Planning & Zoning Commission
Tuesday, June 17, 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.

Microsoft Teams meeting

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Passcode: CtrpRm

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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 May 20th, 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: LUDC25-02 Text Amendment to the Land Use and Development Code Establishing Density Limits in Mixed Use and Commercial Zone Districts.
   File # LUDC25-02
   Applicant: Community Development
   Location N/a
   Staff Contact: Peyton Heitzman, Community Development Director
   Request: To review and approve text amendments to the Land Use and Development Code (LUDC) establishing residential density limits in mixed-use and commercial zone districts.

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 Department 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.

Gram Dick

Gram Dick
Administrative Technician II

MEETING MINUTES
Planning & Zoning Commission
Tuesday, May 20, 2025 6:00 PM
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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.

6:00 PM - REGULAR MEETING CALLED TO ORDER

Commissioner Mathew Hood called the meeting to order at 6:15 PM.

COMMISSIONERS PRESENT
Weston Arbogast, Matt Hood, Bill Nutkins, Keegan Winkeller

COMMISSIONERS ABSENT
Keith Klesner, Keith Montag, Jennifer Sturgeon

STAFF
Peyton Heitzman – Community Development Dir.
Kyle Brotherton – Senior Planner
Sydney Dynek – Planner I
Gram Dick – Admin Tech II

APPROVAL OF MINUTES

1. No minutes to approve.

PUBLIC COMMENT

Commissioner Hood opened the floor for public comments on items not on the agenda, but there were none.

PUBLIC HEARINGS

1. **Project:** DR25-02 ANB Bank Minor Development Permit
   File #: DR25-02
   Applicant: ANB Bank, c/o Alder Real Estate, Will Coffield

Staff Contact: Sydney Dynek, Planner
Request: A minor Development Permit to construct a 3768 square-foot commercial building.

Commissioner Hood disclosed a potential conflict of interest noting that his firm had made a bid for structural engineering services on the building under discussion. Hood stated he could remain unbiased and asked if there were any objections; hearing none, the hearing continued.

Dynek then presented a brief overview of file DR25-02, a minor development permit application to construct a 3,768-square-foot building at 295 Eby Creek Road. The applicant is AMB Bank, and the property is located in the Commercial General zoning district, just north of I-70 and west of the Eby Creek roundabout. Sydney provided visuals showing the location and surrounding areas. The applicant, represented by Alder Real Estate and Will Coffield, had received no public comments on the file to date.

Sydney outlined the standards required for a development permit, which include code consistency, and alignment with the town's comprehensive plan. She confirmed that the application met these requirements and that it was consistent with the land use code and the previous subdivision plan. She further explained how the proposal supports comprehensive plan goals by promoting highway-oriented businesses and expanding economic opportunities within the town, particularly in the commercial sector.

She went on to present the site plan and architectural renderings, which included a drive-through, general and ADA parking spaces, and an EV charging station, with site access through the existing Burger King property. The applicant also requested a reduction in the riparian setback from 75 feet to 50 feet, which was supported by a third-party consultant's assessment indicating no adverse impacts from the development.

Sydney concluded her presentation by recommending approval of the application with several conditions: compliance with recommendations from a Geo Hazards Review letter, modifications to the parking design to meet EV standards, and the addition of trees to the landscaping plan. The applicant would also need to pay all applicable impact fees prior to receiving a building permit.

Representatives Will Coffield from Alder Companies and Jaris Romeo from AMB Bank spoke on behalf of the application. Jaris emphasized AMB Bank's commitment to the community, including its involvement in local sponsorships and support for various projects. Will discussed the benefits of the development, such as activating the underutilized parcel and bringing value to the site. Allison Kent from the applicant's team elaborated on the building's design and zoning compliance, showing elevations and discussing exterior materials, the landscape plan, and explaining the rationale for the riparian setback reduction, including measures taken to minimize the impact.

Commissioner Questions

The Commission then asked questions regarding the subdivision process, riparian setback requirements, and the access easement. The applicant clarified that the subdivision application had been submitted and was under staff review, the setback requested aligned with past standards on the adjacent Burger King site, and the access easement would be recorded alongside the subdivision plat.

Public Comment

Following these clarifications, the Commission reopened the floor for public comment specific to the file, but again, no comments were received.

Applicant/Staff response to public comment

No Comments.

P&Z Commission Deliberation and Feedback on the Application

The Commission expressed support for the application and moved to approve it with the conditions outlined by staff. The motion was seconded and passed unanimously.

MOTION: Chair Hood motioned to adjourn. Chair Winkeller seconded and the motion to adjourn passed unanimously.

COMMUNITY DEVELOPMENT DEPARTMENT AND TOWN COUNCIL UPDATE

Gram Dick was introduced as a new member of the Community Development Department. Staff shared updates on various development projects occurring throughout the town.

ADJOURN

Meeting Adjourned at 6:57 pm

AI Assistance
These meeting minutes were generated with the assistance of AI technology to enhance accuracy, organization, and clarity. The final version was reviewed and approved by Gram Dick to ensure completeness and adherence to meeting records.

To: Planning Commission

From: Community Development Department

Date: June 17, 2025

Agenda Item: LUDC25-02 Text Amendment to the Land Use and Development Code Establishing Density Limits in Mixed Use and Commercial Zone Districts.

REQUEST:
For the Planning Commission to review and approve text amendments to the Land Use and Development Code (LUDC) establishing residential density limits in mixed-use and commercial zone districts.

INTRODUCTION:
During the recent legislative session, House Bill 25-1093 (LINK) was approved, prohibiting local governments from limiting growth through density caps and similar land use policies. In response, staff have reviewed zone districts where density limits are unclear or absent, specifically Commercial Mixed Use 1, Broadway, Commercial General, Commercial General East (CGE), Industrial, and Commercial Interchange (CI).

Without clear standards, the Town may face challenges enforcing density limitations adopted after July 1, 2025. Additionally, the bill requires that any reduction in density be offset by an increase elsewhere in Town. Establishing clear base density standards now will help preserve the Town's ability to implement the Comprehensive Plan's vision. Nothing in the bill prevents the Town from increasing density in the future.

In response to the bill, staff is processing a text amendment application. The amendment aims to regulate density through the following solutions:

- A maximum building footprint in the CMU1 zone district
- Enhanced neighborhood protection standards in CMU1
- Use standards for employee dwelling units
- Density limits in CGE and CI based on housing needs generated by that use

These amendments are informed by the June 3 joint work session where Town Council and Planning Commission provided policy guidance. The staff report from that work session can be found HERE. Below is a summary of the June 3 discussion:

- A maximum building footprint is appropriate for CMU1, though specific square footage was not decided upon. While there was initial discussion about setting the standard to reflect Broadway, further review of recent development examples let to an interest in setting the square footage to better align with the surrounding neighborhood.

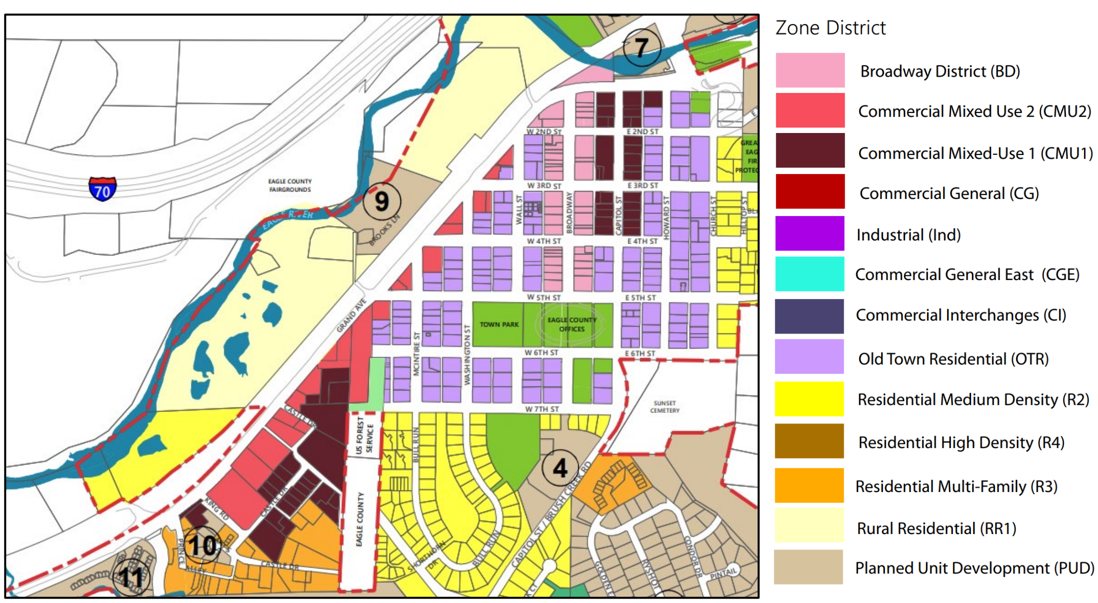
- There was interest in standards that allowed for underground parking garages, and more specifically, parking garages crossing lot lines. Note: Staff is working with Legal Counsel to explore solutions on this subject but due to the short turnaround time on this code amendment, these solutions will not be presented in this memo or resolution.
- There was no interest in changing the application of square footage from per building to per lot.
- There was support in expanding neighborhood protection standards to apply to adjacent residential zone districts.
- Generally, there was no interest in applying the R3 densities to the commercial zone districts, and other solutions were deemed more appropriate for the CG, IND, CGE, and CI zone districts.
- There was discussion to create use standards for Employee Dwelling Units including limiting the number of units based on employee generation and requiring a deed restriction linking them to the primary commercial use.
- There was general agreement to limit density in the CGE and CI zone districts based on the same employee generation calculations provided by EPS.

