



**TOWN OF WINTER PARK
PLANNING COMMISSION
Tuesday, October 27, 2020 8:00 AM
Online Meeting (instructions below)**

A G E N D A

- I. Meeting Call to Order.
- II. Roll Call of Commission Members.
- III. Town Hall Meeting (time for anyone from the public to speak about items not on the agenda)
- IV. Minutes for Review: October 13, 2020.
- V. Conflicts of Interest.
- VI Action Items:
 - A. Commercial Design Review – 1008 Winter Park Drive, Ski Ranch
 - B. Sketch Plan – Snow Creek Circle, Snow Creek Townhomes
- VII. Planning Commission Items for Discussion.
- VIII: Staff Update.
- IX: Site Visit to Potential Upcoming Developments.

Online Meeting Log-In Instructions – See next page

Computer Log-In Instructions

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84319314217?pwd=dIE5dGJjS083ZWdlQ2FnL1R3cVN5UT09>

Passcode: 484405

Phone Log-In Instructions

Dial In Numbers

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 436 2866 or +1 301 715 8592
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Webinar ID: 843 1931 4217

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**TOWN OF WINTER PARK
PLANNING COMMISSION
Tuesday, October 13, 2020 8:00 AM**

MINUTE

- I. The meeting Call to Order is at 8:00 am.
- II. Roll Call indicated present Chairman Holtzwarth, Commissioners Doug Robbins, George Stevens, Roger Kish, Dave Barker, and Jonathan Larson are present. Community Development Director James Shockey and Town Planner Hugh Bell are also present.
- III. Town Hall Meeting. No comments received.
- IV. Minutes for Review: September 22, 2020. Commissioner Robbins makes a motion to approve the minute. Commissioner Barker seconds. The minute is approved 6, 0.
- V. Conflicts of Interest. No one comes forward.

VI Action Items:

A. Residential Design Review – 121 Leland Creek Circle

Town Planner Hugh Bell gives a presentation about this Residential Design Review. He gives an outline about the project. Planner Bell notes that there is a fixture above the RV garage door that is not included in the materials board. Other than that, the Staff is satisfied with the materials board. The Staff is requesting to include the dark sky specifications of the fixtures in the manufacturer sheet. The Staff is also asking the applicant to clarify if some fixtures will be continuously lit.

Planner Bell mentions the comments the Staff made regarding building height, parking, snow storage, décor grass, retaining wall setbacks, elevations, building coverage, driveway slope and erosion control.

Overall, the applicant needs to address the following items in order to move forward:

- The applicant needs to submit title from last six months.
- The applicant also needs to submit the manufacturer sheet for fixture above RV garage door.
- The applicant should confirm the exact location of the bulb within submitted fixture (dark sky).
- The applicant needs to clarify if any exterior soffit lights will be added.
- The applicant needs to show the proposed and existing grades on elevation drawings and midpoint height.
- The applicant must clarify snow storage area dimensions.
- The applicant needs to explain the species of “décor grass”.
- The applicant should indicate the top of foundation elevation for each major building corner.
- The applicant must show the boulder retaining wall on east elevation as well as retaining wall setbacks.
- The applicant must bring driveway slope into conformance with Town Standards.

The applicant, Brian Dornbusch on behalf of the applicant, comes forward. He states that he does not have any questions for the Planning Commission.

Commissioner Larson asks if the décor grass is artificial turf. Mr. Dornbusch does not believe so but he will check with the landscaper. Commissioner Barker searched on the web what décor grass is and he says that it is artificial turf.

Commissioner Kish wants to verify with the applicant that they will be able to comply with the height requirements. Mr. Dornbusch replies that they feel very confident about that.

Commissioner Baker makes a motion to approve the Residential Design Review with Staff recommendations along with clarification about décor grass. Commissioner Larson seconds. Residential Design Review approved 6, 0.

B. Residential Design Review – 120 Beavers Lodge Road

Town Planner Hugh Bell begins his presentation. He makes a summary of the main points mentioned in the electronic packet sent to the Commissioners.

Planner Bell reads the Staff recommendations to the Planning Commission. The main ones are:

- Staff recommends the applicant to bring the third-floor wall facing the public right-of-way into conformance with Guideline 4 from the Residential Architectural Guidelines and Design Regulations.
- The applicant needs to clarify the sconce wattage and bulb type. Also, he/she needs to provide the lighting cut sheet for recessed can fixture.
- The applicant must provide updated elevations that correctly measure building height including midpoint and maximum building heights.
- The applicant needs to justify the shrub placement within snow storage areas.
- The applicant should provide square footage of driveways, sidewalks, and parking areas so the Staff can gauge snow storage area sizing conformance.
- The applicant needs to submit drainage and erosion control plan for the Town Engineers' consideration.

The applicant is not present. Chairman Holzwarth asks the Staff about the opening on the third floor. He wonders if that could be taken as a window. Planner Bell states that he thought it might not be in compliance but he would like the Planning Commission to discuss it. Commissioner Stevens also mention the stairs by the window and he thinks something should be installed there. There is discussion about how to improve the design. Without the applicant present, it is difficult to discuss this Design Review.

Director Shockey says that the Commission can require the applicant to address the design of the third floor. Commissioner Barker says that it is necessary to take into account that other buildings that will be built in the future, would look across that window opening so, it is necessary that the design is in compliance.

Commissioner Stevens makes a motion to approve this Design Review with Staff recommendations and that the applicant meets the requirements for the design (Guideline 4). Commissioner Larson seconds. Design Review approved 6, 0.

C. Residential Design Review – 212 Beavers Lodge Road

Planner Bell gives a presentation regarding this project which consist of a new single-family home with two garage spaces. Planner Bell gives an outline about the project, material and color board, building height, light fixtures (wattage), the windows, deck, among other elements of the design.

Planner Bell reads the Staff recommendations to the Planning Commission. The main recommendations are:

- The applicant needs to submit the Roam Design Review Committee approval letter.
- The Staff recommends the applicant to bring the wall behind the rooftop deck into conformance with Guideline 4 from the Residential Architectural Guidelines and Design Regulations.
- Additionally, the Staff recommends the applicant to match the right-hand window above the front door to the adjacent window.
- The applicant needs to provide updated elevations that correctly measure building height including include midpoint and maximum building heights.
- The applicant needs to justify the shrub placement within snow storage areas.

Commissioner Stevens asks the Staff about the right-hand window next to the door and the type of door itself. Planner Bell thinks that the door is mostly made of glass.

Commissioner Barker asks about the material sheet and the color of the rendering. He wants to make sure about the color of the house, which it will be gray. Commissioner Barker also asks about the HOA letter requirement. Planner Bell responds that, in the past, the HOA letter of approval is required before the Staff report is started with a few exceptions.

Commissioner Robbins asks about the fencing and its compliance with the UDC. There is a discussion about the height and the railing. Planner Bell reads the guidelines regarding this topic. Planner Bell mentions that it is up to the Planning Commission's interpretation is the fence would be considered a privacy fence or not.

The applicant is not present.

Commissioner Stevens asks about the floor plan. There is a discussion about the trellis and the scale of the drawings. Commissioner Stevens thinks that the trellis and the railings do not align.

Commissioner Stevens makes a motion to approve the Residential Design Review with Staff recommendations including the guideline for the fence. Commissioner Robbins seconds. Design Review approved 6, 0.

VII. Planning Commission Items for Discussion.

A. UDC – Design Guidelines – table setting

Planner Bell informs the Planning Commission about the updates made. Planner Bell shows on the screen the document to the Planning Commission.

Planner Bell starts talking about the windows and certain elements that could be added. He also mentions the shape, bump outs in buildings as opposed to full additions on the side of the dwelling. Then, Planner Bell talks about duplexes, dominant entry, roof shapes (what would be preferred vs. what would not be

preferred). Planner Bell asks if the Planning Commission has any feedback.

There is a discussion about the drawings and how the applicant might interpret them, for example, about the pushed-out sections in a dwelling. They might be used for extra storage or a bathroom as opposed as a full room. Planner Bell says that he can adjust the language. Commissioner Stevens also discuss the windows' shape. He thinks that the language should be in the lines of simple design. There is also a discussion about certain elements on the façade of the buildings.

Then, there is a discussion about when it would be required to have pitched or flat roofs and parapets. Commissioner Stevens mentioned that a house with a flat roof was approved in Roam but it did not have a parapet. He suggests that the language should be clearer about this.

Next, the discussion moves over balconies and decks and when are where are allowed. Commissioner Kish says that he agrees on banning second and third floor decks in residential single-family projects on the front (street view). Chairman Holzwarth asks about the decks on Arrow. There is a discussion about the language used for this project including rooftops. The goal is to avoid misinterpretations in the future.

Commissioner Stevens talks about the case of having a deck on top of a two-car garage. He thinks it is a good design. He proposes to include language that does not allow decks on the third floor on the front façade like, i.e. no decks allowed on the seconds floor facing the street. Commissioner Larson adds at the that configuration of the lot needs to be taken into account as well so the guidelines are not so restrictive. Commissioner Stevens agrees. Commissioner Larson adds that the design needs to be considered as well. Commissioner Robbins mentions that other elevations of the house might have more prominent features and that needs to be considered as well.

The discussion goes back about the possibility of prohibiting second and third floor decks. Director Shockey talks about the design integration. There is also a discussion about deck vs. balcony. Commissioner Stevens mentions that the balcony hangs out from the structure while a deck is supported by columns. Planner Bell says he will look for a definition.

Director Shockey shows the Commissioners the UDC document. He talks about the setbacks for commercial projects. He talks about the reduction of the setbacks for Winter Park Drive. Director Shockey also talks about the requirements for mixed use and commercial projects. For strictly residential projects, the setbacks are slightly different. Commissioner Stevens agrees with this proposal; he also asks if the language can be modified so it does not sound too harsh.

Chairman Holzwarth interjects and talks about the current commercial projects. The idea is to have the commercial portion on the first floor and the residential on the second and third floors. Commissioner Stevens asks if it would be possible to establish minimum and maximum setbacks. Director Shockey replies yes. Three is also a discussion about parking related to the setbacks.

Then, the discussion moves to nonresidential lot and building standards. Director Shockey shows the Commissioner the contents of the table. There is a section that has been highlighted regarding variable lot dimensions. The Staff is proposing to eliminate that section since this is not an issue in the Town. Director Shockey mentions that they have added an Established Neighborhood Development section. This will allow to have an average so the BOA does not have to be involved all the time. There is a discussion about the parameters for the setbacks. This would only apply for R1 and R20 districts in established neighborhoods. There is a discussion about this item. Commissioner Stevens likes this proposal. There is a discussion about the particular circumstances that might pose an issue in the future. Director Shockey says that they will take a closer look at it.

The meeting moves to the cluster developments, measurements and building coverage. Director Shockey would like the Commission to talk about overhangs over 24 inches related to building coverage. The Town takes a bird's eye view to address building coverage. The 24 inches would be included. There is a discussion about the possibility of someone trying to install something resembling a carport cover.

Director Shockey then talks about the updated diagrams and definitions that were taken back to the original about calculating building height. Director Shockey will send the document for review and approval.

For Chapter 2, Director Shockey gives an outline about the permitted and non-permitted uses for the different zones. He will give this information to the Commissioners. Director Shockey points out some items about limited and special uses. There is some information in red about disposal and recycling facilities (Special Use and F1 zone) in case there is an application for it. The same situation applies for Utility and Major.

There is a discussion about fake screening, fencing or wall for this scenario. There is also about the material (masonry wall). Chairman Holzwarth says that for the recycling facility there might not be a space big enough for it. Director Shockey replies that, near the resort or near Highway 40, there could be an area big enough for it. Depending on if the Commission wants to encourage or discourage these types of projects, the requirements could be modified. Director Shockey mentions that the Town of Fraser has its own recycling facility. Chairman Holzwarth is concerned about regular trash management and the "pay as you throw" system. Director Shockey says that the dimensions for the Town of Winter Park would be smaller. There is also a discussion about fire hazard.

Then, Director Shockey shows the upgrades made to the backyard chickens section.

The final section has to do with fences. The Staff used the Breckenridge model to work on this topic. Planner Bell shows the highlight text in yellow to the Commissioners. Planner Bell goes over the description, type, materials, exceptions and configuration of the fences. If an applicant can demonstrate the good performance of an alternative material, the Planning Commission could evaluate it for approval. There is also a section dedicated to pet fences.

Commissioner Larson asks why they would not want a solid fence. Director Shockey makes reference to the section that talks about staying in harmony with nature and not giving a sensation of non-welcoming to other residents or visitors, not to block the flow of light and, potentially impeding views. Chairman Holzwarth interjects and adds that solid fences change the character of a community and make them look like a compound. Commissioner Larson suggests that a percentage of the fence could be solid specially if pets are involved. Planner Bell mentions that mesh fencing is encouraged and it is not necessarily fully solid. Commissioner Kish asks if that could be done for the pet fences. The percentage could be calculated based on the number of pets or the area to be fenced.

Chairman Holzwarth asks for the definition of privacy gates. Planner Bell shows the definition on the screen. There is a discussion about where gates would be allowed and if they should be prohibited altogether in the first place. Director Shockey says that they will come back with more information.

B. Site visits to potential developments

Director Shockey mentions that there are three projects coming up next winter most likely: Pine annexation, the Lakota North Point Development and the Rogers Station. The applicants will not be

there. The Commissioners say that it would be better to visit those sites before it snows. Director Shockey can provide some information before hand for the Commissioners. The Commissioners will visit the sites after the next Planning Commission meeting.

VIII: Staff Update.

Director Shockey says that an ad will be published regarding the opening for the Planning Commissioner opening. It will be posted for 30 days.

The Reunion Station plat will go for review to the Town Council.

Commissioner Robbins motions to adjourn the meeting. Commissioner Barker seconds. The Planning Commission is adjourned at 10:20 am.



MEMO

TO Planning Commission
FROM Hugh Bell, Planner
THRU James Shockey, Community Development Director
DATE October 27, 2020
RE Commercial Design Review – Lot 1, Adolf's on the Fraser – 1008 Winter Park Drive

Note: This application is for a minor exterior addition and therefore doesn't require a typical comprehensive design review memo.

Applicant: Justin Croft on behalf of A-Frame Hotel Breckenridge, LLC

Zoning: C-1

Architectural: Addition of cedar wood open trellis, partial height breeze block screen wall, and concrete patio with a footprint of 420 sq. ft.

Proposed Material & Color: Staff is satisfied with the materials board.

Exterior Lighting: No lighting fixtures are proposed.

Building Height: The maximum overall building height of the trellis is 12', which complies with building height requirements. The screen wall is 3'-4" tall, which complies with front yard fence height requirements.

Landscaping/Revegetation: No new landscaping is proposed.

- Any disturbed areas on the site shall be revegetated with an appropriate seed mix.

Setbacks: The trellis does not comply with the 20' minimum front yard setback as it encroaches approximately 7'-9". Per §7-3-7 of Town Code, RELIEF FROM YARD REQUIREMENTS, such a structure is permitted to project only as much as 3' into the front yard setback. The screen wall is located on the property line and is therefore satisfactory.

- Trellis shall be brought into conformance with §7-3-7 of Town Code.

Coverage: Building coverage totals approximately 7.0%, which complies with the 40% maximum.

Staff Recommendation: Staff recommends Planning Commission approve the architectural addition for Lot 1, Adolf's on the Fraser Subdivision with the following conditions:

- Any disturbed areas on the site shall be revegetated with an appropriate seed mix.
- Trellis shall be brought into conformance with §7-3-7 of Town Code.



COMMERCIAL DESIGN REVIEW SUBMITTAL CHECKLIST

This application lists the content and format of the submittal requirements to initiate the Design Review process. **An incomplete application will not be accepted.** A meeting with the Planning Commission is part of the design review process.

**ABSOLUTELY NO WORK, INCLUDING TREE REMOVAL, IS TO COMMENCE ON A SITE/LOT
UNTIL YOU HAVE RECEIVED APPROVAL FROM THE TOWN PLANNER.**

Applications must be received by Town staff no later than two weeks prior to the Planning Commission meeting if the project is also going through the subdivision process, or 45 days if not going through subdivision. The Commission meets on the second and fourth Tuesday of the month.

Property Address &/or Legal Description: 1008 Winter Park Drive, Winter Park CO 80482

Property Owner: A-Frame Hotel Breckenridge, LLC

Applicant (if other than property owner): Justin Croft

Phone: 720-296-3610 Phone 2: _____ Email: justin@zeppelinplaces.com

Justin Croft

Applicant's Certification Statement: I, _____, as applicant and duly representative of the owner, hereby certify that the information included upon the attached Development Schedule; Site Plan; Road Plan/Profile; Grading and Drainage Plan; Storm Drainage Study; Erosion Control and Revegetation Plan and Report; Utility Plan; Access Plans, Permit and Required Improvements; Landscaping and Revegetation Plan; and Building Plans are true and accurate; and that the development of the site will occur in accordance with the Plan.

October 23, 2020

Signature

Date

Staff Use Only

Approval Statement: The attached Elevation, Landscape, Site, and Grading Plans have been reviewed by the Town Planner who finds that:

[] Design Review Fee formula: Gross Sq Ft of Project _____ X \$.05 = \$ _____.

[] Check Amt. _____ Check No. _____ Date Rec'd _____ Initials _____
Development Improvements Agreement

[] The Applicant is permitted to proceed to Planning Commission.

[] Subject to the following conditions, the Applicant is permitted to proceed to Planning Commission:

[] **DENIED**, based upon the following reasons:

Town Staff

Date

If you have questions, please call the Planning Division at (970)726-8081 ext. 5

To Whom It May Concern:

Please accept our submittal for exterior improvements at 1008 Winter Park Drive, consisting of a new open wood trellis structure and partial height breeze block screen wall. Below is the applicable information required per the Town's commercial checklist:

- Name of Proposed Project: Adolf's Event Center & Tavern
- Street Address: 1008 Winter Park Drive, Winter Park CO 80482
- Legal Description: Homestead Entry Survey No. 117 lying within Section 10, Township 2 South, Range 75 West of the 6th Principal Meridian
- Owner and Applicant: A-Frame Hotel Breckenridge, LLC
 - Contact and Project Manager: Justin Croft
 - Address: 3455 Ringsby Ct. #100 Denver, CO 80216
 - Phone: 720-296-3610
 - Email: justin@zeppelinplaces.com
- Architect: Skylab Architecture
 - Contact: Nathan Cox
 - Address: 413 SW 13th Ave, Suite 200, Portland OR 97205
 - Phone: 503-525-9315 x113
 - Email: nathan@skylabarchitecture.com
- Structural Engineer: REG
 - Contact: Dodson Harper
 - Address: 502 White Rock Ave, Suite 2, Crested Butte CO 81224
 - Phone: 970-713-0986
 - Email: dodson@reginc.com
- Surveyor and Civil Engineer: Bowman Consulting
 - Contact: David Duncan
 - Address: 135 E. Jasper Ave, Granby, CO, 80446
 - Phone: (970) 887-2600
 - Email: dduncan@bowmanconsulting.com
- Zone District C-1 Limited Commercial
- Building Height Limit 35'
- Property Setbacks
 - Front 20'-0"
 - Side 7'-6"
 - Rear 15'-0"
- Units n/a
- Parking
 - 44 spaces required (see Architectural Site Plan A101 for calculations)
 - 44 spaces provided (on-site and in adjacent ROW)
- Site Coverage
 - Total Site Area: 89,513 sf (~2.05 acres)
 - Existing Building: 4,527 sf

- Existing Concrete Patio: 1,357 sf
- New Building: 0 sf
- New Concrete Patio: 420 sf
- Total Coverage: 6,304 sf
- Percent Coverage: ~7.0% (40% max allowed)
- Building Height 12' trellis, ~3'-4" breeze block screen wall
(existing building ~15' tall)
- Exterior Materials Cedar Framing and Breeze Block
- Estimated Construction Schedule
 - PHASE 1
 - October 2020 site prep
 - November 2020 slab pour, trellis framing, block wall



MEMO

TO Planning Commission
FROM Hugh Bell, Planner
THRU James Shockey, Community Development Director
DATE October 27, 2020
RE Sketch Plan – 115 Reiling, LLC – Snow Creek Townhomes

Project Overview:

In 2007, the Snow Creek Townhomes Final Plat (Reception No. 2007013563) was approved for 20 dwelling units on 2.21 acres of land located on Kings Crossing Road. The project is located to the west of Kings Crossing Road and Silverado II Condominiums, and is catty-corner to Wolf Park. The current developer of the project is a different developer than in 2007; during the recession, the property was left dormant.

