

# CAPITOL FLATS



Downtown Eagle, Colorado

TOWN OF EAGLE  
Right of Way Vacation  
December 2024



## Table of Contents

Application Overview	3
Project and Applicant Information	4
Orientation Maps	5
 <u>Right of Way Vacation</u>	
Application	6
Checklist	7
Exhibit and Legal Description	8
Applicability + Standards of Review	9
Submittal Requirements Table	21
Draft Deed	22
Utility Relocation/ROW Abandonment/ Will Serve Letters	
Lumen	24
Black Hills	26
Comcast	28
Holy Cross	30
Development Impact Checklist	32
Consents of Representation	
124 Capitol & 130 Capitol Street	33
Statement of Authority - JAH	35
Owners to Representative	36
Statement of Authority - EMF	39
Deeds	
130 Capitol	41
124 Capitol	42
104 + 110 Capitol + 103 Howard	43
123 Howard	45
137 Howard	46
217 East Second Street	47
Title Commitment	48



# CAPITOL FLATS

## APPLICATION OVERVIEW

Town of Eagle  
Tez Hawkins, Land Use Contract Planner  
Peyton Heitzman, Community Development Director

Dear Tez and Peyton -

Thank you for your assistance in coordinating the development process and accepting these two applications on behalf of the Capitol Flats project.

As we discussed, ultimately the Capitol Flats project will entail the consideration of five land use applications.

The first two are included in this submittal.

Preliminary information on the following three applications is being included to provide a comprehensive understanding of the reasons for the first two and to get initial feedback from Planning, Council, Staff, residents and referral agencies on the project as a whole.

The applications are:

First, a right of way vacation application to pave the way to allow for the eight existing lots to be brought together as one property

Second, a subdivision application (sketch then preliminary and final) to allow for a new plat.

(The next three applications will follow after the first two in conjunction with a combined preliminary and final subdivision application.)

Third, rezoning of two OTR (old town residential) lots to allow them to match the other six lots as CMU1 (commercial mixed use one)

Fourth, a development plan application to allow for the proposed residences

Fifth, a height variance application to request the consideration of a weighted building height calculation to better reflect the result on the skyline.

Thank you for your considerable time and energy to review this application. I appreciate your guidance through the new code and processes and look forward to a productive collaboration ahead.



Alison Perry  
Vail Land Company



# CAPITOL FLATS

## PROJECT AND APPLICANT INFORMATION

Applications:	Right of Way Vacation Subdivision Sketch	Town of Eagle, Colorado
Project Team:	<i>Please direct inquiries to Applicant Representative</i>	Submittal Date: December 13, 2024
Property Owner: /Applicant	Eagle Multifamily LLC Todd Morrison/Chris Barbella Gypsum, Colorado 81637-0421 970/328-0403	
Applicant Representative:	Vail Land Company Alison Perry Eagle, CO 81631-4691 970/306-2264 perry@vailland.com	Land: The Capitol Flats property is a combination of eight (8) platted downtown lots that make up the 100 block of Capitol and Howard Streets between Grand Avenue and Second Street. The combined lots cover about 1.5 acres. All properties are owned by the Project Owner or have a power of attorney for these applications.
Architect:	Maggie T. Fitzgerald, A.I.A. Eagle, CO 81631-XXXX 970/445-0486 maggie@maggiearchitect.com	
Civil Engineer:	Timberline Engineering David J. Anderson, P.E. Carbondale, CO 81623-0842 timberlineengineering@gmail.com	104 Capitol - Parcel 193932405008 110 Capitol - Parcel 193932405007 124 Capitol - Parcel 193932405006
Structural Engineer:	Jirsa-Hedrick Matthew Hood, P.E., S.E. 8490 E Crescent Parkway, Ste 250 Greenwood Village, CO 80111 303/839-1963 mhood@jirsahedrick.com	130 Capitol - Parcel 193932405004 217 E Second Street - Parcel 193932405005 137 Howard - Parcel 193932405013
Traffic Engineer:	McDowell Engineering Greg Schroeder Eagle, CO 81631-4259 970/623-0788 greg@mcdowelleng.com	123 Howard - Parcel 193932405012 103 Howard - Parcel 193932405001
Surveying:	Marcin Engineering Dave Stair Avon, CO 81620 970/748-0274 dave@marcinengineering.com	



# CAPITOL FLATS

Area Orientation Map:



Properties subject to Applications:





# CAPITOL FLATS

## Right of Way Vacation Application



### TOWN OF EAGLE

#### COMMUNITY DEVELOPMENT

200 BROADWAY • PO BOX 609 • EAGLE, CO 81631

PHONE: 970-328-9655 • FAX: 970-328-9656

EMAIL: PLANNING@TOWNOFEAGLE.ORG

www.townofeagle.org

File #

Date Received

### 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 type="checkbox"/> Zoning Variance <input type="checkbox"/> Rezoning <input type="checkbox"/> Temporary Use Permit <input type="checkbox"/> Encroachment Permit <input type="checkbox"/> Wireless Communications Facility	<input type="checkbox"/> Minor Development Permit <input type="checkbox"/> Major Development Permit  <b>PLANNED UNIT DEVELOPMENT (PUD) REVIEW</b> <input type="checkbox"/> PUD Zoning Plan <input type="checkbox"/> PUD Development Plan	<input type="checkbox"/> Concept Plan <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Final Plat <input type="checkbox"/> Lot Line Adjustment <input type="checkbox"/> Condominium / Townhouse <input type="checkbox"/> Minor Subdivision

If permit type not specified above, fill in here Right-Of-Way Vacation

**PROJECT NAME** Capitol Flats

**PRESENT ZONE DISTRICT** CMU1 **PROPOSED ZONE DISTRICT** \_\_\_\_\_  
(if applicable)

#### LOCATION

**STREET ADDRESS** 104, 110, 124, 130 Capitol, 217 E Second St, 103, 123, 137 Howard

**PROPERTY DESCRIPTION**  
**SUBDIVISION** Eagle **LOT(S)** 1, 2, 3, 4, 5, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, Parcel A, Parcel B **BLOCK** 13  
 (attach legal description if not part of a subdivision)

**DESCRIPTION OF APPLICATION/PURPOSE** \_\_\_\_\_

Alley abandonment to allow for combination of all lots on the block into one property.

