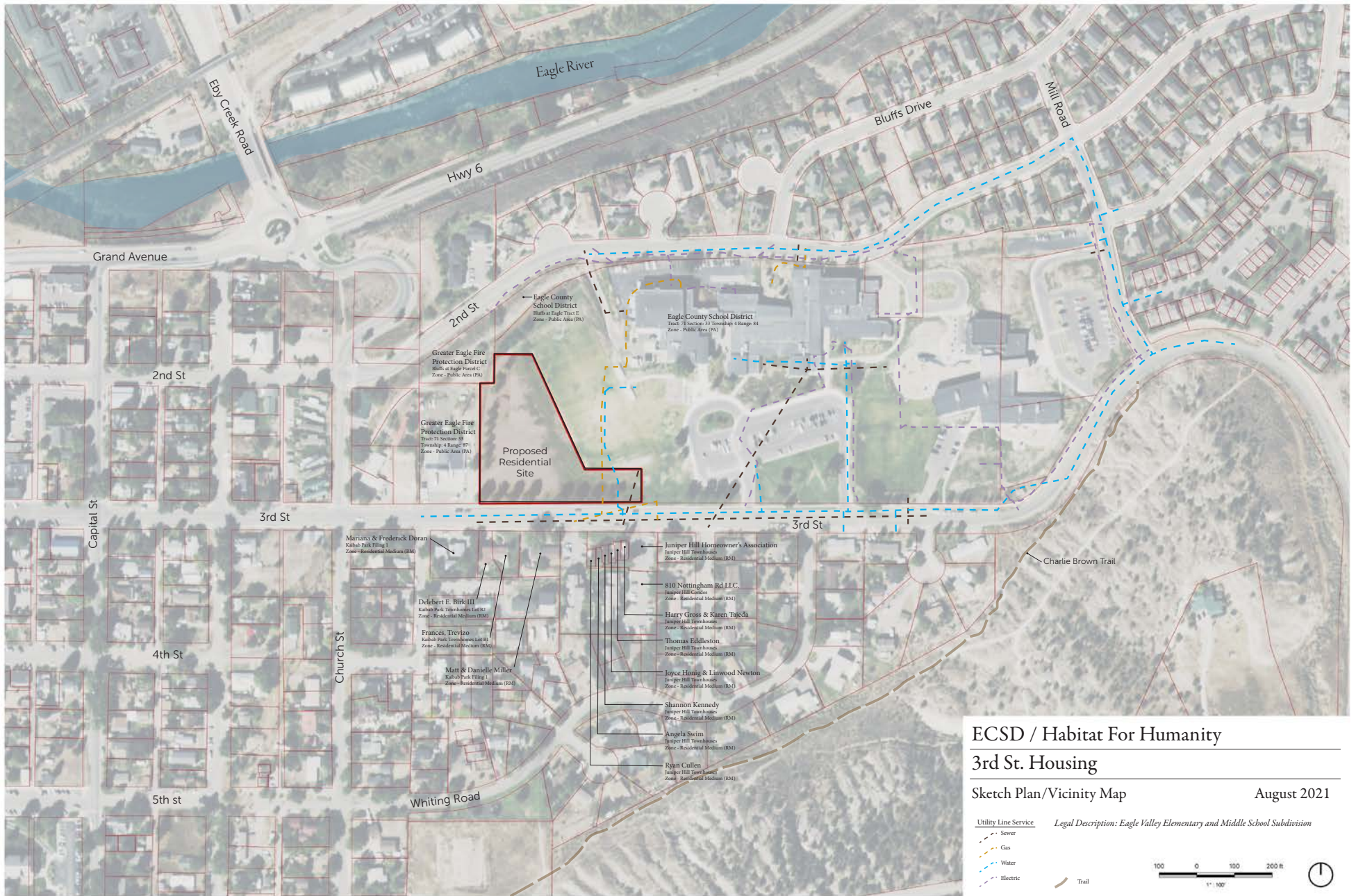
Information provided herein has been prepared in accordance with relevant sections of the Eagle Town Code, specifically Section 4.12.020 of the Subdivision regulations (Sketch Plan Subdivisions) and section of 4.05.030 of the Zoning Code (Procedures for Rezoning). This application has been submitted on behalf of Eagle County Schools (ECS), owner of the subject property. Information below includes:

- *the need for this request,*
- *an overview of the proposal (approach to development, site evaluation, conceptual site plan and the Town's review process),*
- *Discussion of other development considerations*
- *an evaluation of how the proposal complies with Elevate Eagle, the Town's comprehensive plan, and*
- *evaluation of how the proposal responds to applicable rezoning and sketch plan subdivision review criteria.*

ECS's goal for this project is to create a small residential neighborhood of affordable homes for District staff and others in the workforce of Eagle County.



Proposed housing site looking west down 3rd St.



02 THE NEED FOR THIS REQUEST

As is the case with virtually every employer in the Eagle River Valley, Eagle County Schools is severely impacted by both the lack of housing supply and the cost of housing. Housing has for a number of years been a major challenge in recruiting new employees and in retaining existing employees. These challenges have recently become far more acute than they have been in the past.

In 2020 the Board of Education adopted the ECSD Employee Housing Master Plan. This Plan established a goal to create 120 housing opportunities for District staff by 2030. In response ECSD has launched or completed the following initiatives:

- *Finalizing a collaboration with Habitat for Humanity Vail Valley (HH) on the construction of 12 homes on land provided by ECSD at the IK Bar Ranch in Gypsum.*
- *Evaluating the feasibility of developing staff housing on land in Gypsum.*
- *Securing master leases for apartment units in Gypsum, Eagle, and Avon.*
- *Initiated the design of a staff rental housing project located in Edwards.*

Among other recommendations, the housing master plan identifies the potential for a small housing project located at the southwest corner of ECSD's 3rd Street Campus in Eagle. This location was identified for a number of reasons – this portion of the campus is not utilized by school activities, residential development of the site is compatible with the surrounding neighborhood, the site terrain is buildable, and access and utilities are proximate to the site.

A small infill project in this location is viewed as a creative, responsible, and effective way of directly addressing District's need for staff housing, and in doing so make a small contribution to our County-wide housing crisis.



Southern portion of site along 3rd Street slopes uphill to flatter portion at north end.

03 THE PROPOSAL

Approach to Development

This proposal involves creating a +/-2.2-acre parcel at the southwest corner of ECS's 3rd Street Campus. This land is considered surplus, it is not necessary for the operation of Eagle Valley Middle School or Eagle Valley Elementary School. It does however have attributes that make it very appealing for a small residential community.

In 2018 ECS collaborated with HH on the development of 12 homes at the District's IK Bar property in Gypsum. ECS provided the land for this project and HH then constructed the homes and provided preference to ECS staff in the family selection process for homeowners. This project has resulting in 12 ECS staff and their families becoming homeowners. A similar program is envisioned for 3rd Street. One notable difference is that with 3rd Street, homes constructed by HH will be targeted to ECS families with incomes in the 80-100% AMI level (an income level higher than families typically served by HH). This change was done in hopes of making homes available to "the missing middle" of the housing market – families with income too high to compete for a HH home, yet too low of income to buy a home in the open market.

