



AUTUMN BROOK PLANNED UNIT DEVELOPMENT DESIGNATION

This Planned Unit Development Designation, to be known as Autumn Brook, is approved this 12th day of June, 2000 by the Board of County Commissioners of Summit County, Colorado, hereinafter referred to as the "County," for certain real property located in Summit County and described in attached Exhibit A, hereinafter referred to as the "Property." This designation establishes the general uses which shall be permitted on the Property, a general development plan and a statement of development guidelines and conditions which must be adhered to by Flamingo Development, Inc. hereinafter referred to as the "Owner/Developer." This designation also specifies improvements which must be made and conditions which must be fulfilled in conjunction with this designation by the Owner/Developer.

A. PERMITTED USES AND DEVELOPMENT PLAN

Use and development of the property shall be in accordance with the Development Plan attached hereto as Exhibit B and the following specific requirements:

1. Permitted Uses

Up to a maximum of five (5) multi-family residential dwelling units not to exceed a total of 9,362 square feet encompassed in no more than two (2) separate structures. Building A shall have three (3) residential units with three (3) two-car garages; Building B shall have two (2) residential units with two (2) two-car garages.

2. Conditional/Accessory Uses

Only those uses identified under Section A.1 of this PUD designation are allowed on this property.

3. Density Transfer

This project constitutes a higher base net density than recommended under the Snake River Master Plan - Aspen Ridge Neighborhood, (Allowed by Master Plan: base net density not to exceed base net density of 6.5 EQ units / acre, and a maximum density of 15 units / acre; Proposed in development plan: base net density of 13.93 EQ units / acre, and 6.69 EQ's total for the parcel). A density of 5 EQ's will be irrevocably transferred from the mining claims know as the Ruby Silver Lode, Champion, Champion Mill Site and the Minnehaha mining claims to this PUD via a restrictive covenant approved by the County Attorney's Office and recorded against the mining claims prior to recordation of this PUD designation. This covenant will eliminate any density on the subject mining claims and restrict the uses to open space purposes only.

B. DEVELOPMENT STANDARDS

1. Building Height

Building heights shall not exceed 35 feet as defined in Section 3505.06 of the Summit County Land Use & Development Code.

2. Setbacks

(Front) ROW of Highway 6	50 ft.
(Sides) East & West property lines	10 ft.
(Rear) North property line	25 ft.
Wetlands	25 ft. (this is a no soil disturbance buffer)

3. Parking

Minimum parking requirements shall be as follows:

- Multifamily residential units: 3 external, non-tandem spaces
- 10 total garage spaces for the residential units, (Building A: 6 spaces three two-car garages; Building B: 4 spaces, two two-car garages)
- No parking shall be permitted on County roads or driveways through property. All parking shall be paved.

4. Snow Storage

Snow storage requirements are as follows:

Section 3705.02(F) states that snow storage areas shall be provided on each site adjacent to paved areas and other areas to be plowed. The size of these areas shall be equivalent to at least 25% of the paved or graveled surfaces on the site, and shall be located to provide convenient access for snowplows. Uphill slopes of 5-10% shall count at 75% of their area towards this requirement. Uphill slopes of 11-20% shall count at 50% of their area. Steep uphill slopes greater than 20% are not appropriate for snow stacking, and shall not be counted in determining compliance with snow storage requirements.

5. Designated Open Space Areas/Public Use Areas

- Open space areas:** The open space areas as shown conceptually around the buildings in Exhibit B shall remain open and free from all improvements except landscaping, utility work and access.
- Public use areas:** Pursuant to Section 8601 of the Summit County Land Use & Development Code, the Owner/Developer is required to provide public use areas. The public use area requirements shall be met by payment of \$575/dwelling unit.

6. Wetlands

It is the intent of this PUD to preserve wetlands from development wherever possible. No soil disturbance within 25 feet of any wetlands on the property or adjacent to it shall be allowed, especially along the Oro Grande Ditch area to the front (or southern boundary) of the property.

