



**AGENDA**  
**Planning & Zoning Commission**  
**Tuesday, February 5, 2019**  
**6:30pm**

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

*This agenda and the meetings can be viewed at [www.townofeagle.org](http://www.townofeagle.org).*  
**PUBLIC WIFI - TOEE – ((TOEEWireless))**

**6:00 PM – WORK SESSION**

**6:30 PM – REGULAR MEETING CALLED TO ORDER AND ROLL CALL**

**APPROVAL OF MINUTES:** Approval of the minutes from the January 15, 2019 meeting of the Planning and Zoning commission.

**PUBLIC COMMENT**

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

**PUBLIC HEARINGS**

1.	Project:	Reserve at Hockett Gulch Planned Unit Development
	File #:	PUD18-02
	Applicant:	Dan Metzger, Brue Baukol Capital Partners
	Location:	016186 Highway 6. Parcel Number 2109-053-00-002, unincorporated Eagle County
	Staff Contact:	Morgan Landers, Town Planner
	Request:	Request for a Planned Unit Development (PUD) Zoning Map Application – max of 500 dwelling units of various types and/or 30,000sf of commercial on 30 acres. And a Site Specific Development Plan (vesting of property rights).

**TOWN BOARD OF TRUSTEES MEETING REVIEW**

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

**COMMUNITY DEVELOPMENT DEPARTMENT UPDATE**

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

**OPEN DISCUSSION**

**ADJOURN**

I hereby certify that the above Notice of Meeting was posted by me in the designated location at least 24 hours prior to said meeting.



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Jessica Lake  
Planning Technician



**Planning and Zoning Commission  
Meeting Minutes  
January 15th, 2019**

**PRESENT**

Jason Cowles, Chair  
Stephen Richards  
Jesse Gregg  
Matthew Hood  
Bill Nutkins  
Charlie Perkins

**STAFF**

Morgan Landers- Town Planner  
Colton Berck- Planner I  
Dawn Koenig- Admin Assistant

**ABSENT**

Kyle Hoiland  
Brent McFall

This meeting was recorded. The following is a condensed version of the proceedings written by Dawn Koenig.

**CALL TO ORDER**

The regular meeting of the Planning and Zoning Commission held in the Eagle Town Hall on was called to order by Jason Cowles at 6:31p.m.

**APPROVAL OF MINUTES**

Nutkins made a motion to approve the minutes of the December 18th, 2018 meeting. Jesse seconded. Richards and Hood abstained as they were not present at the meeting. All others present voted in favor. The motion passed.

**PUBLIC COMMENT**

None.

**LAND USE FILES**

***SU18-08 & V18-04 120 E. Third Street***

Commissioner Cowles opened file SU18-08 and V18-04, a request for a Zoning Variance for minimum lot size and Special Use permit for ground floor residential in the Central Business District (CBD).

## **STAFF REPORT AND PRESENTATIONS**

Berck introduced applicant representative Bill Pierce. Pierce gave an overview of the site and the proposal. He said that the building is full of half levels and there are no levels that go throughout the entire building. He described the proposed use of the space as being office and an ADA accessible residential unit on the main floor, and a residential unit on the second floor.

Berck gave an overview of the files including the applicants, location, and zoning. He mentioned that staff has received one letter of support from the neighboring Masonic Lodge. He presented slides on the current site conditions. The applicant got an ILC to verify the lot lines, Berck said. He said that the current use of the building is office space. He gave an overview of the parking plan.

Berck said that the Special Use Permit is a request for the inclusion of ground floor residential use. He presented the standards for approving a Special Use Permit. He sighted sections of the Eagle Area Community Plan, the Town of Eagle Strategic Plan that support of approving the Special Use Permit. Berck noted that the Major Objective in the Town of Eagle Strategic Plan calls for improving housing availability and affordability and suggested that adding an ADA accessible unit in the downtown core would be an asset.

Berck presented slides showing the surrounding uses and noted that the proposal is compatible with the existing surrounding uses.

Berck noted that as it relates to standard 3, additional parking, landscaping, loading areas are not required in the CBD.

Berck stated that Staff recommends approval of the Special Use Permit in accordance with standards 1-3 with no conditions.

Berck then described the variance request as a request for the minimum lot area in the Central Business District.

Berck presented the standards for approval of a variance request and mentioned that standard number 4 does not apply.

He presented sections of the Land Use Code, Town of Eagle Strategic Plan and the Eagle Area Community Plan in support of the proposal meeting standard 1.

Berck said that the proposal follows standard 2 and 3 in that the hardship and condition peculiar to the site is a perpetual legal non-conforming status of existing building. He said that granting the variance would allow for the highest and best use of the property.

Berck said that staff recommends approval with no conditions.

## **Q & A**

Perkins asked if the units will be for sale or for rent. Pierce said that the intention would be to rent the units. Perkins asked if someone could rent the ADA unit if it was not required. He asked if the occupant would be allowed to park in the ADA parking spot.

Landers said that the ADA parking spot is not public, it is private and could be.

Perkins asked if egress windows would have to be installed to meet code for sleeping rooms. Peirce said that there are at least 3 window that will have to be modified or added to meet code requirements.

## **PUBLIC COMMENT**

None.

## **DELIBERATION**

Hood made a motion to approve SU18-08 based on compliance with standards 1 through 3. Richards seconded. All voted in favor. Hood made a motion to approve V18-04 based on compliance with standards 1 through 3. Gregg seconded. All voted in favor.

### ***LLA18-07 101 & 115 E. Second Street***

Cowles opened file LLA18-07, a request for a lot line adjustment to remove the shared lot line between lots 18-20, block 19 of the Eagle Subdivision, creating a single lot.

## **STAFF REPORT AND PERSENTATIONS**

Berck said that the applicants have given permission for town staff to present the file without the applicants being present.

Berck gave an overview of the file including the applicants, location, and zoning. He mentioned that staff has not received any public comment to date. He presented a site image detailing the lot line that will be vacated. Beck also presented the plat that will be created with the removal of the lot line. Cowles asked if it is worth noting that removing the lot line and creating a larger lot will create a lot that will be compliant with the minimum lot size currently stipulated for this zone district. Berck agreed.

Berck presented the standards for approval. He stated that the proposal would have no substantial impact to the existing lots or the surrounding lots. Berck said that the utilities and easements have been reviewed by Town Public Works and Engineering Staff. He stated that vacating the existing lot line enables the developer to apply for a building permit for an approved project and come into compliance with the minimum lot size requirements in the CBD.

Staff recommends approval with the following conditions:

1. The final plat document will be revised to reflect final technical comments from the Town Engineering and Public Works Departments, Town Attorney, and the Town's 3rd Party Surveyor.
2. Redundant water and sewer lines to lot shall be abandoned within six months after building permit issuance, as approved by the Public Works Director.

## **Q & A**

None.

## **PUBLIC COMMENT**

None.

## **DELIBERATION**

Nutkins made a motion to approve file LLA18-07 based on compliance with standards 1 through 3 for a Lot Line Adjustment with the following conditions:

3. The final plat document will be revised to reflect final technical comments from the Town Engineering and Public Works Departments, Town Attorney, and the Town's 3rd Party Surveyor.
4. Redundant water and sewer lines to lot shall be abandoned within six months after building permit issuance, as approved by the Public Works Director.

Gregg seconded. All voted in favor.

## **TOWN BOARD OF TRUSTEE UPDATE**

Landers said that Town of Eagle Police Chief Staufer received a lifesaving award from the County Sheriff's office.

Landers reported that construction on the Lower Basin Water Treatment Plant continues.

Landers reported that the Special Use Permit for Sweetleaf Pioneer was approved by the TBOT with all the existing conditions.

Landers said the Town is moving toward a new utility billing format which will show more detailed information on every user's bill. Landers said it will roll out in March or April.

Landers reported that the TBOT is working on a policy statement for instances where interest groups request support from the TBOT.

## **COMMUNITY DEVELOPMENT DEPARTMENT UPDATE**

Landers said that there is a lot in the pipeline for the Community Development Department. Planning week will take place the last week of January, Landers said. She said the format for outreach events will be a pop-up style in locations around town as to meet the community where they are. Landers said this will include quick, fun activities to engage the community and gather feedback.

Landers said that staff and the consultant team are drafting the different development review sections of the Land Use Code. They are looking at things such as what types of files go where and what the approval requirements are for the different types of files. She specifically mentioned a re-draft of chapter 4.03 and that it will be given to the PZ Commission for input and review. She said they will have to vote to adopt those changes.

Hood asked what the process of that would be. Landers said it would be the same as an amendment to the Land Use Code.

Hood said that with these Land Use Code revisions, it would be good to have more time to review the text than the typical timeframe they are given to review their packets. Landers said that the larger sections of the code would go through a different process and would include public noticing and publication of draft versions. Cowles asked if the revisions are going through legal review. Landers said they will be and that legal review is budgeted for this process.

Landers mentioned that the Town is moving forward with efforts to adopt Home Rule. She said that if the Town moves to Home Rule, there are implications to the Land Use Code review and approval process.

Cowles asked what the implications of adopting Home Rule would be. Landers said some things will not be affected and some would be. Landers said that some requirements could be more or less restrictive depending on what is decided. Landers noted that the TBOT could decide to modify the process for appeals, and that they could change what the qualifications are for referendums, for example.

Cowles asked if it would be beneficial to flag items in the Land Use Code updates that the Town intends on changing after adopting Home Rule. Landers said that the process involves a charter that must be led by citizens, not the town board. She said that it is best to avoid giving the impression that the town is guiding the process. She also said that the process would likely not be complete until after the code revision process is finalized anyway. Landers said that she would pass information along on this topic and the town moves through the process.

Landers said that the Red Mountain Ranch and Reserve at Hockett Gulch public hearings have been scheduled. The first PZ Commission hearing for will be on Feb. 5<sup>th</sup>. Part of the requirements will be a site visit by at least 3 of the commissioners, she said. These are not group visits and applicants will not be present, Landers said. Landers said that if commissioners would like staff present, they can request it. Staff will put together a site visit packet of information for the commissioners.

Cowles said the process as described has not been what has happened in the past and that group visits could be beneficial especially if there are commissioners that do not have backgrounds that would inform them of relevant information.

Landers suggested that the individual site visits take place ahead of the first meeting. She said she would provide the necessary information for the commissioners about a week in advance. Landers said that staff is not expecting the commissioners to make a recommendation at the first meeting. There is a possibility to schedule a group visit between the first and second meetings, she said. Landers said that if they want to do a group site visit, it would have to be publicly noticed and recorded. Landers said she would be open to working out a way to make this happen.

Landers said she is working on having the contract planning firm give an overview of the request and the approval process for the Reserve at Hockett Gulch PUD zoning map, potentially at the next work session. She asked if the commissioners thought there would be enough time for this before the meeting in the work session or would another meeting or conference call be desired. Landers said a recommendation will be asked for and staff may not have a recommendation to provide at the first meeting. Landers encouraged the commissioners to direct any questions they may have ahead of the next meeting to her so that issues could get clarified before the meeting.

Cowles said that he wants to make sure that everyone understands the focus of the PZ Commission vs the TBOT. Landers said that in general the PZ Commission is focused on issues that apply to the Land Use and Development Code and that there is a financial delineation in the responsibilities. She gave an example that the PZ Commission focuses on the determination of adequate public services and the TBOT would consider items such as tap fees and fiscal impact.

Landers said that the Town Attorney, Town Manager, and a representative from the Public Works staff will be attending these meetings as well.

Nutkins asked if the applicants are aware that the decisions will not be reached at the first meeting. Landers assured him that the expectations have been clearly communicated.

Cowles asked if the referral agencies have been given the chance to submit comments. Landers said that they have, and the comments will be included in the packets.

Landers said that there are pieces of the files that have not been resolved with the negotiations that have taken place so far at the staff level and there may be policy decisions that the PZ Commission and the TBOT will be asked to make.

Perkins asked about the Census that will be taking place next year and what the impact would be to the services or amenities the town could expect from the numbers. Landers said the Census is used as a data point that recalibrates assumptions from DOLA. Other indicators are used more for future projections for services, Landers said.

Hood mentioned that there is a sign on the door of the Post Office indicating that they are out of PO boxes. He asked how the town would have the ability to serve any more development if new residents cannot get

mail service. Landers said that mail delivery is not considered a public service from a regulatory standpoint, so it does not factor in to a finding of adequate public facilities.

Landers said that the town may need to leverage legislatively to increase postal service amenities. Landers said that the US Postal Service is not technically a federal entity, so they are not required to provide services to communities. Landers said that in past conversation the town has had with the Postal Service, they indicated that they would only expand, but would not entertain home delivery.

**ADJOURN**

Richards made a motion to adjourn and Gregg seconded. All voted in favor and the meeting adjourned at 7:43 PM.

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Date

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Jason Cowles – Planning and Zoning Commission Chair

\_\_\_\_\_

Date

\_\_\_\_\_

Dawn Koenig – Administrative Assistant



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## CERTIFICATE OF RECOMMENDATION

**TO:** Planning & Zoning Commission

**FROM:** Department of Community Development

**DATE:** January 31, 2019

**PROJECT:** Reserve at Hockett Gulch Planned Unit Development

**FILE NUMBER:** PUD18-02

**APPLICANT:** Dan Metzger, Brue Baukol Capital Partners

**LOCATION:** 016186 Highway 6, Unincorporated Eagle County – 29.65 acres on the west end of the Town of Eagle boundaries. Parcel Number 2109-053-00-002.

**CODE:** Chapter 4.11 – Planned Unit Development  
Chapter 4.17 – Vested Property Rights

**ZONING:** (Existing) Residential Suburban Medium Density (RSM) in Unincorporated Eagle County; (Proposed) High Density Planned Unit Development (HD/PUD) in the Town of Eagle

**EXHIBITS:** Full Copies of the staff report and exhibits are available at Town Hall. Hard copies will also be available at the hearing.

A: Application and Written Narrative (attached)  
B: Site Orientation Package and P & Z Site Visit Comments (attached)  
C: PUD Zoning Plan Map (attached)  
D: PUD Guide (attached)  
E: PUD Concept Plan (attached)  
F: Variations Memo (attached)  
G: Drainage Report ([LINK](#))  
H: Environmental Conditions ([LINK](#))  
I: Debris Flow Report ([LINK](#))  
J: Raw Water Supply Memo ([LINK](#))  
K: Fiscal Report ([LINK](#))  
L: Traffic Report ([LINK](#))  
M: Water Rights Memo ([LINK](#))  
N: Soils Report ([LINK](#))  
O: Utility Impact Report ([LINK](#))  
P: Utility Letters ([LINK](#))  
Q: Town of Eagle Referral Response Summary Report dated June 8, 2018 (attached)  
R: Applicant's Response to Referral Comments dated August 30, 2018 (attached)

S: Town of Eagle Referral Response Summary Report dated November 6, 2018 (attached)

T: Public Comment (attached)

**PUBLIC COMMENT:** Staff has received 8 letters of public comment, see Exhibit T, which includes all comments received as of 12pm on February 1, 2019. Letters received after this time will be gathered and entered into the public record at the hearing.

**STAFF:** Stephanie Stevens, Planning Consultant

**REQUESTS:**

1. Planned Unit Development (PUD) Zoning Map Application - max of 500 dwelling units of various types and/or 30,000 SF of commercial on 29.65 acres; and
2. Site Specific Development Plan (vesting of property rights)

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## **BACKGROUND**

The applicant, Dan Metzger on behalf of Brue Baukol Capital Partners, proposes to annex and initially zone 29.65 acres of property located just west of the Town boundary to Planned Unit Development (“PUD”) to accommodate residential and limited commercial development. The request to initially zone the property to PUD is accompanied by a PUD Zoning Plan, in the form of a Zoning Plan Map and PUD Guide, in accordance with Chapter 4.11 of the Municipal Code. The property is accessed by Grand Avenue to the north and Sylvan Lake Road to the east, and is currently zoned Residential Suburban Medium Density (RSM) in unincorporated Eagle County. While the use of the land remains consistent with the current zoning in Eagle County, annexation and PUD zoning are proposed in order to accommodate additional density and ancillary commercial uses. The subject property is located within the Town’s Urban Growth Boundary pursuant to the Eagle Area Community Plan, and the Community Plan recommends annexation of properties into the Town that are contained within the growth boundary.

In addition to the request for approval of PUD Zoning, the applicant is also requesting for the PUD Zoning Plan to be designated as a “Site-Specific Development Plan” to be vested for a period of 7 years. The Town Board may by agreement with the applicant designate approval of the PUD Zoning Plan (i.e. PUD Zoning Plan Map and PUD Guide) establishing types and intensity of uses, without being accompanied by Subdivision or Development Plan, to serve as the Site-Specific Development Plan approval for this specific project pursuant to Section 4.17.020(D) of the Land Use and Development Code. The action of the Planning & Zoning Commission and Town Board for approval of a Site-Specific Development Plan shall be in the same form as that required to approve the PUD Zoning Plan.

The purpose of the PUD Zoning Plan is to establish the permissible type, location, and densities of land uses and to determine the compatibility of the PUD proposal with the Town’s goals, policies and plans and with the purposes of the Planned Unit Development Zone District. Unlike past applications that have gone before the Planning & Zoning Commission, the subject proposal does not include a PUD Development Plan, Development Permit, or Subdivision Plat; thus, the level of review by the Planning & Zoning Commission is more broad-level at this stage and is to be reviewed based on the request to establish zoning only. The Planning & Zoning Commission is to review the Zoning Plan and Vesting at the public hearing and make a recommendation to the Board of Trustees. After the Planning & Zoning Commission has made its recommendation for approval or denial of the PUD Zoning Plan, the Board will review the proposed PUD Zoning Plan and Vesting at a public hearing, along with the annexation petition, and take final action on all applications. While the annexation is important for the Planning & Zoning Commission to consider as it relates to the proposed zoning, the Planning & Zoning Commission does not act on the annexation.

It should also be noted that while assurance of adequate public facilities should be considered at a comprehensive level as it relates to zoning, Section 4.14.020 of the Municipal Code does not yet require a

determination by the Commission or Board. Section 4.14.020 states, “Except as provided 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. *In cases where multiple land use applications are required, compliance with APF (Chapter 4.14) shall be required to be demonstrated with the land use application last in sequence (time).*” For the subject proposal, a determination will be required at time of Development Permit or Subdivision which creates individual residential lots.

Further approval of a Development Plan and Permit, along with Subdivision, will be required if the PUD is approved and once final design is known, to implement any concepts shown. The applicant has provided a Concept Plan, which depicts one potential development scenario that the PUD Guide would allow (see Exhibit E).

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## **PROJECT SUMMARY**

The PUD Zoning Plan provides for five planning areas within the PUD across 29.65 total gross acres. These five planning areas include two open space planning areas, OS-1 and OS-2; one residential planning area, HD/PUD-2; and two mixed use planning areas, HD/PUD-1 and HD/PUD-3. In short, the PUD would allow for a maximum overall residential density of 16.86 units per acre; a minimum overall residential density of 6.65 units per acre; a maximum of 30,000 sq. ft. of commercial floor area (envisioned along Sylvan Lake Road and/or Grand Avenue); and a minimum of 9.22 acres of open space with 4.77 acres reserved for active recreation. This could yield anywhere from 197 to 500 dwelling units and zero to 30,000 square feet of commercial. The project was reviewed by staff and external agencies based on the applicant’s vision of the property at the highest potential yield (i.e. 500 dwelling units and 30,000 square feet of commercial). Requirements such as land dedication, infrastructure improvements, and impact fees will be re-evaluated at time of Development Permit or Subdivision where individual lots are being created, once more specifics to the design are known and unit counts are defined.

HD/PUD-1 (located along Sylvan Lake Road) and HD/PUD-2 (located central to the development), make up 17.38 acres combined, and are envisioned to contain up to 400 multifamily apartments, with up to 15,000 square feet of commercial uses. HD/PUD-3 contains 6.65 acres and allows up to 100 dwelling units in a variety of formats (single-family, duplex, and multifamily) and a small retail and service market place of no larger than 30,000 square feet. The total PUD is limited to 30,000 square feet of commercial floor area. The open space planning areas, containing a combined 5.62 gross acres and located along the north and south sides of the development, are intended to remain free from development but include uses such as trails, drainage facilities, underground utilities, and debris flow mitigation. The open space planning areas make up a portion of the minimum open space and recreational areas provided onsite in addition to the private usable open spaces within the proposed residential areas as shown on the PUD Concept Plan. OS-1, which contains a public trail component, is proposed to be dedicated to the Town of Eagle to satisfy in part the park land dedication requirement and as a public benefit to the Town.

Please reference the Written Narrative, PUD Zoning Plan Map, and PUD Guide attached for specific details and standards set forth for each planning area (see Exhibits A, C, and D).

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## **STANDARDS FOR APPROVAL**

The purpose of Planned Unit Developments is outlined in Section 4.11.020 of the Municipal Code. PUDs are intended to encourage innovative and unique, mixed-use developments that promote efficiency and support a balance of preservation, open space, and cohesive development that provides a public benefit to the community. Standards and requirements for Planned Unit Developments are set forth in Section 4.11.030, and summarized below as follows:

Standard #1: Every PUD shall be in conformance with this Code and the Town's ordinances, goals, policies and plans.

Section 4.11.030 of the Municipal Code outlines specific requirements of PUDs as it relates to:

- A. Size
- B. Zoning
- C. Open Space
- D. Maintenance of Open Space
- E. Municipal and Park Land Dedication
- F. PUD Perimeter
- G. Street Standards
- H. Phasing

Staff finds that the proposed Planned Unit Development is in general conformance with the standards set forth in Code, subject to addressing outstanding concerns which are summarized at the end of the staff report.

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## REVIEW OF STANDARDS

*Standard #1: The proposed development shall be in conformance with the town's regulations, goals and policies.*

### Town of Eagle Goals and Policies

In review of the first standard, staff refers to three main documents:

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

### *Eagle Area Community Plan*

The Eagle Area Community Plan addresses this project through goals and policies outlined in Chapter 3: Land Use, Chapter 4: Future Land Use Map, Chapter 5: Special Character Areas, Chapter 6: Community Design and Appearance, Chapter 10: Housing, and Chapter 11: Economic Development and Sustainability. The following is an overview of the concepts for which the subject proposal is found to comply:

1. Chapter 3: Land Use Goal #2, Policies 2.1, 2.2: The PUD achieves infrastructure and transit efficiency by encouraging growth within the Town's established urban growth boundary; promoting compact, pedestrian friendly development; and considering underutilized land located adjacent to existing development to minimize infrastructure and service needs.
2. Chapter 3: Land Use Goal #3, Policy 3.1: The PUD assures access to surrounding neighborhoods and commercial areas, and accommodates mobility options by providing means of interconnection utilizing the existing transportation network, and providing the potential to connect local paths to regional trail systems.
3. Chapter 3: Land Use Goal #6, Policy 6.1: The PUD utilizes horizontal mixed use development strategies to increase density, foster efficient lifestyles, enhance social interaction, and facilitate commercial and retail success.
4. Chapter 4: Future Land Use Map: Conservation Oriented Development: The PUD aims to balance conservation and development objectives to achieve the intent of the Conservation Oriented Development land use designation by setting aside land as open space and fostering compact development; providing quality open space by dedicating lands to be used for trails, drainage, debris flow mitigation, roadways, landscaping and active recreation opportunities (i.e. play areas, sports courts, and integrated trails); providing setbacks of 25' from major roads; and facilitating the preservation of attributes of high conservation value on the property. It also

provides for small-scale commercial opportunities along Grand Avenue and Sylvan Lake Road to serve the needs of the immediate neighborhood.

5. Chapter 5: Special Character Areas, Western Gateway Character Area: The PUD acknowledges that the property lies within the Western Gateway Character Area, and incorporates planning principles such as landscaping, buffering, architectural design to achieve an attractive, well-managed landscape and distribution of land uses at the Town's western boundary.
6. Chapter 6: Community Design and Appearance Goal #1, Policy 1.3: The PUD sets forth overall architectural guidelines in order to enhance the uniqueness of the land while being consistent with Eagle's small town character; The PUD incorporates public gathering areas to accommodate activities that can help to maintain and enhance the sense of community in the Eagle area.
7. Chapter 10: Housing Goal #1, Policies 1.1, 1.2, 1.3: The PUD provides housing opportunities for a wide range of economic levels by incorporating workforce housing options of diverse types, and promoting increased residential densities in mixed-use commercial residential areas.
8. Chapter 11: Economic Development Goal #1, Policies 1.1, 1.2: The PUD aims to support a vibrant, sustainable, and diverse economy by necessitating high quality development that will enhance the Town's unique identity, its economic vitality, its sense of community and the quality and character of the surrounding rural lands; and by providing opportunities to optimize commercial development and capitalize on the proximity to the Eagle County Regional Airport.

The following is an overview of the concepts for which the subject proposal is found to conflict with the Eagle Area Community Plan:

1. Chapter 3: Land Use Goal #4, Policy 4.1: The PUD could have potential impacts on existing wildlife resources, water resources, forest resources and viewsheds; and may detract from the quality of life in the Town of Eagle based on the character that the ecosystem provides.
2. Chapter 3: Land Use Goal #5, Policy 5.2: The PUD proposes development that eradicates a portion of the natural landscape and may negatively impact sensitive lands and environments.
3. Chapter 4: Future Land Use Map: Conservation Oriented Development: The PUD proposes high densities that conflict with the intent of the Conservation Oriented Development land use designation and reduce the balance between conservation and development objectives by diminishing the density transition to rural lands; and impacting viewsheds and wildlife movement corridors.
4. Chapter 8: Natural Resources Goal #1, Policies 1.1, 1.5, 1.6: The PUD, if not implemented successfully, could have impacts from point source and non-point source runoff, which could degrade the overall water quality in the area; have repercussions on the existing wildlife habitats that move through the area; and degrade the quality of viewsheds.
5. Chapter 13: Public Service & Infrastructure Goal #1, Policy 1.4: The proposal may involve varying from town-wide fee based revenues that could impact servicing and infrastructure costs to the community as a whole.

#### *Town of Eagle Strategic Plan*

The Town of Eagle Strategic Plan provides guidance for this project in Major Objective 5: Stimulate Economic Vitality, Development, and Major Objective 8: Improve Housing Availability and Affordability. The following is an overview of the concepts for which the subject proposal is found to comply:

1. Major Objective #5: The PUD has the potential to stimulate economic vitality by providing opportunities for economic development and incorporating standards that enhance the look, feel, and experience of Eagle; maintaining the small town feel and great place to raise a family; and continuing to advance Eagle as a government, business, and recreational hub for the region.
2. Major Objective #8: The PUD improves housing availability and affordability by providing workforce housing opportunities and a mix of unit types in a walkable neighborhood that can support diverse populations.

Staff finds that the PUD generally meets the standards set by the Community and Strategic Plans. This project falls in line with the intended use, character, and design established by these plans.

#### *Town of Eagle Regulations*

Title 4 of the Municipal Code contains the Land Use and Development Code. Applicable Chapters include:

- Chapter 4.11: Planned Unit Development
- Chapter 4.06: Development Review & Chapter 4.07: Development Standards
- Section 4.04.110: Local Employee Residency Program
- Chapter 4.17: Vested Property Rights

Per Chapter 4.11, the PUD review process includes two steps: 1) the PUD Zoning Plan, which establishes zoning, densities, uses and their locations within the PUD; and 2) development plan review, in compliance with Chapters 4.06 and 4.07. At this time, the applicant is requesting approval of a PUD Zoning Plan only, to be reviewed primarily in accordance with the standards and requirements of Section 4.11.030 as it relates to size, zoning, open space, maintenance of open space, municipal and park land dedication, PUD perimeter, street standards, and phasing. Designation of the PUD Zoning Plan as a Site-Specific Development Plan for purposes of vesting is also being requested, to be reviewed in accordance with Chapter 4.17 and related staff comments are provided below. Additionally, inclusionary residential requirements for local employee residency set forth in Section 4.04.110 shall apply to any new residential development. Staff has also provided a brief summary of adequate public facilities; traffic; wildlife and environmental impacts; impact fees; and utilities, grading, and drainage, which are important for the Planning & Zoning Commission to consider with zoning, but more heavily impact the terms of Annexation to be reviewed by the Board of Trustees.

#### Chapter 4.11 Planned Unit Development

The purpose of the PUD Zoning Plan review shall be to establish permissible type, location, and densities of land uses, to determine compatibility of the PUD proposal with the Town's goals, policies, and plans, and with the purposes of Chapter 4.11, and to provide a basis for PUD zoning. A future Development Plan will be required to evaluate the details of the PUD according to the purposes and procedures of Chapters 4.06 and 4.07, contingent upon approval of the PUD Zoning Plan.

The standards and requirements of Section 4.11.030 shall apply to all PUDs and shall take precedence over other standards and requirements. In a PUD, zone district regulations per Chapter 4.04, and design standards per Chapter 4.07, may be varied where the Planning Commission and Town Board find that such variation will produce a public benefit over strict application of the regulation varied from, and that such variation is not detrimental to the public good and does not impair the intent and purposes of Chapter 4.11.

#### *A. Minimum Size. Every PUD shall have a minimum gross area of five acres.*

Staff Comment: The proposed PUD contains a gross area of 29.65 acres and therefore exceeds the required minimum size.

#### *B. PUD Zoning.*

1. *Every PUD shall be divided into one or more PUD zone district in accordance with Section 4.11.030(B).*

Staff Comment: The PUD is proposed to be designated primarily as High Density Planned Unit Development (HD/PUD) in accordance with Section 4.11.030(B), with two smaller planning areas reserved for open space.

2. *Uses. The uses potentially allowed within the HD/PUD zone district shall be those permitted and special uses as set forth in Chapter 4.04 for the R, RR, RL, RM, RMF and RH zone districts, plus other uses which the Planning Commission and Town Board find to be compatible. Within each PUD zone district, specific uses shall be allowed only as set forth in the approved PUD zoning plan and development permit. Conditions may be imposed on such uses by the Town, and any such conditions shall be set forth in the development permit.*

Staff Comment: The proposed HD/PUD-1 and HD/PUD-2 planning areas reflect the uses found in the RH and RMF zone districts; however, the applicant is requesting a variation for the uses allowed in HD/PUD-3 to permit limited non-residential uses and commercial development (no larger than 30,000 square feet in floor area) as a use by right, rather than require Special Use Permit review. Further justification on the requested variation is outlined in the attached Variations Memo provided by the applicant in Exhibit F. Staff supports the requested variation because it has potential to provide a needed service and benefit not only to the residents of the development, but also to the surrounding area; and complies with the Eagle Area Community Plan which promotes limited commercial uses within this area. The commercial area in HD/PUD-3 shall be limited to a maximum of 30,000 square feet and generally located along the Grand Avenue frontage, as stated in the PUD Guide.

3. *Density. The maximum gross density to be allowed in the HD/PUD zone district shall not exceed 20 dwelling units per acre.*

Staff Comment: The applicant is requesting a maximum of 23 units per acre in HD/PUD-1 and 2, 16.86 units per acre in HD/PUD-3, and no residential development in open space planning areas (i.e. OS-1 and OS-2); equating to a maximum overall density of 16.86 dwelling units per acre (based on the request for a maximum of 500 dwelling units on 29.65 gross acres), falling within the maximum allowed 20 units per acre. Additionally, a minimum overall density of 6.65 units per acres is being requested in order to ensure a denser residential component to the project and avoid typical large lot single-family homes. The average maximum overall density proposed at 16.86 dwelling units per acre meets the maximum gross density requirements of the Land Use and Development Code.

The applicant is requesting to allow acreage and density transfers per the PUD Guide to accommodate flexibility in final platting and design. In short, HD/PUD-1, 2, and 3 may increase in acreage by up to 15%. Residential densities between HD/PUD-1 and 2 may freely transfer between the two planning areas as long as the total unit count of the combined planning areas does not exceed the maximum allotted 400 dwelling units. No residential density may transfer to or from HD/PUD-3. Staff supports the acreage and density transfer as proposed so long as maximum densities are maintained and open space requirements are met.

- C. *Open Space. The Town Code recommends a minimum of 20% of the total gross area of a PUD to consist of common open space. Seventy-five percent (75%) of the required common open space shall have a slope of 10% or less, and at least half of the portion with slopes of 10% or less shall be developed for active recreation. Adequate water rights dedication and tap fee payment pursuant to Title 12 and irrigation system development shall be provided for open space areas.*

Staff Comment: The applicant is required to provide 5.93 acres (i.e. 20%) of open space to meet the recommendation of Town Code; 4.45 acres (75% of 5.93 acres) of which shall have a slope of 10% or less; and at least 2.22 acres (50% of 4.45 acres) reserved for active recreation. The applicant is proposing to provide a minimum of 9.22 acres of total open space or 31% of the

29.65-acre site; 4.77 acres of which has a slope of 10% or less; and approximately 3.5 acres reserved for active recreation. See Table 1 below for a summary of each requirement.

The open space planning areas designated as OS-1 and OS-2 on the Zoning Plan Map are intended to provide sites for natural open space, recreation access, paved trails, unpaved trails and facilities, single-track trails, water storage, drainage improvements, debris flow mitigation, roadways, and landscaping. The open space planning areas make up a portion of the minimum open and recreational areas provided on site in addition to the private usable open spaces around the proposed residential uses located within HD/PUD-1, HD/PUD-2, and HD/PUD-3 as shown on the PUD Concept Plan (see Exhibit E). OS-1 contains a public trail component, to be dedicated to the Town of Eagle, as well as a minimum of an 8,000-square-foot park/usable open space area. Private open space areas are envisioned to contain improved park-like areas to accommodate recreation needs of children (i.e. playgrounds, play areas, play fields) and adults (i.e. sport courts and picnic areas). The applicant is currently proposing to allow the acreage in OS-1 and OS-2 to be reduced by no more than 10% if needed to accommodate final platting, which staff is acceptable to so long as minimum open space requirements are maintained. Staff finds the proposal meets the recommendations and requirements for PUD open space.

**Table 1. PUD Common Open Space, Usable Open Space, Active Recreation**

<b>Required 20% of total area</b>		5.93	acres
<b>Required 75% Usable (&lt;10% Slope)</b>		4.45	acres
<b>Required Active Recreation (50% of Usable)</b>		2.22	acres
<b>Proposed Common Open Space:</b>		5.93	acres
PUD-1	15%	0.468	acres
PUD-2	15%	2.139	acres
PUD-3	15%	0.9975	acres
OS-1	100%	3.5	acres
OS-2	100%	2.12	acres
<b>Total</b>	<b>31%</b>	<b>9.2245</b>	<b>acres</b>
<b>Balance</b>		<b>+3.2945</b>	acres
<b>Proposed Usable Open Space:</b>		4.45	acres
OS-1 and OS-2		1.17	acres
PUD 1-3		3.6	acres
<b>Total</b>		<b>4.77</b>	<b>acres</b>
<b>Balance</b>		<b>+0.32</b>	acres
<b>Proposed Active Recreation:</b>		2.22	acres
OS-1, OS-2, PUD-1, PUD-2, PUD-3 <b>Total</b>		3.5	acres
<b>Balance</b>		<b>+1.28</b>	acres

As it relates to the PUD Open Space requirements for irrigation system water rights, the proposal includes the granting of water rights and offers the opportunity to use non-potable, untreated water for irrigation of landscaped areas. Overall water rights dedication and will be presented to the Board for consideration in relation to annexation. See Water Rights Memo provided by the applicant in Exhibit M.

D. *Maintenance of Open Space. An organization shall be established, which is responsible for ownership, permanent care and maintenance of open spaces and recreational areas and facilities; and shall be recorded by instrument to be recorded prior to sale of any residence.*

Staff Comment: OS-1, upon dedication to the Town, will be owned and maintained by the Town of Eagle. OS-2 and common open space areas throughout the PUD will be owned and maintained by an established property owner or property owner’s association as required by Code. Details regarding the maintenance structure will be documented at the time of Subdivision or Development Permit. Staff finds that the proposed overall structure for open space maintenance complies with PUD standards and requirements of Town Code, and sets forth appropriate triggers for establishment.

E. *Municipal and park land dedication. Every PUD shall be subject to the requirements of Section 4.13.190 for municipal and park land dedication or fee, except that one-half of such requirement shall be waived in consideration of the active recreation development required in this chapter.*

Staff Comment: Pursuant to Section 4.13.190 of the Municipal Code, and based on a maximum density yield of 500 dwelling units, 15 acres of land is required to be dedicated to the Town, half of which may be private recreation facilities intended to serve the development (i.e. 7.5 acres private plus 7.5 acres public); or payment-in-lieu shall be provided. Eighty percent (80%) or 6 acres of the 7.5 acres public land dedication required shall contain a slope of 10% or less (i.e. “usable open space”). The applicant is proposing 5.62 acres of public land dedication, 1.17 of which is considered usable open space; and 3.6 acres of private land dedication. Thus, the application is deficient by a total of 5.78 acres of land dedication and 4.83 acres of usable open space as it applies to public dedication. The applicant is requesting a variation to the requirement to reduce the total municipal and park land dedication to 7.5 acres. Please reference the attached Variations Memo provided by the applicant in Exhibit F. The final municipal and park land dedication amount will be determined at development permit, once final unit counts are defined. See Table 2 below for a summary of each requirement.

**Table 2. Municipal and Park Land Dedication**

Total Project Area 29.65 acres

**REQUIRED**

Total Units	500	MF units
# of people (2.5/unit)	1250	people
<b>Required Acres (.012)</b>	<b>15</b>	<b>acres</b>
Public/Private 50%	7.5/7.5	acres

**PROPOSED**

<b>Total Public Dedication</b>		
OS-1	3.5	acres
OS-2	2.12	acres
<b>*Total</b>	<b>5.62</b>	<b>acres</b>
<b>Balance</b>	<b>-1.88</b>	<b>acres</b>
<b>Total Private Dedication</b>		
PUD 1-3 Total	3.6	acres
<b>Balance</b>	<b>-3.90</b>	<b>acres</b>
<b>Total Provided</b>	<b>9.22</b>	<b>acres</b>
<b>Total Balance</b>	<b>-5.78</b>	<b>acres</b>
*Of the public land dedication (5.62 acres total provided), 80% must be usable (i.e. having a slope of 10% or less). Subject application proposes 1.17 acres usable where 6 acres is required.		

Staff has worked with the applicant to devise creative solutions and offset the deficient land dedication. The applicant has been responsive in this request and proposes the following improvements to compensate the need for the additional 7.5 acres park land dedication as follows:

1. Dedication of OS-1 (3.5 acres total, 0.556 acres less than 10% slope) which contains the trail connection to future offsite access;
2. Dedication of an easement on OS-2 (2.12 acres total, 0.6176 acres less than 10% slope) which contains a soft path connection to the Town's trail system and a stormwater management area;
3. Construction of a public soft path within OS-1 that connects the Town's recreation path system with a potential future access to Hockett Gulch. This path also connects the project with the Town's trail system. This improvement shall be included in plans for the first Development Permit for the PUD;
4. Construction of a 5' wide soft path loop generally around the perimeter of the PUD that connects to the Town's established recreation path system. The path is accessible by the general public. This improvement shall be included in plans for the first Development Permit for the PUD;
5. Construction of a paved trailhead parking area for up to 14 parking spaces within the Town's open space located along Sylvan Lake Road and accessed directly from Sylvan Lake Road. This is solely a public benefit to the community as the residents within the PUD already have onsite parking provided. This improvement shall be included in plans for the first Development Permit for the PUD;
6. Construction of a waterless vault toilet within the Town's open space located along Sylvan Lake Road. This improvement shall be included in plans for the first Development Permit for the PUD;

Note: The bathroom facility was originally planned at the base of Hockett Gulch, rather than near the trailhead parking area. After further review by Public Works based on the current proposed location, there appears to be an opportunity to connect to City services (water, heat, and electric) and construct a fully functioning bathroom facility. The Town anticipates working with the applicant and negotiating this as part of the Annexation and Development Agreement, which could impact the ultimate value determination of required payment-in-lieu for municipal and park land dedication.

7. Installation of a solar powered pedestrian crosswalk warning light system located to the north of the vehicular access to the PUD from Sylvan Lake Road. This improvement shall be included in plans for the first Development Permit for the PUD;
8. Development of recreation areas within the PUD consisting of playgrounds with playground equipment, play fields, basketball courts, sand volleyball courts, or similar types of improvements; and
9. A payment in lieu of Park Land Dedication, which is reflective of the additional recreational improvements being provided and the extent of commitment to workforce housing development, of \$50,000.

Additionally, The applicant is currently proposing to allow the acreage in OS-1 and OS-2 to be reduced by no more than 10% if needed to accommodate final platting, which staff is acceptable to so long as minimum land dedication amounts as determined through the process are maintained, or appropriate payment-in-lieu provided. See the Staff Recommendation section at the end of staff's report for a summary of outstanding items needing attention.

Staff supports the additional improvements proposed and recommends approval to vary from the usable open space required; however, staff recommends that payment-in-lieu of park land dedication equivalent to the deficient 5.78 acres, minus the Town's determined value of the

proposed improvements listed above, be provided per Town standard. While the Town does not have a set per-acre fee for the cash in lieu payment currently, staff is in process of developing a Town-wide per-acre fee for the Board's consideration, which is anticipated to go before the Board in late February. If a Town-wide fee is adopted prior to the Board's consideration of the subject application, staff recommends that the payment-in-lieu amount be revised to match Town standard. See the Staff Recommendation section at the end of staff's report for a summary of outstanding items needing attention. All above calculations are based on the highest density yield scenario (i.e. 500 dwelling units), and amounts will be adjusted based on final unit counts proposed at Development Permit.

- F. *PUD Perimeter. The boundary between a PUD and adjacent land uses shall be landscaped so as to adequately buffer potential incompatibility between land uses.*

Staff Comment: The PUD is proposed to contain building setbacks at a minimum of 25 feet from the perimeter of the entire PUD, including OS-1 and OS-2. Parking areas shall be a minimum of 10 feet from the perimeter of the PUD. Staff finds the proposed perimeter setbacks, in combination with bordering OS-1 and OS-2 which are generally set aside to remain free from development, are adequate to buffer surrounding land uses and mitigate any potential impacts of the development.

- G. *Street Standards. Every PUD shall be designed and constructed in conformance with the Town's street construction regulations.*

Staff Comment: Street standards are provided for within the PUD Guide. All driveways and access drives are proposed to remain private, and have some flexibility to vary from Town street construction regulations so long as they meet minimum requirements for site safety and access. The design standards accommodate access for service vehicles, trash trucks and fire trucks owned by the Greater Eagle Fire Protection District. Staff is acceptable to the street standards as proposed. Street construction drawings will be required to be reviewed and approved by Public Works at time of Development Permit.