**APPLICANT NAME** Eagle Multifamily LLC **PHONE** 970/328-0403

**ADDRESS** PO Box 421 Gypsum, Colorado 81637-421 **EMAIL** perry@vailland.com

**OWNER OF RECORD** Eagle Multifamily LLC **PHONE** 970/328-0403

**ADDRESS** PO Box 421 Gypsum, Colorado 81637-421 **EMAIL** perry@vailland.com

**REPRESENTATIVE\*** Alison Perry, Vail Land Company **PHONE** 970/306-2264

**ADDRESS** PO Box 4691 Eagle, Colorado 81631-4691 **EMAIL** perry@vailland.com

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



# CAPITOL FLATS

## APPLICATION SUBMITTAL ITEMS:

The following submittal materials must be submitted in full before the application will be deemed complete per Chapter 4.17.030 of the Eagle Municipal Code (pg. 236) (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, title report, or other acceptable forms of proof) 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 4.17.030 (pg. 239)

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.

Ali Pang  
Signature

December 13, 2024  
Date

# CAPITOL FLATS

## Right of Way Vacation Exhibit and Legal Description

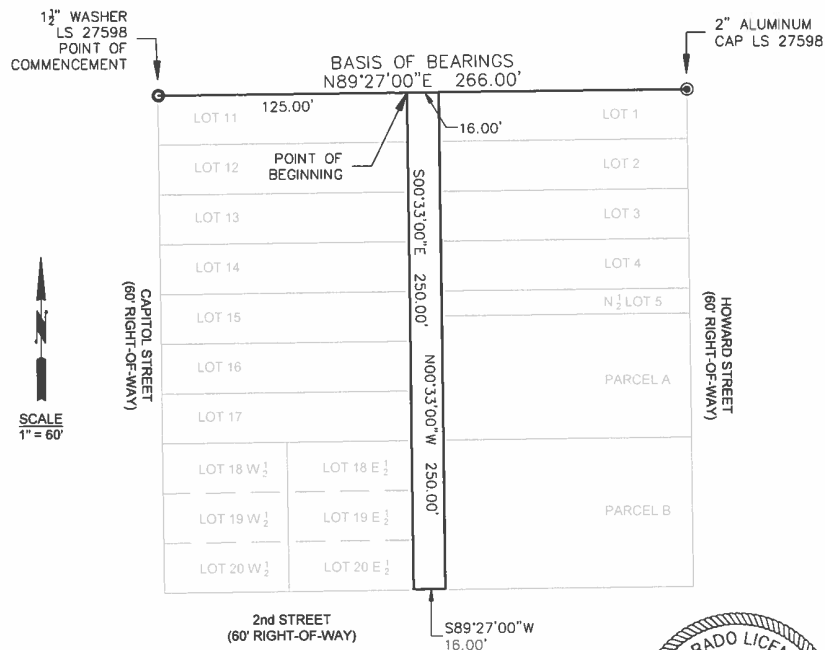
### EXHIBIT A SHEET 1 OF 1

#### LEGAL DESCRIPTION

A parcel of land for the purposes of a 16-foot alley situated in Section 32, Township 4 South, Range 84 West of the 6th Principal Meridian, being more particularly described as follows:

Commencing at a point marking the northwest corner of Lot 11, Block 13, Town of Eagle according to the plat thereof monumented by a found 1½-inch diameter brass washer in a wall LS 27598, thence N 89°27'00"E a distance of 125.00 feet to the northeast corner of Lot 11, Block 13, Town of Eagle, the true point of beginning. Thence S 00°33'00"E a distance of 250.00 feet to the southeast corner of Lot 20, Block 13, Town of Eagle. Thence, N 89°27'00"E a distance of 16.00 feet to the southwest corner of Parcel B, Town of Eagle, A Resubdivision of the southerly one-half of Lot 5 and Lots 6 thru 10, Block 13 according to the plat thereof recorded October 2, 1997 in Book 739 at Page 307, Clerk and Recorder's Office, County of Eagle, State of Colorado. Thence N 00°33'00" W a distance of 250.00 to the northwest corner of Lot 1, Block 13, Town of Eagle. Thence S 89°27'00"W a distance of 16.00 feet to the northeast corner of Lot 11, Block 13, Town of Eagle, the true point of beginning; containing 0.092 acres more or less.

Bearings are based upon a point marking the northwest corner of Lot 11, Block 13, Town of Eagle monumented by a found 1½-inch diameter brass washer in wall LS 27598 and a point marking the northeast corner of Lot 1, Block 13, Town of Eagle monumented by a found 2-inch diameter aluminum cap on number 5 rebar LS 27598, as shown hereon and according to the plat thereof, the bearing being N 89°27'00"E a distance of 266.00 feet.

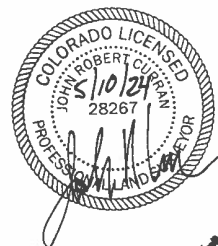


#### CERTIFICATION

I, John R. Curran, a Professional Land Surveyor in the State of Colorado, do hereby certify that this Exhibit was prepared by me or under my direct supervision, responsibility and checking. I further certify this is not a monumented land survey, Land Survey Plat, Improvement Survey Plat, or an Improvement Location Certificate.

