

**TOWN OF AVON, COLORADO
ORDINANCE 19-09**

**AMENDING THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT
FOR THE CONFLUENCE TO EXTEND THE VESTED PROPERTY RIGHTS AND
APPROVING A MINOR PUD AMENDMENT FOR LOT 1, RIVERFRONT
SUBDIVISION**

WHEREAS, the Town of Avon (“Town”) is a home rule authority municipal corporation and body politic organized under the laws of the State of Colorado and possessing the maximum powers, authority and privileges to which it is entitled under Colorado law; and

WHEREAS, Points of Colorado Inc. (“Applicant” and “Owner”) has submitted a Vested Property Rights Application dated August 9, 2019 (“Vested Rights Application”) to amend the term of vesting outlined in the Amended and Restated Development Agreement for the Confluence approved by Ordinance 06-03 (“Development Agreement”), as subsequently amended by Ordinance 17-17, which vested rights are currently set to expire March 18, 2021; and

WHEREAS, Owner intends to develop Lot 1 in two phases, with one building being constructed on Lot 1 as “Phase 1” and a second building being constructed on Lot 1 as “Phase 2”; and

WHEREAS, the Vested Rights Application seeks amendment of Section 2.2. of the Development Agreement to extend the expiration date for vested rights to March 18, 2024 for phase one of Lot 1 and March 18, 2025 for phase two of Lot 1; and

WHEREAS, the Applicant submitted a concurrent Minor PUD Amendment Application (“Minor PUD”) to amend the development standards and design guidelines for Lot 1 of the Riverfront Subdivision PUD Development Plan (“Project”); and

WHEREAS, the Vested Rights Application and Minor PUD are being reviewed and processed concurrently pursuant to Avon Municipal Code §7.16.020(b)(4), *Concurrent Review Permitted*; and

WHEREAS, pursuant to Avon Municipal Code §7.16.140(f), *Extension of Vested Property Rights*, the Town Council finds the Vested Rights Application eligible for consideration since the Application was submitted at least six (6) months prior to the expiration of the Vested Property Rights approved by Ordinance 17-17; and

WHEREAS, the Town Council of the Town of Avon held public hearings on October 10, 2019, October 22, 2019, and November 12, 2019, after posting notice of such hearings in accordance with the requirements of Section 7.16.020(d), *Step 4: Notice*, Avon Municipal Code, and considered all comments provided before acting; and

WHEREAS, the Town Council makes the following specific findings as the basis for its decision as required by Avon Municipal Code §7.16.020(f)(3):

- A. The Vested Rights Application meets the review criteria set forth in Avon Municipal Code §7.16.140(e)(2); specifically:
- 1) Property values and the real estate market experienced a significant downturn for several years, commencing locally in early 2009 and continuing for several years during the initial vested rights period and market conditions for the construction of new multi-family residential product have improved only recently; and,
 - 2) The project complies with the Avon Comprehensive Plan; in particular *Goal B.1: Provide a balance of land uses that offer a range of housing options, diverse commercial and employment opportunities, inviting guest accommodations, and high quality civic and recreational facilities that work in concert to strengthen Avon's identity as both a year-round residential community and as a commercial, tourism and economic center*; and,
 - 3) The Project has provided public benefits through the dedication of land for the Eagle river path, water rights dedications, river path construction, Eagle Valley trail connection easement, two (2) deed-restricted units in the lodge building, landscaping improvements, and employee housing mitigation funds; and,
 - 4) The extended duration of the Vested Property Rights for the requested period is reasonable considering the local, state and national economic recovery and local market conditions for new construction of residential product.

WHEREAS, the Town Council makes the following specific findings as the basis for its decision on the Minor PUD as required by Avon Municipal Code §7.16.020(f)(3):

- A. The Application meets the eligibility requirements for a Minor PUD Amendment by not increasing density, increasing the amount of nonresidential land use, or significantly altering any approved building scale and mass of the development.
- B. The PUD Amendment does not change the character of the development and maintains the intent and integrity of the Riverfront PUD with condominium and multi-family residential land uses with higher density on east side of Properties and reduced density moving west.
- C. The Application is in conformance with Avon Municipal Code §7.16.060(e)(4), *Review Criteria*, and compared to the underlying zoning standards, the Minor PUD Amendment is not likely to result in significant adverse impacts upon the natural environment.