- H. *Phasing. Where a PUD is developed in phases, a proportional amount of the required open space and recreation areas shall be included in each phase, such that the project as it is built will comply with the overall density and open space requirements of Chapter 4.11 at the completion of each phase of development. Phasing shall be accomplished such that at the completion of any phase the development is consistent with the Town's goals and policies.*

Staff Comment: The PUD Guide requires each Planning Area to comply with the development standards as they are developed. While larger spans of open space and recreation areas may theoretically be developed after portions of the residential development, there are stipulations set forth within the PUD Guide for each planning area to ensure an appropriate amount of open space is provided for to serve the residents of each phase. For example, multifamily and single-family/duplex development requires a minimum of 300 square feet of usable open space for each dwelling unit; and in no case shall there be less than 15% usable open space. Staff supports the phasing strategy for open space as proposed.

#### Chapter 4.06: Development Review & Chapter 4.07: Development Standards

While the applicant has chosen not to submit a Development Plan concurrently with the PUD Zoning Plan, the PUD Guide sets forth standards for review and development that should be considered at a broad level of review as it relates to the proposed PUD Zoning Plan, to ensure compliance with Chapter 4.06 and 4.07. A Development Plan and Permit will be required to be reviewed and approved in accordance with the policies set forth in Chapter 4.06 prior to development.

The development standards chapter of the Land Use and Development Code addresses general lighting, landscape, architectural, and parking standards for the Town. This project does not fall within a specific character area of the code, so only general architectural standards apply (4.07.020). Staff has provided a brief summary of the applicable items below, but please reference the PUD Guide for full details.

### *Lighting*

The PUD Guide requires all development to comply with the lighting standards of the Town's Land Use and Development Code, except the LED light sources shall be specifically permitted when meeting equivalent light standards of the Town.

### *Landscaping*

The PUD Guide requires all development to comply with the landscape standards of the Town's Land Use and Development Code, except that specific standards have been set forth in relation to the PUD perimeter, special treatment landscaping along the frontages of Grand Avenue and Sylvan Lake Road, parking area landscaping in the form of islands or fingers (recommended per PUD Guide to be spaced every 10 to 20 parking spaces), and recommended vegetation types. The PUD Guide states that strict compliance to the Town's standards or PUD Guide is not required, and minimum number of trees or other plant materials is not prescribed. Landscape island spacing as proposed (i.e. to be spaced every 10-20 spaces) is less prescriptive than that required by Code (i.e. required every 10 spaces minimum). Maximum impervious coverage requirements proposed for the PUD are generally in conformance with typical standards set forth in the Land Development Code. The intent is to provide a substantial level of vegetation that produces a high quality, livable environment consistent with the adjacent developments within Eagle Ranch. Detailed landscape plans will be provided during the Development Permit review process.

### *General Architectural Standards*

General requirements of architectural design are set forth in Section 4.07.040 and are intended to allow architecture of various types that is cohesive with surrounding areas and considers orientation, sun, views, natural light, shadows and ventilation for inhabitants, prevailing winds, slopes, existing and future drainage patterns, snow shedding, existing landscaping, pedestrian circulation, and compatibility with scale. The PUD Guide incorporates further standards that are unique to the development, including the use of sloping roof forms, limiting flat roofs to commercial buildings, and limiting building materials to ensure the use of cohesive, high quality materials such as brick, stone, and wood. Detailed elevations will be provided during the Development Permit review process.

One conflicting provision of the PUD Guide relates to the maximum building height. The applicant is requesting a variation to the Town's typical height limitation of 35', to allow multi-family buildings to have a maximum height of 45' and accommodate three-story structures, appropriate architectural treatment of the building, and sloped roof forms. Further justification on the requested variation is outlined in the attached Variations Memo provided by the applicant in Exhibit F. Staff supports the proposal to allow multi-family buildings to have a maximum height of 45' or three-stories to accommodate high-quality architecture. In a PUD, typical design standards per Chapter 4.07 may be varied where the Planning Commission and Town Board find that such variation will produce a public benefit over strict application of the regulation varied from, and that such variation is not detrimental to the public good and does not impair the intent and purposes of Chapter 4.11.

### *Parking and Access*

Parking standards are provided within the PUD Guide for single family dwellings, duplexes, multi-family dwellings and supporting uses (i.e. leasing office, club house, etc.) and commercial uses. All standards proposed generally comply with Section 4.07.140 of the Municipal Code, except that the applicant has requested a variation to eliminate guest parking requirements associated with multi-family uses. Typically, guest parking is required at a rate of 1 space per 6 dwelling units for multi-family developments per Code. Justification on the requested variation is outlined in the attached Variations Memo provided by the applicant in Exhibit F. While the applicant has provided a parking study

indicating that parking rates provided exceed industry standard, staff is concerned that there may be potential impacts if unit counts exceed 2 occupants per dwelling unit. Staff could support the proposed variation to eliminate required guest parking if parking spaces are not assigned specifically for residents; thereby increasing parking options for guests. Staff is looking to the Planning & Zoning Commission for feedback on this recommendation. See the Staff Recommendation section at the end of staff's report for a summary of outstanding items needing attention. In a PUD, typical design standards per Chapter 4.07 may be varied where the Planning Commission and Town Board find that such variation will produce a public benefit over strict application of the regulation varied from, and that such variation is not detrimental to the public good and does not impair the intent and purposes of Chapter 4.11.

The PUD Guide proposes two separate points of access, one along Sylvan Lake Road and the other along Grand Avenue. An access easement will be required in order to gain access from Sylvan Lake Road. The timing of the construction of access points is dependent on the sequencing of development. The applicant is proposing that one access be required at time of development of HD/PUD-1 (via Sylvan Lake Road) or HD/PUD-3 (via Grand Avenue), and two points of access be required at time of development of HD/PUD-2. Public Works has reviewed the proposal and recommends that both access points be provided with initial development of the site. Staff will continue to work with the applicant to negotiate phasing strategies that will be incorporated into the Annexation and Development Agreement for the Board's review.

#### Section 4.04.110: Local Employee Residency Program (LERP)

*The purpose of Section 4.04.110 is to mitigate the impact of market rate housing construction on the limited supply of available land suitable for housing, and to increase the supply of housing that is affordable to a broad range of persons who live and/or work in the Town. This section requires new residential development to provide at least 10% of the owner-occupied housing that it produces to be affordable to lower and moderate income households as further defined in the local employee residency requirements and guidelines. The mix of local employee residences available for purchase shall average a price affordable to households earning 90% of the maximum income limits as set forth in the Town's local employee residency requirements and guidelines.*

Staff Comment: The PUD is proposing to exceed the 10% requirements as it applies to for-sale housing by providing 15% deed restricted housing but with an allowance that household income limits can be up to 120% of Area Median Income (AMI). Additionally, the PUD provides that 30% of any rental housing would be deed restricted so that the dwelling units are occupied by the local workforce population without income restrictions. The applicant is requesting a variation to LERP requirements in regards to the affordability aspect of for-sale units; to vary from the requirement to average a price affordable to households earning 90% of the maximum income limits set forth in the Town's employee residency requirements and guidelines, and instead proposing that household income limits can be up to 120% of the AMI level as set by HUD for Eagle County. The Town currently does not have employee residency guidelines that define maximum income limits, but as standard practice, the Town typically requires income limits to be set between 90-100% of AMI. Staff views the request for income limits set at 120% of AMI as a variation because of how income limits have been applied in the past. To provide additional benefit, the applicant is proposing to apply deed restrictions to 30% of the rental units to increase workforce housing opportunities since for-sale units are minimal (approximately 100 for-sale units of the 500 units at maximum). Further justification on the requested variation is outlined in the attached Variations Memo provided by the applicant in Exhibit F. Staff sees benefits and drawbacks to the proposal as a whole, and is generally supportive of the proposal with varied income limits, but has some reservations in respect to true affordability. Staff recommends requiring income limits to be set between 90-100% of AMI in order to be consistent with the Town's standard application of LERP. Staff is looking to the Planning Commission for feedback on this recommendation. See the Staff Recommendation section at the end of staff's report for a summary of outstanding items needing attention.

#### Chapter 4.17 Vested Property Rights

The applicant is requesting for the PUD Zoning Plan to be designated as a “Site-Specific Development Plan” to be vested for a period of 7 years. Appropriate process and development sequencing will be required within each phase of development, which is anticipated to occur in two phases, which could take approximately 3.5 years per phase to permit and complete. Building permit will likely not be sought for the entirety of a phase, rather components within each phase. Staff generally supports the request for 7-year vesting of the Zoning Plan to allow some flexibility in timing of full build-out.

#### Adequate Public Facilities

While assurance of adequate public facilities should be considered at a comprehensive level as it relates to zoning, Section 4.14.020 of the Municipal Code does not yet require a determination by the Commission or Board. For the subject proposal, a determination will be required at time of Development Permit or Subdivision that creates individual residential lots. Adequate public facilities are assessed based on the availability of the Town’s utility services (water and sewer), public schools, fire protection services, emergency medical services, and street facilities. Staff is in review of the preliminary information provided with the request for PUD zoning and annexation. Public Works has confirmed that the Town has the infrastructure to serve the development with adequate pressures and no additional storage capacity needs, but water services are contingent upon the Lower Basin Water Treatment Plant becoming operational, which is anticipated in October of 2020. Eagle County Schools, Police, and the Fire Protection District have also completed a preliminary review of Adequate Public Facilities, with no vast concerns relayed regarding the capacity to serve. Please reference the Referral Response Summary reports provided in Exhibits Q and S attached.

#### Traffic

A Transportation Impact Study was provided by the applicant and is under review. Based on the highest development yield scenario (i.e. 500 dwelling units and 30,000 square feet of commercial), the site is anticipated to generate a total of 5,190vpd (vehicles per day) for an average weekday, and 6,477vpd for an average Saturday. It was found that the proposed site traffic volumes will warrant eventual improvements and several auxiliary turn lanes along Grand Avenue and Sylvan Lake Road. Along Grand Avenue, an eventual right turn acceleration, a right turn deceleration lane, and a left turn deceleration lane will be needed. The north site access will need separate left and right turn lanes leaving the site. This scenario will still leave excessive levels of delay for egressing left turns. Public Works will require further traffic studies and evaluate the proposal at time of Development Plan as the improvements required to obtain adequate levels of service will be highly dependent upon ultimate density of the project at build-out (i.e. traffic generated by multi-family versus single-family homes), as well as the multiple variables and ultimate build-out of development outside of the subject project area that are used to determine traffic volumes along Highway 6. Public Works will review to ensure the level of service meets minimum Town standards.

The project’s traffic volumes at the Sylvan Lake Road access will warrant the construction of a southbound right and north bound left turn lane. The Eagle Medical Center facility is responsible for the construction of a southbound left turn lane into their facility at two locations based on its previous approvals. This turn lane improvement may also provide left turn access into the PUD depending on the final design. This left turn improvement was to be completed by the Eagle Medical Center in 2016 however the agreement was amended in the fall of 2017 to tie the improvements to a volume of traffic trigger. The applicant will coordinate with the Eagle Medical Center to provide these roadway improvements when they are triggered during the development of the PUD. Staff agrees with the assumptions and recommendations of the Transportation Impact Study provided, and the applicant is amenable to constructing the recommended improvements. Traffic considerations will be adjusted based on final unit counts proposed at Development Permit or residential subdivision where individual lots are being created. Public Works and Engineering have met with the applicant to address any additional considerations and are in final stages of review of the concepts to be incorporated into the Annexation and Development Agreement.

### Wildlife & Environmental Impacts

An environmental impact report was provided by the applicant and was reviewed by Colorado Parks and Wildlife, the Colorado Geological Society and Eagle River Watershed Council. Overall, it was found that while wildlife do migrate through the property, there is no identified established habitat or sensitive species (i.e. elk) that would be impacted. Per CGS, the applicant has incorporated fencing stipulations in the PUD Guide as to not preclude wildlife movement, as well as information on black bears and mountain lions to protect the habitat and residents. Colorado Parks and Wildlife also recommended the applicant to incorporate seasonal closures on trails to protect wintering wildlife and reduce impacts from dispersed use onto adjacent public lands.

The primary impacts perceived by the Eagle River Watershed Council are seen to occur via the incremental development of the valley floor and associated increase in impervious surfaces, which can cause runoff and alter the hydrologic regime of receiving streams. The applicant has incorporated low-impact development techniques in efforts to manage direct site stormwater runoff and promote groundwater infiltration.

Colorado Geological Society strongly recommended to address debris flow. As such, a debris flow analysis was completed and provided. The PUD as proposed can accommodate any mitigation that may be necessary within the channel for Hockett Gulch drainage being proposed. The PUD Guide requires further analysis when a development plan is reviewed by the Town. All comments received from various external agencies are provided in the Referral Response Summary Reports (See Exhibits Q and S).

### Impact Fees

The Municipal Code requires impact fee payments for the street improvement fee, fire department impact fee, water tap fee, sewer tap fee, and school land dedication fee all of which are to be paid at time of PUD or Subdivision approval. The applicant is requesting a variation to allow such payments to occur at time of Development Permit or residential subdivision where individual lots are being created, when more specifics to the development are known and fees can be more accurately calculated. Further justification on the requested variation is outlined in the attached Variations Memo provided by the applicant in Exhibit F. Staff, the Fire District, and Eagle County Schools supports the request to defer impact fee payment until Development Permit or residential subdivision where individual lots are being created. Impact fee calculations included in the review are based on the highest density yield scenario (i.e. 500 dwelling units), and amounts will be adjusted based on final unit counts proposed at Development Permit or residential subdivision where individual lots are being created.

### Utilities, Grading, and Drainage

The Reserve at Hockett Gulch property is proposed to be annexed into the Town of Eagle which would in turn provide water service and sanitary collection service to the project. Public Works has confirmed that the Town has the infrastructure to serve the development with adequate pressures and storage. Adequate Public Facilities (Chapter 4.14), which will be reviewed at time of Development Permit, is contingent upon the Lower Basin Water Treatment Plant becoming operational, which is anticipated in October of 2020 as mentioned in the above section pertaining to Adequate Public Facilities. The Town is working with the applicant to accommodate future upsizing of the water main in Sylvan Lake Road, to accommodate future development in the surrounding area.

Public Works and Engineering have met with the applicant to address any additional utility, grading, and drainage considerations and are in final stages of review of the concepts to be incorporated into the Annexation and Development Agreement.

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## STAFF RECOMMENDATION

Staff recommends **approval** of the Reserve at Hockett Gulch PUD Zoning Plan and Site Specific Development Plan (vesting of property rights), **with the following conditions:**

- 1) OS-1 and OS-2 shall only be allowed to be reduced in acreage (at a maximum of 10%) if compliance with open space and municipal park land dedication requirements is maintained;
- 2) The payment-in-lieu for municipal and park land dedication shall be revised to match Town standard;
- 3) Guest parking for multi-family uses may only be eliminated if general parking spaces are not assigned specifically for residents, thereby offering guest parking options; and
- 4) Household income limits shall be lowered to 90-100% of AMI as it applies to for-sale units.

**EXHIBIT A:**  
**Application and Written**  
**Narrative**  
**(attached)**



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**LAND USE & DEVELOPMENT PERMIT APPLICATION**  
*Pursuant to the Land Use & Development Code, Title 4*

<p><b>ZONING REVIEW</b></p> <input type="checkbox"/> Special Use Permit <input type="checkbox"/> Zoning Variance <input type="checkbox"/> Rezoning <input type="checkbox"/> Temporary Use Permit <input type="checkbox"/> Amendment to Zone District Regulations	<p><b>DEVELOPMENT REVIEW</b></p> <input type="checkbox"/> Minor Development Review <input type="checkbox"/> Major Development Review	<p><b>SUBDIVISION OR PLANNED UNIT DEVELOPMENT REVIEW</b></p> <input checked="" type="checkbox"/> Concept Plan <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Final Plat <input type="checkbox"/> Lot Line Adjustment <input type="checkbox"/> Condominium / Townhouse <input type="checkbox"/> Minor Subdivision <input checked="" type="checkbox"/> P.U.D. Zoning Plan
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**PROJECT NAME** Reserve at Hockett Gulch  
**PRESENT ZONE DISTRICT** RMF (Eagle County) **PROPOSED ZONE DISTRICT** PUD  
 (if applicable)

**LOCATION**  
**STREET ADDRESS** 016186 Highway 6

**PROPERTY DESCRIPTION**  
**SUBDIVISION** Unplatted **LOT(S)** \_\_\_\_\_ **BLOCK** \_\_\_\_\_  
 (attach legal description if not part of a subdivision)

**DESCRIPTION / PURPOSE** Annexation and PUD Zoning Plan to allow  
for the development of Reserve at Hockett Gulch (aka the JHY Parcel)

**APPLICANT NAME** Dan Metzger, Brue Baukol Capital Partners **PHONE** 720-907-1948  
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**REPRESENTATIVE** Dominic Mauriello **PHONE** 970.376.3318  
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The above information is correct and accurate to the best of my knowledge.

**Signature** January 31, 2018 **Date**

*In addition to the Application Fee payable at time of Land Use Application, costs related to public notices, postage, Town Attorney Fees and any related outside consultant fees required to review the application shall be billed to the applicant.*

<b>FOR OFFICE USE ONLY</b>	
DATE RECEIVED _____	BY _____
REVIEW FEE _____	DATE PAID _____
DATE CERTIFIED COMPLETE _____	BY _____
P&Z HEARING DATE _____	DECISION _____
TBOT HEARING DATE _____	DECISION _____
FILE NUMBER _____	RECEIVED BY _____

# Reserve at Hockett Gulch Planned Unit Development Town of Eagle, CO

Annexation & Planned Unit Development Applications

Revised Submittal  
January 31, 2018  
August 30, 2018  
January 11, 2019

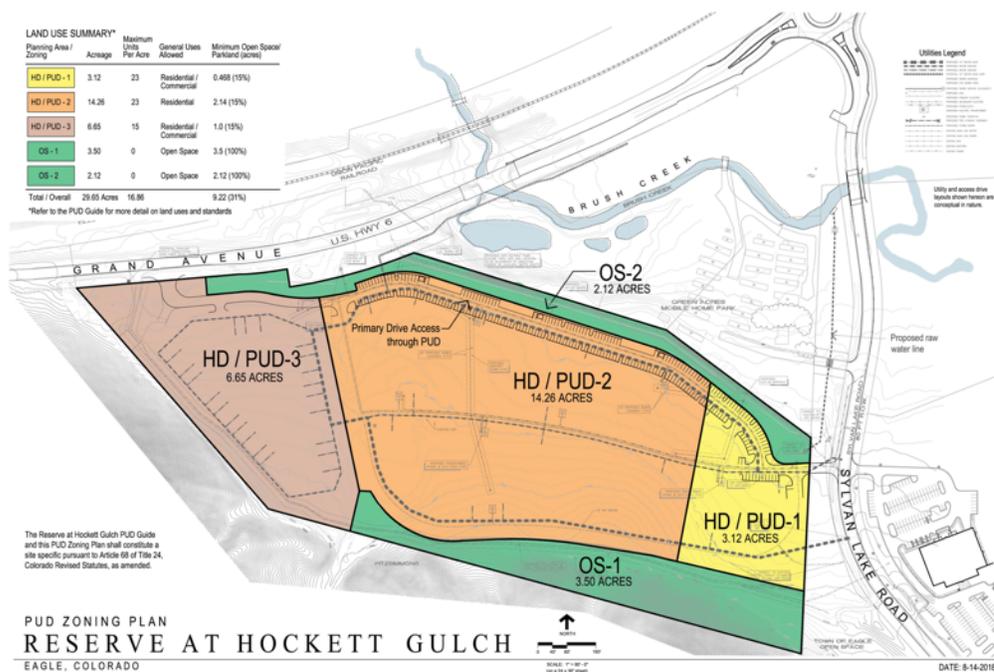


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Development Applications  
Eagle, CO

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## **Section 1: Introduction and Overview**

Brue Baukol Capital Partners (“Applicant”) is submitting an annexation petition for the Reserve at Hockett Gulch property, also known as the JHY Parcel, a 29.65-acre parcel located west of Sylvan Lake Road and south of Grand Avenue adjacent to the Town of Eagle municipal boundaries. Accompanying the annexation petition is an application for Planned Unit Development (“PUD”), zoning, and a illustrative concept plan.

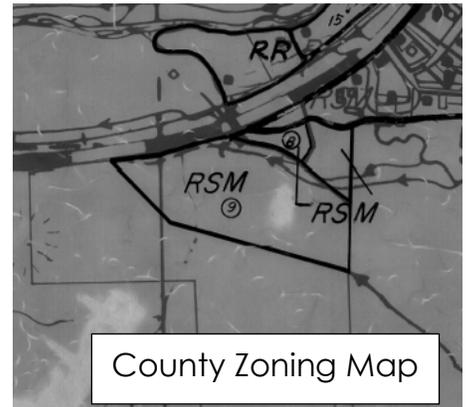
The PUD is the result of discussions between the property owner, project team, and Town officials over the last year (submittal January 31, 2018) and the review of the Town’s comprehensive planning guidance documents. The property is uniquely positioned to have direct access to both Grand Avenue and Sylvan Lake Road. The PUD Zoning Plan reflects the flexibility this dual access affords the potential for development of both commercial and residential uses. The proposed zoning plan and conceptual plan included with this submittal are the result of responding to the county-wide need for workforce housing, assessing the feasibility of access and utility services to the parcel, allowing for open space areas, providing for onsite amenities, providing for trail access across the property, and meeting the parking demands.

The Reserve at Hockett Gulch PUD will provide for residential and limited commercial development that can provide a catalyst for the redevelopment of the Grand Avenue corridor and West Eagle area while supporting the Eagle business community with access to housing for its employees. The project will add vibrancy to the Town by growing our population in a compact design and location with limited impacts to existing residential areas.

By 2027, it is anticipated that the Town will realize annual revenues of approximately \$1.22 million a year due to the project. Based on an estimated assessed valuation of \$14.58 million at full buildout (tax collection year 2027), it is anticipated that Eagle County, the School District, and Colorado Mountain College will receive increased annual revenues of \$124,000, \$363,000, and \$60,000, respectively. One-time fees collected by the Town from the PUD are estimated at \$8,355,573 million with construction use tax fees accounting for \$3.4 million of the one-time fees. See Section 2 of this report for a broader summary of fees and revenues and the Fiscal Report for the PUD provided by Stan Bernstein and Associates, Inc.

**Background:**

The subject property is currently located in unincorporated Eagle County. The parcel was originally zoned Resource in 1972 and rezoned to Residential Suburban Medium Density (RSM) in 1979 by the County. The property remains zoned RSM today. For the last almost 40 years the property has been anticipated to be developed with a multifamily community. The RSM zone district also allows for convenience grocery store and other ancillary uses. Significant changes have occurred in the Town of Eagle and Eagle County since the zoning was established in 1979. While the use of the land remains consistent with what was envisioned 40 years ago, the need for more density and ancillary commercial uses to address issues like workforce housing and the growing demands of the Town have been recognized by the Town's plans.



**Overview of the PUD:**

The proposed PUD allows for 500 dwelling units, 400 of which are envisioned to be rental apartments in one and two-bedroom formats. These envisioned apartment buildings will be three story walkups with approximately 13 structures in total. The remaining 100 units, anticipated in phase 2 of the project, may be a variety of townhouses, apartments, and single-family homes. A minimum density per acre for residential requirement in the PUD will ensure a denser residential component to the project.

The proposed PUD allows for a very limited amount of commercial space; 30,000 sq. ft. in total expressed as an FAR (Floor to Area Ratio) in the PUD Guide. The PUD allows the commercial space to be developed along the Grand Avenue frontage (HD/PUD-3) or the Sylvan Lake Road frontage (HD/PUD-1, at a more restricted amount of 15,000 sq. ft, reduced at the suggestion of Town staff). It is envisioned as small local retail or commercial spaces serving the neighborhood with retail, grocery, and office/service uses to complement the current commercial offerings in the region while not competing with other commercial centers.

Below are two location maps of the property.

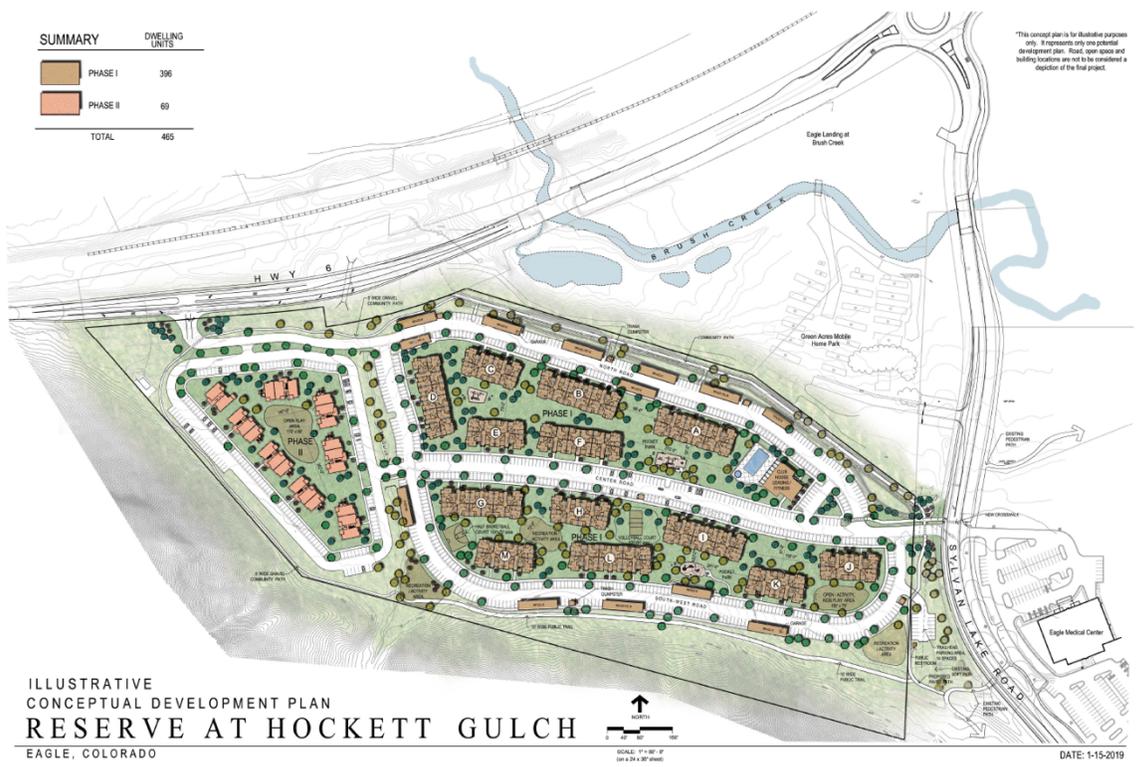
Location Map



## Illustrative Concept Plan:

Note original scale of 1"= 80' on 24 x 36 sheet for the concept plan.

The concept plan shown below and included with the submittal is intended to be just that; conceptual. This is one potential development scenario for the property. As shown below, this scenario shows the entire PUD developed with residential uses and does not include the 30,000 sq. ft. of commercial that would be allowed in the PUD. This conceptual plan shows a total of 465 dwelling units, 396 of which are rental multifamily units in one and two-bedroom formats. All of these multifamily structures shown here in Phase I are assumed at 3-stories. The plan also shows approximately 100 parking spaces located in garages made available to tenants as part of the required parking. A clubhouse, leasing office, and other amenities are also shown along with an outdoor swimming pool as amenities for residents of the PUD. Large open areas and pocket parks are also shown in a campus-like environment and represent another 3.6 acres of open space for a total of over 9 acres of open space and common areas. Recreation paths are also provided, including a perimeter trail around the entire PUD, that link directly to the Town's recreation path system. The parking shown complies with the parking requirements of the PUD which will accommodate all parking demands of this conceptual development scenario. The conceptual plan shows a setback of structures from the edge of pavement on Grand Avenue of approximately 170' and of approximately 150' to Sylvan Lake Road. Phase II depicts a possible townhome development consisting of 69 units.



**Design:**

The overall design intent of the proposed PUD is to be consistent with the historic mountain architecture of the Town of Eagle, compatible with the nearby uses and residential neighborhoods, and in keeping with the policies of the Eagle Area Community Plan. Specific details are provided within the PUD Guide. The following images are of the rental multifamily structures shown in the conceptual development plan in Phase I of the PUD.



**Access:**

The project will connect to both Sylvan Lake Road and Grand Avenue, which will promote easy access to and from the PUD. As currently conceived, the access is

aligned along the northern boundary of the site and directly across from the existing Eagle Medical Center. Arrangement of the access and parking areas allow for a number of possible phasing and building arrangements on three separate building tracts. On the southern end of the property, a trail system for use by pedestrians, bicyclists, and motorcycle (subject to restrictions found in the PUD Guide) will extend the existing Eagle Ranch trail to access Hockett Gulch to promote the Town's trail system. This trail affords the opportunity for the Town and local trail community, if they are able to gain access through the adjacent privately-owned property, to connect the Eagle Ranch trail with the BLM land to the south and west of the Town. A perimeter pedestrian trail system is also proposed around the entire PUD which connects to the Town's trail system at two locations. A pedestrian warning system is proposed at the Town's existing crosswalk within Sylvan Lake Road to allow safe passage of pedestrians across the street with connections to the Town's park, trail, and open space system.

**Traffic:**

The traffic analysis was prepared based upon the anticipated full buildout conditions of the site. This included 30,000 square-feet of commercial property and 500 residential dwelling units. The site is anticipated to generate a total of 5,190vpd (vehicles per day) for an average weekday, and 6,477vpd for an average Saturday. This includes both the residential volume of 3,262vpd for an average weekday, and 3,540vpd for an average Saturday; and the retail component consisting of 2,030vpd for an average weekday, and 2,937vpd for an average Saturday. Both residential and retail components include reductions of traffic for internal capture (where residents would use the retail uses and not leave the site), and a multi-modal reduction for walking and cycling. Both the internal capture and multi-modal traffic volume reductions are based upon accepted practices as detailed in the *ITE Trip Generation Manual*.

The traffic volumes for the site accesses will warrant some proposed improvements to Grand Avenue and Sylvan Lake Road.

Grand Avenue / North Site Access: Similar to all accesses on Grand Avenue, the north access will eventually see excessive levels of delay for the northbound left movement. At that time, it is likely that drivers will prefer to turn right and utilize the Sylvan Lake Road roundabout to turn return towards Gypsum to the west. The proposed site traffic volumes warrant the installation of three auxiliary lanes on Grand Avenue, specifically, a right turn acceleration, a right turn deceleration lane, and a left turn deceleration lane. The north site access will need separate left and right turn lanes leaving the site. This scenario will still leave excessive levels of delay for egressing left turns.

Sylvan Lake Road / East Site Access: The intersection is anticipated to operate at an acceptable level of service during the evening and Saturday peak traffic hours through Year 2040. However, the morning peak hour traffic is anticipated to have difficulty leaving the site by Year 2040.

The project's traffic volumes at this access will warrant the construction of a southbound right and north bound left turn lane. The Eagle Medical Center facility is responsible for the construction of a southbound left turn lane into their facility at two locations based on its previous approvals. This turn lane improvement may also provide left turn access into the PUD depending on the final design. This left turn improvement was to be completed by the Eagle Medical Center in 2016 however the agreement was amended in the fall of 2017 to tie the improvements to a volume of traffic trigger. The applicant will coordinate with the Eagle Medical Center to provide these roadway improvements when they are triggered during the development of the PUD.

**Parking:**

The goal of the parking plan is to provide adequate parking for all uses, without creating an overabundance of excess parking. The parking rates are pursuant with the Town's parking standards, except that the PUD Guide eliminates the Town's guest parking requirement. This modification is supported by an analysis from our traffic engineer submitted with this application and as discussed below.

Parking is proposed at the following rates:

Use	Town of Eagle Standards	Proposed with PUD
<b>Single Family or Duplex</b>	3 spaces for 3 or more bedrooms 2 spaces for <3 bedrooms	Same
<b>Multiple Family</b>	2.5 spaces for 3 or more bedrooms 2 spaces for 2 bedrooms 1.5 spaces for 1 bedroom or studio 1 additional space per 6 dwelling units for guest parking	Same per-bedroom parking standards  Guest Parking Deleted Leasing office/amenity facility: 3 parking spaces
<b>Restaurant or Bar</b>	1 1/2 per 100 square feet of floor area used or designed for use by the public, plus 1 1/2 per 200 square feet of kitchen floor space	Same
<b>Retail and General Commercial</b>	Parking area equal in square footage to the total floor area of the building, excluding one-half of storage and display areas used for bulky items requiring extensive floor area such as household appliances, furniture, automobiles, farm and construction equipment	Same
<b>Office (all)</b>	General Office, Public Administration - 1 space for 300 sq. ft. of leasable floor area	Same

	Medical, Dental, Veterinary Office, Service Establishment – 1 per 250 square feet of floor area used or designed for office or public use	
<b>Grocery</b>	Parking area equal in square footage to the total floor area of the building, excluding one-half of storage and display areas used for bulky items requiring extensive floor area such as household appliances, furniture, automobiles, farm and construction equipment	Same

McDowell Engineering prepared a parking analysis, based on ITE parking data of suburban mid-rise apartment complexes, and has found that parking demand for multiple family dwellings, in a development location and scenario similar to the Reserve at Hockett Gulch, at an average of 1.10 to 1.37 space per unit. This average is based on a variety of one, two, and three bedroom units and includes all parking onsite; guest or tenant.

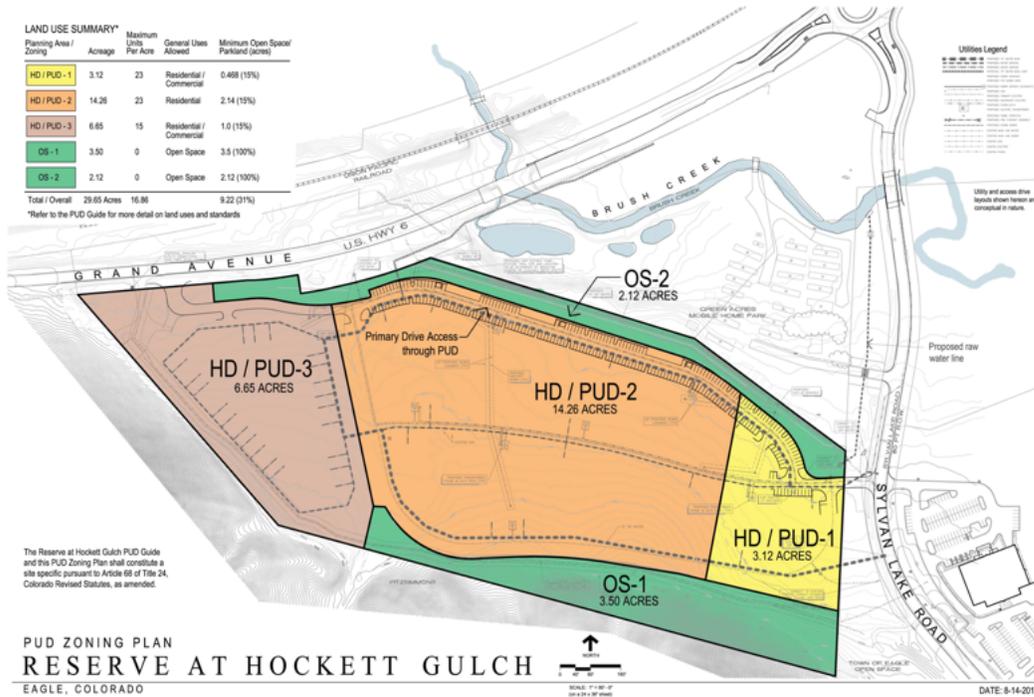
The applicant's proposed rate for multiple family units is 1.75 parking spaces per unit (average of all unit types), which is well above the ITE predicted rate of 1.37, using the high end of the demand prediction. The 1.75 rate matches the Town's current parking requirements before adding in the guest parking requirement.

Considering the conceptual plan for the project with 396 multiple family dwelling units in Phase I with 50% one-bedroom units and 50% two bedroom units, the applicant's proposed parking plan contemplates 693 parking spaces whereas the ITE prediction, with a 95% confidence interval, would be 543 spaces (at 1.37 spaces per unit). The conceptual plan exceeds the ITE prediction by 150 parking spaces. The current Town code would require 759 parking spaces. A variation is proposed to address this difference.

**PUD Guide Summary:**

The full PUD Guide, which provides all of the zoning and land use restrictions for the PUD, is included as an attachment.

The PUD Zoning Plan shown below provides for five districts or planning areas within the PUD. These five planning areas include two open space districts, OS-1 and OS-2, one residential district, HD/PUD-2, and two mixed use districts, HD/PUD-1 and HD/PUD-3.



The following is a summary of the uses and development allowed in each district:

**OS-1 (3.5 Acres) and OS-2 (2.12 Acres):**

The open space districts do not allow for vertical development generally. They are set aside to remain free from development but include uses such as trails, drainage facilities, underground utilities, and debris flow mitigation. The OS parcels are located on the north and south sides of the development and act as a buffer to the adjacent private properties. These open space parcels make up a portion of the minimum open and recreational areas provided onsite in addition to the private useable open spaces around the proposed residential uses as shown on the concept plan. With the private open space areas (approximated at a minimum of 3.6-acres+) as shown on the conceptual development plan total open space ends up at approximately 31% of the overall PUD land area, which includes active recreation areas. OS-1, which contains a public trail component, is proposed to be dedicated to the Town of Eagle to satisfy in part the park land dedication requirement and as a public benefit to the Town.

**HD/PUD-1 (3.12 Acres):**

This is a mixed-use parcel that allows for residential uses and limited commercial uses of no greater than 15,000 sq. ft. Recognizing the existing and future medical uses planned on the property across Sylvan Lake Road, the PUD is proposed to allow flexibility to create opportunities for uses that complement the neighborhood and provide convenient commercial uses for the entirety of Eagle and the Eagle Ranch community. As noted in the PUD Guide, the entire PUD is limited to 30,000 sq. ft. of commercial uses and expressed as an FAR. Commercial and nonresidential uses in this planning area require a Special Use Permit which is reviewed and approved by the Board of Trustees. In addition to the limited commercial uses, this parcel also allows residential uses, including multifamily apartments consistent with the HD/PUD-2 parcel. HD/PUD-1 along with HD/PUD-2 is envisioned as being developed with up to 400 multifamily apartments units of the 500 units allowed within the entire PUD as shown on the conceptual plan.

Building heights are limited to 45' for multifamily structures (also restricted to three stories) and 35' for single-family, duplex, townhomes, and commercial structures. Multifamily structures are limited to 3-stories and the 45' height allows for an adequate roof pitch to be provided and architectural interest to the buildings. A variation is being sought for this multifamily height being proposed.

Building setbacks are a minimum of 25' from the perimeter of the PUD.

Internal building setbacks are provided for in the PUD Guide as well as minimum useable open space requirements for residential uses based on the number of units developed within the planning area.

Maximum residential density is provided at 16.86 units per acre for the entire PUD and 23 units per acre (72 units) within this planning area specifically. A minimum residential density is also proposed to ensure a moderate level of density is built. That minimum density is 6.5 units per acre for the PUD taken as a whole.

Maximum residential FAR is 0.53:1 and maximum commercial floor area 0.11:1.

**HD/PUD-2 (14.26 acres):**

This parcel is largely restricted to residential uses. Also allowed in this planning area are the common amenities associated with quality multifamily developments including park areas, swimming pool, and clubhouse with fitness facilities. The conceptual plan envisions apartment buildings assembled around common green spaces and amenities with parking on the perimeter. Other customary and accessory uses are allowed

in this district as detailed in the PUD Guide. HD/PUD-2 along with HD/PUD-1 is envisioned as being developed with up to 400 multifamily apartments units of the 500 units allowed within the entire PUD and in the first phase of the PUD.

Building heights are limited to 45' for multifamily structures (also restricted to three stories) and 35' for single-family, duplex, and townhomes. Multifamily structures are limited to 3-stories and the 45' height allows for an adequate roof pitch to be provided and architectural interest to the buildings. A variation is being sought for this multifamily height being proposed.

Building setbacks are a minimum of 25' from the perimeter of the PUD.

Internal building setbacks are provided for in the PUD Guide as well as minimum useable open space requirements for residential uses based on the number of units developed within the planning area.

Maximum residential density is provided at 16.86 units per acre for the entire PUD and 23 units per acre (328 units) within this planning area specifically. A minimum residential density is also proposed to ensure a moderate level of density is built. That minimum density is 6.5 units per acre for the PUD taken as a whole.

Maximum residential FAR is 0.53:1.

### **HD/PUD-3 (6.65 acres):**

This planning area is a mixed-use parcel that allows for limited commercial uses of no greater than 30,000 sq. ft. and residential uses. The PUD allows flexibility so that this parcel can be developed with a commercial component with direct access from Grand Avenue and internal access from other areas of the PUD. The planning area allows up to 100 dwelling units in a variety of formats (single-family, duplex, and multifamily) and a small retail and service market place of no larger than 30,000 sq. ft. based on an FAR. As noted in the PUD Guide, the entire PUD is limited to 30,000 sq. ft. of commercial uses and 500 residential units.

Building heights are limited to 45' for multifamily structures (also restricted to three stories) and 35' for single-family, duplex, townhomes, and commercial structures. Multifamily structures are limited to 3-stories and the 45' height allows for an adequate roof pitch to be provided and architectural interest to the buildings. A variation is being sought for this multifamily height being proposed.

Building setbacks are a minimum of 25' from the perimeter of the PUD.

Internal building setbacks are provided for in the PUD Guide as well as minimum useable open space requirements for residential uses based on the number of units developed within the planning area.

Maximum residential density is provided at 16.86 units per acre for the entire PUD and 15 units per acre (100 units) within this planning area specifically. A minimum residential density is also proposed to ensure a moderate level of density is built. That minimum density is 6.5 units per acre for the PUD taken as a whole.

Maximum residential FAR is 0.86:1 and maximum commercial floor area 0.11:1.

In summary, the permitted residential uses in the PUD include multiple-family, duplex, townhouses, and single-family. The PUD requires a minimum density of 6.5 units per acre, overall, provided as to ensure a more densely-developed property, in contrast to many areas of Eagle that have been developed with larger lot residential development. The intent of allowing single-family and duplex uses is to allow flexibility and creativity in design and development and to meet changing market conditions. It's not uncommon, to have a mixture of housing types densely developed in a variety of formats, including single-family or duplex homes.

