



**Planning & Zoning Commission
Tuesday, August 19, 2025, 6:00 PM
Public Meeting Room / Eagle Town Hall
200 Broadway, Eagle, CO 81631**

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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

DESIGNATE AN ACTING CHAIR

OATH OF OFFICE - CHAD KOCH

1. Oath of Office - Chad Koch

DECLARATION OF CONFLICTS OF INTEREST *If any Commissioner has a conflict of interest related to any item on today's agenda, please declare it at this time.*

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

1. June 17, 2025 P&Z Meeting Minutes

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: Status Update: LUDC25-03 Chapter 4.17 Amendments
File # LUDC25-03
Applicant: Town of Eagle
Location
Staff Contact:
Request: Request for direction on select items from the Chapter 4.17 update process

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
Administrative Technician II



OATH

I, Chad Koch, so solemnly swear that I will support the Constitution and laws of the United States, the Constitution and laws of the State of Colorado, and the Ordinances and Codes of the Town of Eagle, and that I will faithfully perform all duties of the office of Planning and Zoning Commissioner, upon which I am about to enter.

Sworn to this ____ day of _____, 2025.

Signature of Member

ATTEST:

Larry Pardee, Town Manager



MEETING MINUTES
Planning & Zoning Commission
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PUBLIC WIFI – Eagle Guest

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

This was an in-person meeting with 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 6:00 PM.

COMMISSIONERS PRESENT

Keith Klesner, Jennifer Sturgeon, Keith Montag, Matt Hood, Bill Nutkins, Keegan Winkeller

COMMISSIONERS ABSENT

Weston Arbogast

STAFF

Peyton Heitzman – Community Development Dir.

Kyle Brotherton – Senior Planner

Sydney Dynek – Planner I

Gram Dick – Admin Tech II

Jessica Lake – Planner III

APPROVAL OF MINUTES

1. Minutes approved from May 20, 2025.

PUBLIC COMMENT

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

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

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.

Staff Presentation

Peyton Heitzman, the Community Development Director, began the presentation by sharing with the Planning & Zoning Commission the public comments received following the June 3rd work session. Three comments were submitted regarding the proposed density limitations, which included several specific requests and concerns. Among these were a request for a 10,000-square-foot building footprint per lot, a density cap of 28 units per acre, and a maximum lot size of 12,500 square feet. Additionally, some commenters expressed support for the enhanced Neighborhood Protection Standards and suggested increasing side and rear yard setbacks as well as capping the maximum lot size at 32,670 square feet. Concerns were also raised about the potential impact of allowable density under the proposed standards for the CMU-1 Zone District. Moreover, some thought that the building footprint requirement constituted an unnecessary design restriction, and that the Neighborhood Protection Standards, as drafted, were overly restrictive.

Peyton Heitzman then discussed the recent legislative session, highlighting the passage of House Bill 1092, which imposed limits on municipalities' ability to regulate density starting July 1st. This created a pressing deadline for the town to update its regulations. Staff had been working diligently to develop a recommendation for the Town Council to review by the following week, understanding that while the code might require future adjustments, meeting the deadline was critical. Importantly, Peyton Heitzman clarified that the bill only restricted the reduction of density and did not limit the ability to increase it.

The proposed regulatory changes primarily targeted the Commercial Mixed-Use One (CMU-1) zone district. Staff recommended setting a maximum building footprint of 7,000 square feet per individual structure, rather than per lot, based on analysis of average building sizes and a 70% lot coverage standard typical of neighborhoods like Old Town, where average lot sizes were around 10,000 square feet. This approach aimed to control the scale of buildings without limiting overall lot size or imposing a strict density cap per acre, thus allowing for multiple buildings of this size on larger parcels.

Enhanced Neighborhood Protection Standards were proposed for buildings exceeding 35 feet in height and located within 50 feet of adjacent residential zones. Under these standards, developers were required to either step down building heights within 20 feet of side or rear lot lines or increase setbacks by 10 feet to mitigate impacts on neighboring properties. While certain height exceptions were acknowledged, it was noted that these could visually affect the surrounding neighborhoods.

Staff further proposed new use standards for employee dwelling units, which are accessory residential units permitted in commercial and industrial zones but previously lacked specific regulations. The standards included requirements for such units to be located on the same lot as the primary use, to have separate exterior access, to provide at least one parking space per unit, and to be subject to deed restrictions ensuring occupancy by employees of the primary use. In cases where units could not be filled by those employees, leasing to other local employees was allowed to avoid vacancy. The allowable number of employee dwelling units was to be calculated using a rate of 0.97 units per 1,000 square feet of commercial, industrial, public, civic, institutional, or open space uses, a figure derived from an economic study.

