



AGENDA
Planning & Zoning Commission
Tuesday, April 21, 2020
6:00 PM

ON-LINE MEETING

This agenda and the meetings can be viewed at www.Townofeagle.org.

PUBLIC WIFI - TOEG – townofeagle2019

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

1.
 - Virtual Meeting Procedure
 - Register in advance for this meeting;
 - Registration URL: https://zoom.us/meeting/register/uJcrc-2qrjliGlho87VDj7M_OUVBYvu8-g
 - Public comments can be made when the Chair opens the public comment. Please prompt through Zoom to raise your hand and you will be called on when it is your turn.
 - All public meeting attendees will be muted during the meeting, unless the Chair or meeting facilitator invites them to speak live during the meeting.
 - Meetings are recorded and will be published on the Town's web page
 - For technical difficulties please email Bill.Shrum@townofeagle.org and we will do our best to assist you.

6:00 PM - REGULAR MEETING CALLED TO ORDER

APPROVAL OF MINUTES *Approval of the minutes from the March 3, 2020 meeting of the Planning and Zoning Commission.*

1. March 3, 2020

PUBLIC COMMENT

Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person.

PUBLIC HEARINGS

1. Project: 446 Washington Street Zoning Variance
File # V20-01
Applicant: Tracie Schumacher
Location 446 Washington Street
Staff Contact: Jessica Lake - Planner I
Request: Zoning Variance to reduce the front yard setback from 25' to 2.6' to build a new garage with an accessory dwelling unit above.
2. Project: Red Mountain Ranch Preliminary Plan/Final Plat
File # PPFP19-01
Applicant: Red Mountain Ranch Partnership, LLP
Eagle River Commercial, LLC
Griffin Development, LLC
Location Approximately 106 acres on the east end of the Town boundaries, south of Highway 6, north of the Eagle River.
Staff Contact: Carrie McCool - Contract Planner
Request: Request for concurrent Preliminary Plan/Final Plat to subdivide the 106.194 acre property of land into seven (7) parcels.
3. Project: Talon Flats Minor Development Permit
File # DR20-01
Applicant: Bryan Desmond, Venture Associates, LLC
Location 1203 Capital Street/761 Sylvan Lake Road
Staff Contact: Carrie McCool - Contract Planner
Request: Minor Development Permit approval for a mixed-use building with 1,264 square feet of retail space; 1,014 square feet of office space; and twenty (20) residential rental units.

TOWN BOARD OF TRUSTEES MEETING REVIEW

Staff update to the Planning & Zoning Commission on recent decisions made by the Board of Trustees on various Land Use files.

COMMUNITY DEVELOPMENT DEPARTMENT UPDATE

Staff update to the Planning & Zoning Commission on recent work and upcoming files.

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.



Jessica Lake
Planning Technician



MINUTES
Planning & Zoning Commission
Tuesday, March 3, 2020
6:00 PM
Public Meeting Room / Eagle Town Hall
200 Broadway
Eagle, CO

This agenda and the meetings can be viewed at www.Townofeagle.org.

PUBLIC WIFI - TOEE – ((TOEEWireless))

6:00 PM - REGULAR MEETING CALLED TO ORDER

Interim Chair Brent McFall called the meeting to order at 6:00 p.m.

COMMISSIONERS PRESENT

Stephen Richards, Jesse Gregg, Matthew Hood, Charlie Perkins, Kyle Hoiland, and Brent McFall. Bill Nutkins joined at 6:06pm.

COMMISSIONERS ABSENT

Jason Cowles

STAFF

Brandy Reitter - Town Manager
Angie Kyle - Administrative Tech II
Jessica Lake - Planner I

Jenny Rakow, Town Clerk

APPROVAL OF MINUTES

Commission Comments: asked admin to make minor corrections in the minutes.

1. February 18, 2020

**MOTION: COMMISSIONER KYLE HOILAND MOTIONED TO APPROVE THE MINUTES BASED ON REVISIONS.
MOTION WAS SECONDED BY COMMISSIONER JESSE GREGG AND PASSED WITH A VOTE OF 8 IN FAVOR AND 0
OPPOSED.**

PUBLIC COMMENT

Interim Chair opened public comment. There was no public comment.

BUSINESS ITEMS

1. Per approved Resolution 10, Series 2020 "A Resolution of the Board of Trustees of the Town of Eagle, Colorado, Appointing Bill Nutkins, Brent McFall, Robert Townsend and Lani Webb to Fill Vacancies on the Town of Eagle Planning and Zoning Commission."

- a. Robert, Lani, and Brent were sworn in as Planning and Zoning Commission members by the Town Clerk.

2. *Commission Appointments to Chair and Vice Chair Positions*

Nominations of Chair:

- a. Hoiland nominates McFall as Chair.
- b. Perkins nominates Hood as Chair

Nutkins joined the meeting at 6:06pm.

The Commission voted for Chair as follows:

- a. Matthew Hood: McFall, Webb, Gregg, Perkins vote for Hood as Chair
- b. Brent McFall: Nutkins, Hood, Hoiland vote for McFall as Chair

MOTION: THE COMMISSION VOTED TO APPROVE MATTHEW HOOD AS CHAIR OF PLANNING AND COMMISSION WITH A 4 TO 3 VOTE.

Town Clerk swears in Bill Nutkins.

Vice-Chair nominations:

- a. Nutkins nominates McFall as Vice Chair

MOTION: THE COMMISSION VOTED TO APPROVE BRENT MCFALL AS VICE-CHAIR OF PLANNING AND COMMISSION WITH AN UNANIMOUS VOTE.

3. *Proposed Amendment to Section 4.04.060 of the Eagle Municipal Code Schedule of Uses Permitted in Residential Zone Districts.*

- a. Ordinance No. 09 (Series of 2020) An Ordinance of the Board of Trustees of the Town of Eagle, Colorado Amending Section 4.04.060 of the Eagle Municipal Code, to Allow Recreational Vehicle Parks as a Special Use in the Rural Residential Zone District.

The Town Manager presented the proposal to add recreation vehicle parks to a rural residential zone district.

Commission Comments: The commissioners asked if this request is revenue driven, and if there would be a camping fee. They also wanted to know if the town had enough staff for enforcement, and if there was urgency for this amendment. The commission want to know what they could put in the code regarding the ordinance as well as what the proposed lot size.

MOTION: COMMISSIONER BRENT MCFALL MOTIONED TO RECOMMEND TO THE TOWN BOARD OF TRUSTEES THE PROPOSED AMENDMENT TO SECTION 4.04.060 OF THE EAGLE MUNICIPAL CODE SCHEDULE OF USES PERMITTED IN RESIDENTIAL ZONE DISTRICTS. MOTION WAS SECONDED BY NUTKINS AND PASSED WITH A VOTE OF 8 IN FAVOR AND 0 OPPOSED.

TOWN BOARD OF TRUSTEES MEETING REVIEW

- Village Market asking to extend their vested rights at the Town Board of Trustees' next meeting on March 10, 2020.
- Short-Term Rentals – Town is trying to keep it simple. Staff is going to create an ordinance to place them on an equal playing field with lodging. There is a requirement, if you are an absent owner, you have to have a property manager. Staff prefers to use a third party to administrator, track, and collect fees. The town will set up a licensing program. Many communities charge an annual fee, and Staff is estimating about 60-70 Short-Term Rentals in Eagle.
- Compensation for P&Z Members - the Town Board of Trustees' compensation is below market. They mentioned that whatever considerations with compensation, they will also look at Planning & Zoning commission as well. This will be discussed in April.
- Black Hills Energy is doing a major gas pipeline along 6 hwy. They are doing an upgrade because of the town's growth. It's going to be in April/May. It won't completely close Hwy 6, but it will go to one lane. The town will do maintenance on the road at the same time. Communication from the Town will provide updates.

COMMUNITY DEVELOPMENT DEPARTMENT UPDATE

- Elevate Eagle Meeting in regards to the Land Use Code - we are getting into the code and will get feedback from the Land Use Code committee.
- Hwy 6 Corridor: The Town Manager is working on RFP.
- Community Development Director Open Position - this position is open until filled. Hoiland volunteered to be on the interview committee.

OPEN DISCUSSION

Commission recommended to the Town Manager to consider slowing speed limit down on Hwy 6.

ADJOURN

MOTION: COMMISSIONER HOILAND MOTIONED TO ADJOURN. MOTION WAS SECONDED AND PASSED WITH A VOTE OF 7 IN FAVOR AND 0 OPPOSED.

Approved:

Date:

Matthew Hood, Chair

Angie Kyle, Community Development Administrative Tech II



CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Department of Community Development

DATE: April 21, 2020

PROJECT NAME: 446 Washington Street Setback Variance

FILE NUMBER: V20-01

APPLICANT: Tracie Schumacher

LOCATION: 446 Washington Street

CODE: Section 4.03.010 (General Purposes)
Section 4.04.080 (Schedule of Requirements in Residential Districts)
Section 4.04.100 (Supplementary Regulations and Standards)
Section 4.05.020 (Variance Standards)

ZONING: Residential Multi-Family (RMF)

EXHIBIT(S):

- A. Project Narrative
- B. ILC
- C. Design Drawings
- D. Updated Design Drawings March 31, 2020
- E. Picture Slides from Applicant
- F. Public Comment Letters

PUBLIC COMMENT: Staff has received one (1) neighborhood petition and six (6) letters of public comment as of April 17, 2020. Letters received after this time will be gathered and entered into the public record at the hearing. Public comment letters are attached as Exhibit F of this document.

STAFF CONTACT: Jessica Lake, Planner I – Jessica.lake@townofeagle.org

REQUEST: Zoning variance to reduce the front yard setback from 25' to 2.6' to build a new garage with an accessory dwelling unit above.

DISCUSSION:

The subject property is zoned Residential Multi-Family (RMF) and located at 446 Washington Street on the corner of Washington and 5th Street. The parcel is 6,229 sf and comprised of two historic lots, each historic lot is 25 ft wide.

The applicant is proposing to demolish an existing garage located in the south-east corner of the property and construct an accessory building which, as proposed in the application, will require a variance from the front yard setback of the lot line that faces 5th Street. Specifics of the variance request are as follows:

Proposed New Accessory Structure							
Zone District	Min. Lot Area / Dwelling Unit	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Min. Build Height	Min Lot Coverage*	Max Floor Area
RMF	n/a	L 2.5'	2.5'	2'	35'	Building 50%; all other impervious 20%	150%

Required Setbacks for an Accessory Structure							
Zone District	Min. Lot Area / Dwelling Unit	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Min. Build Height	Min Lot Coverage*	Max Floor Area
RMF	n/a	L 25'	2.5'	2'	35'	Building 50%; all other impervious 20%	150%

Required Setbacks for a Primary Structure							
Zone District	Min. Lot Area / Dwelling Unit	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Min. Build Height	Min Lot Coverage*	Max Floor Area
RMF	6,000 sf	L 25'	Greater of 12.5' or ½ building height	20'	35'	Building 50%; all other impervious 20%	150%
		C 25'					
		A 50'					

The existing home and shed on the property pre-date the code and therefore are under the legal non-conforming use category. The front yard setbacks are currently not met by the home or by the existing garage. The shed does not meet the side yard setbacks for an accessory structure. The home currently is setback 5.3-ft from the 5th Street property line as reflected in the improvement survey. The existing garage sits much closer to the property lines along the alley and 5th Street. While the applicant's request does not meet the front yard setback requirement, it does bring the accessory structure into greater compliance with the regulations than the existing structure.

Staff consulted the following code sections when reviewing the existing conditions of this property.

Section 4.04.100 – Supplementary regulations and standards

G. Legal nonconforming uses, structures, and lots. Any use, structure, or lot in existence and lawful at the time of adoption of the ordinance from which this Title is derived or any subsequent amendment hereto, which is not in conformance with the provision of this Title or amendment, shall be considered a legal nonconforming use, structure or lot and may continue in existence pursuant to the following:

4. A building which does not meet the setback, height or other site requirements of this chapter may be repaired, maintained, or extended, provided any such extension is in full compliance with all provisions of this chapter.

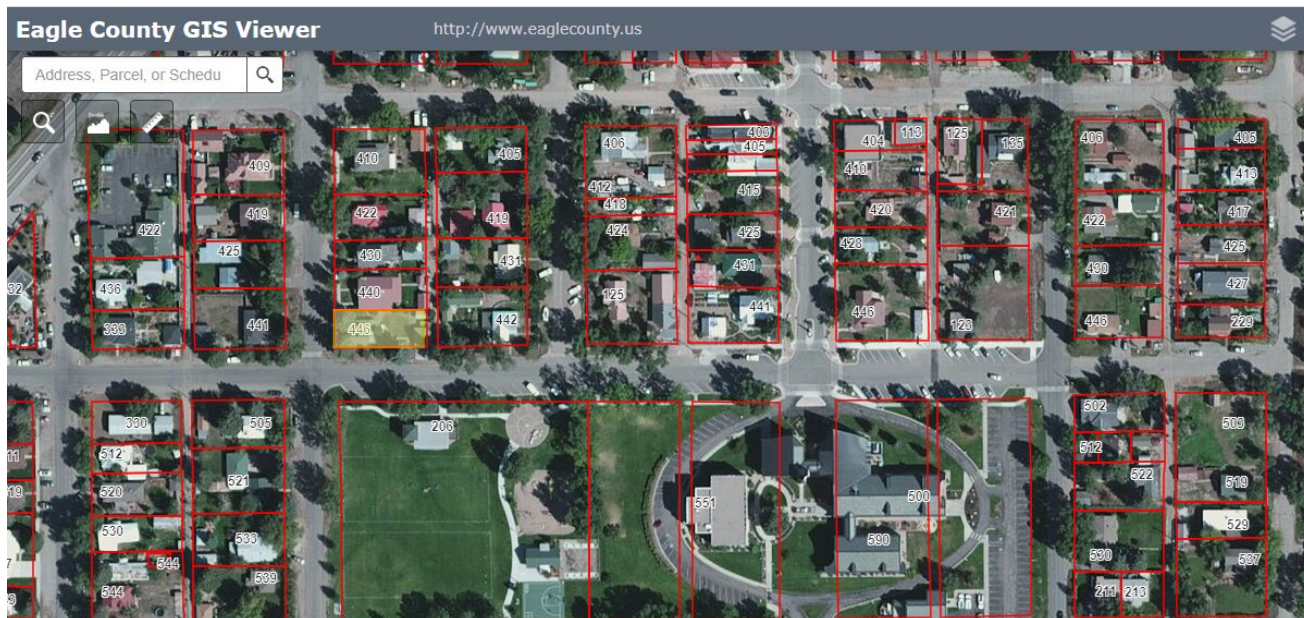
H. Supplementary setback regulations.

3. *Through and corner lots.* On lots bordered on two sides by streets, whether on contiguous or opposite sides, front yard setbacks shall be required along both streets.
7. *Accessory buildings.*
 - b. Provided, however, in the section of Town that lies within the boundaries of Grand Avenue, McIntire Street, 7th Avenue, and Church Street, accessory buildings shall observe a two-foot setback from the rear lot line and 2.5-foot setback from the side lot lines.

From aerials and the submitted plans provided by the applicant, it does appear that the right of way (and currently unused portions of the right of way) might be somewhat excessive along 5th Street. However, the property's surrounding neighborhood experiences a steady flow of pedestrian, bike and vehicular traffic, especially around Town Park, located across 5th Street to the South of the subject property. County buses and school buses have routes along 5th Street. Town Park draws community members throughout the daytime and evening hours and the County Building and several County owned properties are along 5th Street.

The 5th Street right of way is 80 ft wide. Sidewalk exists along the North side of 5th Street between Capitol and Broadway and between Broadway and Wall Street. The sidewalk then turns North along Wall Street and terminates about halfway up the block. There is currently no sidewalk along 5th between Wall Street and Washington Street or between Washington Street and McIntire Street. Public Works has no current plans to continue the sidewalk along the rest of 5th Street, but it is possible that they may wish to do so in the future and the 80 ft right of way would provide the necessary area for future sidewalks and/or parking along 5th Street. Future use of the right of way would accommodate increased traffic and could provide parking to alleviate some of the demands on Broadway. The 1985 Master Plan proposed the possibility of incorporating multiple buildings where the County Building currently sits, one of which would be Eagle Town Hall, creating a Government Campus of County and Town staff. They were concerned with traffic flow in 1985 as well, especially in the area from Grand to Broadway and along the Park and "Government Campus", the thought then was to create a more pedestrian friendly area. The existing garage could limit the future potential for a sidewalk and /or parking along 5th Street. The proposed new structure would provide a buffer, but not at the adopted standard.

The GIS Map below provides an aerial view of the area, this view helps us see that while the existing garage structure does not line up with the rest of the street, the home does. This would indicate that the 25-foot front yard setback along 5th Street has not taken effect. There could be several reasons for this, from observation of the area, the most likely is that re-development has not yet occurred along 5th Street.



The applicant argues that the variance is required to preserve an old, historic log structure located north of the existing garage in the north-east corner of the property. The application states that in order to comply with the 25-foot setback from 5th Street, the old log structure would need to be demolished in order to place the accessory building in that location. The applicant has shared two site plans and a revised set of site plans. One plan illustrates the layout of the garage/ADU that complies with Code requirements by meeting the setback on 5th Street. The other site plan shows the layout of the garage/ADU with approval of this variance request. Town staff has discussed alternate options with the applicant, allowing the applicant to meet the zoning regulations. At this time, the applicant prefers to bring the application forward as-is for Planning Commission review.

ZONING VARIANCE STANDARDS

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

- (a) That the variance granted is without substantial detriment to the public good and does not impair the intent and purposes of the Town's regulations, goals, policies and plan, including the specific regulation in question; **and**
- (b) That the variance granted is the minimum necessary to alleviate the hardship; **and**
- (c) That there exists on the property in question exceptional topography, shape, size or other extraordinary and exceptional situation or condition peculiar to the site, existing buildings, or lot configuration such that strict application of the zone district requirements from which the variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property in question; **OR**

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

CONDITIONS FOR A ZONING VARIANCE

In review of the standard, staff refers to three primary Town enacted documents:

- Title 4 of the Town of Eagle Municipal Code – Land Use and Development Code
- The Town of Eagle Strategic Plan – Adopted in 2017
- The Eagle Area Community Plan – Adopted in 2010

Title 4 of the Land Use Code indicates the following purposes:

Purpose J: Providing for a variety of housing and neighborhood types and densities and a range of housing costs.

This project is in line with Purpose J to increase housing stock and the variety of housing within the Town with the addition of the accessory dwelling unit.

Town of Eagle Strategic Plan:

Major Objective 8: Improving housing availability and affordability.

Major Objective 8 was included in the Strategic Plan in order to promote cost-effective solutions in maintaining adequate housing supply and support for the entire population. The construction of an ADU will lend to Objective 8 by increasing the housing supply.

Eagle Area Community Plan: Chapter 3: Land Use – Community Needs

Chapter 3 of the Eagle Area Community Plan states that maintaining an appropriate and full spectrum of dwelling unit types and price points is very important in a fast growing and increasingly expensive community like Eagle. The proposed ADU would provide an affordable housing option and add to the variety of dwelling units.

Eagle Area Community Plan: Chapter 12: Historic Preservation

Chapter 12 of the Eagle Area Community Plan states that new development, including infill and redevelopment, should incorporate references to the physical and cultural history of the Eagle Planning Area. Staff has not been provided any evidence to suggest or prove that the log structure is historic, however the plan exactly meets this criteria as it does create an infill accessory structure that references the physical history by maintaining the log structure, which looks historical but might not be historical.

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

Applicant Analysis (a):

The granting of the variance requested is without substantial detriment to the public good and does not impair the intent and purposes of the Town's regulations, goals, policies and plans. The preservation and

repurposing of an old log outbuilding provides public benefits to the community by allowing the preservation of some of the historic past of the Town of Eagle. These early log structures reflect the pioneering days when the Town of Eagle was established. These logs building are well illustrated in various history books written about the Town. Locating the garage/adu on the south east corner of the property would minimize impacts of this building on the neighboring property to the north and be in keeping with the pattern for the location of many of these building within the historic town. The Town's Master Plan calls for the development of underutilized lots within the Historic Town. It also promotes the creation of workforce housing. Historic Preservation, Chapter 12 of the The Eagle Area Community Plan, addresses importance of references back to the early days of the Town of Eagle and Eagle County. This Chapter specifically references the importance of maintaining "western, historical character within the Town Center Character Area." This Chapter goes on to state, "in an effort to recognize and preserve the cultural heritage of the Eagle Planning Area, the Town and County should ... preserve resources and design new projects in the context of this overarching goal." The restoration of the historic home and the preservation of the small log building on the north east corner of the property complies with these policies.

Staff Analysis (a):

The purpose of the front setback regulation is to promote public safety and provide sufficient open space and separation between structures in keeping with the character of the zone district. Public safety is promoted with a standard sightline along the street frontage and safe access for motor vehicles as they turn from alleys or from one street to another. Granting the variance would maintain the existing garage setback while preserving the historic cabin accommodating reasonable use of the property consistent with surrounding properties. The existing building setbacks along 5th Street create a situation that warrants a balancing of these needs.

Staff finds that the variance request meets this requirement. The variance would not create a substantial detriment to the public and does not impair the intent and purposes of the Town's regulations, goals, policies, and plans.

AND Standard (b): That the variance granted is the minimum necessary to alleviate the hardship.

Applicant Analysis (b):

The variance requested is the minimum necessary to alleviate the hardship This location provides a reasonable separation of the garage/adu from the existing log structure and allow landscape treatment to make this 12 foot space meaningful. The proposed location of this structure would comply with the 2-foot rear property setback and the 2.5 side yard setback allowed for an accessory building if located on an interior property of this block.

Staff Analysis (b):

Staff finds that this request does not meet Standard (d). The hardship is self-imposed and therefore is not the minimum necessary to alleviate the hardship. The reduction of the setback by 22.5-ft provides for almost a 12-ft buffer between the new structure and the existing historical shed, this does not meet the minimum necessary qualification. Much could be done to reduce the amount of variance requested. The log structure could be relocated or removed to accommodate the zoning regulations. Self-imposed hardships typically are seen to weigh heavily against an owner seeking variance per *Levy v. BOA Arapahoe County*. The applicant argues that the existence of the log structure makes this situation exceptional. The granting of the variance does not require the preservation of the structure; however, the Commission has the ability to impose reasonable conditions on a variance should they so choose.

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

Applicant Analysis (c):

The applicant did not provide an analysis for Standard (c).

Staff Analysis (c):

Staff finds that this request does not meet Standard (c). The shape and topography of the lot are standard and while two historic lots exist on one parcel, this is common throughout the Town of Eagle and does not restrict the owner from constructing an accessory structure that meets the zoning requirements. The existing buildings and existing setback nonconformities along the 5th Street might represent a concern, however this does not meet Standard (c), as it represents a common concern found along the entirety of the street frontage. The existing home and garage already do not meet setback requirements. None of the lots along 5th Street, between the cross streets of McIntire and Church, meet the 25-foot setback requirement. Adhering to the setback would not be consistent with current building placement/setbacks along 5th Street.

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

Applicant Analysis (d):

The unique characteristics and exceptional situation of this property include the existing log structure located on the north east corner and the proximate location of the accessory building on the property to north. Such exceptional situation or conditions were not induced by any action of the applicant and is not a general condition throughout the zone district. They were present when this applicant purchased the property.

Staff Analysis (d):

Staff finds that the request does not meet Standard (d). There are many parcels in Eagle that have sheds or accessory structures of one type or another that a homeowner might wish to keep, but in keeping them would prevent the owner from constructing an infill project on that lot. This is a general condition throughout the zone district. The historical lots could likewise be considered an exceptional condition, excepting that they too are a general condition throughout the zone district. Neither of these elements were induced by any action of the applicant, but they are not exceptional in nature.

STAFF RECOMMENATION

Staff recommends denial of the variance request to reduce the front yard setback from 25' to 2.6' to build a new garage with an accessory dwelling unit above, as the request does not meet Findings (b), (c), or (d). Staff does not find for standard (b) because the structure could be built in a different location and meet

the zoning regulations. Staff does not find for standards (c) and (d) because the existing conditions on the lot are common throughout the zone district.

PLANNING & ZONING COMMISSION

1. Questions of Staff and/or Applicant
2. Public Comment
3. Deliberations

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to V20-01 446 Washington Street Variance request to reduce the side setback from 25' to 2.6' for a new accessory structure:

1. I find the application substantially meets the standards for approval, and move to APPROVE the request to reduce the front yard setback from 25' to 2.6' to build a new accessory structure with no conditions. Based upon Standards (A), (B), and (C) or Standards (A), (B), and (D).
2. I find the application substantially meets the standards for approval, and move to APPROVE the request to reduce the front yard setback from 25' to 2.6' to build a new accessory structure with the following conditions of approval:

<insert conditions of approval>
3. I find that the applicant has not provided sufficient information to review the application per the standards for approval and move to CONTINUE the request to reduce the front yard setback from 25' to 2.6' to build a new accessory structure to the next regularly scheduled meeting.
4. I find that the application does not substantially meet the standards for approval and move to DENY the request to reduce the front yard setback from 25' to 2.6' to build a new accessory structure. The decision is based on failure to meet Standards (B), (C) and (D) as mentioned in staff's recommendation.

