



**LODGE AT BRECKENRIDGE
PLANNED UNIT DEVELOPMENT DESIGNATION
(As Revised: May 22, 2000)**

The Lodge at Breckenridge Planned Unit Development Designation, approved the 21st day of December, 1990 and revised on May 10, 1993, February 26, 1996, October 14, 1997, and May 24, 1999 by the Board of County Commissioners of Summit County, Colorado, is hereby revised this 22nd day of May, 2000. This designation establishes uses permitted on the property, its development plan and phasing, and specific development regulations which must be adhered to by William Benkelman and Brian Stillwell and their successors and assigns, who are owners and developers, and are 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."

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

Permitted uses shall be as follows:

- a) **Recreational:** Recreational uses shall include racquetball courts, swimming pool and hot tub area, nautilus weight room, fitness room, massage and tanning, ski training facility and associated locker rooms.
- b) **Commercial:** Commercial uses shall include 45 lodge rooms, conference rooms, restaurant, bar and lounge, and a management office. Other similar commercial uses may be permitted upon approval of the Board of County Commissioners after a review by the Upper Blue Planning Commission.
- c) **Mechanical and utility:** Mechanical and utility uses include mechanical rooms for heating, ventilation and plumbing systems, laundry facilities associated with permitted recreational and commercial uses, storage areas for cleaning and building maintenance supplies, and storage areas associated with permitted recreational and commercial uses.

These uses shall be located within the existing, remodeled building on Lots 27 & 28, Tyrollean Terrace #2 as shown in Exhibit B. The maximum permitted areas for these uses shall be as follows:

Use	Maximum Permitted Area
Recreational.....	10,483 sq.ft.
Commercial.....	27,327 sq.ft.
Mechanical Storage & Utility.....	2,337 sq.ft.
TOTAL.....	40,147 sq.ft.

- d) Five (5) single family residences of 4,000 square feet of living space or less on Lots 1 & 2, The Overlook #2 and Lots 3-5, The Overlook #1.
- e) Twelve (12) condominiums of 1,400 square feet of living space or less on Lot 8, The Overlook #1.
- f) Four (4) employee housing units of 1,400 square feet of living space or less which shall be deed restricted as employee units in a manner meeting all Summit County Housing Authority criteria and will also comply with all requirements of paragraph 25 of the "Additional Water Service Agreement" between the Owner/Developer and the Town of Breckenridge and included as Exhibit C on Lot 8, The Overlook #1.
- g) Fourteen (14) cabin units of 1,800 square feet of living space or less on Lot 10, The Overlook #1 for:
 - 1. Use as a free standing single-family unit or condominium, or;
 - 2. Use as free standing single-family unit or condominium which are submitted to a plan of time-share ownership:

Any or all of which may at the election of the respective owners be used for personal or rental use or be managed by the "Lodge at Breckenridge" as part of said Lodge's commercial lodging purposes on such terms as such owners and the Lodge Management shall mutually agree on."
- h) 6.86 acres of open space on Tracts A & B

B. DEVELOPMENT STANDARDS

1. Building Height

Maximum building heights, as defined in Section 3505.06(2) of the Summit County Land Use & Development Code shall be as follows:

Lots 1,2;	25 feet
Lot 10;	28 feet
All other parcels;	35 feet

2. Setbacks

Building envelopes for all single family and cabin units shall be designated at the preliminary plat stage in compliance with the approved development plan. The platted building envelopes may be moved to the north on each single family lot if necessary to reduce the number of screening trees that would have to be removed under the County Fire Mitigation Regulations. Prior to approval of the final plat all single family building envelopes shall be staked in the field. The side setback for Lot #1 shall be moved ten (10) feet back from the north property line.

3. Parking

The required parking for the commercial lodging, condominiums, and employee housing units at the Lodge at Breckenridge is 112 spaces. The submitted development plan shows 132 spaces for these uses. The parking areas adjacent to the commercial/multi-family structure shall be constructed and paved according to County standards. At least two parking spaces shall be required for each residence. No parking shall be permitted on County roads.

