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THIRD AMENDMENT TO THE LOT 2, EAGLE INTERCHANGE SOUTH - PUD PLANNED UNIT DEVELOPMENT CONTROL DOCUMENT

Amended and Approved September 25, 2005
pursuant to Section 4, Modifications to the PUD, Sub-Section 4.1, Minor Modifications

This document supercedes and replaces the
Second Amendment to the Lot 2, Eagle
Interchange South PUD - Planned Unit
Development Control Document,
dated November 8, 2005

APPROVAL OF THIS PLAN CONSTITUTES A
VESTED PROPERTY RIGHT PURSUANT TO
SECTION 24-68-103, C.R.S. AS AMENDED

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

THIRD AMENDMENT TO THE LOT 2, EAGLE INTERCHANGE SOUTH COMMERCIAL - PUD
PLANNED UNIT DEVELOPMENT CONTROL DOCUMENT

1. INTRODUCTION.

This Planned Unit Development Control Document (the "Development Guide" or "PUD Guide") sets forth the land uses and development standards for the Lot 2, Eagle Interchange South PUD ("Eagle Interchange South" or "PUD"). This Development Guide defines the permitted use of land regulates the bulk, height, minimum lot coverage, building setbacks, improvement control, and provides for additional supplementary regulations.

- 1.1. Purpose. The primary purpose of this Development Guide is to reiterate and clarify standards, restrictions, and regulations which govern the development and land use within Eagle Interchange South. Additionally, the purpose of this Development Guide is to ensure that the PUD is developed in an orderly and compatible manner, as approved by the Town of Eagle, State of Colorado.
- 1.2. Intent. Eagle Interchange South is intended to be a mixed-use commercial development within the town boundaries of the Town of Eagle, State of Colorado.
- 1.3. Enforcement. The terms and provisions of this Development Guide are enforceable by the authority and powers of the Town of Eagle, State of Colorado, as granted by law. Enforcement action shall be consistent with the authority and actions defined in the appropriate land use regulations for the Town of Eagle. All provisions of this PUD Guide shall run in favor of the residents, occupants, tenants and owners of Eagle Interchange South, to the extent provided in this PUD Guide and in accordance with its terms and conditions.
- 1.4. Phasing. The project contemplates a large building along the westerly property line with a separate, smaller building site to the east. This "pad" site shall be subject to a separate, specific development permit review process within the parameters of this PUD Guide and in accordance with the development regulations of the Town of Eagle. Any building on this site must be similar in materials and compatible in character to the main building.
- 1.5. Unless specifically denoted in this Development Guide, the development standards in the Land Use Code of the Town of Eagle shall apply.

2. Uses By Right.

2.1. Uses By Right:

- a.) Commercial uses including activities for the purpose of generating retail business or consumer services, including retail, professional offices and business, banks and financial institutions, real estate sales offices, personal services, food and beverage establishments, public and private clubs, and recreation and entertainment uses.

- b.) Medical facilities including doctor's offices and clinics and veterinary clinics.
- c.) Storage - auxiliary storage for tenants.
- d.) Indoor recreational facilities.
- e.) Temporary construction staging areas.
- f.) Additional uses determined to be similar to uses by right listed above.
- g.) Accessory uses customarily appurtenant to uses by right listed above, including up to 2 drive-up window areas.

2.2. Special Uses: Uses which may be allowed only upon review and approval by the Planning Commission and Town Board under the provisions of Section 4.05.010 of the Land Use and Development regulations and which may be subject to certain conditions as established by the Planning Commission and Town Board.

- a.) Any commercial use which involves on-site fabrication or manufacture of a product.
- b.) Any commercial use which requires outdoor storage and display of merchandise.
- c.) Educational facilities including private, adult training or continuing education.
- d.) Churches, museums, libraries, and other governmental services and public buildings.
- e.) Dwelling unit accessory to a permitted use.
- f.) Vehicular servicing.
- g.) Uses which would significantly alter parking requirements or those uses requiring review under provisions relative to limitations on parking (refer to Section 3.4 - Parking).

2.3. Bowling Center: The project contemplated proposes a bowling center and associated facilities to be located on the lower level (below parking grade) of a building along the westerly property line. Any other use on this lower level other than a bowling center or auxiliary storage shall be considered a special use and subject to review and approval by the Town as described in Paragraph 2.2.

3. Development Standards.

3.1. Building Setbacks: The designated building setbacks shall consist of following minimum setback distances, unless otherwise designated on the approved Final Plat of the project.

- 3.1.1. Setback from the northerly property line (Chambers Avenue) shall be twenty-five feet (25').
- 3.1.2. Setback from the easterly property line (Eby Creek Road) shall be fifty feet (50').
- 3.1.3. Setback from southerly property line (railroad ROW) shall be in line with the existing Holy Cross Electric easement, as described in the Amended Final Plat for Eagle Interchange South, Lots 1 & 2 (date 11/22/95).
- 3.1.4. Setback from the westerly property line (Tract A) shall be 0 feet, per Plat Note 11 of the Amended Final Plat for Eagle Interchange South, Lots 1 & 2 (dated 11/22/95).

3.1.5. Minimum distance between structures shall be controlled by the applicable development guidelines and building code provisions for the Town of Eagle.

3.2. Building Area and Lot Coverage.

3.2.1. Per Plat Note 4 of the Amended Final Plat for Eagle Interchange South, Lots 1 & 2 (dated 11/22/95), the areas of Tract A and Tract B (which were dedicated to the Town) are to be added to the area of Lot 2 for the purpose of calculating maximum lot coverage and maximum floor area for development. "Total lot area", as referenced below, include the area of Tracts A & B in addition to that of Lot 2.