Prior to shutting the project down in 2008, the developer graded the lot and roadway and installed the water main, sanitary sewer main, and storm drainage infrastructure. In 2010, the developer revegetated the site to prevent erosion. The Town released a majority of the Subdivision Improvement Agreement funds in 2010 at the request of the developer since the site was dormant and had been revegetated.

In 2012, the same developer submitted a sketch plan application proposing roughly the same project as proposed today. While the Planning Commission approved the sketch plan with conditions, the applicant never proceeded with further platting processes. In 2013, the same developer submitted a subdivision exemption application requesting to dedicate to the Town a 10' strip of land on the north property line. The Planning Commission approved said subdivision exemption. When the Final Plat was previously approved, a trail easement had been provided to allow public access across the property; the developer submitted the subdivision exemption application in order to eliminate any type of liability with the public trail.

The current applicant/developer, 115 Reiling, LLC, is now requesting to replat the final plat to increase the density on the site from 20 dwelling units to 25 dwelling units while also reducing the average size of the units. They are proposing a mixture of duplexes, triplexes and fourplexes. The applicant has stated that the smaller units will likely sell better than the original units platted in 2007. If approved, the applicant proposes to build a duplex model in the “spring of 2020” (staff believes the applicant means 2021).

Although the sketch plan review with the Planning Commission is optional, the applicant has requested this review to gather input about the proposed project prior to completing the preliminary plat requirements. Per Section 8-2-2 of the Town Code, the Planning Commission shall review the sketch plan and shall discuss with the applicant any changes deemed advisable in the proposed plan and shall approve, conditionally approve, or disapprove the proposed plan.

Access / Parking

Access to the property is via an existing unpaved shoulder of Kings Crossing Road. An existing primitive road then continues into the property. The applicant is proposing to create a private roadway named Snow Creek Circle. The roadway is considered a Local Road per Town Standards and the proposed



width of 24' (two 10' lanes of asphalt and two 2' concrete pans) is in conformance with the Standards. The proposed valley pans (concrete pans) will need to be reviewed by the Town Engineer as they are not an acceptable alternative to the preferred curb as identified in the Standards (Figure 4). The applicant will need to apply for an administrative variance for this type of curb.

The sketch plan has labeled two parking spaces for each unit, totaling 50 spaces; for downhill units, one garage space and one in front of the garage, and for uphill units, two garage spaces. Each dwelling unit will have two bedrooms, which requires 1.5 spaces per unit for a total of 38 parking spaces. The applicant is proposing to provide 17 additional guest parking spaces. The parking is in conformance with the Standards. The applicant requests that the guest parking provided not count towards the building coverage calculation since it exceeds the minimum parking requirement counts.

Setbacks and Building Coverage

The site plan does not meet the setbacks required in the R-2 Zone District as the side setbacks along the north property line are only 10', where they should be 11' (5' plus 3' for every story above the main level). This is based on staff's observation that the architectural schematics depict three-story buildings. The applicant requests a variance for the north side setback to be 0' rather than 10' but this variance request is not required as the 2013 Subdivision Exemption Plat permitted setbacks to be measured from the original property line and not the new property line established by the Exemption Plat.

The applicant is proposing a building coverage of 40% which complies with the permitted coverage of 40% for the R-2 Zoning District. However, this calculation is made under the assumption that a variance will be granted to count the internal area of the looped portion of Snow Creek Circle as open space. Section 3.4.3 in the Standards mandates that an internal island does not count towards open space. The calculation also assumes that a variance will be granted to not count the guest parking in the building coverage calculation. Coverage is defined as the "*the sum of the building footprint (including roof overhang, patio, deck, etc.) and impervious surfaces (driveways, sidewalks, etc.) square footage divided by the total square footage of the parcel*".

Snow Storage

The applicant has shown proposed snow storage locations on the sketch plan, totaling 7,400 sq. ft. They are proposing snow storage areas for 47% of the roadway and parking areas (25% is required per the Standards). Overall, the applicant has shown snow storage in logical locations throughout the development, but there are several problematic areas. Most areas are within 4' from the roadway edge, which is prohibited per the Standards. Additionally, the Intersection Sight Triangle is compromised at the intersection of Snow Creek Circle (local road) and Kings Crossing Road (minor collector road). Per the Standards (Figure 8), 30 linear feet shall be drawn parallel to the local road and 50 linear feet shall be drawn parallel to the minor collector road; where the endpoints are connected to form a triangle, snow storage shall not encroach on this area.

Utilities

Water mains, sewer mains, and storm drainage infrastructure have been installed on the property. The sketch plan indicates that a portion of the water main would need to be relocated on the north end of the property; that the southeast easement would need to be vacated and a blanket easement would need to be granted for dry utilities and drainage; and that the interior portion of the looped road should be permitted for installation of deep utilities. This last item would require a variance as Section 3.4.3 does not allow utilities within internal islands. Additional detail on the utilities will be provided at preliminary plat.



Landscaping / Signage / Lighting / Open Space

This material is not required for sketch plan and will be reviewed at preliminary plat.

Architecture

The applicant has provided a charrette booklet with a sample floor plan for a duplex and pictures of various designs they intend to incorporate into the units. Per the applicant, the architectural style they are proposing is "mountain modern". Review the attached Architecture Summary for additional information. Staff does have concerns about the architecture not meeting several Design Guidelines.

Other Information

Although this is a replat of the existing final plat, this will be treated as a new subdivision. The applicant will be required to provide all new studies, reports, and construction drawings.

Town Engineer Comments

The Town Engineer is currently reviewing the project and will provide comments to the applicant after the Planning Commission meeting.

Planning Commission Action

Planning Commission shall review the sketch plan and shall discuss with the applicant any changes deemed advisable in the proposed plan and shall approve, conditionally approve, or disapprove the proposed plan.



TOWN OF WINTER PARK
P.O. Box 3327 • 50 Vasquez Road • Winter Park, CO 80482
Phone: 970-726-8081 • Fax: 970-726-8084
Website: www.wpgov.com

LAND USE REVIEW APPLICATION FORM

PROJECT INFORMATION

Project Name: Snow Creek Townhomes	Date: 9/27/20
Street Address (or general location if not addressed): Snow Creek Circle	
Schedule Number(s) or Parcel Number(s): Snow Creek Townhomes Final Plat 2007	
Site Area (in square feet or acres): 93,252 sf	Existing Zoning: R2
Existing Land Use: partially developed multi family	
Legal Description: Snow Creek Townhomes Final Plat (2007), less the north 10'	

OWNER / APPLICANT

Name: Lei Gao	Phone: .
Company: 115 Reiling, LLC	Email: Lei@TheBivvi.com
Mailing Address: 2499 Decatur St.	

Denver CO 80211-4738

CONTACT PERSON

Name: Tony Krempin, PE	Phone: 970.531.2860
Company: TKE Engineering, LLC	Email: tony@tkcse.com
Mailing Address: PO Box 2225	

Granby CO 80446

TYPE OF APPLICATION (check all that apply)

	Subdivision	Fee		Other Development	Fee
✓			✓		
X	Sketch Plan	\$250.00		Zoning Variance	\$250.00
	Preliminary Plat	\$500.00*		Special Use Permit	\$150.00
	Final Plat	\$750.00*		Rezoning Request	\$350.00
	Amended Final Plat	\$375.00*		Subdivision Exemption	\$300.00
	As-Built Plat	\$250.00		Amended Exemption	\$150.00
	Amended As-Built Plat	\$250.00*		Annexation	\$500.00*
*Number of Lots:	25	x \$10.00		*Number of Lots:	x \$10.00
TOTAL FEES:	\$ \$500		TOTAL FEES:	\$	
	Minor Subdivision	Fee		Planned Development	Fee
✓			✓		
	Final Plat	\$400.00*		Preapplication Conference	No Fee
	Amended Minor Sub.	\$250.00		Preliminary Development Plan	\$1,000.00**
				Final Development Plan	\$1,000.00**
				Amended Final Plan	\$500.00**
*Number of Lots:		x \$10.00		**Number of Lots:	x \$2.00
TOTAL FEES:	\$		TOTAL FEES:	\$	

* In addition to the base fee, an additional \$10.00 per unit or lot

** In addition to the base fee, an additional \$2.00 per unit or lot

In addition to the base fees the applicant is required to pay the cost of any legal notices and adjoining property owner certified mailings. The applicant may also be subject to reimbursement fees as outlined within Section 7-10-8 of the Town Code.

BRIEF DESCRIPTION OF THE PROJECT

We are proposing to replat the existing, partially-constructed, Snow Creek Townhomes from 20 lots to 25 lots. The layout and roadway design is similar, and we will try to use as much of the existing utility infrastructure as we can.

AFFIDAVIT

I, Anthony F (Tony) Krempin being duly sworn, declare that I am (please check one) the authorized representative to act for the property owner, _____ the owner of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief. By signing this application, I have read and agree to the reimbursement fees that may be charged for review of this project as outlined in Section 7-10-8 of the Town Code. At a minimum, this project will require consultants for engineering review and legal review and this shall serve as the written notice required by Section 7-10-8 of the Town Code for these two consultants.

Ambra E. Kaya
FOR: Lei Gao

Signature of Owner

9/27/20

Anthony E. Krueger
Signature of Representative

9/27/20
Date

Acceptance of this application and required filing fee does not constitute a complete application. Plans and other material required to constitute a complete application are listed in the application procedure.

STAFF USE ONLY (do not write below this line)

Application Received By:

Case # Date / Time:

Total Fees: \$ _____ Date Paid: _____ Check # _____

Additional Comments:

September 27, 2020

JN: 12033

Via E-Mail: James Shockey (jshockey@wpgov.com)
Scott Munn (scottm@munnarch.com)

Town of Winter Park
C/o James Shockey
P.O.Box 3327
Winter Park, CO 80482

**Re: Sketch Plan Submittal and Variance Request
REPLAT OF SNOW CREEK TOWN HOMES**

Dear James:

Please find our sketch plan submittal for the replat of Snow Creek Town Homes on behalf of Lei Gao and 115 Reiling, LLC. The sketch plan report to this letter contains a detailed description of the required submittal information.

We appreciate your consideration for this project and welcome any questions you may have. Please call with any questions or comments. Thank you.

Sincerely,
TKE Engineering, LLC

Anthony E. Krempin
Anthony E. (Tony) Krempin, PE
Principal

Cc: See above.

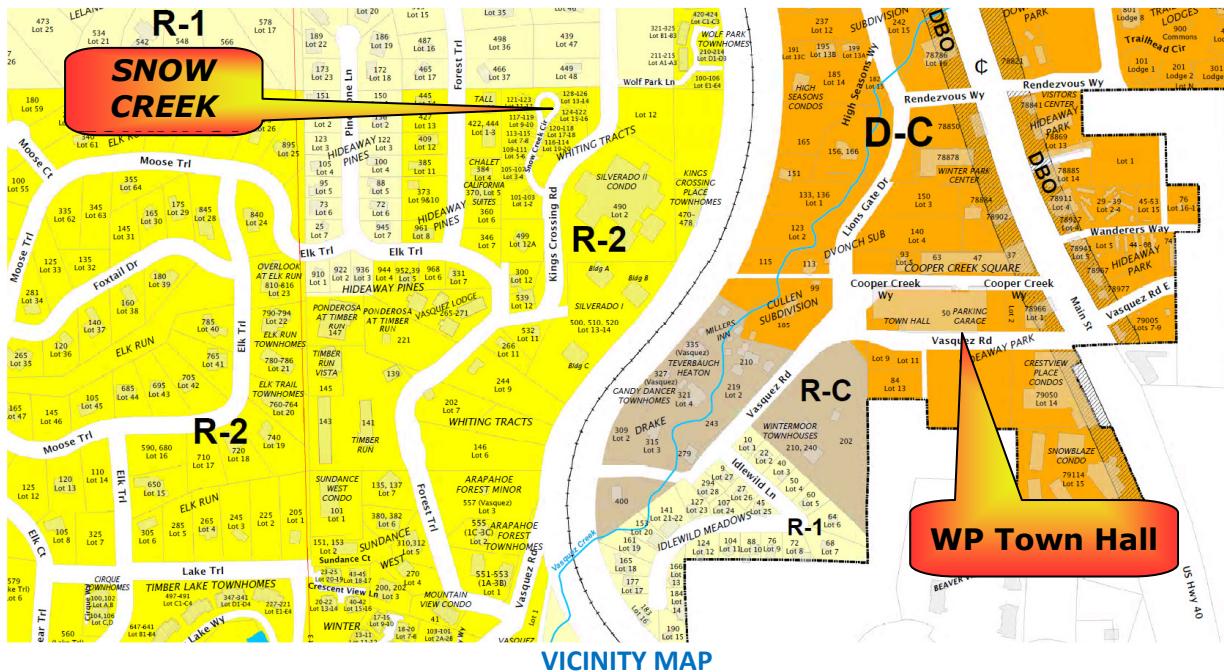
Attachment:

1. Snow Creek Townhome Sketch Plan/Report
 2. Architectural Summary and Conceptual Plans
 3. HP Geotech Soils Letter and Report
 4. Title Commitment
 5. Snow Creek Town Homes Final Plat (*R# 2007013563*)
 6. 2007 Snow Creek Townhomes Drainage Report

PARCEL DESCRIPTION

The land under consideration for replat is the entirety of the 2007 Snow Creek Town Home Subdivision Plat (Lots 1-20, Outlots A-P), totaling 2.21 acres. All lots and tracts are owned by 115 Reiling, LLC.

LEGAL DESCRIPTION: A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING A PART OF LOT 12A, WHITINGS TRACTS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: LOTS 1-20 AND OUTLOTS A-P OF SNOW CREEK TOWNHOMES (GRAND COUNTY RECEPTION NUMBER 2007013563), RECORDED AT 2:06 PM, DECEMBER 11, 2007, LESS THE NORTH 10 FT AS DESCRIBED AT 2013008466.



AERIAL PHOTO

HISTORY

The land for this project was originally platted as a part of the Whiting Tracts and then as two outlots in Silverado II Condominiums. In 2007, this projects as designed and platted as twenty duplex lots to be known as Snow Creek Town Homes. The water, sanitary sewer, and storm drainage infrastructure was installed during 2007/2008, but no building construction was completed.

In 2013, Snow Creek Holding granted the north 10' of the property to the Town of Winter Park to construct a public trail. That agreement apparently allows that 10' to be counted towards our open space calculation. There is a variance request below that discuss us keeping the original setback location from the 2007 plat. (i.e. 10' side setback becomes a 0' setback to the new property line.)

RELEVANT SITE CHARACTERISTICS\SITE TOPOGRAPHY

Please see the aerial photo on the previous page for reference and the sketch plan for site topography. The site generally slopes from west to east, from Forest Trail to King's Crossing Road.

CREEKS\WETLANDS

There is a minor drainage crossing the southern portion of the site. This property is unaffected by floodplains or wetlands.

GEOLOGY/SOILS

Please read the attached soils report by HP Geotech for additional discussion. There appears to be no impediment to safe development.

VEGETATION

The deep utilities and rough road grading were completed in 2008, and revegetation has been established. The picture below is take from King's Crossing Road, looking north to the site.



POTENTIAL RADIATION HAZARD

There are no known radiation hazards in this area, although the soils report should adequately address this issue.

SNOW STORAGE

As shown on the sketch plan, this project will provide a combination of physical snow storage and snow-melt parking areas to meet snow storage requirements.

ZONING

The existing zoning is R-2. Appurtenant Zoning Data is below:

1. Density less than 20 units per acre.
2. Setbacks: Front 25', Rear 20', Side 5' (+3' per story above main)
3. Building height less than 35'.
4. Maximum Building Coverage less than 40%. (Please note that Maximum Building Coverage deals with building coverage from a bird's eye view and is unaffected by two- and three-floor buildings. Building Square Footage is discussed below and includes interior areas of multi-story floors, garages, exterior decks and patios.)

The original approved architecture included three-story duplexes that average about 2600 SF per unit (including interior space, decks, and exterior slabs). With twenty duplex lots, the total building square footage was 51,500 SF.

PROPOSED REPLAT

By the time the infrastructure was installed in 2008, it became apparent that market conditions were changing. Vertical construction of the larger, more expensive units was delayed. With the economy now showing glimpses of recovery, analyses of market conditions demands a different product. The intent of this replat is to significantly reduce the unit size and spread the infrastructure cost over more units. The intent is to construct one duplex in the spring of 2020, and begin the pre-sales process.

BUILDING SQUARE FOOTAGE - SNOW CREEK TOWNHOMES									
2007 ORIGINAL				2020 REPLAT					
	UNIT COUNT	UNIT ¹⁻² [SQ.FT.]	TOTAL [SQ.FT.]		UNIT COUNT	UNIT ¹⁻³ [SQ.FT.]	TOTAL [SQ.FT.]		
UPHILL	8	2679	21432	DUPLEX	4	2800	11200		
FLAT	8	2604	20832	TRIPLEX	9	2800	25200		
DOWNHILL	4	2316	9262	4-PLEX	12	2800	33600		
TOTAL	20		51526	TOTAL	25		70000		
AVERAGE UNIT SQ. FOOTAGE =		2576		AVERAGE UNIT SQ.FOOTAGE =		2800			
*NOTES:									
1. INCLUDES GARAGE, DECKS, EXTERIOR SLABS\WALKS.									
2. 2020 BUILDING AREAS ARE BASED ON CONCEPTUALS LAYOUTS AND ARE NOT FINAL.									

- A. DENSITY: We want to increase density from 20 units to 25 units (9.1 units/acre to 11.3 units/acre).
- B. ARCHITECTURE: See Munn Architecture for proposed architecture.
- C. AVERAGE UNIT SIZE = 2800 sf
- D. TOTAL BUILDING SQUARE FOOTAGE = 70,000 SF.

E. PARKING: Each two bedroom unit is required to have 1.5 spaces/unit. This plan proposes each unit with a 1-car garage and 1-space in front for downhill units, and 2 garage spaces per uphill unit (2 spaces/unit).

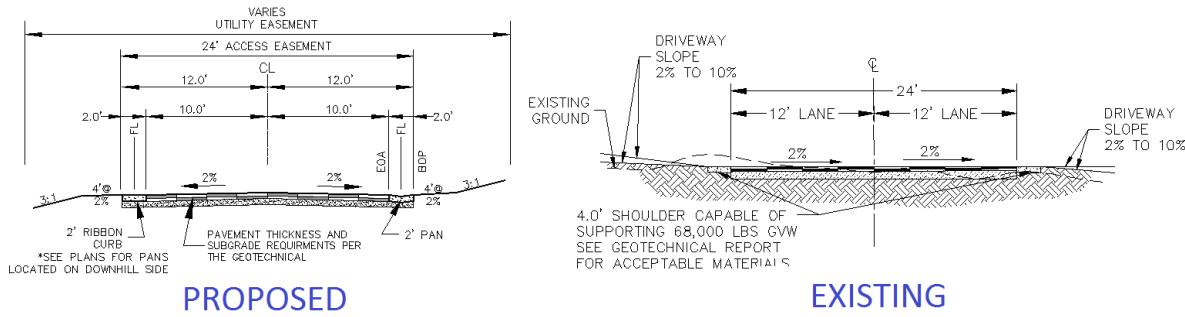
REQUIRED: $25 * 1.5$ spaces/unit = 38 parking spaces required

PROVIDED: $25 * 2$ spaces/unit = 50 parking spaces provided

EXTRA PARKING: 17 spaces (3736 SF or 3.9% of the project area)

F. ROAD SECTION: Revise the road section from 32' wide to 24' wide.

- Existing design is 4' pan/24' asphalt/4' pan (i.e. Lakota Park Subdivision)
- Proposed design is 2' pan/20' asphalt/2' pan (i.e. Rendezvous at Winter Park (F1) and Rendezvous (F3, F5, F6, F7)).
- Please note that the 4' concrete pans that lined the 24' wide asphalt road were not previously included in the "maximum building coverage" calculation.



G. SETBACKS: Unchanged, except for variance request for north property line side setback.

H. MAXIMUM BUILDING COVERAGE: 40%, with the variance requests discussed below.

I. TRAFFIC IMPACT ANALYSIS: This site is already platted for 20 units. We are proposing to increase that unit count to 25 multifamily units. The site has a single access onto King's Crossing Road, which is an existing minor collector road that was presumably constructed to take into account the zoning densities of all of the previously platted lots that the road serves. Please refer to the Site Generation Trip Estimate table below for site generated traffic onto King's Crossing Road. Due to the minimal 20% increase to the existing approved traffic impact, please accept this simplified Traffic Impact Analysis as sufficient for this project.