The Planning Commission's recommendations on the proposed text amendment will be shared with the Town Council for their consideration on June 24.

ANALYSIS:

1. Commercial Mixed-Use (CMU1)

The CMU1 zone district is a mixed use district located in two areas of town and serves as a transitional zone district between lower-density residential and higher-intensity commercial and mixed-use zone districts. Staff recommend two modifications to the LUDC to help the zone district function as intended. These modifications include a new maximum building footprint and enhanced neighborhood protection standards.



Building Footprint

To ensure new developments complements the character of the existing neighborhood while still achieving the increased density envisioned in the Comprehensive Plan, staff propose adding a maximum building footprint standard in the CMU1 zone district.

To achieve an intensity that appropriately transitions between Broadway or Grand Avenue and the nearby residential neighborhoods in Old Town Residential (OTR) and Residential Medium Density (R2)/Residential Multi-Family (R3), staff recommend a maximum building footprint of 7,000 square feet. Per the definition of building footprint, this is a maximum square footage per building, not lot size. This standard does not exclude a development from having multiple buildings within the maximum building footprint.

This recommendation is informed by building footprints from recent developments, nearby lot and building sizes, and the zone district's lot coverage allowance. While staff have done our best to lay a solid foundation, we recognize that the methodology isn't perfect and welcome the Planning Commission's input on this proposed standard.

Example Building Footprints:

- Talon Flats – 8,641 sf
- Broadway Station – 6,078 sf
- 435 Eby Creek – 6,814 sf
- Reserve at Hockett Gulch Phase 1a – 12,712 sf to 17,085 sf

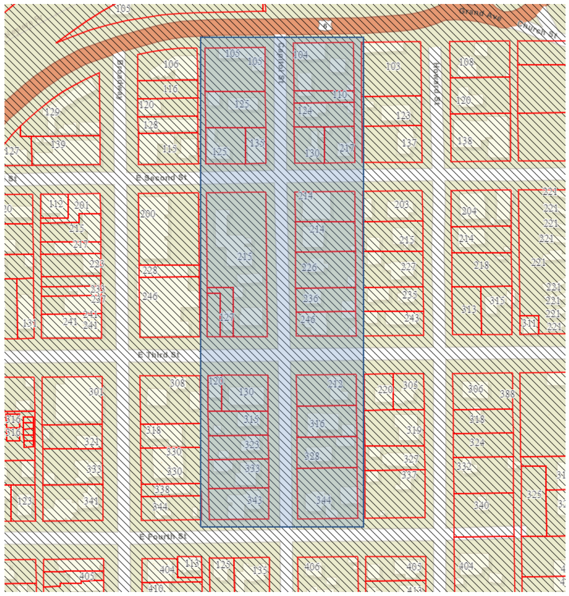
Building Sizes in surrounding neighborhoods

Staff also analyzed approximate building sizes in the surrounding neighborhoods for Old Town Eagle and the West Eagle Neighborhood.

Old Town Eagle

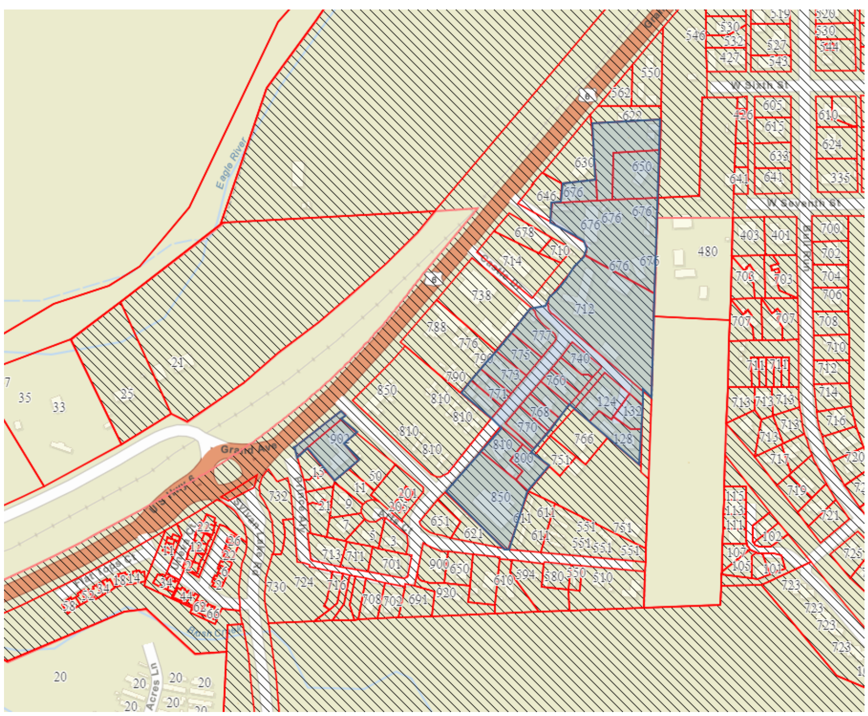
- East side of CMU1 average building size = 2,250 sf and building size range 843 – 6,454 sf
- West side of CMU1 average building size = 3,500 sf and building size range 896 – 10,617 sf

The properties that informed the averages/ranges are highlighted in the images below.



West Eagle Neighborhood

- East side of CMU1 average building size = 2,900 sf and building size range 768 – 9,510 sf
- West side of CMU1 average building size = 2,063 sf and building size range 1,341 – 3,141 sf



These numbers were pulled from a combination of Eagle County GIS data inputs and the area measuring tool when building sizes were not available. The data can be found HERE.

Average Lot Sizes / Lot Coverage

The average lot size in the surrounding Capitol neighborhood is approximately 8-10,000 square feet, based on an older Town map LINK. Given CMU1's 70% lot coverage allowance, a typical 10,000 sf lot would permit a 7,000 sf of impervious coverage, including building, parking, etc.

Considering the scale of recent developments, building sizes in the surrounding neighborhoods, and lot coverage allowances with average existing size lots, staff recommends the following text amendment to the CMU1 zone district.

Section 4.04.040. – Table 4.04-2: CMU1 Lot and Dimensional Standards

Table 4.04-2: CMU1 Lot and Dimensional Standards			
		Live Stream Setback	
		No disturbance area	75 ft
Mixed-Use Lot Standards		**Building Standards**	
Lot Area, total (min)	6,250 sf	D Height (max)	35 ft [2]
Lot coverage (max)	70%		
Building Placement		**Parking Standards**	
Build-to/Setbacks		Location	Section 4.04.040 D.
A Front Build-to Zone	5-20 feet	Required parking	Section 4.12
Front Build-to Line Coverage	65% [1]		
B_1 Street Side Build-to Zone	5-20 feet	**Accessory Structure Setbacks**	
B_2 Interior Side Setback (min)	5 ft [2]	Side, Interior	2.5 ft
C Rear Setback (min)	5 ft [2]	Rear	2 ft
<u>Building Standards</u>			
<u>Building Footprint (sf, max)</u>		<u>7,000 sf</u>	

Table Notes:
[1] Percentage of the front building line that must be located within the build-to zone.
[2] Abutting R1 or N2, see Section 4.04.030 A.

Neighborhood Protection Standards

Staff recommend enhancing the neighborhood protection standards to minimize the impact of new development on adjacent residential neighborhoods. As currently written, these standards only apply when new development is adjacent to property zoned Residential Low Density (R1). However, there are no properties zoned R1 on the current Zone Map, meaning the standards cannot apply to new development. When the LUDC was adopted in 2023, the maximum building height of 35 feet—which applies to all zone districts in Town—remained unchanged. However, the method for measuring building height became slightly more restrictive.

Staff propose three key changes in the redlines below:

- Expand applicability to all adjacent residential zone districts, not just R1.

- Remove supporting imagery that has caused more confusion than clarity, considering the second image depicts a 45’ building height, which is not permitted in the CMU1 zone district. The images are meant to be illustrative, not regulatory, and have let to misinterpretation.
- Clarify that the step-down building height applies to building height exceptions found in Table 4.02-2.