4. Designated Open Space Areas

- a. Open Space Areas: The applicants shall dedicate 6.48 acres known as Parcels 4 & 5 on Exhibit A of the PUD Designation as private open space prior to recordation of the final plat.
- b. Public use areas: Pursuant to Section 8601 of the Summit County Land Use & Development Code, the Owner/Developer is required to provide lands for public use. All dedication or improvements shall be in lieu of the payment of Public Use Area Fees after determination that all requirements of Section 8601 are met or exceeded. Dedication of an easement, construction, or payment of fees is required prior to recordation of a final plat for the site.

5. Recreational Pathway

Prior to approval of the final plat the Owner/Developer shall survey the "Flume Trail" and dedicate a public access easement for such trail on the final plat and indicate its location on the development plan.

6. Signs

All signage on-site shall comply with the Summit County Sign Regulations now in effect or as hereafter amended.

7. Site Plan Review

Site plan review, in accordance with Section 12600 of the Summit County Land Use & Development Code, shall be required for all construction on-site requiring a building permit. This includes all single family residences and cabin units.

8. Tree Removal

Trees shall be retained on the southerly and westerly sides of the proposed single family residences in order to maintain screening of the development, provided that some tree cutting will be permitted to improve views from the single family units and to comply with County Fire Mitigation Regulations. Such selective tree cutting over and above that required for Fire Mitigation shall be kept to a minimum to provide for the maximum screening of the proposed units. The owner/developer shall include adequate tree cutting standards in the protective covenants applicable to the property. However, such standards shall not take precedence over the requirements of the County's Fire Mitigation Regulations. Trees shall not be cut subsequent to construction of improvements on each single family lot without the County's prior written permission.

C. REQUIRED IMPROVEMENTS

1. Access

Access to the property and to all building sites shall be provided by Boreas Pass Road and Overlook Drive (aka Edward's Drive). Prior to the issuance of any building or grading permit the road serving the cabin sites must be built to all applicable County standards. Prior to the issuance of any building or grading permit the right-of-way for Overlook Road must be increased to 60 feet. The applicant shall be required to make the improvements required by the County Engineer to provide for improved sight distance and a turning lane at the intersection of Boreas Pass and Edward's Road. All driveways shall meet all applicable County Road & Bridge standards.

2. Water Systems

Water supply for the development shall be provided by the Town of Breckenridge in accordance with the "Additional Water Supply" agreement between the Owner/Developer and the Town and included as Exhibit C. Adequate fire flows shall be provided as determined by the Red, White, & Blue Fire District. The Town of Breckenridge and the Summit County Planning Department shall be notified of any change in use within the Lodge at Breckenridge prior to approval of any building permits for the new use, or prior to commencement of a new use if no building permit is required. At the time of site plan review by the County's Community Development Division staff, the applicant shall provide verification in the form of a letter from the Town of Breckenridge that the Town has approved a water tap for the property under review.

3. Sewer Systems

Sewage disposal shall be provided by the Breckenridge Sanitation District. The Breckenridge Sanitation District shall be notified of any change in use within the Lodge at Breckenridge prior to approval of any building permits for the new use or prior to the commencement of the new use if no building permit is required.

4. Fire Protection

Fire protection is provided by the Red, White, & Blue Fire District. All development and use of the property shall meet the requirements of the district including sprinkling of the proposed cabin units if deemed necessary. Prior to the issuance of any building or grading permit the applicants, in conjunction with the Colorado State Forester, shall develop a fuel/forest management plan.

5. Landscaping

Landscaping improvements shall be required as part of the site plan required pursuant to County regulations. Landscaping improvements meeting County standards shall also be required as part of the permanent parking plan pursuant to section B(3) herein.

6. Utilities

Power is provided by Public Service. Phone service is provided by US West. All new utility lines shall be installed underground.

D. 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:

Notice to Owner/Developer

Board of County Commissioners
PO Box 68
Breckenridge, CO 80424

William Benkelman and Brian Stillwell
PO Box 391
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 Lodge @ Breckenridge 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 & 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 & 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 PUD Designation the provisions of this revised PUD Designation shall superse de and replace such provisions.

