



**Planning & Zoning Commission
Tuesday, February 18, 2025, 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.

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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.

REGULAR MEETING CALLED TO ORDER

APPROVAL OF MINUTES *Approval of minutes from the following meeting(s) of the Planning & Zoning Commission.*

1. Minutes dated February 04, 2025

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: Reserve at Hockett Gulch Phase 1B and Phase 2
File # DR24-01
Applicant: Hockett Gulch II, LLC
Location 16186 Highway 6
Staff Contact: Peyton Heitzman, Community Development Director
Request: Major Development Plan to construct 255 multifamily units, 28 townhome rental units, a clubhouse, and maintenance building. Forty-five percent (45%) of the units proposed include a deed restriction requiring local residency.

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. Community Development 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
Tuesday, February 04, 2025 6:00 PM
Public Meeting Room / Eagle Town Hall
200 Broadway, Eagle, CO 81631

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PUBLIC WIFI – Eagle Guest

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

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

6:07 PM - REGULAR MEETING CALLED TO ORDER

Chair Hood called the meeting to order at 6:07 PM.

COMMISSIONERS PRESENT

Matt Hood, Bill Nutkins (via Teams),
Jennifer Sturgeon (via Teams), Keith Klesner (via Teams)

STAFF

Peyton Heitzman – Community Development Dir.
Sydney Dynek - Planner
Kyle Brotherton – Planner
Denise Cardoza - Admin

COMMISSIONERS ABSENT

Keith Montag, Keegan Winkeller, Weston Arbogast

APPROVAL OF MINUTES

1. Minutes dated January 06, 2025

The minutes were approved without change.

PUBLIC COMMENT

Hood opened public comment. There was no public comment.

PUBLIC HEARINGS

1. Project: Reserve at Hockett Gulch Phase 1B and Phase 2
File # DR24-01
Applicant: Hockett Gulch II, LLC Location 16186 Highway 6
Staff Contact: Peyton Heitzman, Community Development Director
Request: Major Development Plan to construct 255 multifamily units, 28 townhome rental units, a clubhouse, and maintenance building. Forty-five percent (45%) of the units proposed include a deed restriction requiring local residency.

Hood opened File DR24-01.

Staff is requesting an additional time and that the Commission consider continuance of the file to allow the applicant more time to work towards code compliance and that the file be continued to February 18th.

Chair Hood requested clarification on if the applicant was aware and supportive of this recommendation.

Staff confirmed the applicant was aware and comfortable with the recommendation of staff.

MOTION

Commissioner Nutkins: I move to continue file DR24-01.

Commissioner Sturgeon seconded

All in favor none opposed. Motion carries.

Commissioner Nutkins: Motion amended to move the meeting to Feb 18th

Commissioner Klesner: Seconded

All in favor, none opposed

Motion Carries

Hood closed file# DR-24-01.

OPEN DISCUSSION

Chair hood requested more information of the Planning and Zoning commissioner recruitment

ADJOURN

Commissioner Klesner motioned to adjourn. Motion was seconded and passed unanimously.

MEETING ADJOURNED AT 6:12 PM.



STAFF REPORT AND CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Community Development Department

DATE: February 18, 2025

PROJECT: Reserve at Hockett Gulch Phase 1B and Phase 2

REQUEST: Major Development Plan approval to construct 255 multifamily units, 28 townhome rental units, a clubhouse, and maintenance building. Forty-five percent (45%) of the units proposed include a deed restriction requiring local residency; and

FILE NUMBERS: DR24-01

APPLICANT: Hockett Gulch II, LLC
359 Carolina Avenue
Winter Park, FL 32789-3145

APPLICANT REP: Norris Design
409 E Main St., Suite 207
Frisco, CO 80443

LOCATION: 16186 Highway 6
Eagle, Colorado 81631
Parcel Numbers: 210905307005 and 210905307006

CODE: Chapter 4.02 Zone Districts General Standards
Chapter 4.08 Planned Unit Development
Chapter 4.10 Site Layout and Structure Design Standards
Chapter 4.11 Landscaping, Screening and Fencing Standards
Chapter 4.12 Parking and Loading Standards
Chapter 4.13 Outdoor Lighting
Chapter 4.12 Sustainability, Resilience and Hazards
Chapter 4.17 Administration and Procedures

ZONING: Planned Unit Development (PUD) Zone District

EXHIBITS:	A: Narrative Changes and Response to Comments (LINK)
	B: Revised Overall Development Plan (LINK)
	C: Revised Architectural Design Plan (LINK)
	D: Revised Landscape Plan (LINK)
	E: Revised Irrigation Plan (LINK)
	F: Landscape Cost Estimate – No Changes (LINK)
	G: Revised Parking Plan (LINK)
	H: Parking Phasing Plan (LINK)
	I: Site, Utility, and Grading Plan – No Changes (LINK)
	J: Phase II Drainage Report – No Changes (LINK)
	K: Revised Wildlife Conservation Plan (LINK)
	L: Easement Exhibit A (LINK)
	M: Black Hills Energy Non-Conforming Exhibit (LINK)
	N: Hockett Gulch ALTA Phase 1A (LINK)
	O: Resolution No. 01, Series 2025, Recommending Approval of a Major Development Permit for Reserve at Hockett Gulch Phase 1B and Phase 2

PUBLIC COMMENT: Staff has received 0 letters of public comment as of February 14, 2025. Letters received after this time will be gathered and entered into the public record at the hearing.

STAFF: Peyton Heitzman, Community Development Director - peyton.heizman@townofeagle.org
 Carrie McCool, Eagle Contract Planner - carrie@mccooldevelopment.com

INTRODUCTION

Norris Design, on behalf of Hockett Gulch II, LLC, has submitted concurrent applications for a Major Development Plan and Minor PUD Amendment within the Hockett Gulch Planned Unit Development.

The property is located within planning areas HD/PUD-2 and HD/PUD-3 of the Reserve at Hockett Gulch Planned Unit Development (PUD), which was approved in 2019. The development plan proposes the construction of 283 rental units, consisting of 255 multifamily units across six buildings and 28 townhome units within four buildings. This final phase of the Reserve at Hockett Gulch also includes a clubhouse, maintenance building, and approximately 2 acres of common open space and amenities. Forty-five percent (45%) of the proposed units are subject to a deed restriction requiring local residency. Site access is provided via two entrances off Mt. Powell Road, which connects to Highway 6 and Sylvan Lake Road. Internal site circulation is facilitated through private drives.



The proposed Minor PUD Amendment consists of a request to amend the First Amended Reserve at Hockett Gulch PUD Guide to permit the minimum drive aisle/street centerline radius to be below 150 feet or as otherwise approved by the Greater Eagle Fire Protection District. Staff has reviewed the application and believes the request meets the review criteria. The request will receive Director approval when the Major Development Permit is approved.

BACKGROUND

The applications were heard before the Planning and Zoning Commission on January 7, 2025. During the meeting, the public hearing for this project was continued to February 4, 2025, to allow the applicant more time demonstrate conformance with the Land use and Development Code and the PUD Guide. The February 4th public hearing was continued to February 18th to allow staff adequate time to address project compliance.

The applicant submitted a revised application on February 7, 2025. This staff report contains analysis and recommendations stemming from the February 7th resubmittal and outstanding code compliance issues that were not previously addressed. The staff report from the January 7th public hearing can be found here ([LINK](#)).

PUBLIC COMMENT

One member of the public, Corky expressed concerns regarding the lack of perimeter fencing on his property to prevent trespassing and wildlife from entering their property. Following the hearing, staff met with the adjacent landowner to further discuss their concerns related to the Major Development Plan application. Topics of discussion included the landowner's request for the Reserve at Hockett Gulch ownership to install perimeter fencing and dedicate an easement to establish access to his property.

Staff subsequently met with Reserve at Hockett Gulch ownership on February 3, 2025, to relay the adjacent landowner's requests and concerns.

ISSUES FOR DISCUSSION

1. Has the development plan sufficiently mitigated negative impacts to wildlife in the area?
2. Would the introduction of a distinct variation in color on the townhome units that are identical enhance contrast and provide the necessary visual relief to distinguish individual units, aligning with Section 4.10.040(B)(2)(b) of the Code?
3. Does the Commission have concerns about the compact car spaces provided in the driveways of the end unit townhomes?

STANDARDS FOR MAJOR DEVELOPMENT PLAN REVIEW

The purpose of development plan review is to determine if a proposed development complies with this LUDC, the comprehensive plan, and other applicable regulations. An application for a Major Development Plan shall follow the review procedures outlined in Section 4.17.080 (C) of the Land Use and Development Code.

STANDARD #1: *The development plan is consistent with all applicable standards of this LUDC.*

The Reserve at Hockett Gulch PUD Guide serves as the governing land use regulations which will control the orderly development of the Reserve of Hockett Gulch PUD. The PUD Guide defers to compliance with Section 4.07 Development Standards of the 2023 Municipal Code and “the Code” in some cases. Additionally, it states that any specific provision of the PUD Guide supersedes the Code; however, where the PUD is silent to any provision, the Code shall apply. Staff reviewed the development application against the relevant Town regulations in Title 4 – Land Use and Development Code (“Code”). Applicable Chapters from the Code include:

- 1) Zone Districts General Standards – Chapter 4.02
- 2) Site Layout and Structure Design Standards – Chapter 4.10
- 3) Landscaping, Screening and Fencing Standards – Chapter 4.11
- 4) Parking and Loading Standards – Chapter 4.12
- 5) Outdoor Lighting – Chapter 4.13
- 6) Sustainability, Resilience and Hazards – Chapter 4.12
- 7) Administration and Procedures – Chapter 4.17

SITE LAYOUT AND STRUCTURE DESIGN

Building and Facility Placement – Section 4.10.030(A)(2)(c)

Trash receptacles are provided throughout within fully enclosed trash enclosures as depicted on the Development Plan Map. In order to find the trash enclosures in Phase 1B and 2 are wildlife resistant, the trash enclosure within the Architectural Design Plan (sheet 4.00E) needs to provide elevations of all four sides of the trash enclosure. It was also noted that a drop bar or sturdy latch that can be locked needs to be installed on the front gates of each trash enclosure to ensure it is adequately bear-proofed. Staff recommended that sheet 4.00E of the Architectural Design Plan be revised to address Colorado Parks and Wildlife (CPW) concerns with the trash enclosures how retrofitted in Reserve at Hockett Gulch Phase 1A.

The January 14th Architectural Design Plan resubmittal included 4-sided elevations of the trash enclosure and depicted a hasp latch on the front gate. Additionally, a note specified that a combination padlock, approved by the waste removal company, would be utilized with the hasp latch. A 6-inch gap at the bottom of the enclosure was also depicted. Because Colorado Parks and Wildlife (CPW) was not provided the standard 30 day referral period, staff meet with CPW to obtain input regarding the revised proposal. CPW noted concerns about the sturdiness of the hasp latch and proposed 6-inch gap as trash will inevitably fall on the ground/floor and attract bears. Bears will put their paws under the gap and pull the door off. As such, CPW continued to recommend a roll-down door that is sealed to the ground to ensure the trash enclosure is adequately bear-proofed.



Staff relayed CPW’s feedback in the January 31, 2025, review comments. Said review comment was discussed at a virtual meeting with the applicant Team on February 3, 2025, wherein the applicant stated the lowest clearance they could go was 3-4 inches, but any less would prohibit waste removal as the door would be blocked from pavement and snow. At the same meeting,

staff recommended the applicant consult with their wildlife consultant to formulate recommendations on the adequacy of bear-proofing of the trash enclosures within the Wildlife Conservation Plan. The February 10, 2025, Wildlife Conservation Plan refuse recommendations remain unchanged from the January 10, 2025 version.

The revised Architecture Design Plan shows a 2-inch maximum gap on the front of the steel doors with a hasp latch. Based on feedback from CPW on February 11, 2025 meeting, CPW did not raise objections with the proposed 2-inch gap for ventilation openings; however remained concerned about the sturdiness of the hasp latch and the steel rods with anchors to the ground. CPW recommended that the door be fortified with a drop bar to provide sufficient strength to prevent access by wildlife.

Condition of Approval:

- Revise the Architectural Design Plan to include 4-sided elevations of the trash enclosure and provide depicts and provide a detail of a drop bar or sturdy latch that can be locked on the front gates of each trash enclosure to ensure it is adequately bear-proofed.
- Condition of approval partially addressed.

New Condition of Approval:

- Revise the trash enclosure elevation to depict a drop bar on the front gate of each trash enclosure and provide a detail of a drop bar on Sheet MDP-4.00E of the Architectural Design Plan.

The building elevations depict electrical and utility boxes and facilities that are prominently visible on nearly all façades, negatively impacting the overall aesthetic quality of the buildings. Staff recommended that the Architectural Design Plan be revised to ensure that all electrical and utility boxes are depicted on the applicable plan sheet and that they are screened from public view, in accordance with the requirements outlined in Section 4.10.30(A)(2)(d) of the Code. Additionally, said screening methods and specifications need to be included in the materials and color palettes, building elevations within the Architectural Design Plan and/or shown on the landscape plans as applicable.

