

Planned Unit Development Control Document

for

## **Barnes Historical PUD**

### **I. General Purposes**

Preservation of certain unique, scenic and historic features of the Town of Eagle while promoting compatible land uses, in an area of Town containing mixed residential and commercial use, in a manner consistent with the Town's master plan, goals and policies.

### **II. Allowed Uses**

#### **A. Veterinary Clinic. 1500 square feet. Use includes:**

1. Small and large animal examination and surgical facilities
2. Related medical and overnight hospitalization facilities
3. Incidental retail displays

#### **B. Related Storage facilities: 1000 square feet.**

#### **C. Affordable Housing Unit:**

1. One Dwelling Unit, in a separate building

### **III. Maximum Building Height, Setbacks, Signage and other requirements**

There shall be a 15 foot rear and side yard setback, except to the extent the existing barn encroaches. The maximum building height shall be 35 feet. Otherwise, the requirements shall be as provided under the Commercial Limited Zone District and applicable sign code.

### **IV. Parking and Driveway Requirements:**

One space per 250 square feet of office/public space. Two spaces for the residential use. All parking and driveways must have an asphalt or concrete surface.

# BARNES HISTORICAL PUD-AMENDMENT

APPROVED BY MOTION ONLY --- TBOB 28 MARCH 1995

Town Board of Trustees  
March 28, 1995

6

NO ORDINANCE FOUND

NEG 20 FEB 2007

Heicher made a motion to close the Public Hearing. Deane seconded. The motion passed unanimously.

Deane made a motion to approve SU-60 with Staff recommendations and that the permit be for three years with the right to review it annually. Ewing seconded. The motion passed 6 to 0. McKinzie abstained.

McKinzie rejoined the Board at this time.

## BARNES P.U.D. 12

Suzanne Barnes has applied to the Town of Eagle to amend the Barnes Historical P.U.D. to permit the use of the existing residential building as a veterinary clinic and add a commercial building as a dwelling unit. Forinash gave the Board a memo outlining the background, issues and Staff recommendations. (memo attached) The Town received a letter from Harold and Alice Koonce in favor of the amendment. Barnes told the Board the amendment keeps the Commercial use along Highway 6. With the new arrangement the parking spaces will exceed requirements.

Deane made a motion to close the Public Hearing. Heicher seconded. The motion passed unanimously.

Heicher made a motion to approve PUD-12 with the Staff and Planning Commission conditions 1 thru 5 as listed in memo. Dunford seconded. The motion passed unanimously.

## OPEN DISCUSSION

Deane stated the appliances at 4th and Washington are getting closer to the pavement. Powell said he would check on it.

Dunford asked that packets be made available for audience members at the beginning of the meeting. Powell recommended instead of packets that individual memos be made available. The Board agreed.

Heicher reminded Staff to pursue the salary survey.

**Planning and Zoning Commission**

March 21, 1995

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The Commission reconvened at 10:32 p.m.

*V-130 and DR-44 Jackie's Olde West Restaurant*

Chairman Egan continued the Public Hearing on File Nos. V-130 and DR-44, Jackie's Olde West Restaurant.

Forinash told the Commission the Applicant has requested a continuance to resolve the issues.

Dunford made a motion to continue File Nos. V-130 and Dr-44 until the next regularly scheduled meeting. Kessler seconded. The motion passed unanimously.

*PUD-12 - Barnes Historical Planned Unit Development*

Schierkolk stepped down and Long resumed his seat on the Commission.

Chairman Egan opened the Public Hearing on File No. PUD-12, Barnes Historical Planned Unit Development, located at 550 Grand Avenue, requesting to amend the existing PUD to permit use of existing residential building as a veterinary clinic and a commercial building as a dwelling unit.

Forinash told the Commission that the Town Board of Trustees approved a rezoning of this site to Residential Planned Unit Development to permit locating a log structure onto the site for use as a veterinary clinic and continuing to use the existing residential structure as employee housing. The applicant has learned that a gas main is buried on the property which makes it impractical to build an addition on to the structure to expand the clinic. The applicant is requesting an amendment to the PUD to permit the log structure to be used as the dwelling unit and the existing structure as the clinic.

Barnes said the gas main was not shown on the Improvement Location Certificate. Placing the clinic in the existing structure keeps the commercial use further from the

**Planning and Zoning Commission**

March 21, 1995

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residential use adjacent to the property. The basement of the existing structure will fill the storage need which the proposed addition would have provided.

