



## TOWN OF EAGLE REFERRAL RESPONSE SUMMARY REPORT

**ISSUED:** February 13, 2025  
**Revised:**

Project Number-Name: ROW24-01-Capitol Flat Right-of-Way Vacation (ROW)  
-Companion Project Number: SS24-02-Capitol Flats Sketch Plan

Project Location: 104, 110, 124, & 130 Capitol Street; 217 Second Street; 103, 123, and 137

Owner/Applicant: Eagle Multifamily, LLC

Applicant Rep.: Vail Land Company; Alison Perry

Prepared by: Tez Hawkins, Planner (Contractor), Community Development Department  
Cc': Petyon Heitzman

The Town of Eagle Community Development Department is issuing the following referral response summary report. If you have any questions or concerns regarding any comment, contact me or the individual agency to clarify the statement and reach an understanding. It is in the applicant's best interest to contact each internal and external referral agency directly to streamline the development review process. Because the ROW vacation is associated with a Sketch Plan, the comments below are intended to capture significant items of the Land Use Development Code and Comprehensive Plan under a high-level review. The ROW vacation application will need to be finalized later with the submittal of a lot consolidation application, a refined development plan application, and the feasibility of relocating utilities from the existing ROW.

### COMMENTS SECTION

**Planning Department – [thawkins@townofeagle.org](mailto:thawkins@townofeagle.org)**

Eagle Multi-Family, LLC is proposing to vacate the public right-of-way for the alley that serves the properties listed above. located at the properties listed above. The alley runs north and south and is located between Capitol Street and Howard Street. The intent of vacating the alley is to redevelop the property.

#### Chapter 4.17 - Administration and Procedures

1. A neighborhood meeting is required before the public hearing for the ROW vacation and its companion application for a Sketch Plan (SS24-02).

#### **Review Criteria**



1. **A request for Vacation may be filed when the alley is not anticipated to be formally opened or used.** The Town understands that Eagle Multi Family, LLC intends to demo the existing buildings, consolidate the properties into a single parcel, and disconnect the existing utilities to demonstrate that the alley is no longer needed. Currently, the ROW is being used and is serving existing utilities, buildings, and properties.
2. **A request for Vacation may be filed when the alley is no longer needed because of design changes made by the Town.** The ROW is currently needed, and the Town does not have any design changes.
3. **A request for vacation may be filed when the alley has never been used for public purposes or has been abandoned and removed.** Currently, the ROW is being used and is serving existing utilities, buildings, and properties. Eagle Multi Family, LLC will need to demonstrate that the existing utilities in the alley are abandoned and relocated with approval from all service providers. The Town at a minimum, will need utility relocation and civil design drawings approved by all utility providers that are affected by the vacation of the public ally. This ensures that the relocation is feasible and is moving forward. Additionally, construction or improvement agreements between all utility providers, including the Town and Eagle Multi-Family, LLC, are needed. The process and requirements of utility providers outside of the Town are unknown, and their requirements may be different from the Town's. The Town has not received complete responses from all the applicable utility providers.
4. **A request for Vacation may be filed when all portions of the alley to be vacated are within the Town.** This criterion is met.
5. **A request for Vacation may be filed when the alley No portion of the alley to be vacated constitutes a boundary line between two counties or the boundary of the Town.** This criterion is met.

### Review and Decision Making

The ROW Vacation will not be brought before the Planning & Zoning Commission (P&Z) or Town Council (TC) at this time. The ROW alley vacation application can be discussed during public hearings as a companion application to the Capitol Flats Sketch Plan (SS24-02). At the time that the ROW alley is heard by P&Z or the TC, they will use the following criteria for their decision-making:

1. **Comprehensive Plan. The vacation is consistent with the Comprehensive Plan.**  
If the existing utilities are properly abandoned or relocated, then the application will be consistent with the Comprehensive Plan.
2. **Land Use and Development Code standards. The vacation will comply with the applicable standards of this LUDC.**  
If the existing utilities are properly abandoned or relocated, then the application will comply with the LUDC.
3. **Public purpose. The street or alley is no longer needed for transportation, public utility, or drainage purposes.**  
If utilities are properly abandoned or relocated, then the application and the alley will no longer be needed for public purposes.
4. **Property access. 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.**  
If the Property owner can demonstrate that access and utility service are no longer needed for the existing business and residences on the property. Clear demonstrations would include relocation of utilities and demolition of the existing business and residences.

