

ORDINANCE NO. 4
(Series of 1992)

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO,
AMENDING THE ZONE DISTRICT MAP OF THE TOWN OF EAGLE
BY APPROVING A PLANNED UNIT DEVELOPMENT WITHIN THE
TOWN OF EAGLE TO BE KNOWN AS ART'S COURT PLANNED UNIT
DEVELOPMENT, AND APPROVING A SUBDIVISION TO BE KNOWN
AS THE ART'S COURT PLANNED UNIT DEVELOPMENT.

00203

WHEREAS, by Title 4 of the Eagle Municipal Code, the Town of Eagle enacted a comprehensive zoning and subdivision ordinance for the Town; and

WHEREAS, the Board of Trustees has received an application by Mike Metcalf to amend the zone district map in the particulars hereinafter set forth; and

WHEREAS, said applicant has further requested a resubdivision of the property hereinafter described; and

WHEREAS, public notice has been given as required by Section 4.03.060 of the Eagle Municipal Code; and

WHEREAS, a public hearing on said application was held on 3.24.92, 1992, as required by Chapter 4.11 and Chapter 4.12 of the Eagle Municipal Code; and

WHEREAS, the Board of Trustees finds and determines that the applicant has provided sufficient evidence that the proposed planned unit development is desirable because one or more of the criteria set forth in Section 4.11.020 of the Eagle Municipal Code have been met; and

WHEREAS, the Board of Trustees finds and determines that the applicant has met his burden of providing evidence that the proposed planned unit development is in general conformity with the Town's goals, policies, and comprehensive plan, and that the applicant has met his burden of providing evidence that the area in question possesses geological, physiological, and other environmental conditions compatible with and characteristics of the uses requested, and compatible with surrounding land uses, and that the advantages of the planned unit development requested outweigh the disadvantages of such requested zoning designation.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO:

Section 1. That Chapter 4.04 of the Eagle Municipal Code, as well as the zone district map of the Town of Eagle, established by and incorporated into said Chapter, be and the same hereby is, amended so as to provide that the following described property situate in the Town of Eagle, County of Eagle, and State of Colorado, to-wit:

A portion of Lot 10A of a resubdivision of Lot 10, Block 40, West Eagle Addition to the Town of Eagle, as further described on the Final Plat of Art's Court Planned Unit Development,

be, and the same hereby is, re-zoned Planned Unit Development (P.U.D.). The zoning densities, uses, and their general locations shall be those depicted in the previously approved P.U.D. Zoning Plan for the Art's Court Planned Unit Development. All requirements established in Title 4 of the Eagle Municipal Code for single-family, multi-family, and commercial uses shall be applicable, except as modified by the P.U.D. Guide for the Art's Court Planned Unit Development, contained within a document dated December 5, 1991, submitted to the Town of Eagle, which is hereby incorporated herein by this reference. The

zoning designation herein approved is specifically conditioned upon the owner's and applicant's full compliance with said P.U.D. Guide and Zoning Plan, and with the Subdivision Improvements Agreement concerning Art's Court Planned Unit Development, entered into between the Town of Eagle, Colorado, and Mike Metcalf, the owner and applicant, which is hereby incorporated herein by this reference.

Section 2. Upon adoption of this Ordinance, the zoning amendment herein contained, shall be promptly entered on the appropriate page of the official zone district map, showing general location, effective date, and nature of the change. One copy of the approved application, including the P.U.D. Zoning Plan and P.U.D. Guide, shall be retained in the records of the Building Official, in order to insure that development proceeds in conformance with the requirements of the approved zone district designation and this Ordinance.

Section 3. That the Board of Trustees of the Town of Eagle, Colorado, following study and approval as required by law, hereby approves the resubdivision of a portion of Lot 10A of a resubdivision of Lot 10, Block 40, West Eagle Addition to the Town of Eagle, County of Eagle, State of Colorado, into seven lots as further described on the Final Plat of Art's Court Planned Unit Development.

