



AGENDA
Planning & Zoning Commission
Tuesday, May 7, 2019
6:30 PM

Public Meeting Room / Eagle Town Hall
200 Broadway
Eagle, CO

This agenda and the meetings can be viewed at www.Townofeagle.org.

PUBLIC WIFI - TOEG – townofeagle2019

6:00 PM - WORK SESSION

6:30 PM - REGULAR MEETING CALLED TO ORDER

APPROVAL OF MINUTES

1. Approval of the minutes from the March 19, 2019 meeting of the Planning and Zoning commission.

PUBLIC COMMENT

Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person.

PUBLIC HEARINGS

1. Project: 304 Wall Street (withdrawn)
File # SU19-01
Applicant: 304 Wall Street Investment LLC
Location 304 Wall Street
Staff Contact: Colton Berck, Planner
Request: Application for a special use permit for a “high density, multiple-family dwelling” in the Central Business District.

2. Project: Sylvan Lake Building Condo Plat
File # CT19-01
Applicant: Brush Creek Market LLC
Location 717 Market Street
Staff Contact: Colton Berck, Planner
Request: Application for a condominium plat to divide an existing commercial building into six separate condominium units.

TOWN BOARD OF TRUSTEES MEETING REVIEW

Staff update to the Planning & Zoning Commission on recent decisions made by the Board of Trustees on various Land Use files.

COMMUNITY DEVELOPMENT DEPARTMENT UPDATE

Staff update to the Planning & Zoning Commission on recent work and upcoming files.

OPEN DISCUSSION

ADJOURN

I hereby certify that the above Notice of Meeting was posted by me in the designated location at least 24 hours prior to said meeting.



Jessica Lake
Planning Technician



**Planning and Zoning Commission
Meeting Minutes
March 19th, 2019**

PRESENT

Jason Cowles, Chair
Stephen Richards
Charlie Perkins
Jesse Gregg
Matthew Hood
Bill Nutkins

STAFF

Morgan Landers- Town Planner
Colton Berck- Planner I
Dawn Koenig- Admin Technician

ABSENT

Kyle Hoiland
Brent McFall

This meeting was recorded. The following is a condensed version of the proceedings written by Dawn Koenig.

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission held in the Eagle Town Hall was called to order by Jason Cowles at 6:30p.m.

INTERIM PLAN FOR TOWN PLANNER

Town Manager Brandy Reitter introduced Carrie McCool with McCool Development Solutions as the Interim Town Planner. Reitter said she will be updating the Commissioners on the transition at a later time.

APPROVAL OF MINUTES

Commissioner Hood made a motion to approve the minutes of the March 5th, 2019 meeting. Commissioner Gregg seconded. Perkins and Nutkins abstained as they were not present at the meeting. All others present voted in favor. The motion passed.

CORRECTION OF MINUTES

There was an error in need of correction in the minutes from the February 5, 2019 meeting of the Planning and Zoning Commission. Commissioner Richards moved to approve the correction. Hood seconded. Commissioner Perkins abstained as he was not present at the meeting. All others voted in favor. The motion passed.

PUBLIC COMMENT

None.

COMPREHENSIVE PLAN AND LAND USE CODE REWRITE UPDATE

Colton Berck presented a status update on the project to the Commission. He noted recent community outreach and online engagement efforts and said that the committee for the Comprehensive Plan is currently working on redefining vision statements for the five theme statements.

QUESTIONS

Greggs asked when the draft of the Comprehensive Plan will be available. Berck said that July 29th is the current target date.

LAND USE FILES

S18-01 Haymeadow Subdivision Filing 1

Commissioner Cowles opened file S18-01, a request to formally plat the entire boundary of the Haymeadow property and address the requirements of the approved Haymeadow Annexation and Development Agreement that are triggered at Final Plat approval.

STAFF REPORT AND PERSENTATIONS

Project Representative Rick Pylman gave a presentation on the file. He gave a summary of the background of the file and vision for the entire project.

He spoke about the traffic and wildlife concerns that were addressed at the PUD approval in 2014.

Project Civil Engineer Gary Brooks with Alpine Engineering presented details on a traffic impact study for the project that was completed in 2013. He noted the various triggers for road improvements the developers are responsible for installing around the development and the timing for the Brush Creek Road extension. Brooks mentioned other road improvements identified in the traffic study and said that it is the Town's responsibility to identify if and when these other improvements are made. He stated that Haymeadow contributes funding to the Town for these improvements through impact fees and a real estate transfer tax applied to every lot sold in the development.

Rick Pylman explained what gets triggered after approval of this file according to the Annexation and Development Agreement. He said that approval of the final plat for the first subdivision does not create or allow any vertical development. Pylman noted that the Annexation and Development Agreement stipulates that the Town needs to approve the architectural and design guidelines before any building permit application is accepted for any of the single family or duplex lots. He noted the infrastructure elements and land dedications that will commence upon approval of this file.

Pylman stated that all irrigation in the Haymeadow development will be provided by a non-potable system and that flood irrigation will continue to be used on the agricultural land.

Pylman concluded by saying that the project has gone through an extensive review process with Town Staff and third-party consultants. He stated that the developers agree with all of the Town Staff recommended conditions of approval.

Carrie McCool, of McCool Development presented an over view of the file including the applicant, location, zoning, current use, and request. She gave an overview of the previous approval for the Haymeadow PUD that was approved by the TBOT on May 25th, 2014.

McCool then gave an overview of Haymeadow Filing 1 noting the platting and dedications that will take place upon approval as well as the major infrastructure and site work.

McCool presented the three standards of approval for a final plat:

1. Technical Standards have been met.

She noted that this project has been sent out for referral to internal as well as external agencies. Many of the items are related to engineering, McCool said. She stated that staff finds that this file has Demonstrated consistency with technical standards (i.e., prepared by a registered surveyor, legal description, street names, addresses, certification blocks)

2. Conformance with the approved preliminary plan.

McCool stated that the applicants are in conformance with the approved preliminary plan. She noted however that there were the following adjustments made that exceed code requirements:

- The final plat includes the entirety of the property, the preliminary plan didn't include the full annexed property.
- Specific acreages for all tracts and lots being created by the plat, the preliminary plan only included tract and lot lettering/numbering.
- Addresses and street names.
- The preliminary plan included the platting of all of Neighborhood A1, however, Filing 1 only includes a portion of Neighborhood A1 (see Exhibit I), as such, the full extent of Sylvan Lake Rd to Ouzel lane is not being platted at this time.
- The general shape of the Fire Station Parcel has changed, however, the acreage remains consistent with the requirements of the ADA
- The preliminary plan didn't include the 30' wide right-of-way dedication along Brush Creek Road as required by the ADA. The final plat includes this.
- The final plat includes a more extensive land use summary outlining parcel label, area, land use, and address.