John R. Curran, PLS 28267

NOTICE: According to Colorado law you MUST commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.



23095 - Alley Vacation

Exhibit.dwg

MARCIN ENGINEERING LLC

P.O. Box 1062  
AVON, CO 81620  
(970) 748-0274  
(970) 748-9021 FAX



## Right of Way Vacation Applicability and Standards of Review

Town of Eagle, Colorado Land Use and Development Code, October 2023

### **APPLICABILITY** - Chapter 4.17.100 G-2

A request for Vacation may be filed when:

- a. The street or alley: iv. Has been abandoned and removed.

*The Capitol Flats project will be able to park all of its residents out of sight in a proposed underground parking garage with a pervious courtyard podium top. For this to be possible, the alley will need to be vacated to allow for contiguous lots so a single garage can be constructed. All structures currently on the site will be demolished, therefore leaving no lots or buildings to be served by the alley.*

- b. All portions of the street or alley to be vacated are within the Town; and

*All portions of the alley to be vacated in the 100 block between Capitol and Howard are within the Town.*

- c. No portion of the street or alley to be vacated constitutes a boundary line between two counties or the boundary of the Town.

*No portion of the alley to be vacated in the 100 block between Capitol and Howard constitutes a boundary line between two counties or the boundary of the Town.*

### **REVIEW AND DECISION MAKING** - Chapter 4.17.100 G-5

1. The vacation is consistent with the Comprehensive Plan - Chapter 4.17.100 G-5a.i.

*The Town's Comprehensive Plan to Elevate Eagle encourages residential multi-family in the neighborhoods where Capitol Flats is located. It also desires high connectivity to downtown and other neighborhoods through a safe, welcoming, pedestrian-oriented street network. The vacation of the alley allows Capitol Flats to provide out-of-sight parking for all of its residents and guests with an underground parking garage, creating an aesthetically pleasing, user friendly, multi-modal streetscape. The connected sidewalks, landscaping and stormwater infrastructure develop a walking and biking friendly environment that encourages community and neighborhood socializing.*

*Applicable Goals of the Comprehensive Plan are reviewed below.*

### Goal 1: Elevating Our Inclusive Culture

Goal 1-1 aims to "promote a wide range of attainable housing opportunities for young adults, families, aging residents, workforce, and others." *Capitol Flats is bringing high quality for-sale residences at an attainable price point to downtown Eagle. This will allow more people to live in*

# CAPITOL FLATS

*the heart of Eagle adjacent to downtown businesses and activities. The vacation of the alley that allows parking to be moved below surface, creates the opportunity to develop detached buildings in a courtyard setting. This key design element gives Capitol Flats the ability to have private outdoor space for every residence and a unit mix that supports attainable housing.*

Goal 1-1.1 aims to “Ensure a healthy mix of housing types and densities...to allow for greater diversity.” *The open air, multi-family, one to three bedroom homes that Capitol Flats has designed will add that diversity to the downtown Eagle housing stock with the vacation of the alley and construction of the courtyard above underground parking.*

Goal 1-1.2 aims to “Promote and encourage additional senior housing...” *While Capitol Flats isn’t specifically a senior community, its unique design and inherent accessibility with handicap van height parking in the garage and multiple elevators delivering residents to single level living in every home, Capitol Flats does allow seniors (and the many local athletes and weekend warriors whose active lifestyles lead to crutches) to easily age and recover in place when it comes to accessibility. The new sidewalks will be wheelchair accessible from the courtyard and connect seamlessly to downtown and the Grand Avenue sidewalks. The garage, made possible by the alley vacation, will provide ebike charging which also enhances senior living.*

Goal 1-1.3 aims to “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.” *Capitol Flats, as currently designed, will provide at least 26 Price Capped residences and 60 Resident Occupied required homes toward workforce housing in a highly desirable area of Eagle. Workers (and customers) would also be ideally located to walk or bike to work in town and not add to the vehicular burden in front of businesses. Without the alley vacation, the lot consolidation for underground parking would not be possible and there wouldn’t be the quantity of Price Capped or deeded Resident Occupied homes.*

Goal 1-2 is to “expand and diversify the town’s economic opportunities.”

*To that end, the first objective (Goal 1-2.1) is to “provide opportunities that increase the likelihood of the Town’s citizens to work within Eagle.” The opportunity to live within walking or biking distance to work is one of the possibilities that Capitol Flats will bring to its residents. If there’s an exceptional place to live in a prime location for opening a business or working in town, that makes it much more likely that people will do so. The vacation of the alley creates the multi-family residential opportunity for more people to live and work in the Eagle core. “Living in the same city as one’s workplace can have a number benefits for individuals and municipalities, including shortening commutes for workers, decreasing congestion, minimizing air quality impacts, nurturing greater social and economic diversity, and fostering a greater sense of cohesion within a community.”<sup>1</sup> Building the Capitol Flats residences will expand the likelihood of new and existing Eagle citizens to live, work and invest their lives in making Eagle an even greater place to live.*

<sup>1</sup>Justin Shiu, “Living and Working in the Same City”, M-group, 2016, m-group.us

# CAPITOL FLATS

Goal 1-2.5 supports economic opportunities by driving the Town to “provide opportunities for a balanced mix of housing and services to support local businesses, employees, residents, and visitors”. *The vacation of the alley allows Capitol Flats the connected land space to create a mix of unit types, including more affordable one bedroom residences with personal outdoor space, private storage and dedicated heated garage parking with elevator service. These residents, living and working in the heart of downtown, will support the growth of existing businesses, the birth of new businesses and services and bring a vitality to Eagle that will attract visitors.*

The vision driving Goal One is that “the Eagle community is defined by our welcoming spirit, our appreciation of our neighbors, and support of one another.”

