



CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Community Development Department

DATE: November 16, 2021

FILE NUMBER: PUDA21-01

PROJECT: Eagle Ranch 6th PUD Amendment

REQUEST: Request for a Major PUD Amendment to amend and update the Eagle Ranch PUD Guide and PUD Zoning Plan.

APPLICANT: Eagle Ranch HOA, Marc Ruh

APPLICANT REPRESENTATIVE: Mauriello Planning Group, Dominic Mauriello

LOCATION: Eagle Ranch PUD

CODE: Section 4.11.040 – PUD Review Procedures
Section 4.11.050 – Amendments to planned unit development zoning and development plans.

ZONING: Planned Unit Development Zone District

EXHIBITS:

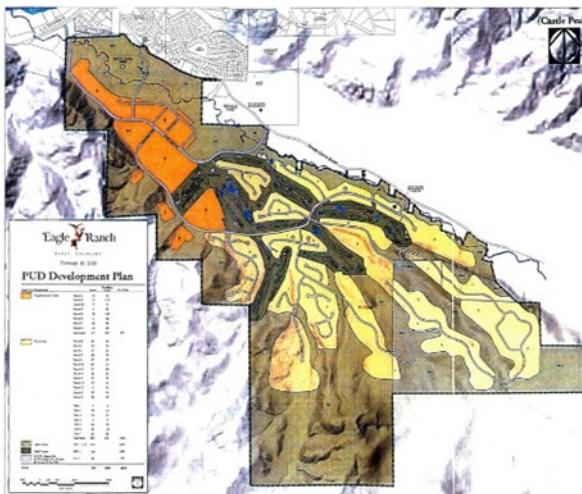
- A: Project Narrative
- B: Redlined PUD Guide
- C: Zoning Map
- D: Commercial Core Parking Analysis dated April 5, 2021
- E: Commercial Core Parking Map
- F: Traffic Memorandum dated September 2, 2021
- G: Public Comment Letters

PUBLIC COMMENT: Staff has received 5 letters of public comment as of November 12, 2021. Letters received after this time will be gathered and entered into the public record at the hearing.

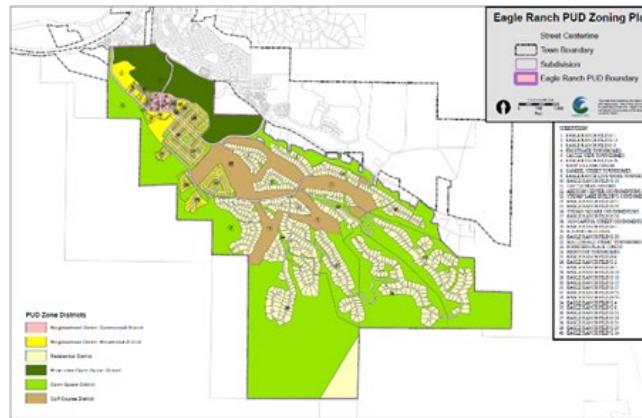
STAFF: Chad Phillips, Director, chad.phillips@townfeagle.org
Jessica Lake, Planner I, jessica.lake@townfeagle.org

INTRODUCTION

The Eagle Ranch Homeowner's Association has submitted an application requesting to amend and update the 5th PUD Guide. The application includes a comprehensive update to Eagle Ranch's PUD Guide in order to reflect the many changes over the past 20 years from the original inception of the planned unit development. In all previous iterations of the PUD Guide, densities were laid out by neighborhood and planning parcels, and the commercial area planning area was challenging to differentiate from the residential neighborhoods surrounding it. As the Town is responsible for enforcing this document, staff has reviewed all the changes through the lens of ease of use and enforceability. One of the primary changes included in this application is to the Eagle Ranch PUD Zoning Plan (Zoning Map), which has been updated to better reflect current and future build-out of Eagle Ranch. This is the first change to the Zoning Map in Eagle Ranch's 20-year history. The map that staff has had to rely on is very difficult to read and interpret.



Original Zoning Map



Proposed Zoning Map

Another primary request of this application is an increase in the residential density allowed in the PUD. Currently, Eagle Ranch is able to build up to 1,295 dwelling units (accessory dwelling units (ADU's) are not counted towards density). The HOA is requesting to add 100 dwelling units in the commercial core. With the current number of dwelling units allowed (1,295), no additional residential density could be added to the Commercial Core. There are two vacant lots in the Commercial Core, one of those has a development permit attached to it (both are highlighted in the image below). Increasing the density to allow for additional residential could allow these lots to develop as mixed use projects. The increased density proposed would also allow for one- or two-story buildings along Capitol and Sylvan Lake to add residential units to a second or third floor.



