

June 20, 1997
Re-recorder due
to clerical error.

GLEN COVE
PLANNED UNIT DEVELOPMENT DESIGNATION

The Glen Cove Planned Unit Development Designation, approved the 4th day of October, 1984 by the Board of County Commissioners of Summit County, Colorado, is hereby revised this 12th day of May, 1997. This designation establishes uses permitted on the property, its development plan and phasing, and specific development regulations which must be adhered to by Steven Grossbard and his successors and assigns, who is owner and developer, and is 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." This Planned Unit Development Designation applies to certain real property located in Summit County and described in attached Exhibit A, hereinafter referred to as the "Property."

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Doris L Brill - Summit County Recorder

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

37 multi-family residential units contained within 20 buildings not exceeding a total square footage of 39,468 sq.ft. of living space. No time-sharing or short term (less than six (6) months) rentals of these units is allowed.

2. Accessory and Conditional Uses

Accessory and conditional uses shall be regulated under the provisions for such uses in the R-6 zoning district or hereinafter amended.

3. Animal Keeping

Animal keeping shall be restricted to one dog and one cat per unit and customary birds.

B. DEVELOPMENT STANDARDS

1. Building Height

Building heights shall not exceed 24 feet as defined in Section 3505.06 of the Summit County Land Use & Development Code.

2. Setbacks

Minimum setbacks shall be as follows:

ROW of Swan Mountain Rd.	25 feet
West property line	20 feet
East property line	30 feet

3. **Parking**

At least 93 parking spaces shall be required for the project. A minimum of 37 of these spaces shall be provided in garages and a minimum of 19 additional spaces shall be provided as non-tandem external spaces. In no instance shall tandem parking be allowed where more than one car is parked in front of another. No parking shall be permitted on County roads.

4. **Designated Open Space Areas/Public Use Areas**

- a. **Open space areas:** The open space areas as shown conceptually in Exhibit B and currently platted as Tract A as shown on the Glen Cove subdivision plat recorded under reception no. 308277 in the Office of the Summit County Clerk & Recorder shall remain open and free from all improvements except landscaping, utility work and access. The existing structure on Tract A and identified under Plat Note #4 of said plat shall be removed and its site fully reclaimed to the satisfaction of the County Engineer and Open Space & Trails Department prior to the issuance of the first certificate of occupancy. The existing bikepath easement along the northern property line of the property shall be widened to a minimum of 25 feet at the time the first condo map for the Glen Cove project is submitted for County approval.
- b. **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 requirement for public use areas may be met by either payment of fees, land dedication, or obtaining credits for construction of recreational facilities. The previous dedication of the 20 foot wide bikepath easement along the west property line of the Glen Cove property and the required 25 foot wide bikepath easement along the northern property line fully meets all applicable public use area requirements for the Glen Cove PUD as established under Section 8601 of the Summit County Land Use & Development Code. Should relocation of the County path system occur prior to approval of a final plat for this site the Owner/Developer shall dedicate the easement within thirty (30) days of the request of the County.

5. **Wetlands**

It is the intent of this PUD to preserve wetlands from development wherever possible. The Owner/Developer is required to obtain 404 permits as required by the U.S. Army Corps of Engineers wherever necessary for roads and utilities. Wetland areas shall remain free of development other than roads and utilities. All development other than roads and utilities shall maintain a minimum setback of 25 feet from any delineated wetland boundary. No soil disturbance shall be allowed within said setback.

6. **Water Quality**

Due to the close proximity of the Glen Cove project to Lake Dillon any site plan submittal shall meet the following requirements intended to protect water quality:

1. The project engineer shall be required to verify in writing that all drainage control facilities have been completed as per the approved design prior to the issuance of any building permits (this will help ensure that adequate drainage control facilities are constructed and functional from the outset of construction).
2. The project engineer shall be responsible for ensuring that these facilities are functioning properly and water quality violations do not occur during construction.

3. Bonding for the cost of such drainage control facilities shall be required prior to the issuance of any grading/excavating permits
4. The project engineer shall prepare a long term maintenance program for the drainage control facilities and the homeowners association shall be responsible for implementing such a program with oversight by the County Engineer

7. Signs and Lighting

All signs shall comply with the Summit County Sign Regulations as now in effect or hereafter amended.

8. Site Plan Review

The project shall comply with Section 12600 of the Summit County Land Use and Development Codes.

9. Architectural Design Guidelines

The design of all Glen Cove units shall be consistent with the architectural design guidelines as established in Exhibit D of this PUD designation.

10. Landscaping

The landscaping plan for Glen Cove is an integral component of the overall project design and is necessary to mitigate to the greatest extent possible the visual impacts associated with such a development in a view corridor designated as "most beautiful" under the Snake River Master Plan. As such, the detailed landscaping plan submitted with any site plan application shall at a minimum be fully consistent with the landscaping plan incorporated into Exhibit B.

11. School Bus Stop

Because this project is designed to serve local housing needs and, as such, will probably include a significant number of school age children, any site plan application shall include an on-site, covered bus-stop meeting all applicable standards of the Summit School District RE-1. Construction of such a bus stop shall be the sole responsibility of the Owner/Developer.