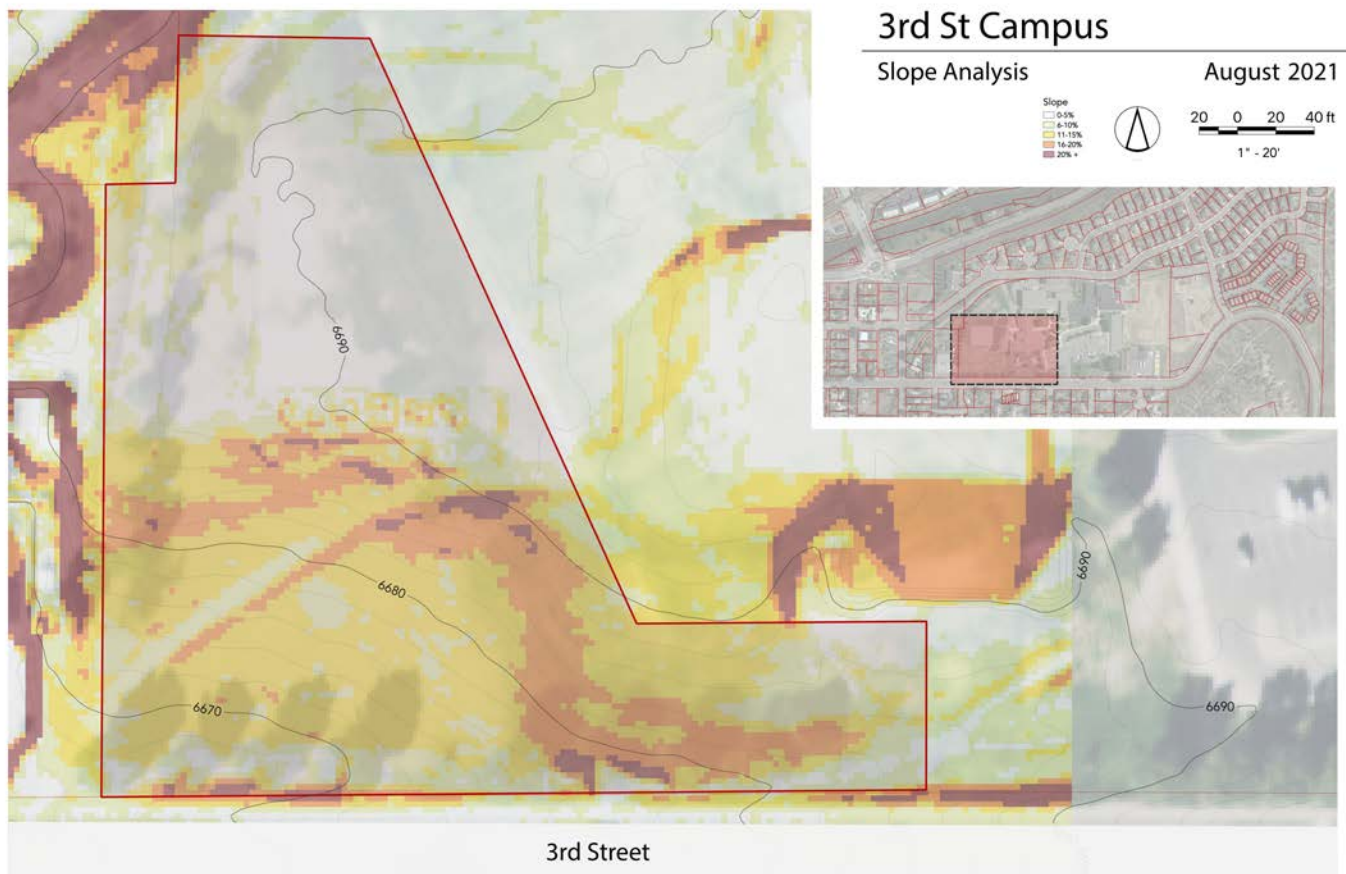


New Habitat family homeowners and new homes at Grace Avenue in Gypsum.

Site Analysis

The proposed development site is located along 3rd Street, south of the school's football field and next to the Greater Eagle Fire District fire station. Most of the site is an open, lawn area defined by a row of mature cottonwoods along 3rd Street and the western side of the property. A town sidewalk is located along 3rd Street. There are no wetlands or significant vegetation features on the property. The site does not include wildlife habitat, nor is it affected by geologic hazards, floodplain, or wildfire hazard.

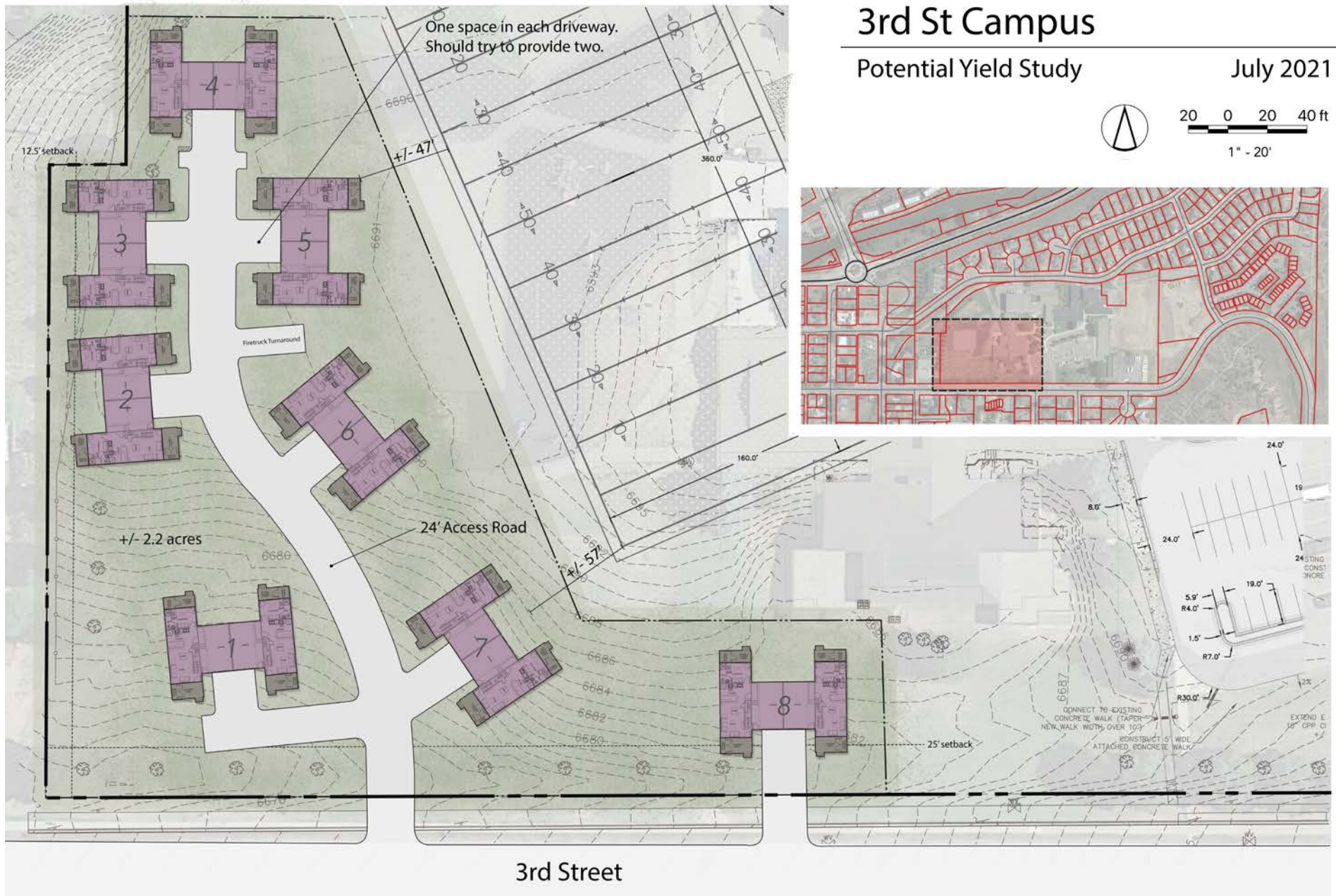
The site slopes gently uphill from 3rd Street where it transitions to a flat terrace at the northern portion of the site. While this terrain has influenced the approach to site design, the site is very much “buildable”. The slope analysis below depicts these site conditions.



