



AGENDA
Planning & Zoning Commission
Tuesday, December 6, 2016
6:00 P.M.

Public Meeting Room / Eagle Town Hall
200 Broadway
Eagle, CO

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

| <u>ITEM</u> | | | | | | | | | | | | | |
|--|--|----------|--------------------------|---------|---------|------------|-----------------|-----------|----------------------|----------------|---|----------|--|
| 6:00pm – CALL TO ORDER | | | | | | | | | | | | | |
| APPROVAL OF MINUTES – November 1, 2016 | | | | | | | | | | | | | |
| DONNA SPINELLI CERTIFICATE OF APPRECIATION | | | | | | | | | | | | | |
| <u>PUBLIC COMMENT</u> | | | | | | | | | | | | | |
| <i>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.</i> | | | | | | | | | | | | | |
| <u>LAND USE FILES</u> | | | | | | | | | | | | | |
| NEW PUBLIC HEARINGS | | | | | | | | | | | | | |
| 1. | <table border="1"> <tr> <td>Project:</td> <td>MotoSource Colorado</td> </tr> <tr> <td>File #:</td> <td>SU16-05</td> </tr> <tr> <td>Applicant:</td> <td>Travis Hyslop</td> </tr> <tr> <td>Location:</td> <td>1120 Chambers Avenue</td> </tr> <tr> <td>Staff Contact:</td> <td>Tom Boni (Town Planner)</td> </tr> <tr> <td>Request:</td> <td>Special Use Permit to allow for motorcycle repair shop in Commercial General Zone District.</td> </tr> </table> | Project: | MotoSource Colorado | File #: | SU16-05 | Applicant: | Travis Hyslop | Location: | 1120 Chambers Avenue | Staff Contact: | Tom Boni (Town Planner) | Request: | Special Use Permit to allow for motorcycle repair shop in Commercial General Zone District. |
| Project: | MotoSource Colorado | | | | | | | | | | | | |
| File #: | SU16-05 | | | | | | | | | | | | |
| Applicant: | Travis Hyslop | | | | | | | | | | | | |
| Location: | 1120 Chambers Avenue | | | | | | | | | | | | |
| Staff Contact: | Tom Boni (Town Planner) | | | | | | | | | | | | |
| Request: | Special Use Permit to allow for motorcycle repair shop in Commercial General Zone District. | | | | | | | | | | | | |
| 2. | <table border="1"> <tr> <td>Project:</td> <td>R&H Mechanical Live-Work</td> </tr> <tr> <td>File #:</td> <td>SU16-06</td> </tr> <tr> <td>Applicant:</td> <td>Sig Bjornson II</td> </tr> <tr> <td>Location:</td> <td>1115 Chambers Avenue</td> </tr> <tr> <td>Staff Contact:</td> <td>Morgan Landers (Assistant Town Planner)</td> </tr> <tr> <td>Request:</td> <td>Special Use Permit to allow for 24 live/work units on a 4-acre parcel zoned Commercial General in the Chambers Avenue Commercial Area.</td> </tr> </table> | Project: | R&H Mechanical Live-Work | File #: | SU16-06 | Applicant: | Sig Bjornson II | Location: | 1115 Chambers Avenue | Staff Contact: | Morgan Landers (Assistant Town Planner) | Request: | Special Use Permit to allow for 24 live/work units on a 4-acre parcel zoned Commercial General in the Chambers Avenue Commercial Area. |
| Project: | R&H Mechanical Live-Work | | | | | | | | | | | | |
| File #: | SU16-06 | | | | | | | | | | | | |
| Applicant: | Sig Bjornson II | | | | | | | | | | | | |
| Location: | 1115 Chambers Avenue | | | | | | | | | | | | |
| Staff Contact: | Morgan Landers (Assistant Town Planner) | | | | | | | | | | | | |
| Request: | Special Use Permit to allow for 24 live/work units on a 4-acre parcel zoned Commercial General in the Chambers Avenue Commercial Area. | | | | | | | | | | | | |

| <u>ITEM</u> | |
|--|---|
| 3. | <p>Project: Revisions to Section 4.14.080 – Criteria for Determining Availability and Adequacy of Community Facilities Revisions to Section 4.13.160 – Municipal Park Land Dedication Revisions to Section 4.03.060 – Public Notice</p> <p>File #: LURA16-02</p> <p>Applicant: Town of Eagle</p> <p>Location: N/A</p> <p>Staff Contact: Tom Boni (Town Planner)</p> <p>Request: <ol style="list-style-type: none"> 1. Revise Section 4.14.080 to change the methodology used to determine the existing demand and capacity of community facilities. 2. Revise Section 4.13.160 to clarify when a municipal park land dedication is required. 3. Revise Section 4.03.060 to eliminate requirement to send Subdivision notices by certified mail. <i>Approved at November 1, 2016 Planning & Zoning Commission Meeting</i> </p> |
| <u>TOWN BOARD OF TRUSTEES MEETING REVIEW</u> | |
| <i>Staff update to the Planning & Zoning Commission on recent decisions made by the Board of Trustees on various Land Use files.</i> | |
| None | |
| <u>OPEN DISCUSSION</u> | |
| <u>ADJOURN</u> | |



**Planning and Zoning Commission
Meeting Minutes
November 1, 2016**

PRESENT

Jason Cowles, Chair
Stephen Richards
Jamie Harrison
Charlie Perkins
Jesse Gregg
Cindy Callicrate
Max Schmidt

STAFF

Tom Boni – Town Planner
Morgan Landers – Assistant Town Planner
Danielle Couch – Administrative Assistant

ABSENT

Kyle Hoiland

This meeting was recorded and the CD will become part of the permanent record of the minutes. The following is a condensed version of the proceedings written by Danielle Couch.

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission held in the Eagle Town Hall on November 1, 2016, was called to order by Jason Cowles at 6:03 p.m.

INTRODUCTIONS

Tom Boni introduced Morgan Landers who just started with the Town as the Assistant Planner. Boni said we have a lot of big projects on the horizon and is very glad to have Landers on board. Jamie Harrison thanked Boni for handling all of the work by himself since Matt Farrar left the Town at the end of July.

APPROVAL OF MINUTES

Harrison moved to approve the minutes of the October 4, 2016, Planning & Zoning Commission Meeting. Charlie Perkins seconded. The motion passed unanimously with Jason Cowles abstaining.

PUBLIC COMMENT

None.

LAND USE PUBLIC HEARINGS

DR16-05 A Storage Place Minor Development Permit

Cowles opened File DT16-05 for A Storage Place Minor Development Permit at 800 Chambers Avenue to allow non-conforming siding in the Chambers Avenue Commercial Area. There has

been some discussion about how we proceed with minor changes to a building exterior; our current process requires a design variance through a minor development permit, which is approved by the Planning & Zoning Commission. This request proposes a metal exterior on the buildings which accommodate both commercial and residential storage tenants. Staff recommends approval of the design variance and minor development permit. We have had a lot of conversations about the buildings on Chambers Avenue and there is general agreement that there can be a problem with uniformity, especially on a road as long as Chambers. The approval of the materials proposed on this property would add some variety.

Perkins asked what the existing material is on the buildings. Boni said it is currently T-111 with a stucco façade.

Applicant Josh Barklage said that since his company purchased this location they have been wanting to make improvements to the exterior. He explained that the metal sections proposed would be tan, similar to the exiting color of the buildings, and the proposed stone facing is easy to apply and access. Jesse Gregg asked if the stone facing would cover the whole side of the building; Barklage said that it would be on all three sides facing Chambers and that they are hoping to eliminate all of the wood siding.

Harrison said that he has no issue with the request but noted that the Commission is regularly asked to review and approve exceptions to the Land Use Code and that it may be time to review and amend the code rather than continue to grant exceptions.

Cowles open public comment and hearing none, closed public comment.

Harrison made a motion to approve file DR16-05. Gregg seconded. The motion was unanimously approved. Cowles closed file DR16-05 and thanked the applicant for bettering the property.

LURA16-02 Revisions to Land Use Code Sections 4.03.060, 4.13.160 and 4.14.080

Cowles opened File LURA16-02 for Revisions to the Land Use Code, Section 4.03.060 Public Notice, Section 4.13.060 Municipal Park Land Dedication and Section 4.14.080 Criteria for Determining Availability and Adequacy of Community Facilities.

Section 4.03.060

Boni said the first amendment for Section 4.03.060 is straightforward and eliminates the condition requiring Subdivision notices be sent via certified mail. Also proposed is the addition of PUD Amendment notification because all owners within a PUD need to receive notice when an amendment is proposed. Harrison asked if annexations should also be listed for notification. Boni said that unless it is a flagpole annexation there is no requirement to provide notice to adjacent property owners, however it is advertised as public notice in the newspaper. Harrison also asked if section D, requiring the Town to send notice to various state and county agencies, is needed. Boni will find out from Ed Sands if that section can be eliminated.

Harrison made a motion to approve the proposed revisions to Section 4.03.060 of the Land Use and Development Code with qualifications that PUD Amendment including who must be notified and publication deadlines be added and that we inquire to Ed Sands if section D is a necessary (statutory) part of the code and if not then delete it. Gregg seconded. The motion was unanimously approved.

Section 4.13.160

Boni explained that the second amendment for Section 4.13.160 is intended to clarify whether municipal park land dedications are intended to be a requirement only of new development, or of all development. The Town currently does not have a deficit of open space – all existing subdivisions, with the exception of Chambers Avenue have park space already dedicated.

The group expanded the discussion beyond what types of development are required to dedicate municipal park land to include questions about how park land dedication requirements are calculated, whether annexations should be included, if a fee in lieu of dedication would be a viable option, and whether the Town even needs more park land and open space.

Harrison offered to work with Boni to redraft the language for this Section and made a motion to continue discussion of Section 4.13.160 until the next Planning & Zoning Commission Meeting. Cindy Callicrate seconded. The motion was unanimously approved.

Section 4.14.080

Boni said that the third amendment for Section 4.14.080 was requested by the Board of Trustees, specifically related to adequate public facilities (APF) for water. A question arose regarding the application of APF on a Special Use Permit and whether the required APF analyses are required at that time if the special use permit is a pre-cursor to a development permit.

The group agreed to modify the language in that section to address special use permits that will potentially become development permits.

Specific to water APF, the group discussed some of the possible steps the Town can take from a policy standpoint to address demand on existing facilities, including setting tap fees, efficiency and conservation measures. There is a desire to draft the language of this section to allow more flexibility in the determination of existing demand on the facility.

Harrison offered to assist redrafting the language for this Section also and made a motion to continue discussion of Section 4.14.080 until the next Planning & Zoning Commission Meeting. Stephen Richards seconded. The motion was unanimously approved.

TOWN BOARD OF TRUSTEES MEETING REVIEW

1. Boyz Toyz – Special Use Permit was unanimously approved
2. Wall Street Commons – denied. Boni will ask applicant Bryan Desmond if he plans to rescind the associated Variance requests.

Harrison expressed irritation that the Planning & Zoning Commission and the Board of Trustees often both hear the exact same testimony and most often come to the same decision. He said our current process does not serve the public well to sit through two identical hearings and feels we should be looking at alternatives for the public hearing process.

OPEN DISCUSSION

Perkins asked about the color scheme on the Eagle River Lodge. Boni said it was 90% complete when he noticed it and explained that the owner had a contractual obligation to remove all remnants of the Holiday Inn and didn't have time to come in for a development permit. Boni has requested a letter stating she will come in for a development permit in the spring, which he has yet to receive. Boni said he will be having a similar conversation with the Oldens regarding the color scheme on their structure on McIntire Street.

ADJOURN

Harrison made a motion to adjourn the meeting. Richards seconded. The motion passed unanimously. The meeting was adjourned at 8:28 p.m.

Date

Jason Cowles – Planning and Zoning Commission Chair

Date

Danielle Couch – Administrative Assistant

DRAFT



CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Department of Community Development

DATE: December 6, 2016

PROJECT NAME: MotoSource Colorado

FILE NUMBER: SU16-05

APPLICANT: Travis Hyslop

LOCATION: 1120 Chambers Avenue

APPLICABLE SECTION(S) OF MUNICIPAL CODE:
Section 4.05.010 (Special Use Permit)

EXHIBIT(S):

- A. Application Letter
- B. Site Plan
- C. Aerials

PUBLIC COMMENT: None

STAFF CONTACT: Tom Boni (Town Planner)

REQUEST: Special Use Permit to allow for motorcycle repair shop in Commercial General Zone District.



DISCUSSION:

The applicant is requesting a special use permit to operate a small motorcycle and power sports retail and repair facility within a subdivided (Condomiumized) building located within a Commercial General Zone District. The proposal includes one service bay of approximately 700 square feet (30 ft. 24 ft.), one retail/office space of approximately 390 square feet of parts storage, retail, and office space. Parking listed under the Development Standards states a requirement of 3 spaces per service bay and one space per 100 square feet of office and retail space. Using this set of parking requirements the proposal would require 6.9 spaces. The site plan provides 4 dedicated spaces plus 2 spaces that are common for the four unit building. Therefore, a Design Variance is required for the parking requirement.

It is noteworthy that in the traditional retail parking section of the Code, parking area is required equal to the floor area devoted to retail space and also provides a reduction in the parking requirement of 50% where there is large merchandise displayed. Using this standard without the option for a 50% reduction, there would be a total of 4.2 parking spaces required. (330 square feet of retail = 1 space, one service bay = 3 spaces and 60 square feet of office = .2 space for a total of 4.2 spaces).

Assuming that there are two employees at the business the existing parking would provide for two additional designated parking spaces for business patrons plus the availability of two shared spaces with the remainder of the building. Staff believes there is adequate parking available for the business proposed for the Special Use Permit.

STANDARDS FOR SPECIAL USE PERMIT (SECTION 4.05.010):

Listed below are the findings required by Section 4.05.010 of the Land Use & Development Code for approval of a Special Use Permit:

1. The proposed use is consistent with the provisions of this Chapter and with the Town's goals, policies and plans, and
2. The proposed use is compatible with existing and allowed uses surrounding or affected by the proposed use, and
3. Street improvements adequate to accommodate traffic volumes generated by the proposed use and provision of safe, convenient access to the use and adequate parking are either in place or will be constructed in conjunction with the proposed use, as approved by the Town, and
4. The special conditions for specific uses, as provided in this Section, are met.