3. Compliance with the Annexation and Development Agreement. McCool stated that the proposal is in compliant, however the following adjustments needed to be made and will be addressed with conditions:

- Wetland Dedication, Restoration and Enhancement – Success Criteria required to benchmark success of enhancement.
- Raw water irrigation required for MF and common area/parks – must be constructed to serve each phase of the development.
- Transfer Assessment Covenant Required.
- Landscape Standards for Streetscapes shall be reviewed and approved.
- Construction Operations Plan must be reviewed and approved by Public Works.

McCool said that Staff recommends approval of the Haymeadow Subdivision Filing 1, Final Plat with the following conditions:

1. No building permit application or Development Permit application shall be accepted by the Town of Eagle until the Design Guidelines establishing architectural and building material standards, landscape design, urban design, site design standards and a design review process for development within Haymeadow have been reviewed and approved by the town of Eagle as outlined in the Subdivision Improvements Agreement.
2. Protective covenants, homeowners' association (HOA) documents, and articles of incorporation for HOA including the Transfer Assessment Covenant shall be finalized prior to final plat recording.
3. Success Criteria for the Ecological Restoration Plan and Wetland Enhancement Plan shall be approved by the Public Works Director and Open Space Manager prior to execution of the Subdivision Improvements Agreement.

4. A maintenance agreement shall be executed between the Town of Eagle and the Haymeadow Metropolitan District prior to the acceptance of any public improvements as outlined in the Subdivision Improvements Agreement.
5. A Raw Water Irrigation Operations Plan shall be submitted for review and approval prior to execution of the Subdivision Improvements Agreement.
6. The final Landscape Standards for Streetscapes shall be approved by the Town Planner prior to execution of the Subdivision Improvements Agreement.
7. A Construction Operations Plan shall be submitted for review and approval prior to execution of the Subdivision Improvements Agreement.
8. Final technical comments from Town Planner, Town Engineer, and Town Attorney shall be addressed prior to final plat recording.

Q & A

Commissioner Hood asked about a condition in the ADA regarding the metro district service plan that did not have the date in the materials provided to the Commissioners. Pylman said that metro district service plan is in place and they are up and running and have been holding regular meetings.

Commissioner Cowles asked what the responsibilities are of the metro district. Pylman said that they are working on a Maintenance and Operations Agreement that outlines what the Town is responsible for maintaining and what the metro district is responsible for. He said the details have been reviewed by Town Staff and the document, once completed, will be reviewed and approved by the Town's attorney. Pylman said that the metro district maintains much of the open space areas that will be dedicated to the Town. He said that the Town will be responsible for plowing the streets and taking care of the overall storm drainage system. He said that on-street parking will be maintained and enforced by the metro district.

Cowles asked if the raw water system will have a fee. Pylman gave details on how the system will be maintained and how it is operated.

Commissioner Perkins asked if approval of this file will trigger the establishment of the Haymeadow Design Review Board. Pylman said that it would.

Hood said that one of the conditions of approval in the ADA is for trying to get the Postal Service to offer mail delivery. He asked how this will be addressed. Pylman said that the pressure is still on the Postal Service to provide PO Boxes. They have been communicating with the Postal Service to see if they are open to drop boxes in the development, he said. Pylman said the Postal Service has been difficult to work with, but the developers do have plans to provide drop boxes at the park areas if the Postal Service ever decides they can provide that service.

PUBLIC COMMENT

Cowles opened the hearing to public comment.

Kirstin Shaw of 2189 Brush Creek Road asked if the 10-foot paved path from the development to the pool and ice rink will be subject to seasonal closure. She asked if water flowing into the storm drainage system and ultimately into wetlands will be regulated. She stated that the wetland area is across the road from her house and she is concerned about flooding. Shaw also asked if the widening of Brush Creek Road will encroach into the wetland area.

Celena Olden of 1864 Eagle Ranch Rd. asked if there is a fire evacuation response plan for this area. She asked if there was any consideration for the wildlife plan to be updated or if there will be updated comments from Colorado Parks and Wildlife. Olden also asked with regard for the traffic study, if there are plans to widen HWY 6 and will properties be condemned as a result.

Tom Olden of 1864 Eagle Ranch Rd. asked if roads are going to be altered in such a way that make logging operations more difficult to occur. He voiced concerns about evacuation plans. Olden stated that since 2014, other development projects have come online or are being proposed. He said he is concerned about the traffic impacts of all of the developments combined. He asked if the impacts of these developments are being considered all together.

Mike Claymon of 116 Soleil Cir. asked if it the Commissioners would consider leaving Brush Creek Road and Sylvan Lake Road as is until the traffic volume increases with subsequent phases of the development.

Rosie Sherwood of 9081 Brush Creek Road asked for a further explanation of what the triggers mean. She asked about the implications of the additional platting boundary. Sherwood also asked if this means that the Town is locking in to the entire PUD at this point. She commented that that the soil content in the Brush Creek Valley is variable and changes with the amount of moisture it is exposed to. She said the irrigation of Haymeadow is affecting the soils and farmers have lost tractors and other equipment to sinkholes last summer. Sherwood suggested that the soils be studied more in depth before additional irrigation is utilized.

Sara Metcalf of 1279 Brush Creek Road voiced concerns about the wildlife corridor, fire evacuation, and other impacts and asked the Commission to consider all of the development impacts all together.

Amy May of 2037 Brush Creek Road asked for clarification on the wetland enhancement for phase one. She asked if the plan is just planting trees and shrubs. She mentioned that she spoke with Commissioner Cowles and he indicated that the Town has no current plans to widen Brush Creek Road. She asked if that information is still accurate.

Mick Daly of 1843 East Haystacker Drive and the Eagle Chamber of Commerce said that this is an important project. He said that over the years, this project has taken a lot of Town Staff time. He said the Eagle Chamber once hosted an information forum on this project ahead of the final hearing on the PUD. Daly stated that many of the Commissioners share the frustration he has seeing the efforts go into approve projects and then waiting for projects to happen. He said he gets massively frustrated when projects get approval and then do not end up happening.

Vern Brock from The Town of Eagle Engineering Department said that the Fire Department has reviewed this project and they have not communicated concerns about not being able to respond to emergency situations. Cowles noted that there is a land dedication to the Fire Department included in the development agreement for the intended purpose of building a facility so that they would be able to better serve the surrounding area.