Conceptual Site Plan

On the following page is a conceptual site plan depicting eight duplexes, or sixteen homes. The main objective of this site layout was to maximize opportunities on the flatter portions of the site and to avoid locating homes on the steeper portions of the site. This will allow for construction efficiencies and will also minimize site grading. This site design also creates ample separation between many of the homes and avoids an unbroken row of homes along 3rd Street. Access to most homes is provided by a private drive that extends from 3rd Street to the upper portion of the site (at an approximate grade of 8%).

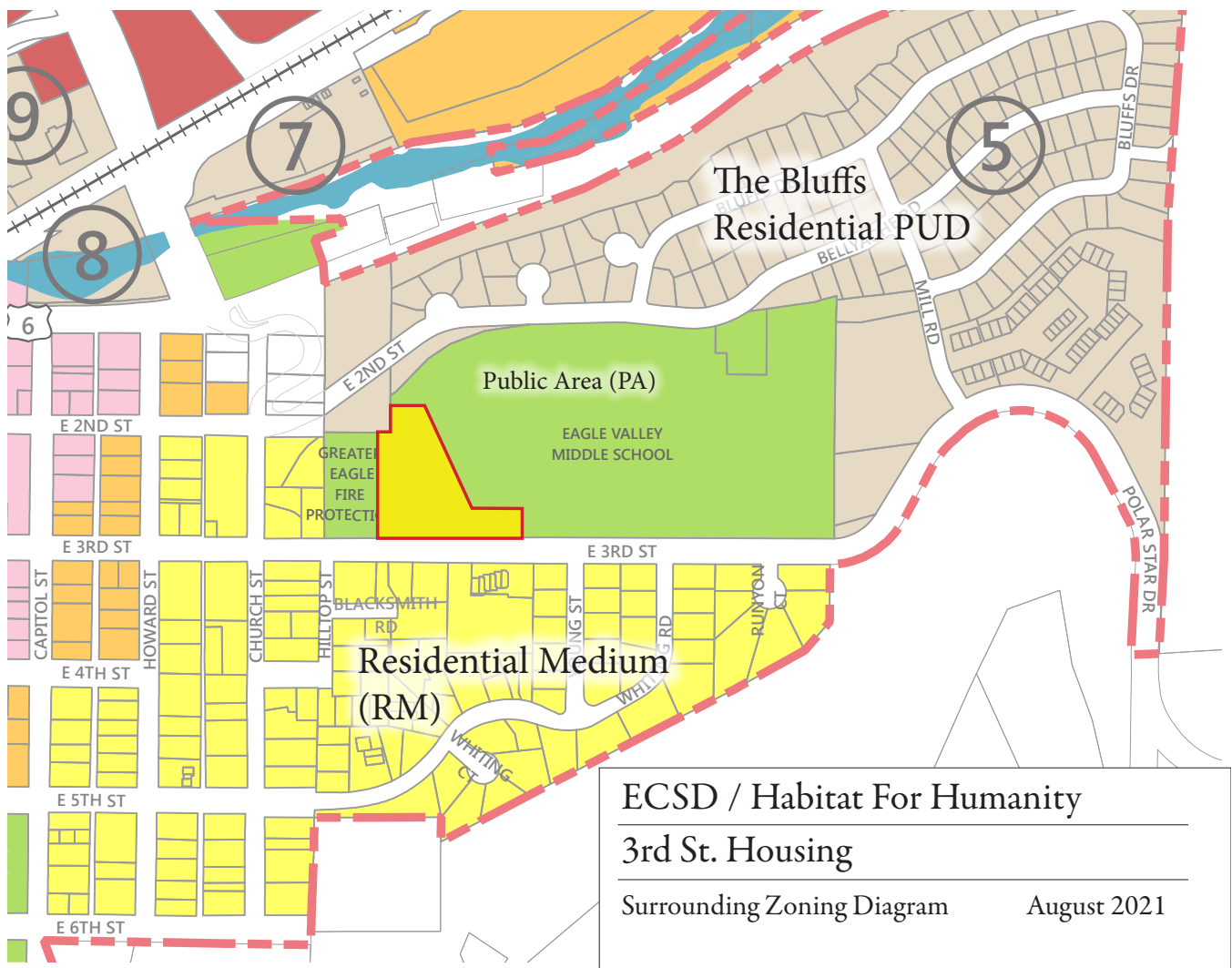
The site plan uses a floor plan currently under consideration by HH. The homes are approximately 1,200 square feet and will have three bedrooms. Each home will have a one-car garage and two driveway parking spaces. 14 of the homes are accessed via the main, private drive. One duplex is accessed directly off of 3rd Street. It is important to note that following approval of these development applications more detailed evaluation of the site and potential design opportunities will be taken. It is likely that the site plan will evolve at that time. Detailed site design and other development plans will be provided during the Development Permit review process.



Rezoning to Residential Medium Zone District

The District's 3rd Street Campus is zoned Public Area (PA). This zone district allows for "residential dwellings above street level" but does not allow for the type of residential ECS envisions with this project. For this reason, the property is proposed to be rezoned to the Residential Medium zone district. The number of units and site layout depicted by the conceptual plan are generally consistent with development standards of the Residential Medium Zone District.

As depicted on the diagram below, the 3rd Street Campus is surrounded by residential zoning. To the north and east is the Bluffs PUD, an exclusively residential neighborhood and to the south is a large area of Residential Medium Zoning. Rezoning the subject property to Residential Medium is a logical and natural extension of this zone district. Explanation of how this rezoning complies with applicable review criteria is provided below.



The diagram above highlights the proposed site to be rezoned and its relationship to neighboring Residential Medium zoning.

