

# 435 EBY CREEK APARTMENTS EAGLE, COLORADO



DEVELOPMENT PERMIT APPLICATION  
SUBMITTED BY: SON RAY LLC  
MAY 16, 2022



**TOWN OF EAGLE**  
COMMUNITY DEVELOPMENT  
200 BROADWAY • PO BOX 609 • EAGLE, CO 81631  
PHONE: 970-328-9655 • FAX: 970-328-9656  
www.townofeagle.org

## LAND USE & DEVELOPMENT APPLICATION

*Pursuant to the Land Use & Development Code, Title 4*

ZONING REVIEW	DEVELOPMENT REVIEW	SUBDIVISION REVIEW
<input type="checkbox"/> Special Use Permit	<input checked="" type="checkbox"/> Minor Development Permit	<input type="checkbox"/> Concept Plan
<input type="checkbox"/> Zoning Variance	<input type="checkbox"/> Major Development Permit	<input type="checkbox"/> Preliminary Plan
<input type="checkbox"/> Rezoning	<b>PLANNED UNIT DEVELOPMENT (PUD) REVIEW</b>	<input type="checkbox"/> Final Plat
<input type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> PUD Zoning Plan	<input type="checkbox"/> Lot Line Adjustment
<input type="checkbox"/> Amendment to Zone District Regulations	<input type="checkbox"/> PUD Development Plan	<input type="checkbox"/> Condominium / Townhouse
<input type="checkbox"/> Encroachment Permit		<input type="checkbox"/> Minor Subdivision

**PROJECT NAME** 435 EBY CREEK APARTMENTS

**PRESENT ZONE DISTRICT** RES. MULTI FAMILY (RMF) **PROPOSED ZONE DISTRICT** RES. MULTI FAMILY (RMF)  
(if applicable)

**LOCATION**

**STREET ADDRESS** 435 EBY CREEK ROAD, EAGLE COLORADO 81631

**PROPERTY DESCRIPTION**

**SUBDIVISION** PERRY SUBDIVISION **LOT(S)** 3, PHASE II Parcel #1939-321-10-004 **BLOCK** \_\_\_\_\_  
(attach legal description if not part of a subdivision)

**DESCRIPTION OF APPLICATION/PURPOSE** 30-UNIT APARTMENT BUILDING

**APPLICANT NAME** MARTIN MANLEY ARCHITECTS, JEFFREY P MANLEY AIA **PHONE** 970-688-0326  
**ADDRESS** PO BOX 1587, EAGLE CO 81631 **EMAIL** jeff@martinmanleyarchitects.com  
**OWNER OF RECORD** Son Ray LLC **PHONE** 970-328-7751  
**ADDRESS** PO Box 4556, Eagle, CO 81631 **EMAIL** rick@pcivail.com  
**REPRESENTATIVE\*** Rick Patriacca **PHONE** 970-328-7751  
**ADDRESS** PO Box 4556, Eagle, CO 81631 **EMAIL** rick@pcivail.com

\*A representative must submit an affidavit or power of attorney signed by the property owner of record authorizing the representation.



**APPLICATION SUBMITTAL ITEMS:**

The following submittal materials must be submitted in full before the application will be deemed complete (please check all items that are being submitted):

- ☒ Applicable fees and deposits.
- ☒ Project Narrative, describing the project, its compliance with any applicable review criteria, any impacts to the surrounding area, and any other relevant information.
- ☒ Surrounding and interested Property Ownership Report (see project specific checklist for more information).
- ☒ Proof of Ownership (ownership & encumbrance report) for subject property.
- ☒ Site Plan, drawn to scale and depicting the locations and boundaries of existing and proposed lots and structures.
- ☒ Project specific checklist.

**FEES AND DEPOSITS:**

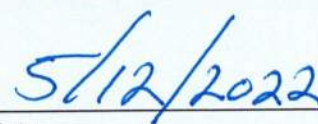
*See Eagle Municipal Code Section 4.03.080*

1. Application fees shall be paid in full at the time of the filing of the application and unless paid, the application shall not be deemed complete. All fees are nonrefundable.
2. As described in Eagle Municipal Code § 4.03.080, third-party consultants may be necessary for the review and processing of applications. These costs ("pass-through costs") must be paid by the applicant. If pass-through costs are expected, the applicant must pay a deposit at the time the application is filed. If at any time the deposit does not fully cover the pass-through costs, the applicant must pay another subsequent deposit before the Town will continue processing the application.
3. The Town may withhold the recording of any Subdivision Final Plat or Development Plan or the signing of any Resolution or Ordinance until all pass-through fees are paid in full.
4. Within 30 days of approval or denial of an application, any remaining deposit shall be returned to the applicant. If an application is withdrawn, any remaining deposit shall be returned to the applicant within 60 days.

I have read the application form and certify that the information contained herein is correct and accurate to the best of my knowledge. I understand that it is my responsibility to provide the Town with accurate information related to this application. I UNDERSTAND THAT FILING AN APPLICATION IS NOT A GUARANTEE THAT THE APPLICATION WILL BE APPROVED.



Signature



Date

**FOR OFFICE USE ONLY**

DATE RECEIVED _____	BY _____	FILE NUMBER _____
REVIEW FEE _____	DATE PAID _____	RECEIVED BY _____
DATE CERTIFIED COMPLETE _____	BY _____	
P&Z HEARING DATE _____	DECISION _____	
BOT HEARING DATE _____	DECISION _____	

## DEVELOPMENT IMPACT CHECKLIST

Pursuant to Section 4.07.030, each applicant for Development Review is required to fill out the following checklist to ensure that complete information is available to the Planning & Zoning Commission and Town Board on potential environmental, socioeconomic, and utility impacts of the proposed development. For each potential impact, as listed below, the applicant must check one column stating that the project "will," "could possibly," or "will not" affect the environment either during construction or on a continuing basis.