FINDINGS FOR SPECIAL USE PERMIT:

Standard #1:

This property is located within an area designated as “Commercial” on the Future Land Use Map of the 2010 Eagle Area Community Plan (2010 EACP). Under the “Intent” of the “Commercial” land use designation, it states:

Provide opportunity for a broad variety of commercial uses important to the local and regional economy.

Under “Character” of the “Commercial” land use designation, it states:

Promote sustainable businesses that contribute to the diversification of the local economy.

In the “Economic Development and Sustainability” chapter of the 2010 EACP there are variety of recommended strategies that are listed. Some of the recommended strategies that are relevant to this application include:

Work to create more local jobs and additional outlets for goods and services.

In Staff’s opinion, the proposed Special Use Permit helps to facilitate the growth of a local business and therefore complies with many of the objectives of the 2010 EACP.

Standard #2:

Existing uses on this property and in neighborhood include:

- Construction Company Office
- Drywall Company Storage
- Masonry Company
- Metal Company
- Residential as a Special Use Permit above commercial
- The Thrifty Store
- Classic Car Storage Warehouse
- Public Works Building and Yard

It is staff’s opinion that the proposed Motosource Special Use Permit located in the middle of a Commercial General Zone District is generally compatible with existing and allowed uses in this part of Eagle.



Standard #3:

Street Improvements, Parking & Access: The Chambers Avenue is adequate to accommodate any additional traffic generated by this business.

As discussed above Staff believes that the parking provided is adequate to meet the needs of this business.

Standard #4:

Not Applicable.

STANDARDS FOR DESIGN VARIANCE:

Per Section 4.070.060 of the Land Use & Development a variance from the strict application of the requirements of Chapter 4.06 may be made based on the following findings:

1. There exists on the property in question exceptional topographical, soil, or other sub-surface condition, or other extraordinary conditions peculiar to the site, existing buildings, or lot configuration, such that strict application of the regulation from which the variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the applicant; OR
2. That the public good would be better served by granting the variance.

Staff believes that the 4.5 spaces provided for this business is adequate to serves the needs of this business and the public good would be better served by granting this variance.

STAFF RECOMMENDATION:

Staff recommends approval of file number SU16-05 based on compliance with Special Use Permit Standards 1, 2 and 3:

PLANNING & ZONING COMMISSION:

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

Travis Hyslop

Owner, Moto Source Colorado LLC

PO Box 2223

Vail, CO 81658

Town of Eagle

Planning and Zoning Department

PO Box 609 Eagle, Colorado

Dear Town of Eagle Planning Commission and Town Board:

The intent of this application for a special use permit at 1120 Chambers Ave unit #2 is to allow operation of a small motorcycle and power sports retail and repair shop. This will be a locally owned and operated motorcycle and power sports shop providing parts, accessories, service, repair, and low volume used bike/unit sales. We plan to provide service for on and off road motorcycles, ATV's, UTV's, and snowmobiles however our main focus and bulk of our business will be motorcycles.

The location specified in the application is the lower level of unit #2 at 1120 Chambers Ave. 330 sq. ft. will be utilized for retail space and house our selection of parts, bikes, clothing, and accessories. The repair space will consist 770 sq. ft. in the rear half of the building and will allow sufficient space for repair operations. The location includes a space of 250 sq. ft. immediately behind the unit in the rear driveway area for day storage of bikes. The unit also has 60 sq. ft. of office space and a 36 sq. ft. bathroom. There are 18 parking spaces on the property split between 4 units however parking is not assigned. The retail area, repair area, day storage behind unit, and parking are all outlined in red on our site plan.

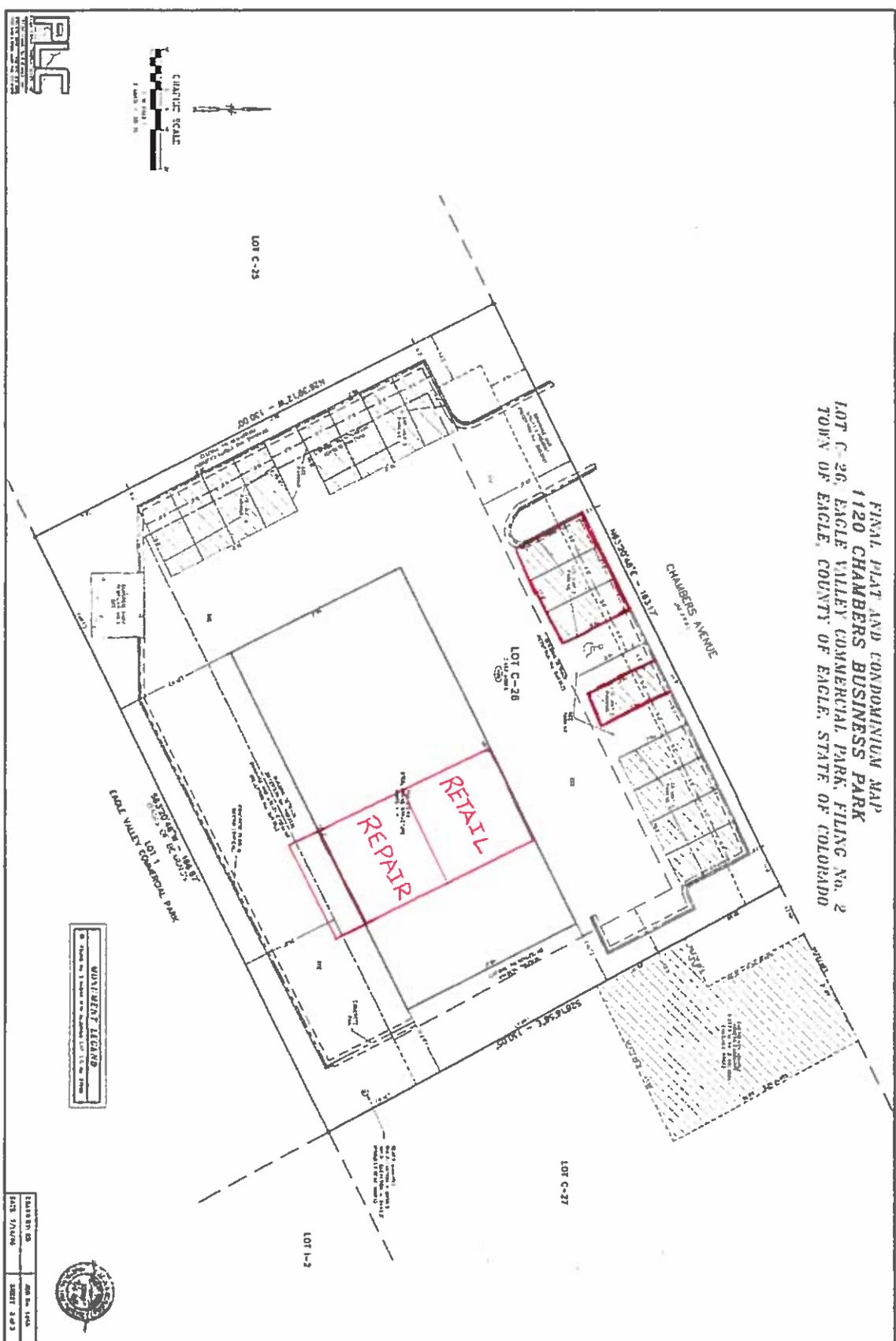
Our Scope of work will be small projects with quick turnaround of 2-3 units per day. All repair and service work will be performed within our 770 sq. ft. shop area. Any hazardous materials generated through repairs such as oil or cleaning solvents will be professionally removed from our location and properly disposed of. Units waiting for repair will be kept inside at night and within our storage area in the rear of the building during business hours. Testing of completed repairs can be performed in one of three places, in the rear of the building, on public roads when street legal and registered units allow, and at an appropriate offsite location when needed. Operating hours will be no earlier than 9am and no later than 7pm Tuesday-Saturday. Thank you for your time and consideration. If you would like any additional information, please feel free to contact me.

Sincerely,

Travis Hyslop

Owner, Moto Source Colorado LLC

FINAL PLAN AND CONDOMINIUM MAP
1120 CHAMBERS BUSINESS PARK
LOT C-26, EAGLE VALLEY COMMERCIAL PARK, FILING No. 2
TOWN OF EAGLE, COUNTY OF EAGLE, STATE OF COLORADO



Eagle County GIS Web Map



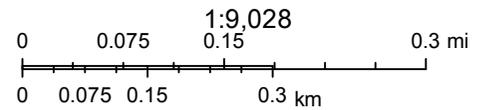
December 2, 2016

Points



Override 1

Parcels



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Eagle County GIS Web Map

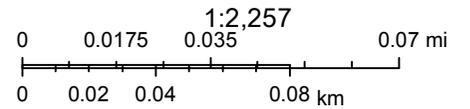


December 2, 2016

Lines

 Override 1

Parcels



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



CERTIFICATE OF RECOMMENDATION

TO: Planning and Zoning Commission
FROM: Department of Community Development
DATE: Thursday, December 1, 2016
PROJECT NAME: R&H Mechanical – Live/Work Special Use Permit
FILE NUMBER: SU16-06
APPLICANT: Sig Bjornson II, AIA
STAFF CONTACT: Morgan Landers, Assistant Town Planner

APPLICABLE SECTION(S) OF MUNICIPAL CODE:

Section 4.05 (Zoning Review)

EXHIBIT

- A. Aerial Photo
- B. Applicant Letter and Project Description
- C. Site Plan
- D. Architectural Renderings
- E. Shared Drive Drawings
- F. Traffic Memorandum

PUBLIC COMMENT: None received to date

REQUEST:

The applicant is requesting a Special Use Permit to allow for 24 live/work units on a 4-acre parcel zoned Commercial General (CG) in the Chambers Ave Commercial Area.

DISCUSSION:

R&H Mechanical is a locally owned and operated HVAC company that serves clients in Summit, Eagle, and Pitkin Counties from their Eagle location at 825 Chambers Ave. The business has outgrown their current space and in an effort has recently purchased a 4-acre vacant parcel further east at 1125 Chambers Ave. With this property, the applicant is planning to construct a new 15,000 square foot office/warehouse space for R&H mechanical on the northern portion of the property (abutting I-70 ROW) and 24 live/work units on the southern portion of the property fronting Chambers Ave. The applicant is excited about the opportunity to maintain a business presence in the Town of Eagle and also provide good housing options to the employees of R&H Mechanical and other hopeful residents.

The property is zoned Commercial General (CG) and falls in the Chambers Ave Commercial District. Office/Warehouse space is a use by right in the CG district. Live/work units are considered “Single Dwelling Units – Accessory to a use permitted” and require a Special Use Permit. The applicant intends to move forward with a Development Permit Application if an approval of the live/works units is obtained.

The live/work component of the project consists of six four-unit buildings with ground floor commercial and corresponding residential units above. The residential units are approximately 1,000 SF with two bedrooms. The current site plan shows two rows of three buildings with a horseshoe circulation drive which separates the office/warehouse and live/work units. This access configuration anticipates two curb cuts on Chambers Ave. on the eastern and western boundaries of the property. The eastern access point is planned to be a shared driveway with the new Tumbleweed project. The main access drive will be built to adequately accommodate one-way semi-truck circulation for the office/warehouse.

Anticipated uses for the commercial space include retail, office, light industrial, and possibly one restaurant/tavern. The current site plan shows an adequate amount of parking for the residential and commercial uses (including the office/warehouse). The total number of required parking is 184 spaces. The current site plan shows 200 spaces for an excess of 16 parking spaces.

A traffic memorandum was prepared for the project for this application. Initial findings of the traffic memo show no impact to Chambers Ave or the roundabout at the intersection of Chambers Ave and Eby Creek Rd. This initial evaluation included a conservative reduction factor in order to estimate the trips generated by the live/work units assuming that most of the residents are working on-site. A traffic study will be completed as part of the Development Permit Application in order to comply with Adequate Public Facilities requirements.

STANDARDS FOR SPECIAL USE PERMIT (SECTION 4.05.010)

The general requirements for a Special Use Permit as described in Section 4.05.010 of the Land Use and Development Code are:

1. The proposed use is consistent with the provisions of this Chapter and with the Town’s goals, policies and plans, and

2. The proposed use is compatible with existing and allowed uses surrounding or affected by the proposed use, and
3. Street improvements adequate to accommodate traffic volumes generated by the proposed use and in provision of safe, convenient access to the use and adequate parking are either in place or will be constructed in conjunction with the proposed use, as approved by the Town, and
4. The special conditions for specific uses, as provided in this Section, are met.

FINDINGS FOR SPECIAL USE PERMIT

Standard #1

The proposed project is consistent with the provisions of the Chapter. The property is zone Commercial General (CG) which allows for “Single Dwelling Units – Accessory to a use permitted” in Chapter 4.04.070 (Schedule of Uses Permitted in Non-Residential Zone Districts) as a Special Use.

The Eagle Area Community Plan (Plan) generally provides the goals, policies and plans for the Town. The Future Land Use Map designates the property as Commercial. The property also falls within the I-70 Influence Character Area. Two relevant Intent Statement listed for this area are:

1. Statements of Support:
 - a. Chapter 3: Land Use – Community Needs
 - i. Maintaining and appropriate and full spectrum of dwelling unit types and price points is very important in a fast growing and increasingly expensive community like Eagle.
 - b. Chapter 4: Future Land Use Map – Commercial
 - i. A limited number of live work arrangements may be appropriate, per zoning.
 - c. Chapter 5: I-70 Influence Character Area
 - i. Promote sustainable businesses that contribute to the diversification of the local economy.
2. Statements of Caution:
 - a. Chapter 5: I-70 Influence Character Area
 - i. While workforce housing may be found to be appropriate on upper levels of some buildings, residential development of any significance in these areas should be avoided.
 - ii. Until a sub-area plan for Chambers Avenue corridor is completed, minimize the inclusion of significant residential use in commercial and industrial areas located along Chambers Ave, Marmot Lane, Sawatch Road and Market Street.

Upon review of these statements, Staff supports retaining a long standing business in the Town and creating an opportunity for a unique housing product. Staff also supports the addition of small commercial spaces to support the goal of promoting sustainable businesses that contribute to the diversity of our local economy. The Eagle Area Community Plan identifies a mix of commercial with residential uses in the East Eagle Mixed Use Area of the Future Land Use Map. This project, as well as others recently approved and constructed will assist in the integration of that vision.