Section 04.04.040.E Neighborhood protection (for CMU1 zone district)

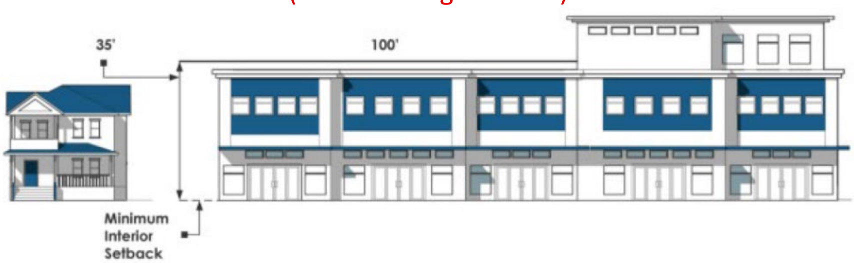
1. All property zoned CMU1 located within 50 feet of any ~~R1 or OTR~~ residential zone district, including a planned development that allows single unit residential use, shall comply with these site development standards:

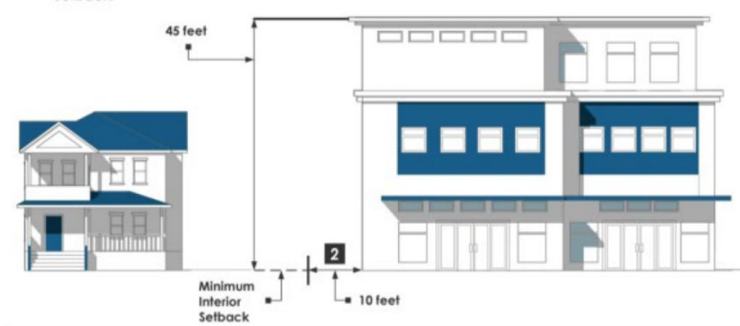
    a. New primary buildings with a height greater than 35 feet, including elements within Table 4.02-2 Height Limit Exception, shall reduce the perceived height of the building when viewed from the adjacent ~~R1~~residential lots by using at least one of the following techniques.

        i. "Stepping down" building height of any portion of the building within 20 feet of the side and rear lot lines abutting a lot zoned in any ~~R1~~residential district to a maximum of 35 feet; or

        ii. Increasing the side yard and rear yard setbacks abutting ~~R1~~residential-zoned lots by at least ten feet beyond that otherwise required.

(remove images below)





2. Employee Dwelling Units

Employee Dwelling Units (EDU) are an accessory use permitted in many of the Town’s commercial and industrial zone districts. These districts do not have density caps, and the absence of specific use standards limits the Town's ability to regulate the number of EDUs within a development. Based on feedback from the joint work session, staff recommend adding the following use standards:

Section 4.09.100 (Link)

L. *Employee dwelling units.*

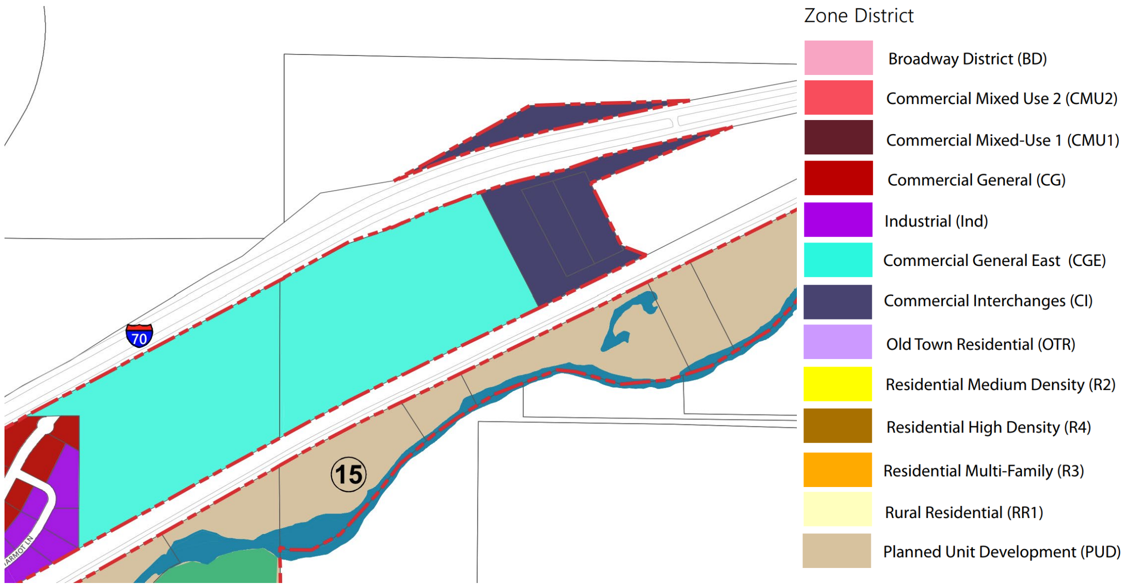
1. Employee Dwelling Units shall be located on the same lot as the nonresidential use to which the employee housing is offered and shall not be subdivided.
2. Employee Dwelling Units shall have separate exterior access.
3. Employee Dwelling Units shall provide a minimum of one dedicated off-street parking space.
4. A deed restriction, in a form approved by the Town, shall be required for each Employee Dwelling Unit restricting occupancy with first priority to full time employees of the nonresidential use on the lot to which it is located, then second priority to a local employee resident, as defined in this Title 4.
5. The maximum number of Employee Dwelling Units allowed shall be calculated at 0.97 units per 1,000 sf for Mixed Use/Commercial uses, 0.36 units per 1,000 sf for Industrial uses, 1 unit per 11 rooms for lodging uses, 0.97 units per 1,000 sf for Public, Civic, and Institutional and Open Space and Recreation uses.

These standards are drafted to ensure the EDUs serve their intended purpose, housing employees of the principal nonresidential use. Locating EDUs on the same lot prevents them from being sold separately. The deed restriction required in standard #4 ensures the unit is occupied by an eligible employee, however, the unit could be occupied by an alternate local employee in the event no employees of the principal use are interested in renting the space. This alternative is to avoid vacancy during the current housing shortage.

The maximum EDUs is based on the size of the principal use, with ratios from the recent Commercial Linkage Study completed by Economic Planning Systems (EPS), attached to this memo. In their analysis, EPS has calculated the number of residential units needed to meet the housing demand generated by a new nonresidential development. Staff is working with EPS to finalize EDU ratios for the Public, Civic, Instituional and Open Space/Recreation use categories that are not explicitly detailed in the study.

3. Density for Commercial General East (CGE) and Commercial Interchange (CI)

The CGE and CI zone districts are located in the East Eagle area and comprise two parcels on approximately 100 acres of undeveloped land. The CGE zone district is intended to support heavy commercial, wholesale, warehouse-distribution/flex space facilities, research facilities, artisan and light manufacturing, and contractor commercial uses, including outdoor storage and truck traffic. The CI zone district is for travel-adjacent commercial and tourist uses, including lodging, dining, and retail, that connects to and supports guest and tourism activities in the Town. Residential uses are intended to be those that primarily support accessory employee housing.



Employment Generated Housing

Following the guidance from the joint work session, staff has drafted residential density limits based on the same employment generation calculations from EPS's Commercial Linkage Study. As previously noted, the calculation identifies the housing need generated by the new use. If the Town adopts the calculations as presented, the Town would essentially permit the amount residential needed to support the employees of those new uses, resulting in a 100% mitigation rate.

The density limits would apply to all residential uses permitted within the CI and CGE zone districts. The CI zone district permits Dormitory Living/Hostel and Employee Dwelling Unit uses, while the CGE allows for Dormitory Living/Hostel, Employee Dwelling Unit, and Multi-Unit Dwelling uses.

Section 4.05.040. – Table 4.05-4: CGE Lot and Dimensional Standards / Section 4.05.050. – Table 4.05-6: CI Lot and Dimensional Standards

Table 4.05-4: CGE Lot and Dimensional Standards					
Lot Standards			**Building Standards**		
Lot Area, total		100,000 sf	D	Height (max)	35 ft ~~[1]~~
Public Street Frontage (min)		50 lin. ft.	**Parking Standards**		
Lot Coverage (max)		80%	Required parking		Section 4.12
Building Placement					
Setbacks			**Design Standards**		
A	Front (min)	15 ft	Site layout		Section 4.10

B_1	Street Side (min)	10 ft	Mixed-use structures	Section 4.10
B_2/C	Rear or Interior Side (min)		Residential structures	Section 4.10
Adjacent to:	Parking lot	0 ft		
	Com or Ind district	12.5 ft		
	Mixed-use district	25 ft		
	Residential district	75 ft		
Live Stream Setback				
No disturbance area		75 ft		
Residential Density (minimum square foot or room count per dwelling unit) [1]				
Mixed Use / Commercial		0.97 per 1,000 sf		
Industrial		0.36 per 1,000 sf		
Hotel / Lodging		4.36 per 50 rooms (1 per 11 rooms)		
Public, Civic, and Institutional Uses		0.97 per 1,000 sf		
Open Space and Recreation		0.97 per 1,000 sf		
Table Notes: [1] Fractions shall be rounded to the nearest whole number based on the sum of dwelling units.				