3.2.2. Building Area:
Building floor area may be a maximum of forty-five percent (45%) of the total lot area.

Gross Leaseable Area, not including the Bowling Center, is limited to a maximum 24,750 SF. Of the total GLA, restaurant use is limited to 27% or a maximum of 6,738 SF. (Amended September 25, 2007)

Gross Leaseable Area, not including restaurant uses, may be increased at a ratio of 295 SF/parking space for every space in excess of the minimum 136 parking spaces (see Section 3.4).

Gross Leaseable Area (GLA) is defined as the overall area of a tenant leased space (or commercial condominium space). It is measured to the outside face of exterior walls, the centerline of party walls between units, and the far side of walls contiguous to hallways, restrooms, and similar common spaces within the building.

Restaurant use is defined as a use involving the preparation and consumption of food predominantly within the premises. Bars and similar establishments will be considered as restaurant use for the purposes of area calculations and parking requirements.

3.2.3. Lot Coverage:
A maximum of thirty percent (30%) of the total lot area may be covered by permanent structures.

Total impervious coverage shall not exceed seventy percent (70%) of the total lot area. Impervious coverage includes permanent structures, driveways, parking areas, and paved walks.

A minimum of thirty percent (30%) of the total lot area shall include landscaping. Per Section 4.07.010 of the Land Use and Development

Regulations of the Town of Eagle, up to 30% of the landscaping area may include "decks, terraces, water features and decorative rock."

3.3. Building Height:

3.3.1. Building height shall not exceed twenty-seven (27) feet from parking area grade, as measured per the Town Zoning requirements, except that a building along the west edge of the property may have a portion, not to exceed 20% of the overall length of the building, with a maximum building height of thirty-two (32) feet above the parking area grade.

3.4. Parking:

3.4.1. Because of the mixture of uses in the project, parking requirements are to be determined on a shared parking basis. Parking requirements have been calculated based on peak parking demand ratios for each use and modified by a time of day percentage of peak demand for each use. In addition, there is a 15% reduction for site design enhancing internal pedestrian circulation and external pedestrian access. Total parking to be provided on site is determined by the projected highest hourly peak use between the hours of 8 AM and 6 PM.

3.4.2. Peak parking demand ratios are as follows:

Retail/Commercial	4 spaces per 1,000 SF GLA (Gross Leasable Area)
Restaurant	15 spaces per 1,000 SF GLA
Bowling Center	4 spaces per lane

Uses having significantly different parking requirements from the above uses shall be reviewed as a special use, as described in Paragraph 2.2.

3.4.3. See Appendix A for percentage of use breakdown by time of day. See Appendix B for a sample parking calculation.

3.4.4. The minimum number of parking spaces to be provided is 136 spaces. Parking spaces in excess of the minimum allow an increase in Gross Leaseable Area, not including restaurant uses, at a ratio of 295 SF per parking space.

3.4.5. The project contemplated proposes a bowling center to be located on the lower level (below parking grade) of a building along the westerly property line. The bowling center would fall under the shared use of parking. Any use on the lower level, other than auxiliary storage, shall be considered a special use, subject to review and approval by the Town for appropriateness of shared use of parking and subject to any conditions and limitations which may be deemed necessary, as described in Paragraph 2.2.

3.4.5. No reserved parking other than handicapped accessible parking will be allowed.

- 3.4.6. Tenant leases and/or HOA rules shall contain a provision allowing for the limitation of employee parking to particular locations within the overall parking area, though not exclusive of general public use.
- 3.4.7. Tenant leases and/or HOA rules shall contain a provision allowing for the temporary restriction of employee parking during periods of peak parking use.
- 3.4.8. Tenant leases and/or HOA rules shall contain a provision allowing for the limitations of deliveries to particular times of day and designated locations.
- 3.4.9. The entry drive shall be designed to prohibit access by trucks with a wheelbase in excess of forty feet.

- 3.5. Lighting:
 - 3.5.1. Exterior lighting shall be allowed along drives and parking areas, as well as adjacent to and attached to all structures. All exterior lighting shall directed downward or shielded to avoid any adverse glare to Eby Creek Road, Chambers Avenue, or any adjacent properties. All lighting shall be in conformance with the lighting standards for the Town of Eagle.

- 3.6. Site Improvements:
 - 3.6.1. Construction of Slopes:

Because of the artificial slope along the westerly edge of the site was created by the fill previously placed on the site, there will be no limitation on construction on that sloped portion of the site due to steepness of the existing grade.

 - 3.6.2. Loading Areas and Trash Closures:

Due to the size of the site and length of building a maximum of one loading area and one trash enclosure may be located on the Chambers Road end of the site. Both must be located beyond the landscape buffer and be screened from the street and adjacent properties by trees and shrubs, and grade changes where appropriate.

Loading areas and trash enclosures are allowed in the setback along the southerly property line (railroad ROW).

 - 3.6.3. Fences:

Fencing, walls, or other such barriers not in excess of six feet (6') in height may be employed for screening and security purposes. Fencing materials shall be wood or masonry. Chain link fencing shall not be allowed.

 - 3.6.4. Landscaping:

There shall be a minimum landscape buffer along Chambers Avenue and Eby Creek Road.

Because there is no minimum setback along the westerly property line, there shall be no minimum landscape buffer. However, there shall be landscape plantings between the building and the property line to act as a transition between Chambers Park and the building.

There is no requirement for a landscape buffer along the railroad ROW. However, existing native trees and shrubbery shall be preserved as much as practicable.