Standard #2

The subject property is bordered by vacant property to the east, the United Rentals office/warehouse and outdoor storage. Across Chambers Ave from the property are a variety of low intensity commercial, retail, and office space including the Thrifty Shop, the home brew store, small self-storage properties, Copy Plus, and municipal buildings for the Town and County. The property is also directly across the street from the trail access that takes users under the railroad and connects with the system along Nogal Rd or

Hwy 6. Staff supports the live/work units as a compatible product for this area of Chambers Ave. The mix of potential commercial users will complement the current mix of uses on this end of Chambers Ave.

Standard #3

Street Improvements and Access

Initial traffic analysis indicates that additional traffic from the project will not require major street improvements to Chambers Ave or the roundabout at Chambers Ave and Eby Creek Rd. During the Development Permit phase of the project, a further analysis will be conducted and any necessary improvements will be identified and planned for in the project. The project currently shows curb, gutter, and landscape improvements to the front of the property along Chambers in addition to the two new curb cuts for site access.

The project has designed adequate access onto the property from Chambers Ave for standard traffic, semi-truck traffic, and emergency vehicle traffic with the horseshoe main access drive. The project also has a mid-drive that provides internal circulation for standard traffic and emergency vehicle traffic.

Parking

Parking calculations for the anticipated uses require a total of 184 parking spaces for the entire project (including the office/warehouse space). This calculation utilizes the provision in the Parking Standards for a ratio of 1 space per 225 square feet if the uses of commercial space is unknown. The current site plan shows 200 parking spaces which is adequate for the project.

Standard #4

The special conditions outlined in this chapter do not apply to the proposed project.

STAFF RECOMMENDATION:

- A. Staff recommends approval of the Special Use Permit for the R&H Mechanical project on Chambers Ave.

PLANNING & ZONING COMMISSION

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

Eagle County GIS Web Map

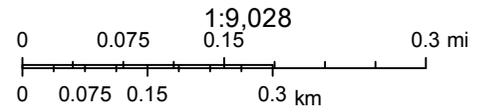


December 2, 2016

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Eagle County GIS Web Map

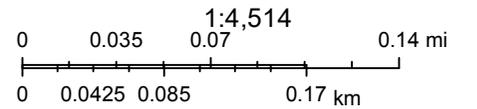


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RH Mechanical
825 Chambers Ave,
Eagle, CO 81631

Town of Eagle - Planning Department
200 Broadway
P.O. Box 609
Eagle, CO 81631

Tom Boni:

The intent of this letter is to address the management and ownership of the 48 "Chambers Work|Live" condominiums and 1 "R&H Mechanical" condominium development located on Lot C12, Westerly 001115 Chambers Avenue. Foremost - the ownership and the goal of this development is to maintain its ownership under one Limited Liability Corporation (LLC). Additionally, the Limited Liability Corporation will also manage the entire development. The management responsibility will include leasing of the all residential and commercial units, maintenance of all roads, parking lots, exterior building repairs, and landscaping.

We have considered multiple locations for our business headquarters but truly would like to keep our home base in Eagle. The "Live" units considered in this Special Use Permit application will provide a very valuable opportunity to our employee's and well as the Town of Eagle and Vail Valley workforce.

Regards,

David Young
RH Mechanical

STANDARDS FOR SPECIAL USE PERMIT (SECTION 4.05.010):

1. The proposed use is consistent with the provisions of this Chapter and with the Town’s goals, policies, and plans, and
2. The proposed use is compatible with existing and allowed uses surrounding or affected by the proposed use, and
3. Street improvements adequate to accommodate traffic volumes generated by the proposed use and provision of safe convenient access to the use and adequate parking are either in place or will be constructed in conjunction with the proposed use, as approved by the Town, and
4. The special conditions for specific uses, as provided in this Section, are met.

SUPPORTING EVIDENCE:

1. Chapter 4.04 – Zoning of the Land Use & Development Code permits “One Single Dwelling Unit – Accessory to a use permitted” as a Special Use within the Commercial General (CG) Zone District.

2010 Eagle Area Community Plan (2010 EACP) designates this area as “Commercial”, as such, “a limited number of live work arrangements may be appropriate, per zoning”.

The I-70 Influence Character Area states, “. . . while workforce housing may be found to be appropriate on upper levels of some buildings, residential development of any significance in these areas should be avoided”.

The “Housing” chapter indicates, “. . . high housing costs create problems for area employers.” And also states, “Promote increased residential densities in mixed use commercial residential areas”.

The proposed Chambers Work|Live project is comprised of 7 buildings totaling 64,932sf.

| | |
|---|-----------------|
| R&H Mechanical Office/Warehouse | 15,011sf |
| <u>Work Live: Lower Commercial (24 units)</u> | <u>23,712sf</u> |
| TOTAL COMMERCIAL = | 38,723sf (60%) |
| Work Live: Upper Residential (24 units) | 26,209sf (40%) |

In the years since the 2010 EACP workforce housing has not only become more expensive but there is an acute shortage of units available, either for rent or for sale. This condition exists throughout the Eagle River/Vail Valley corridor.

2. The existing "neighborhood" consists of a mixed variety of commercial, retail, small industrial, governmental, and restaurant uses. The Chambers corridor is becoming more active with walking traffic with links to the Eby Creek/Chambers hub and access across I-70. Within the proposed project the lower level Work component is targeting 30% retail, 20% restaurant/tavern, 25% office, and 25% light industrial. The proposed "R&H Mechanical" building provides a screen to the North from I-70 and the buildings are designed as such to promote a healthy living environment on the upper levels.
3. The design and configuration of the existing Chambers Avenue is adequate to handle the proposed uses. We are proposing 2 curb cuts – 1 as a "Main Entrance" and the other as a "Truck Access" to provide a complete semi-truck circuit as well as multiple access drives to the internal drive system.

We are also pursuing an agreement with the adjacent "Tumbleweeds" property to shared a common drive/access on the East drive.

Parking:

| | |
|---------------------------|-------------------------|
| REQUIRED On-Site Parking: | 184 spaces with 6 H/C's |
| PROVIDED On-Site Parking: | 206 spaces with 8 H/C's |

4. Not applicable.

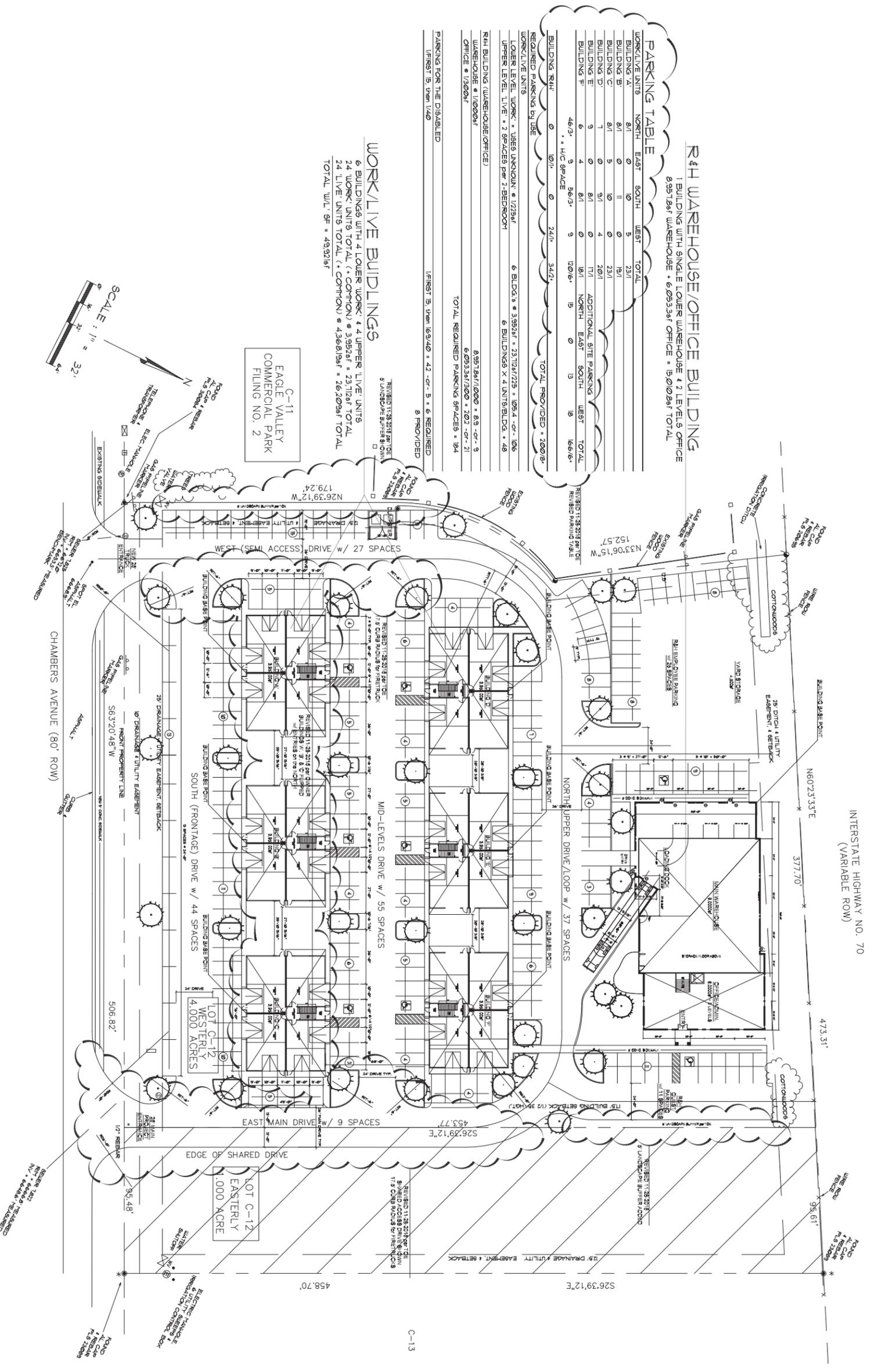


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R&H MECH. + WORK | LIVE
 FOR DAVE YOUNG & MATHEW BERRY
 EAGLE VALLEY COMMERCIAL PARK, FILING NO. 3
 LOT C-12, WESTERLY
 CHAMBERS AVENUE
 EAGLE, COLORADO 81631

| ISSUE DATE/REVISIONS |
|----------------------------|
| 9-28-2016 CONCEPT PLAN |
| 10-19-2016 TOE SUP |
| REVISED 11-28-2016 TOE SUP |

GENERAL SITE PLAN
 SHEET
SP1.1



R&H WAREHOUSE/OFFICE BUILDING
 1 BUILDING WITH SINGLE LOWER WAREHOUSE & 2 LEVELS OFFICE
 6,397,126sf WAREHOUSE + 6,053,341sf OFFICE = 12,450,467sf TOTAL

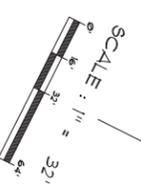
PARKING TABLE

| WORK/LIVE UNITS | NORTH | EAST | SOUTH | WEST | TOTAL |
|-----------------|----------|----------|-----------|----------|-----------|
| BUILDING A | 0 | 0 | 10 | 5 | 23/1 |
| BUILDING B | 0 | 0 | 11 | 0 | 19/1 |
| BUILDING C | 0 | 0 | 10 | 0 | 23/1 |
| BUILDING D | 1 | 0 | 0 | 0 | 20/1 |
| BUILDING E | 0 | 0 | 0 | 0 | 0 |
| BUILDING F | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 1 | 0 | 21 | 5 | 27 |

REQUIRED PARKING BY USE

| WORK/LIVE UNITS | REQUIREMENTS | TOTAL |
|--------------------------------------|--|---------------|
| LOWER LEVEL WORK | 6 BLDGS * 3,952sf = 23,712sf/275 = 109.4 - 0.7 - 10% | 23,712sf |
| UPPER LEVEL LIVE | 6 BLDGS X 4 UNITS/BLDG. = 48 | 48 |
| R&H BUILDING (WAREHOUSE/OFFICE) | 6,397,126sf/1,000 = 6,397 - 0.7 - 5 | 6,397 |
| WAREHOUSE | 6,053,341sf/200 = 30,267 - 0.7 - 21 | 30,267 |
| OFFICE | 1/200sf | 184 |
| TOTAL REQUIRED PARKING SPACES | | 54,408 |

WORK/LIVE BUILDINGS
 6 BUILDINGS WITH 4 LOWER WORK + 4 UPPER LIVE UNITS
 24 WORK UNITS TOTAL (+COMMON) = 3,952sf = 23,712sf TOTAL
 24 LIVE UNITS TOTAL (+COMMON) = 43,681.9sf = 28,209.9sf TOTAL
 TOTAL W/L SF = 49,927.8sf

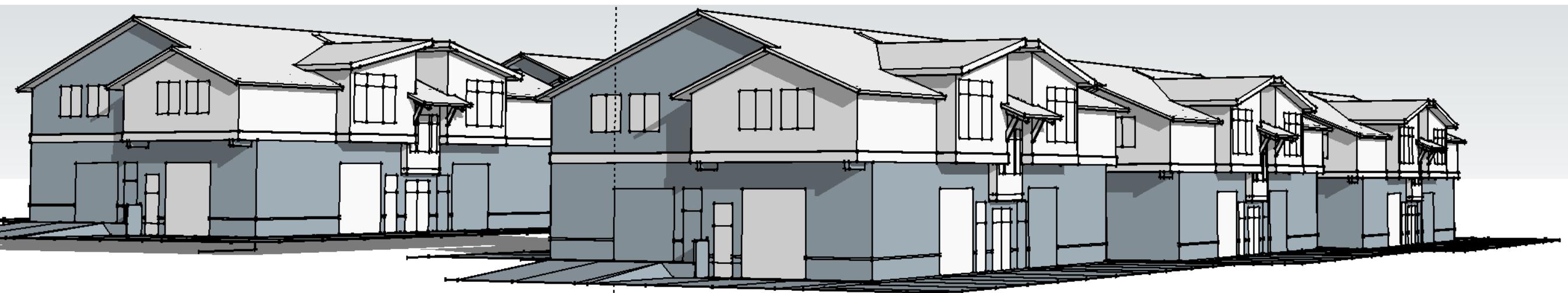


GENERAL SITE PLAN
 SCALE: 1/32"=1'-0"

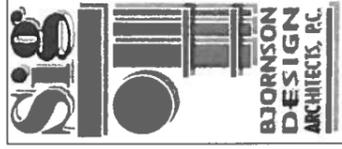












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 sbj@velli.net

STAMP

PROJECT

R&H MECH. + WORKLIVE
 FOR DAVE YOUNG & MATHEW BERRY
 EAGLE VALLEY COMMERCIAL PARK, FILING NO. 3
 LOT C-12, WESTERLY
 7777 CHAMBERS AVENUE
 EAGLE, COLORADO 81631