12. Affordability

The Owner/Developer shall comply with the following requirements and such compliance shall be monitored by the Summit County Housing Authority, or other review authority as designated by the Board of County Commissioners, until completion of the project. If determined by the Summit County Housing Authority, or other review authority designated by the Board of County Commissioners, that at any time the Owner/Developer has not complied with the following requirements the Owner/Developer shall be considered in breach of the Glen Cove PUD designation and as such be subject to the provisions established under Section E.2 of said designation.

- 1) All units shall be priced to be affordable to households at or below 100% County median income as determined by HUD guidelines and the Summit County Housing Authority or other review authority designated by the Board of County Commissioners.

2) The Owner/Developer shall work with a local mortgage lender and obtain FHA approval for the project that allows local buyers to purchase units with a lower down-payment requirement.

3) The Owner/Developer shall participate with Summit County in its Down Payment Assistance Program.

4) the Owner/Developer shall participate with Summit County in its Mortgage Credit Certificate Program.

5) The Owner/Developer shall develop and follow a marketing program that will inform local households of the availability of the units and emphasize such availability. At a minimum, such a program shall require that the units be marketed exclusively to local residents for a minimum of six months from the issuance of the first certificate of occupancy for each phase of the development. Any marketing that occurs prior to the issuance of the first certificate of occupancy for any phase of the development shall also be restricted to local residents only.

6) Short term rentals, (i.e. rentals for periods of less than six (6) months), and time-sharing of units shall be prohibited.

C. REQUIRED IMPROVEMENTS

1. Access

a. Roadways: Access to the property and to all building sites shall be provided by roads built to applicable County standards. The access off Swan Mountain Rd. (SCR #1) shall meet all requirements of the Summit County Road & Bridge Standards.

2. Water Systems

Water supply for the development shall be provided by the East Dillon Water District. Adequate fire flows shall be provided as determined by the Snake River Fire Protection District.

3. Sewer Systems

Sewage disposal for the development shall be provided by the Snake River Sewer Fund. Sewage disposal facilities necessary to serve this project shall meet all applicable requirements of the Fund.

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.

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.

D. IMPLEMENTATION

1. Platting Requirements

- a. **Subdivision Exemption Plat:** A subdivision exemption plat meeting all applicable requirements of Section 8404.03(D) of the Summit County Land Use & Development Code shall be approved by the County prior to any development of the property that involves the conveyance of any interest in the property to others.

E. GENERAL PROVISIONS

1. Enforcement

The provisions of the planned unit 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 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 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 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 a 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).

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

Steven Grossbard
1184 Coldwater Canyon Dr.
Beverly Hills, CA 90210

All notices so given shall be considered delivered three days after the mailing thereof. 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 Glen Cove Planned Unit Development, except as modified by subsequent action of the Board of County Commissioners in accordance with procedures set forth in the Summit County Land Use and 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 and Development Code or other regulations otherwise applicable to the development of the Property.

7. Relationship to Original PUD Designation and Previous Amendments

To the extent the provisions of this revised PUD Designation are the same in substance to the provisions of earlier approved versions of this PUD designation, they shall be considered as continuations thereof and not new enactment's. Where provisions of this revised PUD Designation conflict with earlier approved versions of the Glen Cove PUD Designation the provisions of this revised PUD Designation shall supersede and replace such provisions.

8. PUD Review Requirements

The Summit County Land Use and Development Code, Chapter 12, includes procedures and requirements for review of all Planned Unit Developments. The Owner/Developer shall be on notice of these requirements and shall insure that information necessary for the periodic review is made available to the County within the time frames as may be established in Chapter 12. The Owner/Developer further understands that failure to provide the necessary information or to proceed with the review process may result in development approvals within the PUD being withheld.

IN WITNESS WHEREOF, the County and the Owner/Developer have executed this Designation as of the date first written above.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

/S/ Don Peterson
~~Don Peterson, Chairman~~

ATTEST:

/S/ Colleen Richmond
~~Colleen Richmond, Clerk & Recorder~~

/S/ Steven Grossbard
~~Steven Grossbard~~

APPROVAL OF AMENDMENTS

The foregoing document is the Glen Cove Planned Unit Development Designation as amended and approved by the Summit County Board of County Commissioners on the 12th day of May, 1997 by Resolution No. 97-47.

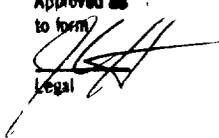
The planned unit development document dated the 4th day of October, 1984 and recorded at Reception No. 288181 and revised to incorporate the amendments approved as noted above shall remain in force as revised. The foregoing document is issued as a continuation of the original document. Copies of the original Glen Cove Planned Unit Development Designation and the amendments noted above are available from the Summit County Clerk and Recorder.