446 WASHINGTON ST
EAGLE, COLORADO
VARIANCE REQUEST

February 7, 2020

Town of Eagle
Planning Director and Planning and Zoning Commission
PO Box 609
Eagle, CO 81631

Re: Variance Application

Dear April Kroner and Commissioners,

This application concerns a request for variance from a 25 foot setback regulation to construct an accessory building (garage/adu) in the rear of a property at the north east corner Washington Street and Fifth Street (446 Washington Street). This property contains one of the earliest founding homes within the original Townsite of Eagle and is shown on a photograph dated 1939 of a rodeo being held across the street in what is now the Town Park/Eagle County Complex. You can also see the young tree that is now carved into an art sculpture. The vision for this property was to make this corner property an example of a carefully designed and executed renovation over time. Since purchasing the property, I have completed major renovations to all exterior and interior components (new water and sewer lines) + maintain landscaping of yard and town property at easement locations. See attached photographs presentation to reference the property. Currently there is an old log outbuilding located on the north east corner of the property. I am asking for the town to grant me the opportunity to repurpose and renovate this "historical" cabin, aiming for the preservation of some of Eagle's Unique History.

Also there is an existing nondescript, white garage constructed in the 1960's located on the south east corner of the property. I would like to demolish this building and construct a garage and ADU generally in this same location.

In conversations with several staff members of the Department of Community Development over the last three years, I understand that the same front yard setbacks governs any structure located on a corner property; 25-foot setbacks for any building from Washington Street and also a 25-foot front setback for any building from Fifth Street. Hence my application for this variance. Please see attached Location Improvement Survey, and proposed site plan showing the footprint of the new garage/adu on the south east corner of the property.

In order to comply with a 25-foot setback from Fifth Street the old log structure would need to be demolished in order to place my accessory building in that location. On the neighboring property to north, an accessory building has been constructed on the south east corner of the property and would be severely impacted by the construction of a garage/adu in the north east corner of my property. (Also will not meet fire code regulations) As mentioned above, the preservation and re-purposing of this old log structure is a goal for the future of this historic property and from a landscape perspective the yard area between this existing old log structure and the new garage/adu would be an attractive space. The placement of the new garage/adu in the same general location as the existing garage preserves a small part of the history of the Town of Eagle, significantly reduces impacts of the new building on my neighbor to the north and reduces impervious surface of the property. After reviewing with my neighbor he concurs with the presented variance location. These references back to the early building vernacular of the Town become more and more important as we move into the future and contribute to the authenticity of the Town.

It is interesting to note that there are many accessory buildings without setbacks located on the corners of alleys with roadways within the Townsite of Eagle. At the northern end of this block two such garages exist on either corner of each property. Similarly, on the south west side of Town Park a two-story accessory building has been constructed on the corner of the alley. This property is in the Multi-Family Zone District. The Future Land Use Map in the Town of Eagle Master Plan identifies this property as part of the Historic Town designation which allows for a variety of Zone Districts. As referenced above, setback regulations for corner lots require 25-foot setback from both streets or in this case Washington Street and Fifth Streets. This double front setback requirement does not provide a distinction for primary or accessory buildings and is the basis of this variance application. (Two front yards)

The Land Use and Development Code provides that a “variance from the strict application of any zone district requirement or supplementary regulation of this chapter may be granted by the Planning Commission following the procedures and conditions herein, except that no use shall be allowed in any zone district in which it is not listed as a permitted or special use. The Planning Commission may grant a variance provided it finds both Subsections (A)(1)(a) and (b) of this section and either Subsection (A)(1)(c) or (d) of this section are applicable.

- a. “That the variance granted is without substantial detriment to the public good and does not impair the intent and purposes of the Town's regulations, goals, policies and plan, including the specific regulation in question; and”
- b. “That the variance granted is the minimum necessary to alleviate the hardship; and”
- c. “That there exists on the property in question exceptional topography, shape, size or other extraordinary and exceptional situation or condition peculiar to the site, existing buildings, or lot configuration such that strict application of the zone district requirements from which the variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property in question; or”
- d. “That such exceptional situation or condition was not induced by any action of the applicant and is not a general condition throughout the zone district.”

In granting a zoning variance, the Planning Commission shall modify the application of the regulation so that the spirit of the title is observed, public safety and welfare secured, and substantial justice done.”

We believe that this variance application meets standards A.1.a, A.1.b and A.1.d

Compliance with A.1-a

The granting of the variance requested is without substantial detriment to the public good and does not impair the intent and purposes of the Town's regulations, goals, policies and plans. The preservation and repurposing of an old log outbuilding provides public benefits to the community by allowing the preservation of some of the historic past of the Town of Eagle. These early log structures reflect the pioneering days when the Town of Eagle was established. These logs building are well illustrated in various history books written about the Town. Locating the garage/adu on the south east corner of the property would minimize impacts of this building on the neighboring property to the north and be in keeping with the pattern for the location of many of these building within the historic town. The Town's Master Plan calls for the development of underutilized lots within the Historic Town. It also promotes the creation of workforce housing. Historic Preservation, Chapter 12 of the The Eagle Area Community Plan, addresses importance of references back to the early days of the Town of Eagle and Eagle County. This Chapter specifically references the importance of maintaining "western, historical character within the Town Center Character Area." This Chapter goes on to state, "in an effort to recognize and preserve the cultural heritage of the Eagle Planning Area, the Town and County should ... preserve resources and design new projects in the context of this overarching goal." The restoration of the historic home and the preservation of the small log building on the north east corner of the property complies with these policies

This application is without substantial detriment to the public good and does not impair the intent and purpose of the Town regulations and complies with the Town's goals and policies.

Compliance with A1-b

The variance requested is the minimum necessary to alleviate the hardship This location provides a reasonable separation of the garage/adu from the existing log structure and allow landscape treatment to make this 12 foot space meaningful. The proposed location of this structure would comply with the 2-foot rear property setback and the 2.5 side yard setback allowed for an accessory building if located on an interior property of this block.

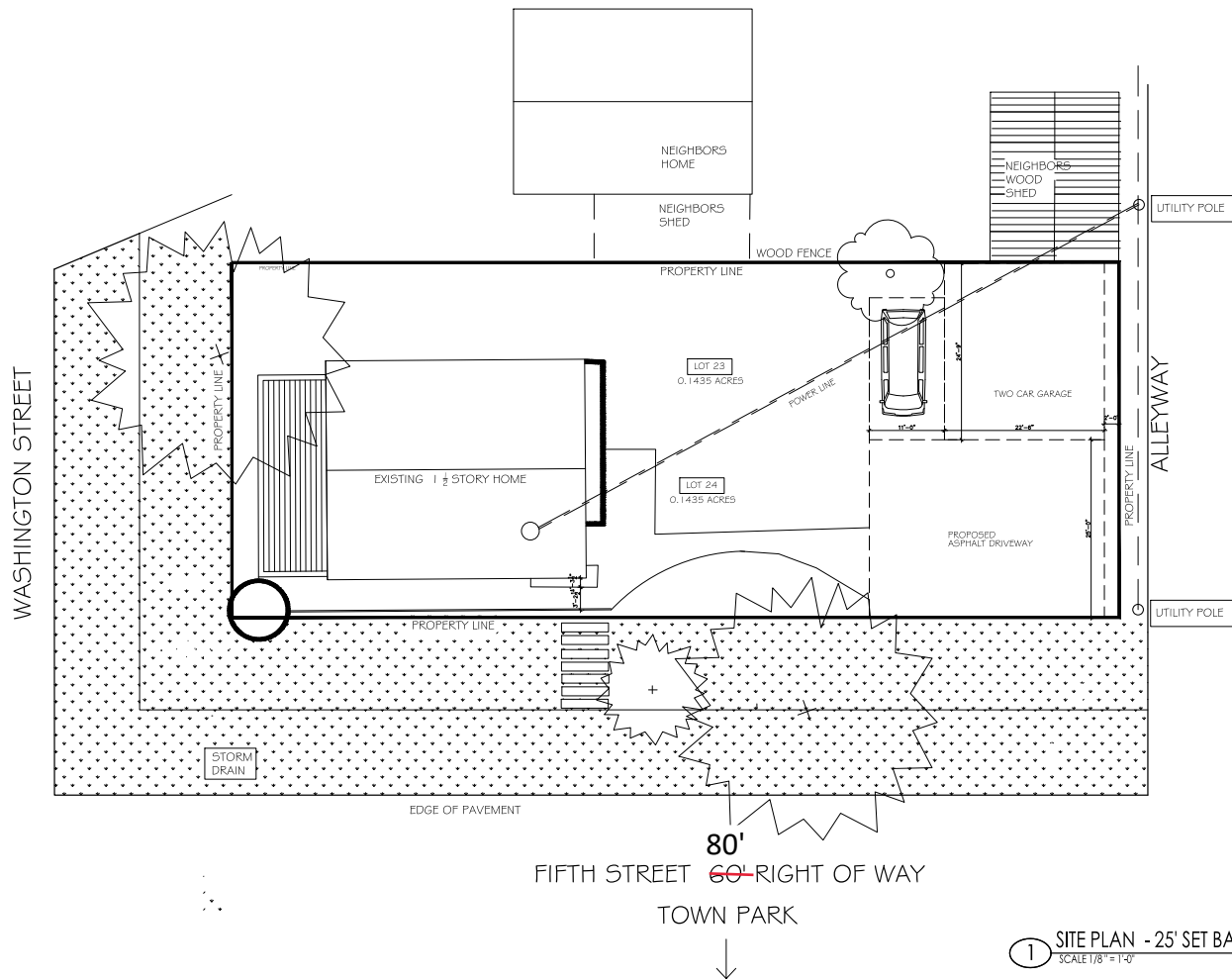
Compliance with A1 d

The unique characteristics and exceptional situation of this property include the existing log structure located on the north east corner and the proximate location of the accessory building on the property to north. Such exceptional situation or conditions were not induced by any action of the applicant and is not a general condition throughout the zone district. They were present when this applicant purchased the property./

Thank you for your consideration of this variance application. We believe variance application allows us to continue to improve this important property located on the north side of the Town Park. Rehabilitating and repurposing old log structures add to the visual charm of the Town of Eagle and comply with policies for this area of Town referenced in the Eagle Area Community Plan.

Sincerely,

Tracie Schumacher
446 Washington Street
Eagle, CO 81631
Property Owner



446 WASHINGTON STREET
P.O. BOX 3366
EAGLE, CO. 81631
970-337-4770 OFFICE

446 WASHINGTON STREET
EAGLE, COLORADO 81631

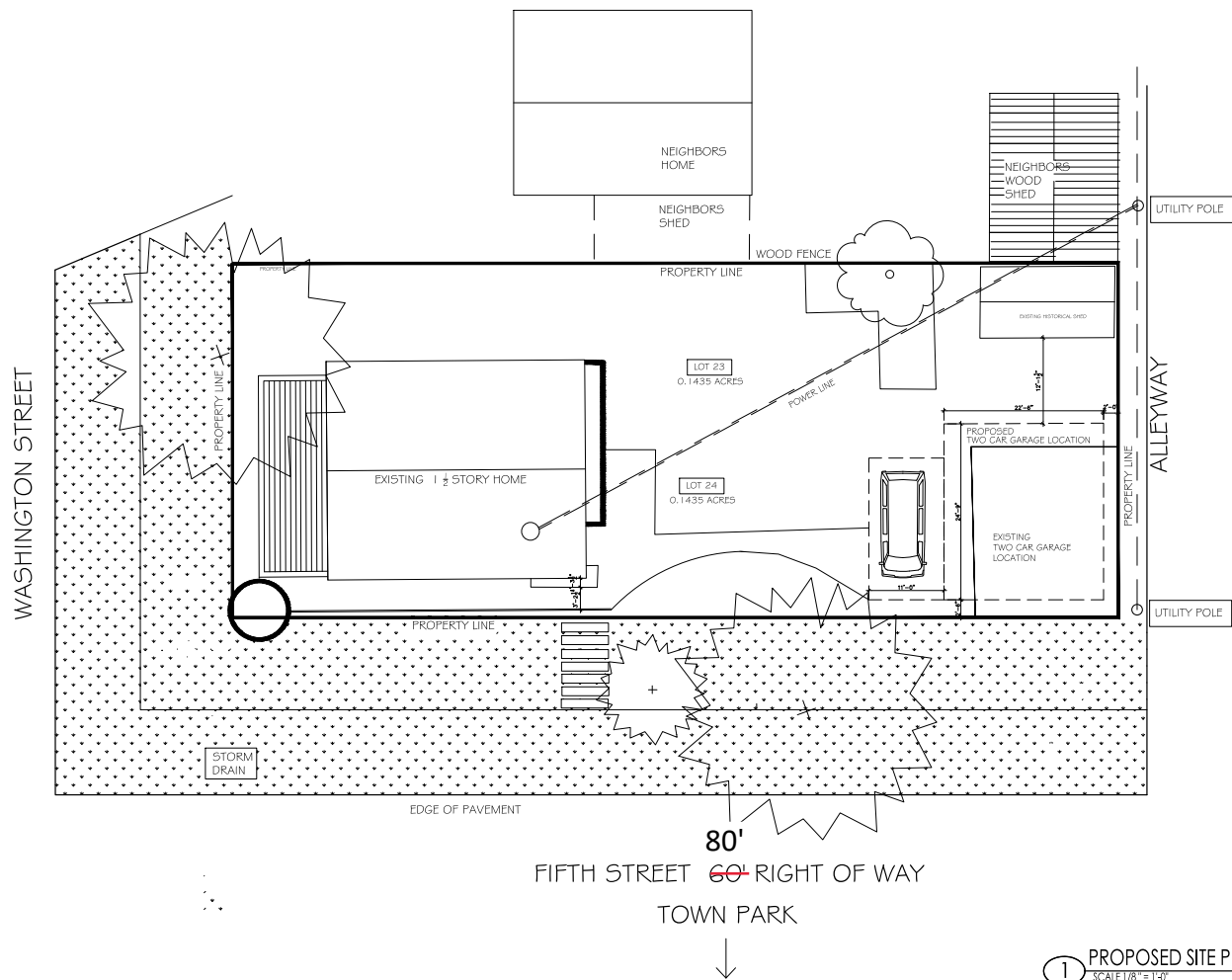
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CONSENT OF STUDIO 80

DATE	DESCRIPTION
2.07.20	VARIANCE REQUEST

SITE PLAN

L1.2

JOB: 1601



446 WASHINGTON STREET
P O B O X 3366
EAGLE, CO 81631
970-337-4770 OFFICE

446 WASHINGTON STREET
EAGLE, COLORADO 81631

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DATE	DESCRIPTION
2.07.20	VARIANCE REQUEST

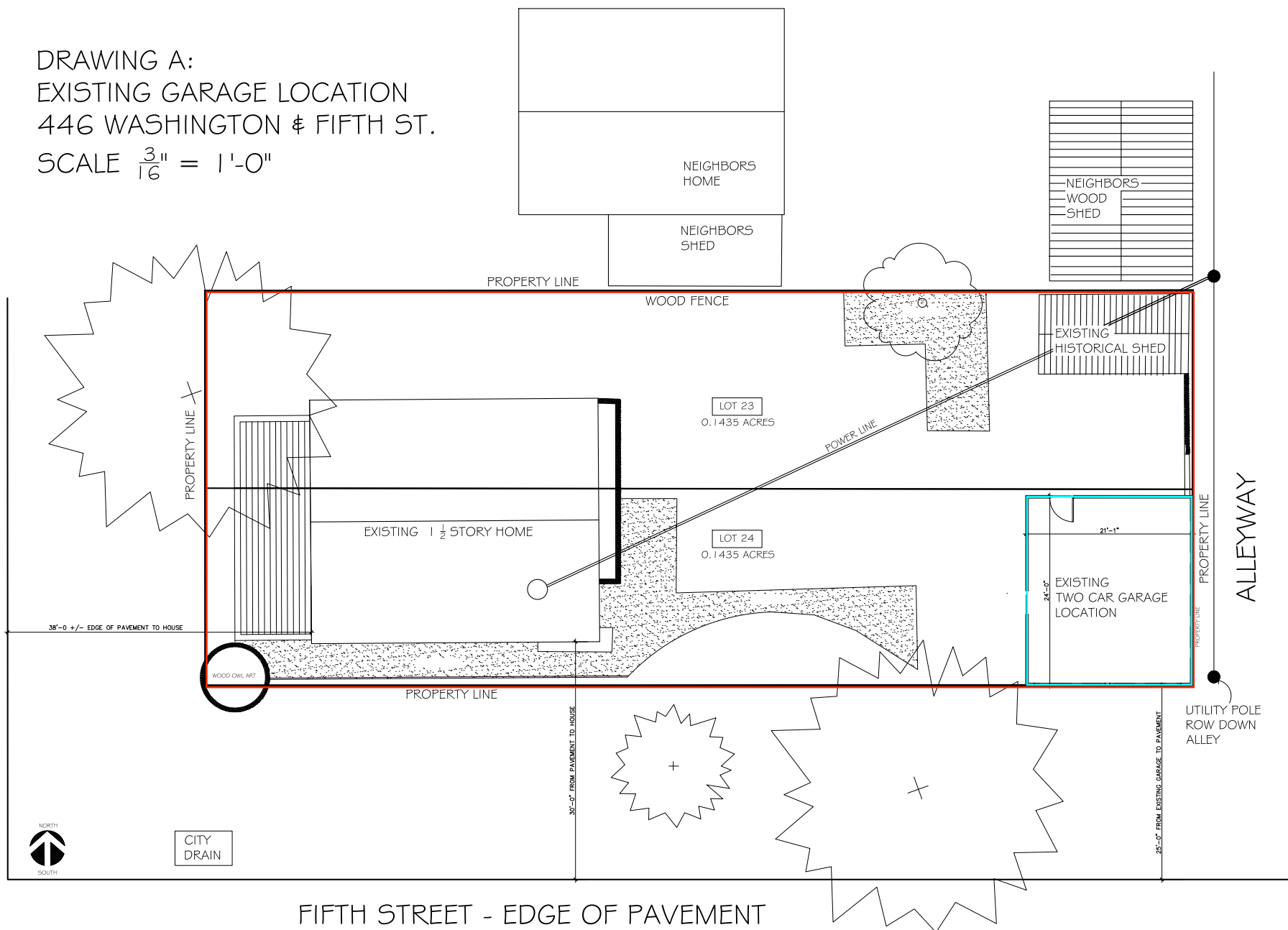
SITE PLAN

L1.1

JOB: 1601

WASHINGTON STREET - EDGE OF PAVEMENT

DRAWING A:
EXISTING GARAGE LOCATION
446 WASHINGTON & FIFTH ST.
SCALE $\frac{3}{16}" = 1'-0"$





P.O. BOX 3366
EAGLE, CO 81631
970-337-4770 OFFICE

446 WASHINGTON STREET
EAGLE, COLORADO 81631

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DATE:	DESCRIPTION:
4.21.20	VARIANCE REQUEST

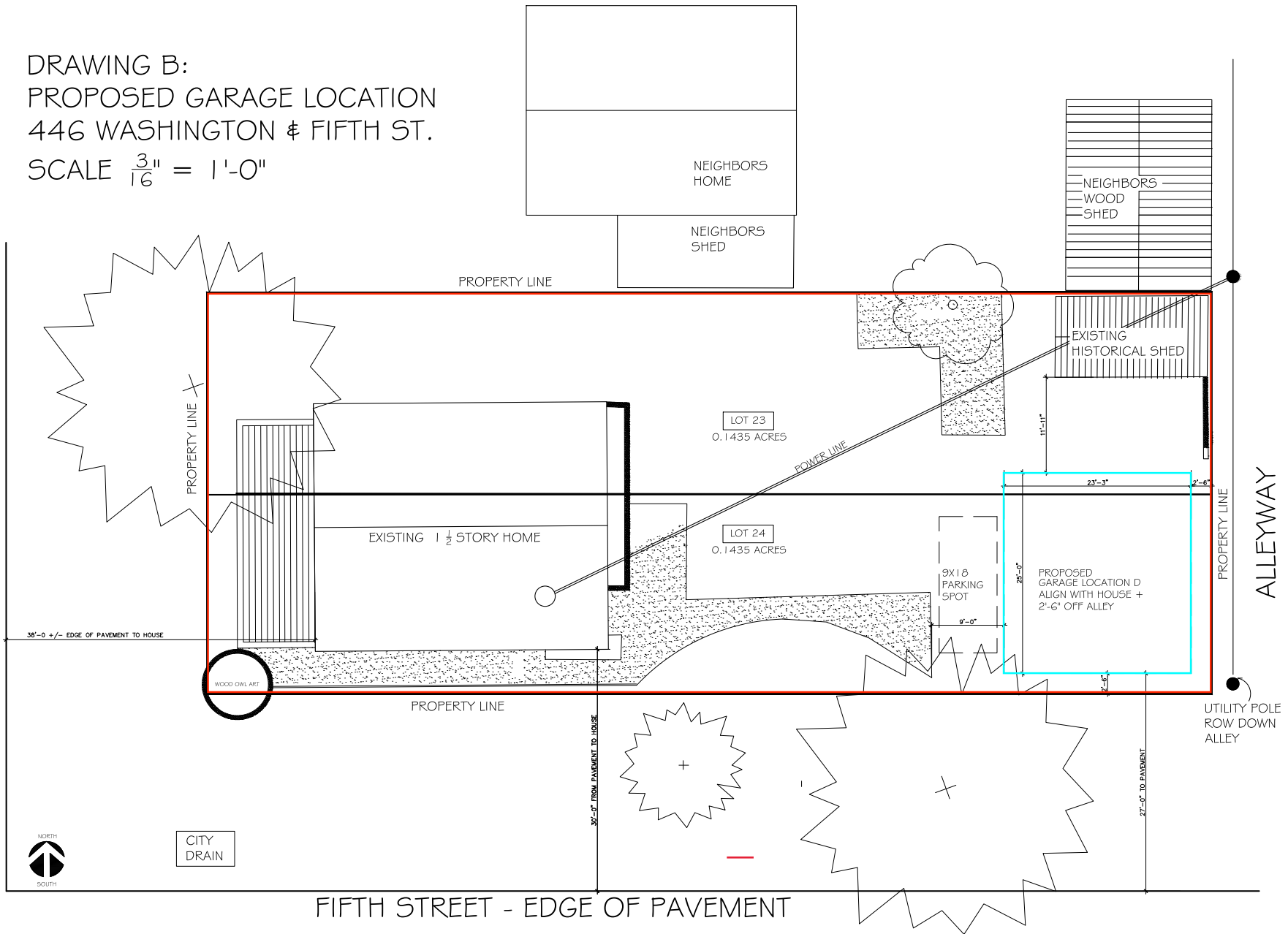
ELEVATIONS

**SITE
PLAN A**

JOB: 1601

DRAWING B:
 PROPOSED GARAGE LOCATION
 446 WASHINGTON & FIFTH ST.
 SCALE $\frac{3}{16}" = 1'-0"$

WASHINGTON STREET - EDGE OF PAVEMENT



FIFTH STREET - EDGE OF PAVEMENT

studio80
INTERIOR DESIGN

P.O. BOX 3366
 EAGLE, CO 81631
 970-337-4770 OFFICE

446 WASHINGTON STREET
 EAGLE, COLORADO 81631

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DATE: DESCRIPTION
 4.21.20 VARIANCE REQUEST

ELEVATIONS

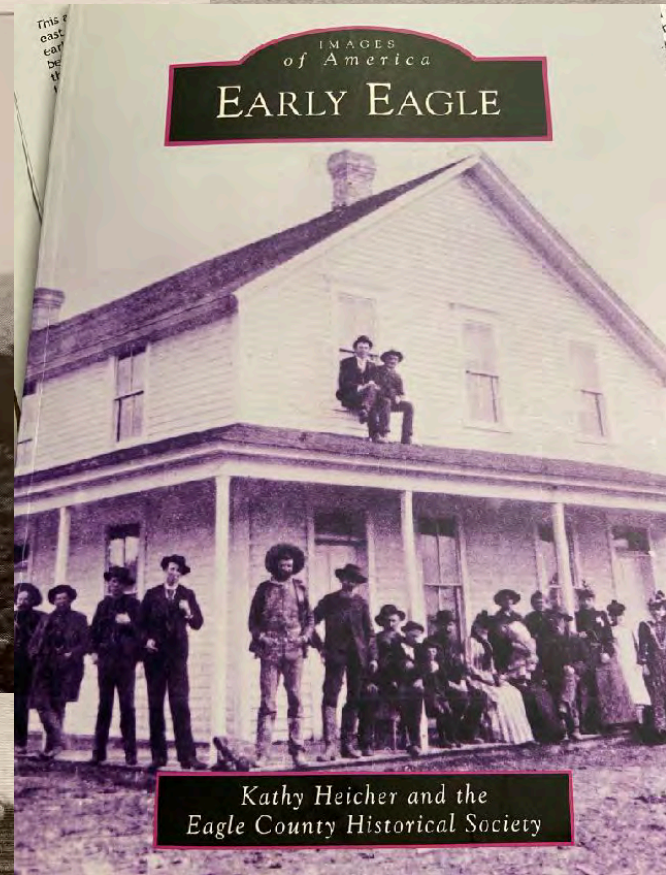
SITE
 PLAN B

JOB: 1601

446 Washington House



TOWN PARK 1939



Early Homes in Eagle



Goal: To Repurpose old Town of Eagle "Historic" Cabin



VIEW OF PROPERTY FROM PARK



REPURPOSED HOUSE + TREE



BEFORE FRONT AND BACK OF HOUSE PHOTOS



"BEFORE" PHOTOS



EXISTING GARAGE + CABIN



EXISTING GARAGE + CABIN

To The Town Of Eagle Planning and Zoning Commission:

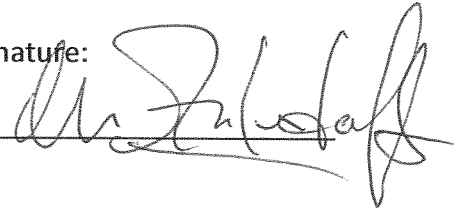
I am not in favor of the Application for Proposed Variance for 446 Washington Street, Eagle, CO 81631.

