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Kathleen Neel – Summit County Recorder

8 Pages

10/26/2010 12:58 PM

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**ANDREA ESTATES
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as the Andrea Estates Planned Unit Development Designation, hereinafter referred to as the "Designation", is approved this 13th day of July 2010 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 land uses and density that shall be permitted on the Property, a general development plan, development standards and conditions which must be adhered to by Rudolph and Christina Andrea and any subsequent successors, heirs, or assigns, collectively hereinafter referred to as the "Owner/Developer". This designation also specifies improvements that must be made and conditions which must be fulfilled in conjunction with this Designation by the Owner/Developer.

Where this Designation does not address a specific development standard or requirement of the Summit County Land Use and Development Code currently in effect or hereinafter amended, hereinafter referred to as the "Code", the provisions of the Code shall apply. Where the Designation addresses a specific development standard or requirement, the provisions of this Designation shall supersede the provisions of the Code.

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

Two single family residences per Exhibit B.

2. Accessory Uses

The following accessory uses are allowed on each lot in the PUD:

- a. Garages, attached or detached, in accordance with Section 3505.18 et. al of the Code and as subsequently amended.
- b. Accessory Apartments in accordance with Section 3809.03 et. al of the Code and as subsequently amended.
- c. Caretaker Units in accordance with Section 3809.04.F et. al of the Code and as subsequently amended.
- d. Small Scale Solar Energy Systems in accordance with Section 3507.01 et. al of the Code and as subsequently amended. Only solar systems attached to a structure are permitted. Independent ground mounted solar systems are prohibited.
- e. Private Greenhouse
- f. No impact Home Occupation in accordance with Section 3810 et. al of the Code and as subsequently amended.
- g. Private firewood split/storage
- h. Residential Storage areas
- i. Storage Buildings
- j. Recreational Vehicle Storage in accordance with Section 3815 et. al and as subsequently amended.

B. DEVELOPMENT STANDARDS

1. Building Height

Building heights shall be a maximum of 35 feet as defined in Section 3505.06 of the Summit County Land Use & Development Code and as subsequently amended.

2. Setbacks and Disturbance Limitations

- a. The attached development plan (Exhibit B) establishes a disturbance envelope on Lot 1 and Lot 2. A disturbance envelope has been established on each lot. The intent of the disturbance envelope is to ensure that all areas outside of such envelope shall remain in a natural state, with the exception of tree removal and forest regeneration as necessary and as a response to the Mountain Pine Beetle epidemic. All buildings, structures, wells, sewage disposal systems, and other improvements shall be located entirely within the disturbance envelope established upon each lot. No site disturbance shall occur outside of the disturbance envelope, except for driveways, utilities installed to serve each lot, and tree cutting as required by fire mitigation, to clear trees infested with the Mountain Pine Beetle, or per a forest health management plan prepared by a certified forester or other entity deemed appropriate per Summit County. Revegetation and regeneration of the forested area is permitted but cultivated landscaping and associated hardscape areas are not permitted outside of the disturbance envelope.
- b. Disturbance of slopes 30% or greater is prohibited in accordance with Section 7102 of the Code.
- c. All buildings, including decks, located upon Lot 2 shall be setback at least 25 feet from the westerly edge of the disturbance envelope for Lot 2 (the edge of the disturbance envelope that is closest to Rac Jack Way) and at least 25 feet from the northerly edge of the disturbance envelope for Lot 2 (the edge of the disturbance envelope that is closest to Lot 1).

3. Parking

At least two (2) parking spaces shall be required per residence. No parking shall be permitted on County roads.

4. Design Standards

The single family unit and accessory structures shall be designed with:

- a. natural or naturally-appearing materials and colors so that the structures blend visually with the forest;
- b. retaining walls to avoid excessive cut-and-fill, with retaining walls over five feet in height stepped so as to prevent excessive retaining wall heights;
- c. non-mirrored glass;
- d. lighting for the exterior of the buildings or any freestanding lights that are full cut-off luminaires in accordance with Section 3505.07 of the Code, with such lighting reviewed and approved during the Planning Department's site plan review for any structure.
- e. roofing material that is non-reflective.

f. fencing is permitted as allowed by the RU Zoning District.

