



**Planning & Zoning Commission
Tuesday, July 19, 2022, 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 – Eagle Guest

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

1. This will be an in-person meeting with access via Microsoft Teams. First-time users of Teams will need to download the app.

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 469-770-0416](tel:+14697700416),484542231# United States, Dallas

Phone Conference ID: 484 542 231#

Please Note: All participants must remain muted until they are requested to speak. This will reduce background noise disruptions for all meeting attendees. When it is your turn to speak, you will have three (3) minutes for public comment. For technical difficulties, please email Nikki.Davis@townofeagle.org and we will do our best to assist you.

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

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 July 5, 2022

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. Downtown Development Authority (DDA) Amended Plan of Development

- a. Resolution No. 64, Series 2022 "A Resolution of the Planning and Zoning Commission of the Town of Eagle, Colorado Recommending Approval of Eagle Downtown Development Authority Plan of Development"

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 Town Council Update

OPEN DISCUSSION

ADJOURN

I hereby certify that the above Notice of Meeting was posted by me in the designated location at least 24 hours prior to said meeting.



Nikki Davis
Administrative Technician II



MEETING MINUTES
Planning & Zoning Commission
Tuesday, July 5, 2022, 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 – Eagle Guest

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

This was an in-person meeting with option for the public to attend via Teams.

6:00 PM - REGULAR MEETING CALLED TO ORDER

Vice Chairman Gregg called the meeting to order at 6:08pm.

COMMISSIONERS PRESENT

Jesse Gregg, Bill Nutkins,
Keith Klesner, Charlie Perkins

COMMISSIONERS ABSENT

Kyle Hoiland, Matt Hood,
Jennifer Filipowski, Keegan Winkeller

STAFF

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

APPROVAL OF MINUTES

1. Minutes dated June 21, 2022

The minutes were approved without change.

PUBLIC COMMENT

Public comment opened at 6:08pm. There was no public comment.

Vice Chairman Gregg requested to amend the agenda by moving Resolution No. 58, Series 2022 from Public Hearings to Consent Agenda.

MOTION: PERKINS MOTIONED TO AMEND THE AGENDA AS REQUESTED. THE MOTION WAS SECONDED BY KLESNER AND APPROVED UNANIMOUSLY.

PRESENTATIONS

1. CU Outdoor Recreation Economy (ORE) District Strategy Presentation

Bill Nutkins arrived at 6:16pm.

William Shutkin and Brian Lewandowski from the Colorado University (CU) - Boulder consulting team presented the findings of this study and best practice models suitable for the Town.

Kevin Brubeck from the Economic Vitality Committee (EVC) provided additional comments. He asked the Commission to consider leveraging the findings of this study and creating the foundation for our community as we also rewrite the land use regulations.

Perkins asked for the group to consider harnessing music and incorporating that into this model. Shutkin replied that suggested creating an Arts District.

Klesner explored how to balance increasing workforce-attainable housing stock with the growth of remote workers who are often at a higher income bracket.

Phillips added the finding a willing landowner will be the next piece of the puzzle. The project will reactivate with the hire of a new Assistant Town Manager and Economic Development Specialist.

CONSENT AGENDA

1. Resolution No. 58, Series 2022 "A Resolution of the Planning and Zoning Commission of the Town of Eagle, Colorado Conditionally Approving the Minor Planned Unit Development Amendment for Certain Property Within the Town of Eagle Known as Reserve at Hockett Gulch"

MOTION: KLESNER MOTIONED TO APPROVE RESOLUTION NO. 58, SERIES 2022. MOTION WAS SECONDED BY NUTKINS AND APPROVED UNANIMOUSLY.

PUBLIC HEARINGS

1. Project: 435 Eby Creek Apartments Major Development Permit
File #: DR22-03
Applicant: Jeffrey P Manley AIA of Martin Manley Architects on behalf of Rick Patriacca
Location: 435 Eby Creek Road
Staff Contact: Peyton Heitzman, Planner II
Request: A Major Development Permit to construct a 30-unit apartment building on 2.804 acres. There are six design variances associated with this request.

Site Visit

Nutkins provided an overview of the site visit conducted on June 21, 2022 with the development team and staff.

Staff Presentation

Heitzman presented this file. The 30-unit apartment building will contain (6) one-bedroom units and (24) two-bedroom units; all available as rentals. Additionally, (3) of the units will be subject to the Town's deed restricted local employee residency program (LERP).

Staff reviewed the application against six chapters of the Town's Municipal Code (Code) to grant a Major Development Permit. While staff believes the application is in general conformance with the Code, there are certain topics subject to interpretation and require additional feedback from the Commission. The first topic is regarding the measurement of building height. The other topic requiring additional feedback is related to design standards of the North Interchange Area. It is unclear to staff when the subarea standards should be applied.

There are six design variances associated with this application related to landscaping, parking, location of access way and public strip, and slope on the project site. The Code provides two criteria for granting a design variance. Staff believes the application meets Standard #1 and satisfies various goals and policies from the Comprehensive Plan (Comp Plan).

Staff recommended approval with conditions.

Q & A

Nutkins asked to clarify that the North Interchange Area has different design standards. Heitzman replied there are stricter standards for that character area.

Perkins noted the site looks tricky for emergency vehicles to maneuver and asked if the building will be sprinkled. The applicant replied they have had numerous conversations with Randy Cohen from the Greater Eagle Fire Protection District related to access and safety features.

Klesner asked about meeting the Town's sustainability goals, suggesting the application provides little to no firm commitments. Heitzman replied that sustainability standards in Title 4 will be addressed through ReCode Eagle. She added that the applicant has made an effort to enhance green practices such as increasing solar use. Phillips added that compliance with Comp Plan policies is often subjective and not required.

Applicant Presentation

Ryan Smith from the development team spoke first. He stated they are working with predominantly local contractors and design professionals in an effort to execute this as a local project. The goal is to begin construction in late summer 2022 and complete the project by the end of 2023. Smith noted that they are future-proofing the building without financially committing to costly design features such as solar or electric vehicle charging stations (EVCs). The development group is exploring grant options but have not secured those resources at this time.

