



NOTIFICATION OF LAND USE DECISION

FILE NUMBER: PUDM21-02

This form represents a notification of decisions rendered by the Town of Eagle Town Council and/or the Planning and Zoning Commission in response to the application for land use action described below and pursuant to Title IV of the Eagle Municipal Code.

APPLICANT AND OWNER OF RECORD: ABRIKA Properties, LLC

DATE OF APPLICATION: December 2, 2021

LOCATION: Haymeadow PUD

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

ADMINISTRATIVE (STAFF) ACTION:

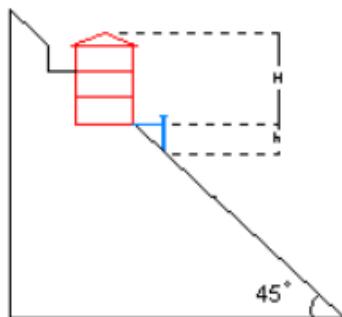
1. Review provided in Staff Memo dated January 6, 2022 and updated on January 10, 2022 ([LINK](#)).

DATE OF HEARING: January 6, 2022

ACTION: Approved ([LINK](#))

Section 2 with the addition of Haymeadow PUD Guide Section 2.F Building Height:

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
 - 1. 35 feet.

DATE OF COMMENCEMENT: January 10, 2022

TERM: N/A

Jess Lake

Jessica Lake
Planner I

01/10/2022

January 10, 2022



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:

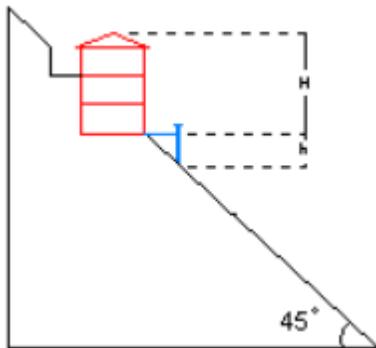
The project representatives for the Haymeadow property came to the town with a concern regarding the Town's definition of building height and how that definition affects their, and other developers', ability to construct a three-story residential multi-family building. The Town reviewed the Code definition 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.



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 - 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](#))



Haymeadow Minor PUD Amendment
Building Height Definition

December 23, 2021

ABRIKA Properties, LLC
8250 Southwest 27th Avenue
Ocala FL 34476

Background

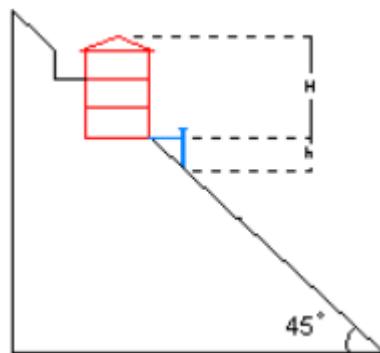
The Haymeadow PUD Preliminary Plan was formally approved in 2014. One of the key Haymeadow Preliminary Plan documents is the PUD Guide, which serves as the governing land use regulation for Haymeadow. The PUD Guide details and defines the development standards that guide the various designated uses of the PUD Development Plan. This includes development specific standards such as allowable uses, setbacks, lot coverages and building height. The PUD Guide references back to the Town of Eagle land use code if there is not a PUD specific definition listed. The PUD Guide does not include a specific definition for building height so the current Town of Eagle definition is the standard.

The Town of Eagle definition was adopted some thirty or so years ago, when Eagle was primarily a single family home community and Broadway commercial buildings. The architectural styles of the time consisted of simpler roof forms. The current definition is unclear for varied roof forms more common today, for example, the use of a shed roof as a prominent roof element. The current definition does not work well for designing three story multi-family buildings on sloping sites. While it is possible to design to the current definition the result is often considered a less interesting building form. This current definition actually limits the ability to create interesting and/or articulated roof forms.

Haymeadow is proposing to add a specific definition into the PUD Guide under Section 2. The applicant has worked with staff to create a definition that is fairly simple to understand and review, that removes the ambiguity of defining different roof form terms and that will allow for more articulation and add interest in roof form without allowing a significant change to overall mass and bulk of buildings. The proposed definition still maintains a maximum three-story height limit in a manner that will simplify and clarify the code for review and compliance.

Requested change to Section 2 with the addition of Haymeadow PUD Guide Section 2.F Building Height:

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.



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Building Height as defined by the Town of Eagle:

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.

Process & Compliance

The application will follow the PUD Guide procedures outlined for a Minor PUD Amendment listed in Section 13.A of the approved Haymeadow PUD Guide.

The proposed Minor PUD Amendment to add a definition of building height to the PUD should, to the extent applicable, meet the Goals and Policies of the Town of Eagle, as articulated in the Elevate Eagle Comprehensive Plan.

As a detailed development standard a change in the definition of building height does not have any affect upon most of the broad based goals and objectives of the Elevate Eagle plan. There are however some goals and objectives that support the addition of the proposed new definition. These applicable goals and policies found in the plan include:

Goal 1-1, Promote a wide range of attainable housing opportunities...

Goal 1-1.1, Ensure a healthy mix of housing types and densities...

Goal 1-1.3, Stimulate the creation of workforce housing through town policies, incentives, and regulatory procedures...

Goal 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...

The development of three-story condominium buildings on the multi-family parcels of Haymeadow advances the very specific goal and subgoals of the very first goal articulated in the Elevate Eagle plan, Goal 1-1. While the design of three story multi-family buildings is possible under the current definition, the proposed definition allows a broader design latitude that is more in line with Goal 2-3.3.