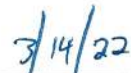
W = Will      CP = Could Possibly      WN = Will Not

W	CP	WN	
		X	1. By altering an ecological unit or land form, such as a ridgeline, saddle, draw, ravine, hillside, cliff, slope, creek, marsh, watercourse, or other natural land form feature;
		X	2. By directly or indirectly affecting a wildlife habitat, feeding, or nesting ground;
		X	3. By substantially altering or removing native grasses, trees, shrubs, or other vegetative cover;
		X	4. By affecting the appearance or character of a significant scenic area or resource, or involving buildings or other structures that are of a size, bulk, or scale that would be in marked contrast to natural or existing cultural features;
		X	5. By potentially resulting in avalanche, landslide, siltation, settlement, flood, or other land-form change of hazard to health and safety;
		X	6. By discharging toxic or thermally abnormal substance or involving use of herbicides or pesticides, or emitting smoke, gas, steam, dust, or other particulate matter;
		X	7. By involving any process which results in odor that may be objectionable or damaging;
		X	8. By requiring any waste treatment, cooling, or settlement pond, or requiring transportation of solid or liquid wastes to a treatment or disposal site;
		X	9. By discharging significant volumes of solid or liquid wastes;
		X	10. By increasing the demand on existing or planned sewage disposal, storm drainage, water distribution system, streets, or other utility systems to a level which is likely to cause an adverse impact on the environment;
		X	11. By involving any process which generates noise that may be offensive or damaging;
		X	12. By either displacing significant numbers of people or resulting in a significant increase in population;
		X	13. By pre-empting a site which is desirable for recreational uses or planned open space;
		X	14. By altering local traffic patterns or causing an increase in traffic volume or transit service need;
		X	15. By substantially affecting the revenues or expenditures of the Town government;
		X	16. By being a part of a larger project which, at any future stage, may involve any of the impacts listed above.

I certify that the above information is correct and accurate to the best of my knowledge.



Applicant Signature



Date

\*For any item that is checked "Will" or "Could Possibly", the Town Planner can request a Development Impact Report addressing those areas. This report may need to include additional information from the applicant or additional studies to be conducted by third party experts at the cost of the applicant.





Town of Eagle  
Community Dev. Dept  
Eagle Co 81631

Date: 5-13-22, updated 6-22-22

Community Development Department,

The Development team, represented by Jeffrey Manley AIA of Martin Manley Architects, are requesting the review for Development Permit. The apartments located at the property at 435 Eby Creek Road, part of Perry Subdivision, Lot 3 Phase II, Parcel Number 1939-321-10-004, is proposed to be developed to include a 30-unit apartment building. The project is a use by right and is allowed 30 units with a Multi-Family Dwelling building within the Residential Multi-Family (RMF) zoning.

Lot size: 2.804 acres (43,560 sf.) = 122,142.24 s.f.

Allowable use allows for a rate of 4000 s.f. per dwelling unit or 30.53 units allowed by right.

Building can be 50% of lot area (61,071.12 s.f.), all other impervious 20% (24,428.45 s.f.)

The Goal of the Development is to bring much needed housing to the Town of Eagle. The property is located on Eby Creek Road and is near to the City Market, restaurants and public path system, public transportation and less than 1,500 feet from the I-70 off ramp. This location for the residents will add minimal impacts to the Town of Eagle's traffic issues since amenities are so close. The project is compatible with the Town's goals and policies as laid out in Elevate Eagle Comprehensive plan. *The vision provided in the plan states: "Eagle will continue to be a high quality livable community through the implementation of strategies that will enhance the Town's unique identity, its economic vitality, its sense of community and the quality and character of the surrounding rural lands."* Elevate Eagle's Goal 1-1 *"Promote a wide range of attainable housing opportunities for young adults, families, aging residents, workforce and others."* This project is a development that will add to the efforts that the Town of Eagle has embraced with the goal of adding more attainable housing to the town. Also, providing a stepping stone for establishing a first place of residence. The apartment will have a 'healthy mix' of 1, and 2 bedroom units that will address different affordability levels for its inhabitants. The building type will allow the workforce to find attainable residency in the Town of Eagle.

The project is in alignment with the Eagle's goals to provide more workforce housing. This mix of units will provide for a total of 55 bedrooms. So many of the area's workers are needing to find other arrangements for living or are needing to leave the valley due to the fact that they cannot find housing. This development will create local inventory of housing so that the employers can better retain their employees;... Fulfilling part of the town's Housing Goal #1. The apartments will give the ability for the residents to invest in this community by providing an overall quality living arrangement and quality of life. This objective works when the employees have a suitable place to live, work and shop locally.

The location of this new development is close to City Market, restaurants, and stores. These residences will enhance the vibrancy and viability of this portion of the town with only a short distance to travel/walk/ride to access all Eagle has to offer. From the drive, there is easy access to Eby Creek Road. The flatter terrain on the east side of the road is where we can see the Town and Eagle County possibly creating a bike path on the east side of the Eby Creek Road and continuing up to Eby Creek subdivision.

