



1037206

Kathleen Neel - Summit County Recorder

14 Pages

9/19/2013 2:48 PM

DF: \$0.00

**ANTLER'S GULCH  
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as Antler's Gulch, originally approved on the 25<sup>th</sup> day of January, 1999 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", and revised on the 10<sup>th</sup> day of January, 2006, is hereby further revised the 22<sup>nd</sup> day of May, 2012. 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 Moon Valley Associates, LLC and their successors and assigns, 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.

Where this Designation does not address a specific development standard or requirement of the Summit County Land Use and Development Code ("Development Code"), the provisions of the Development Code shall apply. Where the Designation addresses a specific development standard or requirement, the provisions of this PUD Designation shall supersede the provisions of the Development Code.

**A. PERMITTED USES AND DEVELOPMENT PLAN<sup>1</sup>**

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**

Tract A:

Up to a maximum of 8 multi-family residential dwelling units not to exceed a total of 16,240 sq. ft., encompassed in no more than four (4) separate structures.

Tract B:

Up to a maximum of 29 multifamily residential dwelling units not to exceed 34,450 sq.ft., encompassed in no more than five (5) separate structures.

**2. Conditional/Accessory Uses**

Only those uses identified under Section A.1 of this PUD designation are allowed on this property.

**3. Animal Keeping**

Due to concerns over wildlife movement, the keeping of dogs shall be restricted to ensure that the potential for encounters between dogs and wildlife are abated. The Antler's Gulch Designation, and/or Rules and Regulations, shall be modified to contain reasonable restrictions

<sup>1</sup> Because this project constitutes a higher base net density than recommended under the 1994 Snake River Master Plan (9.7 equivalent units/net developable acre vs. 6.5 equivalent units/net developable acre), 12 equivalent units were irrevocably transferred from the Ski Tip West, Tieve I & II Parcels to this PUD via a restrictive covenant approved by the County Attorney's office and recorded against the Tieve I & II Parcels on March 19, 1999 under Reception Number 590859, thereby reducing the allocated density of the Tieve I & II parcels under the Ski Tip West PUD by 12 equivalent units.

on dog keeping, including, restrictions on quantity of dogs, control of dogs, and cleaning and removal of dog waste. Said HOA documents shall at all times ensure that dogs shall remain on a leash when on the common areas on the Property, and owners shall be responsible for the cleaning of all waste and refuse related to such dog keeping. The keeping of cats shall be restricted as per the provisions of the R-6 zoning district or as hereafter amended.

#### **4. Affordable Housing**

Prior to recordation of this PUD Designation in the Office of the Clerk and Recorder or issuance of any permits for Antlers Gulch, Tract A, the Owner/Developer of Antlers Gulch, Tract A shall purchase an existing residential unit, which unit shall immediately upon purchase by Owner/Developer be made available for sale as an affordable housing unit through the Summit County Housing Authority (SHA) in accordance with SHA's applicable policies, procedures and guidelines for pricing and sale of such unit to an income qualified person employed and residing in Summit County, Colorado. For an initial 30 day time period, the unit shall be offered for sale only to persons employed within the Snake River Basin. After this 30 day time period, the unit may then be offered for sale to persons employed anywhere within Summit County. Prior to its purchase by Owner/Developer, the existing residential unit shall be inspected and approved by SHA. It is preferred that the subject unit be located in the Keystone Resort Area, which area is herein defined to include the following neighborhoods as identified in the Snake River Basin Master Plan adopted on October 21, 1994: River Run, Ski Tip/Jones Gulch, North Fork, Base II, Aspen Ridge, Mountain House, Lakeside, Soda Ridge, Wintergreen, Old Keystone and Keystone Ranch. If no unit is found by Owner/Developer in the Keystone Resort Area that otherwise meets the requirements of this condition, then Owner/Developer may satisfy this condition by purchasing a unit located elsewhere in the Snake River Basin. The subject unit shall contain not less than 900 square feet of living area except that it may contain not less than 850 square feet of living area if it is located within Tract B of the Antler's Gulch PUD. The Owner/Developer's sales price of the unit shall be set in accordance with the SHA's Affordable Housing Guidelines. The Owner/Developer shall cooperate with SHA in all respects for the purpose of buying, selling and placing a deed restriction on the subject unit restricting the use, sale, resale and occupancy of such unit solely for affordable housing purposes. The deed restriction shall be in a form acceptable to the County and SHA and shall be recorded in the Office of the Clerk and Recorder prior to recordation of this PUD Designation or issuance of any permits for Antlers Gulch, Tract A.