Table 4.05-6: CI Lot and Dimensional Standards					
Lot Standards			**Building Standards**		
Lot Area, total		—	B_2D	Height (max)	35 ft [1]
Public Street Frontage (min)		25 lin. ft.	Building Footprint (max)		25,000 sf
Lot Coverage (max)		80%	**Parking Standards**		
Building Placement			Parking location		Max. 30% front [1], remainder side or rear yard
Setbacks			Required parking		Chapter 4.12
A	Front (min)	25 ft	**Design Standards**		
B_1	Street Side (min)	15 ft	Site layout		Chapter 4.10

B_2/C	Rear (min) or Interior Side		Mixed-use structures	Chapter 4.10
Adjacent to:	Parking lot	0 ft	Residential structures	Chapter 4.10
	Com/Ind district	12.5 ft		
	Mixed-use district	25 ft		
	Residential district	50 ft		
Live Stream Setback				
No disturbance area		75 ft		
Residential Density (minimum square foot or room count per dwelling unit) [2]				
Mixed Use / Commercial		0.97 per 1,000 sf		
Industrial		0.36 per 1,000 sf		
Hotel / Lodging		4.36 per 50 rooms (1 per 11 rooms)		
Public, Civic, and Institutional Uses		0.97 per 1,000 sf		
Open Space and Recreation		0.97 per 1,000 sf		
Table Notes: [1] Measured between the front building line and the public right-of-way across the entire front side of the lot. [2] Fractions shall be rounded to the nearest whole number based on the sum of dwelling units.				

COMMUNITY INPUT:
The text amendment application was noticed in the local newspaper on Thursday May 29, 2025. Public hearings are being held at the Planning & Zoning Commission meeting of June 17, 2025, and the Town Council meeting of June 24, 2025, where the public may comment on the proposed amendments.

As of June 13, staff has received one public comment that can be found HERE.

BUDGET / STAFF IMPACT:
Staff anticipate minimal impact on the budget, aside from the legal costs associated with drafting code language.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:
This effort supports the Strategic Plan's primary objective to 'Improve Community Responsive Services.'

The modification to the CMU1 zone district support the following Comprehensive Plan policies:

GOAL 2-3. CELEBRATE THE TOWN'S UNIQUE SMALL-TOWN CHARACTER.

- 2-3.3. Ensure that new development builds upon and adds value to Eagle's unique community character by adhering to high-quality standards of design and construction.
  a. Ensure residential infill and redevelopment blend appropriately with the character and scale of surrounding neighborhoods
- 2-5.3. Support vertical mixed use, horizontal mixed use, or a combination of mixed use patterns in appropriate areas (such as the Broadway Street extension into the River Corridor Sub Area). Minimize the extension of mixed-use areas away from the Town Center to promote Broadway Street as the heart of the community.

GOAL 2-1. ENHANCE THE VIBRANCY AND VIABILITY OF DOWNTOWN.

The character of Downtown is defined by a small-town neighborhood feel and includes residential blocks as well as commercial and mixed-use. The development style establishes a unique and intimate relationship between buildings and the street. Historic resources are preserved, and new development is reflective of historic development patterns, character, and style.

- 2-1.1. New development, additions, and renovations should aim to mimic the scale, architectural style, and character of existing and surrounding historic buildings.
- 2-1.5. Encourage sensitive infill development to better support Broadway Street through increased building height, which complements and retains the character, scale, and massing of historic structures.
- 2-1.10. Encourage, where appropriate, increased density near the Downtown core.

The use standards for the Employee Dwelling Units and density limits in the Commercial General East and Commercial Interchange Zone districts are supported by the following policies in the Comprehensive Pland and East Eagle Subarea Plan:

GOAL 2-7. POLICIES FOR THE INTERSTATE 70 INFLUENCE CHARACTER AREA: INCLUDING THE MARKET STREET AREA, EBY CREEK ROAD AREA, AND THE CHAMBERS AVENUE AREA.

- 2-7.1. Portions of the I-70 Influence character area are intended to support commercial and industrial uses, exclusive of other uses. Improvements along Chambers Avenue and Market Streets are auto-oriented with limited pedestrian amenities.
- 2-7.2. Workforce housing that directly supports on-site commercial or light industrial uses is considered an acceptable amount of residential in these districts.

East Eagle Sub Area Plan:

- Policy 7.1 Accessory on-site employee housing is encouraged throughout the planning area to support business opportunities.

RECOMMENDED ACTION OR PROPOSED MOTION:

I move to approve Resolution 006, Series 2025, recommending approval of the amendment to the Town of Eagle Municipal Code, File LUDC25-02.

ATTACHMENTS:

- Commercial Linkage Study (LINK)
- Resolution 006, Series 2025

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 32
(Series of 2025)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO ACCEPTING THE COMMERCIAL LINKAGE NEXUS STUDY FINAL REPORT AS PRESENTED

WHEREAS, major objectives within the Town of Eagle's 2020 Strategic Plan include stimulating economic vitality and development, and diversifying the attainable housing stock; and

WHEREAS, in 2023 the Town of Eagle completed and accepted an Economic Development Plan to guide the Town's economic development programs, policies, and allocation of resources for the next 5 to 10 years; and

WHEREAS, in February 2024, the Town of Eagle retained Economic & Planning Systems (EPS) to conduct a Commercial Linkage Nexus Study to provide findings and recommendations that will inform future policies and programs aimed at supporting economic opportunity and addressing the housing demand resulting from employment-driven growth; and

WHEREAS, the Town Council finds that it is in the best interest of the public health, safety and welfare to accept the Commercial Linkage Nexus Study as presented.

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

Section 1. The Town Council hereby accepts the Commercial Linkage Nexus Study Final Report in substantially the form attached hereto.

INTRODUCED, READ, PASSED AND ADOPTED ON APRIL 22, 2025.

TOWN OF EAGLE, COLORADO

____
Scott Turnipseed, Mayor

ATTEST:

____
Camille Deering, Town Clerk

OFFICIAL
TOWN OF EAGLE
Est. 1905
SEAL

Economic & Planning Systems, Inc.
The Economics of Land Use

COMMERCIAL LINKAGE NEXUS STUDY

FINAL REPORT

Prepared for:
Town of Eagle

Prepared by:
Economic & Planning Systems, Inc.

April 17, 2025

EPS #243020

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List of Tables

1. Introduction

Economic & Planning Systems (EPS) was retained by the Town of Eagle to complete a nexus analysis for a commercial (nonresidential) linkage program. The analysis establishes a nexus between new commercial development and the demand for housing from new employees. This housing need can be mitigated by paying a linkage fee based on the gap between what the employees generated can afford to pay for housing and the cost to purchase the average priced home in the Town of Eagle in 2024. This study explains the technical fee analysis and then describes program implementation considerations, which includes how the program can be positioned to encourage either fee collection or affordable housing units.

Context and Rationale

The Town of Eagle recognizes that there is not enough affordable or attainable housing available to its residents. As part of an effort to address this, the Town is considering implementing a linkage fee on new commercial (nonresidential) development to address local affordable housing needs. A linkage program is a fee or unit requirement that mitigates the demand for housing created by new job-generating development. The program is structured so that land use types that generate low-paying jobs (i.e., that don't pay enough for workers to afford housing) pay a higher fee than land uses that generate higher paying jobs. Jobs that pay sufficient wages (based on median industry and occupation wages) for employees to afford housing locally do not generate any housing need in this program.

A commercial linkage program was recommended in the Town of Eagle's *Comprehensive Affordable Housing Assessment* (2023) and *Economic Development Plan* (2023). Affordable housing is an increasingly prominent issue as home prices have significantly increased since the COVID-19 pandemic. There are opportunity sites in Eagle that are anticipated to attract large amounts of commercial development. A commercial linkage program is a proactive way for the Town to anticipate the additional housing needs generated by commercial development and alleviate some of the burden of providing affordable housing for new employees. Affordable housing is essential for business viability and to recruit and retain local employees.

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2. Nexus Analysis

The analysis in this Study documents the relationships between major nonresidential land use types, job generation, wages and household incomes associated with new employees, and housing cost gaps. This analysis was done for three categories of development – general commercial, industrial, and hotel – to account for the differing patterns of job generation and wage levels between these uses. The general commercial category includes retail, office, and restaurant/bar uses. The analysis uses development prototypes to determine employees generated, housing need, and affordability gap, following the methodology outlined below.

Job Generation Calculation

In order to understand the magnitude of new employment associated with new development, EPS determined job generation rates for each of the three categories of development.

Total Jobs

The first step in the nexus analysis is determining the total number of jobs in the Town of Eagle by space type (general retail, industrial, and hotel). This data is drawn from 2023 Quarterly Census of Employment and Wages (QCEW) employer address files for Eagle County.

Total Commercial Square Footage

The second step is to determine the total commercial square footage in the Town of Eagle by type of business occupying the space. Commercial square footage data came from the County assessor database, which included building square footage. QCEW employment data was joined to the parcel data to determine employment by major land use type.

Job Generation Rates

To calculate the employment generation rate for each land use, the aggregate employment is divided by the aggregate square footage of development in each land use category. This results in a generation rate of square feet per employee for each land use type. For the Town of Eagle, job generation rates are 450 square feet per employee for general commercial space, 1,150 square feet per employee for industrial space, and 0.20 employees per room for hotel.

