

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



THE MCKINZIE GROUP

December 5, 1991

Mr. Powell, P & Z Board Members and Board Members:

In response to the information required as part of section II of the Development Review Application, we are proposing a combination of land dedication and cash for park dedication. First a 25' x 200' strip of land along Highway 6 would be landscaped to the standards of the guidelines existing for new commercial development with a drip irrigation system. This land would be dedicated to the town. Secondly the applicant proposes a \$1,000.00 donation and asks that this money be earmarked for construction of the bike/pedestrian path connecting Shorthorn and Cascade Drives.

This application combines single family, multi-family and commercial uses. The single family lots are at the interior of the property and are designed to take advantage of solar energy while providing more useable and private yard areas. The multi-family lot provides an area of transition between the single family lots and the adjacent property, currently zoned multi-family. The one commercial lot is across the street from existing commercial zoning and so provides a terminus to commercial land usage in this area. As discussed in the Zoning Plan Review, this lot would be limited to office use only. The single family lots total 34,450 sq. ft. or 42.5% of the total area. The multi-family lot contains 25,223 sq. ft. or 31.1% of the total area. The commercial lot contains 14,397 sq. ft. or 17.8% of the total area. The remaining 8.6% or 6908 sq. ft. contains access roads and right of ways.

Building envelopes are shown on the enclosed plat drawing along with utility easements, drainage easements, access roads and improvements and topography. Parking, landscaping and architectural intent are shown on a separate drawing attached.

This application at various levels addresses a number of the town's goals and policies stated in the Town of Eagle Master Plan. It provides some variety in housing as it is aimed at the lower end of the development market. Development of this type is sorely needed in Eagle at this time. Obviously it would be beneficial for the town to have more units hooked into it's water system, even if it's only 9 or 10 from this small scale project.

New development along Highway 6 near the entrance of town should enhance the appearance of this part of town and encourage upgrading of the surrounding neighborhood.

This proposed P.U.D. to a large extent follows the requirements established for single family, multi-family and commercial uses established in chapters 4.04, 4.07, and 4.13 of the Town of Eagle Land Use and Development Standards.

Following is a list of requirements which this proposal has altered:

Single Family Lots:

Minimum setbacks: On three lots there is a 1 side yard setback on the north, two of these have a 24' setback on the south, the third as a 20' setback on the south to maintain separation between units that is similar to existing town standards. This allows for more privacy in a useable yard on the sunny side of the lots. Two lots have 15' front yard setbacks. Both of these are on the north side of the lots where we are discouraging doors and windows. Also these two lots are along the access road and it would be inappropriate to have 1' setbacks on the north side of these two lots. Because the plan is designed to encourage use of land area to the south sides of residential structures, it is appropriate to have a smaller setback on the north. It may be necessary to restrict the construction of garages to a location deeper in the lot if parking is to occur between the street and the garage. It is not necessary for the residence to be built the same distance as the garage into the lot as this would take away from the useable area to the south. Rear yard setbacks are 20' per existing requirements.

Maximum building height shall be set at 28' and be measured per the existing standards. Maximum lot coverage by the building shall be 40% with all other impervious cover not more than 20%. Maximum F.A.R. shall be 0.8:1.0. All residential structures shall meet the requirements of the U.B.C. edition currently adopted by the entity with plan review responsibilities. All single family structures shall have a minimum of 600 sq. ft. on the ground floor, exclusive of garages.

A minimum of two off street parking places shall be required per dwelling unit.

No garage shall be constructed within 25' of the street surface.

Multifamily Lot:

Minimum setbacks: Because of the odd shape of the multi-family lot, this proposal is for a 17.5' front yard setback, a 12.5' rear yard setback and 20' and 25' side yard setbacks. These provide for a marginal building envelope but protect the yard areas of adjacent single family lots. The multi-family lot shall meet all other criteria of the land use regulations for development within the R.M.F. zone.

Commercial Lot:

Minimum setbacks: The front yard shall be 25', 20' at the rear and 12.5 on the sides. Maximum building height shall be 28'. Minimum roof slope for the main portion of a structure shall be 3:12 unless it is a flat roof behind a parapet with less than 1/2:12 slope. Maximum lot coverage by the building is 50% and 20% for all other impervious cover. Maximum F.A.R. shall be 1.0:1.0. The commercial lot shall meet all other criteria of the land use regulations for development in the C.L. zone.

In response to the information required as part of section III of the development review application, this proposed P.U.D. will have minimal effect on the environment either during construction or on a continuing basis.

As the proposal is for down-zoning the total number of units allowed, site drainage will be more easily managed. Attached, as a part of this submittal, is an engineered drainage plan with on-site retention as requested by town staff.

Because of the minimal density proposed, the existing street system and the proposed new culdesac should be adequate to handle this development.