Jeffrey Manley presented next. He narrated a 3D video rendering of the development project, explaining the design elements and reviewing the topographical challenges of the lot. The building is pushed up against the hillside based on the natural topography. Manley's presentation also included various architectural renderings and site plans. Next, Manley expanded on the development team's interpretation of building height and further reviewing the design variances.

Q & A

Perkins asked about snow storage. Manley pointed out specific reserved sites around the perimeter adding that the landscape plan specific trees that can handle more snow loads.

Nutkins expressed that he understands Manley's interpretation of measuring building height but noted this is not the most restrictive method.

Gregg asked if there are any common rooms or outdoor storage space. Manley replied they are providing 5'x11'x10' storage closets to ensure tenants are not bringing everything inside.

Nutkins asked how much of the project is deed restricted. Manley explained the idea is this a for-rent development. Smith added they are discussing these terms with staff. The Town's Code is not set up to provide clear guidance on that topic at this time which contributes to the ambiguity. The development team is trying to be financially cognizant, noting they can commit to prohibiting short-term rentals (STRs). This would affect occupancy and the pro forma was not created to include STRs.

Gregg asked why coniferous trees are not used in the landscape plan. Manley replied there is already a concentration of coniferous trees behind the building adding they are also prone to high fire danger. Gregg highlighted significant grading on the front buffer but noted there was no landscaping. Manley said they are seeding it with low growth/low water use plants. The developers do not intend to plant outside of the property. Last, Gregg asked if a wall can be added to support the 1x1 slope on the south side. The development stated they are looking into it and are trying to match grading on the southwest corner of the lot.

Perkins asked if there is signage. Manley confirmed it will be at the front entrance.

Public Comment

There was no public comment.

Nutkins noted there was one email comment from June 30, 2022, regarding LERP concerns.

Discussion

Sidewalk connection: Wike expressed that the Town wants to see the sidewalk completed and connect to an amenity or specific destination. The final design of the south road is still under discussion. Wike also noted that cost-sharing this project will be decided by Town Council. Gregg echoed the need for more outdoor recreation amenities. Manley acknowledged their efforts to establish a sidewalk instead of a dirt path from the southeast portion of the parking lot. Gregg suggested utilizing the area behind the building if the retaining wall is modified. Smith replied that Colorado Parks and Wildlife (CPW) advised against creating access to this area.

Subject to North Interchange Area design standards: The Commission unanimously agreed the design standards should apply more to commercial development.

Plant variety: The Commission said yes; the current landscape plan requires more buffering. Wike stated the Town is not looking to take on additional duties at this time, therefore if there is plating in the right-of-way (ROW), the applicant will need an encroachment agreement and will also be responsible for maintenance.

Additional landscaping added to the rear of the building: The Commission said no.

What considerations should be given to the (3) LERP units: The Commission agreed with staff's proposed condition. Nutkins suggested drafting a proposal with alternative ideas to try and satisfy LERP requirements. The development agreement will provide the final guidelines.

How to measure building height: The Commissioners expressed mixed opinions on the interpretation.

Klesner expressed concerned about the sidewalk, landscaping, and seeing firmer commitments to sustainable initiatives.

Perkins suggested making LERP a condition and approving the building height variance. The community needs this housing, it is in a good location near downtown, and buildable sites are decreasing in Eagle.

Nutkins expressed support for the project noting all things are approvable by variance or conditioned approval.

Gregg added there should be some outdoor space for the residents. The front landscape buffer variance is fine insisted on more planting. Manley replied they can add more evergreen trees and establish an encroachment agreement with the Town. The development team will continue to collaborate with Public Works on sidewalk connectivity. Last, the team will continue to explore viable solar solutions.

Following the Commission's discussion, staff modified Condition #14 and Condition #19. Staff also added Condition #20, Condition #21, and Condition #22. Staff conditions of approval are now as follows:

1. A LERP Plan shall be provided with the Development Agreement to be approved by Town Council. No TCO will be provided until the LERP units have been established.
2. The monument sign be approved through the Town sign permit process, subject to the standards in Chapter 4.08.
3. A drainage plan including all the required information from Section 4.13.050 shall be provided and approved by the Town Engineer prior to issuance of building permit.
4. All new utility service connections to the building shall be placed underground in compliance with Section 4.13.160.
5. Gravel shall be installed at the entrances to the public right-of-way to prevent tracking mud during construction or until asphalt has been installed.
6. A geotechnical engineer shall validate the 2007 Soils Study prior to the application of a building permit.
7. Prior to issuance of building permit, the geologic and geotechnical study shall be expanded to discuss all of the mapped geologic hazards potentially impacting the site as identified in the online Geological Hazard Maps. Recommendations shall be incorporated into the project plans.
8. The Applicant shall provide engineering estimates on sediment load for site drainage prior to issuance of building permit. Recommendations shall be incorporated into the project plans.
9. CPW shall provide final approval of the dumpster enclosure.
10. Additional trees with full foliage shall be added south of the dumpster enclosure to further discourage residents from walking behind the building.
11. Education materials shall be prepared and shown to staff prior to issuance of TCO. Staff will only verify that the items in CPW's referral letter have been addressed.
12. Prior to issuance of TCO, the Applicant shall provide a dog enclosure if there is a suitable location on site.
13. If the Building Code or other applicable criteria requires more ADA accessible parking than Title 4, the greater number of spaces shall apply.
14. The Applicant shall be responsible for the crosswalk, flashing crossing signage, and any other safety signage, to the sidewalk east of Eby Creek Road identified in the plans. Timing, payment, and manner of completion shall be addressed in the Development Agreement. Full connection to an existing Town sidewalk shall be achieved prior to issuance of TCO.

15. On-site stormwater treatment to replace the required on-site detention will be supplied and approved by the Town Engineer prior to issuance of building permit.
16. The Stormwater Management Plan Narrative shall be required with the building permit application.
17. Final utility details shall be approved by the Town Engineer prior to issuance of building permit.
18. It shall be the responsibility of the Applicant to provide a set of consistent plans with the Municipal codes and Town of Eagle specifications at time of building permit application.
19. Applicant shall work with the Town Engineer to minimize slopes greater than 2:1 and provide all necessary slope protections.
20. The Applicant shall either obtain a zoning variance for the building height or amend the building design to conform with the building height measurement in Section 4.07.040.B.2.
21. The Applicant shall include at least one EV charging station and infrastructure for future EV charging stations for covered parking spaces.
22. The Applicant shall include additional landscaping including six 8' coniferous trees to the front landscape buffer. Landscaping within the Town ROW shall receive an encroachment permit through the Town's process and be maintained by the property owner.

