

**PETITION FOR REZONING  
POWELL PARK SUBDIVISION**

William and Nancy Powell, Trustees of the Powell Family Trust and 100% owners of the property, do hereby petition the Town of Eagle to rezone the Powell Park Subdivision to the Residential Medium Zone District.

Petitioners assert the following conditions are met for rezoning the property

1. That the rezoning is compatible with surrounding land uses, and is consistent with the Town's goals, policies and plans;
2. The existing zoning is inconsistent with the Town's goals, policies and plans;
3. That the area for which the rezoning is requested has changed substantially such the proposed rezoning better meets the needs of the community.

 

William Powell

Nancy Powell

B.

**POWELL PARK SUBDIVISION**

**ZONING REQUEST**

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TOWN OF EAGLE  
COMMUNITY DEVELOPMENT  
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## LAND USE & DEVELOPMENT APPLICATION

Pursuant to the Land Use & Development Code, Title 4

ZONING REVIEW	DEVELOPMENT REVIEW	SUBDIVISION REVIEW
<input type="checkbox"/> Special Use Permit <input type="checkbox"/> Zoning Variance <input checked="" type="checkbox"/> Rezoning <input type="checkbox"/> Temporary Use Permit <input type="checkbox"/> Amendment to Zone District Regulations <input type="checkbox"/> Encroachment Permit	<input type="checkbox"/> Minor Development Permit <input type="checkbox"/> Major Development Permit  <b>PLANNED UNIT DEVELOPMENT (PUD) REVIEW</b> <input type="checkbox"/> PUD Zoning Plan <input type="checkbox"/> PUD Development Plan	<input 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

PROJECT NAME Powell Park Subdivision  
PRESENT ZONE DISTRICT PUD (Eagle County) PROPOSED ZONE DISTRICT Rm  
(if applicable)

LOCATION

STREET ADDRESS 21, 25 Violet Lane

PROPERTY DESCRIPTION

SUBDIVISION Powell Park LOT(S) 1, 2 BLOCK \_\_\_\_\_  
(attach legal description if not part of a subdivision)

DESCRIPTION OF APPLICATION/PURPOSE Applicant seeks traditional Rm zoning to provide flexibility for both single family and multi-family uses

APPLICANT NAME William Powell PHONE 970 471 0748

ADDRESS 21 Violet Lane, PO Box 1227 Eagle EMAIL powell-willy@gmail.com

OWNER OF RECORD The Powell Family Trust PHONE same

ADDRESS same EMAIL same

REPRESENTATIVE\* \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_ EMAIL \_\_\_\_\_

\*A representative must submit an affidavit or power of attorney signed by the property owner of record authorizing the representation.

**APPLICATION SUBMITTAL ITEMS:**

The following submittal materials must be submitted in full before the application will be deemed complete (please check all items that are being submitted):

- Applicable fees and deposits.
- Project Narrative, describing the project, its compliance with any applicable review criteria, any impacts to the surrounding area, and any other relevant information.
- Surrounding and interested Property Ownership Report (see project specific checklist for more information).
- Proof of Ownership (ownership & encumbrance report) for subject property.
- Site Plan, drawn to scale and depicting the locations and boundaries of existing and proposed lots and structures.
- Project specific checklist.

**FEES AND DEPOSITS:**

See *Eagle Municipal Code Section 4.03.080*

1. Application fees shall be paid in full at the time of the filing of the application and unless paid, the application shall not be deemed complete. All fees are nonrefundable.
2. As described in Eagle Municipal Code § 4.03.080, third-party consultants may be necessary for the review and processing of applications. These costs ("pass-through costs") must be paid by the applicant. If pass-through costs are expected, the applicant must pay a deposit at the time the application is filed. If at any time the deposit does not fully cover the pass-through costs, the applicant must pay another subsequent deposit before the Town will continue processing the application.
3. The Town may withhold the recording of any Subdivision Final Plat or Development Plan or the signing of any Resolution or Ordinance until all pass-through fees are paid in full.
4. Within 30 days of approval or denial of an application, any remaining deposit shall be returned to the applicant. If an application is withdrawn, any remaining deposit shall be returned to the applicant within 60 days.

I have read the application form and certify that the information contained herein is correct and accurate to the best of my knowledge. I understand that it is my responsibility to provide the Town with accurate information related to this application. I UNDERSTAND THAT FILING AN APPLICATION IS NOT A GUARANTEE THAT THE APPLICATION WILL BE APPROVED.

Signature



Date

1/6/2020

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



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## **REZONING SUBMITTAL CHECKLIST**

*Pursuant to the Land Use & Development Code, Section 4.05.030(B)*

- Cover letter that provides a description of the proposal.
- Proof of Ownership (owner & encumbrance report) for subject property  
*\*If applicant is not the property owner, notarized consent of the property owner is required.*
- Site Plan  
*\*Site plan shall be drawn to scale and depict the locations and boundaries of existing and proposed lots and/or structures.*
- A petition requesting the zoning change, signed by owners of at least 50% of the land area proposed for rezoning.
- Names and addresses of owners of record (not lessees) within 250' excluding rights of way, submitted either printed on mailing labels or as an Excel spreadsheet.
- Rezoning Fee

## Annexation and Zoning Request

### Overview of Project

#### Existing Conditions

The property has been in continuous ownership by William and Nancy Powell since 1979 and initially consisted of a single parcel of 9.25 acres. In 1983 a PUD zoning and final plat were approved by Eagle County which divided the property into two residential lots, creating an overall density of five units, and a dedicated right of way for Violet Lane. Four apartment units exist on Lot 1; one single family unit exists on Lot 2. The property is currently served by the following services: wastewater, electric, phone and cable. Natural gas is not present on the site. Currently the five units are provided domestic water from an adjudicated well source. The town recently constructed a waterline main extension to the Lower Basin Water Plant, which passes through Lot 2 on a dedicated easement and adjacent to Lot 1 (within Violet Lane). Refuse service includes comingle recycle and household trash.