Brock mentioned that the path connecting the development to the pool and ice rink area will be maintained by the Town. He said that the Town is required to preserve the wetland areas and ensure that the areas are not exacerbated or dried up. He said that widening Brush Creek Road will give future planners flexibility and Haymeadow was asked to dedicate land to the Town to provide an opportunity to widen or create a bike path at some point in the future.

Cowles said that the intent is to allow for a pedestrian or bike path along a portion of Brush Creek Road someday.

Hood asked if the 30' was coming out of the Haymeadow land. Gary Brooks said it is and that the land is being dedicated to the Town.

Brooks said that there is an emergency access road in the Haymeadow development that loops into Brush Creek Road.

Brooks said that stormwater is detained and treated to meet the requirements of the Town code before it is released into the wetlands. Cowles mentioned that it would be similar to the ponds near Eagle Ranch on Capital St.

Brooks said part of the enhancement plan is to remove weeds and invasive species as well plant shrubs and trees.

Brooks said that the road and roundabout is going to be designed to handle full size semi-truck and trailer traffic.

Brooks said that there has been a soil report for the entire property and the first phase. He said that all of the sink holes have been identified and they are aware of them. H said there are ways to mitigate them and if found, they will be addressed. McCool mentioned that Colorado Geologic Survey was a referral agency and they did not have any objections to the plans as presented.

McCool said that one of the review criteria for a final plat is that it must be in conformance with the preliminary plan. She said that staff and third-party consultants found that it is in alignment with the preliminary plan. She said that depending on how many lots are developed, that may trigger other infrastructure development or dedications.

Pylman said that the land currently exists under a metes and bounds description. He said that when a property is subdivided, the plat identifies filing numbers, tracts, and lots and blocks. Outside of the first filing, the other undeveloped area will be identified by tract numbers. He said that it is the common way of identifying pieces of land located in a larger development.

In response to the question about seasonal closure of the path connecting the property to the pool and ice rink, McCool said that the Town would defer to Colorado Parks and Wildlife for their recommendations. Cowles said that the path in question is not in an area currently subject to seasonal closure.

Vern Brock addressed the traffic study and the implications for expanding Highway 6. Brock said that the Brush Creek Road extension has been in the works for almost 40 years. With all the traffic implications from all of the development activity, the Town is in the process of conducting a master traffic study, Brock said. He stated he could not say for sure if the Town would acquire any more land. He said the safety issues with some of the intersections along Highway 6 are of greater concern.

Anne Eagan asked when the master traffic study will be done. Brock said that he doesn't know when it will be finished but that it is budgeted for this year. He said the County has contributed funds to the Highway 6 study.

McCool said that Colorado Parks and Wildlife is a referral agency and they have been consulted on this project and have reviewed the final plat. Celena Olden asked if they will offer updated comments since the PUD was approved back in 2014. Olden said conditions have changed for the herds and Elk are experiencing a population decline in the area. Cowles said that the Town could ask them to offer updated comments. Pylman said that CPW was contacted as a referral agency for this file before the Commission tonight and they had no comments.

In response to the question about delaying the construction of the roundabout, Brooks said that the original approval was to build four legs of the roundabout. He said that it has been broken out into two phases. He

said that the area contains several pieces of major underground infrastructure that they would prefer to complete at this point. Brooks said the plan was to construct all of the major underground infrastructure and part of the roundabout in such a way that would allow for the second phase to be constructed without much of an impact.

Gregg asked what drove the decision to build the roundabout in two phases. Brooks said that to modify the existing road will be very impactful. He said to realign the road after all of the underground infrastructure is installed will be much less impactful.

Celina Olden asked about the larger evacuation plan for the Town. Cowles said that is a question better asked of the Police and Fire Departments.

Cowles said that Sylvan Lake Road is designed to be 4 lanes through Eagle Ranch. He said it was always intended to be the arterial road for traffic through Eagle Ranch. The on-street parking would be eliminated when 4 lanes are implemented at a time when the town deems appropriate, Cowles said.

Town Public Works Director Bryon McGinnis said that there are bigger discussions about traffic and evacuations that are not tied to any specific development including Haymeadow.

Tom Olden said that these main roads were designed before some of the recent development projects were under consideration and asked if the roads can still handle traffic from these developments.

Cowles said that the Eby Creek Road roundabouts were built to their full potential when they were constructed. He said that they were designed with growth potential from other developments that did not end up moving forward that had similar densities as the developments currently under consideration. Cowles said that the Town is currently looking at how to address traffic volumes and design concerns on Highway 6.

DELIBERATION

Cowles said that he is not sure how the raw water irrigation system is going to work. He asked if there were any mechanisms in place to encourage efficiency so that more water stays in Brush Creek and asked if there will be incentives to conserve water. He said that he believes conservation is an important aspect of managing a raw water irrigation system.

Pylman said that one of the issues with developing non-potable water systems is that it is not necessarily good for conservation. The system will be expensive and providing the water will be costly, he said. They will have modern, current landscape design guidelines and they will be charging for use of the system, Pylman said. The Town will have a lot of control over the water rights, Pylman said. He said the Brush Creek Management Plan is the governing document that dictates minimum water flows and the development will adhere to the Plan.

Hood said that within the scope of the review of the file, it appears to be in conformance with review criteria. We should approve the file, he said.

Nutkins said that he agrees with Hood and stated that this is a technical file and they are meeting all the requirements.

Gregg said that he agrees that this file meets the standards for approval.

Perkins agreed and said that he wanted to thank Town Staff and the applicants for all the work that went into the project to date. He said he is in favor of approval. Perkins said that he is concerned with overall traffic volumes throughout Town.

Richards said that he is in favor of approval and appreciates the public comments. He said that he thinks it would be good to hear from the Fire Department on their plan for dealing with emergencies. He said that he thought the applicant did a good job of addressing all the issues and working with the Town's requirements.

Cowles said that he said that this file is in conformance with the standards of approval. He said he also appreciated the public comments and the input from the community.

Commissioner Hood made a motion to approve S18-01 based on compliance with standards of approval 1 through 3 with the Staff recommended conditions for approval 1-8. Richards seconded. All present voted in favor. The motion passed.

TOWN BOARD OF TRUSTEE UPDATE

Brandy Reitter gave an update on the TBOT hearing on March 12th. The Reserve at Hockett Gulch file was heard by the TBOT and continued to the hearing on April 9th, Reitter said. The TBOT seemed as though they were ok with all the conditions of approval recommended by the Planning Commission, however, there is still an unresolved issue with a request from the applicant team relating to the assessment of Water and Sewer Plant Investment Fees for the project.