## **Section 2: Benefits and Fiscal Analysis of the PUD and Annexation**

Annexation and zoning of the Reserve at Hockett Gulch will create significant benefits and revenues to the Town and the region. These benefits are outlined below.

### **Fiscal and Revenue Benefits to the Town:**

A detailed fiscal analysis was performed for this project by Amy Greer of Stan Bernstein and Associates, Inc. Below is a summary of the positive revenue impacts of this project to the Town of Eagle and other taxing entities.

The PUD at buildout is estimated to generate a full-time population of approximately 900 people and result in an increase in assessed land valuation from approximately \$136,260 to \$14.58 million (year 2027).

The table below summarize the revenues to the Town and other agencies generated by this project. It should be noted that the one-time fees do not include the School Land Dedication Fee that will be based on the appraised value of the land calculated during the Development Permit or Subdivision process.

<b>Revenues at Stabilization - 2027</b>		
<b>Revenue Source - Town of Eagle</b>	<b>Occurrence</b>	<b>Projected Total Amount</b>
Sales Tax Revenues - General Fund	Annual	401,960
Property Tax - General Fund	Annual	35,342
Water User Fees	Annual	303,981
Sewer User Fees	Annual	336,120
Other Revenues (fines, charges, misc)	Annual	137,010
Conservation Fund Revenues	Annual	6,230
<b>Total</b>	<b>Annual</b>	<b>\$ 1,220,643</b>
<b>One Time Fees</b>		
Water Plant Improvement Fees	One time fee	1,234,072
Sewer Plant Investment Fees	One time fee	1,227,600
Street Improvement Fees	One time fee	366,465
Construction Use Tax	One time fee	3,483,400
Licenses and Building Permits	One time fee	1,069,500
Inspection Fees	One time fee	500,000
GEFPD - Fire Impact Fees	One time fee	424,536
Park Land Dedication Fee	One time fee	50,000
<b>Total</b>		<b>\$ 8,355,573</b>
<b>Others receiving revenues</b>		
Eagle County	Annual	123,915
School District	Annual	363,217
GEFPD	Annual	145,800
WECMRD	Annual	53,217
Library District	Annual	40,095
Eagle Cemetery District	Annual	3,587
Ambulance District	Annual	40,139
Colorado Mountain College	Annual	58,276
Colorado River Water Conservation District	Annual	3,703
<b>Total</b>		<b>\$ 831,949</b>

\* Water and Sewer Plant Investment Fees are based upon the applicant's EQR and water usage analysis

### **Density and Diversification:**

The proposed PUD is located in a relatively isolated section of the Town on its western border. The parcel is ideally suited for higher density residential development and limited commercial uses due to the gentle slope of the land and few environmental resources contained on the land. This property is an infill property located adjacent to two public streets requiring little extension of community infrastructure. The parcel is connected to the fabric of the Town but isolated in terms of impacts to existing developed residential neighbors. This site is ideally located for adding density with relatively few impacts to the Town.

Allowing up to 500 residential units in this location, in close proximity to regional transportation routes and bus facilities, will help diversify the housing types available within the Town and add needed residents, employees, and consumers to allow the Town to thoughtfully grow and yet remain a vibrant small-Town community. In addition, multifamily development is a less burdensome development pattern that increases the Town's ability to deliver clean water and treat wastewater.

### **Local Workforce Housing:**

The Eagle County Housing Needs Assessment prepared in 2018 recognizes a significant housing problem in Eagle County, identifying a need of 2,780 housing units in 2018 and projecting a total of 7,970 housing units needed by 2030. It further recommended that more emphasis be placed on the need for rental housing.

The need for housing is also recognized by the Eagle Area Land Use Plan, which provides the following vision:

*Ideally, people who work in Eagle should be able to live in Town or in the surrounding area, and the people who live in Eagle should not have to commute great distances to find good employment. Therefore, as the community grows, a variety of housing types and price points should be maintained, and businesses that offer higher paying jobs should be encouraged to locate within the area.*

The PUD goes well beyond the Town's workforce housing requirements which require 10% of the for-sale units to be deed restricted for the local workforce. The PUD requires that at least 30% of any rental multiple family housing be deed restricted for the local workforce with a Residence Occupancy type deed restriction (no rent caps or income caps). As envisioned in the concept plan, that would result in 118 rental units deed restricted for the workforce housing. The PUD also requires that at least 15% of any for-sale housing be similarly restricted as workforce housing but with income restrictions based on Eagle County AMI (120%). As envisioned by the concept plan, that would result in 10 workforce housing units based on 69 for sale units.

The proposed concept plan anticipates that the multiple family development in phase 1 will be developed as rental apartment units in one and two-bedroom formats. This PUD helps relieve the burden of the Town of Eagle to generate workforce housing solutions and helps local businesses by providing housing opportunities for employees in close proximity to businesses while also adding residents into the economy helping local businesses to grow and be successful. This community benefit comes without Town subsidy.

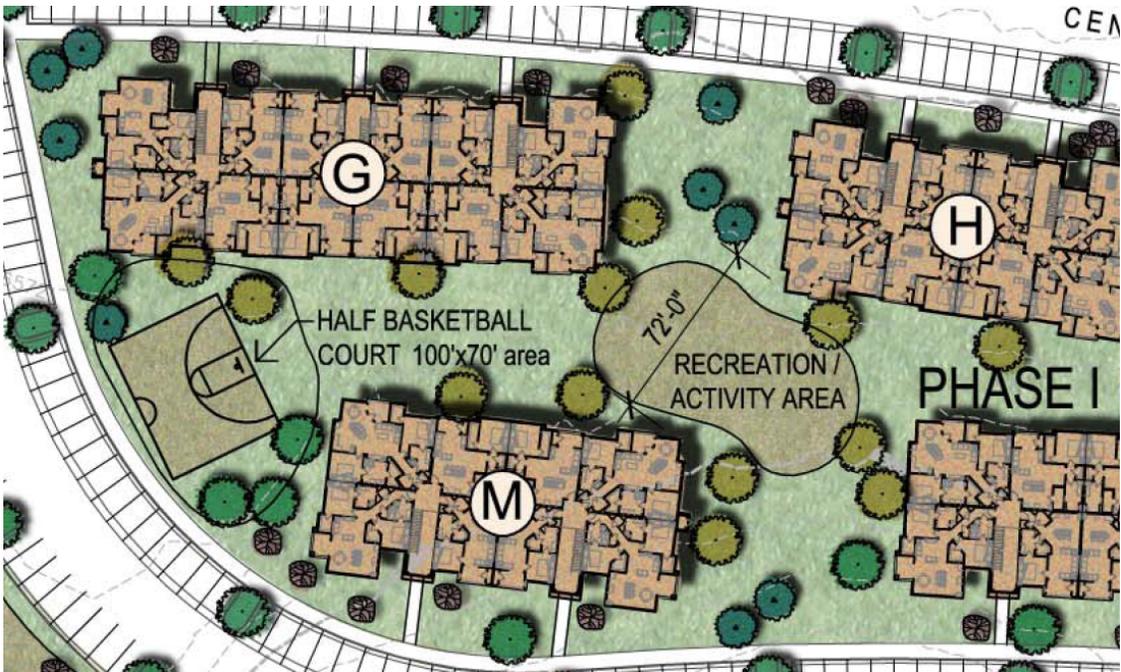
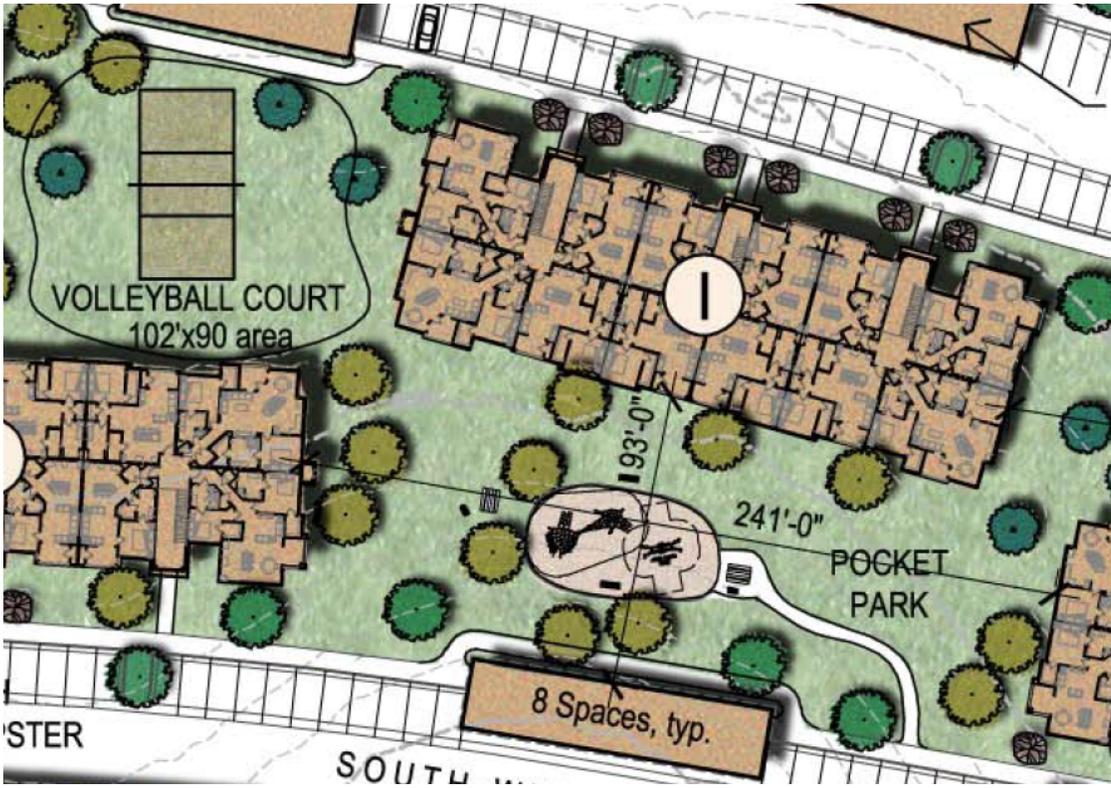
### **Trails and Amenities:**

The PUD recognizes the value placed by the Eagle community on trails, mountain biking, and access to create opportunities for connections to local trails. The proposal includes connecting the current Eagle Ranch trail system located along Sylvan Lake Road to the Hockett Gulch area with a soft path intended for use by pedestrians, bicyclists, and motorcycles (subject to restrictions). Currently there is a private parcel of land located between the PUD and the BLM land system where there is an extensive trail system. The PUD is providing for a connection that can occur in the future should the Town or another organization obtain access across the adjacent private land. Making this connection is a huge benefit to the recreation community by advancing and improving the Town's trail system which helps to enhance the quality of life in Eagle and benefit its economy as a recreation destination. Additionally, the proposal is providing a 5' wide soft recreation trail around the perimeter of the PUD that will connect with the Town's current trail system giving residents of the PUD and the entire community another recreational opportunity.

The project will include extensive passive and active private recreation areas and open spaces as well as anticipated fitness, swimming pool, playgrounds for children, and other onsite amenities to serve the residents living within the PUD as depicted on the concept plan. While the Town and BLM today have extensive park, trails, and recreation facilities, this project will help to serve its own residents with amenities and lessen any burden placed on the Town's resources as well as providing benefits to the entire community.

As part of the proposed trail connection, the PUD is proposing to construct a 14-space trailhead parking lot and waterless vault toilet within the Town's open space along Sylvan lake Road to accommodate a future potential connection to Hockett Gulch.

Below are some images taken from the Conceptual Development Plan showing the size and types of recreation uses that will be provided in the PUD:



**Irrigation and Water Use:**

The PUD is projected to generate significant revenues annually to the Town's water and sewer funds to pay for capital improvements including the new water plant. The PUD goes further to grant water rights to the Town as well as provide the opportunity to use non-potable, untreated, water for irrigation of landscaped areas. This will reduce the impact to the Town's water treatment needs thus providing a public benefit and a sustainable approach to development. A detailed Water Management and Analysis Report prepared by our water consultant and water engineer has been provided which shows how this project will use water in an extremely efficient manner. Please see water rights letter provided with the submittal that details all of the water rights dedication approaches that may be used with this project and how access to non-potable water for irrigation can be achieved.

The Town's new water plant needs access through the property to accommodate an upsized water distribution pipe that will serve the entire community. The PUD will be accommodating the Town's need for an upsized pipe to run through the property, at the Town's cost.

In addition to using untreated water and efficient irrigation measures, the applicant is proposing to use water efficient fixtures and other monitoring devices to ensure very efficient water use of all residential uses.

## Section 3: PUD Review Criteria

Section 4.11.040 of the Eagle Land Use Code provides the following requirement for a PUD Submittal:

*A statement of intent, with explanation of how the proposed PUD provides benefits over standard development design and how the proposed PUD meets each of the purposes of this Chapter, as set forth in Section 4.11.020.*

An analysis of each of these requirements is provided below:

### 1. **Statement of Intent**

The intent of the Reserve at Hockett Gulch is to allow for the development of a compact residential neighborhood along with some ancillary commercial uses. The PUD is focused on multifamily residential development (minimum density requirement ensures this focus) in order to provide housing to the local population of the region. The PUD is a creative, environmentally sensitive, and a high-quality design that is consistent with the Eagle Area Community Plan and its goals.

### 2. **PUD provides benefits over standard development design**

The proposed PUD, unlike standard development design, provides benefits by allowing for development which furthers the goals and objectives of the Eagle Area Community Plan for a conservation-oriented development. The PUD allows for a dense and compact development that better conserves resources while addressing community needs for diverse housing types without impacting environmentally sensitive lands. In addition, the proposed PUD allows both the applicant and the Town of Eagle to have a clear guide for development which restricts the future uses of the site and provides architectural controls.

### 3. **How the PUD meets the purposes of this chapter (4.11.020)**

- A. *To encourage innovations in residential, commercial and industrial development so that the needs of the population may be met by greater variety in type, design and layout of buildings and land uses and by the conservation and more efficient use of open space;*

#### Applicant Response:

The proposed PUD allows flexibility in the design and build-out standards of the project, within set zoning parameters and guidelines as contained in the

PUD Guide. The site is uniquely positioned to develop both commercial and residential types, meeting the greater needs of the Eagle community and simultaneously utilizing visually appealing and geologically constrained areas as open space buffers. The project also provides future trail access dedicated to the Town to provide for a new portal to the extensive mountain biking and hiking trail network above Hockett Gulch.

The PUD responds directly to the needs of the community as documented in Town planning documents and Eagle County studies that indicate the need for variety and diversity of housing types in the Town. The PUD promotes the development of multifamily units, primarily directed at rental opportunities, which is in high demand and low supply within the Town. The density proposed is a response to the desire to use resources and land efficiently so that land in the Eagle area can be appropriately conserved while adding the population base needed to make Eagle a vibrant community, economically, and socially.

*B. To promote the most appropriate use of the land;*

Applicant Response:

The PUD is proposed on a parcel of land being annexed to the Town. The property sits adjacent to Grand Avenue and along the primary access to the Eagle Ranch neighborhood which contains a variety of institutional, residential, and commercial uses in close proximity to the property. The land itself, as discussed in the environmental study provided, is well suited to development given its lack of environmental resources and its position within the Town. The property is well suited for residential development given its connected, yet isolated nature along with some limited commercial opportunities along the frontages of Grand Avenue and Sylvan Lake Road. The property is located within the Town's urban growth boundary.

*C. To improve the design, character and quality of new development;*

Applicant Response:

The application has included additional design guidelines to establish character of future development on the parcel to create a quality project consistent with design objectives of the Town and those that exist in Eagle Ranch.

*D. To facilitate the adequate and efficient provisions of streets and utilities;*

Applicant Response:

The PUD will not have an adverse impact on any existing utilities or street capacities. The traffic impact study provided with the submittal indicates that the project can be added to the surrounding public roads without a degradation of level of service in the short term. Utilities and stormwater facilities have adequate capacity to serve the proposed development.

E. *To facilitate efficient provision of solar access;*

Applicant Response:

The property orientation lends itself to significant solar access. The proposed building heights are low and adequate open spaces are planned to allow solar access to all future residential buildings.

F. *To achieve beneficial relationships with the surrounding area;*

Applicant Response:

The PUD will achieve meaningful and beneficial relationships with the surrounding area.

The PUD Zoning Plan was developed as a potential mixed use (residential and commercial), in part, because of the proximity of the project to established residential and commercial areas of the Town and the direct accessibility to Grand Avenue. The project will provide housing for the local workforce thus supporting the local retail and other commercial businesses within the Town. The property is within walking distance to local employers such as the Eagle Healthcare Center, Castle Peak Senior Life and Rehabilitation, Brush Creek Elementary School, and numerous employers within the Eagle Ranch commercial complex, on Grand Avenue, in downtown Eagle, and within the I-70 commercial district, thus providing businesses with convenient housing for workers. The PUD also provides for a new population of consumers to help bolster Eagle's growing business community. The benefits to the surrounding community are significant.

G. *To preserve the unique, natural and scenic features of the landscape;*

Applicant Response:

The PUD is designed with logical placement of development parcels including trails, roadways, and parking areas which was done after analysis of the unique, natural, and scenic features of the landscape. The natural hillside to the south is being protected within an open space parcel. Hockett Gulch, a debris channel, is being recognized and maintained as a natural feature in the landscape. An open space parcel is provided along

the north boundary of the site providing for water quality detention to protect Brush Creek and to provide a sizable buffer to the residents of the Green Acres Mobile Home Park. Therefore, the project is preserving the natural and scenic features of the property.

H. *To preserve open space as development occurs;*

Applicant Response:

Dedicated open space tracts are included on the zoning and development plan, including a dedicated trail for future access to Hockett Gulch and the extensive Hardscrabble trail network. Significant open space areas are proposed within the residential areas to provide for recreation and relaxation opportunities.

I. *To provide for necessary commercial, recreational and educational facilities conveniently located to housing;*

Applicant Response:

The PUD provides housing which is in close proximity to commercial, recreational, and educational facilities. The commercial component of this PUD is geared toward the convenience of the residential uses onsite and those in close proximity within Eagle Ranch and the Town. The commercial component is limited to 30,000 sq. ft. allowing it to provide ancillary commercial space within the Town without competing with the Town's commercial cores. The residential component includes ample areas for recreational uses onsite while not duplicating the abundance of under-utilized public parks and facilities located throughout the Town. The property is located in close proximity to schools and its bus routes.

J. *To lessen the burden of traffic on streets and highways.*

Applicant Response:

The traffic analysis was prepared based upon the anticipated full buildout conditions of the site. This included 30,000 square-feet of commercial property and 500 residential dwelling units. The site is anticipated to generate a total of 5,190vpd (vehicles per day) for an average weekday, and 6,477vpd for an average Saturday. This includes both the residential volume of 3,262vpd for an average weekday, and 3,540vpd for an average Saturday; and the retail component consisting of 2,030vpd for an average weekday, and 2,937vpd for an average Saturday. Both residential and retail components include reductions of traffic for internal capture (where residents would use the retail uses and not leave the site), and a multi-modal

reduction for walking and cycling. Both the internal capture and multi-modal traffic volume reductions are based upon accepted practices as detailed in the *ITE Trip Generation Manual*.

The traffic volumes for the site accesses will warrant some proposed improvements to Highway 6 and Sylvan Lake Road.

Grand Avenue/North Site Access: Similar to all accesses on Grand Avenue, the north access will eventually see excessive levels of delay for the northbound left movement. At that time, it is likely that drivers will prefer to turn right and utilize the Sylvan Lake Road roundabout to turn return towards Gypsum to the west.

The proposed site traffic volumes warrant the installation of three auxiliary lanes on Highway 6, specifically, a right turn acceleration, a right turn deceleration lane, and a left turn deceleration lane. The north site access will need separate left and right turn lanes leaving the site. This scenario will still leave excessive levels of delay for egressing left turns.

Sylvan Lake Road / East Site Access: The intersection is anticipated to operate at an acceptable level of service during the evening and Saturday peak traffic hours through Year 2040. However, the morning peak hour traffic is anticipated to have difficulty leaving the site by Year 2040.

The project's traffic volumes at this access will warrant the construction of a southbound right and northbound left turn lane. The Eagle Ranch Healthcare facility is responsible for the construction of a southbound left turn lane into their facility based on its previous approvals.

## Section 4: Review the Town of Eagle Planning Documents

This section provides for a review of the Town of Eagle's planning documents which support the proposed PUD.

### **Eagle Area Community Plan**

The PUD is consistent with the following guiding policies of the Eagle Area Community Plan adopted in 2010:

#### *Land Use Policy 1.1:*

*Use the goals, policies, principles, implementation strategies, resource maps and future land use designations of the Eagle Area Community Plan in the evaluation of new land use proposals.*

**Land Use Policy 2.2:** *New development should be compact, pedestrian friendly and located within or adjacent to existing development to minimize infrastructure and service needs.*

- a. *Promote the development of compact neighborhoods in close proximity to public transit options and established neighborhood retail centers.*
- c. *Work to amend regulatory barriers that prevent the intensification of development in identified areas already served by Town infrastructure.*
- d. *Identify specific redevelopment and infill opportunities on vacant or under-utilized lots in otherwise built-up areas ... Ensure that (development) areas contain sufficient land for community facilities, recreation and government services as appropriate.*
- e. *Utilize incentives including public-private partnerships, density bonuses and modification of development requirements to encourage infill and redevelopment.*
- f. *Ensure residential infill and redevelopment outcomes blend appropriately with the character and scale of surrounding neighborhoods.*

**Land Use Policy 3.1:** *Assure adequate access to and appropriate mobility options within all developed areas.*

- d. *Interconnect residential neighborhoods, neighborhood retail centers and other public destinations with a paved recreational path and/or sidewalk system. Connect local paths to regional paths at appropriate locations.*

**Land Use Policy 4.1:** Preserve high quality agricultural lands, public lands, wildlife resources, water resources, forest resources and viewsheds in the Eagle Planning Area.

- d. Utilize compact development, infill and conservation oriented development to accommodate growth while retaining open lands and protecting environmentally sensitive areas.

**Land Use Policy 6.1:** Promote vertical mixed use, horizontal mixed use or a combination of mixed-use patterns in appropriate areas within the Town's Urban Growth Boundary.

**Community Design Policy 1.3:** Work to maintain and enhance the sense of community in the Eagle area.

- c. Design public gathering areas to accommodate activities consistent with their intended use. Differentiate areas suitable for small-scale neighborhood activities and events from those suitable to support larger community activities and events.

**Housing Policy 1.1:** Support and contribute to efforts to address needs for affordable housing.

**Housing Policy 1.2:** Promote the preservation and/or creation of a wide range of housing units, including single family, duplex, multi-family and mixed-use arrangement units.

**Housing Policy 1.3:** Promote increased residential densities in mixed-use commercial residential areas.

**Economic Development Policy 1.1:** Support an economic development strategy that is consistent with the vision statement.

- g. Work to better capitalize on the Town's proximity to the Eagle County Regional Airport.

**Economic Development Policy 1.2:** Expand retail diversity to reduce sales tax leakage.

- a. Work to better capitalize on the Town's proximity to the Eagle County Regional Airport.
- d. Optimize commercial development. Determine factors that are preventing build-out of existing commercial centers.

## **ACTION Plan**

The Town of Eagle Planning and Zoning Commission and Eagle County Planning Commission reviewed the recommended strategies for each

policy contained in the Eagle Area Community Plan, and further organized strategies identified as most important to implement, including:

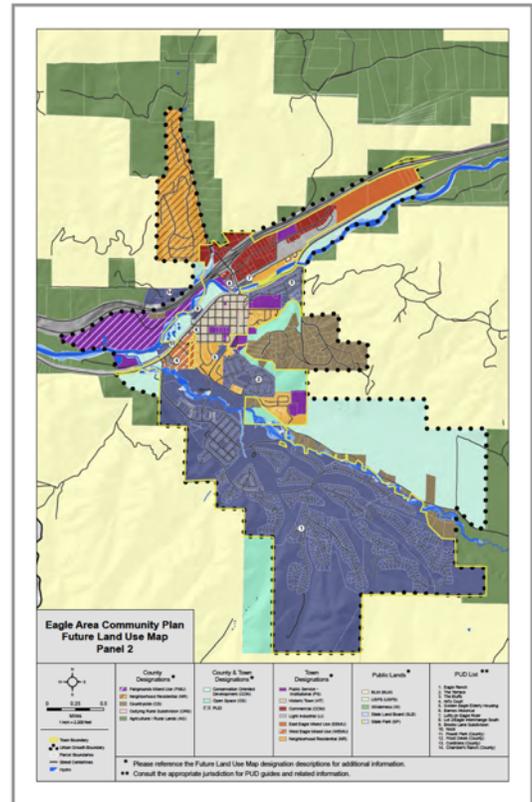
**Place Making:** Design gateway to reflect the Town's unique identity, providing clear sense of arrival and departure.

**Economic Development:** Support opportunities to expand the number and diversity of businesses in Eagle and create more local jobs and outlets for goods and services... particularly commercial development that will generate sales tax revenue.

**Eagle Area Community Plan Future Land Use Map (FLUM) Designations for Lands within the Town's Urban Growth Boundary:**

The PUD project is located with the "Conservation Oriented PUD" Designation of the FLUM and is compatible with the intent, character, location criteria and land uses of the plan, including:

- Development over and above that allowed by existing zoning on properties with this designation predicated on annexation to the Town of Eagle.
- Avoid disconnected, sprawling development by locating higher densities and intensities of land use close to existing developed areas.
- Locate commercial uses in areas easily accessed by automobiles and trucks.
- Development is clustered providing walkable neighborhoods, developed areas are compact and well connected with multimodal, path and trail systems.
- Locate (development) in areas that can be efficiently served by town infrastructure, within reasonable proximity to public services, job centers and shopping, where environmentally or aesthetically valuable lands also exist.
- Use the PUD (Planned Unit Development) zone district for new development



Future Land Use within the Urban Growth Boundary

The PUD is also located in "Western Gateway" special character area identified in the 2010 Eagle Area Community Plan. This special designation includes planning principles that are designed to achieve an attractive, well-managed landscape and distribution of land uses at the Town's western boundary.

The PUD Zoning Plan has taken into consideration the planning principles outlined in the character area and is compliant with the recommendations of the Eagle Area Community Plan.

## **Section 5: Preliminary Impact Report**

Pursuant to Town Planner determination, and in accordance with Section 4.07.030 of the Land Use and Development Code, the applicant has been requested to identify any potential environmental, socioeconomic and utility impacts of the proposed development through submittal of a Preliminary Impact Report. Preliminary Impact Report criteria are as follows:

**1. By altering an ecological unit or land form, such as a ridgeline, saddle, draw, ravine, hillside, cliff, slope, creek, marsh, watercourse, or other natural land form feature;**

Applicant Response:

The proposed PUD will not alter an ecological unit as described.

**2. By directly or indirectly affecting a wildlife habitat, feeding or nesting ground;**

Applicant Response:

The proposed PUD will have limited affects to area wildlife as discussed in the baseline ecological report.

**3. By substantially altering or removing native grasses, trees, shrubs or other vegetative cover;**

Applicant Response:

The proposed PUD will not substantially alter or remove native grasses, trees, shrubs or other vegetative cover as described; the project is on land already zoned historically utilized for irrigated pasture land.

**4. By affecting the appearance or character of a significant scenic area or resource, or involving buildings or other structures that are of a size, bulk or scale that would be in marked contrast to natural or existing cultural features;**

Applicant Response:

The proposed PUD will not affect the appearance or character of a significant scenic area or resource, nor will it be in marked contrast to natural or existing cultural features as described. Specific development standards will be applied to all development constructed.

**5. By potentially resulting in avalanche, landslide, siltation, settlement, flood or other land-form change of hazard to health and safety;**

Applicant Response:

The proposed PUD will not result in any increased land-form change or risk to health and safety; recommendation of the soils and structural engineers will be employed as a part of the design and permitting process. A report analyzing the potential for debris flow has been provided and concludes that any impact of debris flow is minor and can be adequately mitigated within the PUD.

**6. By discharging toxic or thermally abnormal substance or involving use of herbicides or pesticides, or emitting smoke, gas, steam, dust or other particulate matter;**

Applicant Response:

The proposed PUD will not result in any discharge of toxic or abnormal materials or substances, including smoke, gas, steam dust or other particulate matter.

**7. By involving any process which results in odor that may be objectionable or damaging;**

Applicant Response:

The proposed PUD will not result in any process which results in odor that may be objectionable or damaging.

**8. By requiring any waste treatment, cooling, or settlement pond, or requiring transportation of solid or liquid wastes to a treatment or disposal site;**

Applicant Response:

The proposed PUD will not require any new waste treatment, cooling or settlement ponds other than those techniques used to retain and treat generated stormwater runoff.

**9. By discharging significant volumes of solid or liquid wastes;**

Applicant Response:

The proposed PUD will not discharge significant volumes of solid or liquid wastes.

**10. By increasing the demand on existing or planned sewage disposal, storm drainage, water distribution system, streets, or other utility systems to a level which is likely to cause an adverse impact on the environment;**

Applicant Response:

The proposed PUD will not increase demand on existing or planned sewage systems, storm drainage, water distribution systems, street or other utility systems to a level that is likely to cause an adverse impact on the environment. Adequate services are available through the Town of Eagle and, as necessary, will be constructed to provide additional capacity so as not to cause an adverse impact.

**11. By involving any process which generates noise that may be offensive or damaging;**

Applicant Response:

The proposed PUD will not generate noise that may be offensive and damaging, as it proposes uses that are typical to the Town of Eagle and already permitted under area zoning regulations.

**12. By either displacing significant numbers of people or resulting in a significant increase in population;**

Applicant Response:

The proposed PUD will not displace significant numbers of people (the land is currently vacant) but will result in an increase in population through the development of up to 500 dwelling units with an estimated population of 900 persons.

**13. By pre-empting a site which is desirable for recreational uses or planned open space;**

Applicant Response:

The proposed PUD will not pre-empt a site which is desirable for recreational uses or planned open space; the site is fully developable and uses proposed are consistent with guidance from the Town. Open space is being dedicated within the PUD and includes new trail access to desirable recreational opportunities that are not currently accessible to the public from such a convenient location. The Town and the County have created an abundance of open space areas within the region and the increase of such open spaces is not necessary to be repeated in this location.

**14. By altering local traffic patterns or causing an increase in traffic volume or transit service need;**

Applicant Response:

According to a study of trip generation of the PUD, acceptable levels of service on impacted roadways are anticipated by build out and the PUD will not cause an unacceptable increase in local traffic patterns or transit service needs.

**15. By substantially affecting the revenues or expenditures of the Town government.**

Applicant Response:

As proposed, the PUD will positively impact the revenues of the Town of Eagle in several ways including generation of a yearly recurring property tax revenue, and recurring sales tax from proposed commercial areas. The PUD will also expand the permanent residential population that supports existing business and commerce within the Town. The PUD decreases the need of the Town to generate local workforce housing solutions.

**16. By increasing the demand on existing or planned school facilities to a level which is likely to cause an adverse impact on such school facilities, an adverse impact on educational opportunities, or an adverse impact on the revenues and expenditures of the Eagle County School District RE-50J.**

Applicant Response:

The proposed PUD will not increase demand on school facilities likely to cause an adverse impact. The PUD Guide provides for school land dedication fee payment. The PUD will increase the property value, thus providing the school district with additional revenues.

**17. By being a part of a larger project which, at any future stage, may involve any of the impacts listed above.**

Applicant Response:

The proposed PUD will not be part of a larger project.

*See the compendium of technical reports for more detailed analyzes and development restrictions proposed.*

**EXHIBIT B:**  
**Site Orientation Package and**  
**P & Z Site Visit Comments**  
**(attached)**



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## MEMORANDUM

**TO:** Planning & Zoning Commission

**FROM:** Stephanie Stevens, Planning Consultant  
Department of Community Development

**DATE:** January 18, 2019

**PROJECT:** Reserve at Hockett Gulch PUD Zoning Plan (File Number PUD18-02)

**LOCATION:** West of Sylvan Lake Road and South of Grand Avenue

**SUBJECT:** Planning & Zoning Commission Site Visit

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### **SITE REVIEW**

Before the Planning & Zoning Commission reviews the PUD Zoning Plan, the proposal shall be reviewed on site by at least three members of the Planning & Zoning Commission. They may make written recommendations to the full Planning & Zoning Commission regarding characteristics of the site which may have a bearing on the PUD Zoning Plan. Some areas that you may want to pay attention to include: access, surrounding uses for compatibility, connectivity to surrounding area, and impacts to existing natural features.

Staff recommends Commission members plan on going out to the site individually to avoid any potential for ex parte communication. The site visit on the Reserve at Hockett Gulch PUD Zoning Plan application needs to be completed by January 25<sup>th</sup>, in preparation for the first hearing on the application scheduled for February 5<sup>th</sup>, 2019. If commissioners have any questions regarding the materials provided, ahead of conducting a site visit, please contact Morgan Landers. Clarifications of materials will be distributed to all commissioners. Once the site visit is complete, please send any written recommendations that you'd like to share with the Planning & Zoning Commission to Morgan Landers at [morgan.landlers@townofeagle.org](mailto:morgan.landlers@townofeagle.org) by **5pm on January 25<sup>th</sup>, 2019** for inclusion in the packet materials.

### **PROJECT SUMMARY**

The applicant, Dan Metzger on behalf of Brue Baukol Capital Partners, proposes to annex and initially zone 29.65 acres of property located just west of the Town boundary to Planned Unit Development ("PUD") to accommodate residential and limited commercial development. The property is accessed by Grand Avenue to the north and Sylvan Lake Road to the east, and is

currently zoned Residential Suburban Medium Density (RSM) in unincorporated Eagle County. While the use of the land remains consistent with the current zoning in Eagle County, annexation and PUD zoning are proposed in order to accommodate additional density and ancillary commercial uses. The Community Plan recommends annexation of properties into the Town that are contained within the growth boundary.

The Planning & Zoning Commission is to review the Zoning Plan at the public hearing and make a recommendation to the Board of Trustees. After the Planning & Zoning Commission has made its recommendation for approval or denial of the PUD Zoning Plan, the Board will review the proposed PUD Zoning Plan at a public hearing, along with the annexation petition, and take final action on both applications. While the annexation is important for the Planning & Zoning Commission to consider as it relates to the proposed zoning, the Planning & Zoning Commission does not act on the annexation.

### **SITE VISIT ORIENTATION**

Attached please find the Site Visit Orientation package provided by the applicant to help guide you on your site visit (see Attachment A). The first map entitled “Reserve at Hockett Gulch Property Boundary” identifies major access points and existing site features and is intended solely for orientation purposes. The second map, entitled “PUD Zoning Plan Overlay”, includes the Zoning Plan, showing PUD planning areas and major identifying features. The last map in the package, entitled “PUD Concept Plan”, provides a detailed design concept and vision for the property at full development. It should be noted that the Concept Plan is for illustrative purposes only and simply provides a graphic depiction of one potential development scenario that the PUD Guide would allow. Further approval of a Development Plan and Permit will be required if the PUD is approved and once final design is known, to implement any concepts shown.

The PUD Zoning Plan provides for five planning areas within the PUD. These five planning areas include two open space planning areas, OS-1 and OS-2, one residential planning area, HD/PUD-2, and two mixed use planning areas, HD/PUD-1 and HD/PUD-3. A brief summary of each of the proposed planning areas is provided below. Please reference the PUD Written Narrative and PUD Guide attached for specific details and standards set forth for each planning area.

#### **OS-1 (3.5 Acres located along the southern-most portion of the property)**

#### **OS-2 (2.12 Acres located along the northern-most portion of the property):**

The open space planning areas do not allow for vertical development generally. They are set aside to remain free from development but include uses such as trails, drainage facilities, underground utilities, and debris flow mitigation. The OS planning areas are located on the north and south sides of the development and are intended to act as a buffer to the adjacent private properties. These open space areas make up a portion of the minimum open space and recreational areas provided onsite in addition to the private useable open spaces around the proposed residential uses as shown on the PUD Concept Plan. OS-1, which contains a public trail component, is proposed to be dedicated to the Town of Eagle to satisfy in part the park land dedication requirement and as a public benefit to the Town.

#### **HD/PUD-1 (3.12 Acres located along the eastern-most portion of the property):**

This is a mixed-use planning area that allows for residential uses and limited commercial uses of no greater than 15,000 sq. ft. Recognizing the existing and future medical uses planned on the property across Sylvan Lake Road, the PUD is proposed to allow flexibility to create

opportunities for uses that complement the neighborhood and provide convenient commercial uses for the entirety of Eagle and the Eagle Ranch community. As noted in the PUD Guide, the entire PUD is limited to 30,000 sq. ft. of commercial uses and expressed as an FAR. Commercial and nonresidential uses in this planning area require a Special Use Permit, which would require further review by the Board of Trustees. In addition to the limited commercial uses, this planning area also allows residential uses, including multifamily apartments consistent with the HD/PUD-2 planning area. HD/PUD-1 along with HD/PUD-2 is envisioned as being developed with up to 400 multifamily apartments units of the 500 units allowed within the entire PUD as shown on the PUD Concept Plan.

**HD/PUD-2 (14.26 acres located in the center of the property):**

This planning area is largely restricted to residential uses. Also allowed in this planning area are the common amenities associated with quality multifamily developments including park areas, swimming pool, and clubhouse with fitness facilities. The conceptual plan envisions apartment buildings assembled around common green spaces and amenities with parking on the perimeter. Other customary and accessory uses are allowed in this planning area as detailed in the PUD Guide. HD/PUD-2 along with HD/PUD-1 is envisioned as being developed with up to 400 multifamily apartments units of the 500 units allowed within the entire PUD and in the first phase of the PUD.

**HD/PUD-3 (6.65 acres located along the western-most portion of the property):**

This is a mixed-use planning area that allows for limited commercial uses of no greater than 30,000 sq. ft. and residential uses. The PUD allows flexibility so that this planning area can be developed with a commercial component with direct access from Grand Avenue and internal access from other areas of the PUD. The planning area allows up to 100 dwelling units in a variety of formats (single-family, duplex, and multifamily) and a small retail and service market place of no larger than 30,000 sq. ft. based on an FAR. As noted in the PUD Guide, the entire PUD is limited to 30,000 sq. ft. of commercial uses and 500 residential units.

**ATTACHMENTS**

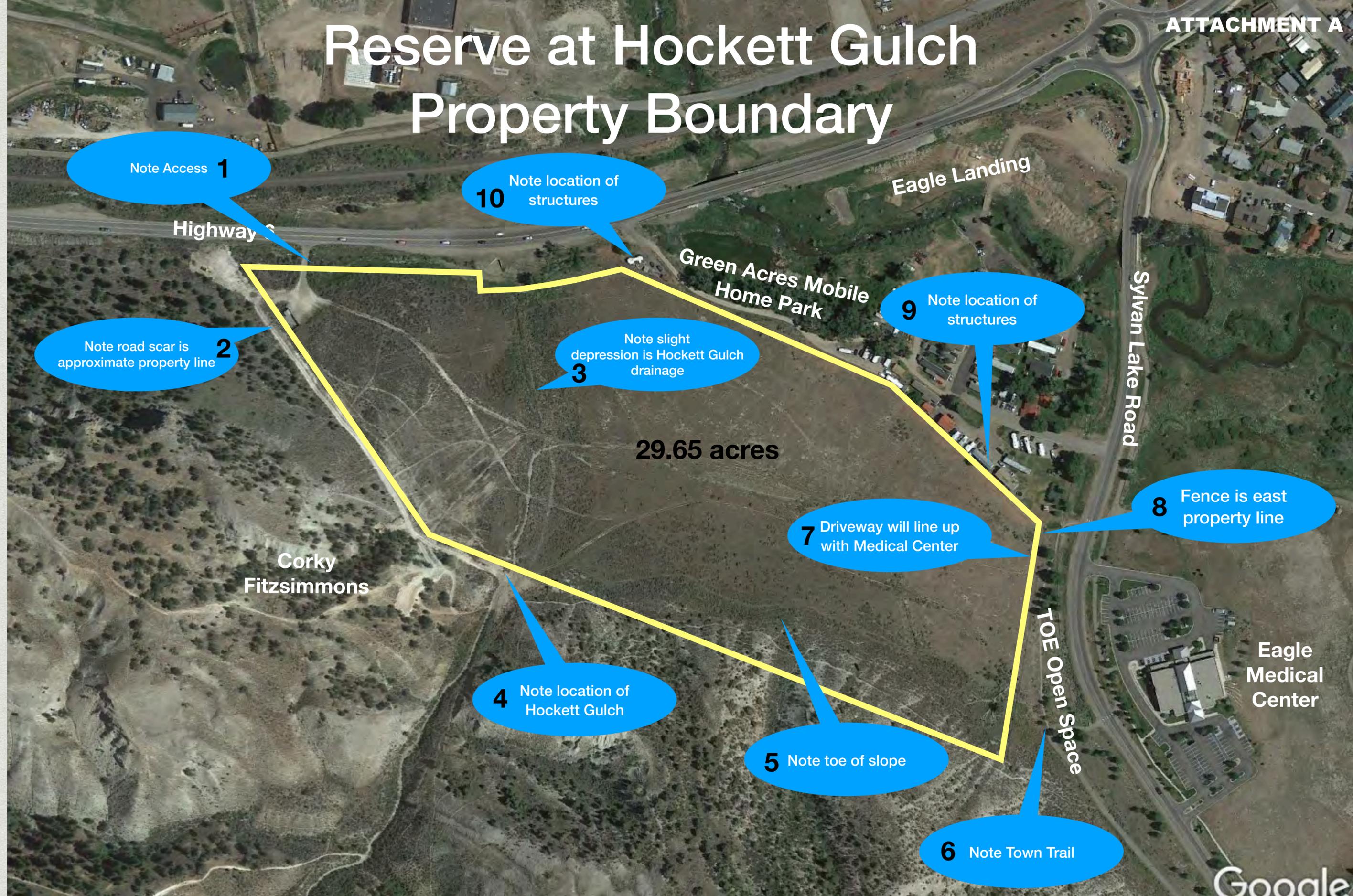
- A. Site Visit Orientation Package
- B. Site Photos
- C. PUD Written Narrative
- D. PUD Zoning Plan
- E. PUD Concept Plan
- F. PUD Guide

Attachments C, D, E, F were removed from the P & Z Staff Report as they are provided elsewhere in the packet.

