



**Planning & Zoning Commission
Tuesday, July 18, 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

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Meeting ID: 278 737 685 73 | Passcode: TychH8

Or call in (audio only)

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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 Denise.Cardoza@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. June 20, 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: Alpine Lumber Shed Minor Development Permit and Zoning Variance
File # DR23-02 & V23-01
Applicant: Rob Scott of Alpine Lumber
Location 111 Chambers Avenue
Staff Contact: Peyton Heitzman, Planner II
Request: A Minor Development Permit with design variances to replace an existing shed along Eby Creek Road with a new shed and a Zoning Variance for increased impervious surface coverage beyond what is allowed in the Commercial General zone district.
2. Project: Recommendation Hearing for the Adoption of the Amended Land Use and Development Code (ReCode) and the Amended Town of Eagle Zoning Map
File # LURA21-02
Applicant: Town of Eagle
Location Town of Eagle
Staff Contact: Chad Phillips, Community Development Director/Town Planner
Request: Recommendation for the Adoption of the Amended Land Use and Development Code (ReCode) and the Amended Town of Eagle Zoning Map

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. July 2023 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.

Denise Cardoza

Denise Cardoza
Administrative Technician II



MEETING MINUTES
Planning & Zoning Commission
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PUBLIC WIFI – Eagle Guest

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

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

6:00 PM - REGULAR MEETING CALLED TO ORDER & ROLL CALL

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

COMMISSIONERS PRESENT

Matthew Hood, Keegan Winkeller
Weston Arbogast, Keith Montag
Bill Nutkins

STAFF

Chad Phillips – Community Development Director
Cliff Simonton – Senior Planner
Peyton Heitzman – Planner II
Jessica Lake – Planner II
Dennis Wike – Town Engineer
Denise Cardoza- Com Dev Admin

COMMISSIONERS ABSENT

Jennifer Filipowski
Keith Klesner

APPROVAL OF MINUTES

1. Minutes dates May 16, 2023
2. Minutes dated June 6, 2023

The minutes were approved as presented.

PUBLIC COMMENT

There was no public comment.

PUBLIC HEARINGS - Presentation

1. Project: Alpine Lumber Shed Minor Development Permit

File # DR23-02

Applicant: Rob Scott of Alpine Lumber

Location 111 Chambers Avenue

Staff Contact: Peyton Heitzman, Planner II

Request: A Minor Development Permit with design variances to construct a shed adjacent to Eby Creek Road.

Staff recommending continuance of file # DR23-02. Alpine Lumber originally submitted a development permit with design variances. During the review, staff discovered the need for a zone variance, which requires its own application process. Staff are requesting the commission to make their decision regarding the design variance during July 18th meeting to follow the procedural requirements of the Municipal Code.

Staff discussed arial and various street views of the property. The existing shed is used for lumber storage. Staff explained the project overview from the agenda packet. The proposed shed will be 15 feet off the property line to allow access to the utility easement, and the newly exposed area will be landscaped. To date, landscaping plans have not been submitted. Staff recommends conditional approval that the landscape plan receives administrative approval prior to building permit. Staff reviewed the following design variances included in this file.

1. Parking Islands
2. Reduced landscape buffer along yards adjacent to streets
3. Parking lot screening
4. Parking area design
5. Projections/ Recesses in Building façade
6. Roof Pitch
7. Matte Finish for metal roof

Issues for discussion:

Does the design variance meet the criteria?

Does architectural design provide enough visual interest?

Commission: Discussion regarding qualification on meeting either standard #1 or #2 in the Development Permit – Design Variance.

Applicant: Rob Scott of Alpine Lumber: Expressed concerns regarding timelines of approval and being able to secure material and later completing the landscaping.

Chairman Hood: Conferred with staff on specifics of the map shown. Called Commissioner Montag to comment.

Commissioner Montag: Recognized this building came into existence before this code was put into effect, and some elements of the shed are already non-conforming, including the parking. Discussed aesthetic improvements while holding to the intent of the code.

Commissioner Winkeller: Considered this as non-conforming as it stands. Comments that the shed is the main focus as parking is already in use. Would like to see the landscaping plans. Requested new materials and recommends the use of the composite material. Discussion over the roof and siding colors. Questions regarding matte and sheet metal. Discussion over roof paint regarding excessive shine.

Commissioner Arborgast: Questions regarding ADA requirements and access. Confirmed the parking variance will not impede access.

Commissioner Nutkins: Considers the 3:12 roof pitch to be more appropriate for this shed. Comments that the roof color should be earth tone with synthetic wood elements. Moving the shed into the property utilizing the landscaping will be an improvement.

Chairman Hood: Mostly agrees with fellow commissioners. Confirmed the option to repair and paint an existing non-conforming property. Staff confirmed that repair and maintenance are allowed for an existing non-conforming structure. Considers rebuilding the shed greater to the public good as it is visible to everyone accessing Eagle. Believes supporting an improved newly built shed will be a significant benefit to the town.

Applicant: Questions regarding parking variance adjacent to the shed for the July 18th meeting.

Chairman Hood: Expressed the need for a completed application before the Commission can approve the variances and are willing to look at this permit with flexibility regarding the variances and work with staff to find materials that they can support and recommend approval.

Chad Phillips: Voiced support in providing facts toward the approval of the permit and confirming that a zoning variance is required.

Commissioner Montag: Confirming the shed is currently in an existing easement but will be moved.

Staff: Confirmed the shed would be moved totally out of the easement.

PUBLIC COMMENT

There was no public comment.

Commissioner Arborgast motioned to continue to July 18th.

PRESENTATIONS

1. Recommendation of Adoption of the Amended Town of Eagle Zoning Map and ReCode Work Session on Landscaping Requirements and the Land Use Chart

Chad Phillips - Proposed to the Commission to move the Adoption of the ReCode to Aug 8th. The adoption of the Recode Zoning map was originally scheduled for tonight's meeting, but staff recommends taking public comment and continuing the approval to a later date. Staff will contact the consultant and have a new draft available on June 27th.

Staff - Confirmed the previous draft was updated in April of 2023. (43.38)

Chad Phillips: Encourages residents to reach out for specifics regarding their own properties. Reminds residents that July 18th will be the recommendation of the ReCode.

Items of discussion: Zone Map, Landscaping, and Land Use chart.

Discussed the utilization of the “Elevate Eagle” to find direction. Discussed naming of various zones and introducing new districts in addition to new mixed-use districts which aligns with the “Elevate Eagle”. Discussed various zoning areas and their respective land uses.

Discussed the East Eagle interchange and creation of new zoning, the extension of Chambers, and the possibility of Chamber intersecting with Hwy 6.

Commission: No comment

PUBLIC COMMENT: Zoning Map

Dan Leary 204 W 3rd: Expressed concern over the ReCode being confusing to navigate through. Requests more information be available to the public, and requests more information on the OTR zone district.

Nick Turner 388 Ringneck: Expressed concerns over East Eagle and the effect on Chambers Ave. Expressed concerns over residential housing in comparison to other counties in CO. Suggest not having any commercial businesses in East Eagle and including more High-Density Residential.

Kathy Heicher 641 Wall St. Requesting more Information on Old Town Residential.

Cynthia Talley 770 Castle Dr.: Expressed concerns regarding changing the land use to a Commercial Mixed-use where homes currently exist and the impact on the quality of life of the current residents if commercial businesses are allowed to build in their area.

Chris 236 Capital St.: Commented that side streets should be residential, and businesses should move to Broadway. Expressed concerns over the possible height of buildings if the Recode, including rooftop patios. Commented on the need for incentivization on tap fees, by reducing Town fees.

Bill Heicher 641 Wall St. - Expressed concerns regarding the ReCode map. Specifically, the OTR Zone District. Concerns over taking Single-Family Residential zoning and changing to Multi-Family Zone District and the number of possible units. Believes the purpose and intent of the Commission is to protect the character of existing neighborhoods. Expressed that the ReCode is going overboard.

Lori Diversey - Eagle: Expressed concerns over losing the rural nature of the Town. Suggested moving the High-Density Zone to East Eagle and continuing the Single-Family Home zoning in the current OTR area.

Chairman Hood: Closed Public Comment

Staff: Suggest residents stop by the office with specific questions and staff will be happy to sit down and answer their questions.

Chad Phillips: Discussed proposed Zoning map in comparison to the current Zoning map. Educated community on what is currently allowed in various zoning areas.

Crowd comment: Concerns over water and infrastructure.

Chad Phillips: Commented on finding accommodations for land use based on what the community has told us they want.

Staff: Shared with the community what is currently allowed in specific zone districts and the absence of a Single-Family Zone District.

Chairman Hood: Commented on the restriction of density.

Staff: Explained map colors and their correlating zones.

Chairman Hood: Explained current zoning and map to the public.

Commissioner Arbogast: Continued explaining the various zone districts and their density.

Staff - Explained the size of the lot needed to build various Multi-Family Units, along with parking expectations, height maximums, and other various limitations including parking.

Public Comment – Parking discussed, specifically regarding parking waivers from previously approved developments, and concerns over limited parking for apartment buildings.

Staff – Discussed CMU-1 zone is weighing heavily for residential dwellings and the likelihood that residential is most likely to occur. This decision was made in accordance with the West Eagle plan that was adopted years ago and allows for limited commercial. Discussed attempts to meet the intent of the West Eagle plan adopted in 2013.

Chairman Hood: Requested that staff speak to the proposed height limits on Broadway and rooftop patios:

Staff: Discussed height limits on Broadway – 35' – will not change with the new ReCode adoption. On Broadway: there was a height bonus for affordable housing allowing up to 4 stories with step back requirements. Confirmed roof top patios are allowed under the current code. Incentives are a Town Council decision, not a land use code issue. There are some incentives to build affordable housing units.

Chairman Hood: Request more information on the history of East Eagle regarding residential housing.

Chad Phillips: Discussed Employee housing and the original sentiment that “Residents did not want Eagle to be the Valley’s solution for Employee Housing”. Explained how East Eagle, which originally had a resident and an onsite employee housing component, has changed. Discussed various projects that have affordable housing requirements and discussed reports regarding housing and employee generation.

Chairman Hood: This body wanted residential and was overruled by Council who preferred a commercial district in East Eagle. Expressed support for the Town Council and their decision to make this area Commercial. The parking regulations have been substantially rewritten. Encouraged public comment and assured the public that the goal is more structure and to eliminate parking variances.

Commissioner Arbogast: Discussed incentivization of parking.

Chad Phillips: Discussed the current use table in comparison to the previous use table. Explained the Land Use Table at length and the use of the table as a reference tool. Discussed the key on the Land Use Table and how it correlated to the land use map and the various colors on the map.

Provided education on how the current Land Use Table differs from the model originally created in the mid 70's and the processes that are currently followed and major changes.

Commissioner Arbogast: Requesting clarification on the Land Use map, specifically the R1 section, when there is currently no R1 section on the revised Land Use Map.

Staff: Discussed the current map and confirming to what is the existing Low-Density Residential and Single Family Residential. Acknowledges neither zones are currently being utilized on the Land Use map but are important place holders to maintain in the event that they would be utilized by the Town in the future. R1 is the continuation of what is in current existence.

Commissioner Montag: Discussion regarding changes made and public notice.

Staff: The "A's" on the Land Use Table include that notice as the "M's" do not.

Chairman Hood- Explained how the notification of adjacent landowners was added and the impact on the community.

Commissioner Arbogast- Reminded the community that the Planning and Zoning Commission is made up of Eagle residents and encouraged applications from the public to fill the vacancy on the board.

Public Comment:

Cindy Talley- 770 Castle Dr – Expressed concerns over the zoning change to CMU-1 and the impact on traffic. Questions regarding Minor permits and the notice the public receives.

Chad Phillips – Discussed the difference between various permits and when it is appropriate to notify the public.

Dan Leary 204 W Third St. - Expressed approval over the East Eagle district rezoning. Expressed concern over "Big Business" and the ability to draw in commercial businesses due to the efficiency of online ordering. Commented on the parking issues and creating additional parking. Questions regarding parking recreational vehicles and fencing. Voiced concern of the residents in "Old Town Eagle" that rely on street parking due to lack of driveways/garages.

Staff- Discussed long-range vision from the DBA for parking lots. Discussed construction cost and the Fee in Lieu program. Consultants believe that the number of parking spots that Eagle has available is compatible with the rest of the nation. Discussed diagonal parking spots, and parking garages in neighboring mountain communities.

Staff - Recreational vehicle parking standards change slightly with the current rezoning in the Landscape Standards. Recreational vehicles must be screened, and the previous code also did not allow recreational vehicles to be parked on the street for more than 24 hrs. Enforcement will improve with the addition of a Code Enforcement Officer.

Public comment:

Jenna Pranam - 441 Washington St.: Expressed concern over the required fence height for RV parking. Disappointed in the 1,750 sf per unit for buildable size. Expressed the loss of the "Old Town" feel.

Bill Heicher 641 McIntire – Requested clarification on outdoor storage of a recreational vehicle.

Staff – Clarified where to locate additional information on specific codes and the enforcement of outdoor storage of recreational vehicles and accessory uses.

Heidy Abbot 241 Wall St – Question regarding trailer parking.

Chairman Hood – Confirmed that trailers are not allowed to be parked for more than 24 hrs. Confirmed that this is a law enforcement issue.

