



**Town Council
WORK SESSION
Tuesday, December 3, 2024
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO**

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Times listed are approximate and are subject to change.*

TOWN COUNCIL WORK SESSION ACCESS INFORMATION AND PUBLIC PARTICIPATION *This will be an in-person work session. Work sessions of the Town Council are not meetings requiring public comment. The public is allowed to attend, however, public comment will not be scheduled and will only be taken at the discretion of the Mayor. The Council shall take no final or official action, vote, nor make any motions.*

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PRESENTATION - 4:00 PM - 5:45 PM

1. Updates to the Land Use Code: standards for employee dwelling units, Broadway design standards, and Chapter 4.17 Administration and Procedures, Planning Department

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.

Jenny Rakow, CMC
Town Clerk

PUBLIC WIFI – Eagle Guest



To: Mayor, Town Council, and Planning & Zoning Commission

From: Kyle Brotherton, Planner III

Date: December 3, 2024

Agenda Item: An update for LUDC text amendments to Chapter 4.17 Administration and Procedures; to provide clarity on the Administrative Manual; to provide direction for the Broadway District design standards; and to provide direction for standards for Employee Dwelling Units.

REQUEST:

To provide updates for and receive direction from Town Council ("Council") and the Planning & Zoning Commission ("Commission") on amendments to the Land Use and Development Code.

BACKGROUND:

In October 2023, the new Land Use and Development Code (LUDC), also known as ReCode, took effect. In the past year, staff have identified several modifications and/or corrections that are needed in order to bring clarity and conciseness to the new Code and to rectify observed deficiencies in Code standards.

The bulk of the proposed amendments will be occurring within Chapter 4.17 – Administration and Procedures and aim to make this chapter shorter, more concise, and easier to navigate. As part of the amendments, staff will be creating an Administrative Manual, which will include items such as checklists, general review timelines, and other requirements which are currently located within this chapter.

Additionally, as new projects are being proposed within the Broadway District, staff is seeking direction on how the Council and Commission envisions the future of Broadway, and which types of standards should be further bolstered or created to achieve this vision. Currently, the LUDC is more suggestive for elements such as architecture and color, which is open to subjectivity in review and results in inconsistent application across projects.

Lastly, staff would like direction on how to implement development standards for employee dwelling units. These were proposed within Ordinance No. 8, Series 2024 [LINK](#), which were presented at the October 8, 2024 Town Council meeting, but were ultimately removed from the ordinance to allow staff additional time to research.

Staff will take the direction provided by Council and the Commission and will work with the Town's legal team to draft amendments to the LUDC. Staff will then present the proposed amendments to the Planning & Zoning Commission for a recommendation and will bring that recommendation to Council for consideration.

ANALYSIS:

Rearrangement of Chapter 4.17

Staff has found that implementing Chapter 4.17 – Administration and Procedures [\[LINK\]](#) is difficult due to the length of the chapter and redundancy between the sections. To aid in making this chapter easier to use, staff is proposing to remove Section 4.17.090 Historic Preservation, to pull out certain items to create an Administrative Manual, consolidate sections where appropriate, and to rearrange the remaining sections. A new Chapter 4.18 will be created for Historic Preservation, and remaining chapters will be renumbered as appropriate.

Staff is proposing to rearrange Chapter 4.17 into the following order:

- 4.17.010** – Overview of Procedural Requirements
- 4.17.020** – Pre-Submittal Conference with Staff
- 4.17.030** – Application Submittal and Completion Review
- 4.17.040** – Complete Application Review and Action
- 4.17.050** – Scheduling and Notice of Public Hearings
- 4.17.060** – Review and Decision-Making
- 4.17.070** – Post-Decision Actions and Limitations
- 4.17.080** – Administrative Permits and Determinations
- 4.17.090** – Administrative Adjustments
- 4.17.100** – Development Review Process: Specific Applications
- 4.17.110** – Subdivision Applications
- 4.17.120** – LUDC Administration
- 4.17.130** – Required Improvements
- 4.17.140** – Assurance of Adequate Public Facilities

The rearrangement of this chapter helps create a logical order of sections and will allow for easier use of the LUDC by staff, developers, and residents.

Amendments within Chapter 4.17

In addition to pulling out certain items for inclusion in the Administrative Manual, staff is proposing edits to Chapter 4.17 to aid in the overall goal of shortening the chapter and bringing ease of use and implementation.

The largest amendments will be removing the previously mentioned items that will live in the Administrative Manual, along with shortening of the purpose statements. These two items alone should greatly reduce the length and complexity of the chapter. Additional amendments aim to reduce redundancy, remove conflicts within or between sections of the chapter, and generally clean up items such as numbering issues, typographical errors, or other conflicting language.