# Site Visit Orientation

Reserve at Hockett Gulch

# Reserve at Hockett Gulch Property Boundary



Note Access **1**

Note location of structures **10**

Note location of structures **9**

Note road scar is approximate property line **2**

Note slight depression is Hockett Gulch drainage **3**

Fence is east property line **8**

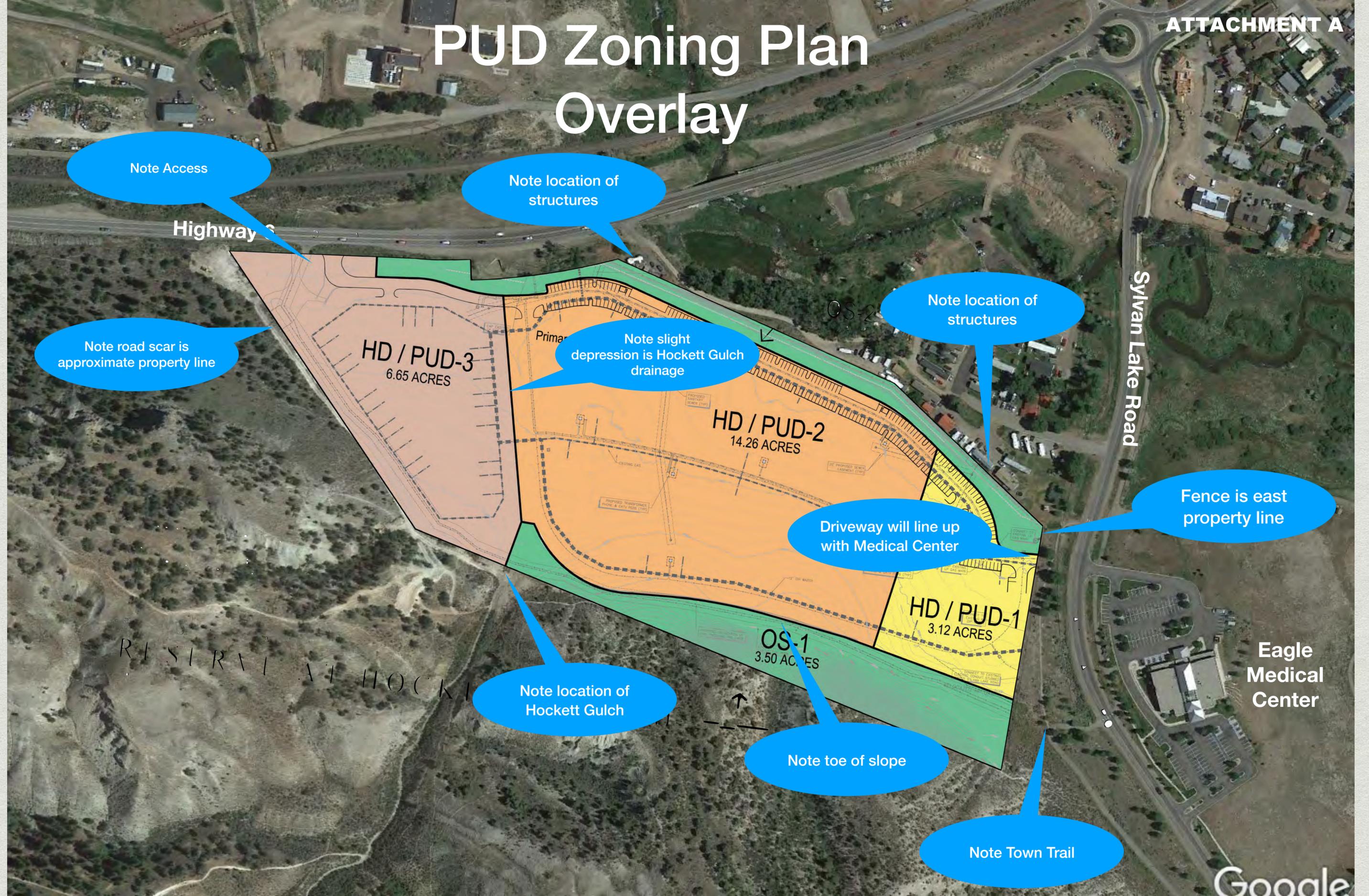
Driveway will line up with Medical Center **7**

Note location of Hockett Gulch **4**

Note toe of slope **5**

Note Town Trail **6**

# PUD Zoning Plan Overlay



Note Access

Note location of structures

Note location of structures

Note road scar is approximate property line

Note slight depression is Hockett Gulch drainage

Driveway will line up with Medical Center

Fence is east property line

Note location of Hockett Gulch

Note toe of slope

Note Town Trail

Highway 6

Sylvan Lake Road

HD / PUD-3  
6.65 ACRES

Primary

HD / PUD-2  
14.26 ACRES

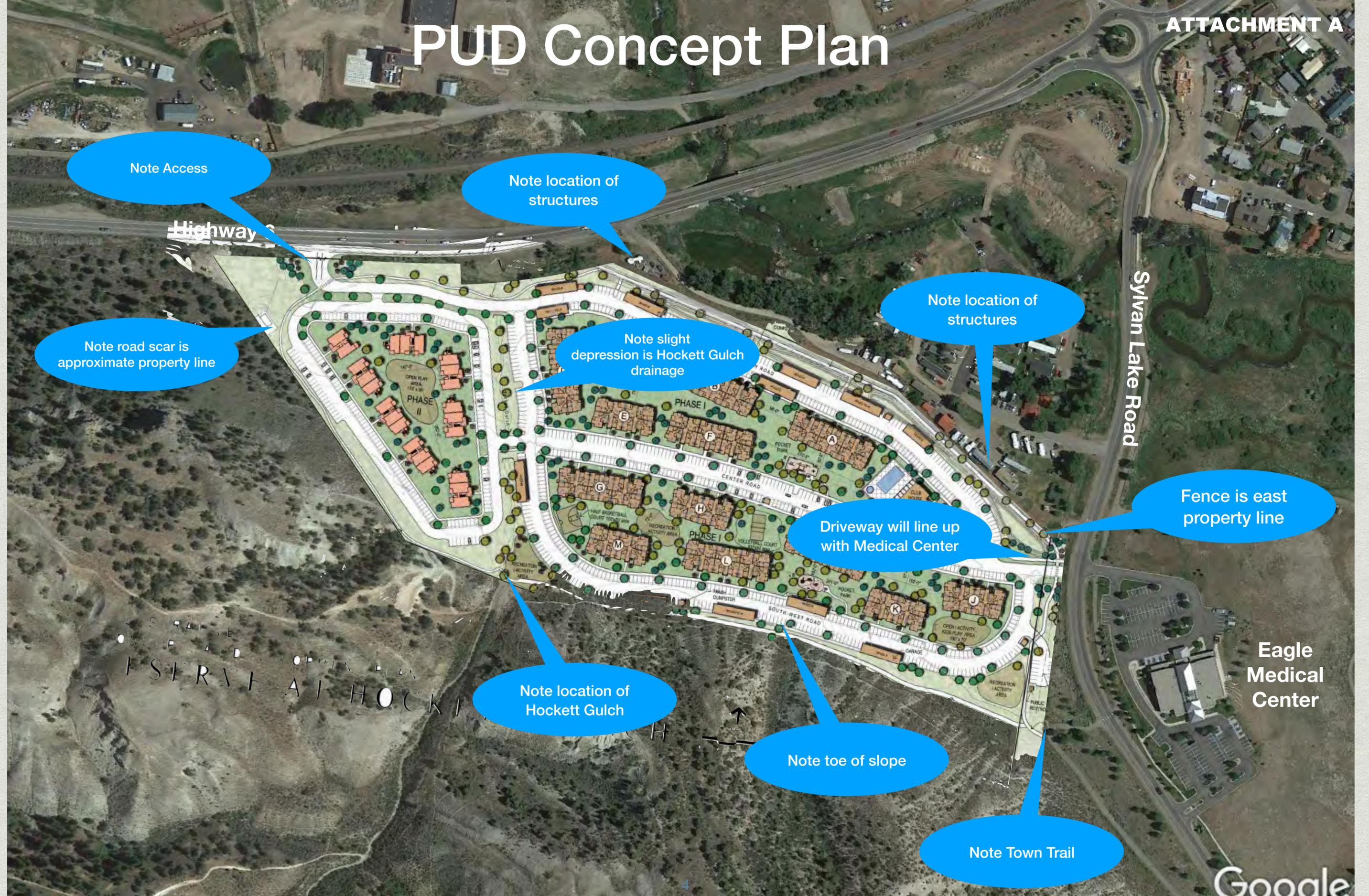
HD / PUD-1  
3.12 ACRES

OS-1  
3.50 ACRES

Eagle Medical Center

RESERVE AT HOCKETT

# PUD Concept Plan



Note Access

Note location of structures

Note location of structures

Note road scar is approximate property line

Note slight depression is Hockett Gulch drainage

Sylvan Lake Road

Fence is east property line

Driveway will line up with Medical Center

Note location of Hockett Gulch

Note toe of slope

Note Town Trail

Eagle Medical Center

RESERVE AT HOCKETT GULCH

# **RESERVE AT HOCKET GULCH**

## **SITE PHOTOS**

Please Note: Photos are labeled in correspondence with Site Visit  
Orientation Packet

# Site Location #1:

ATTACHMENT B



## Notes:

- Area off the road includes parking area and fence enclosure for gas and other utility infrastructure.

# Site Location #1:

ATTACHMENT B



## Notes (Summer Image):

- Area off the road includes parking area and fence enclosure for gas and other utility infrastructure.

# Site Location #1:

ATTACHMENT B



## Notes:

- View southeast from parking area. Fenced enclosure behind the photo, road scar to the right along the hillside. Entrance gate to the left of the vehicle.

# Site Location #2:

ATTACHMENT B



## Notes:

- View along base of hillside. Road scar to the right. Looking toward Hockett Gulch.

# Site Location #2:



## Notes:

- View along base of hillside. Road scar is on adjacent property. Utility building and fenced utility area on the right side of photo.

# Site Location #3:

ATTACHMENT B



## Notes:

- Facing east from approximate site location 3.
- Dark dense brush in the middle portion of the photo is the drainage depression for Hockett Gulch.

# Site Location #4:



## Notes:

- View west along base of hillside at site location #4. Fence on the left is the approximate property boundary.

# Site Location #4:

ATTACHMENT B



## Notes:

- View up Hockett Gulch from the site. Taken from site location #3.

# Site Location #5:

ATTACHMENT B



## Notes:

- View of toe slope of hill. Property boundary is in the approximate location of the fence along the base of the slope. Taken from site location #3.

# Site Location #5:

ATTACHMENT B



## Notes:

- View of toe slope of hill. Property boundary is in the approximate location of the fence along the base of the slope. Taken from Sylvan Lake Rd.

# Site Location #6:

ATTACHMENT B



## Notes:

- View along base of hillside from town trail looking northwest. Property boundary is located along fenceline.

# Site Location #7:

ATTACHMENT B



## Notes:

- View west from entrance to medical center. Showing town property between right of way and fence. Also shows Hockett Gulch.

# Site Location #8:

ATTACHMENT B



## Notes:

- View west from Sylvan Lake Rd. Split rail fence is on town open space property. Property boundary for the project is the wire fence along the front and adjacent to Green Acres on the right of the photo.

# Site Location #9:



## Notes:

- View west from Sylvan Lake Rd. Split rail fence is on town open space property. Property boundary for the project is the wire fence along the front and adjacent to Green Acres on the right of the photo.

# Site Location #10:

ATTACHMENT B



## Notes:

- View west from Highway 6. The RV and building are not part of the subject property. The access point from here does not service the subject property.

# TOWN OF EAGLE PLANNING & ZONING COMMISSION SITE VISIT REVIEW

## COMMENT SUMMARY

Project Name: Reserve at Hockett Gulch PUD Zoning Plan (File Number PUD18-02)  
Owner/Applicant: Dan Metzger, Brue Baukol Capital Partners, LLC  
Consultant: Dominic Mauriello, Mauriello Planning Group  
Prepared by: Stephanie Stevens, Planning Consultant for the Town of Eagle

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The site visit on the Reserve at Hockett Gulch PUD Zoning Plan application was completed the week of January 21<sup>st</sup>, 2019, by three Commissioners as required by Code, in preparation for the first hearing on the application scheduled for February 5<sup>th</sup>, 2019. Those that conduct the site visit may make written recommendations to the full Planning & Zoning Commission regarding characteristics of the site which may have a bearing on the PUD Zoning Plan. The site visit was completed by Commissioner Brent McFall, Commissioner Bill Nutkins, and Commissioner Matthew Hood. Below please find the written comments received.

Commissioner Brent McFall

Written comments received by E-mail on January 25, 2019

I have completed my site visit to the Reserve at Hockett Gulch. It would appear to me that the site is easily developed, and I don't see major issues with the proposed development. While fairly dense, I think a housing product like this is needed in Eagle.

I do have one concern that I would share, and that is at the Grand Ave. access. The developer admits in his materials that given the volume of traffic that this project will generate that the wait times for left turns out of Hockett Gulch onto Grand Ave. (Highway 6) will become excessive and that drivers will likely choose to turn right onto Grand, travel east to the Sylvan Lake round-a-bout to then go around the round-a-bout to travel west. Good in theory. But, first, I don't think drivers really behave that way, and second (more importantly) the Sylvan Lake round-a-bout appears to be more than a quarter mile away. I don't think drivers are going to drive over ½ mile out of their way just to get headed west. That will likely drive more people to the Sylvan Lake Road access making it fail as well. My suggestion would be that in lieu of constructing all the proposed accel/decel lanes at the Hockett Gulch/Grand Ave intersection they build a round-a-bout at this intersection so that west bound traffic coming out of the development can get a reasonable chance to make that maneuver. It would only be a three legged round-a-bout, so shouldn't be that hard to do.

I'm not a traffic engineer (although my experience tells me that anyone with a drivers licenses THINKS they are a traffic engineer), so there may be legitimate arguments as to why this idea doesn't work. But, it seems to me that it is at least worth consideration. A nice side benefit would be the addition of a nicely landscaped round-a-bout providing an attractive gateway into the town.

A few thoughts:



*Photo 1*

- Photo 1 shows the Hocket Gulch intersection. It appears that there is significant wildlife movement through this corridor. Is this addressed in the application at all?



*Photo 2*

- Photo 2 shows the existing culvert for the Hockett gulch drainage.



*Photo 3*

- Photo 3 is looking south across the property from the Highway 6 access point



*Photo 4*

- Photo 4 is looking out at Highway 6 from the property. The 55 mph speed limit sign is visible. Traffic concerns are discussed in the application and it certainly seems that a development of this size could have significant impacts on the traffic patterns at this location.



*Photo 5*

- Photo 5 shows the access to existing RV sites. The orientation packet indicates these to be existing structures, but I believe what is shown in the satellite image is actually an RV. There appear to be some small sheds at this location but nothing substantial.

I'm a little confused by how the green-acres mobile home park impacts this application. I think the mobile home park is not actually part of the Town of Eagle, at least according to our zoning map. I know the annexation application is not our purview but it seems weird to me to surround this little section of Eagle County with TOE.

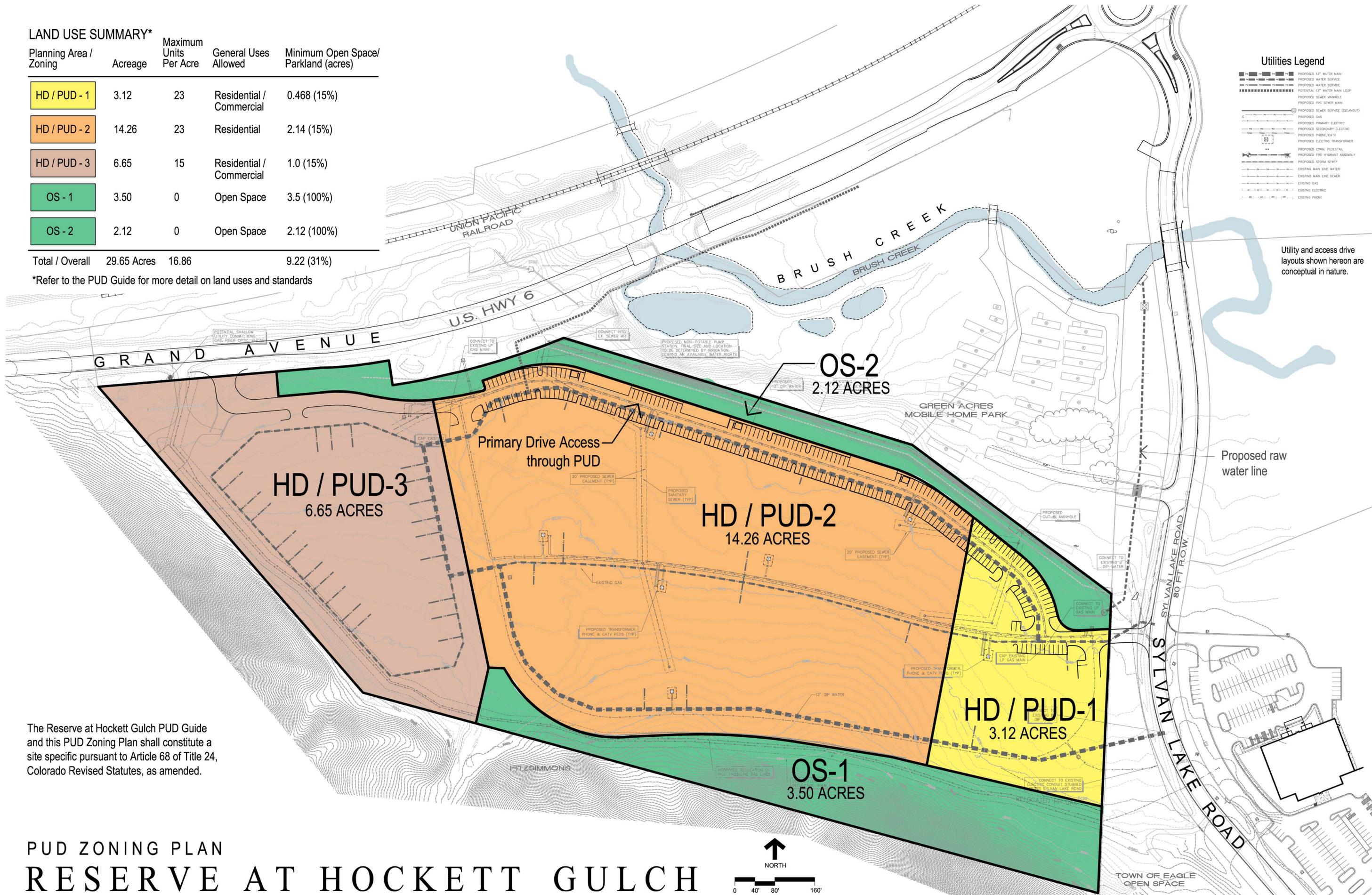
**EXHIBIT C:**  
**PUD Zoning Plan Map**  
**(attached)**

**LAND USE SUMMARY\***

Planning Area / Zoning	Acreage	Maximum Units Per Acre	General Uses Allowed	Minimum Open Space/ Parkland (acres)
HD / PUD - 1	3.12	23	Residential / Commercial	0.468 (15%)
HD / PUD - 2	14.26	23	Residential	2.14 (15%)
HD / PUD - 3	6.65	15	Residential / Commercial	1.0 (15%)
OS - 1	3.50	0	Open Space	3.5 (100%)
OS - 2	2.12	0	Open Space	2.12 (100%)

Total / Overall 29.65 Acres 16.86 9.22 (31%)

\*Refer to the PUD Guide for more detail on land uses and standards



**Utilities Legend**

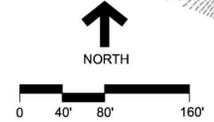
- PROPOSED 12" WATER MAIN
- PROPOSED WATER SERVICE
- POTENTIAL 12" WATER MAIN LOOP
- PROPOSED SEWER MANHOLE
- PROPOSED PVC SEWER MAIN
- PROPOSED SEWER SERVICE (CLEANOUT)
- PROPOSED GAS
- PROPOSED PRIMARY ELECTRIC
- PROPOSED SECONDARY ELECTRIC
- PROPOSED PHONE/CATV
- PROPOSED ELECTRIC TRANSFORMER
- PROPOSED COMM. PEDESTAL
- PROPOSED FIRE HYDRANT ASSEMBLY
- PROPOSED STORM SEWER
- EXISTING MAIN LINE WATER
- EXISTING MAIN LINE SEWER
- EXISTING GAS
- EXISTING ELECTRIC
- EXISTING PHONE

Utility and access drive layouts shown hereon are conceptual in nature.

The Reserve at Hockett Gulch PUD Guide and this PUD Zoning Plan shall constitute a site specific pursuant to Article 68 of Title 24, Colorado Revised Statutes, as amended.

**PUD ZONING PLAN  
RESERVE AT HOCKETT GULCH**

EAGLE, COLORADO

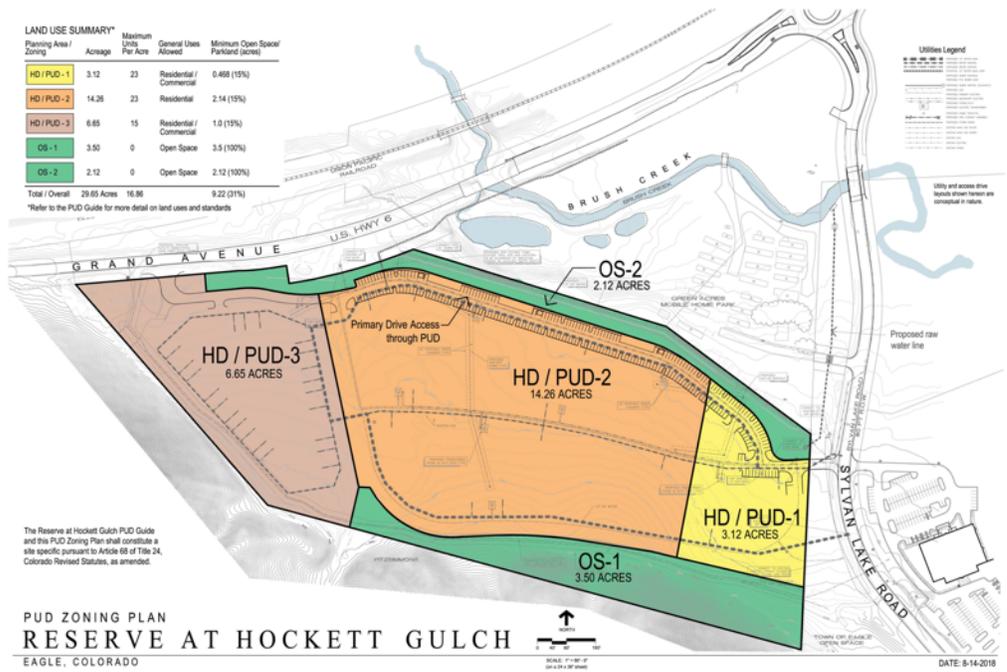


SCALE: 1" = 80' - 0"  
(on a 24 x 36" sheet)

DATE: 8-14-2018

**EXHIBIT D:**  
**PUD Guide**  
**(attached)**

# Reserve at Hockett Gulch Planned Unit Development Guide Town of Eagle, CO



Revised January 15, 2019

**APPROVAL OF THIS PLAN CONSTITUTES A VESTED PROPERTY RIGHT PURSUANT TO SECTION  
24-69-103, C.R.S., AS AMENDED**

## 1. Statement of Purpose & Intent

The purpose of this PUD Guide is to serve as the land use regulations that will govern and control the orderly development of the Reserve at Hockett Gulch PUD (the "PUD"). The PUD Guide will serve as the zone district regulations for the PUD and shall supersede all land use regulations found in the Town's Land Use and Development Code and other areas of the municipal code. This PUD Guide, PUD Zoning Plan, and exhibits shall constitute a site-specific development plan and creates a vested right pursuant to Article 68 of Title 24, Colorado Revised Statutes, as amended for a period of 7 years.

## 2. Definitions

Words or Terms not defined herein shall be construed to have the meaning given by common and ordinary use as defined by the Merriam-Webster Dictionary New Edition 2016 unless otherwise provided herein.

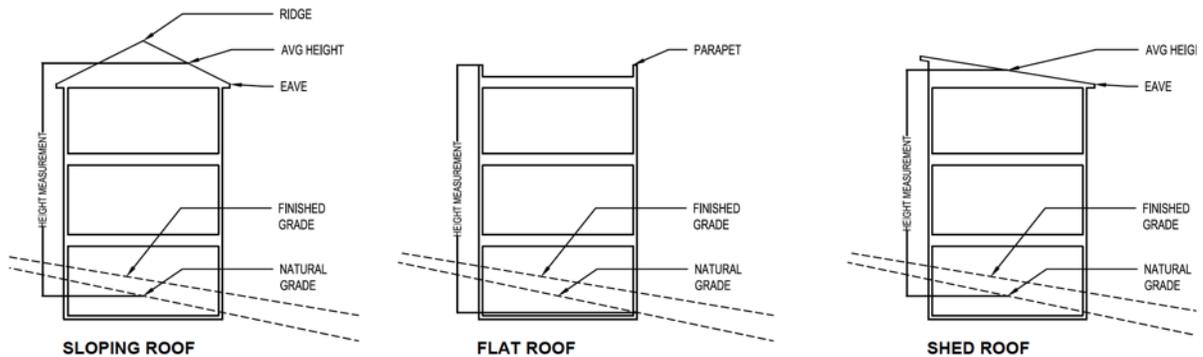
**Active Recreation.** Common areas within the PUD which include useable open space; improved common recreational amenity areas such as pools and fitness facilities; picnic sites; playgrounds; open turf and lawn areas that are sufficient in size to support recreational sports activities; trails and adjacent open spaces not required for direct access to dwelling units or commercial facilities, if connected to a regional system or established trail network; and similar areas as determined by the Town Planner.

**Building Coverage:** That portion of a lot or site covered by a building footprint measure to exterior materials at grade level.

### **Building Height Measurement:**

The maximum distance possible measured vertically from undisturbed natural ground level to: top of parapet for a flat roof or average distance between eaves and the apex or ridge of a sloping roof. A shed roof will be measured to the average of the high point and low point of the shed roof. Chimneys, vents, and elevator or stair penthouses that are required to be above the surface of the roof may exceed building height by 15% or that required by Building Code, whichever is greater.

Building height measurement diagrams:



**Commercial Use(s):** Commercial uses include restaurants, taverns, breweries and tasting rooms that produce less than 15,000 barrels per year, retail stores, banks, grocery stores, personal service establishments such as a hair salon, barber, nail salon, offices, including flexible space with retail showrooms and ancillary storage, childcare facilities in excess of 6 children, and uses determined to be similar by the Town Planner.

**Density:** Dwelling units per acre of total land area.

**FAR:**

Floor to Area Ratio. The ratio of the floor area within a building to total land area. Commercial and residential floor to area ratios are separate calculations with both calculated based on the total land area of the PUD Zone District.

**Impervious Coverage:** That portion of a lot or site covered by materials forming any unbroken surface impervious to water including building coverage.

**NA:** Not Applicable.

**Planning Area(s):** Parcels HD/PUD-1, HD/PUD-2, and HD/PUD-3 as indicated on the PUD Zoning Plan.

**PUD, PUD Zone Districts:** Parcels HD/PUD-1, HD/PUD-2, HD/PUD-3, OS-1, and OS-2 as indicated on the PUD Zoning Plan.

**Short Term Rental:** A rental for a period not exceeding thirty (30) days.

**Special Use:** Uses allowed subject to the procedures found in the Town of Eagle Municipal Code contained in Chapter 4.05, as may be amended.

**Useable Open Space.** Open area of a lot designed and developed for uses including, but not limited to recreation, courts, gardens, parks, and landscaping,

which open space may include a maximum of 20 percent of non-living materials such as walks, decks, terraces, water features and decorative rock.

### **3. PUD Zone Districts**

#### **a. Mixed Use Parcel (HD/PUD-1)**

##### **i. Purpose**

To promote the development of a more densely populated residential neighborhood in connection with HD PUD-2 while also allowing for a small commercial shopping area given proper market conditions, that is conveniently located within the Town of Eagle, has direct access to Sylvan Lake Road and provides opportunities for neighborhood shopping and residential housing opportunities.

##### **ii. Uses by Right**

Multifamily, two-family, and single-family dwellings along with all allowed accessory uses.

Child care facility with a maximum of 6 children.

##### **iii. Special Uses**

Commercial Uses.

Nursing home, group home, independent or assisted living.

##### **iv. Accessory Uses**

Accessory uses are permitted accessory and ancillary uses to Uses by Right and Special Uses as listed below:

Garages, stand alone or attached.

Clubhouses and leasing offices.

Carports.

Pools, playground or picnic shelters.

Home occupations as defined by the Town Municipal Code.

Parks, open space and trails, and community gardens.

Pedestrian and bicycle trails.

Outdoor and Indoor recreation facilities.

Other uses customarily appurtenant and incidental to uses by right or special use.

##### **v. Minimum Building Setbacks**

Perimeter: Building setbacks shall be a minimum of 25 feet from the perimeter of the entire PUD including OS-1 and OS2. Parking areas shall be a minimum of 10 feet from the perimeter of the PUD.

Multifamily: Building setbacks shall be a minimum of 5' from parking areas or streets. There shall be a minimum of 10' separation between buildings or pursuant to the building code, whichever is greater.

Single-Family or Duplex: Where there are individual platted lots, setbacks shall be a minimum of 10' front, 5' sides, and 10' rear. Where there are no individual platted lots and units surrounded by open or common space, setbacks shall be 10' from parking areas or streets and there shall be a minimum of 10' separation between buildings.

Commercial: Building setbacks shall be a minimum of 10' from parking areas or streets and 20' from any adjacent residential area, or common area.

Accessory Uses: Accessory buildings intended to be occupied by people, including but not limited to, club houses and leasing offices shall adhere to the setbacks for multifamily uses. Garages, carports, trash enclosures, and other accessory structures must only comply with perimeter setbacks.

**vi. Maximum Building Heights**

Commercial/Mixed Use: 35 feet.  
Single Family, Duplex and Townhomes: 35 feet.  
Multifamily: 45 feet and limited to three stories.

**vii. Minimum Lot area**

Multifamily: 15,000 sq. ft.  
Single-Family/Duplex: 2,500 sq. ft. (platted lot)  
Commercial: 20,000 sq. ft.

**viii. Maximum Building and Impervious Coverage**

The maximum building coverage shall be 55%.  
The maximum impervious area shall be 75%.

**ix. Maximum Commercial Floor Area**

The maximum commercial floor area shall not exceed an FAR of 0.11:1 which limits floor area in HD/PUD-1 to 15,000 sq. ft. There is no minimum required commercial floor area. There is an overall maximum commercial floor area within the PUD of 30,000 sq. ft.

**x. Maximum Residential Floor Area**

The maximum residential floor area shall not exceed an FAR of 0.53:1.

**xi. Minimum and Maximum Density**

The maximum residential density shall not exceed 16.86 units per acre for the entire 29.65-acre PUD and the minimum density shall be at least 6.5 units per acre upon buildout of the entire PUD. The maximum density accounts for the potential of the more densely

developed multifamily uses. The maximum density allowance in HD/PUD-1 is 23 units per acre or 72 units.

**xii. Useable Open Space**

Multifamily: There shall be a minimum of 300 sq. ft. of useable open space for each dwelling unit.

Single-Family/Duplex: There shall be a minimum of 300 sq. ft. of useable open space for each dwelling unit.

In no case shall there be less than 15% useable open space.

**xiii. Mixed Use Designation**

HD/PUD-1 is intended to allow for horizontal mixed use with residential use and commercial uses. This Planning Area could also develop as a residential only neighborhood or a commercial only neighborhood. If commercial uses are developed, they will be focused on the Sylvan Lake Road frontage. The residential areas would be developed with reasonably separated access from the commercial areas to provide a more residential feel to the residentially developed areas. Commercial development shall be well coordinated with the adjacent residential uses such that there is adequate setback, screening, and buffering of the commercial uses while at the same time allowing for appropriate pedestrian and vehicular connections so that the result is a well-planned and accessible development. Great attention will be given to the landscape design to ensure exceptional cohesion of commercial and residential areas.

**b. Residential Parcel (HD/PUD-2)**

**i. Purpose**

To provide residential housing opportunities, including multifamily, two-family, and/or single-family dwellings at a moderate to high level of density.

**ii. Uses by Right**

Multifamily, two-family, and single-family dwellings with accessory uses.

Child care facility with a maximum of 6 children.

**iii. Special Uses**

Nursing home, group home, independent or assisted living.

Child care facility in excess of 6 children.

**iv. Accessory Uses**

Accessory uses are permitted accessory and ancillary uses to Uses by Right and Special Uses as listed below:

Garages, stand alone or attached.  
Clubhouses and leasing offices.  
Carports.  
Pools, playground or picnic shelters.  
Home occupations as defined by the Town Municipal Code.  
Parks, open space and trails, and community gardens.  
Pedestrian and bicycle trails.  
Outdoor and Indoor recreation facilities.  
Other uses customarily appurtenant and incidental to uses by right or special use.

**v. Minimum Building Setbacks**

Perimeter: Building setbacks shall be a minimum of 25 feet from the perimeter of the entire PUD including OS-1 and OS2. Parking areas shall be a minimum of 10 feet from the perimeter of the PUD.

Multifamily: Building setbacks shall be a minimum of 5' from parking areas or streets. There shall be a minimum of 10' separation between buildings or pursuant to the building code, whichever is greater.

Single-Family or Duplex: Where there are individual platted lots, building setbacks shall be a minimum of 10' front, 5' sides, and 10' rear. Where there are no individual platted lots and units surrounded by open or common space, setbacks shall be 10' from parking areas or streets and there shall be a minimum of 10' separation between buildings.

Accessory Uses: Accessory buildings intended to be occupied by people, including but not limited to, club houses and leasing offices shall adhere to the setbacks for multifamily uses. Garages, carports, trash enclosures, and other accessory structures must only comply with perimeter setbacks.

**vi. Maximum Building Heights**

Single Family, Duplex and Townhomes: 35 feet.  
Multifamily, Apartments: 45 feet and limited to three stories.

**vii. Minimum Lot area**

Multifamily: 15,000 sq. ft.  
Single-Family/Duplex: 2,500 sq. ft. (platted lot)

**viii. Maximum Building and Impervious Coverage**

The maximum building coverage shall be 55%.

The maximum impervious area shall be 75%.

**ix. Maximum Residential Floor Area**

The maximum residential floor area shall not exceed an FAR of 0.53:1.

**x. Minimum and Maximum Density**

The maximum residential density shall not exceed 16.86 units per acre for the entire 29.65-acre PUD and the minimum density shall be at least 6.5 units per acre upon buildout of the entire PUD. The maximum density accounts for the potential of the more densely developed multifamily uses. The maximum density allowance in HD/PUD-2 is 23 units per acre or 328 units.

**xi. Useable Open Space**

Multifamily: There shall be a minimum of 300 sq. ft. of useable open space for each dwelling unit.

Single-Family/Duplex: There shall be a minimum of 300 sq. ft. of useable open space for each dwelling unit.

In no case shall there be less than 15% useable open space.

**c. Mixed Use Parcel (HD/PUD-3)**

**i. Purpose**

To promote the development of a more densely populated residential neighborhood in connection with HD PUD-2 while also allowing for a small commercial shopping area given proper market conditions, that is conveniently located within the Town of Eagle, has direct access to Grand Avenue and provides opportunities for neighborhood shopping and residential housing opportunities.

**ii. Uses by Right**

Commercial Uses.

Multifamily, two-family, and single-family dwellings.

Lodging, temporary and extended stay.

**iii. Special Uses**

Nursing home, group home, independent or assisted living.

**iv. Accessory Uses**

Accessory uses are permitted accessory and ancillary uses to Uses by Right and Special Uses as listed below:

Garages, stand alone or attached.

Clubhouses and leasing offices.

Carports.  
Pools, playground or picnic shelters.  
Home occupations as defined by the Town Municipal Code.  
Parks, open space and trails, and community gardens.  
Pedestrian and bicycle trails.  
Outdoor and Indoor recreation facilities.  
Other uses customarily appurtenant and incidental to uses by right or special use.

**v. Minimum Building Setbacks**

Perimeter: Building setbacks shall be a minimum of 25 feet from the perimeter of the entire PUD including OS-1 and OS2. Parking areas shall be a minimum of 10 feet from the perimeter of the PUD.

Multifamily: Building setbacks shall be a minimum of 5' from parking areas or streets. There shall be a minimum of 10' separation between buildings or pursuant to the building code, whichever is greater.

Single-Family or Duplex: Where there are individual platted lots, building setbacks shall be a minimum of 10' front, 5' sides, and 10' rear. Where there are no individual platted lots and units surrounded by open or common space, setbacks shall be 10' from parking areas or streets and there shall be a minimum of 10' separation between buildings.

Commercial: Buildings setbacks shall be a minimum of 10' from parking areas or streets and 20' from any adjacent residential area, or common area.

Accessory Uses: Accessory buildings intended to be occupied by people, including but not limited to, club houses and leasing offices shall adhere to the setbacks for multifamily uses. Garages, carports, trash enclosures, and other accessory structures must only comply with perimeter setbacks.

**vi. Maximum Building Heights**

Commercial/Mixed Use: 35 feet.  
Single Family, Duplex and Townhomes: 35 feet.  
Multifamily, Rental Apartments: 45 feet and limited to three stories.

**vii. Minimum Lot Area**

Multifamily: 15,000 sq. ft.  
Single-Family/Duplex: 2,500 sq. ft. (platted lot)  
Commercial: 20,000 sq. ft.

**viii. Maximum Building and Impervious Coverage**

The maximum building coverage shall be 55%.  
The maximum impervious area shall be 75%.

**ix. Maximum Commercial Floor Area**

The maximum commercial floor area shall not exceed an FAR (floor to area ratio) of 0.11:1. There is no minimum required commercial floor area. There is an overall maximum commercial floor area within the PUD of 30,000 sq. ft.

**x. Maximum Residential Floor Area**

The maximum residential floor area shall not exceed an FAR of 0.86:1.

**xi. Maximum Density**

The maximum residential density shall not exceed 16.86 units per acre for the entire 29.65-acre PUD and the minimum density shall be at least 6.5 units per acre upon buildout of the entire PUD. The maximum density accounts for the potential of the more densely developed multifamily uses. The maximum density allowance in HD/PUD-3 is 15 units per acre or 100 units.

**xii. Useable Open Space**

Multifamily: There shall be a minimum of 300 sq. ft. of useable open space for each dwelling unit.

Single-Family/Duplex: There shall be a minimum of 300 sq. ft. of useable open space for each dwelling unit.

In no case shall there be less than 15% useable open space.

**xiii. Mixed Use Designation**

HD/PUD-3 is intended to allow for horizontal mixed use with residential use and commercial uses. This Planning Area could also develop as a residential neighborhood. If commercial uses are developed, they will be focused on the northern half of the property where there is frontage on and access to Grand Avenue. The residential areas would be developed with reasonably separated access to provide a more residential feel to the residentially developed areas. Commercial development shall be well coordinated with the adjacent residential uses such that there is adequate setback, screening, and buffering of the commercial uses while at the same time allowing for appropriate pedestrian and vehicular connections so that the result is a well-planned and accessible development. Great attention will be given to the landscape design to ensure exceptional cohesion of commercial and residential areas.

**d. Open Space Parcels (OS1, OS2)**

**i. Purpose:**

To provide sites for natural open space, recreation access, paved trails, unpaved trails and facilities, single-track trails, water storage and drainage improvements, debris flow mitigation, and roadways and landscaping. These parcels are zoned open space pursuant to this PUD Guide.

**ii. Uses by Right:**

Pedestrian and bicycle trails.

Shade shelters and picnic facilities.

Public and private parks.

Public or private roadways, trailhead access and/or parking (OS-1 only), public restrooms, utilities including tanks, lines, mains, pumphouses, facilities and other public services and utility buildings.

Community gardens and associated facilities.

Special events associated with community gardens, trails or trailheads.

**4. Planning Area Summary Chart**

The chart below provides a summary of uses and development standards of each Planning Area. Consult each zone district above for greater detail.

Planning Areas/Entire PUD	Uses Allowed	Acreage	Percent of Total site area	Maximum Density/Min. Density (units per acre)	Maximum Residential FAR	Maximum Commercial FAR or Sq. Ft.	Minimum Useable Open Space	Maximum Building Coverage	Maximum Impervious Area	Maximum Building Height	Building Setbacks	Minimum Lot Area
Entire PUD	NA	29.65	100%	16.86/6.5	NA	30,000 sq. ft.	4.77 acres	NA	NA	NA	25' perimeter	NA
HD/PUD-1	Residential Commercial See Section 3 of PUD Guide	3.12	10.52%	23	0.53:1	0.11:1	0.468 acres	55%	75%	MF: 45'/3-Stories SF/Duplex: 35' Com: 35'	MF: 5' from parking 10' bwt. Buildings SF/Duplex: 10' front 5' sides 10' rear Commercial: 10' from parking/streets 20' from residential/ common area	MF: 15,000 sq. ft. SF/Duplex: 2,500 sq. ft. Commercial: 20,000 sq. ft.
HD/PUD-2	Residential See Section 3 of PUD Guide	14.26	48.1%	23	0.53:1	NA	2.139 acres	55%	75%	MF: 45'/3-Stories SF/Duplex: 35'	MF: 5' from parking 10' bwt. Buildings SF/Duplex: 10' front 5' sides 10' rear	MF: 15,000 sq. ft. SF/Duplex: 2,500 sq. ft.
HD/PUD-3	Residential Commercial See Section 3 of PUD Guide	6.65	22.43%	15	0.86:1	0.11:1	0.99 acres	55%	75%	MF: 45'/3-Stories SF/Duplex: 35' Com: 35'	MF: 5' from parking 10' bwt. Buildings SF/Duplex: 10' front 5' sides 10' rear Commercial: 10' from parking/streets 20' from residential/ common area	MF: 15,000 sq. ft. SF/Duplex: 2,500 sq. ft. Commercial: 20,000 sq. ft.
OS-1	Open Space See section 3 of PUD Guide	3.5	11.8%	NA	NA	NA	0.556 acres	NA	NA	NA	NA	3.5 acres
OS-2	Open Space See section 3 of PUD Guide	2.12	7.15%	NA	NA	NA	0.6176 acres	NA	NA	NA	NA	2.12 acres

## 5. Open Space and Park Land Dedication

OS-1 will be dedicated to the Town and allow for public access, debris flow mitigation, storm-water facilities, public and private utilities, and other uses as specified herein. OS-2 shall remain privately owned but shall be provided to the Town of Eagle through dedication of an open space easement allowing public access, debris flow mitigation, storm-water facilities, public and private utilities, and other uses as specified herein. Said easement and dedication shall only be conveyed upon approval of any final plat for the PUD. In addition to the proposed recreation trail use, OS-1 will be developed with a minimum of an 8,000 sq. ft. park/useable open space area, as defined by Municipal Code.