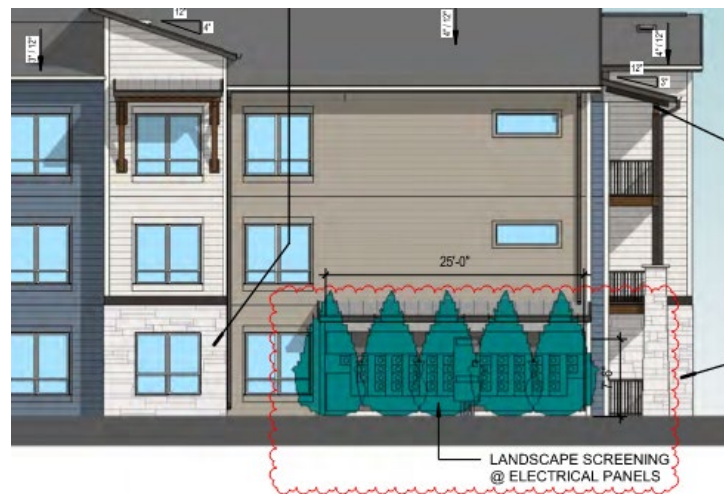
The January 14th submittal proposed screening of electrical utility boxes with landscaping as shown in the image below.



Based on the elevations, the proposed landscaping did not appear to screen the electrical utility boxes from public view as required by Section 4.10.30(A)(2)(d) of the Code. As such, staff requested that dimensions of all electrical, utility boxes and facility on the building elevations along with proposed physical screening on all applicable building elevations.

The applicant responded that mechanical equipment details are not available at this time and typically aren't available until the time of building permit and noted that Eagle ReCode Sec. 4.11.060.C clearly states that vegetation is an acceptable form of screening. All of the utilities will be screened and plans can be updated at a future date once final equipment details are available.

The February 7th, building elevations depict the proposed screening of electrical utility boxes with landscaping with more substantial trees drawn in at a larger size, as shown in the image below.



While plant materials such as trees may be an acceptable material for screening, staff remains concerned that the proposed landscaping would not completely screen the electrical utility boxes from public view. The Landscape Plan does not label the electrical utility box locations, resulting in difficulty in figuring out what type of trees are proposed for said screening. The utility boxes are 7'-6" high, ranging in width between 20 feet to 25 feet. The Landscape Plan plant schedule indicates that evergreen trees are 6' in height, which would not be tall enough to screen the utility boxes for some time. Oftentimes, trees die and require replacement. In those instances, the utility boxes would not be screened from view.

Considering the number of utility boxes, staff continues to recommend physical screening. If trees are found to be an appropriate screening method, staff recommends that all utility box locations be depicted on the Landscape Plan with the proposed tree species and requirements for sizes at the time of planting to ensure the trees screen the utility boxes from public view.

Condition of Approval:

- Revise the Architectural Design Plan to depict that all electrical and other utility boxes and facilities are screened from public view as required by Section 4.10.30(A)(2)(d) of the Code.
- Condition of approval partially addressed.

Revised Condition of Approval:

- Revise the Landscape Plan to label the locations of all electrical and other utility boxes and facilities and identify the proposed tree species and requirements for sizes at the time of planting for approval by the Director.

Attached and Multifamily Sites and Structures Exterior Appearance Standards - Section 4.10.040(B)(2)

Townhomes

The revised townhome elevations successfully integrate eight distinct design elements, including variations in balconies, overhangs, covered patios, window arrangements, door openings, materials, building height, and roof forms. While these elements contribute to an overall diverse façade, the repetition of three unit types along the elevation remains a concern. For example, in Building 12, while Units C and G introduce variation, they are identical to each other. As a result, while the façade meets the required differentiation, the repetition does not fully delineate individual units per the façade articulation standards. A cost-effective approach to address this without modifying the design is to introduce a distinct variation in colors for units that are identical.

A proposed solution could be as simple as maintaining Units A, E, and H in Windfresh White (white), as they already exhibit sufficient differentiation from one another and from the other unit types. Unit C could remain Fawn Brindle (light beige), while Unit G could be Waterloo (blue). Units D and F could remain Red Barn (red), while Unit B becomes Waterloo (blue).

This approach would enhance contrast and provide the necessary visual relief to distinguish individual units, aligning with Section 4.10.040(B)(2)(b) of the Code.

New Condition of Approval:

- Revise the townhome building elevations to introduce a distinct variation in colors for units that are identical.

Staff remains concerned with Code compliance related to roof line breaks. Roof lines greater than 50 feet shall have varying roof orientation as required by Section 4.10.040(B)(2)(g) of the Code. The drawings continue to lack dimension, and therefore, compliance cannot be determined.

The applicant indicated in their February 7th narrative response to staff comments, that “per conversation on 2/4/25 and agreement made between the development team and town staff, materials were changed but dimensions have not been added. Breaks are defined as breaks in the eave line not the ridge line, upon clarification on 2/4/25 and designs meet code.” The only meeting staff had with the development team occurred on February 3. Staff’s recollection of the meeting involved sharing the definition of roofline with the development team.

The Code defines roofline as the highest point of a flat roof and mansard roof and the top edge of a pitched roof or parapet, excluding any cupolas, chimneys, or other minor projections. The Project Architect voiced concerns about being able to dimension roof breaks on the building elevations. All agreed to set up an alternative time to meet to discuss; however, that meeting

has not occurred. Staff remains committed to working with the Project Architect to review and resolve Community Development redlined comments on the Architectural Design Plan.

Concrete Masonry Units (CMU) have been removed from the east and west elevations in compliance with Section 4.10.030 (C)(1) of the Code.

Multifamily buildings

The only remaining outstanding issue to resolve on the multifamily buildings is Code compliance related to roof line breaks. Staff remains committed to working with the Project Architect to review and resolve Community Development redlined comments on the Architectural Design Plan.

New Condition of Approval:

- Revise the townhome and multifamily building elevations to show roof lines greater than 50 feet have varying roof orientation as required by Section 4.10.040(B)(2)(g) of the Code.

Accessory Structures

Accessory structures within Phases 1B and 2 include the clubhouse, maintenance building, storage units, and carports.

The clubhouse and maintenance building were designed with similar details, materials, and design elements of the apartment buildings (complies with Section 4.10.040(B)(5)(a).

Bulk storage – The revised Architectural Design Plan contains a separate sheet showing bulk storage with square footages provided to demonstrate compliance with Section 4.10.040(B)(5)(b)(i).

Carports – Staff has raised concerns regarding the lack of architectural drawings/renderings to demonstrate compliance with Section 4.10.040(B)(5) of the Code. At the February 3rd, meeting with the applicant team, it was stated that the carport design mirrors what was constructed in Phase 1A. As such, staff agreed the carport plan sheet format was acceptable.

LANDSCAPING, SCREENING AND FENCING STANDARDS

Minimum Plant Specifications – Section 4.11.030(B).

The revised Landscape Plan shows that the 23 Rocky Mountain Maple and 6 Russian Hawthorn ornamental trees sizes were increased in size to 3-inch caliper to resolve Condition of Approval 4.

Condition of Approval:

- Increase the tree caliper size of the 23 Rocky Mountain Maple and 6 Russian Hawthorn ornamental trees to 3-inch caliper.
- Conditions has been addressed.

Installation – Section – 4.11.030(E).

Plant materials shall be installed prior to issuance of a Certificate of Occupancy, unless the Director approves a temporary delay of installation until the planting season with a required Performance Guarantee. All references to the issuance of a Temporary Certificate of Occupancy on the Phasing Plan must be removed.

Screening – Section 4.11.060

Ground mounted mechanical equipment is proposed to be screened by Concord wood privacy fencing that is manufactured by Enclo Screens or approved equal. The details of screening are listed in the amenity schedule but no manufacturer specifications are provided other than they are natural wood. As such, staff is unable to evaluate whether the screening is constructed from a durable material suited to the Town's climate, will require low maintenance, or will be completely opaque through which it is not possible to see any portion or silhouette of the equipment being screened. As such, staff recommended the manufacturer specifications be provided along with a product sample for town review.

Instead of submitting a product sample of the screening for town review, the applicant team notified staff that a product sample is available on site on Phase 1A for review. Upon staff's on-site review, the proposed Enclo Screens are sufficient; however, it recommended that the wood be painted and protection added.

Condition of Approval:

- Revise the Landscape Plan to include the manufacturer specifications for the proposed screening of ground-mounted mechanical equipment and submit a product sample for town review.
- Condition partially addressed.

New Condition of Approval:

- Revise the Landscape Plan to include the manufacturer specifications for the proposed screening of ground-mounted mechanical equipment and clearly indicate that the wood is to be painted and coated with added protection.

Fencing – Section 4.11.070(F).

The proposed development falls within a variety of CPW mapped species habitat, including mule deer winter range along the western edge of the proposed development. At the time of the approvals for Phase 1A, a PUD amendment was approved to eliminate the required perimeter soft path through HD/PUD-3 due to the adverse impacts on migration patterns of deer and elk populations as well as increased number of elk strikes that occurred along Grand Avenue. Additionally, wildlife fencing was depicted, and a note was placed on the Phase 1A plan set that stated that optional wildlife fencing is to be installed along Grand Avenue when neighboring property owners, the Town of Eagle, and CPW devise a final fencing plan.

Future wildlife fencing along Grand Avenue is a critical component of wildlife life impact mitigation measures. Since the future wildlife fencing would be located within Phase 1B and 2, staff recommended Condition of Approval 6 to revise the Landscape Plan and Development Plan

Map to depict and note the future wildlife fencing along Grand Avenue to be installed when neighboring property owners, the Town of Eagle, and CPW devise a final fencing plan.

The January 14th Development Plan Map was not revised to depict and note the future wildlife fencing along Grand Avenue to be installed when neighboring property owners, the Town of Eagle, and CPW devise a final fencing plan. While the future wildlife fencing note was added to the Landscape Plan, it did not show the full length of the wildlife fencing as depicted on the Phase 1A Development Plan. The January 31st, staff comment letter highlighted these deficiencies and also noted the Wildlife Conservation Plan needed to address and formulate recommendations for design, timing, etc., of the Grand Avenue future wildlife fencing and fencing commitments from Phase 1A should have been acknowledged/addressed and include recommendations as to whether modification would be recommended based on site specific analysis. Said recommendations and input from Colorado Parks and Wildlife will inform the language regarding construction commitments that will be included in the Development Agreement.

The February 7th Development Plan map depicts “potential future fencing” along Grand Avenue frontage. The Landscape depicts “optional wildlife fencing to be installed when neighboring property owners, Town of Eagle, and Colorado Parks of Wildlife devise a final fencing plan,” while a note is added that states “Locations of various types of fencing, as deemed necessary, will be coordinated with Colorado Parks and Wildlife and the Town of Eagle prior to construction and installation.” The applicant’s written response to indicated that fencing is no longer proposed as part of this project, and there are no plans for fencing along Grand Avenue. The Wildlife Conservation Plan, dated February 10th did not address or provide recommendations regarding the design, timing, or implementation of future wildlife fencing along Grand Avenue other than to say that CPW has expressed interest in initial discussions to divert wildlife under US-6 through the use of wildlife culverts and/or underpasses as future potential mitigation options. Additionally, it did not acknowledge the wildlife fencing commitments established in Phase 1A or include recommendations as to whether modification would be recommended based on site specific analysis.

The applicant’s written response to comments indicated that “should Colorado Parks and Wildlife or the Town require fencing in the future, the developer is willing to add it. Notes have been added to the Development Plan Map and Landscape Plan, noting where the optional/potential wildlife fencing could go at a later date. The applicant states that a note can go in the development agreement that the Developer will make land available and contribute towards costs for wildlife fencing on the property or OS-1 at a future date if Colorado Parks and Wildlife to Town of Eagle and neighboring landowners have a combined solution. That is all the applicant is willing to commit to doing and noted the comprehensive wildlife fencing plan may be 5+ years down the road and requires multiple parties to cooperate, not just their site.”

Considering the Wildlife Conservation Plan did not address wildlife fencing and the plans have conflicting and vague commitments in the form of notes from the Developer, staff met with CPW on February 11th to discuss how to achieve the ultimate goal of respecting elk and deer movements as witnessed by CPW and get them from the western boundary of the Phase 1B and 2 property, to where Brush Creek goes under the bridge so they can bed down at the Brush Creek Confluence open space. Wildlife fencing along Grand Avenue and potentially along the western boundary of Lot 3 is critical to meet that end goal while also mitigating the amount of vehicle collisions with wildlife occurring on Grand Avenue.

Staff continues to recommend that a final Wildlife Fencing Plan be developed in coordination with the Developer, the Town of Eagle, neighboring property owners, and Colorado Parks and

Wildlife to prevent wildlife /vehicle collisions. The subsequent Development Agreement will set forth the Developers' obligations to participate in the design and commitments to construct wildlife fencing upon the Town's approval of a final Wildlife Fencing Plan.

Condition of Approval:

- Revise the Landscape Plan and Development Plan Map to depict and note the future wildlife fencing along Grand Avenue to be installed when neighboring property owners, the Town of Eagle, and CPW devise a final fencing plan.
- Condition not addressed.

Revised Condition of Approval:

- Revise the Landscape Plan and Development Plan Map to remove references to "potential" or "optional" future wildlife fencing.
- Remove Note 1 on Landscape Sheet LP-001 and replace with future wildlife fencing notes outlining Developer's obligations to participate in the design and commitment to construct wildlife fencing upon the Town's approval of a final Wildlife Fencing Plan as outlined in the Development Agreement.

Split rail fencing was originally proposed, and staff raised concerns about its lack of compliance with CPW's "Fencing with Wildlife in Mind" publication. The January 14th resubmittal addressed staff comments, with the exception of providing information on how slopes were considered in developing the fence detail. The February 7th resubmittal removed all split rail fencing, and condition of approval 7 has been removed.