ADJOURN

Commissioner Richards made a motion to adjourn and Commissioner Nutkins seconded. All voted in favor. The meeting adjourned at 8:55PM.

Date Jason Cowles – Planning and Zoning Commission Chair

Date Dawn Koenig- Admin Technician



MEMORANDUM

TO: Planning Commission
FROM: Colton Berck, Planner I
SUBJECT: SU19-01: 304 Wall Street Withdrawal
DATE: May 7, 2019

Joe Frasco and Les Samelson of 304 Wall Street Investments LLC submitted a complete application for a Special Use Permit to allow for “High density, multiple-family dwelling” in the Central Business District on March 4th, 2019.

On May 3rd the applicant requested withdrawal of the application. Staff will be initiating a refund for the application and review fees, less any costs incurred for review and noticing.



CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Department of Community Development

DATE: May 7, 2019

PROJECT NAME: 717 Sylvan Lake Building Condominium Plat

FILE NUMBER: CT19-01

APPLICANT: Brush Creek Market LLC
Rick Pylman, Pylman & Associates

LOCATION: 717 Sylvan Lake Road

**APPLICABLE SECTION(S)
OF MUNICIPAL CODE:** Section 4.12.050

EXHIBIT(S): A. Application Form & Narrative
B. Aerial Photo of Site
C. Draft Final Plat

PUBLIC COMMENT: No public comment received

STAFF CONTACT: Colton Berck, Planner I

REQUEST: Condominium Plat to divide existing commercial building into six separate condominium units.

DISCUSSION:

The “Sylvan Lake Building” located at 717 Sylvan Lake Road was originally constructed in 2006 (approved under minor development permit file DR-148 on August 16, 2005) and has been under single ownership (Brush Creek Market LLC) ever since. There are six commercial spaces of various size in the two buildings and common breezeway that make up “Sylvan Lake Building”. Some of the current tenants include James Lee Karate Studio, Yoga Off Broadway, Color Coffee, Vail Integrative Medical Group, and the Endorphins health club. As a current tenant has expressed a desire to purchase their space, the owner has applied for a condominium plat to subdivide the existing building into six condominiumized commercial spaces in order to sell the spaces accordingly.

SUBDIVISION REVIEW STANDARDS

Per Section 4.12.050 of the Land Use and Development Code (Code), the condominium plat is required to follow the review and approval process for a Lot Line Adjustments per Section 4.12.040. Listed below are the findings required by Section 4.12.040 of the Code for the approval of a condominium plat:

1. The subdivision complies with the town’s goals, policies, and plans.
2. That any adverse impacts resulting from the subdivision be reasonably and adequately mitigated by the applicant to minimize such impacts.

FINDINGS FOR A SUBDIVISION

As this condominium plat enables the ability for the variety of business owners to own the commercial spaces in which they operate, further investment is encouraged. This meets a number of goals, policies, and plans of the Town, including:

- Major Objective 5 of the Strategic Plan (Stimulate Economic Vitality, Development),
- Economic Development Business Values from the Strategic Plan, and
- Economic Development Policy 1.2 from Chapter 11 of the Eagle Area Community Plan (Expand retail diversity to reduce sales tax leakage).

The condominiumization of units does not impact the existing use or future use of the property. This adjustment does not create a substantial impact on the other existing residential or commercial uses of the area. The applicant has filed with the Town a copy of the condominium declaration as required by the State of Colorado's Condominium Ownership Act, C.R.S. § 38-33-101 as required by Section 4.12.050(D) of the Code. The condominium plat complies with the Town's regulations, goals and policies and the requirements for final subdivision plats.

Staff has not identified any adverse impacts resulting from this condominiumization. There are no changes to utilities or easements. Staff has also confirmed the proposed plat contains all contiguous single ownership and the plat is correct in accordance with surveying and platting standards of the State.

The applications was reviewed by staff for conformance with requirements for a Lot Line Adjustment per Section 4.12.040 and finds that the application is in compliance, except as

conditioned below, and along with the conditions of approval, the application complies with the findings required for approval of a condominium plat.

PUBLIC NOTICE

Public notice was conducted in accordance with Section 4.03.060 and was published in the Town paper and mailed to property owners on April 18, 2019. Additionally, notice was posted at Town Hall on May 2, 2019.

STAFF RECOMMENDATION

Staff recommends approval of CT19-01 based on the findings for a subdivision with the following conditions:

1. Minor errors or omissions on the plat identified by the Town Engineering and Public Works Departments, Town Attorney, and the Town's 3rd Party Surveyor require correction prior to filing.
2. The title and references of "preliminary plat" shall be removed.
3. Land use summary shall be revised to include square footages per unit.

PLANNING & ZONING COMMISSION

1. Questions of Staff and/or Applicant
2. Public Comment
3. Deliberations



TOWN OF EAGLE
 COMMUNITY DEVELOPMENT
 200 BROADWAY • PO BOX 609 • EAGLE, CO 81631
 PHONE: 970-328-9655 • FAX: 970-328-9656
 www.townofeagle.org

LAND USE & DEVELOPMENT APPLICATION

Pursuant to the Land Use & Development Code, Title 4

<p>ZONING REVIEW</p> <input type="checkbox"/> Special Use Permit <input type="checkbox"/> Zoning Variance <input type="checkbox"/> Rezoning <input type="checkbox"/> Temporary Use Permit <input type="checkbox"/> Amendment to Zone District Regulations <input type="checkbox"/> Encroachment Permit	<p>DEVELOPMENT REVIEW</p> <input type="checkbox"/> Minor Development Permit <input type="checkbox"/> Major Development Permit	<p>SUBDIVISION REVIEW</p> <input type="checkbox"/> Concept Plan <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Final Plat <input type="checkbox"/> Lot Line Adjustment <input checked="" type="checkbox"/> Condominium / Townhouse <input type="checkbox"/> Minor Subdivision
<p>PLANNED UNIT DEVELOPMENT (PUD) REVIEW</p> <input type="checkbox"/> PUD Zoning Plan <input type="checkbox"/> PUD Development Plan		

PROJECT NAME Market Building

PRESENT ZONE DISTRICT Eagle Ranch PUD **PROPOSED ZONE DISTRICT** _____
 (if applicable)

LOCATION

STREET ADDRESS 717 Market Street

PROPERTY DESCRIPTION

SUBDIVISION Eagle Ranch Filing 19, Lot 3A **LOT(S)** _____ **BLOCK** _____
 (attach legal description if not part of a subdivision)

DESCRIPTION OF APPLICATION/PURPOSE Condominium Plat

APPLICANT NAME Brush Creek Market LLC **PHONE** _____

ADDRESS PO Box 7270 Avon, CO 81620 **EMAIL** _____

OWNER OF RECORD same as above **PHONE** _____

ADDRESS _____ **EMAIL** _____

REPRESENTATIVE* Pylman & Associates, Inc. **PHONE** 970-926-6065

ADDRESS PO Box 2338 Edwards CO 81632 **EMAIL** rick@pylman.com

*A representative must submit an affidavit or power of attorney signed by the property owner of record authorizing the representation.



