

6 PAGES

RESOLUTION NO. 96- 11

Before the Board of County Commissioners

County of Summit

State of Colorado

APPROVING A FINAL REZONING FROM R-4 W/PLAN TO PUD TO CREATE A 1.063 ACRE PUBLIC OPEN SPACE TRACT AND TRANSFER EIGHT (8) OF THE FIFTEEN (15) RESIDENTIAL UNITS ALLOCATED TO THE PROPERTY UNDER THE CURRENT R-4 W/PLAN ZONING TO LOT 10 OF THE OVERLOOK SUBDIVISION #1 WITH AN ACCOMPANYING ABANDONMENT OF THE REMAINING SEVEN (7) ALLOCATED UNITS OF DENSITY IN PERPETUITY, BLOCKS 12 & 13, WOODMOOR @ BRECKENRIDGE (Applicant: Cliffside LLC, c/o Brian Stillwell)

WHEREAS, Cliffside LLC, c/o Brian Stillwell has applied to the Board of County Commissioners for final rezoning approval to rezone a 1.063 acre tract from R-4 w/plan to PUD to limit any and all use of the subject property to public open space and transfer eight (8) of the fifteen (15) residential units allocated to these parcels under the current R-4 w/plan zoning to Lot 10 of the Overlook Subdivision #1 with an accompanying abandonment of the remaining seven (7) units of allocated density in perpetuity, Blocks 12 & 13, Woodmoor @ Breckenridge; and,

WHEREAS, the Community Development Division and the Upper Blue Planning Commission have reviewed the application and recommended that it be approved; and,

WHEREAS, the Board of County Commissioners has reviewed the application at a public hearing with public notice as required by law on February 26, 1996 and considered the evidence and testimony presented at that hearing; and,

WHEREAS, the Board of County Commissioners finds as follows:

1. The proposed rezoning is consistent with both the Upper Blue Master Plan and Countywide Comprehensive Plan because it will help protect an important wetland area and riparian/stream corridor from the adverse impacts of development and provide additional public open space in a visually sensitive area. The Master Plan also emphasizes the importance of maintaining or enhancing recreational trail systems and public open space areas. Such a rezoning and accompanying dedication of these parcels as open space will protect an important trail link between Illinois Gulch and upper Boreas Pass Rd. and provide open space in an already developed area.
2. The proposed rezoning is consistent with the purpose and intent of the County's Zoning Regulations since it will help to protect the environmental quality of the Illinois Creek drainage, provide public open space, and protect visually sensitive areas.
3. The County's rezoning policies are not applicable to this application since no development of the subject property is proposed.
4. The proposed rezoning is compatible with the surrounding area and land uses because it will provide for open space and protect visually sensitive areas immediately adjacent to a variety of multi-family developments that in many cases serve as housing for local residents.
5. The proposed rezoning is fully consistent with the public health, safety, and welfare because it will protect the waters of Illinois Creek and the accompanying wetlands from possible degradation caused by development of these parcels.

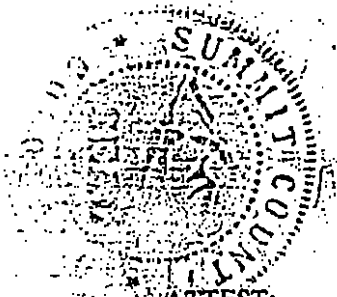
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SUMMIT COUNTY RECORDER

6. The proposed rezoning is justified because; 1) the original R-4 w/plan zoning was in error since it allocated a type of use and density that is not compatible with the type and level of development constraints found on the properties, and 2) the County's overall development philosophy now stresses the importance of protecting environmentally and visually sensitive areas and providing public open space within already developed areas.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO, THAT a request for final rezoning approval to rezone a 1.063 acre tract of land from R-4 w/plan to PUD to limit any and all use of the subject property to public open space and transfer eight (8) of the fifteen (15) residential units allocated to these parcels under the current R-4 w/plan zoning to Lot 10 of the Overlook Subdivision #1 with an accompanying abandonment of the remaining seven (7) units of allocated density in perpetuity, Blocks 12 & 13, Woodmoor @ Breckenridge is hereby approved.

ADOPTED this 26th day of February, 1996.



ATTEST:

Doris L. Brill
Doris L. Brill, Clerk & Recorder

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

BY:

Gary M. Lindstrom
Gary M. Lindstrom, Chairman

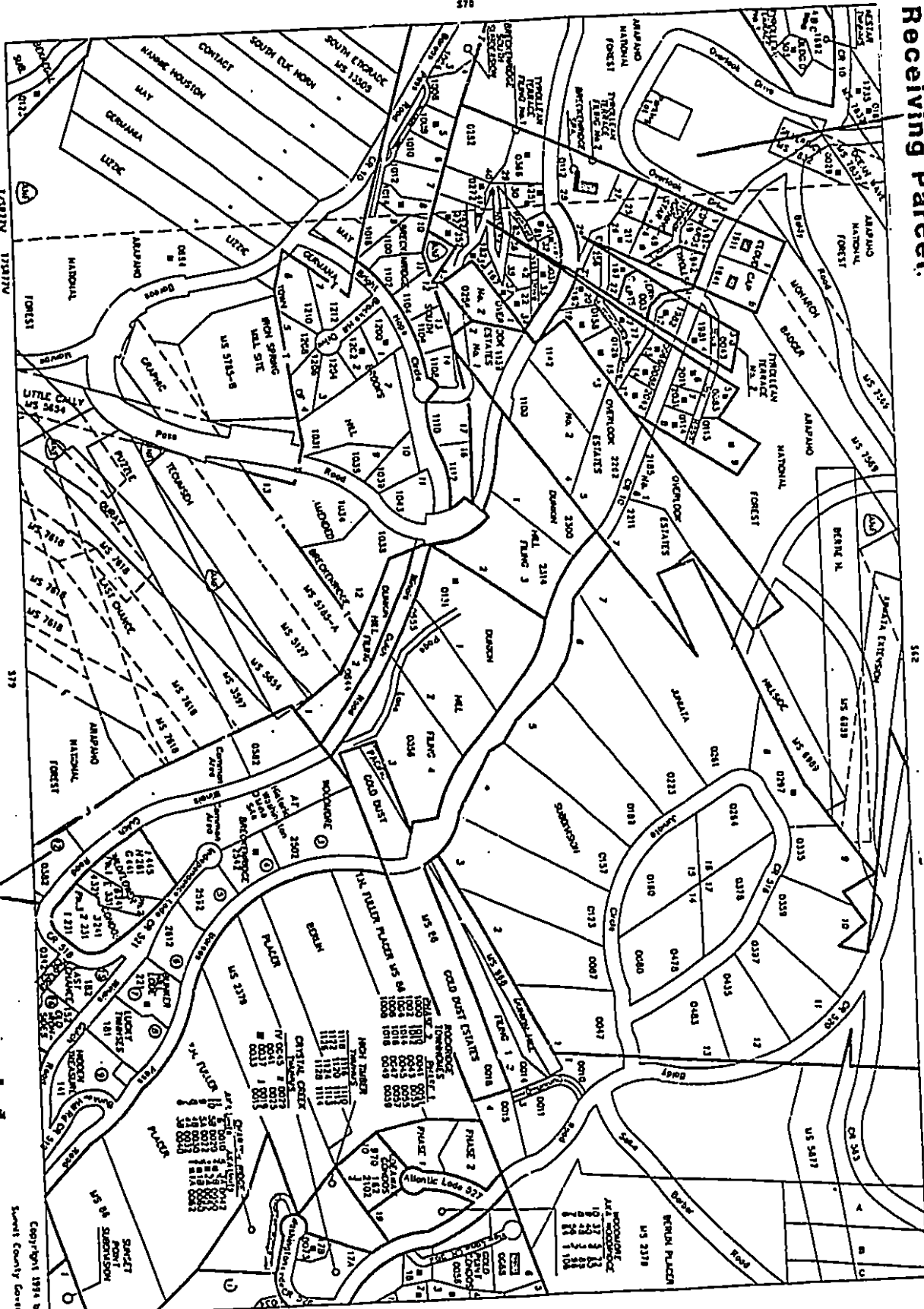
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to form

[Signature]
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VICINITY MAP

Receiving parcel.



SECTION 6 SECTION 5

This map is for address purposes only. It is not intended to be used by surveying instruments.

Sending parcel

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S71

RURAL ADDRESS MAP

SCALE IN FEET
1" = 100'



REVISED
3/27/85



**BLOCKS 12 & 13, WOODMOOR @ BRECKENRIDGE
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as Blocks 12 & 13, Woodmoor @ Breckenridge is approved this 26th day of February, 1996 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 as Blocks 12 and 13, Woodmoor @ Breckenridge, 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 Cliffside LLC, c/o Brian Stillwell 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 limited to the uses established under the following Section A.1 of this designation:

1. Permitted Uses

The use of the property shall be limited to public open space purposes only. Any and all development rights allocated to this property under the previous R-4 w/plan zoning designation are hereby abandoned in perpetuity due to the transfer of eight (8) of those rights to Lot 10 of the Overlook Subdivision #1.

B. DEVELOPMENT STANDARDS

1. Designated Open Space Areas/Public Use Areas

- a. Open space areas: The open space areas as shown conceptually in Exhibit B shall remain open and free from all improvements

C. 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

Cliffside LLC c/o Brian Stillwell
PO Box 1490
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 Blocks 12 & 13, Woodmoor 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 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**

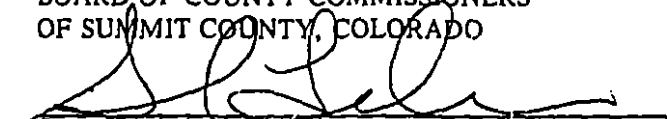
This designation must be signed by both the Summit County Board of County Commissioners and the Owner/Developer and must be recorded by the Summit County Clerk and Recorder in order to become effective. The effective date shall be the date of recordation.

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.

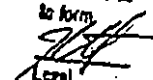
IN WITNESS WHEREOF, the County and the Owner/Developer have executed this Designation, as of the date first written above.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO


Gary M. Lindstrom, Chairman

ATTEST: 


Doris L. Brill, Clerk and Recorder

Approved as
to form

Legal

Brian Stillwell, Cliffside LLC



ATTEST:



ROBERT H. S. FRENCH