04 DEVELOPMENT CONSIDERATIONS

The following provides a brief description of other development considerations as outlined in the Town's Sketch Plan review process:

Access/Traffic

Based on International Traffic Engineers (ITE) trip generation manual, townhome units generate on average 7.3 daily trips. 16 townhome units would generate 117 daily trips. Access to and from the site would likely be equally split between 3rd Street to downtown and points west or via 3rd Street to Church Street and Bluffs Road to points east or to Interstate 70.

The same access points described above provide serve the two schools, the Bluffs and Upper Kaibab neighborhoods and many homes south of 3rd and east of Church Street. The incremental traffic from the proposed project will not add appreciably to existing traffic volumes on surrounding streets. Being a small-scale project with limited traffic impact on the local road system, a formal traffic impact analysis has not been prepared. If deemed necessary, a traffic analysis can be provided at Preliminary Plan review.

Utilities and Easements

The proposed project is not expected to have a significant impact on exiting utility systems. Water and sewer taps equivalent to the number of homes will be needed, currently expected to be sixteen. It is assumed that the Town's water and sewer plants have capacity to serve the project and the 16 small homes will not have an appreciable impact on water and sewer lines in 3rd Street. Shallow utility providers will be contacted when more is known about the project design. Given these providers had the ability to serve the recent expansion of both 3rd Street schools, it is anticipated that they will be able to serve this small project.

Survey information on 3rd Street indicates water and sewer lines bisect the east end of the subject property. It is assumed that the sewer line is abandoned (it served the former elementary school). An updated site survey is in progress that will confirm the location of the water line. This line may necessitate a shift in the location of a duplex on this portion of the site, or the water line may be re-located.

ECS is working with Town staff to determine whether a water rights cash-in-lieu dedication will be necessary for this project. This will be finalized during the preliminary plan process.

Drainage and Stormwater Management

Surface drainage from this portion of the 3rd Street Campus (and much of the rest of the campus) flows south to southwest to a shallow swale along 3rd Street. A culvert is located at the southwest corner of the site that daylights along the right-of-way adjacent to the Greater Eagle Fire District station. It is assumed that site drainage from the project will be detained and then released in these same locations at a rate not to exceed historic run-off. Detailed grading and drainage plans will be prepared during the preliminary plan process.

Soils and Geotech

A Geotechnical Subsurface Exploration Report was completed in 2017 for the 3rd Street Campus. Subsurface exploration was done in December of 2016 and May of 2017.

Groundwater was not obviously encountered in test holes at time of drilling. While it is acknowledged that ground water will fluctuate due to seasonal conditions, groundwater is

not expected to be a concern with this project. While the focus of this report was on other areas of the site, it does provide a good indication that construction of the subject site should be feasible from a soil and geotec standpoint. Site specific geotec work will be done as part of preliminary plan design.

Mineral Deposits and Mineral Report

Recent geotec drilling went to depths from 5' to 51'. Soil conditions were predominantly comprised of topsoil underlain by clay and claystone/sandstone bedrock. There are no indications nor information available that would suggest the presence of commercial mineral deposits on the site.

Mineral rights appurtenant to the property have been identified in recently completed title work. Mineral rights have been addressed in a memo provided to the town under separate cover.

Municipal and Parkland Dedication

The Municipal and Parkland Dedication would require a dedication of .57 acres of land to the Town for municipal or park purposes. This amount is based on the number and type of units that are contemplated by the project.

The proposed residential project is located on a portion of a larger public use site. The 3rd Street Campus currently provides extensive outdoor recreation facilities (fields, playgrounds) that are used by the students during the school year and are open for public use at other times. Given these existing park facilities, a waiver is requested to the Municipal and Parkland Dedication requirements.

School Dedication

The School Land Dedication would require a dedication of .23 acres of land. This amount is based on the number and type of units that are contemplated by the project. The proposed residential project is located on a "surplus" portion of a larger school site owned by ECS. ECS requests a waiver to the school dedication requirement.

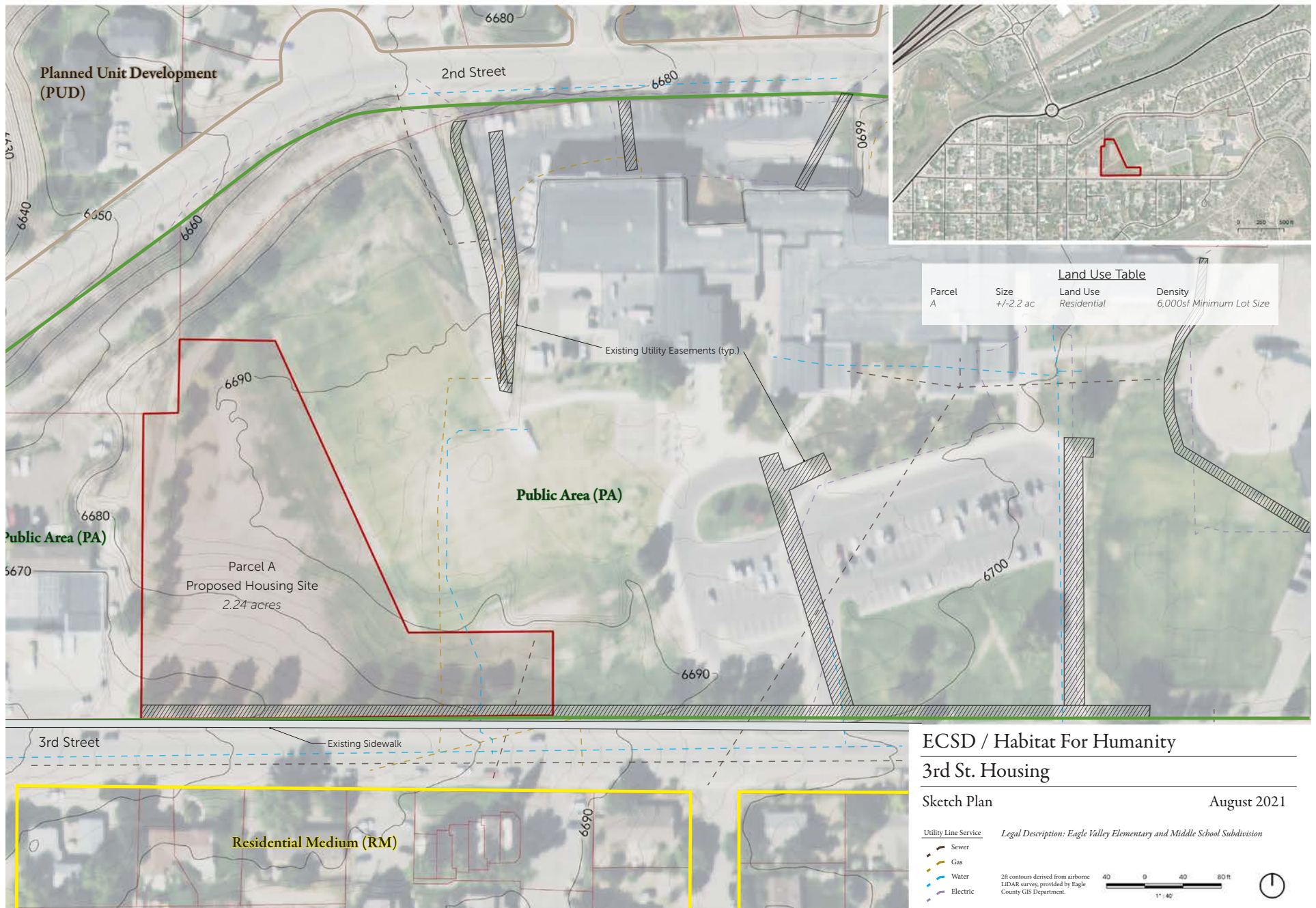
Population report

The average household size in the Town of Eagle is approximately 3.5 people per unit. Based on this average the proposed project will generate approximately 56 residents.

