

Soleil Homes at Brush Creek

Tract D, Brush Creek Village Town of Eagle, Eagle County Colorado R/PUD Development Guide

FEB 28, 2017

1. STATEMENT of PURPOSE and INTENT

This R/PUD Development Guide defines permitted Uses, identifies Open Spaces and includes Development Standards and Zoning provisions for site-specific restrictions supplementary to Town of Eagle Regulations. Any aspect of Development not specifically addressed in this R/PUD Guide or the R/PUD Development Plan is regulated by the Town of Eagle Land Use and Development Code. All construction within this R/PUD is subject to this R/PUD Guide and applicable Ordinances, Rules, Regulations and Codes of the Town of Eagle. Vesting of this R/PUD will occur at Final Plat. Should Soleil Homes HOA and/or Design Review Board fail to enforce the provisions of this R/PUD Development Guide or R/PUD Development Plan, the Town of Eagle may exercise its right to enforce such provisions.

2. USES by RIGHT

A mix of 34 Residential Lots in the form of Single Family and Duplex Residences are allowed to be developed under this R/PUD Zoning as defined in this R/PUD Guide and as indicated on the Final Plat. Permitted uses are Single Family and Duplex Residences with customary Accessory Uses as allowed by the Town of Eagle and as may be restricted herein.

3. BUILDING HEIGHT

Residential buildings shall be limited to 35.0' in Building Height which is defined as the distance measured vertically by projecting the highest point on a proposed or existing roof down to the finished grade as it meets the building perimeter for each exterior building elevation. Chimney flues, cupolas or roof flue enclosures that may exceed the highest point of a proposed or existing roof are not included in Building Height calculations.

4. RESIDENTIAL DENSITY and ALLOWABLE LIVING AREA PER UNIT

Eagle County, CO
Regina O'Brien
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REC: \$53.00
DOC: \$0.00

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The total Residential Density allowed within this R/PUD shall not exceed 34 Units in the form of either 1 unit per Platted Single Family Residential Lot or 2 units per Platted Duplex Residential Lot. The Allowable Living Area is defined by the widths of the Building Areas of the corresponding lot type; narrow, wide or duplex. Building Areas in this R/PUD are defined as: A.) Narrow Lots with 30.0' wide Building Areas, B.) Wide Lots with 36.0' wide Building Areas and C.) Duplex Lots with 31.0' wide Building Areas per Duplex unit. The Allowable Living Area per unit shall include heated areas at all floor levels including mechanical rooms, basements and interior storage areas and are measured from the outside face concrete and/or outside face of wood framing of enclosing exterior walls. Garages and trash enclosures shall be excluded from Allowable Living Area per unit calculations. The Narrow Lots are limited to 3,500 SF Allowable Living Area per unit, the Wide Lots are limited to 4,200 SF Allowable Living Area per unit and the Duplex Lots are limited to 3,600 SF Allowable Living Area per Duplex unit.

5. BUILDING COVERAGE and IMPERVIOUS COVERAGE

Building Coverage shall not exceed 40% of the Lot Area. Building Coverage is defined as the area enclosed by the perimeter of the building including living area (whether at grade or projected above grade), Garage and trash enclosure, stated as a percentage of total Lot Area. Roof overhangs, balcony overhangs and covered patio or entry porch areas are not included in Building Coverage Calculations. Impervious Coverage shall not exceed 25% of the total Lot Area and is defined as the combined total area of drives, walks and patios within the Lot Area. The totals of Building Coverage and Impervious Coverage together shall not exceed 65% of the Lot Area. This Building Coverage calculation shall be based on the Lot Area calculations indicated on the Final Plat. These percentages and Lot Areas do not include and are not affected by Tracts A, B or C as shown on the R/PUD Development Plan (re: Exhibit A, attached).

6. SETBACKS

Setbacks further define the Building Areas by assigning a depth of 55.0' for all lot types resulting in: A) Narrow Lots with 30.0' x 55.0' Building Areas, B) Wide Lots with 36.0' x 55.0' Building Areas, and C) Duplex Lots with 31.0' x 55.0' Building Areas. Patios, walks and drives are permitted within Setbacks and limited to 18" in height above surrounding finished grade. Building Setbacks shall enclose the outside face of exterior wall veneer and trim materials of

Buildings. Roof eaves and balconies may project a maximum of 2.5' into any Setback. Trash enclosures may project from garage wall plane perpendicular a maximum depth of 3.5' into Side Yard Setback for a maximum length of 8.0'. Foundation counterfort walls and window well walls that do not enclose Allowable Living Area may project a maximum of 5.5' into any Setback. All Setbacks are as indicated on the Final Plat.

