



**Planning & Zoning Commission
Tuesday, February 21, 2023, 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](tel:+1484542231)# 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 COMMENTS: If you are unable to attend, public comments regarding any items on this agenda can be submitted to the Planning Department at Planning@townofeagle.org and will be included as part of the record.

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 January 17, 2023

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 Meadows Rezone
File #: RZ23-01
Applicant: Merv Lapin, Owner
Location: East of Chambers Avenue between I-70 and US Highway 6, Town of Eagle
Staff Contact: Cliff Simonton, Senior Planner

Request: Rezone 124 acres in the East Eagle Area (formerly known as the Eagle River Station PUD) from Resource zoning to Commercial General East zoning.

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, January 17, 2023, 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 & ROLL CALL

Nutkins called the meeting to order at 6:00 PM.

In the absence of Hood (Chairman) and Hoiland (Vice Chairman), Perkins motioned to nominate Nutkins as interim Chairman for the meeting. Motion was second by Winkeller and approved unanimously.

COMMISSIONERS PRESENT

Bill Nutkins, Charlie Perkins, Keegan Winkeller
Jamie Woodworth Foral,
Keith Klesner (via Teams),
Jennifer Filipowski (via Teams)

COMMISSIONERS ABSENT

Matt Hood, Kyle Hoiland

STAFF

Chad Phillips – Community Development Dir.
Cliff Simonton – Planner
Peyton Heitzman – Planner
Jessica Lake – Planner (via Teams)
Nikki Davis - Administrative Tech II (via Teams)

APPROVAL OF MINUTES

1. Minutes dated January 3, 2023

The minutes were approved without change.

PUBLIC COMMENT

Nutkins opened public comment. There was no public comment.

PUBLIC HEARINGS

1. Project: Wanderlust Dog Ranch
File #: SU22-04
Applicant: Jason Hershman of Wanderlust Dog Ranch
Location: 45 Eagle Park East Drive & 31 Eagle Park East Drive
Staff Contact: Peyton Heitzman, Planner II
Request: A Special Use Permit to operate a kennel in the Commercial General (CG) zone district.

Nutkins opened file #SU22-04.

Staff Presentation

Heitzman presented this file. Wanderlust currently operates out of 11 and 31 Eagle Park East Drive. The applicant intends to transfer operations from 11 to 45 Eagle Park East Drive while operations at 31 Eagle Park East Drive will continue as is. All locations are within the same cul-de-sac. Wanderlust serves an estimated 80 dogs per day. If granted the Special Use Permit (SUP), the applicant will move into an existing building at the property, occupying only a portion of that building for the near-term.

Staff evaluated the application against the Town's Municipal Code, specifically 1.) four standards related to granting a Special Use Permit; and 2.) zoning minimum use standards. Staff determined the application was in compliance with both sections.

Staff recommended approval with four conditions.

Applicant Presentation

Allyson Kent, applicant representative from Mauriello Planning group, was present to answer questions.

Public Comment

There was no public comment.

Deliberation

Klesner asked for clarity on the SUP approval process for 11 and 31 Eagle Park East Drive. Kent explained in 2017, the Town's Municipal Code did not include 'kennel' as a use, though they were able to obtain approval for 11 Eagle Park East Drive by means of a similar use. Following that approval, 'kennel' was added as a permitted use through SUP in the Commercial General zone district. In 2019, staff extended the SUP approval to include both 11 and 31 Eagle Park East Drive. Approval of file # SU22-04 will grant a SUP for both 31 and 45 Eagle Park East Drive.

The Commission expressed unanimous support to recommend approval.

MOTION: PERKINS MOTIONED TO RECOMMEND APPROVAL OF FILE # SU22-04, WANDERLUST DOG RANCH SPECIAL USE PERMIT, BASED ON STANDARDS (1), (2), AND (3) OF SECTION 4.05.010. OF THE MUNICIPAL CODE AND WITH THE FOLLOWING CONDITIONS:

- 1.) BEST MANAGEMENT PRACTICES FOR SANITARY CONTROL OF THE KENNEL FACILITY SHALL BE IMPLEMENTED AND MAINTAINED FOR THE LIFE OF THE OPERATION.**

- 2.) BEST MANAGEMENT PRACTICES FOR NOISE CONTROL OF THE ANIMAL BOARDING FACILITY SHALL BE IMPLEMENTED AND MAINTAINED FOR THE LIFE OF THE OPERATION.
- 3.) THE KENNEL USE SHALL MAINTAIN ALL NECESSARY LICENSES FOR THE LIFE OF THE OPERATION.
- 4.) ANY EXPANSION OF THE KENNEL USE AT 31 EAGLE PARK EAST DRIVE OR 45 EAGLE PARK EAST DRIVE SHALL REQUIRE AN ADMINISTRATIVE APPROVAL.

MOTION WAS SECONDED AND APPROVED UNANIMOUSLY.

Nutkins closed file #SU22-04.

COMMUNITY DEVELOPMENT DEPARTMENT AND TOWN COUNCIL UPDATE

There was discussion about the Grand Avenue Grill drive aisle and how it has reduced their parking space count. Staff added no building permits were issued for that expansion and will require follow up to determine if any violations exist.

Staff provided an update on the ReCode adoption timeline and anticipated meetings with the Planning Commission.

OPEN DISCUSSION

No other discussion items.

ADJOURN

MOTION: WINKELLER MOTIONED TO ADJOURN. MOTION WAS SECONDED AND APPROVED UNANIMOUSLY.

MEETING ADJOURNED AT 6:22 PM.



STAFF REPORT AND CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Community Development Department

DATE: February 21, 2023

PROJECT: Eagle Meadows Rezone

REQUEST: To rezone a 124.26 acre property from Resource (R) to Commercial General East (CGE)

FILE NUMBER: RZ23-01

APPLICANT: Eagle Meadows Colorado LLC

LOCATION: East of the east end of Chambers Avenue, between I-70 and US Highway 6

CODE: Chapter 4.04 Zoning
Chapter 4.05 Zoning Review

ZONING: Resource (R)

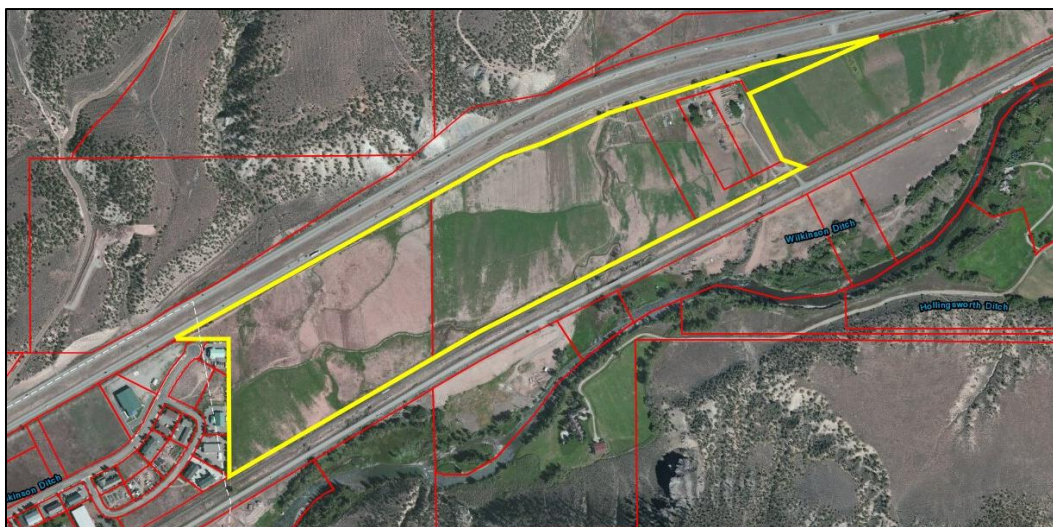
EXHIBITS: A. Application Narrative
B. CGE zone district description
C. Eagle Meadows Pre-application Agreement
D. Referral Response from Eagle County

PUBLIC COMMENT: None as of February 15, 2023. One referral response was received from Eagle County, included in the exhibits.

STAFF: Cliff Simonton, Planner – cliff.simonton@townofeagle.org

INTRODUCTION

Eagle Meadows Colorado, LLC has submitted an application to rezone five parcels of land in East Eagle from Resource (R) to Commercial General East (CGE). The land totals 124.26 acres and is the site of the previously approved Eagle River Station PUD. It is located east of Chambers Avenue, with I-70 to the north and the Union Pacific Railroad right-of-way and US Highway 6 to the south. The eastern boundary of the property is located just past the headquarter buildings of the old Whittaker Ranch. Further east are private agricultural lands in unincorporated Eagle County, and across Highway 6 to the south is the Red Mountain Ranch PUD, an approved but as-yet undeveloped mixed-use project that fills the space between Highway 6 and the Eagle River.