In CPW's second round of review comments, it was noted that during the first phase of development, a high security perimeter chain-link fence was installed. The fence was impossible to wildlife and on several separate occasions, it trapped deer and elk inside the development area. As such, CPW noted that ensuring all gates are properly closed after a final site inspection to determine no wildlife is trapped inside before construction crews leave the site will prevent this during future development and referred the applicant to the "Fencing with Wildlife in Mind" publication and ensure that any new perimeter fencing, if deemed necessary, is in compliance with the standards outlined in that publication. The applicant responded that the General Contractor will create a new policy in their construction management for Phase 1B and 2 that ensures gaps do not exist in the fencing areas and that all gates are properly closed. Ownership will install cameras across the site to monitor the compliance with fencing and gates. Any permanent fencing will follow CPW guidelines.

Staff recommends that all fencing details and requirements, in accordance with CPW's site specific recommendations and outline perimeter fencing, construction management requirements and measures to protect wildlife in the Development Agreement for Phases 1B and 2.

The revised Landscape Plan includes a note that is limited to the general contractor installing a perimeter chain link fence in keeping with local regulations and OSHA requirements in all areas where active construction is occurring. It also states "the general contractor will ensure that gates remain closed during non-working hours to ensure safety and minimize wildlife entry. General contractor shall follow CPW "living with wildlife" recommendations including conducting inspections to ensure wildlife is not trapped within construction fencing." The Wildlife

Conservation Plan recommends that contactors should be notified of seasonal closures within the town-owned open space through the use of temporary signage and notification by the Town of Eagle Open Space Coordinator.

Staff continues to recommend that the Landscape Plan be revised to include all fencing details and requirements, in accordance with CPW's site specific recommendations and include perimeter fencing, construction management requirements and measures to protect wildlife in the Development Agreement for Phases 1B and 2

Condition of Approval:

- Revise the Landscape Plan to include all fencing details and requirements, in accordance with CPW's site specific recommendations and include perimeter fencing, construction management requirements and measures to protect wildlife in the Development Agreement for Phases 1B and 2.
- Condition not addressed.

PARKING AND LOADING STANDARDS

Parking Plan – Section 4.12.030

A Parking Plan depicting the required information was included in the resubmittal. Since snow storage is planned, the snow storage areas are shown on the parking plan, rather than the landscape in accordance with Section 4.12.030 (A) 7 of the Code. A total of 52,600 square feet of snow storage is provided across the development. The Parking Plan illustrates that the snow will not be pushed into or stored within the streets, designated open space, or parking spaces. Maintenance of all private improvements and specifically snow removal will be included in the subsequent Development Agreement.

ADA Accessible Parking – Section 4.12.050 (H)

There are 14 accessible parking spaces provided in accordance with the minimum requirements of the Americans with Disabilities Act (ADA). All spaces, including existing constructed spaces, have been dimensioned and reviewed for conformance.

Condition of Approval:

- Update the Phase 1A Parking As Built drawings to demonstrate that 1 van and 1 car accessible space have been constructed in accordance with the approved Phase 1A Parking Plan.
- Condition has been addressed.

EV Charging - Section 4.12.040 (I)

The Code requires that on-site electric vehicle charging stations be provided in compliance with the Colorado Model Electric Ready and Solar Ready Code as applicable to the Town. The Town adopted amendments to the 2021 International Energy Conservation Code ("adopted Energy Code") wherein the Parking Plan must demonstrate compliance accordingly.

The Building Official reviewed the updated Parking Plan and agreed that the application is now in compliance with the standards which are further outlined in the table below.

PHASE 1B & 2 EV PARKING TABLE									
UNIT TYPE	UNIT COUNT	EVSE SPACES REQ'D	EVSE SPACES PROVIDED	UCS SPACES REQ'D	UCS SPACES PROVIDED	EV READY SPACES REQ'D	EV READY SPACES PROVIDED	EV CAPABLE SPACES REQ'D	EV CAPABLE SPACES PROVIDED
MULTIFAMILY	255	13	13	4	4	26	26	102	102
TOWNHOME	28	-	28	-	-	28	*	-	-
CLUBHOUSE	-	1	1	-	-	-	-	-	3
TOTAL		14	42	4	4	54	26	102	105

*EVSE SPACES PROVIDED IN LIEU OF EV READY

Condition of Approval:

- Revise the Parking Plan to demonstrate compliance with the IECC requirements including:
 - a. Recalculate and reconfigure the EV parking requirements
 - b. Review the EV parking table to reflect the three different occupancy types.
 - c. Provide twenty-eight total EV spaces (1 EV ready space for each dwelling) to serve the townhome units.
 - d. Revise multi-family parking spaces provided (450) to comply with Table RD105.1 as well as the provisions in Section RD105.1.
 - e. Disperse EV spaces evenly throughout all parking areas.
 - f. Provide 25% of all EV charging stations to be Universal Charging Stations which are defined as parking spaces that are at least ten (10) feet wide with three (3) foot access aisles on each side.
 - g. Remove the Clubhouse from the multifamily calculations for EV parking and calculate as stand-alone parking for a commercial building.
- Condition has been addressed.

Bicycle Parking – Section 4.12.050

The bicycle parking design standards divide bike parking requirements into short-term and long-term installations with the amount of bike parking required based a per-bedroom calculation.

Short-term bicycle parking. According to the bed count table on the Parking Plan, there are 508 bedrooms throughout the development with 396 multifamily bedrooms and 112 townhome bedrooms. Short-term bicycle parking is provided through 23 bike racks distributed throughout the community, each bike rack can accommodate 2 bicycles. Based on the calculation in the table below, 46 short-term bicycle parking spaces are required and are being provided throughout Phase 1B and Phase 2. Locations of the short-term bicycle racks are shown in the Landscape Plans.

Short-Term Bicycle Parking			
# of Multifamily Bldgs	short-term bike parking spots required per bldg		
10	2		
# of Bedrooms in Phases 1B and 2	short-term bike parking spots required per bdrm		
508	0.05		25.4
Total short-term bike parking spots required:			46
Short-term bike parking spots provided:			46*
*23 bike racks are provided, with each rack providing 2 parking spots			

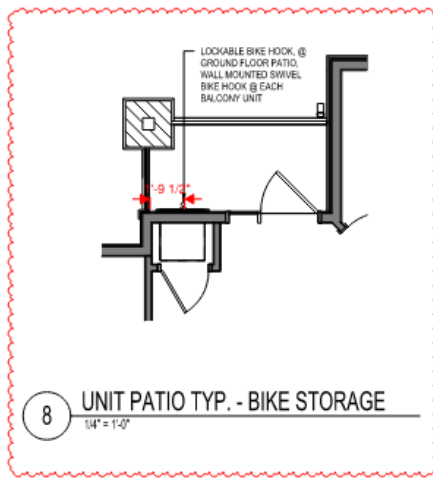
Long-term bicycle parking. The townhomes are considered multi-unit buildings as they contain three + dwelling units per structure and will have private garages. No long-term bicycle parking is required for dwelling units that provide private garages or appropriately sized locked storage units.

Multi-unit buildings with 3 or more dwelling units per structure without private garages or appropriately sized locked storage units for each unit must provide a minimum of 2 spaces per building plus a calculation of 0.5 spaces per bedroom for long-term bicycle parking. The Plans depict 11 exterior storage lockers and 83 interior designated and appropriately sized for long-term bicycle parking. The applicant provided staff with typical details for exterior storage units, interior storage units, and patios, as well as a rotating wall hook detail for the interior and exterior locked storage units and a locking wall hook for patio spaces on Architectural Plan sheet MDP-2.09. The applicant will be providing the same bicycle hooks as are shown for the interior and exterior storage units on 102 balconies. A locking hook will be provided on 51 first floor patios. The total provided long-term bicycle storage is 247, the applicant is required to provide 200 long-term bicycle storage spaces, resulting in an overage of 47 storage spaces, as reflected in the table below.

Storage Unit/Bike Storage Summary					
Direct MF Building, 396 bedrooms, requires 200 long term bike storage spaces					
Long Term Bike Storage Space					
	Exterior Storage	Interior Storage	Balcony	Patio	Total
Building 6	2	24	24	12	62
Building 7	1	6	12	6	25
Building 8	0	11	12	6	29
Building 9	4	24	24	12	64
Building 10	4	18	18	9	49
Building 11	0	0	12	6	18
Total	11	83	102	51	247

* Garage Units (Townhomes) exempt from calculation

Staff has reviewed the details of the hooks and interior dimensions of the proposed storage spaces and balconies. Staff used measurements of a 29" mountain bike to determine that the proposed hooks and storage spaces could accommodate a typical bicycle used by Eagle residents. The measurements of the 29" mountain bike are roughly 6' long x 2'8" wide x 3'6" tall. It is important to note that some of the interior storage units, specifically those in Buildings 6, 9, and 10 are only able to accommodate a bicycle where the hook is shown because the hook swivels. The only important note from staff's review of the long-term bicycle parking is that the locking hooks provided on the patios require the bicycle to hang from the center of the frame, depending on the height of any walls around the patio, the bicycle may not have enough space to hang in this way. Staff is including a condition of approval for the applicant to provide greater clarity on the first-floor patios with locking bike hooks.



Condition of Approval:

- Revise the Parking Plan and bicycle parking table to demonstrate compliance with the required short-term and long-term bicycle parking requirements. Label and dimension proposed storage lockers within the multifamily units.
- Condition has been addressed.

New Condition of Approval:

- Applicant to provide additional detail regarding placement of bicycle hooks on first floor patios. Bicycle hooks must be placed in a location to accommodate a 6' long bicycle.

OUTDOOR LIGHTING

Demonstration of Compliance - Section 4.13020(A) and (B)

The January 14th resubmittal included a Lighting Plan, wherein its review generated extensive comments. The applicant has indicated that staff comments were not a concern and will be addressed at the time of building permit. Considering the Landscape Plan depicts site lighting locations, staff recommends Condition of Approval 25 be revised to require the Landscape Plan be updated to align with the final approved Lighting Plan.

Condition of Approval:

- Lighting Plan review and approval at building permit application.

Revised Condition of Approval:

- Lighting Plan review and approval at building permit application. The Landscape Plan shall be updated to align with the final approved Lighting Plan.

SUSTAINABILITY, RESILIENCE AND HAZARDS

Wildlife Habitat – Section 4.14.040

The Code requires all new development applications for sites two acres or larger be designed to avoid or fully mitigate adverse impacts to wildlife and wildlife habitats per the review criteria

outlined in Section 4.14.040.D ([LINK](#)) of the Land Use & Development Code (LUDC). Because the proposed development will or may have an adverse impact on wildlife and wildlife habitats preparation of a Wildlife Conservation Plan in accordance with Section 4.14.040(E) is required. All development shall consult with Colorado Parks and Wildlife **prior to** preparing the application's Wildlife Conservation Plan. It's staff's understanding that Colorado Parks and Wildlife was not consulted before the Wildlife Conservation Plan was prepared.

The development standards set forth in Section 4.14.040(B)(2) of the LUDC do not apply to this project because the proposal is a development application of a site larger than two acres and, therefore, requires a Wildlife Conservation Plan. It is the Wildlife Conservation Plan that needs to inform the ultimate site design to ensure it avoids or fully mitigates adverse impacts to wildlife and wildlife habitats pursuant to the wildlife review criteria. The creation of buffers around critical areas is a consistent mitigation measure referenced in four of the five review criteria. The Wildlife Conservation Plan is the document that ultimately needs to describe affected wildlife species and use of the site, analyze the potential adverse impacts of the proposed development on wildlife and wildlife habitat on or off-site, identify the proposed mitigative measures and an analysis of the probability of success of such measures, etc., as opposed to compliance with development standards which apply to developments less than two acres, building or additions with a gross floor area of 10,000 square feet or less, and developments not required to submit a Wildlife Conservation Plan.

At the January 7th Planning and Zoning Commission public hearing, the Commission evaluated whether the development plan sufficiently mitigated negative impacts on wildlife in the area. The applicant heard that the Town does not have a Code requirement for buffering and a 250-foot buffer around the perimeter of the site (as recommended) would have too much impact on the design of the site and render the project not feasible. They also heard the Commissioners pointed out that Colorado Parks and Wildlife offers recommendations that the Town can choose to take or not take. In response to staff's concerns that the condition of approval 12 regarding coordinating with Colorado Parks and Wildlife on redesign efforts that mitigate negative impacts to wildlife was not addressed within the January 14th resubmittal, the applicant indicated that they believe the Commission was very clear that a material re-design of the site presented was not necessary.

The review of the January 14th resubmittal generated additional staff comments as new materials were submitted (e.g., a lighting plan), and a number of conditions of approval were not addressed or partially addressed. The revised Wildlife Conservation Plan remained substantially unchanged. In efforts to bring the application forward to the Commission with a positive recommendation of approval, staff drafted review comments (Round 4) stemming from the review of the January 14th resubmittal, input received at the January 7th Planning and Zoning Commission public hearing, and a meeting with Colorado Parks and Wildlife on January 30th. Additionally, staff met with Tyler Worley, of Ecological Resource Consultants on January 31st, to relay the January 30th feedback received from Colorado Parks and Wildlife of which was included in the Round 4 review comments. At the meeting, Mr. Worley acknowledged that no efforts were made to contact Colorado Parks and Wildlife after the January 7th Planning and Zoning Commission public hearing.

The applicant submitted a revised Wildlife Conservation Plan (Plan) on February 10th that can be accessed through this ([LINK](#)). It also included an applicant comment response letter ([LINK](#)) that provides an overview of the Commission's issues for discussion.

