



EXHIBIT A

**SECOND AMENDED
PUD GUIDE FOR
GOLDEN EAGLE ELDERLY HOUSING LOT 1A, 1B AND 1C
PLANNED UNIT DEVELOPMENT**

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Amended and Approved December 12, 2006

This document supercedes and replaces the
Golden Eagle Elderly Housing PUD Guide dated August 19, 2005

**Town of Eagle
P.O. Box 609
Eagle, CO 81631**

APPROVAL OF THIS PLAN CONSTITUTES A VESTED PROPERTY RIGHT

Second Amended PUD Guide Golden Eagle Elderly Housing
12 December 2006

PURSUANT TO SECTION 24-68-103, C.R.S., AS AMENDED.
Second Amended PUD Guidelines
Golden Eagle Elderly Housing
Lot 1A, Lot 1B, and Lot 1C

I. Purpose.

The following guidelines replace the standard zoning provisions of the Town of Eagle with site specific restrictions that are more appropriate to the specific conditions of the site. These guidelines, restrictions and limitations are for the purpose of creating and keeping this development desirable, attractive, beneficial and compatible in architectural design, materials and appearance of the neighborhood for the mutual benefit of the residents, the Town of Eagle and the owner.

II. Intent.

It is the intent of Eagle County to provide a site for the construction of senior citizens housing, including an assisted living facility and a community center that serve as a focal point for a wide range of community and senior citizens activities. Eagle County hereby makes, declares and establishes the following limitations, restriction and uses upon the parcel(s) platted as Golden Eagle Elderly Housing. The intent of this amendment is further shown on the plans titled Golden Eagle Senior Center Remodel & Addition, on file in the office of the Town of Eagle Department of Planning and Zoning.

III. Authority and Enforcement.

Authority for these guidelines is found within Title 4 of the Town of Eagle Land Use and Development Ordinance. The Town of Eagle Board of Trustees or any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, reservations, liens and charges now or hereafter imposed by the provision of these guidelines. Failure by the Town of Eagle Board of Trustees or by an Owner to enforce any restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. It is not the intent of this PUD Guide to create nonconforming conditions on Lot 1A, Lot 1B and Lot 1C. All existing conditions on Lots 1A, Lot 1B and Lot 1C, if determined to be non-conforming at a future date, shall be reviewed per the Town Land Use and Development Ordinance concerning, legal non-conforming uses, structures and lots. No uses or use standards are approved for Lot 1A with this amendment. A PUD major amendment is required to be approved by the town prior to any use(s) being initiated on Lot 1A.

IV. Conflict.

The specific provisions of this guide shall prevail and govern the use of lands within this PUD, however, where the provisions of the guide do not specifically address a subject, the provisions of the Town of Eagle Land Use and Development Ordinance shall prevail. In cases of dispute or ambiguity, the Town Board shall act to interpret.

V. Definitions.

Assisting Living Residence or Assisted Living Facility:

Means a residential facility that makes available to adults; room, board and personal services, protective oversight and social care due to impaired capacity to live independently but not to the extent that regular twenty-four-hour medical or nursing care is required. The term assisted living residence or assisted living facility does not include any facility licensed in this state as a residential care facility for individuals with developmental disabilities or any individual residential support services that are excluded from licensure requirements pursuant to rules adopted by the Department of Public Health and Environment.

VI. Allowed Uses.

- A. Lot 1A Multi-Family dwelling units or Assisted Living Residence/Facility
- B. Lot 1B Multi-Family dwelling units
- C. Lot 1C Community Center

VII. Allowed Accessory or Included Uses.

- A. Reception area
- B. Office and work areas
- C. Kitchen and dining areas
- D. Consultation/conference rooms
- E. Public assembly
- F. Beauty and/or barber shop
- G. Exercise and physical therapy facilities
- H. Landscape amenities and improvements
- I. Park, playground, greenbelt

VIII. Public Area (PA) uses that require a Major PUD Amendment

- A. Public building
- B. Auditorium
- C. Church
- D. Child care facility
- E. School

IX. Type and Number of Units

- A. Lot 1A One (1) assisted living residence/facility or multi-family dwelling units up to a maximum of 24 units.
- B. Lot 1B 36 multi-family dwelling units
- C. Lot 1C Community Center