Adopted this 12th day of May, ~~1996~~ **1997**.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO


Gary M. Lindstrom, Chairman

Approved as
to form
Legal



ATTEST:

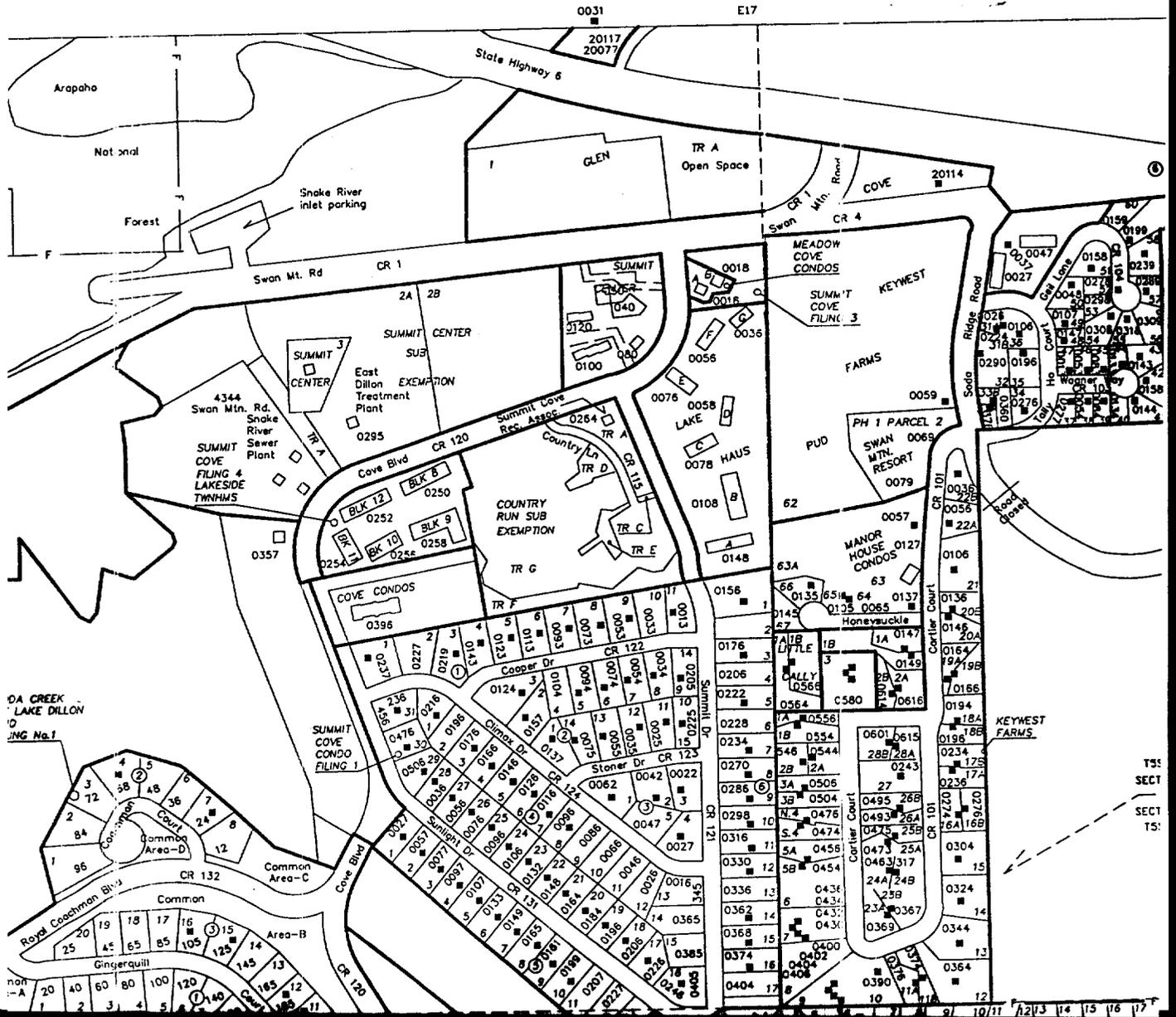

Doris L. Brill, Clerk & Recorder

EXHIBIT A

LEGAL DESCRIPTION

Glen Cove, a tract of land recorded under reception no. 204608 in the office of the Summit County Clerk & Recorder being located in Sections 21 & 22, T5S, R77W, 6th principal meridian, Summit County, Colorado.

EXHIBIT C



**SUMMIT
COUNTY**

OFFICIAL ZONING MAP

FOR:

Glen Cove PUD

ADOPTED BY THE SUMMIT COUNTY BOCC

DATE:

May 12, 1997

RESO#:

97-47

[Signature]
Gary M. Lindstrom, Chairman

EXHIBIT D

5/15/96

Glen Cove Architectural Guidelines

The buildings consist of 2 units each where a 2 bedroom 2 bath is on the ground floor and the 3 bedroom 2 bath is on the top floor. The buildings are wood frame and give the appearance of a single family residence.

The roofs are predominately gable in form and finished with composition shingles in a color of dark value. A broken back portion is incorporated where practical.

Decks are 9' deep x 16' long, one per floor and are positioned for south and west sun exposure.

Siding will be vertical board and batten mixed with horizontal lap of earth tone and rustic colors.

Windows and doors will be trimmed with 1 x 4 and 1 x 6 boards.

Accent split rail fencing will provide a defined outdoor living area. 6 x 6 knee braces and columns provide western detail to certain roof, deck and entrance elements.