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the Town Council desires to comply with state law, the Avon home rule charter and the Avon Development Code by setting a public hearing in order to provide the public an opportunity to present testimony and evidence regarding the application and that approval of this Ordinance on first reading does not constitute a representation that the Town Council, or any member of the Town Council, supports, approves, rejects, or denies the proposed zoning or other matters in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AVON, COLORADO, the follow

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

Section 2. Riverfront Development Agreement Amendment. The Amendment to the Amended and Restated Development Agreement: The Confluence, attached hereto as Exhibit A is hereby approved. The Mayor and Town Clerk are authorized to execute the Amendment to the Amended and Restated Development Agreement: The Confluence.

Section 3. Riverfront Minor PUD Amendment Approved. The Riverfront Subdivision PUD Development Plan, attached hereto as Exhibit B, is hereby approved and the Mayor and Town Clerk are authorized to execute the PUD Plan Amendment.

Section 4. Recording. The Town Clerk shall cause the fully executed Amendment to the Amended and Restated Development Agreement: The Confluence and the Development Agreement Amendment and the amended Riverfront Subdivision PUD Development Plan to be recorded at the Eagle County Clerk and Recorder's Office.

Section 5. Correction of Errors. Town Staff is authorized to insert proper dates, references to recording information and make similar changes, and to correct any typographical, grammatical, cross-reference, or other errors which may be discovered in any documents associated with this Ordinance and documents approved by this Ordinance provided that such corrections do not change the substantive terms and provisions of such documents.

Section 6. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term "provision" means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term "application" means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 7. Effective Date. This Ordinance shall take effect thirty (30) days after the date of

final passage in accordance with Section 6.4 of the Avon Home Rule Charter.

Section 8. Safety Clause. The Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Avon, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 9. Publication. The Town Clerk is ordered to publish this Ordinance in accordance with Chapter 1.16 of the Avon Municipal Code.

INTRODUCED AND ADOPTED ON FIRST READING AND REFERRED TO PUBLIC HEARING on October 22, 2019 and setting such public hearing for November 12, 2019 at the Council Chambers of the Avon Municipal Building, located at 100 Mikaela Way, Avon, Colorado.

BY:

ATTEST:

Sarah Smith Hymes, Mayor

Brenda Torres, Town Clerk

ADOPTED ON SECOND AND FINAL READING on November 12, 2019.

BY:

ATTEST:

Sarah Smith Hymes, Mayor

Brenda Torres, Town Clerk

APPROVED AS TO FORM:

Michael Sawyer, Special Counsel Attorney to Town

EXHIBIT A:

AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT: The Confluence

THIS AMENDMENT to the Amended and Restated Development Agreement The Confluence, dated March 14, 2006, (“Amendment”) is made and entered into on November 12, 2019, by and between Points Colordao, Inc., a Colorado corporation (“Owner”) and the Town of Avon, a Colorado home rule municipal corporation (“Town”).

WHEREAS, the Owner applied to the Town for an extension of the vested property rights for Lot 1, Riverfront Subdivision, which the Avon Town Council approved by Ordinance 19-09 on November 12, 2019.

NOW, THEREFORE, in consideration of the foregoing and the terms in the Amendment, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and Town agree as follows:

1. Section 2.2 Term is hereby amended to add the following language,

“Notwithstanding the foregoing, Owner and Town agree that the Term of this Agreement and the vested property rights established under this Agreement shall continue for Lot 1, Riverfront Subdivision as follows: For Phase 1 of Lot 1 as are depicted on Exhibit 1 here to, until March 18, 2024; For Phase 2 of Lot 1 are depicted on Exhibit 1 here to, until March 18, 2025”.

