



TATRO PLANNED UNIT DEVELOPMENT DESIGNATION

This Planned Unit Development (PUD) Designation, to be known as Tatro, is approved on the 11th day of December 2000 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 conceptual development plan, and a statement of development guidelines and conditions which must be adhered to by Cheryl L. Tatro 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 general accordance with the conceptual development plan attached hereto as Exhibit B and the following specific requirements:

1. Uses

Uses permitted shall be those generally permitted within the County's Industrial Zoning District (I-1). All existing commercial uses on the property are allowed, in addition to those uses listed below:

Permitted Uses:

- A. Offices for professionals, businesses, and administration.
- B. Offices, shops, and associated outdoor/indoor storage areas for the following construction trades:
 - General contractors, builders, crane operators, excavators, sawmill (single person operation), concrete forming, electricians, plumbers, cabinet makers/wood workers or other skilled craftsman.
- D. Offices, shops, and associated outdoor/indoor storage areas related to waste management operations:
 - Sewer and drain services, septic pumping, grease trap pumping, sand trap pumping, water line thawing, roll-off construction dumpsters, and portable toilets.
- E. Commercial trucking/transportation services including snowplowing operations.

Prohibited Uses:

- Residential uses are prohibited. The two existing residential structures must be removed prior to issuance of a certificate of occupancy for any new building on the site.
- Commercial/retail/wholesales of any product and/or service are prohibited.
- Bars, taverns, restaurants, markets, and schools are prohibited.
- There shall be no manufacturing, fabrication, processing or assembly of products other than that associated with the above permitted uses.
- The storage of live animals and commercial explosives are prohibited.
- Outside storage of junk, including machinery or vehicles not in operating condition, is prohibited.
- Uses that create a nuisance or hazard to others in the community is prohibited. This includes, but is not limited to, significant or continuous noise, vibration, odors, radio or electronic interference, heat, or glare from lighting emanating from any use.
- Outdoor display of merchandise is prohibited.

Where a question arises concerning a use not specifically listed above, the Summit County Planning Director shall make the initial determination. This determination shall stand, unless appealed to the Upper Blue Planning Commission upon a written request of the Owner. At that time, the Upper Blue Planning Commission shall review the request and make a final determination.

2. Permitted Density

The permitted density for all uses on the property shall be 9,617square feet (1:36 FAR (floor area ratio i.e. one square foot of floor area for each 36 square feet of lot area) with a total maximum achievable density of 13,939 square feet (1:25 FAR). The density above 9,617 square feet to the total maximum 13,939 square feet of density may only occur with a transfer of density in accordance with all applicable Summit County regulations and policies. The permitted and maximum allowed densities are not guaranteed. All development standards as set forth herein, and all other applicable Summit County regulations must be satisfied. Density shall be calculated by adding the total square footage of each floor of a building regardless of its use. This shall include basement areas and storage areas, and shall be measured from the outside of the exterior walls.

B. DEVELOPMENT STANDARDS

All new buildings, additions to existing buildings, or new uses on the site are subject to the following development standards and all applicable regulations of the Summit County Land Use and Development Code:

1. Building Height Standards

Building heights for any structure on site shall not exceed 35 feet, as defined and measured by the Summit County Land Use and Development Code in affect at the time of site plan review. Fence and wall heights shall not exceed six (6) feet above existing grade in the front yard setback, and 10 feet above existing grade on the rest of the property. At no time may fences and/or walls cause a visual obstruction at access points. Fences and walls within site distance triangles are limited to three and one-half (3 ½) feet above existing grade.

2. Setbacks

Setbacks for all buildings and parking areas shall be as follows:

	Buildings	Parking Areas
North/Side:	30’*	15’
South/Side:	30’*	15’
East/Highway 9/Front:	150’	150’
West/Rear:	30’*	15’

*If side or rear of site abuts residential zone or use, setback requirements shall be two times the height of structure nearest shared property line, or 45’, whichever is greater.