7. Signs and Lighting

All signs shall comply with the Summit County Sign Regulations as now in effect or hereafter amended. All lighting proposed shall comply to the following information:

- Lighting requirements:** Exterior lighting shall be provided in parking areas and along walkways in multifamily residential and commercial developments, and in developments providing lodging. The exterior lighting needed on a site, and the type and height of lighting standards, shall be determined

at the time of site plan review. Whenever exterior lighting is provided, it shall be designed and installed so that all direct rays are confined to the site and adjacent properties are protected from glare.

- B. **Decorative lighting:** Decorative lighting is permitted in commercial developments if adjacent properties and roadways are protected from glare.
- C. **Prohibited lighting:** The installation or erection of any lighting which simulates, imitates or conflicts with warning signals, emergency signals or traffic signals is prohibited.

8. Site Plan Review

The project shall comply with Section 12600 of the Summit County Land Use and Development Codes. Densities of development indicated in Exhibit B represent maximum permitted densities and levels of use and each proposed development phase must meet all applicable standards and requirements as contained in the Summit County Land Use & Development Code unless such standards and requirements are specifically waived or modified by the terms of this designation.

9. Design Standards

All development within this PUD shall comply with the requirements of the Snake River Basin Design Overlay District, Section 4300 et.seq. of the Summit County Land Use & Development Code or as hereafter amended.

C. REQUIRED IMPROVEMENTS

- 1. **Access / Roadway:** Access to the property and to all building sites shall be provided by a driveway as per Exhibit B. Said driveway shall be built to applicable County standards and have access/utility easements included and a five (5) foot wide snowstorage easement on either side of the access/utility easement.

2. Water Systems

Water supply for the development shall be provided by the Snake River Water District in conformance to all District standards and regulations. Adequate fire flows shall be provided as determined by the Snake River Fire District.

3. Sewer Systems

Sewage for the development shall be provided by the Snake River Sewer Fund in conformance with all Fund standards and regulations.

4. Fire Protection

The entire property is located within the Snake River Fire Protection District. All development on the property shall meet all fire protection requirements of the District. Fire and emergency vehicle access, including an appropriate turnaround in compliance with the requirements of the Snake River Fire Protection District and the Summit County Road & Bridge standards, shall be provided.

5. Utilities and Easements

All new utility lines shall be installed in full accordance with the standards of each utility provider and County Subdivision Regulations. Easements for all utilities shall be shown on the final plat.

6. Landscaping

Landscaping improvements shall be required as part of any site plan required pursuant to Summit County Regulations. Landscaping for the PUD shall comply with the requirements of Section 3600 et. seq. and 4300 et. seq. of the Summit County Land Use & Development Code and be in substantial conformance with the landscape plan shown on Exhibit B. Revegetation of all disturbed areas shall be required in accordance with Summit County Landscaping and Grading & Excavation Regulations.

D. IMPLEMENTATION

1. Platting Requirements

Final plats: An appropriate platting process shall be approved by the County prior to any development that involves selling or conveying any interest in the property to others.

E. GENERAL PROVISIONS

1. Enforcement

The provisions of the Autumn Brook Planned Unit Development Designation and the development plan relating to the use of land and the location of common open space shall run in favor of Summit County and shall be enforceable at law or in equity by the County without limitation on any power or regulation otherwise granted by law. Other provisions of the Juniper Ridge Planned Unit Development Designation and the development plan shall run in favor of the residents, occupants and owners of the planned unit development, but only to the extent expressly provided in, and in accordance with the terms of, the planned unit development designation and the development plan. Provisions not expressly stated as running in favor of the residents, occupants or owners of the planned unit development shall run in favor of the County.

2. Breach of Provisions of PUD Designation

If any time any provision or requirements stated in the Autumn Brook Planned Unit Development Designation has been breached by the Owner/Developer, the County may withhold approval of any or all site plans or plat maps, or the issuance of any or all grading or building permits or occupancy permits applied for on the Property, until such breach has been remedied; provided, however, that the County shall not take affirmative action on account of such breach until it shall have first notified the Owner/Developer in writing and afforded the Owner/Developer a reasonable opportunity to remedy the same.