GIS – Eagle Ranch Commercial Core

The rest of the changes included in this 6th PUD amendment are largely housekeeping items and it is hoped that the changes made will improve clarity and aid with enforcement of the zoning regulations.

- Definitions
 - Accessory Apartments – expanded definition (previously only included in the permitted use section). Accessory Apartments are proposed to increase in size from 700 sf to 850 sf, are to be kept as “a complete, separate housekeeping unit”, the owner shall occupy at least one of the units on the lot, and they shall not be leased for periods of less than 28 days.
 - Bed and Breakfast – revised definition
 - Building Height – new to this section
 - Floor area – new to this section
 - Floor area, net – new to this section
 - Hotel, Motel and Lodge – revised definition
 - Planning Parcels – revised to adhere to revised Zoning Map
 - Seating area – new to this section
- PUD Zone Districts – revised to align with the revised Zoning Map and provide the DRB and Town Staff with improved direction regarding uses.
 - Staff has included a condition of approval to change “Town of Eagle Town Manager (or assigns)” to “Town of Eagle Community Development Director (or assigns)”.
 - Neighborhood Center / Uses by Right / Special Uses / Minimum Building Setback Requirements – revised to align with Zoning Map.
 - Maximum Building Height – revised to allow for buildings of up to 40’ and a maximum of 3-stories in the Commercial Core.
 - Maximum Lot Coverage – revised to remove landscape requirements for the Commercial Core and allow the Design Review Board (DRB) to approve and enforce landscaping on a case-by-case basis.

- Maximum Density – revised to reflect requested density increase for Commercial Core.
- Neighborhood Center Residential District – new district added for increased clarity. This neighborhood is built-out and no new residential is to be added.
- Residential Districts – planning parcels have been removed to align with the Zoning Map. These neighborhoods make up the rest of the PUD's residential neighborhoods not included in the Neighborhood Center Residential District, some vacant lots are still available, but all residential is accounted for in these neighborhoods.
- Building Envelopes – these still pertain to the same areas as they did before, they now reference plats rather than planning parcels.
- Ridgeline Visibility – this section has been removed.
- Recreation Open Space District / Open Space District / Golf Course District – revised to align with Zoning Map.
- Open Space District – Special Events added as a use by right.
- Density Control and Water Rights Dedication – Eagle Ranch is requesting that payment of water rights for the additional 100 dwelling units proposed be deferred until time of building permit application – this is a request that Town Council will need to consider and provide direction to the Town Manager, as per Sections 12.26.030 and 12.06.050 of the Municipal Code.
- Parking Rules and Requirements – parking has been re-evaluated and a new matrix is proposed. Based on the analysis provided by the applicant representative and review by Town Staff, the updated reduction in parking requirements should be adequate to provide for current and future development in the Commercial Core, based on a shared use system.
- Minor Modifications – updated to provide review standards.

ISSUES FOR DISCUSSION

1. Accessory Apartments have increased in maximum allowable size and additional clarity added regarding the owner-occupied clause. Staff is unsure how the 28-day minimum lease term would be enforced by the Town and has included a condition of approval to remove this. Does the Commission have any concerns, comments, or questions with the proposed changes or with Staff's condition of approval? Does the Commission think that the definition of measurement should align with the new Town language for ADU's?
2. Does the Commission have any concerns that the increased residential density will add undo congestion to the Commercial Core?
3. The applicant has provided an analysis of the Parking Rules and Requirements, does the Commission have concerns about the proposed matrix?
4. Should a definition for Special Events be provided? Special Events has been added as a "use by right" in the Open Space District. Does the Commission think that we should have a definition of what types of events could occur and if so, should there be any parameters included?

CONDITIONS FOR AMENDMENTS TO PLANNED UNIT DEVELOPMENTS

SECTION 4.11.050.A.1-6:

CONDITION #1: *The proposed amendment is consistent with the efficient development and preservation of the entire planned unit development.*

Staff Comment: The proposed amendment contains many changes that, in staff's opinion, enhance the clarity of the document and reduce interpretation and inconsistencies. Clarified responsibilities between Town Staff and the Eagle Ranch DRB should lead to more efficient development on the remaining lots in both the Commercial Core and the Residential Districts. The existing landscaping and parking requirements for the Commercial Core are working as prohibitors to development and re-development of lots and buildings in this neighborhood. The proposed revisions seek to address these concerns and propose a new way of looking at parking in this mixed-use area of Eagle Ranch, as well as acknowledging that landscaping is largely complete. Staff believes that all of the changes proposed are consistent with efficient development and preservation of the planned unit development.