### **B. DEVELOPMENT STANDARDS**

#### **1. Building Height**

Building heights shall not exceed 35 feet as defined in Section 3505.06 of the Summit County Land Use & Development Code. On Tract A, the grade that has been established under the authorization of Grading and Excavation Permit #99-064, shall constitute 'natural grade' for the purpose of measuring height in accordance with Section 3505.06 of the Development Code. Without substantial justification at the time of site plan review as determined by the Snake River Planning Commission, maximum FFE's for the buildings on Tract B shall also be restricted as shown on the approved conceptual development plan accompanying this designation as Exhibit B as follows: Bldg. #1: 9,250.5 ft.; Bldg. #2, 9,261 ft.; Bldg. #3, 9,259 ft.; Bldg. #4, 9,263 ft.; & Bldg. #5, 9,253 ft.

## 2. Setbacks

ROW of Highway 6	50 ft.
East & West (side) property lines	15 feet
North property line	25 ft.
Wetlands	25 ft. (this is a no soil disturbance buffer)
Stream/waterbody	25 ft. (this is a no soil disturbance buffer)

As per Exhibit B, these property line setback requirements apply to parking areas as well as structures.

## 3. Parking

Minimum parking requirements shall be as follows:

- Tract A: 2 spaces/unit (add an additional ½ space per unit for common/guest parking for units that use individual garages, accessed by a driveway, to meet this requirement)
- Tract B: 54, external, non-tandem spaces -- and 18 garage spaces that can be in a tandem configuration

The provision of recreational equipment storage shall be determined by the basin planning commission during site plan review per the requirements of the Summit County Land Use and Development Code.

No parking shall be permitted on County roads. All parking shall be paved.

## 4. Designated Open Space Areas/Public Use Areas

- Open space areas:** The open space areas as shown conceptually in Exhibit B shall remain open and free from all improvements except landscaping, utility work and access.
- Public use areas:** Pursuant to Section 8601 of the Summit County Land Use & Development Code, the Owner/Developer is required to provide public use areas. The requirement for public use areas may be met by either payment of fees, land dedication, or obtaining credits for construction of recreational facilities. In this instance the public use area requirements shall be met by payment of \$575/dwelling unit (employee units are exempt per the provisions of Section 8601.02(A) of the Summit County Land Use & Development Code) at the time such residential units are platted or the property is further subdivided.
- Trail Dedication:** Dedication of that portion of the Oro Grande Ditch that crosses the NW corner of the property as a non-motorized public trail easement occurred during the subdivision of the Antlers Gulch Property into Tract A and Tract B. Such easement is depicted on the final plat of the Antlers Gulch Subdivision, which was recorded on July 29, 1999 under Reception Number 601531. Per the County Open Space and Trails Department, all required improvements to that portion of the Oro Grande Trail within the boundaries of the PUD were completed as part of the development of Tract B. The value of said dedication and trail improvements was deducted from the public use area fee referenced above for the dwelling units on Tract B.

**5. Wetlands**

It is the intent of this PUD to preserve wetlands from development wherever possible. No soil disturbance within 25 feet of any wetlands on the property or adjacent to it shall be allowed.

**6. Signs and Lighting**

All signs shall comply with the Summit County Sign Regulations as now in effect or hereafter amended. All exterior lighting shall comply with the applicable provisions of the Summit County Land Use and Development Code, and shall be downcast and non-glaring on adjacent properties. In the future, if any nonconforming light fixtures are ever damaged or replaced, the replacement fixtures shall comply with the lighting provisions set forth in this section (Section B.6) of the PUD.

**7. Site Plan Review**

The project shall comply with Section 12600 of the Summit County Land Use and Development Code. Densities of development indicated in Exhibit B represent maximum permitted densities and levels of use and each proposed development phase must meet all applicable standards and requirements as contained in the Summit County Land Use & Development Code unless such standards and requirements are specifically waived or modified by the terms of this designation.

