



From: Jessica Lake, Planner, Community Development Department

Date: September 11, 2023

Agenda Item: Administrative Review for File #PUDM23-01 Haymeadow Minor PUD Modification

REQUEST: A request for a minor PUD amendment to add one single-family dwelling and accessory uses to the Cabin Parcel, Tract I of the Haymeadow PUD.

INTRODUCTION:

Abrika Properties, LLC, the owner of the Haymeadow property, submitted an application to add a primary use by right and associated accessory uses to Section G of the Haymeadow PUD Guide. The stated purpose of this section is “to provide a venue for special events including but not limited to weddings, community and corporate events including overnight stays by guests for no more than two consecutive nights”.

The current “Uses by Right” listed under Section G of the Haymeadow PUD Guide are as follows:

- a. Cabin with kitchen, bathrooms and dressing/bedroom rooms.
- b. Indoor and outdoor special events limited to a maximum of 170 attendees.
- c. Landscape improvements.
- d. Seasonal tents for special events.
- e. Parking for no more than 20 vehicles.
- f. Portable self-contained restrooms.
- g. Equestrian, bicycle and pedestrian trails.

The proposed changes to the “Uses by Right” in Section G of the Haymeadow PUD Guide are as follows:

- a. Cabin with kitchen, bathrooms, and dressing/bedroom rooms, **which may be used as a single-family dwelling and/or in support of the Purpose described above.**
- b. Indoor and outdoor special events limited to a maximum of 170 attendees.
- c. Landscape improvements.
- d. Seasonal tents for special events.
- e. Parking for no more than 20 vehicles.
- f. Portable self-contained restrooms.
- g. Equestrian, bicycle and pedestrian trails.
- h. **Single-family dwelling.**
- i. **Detached structure/garage.**
- j. **Accessory apartment to single-family dwelling, as defined by the Town of Eagle (TOE) Municipal Code.**
- k. **Additional uses determined by the Town Planner to be similar to uses by right listed above.**

Dimensional Requirements in Section G are as follows (red is new text):

3. Building setback requirement: 25 feet from all lot lines
4. Maximum Building Height: 24 feet
5. Gross Density Allowance: One Dwelling Unit not to exceed 2,500 square feet floor area, **not including accessory structures.**

6. Maximum site coverage: N/A
7. Supplementary Regulations:
 - a. Special Events utilizing outdoor space shall not be allowed on a seasonal basis between the dates of December 1st to May 15th.
 - b. No amplified music shall be allowed between the hours of 11:00 pm and 9:00 am.
 - c. Water and wastewater connection to the cabin shall be completed within two years of the time those utilities are extended to within 400 feet of the cabin parcel.
 - d. Special Event parking for events larger than 20 attendees shall be accommodated on ABRIKA owned Haymeadow property or guests shall be shuttled in from private offsite locations. ABRIKA will require that special events organizers agree not to utilize public parking lots, Town of Eagle property or road right of ways without express permission from the Town of Eagle.

According to the allowances under Minor Modifications in the PUD Guide, “additions of land uses not previously listed but determined to be similar to listed uses” are authorized by the Town of Eagle Zoning Administrator upon written request.

ANALYSIS:

Staff reviewed the PUD Guide language and Title 4 of the Municipal Code in order to determine the process for a Minor PUD Amendment. Section 13 of the PUD guide lays out the process for amendments to the PUD Guide. Allowed changes under Minor Modifications are as follows:

*Minor modifications are those changes which will not alter the original project concept but which may result in minor changes in the design of Haymeadow. Minor modifications 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.](#) of the Municipal Code will dictate 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: The request in the application is to add a residential use to an existing allowed commercial use for Special Events, which also contains a limited night lodging component. The use of the property for residential purposes and associated accessory uses will require some conditions of approval, however this use is a lower intensity use than what is currently allowed on the property. Allowing for flexibility of permitted uses on the property should help to ensure that the property is better maintained and keep the property from its current trajectory of falling into disrepair.

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: The land to the South of the Cabin parcel is owned by Abrika Properties LLC, the owner of the Haymeadow property. The land to the North of the Cabin parcel is owned by the Federal Government under the care of the Bureau of Land Management (BLM). The Town has an easement for the Haymaker trail, which runs along the North side of the property and through the property to the South of the Cabin.



Conditions of approval for the Special Event use were put in place to ensure that the Town and Abrika put together a trail user agreement that would give trail users rights to use the trail as long as it is open for the season. Conditions of approval also restricted outdoor use of the property during the season when the trail was closed to users. The additional use of the property for residential purposes will require additional conditions of approval to ensure that the use is compatible to trail users and complies with the wildlife agreement in effect for residential properties within the rest of the PUD. These conditions of approval will effectively mitigate any concerns that the use could affect the enjoyment of land abutting upon, adjoining or across a street from the planned unit development or the public interest.



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

Staff Comment: The granting of this request adds a use that is present throughout the resort of the development, but in a much less impactful or dense way. The use is compatible with the allowed lodging use on the property, as most short-term rentals occur within residential units. The use was previously allowed, and the structure was occupied by employees of the Adam Rib's Ranch property. This use does not confer a benefit solely upon any person or entity.