From the property the tenants have a short and direct path, south, toward the roundabout and to the amenities of Eagle. This addresses Goal 2-4 of the Elevate Eagle Comp Plan.

The Goal 2-5: *Maintain and improve the appearance of Eagle by establishing and reinforcing the town's identity and sense of place.* The building is positioned on the lower slopes of the hillside. The upper portion of the site will remain 'natural' and maintain the existing character of the area of junipers, pinon and sage. We will propose to add trees and landscape to screen the parking and tie the project into the site. The high views of Eby Creek subdivision above will not be affected by the development due to the amount of elevation change.

To promote and demonstrate our efforts to the community, we feel in alignment with the Town's Goal 4-3 to Support and Demonstrate sustainability. The developer is going to install some Electric Vehicle recharging stations for the tenants to use. The trash enclosure will be sized to be able to house receptacles for recyclables. The building itself will use materials and methods to support 'green building practices.' The building siding will be a durable material of LP Smart Siding or stucco with a high level of recycled content. The asphalt shingle roofing is a product with recycled content. Siding and roofing material meets or exceeds National Green Building Standards, as well as may other programs that help solidify these as green products. The position of the building is set to passively use the sun to heat the building and to provide natural melting of the parking lot's surface. One of the major sustainability criteria is the location of the site and type of building. The collective living of an apartment building that is close to public transportation, close to major traffic arteries (like I-70) and local amenities is one of the key factors in creating sustainable living environments.

This request is supported by the following Elevate Eagle Comprehensive Plan policies and goals:

**GOAL 1-1. PROMOTE A WIDE RANGE OF ATTAINABLE HOUSING OPPORTUNITIES FOR YOUNG ADULTS, FAMILIES, AGING RESIDENTS, WORKFORCE, AND OTHERS**

- 1-1.1 supports residential on this parcel, aspiring to " ...ensure a healthy mix of housing types and densities (e.g. single-family, duplex, multi-family, mixed use and accessory dwelling units) to allow for greater diversity.
- 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. (serving the need of adding more workforce housing)

**GOAL 1-2. EXPAND AND DIVERSIFY THE TOWN'S ECONOMIC OPPORTUNITIES.**

- 1-2.1. Provide opportunities that increase the likelihood of the Town's citizens to work within Eagle.

**GOAL 2-4. CONNECT EAGLE'S UNIQUE NEIGHBORHOODS PHYSICALLY AND VISUALLY THROUGH A WALKABLE AND TRAIL-ORIENTED ENVIRONMENT WITH HIGH-QUALITY WAYFINDING.**

2-4.1. Enhance pedestrian access and amenities, and public gathering areas to promote social interaction. a. New development should provide amenities such as sidewalks, parks, open space systems, and bicycle paths. We are proposing a sidewalk on the West side of Eby Creek Road that runs the length of the property that could tie into Town of Eagle's future sidewalk to connect to the Market Street round-a-bout sidewalk. We have been in conversations with Public works and the proposed sidewalk fits with the Town's goals.

**GOAL 2-5. MAINTAIN AND IMPROVE THE APPEARANCE OF EAGLE BY ESTABLISHING AND REINFORCING THE TOWN'S IDENTITY AND SENSE OF PLACE.**

- 2-5.1. Maintain and enhance the sense of community in Eagle.

2-5.4. Preserve view sheds and view corridors in key areas throughout Town. Work to preserve high quality agricultural lands, rural lands as appropriate, public lands, wildlife resources, water resources and forest resources when evaluating new development and/or annexations. The upper portion of the site will not be effected by the construction and will provide the back drop that exists today.

GOAL 4-3. SUPPORT AND DEMONSTRATE SUSTAINABILITY.

4-3.2. Promote energy efficient designs and building codes that encourage energy conscious lifestyles and reduce overall energy consumption.

a. Encourage all construction efforts to utilize green building practices.

(Use of green materials and building practices, EV charging stations, and recycle program are being implemented)

**VARIANCES** RESPONSE: The following variances all fall under the same or very similar criteria for acceptance

**Design Code Variance: Section 4.07.020.B.3.a Front landscape buffer** “The width of the landscaped buffer shall be five percent of the average of the two side property lines, but not less than 15 feet.” The drawing has shown numerous trees and shrubs in this street buffer that meet the landscape spacing requirements, but due to slope constraints of the property and required parking for the building, the width is not possible. The required width as per the formula is (side property line north 358.88 feet + (side property line south 30.04 feet 298.02) / 2 for average = 343.47 average X .5% = 17.17 feet.

The site steepness and grading at the parking area to provide a viable parking area prohibit the code compliant depth of street landscape frontage. The distance from the street edge to the parking edge is between 38'-8" and 46'-10" due to the large right-of-way width. Current distances from parking to property line is 13'-3" and 7'-3". We feel that the existing large right-of-way width give the buffer the code intended. Limit area is due to the steepness of the back portion of the lot.

**Design Code Variance: Section 4.07.020.B.7. landscaping in parking area constitutes 10% of total un-enclosed parking area.**

We have revised the plan to incorporate an access sidewalk that will meet accessible standards to connect the parking lot to the street. For access to this occur we will need to have a smaller east landscape peninsula that could get the design closer to meet code minimum. This origin spot for the sidewalk is the best place to meet and follow existing grade contours to the right of way and to the street/drive intersection. The parking area of non covered parking total 21,574 s.f. 10% of the area = 2,157 s.f. The Parking area island and peninsulas total 1,368 s.f. (6.3%) This is 789 s.f. short of the required 10% when counting only islands and peninsulas. We feel that the existing large right-of-way width give the buffer, the parking being high on the hill, and break-up of the parking into smaller areas will achieve the code intent. Limit area is due to the steepness of the back portion of the lot.

