

An aerial photograph of a landscape. In the upper left, there is a residential area with many small houses. To the right of the houses is a golf course with several green fairways and sand traps. A river or stream flows through the lower right portion of the image. The terrain is hilly and covered with sparse vegetation.

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AMENDMENT TO THE

# EAGLE RANCH PUD

# Consultant Directory

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## INTRODUCTION

Eagle Ranch is a 1,900 acre community of nearly 1,250 properties surrounded by 13 miles of hiking and biking trails and seven neighborhood parks. The commercial district, Eagle Ranch Village, is an eclectic mix of shops, restaurants, fitness club and a movie theater as well as a home to local businesses and residences.

The Board of Directors is embarking on a process to update the zoning document that regulates activities within Eagle Ranch. Eagle Ranch is zoned Planned Unit Development (PUD) by the Town of Eagle. A PUD is a flexible zone district that has allowed Eagle Ranch to develop into the wonderful neighborhood that it is today.

The PUD Guide is the zoning document that regulates uses and development within Eagle Ranch and now after 20 years, is in need of a few modifications to reflect more closely how the neighborhood has been developed. The most significant changes are being proposed to the Eagle Ranch commercial area along Capitol Street but there are changes that affect most neighborhoods.

The Eagle Ranch Homeowners Association is requesting an amendment to the Eagle Ranch PUD Guide to allow for various modifications and clarifications that are needed. The Eagle Ranch PUD was originally adopted in 1998 and subsequently amended in 2001, 2003, 2004, 2013, and 2017.

The Board of the Eagle Ranch HOA held two public meetings of the ownership, both of which were well attended. Every owner within the PUD was notified twice of the proposed amendments and the opportunity to attend a virtual meeting. Based on the input received, many revisions were made resulting in the proposed submittal to the Town. The Board authorized the submittal of the PUD amendments to the Town of Eagle.

## PUD BACKGROUND

The current PUD limits the number of dwelling units within the entire Eagle Ranch PUD to 1,295 units. Today, there are 1,245 dwelling units or lots. For reference, a vacant lot is considered one dwelling unit. Of the 1,295 allowed dwelling units, twenty-five (25) units are still available to be built at the Castle Peak Senior Center. There are no dwelling units available for the remainder of the main commercial area on Capitol Street. Therefore, the

HOA is seeking an amendment to allow for an additional 100 dwelling units in this area. Sixty (60) dwelling units exist there today. These additional dwelling units will allow for residential development on the remaining, undeveloped, parcels and would permit the developed commercial sites to add residences. We believe this will improve the vitality of our core commercial area.

Commercial floor area is being reduced in the commercial core area by 15,200 sq. ft. due to concerns from the Town staff related to increased traffic that could be realized over the next 20 years as dwelling units are added. The remaining commercial floor areas remain unchanged. The current PUD allows the following for commercial floor area:

120,000 sq. ft. in the commercial core (Capitol Street) - to be reduced to 104,800 sq. ft.

150,000 sq. ft. at Castle Peak Senior Center

175,200 sq. ft. at the Eagle Medical Center (Medical Only)

Total: 445,200 sq. ft.

The following is an accounting of the existing commercial floor area constructed (or approved such as Hagedorn Building and Village Market) and remaining in Eagle Ranch PUD:

88,477 sq. ft. in the commercial core - Capitol Street (16,323 sq. ft. remaining after adjusting total allowed)

99,579 sq. ft. at Castle Peak (50,421 sq. ft. remaining) (44,000 sq. ft. accounts for residential development on its campus per PUD conversion of residential to commercial)

