

PROOF OF PUBLICATION

STATE OF COLORADO)
)
COUNTY OF EAGLE)

I, Jenny Rakow, Town Clerk for the Town of Eagle, do solemnly swear and affirm that I published in full a true and correct copy of TOWN OF EAGLE, COLORADO ORDINANCE NO. 13 (Series of 2021) AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO APPROVING A MAJOR PUD AMENDMENT TO SWAP APPROXIMATELY 6.5 ACRES OF THE RECREATIONAL LAND PORTION OF TRACT E FOR MULTI-FAMILY DEVELOPMENT AND TO DEDICATE AN 8 ACRE PARCEL FOR FUTURE RECREATIONAL USES FOR THE HAYMEADOW PUD on the Town of Eagle’s web site, www.townofeagle.org, on the 27th day of November, 2021.

Witness my hand and seal this 27th day of November 2021.



Jenny Rakow
Town Clerk



Ordinance Effective Date:,
December 8, 2021

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 13
(Series of 2021)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO APPROVING A MAJOR PUD AMENDMENT TO SWAP APPROXIMATELY 6.5 ACRES OF THE RECREATIONAL LAND PORTION OF TRACT E FOR MULTI-FAMILY DEVELOPMENT AND TO DEDICATE AN 8 ACRE PARCEL FOR FUTURE RECREATIONAL USES FOR THE HAYMEADOW PUD

WHEREAS, ARIKA Properties, LLC and the Town own the real property located in Tracts E, 37, 38, 44, 55, 59, 61, 62 and 63, Town of Eagle, Eagle County, Colorado (the "Property");

WHEREAS, on August 26, 2021, Rick Pylman (the "Applicant") submitted an application for a major amendment to the PUD to exchange or swap approximately 6.5 acres of Tract E for 8 acres of land within Neighborhood C (the "Application");

WHEREAS, on September 21, 2021, the Planning and Zoning Commission held a properly-noticed public hearing on the Application and recommended that the Town Council deny the application;

WHEREAS, on October 12, 2021 and November 9, 2021, the Town Council held properly-noticed public hearings on the Application; and

WHEREAS, the Town Council, upon reviewing the recommendation of the Planning and Zoning Commission, and upon hearing the statements of staff and the public, and giving due consideration to the matter, determines as provided below.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO, AS FOLLOWS:

Section 1. The Town Council finds that the Application complies with 4.11 of the Land Use and Development Code and the 2020 Elevate Eagle Comprehensive Plan.

Section 2. Based on the foregoing findings, the Town Council hereby approves the major PUD amendment to swap 6.5 acres of the recreational site for 8 acres of land in Neighborhood C, subject to the following conditions:

1. The PUD amendment shall include:
 - a. The applicant obtaining 6.5 acres of Tract E in exchange for the dedication of 8 acres to the Town of Eagle in Neighborhood C for recreational purposes as described in the Haymeadow PUD Guide.
 - b. Transference of 72 multifamily units from Neighborhoods B and C to Neighborhood A1.

- c. 30 additional RO deed restricted units.
 - d. Other approved elements as described in the applicant's narrative or as reflected in the Town Council minutes.
2. Prior to conveyance of the 6.5-acre portion of Tract E from the Town of Eagle to Abrika, the 8-acre tract in Neighborhood C shall be platted and dedicated accordingly.
3. Prior to submittal of the Final Plat application or a Development Permit application (or the next step in the PUD approval process), the applicant shall work with Town Staff and Attorneys to determine whether the Annexation and Development Agreement is required to be amended to maintain consistency with this PUD amendment.
4. Prior to submittal of a Final Plat application or a Development Permit application (or the next step in the PUD approval process), the applicant shall work with Colorado Parks and Wildlife and create a Wildlife Mitigation Plan. Such plan may restrict the use of fencing, lighting, or other design elements and prohibit residents from having off leash animals on the 6.5-acre portion of Tract E but will not restrict the placement of buildings that would impact the proposed density on the parcel.
5. All additional details associated with the LERP units shall be evaluated at the time of the Major Development Permit review (or the next step in the PUD approval process).
6. Included with the application for a Development Permit (or the next step in the PUD approval process), developer shall submit a Joint Excavation Plan to comply with the Town's recently passed Joint Excavation Ordinance, identifying the steps taken to install conduits and their dedication for future broadband utilities planning to serve the development.
7. Included with the application for a Development Permit (or the next step in the PUD approval process), developer shall submit documentation detailing potable water and non-potable water changes in use, quantity, pressure, etc. expected from the proposed use changes, especially as it relates to irrigation.
8. Included in the application for the Final Plat, the applicant shall document the age of all reports referenced in the PUD amendment application, disclose what assumptions of these studies are no longer accurate, include new data (if available), and submit new or updated reports if needed.
9. In the application for Development Permit (or the next step in the PUD approval process) the applicant shall provide documentation that the existing on and off-site stormwater system of pipes, ditches, basins, etc. are capable of accommodating the flow for any new development.
10. Developer will complete the Sylvan Lake Rd & Brush Creek Rd roundabout within three (3) years following approval of this PUD Amendment or, if earlier, before the first