Employee Generation and Housing Need

Housing impacts are calculated for prototypical developments of 1,000 square feet of general retail, 1,000 square feet of industrial space, and 50 rooms of hotel space. From these figures, the analysis provides specific 'per square foot' and 'per room' factors that can be applied to future development proposals of each development type. As shown in **Table 1,** and based on the analysis outlined above, general commercial has a job generation rate of 450 square feet per employee (2.2 jobs per 1,000 square feet), industrial has a job generation rate of 1,150 square feet per employee (0.9 jobs per 1,000 square feet), and hotel space has a job generation rate of 0.20 employees per room (10.0 jobs per 50 rooms).

Table 1. Commercial Development Prototypes

Land Use	Building Sq. Ft.		Job Generation		Jobs
General Commercial	1,000	*sq. ft.*	**450**	*sqft/empl*	2.2
Industrial	1,000	*sq. ft.*	**1,150**	*sqft/empl*	0.9
Hotel	50	*rooms*	**0.20**	*emp/room*	10.0

Source: Economic & Planning Systems

Land Use to NAICS

With total job generation determined, the next step is to assign each land use to a mix of industries to estimate the wage characteristics of the employees generated. Across each of the three land uses modeled, jobs that typically occur within those building typologies fall into many industries. While hotels fall solely in the Accommodations and Food Services sector, general commercial and industrial fall more broadly across multiple, as shown in **Table 2**.

Table 2. Land Use to Industry Category Conversion

	Land Use to NAICS Conversion		
Industry Sector	General Commercial	Industrial	Hotel
11 Ag, Forestry, Fish & Hunting	0%	0%	0%
21 Mining	0%	0%	0%
22 Utilities	0%	0%	0%
23 Construction	0%	0%	0%
31-33 Manufacturing	0%	30%	0%
42 Wholesale Trade	0%	44%	0%
44-45 Retail trade	15%	0%	0%
48-49 Transportation & Warehousing	0%	26%	0%
51 Information	3%	0%	0%
52 Finance & insurance	4%	0%	0%
53 Real estate & rental	4%	0%	0%
54 Professional- scientific & tech svcs	12%	0%	0%
55 Management of companies	0%	0%	0%
56 Administrative & waste services	0%	0%	0%
61 Educational svcs	0%	0%	0%
62 Health & social services	0%	0%	0%
71 Arts- entertainment & recreation	0%	0%	0%
72 Accomodation & food services	26%	0%	100%
81 Other services	0%	0%	0%
91-99 Government & non NAICs	35%	0%	0%
Total	**100%**	**100%**	**100%**

Source: QCEW; Economic & Planning Systems

Jobs to Employees

The next step is a multiple job holder adjustment, to adjust the number of *jobs* generated to the number of *employees* generated since without this adjustment, the analysis could overestimate the housing demand created from jobs. To step down from jobs to employees, jobs are divided by a factor of 1.30 jobs per employee, which is from the 2024 Eagle County Housing Needs Assessment. This reduces the 2.22 general commercial jobs to 1.71 employees, 0.87 industrial jobs to 0.67 employees, and 10.0 hotel jobs to 7.69 employees, as shown in **Table 3**.

Table 3. Jobs to Employees Generated by New Commercial Development

Industry Sector	Jobs by Land Use: General Commercial	Jobs by Land Use: Industrial	Jobs by Land Use: Hotel	Employees by Land Use: General Commercial	Employees by Land Use: Industrial	Employees by Land Use: Hotel
11 Ag, Forestry, Fish & Hunting	0.00	0.00	0.00	0.00	0.00	0.00
21 Mining	0.00	0.00	0.00	0.00	0.00	0.00
22 Utilities	0.00	0.00	0.00	0.00	0.00	0.00
23 Construction	0.00	0.00	0.00	0.00	0.00	0.00
31-33 Manufacturing	0.00	0.26	0.00	0.00	0.20	0.00
42 Wholesale Trade	0.00	0.38	0.00	0.00	0.30	0.00
44-45 Retail trade	0.34	0.00	0.00	0.26	0.00	0.00
48-49 Transportation & Warehousing	0.00	0.22	0.00	0.00	0.17	0.00
51 Information	0.08	0.00	0.00	0.06	0.00	0.00
52 Finance & insurance	0.08	0.00	0.00	0.06	0.00	0.00
53 Real estate & rental	0.09	0.00	0.00	0.07	0.00	0.00
54 Professional- scientific & tech svcs	0.28	0.00	0.00	0.21	0.00	0.00
55 Management of companies	0.01	0.00	0.00	0.01	0.00	0.00
56 Administrative & waste services	0.00	0.00	0.00	0.00	0.00	0.00
61 Educational svcs	0.00	0.00	0.00	0.00	0.00	0.00
62 Health & social services	0.00	0.00	0.00	0.00	0.00	0.00
71 Arts- entertainment & recreation	0.00	0.00	0.00	0.00	0.00	0.00
72 Accomodation & food services	0.57	0.00	10.00	0.44	0.00	7.69
81 Other services	0.00	0.00	0.00	0.00	0.00	0.00
91-99 Government & non NAICs	0.77	0.00	0.00	0.59	0.00	0.00
Total	**2.22**	**0.87**	**10.00**	**1.71**	**0.67**	**7.69**

Source: QCEW; Economic & Planning Systems

Occupations and Wages

The next step is to convert the jobs by NAICS to specific occupation categories to obtain a more detailed distribution of wage levels for the new jobs. This reflects the fact that using the average wage for an industry does not yield enough detail on the spectrum of wages generated by each land use type to accurately portray income characteristics. The range of wages and occupations generated by new development is better represented by the 21 Standard Occupational Classifications defined by the Bureau of Labor Statistics (BLS). The National Industry by Occupation Matrix published by the BLS provides the estimated distribution of occupations for each NAICS category. The wages for each occupation in Eagle are estimated by indexing the national wages by occupation and industry to the average wage for that industry in Eagle County.

Household Formation and Household Income

Another adjustment is made to account for the fact that many households have more than one wage earner. This has the effect of raising the income of the employees generated from preceding steps. In Eagle, there is an average of 1.70 earners per household (2024 Eagle County Housing Needs Assessment). In this analysis, the first earner earns the wage generated based on the occupation and wage analysis, and the “second” 0.70 earner earns 0.70 multiplied by the average wage in the industry of the primary earner. Based on this, 1.7 general commercial employees result in 1.0 households, 0.7 industrial employees result in 0.4 households, and 7.7 hotel employees result in 4.5 households, as shown in **Table 4**.

Table 4. Jobs, Employees, and Households Generated

	General Commercial	Industrial	Hotel *50 Rooms*
Total Jobs/1,000 Sq. Ft.	2.2	0.9	10.0
Employees/1,000 Sq. Ft.	1.7	0.7	7.7
Households/1,000 Sq. Ft.	1.0	0.4	4.5

Source: Economic & Planning Systems

Households by AMI

The last step involves tabulating the number of households generated in each income range as a percentage of Area Median Income (AMI), based on CHFA 2024 income limits for Eagle County. These households represent the housing need generated by new commercial development. In this step, households earning up to 140% AMI are included to align with Eagle’s current affordable housing guidelines. This reduces the number of households generated by land use to only account for those expected to have affordability challenges. As shown in **Table 5**, most households generated by general commercial development earn 80 to 120% AMI, most households generated by industrial development earn 80 to 120% AMI, and most households generated by hotel development earn around 100% AMI.

Table 5. Households Generated by Land Use

	Income Limit	General Commercial	Industrial	Hotel
Households Generated		**1.01**	**0.39**	**4.52**
Households by Income Range				
30% of Median	$33,180	0.00	0.00	0.00
50% of Median	$55,300	0.00	0.00	0.00
80% of Median	$88,480	0.22	0.16	0.00
100% of Median	$110,600	0.56	0.12	4.31
120% of Median	$132,720	0.15	0.08	0.05
140% of Median	$154,840	0.04	0.00	0.01
Total - Target Income Ranges		**0.97**	**0.36**	**4.36**

Source: Economic & Planning Systems

Linkage Fee Calculation

Once households by AMI are determined, the linkage fee can be calculated. The first step in the fee calculation is to determine the affordability needs of the households generated. To determine this, the gap across the wage spectrum is calculated based on the cost to purchase a home in the Town of Eagle, which is estimated using the average cost of townhome and condominium homes in 2024 of $653,330. Household income is shown for a 2.5-person household using 2024 CHFA income limits by AMI. This household size is used to align with condominium and townhome units, which typically have a smaller household size than the average across all unit types. Additionally, condominiums and townhomes are typically smaller unit sizes and more affordable than single family detached units. It’s important to note this household size of 2.5-persons is similar to the average household size in Eagle County (2.8-persons) and lower than the average household size in the Town of Eagle (3.1-persons).

As shown in **Table 6**, home prices affordable to households range from $82,700 at 30% of AMI to $594,100 at 140% AMI. As shown, with an average home cost of $653,330, a household would need to earn 200% AMI (not shown) to afford this home. Due to this and to align with the Town of Eagle’s existing affordable housing guidelines, the fee is calculated on the affordability gap for households earning 140% AMI and below. For these households, the gap per unit ranges from $570,630 at 30% AMI to $59,230 at 140% AMI.