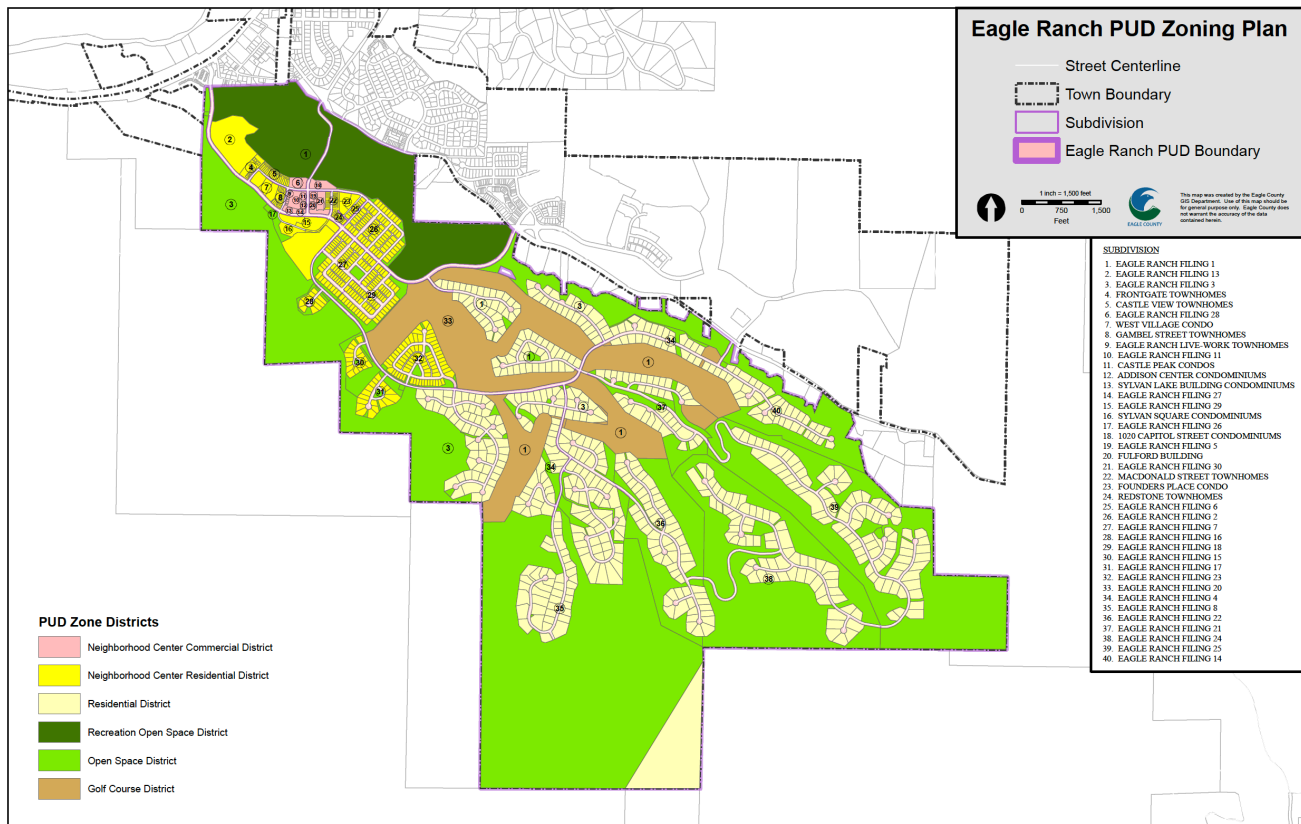
34,500 sq. ft. at Medical Center (140,700 sq. ft. remaining)

Total built: 170,650 sq. ft. (259,350 sq. ft. remaining after adjusting the total allowed)



## SUMMARY OF PROPOSED CHANGES

Along with this submittal, the applicant has provided a revised PUD Guide, including a red-lined version of all changes. Additionally, a zoning new map has been created to accurately reflect the as-built conditions of the PUD. The map and proposed changes are summarized by PUD Zone District below:



**Neighborhood Center Commercial District:** This is a new district carved out of the previous Neighborhood Center district so that policies could be put in place that apply to this specific district. The changes include:

- Increased building height from 35' to 40' but maintaining the current 3-story building limitation;
- Increasing density provision to allow another 100 dwelling units within this district. This will allow the currently proposed building by the Hagedorns (16 units), any future units associated with the parcel previously approved for a grocery store, and any

conversions or additions to the upper levels of existing buildings or potential expansions of existing buildings;

- The addition of some uses including pet grooming (no boarding), veterinary clinic (no boarding), outdoor Christmas tree sales, indoor automotive sales, and outdoor car charging stations; and
- Parking requirements affecting the commercial district are being proposed to align more closely with accepted standards for mixed use and highly pedestrian areas (parking analysis provided).

**Neighborhood Center Residential District:** This is an existing district which includes most of the more densely developed residential areas (see map and list in PUD Guide). It also includes Brush Creek Elementary, Castle Peak, and the medical center. The changes include:

- Deleting Bed and Breakfast as an allowable special use; and
- No other changes are proposed. See below for changes to Accessory Apartment.

**Residential District:** This is an existing district which includes most of the single-family neighborhoods. The changes include:

- Removing multiple-family and duplex uses (never developed in PUD);
- Removing gravel borrow pit, model homes, and temporary sales office as allowed and special uses;
- Removing ridgeline protection provisions that were applicable to certain areas before they were platted as the provision is no longer relevant;
- Incorporating the HOA policy on the effect of consolidating lots by resubdivision which requires dues to be paid based upon the total number of original lots before they were consolidated. The policy also requires payment for past dues when lots are restored after being consolidated for lots consolidated prior to January 1, 2021; and
- See changes below to Accessory Apartment.

