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**SKIWATCH
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as the Skiwatch PUD is approved this 24th day of July, 2007 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 the attached Exhibit A, here in after 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 that must be adhered to by the Skiwatch Condominiums Homeowners Association, and any successors in interest to the Property, hereinafter collectively 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.

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

Thirty-eight (38) two bedroom residential units and one (1) one-bedroom on-site manager's unit duly restricted as per the requirements stated in Section 3809 of the County's Land Use and Development Code (see Restrictive Covenant section).

2. Accessory and Conditional Uses and Structures.

Accessory uses allowed include the existing underground parking garage and aboveground parking area, as well as the accessory storage shed currently existing on-site. Said uses and structures, as well as any other uses and structures proposed on the Property, shall be subject to the restrictions and regulations for such uses in the Summit County Land Use & Development Code ("Development Code").

3. Restrictive Covenant

Prior to the submittal of a building permit for the new on-site manager's unit, the developer shall submit for review and approval by the County Attorney's Office and the Planning Department a restrictive covenant limiting the use of said unit either (a) as an on-site manager's unit as outlined in Section 3809.05 of the County's Land Use & Development Code; or (b) a deed restricted unit per the TDR policies of §3202.03(C)2.d(1) of the Code. Once the County has approved the covenant language, the applicant shall record the restrictive covenant prior to the issuance of a Certificate of Occupancy for the on-site manager's unit.

B. DEVELOPMENT STANDARDS

1. Building Height

Building heights shall be a maximum of forty-five (45) feet as defined in Section 3505 of the Summit County Land Use & Development Code.

2. Setbacks and Disturbance Limitations

The attached conceptual development plan (Exhibit B) illustrates the existing building and accessory structures on-site. Site disturbance outside of the existing building and accessory structures as shown on the development plan shall be limited to: (a.) grading and surfacing of the driveway; (b) installation of utilities; (c) maintenance of existing landscaping areas on the property described herein.

3. Parking

At least one and one-half (1.5) parking spaces shall be required for each residential unit as well as the on-site manager's unit. No parking shall be permitted on County roads.

4. Open Space and Trails

A Public Use Area Fee is required prior to recordation of the Subdivision Exemption – Condominium plat or other applicable subdivision process, and in no circumstances shall a certificate of occupancy for the newly developed units be issued until such fee is paid .

5. Design Standards

Any remodel of the existing structure and accessory structures shall be designed with:

- ❖ Natural materials or non-natural materials that provide a similar appearance to the existing natural materials and colors so that the structures blend visually with the forest;
- ❖ Lighting for the exterior of the buildings or any freestanding lights shall comply with the Summit County Lighting Regulations as now in effect or hereinafter amended, with such lighting reviewed and approved during the Planning Department's site plan review for any structure; and,
- ❖ Roofing material that is non-reflective.

6. Transfer of Development Rights

Prior to recordation of this PUD Designation, the Owner/Developer shall have a development rights certificate issued by the County that meets the Transfer of Development Rights requirements listed in Section 3202.03 et seq. of the Development Code. Prior to recording this PUD Designation, the Owner/Developer shall purchase a development right certificate from the County, or otherwise obtain such a development right from an appropriate source, for the density needed to transfer in a total of one (1) unit to the PUD.

7. Landscaping

All areas disturbed by construction shall be revegetated in a manner that is free of weeds, as identified by the County as invasive, noxious, or otherwise, nuisance weed species prior to the issuance of any Certificate of Occupancy except as provided in Section 3606.01 of the County's Land Use and Development Code. All landscaping on site shall comply with the requirements of Section 3600 et. seq. of the Code.