MOTION: KLESNER MOTIONED TO APPROVE FILE # DR22-03, 435 EBY CREEK APARTMENTS MAJOR DEVELOPMENT PERMIT, WITH THE 22 CONDITIONS AND SIX DESIGN VARIANCES. MOTION WAS SECONDED BY NUTKINS AND APPROVED UNANIMOUSLY.

Gregg closed file # DR22-03.

Meeting temporarily adjourned at 9:09pm. Meeting resumed at 9:11pm

- | | | |
|----|----------------|--|
| 2. | Project: | Code Amendment to Section 4.12.040. – Lot Line Adjustment |
| | File #: | LURA22-06 |
| | Applicant: | Town of Eagle |
| | Location: | Town of Eagle |
| | Staff Contact: | Peyton Heitzman, Planner II |
| | Request: | To amend Section 4.12.040. - Lot line adjustments and make the review and approval process administrative. |

Staff Presentation

Heitzman presented this file. Based on feedback from various applicants, staff is requesting to make this application process administrative with no public hearing process. A final plat will still be required for recording. If the requested lot line adjustment falls within the original Town plat with the historic 25' x 50' lots, no platting will be required. Staff recommended six conditions for approving future lot line adjustments. In the case of lots within the original Town plat, staff recommended four conditions for future approvals.

Q & A

Gregg asked the square footage of three lots (related to cases of lots within the original Town plat). Heitzman confirmed 125 sq ft.

Wike highlighted the policy of abandoning duplicate utilities.

Gregg asked if there are other conditions that require the Commission's review of lot line adjustments. Phillips replied that the new zoning code will include bump-up and call-up provisions.

Public Comment

There was no public comment.

Discussion

No further discussion.

MOTION/SECOND: NUTKINS MOTIONED TO APPROVE THE RECOMMENDATION TO AMEND THE REVIEW AND APPROVAL PROCESS FOR SECTION 4.12.040. LOT LINE ADJUSTMENTS IN ACCORDANCE WITH ORDINANCE NO. 13, SERIES 2022. MOTION WAS SECONDED BY PERKINS AND APPROVED UNANIMOUSLY.

Gregg closed file # LURA22-06.

OPEN DISCUSSION

Nutkins commented that he had a water main break from a Comcast boring project.

ADJOURN

MOTION: PERKINS MOTIONED TO ADJOURN. MOTION WAS SECONDED BY KLESNER AND APPROVED UNANIMOUSLY.

MEETING ADJOURNED AT 9:19PM.



To: Planning and Zoning Commission

From: Jim White, Interim Town Manager

Date: July 19, 2022

Agenda Item: Resolution No. 64, Series 2022 "A Resolution of the Planning and Zoning Commission of the Town of Eagle, Colorado Recommending Approval of Eagle Downtown Development Authority Plan of Development"

REQUEST: Staff is requesting approval of Resolution No. 64, Series 2022, recommending approval of the amended Plan of Development (Plan) for the Downtown Development Authority (DDA).

BACKGROUND: The Downtown Development Authority was established in 2020. However, one of the steps required is review of the Plan of Development by the Planning and Zoning Commission. During recent review of membership and the initial processes of activating the Plan, it was discovered that this step had been omitted. This review will satisfy that requirement.

ANALYSIS: We are formalizing the Downtown Development process to establish a record that the Town followed the proper procedure.

COMMUNITY INPUT: N/A

BUDGET / STAFF IMPACT: The Town of Eagle has provided funding for consultants to help lead DDA meetings; funding for website development; and funding for the DDA workplan.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: This coincides with the Town's Strategic Plan goal to Stimulate Economic Vitality and Development through the efforts of the DDA to revitalize downtown businesses.

RECOMMENDED ACTION OR PROPOSED MOTION: Motion to Recommend APPROVAL or DENIAL of Resolution No. 64, Series 2022 "A Resolution of the Planning and Zoning Commission of the Town of Eagle, Colorado Recommending Approval of Eagle Downtown Development Authority Plan of Development"

ATTACHMENTS:

1. Amended Town of Eagle Plan of Development
2. Resolution No. 64, Series 2022



TOWN OF EAGLE

DOWNTOWN DEVELOPMENT AUTHORITY

PLAN OF DEVELOPMENT

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APPENDICES

Appendix A: Eagle Downtown Development District Boundary Map

Appendix B: Eagle DDA Rules of Procedure

PLAN OF DEVELOPMENT OVERVIEW

PURPOSE OF THE DDA

Under ordinance number 599, the Eagle Town Council established a Downtown Development Authority known as the “Eagle Downtown Development Authority,” as a body corporate. By ordinance of the Town of Eagle, the Downtown Development Authority has all the powers authorized by Part Eight of Article 25 of Title 31, Colorado Revised Statutes 1973, and all additional and supplemental powers necessary or convenient to carry out and effectuate the purposes and provisions of said Part Eight.

The Authority is established to halt and prevent deterioration of property values within its district and to assist in the development and redevelopment of its district and to use its power to promote the general welfare of the district by the use of its direct and supplemental powers.

PURPOSE OF THE PLAN OF DEVELOPMENT

A Downtown Development Authority (DDA) Plan of Development is an official public document expressing a community vision for the downtown area. The Town of Eagle’s DDA Plan of Development will outline key concepts and priorities for the downtown as well as identify opportunities and partnerships that will strengthen the downtown. The Plan will be used as a guide to inspire and shape future projects, policies, and action steps.

In 2021, The Town of Eagle DDA chose Downtown Colorado, Inc. (DCI) to provide administrative and planning support for the DDA Board of Directors and creation of the Plan of Development. DCI is a state-wide association representing Downtown Development Authorities and other commercial districts in Colorado. DCI provides advocacy, information, advisory services, and technical assistance to support vibrant downtowns in our state. DCI works with nearly 500 members and has provided over 100 downtown plans to Colorado communities.