**Design Code Variance: Parking Section 4.07.140.F.2 – Parking spaces are not permitted within the front yard setback on any lot containing three or more dwellings.** RESPONSE: Due to the steepness of the lot and the required parking/circulation there is not enough room for the parking without being in the front setback. We feel that the existing large right-of-way width give the buffer the code intended. Limit area is due to the steepness of the back portion of the lot.

**Design Code Variance: Parking Section 4.07.140.L.1.d.** The intersection of an access way with a public street needs to be a least 15' from the side lot line. RESPONSE: Site plan and civil drawings are updated to reflect a bit larger offset from the side yard setback, but not the full 15'. The position of the access way is located to create the optimal angle off of Eby Creek road and start at a high enough grade that the drive does not need to be overly steep to reach the parking lot and the drive's position allows for optimal angle at the intersection of the road and drive. The property to the north is not a buildable lot and we feel that the intent of the code is to not have drives too close to neighboring property's drives. We feel the intent of the code is achieved.

**Design Code Variance: Parking Section 4.07.080.G.1** Sidewalk with 5' planting strip between sidewalk and road curb and gutter. RESPONSE: We would request that a variance be granted to delete the five feet planting strip and to be adjacent to the curb and gutter. The sidewalks that we are proposing will match sidewalk in the area do not have this planting strips. And the site grading will not allow for a planting strip to be easily accomplished. We will be constructing to the town standard of 6'-0" wide sidewalk when attaching to the road edge.

**Design Code Variances: Erosion control Section 4.13.060.** Slopes are steeper than 2:1

RESPONSE: There will need to be some grades that exceed the 2:1 to tie into the existing grades of the neighboring property. The drawings have been revised to minimize any steeper than code compliant as practical/possible. We have discussed this with public works and the civil engineer, and the Town are working together to minimize effected regrading at steeper than 2:1. Note: The drainage from the site is being collected so that surface drainage does not affect neighboring property.

**The Criteria for review:** The Planning Commission may grant a variance provided it finds both Subsections (A)(1)(a) and (b) of this section and either Subsection (A)(1)(c) or (d) of this section are applicable.

a. That the variance granted is without substantial detriment to the public good and does not impair the intent and purposes of the Town's regulations, goals, policies and plan, including the specific regulation in question; and

**RESPONSE:** There is NO effect in public good or impairment to the town's regs, goals or policies. The building is pushed uphill as much a practical and the amount of required parking fills the remaining available site. The site steepness, grading, and the parking area needed to provide a viable parking prohibit the code compliant depth of street landscape frontage and push parking to be within the front setback. The limited area for parking constrain the amount of landscape islands that is possible.

b. That the variance granted is the minimum necessary to alleviate the hardship; and

**RESPONSE:** This is the minimum necessary to alleviate

c. That there exists on the property in question exceptional topography, shape, size or other extraordinary and exceptional situation or condition peculiar to the site, existing buildings, or lot configuration such that strict application of the zone district requirements from which the variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property in question; or

**RESPONSE:** There is exceptional topography that effects the site. The third level of this building I still 30" under the proposed grade on the west side. The building is pushed uphill as much a practical and the amount of required parking fills the remaining available site. The site steepness and grading at the parking area to provide a viable parking lot prohibit the design code compliant of the above listed variance request items.

d. That such exceptional situation or condition was not induced by any action of the applicant and is not a general condition throughout the zone district. **RESPONSE:** It is not induced by applicant and not general in the zone

The apartments will add the ability for the local businesses to attract and retain employees within a great place to live in Eagle. We look forward to your review. The goal is to start construction in the Fall 2022.

Jeffrey P Manley AIA, [Martin Manley Architects](http://martinmanleyarchitects.com)

PO Box 5668

Eagle Colorado 81631

970-688-0326

Attachments:

Parking matrix: and Zoning/Code analysis:



Building footprint allowable= 50% of lot area (61,071.12 s.f.), all other impervious 20% (24,428.45 s.f.)

**Building footprint area Proposed: 11,798.5 s.f. (10% lot area) < 61,071.12 s.f.**

**Site/other impervious Proposed: 21,574 s.f. (17.7% lot area) < 24,428.45 s.f. (area not covered by footprint)**

Max floor area allowed = 150 % of lot area (183,213.36 s.f.)

**Building floor area Proposed: 35,794.2 s.f. (29.3 % lot area) includes area of covered garages**

**(for break out of area per building see sheet A0.2)**

Landscaping Area Minimum: 40,306.94 s.f. (30% lot area)

**Landscaping Area Proposed: 89,096.74 s.f. (73 % lot area) (lot size -footprint+impervious)=landscape)**

Height Maximum: 35'-0"

**Height Proposed: 34'-5 1/2"**

#### **Parking Matrix:**

##### **Section 4.07.140. - Parking standards.**

Multiple-family dwelling: 1½ per dwelling unit for units with one bedroom, two per dwelling unit for units with two bedrooms, 2½ per dwelling unit for units with three or more bedrooms, plus one additional space per six dwelling units.