X. Dimensional Standards.

- A. Minimum Lot Area 7,500 square feet
- B. Maximum Building Height 35 feet
- C. Maximum Lot Coverage
 - 1. Lot 1A
 - 2. Building 50%
 - All Other Impervious 30%
 - 3. Lot1B
 - Building 50%
 - All Other Impervious 20%
 - 4. Lot 1C
 - Building 85%
 - All Other Impervious 15%
- D. Maximum Floor Area 150% (Applicable to Lot 1B and 1C only)
- E. Minimum Setbacks for Lot 1B and 1C
 - 1. 25 feet from Capitol Street.
 - 2. 12.5 feet from the perimeter property lines of the PUD.
 - 3. 7.5 feet from the interior property line of Lot 1A and 1B.
 - 4. 0 foot setbacks from perimeter property lines on Lot 1C, subject to the following supplemental standards applicable only to allowed future additions to the Community Center on Lot 1C; (1) any future community center addition(s) will not exceed a total of 1,550 square feet; (1) no roof overhangs or eaves will project over the west or east property line of Lot 1C; (2) any west side community center addition shall require the town of Eagle to issue an irrevocable easement encroachment permit to be approved by the Board of Trustees; (3) additions to either the north side or south side of the community center may encroach over the property line of Lot 1C by no more than 3 feet, including roof overhangs or eaves; and (4) any north or south side center addition will require that the owner to issue an Irrevocable License Agreement to Eagle County Board of County Commissioners for the construction and maintenance of the improvement(s).
- F. Projections: Every part of a required yard shall be unobstructed from ground level to the sky except as follows:
 - 1. Uncovered porches and decks not more than 4 feet above natural grade, slabs, patios, walks and steps may project into required yards.

2. Cornices, sills and ornamental architectural features may project twelve inches over a required yard.
3. Roof eaves may project twenty four (24) inches over a required yard.
4. Fire escapes and individuals' balconies not used as passageways may project eighteen (18) inches into any required side yard or four (4) feet into any required front or rear yard.

XI. Parking Requirements

A. Lot 1A, Assisted Living Facility/Residence or Multi-Family dwelling units

1. If use is as a Assisted Living Facility/Residence parking standards shall be applied as follows:

- a. 1 parking space per 4 beds
 - +1 parking space per 3 full time employees
 - +1 space for visiting nurse or doctor
 - +1 space per 300 square feet of general office or public use
 - +2 spaces for the disabled
 - +1 loading space for deliveries

If use is as Multi-family dwelling units parking standards shall be applied as follows:

- b. 1 parking space per dwelling unit
 - +1 space per six dwelling units for visitors.

B. Lot 1B, Multi-family

- 1 parking space per dwelling unit
- +1 space per six dwelling units for visitors.

Lot 1C, Community Center

1 space per 300 square feet of floor area used or designated for office or public assembly.

C. Parking Dimension

The minimum parking space dimension shall be as defined in the Town of Eagle Land Use and Development Ordinance.

- D. No campers, boats, junk or unlicensed vehicles shall be stored in the parking area. Campers and boats may be temporarily parked for loading and unloading.

XI. Exterior Lighting.

All exterior lighting shall be installed and replaced in compliance with the lighting standards of the Town of Eagle Land Use and Development Code.

XII. Amendments

A. Minor Amendments

A minor amendment shall include changes in the building layout, architectural changes that affect the bulk or height or character of the building required by circumstances not foreseen at the time the Plan was approved. Minor modifications to the approved landscape plan, or the parking and lighting plan that respond to specific circumstances shall not be considered a minor amendment.

B. Major Amendment

A major amendment shall include all other modifications such as changes in use, and all changes in the density of number of units.

C. Conditions for Amendment

The approved PUD Zoning Plan or the approved PUD Development Plan may be amended if the applicant demonstrates that the proposed modification:

1. Is consistent with the efficient development and preservation of the entire PUD;
2. Does not affect in a substantially adverse manner either the enjoyment of land abutting upon, adjoining or across a street from the PUD or the public interest;
3. Is not granted solely to confer a special benefit upon any person;
4. Does not contain proposed uses that detract from other uses approved in the PUD;
5. Does not contain an open space plan that differs substantially in quantity or quality from the originally approved; and
6. Contains street and utility plans that are coordinated with planned and/or existing streets and utility for the remainder of the PUD.

Approved by the TOWN OF EAGLE, COLORADO, a municipal corporation acting by and through its Board of Trustees, this 12th day of December, 2007.

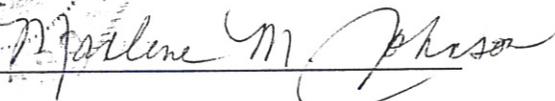
By:



Jon Stavney, Mayor



ATTEST:



Marlene M. Johnson, Deputy Town clerk