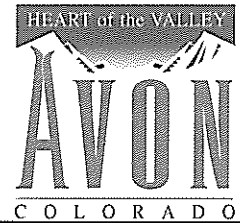


## Staff Report

# PUD Amendment

August 4, 2009 Planning & Zoning Commission Meeting



**Report date:** July 31, 2009  
**Project type:** Planned Unit Development (PUD) Amendment,  
& Preliminary Plan for Subdivision  
**Legal description:** Tract B, Filing 3, Eaglebend Subdivision  
**Current zoning:** PUD / Open Space  
**Proposed zoning:** Single-family residence  
**Address:** 3000 Eaglebend Drive

### I. Introduction and Summary

The applicant, Richard Landy, president of the Stonebridge Homeowners Association, is proposing to amend the zoning of a portion of Tract B, a Tract of land that is commonly owned by the Stonebridge HOA. Currently, the Tract is commonly is zoned for "*open space, landscape, drainage, pedestrian trails, and utilities.*" The proposal is to carve out a new lot ("Lot 20") from Tract B, thereby reducing the net open space for Filing 3, and zone the new lot for one single-family dwelling unit.

After holding a public hearing in accordance with Section 17.12.100 of the Avon Municipal Code, Staff is recommending that the Town of Avon Planning and Zoning Commission make a formal recommendation for **Denial** of this application to the Avon Town Council. The basis for this recommendation is the failure to meet the mandatory review criteria cited in the recommended motion section (VI) of this Staff report. Additionally, the applicant has not demonstrated that one or more of the criteria are not applicable.

After carefully consideration on the review criteria, it was difficult for Staff to support this application due in large part to the lack of a logical community benefit – as required with all rezoning or PUD amendment applications. While the applicant claims that rezoning the property will benefit the Town in the form of additional real estate taxes and the providence of a formalized easement across Lot 20 (for the existing sewer line running under the property), it is difficult to consider these as true "community" benefits that outweigh any potential adverse impacts experienced with developing a platted non buildable area of an open space Tract.



## II. Background

In 1980 the Eagle County Commissioners approved the Eaglebend project for Residential/Suburban Medium (RSM) density zoning, and in 1981, the Commissioners approved the final subdivision. Shortly thereafter, between 1982 and 1983, the first 12 of 19 Stonebridge Townhomes, part of Filing 3 of the Eaglebend Subdivision and PUD, were constructed. These units were designed and built in a clustered orientation with shared amenities.

In May of 1985, the Eaglebend developers approached the Town of Avon to discuss the possibility of annexation to the Town, for the purpose of rezoning to smaller, more affordable and marketable housing units to be constructed on the property. The entire subdivision was eventually annexed in 1986 after receiving favorable reviews by the Planning and Zoning Commission.

Two additional single-family units (Lots 17 and 18) in Filing 3 were then constructed in 1990. These homes were built on the east end of the filing. These two homes were distinguished from the rest of Stonebridge by their standalone design and separate driveway access off Eaglebend Drive, separating them from the rest of the subdivision.

In 1997, Filing 3 (Stonebridge) of the Eaglebend PUD was amended to relocate the building footprints of the five remaining development rights. At the time the applicant stated that changes in regulations and markets required re-evaluating the original Stonebridge plan, prior to completing the remaining five units. These five units were constructed in much the same fashion as the original 12 clustered units near the intersection of Stonebridge and Eaglebend roads.

## III. Process

As required by the Avon Municipal Code, this report serves as the official findings and recommendations of the Community Development Department. After holding a public hearing before the Planning Commission, a report of the Planning Commission stating its findings and recommendations and this report shall then be transmitted to the Town Council.

The Town Council shall then consider this application in accordance with Section 17.28.050 of the Avon Municipal Code. The Town Council hearing shall be held no later than thirty (30) days following the Planning and Zoning Commission action. Following this hearing, the Council shall consider the comments and evidence presented at the hearing and evaluate the application in accordance with Section 17.28.080 and either approve, approve with conditions or deny the application, in whole or in part.

## IV. Public Notice Requirement

This application is a noticed public hearing with written notice provided to all property owners within 300' of the subject property. Public comments received to-date are attached hereto as Attachment C.

## V. PUD Design Criteria

It shall be the burden of the applicant to demonstrate that submittal material and the proposed development plan comply with each of the following design criteria, or demonstrate that one or more of them is not applicable, or that a particular development solution is consistent with the public interest.

According to the Town of Avon Zoning Code, Section 17.20.110, the following criteria shall be used as the principal criteria in evaluating a PUD.

### **1. Conformance with the Town of Avon Comprehensive Plan's Goals and Objectives.**

Staff's primary focus with this application as it relates to the Town of Avon Comprehensive Plan's Goals and Objectives is the inability to demonstrate a clear benefit to the community, as required by the Municipal Code and Comprehensive Plan. The premise of a Rezoning or PUD application must be the demonstration of outweighing benefits to the Town that would not otherwise be present with current entitlements. Changes to zoning should only be considered when benefits outweigh any possible negative impacts that could be experienced with the change in zoning.