Lana Corll- 410 Washington St. – Expressed concerns over the changes to the outdoor storage regulations. And requested additional paper copies.

Staff – Clarified where to locate additional information on specific codes, the enforcement of outdoor storage, and accessory uses. Educated community on code enforcement and how their time is allocated. Addressed concerns and provided education on where to find information on what is currently acceptable and enforceable by our Code Enforcement Officer. Staff confirmed that a copy of the current code is available in the Planning office.

Commissioner Arbogast – Encouraged residents to read HOA policies for clarity.

Public comment: Expressed concern about the addition of sidewalks. Voiced concerns over the removal old-growth trees, and the cost associated with the addition of a sidewalk along with drainage.

Town Engineer – Discussed tree removal and keeping current trees. Acknowledged the need for additional discussion regarding sidewalk drainage and lighting.

Lori Diversey – Eagle: Expressed concern over the changes to “Old Town Eagle”. Expressed disapproval over minimizing the square footage for Multi-Family units. Expressed concern over the changes to Oxbow and the lack of an exit to Hwy 6.

Elise Lemon - 404 Howard: Expressed Concern over the lot sizes with respect to the space needed to build Multi-Family units and large condo complexes.

Staff: Provided additional education on code specifics for Multi-Family units.

Chairman Hood: Commented on utilizing the zoning map as a future planning document and acknowledged that many of the land use restrictions are already in place. Continues to expect Eagle to densify, but based on current rates of growth doesn’t expect that to be immediate.

Commissioner Arbogast: Wall Street has been zoned as commercial since the 70’s and continues to be mainly residential.

Lorie Diversey McIntire St.: Expressed concerns over having High-Density zones next to Single Family homes.

Commissioner Arbogast: Confirming the sentiment of residents in the “OTR” zone.

Kathy Heicher-641 Wall St. – Expressed concerns over alley usage including the accessory dwelling units.

Chairman Hood – Closed public comment – Expressed appreciation to the public for exercising their right to comment.

Chad Phillips: Expressed the need to support the original comprehensive plan that the community put into place years ago. "Taking the voice to a vision". Advised community members to go back and review the comprehensive plan to understand the re-zoning plan.

Landscape changes

Staff –Screening – screening of recreational vehicles – buffered between adjacent properties. The screening that is required does not fall under the standard of a traditional fence. May be accomplished with a fence or shrubbery or a combination. Opened the idea up to public comment via email and will be taken into consideration. Landscaping has been moved out of development standards and maintenance minimum standards added. Requiring the use of adaptive plants. Wildfire protection standards are included. Specific standards for properties along I-70 have been added which will include East Eagle properties.

Landscaping defensible space guidelines: Eagle is highly susceptible to wildfire and is considered to be in the WUI. Considering where to put wildfire standards.

Chad Phillips: Discussed defensible space standards vs. landscaping standards and beautification standards.

Commissioner Nutkins: Commented on the need to be cautious before adopting any additional guidelines.

Chairman Hood: Hesitant to continue right now. Don't want to adopt unachievable and/or unenforceable guidelines.

Commissioner Nutkins: Agrees that the WUI code is strict but acknowledges areas of flexibility and forgiveness in the code as well.

Chairman Hood: Clarification on the origination of the Landscaping Defensible Space Guidelines.

Staff – The specific wording in the guidelines are from the Town of Vail guidelines and the subsequent wording is from Clarion who have put together multiple guidelines. Clarion included their own language. Eagle County provided comments on the code as well.

Commissioner Winkeller- Cautioned using Eagle County as a guideline. Concerned about enforceability.

Commissioner Nutkins - Cautioned using the Town of Vail's guidelines.

Staff– Confirms that these would be guidelines and not code. Request input on the need to table and revisit this issue in the future.

Commissioners expressed concern regarding landscaping defensible space and building regulations: following a brief conversation by the Commission, it was decided to continue to research wildfire mitigation and revisit the Landscaping Defensible Space Guidelines.

Staff – Will remove the WUI section from ReCode in order to obtain additional comment and feedback from industry professionals and other local counties and municipalities. Staff will bring this back after comments and feedback have been incorporated and staff believes the section is ready for adoption.

Chairman Hood: Opened public comment.

Public comment – There was no public comment.

Commissioner Nutkins: Expressed concern and requested reconsideration on snow storage and pavement.
Staff: Requested follow-up regarding impervious material and snow storage.

Commission: Further discussion regarding snow removal and storage.

Commissioner Nutkins: Motion to table the ReCode New Zone district map Adoption to July 18, 2023

Commissioner Montag – Second motion

Commission: all in favor, none opposed

COMMUNITY DEVELOPMENT DEPARTMENT AND TOWN COUNCIL UPDATE

1. Department and Town Council Update

OPEN DISCUSSION

MOTION: MONTAG MOTIONED TO ADJOURN. MOTION WAS SECONDED AND PASSED UNANIMOUSLY.

Meeting adjourned at 8:44 PM



**STAFF REPORT AND
CERTIFICATE OF RECOMMENDATION**

TO: Planning & Zoning Commission

FROM: Community Development Department

DATE: July 18, 2023

PROJECT: Alpine Lumber Shed

FILE NUMBER: DR23-02 & V23-01

APPLICANT: Rob Scott of Alpine Lumber

LOCATION: 111 E. Chambers Avenue

CODE: Chapter 4.04 Zoning
Chapter 4.05 Zoning Review
Chapter 4.06 Development Review
Chapter 4.07 Development Standards
Chapter 4.13 Subdivision Design, Improvements and Dedications

ZONING: Commercial General (CG) Zone District

EXHIBITS: A: Revised Architectural Plan

PUBLIC COMMENT: Staff has received 0 letters of public comment as of July 14, 2023. Letters received after this time will be gathered and entered into the public record at the hearing.

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

REQUEST: A Minor Development Permit with design variances to replace an existing lumber shed along Eby Creek Road with a new shed and a Zoning Variance for increased impervious surface coverage beyond what is allowed in the Commercial General zone district.

INTRODUCTION

Rob Scott of Alpine Lumber Company (“Applicant”) is requesting a Minor Development Permit with design variances to construct a shed adjacent to Eby Creek Road. The property is in the Commercial General

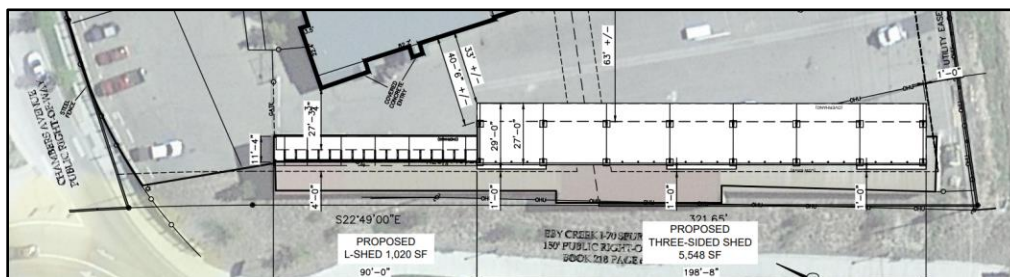
("CG") Zone District. The Applicant intends to demolish and replace an existing shed that dates to the 1970's. The Zoning Variance application addresses an existing nonconformity with the impervious surface coverage that will continue with the replacement of the shed.

Alpine Lumber is located at 111 E. Chambers Avenue at the corner of Eby Creek Road and Chambers Avenue, operating on a 2.014-acre lot. The property is adjacent to three town streets: Eby Creek Road to the west, Chambers Avenue to the north, and Sawatch Road to the east. The southern property line is adjacent to the Union Pacific rail line. There are two access points to the property, both are located off Sawatch Road.

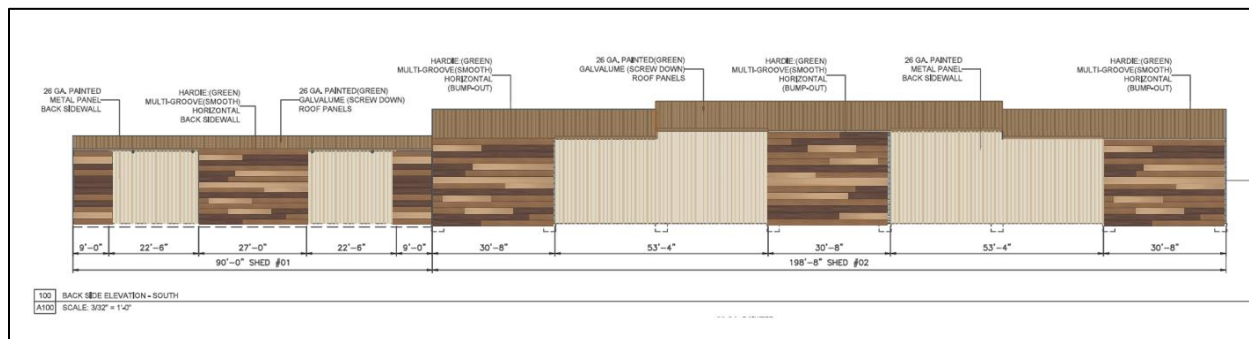


The shed is currently used for the retail and storage of lumber products; this use will continue with the new structure. Surrounding uses include a gas station to the north, a commercial complex with a variety of commercial uses to the northeast, and a restaurant and bank on the west side of Eby Creek Road.

The size of the new shed will be 6,338 square feet, which is 1,369 square feet smaller than the existing structure. The existing shed is located on a general utilities' easement that borders the western and southern property lines. Through the new design, the Applicant intends to move the shed 15 feet towards the interior of the lot and off the easement. The graphic below provides an aerial view of the property with an overlay of the proposed shed. The new shed is shown in a white color.



This land use file was presented to the Planning and Zoning Commission on June 20, 2023. During that meeting, the Commission provided the Applicant with feedback on the overall architectural design, the materials proposed, and a few considerations for the requested design variances. Attachment A of this report includes the final architectural design for the structure. The final design shows the roof color changes from green to brown and a change to the façade material, utilizing a wood composite with a mix of colors.



An analysis of the project against the relevant Town regulations and goals was included in the June 20, 2023, staff report that can be accessed through this [LINK](#). The following discussion includes the review and analysis of the zoning variance and an overview of the design variances.

ISSUES FOR DISCUSSION

1. Does the zoning variance meet the criteria outlined in Section 4.05.020 of the Code?
2. Do the requested design variances meet the criteria outlined in Section 4.07.160 of the Code?

STANDARDS FOR ZONING VARIANCE

Maximum Lot Coverage for CG Zone District	
REQUIRED	Building 50%; all other impervious 30% (80% combined)
PROPOSED	Building 26.5%; all other impervious ~65% (80% combined)

As shown in the table above, the proposed lot coverage exceeds what is permitted in the CG zone district. The 'all other impervious' surfaces are made up of parking areas, sidewalks, private drives, etc. The current total lot coverage for the property is approximately 93%, which exceeds the 80% lot coverage of the combined buildings and all other impervious surfaces. The amount of pervious surface on the lot used to be greater but in 2014, a portion of the property (0.034 acres) was sold to the Town of Eagle for the development of the roundabout at the corner of Chambers Avenue and Eby Creek Road. However, due to the size of the property sold to the Town, there was little impact on the overall lot coverage percentage.

Through the relocation of the new shed, the Applicant will be increasing the total pervious surface coverage of the lot by adding 1,369 square feet of landscaping to the property. The property, while still exceeding the maximum lot coverage requirement, will be more in conformance with zoning regulations through this redevelopment project.

Zoning Variance Criteria

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

(A)(1)(a) That the variance granted is without substantial detriment to the public good and does not impair the intent and purposes of the Town's regulations, goals, policies and plan, including the specific regulation in question; and

Staff Comment: This variance request does not appear to be detrimental to the public good. The existing lot configuration has not conformed with the Maximum Lot Coverage (MLC) requirement for more than 40 years. While not provided in the Code, staff believes the purpose for the MLC requirement is twofold, to maintain the previous surface for drainage and avoid large expanses of asphalt/encourage the beautification of Town with landscaping.

No drainage concerns have been identified at this time, however, there is a condition of approval that requires a drainage plan to be provided prior to building permit issuance. If issues are identified through this drainage report, action will be requested of the Applicant to mitigate said issues. In terms of property beautification, the proposal maintains a landscape buffer along Chambers Avenue and Eby Creek Road, with enhanced landscaping adjacent to the Eby Creek Road right of way. Further, the redevelopment of the shed provides a buffer to the lumber yard operations toward the rear of the lot. The position of the structures on the lot, and landscaping both proposed and existing, limits the appearance of a large asphalt parking lot. Again, staff does not believe the intent of the Municipal Code is impaired by this request.

(A)(1)(b) That the variance granted is the minimum necessary to alleviate the hardship; and

Staff Comment: Through the replacement of the shed, the impervious surface will increase to the greatest extent possible without limiting the existing operations on the property. By requiring compliance with the lot coverage requirement, the Applicant would be subject to reduced storage or the conversion of parking space from impervious to pervious, all of which would result in an operational hardship on the business.