Below is the Sketch Plan for 3rd Street. This plan reflects information as outlined in section 4.12.020 of the Town Code.

Town Development Review Process

The combined rezoning and Sketch Plan subdivision is the first step in the Town's review process. If favorably received by the Town, these approvals will provide ECS and HH with the confidence to move forward with more detailed design work on the project. This is particularly true with the rezoning as the development standards for the Residential Medium Zone District will provide important guidance on the design of the project. The second step in the Town's review process is expected to be a combined Preliminary Plan and Development Permit applications. Final platting of the development parcel would then be completed that would create the parcel to be conveyed to HH. As homes are constructed duplex or townhome subdivisions would be done to create ownership interests for each home.



05 ELEVATE EAGLE – TOWN OF EAGLE COMPREHENSIVE PLAN

Elevate Eagle Comprehensive Plan is a key document to be considered in the evaluation of any development proposal. The Plan states:

“The Plan’s intent is to refocus planning efforts and policies to address current issues and future opportunities. It is a policy document that aids decisions on land use, development and redevelopment, public services and facilities, and economic development within the Town’s boundary and Growth Boundary.”

Main elements of the Plan to be used in evaluation of a development proposal include goals and policy statements, the Future Land Use Map (FLUM) and the Action Plan.

The 3rd Street Campus is designated Public/Institutional by the Future Land Use Map (FLUM) of the Comprehensive Plan. The Plan describes the Pubic/Institutional land use designation as:

“The Public/Institutional category identified civic uses, such as schools, government buildings, and public service and recreation facilities, within varied settings, including Downtown, along the Eagle River, and within and adjacent to neighborhoods.” Primary uses in this land use designation include “Public and civic uses, including recreational facilities, public services, schools, healthcare, and governmental offices.”

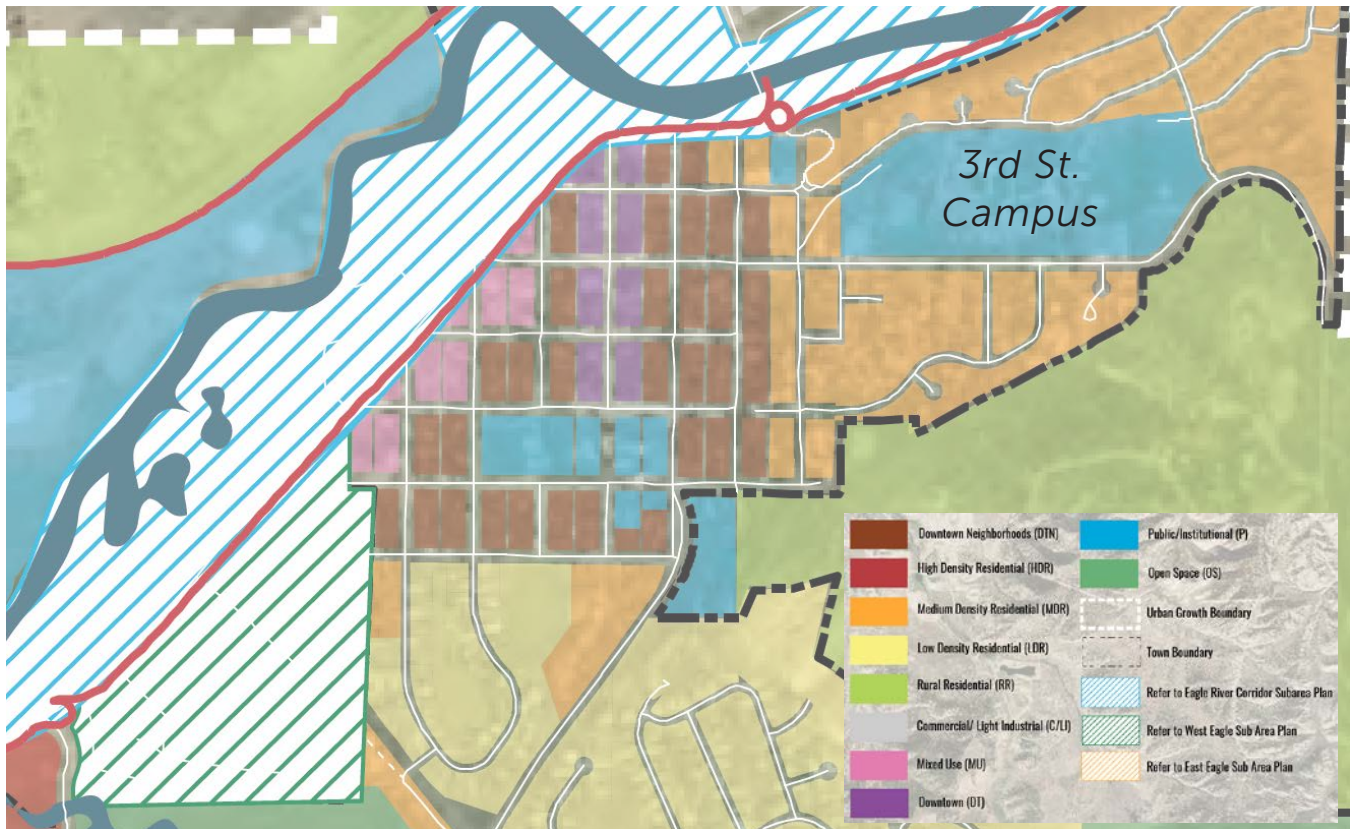
This land use designation was likely done in response to the existing school use of the property. The FLUM designates lands to the north, east and south of the 3rd Street Campus as Medium Density Residential (MDR). The proposed development of housing on the 3rd Street Campus is in keeping with the MDR designation.

The Plan outlines a process that allows flexible interpretations of land designation boundaries:

*“The Future Land Use Map describes the Town of Eagle’s desired future. It is a tool to guide development decisions, infrastructure improvements, and public/private investment/ reinvestment in Eagle. The Future Land Use Map identifies locations of anticipated, and Town-supported land uses over the next 10 to 20 years. Division between land use categories generally follows parcel lines, roadways, and other geographic boundaries. Future land use and zoning category changes **shall generally adhere** to the Future Land Use Map.*

Flexible interpretation of the boundaries may be granted by the Town Planning staff, Planning and Zoning Commission, and Town Council, provided the proposed change is consistent with the vision, goals, and strategies contained in this Plan.”