*Capitol Flats is made possible by the vacation of the alley, allowing all of the properties to come together toward one purpose. The unique design creates individually owned homes with personal outdoor spaces where connectivity to neighbors is encouraged. The communal roof deck overlooking the river, neighborhood courtyard and gym, central mail room and shared skyways, heated garage with individual storage units, and sidewalks and outdoor areas for meeting up with friends and neighbors all drive interaction while giving everyone a beautiful place to call home for themselves and their family.*

## Goal 2: Elevating Our Unique Character

Goal 2-1 is to Enhance the Vibrancy and Viability of Downtown. “The character of Downtown is defined by a small-town neighborhood feel and includes residential blocks as well as commercial and mixed-use. The development style establishes a unique and intimate relationship between buildings and the street. Historic resources are preserved, and new development is reflective of historic development patterns, character, and style.” *Capitol Flats took a distinctive and classical approach to creating an intimate relationship between the buildings and the street. To reduce building scale and connect the entries of homes to the sidewalk, garden and first level residences on the street side have patios and decks that step to the sidewalk, bringing pedestrian scale to both residents and passers by. The vacation of the alley allows for the underground parking that creates the podium for the garden level and courtyard to allow this design element that brings interaction between the street, sidewalk and residences.*

Goal 2-1.1 lays out that “new development...should aim to mimic the scale, architectural style, and character of existing and surrounding historic buildings. *By bringing together the properties with the vacation of the alley, Capitol Flats is able to create a cohesive traditional western downtown design with a varied but consistent facade. This unites the buildings and brings an anchoring landmark architectural element that draws residents and visitors to Town.*

Goal 2-1.3 aims to “provide additional opportunities for public art.” *The courtyard and streetscape spaces of Capitol Flats, made possible by the vacation of the alley and underground garage podium, can dedicate spaces to host or permanently exhibit art and sculpture.*

Goal 2-1.5 directs the Town to “encourage sensitive infill development to better support Broadway Street through increased building height, that complements and retains the character,



# CAPITOL FLATS

scale, and massing of historic structures.” *Capitol Flats* has been developed with this goal in mind. The vacation of the alley will allow old trailers and buildings to be replaced with the efficiency and conveniences of modern homes while maintaining the brick and mortar aesthetic of classical western landmarks with consistent streetscapes down a town block. The facades themselves step back from the street with garden level patios and mid-level decks, while the penthouse level is significantly recessed from the property perimeter to make it unseen from the sidewalk level. *Capitol Flats* is composed of five distinct buildings to minimize massing, create private outdoor space for every residence and to utilize open skyway connections rather than interior corridors for maximum light and fresh air circulation.

Goal 2-1.7 states that “new development is encouraged to include landscaping consistent with the mature area including extended sidewalks, pedestrian amenities, and parking enhancements. The vacation of the alley allows parking to be enhanced by making it heated and covered, out of sight and elevator served, adjacent to storage units for bikes, kayaks and other bulky personal gear and most importantly, plentiful. Moving vehicles off the street creates space for wide sidewalks, landscaping, benches, flower boxes and places to mingle and connect with neighbors.

Goal 2-1.8 asks us to “create new and enhance existing gathering spaces for social interaction. The ability to have an expansive roof deck on the building along Grand Avenue overlooking the river and town where neighbors can meet and socialize is predicated on the vacation of the alley that allows the connection of that building and roof top. The *Capitol Flats* rooftop pavilion will be a communal space with lounges, restrooms, grilling options, and the opportunity for events and gatherings.

Goal 2-1.10 directs the Town to “encourage, where appropriate, increased density near the Downtown core.” *Capitol Flats* responsibly increases density in downtown Eagle, while creating new stormwater infrastructure, managing vehicle, electric car and bike parking and keeping resident vehicles off the majority of town roads with immediate proximity to Grand Avenue, I-70 and Highway 6. The garage, made possible by the vacation of the alley, allows residents to park their cars in the garage, grab their bikes and ride, or walk to everything in town, and utilizing the pedestrian bridge, across the interstate. There couldn’t be a better location for infill development that brings people to the heart of Eagle, while directing their cars underground just as they enter town and making it as convenient as possible to utilize all of the multi-modal options at their disposal to explore downtown, Eagle Ranch and beyond.

Goal 2-2 instructs us to Reinforce Broadway Street as the Heart of the Community, from the Eagle River to Town Park. “The character of Broadway is defined by a small-town main street feel and includes the commercial heart of the community. Historic resources should be preserved, and new development should reflect historic development patterns, character and style.” Located downtown, in the block neighboring Broadway, half of which is currently vacant, *Capitol Flats* is ideally located to reinforce Broadway as the heart of the community. Broadway needs people to thrive, people who are adamant about the success of Eagle, people who own their own home downtown. No one else will be more engaged in making Broadway a vibrant town center. The vacation of the alley creates the opportunity for more people to own a piece of life in downtown Eagle and to invest in the future of Broadway. Brick, wood and metal compose

# CAPITOL FLATS

*the buildings of Capitol Flats and are historically used materials in western landmarks. The cohesive facades across the entire block are made possible by the alley vacation and reflect the traditional town core streetscape. Sidewalks that flow to stairs that carry you up and down to entry doors opening onto private patios and decks create the welcoming feel of traditional western communities where neighbors can sit on the stoop and chat while greeting friends passing by. Meanwhile, utilizing five distinct buildings breaks down the building massing, creating passageways that welcome people into the courtyard, and lends character and dimensional diversity to the elevations and communal spaces.*