C. REQUIRED IMPROVEMENTS

1. Access

Access to the site shall be maintained via the existing driveway as shown on the conceptual development plan. Nonetheless, in light of present concerns regarding the safety and adequacy of such means for access, prior to the issuance of a building and/or grading and excavation permit for the site, the developer shall complete the following items:

- a) Prior to the issuance of a building and/or grading/excavation permit for the project, the applicant shall submit for review and approval by the County Engineer an evaluation of the existing concrete retaining wall to be performed by a qualified professional engineer licensed in the State of Colorado.
- b) Prior to the issuance of a building and/or grading/excavation permit for the development, the applicant shall provide sufficient evidence to the approval of the County Engineer that the existing driveway to the underground garage conforms to the current County development criteria for driveway gradient. If such driveway is not in conformity with such standards, it shall be a requirement of this PUD that prior to any future work on that driveway, or the parking garage, or any substantial expansion or redevelopment of the building or the property, such driveway shall be revised to comply with such standards.

2. Water Systems

The Town of Breckenridge Public Works Department shall provide domestic water service. The Owner/Developer shall pay all appropriate tap fees.

3. Sewer Systems

The Breckenridge Sanitation District shall provide sewage disposal. The Owner/Developer shall pay all appropriate tap fees.

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 plat or condominium map, as applicable.

D. IMPLEMENTATION

1. Platting Requirements

Subdivision Plat: A Subdivision Exemption – Condominium plat or other applicable subdivision process shall be approved by the County prior to any development that involves the conveyance of any newly developed interest in the property from the Owner/Developer to any other parties.

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 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

- A. 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).
- B. Amendments to the provisions of this PUD Designation may be initiated by, and the applicant on any application for any such amendment may be, any of the following persons or entities (each, a "Permitted Applicant") acting alone or together:
 - (i) The County Commissioners,
 - (ii) The Planning Commission,
 - (iii) The Planning Director of the Planning Department,
 - (iv) Any owner of fee title to any real property within the Property on the condition that the owner's real property would be directly affected by such amendment (an "Affected Property Owner"),

- (v) Anyone having written permission from an Affected Property Owner, or a public entity having the power to obtain title to the property through condemnation.

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
Skiwatch Homeowners Association
c/o Carol Lenz Coward
64 Dolphin Drive
Treasure Island, FL 33706

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 Skiwatch 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

Due to the fact that the rezoning necessitates a transfer of development, action shall become effective when the PUD designation is signed by the BOCC and by the property owner or his agent and recorded in the office of the Clerk and Recorder, and after a transfer of development rights has been recorded pursuant to Section 3202.03 C.9. The applicant shall transfer all required development rights to the property within three years of the Board of County Commissioners meeting where action was taken on the planned unit development. If the applicant fails to complete the transfer of development rights within that time period, the approval of the planned unit development shall expire and become null and void.

8. PUD Review Requirements

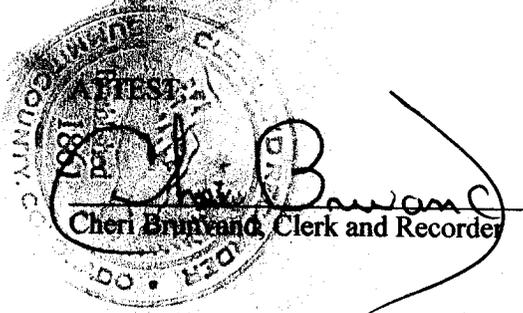
The Summit County Land Use and Development Code, Chapter 12, includes procedures and requirements for review of all Planned Unit Developments. The Owner/Developer shall be on notice of these requirements and their potential impact should new design guidelines be established.