**8. Design Standards**

All development within this PUD shall comply with the design standards set forth in the Snake River Master Plan and the Summit County Land Use and Development Code, as currently in effect or hereafter amended. Compliance with the applicable design standards shall be ensured during any site plan review for development within the PUD.

**9. Bus Stop**

In light of the fact that this development may generate the need for a public transit stop somewhere in the vicinity, the Owner/Developer shall provide an easement for a bus stop on-site if deemed necessary by the Summit Stage in a location determined by the Stage as part of any site plan application for this PUD. Such easement shall be provided even if it impacts the Owner/Developer's ability to achieve the maximum allowed density under this PUD.

**10. Efficient Building**

Buildings have a tremendous impact on the environment – both during construction and through their operation. Therefore, considering ways to reduce the pressures or impacts resulting from new construction and existing structures can help protect our environment. A pragmatic means to address this is incorporating efficient building standards into new developments and remodels. Efficient standards refer to building design, construction strategies, and maintenance techniques that reduce environmental impacts by incorporating energy efficiency, water conservation, water minimization, pollution prevention, resource-efficient materials and indoor environmental quality in all phases of a building's life. Efficiently built homes may be more affordable, due to lower operating costs and higher performance, and may also offer homeowners greater comfort, reduced maintenance costs, and higher resale value.

Future development and remodels within the PUD are encouraged to use technologies, products and practices, which:

- Conserve water.
- Provide greater energy and materials efficiency.
- Reduce resource depletion and pollution.
- Protect indoor air quality; and
- Result in a more durable, comfortable home.

## **C. REQUIRED IMPROVEMENTS**

### **1. Access**

- a. Roadways:** Access to the property and to all building sites shall be provided by a driveway as per Exhibit B. Said driveway shall be built to applicable County standards and have a 50 foot wide access/utility easement and a five (5) foot wide snow storage easement on either side of the access/utility easement. The access off Highway 6 shall meet all requirements of the State Highway Department.

### **2. Water Systems**

Water supply for the development shall be provided by the Snake River Water District in conformance with all District standards and regulations. Adequate fire flows shall be provided as determined by the Snake River Fire District.

### **3. Sewer Systems**

Sewage disposal for the development shall be provided by the Snake River Sewer Fund in conformance with all Fund standards and regulations.

### **4. Fire Protection**

The entire property is located within the Snake River Fire Protection District. All development on the property shall meet all fire protection requirements of the District. Fire and emergency vehicle access shall be provided in compliance with the requirements of the Snake River Fire Protection District and the Summit County Road & Bridge standards.

### **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. Easements for all utilities shall be shown on the final plat.

**6. Landscaping**

Landscaping improvements shall be required as part of any site plan required pursuant to Summit County Regulations. Landscaping for the PUD shall comply with the requirements of Section 3600 et.seq. and 4300 et.seq. of the Summit County Land Use & Development Code and be in substantial conformance with the landscape plan shown on Exhibit B. Revegetation of all disturbed areas shall be required in accordance with Summit County Landscaping and Grading & Excavation Regulations.

**7. Grading and Drainage**

A revised grading and drainage plan shall be submitted with any site plan application for the proposed multifamily residential units on Tract A. The plan shall include the new amount of impervious area in order to verify that the existing detention pond on Tract A is sized properly. The plan shall be reviewed and approved by the County Engineer during the site plan review process.

**D. IMPLEMENTATION**

**1. Platting Requirements**

A subdivision plat or an exemption plat, whichever is appropriate under the Summit County Subdivision Regulations, shall be approved by the County prior to any subdivision of the property.

**E. GENERAL PROVISIONS**

**1. Enforcement**

The provisions of the Antler's Gulch 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 Antler's Gulch 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 Antler's Gulch 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 Antler's Gulch 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 the Antler's Gulch 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), unless such amendment is determined to be minor in nature.

**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  
PO Box 68  
Breckenridge, CO 80424

Notice to Owner/Developer:

Moon Valley Associates, LLC  
68 South Winstone  
North Barrington, IL 60010

All notices so given shall be considered delivered three days after the mailing thereof, excluding weekends or 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 Antler's Gulch Planned Unit Development Designation, 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. 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 & Recorder in order to become effective. The effective date shall be the date of recordation.