Table 6. Affordable Price and Gap by Income Range

Description	Factor	AMI 30%	50%	80%	100%	120%	140%
HH Income and Housing Expense							
HH Income (2.5-person household)		$33,180	$55,300	$88,480	$110,600	$132,720	$154,840
Affordable Monthly Housing Cost	30%	$830	$1,383	$2,212	$2,765	$3,318	$3,871
Affordable Monthly Payment							
Less: Insurance	$2,500/year	-$208	-$208	-$208	-$208	-$208	-$208
Less: Property Taxes[1]	53.887 mills	-$30	-$60	-$100	-$130	-$160	-$190
Less: Miscellaneous (e.g. HOA Dues)	$1,500/year	-$125	-$125	-$125	-$125	-$125	-$125
Net Affordable Mortgage Payment (Monthly)		$466	$989	$1,779	$2,302	$2,825	$3,348
Valuation Assumptions							
Loan Amount		$78,600	$166,800	$299,900	$388,100	$476,200	$564,400
Mortgage Interest Rate		5.9% int.	5.9% int.	5.9% int.	5.9% int.	5.9% int.	5.9% int.
Loan Term		30-year term	30-year term	30-year term	30-year term	30-year term	30-year term
Downpayment as % of Purchase Price		5.0% down pmt	5.0% down pmt	5.0% down pmt	5.0% down pmt	5.0% down pmt	5.0% down pmt
Maximum Affordable Purchase Price		**$82,700**	**$175,600**	**$315,700**	**$408,500**	**$501,300**	**$594,100**
Cost per Unit		**$653,330**	**$653,330**	**$653,330**	**$653,330**	**$653,330**	**$653,330**
Gap per Unit		**$570,630**	**$477,730**	**$337,630**	**$244,830**	**$152,030**	**$59,230**
Square feet per unit		**1,542**	**1,542**	**1,542**	**1,542**	**1,542**	**1,542**
Gap per square foot		**$370**	**$310**	**$219**	**$159**	**$99**	**$38**

[1]Applies 7.15% assessment rate

Source: Economic & Planning Systems

To determine an appropriate fee to mitigate the housing gaps, the aggregate gap is calculated by multiplying the number of households generated in each AMI category by the gap per household. This results in the total affordability gap generated by each land use, which, divided by 1,000 square feet or 50 rooms, results in the maximum fee per square foot and fee per room that can be charged on new construction (based on development size), to account for the affordability needs generated by the development.

As shown in **Table 7**, this results in a maximum fee for general commercial development of $236 per square foot, industrial development of $96 per square foot, and hotel development of $21,236 per room.

Table 7. Maximum Commercial Linkage Calculation

Max. Employee Households Generated & Commercial Linkage Fee		General Commercial	Industrial	Hotel
Square Feet or Rooms		**1,000 sq. ft.**	**1,000 sq. ft.**	**50 rooms**
Employee Households by Income	**A**			
30% of Median		0.00	0.00	0.00
50% of Median		0.00	0.00	0.00
80% of Median		0.22	0.16	0.00
100% of Median		0.56	0.12	4.31
120% of Median		0.15	0.08	0.05
140% of Median		0.04	0.00	0.01
Total per 1,000sf / 50 Rooms		**0.97**	**0.36**	**4.36**
Gap per Household by Income	**B**			
30% of Median		$570,630	$570,630	$570,630
50% of Median		$477,730	$477,730	$477,730
80% of Median		$337,630	$337,630	$337,630
100% of Median		$244,830	$244,830	$244,830
120% of Median		$152,030	$152,030	$152,030
140% of Median		$59,230	$59,230	$59,230
Total Gap				
30% of Median	**A X B**	$0	$0	$0
50% of Median		$0	$0	$8
80% of Median		$74,170	$54,637	$0
100% of Median		$136,899	$29,797	$1,054,600
120% of Median		$22,606	$11,759	$6,851
140% of Median		$2,407	$202	$351
Total	**C**	**$236,082**	**$96,395**	**$1,061,810**
Building Size (Sq. Ft. / Rooms)	**D**	**1,000**	**1,000**	**50**
Maximum Fee per Sq. Ft. / Room Built	**C / D**	**-$236**	**-$96**	**-$21,236**

Source: Economic & Planning Systems

3. Commercial Linkage Application

The nexus analysis determines the maximum fee and unit requirement a community can use. The linkage program will then apply a mitigation rate and can position the policy to encourage developers to provide units or pay a fee. This section discusses the components of a commercial linkage program and how it can be applied to new commercial development.

Mitigation Rate

The maximum fee calculated is usually not the fee that is charged. A mitigation rate is applied to the maximum fee or units to reduce the requirement and lower the obligation of the commercial developer. This maintains development feasibility while still ensuring commercial development is sharing the responsibility of providing needed affordable housing in the community. It is important to have a balance of enough housing to support business viability and attract workers while meeting commercial development feasibility.

The migration rate is a policy decision and varies by community. Commercial mitigation rates of other mountain communities range from 65 percent in Aspen to 15 percent in Basalt, shown in **Table 8**.

Table 8. Commercial Mitigation Rates, 2024

Description	Mitigation Rate
Aspen	65.0%
Eagle County	45.0%
Mountain Village	40.0%
Telluride	40.0%
Vail	20.0%
Crested Butte	20.0%
Summit County	20.0%
Basalt	15.0%

Source: Economic & Planning Systems

Basalt Case Study

Basalt is the most similar community to Eagle that has a commercial linkage program. Basalt's program has been in place for over 20 years and has created about 90 deed restricted units. The policy promotes units instead of a fee. A fee-in-lieu is at the discretion of Town Council and is rarely approved. In the past 10 years, Basalt collected about $40,000 in commercial linkage fees.

The Basalt program applies a 15 percent mitigation rate to a job generation of 4.0 employees per 1,000 square feet of new commercial development. Basalt defines affordable housing as an average of 80% of AMI. Based on its commercial linkage program, 3,000 square feet of new commercial development results in 1 affordable housing unit or 959 square feet of housing. The zoning in Basalt encourages mixed use development, which is typically how developers deliver the affordable units with the deed restricted units stacked over commercial development, including industrial. Developers are motivated to incorporate affordable housing in determining project feasibility due to the limited land supply and few opportunities for commercial development. It is important to note that Basalt also has an inclusionary housing ordinance (IHO) that requires affordable housing from new residential development. Deed restricted housing provided through IHO is considered a separate pool of inventory from deed restricted/employee housing required by a commercial linkage program. In 2001, Willits development was approved and at buildout it generated 77 deed restricted units through IHO and commercial linkage.

The Basalt case study illustrates how over time a commercial linkage program can find success and increase the supply of affordable housing. It is important to structure the program to encourage units if that is the desired outcome. There are two key takeaways from this program. First, zoning must allow for mixed use development to enable commercial developers to build units onsite. Second, developers will figure out how to make it work and likely need time to adjust their project approach and find ways to produce a viable development.

Application Potential

To show how a commercial linkage program would apply to new commercial development, a series of building prototypes are used. The building prototypes reflect potential commercial development Eagle could attract and include general commercial big box with 100,000 square feet, general commercial small with 20,000 square feet, industrial with 100,000 square feet, and a 120-room hotel. For the purposes of this analysis, a 15 percent mitigation rate is applied.

On a fee basis, the general commercial fee is $35 per square foot after the mitigation rate is applied. This results in a total fee of $3.5 million for the 100,000 square foot development and $708,246 for the 20,000 square foot development.

For new industrial development the fee is $14 per square foot after the mitigation rate, which results in a total fee of $1.4 million. For a new hotel, the fee is $3,185 per room after the mitigation rate resulting in a total fee of $382,252.

On a unit basis, the general commercial big box requires 15 affordable units, the general commercial small requires three affordable units, the industrial with 100,000 square feet requires five affordable units, and the 120-room hotel requires two affordable units, shown in **Table 9**.

Table 9. Commercial Linkage Applied to Building Prototypes

Description	Gen. Com. Big Box	Gen. Com. Small	Industrial	Hotel
Program				
Building Sq. Ft.	100,000	20,000	100,000	---
Rooms	---	---	---	120
Commercial Linkage Fee				
Fee per SF/Rooms[1]	$236 per sf	$236 per sf	$96 per sf	$21,236 per room
Max. Fee	$23,608,200	$4,721,640	$9,639,500	$2,548,344
Mitigation Rate	15.0%	15.0%	15.0%	15.0%
Fee per SF/Rooms	$35	$35	$14	$3,185
Total Fee	**$3,541,230**	**$708,246**	**$1,445,925**	**$382,252**
Commercial Linkage Units				
Units per SF/Rooms[1]	0.97 per 1,000 sf	0.97 per 1,000 sf	0.36 per 1,000 sf	4.36 per 50 rooms
Max. Requirement	96.8	19.4	36.4	10.5
Mitigation Rate	15%	15%	15%	15%
Affordable Units	**15.0**	**3.0**	**5.0**	**2.0**

[1]Employee households earning 140% AMI and below
Source: Economic & Planning Systems

Implementation Considerations

This nexus study provides a basis for the Town to move forward with a commercial linkage policy for new development. If Town Council decides to adopt a commercial linkage program, it is recommended to apply a mitigation rate of 15 percent and position the policy to encourage units instead of fees. The affordable units do not have to be new construction, they can be buy-downs of existing housing and rehabilitated development with deed restrictions or covenants put in place. Another option is to partner with an affordable housing developer and dedicate affordable units to the commercial development.