While those proposed amendments are more general in nature, staff is also proposing specific changes intended to make Code implementation easier. Specific amendment topics include the following:

- Amending and clarifying the review criteria for Sketch Subdivision, Special Use Permit, and Administrative Adjustment applications;
- Amending the noticing requirements for Informational Notices and Sketch Subdivision Applications;
- Cleaning up extension language for approved projects and consolidating post decision actions into one section;
- Removing Tables 4.17-1 and 4.17-2 as the information within conflicts with other sections of this chapter;
 - Specific processing and noticing requirements will be placed within each application type.

- Updating fees to allow for charges for staff time outside of the application review fee; and
- Making Amended/Corrected Final Plats and Final Plat applications an administrative approval.

Staff would also like to verify that the administrative approval threshold for residential dwelling units is correct in Table 4.17-5: Development Plan Review Thresholds, or if changes need to be made. For a residential-only development, the threshold for administrative approval is a maximum of four dwelling units; however, within a mixed-use development, the maximum number of dwelling units approvable at an administrative level is 24.

Table 4.17-5: Development Plan Review Thresholds [1]

Type of Development	Administrative Development Plan (Director)[2]	Minor Development Plan (Planning & Zoning Commission)	Major Development Plan (Town Council)
Residential	A maximum of 4 dwelling units unless exempt by Section 4.17.080 C.2.b	New construction, renovation, or additions to residential structures that require design review	Planned Unit Development
Nonresidential	Renovation or addition that requires additional parking	• Construction of any new building • Renovation or addition that requires design review	Planned Unit Development
Mixed-Use	Up to 24 new dwelling units or up to 50,000 square feet non-residential gross floor area	More than 24 new dwelling units or more than 50,000 square feet non-residential gross floor area	Planned Unit Development
All Development	n/a	n/a	See Section 4.17.080 C.3.b
Parking as a Principal Use, or Parking Structure	Up to 25 vehicle spaces	26 or more spaces	Parking structure

Staff would also like to check-in with the Council and Commission regarding the requirement for all development applications within Planned Unit Developments (PUDs) to be processed as Major Development Plans. This requirement was carried over from the previous code but has been inconsistently applied to developments within PUDs. An option that we may want to consider, is allowing PUDs to follow the same

thresholds as straight zoned areas of Town, rather than the automatic requirement to go through the full development process. The thresholds that trigger a Major Development Plan are:

Any development that requires any one of the following shall be reviewed and decided on by the Town Council:

- i. Extension of municipal facilities beyond locations or other limits set forth in the Town's regulations, policies or plans, or a proposal to oversize utilities with Town funding participation.
- ii. A dedication of land that the Town will be required to maintain or payment of fee in lieu of, including a street, alley, park, trail, or other public land or right-of-way.
- iii. A development impact report per [Section 4.17.030 C](#).

Informational Notice, called Administrative Decision Information Notice (ADIN) in the LUDC, is currently required for a wide variety of application types within the Chapter. This type of notice is a primary source of conflict between different sections of the Chapter. Staff will be working with legal to limit this type of notice to use applications until the use table and standards can be fully reviewed. Currently, ADIN noticing is required for several types of administrative subdivisions, this is unnecessarily burdensome on applicants and adds time to the process, which is not conducive to the purpose of an administrative review process, especially on technical applications. As an example, staff provided ADIN notice on all six of Haymeadow's Condominium/Townhouse plats and did not receive any public comment on those applications.

Questions for Council/Commission:

- At what threshold does Council/Commission wish to review the number of residential units for residential-only developments and mixed-use developments?
- Does the Council/Commission want to consider allowing development applications within PUDs to follow the same criteria and thresholds for Development Plans as applications within the rest of Town?
- Should staff reconsider which application types receive the ADIN or consider removing that notice altogether for certain application types?

Creation of Administrative Manual

Staff is working on developing an Administrative Manual for the LUDC. This manual will live outside of the LUDC and will include items such as checklists and an overview of the review processes which should aid in enhancing understanding of the LUDC and how land use processes work. This document is meant to serve both staff and the public with an overall goal of improving transparency and communication.

Staff has researched and found examples from Parker, CO, Leland, NC, and Rio Rancho, NM. These communities' examples were sent to the Economic Vitality Committee (EVC) prior to their November 14, 2024 meeting so that staff and the EVC could have discussions on the idea of this Administrative Manual.

Staff presented the concept at a high level to the EVC at their November 14, 2024 meeting and the EVC was receptive to the idea and appreciated the example communities provided. The EVC provided the following ideas for the Administrative Manual with hopes of making it as easy to navigate as possible while still achieving the intended goal:

- Try to keep as short as possible;
- Include flowcharts and checklists with minimal text;
- Add active hyperlinks to relevant sections of ReCode;
- Do not repeat or copy/paste from ReCode;
- Consider different versions based on type or scope of development;

- Create an easy-to-use webpage with definitions, FAQs, and a point of contact; and
- Create a means for an applicant to quickly determine the difficulty of getting to a “yes” or a “no”.