7. OPEN SPACE

Open Spaces shall be provided and dedicated to the Soleil Homes Homeowner Association as follows:

1. Tract A, 0.4381 acres, as shown within the interior of this R/PUD, per Final Plat;
2. Tract B, 0.708 acres, as shown along (Future) Sylvan Lake Road Right-Of-Way to provide a landscape buffer between the road and this R/PUD and including the 10' path and emergency easement, per Final Plat;

8. PARKING

Parking shall be provided in accordance with the Town of Eagle Land Use and Development Code. No on-street parking shall be permitted within this R/PUD. Each of the 34 homes shall have a 2-Car Garage and 2 Parking Spaces in each Garage apron without obstructing sidewalks or driving lanes. Ten additional guest parking spaces shall be provided by developer; six along the north side of Soleil Home's entry road along property line abutting Town of Eagle Recreation Parcel and 4 along the south center of Open Space Tract A as shown on the Development Plan.

9. SIGNAGE

All signs shall comply with the Town of Eagle Land Use and Development Code.

10. EXTERIOR LIGHTING

All exterior lighting shall be in accordance with the Lighting Standards contained in the Town of Eagle Land Use and Development Code (except that LED of equivalent light output shall

also be allowed) and may be provided by developer.

11. FENCES

All fences within this R/PUD are to be built in conformance with approved fence designs indicated within this R/PUD Development Guide. Fences are not permitted in Front Yards. Personal Property Fences are permitted in and around Rear Yards and may extend into to Side Yards only as noted below and as may be approved by the HOA Design Review Board. Any gates set into fences shall be of the same quality and coordinated with identical materials, shapes, fasteners, stain colors and configurations. HOA Fences are also noted below.

A. HOA Project Entry Fence and HOA Perimeter Screen Fences

Developer shall provide these two HOA Fences at developer cost and scheduled as agreed upon within the Subdivision Improvement Agreement:

- 1. HOA Project Entry Fence:** A traditional double split-rail fence with matching posts set into grade 6' apart as depicted on R/PUD Development Plan. This is a stand-alone, single location fence type provided to enhance Soleil Home's entryway at on south side of the entry drive.

- 2. HOA Perimeter Screen Fences:** These fences are depicted on the R/PUD Development Plan and are designed to be constructed with identical materials, shapes, stain colors and configurations with the exception of the heights stated below.
 - a. (Future) Meadowlark Road:** 6' high fence as depicted on R/PUD Development Plan and as further described and depicted in attached Exhibit C hereto. This fence is provided to address stated Town concerns of screening personal BBQ grilles, toys, patio furniture and other personal uses within individual Rear Yards from Meadowlark Road and including associated driving lanes and pedestrian walks and bikeways along Meadowlark Road. This fence Height is 6' above

grade and steps vertically in minimum 1'-0" increments to adjust for changing grade in an orderly fashion.

- b. Hay Meadow/Future School Site Property Screening:** The above noted fence design is to be repeated for property boundary and separation between this R/PUD and Hay Meadow Subdivision as depicted on R/PUD Development Plan with fence height of 4.0'. This fence is provided to address stated Town concerns of interface between this R/PUD and future development of the adjacent Hay Meadow Tract including approved school site and residential development.

3. Personal Property Fences

Personal Property Fences are lot owner options (two types) at their expense. The first type shall be constructed as noted above for HOA Perimeter Screen Fences as illustrated in Exhibit C, attached hereto with the exception of fence heights as stated below. The second type shall be split rail as illustrated in Exhibit B. These fences are subject to approval by HOA Design Review Board and as regulated below. Such fences alongside and rear property lines, as may be allowed by the HOA Design Review Board are to be a maximum of 5.0' high (maximum of 3.5' for Split Rail Fence) and may enclose the Rear Yard from rear property line and along each side lot line to return back to each building corner no farther toward the Front Yard than the back of garage wall as projected across the width of each lot.

12. ARCHITECTURE

The Architecture of this R/PUD shall be consistent with the Eagle Area Community Plan with specific emphasis on visual quality and considerations. The Architecture of all buildings will be sympathetic to residential structures in the area and include the use of sloping roofs. The predominant roof form will be gable roofs with shed roofs being secondary, in hierarchy. Hip roof forms are discouraged. Flat roofs will be permitted for occupied spaces beneath decks and balconies. Building materials may include brick, stone, stucco, wood siding, wood timbers, exposed wood structure, architectural glulam beams, or metal beams, natural and painted metal structural members, high quality asphalt shingles, metal siding and roofing

materials. A minimum of 30% of rear wall surfaces within 10' of rear-most building wall shall be windows and doors. The architecture must be approved by the developer or the Soleil Homes HOA for acceptable style and materials. Design Guidelines shall be approved by Town of Eagle pursuant to Major Development Permit outlined in Section 4.06 of the Town of Eagle Land Use and Development Code. All Building Permit Applications shall include 2 stamped sets of plans as approved by the Soleil Homes Design Review Board.