**Building to building setbacks shall be governed by the Uniform Building Code.

3. Parking

Parking shall meet all the requirements of the Summit County Land Use and Development Code in place at the time of site plan review. The number, location, and design of parking areas shall be subject to site plan review and approval as outlined Section B.11 herein.

4. Site Coverage

Building site coverage shall not exceed 4% of the total (gross) site area. Impervious surfaces, including buildings, paved roads, paved driveways, paved parking areas, and paved outdoor storage areas shall not exceed 50% of the total (gross) lot area.

At no time shall any new building, new road, new pavement, new outdoor storage, or any site disturbance occur within 150' of the eastern property line adjacent to Highway 9. This treed buffer area is to remain as open space in perpetuity of the Tatro PUD. Any improvements to this area, including forest management, must be reviewed and approved by the Summit County Planning Department and/or Upper Blue Planning Commission prior to any site work.

5. Landscaping

Landscaping shall be required for all future development—all new buildings, additions to existing structures, and new uses 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 Design Guidelines

All new building design and modifications to the existing structures shall be subject to site plan approval, as outlined in Section B.11 herein, and shall meet the following guidelines:

- a. **Rooflines:** Continuous linear roof lines in excess of 75 feet shall be treated with 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 the adjacent properties.
- b. **Building Materials:** Exterior building materials shall not unduly contrast with the site's background. The uses of natural materials such as logs, timber, wood siding, and stone are encouraged because they reflect the area's indigenous architecture and weather well. Stucco or brick, provided that an earth tone color is selected, are acceptable building materials. Non-reflective metal material is also acceptable. Roof materials and colors shall be non-reflective.
- c. **Mechanical and Utility Equipment:** All roof and/or wall mounted mechanical and utility equipment (i.e. heating, ventilating, air conditioning, etc.) must be screened from view of adjacent properties.
- d. All exposed metal, including flues, vents, and flashing, shall be painted to match the wall or roof plain that they are on, or a flat dark color so as to be non-reflective and blend into the surroundings.

- e. **Satellite Antenna Dishes:** All satellite antenna dishes shall be painted to match the wall or roof that they are located on in order to reduce their visual impacts to the surrounding properties.
- f. **Fences and Walls:** Fences and walls shall be of a natural material and color such as wood, rock, or stone. Barbed wire or electrical charged fences are prohibited. Where chain link fences are used to enclose storage areas, such fences shall be equipped with slats in order to create an opaque screen as required in the Summit County Land Use and Development Code. (Please refer to Section 9 Outdoor Storage Areas and Yards below for additional details.)

7. Lighting

The exterior lighting needed on the site, and the type of lighting fixtures shall be determined at the time of site plan review. All lighting on the property shall be downcast and directed into the site. All bulbs must be placed in enclosed fixtures and shielded from the view of adjacent properties to reduce glare. Lighting which results in excessive glare beyond the boundaries of the property shall be prohibited. Any light that simulates, imitates or conflicts with warning signals, emergency signals, or traffic signals are prohibited. The maximum intensity of on site light shall not exceed 10 foot candles. Maximum fixture height shall not exceed 35’.

8. Signs

A comprehensive sign program for the entire property shall be required prior to the replacement of any existing sign or placement of any additional sign on the property. 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.

9. Outdoor Storage Areas and Yards

All new outdoor storage areas and associated screening shall be subject to site plan approval as outlined in Section B.11 herein. All outdoor storage areas shall be restricted to the sides or rear of the property, outside of the required building setbacks, and meet the ownership, height, and design requirements contained within this PUD. Specifically,

- **Ownership of Items:** All stored items must either be owned by the Owner of the property or by a tenant residing on the property.
- **Location:** Outdoor storage areas shall be allowed in the side or rear yards of the property and not within in any required setbacks.
- **Height:** The fences and walls of outdoor storage areas are limited to 10 feet in height, unless otherwise approved by the Planning Commission.
- **Screening:** Outdoor storage areas must be enclosed by an opaque fence or wall. Fences and walls shall be of a natural material and color such as wood, rock, or stone. Barbed wire or electrical charged fences are prohibited. Where the fence or wall around an outdoor storage area includes a gate, the gate shall be constructed of solid materials so as to be opaque. Chain link fences and gates are permitted if equipped with wooden slats to create an opaque screen.