The Downtown Development Authority and its associated Plan of Development should be a living and evolving policy document. The purpose of the plan is to coordinate the needs and priorities for the Downtown Eagle area in conjunction with broader Town of Eagle community goals by:

- Sharing the vision and values for Downtown
- Serving as a guide for policy and practical implementation
- Targeting resources



- Building understanding of partners and opportunities
- Capitalizing on the momentum of previous downtown work

PLAN OF DEVELOPMENT USES

The Plan of Development should inform decisions by the Downtown Development Authority (DDA), their counterparts at partner organizations, other Town Commissions, boards and committees, staff, key partners, residents, property owners, developers, and other stakeholders in the Downtown area.

- **Staff & Decision-Makers:** The Town, DDA and partner organizations should reference the Plan when developing work plans, allocating funding for programs and projects, reviewing development proposals, and adopting new regulations that impact Downtown.
- **Residents, Businesses & Property Owners:** Property owners, business owners, residents and community interest groups should use this Plan as the foundation for conversations with decision-makers and developers about the needs and priorities for Downtown.
- **Developers:** Applicants for building and development projects should reference the Plan when proposing new infill or redevelopment projects and as a starting point for a dialogue with neighbors and stakeholder groups about such proposals.
- **Partners & Other Stakeholders:** Private sector partners, non-profit organizations, and other partner organizations should review the Plan to better understand the community's vision and priorities for Downtown.

EAGLE DOWNTOWN EXISTING CONDITIONS

Downtown Broadway is a centrally located regional attraction for shopping, entertainment, culture, arts, public events, and offers a location for public gathering and community pride. This area should include special urban improvements to make vibrant and enjoyable public spaces. The Downtown area can include a mix of restaurants, bars, retail stores, offices, coffee shops, and civic services.

Development should encourage preservation of character, redevelopment, and infill; and should include above average standards for design. Renovation of older buildings are encouraged. This area is highly connected to surrounding neighborhoods through a safe, welcoming, pedestrian-oriented, and bicycle-oriented environment. It maintains access to an efficient multi-modal transportation network.

EAGLE DOWNTOWN ENGAGEMENT



The Town of Eagle and partners from non-profit, private business, and local residents have led an engaging community feedback process over a twenty-four-month period. The Town of Eagle began as a 2019 Colorado Challenge Accelerator Program Community with a primary focus on the best way to support Downtown Eagle. This process included engagement of a team of Eagle leaders in a three-day charette to envision the future and outline action steps. A primary outcome of this effort was the direction to explore the types of management districts that could support the Downtown.

As a second engagement step, the Town of Eagle conducted a Downtown Assessment in 2019 to invite community participation in developing an approach for Downtown Eagle and the other commercial areas in the Town. The assessment included several days of public meetings with stakeholders from the residents, business community, partner organizations, homeowner groups and commercial district leaders, and the Town elected officials and staff. It was determined that a Downtown Development Authority would be the best type of organization and financing mechanism to support the priorities and vision for the downtown. The Town of Eagle comprehensive planning process, Elevate Eagle, completed and ratified in 2020, and the adopted downtown overlay reinforce the priority areas for the downtown as outlined in the Downtown Assessment document.

Following the broad engagement, a dedicated group of Eagle Downtown Champions formed the Downtown Business Alliance, a non-profit organization focused on the community building and revitalization of Eagle's Downtown. This non-profit group mounted an information campaign to communicate the goals for the Downtown Development Authority and to gather input and feedback from the community.



DOWNTOWN EAGLE STRATEGIC PRIORITIES

Following extensive outreach, surveys, and several planning initiatives that focus on the revitalization of Eagle's Downtown, the Town of Eagle and the Downtown Development Authority leadership identified the following areas as strategic priorities for a vital downtown.

Business Community Support

Consider opportunities to enhance access to services and capital for business, collect data, identify, and catalyze underutilized assets. Identify and provide critical infrastructure and support to promote and develop successful business needs.

Regulatory Environment

Streamlining solutions and minimizing barriers to build trust and investment from business and property owners. Aligning regulation and incentives to encourage public-private partnerships for investment in the community vision through infill, redevelopment, and re-use of existing buildings.

Communications

Imparting or exchanging of information or news with an image building and informational component that includes arts, culture, and recreation. Downtown brand identity is the combined messaging transmitted via content, diverse platforms, logos, style, and visuals.

Experience Economy

Encourage the realization of emotion and entrepreneurial opportunity through interactive activities, events, and makers components. Enhance a person's time spent in a place with a unique and memorable experience.

Access + Mobility

Assess the experience and accessibility of getting to and around downtown as a local or visitor. Focuses on multi-modal infrastructure and access in and around the downtown including parking, gateways, walkability, rideability, wayfinding + signage, etc.

Creative Placemaking

Establish a sense of place through the strategic integration of art, the environment, design, recreation, and cultural activities. Engage locals to produce authentic and distinctive planning and develop programming to foster a local love of place. Create a connection to the



community's sense of identity through visible symbols, messaging, and activities.

PARTNERS + ENGAGEMENT

Partners have played a key role in engaging downtown stakeholders and aligning priority areas to establish and maintain a vibrant downtown. The Eagle DDA will establish and maintain relationships and two-way communication with governmental, non-profit, and private partners who intersect with Eagle DDA strategic priorities to ensure collaboration and limit duplication of efforts.

TOWN OF EAGLE OPPORTUNITY AREAS

The DDA encourages redevelopment opportunity and concepts in a variety of locations throughout Downtown and in surrounding areas around the central business district that would benefit from reinvestment and add content, connection, or value to the Downtown. The DDA may support projects and opportunity sites that support the strategic priorities in and around downtown as proposed by the Town, partners, and the private sector.

All areas of the central business district should provide a safe, welcoming, pedestrian-oriented, and bicycle-oriented connected network. Residential development near the downtown should vary in price and size and can include apartments in vertical mixed-use buildings near Broadway Street. Development in downtown and surrounding areas in the central business district should encourage preservation of character and the Town's western heritage, redevelopment, and infill, and should include above-average standards for design. Renovation of older buildings and homes is encouraged.