Goal 2-2.6 aims to Encourage infill and the redevelopment of rundown, outdated, or underutilized parcels on Highway 6 to support Broadway. *Capitol Flats will do exactly this. The Highway 6 frontage parcels of the project are vacant and unutilized and other parcels on the block are outdated and not supporting the vibrancy of Broadway. The vacation of the alley to bring all these lots together will allow them all to serve the mission of building up Eagle as a whole and Broadway in particular.*

Goal 2-3 encourages us to Celebrate the Town's Unique Small-Town Character with Goal 2-3.3 asking us to "ensure new development builds upon and adds value to Eagle's unique community character through adherence to high quality standards of design and construction." *Capitol Flats is an infill project (2-3.3b) designed with a high level of character and integrity, designed to blend in with the surrounding downtown buildings (2-3.3a) while bringing a positively unique connectivity between town and the courtyard, sidewalks and homes. This connectivity design hinges on the vacation of the alley. Lighting will be dark sky compliant (2-3.3c) and existing water and sewer infrastructure will be utilized (2-3.3d).*

Goal 2-4 aims to Connect Eagle's Unique Neighborhoods Physically and Visually through a Walkable and Trail-Oriented Environment with High-Quality Wayfinding. *Capitol Flats is uniquely positioned to connect residents to sidewalks, bike routes and pedestrian paths that take them throughout town and beyond.*

Goal 2-4.1 wants to "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. b. Mixed-use developments should provide adequate pedestrian amenities/facilities including off-street parking, sidewalks, landscaped areas/planters, gathering areas and nighttime lighting...". *Capitol Flats will meet all of these goals. The vacation of the alley will allow for the underground garage that creates off-street parking, open space courtyard, patios, decks and a community roof deck for gathering. As Capitol Flats is situated by the designated bike route, garage parking will greatly reduce pedestrian and bike conflicts with cars all around the block. Providing that parking off street opens the streetscape for wide sidewalks, trees, planters, lighting, benches, and other neighborhood amenities.*

Goal 2-5 asks us to Maintain and Improve the Appearance of Eagle by Establishing and Reinforcing the Town's Identity and Sense of Place. *Capitol Flats will maintain and enhance the sense of community in Eagle (2-5.1) by bringing people together in homes that encourage interaction with and the support of neighbors. The physical design of the project gives people*

# CAPITOL FLATS

*privacy in their homes and personal outdoor space while promoting friendships and connectivity through shared daily activities, like strolling through the courtyard to take the sidewalk to dinner, going to the garage to get out the bikes for a trail ride, heading up to the rooftop grill to hang out with some neighbors and watch the sunset, dashing down to the mail room to pick up a delivery, walking downstairs to the gym to get in your workout, and the list goes on. As a new project at the entrance to town, Capitol Flats will “enhance gateways and streetscapes to reflect the Town’s unique identity, providing a clear sense of arrival.” (2-5.2) The aesthetic of the Capitol Flats residences is specifically crafted to be an enduring landmark that establishes the beginning of downtown and anchors the neighborhood on Grand Avenue. By vacating the alley and allowing parking to be underground, the streetscapes have the freedom to serve pedestrians and connect people right where they live - to town and to each other. This human scale frontage immediately welcomes residents and visitors alike to come on in and stay a while in Eagle.*

The vision driving Goal Two is that “the Eagle community is defined by our welcoming spirit, our appreciation of our neighbors, and support of one another.”

*Capitol Flats will welcome new neighbors to Eagle where they can own a home in the heart of town and be part of a vibrant culture of community and support that will allow them to thrive.*

## Goal 3: Elevating Our Adventurous Lifestyle

Goal 3-1 wants to Promote the Town’s Unique Activities (e.g. Fly Fishing, Rafting, Mountain Biking, OHV Riding, Camping, Skiing, Snowboarding, Snowshoeing, etc.) *Capitol Flats will bring more residents to town who are passionate about the outdoor activities that make Eagle famous and who can live here to grow those adventure lifestyle industries. Vacating the alley is key on this property to creating the quality and quantity of homes that can attract the advocates of the town’s unique outdoor activities.*

Goal 3-2 aims to Provide Visitors the Opportunity to Experience Eagle Like a Local with Exceptional Amenities by 3-2.1 “provid(ing) unique, local hospitality opportunities in and near Downtown.” *Capitol Flats will have some residences available for short term rental. In a connected community there isn’t a need for a seldom used dedicated guest room if visitors can have their own place in the same building and just walk right over day or night. Visitors will have all benefit of the amenities of residents and be able stay downtown where they can easily access all of the outdoor activities and businesses that Eagle has to offer.*

Goal 3-3 wants to Continue to Maintain the Incredible Trail and Park System and Find New Opportunities for Expansion and Connections to Keep Up with the Adventurous Residents’ Lifestyle. *With the vacation of the alley, residents at Capitol Flats will be supported in their quest to have all the gear and direct access to all of the activities that make Eagle the best place to live. Every home will have a dedicated sizable storage unit in the heated garage for as much gear as they can manage. E-bikes will be supported with charging stations as Capitol Flats is adjacent to the preferred bike route through town that takes you to the trail networks, both paved and off road, for hiking, mountain biking, camping, or an easy cruise to concerts in the*



# CAPITOL FLATS

*park. Walking to one of the bus stops opens up all the skiing and snowboarding if residents don't want to unplug their electric cars and hop on I-70. Strolling down the sidewalk to the roundabout crossing puts residents right on the river for fishing or rafting while around the corner at the water park is kayaking, stand up paddle boarding and more water sports. There's going to be no better basecamp for Eagle adventures than Capitol Flats.*

The vision driving Goal Three is that "The Town of Eagle offers the opportunity to explore, live, and work in a community surrounded by our vast outdoor playground."

