



## TOWN OF EAGLE

### 1<sup>st</sup> REFERRAL RESPONSE SUMMARY REPORT

**ISSUED:** October 27, 2025

Revised: **October 31, 2025**

**Project Number-Name:** DR25-06, 301 Broadway

**Owner/Applicant:** Harvest One Group, LLC- Alex Chay, Property Owner; John Chay, Property Owner

**Project Number-Name:** DR25-06, 301 Broadway

**Applicant Representative:** Michael Noda, Neo Studio

**Prepared By:** Tez Hawkins, Planner (Contractor), Community Development Department

**CC:** Sydney Dynek, Town Planner, Community Development; Peyton Heitzman

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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. A written response is required for each comment below unless stated otherwise.

**Attachments:**

1. Development Plan Planner's Mark-Up
  - a. Gargage truck turnaround Planner's Mark-up
  - b. Existing Clock Tower License/Encroachment Agreement
  - c. Blank Encroachment Permit Application
  - d. 446 Broadway Parking Plan
2. Referral Agency Comments
  - a. Town of Eagle Public Works
  - b. Holy Cross
  - c. CGS
  - d. Downtown Development Authority
  - e. Greater Eagle Fire Protection
  - f. Lumen
  - g. CDOT-No Comment
  - h. Eagle County-No Comment
  - i. Eagle River Coalition-No Comment
3. Public Comments



## REFERRAL OR BUILDING PERMIT COMMENTS SECTION

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

1. The Town received comments from the Greater Eagle Fire Protection District (GEFPD), Town of Eagle Public Works, Holy Cross, CGS, Downtown Development Authority, Greater Eagle Fire Protection, and Lumen. These comments will require responses and another review from these agencies/organizations.
2. Refer to the Development Plan Mark-Up in Attachment 1 for additional comments and clarification.
3. Documents (lot line adjustment survey plat, any requisite easement documentation) for lot line adjustment and easement agreement should be submitted concurrently with this application. The Town cannot approve a development permit on an adjacent lot without the appropriate supporting documentation.
4. Ensure that the parking plan considers the infrastructure needed for Electric Vehicle Infrastructure per the 2021-IECC-Amendments. During the building permit review, it's common that the required Electric Vehicle Infrastructure is not considered, and the property owner has to redesign the parking plan and revisit the approvals of the minor development permit application.

RESPONSE: PARKING SPACES WILL MEET IECC AMENDMENTS.

5. Per Section 9.28.060. – *Encroachments*, Attached is the License Agreement for the decorative clock located in the Town of Eagle Right-of-Way (ROW). The agreement expired in May of 2025 and is also registered with the previous property owner. Moving forward in the review of this application, the Property owner will need to inform the Town which of the following options they'd like to proceed with as a part of this application:
  - a. Renew the license agreement with the Town Agreement under the current ownership name. However, the Town is not obligated to renew the agreement, and any new agreements can be revised. Submit an encroachment application for the clock tower.
  - b. Demolish the decorative clock under the proper permits with the Town.
  - c. Do not renew the agreement and integrate the clock into the building or on-site layout. The property owners offered this option during the pre-application meeting held on July 9, 2025. This is not required.

RESPONSE: WE ARE PLANNING TO REMOVE THE DECORATIVE CLOCK.

2. The awning on the east façade of the building encroaches into the public ROW and will need to be removed or will require an encroachment permit application. Please submit an encroachment permit application. The Town Public Works Department primarily determines approval or denial of the encroachment permit. For efficiency, discuss the encroachment with them before resubmitting to understand their position. The encroachment can be reviewed concurrently with the minor development permit application. [Section 9.28.060. – *Encroachments*]

RESPONSE: AWNINGS THAT EXTEND OVER THE PROPERTY LINE, PROJECT TEAM WILL SUBMIT FOR AN ENCROACHMENT PERMIT.

3. The rear yard setback on the development plan set is shown as 5 feet and needs to be relabeled as 25 feet. The encroachment is allowed because there's a parking garage present. [Section 4.10.050.C.f.v]

RESPONSE: REAR YARD SETBACK HAS BEEN CORRECTED TO 25'-0".

4. There are two units labeled as "Unit 4". Revise for clarity. There are also two units labeled as "Unit 2". Revise for clarity.

RESPONSE: UNITS HAVE BEEN RELABELLED.

5. Broadway Building Height and Building Height Exceptions:

- a. The measurement for the third floor doesn't appear to be measured from the ceiling. Clarify this in the next submittal.

RESPONSE: BUILDING HEIGHT HAS BEEN CORRECTED TO BE 35'-0" OR LESS.