An interpretation of the FLUM boundaries is requested to designate the subject property as MDR. This subtle change will maintain the Public/Institutional designation on the vast majority of the 3rd Street Campus but would acknowledge this small housing project as being an appropriate land use. This sort of change is a good example of the type of “flexible interpretation” anticipated by the language included in the Plan. More importantly



Excerpt of the FLUM from comprehensive plan showing land use designations around the 3rd Street Campus.

this interpretation of the FLUM boundary is “consistent with the vision, goals, and strategies contained in this Plan”. Below are excerpts from the Plan and commentary on how the proposal is consistent with the vision of the Plan, goals and policies and Action Steps.

THE VISION

Our Plan

The Town of Eagle Today – Why We Are Planning (Page 6)

The Town’s adventurous reputation has started to attract young families seeking an active lifestyle. In fact, Eagle’s population more than doubled between 2000 and 2010. Although Eagle is becoming increasingly popular with tourists, there is a significantly higher percentage of homeowners and single-family homes in Eagle than in the County overall, suggesting it is home to more year-round residents than neighboring upvalley Towns. As the Town of Eagle continues to grow, so does the need for a Comprehensive Plan. The Town has maintained its small-town feel with local shops and a close-knit community and there is a strong desire in the community to preserve these values as the Town continues to grow. Working together, residents, business owners, property owners, and employees have participated in the creation of Elevate Eagle.

Response

100% of the homes to be constructed at 3rd Street will be occupied by local employees living year-around in Eagle. This will further the Town’s desire to be a small-town, close-knit community of local residents.

FUTURE LAND USE PLAN

Future Land Use Categories (Page 36)

Medium Density Residential

Single and multi-family neighborhoods built on a traditional development pattern, served by a highly connected street pattern, and interspersed with schools, public facilities, walkable neighborhood amenities, parks, and trails. Density - 4 - 16 DU/Acre"

Response

The project contemplated at 3rd Street is within the density range of MDR.

GOALS AND POLICIES

Elevating Our Inclusive Culture

GOAL 1-1.

PROMOTE A WIDE RANGE OF ATTAINABLE HOUSING OPPORTUNITIES FOR YOUNG ADULTS, FAMILIES, AGING RESIDENTS, WORKFORCE, AND OTHERS. (Page 48)

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.

GOAL 1-2.

EXPAND AND DIVERSIFY THE TOWN'S ECONOMIC OPPORTUNITIES.

Policy 1-2.5.

Provide opportunities for a balanced mix of housing and services to support local businesses, employees, residents, and visitors. (Page 48)

Response

Eagle County Schools collaboration with Habitat for Humanity will implement Policy 1-1.3 with the development of a small, workforce housing project. It is an excellent example of how organizations can partner to expand the reach of Eagle's workforce housing efforts.

Elevating Our Unique Character

GOAL 2-3.

CELEBRATE THE TOWN'S UNIQUE SMALL-TOWN CHARACTER. (Page 50)

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.

- a. Ensure residential infill and redevelopment blend appropriately with the character and scale of surrounding neighborhoods.
- b. Utilize infill and conservation-oriented development to accommodate growth while retaining open lands and protecting environmentally sensitive areas.

Response

The proposed site at the 3rd Street Campus is an excellent example of a residential infill project that is in keeping with the character and scale of the surrounding neighborhood.

Elevating Our Connections

GOAL 5-1.

EXPAND OUR PUBLIC TRANSPORTATION NETWORK AND OPTIONS. (Page 58)

Policy 5-1.4.

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

Response

The project is within .5 miles of an ECO bus stop, consistent with ECO's threshold for a comfortable walking distance.

ACTION PLAN

Elevating Our Unique Character

Our Actions

2.20 - Identify specific redevelopment and infill opportunities on vacant or under-utilized lots in otherwise built-up areas through future sub-area planning efforts. (Page 67)

Response

While this site was identified by ECS and not the town, it represents an infill opportunity on under-utilized land.

Elevating Our Connections

Our Actions

5.3 - Promote compact development, allowing increased residential, retail, and mixed-use densities in areas close to transit stops where appropriate. (Page 72)

Response

Approval of this proposal will allow increased residential development of a location that is close to a transit stop.

Other Considerations/2018 Existing Conditions

Who We Are/Why It Matters

"Therefore, it will be important for Eagle to attract a variety of housing options to support new employees and their families, housing preferences of retirees and millennials, and housing attainability for Eagle's diverse workforce and demographic base." (Page 79)

Response

The collaboration with Habitat for Humanity will result in housing attainability for Eagles workforce.

Where We Live/Housing Types

"There is a lack of middle density housing, including duplexes, triplexes, and other multi-family housing options that fall between single-family homes and apartment complexes. This "middle" section of housing provides housing options to many different people such as new families trying to establish roots in Eagle, older couples or empty-nesters looking to downsize, and families or individuals that cannot afford or care for a single-family home. A healthy mix of housing types in a community encourages a diverse population with a wide range of skill sets and interests that propel an economy forward." (Page 82)

Response

The housing type envisioned for the subject property is in line with the "middle density" outlined above.

Housing Attainability/ Why It Matters

"Local housing is an essential part of building a livable community. Attractive housing markets can draw new residents and employers. Recent trends indicate a strong relationship between the availability of affordable and rental housing options and a variety of housing types increases the number of Millennial and young families looking to relocate and establish roots in Eagle. Similarly, a diverse housing stock is a determining factor in retaining older residents based on the ability to down-size or stay in the community. (Page 83)

Response

The housing project envisioned for the subject property will provide an affordable opportunity for up to 16 families and will add to the diversity of the Town's housing stock.

Our Economy/Why It Matters

"Employment options are essential to the long-term vitality and sustainability of our Town, businesses, and residents."

"Housing attainability impacts our economy tremendously. Employers in the

area reported that the lack of attainable housing is decreasing their ability to grow their business and retain employees.” (Page 85)

Response

The creation of these attainable homes will greatly benefit the staff of ECS and in doing so help the district retain staff.

Review Criteria/Sketch Plan Subdivision

The Planning Commission and Town Council review of a Sketch Plan is characterized as a visioning meeting, intended to be a collaborative meeting between the Planning Commission and the developer to ensure that all new development is consistent with the community's goals and that issues are identified early in the development process. Topics that may be addressed in this meeting include:

- i. How the proposed project complies with the subdivision design and development standards (Chapter 4.13), the Eagle Area Community Plan and the purpose of this Title.

Response

The projects compliance with the town's comprehensive plan is discussed above. The project's compliance with subdivision design and development standards is best addressed during preliminary plan review when more detailed project design is completed. Based on evaluation of the subject site, the applicants are confident that the project can be designed to conform with these standards.

- ii. The developer's goals and vision for the project.

Response

The applicant's goals for this project are outlined above under "The need for this request".

- iii. How the proposed development incorporates variety in the type, design and siting of buildings.

Response

This is a small residential project and as such there is no variety in the type or design of homes to be developed.

- iv. How the proposed subdivision will be connected to and integrated with surrounding natural and developed areas.

Response

There are no significant or notable natural features on or surrounding the site. Homes in this location will integrate well with surrounding residential neighborhoods in the vicinity.

- v. How the project will impact neighboring properties (i.e., water drainage, traffic circulation, environmental impacts, view corridors).

