



NOTIFICATION OF LAND USE DECISION

FILE NUMBER: MS25-02

This form represents a notification of decisions rendered by the Town of Eagle Community Development Department in response to the application for land use action described below and pursuant to Title IV of the Eagle Municipal Code.

APPLICANT: Capitol Lofts II, Dan Godec

OWNER OF RECORD: Capitol Lofts II, LLC

DATE OF APPLICATION: May 16, 2025

LOCATION: Parcel No. 2109-054-15-001 / 1140 Capitol St. Eagle, CO 81631

DESCRIPTION OF REQUEST: A minor subdivision application to plat one commercial and six residential condominiums in the existing Capitol Theater building at 1140 Capitol Street.

ATTACHMENTS:

- 1) [Application Form](#)
- 2) [Project Narrative](#)
- 3) [Final Plat](#)
- 4) [Capitol Lofts Condo Declarations](#)
- 5) [Title Commitment](#)
- 6) [Authorization](#)

REVIEW CRITERIA:

- i. *Comprehensive plan.* Whether the resulting development will be consistent with the Comprehensive Plan;
- ii. *Land Use and Development LUDC standards.* Whether the approved lots will be consistent with the intent of the underlying zone district and the applicable standards of this LUDC;
- iii. *Easements, facilities, and services.* That the proposed lot changes:
 - a. Do not affect a recorded easement without approval from the easement holder; and
 - b. Will not limit the Town's ability to effectively provide facilities or services.

ANALYSIS:

- i. Comprehensive plan
 - a. Policy 1-1.1 in the Comprehensive Plan speaks to ensuring a healthy mix of housing types and densities to allow for greater diversity.



- b. Policy 1-2.5 Provide opportunities for a balanced mix of housing and services to support local businesses, employees, residents, and visitors.
 - i. Condominiumizing this existing building does not change the number of units or density of the building, but it does allow for greater flexibility in terms of for sale or for rent of both the residential and the commercial in this existing mixed-use building. Since the building is mixed-use it does provide opportunities for businesses, employees, and housing.
- ii. Land Use & Development Code Standards
 - a. This criteria speaks to whether the approved lots will be consistent with the intent of the underlying zone district and the applicable standards of this LUDC.
 - i. The existing building is consistent with the Land Use and Development Code and the Eagle Ranch PUD Guide. All existing awnings and building projections occur within the property lines and setbacks.
- iii. Easements, Facilities, and Services
 - a. The proposed subdivision does not affect any existing recorded easements on the property.
 - b. Through the referral process the Town's Public Works team verified that the proposed subdivision will not limit the Town's ability to effectively provide facilities or services to either property.

FINDINGS: The Community Development Director finds that the application is in conformance with the Town's regulations, goals, and policies per Section 4.17.100.C of the LUDC and is in conformance with the Eagle Ranch PUD Guide.

DECISION: Based on the foregoing findings, the Community Development Director **approves with conditions** the application. The conditions of approval are:

- 1) The applicant shall make final technical changes prior to recordation of the final plat.

DATE OF COMMENCEMENT: The proposed minor subdivision becomes effective upon approval of this Notice of Land Use Decision rendered on August 21, 2025.

APPEAL PERIOD: [Section 4.17.120](#). *Any person aggrieved by... the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of this Title may make an appeal to the Planning and Zoning Commission. Appeals to the Planning and Zoning Commission... shall be made within 15 days of the decision from which the appeal is made by filing with the Town Manager a written notice of appeal, specifying the grounds therefor.*



Jessica Lake
Senior Planner

8/22/2025

August 22, 2025