According to the Comprehensive Plan, Policy C.1.5, PUD developments "*should be considered...if it would allow a more effective development pattern. However, such flexible zoning will only be allowed where it provides a benefit to the community, is consistent with this Comprehensive Plan, and is compatible with surrounding development. Variations from standard zoning may be permitted only as needed to achieve a clearly demonstrated community benefit.*"

The applicant's response to providing a community benefit is to provide a 10' drainage easement bordering the newly created property line, for the Town's use with an existing 24" sewer line that runs through the property. This provision may technically benefit the Town public works department or water district in the event the Town needs to service the line, but it is hardly necessary to perform future work on the infrastructure.

One of the primary environmental goals of the Comprehensive Plan is to "*Protect Avon's unique natural setting and its open spaces (Goal H.1).*" Further, the Comprehensive Plan acknowledges the importance of open space by establishing a Policy (I.1.4) to "*Require new development to include or otherwise contribute to land for trails, open space, and recreation purposes.*" This application directly conflicts with these envisioned goals and policies by eliminating approximately 7,500 square feet of land that is zoned for open space, landscaping, drainage, pedestrian trails, and utilities.

### **2. Conformity and compliance with the overall design theme of the town, the sub-area design recommendations and design guidelines of the Town.**

If this application is approved, the development plan and design of the single-family residence would then be reviewed against the Residential Design Review Guidelines.



**3. Design compatibility with the immediate environment, neighborhood, and adjacent properties relative to architectural design, scale, bulk, building height, buffer zones, character, and orientation.**

The architectural design of the potential single-family residence, including scale, bulk, and height could be addressed through the design review process. It appears that these attributes could be compatible with the immediate environment and adjacent properties given the development pattern in the vicinity; however, the subject land is located within a platted 100' building setback and natural buffer that appears to have been created to buffer the higher and lower densities between Filing No. 3 and Filing No. 1 of the Eaglebend Subdivision.

**4. Uses, activity, and density provide a compatible, efficient, and workable relationship with surrounding uses and activity.**

A single-family home is compatible with neighboring uses and densities. There is a mix of single-family, duplex, clustered single-family homes, and rental apartment units in the area.

**5. Identification and mitigation or avoidance of natural and/or geologic hazards that affect the property upon which the PUD is proposed.**

There have been no natural or geologic hazards identified with the proposed single-family property.

**6. Site plan, building design and location and open space provisions designed to produce a functional development responsive and sensitive to natural features, vegetation and overall aesthetic quality of the community.**

The application is in direct conflict with this review criterion. Tract B is currently zoned for, and was always envisioned for the use of open space, trails, drainage and utilities. When the property was annexed into the Town the nature of the subject property was discussed in the Subdivision Report. The report stated that there "will be a large open space/picnic area at the east end of Filing 3 to serve as a buffer between Stonebridge and the duplex lots."

Developing this portion of the Eaglebend Subdivision does not respond to the mature vegetation of the property, and would sever the natural buffer established between the two Eaglebend filings.

**7. A circulation system designed for both vehicles and pedestrians addressing on and off site traffic circulation that is compatible with the Town Transportation Plan.**

Does not apply.

**8. Functional and aesthetic landscaping and open space in order to optimize and preserve natural features, recreation, views and function.**

While the subject portion of Tract B is not actively being used by the owners of Stonebridge, the area's aesthetic value should be taken into account.

**9. Phasing plan or subdivision plan that will maintain a workable, functional, and efficient relationship throughout the development of the PUD. The phasing**



***plan shall clearly demonstrate that each phase can be workable, functional and efficient without relying upon completion of future project phases.***

No phasing plan is required for this application. Functionally, a single-family residence could be constructed without relying on other improvements to Filing 3 of the Eaglebend subdivision.

***10. Adequacy of public services such as sewer, water, schools, transportation systems, roads, parks, and police and fire protection.***

All services are in place for this proposal to function, as this would be an infill lot in a built out subdivision. Letters have been received from the serving entities

***11. That the existing streets and roads are suitable and adequate to carry anticipated traffic within the proposed PUD and in the vicinity of the proposed PUD.***

Does not apply.

***12. That the PUD or amendment to PUD requested provides evidence of substantial compliance with the following public purpose provisions, as outlined in Section 17.28.085 of the Avon Municipal Code:***

***A. The application demonstrates a public purpose, which the current zoning entitlements cannot achieve.***

***B. Approval of the zoning application provides long term economic, cultural or social community benefits that are equal to or greater than potential adverse impacts as a result of the changed zoning rights.***

***C. The flexibility afforded in approval of the zoning application will result in better siting of the development, preserving valued environmental and cultural resources, and increasing the amount of public benefit consistent with the community master plan documents.***

Staff is unable to support this application due to the lack of a clear community benefit. The approval of this application would *not* result in better siting of development given the fact that the area was zoned for open space and the Eaglebend Subdivision deliberately platted a 100' to maintain a separation of buildings and densities between two of the Eaglebend filings.

