

8/16 STAFF RESPONSE TO APPLICANT'S RESPONSE MEMO DATED 7/27 AND FOLLOW UP ON 8/14 MEETING ARE NOTED IN DARK ORANGE TEXT.

Applicant responses dated 10/12/18 are noted in blue text.

**TOWN OF EAGLE
REFERRAL RESPONSE SUMMARY REPORT**

ISSUED: June 27, 2018

Project Name: Red Mountain Ranch PUD
Owner: Red Mountain Ranch Partnership, LTD
Applicant: Mervyn Lapin
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.

On August 14, 2018 Town staff hosted a meeting at the owner's request to discuss the following:

- I. Overview of August 3rd Memo – Initial Response to June 27, 2017, Referral Response Summary Report (Addressed in this document)
- II. Workforce Housing – Update on memo/information to Eric as discussed at June 19th Meeting (Addressed in this document) **The applicant will meet the requirements of the Town of Eagle LERP program and will work with the town staff to investigate alternative methods to address the housing demand.**
- III. Permanent Camping – Update on status of research conducted from June 19th Meeting (Addressed in this document) **The application does not propose any form of camping use.**
- IV. Access Management Plan Progress - Applicant confirmed the Plan will take six weeks to complete. Town Staff needs to review the final draft as it may impact other aspects of the review) **The access management plan is underway with CDOT and town staff.**
- V. Water Model/Demand (Confirmed applicant is working on demand analysis) **The applicant will work with town staff and consultants on the water demand model.**

Other Topics of Discussion:

Walking Mountain. Applicant intends on including Walking Mountain in next submittal. Town Staff noted that the applicant would need to demonstrate the public benefit within the revised submittal documents as well as the public benefit of parcels 6 and 7. Further, permanent camping provides a significant public benefit to the community. Walking Mountain has expressed interest in Planning Area 3 and has discussed this with town staff. **Walking Mountains will make a presentation regarding community programming and the public benefits of their programming.**

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Vesting. Applicants will be requested 30-year vesting. Town Staff noted that the methodology for said request shall be included in the resubmittal documents. *The applicant's attorney will work with the town attorney to address vesting through the annexation agreement. The applicant proposal is for a 20-year vesting.*

Septic/Well Proposal. Public Works/Engineering will review the proposal; however, they want to ensure the protection of the river and have suggested tying into town's sewer system. Town Staff noted that we will need to follow up with Public Works/Engineering as they heard it was infeasible to tie into the town's system. Public Works/Engineering also recommended the applicant investigate costs of installing elaborate ISDS systems like the County required on Frost Creek. *The applicant will work with town staff to review and develop OWTS plans and specifications.*

ADUs. The applicant will include provisions to allow ADUs in the resubmittal. Town Staff noted that it was appropriate to mirror standards from Eagle Ranch. *The PUD Guide has been amended to include ADU's with standards similar to the Eagle Ranch PUD.*

Annexation Agreement and Development Agreement Template. Template agreements are attached to this document.

Next Steps. The applicant will submit address comments in a revised submittal which will include the Access Management Plan. *The applicant and the town attorney will work together on an annexation agreement as the plan progresses through the review process.*

REFERRAL COMMENTS SECTION

Community Development

Carrie McCool, Town Planning Consultant

carrie@mccooldevelopment.com

The following comments are based on the standards and requirements of PUDs per §4.11.030, Subdivisions per §4.12.010, and Annexations per §4.15.010 and C.R.S. Article 12, Title 31.

General

1. While much of the information that is required for a Subdivision Sketch Plan is illustrated on the PUD concept plan or provided in the supplemental reports, these are not one in the same and should be treated as separate application packages with different materials and maps that will be reviewed based on different criteria. Please refer to §4.12.020 for Sketch Plan Submittal Requirements and provide the pertinent information required by Code with your resubmittal.

Applicant's Response per letter dated 7/27: This seems to be a topic for further conversation. While there are certainly two separate approval actions required there is an understanding in the municipal code that the two applications may be reviewed concurrently. The creation of a complete and separate application package may create a significant redundancy in information and may make the review process more cumbersome and confusing to the public.