(A)(1)(c) That there exists on the property in question exceptional topography, shape, size or other extraordinary and exceptional situation or condition peculiar to the site, existing buildings, or lot configuration such that strict application of the zone district requirements from which the variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property in question; or

Staff Comment: Due to the existing lot configuration and lot coverage, strict application of the zone district requirement would result in exceptional and undue hardship upon the owner of the property. This hardship would result from impact on the existing functionality of the lot and the usability of the shed. To achieve conformance to the lot coverage requirement the applicant would have to tear out asphalt that may be currently utilized as parking, or not replace the shed, which provides essential storage for the business operations. Either option would result in exceptional and undue hardship on the property owner.

(A)(1)(d) That such exceptional situation or condition was not induced by any action of the applicant and is not a general condition throughout the zone district.

Staff Comment: Staff does not believe this request meets subsection (A)(1)(d).

Staff believes conditions (a), (b), and (c) are met through this application.

STANDARDS FOR DESIGN VARIANCE

There are several design variances associated with this application. Design variances may be approved if they meet one of the following criteria:

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

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

The following provides a summary of the Municipal Code requirement, where the Applicant is requesting a variance from the Code requirement, and staff's analysis of the request against the above criteria for a design variance.

Landscape Buffer (Section 4.07.020.B.3.a)

The Town landscape standards require a 15' landscape buffer for all yards adjacent to primary and secondary streets. The property has a reduced front yard landscape buffers on two street frontages (Chambers Avenue and Sawatch Road).

Staff Comment: The landscape buffer meets Standard #1 for a design variance. The existing lot configuration of the property creates peculiar and exceptional practical difficulties upon the applicant. The addition of a 15' landscape buffer off Chambers Avenue and Sawatch Road would result in a significant loss of parking spaces, which may have to be re-created elsewhere on the property. This change to the lot configuration would impact business operations and the overall functionality of the site.

Parking Lot Screening (Section 4.07.020.B.3.a)

Parking lots adjacent to primary and secondary streets shall be screened with plant material or fencing. Parking spaces on the east end of the property are accessed off Sawatch Road without screening from the adjacent street.

Staff Comment: To achieve parking lot screening along Sawatch Road, an access drive may need to be added to the parking spaces that are accessed directly off Sawatch Road. Due to the amount of space between the property line and building, this is not a possibility. The addition of screening would impact access to the parking spaces and potentially the number of parking spaces serving the business.

Parking islands (Section 4.07.070.B.7.a)

Parking islands are required for every 10 parking spaces. There are 17 parking spaces in a row along Sawatch Road and 16 consecutive parking spaces along the northern portion of the parking lot.

Staff Comment: This design variance may meet criteria #1 where the existing lot configuration may lead to exceptional practical difficulties for the property owner. The addition of parking islands would reduce the overall parking count that serves the property. Achieving conformance with all design standards is the intent of Title 4 and only enforced on existing development when development applications are submitted

for redevelopment. When the primary structure is redeveloped, there may be a better opportunity for code conformance with this regulation.

Parking Access (Section 4.07.140.L.c)

Parking areas with 4+ spaces accessed from a local street must permit vehicles to enter and exist in forward drive. There are 17 parking spaces accessing the local street in backwards drive.

Staff Comment: This parking access standard meets criteria #1 for a design variance. While there is space between the eastern parking spaces and Sawatch Road, the amount of space does not allow for access to the parking spaces from forward drive. Due to the lot configuration and amount of space between the property line and building, meeting this standard would likely cause exceptional practical difficulties at this time. If the primary structure were redeveloped, there may be a better opportunity for code conformance.

Roof Pitch (Section 4.07.070.B.4.b).

The minimum roof pitch for a building of this size in the Chamber Avenue Area is 5:12. The Applicant is requesting a reduced 3:12 roof pitch.

Staff Comment: The reduced roof pitch meets the first and second standard for a design variance by achieving better alignment with the general provisions of the Chambers Avenue Area found in Section 4.07.070.A.4 and 5 that states, “Because of the importance of these areas, the overall objectives for development and design guidelines here should be to encourage an overall continuity of commercial and industrial parcel development, to present a favorable image of the community when viewed both along I-70 and from within the areas, and to encourage long-term, quality private investment activity” and “Overall, parcel development should be planned to fit in rather than stand alone.” The reduced roof pitch is consistent with the existing primary building on the lot, providing a complimentary, rather than contrasting, look with existing development in the area. The Applicant is also using a similar color scheme for the shed to further create the look of a cohesive development within the lot, rather than two separate, disjointed structures.

Roof Materials (Section 4.07.070.B.5.b.)

Pitched roof materials shall be wood or asphalt shingles, or standing rib seam sheet metal-matte finish. The design shows a Hardie brown rib seam sheet metal roof but does not specify the use of a matte finish.

Staff Comment: Similar to the analysis above, the use of a similar material to that of the primary building helps provide a complimentary and cohesive design, meeting both standards for a design variance. The use of matte as a finish may be required by the Code in an effort to eliminate potential glare from the roof. Staff would like to add a condition of approval that the material be non-reflective to meet the intent of the code.

Projections/Recesses (Section 4.07.070.B.4.a).

The Code requires the structure to have projections/recesses at a depth of at least 3% of the length of the façade. The shed is 300’ long and would require the depth of projections/recesses to be approximately 9 feet. The proposal requests minimal projections at 2 feet.

Staff Comment: The reduced depth of the projections/recesses meet Standard #1 for a design variance. By moving the shed towards the interior of the lot by 15 feet and reducing the width of the shed to preserve access through the lot, the amount of usable storage has already been reduced. The Applicant shared that, by reducing the width of the shed further for the purposes of projections and recesses, the

standard creates an undue hardship for the development by limiting the size and usability of the shed and its ability to serve the business.

Overall, staff believes each of the requests qualify for one or both of the criteria for design variances.

STAFF RECOMMENDATION

Staff recommends approval with conditions of the Alpine Lumber Shed Minor Development Permit with design variances, File #DR23-02, and the Zoning Variance, File #V23-01, based on compliance with the Municipal Code and that the application is supported by the goals and policies in the 2021 Elevate Eagle Comprehensive Plan.

RECOMMENDED MOTION

I move to **approve** the Alpine Lumber Shed Minor Development Permit, File # DR23-02, with the following findings of fact and conditions:

I move to **approve** the Alpine Lumber Shed Zoning Variance, File V23-01, with the following findings of fact:

FINDINGS OF FACT

Minor Development Permit

1. That the application for DR23-02 meets the requirements of Title 4 of the Municipal Code and substantially supports the 2021 Elevate Eagle Comprehensive Plan, and that the design variances meet the criteria in Section 4.07.160. of the Land Use and Development Code.

Zoning Variance

1. That the application for V23-01 complies with Subsection (A)(1)(a), (b), and (c) of Section 4.05.020. of the Land Use and Development Code. Specifically, that the application:
 - a. Does not impact the intent of the lot coverage regulation in Section 4.04.090 and supports policies in the Elevate Eagle Comprehensive Plan.
 - b. Is the minimum necessary to alleviate hardship based on the lot configuration.
 - c. That the strict application of the requirement would result in an exceptional situation that would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property in question because of limitations because of existing buildings and the existing lot configuration.

IF APPROVED, THE P&Z AND COUNCIL MAY CONSIDER THE FOLLOWING SUGGESTED CONDITIONS OF APPROVAL:

Minor Development Permit

1. The landscape plan shall receive administrative approval prior to building permit issuance. The planting materials shall coordinate with the landscape design for the Eby Creek Road right-of-way, as provided by the Town of Eagle.
2. An erosion control plan shall be approved by the Town Engineer prior to building permit issuance.
3. A drainage plan shall be approved by the Town Engineer prior to building permit issuance.
4. Prior to building permit issuance, the Applicant shall vacate the interior lot line.

5. Prior to TCO, the Applicant shall repaint the lines that delineate individual parking spaces in the development's parking area.
6. The metal panel roof material shall be non-reflective.

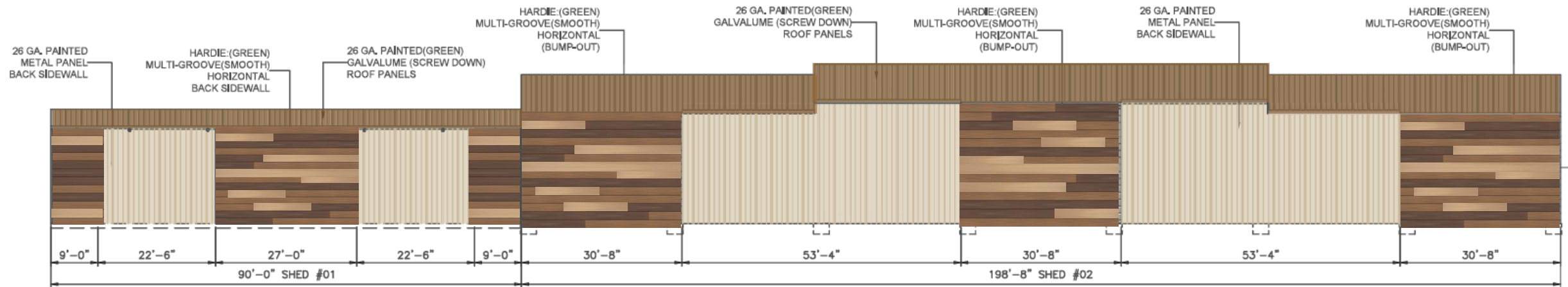
MULGA

SUMAC

BAMBOO



Wildwood™ Sahara Collection
Mulga
Wildwood™ Sahara Collection
Sumac



100 BACK SIDE ELEVATION - SOUTH
A100 SCALE: 3/32" = 1'-0"



To: Town of Eagle Planning and Zoning Commission (P&ZC)

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

Date: July 18, 2023

RE: 1. Town of Eagle Land Use and Development Code (ReCode) Recommendation of Adoption (tabled from June 6, 2023), and
2. Town of Eagle Zone District Map Recommendation of Adoption (tabled from June 20, 2023)

The Town of Eagle Community Development Department Planning Staff and Clarion Associates are presenting the adoption draft of Title 4 of the Municipal Code, the Land Use and Development Regulations (ReCode) for the Planning and Zoning Commission's recommendation of adoption to Town Council. The adoption draft can be accessed through this [LINK](#). Since its release, staff has identified corrections/changes to the draft. The list of such changes will be identified in this staff report. It is the recommendation of staff for the P&Z Commission to recommend adoption of the draft with the changes listed in this July 18, 2023 report (as modified by the P&ZC at the hearing). A suggested motion is included later in this report.

HISTORY

The adoption draft of the ReCode process was released three weeks ago. This draft was not just the product of 2+ years of work by the TOE community, but also the two-year long creation of the Elevate Eagle process that resulted in the creation/adoption of the Town's Comprehensive Plan. The Plan provides direction for the ReCode document. It is staff's position that the ReCode adoption draft reflects the community vision as gathered throughout the past 4+ years' worth of public outreach and discussion. The following summarizes the public outreach/process for both the Elevate Eagle and the ReCode projects.

Elevate Eagle Comprehensive Plan

Process



Outreach



In staff's review of documents from the Elevate Eagle process, staff notes 144 comments from various community members in the adoption draft alone. An example of public outreach is reflected in Staff report to TC where staff stated *"The initial draft visioning statements were reviewed by the public during pop-up events and public steering committee work sessions. The pop-up events in January and February of 2019 reached approximately 242 members of the public."*

ReCode Outreach:

In addition to public outreach for the Comp Plan, the ReCode process included the following:

- Release of the Land Use and Development Code Assessment (Dec. 2021)
- LUDC Update Committee Meetings
- Project Kickoff Outreach Meetings

- Development Community Input and Affordable Housing Virtual Meetings
- Updates to Town Committees
- Meetings with Town Departments
- Coffee and a Convo (two rounds)
- Art Walk and ShowDown Town
- Softball Cookout and Code
- Release of ReCode installments (total of three during '22 and '23)
- Release of the ReCode Working Draft (2023)
- Online Surveys
- Radio spots
- Ongoing social media and project website
- Multiple topic-specific work sessions with P&Z and Council

Code Assessment Goals.

From the Code Assessment created by Clarion Associates at the onset of this project, the following goals were identified:

1. **Plan Implementation.** *Create a LUDC that has the tools and techniques to implement multiple Town plans, including and focused on Elevate Eagle.*
2. **Address Priority Updates.** *Draft complete regulations that: (a) are internally consistent and predictable; (b) link development requests to the appropriate level of review; and (c) reflect key aspects of community character while providing site-specific flexibility for problem solving.*
3. **Locally Relevant Scope.** *Ensure that the regulations reflect the priorities and sensibilities of Eagle residents; create balanced regulations that address issues important to the community.*
4. **Ease of Use.** *Create a land use and development regulations document that is much more user-friendly and can be integrated into the Town website.*

It is staff's position that these goals will be met with the adoption of this document (with listed changes).