Tracie Schumacher does not reside in this home as her primary address.

Printed Name and Address:

Signature:

Marc von Stralendorff 440 Washington St.



Rich McLain 431 Wall Street

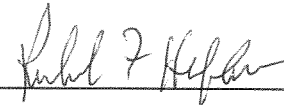


Anissa Berge

Anissa Berge 419 Wall St.



Rich Heffernan 430 Washington



Jennifer Heffernan 430 Washington St.



Kelly Bonser 425 Washington



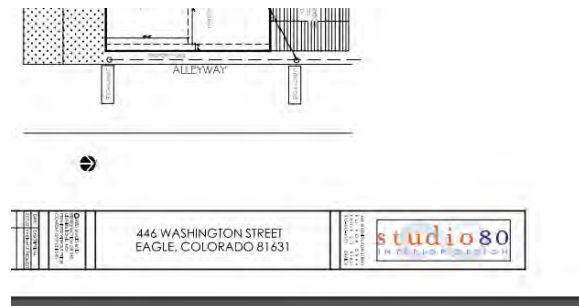
March 12, 2020

Town of Eagle Planning and Zoning Commission

RE: Zoning Variance Application 446 Washington

Dear Commissioners,

As the owner of the adjacent property, 440 Washington, I would like to state my opposition to the zoning variance request submitted by Studio 80 Interior Designs, Inc. I feel that many of the conditions not met by the applicant in the previous October 2019 variance request continue to be out of compliance in the current application. Specifically, the property owner does not reside at the property for residential use, and in fact operates a commercial business from the site, which is a non-conforming use. The Site Plan submitted by Studio 80 Interior Designs, Inc. for construction of an ADU demonstrates an expansion of this business operated at 446 Washington Street. See Site Plan graphics.



I agree that there are many historic structures located on Block 31 in the Town of Eagle. It is a residential neighborhood containing several of the town's oldest homes. In this aspect, my home is different. In 1990, my home was constructed on two lots that were partitioned from the adjacent parcels. 440 Washington sits in between two historical homes and space is very limited. 446 Washington St. is a unique corner parcel in that it now sits on only two lots (23 & 24); lot 22 having been annexed by 440 Washington. This explains why my single car garage literally touches the "historic cabin" across the property line, and why my neighbor's fence is physically attached to the side of my house. The property located at 446 Washington Street has been previously developed, and further development potential has been compromised.



Granting a zoning variance request to further reduce the boundary line set backs would create undo crowding in this neighborhood. My observation of this area during Town Park Concerts is one of great activity. It is located directly across the street from the performance stage, where band equipment trucks park and stage set up occurs. This is also where the town places their event dumpsters. It serves as a natural pedestrian entrance to the park as many people walk the alley and cross 5th street at this intersection. Fifth Street is a busy main thoroughfare, which concerns public safety and welfare.

I feel it is unwise to further constrict 5th Street at this natural choke point. It would also decrease visibility further for drivers wanting to turn out of the alley and on to 5th Street. When a vehicle is parked in the driveway in front of the currently standing garage, this is already a problem. Plans for a 35-foot tall ADU in this location, which is constructed 2 feet from the rear alley boundary and 2.5 feet from the Fifth Street boundary are unacceptable. Thank you for your consideration.

Sincerely,

Marc von Stralendorff

440 Washington St.

Property Owner

From: MARC VON STRALENDORFF <marc.vonstralendorff@eagleschools.net>
Sent: Wednesday, October 23, 2019 2:11 PM
To: April Kroner <april.kroner@townofeagle.org>
Subject: 446 Washington Street

Hi April,

I am not able to find the application material for 446 Washington Street at the "Active Land Use Applications" web page. The only ones listed are: #1-Chambers East, #2-410 Broadway, #3-1088 & 1092 4th of July lot, and #4-Red Mountain Ranch.

My first question is - what is the current set-back of the existing building she is wanting to replace? Is it less than 25 feet, but more than 2.5 feet. This request represents a 10-fold distance change.

My observation of this area during Town Park Concerts is one of great activity. It is located directly across the street from the performance stage, where band equipment trucks park and stage set up occurs. This is also where the town places their event dumpsters. It is also a natural pedestrian entrance to the park as many people walk the alley and cross 5th street at this intersection.

I feel it is unwise to further constrict 5th Street at this natural choke point. It would also decrease visibility further for drivers wanting to turn out of the alley and on to 5th Street. When a vehicle is parked in the driveway in front of the currently standing garage, this is already a problem. Thank you for your consideration.

Marc von Stralendorff

--

Marc von Stralendorff
Battle Mountain High School
Science Department

From: [Cactus Jack](#)
To: [Jessica Lake](#)
Subject: Tracie Shumacher variance
Date: Tuesday, March 17, 2020 10:19:59 AM

As an adjacent property owner I have been invited to comment on this application for variance.

I have spoken to the applicant and her neighbors. The aspect of most concern to me was a comment, by neighbors, that the overall height of the project would be 35 feet. that seems excessive and I fear it would set a precedent for future development in the neighborhood.

Aside from that, I don't have an issue with the setback variance. The remodeling that she has done so far is tasteful and attractive. I would expect the same for the new construction. And, I like that she wants to preserve the existing log structure in her yard.

Jack Niswanger
505 Washington

From: [Rich McCain](#)
To: [Jessica Lake](#)
Subject: V20-01 446 Washington Zone Variance
Date: Saturday, February 29, 2020 5:46:41 PM

To whom it may concern:

I am personally not in favor of this proposal for several reasons, but for the reason of the set-back from 25' down to 2.5' this would not be in line with the entirety of 5th Street if viewed from either end of the street, and as both sides of 5th Street are parking for the Town Park, especially in the vicinity of her property. Miss Schumacher has mentioned one of the older buildings on the property is of "historical value", the building she mentioned was actually an old chicken coop from the early 1950's.

Rich McCain
431 Wall Street

March 16, 2020

To The Town of Eagle Planning and Zoning Commission:

My name is Jessica von Stralendorff. My family and I reside at 440 Washington Street. Our home is next door to 446 Washington Street. We purchased our home in November 2009 and moved in February 2010. At that time, renters resided in 446 Washington Street. I don't recall when I met Tracie Schumacher, since the first few years living in our home, several renters resided at 446 Washington Street and since owning the home located at 446 Washington Street, Tracie Schumacher has never resided at the said location. I believe it was in 2013 that Tracie began altering the historic home and that is when I noticed that she was running a business from the MRF home located at 446 Washington Street. Tracie's primary residence is located at 258 Tanager Circle located in the Orchards in Eagle.

I have several concerns with this application. The first being that Tracie Schumacher has never lived in this home and does not currently live in the home. (Section 4.04.060 of the Code). The first notice we received from the Town of Eagle, dated October 16, 2019, for a variance was rejected because she could not provide proof of residency. I now have received a second letter dated 2/20/2020 requesting the same variance, four months later. Also requested from the Town of Eagle were a motor vehicle registration and a utility bill. Only the utility bill was posted, but not until 3/5/2020. Because she runs a business from the home, I do not consider a utility bill a valid proof of residence.

Per Eagle County Zone Districts, Article 3-340, she is in violation of advertising or providing business signage. Per Town Code (Section 4.04.100 of the Code), she can have one sign that falls within the Town's requirements. After several years of having her business name on a sign located at the rear of the home, she has removed the signage in the past week that was displayed here. **Exhibit A.** I believe her usage of the parking area also does not meet town code. She does not use the garage or the parking area in front of her garage. She parks on the lawn which shines car headlights into our home. See photos.

When I investigate the history of Studio 80, which is located at 446 Washington Street in Eagle, it has been the primary business location for approximately a decade. Secretary of State shows her business, Studio 80, established 1/22/2007, located at 446 Washington Street. When I 'Google' 446 Washington Street, Eagle, her business pops up. **Exhibit B.** When Tracie altered the interior of the home to set up her business, I believe she created a living space that is not suitable for a residential home. She has made many interior changes to accommodate her business show room which includes installing large windows without window coverings throughout and added two offices upstairs. She told my husband the reason for the ADU above the garage is so she can live in it. Now that I have seen her proposed plans for Studio 80, it appears she does not plan on living there but this is an expansion of the business show room. See her submitted site plan.

At this time, I would like to reference an article in the Vail Daily. This article was written about a carving that took place on the property. In this article, it refers to Tracie as the Owner of Studio 80 Interior Architecture and Design and this carving was included in the massive renovation

for her business. Clearly showing she has been in violation of the RMF usage of her home for quite some time. **Exhibit C.**

Exhibit D. These photos show an aerial view of the lots in question. You can see due to multiple structures currently in place, it simply does not allow for the proposed structure to be constructed with a variance or not. The lots are already at maximum density.

When Tracie first proposed this project to my husband, she asked him if she could access the property through our driveway. This was her solution to parking during construction. She wants to park her vehicle on the north side of the existing home but can only do so by accessing it through our property. We said no.

Referencing Tracie's variance letter:

It is my opinion, that if the historic value of the home was of importance to Tracie, then she would not have drastically changed the general overall appearance of the home. **Exhibit E.**

She did indeed replace water and sewer lines, due to a break. She did not replace them immediately following the break, instead she and her employees used the restroom at the Town Park for several months. We as neighbors, were greatly impacted by this in a negative way, due to the overwhelming stench of sewage throughout our basement. Our main sewer line in the alley would be greatly compromised by additional water and sewer lines.

Regarding the non-descript garage on the property. Several years ago, I think approximately 9 years ago, Tracie had a party at the home of 446 Washington Street at which time she and her guests graffitied the back of her garage. **Exhibit F.** We were told this building was a tear down and she was going to do that the following summer. Here is how it looked when it was first painted and how it looks today. I have a minimal view from my backyard. This is what I have been looking at for several years. I question the vision for this property as referenced in her variance request as an example for the Town of Eagle. I do support her tearing the garage down, but not to be reconstructed in any new manner.

She refers to many accessory buildings within Eagle that do not have setbacks. I feel as a corner lot Owner, if she wants to have her lot be an example, she should comply with all current zoning requirements. She talks about double front setback requirements that are not distinct for primary vs. accessory buildings and the fact she has two front yards!? She has a corner lot. She does not have two front yards.

Her basis for this variance is based on the preservation of a log structure that has been neglected. **Exhibit G.** As neighbors, we too would like to see it restored. We are in support of the Town of Eagle in their Historic Preservation. Tearing it down is not a solution to redevelopment. However, the Town's Master plan for underutilized lots does not apply to this lot since it is already compromised with its multiple structures and previous redevelopment.

She also references workforce housing which does not apply to this application.

She states "This application is without substantial detriment to the public good and does not impair the intent and purpose of the Town regulations and complies with the Town's goals and

policies. This is incorrect due to the fact this is not her primary residence and she is trying to say that it is. She is not in compliance with Town code.

This whole process, has consumed our evenings at home with discussions of the neighboring property, dating back to the initial proposal from October 2019. It has created undue stress and hardship on myself and my family.

We oppose this proposed variance submitted by Studio 80 Interior Design.

Jessica and Marc von Stralendorff

440 Washington Street, Eagle

Objection to 446 Zoning Variance Application

Application Submitted by Studio 80 Interior Designs, Inc.

Dated 02/20/2020

Previous location of business sign



Parking Creates Headlight Issues



Business Parking (building materials stored against fence)



Secretary of State – Business Listing

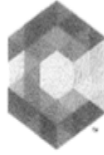
Exhibit B.pdf

file:///C:/Users/e022594/Desktop/446/Exhibit%20B.pdf

1 of 2

3/16/2020

Colorado Secretary of State - Summary



For this Record...
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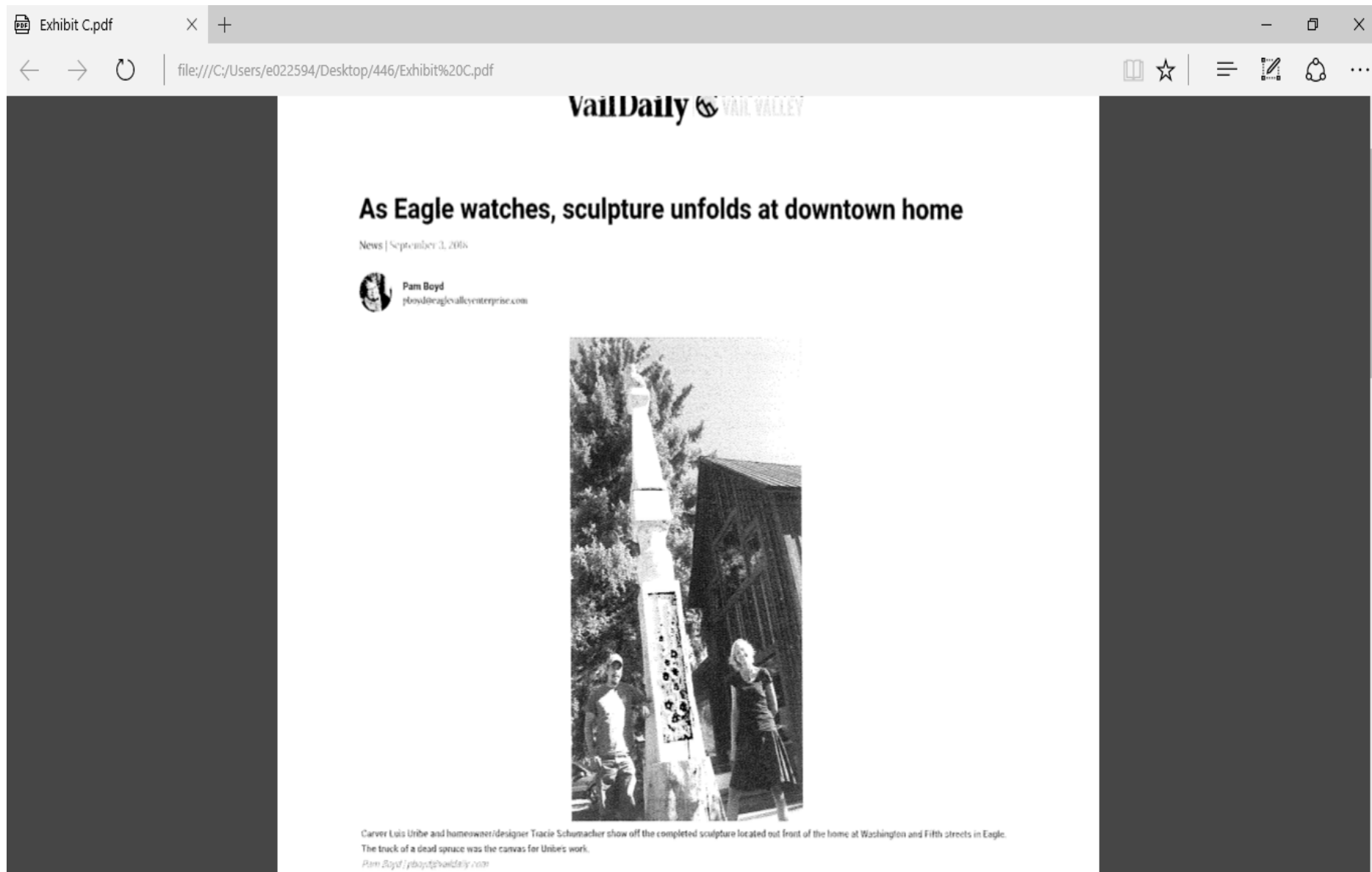
Summary

Details			
Name	Studio 80 Interior Design, Inc.		
Status	Good Standing	Formation date	01/22/2007
ID number	20071034597	Form	Corporation
Periodic report month	May	Jurisdiction	Colorado
Principal office street address	446 Washington Street, Eagle, CO 81631, United States		
Principal office mailing address	PO Box 3366, Eagle, CO 81631-3366, United States		

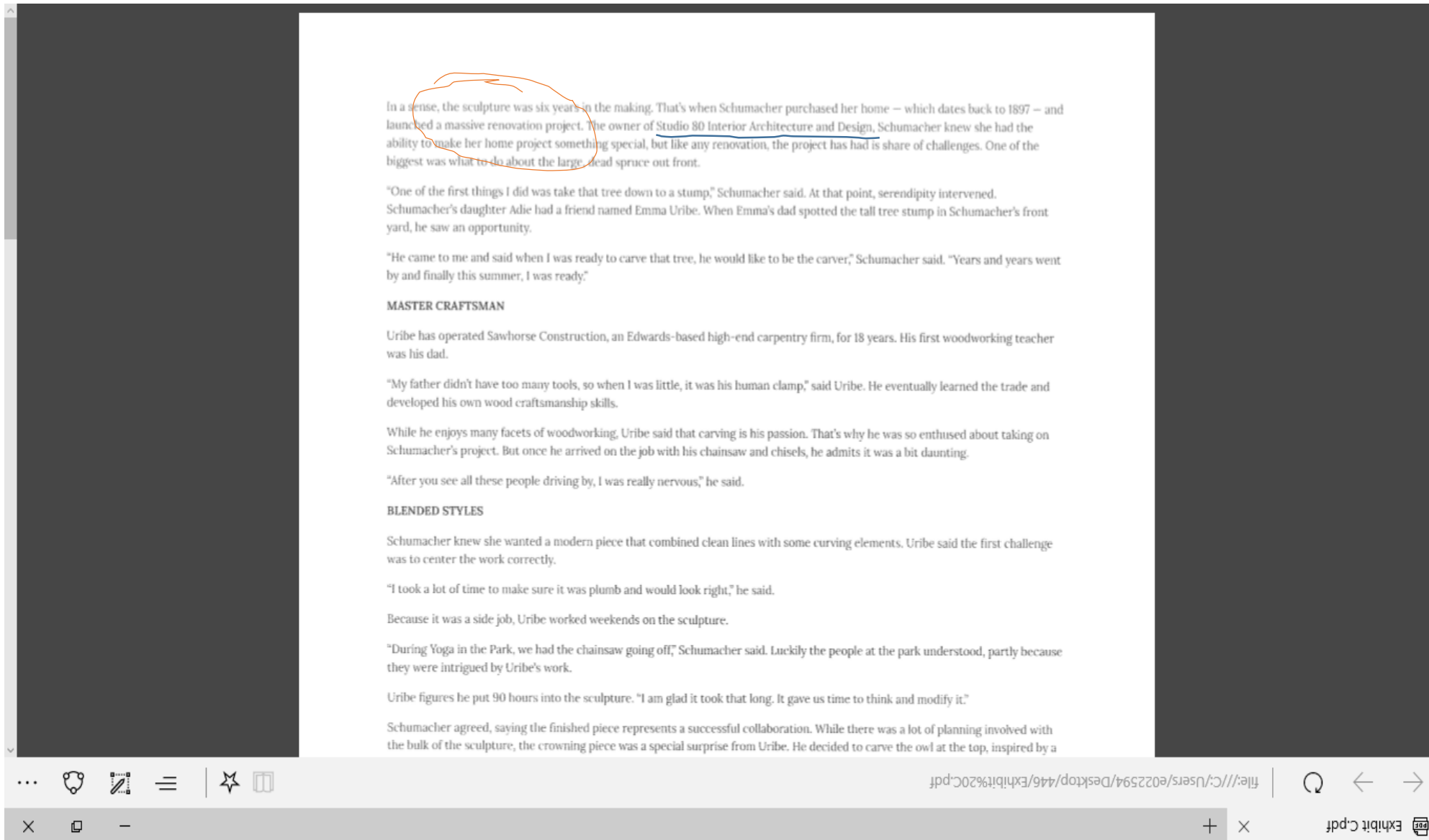
Registered Agent	
Name	Tracie Lynn Schumacher
Street address	446 Washington Street, Eagle, CO 81631, United States
Mailing address	PO Box 3366, Eagle, CO 81631-3366, United States

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Vail Daily Article – Page 1



Page 2 – “Massive Renovation Project”



Lot View



446 Washington Street Front Yard



Current Garage (graffiti created by owner 9 years ago)



View of Neighboring Property



Fence-line



View from inside the house (fence attached)



“Historic Cabin”



Alley View of Property Line (cabin with oil drum)



ARTICLE 3: ZONE DISTRICTS 3-310. REVIEW STANDARDS

LAND USE REGULATIONS 3-12 EAGLE COUNTY, COLORADO

Article 3, January 4, 2005

SECTION 3-310. REVIEW STANDARDS APPLICABLE TO
PARTICULAR RESIDENTIAL,

AGRICULTURAL AND RESOURCE USES

F. Home Business and Home Occupation.

1. Home Business.

a. Use Subordinate. The use of a dwelling for a home business
shall be clearly

incidental and subordinate to its use for residential purposes
and shall not change its

basic residential character.

From: stoncrk@vail.net
To: [Jessica Lake](#)
Cc: [Peyton Heitzman](#)
Subject: RE: FW: RE: Zoning Variance 446 Washington
Date: Friday, March 6, 2020 2:18:12 PM

Jessica -

Yes, please include all of my emails and concerns including this one. The homeowner, Tracie Schumacher, spoke to my husband on Sunday, March 1 and admitted to him that she does not live at the address. She will be unable to deny this in front of the Board on March 17. I will bring in all of my emails sent to the Town, as well as a written letter of opposition and photos.

In addition to her materials submitted, duly noting that the proof of residency was NOT provided at the time that the variance request letter was mailed, I would require a Proof of Residency letter to be signed, notarized and on file for the meeting on March 17, 2020.

Thank you,
Jessica

On Fri, 6 Mar 2020 20:54:39 +0000, Jessica Lake

<jessica.lake@townofeagle.org> wrote:

> Hi Jessica,

>

> I apologize for the slow response time. I was sick all last week and part

> of this week.

>

> The owner of the property has now provided both her vehicle registration card (which does not have an address on it in Colorado) and a utility bill,

> which does have the address.

>

> We are not able to pull this file at this time. It is up to the

> Commission if they want to approve or deny the variance based on the

> information provided to them. If you would like me to include this email

> in the file I am happy to do that and it will be entered into the public

> record. I always strongly suggest voicing your concerns at the hearing, it

> can often be the effective way to sway public opinion.

>

> I have noted your concerns with regards to home occupancy and whether or not her business qualifies. From outside the property it does not appear

> that she is in violation of the code requirements. If you have proof that

> she is in violation please bring that information forward to us.

>

> Thank you,
> Jessica Lake
> Planner I
> TOWN OF EAGLE
> 200 Broadway, PO Box 609, Eagle Co 81631
> Phone: 970-328-9627, Fax: 970-328-9656
> Hours: 8:00am – 5:00pm W, TH, F
> CLICK BELOW FOR TOWN WEBSITE, NEWS, EVENTS OR TO PROVIDE FEEDBACK:
>
> Sender and receiver should be mindful that all my incoming and outgoing
> emails may be subject to the Colorado Open Records Act, § 24-72-200.1,
et
> seq.
>
>
> -----Original Message-----
> From: stoncrk@vail.net <stoncrk@vail.net>
> Sent: Monday, March 2, 2020 8:08 AM
> To: Jessica Lake <jessica.lake@townofeagle.org>
> Cc: Peyton Heitzman <peyton.heitzman@townofeagle.org>
> Subject: Re: FW: RE: Zoning Variance 446 Washington
>
> Jessica -
>
> I am requesting that this is removed from the agenda for March 17.
>
> She still has not provided her motor vehicle registration and utility
> bill. This is the second time she has submitted for a variance and has
not
> provided the proper documentation.
>
> Currently she is in violation of the following:
>
> Article 3, Zone Districts, F. Home Business and Home Occupation.
> 1. Home Business
> a. Use subordinate. The use of a dwelling for a home
business
> shall be clearly incidental and subordinate to its use for
> residential purposes and shall not change its basic
residential
> character.
> c. Employment. A home business shall be conducted by persons
> residing on the premises and by no more than two employees
> residing off premises.
> I. Signs and Illuminations. Signs and other outdoor
> structures advertising the home business shall not be permitted.
> Illumination of the structure housing the home business shall be limited
> to that which is customary for the primary residential use of the
property.
>
> Article 3, Zone Districts, F.
> 2. Home Occupation.
> Home Business
> a. Use subordinate. The use of a dwelling for a home
business
> shall be clearly incidental and subordinate to its use for
> residential purposes and shall not change its basic

residential

> character.

> c. Parking. A home occupation shall not generate the need for any
> additional parking other than that required for the principle
> residential use of the property.

> g. Signs and Illuminations. Signs and other outdoor structures
> advertising the home business shall not be permitted. Illumination
of

> the structure housing the home business shall be limited to that
which

> is customary for the primary residential use of the property.