Response

It is expected that the surrounding road system will be capable of accommodating the limited traffic that will be generated by the project. Based

*on initial site evaluation, site drainage should be able to be accommodated.
There on no significant environmental or viewshed considerations on the site.*

- vi. How the design is cost-effective and environmentally responsive to site features and constraints and how potential impacts to natural systems will be mitigated.

Response

The sketch plan is designed based on topography of the site. Most homes are located on the flatter portions of the site, allowing for more cost-effective construction. There are no other environmental features that influenced site design.

- vii. How the design capitalizes on natural and cultural assets on and around the site to build a positive and distinctive identity.

Response

N/A

- viii. How the proposal promotes the efficient use of land and public streets, utilities and governmental services.

Response

As an infill development site, existing roads and utilities are in place to serve the proposed development.

Review Criteria/Rezoning Request

The following findings are to be considered in the Town's review of a proposed rezoning:

- i. That the rezoning is compatible with surrounding land uses, and is consistent with the Town's goals, policies and plans;

Response

The 3rd Street Campus is surrounded on three sides by medium density residential development. Re-zoning this +/-2.2 acre site to Residential Medium will allow for development that will be very compatible with surrounding uses. The proposed development will be a collaboration with Habitat for Humanity, and 100% of the homes to be constructed will be workforce, affordable housing. This project is very much in line with many goals and policies of the town's comprehensive plan.

- ii. That the land to be rezoned was previously zoned in error or the existing zoning is inconsistent with the Town's goals, policies and plans;

Response

The subject property is zoned Public Use. The type of residential development envisioned by the School District, while supported by many goals and policies of the town's comprehensive plan, is not permitted by existing zoning. The proposed re-zoning of this property will allow for a project that will implement the town's housing goals and policies.

- iii. That the area for which rezoning is requested has changed substantially such that the proposed rezoning better meets the needs of the community; or

Response

While the specific area around the proposed rezoning has not changed substantially, the Town's identified need for workforce housing has changed substantially in recent years. This project will provide a community need.

- iv. That the rezoning is incidental to a comprehensive revision of the Town's zoning map which recognizes a change in conditions and is consistent with the Town's goals, policies and plans.

Response

The proposed rezoning will allow for a housing project that is very much consistent with many of the Town's goals and policies.

Sandra Mutchler, C.P.A.

Chief Financial Officer
sandra.mutchler@eagleschools.net



September 21, 2021

Town of Eagle
200 Broadway
Eagle, CO 81631
RE: Proposed rezoning of a portion of Eagle County School's 3rd Street Campus

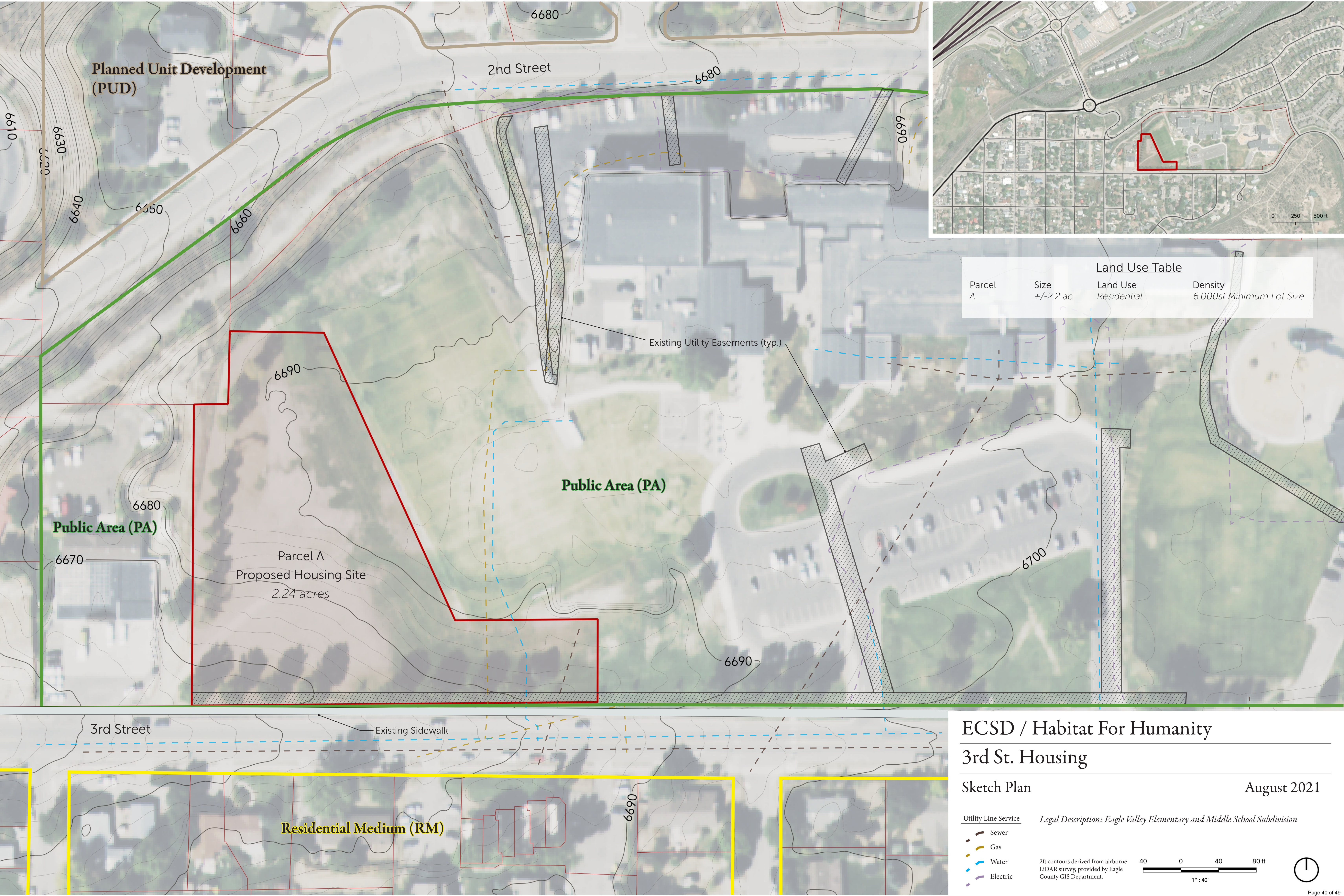
To whom it may concern:

Eagle County Schools is the sole owner of land commonly referred to as the 3 rd Street Campus, and as platted by the Final Plat Eagle Valley Elementary and Middle School Subdivision. Eagle County Schools respectfully petitions the Town of Eagle to rezone an approximately 2.2-acre portion of said property from Public Area (PA) to Residential Medium (RM).