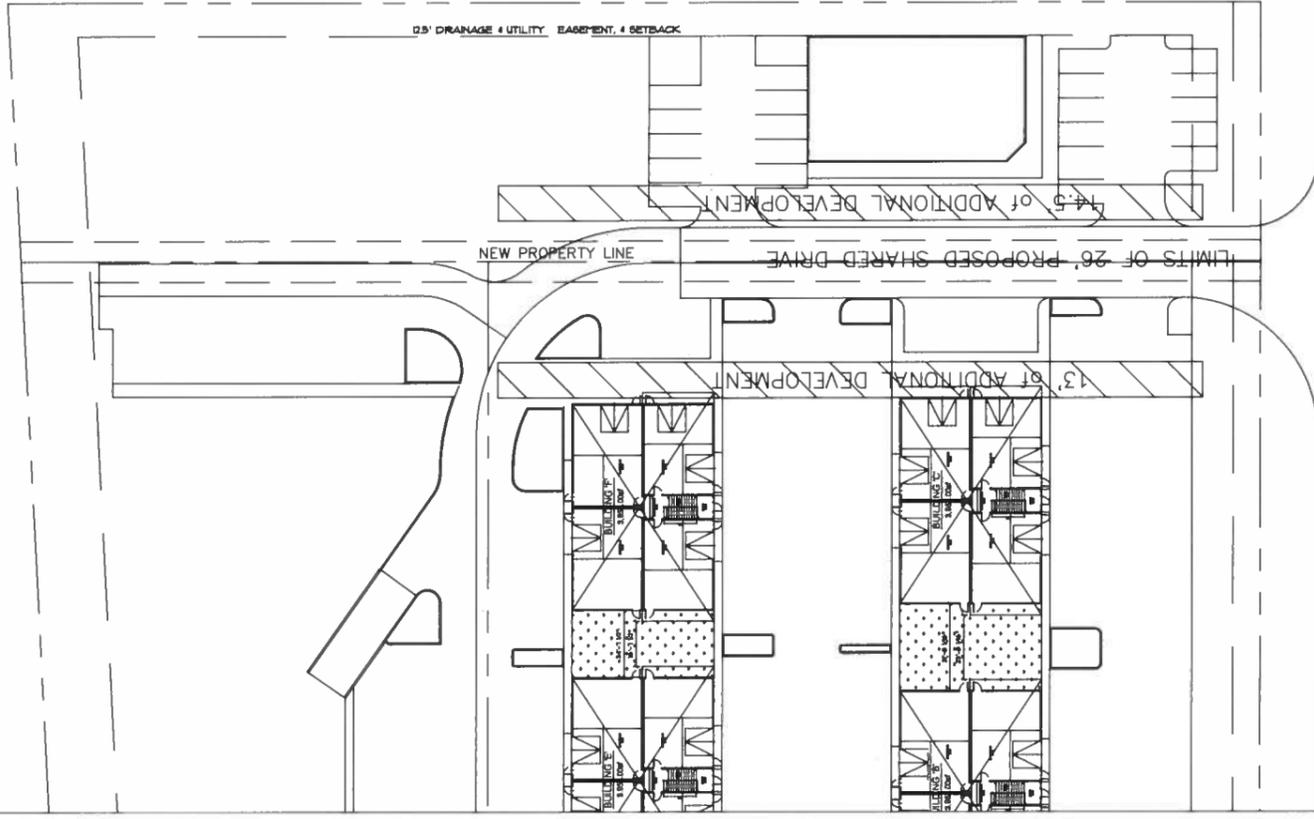
| ISSUE DATE/REVISIONS |
|------------------------|
| 9-28-2016 CONCEPT PLAN |
| 10-19-2016 TOE SUP |

PLAN

EXISTING
 & SHARED
 DRIVE
 OPTIONS

SHEET

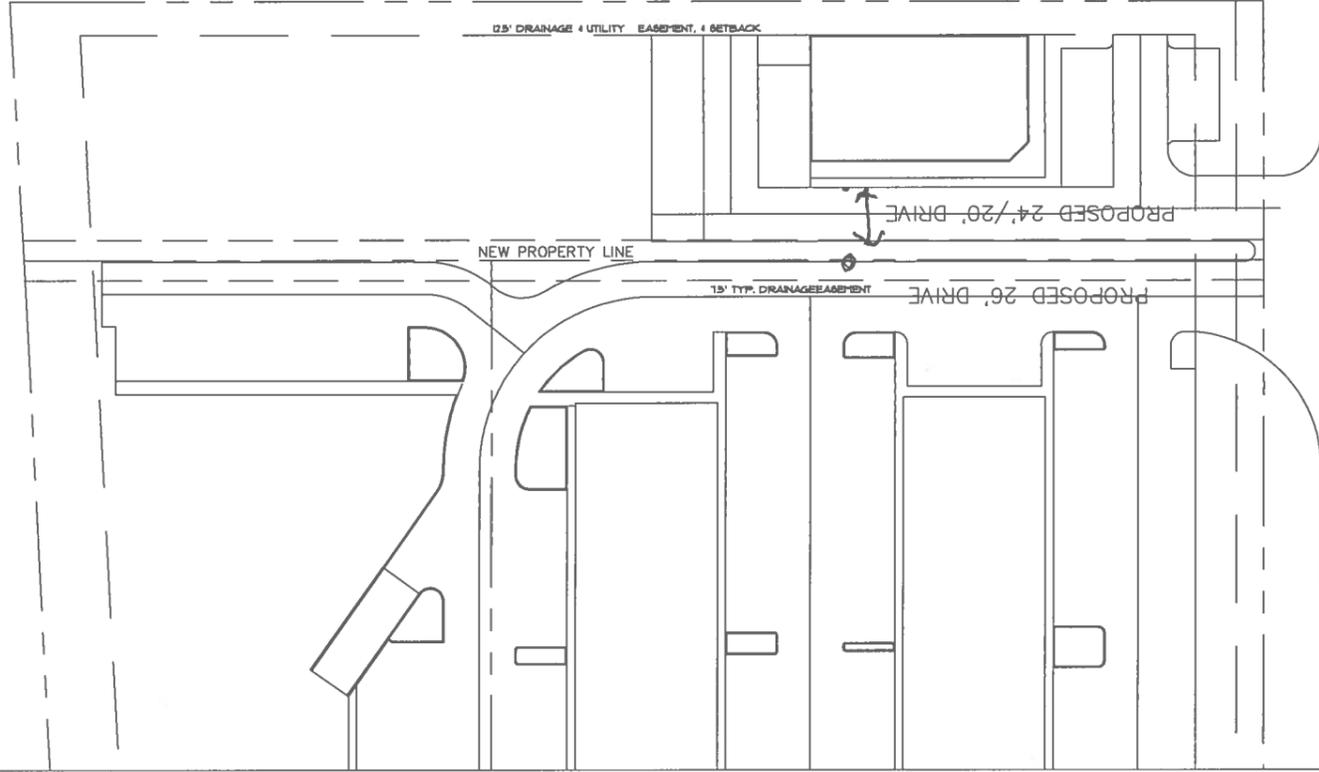
SP1.3



PROPOSED SHARED DIRVE



SCALE: 1/32"=1'-0"



EXISTING DRIVES



SCALE: 1/32"=1'-0"

Traffic Memorandum

To: **Town of Eagle**
Attn. Tom Boni
200 Broadway
P.O. Box 609
Eagle, CO 81631

From: Kari J. McDowell Schroeder, PE, PTOE

Date: November 25, 2016

Re: **R & H Mechanical Live-Work Trip Generation Analysis**
Eagle, Colorado

Project Background:

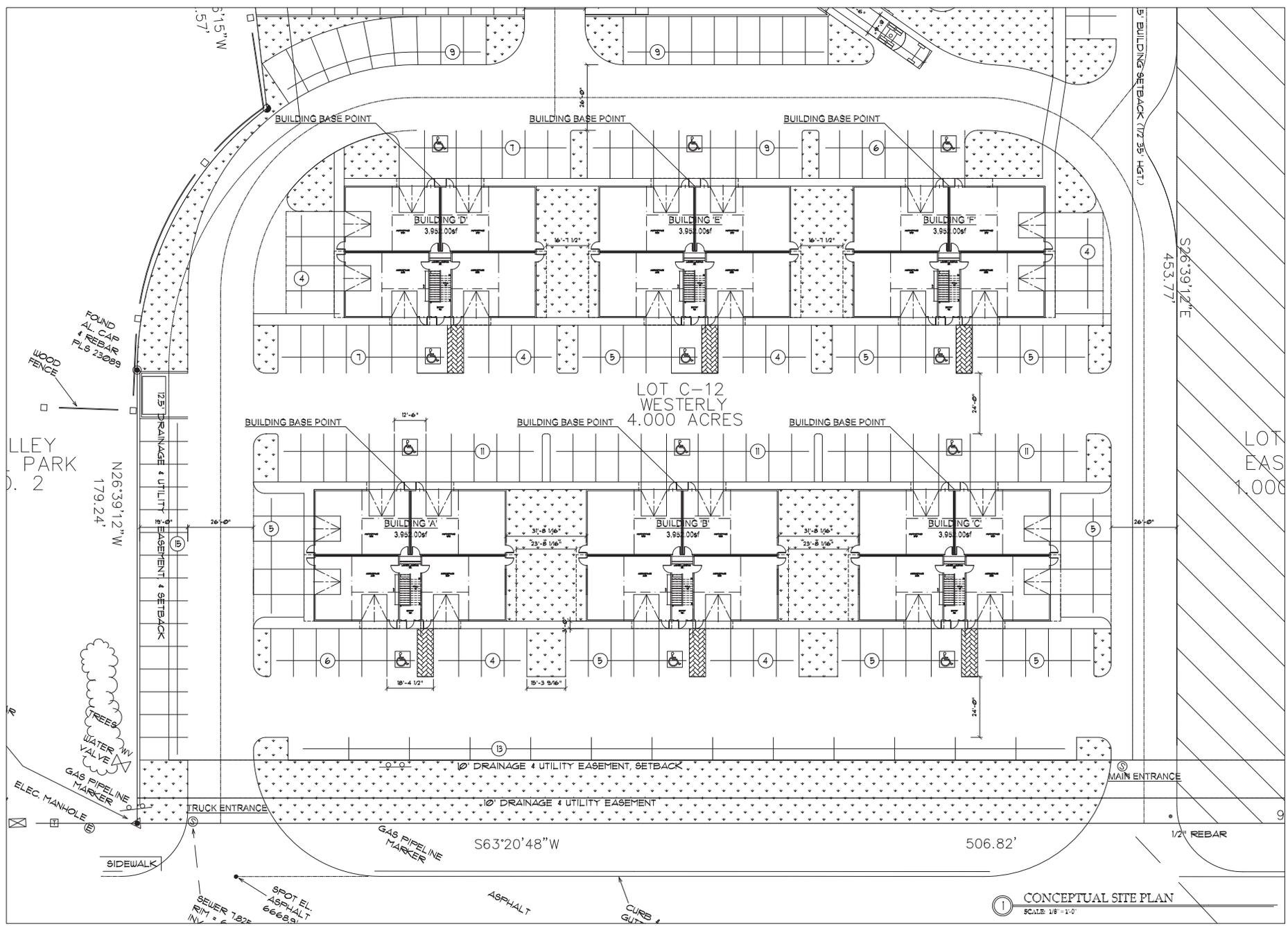
The applicant is proposing a new live-work campus on Chambers Avenue. The unaddressed site is Lot C-12A of the Eagle Valley Commercial Park, Filing Number 3. Refer to Figure 1 for a location map. The live-work development will house a total of 23,700sf of 'work' space on the first floor and 24 apartments on the second floor. The work space may include office space, light industrial uses, and a restaurant. Specific tenants are unknown at this time. Therefore, this trip generation analysis makes assumptions on the types of uses in the 'work' space. Live-work units are intended designed for artists, craftsmen, and hobbyists that live and work in the same building.

R & H Mechanical will be relocating their current facility at 825 Chambers Avenue to a new building behind the live-work campus. The new R & H Mechanical building is proposed to have 6,000sf of office and 9,000sf of warehouse area. The 4,500sf land on the northwest corner of the lot will serve as storage for R & H Mechanical's equipment. Refer to the **Site Plan** in **Figure 2**.

Figure 1 – Location Map



Figure 2A



① CONCEPTUAL SITE PLAN
SCALE: 1/8" = 1'-0"



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970-380-3559 CELLULAR
sig@sig.net

STAMP

PROJECT
R&M MECH. + LIVE | WORK
FOR DAVE YOUNG & MATTHEW BERRY
EAGLE VALLEY COMMERCIAL PARK, PHASE NO. 3
LOT C-12, WESTERY
1.000 ACRES
EAGLE, COLORADO 81631

| ISSUE DATE/REVISIONS |
|------------------------|
| 9-28-2016 CONCEPT PLAN |

PLAN
LIVE/WORK (SOUTH)
CONCEPT PLAN
SHEET

C1

Existing Land Use:

The site is currently vacant. Therefore, the site is not currently generating traffic.

Proposed Land Use and Trip Generation:

The anticipated traffic generation for this project was calculated using the Institute of Transportation Engineers' (ITE's) 9th Edition of the *Trip Generation Manual*. The national standards rates were applied to the size/number of each use to determine the average weekday and morning/evening peak hour traffic volumes. The trip generation calculations are attached in **Table 1**.

Live-work units are intended designed for artists, craftsmen, and hobbyists that live and work in the same building. As such, an internal trip reduction factor was applied to the live-work units per Chapter 7 of ITE's *Trip Generation Handbook*. ITE does not address live-work developments. Therefore, a conservative ten percent reduction was applied to the residential to/from office scenario.

The site is anticipated to generate 702 vehicle trips per day. This includes 77 trips during the morning peak hour and 83 trips during the evening peak hour.

Chambers Avenue Impacts:

The proposed site can be expected to add an average of one new vehicle trip every 47 seconds during the morning peak hour and every 43 seconds during the evening peak hour. Chambers Avenue and the roundabout at the intersection of Chambers Avenue and Eby Creek Road should have adequate capacity to carry this additional traffic.