>

> She needs to apply for a special Use Permit for this proposed structure.

> Until she does that I am against any variance she is applying for.

>

> If this item cannot be removed from the agenda at this time, then yes, I

> will write a letter and be in attendance at the meeting on the 17th.

>

> Thank you for all of your assistance,

> Jessica

>

>

>

>

> On Fri, 28 Feb 2020 22:14:10 +0000, Jessica Lake

> <jessica.lake@townofeagle.org> wrote:

>> Hi Jessica,

>>

>> Thank you for your email. The applicant claims this address to be her

>> primary residence, which if the case, means she is permitted to have a

> home

>> occupation (Section 4.04.060 of the Code). We are asking for the

> additional

>> items (utility bill & motor vehicle registration) for further proof

>> that this really is her primary residency. Her initial application was

> withdrawn

>> because she could not provide proof that this was her primary
residence.

>

>> In order for the applicant to build the ADU and rent it or allow it to

> be

>> occupied she will need to live on the premises. Our code states that

>> an Accessory Dwelling Unit is a use by right, but only to an

>> owner-occupied single family home.

>>

>> If this is not her permanent residency, then she will need to apply

>> for

> a

>> special use permit to operate her business out of the home. It's

> difficult

>> on our end to prove that this is not her primary residence. If you

>> have concerns with the application, you are welcome and encouraged to

>> attend

> the

>> P&Z meeting on March 17th. We will also include your concerns in the

> memo

>> that will go to the P&Z Commission. If you would like to draft an
>> additional letter to the Planning Commissioners we will ensure that is
> made
>> part of the application.
>>
>> Thank you,
>> Jessica Lake
>> Planner I
>> TOWN OF EAGLE
>> 200 Broadway, PO Box 609, Eagle Co 81631
>> Phone: 970-328-9627, Fax: 970-328-9656
>> Hours: 8:00am – 5:00pm W, TH, F
>> CLICK BELOW FOR TOWN WEBSITE, NEWS, EVENTS OR TO PROVIDE FEEDBACK:
>>
>> Sender and receiver should be mindful that all my incoming and
>> outgoing emails may be subject to the Colorado Open Records Act, §
>> 24-72-200.1,
> et
>> seq.
>>
>>
>> -----Original Message-----
>> From: stoncrk@vail.net <stoncrk@vail.net>
>> Sent: Wednesday, February 26, 2020 12:56 PM
>> To: Peyton Heitzman <peyton.heizman@townofeagle.org>
>> Subject: Fwd: RE: Zoning Variance 446 Washington
>>
>> Peyton -
>>
>> I have been corresponding with Jessica, but I see she has gone home
> sick,
>> maybe you can help me. Please see the emails below in regards to 446
>> Washington Street.
>>
>> Thank you,
>> Jessica
>>
>> ----- Original Message -----
>> Subject: RE: Zoning Variance 446 Washington
>> Date: Wed, 26 Feb 2020 12:52:54 -0700
>> From: stoncrk@vail.net
>> To: Jessica Lake <jessica.lake@townofeagle.org>
>>
>> Jessica -
>>
>> Thank you for the information. I know she is the owner, although not
>> a resident of this home, how does this prove that the commercial
>> usage
> was
>> obtained legally?
>>
>> Jessica
>>
>> On Wed, 26 Feb 2020 19:33:13 +0000, Jessica Lake
>> <jessica.lake@townofeagle.org> wrote:
>>> Attached is the proof of ownership the applicant submitted. We have
>> asked

>>> that she also provide motor vehicle registration and a utility bill.
>> Once
>>> we have those we will update the website. The files are now
>>> available
>>> here: <https://www.townofeagle.org/418/Active-Land-Use-Applications>.
>> Please
>>> let me know if you have any other questions.
>>>
>>> Thank you,
>>> Jessica Lake
>>> Planner I
>>> TOWN OF EAGLE
>>> 200 Broadway, PO Box 609, Eagle Co 81631
>>> Phone: 970-328-9627, Fax: 970-328-9656
>>> Hours: 8:00am – 5:00pm W, TH, F
>>> CLICK BELOW FOR TOWN WEBSITE, NEWS, EVENTS OR TO PROVIDE FEEDBACK:
>>>
>>> Sender and receiver should be mindful that all my incoming and
>>> outgoing emails may be subject to the Colorado Open Records Act, §
>>> 24-72-200.1,
>> et
>>> seq.
>>>
>>> -----Original Message-----
>>> From: stoncrk@vail.net <stoncrk@vail.net>
>>> Sent: Wednesday, February 26, 2020 10:11 AM
>>> To: Jessica Lake <jessica.lake@townofeagle.org>
>>> Subject: RE: Zoning Variance 446 Washington
>>>
>>> Jessica -
>>>
>>> This is our second notice in regards to this property. What has
>>> changed since the initial notice sent October 2019? The owner
>>> continues to
>> operate
>>> her business from the home which is zoned for RMF. Did the owner
>> provide
>>> documentation that the property is allowed to operate a business per
>>> the land use code? Please let me know.
>>>
>>> Thank you,
>>> Jessica
>>>
>>>
>>>
>>>
>>> On Wed, 26 Feb 2020 15:24:08 +0000, Jessica Lake
>>> <jessica.lake@townofeagle.org> wrote:
>>>> I'm so sorry about that. I was on vacation and then out sick. I'll
>>>> get the files up today.
>>>>
>>>> Jessica Lake
>>>> Planner I
>>>> TOWN OF EAGLE
>>>> 200 Broadway, PO Box 609, Eagle Co 81631
>>>> Phone: 970-328-9627, Fax: 970-328-9656

>>>> Hours: 8:00am – 5:00pm W, TH, F
>>>> CLICK BELOW FOR TOWN WEBSITE, NEWS, EVENTS OR TO PROVIDE FEEDBACK:
>>>>
>>>> Sender and receiver should be mindful that all my incoming and
>>>> outgoing emails may be subject to the Colorado Open Records Act, §
>>>> 24-72-200.1,
>>> et
>>>> seq.
>>>>
>>>>
>>>> -----Original Message-----
>>>> From: stoncrk@vail.net <stoncrk@vail.net>
>>>> Sent: Wednesday, February 26, 2020 8:22 AM
>>>> To: Jessica Lake <jessica.lake@townofeagle.org>
>>>> Subject: Zoning Variance 446 Washington
>>>>
>>>> Jessica -
>>>>
>>>> Good morning. I just received a notice from the Town of Eagle in
>>> regards
>>>> to a zoning variance for 446 Washington Street. When I go to the
>>> website,
>>>> there are no application materials to review. Can you forward me a
>>>> new link please?
>>>>
>>>> Thank you,
>>>> Jessica



CERTIFICATE OF RECOMMENDATION

TO: Planning and Zoning Commission

FROM: Department of Community Development

DATE: April 21, 2020

PROJECT: Red Mountain Ranch Subdivision Filing 5, Final Plat

FILE NUMBER: PP/FP19-01

APPLICANTS: Red Mountain Ranch Partnership, LLLP, Eagle River Commercial, LLC, and Griffin Development, LLC

LOCATION: Approximately 106 acres on the east end of the town boundaries, south of Highway 6, north of the Eagle River

CODE: Chapter 4.12 – Subdivision Review

ZONING: (Existing) Resource (R) in Unincorporated Eagle County; Proposed Annexation and Planned Unit Development in the Town of Eagle

EXHIBITS: A: Application and Narrative
B: Red Mountain Ranch Subdivision Filing 5, Final Plat

PUBLIC COMMENT: No public comments received as of April 16, 2020.

STAFF CONTACT: Carrie McCool, Contract Planner

REQUESTS: Request for concurrent Preliminary Plan/Final Plat to subdivide the 106.194-acre property of land into seven (7) parcels.

BACKGROUND

On February 13, 2018, the Board of Trustees passed a resolution finding the Annexation Petition for Red Mountain Ranch to be in substantial compliance with Section 31-12-107(1) C.R.S. The annexation application was accompanied by a request to zone the property to Planned Unit Development (PUD) to allow a maximum of 153 dwelling units of various types, limited commercial uses, public and trails, open space/ park areas to be located along the Eagle River. The property is accessed by Highway 6 to the north and bounded by the Eagle River to the south and is currently zoned Resource in unincorporated Eagle County. Highway 6 is under the jurisdiction of Colorado Department of Transportation (CDOT) wherein the applicant has secured access permits to ensure each parcel has adequate and safe access.

The Planning and Zoning Commission considered the Red Mountain Ranch PUD, Site-Specific Development Plan, Subdivision Sketch Plan, and Community Plan Exception Request at the February 19, 2019, regular meeting and recommended approval with conditions. On March 5, 2019, the Planning and Zoning Commission considered the Subdivision Sketch Plan and recommended approval with conditions.

After the Planning and Zoning Commission public hearing, it was discovered that a portion of the property was previously platted. Further, the applicants acknowledged their intent to collateralizing the property in order to fund the required infrastructure improvements. In order to ensure the parcels are free and clear of all liens and encumbrances, the applicant is re-platting the entire property to create nine parcels to align with the seven planning areas in the PUD as well as create two open space parcels in Planning Area 1 (OS-1 and OS-3) and a 3-acre public park (Parcel 5B) to be designated as fee simple parcels for future dedication to the town. This 5th filing of Red Mountain Ranch does not propose any development and does not include the design of any improvements. No roads, utilities, development lots, or blocks are proposed or requested for review and approval with this subdivision.

PROJECT SUMMARY

The applicant, Merv Lapin on behalf of Red Mountain Ranch Partnership, LLLP, Eagle River Commercial, LLC, and Griffin Development, LLC, proposes concurrent processing of a preliminary plan and final plat to subdivide 106.194 acres into nine parcels to accommodate a mixed-use development on the east end of the town boundaries, south of Highway 6, north of the Eagle River.

The nine parcels would accommodate four residential (mixed unit types) planning areas, two commercial planning areas, one public parcel (Parcel 5B), two open space parcels (OS-1, OS-2) to be dedicated to the Town of Eagle for parks and open space and 1.4 acres of land within Parcel 3 to be dedicated to a non-profit entity to accommodate an environmental education center. Existing easements, including the Colorado Parks and Wildlife Conservation easement, are depicted on this plat. Existing and proposed utility and drainage easements, as well as new access easements, are depicted along the Highway 6 frontage. Since no development is proposed, no right-of-way will be dedicated.

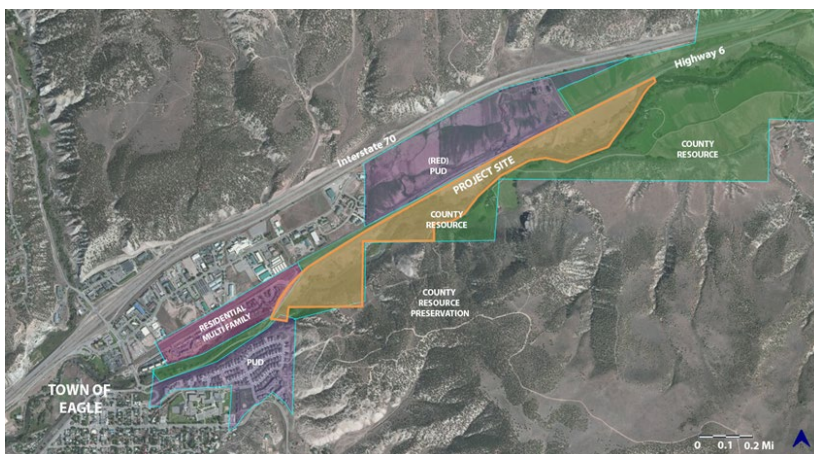


Figure 1: Vicinity Map

STANDARDS FOR APPROVAL

Subdivision Final Plat

Section 4.12.020.C of the Municipal Code outlines the requirements for Final Plat review and approval in the Town of Eagle. Per the Municipal Code, staff, the Planning and Zoning Commission, and the Town Council shall review the Final Plat to determine conformance with the approved Preliminary Plan and requirements for subdivision final Plat.

Staff finds that the proposed Final Plat is in compliance with the town's Subdivision regulations subject to the recommended conditions listed later in this staff report.

REVIEW OF STANDARDS

Subdivision Final Plat

Per Section 4.12.020.C, the purpose of the final plat is to complete the subdivision of land consistent with the technical standards as an instrument for recording. Staff has reviewed the Preliminary Plan/Final Plat per the requirements of Section 4.12.020.C.2.f of the Town's Municipal Code. Staff finds the following:

- The plat was prepared by a registered surveyor.
- The technical preparation of the plat is in general compliance with the requirements for bearings, lengths, monuments of record, and error thresholds.
- The plat includes the various pieces of information required by the town code including legal description and project information, and acreages of various tracts and lots
- The plat does not create new streets but depicts existing streets
- The plat includes the various certifications and title blocks for the signatories per plat recording requirements; however, staff has noted technical revisions that need to be addressed prior to recordation. Staff has included a condition of approval for the Commission's consideration.

Staff Review

The Town's Engineer or surveying consultant compared the legal description of the subject property with the County records and confirmed that:

- The property described contains all contiguous single ownership;
- The lots and parcels have descriptions which both close and contain the area indicated; and
- The plat is correct in accordance with surveying and platting standards of the State.

Subdivision Design, Improvements and Dedication

Below is an analysis of conformance with the relevant requirements of Chapter 4.13 of the Municipal Code.

Lot and Block Design (Sec. 4.13.070)

Each lot in a development is designed to provide adequate, readily accessible building site for a structure devoted to the intended use of the land. Specifically:

- Each parcel has a minimum of 25 feet of frontage on a dedicated public street and allows vehicular access from a public street.
- Lots and blocks will be designed to afford the maximum solar access to each building site at time of Development Permit or re-subdivision.
- Lot sizes will be in conformance with applicable planned unit development regulations at the time of Development Permit or re-subdivision.

Drainage (Sec. 4.13.050)

The submitted drainage report summarizes off-site and on-site drainage conditions and considerations and outlines the guidelines that will be used to design sustainable and Low Impact Design (LID) drainage mitigation measures for each area that meet the intent of the River Corridor Plan. All existing drainage easements have been depicted on the final plat document. Public Works/Engineering Staff is addressing all utility, grading, and drainage considerations to be incorporated into the Annexation and Development Agreement, which will be considered by Town Council.

School Land Dedication (Sec. 4.13.080)

The Annexation and Development Agreement states the Developer shall pay cash-in-lieu of conveyance of school lands in accordance with Code Sec. 4.13.080 D, as amended.

Streets and Alleys (Sec. 4.13.090)

The proposed plat creates non-developable parcels. The layout and design, construction, street lights, and maintenance of the streets will be addressed at time of Development Permit or re-subdivision.

Easement (Sec. 4.13.100)

All existing easements are depicted on the plat. Access and a 50' water line and sewer easements are depicted on the plat.

Access (Sec. 5.13.120)

The subject property abuts Highway 6, which is under the jurisdiction of CDOT. The applicant has secured access permits from CDOT and dedicated a 50-foot access easement along the entire frontage of Highway 6 to ensure each parcel has adequate and safe access.

Water Distribution (Sec. 13.140) and Wastewater Collection (Sec. 4.13.150)

Development is prohibited on the property until connection to the Town of Eagle municipal water and wastewater system or the developer proposes a reliable alternative.

Dedications, General (Sec.4.13.180)

The purpose of this plat is to ensure that future dedication of land and easements are free and clear of all liens and encumbrances. The developer has agreed to convey parcel OS_1 and OS-3 to the Town by special warranty deed within 30 days after issuance of the first Development Permit for Planning Area 1, or within ten (10) years of the Effective Date of the Annexation and Development Agreement, whichever occurs first. Parcel 5B slated for a public park will be conveyed to the Town by special warranty deed within 30 days after issuance of the first Development Permit for Planning Areas 4, 5, or 6, or within ten (10) years of the Effective Date of the Annexation and Development Agreement, whichever occurs first.

Municipal and Park Land Dedication (Sec. 4.13.190)

Final municipal and park land dedication requirements will be met at the time of the first Development Permit of the respective planning areas where development is contemplated or within ten (10) years of the Effective Date of the Annexation and Development Agreement (see above).

Impact Fees

The Developer has agreed to pay all impact fees (street improvement, fire department, public safety, and others).

Adequate Public Facilities

Since this plat does non-developable parcels, a determination of adequate public facilities will be required at the time of Development Permit or re-subdivision that creates individual build-able lots.

PUBLIC NOTICE AND COMMENTS

The public hearing was publicly noticed in accordance with the applicable public notification requirement of the Eagle Land Use and Development Code. No public comment has been received.

STAFF RECOMMENDATION

Staff recommends **approval** of the Red Mountain Ranch Subdivision Filing 5, Final Plat **with the following condition**:

1. Final technical redlined comments from Town Planner, Town Engineer, and Town Attorney shall be addressed prior to final plat recordation.

PLANNING & ZONING COMMISSION

1. Questions of Staff and/or Applicant
2. Public Comment
3. Deliberations

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to Red Mountain Ranch Subdivision Filing 5, Final Plat PP/FP19-01:

1. I find the application substantially meets the standards for approval, and move to **APPROVE** the final plat with no conditions.
2. I find the application substantially meets the standards for approval, and move to **APPROVE** the final plat with the following condition(s) of approval:

<insert conditions of approval>

3. I find that the applicant has not provided sufficient information to review the application per the standards for approval and move to **CONTINUE** the request for final plat approval to the next regularly scheduled meeting.
4. I find that the application does not substantially meet the standards for approval and move to **DENY** the final plat.



July 17, 2019

Ms. Carrie McCool
Town of Eagle
PO Box 609
Eagle, CO 81632

HAND DELIVERED

Re: Red Mountain Ranch

Dear Carrie:

On behalf of the Red Mountain Ranch Partnership, Ltd, the Mervyn Lapin Revocable Trust and Griffin development LLC please accept this letter and the attachments as a formal application for a combined Subdivision Preliminary Plan and Final Plat application for the Red Mountain Ranch property.

These applications are submitted in support of and in combination with previously submitted applications for annexation and PUD Zoning Plan.

Under cover of this letter please find:

- An application form for a combined Subdivision Preliminary Plan and Final Plat. Red Mountain ranch is currently working under a deposit system with the Town of Eagle and the appropriate fees may be deducted from the account.
- Four copies of a brief application narrative describing the intent of the proposed subdivision.
- Four full size copies of the proposed final plat;
- One copy of a property title report.

Thank you for your attention to this application. We look forward to continuing to work with you on this exciting project. If you have any questions or require additional information please contact me at your convenience.

Sincerely,

Rick Pylman

Rick Pylman
Copy: Mervyn Lapin, Eric Eves

We, GRIFFIN DEVELOPMENT LLC, EAGLE RIVER COMMERCIAL LLC, & RED MOUNTAIN RANCH PARTNERSHIP LLLP the sole owners in fee simple of all that real property described as follows:

Beginning at a point on the south line of Highway 6 right of way and subject property; thence departing said south line S 73°49'08"E, 166.16 feet; thence N 8°35'51"E, 164.57 feet; thence N 01°16'32"E, 207.75 feet; thence N 88°53'49"E, 1444.68 feet; thence N 00°39'44"E, 166.16 feet; thence N 88°53'49"E, 1444.68 feet; thence N 01°16'32"E, 207.75 feet; thence N 8°35'51"E, 164.57 feet; thence along said approximate centerline of Highway 6 right of way S 74°05'42"E, 61.00 feet; thence N 89°24'55"E, 168.06 feet; thence N 60°21'13"E, 237.26 feet; thence N 41°29'08"E, 382.43 feet; thence N 36°38'50"E, 287.80 feet; thence N 47°37'56"E, 301.83 feet; thence N 53°45'25"E, 221.64 feet; thence N 56°52'49"E, 306.49 feet; thence N 67°43'57"E, 484.77 feet; thence N 85°00'54"E, 131.72 feet; thence N 53°52'58"E, 341.87 feet; thence N 57°06'E, 341.07 feet; thence N 71°13'40"E, 310.10 feet; thence N 88°10'14"E, 499.51 feet; thence N 53°52'58"E, 341.87 feet; thence N 57°06'E, 341.07 feet; thence N 71°13'40"E, 310.10 feet; thence N 88°10'14"E, 499.51 feet; thence N 53°52'58"E, 341.87 feet; thence N 57°06'E, 341.07 feet; thence N 71°13'40"E, 310.10 feet; thence N 88°10'14"E, 499.51 feet; thence N 53°52'58"E, 341.87 feet; thence N 57°06'E, 341.07 feet; thence N 71°13'40"E, 310.10 feet; thence N 88°10'14"E, 499.51 feet; thence N 53°52'58"E, 154.44 feet; thence N 52°40'07"E, 201.11 feet; thence departing said approximate centerline of the Eagle River N 26°50'41"E, 63.81 feet to the south line of Highway 6 right of way; thence along said south line of Highway 6 right of way S 63°08'01"N, 393.72 feet; thence in a southeasterly direction with a non-tangent curve turning to the left with a radius of 11410.00 feet, having a chord bearing of S 61°05'01"W and a chord distance of 816.31 feet, having a central angle of 28° turning to the right and an arc length of 1279.56 feet; thence S 62°00'01"W, 267.31 feet to the Point of Beginning - Containing 1064 acres more or less.

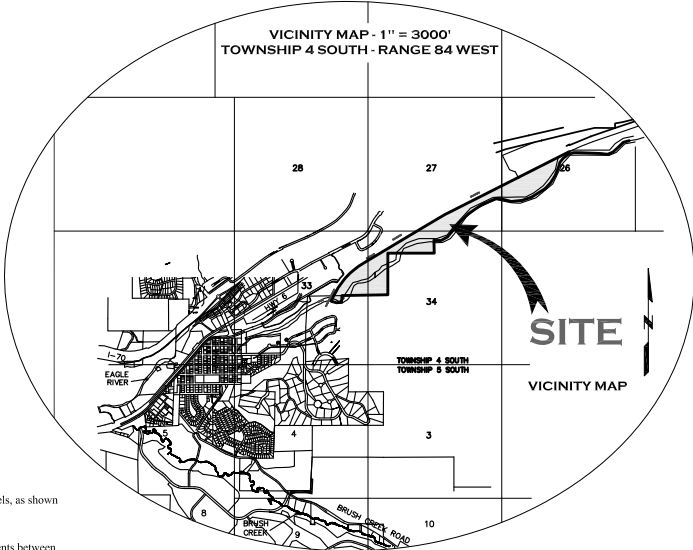
We hereby accept the responsibility for the completion of all required public improvements for the Subdivision, and further, hereby grant the right to install and maintain all necessary structures to the entity responsible for providing the services for which the easements are established.

~~We further state that this subdivision shall be subject to the protective covenants filed and recorded for this subdivision in the offices of the Clerk and Recorder of Eagle County, Colorado, in as Reception No. _____.~~

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon. Additionally, this document is prepared for the sole purpose of use by the parties stated herein. The improvements are generally situated as shown and only apparent (visible at the time of fieldwork) improvements and encroachments are noted.

LAND USE SUMMARY		
LOT	AREA	LAND USE per approved PUD and ADA
PARCEL 1	17,510 ac.	R/PUD
PARCEL OS-1	1,733 ac.	OPEN SPACE
PARCEL OS-3	15,399 ac.	OPEN SPACE
PARCEL 2	5,535 ac.	C/PUD
PARCEL 3	14,519 ac.	C/PUD
PARCEL 4	13,812 ac.	R/PUD
PARCEL 5B	3,006 ac.	OPEN SPACE
PARCEL 5	14,631 ac.	R/PUD
PARCEL 6	20,049 ac.	R/PUD
Total	106,194 Acres	

12) EAGLE RIVER COMMERCIAL LLC, RED MOUNTAIN RANCH PARTNERSHIP LLLP, and GRIFFIN DEVELOPMENT LLC, for itself, its successors and specific assigns, hereby create common access easements on, over, under, above, across and through those parts of Parcel 1, Parcel 4 and Parcel 6, inclusive, that are designated hereon as "Access Easement" for the benefit of the adjoining properties of each that are designated as "Access Easement", for both pedestrian and vehicular, and passage upon, across and over such access easements. Said Access Easements may be vacated as each planning area is developed and a defined route and replacement easement is provided.



EXECUTED this _____ day of _____, A.D. 20____



Theodore J. Archibeque, PLS 37902
Professional Land Surveyor
State of Colorado

Archibeque Land Consulting, Ltd
 ~ Professional Land Surveying & Mapping ~
 115 Broadway - P.O. Box 3893 Eagle, Colorado 81631
 970.328.6020 Office 970.328.6021 Fax
INFO@PROLANDSURVEY.COM

ATTEST: _____
Town Clerk

EXECUTED this _____ day of _____, 20_____.

This plat approved by the Town of Eagle Planning Commission the ____ day of _____, 20__.

EAGLE COUNTY CLERK AND RECORDER CERTIFICATE
This plat was filed for record in the office of the Eagle County Clerk and Recorder at
o'clock at ____M., on the ____ day of _____, 20____, and
is duly recorded as Reception No. _____.