LIST OF CHANGES TO THE ADOPTION DRAFT

Since the release of the ReCode Adoption Version, staff and Clarion have been keeping track of all changes identified by Town Council, staff, and Clarion. These modifications include the following:

1. 4.03.070 D. Infill and Redevelopment Standards, Delete "1. Lot Assembly The maximum lot size permitted to be created through lot assembly is 6,400 square feet."
2. 4.01.080.D.1 Applications in Progress, Change Table 4.01-1 as follows:

Table 4.01-1: LUDC Applicability to Multiple Application Processes				
Initial Approval	1976	Subsequent Application [1]	2023	1976

	LUDC		LUDC	LUDC
Special Use Permit				
SUP Application	x	Development Plan	x	
Planned Unit Development				
Concept Plan Zoning Plan	x	Development Plan(s)	x	
Development Plan, Preliminary Plan (subdivision included)	x	Final Plat [2]		x
Subdivision				
Preliminary Plan	x	Final Plat [2]		x
Notes [1] Processed pursuant to 1976 LUDC only if initial approval has not expired. [2] Applicant may elect review under 2023 LUDC.				

3. 4.01.080.D. Add:

3. Submission Pursuant to 2023 LUDC

Any application may be submitted for review pursuant to the 2023 LUDC.

4. 4.01.020 EFFECTIVE DATE AND ARCHIVED LUDC Effective date of new LUDC to 60 days from adoption (October 9, 2023)

5. 4.09-1 Principal Use Table.

- Add “P” to CMU1 zone, Multi-Unit Dwelling (8+ units / structure)
- Add new Residential use “Multi-Unit Dwelling, 3 units” list as “P” in the OTR (essentially limiting residential density to a triplex in the OTR)
- Remove “P” from the Multi-Unit Dwelling (3 to 8 units/structure) in the OTR
- Change “A” to “P” for all Short-Term Rental. Leave dashes as-is

6. 4.04.040 table 4.04-2, CMU1 Lot and Dimensional Standards,

- Remove “applicable zone district standards R3, OTR (3)”
- Change “Lot Area, total (min) 7,500 to 6,250
- Remove footnote OTR [3] The OTR Zone District shall only be applicable to the 100-400 blocks of Capitol Street. All other residential shall use the R3 zone district.

7. 4.12.040.I: replace “a minimum of [insert state standards]” with “the Colorado Model Electric Ready and Solar Ready Code as applicable to the Town.”

8. 4.12.060 Vehicle Parking Exceptions and Reductions

- Add A. Voluntary Parking In-Lieu Fee and carry forward current in-lieu fees

9. 4.16.020.D. Exempt from sign regulations. Add D.3. Remote Residence Sign. A residence located 50 feet or more from the public road from which it takes access may have one sign, limited to 2 square feet in area, placed in the public r-o-w between the primary structure and the public road from which it takes access.

ISSUES FOR REVIEW

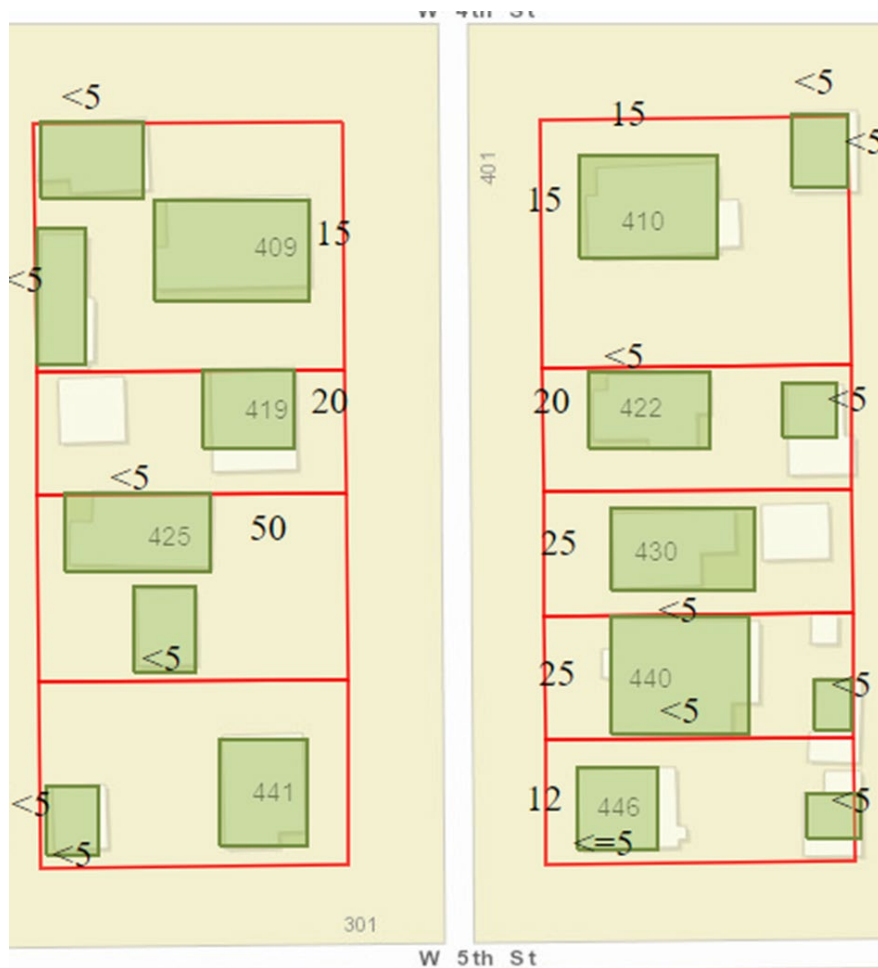
Setbacks in the OTR District

From recent public input at P&ZC and Town Council work sessions, the proposed setbacks within the Old Town Residential (OTR) zone district may not be in compliance with the Town's Comprehensive Plan due to incompatibility with topics such as community character. Overall, proposed front and rear yard and accessory building setbacks were deemed to be in character, but the proposed 5' side yard setbacks were a source of concern for reasons such as crowding and wintertime solar access. Council directed staff to provide options to be considered by the P&ZC and Council.

In comparing setbacks in older/historic areas of towns like Eagle, the following applies:

- Side setbacks – in old town districts are typically 5' or 10'
- Glenwood Springs: MU Core: 0' Residential Medium, Multifamily, High, and Transition: 5'
- Frisco: Residential Traditional Neighborhood: 5'
- Steamboat Springs: Residential Old Town district: 10'
- Minturn: Old Town District: multiple subdistricts with either 5' or 10' side setbacks
- While not a similar community, Arvada Old Town District (multiple subdistricts, based on structure type): single family/duplex: 5', townhouse/other multiunit: 10'

The 5' side yard setback on the OTR District would not be out of line when compared with similar communities. Without knowing the character of these areas and if 5' was different than historic development, it is difficult to use these as direct comparisons. Based on the following example of the 400 Block of Washington St in Eagle, 5' to 10' minimum setbacks would be in keeping with neighborhood character. Keep in mind that the accessory structures on this block follow different existing and proposed reduced setbacks (primary dwellings are the issue).



Solar Access Standards

Council and Staff received public comment regarding proposed development standards (setbacks) that may impact a neighbor's solar access. This issue came up during a conversation about setbacks in residential areas. During investigation by the staff and Clarion, it was learned that there are multiple local governments who do not treat this as a setback issue. Some cities have created solar access permits or easements. Examples can be found at [\(LINK\)](#) or [\(LINK\)](#). Because the ReCode adoption is scheduled less than one month away, it is staff's recommendation that the Town move forward with the setback issue and revisit the solar access issue at a later date.

Setbacks in the CMU1 District

Same as the issues regarding setbacks in the OTR, the Commercial Mixed-Use 1 (CMU1) district setbacks remain a concern as well. While solar access *may* be a factor in determining an appropriate side yard setback, Council and staff would also look forward to the P&ZC's recommendation on appropriate front and rear yard setbacks in this district.

PROPOSED CMU1

Table 4.04-2: CMU1 Lot and Dimensional Standards

Residential Dimensional Standards			Live Stream Setback	
Applicable district standards		R3, OTR [3]	No disturbance area	75 ft
Mixed-Use Lot Standards			Building Standards	
Lot Area, total (min)		7,500 sf	D	Height (max)
Lot coverage (max)		70%		35 ft [2]
Building Placement			Parking Standards	
Build-to/Setbacks			Location	Sec. 4.04.040D
A	Front Build-to Zone	5-20 feet	Required parking	Sec. 4.12
Front Build-to Line Coverage		65% [1]	Design Standards	
B1	Street Side Build-to Zone	5-20 feet	Site layout	Sec. 4.10
			Mixed-use structures	Sec. 4.10
B2	Interior Side Setback (min)	5 ft [2]	Residential structures	Sec. 4.10
C	Rear Setback (min)	5 ft [2]		
Table Notes: [1] Percentage of the front building line that must be located within the build-to zone.				

- **Front Setback/Build-to Zone.** The overall question for the P&ZC is *what should the streetscape of Capitol St between Grand Ave and 4th St look like?* In addition, *should it resemble the vision for Broadway in that buildings can be against the street-facing property line or, because of the residential emphasis in the CMU1, should there be a setback/landscaped area between the street property line and the building?* Depending on the answer, staff will assist in providing options for front/street setbacks, if any.
- **Side/interior Setbacks.** With an emphasis in density in this zone district, the issue of structure crowding and solar access doesn't seem to be as big of a concern compared to the residential districts. However, a similar question applies: *should building location and massing be the same or similar to the Broadway district or something other because of the mixed-use with residential emphasis?*

PROPOSED BROADWAY STANDARDS (for comparison)

Building Placement		
Build-to Zone		
A	Front Build-to Zone (feet)	0-15
	Front Build-to Line Coverage (min, %)	70 [2]
B1	Street Side Build-to Zone (feet)	0-15
Setbacks		
B2	Side Setback (feet)	0
C	Rear Setback (feet)	25 [3]

[3] Rear setback may be reduced when parking is provided per Sec. 4.10.050C.1

Residential density in the CMU1 District

A recent concern was directed to Council and staff stating that the residential density for the

CMU1 (specifically Capitol St) was too low. When reviewing the Comprehensive Plan for guidance on an appropriate density, staff notes the following:

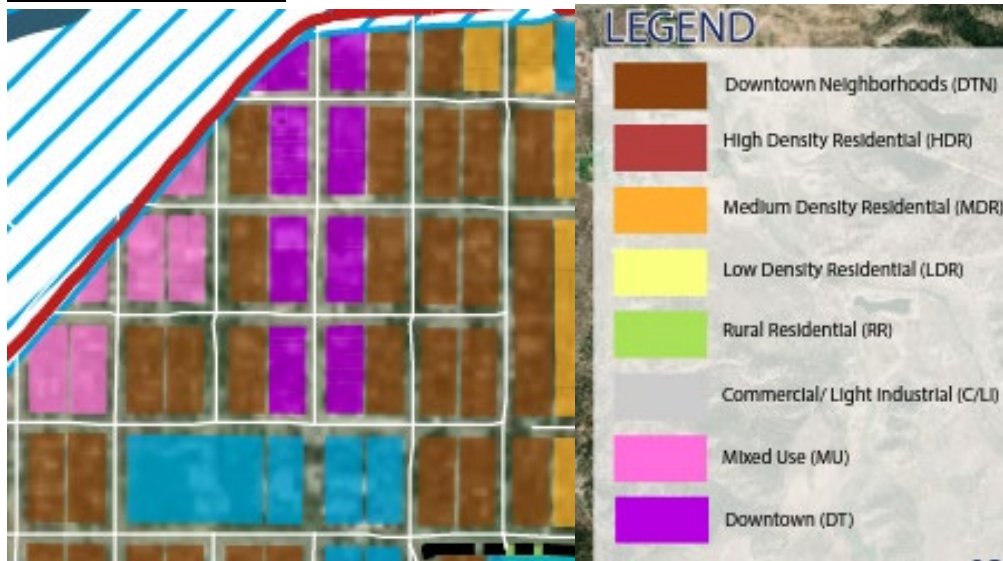
Comp Plan Policies

- 1-1.1. Ensure a healthy mix of housing types and densities (e.g. Single-family, duplex, multifamily, mixed use, and accessory dwelling units) to allow for greater diversity.*
- 1-1.3. Stimulate the creation of workforce housing through town policies, incentives, and regulatory procedures. Collaborate with community partners and the private sector to expand the reach of Eagle's workforce housing efforts.*
- 1-2.5. Provide opportunities for a balanced mix of housing and services to support local businesses, employees, residents, and visitors.*
- 1-2.6. As development occurs, ensure the Town's overall mix of land uses remains aligned with community goals.*
- 2-1.10. Encourage, where appropriate, increased density near the Downtown core.*
- 2-3.2. Preserve and enhance each of Eagle's unique character areas (i.e. Downtown).*
- 2-3.3. Ensure new development builds upon and adds value to Eagle's unique community character through adherence to high quality standards of design and construction. b. Utilize infill and conservation-oriented development to accommodate growth while retaining open lands and protecting environmentally sensitive areas.*
- 2-5.1. Maintain and enhance the sense of community in Eagle.*

Under the land use categories and Future Land Use Map, this portion of Capitol St isn't described as Mixed-Use; it is shown as Residential Neighborhood with an approximate density of 4-16 dwelling units per acre. Based on the changes to the proposed Zoning Map, a CMU1 district (with densities closer to 40 units per acre for example), while seeming to be supported by policies of the Plan, doesn't clearly fall within the land use category descriptions. Questions to assist the P&ZC with this issue are:

- *Would an increase in density well beyond (approximately) 16 DU/Acre result in Comp Plan non-conformance if all applicable policies were supported (in this example where the CMU1 on Capitol wasn't anticipated by the Plan)?*
- *Instead of a density cap, should other development standards be used to determine how a building fits into the CMU1, such as height, setbacks, maximum lot coverage, and other design standards? Keep in mind that the size of a residential building doesn't necessarily relate to the amount of units.*

Future Land Use Map



Land Use Categories

Downtown

Description:

Centrally-located regional attraction for shopping, entertainment, culture, arts, and 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. These areas 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 historically significant buildings is encouraged. This area is highly connected to surrounding neighborhoods through a safe, welcoming, pedestrian-oriented environment. It maintains access to an efficient multi-modal transportation network.