8. PUD Review Requirements

The Summit County Land Use & 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 L. BRILL
Doris L. Brill, Clerk and Recorder

/S/ WILLIAM BENKELMAN
William Benkelman, Owner/Developer

/S/ BRIAN STILLWELL
Brian Stillwell, Owner/Developer

ATTEST:

/S/ RICHARD VANHOUDT
Richard Van Houdt, Notary Public

APPROVAL OF AMENDMENTS

The foregoing document is the Lodge at Breckenridge Planned Unit Development Designation as approved and signed by the Summit County Board of County Commissioners on the 21st day of December, 1990 and recorded at Reception No. 403487, as amended by the Summit County Board of County Commissioners on the 10th day of May, 1993 and recorded at Reception No. 445024, as amended by the Summit County Board of County Commissioners on the 26th day of February, 1996 and recorded at Reception No. 511005, as amended by the Summit County Board of County Commissioners on the 14th day of October, 1997 and recorded at Reception No. 549842 and as amended by the Summit County Board of County Commissioners as follows:

Resolution No.	Reception No.	Date
93-39	445023	May 10, 1993
96-12	513468	February 26, 1996
97-120	549843	October 14, 1997
99-67	600158	May 24, 1999
00-60	<u>645900</u>	May 22, 2000

The Planned Unit Development document dated the 21st day of December, 1990 and recorded at Reception No. 403487 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 Planned Unit Development Designation and the amendments noted above are available from the Summit County Clerk & Recorder.

Adopted this 22nd day of May, 2000.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

BY: 
Gary M. Lindstrom, Chairman

Approved as

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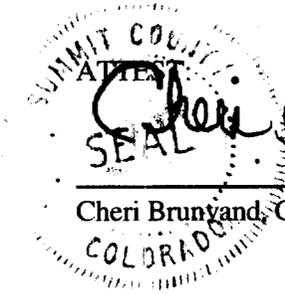
 
Cheri Brunvand, Clerk and Recorder

EXHIBIT "A"