Lastly, density limits were introduced for the Commercial General East and Commercial Interchange zones, where multi-family residential uses were previously permitted without specific density restrictions. These new limits were to be based on square footage for most uses and on a per-room basis for lodging, with fractional unit calculations

rounded to the nearest whole number (for example, 2.3 units would be rounded down to 2, and 2.7 units rounded up to 3). The staff also identified minor cleanup corrections related to footnotes and references in the resolution that were slated for amendment.

Commissioner Questions

During the Planning & Zoning Commission meeting, members clarified that any motion they made to “approve” a proposal was a recommendation for the Town Council’s approval, rather than a final decision by the Commission itself. This distinction was important to ensure everyone understood the roles in the approval process. Questions then arose about proposed changes to certain images, particularly whether the building height in the images would be adjusted from 45 feet to 35 feet. Staff confirmed that this was their intent, aligning with updated standards.

Concerns were raised regarding notification procedures for property owners in the Commercial Mixed-Use One (CMU-1) zone. While staff had followed traditional public notice methods, including newspaper announcements and a joint work session that many residents attended, it was acknowledged that not all affected property owners may have been directly informed about the proposed changes. Several commissioners sought clarification on the definitions and application of building footprint and lot coverage standards. They emphasized that both a maximum building footprint per structure and a 70% lot coverage limit would apply simultaneously. Staff confirmed that the minimum lot size in the CMU-1 zone would remain unchanged at 6,250 square feet.

Additional questions emerged about the allowance of employee dwelling units in various zones, such as open space and recreation. Some commissioners questioned the relevance of these units in zones where they seemed unnecessary. Staff agreed to verify the use tables and, if needed, remove employee dwelling units from inappropriate zones. There was also concern about how the number of employee dwelling units was calculated based on commercial square footage. Some commissioners felt that size limits should be imposed to prevent high residential density linked to relatively small commercial spaces, avoiding unintended growth of apartment-style developments.

Discussion also focused on specific building footprints, including a reference to Broadway Station’s footprint of approximately 6,000 square feet. Some commissioners felt that the proposed 7,000-square-foot maximum footprint might be too restrictive, especially for larger lots with bigger buildings. Requests were made for more detailed information about state legislation, namely House Bill 1092, which limited municipalities’ ability to regulate density starting July 1st. Staff noted that the law was broadly written and had not yet been tested in court, and they were working closely with legal counsel to fully understand the bill’s impact on local regulations.

Concerns about the rushed timeline to meet legislative deadlines were voiced, with some commissioners urging caution and a desire to avoid making unnecessary or overly restrictive changes. Questions arose about potential conflicts in zoning code provisions, such as multifamily residential uses in certain zones that might require commercial ties, possibly limiting development flexibility. Despite these challenges, commissioners commended staff for their diligent efforts in compiling and interpreting input from both the Town Council and the Commission into a coherent set of recommendations.

Lastly, the conversation turned to a housing linkage study that the Town Council had accepted but had not yet acted upon by adopting any associated fees. The study was designed to assess and mitigate housing impacts caused by new commercial and industrial development. Commissioners acknowledged the study’s value but noted that it had not yet been translated into formal policy changes.

PUBLIC COMMENT

Chris Barbella, 236 Copper St., expressed concern that the current building footprint limits innovation and conflicts with efforts to reduce carbon emissions. He questioned the urgency behind pushing development before HR 1092 is enforced, especially given ongoing housing shortages. Barbella argued that limiting density is counterproductive and only contributes to urban sprawl. He also raised issues with the CMU-1 height regulations, stating that original documents intended for buildings to go up to 45 feet to encourage downtown density, and he finds the current interpretations confusing and inconsistent. Additionally, he criticized the complexity of the proposed density tables and questioned the logic behind requiring one parking space per employee housing unit, suggesting it may not reflect future needs. Overall, Barbella urged the city to focus on long-term, intelligent planning that encourages higher density and sustainable growth rather than adding more restrictions.

Todd Morrison of 127 Seven Hermits, a long-time resident of the valley for 35 years—20 of which he had spent in Eagle—expressed concerns about the proposed zoning changes. He felt the changes were overly restrictive and that the process appeared to be rushed without sufficient consideration. Morrison pointed out that developers were already burdened by significant challenges, including requirements like the 15% AMI (Area Median Income) deed restriction and the 35% resident-occupied rule, both of which increased project costs. Although he acknowledged that community development was not solely about finances, he emphasized that property and sales tax revenues were essential to the town's success. He also highlighted confusion in the proposal, especially regarding the distinction between the 7,000-square-foot building footprint and the total building size, noting that such limitations might not be practical—particularly on smaller lots. He argued that when combined with other constraints like height limits and lot coverage rules, the regulations could render development unfeasible. Despite his concerns, he expressed appreciation for the efforts of those working on the issue, recognizing the difficulty of the task.