March 8, 2019

Mr. Colton Berck
Planner
Town of Eagle
PO Box 609
Eagle, CO 81631

Re: Market Building Condo Plat

Dear Colton:

Please accept this letter and the attachments as a formal application for a Condominium Plat for the Market Building located at 717 Sylvan Lake Road. The Market Building was constructed in 2006 and has remained under the single ownership of Brush Creek Market LLC. This commercial building consists of two single story buildings connected by a common breezeway. Each building is approximately 6,100 square feet in size. The buildings are currently occupied by the James Lee Karate Studio, Yoga Off Broadway, Color Coffee, Vail Integrative Medical Group and the Endorphins health club.

One of the tenants has expressed a desire to purchase their space so the ownership group is requesting Town of Eagle approval for a condominium plat approval. The buildings will be divided into six separate condominium spaces, two in the western building and four in the eastern building. The proposed unit divisions follow the existing interior building layout with the James Lee Karate Studio consisting of two units.

A condominium association with appropriate declarations will be formed. The association will, among other duties typical of a condominium association, be responsible for the receipt and payment of common utility billings for the Town of Eagle for water and sewer services.

Please note that the plat and corresponding association have been titled the Sylvan Lake Building Condominium and the Sylvan Lake Building Condominium Association and will no longer be known as the "Market Building".

On behalf of the owners we look forward to working with you to complete this process.

If you have any questions or require additional information please contact me at your convenience.

Sincerely,

Rick Pylman

Copy:
Jen Wright
Carol Glasson
Greg Perkins

137 Main Street, Suite C107W Edwards, Colorado 81632
Phone: (970)-926-6065 Fax: (970)-926-6064 Email: rick@pylman.com

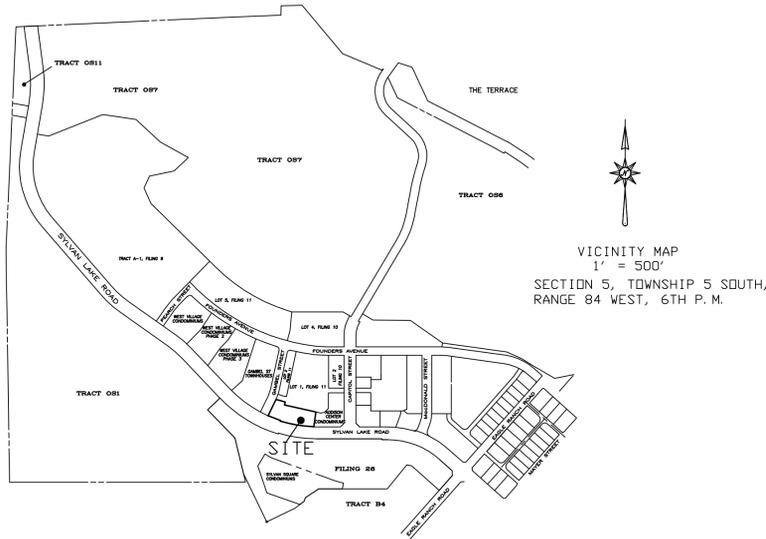


FINAL PLAT AND CONDOMINIUM MAP

SYLVAN LAKE BUILDING CONDOMINIUM

LOT 3A, EAGLE RANCH FILING NO. 19

TOWN OF EAGLE, EAGLE COUNTY, COLORADO



NOTES:

- 1) All of the property depicted on this condominium map is subject to the Declaration for Eagle Ranch recorded June 23, 1999 at Reception No. 700815, and amendment thereto recorded November 23, 1999 at Reception No. 715599, and amendment thereto recorded June 18, 2002 at Reception No. 798949 in the Office of the Clerk and Recorder, Eagle County, Colorado, as amended and supplemented from time to time (the "Master Declaration").
- 2) All of the property depicted on this condominium map is subject to the Eagle Ranch Commercial Center Association (ERCCA) recorded at Reception No. 743935 dated 11/13/2000.
- 3) The purpose of this condominium map is to create condominium units, general common elements and limited common elements as shown hereon.
- 4) BASIS OF BEARINGS: A line connecting found nail and 1" brass washer LS #50116 at the northeast corner of Lot 3A, Eagle Ranch Filing No. 19, according to the plat thereof recorded at RN 895120 and a plain #5 rebar at the southeast angle point of Lot 2, Eagle Ranch Filing No. 27, according to the plat thereof recorded at RN 200825123 in the office of the Eagle County, Colorado, Clerk and Recorder being S67°56'57"E.
- 5) BASIS OF ELEVATIONS: U.S.G.S. Benchmark D280 elevation = 6620.78', located on the south side of Old Brush Creek Road.
- 6) DATE OF SURVEY: February 12, 2019.
- 7) Record easements and rights-of-way shown on this condominium map are per Land Title Guarantee Co. Commitment Order No. ABM50052140.1, dated 3/1/2019.
- 8) All lands shown hereon are subject to the following instruments, recorded in the Office of the Clerk and Recorder, Eagle County, Colorado:
 - a) Terms, conditions and provisions of the Eagle Ranch Planned Unit Development Guide recorded in the Eagle County records.
 - 9) According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification hereon.
- 10) The U.S. survey foot is the lineal unit used for the dimensions on this plat.

PRELIMINARY

3/6/2019

VICINITY MAP
1" = 500'
SECTION 5, TOWNSHIP 5 SOUTH,
RANGE 84 WEST, 6TH P. M.

CERTIFICATE OF OWNERSHIP

The undersigned, Brush Creek Market, LLC, a Delaware limited liability company, being the sole owner in fee simple of all that real property described as follows:

Lot 3A, Eagle Ranch, Filing 19, according to the plat thereof as filed for record as Reception No. 895120 in the Office of the Clerk and Recorder, Eagle County, State of Colorado; containing 0.609 acres, more or less;

have by these presents laid out, platted and subdivided the same into condominium units and common elements as shown on this Final Plat and Condominium Map and designate the same as, Sylvan Lake Building Condominium, a subdivision of the Town of Eagle, County of Eagle, State of Colorado.