METHODS OF FINANCING PROJECTS

In order to finance the projects and purposes of the DDA, the following financial sources are authorized to be utilized:

A. Property Tax Increment: All of that portion of property taxes in excess of the amount produced by the levy at the rate fixed each year by or for any public body upon the valuation for assessment of taxable property within the boundaries of the District last certified prior to the effective date of approval by the Town Council of this Plan or, as to an area later added to the boundaries of the District, the effective date of the modification of this Plan. This property tax increment shall be applied for a period not to exceed thirty years, or such longer period as provided for by C.R.S. § 31-25-807(3)(a)(IV), as amended.



All such taxes described in this paragraph A shall be adjusted, collected, allocated and used as set forth in C.R.S. § 31-25-807(3), as amended from time to time.

B. Proceeds of bonds of, loans or advances to, or indebtedness incurred by the City of Eagle secured by the pledge of one or more of the following revenues for the maximum period of time authorized by C.R.S. § 31-25-807(3) and other law:

- 1) The property tax increment described above
- 2) Membership fees;
- 3) Private contributions;
- 4) Proceeds of loans to the DDA;
- 5) Fees and other charges imposed in connection with projects undertaken by the DDA;
- 6) Grants and other funds made available by public agencies and other entities;
- 7) Other sources: as described below

C. Other sources: Such other sources of revenue for repayment of bonds, loans, advances or other indebtedness as may be authorized by law.

METHODS OF FINANCING OPERATIONS, MAINTENANCE, AND ADMINISTRATION

The DDA may utilize any revenue source allowed by law and approved by the City Council, including but not limited to C.R.S. 31-25-816, to pay for its operations, maintenance, and administrative costs and expenses.

PLAN MONITORING + EVALUATION

Monitoring and evaluating the success of activities guided by the Plan of Development will be tracked through a work planning process. The DDA Board of Directors will establish a work plan that will be updated as needed, prioritizing tactical activity in achievable one-to-three-year increments. The work plan will be reviewed on an annual basis by the Executive Director who will provide status updates and recommendations.

GETTING INVOLVED

The Eagle DDA invites participation from partners, community members, business, and property owners, etc. by speaking at monthly board meetings, online participation, and other forums for engagement. The DDA presence online will provide information and share the process and timing for communicating the content and purpose of the participation.



EAGLE DOWNTOWN DEVELOPMENT AUTHORITY DISTRICT BOUNDARY



EAGLE DOWNTOWN DEVELOPMENT AUTHORITY(DDA) PLAN OF DEVELOPMENT PAGE 8



RULES OF PROCEDURE OF THE EAGLE DOWNTOWN DEVELOPMENT AUTHORITY

ARTICLE 1.000

1.100 Establishment. Under ordinance number 599, Series of 2020, the Eagle Town Council established a Downtown Development Authority known as the "Eagle Downtown Development Authority," or the "Authority," as a body corporate.

1.200 Purpose. The Authority is established to halt and prevent deterioration of property values within its district and to assist in the development and redevelopment of its district and to use its power to promote the general welfare of the district by the use of its direct and supplemental powers.

1.300 Powers. By ordinance of the Town of Eagle (the "Town"), the Authority has all the powers authorized by Part 8 of Article 25 of Title 31, Colorado Revised Statutes, and all additional and supplemental powers necessary or convenient to carry out and effectuate the purposes and provisions of said Part 8.

1.400 Seal. The Authority shall have a seal, which shall be circular in form and shall have inscribed thereon the name of the Authority and the word, "SEAL."

1.500 Offices. The Authority shall have the power to maintain an office within the boundaries of the Town.

1.600 Annual Budget. Each year the DDA Board shall consider and approve a budget pursuant to Section 3.550. After such approval, the budget shall be submitted to the Eagle Town Council for its approval.

ARTICLE 2.000

THE BOARD OF THE DOWNTOWN DEVELOPMENT AUTHORITY

2.100 Board Members. The Chair and the Members of the DDA Board shall manage the affairs of the Authority.

2.110 Membership. The number and terms of DDA Board Members shall be determined by resolution of the Eagle Town Council in accordance with C.R.S. § 31-25-805, as amended.

2.120 Members shall serve staggered terms and shall serve until their term ends. Members may be reappointed to serve a new four year term.



2.130 A member representing the Eagle Town Council shall serve at the pleasure of the Eagle Town Council.

2.140 Eligibility. Each DDA Board Member, except the representative from the Eagle Town Council, shall be appointed in accordance with eligibility requirements as stated in C.R.S. § 31-25- 806, as amended. No officer or employee of the Town, other than an appointee from the Eagle Town Council, shall be eligible for appointment to the DDA Board.

2.150 Compensation. All DDA Board Members, including the Chair, shall serve without compensation, but they may be reimbursed for actual and necessary expenses incurred on behalf of the Authority.

2.200 Vacancies. In the event of one or more vacancies or expiration of any one or more DDA Board Members' terms, the Authority may at a regular or specially called DDA Board Meeting, nominate a replacement DDA Board Member(s) for consideration by the Eagle Town Council. In the event a DDA Board Member's term expired, the DDA Board shall nominate him or her for an additional term or nominate a replacement.

2.210 Nominations. The Authority may nominate a prospective DDA Board member(s) to the Town Council at least sixty (60) days prior to the expiration of an existing DDA Board member's term. When a vacancy is created the Authority shall nominate a prospective DDA Board Member(s) promptly after it receives notice of the vacancy(ies). A DDA Board Member shall use their best efforts to give at least ninety (90) days advance notice of their intent to not renew their position or resignation.

2.220 Voting. DDA Board Members whose terms are being considered by the Authority for extension or replacement are disqualified to vote on nominations for extension or replacement for their own term.

2.230 Appointment. The Eagle Town Council is not obligated to appoint DDA Board Members nominated by the Authority and may appoint DDA Board Members of their own selection. However, should the Town Council fail to extend the term of, or replace, any existing DDA Board Member nominated by the Authority for term extension, such Board Member shall continue to serve as a DDA Board Member until a successor has been appointed and qualified.