Dunford made a motion to approve File No. PUD-12, Barnes Historical Planned Unit Development, with the following conditions.

1. The Applicant be required to pay \$760.00 cash-in-lieu for open space.
2. The Applicant provide a landscape perimeter around the PUD to buffer incompatibility of uses.
3. The Applicant be required to install an underground sprinkler system.
4. Provision and placement of the trash dumpster be subject to approval by the Town's Director of Public Works.
5. The Applicant be required to obtain a sign permit before installing any signs on the site.

Kelly seconded. The motion passed unanimously.

Dunford made a motion to close the Public Hearing on File No. PUD-12. Ehrenberg seconded. The motion passed unanimously.

**DISCUSSION ITEMS**

**OTHER BUSINESS**

***B & D Taxidermy***

Forinash told the Commission an administrative zoning decision to permit Don Wiggins to operate a taxidermy business at 641B McIntire until April 1, 1995 was made in March of 1994. Wiggins will be moving his business to Gypsum. However, the building will not be completed until July 31, 1995. Wiggins has requested an extension until then.



# The Town of Eagle

Box 609 • Eagle, Colorado 81631  
(303) 328-6354 • Fax 328-5203

Meetings:  
2nd and 4th Tuesdays

DATE: March 23, 1995

TO: Town Board of Trustees

FROM: Joseph Forinash

RE: Project: Barnes Historical Planned Unit Development  
File Number: PUD-12  
Applicant: Suzanne Barnes  
Location: Parcel A, Spano-Koonce Minor Subdivision/Barnes Historical  
PUD (aka 550 Grand Avenue)  
Request: Amend existing Planned Unit Development to permit use of  
existing residential building as a veterinary clinic and a  
commercial building as a dwelling unit

## BACKGROUND

In December 1994, the Town Board of Trustees approved a rezoning of this site to Residential Planned Unit Development to permit the Applicant to move a log structure onto the site for use as a veterinary clinic and to continue to use the existing residential unit as a dwelling unit for an employee of the clinic. The ordinance passed specified these uses for the respective structures.

The Applicant has subsequently learned that a gas main is buried on the property such that once the log structure is relocated on the site in such a manner as to avoid the gas line easement, it becomes impractical to build an addition on to the structure to expand the clinic. The Applicant is therefore requesting an amendment to the PUD to permit the log structure to be used as the dwelling unit for the employee and the existing structure as the clinic.

## ISSUES

### Conditions of Approval of Original PUD

The earlier PUD zoning was approved with the following conditions:

1. The Applicant be required to pay \$760 cash-in-lieu for open space.
2. The Applicant provide a landscape perimeter around the PUD to buffer incompatibility of uses.
3. The Applicant be required to install an underground sprinkler system.
4. Provision and placement of the trash dumpster be subject to approval by the Town's Director of Public Works.
5. The Applicant be required to obtain a sign permit before installing any signs on the site.

### STAFF RECOMMENDATION

Staff has recommended approval of the amended PUD zoning with the condition that all of the previously approved conditions continue to be applicable.

The Planning and Zoning Commission recommends approval with the same condition.



# The Town of Eagle

Box 609 • Eagle, Colorado 81631  
(303) 328-6354 • Fax 328-5203

Meetings:  
2nd and 4th Tuesdays

DATE: March 15, 1995

TO: Planning and Zoning Commission

FROM: Joseph Forinash

RE: Project: Barnes Historical Planned Unit Development  
File Number: PUD-12  
Applicant: Suzanne Barnes  
Location: Parcel A, Spano-Koonce Minor Subdivision/Barnes Historical PUD (aka 550 Grand Avenue)  
Request: Amend existing Planned Unit Development to permit use of existing residential building as a veterinary clinic and a commercial building as a dwelling unit

## BACKGROUND

In December 1994, the Town Board of Trustees approved a rezoning of this site to Residential Planned Unit Development to permit the Applicant to move a log structure onto the site for use as a veterinary clinic and to continue to use the existing residential unit as a dwelling unit for an employee of the clinic. The ordinance passed specified these uses for the respective structures.

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1. The Applicant be required to pay \$760 cash-in-lieu for open space.
2. The Applicant provide a landscape perimeter around the PUD to buffer incompatibility of uses.
3. The Applicant be required to install an underground sprinkler system.
4. Provision and placement of the trash dumpster be subject to approval by the Town's Director of Public Works.
5. The Applicant be required to obtain a sign permit before installing any signs on the site.
6. The parking area be surfaced with asphalt or concrete.