The undersigned further states that this Condominium shall be subject to the Condominium Declaration for Sylvan Lake Building Condominium, filed and recorded for this Subdivision in the office of the Clerk and Recorder of Eagle County, Colorado as Reception No. _____

EXECUTED this _____ day of _____, 2019.

OWNER:
Brush Creek Market, LLC
A Delaware Limited Liability Company

Address: _____

By: Eagle Ranch Village, LLC,
a Delaware limited liability company,
it's Manager
By: Mataura Corp., a Delaware corporation
it's Manager

By: _____
Willis J. Wright
President

STATE OF COLORADO)
COUNTY OF EAGLE) ss.

The foregoing Certificate of Dedication and Ownership was acknowledged before me this _____ day of _____, 2019, by
Willis J. Wright as President of Mataura Corp., a Delaware corporation, as
Manager of Eagle Ranch Village, LLC, a Delaware limited liability company, as
Manager of Brush Creek Market, LLC, A Delaware Limited Liability Company.

Witness my hand and official seal.
My commission expires: _____

Notary Public

LIENHOLDERS CERTIFICATE

FirstBank of Vail, being the holder of a promissory note secured by a deed of trust dated January 09, 2009, recorded January 22, 2009 under Reception No. 200900814, as modified by instruments recorded March 8, 2013 under Reception No. 201304423, July 13, 2016 under Reception No. 201610688, August 15, 2017 under Reception No. 201715660 and September 18, 2018 under Reception No. 201815846, all deeds of trust being recorded in the Office of the Clerk and Recorder of Eagle County, Colorado, against the lands shown on this Plat and Map and hereby consents to the subdivision of the lands shown hereon.

MORTGAGEE:
FirstBank of Vail
17 Vail Road
Vail, CO 81657

By: _____

Title

STATE OF COLORADO)
COUNTY OF EAGLE) ss.

The foregoing Lienholders Certificate was acknowledged before me this _____ day of _____, 2019, by _____ as _____ of FirstBank of Vail.

Witness my hand and official seal.
My commission expires: _____

Notary Public

TITLE CERTIFICATE

Land Title Guarantee Company, does hereby certify that it has examined the title to all lands shown on this Final Plat and Condominium Map and that title to such lands is vested in Brush Creek Market, LLC, a Delaware limited liability company and FirstBank of Vail, free and clear of all liens and encumbrances, except as follows:

EXECUTED this _____ day of _____, 2019.

Land Title Guarantee Company

By: _____

Title _____

SURVEYOR'S CERTIFICATE

I, Michael J. Post, do hereby certify that I am a Professional Land Surveyor licensed under the laws of the State of Colorado, that this Final Plat and Condominium Map of Sylvan Lake Building Condominium fully and accurately depicts the improvements, including the condominium units and common elements, and identifies location, layout dimension, and horizontal and vertical boundaries; and that such map was prepared subsequent to substantial completion of the improvements, and that such map complies with, and contains all the information required by C.R.S. 38-33.3-209 and all other statutes and regulations applicable to maps of condominium common interest subdivision.

EXECUTED this _____ day of _____, 2019.

Michael J. Post
Professional Land Surveyor
State of Colorado PLS 30116

BOARD OF TRUSTEES CERTIFICATE

This Final Plat and Condominium Map approved by the Board of Trustees of the Town of Eagle, Colorado, this _____ day of _____, 2019, for filing with the Clerk and Recorder of Eagle County, Colorado, and for conveyance or dedication to the Town of the public dedications shown hereon; subject to the provisions that approval in no way obligates the Town of Eagle for financing or constructing of improvements on said lands, streets or easements dedicated to the public except as specifically agreed to by the Board of Trustees of the Town of Eagle. Further, said approval in no way obligates the Town of Eagle for maintenance of public improvements until construction of said improvements has been completed in accordance with the Town of Eagle's specifications and the Town of Eagle has agreed to accept said improvements. This approval does not guarantee that the size, soil conditions, sub-surface geology, ground water conditions, or flooding conditions of any lot shown hereon are such that a building permit, development permit, or any other required permit will be issued. This approval is with the understanding that all expenses involving required improvements for all utility services, paving, grading, landscaping, curbs, gutters, sidewalks, road lighting, road signs, flood protection devices, drainage structures and all other improvements that may be required shall be the responsibility of the owners designated hereon and not the Town of Eagle, unless otherwise specifically agreed to in writing by the Board of Trustees.

TOWN OF EAGLE, COLORADO

By: _____

Mayor

Witness my hand and seal of the Town of Eagle, Colorado.

ATTEST: _____
Town Clerk

CERTIFICATE OF TAXES PAID

I, the undersigned, do hereby certify that the entire amount of taxes and assessments due and payable as of _____ on this condominium map are paid in full. Dated this _____ day of _____, 20____.

Treasurer of Eagle County, Colorado

CLERK AND RECORDER CERTIFICATE

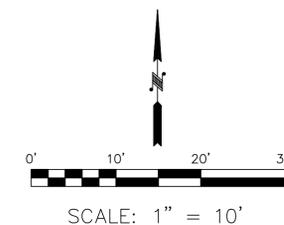
This Final Plat and Condominium Map was filed for record in the office of the Eagle County Clerk and Recorder at _____ o'clock _____ M. on the _____ day of _____, 2019, and is duly recorded as