2.240 Removal. After notice and a public opportunity to be heard, the DDA Board may request that a member(s) of the DDA Board be removed for cause by the Eagle Town Council. A DDA Board Member(s) may be removed by the Town Council for misfeasance, malfeasance, nonfeasance or any other violation of the public trust or affront of the dignity of the DDA Board.



2.300 Conflicts of Interest. If any person who is a DDA Board member or staff of the Authority is aware that the Authority is about to enter into any business transaction directly or indirectly with themselves, any member of their family, or any entity in which they have any legal, equitable or fiduciary interest or position, including, without limitation, as a director, officer, shareholder, partner, beneficiary or trustee, such person shall (a) immediately inform those charged with approving the transaction on behalf of the Authority of their interest or position, (b) aid the persons charged with making the decision by disclosing any material facts within their knowledge that bear on the advisability of such transaction from the standpoint of the Authority, and (c) not be entitled to vote on the decision to enter into such transaction.

2.310 Annual Conflict of Interest Statement. Each DDA Board member and staff shall annually complete and submit a Conflict of Interest Statement declaring any potential conflict of interest with regards to Authority business.

2.320. Code of Ethics. Each DDA Board member and staff must additionally comply with the Town Code of Ethics, as amended.

ARTICLE 3.000

OFFICERS OF THE DOWNTOWN DEVELOPMENT AUTHORITY

3.100 Board Chair. The DDA Board Chair shall preside at all meetings of the Authority except as otherwise authorized by resolution of the Authority. The Chair shall sign all contracts, deeds and other instruments made by the Authority. At each meeting, the Chair shall submit such recommendations and information as deemed necessary for the proper administration of the business affairs and policies of the Authority. In the absence or disability of a Director, the DDA Board Chair shall assume all Director duties and responsibilities unless directed otherwise by DDA Board vote.

3.110 Election. At the first regularly scheduled meeting of the DDA Board in July of each year, a Chair shall be elected to preside at the meetings of the Authority with the full power to vote on any issue, except as otherwise provided herein. The Chair shall serve until election of a new Chair at the first regular meeting the following July, at which time the Chair may be renominated or a new Chair may be elected.

3.200 Vice-Chair. The Vice-Chair shall perform the duties of the Chair in the absence, incapacity of the Chair, resignation or death of the Chair. The Vice-Chair shall perform the duties of the Chair until such time as the Authority shall select a new Chair. The Vice-Chair shall be elected in the same manner and at the same time as the Chair. An Interim Vice-Chair may



be elected to perform the duties of the Vice-Chair in the absence or incapacity of the Vice-Chair, if desired by the DDA Board.

3.300 Treasurer. The Treasurer shall keep the financial records of the Authority and, together with the Director, shall approve all vouchers for the expenditure of funds of the Authority. The Treasurer shall prepare and submit a monthly report stating the assets, liabilities and year-to-date and month-to-date expenditures of the Authority.

3.400 Secretary. The Secretary shall maintain custody of the official Seal and of all records, documents, or other papers not required to be maintained by the Treasurer. The Secretary shall attend all meetings of the DDA Board and keep a record of all its proceedings, file minutes with the Town Clerk of all regular and special meetings and shall perform such other duties as required by law, agreement with the Town Council or as may be delegated to them by the Director. The Secretary shall have power to affix the Authority's seal to and attest all contracts and instruments to be executed by the Authority.

3.500 Director. Pursuant to C.R.S. § 31-25-815, the Authority shall employ a Director. In the absence or disability of the Director, the DDA Board may designate a qualified person to perform the duties of the office of acting Director. The Director is an at-will employee and shall serve at the pleasure of the DDA Board. The DDA Board shall periodically, no less frequently than annually, review the Director's performance. The compensation to be paid to the Director shall be established by the DDA Board and budgeted accordingly.

3.510 Responsibility. The Director shall be the Chief Executive Officer of the Authority and shall have general supervision over and be responsible for the performance of the functions of the Authority. Subject to and in accordance with these Rules and direction by the DDA Board, the Director may expend funds in accordance with standard, generally accepted governmental accounting and fiscal management practices. The signature of the Director and the Treasurer shall be required for the payment of all expenses.

3.520 Staff. The Director shall be responsible for hiring and supervising a subordinate staff and for providing reports to the DDA Board. A staffing report shall be submitted monthly, which report shall include without limitation recommendations for staff hiring, separations, salaries and assigned duties of each staff member. Staff shall serve under the direction of the Director.

3.530 Bond. The DDA Board may require a bond from the Director, or, by resolution, waive the bond requirement.



3.540 Budget. The Director, working with the Treasurer, shall annually prepare a budget and submit it to the DDA Board for its approval, in accordance with applicable State law and Financial Management Rules for the Town. The budget shall indicate the amount of compensation to be paid staff and the amounts to be devoted to specific Authority projects.

3.550 Committees. The DDA Board, by resolution, may designate and appoint one or more committees, each of which shall consist of no more than two (2) DDA Board members and may contain members of the public. Committees shall have and exercise such authority as granted to them by such resolution; provided, however, no such committee shall have the power or authority to adopt an agreement of merger or consolidation or an agreement for the sale, lease or exchange of all, or substantially all, of the Authority's property and assets, dissolve the Authority or amend the rules of the Authority. Any member of a committee may be removed by the DDA Board, following notice and an opportunity to be heard, whenever in DDA Board's judgment the best interests of the Authority shall be served by such removal.

ARTICLE 4.000 MEETINGS

4.100 Regular Meetings. The regular meetings of the DDA Board shall be at such time and place as determined by the DDA Board. Regular meetings may be recessed and continued at another date. The Director shall send notice by electronic mail (e-mail) to each DDA Board member at least two (2) days in advance of each meeting stating the time and location within the Town where the meeting is to be held. By resolution, the DDA Board may direct that a regular meeting not be held, but in no event shall more than two (2) consecutive scheduled meetings be canceled. Regular meetings may be conducted in all or in part by electronic means by one or all DDA Board Members.