Colorado Parks and Wildlife (CPW) provided initial feedback on the project design in their June 12, 2024, letter ([LINK](#)). They then reviewed and responded to the Wildlife Mitigation Plan through their September 18, 2024, referral letter ([LINK](#)). The primary concern from CPW noted in the letters and in subsequent conversations with staff and the applicant is focused on the need for a wildlife buffer on the western edge of the property. Coordination with Colorado Parks and Wildlife since the January 7th Planning and Zoning Public hearing has been minimal, with a voicemail message from the applicant's biologist left for the District Wildlife Manager on February 5th and an email from the owner of the on February 6th. The contents and timing of the communication eliminated the ability of the District Wildlife Manager to provide any meaningful feedback or discussion, considering the resubmittal was due on February 7th.

Review Criteria. In determining if a new development could have adverse impact on wildlife or that such adverse impacts have been avoided or mitigated to the greatest extent practicable, the decision making body will consider the following:

1. Impacts on wildlife species, including without limitation human-related activities (including impacts from domestic pets) that disrupt necessary life cycle functions of wildlife or cause stress on wildlife to the extent that the health and viability of a species is threatened in Eagle County.

Staff Comment: The proposed development includes activities in previously undisturbed areas involving humans, pets, and machines and equipment during construction that will harass and disturb elk and deer movement patterns. Additionally, the site development and construction activities disrupt necessary lifecycle functions, resulting in stress to elk and deer due to the placement of structures in close proximity to the documented movement corridor along the western boundary of the property and the potential for excessive exterior lighting.

Over the past three years, Colorado Parks and Wildlife has raised concerns regarding the proposed developments' effect on the current wildlife populations utilizing the property. Specifically, the significant use of the property by elk and deer, especially to the west of the Hockett Gulch drainage, as winter range and for a movement corridor. The constant use of this area by elk and deer throughout the winter months has been observed, and monitored by Colorado Parks and Wildlife. In addition to concerns about disruptions to this movement corridor, CPW has also observed a significant amount of vehicle collisions (several times per day during the winter months) with wildlife occurring on Grand Avenue that poses a significant public safety issue for the town, area residents, and visitors, as well as being detrimental to the wildlife population. This feedback from Colorado Parks and Wildlife was utilized to support the 2022 PUD Guide amendment stemming from the owners' request to change the location of a portion of the 5-foot-wide soft perimeter path to the interior of the property along either the east or west side of the Hockett Gulch drainage channel.

Section 4.0 of the revised Wildlife Conservation Plan states that the project area was evaluated for potential impacts from the proposed residential development on general wildlife use and vegetation communities. The maximum extent of disturbance was developed by Norris Design considering required setbacks and operational needs. The impact analysis is limited to CPW SAM mapped habitat areas for elk severe winter range, black bear, and mountain lion human conflict areas. The Plan states that the minimal amount of land area

mapped for elk severe winter range, black bear, and mountain lion human conflict areas is considered de minimis in the context of the County and state-wide elk severe winter range habitats and mapped black bear and mountain lion conflict areas. It is important to note that the applicant team was informed that the analysis and subsequent recommendation in the Wildlife Conservation Plan should **not** solely rely on Colorado Parks and Wildlife SAM layers. The areas portrayed are graphic representations of phenomena that are difficult to reduce to two dimensions. Animal distributions are fluid; animal populations and their habitats are dynamic. Thus, the importance of biologist fieldwork and coordinating with Colorado Parks and Wildlife in developing the Wildlife Conservation Plan, as their District Wildlife Managers are in field monitoring animals and their habitats on a daily basis.

Due to the limited time afforded to CPW to review the revised Wildlife Conservation Plan, staff met with Brian Wodrich, District Wildlife Manager, to obtain his technical expertise regarding the analysis, proposed mitigation measures, and recommendations set forth in the Plan. In general, Mr. Wodrich found that each revision to the Wildlife Conservation Plan comes in with just different wording and no substantive changes. Staff finds the changing of wording has not adequately addressed staff or CPW's feedback throughout the development review process.

- **Control on domestic animals and household pets.** The Wildlife Conservation Plan sets forth recommendations on domestic animals that are limited to establishing specific enforcement measures to control domestic animals and household pets, including implementing Town of Eagle leash policies, restrictions on outdoor cats, and quiet hours to reduce disturbances to resting or nocturnal species from dogs barking. These recommendations are not addressed anywhere within the MDP plan set. Staff recommends that the domestic animals recommendations be noted on the plans and the applicant work with staff to determine the best method or document (e.g., the Development Agreement, CC&R's, etc.) to implement the recommended specific enforcement measures, especially regarding the restriction of outdoor cats and quiet hours.
- **Education.** The Wildlife Conservation Plan recommends that signs be posted to keep residents and pets out of the non-dedicated wildlife use buffer. Since Tract OS-1 is included in the non-dedicated wildlife use buffer, staff raised concerns about prohibiting residents and pets from utilizing town-owned open space. While finalizing signage approval through the Development Agreement is anticipated, there is information needed now to inform the final decision.
- **Restrictions on types and intensity of lighting.** The nighttime lighting recommendations are limited to minimizing excessive outside lighting at night, using the least bright lighting necessary for safe use by residents, and directing lighting downward and away from sensitive natural areas surrounding the area.

More information is needed regarding what the least bright lighting would be in terms of lighting levels and which sensitive natural areas are being referred to as no surrounding sensitive natural areas are delineated on the Figure 3 Impact and Mitigation Map. The applicant is working on addressing staff comments on the Lighting Plan. Specific lighting level recommendations and designation of surrounding sensitive natural areas would be helpful to ensure nighttime lighting is minimized as recommended. Once the Wildlife

Conservation Plan is updated, staff recommends the Lighting Plan be updated to implement the lighting recommendations.

- **Clustering of development to avoid intrusion into or fragmentation of habitat.** The January 6th Wildlife Conservation Plan stated that the development had been clustered to the northeast portions of the project area. The revised Plan simply removed that statement. Staff concurs that no clustering of development to avoid intrusion or fragmentation of habitat is provided as a mitigation effort proposed.
- **Creation of buffers around critical areas.** The revised Wildlife Conservation Plan continues to present the creation and maintenance of a 25 ft-275 ft non-dedicated wildlife use buffer along the western and southern edge of the project area as a mitigation measure that has been implemented in the proposed project plan. This is the same area that was called out as a naturalized vegetate buffer in the January 6th version of the Plan. The majority of the land area designated as a non-dedicated wildlife use buffer consists of 3.5 acres of land ranging in width from 275 ft to 50 ft that was dedicated to the Town for public open space (Tract OS-1). Tract OS-1 was not created or maintained as part of Phases 1B and 2 of the development as referenced in the Wildlife Conservation Plan. It is owned and maintained by the town and has a trail and 8,000-square-foot park within it. While it is necessary to depict the wildlife movement patterns within OS-1 on the Plan pursuant to CPW feedback, it is not accurate to describe the 3.5 acres as a non-dedicated wildlife use buffer that was created and maintained by the Reserve at Hockett Gulch ownership. Further, CPW does not recognize the small section with a width of 275 feet to be a wildlife corridor within OS-1 since a developed 5 foot path has already been built through the middle of this corridor. CPW defines a wildlife corridor as land that is left undeveloped for the specific benefit of wildlife moment. This section of corridor does not meet the minimum special requirements and therefore should not be considered a wildlife corridor. Staff maintains that whatever wildlife use buffer or area is proposed, it needs to be depicted (labeled and dimensioned on the Development Plan Map and Landscape Plan) on property owned by the applicant and accurately depict the gas border station and Black Hills Energy access and easements.

The proposed wildlife use buffer on the subject property is approximately 25 feet to 27 feet in width. As noted in the Wildlife Conservation Plan, its narrowest point (25 ft) does limit wildlife movement. It was also noted that wildlife movement is not restricted to artificial boundary lines, and it is reasonable to expect wildlife will continue to utilize this internal buffer and the adjacent, limited lands to the west and outside the project boundary.

CPW has determined that the proposed wildlife use buffer is not wide enough for elk and deer to use and the existence of the gas border station and Black Hills Energy access within it would limit elk and deer movements to the north as they current do. While CPW's recommends a wildlife corridor of 250 feet, Brian Woodrich, District Wildlife Manager reiterated that *at a minimum, it's important to maintain connectivity to the elk habitat to the south and then in the occurrence of a high winter year, allow them to come from the south and higher elevations to get to areas where they can successfully winter by the river corridor and fairgrounds area.* Mr. Wodrich emphasized how the elk and deer heavily use the west side of the property as winter range and for a movement corridor to

the connecting public lands to the south. The ultimate goal remains to respect elk and deer movements as witnessed by CPW and get them from the western boundary of the Phase 1B and 2 property, to where Brush Creek goes under the bridge so they can bed down at the Brush Creek Confluence open space. Wildlife fencing along Grand Avenue is critical to meet that end goal while also mitigating the amount of vehicle collisions with wildlife occurring on Grand Avenue.

When staff asked Mr. Wodrich whether site design changes such as eliminating a couple of townhome units or rotating them would help the elk movement, we heard any site design changes that would increase the width of the wildlife buffer would be advantageous to wildlife. The applicant's wildlife biologist should be able to formulate a recommended buffer width based on feedback from CPW and analysis of existing and proposed conditions as well as elk and deer movement patterns.

Staff continues to recommend that the applicant continue working with staff and CPW to mitigate negative impacts to wildlife in the area.

2. Impacts on wildlife habitat including elimination, reduction, or fragmentation of wildlife habitat to the extent that the viability of an individual species is threatened in Eagle County and the diversity of wildlife species occurring in Eagle County is reduced.

Staff Comment: The Wildlife Conservation Plan identifies 10.78 acres of disturbance area that will occur in non-natural communities/land use covers. These communities/land use covers have been degraded by recent grading to accommodate equipment staging and construction activities for the earlier phases of the development. The applicant's biologist found that the low ecological value of these communities limits the overall impact on existing wildlife habitat and vegetation communities.

The site is currently vacant. The proposed building coverage for all of Phase 1A and 1B is 38%, while Phase 2 is 17%. The Wildlife Conservation Plan does not provide the amount of habitat of similar type and quality within the development site that remains continuous other than to note that general wildlife habitat within the project area consists primarily of recently disturbed upland habitat throughout the project area.

The majority of potential wildlife habitat within the project area has been recently disturbed by construction activities. Three habitat types were observed within the survey area and are characterized as Revegetated – Annual Cover Crop, Disturbed – Soil, Sparse Ruderal Forbs, and Disturbed - Paved. All three habitat types are predominantly non-native and weedy species, or devoid of vegetation entirely. These habitats are not typically considered of high ecological value to wildlife; however, these areas can have beneficial values to certain wildlife species. These areas at a minimum are considered “open space” providing limited foraging and hunting grounds, refuge, and limited areas for nesting (Kingerly 1998). Such lands often serve as a buffer between natural areas, providing food, cover, nesting, and open-space habitat which allow movement and exchange of plant and animal populations.

The vacant land which is present across the project area has largely replaced the native montane meadow habitat which would have been present. Herbaceous non-native species and ruderal native species which dominate the vegetation community generally do not

provide high quality habitat for most wildlife. In general, the vegetation communities in the project area can provide some wildlife habitat values such as general foraging areas, refuge, nesting, or movement corridors for species generally more adapted to frequent human disturbance.

The primary concern throughout the development review process has been the adverse impacts on wildlife, with a particular focus on the fragmentation of elk and deer habitat and movement patterns. The Wildlife Conservation Plan analysis states that the project will result in disturbance of up to 1.93 acres of mapped elk severe winter range habitat and finds that while all elk severe winter range habitat is critical, the applicant's biologist determined this amount of area is considered to be de minimis in the context of the county. As noted by staff and CPW, the analysis and subsequent recommendations in the Wildlife Conservation Plan should not solely rely on CPW SAM maps. The areas portrayed are graphic representations of phenomena that are difficult to reduce to two dimensions. Animal distributions are fluid; animal populations and their habitats are dynamic. Based on data and information shared by CPW, staff is unable to concur that impacts to elk are de minimis. There have been no mitigation efforts that directly address potential adverse impacts of the proposed land use on wildlife-related to clustering of development, limits on the amount of disturbance, or restrictions on vegetation removal, or enhancement other than what is required by the Town Code. CPW has provided several referral comments on the project, outlining concerns and considerations in modifying the 25 ft -27 ft wide wildlife use buffer to reduce the fragmentation of wildlife habitat.

3. Impact on wildlife movement patterns/displacement and adaptation of wildlife populations including disruption of necessary migration or movement patterns that keep wildlife from using their entire habitat to the extent that the health and viability of a species is threatened in the county; displacement of wildlife species into areas that cannot support or sustain the species over the long term to the extent that the health and viability of a species is threatened in Eagle County; and the inability of wildlife species living within or in close proximity to development to adapt and thrive to the extent that the health and viability of the species is threatened in the county.

Staff Comment: The picture below shows an elk herd crossing Grand Avenue at the subject property. It was taken by CPW and illustrates the significant use of the property by elk as winter range and for a movement corridor. Preventing wildlife from using a habitat they would normally use, such as blocking migration patterns from summer to winter range represents a significant adverse impact on wildlife.



Colorado Parks and Wildlife does not concur that the proposed 25 -27 ft wide non-dedicated wildlife use buffer would allow for wildlife movement for undisturbed wildlife use. It is too narrow and backs directly to the proposed townhome units, which will create audio and visual disturbances to any wildlife attempting to use the buffer. Additionally, there is a BHE gas border station in the middle of the buffer which will additionally decrease the potential for wildlife movement attempting to utilize the buffer.