Regards,

Sandra Farrell

Sandra Farrell
Chief Operations Officer
Eagle County School District RE50J
948 Chambers Ave;
PO Box 740
Eagle, CO 81631



Land Use Table			
Parcel A	Size +/-2.2 ac	Land Use Residential	Density 6,000sf Minimum Lot Size

ECSD / Habitat For Humanity

3rd St. Housing

Sketch Plan

August 2021

Utility Line Service

Sewer

Gas

Water

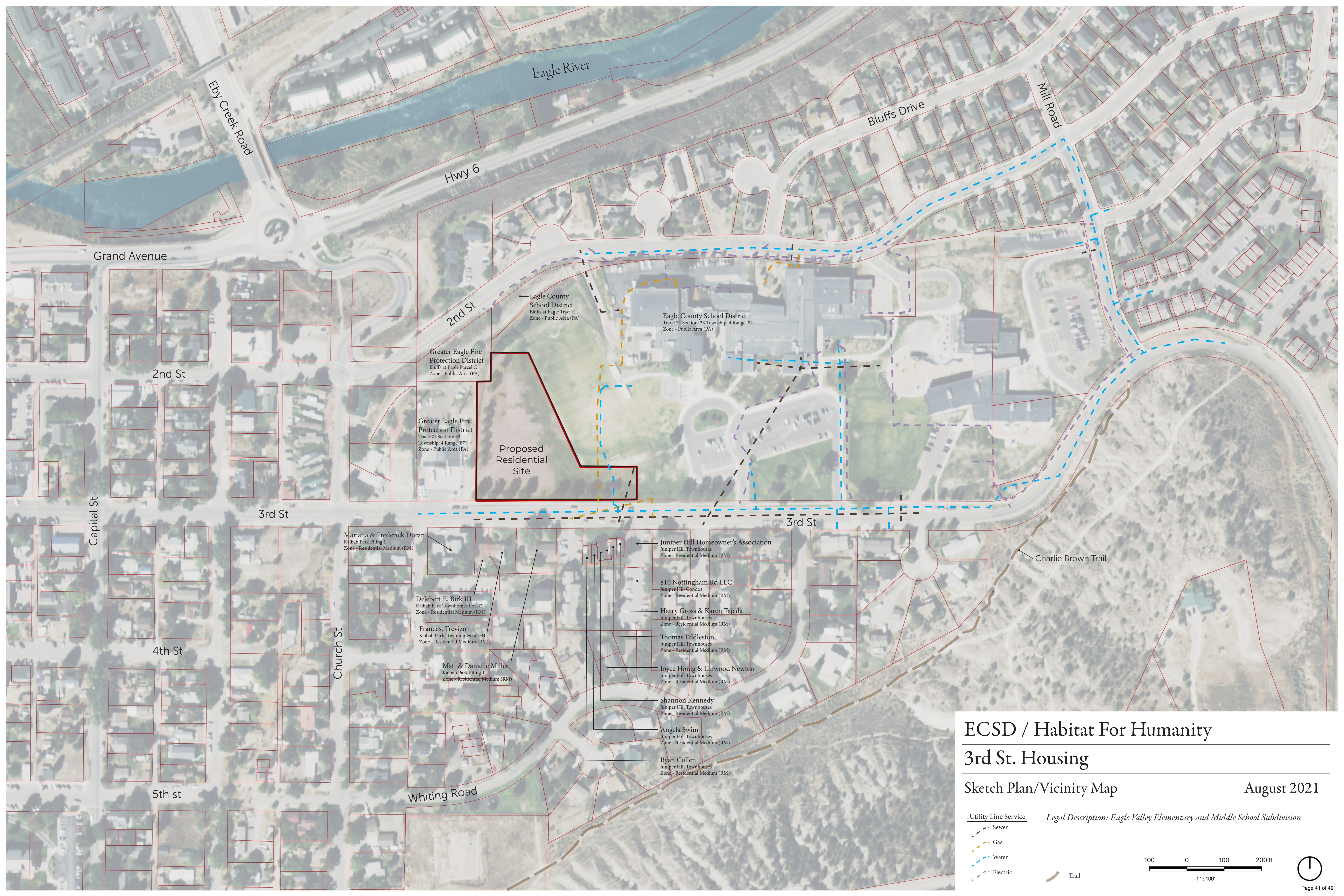
Electric

Legal Description: Eagle Valley Elementary and Middle School Subdivision

2ft contours derived from airborne LiDAR survey, provided by Eagle County GIS Department.

4004080ft

1" : 40'



ECSD / Habitat For Humanity

3rd St. Housing

Sketch Plan/Vicinity Map

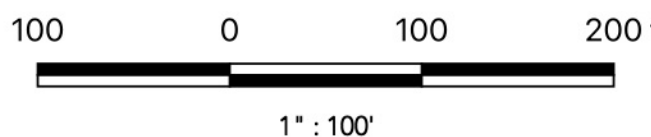
August 2021

Utility Line Service

- Sewer
- Gas
- Water
- Electric

Legal Description: Eagle Valley Elementary and Middle School Subdivision

Trail



Aerial



Site Photos









To: Planning and Zoning Commission

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

Date: November 2, 2021

Agenda Item: Work Session to amend Section 4.04.100.N concerning Accessory Dwelling Units

REQUEST: Staff has scheduled this work session to get direction from the Planning and Zoning Commission (P&Z Commission) and to take public input regarding the draft amendments to 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 anticipated efficiency and consistency in the application of this section as well as having the ADU standards better reflect the needs of the community.

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. Rationale for the changes are as follows:

1. Detached. Staff has interpreted the existing language to exclude the approval of detached ADUs unless it is within an Accessory Structure, such as a detached garage. Staff believes that the requirement was originally drafted like this to limit the proliferation of structures on lots and to hide the ADU either within the primary dwelling or within a detached garage, workshop, etc. Staff now believes that the need for housing, in addition to the community's shift to allowing more density, has resulted in this draft amendment to allow detached ADUs without the requirement that they be located within an Accessory Structure.
2. Increase in square footage. The increase from 700 to 800 square feet allows for more flexibility in design for either a bigger bedroom or even two small bedrooms or bedroom with an office/den. This expansion makes it more accommodating for couples or even a couple with a child.
3. Measuring the square footage of the ADU. Historically, the Town has used the language in the Uniform Building Code (UBC) to measure proposed ADU's. A complaint that staff has heard from architects and landowners is that the UBC's parameters for measurement are too restrictive and should not be used for ADUs. With this in mind, staff has drafted language that is more liberal than the existing. The proposal includes clarification like measuring from interior wall to interior wall and excluding features like stairs and mechanical rooms.

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.**

The schedule for the 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

COMMUNITY INPUT: No public comment has been received but is anticipated throughout this amendment process.

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: No motion is required for the work session. Please provide staff comments and direction on the suggested amendments.

ATTACHMENTS: None.

PO Box 609 • 200 Broadway • Eagle, CO 81631 • www.townofeagle.org • info@townofeagle.org • 970-328-6354



To: Planning and Zoning Commission

From: Peyton Heitzman, Planner I, Community Development

Date: November 2, 2021

Agenda Item: Eagle Sinclair Station Drive Through and Building Addition (DR21-01 & V21-01)

REQUEST:

The application has been re-noticed for the November 16th Planning & Zoning Commission meeting.

RECOMMENDED ACTION OR PROPOSED MOTION:

I move to CONTINUE File # DR21-01 & V21-01, the Development Permit and Zoning Variance for 131 Chambers Avenue, to the November 16th, 2021, Planning & Zoning Commission meeting.

ATTACHMENTS:

None.