

## 15. BUILDING DESIGN APPROVAL PROCEDURES

### I. ADMINISTRATION.

Under Chapter 4.06 of the Town of Eagle's Land Use and Development Code, a Development Permit is required before a building permit can be issued for commercial or multi-family development.

### II. APPLICABILITY.

A. No building permit for commercial or multi-family development shall be issued within any Planning Area of Eagle River Station unless the applicant has received a Development Permit pursuant to the requirements of Chapter 4.06 of the Town of Eagle Land Use and Development Code, as those requirements are modified by Section III, below and approval from the Master Developer.

B. Because the Town Board of Trustees has approved a Development Plan for the Eagle River Station PUD, some of the application submittal requirements and approval standards for a Development Permit are modified in Section III, below, to avoid duplicate or conflicting requirements.

### III. COMPLIANCE WITH EAGLE RIVER STATION PUD DEVELOPMENT PLAN AND EAGLE RIVER STATION PUD GUIDE AND CONTROL DOCUMENT.

#### Review Criteria for Development Permits

A Development Permit shall be granted if the proposed development complies with the standards and requirements of the Eagle River Station PUD Plan and the Eagle River Station Planned Unit Development Guide and Control Document.

The standards and requirements of the Eagle River Station PUD Plan and this Eagle River Station Planned Unit Development Guide and Control Document, along with other applicable standards as outlined in the Town of Eagle Land Use and Development Code shall be used as the controlling land use regulations for the review of Development Permits proposed within the boundaries of Eagle River Station.

#### Variations to the Approved PUD Development Plan and PUD Guide

It is acknowledged that design refinements to the Eagle River Station Overall Plan and to other aspects of project design will occur between the Development Plan stage and Development Permit stage. While it is expected that Development Permit Plans conform to the overall intent, character and quality of the approved Development Plan, minor variations to the Overall Plan may be considered by the Planning Commission during the review of Development Permit applications. Examples of these variations include:

- Building footprints, building locations, building orientation, etc.,
- Addition of new buildings,
- Road alignments and the location and configuration of parking areas,
- Gross building square footage transfers between Planning Areas not to exceed 10% of allowable gross square footage. Any transfer of additional square footage to a "receiving" Planning Area shall be

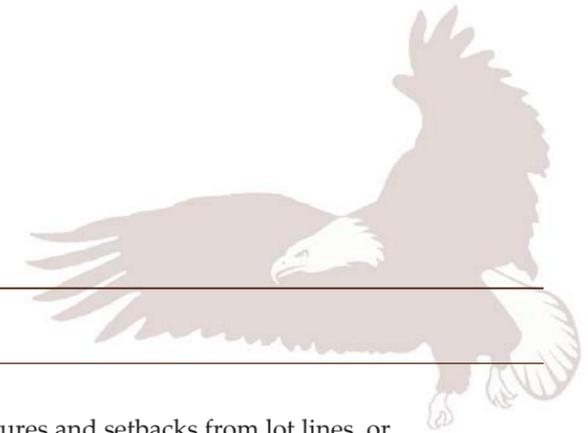
accompanied by an equivalent deduction of gross square footage from a "sending" Planning Area such that the total gross building square footage of the PUD does not exceed 732,500 square feet.

#### Development Permit Submittal Requirements

The review of the ERS Development Plan involved the review and approval of information, plans and other material that is typically reviewed during the Development Permit review process. The following summarizes the material that was reviewed during the PUD Zoning and PUD Development Plan review process that will not require further review during Development Permit review:

A. A Housing Plan for Eagle River Station has been approved by the Town Board of Trustees with the approval of the Eagle River Station Development Plan. Therefore, applicants for Development Permits within Eagle River Station Planned Unit Development are not required to submit individual Local Employee Residency Plans or provide local employee residency units or workforce housing other than as required by the Housing Plan. In the event any apartment units (including proposed conversions of less than ten units) are proposed for conversion to condominium ownership all applicable elements of the Town's Local Employee Residency Program shall apply.

B. Subject of the provisions of that certain "Agreement as to Water," dated July 24, 2008, adequate water rights have been dedicated to the Town of Eagle for all development approved within Eagle River Station. Therefore, applicants for Development Permits within Eagle River Station are not required to demonstrate adequate water rights or dedicate additional water rights to the Town of Eagle.



## 15. BUILDING DESIGN APPROVAL PROCESS CONTINUED

C. An Eagle River Station Traffic Impact Report and mitigation measures have been approved by the Town Board of Trustees with the approval of the Eagle River Station Development Plan. Therefore, applicants for Development Permits within Eagle River Station are not required to submit information related to circulation and transportation conditions or provide any additional mitigation either on or off-site.

D. The Town Board of Trustees has found that the Eagle River Station Development Plan provided adequate municipal or parkland dedication and that no municipal or parkland dedication fees are required for the Eagle River Station Planned Unit Development. Therefore, applicants for Development Permits within Eagle River Station are not required to address municipal or parkland requirements or provide dedication or provide any additional land or fees in lieu of land.

E. An Eagle River Station Planned Unit Development comprehensive Development Impact Report and Public Facilities Impact Statement is being approved by the Town Board of Trustees concurrently with the approval of the Eagle River Station Development Plan. Therefore, these approved Statements and Reports satisfy the requirements of the Town of Eagle's Land Use and Development Code section 4.07.030 and 4.14.040, and applicants for Development Permits within the Eagle River Station Planned Unit Development are not required to include individual Development Impact Reports or individual Public Facilities Impact Statements, during the DOA period, and so long as the Development Permits do not propose development which deviates from the approved Eagle River Station Development Plan and this Planned Unit Development Guide and Control Document in a manner which materially increases impacts on public facilities.