The potential adverse impacts resulting with the proposed change in zoning rights outweigh any possible long term economic, cultural, or social community benefits to the Town or residents in the area may experience with the proposed change in zoning rights. This is the basis for Staff's recommendation for denial.

## **VI. Recommended Motion**

"I move to recommend of **DENIAL** of the PUD Amendment and corresponding Preliminary Subdivision application to the Avon Town Council with the FINDING that the application and supporting materials fail to demonstrate compliance with the following review criteria



6. *Site plan, building design and location and open space provisions designed to produce a functional development responsive and sensitive to natural features, vegetation and overall aesthetic quality of the community.*

8. *Functional and aesthetic landscaping and open space in order to optimize and preserve natural features, recreation, views and function.*

12. *That the PUD or amendment to PUD requested provides evidence of substantial compliance with the following public purpose provisions, as outlined in Section 17.28.085 of the Avon Municipal Code."*

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If you have any questions regarding this project or any planning matter, please call me at 748-4413, or stop by the Community Development Department.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matt Pielsticker".

Matt Pielsticker  
Planner II

## **VII. Report Attachments**

- A: Vicinity Map
- B: Application Information
- C: Public Comments
- D: Proposed

## Staff Report

# PUD Amendment

August 4, 2009 Planning & Zoning Commission Meeting



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**Report Date:** July 31, 2009  
**Project Type:** Planned Unit Development (PUD) Amendment  
**Legal Description:** Tract B, Block 1, Wildridge Subdivision  
**Current Zoning:** "Light Commercial" (see below)

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### I. Introduction and Summary

The applicant, Gandorf Tract B LLC, represented by the Mauriello Planning Group (MPG), is proposing an amendment to the zoning designation of Tract B, Wildridge Subdivision and PUD. Tract B is located at the corner of Old Trail Road and Saddleridge Loop (Attachment A) and is comprised of 16,522 sq ft or .38 of an acre. As stated in the heading of this report, the existing zoning of Tract B is "Light Commercial" which is described as follows (verbatim):

*Light Commercial – Retail sales and commercial service uses limited to food, groceries, household and automotive items limited to the sale of gasoline, oil, and related products, but not automotive repairs, provided for the convenience of Wildridge residents, their guests and visitors; caretaker apartment units and municipal services are included in Light Commercial.*

The applicant has made the statement that the proposed amendment would effectively amount to a "down-zoning" thereby resulting in an overall reduction of negative impacts to the immediate neighborhood and the larger community as well. Staff does not disagree with the applicant's statement that such a reduction is possible or that the commercial uses are not realistically viable, however, staff does question whether there is a one-to-one relationship between caretaker apartment units and actual dwelling units given the context of the existing zoning language. Upon reviewing the Definitions listed under Note 4 of the governing plat (Attachment B) wherein the excerpted zoning language cited above is contained, it is obvious an effort was made to clearly distinguish the difference between a "caretaker apartment unit" and "dwelling units" in the Wildridge PUD and on the Final Plat for the entire Wildridge Subdivision.

In consideration of this distinction between unit types, the existing zoning, the size and dimensional limitation of the site, and the character of the development immediately surrounding Tract B, staff is recommending **Approval with Conditions**, the most pertinent of which is the maximum density will not exceed three (3) dwelling units, the size of each unit shall not exceed 1,500 sq ft, and the required configuration is one triplex structure. The criteria and findings for the staff recommendation with the complete list of suggested conditions of approval are contained in the Recommendation section of this report.



## II. Background

Benchmark Properties created the Wildridge Subdivision in 1979, shortly after the incorporation of the Town of Avon on February 28, 1978. According to the Wildridge Final Plat application for Wildridge and Wildwood Subdivisions, the overall development concept was for "abundant open space recreation areas around lots" with a density of "barely one dwelling unit per acre".

The original Wildridge "Specially Planned Area" (now considered a "PUD" by default) and the accompanying subdivision plat were established with a specific purpose and intent: to offer a diverse range of housing types and options to serve the diverse, year-round local population. As such, the housing types in the Wildridge PUD and Plat are diverse: single-family homes, duplexes, triplexes, four-plexes, etc - because the housing needs of the local, year-round population continue to be diverse.

The population of Avon is comprised of diverse segments of the local population based on such attributes as income, household size, age, and lifestyle choices (i.e. - single, married, married with children, etc). Wildridge was designed on the premise that not everyone wants, or can afford, to live in low density neighborhoods and a diversity of unit types is required to serve the year-round population. The intrinsic value to the public of the diversity of housing types imbedded in the original plat and PUD plan become diminished when a planned type of multi-family is removed and replaced with duplexes or single-family housing.