4.110 Attendance. In the event of the absence of a DDA Board Member for three (3) consecutive regular meetings, a letter may be written by the Director, at the direction of the Board, to the Eagle Town Council, requesting removal of that Board Member pursuant to Article 2.240 of these rules.

4.200 Special Meetings. Special meetings of the Authority may be called by the Chair or in the Chair's absence, the Vice-Chair, at a convenient place and time. The Director shall send notice by electronic mail (e-mail) to each DDA Board member at least two (2) days in advance of each meeting stating the time and location within the Town where the meeting is to be held.

4.300 Open Meetings. All meetings of the DDA Board shall be open to the public, except those that may lawfully be closed by law. Notice of all meetings of the DDA Board shall be posted on the Town's website at least



twenty-four hours (24) in advance, in compliance with the Colorado Open Meetings Law, C.R.S. § 24-6-401, *et seq.* All meeting notices shall include agenda information where possible.

4.400 Quorum. The quorum necessary to conduct all business shall be a majority of all DDA Board Members, including any present by electronic means.

4.500 Voting. All regular business matters shall be decided by a majority of the Quorum unless otherwise provided for in these Rules or by law.

4.600 Rules of Order. The Chair (or the Vice-Chair in the Chair's absence) will preside at meetings, unless otherwise approved by the DDA Board. Unless otherwise required by law, action of the DDA Board will be by motion or resolution duly made, seconded, and approved by a majority of the quorum present at a public meeting. A motion or resolution may be revised before adoption with the prior approval of the maker and seconder. DDA Board members will maintain respect and decorum at meetings. The public may speak at a meeting as allowed by the DDA Board or as required by law.

ARTICLE 5.000 CONTRACTS; FINANCE

5.100 Contracts. The DDA Board may authorize, by resolution, the Chair or the Director, consistent with the authority stated by the resolution, to enter into any contract or execute any instrument in the name of and on behalf of the Authority.

5.200 Finance

5.210 Deposits. All funds of the Authority will be deposited in a special account by the DDA Board Treasurer.

5.220 Vouchers. The Treasurer shall make payment of accounts from funds deposited to the credit of the Authority upon approval of the expenditure of Authority funds by the Director and the Treasurer.

5.230 Loans. No loans shall be contracted for on behalf of the Authority and no evidence of indebtedness shall be issued.

5.300 Property. The Authority may hold property in its name as directed by resolution of the Board and as permitted by C.R.S. § 31-25-801, *et seq.*, as amended.

5.400 Purchasing. Regardless of purchase price, all Authority purchases must comply with Town purchasing guidelines, as posted on the Town's website.



ARTICLE 6.000 AMENDMENTS

6.100 Amendments. These Rules may be amended at any regular or special meeting by a two-thirds vote of the entire DDA Board. All amendments to these Rules shall be reviewed in accordance with 8.100 and if approved, filed in the office of the Town Clerk.

ARTICLE 7.000 INDEMNIFICATION

7.100 Indemnification. Any of the Authority's officers, Directors and other employees may be indemnified or reimbursed by the Authority for reasonable expenses (including without limitation attorney fees, judgments and payments in settlement) actually incurred in connection with any action, suit or proceeding, civil or criminal, actual or threatened, to which they are made a party by reason of his being or having been, or by reason of any actual or alleged acts performed or omitted to be performed in connection with his being or having been a DDA Board member, officer or employee of the Authority; provided, however, that no person shall be so indemnified or reimbursed in relation to any matter in such action, suit or proceeding as to which they shall finally be adjudged to have been guilty or liable for gross negligence or willful misconduct or criminal acts in the performance of his duties to the Authority.

7.200 Insurance. The DDA Board may, upon affirmative vote of its Board of Directors, purchase insurance for the purpose of indemnifying the DDA Board Members, officers and other employees to the extent that indemnification is allowed in Section 7.100. The DDA Board and its Director may participate in the Town's insurance policies with the approval of the Town Council and the Town's insurance providers.

ARTICLE 8.000 APPROVAL OF RULES

8.100 Approval. Upon approval of these Rules by a two-thirds vote of all Members of the DDA Board, they shall be submitted to the Eagle Town Council for approval, and upon the approval of the Eagle Town Council shall be filed with the Town Clerk and all statutorily permissible acts previously taken by the Board and its Director shall be ratified and confirmed, by both the DDA Board and the Eagle Town Council.

ARTICLE 9.000 DISSOLUTION

9.100 Dissolution. Upon resolution by a two-thirds vote of all Members of the DDA Board, the DDA Board may request the Eagle Town Council to dissolve the Authority provided that all statutory requirements are satisfied.



**TOWN OF EAGLE, COLORADO
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 64
(Series of 2022)**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF
EAGLE, COLORADO RECOMMENDING APPROVAL OF EAGLE DOWNTOWN
DEVELOPMENT AUTHORITY PLAN OF DEVELOPMENT

WHEREAS, by Resolution No. 50, Series of 2021, the Town Council adopted the Eagle
Downtown Development Authority ("DDA") Plan of Development (the "Plan");

WHEREAS, the DDA Plan did not originally include language detailing the DDA's methods
to finance projects within the boundaries of the DDA;

WHEREAS, pursuant to C.R.S. § 31-25-807(3)(a), the Downtown Development Authority
prepared the attached Amended Plan of Development (the "Amended Plan"), which includes
language that sets forth the DDA's strategy to use the debt authorized at the November 2021
election to finance projects that align with the Plan for a period not to exceed 30 years; and

WHEREAS, at a public meeting on July 19, 2022, the Commission considered the DDA Plan
of Development.

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

Section 1. The Commission hereby recommends that the Town Council approve the
Amended Plan.

INTRODUCED, READ, PASSED AND ADOPTED ON JULY 19, 2022.