Perhaps there is a way to re-format the single package that better explains and lays out the separate information but allows for review of that information in a comprehensive manner. The applicant will, of course, amend the application as directed by staff but believes there is some detailed conversation that will allow us to understand the goal of the staff and to save us all time as we determine the most efficient way to structure the information.

Staff Response 8/16: Yes, you may reformat the single package in a way that relays the information that is required for each application type. The main takeaway is to provide (and label appropriately to match Code) the following as separate plan maps: 1) PUD Zoning Plan, 2) PUD Development Plan (if requested at this time), and 3) Sketch Plan (if requested at this time), as well as all supporting documentation for each application type.

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[Applicant response 10/10/18:](#) This single package application has been formatted to include separate PUD Zoning and PUD Sketch Plan maps. This is not an application for PUD Development Plan. Section 4 of the narrative addresses the Subdivision Sketch Plan description and submittal requirements.

PUD Zoning Plan Map. The purpose of the PUD Zoning Plan is to establish permissible type, location, and densities of land uses, to determine compatibility of the PUD proposal with the Town's long-range planning documents and purposes of the Code and to provide basis for PUD zoning. Per §4.11.040(B)(1) this PUD Zoning Plan shall depict:

1. Boundary of proposed PUD
2. Topography
3. Existing and proposed street system with approx. ROW widths
4. Proposed zoning
5. Densities & types of uses within the PUD and their locations
6. Common space areas and park land areas
7. Location of utilities and existing development of the land

[Applicant response 10/10/18:](#) As we have discussed, the PUD Zoning Plan has been revised to include all of the above information with the exception of the proposed street system layout and widths. The street system design will be a part of the PUD Development Plan applications.

PUD Development Plan Map. While we understand that PUD Development Plan approval will not be requested at this time, it's important to note that the document referred to as "DRAFT PUD Plan for the Red Mountain Ranch Planned Unit Development" (PUD Guide) dated May 2017 would fulfill the requirements of a PUD Development Plan with a few additions to demonstrate conformance with §4.07 Development Standards. Please let us know if you would like to explore the option of submitting this document which would eliminate the need for duplicative public hearings.

[Applicant response 10/10/18:](#)f This application does not include a request for PUD Development Plan.

Sketch Plan Map. Sketch Plan review is a function of subdivision (i.e., process of splitting up or assembling land development. Think of lots, blocks, or tracts.) and the first step of the subdivision process in Eagle. All requests for the subdivision of land shall comply with the Subdivision Regulations and shall include review of a sketch plan, a preliminary subdivision plan and a final plat. The Sketch Plan should contain all information as outlined in §4.12.020(A)(2)(f). Based on the August 14th conference call, it sounds like the owners may not be ready to commence the subdivision process. This is absolutely fine as there is no requirement to subdivide the property at time of zoning. As a reminder, however, no development permit or building permit will be issued before the required final subdivision plat has been approved and recorded. Also note, Major Development Plan Review and approval (see §4.06.070) is required for all Planned Unit Developments.

Each of the plan maps require different information and while much of it may be overlapping, we need to follow Code requirements for each application type in order to properly relay the information to our decision-makers, ensure accurate record-keeping and expedite future processes (i.e., Preliminary/Final Plat, Development Plan and Development Permits).

[Applicant response 10/10/18:](#) Sketch Plan maps conforming to Section 4.12.020A2F are included with this revised application.

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8. Much of the information provided within the written narrative's project description should be moved to the PUD Guide document as this is the overall zoning document for the property and would supersede all land use regulations found in the Town's Land Use and Development Code and other areas of the Municipal Code. Please revise the PUD Guide to incorporate standards related to roads, circulation & traffic; utility services; phasing; land dedication; fire protection & emergency services; local employee residency program; architectural design; and drainage into the PUD Guide.