In 1981, the Wildridge Subdivision was completely replatted with a total of 849 planned development units and is the foundation of the current zoning in Wildridge. Over the years, there have been numerous PUD amendments and some transfers of development rights.

Recently, there have been amendments whereby certain development rights were modified and corresponding subdivision plats created to amend the existing plat(s). The most recent amendment to the Wildridge PUD and Final Plat was for the Dry Creek PUD, previously located within Block 2 of the Wildridge Subdivision and now its own stand-alone subdivision, whereby a "fourplex" lot was converted to accommodate three (3) single-family detached structures. The approval of the Dry Creek PUD was predicated upon factors such as the approval of a subdivision variance for lineal lot frontage and the reduced number of dwelling units by one.

Construction of the Dry Creek PUD is now complete, and demonstrates the resulting appearance and disturbance experienced with detached single-family structures, as opposed to what was expected under the existing zoning. It should be noted that Staff recommended DENIAL of the Dry Creek PUD, citing the following reasons:

- (1) The application failed to meet or advance land use and housing goals/policies (Policy A1.5, C1, C1.4 of the 1996 Comp Plan) relative to establishing or maintaining an appropriate mix of dwelling unit types for both lower and middle-income seasonal and year-round residents and their families;

- (2) The proposed development may be compatible in design, scale, and use with the types housing in the area, however a multi-family building would also be



compatible with multifamily developments in the area, particularly the enclave of multi-family developments along Draw Spur;

(3) Although the applicant proposed to reduce the allowable lot coverage by 10%, the extent of total site disturbance for 3 single-family residences may exceed the extent of site disturbance from a fourplex development;

Another recent PUD Amendment approval was for the Western Sage PUD in Block 4. That development converted three (3) triplex lots and one (1) duplex lot (total of 11 development rights) into eight (8) single-family lots. Both of these PUD amendments were approved prior to the public benefit provisions being incorporated into the Town of Avon Zoning Code.

### **III. Process**

Section 17.20.110(k) sets forth the following process for amending an existing PUD, which defers to the required procedures for the establishment of a new PUD:

*(k) Amendment procedures.*

*(1) Amendments. Requests for amendments to an approved Planned Unit Development District shall be reviewed in accordance with the procedures described above. Amendments that propose substantial changes to land use in connection to existing development agreements and development plans as outlined in Chapter 17.14 of this Code may require additional information and/or development agreements and amendment to development plans.*

*(2) Owners of all property requesting the amendment, or their agents or authorized representatives, shall sign the application. Notification of the proposed amendment shall be made to owners of all property adjacent to the property requesting the proposed amendment, owners of all property adjacent to the PUD and owners of all property within the PUD that may be affected by the proposed amendment (as determined by the Community Development Department).*

Additionally, in accordance with Section 17.20.110(m), the proposed PUD amendment does not necessitate the administration of a Preliminary Plan for Subdivision:

*(m) Preliminary Subdivision Application with PUD. Where subdivision approval will be required to implement development in a proposed PUD, a Preliminary Subdivision Plan application must be filed concurrently and in conjunction with the PUD application. The provisions and procedures for public notice, hearing and review for a PUD as prescribed in this Title shall apply to the Preliminary Subdivision Plan application. No development may be implemented in a PUD prior to approval and recording of a corresponding Final Subdivision Plat. (Ord. 05-03 §2; Ord. 04-12 §§3-8; Ord. 04-03 §3; Ord. 91-10 §1(part))*

Subdivision approval is not required to implement development in the proposed PUD amendment and the existing configuration of Tract B is to remain as platted on the current, governing final plat of the Wildridge Subdivision.



#### **IV. Public Notice Requirement**

This application is a noticed public hearing with written notice provided to all property owners within 300' of the subject property. Public comments received to-date are attached hereto as Attachment D.

#### **V. PUD Design Criteria**

According to the Town of Avon Zoning Code, **Section 17.20.110**, the following criteria shall be used as the principal criteria in evaluating this application. According to Code, *"It shall be the burden of the applicant to demonstrate that submittal material and the proposed development plan comply with each of the following design criteria, or demonstrate that one or more of them is not applicable, or that a particular development solution is consistent with the public interest."*

Please refer to Attachment C for the applicant's responses to these principal review criteria.

##### **1. Conformance with the Town of Avon Comprehensive Plan's Goals and Objectives.**

###### **District 24 Wildridge Residential District (Comp Plan Page 98-99)**

The subject properties are located in the "Wildridge Residential District." The Comprehensive Plan acknowledges the limited number of existing trees and the open character of the Subdivision. The Comprehensive Plan states that *"special care should be taken to ensure that all structures are compatible with one another and in harmony with the natural surroundings."*

One of the planning principles for this district is to *"site buildings of varying sizes along the street to maximize sun exposure, protect views, be compatible with existing surrounding development, and break up building bulk."* While the residential land use is certainly appropriate, the proposed density and configuration would not result in a visually compatible arrangement of structure types.