**Recreation Open Space District:** The changes include:

- Removing gravel borrow pits as an allowed use.

**Open Space District:** The changes include:

- Allowing for special events (i.e., races); and
- Removing gravel borrow pits as an allowed use.

**Golf Course District:** The changes include:

- Allowing for special events (i.e., races, events, and tournaments);
- Allowing outdoor electric car charging stations; and

- Removing gravel borrow pits as an allowed use.

**Other Changes:**

There are additional changes proposed for accessory apartments within all single-family areas, along with changes to the parking rules and regulations. These changes are summarized below:

A definition of Accessory Apartments is included within the PUD as follows:

**Accessory Apartments:** Accessory apartment to owner-occupied single-family dwelling means an individual dwelling unit subordinate to, and contained within or adjacent to, a single-family dwelling as may be further regulated in the Eagle Ranch Design Guidelines, subject to the following requirements:

1. The accessory apartment will be a complete, separate housekeeping unit.
2. The owners of the residence in which the accessory unit is created shall occupy at least one of the dwelling units on the premises except for temporary absences, during which time the owner-occupied dwelling unit shall remain unoccupied.
3. The accessory unit shall not exceed 850 square feet with a maximum of one-bedroom.
4. Occupancy shall not exceed two adults.
5. The accessory apartment shall not be leased for periods of less than 28 days.

**Parking Requirements/Rates:**

The parking requirements for single-family homes within the PUD remain unchanged.

Parking for a one bedroom multiple family dwelling has been reduced from 1.5 space per unit to 1 space per unit consistent with the parking analysis provided.

The commercial parking requirements for the Neighborhood Center Commercial District are being modify to reflect more closely the parking needs of the uses recognizing the mixed use nature of the area, its walkable and bike-able location, and differing hours of operation for the mix of uses. The current parking availability in this commercial core is 528 parking spaces which includes 164 on-street parking spaces and 364 parking lot spaces.

There is another future parking lot that can be developed located east of the parking lot behind 7 Hermits capable of providing an additional 35 parking spaces. The parking lots are owned by the Commercial Association.

See the PUD Guide and parking analysis study prepared by McDowell Engineering for more details.

## CRITERIA FOR REVIEW

Section 9.B Major Modifications of the Eagle Ranch PUD Guide states:

### **B. Major Modifications**

*Major modifications are those changes not considered to be minor modifications and are changes that could alter the character or land use of a portion of the project. Major modifications shall include:*

- 1) Any increase in the total amount of commercial space or the total number of residential units.*
- 2) Any change in land use designation of any parcels within the PUD, except as provided above.*
- 3) Any addition of land into the PUD.*

*Applications for major modifications shall be heard in public hearing by the Town Council after receiving a recommendation from the Planning and Zoning Commission. The Town Council shall approve the modification if it is found that the modification is consistent with the efficient development of the entire PUD and does not substantially affect the enjoyment of land abutting the PUD or the public interest.*

Additionally, Section 4.11.050 - Amendments to Planned Unit Development Zoning and Development, provides the Criteria for Review for a proposed amendment to a PUD. The are as follows:

- 1. Is consistent with the efficient development and preservation of the entire planned unit development;*
- 2. Does not affect in a substantially adverse manner either the enjoyment of land abutting upon, adjoining or across a street from the planned unit development or the public interest;*
- 3. Is not granted solely to confer a special benefit upon any person;*



4. Does not contain proposed uses that detract from other uses approve in the PUD;
5. Does not contain an open space plan that differs substantially in quantity or quality from that originally approved;
6. Contains street and utility plans that are coordinated with planned and/or existing streets and utilities for the remainder of the PUD

The Town Code and the PUD Guide use similar language for the first two of the criteria, so these have been combined in the analysis. The following provides an analysis of each criteria:

**1. Is consistent with the efficient development and preservation of the entire planned unit development;**

Applicant Response: The majority of the proposed amendments are for clarification purposes. Only a few of the proposed amendments have an effect on development potential within the Eagle Ranch PUD. These are related to the creation of the new “Neighborhood Center Commercial District.” This district has been carved out of the “Neighborhood Center District” as the policies for this commercial area are specific to this location. This is generally the Eagle Ranch Village and is shown in the map below:



The proposed changes allow for efficient development and preservation of the entire PUD. Changes will encourage future redevelopment within the commercial core over the next 20 years. The changes affecting the remainder of the PUD are refinements that create help preserve the character of the PUD.