3. Binding Effect

The Autumn Brook PUD Designation shall run with the land and be binding upon the Owner/Developer, their respective successors, representatives and assigns, and all persons who

may hereafter acquire an interest in the Property or any part thereof, with the exception that provisions of this designation may be modified through an amendment in accordance with the procedure stated in the County Development Review Procedures. This designation shall be recorded in order to put prospective purchasers or other interested persons on notice as to the terms contained herein.

4. Amendments

Amendments to the provisions of the Autumn Brook Planned Unit Development Designation shall be reviewed and acted upon as a rezoning application, subject to the County's procedures for zoning amendments and to the requirement for findings under the Planned Unit Development Act of 1972 at CRS 24-67-106(3)(b), unless such amendment is determined to be minor in nature.

5. Notices

All notices required by this designation shall be in writing and shall be either hand-delivered or sent by certified mail, return receipt requested, postage prepaid, as follows:

Notice to County:

Board of County Commissioners
PO Box 68
Breckenridge, CO 80424

Notice to Owner/Developer

Flamingo Development, Inc.
3139 South Gate Circle
Sarasota, FL 34239

All notices so given shall be considered delivered three days after the mailing thereof, excluding weekends or official holidays. Either party, by notice so given, may change the address to which future notices shall be sent.

6. Entire Designation

This designation contains all provisions and requirements incumbent upon the Owner/Developer relative to the Autumn Brook Planned Unit Development Designation, except as modified by subsequent action of the Board of County Commissioners in accordance with procedures set forth in the Summit County Land Use & Development Code and the Colorado Planned Unit Development Act (CRS 24-67-106) for amending planned unit developments, and except that nothing contained herein shall be construed as waiving any requirements of the Summit County Land Use & Development Code or other regulations otherwise applicable to the development of the Property.

7. Effective Date

This designation must be signed by both the Summit County Board of County Commissioners and the Owner/Developer and must be recorded by the Summit County Clerk & Recorder in order to become effective. The effective date shall be the date of recordation.

8. PUD Review Requirements

PARCEL OF LAND DESCRIBED UNDER RECEPTION NO. 179676 IN THE SUMMIT COUNTY RECORDS. SUMMIT COUNTY, COLORADO

BOOK 183 PAGE 144

BOOK 183 PAGE 575

BOOK 154

PAGE 319

LOVELAND PASS VILLAGE

UTILITY EASEMENT (NOT OF RECORD) N 77° 00' 00" E 100.00'

N 13° 00' 00" E 210.00'

S 13° 00' 00" E 210.00'

S 77° 00' 00" W 100.00'

1" = 50'

ACCESS EASEMENT PER AGREEMENT WITH DMWW

U.S. HIGHWAY NO. 6

A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 24, TOWNSHIP 5 SOUTH, RANGE 77 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SUMMIT COUNTY, COLORADO AND BEING A PORTION OF THAT PARCEL OF LAND DESCRIBED UNDER RECEPTION NO. 179676 IN THE OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER. SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