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



Thomas A. Long, Chairman
Summit County BOCC

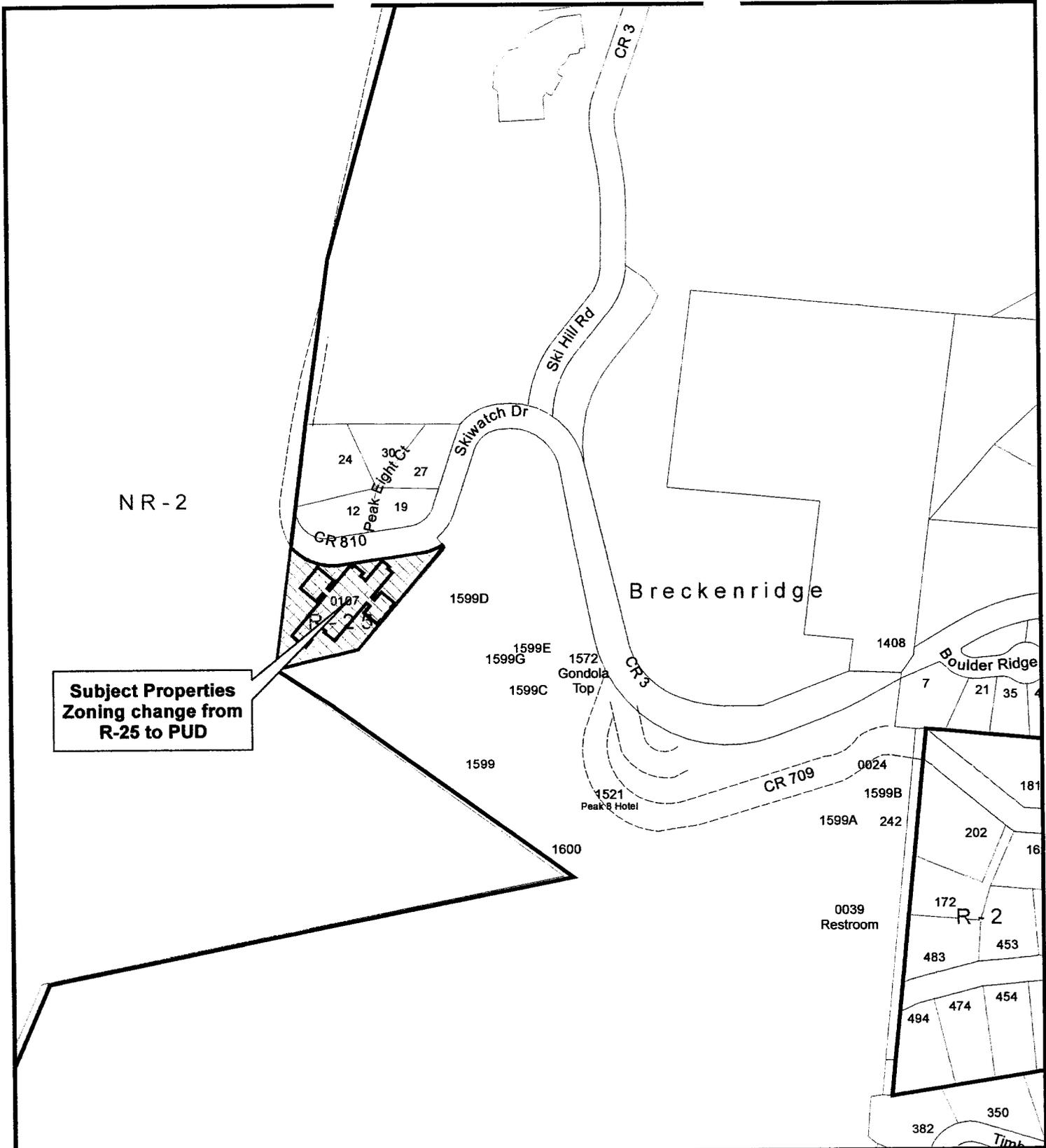




Barbara Chamberlain, President
Skiwatch Homeowners Association

Exhibit A

Skiwatch Condominiums, Buildings A & B, Units 1-38



Planning
Department

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For: Skiwatch Condos
Zoning change from R-25 to PUD

Adopted by the Summit County Board of County Commissioners

By: Thomas A. Long
Chairman

Date: 3/4/2008

Resolution No. 2007-061