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## STAFF REPORT AND CERTIFICATE OF RECOMMENDATION

**TO:** Planning & Zoning Commission

**FROM:** Community Development Department

**DATE:** May 18, 2021

**FILE NUMBER:** RZ21-01

**PROJECT:** 1819 Brush Creek Road

**REQUEST:** Request to zone one parcel of land in unincorporated Eagle County to Town of Eagle Rural Residential (RR) zoning.

**APPLICANTS:** Big Horn, LLC

**LOCATION:** 1819 Brush Creek Road

**CODE:** Chapter 4.04 Zoning  
Chapter 4.05 Zoning Review

**ZONING:** (Existing) Resource (R) in unincorporated Eagle County

**EXHIBITS:**

- A: Project Narrative
- B: Petition for Annexation
- C: Site Plan
- D: Aerial Map
- E: Site Photos

**PUBLIC COMMENT:** No public comments received as of May 12, 2021.

**STAFF:** Peyton Heitzman, Planner I – [peyton.heitzman@townfeagle.org](mailto:peyton.heitzman@townfeagle.org)

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## INTRODUCTION

On April 27, 2021, the Town Council passed Resolution 38, Series 2021 finding the Annexation Petition for 1819 Brush Creek Road to be in substantial compliance with Section 31-12-107(1) C.R.S. The annexation application was accompanied by a request to zone the property to Rural Residential (RR) zoning. The property is currently zoned Resource in unincorporated Eagle County.

The property is located south of the Brush Creek Road and Sylvan Lake Road intersection. The project consists of one lot under the sole ownership of Little Horn, LLC, managed by Catherine Turnipseed and Scott Turnipseed. There is one single-family home on the property with accessory structures. No development is proposed for this property.



Should Town Council approve the annexation application for 1819 Brush Creek Road at the upcoming Public Hearing on June 8th, 2021, the Planning & Zoning Commission's recommendation for zoning will be considered as part of a subsequent zoning approval for the property.

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## DISCUSSION ITEM(S)

1. Is the proposed RR zoning supported by the Town of Eagle's long range planning documents?

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## STANDARDS FOR APPROVAL (SECTION 4.05.030.A.)

The conditions for zoning as described in Section 4.05.030 of the Land Use and Development Code are:

**STANDARD #1:** *That the rezoning is compatible with surrounding land uses, and is consistent with the Town's goals, policies and plans.*

**Staff comment:** Staff believes the proposed residential zoning is appropriate for this property because it complements the surrounding residential land uses. The adjacent properties to the east and west are large lots (greater than 2 acres) containing single-family homes. To the north across Brush Creek Road is the Soleil Homes at Brush Creek subdivision with single-family homes and duplexes. To the south, across Brush Creek, are single-family homes in the Eagle Ranch Planned Unit Development.

When reviewing the project for consistency with the Town's goals, policies, and plans, staff was guided by the Elevate Eagle Comprehensive Plan (2020). The property is within the Town's Urban

Growth Boundary. The proposed Rural Residential zoning is supported by the Future Land Use Map (FLUM) that provides future land use designations for the Town. The property is identified as Rural Residential in the FLUM. The Rural Residential land use on the FLUM is comparable to the Municipal Code's Rural Residential zone district in terms of density and allowed uses. The proposed zoning of the property is supported by policies in the Comprehensive Plan including:

- Policy 2-8.1. Support and preserve the attributes and quality of the "country lane" experience along Brush Creek Road.

Staff comment: The property contains low density residential with a setback from the street that is far greater than the 25' minimum for the zone district. This is similar to other lots along Brush Creek Road, supporting the "country lane" experience.

- Policy 4-2.1 Preserve and protect the quality of and integrity of wetlands, rivers, streams, and riparian areas.

Staff comment: The structures on the property maintain a 75' setback from Brush Creek. This setback is greater than currently required under existing Town of Eagle regulations.

***STANDARD #2: That the land to be rezoned was previously zoned in error or the existing zoning is inconsistent with the Town's goals, policies and plans.***

Staff Comment: The application meets this standard. The existing Resource zoning in the County is inconsistent with the Town of Eagle's FLUM.

***STANDARD #3: That the area for which rezoning is requested has changed substantially such that the proposed rezoning better meets the needs of the community; OR***

Staff Comment: If the annexation application is approved by Town Council, 1819 Brush Creek Road will have changed substantially through incorporation into the Town boundary. The proposed zoning better meets the needs of the community through its alignment with the Town's Comprehensive Plan.

***STANDARD #4: That the rezoning is incidental to a comprehensive revision of the Town's zoning map which recognizes a change in conditions and is consistent with the Town's goals, policies and plans.***

Staff Comment: There has not been a comprehensive revision to the Town's zoning map. This standard is not applicable to application.

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## STAFF RECOMMENDATION

Staff recommends **APPROVAL** for the zoning of 1819 Brush Creek Road from Eagle County PUD zoning to Town of Eagle Rural Residential zoning based on Standards (1), (2), and (3) of Section 4.05.030. of the Municipal Code.

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## PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to the zoning of file number RZ21-01:

1. Recommend approval with no conditions.
2. Recommend approval with conditions.
3. Continue (table) the application. (Provide staff and the applicant detail regarding information needed for a decision).
4. Recommend Denial. (Cite all Code sections and/or Plan policies that resulted in motion for denial).

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**SUGGESTED MOTION:**

I move to RECOMMEND APPROVAL File # RZ21-01 Zoning 1819 Brush Creek Road with no conditions, based on the following findings:

**FINDINGS OF FACT**

The application meets the requirements of Title 4 of the Land Use and Development Code, and is in conformance with the 2020 Elevate Eagle Comprehensive Plan.