Applicant's Response per letter dated 7/27: Prior to a complete re-write of the PUD Guide we would like to talk through the goal of the staff here and make sure we are all in agreement on the appropriate structure of the narrative, the PUD Guide at this Zoning Plan level of review and the forthcoming annexation agreement. If there is similarly formatted PUD Guide that the staff would like to use as an example that would be helpful to review.

Staff Response 8/16: What you are calling the "PUD Guide" is really the PUD Development Plan. Staff recommends relabeling PUD Plan (PUD Guide) dated May 2017 to "PUD Development Plan for the Red Mountain Ranch Planned Unit Development" and address all Development Standards in 4.07 and the Standards and Requirements in §4.11.030 in the PUD Chapter.

[Applicant response 10/10/18:](#) A revised PUD Guide based on the PUD Zoning Plan application and as per our weekly discussions has been included in the revised application.

9. Revise "parcel" labels to be "planning areas" instead of "parcels" as to not confuse the zoning with subdivision or annexation plats.

Applicant's Response per letter dated 7/27: Point well taken, we will amend all reference to "parcels".

Staff Response 8/8: Great. Thank you.

[Applicant response 10/10/18:](#) This request is addressed in this revised application.

10. As per the April meeting with CDOT and final determination by the Town of May 14, 2018, an Access Master Plan is required with your resubmittal.

Applicant's Response per letter dated 7/27: Staff and applicant are currently working through the scope of services of the access plan and will coordinate on the schedule of the final product.

Staff Response 8/8: Great. Thank you.

[Applicant response 10/10/18:](#) As we have discussed, the Access Management Plan is in process and town staff has been engaged in the discussions. Meetings with CDOT and Town staff have been productive and the process is moving forward. We expect a draft will be available for review later this month. This document will be completed as the review process continues.

Annexation Agreement

Since the Town Board has accepted the resolution for annexation, please begin working with Staff to draft the Annexation Agreement. The agreement shall address required public improvements that are necessary to provide streets, water and sewer, storm drainage, crossings, public land dedication, public services and the like, as not to cause undue burden on

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existing residents or the Town. For your convenience, an Annexation Agreement Template is attached to this Referral Response Summary Report.

Applicant's Response per letter dated 7/27: We are happy to begin working with the staff on the annexation agreement as you wish and agree that an understanding of the elements of the Annexation Agreement is important now. However, we would prefer to focus on working together on completing these requests for more information and moving the application review towards the Planning Commission public hearing process. The specific details of the Annexation Agreement may be better understood after the application has been through the Planning Commission process.

Staff Response 8/16: Thank you. Town Staff is committed to working with you on addressing the 'big picture' items and refinement of the PUD Zoning Plan and PUD Development Plan that will ultimately inform the parameters of the future Annexation Agreement.

Applicant response 10/10/18: After we initiate the review process for the PUD Zoning Plan the applicant and the Town staff will begin to work together on the Annexation Agreement.

Annexation Impact Report

1. The utility information is difficult to read on the concept plans that were provided with the Annexation Impact Report, which have been provided to fulfill C.R.S. 31-12-108.5. Please revise so that present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation are clearly shown, in addition to boundaries and land use patterns as required.

Applicant's Response per letter dated 7/27: We will add labels to a set of maps as requested for inclusion with the Annexation Impact Report.

Staff Response 8/16: Thank you.

Applicant response 10/10/18: The Subdivision Sketch Plan maps include a general note on utilities that should address this comment for the staff Annexation Impact Report. There are no street, water mains, sewer interceptors and outfalls, other utility lines and ditches other than the overhead utility lines shown on the maps. There are no proposed street designs at this level of review. The PUD Zoning Plan indicates the proposed land use patterns.

2. Include a letter from the school district documenting the effect of annexation upon the school district and estimated school land dedication required. The Annexation Impact Report shall reflect the specific requirements of the school district.

Applicant's Response per letter dated 7/27: The TOE Municipal Code includes a formula for determining the school land dedication requirement. The applicant will provide those calculations to the Town of Eagle for inclusion in the Annexation Impact Report.

Staff Response 8/16: Thank you. As discussed on the August 14th conference call, we anticipate formal comments from the School District on the next referral (1st resubmittal).