*No truer statement could be said about Capitol Flats if the alley is vacated, parking is moved underground and this unique collection of buildings is brought about downtown with its communal courtyard, roof deck, garage storage, sidewalks landscaping and connectivity to everything that makes Eagle amazing.*

## Goal 4: Elevating Our Relationship With The Environment

Goal 4-1 asks us to Preserve our Natural Open Space and Wildlife Habitats." *As an infill development, built on adjacent and existing town lots within the downtown block system, and replacing old trailers and other properties not meeting their highest and best use, Capitol Flats is preserving natural open space and wildlife habitats by not infringing on them to bring much needed homes to town. Vacating the alley is critical to reaching the highest use for this downtown block and removing parking lots and driveways from the surface.*

Goal 4-2 aims to Find a Balance Between Recreation and Preservation Along Riparian Areas to Protect Habitats and Water Quality." *By consolidating the properties on the block through the vacation of the alley, Capitol Flats will be able to support the protection of riparian areas and water quality with stormwater management and adherence to water conservation efforts.*

Goal 4-2.3 aims to "Support measures to maintain and improve water quality and quantity." *In the absence of stormwater infrastructure on the 100 block between Capitol and Howard or on those streets in this area, Capitol Flats will be building in stormwater infrastructure to capture water from town that flows to the property, water from the roofs, walkways and decks, podium top courtyard water and water and snow that fall on the block and delivering them to the stormwater system in place at the roundabout to ultimately go to the river - where it belongs. By vacating the alley and allowing the consolidation of the lots on this block, Capitol Flats will be able to provide stormwater management for this block of town and minimize erosion from town to Grand Avenue and the river.*

Goal 4-2.4 aims to "Support and enhance water conservation by implementing the adopted 2020 Water Efficiency Plan."

*The vacation of the alley and creation of the underground garage allows Capitol Flats to build a central plant for all of the residences for hot water, heat and cooling. While every unit will have individual controls, utilizing the efficiency of a central plant reduces water and energy use and costs to homeowners. The residences themselves will be increasing revenues to the water fund*

# CAPITOL FLATS

*through tap fees and water use rates. The vacation of the alley will allow for the podium top courtyard so there will be minimal outdoor water use. WaterSense certified indoor fixtures will be used per Colorado's new appliance energy and water efficiency standards. There will be one water tap to Capitol Flats with internal sub-metering. Capitol Flats will be constructed in compliance with the current International Building Code, International Residential Code and International Plumbing Code. There is an opportunity that Capitol Flats would welcome to distribute educational materials co-branded with WaterWise and the Town of Eagle for educational materials to homeowners and residents*

Goal 4-3 strives to Support And Demonstrate Sustainability. As a newly constructed development, Capitol Flats will utilize sustainable construction methods.

Goal 4-3.1 asks us to "Enhance or create a tree canopy in new development areas or existing urban areas where tree cover is lacking." *Currently the north parcels of Capitol Flats are bare with no trees or shade and there are minimal trees on the other lots. With the vacation of the alley and consolidation of lots, Capitol Flats will be planting trees around the buildings to shade the sidewalks and enhance the streetscape and planting smaller trees and bushes in planters on the courtyard.*

Goal 4.3-2 aims to "Promote energy efficient designs and building codes that encourage energy conscious lifestyles and reduce overall energy consumption" and "Encourage all construction efforts to utilize green building practices" (4-3.2a). *Built into the design of Capitol Flats, with the vacation of the alley and underground garage, are energy and water efficient central plants that serve all of the residences in the community. By pooling resources instead of having duplicate and separate systems for every residence, homes are more energy efficient for the environment and cost efficient for the homeowner. As new construction, materials, fixtures and appliances using the latest technology and conforming to new building codes will be utilized.*

Goal 4-3.3 wants to "Support and demonstrate the efficient use of natural resources." *By vacating the alley providing for the installation of the underground parking garage, Capitol Flats can employ central heating, cooling and hot water to make the best use of natural resources.*

Goal 4-3.6 calls on the Town to "Encourage site designs and alternative transit incentives that reduce the demand for automobile trips in the area." *Inherent in the location of Capitol Flats is easy access to non-automobile transportation via multi-modal options. The residences are steps away from downtown restaurants, retail shops, coffee shops and soon-to-be grocery market. Bus routes are also accessible by foot at two bus stops. The river is just down the hill if you walk and so are trails that take you throughout town and up into the mountains. On bike, residents can travel indefinitely right from their doorstep. Of course, e-bikes, scooters, trikes, one wheels and a plethora of other electric and traditional methods of non-automobile transportation (roller blades, anyone?) can take residents to work, dinner, concerts, school and about anywhere else they could want to go - all from Capitol Flats.*

Goal 4-3.7 aims to "Support projects that promote water conservation and uphold the Water Conservation Plan, Source Water Protection Plan and Brush Creek Management Plan."