Within the program, there are opportunities for differentiation. For example, the Town can apply a building size threshold where commercial linkage is only applicable to developments above a certain size. This option would alleviate the burden on small, local developers. Additionally, the program can be phased in over time to allow for the market to adjust, with a low mitigation rate to start and the rate increasing over a number of years.

TOWN OF EAGLE, COLORADO
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 006
(Series of 2025)

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF EAGLE, COLORADO RECOMMENDING AMENDING TITLE 4 OF THE TOWN CODE TO REGULATE HEIGHT AND RESIDENTIAL DENSITY RESTRICTIONS

WHEREAS, pursuant to C.R.S. § 31-15-103, municipalities shall have power to make and publish ordinances which are necessary and proper to provide for the safety, to preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such municipality and the inhabitants thereof not inconsistent with the laws of this state; and

WHEREAS, the Town of Eagle (the "Town") is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Eagle Home Rule Charter (the "Charter"); and

WHEREAS, pursuant to Section 1.01.080 of the Eagle Town Code (the "Code"), the Town may amend the Code and pursuant to Section 4.17.120 of the Code, the Town may amend the Land Use and Development Code (the "LUDC"); and

WHEREAS, the Town of Eagle Comprehensive Plan, Elevate Eagle, addresses height and density restrictions in different zone districts; and

WHEREAS, by July 1, 2025, municipalities are required to comply with Colorado HB25-1093, which prohibits local governments from imposing density caps; and

WHEREAS, the Planning and Zoning Commission wishes to amend Title 4 of the Code with the addition of building footprint restrictions in commercial mixed-use zone districts and residential density restrictions in various zone districts; and

WHEREAS, the Planning and Zoning Commission finds and determines that the proposed amendments to the Code outlined herein are reasonably necessary to promote the legitimate public purposes of the public health, safety, and welfare.

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

Section 1. **Amendment to Code – Table 4.04-2.** Table 4.04-2 in Section 4.04.040. – Commercial Mixed-Use (CMU1) of the Code is hereby amended with the addition of building footprint restrictions, as follows:

Table 4.04-2: CMU1 Lot and Dimensional Standards				
			Live Stream Setback	
			No disturbance area	75 ft
Mixed-Use Lot Standards			**Building Standards**	
Lot Area, total (min)		6,250 sf	D Height (max)	35 ft [2]
Lot coverage (max)		70%		
Building Placement			**Parking Standards**	
Build-to/Setbacks			Location	Section 4.04.040 D.
A	Front Build-to Zone	5-20 feet	Required parking	Section 4.12
Front Build-to Line Coverage		65% [1]		
B_1	Street Side Build-to Zone	5-20 feet	**Accessory Structure Setbacks**	
B_2	Interior Side Setback (min)	5 ft [2]	Side, Interior	2.5 ft
C	Rear Setback (min)	5 ft [2]	Rear	2 ft
<u>Building Standards</u>				
<u>Building Footprint (sf, max)</u>			<u>7,000 sf</u>	

Table Notes:
[1] Percentage of the front building line that must be located within the build-to zone.
[2] Abutting R1 or N2, see Section 4.04.030 A.

<u>Section 2</u>. **<u>Amendment to Code – Commercial Mixed-Use</u>**. Title 4, Chapter 4.04 of the Code is hereby amended with changes to the neighborhood protection requirements for the Commercial Mixed-Use (CMU1) zone district, as follows:

Section 4.04.040. - Commercial Mixed-Use (CMU1).

* * * *

E. *Neighborhood protection.*

1. All property zoned CMU1 located within 50 feet of any ~~R1 or OTR~~residential zone district, including a planned development that allows single unit residential use, shall comply with these site development standards:

   ~~2.~~ a. New primary buildings with a height greater than 35 feet, including elements within Table 4.02-2 Height Limit Exceptions, shall reduce the perceived height of the building when viewed from the adjacent ~~R1~~residential lots by using at least one of the following techniques.

   ~~a.~~ i. "Stepping down" building height of any portion of the building within 20 feet of the side and rear lot lines abutting a lot zoned in any ~~R1~~residential district to a maximum of 35 feet; or

   ~~b.~~ ii. Increasing the side yard and rear yard setbacks abutting ~~R1~~residential-zoned lots by at least ten feet beyond that otherwise required.

   [renderings deleted]

* * * *

Section 3. **Amendment to Code – Residential Density**. Table 4.05-4 in Section 4.05.040 – Commercial General East (CGE) and Table 4.05-6 in Section 4.05.050. – Commercial Interchange (CI) – of the Code are hereby amended with the addition of residential restrictions in the zone districts, as follows:

Table 4.05-4: CGE Lot and Dimensional Standards					
Lot Standards			**Building Standards**		
Lot Area, total		100,000 sf	D	Height (max)	35 ft ~~[1]~~
Public Street Frontage (min)		50 lin. ft.	**Parking Standards**		
Lot Coverage (max)		80%	Required parking		Section 4.12
Building Placement					
Setbacks			**Design Standards**		
A	Front (min)	15 ft	Site layout		Section 4.10
B_1	Street Side (min)	10 ft	Mixed-use structures		Section 4.10

B_2/C	Rear or Interior Side (min)			Residential structures	Section 4.10
Adjacent to:	Parking lot	0 ft			
	Com or Ind district	12.5 ft			
	Mixed-use district	25 ft			
	Residential district	75 ft			
Live Stream Setback					
No disturbance area		75 ft			
Residential Density (minimum square foot or room count per dwelling unit) [1]					
Mixed Use / Commercial		0.97 per 1,000 sf			
Industrial		0.36 per 1,000 sf			
Hotel / Lodging		4.36 per 50 rooms (1 per 11 rooms)			
Public, Civic, and Institutional Uses		0.97 per 1,000 sf			
Open Space and Recreation		0.97 per 1,000 sf			
Table Notes: [1] Fractions shall be rounded to the nearest whole number based on the sum of dwelling units.					

* * * *

Table 4.05-6: CI Lot and Dimensional Standards				
Lot Standards		**Building Standards**		
Lot Area, total	—	B_2D	Height (max)	35 ft [1]
Public Street Frontage (min)	25 lin. ft.	Building Footprint (max)		25,000 sf
Lot Coverage (max)	80%	**Parking Standards**		

Building Placement			Parking location	Max. 30% front [1], remainder side or rear yard
Setbacks			Required parking	Chapter 4.12
A	Front (min)	25 ft	**Design Standards**	
B_1	Street Side (min)	15 ft	Site layout	Chapter 4.10
B_2/C	Rear (min) or Interior Side		Mixed-use structures	Chapter 4.10
Adjacent to:	Parking lot	0 ft	Residential structures	Chapter 4.10
	Com/Ind district	12.5 ft		
	Mixed-use district	25 ft		
	Residential district	50 ft		
Live Stream Setback				
No disturbance area		75 ft		
Residential Density (minimum square foot or room count per dwelling unit) [2]				
Mixed Use / Commercial		0.97 per 1,000 sf		
Industrial		0.36 per 1,000 sf		
Hotel / Lodging		4.36 per 50 rooms (1 per 11 rooms)		
Public, Civic, and Institutional Uses		0.97 per 1,000 sf		
Open Space and Recreation		0.97 per 1,000 sf		

Table Notes:
[1] Measured between the front building line and the public right-of-way across the entire front side of the lot.

[2] Fractions shall be rounded to the nearest whole number based on the sum of dwelling units.

Section 4. **Amendment to Code – Accessory Uses and Structures**. Section 4.09.100. – Accessory uses and structures is hereby amended with the addition of use standards for Employee Dwelling Units, as follows:

Section 4.09.100. - Accessory uses and structures.

* * * *

L. *Employee dwelling units.*

1. Employee Dwelling Units shall be located on the same lot as the nonresidential use to which the employee housing is offered and shall not be subdivided.
2. Employee Dwelling Units shall have separate exterior access.
3. Employee Dwelling Units shall provide a minimum of one dedicated off-street parking space.
4. A deed restriction, in a form approved by the Town, shall be required for each Employee Dwelling Unit restricting occupancy with first priority to full time employees of the nonresidential use on the lot to which it is located, then second priority to a local employee resident, as defined in this Title 4.
5. The maximum number of Employee Dwelling Units allowed shall be calculated at 0.97 units per 1,000 sf for Mixed Use/Commercial uses, 0.36 units per 1,000 sf for industrial uses, 1 unit per 11 rooms for lodging uses, 0.97 per 1,000 sf for Public, Civic, and Institutional and Open Space and Recreation uses.

INTRODUCED, READ, PASSED AND ADOPTED ON JUNE 17, 2025.