SITE GENERATION TRIP ESTIMATES									
ITE LAND USE	ITE CODE	QUAN.	DAILY	AM PEAK HOUR			PM PEAK HOUR		
				IN	OUT	TOT	IN	OUT	TOT
2007 PLAT APPROVED MULTIFAMILY HOUSING (LOW RISE)	220	20	160	3	8	12	9	5	14
2020 PROPOSED PLAT MULTIFAMILY HOUSING (LOW RISE)	220	25	200	4	11	14	11	7	18

J. PHASE 1 DRAINAGE REPORT: Please review the 2007 approved drainage report in lieu of a new phase 1 drainage report. This report will be modified, and a new pond design meeting 2020 drainage standard requirements will be included with the preliminary plan submittal, should this project proceed.

VARIANCE REQUESTS

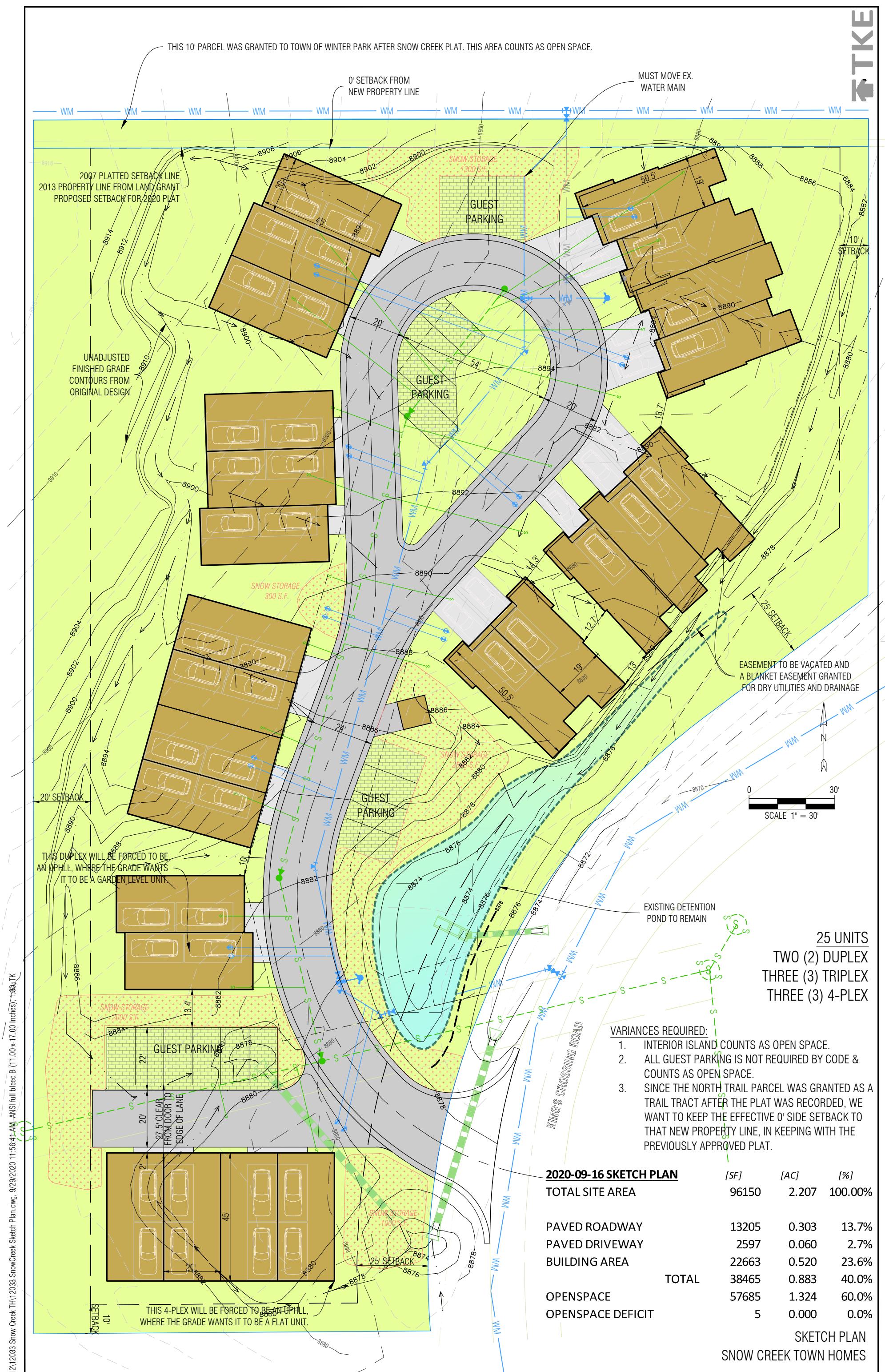
Variance #1: The Winter Park Standards and Specifications for Design and Construction, Section 3.4.3 DEAD-ENDS AND TURNAROUNDS requires that internal island may not be used as a part of the open space calculations and shall not be used for utilities. We see no reason for this. The town should encourage developers to provide landscaped interior islands in their cul-de-sac bubbles where it makes sense. Otherwise, it makes more sense to pave the whole area. In our case, we are providing a looped road in lieu of a landscaped island in a cul-de-sac, so we may not require such a variance. However, we will certainly want to use the interior area for deep utilities, and we will not want it to count against us for building coverage.

Variance #2: In past projects, the town has agreed that provided extra guest parking on site should be encouraged and should not count towards the maximum building coverage requirements. We request the same for this project.

Variance #3: The original plat was recorded in 2007 with the proposed lots adjacent to a 10' side setback on the north property line. In 2013, that easement was granted to the town as an individual parcel for the purposes of constructing a community trail. That agreement allowed that land area to be used as open space for our project, but it also should have granted the setback requirements for these buildings be measured from the north line of that parcel (i.e. the original subdivision boundary). Currently, since the previous setback became our new property line, current standards would require the new setback be 10' greater than is was ever intended to be. The property owner should not lose an additional 10' of potential building area due to a lack of forethought on the granting of that parcel. Please measure the building setback from the original 2007 property line.

CONCLUSION

This project is a great project for the town of Winter Park. The updated modern architecture from Munn Architecture will be fantastic and exciting. The proposed variance requests are reasonable. Please help us move to the next step of design and construction. Thank you.





Munn Architecture-AIA

315 East Agate Ave.
PO Box 21
Granby Co.80446

Phone: 970-887-9366
Fax: 970-557-3184
E-mail:
scott@munnarch.com

09-17-2020
Snow Creek Townhomes
Town of Winter Park Sketch Plan Submittal
Architecture Summary
By J. Scott Munn-AIA / Munn Architecture, PC

The architecture of these townhomes is proposed to be of the mountain modern aesthetic, with a similar feeling to the newer developments around the Town of Winter Park, such as the Arrow development and the Rendezvous Center (see attached images). With modern aspects of simplistic forms and materials, mixed with rustic elements of mountain design, the townhomes will blend with the current aesthetics of the Town. Rooftop decks, each with it's own hot tub, will adorn these units, allowing owners to use the townhome to it's utmost potential. These townhomes are projected to encapsulate a 1 and 2 car garages, 3 bedrooms, as well as an office, allowing the owner to work from home, which is a highly sought-after amenity at this day in age.

Respectfully submitted,

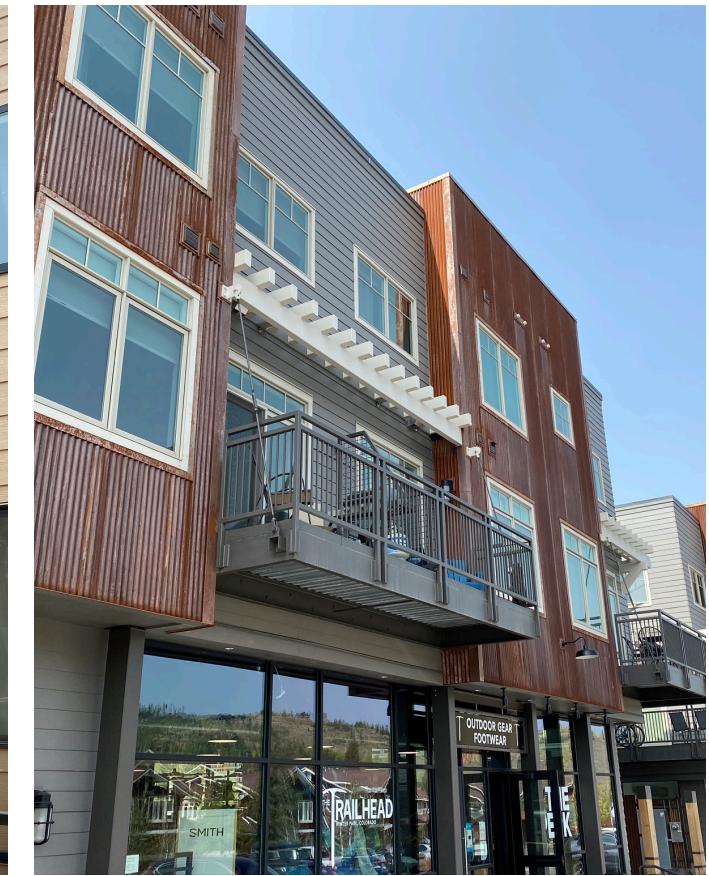
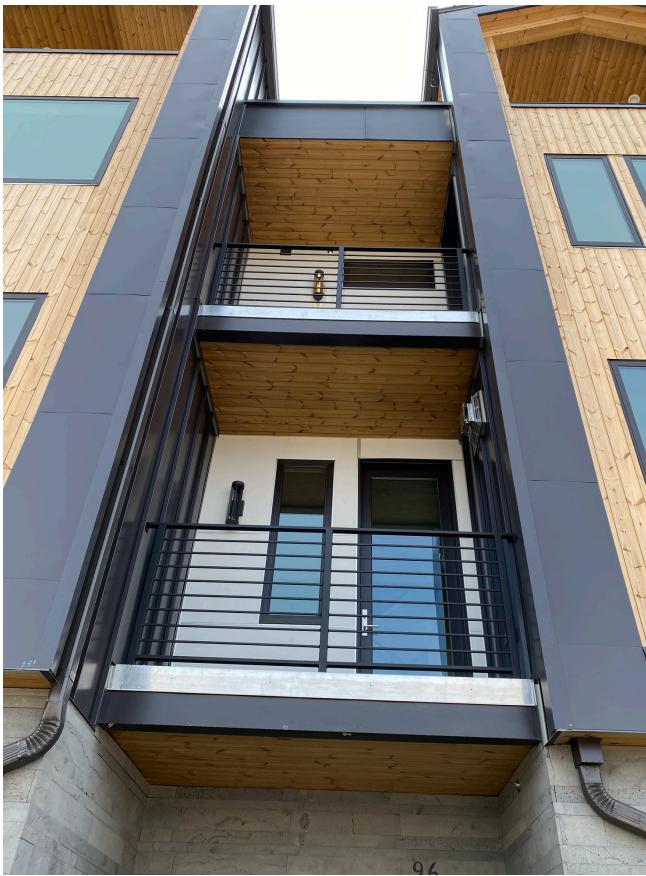
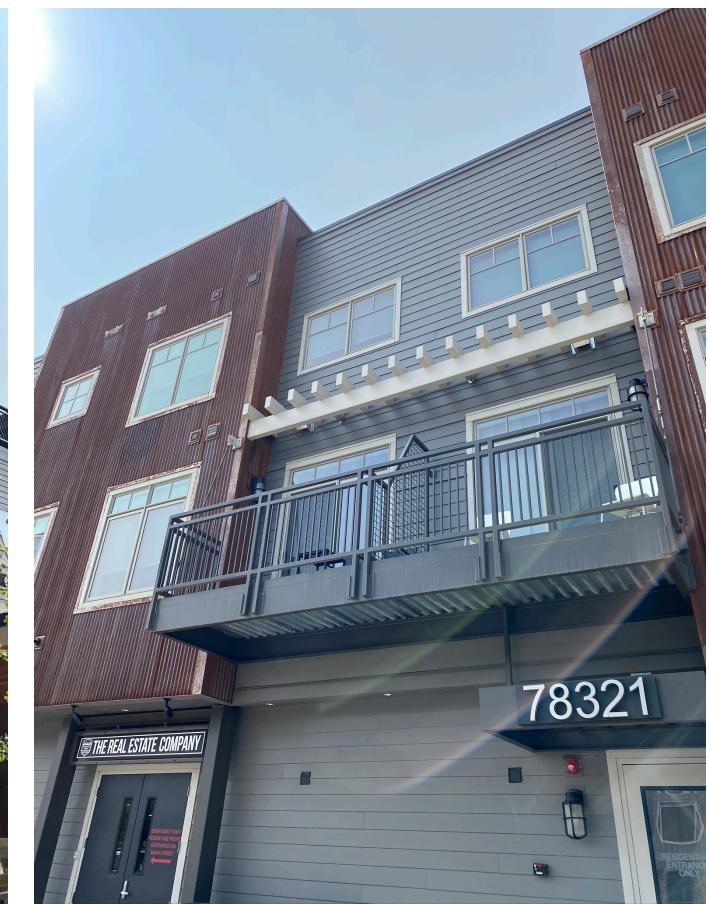
A handwritten signature in black ink, appearing to read "J. Scott Munn". It is written in a cursive, flowing style with a horizontal line underneath the signature.

J. Scott Munn-AIA, NCARB
Architect / Owners Representative

Example
Developments
in the Town of
Winter Park

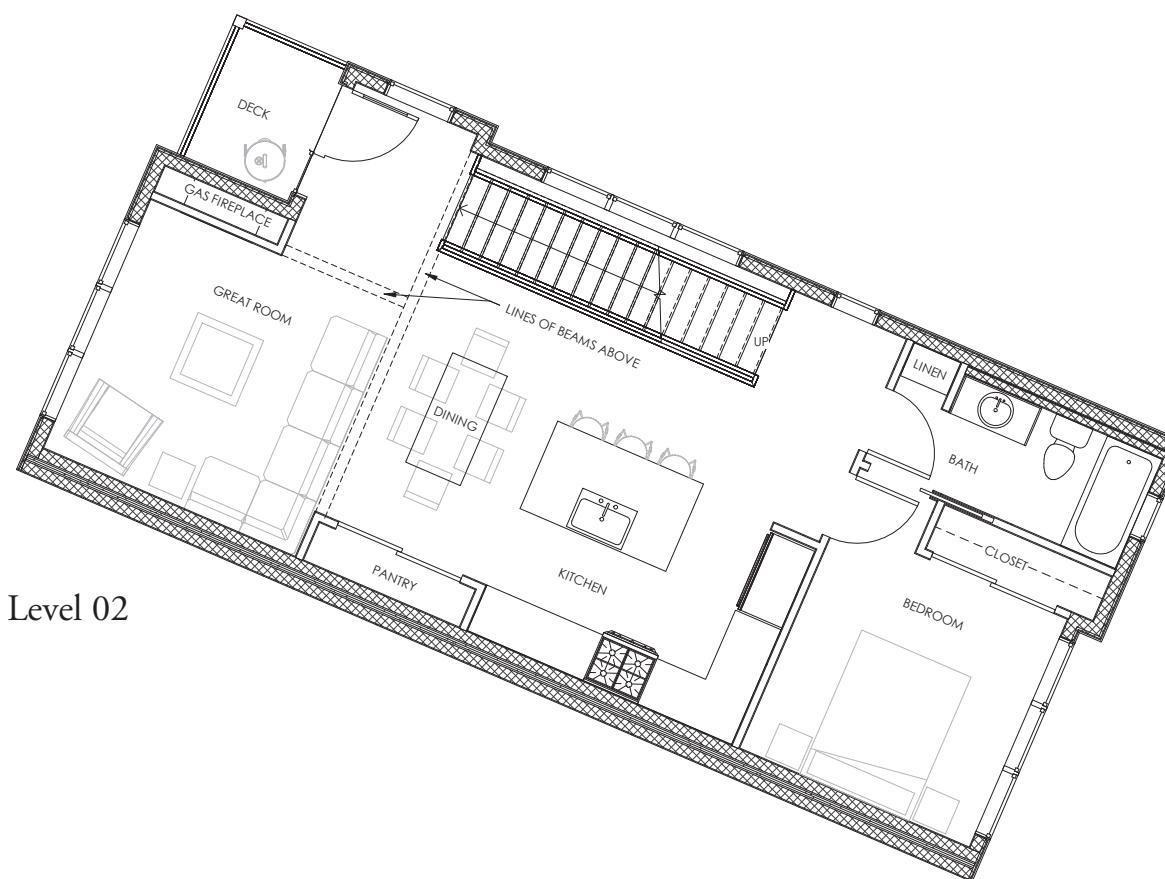
101-125 Snow Creek Cir.
Winter Park, CO 80482

Snow Creek Townhomes

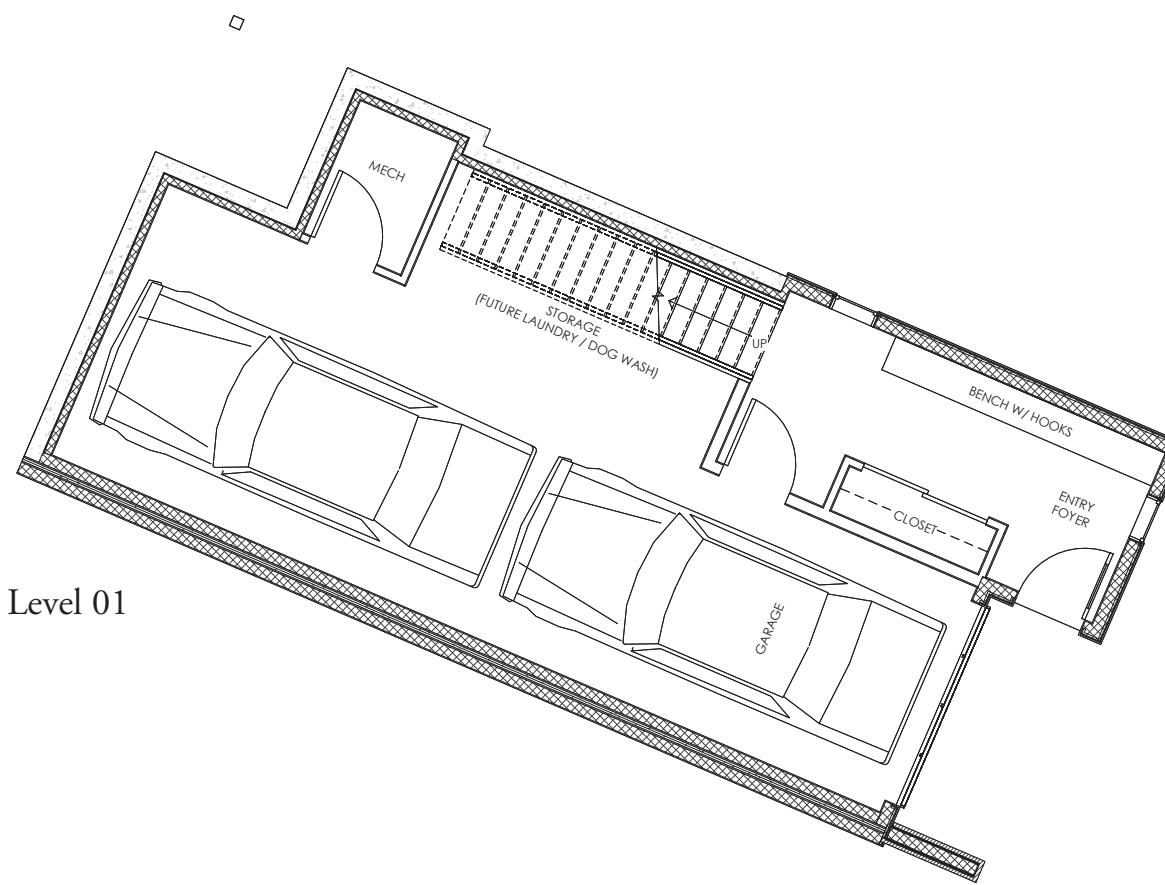


Snow Creek Townhomes

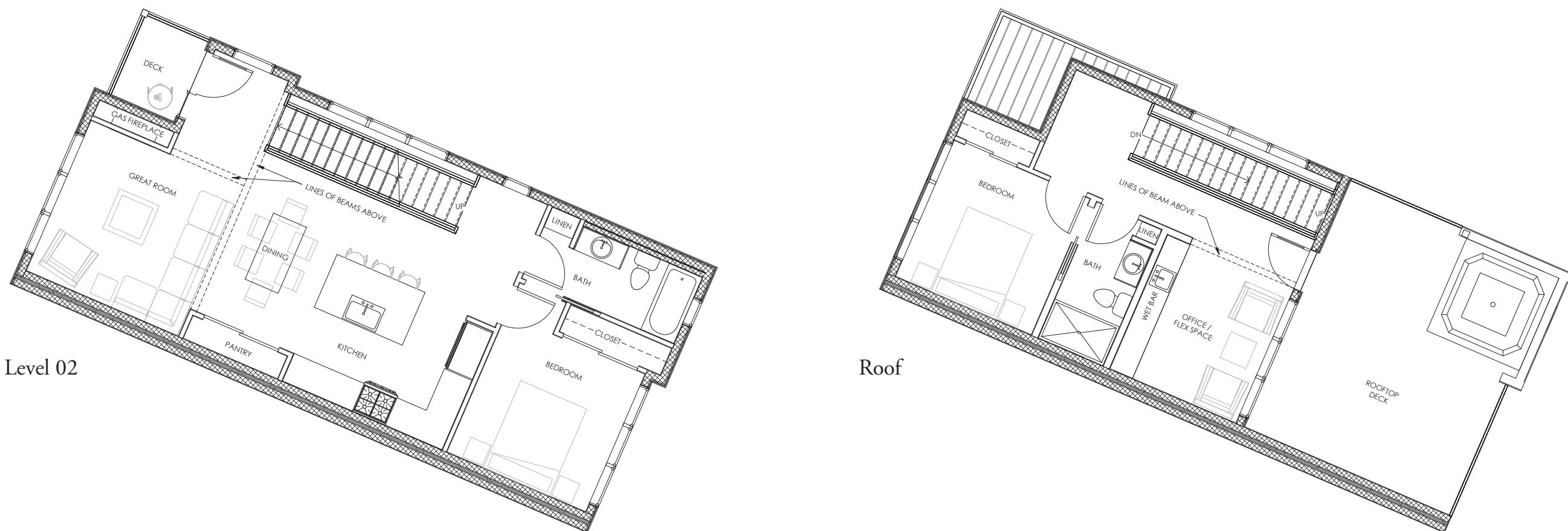
101-125 Snow Creek Cir.
Winter Park, CO 80482



