



**CONTINENTAL
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as Continental is approved on the 13th day of June, 1988, and amended on the 24th day of August, 1992, and amended on 26th day of October, 1998, and is hereby further amended on the 11th day of June, 2001, 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 Arlo Cox 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

Uses permitted shall in general be those considered to be of a service commercial and light industrial nature. Commercial uses shall not include retail businesses such as ski rental shops, liquor stores, convenience stores, gas stations, fast food restaurants and other similar types of retail uses which rely upon and generate heavy highway and/or pedestrian traffic flows. Uses shall include the following:

- a. auto and truck service and repair without retail gasoline sales;
- b. laundry cleaning plants;
- c. nursery or greenhouse;
- d. manufacture, fabrication, processing or assembly of products provided that such uses will have no impact beyond the boundaries of the property in terms of noise, vibration, odor, visible emissions, dust, heat, light or glare;
- e. wholesale sales;
- f. warehousing including mini-storage warehouses;
- g. storage of commodities, with the following exceptions:
 - (1) no live animals, commercial explosives, toxic wastes or above ground storage of flammable liquids or gases may be included;
 - (2) sales, warehousing or storage of junk, including machinery or vehicles not in operating condition, unless contained within a building;
- h. retail sales of any commodity manufactured, processed, fabricated or warehoused on the premises;
- i. retail sales of hardware or equipment, supplies and materials, except commercial explosives, for agriculture, mining, industry, business, transportation, building trades or other construction;
- j. terminals and facilities for commercial transportation and public transit vehicles;
- k. repair, rental and servicing of any commodity of which the manufacture, processing, fabrication, warehousing or sales of is permitted;

- l. office and shops for trades such as an electrician, plumber, cabinet makers, printers and other similar trades;
- m. professional offices for engineers, architects, planners and other similar consulting services;
- n. laboratories;
- o. aggregate and/or decorative rock production and sales thereof subject to Section A.4 herein and approval of a conditional use permit by the County.
- p. twelve lane bowling alley with associated commercial/retail use (i.e., snack bar including alcoholic beverage sales for on-site consumption, game room, pro shop). The commercial/retail use shall be designed solely as accessory to bowling and shall not exceed 37% of the gross floor area. In no event shall the commercial/retail use be designed to stand alone or be operated when lanes are not open for use.
- q. employee or caretaker units to serve employees of businesses located within the Continental PUD not to exceed 18 units total for the entire PUD. The employee units shall be deed restricted and shall be counted against FAR at 50% (i.e., a 1,000 square foot unit will use 500 square feet of gross floor area). Each proposed unit shall be approved by the Upper Blue Planning Commission prior to issuance of a building permit.
- r. twelve commercial satellite antenna dishes on Block B only.
- s. Chiropractic offices, including but not limited to chiropractic and massage services related thereto.

2. Permitted Density

The maximum permitted density on the property shall be 1:6 floor area ratio (i.e., one square foot floor area for each six square feet of lot area) provided that all development standards as set forth herein and in any other applicable County regulations are satisfied. Density may be transferred between blocks within the property subject to approval of a site plan for development as outlined in Section B.10 herein.

B. DEVELOPMENT STANDARDS

1. Building Height Standards

Building heights shall not exceed 35 feet as defined in the Uniform Building Code. Satellite antenna dish height shall not exceed 30 feet as defined by the County’s Land Use and Development Code. Satellite dishes shall not be mounted on top of any structures. Fence height shall not exceed 6 feet in height and may utilize berming to facilitate maximum height.

2. Setbacks

Setbacks for buildings and parking areas shall be as follows:

<u>Setbacks</u>	<u>Buildings</u>	<u>Parking</u>
North boundary.....	per Exhibit C.....	per Exhibit C
South boundary.....	30 feet minimum	20feetminimum
East boundary	20 feet average.....	20 feet average
West boundary Block C	per Exhibit C.....	per Exhibit C
West boundary except Block C.....	20 feet minimum	20feetminimum

Continental Court20 feet minimum 15feetminimum
Interior lot lines15 feet for buildings and parking, except
when based on an approved site plan
coordinating with the adjacent lot

3. Parking

Parking shall meet the requirements of the Summit County Zoning Regulations in effect at the time of site plan approval. Location of parking areas shall be subject to site plan approval, as outlined, in Section B.10 herein.