Furthermore, the narrow width of the wildlife use buffer would force wildlife to find new routes, exposing them to significantly increased predation and interaction with motor vehicles, posing what CPW and staff anticipate as significant public safety issue.

As previously noted, CPW has indicated that increasing the width of the buffer would help maintain the elk and deer movement corridor. This appears to open the door to finding a middle ground between a 25-foot and 250-foot wildlife buffer on the subject property to minimize disruption of necessary wildlife movement patterns.

4. Uniqueness of habitat and species to Eagle County, including elimination, reduction, or fragmentation of important wildlife habitat that is identified as unique to Eagle County in that it supports wildlife species that do not commonly occur outside Eagle County.

Staff Comment: CPW has emphasized that the west side of the Hockett Gulch property is the last remaining critical area for wildlife use. Ensuring adequate movement corridors for elk and deer is essential to maintaining viable elk herds in Eagle, as the elimination of this corridor would significantly disrupt their migration patterns from summer to winter range.

5. Cumulative impacts including cumulative impacts beyond the boundaries of the proposed site such that the wildlife habitat in Eagle County is eliminated, reduced, or fragmented to the point that the viability of individual species is threatened and the diversity of species occurring in the county is reduced.

Staff Comment: The subject property is currently vacant. The surrounding areas to the north, south, and east have been previously developed. The lands to the west include private property and BLM land. The revised Wildlife Conservation Plan finds that although incremental impacts to wildlife habitat and species have accumulated over time throughout the Town of Eagle, the location of this project would not significantly impact the overall quality or health of wildlife habitat within the project area or Eagle County. The project area is contiguous with the existing developments along US-6 to the north and the existing developments to the east and south.

Within the September 18, 2024 CPW referral letter, it was noted that CPW has observed the cumulative impacts of development throughout Eagle County and the Town of Eagle to have significantly impacted the overall quality of mule deer and elk as well as other species. As each development continues to be constructed within important mapped winter ranges and movement corridors, mule deer and elk populations continue to be fragmented, experience lower female/young ratios and are forced to occupy residential areas in order to move effectively between quality habitats.

It is recommended that the applicant continue working with staff and CPW to mitigate negative impacts to wildlife in the area.

Aside from the recommendations proposed by CPW, staff is requesting the Plan be updated to reflect any site redesign. The Plan does not evaluate or clearly show the town gas border station, revised Black Hills Energy access, or acknowledge that the town-owned tract (OS-1) is not a wildlife use buffer area as it has a trail and an 8,000 square foot park, among other amenities. These elements should be incorporated into any Plan update. Additionally, the Plan shall include a list of proposed mitigation measures and an analysis of the probability of success of such measures along with a plan for implementation, maintenance, and monitoring of mitigation measures. All recommendations from the Wildlife Conservation Plan need to be reflected in the MDP Plan set, including wildlife signage.

Condition of Approval:

- Coordinate with CPW on redesign efforts that mitigate negative impacts to wildlife in the area.
- Update the Wildlife Mitigation Plan to accurately represent the site design.
- Conditions of approval not addressed.

New Conditions of Approval:

- Update the Wildlife Mitigation Plan to include a list of proposed mitigation measures and an analysis of the probability of success of such measures along with a plan for implementation, maintenance, and monitoring of mitigation measures.
- Update the MDP Plan set to reflect all recommendations from the Wildlife Conservation Plan, including wildlife signage.

OVERALL COMPLIANCE

Staff finds the development plan has not demonstrated compliance with the following applicable standards of the LUDC related to:

- Trash enclosure design
- Screening
- Architecture
- Exterior Appearance
- Wildlife
- Fencing
- Bicycle parking
- Lighting
- Project phasing
- Completion of Phase 1A

STANDARD #2: The development plan is consistent with any previously approved and still valid land use approvals.

As noted above, the Reserve at Hockett Gulch PUD Guide serves as the governing land use regulations. As such, staff has reviewed the development application against the PUD Guide and Zoning Plan.

Uses by Right and Density

The Reserve at Hockett Gulch PUD Guide sets forth permitted uses by right, special and accessory uses in each of the three planning areas, open space tracts with minimum and maximum density limitations, and maximum number of units allowed per planning area. The first phase of the development was Phase 1A that included the construction of 216 multifamily dwellings (apartments) within all of HD/PUD-1 and a portion of HD/PUD-2.

Phase 1B and 2 includes the remaining portion of HD/PUD-2 and all of HD/PUD-3 for the construction of 255 rental multifamily dwellings and 28 townhome units which are permitted uses in each planning area. The proposed development also includes a clubhouse, leasing office, maintenance facility, attached garages and carports all of which are allowed accessory uses.

The PUD Guide allows a maximum residential density of 16.86 dwelling units per acre and up to 500 dwelling units upon buildout of the entire 29.65-acre PUD with certain maximum restriction for each planning area. The PUD Guide also allows for density transfers between HD/PUD-1 and HD/PUD-2 so long as the maximum total unit allowance of 400 units is not exceeded.

The February 7th resubmittal included an updated PUD Zoning and Density Calculations Summary table for the entire PUD. The total unit count for the overall PUD is 499 dwelling units which includes the 216 units from Phase 1A and the 283 units proposed in Phase 1B and 2, resulting in a density of 16.8 dwelling units per acre, in compliance with the approved PUD.

Section	Acre	SF	PUD Approved Max Floor to Area Ratio (FAR)	Total Allowable SF (FAR)	Phase 1A Total SF (FAR)	Proposed Phase 1B Total SF (FAR)	Total Phase 1A/ 1B SF (FAR)	Proposed Phase 2 Total SF FAR	Resulting FAR	
Phase 1A & 1B: Lot 1 + Lot 2 + Tract A. Or all of HD/PUD-1 + HD/PUD-2	17.38	757,018	0.53	401,220	212,444	181,665	394,109	-	0.52	FRSS
Phase 2: Lot 3 + Tract B. Or HD/PUD-3	6.66	289,928	0.86	249,338	-	-	-	144,170	0.50	FRSS
			PUD Approved Max Impervious Coverage	Total Allowable SF	Phase 1A Total SF	Proposed Phase 1B Total SF	Total Phase 1A/ 1B SF	Proposed Phase 2 Total SF	Resulting Impervious Coverage	
Phase 1A & 1B: Lot 1 + Lot 2 + Tract A. Or all of HD/PUD-1 + HD/PUD-2	17.38	757,175	75%	567,881	219,563	177,766	397,329	-	52%	FRSS
Phase 2: Lot 3 + Tract B. Or HD/PUD-3	6.66	289,928	75%	217,446	-	-	-	130,743	45%	FRSS
			PUD Approved Max Building Coverage	Total Allowable SF Building Coverage	Phase 1A Total SF	Proposed Phase 1B Total SF	Total Phase 1A/ 1B SF	Proposed Phase 2 Total SF	Resulting Building Coverage	
Phase 1A & 1B: Lot 1 + Lot 2 + Tract A. Or all of HD/PUD-1 + HD/PUD-2	17.38	757,175	55%	416,446	89,189	68,660	157,849	-	38%	FRSS
Phase 2: Lot 3 + Tract B. Or HD/PUD-3	6.66	289,928	55%	159,460	-	-	-	48,354	17%	FRSS
			PUD Max Approved Units	Phase 1A Units	Phase 1B/2 Proposed Units	Proposed Total Units	Max Density/Acre	Actual Density/ Acre	Maximum/ Actual Density Entire PUD	
Phase 1A & 1B: Lot 1 + Lot 2 + Tract A. Or all of HD/PUD-1 + HD/PUD-2	17.38	757,175	400	216	183	399	23.0	23.0	16.86/16.83	FRSS
Phase 2: Lot 3 + Tract B. Or HD/PUD-3	6.66	289,928	100	-	100	100	15.0	15.0		FRSS

Maximum Building Heights

The revised Architectural Design Plan adequately addressed Conditions of Approval 14 and 15 by accurately representing the building height measurement as outlined in the PUD Guide and modifying the building heights to come into conformance with the PUD Guide. Additionally, the building height column of the Building Square Footages Table provided on the Development Plan Map has been revised to accurately reflect the building heights and correlate to the architectural drawings.

Condition of Approval:

- Update Architectural Design Plans to accurately represent the building height measurement as outlined in the PUD Guide.
- Modify building heights to come into conformance with the PUD Guide.
- Conditional has been addressed.

Maximum Building and Impervious Coverage and Residential Floor Area

In Phase 1A, the building and impervious coverage and residential floor area (FAR) calculations were based on all HD-PUD-1 and HD/PUD-2 which included all of Lot 1 (4.25 acres), Lot 2 (6.93 acres), and Tract A (6.20 acres) for a total of 17.38 acres. Since the build out of Phase 1A included a portion of all of HD/PUD-2, the PUD Zoning and Density Calculation Summary table included the remaining allowable maximum building and impervious coverage and FAR for Phase 1B approvals. The following analysis accounts for the square footage calculations for the remaining allowable building coverage, impervious coverage, and residential floor area (FAR) for Phase 1B approvals.

- *Maximum Building Coverage.* As described in the January 7th Staff Report, the proposed building coverage for the remainder of HD/PUD-2 is 157,849 square feet, which is under the maximum building coverage limitation by 258,597 square feet.

The maximum building coverage allowed in HD/PUD-3 (Lot 3 + Tract B) is 159,460 square feet. The proposed building coverage for HD/PUD-3 is 48,354 square feet, which is under the maximum building coverage limitation by 11,106 square feet.

- *Maximum Impervious Coverage.* As described in the January 7th Staff Report, the proposed impervious area for the remainder of HD/PUD-2 is 177,776 square feet, which is under the maximum impervious building coverage limitation by 170,552 square feet.

The maximum impervious area allowed in HD/PUD-3 is 217,446 square feet. The proposed impervious area is 130,743 square feet, which is under the maximum impervious area allowed by 86,703 square feet.

- *Maximum Residential Floor Area.* Pursuant to the PUD Guide, the maximum residential floor area ratio (FAR) shall not exceed 0.53:1 in HD/PUD-2 and 0.86:1 in HD/PUD-3.

The remaining allowable square footage for Phase 1B approvals was 188,859 square feet. The proposed FAR for the remainder of HD/PUD-2 is 181,665 square feet, which is under the maximum residential floor area by 7,194 square feet.

The proposed building square footage in HD/PUD-3 is 144,170 square feet wherein the maximum allowed is 249,338 square feet.

Staff finds the maximum FAR for all of HD/PUD-2 is 0.53 and HD/PUD-3 is 0.86 in compliance with the PUD Guide.

Open Space and Parks

The alternative open space programming and open space/lands areas (e.g. sidewalk, walks, and landscape improvements) proposed to fulfill the private usable open space PUD requirements was supported by the Planning and Zoning Commission at the January 7, 2025, public hearing. The target users for virtually all the programming are both children and adults. Overall, the PUD must include a minimum of 15% usable open space in the aggregate. With a proposed total of 499 dwelling units, this equates to a requirement of at least 193,733 square feet of usable open space. The PUD provides 300,459 square feet of usable open space, exceeding the minimum requirement by 106,726 square feet in compliance with the PUD Guide.

Maintenance of Open Space

Open space tract OS-1 has been dedicated to and is maintained by the Town. Tract OS-2 is owned and maintained by the property owner, as noted on the Phase 1A Development Plan Map. Common open space areas in all other Planning Areas are maintained by either the property owner or a property owners' association.

The Development Plan Map indicates that Planning Areas HD/PUD-2 and HD/PUD-3 will be maintained by the property owner, which is consistent with the maintenance notes on the Landscape Plan.

The round three applicant comment response letter ([link](#)) indicated that a limited property owner association is proposed; however, the revised Development Plan Map has removed the reference from the Land Use Summary (PUD) table. The applicant provided the Phase 1 recorded declaration of easement, covenants, conditions and restrictions (CC&R's) for town review. Overall the CC&R's do not sufficiently outline maintenance responsibility for the current property or obligations outlined in the approved Phase 1A documents. The applicant has stated that the CC&R's will be updated once they apply for building permits and the Phase 1 maintenance director and hire maintenance for open space, common areas, etc., and costs will be split 43.2% for Phase 1A, 56.8% for Phase 1B, and 2. It does not appear that a property owner's association is proposed.

Staff finds that since the Development Plan Map and Landscape Plan designate maintenance responsibilities to the property owner, the Development Agreement is the appropriate vehicle to solidify maintenance responsibilities of all private improvements, common open space areas, snow removal and wildlife mitigation measures.