Location and footprint of the subject property, extending east from the east end of Chambers Avenue.

The property targeted for a zone change was annexed into the Town of Eagle in 2006 in conjunction with the proposed Eagle River Station PUD. In 2009 the Town approved zoning and a development plan for the PUD, but the project failed to materialize and was withdrawn in 2015. Ownership of the property then changed, and zoning reverted to the Resource (R) zone district.

The land subject to rezoning is generally flat, sloping gently from the interstate on the north to the railroad ROW, Highway 6 and the Eagle River to the south. Historically the land was irrigated and supported grazing and hay production, but irrigation ceased many years ago and dry-land grazing is the only present-day agricultural use. Castle Creek is a named intermittent stream that crosses the property approximately ½ mile east of Chambers. The shallow drainage rarely carries water, and does not support trees, shrubs or riparian habitats. The drainage could carry water in a flood event, however, and it has been identified as a wildlife movement corridor. The property is otherwise without significant feature. As demonstrated through previous Eagle River Station studies, the majority of the land is suitable for development.

Except for abandoned irrigation ditches, a holy cross power line that crosses the property from north to south, the Eagle County Regional Trail that parallels the railroad in a dedicated easement, and the gravel driveway that serves the Whitaker Ranch buildings, no roads or other infrastructure presently exist on the 126-acre property. Access to the property at this time is from the historic ranch headquarters only.

The rezoning to CGE is being requested by Eagle Meadows Colorado as part of a pre-development agreement between Eagle Meadows Colorado and the Town, which details activities and responsibilities related to the property prior to a formal proposal for development. Commercial General East (CGE) zoning

has been recently developed by Town staff and Clarion to accommodate uses and layouts consistent with the intents and purposes of the East Eagle Sub-Area Plan, which was adopted by the Town in 2021. Once in place, it is hoped the CGE zone district will improve the marketability of the property to potential investors and/or developers. The zoning is speculative at this time, as plans for subdivision and/or development of the property have not been submitted to the Town.

DISCUSSION ITEMS

1. Alignment of the CGE Zone District with the East Eagle Sub-Area Plan Future Land Use Map.
2. The possibility of a minor update to the East Eagle Sub-Area Plan to accommodate the Town's revised position on housing in the area.

REZONING STANDARDS FOR APPROVAL (SECTION 4.05.030.A)

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

Compatibility with surrounding land uses.

Staff Comment: The mix of uses and design standards encouraged by the Commercial General East Zone district are similar to those proposed by the 2009 Eagle River Station PUD, which was found to be compatible with surrounding land uses during its review and approval process. The zone district allows a variety of commercial and light industrial uses, which will be compatible with existing uses at the east end of Chambers Avenue. Uses allowed by CGE should not create compatibility issues with the I-70 corridor on the property's northern boundary. CGE zoning standards limit residential uses to locations along the southern border of the property where it will be quieter, where there is access to the ECO Regional Trail, and where the adjacent Red Mountain Ranch PUD proposes residential use and access to open space and recreational experiences.

Consistency with Town goals, policies and plans, the **Elevate Eagle Comprehensive Plan**.

A number of policies from the Elevate Eagle Comprehensive Plan are relevant to the proposed rezoning, as follows:

Policy 1-1.3. *Stimulate the creation of workforce housing through town policies, incentives, and regulatory procedures.*

Staff Comment: The CGE zone district promotes housing available to workers by limiting residential development to studio and one-bedroom units in mixed use buildings, and by allowing multi-family structures located along US Highway 6. The number of residential units allowed in the East Eagle area will be specifically tied to and governed by the number of jobs created by commercial development in the East Eagle area.

Policy 1-2.2. *Promote commercial development that fits the desired character of the community and its character areas.*

Policy 2-3.2. *Preserve and enhance each of Eagle's unique character areas.*

Staff Comment: The CGE zone district is a customized zone district that promotes development and designs consistent with the character expectations detailed in the East Eagle Sub-Area Plan.

Policy 1-2.3. *Support opportunities to expand and diversify the commercial and light industrial base.*

Policy 1-2.10. *Support the retention and expansion of regionally serving commercial and service uses.*

Staff Comment: The East Eagle Area has been targeted by the Town as a location where commercial and industrial uses should be the focus, keeping pace with the needs of a growing community, drawing customers and travelers from the region and the I-70 corridor, and supporting and assuring a healthy tax base. To this end, CGE zoning supports a full spectrum of commercial and light industrial uses, including large format “big box” facilities.

Policy 1-2.4. Work to attract and retain businesses that support and enhance Eagle’s tourism revenues, while also seeking to build upon entrepreneurship.

Staff Comment: The East Eagle area is highly visible from the interstate 70 corridor and will one day be served by a new East Eagle interchange. Businesses and lodging development supported by the CGE zone district should draw visitors to the area, enhancing the town’s tourism revenues.

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

Staff Comment: The CGE zone district is a customized zone district that promotes development and designs consistent with the East Eagle Sub-Area Plan. That Plan was adopted by the Town in 2021, and reflects current community goals for the East Eagle Area.

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.

Staff Comment: Design standards listed in the CGE zone district will work in concert with other town standards and regulations to assure designs and construction of the highest quality in the East Eagle Area.

Consistency with Town goals, policies, and plans, *The East Eagle Sub-Area Plan*

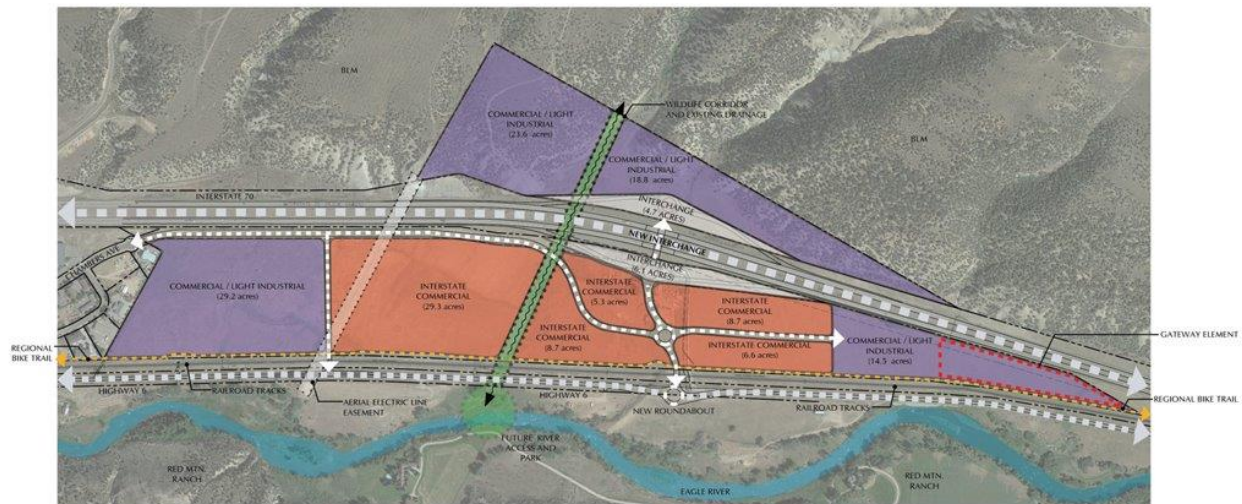
Staff Comment: The Commercial General East zone district has been created with specific focus on the policies and Future Land Use Map (FLUM or “map”) of the East Eagle Sub-Area Plan (EESAP, or “Plan”). Staff’s analysis has concluded that all outcomes contemplated by the Plan can be achieved by application of the CGE zone district to the property.

The FLUM for the EESAP indicates two distinct “use areas”, one a commercial/light industrial area to the west and the second an “interstate/commercial” area to the east, with a hard-line demarcation between the two. A planned extension of Chambers Avenue, looping the road south to connect with US Highway 6, would logically serve the light industrial uses indicated on the FLUM. The interstate commercial use areas further east contemplate larger format retail development, like big box stores, and would be accessed primarily from a new East Eagle interchange and new entrances along US Highway 6. Drawing a hard line between these two “use areas” is somewhat problematic, as future development plans for the area are not yet known, and the eventual boundary, if one becomes necessary, is thus indeterminant.

The owner is requesting just one zone district at this time. Accordingly, the new CGE zone district has been developed to accommodate both commercial/light industrial uses and commercial general/large format (interstate) uses. It is staff’s position that the application of this customized zone district to the entire property can and will support development consistent with the two use areas shown on the Future Land Use Map.

Regarding residential uses, Policy 7.1 of the EESAP provides that “accessory on-site employee housing is encouraged throughout the planning area to support business opportunities”. At the urging of Council, staff broadened the interpretation of this, developing the CGE zone district to include multifamily housing tied specifically to employee generation in the East Eagle area. The FLUM does

not presently specify the preferred location for this residential development, and Staff would offer that a minor revision to the FLUM could be implemented to indicate a preferred location for residential development. Council has indicated their preference for locations immediately adjacent to the Regional Trail and Highway 6 where improvements could be made to existing underpasses that would allow pedestrian access to Red Mountain Ranch and recreational opportunities along the Eagle River corridor.