Dawn Koenig of 328 Capitol Street addressed the Planning & Zoning Commission to express her concerns and clarify a previous misunderstanding related to public comment at a prior joint work session. She explained that she had been misinformed about the interpretation of the proposed building footprint regulation, which affected the feedback she had previously provided. Dawn Koenig stated that she appreciated the staff's recommendations and the Commission's time but felt the overall process was delayed, noting that issues related to the CMU-1 zone should have been addressed during the town's earlier recode process. She emphasized that CMU-1 is a designated infill and special character area in the town's comprehensive plan and deserved more detailed consideration. Dawn Koenig supported the proposed 7,000-square-foot building footprint limit but urged the Commission to also implement a maximum lot size to better integrate new development with existing neighborhoods. She recommended a lot size cap of 32,670 square feet—approximately half a city block and similar in scale to the lot occupied by the Catholic Church. Additionally, she commented on the proposed Neighborhood Protection Standards as ineffective, particularly the provision limiting building height to 35 feet, which is already the existing limit. She suggested that more meaningful impact could be achieved by requiring increased side or rear yard setbacks or more aggressive height step-downs, rather than offering developers flexible either-or options. Dawn Koenig concluded by reiterating her concern that inaccurate information had undermined her ability to participate effectively in the planning process.

Annie Egan, reflecting on her 33 years living in the community, shared that many people had encouraged her to become more involved in local matters. Annie introduced herself and provided her address at 215 Howard Street. Annie expressed concern about a proposed development consisting of 171 housing units, noting that nearly everyone she had spoken with felt the project was too dense. Despite some changes to the plan, Annie was uncertain whether these adjustments had effectively reduced the density. When seeking clarification, she was informed by the Planning Commission that active applications could not be discussed, limiting the conversation about specific details. Annie believed the large-scale development failed to respect the neighboring community and insisted that reducing density and creating a quality park for residents were important. She recommended eliminating the middle building to achieve these goals, though this suggestion was off limits for discussion as it was part of the development plan. Lastly, Annie expressed a desire to preserve the large trees on the site, emphasizing their importance.

Rick Beverage at 1511 Polar Star expressed appreciation to the Council and the Planning and Zoning Commission for their time and efforts. Although he acknowledged the urgency surrounding two specific topics, he emphasized the need to consider the Recode process as a whole. He noted that many items he wanted to comment on had been somewhat overlooked due to the focus on these rushed documents. Rick offered to continue submitting comments whenever the PNZ had the opportunity to review the overall Recode and expressed gratitude for their time and consideration.

Kristen Miller, from 313 E. 3rd St., thanked everyone for their time and attendance. She referred to the previous session between the Planning and Zoning Commission and the Town Council, describing it as a frustrating experience where discussions felt circular and confusing. Kristen acknowledged the complexity of the issues, both personally and within the community. She suggested leveraging the expertise of the two architects on the Planning and Zoning Commission, Bill Nutkins and Keegan Winkeller, as valuable assets in understanding and visualizing complex concepts. She emphasized that their professional knowledge should guide discussions, particularly on technical matters such as measuring building height, rather than relying on speculation or arbitrary debates. Kristen felt the previous meeting was deflating and a waste of time, urging that progress needed to be made since the town was growing and development was necessary. She recalled a comment from Larry about the painful process of reworking codes, acknowledging the shared difficulty. Kristen encouraged the group to rely on each other's skill sets, highlighting architects like Scott Turnipseed, Bill Nutkins, and Keegan Winkeller as important resources. She noted that recent controversial development applications caused concern among residents due to unclear guidelines and praised Peyton Heitzman and Tez Hawkins for their daily expertise in these matters. Kristen urged Bill Nutkins and Keegan Winkeller to use their knowledge to clarify technical language in the documents, such as accurately defining building height measurements, to avoid confusion and improve the code. She thanked everyone at the end of her remarks.

Adam Dudek, residing at 204 Howard Street, thanked the group for considering the neighborhoods adjacent to CMU in their planning. He noted that he lived directly across the street from a potential CMU development site and expressed a preference for multiple smaller buildings rather than a single large one. Adam emphasized that the community consisted primarily of small single-family homes and stated that he would prefer buildings even smaller than 7,000 square feet on the lots. He believed many of his neighbors shared this view. Adam urged the planners to take adjacent neighborhoods into account when making recommendations, aiming for new developments to blend in harmoniously with the surrounding community. He concluded by expressing his gratitude for their consideration.