2. All other terms of the Agreement shall remain the same.

[SIGNATURE PAGES BELOW]

OWNER:

Points of Colorado, Inc., a Colorado corporation

By: _____

Name: _____

Title: _____

STATE OF _____)

) ss:

COUNTY OF _____)

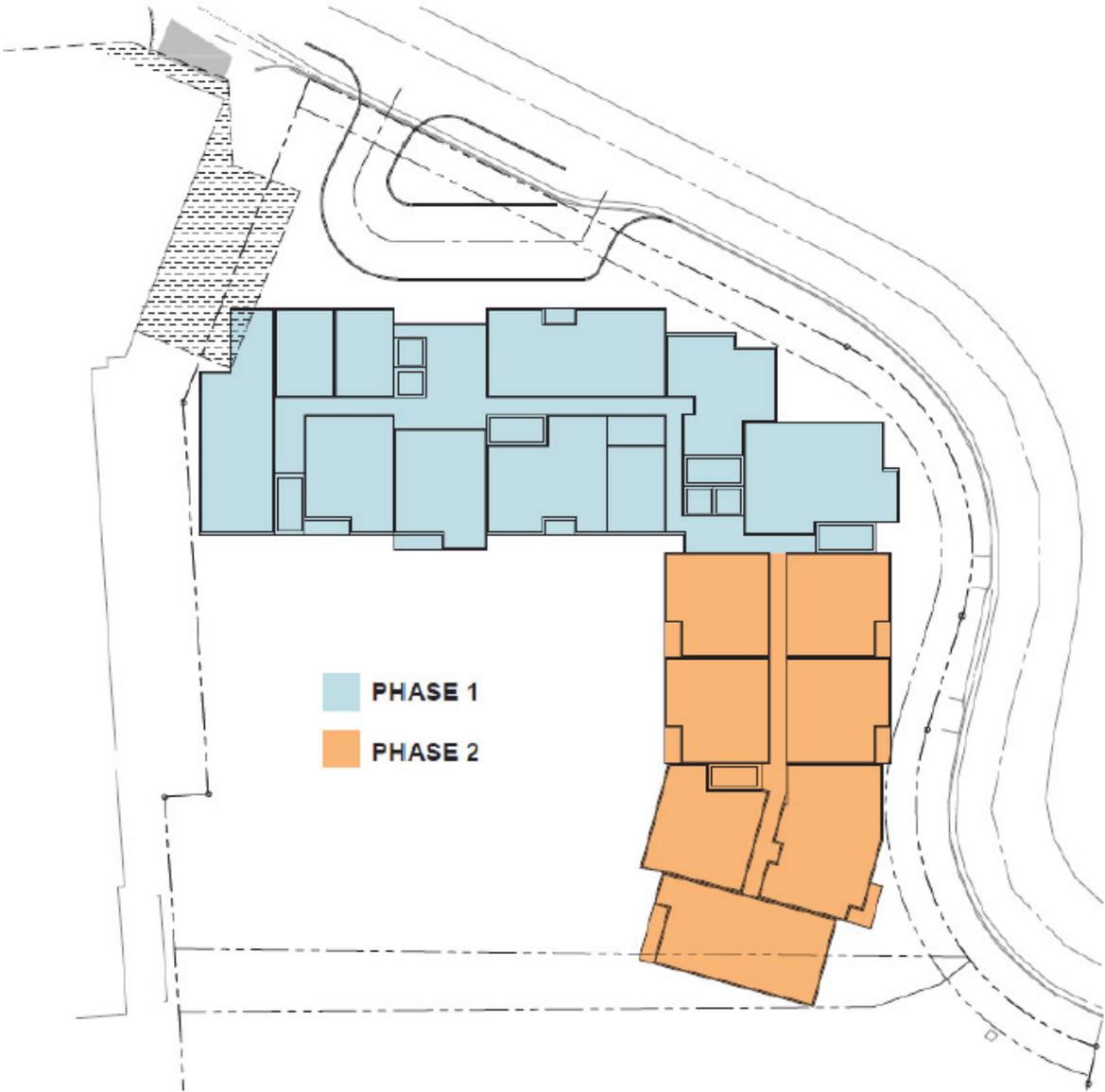
The foregoing instrument was acknowledged before me this ____ day of _____,
2019, by _____ as _____ of _____ a

Witness my hand and official seal.