# CAPITOL FLATS

*Water Conservation Plan: See Town of Eagle Water Efficiency & Conservation Plan, October 2020 above.*

*The Town of Eagle Source Water Protection Plan presents the best management practices to protect community drinking water supplies and water sources. In order of risk to water sources that could potentially be related to this project, it addresses wildfire, on site wastewater treatment systems, residential practices, noxious weeds and future subdivisions.*

*Wildfire. Due to the construction type and building designs, the risk of Capitol Flats causing a wildfire is minimal. For fire management and safety, the garage, walkways and buildings will all be sprinkled for fire suppression. The underground garage, made possible by the vacation of the alley, creates a concrete foundation for the entire project. The building structure will be framed in steel and the building facade materials are primarily brick and metal, both of which deter fire.*

*On Site Wastewater Treatment System. As an infill project, Capitol Flats will connect to town sewer and not need an onsite wastewater treatment system, which is the “second most frequently cited source of groundwater contamination in our country.”<sup>2</sup>*

*Residential practices have a very high risk of major impacts to water systems. (Hempel, p. 34) Unlike stand alone homes with household contaminant runoff from surface driveways and street parking, the Capitol Flats garage, made possible by the vacation of the alley, will collect all snowmelt and vehicle runoff and utilize sand oil separators to keep vehicle drips, oils and other potential residential contaminants from reaching the river untreated.*

*Noxious Weed Control: The Capitol Flats environment won’t support noxious weeds. Plantings will be in flower boxes and planters and streetscape trees and plantings will be maintained regularly. Unplanned landscape areas won’t support noxious weed growth.*

*To address future subdivisions, the Source Water Protection Plan wants to “ensure that riparian areas are protected during buildout by adhering to stormwater runoff controls...” (Hempel, p.44). Capitol Flats will definitely adhere to stormwater runoff controls during construction and importantly, will be building in stormwater infrastructure to manage stormwater coming onto the site from town and falling onto the site from above into the future. For existing subdivisions, the Plan aims to “identify, map and develop cost estimates for recommended stormwater control projects and evaluate each projects’ anticipated effectiveness and feasibility.” (Hempel, p. 44). Capitol Flats is being proactive and providing this stormwater infrastructure for the project from the beginning. The source water protection plan also aims to “provide real estate companies with education and outreach material that they can distribute to new home buyers that highlights homeowner best management practices”<sup>\*</sup> (Hempel, p. 44). Capitol Flats would partner with the Town to distribute source water protection information to residents both on its homeowner website and in hard copy.*

*The Brush Creek Management Plan doesn’t include to this downtown infill project.*

<sup>2</sup>Paul Hempel, “Town of Eagle Source Water Protection Plan”, Rural Water Association, 2020: p. 46.

# CAPITOL FLATS

Goal 4-3.8 aims to “Support projects that promote and uphold the Climate Action Plan for the Eagle County Community.”

*The Eagle County Climate Action Plan’s number one priority is to expand energy efficiency. With the vacation of the alley and the creation of the underground parking garage and podium, Capitol Flats will be able to utilize central plants for heating, cooling and hot water. A central fire suppression system will also serve the community. Rather than having separate independent systems for each home, the residences will share the water heated and cooled source yet still have individual controls for their home. This will result in lower operating and maintenance costs to homeowners and assist in creating greater affordability for owners and residents alike.*

*Transportation and mobility is another high priority of the Climate Action Plan. By creating desirable infill residences in a prime location for transportation and multi-modal connectivity, Capitol Flats is directing behavior change by design. (Assuming the vacation of the alley and creation of the underground garage.) For example, if you have to walk past the wide, car-free, landscaped sidewalk a block from downtown to go down to the garage to pull out your car, it’s more likely you’ll just walk over to the coffee shop. If you are heading down to the park for music and don’t want to walk carrying your picnic, but make it to the garage, you’ll be walking right by your charged ebike to get to your car. Much more relaxing to drop the picnic in the bike basket take the ebike. If you have to go further afield, you’ll be grateful that Capitol Flats provides electric vehicle chargers so you’re ready to jump in and go.*

*Capitol Flats is supporting the Climate Action Plan goal of having 50% of the workforce living within 5 miles of their employment center by designing spaciouly laid out smaller footprint homes with high ceilings, outdoor space and lots of light with car-free access to most destinations in town and around the valley. Capitol Flats is ideally located to host an ebike sharing rack that could provide even more accessibility around town. With the vacation of the alley, Capitol Flats can create more housing for workers and business owner in the heart of town.*

*As it pertains to materials management, the Climate Action Plan calls for greater utilization of recycling. With the vacation of the alley, Capitol Flats will be able to have centralized trash and single stream recycling with trash and recycle chutes on each level, making it clean and convenient to direct trash and recycling to the correct places. Ongoing homeowner and resident education will encourage widespread participation and correct allocations.*

*Water and Wildfire resiliency are plans for Climate Action. These have been addressed in detail above via the Town of Eagle Water Efficiency & Conservation Plan and The Town of Eagle Source Water Protection Plan discussions.*

*Education and outreach are major goals of the Climate Action Plan. Capitol Flats will be ideally organized for easy and ongoing outreach to homeowners and residents about better ways to live together for the environment and each other.*

Goal 4-4 calls us to Plan for Safety and Resiliency by Mitigating Potential Natural Hazards by advising that “development should avoid natural hazards and impacts on environmentally



sensitive and hazard-prone areas” (4-4.1) and “discourage buildings or land disturbances on steep slopes, ridge lines and other hazard areas” (4-4.1a). *As an infill project, Capitol Flats will be built on previously developed lots within downtown with a non-dangerous grade.*

The vision driving Goal Four is that “The Town of Eagle celebrates and preserves a unique connection with our environment by minimizing growth impacts to our water and wildlife resources.