###### **Future Land Use Plan (Comp Plan Page 27)**

The Future Land Use Plan envisions continued "Residential Low Density" development. Residential Low Density (RLD) development is intended to provide sites for single-family, duplex, and multi-family dwellings at a density no greater than 7.5 dwelling units per acre. The applicant's proposal would amount to 10.5 dwelling units per acre and is not in conformance with the maximum density of the RLD designation.

###### **Goals and Policies (Comp Plan Pages 37 - 63)**

The Comprehensive Plan contains several regional policy goals related to land use and development patterns that should be reviewed with respect to all proposed PUD plans in Town. The goals and policies most applicable to this proposal speak to clustering development and other creative design solutions in order to achieve lower densities, and to which this proposal does not demonstrate conformance.

**2. Conformity and compliance with the overall design theme of the town, the sub-area design recommendations and Design Guidelines of the Town.**

Where the PUD is silent to architectural standards the Town's Residential, Commercial, and Industrial Design Review Guidelines would apply. The Town's Guidelines put emphasis on the overall design theme for the Town. According to the Guidelines, the theme for the Town shall be to establish an attractive appearance for visitors and residents, and yet be flexible enough to allow design innovation.

The site design and corresponding development standards appear to be in general conformance with this criterion, however, there would be a significant amount of disturbance required to construct the proposed duplexes and the density exceeds what is designated for the site using the Future Land Use Map (FLUM) designation contained in the Comprehensive Plan. Staff's recommendation is based primarily on keeping the density closer to the 7.5 DUs per acre prescribed by the Residential Low Density (RLD) designation and restricting the size to something affordable to year-round local residents.

**3. Design compatibility with the immediate environment, neighborhood, and adjacent properties relative to architectural design, scale, bulk, building height, buffer zones, character, and orientation.**

The proposed density and configuration of development would not be compatible with the immediate environment, neighborhood, and adjacent properties relative to bulk, mass, buffer zones, character and orientation.

**4. Uses, activity, and density provide a compatible, efficient, and workable relationship with surrounding uses and activity.**

The proposed use may provide an efficient, workable relationship with surrounding uses and activities, but the higher density is not compatible.

**5. Identification and mitigation or avoidance of natural and/or geologic hazards that affect the property upon which the PUD is proposed.**

There have no been no geologic hazards identified on the subject property.

**6. Site plan, building design and location and open space provisions designed to produce a functional development responsive and sensitive to natural features, vegetation and overall aesthetic quality of the community.**

There appears to be a high degree of alteration to the existing site required to enable this development to function. The site layout and driveway do not appear sensitive to the natural features of the site, particularly with respect to the excessive paved area.

**7. A circulation system designed for both vehicles and pedestrians addressing on and off site traffic circulation that is compatible with the Town Transportation Plan.**

There is a functional 24' wide driveway for the four (4) proposed residential units. The turnaround could also be used for trash removal vehicles. It appears that visibility is good in each direction entering and leaving the proposed curb cut location.



**8. Functional and aesthetic landscaping and open space in order to optimize and preserve natural features, recreation, views and function.**

As stated previously, the asphalt driveway/parking area is an excessive amount of paved area in comparison to the size of Tract B and does not appear to optimize or preserve natural features, recreation, views, and site functionality.

**9. Phasing plan or subdivision plan that will maintain a workable, functional, and efficient relationship throughout the development of the PUD. The phasing plan shall clearly demonstrate that each phase can be workable, functional and efficient without relying upon completion of future project phases.**

The applicant has proposed one phase of development.

**10. Adequacy of public services such as sewer, water, schools, transportation systems, roads, parks, and police and fire protection.**

Letters expressing the ability to serve have been included in the applicant's binder and include those from: Eagle River Water & Sanitation District, Xcel Energy, Holy Cross Energy, and Comcast. Adequate services can be provided for this proposed development.

**11. That the existing streets and roads are suitable and adequate to carry anticipated traffic within the proposed PUD and in the vicinity of the proposed PUD.**

Old Trail Road is suitable to carry the anticipated traffic, and the site distance visibility entering and exiting the driveway appears safe.

**12. That the PUD or amendment to PUD requested provides evidence of substantial compliance with the following public purpose provisions, as outlined in Section 17.28.085 of the Avon Municipal Code:**

*A. The application demonstrates a public purpose, which the current zoning entitlements cannot achieve.*

Staff Comment: The applicant has asserted that the change in use alone constitutes a public benefit or purpose and staff is not in agreement with this statement. While the smaller unit sizes may indeed render each half of the proposed duplexes more affordable than most other duplexes in Wildridge and the Town as a whole, this does not create a public benefit considering there are no entitlements for stand-alone dwelling units under the existing zoning. Caretaker, accessory apartments are for-rent units that are secondary to the primary use and cannot be built independently of the allowed commercial use, and this is what necessitates the need for a zone change.