Landscape materials and quantities shall be per the Land Use and Development Regulations. Because a landscape plan will be submitted for review and approval, there are no specific requirements for plant spacing. However, overall quantities shall be equal to or greater than that determined by the regulations.

3.6.5 Building Mass and Form:

Buildings of less than 10,000 sf shall have sloping roofs. Larger buildings may have a combination of sloping roofed areas separated by flat roofed areas. All flat roofed areas are to have a surrounding parapet wall. All rooftop mechanical equipment is to be screened from parking level view by the parapet.

3.6.6 Architectural Materials:

The siding on all permanent structures shall consist of natural looking materials such as stone (more particularly at foundations), brick, stucco, cementitious materials, or wood. Sheet materials are discouraged and allowed only upon specific review and approval. Stone, metal, wood, or brick accents will be permissible. Roof materials allowed shall consist of cedar shake, asphalt, or metal on sloping roof surfaces.

3.7. Signage: (Amended November 8, 2005)

3.7.1. General: All signage shall be in conformance with the sign standards of the Town of Eagle in material, construction, and illumination, except as modified below:

3.7.2. Two (2) free standing monument signs for the project shall be allowed, one on Chambers Road frontage and one on Eby Creek Road frontage (see Figure 1, Approximate Sign Locations). The signs may face two directions, and each side of the sign shall not exceed a total of thirty (30) square feet. The sign shall not be higher than seven (7) feet, as measured from ground surface at the base of the sign to the top. The sign shall be indirectly illuminated on both sides. In addition to project identification, the monument signs may identify the bowling center, the business located on Pad Site "A" (i.e., American National Bank) and include the phrase "SHOPS and RESTAURANTS" only (or alternate use approved as part of a special review process) (see Figure 5 and Figure 6).

The monument signs are required to be designed and constructed to the monument sign standards as contained in Section 4.07.022, Chambers Avenue Commercial Area

Design Standards, Town of Eagle Land Use and Development Code as now enacted or amended.

3.7.3. One building mounted sign may identify the bowling center only (or alternate use approved as part of a special review process). This sign may be indirectly illuminated or internally illuminated. If internally illuminated letter mounted directly on the building face (no exposed raceway), be less than 20 feet long by 24 inches high, and be mounted no higher than 23 feet above parking area grade. A logo comparable in size with the letters may be included. Alternatively, the bowling center sign may be based on the facility logo, round in shape, less than 7 foot diameter, centered at no more than 22 feet above grade.

3.7.4. Up to three (3) signs per business shall be allowed (see Figure 2, Typical Sign Locations), one of each of the following types:

Type I Sign. Wall or Fascia Mounted Sign: One sign may be wall mounted, two inches thick minimum, 20 square feet in area maximum, no more than 2 feet tall or 16 feet long. The sign shall be made of wood or material similar in appearance. These signs may be indirectly illuminated or internally illuminated. If internally illuminated, the sign must consist of individual, internally illuminated letters. Letter face color and font may vary. Letters may be mounted on a 8" maximum deep raceway with raceway painted to match adjacent wall color. Cabinet signs are not allowed:

Type II Sign. Perpendicular Blade Sign: The second sign may be hanging from the walkway ceiling or beams or from a projecting bracket. The sign shall not exceed 12 inches high by (x) 48 inches long. The bottom of the sign must be a minimum of 7'-6" above the walking surface. Any color (except "day-glo" or fluorescent colors) is allowed, and logos are allowed.

Type III Sign. Window/Door Sign: A third sign may be applied to the door glazing, or be placed at a business's window. The sign shall be no greater than 576 square inches. The sign may only include store name, hours of business, and a logo. The lettering and the logo (if desired) must be contained within the overall sign area.

3.7.5. Any business occupying space with two independently facing exterior wall shall be entitled to one (1) wall mounted sign (or one (1) oval sign) where applicable by location (see Section 3.7.6), two (2) perpendicular blade signs (hanging or projecting), and two (2) window or door signs. The unit occupying the north end of the building only may locate a Type I sign on the wall facing Chambers Avenue. The sign shall be mounted a height so as to be vertically aligned with all other Type I signs.

3.7.7. Except as allowed in Paragraph 3.7.3, no wall mounted sign shall be mounted in excess of sixteen (16) feet above parking area grade.

3.7.8. A sign program for the whole project will be presented for approval prior to, or simultaneously with, the initial application for an individual sign permit.

3.7.9. A directory sign is allowed within the parking area. The location of the directory sign is depicted in Figure 1 and its design is illustrated in Figure 7.

4. Modifications to the PUD

It is anticipated that modifications or amendments to this PUD Guide and the PUD Development Plan may be necessary from time to time as development of the site progresses. This PUD Guide provides two types of modifications or amendments: Minor and Major.

4.1. Minor Modifications

Minor modifications are those changes which will not alter the original project concept but which may result in minor changes in the design of Lot 2/Eagle Interchange South PUD. Minor modifications include, but are not limited to: internal drive and parking area alterations which do not reduce (or significantly increase) the number of parking spaces, building envelope changes, and additions of land uses not previously listed but determined to be similar to or accessory to listed allowed uses.

Minor modifications may be authorized by the Town of Eagle Zoning Administrator upon written request. The Zoning Administrator shall act upon any minor modification request within 30 days of such a request. Any decision by the Zoning Administrator may be appealed in writing to the Eagle Board of Trustees within 30 days of such decision.

4.2 Major Modifications

Major Modifications are those changes not considered to be minor modifications and are changes that could alter the character or land use of a portion of the project.