Section 4. That the Board of Trustees of the Town of Eagle, Colorado, hereby accepts for public use the dedication of the streets, roads, rights-of-way, and drainage, utility, or irrigation easements as shown on the Final Plat of Art's Court Planned Unit Development.

Section 5. The division of property, which shall hereinafter be known and described as Art's Court Planned Unit Development, is contained within a portion of Lot 10A of a resubdivision of Lot 10, Block 40, West Eagle Addition to the Town of Eagle, County of Eagle, State of Colorado.

Section 6. The subdivision approved herein is specifically conditioned upon the applicant's full compliance with the Subdivision Improvements Agreement concerning Art's Court Planned Unit Development, incorporated herein.

Section 7. The owner shall provide, as required by Section 4.12.010(C)(7) of the Eagle Municipal Code, a certificate from an attorney licensed to practice law in the State of Colorado, or a title insurance company licensed to do business in this State, on the Final Plat. This certificate shall show that the title to all land shown on the Plat as being dedicated to the public for any public purpose, including but not limited to streets, roads, rights-of-way, and easements, is vested in the owner free and clear of all liens and encumbrances except for current general property taxes and patent reservations.

In the event any property dedicated to the public is subject to any lien or encumbrance, the owner shall obtain, at his expense, and tender to the Town such documents as are necessary to release the dedicated land from the lien or encumbrance. The failure of the owner to provide title assurance as provided in this Section, or to obtain the releases required by this Section, may cause the Town to repeal the within Ordinance.

Section 8. Within 30 days after the approval of this Ordinance, the Town Clerk, on behalf of the Town of Eagle, Colorado, is directed to:

(A) File one copy each of the Final Plat of Art's Court Planned Unit Development, one copy of the P.U.D. Zoning Plan, one copy of the P.U.D. Guide, and the original of this ordinance in the office of the Town Clerk of Eagle, Colorado;

(B) File one certified copy of this ordinance, one copy of the approved P.U.D. Zoning Plan, one copy of the P.U.D. Guide, and one copy of the Final Plat in the office of the Eagle County, Colorado, Assessor; and

(C) File for record one certified copy of this ordinance, the Final Plat of Art's Court Planned Unit Development, one certified copy of the P.U.D. Zoning

Plan, and one certified copy of the P.U.D. Guide, with the Clerk and Recorder of Eagle County, Colorado.

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado, held on 4.14, 1992, and approved by the Mayor on 4-14, 1992.

TOWN OF EAGLE, COLORADO,

By Bill Cunningham
Mayor

ATTEST:

Marilyn M. Miller
Town Clerk

Publication Date:

4.23.92

Trustee Dunford introduced, read and moved the adoption of the ordinance titled,

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO, AMENDING THE ZONE DISTRICT MAP OF THE TOWN OF EAGLE BY APPROVING A PLANNED UNIT DEVELOPMENT WITHIN THE TOWN OF EAGLE TO BE KNOWN AS ART'S COURT PLANNED UNIT DEVELOPMENT, AND APPROVING A SUBDIVISION TO BE KNOWN AS THE ART'S COURT PLANNED UNIT DEVELOPMENT.

and upon adoption that it be published pursuant to law and recorded in the Book of Ordinances.

Trustee Deane seconded the motion. On roll call, the following

Trustees voted "Aye": Beasley, Deane,
Dunford, Ewing, McDonough

Trustees voting "Nay": _____,
_____, _____,
_____, _____,

McKinzie abstained

00225

132.97' 65.51'
129.15'

PRINCE ALLEY (15' R.O.W.)