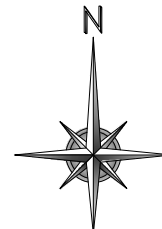
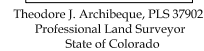
Declarations or Protective Covenants are filed as Reception No. _____

FINAL PLAT

RED MOUNTAIN RANCH FILING 5

A PARCEL OF LAND IN SECTIONS 26, 27, 33, AND 34 (TRACTS 59, AND 70, TOWNSHIP 4 SOUTH, RANGE 84 WEST OF THE 6TH, P.M. TOWN OF EAGLE, COUNTY OF EAGLE, STATE OF COLORADO

**A PARCEL OF LAND IN SECTIONS 26, 27, 33, AND 34 | TRACTS 58,
59, AND 70, TOWNSHIP 4 SOUTH, RANGE 84 WEST OF THE 6TH. P.M.
TOWN OF EAGLE - COUNTY OF EAGLE - STATE OF COLORADO**



100 0 50 100 200 400

1 INCH = 100 FEET

REVISED TJA 4-16-2020 TJA PER TOWN COMMENTS
REVISED TJA 4-2-2020 TJA PER TOWN COMMENTS
REVISED TJA 3-6-2020 TJA PER TOWN COMMENTS
REVISED TJA 12-2020 TJA PER TOWN COMMENTS
REVISED TJA 1-10-2019 TJA PER TOWN COMMENTS
REVISED TJA 11-14-2019 TJA PER TOWN COMMENTS
REVISED TJA 9-3-2019 TJA PER TOWN COMMENTS
REVISED TJA 8-29-2019 TJA PER TOWN COMMENTS
REVISED TJA 8-23-2019 TJA PER TOWN COMMENTS
REVISED TJA 8-19-2019 TJA PER TOWN COMMENTS

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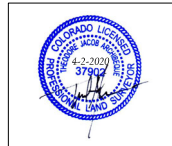
FINAL PLAT
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A PARCEL OF LAND IN SECTIONS 26, 27, 33, AND 34 | TRACTS 58,
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DRAWN BY: TJA		DRAWING NAME: 16109_FP_RMR-F1.dwg	
SHEET 2 OF 4		DATE: 7-12-2019	CHECKED BY: DDM

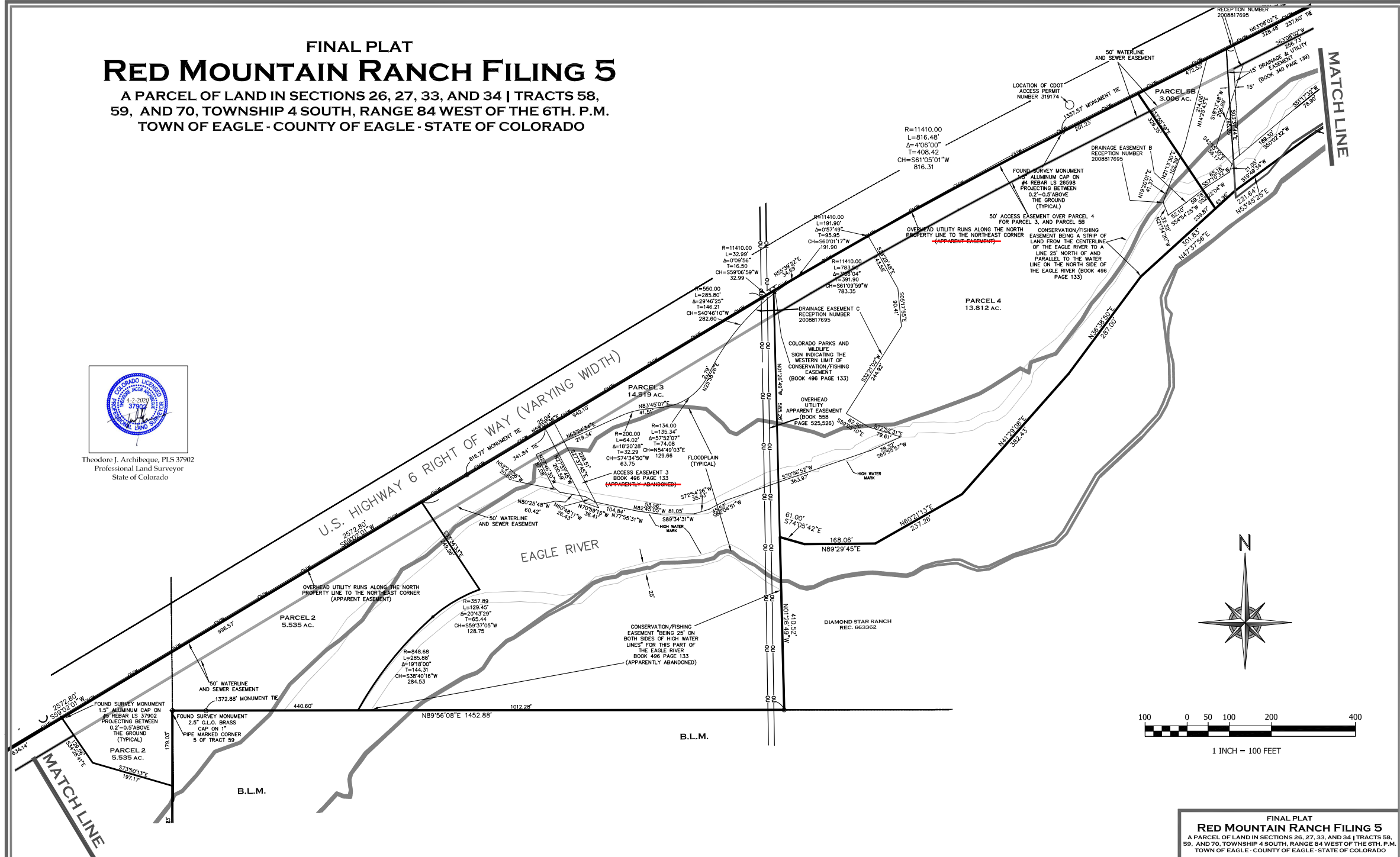
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FINAL PLAT RED MOUNTAIN RANCH FILING 5

A PARCEL OF LAND IN SECTIONS 26, 27, 33, AND 34 | TRACTS 58,
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Theodore J. Archibeque, PLS 37902
Professional Land Surveyor
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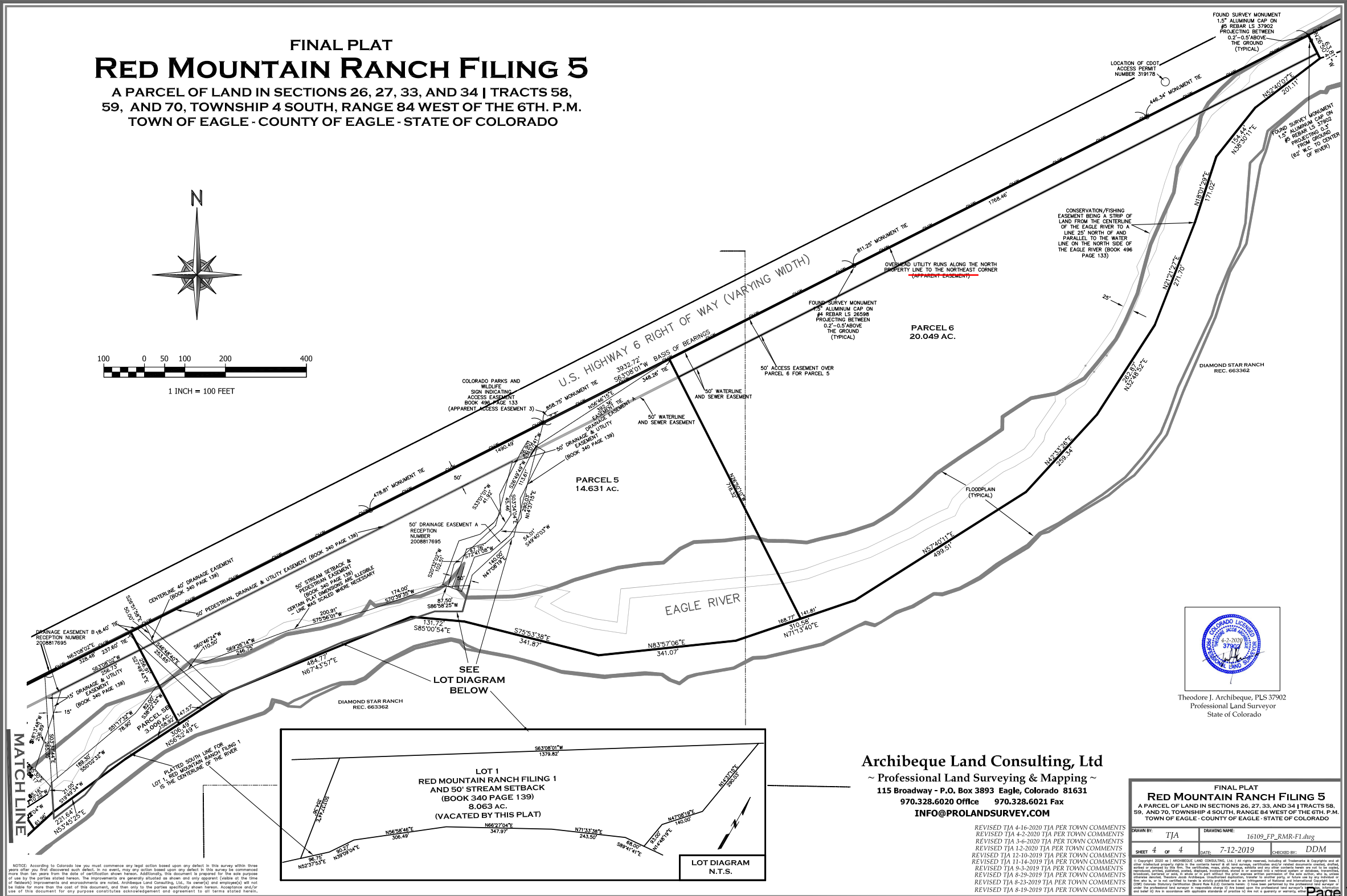
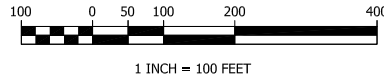
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REVISED TJA 12-20-2019 TJA PER TOWN COMMENTS
REVISED TJA 11-14-2019 TJA PER TOWN COMMENTS
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REVISED TJA 8-19-2019 TJA PER TOWN COMMENTS

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DRAWN BY: TJA		DRAWING NAME: 16109_FP_RMR-FI.dwg	
SHEET 3 OF 4		DATE: 7-12-2019	
		CHECKED BY: DDM	

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NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect, or, in event, any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon. Additionally, this document is prepared for the sole purpose of use by the parties stated herein. The improvements are generally situated as shown and only apparent (outside of the time of fieldwork) improvements and encroachments are noted. Archibeque Land Consulting, Ltd., its owner(s) and employee(s) will not be liable for more than the cost of this document, and then only to the parties specifically shown herein. Acceptance and/or use of this document for any purpose constitutes acknowledgement and agreement to all terms stated herein.

**A PARCEL OF LAND IN SECTIONS 26, 27, 33, AND 34 | TRACTS 58,
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 ~ Professional Land Surveying & Mapping ~
 115 Broadway - P.O. Box 3893 Eagle, Colorado 81631
 970.328.6020 Office 970.328.6021 Fax
INFO@PROLANDSURVEY.COM

REVISED TJA 4-16-2020 TJA PER TOWN COMMENTS
REVISED TJA 4-2-2020 TJA PER TOWN COMMENTS
REVISED TJA 3-6-2020 TJA PER TOWN COMMENTS
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REVISED TJA 12-10-2019 TJA PER TOWN COMMENTS
REVISED TJA 11-14-2019 TJA PER TOWN COMMENTS
REVISED TJA 9-3-2019 TJA PER TOWN COMMENTS
REVISED TJA 8-29-2019 TJA PER TOWN COMMENTS
REVISED TJA 8-23-2019 TJA PER TOWN COMMENTS
REVISED TJA 8-19-2019 TJA PER TOWN COMMENTS

FINAL PLAT		
RED MOUNTAIN RANCH FILING 5		
A PARCEL OF LAND IN SECTIONS 26, 27, 33, AND 34 TRACTS 58, 59, AND 70, TOWNSHIP 4 SOUTH, RANGE 84 WEST OF THE 6TH, P.M. TOWN OF EAGLE - COUNTY OF EAGLE - STATE OF COLORADO		
DRAWN BY:	DRAWING NAME:	
TJA	16109_FP_RMR-F1.dwg	
SHEET 4 OF 4	DATE:	REVIEWED BY:
	7-12-2019	DDM

Theodore J. Archibeque, PLS 37902
Professional Land Surveyor
State of Colorado



CERTIFICATE OF RECOMMENDATION

TO: Planning and Zoning Commission

FROM: Department of Community Development

DATE: April 21, 2020

PROJECT NAME: Talon Flats Minor Development Permit

FILE NUMBER: DR20-01

APPLICANT: Bryan Desmond, Venture Associates, LLC

LOCATION: 1203 Capital Street/761 Sylvan Lake Road

CODE: Section 4.06.060 (Minor Development Review)

ZONING: Eagle Ranch PUD

EXHIBIT(S):

- A. Land Use Application
- B. Development Plan Set
- C. Eagle Ranch Design Review Board meeting minutes dated February 6, 2020
- D. PUD Development Plan Map, Eagle Ranch PUD 5th Amendment, Ordinance No 7 (Series of 2017)

PUBLIC COMMENT: No public comments received as of April 16, 2020.

STAFF CONTACT: Carrie McCool, Contract Planner

REQUEST: Minor Development Permit approval for a mixed-use building with 1,264 square feet of retail space; 1,014 square feet of office space; and twenty (20) residential rental units.

DISCUSSION:

The subject property is located on a vacant lot in Downtown Eagle Ranch within Parcel A, a large mixed-use Planned Unit Development (PUD). The project, known as Talon Flats, includes construction of a

mixed-use building with 1,264 square feet of retail space (ground level); 1,014 square feet of office space on the 2nd and 3rd levels; and 22,905 square feet of residential to accommodate twenty (20) rental units. The three (3) story building (34' in height to a flat roof) is positioned at a zero-lot line setback within the Downtown Eagle Ranch (the Neighborhood Center). The residential unit mix includes seven (7) one-bedroom and thirteen (13) two-bedroom units spanning all three levels. Improvements are proposed within the right-of-way of Capitol and Sylvan Lake Road. The project's overall design intent is to replicate the character and feel of Eagle Ranch Village in terms of architecture, landscaping, lighting, diagonal concrete paving pattern, etc. The applicant will construct the project at one time. The town has classified the project a minor development.

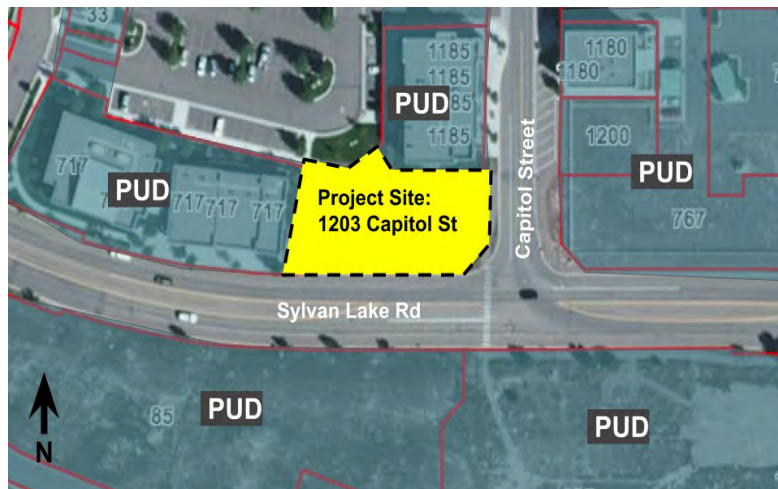


Figure 1: Vicinity Map

CONFORMANCE WITH THE TOWN'S GOALS, POLICIES, AND REGULATIONS

The proposed project supports the vision and goals identified in the Town's various planning and guiding documents as follows:

2010 Eagle Area Community Plan ("EACP")

- Chapter 3: Land Use – Community Needs
 - a. Chapter 3 of the Eagle Area Community Plan states that “maintaining an appropriate and full spectrum of dwelling unit types and price points is very important in a fast growing and increasingly expensive community like Eagle.” The proposed project includes twenty (20) for-rent residential units. The mixture of one-bedroom and two-bedroom rental units would provide additional housing options and add to the community's variety of dwelling units.
- Chapter 6: Community Design and Appearance
 - b. Talon Flats high-quality design and mixture of uses furthers the community design goals of EACP by replicating the distinctive architectural features of existing buildings and streetscapes within Downtown Eagle Ranch; thereby preserving Eagle's small-town character, neighborhood look and feel.
- Economic Development and Sustainability
 - c. The Talon Flats project includes a mixture of uses including office, retail, and residential that represent an opportunity to attract good-paying local jobs, increase sales tax revenue, and improve housing availability and affordability. These are all key elements that help further the town's first economic goal of supporting a vibrant, sustainable, and diverse economy.

2017 Eagle Strategic Plan

- Major Objective 8: Improving housing availability and affordability.
 - a. Major Objective 8 was included in the Strategic Plan to promote cost-effective solutions in maintaining adequate housing supply and support for the entire population. The construction of twenty (20) new rental units will further Objective 8 by increasing the town's rental housing supply.

Eagle Ranch PUD

The Eagle Ranch PUD Guide serves as the governing regulations which will control the development of the Eagle Ranch PUD. The PUD Guide serves as the "Zone District Regulations" for the PUD and is in conformance with Section 4.11.030 of the Town of Eagle Land Use and Development Code.

- **Uses by Right and Density Control.** The 5th Amendment to the Eagle Ranch PUD authorizes a total of 1,295 dwelling units, 120,000 square feet of commercial floor area, 175,200 gross square feet of additional commercial area limited to medical facility uses, and 150,000 square feet of additional floor area limited to senior care uses, on 1,967.91 acres of land.

The subject parcel is located within Parcel A (Neighborhood Center), which was approved for up to 95 residential units. It currently contains 99 residential units. Per the PUD, each parcel is eligible for an increase of up to 1.5 times the approved units, as long as the maximum total number of residential units of 1,295 in all of Eagle Ranch is not exceeded. Parcel A can accommodate the additional 20 residential units proposed by Talon Flats, which would bring the total to 119. After taking into account buildable vacant lots, 77 remaining lots are available to absorb the remaining allowable units. After the development of Talon Flats, there would be 57 units allowed to be built in Eagle Ranch.

The uses by right listed in the Neighborhood Center of the Eagle Ranch PUD were intended to allow for flexibility, innovation, and site sensitive planning that is responsive to both the design character and functional requirements of Eagle. The buildings at the core of the Neighborhood Center should feel permanent in character, typically with retail and commercial uses occurring on the first floor and office and residential above. Except for the proposed six residential apartments on the first floor, the proposed mixed-use development is consistent with the intent of the Eagle Ranch Neighborhood Center Guidelines, adheres to the density allocation requirements, is an allowed use by right and provides much needed residential units to the town's housing stock.

- **Height.** Mixed-use commercial and residential building may be three (3) stories, not to exceed 35' in height per the 5th Amendment of the Eagle Ranch PUD Guide. The proposed building is three (3) stories and 34' in height, which is below the maximum allowed. An additional element to the design is the use of a parapet to screen the mechanical equipment. The parapet is 37-10" which falls well below the allowable 15' in additional height for non-habitable architectural features (i.e., mechanical appurtenances, chimneys, towers, steeples, and similar features).
- **Setbacks.** There are no setback requirements for mixed-use buildings within Downtown Eagle Ranch. The applicant is proposing a zero-lot line development in conformance with the PUD.
- **Maximum Lot Coverage.** The total building lot coverage is 65%, which is less than the 80% allowable. Additionally, the impervious lot coverage is 83%, which is less than the 100% allowable.

- **Landscaping.** There are three general categories of plant material deployment in Downtown Eagle Ranch: Street trees, ornamental displays, and screen plantings. The proposed landscape design includes these elements with seventeen (17%) percent of the site to be covered with landscape materials (lawn/mulch/trees), and concrete walks with a diagonal paving pattern to match existing along Capital street. Overall, the design provides cohesiveness and consistent with the character of Downtown Eagle Ranch. The Eagle Ranch Design Review Board reviewed and approved the landscape plan with conditions (See Exhibit C).

Pursuant to the 5th Amendment of the Eagle Ranch PUD, a minimum of 15% of the portion of the Neighborhood Center shall be maintained as landscaped area. Due to the COVID-19 pandemic, Town Staff did not have access to town files that would be needed to determine the existing square footages of landscaping in the Neighborhood Center. The applicant maintains that since the Neighborhood Center is almost built out, each development permit would have been required to demonstrated conformance and thus inferred that since seventeen percent (17%) of the Talon Flats site is landscaped, it should be determined to meet the PUD requirements. The Commission may concur with the applicant's inference or may decide to add a condition of approval to require the applicant to demonstrate that a minimum of 15% of the portion of the Neighborhood Center is maintained as landscaped area.

- **Parking.** All uses within Eagle Ranch are subject to the parking standards of the Town of Eagle Zoning Regulations. Based on the program provided in the submittal, the parking requirements are as follows:

USE	PARKING SCHEDULE	SPACES REQUIRED
Residential		
1 bedrooms (7 Total)	1½ spaces per dwelling unit for units with one bedroom	10.5
2 bedrooms (13 Total)	2 spaces per dwelling unit for units with two bedrooms	26
Guest Parking	1:6 Units	3.33
Office (1,014 square feet)	1:300 square feet	3.38
Retail (1,264 square feet)	1:411 square feet	3.07
Total Required		46.28 or 47 spaces

The Eagle Ranch PUD 5th Amendment states that on-street and shared parking can be utilized to meet the parking requirements for this property. With the exception of the parking spaces on Sylvan Lake Road, all on-street parking spaces may be counted toward fulfilling commercial and residential parking requirements. The Eagle Ranch Commercial Center HOA Rules and Regulations state the Board has the right to assign parking spaces to residential and/or commercial uses at their discretion; however, they are currently shared across all uses.

The Talon Flats project was contemplated back in 2016 (referred to as Addison Phase II) and was the impetus of the 5th amendment to the Eagle Ranch PUD. Through the review and approval of the 5th Amendment of the Eagle Ranch PUD (See Exhibit D), it was determined that this development (Addison Phase II Development Plan/Talon Flats) would demand 50 parking spaces and those spaces were included in total projected parking demand at the Neighborhood Centers full build out. The unit mix proposed for Talon Flats generates a parking demand of 47 parking spaces which falls below the allocated 50 spaces leaving three spaces in the demand pool for future buildings in the Neighborhood Center.

- **Eagle Ranch Neighborhood Center Guidelines.** Design guidelines establish architectural and building material standards, landscape design, urban design, site design standards, and a design review process for development within Eagle Ranch. The proposed building form demonstrates compliance with the Eagle Ranch Design Architectural Guidelines by providing the predominance of masonry finishes, a flat roof with traditional mountain town architectural design.

On February 6, 2020, the Eagle Ranch Design Review Board unanimously approved Talon Flats development with conditions related to architecture, landscaping, lighting, mechanical, sidewalks, pathway snow removal and snow shoveling. Please see attached meeting minutes (Attachment C) for the list of conditions.

Fire Protection

The proposed development shall comply with the provisions of the current fire code adopted by the Greater Eagle Fire Protection District. The Fire District had no comments on the Talon Flats project but noted they will review sprinkler and fire alarm plans when they become available. The building will be fire sprinklered and 4" DIP minimum service lines will extend to the building prior to being split into domestic and fire services.

Infrastructure

The project includes improvements within the right-of-way of Capitol and Sylvan Lake Roads. The design intent is to replicate the diagonal concrete paving pattern typical of Eagle Ranch Village. The project will install the same lamp posts and tree grates that currently exist within Eagle Ranch Village. The property will be served with existing town water and sewer lines. The Engineering and Public Works Team has reviewed and approved the construction drawings for this project.

Local Employee Residency Program (LERP)

The purpose of the local employee residency program (LERP) is to mitigate the impact of market rate housing construction on the limited supply of available land suitable for housing and to increase the supply of housing that is affordable to a broad range of persons who live and/or work in the Town.

Under the 1999 Annexation Agreement with the Town of Eagle, Eagle Ranch is required to develop a number of affordable housing units equal to not less than 12% of the total housing permitted in the Neighborhood Center. It also required that Eagle Ranch create a non-profit Housing Corp. to administer the Locals Housing Program and provide financial assistance to those interested in affordable units at Eagle Ranch. The Housing Corporation has been created and a six-member governing board has been established. The Housing Corp. continues its efforts to bring affordable units to the community today.

The Eagle Ranch PUD and adopted Annexation Agreement was approved prior to the effective date of the inclusionary residential requirements for local employee residency ordinance and is therefore exempt from LERP requirements. Eagle Ranch is still required to develop affordable housing units pursuant to the Annexation Agreement and is committed to doing so.

PUBLIC NOTICE AND COMMENTS

The public hearings were publicly noticed in accordance with the applicable public notification requirement of the Eagle Land Use and Development Code. No public comment has been received.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the minor development permit DR20-01.

PLANNING & ZONING COMMISSION

1. Questions of Staff and/or Applicant
2. Public Comment
3. Deliberations

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to minor development permit DR20-01:

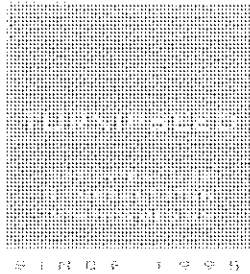
1. I find the application substantially meets the standards for approval, and move to **APPROVE** The minor development permit with no conditions.

