

RESOLUTION NO. 86-46

Before the Board of County Commissioners of the
County of Summit
State of Colorado

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COLLEEN RICHMOND

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APPROVING A REZONING FROM A-1 AGRICULTURAL TO PLANNED UNIT DEVELOPMENT (PUD) - CABIN CREEK PUD (Sam McCleneghan, III)

WHEREAS, Sam McCleneghan, III has made application to the Board of County Commissioners to rezone from A-1 Agricultural to Planned Unit Development (PUD), the real property located in the unincorporated area of Summit County, Colorado, as described in Exhibits A and B; and,

WHEREAS, the application has been reviewed by the Summit County Planning and Engineering Department and the Upper Blue Planning Commission and they have recommended approval of the application to the Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners has held a public hearing on the application on July 14, 1986, with public notice as provided by law; and,

WHEREAS, the Board of County Commissioners has considered the recommendation of the Planning and Engineering Department and the Upper Blue Planning Commission, and the testimony offered at the public hearing; and,

WHEREAS, the Board of County Commissioners finds as follows:

1. The proposed rezoning is consistent with the County Master Plan. Specifically, the rezoning will not adversely affect the environment or the view corridor along Highway 9, and is consistent with the policy of maintaining separation between urbanized areas.
2. The proposed rezoning is consistent with the Farmers Corner Master Plan Rural Corridor land use designation. Specifically, the rezoning
 - maintains the open sage meadows in an undeveloped state
 - results in a density and land use which is consistent with rural character
 - results in development which is screened from view from the Highway 9 corridor
 - coordinates access with the adjoining property to the south
3. The proposed rezoning for a single family homesite is compatible with the surrounding low density land uses in the area between Farmers Corner and the Tiger Run RV Park.

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Re-recorded to reflect proper signature.

4. The proposed single family land use can be accommodated on the site. Water, sewer, utilities and access are available and there is a suitable development site free from hazards on the property.
5. The proposed PUD provides for development controls to insure that the allowed density and type of development is consistent with the area's zoning and land uses.

WHEREAS, the requested PUD zoning district is best suited to the project, insures the development plan will be carried out as proposed, and allows the County to protect the public interest to a greater degree than would be possible with another zoning designation.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO, does hereby approve the Cabin Creek PUD as described in Exhibits A and B, and subject to the provisions of the Cabin Creek PUD Designation which must be signed, dated and recorded for this zoning to take effect.

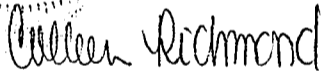
ADOPTED this 14th day of July 1986.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

By: 

Dan Ulmer, Chairman





Colleen Richmond, Clerk and Recorder

EXHIBIT A

DESCRIPTION

A PARCEL OF LAND LYING WHOLLY WITHIN THE MONROE PLACER M.S. 1150, SECTION 7, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6TH PRINCIPAL MERIDIAN, SITUATE IN THE COUNTY OF SUMMIT, STATE OF COLORADO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE W1/16 CORNER AND RUNNING S89°42'11"E 967.92' TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF COLORADO STATE HIGHWAY NO.9 THE TRUE POINT OF BEGINNING, THENCE

S89°42'11"E	348.37'	TO THE NORTH ½ CORNER OF SAID SECTION 7, THENCE
N39°17'33"E	258.25'	TO A POINT ON LINE 5-6 OF SAID MONROE PLACER, THENCE
S37°34'21"E	332.57'	ALONG SAID LINE 5-6 TO CORNER NO.6, THENCE
S18°09'00"E	49.40'	ALONG LINE 6-7 OF SAID MONROE PLACER, THENCE
WEST	572.38'	TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF SAID COLORADO STATE HIGHWAY NO.9, THENCE
NORTHWESTERLY	96.32'	ALONG THE ARC OF A 2646.50' RADIUS CURVE TO THE LEFT WHOSE LONG CHORD BEARS N33°12'01"W 96.31' ALONG SAID RIGHT-OF-WAY, THENCE
N41°09'30"W	301.80'	ALONG SAID RIGHT-OF-WAY, THENCE
N37°37'00"W	1.69'	ALONG SAID RIGHT-OF-WAY TO THE TRUE POINT OF BEGINNING.