*B. Approval of the zoning application provides long term economic, cultural or social community benefits that are equal to or greater than potential adverse impacts as a result of the changed zoning rights.*

Staff Comment: The existing zoning rights would seem to provide a more sustainable, long-term economic and social benefit to the community than a strictly residential development. While there is no question that someone would have to be creative to make the commercial use viable, the lasting benefit to the neighborhood and the entire



community can be measured by the positive environmental impacts of less daily vehicle trips between Wildridge and Avon's town core. There is also a tangible cultural/social benefit to having a well situated commercial entity to serve as a community center and common gathering place.

*C. The flexibility afforded in approval of the zoning application will result in better siting of the development, preserving valued environmental and cultural resources, and increasing the amount of public benefit consistent with the community master plan documents.*

Staff Comment: There is not adequate evidence of the proposed amendment resulting in an increased amount of public benefit consistent with the community master plan documents. As stated previously in this report, the existing zoning and the planning behind it have been designed to achieve a certain public benefit which would be removed should the proposed PUD amendment be approved as submitted.

## **VI. Staff Recommendation**

Staff is recommending a **CONDITIONAL APPROVAL** of the proposed PUD amendment for Tract B, Block 1, Wildridge, subject to the following conditions of approval:

1. The maximum density in terms of the number of Dwelling Units (DU) allowed on Tract B is three (3) and they must be contained within one triplex structure;
2. The maximum Gross (habitable) Floor Area of each unit cannot exceed 1,500 sq ft and each unit must be sold with a deed restriction which allows only prequalified Eagle County residents to purchase and reside in these units;
3. Revised plans reflecting the new configuration and density must be submitted to staff for a Sketch Design to be reviewed by the Planning and Zoning Commission prior to an application being submitted for Final Design;
4. Except as otherwise modified by this approval, all material representations made by the applicant or applicant representatives in this application and in public hearings shall be adhered to and considered binding conditions of approval; and,

With the following findings of fact:

1. That the Conditional Approval recommended by staff provides a more compact, lower density development option which is in greater conformance with the twelve (12) Design Criteria for a PUD Amendment and is more compatible with the surrounding neighborhood; and,
2. That the recommended Conditional Approval will provide a real, tangible public benefit that is more consistent with the original zoning designation for the site and which better conforms to the Housing Goals and Policies contained in the Town of Avon Comprehensive Plan.



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If you have any questions regarding this project or any planning matter, please call me at 748-4002, or stop by the Community Development Department at the Avon Town Hall.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matt Gennett".

Matt Gennett, AICP  
Planning Manager

### **Attachments**

- A. Vicinity Map
- B. Sheet 1, Final Plat of Wildridge (Amendment 2)
- C. Applicant's materials
- D. Public comments

# Memo

**To:** Planning and Zoning Commission  
**From:** Justin Hildreth, P.E., Town Engineer  
**Date:** July 29, 2009  
**Re:** Town of Avon Comprehensive Transportation Plan

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**Summary:** The Comprehensive Transportation Plan (Plan) is an important tool to assess and project the current and future status of the vehicular, bicycle, transit, and pedestrian infrastructure and experience for the Town of Avon. The most recent Transportation Master Plan was completed in 1990 and updated in 1996, prior to the construction of the Avon Road roundabouts and the annexation of the Village at Avon. Also, over the last few years, the Town adopted a new Comprehensive Plan, the Town Center West Investment Plan, and the East Town Center District Plan; as a result, the previous Transportation Master Plan does not reflect the current status, growth, and future vision of the Town.

The Plan analyzes the existing transportation network and recommends improvements that will be required to accommodate the build-out of Avon. The Plan indicates that the existing road network is adequate to serve vehicular traffic but the pedestrian and transit network will require numerous improvements.

Because of the size and complexity of the Plan, it is being presented to Planning and Zoning Commission in two parts. Chapter 1, Roadway System and Chapter 2, Bicycle and Pedestrian System of the Plan was presented by Charles Buck of Felsburg, Holt and Ullevig on July 21, 2009. Chapter 3, Transit System will be presented to Planning and Zoning Commission on August 4, 2009. The Plan is currently scheduled to be presented to Town Council on August 11, 2008. Staff is requesting that the Planning and Zoning Commission make a recommendation to Town Council to adopt the Plan at the end of the August 4 hearing.

**Discussion:** The previous Transportation Plans do not reflect the current philosophy of Avon and were primarily automobile-focused, resulting in poor pedestrian connectivity and inadequate accommodation of alternate transportation modes. The Plan will provide a transportation planning document aligning with the transit and pedestrian-oriented ideals contemplated in the Comprehensive Plan and Town Center West Investment Plan.