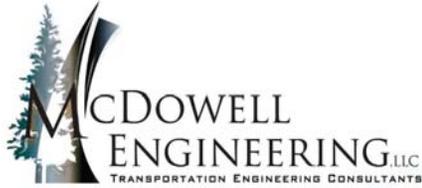
Per the Town's *Assurance of Adequate Facilities* requirements in Section 4.14 of the *Land Use and Development Code*, this site will require an intermediate level Traffic Impact Study. The Town has requested that this study collect traffic data at the Chambers Avenue and Eby Creek Road roundabout. This information will be used to determine any operational impacts at the roundabout.

McDowell Engineering is looking forward providing necessary analysis, forecasts, and engineering recommendations for the Town's entitlement process. Please call if you would like any additional information or have any questions regarding this matter.

Sincerely,
McDowell Engineering, LLC



Kari J. McDowell Schroeder, PE, PTOE
Traffic Engineer



Project Number: M1256
 Prepared By: KJS
 Date: 11/25/2016
 Revised:

Table 1 - Project Trip Generation
R & H Mechanical Live-Work
Eagle, Colorado
Estimated Project-Generated Traffic¹

| ITE Code | Units | Trip Generation Rates | | | Average Weekday Trips (vpd) | Morning Peak Hour | | | | Evening Peak Hour | | | |
|--|----------|-----------------------|--------------|--------------|-----------------------------|-------------------|-------------|----------|-------------|-------------------|-------------|----------|-------------|
| | | AM Peak Hour | PM Peak Hour | Avg. Weekday | | Inbound | | Outbound | | Inbound | | Outbound | |
| | | | | | | % Trips | Trips (vph) | % Trips | Trips (vph) | % Trips | Trips (vph) | % Trips | Trips (vph) |
| Proposed Live-Work Buildings | | | | | | | | | | | | | |
| #220 Apartment | 24 du | 0.55 | 0.67 | 6.65 | 160 | 29% | 4 | 71% | 9 | 61% | 10 | 39% | 7 |
| #710 General Office Building | 6.0 ksf | 1.56 | 1.49 | 11.03 | 67 | 88% | 8 | 12% | 1 | 17% | 2 | 83% | 8 |
| #110 General Light Industrial | 15.7 ksf | 1.01 | 1.08 | 6.97 | 110 | 90% | 14 | 10% | 2 | 14% | 3 | 86% | 15 |
| #932 High-Turnover (Sit-Down) Restaurant | 2.0 ksf | 11.52 | 11.15 | 127.15 | 255 | 61% | 14 | 39% | 9 | 44% | 10 | 56% | 13 |
| Subtotal | 47.7 ksf | | | | 592 | | 40 | | 21 | | 25 | | 43 |
| Live-Work Internal Trip Reduction ² | | | | | -100 | | -4 | | -4 | | -5 | | -5 |
| Subtotal Live-Work Buildings | | | | | 492 | | 36 | | 17 | | 20 | | 38 |
| Proposed R & H Mechanical Building | | | | | | | | | | | | | |
| #710 General Office Building | 6.0 ksf | 1.56 | 1.49 | 11.03 | 67 | 88% | 9 | 12% | 2 | 17% | 2 | 83% | 8 |
| #150 Warehousing | 9.0 ksf | 0.42 | 0.45 | 3.56 | 32 | 65% | 2 | 35% | 1 | 19% | 1 | 81% | 3 |
| #151 Mini-Warehouse (Yard Storage) | 4.5 ksf | 0.28 | 0.29 | 2.50 | 11 | 48% | 1 | 52% | 1 | 53% | 1 | 47% | 1 |
| Subtotal | 19.5 ksf | | | | 110 | | 12 | | 4 | | 3 | | 12 |
| Total Proposed Trips | | | | | 702 | | 52 | | 25 | | 28 | | 55 |

¹ Values obtained from *Trip Generation, 9th Edition*, Institute of Transportation Engineers, 2012.

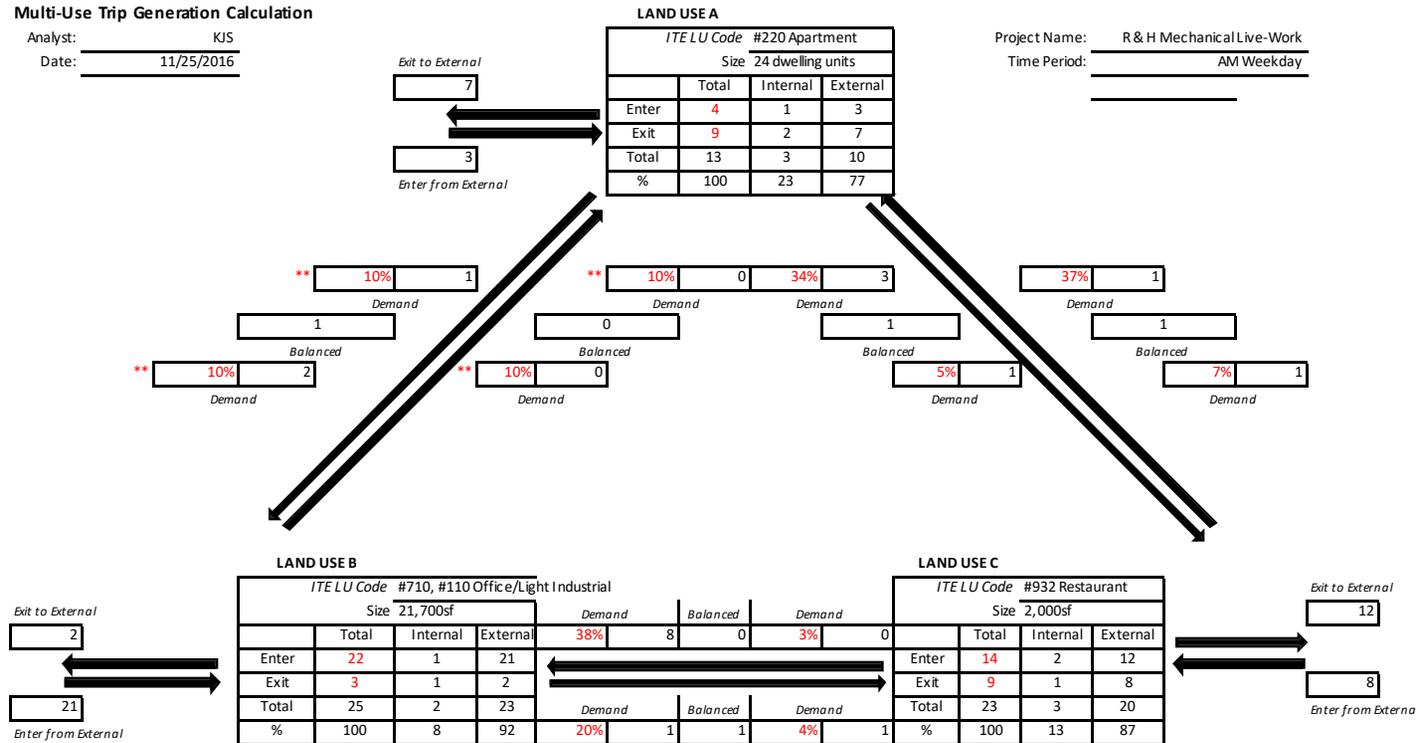
² Refer to *Multi-Use Trip Generation Calculation* spreadsheets.

ksf = 1,000 square feet

Multi-Use Trip Generation Calculation

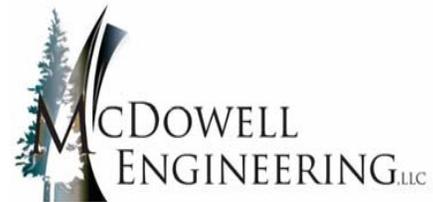
Analyst: KJS
Date: 11/25/2016

Project Name: R & H Mechanical Live-Work
Time Period: AM Weekday



** ITE does not have address live-work developments. Therefore, a conservative 10% residential - office reduction was assumed.

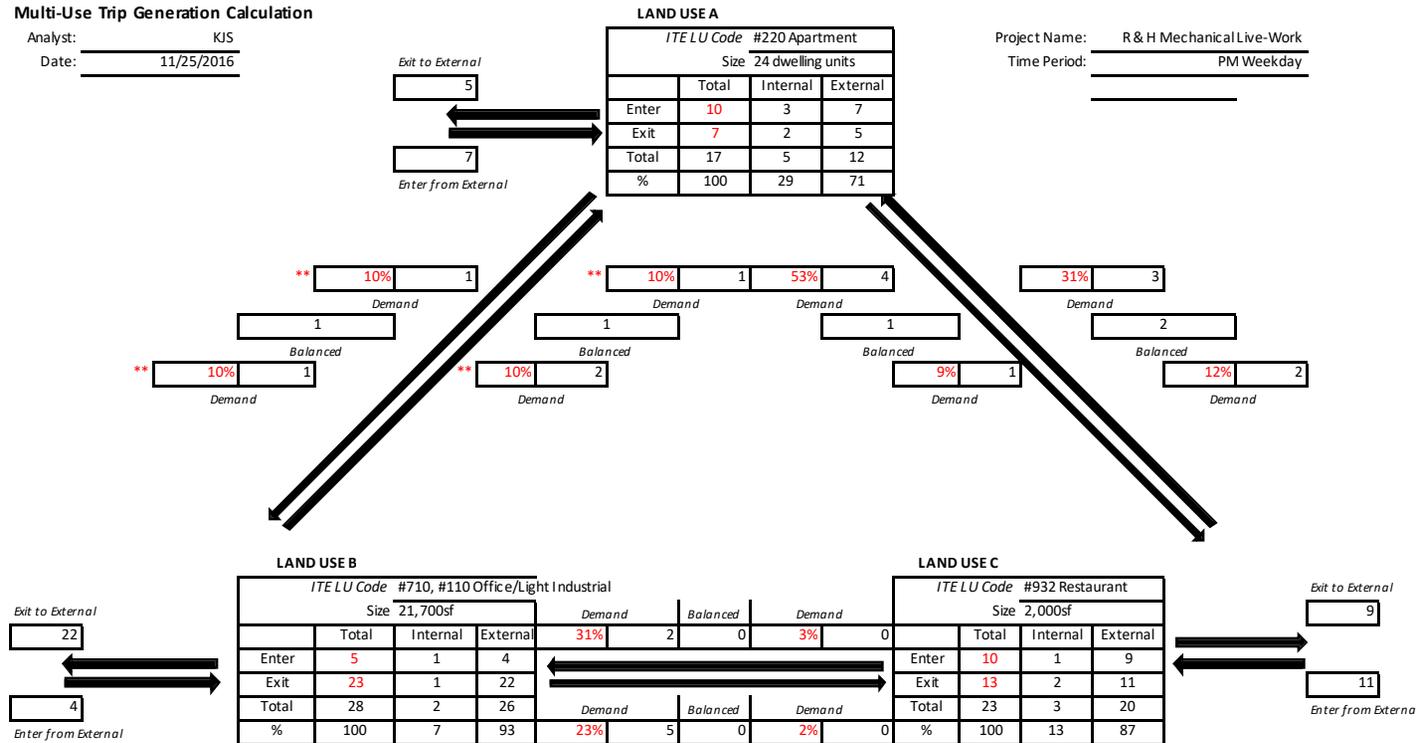
| Net External Trips for multi-Use Development | | | | |
|--|--------|--------|--------|-------|
| | LAND A | LAND B | LAND C | Total |
| Enter | 3 | 21 | 8 | 32 |
| Exit | 7 | 2 | 12 | 21 |
| Total | 10 | 23 | 20 | 53 |
| Single Use Trip Gen. | 13 | 25 | 23 | 61 |



Multi-Use Trip Generation Calculation

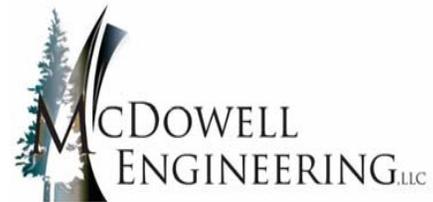
Analyst: KJS
 Date: 11/25/2016

Project Name: R & H Mechanical Live-Work
 Time Period: PM Weekday



** ITE does not have address live-work developments. Therefore, a conservative 10% residential - office reduction was assumed.

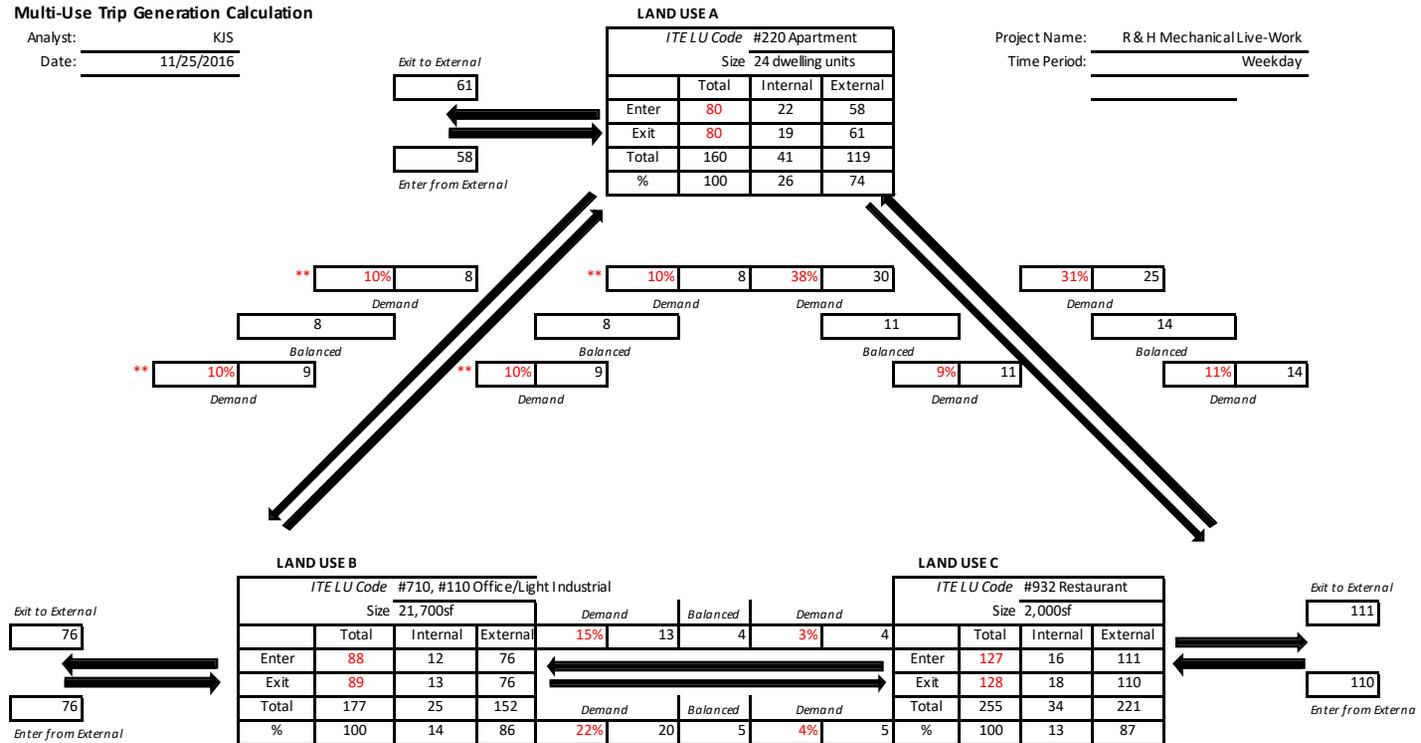
| | LAND A | LAND B | LAND C | Total |
|----------------------|--------|--------|--------|-------|
| Enter | 7 | 4 | 11 | 22 |
| Exit | 5 | 22 | 9 | 36 |
| Total | 12 | 26 | 20 | 58 |
| Single Use Trip Gen. | 17 | 28 | 23 | 68 |