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[Applicant response 10/10/18](#): The revised application includes the school land dedication calculation based upon the maximum density.

3. Please note – Town Staff will need to complete a revised copy of the Annexation Impact Report at least 20 days prior to the Town Board hearing on the annexation. As such, it is imperative to address comments 1 and 2 above in your resubmittal.

Applicant's Response per letter dated 7/27: Duly noted, thank you.

PUD Zoning and Density

1. 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
 - Maximum site/lot coverage
 - Common open space
 - Private open space
 - Percentage active recreation open space
 -

Applicant's Response per letter dated 7/27: The applicant will create and add a chart to the application. Some of this level of detail exceeds the general level of detail of a PUD Zoning Plan and may be expressed as a potential range.

Staff Response 8/16: Agreed. The level of detail is required due to the complexity of the proposed PUD and needed for the decision-makers to fully evaluate the annexation request. With that being said, the proposal to include this data in range form is acceptable.

[Applicant response 10/10/18](#): The revised application includes a Planning Area Summary Chart with the requested information, with the exception of active recreation area. The PUD Zoning Plan level of review does not include this level of design detail. That will be detailed in the PUD Development Plan applications.

2. Every PUD shall be divided into one or more PUD zone districts with one more of the designations allotted in §4.11.030.B. Based on the written narrative you have provided, it appears that you desire the zone the entire 130-acre site to Residential PUD (R/PUD). Staff is concerned that some of the uses proposed throughout are not consistent with residential zoning and are more commercial in nature. Please evaluate the uses and explore the incorporation of Commercial PUD (C/PUD) zoning on Parcels 2 and 3, which are noted on the concept plan to be reserved for "The Farm" and a "Nature/Education Center" or provide justification for more residential-based PUD zoning. Whether or not C/PUD zoning is proposed, the floor area ratio for a commercial PUD should be consistent with PUD Code which limits commercial FAR to 1.7:1; and the maximum floor area shall not exceed 30,000 feet within commercial planning areas combined. Please provide density and dimensional standards for the commercial uses proposed within each planning

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area. FAR should be presented in the same fashion within the PUD (1.7:1) versus setting forth maximum square footages (See Comment #10 on page 4 regarding requested relief from minimum Code requirements).

Applicant's Response per letter dated 7/27: The PUD designations are an area of the land use regulations that are particularly awkward given the mixed use nature of certain areas of the proposed plan. However, the various planning areas may be easily enough designated with these PUD sub titles. In the commercial and educational/civic areas the intention is to limit the square footage to absolute maximums. Given the large size of the parcels and the strict limitation on square footage of the proposed uses the use of Floor Area Ratios may be confusing and misleading. Let's talk about whether FAR regulations are appropriate to the specific proposals.

Staff Response 8/16: We understand the uniqueness of your proposal; however, we'll need to match code maximums for commercial space however you decide to break the planning areas up. You could certainly add PUD sub titles as referenced and limit the square footage of commercial and educational/civic areas as well, but please also set forth maximum FAR's that match code requirements for PUD's. If you'd like to vary from code requirements, you may propose to do so how you see fit. Please specifically outline any requested variation and provide justification as noted in Comment 10.

[Applicant response 10/10/18:](#) The application has been revised to address this comment. Each Planning Area has been Designated with the town code PUD sub-titles. The PUD Guide has been revised to note each use and development standard that is a variation from the Town PUD standard. The PUD Guide has been written to further restrict the broad allowable uses of the Town PUD standard to provide for the most appropriate land uses for the property.

3. Please revise the Uses by Right and Special Uses throughout the PUD Guide to match the terminology of uses defined in §4.04 of Town Code. For example, utility service structures and buildings should be listed as "utility substation" per §4.04. R/PUD permitted uses shall be the same as those set forth for R, RR, RL RM, RMF and RH zone districts, plus other uses which the Planning Commission and Town Board find to be compatible.

Applicant's Response per letter dated 7/27: The application will be revised to match the terminology of the land use regulations. About the second request, let's talk about how to best describe and limit the allowable uses.