**2. Does not affect in a substantially adverse manner either the enjoyment of land abutting upon, adjoining or across a street from the planned unit development or the public interest;**

Applicant Response: The changes to the PUD do not have substantially adverse impacts on uses abutting or across the street. The change in building height will have some minor impact on neighboring uses but to the level of being substantially adverse. The Neighborhood Commercial Center is a compact area where density and more intensive development should be encouraged. We believe the potential impacts of building scale are offset by the benefits of having a vital and active commercial center.

**3. Is not granted solely to confer a special benefit upon any person;**

Applicant Response: The proposed amendments are on behalf of the Eagle Ranch Homeowners Association and do not confer a special benefit upon any person.

**4. Does not contain proposed uses that detract from other uses approve in the PUD;**

Applicant Response: The proposed amendments do not include any uses that would detract from other uses within the Eagle Ranch PUD. No new uses are are being added that that will detract from other uses within the PUD. Residential density is being increase in the commercial core area to generate vitality, improve local housing opportunities, and improve economic conditions. Special events are listed as a permitted use in certain areas where they are currently occurring (race events, tournaments, etc.). The Town has a special event permit process that regulates such events.

**5. Does not contain an open space plan that differs substantially in quantity or quality from that originally approved;**

Applicant Response: There are no changes to the open space, other than allowing for special events and removing the ability to do gravel borrow pits. As a result, the open space plan does not substantially change and the proposal complies with this criterion.

The Town staff requested that we analyze the open space impacts of the proposed PUD amendment. There is no detailed open space analysis of open space included in any of the Town's comprehensive planning documents including the Elevate Eagle plan completed in 2020. Additionally, the Town has no adopted community standard for open space or any identified need for open space and recreational needs. Collected from various statements and publications on the Town's website, it appears the Town has a total of 1,000+ acres of open space land that it owns including numerous parks, many of which are located within the Eagle Ranch PUD. Additionally, the Eagle Ranch Golf Course contains 200+ acres of open space and recreation land owned by the Eagle Ranch Metropolitan District. There are many acres of open space and recreation areas within development projects throughout the Town as well that are not accounted for. Future dedicated open space (hundreds of acres) is also in the review and development process with several new PUDs within the Town including Red Mountain, Hay Meadow, and Reserve at Hockett Gulch, not accounted for in these numbers. Also not accounted for are the many acres of recreation land owned by the school district. There are many miles of recreation trails, both paved and unpaved within the Town. There are over 104 miles of mountain bike and hiking trails within the Eagle area. The Town is surrounded by hundreds of thousands of acres of public open lands in addition to being in close proximity to two of the largest ski areas in North America.

The Town has a park land dedication provision which was adopted in 1986 which could be used to estimate community need for open space. However, the provision was adopted prior to Supreme Court cases of Nollan and Dolan which require that there be a rational nexus/reasonable relationship between the impacts and the need for park land. The calculations in the Town Code do not appear to be based on any detailed analysis. The status of the Town in 1986 was very different with a population of 1,200 and without Eagle Ranch. For the sake of argument if we use the same formula as included in the park land dedication, there should be 0.012 acres of open space/park land for each resident. If we estimate the Town's population at 7,000 today, that would produce a needed acreage of parks and

open space at 84 acres. The Town has at least 1,200 acres of open space, well in excess of the Town's park land formula.

The addition of 100 multiple family units within the commercial core of Eagle Ranch, based on the park land formula would produce a need for an additional 3 acres of open space or recreation land. The current acreage of parks and open space within the Town and surrounding the Town far exceeds any need for open space produced by the addition of 100 units within the Town.

It is very apparent when frequenting open space and recreational facilities within the Town, that there is a plethora of recreational opportunities. There is no overcrowding of park facilities and many open space and park areas are generally empty for most of the year and yet generate costs to the community to maintain and operate. This may be largely due to the fact that Eagle is largely a single-family community where people recreate in their own yards and due to the way people recreate today, versus 50 years ago, with highly programmed recreation throughout the region (kids programs, camps, skiing, river activities, road biking, mountain biking, ATVs, equestrian facilities, climbing, hiking, and camping).

**6. Contains street and utility plans that are coordinated with planned and/or existing streets and utilities for the remainder of the PUD.**

Applicant Response: There are no additional street or utility plans as part of this proposed PUD amendment. The proposal therefore complies with this criterion.