After this discussion, staff advised the EVC that a draft of the Manual would be brought before them again for additional input and revisions. The EVC also recommended taking the document to the community for additional review and comments prior to the final Administrative Manual being adopted. Staff is also going to reach out to these aforementioned communities to gauge what has or has not worked with their websites and manuals.

Questions for Council/Commission:

- Prior to bringing the Administrative Manual through the approval process, are there other stakeholders that staff should seek input from?

Broadway District Standards

Staff is seeking direction for design standards within the Broadway District. Currently, Section 4.10.050.C.1 [\[LINK\]](#) of the LUDC asks applicants to demonstrate how their proposal is similar to other Western Slope Mountain communities, such as Telluride, Crested Butte, or Breckenridge. The LUDC also states that with these precedents in mind, the buildings are not tied to a strict period replication. Without clear standards, this section of the LUDC becomes quite subjective and is difficult to enforce. These communities are drastically different from one another. Additionally, they can be upwards of two hours away from Eagle, making it difficult to obtain precedent photos to include as part of a submission or application.

Elevate Eagle, the Town’s Comprehensive Plan, speaks to supporting Broadway Street as the heart of the community through the following Policy and Goal:

Policy 2-1.5 Encourage sensitive infill development to better support Broadway Street through increased building height, that compliments and retains the character, scale, and massing of historic structures.

Goal 2-2 Reinforce Broadway Street as the heart of the community, from the Eagle River to Town Park.

The character of Broadway is defined by a small-town main street feel and includes the commercial heart of the community. Historic resources should be preserved, and new development should reflect historic development patterns, character, and style.

Additionally, within *Elevate Eagle*, there are numerous actions which aim to assist staff in achieving the goals and policies contained within. Staff identified the following Actions that could be used to support enhanced Broadway District Standards; however, staff would like direction on if these actions are still applicable or if updates are needed to achieve the desired vision for the Broadway District.

Action 2.12 Create design standards that aim to identify key characteristics to preserve and enhance key areas of Eagle including Downtown, the Eagle River Corridor, and the US Highway 6 Corridor.

Action 2.13 Balance the need to preserve historically significant structures when considering redevelopment opportunities through the creation of a historic building inventory and preservation report.

Action 2.21 Identify, document, and work to preserve historic sites and structures through local, state, and national designation in collaboration with ECHS, and Colorado History Center.

There has been an uptick in development interest within the Broadway District, utilizing a more modern style of architecture which does not seem to incorporate historic elements or reflect a similar massing to the historic nature of the District. This disconnect has put staff in a precarious position regarding how to move forward with new development. With direction and input from the Council and Commission, staff will be able to draft design standards that provide clarity for these proposed developments going forward.

Questions for Council/Commission:

- What historic design elements are important to carry forward in the LUDC?
- Is there an interest in modern design that captures historic design elements or would the Council like to see design standards that result in a replication of historic design?

Employee Dwelling Units

Currently, the LUDC does not include standards for Employee Dwelling Units. Staff included proposed standards in Ordinance No. 8, Series 24 [\[LINK\]](#) for consideration at the October 8, 2024 Town Council meeting; however, Town Council pulled the item from the ordinance and provided direction to conduct additional research on standards.

The Comprehensive Plan includes a policy limiting residential on Chambers Avenue to workforce housing supporting on-site commercial and industrial uses. When staff drafted the standards for Employee Dwelling Units through Ordinance 8, it was with the intent of preventing mixed-use development where the residential uses are not limited to on-site workforce housing. Ordinance 8 had not considered the application of this use in East Eagle.

Through additional research of Employee Dwelling Units, staff believe there should be separate development standards created to account for the different conditions of Chambers Avenue and the future East Eagle development. Along Chambers Avenue, the zoning is largely comprised of the Commercial General District and the Light Industrial District where the East Eagle area is currently zoned as Commercial General East and Commercial Interchange. The value in applying different standards to Chambers Avenue and East Eagle is the current build-out of each area and ability to provide residential amenities to the employees living within the units.

Staff has included standards from Basalt, Durango, and Steamboat Springs in the table below and wishes to discuss these standards and seek direction on how to create standards for the Town. These standards should ensure a safe and healthy quality of life for residents while being appropriately located on a site, and adequately addressing the different conditions of Chambers Avenue versus East Eagle.