Additionally, private useable open space areas within each Planning Area will contain improved park-like areas designed to accommodate recreation needs of children (i.e., playgrounds, play areas, play fields) and adults (i.e., sport courts, and picnic areas) with at least 75% of these areas being at a slope of less than 10%.

The Town Code would typically require this 29.65-acre PUD to provide 15 acres (approximately 50% of the property) of park land dedicated to the Town. The Town Code provision is inconsistent with the overall intent of this PUD to provide workforce housing opportunities. The Town Code allows the 15-acre requirement to be reduced to 7.5 acres in exchange for provision of private recreation facilities that provide for the recreational needs of the residents of the proposed development. The PUD provides for the recreational needs of the residents. Unlike a typical PUD, the Reserve at Hockett Gulch is focused on the delivery of workforce housing which requires more density than a typical residential PUD within the Town of Eagle. The PUD has demonstrated sufficient useable and active recreation areas within the PUD that satisfy the intent of the remaining 7.5 acres of park land dedication, which includes the following improvements and contributions:

- A. Construction of a public soft path within OS-1 that connects the Town's recreation path system with a potential future access to Hockett Gulch. This path also connects the project with the Town's trail system. This improvement shall be included in plans for the first Development Permit for the PUD;
- B. Construction of a 5' wide soft path loop generally around the perimeter of the PUD (located in HD/PUD-3 and OS-2) that connects to the Town's established recreation path system. The path is accessible by the general public. This improvement shall be included in plans for the first Development Permit for the PUD;
- C. Construction of a paved trailhead parking area for up to 14 parking spaces within the Town's open space located along Sylvan Lake Road. This is solely a public benefit to the community as the residents within the PUD already have onsite parking provided. This improvement shall be included in plans for the first Development Permit for the PUD;
- D. Construction of a waterless vault toilet within the Town's open space located along Sylvan Lake Road. This improvement shall be included in plans for the first Development Permit for the PUD;

- E. Installation of a solar powered pedestrian crosswalk warning light system located to the north of the vehicular access to the PUD from Sylvan Lake Road. This improvement shall be included in plans for the first Development Permit for the PUD;
- F. Development of recreation areas within the PUD (all planning areas) consisting of playgrounds with playground equipment, play fields, basketball courts, sand volleyball courts, or similar types of improvements; and
- G. A payment in lieu of Park Land Dedication of \$50,000, which takes into consideration the cost of providing the improvements included in this list above, will be documented in the Annexation and Development Agreement.

**6. Maintenance of Open Space**

Open space parcel OS-1 will be owned and maintained by the Town of Eagle. OS-2 will be owned and maintained by the property owner or property owner's association. Common open space areas provided within the other Plan Areas as determined during the Development Permit process, will be maintained by either the owner of the property (i.e., in the case of an apartment community under one ownership) or a property owner's association established to maintain open and common areas. Details regarding this maintenance structure will be documented at the time of subdivision or development permit.

**7. PUD Zone District Acreage and Density Transfer**

Flexibility is inherent within the PUD. PUD zone districts or Planning Areas may change in acreage to accommodate flexibility in final platting and other considerations such as stormwater needs. HD/PUD-1, 2, and 3 may only increase in acreage by 15%. OS-1 and OS-2 may not be reduced in acreage by more than 10% unless approved by the Town but may be increased to any degree necessary. The acreage of Planning Areas represented on the PUD Zoning Plan are expressed as gross acreage. Useable open space and active recreation areas will adjust in proportion to the change in size of planning areas.

Residential density between HD/PUD-1 and HD/PUD-2 may freely transfer between the two planning areas as long as the total unit count of the combined area of the two Planning Areas does not exceed 400 dwelling units. No residential density may transfer to or from HD/PUD-3.

Acreage changes and density transfers will be reviewed and approved through the Development Permit or Subdivision process where individual lots are being created for development.

**8. Water Rights, Tap Fees, and Other Water and Sewer Fees**

Water rights, tap fees, plant investment fee, wastewater fees, and issues related to landscape irrigation will be approved in the Annexation and Development Agreement. Indoor efficient water use and conservation measures will also be documented in the Annexation and Development Agreement.

## **9. School Land Dedication**

The PUD contemplates residential development of up to 500 dwelling units. The ultimate format of the dwelling units is flexible however it is anticipated that approximately 400 of the dwelling units proposed will be rental multifamily units in one and two-bedroom formats which will have nominal impact on public school facilities as they will be occupied largely by persons without children. Additionally, the PUD is addressing a public need for local workforce housing by exceeding the Town's minimum workforce housing requirement and developing a housing format that will address housing for local workforce persons which includes school district employees and teachers. Onsite physical school land dedication is not required for this PUD. Any fee payment in-lieu of providing land onsite shall be calculated in accordance with the Municipal Code. School land dedication fees shall be payable upon Development Permit approval or residential subdivision where individual lots are being created for development for any planning area within the PUD. School land dedication fees shall not be required for an initial subdivision to divide ownership of larger development parcels (i.e., HD/PUD-1, HD/PUD2, and HD/PUD-3) for which there is no Development Permit approval or residential subdivision where individual lots are being created for development.

## **10. Street Improvement Fee**

Payment of any Street Improvement Fee will be made at Development Permit approval or subdivision where individual lots are being created for development.

## **11. Fire District Impact Fee**

Payment of any Fire Protection Impact Fees will be made at Development Permit approval or subdivision where individual lots are being created for development.

## **12. Trail Use in OS-1**

Public access is proposed within planning area OS-1 that will be owned by the Town. The Town will put in place restrictions on the trail use in OS-1 consistent with this subsection. The public access is limited to day light hours for pedestrians and bicyclists (including electric assist bicycles) and restricted to the extent of the improved path provided within the parcel.

Motorized access for motorcycles (all-terrain vehicles and four-wheeled vehicles prohibited) may be allowed subject to an agreement between the Town and the applicant which addresses the following issues and impacts at a minimum to the residential community within the PUD:

- Noise produced by vehicles;
- Hours of operation (7:30 am – 7:30 pm);
- Seasonal closure (December – May);
- Fencing and trespass;
- Access only, no parking, no idling;
- Speed of motorized vehicles;

- Restriction to use of improved single-track trail only;
- Long term maintenance of trail;
- Enforcement and violations; and
- Provisions for revoking of easement due to lack of enforcement.

Any travel through the OS-1 parcel in order to ultimately gain access to the non-adjacent public lands of Hockett Gulch and beyond shall be prohibited unless there exists a valid easement or license agreement with any adjacent private owner or ownership is obtained by a public or quasi-public agency, which permits access through any adjacent private owners' land in order to access public lands.

### **13. Parking, Streets, and Other Standards**

The required number of parking spaces shall be as follows:

Single Family Dwelling or Duplex: 2 spaces per dwelling unit for units with fewer than three bedrooms, and 3 spaces per dwelling unit for units with 3 or more bedrooms. Tandem parking is permitted.

Multiple Family Dwelling: 1.5 spaces per dwelling unit for units with one bedroom, 2 spaces per dwelling unit for units with 2 bedrooms, and 2.5 spaces per dwelling unit for units with 3 or more bedrooms. Leasing management office, club house, etc. shall require a total 3 spaces.

Commercial Uses: per Municipal Code.

Uses that are accessory to the residential uses such as leasing offices, clubhouses, meeting rooms, fitness and recreational facilities, and storage areas, intended to serve primarily the residents onsite, shall not require additional parking.

Parking Standards:

Parking space size will be 9' x 19'. Spaces may be reduced to 9' x 18' where a curb or wheel stop is provided to allow for overhang of the vehicle. 25% of the total number of required parking spaces may be reduced to 8' x 16' for compact parking spaces.

Driveways and Private Access Drives:

The standards below are for private driveways and parking lots within the PUD. There are no public dedicated streets proposed. The design standards accommodate access for service vehicles, trash trucks and all Fire Trucks owned by Greater Eagle Fire Protection District.

Minimum Drive Lane width: 12'

Minimum Drive Aisle or Private Street width (two-way traffic): 24' wide

Minimum Drive Aisle or Private Street width (two-way traffic) adjacent to multiple family structure over 30' in building height: 26' wide  
Gutter pan shoulder: 1.5' when necessary  
Curb and Gutter: 2' when necessary  
Valley Pan: 3' wide  
Maximum Drive Aisle/Street centerline grade: 10%  
Minimum Drive Aisle/Street centerline radius: 150'  
Minimum Drive curb return radius at intersections: 15'  
Minimum Drive Aisle/Street cross slope: 2%  
Minimum Crest curve K value: 5  
Minimum Sag curve K value: 10  
Minimum pavement section: Per Geotechnical Report for property  
Design Speed: 25 MPH

#### Sidewalks and Trails:

Sidewalks internal to the development areas will have a width of 4' to 5' depending on the frequency of use and location. The width of a sidewalk may need to be increased to accommodate the overhang of parked vehicles to maintain minimum ADA. All sidewalks shall be constructed with an all-weather surface.

Internal pedestrian pathways and trails within common areas will have a minimum width of 4'. There may be instances where soft, unimproved, dirt paths and bike trails may be allowed where appropriate.

The recreation trail located on OS-1 is envisioned at 8' in width and as soft, unimproved, dirt or gravel path.

The perimeter trail shown in HD/PUD-3 and OS-2 will be a soft, unimproved, dirt or gravel path with minimum average width of 5'.

The trail located within the Town's open space parcel located along Sylvan Lake Road will be a paved trail with a minimum width of 5' and developed consistent with the Town's adjacent paved trails.

No trails will have slopes in excess of 10%. Cross slope will be a maximum of 3%.

#### **14. Local Employee Residence Program (LERP) Plan**

To satisfy the intent Local Employee Housing Residency Requirements and Guidelines and Section 4.04.120 of the Eagle Municipal Code and because the development includes a significant number of rental housing opportunities targeted at the local workforce population, the PUD shall be permitted to vary from the Town's local employee housing requirements.

While the Town's standard for fee simple ownership housing is ten percent (10%) of the units must be restricted for local employee occupancy, the PUD shall require that thirty percent (30%) of the multifamily rental units and fifteen percent (15%) of fee simple, for sale residential units will be restricted to households where at least one member of the household meets at least one of the following criteria:

- a. Has earned a living primarily in Eagle County by having worked an average of at least thirty (30) hours per week on an annual basis at a business with an office or job site physically located in Eagle County (multiple jobs in Eagle County may be combined to reach 30 hours per week); or
- b. Has been hired for a job in Eagle County on a permanent basis to work at least thirty (30) hours per week; or
- c. Employees that make their home in Eagle County but work for employers that are located outside of Eagle County (i.e. telecommuters) may be considered eligible if all other eligibility requirements are met and the Household can prove Eagle County residency for at least 1 year before application submission; or
- d. Is over the age of sixty (60) and had earned a living primarily in Eagle County prior to his or her retirement; or
- e. Is a disabled person who had been a full-time employee in Eagle County for a minimum of two years immediately prior to his or her disability or has been granted an exception to the minimum of 30 hours per week in order to continue with a federal or state benefit program, if the person works the maximum number of hours per week the disabled person will have met the intent of the programs criteria; or
- f. The household cumulatively earns at least 75% of the Household's Gross Household Income in Eagle County.

Additionally, the fifteen percent fee-simple, for-sale units noted above shall also require that the total household income of owners of these units have incomes less than or equal to one hundred and twenty percent (120%) of the area median income (AMI) as published by HUD for Eagle County, Colorado at the time of purchase.

There will be no price appreciation cap required of any dwelling unit.

There will be no income restrictions of any kind placed on rental dwelling units or rental rate restrictions.

There shall be no local employee housing requirement for any non-residential uses within the PUD.

Priority on the wait list for the leasing of any rental community dwelling unit shall be given to the employees of the Town of Eagle, Greater Eagle Fire Protection District, the Eagle County Health Service District, and the local School District (the "Employees") to the extent allowed by law. The Employees, in order to qualify, shall meet all other leasing requirements such as but not limited to criminal back-

ground checks, appropriate credit, and sufficient qualifiable income in the same manner as any other resident applying to live within the rental community.

If a rental unit is later converted to a fee simple for sale unit, the requirements for a fee simple, for sale unit will apply.

No deed restricted unit shall be available for Short Term Rental.

Deed restrictions will be recorded against restricted dwelling units in accordance with the requirements of this section and as further agreed to by the Applicant and the Town of Eagle.

## **15. Project Design, Signage, and Exterior Lighting**

In order to enhance the visual quality of any form of development in the PUD, all development permits shall include an Architectural Design Plan consistent with the standards of Eagle Town Code Section 4.07.020 and more specific design standards identified herein.

### Architecture:

The architecture of residential and nonresidential buildings on site shall be consistent with the policies of the Eagle Area Community Plan with specific emphasis on visual quality and consideration of policies to create a western gateway (parcel HD/PUD-3 only). The architecture of all buildings should be sympathetic to residential uses in the area and include the use of sloping roof forms. The use of flat roofs shall be limited to commercial buildings designed with a historic Eagle vernacular as one may find on Broadway or within the commercial core of Eagle Ranch Village (i.e., brick façade, wood siding, and/or stone facade with an articulated and ornamented terminus to the parapet). Building materials may include brick, stone, faux stone, wood board and baton, wood lap siding, cementitious versions of wood siding, wood timbers, exposed wood or metal beams, natural and painted metal structural members, high quality asphalt shingles, architectural metal siding and roofing materials. Imitation stucco is not allowed however a three-coat stucco system is allowed. Low quality building materials such as vinyl siding shall not be allowed. The overall development of the property shall be integrated well with the topography.

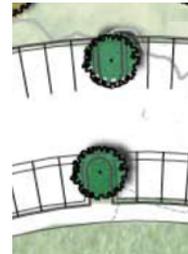
### Landscaping:

Landscape installation shall be per Land Use and Development Code except as noted herein. Care will be taken to ensure that landscape materials are placed in a manner that does not inhibit commercial performance but results in an attractive presentation of the site for adjoining public spaces. Noting the importance of the location of this PUD as prominent as a portion of the western gateway to the Town of Eagle on Grand Avenue and the part of the gateway to Eagle Ranch on Sylvan Lake Road, great care shall be taken to ensure that the landscape buffer along these roadways is substantial in terms of width and proposed landscape materials. Generous setbacks from the

perimeter of the PUD have been provided to ensure adequate areas for landscape materials.

Manicured water-efficient landscaping to include deciduous trees and native shrubs shall be provided to create an appropriate feel along the frontages of Grand Avenue and Sylvan Lake Road. Landscape treatment on Sylvan Lake Road shall be similar in quality to that already provided along this segment of the roadway adjacent to the Eagle Medical Center and the Founders neighborhood located on the opposite side of Sylvan Lake Road. Landscaping within the development areas will include substantial numbers of trees and shrubs to help ground buildings within the landscape, create screening and buffering between buildings and parking areas or driveways, and enhance the enjoyment of open and recreational areas between buildings. Proposed vegetation shall be consistent with the Reserve at Hockett Gulch Approved Vegetation List attached to this PUD Guide. Native areas requiring less irrigation upon maturity will be provided in areas where recreational and pedestrian use is not proposed but will still be considered useable open space. Extensively used recreational areas may be developed with grass turf in order to withstand heavy use. Mulched, gravel, and other xeric practices may also be used to reduce irrigation needs.

Landscape islands or fingers (example shown here with tree) shall be provided within parking areas. These areas should contain trees to help breakup the parking area and provide the opportunity for shade. Islands or fingers of landscaping should occur every ten to twenty parking spaces as a rule of thumb but it is recognized that the number of parking spaces provided is also a critical consideration. Strict compliance to the Town's standards for landscape island spacing is not required.



A minimum number of trees or other plant materials is not prescribed by this PUD Guide. However, the intent is to provide a substantial level of vegetation that produces a high quality, livable environment consistent with the adjacent developments within Eagle Ranch. Detailed landscape plans will be provided during the Development Permit review process.

Irrigation:

All irrigation facilities and operation shall adhere to water efficient practices as adopted by the Town of Eagle. The PUD may be served by a raw water irrigation system to reduce treated water use within the PUD.

Signage:

All signs will comply with the Town's Land Use and Development Code, or a master sign program as submitted by the applicant, whichever is more restrictive.

Exterior Lighting:

All exterior lighting shall be provided in conformance with the lighting standards of the Town's Land Use and Development Code, with the provision that LED light sources shall be specifically permitted when meeting equivalent light standards of the Town.

## **16. Wildlife Impact Restrictions**

The following wildlife related measures shall be enforced within the PUD.

Bears and Mountain Lions:

The following wildlife mitigation measures shall be adhered to:

- Utilize bear-proof dumpsters for any garbage that is generated at this location. Furthermore, use bear-proof containers for trash during the construction period and prohibit workers from leaving food or other bear attractants onsite;
- Prohibit construction workers and contractors from bringing pets on the work site;
- Outdoor feeding of pets is prohibited;
- The feeding, baiting, salting, of other means of attracting wildlife is illegal and prohibited;
- Homeowners and renters will be educated about the bears, mountain lions, and other wildlife utilizing educational brochures provided by Colorado Parks and Wildlife;
- Shield and direct all lighting fixtures downward to minimize light pollution on adjacent wildlife habitats; and
- Prohibit fruit, nut, and berry producing trees and shrubs in landscape designs.

Dogs and Pet Control:

The owner shall include pet regulations in leases and covenants to limit the number of pets allowed in each unit and restrictions necessary to prevent nuisance issues. However, owner shall not prohibit a service animal of any type that is legally designated as an assistance animal per the Americans with Disability Act. These requirements shall be considered the minimum level of regulation for this PUD. Pets shall always be on leash when outdoors on the property and under direct owner supervision and control. Pets shall not be left unattended in common areas or on outdoor porches or balconies. Pet waste shall be removed by dog owners immediately and disposed of in proper containers.

Fencing:

Fences within the PUD will be constructed in a wildlife-friendly manner that eliminates the chance of entanglement and impalement of wildlife attempting to jump fences. Pointed pickets and strands of wire at the top of perimeter fencing will be prohibited. All fencing shall be developed to allow wildlife to pass through the property.

## **17. Irrigation**

In order to reduce financial and capacity impacts to the Town's water treatment facilities, a non-potable landscape irrigation within the PUD will be permitted.

### **18. Site Access & Development Phasing**

The PUD shall be permitted two separate points of access. The two points of access will consist of one each from Sylvan Lake Road and Grand Avenue. Access to Sylvan Lake Road shall be granted via an easement that the Town will provide as part of the approved Annexation & Development Agreement. The phasing of development shall be at the discretion of the owner or developer. Development permit approval of HD/PUD-1 shall only require one access to Sylvan Lake Road. Development permit approval of HD/PUD-3 shall only require one access to Grand Avenue. Development permit approval which includes HD/PUD-2 shall require both access points to be developed.

Conceptually, but not a requirement, the PUD is expected to develop in two phases. Phase 1 would include development of Planning Areas HD/PUD-1 and HD/PUD-2. Phase 2 would include the development or platting of HD/PUD-3. There will be development sequencing within each phase of development and building permits will likely not be sought for the entirety of a phase but components within each phase. While build-out of the development is anticipated to occur in 7 years, each phase of the PUD is anticipated to take 3.5 years to permit and complete.

The standards provided within this PUD Guide reflect the final condition of the PUD at build-out. Each Planning Area or PUD Zone District will comply with the development standards as they are developed. Adequate parking as provided herein is required with each phase of development.

### **19. Development Permit**

All development applications within this PUD shall be subject to review and approval of a Development Permit pursuant to Section 4.06 of the Town Land Use and Development Code.

### **20. Debris Flow Hazard**

A preliminary hazard analysis has been performed by Wiss, Janney, Eistner Associates, Inc. and documented in a letter report dated August 17, 2018. The report generally finds that there is no significant hazard to the PUD, but that further detailed analysis should occur prior to issuing a Subdivision or Development Permit approval for development within the PUD.

### **21. Subdivision**

The Town shall permit further subdivision of the property to allow for appropriate development and individual ownership of development properties. Subdivision Sketch Plan, Preliminary Subdivision Plan, and Final Subdivision Plat may be combined and processed as one submittal at the time of application for Minor or Major Development Permit application or may be submitted prior to application for Minor or Major Development Permit.

## **22. Infrastructure**

In all PUD Zone Districts, utilities, facilities, and similar improvements, as well as uses and activities necessary for the development of the PUD shall be allowed. Examples of these uses, activities, and improvements, are, but not limited to, ditches, drainage improvements, all utility lines and related equipment, stormwater facilities, swales, hazard mitigation improvements, walkways and recreation paths whether paved or not, communication towers and facilities, lighting, landscape improvements, grading, irrigation improvements, signage, parking, recreation equipment and areas, parks, gardens, vegetation management, temporary construction staging, and fences.

## **23. Conflicts**

The specific provisions of this PUD Guide shall supersede those of the Town of Eagle Land Use Regulations or other municipal requirements. However, where the PUD Guide is silent to any provision, the specific provisions of the Town of Eagle Land Use Regulations should be consulted and interpreted by the Town Planner. In case of dispute or ambiguity, the Board of Trustees shall act to interpret and render a decision. In determining similar uses as outlined herein, the Town Planner may determine a use to be permitted based on a use being similar to uses listed. When compatibility or consistency with the Town's goals, policies and plans are in question, the Town Planner has the authority to send use interpretations to the Planning and Zoning Commission for final determination, subject to public notice requirements for PUD Amendments as outlined in the Town of Eagle Land Use and Development Code.

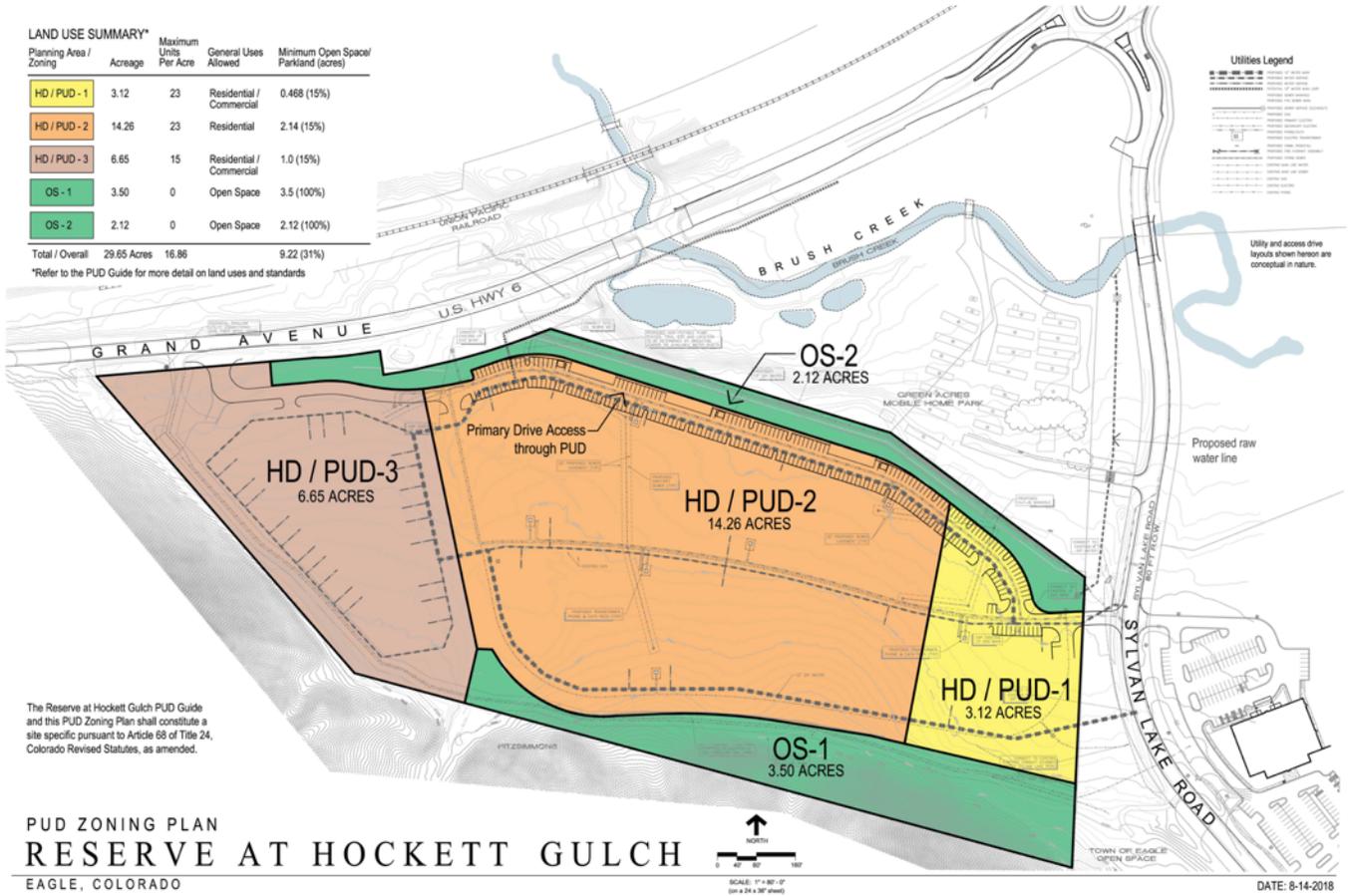
## **24. Amendment to PUD**

Any changes to this PUD Guide or any other element of the PUD shall follow the procedures established in Section 4.11.050 of the Land Use and Development Code.

# Exhibits

## PUD Zoning Plan:

The following graphic is the PUD Zoning Plan for the PUD.



## Reserve at Hockett Gulch Approved Vegetation List:

### DECIDUOUS TREES

BOTANICAL NAME	COMMON NAME
<i>Acer ginnala</i> 'Flame' .....	Amur Maple
<i>Acer glabrum</i> .....	Rocky Mountain Maple
<i>Crataegus ambigua</i> .....	Russian Hawthorn
<i>Malus species</i> .....	Flowering Crabapple: Dolgo, Radiant, Spring Snow
<i>Populus acuminata</i> .....	Lanceleaf Cottonwood
<i>Populus angustifolia</i> .....	Narrowleaf Cottonwood\
<i>Populus tremuloides</i> .....	Quaking Aspen

### EVERGREEN TREES

BOTANICAL NAME	COMMON NAME
<i>Juniperus scopulorum</i> .....	Rocky Mountain Juniper
<i>Picea pungens</i> .....	Colorado Spruce
<i>Pinus edulis</i> .....	Pinion Pine
<i>Pseudotsuga menziesii</i> .....	Douglas Fir

### SHRUBS

BOTANICAL NAME	COMMON NAME
<i>Acer glabrum</i> .....	Rocky Mountain Maple
<i>Amelanchier alnifolia</i> .....	Serviceberry
<i>Artemisia tridentata vaseyana</i> .....	Mountain Big Sagebrush
<i>Cercocarpus montanus</i> .....	Mountain Mahogany
<i>Chrysothamnus nauseosus</i> .....	Rubber Rabbitbrush
<i>Chrysothamnus viscidiflorus</i> .....	Low Rabbitbrush
<i>Cornus stolonifera</i> .....	Redtwig Dogwood
<i>Juniperus communis</i> .....	Juniper
<i>Pentaphylloides floribunda</i> (Potentilla)....	Shrubby Cinquefoil
<i>Prunus virginianus</i> .....	Chokecherry
<i>Purshia tridentata</i> .....	Antelope Bitterbrush
<i>Rhus glabra</i> .....	Smooth Sumac
<i>Rhus aromatica ssp. trilobata</i> .....	Skunkbrush
<i>Ribes cereum</i> .....	Wax Currant
<i>Rosa 'woodsii'</i> .....	Wood's Rose
<i>Rubus parviflorus</i> .....	Thimbleberry
<i>Sambucus racemosa</i> .....	Red Elderberry
<i>Shepherdia canadensis</i> .....	Buffaloberry
<i>Symphoricarpos orocephalus</i> .....	Mountain Snowberry
<i>Amelanchier alnifolia</i> .....	Serviceberry
<i>Amelanchier canadensis</i> .....	Canadian Serviceberry

<i>Amorpha caescens</i> .....	Blue Mist Spirea
<i>Artemisia tridentate vaseyana</i> .....	Mountain Sagebrush
<i>Berberis</i> spp. ....	Barberry
<i>Cercocarpus montanus</i> .....	Mountain Mahogany
<i>Cercocarpus ledifolius</i> .....	Curlyleaf Mountain Mahogany
<i>Chrysothamnus nauseosus</i> .....	Rubber Rabbitbrush
<i>Chrysothamnus viscidiflorus</i> .....	Low Rabbitbrush
<i>Cornus stolonifera</i> .....	Red Twig Dogwood
<i>Cornus stolonifera</i> 'Isanti' .....	<i>Cornus stolonifera</i> 'Isanti'
<i>Cornus alba</i> 'Argenteomarginata' .....	Variegated Dogwood
<i>Cotoneaster divaricatus</i> .....	Spreading Cotoneaster
<i>Cotoneaster lucidus</i> .....	Peking Cotoneaster
<i>Euonymus alatus</i> 'Compacta' .....	Dwarf Burning Bush
<i>Juniperus sabina</i> 'Buffalo' .....	Buffalo Juniper
<i>Juniperum horizontalis</i> 'Blue Chip' .....	Blue Chip Juniper
<i>Lonicera involucrate</i> .....	Twinberry Honeysuckle
<i>Lonicera korolkowi</i> 'Zabel's'.....	Zabel's Honeysuckle
<i>Spiraea</i> species.....	Spirea
<i>Physocarpus opalifolius</i> .....	Golden Ninebark
<i>Physocarpus opulifolius</i> 'Diablo' .....	Purple Leaf Ninebark
<i>Potentilla</i> species.....	Potentilla
<i>Prunus x cistena</i> .....	Purple Leaf Plum
<i>Perovskia atriplicifolia</i> .....	Russian Sage
<i>Pentaphylloides floribunda</i> ( <i>Potentilla</i> )....	Shrubby Cinquefoil
<i>Prunus virginianus</i> .....	Chokecherry
<i>Purshia tridentate</i> .....	Antelope Bitterbrush
<i>Ribes alpinum</i> .....	Alpine Currant
<i>Ribes aureum</i> .....	Yellow Currant
<i>Rhus glabra</i> .....	Smooth Sumac
<i>Rosa</i> "woodsii" .....	Wood's Rose
<i>Rosa foetida</i> 'Bicolor' .....	Austrian Copper Rose
<i>Rubus parviflorus</i> .....	Thimbleberry
<i>Sambucus racemosa</i> .....	Red Elderberry
<i>Shepherdia Canadensis</i> .....	Buffaloberry
<i>Symphoricarpos orocephalus</i> .....	Mountain Snowberry
<i>Salix purpurea</i> 'Nana' .....	Snowmound Spirea
<i>Spirea nipponica</i> 'Snowmound' .....	Dwarf Blue Arctic Willow
<i>Syringa vulgaris</i> .....	Common Purple Lilac
<i>Salix monticola</i> .....	Mountain Willow
<i>Sorbaria sorbifolia</i> .....	Ural False Spirea

## DWARF CONIFERS

BOTANICAL NAME .....	COMMON NAME
<i>Picea pungens</i> 'Fat Albert' .....	Fat Albert Spruce
<i>Picea pungens</i> species.....	Dwarf Blue, Green, Globe Spruce

## PERENNIAL FLOWERS:

BOTANICAL NAME	COMMON NAME
Achillea.....	Red Yarrow
Alcea species .....	Hollyhock
Aquilegia species .....	Columbine
Aster species .....	Fall Aster
Centaurea montana .....	Mountain Bluet / Bachelor Button
Chrysanthemum maximum.....	Shasta Daisy
Delphinium elatum .....	Delphinium
Dianthus deltoids .....	Maiden Pinks
Dicentra spectabilis.....	Bleeding Heart
Gaillardia grandiflora .....	Blanket Flower
Hosta sp. ....	Plantain Lily
Hemerocallis hybrids .....	Daylily
Iris siberica .....	Siberian Iris
Linum perenne.....	Flax
Lupinus species .....	Lupine
Papaver orientalis.....	Oriental Poppy
Penstemon strictus.....	Rocky Mnt. Penstemon
Salvia x surperba.....	Salvia

## GROUND COVERS:

BOTANICAL NAME	COMMON NAME
Aedopodium podagraria 'Variegatum' .....	Variegated Bishop's Weed / Snow on the Mnt.
Ajuga species .....	Ajuga
Arctostaphylos uva-ursi.....	Kinnikinnick
Artemisia frigida .....	Fringed Sage
Cerastium tomentosum .....	Snow-In-Summer
Delosperma nubigenum.....	Hardy Yellow Iceplant
Galium odoratum.....	Sweet Woodruff
Mahonia repens .....	Oregon Grape
Pachystima myrsinites .....	Mountain Lover
Potentilla verna 'nana' .....	Creeping Potentilla
Phlox spp. ....	Phlox
Antennaria rosea.....	Pussytoes
Fragaria vesca .....	Wild Strawberry
Sedum spp. ....	Stonecrop (sedum)
Thymus spp. ....	Thyme
Vinca minor.....	Periwinkle

## CONTAINER GRASSES

BOTANICAL NAME	COMMON NAME
Festuca glauca 'Elijah Blue' .....	Elijah Blue Fescue

Helictotrichon sempervirens..... Blue Avena Grass  
 Miscanthus sinensis 'Gracillimus' ..... Maiden Grass  
 Schizachyrium scoparium 'Blaze' ..... Blaze Little Bluestem  
 Calamagrostis acutiflora 'K.F.' ..... Feather Reed Grass

**VINES**

BOTANICAL NAME	COMMON NAME
Lonicera heckrottii .....	Heckrottii Honeysuckle
Clematis species.....	Clematis
Parthenocissus quinquefolia .....	Virginia Creeper / Engleman Ivy

**TURF GRASSES - FORMAL TURF AREAS/RECREATION AREAS**

BOTANICAL NAME	COMMON NAME
Poa pratensis.....	Kentucky Blue Grass

**WILDFLOWER MIX (RECOMMENDED)**

Indian Ricegrass  
 Sideoats Grama  
 Blue Grama  
 Slender Wheatgrass  
 Arizona Fescue  
 Western Wheatgrass  
 Canby Bluegrass  
 Bluebunch Wheatgrass  
 Little Bluestem

**EXHIBIT E:**  
**PUD Concept Plan**  
**(attached)**

**SUMMARY**

DWELLING  
UNITS

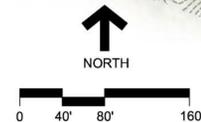
	PHASE I	396
	PHASE II	69
TOTAL		465

\*This concept plan is for illustrative purposes only. It represents only one potential development plan. Road, open space and building locations are not to be considered a depiction of the final project.



ILLUSTRATIVE  
CONCEPTUAL DEVELOPMENT PLAN  
**RESERVE AT HOCKETT GULCH**

EAGLE, COLORADO



SCALE: 1" = 80' - 0"  
(on a 24 x 36" sheet)

DATE: 1-15-2019

**EXHIBIT F:**  
**Variations Memo**  
**(attached)**



January 15, 2019

Morgan Landers, AICP  
Town Planner  
Community Development Director  
200 Broadway  
Eagle, Colorado 81631

Re: Variations Requested as part of Reserve at Hockett Gulch PUD

Dear Morgan:

This letter is being provided at the request of the Town and its consultants to address variations from the Town's regulations being requested for the Reserve at Hockett Gulch. The Town's PUD regulations were generally written to address land that is currently located within the Town and zoned by the Town. A application would then be filed to rezone the property to a PUD. The variations requested in the PUD from the existing zone district are then documented. The code does not satisfactorily address the mechanics where a property is being annexed to the Town and zoned as a PUD without an existing underlying zone district. In this case variations are limited to those standards more universally applied to a development project as no one single district applies in this situation.

As you are also aware the Town's existing regulations tend to be internally inconsistent or not in keeping with recent approvals that have occurred within the Town, thus necessitating the need for some variation from the Town's regulations to insure a quality development. The rewrite of the Town's development regulations, which is currently underway, will likely eliminate the future need to vary from the Town's PUD standards which are intended to be flexible in application.

This summary is provided to identify those areas where the Reserve at Hockett Gulch requires general variation from the current standards or recommendations versus from a specific zone district.

**1. Timing of Impact Fee Payments.**

The Town of Eagle land use regulations require impact fee payments for the street improvement fee, fire department impact fee, water tap fee, sewer tap fee, and school land dedication fee all of which are to be paid at the time of PUD or subdivision approval. In the case of this PUD, it is anticipated that the initial subdivision will create 4-5 larger development parcels with the anticipation of future development or subdivision. The Board of Trustees has the ability to delay water and sewer tap prepayment requirements (60% of the requirement) until the approval of either a building permit or a residential subdivision where individual lots are being created for development. As a variation from the Town's typical requirements, the PUD proposes that all such payments occur at the time of Development Permit approval or residential subdivision where individual lots are being created for

development. Payment at that time is the appropriate time as that is when the impacts of the proposed development are able to be accurately calculated and closer to the time that the actual impact will occur. The impacts will not be realized by the Town until a Certificate of Occupancy is issued which is likely a year or two following the approval of a Development Permit, so the fees are still being front-loaded versus when the impact occurs. The front loading of fees prior to Development Permit drives up the cost of development impacts, the ability to complete development projects, and affects the affordability of rents or sale prices. The applicant has worked with the School District to provide those upfront fees at Development Permit approval or residential subdivision where individual lots are being created for development.

- Impact to the Town: There is little to no financial impact to the Town. The Town receives the impact fees prior to the impact being realized. Additionally, the Town may realize more revenue by delaying when it receives payment since the Town often raises the fees on an annual basis (15% a year). This variation will produce a public benefit over strict application of the regulation, is not detrimental to the public good, and does not impair the intent and purposes of the code by allowing impact fees to be paid when impacts are realized and allowing growth to occur in a reasonable fashion.

## **2. Multiple Family Parking Requirements.**

The Town of Eagle land use regulations contain a requirement for additional guest parking related to multiple-family uses. The Town's requirements, without the guest parking requirement, already exceed the anticipated demand for parking within a multiple-family environment. The PUD proposes to eliminate the guest parking requirement which still means parking provided exceeds the anticipated parking demand. The proposed multiple family uses are parked at an average rate of 1.75 spaces per unit versus 1.37 spaces per unit predicted by ITE. We have provided a report from our traffic engineer based upon ITE data to support this variation (attached).

- Impact to the Town: There is no impact to the Town as the proposed parking ratio reflects the demand created. Impacts are reduced on the environment and costs of providing housing are reduced. This variation will produce a public benefit over strict application of the regulation, is not detrimental to the public good, and does not impair the intent and purposes of the code by allowing parking requirements that are reflective of demand.

## **3. HD/PUD Density Designation.**

The Town of Eagle PUD regulations contain requirements for different types of land use categories. The HD district is listed as being intended for PUD zones of up to 20 units per acre. Reserve at Hockett Gulch has an overall density of 16.9 units per acre, taking into consideration the entire land area of the development at 29.65 acres. Two of the three HD zones proposed (HD/PUD-1 and HD/PUD-2) within the development allow densities up to 23 units per acre, but when you average those two zones with the dedicated open space areas and HD/PUD-3 the density of the PUD is 16.9 units per acre. The proposed PUD is consistent with the intent of the density limitation and the applicant does not believe this to be an actual variation.

- Impact to the Town: There is no additional impact to the Town. This variation will produce a public benefit over strict application of the regulation by providing work force housing, is not detrimental to the public good, and does not impair the intent and purposes of the code by allowing appropriate levels of density within the Town and recognizing that the overall density of the PUD complies with the Town's PUD standard.

## **4. HD/PUD Use Designation.**

The Town of Eagle PUD regulations contain a requirement that the HD/PUD zone district reflect the uses of the R, RR, RL, RM, RMF, and RH zone districts but with the provision that Planning Commission and the Town Board can allow other uses it finds to be compatible. The RH and RMF zone districts allow retail, service, office uses, and other non-residential uses with a Special Use Permit but not as a permitted by right use. The proposed HD/PUD-1 district reflects the uses found in the RH and RMF zone district by allowing commercial uses by Special Use Permit. No variation is therefore required.

HD/PUD-3, with frontage on Grand Avenue, allows commercial and other non-residential uses but as a permitted, use by right rather than by Special Use Permit. This is appropriate given the location of HD/PUD-3 and its location on Grand Avenue and given the goals of the Eagle Area Community Plan which promotes limited commercial uses within this area. Included in the allowed uses by right in HD/PUD-3 are thus commercial uses including a child care facility.

- Impact to the Town: There is no additional impact to the Town as the commercial uses would be allowed by Special Use Permit without a variation. The variation allows the Town to achieve its goal of allowing commercial services along the Grand Avenue corridor if demand exists for it to occur. This variation will produce a public benefit over strict application of the regulation, is not detrimental to the public good, and does not impair the intent and purposes of the code by allowing non-residential uses by right to be established without the burden of additional review in the future.

#### **5. Municipal Park Land Dedication Versus Open Space.**

The Town of Eagle development regulations require the dedication of park land area within every subdivision within the Town regardless of whether the subdivision is also within a PUD. The Town's regulations also **recommend** that a PUD provide for 20% of the land area of the PUD also be open space.

We don't believe it was the intent to require/recommend that the open space within a PUD was above and beyond the park land dedication but that they work together to provide open space for the occupants of a PUD.

The Town's Parkland Dedication requirement is extremely aggressive. The PUD contains a total of 29.65 acres and the Town's regulation requires 15 acres to be dedicated for park land. This quite clearly shows that the Town's formula and application are misaligned with the goal of providing workforce housing solutions and allow for more compact and dense development that utilize land resources more efficiently.

The applicant has reviewed the Town's regulations for (A) minimum open space area, (B) usable minimum open space area, (C) active recreation area, and (D) municipal park land dedication. The applicant believes that the only variation from Town code is in the area of park land dedication, yet it will address all four of these requirements.