TOWN OF EAGLE, COLORADO

____

Matthew Hood, Chair

ATTEST:

____

Gram Dick, Administrative Technician II

To: Planning & Zoning Commission

From: Community Development Department

Date: June 17, 2025

Agenda Item: Community Development Department Update

LONG RANGE PLANNING

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

- Staff is working with legal to update Chapter 4.17 of the LUDC to streamline processes and procedures for land use applications.
- Staff is working on clarifying density limits in specific zone districts in response to HB25-1092. Policy guidance was provided at the June 3 joint work session and the proposed amendment to the LUDC will go to hearing for Planning Commission consideration on June 17 and Town Council decision on June 24.
- Chapter 4.17 Status Update: staff have completed a full review of the chapter and provided input to legal counsel on updates needed to improve the administration of the LUDC. Legal has since returned a revised draft for staff's review. Progress was temporarily paused during the first few months of the year to prioritize the influx of current land use application and address state-mandated code updates (e.g. Natural Medicine Facilities and density standards in mixed-use/commercial zone districts). Staff plan to present draft text to the Planning Commission and Town Council for feedback in late summer with the goal of adopting the revised chapter in the fall.

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 WUI Code, formally known as the State Resilience Code, will support increasing the community's resiliency to wildfires by regulating exterior building materials to ensure they are fire resistant, enacting landscaping guidelines such as the Fire Free 5 that ensure there is not flammable material within 5 feet of the structure, and by ensuring landscaping standards support water-wise, native vegetation that is not highly flammable.
- Recent state legislation has impacted the timeline for adoption and implementation of this Code. Staff will provide updates on this as it becomes available.

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.
- The most recent meeting focused on the public outreach for the 10-year Plan. Outreach helped to identify key priorities such as affordability, reliability, and increased service in high-demand areas

like Eagle, Edwards, and Gypsum. The plan proposes a layered service model with express and local routes, aiming for 30-minute frequencies on major lines and expanded coverage to underserved areas. Implementation is divided into four phases, beginning with already completed improvements and progressing through targeted expansions and frequency increases through 2031. Supporting strategies include infrastructure upgrades, microtransit options for low-density zones, and enhanced customer amenities. The next steps involve finalizing financial and capital plans, with a follow-up meeting scheduled for July 1, 2025.

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.
- Staff shared information and collected feedback about the draft How to Start a Business process at the April 10 Chamber Mixer to hear from community members about their initial thoughts. Staff has met with representatives from the EVC and the Chamber's Business Advocacy Committee regarding this process draft and discussed this process at the April 10 EVC meeting. Staff will continue to refine this process draft accordingly.

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).
    - The applicant has been resubmitted.
- Haymeadow 5th Amendment to Filing 1 Final Plat, Neighborhood A1 Preliminary Plan Update, and Filing 2 Final Plat
    - Application was approved on May 13th, staff is working with the applicant to complete the conditions of approval prior to recordation of the Filing 2 final plat. Filing 2 is expected to be recorded prior to June 17th.
- Haymeadow Minor PUD Amendment application
    - An application has been submitted for a minor PUD amendment to add minimum lot area standards, add multi-family bicycle parking standards, clarify streetscape standards, and correct other clerical and technical errors in the existing PUD Guide and make minor corrections to the PUD Trails Plan.
    - This application is out for agency referral.
- Eagle Ranch Theater Building Minor Subdivision

- Mauriello Planning Group has submitted a minor subdivision application to plat six residential condominiums in the existing Capitol Theater building at 1140 Capitol Street.
    - Referral comments have been received and the applicant is working through them.
- Red Mountain Ranch, Parcel 1
    - Has submitted Preliminary Plan Review and Major Development Plan applications; developer's team reviewing referral comments, applicant resubmittal TBD.
- 446 Broadway
    - Has submitted a minor development permit application for a new mixed-use building. Developer's team reviewing referral comments, applicant resubmittal TBD.
- 1215 Chambers Avenue
    - Has submitted applications for a lot line adjustment and a Major Development Permit to construct seven commercial buildings totaling 127,430 square feet with a mix of retail, showroom, office, and warehouse/storage uses.
    - The application is out for agency referral.
- Henry Annexation
    - Annexation, rezoning, and minor subdivision submitted for 220 E. Sixth St. Public Works needs additional information related to water rights, still deemed incomplete.
- 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. The timing of the formal resubmittal from the applicant is unknown.
- New Electric, 629 Sawatch Road – Minor Development Permit
    - Application is incomplete as of 6.2.25
- (APPROVED) ANB Bank Minor Development Permit and Minor Subdivision
    - 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. This application will be presented at the May 20th PZ public hearing.
    - Application to subdivide the property at 295 Eby Creek Road into two lots, staff has reviewed this and will approve this application on the condition that the access easement needs to be recorded before the minor subdivision with the County.

<u>Administrative Approvals (Encroachment Permits, Sign Permits, Use Approvals)</u>

- Currently reviewing 0 Sign Permits and 1 Mobile Vending Permit.
    - 1 Sign Permit has been approved and issued so far this year.
    - 1 Encroachment Permit has been approved and issued this year.

<u>NOTABLE UPDATES</u>

- As of 6/2, the Town is no longer using Shums Coda for third party building permit inspections aside from periodic coverage.
- There is an opening on the Planning Commission! Residents can apply through this link: Form Center • Town Council & Planning Commission Application. Applications are open until June 17.
- DOLA has asked if the Town is interested in participating in an AI Pilot program to reduce permit review timelines. This program may be pushed to the fall.
- 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 2025:
    - January - 2
    - February – 3
    - March- 3
    - April- 2
    - May- 1
- Software: Staff has completed several software demos and are preparing to issue the RFP in coordination with IT.
- Staff continue coordinating with CU Denver on the summer studio projects where students create conceptual designs for projects in town.
- The Town has approved a demolition permit for 301 Broadway, the location of the Everything Store. Fencing has been placed on the property and staff expect the work to begin soon. Once the structure is removed, the property owner will be required to fill any holes and restore the site to a vegetative state until a new structure is constructed.
- We are both thrilled and saddened to announce that Eddie Wilson, the Town's Building Official, will retire on July 11. Eddie leaves behind big shoes to fill. While we will deeply miss his presence and leadership, we are equally excited for him to enjoy the next chapter of his life in retirement.

OTHER DEPARTMENT UPDATES

- Please feel free to review the May update, highlighting key activities across all Town of Eagle departments below:
    - MAY 2025 ACTIVITIES.pdf

UPCOMING ANTICIPATED APPLICATIONS

- Haymeadow Design Guidelines Update – Staff Review
- Mountain Tots Preschool – Major Development Permit
- 301 Broadway – Development Permit
- 481 Whiting- Staff Review
- Haymeadow RMF-4 and RMF-5 – Major Development Permit

MAJOR CONSTRUCTION PROJECTS

Business Name	Location	Status
Hockett Gulch Apts. (Ph I)	16186 Hwy 6	Permanent CO's have been issued for all 6 buildings
Hockett Gulch Phase II	16186 Hwy 6	Building permit issuance is imminent for one (1) multifamily building at 222 Mount Eve – permit applications have been accepted for all buildings in phase 2 - KH
Haymeadow	91 Mountain Hope Circle	Building permit issuance is imminent for one (1) detached single-family dwelling at 22 Red Peak Rd
Habitat for Humanity	3rd Street	TCOs complete.
Stone Concepts of Colorado	85 Marmot Ln	Permit issuance pending soon. -Permit has been issued - KH
Eagle County BMX	1700 Bull Pasture Rd	Permits released
Eagle Pool	1700 Bull Pasture Rd	TCO issued on 5/27
Alpine Lumber Shed	111 Chambers	TCO for shed building – landscaping required
1200 Capitol Project	1200 Capitol St	Building permit ready for issuance - pending fee's - KH

Building

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

TYPE OF WORK PERFORMED	EOY 2023	EOY 2024	YTD 2025
Inspections (n/i Planning, Public Works)	1,885	1944	606
Permits Processed	411	334	166

P&Z and Council Meeting Schedule

June 2025
June 3rd (Work Session) • Regional Net-Zero Roadmap • Density Cap Discussion
June 3rd (Planning Commission) – canceled
June 10th (Town Council) •

June 17th (Planning Commission)

- LUDC25-02 Text Amendment: Density in Mixed-Use and Commercial Zone Districts

June 24th (Town Council)

- LUDC25-02 Text Amendment: Density in Mixed-Use and Commercial Zone Districts

July 2025

July 1st (Work Session)

-

July 1st (Planning Commission)

-

July 8th (Town Council)

-

July 15th (Planning Commission)

-

July 22nd (Town Council)

-

2025 Land Use Projects

Projects	June				July				August			
Haymeadow	PZ	TC	PZ	TC	PZ	TC	PZ	TC	PZ	TC	PZ	TC
Trailhead Park ADA Amendment												
Town Council Public Hearing												
Minor PUD Amendment												
Administrative Review Period												
Administrative Decision												
Update to Design Guidelines												
Administrative Review Period												
Administrative Decision												
ER Theater												
Administrative Review / Referral												
Administrative Decision												
Code Amendment - Density												
Planning Commission Public Hearing												
Town Council Public Hearing												