

370388

SUMMIT COUNTY
CLERK AND RECORDER

MAY 17 12 01 PM '88

COLLEEN RICHMOND

Novak-Nelson Hotel
Planned Unit Development Designation

This Planned Unit Development Designation, to be known as Novak-Nelson Hotel PUD, is approved this 31st day of August, 1987, 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 uses permitted on the property, its development plan and phasing, and specific development regulations which must be adhered to by Terry Novak and Craig Nelson, who are the owners and developers of the property, 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.

A. USES PERMITTED AND DEVELOPMENT PLAN

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

1. Permitted Uses

Permitted uses shall be as follows:

	<u>Use</u>	<u>Maximum Area</u>
Tract A	103 lodge rooms and circulation area	55,229 sq. ft.
	Food service, bar/lounge and commercial space	2,947 sq. ft.
	Subtotal	58,176 sq. ft.

The calculation of the permitted density does not include the following:

Meeting rooms	2,325 sq. ft.
Recreation facilities	1,218 sq. ft.

Garage area, mechanical rooms and storage space	2,480 sq. ft.
Exterior walls	<u>3,009 sq. ft.</u>
Subtotal	9,032 sq. ft.
Total permitted floor area	67,208 sq. ft.
Tract B Wetlands/Open Space	1.13 acres

The density of the hotel project, based upon a 1400 square foot per unit floor area equivalent, is 14.63 units per acre. Calculation of the density includes only lodge rooms, circulation area, food service area, bar/lounge and commercial space.

2. Building Height

Building height, as defined in the County Building Code, shall not exceed 70 feet.

3. Parking

The owner/developer shall provide parking for the hotel subject to the following table:

<u>Use</u>	<u>Ratio</u>	<u>Required Parking</u>
103 rooms	0.8 space/room	83
Restaurant/Bar	0/space/seat	0
Commercial area	0 space/1000 sq. ft.	0
Employees	0/space/person/shift	0
		<u>83</u>

At least sixty (60) percent or 55 spaces shall be provided onsite. The remaining 40 percent or 28 spaces may be provided in an offsite parking lot acceptable to the County. In addition, the owner/developer shall provide valet service to any offsite parking lot. If an offsite parking area is proposed to meet the hotel's parking requirements, the owner/developer shall either:

- a. obtain an agreement from the landowner of the property to be used for offsite parking which guarantees the use of the parking area for the life of the hotel, or
- b. obtain fee title to property to be used for offsite parking with the restriction that the property used for parking shall not be sold separately from the hotel property for the life of the hotel unless alternate parking acceptable to the County is provided.

Any agreement must receive the approval of the County Attorney and the Planning Department, and must be recorded against the property to be used for offsite parking prior to issuance of building permits. Any approved agreement shall become an appendix to this designation. Any property used for the purpose of offsite parking must be within 1500 feet of the hotel site.

4. Public Use Areas

In accordance with the County's Subdivision Regulations, the owner/developer shall dedicate an easement across Tract B (the wetlands tract) for public use and access. Since Tract B is used to establish the permitted density it does not qualify for public land dedication; therefore, the applicable public use fees shall be paid to the County prior to recordation of the final plat. In addition, the owner/developer shall dedicate a twenty (20) foot wide recreational trail easement and construct the trail to County standards. The easements described herein shall be conveyed to the County on behalf of the public by the final plat. No credit for the dedication of the trail easement or for the cost of constructing the trail has been granted against the amount of public use fees owed.

5. Building Materials

The owner/developer shall obtain approval for the exterior materials, colors and finishes from the Snake River Planning Commission prior to issuance of full building permits. (Foundation only permits may be issued prior to completion of this requirement.) Upon approval, the permitted exterior materials, colors and finishes shall be added to this PUD designation as an appendix.

6. Snow Storage

The owner/developer shall provide adequate snow storage onsite away from the wetlands. Any snow mechanically placed in the wetlands will be considered a violation of this designation. (See also B.3. Access)

7. Signage and Lighting

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

All exterior lighting of the building and parking lots shall be designed to prevent direct light or glare from extending beyond the property boundaries.