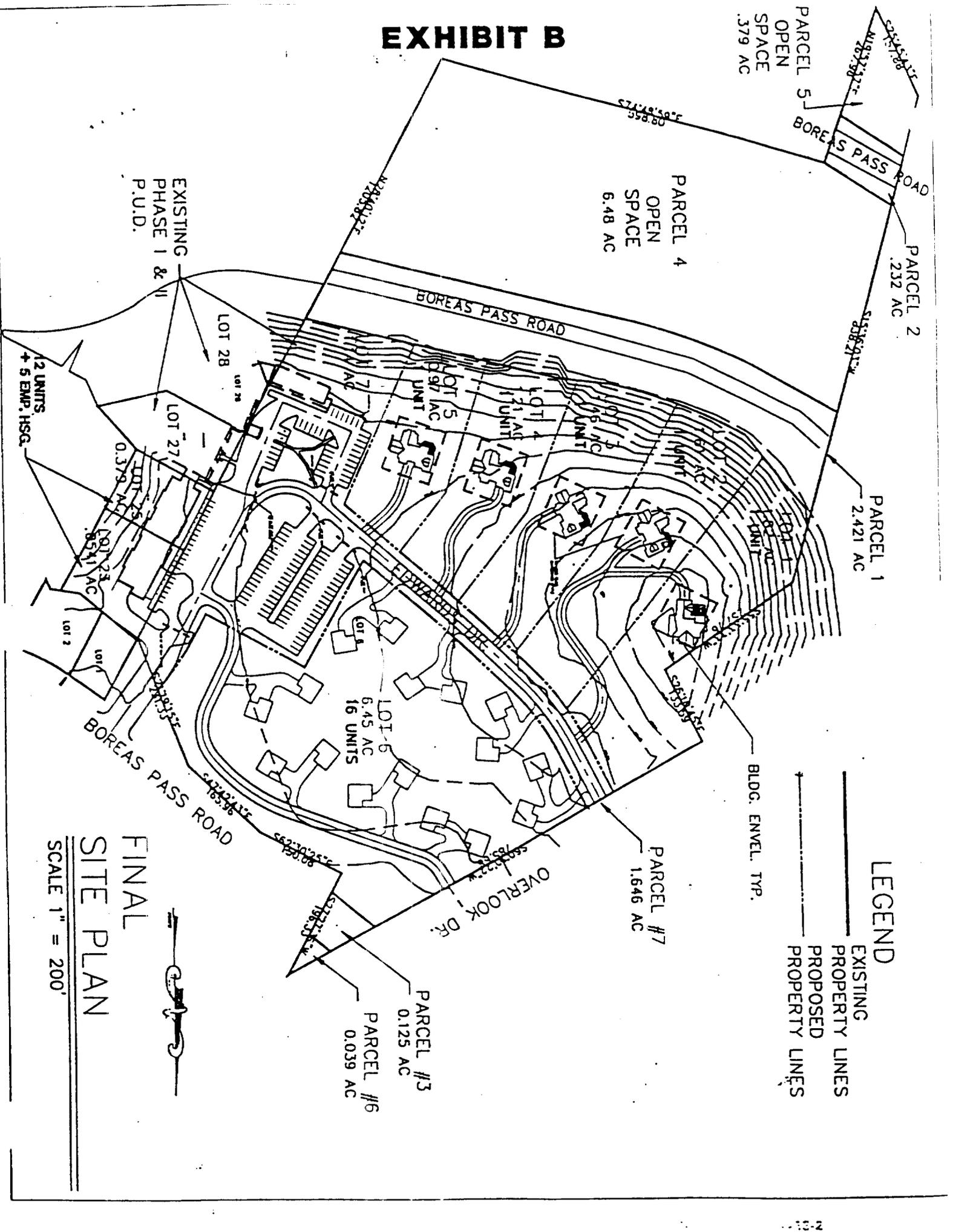
A PARCEL OF LAND BEING A PORTION OF SMALL TRACTS SURVEY TRACT No. 1028, SECTION 6, TOWNSHIP 7 SOUTH, RANGE 77 WEST OF THE 6th PRINCIPAL MERIDIAN, SUMMIT COUNTY, COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE 1-4 LINE OF THE BADGER LODGE U.S.M.S. 7569 WHENCE CORNER 4 OF THE SILVER DICK LODGE U.S.M.S. 7832 BEARS N 40°37'05" W, 522.28 FEET DISTANT; THENCE S 28°40'12" W, 277.07 FEET ON THE 1-2 LINE OF THE AUTOCRAT LODGE U.S.M.S. 370; THENCE N 61°19'48" W, 36.09 FEET; THENCE 19.35 FEET ON THE ARC OF A CURVE TO THE LEFT WITH AN INTERIOR ANGLE OF 07°42'35", A RADIUS OF 143.80 FEET AND A CHORD WHICH BEARS N 32°50'22" E, 19.34 FEET DISTANT; THENCE N 28°59'05" E, 207.94 FEET; THENCE 73.26 FEET ON THE ARC OF A CURVE TO THE RIGHT WITH AN INTERIOR ANGLE OF 08°50'13", A RADIUS OF 475.00 FEET AND A CHORD WHICH BEARS N 33°24'11" E, 73.19 FEET TO A POINT ON SAID 1-4 LINE OF THE BADGER LODGE; THENCE S 21°19'15" E, 35.91 FEET ON SAID 1-4 LINE TO THE POINT OF BEGINNING CONTAINING 9,750 SQUARE FEET OR 0.224 ACRES, MORE OR LESS.

ALSO:

LOTS 23 AND 25 TYROLLEAN TERRACE FILING No. 2, A SUBDIVISION AS RECORDED AT RECEPTION No. 96901 IN THE RECORDS OF THE SUMMIT COUNTY, COLORADO CLERK AND RECORDER, SAID LOTS CONTAIN 40,052 SQUARE FEET OR 0.920 ACRES, MORE OR LESS.

EXHIBIT B



PARCEL 5
OPEN
SPACE
.379 AC

PARCEL 4
OPEN
SPACE
6.48 AC

PARCEL 2
.232 AC

PARCEL 1
2.421 AC

PARCEL #7
1.646 AC

PARCEL #3
0.125 AC

PARCEL #6
0.039 AC

LOT 6
6.45 AC
16 UNITS

EXISTING
PHASE I & II
P.U.D.

12 UNITS
+ 5 EMP. HSG.

- ### LEGEND
- EXISTING PROPERTY LINES
 - - - PROPOSED PROPERTY LINES
 - BLDG. ENVEL. TYP.

FINAL
SITE PLAN
SCALE 1" = 200'