Level 02



Level 01



Roof



Level 03



Schematic
Layouts &
Massing

(Uphill Units)

09/23/2020

Snow Creek Townhomes

101-125 Snow Creek Cir.
Winter Park, CO 80482





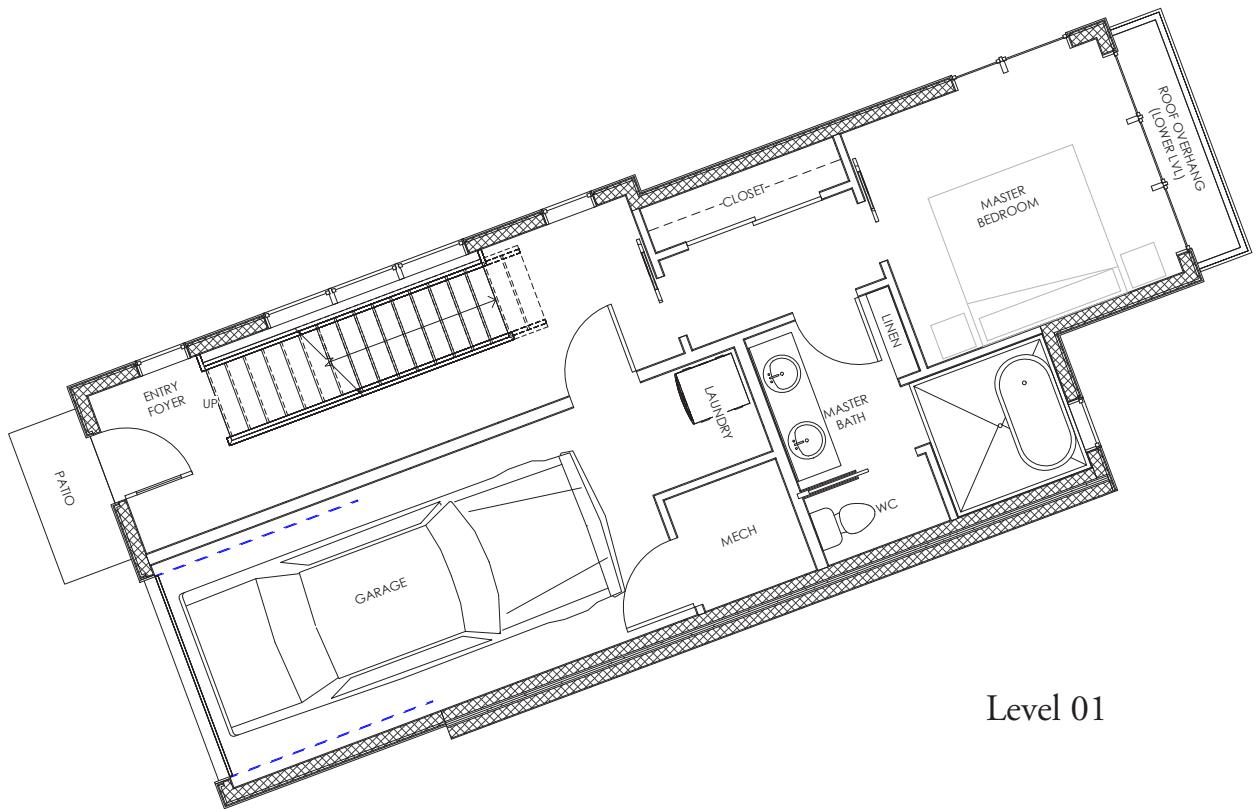
Schematic
Layouts &
Massing

(Downhill
Corner Units)

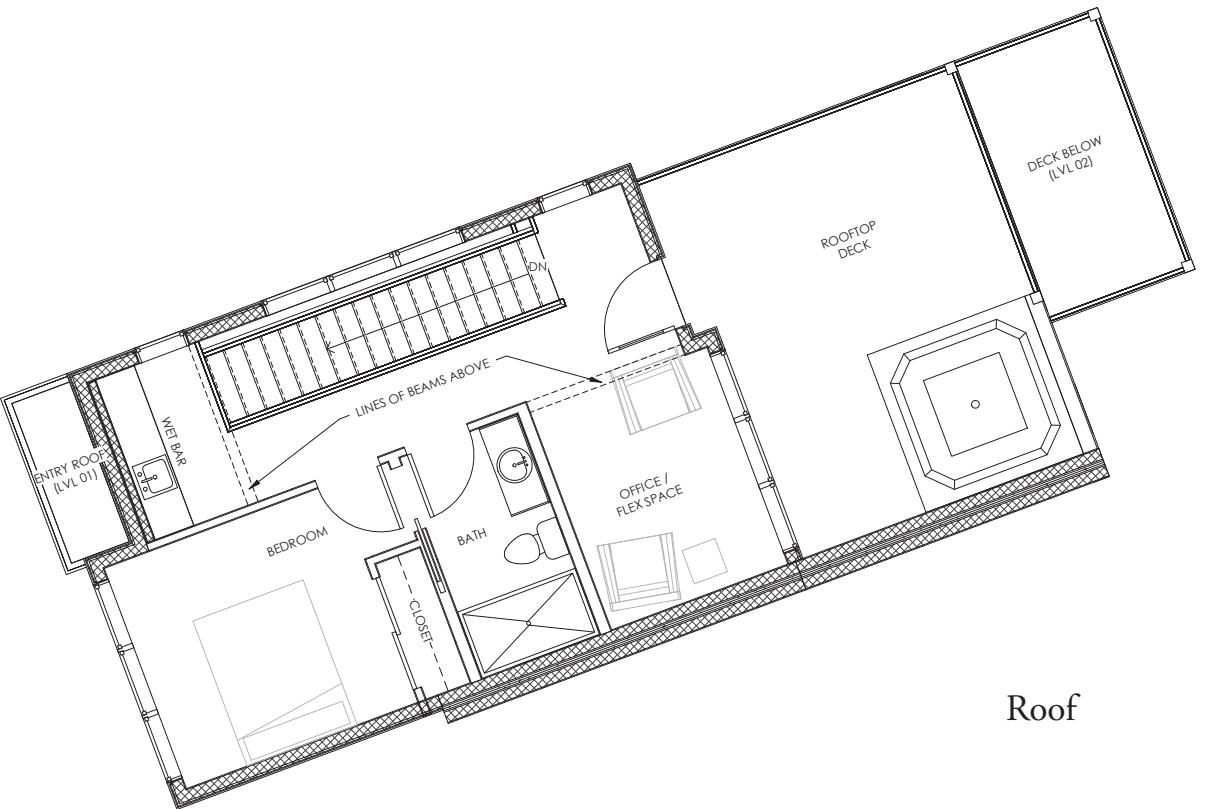
09/23/2020

Snow Creek Townhomes

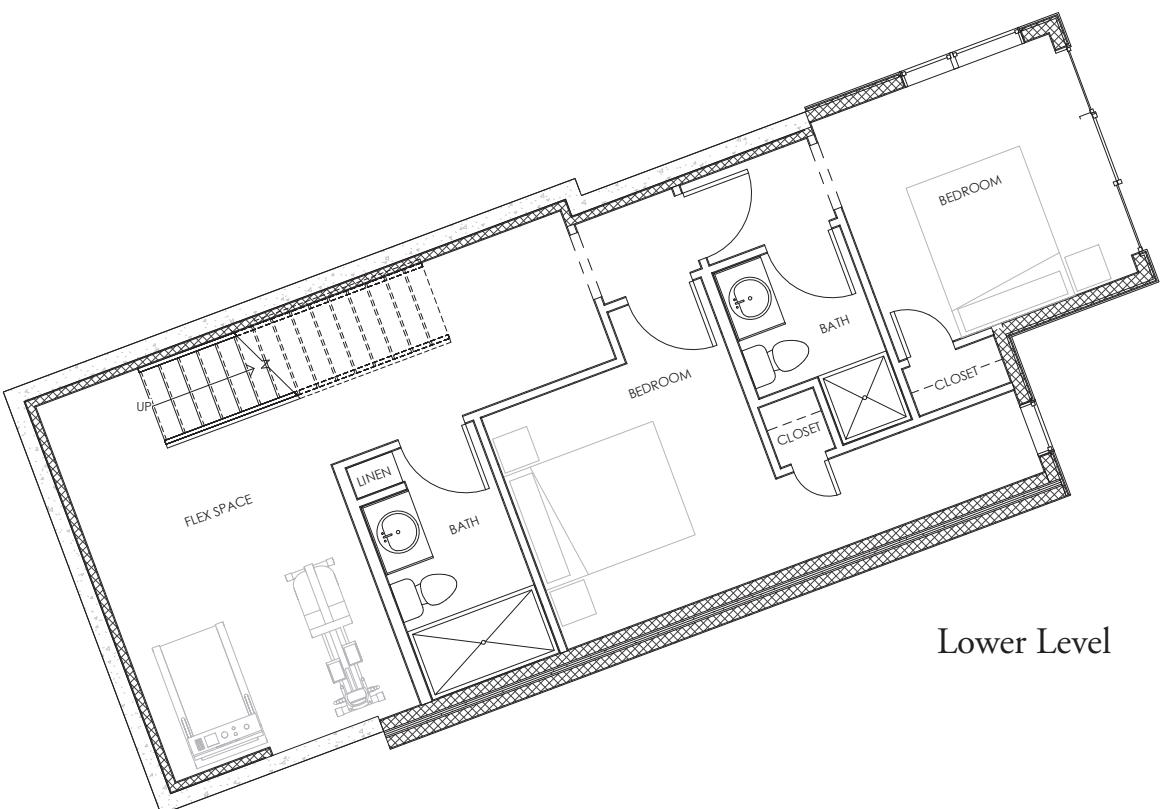
101-125 Snow Creek Cir.
Winter Park, CO 80482



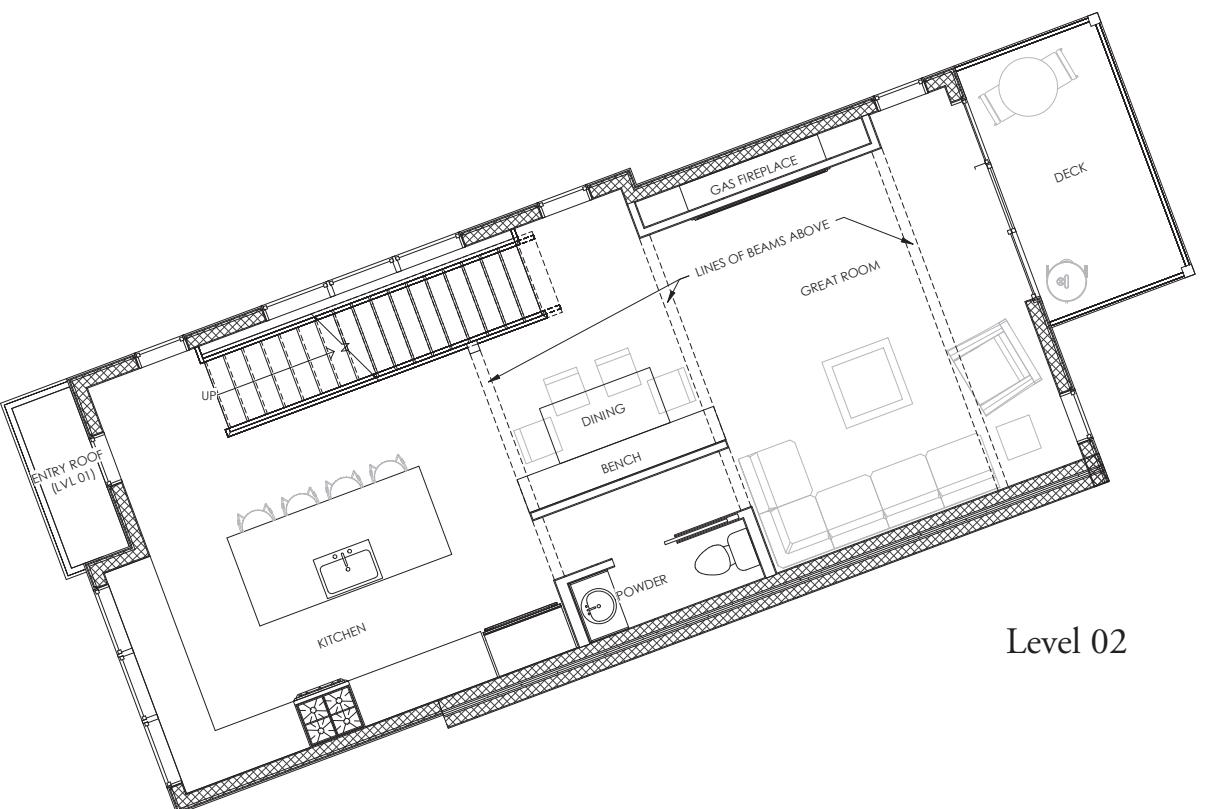
Level 01



Roof



Lower Level



Level 02

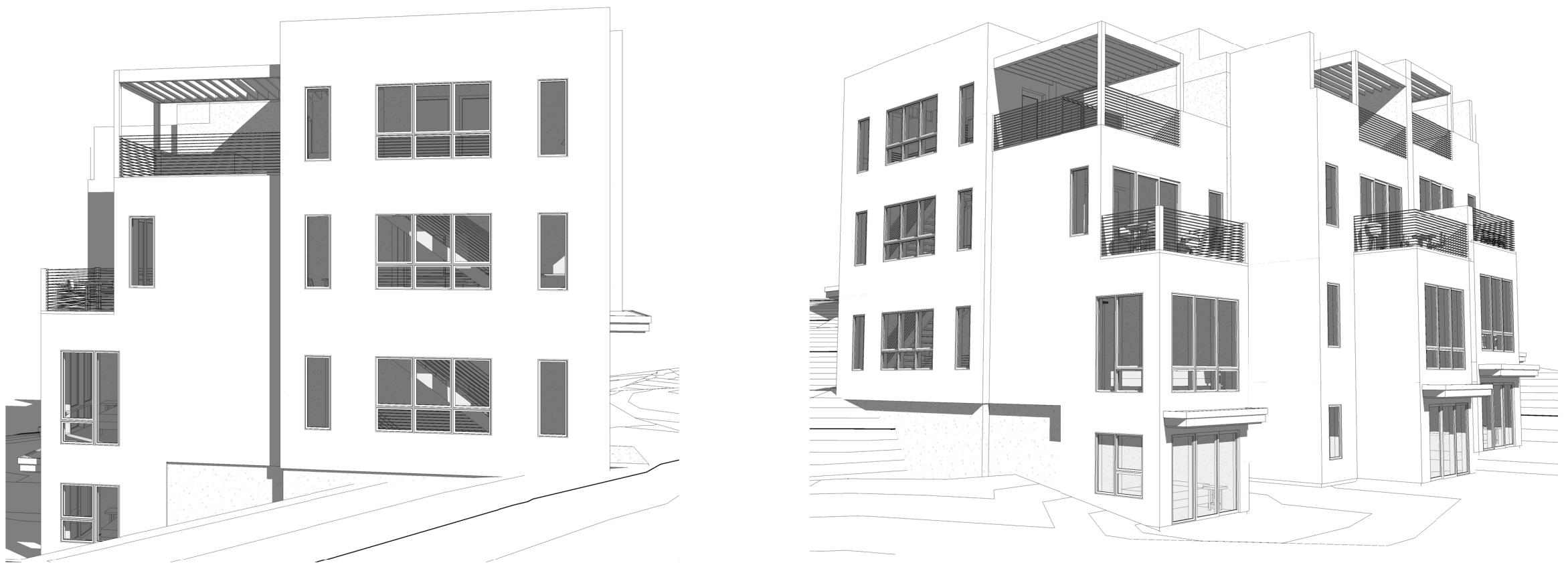
Schematic
Layouts &
Massing

(Downhill Units)

09/23/2020

Snow Creek Townhomes

101-125 Snow Creek Cir.
Winter Park, CO 80482



2755 S Locust St. #255
Denver, CO 80222



Telephone: 303-558-6623
Facsimile: 720-465-6886
www.FirstAllianceTitle.com

File Info: **Property:** 459, 479 and 489 Kings Crossing Road, Winter Park, CO 80482
Closing Date: 06/24/2020
File Number: 2006-032

Your Closing Team:

Thank you for trusting First Alliance Title with your transaction! We realize the importance of continuous communication to ensure a successful closing. Knowing this, we have assigned the following escrow team to assist you:

Escrow Closer

DeAnna Chacon
dchacon@firstalliancetitle.com
720.598.0744

Assistant

Jennifer Eaves
jennifer@firstalliancetitle.com

Please don't hesitate to call or email us at any time during your transaction.

Your Title Commitment:

The initial title commitment is attached for your review. The title commitment contains hyperlinks to supporting documentation.

If you have questions about how to review your title commitment, please visit this helpful article for assistance: [How To Read Your Title Commitment](#)

Wire Fraud Alert:

Do NOT rely upon emailed funding instructions. Criminals/hackers are targeting email accounts of various parties involved in a real estate transaction. The criminals send emails that appear to come from legitimate parties to the transaction, like the mortgage broker, a real estate agent or the title company. These fraudulent emails request that you wire funds for the transaction, but the wire instructions contained in the emails divert funds to the criminal's bank account.

Buyers: Before you wire any funds to us, or any other party, personally call your Escrow Closer to confirm the instructions are legitimate. Don't rely on emailed wire instructions from any party to the transaction.

Sellers: If you want proceeds wired to your bank, bring the wire instructions to the closing. We do not accept emailed wire instructions.

To learn more on how to protect yourself against cyber-fraud visit: [Wire Fraud Protection](#)

Secure Portal:

If you need to send us a document containing private information, please call our closing team so that we may send you a link for secure document upload.