- b. The elevator/staircase overrun or bulkhead can exceed the maximum height requirement of 30% or less. Therefore, the bulkhead/overrun can be no higher than 45.5 feet from the property's finished grade. The

RESPONSE: ELEVATOR/STAIRCASE OVERRUN HAS BEEN LOWERED.



current height of the overrun exceeds this limit. Revise the bulkhead/overrun design.

6. On the plans, identify the location of the outdoor or rooftop mechanical equipment and identify how the equipment

will be screened per Section 4.04.030.A.

RESPONSE: 10) ROOFTOP CONDENSING UNITS SHOWN, MECHANICAL UNITS WILL BE LOWER THAN PARAPET. SEE SHEET A2.04  
RETAIL CONDENSING UNITS WILL BE MOUNTED IN CEILING OF GARAGE.

7. Delineate the location of the electrical and other utility boxes and facilities. They must be screened from public view. [Section 4.10.030.A.2.d.] Where the connection meets the building, risers, utility meters, panel boxes, or similar, are encouraged to be covered with the same or compatible material as the siding material unless expressly prohibited by utility company regulations. Please also refer to the comments from Holy Cross Energy. [Section 4.10.050.B.1.c]

RESPONSE: ELECTRICAL PANELS SHOWN ON SOUTH ELEVATION, SEE SHEET A4.01.

8. If Holy Cross will permit the relocation of overhead powerlines, provide a letter stating that they are willing to permit the relocation.

RESPONSE: WE WILL SUBMIT A LETTER TO HOLY CROSS. DISCUSSED RELOCATING POWERLINES UNDERGROUND WITH HOLY CROSS.

9. On the development plans, identify the building materials for the cornices, soffits, and awnings. Cornices and soffits may be comprised of wood or metal. [Section 4.10.030.D.3]

RESPONSE: CORNICES, SOFFITS, AND AWNINGS NOTED ON ELEVATIONS, SEE SHEETS A4.01 AND A4.02.

10. On the development plans, identify the building materials and colors for the downspouts and gutters. Downspouts and gutters may be comprised of metal and vinyl. [Section 4.10.030.D.3]

RESPONSE: NO EXPOSED GUTTER AND DOWNSPOUTS, ROOF DRAINS ARE INSIDE THE BUILDING.

11. Parapet wall materials, exclusive of copings, cornices, or other design accents, shall match the building wall. There are two unknown roof projections on the building that do not have labeled materials and colors. Identify these materials, cornices, and the purpose of the roof projections. [Section 4.10.030.D.3]

RESPONSE: PARAPET MATERIALS MATCH ADJACENT WALLS, ROOF PROJECTIONS HAVE BEEN IDENTIFIED.

12. Many of the window trim colors are not visually depicted accurately. Exterior window trim is different between the 2D renderings and the 3D renderings.

RESPONSE: STOREFRONTS COLORS HAVE BEEN CORRECTED.

13. The ground floor doors type, location, and orientation do match between the lighting plan, elevation drawings, and other development plan drawings. Additionally, there is a door opening that swings into the ROW on the lighting plan, and doors need to swing inward or be indented into the building to avoid ROW conflicts. [Section 4.10.050.C.1xi]

RESPONSE: PHOTOMETRIC BACKGROUNDS HAVE BEEN CORRECTED.

14. Material "6" on the material board is not specified/labeled.

RESPONSE: MATERIAL 6 HAS BEEN CORRECTED, MATERIAL IS BRICK.

15. "Buildings shall be designed to reduce apparent mass by including a clearly identifiable base, body, and top, with horizontal elements separating these components." The building's west elevation does a good job of meeting this requirement by creating horizontal breaks with material changes, awnings/overhangs, matching but slightly differentiated colored parapets, and horizontal banding. Similar changes need to be made to the other building facades. Material bands above or below each floor will help facilitate major changes to the current facade designs. [Section 4.10.050.B.2.b]

RESPONSE: NORTH AND SOUTH ELEVATIONS HAVE BEEN REVISED PER COMMENTS.

16. The entryways on 3<sup>rd</sup> Street and Broadway Street need one additional feature/technique to create a visually prominent primary building entrance as required by Section 4.10.050.B.2.c. It appears that there are recessed entrances, which is one technique, but the Land Use Development Code requires two for mixed-use buildings.

RESPONSE: THIRD AVE DESIGN REVISED, RETAIL ENTRANCE HAS BEEN RECESSED.

17. The third story on street frontages shall step back from the property line by a minimum of ten feet. Sheet A.401 labels the third floor as a setback. This is not considered a complete step back. The entire story must be set back.