The Future Land Use Map for the East Eagle Area



An aerial photo image showing lot lines in the East Eagle Area.

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: Following annexation, the land was zoned for a mixed-use commercial/residential PUD in 2006, but that zoning reverted to Resource (R) when the Eagle River Station project failed to materialize. The existing zoning is now inconsistent with the Town's goals, policies, and plans, as evidenced by guidelines in the recently adopted East Eagle Sub-Area Plan. The existing Resource zoning is also inconsistent with the 2006 Annexation Agreement that remains in full force for the property. Rezoning the land to Commercial General East will additionally meet requirements detailed in the pre-development agreement between the Town and Eagle Meadows Colorado LLC.

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.*

Staff Comment: This standard is not applicable, as the area for which the rezoning is requested has not changed.

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: This standard is not applicable, as a comprehensive revision of the Town's zoning map based on changed conditions in the East Eagle Area is not being pursued.

STAFF RECOMMENDATION

Staff recommends APPROVAL of rezoning File #RZ23-01 based on Standards (1) and (2) of Section 4.04.030. of the Municipal Code. Specifically:

1. That the rezoning is compatible with surrounding land uses, and is consistent with the Town's goals, policies and plans; and
2. The existing zoning is inconsistent with the Town's goals, policies and plans.

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to File #RZ23-01, rezoning lands in the Eagle area.

1. **Recommend approval** of the owner's request as presented, assigning Commercial General East (CGE) zoning to the entire 124.26-acre property.
2. **Continue (table) the file** to a future meeting, providing detail regarding information needed to support a future decision.
3. **Deny the application**, citing inconsistencies with Code sections and/or Plan policies that resulted in the motion for denial.

SUGGESTED MOTION

I move to RECOMMEND APPROVAL of File #RZ23-01, rezoning 124.26 acres of land in East Eagle from Resource (R) to Commercial General East (CGE), based on the following findings:

FINDINGS OF FACT

The application meets the requirements of Title 4 of the Land Use and Development Code and is in conformance with the 2021 Elevate Eagle Comprehensive Plan and the 2021 East Eagle Sub-Area Plan.

HUNN

PLANNING & POLICY, LLC.

December 21, 2022

Mr. Chad Phillips, Director
Town of Eagle Community Development Department
200 Broadway
P.O. Box 609
Eagle, CO. 81631

Re: Red Mountain Partnership LLLP and Eagle Meadows Colorado LLC
Rezoning Application Submission and Narrative

Chad,

On behalf of Red Mountain Ranch Partnership LLLP and Eagle Meadows Colorado LLC, and in accordance with Resolution No. 80, Series 2022, I am herewith forwarding the following materials in support of a rezoning request for the following parcels currently located within the Town of Eagle:

- Parcel No. 193928400022
- Parcel No. 193927300034
- Parcel No. 193927300037
- Parcel No. 193927300038
- Parcel No. 193927300039

Full legal descriptions for all affected properties are provided under cover of this memo. Additionally, the following are attached or have already been submitted in response to the Town's annexation petition and rezoning criteria:

1. Notarized Consent Form
2. Zone District Amendment Application Form
3. Narrative responding to Section 4.05.030- *Rezoning* of the Town of Eagle Land Use Regulations

Thank you for your time and efforts to work with us throughout the pre-development process and for your guidance as we prepared our annexation and rezoning requests to meet the Town's requirements and expectations.

Please do not hesitate to contact me if you or Town staff has any questions or if you require additional or different information in this matter.

Kind regards,



Scot Hunn, AICP/MPA

Cc: Mervyn Lapin
Rodrigo Cortina
Spencer Blair
Eric Eves

East Eagle Commercial General Zone District Zone District Amendment Request Narrative

December 21, 2022

Introduction:

The following analysis is provided in support of a proposed zone district amendment for properties already annexed to the Town and located in the East Eagle area. This rezoning request is pursuant to pre-development agreements by and between Red Mountain Ranch Partnership LLLP and Eagle Meadows Colorado LLC (“Applicant”) and the Town of Eagle (“Town”) with regard to planning and development of several parcels owned by the Applicant and located in the East Eagle area (“Properties”). These agreements were entered into on September 27, 2022, and memorialized in the Town of Eagle Resolution No. 80, Series 2022.

Of note in the Applicant’s request are several factors for the Town’s consideration. First, the Applicant has been working in good faith with the Town of Eagle for several months as a participant in the Town’s ReCode Eagle process to evaluate and update the Town’s Land Use Regulations, inclusive of the Town’s zone districts and the Town’s Official Zone District Map.

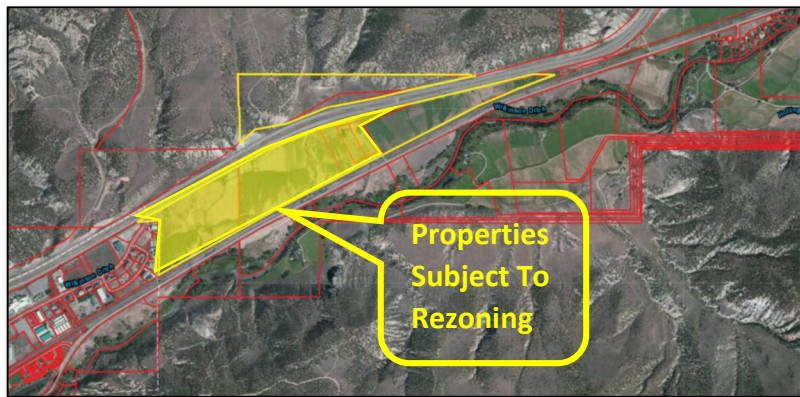


Figure 1: Vicinity Map, Source: Town of Eagle East Eagle Sub-Area Plan p. 2

As an active participant, the Applicant has awaited the establishment of new zone district(s) in the East Eagle area in alignment with the 2021 East Eagle Sub-Area Plan (EESAP) Future Land Use Map (FLUM). For various reasons out of the Applicant’s control, amendments to the Town’s zone districts and, specifically, amendments to the Official Zone District Map have not been completed.

The Properties were formerly zoned PUD as part of the Eagle River Station development. The previous PUD approvals have lapsed, ownership of the Properties changed, and the Properties were subsequently reverted to Resource (R) zoning until such time as new zone districts – tailored to facilitated commercial and/or light-industrial development in line with the EESAP without the need for a new PUD - are created and new site-specific development plans are duly reviewed and approved by the Town during a public process. Originally slated for completion by December 2022, the Applicant is now of the understanding that final adoption of new zone districts and/or the adoption of a new Official Zone District Map will not be completed until summer 2023.

Yet, the Applicant and the Town are in general agreement with regard to the future land use designations outlined in the EESAP's future land use map and, specifically, the commercial and light-industrial intents of any future zone districts to be created in the East Eagle Area.

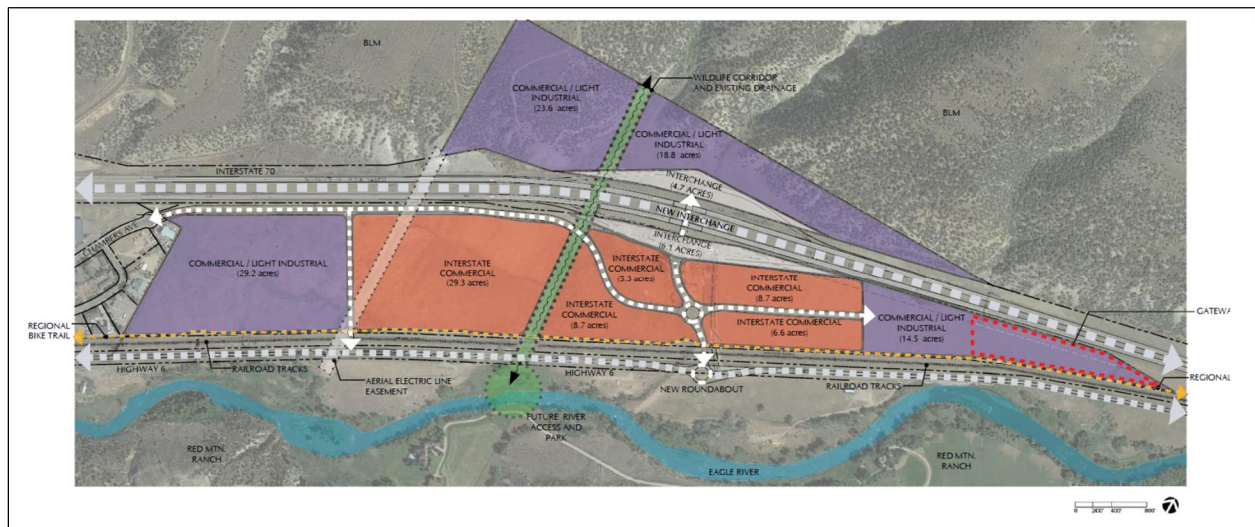


Figure 2: East Eagle Sub-Area Plan Future Land Use Map

The pre-development agreement(s) executed by and between the Town and the Applicant require annexation of certain Properties (Parcels A and F) within 180 days of the effective date of the development agreements, as well as the rezoning of certain Properties prior to January 25, 2023. The Applicant intends to rezone Parcels A and F upon annexation.