My commission expires: _____

Notary Public

Exhibit 1 – Phase 1 and Phase 2 Map



Development Standards
 * NO CHANGE - ALL DEVELOPMENT STANDARDS UNDER EXISTING PUD DEVELOPMENT PLAN APPLY TO LOT 1

Residential/Lodging Uses

- Hotel rooms and suites;
- Lodge rooms;
- Condominiums;
- Townhomes;
- Time-share, vacation ownership, and fractional fee ownership; and
- Accessory or incidental uses consistent with Residential/Lodging Uses at the discretion of the Zoning Administrator.

Lodging Support Uses

- Fitness facilities, locker rooms, reception, and related amenities and services;
- Indoor and outdoor recreation (e.g. pools, jacuzzis, game rooms);
- Ski valet and storage;
- Front desk and lobby;
- Concierge, valet and bell service areas;
- Business centers;
- Housekeeping and laundry facilities;
- Storage;
- Mechanical rooms;
- Restrooms;
- Administrative spaces used by personnel providing Hotel/lodging services (e.g. reservations, accounting);
- Maintenance facilities;
- Meeting pre-function and support spaces; and
- Other accessory or incidental uses consistent with Lodging Support Uses at the discretion of the Zoning Administrator

Standard Commercial Uses

- Retail Stores;
- Specialty Shops;
- Restaurants, Bars and Cocktail Lounges;
- Wellness Centers (such as physical therapy, medical);
- Personal service shops;
- Professional offices, including real estate brokerage and development offices;
- Ski School Facilities;
- Lift Ticket Sales Facilities;
- Financial Institutions;
- Offices; and
- Other accessory or incidental uses consistent with Standard Commercial Uses at the discretion of the Zoning Administrator

Incidental Commercial Uses

- Spa treatment rooms, spa retail, spa salon, and
- Meetings and conference rooms;

Public Uses

- Transportation facilities;
- Public plazas;
- Public restrooms; and
- Public parks and walkways.

Temporary Facilities

- Vacation Ownership/Time Share sales centers of up to 7,000 square feet within the Hotel or Vacation Ownership/Time Share buildings for up to ten years from the issuance of a Temporary Certificate of Occupancy of the first Vacation Ownership/Time Share building; and
- Other temporary facilities are subject to Special Review Use.

Special Review Uses

- Theatres;
- Churches;
- Bed and Breakfast lodges; and
- Temporary facilities not approved (above) under Temporary Facilities.

Parking

* NO CHANGE - ALL PARKING STANDARDS UNDER EXISTING PUD DEVELOPMENT PLAN APPLY TO LOT 1.

Specific requirements by Use

Five (5) spaces/1000 GLFA:

- Retail Stores;
- Specialty Shops;
- Restaurants, Bars and Cocktail Lounges public spaces (excludes storage, kitchens and other "back of house" spaces);
- Wellness Centers (such as physical therapy, medical);
- Personal service shops;
- Professional offices, including real estate offices at the plaza level;
- Ski School Facilities;
- Lift Ticket Sales Facilities; and
- Financial Institutions;

Four (4) spaces per 1000 GLFA

- Professional Offices/Offices, if any, on the fifth floor of the Hotel.

Two (2) spaces per 1,000 GLFA

- Spa treatment rooms, spa retail, spa salon; and
- Meetings and conference rooms.

Hotel

- One (1) space for each Accommodation Unit (as defined in the Development Agreement).
- 1.2 spaces for each Dwelling Unit (as defined in the Development Agreement).

Vacation Ownership

- 0.75 spaces per bedroom, maximum of 1.5 spaces per Residential Unit.