Reception No. _____

EAGLE COUNTY CLERK AND RECORDER

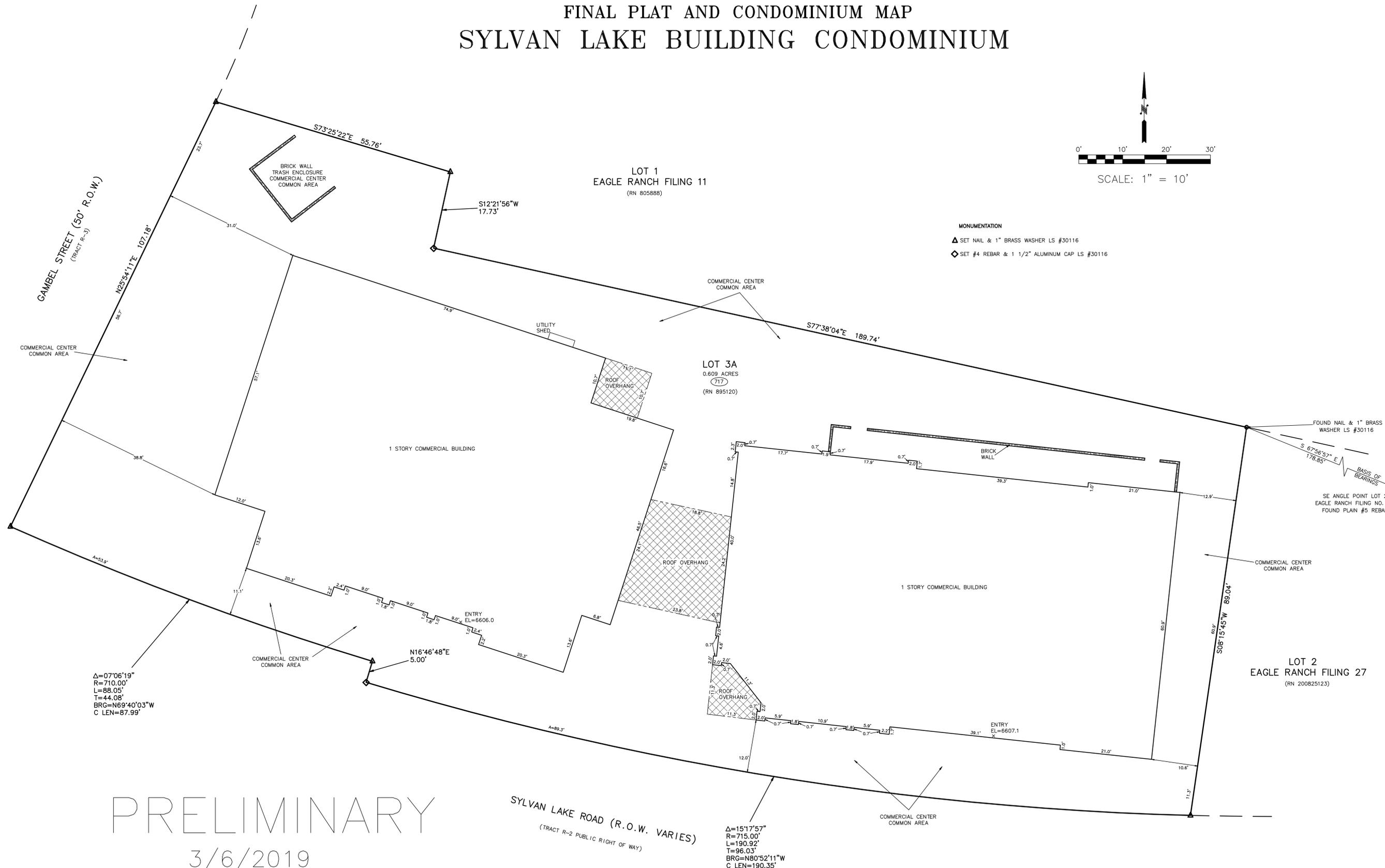
By: _____
Deputy

FINAL PLAT AND CONDOMINIUM MAP SYLVAN LAKE BUILDING CONDOMINIUM



MONUMENTATION

- ▲ SET NAIL & 1" BRASS WASHER LS #30116
- ◆ SET #4 REBAR & 1 1/2" ALUMINUM CAP LS #30116



PRELIMINARY

3/6/2019

Δ=07°06'19"
R=710.00'
L=88.05'
T=44.08'
BRG=N69°40'03"W
C LEN=87.99'

N16°46'48"E
5.00'

Δ=15°17'57"
R=715.00'
L=190.92'
T=96.03'
BRG=N80°52'11"W
C LEN=190.35'

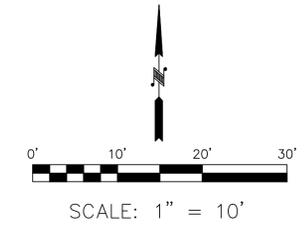
EAGLE VALLEY SURVEYING, INC.
41199 HIGHWAY 6 & 24, EAGLE-VALE
P.O. BOX 1230
EDWARDS, CO. 81632
(970)949-1406