2. I find the application substantially meets the standards for approval, and move to **APPROVE** the minor development permit with the following condition(s) of approval:

<insert conditions of approval>

3. I find that the applicant has not provided sufficient information to review the application per the standards for approval and move to **CONTINUE** the request for minor development permit approval to the next regularly scheduled meeting.

4. I find that the application does not substantially meet the standards for approval and move to **DENY** the minor development permit.



February 11, 2020

RE: Talon Flats – Minor Development Permit Narrative
1203 Capitol Street, Eagle, CO 81631

We are seeking Minor Development Permit approval for Talon Flats, 1203 Capitol Street (formerly known as Eagle Ranch Apartments, 761 Sylvan Lake Road). The project is on the northwest corner where Capitol Street terminates into Sylvan Lake Road. 1203 Capitol Street is located within Parcel A of the Eagle Ranch PUD. Ordinance No. 07 (Series of 2017) granted an increase of stories to three and an additional five dwelling units within Parcel A, thereby increase the allowed units within Filing 27, Lot 2 from 15 units to 20 units. The allowed height is 35 feet not including non-habitably architectural features (i.e. parapets, towers, chimneys, etc.)

The proposed building is mixed-use with 1,264 sf of retail space; 1,014 sf of office space and 22,905 sf of residential including lobbies, storage and circulation. The building is three stories and 34' in height to a flat roof.

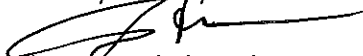
The project has final approval from the Eagle Ranch Design Review Board on February 26, 2020 (see attached).

It is our understanding that the project requires a Minor Development Permit due to the fact that this is a zero-lot line setback project within Eagle Ranch Village commercial village. The project is subject to approval by the Planning and Zoning Board for improvements within the Right-of-way of Capitol and Sylvan Lake Roads respectfully.

Our intent is to replicate the diagonal concrete paving pattern typical of Eagle Ranch Village. We also intend to use the same lamp posts and tree grates that exist within Eagle Ranch Village. (see proposed landscape plan).

We will review our final lighting plan with the Eagle Ranch Design Review Board as part of our final technical approval and will include lighting documentation as part of our permit submittal documents.

Thank you for your considerations.


Glenn Harakal, Architect



CORNER OF CAPITOL AND SYLVAN LAKE

LIST OF DRAWINGS

- CS.1 COVER SHEET
- CS.2 COVER SHEET
- L-1 LANDSCAPE PLAN
- C1.0 DEMOLITION PLAN
- C2.0 PEDESTRIAN ACCESS
- C3.0 GRADING AND DRAINAGE PLAN
- C4.0 UTILITY PLAN
- C5.0 EROSION CONTROL PLAN
- C6.0 SUBDRAIN PLAN
- C7.0 DETAILS
- C7.1 DETAILS
- A1.1 SITE PLAN
- A2.1 FIRST FLOOR PLAN
- A2.2 SECOND FLOOR PLAN
- A2.3 THIRD FLOOR PLAN
- A2.4 ROOF PLAN
- A3.1 FRONT AND RIGHT ELEVATIONS
- A4.1 BUILDING SECTIONS



SYLVAN LAKE ROAD VIEW



RESIDENCE ENTRY

TALON FLATS
MINOR DEVELOPMENT REVIEW

MARCH 11, 2020



TALON FLATS
1203 CAPITOL STREET
EAGLE, COLORADO 81631

ISSUE:	DATE:
FINAL SUBMITTAL III	01.23.2020
PLANNING & ZONING	03.11.2020

SCOTT S. TURNIPSEED AIA
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& CONSTRUCTION INC.
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EAGLE, COLORADO 81631
970.328.3900 WWW.SSTAIA.COM

CS.1
COVER SHEET



AERIAL VIEW - CORNER OF CAPITOL AND SYLVAN LAKE



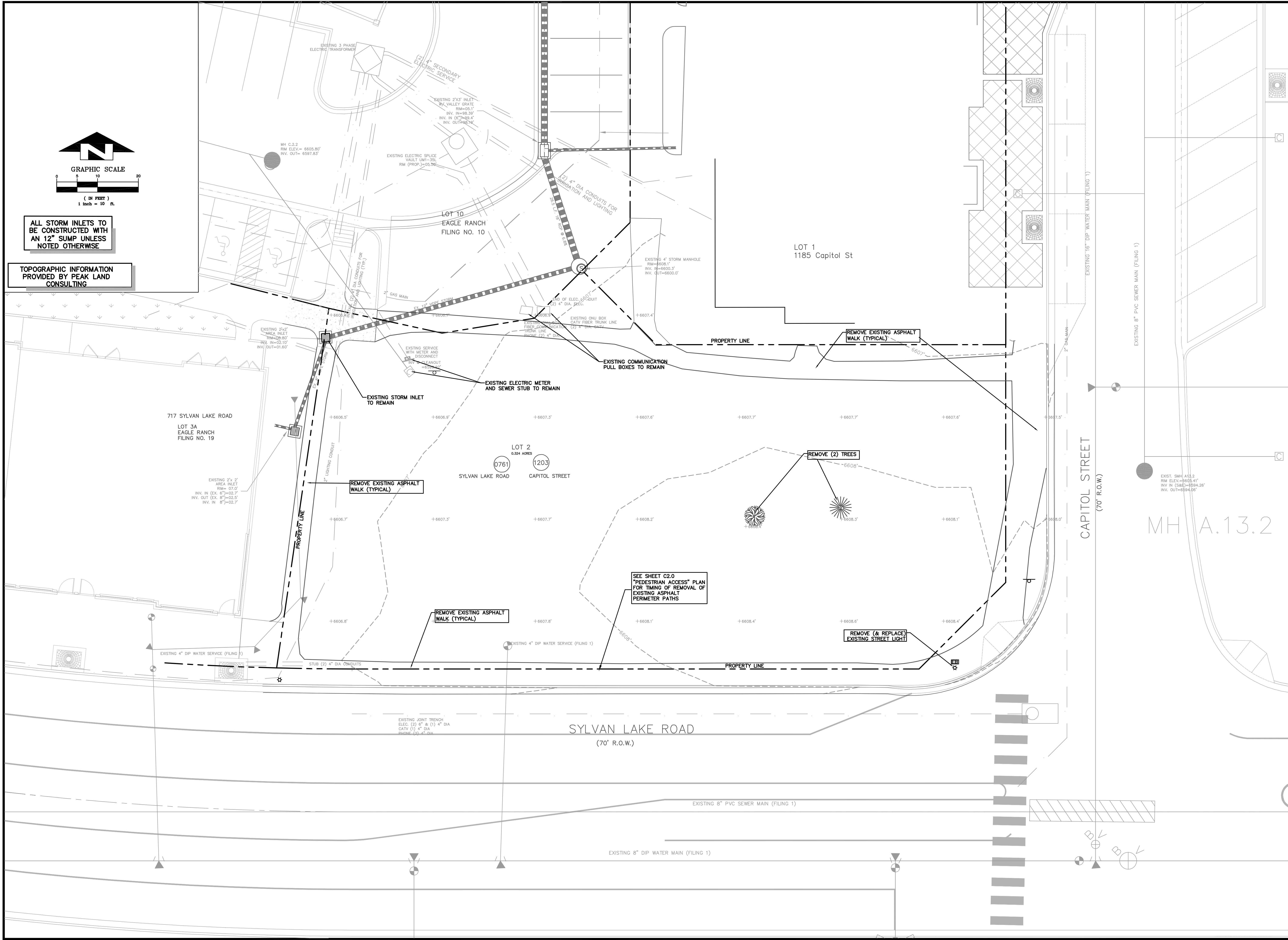
CAPITOL STREET AND PARKING LOT VIEW



EAGLE RANCH IDENTIFIER

ISSUE:	DATE:
FINAL SUBMITTAL III	01.23.2020
PLANNING & ZONING	03.11.2020

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EDWARDS CO 81632 / 970.926.3373
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COLORADO LICENSE
3-11-2006
39885
MATTHEW C. WILSON
PROFESSIONAL ENGINEER

TALON FLATS
761 SYLVAN LAKE RD
EAGLE, CO
DEMOLITION PLAN

DESIGNED	MCW	RIF	DATE	NO.	DATE	REVISIONS	BY
DRAWN	MCW	RIF	03/11/2020			DEVELOPMENT PERMIT	MCW
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JOB NO.	XXX	RIF					
DATE	XX/XX/XXXX	RIF					

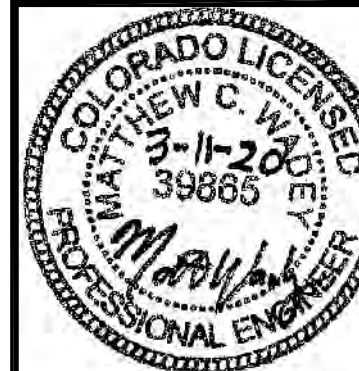
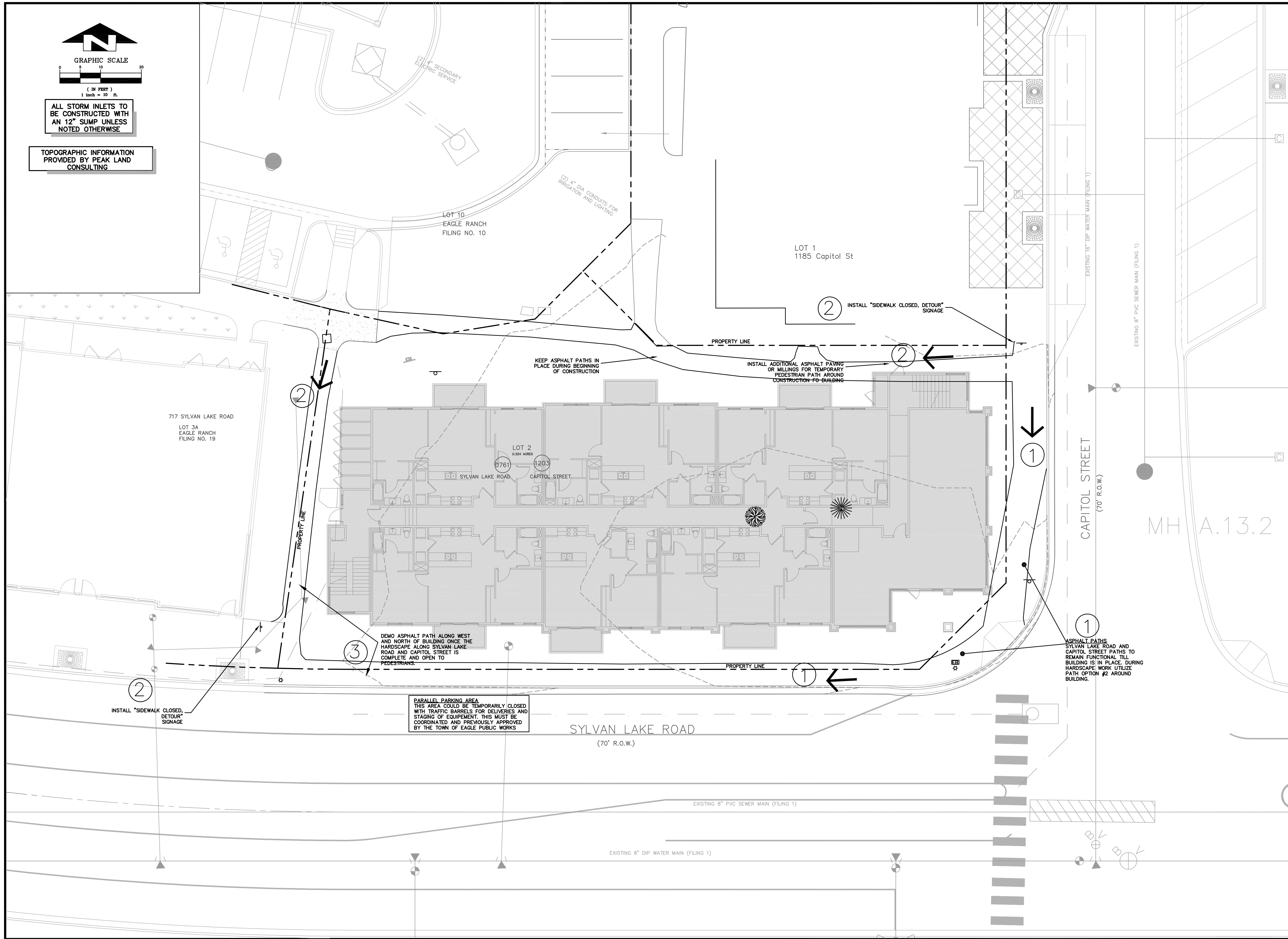
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TOPOGRAPHIC INFORMATION
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CONSULTING



TALON FLATS
761 SYLVAN LAKE RD
EAGLE, CO
PEDESTRIAN ACCESS

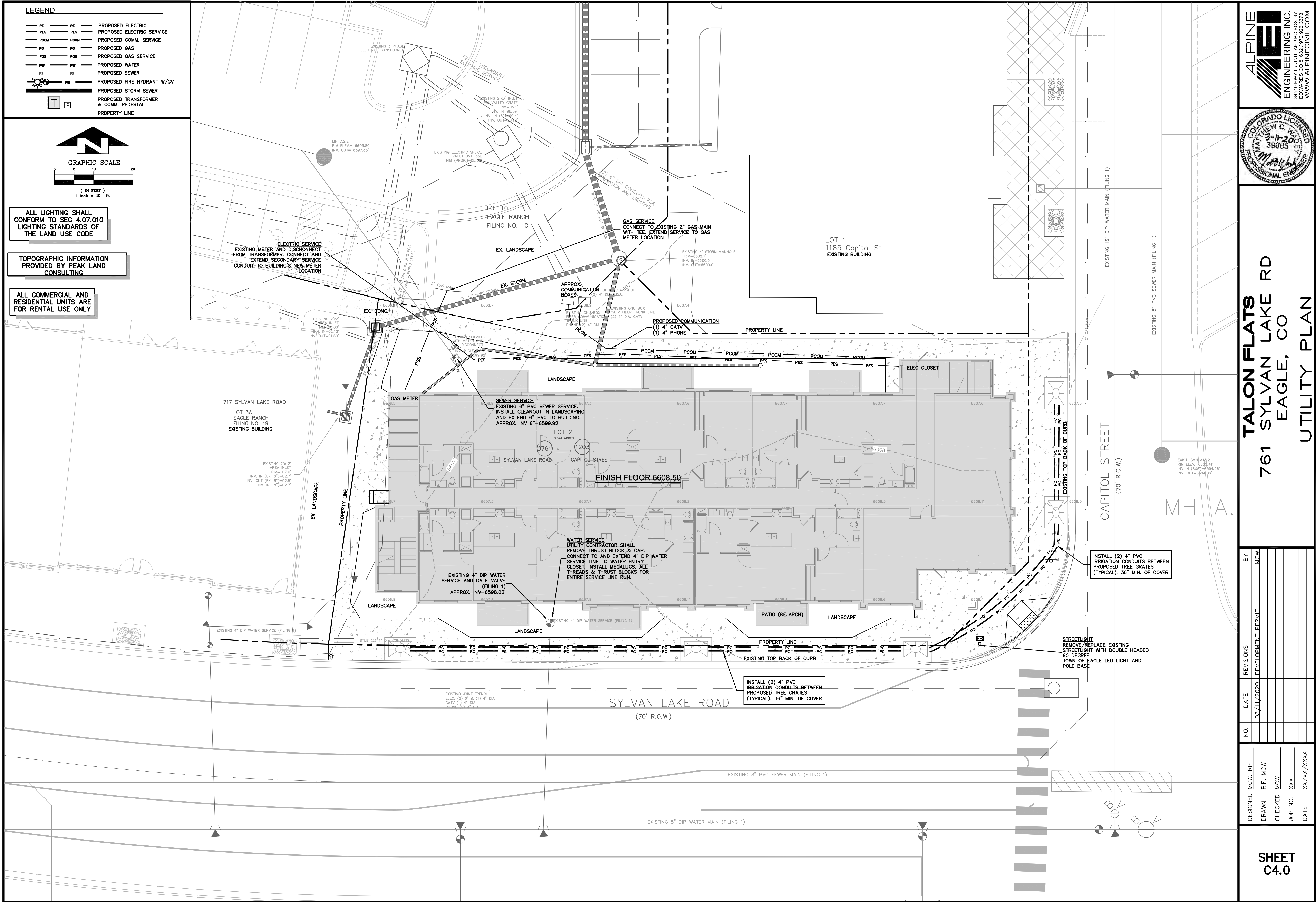
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JOB NO.	XXX				
DATE	XX/XX/XXXX				

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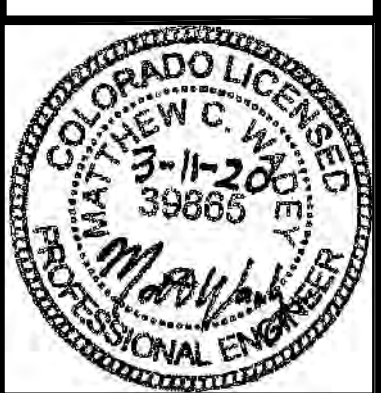
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DRAWN	RIF, MCW		03/11/2020	DEVELOPMENT PERMIT	MCW
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JOB NO.	XXX				
DATE	XX/XX/XXXX				

Page 85 of 10





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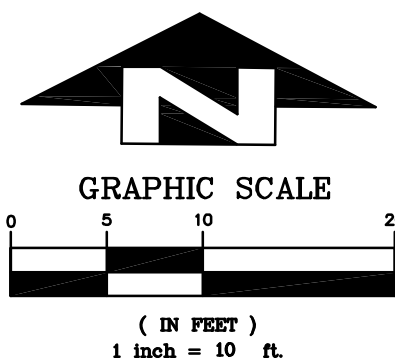
TALON FLATS
761 SYLVAN LAKE RD
EAGLE, CO
UTILITY PLAN

NO.	DATE	REVISIONS	BY
	03/11/2020	DEVELOPMENT PERMIT	MCW

DESIGNED MCW, RIF	
DRAWN RIF, MCW	
CHECKED MCW	
JOB NO. XXX	
DATE XX/XX/XXXX	

SHEET
C4.0

	CONSTRUCTION FENCE
	EROSION LOG WATTLES
	SILT FENCE
	STABILIZED CONSTRUCTION ENTRANCE
	SILT SACK INLET PROTECTION
	DITCH EROSION LOG



TOPOGRAPHIC INFORMATION
PROVIDED BY PEAK LAND
CONSULTING

GENERAL NOTES FOR SEDIMENT CONTROL

1. INSTALL AND MAINTAIN SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH THESE PLANS AND AS NEEDED TO PREVENT SEDIMENT FROM DISCHARGING OFF-SITE OR ENTERING THE RIVER.
2. ALL PROPOSED SEDIMENT CONTROL MEASURES ARE TEMPORARY MEASURES UNLESS SPECIFIED OTHERWISE ON PLANS.
3. SEDIMENT CONTROL MEASURES MAY REQUIRE FIELD ADJUSTMENTS AT THE TIME OF CONSTRUCTION TO INSURE THAT THEIR INTENDED PURPOSE IS ACCOMPLISHED.
4. PROVIDE REGULAR INSPECTION AND MAINTENANCE OF ALL SEDIMENT CONTROL MEASURES TO INSURE THAT SEDIMENT CONTROL EFFECTIVENESS IS OBTAINED UNTIL FINAL STABILIZATION OF SITE HAS TAKEN PLACE.
5. INSTALL SEDIMENT CONTROL MEASURES AT THE ONSET OF GRADING OPERATIONS SO THAT EFFECTIVE SEDIMENT CONTROL CAN BE ACHIEVED DURING THE ENTIRE CONSTRUCTION PERIOD.
6. STABILIZE ALL POINTS OF INGRESS AND EGRESS WITH TRACKING PAD DURING CONSTRUCTION TO PREVENT TRACKING OF MUD ONTO PUBLIC WAYS.
7. FOR TEMPORARY STOCKPILES APPLY SEE, HYDROMULCH AND TACKIFIER IMMEDIATELY AFTER THESE CONSTRUCTED FOR STABILIZATION OF STOCKPILES. AFTER APPLICATION OF THE TACKIFIER, USE EXCULATOR C2 EROSION CONTROL FABRIC. INSTALL SILT FENCE BELOW STOCKPILES TO CAPTURE SEDIMENT.
8. THE TERM "REVEGETATION" ON THIS PLAN MEANS THE SUCCESSFUL GERMINATION AND ESTABLISHMENT OF STABLE GRASS COVER FROM A PREPAREDLY PREPARED SEEDBED CONTAINING APPLICATION OF AMOUNTS OF FERTILIZER IN ACCORDANCE WITH APPLICABLE "STANDARDS AND SPECIFICATIONS". REFER TO LANDSCAPE PLANS FOR SEED MIX, FERTILIZER TYPE, MULCH, TACKIFIER AND APPLICATION RATES.
9. IT IS THE CONTRACTOR'S RESPONSIBILITY TO TAKE APPROPRIATE MEASURES TO INSURE THAT NO SEDIMENT LAIDEN WATER IS DISCHARGED FROM THE SITE.
10. APPROVAL SHALL BE REQUESTED UPON FINAL STABILIZATION OF ALL SITES BEFORE REMOVAL OF SEDIMENT CONTROLS.
11. CONTRACTOR SHALL OBTAIN AND CONFORM TO STORMWATER DISCHARGE PERMIT AND ALL NECESSARY LOCAL PERMITS AND KEEP STREETS CLEAN AND FREE OF SEDIMENT.
12. REMOVAL AND CLEANUP OF ANY SEDIMENT THAT LEAVES THE SITE IS THE RESPONSIBILITY OF THE CONTRACTOR

CONSTRUCTION SEQUENCE OF EROSION/SEDIMENT CONTROL MEASURES

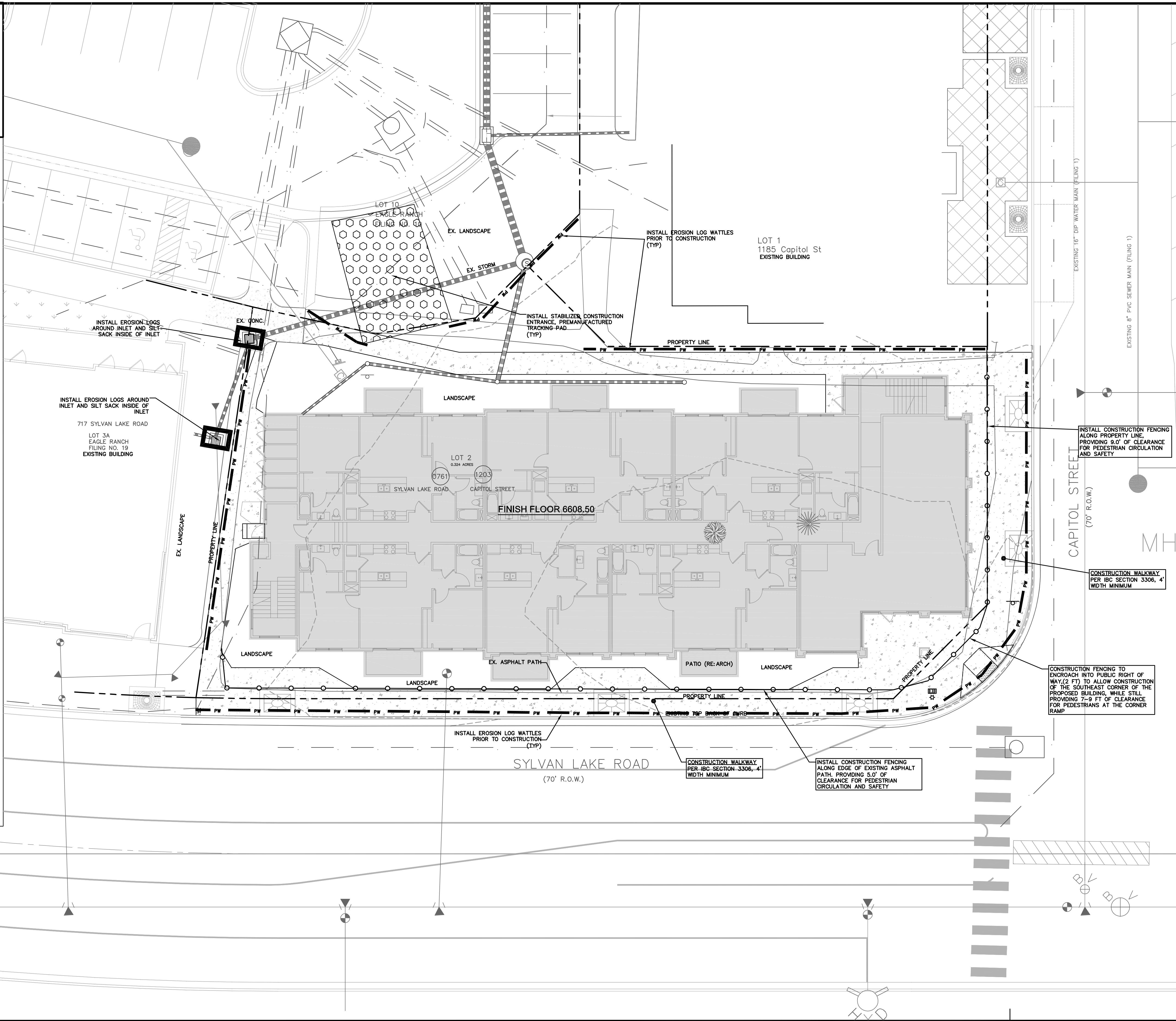
BEFORE COMMENCING GRADING OR CONSTRUCTION

1. CONSTRUCT STABILIZED CONSTRUCTION ENTRANCES AT ALL POINTS OF INGRESS AND EGRESS.
2. CONTRACTOR SHALL TAKE APPROPRIATE MEASURES TO ASSURE THAT NO SEDIMENT LEAVES THE SITE.
3. CONSTRUCT SILT FENCE AND WATTLES AND ALL SEDIMENT CONTROL DEVICES.
4. BEGIN DEMOLITION, EXCAVATION AND CONSTRUCTION.
5. INSTALL EROSION CONTROL MEASURES AFTER DITCHES AND SWALES HAVE BEEN CONSTRUCTED AND TOPSOIL AND SEED HAVE BEEN PLACED. INSTALL INLET PROTECTION IN ALL INLETS AS THEY ARE CONSTRUCTED.
6. TOPSOIL AND REVEGETATE ALL DISTURBED AREAS WITH APPROVED SEED PER LANDSCAPE PLAN.
7. CONTRACTOR SHALL REMOVE SEDIMENT CONTROL FACILITIES AFTER FINAL STABILIZATION.