RESPONSE: THIRD AVE THIRD FLOOR HAS BEEN RECESSED 10'-0" BROADWAY FAÇADE HAS BEEN REVISED TO COMPLY WITH 10' SETBACK.

18. Revise the building design to setback the entire third-story face along Broadway and 3<sup>rd</sup> Street. [Section 4.10.050.C.1.b.iii]

RESPONSE: THIRD AVE DESIGN REVISED, THIRD FLOOR HAS BEEN RECESSED 10'.

19. Passages that lead to a rear parking area shall be clearly signed. The passage on the north side of the building needs a sign. [Section 4.10.050.C.1.b.x]

RESPONSE: ENTRANCES INTO GARAGE HAS SIGNAGE ADDED.

20. Cornice treatments shall be used on street-facing facades to visually terminate the top of the building. [Section



4.10.050.C.c.iii].

RESPONSE: CORNICES HAVE BEEN ADDED TO BROADWAY AND 3RD AVE FACADES.

21. Exterior facade material along the side of the building shall match the exterior facade material found on the front of the building for a length of at least 15 feet from the ground level to the height of the roof along any interior lot lines. The South elevation of the building needs to meet this requirement. [Section 4.10.050.C.c.v].

RESPONSE: BRICK AND STONE ADDED TO SOUTH ELEVATION.

22. The development shall incorporate a primary façade material that shall cover at least 75 percent of the building façade. Identify the primary facade material and provide calculations that demonstrate it meets the 75-percent threshold. [Section 4.10.050.C.c.vi]. When brick or stone is used as a primary façade material, variation in the detailing of the brick or stone to cast shadow lines is required.

RESPONSE: MASONRY CALCULATIONS ADDED TO ELEVATION SHEETS.

23. Ingress/Egress

- a. There's a retail/restaurant plaza depicted on the plans. Ingress and egress for garbage trucks and vehicles entering the parking garage pose a safety risk for pedestrians and patrons in the retail/restaurant plaza area. The development needs to provide safeguards for conflicts between pedestrians and motorists. Provide concrete bollards or comparable barriers and ensure that the bollards comply with any existing/future easements, standards of the fire district, and the Public Works department. The bollards should logically be placed on the south side of the building, west of the door of the building's residential entrance; the attached development plan and garbage truck turn movement mark-up exhibit provides clarity. There's no direct code requirement to provide these bollards; however, they are required to align with the Town's Site development goals of Section 4.10.020.C.5, which states that all development should connect commercial destinations with a clear, safe pedestrian and vehicular travel route. **Optional bollards can be provided between the sidewalk on Broadway and the outdoor restaurant/retail plaza. The staff planner met with the Town Public Works Department and GEFPD on October 30, who confirmed that the bollards or some physical barrier be included to separate the outdoor restaurant/retail plaza area and the garbage/residential vehicle loading areas to remove the likelihood of pedestrian vehicle conflicts. The aforementioned safety barrier cannot inhibit direct movement for pedestrians entering/exiting the doorway adjacent to it.**

RESPONSE: BOLLARDS ADDED BETWEEN DRIVE/SERVICE AISLE AND PROPOSED PLAZA.

- b. How will patrons and employees of the retail/restaurant space access this plaza from the building? There will likely be a future conflict in obtaining a liquor license to serve alcohol to patrons dining in the plaza if those patrons or the restaurant employees have to enter the Town ROW/sidewalk with alcoholic beverages. To avoid those conflicts, provide a patron and employee ingress/egress to the plaza area. This comment is not required to be addressed; we are only looking out for the success of your proposed development. The Staff planner has contacted the Town Clerk to provide clarification. **The Town Clerk is out of the office until January, and the response is being processed with the Assistant Town Manager. However, in the meantime, the designer can resolve the potential liquor license concern by including the GEFPD-required rear entrances/exits in the southwest and northeast corners of the ground-floor retail area. An exit in the southwest corner has the potential to operate as an emergency exit and access to the outdoor retail/restaurant plaza.**

RESPONSE: CORRIDOR ADDED FOR RESIDENCES, EMPLOYEES, AND PATRONS TO USE.

- c. The BD district rear setback may be reduced to less than 25 feet if an enclosed parking garage is proposed and the configuration of the garage allows for ingress and egress off of the property for residential parking and a service entrance to the ground floor retail space. This standard applies to a combination of both a parking garage and the service entrance. There needs to be a service entrance/exit to the back hallway; the entrance/exit may also be required by the GEFPD if the ground-floor retail space is partitioned. The staff planner can discuss this further with the building designer to find solutions; it's understood that an entrance/exit to the back hall can create a conflict between upper-floor residents and ground-floor retail tenants/patrons. The staff planner will also discuss this requirement with the Community Development

RESPONSE: CORRIDOR ADDED FOR RESIDENCES, EMPLOYEES, AND PATRONS TO USE. DOOR ADDED BETWEEN CORRIDOR AND EXIT STAIR.