CONDITION #2: *The proposed amendment 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.*

Staff Comment: This amendment revises the Zoning Map to provide greater clarity and separate the Commercial Core mixed use area from the Neighborhood Center residential area. The amendment also proposes an increased density of 100 residential dwelling units in the Commercial Core, the open space dedicated to the Town remains the same. This amendment should not have an adverse effect on the land abutting, adjoining or across the street from Eagle Ranch. While this amendment allows for the creation of 100 new units, it is extremely unlikely that this will occur quickly; it is believed that some existing buildings may decide over time to increase from one or two-stories to two or three-stories, but as of today, there are have been no applications submitted to the DRB for increased height in the Commercial Core. Existing buildings in the Commercial Core currently range from roughly 20 ft to 35 ft; it is possible under the current standards that several buildings could have re-developed and added height, however this has not happened. It is also possible that the current density, parking and landscaping requirements have been prohibitors to property owners interested in building up. While the addition of new residential units will have an effect on parking and traffic, the Parking Analysis and Traffic Memo's submitted with this application have been reviewed by staff and we are comfortable with the assertions made. The existing parking lots and on-street parking provide enough spaces to accommodate the increase in residential density in this area. As development is likely to take place over a long period of time, like build-out in Eagle Ranch has overall, staff does not find that this amendment effects the public interest in a substantially adverse manner.

CONDITION #3: *The proposed amendment is not granted solely to confer a special benefit upon any person.*

Staff Comment: The list of proposed changes included in this amendment is quite vast and the amendment will not confer a special benefit upon any person. Town Staff, the Eagle Ranch DRB and homeowner's benefit from the increased clarity proposed by this amendment. Developers and commercial property and building owners will benefit from the proposed increase in residential density in the Commercial Core.

CONDITION #4: *The proposed amendment does not contain proposed uses that detract from other uses approved in the PUD.*

Staff Comment: The proposed uses remain largely the same from previous amendments to the PUD Guide. Any changes to uses in this amendment are primarily for clarification purposes. Some uses currently considered to be Special Uses have been moved to Uses by Right, but with greater clarity attached to them. Staff believes this is an improvement over the current Guide, as it reduces process for uses that fit within the Commercial Core. Staff does not believe that any of the changes submitted detract from other uses approved in the PUD Guide.

CONDITION #5: *The proposed amendment does not contain an open space plan that differs substantially in quantity or quality from that originally approved.*

Staff Comment: The open space plan has not changed with this amendment and the open space in Eagle Ranch is the same in terms of quantity and quality as what was originally approved. The Open Space Manager has reviewed the documents submitted with this application and his comments have been incorporated into the attached redlined PUD Guide.

CONDITION #6: *The proposed amendment contains street and utility plans that are coordinated with planned and/or existing streets and utilities for the remainder of the PUD.*

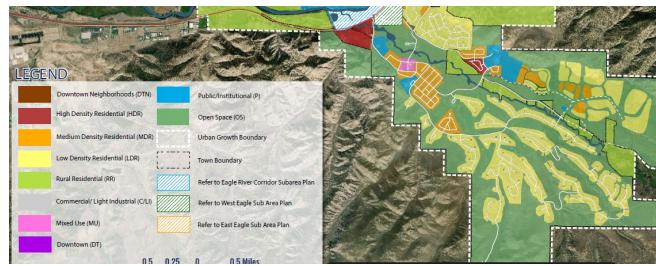
Staff Comment: The proposed amendment does not contain any changes to street and utility plans. Eagle Ranch's streets and utilities are built-out and any future impacts are accounted for.

ANALYSIS OF THE 2020 ELEVATE EAGLE COMPREHENSIVE PLAN

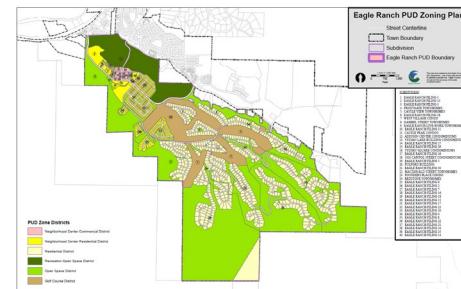
SECTION 4.11.050.D: *Review of PUD amendments.* Minor PUD Amendments shall be reviewed in the manner provided for minor development permit reviews, as contained in [Section 4.06.060](#). Major PUD amendments shall be reviewed in the manner set forth for original PUD applications, as contained in [Section 4.11.040](#).