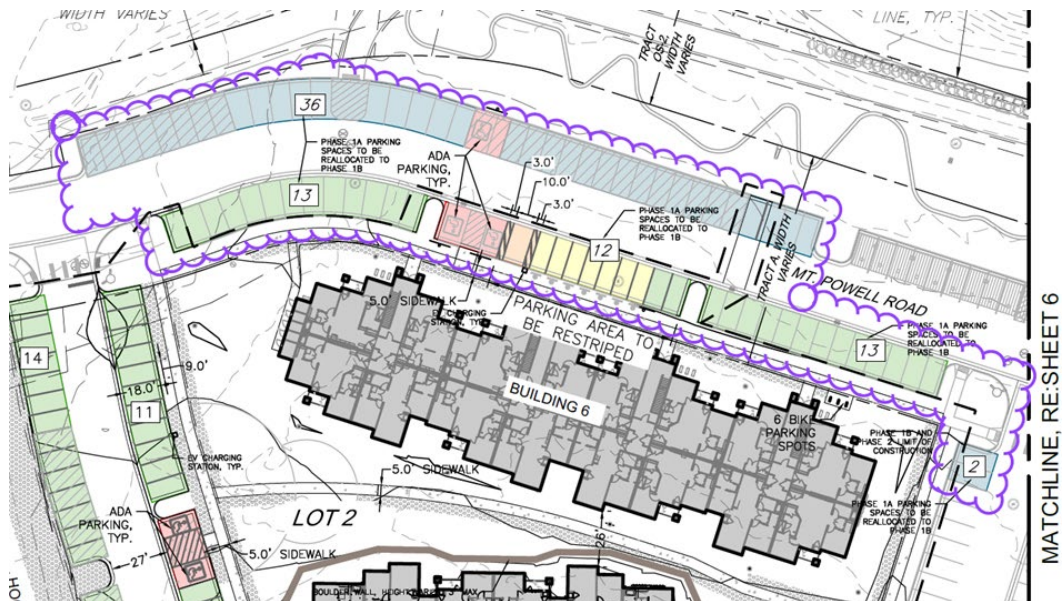
Parking, Streets, and Other Standards

Parking Spaces. Phase 1B and 2 propose a mix of 1 bedroom/studio, 2 bedroom and 3-4 bedroom for-rent apartments, 4 bedroom for-rent townhomes, and a clubhouse wherein a total of 538 parking spaces are required. The PUD Guide sets forth minimum parking requirements based on the number of bedrooms per unit and three (3) spaces are required for the clubhouse as illustrated in the table below.

Building	Clubhouse	Studio	1BR	2BR	3BR+	Townhomes (≥3 beds)	Total Spaces Required
Spaces Required	3	1.5	1.5	2	2.5	3	
Clubhouse	1	0	0	0	0	0	3
Building 6	0	0	12	36	0	0	90
Building 7	0	18	6	18	0	0	72
Building 8	0	21	6	12	6	0	80
Building 9	0	0	18	30	0	0	87
Building 10	0	0	15	21	0	0	65
Building 11	0	18	12	6	0	0	57
Building 12	0	0	0	0	0	8	24
Building 13	0	0	0	0	0	8	24
Building 14	0	0	0	0	0	8	24
Building 15	0	0	0	0	0	4	12
Total	1	57	69	123	6	28	538

The table above shows the required number of spaces per building (rows) and the overall number of each type of unit (columns). Phases 1b and 2 of the Reserve at Hockett Gulch are required to have 538 parking spaces to accommodate the 11 buildings proposed in this application. Staff has noted a discrepancy between the table above, and the applicant's table on page 8 of the Parking Plans, of (1) parking space. Staff rounded up the required parking spaces for each building before totaling, in accordance with Section 4.12.040.C. of the Land Use Code.

Staff has reviewed the parking plan to ensure that the required 538 parking spaces have been provided. During Phase 1A, 76 parking spaces were constructed to serve Phase 1B. Those 76 spaces have been clouded in purple in the image below:



The parking tables submitted by the applicant indicate that Phase 1B provides 334 parking spaces and Phase 2 provides 207 spaces, for a total of 541 spaces (refer to the tables below).

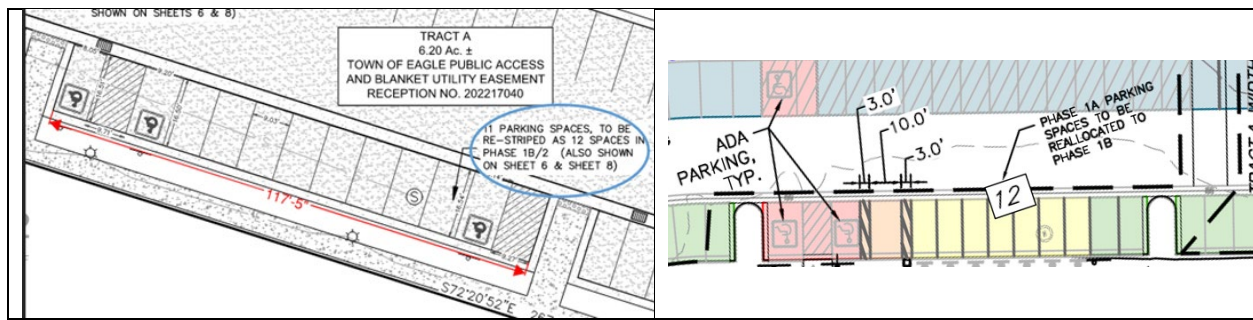
PHASE 1B PARKING TABLE		PHASE 2 PARKING TABLE	
SURFACE (9'X19')	= 18	TH DRIVEWAY (10'X19')	= 20
SURFACE (9'X18')	= 197	TH DRIVEWAY (8'X19')*	= 16
SURFACE (8'X18')	= 7	GARAGE TWO-CAR**	= 16
SURFACE (8'X19')	= 7	GARAGE SINGLE CAR	= 20
SURFACE (ADA)	= 8	SURFACE (9'X18')	= 87
CARPORT (9'X18')	= 19	SURFACE (8'X18')	= 7
UNIVERSAL CHARGING STATION	= 2	SURFACE (ADA)	= 3
SURFACE PH1A (9'X19')	= 16	CARPORT (9'X18')	= 37
SURFACE PH1A (9'X18')	= 28	UNIVERSAL CHARGING STATION	= 1
SURFACE PH1A (8'X18')	= 7	TOTAL PHASE 2	= 207
SURFACE PH1A (ADA)	= 2	*WIDTH OF DRIVEWAYS AT TH END UNITS IS 16'. END UNIT DRIVEWAYS ARE INTENDED TO SERVE TWO CARS WITH WITH 8'X19' OF SPACE ALLOCATED PER CAR.	
CARPORT PH1A (9'X19')	= 21	**WIDTH OF GARAGES AT TH END UNITS IS 19'10". END UNIT GARAGES ARE INTENDED TO SERVE TWO CARS.	
CARPORT PH1A (ADA)	= 1	***6% OF PARKING SPACES ARE COMPACT PARKING SPACES.	
UNIVERSAL CHARGING STATION PH1A	= 1		
TOTAL PHASE 1B	= 334		

The Parking Plan provides color coding for each type of parking space provided. Staff used the color coding to count the corresponding parking spaces on the Parking Plan. Staff has not broken out the counts for each phase, but believes that between the applicants chart and staff's chart, there is sufficient parking provided. Once again, there is a discrepancy between staff's chart and applicants', by (1) parking space.

Both the Code and the PUD Guide allow for compact vehicle spaces and the Code further defines an off-street parking space as not less than 9' wide by 19' long. A compact space is defined as anything less than 9' wide by 19' long and must be at least 8' wide and 16' long. The PUD Guide allows for up to 25% of the total parking spaces required to be compact. The PUD Guide also provides an allowance for a 1-ft reduction in the length of a parking stall only where either a curb or wheel stop is provided, this length reduction would not render the space a compact space. Based on this rationale, 11% of the required parking would be classified as compact.

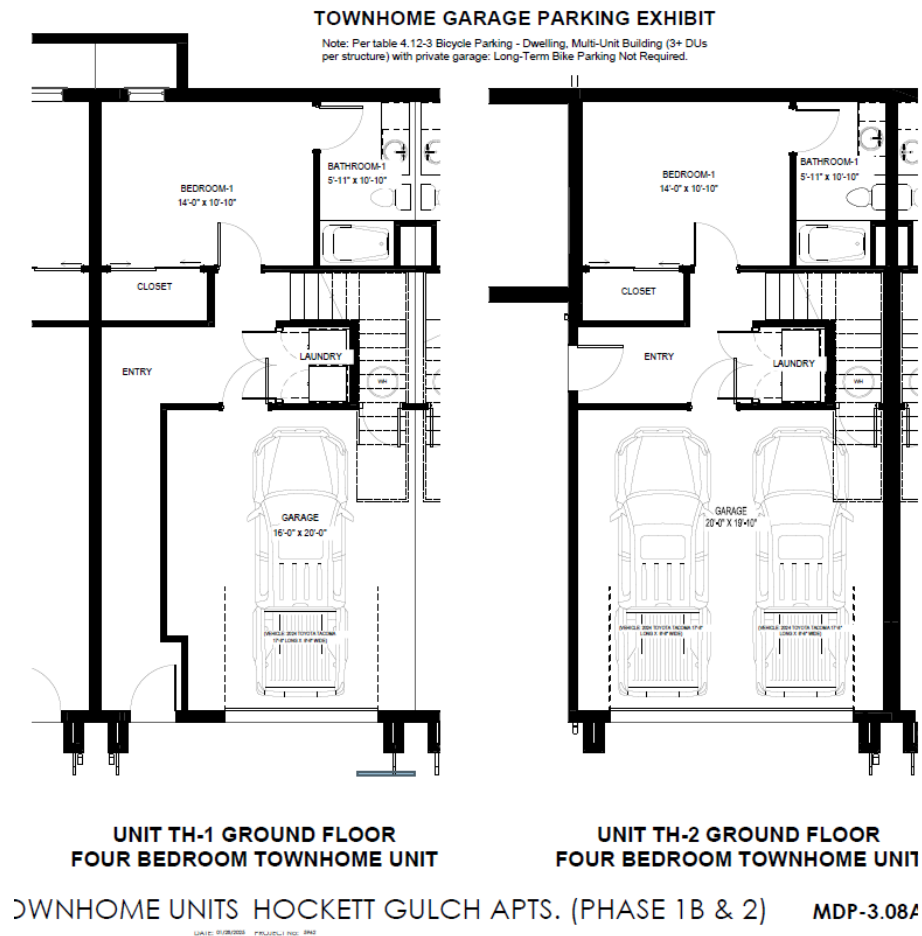
Parking Counts by Color Code/Size						
Stall Name/Type	Stall Size	Required Element?	Required Element Provided	Color Designation	Lot Location	Amount Provided
Parking Stall	9'x18'	Curb or Wheel Stop	Yes		Lots 2 & 3	368
Parking Stall	9'x19'	n/a	n/a		Lot 2	55
Compact	8' x 19'	n/a	n/a		Lot 2	7
Compact	8' x 18'	Curb or Wheel Stop	Yes		Lots 2 & 3	21
ADA Parking Stall		Wheel Stop	yes		Lots 2 & 3	14
Universal Charging Station						
Parking Stall	Size not provided	n/a	n/a		Lots 2 & 3	4
Townhome Spaces*	8' x 19' & 10'x19'				Lot 3	72
Maintenance Building Space	Size not provided				Lot 3	1
Spaces from Phase 1A (based on new information presented these spaces are included above)						0
Total Spaces Provided						542

Per the Phase 1A Development Agreement, only 76 spaces from Phase 1A may be used to fulfill the parking requirements for Phase 1B. As such, staff requested an as-built parking plan to confirm that the parking was constructed pursuant to the Phase 1A Parking Plan. On February 5, 2025, the Applicant submitted an updated ALTA survey that depicted the parking facilities to fulfill the request for the as built parking plan. upon staff review of the parking as-built drawings for Phase 1A, 75 parking spaces were constructed in these areas, with a note that the spaces shown in the image below will need to be re-striped to match what is shown on the Phase 1B parking plans. Staff has verified, by measuring the as-built plan, that the extra parking space can be accommodated in the constructed parking area.

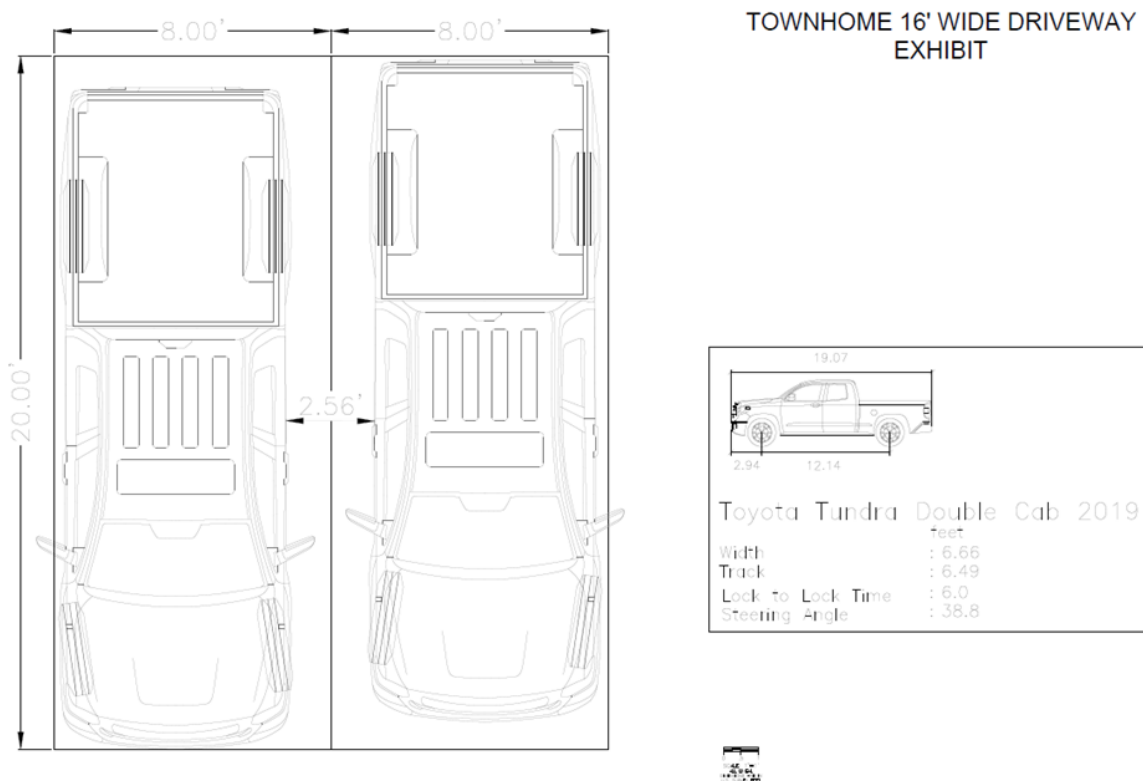


The townhomes are served by 28 private garages. The end units have 2-car garages and all other units have 1-car garages. As tandem parking is permitted per the PUD Guide, the driveways are proposed to fulfill the 3 spaces per dwelling unit requirement equating to 72 parking spaces for all townhomes. This results in a 12-parking space deficiency for the townhomes, of which the applicant is proposing the spaces be provided elsewhere on the site. It's important to note that the townhome owners cannot be assigned the required parking spaces per dwelling unit as the PUD Guide prohibits the assignment of parking spaces other than for garages.

