



From: Jessica Lake, Planner I, Community Development Department

Date: January 6, 2022, updated January 10, 2022

Agenda Item: Administrative Hearing for File #PUDM21-02 Haymeadow Minor PUD Modification

REQUEST: A request for a minor PUD amendment to add a definition for building height to the PUD Guide.

INTRODUCTION:

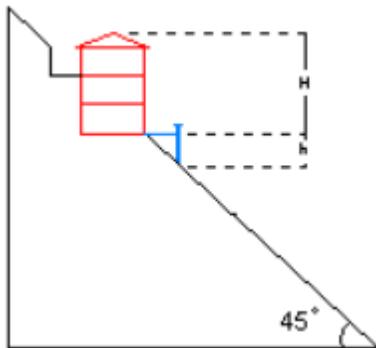
The project representatives for the Haymeadow property came to the town with a concern regarding the Town's definition of building height and how that definition affects their, and other developers', ability to construct a three-story residential multi-family building. The Town reviewed the Code definition with the applicant team and determined that there were two paths forward, either the Town could amend the definition of building height in the Code or the applicant team could come through with a minor modification to the PUD Guide to include their own definition for building height.

The Town's definition of building height reads as follows: Section 4.03.040. Building height. The maximum height allowed is 35 feet to any point on the building except in the Broadway District (see Section 4.07.022) and as further defined below:

On a flat or shed roof, any selected reference point on the roof surface that sits directly above the interior of the building must be measured from existing grade to the highest point of the roof structure. On a gable, hip, or gambrel roof, any selected reference point on the roof surface that sits directly above the interior of the building must be measured from the existing grade to the average distance between the eaves and the apex of the roof. If the selected reference point is outside of the building footprint (such as eaves and overhangs) then the height measurement is from the existing or proposed finished grade whichever is more restrictive. Existing grade is defined as the natural topography that exists prior to any improvements being made. Finished grade is the final elevation of the surface material that adjoins the building. Parapet walls may exceed applicable Zone District height limitations by four feet. Stacks, vents, cooling towers, elevator structures and similar mechanical equipment and spires, domes, cupolas, towers and similar non-inhabitable appurtenances may exceed applicable Zone District height limitations by up to 30 percent.

The definition proposed by Haymeadow is:

The maximum vertical rise from the lowest grade on the perimeter of the building to the highest point of the building. Grade shall be from the finished grade. The perimeter of the building shall include any and all attached decks. An additional 10' over and above the maximum height will be allowed for deck piers (see illustration). Antennae (except those exempted from federal regulations), chimneys, flues, vents and similar unoccupied appurtenances shall not extend over five feet (5') above the maximum height limit. Those unoccupied appurtenances on the roof shall not exceed five percent (5%) of building footprint area.



Section 3.A.5 - Maximum Building Height

- a. Residential Multi-Family
 - 1. 40 ft. maximum and not-to-exceed 3-stories above any point on foundation (not including lofts).
- b. Residential Single Family/Duplex
 - 2. 35 feet.

ANALYSIS:

Staff reviewed the following Code Sections and PUD Guide language in order to determine the process for a Minor PUD Amendment. [Section 4.11.050.B](#). *A minor amendment shall include changes in locations, sitings, bulk of structures, or height or character of buildings required by circumstances not foreseen at the time the plan was approved.* [Section 4.11.050.D](#). *Minor PUD Amendments shall be reviewed in the manner provided for minor development permit reviews, as contained in Section 4.06.060.* However, the PUD guide lays out a process for minor modifications specific to the Haymeadow PUD, which include, **but are not limited to, internal road alignment alterations, minor adjustments to parcel boundaries, building envelope changes, and additions of land uses not previously listed but determined to be similar to listed uses.** The Minor Modification section in the PUD Guide does not provide review criteria; so [Section 4.11.050.A](#). provides the review criteria that will be used to review this request.

Section 4.11.050.A. *Conditions for Amendment. An approved PUD zoning plan or an approved PUD development plan may be amended if the applicant demonstrates that the proposed modification:*

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

Staff Comment: Staff believes that this amendment does not truly have an effect on the efficient development of the PUD. If the applicant/developer was required to continue with the Town's definition, they could still build multi-family buildings, they just may not have the desired architectural features that are and may not be as in keeping with other nearby neighborhoods. Including a definition for building height separate from the Town's definition is fairly common for PUD's in Eagle. Haymeadow did not anticipate the need for a separate definition in 2014 when the original PUD Guide was approved, as much of the focus at that time was on single-family homes rather than multi-family. Eagle's Code was likewise developed with primarily single-family homes in mind, rather than multi-family development. The definition proposed by the applicant for building height is a much simpler definition for staff to review and enforce.

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.*

Staff Comment: Including a definition for building height in the PUD Guide will not have an effect on the enjoyment of land abutting, adjoining, across the street, or have an effect on the public interest. In reviewing the proposed definition against the Town's definition, staff does not believe that an appreciable difference exists, other than that the proposed definition is much simpler. In some instances, the proposed definition may be more restrictive than the Town's definition as the Town definition relies on roof form, while the proposed definition just takes into account the overall maximum height.

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

Staff Comment: The granting of this request would benefit the entire Planned Unit Development. Including this type of definition in the PUD Guide provides greater clarity, is consistent with other PUD Guides in Eagle, and benefits staff in enforcement of the PUD Guide.

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

Staff Comment: This application does not contain any changes to the proposed uses; therefore, this criterion is not applicable.

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

Staff Comment: This application does not propose any changes to the open space plan and is not applicable.

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

Staff Comment: This application does not affect the coordination of street or utility plans and is not applicable.

An amendment to a Planned Unit Development should also be supported by the Town's goals, policies and plans, primarily the Town's Comprehensive 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 1-2.5. *Provide opportunities for a balanced mix of housing and services to support local businesses, employees, residents, and visitors.*

Staff Comment: The request is minor and much of the Comprehensive Plan is geared towards development, rather than to small amendments like this, however this amendment will allow for greater flexibility in the design of multi-family in the Haymeadow PUD. It has been documented that Eagle has a higher percentage of single-family homes than any other home type. Haymeadow's first subdivision plat calls for a mix of multi-family and single-family / duplex; building the multi-family phases first will help further diversify the housing stock in Eagle.

COMMUNITY INPUT:

The purpose of the Administrative Hearing, set for 11:00 am on January 6, 2022, is to take public comment.

January 6, 2022 Public Comment: Four members of the public attended and asked questions of staff and the applicant. Michael Claymon of Soleil Circle noted that he had no further concerns regarding the request after his questions had been answered. Barbara Wendell of Soleil Circle noted that her primary concern was whether or not the change would cause the buildings to block views.

ATTACHMENTS:

- Project Narrative updated December 23, 2021 ([LINK](#))