PRIMARY USES

Retail, employment, entertainment, restaurant, civic, and artisan, pedestrian-oriented environment.

SECONDARY USES

Vertically integrated, limited multi-family residential. Gathering spaces.

Throughout the P&ZC hearing, staff will be adding changes to the list of Adoption Draft based on Commission direction. Staff recommends approval of ReCode Eagle Land Use and Development Code, Adoption Draft Version, dated June 2023, with the list of changes as presented in this memo.

PROPOSED ZONE MAP

The Proposed Zone Map presented and discussed at the June 20th P&ZC hearing still stands as the version considered for adoption. No direction from the P&ZC was received by staff and no

changes were made. Staff recommends approval of the Zone Map presented at the June 20th meeting, as seen at this [LINK](#).

MOTIONS:

ReCode Eagle - Recommended Motion:

I move to recommend approval of the ReCode Eagle Land Use and Development Code, Adoption Draft Version, dated June 2023, with the list of changes as presented in the July 18, 2023, staff memo with the Planning and Zoning Commission's modifications.

Finding of Fact:

That the Adoption Draft of the ReCode Eagle Land Use and Development Code, Adoption Draft Version, dated June 2023, as amended, is in substantial conformance with the Town of Eagle Comprehensive Plan.

Zone Map – Recommended Motion:

I move to recommend approval of the Town of Eagle Official Zone District Map as presented.

Finding of Fact:

That the proposed Town of Eagle Zone District Map is in substantial conformance with the Town of Eagle Comprehensive Plan.

Attachments:

- ReCode Adoption Version ([LINK](#))
- Public Comment: Chris Barbella
- Public Comment: Lori Diversey
- Public Comment: Kathy and Bill Heicher
- Previously Submitted Public Comment ([LINK](#))

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

To the TOE P&Z Board and the Town Council Board,

This letter is to propose changes to the ReCode Eagle Land Use Development Code.

My understanding of the proposed code, as it stands, would allow the following on the lots on 226, 236 and 246 Capitol St. →

- 3, 8-unit dwelling units at 1,800 SF per unit (24 units total)
- Surface parking according to the LUDC guidelines

I propose to be permitted to build a higher number of units with a lower square footage per unit. This would allow for the potential to build underground parking for the project. I propose the following for the lots on 226, 236 and 246 Capitol St. →

- 36 unit building
- Potential underground parking structure for the tenants with remaining spots for town traffic

Attached:

- Primary Use Table (4.09-1)
- Comprehensive Plan Consistency (Table 4.02-1) from pg. 8
- CMU1 Lot and Dimensional Standards (Table 4.04-2) from pgs. 32-33
- Map of proposed lots on Capitol St.

Please contact me with any questions. I appreciate your time and consideration as we work together to Elevate Eagle.

Kind Regards,

Chris Barbella

Chris Barbella
226, 236 and 246 Capitol St.
Eagle, CO 81631

Proposed Changes to ReCode Eagle, Land Use Development Code:

- 4.09-1 (Table- “Principal Use Table”)
- Add “P” in the space designated for “Multi-Unit Dwelling 8+ Units/structure” in CMU 1
- [Attached]

- Table 4.02-1 on Page 8
- Add High Density Residential for CMU1
- [Attached]

- 4.04.040, Table 4.04-2 CMU1 Lot and Dimensional Standards, footnote [3] on pages 32 and 33
- To remove footnote that includes “OTR [3]”
- [Attached]

How does this development align with Elevate Eagle’s goals?

- In community discussion prior to this being enacted, the six most commonly discussed topics were:
 - Population demographics
 - Town Character
 - Economic Development
 - Housing
 - Transportation
 - Natural Resources
 - Recreation Tourism
- **Town Character** would be enhanced with the character and design of “old town eagle” mixed with “Eagle in 2023” in the exterior design of the building as well as the street grid remaining to make downtown and Broadway easily accessible by foot or bike
- **Housing** would be enhanced by 30 new units becoming available for Eagle’s young adults, families and professionals. Of those units, 15% would be available

as affordable housing and 35% would be offered to Eagle employees to help address the current housing crisis.

- **Transportation** would be enhanced by providing 30+ individuals and families the opportunity to live within walking distance to several stores, restaurants, grocery stores, biking trails, schools and public transportation. This makes this area readily available to people who may not have their own transportation and makes less of a carbon footprint on our environment.
- Goal 1-1 is to *Promote a wide range of attainable housing opportunities for young adults, families, aging residents and others.*
 - This development would provide a minimum of 5 units (15% of 36 units→5.4 units) that would be offered as affordable housing.
- Goal 2-1 is to *Enhance the vibrancy and viability of Downton*
 - 2-1.8 (enhancing gathering spaces)
 - The community area in the building would provide a great space for neighbors to become friends and for families to all spend time together in the heart of Eagle
 - 2-1.10 (increasing density)
- Goal 2-2 is to *Reinforce Broadway Street as heart of the community*
 - Residents of this building would have easy and quick access to coffee shops, restaurants and other businesses by walking just a few blocks to Broadway Street -Keeping Eagle's core alive
- Goal 2-2.5 is to *Preserve Eagle's historic street grid to retain character and walkability of the town core*
- Goal 3-2 is to *Provide visitors the opportunity to experience Eagle like a local with exceptional amenities*
 - A certain percentage of these units could be purchased and used as AirBNB/Vacation/short term rentals so that visitors could come experience Downtown Eagle just like us locals do. No better way to join in the locals than renting a unit next door!
- Goal 5-3 is to *Expand network of safe and convenient pedestrian and bike circulation*
 - Easy to access by foot or by bike- schools, restaurants, hiking/biking trails, coffee shops, libraries, grocery stores, pharmacies, major transportation hubs, etc.

B. Comprehensive Plan Consistency

All approvals granted under this LUDC shall be consistent with the Town's comprehensive plan and adopted land use and sub area plans. Town plans can be accessed on the [Town's website](#). The Future Land Use Map is part of the Elevate Eagle Comprehensive Plan.

Table 4.02-1: Comprehensive Plan Consistency																		
	Zone District																	
Future Land Use Plan	R1	MHP	R2	R3	R4	OTR	CMU1	CMU2	BD	CG	CGE	CI	IND	PC1	PC2	RR1	RR2	RSC
Rural Residential															●		●	●
Low Density Residential	●														●	●		
Medium Density Residential			●	●										●	●			
High Density Residential				●	●		●							●	●			
Downtown									●						●			
Downtown Neighborhoods						●									●			
Mixed-Use							●		●					●	●			
Commercial							●	●		●	●				●			
Interstate Commercial												●	●		●			
Commercial/ Light Industrial													●		●			
Public/ Institutional														●	●			
Open Space															●			

4.02.020 ZONE DISTRICT COMPLIANCE²

Except as hereinafter provided, within the municipal boundaries of the Town:

- A. No building or structure shall be erected, nor shall any existing building or structure be moved, removed, altered, or extended, nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner except in conformity with the lot area, lot coverage, , setback, and height provisions provided in the zone district regulations for the district in which the land, building or structure is located.
- B. No lot area, frontage, yard or other open space, or parking space provided for any building or structure for purposes of compliance with provisions of this LUDC shall be considered as providing lot area, frontage, yard or other open space for any other principal building or structure on the same lot or on any other lot except where multiple structures are permitted on a lot.

² Current 4.04.040

4.04.040 COMMERCIAL MIXED-USE (CMU1)

A. Intent

The Commercial Mixed-Use (CMU1) district is intended to accommodate residential uses with limited low-impact commercial uses located along walkable neighborhood corridors where shops and services are accessible to pedestrians. CMU1 development should include residential and/or may include limited commercial uses focused on daily needs primarily for adjacent neighborhood residents, such as corner stores, personal services, and small restaurants.

B. Uses

Allowed uses are identified in Table 4.09-1: Primary Use Table, and Table 4.09-2: Accessory Use Table.

C. Lot and Dimensional Standards

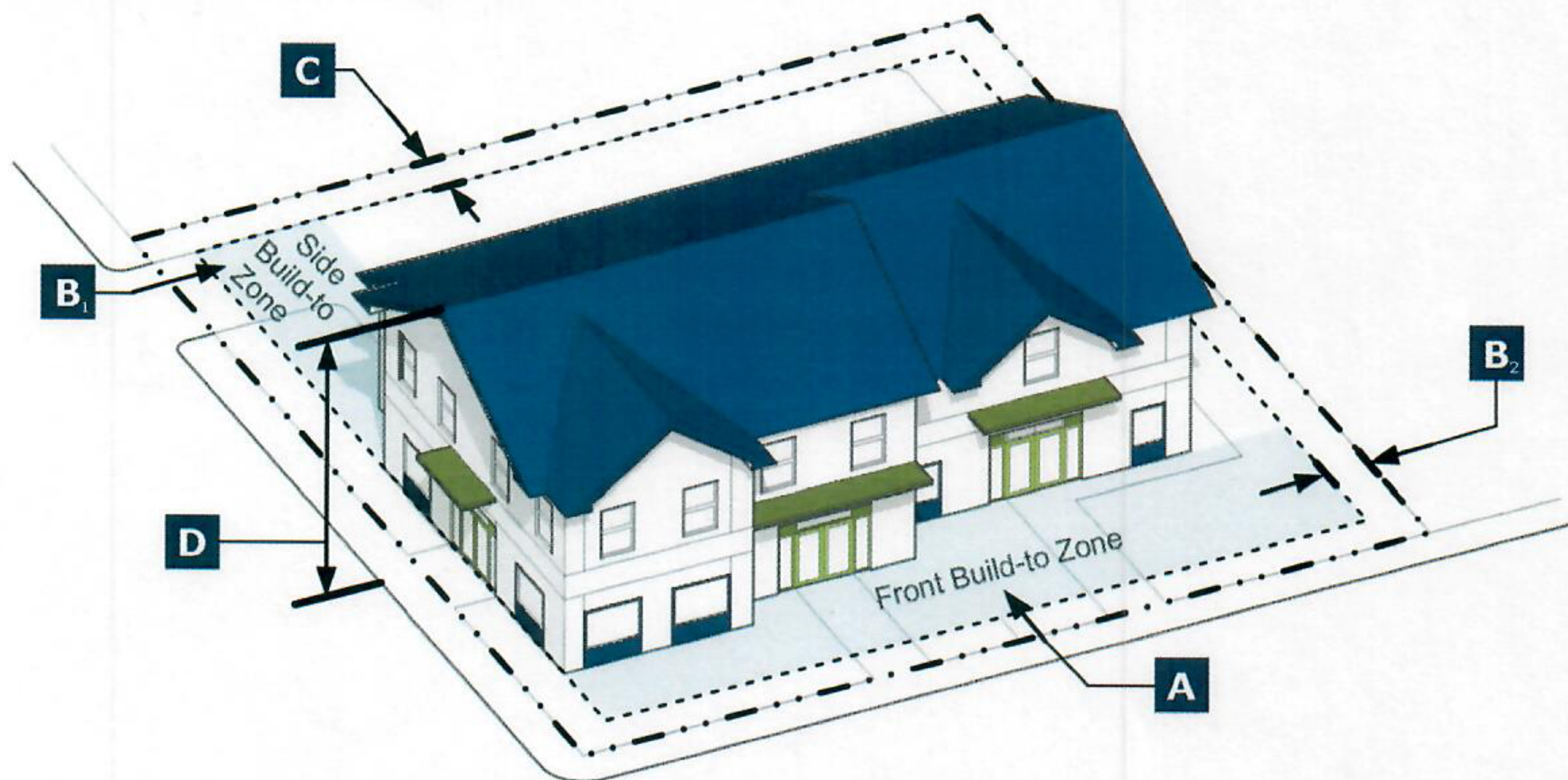


Table 4.04-2: CMU1 Lot and Dimensional Standards

Residential Dimensional Standards			Live Stream Setback	
Applicable district standards	R3, OTR [3]		No disturbance area	75 ft
Mixed-Use Lot Standards			Building Standards	
Lot Area, total (min)	7,500 sf		D Height (max)	35 ft [2]
Lot coverage (max)	70%			
Building Placement			Parking Standards	
Build-to/Setbacks			Location	Sec. 4.04.040D
A Front Build-to Zone	5-20 feet		Required parking	Sec. 4.12
Front Build-to Line Coverage	65% [1]			
B1 Street Side Build-to Zone	5-20 feet		Design Standards	
			Site layout	Sec. 4.10
B2 Interior Side Setback (min)	5 ft [2]		Mixed-use structures	Sec. 4.10
C Rear Setback (min)	5 ft [2]		Residential structures	Sec. 4.10
Table Notes:				
[1] Percentage of the front building line that must be located within the build-to zone.				