Major modifications shall include:

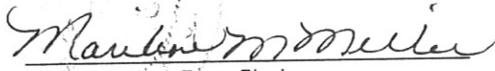
- a.) Any increase in the total amount of commercial space allowed within the overall PUD.
- b.) Any change in use designation within the PUD, except as provided above.

Major modifications shall be under the authority of the Eagle Board of Trustees. Applications for major modifications shall be heard at public hearing by the Board after receiving a recommendation from the Planning and Zoning Commission. The Town Board may approve the modification if it is found that the modification is consistent with the efficient development of the PUD and does not substantially affect the use and enjoyment of land abutting the PUD or the public interest.

Approved by the Town of Eagle, a municipal corporation acting by and through its Zoning Administrator pursuant to Section 4, Modification to the PUD, Section 4.1, Minor Modifications, this 25th day of September, 2007.

By: 
William E. Gray, AICP Town Planner
Zoning Administrator for Town of Eagle

ATTEST:


Marilene Miller, Town Clerk

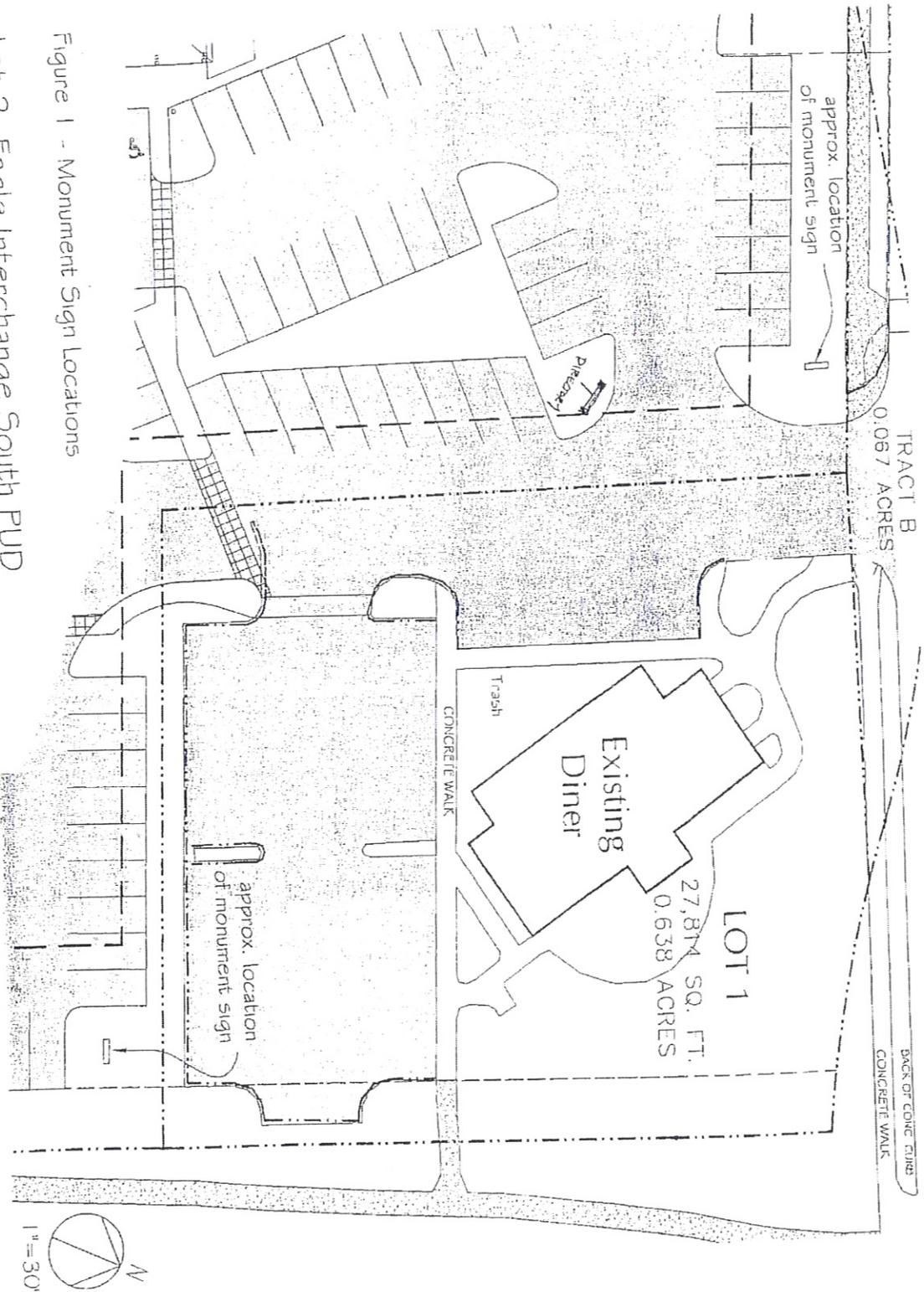


Figure 1 - Monument Sign Locations
Lot 2, Eagle Interchange South PUD

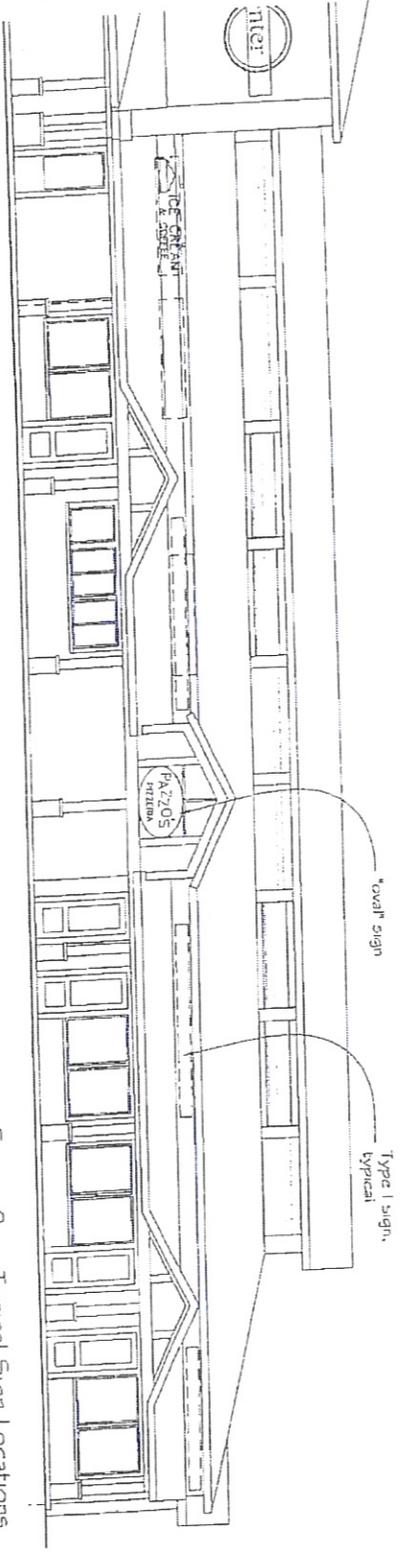
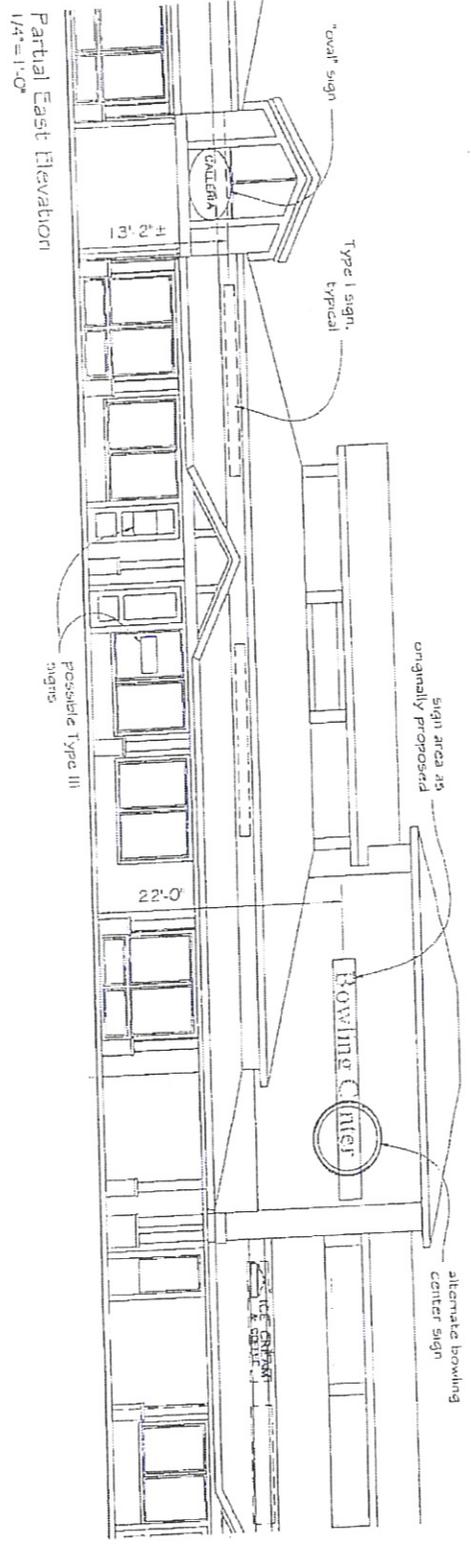
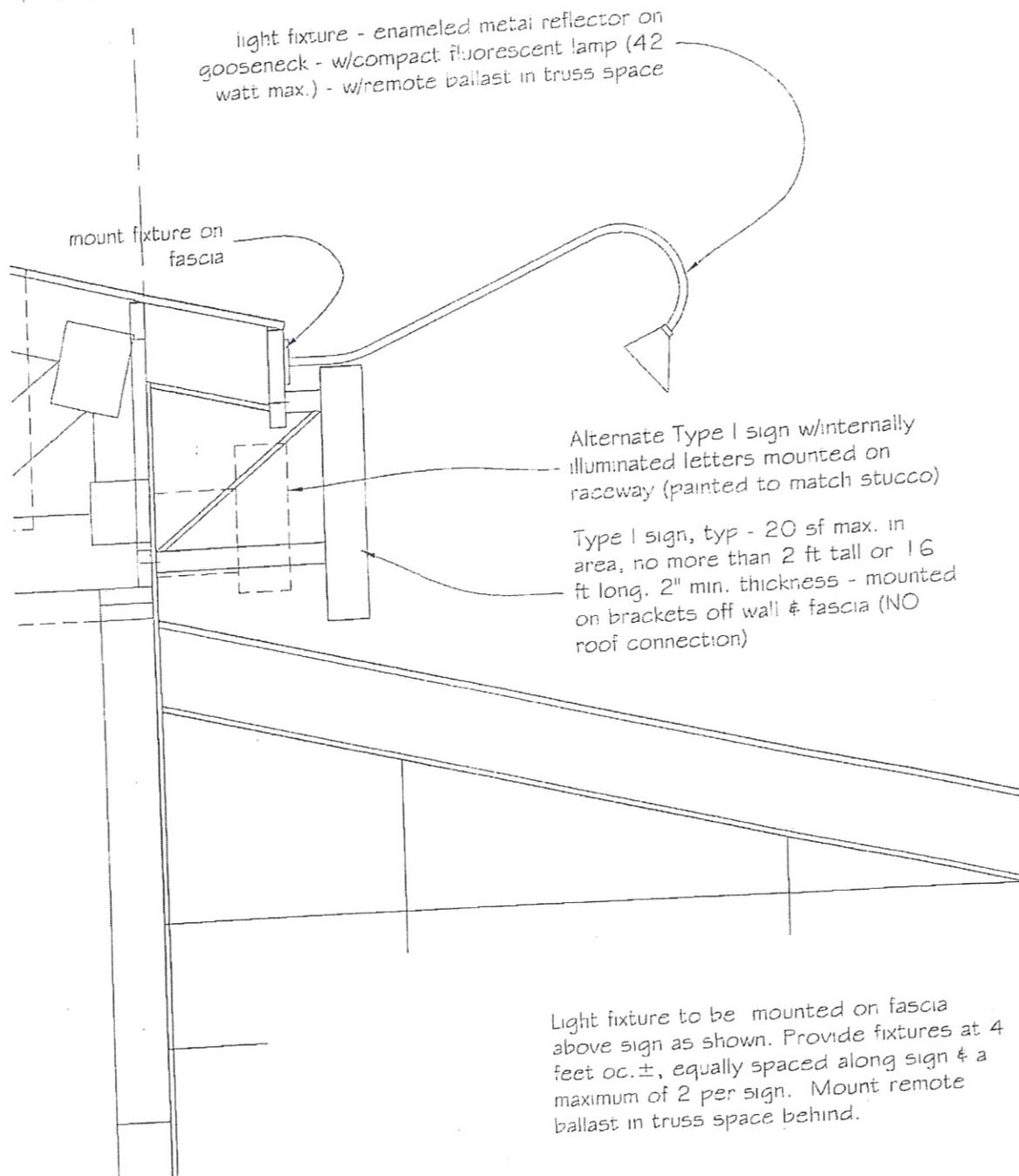