### STAFF RECOMMENDATION

Staff recommends approval of the amended PUD zoning with the condition that all of the previously approved conditions continue to be applicable.

# EAGLE VALLEY PET HOSPITAL

P.O. Box 611, 116 Broadway, Eagle, Co 81631

303-328-5454

February 8, 1995

Town of Eagle,  
Box 609,  
Eagle, CO 81631

Att'n: Willie Powell, Town Manager

Dear Willie:

This is to explain the reason for the change in use of the two buildings at 550 Grand Ave. Eagle, as previously requested in PUD File 09 and approved by the Town Council Dec 13, 1995. An application for Amendment to the PUD Zoning is hereby enclosed.

Following approval of the PUD Zoning Application, it was learned that a gas line running through the back yard was a permanent fixture, being in fact a gas main supplying a portion of the town, not just a service line to the house, and could not be moved without enormous expense. The presence of the gas main and the 5 foot setbacks on either side prevented the placement of the log building and the planned addition to it as shown in the Improvement Location Certificate provided as part of the PUD Application. The proposed footprint for the log building with the addition had been determined by the surveyor, but the gas main was not identified on the recent survey nor the I.L.C. that was enclosed with the PUD Application. The surveyor subsequently updated the survey and a new Site Plan was submitted to the Town as part of the Drainage Study required for the rezoning approval, with a smaller footprint within the original footprint for the placement of the log building.

After many ideas to solve the dilemma were discussed, the best solution appeared to be switching the proposed uses of the two buildings for the following reasons:

1. The use of the house for the business keeps the commercial activity of Grand Avenue along the street frontage and reduces the concerns about spot zoning that arose with the original application, despite the application being approved.
2. The objections of the adjacent neighbors, the Koonces, with respect to noise generated by the veterinary hospital at the back of the lot because of its close proximity to the rental homes on their property are alleviated by the movement of the business to the house at the front of the lot, so there will be a substantial distance between the business and their rental homes as well as the physical noise barrier of the log building which would become a residence. I met with the Koonces on February 1, 1995 and they were pleased with the proposed changes.
3. With 1100+ square feet (not including the basement), the house contains sufficient space to fulfill the needs of my growing practice for several years, and there is sufficient area in the side yard to allow for a

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SUZANNE L. BARNES, D.V.M.  
Small Animal Medicine and Surgery  
Cats, Dogs, Birds and Exotics

future addition if needed, again without detracting from the commercial strip along Grand Ave., nor disrupting the residents on the Koonce property.

4. The parking area, which already provided 1 extra space above requirements for the building floor areas remains the same, although the total building square footage is reduced by 700 square feet, so plenty of extra parking will exist with the proposed change of building use. This improves the traffic flows and safety issues already successfully addressed in the original PUD Application.

I will be happy to discuss this further with you in person and answer any questions that may arise

Sincerely,



Suzanne L. Barnes, D.V.M.

SLB/slb

Enclosures: 1



# The Town of Eagle

Box 609 • Eagle, Colorado 81631  
(303) 328-6354 • Fax 328-5203

Meetings:  
2nd and 4th Tuesdays

February 24, 1995

Alice May Koonce  
P. O. Box 410  
Eagle, CO 81631

RE: Barnes Historical Planned Unit Development (File No. PUD-12)

Dear Madam:

Dr. Suzanne Barnes has applied to the Town of Eagle for an amendment to the Planned Unit Development located on Parcel A, Spano-Koonce Minor Subdivision (aka 550 Grand Avenue) to permit use of the existing residential building as a veterinary clinic and a commercial building as a dwelling unit.

The Town of Eagle Planning and Zoning Commission will hold a hearing on this request on Tuesday, March 21, 1995, at 7:30 p.m. in the Eagle Town Hall. As an adjacent property owner, you are invited to comment on this request, either by letter to the Town Office or by appearance at the scheduled public hearing.

Plans are available for inspection at the Town of Eagle Offices. If you have questions regarding this application, please contact the Town Offices, 108 West Second, P. O. Box 609, Eagle, Colorado, 81631. The telephone number is 328-6354.

Sincerely,

Joseph L. Forinash  
Assistant to the Town Manager

RESPONSE:

the three adjacent property owners, undersigned below, have no objection to the amended PUD, as explained by Dr. Barnes:

it does mitigate to some extent the impact on our properties, to which we originally objected.