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

Staff Comment: This application is for a use that is present on all other developable parcels and neighborhoods within the PUD. Only one single-family residence will be permitted on this lot, which is at a lower density from Neighborhood D, which is the least dense neighborhood within the PUD. Staff believes that the addition of this use to the parcel is less impactful than the existing uses permitted on the parcel.

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. As a condition of approval when the Special Event use was added to this parcel, the owners of the Haymeadow property will dedicate an equal number of acres to the Town for open space as the cabin currently sits on. This use does not impact that agreement in any way and the amount and quality of open space remains the same.

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 this standard 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 2-3.1. *Preserve and showcase the rich cultural heritage of the Eagle area.*
 - (a) *Prevent the degradation and loss of significant cultural assets.*

Staff Comment: This request is very minor in scope and much of the Comprehensive Plan is geared towards larger development, infill and annexations, rather than to small amendments like this. However, allowing the single-family use of the cabin will allow for the former use of the property to be maintained on a small scale. The cabin's history is very much tied to the ranching and farming past in Eagle, and the addition of this use is not only consistent with its past, but also allows for another opportunity to ensure the cabin's preservation and prevent further degradation of the structure.

COMMUNITY INPUT:

This request has been noticed in the paper and to the surrounding property owners, public comment was due to Town Staff by September 6, 2023. No public comment has been received.

ADMINISTRATIVE DECISION:

Staff approves this application based on compliance with the Second Amended PUD Guide for the Haymeadow Planned Unit Development, Sections 4.07 and 4.11 of the Eagle Municipal Code (the "Code") and the 2021 Elevate Eagle Comprehensive Plan, with the following conditions of approval.

CONDITIONS OF APPROVAL:

- 1) All conditions of approval from the Development Agreement dated May 25, 2021 and associated with Ordinance No. 07, Series of 2021 will be maintained with this approval.
- 2) The proposed list of "Uses by Right" in the Amendment PUD Guide shall be modified as follows:
 - a. Cabin with kitchen, bathrooms, and dressing/bedroom rooms, which may be used as a single-family dwelling and/or in support of the Purpose described above.
 - b. Indoor and outdoor special events limited to a maximum of 170 attendees.
 - c. Landscape improvements.
 - d. Seasonal tents for special events.
 - e. Parking for no more than 20 vehicles.
 - f. Portable self-contained restrooms.
 - g. Equestrian, bicycle and pedestrian trails.
 - ~~h. Single family dwelling.~~
 - i. Detached structure/garage.
 - j. Accessory apartment to single-family dwelling, as defined by the Town of Eagle (TOE) Municipal Code.

- k. Additional **accessory** uses determined by the Town Planner to be similar to uses by right listed above.
 - l. #5 of Section G shall be modified as follows:
 - i. (5.) Gross Density Allowance: One Dwelling Unit not to exceed 2,500 square feet floor area, not including accessory structures.
- 3) Condition (a) from the DA shall be modified as follows: *When water and wastewater lines are within 400' of the property on which the cabin is located, on-site water and wastewater shall be required to connect such lines within 2 years. Application for a building permit for construction of an accessory apartment or ADU shall not be made until such time as water and wastewater connections have been made to the Town's system.*
 - 4) Condition (b) from the DA shall be modified as follows: *Prior to submitting an application for any building permits for the cabin, Developer shall work with the Town to update the Trail User Agreement to address any potential disputes or conflicts between events held at the cabin, short term lodging use of the cabin, residential use of the cabin and surrounding property and trail users and to determine the appropriate access easements, signage and other requirements for the Haymaker Trail re-route, recognizing that the trail shall not be closed to avoid such conflicts.*
 - 5) Condition (f) from the DA shall be modified as follows: *Prior to submitting an application for any building permit for the cabin for use as an event space, Developer shall work with Eagle County and Town staff to determine necessary improvements for the left-turn lane on Brush Creek Road to the Cabin access road, and any such improvements shall be complete prior to the commencement of any special events at the cabin site. Use of the property as a single-family dwelling and associated accessory uses shall not trigger improvements to Brush Creek Road, or to the Cabin Access Road.*
 - 6) Both the Event use and the Single-Family Dwelling use shall be allowed to co-exist on the property until such time as the Town approves any building permit for construction of an accessory dwelling unit on the property, which will require any use of the cabin, and any other residential accessory structures, for events to be discontinued. Outdoor events serviced by portable waste facilities (with no access to the cabin, the accessory apartment or other residential accessory structures) on the property and/or any events held on the Haymaker Trail, the Varsity Loop, the Extra Credit Loop and/or any other existing or future trails on the property are excluded from this condition of approval.
 - 7) All uses on the Cabin property will comply with the wildlife agreement established between Haymeadow and CPW.
 - 8) Use of the property as a single-family dwelling will not add to the approved density cap on the property, which is 837 units.

ATTACHMENTS:

- Project Narrative dated July 27, 2023 ([LINK](#))
- Redlined PUD Guide ([LINK](#))