Director, Building Official, and GEPFD. The staff planner met with the Town Public Works Department, GEPFD, Building Department, and Community Development Director on October 30. Based on the ground-floor retail's square footage area's highest use and occupant load scenario (restaurants), there will need to be an exit in the southwest corner and northeast corner on the ground floor. This is especially true if the retail area intends to partition the ground-floor space in the future. These exits cannot be garage-style doors due to their limited accessibility.

RESPONSE: SOUTH AND NORTH EXITS ADDED TO RETAIL AREAS. SEE SHEET A2.01.

24. Ensure that any revisions to the façade of the building design and layout don't create conflicts with other design requirements.

RESPONSE: WILL COMPLY.

25. The residential units' parking requirements are met by the proposed parking garage. The code requires 17 spaces to accommodate the ground-floor commercial/retail area. There are approximately 15 on-street parking spaces available. There are approximately 8 spaces along 3rd Street and exactly 7 spaces along Broadway. To be calculated toward the parking requirements, the 8 spaces on 3rd street need to be confirmed, as they are not striped at the moment. Additionally, a portion of the sidewalk will need to be reconstructed because the previous "Everything Store" constructed it to be a driveway ramp, and there's no curb. The parking requirement can be reduced through Section 4.12.060. - Vehicle parking exceptions and reductions. Attached is a Parking Plan from another application on Broadway; however, it's not clear if this parking plan and its proposed reductions will be 100% applicable to your application for this property.

RESPONSE: RETAIL AREA IS 4,681 S.F., 14 PARING SPACES REQUIRED FOR RETAIL.

26. The floor plans have 5,349.92 SF of commercial/retail gross floor area. Therefore, one more short-term and long-term bike rack is needed. [Table 4.12-3: Bicycle Parking]

RESPONSE: RETAIL AREA IS 4,681 S.F. THEREFORE ONLY 3 SHORT-TERM SPACES REQUIRED AND PROVIDED.

27. It appears that Unit 204 does not have an individual in-unit bike rack like the other units. [Table 4.12-3: Bicycle Parking]

RESPONSE: BIKE RACK (12.4) ADDED TO UNIT 204.

28. Provide a statement on the plans that the rooftop will not have lighting fixtures that shall not be affixed to the top of a roof, except where required by the building code. [Section 4.13.040.A.2]

RESPONSE: NOTE ADDED, SEE SHEET A2.04.

29. All light fixtures shall be aimed and shielded so that the direct illumination is confined to the property boundaries of the source except in cases of shared parking, shared pedestrian pathways, or coordinated development sites spanning multiple parcels. The lighting on the exterior of the building illuminates outside of the property boundary and needs to be revised to meet the aforementioned requirement. [Section 4.13.040.A.4.b]

RESPONSE: PHOTOMETRIC PLANS HAVE BEEN UPDATED. BUILDINGS ON THE PROPERTY LINE WILL HAVE SOME LIGHT SPILLAGE OVER THE PROPERTY LINE.

30. Except for residential lights, streetlights, and security lighting, all lighting shall be turned off within one hour after business is closed, or by 10:00 p.m., whichever is later. Add a note to the photometric plans demonstrating how this requirement will be met. [Section 4.13.040.A.4.c]

RESPONSE: NOTE ADDED, SEE SHEET PH1.0

31. The development plans state that buildings constructed on corner lots can exceed the height limit by 30%. This is not accurate, and this statement needs to be removed. Corner lots do not provide allowances for additional building height.

RESPONSE: NOTE REVISED.

32. The project narrative and development plans' cover sheet states there are 5,000 square feet of retail/commercial space. Revise the narrative and the development plans' cover sheet to show 5,349.92 square feet as the floor plan measures. Or designate correct area measurement (i.e., floor area, gross floor area).

RESPONSE: GROSS RETAIL S.F. IS 4,681 S.F. THIS DOES NOT INCLUDE THE RESIDENTIAL LOBBY AND MULTI-USE CORRIDOR.

33. All signs not required for ingress/egress and wayfinding will need to complete a separate sign permit application. This comment is only informational.

RESPONSE: ACKNOWLEDGED.

Next Steps



For formal resubmittal, the Project Team shall address all of 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.

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@townfeagle.org](mailto:thawkins@townfeagle.org).