Parking Required: 1½ per dwelling unit for units with one bedroom (1.5X6 = 9 stalls)  
2 per dwelling unit for units with two bedrooms, (2X24 = 48 stalls)  
2½ per dwelling unit for units with three or more bedroom (2.5X0 = 0 stalls)  
plus one additional space per six dwelling units (1/6 X 30 units = 5 stalls)  
**62 required parking stalls**

**Parking Proposed: 62 Parking Stalls (Conforming)**

Snow Storage (20% of non covered parking =.20X20,852 s.f) 4,170.4 s.f. of snow storage

#### **Break down of unit types**

<b><u>LEVEL</u></b>	<b><u>1 BEDROOM</u></b>	<b><u>2 BEDROOM</u></b>	<b><u>3 BEDROOM</u></b>
SECOND LEVEL	(2) ONE BDRM	(4) TWO BDRM	(0) THREE BRDM
THIRD LEVEL	(2) ONE BDRM	(10) TWO BDRM	(0) THREE BDRM
FOURTH LEVEL	<u>(2) ONE BDRM</u>	<u>(10) TWO BDRM</u>	<u>(0) THREE BDRM</u>
	(6) ONE BDRM	(24) TWO BDRM	(0) THREE BDRM
TOTAL #=30 UNITS			

**IBC 2015 code**

**IFC 2021 code**

IBC Section 1106, table 1106.1- total accessible spaces to be provided= 2 required, Section 1106.2 where parking is provided under the building. Parking shall be provided under the building .

IBC Section 1107.6.1.1.accessible units,

(1 type 'B' and 1 type 'A') for buildings with 26-50 units, =2 (without roll in showers) all dwellings units are to be a minimum of Type 'B'

Building Occupancy: Mixed use

Class: R2 Apartment houses, and Class=S2 Parking Garage

Construction Type= V-B

Unprotected wood frame

Construction Type V-B has a limit of 3 stories. Proposed building is 3 stories above grade + basement

Sprinkler system, S13 in accordance with Section 903.3.1.1,

## **Neighbors with 250 feet of property**

ROSSER, LARRY  
6514 FORESTSHIRE DR  
DALLAS, TX 75230-2823  
000592 MESA DR 1939-321-03-010

DORNAN, GRANT J. & EMILY K.  
PO BOX 3401  
EAGLE, CO 81631-3401  
000610 MESA DR 1939-321-03-011

LESLIE, SCOTT G.  
PO BOX 37  
EAGLE, CO 81631-0037  
000628 MESA DR 1939-321-03-012

GLUT, EDUARD - GLUTOVA, KATARINA  
PO BOX 291  
EAGLE, CO 81631-0291  
000648 MESA DR 1939-321-03-013

SOBCZAK, KAROL & ANNA Owner  
PO BOX 668  
EAGLE, CO 81631-0668  
000666 MESA DR 1939-321-03-027

DIXON, TROY M. & TANYA M.  
PO BOX 1464  
EAGLE, CO 81631-1464  
000686 MESA DR 1939-321-03-028

AUGUSTINE, NICHOLAUS & ASHLEY  
PO BOX 5548  
EAGLE, CO 81631-5548  
000704 MESA DR 1939-321-03-016

POWLES, JERI E.  
PO BOX 4594  
EAGLE, CO 81631-4594  
000724 MESA DR 1939-321-03-017

VAIL PORTFOLIO HOLDINGS LLC  
In Care of DUNMIRE PROPERTY MANAGEMENT INC.  
411 LAKEWOOD CIR STE PH  
COLORADO SPRINGS, CO 80910-4633  
000085 POND RD 1939-321-10-003

TOWN OF EAGLE  
PO BOX 609  
EAGLE, CO 81631-0609  
POND RD 1939-321-01-006  
3 OPEN SPACE

NORTH EAGLE INVESTMENTS LLC  
PO BOX 5060  
AVON, CO 81620-5060  
EBY CREEK RD 1939-321-01-001

EAGLE COUNTY HEALTH SERVICE DISTRICT  
PO BOX 990  
EDWARDS, CO 81632-0990  
360 EBY CREEK RD 1939-321-01-003

TOWN OF EAGLE  
PO BOX 609  
EAGLE, CO 81631-0609  
EBY CREEK RD 1939-321-01-005

POUKISH, JOHN J.  
PO BOX 624  
EDWARDS, CO 81632-0624  
000306 EBY CREEK RD 1939-321-02-005

EBY CREEK MESA HOMEOWNERS ASSOC  
PO BOX 1795  
EAGLE, CO 81631-1795  
1939-321-03-032





Town of Eagle  
Community Dev. Dept  
Eagle Co 81631

Date: 5-13-22, updated 6-22-22

Community Development Department,

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The Goal of the Development is to bring much needed housing to the Town of Eagle. The property is located on Eby Creek Road and is near to the City Market, restaurants and public path system, public transportation and less than 1,500 feet from the I-70 off ramp. This location for the residents will add minimal impacts to the Town of Eagle's traffic issues since amenities are so close. The project is compatible with the Town's goals and policies as laid out in Elevate Eagle Comprehensive plan. *The vision provided in the plan states: "Eagle will continue to be a high quality livable community through the implementation of strategies that will enhance the Town's unique identity, its economic vitality, its sense of community and the quality and character of the surrounding rural lands."* Elevate Eagle's Goal 1-1 *"Promote a wide range of attainable housing opportunities for young adults, families, aging residents, workforce and others."* This project is a development that will add to the efforts that the Town of Eagle has embraced with the goal of adding more attainable housing to the town. Also, providing a stepping stone for establishing a first place of residence. The apartment will have a 'healthy mix' of 1, and 2 bedroom units that will address different affordability levels for its inhabitants. The building type will allow the workforce to find attainable residency in the Town of Eagle.