#### Intent of Annexation and Zoning Requests

The intent of the Powell Park request is to add modest density to the overall project area. Applicants are concurrently applying for annexation and a zoning request for Residential Medium (RM) density for both Lots 1 and 2. Providing domestic water from the town will make the proposal viable. For Lot 1 the intent is to raze the four unit apartment building. The RM zoning for Lot 1 will allow flexibility for construction of multifamily units or single family lots or a combination of both. For Lot 2 the existing home will remain and no increase density is proposed at this time. Access for both lots is from Violet Lane which has a public crossing across the inoperative railroad tracks and connecting to the Sylvan Lake roundabout. Irrigation will be provided from existing non potable, adjudicated water sources on the property. No development will be allowed on the lower bench, to be memorialized with the Final Plat. Fishing access on owner lands will be made legal, also designated on the Final Plat.

### Community Plan-Vision

The Powell Park proposal embodies many of the principals of the Vision for the Community Plan. The proposals will further concentrate infill development with significant open space. The project area is adjacent to the Eagle Valley Trail, and near east and west bound ECO Transit bus stops. The project permanently conserves over 50% of the property in open space for land that is environmentally sensitive and has wildlife habitat. With the upcoming Final plat application the applicant will enhance recreational opportunities by voluntarily proposing appropriate public fishing access on the Eagle River. Public services will be conservation oriented—see Utility Section below. If built, condominiums or apartments are expected to be in the affordable range and add to the attainable housing stock. All units proposed will have a high livability factor because of the semi-rural nature of the property, with protection of open space, and excellent viewsheds.

### Conformance with Community Plan-Future Land Use Map--Intent

The proposed project is in Conformance with the Future Land Use Map, particularly as it relates to Conservation Oriented Neighborhoods and Open Space sub-chapters. See following adherence to provisions.

- A. Development over and above that allowed by existing zoning on properties with this designation predicated on annexation to the Town of Eagle.

- B. Balance conservation and development objectives.
- C. Preserve attributes of high conservation value as determined practicable and appropriate on site by site basis. Attributes of high conservation value include, but are not limited to stream and river corridors, wetlands and riparian areas, viewsheds, wildlife habitat and movement corridors, significant, unique or endangered vegetation, historic sites or structures, productive agricultural lands steep slopes and geologic hazard area

#### **Conformance with Community Plan—Future Land Use Map—Character**

- A. Development is clustered, providing walkable neighborhoods, functional and interconnected open spaces and easily accessed public facilities.
- B. Developed areas are compact and well connected with multimodal road, path and trail systems, and public transit.

#### **Conformance with Community Plan—Future Land Use Map—Location Criteria**

- 1. Located 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.

#### **Conformance with Eagle River Corridor Plan**

The Powell Park submittal is in conformance with the ERCP in that it concentrates development on the upper bench, precludes any development on the lower bench, and makes legal fishing access on applicant owned lands within the Eagle River. The lower bench will be retained for the “preservation of ecologically sensitive lands and wildlife habitat.” The ERCP designates the zoning for the upper bench to be Medium Density Residential, which the applicant intends to follow.

#### **Water Rights**

The property has five adjudicated springs, 1.2 acre feet of adjudicated pond storage and an adjudicated well. The springs and pond provide source water to irrigate all areas of the property. The practice currently exists and is planned for the future. The water rights are protected from the Historic User Pool located at the Green Mountain Reservoir.

#### **Utility Services-Existing**

The property is currently provided all utility services except domestic water and natural gas. All outside irrigation is non-potable and provided from on-site adjudicated sources. The property is currently on town wastewater service. The apartment building has electric heat. The home on Lot 2 is heated with LPG. All other shallow utilities are present.

#### **Utility Services-Proposed**

Future in-house domestic water will be provided from the town system. Holy Cross Energy has power lines on the property and additional service is easily provided. Wastewater, telephone and cable services are within the Violet Lane right of way. It is not proposed that natural gas be brought to the property.

#### **Conservation Efficiency**

The condominiums or apartments or single family units proposed for Lot 1 will be heated by electricity. Additionally the domestic water will be very non-consumptive because source water is from the LBWTP and discharge from the nearby Wastewater Plant; and all outside irrigation is provided non-potably.

## **Zoning**

Zoning for both Lots is proposed for Residential Medium density (RM). Applicant seeks to have traditional zoning to allow flexibility for both multi-family and single family uses. Applicant is currently evaluating the most appropriate residential uses on Lot 1.

## List of Exhibits

1. Proof of ownership
2. Site Plans
3. Application for zone change
4. Names and addresses of ownership within 250'