Additionally, there is urgency in this situation: the Applicant desires to start the process of contacting prospective commercial tenants and qualified developers and cannot do so without an appropriate commercially oriented zone district in place on the Properties. Simply, potential tenants and developers are already looking at competitive, commercially zoned sites nearby and the Applicant, and the Town, are losing ground while the ReCode process, albeit important for the Town's future, continues.

Therefore, the Applicant has worked with the Town over roughly the past three months to identify a process and a zoning designation that can be applied to the Properties in a temporary manner to 1) comply with the pre-development agreement timeframes; and 2) provide clarity as well as an appropriate amount of flexibility – to the Town and the Applicant – with regard to enacting commercially-oriented zoning on the Properties in conformance with the intents of the East Eagle Sub-Area Plan and the pre-development agreement(s).

Importantly, this request and the Applicant's ongoing cooperation with the Town directly supports two overarching "major objectives" of the Town of Eagle Town Council's 2020 Strategic Plan – to "Stimulate Economic Vitality and Development," and to "Enhance the Economic Resiliency of the Town Government."

The following section addresses the Town of Eagle's zone district amendment criteria.

Section 4.05.030 – Rezoning:

A. Conditions for rezoning.

The Town Council may amend the number, shape, or boundaries of any zone district, removing any property from one zone district and adding it to another zone district, only after recommendation of the Planning Commission. A rezoning may be granted where the findings are made:

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

Applicant Response:

The proposed East Eagle Commercial General Zone District is in direct alignment with the goals, policies and implementing actions of the 2020 Elevate Eagle Comprehensive Plan, as well as specific recommendations of the 2021 East Eagle Sub-Area Plan (EESAP) inclusive of the Future Land Use Map (FLUM) designations identifying the Properties as being appropriate for Commercial/Light Industrial and/or Interstate Commercial. Yet, after numerous conversations with the Town in recent months, it is apparent that the zone districts identified within the 2021 EESAP have not been developed or adopted as part of the Town's omnibus ReCode Eagle process.

Further, it is the Applicant's understanding that the creation or adoption of specific zone districts (shown in the EESAP as "Commercial/Light Industrial" and "Interstate Commercial") will likely not occur until summer 2023. Therefore, with guidance from the Town, the Applicant proposes to zone the Properties under a "Commercial General East" or "East Eagle Commercial General" zone district, inclusive of similar permitted uses currently available within the Town's Commercial General Zone District, to permit a wide range of commercial uses serving the local population as well as interstate travelers.

Importantly, this temporary zoning designation applied to the Properties will not preclude extension and expansion of the Chambers Avenue area and, specifically, similar small-lot service commercial and/or light industrial uses found within the Eagle Valley Commercial Park subdivision until such time that more specific zone districts are adopted by the Town for the East Eagle area via the ReCode Eagle Process.

- 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;*

Applicant Response:

The land to be rezoned was zoned Resource within the Town following the expiration and extinguishment of a previously approved Planned Unit Development (Eagle River Station PUD). Therefore, the current zoning is not in error, but, as a low density residential and agricultural zoning designation, is clearly inconsistent with the goals, policies and future land use mapping for the Town's more recently adopted East Eagle Sub Area Plan (EESAP).

Similar to the intents of both the yet-to-be-adopted "Interstate Commercial" or "Commercial/Light Industrial" zone districts envisioned within the EESAP, the East Eagle Commercial General Zone District should allow an appropriate amount of flexibility for the

landowner and the Town until such time that 1) specific zone district designations are adopted and applied to the Properties via the ReCode Eagle process, and 2) site specific development plans are presented wherein the Town and the Applicant can discuss and contemplate specific retail commercial, service commercial and/or light industrial development plans for the subject properties.

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*

Applicant Response:

The area for which rezoning is requested is located within the 2021 East Eagle Sub-Area Plan boundaries and is the subject of several specific goals, policies and implementing actions of the EEACP – all squarely focused on commercially-oriented rezoning, subdivision, and development in furtherance of the Town of Eagle’s land use, quality of life, and economic development strategic planning efforts.

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.*

Applicant Response:

But for this rezoning request, the area for which rezoning is requested would be part of a future, comprehensive revision to the Town’s Official Zone District Map as part of the Town’s ongoing ReCode Eagle process. While this (ReCode) process has been ongoing for the past couple years, the applicant is of the understanding that full revision of the Town’s zoning documents will not occur until summer 2023.

However, on September 27, 2022, the Town and the Applicant executed pre-development agreements for the Properties as well as two additional parcels that have not yet been annexed – Parcels A and F at the eastern end of the East Eagle sub-area - setting forth certain time periods within which the Applicant and/or the Town are to initiate annexation of Parcels A and F, as well as time frames for the complimentary rezoning actions of the Properties. In this case, under Section 3 of the agreement(s), the Town is obligated to “*finalize and act on an application to rezone the Property, which zoning shall comply with the East Eagle Sub-area Plan.*”

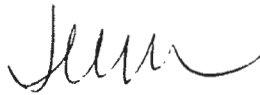
Therefore, this rezoning is being proposed in compliance and in good faith with prior agreements, and at the direction and counsel of Town staff in an effort to provide near term clarity for both the Applicant and the Town as the Applicant continues to work with the Town in a pre-development manner prior to full adoption of any new Town of Eagle zoning code.

PROOF OF PUBLICATION

STATE OF COLORADO)
)
COUNTY OF EAGLE)

I, Jenny Rakow, Town Clerk for the Town of Eagle, do solemnly swear and affirm that I published in full a true and correct copy of "ORDINANCE 01, SERIES 2023 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AMENDING VARIOUS SECTIONS OF CHAPTER 4.04 OF THE EAGLE MUNICIPAL CODE TO ACCOMMODATE A NEW COMMERCIAL GENERAL EAST ZONE DISTRICT" on the Town of Eagle's web site, www.townofeagle.org, on the 24th day of January 2023.

Witness my hand and seal this 24th day of January 2023.



Jenny Rakow Town
Clerk



Ordinance Effective Date:

February 4, 2023

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 01
(Series of 2023)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
AMENDING VARIOUS SECTIONS OF CHAPTER 4.04 OF THE EAGLE MUNICIPAL
CODE TO ACCOMMODATE A NEW COMMERCIAL GENERAL EAST ZONE DISTRICT

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE,
COLORADO AS FOLLOWS:

Section 1. Section 4.04.010 of the Eagle Municipal Code is hereby amended by the
addition of the following row, to appear in alphabetical order:

CGE	Commercial General East – For commercial and tourist uses, including lodging, dining recreation facilities and compatible uses, and for heavier commercial activities and compatible uses, and limited residential use on properties located within the East Eagle Sub Area Plan boundary.
-----	--

Section 2. Section 4.04.070 of the Eagle Municipal Code is amended by the addition
of the following column:

	CGE
Retail establishment, except mobile home and vehicular services	P
Service establishment, except vehicular service	P
Restaurant	P
Tavern	P
Office	P
Lodging, extended stay	S
Lodging, temporary	P
Dwelling units - above street level	S
High density, multifamily dwelling ¹	S
Park, playground, greenbelt	P
Indoor recreation or theater	S
Public building, auditorium, or other public assembly	S
Church, child care facility, school	S
Hospital, clinic, nursing home, group home	S
Commercial parking lot or garage	S
Vehicular and mobile home service, sales and rental	S
Contractor's yard	S

	CGE
Shop for blacksmith, cabinetry, glazing, machining, off-set printing, publishing, and sheet metal	P
Utility substation	S
Water impoundment	S
Taxidermy shop	S
Dry cleaning plant	S
Gasoline sales	P
Automobile salvage yard	*
Manufacturing, assembly, processing, packaging or preparation of articles or merchandise	S
One single dwelling unit - accessory to a use permitted	*
Restaurant - accessory to use permitted	*
Office - accessory to use permitted	*
Veterinary clinic	S
Extraction and processing of minerals, rocks, sand, gravel, and other earth products	*
Storage of explosives	*
Sawmill or wood milling facility	*
Recreational vehicle park	S
Railroad transfer yard, Motor freight depot	*
Petroleum products bulk plant	S
Theater	P
Shooting range	S
Mobile home	*
Outside storage	S
Self-service storage facility	*
Wholesale or distribution establishment, except mobile home and vehicular sales	P
Retail, except mobile home and vehicular accessory to a principal permitted use	P
Service establishment, except vehicular service—accessory to a principal permitted use	P
Sexually oriented businesses	*
Medical marijuana business ²	S
Retail marijuana cultivation facility ⁴	S
Marijuana testing facility ⁵	S