13. LANDSCAPING

Deciduous street trees will be provided on each side of the street at approximately 35 foot intervals. Individual lots will include the placement of one 5' ornamental deciduous tree, two 6' deciduous trees and one 2-1/2" caliper evergreen tree, by the developer. Additional landscaping may be provided by the lot owners. Trees are to be carefully placed away from utility easements as required by Town of Eagle Public Works Department. Soleil Homes HOA shall maintain landscape in all Open Space areas defined in paragraph 7. OPEN SPACE above as well as the entry landscaping situated on the north side of entry road right-of-way, all Front Yards (to front face of buildings) and the north Side Yard of Lot 1.

14. STORAGE

Storage is provided for and shall be utilized by owners, guests and renters within garages, basements and interior storage areas. Free standing storage units up to 5.0' high may be placed in Rear Yards only if shielded from view by a minimum 5.0' high Personal Property Fence and as may be approved as compatible and appropriate by the HOA Design Review Board.

15. PHASING of INFRASTRUCTURE, LANDSCAPING and FENCING

Developer shall maintain required fire and emergency vehicle access, temporary drainage and erosion control and pertinent life safety issues during phased development. Phase 1 development shall consist of infrastructure improvements for Lots 1-6 and 26-28 in concert with free market homes. Requisite HOA landscaping and fencing may be completed near or at the end of this Phase 1 home development. Future development phases shall be assessed and mutually defined between Town and developer at or near completion of Phase 1, based

on market conditions and sales opportunities, as reported by developer. Mutual agreement shall not be unreasonably withheld.

Phase II shall consist of infrastructure improvements for Lots 7-25 and 29-30 in concert with free market homes. Requisite HOA landscaping may be completed near or at the end of this Phase of development. Future school site property screening adjacent to Lots 12-16 as referenced in Section 11.A.2.b shall be constructed at the time of respective home construction and must be completed prior to issuance of a final certificate of occupancy for each lot.

16. DESIGN REVIEW

Design Guidelines shall be prepared which will establish architectural and building material standards, landscape design, site design standards and a design review process for development within this R/PUD. These Guidelines and any subsequent Major Revisions to the Guidelines shall be subject to the review and approval of the Town of Eagle. The Soleil Homes Home Owners Association shall establish a Soleil Homes design review process that sets forth the authority and responsibility. In the event that Soleil Homes Design Review Board fails to fulfill its duties as described in the Guidelines, the Town of Eagle may assume the role of the Design Review Board.

All projects requiring a Town of Eagle Building Permit shall adhere to the standards of these collective regulations and, where not specifically covered, the provisions of the Town of Eagle Land Use Code.

Applicants for all new development proposals, new buildings or building modifications, new landscaping or landscaping modifications, as defined in the adopted Design Guidelines, shall submit such proposals for review and approval by the Design Review Board.

The Town of Eagle shall not issue a Building Permit or Grading Permit without prior approval by the Design Review Board as demonstrated by drawings stamped as approved by the Design Review Board.

17. MINOR and MAJOR AMENDMENTS to the SOLEIL HOMES R/PUD DEVELOPMENT GUIDE, PUD DEVELOPMENT PLAN and SUBDIVISION PLANS

It is anticipated that Modifications or Amendments to this R/PUD Guide and Development Plan may be necessary from time to time as development progresses. This R/PUD Guide provides for two types of Modifications and/or Amendments: Minor and Major, further described as follows.

A. 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 Soleil Homes. Minor Modifications include, but are not limited to internal road alignment alterations, minor adjustments to parcel boundaries, Building Setback changes, and additions of land uses not previously listed but determined to be similar to listed uses. Minor adjustments to planning parcel boundaries shall be defined as:

Change in Land Use of a parcel of property not to exceed 20,000 square feet to conform to the Land Use of property immediately adjacent to it, provided however, that these provisions shall not apply to property adjacent to any parcel of property the Land Use of which has previously been changed pursuant to these provisions. Minor Modification shall also include any decrease in size of a residential parcel that is offset by an equal increase in an Open Space Parcel.

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.

B. 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:

1. Any increase in the total number of residential units.
2. Any change in Land Use designation of any parcels within this R/PUD, except as

provided above.


3. Any additional of land into the PUD.

Major Modifications shall be under the authority of the Eagle Board of Trustees. Applications for Major Modifications shall be heard in Public Hearing by the Board after receiving a recommendation from the Planning and Zoning Commission. The Town Board shall approve the modification if it is found that the modification is consistent with the efficient development of the entire R/PUD and does not substantially affect the enjoyment of land abutting the PUD or the public interest.

R/PUD Development Guide submitted for Town of Eagle review and adoption by:

Soleil Homes at Brush Creek - Tract D, Brush Creek Village

Town of Eagle, Eagle County Colorado

 3/6/17

John Purchase, Manager


Date

Wynton Homes, LLC

R/PUD Development Guide accepted by Town of Eagle for:

Wynton Homes, LLC - Tract D, Brush Creek Village

Town of Eagle, Eagle County Colorado

 2/28/17

Anne McKibbin, Mayor

Date

The Town of Eagle