Staff Response 8/16: Thank you for committing to matching the terminology of Code. We are certainly open to discussing permitted uses in more detail. Staff recommends that you revise the application to reflect all desired uses, and clearly identify how and why the request varies from the specific PUD district (whether it be designated as Residential or Commercial PUD). It will be up to the Planning Commission and Town Board to approve the uses as presented.

[Applicant response 10/10/18:](#) The PUD Guide has been revised to reflect the existing terminology of the municipal code to the degree possible. The uses that are not listed under the Town PUD standard are noted.

4. Some of the proposed uses do not match the designation of permitted or special use per §4.04, and some are not typical uses listed in Code. For example, restaurant and retail uses are considered special uses in typical residential zone districts, but they are proposed as permitted uses by right in your PUD; and greenhouses are proposed, but are not a typical use in Town Code nor have they been defined in the PUD Guide. As such, please re-evaluate the use list to match R, RR, RL RM, RMF and RH zone districts (or commercial CBD, CL or CG, if parcels 2 and 3 are revised to C/PUD per comment 2 above) or revise your written narrative to specifically identify which uses are unique to your

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development, ensure each use is clearly defined (either by Code or in the PUD Guide), and outline the request for deviations from Code narrative for consideration by the Planning Commission and Town Board.

Applicant's Response per letter dated 7/27: The proposed uses and mix of uses does not directly correlate to existing Town of Eagle zone districts. That is, of course, the purpose of the PUD designation. The application will be revised to more clearly state how these proposed uses may differ from the standard TOE zone district uses.

Staff Response 8/16: Perfect. As long as the application clearly states the variations from Code standards, the Planning Commission and Board can review at their discretion.

Applicant response 10/10/18: The PUD Guide has been revised to reflect the existing terminology of the municipal code to the degree possible. The uses that are not listed under the town PUD standard are noted.

5. Please remove the Use by Right listed as "Additional uses determined by the Town Planner to be similar in uses by right listed above" as this is inconsistent with the uses allotted for PUD's in §4.11.030.B.1. If you would like to keep a flexibility statement for uses, please revise to state, "Other uses which the Planning Commission and Town Board find to be compatible."

Applicant's Response per letter dated 7/27: The application will be revised as requested.

Staff Response 8/16: Thank you.

Applicant response 10/10/18: The PUD Guide has been revised as requested.

6. Please delete references to function in the use listings (i.e., irrigation, ditches, and landscaping, temporary construction staging areas, landscaping improvements, day use parking, etc.).

Applicant's Response per letter dated 7/27: Let's discuss the use listings and revise as appropriate. The applicant agrees that many of these uses may not be necessary to list, however, some uses, such as temporary construction staging, may be appropriate to include.

Staff Response 8/16: Sounds good. While staff is open to further discussion, we advise that you take a stab at a revised application and include the uses that you believe to be appropriate. Just be sure to provide further explanation for those that may not be defined in the Code or that might typically be construed as a function.

Applicant response 10/10/18: The PUD Guide has been revised as requested to the degree the applicant believes is appropriate.

7. Dimensional standards need to be included in the PUD documents to address maximum du/ac, minimum lot area, minimum lot area per dwelling unit, minimum usable open space per dwelling unit, etc. Maximum site/lot coverage should be allotted for in each commercial and park/open space planning area, in addition to residential. The lot/site coverage as currently proposed appears to be lower than standard code requirements, and Staff is especially concerned for areas that allow a wide array of uses. For example, parcel 1 includes no maximum coverage or minimum lot area restrictions, but allows for single-family, two-family, and multi-family dwellings. It is essential for yards,

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landscaping, open space and buffers be allotted for each site. To allow flexibility, Staff recommends incorporating dimensional standards by use, rather than by planning area.

Applicant's Response per letter dated 7/27: May we please discuss the appropriateness and level of detail of these standards for inclusion at the PUD Zoning Plan level. The incorporation by use instead of by planning area may work well for this and we are interested in discussing that in more depth.