The project is in alignment with the Eagle's goals to provide more workforce housing. This mix of units will provide for a total of 55 bedrooms. So many of the area's workers are needing to find other arrangements for living or are needing to leave the valley due to the fact that they cannot find housing. This development will create local inventory of housing so that the employers can better retain their employees;... Fulfilling part of the town's Housing Goal #1. The apartments will give the ability for the residents to invest in this community by providing an overall quality living arrangement and quality of life. This objective works when the employees have a suitable place to live, work and shop locally.

The location of this new development is close to City Market, restaurants, and stores. These residences will enhance the vibrancy and viability of this portion of the town with only a short distance to travel/walk/ride to access all Eagle has to offer. From the drive, there is easy access to Eby Creek Road. The flatter terrain on the east side of the road is where we can see the Town and Eagle County possibly creating a bike path on the east side of the Eby Creek Road and continuing up to Eby Creek subdivision.

From the property the tenants have a short and direct path, south, toward the roundabout and to the amenities of Eagle. This addresses Goal 2-4 of the Elevate Eagle Comp Plan.

The Goal 2-5: *Maintain and improve the appearance of Eagle by establishing and reinforcing the town's identity and sense of place.* The building is positioned on the lower slopes of the hillside. The upper portion of the site will remain 'natural' and maintain the existing character of the area of junipers, pinon and sage. We will propose to add trees and landscape to screen the parking and tie the project into the site. The high views of Eby Creek subdivision above will not be affected by the development due to the amount of elevation change.

To promote and demonstrate our efforts to the community, we feel in alignment with the Town's Goal 4-3 to Support and Demonstrate sustainability. The developer is going to install some Electric Vehicle recharging stations for the tenants to use. The trash enclosure will be sized to be able to house receptacles for recyclables. The building itself will use materials and methods to support 'green building practices.' The building siding will be a durable material of LP Smart Siding or stucco with a high level of recycled content. The asphalt shingle roofing is a product with recycled content. Siding and roofing material meets or exceeds National Green Building Standards, as well as may other programs that help solidify these as green products. The position of the building is set to passively use the sun to heat the building and to provide natural melting of the parking lot's surface. One of the major sustainability criteria is the location of the site and type of building. The collective living of an apartment building that is close to public transportation, close to major traffic arteries (like I-70) and local amenities is one of the key factors in creating sustainable living environments.

This request is supported by the following Elevate Eagle Comprehensive Plan policies and goals:

**GOAL 1-1. PROMOTE A WIDE RANGE OF ATTAINABLE HOUSING OPPORTUNITIES FOR YOUNG ADULTS, FAMILIES, AGING RESIDENTS, WORKFORCE, AND OTHERS**

- 1-1.1 supports residential on this parcel, aspiring to " ...ensure a healthy mix of housing types and densities (e.g. single-family, duplex, multi-family, mixed use and accessory dwelling units) to allow for greater diversity.
- 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. (serving the need of adding more workforce housing)

**GOAL 1-2. EXPAND AND DIVERSIFY THE TOWN'S ECONOMIC OPPORTUNITIES.**

- 1-2.1. Provide opportunities that increase the likelihood of the Town's citizens to work within Eagle.

**GOAL 2-4. CONNECT EAGLE'S UNIQUE NEIGHBORHOODS PHYSICALLY AND VISUALLY THROUGH A WALKABLE AND TRAIL-ORIENTED ENVIRONMENT WITH HIGH-QUALITY WAYFINDING.**

2-4.1. Enhance pedestrian access and amenities, and public gathering areas to promote social interaction. a. New development should provide amenities such as sidewalks, parks, open space systems, and bicycle paths. We are proposing a sidewalk on the West side of Eby Creek Road that runs the length of the property that could tie into Town of Eagle's future sidewalk to connect to the Market Street round-a-bout sidewalk. We have been in conversations with Public works and the proposed sidewalk fits with the Town's goals.

**GOAL 2-5. MAINTAIN AND IMPROVE THE APPEARANCE OF EAGLE BY ESTABLISHING AND REINFORCING THE TOWN'S IDENTITY AND SENSE OF PLACE.**

- 2-5.1. Maintain and enhance the sense of community in Eagle.
- 2-5.4. Preserve view sheds and view corridors in key areas throughout Town. Work to preserve high quality agricultural lands, rural lands as appropriate, public lands, wildlife resources, water resources and forest resources when evaluating new development and/or annexations. The upper portion of the site will not be effected by the construction and will provide the back drop that exists today.

GOAL 4-3. SUPPORT AND DEMONSTRATE SUSTAINABILITY.

4-3.2. Promote energy efficient designs and building codes that encourage energy conscious lifestyles and reduce overall energy consumption.

a. Encourage all construction efforts to utilize green building practices.

(Use of green materials and building practices, EV charging stations, and recycle program are being implemented)

**VARIANCES** **RESPONSE:** The following variances all fall under the same or very similar criteria for acceptance

**Design Code Variance: Section 4.07.020.B.3.a Front landscape buffer** “The width of the landscaped buffer shall be five percent of the average of the two side property lines, but not less than 15 feet.” The drawing has shown numerous trees and shrubs in this street buffer that meet the landscape spacing requirements, but due to slope constraints of the property and required parking for the building, the width is not possible. The required width as per the formula is (side property line north 358.88 feet + (side property line south 30.04 feet 298.02) / 2 for average = 343.47 average X .5% = 17.17 feet.