Applicant/Staff response to public comment

No Comments.

P&Z COMMISSION DELIBERATION AND FEEDBACK ON THE APPLICATION

The discussion focused extensively on development regulations in the CMU-1 zoning district and surrounding areas, addressing concerns about building footprints, density limits, neighborhood protections, and the complexity of current code provisions. Commissioners debated the effectiveness of limiting building footprints (such as a proposed 7,000 square-foot maximum) to control density, with many expressing that footprint restrictions alone did not adequately reduce overall density, especially when multiple buildings could be placed closely together on one lot. It was noted that setbacks only applied to lot lines, allowing buildings on the same lot to be clustered tightly, thus limiting the impact of footprint caps unless minimum spacing requirements were also imposed. The Commission recognized inconsistencies and confusion within existing code definitions—particularly relating to building height, lot coverage, and neighborhood protections—and agreed that clarifying these areas should precede adding new restrictions. Concerns were voiced about imposing overly conservative rules hastily, which might stifle development and cause Eagle to lose opportunities, particularly in undeveloped areas like East Eagle CGE. On housing, Commissioners supported reasonable limits on employee housing unit sizes and advocated maintaining or expanding residential uses in commercial zones.

Legal counsel had clarified that numerical density caps fell within the state bill's allowances, but dimensional restrictions like building footprint limits were less certain and might not effectively alter density.

The commission had acknowledged four possible actions regarding the proposed regulations: approve, deny, modify, or continue (with continuing effectively amounting to denial due to timing constraints). A consensus emerged that rushing to finalize specific numeric limits without thorough analysis could be counterproductive. Instead, the commission leaned toward compiling and summarizing the various viewpoints to present to the town council, allowing council members to decide on the next steps. The Commission emphasized the importance of providing clear, consolidated feedback—such as categorizing proposals by those they supported, opposed, or wished to defer—to guide the council's decision-making. Ultimately, the commission recognized their role was advisory, with final authority resting with the council, and stressed the need to balance protecting neighborhood character, encouraging responsible development, and ensuring the town remained an inviting place to do business.

Further discussion focused on the Commercial General East (CGE) zoning district, described as a large undifferentiated area that was always intended to be subdivided into smaller future land use areas with associated density restrictions. It was confirmed that the town retained full authority to rezone and subdivide CGE parcels, which would allow for the imposition of density limits through zoning changes, but currently, the CGE zoning as written allowed multi-family development without caps unless rezoned. As a result, the commission expressed a preference to take no immediate action on CGE in the current resolution, consistent with prior work session consensus, and instead focus on other districts such as Commercial Interchange (CI), where limiting residential use might be more appropriate.

Regarding employee dwelling units, the commission supported maintaining the staff-proposed standards, including reasonable caps on the size of these units. The idea was raised to mirror square footage limits on accessory dwelling units in residential zones (around 850 square feet) for employee housing units in commercial zones to avoid creating large residential complexes that might undermine commercial viability. It was clarified that employee dwelling units were accessory uses tied to the square footage of commercial space (e.g., one unit per 1,000 square feet), with a maximum size limit recommended to ensure viability and appropriate scale. The Commission agreed to keep these provisions with an 850 square-foot cap on employee dwelling units to strike a balance between providing housing options for employees and preserving the commercial character of the zones.

A significant portion of the discussion addressed neighborhood protection standards. While there was broad support for the concept, Commissioners questioned whether the current proposed process was the appropriate forum to enact such standards or if these should be revisited separately through a more deliberate, comprehensive code update. Many felt the current language was rushed, lacked clarity, and would be difficult to reconcile with existing code. The consensus was to strike the neighborhood protection standards from the current resolution and recommend returning to them later with more community input and detailed review. Staff was encouraged to continue exploring these standards with legal guidance to ensure compliance with the statute while adequately protecting neighborhoods. Commissioners expressed that protecting neighborhood character remained a priority, but the approach should be thoughtful, not rushed, and separate from this bill's immediate scope.

MOTIONS

- Commissioner Winkeller moved to recommend to staff to forward the Planning & Zoning Commissions comments onto the Town Council for approval. This motion was struck. All in favor.
- Commissioner Winkeller moved to approve resolution 006 series 2025 recommending approval to Town Council. This motion was struck. All in favor.
- Commissioner Nutkins moved to recommend denial of the proposed resolution as presented, citing the need for additional time, clarification of key provisions, and more robust community input. The motion was seconded by Commissioner Klesner. All in favor.