Condominiums and Townhomes other than a Hotel

- Lots 1,2 & 3 - no change proposed (1.2 space per unit for Lot 1)
- Lot 4 Condominium Units - 1.0 spaces per unit or as approved in the development plan.
- Lot 4 Townhome Units - 1.2 spaces per unit or as approved in the development plan.

General:

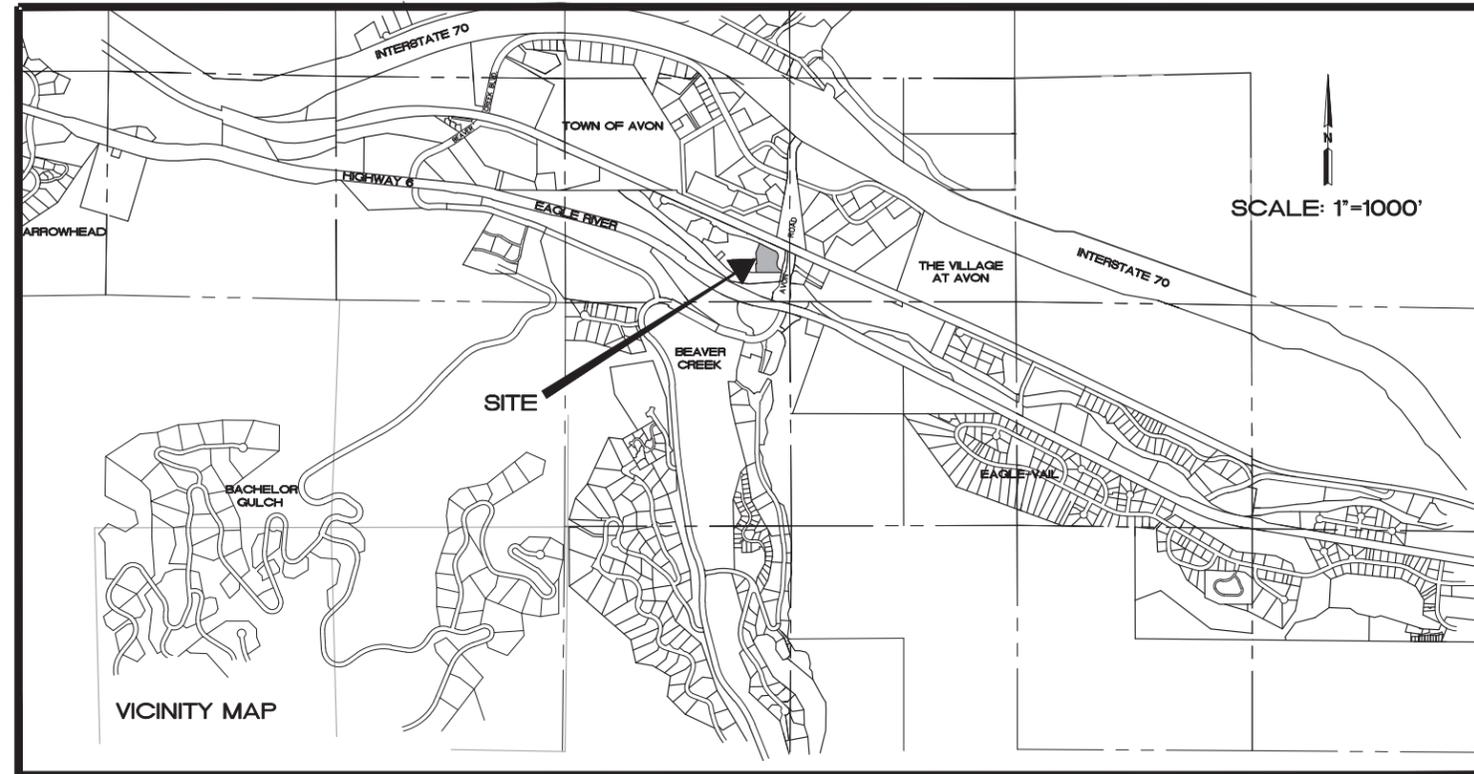
- Compact parking spaces shall not exceed ten percent (10%) of total parking for the entire project.
- Total required parking (as defined above) shall be reduced by 15% for facilities on Lots 1, 2 and 3 only.
- Standard parking spaces on Lots 1 and 3 shall be a minimum width of 8'9", with standard length of 18' and standard drive lane width of 24'.