2896.1-CONDO-2019	JOB NO. 2896.1
DRN. BY M. POST DATE: 2/2019	PAGE: 2 OF 3

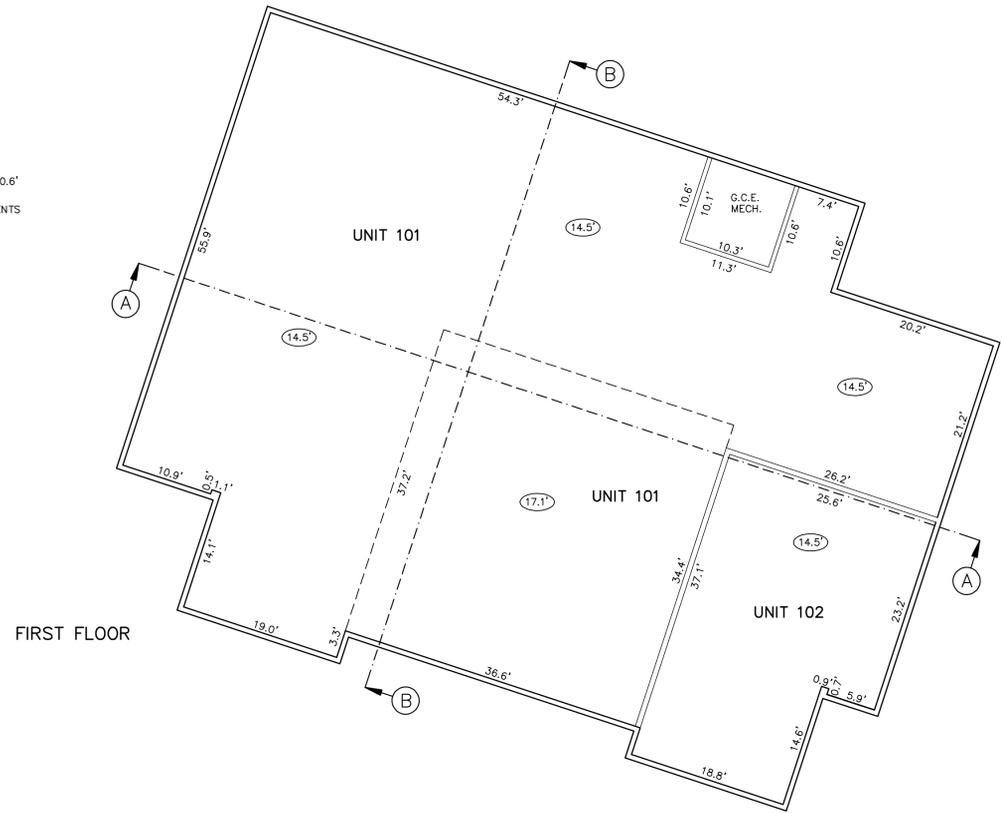
FINAL PLAT AND CONDOMINIUM MAP SYLVAN LAKE BUILDING CONDOMINIUM

LAND USE SUMMARY

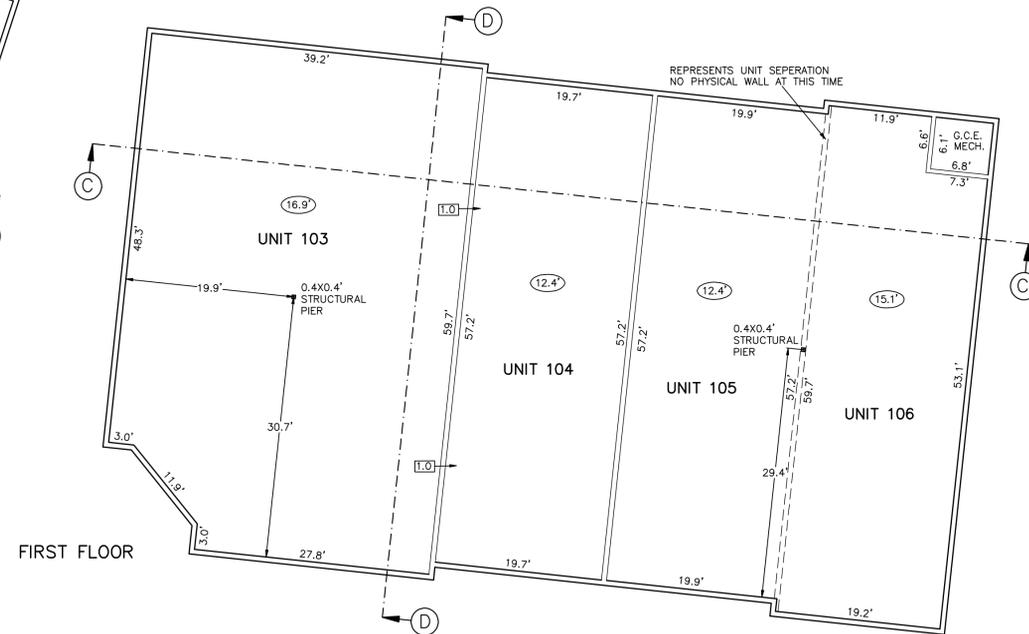
UNIT	ADDRESS	USE
UNIT 101	717 SYLVAN LAKE ROAD	COMMERCIAL
UNIT 102	717 SYLVAN LAKE ROAD	COMMERCIAL
UNIT 103	717 SYLVAN LAKE ROAD	COMMERCIAL
UNIT 104	717 SYLVAN LAKE ROAD	COMMERCIAL
UNIT 105	717 SYLVAN LAKE ROAD	COMMERCIAL
UNIT 106	717 SYLVAN LAKE ROAD	COMMERCIAL



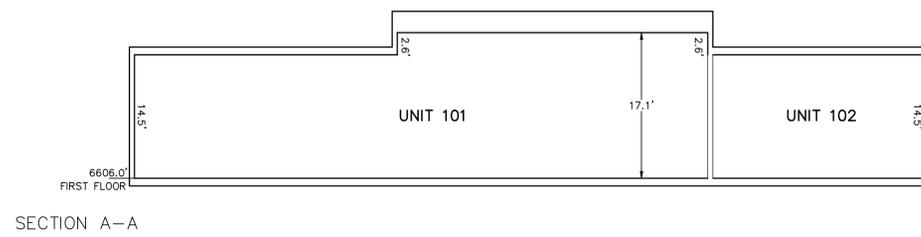
- NOTES:**
- 1) G.C.E. = GENERAL COMMON ELEMENT
 - 2) L.C.E. = LIMITED COMMON ELEMENT
 - 3) (X) = CEILING HEIGHT ABOVE FLOOR
 - 4) --- = CEILING BREAK
 - 5) WALL ANGLES ARE EITHER 45° OR 90°
 - 6) INTERIOR WALLS 0.5', EXTERIOR WALLS 0.6' TYPICAL UNLESS SHOWN OTHERWISE
 - 7) ALL WALLS SHOWN ARE COMMON ELEMENTS
 - 8) (X) = FLOOR ELEVATION BREAK



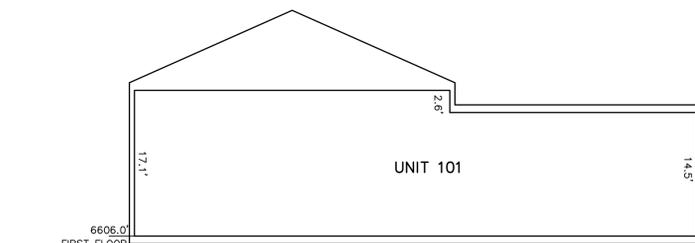
FIRST FLOOR



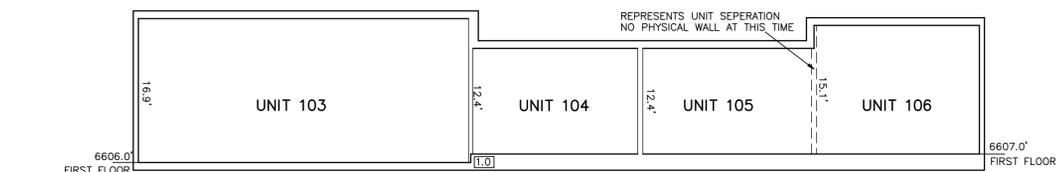
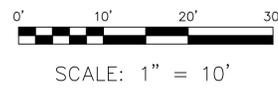
FIRST FLOOR



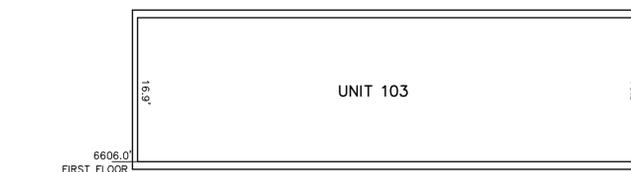
SECTION A-A



SECTION B-B



SECTION C-C



SECTION D-D

PRELIMINARY

3/6/2019