The scope of work of the Comprehensive Transportation Plan includes the following items:

- **Data Compilation and Collection:** turning movements at all key intersections, supplemental traffic counts, existing roadway physical characteristics, traffic reports and land use data, and existing transit, pedestrian, and bicycle facility inventories
- **Analysis of Existing Conditions:** modeling for Levels of Service (LOS) for Traffic and Transit facilities, analysis of existing parking inventories and land use data, and analysis of the existing trail/sidewalk network
- **Analysis of Future Conditions:** development of long-term traffic and LOS projections and evaluation of potential improvements based on results, analysis of future transit ridership, service levels, and related land use resulting in future route and capital recommendations, analysis of future parking demands, analysis of future pedestrian facilities and trail enhancements or additions
- **Traffic Calming:** analysis of locations where calming measures could be implemented to mitigate pedestrian safety issues
- **New Town Standards:** aid in the development of new roadway cross sections and traffic impact study guidelines for eventual codification

In summary, the roadway system in Avon will accommodate the projected future traffic volumes. However, US 6 will require widening to four through lanes. Numerous pedestrian and bicycle improvements are required throughout Avon to improve the non-vehicular transportation system.

### **July 21, 2009 Hearing Response**

Numerous comments were received by the Planning and Zoning Commission at the July 21, 2009 and are summarized below along with a response describing how the comment is addressed in the Plan:

1. A bicycle connection must be made to Wildridge.  
**The Plan includes a bike climbing lane on Metcalf Road from Nottingham Road to Old Trail Road which will connect to the existing bike/pedestrian lanes in Wildridge. In addition, the project is included in the CIP 5-year plan.**
2. Why have future build-out turning movements not been provided for the Nottingham Road/Swift Gulch Road/Metcalf Road areas?  
**The Comprehensive Plan does not contemplate additional development or different land uses in these areas, therefore Staff did not feel that this data was necessary. Traffic Counts are collected in these areas on an annual basis and will be included in the Plan prior to presentation to Town Council.**
3. Additional data is required between Nodes 9 and 10.  
**Turning movements at this intersection have been projected and added to the Plan.**
4. West Beaver Creek Boulevard requires narrowing and pedestrian improvements.  
**Improvements to West Beaver Creek Boulevard, including turn pockets, landscaped refuge medians, and crosswalks are added to the Plan and are included in the CIP 5-year plan.**
5. Figure 1.15, should show the valley floor portion of the Village (at Avon) as part of the Core Area for Transit Supportive Services.  
**The Figure has been modified as requested.**
6. The wayfinding in the Town is terrible.  
**Wayfinding is not part of the scope of the plan, but Staff will attempt to improve wayfinding throughout the Town.**
7. The East-West Connection between the Town Centers needs to be improved, particularly across Avon Road.  
**The Plan proposes a grade separate crossing south of the Benchmark Road roundabout.**
8. There are several sight distance issues throughout the Town.  
**Sight distance is not part of the scope of the plan and Staff uses the sight distance requirements outlined in Geometric Design of Highways and Streets, American Association of State Highway Transportation Officials (AASHTO), 2004.**
9. Access needs to be improved to the Nottingham Road Trail.  
**The plan includes several cuts in the guard rail with stairs down to the trail.**
10. Concern that the traffic splits between US6 and I-70 are not accurate.  
**Charles Buck will discuss the traffic split during the hearing.**
11. Impact of skier parking on the Town.  
**Since the Town does not know what the owner of the parking lots intentions are, we can not speculate what the impacts will be. The developer of the parking lots will have to prepare a traffic study that will examine the traffic impacts to meet both CDOT and Eagle County standards. The development proposal should be referred to the Town as required by the existing Intergovernmental Agreement.**



12. Numerous barriers to north-south pedestrian circulation exist in Avon, for example, I-70, the Union Pacific Railroad Right of Way, the Eagle River, and U.S. 6, and need to be addressed in the Plan.  
**More detail on pedestrian and bicycle improvements in this area have been added to the plan. Separated grade crossings at I-70, additional Railroad Crossings, the need to safely get pedestrians from the Gates/Folsom area across US 6 and the Eagle River into Town, and a pedestrian bridge over the Eagle River in the vicinity of the Whitewater Park have been added to the plan.**
13. Bicycles at the I-70/Avon Road interchange.  
**The Nottingham Road Trail terminates at a 4.5 foot wide sidewalk at the northern ramps. The sidewalks can be widened and streetlights moved to ensure a clear, wide path through the interchange.**
14. The Plan needs to balance the requirements of the different bicycle users.  
**Several trail improvements are proposed for the recreational/family cyclists. Road cyclists will need to ride with traffic and bike lanes are proposed on several of the road cross-section standards.**
15. Bicycles need to be accommodated through the roundabouts.  
**AASHTO guidance recommends terminating bicycle lanes prior to roundabout entry, or utilizing sidewalks for slower moving cyclists. Pavement markings and signage can be improved on the arterial roads to increase cyclist safety, and sidewalk widening and crosswalk safety improvements can be implemented for slower cyclists.**
16. The projected development numbers for the Folsom property seem low.  
**The future development numbers were provided by the Community Development department and considered developable area and the adjacent Gates development.**
17. The Plan needs to be integrated with the Beaver Creek transit system.  
**Integration with the Beaver Creek transit system is included in the Transit component of the Plan.**

