

Stan Miller Inc.
Planned Unit Development Designation

This Planned Unit Development Designation, to be known as Stan Miller Inc., is approved this 26th day of September, 1988, 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 uses permitted on the property, its development plan and phasing, and specific development regulations which must be adhered to by Joseph S. Miller who is the owner and developer of the property, and is 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

Uses and development of the property shall be in accordance with the Development Plan attached as Exhibit "B" hereto and with the following specific requirements:

1. Permitted Uses

Uses permitted shall in general be those to be considered of a light industrial and service commercial nature with associated employee housing. Highway oriented commercial uses are specifically prohibited. Appropriate uses may include:

- a. Auto wash and polish
- b. Manufacture, fabrication, processing or assembly of products which comply with industrial/commercial performance standards in the Summit County Land Use and Development Code.
- c. Wholesale sales
- d. Warehousing including mini storage warehouses
- e. Storage of items related to permitted uses
- f. Retail sales of any commodity manufactured, processed, fabricated or warehoused on the premises
- g. Incidental retail sales of hardware or equipment, supplies and materials, except commercial explosives, for agriculture, mining, industry, business, transportation, building or other construction trades
- h. Terminals and facilities for commercial transportation and public transit vehicles
- i. Repair, rental and servicing of any commodity of which the manufacture, processing, fabrication, warehousing or sales is permitted
- j. Office and shops for trades such as electrician, plumber, cabinet makers, printers and other similar trades
- k. Professional offices for engineers, architects, planners and other similar consulting services
- l. Caretaker, guard or manager living quarters
- m. Aggregate and/or decorative rock production and sales

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- n. Auto body/paint
- o. Minor utility facility
- p. Employee housing limited to 3 units. Such housing may be in recreational vehicles if approved by the Planning Commission.

2. Permitted Density

The maximum permitted density on the property shall be 1:60 floor area ratio (i.e. 1 square foot of floor area for each 60 square feet of lot area) provided that all development standards as set forth herein and in any other applicable County regulations are satisfied. The density limits apply to each individual parcel.

3. Development Standards

All development and uses within the property shall meet the following standards:

a. Setbacks

Setbacks for structures and parking areas shall be 150 feet from the Highway 9 right of way line. All other setbacks shall be consistent with setbacks for the industrial zone in the Summit County Land Use and Development Code in effect at the time of site plan approval.

b. Building Height

Building height shall not exceed 35 feet with height as defined in the Summit County Land Use and Development Code.

c. Landscaping

All additional development shall incorporate landscaping to screen development from public right of ways and to prevent erosion. Restoration of rock crushing areas and reestablishment of native vegetation is encouraged. All landscaping shall be in accordance with the Summit County Land Use and Development Code.

d. Architectural Guidelines

Building design shall be subject to site plan approval as outlined in Section A.3.i. herein. Architectural guidelines shall be submitted and approved by the Upper Blue Planning Commission prior to or in conjunction with any new site plan application. The guidelines shall address the following items:

- (1) Rooflines: Variation in rooflines to break up building mass is required for all new construction.
- (2) Building materials: Siding shall be wood or other natural appearing material. Metal and concrete exterior siding may be permitted with approval by the planning commission. Roof materials and colors shall be nonreflective. Metal

nonreflective roofing material is acceptable.

(3) Colors: All colors used on building exteriors shall be nonreflective and neutral.

(4) Contouring of ground: When significant site work or landscaping is done the land shall be contoured to achieve topographic variety where feasible.

e. 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.

f. Signs

All signs shall meet the applicable requirements of the Summit County Sign Regulations.

g. Outdoor Storage

All outdoor storage areas shall meet building setback requirements and shall be screened from Highway 9 by landscaping, topography, setbacks and/or opaque fencing. In addition, all applicable requirements for storage in industrial zones in the Summit County Land Use and Development Code shall be met.

h. Parking

Parking shall meet the requirements of the Summit County Zoning Regulations in effect at the time of site plan approval. Location of new parking areas shall be subject to site plan approval as outlined in Section A.3.i. herein.

i. Site Plans

Prior to the issuance of any grading or building permit, establishment of any new permitted use, location of any new outdoor storage area, or location of any new parking area within the property, a site plan for the development or use meeting all applicable standards shall be approved by the County in accordance with procedures set forth in the Summit County Land Use and Development Code.

j. Blue River Corridor

The owner/developer recognizes that it is the intent of the Upper Blue Master Plan to reestablish a flowing river with pedestrian access in the Blue River Corridor. The owner/developer agrees to cooperate and participate in such efforts when such a plan is developed. Participation shall include dedication of an easement of sufficient width to include the river corridor and a pedestrian/bicycle pathway.

4. Platting and Resubdivision

Any resubdivision or condominium subdivision of the property shall comply with County Subdivision Regulations.

5. Development Schedule

The owner/developer intends to initiate development of the planned addition to the existing building in 1988.

B. UTILITIES AND IMPROVEMENTS

1. Utilities

Utilities and improvements are already provided to the property to a level acceptable for currently proposed development. Utilities and improvements for any additional proposed development shall be analyzed and provided as necessary at the site plan stage.

2. Access

Access to the property shall be provided by State Highway 9.

The owner/developer recognizes the possibility of the eventual development of a valley floor arterial which may be located on the subject property. The owner/developer will work with the County to determine a mutually acceptable location for the arterial.

3. Fire Protection

Fire protection shall be provided by the Red, White and Blue Fire District. Development of the property shall meet all applicable requirements of the District.

C. GENERAL PROVISIONS

1. Enforcement

The provisions of the planned unit development 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 requirement stated in this 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 applied for on the property, until such breach has been remedied; provided, however, that the County shall not take any 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

This planned unit development designation shall run with the land and be binding upon the owner/developer and the County, and 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 C.4. 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 this planned unit development designation shall be considered amendments to the County's Zoning Regulations and shall be reviewed and acted upon in the same manner as a rezoning application. Action on the proposed amendments 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 Applicant:

Joseph S. Miller
P.O. Box 804
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 and the County relative to the Stan Miller Inc. Planned Unit Development, and 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.

IN WITNESS WHEREOF, the County and the owner/developer have executed this Designation as of the date first above written.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

By: *Richard Levensgood*
Richard Levensgood, Chairman

ATTEST:



By: *Colleen Richmond*
Colleen Richmond, Clerk and Recorder

STAN MILLER INC. PLANNED UNIT
DEVELOPMENT

By: *Joseph S. Miller*
Joseph S. Miller

Stan Miller