ALTA COMMITMENT FORM
COMMITMENT FOR TITLE INSURANCE
Issued By
FIDELITY NATIONAL TITLE INSURANCE COMPANY

File No.: 2006-032

Commitment No.: 2006-032

Fidelity National Title Insurance Company, a California corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate 120 days after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

IN WITNESS WHEREOF, Fidelity National Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

This Commitment shall not be valid or binding until countersigned by a validating officer or authorized signatory.

First Alliance Title, LLC
2755 South Locust Street #255
Denver, CO 80222

Gregory C. Parham,
Authorized Agent/Officer

Fidelity National Title Insurance Company

BY



President

ATTEST

Secretary

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AMERICAN
LAND TITLE
ASSOCIATION



**ALTA COMMITMENT FORM
COMMITMENT FOR TITLE INSURANCE**

Issued By

FIDELITY NATIONAL TITLE INSURANCE COMPANY

File No.: 2006-032

Commitment No.: 2006-032

SCHEDULE A

1. Commitment Date: June 2, 2020 at 12:00 AM
2. Policy (or Policies) to be issued:
 - a. Owner's Policy **ALTA (06/17/06)** Policy Amount \$1,230,000.00
Proposed Insured: 115 Reiling LLC, a Colorado Limited Liability Company
3. Fee Simple interest in the land described in this Commitment is owned, at the Commitment Date, by [Snow Creek Holdings, LLC, a Colorado Limited Liability Company](#).
4. The land referred to in the Commitment is described as follows:

SEE SCHEDULE C ATTACHED HERETO

Commonly known as:

459, 479 and 489 Kings Crossing Road
Winter Park, CO 80482
APN # 1587-332-40-023

First Alliance Title, LLC
2755 South Locust Street #255
Denver, CO 80222



Gregory C. Parham,
Authorized Agent/Officer

Fidelity National Title Insurance Company



BY



(Greg C. Parham)

President

ATTEST



(Diana Krebs)

Secretary

**ALTA COMMITMENT FORM
COMMITMENT FOR TITLE INSURANCE**

Issued By

FIDELITY NATIONAL TITLE INSURANCE COMPANY

File No.: 2006-032

Commitment No.: 2006-032

**SCHEDULE B - SECTION I
REQUIREMENTS**

The following are the requirements that must be met:

- a. Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
- b. Pay us the premiums, fees and charges for the policy.
- c. Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded:

Warranty Deed from Snow Creek Holdings, LLC, a Colorado Limited Liability Company to 115 Reiling LLC, a Colorado Limited Liability Company.

- d. You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
- e. Payment of all taxes through and including those for the current year.
- f. The requirements for a Colorado Limited Liability Company are as follows:
 - A. Certificate of Good Standing from the Colorado Secretary of State for Snow Creek Holdings, LLC, a Colorado LLC.
 - B. A copy of the Articles of Organization for Snow Creek Holdings, LLC, a Colorado LLC issued by the Colorado Secretary of State, or a certified copy thereof, to be submitted to the company for review.
 - C. A copy of a company resolution or operating agreement disclosing who can sign on behalf of the entity along with their title(s) within the entity.
- g. Recordation of a signed and notarized Statement of Authority for Snow Creek Holdings, LLC, a Colorado LLC.
- h. The requirements for a Colorado Limited Liability Company are as follows:
 - A. Certificate of Good Standing from the Colorado Secretary of State for 115 Reiling, LLC, a Colorado LLC.
 - B. A copy of the Articles of Organization for 115 Reiling, LLC, a Colorado LLC issued by the Colorado Secretary of State, or a certified copy thereof, to be submitted to the company for review.
 - C. A copy of a company resolution or operating agreement disclosing who can sign on behalf of the entity along with their title(s) within the entity.
- i. Recordation of a signed and notarized Statement of Authority for 115 Reiling, LLC, a Colorado LLC.
- j. Standard form of indemnity (GAP Indemnity) for defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Commitment Date but prior to the date of recording of the instruments under which the Proposed Insured acquires the estate or interest or mortgage covered by this commitment must be provided. Note: Due to office

**ALTA COMMITMENT FORM
COMMITMENT FOR TITLE INSURANCE**

Issued By

FIDELITY NATIONAL TITLE INSURANCE COMPANY

File No.: 2006-032

Commitment No.: 2006-032

closures related to COVID-19 we may be temporarily unable to record documents in the normal course of business.

- k. Liability limit must be approved by underwriter, and the Company reserves the right to add exceptions and/or requirements as required by underwriter. NOTE: awaiting approval from underwriting

Notice: Due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

Requirements to provide owners' extended coverage (OEC) in the owner's policy to be issued:

Upon receipt by the company of a satisfactory final affidavit and agreement from the seller and proposed insured, exceptions 1 through 4 of the standard exceptions will be deleted. Any adverse matters disclosed by the final affidavit and agreement will be added as exceptions.

If First Alliance Title, LLC conducts the closing of the contemplated transactions and records the documents in connection therewith, exception no. 5 of the standard exceptions will be deleted.

Upon receipt of proof of payment of all prior years' taxes and assessments, exception no. 6 of the standard exceptions will be amended to read: *Taxes and assessments for the current and subsequent years.*

Note: items 1-3 of the standard exceptions are hereby deleted from the mortgagee's policy. Item 4 of the standard exceptions will be deleted upon receipt of a satisfactory lien affidavit signed by all parties at closing. Form 100 will be attached to the mortgagee's policy when issued.

Note: bundled loan premium rate includes: loan policy premium, included loan endorsement charges and tax certificate charge. (contact your escrow officer for the tax certificate)

**ALTA COMMITMENT FORM
COMMITMENT FOR TITLE INSURANCE**

Issued By

FIDELITY NATIONAL TITLE INSURANCE COMPANY

File No.: 2006-032

Commitment No.: 2006-032

**SCHEDULE B – SECTION II
EXCEPTIONS**

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

1. Any facts, rights, interests or claims that are not shown by the Public Records but which could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachments, encumbrances, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by Public Records.
4. Any lien and right to a lien for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims, or other matters, if any, created, first appearing in the public records, or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon conveyed by this Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents, or in Acts authorizing the issuance thereof; (c) water rights, claims of title to water, whether or not the matters excepted under (a), (b), or (c) are shown in the public records.
8. Exceptions to Title contained on Exhibit A to the Warranty Deed recorded 05/22/2006 at Reception No 2006-004933.
9. Terms, provisions, options, rights of first refusal, covenants, conditions, restrictions, easements, charges, assessments and liens provided in the Declaration of Covenants, Conditions and Restrictions recorded 12/11/2007 at Reception No 2007013564, and any and all amendments, supplements and annexations thereto, but omitting any covenant, condition or restriction, if any, based on race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that the covenant, condition or restriction (a) is exempt under Title 42 of the United States Code, or (b) relates to handicap, but does not discriminate against handicapped persons.
10. Terms, provisions, options, rights of first refusal, covenants, conditions, restrictions, easements, charges, assessments and liens provided in the Declaration of Covenants, Conditions and Restrictions recorded 12/11/2007 at Reception No 2007013565, and any and all amendments, supplements and annexations thereto, but omitting any covenant, condition or restriction, if any, based on race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that the covenant, condition or

**ALTA COMMITMENT FORM
COMMITMENT FOR TITLE INSURANCE**

Issued By

FIDELITY NATIONAL TITLE INSURANCE COMPANY

File No.: 2006-032

Commitment No.: 2006-032

restriction (a) is exempt under Title 42 of the United States Code, or (b) relates to handicap, but does not discriminate against handicapped persons.

11. Any rights, easements, interests, claims or other matters which may exist by reason of or reflected by the Plat recorded 08/29/1980 at Reception No. [176515](#).
12. Any rights, easements, interests, claims or other matters which may exist by reason of or reflected by the Plat recorded 12/11/2007 at Reception No. [2007013563](#).
13. Any rights, easements, interests, claims or other matters which may exist by reason of or reflected by the Plat recorded 09/30/2013 at Reception No. [2013008466](#).
14. Rights of tenants in possession as tenants only under unrecorded leases.

**ALTA COMMITMENT FORM
COMMITMENT FOR TITLE INSURANCE**

Issued By

FIDELITY NATIONAL TITLE INSURANCE COMPANY

File No.: 2006-032

Commitment No.: 2006-032

SCHEDULE C

File No.: 2006-032

The land referred to in this Commitment is described as follows:

PARCEL A:

A parcel of land in the Southwest 1/4 Northwest 1/4, Section 33, Township 1 South, Range 75 West, 6th P.M., being a part of Lot 12 A, Whitings Tracts, and more particularly described as follows:

Beginning at a point from which the Northeast corner of the said SW 1/4 NW 1/4, Section 33, bears N 46°46'12" E for a distance of 622.01 feet;
Thence S 89°30'22" W for a distance of 140.44 feet;
Thence N 00°03'22" E for a distance of 95.50 feet;
Thence N 76°30'00" E for a distance of 123.00 feet;
Thence S 65°00'00" E for a distance of 38.33 feet;
Thence along the arc of a curve to the left for a distance of 108.64 feet, with a radius of 240.00 feet and whose long chord bears S 07°28'06" W for a distance of 107.72 feet to the Point of Beginning,

Said parcel sometimes referred to as Lot 1 as shown on Plat of Silverado II Condominiums recorded at Reception No. 176515.

PARCEL B:

Lot 4, SILVERADO CONDOMINIUMS II, according to the Map thereof filed March 2, 1981, at Reception No. 191577.

LESS AND EXCEPT: The North 10 feet of Outlot C, Snow Creek Townhomes, according to the official subdivision exemption plat thereof filed 09/06/2013 at Reception No. 200713563.

County of Grand, State of Colorado.

**ALTA COMMITMENT FORM
COMMITMENT FOR TITLE INSURANCE**

Issued By

FIDELITY NATIONAL TITLE INSURANCE COMPANY

File No.: 2006-032

Commitment No.: 2006-032

CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. *The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <<http://www.alta.org/>>.*

**ALTA COMMITMENT FORM
COMMITMENT FOR TITLE INSURANCE**

Issued By

FIDELITY NATIONAL TITLE INSURANCE COMPANY

File No.: 2006-032

Commitment No.: 2006-032

DISCLOSURES

NOTE: Pursuant to C.R.S. §10-11-122, for each Commitment for an Owner's Policy of Title Insurance pertaining to the sale of residential real property, notice is hereby given that:

- A) The subject real property may be located in a special taxing district.
- B) A Certificate of Taxes Due listing each taxing jurisdiction will be obtained from the County Treasurer or the County Treasurer's authorized agent unless the proposed insured provides written instructions to the contrary.
- C) Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.
- D) The company will not issue its policy of policies of title insurance contemplated by the commitment until it has been provided a Certificate of Taxes due from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary.

NOTE: Pursuant to C.R.S. §10-11-123, for each Commitment for an Owner's Policy of Title Insurance containing a mineral severance instrument exception or exceptions in Schedule B, Section 2, notice is hereby given that:

- A) There is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- B) Such mineral estate may include the right to enter and use the property without the surface owner's permission.

NOTE: Pursuant to Colorado Division of Insurance Regulation 8-1-2, notice is hereby given that affirmative mechanic's lien protection for the prospective insured owner may be available upon compliance with the following conditions:

- A. The land described in Schedule A of this Commitment must be a single family residence, which includes a condominium or townhouse unit.
- B. No labor or materials may have been furnished by mechanics or materialmen for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- C. The Company must receive appropriate affidavits indemnifying the Company against all unfiled mechanic's and materialmen's liens.
- D. Any deviation from conditions A through C above is subject to such additional requirements or information as the Company may deem necessary; or, at its option, the Company may refuse to delete the exception.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

NOTE: Pursuant to Colorado Division of Insurance Regulation 8-1-2, notice is hereby given that every title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title insurance commitment, other than the effective date of the title insurance commitment, for all matters which appear of record prior to the time of recording whenever the title insurance company, or its agent, conducts the closing and settlement service that is in conjunction with its issuance of an owner's policy of title insurance and is responsible for the recording and filing of legal documents resulting from the transaction which was closed.

NOTE: Pursuant to Colorado Division of Insurance Regulation 8-1-3, notice is hereby given of the availability of a Closing Protection Letter which may, upon request, be provided to certain parties to the transaction

NOTE: C.R.S. §30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right, and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording

**ALTA COMMITMENT FORM
COMMITMENT FOR TITLE INSURANCE**

Issued By

FIDELITY NATIONAL TITLE INSURANCE COMPANY

File No.: 2006-032

Commitment No.: 2006-032

or filing information at the top margin of the document. Regulations of County Clerk and Recorder's offices require that all documents submitted for recording must contain a return address on the front page of every document being recorded.

NOTE: Pursuant to C.R.S. §38-35-125(2), no person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawal as a matter of right.

NOTE: If the transaction includes a sale of the property and the price exceeds \$100,000.00, the seller must comply with the disclosure/withholding provisions of C.R.S. §39-22-604.5 (Nonresident withholding).

NOTE: C.R.S. §39-14-102 requires that a real property transfer declaration accompany any conveyance document presented for recordation in the State of Colorado. Said declaration shall be completed and signed by either the grantor or grantee.

NOTE: Notwithstanding anything to the contrary in this Commitment, if the policy to be issued is other than an ALTA Owner's Policy (6/17/06), the policy may not contain an arbitration clause, or the terms of the arbitration clause may be different from those set forth in this Commitment. If the policy does contain an arbitration clause, and the Amount of Insurance is less than the amount, if any, set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.

NOTE: Please be aware that due to conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the company is not able to close or insure any transaction involving Land that is associated with these activities.

Nothing herein contained will be deemed to obligate the company to provide any of the coverages referred to herein unless the above conditions are fully satisfied.

**ALTA COMMITMENT FORM
COMMITMENT FOR TITLE INSURANCE**

Issued By

FIDELITY NATIONAL TITLE INSURANCE COMPANY

File No.: 2006-032

Commitment No.: 2006-032

PRIVACY POLICY NOTICE

Purpose of Notice:

First Alliance Title, LLC and its underwriters (collectively referred to as "Us or We") respect the privacy of our customers' personal information, so we want you to know the ways in which we may collect and use non-public personal information ("personal information"). Our practices and policies are set out in this notice.

Types of Information We May Collect:

In the course of our business, the types of personal information that we may collect about you include:

- Information we receive from you or your authorized representative on applications and forms, and in other communications to us;
- Information about your transactions with us, our affiliated companies, or others;
- Information from consumer or other reporting agencies.

Use and Disclosure of Information:

We use your information to provide the product or service you or your authorized agent have requested of us. We may disclose information to our affiliated companies and unrelated companies as necessary to service your transaction, to protect against fraudulent or criminal activities, when required to do so by law, and as otherwise permitted by law.

We do not share any personal information we collect from you with unrelated companies for their own use.

Protection of Your Personal Information:

We restrict access to personal information about you to those employees who need to know that information in order to provide products and services to you or for other legitimate business purposes.

We maintain physical, electronic and procedural safeguards to protect your personal information from unauthorized access or intrusion.

Changes:

This notice may be revised in accordance with applicable privacy laws.

Revisions: First Alliance Privacy Notice (January 2015)

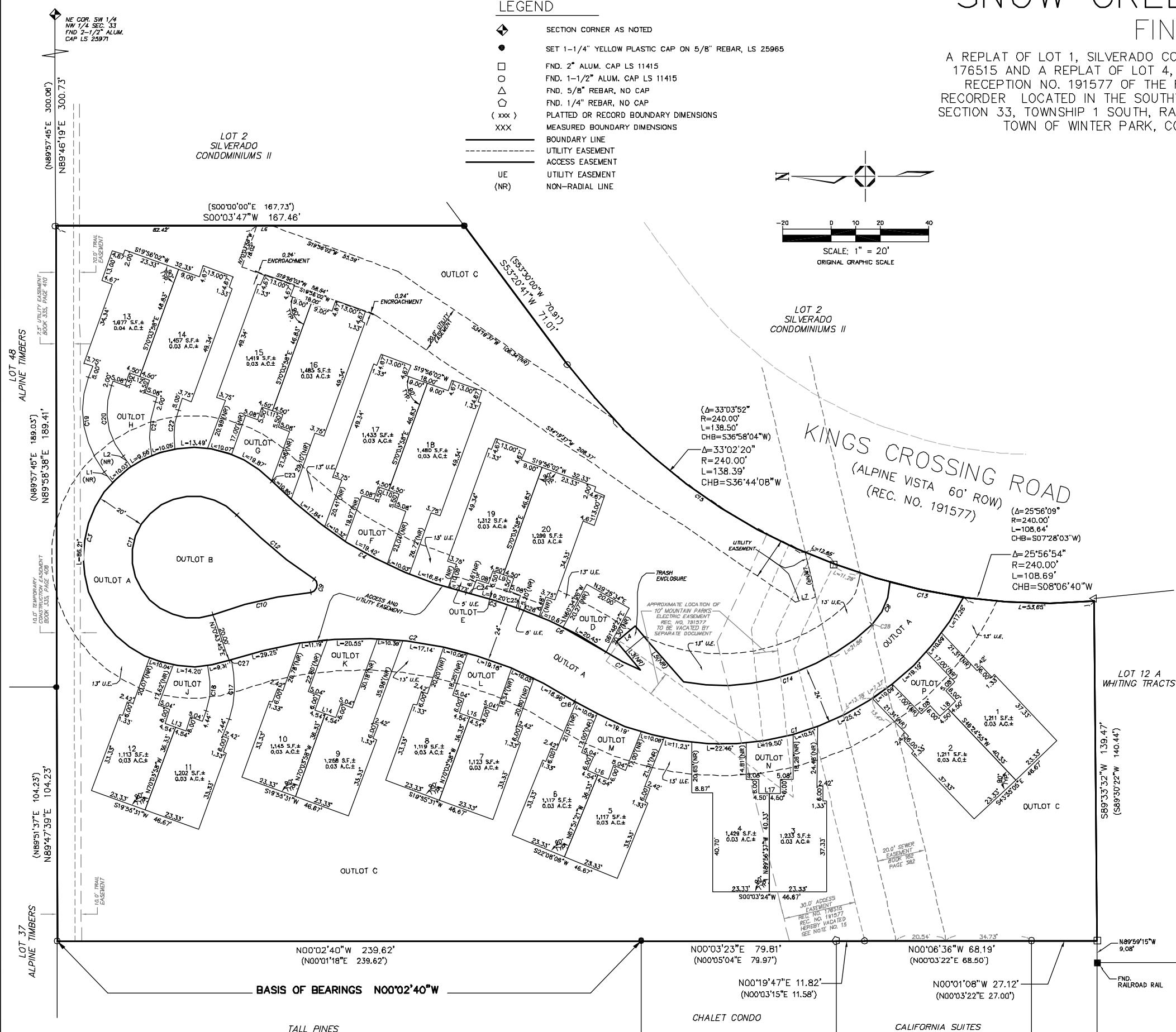
EXHIBIT A - EXCEPTIONS

1. Exceptions to Title contained on Exhibit A to the Warranty Deed recorded 05/22/2006 at Reception No 2006-004933.
2. Terms, provisions, options, rights of first refusal, covenants, conditions, restrictions, easements, charges, assessments and liens provided in the Declaration of Covenants, Conditions and Restrictions recorded 12/11/2007 at Reception No 2007013564, and any and all amendments, supplements and annexations thereto, but omitting any covenant, condition or restriction, if any, based on race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that the covenant, condition or restriction (a) is exempt under Title 42 of the United States Code, or (b) relates to handicap, but does not discriminate against handicapped persons.
3. Terms, provisions, options, rights of first refusal, covenants, conditions, restrictions, easements, charges, assessments and liens provided in the Declaration of Covenants, Conditions and Restrictions recorded 12/11/2007 at Reception No 2007013565, and any and all amendments, supplements and annexations thereto, but omitting any covenant, condition or restriction, if any, based on race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that the covenant, condition or restriction (a) is exempt under Title 42 of the United States Code, or (b) relates to handicap, but does not discriminate against handicapped persons.
4. Any rights, easements, interests, claims or other matters which may exist by reason of or reflected by the Plat recorded 08/29/1980 at Reception No 176515.
5. Any rights, easements, interests, claims or other matters which may exist by reason of or reflected by the Plat recorded 12/11/2007 at Reception No 2007013563.
6. Any rights, easements, interests, claims or other matters which may exist by reason of or reflected by the Plat recorded 09/30/2013 at Reception No 2013008466.
7. Rights of tenants in possession as tenants only under unrecorded leases.