COMMUNITY DEVELOPMENT DEPARTMENT UPDATE

Peyton Heitzman provided a departmental update, highlighting several key developments. One notable item was the recent release of a Request for Proposals (RFP) for a new Community Development and Building Department software system. This new system was expected to streamline internal processes by allowing for more integrated communication between departments, ultimately resulting in smoother and more efficient project workflows. Staff expressed excitement about the potential improvements in functionality and implementation, viewing the software upgrade as a major, yet worthwhile, undertaking. They anticipated that within one to two years, the department would experience significantly improved consistency and efficiency in both permitting and code implementation.

In addition, Peyton Heitzman addressed two external programs. First, they clarified that the AI initiative offered by the state—intended to pilot artificial intelligence tools for improving local government workflows—had been postponed until the fall. The Town of Eagle had been invited to participate, and staff initially declined due to current workload and the busy development season. However, with the delay, staff hoped to engage in the pilot program later in the year, citing the minimal cost due to grant funding and the potential long-term benefits.

Second, Peyton Heitzman confirmed that they were continuing to collaborate with the University of Colorado, Denver to work on a student-led project. They had coordinated with the professor and felt confident that the time investment required from staff would be minimal while the benefits would be significant. Students involved in the project were scheduled to visit Eagle that Friday to tour sites and better understand the local context. Staff noted that the students might also explore the downtown area, including local restaurants, as part of their visit.

Staff concluded by offering to answer any questions regarding items listed in the full department update included in the meeting packet.

ADJOURN

Chair Mathew Hood motioned to adjourn. Commissioner Montag seconded and the motion to adjourn passed unanimously. All in favor.

Meeting Adjourned at 8:00 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 & Zoning Commission

From: Kyle Brotherton, Planner III

Date: August 19, 2025

Agenda Item: To provide a status update on amending Chapter 4.17 of the Land Use and Development Code (LUDC); review staff proposals to certain sections; and to seek direction on development thresholds and landscape permits.

REQUEST:

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

BACKGROUND:

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

Staff presented a larger and higher-level overview of the entirety of amendments on December 3, 2024, [\[LINK\]](#) to Town Council and the Commission. Both Town Council and the Commission provided guidance on numerous items, and staff and the legal team have been working through those comments. Staff would like to present and solicit feedback on proposed deletions from Chapter 4.17; confirmation of proposed development review thresholds; an update on the status of the administrative manual; and the implementation of landscape permits.

Staff will take the direction provided by the Commission and will work with the Town's legal team to continue to finalize amendments to the LUDC. Staff will also be coming back to present additional proposed changes to Chapter 4.17 to the Commission to ensure the remainder of the amendments achieve the goal to make the LUDC, and Chapter 4.17 specifically, an easier to use document.

ANALYSIS:

Removal of Call-Up Procedure

Section 4.17.060. C.5.d provides the ability for Town Council to call-up an application that the Commission has authority to approve, stating: “The Director shall regularly make available to the Town Council a record of pending applications for Planning and Zoning Commission approval. If at least three members of the Town Council request that the Town Council make the final decision on any such application on or before the next regular Council meeting but not less than ten days of the Director providing such notice, the Director shall inform the applicant of such decision. The Director shall schedule the application to be considered at the next regularly scheduled Town Council meeting. Notice shall be provided as required by the application type.”

After consideration, staff is proposing to delete this section for two major reasons: allowing for Town Council to call-up an application where the Commission has the authority to approve it could be interpreted as Town Council not trusting the professional judgement of the Commission; and allowing for Town Council to call-up such an application can add uncertainty, time, and cost to the development team. The proposed removal also helps achieve the goal of ensuring the development review process is consistently applied.

The deletion of this subsection does not preclude the Commission from referring an application to the Town Council, and the Commission could continue to do so in the future. Staff would like direction to know if the Commission agrees with the proposed deletion, or if additional changes should be considered.

Development Impact Report (DIR)

A DIR is required for every development plan application, and its main purpose is to ensure that any potential negative impact from a proposed development is considered and mitigated to the fullest extent possible. Staff has found that this section is long, can be subjective, and the legal team is not fully aware of what the purpose of this section is. Additionally, any development is not without risk of creating any impacts, let alone not creating any negative impacts.

Staff is proposing that this section be shortened and simplified, and any required checklists and specific submittal materials be detailed within the Administrative Manual. This would assist with the LUDC becoming an easier to use document and would allow this section to function more appropriately. Staff would like the Commission to confirm staff’s proposal of shortening and simplifying language within the LUDC and moving the bulk of the requirements to the Administrative Manual.

Development Plan Review Thresholds

During the December 3, 2024 joint work session, both Town Council and the Commission provided input that the review thresholds for administrative approval for dwelling units constructed as part of a residential-only development be increased, and that the approval for dwelling units constructed as part of a mixed-use development be decreased so that the thresholds for both development types are the same or closer in range. Currently, the Director can approve a residential-only development consisting of four dwelling units, whereas the threshold for administrative approval for dwelling units in a mixed-use development is 24 units.