### Attached Comments



1. Town of Eagle Public Works
2. Lumen Technologies

### Next Steps

For formal resubmittal, the Project Team can address the Town Staff and external referral agency comments with written responses to each comment, then submit revised application materials and other associated documents as referenced in the above comments. Please note that if new information is provided, then Town Staff may provide additional comments and requests. For the sketch plan application, the applicant may request a public hearing without addressing any comments.

If you have any questions concerning comments on your project or the development review process, please feel free to contact me at (970)-688-2175 or [thawkins@townofeagle.org](mailto:thawkins@townofeagle.org)

## Tez Hawkins

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**From:** Canary, Stephanie <Stephanie.Canary@lumen.com>  
**Sent:** Thursday, February 6, 2025 8:27 AM  
**To:** Tez Hawkins  
**Subject:** Re: P864532-Vacate Capitol Flats Development Eagle

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Tez,

Thank you for checking on this review and offering more time for the response. The project was assigned to me on January 23, 2025 and I do need more time for the review.

Thank you again,

*Stephanie*

*Stephanie Canary  
ROW Agent/Contractor  
Lumen/Faulk and Foster  
stephanie.canary@lumen.com  
352-425-8763*

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**From:** Tez Hawkins <thawkins@townofeagle.org>  
**Sent:** Wednesday, February 5, 2025 3:02 PM  
**To:** Canary, Stephanie <Stephanie.Canary@lumen.com>  
**Subject:** RE: P864532-Vacate Capitol Flats Development Eagle

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### This Message Is From an External Sender

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Hi Stephanie,

I'm checking in on this review. Please let me know if you need additional time.

Thank you,

**Tez Hawkins, AICP**

Planner

**TOWN OF EAGLE**

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970.688.2175

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**From:** Canary, Stephanie <Stephanie.Canary@lumen.com>  
**Sent:** Wednesday, January 29, 2025 5:00 PM  
**To:** Tez Hawkins <thawkins@townofeagle.org>  
**Subject:** Re: P864532-Vacate Capitol Flats Development Eagle

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Tez,

I haven't had a chance to review this project, since it was only created on Wednesday, 1-23-25. If easements are to be vacated, with existing Facilities to be relocated, the reviewing Engineer will determine the process needed to accomplish this. I plan on reviewing this project within the next few days. I will contact you then.

Thank you,

*Stephanie*

*Stephanie Canary*  
*ROW Agent/Contractor*  
*Lumen/Faulk and Foster*  
[stephanie.canary@lumen.com](mailto:stephanie.canary@lumen.com)  
352-425-8763

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**From:** Tez Hawkins <[thawkins@townofeagle.org](mailto:thawkins@townofeagle.org)>  
**Sent:** Wednesday, January 29, 2025 4:54 PM  
**To:** Canary, Stephanie <[Stephanie.Canary@lumen.com](mailto:Stephanie.Canary@lumen.com)>  
**Subject:** P864532-Vacate Capitol Flats Development Eagle

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Hi Stephanie,

I'm contacting you in response to the attached email. A project number was set up for a request to vacate. The project number is P864532. Is this project set up where the 'Town of Eagle' is the Lumen applicant? If the developer is proposing to relocate Lumen's infrastructure and is bearing the cost of the relocation, are they required to do so through the Town of Eagle? Also, the proposed development is in its early stages of review which could span up to a year, would P864532 expire in that timeframe?