	CGE
Cultivation of medical marijuana by patients and caregivers in non-residential units (commercial or industrial spaces) ³	*
Cultivation of medical marijuana by patients and caregivers in residential dwelling units (permitted within non-residential zone districts) ³	P
Retail marijuana business (excluding retail marijuana testing facilities)	S
Cultivation of marijuana for personal use in residential units	P
Cultivation of marijuana for personal use in non-residential units or structures	*
Medical marijuana infused products manufacturer ²	S
Optional medical cultivation premises ²	S
Retail marijuana store ⁴	S
Retail marijuana products manufacturing facility ⁴	S
Kennel	S

Section 3. Section 4.04.090 of the Eagle Municipal Code is hereby amended by the addition of the following new row:

ZD	MLA	MLA/DU	MFY		MSY	MRY		MBH	MLC	MFA	MUO/DU
CGE	100,000 sf		L	25'	Greater of 12.5' or ½ building height	com-com	25'	35'	Building 50%; all other impervious 30%	150%	
			C	25'		com-ind	25'				
			A	50'		com-res	75'				

Section 4. Section 4.04.100.O of the Eagle Municipal Code is hereby amended as follows:

4.04.100 Supplementary regulations and standards.

* * *

O. Extended stay temporary lodging facilities. All extended stay temporary lodging facilities permitted in the Commercial General (CG) Zone District or Commercial General East (CGE) Zone District shall comply with the following requirements:

* * *

Section 5. Section 4.07.080 of the Eagle Municipal Code is hereby amended as follows:

4.07.080 North Interchange Area and East Eagle Area.

A. General provisions.

1. The North Interchange *and East Eagle Area* contains the following zone districts ~~as per this Title:~~

a. Commercial General "for commercial and tourist uses including lodging, dining, and recreation facilities and compatible uses, and for heavier commercial uses, low-impact manufacturing uses, and compatible uses."

b. *Commercial General East "for commercial and tourist uses including lodging, dining, and recreation facilities and compatible uses, and for heavier commercial activities, compatible use, and limited residential use on properties located within the East Eagle Sub Area Plan boundary."*

~~b.c.~~ Public Area "for any use owned ~~and/or~~ operated by a public entity."

2. The North Interchange *and East Eagle Area* incorporates privately owned, commercially zoned land north of the I-70 interchange, *and in between the I-70 corridor and US Highway 6 east of Chambers Avenue*. This area is completely separated physically and visually from the developed Town. Because of its *isolated* location, development *on these lands* would have less of an impact to the community, if treated sensitively, than if these uses occurred downtown. Because larger commercial parcels with municipal service infrastructure are available, there will be considerable pressure for development activity. It is very possible that this area will develop completely independent of other trends in the Town, and be more influenced by county and regional market forces. Commercial activity may, over time, compete with downtown Eagle as the commercial center of the area. Because of its likely development with commercial activities featuring high volumes of user traffic, master planning of large parcels should be strongly encouraged. Careful consideration to the layout of curb cuts along existing public roads should be given. To the extent possible, the preservation of large pieces of indigenous landscape and plant materials should be an important objective. Like the Chambers Avenue Area, architectural design should feature indigenous building materials, styles and details.

* * *

C. Building setbacks.

1. Setback from Eby Creek Road, *the I-70 Right-of-Way, and the I-70 Frontage Road* is twenty-five (25) feet.

* * *

E. Architectural details.

1. *The appearance of buildings in these areas should be of a style similar to that seen in Colorado West Slope mountain towns as described in Section 4.07.040, General architectural standards, and further described in the Elevate Eagle Comprehensive Plan and East Eagle Sub Area Plan. Facades that face public rights-of-way, including the I-70 corridor, shall include variation in the wall plane. Facades that are greater than one hundred (100) feet in length shall include spatial definition in the form of wall projections and/or recesses which must have a depth of at least three (3) percent of the length of the facade. Projections and/or recessions must occupy at least twenty (20) percent of the length of the facade. ~~Group~~ Items such as windows should be grouped to create an interesting composition; these type of features provide visual interest to the pedestrian, reduce monolithic appearance, and add local character to development. Facade projections, recesses, windows, and entrances should be integral parts of the building and must not be superficially applied trim, graphics, or paint.*

* * *

H. Parking.

1. *For parking lots with ten (10) or more parking spaces, one deciduous shade tree shall ~~be required to~~ be planted in the interior of the lot for every ten (10) parking stalls. All required shade trees shall be located within curbed, planted medians and/or islands to provide spatial definition and shade within paved areas.*

2. *Parking lots with fifty (50) or more spaces shall be divided into subsections of no more than twenty-five (25) spaces with landscape divider strips placed between the sections.*

3. *Landscaped areas within parking lots and perimeter landscaping located between a parking lot and a public street shall be protected from vehicular traffic through the use of concrete curbs, extruded asphalt, or other approved permanent barriers. Periodic curb cuts to allow stormwater infiltration are permitted.*

4. *No paving shall be permitted within four (4) feet of the center of a tree.*

* * *

J. *Public Spaces. Mixed-use and nonresidential sites shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following: patio seating areas; pedestrian plazas with benches; transportation centers; window shopping walkways; outdoor play areas; art features; sheds/areas/facilities for farmers' markets; and architectural elements reflective of rural mountain design on structures with a façade or building wall facing public spaces.*

K. *Pedestrian connections.* Where pedestrian connection can be made from the property, commercial development shall provide safe and convenient pedestrian connection to the Eagle County Regional Trail system as well as other nearby business locations. Sidewalks shall be detached from curb and gutter a minimum distance of five (5) feet to accommodate a planting strip between the curb and sidewalk. Sidewalks linking the pedestrian system of the block to the building are required. Determinations about trail and sidewalk connections shall be made as early in the subdivision or site layout process as possible to avoid lot or site layout decisions that impact the ability to make pedestrian and bicycle connections.

L. *Outdoor uses.*

1. *No areas for outdoor storage, loading, or trash collection or compaction shall be located within twenty (20) feet of any public or street, public sidewalk, or designated internal pedestrian way.*

2. *Trucks, trailers, and outdoor containers used for delivery or maintenance shall only be parked or stored in designated loading and unloading areas that are completely screened from adjacent streets and properties for the duration that they are on the site, and they shall be removed promptly upon the completion of use.*

3. *Exterior display areas shall be clearly depicted on the development plan. All exterior display areas shall have a minimum buffer of ten (10) feet from vehicle lanes or parking areas and shall be permanently screened with walls or fences. Materials, colors and design of screening walls and fences shall conform to the predominant materials and colors of the primary building. If outdoor display areas will be covered, the covering shall conform to the predominant materials and colors of the primary building.*

4. *Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, and trash compactors shall be incorporated into the overall design of the building and the landscaping so that their acoustic impacts are fully contained and their visual impacts are screened from view from adjacent properties and public streets, and the screening materials shall be consistent with the principal materials of the building and landscaping.*

M. *Ongoing maintenance.* The development plan shall include a long-term maintenance plan to ensure that all mixed-use and nonresidential sites are regularly maintained, do not fall into a state of disrepair or neglect, and consistently present a neat and orderly appearance. The maintenance plan shall address, at a minimum, maintenance of the building, parking lot and parking lot surface, landscaping, and signage, including elimination of abandoned signage.

N. *Residential use.*

1. *New multi-family structures shall be oriented with their front façade on the HWY 6 corridor/ECO trail system and shall incorporate safe pedestrian access to nearby recreation and open space amenities.*

2. *Dwelling units within mixed-use structures in the CGE District shall be studio or one bedroom only.*

3. *Applications for mixed-use or multi-family development shall include a residential demand study demonstrating the need for employee units created by nonresidential development within the East Eagle Area. Residential development shall be limited to no more than 120% of the unit demand estimated by the residential demand study. Priority housing status shall be given to local employees.*

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON JANUARY 24, 2023.

TOWN OF EAGLE, COLORADO

Mikel "Pappy" Kerst Mayor Pro Tem

ATTEST:

Jenny Rakow, Town Clerk



SECOND AMENDMENT TO PRE-DEVELOPMENT AGREEMENT

THIS SECOND AMENDMENT TO PRE-DEVELOPMENT AGREEMENT (the "Second Amendment") is made and entered into this 24 day of January, 2023 (the "Effective Date"), by and between the Town of Eagle, a Colorado home rule municipality with an address of P.O. Box 609, Eagle, CO 81631 (the "Town"), and Eagle Meadows Colorado, LLC, a Colorado limited liability company with an address of 232 West Meadow Drive, Vail, CO 81657 ("EMC") (each a "Party" and collectively the "Parties").

