

Section II  
PUD Zoning Application

**V. PAUL MOLTZ ZONING APPLICATION  
FOR PUD ZONING IN ACCORDANCE WITH  
CHAPTER III OF TITLE 12 OF THE RED CLIFF MUNICIPAL CODE**

**A. Name and Address of Applicant:**

V. Paul Moltz  
PO Box 1914  
Buena Vista, CO 81211

**B. Accurate Legal Description of Property Included in Application:**

The E.B.I. Lode Mining Claim, United States Mineral Survey No. 4335, the Y.B. Lode Mining Claim, United States Mineral Survey No.4335, situate in Battle Mountain Mining District, all located in Section 4, Township 7 South, Range 80 West of the 6<sup>th</sup> Principal Meridian, County of Eagle, State of Colorado and being more particularly described as follows:

The Southerly line of Tract 43 between angle points three and four of said Tract, in sections 19 and 20, T6S, R80W, 6<sup>th</sup> P.M. assumed to bear N 89°53' 17" E and being monumented as shown hereon with all bearings herein relative thereto.

Beginning at Corner # 1 of aforesaid Y.B. Lode Mining Claim, United States Mineral Survey No. 4335 thence N 45°24'01" W a distance of 300.27 feet to the Corners 6 & 7 of said Mineral Survey No. 4335; thence N 45°26'57" W a distance of 299.71 feet to Corners 10 & 11 of said Mineral Survey No. 4335; thence N 45°30'13" W a distance of 300.01 feet to Corner 14 of said Mineral Survey No. 4335; thence N 44°08'01" E a distance of 1,500.67 feet to Corner 13 of said Mineral Survey No. 4335; thence S 46°18'28" E a distance of 297.48 feet to Corners 9 & 12 of said Mineral Survey No. 4335; thence S 44°43'00" E a distance of 289.39 feet to Corners 5 & 8 of said Mineral Survey No. 4335; thence S 46°18'46" E a distance of 150.64 feet to Corner 4 of said Mineral Survey No. 4335; thence S 43°43'16" W a distance of 150.68 feet to Corner 3 of said Mineral Survey No. 4335; thence S 46°20'43" E a distance of 150.70 feet to Corner 2 of said Mineral Survey No. 4335; thence S 43°40'45" W a distance of 1,335.48 feet to Corner 1 of said Mineral Survey No. 4335 said point also being the Point of Beginning. Containing 30.327 acres more or less and being subject to all easements and rights of way of record.

**C. Recent Survey of the Property:**

Attached hereto as **Exhibit A**.

**D. Name and Address of all Persons Having any Legal or Equitable Interest in the Property to be Zoned or Rezoned:**

V. Paul Moltz  
PO Box 1914  
Buena Vista, CO 81211

**E. The Location of the Property with Reference to Streets and Addressed if Any:**

Mine: E.B.I.-4335  
Mine: J.E.B.-4335  
Mine: Y.B.-4335  
(Unincorporated Eagle County, Colorado)  
See Vicinity Map attached hereto as **Exhibit B**

**F. Current Zoning Designation:**

Resource, Eagle County

**G. The Requested Zoning or Rezoning:**

Applicant requests the Planned Unit Development (PUD) Zone District for the property. The PUD Zone District for the property will allow the following uses, in accordance with and pursuant to the following terms and conditions:

**1. Stone Quarry Operation**

The PUD Zone District of the property will allow a stone quarry operation and crushing of overburden, along with necessary ancillary uses, including but not limited to, a haul road, temporary access ramp, detention pond, portable toilets, fuel storage, refuse dumpster, modular trailer or trailers for a field office/storage facility/change room. Quarry operations are anticipated to commence within two years of annexation of the property, and are expected to run approximately seven (7) to fifteen (15) years. The quarry operation will be subject to the following conditions:

- a. Within thirty (30) days of annexation of the property the applicant will begin the permitting process for all quarry operation permits (the "Permits"). All such permits must be issued and be in place on the property in order to commence quarry operations. Applicant will operate the quarry in accordance with the terms and conditions of such permits. The Town is invited to any meetings that are conducted through other entities as a rule. Copies of all Permits will be provided to the Town of Red Cliff.
- b. In order to realize such use, the applicant must submit a Final Development Plan ("FDP") for a quarry operation. Such an FDP is being submitted concurrently with this PUD application.