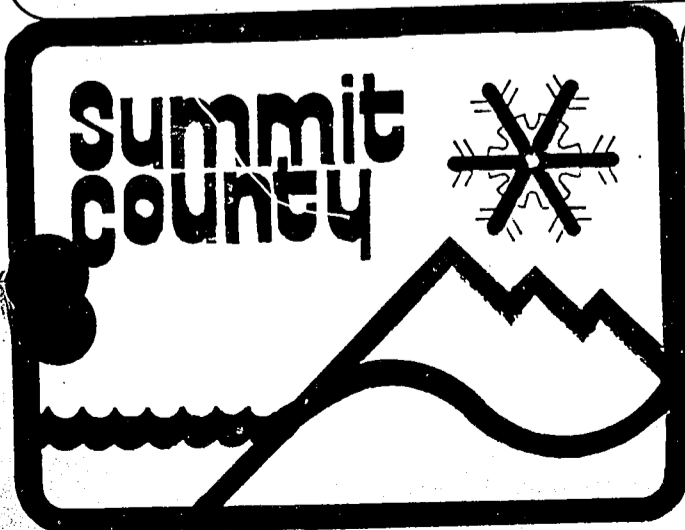
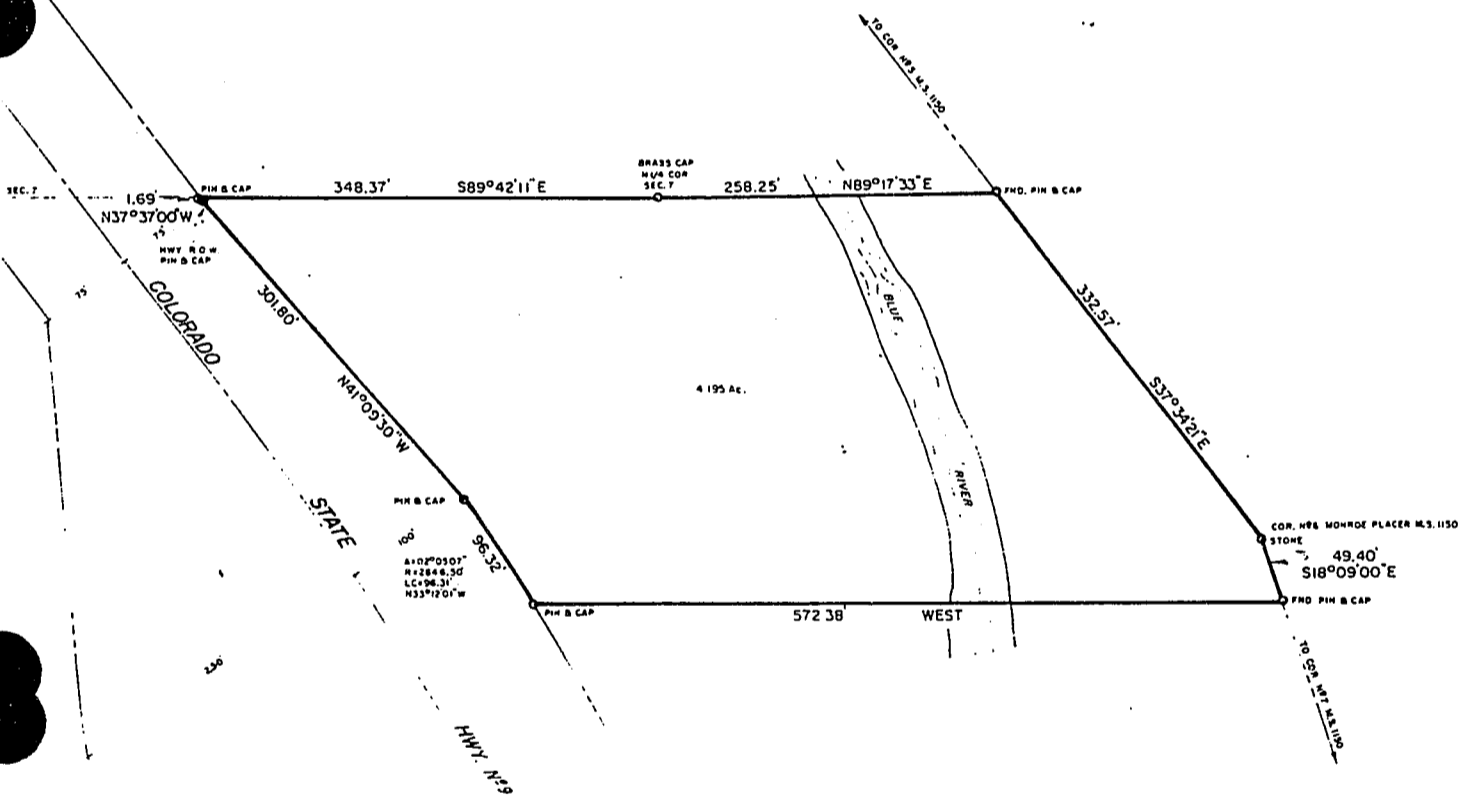
CONTAINING: 4.195 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, RAYMON D. MCGINNIS, A COLORADO REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PROPERTY SURVEY WAS PREPARED BY ME AND THAT THE PLAT HEREON IS A TRUE AND ACCURATE REPRESENTATION THEREOF TO THE BEST OF MY KNOWLEDGE.
SURVEY COMPLETED MAY 5, 1986.