Alice M. Koonce  
Harold W. Koonce  
Koonce Company, Inc.

by:



# The Town of Eagle

Box 609 • Eagle, Colorado 81631  
(303) 328-6354 • Fax 328-5203

Meetings:  
2nd and 4th Tuesdays

February 24, 1995

Alice May Koonce  
P. O. Box 410  
Eagle, CO 81631

RE: Barnes Historical Planned Unit Development (File No. PUD-12)

Dear Madam:

Dr. Suzanne Barnes has applied to the Town of Eagle for an amendment to the Planned Unit Development located on Parcel A, Spano-Koonce Minor Subdivision (aka 550 Grand Avenue) to permit use of the existing residential building as a veterinary clinic and a commercial building as a dwelling unit.

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SUZANNE L. BARNES, D.V.M.

Small Animal Medicine and Surgery  
Cats, Dogs, Birds and Exotics

ORDINANCE NO. 16  
(Series of 1994)

00103

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 BARNES HISTORICAL PLANNED UNIT DEVELOPMENT-RESIDENTIAL.

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 Suzanne Barnes to amend the zone district map in the particulars hereinafter set forth; 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 December 13, 1994, as required by Chapter 4.11 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 proposed planned unit development is in close proximity to the Commercial Limited (CL) zone district, that the frontage of the proposed planned unit development abuts an arterial highway, that the planned unit development is in close proximity to a railroad right-of-way, and that the proposed planned unit development incorporates residential uses and only limited commercial use. In addition, the Board of Trustees finds that the application described herein conforms to the purposes set forth in Section 4.11.020 of the Eagle Municipal Code and the Town's goals, policies and plans. Therefore, the Board of Trustees finds and determines that the minimum size restriction for planned unit developments should be waived for the Barnes Historical Planned Unit Development-Residential; and

WHEREAS, the Board of Trustees finds and determines that the applicant has met her 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 her 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:

Parcel A, Spano-Koonce Minor Subdivision

be, and the same hereby is, re-zoned Planned Unit Development-Residential (P.U.D.-R.). The zoning densities, uses, building heights, set backs, and other requirements shall be those depicted in the Development Review Application, dated November 1, 1994, and the Planned Unit Development Control Document for Barnes Historical P.U.D., as approved by the Town of Eagle. All requirements established in Title 4 of the Eagle Municipal Code for single family and commercial unit uses shall be applicable, except as modified by the approved Development Review Application for

553726 B-657 P-694 12/4 04:32P PG 1 OF 2  
Sara J. Fisher Eagle County Clerk & Recorder  
REC 10.00 DOC

Barnes Historical P.U.D. and the approved Planned Unit Development Control Document for Barnes Historical P.U.D., which are hereby incorporated herein by this reference. Specifically, the existing residence located on the subject property, containing approximately 1,100 square feet, shall be used as an affordable housing rental unit only. Professional offices containing an animal hospital shall also be permitted on the property, containing 1,500 square feet, that will be used as an examination, medical and surgical facility with provision for over night hospitalization and incidental retail sales. No facilities for the boarding of animals shall be permitted. The existing barn located on the property shall be available for the examination of large animals and may provide storage for clinic related purposes. The zoning designation herein approved is specifically conditioned upon the owner's and applicant's full compliance with said Development Review Application and Planned Unit Development Control Document.

Section 2. Prior to the effective date of this Ordinance, the applicant shall pay to the Town the sum of \$760.00 as a fee in lieu of an open space and municipal park land dedication.

Section 3. 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 Development Review Application and the Planned Unit Development Control Document, 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.

INTRODUCED, READ, AMENDED AS SET FORTH HEREIN, ADOPTED AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado, held on December 13, 1994.

TOWN OF EAGLE, COLORADO,

By

*Bill Cunningham*  
\_\_\_\_\_  
Mayor

ATTEST:

*Marilyn M. Miller*  
\_\_\_\_\_  
Town Clerk

Publication Date:

December 29, 1994  
\_\_\_\_\_

Trustee Ewing 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 BARNES HISTORICAL PLANNED UNIT DEVELOPMENT-RESIDENTIAL.

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

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

Trustees voted "Aye":

<u>Ewing</u>	<u>Heicher</u>
<u>Cunningham</u>	<u>Deane</u>
<u>Dunford</u>	<u>McKinzie</u>

Trustees voted "Nay":

<u>Johnson</u>	_____
_____	_____