Community	Sq. footage	Standards
Basalt	415-1585 sq ft	- No cap on number of units - Attached to commercial development w/a separate entrance; or Detached but on same lot. - Deed restriction on occupancy
Durango	No sq footage standard	- City discretion on number of units per property SUP for mixed use districts, some commercial districts, CBD if - Units are accessory to business use; - Only be occupied by an employee or employees of the business; and - May include members of the employee's family through review and the payment of associated fees. May be allowed in Business Park & Light Industrial if: - Meet above criteria; - Not located next to existing use that has extensive outdoor operations and storage; and - If next to property with limited outdoor operations or storage, a 30% bufferyard is required.
Steamboat Springs	< 1,000 sq ft	- No cap on number of units - Not within pedestrian-active building frontage. - Industrial district- workforce units not on ground story. - Deed restriction on occupancy
10/8/24 ToE Staff Proposed Standards		- One employee dwelling unit per lot - Located on same lot as nonresidential use providing employee housing - Separate exterior access - Minimum one dedicated off-street parking space - Deed restriction requiring the unit be occupied by an employee serving the principal use

Durango includes restrictions for on-site employee dwelling units based on surrounding uses. Below is a list of uses from Eagle's Use Table to help determine where to potentially restrict employee dwelling units based on adjacent uses or possible adjacent uses:

Table 4.09-1: Primary Use Table				
Uses	CG	IND	CGE	CI
Shooting/Archery Range, indoors	S	S	S	-
Funeral Home/Crematorium	C	C	C	C
Research Facility	A	A	A	A
Urgent Care Facility	A	C	A	A
Utility Substation	C	A	C	C
Kennel Board Facility/Pet Daycare	A	P	A	A
Lumberyard	M	P	M	C
Outdoor Storage	A	A	A	-
Self-Storage/Mini-Storage	C	C	C	-
Sexually Oriented Business	-	C	-	-
Veterinarian, outdoor/kennel	A	P	A	-
Asphalt or Concrete Plant	-	S	-	-
Bulk Storage of Hazardous Materials	-	S	-	-
Contractor's Shop, indoors	P	P	P	P
Contractor's Yard, outdoor storage	A	A	A	-
Equipment Rental/Sales	C	A	C	-
Machine Shop/Welding/Carpentry, indoors	M	P	M	-
Manufacturing and Assembly, heavy	-	M	-	-
Manufacturing and Assembly, light	M	M	M	-
Mineral Extraction and Processing	-	S	-	-
Motor Freight Depot/Rail Transfer Yard	S	S	S	-
Salvage/Wrecking Yard	S	A	S	-
Sawmill/Forestry Product Processing	S	A	S	-
Warehouse	P	P	P	P
Wholesale Assembly	M	M	M	-
Wholesale Warehouse/Distribution Center	M	M	M	-
Marijuana, medical retail, optional cultivation premises / recreational, cultivation facility	S	S	-	-
Marijuana, medical / recreational, infused products manufacturer/retail	S	S	-	-
Marijuana, recreational, products manufacturing facility	S	S	-	-

Questions for Council/Commission:

- What standards should be applied so the Employee Dwelling Unit is limited to on-site workforce housing?
- Where there may be several employee dwelling units serving a single employer, should residential amenities be required?
- Does the Council/Commission want to consider limiting Employee Dwelling Units based on surrounding uses as depicting in the condensed Use Table above?

COMMUNITY INPUT:

Staff will be engaging the Economic Vitality Committee again once a draft of the Administrative Manual is ready for review to gather their feedback. The community will also have the ability to provide public comment during the Planning & Zoning Commission and Town Council hearings.

Questions for Council/Commission:

- Prior to the Planning & Zoning Commission and Town Council, should staff schedule outreach efforts with additional community members or any additional stakeholders on the proposed amendments?

BUDGET / STAFF IMPACT:

The estimated cost of this update to the LUDC is approximately \$15,000. There are currently funds in the 2024 budget that staff intends to spend towards this overall budget.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

The LUDC amendments support the following major objective within the Town's Strategic Plan:

- *Improve Community Responsive Services.* This amendment to the LUDC aims to correct omissions, minor conflicts, and enhance clarity, supporting the Town's goal of being responsive to the community through thoughtful growth and development.

RECOMMENDED ACTION OR PROPOSED MOTION:

Staff is seeking direction on the previously described matters, so there is no motion or recommended action on this agenda item.

ATTACHMENTS:

Chapter 4.17 – Administration and Procedures [\[LINK\]](#)

Section 4.10.050 – Mixed-Use and Commercial Structure and Site Design Standards [\[LINK\]](#)

Section 4.10.050.C.1 are specific standards for the Broadway District.

October 8, 2024 Council Minutes [\[LINK\]](#)

Ordinance No. 8, Series 2024 [\[LINK\]](#)