All existing outdoor storage areas must be brought into compliance with the above standards prior to issuance of a certificate of occupancy for any building on the property.

10. Industrial Performance Standards

The performance standards of Section 3512 of the Summit County Land Use and Development Code shall be applicable to all uses within the Tatro PUD. These standards govern electrical disturbances, fire and heat hazards, glare and heat, lighting, noise, odors, particulate emissions, radioactivity, smoke, and vibration.

11. Site Plans

Prior to the establishment of any additional permitted use, location of any additional outdoor storage area, location of any additional parking area, and prior to any site disturbance within the property, a site plan for the development or use meeting all standards of this PUD and all specified Summit County Land Use and Development Code standards shall be reviewed and approved by the County.

C. REQUIRED IMPROVEMENTS AND IMPLEMENTATION

1. Platting and Resubdivision

The eight acre Tatro property has never been legally subdivided. A final plat to create this property must be recorded with the Summit County Clerk and Recorder prior to issuance of any building permit for the property. The final plat must be reviewed and approved by the Upper Blue Planning Commission prior to recordation. The final plat shall show the 30' easement on the northern portion of the property to the satisfaction of the Summit County Engineering Department. Future resubdivisions and condominium subdivisions of the property are subject to all Summit County Subdivision regulations.

2. Access

Access to the property from Highway 9 is currently provided through a 30' wide access easement on the adjacent northern property. On the property, the internal road system consists of a looped gravel/dirt road. Due to the low amount of vehicle trips generated by the uses on site, the Summit County Engineering Department has not required any improvements to the internal road system. However, they have requested a 30' easement on the northern portion of the property to facilitate the future construction of public right of way. The 30' easement shall be shown on the final plat.

3. Water Systems

Water service to the uses within the Tatro PUD are provided by a well permit from the State Engineer. The well permit is for commercial use only. (No residential or outside uses permitted.) Consequently, the two existing residential structures must be removed from site. These structures must be removed prior to issuance of a certificate of occupancy for any building on the property.

4. Sewer Systems

Sewer service to the property is provided through four existing on site septic systems. The septic systems associated with the residential uses must be removed and/or pumped out and sealed to the

satisfaction of the Summit County Environmental Health Department. These systems must be removed and/or pumped out and sealed prior to the issuance of a certificate of occupancy for any building on the property. In addition, the Environmental Health Department may require upgrades to the existing systems or connection into the nearby Breckenridge Sanitation District system in conjunction with any modification to the existing structures or any new development.

5. Fire Protection

The entire property is located within the jurisdiction of the Red, White and Blue Fire Protection District. The District is comfortable with the existing road system, and future uses and development on the property shall meet the fire protection requirements of the District.

6. Development Schedule

The Owner/Developer intends to begin the required improvements during 2001 or 2002 by submitting a final plat, and removing the residences and associated septic systems. Development within the property shall begin after completion of these items.

D. GENERAL PROVISIONS

1. Enforcement

The provisions of the Tatro PUD designation and the general development plan relating to the use of land 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 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 conceptual development plan. Provisions not expressly stated as running in favor of the 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. Modifications or Amendments

Modifications or amendments to the provisions of the Tatro PUD designation shall be reviewed and acted upon as a rezoning application, subject to the Summit County Land Use and Development Code'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

Cheryl L. Tatro and William H. Tatro, Jr.
PO Box 2917
Breckenridge, CO 80424

All notices so given shall be considered delivered three (3) days after the mailing thereof, excluding weekends and official holidays. 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 Tatro PUD, 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

BY: William C. Wallace
William C. Wallace, Chairman

ATTEST:

Cheri Brunvard
Cheri Brunvard, Clerk and Recorder

Cheryl Tatro
Cheryl Tatro, Owner/Developer

NOTARY:

STATE OF COLORADO)
) SS
COUNTY OF SUMMIT)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 7th DAY OF SEPTEMBER, 2001 BY CHERYL TATRO.

