

East Eagle Commercial General Zone District Zone District Amendment Request Narrative

December 21, 2022

Introduction:

The following analysis is provided in support of a proposed zone district amendment for properties already annexed to the Town and located in the East Eagle area. This rezoning request is pursuant to pre-development agreements by and between Red Mountain Ranch Partnership LLLP and Eagle Meadows Colorado LLC (“Applicant”) and the Town of Eagle (“Town”) with regard to planning and development of several parcels owned by the Applicant and located in the East Eagle area (“Properties”). These agreements were entered into on September 27, 2022, and memorialized in the Town of Eagle Resolution No. 80, Series 2022.

Of note in the Applicant’s request are several factors for the Town’s consideration. First, the Applicant has been working in good faith with the Town of Eagle for several months as a participant in the Town’s ReCode Eagle process to evaluate and update the Town’s Land Use Regulations, inclusive of the Town’s zone districts and the Town’s Official Zone District Map.

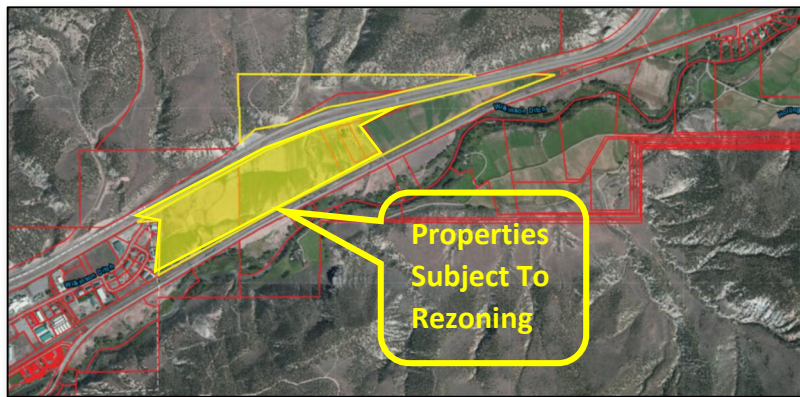


Figure 1: Vicinity Map, Source: Town of Eagle East Eagle Sub-Area Plan p. 2

As an active participant, the Applicant has awaited the establishment of new zone district(s) in the East Eagle area in alignment with the 2021 East Eagle Sub-Area Plan (EESAP) Future Land Use Map (FLUM). For various reasons out of the Applicant’s control, amendments to the Town’s zone districts and, specifically, amendments to the Official Zone District Map have not been completed.

The Properties were formerly zoned PUD as part of the Eagle River Station development. The previous PUD approvals have lapsed, ownership of the Properties changed, and the Properties were subsequently reverted to Resource (R) zoning until such time as new zone districts – tailored to facilitated commercial and/or light-industrial development in line with the EESAP without the need for a new PUD - are created and new site-specific development plans are duly reviewed and approved by the Town during a public process. Originally slated for completion by December 2022, the Applicant is now of the understanding that final adoption of new zone districts and/or the adoption of a new Official Zone District Map will not be completed until summer 2023.

Yet, the Applicant and the Town are in general agreement with regard to the future land use designations outlined in the EESAP's future land use map and, specifically, the commercial and light-industrial intents of any future zone districts to be created in the East Eagle Area.

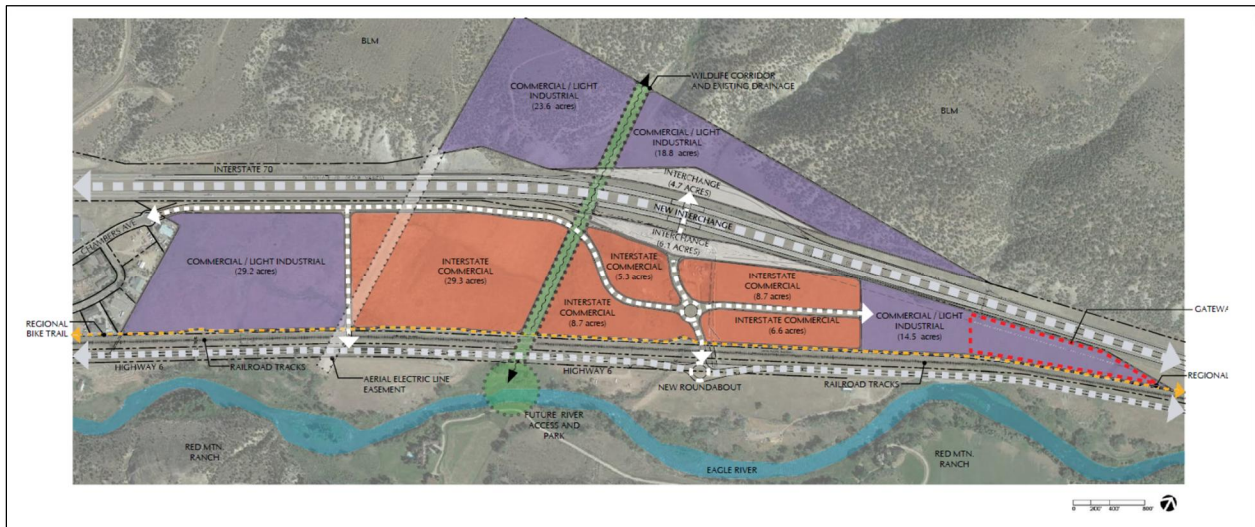


Figure 2: East Eagle Sub-Area Plan Future Land Use Map

The pre-development agreement(s) executed by and between the Town and the Applicant require annexation of certain Properties (Parcels A and F) within 180 days of the effective date of the development agreements, as well as the rezoning of certain Properties prior to January 25, 2023. The Applicant intends to rezone Parcels A and F upon annexation.