Staff Response 8/16: Agreed. Some dimensional standards are appropriate at review of PUD Zoning Plan in order to fully evaluate the densities and uses as proposed. At minimum, you'll need to show compliance with the PUD standards and requirements set forth in §4.11.030 and §4.07. By setting forth dimensional standards and limitations by use, rather than by planning area, this could control the different types of development should a planning area with multiple uses allowed develop more residential than commercial in nature than expected or vice versa.

Applicant response 10/10/18: The PUD Guide has been revised to include dimensional standards requirements and those that vary from the Town PUD standard are noted.

8. 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. Staff is concerned about the reliance on a design review board, as it can become cumbersome and difficult for the Town to regulate/implement. Instead, the incorporation of more detailed design standards within the PUD Guide is required to ensure review, implementation and regulation by the Town. Additionally, design standards shall be reviewed prior to the Development Plan phase, to ensure uniformity throughout the overall development, instead of a parcel-by-parcel basis. If creating a design review board is still desired, please provide justification for creating the design review board and include a description of their role in the development review process, staffing and funding.

Applicant's Response per letter dated 7/27: Let's discuss the level of design standards that would be appropriate to the PUD Zoning Plan.

Staff Response 8/16: Agreed. At minimum, you'll need to show compliance with the PUD standards and requirements set forth in §4.11.030 and §4.07. These standards can be broader than what would be expected at Development Plan/ Development Permit level but should be comprehensive and address the overall vision for the entire development to understand how the different uses can coexist and retain compatibility while creating a unified image throughout.

Applicant response 10/10/18: The revised application addresses the standards of Section 4.11.030 and 4.07. The applicant believes that the establishment of individual Planning Area Design Guidelines and Design Review Boards as a part of the Development Plan application is appropriate.

9. Since multi-family, two-family, and single-family dwellings are proposed in multiple 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. 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 §4.05.010.A.3.a, multiple-family dwellings are allowed at a maximum density of one dwelling unit per

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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's Response per letter dated 7/27: Again, let's discuss the level of detail and how to structure that detail in the PUD Guide that would be appropriate to the PUD Zoning Plan.

Staff Response 8/16: Agreed. See comment response under Comment 7 above.

[Applicant response 10/10/18:](#) The application details maximum densities for each Planning Area and details how density may be shifted between Planning Areas.

10. When relief from minimum Code requirements are requested (i.e., uses, 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 §4.11 (see §4.11.010).

Applicant's Response per letter dated 7/27: The applicant will review the application for any areas where this issue may occur and make sure there is an adequate discussion of the variations.

Staff Response 8/8: Thank you. Just remember that the intent of PUDs is to allow innovative design and promote a higher quality living environment. Please explain how this development is unique and will provide benefit to our community over strict application of the regulation varied from. At this point, the vision is a little unclear.

[Applicant response 10/10/18:](#) The PUD Guide has been revised to identify variations from the Town PUD standards for uses and development standards. There are no proposed variations in the PUD Zoning Plan from the parking, water rights, tap fees, lighting. The open space dedication requirements have been described in detail.

Open Space

1. Please delineate slopes of open space areas to meet the requirement for 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. [This has been delineated on a series of maps included in the appendix. The application meets this standard.](#)
2. 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 provide detailed area calculations to show how this criteria is being satisfied. [The application includes detailed calculations on the open space requirements. The application does not meet the standard of proposing 9.75 acres of active recreation with a slope of 10 percent \(10%\) or less.](#)
3. Provide standards for trails (i.e., trail width, materials, construction, etc.). [The Discovery soft surface trail is proposed as a 12-foot easement with a 6 foot wide crusher fines path surface.](#)