Certificate of Occupancy is issued on the 6.5-acre portion of Tract E. An administrative extension may be approved without notice for a period up to an additional 12 months if it is proven that the improvements have been substantially complete, hardships have occurred, and additional time is required for completion. The ADA and/or PUD Guide shall be amended to reflect this condition.

11. The application for the Development Plan for the RMF-1 portion of Neighborhood A1 shall include the following timing for the construction of dwelling units: the developer will start construction of at least 24 units within 12 months following approval of RMF-1, at least 48 units (cumulatively) within 24 months following approval of RMF-1, and at least 72 units (cumulatively) within 36 months following approval of RMF-1. Start of construction of a unit shall mean the actual, physical, vertical construction of dwelling units, not simply civil infrastructure. The ADA and/or PUD Guide shall be amended to reflect this condition.
12. The developer will commit to selling thirty (30) Resident Occupied (RO) deed restricted units within Haymeadow over and above the existing LERP requirements. The thirty (30) RO units will be offered for sale prior to the listing for sale of the 150th unit within Haymeadow. The RO deed restriction will require that any unit offered for sale first be offered for sale to Town of Eagle Residents for thirty (30) days, after which the unit may be offered for sale to any Eagle County Resident.
13. The first seventy-two (72) units within Haymeadow will all be offered for sale by the Developer. If any unit is not sold within sixty (60) days of listing, the Developer may rent that unit for no more than a two (2) year period.
14. Prior to conveyance of the 6.5-acre portion of Tract E from the Town of Eagle to Abrika; The Town of Eagle and Abrika shall enter into an agreement outlining Abrika's timing and commitment to extend road and utility improvements to the proposed 8-acre recreation site as generally described below:
 - a. The developer will submit engineering plans for the Access & Utilities to the 8-acre parcel within twelve (12) months following approval of this PUD Amendment. TOE agrees to review and approve those plans but withhold issuance of any permits until issuance is requested by the Developer to meet its obligations below. "Access & Utilities" - Shall refer to (1) a turn lane off Brush Creek Road and the extension of Ouzel lane along the western border of the 8-acre parcel to the base of the future roundabout, (2) an extension of the Filing 1 sanitary sewer main as shown in exhibit __, (3) an extension of electric, phone, broadband, and gas (if required by the TOE) from Brush Creek Road as shown in exhibit __, and (4) if required by the proposed use, installation of the water tank at the alternate location with a water main extension from the tank to the existing water main at the intersection of Ouzel Lane and Sylvan Lake Road as shown in exhibit __

- b. The developer will begin construction of the Access & Utilities by May 15th of the next calendar year following receipt of Notice from the Town of the filing of a Major Development Permit to develop the 8-acre parcel. Developer will substantially complete the work by November 15th of the year in which construction begins. I.e., if the Town provides Notice of filing of a Major Development Permit in 2023, construction would begin by May 15th 2024 and be done by November 15th 2024.

INTRODUCED, READ, PASSED AND ADOPTED ON NOVEMBER 9, 2021.

TOWN OF EAGLE, COLORADO



Scott Turnipseed, Mayor

ATTEST:



Jenny Rakow, Town Clerk