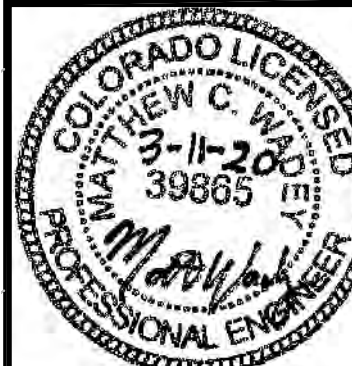
FUGITIVE DUST CONTROL

THE CONTRACTOR IS RESPONSIBLE TO CONTROL FUGITIVE DUST AND TO INCORPORATE THE FOLLOWING:

1. ALL UNPAVED ROADS AND OTHER DISTURBED AREAS ON SITE SHALL BE WATERED TO MINIMIZE FUGITIVE DUST.
2. HAUL ROADS SHALL BE TREATED WITH MAGNESIUM CHLORIDE IF WATER IS NOT CONTROLLING THE DUST.
3. ALL DISTURBED SURFACE AREAS SHALL BE REVEGETATED OR SURFACED PER THE LANDSCAPE PLAN AS SOON AS POSSIBLE.
4. MUD AND DIRT CARRYOUT ONTO PAVED SURFACES SHALL BE PREVENTED, ANY MUD AND DIRT CARRYOUT ONTO PAVED SURFACES SHALL BE CLEANED UP DAILY.



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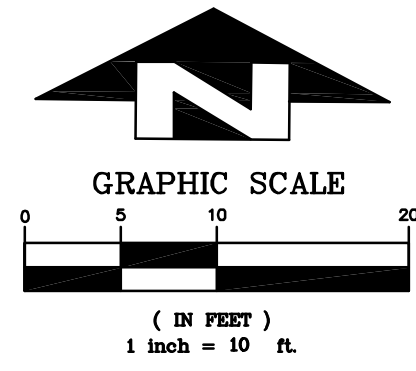


TALON FLATS
761 SYLVAN LAKE RD
EAGLE, CO
EROSION CONTROL PLAN

DESIGNED	MCW, RIF	NO.	DATE	REVISIONS	BY
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CHECKED	MCW				
JOB NO.	XXX				
DATE	XX/XX/XXXX				

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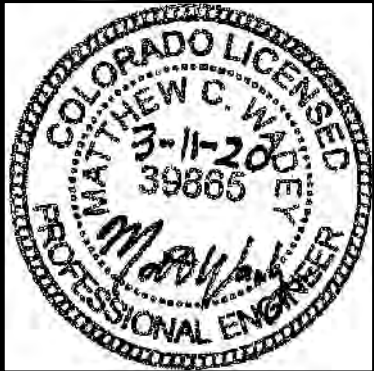
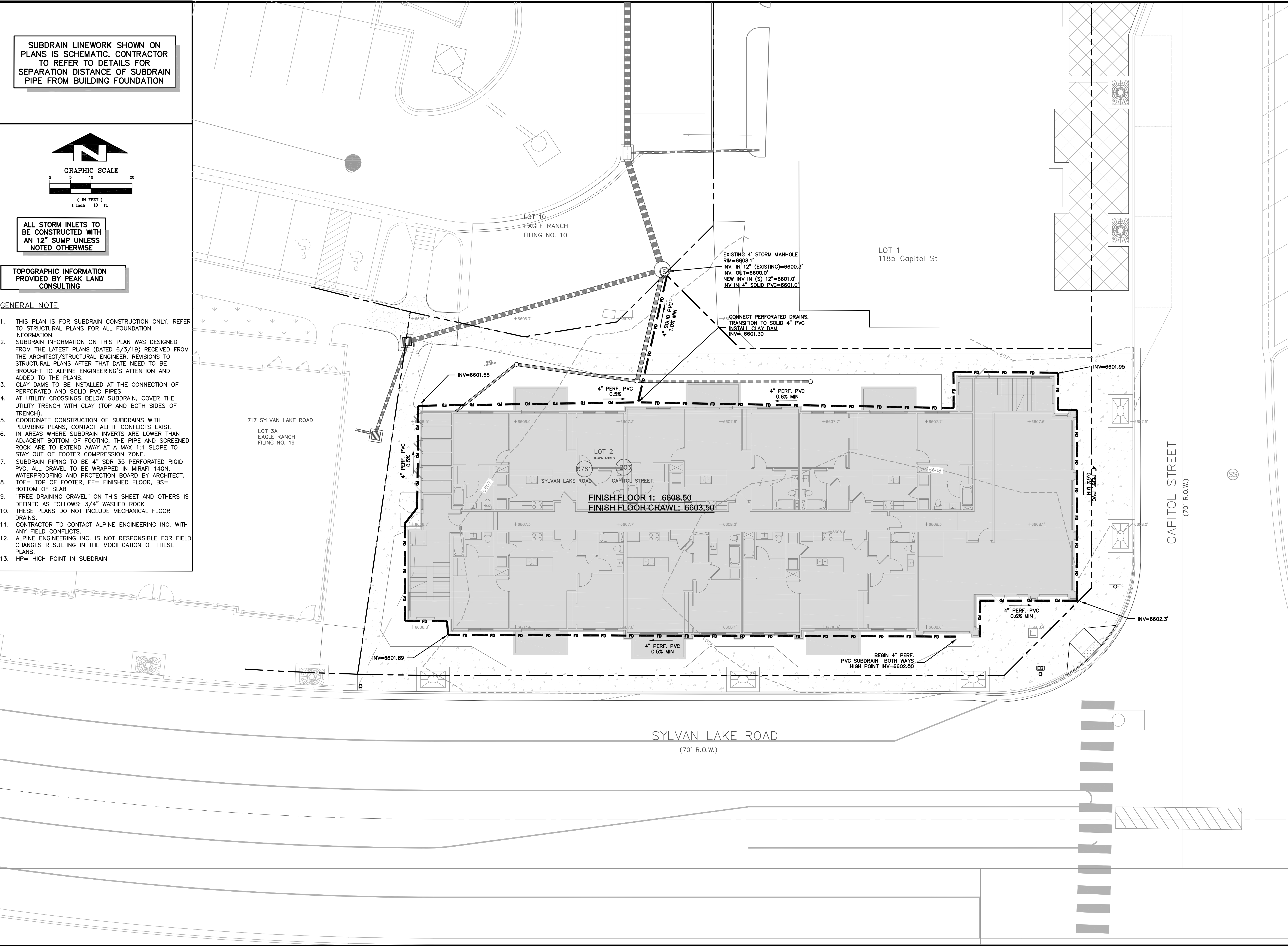
SUBDRAIN LINEWORK SHOWN ON PLANS IS SCHEMATIC. CONTRACTOR TO REFER TO DETAILS FOR SEPARATION DISTANCE OF SUBDRAIN PIPE FROM BUILDING FOUNDATION



ALL STORM INLETS TO BE CONSTRUCTED WITH AN 12" SUMP UNLESS NOTED OTHERWISE

TOPOGRAPHIC INFORMATION PROVIDED BY PEAK LAND CONSULTING

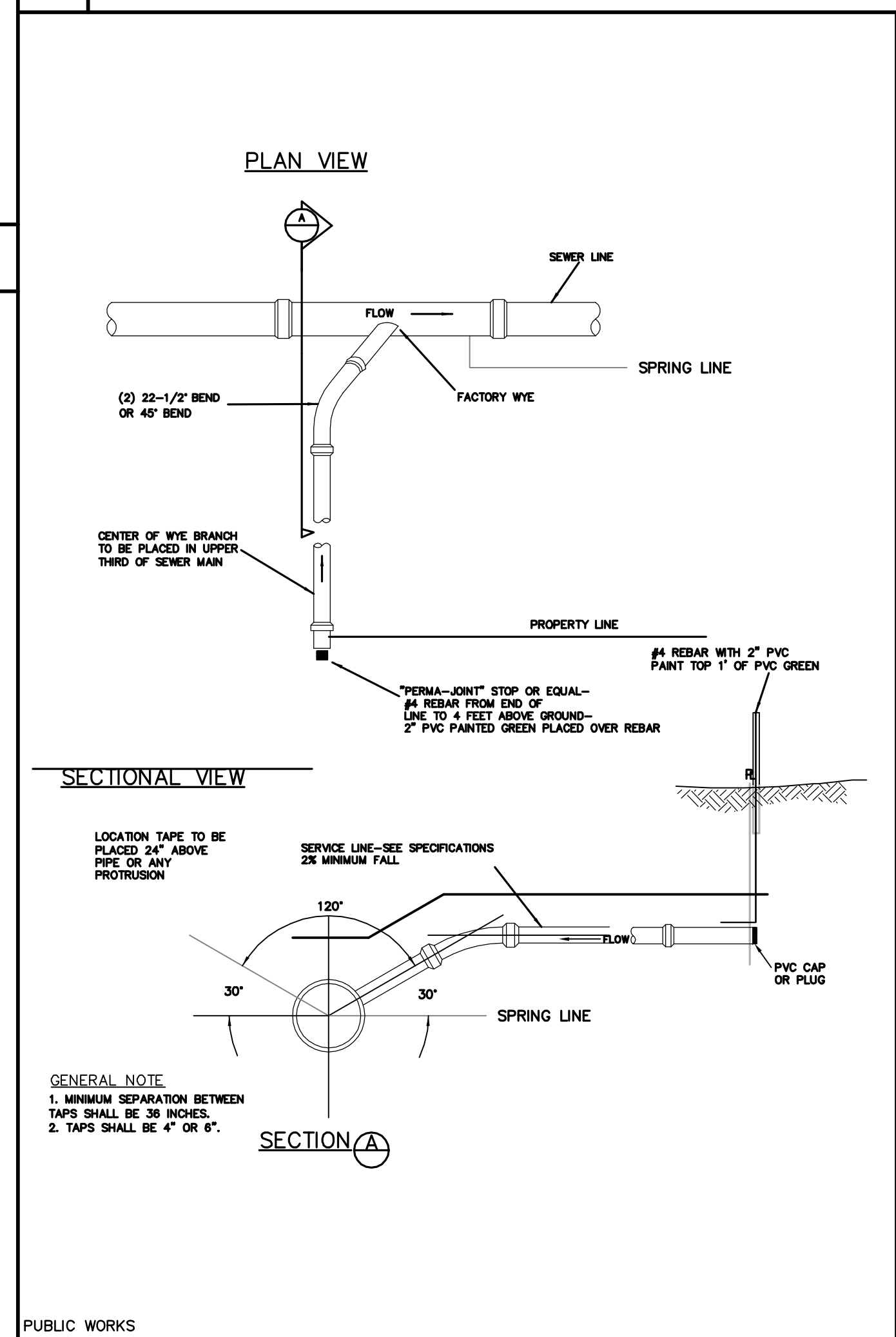
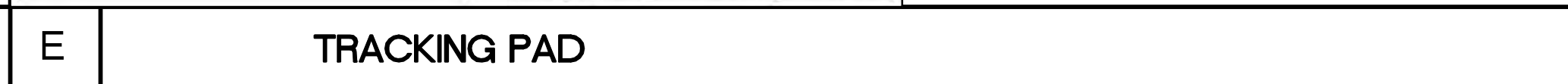
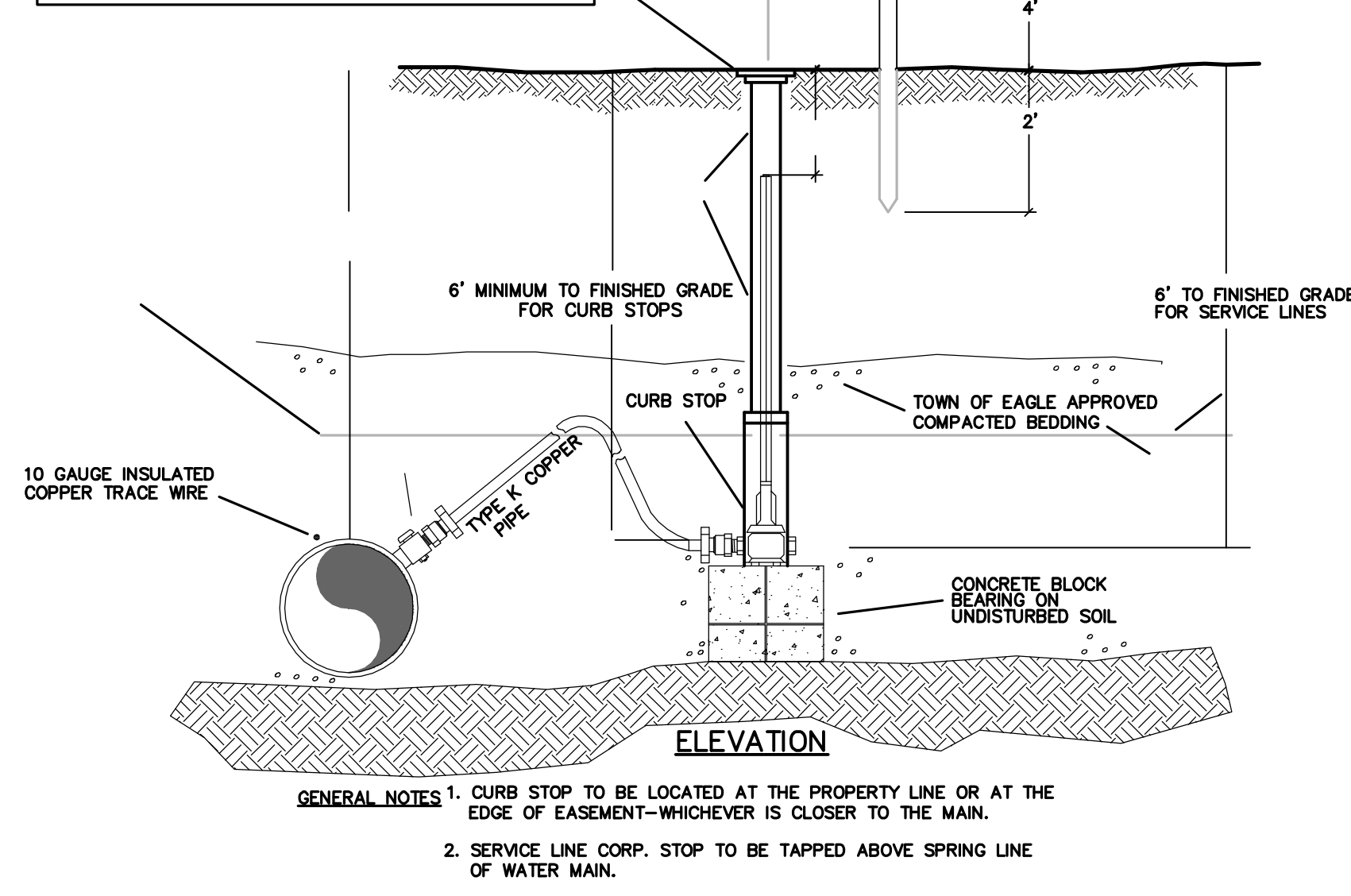
- GENERAL NOTE
- THIS PLAN IS FOR SUBDRAIN CONSTRUCTION ONLY, REFER TO STRUCTURAL PLANS FOR ALL FOUNDATION INFORMATION.
 - SUBDRAIN INFORMATION ON THIS PLAN WAS DESIGNED FROM THE LATEST PLANS (DATED 6/3/19) RECEIVED FROM THE ARCHITECT/STRUCTURAL ENGINEER. REVISIONS TO STRUCTURAL PLANS AFTER THAT DATE NEED TO BE BROUGHT TO ALPINE ENGINEERING'S ATTENTION AND ADDED TO THE PLANS.
 - CLAY DAMS TO BE INSTALLED AT THE CONNECTION OF PERFORATED AND SOLID PVC PIPES.
 - AT UTILITY CROSSINGS BELOW SUBDRAIN, COVER THE UTILITY TRENCH WITH CLAY (TOP AND BOTH SIDES OF TRENCH).
 - COORDINATE CONSTRUCTION OF SUBDRAINS WITH PLUMBING PLANS, CONTACT AEI IF CONFLICTS EXIST.
 - IN AREAS WHERE SUBDRAIN INVERTS ARE LOWER THAN ADJACENT BOTTOM OF FOOTING, THE PIPE AND SCREENED ROCK ARE TO EXTEND AWAY AT A MAX 1:1 SLOPE TO STAY OUT OF FOOTER COMPRESSION ZONE.
 - SUBDRAIN PIPING TO BE 4" SDR 35 PERFORATED RIGID PVC. ALL GRAVEL TO BE WRAPPED IN MIRAFI 140N. WATERPROOFING AND PROTECTION BOARD BY ARCHITECT.
 - TOP= TOP OF FOOTER, FF= FINISHED FLOOR, BS= BOTTOM OF SLAB
 - "FREE DRAINING GRAVEL" ON THIS SHEET AND OTHERS IS DEFINED AS FOLLOWS: 3/4" WASHED ROCK
 - THESE PLANS DO NOT INCLUDE MECHANICAL FLOOR DRAINS.
 - CONTRACTOR TO CONTACT ALPINE ENGINEERING INC. WITH ANY FIELD CONFLICTS.
 - ALPINE ENGINEERING INC. IS NOT RESPONSIBLE FOR FIELD CHANGES RESULTING IN THE MODIFICATION OF THESE PLANS.
 - HP= HIGH POINT IN SUBDRAIN

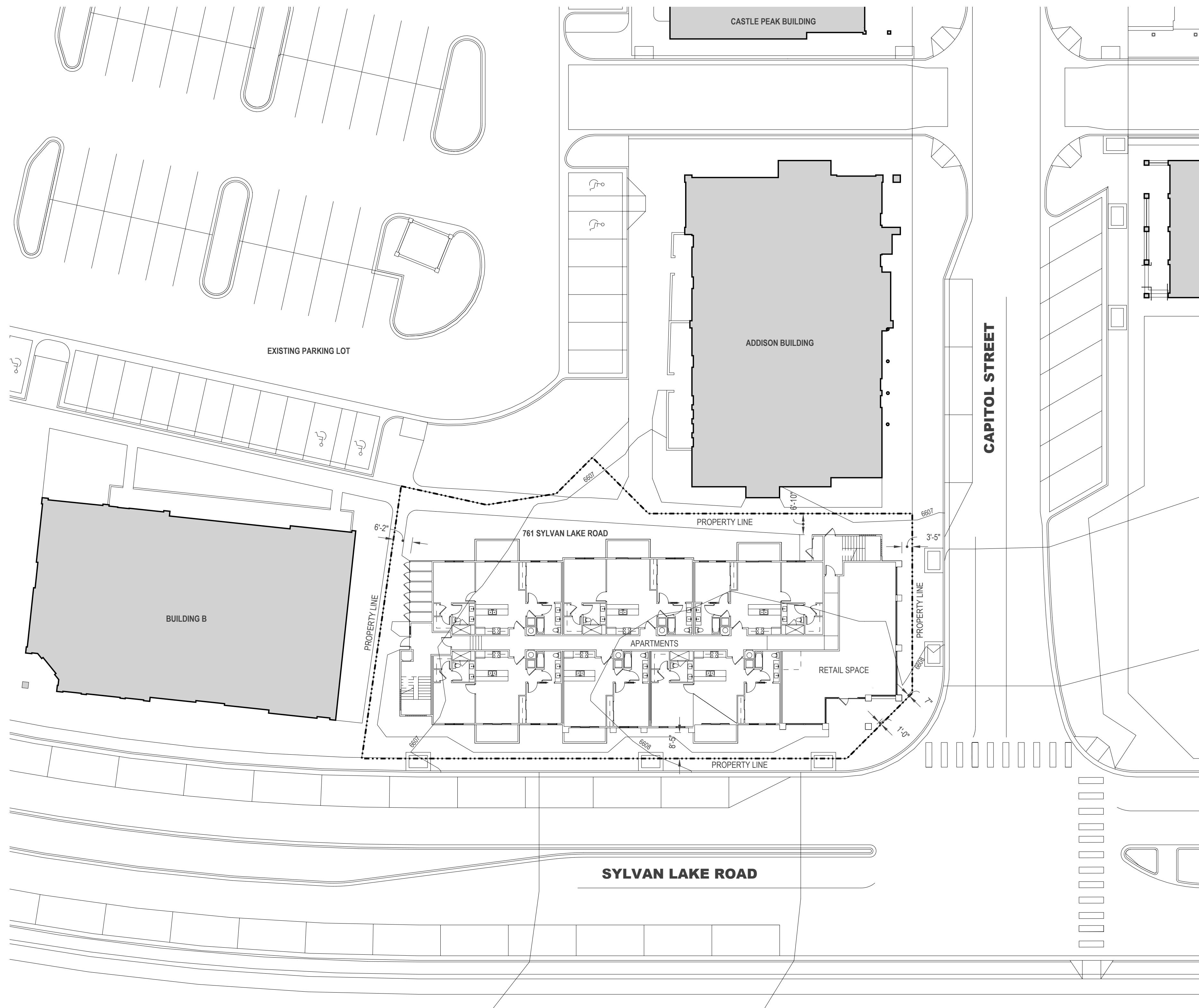


TALON FLATS
761 SYLVAN LAKE RD
EAGLE, CO
SUBDRAIN PLAN

DESIGNED	MCW	RIF	NO.	DATE	REVISIONS	BY
DRAWN	MCW			03/11/2020	DEVELOPMENT PERMIT	MCW
CHECKED	MCW					
JOB NO.	XXX					
DATE	XX/XX/XXXX					

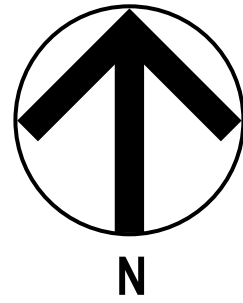
SHEET
C6.0





NOTE: ALL LIGHTING TO CONFORM TO EAGLE RANCH DRB REQUIREMENTS;
ALL STREET LIGHTS TO MATCH EAGLE RANCH LAMP POSTS WITH BANNER ATTACHMENTS

1 SITE PLAN
A1.1 SCALE: 1" = 20'-0"



	PROPOSED	ALLOWED
LOT SIZE	0.324 ACRES OR 14,113 SQUARE FEET	
MAXIMUM LOT COVERAGE	9,202 SQUARE FEET - BUILDING FOOTPRINT AND PATIOS	80% BUILDING LOT COVERAGE (MAX)
	65% BUILDING LOT COVERAGE 2,567 SQUARE FEET - CONCRETE WALKWAYS 11,769 SQUARE FEET IMPERVIOUS OR	100% IMPERVIOUS LOT COVERAGE (MAX)
MAXIMUM DENSITY	20 RESIDENTIAL UNITS OR 62 DWELLING UNITS / ACRE	57 UNITS REMAINING WITHIN PARCEL A AFTER 20 UNITS DEDICATION TO TALON FLATS
USES	RESIDENTIAL - 20 UNITS (13-2 BEDROOM; 7-1 BEDROOM)	ALLOWED PER PUD; ALL UNITS WILL BE RENTAL UNITS ONLY
	OFFICE - 1,014	ALLOWED PER PUD
	RETAIL - 1,264	ALLOWED PER PUD

BUILDING AREAS

LEVEL 1

RESIDENTIAL APARTMENTS	5,849 S.F.
RETAIL SPACE	1,264 S.F.
STORAGE	144 S.F.
LOBBY / CIRCULATION / STAIRS	1,281 S.F.

SUBTOTAL LEVEL 1 8,538 S.F.

LEVEL 2

RESIDENTIAL APARTMENTS	6,197 S.F.
OFFICE SPACE	667 S.F.
STORAGE	206 S.F.
CIRCULATION / STAIRS	1,331 S.F.

SUBTOTAL LEVEL 2 8,401 S.F.