While Haymeadow contains very gentle slopes with an average slope of 4%. While seemingly flat, the desired grade of roadways and parking lots is generally around 2%, which results in a fair amount of slight overlot grading to create those roadways and parking areas. The measurement of building height to the “existing grade” creates some difficulty in roof form design over the length of a multi-family building. This often results in a simple and unvaried roof form. The proposed definition allows for a roof form design that is articulated in the design guidelines and better meets the Goal 2-3.3.

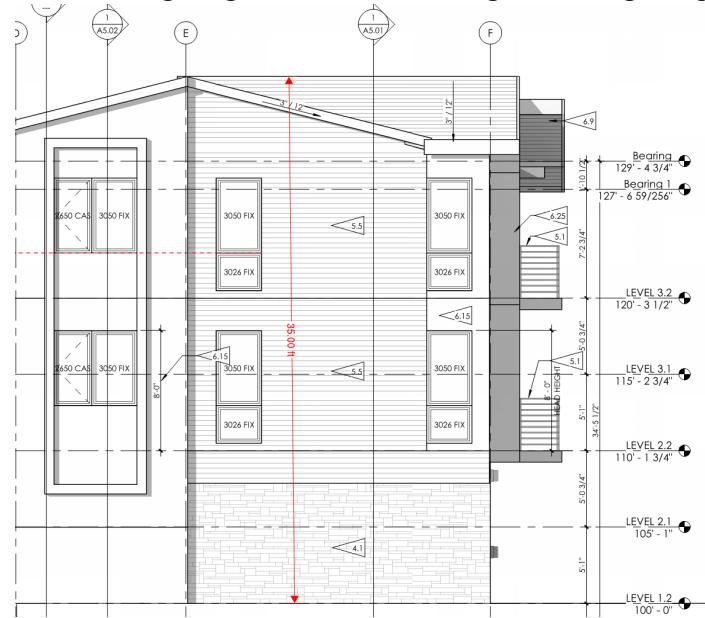
Goal 2.8 and each sub-goal beneath 2.8, Policies for the Brush Creek Character Area....

Haymeadow is located within the Brush Creek Character Area so a specific review of this section of the Elevate Eagle plan is appropriate. As the building height definition is a fairly detailed element of the PUD Guide, a review of these very general Brush Creek Character Area goals indicates that the proposed definition has no overall effect upon the primary or sub-goals of the Brush Creek Character Area.

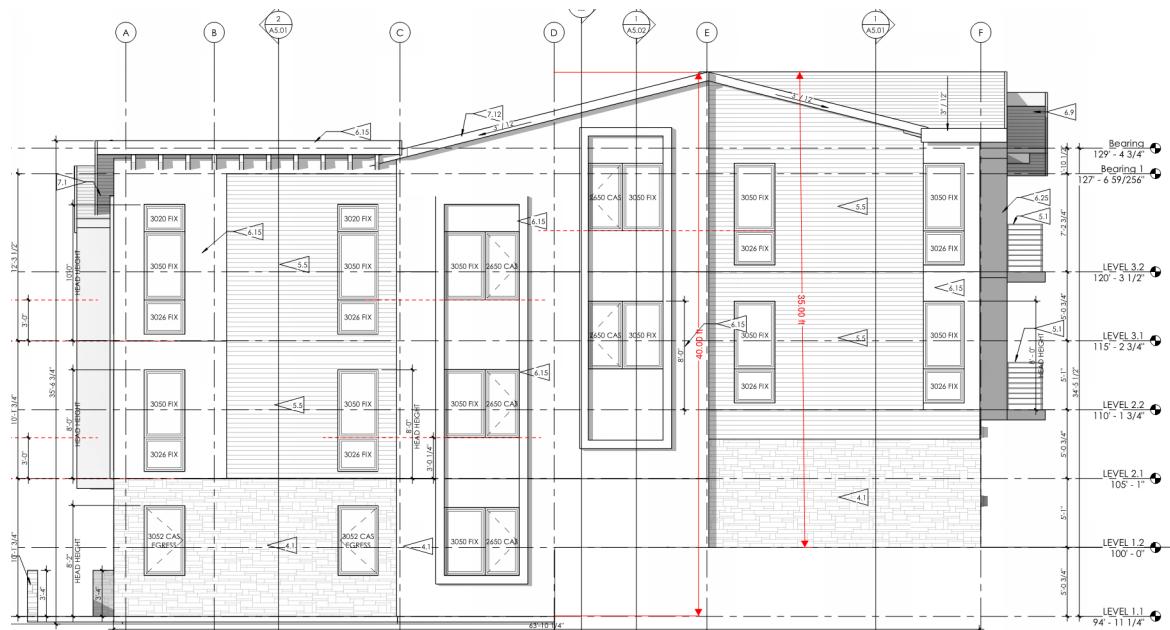
We believe the proposed building height definition is in compliance with the applicable goals and policies of the Elevate Eagle plan.

Exhibit A: Example of sloping sites.

Existing code allows this building height: Measured from grade to highest point of shed roof.



But not this building “height”:



The height of the building as viewed from neighboring properties would not change; the code just doesn't account for sloping sites and architecturally varied roof forms.

Exhibit B: Varied Roof forms

The Town of Eagle building height definition has several measuring points listed within its definition. This shows the main gable mid-point measured within the 35' allowable but the corner shed roof elements per current definition above building height. We could remove those corner elements to make this building in compliance with the land use code but it does not change the overall height of the building and to create interesting and/or articulated roof forms