Additionally, as noted above both the Code and the PUD Guide allow for compact vehicle spaces and the Code further defines an off-street parking space as not less than 9' wide by 19' long. The driveways for the end unit townhomes are effectively compact parking space. Staff raised this observation with the applicant and suggested they provide exhibits showing two typical vehicles in Eagle side by side in both the driveway and the garages.



Single Garage and Double Garage with 2024 Toyota Tacoma Trucks (17'8"long x 6'6"wide)



Double Driveway with 2024 Toyota Tacoma Trucks (17'8"long x 6'6"wide)

Staff and the applicant had previously discussed providing some hard scaping along either side of the end unit driveways. Staff does not believe this has been reflected in the plans, but would like to provide the Commission with a condition of approval reflecting what could provide some extra space for tenants and their vehicles.

The Parking Plan demonstrates compliance with the driveways and private access drives standards and Director approve Minor PUD Amendment relating the minimum drive aisle/street centerline radius requirement of 150 feet.

Condition of Approval:

- Revise the Parking Plan and parking tables to ensure the parking tables represent the graphic information presented on the Parking Plan.
- Update the parking tables and Plan to reflect and depict the 76 spaces from Phase 1A to be used to fulfill the parking requirements for Phase 1B on the Plan.
- Update the Phase 1A Parking As Built drawings to demonstrate that that 76 parking spaces to be used to fulfill parking requirements in Phase 1B have been constructed in accordance with the approved Phase 1A Parking Plan.
- Remove reference to Phase 2 in Parking Plan Note 1.
- Replace reference to carport spaces with garage spaces in Parking Plan Note 2.
- Conditions of approval has been addressed.

New Condition of Approval:

- Provide hardscaping of at least 1' on both sides of the end unit townhomes to provide better access to and from vehicles parked in the driveways.

Sidewalks and Trails

All sidewalks internal to the development have a width of 5 feet and will be constructed with concrete. The sidewalks around Building 11, north of Building 10 along Mt. Powell Road and along the north and west sides of the dog park are increased to 5.5 feet in width to accommodate the overhang of parking vehicles to maintain minimums required by the Americans with Disabilities Act.

An internal pedestrian pathway, proposed to be 3 feet wide and composed of crusher fines, is planned along the east side of the dog park. The Applicant has indicated that it is too narrow for sod or seed and thought people might want to walk there. It is not formal but would allow for informal pedestrian movement. There are 12 carports that abut the proposed pedestrian pathway. As such, the width of the pathway would need to be increased in width by 2.5 feet to accommodate the overhang parking vehicles for compliance with the parking stall detail on the Parking Plan. The sidewalk and trails standards of the PUD Guide states the Town may allow soft, unimproved dirt paths where appropriate. Staff supports the allowance of this pathway to be crusher fines, but it would need to be increased in width by 2.5 feet to comply with the PUD sidewalk and trail standards. The Applicant has made this change, the distance from the western edge of the path to the back of curb at the parking stalls is 5'6". The change is reflected in the Landscape plans submitted on February 7th.

Condition of Approval:

- Increase the width of the internal pedestrian pathway along the east side of the dog park by 2.5 feet.
- Condition of approval has been addressed.

Architecture

The revised Architectural Design Plan provided adequate design details, complete plan elements, identification of roof slopes, finished floor elevations, and the redesign of the buildings to demonstrate compliance with the building height restrictions set forth in the PUD Guide. The only staff comments that remain unaddressed are the rooflines exceed 50 feet in buildings 6 through 11 and building 15. Dimensions of the roofs on the front and back elevations is required to demonstrate compliance. The Architectural Design Plan redlines have been updated to reflect staff comments.

Condition of Approval:

- Address all Architectural Design Plan redlined comments ([link](#))
- Condition of approval partially addressed.

Landscaping

The Planning and Commission considered the proposed landscape buffering and treatment along the Grand Avenue frontage at the January 7th public hearing and agreed that the landscape buffer along Grand Avenue is substantial in terms of width and proposed landscape materials. Additionally, the proposed perimeter landscape setback treatment was discussed and garnered

Commissioner support for the majority of the 25-foot perimeter setback to be areas to remain undisturbed or native seed.

In the review of the January 14th resubmittal, staff noted that the Black Hills Energy gas easements remained difficult to read. Further, the Easement Exhibit A called out a 10-foot gas easement to be vacated with no dimensions of the linear footage to be vacated and the Black Hills Energy drive was not depicted but is shown on the plans. As such, staff requested the full limit of all existing, proposed and proposed to be vacated easements along the western boundary of the property and to carry forward the easement depiction on all other relevant plans within the MDP Plan set. Additionally, staff requested that all required setbacks, including the 25-foot perimeter setback, be labeled and dimensioned, particularly from the boundary of the Black Hills easements and facilities to all proposed structures.

The revised Landscape Plan depicts a 27.8-foot setback from the gas border station fencings and building 12 and a 33.6-foot setback from the gas border station and the maintenance building. The revised Development Plan Map depicts a 28-foot setback from the gas border station fencings and building 12 and a 34-foot setback from the gas border station and the maintenance building. Aside from the discrepancies with perimeter setback dimensions on the Landscape Plan and Development Plan Map, it is unknown whether Black Hills Energy could reconfigure their fencing to extend to the boundaries of the easements as shown, resulting in a smaller setback and thus limiting the ability to provide the 25-foot wildlife buffer as stated in the Wildlife Conservation Plan.

Staff recommends that the applicant submit an updated Easement Exhibit A that clearly depicts (with dimensions) all existing, proposed and proposed to be vacated easements and depict said easements and setbacks on the Landscape Plan and Development Plan Map. Additionally, staff recommends that the vacation of the Black Hills Energy easement be addressed in the Development Agreement.

New Conditions of Approval:

- Submit an updated Easement Exhibit A that clearly depicts (with dimensions) all existing, proposed, and proposed to be vacated easements and depict said easements and setbacks on the Landscape Plan and Development Plan Map prior to MDP approval.
- Revise the Landscape Plan and Development Plan Map to provide consistent easement and setback labeling and dimensions prior to MDP approval.
- Once all proposed easements and proposed to be vacated easements are depicted on the Landscape Plan and Development Plan Map, said easements shall be recorded prior to construction.

Exterior Lighting

The revised Architectural Design Plan included a Lighting Plan, wherein its review generated extensive comments. The applicant has indicated that staff comments were not a concern and will be addressed at the time of building permit. Considering the Landscape Plan depicts site lighting locations, staff recommends Condition of Approval 25 be updated to require the Landscape Plan be updated to align with the final approved Lighting Plan.

Conditions of Approval:

- Lighting approved at building permit application.

Revised Condition of Approval:

- Lighting approved at building permit application. Update Landscape Plan to align with the final approved Lighting Plan.

Site Access and Development Phasing

Site access is provided by two points of access that have been constructed as part of Phase 1A. The overall project phasing is consistent with the PUD requirements.

The Phase 1A Development Agreement included a Phasing Plan as an exhibit. The build out of Phase 1A has been a challenge as the Phasing Plan did not provide enough detail to ensure the required improvements (e.g., parking, landscaping, usable open space, lighting, etc.) were installed and completed before to buildings being occupied. To date, all of the buildings are occupied under a temporary certificate of occupancy (TCO) which will expire in February of 2025.

To avoid a repeat of the Phase 1A situation, staff provided review comments to help the applicant develop a clear plan for constructing the development in phases (e.g., pods) over time to ensure all required necessary infrastructure, amenities, and improvements to serve the residents within each pod are installed before proceeding to the next. The revised Phasing Plan identified pod areas; however, there was no list of improvements per pod and the time ranges did not correlate to the pod areas. Additionally, the notes on the Plan indicate that the applicant would like to have the town accept requests for TCO's by building and not by pod area deeming the delineation of pod areas valueless.

The February 7th submittal included a Parking Phasing Plan that has not adequately addressed staff comments contained in the Round 2 Referral Response Summary Report dated September 27, 2024.

Condition of Approval:

- Revise the Phasing Plan to address staff comments contained in the Round 2 Referral Response Summary Report dated September 27, 2024.
- Condition has not been addressed.

Utilities

Utility easements are required for installation of town water and sewer to be installed within the streets prior to construction. Said easements will be dedicated by separate instrument for acceptance by Town Council. Coordination of the general warranty or special warranty deed with the Town Attorney is required.

Condition of Approval:

- Dedicate utility easements prior to construction.

OVERALL COMPLIANCE

The development has not demonstrated compliance with previously approved and still valid land use approvals related to:

- Parking - Driveways
- Architecture
- Easements
- Lighting
- Project phasing
- Completion of Phase 1A

STANDARD #3: *The development plan is consistent with the Comprehensive Plan and other adopted area or corridor plans.*

The revised Major Development Plan resubmittal does not alter staff's January 7, 2025, comments relating to consistency with the 2021 Amended Eagle Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends **CONTINUANCE** of the Major Development Permit DR24-01 to _____, 2025, giving the applicant time to demonstrate conformance with the Land Use and Development Code and the PUD Guide.

While staff is recommending a continuance, it is important to recognize that the applicant has made substantial progress in addressing many of the previous conditions of approval. The majority of the recommended conditions outlined below are minor and can be addressed during the building permit submittal process. However, staff's recommendation for continuance is based on outstanding conditions related to project phasing and wildlife impacts. Specifically, the Phasing Plan is a document that is included in the subsequent Development Agreement and is approved by Town Council. Additionally, addressing the wildlife impact conditions requires a comprehensive analysis from the applicant's biologist in order to update the Wildlife Conservation Plan, which may necessitate modifications to the site design.

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to the Major Development Permit DR24-01:

1. Approve the application with no conditions.
2. Approve the application with conditions.
3. Continue (table) the application. (Provide staff and the application detail regarding information needed for a decision).
4. Deny the application. (Cite all Code sections and/or Plan policies that resulted in motion for denial)

FINDINGS OF FACT

The application for File #DR24-01 has not demonstrated the ability to meet the requirements of the Municipal Code or the PUD Guide.

RECOMMENDED MOTION

I move to CONTINUE the Reserve at Hockett Gulch Major Development Permit File #DR24-01 to _____, 2025.

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

1. Revise the trash enclosure elevation to depict a drop bar on the front gate of each trash enclosure and provide a detail of a drop bar on Sheet MDP-4.00E of the Architectural Design Plan at building permit application.
2. Revise the Landscape Plan to label the locations of all electrical and other utility boxes and facilities and identify the proposed tree species and requirements for sizes at the time of planting for approval by the Director.
3. Revise the Landscape Plan to include the manufacturer specifications for the proposed screening of ground-mounted mechanical equipment and clearly indicate that the wood is to be painted and coated with added protection at building permit application.
4. Revise the Landscape Plan and Development Plan Map to remove references to “potential” or “optional” future wildlife fencing prior to MDP approval.
5. Prior to MDP approval, remove Note 1 on Landscape Sheet LP-001 and replace with future wildlife fencing notes outlining Developer's obligations to participate in the design and commitment to construct wildlife fencing upon the Town’s approval of a final Wildlife Fencing Plan as outlined in the Development Agreement.
6. Prior to MDP approval, revise the Landscape Plan to include all fencing details and requirements, in accordance with CPW’s site specific recommendations and include perimeter fencing, construction management requirements and measures to protect wildlife in the Development Agreement for Phases 1B and 2.
7. At time of building permit application, applicant to provide additional detail regarding placement of bicycle hooks on first floor patios. Bicycle hooks must be place in a location to accommodate a 6’ long bicycle.
8. Coordinate with CPW on redesign efforts that mitigate negative impacts to wildlife in the area prior to MDP approval.
9. Update the Wildlife Mitigation Plan to accurately represent the site design prior to MDP approval.