LEVEL 3

RESIDENTIAL APARTMENTS	6,197 S.F.
OFFICE SPACE	347 S.F.
STORAGE	206 S.F.
CIRCULATION / STAIRS / LOUNGE	1,494 S.F.

SUBTOTAL LEVEL 3 8,244 S.F.

TOTAL RESIDENTIAL	18,243 S.F.
TOTAL RETAIL SPACE	1,264 S.F.
TOTAL OFFICE SPACE	1,014 S.F.
TOTAL STORAGE	556 S.F.
TOTAL LOBBY / LOUNGE / CIRCULATION	4,106 S.F.

TOTAL BUILDING AREA 25,183 S.F.

USE	Parking Spaces per Unit	Parking Spaces Required
Residential		
1 Bedroom	1.5	10.5
2 Bedroom	2	26
Guest Parking	1.6 units	3.33
Commercial	1:300 sf - office / 1:411 sf retail	
Office	1,014	3.38
Retail (first floor)	1,264	3.07
Total Required		46.28 or 47 spaces

NOTE: 2015 parking analysis of the Eagle Ranch Village allocated 50 spaces to the buildout of the subject property

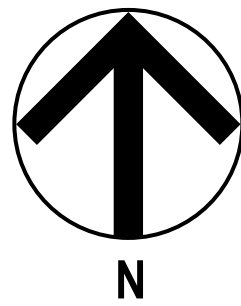
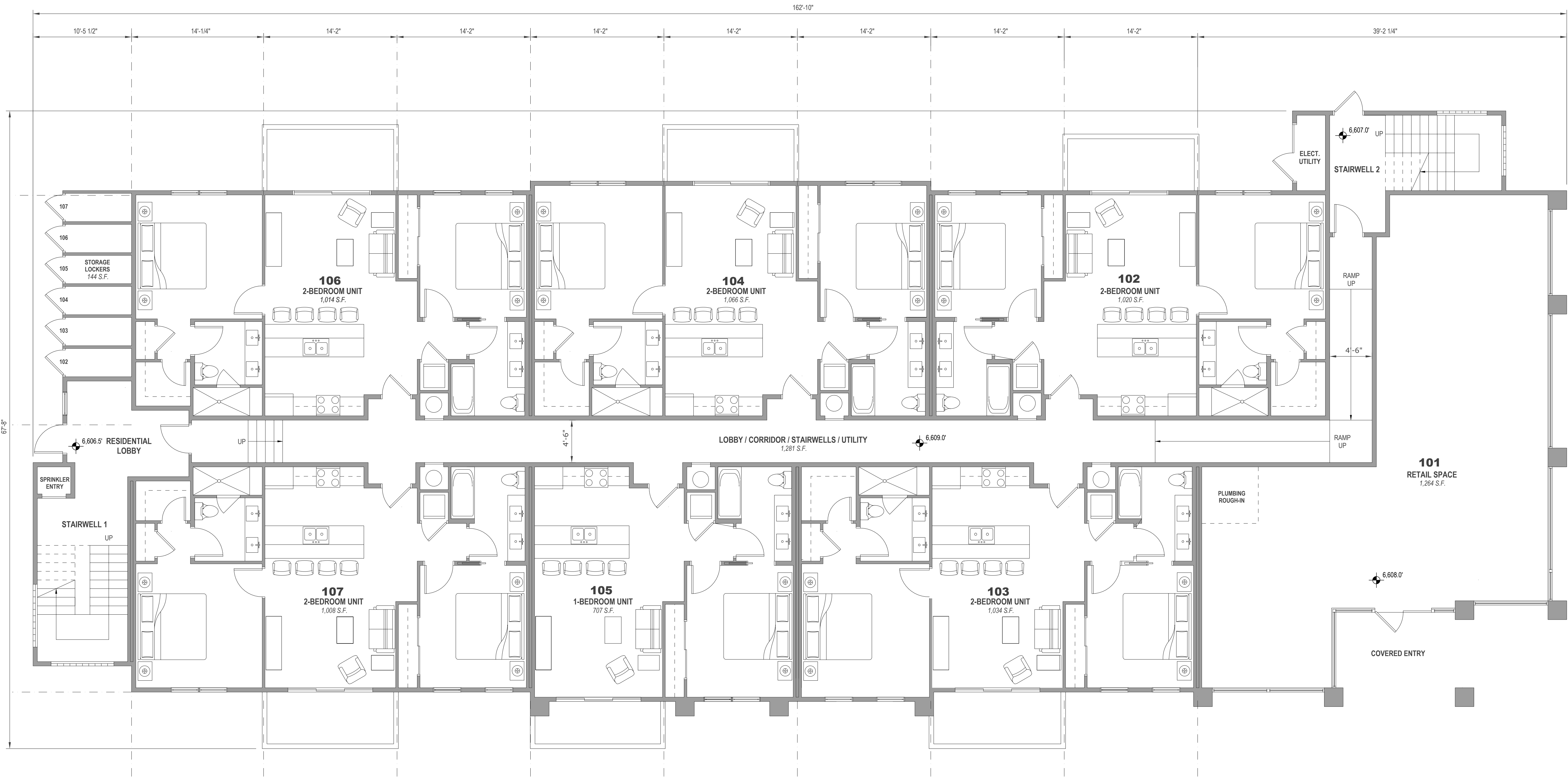


TALON FLATS
1203 CAPITOL STREET
EAGLE, COLORADO 81631

ISSUE:	DATE:
FINAL SUBMITTAL III	01.23.2020
PLANNING & ZONING	03.11.2020
P&Z UPDATE	03.13.2020
PARKING UPDATE	04.06.2020

SCOTT S. TURNIPSEED AIA
ARCHITECTURE
& CONSTRUCTION INC.
P.O. BOX 3388
1143 CAPITOL STREET, SUITE 211
EAGLE, COLORADO 81631
970.328.3900 WWW.SSTAIA.COM

A1.1
SITE PLAN



1 FIRST FLOOR PLAN
A2.1 SCALE: 3/16" = 1'-0"

TURNIPSEED
ARCHITECTURE
CONSTRUCTION
INTERIOR DESIGN
SINCE 1995

TALON FLATS
1203 CAPITOL STREET
EAGLE, COLORADO 81631

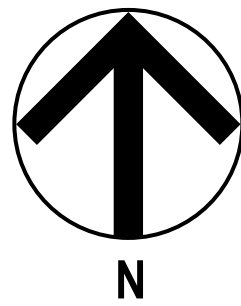
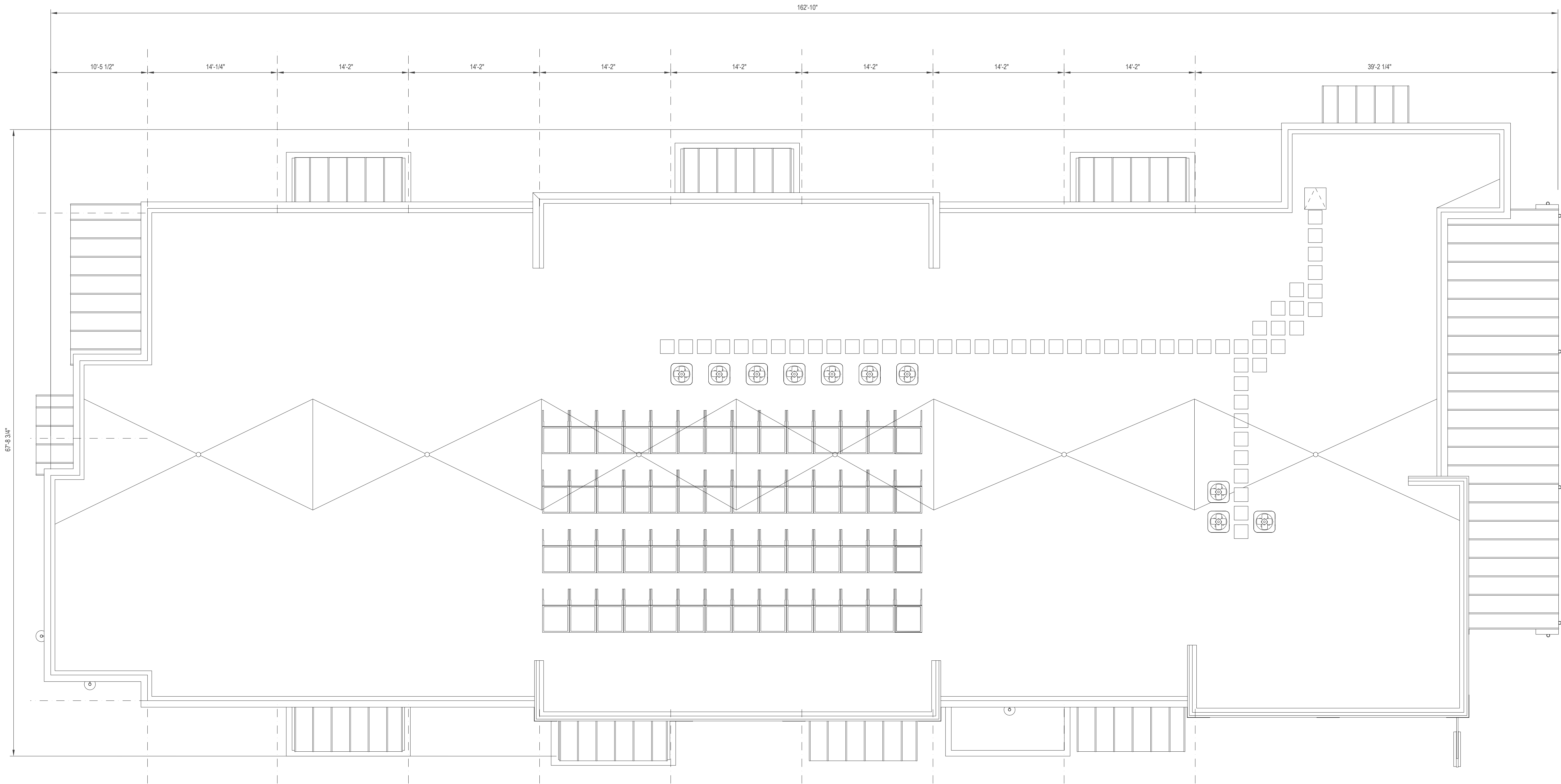
ISSUE: DATE:
FINAL SUBMITTAL III 01.23.2020
PLANNING & ZONING 03.11.2020

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A2.1
FIRST FLOOR
PLAN







1 ROOF PLAN
A2.4 SCALE: 3/16" = 1'-0"

ISSUE:	DATE:
FINAL SUBMITTAL III	01.23.2020
DESIGN REFINEMENT	03.03.2020

ISSUE:	DATE:
FINAL SUBMITTAL III	01.23.2020
PLANNING & ZONING	03.11.2020

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SYLVAN LAKE ROAD ELEVATION

1 FRONT ELEVATION
A3.1 SCALE: 3/16" = 1'-0"



CAPITOL STREET ELEVATION

2 RIGHT ELEVATION
A3.1 SCALE: 3/16" = 1'-0"



PARKING LOT ELEVATION

1 REAR ELEVATION
A3.2 SCALE: 3/16" = 1'-0"



ALLEY ELEVATION

2 LEFT ELEVATION
A3.2 SCALE: 3/16" = 1'-0"

TURNIPSEED
ARCHITECTURE
CONSTRUCTION
INTERIOR DESIGN
SINCE 1995

TALON FLATS
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A3.2
REAR AND LEFT
ELEVATIONS



1 LONGITUDINAL BUILDING SECTION
A4.1 SCALE: 3/16" = 1'-0"



2 LATERAL BUILDING SECTION
A4.1 SCALE: 3/16" = 1'-0"

TURNIPSEED
ARCHITECTURE
CONSTRUCTION
INTERIOR DESIGN
SINCE 1995

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1203 CAPITOL STREET
EAGLE, COLORADO 81631

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A4.1
BUILDING
SECTIONS



**MINUTES OF A REGULAR MEETING OF THE
EAGLE RANCH DESIGN REVIEW BOARD**

February 6, 2020

In lieu of regularly scheduled meeting, DRB members were polled via email for review and approval of the following items:

MEMBERS ATTENDING:

Rick Dominick
Tom McCord
Michael Sanner
John Martin
Rick Messmer

MEMBERS NOT ATTENDING:

Al Musser
Dan Lambert
Glenn Harakal
Todd Labine

1. Executive Session

Via Email

2. General Email Session:

Lundquist Residence – 25-00-69 – 1658 East Haystacker Drive – Final – Highlands Alpine Ranch – KK Design

- a. *The proposed hot tub should be submitted. (Outbuildings and Firepits Policy)*
- b. *Provide the square footage of the fenced-in area. HDG 2.2.11*
- c. *What is the material between the single garage door and the front entry walkway? Driveways and parking areas shall be paved with either asphalt, concrete, or sand set stone or concrete pavers. HDG 2.2.4 (4.)*
- d. *What is the front walkway material?*
- e. *Where are the #4 landscape lights shown on the plan? C.LARIFIED LOCATION AT FRONT ENTRANCE*
- f. *Disturbance line at 7080 grade line is not accurate with regrading of 7080.*
- g. *What are the 2 dark lines at the south of the lot? Just a cad error?*
- h. *Front elevation is not drawn accurately. The front porch should be covered up by the single garage bay up to the easternmost column when drawn based on the angle of the elation tag shown on the floor plan.*
- i. *~~Discussion item: Horizontal windows still more than plentiful (at preliminary, the instruction was to remove or change to more vertical orientation).~~ VARIED WINDOW ORIENTATION IS ACCEPTABLE AS SUBMITTED IN FINAL PLAN.*
- j. *Provide sample of metal inter-locking panels for siding.*
- k. *Provide sample of matte black metal panels, mottled finish that will be used for the siding.*
- l. *Continuity and coordination of materials has not been addressed from preliminary meeting.*

Summary: *Provide continuing compliance with Highlands Design Guidelines.*

MOTION:

The Board was unanimous in the Final Plan approval of the (Leo's Crossing) Residence with the above conditions to be addressed in the Technical Plan set. Add bellyband above three vertical windows and sliding glass doors at rear of house (eliminate wood headers above stone). Raise shed roof to eliminate any material change at corner.

Eves Residence – Filing 14 -Block 00-Lot 39 – 2253 Eagle Ranch Road – **Final** – Architect: Leah Mayer – Uplands Victorian

- a. *Future Hot tub and firepit specifications will need to be submitted prior to their installation. (Outbuildings and Firepits Policy)*
- b. *What material is the front walkway? UDG 2.2.9 (2.)*
- c. *Discussion item: Southeast property line plantings creating a fence like delineation. UDG 2.4.5 (2.)*
- d. *Discussion item: Gravel beds at side property lines must have approval by the DRB. UDG 2.4.2.3*
- e. *Provide the total area to be fenced in. UDG 2.2.12 (1.)*
- f. *Provide the height of the proposed fence. UDG 2.2.12 (7.)*
- g. *On the construction management plan, the dumpster appears too far back on the site to easily be accessible.*
- h. *On the construction management plan, the job trailer would need to be on the property.*
- i. *Provide utility connections on the site plan and show the utility enclosure on the floor plan. UDG 2.3.6*
- j. *The utility enclosure shown should extend closer to the ground to hide the conduit.*
- k. *Update exterior fixture count shown on lumen count worksheet and lighting plan to include can lights at the rear patio. UDG 2.3.7 – REAR PATIO FIXTURES WERE REMOVED*
- l. *Provide color rendering. PROVIDED AT MEETING*

Summary: *Provide continuing compliance with Uplands Design Guidelines.*

MOTION:

The Board was unanimous in the Final Plan approval of the Eves Residence with the above conditions to be addressed in the Technical Plan set. Driveway width needs to be adjusted to avoid parking spaces in front of the house. Suggest reducing width of cobble bed on west side of home and incorporate native grasses. Moss rock stone requires an ashlar/horizontal installation.

Bruntz Residence – Filing 21 -Block 00-Lot 01 – 0085 East Haystack Drive – **Preliminary** – Architect: Beth Levine – Uplands Victorian

- a. *Provide width of driveway. UDG 2.2.5 (5.)*
- b. *Discussion item: Narrow driveway at single garage bay.*
- c. *What material are the paths shown on the site plan?*
- d. *Provide plant counts, sizes, types; sod areas, reveg areas. UDG 2.4.2.1 (6.) In Table Format*
- e. *Provide perimeter planting beds. UDG 2.4.2.2*
- f. *Provide utility connections on the site plan and the utility enclosure on the elevations. UDG 2.3.6*
- g. *Provide exterior lumen count worksheet and lighting plan. UDG 2.3.7*
- h. *Discussion item: Material changes mid-façade and not on an inside corner.*
- i. *Stone cladding expressed as a non-structural veneer is not permitted. UDG 2.3.1.1 (2.b.)*
- j. *All roofs must be sloped... no flat roofs. UDG 2.3.4 (1.)*

- k. Provide roof overhang dimensions. UDG 3.2.2.2 (4.)
- l. Provide window trim. UDG 2.3.3.2 (1.)
- m. Head, sill and jamb trim elements must be differentiated. UDG 2.3.3.2 (2.)
- n. Porch columns should have some decorative detailing... UDG 3.2.2.3 (2.)
- o. No more than 3 windows may be ganged together. UDG 3.2.2.6 (1.)

Summary: Provide color rendering. Provide continuing compliance with Uplands Design Guidelines.

MOTION:

The Board TABLED the Bruntz Residence Preliminary Plan with the above conditions to be addressed for the next submittal. Volumes and massing are fine. Work to meet the Victorian requirements for vertical orientation with materials/siding and windows. Ganging of double hung windows looks too horizontal. Need symmetrical orientation of windows on Gable Ends. Reduce the amount of stucco and orient it towards the base of the home. Work on breaking up the wall mass on East elevation. Front entry could use a steeper pitch to define the entrance and work on the columns to be more prominent.

The Assembly – Filing 10 - Block 00 - Lot 02 – 1143 Capitol Street – **MEI** – Architect: Glenn Harakal: Scott Turnipseed – Commercial Center

- a. Continue discussion on proposed removal of awnings.

Summary: Provide continuing compliance with Eagle Ranch Neighborhood Center Architectural Guidelines.

MOTION:

The Board approved the MEI request of *The Assembly* commercial development to remove the awning with the condition to patch and paint the façade.

Talon Flats – Filing 27 - Block 00 - Lot 02 – 761 Sylvan Lake Road - **Amended Final** – Architect: Glenn Harakal: Scott Turnipseed – Commercial Center

- a. Drawings are not adequate for an amended final plan review, more like a preliminary submittal. Missing: dimensioned plans, details, lighting, mechanical, etc.
- b. Balconies need to be dimensioned. ER NCAG Section 5, page 20
- c. Confirm that balconies are no less than 13 feet above the sidewalk. ER NCAG Section 5, page 20 **BALCONIES ARE NOT OVER SIDEWALK.**
- d. Provide soffit materials. ER NCAG Section 5, page 20
- e. What is the width of the sidewalk at the pedestrian area for the "opportunity zone?" Eight feet is ideal. ER NCAG Section 8, page 30.

Comments from the Commercial Center:

TRASH:

- 1) *There is no need for any additional trash enclosure beyond the one that already exists and serves just the Addison building.*

SIDEWALKS AND PATHWAY SNOW REMOVAL AND SNOW SHOVELING:

- 1) *Clearing of sidewalks between existing Addison building and the Apartments will be very difficult and problematic if pavers make up the sidewalk as the Bobcat cannot push snow through the pavers without destroying the pavers. All sidewalks separating the 1185 Addison Building and the Brush Creek Market that are currently asphalt need to be concrete sidewalks as the Town of Eagle will not allow the snowplow/sidewalk clearing to be pushed into the street, the snow must be pushed up the sidewalks to a storage area and pavers will hinder this process especially with the curvy sandstone path design.*
- 2) *The sidewalks between the buildings and facing north will require constant snow/ice remediation which may negatively impact the shrub landscaping in these areas.*

LANDSCAPING:

- 1) *The street trees should be the same type as the other street trees which I believe to be Patmore Ash. There should not be shrubs at the street tree locations.*
- 2) *Shrub beds on Sylvan Lake Road are probably okay since they are located between the residential units.*
- 3) *Landscaping on the north side of the building will take a beating with no sun. What type of plants?*
- 4) *What is the soft surface path in back of the building and why? Seems to me this area should be landscaped.*
- 5) *Specific ornamental trees? Are Ornamental trees allowed by the DRB? I don't think we have any other ornamental trees in the ERV and can be very messy.*
- 6) *The renderings depict a soft surface seating area with boulders for seats? I guess this is okay but we have mental street benches everywhere else!*

OTHER:

- 1) *I think there is a telephone pedestal and maybe an electric meter that will need to be moved.*

Summary: *Provide continuing compliance with Eagle Ranch Neighborhood Center Architectural Guidelines.*

MOTION:

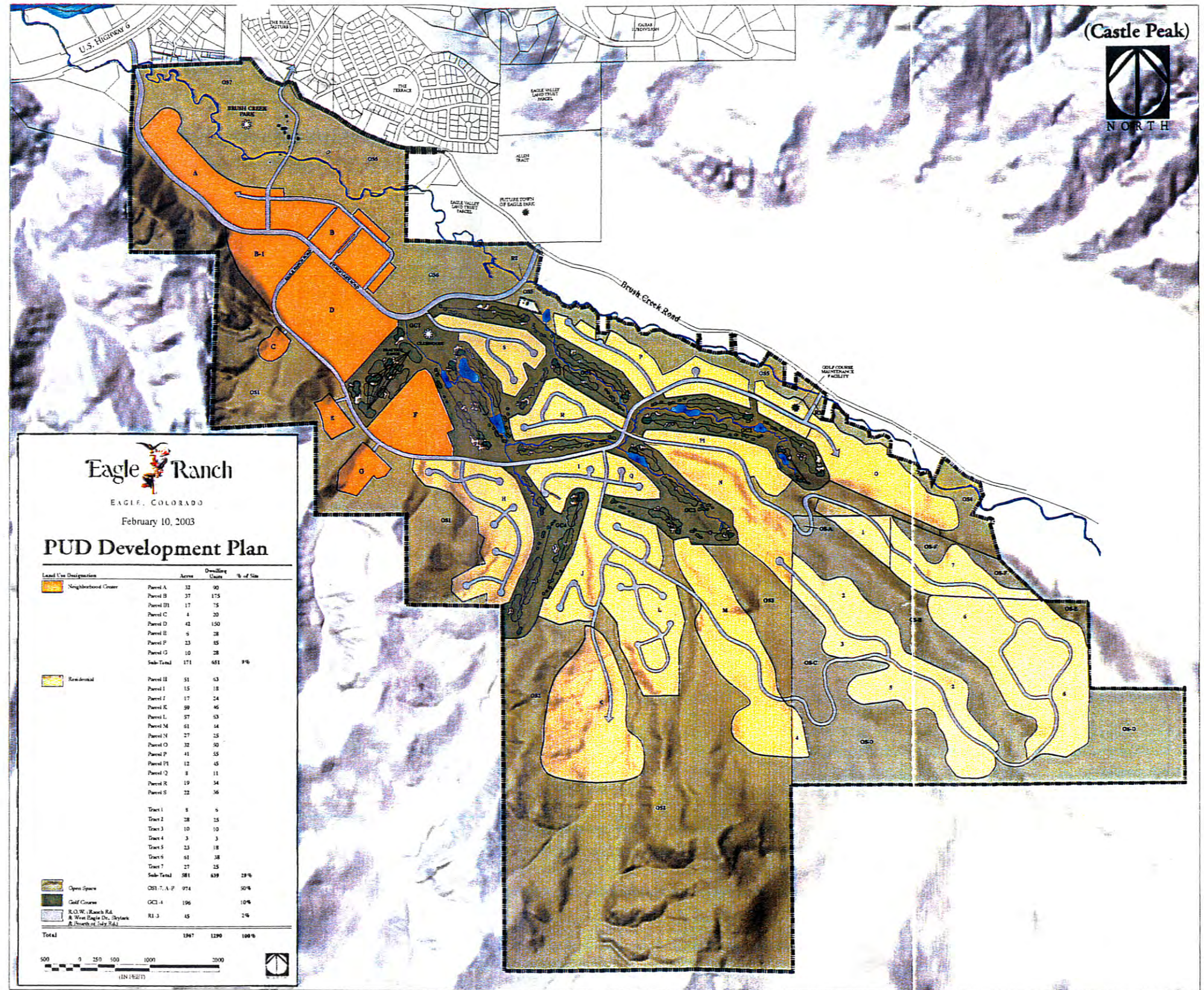
The Board was unanimous in the Amended Final Plan approval of Talon Flats commercial development with the above conditions to be addressed in the Technical Plan set. Capitol Street elevation needs more development to articulate the building similar to the Sylvan Lake Road side to provide sufficient street presence on Capitol Street. Consider changing the glass block to another material. Technical Plans must be submitted within 6 weeks for review and approval by the Board.

Guzik Residence – Filing 14 -Block 00-Lot 43 – 2159 Eagle Ranch Road – Requesting Variance – Mike Guzik – Uplands

The exterior walls shall not encroach within setbacks on a homesite. UDG 2.2.1.2

MOTION:

The Board denied the Variance for the Guzik residence. A case for a hardship was not notably evident.



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05/09/2003 04:48P
Teak J Simonton Eagle, CO 304 R 101.00 D 0.00



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