4. Site coverage

Site coverage including all impervious surfaces, roads, driveways, parking areas, building and outdoor storage areas shall not exceed 80% of the gross lot area.

5. Landscaping

Landscaped areas shall be a minimum of 20% of the gross lot area. A perimeter landscape plan shall be approved by the Upper Blue Planning Commission prior to approval of any final plat for the property. The perimeter landscaping plan shall show landscaping on the west boundary of Block C, and the north and east boundaries of the property. The perimeter landscaping shall be installed within 18 months of approval of a final plat for the property. Perimeter landscaping shall be guaranteed by the Owner/developer for a minimum period of three years following completion of installation.

Landscaping shall also be required for individual lots and development within the property. All landscaping shall meet the requirements of the County as set forth in the Summit County Land Use and Development Code.

6. Architectural guidelines

Building design shall be subject to site plan approval as outlined in Section B.10 herein and shall meet the following guidelines:

- a. **Rooflines:** Continuous linear roof lines in excess of 75 feet shall be treated by architectural detailing, surface contouring, landscape screening or a combination of these features to minimize the visual impact of the building mass on the view corridors from Colorado Highway 9 and County Road 3.

In the analysis of the visual impact of any building on the above-mentioned view corridors, consideration shall be given to the orientation of the long dimension of the building perpendicular to the view, the silhouette concealing character of the tall slope which bounds the westerly edge of the property, and the distance of the building from either Colorado Highway 9 or County Road 3.

- b. **Building materials:** Siding shall be wood or other natural appearing material. Metal exterior siding is prohibited. Roof materials and colors shall be non-reflective. Metal non-reflective roofing material is acceptable.

- c. Mechanical and utility equipment: Exposed, visible mechanical and utility equipment on roofs is prohibited.
- d. Satellite antenna dishes: Shall be painted in a manner as to blend with the surroundings in order to assist in reducing the potential visual impacts.

7. Lighting

All lighting on the property shall be directed within the site. Lighting which results in excessive glare beyond the boundaries of the property shall be prohibited. All lighting shall be placed in enclosed fixtures which reduce glare.

8. Signs

A comprehensive sign program for the entire property shall be required. The sign program shall meet all the requirements of the Summit County Sign Regulations and shall be approved by the Sign Review Commission with a recommendation from the Upper Blue Planning Commission prior to the placement of any sign on the property.

9. Outdoor storage

All outdoor storage areas shall meet building setback requirements and shall be screened by landscaping and/or opaque fencing. Location of outdoor storage areas and associated screening shall be subject to site plan approval as outlined in Section B.10 herein.

10. Site Plans

Prior to the issuance of any building permit, establishment of any permitted use, location of any outdoor storage area, or location of any parking area within the property, a site plan for the development or use meeting all applicable standards shall be approved by the County.

C. REQUIRED IMPROVEMENTS

1. Access

Access to the property and to all building sites shall be provided by roads built to applicable County standards. Access shall be provided by Continental Court and private driveways within the property. Continental Court shall be constructed and paved by the Owner/developer and dedicated to the County for public right-of-way and maintenance.

2. Water Systems

Water service shall be provided by the Blue River Water District. Design of the water system shall meet the requirements of the District.

3. Sewer Systems

Sewer service shall be provided by the Breckenridge Sanitation District. Design of the system shall meet the requirements of the District.

4. Fire Protection

The entire property is located within the Red, White and Blue Fire District. All development on the property shall meet all fire protection requirements of the District.

5. Common Area Management

Prior to approval of any final plat for the property the Owner/developer must submit covenants for review by the County. The covenants shall delineate the responsibilities for the maintenance of private drives and parking areas, landscaping and other common elements on the property as an obligation of the property owner. The covenants shall include a provision that if the property owner fails to perform so that public health and safety are affected, then the County has the authority to enforce maintenance responsibilities, whether through obtaining compliance from the property owners association or by taking corrective action and billing the association for the cost. The County shall approve the provisions of the covenants concerning maintenance responsibilities prior to recordation of the final plat and the covenants shall be recorded with the final plat.