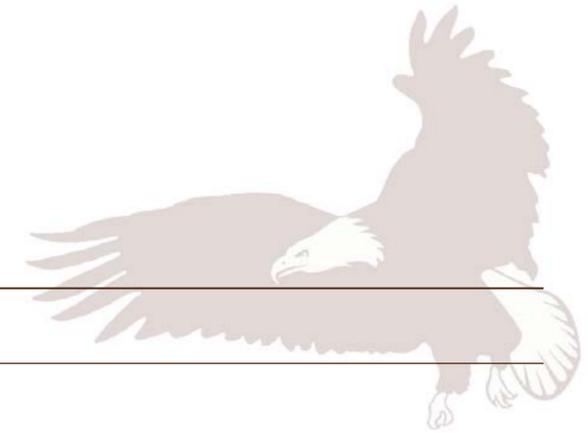
F. Impact Fees for Streets have been addressed in the Eagle River Station Development Agreement. Therefore, applicants for Development Permits within Eagle River Station are not required to pay street impact fees. However, Fire Protection Impact Fees and Emergency Medical Service Impact Fees are required to be paid at Development Permit.

### IV. DEVELOPMENT PERMIT APPLICATION SUBMITTAL REQUIREMENTS:

In lieu of the submittal requirements listed in 4.06.03 of the Town of Eagle's Land Use and Development Code, applications for a Development Permit within Eagle River Station shall include the following:

- A. A copy of the recorded subdivision plat(s) covering the subject lot(s), where the proposal is for development on previously subdivided lot(s);
- B. A brief written description of the proposed development signed by the applicant;
- C. A development plan map, at a scale of 1"=50' or larger, with title, date, north arrow and scale, on a minimum sheet size of 8 1/2" x 14", which depicts the area within the boundaries of the subject lots and including:
  1. The location of existing and proposed land uses, and the square footage of building space devoted to each use;
  2. The location and dimensions, including building heights, of all existing and proposed:

- a. Buildings or structures and setbacks from lot lines, or building envelopes where exact dimensions are not available,
  - b. Parking spaces and vehicular use area,
  - c. Utility distribution systems and utility easements,
  - d. Drainage improvements and drainage easements,
  - e. Roads, alleys, curbs, curb cuts, and other access improvements,
  - f. Any other improvements,
  - g. Any proposed reservations or dedications of public right-of-way, easements, or other public lands;
3. Existing topography and any proposed changes in topography, using two-foot contour intervals, or smaller intervals as deemed appropriate by the Town Planner;
  4. Evidence of adequate treated water supply. The recorded Eagle River Station Development Agreement shall control with respect to evidence of adequate treated water supply.
  5. A statement of compatibility and compliance with the Eagle River Station Development Plan and Planned Unit Development Guide and Control Document;
  6. Any plans and reports required pursuant to Chapter 4.07 of the Town of Eagle's Land Use and Development Code including but not limited to landscape plan, parking plan, architectural design plan. Standards for these plans are those contained within the Eagle River Station Planned Unit Development Guide and Control Document.



## 15. BUILDING DESIGN APPROVAL PROCESS CONTINUED

7. Any request for design variance with supporting evidence that the variance will be in conformance with the over all intent of the Eagle River Station Development Plan and the Planned Unit Development Guide and Control Document.
8. A schedule for phasing of development;
9. Building Design Plans submitted to the Town of Eagle for Development Permit review must contain an approval stamp from the Eagle River Station Design Review Board.

It is acknowledged that ERS will be developed in phases and that within Phase I individual development sites may develop over time. As such, Development Permits may be submitted to the Town for individual development parcels or applications may be submitted for multiple development parcels. In either case plans for landscaping, parking, and pedestrian and vehicular circulation shall be included with such applications and will be reviewed for compliance with the Overall Master Plan for ERS and with other applicable guidelines and standards outlined in this PUD Guide. Notwithstanding the above, detailed, comprehensive plans for landscaping, grading and pedestrian circulation associated with the Chambers Avenue right-of-way and with the Landscape Buffer area along the north and east property lines shall be provided as an element of the initial Development Permit (unless previously approved as an element of an initial Preliminary Plan or Final Plat application).

### **V. DEVELOPMENT PERMIT APPROVAL PROCESS:**

Please see Sections 4.06.050 and 4.06.060 of the Town of Eagle's Land Use and Development Code for discussion of application process depending on nature for which the application is being submitted.

### **VI. "TRACKING" OF APPROVED DEVELOPMENT**

In order to monitor development levels at Eagle River Station the developer shall provide to the Town and continually update a Development Matrix identifying all "approved development", "all constructed development" and all remaining "approved but un-built development". The Development Matrix shall express residential development in terms of units and commercial development in terms of square footage and development levels shall be defined relative to each of the three Planning Areas. The Development Matrix shall be updated subsequent to the approval of any Amendment to the PUD, any Development Permit or any Building Permit.

### **VII. MASTER DEVELOPER DESIGN REVIEW**

All sign applications and building permit applications to the Town of Eagle shall demonstrate approval by the Design Review Board of the Master Developer.