A) Minimum Open Space. In the case of the Reserve at Hockett Gulch, the applicant is proposing to provide a minimum of 9.22 acres of total open area or 31% of the 29.65-acre site. This is included via private open space within HD/PUD-1, HD/PUD-2 and HD/PUD-3, as well as via public open space of OS-1 and OS-2. The 9.22 acres (31%) exceeds the PUD-recommended minimum 20% open space requirement (equates to 5.93 acres) and thus is not a variation.

B) Usable Minimum Open Space. The Town Code specifies that of the recommended minimum 5.93 acres (20%) of open space, at least 75% of that open space must have a slope of less than 10%, which equates to 4.45 acres. Some of the open space on OS-1 would not be considered usable due to grades exceeding 10%. After backing out these unusable areas on OS-1 (2.944 acres), the total PUD usable open space is 6.276 acres. Further, OS-2 contains areas to be used for stormwater treatment. Despite these stormwater treatment areas being improved as a large green space, the applicant has taken a conservative approach and has removed from its usable open space calculations the areas of OS-2 that will be used for stormwater treatment. There are areas of OS-2 that can be developed with a soft pedestrian trail, seating areas, and small park areas. These areas have slopes less than 10% and contain 0.6176 acres of land. After backing out the stormwater treatment areas on OS-2 (and backing out the steep slope areas of OS-1), the total PUD usable open space is 4.77 acres, which exceeds the minimum 4.45 acres noted above and thus is not a variation.

C) Active Recreation. The Town's regulations also require that of the 4.45 minimum acres, that ½ of that (or 2.22 acres) be used for "Active Recreation." The proposed trail in OS-1 has an area of 0.333 acres and the proposed perimeter trail has an area of 0.336 acres for a total area of active trails of 0.669 acres. The Conceptual Development Plan has been updated to show the location and sizes of active recreation areas including the club house and pool areas. These areas account for approximately 2.80 of active recreation areas. In total, the Conceptual Development Plan shows a total of approximately 3.5 acres of active recreation areas within the PUD. Because the applicant intends to meet or exceed the minimum 2.22 acres of Active Recreation area, this is not a variation.

D) Municipal Park Land Dedication. The Town's regulations also require a Park Land Dedication, or a payment-in-lieu. Based on the code, the Reserve at Hockett Gulch would require a land dedication of 15 acres total or just over 50% of the entire property. Clearly this requirement does not provide any incentive for higher density, more compact, smart growth types of strategies which provide workforce housing and is unreasonable in its application. It should be noted that at the time of application and as of January 11, 2019, the Town has not established land dedication fee.

Of the required 15 acres, the regulation does allow for 50% discount in the land dedication requirement "in exchange for provision of private recreation facilities that provide for the recreational needs of the residents of the proposed development." We believe the PUD allows for adequate recreational opportunities meeting the needs of the residents and therefore would permit a reduction in the requirement to 7.5 acres.

As mentioned, we believe that the calculation of the Town's Municipal Park Land Dedication disincentivizes higher density, more compact, smart growth such as the Reserve at Hockett Gulch's PUD application proposes. Additionally, the applicant is proposing improvements to offset the need for the park land dedication of 7.5 acres as follows:

- A. Dedication of OS-1 (3.5 acres total, 0.556 acres less than 10% slope) which contains the trail connection to future offsite access;
- B. Dedication of an easement on OS-2 (2.12 acres total, 0.6176 acres less than 10% slope) which contains a soft path connection to the Town's trail system and a stormwater management area;
- C. Construction of a public soft path within OS-1 that connects the Town's recreation path system with a potential future access to Hockett Gulch. This path also connects the project with the Town's trail system. This improvement shall be included in plans for the first Development Permit for the PUD;

- D. Construction of a 5' wide soft path loop generally around the perimeter of the PUD that connects to the Town's established recreation path system. The path is accessible by the general public. This improvement shall be included in plans for the first Development Permit for the PUD;
- E. Construction of a paved trailhead parking area for up to 14 parking spaces within the Town's open space located along Sylvan Lake Road and accessed directly from Sylvan Lake Road. This is solely a public benefit to the community as the residents within the PUD already have onsite parking provided. This improvement shall be included in plans for the first Development Permit for the PUD;
- F. Construction of a waterless vault toilet within the Town's open space located along Sylvan Lake Road. This improvement shall be included in plans for the first Development Permit for the PUD;
- G. Installation of a solar powered pedestrian crosswalk warning light system located to the north of the vehicular access to the PUD from Sylvan Lake Road. This improvement shall be included in plans for the first Development Permit for the PUD;
- H. Development of recreation areas within the PUD consisting of playgrounds with playground equipment, play fields, basketball courts, sand volleyball courts, or similar types of improvements; and
- I. A payment in lieu of Park Land Dedication, which is reflective of the additional recreational improvements being provided and the extent of commitment to workforce housing development, of \$50,000.

For these reasons, we believe a variation is necessary and appropriate. We believe the commitment of 9.22 acres of open space, with 4.77 acres of that being usable open space, is a sufficient commitment on the part of the applicant, especially when coupled with the exceedance of the Minimum Open Space and Minimum Usable Open Space as outlined in sections A-B above and the list of additional proposed improvements and a cash payment.

- Impact to the Town: While on its face the Town loses the opportunity for an additional park area within the Town, the Town gains the opportunity for housing the community's workforce, a greater need than reserving additional park and open space within the Town. The Town obtains land suitable for a coveted trail connection potentially providing access for many within the Town to federal lands beyond, including a new trailhead and waterless vault toilet. The Town potentially saves revenue by not taking on an additional park space to own and maintain. This variation will produce a public benefit over strict application of the regulation, is not detrimental to the public good, and does not impair the intent and purposes of the code by recognizing the extensive amount of open space and recreation areas being provided within the PUD and allowing a project to be developed at higher densities, achieve smart growth principles, and ultimately address community needs in a different way.

## 6. Building Height for Multiple Family Structures.

The Town's general height limit is set at 35' across all zone districts whether building a single-family home, a hotel, or a multiple family structure. The applicant is proposing to allow only the multiple family structures within the PUD to have a height of 45' to allow for three stories of residential use and appropriate architectural treatment of the building. Since the 35' height limit was established by the Town, industry standards for floor to floor heights have increased. People, even in rental apartments, are seeking or demanding appropriate ceiling heights. Generally, that means floor to floor heights of 12' in most cases. That makes it very difficult to build a three-story structure with an appropriately scaled roof form. The Town of Eagle has many examples of three-story buildings but

the architecture results in very low roof pitches or flat roofs. Those buildings with sloped roof forms generally suffer from lack of architectural interest and quality. The applicant is intending to build no more than 3 stories but allowing for steeper pitched roofs resulting in higher-quality architectural forms.

The property is isolated with respect to neighboring uses. The additional building height, with the back drop of the steep hillsides that flank the property and appropriate building setbacks from the perimeter of the PUD, will have little impact on adjoining properties.

- Impact to the Town: There is little negative impact to the Town as noted above. The overall impact is positive as it relates to the architecture of the multiple family structures. All other structures are limited to 35'. The variation allows the Town to achieve the goal of allowing a higher density and higher quality housing development serving the needs of the community. This variation will produce a public benefit over strict application of the regulation, is not detrimental to the public good, and does not impair the intent and purposes of the code by allowing this building height flexibility.

#### **7. Inclusionary residential requirements for local employee residency.**

The Town's inclusionary housing policies require that 10% of the for-sale residential housing be deed restricted for occupancy by the local workforce. The Town has interpreted that these units serve households with income limits at or below 90% of the Area Median Income (AMI) level as set by HUD for Eagle County though the Town regulations are not clear in this regard. In 2018 the AMI for a family of four in Eagle County was \$86,900. 90% of that number is \$78,210.

The PUD proposing to exceed the 10% requirement as it applies to for-sale housing by providing 15% but with an allowance that household income limits can be up to 120% of AMI. In the case of a family of four, the qualifying income could be \$104,280 using 2018 HUD numbers.

Additionally, the PUD provides that 30% of any rental housing would be deed restricted so that the dwelling units are occupied by the local workforce population without income restrictions. The Town currently does not apply inclusionary zoning to rental property and so there would be no Town requirement for deed restricted rental housing units.

The deed restrictions for rental and for-sale housing would require at least one member of the household meets at least one of the following criteria:

- a. Has earned a living primarily in Eagle County by having worked an average of at least thirty (30) hours per week on an annual basis at a business with an office or job site physically located in Eagle County (multiple jobs in Eagle County may be combined to reach 30 hours per week); or
- b. Has been hired for a job in Eagle County on a permanent basis to work at least thirty (30) hours per week; or
- c. Employees that make their home in Eagle County but work for employers that are located outside of Eagle County (i.e. telecommuters) may be considered eligible if all other eligibility requirements are met and the Household can prove Eagle County residency for at least 1 year before application submission; or
- d. Is over the age of sixty (60) and had earned a living primarily in Eagle County prior to his or her retirement; or

- e. Is a disabled person who had been a full-time employee in Eagle County for a minimum of two years immediately prior to his or her disability or has been granted an exception to the minimum of 30 hours per week in order to continue with a federal or state benefit program, if the person works the maximum number of hours per week the disabled person will have met the intent of the programs criteria; or
- f. The household cumulatively earns at least 75% of the Household's Gross Household Income in Eagle County.

The variation being sought is from the 90% AMI limit that would typically apply to 10% of the for-sale units and allowing the PUD to adhere to a 120% AMI for 15% of the units. The applicant believes that by going above and beyond with both the percentage of for-sale housing and rental housing (which has not requirement today), justifies the variation being sought.

- Impact to the Town: The variation allows the Town to achieve the goal of providing substantial workforce housing within the Town by the private sector to help serve the long-term needs of the community. This variation will produce a public benefit over strict application of the regulation, is not detrimental to the public good, and does not impair the intent and purposes of the code.

Sincerely,



Dominic F. Mauriello, AICP  
Principal

**EXHIBIT G:**  
**Drainage Report**

**LINK:**

**[https://www.townofeagle.org/  
DocumentCenter/View/14861/  
H-Drainage-Report](https://www.townofeagle.org/DocumentCenter/View/14861/H-Drainage-Report)**

# **EXHIBIT H:**

## **Environmental Conditions**

### **LINK:**

**[https://www.townofeagle.org/  
DocumentCenter/View/14821/  
Environmental-Conditions-  
RHG-unchanged-](https://www.townofeagle.org/DocumentCenter/View/14821/Environmental-Conditions-RHG-unchanged-)**

# **EXHIBIT I:**

## **Debris Flow Report**

### **LINK:**

**[https://www.townofeagle.org/  
DocumentCenter/View/14862/  
J-Debris-flow-Report](https://www.townofeagle.org/DocumentCenter/View/14862/J-Debris-flow-Report)**

# **EXHIBIT J:**

## **Raw Water Supply Memo**

**LINK:**

**[https://www.townofeagle.org/  
DocumentCenter/View/14863/  
K-Raw-Water-Supply-Tech-  
Memo](https://www.townofeagle.org/DocumentCenter/View/14863/K-Raw-Water-Supply-Tech-Memo)**

**EXHIBIT K:**  
**Fiscal Report**

**LINK:**

**[https://www.townofeagle.org/  
DocumentCenter/View/14864/  
L-Fiscal-Report](https://www.townofeagle.org/DocumentCenter/View/14864/L-Fiscal-Report)**

**EXHIBIT L:**  
**Traffic Report**

**LINK:**

**[https://www.townofeagle.org/  
DocumentCenter/View/14819/  
RHG-Traffic-Report-and-  
response-letter-8-20-18-  
revised](https://www.townofeagle.org/DocumentCenter/View/14819/RHG-Traffic-Report-and-response-letter-8-20-18-revised)**

# **EXHIBIT M:**

## **Water Rights Memo**

### **LINK:**

**[https://www.townofeagle.org/  
DocumentCenter/View/14874/  
N-RGH-Water-Rights-Memo-  
AquaCraft-EQR-Report-  
20181214](https://www.townofeagle.org/DocumentCenter/View/14874/N-RGH-Water-Rights-Memo-AquaCraft-EQR-Report-20181214)**

**EXHIBIT N:**

**Soils Report**

**LINK:**

**[https://www.townofeagle.org/  
DocumentCenter/View/14865/  
O-Soils-Report](https://www.townofeagle.org/DocumentCenter/View/14865/O-Soils-Report)**

# **EXHIBIT O:**

## **Utility Impact Report**

### **LINK:**

**[https://www.townofeagle.org/  
DocumentCenter/View/14820/  
Reserve-at-Hockett-Gulch-  
Utility-Report-Jan-2019](https://www.townofeagle.org/DocumentCenter/View/14820/Reserve-at-Hockett-Gulch-Utility-Report-Jan-2019)**

**EXHIBIT P:**  
**Utility Letters**

**LINK:**

**[https://www.townofeagle.org/  
DocumentCenter/View/14866/  
Q-Utility-Letters](https://www.townofeagle.org/DocumentCenter/View/14866/Q-Utility-Letters)**

**EXHIBIT Q:**  
**Town of Eagle Referral**  
**Response Summary Report**  
**dated June 8, 2018**  
**(attached)**

# TOWN OF EAGLE REFERRAL RESPONSE SUMMARY REPORT

ISSUED: June 8, 2018

Project Name: Reserve at Hockett Gulch PUD  
Owner/Applicant: Dan Metzger, Brue Baukol Capital Partners, LLC  
Applicant: Dominic Mauriello, Mauriello Planning Group  
Prepared by: Carrie McCool, Planning Consultant for the Town of Eagle

The Eagle Community Development Department is issuing the following Referral Response Summary Report as the referral period has expired. Both internal (Town Staff) and external referral responses received to date can be found in the "Referral Comments" section of this report. The "Next steps" section describes the approaching steps in the development review and approval process. If you have any questions or concerns regarding any comment, contact me or the individual agency contact to clarify the statement and reach an understanding. It is in the applicant's best interest to contact each internal and external referral agency directly in order to streamline the development review process.

## REFERRAL COMMENTS SECTION

### Community Development

Carrie McCool, Town Planning Consultant

[carrie@mccooldevelopment.com](mailto:carrie@mccooldevelopment.com)

The following comments are limited to high-level discussions related to the standards and requirement of PUDs per §4.11.030 as Staff anticipates the resolve of these comments could result in significant changes to the PUD, sketch subdivision, and ultimate contents of the annexation and development agreements accordingly.

### PUD Zoning and Density

1. The intent of HD/PUD 1 and 3 is to promote the development of a small commercial shopping area and/or residential neighborhood or any combination of both. However, there seems to be an overall lack on integration of land uses or demonstration of how the mixture of uses would function as a cohesive development (i.e., vertical or horizontal mixed-use development). Design standards need to be included in the PUD documents to address the integration of uses, scale, density, and dimensional standards (minimum lot area, minimum lot area per dwelling unit, maximum lot coverage, maximum floor area, minimum usable open space per dwelling unit, etc.). Additionally, the future design standards should define the relationship of buildings to the street, paths, and other amenities. This must be adequately addressed considering the PUD is proposed to serve as the zone district regulations for the PUD and would supersede all land use regulations found in the Town's Land Use and Development Code and other areas of the Municipal Code.
2. Since multi-family, two-family, and single-family dwellings are proposed for all three planning areas, consider setting forth maximum densities for each with provisions for a 10% density transfer within/between the planning areas to allow for flexibility in addressing market conditions.

3. Please provide justification/rationale for the commercial uses proposed in HD/PUD 1. Staff is concerned with the allowance of commercial uses in this planning area considering the parcel size and access as commercial uses seems more appropriate off Highway 6 as opposed to Sylvan Lake Road.
4. The floor area ratio for a commercial PUD per Code is 1.7:1; however, the PUD states the maximum floor area shall not exceed 30,000 feet within planning areas HD/PUD 1 and HD/PUD 3 combined. As noted above, these planning areas will function differently considering access and size. Please provide density and dimensional standards for the commercial uses proposed within each planning area. FAR should be presented in the same fashion within the PUD (1.7:1) versus setting forth maximum square footages.
5. The intent of HD/PUD 2 is to provide residential housing opportunities that include multi-family, two-family, and/or single-family dwellings. Similar to comment 1 above, staff is concerned about the lack of integration of land uses. Additionally, there is a concern that there are limited design standards to address the different characteristics of the differing residential land uses and densities. For example, the entire planning area could develop as a single-family residential development on any size lot – there are no minimum lot area requirements delineated. Per §405.010.A.3 a, multiple-family dwellings are allowed at a maximum density of one dwelling unit per 2,000 square feet of lot area provided that in addition to all other applicable standards and requirements, the lot area shall include a minimum of 300 square feet of useable open space as defined in this Title, per dwelling unit. If multifamily, two-family and single-family dwelling are allowed by right, there needs to be design and dimensional standards (minimum lot area requirements, lot frontage, percentage of usable open space per dwelling unit, etc.) set forth for each use accordingly.
6. When relief from minimum Code requirements are requested (i.e., parking, park and school land dedication, water rights, tap fees, lighting, building heights, etc.), provide justification/evidence that the requested variation will produce a public benefit over strict application of the regulation varied from, and that such variation is not detrimental to the public good and does not impair the intent and purpose of Chapter 4.11 (see §4.11.010).
7. Please limit the list of Uses By Right in each planning area to uses only and delete references to function (i.e., irrigation, ditches, and landscaping, utility service structures, temporary construction staging areas, etc.).
8. Staff is concerns with the proposed definition of building height measurement in that the distance measured vertically from any point on the proposed or existing roof or eaves to the existing or finished grade. Depending on the building architecture and grading, the roof or eaves to existing or finished grade could amount to very different building heights. Graphics are often the best tool to convey the intent of regulations. As such, staff requests a graphic that illustrates the building height measurement is provided in the next submittal.
9. Provide a Planning Area Summary Chart that delineates the following per Planning Area:
  - Uses
  - Gross Acreage
  - Percentage of total site
  - Maximum FAR
  - Maximum DU per acre
  - Maximum DUs
  - Common open space
  - Private open space
  - Percentage active recreation open space

#### Community Design

Please include design standards (architecture, landscaping, signage, exterior lighting, etc.) in the PUD Guide.

### Open Space

1. The intent of open space should be to provide for a unified network of common and private facilities to serve the needs of the residents of an individual development and/or the community at large. In order for land to be counted towards fulfillment of open space requirements, it must be usable, common open space. Further, it is recommended that a minimum of twenty percent (20%) of the total gross area of a PUD shall consist of common open space. Please provide justification for the reduction in common open space.
2. Please delineate slopes of OS-1 and OS-2 as seventy-five percent (75%) of common open space shall have a slope of 10 percent (10%) or less and shall lend itself to utilization for recreational purposes.
3. At least one-half (1/2) of said common open space shall be developed for active recreation which may include play fields, tennis courts, picnic sites, and similar recreation sites. Please explain how OS-1 and OS-2 could accommodate the active recreation as required by Code.
4. Provide standards for trails (i.e., trail width, materials, construction, etc.).
5. Update the PUD Guide to include provisions for maintenance of open space per Code requirements.
6. Please revise the PUD Guide to state that the open space areas OS-1 and OS-2 are zoned for open space. The dedication of an open space easement can be dedicated at time of platting.
7. Once the open space comments above are addressed, we will be a better position to discuss the municipal land dedication provisions to be set forth in the PUD Guide.

### PUD Perimeter

1. Please provide perimeter landscape standards within the PUD Guide. Additionally, provide a discussion on how the resulting standards will achieve the goals of the Western Gateway Special Character Area identified in the Eagle Area Community Plan.
2. As discussed in the June 1, 2018 meeting, the Town would like to see landscape standards that require native plantings and are efficient landscaping with specific limitations on installation of sod.

### Street Standards

Please provide street standards within the PUD Guide.

### Phasing

Please include a phasing schedule within the PUD Guide showing when each stage of the project will be started and completed, on and off-site improvements constructed, and the required open space and recreational areas are installed. The planning area boundaries should match the phasing plan. As a reminder, a proportional amount of the required open space and recreation areas shall be included in each phase, such that the project as it is built, will comply with the overall density and open space requirements of the Code at the completion of each phase of development. Phasing shall be accomplished such that at the completion of any phase the development is consistent with the Town's goals and policies.

### Parking and Loading

Several use classifications or specific uses listed in the PUD Guide have widely varying parking and loading demand characteristics. Please submit a Parking and Loading Study that includes estimates of parking demand based on

recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by Staff. The Study should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity and location. The study must document the source of data used to develop the recommendations.

### Local Employee Residence Program

Thank you for addressing the Local Employee Housing Residency Requirements in the PUD Guide. We are currently working with the Eagle County Housing and Development Department and Legal Staff to analyze the proposed deviations from the town's local employee housing requirements. Once the review is complete, Staff will provide comments to the Project Team and we can schedule a meeting time to discuss.

### **Engineering/Public Works**

Frederick Tobias, PE

[fred.tobias@townofeagle.org](mailto:fred.tobias@townofeagle.org)

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The following comments are based on the Reserve at Hockett Gulch PUD Sketch Plans from AEI dated January 2018 and related application materials.

#### Utility Impact Report

- The report indicates that an 8-inch water main will be looped throughout the project. The 'Utility Plan' provided by AEI indicates that the water main will be 12-inch.
- Mott MacDonald is currently using a 12-inch loop to model the system.
- If the proposed mix of 1 and 2-bedroom units is revised or the development scheme changes, the hydraulic model may need to be re-analyzed.
- The hydraulic model currently assumes a non-potable irrigation system. The model may need to be re-analyzed if a potable irrigation system is used.
- Public Works recommends that a 12-inch water main loop extend from somewhere between Phase I and Phase III, follow the south side of Hwy 6 and tie into the 8-inch line on the western side of Eagle Landing at Brush Creek.
- Public Works may request that the 12-inch water main connection to Sylvan Lake Road at the development entrance be moved farther to the north.

#### Drainage Report

- The proposed methodology is acceptable.
- Due to the project's proximity to the Eagle River and being located at the bottom of the watershed, a waiver of requirements for stormwater quantity control may possibly be granted. The existing drainage conveyance system will need to be analyzed for adequate capacity for 10-yr storm runoff from the project site to the outfall at Brush Creek. If the existing system is inadequate to carry additional storm runoff from the proposed development, onsite quantity control will be required per section 4.13.040 of the Land Use and Development Code.
- Detailed stormwater calculations will need to be provided at development permit review.
- Debris flow/flooding should be further evaluated.

#### Transportation Impact Study

- It is recommended that a 3rd party transportation engineer/consultant review the 'Transportation Impact Study'.

### **Open Space**

John Staight

[john.staight@townofeagle.org](mailto:john.staight@townofeagle.org)

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1. I appreciate that the applicant has shown a future trail along the southern boundary of the property. This trail could provide a critical access point to Hockett Gulch, if access across Corkey Fitzsimmon's property to the south were to be secured. Hockett Gulch would be the easiest way for hikers, mountain bikers, and motorcycle riders to access the BLM

Hardscrabble Special Recreation Management Area (SRMA) trail system. This access has been desired by the recreation community in Eagle for more than 20 years. Both the Rocky Mountain Sport Riders (motorized) and Hardscrabble Trails Coalition (mountain bike) user clubs have expressed their interest in this access. I would expect them to be vocal during the hearing process.

2. I believe in previous versions of this project a public trailhead was shown at the outlet of Hockett Gulch, on the property. I'm not sure why no trailhead is shown in this version. I believe a trailhead was previously agreed to. I feel the best location for a trailhead would actually be on the southeastern most end of the site, adjacent to Sylvan Lake Road. Trailhead users could access the parking area either off Sylvan Lake Road, or the eastern most interior road. The trailhead could be built on the applicant's property and/or the strip of Town open space just east of the site. I would recommend negotiating to have the applicant pay for a trailhead now, even if it were to be built in the future. The Town's open space fund could not afford to pay for a paved trailhead parking area. I'd be happy to work with Town engineering staff to come up with a cost estimate.
3. I doubt the plan submitted meets the Town's parkland dedication requirements. If in lieu fees were collected, I suggest that they be used to purchase access through the Fitzsimmons property.
4. With the very high density being proposed, I think there could be a lot of potential for trespassing on the Fitzsimmons property. Hockett Gulch will be a big attractant. For this reason, the applicant needs to do some type of property perimeter treatment (fencing, landscaping) to mitigate the trespassing potential.
5. During the annexation negotiations, the Town should see if the applicant would be willing to contribute funds towards the purchase the adjacent Fitzsimmons property. The County seems willing to possibly contribute funds toward the purchase. Access through Hockett Gulch would be a big selling point to future renters or owners on site and would therefore benefit the applicant when marketing the property.
6. On page 6 of the application, 9. Trail Use in OS-1: I do not think hunting access should be prohibited. Parks and Wildlife would like to see hunting access through Hockett Gulch. The hunting traffic would be minimal.
7. On page 7, regarding motorized use: I believed an agreement between the Town and the applicant regarding motorized use should be formalized now, not later. I believe specific noise level contours, which are acceptable to both parties, should be specified (the wording in the application is too vague). The seasonal closure of September to May is not consistent with either the Town's winter closures or the BLM's. The Town's is December 15 – April 15, and the BLM's is December 1 – April 15. The closure should match the Town's or the BLM's. I agree that the soft path trail should not be built or encouraged until access through the Fitzsimmons property is secured.

## Eagle Police

Joe Staufer, Chief of Police

[jstaufer@townofeagle.org](mailto:jstaufer@townofeagle.org)

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The residential proposal of 500 dwelling units will have an impact upon TOE services, to include public safety.

The proposal indicates 400 dwelling units will be one and two-bedroom configurations:

- Assuming these units are divided equally (200 one-bedroom and 200 two-bedroom) and assuming each one-bedroom unit is occupied by 2 residents and each two-bedroom is occupied by four residents, this portion of the project would bring an additional 1,200 residents to our community.

The remaining 100 dwellings are proposed as townhomes, apartments and single-family homes:

- Assuming these are two-bedroom and three-bedroom configurations, this will provide for approximately 500 additional residents

The residential proposal appears to provide housing for approximately 1,700 residents. Commercial implications will incur additional impacts, especially if a bar or restaurant is proposed.

Effectively, this development, as currently proposed, will trigger the need for the Town of Eagle to obtain 3.7 additional sworn staff members (police-patrol officers) to meet the reasonable law enforcement per resident rate (nationwide, this rate is 2.4 per 1,000 inhabitants based on 2016 FBI UCR data. However, due to law enforcement's varied service requirements and functions, as well as the distinct demographic traits and characteristics of our community, this ratio was reduced by Chief Staufer to 2.2 sworn law enforcement per 1,000 residents. As the Town of Eagle continues to grow its commercial and recreational development, the ratio will be assessed again one the population reaches 10,000 residents).

An in-depth traffic study may be warranted to determine sight-distance, round-about access, traffic numbers with residential assumptions only and with residential/commercial (as proposed). Also, traffic/pedestrian access, emergency access and public ROW assessments. It would appear that two roundabouts would be needed to handle the amount of traffic to this development (one on HWY 6 and one on Sylvan Lake Road). Sylvan Lake Road may need to become a 4-lane roadway in the future from HWY 6 to the roundabout access for this proposed development. I would suggest having one public thoroughfare – no parking on this thoroughfare- and the remaining portions of the project to be private streets and ally access. This will yield benefits for both the Town (maintenance and enforcement) while providing homeowners with a more viable option to manage streets.

What are the environmental impacts to this area?

How will parking be managed and how many visitor parking spaces are being required?

It appears they have ample pocket parks and opportunities for residents of their proposed community. What plans do they have to promote a viable community asset (i.e. daycare, community recreation facility, community center, etc.?). How will this be connected to the Town of Eagle and not looked upon as another large private residential area/HOA?

I agree with the high-level assessment and need of additional housing in our area. I would suggest that the Town look into an agreement with the developer to provide two units at cost to the Town in order for the TOE to own and maintain employee housing.

The proposed architectural design, with ample use of rock, wood and lighting demonstrates a desire to remain "mountain friendly." However, I would suggest lowering or amending the roof line for the small square additions to the main apartment building, as they look awkward from the side.

The developer should work with the TOE to provide CPTED strategies.

The developer should commit to crime-free leasing.

## **Western Eagle County Metropolitan Recreation District**

Janet Bartnik

[jbartnik@wecmrd.org](mailto:jbartnik@wecmrd.org)

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Hwy 6 access – If I am reading this right, they want to leave access to Hwy 6 open in both directions, even though the transportation report indicates that at some future date residents may prefer to turn right and loop the roundabout to then head towards Gypsum. Some times of day I bet that access to west and w=east bound Hwy6 is fine, but I wonder if/when it might be better to go ahead and put the restriction in sooner rather than later when residents are used to having the opportunity to go either way. Exiting the development to Sylvan Lake Road is always an opportunity to make the drive simpler.

Their open space is heavily exaggerated, as it seems to me that OS-1 and OS-2 parcels are extremely small and, particularly for OS-1, unusable for any type of recreation. I certainly hope those are private dedications and not publicly

dedicated spaces. The trail access is a GREAT idea and needs to stay in. It should be brought all the way to the property line. But, truly, a soft surface trail is not an exceptional effort on their part to consider in exchange for the lack of open space. Hopefully we can get the adjacent homeowner to allow for an easement to make the connection to the incredible trail system that is so close residents will be able to smell it!

There is NO park space. An HOA operated pool and clubhouse NEVER meet needs for children. I did not see this as an over 50 community, so there will be a need for some type of playground. I'd suggest dumping the fitness space, which will likely be underutilized to use their words, for a nice commercial playground by the clubhouse. Parents can drive to Endorphin or other gyms. Kids can't drive (or walk alone) to the great Town Park playground on 6th Street or the Brush Creek pavilion playground. (Which are definitely NOT underutilized as they have purported. Can you tell those comments offended me? Maybe they counted kids on the playgrounds during the school day...)

I assume they will propose to pay the fee-in-lieu of land dedication, as there is no way they'll have space to dedicate public parkland. They should pay the full fee – no credit for private open space or their proposed improvements.

### **Holy Cross Energy**

Keith Hernandez

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No objections from Holy Cross Energy.

### **Colorado Parks and Wildlife**

Perry Will

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The Colorado Division of Parks and Wildlife (CPW) appreciates the opportunity to review and comment on the Reserve a Hockett Gulch proposal. Examination of the Baseline Environmental Conditions report, specifically the Wildlife section, provided and accurate description of wildlife conditions on the property. The report also provided anticipated wildlife impacts and these too were accurate. CPW concurs that the development of a Wildlife Mitigation and Enhancement plan would be beneficial to help offset impacts to wildlife populations and that the Eagle Ranch PUD would serve as a good guide for this plan.

Because of the proximity, adjacent to Eagle Ranch, similar recommendations to those of Eagle Ranch will be made for this proposal. The Environmental Conditions report stated that the greatest threats are likely to occur from the increased potential for human wildlife interaction. While that is true, most of those issues can be addressed with BMP's on trash, storage of compost, hummingbird feeders and barbecues. The guidelines provided in Eagle Ranch's PUD concerning these potential conflicts are recommended to be adopted. The same is true for fencing. Fencing does not need to be excluded but the extent and placement of fencing should not preclude wildlife movement through and around the development. The area does have a high potential for both mountain lion and black bear interactions. Informational packets concerning Living with these two species should be provided and residents should be made aware that the development is located within a high lion and bear use area.

The largest potential impact to wildlife will be from dispersed use onto adjacent public lands. Eagle Ranch once again addressed this issue by incorporating seasonal closures on trails to protect wintering wildlife. CPW would recommend that similar measures are incorporated at Hockett Gulch.

Landscaping can be an attractant to wildlife. Planting less desirable plant species, deer resistant varieties or native species can reduce potential conflict. CPW is indemnified from damage to landscaped property.

Thank you for the opportunity to comment on this project.

### **Fire District**

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Road sizes accessing home sites must be in accordance with IFC 2015, including apparatus turn arounds (2015 IFC, appendix D).

Road sizes must also allow access for our aerial apparatus to extend to the roof line of each building. (I can get engineers the specifications of the truck).

Water supply must be adequate for fire flows found in the 2015 IFC , Appendix B, Table B105.1(2). If the buildings are equipped with an automatic sprinkler system, fire flows will be reduced by 25%.

### **Eagle River Watershed Council**

Holly Loff, Executive Director

[loff@erwc.org](mailto:loff@erwc.org)

Bill Hoblitzell, Water Resources Program Advisory Staff

[bill@lotichydrological.com](mailto:bill@lotichydrological.com)

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Thank you for the opportunity to provide comments regarding the Reserve at Hockett Gulch proposed annexation and PUD project. Eagle River Watershed Council (ERWC) advocates for the health and conservation of the Upper Colorado and Eagle River basins through research, education and projects; and strives to protect and enhance the high-quality natural, scenic & economic values that our rivers provide to the citizens, visitors and wildlife of our watershed. Vigorously protecting our aquatic systems ensures they will continue to provide their numerous social, economic, and ecosystem benefits in perpetuity.

We have reviewed the available materials to better understand potential impacts to stream ecosystems, wetlands, and aquatic-dependent wildlife. Due to this project's relatively small direct impact to water resources, we have few comments. The geographic location of the project largely separates it from direct impacts to surface waters, riparian zones, or floodplains. No wetlands were identified by the proponent's environmental review. Hockett Gulch, which bisects the property, is an arid ephemeral wash that flows in response to storm events and otherwise does not support wetland plant communities that might evidence near-surface groundwaters in the project area.

The primary impacts of the Reserve at Hockett Gulch to Brush Creek and the Eagle River will occur via the continued incremental development of the valley floor and associated increase in impervious surfaces. Surface runoff from impervious surfaces in urbanized areas alters the hydrologic regime of receiving streams by reducing groundwater infiltration and increasing the 'flashiness' of hydrography. Pollutants from landscaping treatments and impervious surfaces include nutrients, pesticides/herbicides, sediment, and metals, which can be quickly flushed to streams via directly-connected stormwater infrastructure. Currently, the Town of Vail is investing significant community resources in attempting to stop and reverse such impacts to Gore Creek.

We hope that Town of Eagle will include strong requirements for Low-Impact Development (LID)<sup>1</sup> techniques to manage direct site stormwater runoff and promote groundwater infiltration rather than increasing Directly Connected Impervious Areas to Brush Creek and the Eagle River. The inclusion of such practices in the Reserve at Hockett and other new developments in the area will help avoid the mistakes of previous development in the valley and better-ensure the health of our waterways in the future.

Finally, in recognition of a changing climate and growing population, ERWC encourages critical evaluation of water supplies with each and every proposed development. This careful review is necessary to ensure water supplies are available far into the future to safeguard future water demands and uses, including the environment, recreation, the economy, and drinking water.

Thank you for the opportunity to provide input. Should you have any questions regarding our comments or concerns, please contact ERWC directly at your convenience.

Colorado Geological Survey has reviewed the Reserve at Hockett Gulch sketch plan referral. I understand the applicant proposes a mix of housing, commercial development and open space on 29.65 acres located west of Sylvan Lake Road and south of Highway 6. The available referral documents include a Reserve at Hockett Gulch Annexation, PUD & Sketch Subdivision Applications written submittal (Mauriello Planning Group, January 31, 2018), a Baseline Environmental Conditions Report (Watershed Environmental Consultants, December 11, 2015), a set of 17 sketch/site/civil plans (Alpine Engineering, January 31, 2018), and a Preliminary Geotechnical Study, JHY Parcel (HP Geotech, September 30, 2015).

CGS agrees with HP Geotech's assessment (page 3) of geologic hazards and development constraints: "Potential geologic hazards that could impact the site include debris flow and flooding from Hockett Gulch, hydro-compressive alluvial fan and colluvial deposit soils, and the potential for sinkhole development from possible voids in the underlying evaporite bedrock." HP satisfactorily addresses the potential evaporite subsidence hazard and makes valid preliminary recommendations for reducing damage related to compressible, hydro-compressive and expansive soil.

However, HP does not address the debris flow hazard, stating only that "The potential for flooding should be further evaluated by the civil engineer and may require additional study by us." Due to high sediment content, ability to entrain and transport gravel-, cobble-, and boulder-size rocks and debris, and unpredictable flow characteristics, debris flows pose hazards that are very different from sheetflow or channelized water flow hazards, often require field work to estimate the frequency, thickness, lateral extent, and other characteristics of past debris flows, and are typically addressed outside of a standard drainage report.

**Debris flow/debris flood hazard.** The site is located on a mapped debris fan at the mouth of Hockett Gulch. HP Geotech (page 2) describes the Hockett Gulch drainage basin as "relatively large." CGS calculates that the drainage basin is approximately 1300 acres. Watershed Environmental states on page 12 of their Baseline Environmental Conditions Report, "A swale or berm is indicated on the preliminary site plan prepared by Alpine Engineering (Appendix A) to mitigate small debris flows, which may require further study and design by the geotechnical engineer."

Sheet C1.02, Site Plan, of the PUD Sketch Plan set, shows a "Debris Swale" along the base of the slope above proposed Phase III, but the swale overlaps with a parking area. It appears that Hockett Gulch is proposed to enter a small drainage channel near where the gulch enters the property, but it is not clear whether the channel or its culverts have been sized and sloped correctly to effectively transport bulked flows and debris. It is also not clear whether a debris flow or flood out of Hockett Gulch would remain confined to the existing channel and be captured by the proposed channel.

- **CGS strongly recommends that the town require a site-specific debris flow/debris flood hazard analysis and, if necessary, a mitigation and maintenance plan.**
- The debris flow hazard evaluation should include anticipated probability of occurrence and volume, and estimates of flow type, flow depth, deposition area, runout, gradation of debris, flow impact forces, and streamflow inundation and sediment burial depths. Debris flow hazard analysis conclusions should include delineation of hazard area(s), and a discussion of the likely effects of debris flows on the proposed development.
- If hazard mitigation is determined to be necessary, the mitigation plan should include specific recommendations for design, location, sizing, construction, and maintenance of detention or diversion structures, channels and culverts to accommodate anticipated, bulked flows.

- Debris flow hazard increases as a result of events that reduce hillside vegetation, such as avalanche, disease, wildfire, grading and other disturbances; debris flow mitigation structures should include a factor of safety to account for uncertainty and increased debris volumes as a result of wildfire.
- Any debris flow mitigation (catchment, deflection, conveyance) structure(s) will require ongoing inspection and maintenance to maintain effectiveness, and must be designed, constructed and maintained so that hazards to other properties and roads are not exacerbated.

Thank you for the opportunity to review and comment on this project. If you have questions or require further review, please call me at (303) 384-2643, or via e-mail.

### Next Steps

The Town is committed to assisting applicants through the development review process. We are looking forward to collaborating with the Project Team on how to best address the comments to ensure the purpose of Chapter 4.11 is captured in the PUD documents thereby facilitating an efficient public hearing process and ultimate build out of a vibrant mixed-use development. As such, Town Staff will make themselves available for weekly conference calls to collaborate on how to best address comments or issues as they arise. Since the Development Review Team meets on Tuesdays, Staff suggests we schedule weekly conference calls on Mondays instead of Wednesdays as we discussed at the June 1<sup>st</sup> meeting. Please contact Carrie McCool, Town Planning Consultant to schedule regular conference call times that work best for everyone's schedule. We propose to have discussions on non-potable utilities and water rights on the agenda for the first conference call.

For formal resubmittals, the Project Team shall address all of the Town Staff, and external referral agency comments then resubmit the following:

1. A point-by-point letter which states how all of the comments (including external referral comments) have been addressed; and
2. Revised PUD and other documents along with digital files.

If you have any questions concerning comments on your project or the development review process, please feel free to contact Carrie McCool at 303.378.4540 or via email at [carrie@mccooldevelopment.com](mailto:carrie@mccooldevelopment.com).

**EXHIBIT R:**

**Applicant's Response to  
Referral Comments dated  
August 30, 2018  
(attached)**

**Applicant Response to:**  
**TOWN OF EAGLE**  
**REFERRAL RESPONSE SUMMARY REPORT**  
**Response Date: August 30, 2018**

ISSUED: June 8, 2018

Project Name: Reserve at Hockett Gulch PUD  
Owner/Applicant: Dan Metzger, Brue Baukol Capital Partners, LLC  
Applicant: Dominic Mauriello, Mauriello Planning Group  
Prepared by: Carrie McCool, Planning Consultant for the Town of Eagle

The Eagle Community Development Department is issuing the following Referral Response Summary Report as the referral period has expired. Both internal (Town Staff) and external referral responses received to date can be found in the "Referral Comments" section of this report. The "Next steps" section describes the approaching steps in the development review and approval process. If you have any questions or concerns regarding any comment, contact me or the individual agency contact to clarify the statement and reach an understanding. It is in the applicant's best interest to contact each internal and external referral agency directly in order to streamline the development review process.

**REFERRAL COMMENTS SECTION**

**Community Development**

Carrie McCool, Town Planning Consultant

[carrie@mccooldevelopment.com](mailto:carrie@mccooldevelopment.com)

The following comments are limited to high-level discussions related to the standards and requirement of PUDs per §4.11.030 as Staff anticipates the resolve of these comments could result in significant changes to the PUD, sketch subdivision, and ultimate contents of the annexation and development agreements accordingly.

PUD Zoning and Density

1. The intent of HD/PUD 1 and 3 is to promote the development of a small commercial shopping area and/or residential neighborhood or any combination of both. However, there seems to be an overall lack on integration of land uses or demonstration of how the mixture of uses would function as a cohesive development (i.e., vertical or horizontal mixed-use development). Design standards need to be included in the PUD documents to address the integration of uses, scale, density, and dimensional standards (minimum lot area, minimum lot area per dwelling unit, maximum lot coverage, maximum floor area, minimum usable open space per dwelling unit, etc.). Additionally, the future design standards should define the relationship of buildings to the street, paths, and other amenities. This must be adequately addressed considering the PUD is proposed to serve as the zone district regulations for the PUD and would supersede all land use regulations found in the Town's Land Use and Development Code and other areas of the Municipal Code.

- Applicant: These issues have been addressed in the PUD Guide. Development standards, including maximum densities, minimum densities, setbacks, building heights, statements related to integration of uses, minimum lot

size requirements, building setbacks, street standards, parking standards, open space requirements, and reliance on Town design standards and guidelines have been provided.