Additionally, staff gathered that the square footage for a non-residential development, within a mixed-use development, should be decreased from 50,000 square feet, which is roughly the size of the City Market.

In the proposed Table 4.17-5 below, staff has highlighted the proposed changes to administrative approval thresholds. Staff would like the Commission’s thoughts on the proposal, or if the thresholds should be revised.

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

Type of Development	Administrative Development Plan (Director)[2]	Minor Development Plan (Planning & Zoning Commission)	Major Development Plan (Town Council)
Residential	A maximum of 8 dwelling units unless exempt by Section 4.17.080 C.2.b	New construction, renovation, or additions to residential structures that require design review	Planned Unit Development
Nonresidential	Renovations or additions that require additional parking or new construction up to 15,000 square feet of gross floor area	Renovations that require a design review or new construction over 15,000 square feet of gross floor area	Planned Unit Development
Mixed-Use	Up to 8/12 new dwelling units or up to 15,000 square feet non-residential gross floor area	More than 24 new dwelling units or more than 50,000 square feet non-residential gross floor area	Planned Unit Development
All Development	n/a	n/a	See Section 4.17.080 C.3.b
Parking as a Principal Use, or Parking Structure	Up to 25 vehicle spaces	26 or more spaces	Parking structure

Creation of Administrative Manual

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

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

- Try to keep as short as possible;

- Include flowcharts and checklists with minimal text;
- Add active hyperlinks to relevant sections of ReCode;
- Do not repeat or copy/paste from ReCode;
- Consider different versions based on type or scope of development;
- Create an easy-to-use webpage with definitions, FAQs, and a point of contact; and
- Create a means for an applicant to quickly determine the difficulty of getting to a “yes” or a “no”.

After this discussion, staff advised the EVC that a draft of the Manual would be brought before them again for additional input and revisions. The EVC also recommended taking the document to the community for additional review and comments prior to the final Administrative Manual being adopted.

Questions for Council/Commission:

- Prior to bringing the Administrative Manual through the approval process, are there other stakeholders that staff should seek input from?
- Does the organization of the draft Table of Contents (TOC) make sense or should this be rearranged to aid in its ease of use?

Landscape Permits

The LUDC regulates several aspects of outdoor landscapes from turf allowances by use, to plant materials, maintenance, irrigation, and more. Fire resiliency standards may be incorporated with upcoming code amendments resulting from a April 2026 deadline set by the state. Staff typically review landscaping alongside other applications such as development and building permits. However, improvements or updates to the outdoor space often take place outside of these permits, limiting staff's ability to ensure code compliance.

One potential solution is to establish a landscape permit where residents or businesses can submit plans for staff review at a minimal fee, prior to initiating the work. While the code requires a landscape plan for any landscape improvement, no workflows have been developed to facilitate this review, and no community education has taken place to bring awareness to this requirement.

With a formal permitting process incorporated into Chapter 4.17 and the Administrative Manual, staff anticipate an increase in landscape improvements that meet both code standards and community goals, resulting in fewer code violations. The primary drawbacks to a new permitting process would be additional administrative workloads on staff, potential project delays, and added costs to property owners. Staff is looking for the Commission’s input on this new type of permit.

COMMUNITY INPUT:

Staff has engaged the Economic Vitality Committee (EVC) to review the Administrative Manual, specifically the “How to Start or Expand a Business” process, and will continue to work with the EVC and other groups within the community. The community will also have the ability to provide public comment on the proposed Code amendments during the Planning & Zoning Commission and Town Council hearings.

Questions for Council/Commission:

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

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

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

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

RECOMMENDED ACTION OR PROPOSED MOTION:

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

ATTACHMENTS:

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

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

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

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

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

December 3, 2024 Work Session Notes [\[LINK\]](#)

December 3, 2024 Presentation [\[LINK\]](#)

Development Impact Report Checklist

DEVELOPMENT IMPACT CHECKLIST

Pursuant to Section 4.17.030.C, each applicant for Development Review is required to fill out the following checklist to ensure that complete information is available to the Planning & Zoning Commission and Town Council on potential environmental, socioeconomic, and utility impacts of the proposed development. For each potential impact, as listed below, the applicant must check one column stating that the project “will,” “could possibly,” or “will not” affect the environment either during construction or on a continuing basis.