Multi-Use Trip Generation Calculation

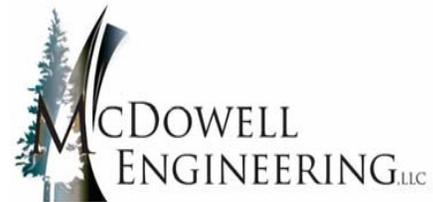
Analyst: KJS
Date: 11/25/2016

Project Name: R & H Mechanical Live-Work
Time Period: Weekday



** ITE does not have address live-work developments. Therefore, a conservative 10% residential - office reduction was assumed.

| Net External Trips for multi-Use Development | | | | |
|--|--------|--------|--------|-------|
| | LAND A | LAND B | LAND C | Total |
| Enter | 58 | 76 | 110 | 244 |
| Exit | 61 | 76 | 111 | 248 |
| Total | 119 | 152 | 221 | 492 |
| Single Use Trip Gen. | 160 | 177 | 255 | 592 |





CERTIFICATE OF RECOMMENDATION

TO: Planning and Zoning Commission

FROM: Community Development Department

DATE: December 6, 2016

PROJECT NAME: Land Use and Development Code Text Change: Public Notice, Municipal and Park Land Dedication, & Adequate Public Facilities

FILE NUMBER: LURA16-02

APPLICANT: Town of Eagle

LOCATION: N/A

APPLICABLE SECTION(S) OF MUNICIPAL CODE: Section 4.03.060, 4.13.160, 4.14.080 and 4.05.040.

EXHIBITS: Proposed Revisions to above referenced the Land Use and Development Code

STAFF CONTACT: Tom Boni, Town Planner

REQUEST: Clarification to the application of the Municipal and Parkland Dedication Requirement and revisions to Adequate Public Facilities Chapter including how we calculated existing demand capacity of our public facilities.

INTRODUCTION:

At our last meeting on this application, the Planning and Zoning Commission approved revisions related to Chapter 4.03.060 and continued the proposed revisions to 4.13.160 and 4.14.080.

The Planning Commission discussed what projects would be subject to the Municipal and Park Land Dedication Requirements and how this land dedication is calculated.

In a similar fashion the Commission discussed how to revise the APF Regulations in a manner that addressed the basic direction of allowing more flexibility in the determination of existing demand on the facility.

The Commission continued these discussions and directed staff to make revisions to the code that reflected the direction provided. Commissioner Harrison volunteered to assist the Town in this effort.

DISCUSSION:

Jamie, Morgan and I met to review and revise code based on the comments we had received with effort to clarify and make more user friendly. Please see attached revisions to Section 4.13.160 and 4.14.080.

COMPLIANCE/NONCOMPLIANCE WITH LAND USE & DEVELOPMENT CODE:

The Town Board may alter the recommendation of the Planning and Zoning Commission and may amend any regulation contained in the Land Use and Development Code. Amendments may be made upon a finding that the amendment is consistent with the Town's goals, policies and plans.

As referenced above, one of the action items in the 2010 Eagle Area Community Plan (Plan) is revise the Land Use and Development Code and ensure that it is as straight forward and user friendly as possible.

These revisions respond directly to this Policy.

STAFF RECOMMENDATION:

Recommend that we review and discuss these two Chapter revisions in detail at this hearing.

The Town Board will not be reviewing these revisions until their meeting on January 10, so the Planning and Zoning Commission could direct staff to make further revisions and take action at their hearing on January 3, if this additional time was helpful.

4.03.060

PUBLIC NOTICE

A. For every public hearing required by this Title, the Town shall notify the public of the date, time and place of such hearing by:

1. Publication once in a newspaper published within the Town, prior to the hearing by a minimum of the number of days set forth below; and
2. Delivering notice by first class mail, ~~except Subdivision review which shall be by certified mail,~~ to those landowners entitled to such notice, as set forth below; and
3. Posting notice at the Eagle Town Office, 200 Broadway, Eagle at least five days prior to the hearing.

| <u>REVIEW</u> | <u>MAIL NOTICE TO OWNERS OF</u> | <u>PUBLICATION/MAILING DEADLINE</u> |
|---|---|-------------------------------------|
| Subdivision | Subject land and minerals (& lessees), adjacent land* | 5 days prior |
| Zoning Variance | Adjacent land | 5 days prior |
| Special Use | Land within 250' * | 5 days prior |
| Rezoning, Zoning Amendment | Land within 250' * | 15 days prior |
| PUD Zoning Plan | Land within 250' * | 15 days prior |
| Development Permit (minor) | Adjacent land | 5 days prior |
| Development Permit (major) | Land within 250' * | 5 days prior |
| <u>PUD Amendment</u> | <u>All property owners in PUD</u> | <u>15 days prior</u> |
| Site Specific Development Plan (other than those specified above) | Land with 250' * | 5 days prior |

* In determining owners of adjacent land or owners of land within 250' public and private rights-of-way shall not be considered.

B. The applicant shall be responsible for the accuracy of the list of names and addresses of owners as they appear in the records of the Eagle County Clerk and Recorder.

C. When a proposed amendment to the zone district regulations pertains to an entire zone district or all zone districts, notice shall be given pursuant to A.1 and A.3 above.

D. Major Activity Notice

When a subdivision or commercial or industrial activity is proposed which will cover five or more acres of land, the Town of Eagle shall send notice to ~~the Colorado land use commission,~~ the state geologist, and the Board of County Commissioners of the proposal prior to approval of any zoning change, development permit, subdivision or building permit application associated with such a proposed activity.

Amended 06/02/91
Amended 11/21/93
Amended 04/16/95

MUNICIPAL AND PARK LAND DEDICATION.

~~Every development and~~ Unless otherwise provided in this paragraph every subdivision shall include either: (a) a dedication of land to the Town, Recreation District, or other entity, as determined by the Town Board, to be used for parks and recreation or for municipal functions requiring land,; or (b) payment of a park and municipal land fee, in an amount as provided ~~herein, at~~ this chapter. The following are exempt from this requirement: all subdivisions within the time of approval of areas designated “Town Center” and “West Eagle Mixed Use” on the final plat, issuance of a development permit, or issuance of a building permit whichever may first occur. Every subdivision and development which increases Future Land Use Map of the number of dwelling units or the acreage of non-residential land above that approved as of the effective date of this Title shall make the additional dedication or fee payment based upon the increased number of units or acreage, as provided herein, at the time of approval of the final plat, issuance of a development permit, or issuance of a building permit whichever may first occur. 2010 Eagle Area Community Plan.

A. Description.

1. Dedicated land may include flood plain lands, national and state historical or natural features, and proposed public areas set aside in state, regional, county or Town plans. Dedicated park land shall not include sites for technical, private or public schools, sites for service organizations which are not open to the general public, and sites unsuitable for public use due to steep slopes, rock formations, adverse topography, utility easements, or other features which may be harmful to health and safety.
2. A minimum of eighty (80) percent of land dedicated shall have a slope of ten (10) percent or less and shall lend itself to utilization for municipal and public recreation purposes, including but not limited to the following: playing fields, tennis courts, picnic sites, trails, boating areas, maintenance buildings, and offices.
3. Wherever a development proposal includes any part of a pedestrian, bicycle, equestrian or skiing trail designated by the Town in its plans, a public easement shall be dedicated in compliance with the plan, and such easement may be included in the required park land dedication.
4. Adequate water rights dedication must be provided for all municipal and park land dedication, pursuant to Title 12.
5. The Town, at its sole discretion, may elect to use the land dedication for any municipal function which it deems necessary. Such use shall be compatible with surrounding uses.

B. Amount.

Park and municipal land shall be dedicated in the ratio of 0.012 acres per resident of the proposed development, to be computed as follows:

1. 3.5 residents per single-family dwelling unit.
2. 3.0 residents per two-family dwelling unit.
3. 2.5 residents per multi-family dwelling unit or mobile home.

For commercial or industrial uses, eight percent of the total gross area shall be dedicated for park lands.

C. Private Recreation Facilities.

The total acreage required ~~to be~~ dedicated for park and municipal lands as calculated above may be reduced by up to fifty percent in exchange for provision of private recreation facilities in the development, if the Town Board finds all of the following:

1. The private recreation facilities will fulfill a major portion of the recreational demands of the residents or employees of the proposed development;
2. The private recreation facilities will be completed at the same time as or prior to the housing or non-residential facilities in the development;
3. ~~The~~ There exists a mechanism to ensure the continued private ~~recreation~~ maintenance of the facilities ~~will be maintained as such for a minimum period of ten years;~~ and
4. Adequate water rights dedication and tap fee payment pursuant to Title 12 and irrigation system development will be provided for private recreation facilities. For irrigation systems using treated water, tap fees shall be paid and water rights conveyed to the Town. Irrigation system development shall be conveyed to the entity responsible for the ongoing maintenance of the private recreation facilities. For irrigation systems using raw water, water rights and irrigation system development shall be conveyed to the entity responsible for the ongoing maintenance of the private recreation facilities.
5. Adequate provisions are made, subject to the approval of the Town Attorney, to ensure 1. and 2. above.

D. Payment in Lieu of Dedication.

1. In the event the Town Board determines that park or municipal land is not needed within the area of development due to the size of the development or proximity of other parkland, then the ~~Town Board~~ may require the applicant to ~~pay:~~ (a) make a cash- payment in- lieu of land dedications; or (b) to dedicate other property owned by the applicant for use as park land-; or (c) a combination of (a) and (b).
2. The amount of cash payment required shall be based on the number of acres of park land dedication which otherwise would be required, less

any reductions for private recreation facilities, as provided above.

~~2.3.~~ The Town Board shall, by resolution, set the per-acre fee for ~~park land,~~the cash-in-lieu payment which ~~shall~~may be updated from time to time.

~~3.4.~~ If the Town determines to accept other property not within the development ~~instead of as full or as partial payment toward fulfillment of the cash payment requirements of this section,~~ the acreage required ~~hereunder, the value of the other property for dedication~~ shall be its market value, computed as determined by a qualified appraiser approved jointly by described in paragraph B. above. If the acreage is not sufficient to meet the Town and requirements of B. above, the applicant remaining requirement may be met with a cash-in-lieu payment.

~~4.5.~~ Payment in lieu of land dedication shall be due and payable at the time of Final Subdivision Plat approval and shall be described in the subdivision agreement or development permit.

~~5.6.~~ Of the proceeds from a payment in lieu of land dedication, a minimum of 50% shall be placed in a park land fund to be established and maintained for the acquisition and improvement of land for parks, playgrounds and recreation areas, which may benefit the residents of the Town in general, as well as those of the proposed subdivision or development. The remainder of the proceeds, if any, shall be placed in the Town Capital Improvements Fund. Such determination shall be made at the sole discretion of the Board of Trustees.

CHAPTER 4.14

ASSURANCE OF ADEQUATE PUBLIC FACILITIES

| <u>SECTION</u> | <u>DESCRIPTION</u> | <u>PAGE</u> |
|----------------|--|-------------|
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4.14.010

INTENT

~~It is the~~The intent of ~~the~~this Chapter ~~is to adopt:~~

Adopt a program to insure that land for Public Facilities ~~or~~and the Public Facilities needed to support new development meet or exceed Adopted Level of Service standards approved by the Town;

~~To insure~~Insure that no Subdivision approval, Planned Unit Development approval, Development Permit approval, or Special Use Permit is granted or issued which would cause a reduction in the level of service for any Public Facilities below the Adopted Level of Service standards approved by the Town;

~~To insure~~Insure that adequate Public Facilities or in the case of schools the availability of land needed to support new development or a special use are available concurrent with the impacts of such development or use;

~~To establish~~Establish uniform procedures for the review of the adequacy of Public Facilities needed to service new development, new subdivisions or new special uses;

~~To facilitate~~Facilitate implementation of the goals and policies of the Town's Master Plan, including the Eagle Area Community Plan relating to adequacy of Public Facilities; and

~~To insure~~Insure that all applicable legal standards and criteria are properly incorporated in these procedures and requirements.

It is the intention of this Chapter that in the case of schools, the adequacy of public facilities may be satisfied by the adequate provision of land that is available to the Eagle County School District and specifically designated for the construction of new schools.