WHEREAS, on September 27, 2022, the Parties entered into a Pre-Development Agreement (the "Agreement"), a copy of which is attached hereto as **Exhibit A**;

WHEREAS, on December 13, 2022, the Parties entered into the First Amendment to Pre-Development Agreement, extending a deadline for rezoning to February 28, 2023 (the "First Amendment"); and

WHEREAS, the Parties wish to further extend such deadline.

NOW, THEREFORE, for the consideration hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Section 3.a. of the Agreement, as amended by the First Amendment, is hereby amended to read as follows:
 - a. *Rezoning.* On or before March 14, 2023, the Town, at its own cost, shall finalize and act on an application to rezone the Property, which zoning shall comply with the East Eagle Sub-area Plan.
2. All other provisions of the Agreement shall remain in full force and effect as written.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment as of the Effective Date.

TOWN OF EAGLE, COLORADO


Mikel "Pappy" Kerst, Mayor Pro Tem

ATTEST:


Jenny Rakow, Town Clerk



TOWN OF EAGLE, COLORADO
RESOLUTION NO. 05
(Series of 2023)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
APPROVING THE SECOND AMENDMENT TO THE PRE-DEVELOPMENT AGREEMENT
WITH EAGLE MEADOWS, COLORADO

WHEREAS, on September 27, 2022, the Parties entered into a Pre-Development Agreement;

WHEREAS, on December 13, 2022, Town Council approved the First Amendment to Pre-Development Agreement, extending a deadline; and

WHEREAS, the Parties wish to further extend such deadline.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AS FOLLOWS:

Section 1. The Second Amendment to Pre-Development Agreement is hereby approved in substantially the form attached hereto, subject to final approval by the Town Attorney. Upon such approval, the Mayor Pro Tem is authorized to executed the Second Amendment on behalf of the Town.

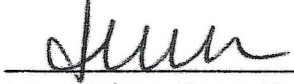
INTRODUCED, READ, PASSED AND ADOPTED ON JANUARY 24, 2023.

TOWN OF EAGLE, COLORADO



Mikel "Pappy" Kerst, Mayor Pro Tem

ATTEST:



Jenny Rakow, Town Clerk



Agreement shall prohibit the Town from imposing increased tap fees at the time of building permit issuance to recover costs associated with the water storage tank.

4. RMR's Obligations.

a. *Water Tank.* Developer shall convey to the Town, at no cost, all property and easements necessary for the construction of the water storage tank, the access road and the associated pipelines, booster pumps, and other appurtenances. Prior to such conveyance, Developer shall, at its own expense, annex all necessary property to the Town.

b. *Construction of Public Improvements.* Except as expressly provided herein, Developer shall construct and install all public improvements required for the Development in accordance with the AA, the zoning of the property, the to-be-negotiated Development Agreement, the Town's applicable ordinances, codes and regulations and all other applicable law.

c. *Compliance with Law.* Developer shall at all times comply with all applicable law, including without limitation all current and future federal, state and local statutes, regulations, ordinances and rules relating to: the emission, discharge, release or threatened release of a Hazardous Material into the air, surface water, groundwater or land; the manufacturing, processing, use, generation, treatment, storage, disposal, transportation, handling, removal, remediation or investigation of a Hazardous Material; and the protection of human health, safety or the indoor or outdoor environmental, including without limitation the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601, *et seq.* ("CERCLA"); the Hazardous Materials Transportation Act, 49 U.S.C. § 1801, *et seq.*; the Resource Conservation and Recovery Act, 42 U.S.C. § 6901, *et seq.* ("RCRA"); the Toxic Substances Control Act, 15 U.S.C. § 2601, *et seq.*; the Clean Water Act, 33 U.S.C. § 1251, *et seq.*; the Clean Air Act; the Federal Water Pollution Control Act; the Occupational Safety and Health Act; all applicable environmental statutes of the State of Colorado; and all other federal, state or local statutes, laws, ordinances, resolutions, codes, rules, regulations, orders or decrees regulating, relating to, or imposing liability or standards of conduct concerning any hazardous, toxic or dangerous waste, substance or material, as now or at any time hereafter in effect.

d. *Annexation.* Within 180 days of the Effective Date, RMR shall file a petition for annexation of Parcel A and Parcel F to the Town.

5. Indemnification. RMR agrees to indemnify and hold the Town harmless from and against all claims, costs and liability of every kind and nature, for injury or damage received or sustained by any person or entity, in connection with, or on account of the performance of work in the Development by RMR, or its agents, contractors or employees pursuant to this Agreement, except to the extent any such claims, costs or liability arises from the negligent or intentional act or omission of the Town. RMR's obligation to indemnify the Town shall survive termination of this Agreement.

6. Remedies.

a. *Town.* The Town's remedies against RMR for RMR's breach of this Agreement include without limitation: the refusal to issue any Development Permit; the refusal to issue any building permit or certificate of occupancy; the revocation of any building permit in which was previously issued, but under which construction directly related to such building permit has not commenced; and any other remedy available at law.

b. *RMR.* RMR's remedies against the Town for the Town's breach of this Agreement are limited exclusively to breach of contract. In no event shall RMR be entitled to specific performance, economic damages, lost profits, consequential damages or punitive damages of any kind.

c. *Notice.* In the event of a breach by either Party, the non-breaching Party shall deliver written notice to the breaching Party of such breach and the breaching Party shall have 30 days from the date of such notice to cure the breach. If the breach is not cured, the non-breaching Party is entitled to the remedies specified above.

d. *Attorney Fees and Costs.* If any Party to this Agreement is required to commence legal action to enforce this Agreement, each Party shall be responsible for its own attorney fees and expenses in connection with such action.

7. Miscellaneous.

a. *Governing Law and Venue.* This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in Eagle County, Colorado.

b. *No Waiver.* Delays in enforcement or the waiver of any one or more defaults or breaches of this Agreement by the Town shall not constitute a waiver of any of the other terms or obligation of this Agreement.

c. *Integration.* Other than the AA, which shall remain in full force and effect, this Agreement constitutes the entire agreement between the Parties, superseding all prior oral or written communications.

d. *Third Parties.* There are no intended third-party beneficiaries to this Agreement.

e. *Notice.* Any notice under this Agreement shall be in writing and shall be deemed sufficient when directly presented or sent prepaid, first class U.S. Mail to the Party at the address set forth on the first page of this Agreement.

f. *Severability.* If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.

g. *Modification.* This Agreement may only be modified upon written agreement of the Parties.

h. *Assignment.* Neither this Agreement nor any of the rights or obligations of the Parties shall be assigned by either Party without the written consent of the other, which consent shall not be unreasonably withheld.

i. *Governmental Immunity.* The Town and its officers, attorneys and employees, are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended, or otherwise available to the Town and its officers, attorneys or employees.

j. *Subject to Annual Appropriation.* Consistent with Article X, § 20 of the Colorado Constitution, any financial obligation of the Town not performed during the current fiscal year is subject to annual appropriation, shall extend only to monies currently appropriated, and shall not constitute a mandatory charge, requirement, debt or liability beyond the current fiscal year.

k. *Recordation.* This Agreement shall be recorded in the real estate records of the Eagle County Clerk and Recorder.

l. *Covenants.* The provisions of this Agreement shall be binding on all subsequent owners of the Property as covenants running with the Property, to be released only by the Town, unless this Agreement is otherwise terminated in accordance with its terms or by any Party pursuant to the terms of this Agreement. The benefits and burdens of this Agreement shall bind and inure to the benefit of all estates and interests in the Property and all successors in interest to the Parties to this Agreement, except as otherwise provided herein.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk



RED MOUNTAIN RANCH PARTNERSHIP

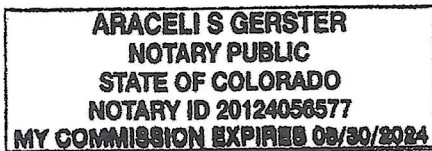
Mervyn Lapin managing partner

STATE OF COLORADO)
)ss.
COUNTY OF EAGLE)

Subscribed and sworn to before me this 30 day of September, 2022, by
Mervyn Lapin as Managing Partner of RED MOUNTAIN RANCH PARTNERSHIP, LLLP.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires: August 30 2024 A. Gerster
Notary Public



PRE-DEVELOPMENT AGREEMENT

THIS PRE-DEVELOPMENT AGREEMENT (the "Agreement") is entered into as of the 27th day of Sept., 2022 (the "Effective Date"), by and between the TOWN OF EAGLE, COLORADO, a Colorado home rule municipality with an address of P.O. Box 609, Eagle, CO 81631 (the "Town"), and RED MOUNTAIN RANCH PARTNERSHIP, LLLP, a Colorado limited liability limited partnership with an address of 232 West Meadow Drive, Vail, CO 81657 ("RMR") (each a "Party" and collectively the "Parties").