W = Will CP = Could Possibly WN = Will Not

W	CP	WN	
			1. By altering an ecological unit or land form, such as a ridgeline, saddle, draw, ravine, hillside, cliff, slope, creek, marsh, watercourse, or other natural land form feature;
			2. By directly or indirectly affecting a wildlife habitat, feeding, or nesting ground;
			3. By substantially altering or removing native grasses, trees, shrubs, or other vegetative cover;
			4. By affecting the appearance or character of a significant scenic area or resource, or involving buildings or other structures that are of a size, bulk, or scale that would be in marked contrast to natural or existing cultural features;
			5. By potentially resulting in avalanche, landslide, siltation, settlement, flood, or other land-form change of hazard to health and safety;
			6. By discharging toxic or thermally abnormal substance or involving use of herbicides or pesticides, or emitting smoke, gas, steam, dust, or other particulate matter;
			7. By involving any process which results in odor that may be objectionable or damaging;
			8. By requiring any waste treatment, cooling, or settlement pond, or requiring transportation of solid or liquid wastes to a treatment or disposal site;
			9. By discharging significant volumes of solid or liquid wastes;
			10. By increasing the demand on existing or planned sewage disposal, storm drainage, water distribution system, streets, or other utility systems to a level which is likely to cause an adverse impact on the environment;
			11. By involving any process which generates noise that may be offensive or damaging;
			12. By either displacing significant numbers of people or resulting in a significant increase in population;
			13. By pre-empting a site which is desirable for recreational uses or planned open space;
			14. By altering local traffic patterns or causing an increase in traffic volume or transit service need;
			15. By substantially affecting the revenues or expenditures of the Town government;
			16. By being a part of a larger project which, at any future stage, may involve any of the impacts listed above.

I certify that the above information is correct and accurate to the best of my knowledge.

Applicant Signature

Date

*For any item that is checked “Will” or “Could Possibly”, the Town Planner can request a Development Impact Report addressing those areas. This report may need to include additional information from the applicant or additional studies to be conducted by third party experts at the cost of the applicant.

To: Planning & Zoning Commission
From: Community Development Department
Date: August 19th, 2025
Agenda Item: Community Development Department Update

Planning

LONG RANGE PLANNING

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

- 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, which is underway. Staff plan to present draft text to the Planning Commission and Town Council for feedback in the fall with the goal of adopting the revised chapter before the end of the year or early 2026.

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.
- The deadline for Code adoption is April 1, 2026, however staff is anticipating legal action from other communities that could potentially impact this date. Staff will provide updates on this as it becomes available.
- Experts from the Eagle County Wildfire Collaborative will be presenting about this Code process at a to-be-determined Planning Commission and at the September 23 Town Council meeting in advance of a joint work session on October 7. At this work session staff will be seeking direction on how decision makers would like this Code update to look for Eagle.

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 wrapping up the 10-year Plan. Key points included the importance of frequency of service, timely transit, and serving destinations like Eagle, Edwards, Gypsum, and Avon. The plan involves three phases. The meeting also discussed operational challenges, prioritization of projects, and recommendations for enhanced safety.

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 Commercial Interchange (CI) and parcel no. 193927400041 (Parcel F) to Commercial General East (CGE).
 - The application is out for its second round of referral review.
- 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.
 - Staff comments were collected and sent to the applicant, who is working to update the application documents.
- 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.
 - The applicant is collecting signatures to record the approved plat.
- 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
 - Applications for a lot line adjustment and a Major Development Permit.
 - Application is complete and out for referral until August 8.
- Henry Annexation
 - Annexation, rezoning, and minor subdivision submitted for 220 E. Sixth St. Sent out for referral August 1, 2025, with a 45-day referral period.
- North Broadway – Annexation and Zoning/Rezoning
 - No meaningful action from the applicant has taken place in 2025, and as outlined by Section 4.17.030.G.4. of the Municipal Code, the application has been deemed abandoned. The applicant has been notified.
- New Electric, 629 Sawatch Road – Minor Development Permit
 - Application is incomplete as of 8.6.25
- 301 Broadway – Minor Development Permit
 - Staff is reviewing the application for completeness.
- 481 Whiting- Staff Review (Minor Subdivision)
 - Staff is reviewing the application for completeness and awaiting a few submittal items from the applicant.
- Mountain Tots Preschool- Major Development Permit
 - Staff is reviewing the application for completeness and awaiting a few submittal items from the applicant.

Administrative Approvals (Encroachment Permits, Sign Permits, Use Approvals)

- Currently reviewing 2 Sign Permits, 1 Encroachment Permit, and 0 Mobile Vending Permits.
 - 2 Sign Permits have been approved and issued so far this year.
 - 3 Encroachment permits have been approved and issued this year.
 - 1 Mobile Vending Permit has been approved and issued this year.