SNOW CREEK TOWNHOMES

FINAL PLAT

A REPLAT OF LOT 1, SILVERADO CONDOMINIUMS II AS RECORDED AT RECEIPTION NO. 176515 AND A REPLAT OF LOT 4, SILVERADO CONDOMINIUMS II AS RECORDED AT RECEIPTION NO. 191577 OF THE RECORDS OF THE GRAND COUNTY CLERK AND RECORDER LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST, OF THE SIXTH PRINCIPAL MERIDIAN TOWN OF WINTER PARK, COUNTY OF GRAND, STATE OF COLORADO
SHEET 2 OF 2



EXEMPTION No. 1 SNOW CREEK TOWNHOMES

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS: THAT SNOW CREEK HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY, IS THE OWNER OF THE REAL PROPERTY SITUATED IN THE TOWN OF WINTER PARK, GRAND COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

OUTLOT C, SNOW CREEK TOWNHOMES ACCORDING TO THE PLAT THEREOF FILED DECEMBER 11, 2007, AT RECEPTION NO. 2007-013563.

THAT IT HAS CAUSED SAID REAL PROPERTY TO BE LAID OUT AND SURVEYED AS "EXEMPTION No. 1, SNOW CREEK TOWNHOMES", AND DOES HEREBY GRANT TO THE TOWN OF WINTER PARK THE USE OF THOSE PORTIONS OF SAID REAL PROPERTY WHICH ARE INDICATED AS PUBLIC UTILITY EASEMENTS HEREON AS PERMANENT PUBLIC UTILITY EASEMENTS.

IN WITNESS WHEREOF, SAID SNOW CREEK HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY, HAS CAUSED ITS NAME TO BE HEREUNTO SUBSCRIBED BY ITS MANAGER THIS Sixth day of September, 2013.

SNOW CREEK HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY.

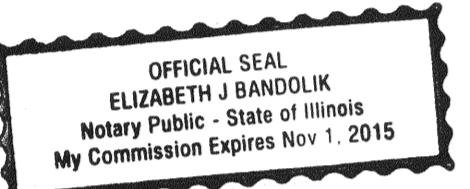
BY: William Thomas Caffery
WILLIAM THOMAS CAFFERY, MANAGER

STATE OF Illinois }
COUNTY OF Cook } SS.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 6th DAY OF September, 2013,
BY WILLIAM THOMAS CAFFERY, AS THE MANAGER OF SNOW CREEK HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL.
MY COMMISSION EXPIRES:

Elizabeth J Bandlik
NOTARY PUBLIC



PLANNING AND ZONING COMMISSION CERTIFICATE:

APPROVED THIS 20 DAY OF September, 2013, BY THE WINTER PARK PLANNING AND ZONING COMMISSION.

Dick Norman
DICK NORMAN, CHAIRMAN
WINTER PARK PLANNING AND ZONING COMMISSION

LAND SURVEYOR'S CERTIFICATE:

I, TIMOTHY R. SHENK, A DULY LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF EXEMPTION No. 1, SNOW CREEK TOWNHOMES TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE BY ME OR UNDER MY DIRECTION, AND THAT SAID PLAT COMPLIES WITH THE REQUIREMENTS OF TITLE 38, ARTICLE 51, COLORADO REVISED STATUTES, 1973, AND THAT THE MONUMENTS REQUIRED BY SAID STATUTE AND BY THE TOWN OF WINTER PARK SUBDIVISION EXEMPTION REGULATIONS HAVE BEEN PLACED ON THE GROUND.

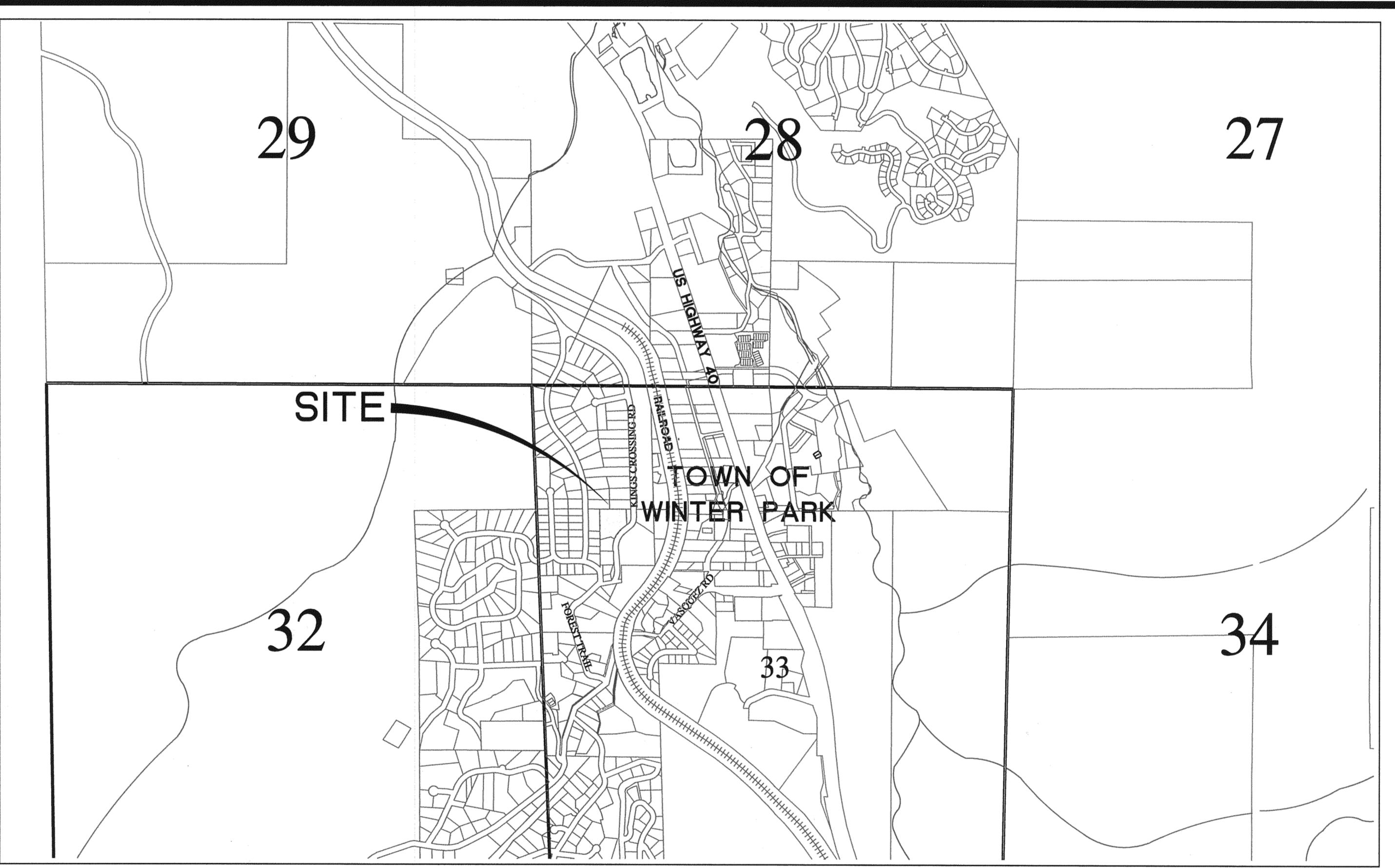
THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF SAID SURVEY.

DATED THIS 30th DAY OF AUGUST, 2013.



TIMOTHY R. SHENK, P.L.S. #31942
ON BEHALF OF TIM SHENK LAND SURVEYING, INC.

2013008466



LIEN HOLDER'S CERTIFICATES

ALPINE BANK, AS LIEN HOLDERS OF RECORD (RECEPTION No. 2008004219) OF THE REAL PROPERTY SHOWN HEREON, HEREBY JOINS IN THIS PLAT.

IN WITNESS WHEREOF, SAID ALPINE BANK, HAS CAUSED ITS NAME TO BE HEREUNTO SUBSCRIBED THIS 17th DAY OF September, 2013.

ALPINE BANK

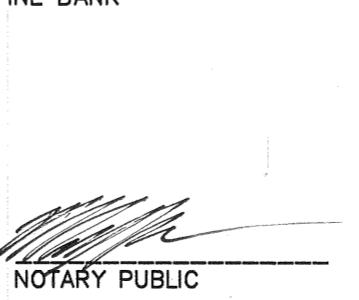
By: Mark McElrath, S.I., I.P.
(AUTHORIZED AGENT)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 17th DAY OF Sept, 2013.

BY Matthew J. Hansen, AS Banking Officer OF ALPINE BANK

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: 5/31/16



My Commission Expires 05/03/2016

CONTACTS:

TOM CAFFERY
240 CHESTNUT STREET
WINNETKA, IL 60093
(847)-476-2695

VICINITY MAP
SCALE: 1" = APPROX. 1000'

**TIM SHENK
LAND SURVEYING INC.**
P.O. BOX 1670
GRANBY, CO 80446
(970) 887-1046

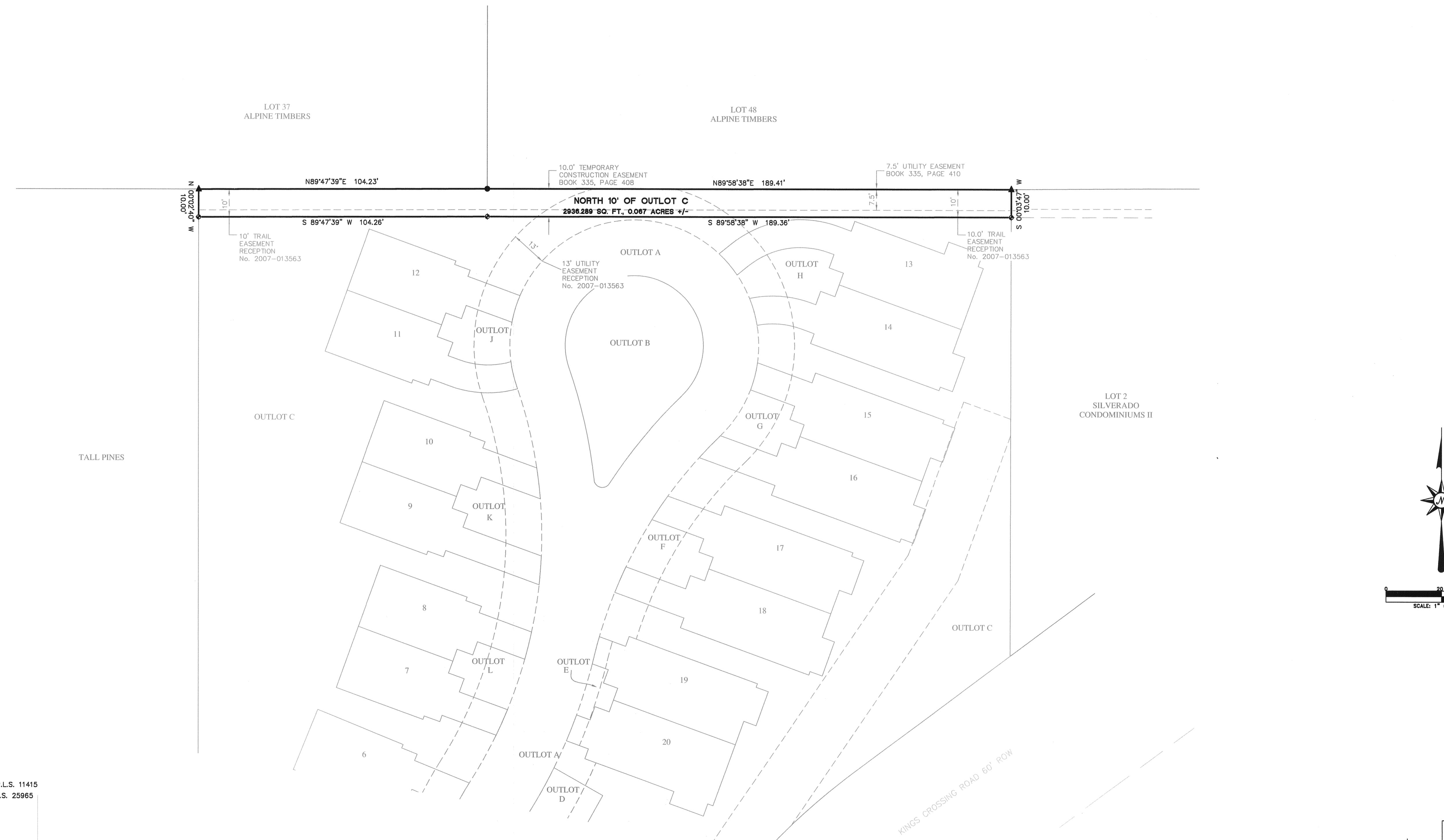
SHEET 1 OF 2:

JOB: 13019	SCALE: N/A	DATE: 8/30/13	CHECKED BY: TRS
DWG: 13019.02_SUBEX	CRD: 13019.01	DRAWN BY: CW	REVISED:

STATE OF COLORADO }
County of GRAND }
Filed for record this 20th
day of September, 2013
at 4:15 o'clock P.M.
Recorded in Book Page
SARAH ROSEN Recorder
SARAH ROSEN Deputy
Fees \$ 2100

**EXEMPTION No. 1
SNOW CREEK TOWNHOMES**

AN EXEMPTION FROM SUBDIVISION FOR
THE NORTH TEN FEET OF OUTLOT C, SNOW CREEK TOWNHOMES PER RECEIPTION NO. 2007-013563
 $SW_{\frac{1}{4}}NW_{\frac{1}{4}}$ OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE 6th P.M.
TOWN OF WINTER PARK, GRAND COUNTY, COLORADO
OWNERSHIP RECORDED AT RECEIPTION No. 2007-010601



**TIM SHENK
LAND SURVEYING INC.**
P.O. BOX 1670
GRANBY, CO 80446
(970) 887-1046



STATE OF COLORADO
County of GRAND
Filed for record this 20th
day of September, 2013
at 4:12 o'clock P.M.
Recorded in Book Page
SARA L. ROSEN
Recorder
Parma J. Jink
Deputy
Fees \$21.00

SHEET 2 OF 2:

JOB: 13019	SCALE: 1"=20'	DATE: 8/30/13	CHECKED BY: TRS
DWG: 13019.02_SUBEX	CRD: 13019.01	DRAWN BY: CW	REVISED:

2013008466

July 17, 2006

Golden Crest Development, LLC
Attn: John Wood
16935 West Bernardo Drive, Suite 160
San Diego, California 92127

Job No. 406 0221

Subject: Review of Subsoil Study for Foundation Design, Proposed Snow Creek
Townhomes, Lots 1 and 4, Silverado II Condominiums, Winter Park,
Colorado.

Dear Mr. Wood:

As requested, a representative of Hepworth-Pawlak Geotechnical, Inc. reviewed our previous subsoil study for the subject site to re-evaluate our recommendations. Since our previous study, the proposed construction at the site has changed as well as common engineering practice methods in the area. We reviewed a site plan prepared by Carroll and Lange, Inc. that shows the layout of the proposed buildings (see Figure 1). The findings of our review and recommendations for the foundation design are presented in this report. The previous report was dated April 6, 1999, Job No. 499 016. The services were performed in accordance with our agreement for geotechnical engineering services to Golden Crest Development, LLC dated May 26, 2006.

Proposed Construction: Ten duplexes are proposed for the subject site. Each duplex will be a two story structure over a walkout basement. Conventional wood frame construction will be used above grade with cast-in-place concrete foundation walls below grade. Ground floors will be slab-on-grade. Grading for the structures is assumed to be relatively minor with cut depths between about 4 to 8 feet. We assume relatively light foundation loadings, typical of the proposed type of construction.

If building loadings, location or grading plans change significantly from those described above, we should be notified to re-evaluate the recommendations contained in this report.

Golden Crest Development, LLC

July 17, 2006

Page 2

Conclusions: We recommend that spread footings placed on the undisturbed natural soils should be designed with a maximum allowable soil bearing pressure of 2,500 pounds per square foot (psf). No dead load is required. We consider our previous recommendation of a 500 psf dead load unnecessary. Prior to concrete placement, a representative of our office should observe all foundation excavations to verify soil conditions. Other recommendations given in our previous report should be observed. We have included an updated Typical Underdrain Detail with our previous report.

Limitations: The recommendations submitted in this letter are based on the previous subsurface exploration, review of the new site plan, and our experience in the area. We make no warranty either express or implied. Our services do not include determining the presence, prevention or possibility of mold or other biological contaminants (MOBC) developing in the future. If the client is concerned about MOBC, then a professional in this special field of practice should be consulted. Our findings include interpolation and extrapolation of the subsurface conditions identified at the exploratory pits and variations in the subsurface conditions may not become evident until excavation is performed. If conditions encountered during construction appear different from those described in this report, we should be notified so that re-evaluation of the recommendations may be made.

If you have any questions, please let us know.

Sincerely,

HEPWORTH - PAWLAK GEOTECHNICAL, INC.

George W. Benecke III, P.E.

Reviewed by: RJU

Attachments: Figure 1 - Site Plan

Subsoil Study for Foundation Design (April 6, 1999, Job No. 499 016)

cc: Chris Birkmeyer - Carroll and Lange, Inc.

H-P GEOTECH

Drawer 1887
Silverthorne, CO 80498
Phone: 970-468-1989
Fax: 970-468-5891

Date: March 4, 1999
Client: Blodgett-Twomey Development Company LLC
8888 South William Cody Drive
Evergreen, CO 80439
Subject: Lots 1 & 4, Silverado Condominiums, Winter Park, Colorado
Job: 499016

Dear Richard:

We are pleased to submit this proposal to conduct a geotechnical engineering study at the subject site. The proposal is based on our discussion with you on February 15, 1999.

Project Data: Geotechnical subsoil investigation for a housing project. Construction to consist of eleven building groups of 2 to 3 story woodframe structures with slab on grade.

Scope of Work: We propose 10 – 11 pits in the proposed building area. We expect the pit (s) will be 6 to 8 feet deep. The pit (s) will be logged by a representative of our office.

Laboratory testing of samples taken from the pit will be performed to determine their engineering characteristics. The information obtained from the field and laboratory testing will be analyzed and a report prepared discussing our findings and providing recommendations for foundation design including bearing pressures, surface and subsurface drainage and compaction of earthwork.

Cost: The total cost to perform the scope of work is estimated to be from \$ 2450.00 to \$ 2750.00. The fees will be based on the unit costs and other costs presented in the attached Fee Schedule. We will not exceed the total maximum fee without justification and prior authorization. The estimate includes a separate site visit for utility locates and the backhoe service.

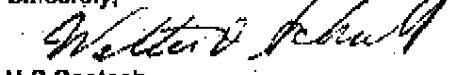
Schedule: We propose to proceed with the work upon receipt of the signed proposal. The report should be completed within 10 -12 days. We will keep you advised of our progress and any changes that are encountered. We propose to begin the project 3/08 or 3/09 due to backhoe availability.

Terms and Conditions: On the reverse side of the Fee Schedule are our normal terms and conditions for performing professional work. Please note there is a limitation of liability clause included.

Acceptance: If this proposal meets with your approval, please sign and return it to us. If you have any questions, please contact the undersigned.

Thank you for the opportunity of submitting this proposal. We are looking forward to working with you.

Sincerely,



H-P Geotech

Accepted by: Natalie D. Schulte Date: 3/4/99

**SUBSOIL STUDY
FOR FOUNDATION DESIGN
PROPOSED
HOUSING PROJECT
LOTS 1 & 4
SILVERADO II CONDOMINIUMS
WINTER PARK, COLORADO**

JOB NO. 499016

APRIL 6, 1999

**PREPARED FOR:
BLODGETT-TWOMEY DEVELOPMENT CO., LLC
8888 SOUTH WILLIAM CODY DRIVE
EVERGREEN, COLORADO 80439**

TABLE OF CONTENTS

PROPOSED CONSTRUCTION:	1
SITE CONDITIONS:	1
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UNDERDRAIN SYSTEM:	4
SURFACE DRAINAGE:	4

FIGURE 1 - LOCATION OF EXPLORATORY PITS

FIGURE 2 - LOGS OF EXPLORATORY PITS

SWELL-CONSOLIDATION TEST RESULTS

GRADATION TEST RESULTS

TABLE 1 - SUMMARY OF LABORATORY TEST RESULTS

TYPICAL WALL DRAIN DETAIL

HEPWORTH - PAWLAK GEOTECHNICAL, INC.