N C

LAND USE SUMMARY:

LOT 1	COMMERCIAL/PUD	14397 SQUARE FEET	0.331 OF AN ACRE
LOT 2	RESIDENTIAL/PUD	6890 SQUARE FEET	0.158 OF AN ACRE
LOT 3	RESIDENTIAL/PUD	6890 SQUARE FEET	0.158 OF AN ACRE
LOT 4	RESIDENTIAL/PUD	6890 SQUARE FEET	0.158 OF AN ACRE
LOT 5	RESIDENTIAL/PUD	6933 SQUARE FEET	0.159 OF AN ACRE
LOT 6	RESIDENTIAL/PUD	6847 SQUARE FEET	0.157 OF AN ACRE
LOT 7	RESIDENTIAL MULTI-FAMILY/PUD	18891 SQUARE FEET	0.434 OF AN ACRE
TRACT A	RIGHT-OF-WAY DEDICATION	253 SQUARE FEET	0.006 OF AN ACRE
TRACT B	RIGHT-OF-WAY DEDICATION	1586 SQUARE FEET	0.036 OF AN ACRE
TRACT C	RIGHT-OF-WAY DEDICATION	1904 SQUARE FEET	0.044 OF AN ACRE
TRACT D	RIGHT-OF-WAY DEDICATION	2031 SQUARE FEET	0.047 OF AN ACRE
TRACT E	PARK DEDICATION	4301 SQUARE FEET	0.099 OF AN ACRE
ART'S COURT	RIGHT-OF-WAY DEDICATION	6191 SQUARE FEET	0.142 OF AN ACRE
TOTAL		84002 SQUARE FEET	1.929 ACRES

TRA
2301
0.04

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 on any defect in this survey be commenced more than ten years from the date of certification shown hereon.

TOWN OF EAGLE
NOTIFICATION OF LAND USE DECISION
PUD-08 -- Art's Court PUD (Amendment)

This form represents a notification of decisions rendered by the Town of Eagle Board of Trustees and/or the Planning and Zoning Commission in response to the application for land use action described below and pursuant to Title IV of the Eagle Municipal Code.

APPLICANT: Matthew and Tami Jones

OWNER OF RECORD: Matthew and Tami Jones

DATE OF APPLICATION: November 24, 1992

LOCATION: Lot 1, Art's Court Planned Unit Development (aka 50 King Road)

DESCRIPTION OF REQUEST: Amend PUD to rezone Lot 1 to residential

PLANNING COMMISSION ACTION: Recommended amending PUD to rezone Lot 1 Residential Medium Density (RM/PUD), with conditions.

DATE: January 5, 1993

BOARD OF TRUSTEES ACTION: Amended Art's Court PUD to rezone Lot 1 to Residential Medium Density (RM/PUD), with conditions.

DATE: January 12, 1993

CONDITIONS: See attached

DATE OF COMMENCEMENT: January 13, 1993

LIMITATION OF APPROVAL: n/a

William Bueell
Planning Director

Jan 20, 1993
Date

**ATTACHMENT
NOTIFICATION OF LAND USE DECISION**

PUD-08 -- Art's Court PUD (Amendment)

Conditions pertaining to action of January 12, 1993:

- a. The actual location of the residence garage, and improvements conform to the schedule of requirements for the Residential Medium Density (RM) zone.
- b. Construction of any additional buildings respect the drainage and utility easement which runs approximately 8 feet northwest of the proposed location of the garage.
- c. The access between King Road and the parking area be limited to 20 feet wide.
- d. While the applicants or any other parties utilize this parcel as a personal residence, they shall:
 - (1) Conform to the Home Occupation Standards of the Town of Eagle Land Use Ordinance for any business conducted out of this residence.
 - (2) Operate the business on a "by appointment" basis only.
 - (3) If an additional structure is built, such as has been proposed to house an office, the nature of the business operation at this location not be expanded beyond that which is contemplated with the office in the basement of the residence.
 - (4) Minimize business-related "drop-in" traffic.
 - (5) Provide paved off-street parking equal to or greater than as provided in the Site Plan, and take appropriate steps necessary to avoid on-street, business related parking.
 - (6) All materials and materials handling equipment be stored in the garage.
 - (7) All business vehicles be parked off-street.