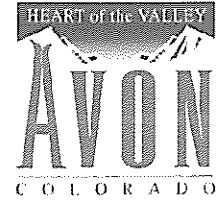
**Recommendation:** Staff recommends approval of Resolution 09-10, recommending approval of the Town of Avon Comprehensive Transportation Plan, as drafted, for future adoption by Town Council

**Attachments:**

Attachment A – Comprehensive Transportation Plan

Attachment B – RESOLUTION 09-10, A RESOLUTION RECOMMENDING APPROVAL OF THE TOWN OF AVON COMPREHENSIVE TRANSPORTATION PLAN, DATED JULY 23, 2009, TOWN OF AVON, COUNTY OF EAGLE, STATE OF COLORADO

**TOWN OF AVON  
PLANNING & ZONING COMMISSION  
RESOLUTION NO. 09-10**



**A RESOLUTION RECOMMENDING APPROVAL OF THE TOWN OF  
AVON COMPREHENSIVE TRANSPORTATION PLAN, DATED JULY  
29, 2009, TOWN OF AVON, COUNTY OF EAGLE, STATE OF  
COLORADO**

**WHEREAS**, the Town of Avon recognizes and affirms the value of a multi-modal transportation vision that includes pedestrian, bicycle, transit and vehicular; *and*

**WHEREAS**, the Town of Avon's vision is to provide a high quality of life, today and in the future, requiring a diversity of transportation modes that are safe, efficient and effective; *and*

**WHEREAS**, the Town of Avon Comprehensive Plan provides a clear foundation and framework for actions and implementation policies that will encourage the types of growth envisioned in the Plan; including, but not limited to, all modes of transportation; *and*

**WHEREAS**, the Town of Avon Comprehensive Plan incorporates the following Goals and Policies pertinent to the Town of Avon Comprehensive Transportation Plan:

*Policy C.2.3:* Require pedestrian, bike, and automobile connections, where appropriate, between proposed and existing residential neighborhoods. The use of multiple access points, traffic calming devices, and/or street design standards will be employed to minimize cut through traffic.

*Goal D.2:* Create community gateways and streetscapes that reflect and strengthen Avon's unique community character and image.

*Policy G.1:* Create and integrated transit system that minimizes dependence on automobile travel within the Town by making it easier and more inviting to use transit, walk, ride bicycles, and utilize other non-motorized vehicles.

*Goal G.4:* Provide a safe and efficient vehicular transportation system.

- Policy G.1.1:* Connect pedestrian, bicycle, and vehicular circulation systems with regional transit.
- Policy G.1.2:* Devise a public transit service plan that would replace the current one-way loop system with a two-way system that utilizes new road links. Compare annual service hours and productivity (passengers per vehicular hour) estimates of two alternative service plans.
- Policy G.1.7:* Ensure that streets effectively accommodate transit, pedestrian, bicycle and other modes of transportation.
- Policy G. 1.8:* Retrofit existing streets to provide safe and inviting pedestrian sidewalks, shoulders and crosswalks.
- Policy G.1.9:* Ensure that adopted roadway and intersection standards have adequate provisions within the public right of way to fully incorporate both auto and non-auto modes.
- Policy G.1.11:* Provide a bicycle and/or pedestrian connection across or under I-70 between Metcalf Road and West Beaver Creek Blvd.
- Policy G.1.18:* Support a transit system that maximizes ridership by providing frequent service even if higher subsidy levels are required

**WHEREAS**, the Town of Avon Planning and Zoning Commission held public hearings at their July 21, 2009 and August 4, 2009 meetings to review the draft plan entitled "Town of Avon Comprehensive Transportation Plan (July 29, 2009)"; at which time the public was given a opportunity to comment on the draft plan;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF AVON PLANNING AND ZONING COMMISSION**, that the Planning and Zoning Commission of the Town of Avon hereby recommends approval of the Town of Avon Comprehensive Transportation Plan (July 29, 2009) to Town Council.

**ADOPTED THIS 4th DAY OF AUGUST, 2009**

*Signed:*

\_\_\_\_\_

Todd Goulding, Chairperson

Date: \_\_\_\_\_

*Attest:*

\_\_\_\_\_

Phil Struve, Secretary

Date: \_\_\_\_\_