5. Landscaping

All areas disturbed by construction shall be revegetated with a Summit County native grass seed mix, or returned to a natural state, and be free of weeds, as identified by the County as invasive, noxious, or otherwise, nuisance weed species prior to the issuance of a Certificate of Occupancy.

6. Driveways

Driveways shall be located in a manner that minimizes soil disturbance. Careful consideration to the location of the houses and the garages shall be evaluated in order to reduce the amount of disturbance necessary for driveway construction. Driveways on both lots shall meet the applicable County Road and Bridge and Engineering Standards.

7. Site Work Requirements

Prior to the issuance of a building or grading permit for Lot 2, a soils and foundation report, a grading plan, and an erosion and sediment control plan, all prepared by licensed professional engineers, shall be submitted, reviewed and approved by the Summit County Planning and Engineering Departments, and all construction activities shall comply with such approvals.

C. REQUIRED IMPROVEMENTS

1. Access

Access to the Lots 1 and 2, Andrea Estates is obtained via the following easements:

- a. Tract L, Summit Estates Filing No. 4, which was recorded under Reception No. 496660, commonly referenced as Rac Jac Way.
- b. An easement across property owned by the U.S. Forest Service which extends approximately 210 feet long and 70 feet wide, recorded under Reception No. 883459.
- c. Access across the Jane S., Mollie B., and the Mary G (MS 8905) as granted by an access and utility easement recorded under Reception No. 718558.

2. Water Systems

Lot 1 has an existing exempt well under permit no. 238964, which was issued by the Office of the State Engineer-Division of Water Resources on February 14, 2002. This well permit may be used to serve up to three single-family residences, to irrigate a total area of one acre of home lawn and garden, and to water large noncommercial domestic animals.

However, a second well permit cannot be issued for Lot 2 unless Permit No. 238964 is first cancelled and the existing well on Lot 1 re-permitted by the Office of the State Engineer. Furthermore, both the new permit for the existing well and the permit for a new well on Lot 2 will be limited to household use only, with no irrigation, animal watering, or other outside uses allowed, unless augmentation plans are established to support the additional uses. Outside uses may be supported otherwise through the use of surface waters if the property owners hold such rights or can obtain them.

3. Wastewater Disposal

Wastewater disposal will be provided by on site sewage disposal systems subject to approval by the Summit County Environmental Health Department through the application for an Individual Sewage Disposal Permit for new single family development. Lot 1 has an existing on site wastewater treatment system.

4. Fire Protection

The entire property is located within the Red, White and Blue 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. Any easements necessary for the installation of utilities shall be shown on the subdivision exemption plat for the property establishing the two developable lots on the Property. Any new utility lines shall be buried underground.

D. IMPLEMENTATION

1. Platting Requirements

Subdivision Plat: A subdivision exemption plat shall be approved by the County and shall include all necessary access and utility easements, prior to any development that involves the development of any residential uses on the property or the conveyance of any interest in the property to any party other than the Owner/Developer as set forth herein.

E. GENERAL PROVISIONS

1. Enforcement

The 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 at 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 the 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
P.O. Box 68
Breckenridge, CO 80424

Notice to Owner/Developer

Rudolph and Christina Andrea
5508 Linmore Lane
Plano, TX 75093

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

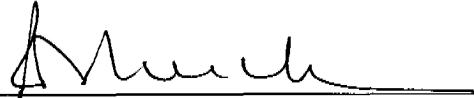
This designation contains all provisions and requirements incumbent upon the Owner/Developer relative to the Andrea Estates Planned Unit Development, except as modified by subsequent action of the Board of County Commissioners in accordance with procedures set forth in the Summit County Land Use and 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. Effective Date

An action to approve a PUD shall become effective when the PUD designation is signed by the Chairman of the BOCC and by the property owner(s) or an agent(s), and recorded in the office of the Clerk and Recorder.

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**



Robert H.S. French, Chairman
Summit County BOCC

ATTEST:



Kathleen Neel, Clerk and Recorder



Rudolph Andrea
Owner



Christina Andrea
Owner

Exhibit A

Lot 1 and Lot 2, Andrea Estates as platted under Reception No. 949638 and Recorded on 10.26.2010