RAYMON D. MCGINNIS L.S. NO. 9939

EXHIBIT B



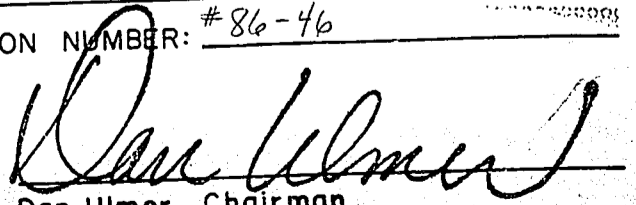
OFFICIAL ZONING MAP

FOR: CABIN CREEK PUD

ADOPTED BY THE SUMMIT COUNTY BOARD OF
COUNTY COMMISSIONERS

DATE: JULY 14, 1986

RESOLUTION NUMBER: #86-46


Dan Ulmer, Chairman

Cabin Creek
Planned Unit Development Designation

This Planned Unit Development Designation, to be known as Cabin Creek is approved this 14th day of July 1986 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 Sam McCleneghan, III 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

The primary goal of the Cabin Creek PUD is to develop a secluded residential homesite consistent with the existing rural character of the Gold Hill/Farmers Corner area as provided for in the Farmers Corner Master Plan. Further, it is also the goal of the Cabin Creek PUD to maintain the existing highway corridor and adjacent sage meadows in an undeveloped state.

1. Permitted Uses

One single family dwelling together with accessory uses such as a garage and outdoor storage shed is allowed as shown on the development plan attached as Exhibit "B" hereto. As shown on Exhibit B, no structures or development other than fencing, driveway and utilities shall be allowed west of the Blue River with the exception that an outdoor storage building which is screened from the highway may be allowed subject to site plan approval by the County Planning Department.

Building heights shall not exceed 35 feet with "height" as defined in the Summit County Building Code.

2. Parking

No parking shall be allowed within any County right-of-way, private road, common driveway, hammerhead turnaround or cul de sac. Two off road parking spaces shall be provided for the dwelling unit.

3. Open Space

As shown on Exhibit B, the area west of the Blue River shall remain as undisturbed open space with the exception of the improvements as described in paragraph 1 above. No other substantial alteration of vegetation, grading or other site disturbance shall occur west of the Blue River.

B. UTILITIES AND IMPROVEMENTS

1. Water System

Water shall be provided by an on site well subject to approval by the State Engineer.

2. Sewer System

Sewer service shall be provided by an on site septic system subject to approval by the Summit County Environmental Health Department.

3. Access

Access shall be coordinated with the adjoining property to the south as long as the land use on that property is a permitted use in the A-1 Agricultural zone or is compatible in character and scale with the Cabin Creek PUD and will not generate a level of traffic which will adversely affect the Cabin Creek PUD.

Coordinated access shall consist of a common access easement connecting the properties to Highway 9 as shown conceptually on Exhibit B. The developer shall only be required to build a driveway within this easement. Any required upgrading of the common access in the future shall be the responsibility of the property owner to the south.

A private driveway shall connect the Cabin Creek homesite to the common access drive. A bridge across the Blue River shall be required. All driveways and the bridge shall meet the requirements of the County and the Red, White and Blue Fire District. Additionally, the bridge shall be constructed to withstand a minimum 25 year flood.

4. Utilities

All utilities (electricity, phone and cable) shall be installed underground within the property.

5. Fire Protection

Fire protection will be provided by the Red, White and Blue Fire District. The development of the property shall meet all fire protection standards of the district.

C. GENERAL PROVISIONS

1. 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

C. GENERAL PROVISIONS (continued)

or all 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.

2. Binding Effect

This planned unit development 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 C.3. This designation shall be recorded in order to put prospective purchasers or other interested persons on notice as to the terms contained herein.

3. Amendments

Amendments to the provisions of this planned unit development designation shall be reviewed and acted upon in the same manner as any 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 C.R.S. 24-67-106(3)(b)[1973 ed.]. Action in any proposed amendment 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.

4. 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:

Sam McCleneghan, III
Box 1012
Breckenridge, CO 80424

5. Entire Designation

This designation contains all provisions and requirements incumbent upon the owner/developer and the County relative to the Cabin Creek Planned Unit Development, and nothing contained herein shall be construed as waiving any requirements of the County's Zoning and Subdivision Regulations, Common Review Procedures, or other regulations otherwise applicable to the development of the property.

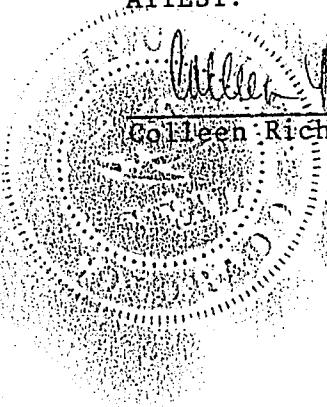
IN WITNESS WHEREOF, the County and the owner/developer have executed this designation as of the date first above written.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

By: *Dan Ulmer*
Dan Ulmer, Chairman

ATTEST:

Colleen Richmond
Colleen Richmond, Clerk and Recorder



CABIN CREEK PLANNED UNIT
DEVELOPMENT

By: *Sam McCleneghan, III*
Sam McCleneghan, III

EXHIBIT A

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SURVEY COMPLETED MAY 5, 1986.



RAYMON D. MCGINNIS L.S. NO.9939

EXHIBIT B (Revised)
CABIN CREEK PUD DEVELOPMENT PLAN