Prior to the issuance of any occupancy permits, the owner/developer shall obtain approval for a signage and lighting plans from the Snake River Planning Commission. These plans shall illustrate the architectural fixtures and physical locations of the signage and lighting. Prior to installation of any signs, the owner/developer shall also obtain approval of the signage plan from the Sign Review Commission and shall obtain any required sign permits.

8. Platting

A final plat of the property shall be submitted to and approved by the County prior to the issuance of building permits. Prior to recordation of the final plat, the owner/developer shall pay public use fees as required by the County's Subdivision Regulations (see also A.4).

9. Development Schedule

The owner/developer will install all utilities and construct the foundation during the fall of 1987. The structure will be constructed during the 1988 construction season.

10. Construction Schedule

Construction activity shall be confined to the following hours:

Exterior Work:

- a. 6:00 a.m. to 10 p.m. - Monday thru Saturday
- b. no more than 8 hour shift between hours of 10:00 a.m. and 6:00 p.m. on Sundays

No night lighting of site permitted after 10:00 p.m., glare to be confined so it does not affect adjacent properties

Interior Work After Building Enclosed:

- a. 24 hours per day as long as noise and lighting confined to interior of building

11. Section 404 Permit

The owner/developer shall comply with all conditions of the permit issued by the Corps of Engineers allowing wetland modification of the property under Section 404 of the Federal Clean Water Act.

B. UTILITIES AND IMPROVEMENTS

Public utilities, improvements and services are to be provided in the development of the property as set forth in this section. Detailed specifications and time schedules for their construction shall be set forth in the Improvements Agreement required as a condition of final plat approval.

1. Water System

Water is to be provided by the Snake River Water District. Construction of water mains will be in conformance with the regulations of the District.

2. Sewer System

Sanitary sewer service is to be provided by the Snake River Sewer Fund. Construction of sewer mains shall be in conformance with the regulations of the utility.

3. Access

Access to the property from Highway 6 is by access easements across Snowdance Condominiums and Cinnamon Ridge Condominiums.

A pedestrian walkway shall be developed from the entrance of the hotel and extended to the west property line for future extension into Snowdance Condominiums.

The emergency access to the south side of the hotel is to be provided through the Snowdance Condominium development, across the recreation trail and into the south parking lot of the hotel. The owner/developer shall prepare a plan describing the year round maintenance (including snow removal and storage) of the emergency access. This plan must be approved by the Snake River Fire Protection District and adopted by the County as an appendix to this Designation.

4. Fire Protection

Fire protection is to be provided by the Snake River Fire Protection District, and the owner/developer shall meet all fire protection requirements of the District.

5. Landscaping

Landscaping shall be installed in accordance with the detailed landscaping plan as approved by the County. In addition, the owner/developer shall provide the County with a suitable financial guarantee equal to the cost of 100% of all vegetation. This financial guarantee will be held by the County for two (2) full growing seasons to insure the viability of all landscape on the site.

6. Cinnamon Ridge/Snowdance Agreement

The owner/developer shall prepare an agreement between themselves and the Snowdance Property Owners Association and/or the Cinnamon Ridge Property Owners Association which outlines what remedies will be used to repair or reconstruct the parking lots and/or drives damaged by hotel related construction vehicles. Said agreement shall commit the owner/developer to the repairs described therein. In addition, the agreement must be submitted to the County Planning Department for review and acceptance by the County Attorney and the Planning

Department. This agreement must be approved by the County, executed and attached to this designation as an appendix prior to the issuance of any building or grading permits. The County shall obtain and hold a suitable financial guarantee in conjunction with the Site Improvements Agreement to insure the reconstruction of the parking lots or drives in the event such repairs become necessary.

C. GENERAL PROVISIONS

1. Breach of Provisions of PUD Designation

If at any time any provision or requirement stated in this 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 building permits applied for on the property, until such breach has been remedied; provided, however, that the County shall not take any 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.