NOTABLE UPDATES

- **CU Denver Summer Studios:** Over the past 2 months, 25 master's students at CU Denver have explored a range of planning topics relevant to the community. Their research was guided by community engagement, a review of local plans (Elevate Eagle, Strategic Plan, Open Space Plan, etc.) and demographic data, industry best practices, and case studies from other communities. Topics explored include:
 - Visitor Center Area and Museum
 - Branding, Signage, Wayfinding, and Mobility
 - Arts, Culture, and Economic Development
 - Downtown/Old Town Small Area Plan

The students presented their work to staff at Town Hall on August 1 and held an open house for the public at Town Park on August 2. Recordings to the presentations can be found here:

<https://eagleco.portal.civicclerk.com/event/2314/files>



Image courtesy of Eugene D. Howard

- **Software:** Staff are pleased to report significant interest in the recent RFP, with 13 proposals submitted by several qualified vendors. In the coming weeks, an interdepartmental selection committee will select the most suitable software solution for the team by evaluating proposals and demos from the top 3-4 vendors. We aim to have a vendor under contract by the end of the year to begin the 12–18-month process of software installation, configuration, and implementation. As part of this process, staff anticipates dedicating 15 – 20 hours a week to implement and test the software.

This software solution will automate previously manual workflows, consolidate software systems, enhance interdepartmental communication, offer a user-friendly public interface, and more. We are excited to see this project moving forward.

- 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
 - June- 3
 - July- 5

- Eddie Wilson, our former Chief Building Official, has chosen to provide limited support over the next few weeks as we continue our search for the next Building Official. His continued involvement ensures a smooth transition and allows us to benefit from his extensive experience and knowledge.

UPCOMING ANTICIPATED APPLICATIONS

- Haymeadow Design Guidelines Update – Staff Review
- Haymeadow RMF 4 + 5 – Major Development Permit
- Bluffs Minor PUD Amendment-

MAJOR CONSTRUCTION PROJECTS

Business Name	Location	Status
Hockett Gulch Apts.	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
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	3- Street	TCOs complete.
Stone Concepts of Colorado	85 Marmot Ln	Permit issuance pending soon.
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 – final landscaping inspection required before issuance of CO.
1200 Capitol Project	1200 Capitol St	Building permit issued and construction underway.

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	856
Permits Processed	411	334	243

P&Z and Council Meeting Schedule

August 2025
August 5 th (Work Session and Planning Commission) • AHAP Fast-Track Joint Work Session with P&Z and Council • Planning Commission – CANCELLED
August 12 th (Town Council) •
August 19 th (Planning Commission) • Discussion/feedback on edits to Chapter 4.17 Administration and Procedures
August 26 th (Town Council) • (Tentative) Acceptance of Annexation for Eagle Meadows
September 2025
September 2 nd (Planning Commission) • Brief presentation on State Resilience (WUI) Code

September 9th (Town Council)

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September 16th (Planning Commission)

- AHAP Express Lane
- (Tentative) Eagle Meadows Annexation

September 23rd (Town Council)

- Brief presentation on State Resilience (WUI) Code

2025 Land Use Projects		Timeline											
Projects		August				September				October			
		PZ	TC	PZ	TC	PZ	TC	PZ	TC	PZ	TC	PZ	TC
Haymeadow													
Minor PUD Amendment													
Administrative Review Period													
Administrative Decision													
Update to Design Guidelines													
Administrative Review Period													
Administrative Decision													
Mountain Tots Major Development Permit													
Referral Review													
Planning Commission Public Hearing													
Town Council Public Hearing													
ER Theater													
Administrative Review / Referral													
Administrative Decision													
1215 Chambers Avenue - Major Dev Permit and Sub.													
Referral Review													
Planning Commission Public Hearing													
Town Council Public Hearing													
Eagle Meadows													
Referral Review													
Council Executive Session													
Annexation Acceptance - Tentative													
Planning Commission Public Hearing - Tentative													
Town Council Public Hearing - Tentative													
220 E Sixth St - Annexation and Subdivision													
Referral Review													
Annexation Acceptance - TBD													
Planning Commission Public Hearing													
Town Council Public Hearing													
LUDC25-03 AHAP Eagle Express Lane													
Referral/Planning Review													
Joint Work Session													
Planning Commission Public Hearing													
Town Council Public Hearing													
LUDC25-04 Chapter 4.17 Repeal and Replace													
Referral/Planning Review													
Joint Work Session													
Planning Commission Public Hearing													
Town Council Public Hearing													
LUDC25-05 WUI Code													
Referral/Planning Review													
Joint Work Session													
Planning Commission Public Hearing													
Town Council Public Hearing													