As requested, Hepworth-Pawlak Geotechnical, Inc. performed a subsoil study for design of foundations at the subject site. The study was conducted in accordance with our agreement for geotechnical engineering services to Blodgett-Twomey Development Company, LLC, dated March 3, 1999. The data obtained and our recommendations based on the proposed construction and subsurface conditions encountered are presented in this report.

Proposed Construction:

The proposed buildings will be 2 to 3 story woodframe with slab on grade located on the site as shown on Fig. 1. Ground floor elevation is uncertain at this time but assumed to be at or near adjacent street grade. Due to the site topography significant cut and fill is anticipated. Foundation loading for this type of construction is assumed to be relatively light and typical of the proposed type of construction.

If building conditions or foundation loadings are significantly different from those described above, we should be notified to re-evaluate the recommendations presented in this report.

Site Conditions:

The site consists of two lots. Lot 1 is a small (.36 acres) parcel that is relatively flat with a gentle downward slope to the east. A gully exists on the western area. It appears some site grading has taken place. The larger parcel, Lot 4 (4.8 acres) has varied terrain which slopes downward to the southeast. The western and northern areas are even terrain with a moderate slope. The east central portion of lot 4 appears to have been used as a borrow pit. A driveway into the pit starts at the southeast corner of the lot and the pit extends toward the north west. Cut Depths range from 5 feet on the down hill eastern side to 15' on the uphill western side. The undisturbed areas are heavily treed with conifers. There was up to 3 feet of snow covering the site at the time of the study. Access in and around the site was limited and difficult due to the snow and tree cover. Kings Crossings Road borders the property to the east; single family homes border the north and south with townhomes to the west.

Field Exploration:

The field exploration for the project was conducted on March 18, 1999. Six exploratory pits were excavated at the locations shown on Fig. 1 to evaluate the subsurface conditions. The pits were dug with a track-mounted backhoe. The pits were logged by a representative of Hepworth-Pawlak Geotechnical, Inc. Samples of the subsoils were taken with relatively undisturbed and disturbed sampling methods. Depths at which the samples were taken are shown on the Logs of Exploratory Pits, Fig 2. The samples were returned to our laboratory for review by the project engineer and testing.

Subsurface Conditions:

The logs of the pits are presented on Fig. 2. The subsoils encountered, below about 1.5 feet of topsoil, consist of clayey gravelly sand to clayey sand and gravel with cobble and boulder. Pockets and lenses of sandy clay were present. Test pit No. 1 excavated on Lot 1 encountered old loose fill over a organic clay. The composition of the fill implies potentially heavy consolidation and the organic clay is not suitable for load support. Results of swell-consolidation testing performed on relatively undisturbed samples of sandy clay, presented, indicate low compressibility under existing moisture conditions and light loading and a low expansion potential when wetted. Results of a gradation analysis performed on a samples of clayey sandy gravel and clayey gravelly sand (minus 4 inch fraction) obtained from the site are presented. No free water was observed in the pits 2 to 6 at the time of excavation, however free water was encountered in pit 1 at a depth of 7.5 feet.

Foundation Recommendations:

Considering the subsoil conditions encountered in the exploratory pits and the nature of the proposed construction, we recommend spread footings placed on the undisturbed natural soil designed for an allowable soil bearing pressure of 2500 psf and a minimum dead pressure of 500 psf for support of the proposed building. The soils tend to compress after wetting and there could be some post-construction foundation settlement. As an alternate removal and replacement of soils below footing grade may be desirable to increase the bearing pressure to 4000 psf with no minimum dead load required. For this option we recommend two feet of removal below footing grade. Prior to replacement the bottom of the excavation should be

scarified and recompacted with any soft unstable areas stabilized prior to fill placement. The replaced fill may consist of the removed soil. The fill should be placed in maximum 8 inch loose lifts moisture conditioned to -2% to + 1% of optimum moisture and compacted to at least 98% of ASTM D-698 Proctor density. If the removed soil is not reused a granular soil similar to the on site soils is required. In addition the maximum particle size of either the reused soil or import must be 6 inch or less. Footings should be a minimum width of 16 inches for continuous walls and 2 feet for columns. Loose and disturbed soils, existing fill and organic clay encountered at the foundation bearing level within the excavation should be removed and the footing bearing level or excavation extended down to the undisturbed natural granular soils. Exterior footings should be provided with adequate cover above their bearing elevations for frost protection. Placement of footings at least 40 inches below the exterior grade is recommended. Continuous foundation walls should be reinforced top and bottom to span local anomalies by assuming an unsupported length of at least 10 feet.

Floor Slabs:

The natural on-site soils, exclusive of topsoil, are suitable to support lightly to moderately loaded slab-on-grade construction. To reduce the effects of some differential movement, floor slabs should be separated from all bearing walls and columns with expansion joints which allow unrestrained vertical movement. Floor slab control joints should be used to reduce damage due to shrinkage cracking. The requirements for joint spacing and slab reinforcement should be established by the designer based on experience and the intended slab use. A 4-inch layer of free-draining gravel may be placed beneath basement level slabs to facilitate drainage. This material should consist of minus 2 inch aggregate with less than 50% passing the No. 4 sieve and less than 2% passing the No. 200 sieve. All fill materials for support of floor slabs should be compacted to at least 95% of ASTM D-698 Proctor density at a moisture content near optimum. Required fill can consist of the on-site soils devoid of vegetation, topsoil and oversized rock. Due to the expansive potential of the clays encountered we recommend non-load bearing walls be provide a slip joint to allow at least 1 inch vertical movement.

Underdrain System:

Free water was encountered during our exploration and, it has been our experience in mountainous areas that local perched groundwater can develop during times of heavy precipitation or seasonal runoff. Frozen ground during spring runoff can create a perched condition. We recommend below-grade construction, such as retaining walls, crawlspace and basement areas, be protected from wetting and hydrostatic pressure buildup by an underdrain system.

The drains should consist of drainpipe placed in the bottom of the wall backfill surrounded above the invert level with free-draining granular material. The drain should be placed at each level of excavation and at least 1 foot below lowest adjacent finish grade and sloped at a minimum 1% to a suitable gravity outlet. Free-draining granular material used in the underdrain system should contain less than 2% passing the No. 200 sieve, less than 50% passing the No. 4 sieve and have a maximum size of 2 inches. The drain gravel backfill should be at least 1½ feet deep.

Surface Drainage:

The following drainage precautions should be observed during construction and maintained at all times after the buildings have been completed:

- 1) Inundation of the foundation excavations and underslab areas should be avoided during construction.
- 2) Exterior backfill should be adjusted to near optimum moisture and compacted to at least 95% of ASTM D-698 Proctor density in pavement and slab areas and to at least 90% of the maximum standard Proctor density in landscape areas. Free-draining wall backfill should be capped with about 2 feet of the on-site, finer graded soils to reduce surface water infiltration.
- 3) The ground surface surrounding the exterior of the building should be sloped to drain away from the foundation in all directions. We recommend a minimum slope of 12 inches in the first 10 feet in unpaved areas and a minimum slope of 3 inches in the first 10 feet in pavement and walkway areas. A swale may be needed uphill to direct surface runoff around the buildings, depending on final site grading.

- 4) Roof downspouts and drains should discharge well beyond the limits of all backfill.
- 5) Landscaping which requires regular heavy irrigation should be located at least 10 feet from the building. Consideration should be given to the use of xeriscape to limit potential wetting of soils below the foundation caused by irrigation.

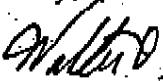
Limitations:

This study has been conducted in accordance with generally accepted geotechnical engineering principles and practices in this area at this time. We make no warranty either expressed or implied. The conclusions and recommendations submitted in this report are based upon the data obtained from the exploratory pits excavated at the locations indicated on Fig. 1 and to the depths shown on Fig. 2, the proposed type of construction, and our experience in the area. Our findings include interpolation and extrapolation of the subsurface conditions identified at the exploratory pits and variations in the subsurface conditions may not become evident until excavation is performed. If conditions encountered during construction appear different from those described in this report, we should be notified at once so re-evaluation of the recommendations may be made.

This report has been prepared for the exclusive use by our client for design purposes. We are not responsible for technical interpretations by others of our information. As the project evolves, we should provide continued consultation and field services during construction to review and monitor the implementation of our recommendations, and to verify that the recommendations have been appropriately interpreted. Significant design changes may require additional analysis or modifications to the recommendations presented herein. We recommend on-site observation of excavations and foundation bearing strata and testing of structural fill by a representative of the geotechnical engineer.

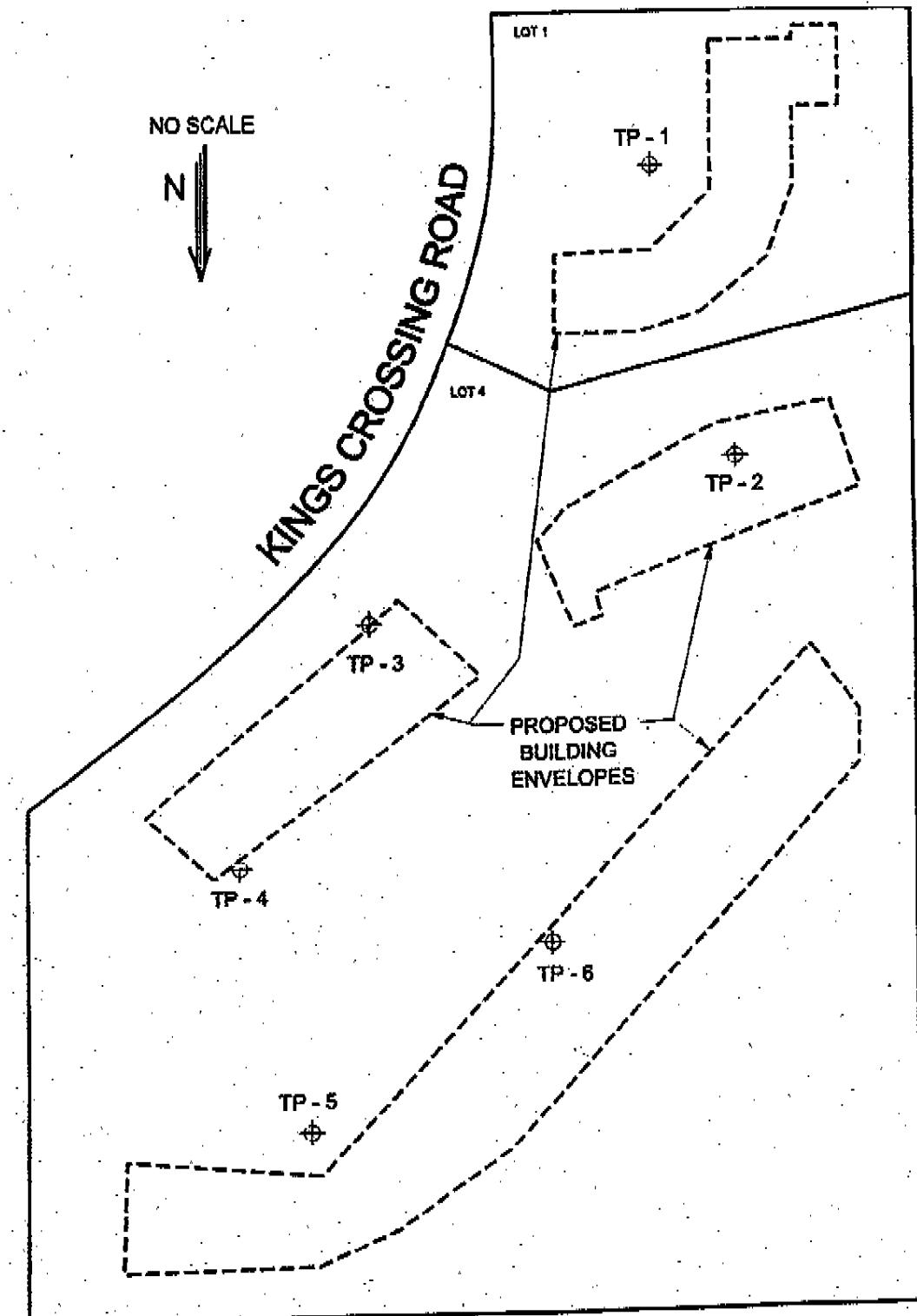
If you have any questions or if we may be of further assistance, please let us know.

Sincerely,


Walter O. Schultz P.E. 19696



TEST PIT LOCATION
HIGH PINES AT WINTER PARK
LOTS 1 & 4, SILVERADO II CONDOMINIUMS
WINTER PARK, CO



(FIGURE 1) JOB NO. 499016
DRAWING NO. 9016 SITE

H.P.GEOTECH
DRAWER 1887
SILVERTHORNE, CO 80498

TEST PIT LOG
LOT 1 & 4, SILVERADO II CONDOMIUMS
WINTER PARK, COLORADO

PIT NO. 1

0 - 3.5' FILL, CLAYEY GRAVELLY SAND, LOOSE, MOIST TO VERY
MOIST, TAN, ORGANICS AND DEBRIS NOTED
3.5' - 6.0' SANDY CLAY, FIRM, MOIST TO VERY MOIST, GRAY,
HEAVY CONCENTRATION OF ORGANICS IN UPPER FOOT.
6.0' - 8.0' CLAYEY SAND AND GRAVEL WITH COBBLE AND
BOULDER, VERY DENSE, VERY MOIST, TAN

FREE WATER ENCOUNTERED AT 7.5'
COMPOSITE SAMPLE @ 0 - 3.5' AND 6'- 8'

PIT NO. 2

0 - 6" TOPSOIL AND VEGETATION
6" - 6' GRAVELLY CLAYEY SAND, DENSE TO VERY DENSE,
SLIGHTLY MOIST TO VERY MOIST, TAN WITH CLAY
LAYERS
6' - 8' CLAYEY SANDY GRAVEL, VERY DENSE, MOIST, TAN,
OCCASIONAL COBBLE AND LARGE BOULDER
ENCOUNTERED
NO FREE WATER ENCOUNTERED
IN-PLACE SAMPLE AT 5'

PIT NO. 3

0 - 6"	TOPSOIL AND VEGETATION
6" - 5.5'	GRAVELLY CLAYEY SAND, DENSE TO VERY DENSE, SLIGHTLY MOIST, TAN WITH A SANDY CLAY POCKET
5.5' - 7.0'	CLAYEY GRAVELLY SAND, VERY DENSE, MOIST, TAN, COBBLES AND COULDERS NOTED NO FREE WATER ENCOUNTERED IN-PLACE SAMPLE AT 4' COMPOSITE SAMPLE AT 5' ~ 7'

PIT NO. 4

0 - 6"	TOPSOIL AND VEGETATION
6" - 8'	CLAYEY SAND AND GRAVEL WITH COBBLES AND BOULDERS, VERY DENSE, SLIGHTLY MOIST TO MOIST, TAN, SMALL CLAY POCKETS NOTED NO FREE WATER ENCOUNTERED COMPOSITE SAMPLE AT 4' - 8'

PIT NO. 5

0 - 6"

TOPSOIL AND VEGETATION

6" - 10.5'

CLAYEY SAND AND GRAVEL WITH COBBLES, VERY DENSE, MOIST, SMALL POCKETS OF CLAY, SILT AND SAND NOTED

10.5' - 12.5'

CLAYEY SAND WIH SMALL GRAVELS, DENSE TO VERY DENSE, MOIST, TAN

12.5' - 13'

CLAYEY GRAVELLY SAND WITH COBBLES, VERY DENSE, MOIST, TAN

NO FREE WATER ENCOUNTERED

COMPOSITE SAMPLE TAKEN @ 6" - 13'

PIT NO. 6

0 - 6"

TOPSOIL AND VEGETATION

6" - 5'

SLIGHTLY GRAVELLY CLAYEY SAND, DENSE, MOIST, TAN

5' - 8'

CLAYEY SAND AND GRAVEL WITH COBBLES AND BOULDERS, VERY DENSE, MOIST, TAN

NO FREE WATER ENCOUNTERED

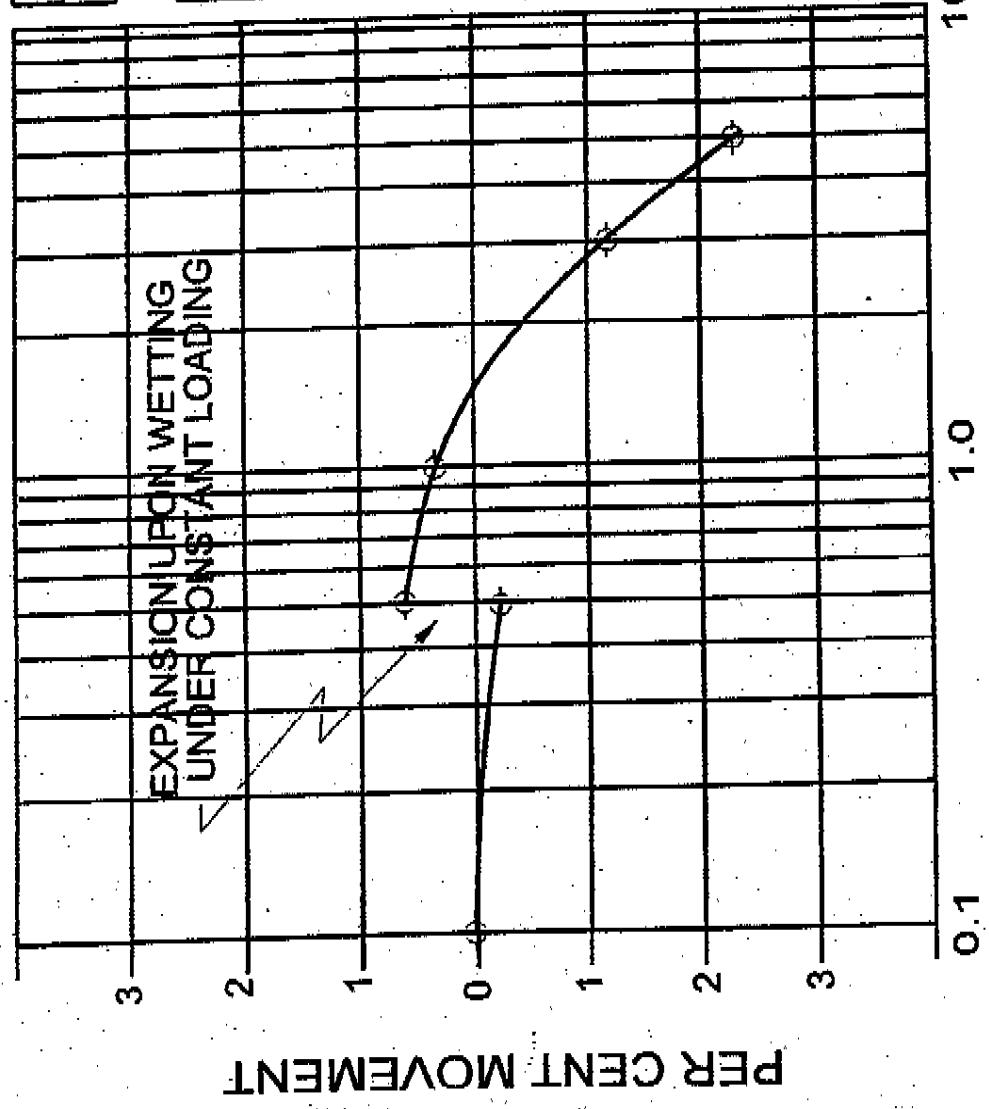
NO SAMPLE TAKEN

JOB NO. 499016

FIGURE 2

H-P GEOTECH

SWELL - CONSOLIDATION TEST



PIT NO.	SAMPLE	DEPTH	
		5'	
NATURAL DRY DENSITY PCF	NATURAL MOISTURE %	PER CENT PASSING NO.200 SIEVE	
TP - 2	1	65	
	106.6	19.2	
LIQUID LIMIT	PLASTIC LIMIT	PLASTICITY INDEX	
	34	20	14