Table 4.04-2: CMU1 Lot and Dimensional Standards

[2] Abutting R1 or N2, see Sec.4.04.030A.

[3] The OTR Zone District shall only be applicable to the 100-400 blocks of Capitol Street. All other residential shall use the R3 zone district.

D. Parking Location

1. Alley access to parking is required for lots where an alley exists.
2. Lots without an alley are permitted to access rear or side parking from a local or arterial street.
3. Up to 30 percent of parking may be located between the front lot line and the front of the primary structure.

E. Merchandise Display

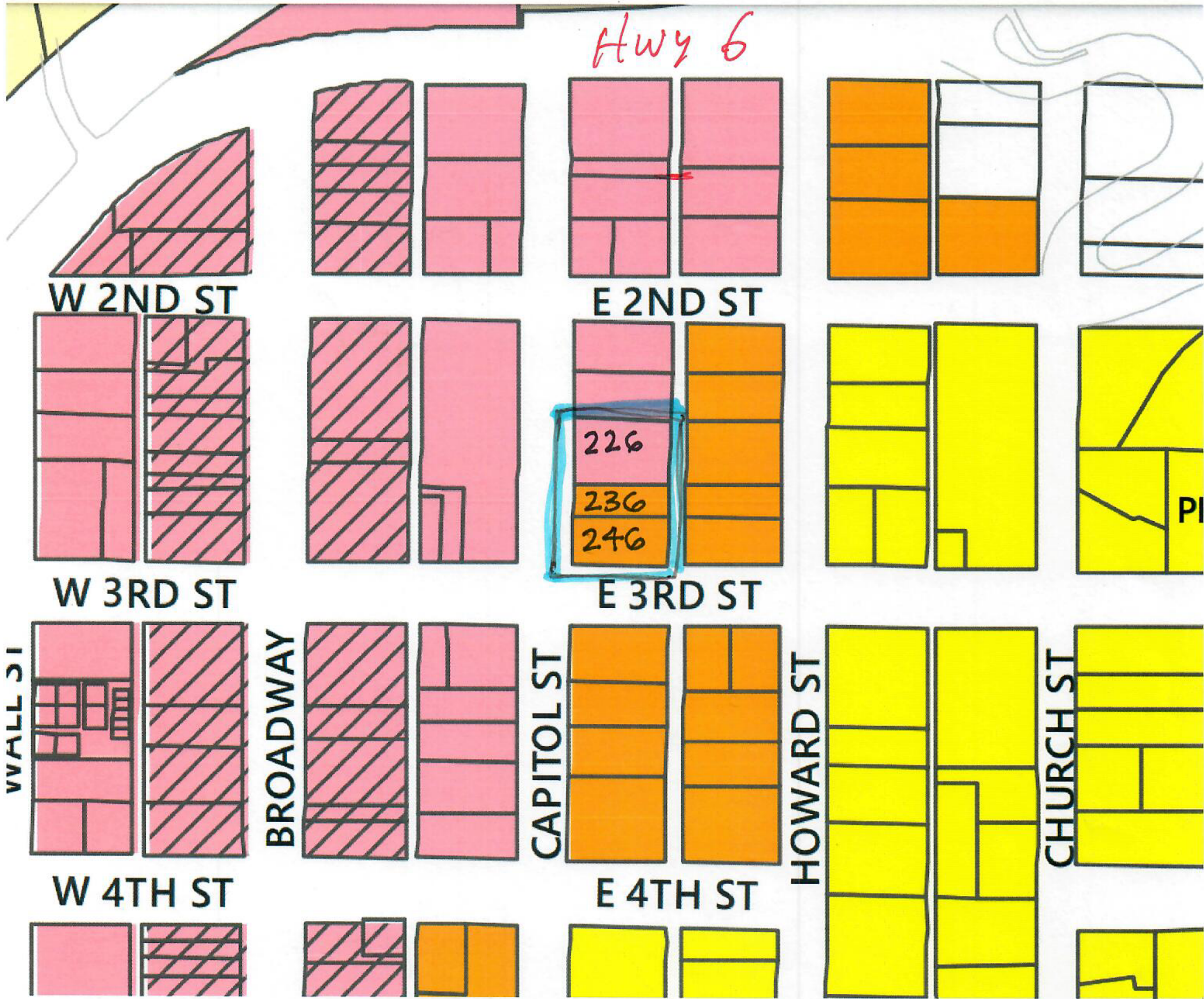
Bufferyards and required landscaping areas shall not be used for the displaying of merchandise.

F. Other Applicable Provisions

All development shall comply with all applicable provisions of this LUDC. Cross-references to some of the key provisions are provided below.

Table 4.04-3: Cross-References

LUDC Category	Reference
Dimensional Standards Applicable to all Zone Districts	Section 4.02.040
Use-Specific Standards	Chapter 4.09
Site Layout and Structure Design Standards	Chapter 4.10
Inclusionary Residential Requirements for Local Employee Residency	Section 4.02.050
Landscaping and Buffering Standards	Chapter 4.11
Parking and Loading	Chapter 4.12
Outdoor Lighting	Chapter 4.13
Sustainability, Resilience, and Hazards	Chapter 4.14
Subdivision Design and Improvement Standards	Chapter 4.15
Signs	Chapter 4.16
Administration and Procedures	Chapter 4.17



Lori Diversey
Eagle, CO

Town of Eagle
Town Council
Planning & Zoning
Eagle, CO

July 12, 2023

Attention Town of Eagle Town Council and Planning & Zoning-

I attended the July 11 Town Council meeting that P&Z used as a work session and am more confused as ever on what the Town has planned for Old Town Eagle. Of concern, in no particular order, are:

- 1) 6000 to 1750 sqft decrease in area per unit (if I understand that correctly)
- 2) set backs
- 3) multi-family units and the various names for multi-family dwellings
- 4) parking (and fee in lieu)
- 5) infrastructure (traffic, water, sewer)

Old Town Eagle has basically given 2 residential codes RM and RMF at this time. The Old Town is currently functioning as a lower density area when looking at the definition of medium density. Medium-density housing is a term used “within urban planning and academic literature to refer to a category of residential development that falls between detached suburban housing and large multi-story buildings. There is no singular definition of medium-density housing as its precise definition tends to vary between jurisdiction. Scholars however, have found that medium density housing ranges from about 25 to 80 dwellings per hectare, although most commonly sits around 30 and 40 dwellings/hectare. Typical examples of medium-density housing include duplexes, triplexes, townhouses, row homes, detached homes with garden suites, and walk-up apartment buildings. An acre is about 0.405 hectares and one hectare contains about 2.47 acres.”

When comparing the current zone/code map of Old Town, which is Yellow RM for medium density residential and orange RMF for higher density multi-family residential, to the 2021 Comprehensive plan and 4/11/23 Recode/rezone map it looks like the whole area becomes RMF. Plus the 2021 Comp plan map has all of Old Town Eagle as a brown color which zones the area as the Downtown Neighborhood: small lot, single-family units, duplexes, multi-family townhomes, vertically integrated multi-family residential w/secondary uses as ground floor commercial, office, retail w/residential on top.

The only thing that seemed to be addressed at last night meeting was that the max 'plex' was to be a 3plex. What does that mean when the primary use table for Old Town Eagle mentions Duplex, Mansion House (4+ family), Multi-unit Dwellings (3-8 unit structure) and Townhomes (3+ unit structures)? This all sounds crazy when a multi-family home is defined as “a single building that’s divided to accommodate more than one family living separately. They can range from a duplex, which has two dwellings within a single building, to homes or small apartment buildings with up to four individual units. (Buildings with more than four units are typically considered commercial properties.)” It seems to be code/zone word salad that can be used any which way.

One can only think DENSITY when thinking about unit area needs of only 1750sqft vs current 6000sqft and decreased set backs. Infill! What kind of word is that? It's used often. Use up all the free land? How about the West Eagle Affordable Housing Project? 114 units! And the West Eagle property plan that was amended in 2021 that includes up to 156 dwelling units. There's the Brush Creek area housing and North Broadway plans for housing. It has been suggested to put housing in the East Eagle plan. So who is all this housing for?

I think Old Town Eagle should be zoned a single-family, duplex only community. Old Town Eagle does not need medium or high density housing. And keep 6000sqft code in Old Town Eagle.

Let's talk parking. Residence should expect to be able to park on their property or right in front of their house. The idea of 'In Lieu' parking is faulty as a fee a builder pays to the Town of Eagle gets passed on to the tenant or buyer but it's those around the structure and the town residence that suffer. I did not appreciate the comment Chad made that having no parking space could have an unintended advantage of possibly "encourag(ing) people not to drive and park". He sited it as "in the public interest". The 'In Lieu' parking option should be abolished.

In a May 16, 2023 Vail Daily article, Nick Sunday is quoted, "We have over 1600 homes approved right now and we've probably got another 500 kind of in the works, So our population is going to grow immensely – and at the fastest rate in the county," in reference to traffic in Eagle and the fact that Eagle was not getting the free bus service I guess they thought they were going to get when they voted for yet another county authority for Eagle County. But I digress....The point is we don't have the road space for all these new residents and it would be underhanded to do anything to discourage automobiles 'in the public interest'.

In closing, I believe Old Town Eagle should be protected. By zoning OTR a single-family and duplex only with the current 6000sqft code it will remain a sought after Town of Eagle community. A little step back in time.

Regards,
Lori Diversey
Meyer Addition resident
Eagle, Co

July 13, 2023

To: Town of Eagle Planning Commission

From: Bill & Kathy Heicher, 641 Wall Street

Re: Concerns about proposed Old Town Residential (OTR) zoning in new land use code

We have owned property in the Mayer subdivision in “Old Town Eagle” since 1978. Although there are numerous accessory dwelling units on various properties (typically ADUs are accessed from the alleys), this neighborhood’s character is definitely single family.

Concerns about the proposed regulations:

- Would allow up to 10+ dwelling units on larger lots; and 4-5 units on smaller lots.
- Currently there are 9 units in the 600 block of Wall Street. That number could jump up to nearly 50 units under the new regs.
- The increased density poses issues with:
 - Parking and traffic
 - Loss of solar access
 - Loss of neighborhood character

Specific suggestions regarding the new zoning regulations:

- The document is 450 pages. Decision-makers should be confident they completely understand and agree with the principles laid out in the document before voting.
 - Make the difference in current zoning standards and the proposed new standards easily understandable to citizens and decision-makers with simple, side-by-side readable charts illustrating current densities allowed and future densities proposed, changes in setbacks, etc.
 - Consider delaying approval of this dramatic zone change until a sub-area master plan can be conducted for the OTR zone. Break it down into a document the average citizen can interpret.
- Consider a “feathering” approach to increased density, which higher densities closer to the Broadway and Capital business district and lesser densities beyond those districts. A more gradual approach to higher density would better protect the neighborhood character. (For example, in the Bull Pasture subdivision the houses on 7th Street are single family, like the older neighborhood across the street. The duplexes and triplexes are a farther distance from 7th Street.)
- Make proposals for dramatic density changes a special use permit, rather than a use-by-right. Citizens should be notified and have an opportunity to weigh in on significant changes in their neighborhood.
 - An increase in residential densities greater than two dwelling units on a lot should require a special use permit.
 - Childcare centers and pre-schools (more than 5-6 children) in the OTR zone should be a special use permit rather than an administrative decision. These uses have an impact warranting a public hearing.

- A better explanation of “Lot Assembly” is needed.
- Regarding proposed setbacks in the OTR zone we suggest:
 - Minimum 12.5 foot side yard setbacks.
 - ADUs and garages should have the same setbacks as primary dwelling unit.
 - Alley setbacks could be 3-5 feet.
 - Minimum lot size for a duplex should be 6,250 square feet (two lots).

Conclusion:

It appears the town is attempting to zone its way out of the affordable housing crisis and has chosen up-zoning of the OTR neighborhoods as the solution. Zoning alone cannot solve the housing crisis. To truly create affordable housing, up-zoning would need to be coupled with requirements such as:

- Deed restrictions on home prices and re-sales (similar to what the county uses) reflecting what is truly affordable.
- Incentives for projects that qualify (reduced tap fees, financial assistance, maybe some degree of parking waiver).
- Restrictions on who can live in accessory dwelling units (i.e. full-time residents only, preference for public employees such as teachers or highway workers, etc.). Units created by increased density should not be used as second homes for people seeking a ski season condo or by drive-by developers seeking only maximum profit.

We appreciate and understand the amount of time and work that went into this document. We are wary of a “let’s approve this now and fix it later” approach, which could result in zoning that we believe would harm our neighborhood.

To the TOE P&Z Board and the Town Council Board,

This letter is to propose changes to the ReCode Eagle Land Use Development Code.

My understanding of the proposed code, as it stands, would allow the following on the lots on 226, 236 and 246 Capitol St. →

- 3, 8-unit dwelling units at 1,800 SF per unit (24 units total)
- Surface parking according to the LUDC guidelines
- Entitled to 46,000 SF under roof based on the lot size with 70% coverage at 3 stories

I propose to be permitted to build a higher number of units with a lower square footage per unit. This would allow for the potential to build underground parking for the project. I propose the following for the lots on 226, 236 and 246 Capitol St. →

- 36 unit building
- Potential underground parking structure for the tenants with remaining spots for town traffic

In the bullet pointed list attached, you will find the multitude of ways that this desired development aligns with Elevate Eagle and all the goals and strategies discussed after the research done in the Comprehensive Affordable Housing Assessment. The town of Eagle and Downtown Broadway District would benefit economically by having more foot traffic from the residents of the building who visit the businesses along Broadway. Tax revenue would be another benefit to allowing this development on Capitol St.