4.14.020

APPLICABILITY

Except as provided ~~in this Section below~~, the provisions of this Chapter shall apply to all applications for Subdivision approval pursuant to Chapter 4.12; Planned Unit Development approval pursuant to Chapter 4.11; Development Permit approval pursuant to Chapter 4.06; and Special Use Permit approval pursuant to Section 4.05.010 considered by the Town for final approval after December 1, 1997. No applications for such approval shall be granted unless a positive Determination of Adequacy or positive Determination of Adequacy subject to conditions has been made by the Town Board, in its discretion, in accordance with this Chapter ~~in addition to conformance with all other requirements necessary for approval of the proposed. This Chapter shall not apply to any special use, development, project, structure or activity that does not result in the creation of a new residential, commercial, or industrial structure or change of special use. Provided, however, use that materially impacts existing Public Facilities. For purposes of this Chapter, the following shall be deemed not apply to materially impact existing Public Facilities:~~ (a) Subdivisions, Planned Unit Developments, Development Permits, or Special Use Permits for ten (10) or

~~fewer~~ single-family or ten (10) ~~or fewer~~ multi-family units located on one (1) or more contiguous parcels of land held under the same or substantially the same ownership, ~~or to;~~ and (b) non-residential developments containing 12 or less equivalent units (EQR), as defined in Chapter 12.16 of the Eagle Municipal Code, on one (1) or more contiguous parcels of land held under the same or substantially the same ownership. ~~In addition, this Chapter shall not apply to any special use, development, project, structure or activity which does not result in the creation of a new residential, commercial, or industrial structure or change of use which adversely impacts existing Public Facilities.~~

4.14.030

DEFINITIONS

As used in this Chapter, the following words and phrases are defined as follows:

- A. “Adopted Level of Service” means the Level of Service (LOS) standards as adopted by the Town.
- B. “Applicant” means the property owner, or duly designated representative of the property owner who submits an Application for Development Approval.
- C. “Application for Development Approval” means an application for approval of a Subdivision Preliminary or Final Plan, approval of a Planned Unit Development, approval of a Development Permit, or approval of a Special Use Permit.
- D. “Capacity” means the maximum demand that can be accommodated by a Public Facility without exceeding the Adopted Level of Service standards for such facility.
- E. “Capital Improvements Program” means a program adopted by the Town for providing Public Facilities, including the Town’s Street Improvements Plan.
- F. “Determination of Adequacy” means a determination that each Public Facility will or will not be available concurrent with the impacts of the proposed development of special use at the Adopted Levels of Service standards or will be available subject to certain conditions. A Determination of Adequacy shall be made by the Board of Trustees, Planning Commission or administrative personnel that is vested with authority pursuant to this Title to review and render a final approval of an Application for Development Approval.
- G. “Level of Service” means an indicator of the extent or degree of service provided by, or proposed to be provided by, a Public Facility based upon and related to the operational characteristics of the Public Facility or the capacity per unit of demand for each Public Facility.
- H. “Planned Capital Improvements” means a capital improvement or an extension or expansion of a capital improvement which does not presently exist, but which is included within a Capital Improvements

Program.

- I. “Public Facilities” means capital improvements provided by the Town of Eagle or another governmental entity including, but not limited to, facilities for providing water, wastewater, fire protection, emergency services, public schools, parks, and transportation facilities which are required by this Chapter to be adequate and available as a condition of development or special use approval. In the case of schools, Public Facilities may also include land owned by the Eagle County School District or land to be dedicated that is specifically intended for the construction of schools.

4.14.040

PUBLIC FACILITIES INFORMATION REPORT

- A. All applications ~~for approval of a Subdivision Preliminary Plan, Planned Unit Development Plan, Development Plan, or Special Use Permit to which this Chapter is applicable pursuant to 4.14.020~~ shall be accompanied by a Public Facilities Information Report, ~~unless otherwise determined by the Town Planner.~~ Such report shall include sufficient information to allow the Town to coordinate with applicable service providers to determine the impact of the proposed subdivision, development or special use on Public Facilities pursuant to the procedures set forth in this Chapter. The information required shall include, but shall not be limited to:
 - 1. The total number and type of structures or dwelling units, and the gross density of the proposed subdivision, development or special use;
 - 2. The location of the proposed subdivision, development or special use;
 - 3. An assessment of the anticipated impacts on the Town street system from the proposed subdivision, development, or special use and if applicable a statement of any steps proposed to address potential impacts;
 - 4. If an Applicant seeks an exemption from the requirements of this Chapter based upon a claim that the Applicant has ~~obtained and possesses~~ a vested right to undertake and complete the subdivision ~~or,~~ development or special use without an evaluation of the impact on Public Facilities, information sufficient to permit the Town to determine the validity of the Applicant’s claim of exemption; and
 - 5. All information required by Sections 4.14.110 through 4.14.130.
 - 6. Any other appropriate information as may be deemed necessary by the Town Planner in evaluation the adequacy of Public Facilities consistent with the provisions of the Chapter.

- B. If the Public Facilities Information Report is incomplete or the submission requirements have not been satisfied, the Town Planner shall so notify the Applicant of any deficiencies in writing. If the Public Facilities Information Report is complete and the submission requirements have been satisfied, the Town Planner shall evaluate the proposed subdivision, development or special use for compliance with the applicable Adopted Level of Service standards and shall submit a recommendation regarding the adequacy of the Public Facilities.

4.14.050

RECOMMENDATION BY TOWN PLANNER

- A. Upon receipt of a completed Public Facilities Information Report, the Town Planner shall evaluate the proposed subdivision, development, or special use, ~~including, at a minimum, an evaluation of the following: using the criteria set forth in in this Chapter and any other applicable or relevant and appropriate criteria.~~
- ~~1. The number and type of structures or units proposed by the Applicant;~~
 - ~~2. The proposed timing and phasing of the subdivision, development, or special use if applicable;~~
 - ~~3. The specific Public Facilities impacted by the proposed subdivision, development or special use;~~
 - ~~4. The extent of the impact of the proposed subdivision, development, or special use on all Public Facilities;~~
 - ~~5. The capacity of existing Public Facilities, and if applicable in the case of schools the availability of land to construct new schools, to serve the proposed subdivision, development or special use which will be impacted by the proposed subdivision, development, or special use based on the Adopted Levels of Service;~~
 - ~~6. The demand on the existing capacity of Public Facilities from all existing and approved subdivisions, developments, and uses;~~
 - ~~7. The availability of existing capacity of the Public Facility to accommodate the proposed subdivision, development, or special use, and if applicable in the case of schools the availability of land to construct new schools;~~
 - ~~8. If existing capacity is not available, any capacity that is planned to be added and the year in which such planned capacity is projected to be available to serve the proposed subdivision, development, or special use;~~
 - ~~9. If the Applicant seeks an exemption from the requirements of this Chapter based upon a claim that the Applicant has obtained~~

~~and possesses a vested right to undertake and complete the subdivision or development, an opinion from the Town Attorney regarding the validity of the claim;~~

~~10. In the case of schools, if adequate land is currently not available for the construction of new schools necessary to serve the proposed development, the adequacy of any additional land that is proposed to be dedicated as an element of the proposed subdivision, development, or special use specifically for the construction of a new school.~~

- B. If the Town Planner concludes that each Public Facility will be available concurrent with the impacts of the proposed subdivision, development or special use at the applicable Adopted Levels of Service, or in the case of schools that either facilities are available concurrent with the impacts of the proposed subdivision, development or special use, or that land sufficient to allow for the construction of new schools is available or will be made available, the Town Planner shall make a positive Recommendation of Adequacy.
- C. If the Town Planner concludes that any Public Facility ~~will~~may not be available concurrent with the impacts of the proposed development, subdivision or special use at the Adopted Levels of Service based upon existing Public Facilities, the Town Planner may make a negative Recommendation of Adequacy or, in the alternative, may make a positive Recommendation with appropriate conditions consistent with the following:
1. Deferral of further Subdivision Final Plat or Development Permit or Special Use Permit approval until all Public Facilities are available and adequate if existing Public Facilities are not adequate to meet the Adopted Levels of Service for the development or special use proposal;
 2. Reduction of the density or intensity of the proposed subdivision, development, or special use including conditions regarding the phasing of the subdivision, development, or use to a level consistent with the available capacity of the Public Facility; or
 3. Provision by the Applicant of the Public Facilities, or in the case of schools land sufficient to allow for the construction of new schools, necessary to provide capacity to accommodate the proposed subdivision, development or special use at the Adopted Level of Service at the time that the impact of the proposed subdivision, development, or special use will occur; and
 4. Any other reasonable conditions, that may in the case of schools include, but not limited to, the dedication of land that is intended specifically for the construction of new schools, to insure that all Public Facilities will be adequate and available concurrent with the impacts of the proposed subdivision, development, or special

use.

- D. The Town Planner's Recommendation of Adequacy shall be made part of any Staff Report accompanying any Administrative, Planning Commission, or Town Board review of Applications for Development Approval.

4.14.060 DETERMINATION OF ADEQUACY

- A. Following receipt of the Recommendation of Adequacy and as a part of the Town's procedures for review and final approval of any Application for Development Approval, and subject to compliance with all other regulations applicable to the application and request for approval, the Town Board, Planning Commission, or administrative staff member vested with authority to approve any subdivision, development or special use may:
 - 1. Make a positive Determination of Adequacy; or
 - 2. Make a negative Determination of Adequacy; or
 - 3. Make a positive Determination of Adequacy with appropriate conditions consistent with the conditions contained in Section 4.14.050(C).

B. If the Determination of Adequacy is different from the Town Planner's Recommendation of Adequacy, the decision-making body shall make specific findings explaining the basis for concluding that the Town Planner's Recommendation of Adequacy should not be adopted.

4.14.070 EFFECT AND EXPIRATION OF DETERMINATION OF ADEQUACY

- A. A positive Determination of Adequacy shall be deemed to indicate that Public Facilities are or will be available and adequate to serve the proposed subdivision, development or special use until such time that the Determination of Adequacy expires. No Application for Subdivision Final Plat approval, Planned Unit Development Plan approval, Development Permit approval, or Special Use Permit approval shall be granted unless a positive Determination of Adequacy or a positive Determination of Adequacy subject to conditions has been made by the Town.
- B. A positive Determination of Adequacy issued pursuant to the Chapter shall be deemed to expire at the earlier of:
 - 1. The expiration, waiver, lapse, or revocation of the subdivision, development of special use approval for which the positive Determination of Adequacy was made; or
 - 2. Failure by the Applicant to timely comply with the conditions attached to a positive Determination of Adequacy; or

3. Three (3) years following the date of issuance of a positive Determination of Adequacy, if development has not commenced.

4.14.080

CRITERIA FOR DETERMINING AVAILABILITY AND ADEQUACY OF COMMUNITY FACILITIES.

- A. Level of Service Standards. Compliance with Level of Service standards shall be measured in accordance with the standards set forth in this Chapter, as they may be amended from time to time.
- B. Range of Impacts. Any proposed subdivision development or special use ~~which~~that could result in a range of potential impacts shall be reviewed as if the greater impact would result. The review and evaluation of Public Facilities required by this Chapter shall compare the capacity of Public Facilities to the maximum projected demand ~~which~~that may result from the proposed subdivision, development or special use.
- C. Existing Demand and Capacity. Where the adequacy and availability of a Public Facility is based upon an evaluation of available capacity, the existing demand upon the Public Facility shall be determined by ~~adding together~~considering:
 1. The existing demand placed upon the Pubic Facility from all users whether within or outside the Town;
 2. The projected demand for the Public Facility created by the anticipated completion of ~~approval~~approved but uncompleted development;~~and, considering anticipated phasing of construction;~~
 3. The projected demand upon the Public Facility created by the anticipated completion of any proposed subdivision, developments or special uses ~~for which a Public Facilities Impact Statement has been submitted to the Town.;~~
 4. The extent to which existing demand may be reduced or mitigated by the adoption of conservation or other measures designed to reduce demand; and
 5. Anticipated future improvements to Public Facilities.
- D. Capital Improvements. No improvement proposed or undertaken by an Applicant to increase existing capacity of a Pubic Facility or an improvement proposed to be made to avoid a deterioration in the Adopted Levels of Service shall be accepted by the Town unless the improvement is included within the Town's Capital Improvement Program or unless the improvement is determined by the Board of Trustees to directly and substantially advance ~~improvement is determined by the Board of Trustees to directly and substantially advance~~ one or more established goals or policies of the Town of Eagle.

An Applicant's commitment to construct or expand a Public Facility prior to the issuance of a building permit may be included as a condition for the Determination of Adequacy and any such commitment shall include, at a minimum, the following:

1. A finding that the planned capital improvement is included within the Capital Improvement Program or directly and substantially advances one or more established goals and policies of the Town;
 2. An estimate of the total funding needed to construct the planned capital improvement and a description of all the costs associated therewith;
 3. A schedule for commencement and completion of construction of the planned capital improvement with specific target dates for multi-phase or large-scale capital improvement projects;
 4. At the option of the Town and pursuant to an agreement between the Town and the Applicant, and only if the planned capital improvement will provide capacity exceeding the demand generated by the proposed subdivision, development or special use, reimbursement to the Applicant for the pro rata cost of providing the excess capacity.
- E. Availability of Land or the Dedication of Land for Schools. School facilities may be deemed adequate if the Eagle County School District owns land sufficient to construct a new school that can provide capacity to serve the proposed subdivision, development or special use. If land is not currently available, school facilities may be deemed adequate if the Applicant dedicates land as an element of the subdivision, development or special use sufficient in size to accommodate construction of a new school. In such cases, the dedication of land shall be provided concurrent with the initial final plat or the initial building permit (whichever comes first) for the subdivision, development or special use.

4.14.090

ADMINISTRATION

- A. Rules and Regulations. The Town Board may adopt, by ordinance or resolution, any necessary rules, regulations, administrative guidelines, and processes to efficiently and fairly administer and implement this Chapter.
- B. Administrative Fees. The Town Board may establish, by ordinance or resolution, fees and a fee schedule for each of the administrative procedures, determinations, and approvals required by this Chapter.

4.14.100

VESTED RIGHTS

- A. Nothing in this Chapter shall limit or modify the rights of an Applicant to complete any subdivision or development for which the Applicant has

obtained and possesses a vested right to undertake and complete the subdivision or development pursuant to Article 68 of Title 4, C.R.S., as amended, and as implemented by Chapter 4.17, or pursuant to Colorado law.

- B. A Determination of Adequacy shall not affect the otherwise applicable provisions of this Title 4 of the Eagle Municipal Code, all of which shall be operative and remain in full force and effect without limitation.

4.14.110

PUBLIC SCHOOLS

- A. Public school facilities shall be deemed to be adequate and available for a proposed subdivision, development or special use in one of three ways:
 - 1. If existing Eagle County School District's schools facilities intended to serve residents of the subdivision, development or special use meet or exceed the applicable adopted Level of Service standards set forth below in paragraph C, or
 - a. Provision of adequate public school facilities are a condition of the subdivision, development or special use approval and are guaranteed to be provided at or before the approval of a final plat, issuance of Special use Permit, or issuance of the first Building Permit within the proposed subdivision, development, or particular phase thereof; or
 - b. Necessary public school facilities are under construction and will be available at the time the impacts of the proposed subdivision, development, or particular phase thereof, or special use will occur; or
 - 2. If the Eagle County School District owns land sufficient in size and location to allow for the construction of new school facilities that can adequately serve residents of the proposed subdivision, development or special use, and that the District's long range plans are to construct a school on such land and that this school is intended to serve the area subject to the proposed subdivision, development or special use.
 - 3. If land sufficient in size and location to allow for the construction of new school facilities that can reasonably serve the residents of the proposed subdivision, development or special use will be dedicated by the Applicant of the subdivision, development or special use to the Eagle County School District, and that the District's long range plans are to construct a school on such land.
- B. All applications ~~for approval of a Subdivision Preliminary Plan, Planned Unit Development Plan, Development Permit or Special Use Permit~~ containing to which this Chapter is applicable pursuant to 4.14.120 that

contain residential units shall be accompanied by a summary of the total number of dwelling units and the type and the size of dwelling unit. This information will be used by the Eagle County School District to estimate the number of school aged children expected to be generated by the proposed development.