The site steepness and grading at the parking area to provide a viable parking area prohibit the code compliant depth of street landscape frontage. The distance from the street edge to the parking edge is between 38'-8" and 46'-10" due to the large right-of-way width. Current distances from parking to property line is 13'-3" and 7'-3". We feel that the existing large right-of-way width give the buffer the code intended. Limit area is due to the steepness of the back portion of the lot.

**Design Code Variance: Section 4.07.020.B.7. landscaping in parking area constitutes 10% of total un-enclosed parking area.** We have revised the plan to incorporate an access sidewalk that will meet accessible standards to connect the parking lot to the street. For access to this occur we will need to have a smaller east landscape peninsula that could get the design closer to meet code minimum. This origin spot for the sidewalk is the best place to meet and follow existing grade contours to the right of way and to the street/drive intersection. The parking area of non covered parking total 21,574 s.f. 10% of the area = 2,157 s.f. The Parking area island and peninsulas total 1,368 s.f. (6.3%) This is 789 s.f. short of the required 10% when counting only islands and peninsulas. We feel that the existing large right-of-way width give the buffer, the parking being high on the hill, and break-up of the parking into smaller areas will achieve the code intent. Limit area is due to the steepness of the back portion of the lot.

**Design Code Variance: Parking Section 4.07.140.F.2 – Parking spaces are not permitted within the front yard setback on any lot containing three or more dwellings.** **RESPONSE:** Due to the steepness of the lot and the required parking/circulation there is not enough room for the parking without being in the front setback. We feel that the existing large right-of-way width give the buffer the code intended. Limit area is due to the steepness of the back portion of the lot.

**Design Code Variance: Parking Section 4.07.140.L.1.d.** The intersection of an access way with a public street needs to be a least 15' from the side lot line. **RESPONSE:** Site plan and civil drawings are updated to reflect a bit larger offset from the side yard setback, but not the full 15'. The position of the access way is located to create the optimal angle off of Eby Creek road and start at a high enough grade that the drive does not need to be overly steep to reach the parking lot and the drive's position allows for optimal angle at the intersection of the road and drive. The property to the north is not a buildable lot and we feel that the intent of the code is to not have drives too close to neighboring property's drives. We feel the intent of the code is achieved.

**Design Code Variance: Parking Section 4.07.080.G.1 Sidewalk with 5' planting strip between sidewalk and road curb and gutter.** **RESPONSE:** We would request that a variance be granted to delete the five feet planting strip and to be adjacent to the curb and gutter. The sidewalks that we are proposing will match sidewalk in the area do not have this planting strips. And the site grading will not allow for a planting strip to be easily accomplished. We will be constructing to the town standard of 6'-0" wide sidewalk when attaching to the road edge.

**Design Code Variances: Erosion control Section 4.13.060. Slopes are steeper than 2:1**

**RESPONSE:** There will need to be some grades that exceed the 2:1 to tie into the existing grades of the neighboring property. The drawings have been revised to minimize any steeper than code compliant as practical/possible. We have discussed this with public works and the civil engineer, and the Town are working together to minimize effected regrading at steeper than 2:1. Note: The drainage from the site is being collected so that surface drainage does not affect neighboring property.



**The Criteria for review:** The Planning Commission may grant a variance provided it finds both Subsections (A)(1)(a) and (b) of this section and either Subsection (A)(1)(c) or (d) of this section are applicable.

a. That the variance granted is without substantial detriment to the public good and does not impair the intent and purposes of the Town's regulations, goals, policies and plan, including the specific regulation in question; and

**RESPONSE:** There is NO effect in public good or impairment to the town's regs, goals or policies. The building is pushed uphill as much a practical and the amount of required parking fills the remaining available site. The site steepness, grading, and the parking area needed to provide a viable parking prohibit the code compliant depth of street landscape frontage and push parking to be within the front setback. The limited area for parking constrain the amount of landscape islands that is possible.

b. That the variance granted is the minimum necessary to alleviate the hardship; and

**RESPONSE:** This is the minimum necessary to alleviate

c. That there exists on the property in question exceptional topography, shape, size or other extraordinary and exceptional situation or condition peculiar to the site, existing buildings, or lot configuration such that strict application of the zone district requirements from which the variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property in question; or

**RESPONSE:** There is exceptional topography that effects the site. The third level of this building I still 30" under the proposed grade on the west side. The building is pushed uphill as much a practical and the amount of required parking fills the remaining available site. The site steepness and grading at the parking area to provide a viable parking lot prohibit the design code compliant of the above listed variance request items.

d. That such exceptional situation or condition was not induced by any action of the applicant and is not a general condition throughout the zone district. **RESPONSE:** It is not induced by applicant and not general in the zone

The apartments will add the ability for the local businesses to attract and retain employees within a great place to live in Eagle. We look forward to your review. The goal is to start construction in the Fall 2022.

Jeffrey P Manley AIA, [Martin Manley Architects](http://martinmanleyarchitects.com)

PO Box 5668

Eagle Colorado 81631

970-688-0326

Attachments:

Parking matrix: and Zoning/Code analysis:

Building footprint allowable= 50% of lot area (61,071.12 s.f.), all other impervious 20% (24,428.45 s.f.)

**Building footprint area Proposed: 11,798.5 s.f. (10% lot area) < 61,071.12 s.f.**

**Site/other impervious Proposed: 21,574 s.f. (17.7% lot area) < 24,428.45 s.f. (area not covered by footprint)**

Max floor area allowed = 150 % of lot area (183,213.36 s.f.)