D. IMPLEMENTATION

1. Platting and resubdivision

A final plat of the property shall be submitted to and approved by the County prior to any development. Resubdivision and condominium subdivision of the property shall be permitted subject to County regulations.

2. Phase-out of existing mining operation

The existing aggregate mining operation shall be terminated and reclamation implemented within one year of the date of issuance of the first building permit for development within the property.

3. Development schedule

The Owner/developer intends to initiate development in 1992 by installing utilities, roads, drainage, landscaping and other common improvements. Development within the property shall begin after completion of the initial improvements.

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
P.O. Box 68
Breckenridge, CO 80424

Notice to Owner/Developer

Arlo Cox
PO Box 285
Breckenridge, CO 80424

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 Continental 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**

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.

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/ JOE SANDS
Joe Sands, Chairman

ATTEST:

/S/ DORIS BRILL
Doris Brill, Clerk and Recorder

/S/ ARLO COX
Arlo Cox, Developer

APPROVAL OF AMENDMENTS

The foregoing document is the Continental Planned Unit Development Designation as amended and approved by the Summit County Board of County Commissioners on the 13th day of June 1988 by Resolution No. 88-29 and as amended by the Summit County Board of County Commissioners as follows:

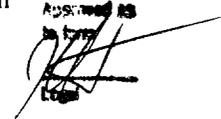
Resolution #	Reception #	Date
92-71	432623	8/24/92
98-124	580137	11/5/98
2001-_____	_____	6/11/01

The planned unit development document dated the 13th day of June, 1988 under Resolution No. 88-29 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 Miller Planned Unit Development Designation and the amendments noted above are available from the Summit County Clerk and Recorder.

Adopted this 11th day of June 2001.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO


William C. Wallace, Chairman


ASSISTANT CLERK

ATTEST:


Cheri Brunvard, Clerk & Recorder

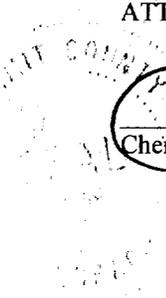


EXHIBIT A

Legal Description

Continental PUD P.U.

A portion of U.S. Survey No. 14044, the B & L No. 1, B & L No. 2 and Annie Placers lying in the County of Summit, State of Colorado, described as follows:

BEGINNING AT CORNER NO. 1 OF SAID B & L NO. 2 PLACER: THENCE N. $85^{\circ} 09' 39''$ E 13.39 FEET ALONG THE 1-2 LINE OF SAID B & L NO. 2 PLACER TO THE TRUE POINT OF BEGINNING: THENCE 81.16 FEET ALONG THE ARC OF A CURVE TO THE LEFT WITH AN INTERIOR ANGLE OF $04^{\circ} 41' 00''$, A RADIUS OF 992.93 FEET AND A CHORD WHICH BEARS N $36^{\circ} 51' 57''$ W 81.14 FEET; THENCE 286.12 FEET ALONG THE ARC OF A CURVE TO THE RIGHT WITH AN INTERIOR ANGLE OF $20^{\circ} 24' 59''$, A RADIUS OF 802.97 FEET AND A CHORD WHICH BEARS N $28^{\circ} 59' 58''$ W 284.61 FEET: THENCE N $18^{\circ} 47' 28''$ W 229.60 FEET TO A POINT ON THE RIGHT-OF-WAY OF SUMMIT COUNTY ROAD NO. 3; THENCE THE FOLLOWING SIX (6) COURSES ALONG SAID RIGHT-OF-WAY

- 1.) 62.94 FEET ALONG THE ARC OF A CURVE TO THE LEFT WITH AN INTERIOR ANGLE OF $11^{\circ} 23' 13''$; A RADIUS OF 316.69 FEET AND A CHORD WHICH BEARS N $11^{\circ} 48' 23''$ W 62.84 FEET
- 2.) N $17^{\circ} 29' 59''$ W 227.66 FEET
- 3.) 381.90 FEET ALONG THE ARC OF A CURVE TO THE RIGHT WITH AN INTERIOR ANGLE OF $23^{\circ} 40' 00''$, A RADIUS OF 924.57 FEET AND A CHORD WHICH BEARS N $05^{\circ} 39' 59''$ W 379.20 FEET
- 4.) N $06^{\circ} 10' 01''$ E 435.09 FEET
- 5.) 120.04 FEET ALONG THE ARC OF A CURVE TO THE RIGHT WITH AN INTERIOR ANGLE OF $83^{\circ} 10' 00''$, A RADIUS OF 82.70 FEET AND A CHORD WHICH BEARS N $47^{\circ} 45' 01''$ E 109.78 FEET
- 6.) N $89^{\circ} 20' 01''$ E 237.62 FEET:

THENCE S $07^{\circ} 59' 53''$ E 1694.01 FEET: THENCE S $85^{\circ} 09' 39''$ W 236.12 FEET

ALONG THE 8-7 LINE OF SAID ANNIE PLACER TO THE TRUE POINT OF BEGINNING

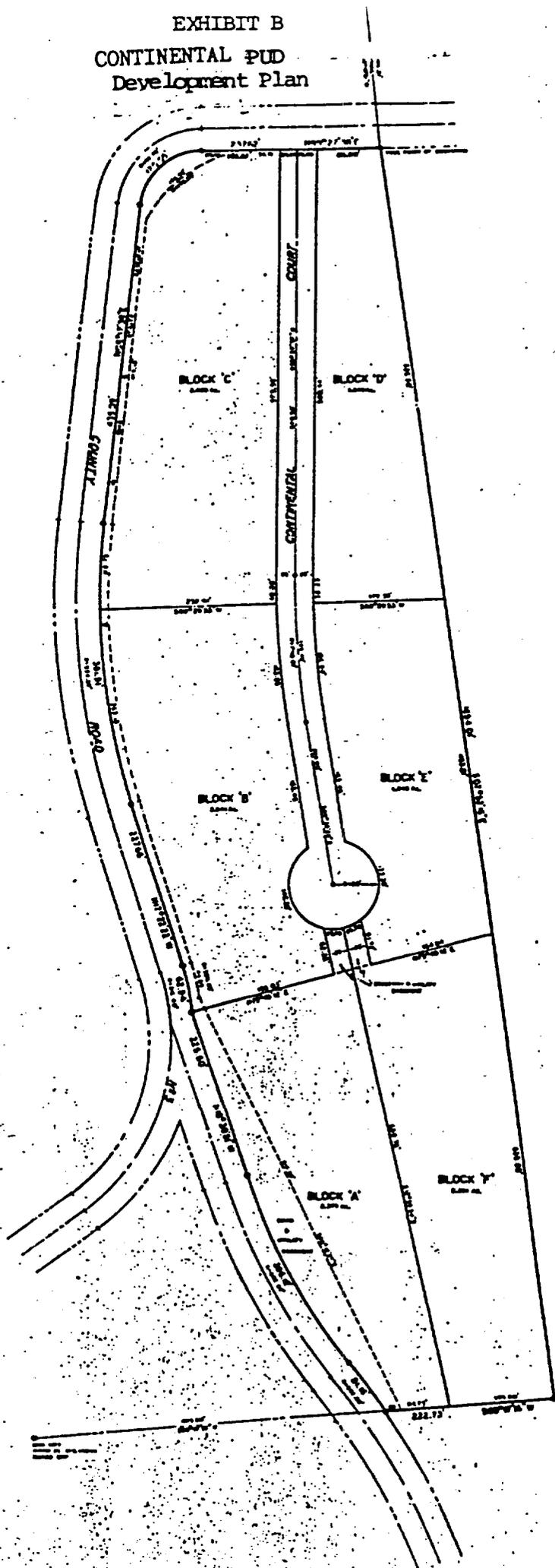
CONTAINING 660,254 SQUARE FEET OR 15.157 ACRES, MORE OR LESS. THE BASIS

OF BEARING IS THE 1-2 LINE OF THE ANNIE PLACER U.S. MINERAL SURVEY NO. 14044,

WHICH IS ASSUMED TO BE N $85^{\circ} 09' 39''$ E.

EXHIBIT B
CONTINENTAL PUD
Development Plan

FUTURE PARK



RENDERING ADJACENT
PROVISION