SOIL TYPE

SANDY CLAY

PROJECT

HIGH PINES AT WINTER PARK
LOTS 1 & 4
SILVERADO II CONDOMINIUMS
WINTERPARK, CO

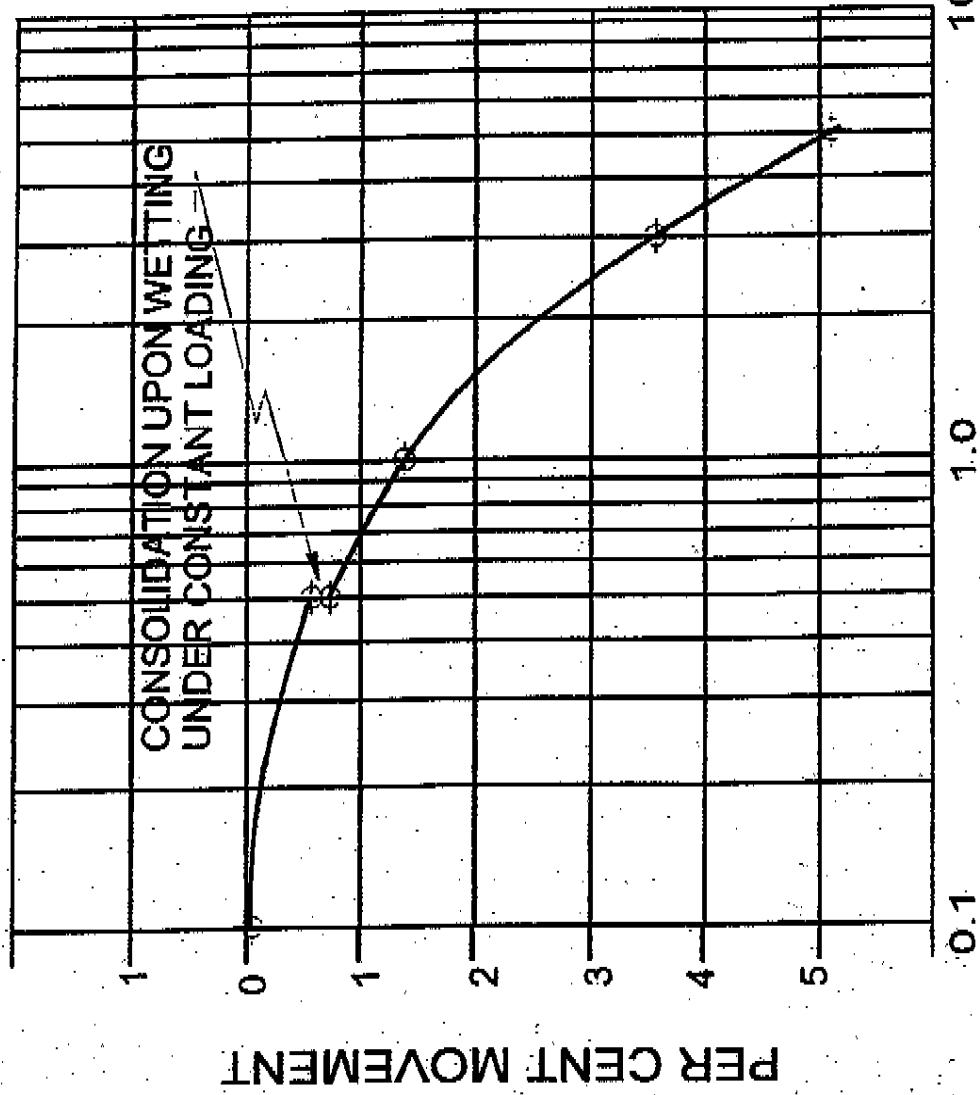
JOB NO. 499016

DATE 3/18/99

DRAWING NO. 9016SC1

H-P GEOTECH

SWELL - CONSOLIDATION TEST



PIT NO.	SAMPLE	DEPTH
TP - 3	1	4'

NATURAL DENSITY DRY PCF	NATURAL MOISTURE %	PER CENT PASSING NO. 200 SIEVE
105.4	18.3	56

LIQUID LIMIT	PLASTIC LIMIT	PLASTICITY INDEX
30	18	12

SOIL TYPE

PROJECT
HIGH PINES AT WINTER PARK
LOTS 1 & 4
SILVERADO II CONDOMINIUMS
WINTERPARK, CO

SANDY CLAY

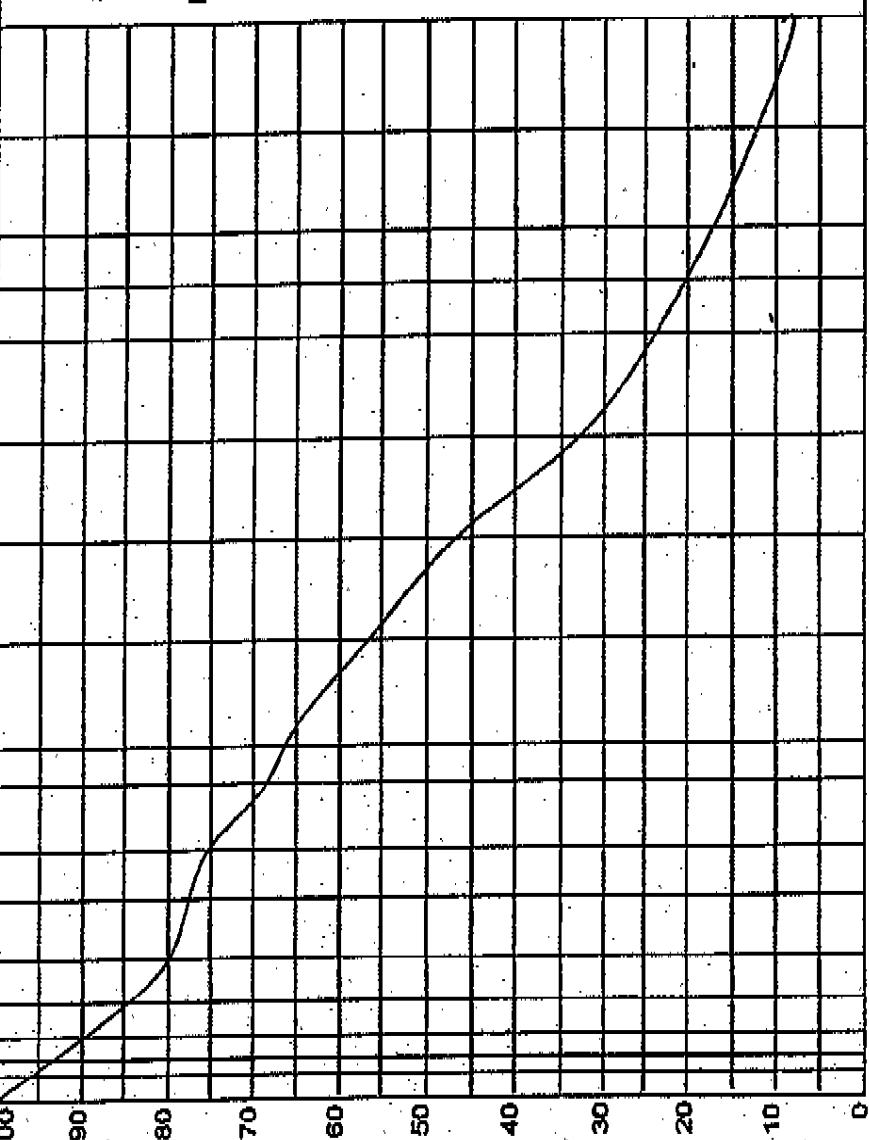
JOB NO. 499016

DATE 3/18/99

DRAWING NO. 9016SSC2

HEPWORTH-PAWLAK GEOTECHNICAL, INC
 PARTICLE SIZE ANALYSIS CHART
 U. S. STANDARD SIEVE SIZE

4" 3" 2" 1.5" 1" .75" .5" .375" #4 #8 #16 #30 #40 #50 #100 #200



SAMPLE LOCATION TEST PIT NO. 1, 6' - 8'

DATE OF SAMPLING 3/18/99

PROJECT

HIGH PINES AT WINTER PARK
 LOTS 1 & 4
 SILVERADO II CONDOMINIUM
 WINTER PARK, CO

JOB NO. 499016

DRAWING NO. 9016G1

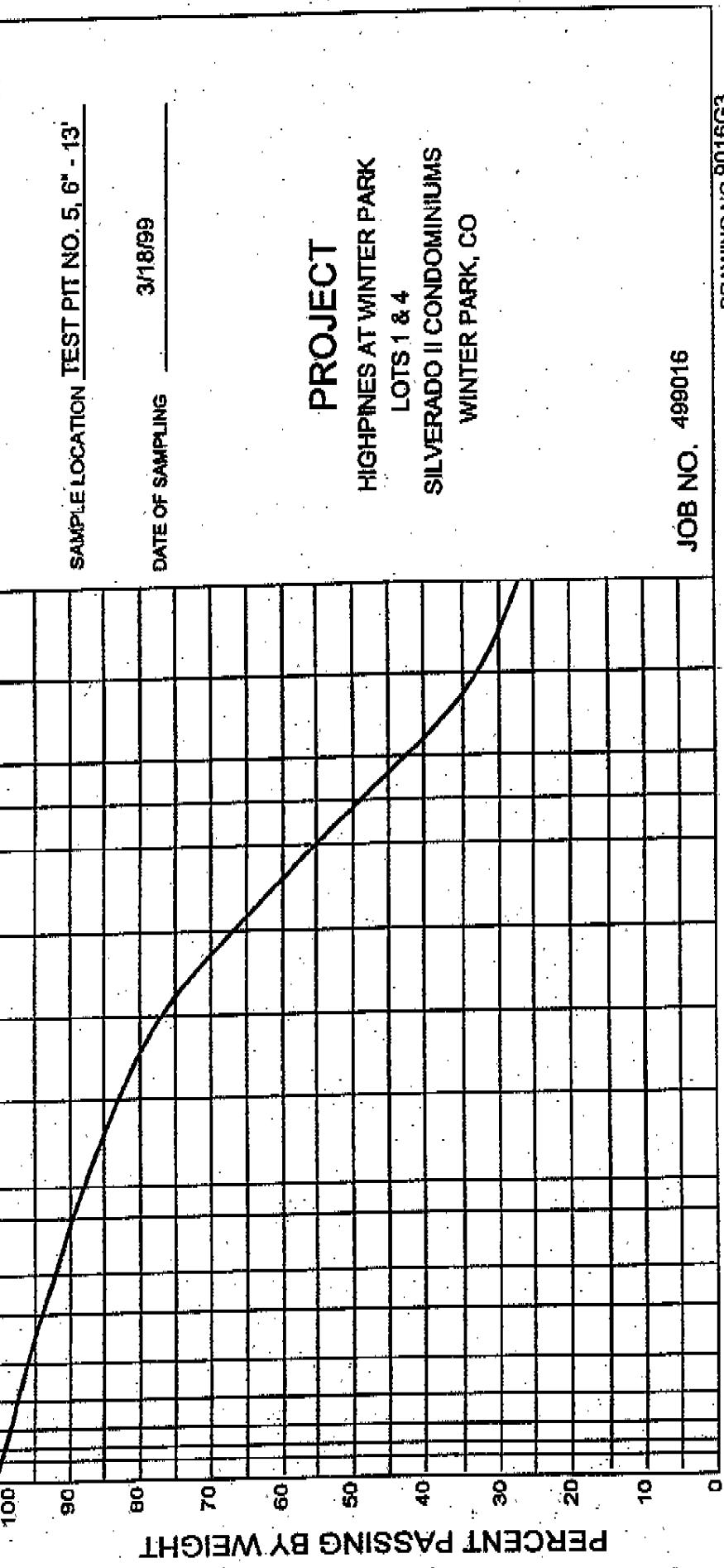
LIQUID LIMIT 29 PLASTIC LIMIT 21 PLASTICITY INDEX 8

GRAVEL	SAND	SILT & CLAY
44 %	47 %	29 %

CLASSIFICATION — CLAYEY SAND AND GRAVEL

HEPWORTH-PAWLAK GEOTECHNICAL, INC
 PARTICLE SIZE ANALYSIS CHART
 U. S. STANDARD SIEVE SIZE

4" 3" 2" 1.5" 1" .75" .5" .375" #4 #8 #16 #30 #40 #50 #100 #200

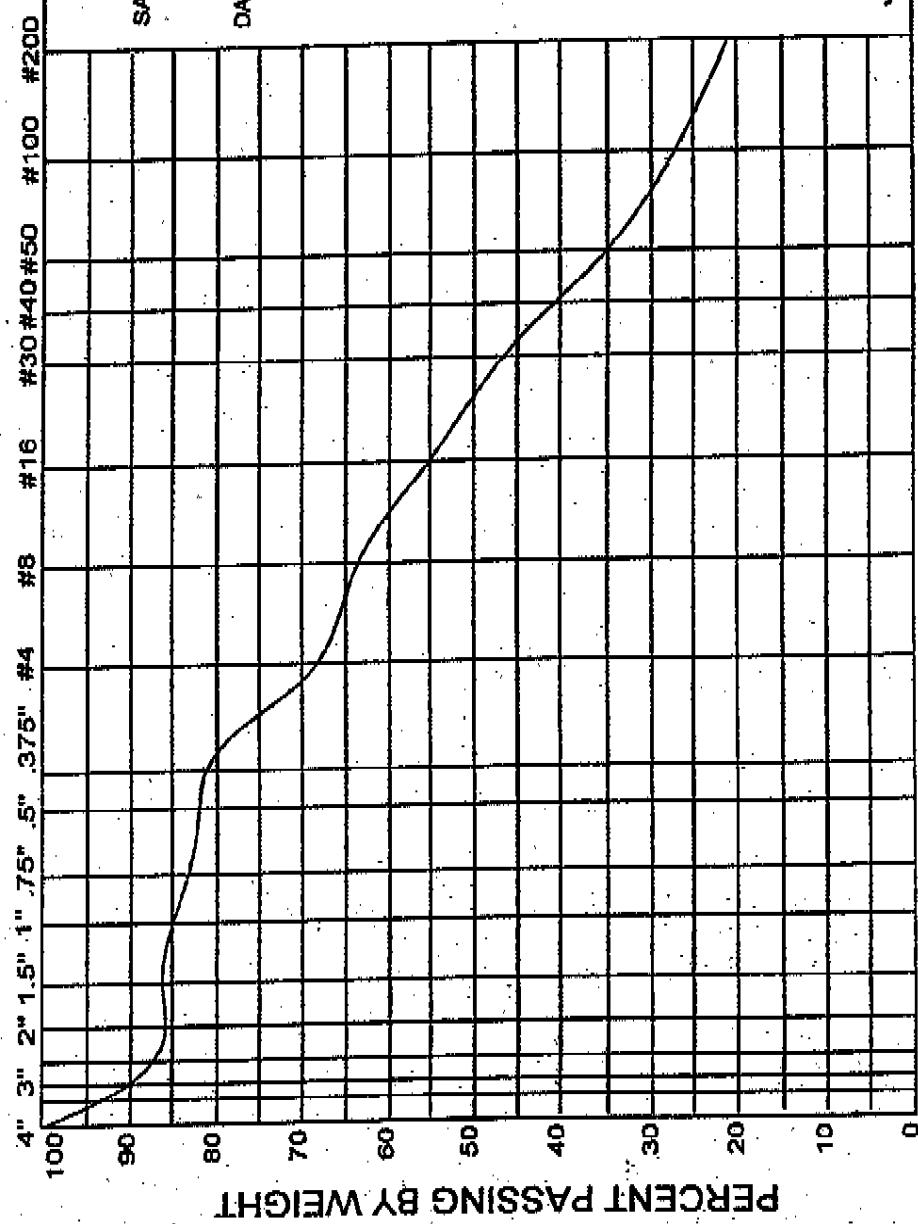


LIQUID LIMIT 29 PLASTIC LIMIT 17 PLASTICITY INDEX 12

GRAVEL	SAND	SILT & CLAY
17 %	56 %	27 %

CLASSIFICATION — GRAVELLY CLAYEY SAND

HEPWORTH-PAWLAK GEOTECHNICAL, INC
PARTICLE SIZE ANALYSIS CHART
U. S. STANDARD SIEVE SIZE



SAMPLE LOCATION TEST PIT NO.3, 5.5' - 7'

DATE OF SAMPLING 3/18/99

PROJECT

HIGHPINES AT WINTER PARK
 LOTS 1 & 4.
 SILVERADO II CONDOMINIUMS
 WINTER PARK, CO

JOB NO. 498016

DRAWING NO. 9016G2

LIQUID LIMIT 29 PLASTIC LIMIT 21 PLASTICITY INDEX 8

GRAVEL	SAND	SILT & CLAY
31 %	48 %	21 %

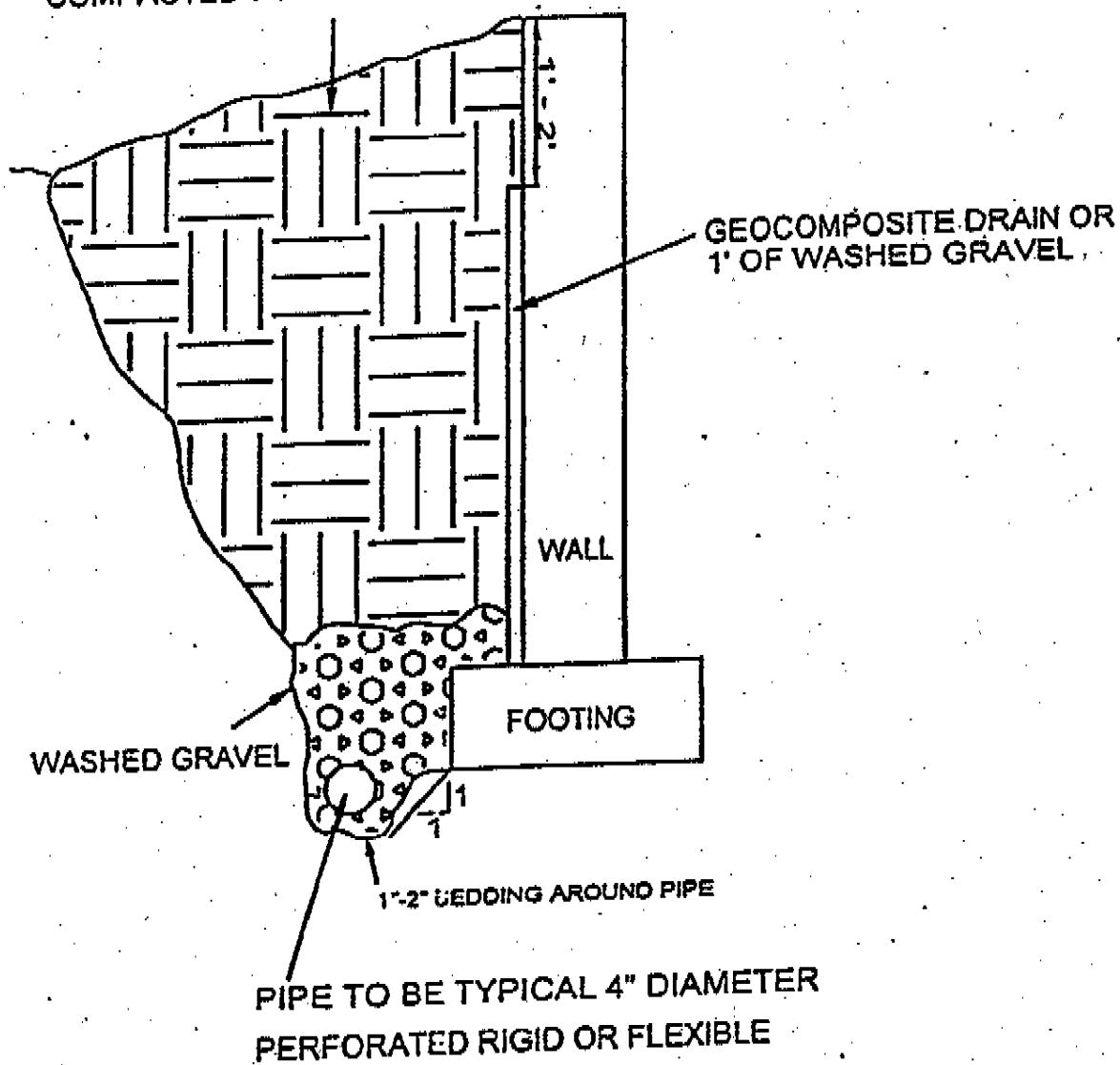
CLASSIFICATION — CLAYEY GRAVELLY SAND

H-P GEOTECH

JOB NO.: 499016

TABLE I
SUMMARY OF LABORATORY TEST RESULTS

COMPACTED WALL BACKFILL



H.P GEOTECH
DRAWER 1887
SILVERTHORNE, CO 80498

WALLDRAIN

TYPICAL DRAIN SYSTEM CROSS SECTION