**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.

**9. Relationship to Original PUD Designation and Previous Amendments**

To the extent the provisions of this revised Designation are the same in substance to the provisions of earlier approved versions of this Designation, they shall be considered as continuations thereof and not new enactments. Where provisions of this revised Designation conflict with earlier approved versions of the Designation the provisions of this revised Designation shall supersede and replace such provisions.

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/ Thomas A. Long\*  
Thomas A. Long, Chairman

ATTEST:

/s/ Cheri Brunvand\*  
Cheri Brunvand, Clerk and Recorder

OWNER/DEVELOPER

/s/ Daniel J. Hennessy\*  
EDH Properties, LLC, Manager



ATTEST:

/s/ Stephanie Rzepa\*  
Stephanie Rzepa, Notary Public  
State of Colorado

\* Denotes the original signatories to the Antler's Gulch PUD Designation, originally approved on January 25, 1999.

**APPROVAL OF AMENDMENTS**

The foregoing document is the Antler's Gulch Planned Unit Development Designation as amended and approved by the Summit County Board of County Commissioners on the 22<sup>nd</sup> day of May, 2012 by Resolution No. #2012-032.

The planned unit development document dated the 25<sup>th</sup> day of January 1999 and recorded at Reception No. 590858 and amended on January 10, 2006, recorded at Reception No. 827273, is further revised to incorporate the amendments approved as noted above and shall remain in force as revised. The foregoing document is issued as a continuation of the original document. Copies of the original Antler's Gulch Planned Unit Development Designation and the amendments noted above are available from the Summit County Clerk and Recorder.

**ADOPTED THIS 22<sup>nd</sup> DAY OF MAY, 2012.**

**COUNTY OF SUMMIT  
STATE OF COLORADO  
BY AND THROUGH ITS  
BOARD OF COUNTY COMMISSIONERS**

  
\_\_\_\_\_  
Dan Gibbs, Chairman

ATTEST:

Kathleen Neel  
Kathleen Neel, Clerk and Recorder

# EXHIBIT A

## LEGAL DESCRIPTION LOTS 1 THROUGH 4 AND LOT 6 MOON VALLEY, FILING NO. 3


A TRACT OF LAND BEING ALL OF THOSE LOTS KNOWN AS LOTS 1 THROUGH 4 AND LOT 6, MOON VALLEY, FILING NO. 3, AN UNRECORDED SUBDIVISION LOCATED IN THE SOUTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 77 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF SUMMIT, STATE OF COLORADO, AND DESCRIBED AS FOLLOWS:

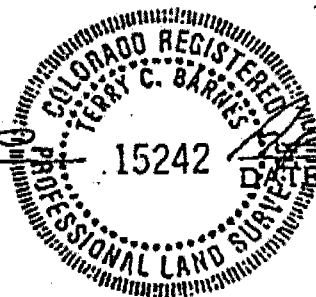
BEGINNING AT THE NORTHWEST CORNER OF WINTERGREEN, ACCORDING TO THE PLAT RECORDED AT RECEPTION NO. 235639 IN THE COUNTY RECORDS; THENCE  $S06^{\circ}22'08''E$  ALONG THE WEST LINE OF SAID WINTERGREEN A DISTANCE OF 418.92 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO.6; THENCE WESTERLY 363.55 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF  $07^{\circ}08'47''$ , A RADIUS OF 2914.79 FEET, AND A CHORD WHICH BEARS  $S78^{\circ}39'43''W$  363.32 FEET DISTANT TO A POINT BEING THE SOUTHEAST CORNER OF THAT TRACT OF LAND PREVIOUSLY DESCRIBED AT RECEPTION NO. 286036 (WEST HILLS TRACT); THENCE  $N06^{\circ}22'08''W$  ALONG THE WEST LINE OF SAID LOTS 1 AND 4 A DISTANCE OF 367.31 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE ALONG THE SOUTH AND EAST LINE OF LOT 5, SAID MOON VALLEY, FILING NO. 3 FOR THE FOLLOWING TWO (2) COURSES:

- 1.)  $N89^{\circ}58'44''E$  A DISTANCE OF 181.88 FEET;
- 2.)  $N06^{\circ}22'08''W$  A DISTANCE OF 122.85 FEET TO A POINT ON THE NORTH LINE OF SAID  $S1/2$   $NW1/4$  OF SECTION 23, ALSO BEING THE NORTHEAST CORNER OF SAID LOT 5;

THENCE  $N89^{\circ}49'25''E$  ALONG SAID NORTH LINE OF  $S1/2$   $NW1/4$  OF SECTION 23, ALSO BEING THE NORTH LINE OF SAID LOT 6 A DISTANCE OF 182.25 FEET TO THE POINT OF BEGINNING, CONTAINING 3.234 ACRES, MORE OR LESS.

PREPARED BY:

  
TERRY C. BARNES  
COLORADO P.L.S. NO. 15242

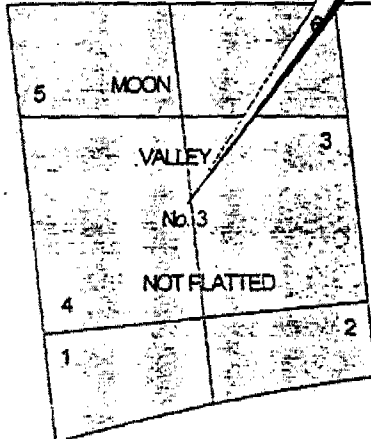


15242

DATE April 16, 1998

PREPARED FOR: E.D.H. PROPERTIES, LLC  
PROJECT NO. 15287-404

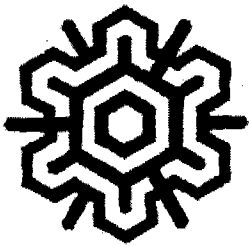
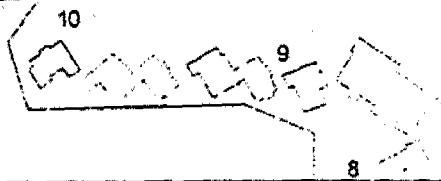
**PUD**



WINTERGREEN SUB

U.S.

Highway



SUMMIT  
COUNTY

OFFICIAL ZONING MAP

FOR:

ADOPTED BY THE SUMMIT COUNTY BOCC

DATE:  
RESO#:

William C. Wallace Chairman

EXHIBIT C






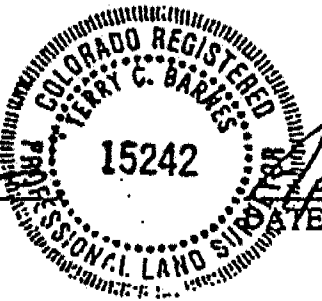
LEGAL DESCRIPTION  
LOT 5  
MOON VALLEY, FILING NO. 3

A TRACT OF LAND BEING ALL OF THAT LOT KNOWN AS LOT 5, MOON VALLEY, FILING NO. 3, AN UNRECORDED SUBDIVISION LOCATED IN THE SOUTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 77 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF SUMMIT, STATE OF COLORADO, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF WINTERGREEN, ACCORDING TO THE PLAT RECORDED AT RECEPTION NO. 235639 IN THE COUNTY RECORDS; THENCE S89°49'25"W ALONG THE NORTH LINE OF SAID S1/2 NW 1/4 OF SECTION 23 A DISTANCE OF 182.25 FEET TO THE POINT OF BEGINNING, ALSO BEING THE NORTHEAST CORNER OF SAID LOT 5; THENCE S06°22'08"E A DISTANCE OF 122.85 FEET; THENCE S89°58'44"W A DISTANCE OF 181.88 FEET; THENCE N06°22'08"W A DISTANCE OF 122.35 FEET TO SAID NORTH LINE OF S1/2 NW1/4 OF SECTION 23; THENCE N89°49'25"E ALONG SAID NORTH LINE A DISTANCE OF 181.83 FEET TO THE POINT OF BEGINNING, CONTAINING 0.509 ACRES, MORE OR LESS.

PREPARED BY:

  
TERRY C. BARNES  
COLORADO P.L.S. NO. 15242



April 16, 1998

PREPARED FOR: E.D.H. PROPERTIES, LLC  
PROJECT NO. 15287-404