10. Update the Wildlife Mitigation Plan to include a list of proposed mitigation measures and an analysis of the probability of success of such measures along with a plan for implementation, maintenance, and monitoring of mitigation measures prior to MDP approval.
11. Update the MDP Plan set to reflect all recommendations from the Wildlife Conservation Plan, including wildlife signage prior to MDP approval.
12. Revise the Phasing Plan to address staff comments contained in the Round 2 Referral Response Summary Report dated September 27, 2024, prior to MDP approval.
13. Lighting approved at building permit application. Update Landscape Plan to align with the final approved Lighting Plan.
14. Dedicate utility easements prior to construction.
15. Revise the townhome building elevations to introduce a distinct variation in colors for units that are identical at the time of building permit application.
16. Revise the townhome and multifamily building elevations to show roof lines greater than 50 feet have varying roof orientation as required by Section 4.10.040(B)(2)(g) of the Code prior to MDP approval.
17. Submit an updated Easement Exhibit A that clearly depicts (with dimensions) all existing, proposed, and proposed to be vacated easements and depict said easements and setbacks on the Landscape Plan and Development Plan Map prior to MDP approval.
18. Revise the Landscape Plan and Development Plan Map to provide consistent easement and setback labeling and dimensions prior to MDP approval.
19. Once all proposed easements and proposed to be vacated easements are depicted on the Landscape Plan and Development Plan Map, said easements shall be recorded prior to construction.
20. Provide hardscaping of at least 1' on both sides of the end unit townhomes to provide better access to and from vehicles parked in the driveways at the time of building permit application.

**TOWN OF EAGLE, COLORADO
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 01
(Series of 2025)**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF EAGLE, COLORADO RECOMMENDING APPROVAL OF A MAJOR DEVELOPMENT PERMIT FOR RESERVE AT HOCKETT GULCH PHASE 1B AND PHASE 2

WHEREAS, Epoch GCH Hockett Gulch Holdings, LLC (the “Applicant”) owns the real property more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the “Property”);

WHEREAS, on April 10, 2024, the Applicant submitted with the Town an application for approval of a Major Development Permit to construct 255 multi-family units, 28 townhome rental units, a clubhouse, and a maintenance building (the “MDP Application”); and

WHEREAS, on February 18, 2025, the Planning and Zoning Commission held a properly-noticed public hearing on the Application.

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

Section 1. Findings. The Planning and Zoning Commission finds that the MDP Application complies with all applicable provisions of the Eagle Municipal Code and that approval of the Application is in the best interest of the public health, safety, and welfare.

Section 2. Decision. Based on the foregoing findings, the Planning and Zoning Commission recommends approval of the Applications, subject to the following conditions:

1. Revise the trash enclosure elevation to depict a drop bar on the front gate of each trash enclosure and provide a detail of a drop bar on Sheet MDP-4.00E of the Architectural Design Plan at building permit application.
2. Revise the Landscape Plan to label the locations of all electrical and other utility boxes and facilities and identify the proposed tree species and requirements for sizes at the time of planting for approval by the Director.
3. Revise the Landscape Plan to include the manufacturer specifications for the proposed screening of ground-mounted mechanical equipment and clearly indicate that the wood is to be painted and coated with added protection at building permit application.
4. Revise the Landscape Plan and Development Plan Map to remove references to “potential” or “optional” future wildlife fencing prior to MDP approval.
5. Prior to MDP approval, remove Note 1 on Landscape Sheet LP-001 and replace with future wildlife fencing notes outlining Developer's obligations to participate in the

design and commitment to construct wildlife fencing upon the Town's approval of a final Wildlife Fencing Plan as outlined in the Development Agreement.

6. Prior to MDP approval, revise the Landscape Plan to include all fencing details and requirements, in accordance with CPW's site specific recommendations and include perimeter fencing, construction management requirements and measures to protect wildlife in the Development Agreement for Phases 1B and 2.
7. At time of building permit application, applicant to provide additional detail regarding placement of bicycle hooks on first floor patios. Bicycle hooks must be placed in a location to accommodate a 6' long bicycle.
8. Coordinate with CPW on redesign efforts that mitigate negative impacts to wildlife in the area prior to MDP approval.
9. Update the Wildlife Mitigation Plan to accurately represent the site design prior to MDP approval.
10. Update the Wildlife Mitigation Plan to include a list of proposed mitigation measures and an analysis of the probability of success of such measures along with a plan for implementation, maintenance, and monitoring of mitigation measures prior to MDP approval.
11. Update the MDP Plan set to reflect all recommendations from the Wildlife Conservation Plan, including wildlife signage prior to MDP approval.
12. Revise the Phasing Plan to address staff comments contained in the Round 2 Referral Response Summary Report dated September 27, 2024, prior to MDP approval.
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15. Revise the townhome building elevations to introduce a distinct variation in colors for units that are identical at the time of building permit application.
16. Revise the townhome and multifamily building elevations to show roof lines greater than 50 feet have varying roof orientation as required by Section 4.10.040(B)(2)(g) of the Code prior to MDP approval.
17. Submit an updated Easement Exhibit A that clearly depicts (with dimensions) all existing, proposed, and proposed to be vacated easements and depict said easements and setbacks on the Landscape Plan and Development Plan Map prior to MDP approval.
18. Revise the Landscape Plan and Development Plan Map to provide consistent easement and setback labeling and dimensions prior to MDP approval.

19. Once all proposed easements and proposed to be vacated easements are depicted on the Landscape Plan and Development Plan Map, said easements shall be recorded prior to construction.
20. Provide hardscaping of at least 1' on both sides of the end unit townhomes to provide better access to and from vehicles parked in the driveways at the time of building permit application.

INTRODUCED, READ, PASSED AND ADOPTED ON FEBRUARY 18, 2025.

TOWN OF EAGLE, COLORADO

Matthew Hood, Chair

ATTEST:

Denise Cardoza, Administrative Technician



To: Planning & Zoning Commission
From: Community Development Department
Date: February 18th , 2025
Agenda Item: Community Development Department Update

LONG RANGE PLANNING

ReCode Eagle – The Land Use and Development Code (LUDC) – [link to code](#)

- Staff continues to work with Legal Counsel to review amendments to and begin drafting an ordinance for Chapter 4.17 Administration and Procedures.

WUI Code

- Staff are actively engaged in the County-wide Wildland Urban Interface (WUI) Code update process, led by the Eagle County Wildfire Collaborative. This initiative involves collaboration with jurisdictions throughout the Valley to create a WUI Code that caters to our local needs.
- The group held a meeting on January 23rd to discuss fire resistant landscape standards that recognize the unique ecosystems and values of the towns throughout the Valley.
- The next meeting is scheduled for 2/20/2025 at 12:30pm. In-person attendance is at the Eagle County offices on Broadway.

EVTA 10 Year Transit Plan

- Staff are actively engaged in the Technical Advisory Committee (TAC) for EVTA's 10 Year Transit Plan. The TAC is made up of local community staff representatives and their primary role is to provide technical guidance to the plan, make recommendations to the EVTA Board, communicate with Town Managers and other key influencers in each community.
- A second round of Community Outreach will be conducted mid-March or early April, and the public will be asked to provide feedback on route alternatives for the Valley Route, Highway 6 Route, and Minturn/Redcliff Route. Outreach will primarily include several focus group sessions, outreach boards at the Vail Transportation Center and an online survey.

Affordable Housing Accelerator Project (AHAP)

- The AHAP remains on pace as staff and the Logan Simpson team prepare materials for the March 4 Town Council / Planning & Zoning Commission work session. Project progress includes the following:
 - Phase 1 – 90-day Fast-Track Review Process (now termed the Eagle Express Lane): 90% complete with review of land use code and preparing first draft of updated code language. Staff will be forwarding the draft language to Legal for review.



- Phase 2 – Land Inventory Analysis (LIA): Staff are preparing feedback on the LIA draft report and maps.
- Phase 3 – Proposition 123 Funding Strategy (matrix and feasibility summary of funding options): Not yet started. This phase will be incorporated into Project Close-out in late March / early April.

Long Range Planning Work Session

- The May 6th Town Council/Planning Commission work session will be focused on the Town's long-range plans. This conversation will serve to prioritize updates of the Town's long range planning documents to ensure they remain current and aligned with the community's vision and values.

Administrative Manual

- Staff has been continuing to work on an administrative manual to clearly communicate land use processes to the public. Staff will be posting resources as they're completed, e.g. how the use permit process works, on the Town's website. As this project continues staff will be engaging stakeholder groups like the EVC for feedback to ensure this manual is user friendly and is meeting the community need.

LAND USE APPLICATIONS IN PROGRESS

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

- Eagle Meadows Annexation No. 1 and No.2
 - An application to annex and zone parcel no. 193927300040 (Parcel A) to Resource (R) and parcel no. 193927400041 (Parcel F) to Rural Residential 2 (RR2).
- Reserve at Hockett Gulch – Major Development Plan (Phase 1B and 2) and PUD Amendment
 - Planning Commission Public Hearing – January 7, 2025 (continued to February 4, 2025, continued to February 18, 2025)
 - Town Council Public Hearing – February 25, 2025
- Haymeadow Neighborhood A1 Preliminary Plan Update and Filing 2 Final Plat
 - An application to update the 2014 Preliminary Plan and to subdivide Neighborhood A1 of the development into 47 single-family residential lots, 4 duplex lots, two multi-family residential development parcels, a 1.6-acre childcare site, three open space tracts, and extend the public right of way of Sylvan Lake Road, Ouzel Lane, and Mt. Hope Circle.
 - Round 1 referral ended January 13, 2025, application re-submittal expected for week of 2/10/24.
 - Tentatively targeting the April 1st P&Z Hearing and the April 22nd Town Council Hearing.
- Capitol Flats Subdivision Sketch Plan and Public Right-of-Way (ROW) Alley Vacation



- A Subdivision Sketch Plan and Public ROW Alley Vacation application with the intent to construct five three-story residential buildings containing a total of 171 condominium and LERP/affordable housing units, a subsurface/underground parking garage, and associated utility relocations. The intended development will require a public process through a Subdivision Sketch Plan and vacation of Public ROW [current applications]. Future applications include a Rezoning of 123 & 137 Howard Street from Old Town Residential (OTR) to Commercial Mixed-Use 1 (CMU-1), a building height variance, a Lot Consolidation Plat, a Condominium Subdivision Final Plat, and a Major Development Permit.
 - Referral period ended 2/3/25, comments are due to the applicant by 2/10/25.
- ReCode Adjustments (3rd Amendment)
 - Joint work session with Town Council and Planning Commission occurred on December 3rd.
 - Public Hearing dates have not yet been scheduled.
 - North Broadway – Annexation and Zoning/Rezoning
 - The Applicant withdrew their annexation and zone/rezone request to CMU2.
 - A new annexation and zone/rezoning request is anticipated. However, the applicant is still determining the desired zoning designation for the property. The timing of the formal submittal is unknown.
 - 1215 Chambers Avenue
 - Applications for a lot line adjustment and a Major Development Permit have been submitted, but are not yet complete.
 - Henry Annexation
 - Submitted for annexation and minor subdivision, currently going through completeness review.
 - Red Mountain Ranch, Parcel 1
 - Has submitted Preliminary Plan Review and Major Development Plan applications; currently going through completeness review.
 - ANB Bank
 - An application for a minor development permit to construct an ANB Bank facility on the currently vacant north side of the old Burger King site has been submitted. Staff is currently reviewing this application for completeness.



NOTABLE UPDATES

- Planning and Zoning Commission Chair Pro Tem Laura Hartman has resigned. Staff have received several applications and anticipate bringing the appointment to Town Council on March 11th.
- The Town has transitioned legal services to a new firm out of Glenwood Springs. Richard J. Peterson-Cremer a partner at Karp, Neu, Hanlon has been appointed as the Town's Interim Town Attorney. Here's a link to Richard's bio: [Richard J. Peterson-Cremer - Karp Neu Hanlon, P.C. Attorney](#). Staff is coordinating a date to have Richard meet the Commission and provide training. More to come.
- Staff has met with members of the community on development proposals ranging from small administrative permits to larger development, subdivision, and annexation applications. Pre-application meetings in 2024:
 - January - 2
- There is a local group, Eagle River Coalition, that is pursuing improvements to the whitewater park. The Town has worked with this group to understand the costs of designing and constructing park improvements, however, there are no funds budgeted for project design/construction at this time.

Administrative Approvals (Encroachment Permits, Sign Permits,)

- Currently reviewing 0 Sign Permits.
 - 0 Sign Permits have been approved and issued so far this year.
 - 0 encroachment permits have been approved and issued this year.

P&Z and Council Meeting Schedule

February 2025	
February 4 th (Planning Commission)	• Reserve at Hockett Gulch PUD Amendment and Major Development Permit (Phase 1b and 2) – continued to February 18th
February 11 th (Town Council)	•
February 18 th (Planning Commission)	• Reserve at Hockett Gulch PUD Amendment and Major Development Permit (Phase 1b and 2)
February 25 th (Town Council)	• Reserve at Hockett Gulch PUD Amendment and Major Development Permit (Phase 1b and 2)
March 2025	
March 4 th (Work Session)	• PZ/TC Work Session on Affordable Housing Accelerator Project (AHAP)
March 4 th (Planning Commission)	



•
March 11 th (Town Council)
•
March 18 th (Planning Commission)
•
March 25 th (Town Council)
April 2025
April 1 st (Work Session)
• TC Work Session on Grand Avenue Corridor
April 1 st (Planning Commission)
• <i>Haymeadow Neighborhood A1 Preliminary Plan Update and Filing 2 Final Plat (tentative)</i>
April 8 th (Town Council)
•
April 15 th (Planning Commission)
•
April 22 nd (Town Council)
• <i>Haymeadow Neighborhood A1 Preliminary Plan Update and Filing 2 Final Plat (tentative)</i>
May 2025
May 6 th (Work Session)
• PZ/TC Work Session on Long Range Planning Priorities
May 6 th (Planning Commission)
May 13 th (Town Council)
May 20 th (Planning Commission)
May 27 th (Town Council)