2. Binding Effect

This planned unit development 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 C.3. This designation shall be recorded in order to put prospective purchasers or other interested persons on notice as to the terms contained herein.

3. Amendments

Amendments to the provisions of this planned unit development designation shall be reviewed and acted upon in the same manner as any 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 C.R.S. 24-67-106(3)[1973 ed.]. Action in any proposed amendment shall be taken by the Summit County Board of County Commissioners, after conducting a public hearing for which notice has been published at least 30 days prior in a newspaper of general circulation and mailed to all property owners within and abutting this planned unit development.

4. 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:

Notice to Applicant:

Board of County Commissioners
P.O. Box 68
Breckenridge, CO 80424

Craig Nelson
Terry Novak
Novak-Nelson Real Estate
Box 2383
Dillon, CO 80435

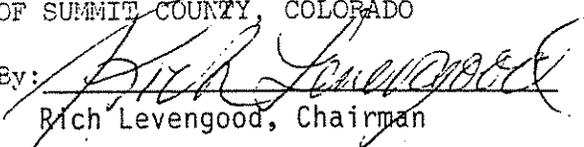
5. Entire Designation

This designation contains all provisions and requirements incumbent upon the owner/developer relative to the Novak-Nelson Hotel Planned Unit Development, and nothing contained herein shall be construed as waiving any requirements of the County's Zoning and Subdivision Regulations, Common Review Procedures, or other regulations otherwise applicable to the development of the property.

IN WITNESS WHEREOF, the County and the owner/developer have executed this designation as of the date first above written.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

By:


Rich Levengood, Chairman

ATTEST:


Colleen Richmond, Clerk and Recorder

NOVAK-NELSON HOTEL


Craig C. Nelson

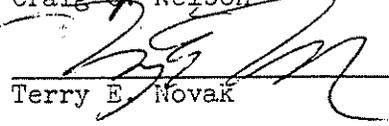

Terry E. Novak

EXHIBIT "A"

A PARCEL OF LAND BEING THOSE TWO TRACTS DESCRIBED IN BOOK 244 AT PAGES 399 AND 400 AS RECORDED IN THE OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER, BEING LOCATED IN HOMESTEAD ENTRY NO. 110 AND IN THE NE 1/4 OF SECTION 14, TOWNSHIP 5 SOUTH, RANGE 77 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SUMMIT COUNTY, COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN BOOK 244 AT PAGE 400, BEING A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 6 WHENCE THE NORTHEAST CORNER OF SAID SECTION 24 BEARS N 49°45' E 893.02 FEET; THENCE S 13° E ALONG THE EAST LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 244 AT PAGE 400 A DISTANCE OF 407 FEET TO THE NORTH BANK OF THE SNAKE RIVER; THENCE S 1°47' W ALONG THE SOUTH LINE OF SAID TRACT DESCRIBED IN BOOK 244 AT PAGE 400 AND SAID WESTERLY BANK OF THE SNAKE RIVER A DISTANCE OF 177.8 FEET TO A POINT ON THE EASTERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 244 AT PAGE 399; THENCE S 20°51' E ALONG SAID EAST LINE OF THAT TRACT OF LAND DESCRIBED IN BOOK 244 AT PAGE 399 A DISTANCE OF 41.59 FEET TO THE CENTERLINE OF THE SNAKE RIVER; THENCE S 33°10' 17" W ALONG THE SOUTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 244 AT PAGE 399 AND THE CENTERLINE OF THE SNAKE RIVER A DISTANCE OF 167.43 FEET; THENCE N 17°53' W ALONG THE WEST LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 244 AT PAGE 399 A DISTANCE OF 738.36 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO.6; THENCE N 77° E ALONG SAID SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 6 AND THE NORTH LINES OF SAID TRACTS OF LAND A DISTANCE OF 223.2 FEET TO THE POINT OF BEGINNING, CONTAINING 2.84 ACRES, MORE OR LESS.