Attached:

- Primary Use Table (4.09-1)
- Comprehensive Plan Consistency (Table 4.02-1) from pg. 8
- CMU1 Lot and Dimensional Standards (Table 4.04-2) from pgs. 32-33
- Map of proposed lots on Capitol St.

Please contact me with any questions. I appreciate your time and consideration as we work together to Elevate Eagle.

Kind Regards,

Chris Barbella

Chris Barbella
226, 236 and 246 Capitol St.
Eagle, CO 81631

Proposed Changes to ReCode Eagle, Land Use Development Code:

- 4.09-1 (Table- “Principal Use Table”)
- Add “P” in the space designated for “Multi-Unit Dwelling 8+ Units/structure” in CMU 1
- [Attached]

- Table 4.02-1 on Page 8
- Add High Density Residential for CMU1
- [Attached]

- 4.04.040, Table 4.04-2 CMU1 Lot and Dimensional Standards, footnote [3] on pages 32 and 33
- To remove footnote that includes “OTR [3]”
- [Attached]

How does this development align with Elevate Eagle’s goals?

- In community discussion prior to this being enacted, the six most commonly discussed topics were:
 - Population demographics
 - Town Character
 - Economic Development
 - Housing
 - Transportation
 - Natural Resources
 - Recreation Tourism
- **Town Character** would be enhanced with the character and design of “old town eagle” mixed with “Eagle in 2023” in the exterior design of the building as well as the street grid remaining to make downtown and Broadway easily accessible by foot or bike
- **Housing** would be enhanced by 30 new units becoming available for Eagle’s young adults, families and professionals. Of those units, 15% would be available

as affordable housing and 35% would be offered to Eagle employees to help address the current housing crisis.

- **Transportation** would be enhanced by providing 30+ individuals and families the opportunity to live within walking distance to several stores, restaurants, grocery stores, biking trails, schools and public transportation. This makes this area readily available to people who may not have their own transportation and makes less of a carbon footprint on our environment.
- Goal 1-1 is to *Promote a wide range of attainable housing opportunities for young adults, families, aging residents and others.*
 - This development would provide a minimum of 5 units (15% of 36 units→5.4 units) that would be offered as affordable housing.
- Goal 2-1 is to *Enhance the vibrancy and viability of Downton*
 - 2-1.8 (enhancing gathering spaces)
 - The community area in the building would provide a great space for neighbors to become friends and for families to all spend time together in the heart of Eagle
 - 2-1.10 (increasing density)
- Goal 2-2 is to *Reinforce Broadway Street as heart of the community*
 - Residents of this building would have easy and quick access to coffee shops, restaurants and other businesses by walking just a few blocks to Broadway Street -Keeping Eagle's core alive
- Goal 2-2.5 is to *Preserve Eagle's historic street grid to retain character and walkability of the town core*
- Goal 3-2 is to *Provide visitors the opportunity to experience Eagle like a local with exceptional amenities*
 - A certain percentage of these units could be purchased and used as AirBNB/Vacation/short term rentals so that visitors could come experience Downtown Eagle just like us locals do. No better way to join in the locals than renting a unit next door!
- Goal 5-3 is to *Expand network of safe and convenient pedestrian and bike circulation*
 - Easy to access by foot or by bike- schools, restaurants, hiking/biking trails, coffee shops, libraries, grocery stores, pharmacies, major transportation hubs, etc.

From the Comprehensive Affordable Housing Assessment (CAHA) done in 2023:

- The town of Eagle lists the following as **near-term strategies** for the housing crisis in Eagle County-
 - *LERP Modifications- to update ownership and rental units to 10%, 15% or 20% affordable requirement for units of 3 or more*
 - This development would allow for (at a minimum) 5.4 affordable housing units to be added to the Town of Eagle housing inventory.
 - *Increased Density- permit additional density for single-family and two-family lots*
 - *Density Bonus- Modify Land Use Regulations to permit density bonus in specific areas of town for inclusion of affordable units.*
 - The request to allow for additional units in these 3 lots (226, 236, 246 Capitol St) aligns with these near-term goals as brought about by the CAHA.
 - *Acquire Affordable Units- Use Town of Eagle funds to acquire affordable housing units specifically for Town staff.*
 - *Approximately “44% of Town of Eagle workers commute from outside Eagle county, which illustrates a portion of unmet housing demands of workers”*
 - The location of this development is a prime location for town and county employees and also aligns with Elevate Eagle’s goals to provide transportation and walkability to many areas in town.
- Market finding #8 “Homes in Eagle are increasingly not affordable to households earning 100% AMI or \$90,000 a year as the affordability gap widens each year.”
- In the studies done in the CAHA, Eagle is forecasted to grow by about 1,600 households by 2040. “Developable land in Eagle County is becoming scarcer, therefore the amount of entitled, unbuilt development & developable land in Eagle are primary factors of projected household growth.”
- Preparing for the forecasted growth from 2020-2040, Eagle expects to grow by about 80 households per year which is a growth rate of 2.5%
- From 2010-2020, Eagle gained approximately 100 residents per year, which is a growth rate of 1.4%
- From 2010-2020, Eagle gained approximately 29 housing units per year

- In order to “Catch up and Keep up”, the need for additional housing units in Eagle is dire

4.09.030 USES PERMITTED BY DISTRICT (USE TABLES)

A. Principal Use Table

Table 4.09-1 identifies the uses allowed as principal uses in the districts indicated, subject to the applicable review and approval type described in the table and compliance with applicable use specific standards.

Table 4.09-1: Primary Use Table

Zone Districts		Residential Districts					Rural and Agriculture Districts			Mixed-Use, Commercial and Industrial Districts								Govt. and Civic Districts		Use-Specific Standards
	R1	R2	R3	R4	OTR	RR1	RR2	R	CMU1	CMU2	BD	CG	CGE	CI	IND	PC1	PC2			
KEY: P = Permitted / M = Minor Review (no notice) / A = Administrative Review / C = Conditional Use / S = Special Use / - = Not Permitted																				
Use definitions are located in Section 4.20.050, Use Category Definitions																				
RESIDENTIAL USES (Use category description Sec. 4.9.20B)																				
Cottage Court	-	A	A	A	A	-	-	-	A	C	-	-	-	-	-	M	-	4.9.60A		
Dormitory Living / Hostel	-	-	C	C	-	-	-	-	-	S	-	S	S	S	-	S	-			
Duplex / Two-Family Dwelling	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-			
Mansion House (4+ units/structure)	-	P	P	P	P	-	-	-	P	-	-	-	-	-	-	M	-			
Manufactured Home, Standard or Tiny	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	4.9.60D		
Manufactured Home Park	-	S	S	S	S	-	-	-	-	-	-	-	-	-	-	S	-			
Mixed-Use Structure									A	M	M							4.9.60C		
Multi-Unit Dwelling (3 to 8 units / structure)	-	-	P	P	P	-	-	-	P	C	-	-	C	-	-	M	-			
Multi-Unit Dwelling (8+ units / structure) ?	-	-	P	P	-	-	-	-	P	C	-	-	C	-	-	-	-			
Single Family Dwelling	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-			
Townhome (3+ units / structure)	-	P	P	P	P	-	-	-	P	C	-	-	C	-	-	P	-			
LODGING (Use category description Sec. 4.9.20D)																				
Bed and Breakfast Facility	A	A	A	-	A	A	A	A	A	-	-	-	-	-	-	-	-	4.9.80D.1		

B. Comprehensive Plan Consistency

All approvals granted under this LUDC shall be consistent with the Town's comprehensive plan and adopted land use and sub area plans. Town plans can be accessed on the [Town's website](#). The Future Land Use Map is part of the Elevate Eagle Comprehensive Plan.

Table 4.02-1: Comprehensive Plan Consistency																		
	Zone District																	
Future Land Use Plan	R1	MHP	R2	R3	R4	OTR	CMU1	CMU2	BD	CG	CGE	CI	IND	PC1	PC2	RR1	RR2	RSC
Rural Residential															●		●	●
Low Density Residential	●														●	●		
Medium Density Residential			●	●										●	●			
High Density Residential				●	●		●							●	●			
Downtown									●						●			
Downtown Neighborhoods						●									●			
Mixed-Use							●		●					●	●			
Commercial							●	●		●	●				●			
Interstate Commercial												●	●		●			
Commercial/ Light Industrial													●		●			
Public/ Institutional														●	●			
Open Space															●			

4.02.020 ZONE DISTRICT COMPLIANCE²

Except as hereinafter provided, within the municipal boundaries of the Town:

- A. No building or structure shall be erected, nor shall any existing building or structure be moved, removed, altered, or extended, nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner except in conformity with the lot area, lot coverage, , setback, and height provisions provided in the zone district regulations for the district in which the land, building or structure is located.
- B. No lot area, frontage, yard or other open space, or parking space provided for any building or structure for purposes of compliance with provisions of this LUDC shall be considered as providing lot area, frontage, yard or other open space for any other principal building or structure on the same lot or on any other lot except where multiple structures are permitted on a lot.

² Current 4.04.040

4.04.040 COMMERCIAL MIXED-USE (CMU1)

A. Intent

The Commercial Mixed-Use (CMU1) district is intended to accommodate residential uses with limited low-impact commercial uses located along walkable neighborhood corridors where shops and services are accessible to pedestrians. CMU1 development should include residential and/or may include limited commercial uses focused on daily needs primarily for adjacent neighborhood residents, such as corner stores, personal services, and small restaurants.

B. Uses

Allowed uses are identified in Table 4.09-1: Primary Use Table, and Table 4.09-2: Accessory Use Table.

C. Lot and Dimensional Standards

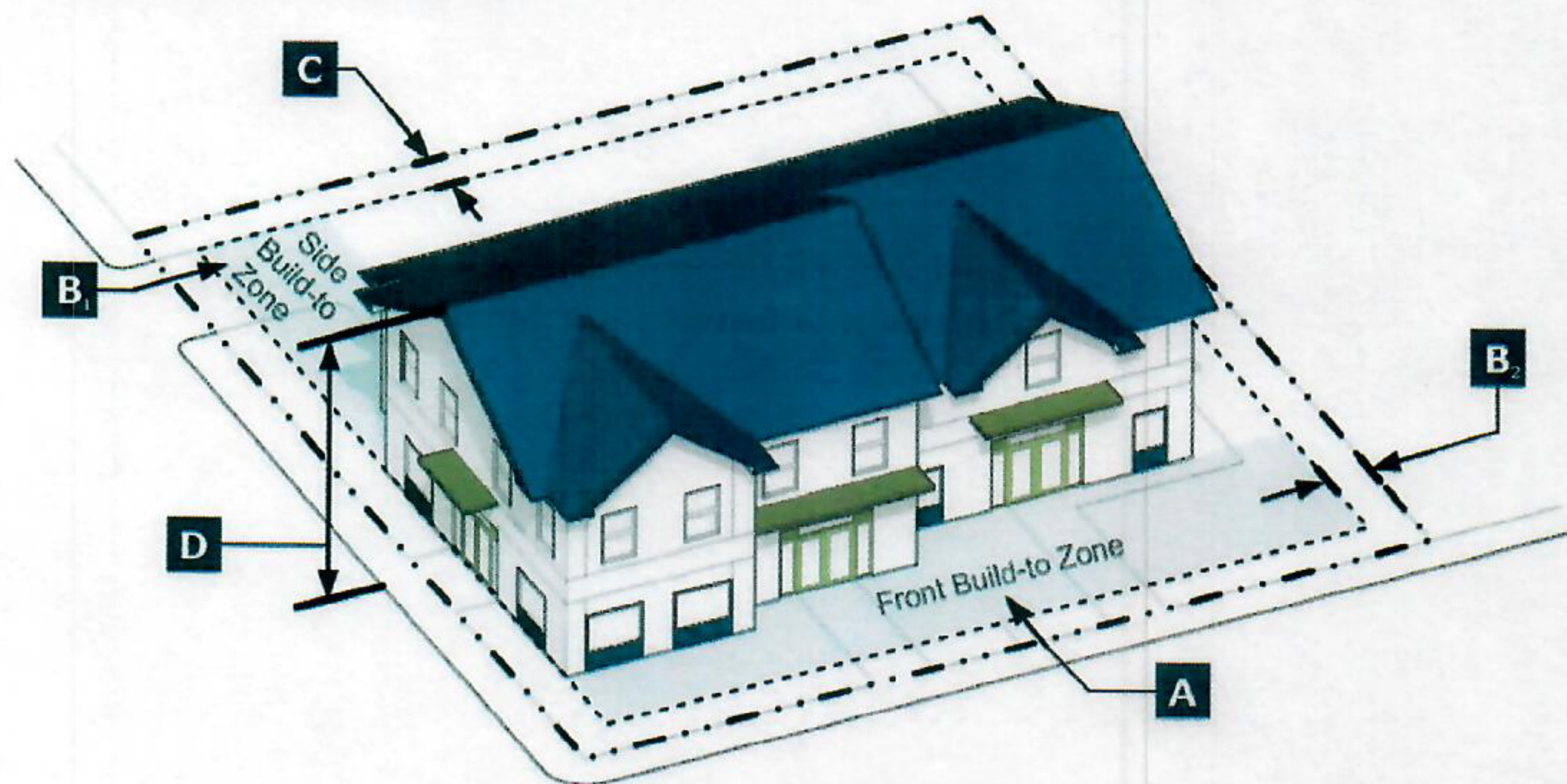


Table 4.04-2: CMU1 Lot and Dimensional Standards

Residential Dimensional Standards		Live Stream Setback	
Applicable district standards	R3, OTR [3]	No disturbance area	75 ft
Mixed-Use Lot Standards		Building Standards	
Lot Area, total (min)	7,500 sf	D Height (max)	35 ft [2]
Lot coverage (max)	70%	Parking Standards	
Building Placement		Location	Sec. 4.04.040D
Build-to/Setbacks		Required parking	Sec. 4.12
A Front Build-to Zone	5-20 feet	Design Standards	
Front Build-to Line Coverage	65% [1]	Site layout	Sec. 4.10
B1 Street Side Build-to Zone	5-20 feet	Mixed-use structures	Sec. 4.10
B2 Interior Side Setback (min)	5 ft [2]	Residential structures	Sec. 4.10
C Rear Setback (min)	5 ft [2]		
Table Notes:			
[1] Percentage of the front building line that must be located within the build-to zone.			