Thank you,

**Tez Hawkins, AICP**

Planner

**TOWN OF EAGLE**

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970.688.2175

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[eagleoutside.com]



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## Public Works Department Review Comments

The comments below and attached to this document are the 1<sup>st</sup> review comments generated from the Public Works review of the submitted Subdivision Sketch Plan and Public Right-of-Way (ROW) Alley Vacation plans and reports. The applicant shall review the comments and provide a response letter with the revised and resubmitted plans and reports.

### Sketch Plan General Comments

1. The plans have comments noted directly on the plan sheets. The link below contains the PW review commentary.
2. The plans shall be coordinated with the Capitol Street Reconstruction Project and Grand Ave Corridor Project and all applicable studies.

[Review Comments 1](#)

### Right of Way Vacation Comments

3. Public Works generally agrees that once the utility interests have been resolved that the alley can be vacated and incorporated into the property with the lot consolidation.
4. The ROW Vacation should not be executed until all utility interests from the alley have been properly relocated and existing facilities and sewer service lines have been abandoned.
  - a. The Town of Eagle utility interests include the sanitary sewer main.
5. All conditions from other utility owners should be satisfied prior to alley vacation.
6. Utility Relocations into the adjacent street rights of way will require Right of Way permitting.
7. Provide a final utility relocation and abandonment plan.

### Reference Plans and Reports for Coordination.

8. The link below contains plans and reports.
  - a. Please request further information as the design progresses and the design for the capitol street reconstruction is developed.

[TOE Docs](#)

## Tez Hawkins

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**From:** Killian - CDOT, Brian <brian.killian@state.co.us>  
**Sent:** Tuesday, January 7, 2025 3:47 PM  
**To:** Tez Hawkins  
**Cc:** Kandis Aggen - CDOT  
**Subject:** Re: Town of Eagle Electronic Referral-Capitol Flats Subdivision Sketch Plan and Public Right-of-Way (ROW) Vacation

You don't often get email from brian.killian@state.co.us. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Tez,

It appears that this development will not increase traffic by 20% or more at the Hwy 6 roundabout. Due to that, CDOT has no comment.

Thanks,

Brian Killian  
Region 3 Access Program Manager  
Traffic & Safety



P 970-683-6284 | C 970-210-1101 | F 970-683-6290  
222 S. 6th St, Room 100 Grand Junction, CO 81501  
[brian.killian@state.co.us](mailto:brian.killian@state.co.us) | [www.codot.gov](http://www.codot.gov) | [www.cotrip.org](http://www.cotrip.org)

On Fri, Jan 3, 2025 at 3:52 PM Tez Hawkins <[thawkins@townofeagle.org](mailto:thawkins@townofeagle.org)> wrote:

**TOWN OF EAGLE COMMUNITY DEVELOPMENT DEPARTMENT**  
**ELECTRONIC REFERRAL**

Hi,

This notice is to advise you that a development application was submitted to the Town of Eagle for the following project:



**Project Name:** Capitol Flats Subdivision Sketch Plan and Public Right-of-Way (ROW) Alley Vacation

**Application Types:** Subdivision Sketch Plan & Right-of-Way Vacation

**File Number:** SS24-02 & ROW24-01

**Project Request:** A Subdivision Sketch Plan and Public ROW Alley Vacation application with the intent to construct five three-story residential buildings containing a total of 171 condominium and LERP/affordable housing units, a subsurface/underground parking garage, and associated utility relocations

**Project Location:** 104, 110, 124, & 130 Capitol Street; 217 Second Street; 103, 123, and 137 Howard Street

**Applicant:** Eagle Multifamily, LLC

**Return Requested:** February 2, 2025, Close of Business.

The plans and associated documents are viewable on the [Town of Eagle Active Land Use Website](#). If you need any additional information, please let us know.

**The Town of Eagle Community Development Department requests your review and response via email by February 2, 2025, or we will assume you have no comments or objections.** If you have any questions about these applications, please do not hesitate to contact me. **Please do not use the “Reply ALL” option when responding via email.** Thank you for your time and effort in reviewing these applications. Happy New Year!

Thank you,

**Tez Hawkins, AICP**

Planner

**TOWN OF EAGLE**

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970.688.2175

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