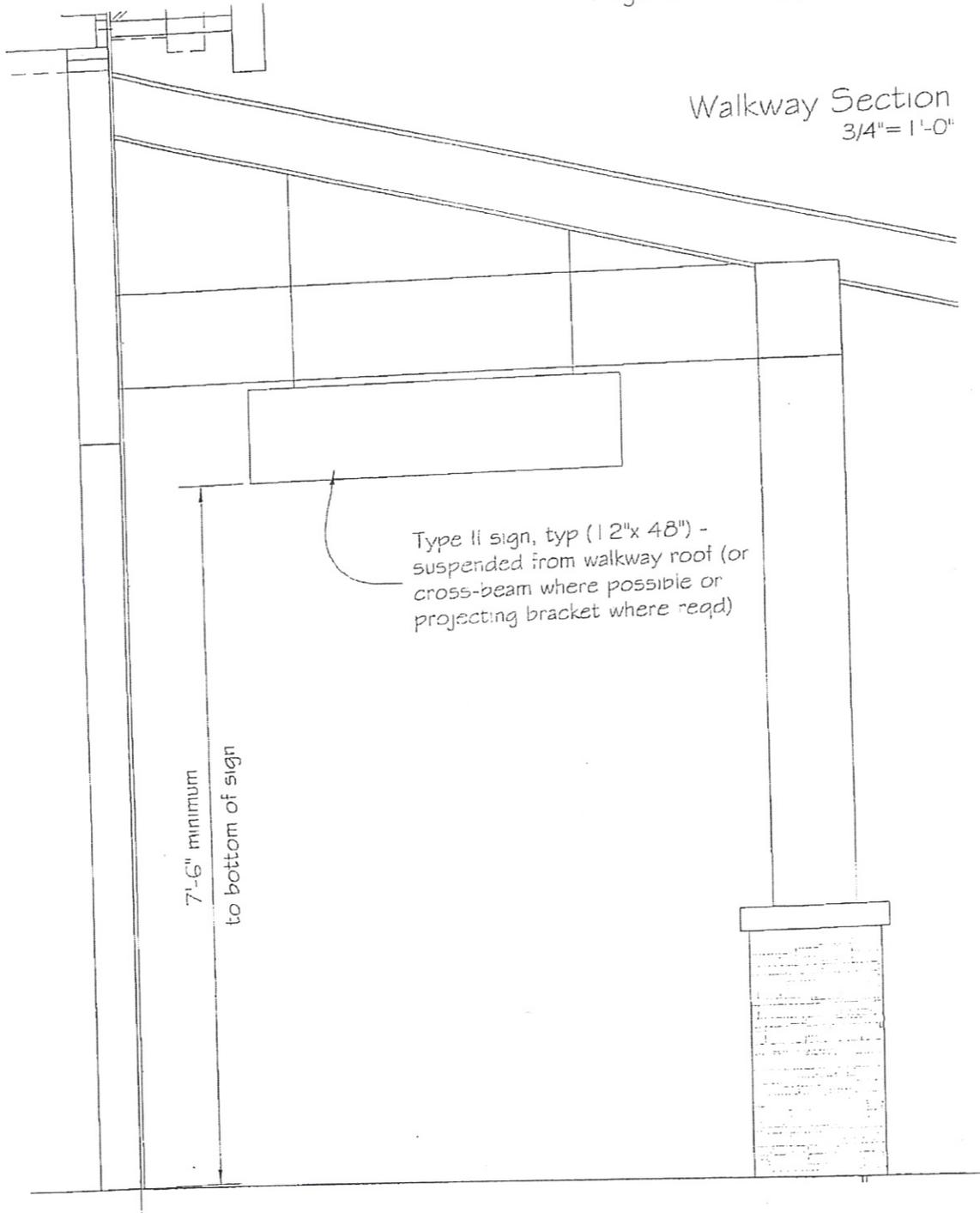
Figure 2 - Typical Sign Locations
Lot 2, Eagle Interchange South PUD

