



Cheri Brunvand-Summit County Recorder 2/21/2001 15:44 DF:



SONNE PUD PLANNED UNIT DEVELOPMENT DESIGNATION

The Planned Unit Development Designation originally approved 16th Day of March, 1982. by the Board of County Commissioners of Summit County, Colorado is hereby further revised this 12th day of June , 2000. This designation establishes uses permitted on the property, its development plan and phasing, and specific development regulations which must be adhered to by Abbas Rajabi and his successors and assigns, who is owner and developer, and is hereinafter referred to as the "Owner/Developer." This designation also specifies improvements that must be made and conditions that 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."

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

- a. The permitted uses for Tract A (Building G) shall include restaurant and commercial uses. Maximum square footage is 6, 000 square feet.
- b. The permitted uses for Tract B (Building F and H) shall include retail and office uses. Maximum square footage is 23,000 square feet.
- c. The permitted uses for Tract C shall include 15 residential units:
 1. 10 single family units
 2. one duplex (two units)
 3. one triplex (three units)

B. DEVELOPMENT STANDARDS

1. Building Height

- a. Tract C-Building heights shall not exceed 35 feet as defined in the Summit County Land Use and Development Code.
- b. Building height, as defined by Uniform Building Code, shall not exceed 35 feet for Buildings A through F or 41 feet for Buildings G and H.

2. Setbacks

Building restriction lines shall be indicated on the final plat. Front setbacks are 5.0 feet, rear setbacks are 20 feet, and side setbacks are 7.5 feet with the exception of Lots 5 & 6 which are as follows: Lot 5, front 5 feet, rear 20 feet, side (w) 7.5, side (E) 10 feet, Lot 6, front 5 feet, rear

7.5 feet, side (E&W) 5 feet. Building restriction lines follow the wetlands delineation boundary. Eaves and overhanging decks can encroach in the building restriction line, but there shall be no ground disturbance. All eaves and decks must be within the setbacks.

3. Parking

At least two parking spaces shall be required for each residence. No parking shall be permitted on County roads or right-of-ways.

4. Public Use Areas

In accordance with the County's Subdivision Regulations, the Owner/Developer shall pay public use area fees in lieu of land dedication. Said fees shall be \$575 per unit and paid prior to recordation of the final plat.

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 should remain free of development other than roads and utilities. Building restriction lines shall be designated on the preliminary plat avoiding the designated wetlands.

6. Signs

All signs shall comply the Summit County Sign Regulations in the Land Use and Development Code.

C. REQUIRED 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 Subdivision Improvements Agreement required as a condition of final plat approval.

1. Access

Access to the property is provided from U.S. Highway 6 by Rasor Drive, County Road 67, an existing public road.

Access within the development shall be provided by a paved public road as shown on the Development Plan, which shall be County owned and at this time privately maintained. If the Owner/Developer wishes to have public maintenance, there must be a petition for County maintenance.

2. Water Systems

The Snake River Water District shall provide water supply for the development. Adequate fire flows shall be provided as determined by the Snake River Fire District.

3. Sewer Systems

Sanitary sewer service is to be provided by the Snake River Waste Treatment District.

4. Fire Protection

The entire property is located within the Snake River Fire District. All development on the property 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 with the Sonne PUD site plan.

6. 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. **Preliminary and final plats:** A preliminary and final plat shall be approved by the County prior to any development that involves selling or conveying any interest in the property to others. Densities are outlined in sections A.1 above that indicate the maximum permitted densities. All proposed development must meet all applicable standards and requirements as contained in the Summit County Land Use and Development Code unless such standards and requirements are specifically waived or modified by the terms of this designation.

E. GENERAL PROVISIONS

1. Enforcement

The provisions of the planned unit designation and the development plan relating to the use of land 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). 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.

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
P.O. Box 68
Breckenridge, CO 80424

Notice to Owner/Developer:

Mountain View Management
P.O. Box 2336
Edwards, CO 81632
and
Sonne Homeowner's Association
c/o Cyrus Ash Associates, LLC
5801 E Piedmont Dr
Englewood, CO 80111

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 Sonne 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.

This PUD designation supersedes and replaces Sonne PUD agreement dated August 25, 1986 for Tract C.

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 and Recorder in order to become effective. The effective date shall be the date of recordation.

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.

9. 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 enactments. Where provisions of this revised PUD Designation conflict with earlier approved versions of the PUD Designation the provisions of this revised PUD Designation shall supersede and replace such provisions.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY COLORADO

/s/ DAN ULMER
Dan Ulmer, Chairman

ATTEST:

/s/ COLLEN RICHMOND
Collen Richmond, Clerk and Recorder

APPROVAL OF AMENDMENTS

The foregoing document is the Sonne Planned Unit Development Designation as approved and signed by the Summit County Board of County Commissioners on the 12th day of March, 1982 and recorded at Reception No. 322885, and as amended by the Summit County Board of County Commissioners as follows:

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| Resolution No. 93-73 | Reception No.451060 |
| Resolution No. 95-37 | Reception No.490880 |
| Resolution No. 97-96 | Reception No.546141/546142 |
| Resolution No. 00-69 | Reception No. <u>645902</u> |

The foregoing planned unit development designation supercedes all previous planned unit development documents and designations covering the real property included within the foregoing. To the extent that the provisions of the foregoing are the same in substance to the provisions of earlier approved versions of such planned unit development designations, they shall be considered as continuations thereof and not new enactments. Copies of the original Planned Unit Development Designation and the amendments noted above are available from the Summit County Clerk and Recorder.

ADOPTED THIS 12th DAY OF JUNE, 2000.

**COUNTY OF SUMMIT
STATE OF COLORADO
By and Through its
BOARD OF COUNTY COMMISSIONERS**



Gary M. Lindstrom, Chairman

ATTEST:

Christine Grunwald

Christine Grunwald, Clerk & Recorder

SEAL

COLORADO

EXHIBIT A

A PARCEL OF LAND SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 13, AND THE NORTHEAST ONE-QUARTER OF SECTION 24, TOWNSHIP 5 SOUTH, RANGE 77 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ALSO BEING A PORTION OF HOMESTEAD ENTRY SURVEY NO. 110, SUMMIT COUNTY, COLORADO, ALSO DESCRIBED AS:

SONNE PUD SUB (RECEPTION NO. 244419), SONNE SUBDIVISION (RECEPTION NO. 463871/507330), MOUNTAIN VIEW PLAZA CONDOMINIUM (RECEPTION NO. 364539), AND MOUNTAIN VIEW TOWNHOMES (RECEPTION NO. 430213), AS RECORDED SUMMIT COUNTY, COLORADO.