WHEREAS, RMR owns the real property more particularly described in Exhibit A, attached hereto and incorporated herein by this reference (the "Property");

WHEREAS, Eagle Meadows Colorado, LLC ("EMC") owns the real property adjacent to the Property, also shown on Exhibit A;

WHEREAS, EMC and RMR intend to develop the Property, along with the real property owned by EMC, along with Parcel A (Parcel# 193927400041) and Parcel F (Parcel #193927300040), also shown on Exhibit A (the "Development");

WHEREAS, the Parties wish to set forth their understanding of the terms and conditions upon which the Development will proceed.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Term and Termination. This Agreement shall commence on the Effective Date, and shall continue until an application for a Development Permit is filed for the Property, or the execution of a Development Agreement outlining more specifically the terms and conditions of the Development, whichever occurs first.
2. Reserved Rights. Nothing in this Agreement shall constitute or be interpreted as a repeal of existing codes or ordinances or as a waiver or abrogation of the Town's legislative, governmental, or police powers to promote and protect the health, safety and general welfare of the Town or its residents.
3. Water Storage Tank. Provided that RMR complies with all provisions of this Agreement and the AA, and provided that Eagle Meadows Colorado LLC complies with its Pre-Development Agreement with the Town dated SEPTEMBER 27, 2022 (the "EMC Agreement"), the Town shall use its best efforts to, at its own cost, design and construct the water storage tank, including the associated pipelines, booster pumps, access road and other appurtenances necessary to serve the Development within the timeframes established in the EMC Agreement. Nothing in this

EXHIBIT A

EAGLE MEADOWS COLORADO, LLC

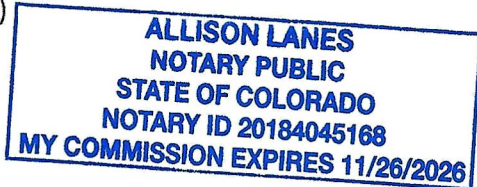
Mervyn Capin

STATE OF COLORADO)
) ss.
COUNTY OF Eagle)

Subscribed, sworn to and acknowledged before me this 1st day of February,
2023, by Mervyn Capin as Managing Partner of Eagle Meadows Colorado, LLC.

My Commission expires: November 26, 2026

(SEAL)



Allison Lanes
Notary Public



Community Development

David McWilliams

970-328-8752

david.mcwilliams@eaglecounty.us

www.eaglecounty.us

February 14, 2022

Town of Eagle
Attn: Cliff Simonton
200 Broadway
P.O. Box 609
Eagle, CO 81631

[Via Email Cliff.Simonton@townofeagle.org]

Re: IAR-9326-2023 - Interagency Referral - Eagle Meadows Rezone

Dear Ms. Simonton:

Thank you for the opportunity to participate in the planning process of the Eagle Meadows Rezone in the Town of Eagle. Please consider the following comments from Eagle County Departments:

Planning Comments:

1. 2005 Eagle County Comprehensive Plan - intended to provide a general framework for evaluating land development proposals and referral applications:

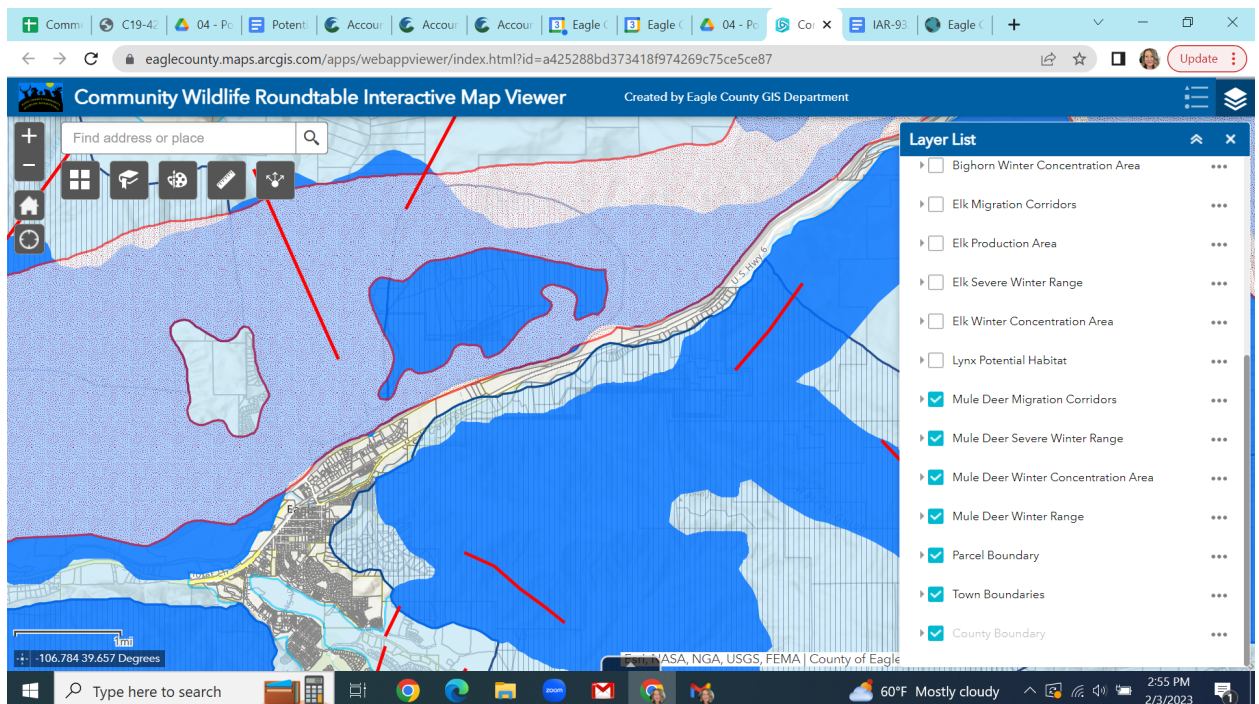
- a. 3.4.5 Development Stakes Policies: n. *Development should share responsibility for fulfilling Eagle County's workforce housing;*
- b. Section 3.4.6 Comprehensive Workforce Housing Approach Policies: o. *Local governments should be encouraged to accommodate 100% of their workforce housing needs, and to contribute to improving regional jobs-to-workforce attainable housing imbalances;*
- c. Section 3.4.7 Policies and Recommended Implementation Strategies for Housing: d. *Efforts to increase the stock of affordable rental units for local workers should be supported;*

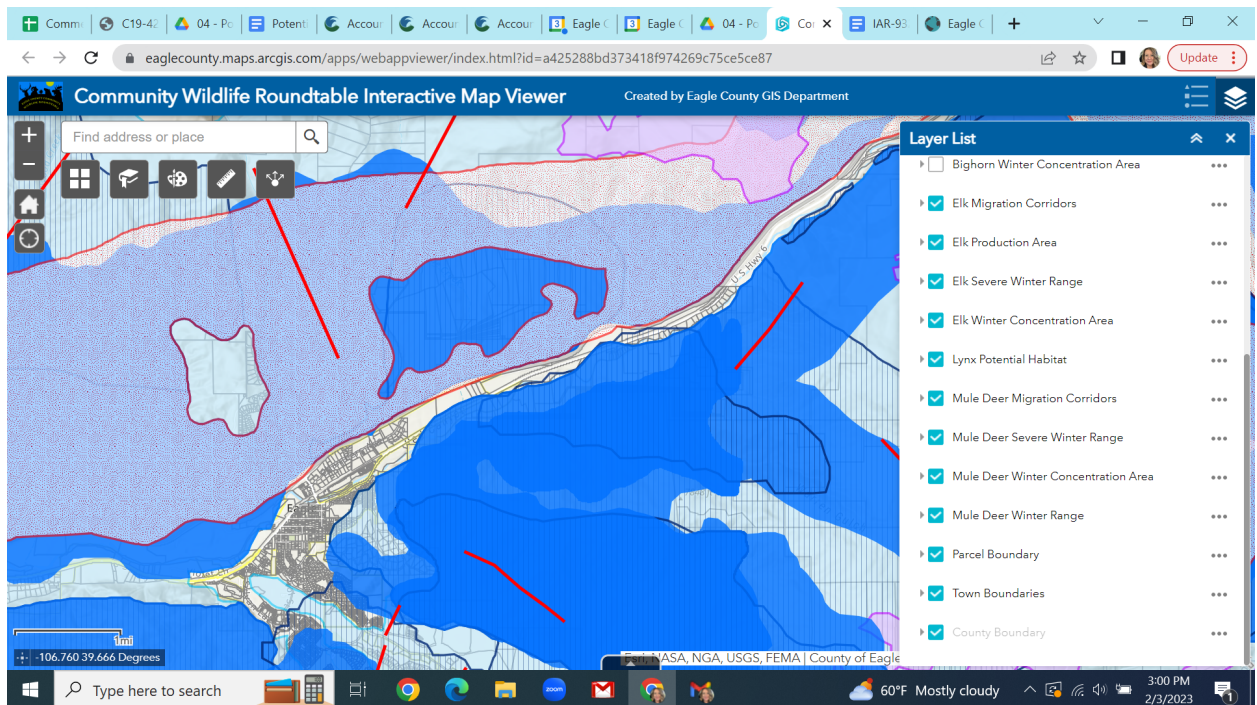
Little information has been provided regarding the potential impacts of the rezoning on local resident housing needs. However, it appears that housing is not a use-by-right in the zone district, the project will not to provide any of the additional housing needed by the allowed commercial development. Additional information addressing the associated housing impacts might be helpful.