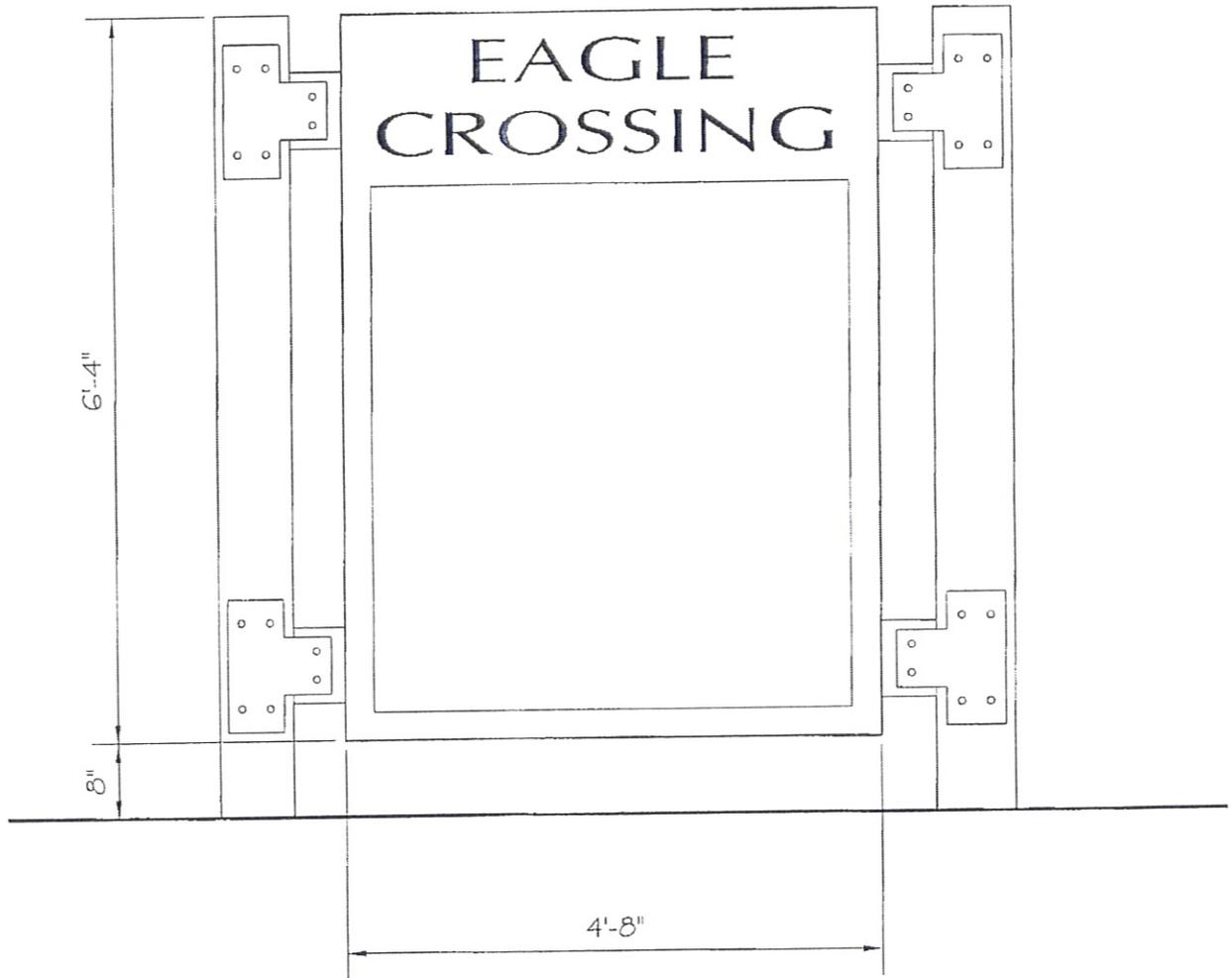
Lot 2, Eagle Interchange South PUD

Figure 3 - Type I Sign & Light Fixture Mounting
1"=1'-0"



Lot 2, Eagle Interchange South PUD
Figure 4 - Type II Sign





Eagle Crossing Mounment Sign
3/4" = 1'-0"