Table 4.04-2: CMU1 Lot and Dimensional Standards

[2] Abutting R1 or N2, see Sec.4.04.030A.

[3] The OTR Zone District shall only be applicable to the 100-400 blocks of Capitol Street. All other residential shall use the R3 zone district.

D. Parking Location

1. Alley access to parking is required for lots where an alley exists.
2. Lots without an alley are permitted to access rear or side parking from a local or arterial street.
3. Up to 30 percent of parking may be located between the front lot line and the front of the primary structure.

E. Merchandise Display

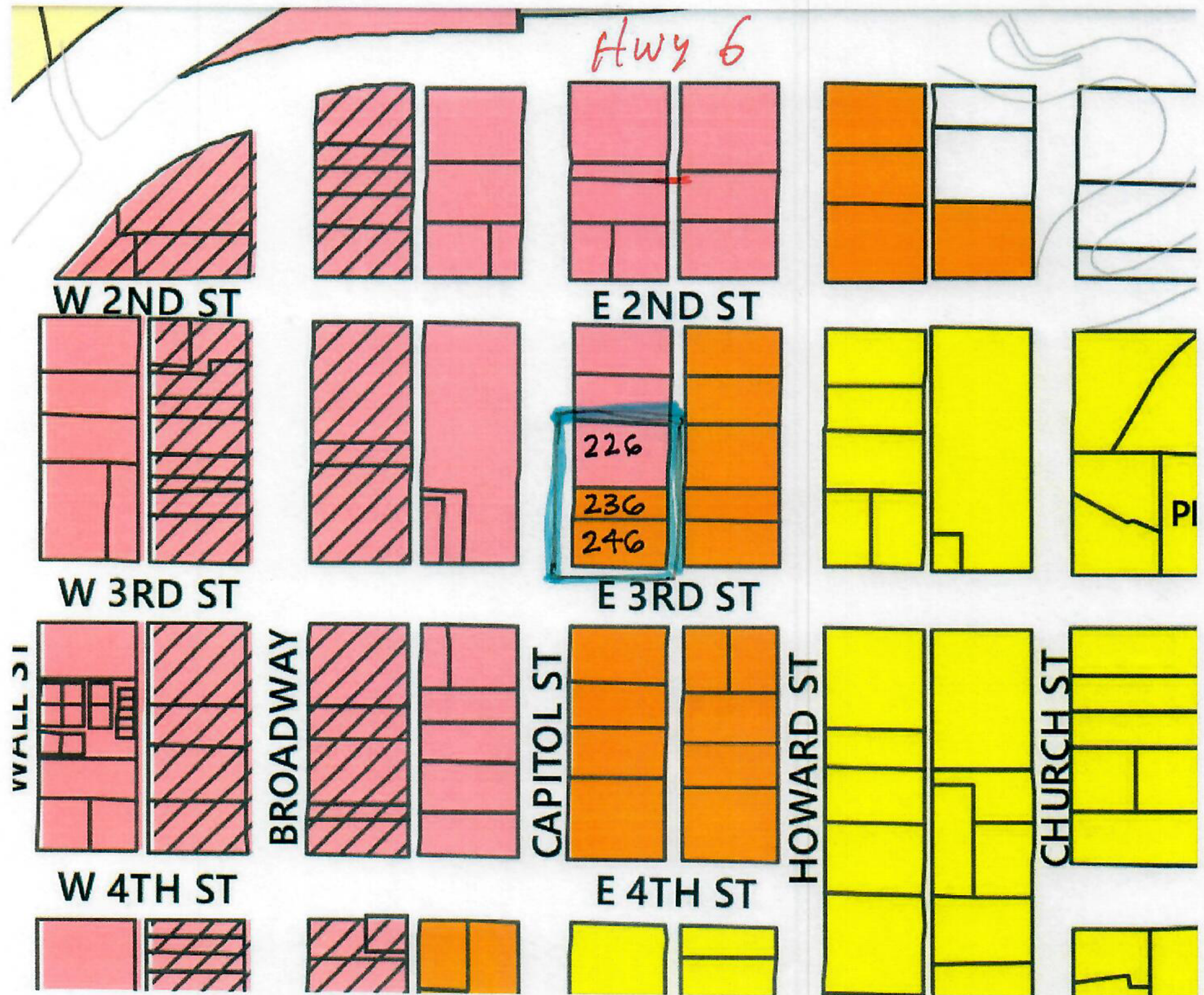
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F. Other Applicable Provisions

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Outdoor Lighting	Chapter 4.13
Sustainability, Resilience, and Hazards	Chapter 4.14
Subdivision Design and Improvement Standards	Chapter 4.15
Signs	Chapter 4.16
Administration and Procedures	Chapter 4.17



Town of Eagle



Near-Term Strategies



Long-Term Strategies



LERP Modifications: Update ownership and rental units to 10%, 15%, or 20% affordable requirement for units of 3 or more



Commercial Mitigation Fee: Conduct a nexus study to determine a fee for new commercial development that supports affordable housing programs



Vacant Land Inventory: Develop an inventory of vacant land in town and in the western areas of Eagle County for potential acquisition



Increase Density: Permit additional density for single-family and two-family lots



Density Bonus: Modify Land Use Regulations to permit density bonus in specific areas of town for inclusion of affordable units



Certificate of Participation (COP): Use COPs as a financing tool for affordable housing projects



STR Regulations: Adopt short term rental (STR) regulations including a fee, tax, and/or cap



Acquire Affordable Units: Use Town of Eagle funds to acquire affordable housing units specifically for Town staff



Real Estate Transfer Assessment (RETA): Establish RETAs on future residential and commercial developments at time of entitlement based on the impact on workforce housing



P3 Formation: Establish public private partnerships (P3) with focus on land contribution to create new affordable housing developments



DDA/URA: Use public financing tools (DDA and URA) to provide gap financing to affordable housing projects

Partnerships



Eagle Ranch Housing Corporation (ERHC) Partnership: Establish a formal partnership and collaboration with ERHC in which there are shared goals, resources, and financial responsibilities related to affordable housing



all other properties but will be critical when the limited supply diminishes.

Density Increase

In the updates to Eagle's Land Use Code, it is recommended to permit additional density for single-family zone districts to allow for duplexes, triplexes, and other multiunit as a use by-right. This will increase density in most areas of town without drastically changing the character. Single-family lots will be able to develop with additional units that will increase the housing supply in Eagle as well as diversify the housing stock and potentially offer more affordable units.

Density Bonus

In the updates to Eagle's Land Use Code, it is recommended to offer a density bonus in specific nodes of town for the inclusion of affordable units. The density bonus would permit an additional 1- to 2-stories to build up to 4- or 5-stories by including a certain percentage of affordable units in the development, which would be tied to LERP requirements. At a minimum, a 1-story bonus should be offered, although the larger the bonus the more enticing it is for developers. As the inclusionary housing requirements increase, a density bonus can help offset the costs of the affordable units and encourage developers to include units on-site. A density bonus is mutually beneficial for a developer and the Town by increasing the viability of a project and constructing affordable units in key nodes within town. The density bonus should be strategically permitted along corridors and nodes where a higher density is desirable. This may include Downtown along Broadway Street, Grand Avenue, and West Eagle in areas where development can







pics

From: [Shawn Bruckman](#)
To: [Planning Department](#)
Subject: Zoning changes for 400 block capitol street
Date: Monday, July 17, 2023 11:58:35 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

I am a property owner at 421 Capitol Street and I am also a small business owner in town. I met with Cliff and Payton during one of the coffee and conversation events regarding the Eagle rezone. I am following up on what I learned and how this impacts my property. I also attended last week's Town Council meeting regarding the Old Town Residential zone and agree with the sentiments of preserving the character of Old Eagle.

I would like to request that you reconsider the zoning designation that has been proposed for the west side of the 400 block on Capitol Street. Currently you have that section labeled as Old Town Residential but it makes more sense for this to be zoned as Mixed Use CMU1, to be consistent with all of the other properties on the west side of Capitol Street. When I asked why the 400 block was proposed to be zoned differently than the rest of the street, there was not any clear answer on the reasoning for this.

In addition to promoting consistency in zoning on the street, it would also be advantageous to keep consistent zoning within the Downtown Development Authority. This block is the only section of Capitol Street and Broadway within the DDA that is zoned as residential. This not only limits property owner's ability to garner the benefits of the DDA but it also limits our ability to contribute to promoting the general welfare and development of the district.

By shifting this block to CMU1 we will still have the restrictions on development in place to ensure we are preserving the Old Town character of this section of the neighborhood, which is important to me as a resident who is raising my family here. However, it is important to include the west side of the 400 block in the CMU1 "buffer" between Broadway and the OTR areas because we are adjacent to Broadway zoned properties through our alley and are directly impacted by the development that is occurring there. In addition, property owners on my block should have equal opportunity to access DDA benefits which are only available to commercial properties in order to contribute to the sustainable prosperity of our community.

Thank you for your consideration.

Regards,

--

Shawn Bruckman





To: Planning & Zoning Commission
From: Community Development Department
Date: July 18, 2023
Agenda Item: Community Development Department Update

LONG RANGE PLANNING

- **ReCode Eagle – The Land Use and Development Code (LUDC) Update**
 - On June 28th, staff released the Adoption Draft, which can be accessed here: <https://www.townofeagle.org/DocumentCenter/View/18789>
- Adoption schedule:
 - Planning & Zoning Commission Recommendation hearing: 6/6/23 (tabled until 7/18/2023)
 - Town Council Adoption hearing: 6/27/23 (ReCode & Zone Map to be tabled to August 8th, but agenda time will be utilized for discussion and public comment on Zone Map)
- Publication schedule:
 - Adoption draft to staff (from Clarion) end of day 6/20/2023
 - Adoption draft published to Town website approximately 6/27/2023
- Other ReCode dates:
 - P&Z Hearing 7/18/2023
 - Table zoning map to 7/18/2023

LAND USE APPLICATIONS IN PROGRESS

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

- **DR23-02: Alpine Lumber Shed**

A Minor Development Permit to replace an existing lumber shed along Eby Creek Rd with a new shed.

 - Public hearing schedule:
 - Planning & Zoning Commission: 6/20/2023 tabled to 7/18/2023
- **DR23-05: Stone Concepts Warehouse**
 - A Minor Development Permit to construct a new warehouse on the currently vacant lot at 85 Marmot Lane.
 - Public hearing schedule: TBD
- **DR23-05: 882 Chambers**
 - A Minor Development Permit two new buildings to be built on the Gallegos Industrial Subdivision
 - Public hearing schedule: TBD



OTHER NOTABLE UPDATES

- At the 7/11/2023 Town Council meeting Laura Hartman has been appointed to the Planning and Zoning Commission. Laura will be taking over the term vacated by Jamie Woodworth Foral and will be classified as first alternate with her term starting 7/18/2023 and ending 2/28/2026.
- Weston Arborgast was reclassified from First Alternate to Regular Member as he has been acting regular member since Jamie's departure. This was finalized at the 7/11/2023 Town Council meeting.

TOWN COUNCIL AND PLANNING & ZONING COMMISSION MEETING SCHEDULE:

July 2023
July 4 th (Planning & Zoning Commission) – Town Hall closed for the 4 th of July
July 11 th (Town Council) • Planning Commission Appointment
July 18 th (Planning & Zoning Commission) • ReCode Recommendation Hearing (tabled from 6/6) • Zone Map Recommendation (tabled from 6/20) • Alpine Lumber Minor Development Permit (tabled from 6/20)
July 25 th (Town Council) • <i>Currently no land use files.</i>
August 2023
August 1st (Planning Commission) ○
August 8th (Town Council) • ReCode Adoption Hearing (tabled from 6/27)
August 15th (Planning Commission) •
August 22nd (Town Council) • ReCode Adoption Hearing + Zone Map