*Capitol Flats has designed indoor outdoor living into every residence while creating outdoor courtyards and roof top gathering spaces to connect residents to nature and each other. The unique ability to assemble a town block of contiguous properties, with the cohesion created though the vacation of the alley, is giving Capitol Flats the opportunity to bring new solutions to an infill location, giving new life to old lands in the heart of town. Wildlife walkways will be unchanged as this project is being built on existing developed lots. The new stormwater management Capitol Flats will be able to build, brought by improvements to the block, will improve the ability to filter stormwater and get it to the river while reducing erosion and overwash.*

## Goal 5: Elevating Our Connections

Goal 5-1 is to Expand Our Public Transportation Network and Options. Goal 5-1.1b aims to “support land use projects that include efficient and effective mass transit system components that connect communities in Eagle County.” *While Capitol Flats is a re-development project, the quantity of residents, made possible by the vacation of the alley, in close proximity to public transportation will grow the customer base to support improved transit options.*

Goal 5-1.2 calls us to “enhance ease of active modes of transportation.” *By incorporating enclosed and heated bike parking, private storage, ebike charging, a courtyard with walkways that connect to wide sidewalks with landscaping and seating and socializing areas, Capitol Flats, with the vacation of the alley and replatting of the lots is making it as easy as possible to trade passive transportation for active.*

Goal 5-1.3 asks us to “promote rideshare opportunities.” *In creating a community where neighbors can connect and get to know one another, while sharing some of the same daily routines, natural synergies emerge that promote sharing and support. With the vacation of the alley and bringing together the block to enable the creation of the garage, it won’t take long to notice who has the same schedule you do when it comes to transportation. As commercial rideshare expands throughout the area, Capitol Flats is providing easy pick up and drop off points for drivers and riders, making it convenient to utilize these alternative transportation options.*

Goal 5-1.4 aims to “promote the development of compact neighborhoods in close proximity to public transit options, and allowing increased residential, retail, and mixed-use densities in areas close to transit stops. *The vacation of the alley will allow Capitol Flats to create a compact neighborhood in close proximity to public transit options. Increased opportunities to own your*

# CAPITOL FLATS

*own home downtown will support the need for greater density to serve the growth of retail and increased opportunities for businesses in Eagle.*

Goal 5-1.5 strives to “support transit-oriented development, and improvements that promote multi-modal transportation options.” *With the vacation of the alley and new subdivision plat, the owners at Capitol Flats will be encouraged by design to walk, bike, skate, one-wheel, rideshare, take the bus, or get creative with the next great way to get around. The proximity to all of Eagle’s businesses, bike lanes, sidewalks, pedestrian bridges, bus stops and roadways conveniently integrates a diversity of transportation methods into the daily routines of residents.*

Goal 5-2 is to Improve Vehicular Traffic Circulation. Goal 5-2.2 wants to “ensure streets effectively accommodate transit, bicycles, pedestrians and other transportation options as determined appropriate. *By redeveloping the whole block with the vacation of the alley, Capitol Flats will be able to improve the street and transportation flow. No longer will cars be turning into and pulling out of driveways off Capitol and Second Streets. Vehicles going out of town will be coming off the end of Howard Street and heading east to the roundabout while people returning to Capitol Flats will be able to come up the roundabout and tuck right into the garage at the end of Howard Street.*

Goal 5-3 aims to Expand the Network of Safe and Convenient Pedestrian and Bicycle Circulation. *By redeveloping the entire block with the alley vacated, Capitol Flats will be able to improve the walking, running and biking experience all around it. Roads won’t have drop offs and dirt edges, but will come to a finished curb that leads to a landscaped area with a sidewalk that protects pedestrians from street traffic. With the underground parking garage, the sides of the roads will be available for biking, free from the dangers of side mirrors and car doors opening.*

Goal 5-5 strives to Use Technology to Further Connect the Community to Become More Efficient, Sustainable, and Improve Quality of Life. Goal 5-5.1 is to “coordinate with surrounding municipalities to enhance broadband infrastructure within Eagle.” *Capitol Flats will be working with the available providers to ensure access to high speed internet that makes it possible for residents to live and work in Capitol Flats, thereby spending their time and resources in Eagle. Resident workspaces, outdoor courtyards, rooftop deck and community flex work spaces with ample ways to charge and connect will make it seamless to live and work downtown.*

The vision driving Goal Five is that “The Town of Eagle strives to offer a variety of technology, communication, and transportation choices to connect our commute, locally and globally.

*Central to the design and location of Capitol Flats, with the vacation of the alley and underground garage, is the realization of this goal. From being steps of the heart of downtown to being minutes from Eagle County Regional Airport and I-70, Capitol Flats can prove that this one block of Eagle can set the stage for greater implementation of this vision.*

## REVIEW AND DECISION MAKING - Chapter 4.17.100 G-5 (continued)

2. The vacation will comply with the applicable standards of this LUDC. Chapter 4.17.100 G-5a.ii. *Yes, the vacation of the alley for Capitol Flats will comply with the applicable standards of the Town of Eagle LUDC.*

3. Public Purpose. The street or alley is no longer needed for transportation, public utility, or drainage purposes. Chapter 4.17.100G-5a.iii. *With the approval to vacate the alley, the existing trailers and buildings will be removed, along with their utility services and there will no longer be any need for the alley and the vacation could be recorded. The utility companies have agreed to the relocation of services in the alley to the road right of ways.*

4. No land adjoining the street or alley to be vacated shall be left, as a result of the vacation, without adequate public services or vehicular access. Chapter 4.17.100 G-5a.iv. *Capitol Flats will bring together the whole block, with the vacation of the alley, and no land will be left without access or services.*

## SUBMITTAL REQUIREMENTS - Other from Pre-Application Meeting Notes

Application Form	See page 6 of this application packet
Proof of Ownership / Title Commitment	See page 41 of this application
ROW Exhibit and Legal Description	See page 8 of this application packet
Draft Deed of Dedication including signature blocks and notary blocks for all utility providers - Town may provide this	See page 22 of this application packet
Letters from all utility providers including 1) acknowledgment and approval of vacated ROW 2) exhibit and legal description 3) Utility providers' letterhead 4) signature and contact information of the signatory	See pages 24-31 of this application packet
Narrative describing the ROW proposal	See pages 9 - 21 of this application packet