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4. Please revise the PUD Guide to state that the open space areas are zoned for open space. The dedication of an open space easement can be dedicated at time of platting. [Planning Area 3 is proposed as a Commercial PUD and Planning Area 5B, the town park, is designated as a Public PUD to meet the categories of the municipal code as requested by town staff. PUD Development Plans and the companion subdivision process will define exact boundaries of open space parcels for dedication of land and/or easements.](#)
5. Provide a Municipal Land Dedication Table and Map. The table shall delineate the planning area, acreage, percentage of site, use, party/organization that would be accepting the dedication (i.e., BLM, Walking Mountain, Town, etc.). The map shall depict all of the land dedication within the project area. [The open space areas that are proposed for dedication to the Town of Eagle are the 1.2 acre town park and all of the land south of the river in Planning Area 1 and the entirety of Planning Area 5B. Planning Area 3 is proposed for dedication to a non-profit educational/cultural facility such as Walking Mountain Science School. These areas are depicted on the PUD Zoning Plan map set and described in the project narrative.](#)
6. Once all open space comments above are addressed, we will be in a better position to discuss the municipal land dedication provisions to be set forth in the PUD Guide.

Applicant's Response per letter dated 7/27: The description of the PUD Zoning Plan process in Section 4.11.04 does not seem to support the development of this level of development detail. However, the PUD Zoning Plan may identify large areas of open space and delineate development areas from open space or buffer zones. More discussion of these areas and the addition of specific open space/recreation requirements and trail standards may be incorporated into the PUD Zoning Plan. The applicant will provide open space area calculations and provide a list of land dedications as proposed. As we continue to work with staff to accommodate ideas and concepts regarding the proposed uses on Planning Area 4 and 5b some of these issues remain undetermined.

Staff Response 8/16: Thank you for the robust discussions on open space and municipal land dedication on the August 14th conference call. Once your team has solidified the specific open space and recreational amenities proposed, we'll be in a better position to provide input on the best way to present the information so it can be reviewed most efficiently. It is our understanding that the owners will not be including permanent camping within the project. Staff requests that formal notification be provided in the resubmittal that permanent camping will not be included in the project.

[Applicant response 10/10/18:](#) The application has been revised to address the open space requirements and dedications as we have been discussing in our weekly conferences.

PUD Perimeter

Please provide perimeter landscape standards within the PUD Guide. The Town would like to see landscape standards that require native plantings and efficient landscaping with specific limitations on installation of sod.

Applicant's Response per letter dated 7/27: The PUD Perimeter (4.11.030 F) requirement will be addresses in the narrative and on the plan set. Much of the PUD perimeter is defined by the river corridor and no formal landscape improvements would be appropriate. The applicant agrees that a native palette and limitation of sod would be appropriate along the highway perimeter.

Staff Response 8/16: Thank you.

8/16 STAFF RESPONSE TO APPLICANT'S RESPONSE MEMO DATED 7/27 ARE NOTED IN DARK ORANGE TEXT.

[Applicant response 10/10/18](#): The PUD perimeter standard has been addressed as appropriate in the revised application. Specific landscape design details will be a part of the PUD Development process.

Street Standards

Please provide street standards within the PUD Guide.

Applicant's Response per letter dated 7/27: The application will be revised to add street standards.

Staff Response 8/16: Thank you. As noted above, the PUD Guide should be relabeled to PUD Development Plan.

[Applicant response 10/10/18](#): As we have discussed, street standards have not been addressed at this level of PUD Zoning Plan review. Street standards will be included as a part of the PUD Development Permit applications.

Maintenance & Commonly Owned Land

Please provide the draft HOA covenant with your resubmittal, which clearly defines proposed ownership and maintenance of common land, and details of the design review board composition.

Applicant's Response per letter dated 7/27: Draft HOA covenants seem more appropriate to the PUD Development Plan level of review.

Staff Response 8/16: §4.11.030 – Standards and Requirements apply to all PUDs. §4.11.030(D)(1) Maintenance of Open Space #1 states that “an organization shall be established, subject to the approval of the Town Attorney, which is responsible for ownership, permanent care, and maintenance of open spaces and recreational areas and facilities.”

[Applicant response 10/10/18](#): The PUD Zoning Plan commits that appropriate organizations will be created to provide maintenance of common open space in conformance with this standard.

Phasing

Please revise the phasing schedule within the PUD Guide to show 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 of the development is consistent with the Town's goals and policies.