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC Sara L. Scholten

MY COMMISSION EXPIRES 9-30-03

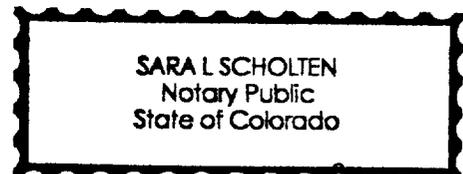


EXHIBIT A

A TRACT OF LAND BEING A PORTION OF THE BRYAN PLACER, U.S. MINERAL SURVEY NO. 14025, LOCATED IN SECTION 18, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SUMMIT COUNTY, COLORADO. SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 5 OF SAID BRYAN PLACER, THENCE S 12°01'49" W ALONG THE 4-5 LINE OF SAID BRYAN PLACER A DISTANCE OF 379.34 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING S 12°01'49" W ALONG SAID 4-5 LINE A DISTANCE OF 670.93 FEET; THENCE S 77°51'44" E A DISTANCE OF 471.39 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY NO. 9; THENCE NORTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY NO. 9 FOR THE FOLLOWING THREE COURSES:

- 1) N 14°02'30" E A DISTANCE OF 566.85 FEET;
- 2) N 13°23'43" E A DISTANCE OF 197.27 FEET;
- 3) 17.17 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTER ANGLE OF 00°21'12", A RADIUS OF 2784.79 FEET AND A CHORD WHICH BEARS N 11°53'14" E 17.17 FEET DISTANT TO A POINT ON THE NORTH LINE EXTENDED OF A TRACT OF LAND DESCRIBED IN BOOK 242 AT PAGE 770 IN THE OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER;

THENCE N 77°51'44" W ALONG SAID NORTH LINE EXTENDED A DISTANCE OF 152.38 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 242 AT PAGE 770 IN SAID OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER; THENCE S 11°54'32" W ALONG THE EAST BOUNDARY OF SAID TRACT OF LAND DESCRIBED IN BOOK 242 AT PAGE 770 A DISTANCE OF 70.00 FEET TO A FOUND NO. 4 REBAR BEING THE SOUTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 242 AT PAGE 770 AND ALSO BEING THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN BOOK 213 AT PAGE 700 IN SAID OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER; THENCE S 13°10'32" W ALONG THE EAST BOUNDARY OF SAID TRACT OF LAND DESCRIBED IN BOOK 213 AT PAGE 700 A DISTANCE OF 70.06 FEET TO A FOUND NO. 4 REBAR, BEING THE SOUTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 213 AT PAGE 700; THENCE N 80°46'41" W ALONG THE SOUTH BOUNDARY OF SAID TRACT OF LAND DESCRIBED IN BOOK 213 AT PAGE 700 A DISTANCE OF 104.48 FEET TO A FOUND NO. 4 REBAR, BEING THE SOUTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 213 AT PAGE 700; THENCE N 13°10'32" E ALONG THE WEST BOUNDARY OF SAID TRACT OF LAND DESCRIBED IN BOOK 213 AT PAGE 700 A DISTANCE OF 57.09 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID TRACT OF LAND DESCRIBED IN BOOK 242 AT PAGE 770; THENCE N 87°46'41" W ALONG THE SOUTH BOUNDARY OF SAID TRACT OF LAND DESCRIBED IN BOOK 242 AT PAGE 770 A DISTANCE OF 54.47 FEET TO A NO. 4 FOUND REBAR; THENCE N 12°09'04" E ALONG THE WEST BOUNDARY OF SAID TRACT OF LAND DESCRIBED IN BOOK 242 AT PAGE 770 A DISTANCE OF 97.66 FEET TO THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 242 AT PAGE 770; THENCE S 71°27'39" W A DISTANCE OF 215.60 FEET TO THE TRUE POINT OF BEGINNING.