**Building floor area Proposed: 35,794.2 s.f. (29.3 % lot area) includes area of covered garages**

**(for break out of area per building see sheet A0.2)**

Landscaping Area Minimum: 40,306.94 s.f. (30% lot area)

**Landscaping Area Proposed: 89,096.74 s.f. (73 % lot area) (lot size -footprint+impervious)=landscape)**

Height Maximum: 35'-0"

**Height Proposed: 34'-5 1/2"**

#### **Parking Matrix:**

##### **Section 4.07.140. - Parking standards.**

Multiple-family dwelling: 1½ per dwelling unit for units with one bedroom, two per dwelling unit for units with two bedrooms, 2½ per dwelling unit for units with three or more bedrooms, plus one additional space per six dwelling units.

Parking Required: 1½ per dwelling unit for units with one bedroom (1.5X6 = 9 stalls)  
2 per dwelling unit for units with two bedrooms, (2X24 = 48 stalls)  
2½ per dwelling unit for units with three or more bedroom (2.5X0 = 0 stalls)  
plus one additional space per six dwelling units (1/6 X 30 units = 5 stalls)  
**62 required parking stalls**

**Parking Proposed: 62 Parking Stalls** (Conforming)

Snow Storage (20% of non covered parking =.20X20,852 s.f) 4,170.4 s.f. of snow storage

#### **Break down of unit types**

<b><u>LEVEL</u></b>	<b><u>1 BEDROOM</u></b>	<b><u>2 BEDROOM</u></b>	<b><u>3 BEDROOM</u></b>
SECOND LEVEL	(2) ONE BDRM	(4) TWO BDRM	(0) THREE BRDM
THIRD LEVEL	(2) ONE BDRM	(10) TWO BDRM	(0) THREE BDRM
FOURTH LEVEL	<u>(2) ONE BDRM</u>	<u>(10) TWO BDRM</u>	<u>(0) THREE BDRM</u>
	(6) ONE BDRM	(24) TWO BDRM	(0) THREE BDRM
TOTAL #=30 UNITS			

**IBC 2015 code**

**IFC 2021 code**

IBC Section 1106, table 1106.1- total accessible spaces to be provided= 2 required, Section 1106.2 where parking is provided under the building. Parking shall be provided under the building .

IBC Section 1107.6.1.1.accessible units,

(1 type 'B' and 1 type 'A') for buildings with 26-50 units, =2 (without roll in showers) all dwellings units are to be a minimum of Type 'B'

Building Occupancy: Mixed use

Class: R2 Apartment houses, and Class=S2 Parking Garage

Construction Type= V-B

Unprotected wood frame

Construction Type V-B has a limit of 3 stories. Proposed building is 3 stories above grade + basement

Sprinkler system, S13 in accordance with Section 903.3.1.1,



## **Neighbors with 250 feet of property**

ROSSER, LARRY  
6514 FORESTSHIRE DR  
DALLAS, TX 75230-2823  
000592 MESA DR 1939-321-03-010

DORNAN, GRANT J. & EMILY K.  
PO BOX 3401  
EAGLE, CO 81631-3401  
000610 MESA DR 1939-321-03-011

LESLIE, SCOTT G.  
PO BOX 37  
EAGLE, CO 81631-0037  
000628 MESA DR 1939-321-03-012

GLUT, EDUARD - GLUTOVA, KATARINA  
PO BOX 291  
EAGLE, CO 81631-0291  
000648 MESA DR 1939-321-03-013

SOBCZAK, KAROL & ANNA Owner  
PO BOX 668  
EAGLE, CO 81631-0668  
000666 MESA DR 1939-321-03-027

DIXON, TROY M. & TANYA M.  
PO BOX 1464  
EAGLE, CO 81631-1464  
000686 MESA DR 1939-321-03-028

AUGUSTINE, NICHOLAUS & ASHLEY  
PO BOX 5548  
EAGLE, CO 81631-5548  
000704 MESA DR 1939-321-03-016

POWLES, JERI E.  
PO BOX 4594  
EAGLE, CO 81631-4594  
000724 MESA DR 1939-321-03-017

VAIL PORTFOLIO HOLDINGS LLC  
In Care of DUNMIRE PROPERTY MANAGEMENT INC.  
411 LAKEWOOD CIR STE PH  
COLORADO SPRINGS, CO 80910-4633  
000085 POND RD 1939-321-10-003

TOWN OF EAGLE  
PO BOX 609  
EAGLE, CO 81631-0609  
POND RD 1939-321-01-006  
3 OPEN SPACE

NORTH EAGLE INVESTMENTS LLC  
PO BOX 5060  
AVON, CO 81620-5060  
EBY CREEK RD 1939-321-01-001

EAGLE COUNTY HEALTH SERVICE DISTRICT  
PO BOX 990  
EDWARDS, CO 81632-0990  
360 EBY CREEK RD 1939-321-01-003

TOWN OF EAGLE  
PO BOX 609  
EAGLE, CO 81631-0609  
EBY CREEK RD 1939-321-01-005

POUKISH, JOHN J.  
PO BOX 624  
EDWARDS, CO 81632-0624  
000306 EBY CREEK RD 1939-321-02-005

EBY CREEK MESA HOMEOWNERS ASSOC  
PO BOX 1795  
EAGLE, CO 81631-1795  
1939-321-03-032