Applicant's Response per letter dated 7/27: The phasing plan will include a general sequence of development and include some restrictions on when certain planning areas may move into PUD Development Plan. Specific dates on both initiation and completion of phases will be market driven. The PUD Development Plan, when submitted, will be the document that is structured to ensure that open space and recreation dedications are made and improvements are installed concurrently with residential or commercial uses.

Staff Response 8/16: It sounds like the reference to PUD Development Plan here is actually the Major Development Plan application that does indeed come later in the development review process (at time of Development Permit). The PUD

8/16 STAFF RESPONSE TO APPLICANT'S RESPONSE MEMO DATED 7/27 ARE NOTED IN DARK ORANGE TEXT.

Standards and Requirements specifically require phasing to be addressed with PUD review. Please refer to §4.11.030(H) that reads:

“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 this chapter 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 response 10/10/18](#): The application discusses the timing of certain land dedications as a part of the overall phasing plan. Section 3.13 describes the phasing and Section 3.14 describes the proposed land dedication timing.

Parking and Loading

Deferring to Town of Eagle parking standards for uses proposed within the PUD is supported. Please note that the current proposal does not indicate any parking on the concept plan in relation to park/open space uses; however, the written narrative eludes that some parking will be provided. Please clarify intended parking requirements for all uses on the concept plan.

Applicant's Response per letter dated 7/27: The PUD Zoning Plan may be amended to reflect a plan for public park parking. However, specific details and designs will be a part of each appropriate PUD Development Plan.

Staff Response 8/16: Whatever parking is proposed, please note that Town Staff will review the proposal pursuant to §4.07.140. - Parking standards.

[Applicant response 10/10/18](#): Duly noted.

Local Employee Residence Program

1. Please address the Local Employee Housing Residency Requirements in more detail in the PUD Guide. While you have noted in your narrative that the 10% requirement will be met, Staff is still unsure of how and where the housing will be located based on the materials provided, except that 6 of the 16 required affordable housing units will be designated on parcel 3. Per §4.04.120.E.3, Local Employee Residences shall be distributed throughout the proposed development, to the extent possible. Please provide justification/evidence on why this would not be possible.
2. Per §4.04.120.F, please submit a Local Employee Residency Plan. The Plan shall contain sufficient information to allow the Town to determine the Plan's compliance with Chapter 4.04 and the Town's Local Employee Residency Requirements and Guidelines (see §4.04.120). The local Employee Residency Plan shall include, but shall not be limited to, the information specifically required by the Town's Local Employee Residency Requirements and Guidelines (i.e., number of local employee residences provided, mix of units, location and character of local employee residences, schedule for construction of local employee residences and deed restrictions).

Applicant's Response per letter dated 7/27: The PUD Zoning Plan narrative describes the applicant's intent to meet the requirements of the LERP program. The PUD Development Plan is the appropriate level of detail for further review of these requirements.

8/16 STAFF RESPONSE TO APPLICANT'S RESPONSE MEMO DATED 7/27 ARE NOTED IN DARK ORANGE TEXT.

Staff Response 8/16: Town staff is very supportive of land dedication approach to fulfilling LERP requirements and likes the proposed site location above City Market. We are looking forward to reviewing the final proposal in the revised submittal materials.

Applicant response 10/10/18: The revised application addresses the LERP proposal in both the narrative and the PUD Guide.

Eagle Area Community Plan

Please revise all plans and provide a point-by-point response on how the comments from the Eagle County Planning Commission have been or will be addressed throughout all required planning documents. (See attached Eagle County Planning Commission Memorandum).

Applicant's Response per letter dated 7/27: Section 5 of the application will be revised to specifically reference the appropriate comments of the Eagle County Planning Commission.

Staff Response 8/16: Thank you.

Applicant response 10/10/18: Section 6 (formerly 5) of the application address the conformance of the application with the Eagle Area Community Plan. The application narrative and the PUD Zoning maps post date the writing of that memo dated December 1, 2017 and the many details of the project have been revised in an attempt to comprehensively address the Eagle County comments.