2. Since multi-family, two-family, and single-family dwellings are proposed for all three planning areas, consider setting forth maximum densities for each with provisions for a 10% density transfer within/between the planning areas to allow for flexibility in addressing market conditions.
  - Applicant: The PUD guide has been revised to allow for maximum FAR and maximum and minimum density. The transfer of density is being allowed between HD/PUD – 1 and 2.
3. Please provide justification/rationale for the commercial uses proposed in HD/PUD 1. Staff is concerned with the allowance of commercial uses in this planning area considering the parcel size and access as commercial uses seems more appropriate off Highway 6 as opposed to Sylvan Lake Road.
  - Applicant: The area is located in the primary entrance to Eagle Ranch allowing for easy access for residents to commercial uses such as grocery and restaurants. It is located directly across the street from a large medical complex and just down the street from the Eagle Ranch commercial center. We believe this location for commercial is ideal to serve the local community, especially that of Eagle Ranch. While we agree that the Grand Ave. frontage is also appropriate, eliminating the Sylvan Lake frontage would reduce the convenience for the Eagle Ranch resident which is a target market. Both locations have their advantages and disadvantages, but both frontages work for a commercial development and both are adequately served by the adjacent roadways. Commercial uses have been changed to a special use in HD/PUD-1 (to match code for HD/PUD and) to allow for additional analysis related to impacts at the time that may occur. Further, we have agreed to limit commercial floor area to 15,000 sq. ft. on HD/PUD-1 to lessen the impacts.
4. The floor area ratio for a commercial PUD per Code is 1.7:1; however, the PUD states the maximum floor area shall not exceed 30,000 feet within planning areas HD/PUD 1 and HD/PUD 3 combined. As noted above, these planning areas will function differently considering access and size. Please provide density and dimensional standards for the commercial uses proposed within each planning area. FAR should be presented in the same fashion within the PUD (1.7:1) versus setting forth maximum square footages.
  - Applicant: The PUD guide has been revised to include an FAR but also a statement about the 30,000 sq. ft. max. There are dimensional limitations for commercial uses also provided. The proposed maximum commercial FAR has been revised in HD/PUD-1 to reflect a reduction to 15,000 sq. ft. of commercial use. That FAR is now proposed at 0.11:1. An FAR of 0.1:1 is provided in HD/PUD-3 to reflect a 30,000 sq. ft. maximum. Both FAR standards are far below that contemplated in the commercial PUD standards found in the code.
5. The intent of HD/PUD 2 is to provide residential housing opportunities that include multi-family, two-family, and/or single-family dwellings. Similar to comment 1 above, staff is concerned about the lack of integration of land uses. Additionally, there is a concern that there are limited design standards to address the different characteristics of the differing residential land uses and densities. For example, the entire planning area could develop as a single-family residential development on any size lot – there are no minimum lot area requirements delineated. Per §405.010.A.3 a, multiple-family dwellings are allowed at a maximum density of one dwelling unit per 2,000 square feet of lot area provided that in addition to all other applicable standards and requirements, the lot area shall include a minimum of 300 square feet of useable open space as defined in this Title, per dwelling unit. If multifamily, two-family and single-family dwelling are allowed by right, there needs to be design and dimensional standards (minimum lot area requirements, lot frontage, percentage of usable open space per dwelling unit, etc.) set forth for each use accordingly.

- Applicant: The PUD has been revised to include a minimum lot size requirement depending on the use and a minimum and maximum density provision. Minimum open space standards have also been put in place.

6. When relief from minimum Code requirements are requested (i.e., parking, park and school land dedication, water rights, tap fees, lighting, building heights, etc.), provide justification/evidence that the requested variation will produce a public benefit over strict application of the regulation varied from, and that such variation is not detrimental to the public good and does not impair the intent and purpose of Chapter 4.11 (see §4.11.010).

Applicant: The applicant has provided a separate letter providing a summary and justification for variations from code standards.

7. Please limit the list of Uses By Right in each planning area to uses only and delete references to function (i.e., irrigation, ditches, and landscaping, utility service structures, temporary construction staging areas, etc.).

- Applicant: This has been addressed in the revised PUD Guide.

8. Staff is concerned with the proposed definition of building height measurement in that the distance measured vertically from any point on the proposed or existing roof or eaves to the existing or finished grade. Depending on the building architecture and grading, the roof or eaves to existing or finished grade could amount to very different building heights. Graphics are often the best tool to convey the intent of regulations. As such, staff requests a graphic that illustrates the building height measurement is provided in the next submittal.

- Applicant: The building height measurement has been revised to more closely align with the Town's definition and a graphic has been provided.

9. Provide a Planning Area Summary Chart that delineates the following per Planning Area:

- Uses
- Gross Acreage
- Percentage of total site
- Maximum FAR
- Maximum DU per acre
- Maximum DUs
- Common open space
- Private open space
- Percentage active recreation open space

- Applicant: The PUD Guide now provides a summary.

### Community Design

Please include design standards (architecture, landscaping, signage, exterior lighting, etc.) in the PUD Guide.

- Applicant: Design Guidelines are included in the PUD Guide.

### Open Space

1. The intent of open space should be to provide for a unified network of common and private facilities to serve the needs of the residents of an individual development and/or the community at large. In order for land to be counted towards fulfillment of open space requirements, it must be usable, common open space. Further, it is recommended that a

minimum of twenty percent (20%) of the total gross area of a PUD shall consist of common open space. Please provide justification for the reduction in common open space.

- Applicant: The PUD Guide has been revised to comply with the minimum 20% open space recommendation. This minimum will be met with both public and private common open space.

2. Please delineate slopes of OS-1 and OS-2 as seventy-five percent (75%) of common open space shall have a slope of 10 percent (10%) or less and shall lend itself to utilization for recreational purposes.

- Applicant: Our engineer is confirming any slopes greater than 10%. The required minimum common open space area will comply with the 75% requirement for slopes of 10% or less.

3. At least one-half (1/2) of said common open space shall be developed for active recreation which may include play fields, tennis courts, picnic sites, and similar recreation sites. Please explain how OS-1 and OS-2 could accommodate the active recreation as required by Code.

- Applicant: The applicant agrees that it will comply with the requirement that 1/2 of the common open space be active recreation subject to agreement with the Town of the definition of "active recreation" and how it is calculated. This minimum will be met with both public and private common open space.

4. Provide standards for trails (i.e., trail width, materials, construction, etc.).

- Applicant: Standards for trails has been provided.

5. Update the PUD Guide to include provisions for maintenance of open space per Code requirements.

- Applicant: A section has been provided for maintenance of open space requirements in the PUD Guide. This will be more fully developed in the annexation and development agreement.

6. Please revise the PUD Guide to state that the open space areas OS-1 and OS-2 are zoned for open space. The dedication of an open space easement can be dedicated at time of platting.

- Applicant: The PUD Zoning Plan shows the parcels zoned as open space within the PUD. The PUD Guide has been revised to dedicate OS-1 to the Town.

7. Once the open space comments above are addressed, we will be a better position to discuss the municipal land dedication provisions to be set forth in the PUD Guide.

- Applicant: The applicant is proposing a variation from the park land dedication and is included in a separate letter.

#### PUD Perimeter

1. Please provide perimeter landscape standards within the PUD Guide. Additionally, provide a discussion on how the resulting standards will achieve the goals of the Western Gateway Special Character Area identified in the Eagle Area Community Plan.

- Applicant: We believe the proposed landscape language allows for robust landscaping focused on areas where there is a neighbor with development or a roadway. The vagueness of the Western Gateway Special Character

Area really doesn't provide much direction, but PUD Guide references the Town's planning documents as relevant when reviewing the Development Permit.

2. As discussed in the June 1, 2018 meeting, the Town would like to see landscape standards that require native plantings and are efficient landscaping with specific limitations on installation of sod.
  - Applicant: The applicant has provided landscape standards that reflect water saving measures. A native plant list has been provided in the PUD Guide. This list was also reviewed by Craig Wescoatt with Colorado Parks and Wildlife in order to assure the landscape materials reflected best practices for dealing with wildlife impacts

### Street Standards

Please provide street standards within the PUD Guide.

- Applicant: Street and driveway standards have been provided in the PUD Guide.

### Phasing

Please include a phasing schedule within the PUD Guide showing when each stage of the project will be started and completed, on and off-site improvements constructed, and the required open space and recreational areas are installed. The planning area boundaries should match the phasing plan. As a reminder, a proportional amount of the required open space and recreation areas shall be included in each phase, such that the project as it is built, will comply with the overall density and open space requirements of the Code at the completion of each phase of development. Phasing shall be accomplished such that at the completion of any phase the development is consistent with the Town's goals and policies.

- Applicant: A conceptual phasing plan has been provided. Provisions on the amount of open space to be provided within each phase has also been addressed in the PUD Guide.

### Parking and Loading

Several use classifications or specific uses listed in the PUD Guide have widely varying parking and loading demand characteristics. Please submit a Parking and Loading Study that includes estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by Staff. The Study should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity and location. The study must document the source of data used to develop the recommendations.

- Applicant: The applicant is only varying from the Town's parking requirements with regard to multiple-family parking requirements. A parking analysis and justification, based on ITE data, has been provided in the resubmittal and will be addressed in a separate letter summarizing any deviations.

### Local Employee Residence Program

Thank you for addressing the Local Employee Housing Residency Requirements in the PUD Guide. We are currently working with the Eagle County Housing and Development Department and Legal Staff to analyze the proposed deviations from the town's local employee housing requirements. Once the review is complete, Staff will provide comments to the Project Team and we can schedule a meeting time to discuss.

- Applicant: We believe the proposed housing plan exceeds the Town's requirements. The Town's requirements do not apply to rental housing, but we are proposing that our proposal apply to the total unit count proposed. As proposed 15% of all units would be deed restricted. If all 500 units are developed, that results in 75 deed restricted units. The PUD outlines the type of deed restriction proposed.

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The following comments are based on the Reserve at Hockett Gulch PUD Sketch Plans from AEI dated January 2018 and related application materials.

**Utility Impact Report -**

- The report indicates that an 8-inch water main will be looped throughout the project. The 'Utility Plan' provided by AEI indicates that the water main will be 12-inch.
- Mott MacDonald is currently using a 12-inch loop to model the system.
- If the proposed mix of 1 and 2-bedroom units is revised or the development scheme changes, the hydraulic model may need to be re-analyzed.
- The hydraulic model currently assumes a non-potable irrigation system. The model may need to be re-analyzed if a potable irrigation system is used.
- Public Works recommends that a 12-inch water main loop extend from somewhere between Phase I and Phase III, follow the south side of Hwy 6 and tie into the 8-inch line on the western side of Eagle Landing at Brush Creek.
- Public Works may request that the 12-inch water main connection to Sylvan Lake Road at the development entrance be moved farther to the north.

**Drainage Report**

- The proposed methodology is acceptable.
- Due to the project's proximity to the Eagle River and being located at the bottom of the watershed, a waiver of requirements for stormwater quantity control may possibly be granted. The existing drainage conveyance system will need to be analyzed for adequate capacity for 10-yr storm runoff from the project site to the outfall at Brush Creek. If the existing system is inadequate to carry additional storm runoff from the proposed development, onsite quantity control will be required per section 4.13.040 of the Land Use and Development Code.
- Detailed stormwater calculations will need to be provided at development permit review.
- Debris flow/flooding should be further evaluated.

**Transportation Impact Study**

- It is recommended that a 3rd party transportation engineer/consultant review the 'Transportation Impact Study'.
  - Applicant: All of the engineering comments have been addressed to the degree possible at this point in the process. A debris flow study has been provided and the traffic report has been revised based upon the 3<sup>rd</sup> party review. Water modelling has occurred.

**Open Space**

John Staight

john.staight@townofeagle.org

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1. I appreciate that the applicant has shown a future trail along the southern boundary of the property. This trail could provide a critical access point to Hockett Gulch, if access across Corkey Fitzsimmon's property to the south were to be secured. Hockett Gulch would be the easiest way for hikers, mountain bikers, and motorcycle riders to access the BLM Hardscrabble Special Recreation Management Area (SRMA) trail system. This access has been desired by the recreation community in Eagle for more than 20 years. Both the Rocky Mountain Sport Riders (motorized) and Hardscrabble Trails Coalition (mountain bike) user clubs have expressed their interest in this access. I would expect them to be vocal during the hearing process.

- Applicant: Duly noted.

2. I believe in previous versions of this project a public trailhead was shown at the outlet of Hockett Gulch, on the property. I'm not sure why no trailhead is shown in this version. I believe a trailhead was previously agreed to. I feel the best location for a trailhead would actually be on the southeastern most end of the site, adjacent to Sylvan Lake Road. Trailhead users could access the parking area either off Sylvan Lake Road, or the eastern most interior road. The trailhead could be built on the applicant's property and/or the strip of Town open space just east of the site. I would recommend negotiating to have the applicant pay for a trailhead now, even if it were to be built in the future. The Town's open space fund could not afford to pay for a paved trailhead parking area. I'd be happy to work with Town engineering staff to come up with a cost estimate.

- Applicant: The applicant is not proposing a trailhead parking area. We believe it is sufficient to provide a trail easement to allow future access by the community a future trail connection on the adjoining property. We have no opposition if the Town wants to construct a trailhead parking area on its open space parcel. We've been told by the sport riders and mountain bike community that access from home is sufficient to address the desire to access this trail at this location and we agree.

3. I doubt the plan submitted meets the Town's parkland dedication requirements. If in lieu fees were collected, I suggest that they be used to purchase access through the Fitzsimmons property.

- Applicant: Due to the extent of useable open space proposed within each development area, outside of the Open Space Parcels, we believe we have exceeded the need for a land dedication or fees. Adding fees to a project focused on local housing only acts to raise the cost of housing.

4. With the very high density being proposed, I think there could be a lot of potential for trespassing on the Fitzsimmons property. Hockett Gulch will be a big attractant. For this reason, the applicant needs to do some type of property perimeter treatment (fencing, landscaping) to mitigate the trespassing potential.

- Applicant: The applicant does not believe that 16.86 units per acre is "very high density." The applicant disagrees that fencing should be required along the entire perimeter of the property.

5. During the annexation negotiations, the Town should see if the applicant would be willing to contribute funds towards the purchase the adjacent Fitzsimmons property. The County seems willing to possibly contribute funds toward the purchase. Access through Hockett Gulch would be a big selling point to future renters or owners on site and would therefore benefit the applicant when marketing the property.

- Applicant: The applicant is not interested in contributing to the purchase of the neighbor's property. Furthermore, the purpose of the PUD is to provide much needed housing to employees in both the Town of Eagle and Eagle County and the burden of exactions decrease the goal of providing housing.

6. On page 6 of the application, 9. Trail Use in OS-1: I do not think hunting access should be prohibited. Parks and Wildlife would like to see hunting access through Hockett Gulch. The hunting traffic would be minimal.

- Applicant: We agreement and have removed the restriction.

7. On page 7, regarding motorized use: I believed an agreement between the Town and the applicant regarding motorized use should be formalized now, not latter. I believe specific noise level contours, which are acceptable to both parties, should be specified (the wording in the application is too vague). The seasonal closure of September to May is not consistent with either the Town's winter closures or the BLM's. The Town's is December 15 – April 15, and the BLM's is

December 1 – April 15. The closure should match the Town's or the BLM's. I agree that the soft path trail should not be built or encouraged until access through the Fitzsimmons property is secured.

- Applicant: The applicant has addressed the closure dates to be consistent with CPW/BLM.

## Eagle Police

Joe Stauffer, Chief of Police

jstauffer@townofeagle.org

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The residential proposal of 500 dwelling units will have an impact upon TOE services, to include public safety.

The proposal indicates 400 dwelling units will be one and two-bedroom configurations:

- Assuming these units are divided equally (200 one-bedroom and 200 two-bedroom) and assuming each one-bedroom unit is occupied by 2 residents and each two-bedroom is occupied by four residents, this portion of the project would bring an additional 1,200 residents to our community.
- Applicant: Agreed. This calculation represents the highest possible population but not the likely population. Many one-bedroom units will be occupied by one person and many two-bedroom units will be occupied by two people. In this scenario the population would be 600. The population number is probably in the 900 range that is what we have assumed.

The remaining 100 dwellings are proposed as townhomes, apartments and single-family homes:

- Assuming these are two-bedroom and three-bedroom configurations, this will provide for approximately 500 additional residents

The residential proposal appears to provide housing for approximately 1,700 residents. Commercial implications will incur additional impacts, especially if a bar or restaurant is proposed.

- Applicant: Here again, this assumes a maximum case scenario that assumes all 500 units are developed and assumes maximum occupancy which we don't believe is a safe assumption.

Effectively, this development, as currently proposed, will trigger the need for the Town of Eagle to obtain 3.7 additional sworn staff members (police-patrol officers) to meet the reasonable law enforcement per resident rate (nationwide, this rate is 2.4 per 1,000 inhabitants based on 2016 FBI UCR data. However, due to law enforcement's varied service requirements and functions, as well as the distinct demographic traits and characteristics of our community, this ratio was reduced by Chief Stauffer to 2.2 sworn law enforcement per 1,000 residents. As the Town of Eagle continues to grow its commercial and recreational development, the ratio will be assessed again one the population reaches 10,000 residents).

- Applicant: We agree there will be impacts to municipal services which we believe are adequately addressed with the fees and revenues that will be produced by the project including property and sales tax. Please refer to the fiscal analysis that details the revenues that will flow to the Town.

An in-depth traffic study may be warranted to determine sight-distance, round-about access, traffic numbers with residential assumptions only and with residential/commercial (as proposed). Also, traffic/pedestrian access, emergency access and public ROW assessments. It would appear that two roundabouts would be needed to handle the amount of traffic to this development (one on HWY 6 and one on Sylvan Lake Road). Sylvan Lake Road may need to become a 4-lane roadway in

the future from HWY 6 to the roundabout access for this proposed development. I would suggest having one public thoroughfare – no parking on this thoroughfare- and the remaining portions of the project to be private streets and ally access. This will yield benefits for both the Town (maintenance and enforcement) while providing homeowners with a more viable option to manage streets.

- Applicant: A detail traffic study has been provided, reviewed by the Town’s consultant, and revised based on their comments. We do not agree that a no parking thoroughfare should be provided and if provided would make the project infeasible. All of the parking and streets are proposed as private facilities.

What are the environmental impacts to this area?

- Applicant: An environmental report has been provided that addresses the environmental impacts of the project. CPW and CGS have opined on the project. CPW agrees with the findings of our report.

How will parking be managed and how many visitor parking spaces are being required?

- Applicant: If the apartment project is developed, the parking for that portion of the site will be managed and enforced by an onsite management company. Parking will be strictly enforced. Guest parking is assumed within the parking requirement. A multiple family parking analysis has been provided by our traffic consultant and based on ITE data. The parking ratio proposed exceeds the ITE predicted demand which includes guest parking.

It appears they have ample pocket parks and opportunities for residents of their proposed community. What plans do they have to promote a viable community asset (i.e. daycare, community recreation facility, community center, etc.?). How will this be connected to the Town of Eagle and not looked upon as another large private residential area/HOA?

- Applicant: The project will provide significant pocket parks and areas for the residents onsite. We are not proposing a community facility on this property other than providing for a trail connection through the property. The project is well integrated into the community with access to the Town’s extensive trail and pedestrian system and located proximate to the ECO transit stop on Grand Avenue. If the commercial component is developed it would provide services to the entire community envisioned as a small grocer, restaurant, daycare, or other local commercial space. We do not believe there is a need for another community park or facility in this area.

I agree with the high-level assessment and need of additional housing in our area. I would suggest that the Town look into an agreement with the developer to provide two units at cost to the Town in order for the TOE to own and maintain employee housing.

- Applicant: The applicant is happy to work with the Town to provide local governmental agencies and service providers with priority on any wait list that may be generated for the rental product, if and when developed. A provision requiring this has been added to the PUD Guide. We want to include local teachers, police officers, fire fighters, paramedics, and other governmental employee in this project and in the community. We also want to support the local business community in providing housing for all of the Eagle businesses that exist. We know the demand is exceptionally high.

The proposed architectural design, with ample use of rock, wood and lighting demonstrates a desire to remain “mountain friendly.” However, I would suggest lowering or amending the roof line for the small square additions to the main apartment building, as they look awkward from the side.

- Applicant: We believe the proposed apartment unit designs fit will in the community and will leave that review until Development Permit and with the experts on the P&Z.

The developer should work with the TOE to provide CPTED strategies.

- Applicant: We are happy to discuss design that addresses crime prevention to the extent that it results in a livable and marketable project.

The developer should commit to crime-free leasing.

- Applicant: We are not sure what that means. The rental company will do background checks on all occupants to ensure the population is as crime free as possible.

## Western Eagle County Metropolitan Recreation District

Janet Bartnik

[jbartnik@wecmr.org](mailto:jbartnik@wecmr.org)

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Hwy 6 access – If I am reading this right, they want to leave access to Hwy 6 open in both directions, even though the transportation report indicates that at some future date residents may prefer to turn right and loop the roundabout to then head towards Gypsum. Some times of day I bet that access to west and w=east bound Hwy6 is fine, but I wonder if/when it might be better to go ahead and put the restriction in sooner rather than later when residents are used to having the opportunity to go either way. Exiting the development to Sylvan Lake Road is always an opportunity to make the drive simpler.

- Applicant: A traffic study has been provided by an expert. This report has been updated based on comments from the Town's traffic consultant. The report shows that the traffic generated can be accommodated.

Their open space is heavily exaggerated, as it seems to me that OS-1 and OS-2 parcels are extremely small and, particularly for OS-1, unusable for any type of recreation. I certainly hope those are private dedications and not publicly dedicated spaces. The trail access is a GREAT idea and needs to stay in. It should be brought all the way to the property line. But, truly, a soft surface trail is not an exceptional effort on their part to consider in exchange for the lack of open space. Hopefully we can get the adjacent homeowner to allow for an easement to make the connection to the incredible trail system that is so close residents will be able to smell it!

There is NO park space. An HOA operated pool and clubhouse NEVER meet needs for children. I did not see this as an over 50 community, so there will be a need for some type of playground. I'd suggest dumping the fitness space, which will likely be underutilized to use their words, for a nice commercial playground by the clubhouse. Parents can drive to Endorphin or other gyms. Kids can't drive (or walk alone) to the great Town Park playground on 6th Street or the Brush Creek pavilion playground. (Which are definitely NOT underutilized as they have purported. Can you tell those comments offended me? Maybe they counted kids on the playgrounds during the school day...)

- Applicant: No offense was intended. We agree with your conclusions and will provide playgrounds and other facilities focused on children. We have modified the PUD to ensure extensive useable open space within each planning area outside of the open space parcels. We have removed the affronting statements from our submittal and meet our needs onsite. The project will exceed the minimum Town's open space by containing 31% of the land as open space, with 60% of that as active open space areas and there will be significant recreational areas for children provided onsite.

I assume they will propose to pay the fee-in-lieu of land dedication, as there is no way they'll have space to dedicate public parkland. They should pay the full fee – no credit for private open space or their proposed improvements.

- Applicant: The applicant is proposing to vary from the parkland dedication requirements. This is detailed in a separate letter to the Town. A significant amount of active recreation areas and open space areas is being provided onsite for the residents. Additional exactions only act to raise the cost of development and reduce the ability to provide housing for the local community. There has to be a balance and we believe this PUD strikes that balance, as revised.

### **Holy Cross Energy**

Keith Hernandez

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No objections from Holy Cross Energy.

### **Colorado Parks and Wildlife**

Perry Will

Craig Wescoatt, Wildlife Manager

craig.wescoatt@state.co.us

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The Colorado Division of Parks and Wildlife (CPW) appreciates the opportunity to review and comment on the Reserve a Hockett Gulch proposal. Examination of the Baseline Environmental Conditions report, specifically the Wildlife section, provided and accurate description of wildlife conditions on the property. The report also provided anticipated wildlife impacts and these too were accurate. CPW concurs that the development of a Wildlife Mitigation and Enhancement plan would be beneficial to help offset impacts to wildlife populations and that the Eagle Ranch PUD would serve as a good guide for this plan.

Because of the proximity, adjacent to Eagle Ranch, similar recommendations to those of Eagle Ranch will be made for this proposal. The Environmental Conditions report stated that the greatest threats are likely to occur from the increased potential for human wildlife interaction. While that is true, most of those issues can be addressed with BMP's on trash, storage of compost, hummingbird feeders and barbeques. The guidelines provided in Eagle Ranch's PUD concerning these potential conflicts are recommended to be adopted. The same is true for fencing. Fencing does not need to be excluded but the extent and placement of fencing should not preclude wildlife movement through and around the development. The area does have a high potential for both mountain lion and black bear interactions. Informational packets concerning Living with these two species should be provided and residents should be made aware that the development is located within a high lion and bear use area.

The largest potential impact to wildlife will be from dispersed use onto adjacent public lands. Eagle Ranch once again addressed this issue by incorporating seasonal closures on trails to protect wintering wildlife. CPW would recommend that similar measures are incorporated at Hockett Gulch.

Landscaping can be an attractant to wildlife. Planting less desirable plant species, deer resistant varieties or native species can reduce potential conflict. CPW is indemnified from damage to landscaped property.

Thank you for the opportunity to comment on this project.

- Applicant: The revised PUD Guide has been revised to address CPW's comments.

### **Fire District**

Randy Cohen

rcohen@gefpd.org

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Road sizes accessing home sites must be in accordance with IFC 2015, including apparatus turn arounds (2015 IFC, appendix D).

Road sizes must also allow access for our aerial apparatus to extend to the roof line of each building. (I can get engineers the specifications of the truck).

Water supply must be adequate for fire flows found in the 2015 IFC , Appendix B, Table B105.1(2). If the buildings are equipped with an automatic sprinkler system, fire flows will be reduced by 25%.

- Applicant: We met with Randy Cohen based on these comments. The development standards proposed in the PUD Guide address his comments.

### **Eagle River Watershed Council**

Holly Loff, Executive Director

Bill Hoblitzell, Water Resources Program Advisory Staff

[loff@erwc.org](mailto:loff@erwc.org)

[bill@lotichydrological.com](mailto:bill@lotichydrological.com)

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Thank you for the opportunity to provide comments regarding the Reserve at Hockett Gulch proposed annexation and PUD project. Eagle River Watershed Council (ERWC) advocates for the health and conservation of the Upper Colorado and Eagle River basins through research, education and projects; and strives to protect and enhance the high-quality natural, scenic & economic values that our rivers provide to the citizens, visitors and wildlife of our watershed. Vigorously protecting our aquatic systems ensures they will continue to provide their numerous social, economic, and ecosystem benefits in perpetuity.

We have reviewed the available materials to better understand potential impacts to stream ecosystems, wetlands, and aquatic-dependent wildlife. Due to this project's relatively small direct impact to water resources, we have few comments. The geographic location of the project largely separates it from direct impacts to surface waters, riparian zones, or floodplains. No wetlands were identified by the proponent's environmental review. Hockett Gulch, which bisects the property, is an arid ephemeral wash that flows in response to storm events and otherwise does not support wetland plant communities that might evidence near-surface groundwaters in the project area.

The primary impacts of the Reserve at Hockett Gulch to Brush Creek and the Eagle River will occur via the continued incremental development of the valley floor and associated increase in impervious surfaces. Surface runoff from impervious surfaces in urbanized areas alters the hydrologic regime of receiving streams by reducing groundwater infiltration and increasing the 'flashiness' of hydrography. Pollutants from landscaping treatments and impervious surfaces include nutrients, pesticides/herbicides, sediment, and metals, which can be quickly flushed to streams via directly-connected stormwater infrastructure. Currently, the Town of Vail is investing significant community resources in attempting to stop and reverse such impacts to Gore Creek.

We hope that Town of Eagle will include strong requirements for Low-Impact Development (LID)<sup>1</sup> techniques to manage direct site stormwater runoff and promote groundwater infiltration rather than increasing Directly Connected Impervious Areas to Brush Creek and the Eagle River. The inclusion of such practices in the Reserve at Hockett and other new developments in the area will help avoid the mistakes of previous development in the valley and better-ensure the health of our waterways in the future.

Finally, in recognition of a changing climate and growing population, ERWC encourages critical evaluation of water supplies with each and every proposed development. This careful review is necessary to ensure water supplies are available far into the future to safeguard future water demands and uses, including the environment, recreation, the economy, and drinking water.

Thank you for the opportunity to provide input. Should you have any questions regarding our comments or concerns, please contact ERWC directly at your convenience.

- Applicant: The proposed PUD Guide addresses all of these comments.

## Colorado Geological Survey

Jill Carlson, C.E.G Engineering Geologist

carlson@mines.edu

Colorado Geological Survey has reviewed the Reserve at Hockett Gulch sketch plan referral. I understand the applicant proposes a mix of housing, commercial development and open space on 29.65 acres located west of Sylvan Lake Road and south of Highway 6. The available referral documents include a Reserve at Hockett Gulch Annexation, PUD & Sketch Subdivision Applications written submittal (Mauriello Planning Group, January 31, 2018), a Baseline Environmental Conditions Report (Watershed Environmental Consultants, December 11, 2015), a set of 17 sketch/site/civil plans (Alpine Engineering, January 31, 2018), and a Preliminary Geotechnical Study, JHY Parcel (HP Geotech, September 30, 2015).

CGS agrees with HP Geotech's assessment (page 3) of geologic hazards and development constraints: "Potential geologic hazards that could impact the site include debris flow and flooding from Hockett Gulch, hydro-compressive alluvial fan and colluvial deposit soils, and the potential for sinkhole development from possible voids in the underlying evaporite bedrock." HP satisfactorily addresses the potential evaporite subsidence hazard and makes valid preliminary recommendations for reducing damage related to compressible, hydro-compressive and expansive soil.

However, HP does not address the debris flow hazard, stating only that "The potential for flooding should be further evaluated by the civil engineer and may require additional study by us." Due to high sediment content, ability to entrain and transport gravel-, cobble-, and boulder-size rocks and debris, and unpredictable flow characteristics, debris flows pose hazards that are very different from sheetflow or channelized water flow hazards, often require field work to estimate the frequency, thickness, lateral extent, and other characteristics of past debris flows, and are typically addressed outside of a standard drainage report.

**Debris flow/debris flood hazard.** The site is located on a mapped debris fan at the mouth of Hockett Gulch. HP Geotech (page 2) describes the Hockett Gulch drainage basin as "relatively large." CGS calculates that the drainage basin is approximately 1300 acres. Watershed Environmental states on page 12 of their Baseline Environmental Conditions Report, "A swale or berm is indicated on the preliminary site plan prepared by Alpine Engineering (Appendix A) to mitigate small debris flows, which may require further study and design by the geotechnical engineer."

Sheet C1.02, Site Plan, of the PUD Sketch Plan set, shows a "Debris Swale" along the base of the slope above proposed Phase III, but the swale overlaps with a parking area. It appears that Hockett Gulch is proposed to enter a small drainage channel near where the gulch enters the property, but it is not clear whether the channel or its culverts have been sized and sloped correctly to effectively transport bulked flows and debris. It is also not clear whether a debris flow or flood out of Hockett Gulch would remain confined to the existing channel and be captured by the proposed channel.

- **CGS strongly recommends that the town require a site-specific debris flow/debris flood hazard analysis and, if necessary, a mitigation and maintenance plan.**
- The debris flow hazard evaluation should include anticipated probability of occurrence and volume, and estimates of flow type, flow depth, deposition area, runout, gradation of debris, flow impact forces, and streamflow inundation and sediment burial depths. Debris flow hazard analysis conclusions should include delineation of hazard area(s), and a discussion of the likely effects of debris flows on the proposed development.
- If hazard mitigation is determined to be necessary, the mitigation plan should include specific recommendations for design, location, sizing, construction, and maintenance of detention or diversion structures, channels and culverts to accommodate anticipated, bulked flows.

- Debris flow hazard increases as a result of events that reduce hillside vegetation, such as avalanche, disease, wildfire, grading and other disturbances; debris flow mitigation structures should include a factor of safety to account for uncertainty and increased debris volumes as a result of wildfire.
- Any debris flow mitigation (catchment, deflection, conveyance) structure(s) will require ongoing inspection and maintenance to maintain effectiveness, and must be designed, constructed and maintained so that hazards to other properties and roads are not exacerbated.
- Applicant: The debris flow analysis has been completed and provided to CGS. The PUD as proposed can accommodate any mitigation that may be necessary within the channel for Hockett Gulch drainage being proposed. The PUD Guide has been updated requiring further analysis when a development plan is reviewed by the Town.

Thank you for the opportunity to review and comment on this project. If you have questions or require further review, please call me at (303) 384-2643, or via e-mail.

### Next Steps

The Town is committed to assisting applicants through the development review process. We are looking forward to collaborating with the Project Team on how to best address the comments to ensure the purpose of Chapter 4.11 is captured in the PUD documents thereby facilitating an efficient public hearing process and ultimate build out of a vibrant mixed-use development. As such, Town Staff will make themselves available for weekly conference calls to collaborate on how to best address comments or issues as they arise. Since the Development Review Team meets on Tuesdays, Staff suggests we schedule weekly conference calls on Mondays instead of Wednesdays as we discussed at the June 1<sup>st</sup> meeting. Please contact Carrie McCool, Town Planning Consultant to schedule regular conference call times that work best for everyone's schedule. We propose to have discussions on non-potable utilities and water rights on the agenda for the first conference call.

For formal resubmittals, the Project Team shall address all of the Town Staff, and external referral agency comments then resubmit the following:

1. A point-by-point letter which states how all of the comments (including external referral comments) have been addressed; and
2. Revised PUD and other documents along with digital files.

If you have any questions concerning comments on your project or the development review process, please feel free to contact Carrie McCool at 303.378.4540 or via email at [carrie@mccooldevelopment.com](mailto:carrie@mccooldevelopment.com).

**EXHIBIT S:**

**Town of Eagle Referral  
Response Summary Report  
dated November 6, 2018  
(attached)**

# TOWN OF EAGLE REFERRAL RESPONSE SUMMARY REPORT

ISSUED: November 6, 2018

Project Name: Reserve at Hockett Gulch PUD  
Owner/Applicant: Dan Metzger, Brue Baukol Capital Partners, LLC  
Applicant: Dominic Mauriello, Mauriello Planning Group  
Prepared by: Stephanie Stevens, Planning Consultant for the Town of Eagle

The Eagle Community Development Department is issuing the following Referral Response Summary Report as the referral period has expired. Both internal (Town Staff) and external referral responses received to date can be found in the "Referral Comments" section of this report. The "Next steps" section describes the approaching steps in the development review and approval process. If you have any questions or concerns regarding any comment, contact me or the individual agency contact to clarify the statement and reach an understanding. It is in the applicant's best interest to contact each internal and external referral agency directly in order to streamline the development review process.

## REFERRAL COMMENTS SECTION

### Community Development

Stephanie Stevens, Town Planning Consultant

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The following comments are provided based on the standards and requirements of PUDs per §4.11.030 and requirements of annexation review pursuant to Colorado Revised Statutes.

### Technical

1. Please reorganize the PUD Guide such that the planning areas are presented in numerical order. The guide currently sets forth provision for PUD-1, then 3, then 2, which is difficult to follow.
2. Please reformat the planning area summary chart on page 10 of the PUD Guide to be oriented in landscape format so that the table may be enlarged for legibility.
3. Correct spelling of "Constitutes" and "Property" on cover of Planned Unit Development Guide.
4. Correct the Maximum Commercial FAR of PUD-1 listed in the text of the PUD Guide to match the Planning Area Summary Chart. The text on page 4 reads the max. FAR to be 0.11:1, while the chart reads 0.22:1.
5. Remove the asterisk next to minimum usable open space in the planning area summary chart in the PUD Guide or place a footnote to describe the meaning.
6. The PUD Guide references that the proposal will "generally" meet Town Code requirements in multiple instances. Please remove this type of language throughout as it implies that some aspects may not meet Code and makes it difficult for staff, the Commission and Board to review for Code compliance.
7. Please remove all references to the Community Development Director (CDD) in the Amendment to PUD section of the PUD Guide. The CDD reference is repetitive since the CDD is authorized to serve as the Town Planner.

## PUD Zoning and Density

1. Staff continues to recommend removal of the allowance for single-family homes in all planning areas because there is not a proven market need for additional single-family homes in the Town of Eagle. If single-family residential is still desired, please clearly demonstrate the public benefit in your written narrative and set forth limitations in the PUD Guide to avoid the potential for development that does not contain an appropriate mix of housing types.
2. Please add a maximum number of units for residential to the density allowances in the PUD Guide (i.e. 72 max. du's in PUD-1, 328 max. du's in PUD-2, and 100 max. du's in PUD-3) and revise the proposed allowance for density transfers to be based on dwelling units, instead of acreage. The maximum number of units in the PUD overall shall not be exceeded. Staff continues to recommend limiting transfers to 10%, based on density between planning areas and to define a tracking process in efforts to simplify and control densities in a way that is easy to understand by all parties. As shown, the acreage and density transfer might prove to be difficult to implement and may cause unnecessary tracking complexities.

Recommended language: "A minimum of 10% of dwelling units may be transferred from one planning area to another, except that density between PUD-1 and PUD-2 may freely transfer between the two planning areas, so long as dwelling units in any planning area are not increased by more than 10% nor the maximum number of units for residential is exceeded. Dwelling unit transfers must be accompanied by an amendment to the planning area summary chart. This process will be administrative." If you'd like to propose 15%, please make sure to place clear restrictions on increases and decreases and add a stipulation to prevent the potential to exceed maximum densities.

3. Please provide more detailed information pertaining to acreage calculations set forth in the PUD Guide and Zoning Plan. Are all calculations based on gross acreage per planning area?
4. Please provide further clarification related to the allowed uses set forth in the PUD Guide.
  - a. Please explain the need for allowing commercial uses and certain types of commercial establishments (i.e. retail, grocery stores, personal services, restaurants, etc.). Is the intent to achieve something more specific to the vision? If so, we are okay with that, but "commercial uses" in general should be removed.
  - b. Remove carports and garages, these are considered accessory and explicitly permitted by right in any zone district. Alternatively, you may break out primary and accessory uses for each planning area, but please outline appropriate setback requirements for primary versus accessory uses. As proposed, an entire planning area could technically be comprised of carports and garages as primary uses and would be subject to the setback requirements of primary residential or commercial uses/structures.
  - c. Provide further clarification for the taverns, micro-breweries use proposed. What's the limitation on production (i.e. 15,000 barrels)? Are you intending to include tasting rooms, distilleries, small wine shops, and things of that nature? Please include a definition in the PUD Guide.
  - d. What do you see as included in personal services?
  - e. Is the intent of hotels to provide both short and long-term lodging accommodations?
  - f. Please add a statement to the PUD Guide related to allowing the Town Planner to determine uses to be similar uses by right, to read: When compatibility or consistency with the Town's goals, policies and plans are in question, the Town Planner has the authority to send use interpretations to the Planning and Zoning Commission or Board of Trustees for final determination, subject to public notice requirements for PUD Amendments as outlined in the Town of Eagle Land Use and Development Code.
  - g. If PUD-3 turns out to be primarily residential, child care facilities need to be limited. Please limit child care facilities to a maximum of six children in PUD-3, where child care facilities are allowed as a use by right, else allow as a Special Use if you want to allow for the care of seven or more children. Alternatively, you

could differentiate between small and large facilities, allowing small facilities as a use by right and large as a Special Use.

5. The Town does not have a zone district that allows for 45' building heights; therefore, staff has reservations pertaining to the compatibility associated with the proposed height of multi-family structures. We appreciate your attention to the variation and justification provided in your supporting memo and will present to the Planning and Zoning Commission and Board for consideration. It would be beneficial if you could provide more details or renderings to assist with visualizing the proposed 45'-height buildings in order to further evaluate compatibility.
6. Staff recommends reducing the minimum lot area of 1-acre for commercial uses to 20,000 square feet, which is the Town's typical standard for general commercial uses.
7. Please add more specific details pertaining to what constitutes a minor versus major PUD amendment. The reference to changes in "plans" and "buildings" is too vague and subjective. For reference, Section 4.11.050 of the Town Code classifies a minor amendment to include changes in locations, sitings, bulk of structures, or height or character of buildings required by circumstances not foreseen at the time the plan was approved; and major amendments to include all other modifications such as changes in use, arrangement of lots, and all changes in the provisions concerning open space or density.

### Open Space

1. Due to the limited availability of land area in OS-2 for a trail or other recreational use, the Town has concerns regarding the acceptance of OS-2 as contributing to required open space. Please continue working with the Town to come to agreement on open space requirements.
2. Staff recommends removing the OS-2 planning area designation and instead, incorporating into adjacent planning areas and labeling as a landscape buffer, easement, or justifying active recreation in OS-2 by showing the minimum park and trail space (i.e. areas that could be used for a playground, turf area, etc.).
3. Please confirm proposed open space so that we may begin incorporating into and negotiating the annexation and development agreement. The information provided in the PUD Guide is not consistent with the variations memo. Specific discrepancies to be verified include:
  - a. In regard to OS-1, the Open Space and Park Land Dedication section of the PUD Guide states that there will be 8,000 sq. ft. of park or usable open space area versus 0.556 usable assumed per the variations memo. The planning area summary chart in the PUD Guide sets forth 0% minimum usable open space for OS-1.
  - b. As for OS-2, the variations memo sets forth 0.6176 acres to be usable. The planning area summary chart in the PUD Guide sets forth 0% minimum usable open space for OS-2. Staff assumes OS-2 will not be able to be utilized for active recreation since it is mainly reserved for storm drainage.
  - c. Revise the planning area summary chart so that the individual planning areas add up to 20% as proposed for the entire PUD area.
4. In the PUD Guide, you state that "OS-1 will be developed with a minimum of an 8,000 sq. ft. of park or usable open space area". Did you mean this to say that "OS-1 will be developed with a minimum of an 8,000 sq. ft. of park AND usable open space area"?
5. Please confirm the numbers and assumptions provided in the attached open space chart which details the calculations for required and proposed usable/common open space, active recreation, and parkland dedication calculations.
6. Please confirm the viability of trail connection in OS-2 with the Open Space Department.

7. Please consider adding a trailhead and/or overflow parking lot to balance the lack of recreational benefit of OS-2. See Open Space comments for more detail.
8. Staff has comments on the proposed definition of active recreation which will be forthcoming. Comments will be provided as a follow-up to this memo.
9. The trail will be impacted by the easements contained in OS-2. Additional information will be provided by Public Works as a follow-up to this memo. It should be noted that the Town has different standards for hard and soft surface paths.
10. 2' is not an acceptable width for a trail as proposed in the Parking, Streets, and Other Standards section of the PUD Guide.
11. Fee-in-lieu or otherwise negotiated open space benefit will need to be provided to account for the deficient open space land dedication.