- c. All quarry activity must be conducted in compliance with required State, Federal, and Local permitting agencies. All mining requirements by said agencies will be automatically ratified by the Town of Red Cliff. Upon completion of quarry operations, the mined area will be reclaimed per Federal Regulations.
- d. The quarry activities will be limited to an area of approximately ten (10) acres as identified on the map attached hereto as **Exhibit C**.

**2. Residential Use:**

The PUD Zone District of the property will allow residential uses and densities as follows:

- a. A maximum of 15 residential units. These may be in the form of duplex units, multi-family units and/or single family homes.
- b. Minimum lot size of one (1) acre.
- c. Building height limit of thirty-five (35) feet. Building height shall mean the distance measured vertically from the existing grade or finished grade (whichever is less restrictive) at any given point outside the building to the top of a flat roof, mansard roof, or to the midpoint of a gable roof.
- d. A minimum of three (3) parking spaces per unit. Parking space shall mean an area, enclosed in the main building, in an accessory building or unenclosed, sufficient in size to store one (1) standard automobile, and permitting satisfactory ingress and egress of an automobile.
- e. Setbacks from lot lines as follows: Front setback of twenty-five (25) feet; side setback of twenty-five (25) feet; rear setback of twenty-five (25) feet.

The residential uses allowed pursuant to this PUD Zone District shall be subject to the following conditions:

- i. In order to realize such use the applicant must submit an FDP for residential use of the property. Applicant may only submit a FDP for residential use at such time as either: A. The stone quarry operation described above has been completed and all State and Federal reclamation requirements have been satisfied; or B. The applicant has submitted all necessary quarry applications/permits within the time period described above, and has been unable to obtain such permits within twenty four (24) months from the submittal date of the first application.
- ii. Once a quarry operation has commenced on the property, no residential uses will be permitted until all State and Federal quarry reclamation and closure requirements have been satisfied.
- iii. No building permits will be issued for the property until necessary subdivision approvals have been obtained and a final plat for the property has been approved pursuant to the Red Cliff Municipal Code.

**H. A Statement of the Reasons for Requesting the Zoning or Rezoning:**

Applicant requests PUD zoning in order to obtain the flexibility necessary to promote the most appropriate uses of the property. The PUD Zone District will allow the applicant to make initial use of the property as a rock quarry in order to permit the extraction of desirable stone materials that are located on an unusually accessible outcropping. At the appropriate time, the PUD Zone District will also permit long-term residential use of the property in accordance with The Town of Red Cliff's Three Mile Plan, all the while creating various benefits for the Town of Red Cliff. A residential FDP and Final Plat will be required to be approved by the Town prior to residential use of the property.

**I. Vested Property Rights:**

Applicant is requesting vested property rights, pursuant to Sections 24-68-101, et seq. of the Colorado Revised Statutes in effect as of the date of this application (the "Vested Property Rights Statute"). In conjunction with an annexation and development between the applicant and the Town (the "Annexation and Development Agreement"), and subject to the terms and conditions of the Annexation and Development Agreement, this approved application shall constitute an approved "site-specific development plan" as defined in the Vested Property Right Statute, and shall establish statutory vested property rights pursuant to the Vested Property Rights Statute to develop the project in the manner contemplated by such documents.

1. The vested rights period for the stone quarry operation shall last for a duration of seventeen (17, up to 2 years to permit and 15 years to operate) years, commencing on the latest effective date of the final ordinance approving this PUD.
2. The vested rights period for the residential use shall last for a duration of 17 years, commencing at such time as identified in either Section G(2)(e)(i)(A) or Section G(2)(e)(i)(B), above, whichever shall apply.

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