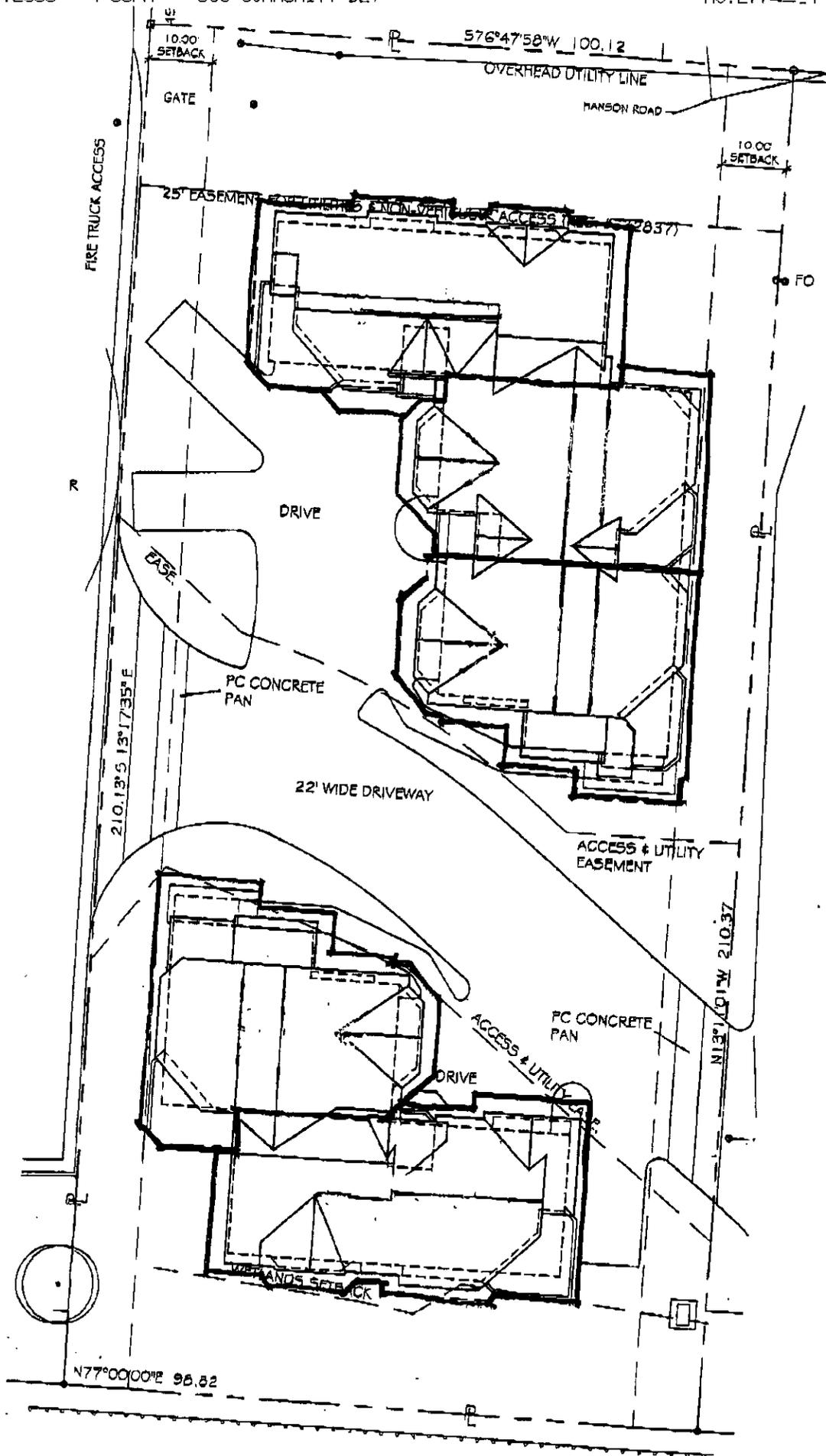
BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL OF LAND DESCRIBED UNDER RECEPTION NO. 179676, THENCE S 13° 00' 00" E ALONG THE WEST BOUNDARY OF THAT TRACT OF LAND DESCRIBED IN BOOK 183 AT PAGE 575 IN SAID OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER A DISTANCE OF 210.00 FEET TO A POINT ON THE NORTH BOUNDARY OF THAT TRACT OF LAND DESCRIBED IN BOOK 154 AT PAGE 319; THENCE N 77° 00' 00" W ALONG SAID NORTH BOUNDARY A DISTANCE OF 100.00 FEET TO A POINT ON THE EAST BOUNDARY OF THAT TRACT OF LAND DESCRIBED IN BOOK 183 AT PAGE 144; THENCE N 13° 00' 00" W ALONG SAID EAST BOUNDARY A DISTANCE OF 210.00 FEET TO THE SOUTHWEST CORNER OF LOVELAND PASS VILLAGE. A SUBDIVISION AS FILED FOR RECORD IN SAID OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER; THENCE N 77° 00' 00" E ALONG THE SOUTH BOUNDARY OF SAID LOVELAND PASS VILLAGE A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING, CONTAINING 21000 SQUARE FEET OR 0.482 ACRES, MORE OR LESS.

BACKLUND LAND SURVEYS



P. O. BOX 814 FRISCO, CO 80443 PHONE (303) 668-3730

EXHIBIT A



"EXHIBIT B"