### Street Standards

Thank you for providing private street standards within the PUD Guide. Planning staff anticipates additional comments from Public Works on the PUD guide. Comments will be provided as a follow-up to this memo.

### Phasing

The Code requires Planned Developments to provide proportional amounts of open space with each phase, but you have noted in the Development Phasing section of the PUD Guide that “each phase of the PUD shall not be required to comply with the standards provided herein but it must be demonstrated that compliance of the standards will be achievable with development of subsequent phases or sub-phases”. Will there be a larger benefit if we allow the open space to be provided in a future phase? We need to further understand the development outcome. Please continue working with the Town closely to resolve this issue.

### Local Employee Residence Program

1. Staff is currently reviewing the revised proposal for workforce housing that was provided on October 23, 2018, and will provide feedback soon. Once negotiated, the PUD Guide will need to be revised to reflect the appropriate outcome to guide future development.
2. What if some of the rental apartments wind up being owner-occupied units? If converted, LERP requirements should apply. Please provide a statement to this affect in the PUD Guide.
3. Staff recommends revising the proposal as it applies to fee-simple units to address affordability in compliance with the Town's LERP requirements.
4. Please address short-term rentals as it applies to the reserved workforce housing.
5. Please keep in mind that workforce housing will need to be evenly distributed throughout the planned development, to the extent possible. The PUD Guide should reference the percentage of each planning area to be reserved for workforce housing to ensure future development plan proposals comply.
6. The Town's LERP requirements do not take into account provisions for rental units, but it is important for any development of this scale to comply with the intent of the regulations as there remains a clear need for affordable, local employee housing in Town. Please continue to work with staff to ensure this public benefit is realized.

## Water Rights & Fiscal Impacts

As outlined in the memo previously provided to the applicant by the Town's water attorney and water engineer (attached, dated September 17, 2018), there is concern regarding the water rights and tap fees as previously presented. Please continue working with the Town and Resource Engineering closely to resolve this issue. Once the water rights issue is resolved, the Fiscal Impact Analysis will need to be updated to reflect the same.

## School Land Dedication

Please continue working with Eagle County Schools and the Town to reach an agreement for when school land dedication/fee-in-lieu will need to occur.

## **Open Space**

John Staight

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1. The strip of land comprising OS-2 is very narrow, only 50 feet wide in place. Some of that width may be needed to be used for drainage features. I believe the shape of the OS-2 parcel would preclude any active recreation features as currently defined in Section 4.11.030C of the Town code (with the exception of "picnic sites"). A recreation trail, landscaping, and some turf would be feasible. However, if turf were installed I don't know that it would be wide enough for activities such as kicking a soccer ball, throwing a football, or other active park-like activities. The most realistic recreation use for OS-2 would be a recreation path. I'm not sure if the total acreage of the OS-2 parcel should be counted as usable open space, as the primary use would likely be landscaping due to its configuration.
2. Under Section d., Open Space Parcels, ii. Uses by Right: "trailhead access and / or parking" is listed. OS-1 and the allowed trail could certainly provide future access to Hockett Gulch. However, there does not appear to be enough flat land in OS-1 for parking or any type of trailhead facility. There is some flat ground at the western end of OS-1, but placing parking or a trailhead there may not work well. It is staff's understanding that this area was originally being considered for a trailhead. A more logical location for a trailhead and parking would be at the east end of OS-1. See the attached "Conceptual Trail Access to Hockett Gulch" map prepared by staff. A combination of Town Open space land and land in the HD/PU1 area might be needed to make a trailhead work. Town Open Space and Engineering staff have visited the site, and believe that there could be enough flat ground and adequate site distances along Sylvan Lake Road to make a trailhead with parking feasible. This would be highly desirable, as many trail users wanting to access Hockett Gulch and Hardscrabble Mountain would be embarking on longer hikes and rides, and would want to park at the trailhead.
3. Under Section 5, Open Space and Park Land Dedication: "*OS-1 will be developed with a minimum of an 8,000 sq. ft. park or usable open space area*". A park of this size would be quite small, around 0.18 acres. For comparison purposes, the park at Aiden's Meadow in Eagle Ranch is 0.6 acres. The Aiden's Meadow Park is just large enough to allow for the playground and some active activities, such as kicking a soccer ball, throwing a football, and running around. My concern is that an 8,000 sq. ft. park, along with some even smaller pocket parks, would not provide enough turf space for children to actively recreate. Most of the Town's existing natural open space is utilized primarily by adults for recreation, including hiking, biking, running and dog walking. The recreation paths and potential Hockett Gulch trail access in the vicinity of the PUD would provide plenty of exercising opportunities for adults. But children need open turf areas, in addition to playground equipment, for exercising. The density which the PUD would allow would result in a large number of families living onsite. The closest substantial turf area would be Brush Creek Park, which would be a minimum ½ mile away and would require children to cross Sylvan Lake Road. The condominiums and apartments along Nogal Road are an example of a high density development in Eagle with an associated open park. Nogal Park is 1.8 acres in size.

4. Under Section 12, Trail Use in OS-1: I believe Section 12 and Section 3.d.ii. "Uses by Right" may be in conflict. I am unclear as to what the legal mechanism would be for implementing motorized use restrictions in OS-1, as described in Section 12. Perhaps it is just this language in the PUD? Town of Eagle's legal counsel needs to be consulted regarding this. On all other open space parcels owned by the Town, the current trail uses are listed as "uses by right" in the Eagle Ranch PUD. The seasonal closure dates would need to be consistent with the Town's and BLM's, namely December 15 – April 15. The statement "Provisions for revoking of easement due to lack of enforcement" is not clear. Is the applicant proposing that an easement be placed on the Town's own open space property for motorized access? And that easement is revocable by an adjacent property owner? The Town very much appreciates the applicant's willingness to allow motorized access in OS-1, as this has long been desired by the community. But, the language in this section needs clarification and legal review. It should also be noted that staff has spoken to CPW in the past about access at this location, and CPW was supportive of ATV access. The BLM's travel regulations allow for ATV travel on the trail directly adjacent to the Fitzsimmon's property. Also, the trail could be single track in character but would need to be wide enough for passing since there would be two way traffic entering and leaving Hockett Gulch. The full 4' width noted in section 13 would be needed. Noise from motorized use could be greatly mitigated if landscaped berms or noise walls were installed.
  
5. The PUD relies heavily on securing access to Hockett Gulch for recreation opportunities for the PUD's residents. The Town and Eagle County have approached Corky Fitzsimmons on several occasions in an attempt to secure a trail easement or sale of Mr. Fitzsimmon's property for open space. Little progress has been made. Access to BLM land via Hockett Gulch would be of great benefit to hikers, runners, dog walkers, mountain bikers, and motorized users in the Town of Eagle. The Town appreciates the applicant's effort to accommodate this access with the dedication of OS-1 to the Town. However, since future access through the Fitzsimmon's property is uncertain, and not guaranteed. Section 5 states "... based upon the location of this PUD in close proximity to other Town of Eagle recreational facilities and open spaces, Eagle County parks and open spaces, and federal lands, no additional land dedication or fees in-lieu of dedication of any kind shall be required." The benefit of the OS-1 parcel would be negligible if access through the Fitzsimmon's property were never secured.

**Engineering/Public Works**

Frederick Tobias, PE

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Pending

**Water Engineering**

Michael Erion, Water Engineer

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Mary Elizabeth Geiger, Water Attorney

[megeiger@garfieldhecht.com](mailto:megeiger@garfieldhecht.com)

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Memo Attached (previously e-mailed to applicant on 9/17/2018)

**Colorado Geological Survey**

Kevin McCoy, Engineering Geologist

[kemccoy@mines.edu](mailto:kemccoy@mines.edu)

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The Colorado Geological Survey (CGS) has made previous comments for this development in letters dated June 4, 2018 and July 13, 2018. This letter provides comments about WJE's August 17, 2018 Site Visit Report, which describes preliminary reconnaissance performed to evaluate debris flow hazards. WJE evaluated deposits at the Hockett Gulch fan and smaller fans associated with the small drainages from the small drainages south and east of Hockett Gulch. WJE did not find evidence of debris flows that would transport material larger than gravel in size. WJE states that the PUD Zoning Plan and Concept Plan appear to adequately address debris flow hazard/risk and provide for potential mitigation that may be required. WJE recommends site-specific analysis prior to subdivision or development permit approvals.

Based on the information provided by WJE, CGS agrees that debris flow hazards to the proposed development should be manageable. CGS recommends that the site-specific analysis recommended by WJE be completed prior to approval of the Preliminary Plat and that any additional mitigation based on that study be included on the Preliminary Plat.

CGS would like to review the results of the site-specific analyses, any related mitigation and maintenance recommendations, and any additional geologic hazard reports prepared for this development when available.

Thank you for the opportunity to review and comment on this project. If you have questions, please contact me by phone at 303-384-2632 or e-mail [kemccoy@mines.edu](mailto:kemccoy@mines.edu).

**Eagle County Schools**

Sandra Mutchler  
Tom Braun

Sandra.mutchler@eagleschools.net  
tom@braunassociates.com

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Memo Attached (previously e-mailed to applicant on 10/4/2018)

**Next Steps**

The Town is committed to assisting applicants through the development review process. We are looking forward to collaborating with the Project Team on how to best address the comments to ensure the purpose of Chapter 4.11 is captured in the PUD documents thereby facilitating an efficient public hearing process and ultimate build out of a vibrant mixed-use development. As such, Town Staff will continue to make themselves available for weekly conference calls to collaborate on how to best address comments or issues as they arise.

For formal resubmittals, the Project Team shall address all of the Town Staff and external referral agency comments then resubmit a revised PUD Guide, Zoning Plan, water report, and other documents as referenced in the above comments along with digital files. In lieu of providing a point-by-point comment response letter and in efforts to expedite the process, the Town requests regular meetings with the applicant to resolve outstanding issues.

Once the revised water report is received and the above-comments addressed, staff will send a revised review schedule and set hearing dates.

If you have any questions concerning comments on your project or the development review process, please feel free to contact Stephanie Stevens at 303.547.0072 or via email at [stephanie@mccooldevelopment.com](mailto:stephanie@mccooldevelopment.com).

ATTACHMENT 1 - Open Space Chart

**Reserve at Hockett Gulch**

**PUD Open Space and Park Land Dedication Analysis**

Total Project Area 29.65 acres

**REQUIRED**

**Municipal Park Land Dedication<sup>1</sup>**

Total Units	500	MF units
# of people (2.5/unit)	1250	people
<b>Required Acres (.012)</b>	<b>15</b>	<b>acres</b>
Public/Private 50%	7.5/7.5	acres

**PROPOSED**

Total Public Dedication	7.5	acres
OS-1	3.5	acres
OS-2	2.12	acres
Unusable	4.4464	acres
subtotal	1.1736	acres
<b>Balance</b>	<b>-6.3264</b>	<b>acres</b>

Required Land <10% slope (80%) 6 acres

Total Private Dedication	7.5	acres
PUD 1-3	3.6	acres
<b>Balance</b>	<b>-3.9</b>	<b>acres</b>

**PUD Common Open Space, Usable Open Space, Active Recreation<sup>2</sup>**

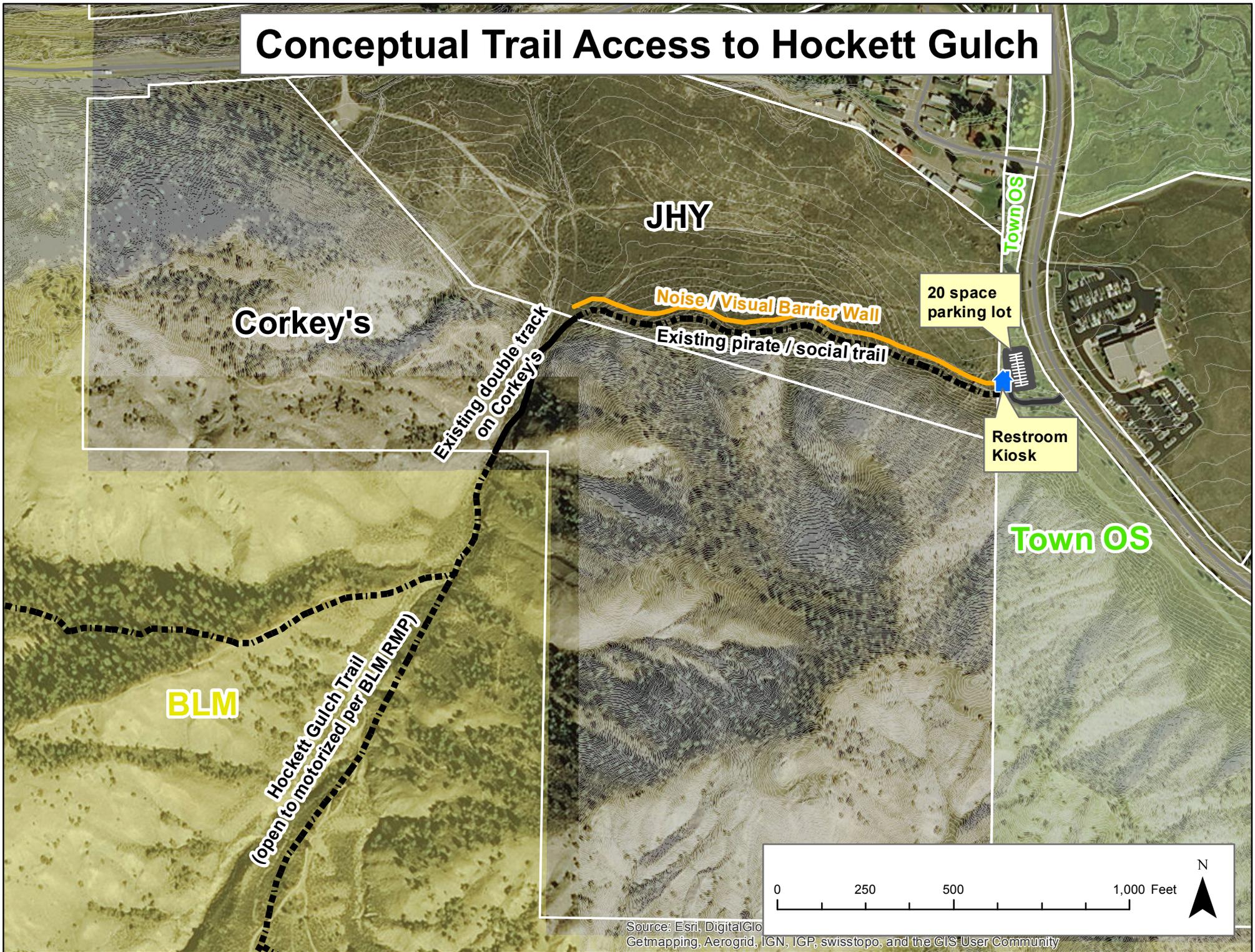
<b>Required 20% of total area</b>		5.93	acres
<b>Required 75% Usable (&lt;10% Slope)</b>		4.45	acres
<b>Required Active Recreation (50% of Usable)</b>		2.22	acres
<b>Proposed Common Open Space:</b>		5.93	acres
PUD1	15%	0.468	acres
PUD2	15%	2.139	acres
PUD3	15%	0.9975	acres
OS-1	100%	3.5	acres
OS-2	100%	2.12	acres
<b>Total</b>	<b>31%</b>	<b>9.2245</b>	<b>acres</b>
<b>Balance</b>		<b>+3.2945</b>	<b>acres</b>
<b>Proposed Usable Open Space:</b>		4.45	acres
OS-1 and OS-2		1.17	acres
PUD 1-3		3.6	acres
<b>Total</b>		<b>4.77</b>	<b>acres</b>
<b>Balance</b>		<b>+0.32</b>	<b>acres</b>
<b>Proposed Active Recreation:<sup>3</sup></b>		2.22	acres
OS-1, OS-2, PUD-1, PUD-2, PUD-3		2.22	acres
<b>Balance</b>		<b>0.00</b>	<b>acres</b>

<sup>1</sup> Application is deficient on Park Land Dedication

<sup>2</sup> Application meets PUD Common Open Space, Usable Open Space, and Active Recreation Requirements, pending review and incorporation of revised Active Recreation Definition

<sup>3</sup> Pending approval of revised Active Recreation Definition

# Conceptual Trail Access to Hockett Gulch



Source: Esri, DigitalGlobe, GeoEye, IGN, IGP, swisstopo, and the GIS User Community

# Memorandum

**To:** Morgan Landers, Community Development Director

**From:** Michael J. Erion, P.E.   
Mary Elizabeth Geiger, Esq., Garfield & Hecht, P.C.

**CC:** Brandy Reitter, Bryon McGinnis, Carrie McCool

**File:** 161-9.21

**Date:** September 17, 2018

**Re:** Town of Eagle – Reserve at Hockett Gulch – Technical and Legal Review of Water Submittal

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At the request of the Town of Eagle, Resource Engineering, Inc. (RESOURCE) and Garfield & Hecht, P.C. (G&H) reviewed the water related documents in the Annexation and Planned Unit Development (PUD) submittal for the proposed Reserve at Hockett Gulch project. The water documents include an August 16, 2018 memorandum from Brownstein Hyatt Farber Schreck (BHFS), Water Management and Analysis Report prepared by Aquasan Network (Aquasan) dated August 20, 2018, and Raw Water Supply System Conceptual Design Review Technical Memo prepared by Alpine Engineering, Inc. (AEI) dated August 10, 2018. RESOURCE's and G&H's technical and legal review and comments are presented below.

## RAW WATER SUPPLY AND DELIVERY SYSTEM

The proposed concept plan prepared by AEI appears feasible and consistent with potential options discussed between Applicant and Town staff. The AEI memo does not indicate how many acres will be irrigated with the raw water system, but assumes there will be an adequate amount of Applicant's Ditch No. 3 water rights assigned to the raw water system.

The Aquasan report indicates that 8.2 acres of raw water irrigation are proposed for the project but the PUD appears to indicate 7.5 acres of raw water irrigation. For purposes of RESOURCE's review, Town staff has indicated that 7.5 acres should be used in the analysis. Our review does not distinguish between the types of landscaping within a raw water irrigation area as the Town Code does not draw distinctions. The Applicant proposes to utilize Ditch No. 3 water rights for the raw water irrigation system. Ditch No. 3 historically irrigated 24 acres of land, including land within the project. The dry up of 12.07 acres within the project area and the 16 AF of consumptive use credit associated therewith was conveyed to the Town pursuant to the 1981 JHY Agreement. Of this, 2.04 acres of dry up is associated with the 2.7 AF of consumptive use utilized by the Eby Creek Subdivision. It appears there are 9.89 acres of dry up with 13.1 AF of consumptive use credit and 0.209 cfs of water in Ditch No. 3 remaining and owned by the Applicant. This should be adequate for raw water irrigation of 7.5 acres for lawn and landscape. Once the balance of the Applicant's interest in Ditch No. 3 is conveyed to the

Town, the Town would need to change the point of diversion for these water rights for raw water irrigation to a pump station on Brush Creek and to municipal use at the Town's Lower Basin Water Treatment Plant to the extent not used for irrigation.

## **EQR ANALYSIS**

The Town's EQR schedule is set forth in the Section 12.16.050 of the Town Municipal Code, as was amended by Ordinance No. 18, Series 2018. There is no provision for an applicant to modify the EQR schedule and the calculation of the number of EQRs for the Reserve at Hockett Gulch project must follow the Town's schedule. The Aquasan report opines that EQR's are calculated based on the Applicant's estimated daily water use (Applicant's estimated occupancy and estimated average per capita water use) divided by 429 gallons per day per EQR. An EQR value is used by water service providers for purposes of tap fees or plant investment fees (PIF) for water and sewer facilities. A PIF is a "buy in" to the existing infrastructure such as diversion and treatment facilities, water/sewer mains, storage tanks, lift stations, and pressure reducing valves. Some of these facilities have an inverse relationship to daily water use. For example, fire flows are a significant portion of storage tank and water main sizing (and looping of water mains). Multi-story multi-family buildings require more fire flow capacity than single family units. For sewer systems, there is both a hydraulic loading and an organic loading to the system that requires treatment and must meet discharge standards. The organic loading is the same whether the toilet uses 5 gallons or 2 gallons and the concentration is higher in lower flows requiring more treatment to meet standards. The EQR represents a widely accepted methodology for equitably determining the cost to buy into the existing systems. The Town's EQR schedule is based on a relative scale of water use and is therefore also the basis for water rights dedication and/or cash-in-lieu of water rights fee in accordance with the Town Code. The EQR calculation, plant investment fees, and water rights dedication are discussed below.

## **EQR CALCULATION**

The EQR calculation for the Reserve at Hockett Gulch, according to the Town Code (as amended by Ordinance No. 18, Series 2018), is approximately 406.2 EQR (depending on actual commercial development), less 45.8 EQR credit for raw water irrigation, for a total of **360.4 EQR**. The calculation includes 148 one bed/one bath units @ 0.6 EQR (**88.80 EQR**), 248 two bed/two bath units @ 0.8 EQR (**198.4 EQR**), 104 single family @ 1.0 EQR (**104 EQR**), and 30,000 SF of commercial @ 0.5 EQR/1000 SF (**15.0 EQR**) totaling **406.2 EQR**. It is noted that the commercial use EQR rating depends on the actual use proposed - the Town Code does not specifically allocate 0.5 EQR/1000 SF. The value of 0.5 EQR/1000 SF is a reasonable estimate for planning purposes without actual proposed uses submitted.

The Town Code allows for a reduction of 0.25 EQR per 2500 square feet of irrigation if raw water irrigation is provided. The project proposes 7.5 acres of raw water irrigation which would result in a reduction of 32.67 EQR ( $7.5 \text{ ac} \times 43,560 \text{ SF/ac} \times 0.25 \text{ EQR} / 2500 \text{ SF}$ ) that could be allowed for the project. The 396 multi family units are allowed up to 500 SF of irrigation per unit for a total of up to 198,000 SF and the 104 single family units are allowed up to 2500 SF of irrigation for a total of up to 260,000 SF with a combined total of 458,000 SF (10.51 acres). This equates to 45.8 EQR ( $458,000 \text{ SF} \times 0.25 \text{ EQR} / 2500 \text{ SF}$ ) and therefore a **credit of 45.8 EQR** would be allowed.

The net EQR total for the project is estimated at **360.4 EQR** (406.2 – 45.8) including 345.4 EQR for residential development and an estimated 15 EQR for 30,000 SF of commercial development. However, as noted above, the actual commercial EQR will be calculated based on actual type of use.

### **Plant Investment Fees**

The Plant Investment Fee (PIF) and pre-payment amounts for the Reserve at Hockett Gulch should be calculated based on **360.4 EQR**. The final payment of fees would be based on actual development not to exceed 345.4 EQR for residential uses plus the actual commercial uses for 30,000 SF of development. No prepayments or payments of PIF have been made in accordance with the 1981 JHY Agreement and thus all payments are calculated at this time.

### **Water Rights Dedication**

According to the Town Code, the Reserve at Hockett Gulch project water rights dedication requirement is based on the EQR calculation of 360.4 EQR outlined above. The 1981 JHY Agreement provides for 88 EQR of water service and dedication of 16 AF of historic consumptive use credit associated with 0.255 cfs of the Ditch No. 3 water right. These water rights were conveyed to the Town. Therefore, the Applicant must provide a water rights dedication for 272.4 EQR (360.4 EQR – 88 EQR). In accordance with Town Code Section 12.26.030(c), the basic water rights dedication is 0.95 AF per EQR during the irrigation season (April – October). In addition, a cash fee (determined by the Town Board) is also assessed for the non-irrigation season demand. This would include water rights with 258.78 AF of historic consumptive use and cash payment for 13.62 AF (0.05 X 272.4) of contract storage water. The additional water rights dedication has not been adequately addressed by the Applicant.

The proposal outlined in the BHFS memo is unacceptable as it is predicated on the Aquasan report that calculates the water demand at 95.66 EQR plus a raw water irrigation water right dedication equal to 35.38 EQR. The Aquasan report was not prepared by a professional engineer; in fact, Aquasan is not an engineering company. The occupancy rates and per capita water use are not consistent with standard water right engineering values and are not consistent with the AEI values in the Utility Impact Report. The Applicant's additional Ditch No. 3 water rights are not sufficient to meet the Town Code requirements. The Town Manager has the discretion to negotiate a solution for the water rights dedication requirement including a cash-in-lieu of water rights fee if the applicant has a professional engineer prepare a report that supports a lesser per EQR dedication requirement. However, such report does not and cannot change the number of EQRs associated with the project as that is governed by the Town's EQR schedule. It is suggested that the Applicant have a water rights engineer develop an estimate of the water demands for the proposed project and a proposal for use of the Ditch No. 3 water rights, other water rights, and cash-in-lieu of water rights. The Town does not have a current cash-in-lieu fee rate per EQR and flexibility is allowed based upon the demands of the project.

As mentioned above, the Town would need to change the point of diversion for the balance of Ditch No. 3 water rights to be conveyed to the Town for raw water irrigation to a pump station on Brush Creek and to municipal use at the Town's Lower Basin Water Treatment Plant to the extent not used for irrigation.

The water rights conveyed to the Town in the 1981 JHY Agreement were included in the Town's amended augmentation plan in Case No. 87CW396 for diversion at the Upper Brush Creek Water Treatment Plant and service of 88 EQR at the JHY property. The Applicant and its predecessors have not paid the required pre-paid tap fees without the PIF payment, there is no reserved capacity in the Upper Brush Creek Water Treatment Plant for service to this project. The Town could serve up to 88 EQR from the existing water treatment facility, subject to available capacity; however, the 1981 JHY Agreement also limits the new water service to no more than 20 EQR per year. Additional use above 88 EQR would be served from the Lower Basin Water Treatment Plant when that facility is constructed and operational.

**Sandra Mutchler, C.P.A.**

Chief Operating Officer  
sandra.mutchler@eagleschools.net



October 2, 2018

Ms. Morgan Landers, Community Development Director  
Town of Eagle  
200 Broadway  
P.O. Box 609  
Eagle, CO 81631

RE: Hockett Gulch referral

Dear Morgan:

Thank you for the opportunity to provide comments on the proposed Hockett Gulch PUD. Our comments are based on discussions with town staff and review of the August 2018 PUD Guide, the updated project narrative and the applicant's response letter to town staff. Below we address two related, but distinct issues as it relates to this project's potential impact of the school system – Section 4.13.080-School Land Dedication and Chapter 4.14 Assurance of Adequate Public Facilities (APF). While it is our understanding that APF will be formally addressed during subsequent steps in the Town's review process, we felt it prudent to address student generation at this initial step in the Town's review of this proposal.

#### Section 4.13.080-School Land Dedication

It is our understanding that the proposal requests approval for up to 500 dwelling units and the applicant "envisions" the project will include 400 rental apartments and 100 other units (single-family, duplex, townhome). Further, the project as proposed would allow the developer broad flexibility regarding final decisions on unit mix and there are no assurances at this time as to what the project's unit mix will be.

We would suggest calculating the school land dedication using 500 multi-family units at .002676 acres per unit, for a land dedication of 1.338 acres. Based on what is known today, ECS would request cash in lieu of land dedication in accordance with Section 4.13.080. Due to the uncertainty as to the final unit mix and density of this proposed development, ECS requests the opportunity to re-evaluate this recommendation at subsequent steps in the review process when more detail on the project may be available.

Section 9 of the proposed PUD Guide states that "any fee payment in-lieu of providing land onsite shall be in accordance with the Municipal Code" and goes on to state that "any payment in lieu will be made at issuance of a Building Permit". The Town Code states that the dedication of land or payment of cash in lieu of land "shall be made at the time of annexation of any land proposed for residential development . . . or at the time of final plat or the issuance of a major development permit, whichever comes first". ECS requests that the Town adhere to the town code with respect to when the cash in lieu is paid by the developer.

**pho: 970 328-6321 fax: 970 328-1024**

948 Chambers Ave • PO Box 740 • Eagle, CO 81631

**Sandra Mutchler, C.P.A.**

Chief Operating Officer  
sandra.mutchler@eagleschools.net



Anticipated Student Generation from Hockett Gulch

The District engaged their demographer to forecast student generation from the proposed project. Due to the uncertainty of the project's unit mix and density, two forecasts were prepared:

- Maximum 500 units to include 200 1-bedroom apartments, 200 2-bedroom apartments and 100 other units. Student generation anticipated from this develop is estimated to be 49 students.
- 250 townhomes. This development level assumes +/-10 unit per acre density over the entire project and was done to provide some context with respect to how unit type influences student generation. Student generation anticipated from this development is estimated to be 92 students.

These forecasts were done by applying student generation rates based on existing student yields from comparable residential projects. While it is acknowledged that 1-bedroom apartments will not generate a significant number of students, there is little doubt that this project has the potential to generate a considerable number of students. As outlined above regarding the school land dedication, ECS would like the opportunity to revisit these student forecasts when more is known about the project's unit mix. For example, if the project changed to all 2-bedroom apartments we would anticipate a noticeable increase of students.

Based on the forecasts above, the question to address as part of the APF process is whether the schools that serve the subject property have the capacity to accommodate students generated by the development. ECS is in the midst of updating a district-wide analysis of all school capacities and future enrollment projections. This report will be completed in the coming weeks, once it is complete we will update the Town on how this project may affect surrounding schools.

Please do not hesitate to contact me with any questions you may have. Thank you for the opportunity to provide comments on this project.

Regards

*Sandra Mutchler*

Sandy Mutchler  
Chief Operating Officer  
Eagle County Schools

pc: ECSD Business Services

**EXHIBIT T:**  
**Public Comment**  
**(attached)**



January 21, 2019

Town of Eagle  
Attn: Planning & Zoning Commission  
CC: Town Trustees  
*Sent via email*

Dear Planning Commission members,

Vail Valley Partnership is the regional chamber of commerce, with over 850 members throughout Eagle County who collectively represent over 80% of the local workforce. We are dedicated to the economic vitality of the valley, and as such our board of governors – which includes residents & business operators throughout Eagle County – has identified workforce housing as our number one priority.

The Partnership board of governors supports the Reserve at Hockett Gulch project proposed in Eagle and believes it is a good project, in a good location, that helps meet our community housing needs. We encourage your support of the project.

As locals know, Eagle County's cost of living is higher than many other places. To no one's surprise, housing is the key element pushing Eagle County's overall cost of living above the U.S. average. The Council for Community and Economic Research produces an annual County Cost of Living Index (CCLI) that serves as a measure of relative cost of living between different locations across the county.

Eagle County's cost of living indexes at 176.30 against a nationwide average of 100. In the CCLI, a number above 100 is more expensive than the U.S. average, and a number below 100 is less expensive than the U.S. average. Housing costs in Eagle County, however, are indexed at 340, while most other consumer goods and services in the county fall slightly above or below the U.S. average, making housing the primary driver elevating local living expenses.

Eagle County faces a gap in the availability of ownership and rental housing that is affordable for local residents. Residents are burdened by high housing payments. Employees are forced to commute long distances. According to the annual workforce survey, employers believe that the availability of workforce housing is a critical or major problem in Eagle County. The Eagle County Housing Assessment shows a shortfall of 4,500 units to meet current needs.

Workforce and affordable housing has long been an issue in Eagle County. The difference today is the demographic data clearly shows an increased need for more affordable housing options for the current and future Eagle County workforce. Addressing our affordable housing issue is essential to the continued success and growth of our business community across industry sectors.



When we look at the current affordability gap we see a \$234,310 gap for that 100% AMI family, and even at 140% AMI, there is still a \$97,600 gap. These new affordability gap numbers point to the increased need for more affordable housing options for the current and future Eagle County workforce.

Currently and anecdotally, units that have been long-term workforce rentals are being removed from that market as they are converted into short-term rentals. This has the potential to grow both catch-up and keep-up needs for workforce housing.

The Partnership recently hosted the inaugural US Mountain Community Housing Summit, with over 100 attendees ranging from investors to developers, municipal planners to community stakeholders. Three themes came out of the housing summit that are relevant to The Reserve at Hockett Gulch:

1. Communities such as ours are finding ways to get to yes and to provide efficient entitlement processes.
2. Housing needs also fall in the middle, not just at the low end of the spectrum.
3. Will take all kinds of projects, and all kinds of public-private partnerships and compromises, to solve our needs.

We want to ensure our community can remain competitive to keep locals local and to support our business community. We encourage local governments and boards to approve appropriate in-fill projects such as the Reserve at Hockett Gulch, and to be open-minded and flexible to grant appropriate variances to local code to facilitate the development of these projects.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Romer", with a long horizontal flourish extending to the right.

Chris Romer  
President & CEO  
Vail Valley Partnership



January 24, 2019

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

Dear Commission members,

I've recently been made aware of the proposed development project in Eagle Colorado, the Reserve at Hockett Gulch. As a local business owner and board member of the Eagle Chamber of Commerce, I write you this letter in support of this proposed housing project.

My family owns Color Coffee Roasters in Eagle. We employ fourteen local staff persons in our cafe and wholesale production businesses. I can tell you that one of our greatest challenges as a local small business is recruiting and retaining staff. Young people are ready to re-locate to Eagle and work for us, but accessibility and affordability in our local rental housing market are preventing them from making the commitment to Eagle and to Color Roasters.

These local housing challenges coupled with our need to recruit and retain quality staff has forced me to offer the lower level of my home for temporary staff housing. I currently have two full-time employees living with us, and we very much look forward to the day when we'll find an affordable and livable housing alternative for both.

The proposed Reserve at Hockett Gulch can be, and will be, a possible solution to the housing shortages faced in our community. Eagle is a growing and vibrant mountain community with access to everything Colorado has to offer. People want to be here - Eagle has been "discovered".

We support your effort to bring this much-needed housing community to Eagle.

Best regards,

Clark Gundlach  
Owner, Color Coffee Roasters



January 30, 2019

Town of Eagle  
Attn: Planning & Zoning Commission  
CC: Town Trustees

Dear Planning Commission members,

Wanderlust Dog Ranch writes in strong support of the new Reserve at Hockett Gulch project. We have operated out of Eagle, Colorado for the last six years and have regularly dealt with the struggle to recruit and maintain quality staff due to limited housing availability, which is why your support of this project is encouraged.

The community is in need of housing specifically for those looking to root down and create a life in our vibrant mountain town. We currently employ seven local employees, however, staffing remains our biggest challenge. We have met with countless qualified candidates who are ready to make the move to Eagle but the opportunity to find an affordable place to live is not available.

It is vital to Wanderlust Dog Ranch to remain competitive and support our local community with the absolute best standard of dog care. This project is the solution to a very common problem among Eagle business owners and those wanting to move to our community. The support of this effort will minimize housing challenges and encourage continued growth among the town of Eagle.

We believe that approval of this project is critical to long-term sustainment of the local economy. It is for these reasons that we respectfully ask for your full and fair consideration of the new Reserve at Hockett Gulch project.

Best regards,

Jason Hershman  
Owner, Wanderlust Dog Ranch

February 1, 2019

Planning & Zoning Commission  
Board of Trustees  
Town of Eagle  
PO Box 609  
Eagle, CO 81631

Dear P&Z Commission members and Trustees:

I recently met with the team working on the Reserve at Hockett Gulch, and my first question was, "When do you break ground?" A project of this size and quality, in this location, is just what Eagle needs. The residents at the Reserve at Hockett Gulch will not only be our employees, they'll be our customers, friends and neighbors. I strongly support approval of this project.

I encourage the P&Z members, staff and town trustees to find creative ways to get to "yes" on this quality project.

As someone who has stood (or sat) on both sides of the podium, I would like to thank you for your service. Thank you for your time and your dedication to our great community.

Best regards,

Yuri Kostick

**From:** ARTSPACE <[artspaceworkshop@gmail.com](mailto:artspaceworkshop@gmail.com)>  
**Sent:** Wednesday, December 19, 2018 7:45 AM  
**To:** Morgan Landers <[morgan.landiers@townofeagle.org](mailto:morgan.landiers@townofeagle.org)>  
**Subject:** Re: Thank you very much!

Hi Morgan,

Just want to report that I sat thru a presentation that night at a Business Advocacy Council meeting, by the Hockett Gulch developers. I was happy to see/hear that they have done several evaluations of the area and are a pretty thoughtful group. I liked their plans and feel they are definitely trying to suit the needs we have been discussing at our Elevate Eagle meetings.

Tara Novak  
Owner/Artist:  
TERRAFAUX, Custom Creations Inc.  
970.376.4772

**From:** Joe O'Malley <joeo@rmsrco.com>  
**Sent:** Thursday, March 15, 2018 3:27 PM  
**To:** Dominic Mauriello <dominic@mpgvail.com>; John Staight <john.staight@townofeagle.org>  
**Cc:** Lauren Brockman <lbrockman@convergencemreg.com>; Paul Miller <paul@rmtarchitects.com>; Amy Cassidy <amy@amylcassidy.com>; Morgan Landers <morgan.landlers@townofeagle.org>  
**Subject:** Re: RMSR Contacts

Good afternoon Dominic and Lauren.

Sorry it took me a bit, but I've reviewed your document regarding trail access across your property and have a few comments/edits. I've tried to address the issues listed on page 7 of your document. Many of these we discussed in person, I just wanted to reiterate some solutions that come to mind in regards to the motorized user group. In general, I'd like to see the usage more in line with current Town of Eagle Open Space rules.

- Noise produced by vehicles. On BLM land, vehicles are limited to a 96 dB, so vehicles passing by would be subject to this limit. The closest building appears to be about 85' from the trail, resulting in roughly 52 decibels at the building. This is roughly equivalent to a microwave and quite a bit less than the noise that will be heard from the airplanes coming into the airport.

- Hours of operation. Would like to see sunrise to sunset. My particular concern here is the end time, with later light in the summer, 7:30 would limit people's ability to get back to town at the end of their day. If you wanted a specific time, I would ask that we change the end time to 8:30 (summer sunset) or 9. Most users would be out before this, but if you had a mechanical issue, you may need that time. I'm not sure what the Town of Eagle Open Space rules are here, but I would suggest we line up with those.

- Seasonal Closure: Again, would like to follow Town of Eagle Open Space protocol, which is a December 15th to April 15th seasonal closure.

- Fencing and trespass: Plenty of fencing type solutions if required. We could likely drum up volunteer hours for this if needed.

- Access only, no parking/idling. I agree with this. The intention is not to have somewhere people would park and/or loiter.

- Speed of motorized vehicles. We could use width restrictors (which would also keep larger vehicles out) and post signs with a limit if need be.

- Restriction to improved trail only. I agree. I think if we provide a nice path, people will inherently want to stay on it.
- Long term maintenance of trail. With the number of groups around here, I think we could handle this through Town of Eagle Open Space and/or volunteer hours.
- Dogs/leash law. This agrees with Town of Eagle Open Space Rules.
- Enforcement and violations. Follow Town of Eagle Open Space protocol.
- Provisions for revoking easement. My only concern here is that with every user group, there will be some bad apples. I'd like to establish a threshold that "tolerates" the small percentage of violators (and handles them individually per enforcement section above) without punishing the majority of users.
- Adjacent land access. I think this is fine so long as it can be retroactive as well, i.e. if we don't figure out access to the adjacent parcel until after your development is in, can we then add the trail to your development at that time?

I'm not sure what the next steps are in this application, but feel free to reach out if there's anything we can do for you along the way.

Thanks,

Joe O'Malley

President, RMSR

## Colton Berck

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**From:** lizabeth de la Cruz <drdelacruz@eagleortho.com>  
**Sent:** Friday, February 1, 2019 10:37 AM  
**To:** All Trustees; Planning and Zoning  
**Subject:** Reserve at Hockett Gulch Project

February1, 2019

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

Dear Commission members,

I've recently been made aware of the proposed development project in Eagle Colorado, the Reserve at Hockett Gulch. As a local business owner, I write you this letter in support of this proposed housing project.

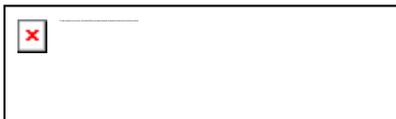
My family owns Eagle Orthodontics in Eagle. We employ six local staff persons in our office, several of them currently looking and have been looking for months for affordable housing. I can tell you that one of our greatest challenges as a local small business is recruiting and retaining staff. Young people are ready to relocate to Eagle and work for us, but accessibility and affordability in our local rental housing market are preventing them from making the commitment to Eagle and to Eagle Orthodontics. In fact, all of the dental business owners in Eagle and the Valley are short staffed for all the these same reasons.

The proposed Reserve at Hockett Gulch can be, and will be, a possible solution to the housing shortages faced in our community. Eagle is a growing and vibrant mountain community with access to everything Colorado has to offer. People want to be here - Eagle has been "discovered".

We support your effort to bring this much-needed housing community to Eagle.

Thank you so much for you time and consideration,

**Lizabeth de la Cruz, DDS**  
**Owner-Dentist @ Eagle Orthodontics**  
[setdds@gmail.com](mailto:setdds@gmail.com)  
[drdelacruz@gmail.com](mailto:drdelacruz@gmail.com)  
O: [970.328.1075](tel:970.328.1075)  
C: [512.923.7347](tel:512.923.7347)  
011 Eagle Park Dr. Eagle, CO 81631



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February 1, 2019

**To: Town of Eagle Planning and Zoning**  
**From: Charlie Gundlach**  
**Color Coffee Roasters**  
**Re: Reserve at Hockett Gulch**

Dear Planning Commission members:

Hope you're having a great start to the new year!

I wanted to write to you regarding the Reserve at Hockett Gulch. As a young business owner, I would love to see this project come to fruition. I think it would be a great addition to the community.

It is well known problem in Eagle that businesses have a hard time finding and retaining staff. This problem is true for Color Coffee Roasters as well. In addition to this though, I can offer a different perspective.

When I started Color Coffee, I had the benefit of having family to stay with during the critical first 2 years of operating. Had I not had this, I would not have been able to make it work and Color would not be in Eagle. We'd be in Longmont, Ft Collins, or Grand Junction. I was not in a position to buy a home and could not find rental options that fit my budget. With more supply on the market in Eagle, prices might have been lower and options greater.

If Eagle wants to attract entrepreneurs and new businesses like Color, we need a variety of housing options, in all sizes and price ranges - especially for rent, not just for sale.

Thank you for considering my story, and others, when deciding to approve the Reserve at Hockett Gulch. Cheers to a prosperous and beautiful future for all of us in Eagle.

Best,

Charlie Gundlach