C. The following Level of Service standards (LOS) shall apply:

1. The maximum number of students per classroom. The following are guidelines used by the Eagle County School District for maximum class size:

Kindergarten, First Grade - 25 students per class

Second and Third Grade - 30 students per class

Grades Four through Six - 30 students per class

Grades Seven through Twelve - A school average of 25 students per class
(The nature of a departmentalized school is that some classes will be larger than others)

The guidelines outlined above are established by the Eagle County School District when “economically feasible.” Maximum and average classroom sizes are dependent upon a number of factors and are subject to change over time.

2. Projected enrollments (as estimated based on Section 4.14.080(C)) of schools that will serve the residents of the proposed subdivision, development or special use do not exceed the capacity of said schools. School capacity shall be based on the average of the “stressed” and “functional” capacities as outlined in Eagle County School District Building Capacity Study, dated October 19, 2012, or as may be amended by the District.

D. Town of Eagle and the Eagle County School District agree to cooperate and collaborate on monitoring the rate of new residential development, existing school capacity and plans for future school capacity. The purpose of this effort is to provide an accurate data base for making future decisions on the adequacy of school facilities as contemplated by this Ordinance.

1. On an annual or as needed basis the Eagle County School District will provide to the Town a report summarizing the capacity of all existing schools that serve residents of the Town of Eagle.

2. On an annual or as needed basis Town of Eagle will provide to the District a report summarizing the location and type of all

existing residential development within the Town boundary.

3. The Town of Eagle will notify the District of any new proposals for residential development that may not otherwise be addressed by this Ordinance.
4. On an annual or as needed basis the Eagle County School District will provide the Town with a report summarizing any plans for new school development contemplated for land the District owns or land that may be dedicated to the District. This report will indicate the anticipated type and size of school to be developed, however any future plans outlined in this report shall not be binding on the District.

Amended 11/21/97
Amended 09/17/98
Amended 01/26/99
Amended 03/25/14

4.14.120 FIRE PROTECTION SERVICES

- A. Public safety facilities and equipment for fire protection and first response emergency medical services shall be deemed to be adequate and available for a proposed subdivision, development or special use if the facilities and equipment available to provide such services to the subdivision, development or special use will meet or exceed the applicable adopted Level of Service (LOS) standards set forth in subsection (C) below, and
 1. Adequate public safety facilities and equipment for fire protection and first response emergency medical services are currently in place or will be in place prior to issuance of a Special Use Permit or the first Building Permit within a subdivision, development or a particular phase thereof; or
 2. Provision of adequate public safety facilities and equipment for fire protection and first response emergency medical services are a condition of the subdivision, development or special use approval and are guaranteed to be provided at or before the approval of a Final Plat, issuance of Special Use Permit, or issuance of the first Building Permit within the proposed subdivision, development, or particular phase thereof; or
 3. Necessary public safety facilities and equipment for fire protection and first response emergency medical services are a condition of the subdivision, development or special use approval and are guaranteed to be provided at or before the approval of a Final Plat, issuance of Special Use Permit, or issuance of the first Building Permit within the proposed subdivision, development, or particular phase thereof; or
 4. Provision for adequate public safety facilities and equipment for

fire protection and first response emergency medical services are guaranteed by an executed and enforceable Development Agreement of Subdivision Improvements Agreement which ensures that such facilities will be in place at the time that the impacts of the proposed subdivision, development, or any particular phase thereof, or special use will occur; or

5. The Town Board determines that fire protection and first response emergency medical services risks are sufficiently mitigated through the provision of approved, built-in, automatic fire protection systems in all improvements (occupancies); the use of approved fire resistive construction in all improvements (occupancies); the use and maintenance of approved fire resistive landscaping; and/or the private provision of approved first response emergency medical services. In such event, mitigation of fire protection and first response emergency medical service risks will meet the equivalent minimum Level of Service standards as set forth below and as amended from time-to-time.
 - A. All applications ~~for approval of a Subdivision Preliminary Plan, Planned Unit Development Plan, Development Plan or Special Use Permitt~~o which this Chapter is applicable pursuant to 4.14.120 shall be accompanied by a Public Safety Impact Plan. The Town Planner in consultation with the Greater Eagle Fire Protection District, shall approve the methodology used to develop the fire protection and first response emergency medical services aspects of such Public Safety Impact Plan.
 - B. Except as otherwise provided in this Section, the following Level of Service (LOS) standards shall apply:
 1. The provisions of the current Fire Code, Building Code and any other duly adopted code, statute, ordinance, or standard related to fire protection are being met; or approved; enforceable, equivalent protection or mitigation efforts are undertaken.
 2. Adequate response times will be maintained if the new development is approved. Response times will adhere to the following except as indicated below:
 - a. Provide first response basic life support (BLS) and automatic external defibrillation (AED) in under six minutes for 90 percent of all calls requiring emergency medical assistance within the Town.
 - b. Provide rescue services within eight minutes for 90 percent calls within the Town.
 - c. The response time requirement for fire response only, may be waived at the option of the Town Board in

consultation with the Greater Eagle Fire Protection District if approved, built-in, automatic fire protection systems are installed and maintained in all improvements (occupancies).

3. Capability of providing adequate fire flows. These flows represent performance standards for the Greater Eagle Fire Protection District using only its fire fighting apparatus and equipment. They do not replace the flow requirements set forth in the Fire Code, as adopted by the Greater Eagle Fire Protection District. The fire flow requirements set forth in such Fire Code anticipate the need for additional resources (mutual aid) and are based upon fire loading for particular occupancies.
 - a. 250 GPM initial attack flow within two minutes of arrival for 90 percent of all fires
 - b. 250 GPM sustained flow within five minutes of arrival for 90 percent of all fires
 - c. 500 GPM sustained flow within eight minutes of arrival for 80 percent of all structure fires
 - d. 1,000 GPM sustained flow within five minutes of arrival for all areas within 1,000 feet of a fire hydrant
 - e. 3,500 GPM sustained flow within 15 minutes of arrival for hydranted areas
 4. Consistent and adequate emergency dispatching services is maintained.
 5. Approval of the proposed subdivision, development or special use will not increase (worsen) the Greater Eagle Fire Protection District's Insurance Services Organization (I.S.O.) fire protection class rating.
 6. These LOS standards may be amended from time-to-time as changes in the Town's fire protection and emergency medical services delivery systems and technology change, and as community expectations change.
- C. All or some of the LOS standards contained in subsection (C) above may be waived at the sole discretion of the Board of Trustees, following consultation with the Greater Eagle Fire Protection District, upon satisfaction of the following conditions:
1. Applicant's mitigation of fire protection risks will meet or exceed equivalent protection as set forth in the provisions of the current Fire Code adopted by the Greater Eagle Fire Protection District, the Town's Building Code, and any other duly adopted

code, statute, ordinance or standard related to fire protection; and Applicant's mitigation of fire protection risks meet or exceed the equivalent minimum LOS standards as set forth in subsection (C) above, and

2. Applicant's proposed plan to mitigate fire protection and first response emergency medical service risk will be done in such a manner so as not to increase (worsen) the Greater Eagle Fire Protection District's Insurance Service Organization (I.S.O.) fire protection class rating, and
3. Applicant's proposed mitigation plan is guaranteed by an executed and enforceable agreement, with performance guarantees if necessary, between Applicant and the Town.

Amended 9/29/99

4.14.125

EMERGENCY MEDICAL SERVICES

- A. Public safety facilities and equipment for emergency medical response shall be deemed to be adequate and available for a proposed subdivision, development or special use if the facilities and equipment available to provide such series to the subdivision, development or special use will meet or exceed the applicable adopted Level of Service (LOS) standards set forth below, and
 1. Adequate public safety facilities and equipment for emergency medical services are currently in place or will be in place prior to issuance of a Special Use Permit or the first Building Permit within a subdivision, development or a particular phase thereof; or
 2. Provision of adequate public safety facilities and equipment for emergency medical services are a condition of the subdivision, development or special use approval and are guaranteed to be provided at or before the approval of a Final Plat, issuance of Special Use Permit, or issuance of the first Building Permit within the proposed subdivision, development, or particular phase thereof; or
 3. Necessary public safety facilities and equipment for emergency medical services are under construction or contract to purchase and will be available at the time the impacts of the proposed subdivision, development, or particular phase thereof, or special use will occur; or
 4. Provision for adequate public safety facilities and equipment for emergency medical services re guaranteed by an executed and enforceable Development Agreement of Subdivision Improvements Agreement which ensures that such facilities will be in place at the time that the impacts of the proposed

subdivision, development, or any particular phase thereof, or special use will occur; or

5. Emergency medical services risks are mitigated through the provision of approved private provision of approved emergency medical services. In such an event, mitigation of emergency medical service risks shall meet the equivalent minimum Level of Service standards as set forth in subsection (C) below and as amended from time-to-time.
- B. All applications for approval of a Subdivision Preliminary Plan, Planned Unit Development Plan, Development Plan or Special Use Permit shall be accompanied by a Public Safety Impact Plan. The Town Planner in consultation with the Western Eagle County Ambulance District, shall approve the methodology used to develop the emergency medical services aspects of such Public Safety Impact Plan.
- C. Except as otherwise provided in this Section, the following Level of Service (LOS) standards shall apply:
1. Adequate response times will be maintained if the new development is approved. Response times will adhere to the following except as indicated below:
 - a. Provide first response basic life support (BLS) and automatic external defibrillation (AED) in under six minutes for 90 percent of all calls requiring emergency medical assistance within the Town.
 - a. Provide advanced life support within eight minutes for 90 percent of all requiring emergency medical assistance within the Town.
 2. Consistent and adequate emergency dispatching services is maintained.
 3. These LOS standards may be amended from time-to-time as changes in the Town's emergency medical services delivery systems and technology change, and as community expectations change.
- E. All or some of the LOS standards contained in subsection (C) above may be waived at the sole discretion of the Board of Trustees, following consultation with the Western Eagle County Ambulance District, upon satisfaction of the following conditions:
1. Applicant agrees to mitigate emergency medical service risks through the provision of approved private emergency medical services, and
 2. Applicant's proposed mitigation plan shall meet the equivalent

minimum LOS standards set forth in the subsection above, and

3. Applicant's mitigation plan is guaranteed by an executed and enforceable agreement, including performance guarantees if necessary, between the Town and the Applicant.

Amended 9/29/99

4.14.130 STREET FACILITIES

- A. Street facilities shall be deemed to be adequate and available for a proposed subdivision, development or special use if the subdivision, development or special use meets or exceeds the applicable Adopted Level of Service standards set forth below, and
 1. All necessary street facilities are currently in place or will be in place prior to issuance of a Special Use Permit or the issuance of the first Building Permit for the development; or
 2. Provision of required street facilities are a condition of the subdivision, development or special use approval and are guaranteed to be provided at or before the approval of a Final Plat, or the issuance of the Special Use Permit, or issuance of the first Building Permit for the proposed subdivision or development; or
 3. Required street facilities are under construction and will be available at the time that the impacts of the proposed subdivision, development or special use will occur, or
 4. Provision for street facilities needed to achieve the Adopted Level of Service standards are guaranteed by an executed and enforceable Development Agreement or Subdivision Improvements Agreement which ensures that such facilities will be in place at the time that the impacts of the proposed subdivision, development or special use will occur; or
 5. Street facilities needed to achieve the Adopted Level of Service standards are included in the Capital Improvements Program; and
 - a. The Capital Improvements Program contains a financially feasible funding system from available revenue sources which are adequate to fund the streets required to serve the proposed subdivision, development, or special use; and
 - b. The street facilities are likely to be constructed and available at the time that the impacts of the proposed subdivision, development or special use will occur.
- B. The Town of Eagle Transportation Study Guidelines provides

information on submittal requirements, Level of Service standards, and Determination of Adequacy of facilities. Major elements are summarized in this subsection; however, when preparing a submittal, the Town recommends consulting the full document for guidance.

1. Traffic Impact Study Submittal Requirements

All applications ~~for approval of a Subdivision Preliminary Plan, Planned Unit Development Plan, or Special Use Permit, Subdivision to which this Chapter is applicable pursuant to 4.14.120~~ shall be accompanied by a Traffic Impact Study (TIS) performed by a Registered Professional Engineer in the State of Colorado. The following “levels of effort” shall be required for a TIS.

- a. Where the daily trip end generation is less than 500 (50 peak hour trip ends) and no access changes are proposed for the development or use, the TIS may be waived at the Town’s discretion upon written request from the Applicant. Every request for a waiver of the TIS requirement shall contain information sufficient to permit the Town Planner to determine whether the proposed development or special use qualifies for a waiver.
- b. Where the proposed development or special use will present the following conditions, an intermediate level TIS will be required:
 - (1) The daily trip end generation is between 500 and 1000, and
 - (2) There are less than 100 peak hour trip ends (when the peak hour occurs on the adjacent facility), and
 - (3) The LOS of the adjacent facility, when the development or special use is completed, equals or exceed the LOS standard established for that facility.
- c. A full TIS shall be prepared by the Applicant for all other proposed developments or special uses and, in particular, for developments or special uses with greater than 1000 daily trip ends or more than 100 peak hour trip ends (during this peak hour on the adjacent facility).
- d. The Town may require a TIS due to special concerns involving impact to the street system or to track the phased implementation of large developments. All TIS’s shall be performed at the cost and expense of the

Applicant and submitted in writing to the Town with formal submittal of the Application for the approval requested.

2. Level of Service Standards (LOS)

The Level of Service (LOS) standards for arterial and collector streets in Eagle is Level of Service C or higher. The LOS standards for local streets is Level of Service B or higher. Level of Service determinations shall be applied to streets and intersections using standard traffic engineering practices. The level of service for an intersection shall be the overall level of service for all the movements. The normal analysis periods are the peak hours of usage of the streets.

Amended 12/21/97

Amended 9/29/99