SECTION 4.11.040.B.7.a.i: *Town Council review.* Approve the proposed PUD zoning plan, subject to any conditions it finds necessary to protect the public health, safety and welfare or to ensure compliance with the Town's regulations, goals, policies and plans.

Future Land Use Map (FLUM): The proposed Zoning Map more closely reflects the Elevate Eagle FLUM.



Elevate Eagle FLUM



Eagle Ranch PUD Zoning Plan

Policy 1-1.1. *Ensure a healthy mix of housing types and densities (e.g. Single-family, duplex, multifamily, mixed use, and accessory dwelling units) to allow for greater diversity.*

Policy 1-1.3. *Stimulate the creation of workforce housing through town policies, incentives, and regulatory procedures. Collaborate with community partners and the private sector to expand the reach of Eagle's workforce housing efforts.*

Policy 1-2.6. *As development occurs, ensure the Town's overall mix of land uses remains aligned with community goals.*

Policy 1-2.8. *Encourage continued reinvestment in existing commercial areas.*

Policy 2-3.3. *Ensure new development builds upon and adds value to Eagle's unique community character through adherence to high quality standards of design and construction.*

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

Policy 2-5.3. *Support vertical mixed use, horizontal mixed use or a combination of mixed use patterns in appropriate areas (such as the Broadway Street extension into the River Corridor Sub Area). Minimize the extension of mixed-use areas away from the Town Center in order to promote Broadway Street as the heart of the community.*

General Staff Comment: These policies generally speak to a diversity of housing types and how a downtown center should grow over time and that infill and re-development is beneficial to residents and businesses. The additional 100 units proposed in this amendment will contribute to additional mixed-use buildings, which will add to the housing mix. The proposed amendment also enables additional reinvestment in an existing commercial area as called for in Policy 1-2.8.

Policy 4-4.1. *Development should avoid natural hazards and impacts on environmentally sensitive and hazard-prone areas.*

a. Discourage buildings or land disturbances on steep slopes, ridgelines and other hazard areas.

Staff Comment: The “Ridge Line Visibility” section in the PUD Guide is shown as deleted. This section of the PUD Guide deals more with the visibility of this area from Brush Creek Road rather than designating this area as environmentally sensitive or hazard prone. Staff does not view the removal of this section as being out of compliance with the plan.

Policy 5-2.1. *Ensure adequate access to and appropriate mobility options within the Town.*

a. Improve circulation on US Highway 6/Grand Avenue.

- b. Design the vehicular network to anticipate future development and transportation needs.*
- c. Locate high traffic generating land uses close to collector and arterial roadways and transit centers.*

Policy 5-2.2. *Ensure streets effectively accommodate transit, bicycles, pedestrians and other transportation options as determined appropriate.*

Policy 5-3.3. *Encourage a compact development pattern.*

General Staff Comment: The proposed amendment does not include additional parking or the addition of any new streets or paths but does propose an additional density of 100 dwelling units. The impact of additional residential units on parking and traffic is offset by a reduction in the overall allowed commercial square footage. These policies are complied with in that the future potential impacts have been studied and have been deemed to be sufficient for the proposed usage. Sidewalks and pedestrian paths are available throughout Eagle Ranch and new residents to the Commercial Core will likewise have access to these. The proposed amendment is in compliance with the policy to encourage a compact development pattern.

STAFF RECOMMENDATION

Staff recommends APPROVAL WITH CONDITIONS of PUDA21-01 based on Conditions 1-6 of Section 4.11.050. of the Municipal Code.

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to planned unit development amendment #PUDA21-01:

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.)

FINDINGS OF FACT

That the application is in conformance with Section 4.11 of the Land Use and Development Code and with the Elevate Eagle Comprehensive Plan.

**IF APPROVED, THE COMMISSION MAY CONSIDER THE FOLLOWING SUGGESTED CONDITIONS
OF APPROVAL:**

1. Redlined PUD Guide Page 4, #3 PUD ZONE DISTRICTS – See PUD Zone District Map (Exhibit A) – replace “Town of Eagle Town Manager (or assigns) with “Town of Eagle Community Development Direct (or assigns)”.
2. Redlined PUD Guide Page 2, delete #4. The accessory apartment shall not be leased for periods of less than 28 days.
3. Provide a definition and general parameters for Special Events in Open Space Districts.
OR
4. Delete “Special Events” as a use by right in the Open Space District.