- d. 3.5.2 Efficient Transportation: a. *Developed areas in Eagle County should be served by multiple modes of transportation.*

The "Commercial General East" zone district does not appear to allow any mixing of uses to accommodate housing. Unless the Town of Eagle requires sufficient housing within a reasonable distance of the site, many employees will be required to commute significant distances, thereby reinforcing several of the negative aspects of auto-centric design.

2. Eagle County Safe Passages for Wildlife Assessment (2018)
 - a. According to the plan, "The primary threat to wildlife habitat and wildlife movement through this linkage area is the potential for future development".
 - b. While not part of the rezoning application, the plan suggests to "Maintain the concrete box culvert at Castle Creek (MP 148.3) for carnivore and small fauna passage. Coordinate with the landowner to replace any fencing or gates that may restrict wildlife passage with a wildlife-friendly alternative, and to engage them in wildlife conservation efforts on their property."
3. GIS Habitat Maps showing mule deer and elk habitat, for informational purposes only at this time:





Eco Transit

1. This area is utilized for "Valley Route" travel both eastbound and westbound, so if temporary rezoning is permitted, Eco Transit needs to be kept informed regarding construction sequencing and timing.
2. Because Eco Transit does not currently have any bus stops along this stretch of Highway 6, there won't be a need to install temporary stops in the event of construction. The closest stop to the properties is the Chambers PnR, 2.2 miles away.
3. If this rezoning is approved and these areas do build out with light industrial/interstate commercial businesses, Eco Transit would likely want to service these future employment centers. In order to do so, bus stops are recommended along Highway 6 on both sides of the highway, so that passengers in both directions are able to board/alight. These stops will need to be ADA compliant (i.e. wheelchair pad, connecting sidewalk, the ability to safely cross the highway, etc.).

Engineering Comments:

1. No Comments

Housing Comments:

1. The current Town of Eagle Housing Policy and Mitigation mechanism, the Local Employee Residency Program applies only to residential development. Commercial development, via job generation drives the need for additional workforce housing. The impact and analysis on the workforce housing supply should be a consideration in the Town's discussion of the potential rezoning.

Please contact me at (970) 328-8752, or at david.mcwilliams@eaglecounty.us if you have questions or would like to request a meeting to discuss these comments. Eagle County reserves the right to offer additional comments as more information is provided.

Sincerely,

David McWilliams, AICP
Planner
[Via Email]

Cc: Trent Hyatt, Deputy Community Development Director
Ben Gerdes, P.E., County Engineer

File



To: Planning & Zoning Commission

From: Community Development Department

Date: February 21, 2023

Agenda Item: Community Development Department Update

LONG RANGE PLANNING

- **ReCode Eagle – The Land Use and Development Code (LUDC) Update**
 - The Code committee did not meet on 1/23/23. Instead, the meeting has been rescheduled to 3/6/23.
 - Staff review of *Installment 2: Development Standards* is heavily underway.
 - Staff now anticipates releasing the consolidated public draft to the community by 4/1/23. A schedule of public outreach events throughout April is being finalized along with a robust awareness campaign, including social media, print, and radio advertisement.
 - Schedule of meetings:
 - Planning & Zoning Commission – ReCode overview presentation: 3/21/23
 - Town Council – ReCode overview presentation: 3/14/23 or 3/28/23
 - Joint Planning & Zoning Commission-Town Council work session: 4/4/23
 - As public drafts of sections of the new Code become available, community members can view these resources at www.Townofeagle.org/ReCodeEagle.
- **Comprehensive Affordable Housing Assessment (CAHA) by Economic & Planning Systems (EPS)**
 - The CAHA final report is complete and will be presented to Town Council at the 2/28/23 meeting.

LAND USE APPLICATIONS IN PROGRESS

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

- **DR22-06: Haymeadow Cabin Major Development Permit**
 - A Major Development Permit application to renovate the existing Haymeadow Cabin including grading and landscaping the surrounding area for an outdoor event space.
 - The reschedule date remains to be determined. No new updates from Haymeadow team.
 - Public hearing schedule:
 - Planning & Zoning Commission: ~~11/15/2022~~ Cancelled
 - Town Council: ~~12/13/2022~~ Continued



- **RZ23-01: Eagle Meadows Rezone**
 - A request to rezone 126 acres in East Eagle Area (formerly known as the Eagle River Station PUD) from Resource (R) zoning to Commercial General East zoning.
 - Public hearing schedule:
 - Planning & Zoning Commission: 2/21/23
 - Town Council: 3/14/23
- **LURA23-02: Amendment to Municipal Code**
 - A request to amend Chapter 4.04 of the Land Use and Development Code to amend uses permitted in Residential Single-Family (R1) zone district and amend zone district requirements in the Residential Medium Density (RM) and Residential Multi-Family (RMF) zone districts.
 - Public hearing schedule:
 - Planning & Zoning Commission: 3/7/23
 - Town Council: 3/28/23

OTHER NOTABLE UPDATES

- HB21-1271 IHOI Incentives Grant Program
 - Staff submitted the grant application on 1/31/23 and awaiting an update from DOLA.
- HB22-1304 Transformational Affordable Housing Grant Program (TAHG)
 - Staff has decided to forego applying in the first round of funding due to short lead time and level of preparedness.
 - Due to the high level of funding requests, DOLA has placed a temporary hold on all new TAHG letters of interest (LOIs) and will resume on 5/15/23. Applications for the second round of funding will be due 6/15/23.
- Planning & Zoning Commission Vacancies
 - Staff recommendation for two new Commissioner appointments will be presented to Town Council on 2/28/23. The new members will be sworn in at the 3/7/23 Planning & Zoning Commission meeting.

BUILDING DEPARTMENT UPDATE

- Community Development welcomed Bethany Vorthmann as the Town's new Building Inspector in January.



MAJOR CONSTRUCTION PROJECTS

Business Name	Location	Status
Second Street Tavern	127 W Second St.	1 st plan review complete. Awaiting corrections from designer.
Foodsmith	318 Broadway	1 st plan review complete. Awaiting corrections from designer. *Noteworthy: Retail food sales & cooking class.
Eagle Fire Station	425 E Third St.	In progress going through inspections. *Noteworthy: New plumbing interceptor installed to collect oil, grease run-off from fire engines.
Eby Creek Apts.	435 Eby Creek	In progress with 2 nd floor framing almost complete and 3 rd floor to commence soon. *Noteworthy: Framing is proceeding quite rapidly.
Hockett Gulch Apts.	16186 Hwy 6	Foundation poured for 1 st multi-family building, clubhouse next. Noteworthy: Foundation-only permits issued. Full building permits still pending.
410 Broadway Project	410 Broadway	In progress with brick installation & interior plumbing work.
City Market Remodel	0103 Market St	In progress, phased work.
Eagle River Park Pavilion	200 Fairgrounds Rd	In progress, framing nearly complete.
Flower Hound	115 E Second St	Permit issued; no inspections yet.
Wanderlust Dog Ranch	45 Eagle Park East	Permit issued; no inspections yet.

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

TYPE OF WORK PERFORMED	EOY 2022	YTD 2023
Inspections (n/i Planning, Public Works)	1,308	192
Permits Processed	465	65

TOWN COUNCIL AND PLANNING & ZONING COMMISSION MEETING SCHEDULE:

February 2023
February 21 st (Planning & Zoning Commission) RZ23-01 Eagle Meadows Rezone
February 28 th (Town Council) - CAHA Final Presentation - Staff Recommendation for new Planning & Zoning Commission Appointments (2 seats)
March 2023
March 7 th (Planning & Zoning Commission) - Swearing In and Seating of New Commissioners - LURA23-02 Amendment to Chapter 4.04



March 14th (Town Council)

- RZ23-01 Eagle Meadows Rezone
- ReCode Overview Presentation (option 1)

March 21st (Planning & Zoning Commission)

- ReCode Overview Presentation

March 28th (Town Council)

- LURA23-02 Amendment to Chapter 4.04
- ReCode Overview Presentation (option 2)