TOWN OF EAGLE PLANNING AND ZONING
COMMISSION

Matthew Hood, Chair

ATTEST:

Nikki Davis, Administrative Technician II



To: Planning & Zoning Commission

From: Community Development

Date: July 19, 2022

Agenda Item: Community Development Department Update

LONG RANGE PLANNING

- **ReCode Eagle – The Land Use and Development Code (LUDC) Update**
 - An Installment One community survey is now available for Eagle residents to provide feedback and comments on Downtown Development, Allowed Uses, and Development Patterns. The survey can be accessed here: ([LINK](#)).
 - The Code Committee's next meeting is scheduled for 8/15/22 to discuss housing policy. The Code Committee has also been invited to the 8/9/22 Town Council meeting for EPS's affordable housing data presentation.
 - Staff and Clarion are planning another series of public outreach events throughout August. We will have a tent at ShowDown Town, ARTwalk , interactive '*affordable housing*' survey boards at Town Hall, host Wednesday coffee with staff, and host a BBQ at the Eagle Sports Complex. Advertisement with additional information will be available before end of July.
 - As public drafts of sections of the new Code become available, community members can view these resources at www.Townofeagle.org/ReCodeEagle.
- **Grand Avenue Corridor Study**
 - The Phase 3 final report was presented to Town Council on 6/28/22. The report summarized the 30% conceptual project design and cost projection. Vail Daily's coverage can be read here: ([LINK](#))
 - Community members can view project details at <https://eaglecolorado.mysocialpinpoint.com/>.
- **Affordable Housing Assessment Report by Economic & Planning Systems (EPS)**
 - EPS will conduct a preliminary data presentation at the 8/9/22 Town Council meeting to discuss the progress of their affordable housing assessment work.
- **Outdoor Recreation Economy (ORE) Project Study**
 - On 7/5/22 representatives from the Colorado University (CU) – Boulder Masters of the Outdoor Recreation and Environment (MORE) program presented the Phase 1 summary to Town Council and the Planning & Zoning Commission. The economic development package for the Town expands on best practice models for focus areas like River Access, Workforce Development, Major Corridor Access, District/Land Use Planning, and Outdoor Recreation Economy. The meeting recording is available here: ([LINK](#))
 - The Vail Valley Partnership (VVP), along with the CU Boulder Office of Outdoor Recreation Economy, is hosting an Outdoor Industry Summit at the Brush Creek Pavilion on 8/22/22. Additional details and registration info can be found here: ([LINK](#))



LAND USE APPLICATIONS IN PROGRESS

For more information and to access project documents, visit the Town's [Active Land Use Applications Page](#).

- **DR21-02, PPFP21-01 & PUDA22-01: Reserve at Hockett Gulch**
 - The three applications are as follow:
 - DR21-02, Major Development Permit: Seeking approval to construct 216 rental units and a clubhouse on 17.2 acres. Forty-five percent (45%) of the units proposed include a deed restriction requiring local residency.
 - PPFP21-01, Preliminary Plan & Final Plat: Seeking approval to subdivide 29.65 acres into three lots and two open space tracts.
 - PUDA22-01, Minor PUD Amendment: Seeking approval to change the location of a portion of the 5-foot-wide soft perimeter path.
 - Public hearing schedule:
 - Town Council: All files continued from 6/28/22 to 7/26/22
- **DR22-03 & V22-01: 435 Eby Creek Apartments Major Development Permit**
 - The two applications are as follows:
 - DR22-03, A Major Development Permit: Seeking approval to construct a 30-dwelling unit apartment building on 2.804 acres.
 - V22-01, Zoning Variance: Seeking approval to increase the building height beyond the 35-foot maximum by up to 36 inches.
 - Public hearing schedule:
 - DR22-03 – Town Council: Continued from 7/12/22 to 7/26/22
 - V22-01 – Planning & Zoning Commission: 8/2/22
- **MS22-02: Haymeadow Minor Subdivision of Lots 9-13 and Tract F**
 - An application for a Minor Subdivision to resubdivide Filing 1 Lots 9-13 and Tract F; to convert five duplex lots into seven single family lots.
 - Public hearing schedule:
 - Planning & Zoning Commission: 8/16/22
 - Town Council: 8/23/22

OTHER COMMUNITY DEVELOPMENT UPDATES

- There is one vacant seat on the Planning & Zoning Commission. Staff has extended the application deadline in hopes of attracting more applicants and increasing diverse community representation on the board. Advertisement can be found on Town's website, Eagle Today, and Facebook. Applications are available on the Town's website [here](#) and are being accepted until 7/31/22.
- A proposal for the Eby Creek Art Mural project was presented at the 7/12/22 Town Council meeting. The staff memo and proposal can be found here: ([LINK](#))



BUILDING DEPARTMENT UPDATE

- We welcome our new Building Official – Inspector, **Edward “Eddie” Wilson**! Eddie’s first day was 7/11/22. Eddie has lived in North Texas for over 42 years. He spent 24 years as Building Inspector and Deputy Building Official for the City of Southlake, Texas and more recently served the last 8 years as Building Official for the City of Colleyville, Texas. We are proud to share that he is the holder of 13 International Code Council Certifications. When asked what motivated him to relocate to Colorado, he shared it is his desire to be in a progressive state that values clean air, clean water, and ecology.

The figures below show general activity levels not broken down by permit type (building, electrical, plumbing, mechanical, etc.)

TYPE OF WORK PERFORMED	NUMBERS PERFORMED IN 2021	NUMBERS PERFORMED TO-DATE 2022
Inspections (n/i planning/pw)	1,380	664
Permits Processed	359	199

TOWN COUNCIL AND PLANNING & ZONING COMMISSION MEETING SCHEDULE:

July 2022
July 19 th (Planning & Zoning Commission) • DDA Amended Development Plan Approval
July 26 th (Town Council) • Planning & Zoning Commission – Reappointment, Matthew Hood • DDA Amended Development Plan Approval • 435 Eby Creek Apartments Major Development Permit (continued from 7/12/22) • Reserve at Hockett Gulch major Development Permit and Preliminary Plan & Final Plat (continued from 6/28/22)
August 2022
August 2 nd (Planning & Zoning Commission) • 435 Eby Creek Apartments Zoning Variance
August 9 th (Town Council) • EPS Affordable Housing Data Presentation
August 15 th (LUDC UC) • Housing
August 16 th (Planning & Zoning Commission) • Haymeadow Minor Subdivision of Lots 9-13 and Tract F
August 23 rd (Town Council) • Haymeadow Minor Subdivision of Lots 9-13 and Tract F