Additionally, there is urgency in this situation: the Applicant desires to start the process of contacting prospective commercial tenants and qualified developers and cannot do so without an appropriate commercially oriented zone district in place on the Properties. Simply, potential tenants and developers are already looking at competitive, commercially zoned sites nearby and the Applicant, and the Town, are losing ground while the ReCode process, albeit important for the Town's future, continues.

Therefore, the Applicant has worked with the Town over roughly the past three months to identify a process and a zoning designation that can be applied to the Properties in a temporary manner to 1) comply with the pre-development agreement timeframes; and 2) provide clarity as well as an appropriate amount of flexibility – to the Town and the Applicant – with regard to enacting commercially-oriented zoning on the Properties in conformance with the intents of the East Eagle Sub-Area Plan and the pre-development agreement(s).

Importantly, this request and the Applicant's ongoing cooperation with the Town directly supports two overarching "major objectives" of the Town of Eagle Town Council's 2020 Strategic Plan – to "Stimulate Economic Vitality and Development," and to "Enhance the Economic Resiliency of the Town Government."

The following section addresses the Town of Eagle's zone district amendment criteria.

Section 4.05.030 – Rezoning:

A. Conditions for rezoning.

The Town Council may amend the number, shape, or boundaries of any zone district, removing any property from one zone district and adding it to another zone district, only after recommendation of the Planning Commission. A rezoning may be granted where the findings are made:

- 1. That the rezoning is compatible with surrounding land uses, and is consistent with the Town's goals, policies and plans;*

Applicant Response:

The proposed East Eagle Commercial General Zone District is in direct alignment with the goals, policies and implementing actions of the 2020 Elevate Eagle Comprehensive Plan, as well as specific recommendations of the 2021 East Eagle Sub-Area Plan (EESAP) inclusive of the Future Land Use Map (FLUM) designations identifying the Properties as being appropriate for Commercial/Light Industrial and/or Interstate Commercial. Yet, after numerous conversations with the Town in recent months, it is apparent that the zone districts identified within the 2021 EESAP have not been developed or adopted as part of the Town's omnibus ReCode Eagle process.

Further, it is the Applicant's understanding that the creation or adoption of specific zone districts (shown in the EESAP as "Commercial/Light Industrial" and "Interstate Commercial") will likely not occur until summer 2023. Therefore, with guidance from the Town, the Applicant proposes to zone the Properties under a "Commercial General East" or "East Eagle Commercial General" zone district, inclusive of similar permitted uses currently available within the Town's Commercial General Zone District, to permit a wide range of commercial uses serving the local population as well as interstate travelers.

Importantly, this temporary zoning designation applied to the Properties will not preclude extension and expansion of the Chambers Avenue area and, specifically, similar small-lot service commercial and/or light industrial uses found within the Eagle Valley Commercial Park subdivision until such time that more specific zone districts are adopted by the Town for the East Eagle area via the ReCode Eagle Process.

- 2. That the land to be rezoned was previously zoned in error or the existing zoning is inconsistent with the Town's goals, policies and plans;*

Applicant Response:

The land to be rezoned was zoned Resource within the Town following the expiration and extinguishment of a previously approved Planned Unit Development (Eagle River Station PUD). Therefore, the current zoning is not in error, but, as a low density residential and agricultural zoning designation, is clearly inconsistent with the goals, policies and future land use mapping for the Town's more recently adopted East Eagle Sub Area Plan (EESAP).

Similar to the intents of both the yet-to-be-adopted "Interstate Commercial" or "Commercial/Light Industrial" zone districts envisioned within the EESAP, the East Eagle Commercial General Zone District should allow an appropriate amount of flexibility for the

landowner and the Town until such time that 1) specific zone district designations are adopted and applied to the Properties via the ReCode Eagle process, and 2) site specific development plans are presented wherein the Town and the Applicant can discuss and contemplate specific retail commercial, service commercial and/or light industrial development plans for the subject properties.

3. *That the area for which rezoning is requested has changed substantially such that the proposed rezoning better meets the needs of the community; or*

Applicant Response:

The area for which rezoning is requested is located within the 2021 East Eagle Sub-Area Plan boundaries and is the subject of several specific goals, policies and implementing actions of the EEACP – all squarely focused on commercially-oriented rezoning, subdivision, and development in furtherance of the Town of Eagle’s land use, quality of life, and economic development strategic planning efforts.

4. *That the rezoning is incidental to a comprehensive revision of the Town's zoning map which recognizes a change in conditions and is consistent with the Town's goals, policies and plans.*

Applicant Response:

But for this rezoning request, the area for which rezoning is requested would be part of a future, comprehensive revision to the Town’s Official Zone District Map as part of the Town’s ongoing ReCode Eagle process. While this (ReCode) process has been ongoing for the past couple years, the applicant is of the understanding that full revision of the Town’s zoning documents will not occur until summer 2023.

However, on September 27, 2022, the Town and the Applicant executed pre-development agreements for the Properties as well as two additional parcels that have not yet been annexed – Parcels A and F at the eastern end of the East Eagle sub-area - setting forth certain time periods within which the Applicant and/or the Town are to initiate annexation of Parcels A and F, as well as time frames for the complimentary rezoning actions of the Properties. In this case, under Section 3 of the agreement(s), the Town is obligated to *“finalize and act on an application to rezone the Property, which zoning shall comply with the East Eagle Sub-area Plan.”*

Therefore, this rezoning is being proposed in compliance and in good faith with prior agreements, and at the direction and counsel of Town staff in an effort to provide near term clarity for both the Applicant and the Town as the Applicant continues to work with the Town in a pre-development manner prior to full adoption of any new Town of Eagle zoning code.