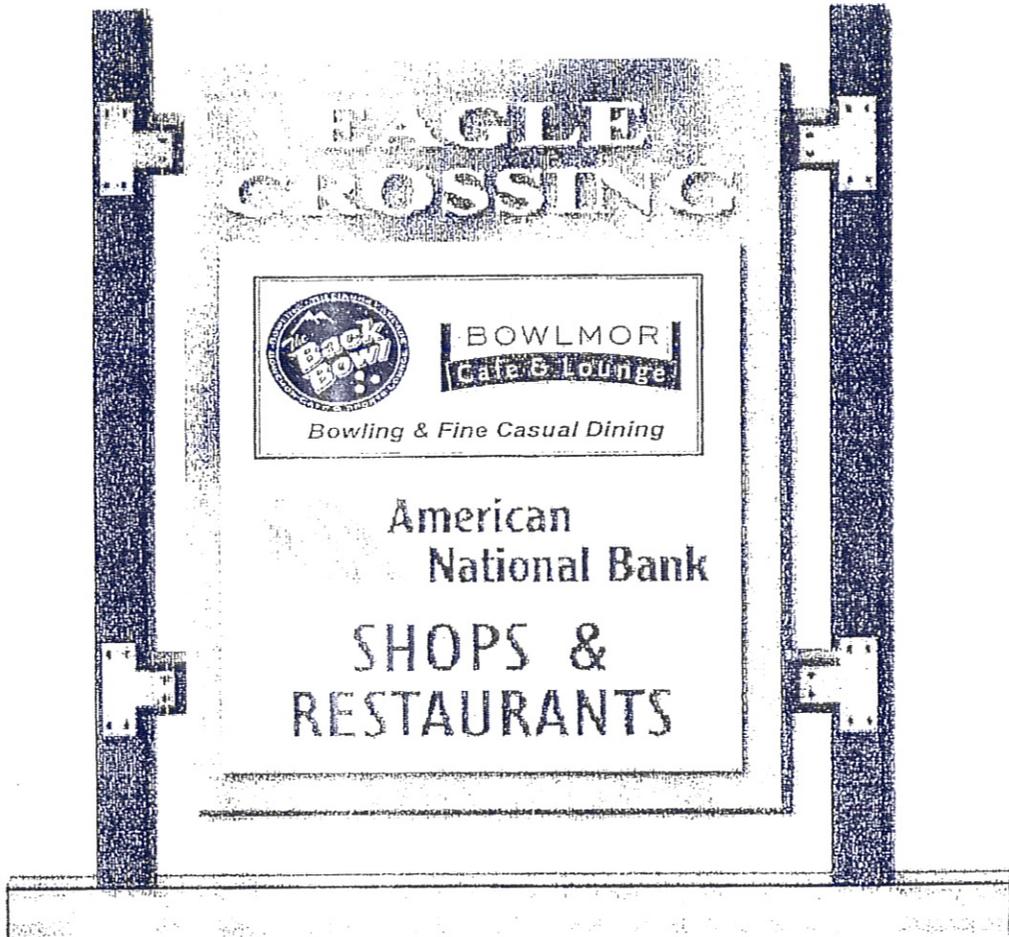
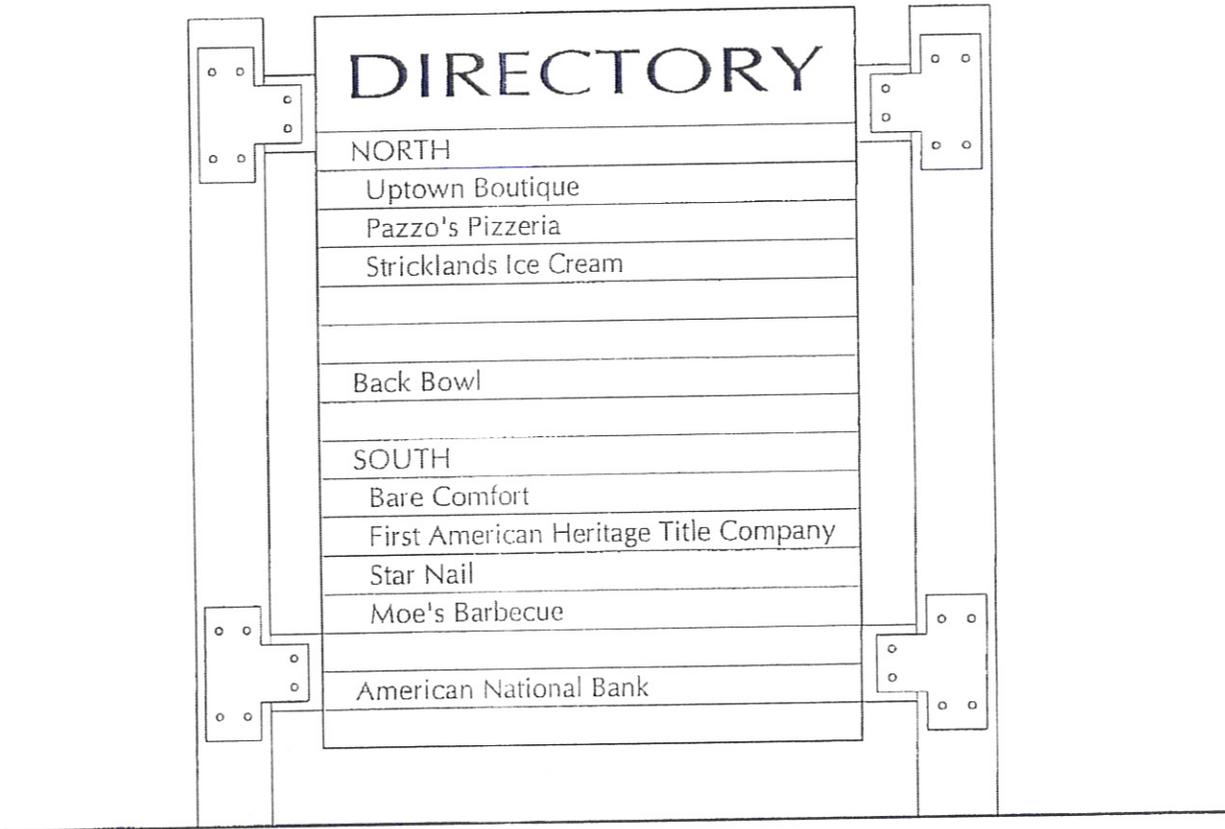


FIGURE 6

Eagle Interchange South
PUD Control Document



Eagle Crossing Directory Sign
3/4" = 1'-0"