RIVERFRONT SUBDIVISION

AMENDMENT TO PUD DEVELOPMENT PLAN FOR LOT 1

EXHIBIT 'B' to ORDINANCE 19-09

NOVEMBER 12, 2019



General Notes

* ITEMS 2a AND 2c AMENDED. ITEMS 3 AND 4 ADDED TO THE GENERAL NOTES. ALL OTHER GENERAL NOTES UNDER EXISTING PUD DEVELOPMENT PLAN APPLY TO LOT 1.

- This PUD Plan contains the development standards and uses for the Riverfront PUD. Other uses and provisions of the Town of Avon Municipal Code not specifically addressed herein, or in the related development agreement, shall apply to the Riverfront PUD.
- The minimum building setbacks shall be as follows:
 - River: all buildings shall be setback the more restrictive of i) seventy five feet (75') from the Mean Annual High Water Mark or ii) the northern boundary line of Tract "A". Notwithstanding the foregoing, Lot 1's minimum setback shall be the northern boundary line of the utility, path, and drainage easement located along the southern boundary line of Lot 1. Encroachments for porches/decks/overhangs/eaves are permissible subject to design review and easement grantees approval as to specific locations and dimensions.
 - Lot Lines: Buildings shall have a zero foot (0') setback from internal lot lines. Buildings shall have a minimum twenty-foot (20') setback from Riverfront Subdivision perimeter lines. Notwithstanding the foregoing, Lot 7's setback from its northern perimeter line shall be ten (10) feet.
 - Right-of-way: Buildings shall have a minimum setback of ten feet (10') from the Riverfront Lane road right-of-way. Subterranean encroachments shall be permitted into this setback. Encroachments (such as patios, balconies and eaves) of up to six feet (6') horizontally at finished grade and higher than twelve feet (12') vertically above finished grade may be permitted into this setback for all buildings located on Lot 1, if approved by the Town of Avon Planning and Zoning Commission and Town Council during the Development Review process for Lot 1 (not to exceed 20% of the permitted 6' wide encroachment area within the setback).
- The purpose of this PUD Amendment is to modify the height limitation, architectural guidelines, and remove the specific building footprints for Lot 1 to allow for greater flexibility in design and phasing.
- This Amendment to PUD Development Plan amends the PUD Development Plan for Riverfront Subdivision adopted by Town Ordinance No. 17-16 and recorded at Reception No. 201800835, Eagle County, Colorado (the "Existing PUD Development Plan") solely with respect to Lot 1, Riverfront Subdivision ("Lot 1"). References herein to new or modified PUD standards, requirements and/or uses apply to Lot 1 only. Except as herein amended for Lot 1, the Existing PUD Development Plan remains fully binding and valid.
- Owner of Lot 1 shall convey deed restriction(s) for two (2) 1-bedroom residential units or a total gross floor area of residential use of one thousand square feet (1000 sq. ft.) in the Lot1 development to the Town of Avon as a condition of receiving any certificate of occupancy. The deed restriction(s) shall be permanent, recorded at the Eagle County Clerk and Records office, shall limit the use of the residential units or space to occupancy by persons employed or working full-time in Eagle County (defined as working at least 32 hours per week for at least 8 months in a calendar year), and the form of the Deed Restriction shall be acceptable to the Town of Avon and shall be consistent with other Deed Restrictions conveyed to the Town of Avon with similar terms.

Land Use Table:

LAND USE TABLE MODIFIED FOR LOT 1 ONLY AS FOLLOWS:

	Lot 1
Permitted Uses by Right	Standard Commercial; Incidental Commercial; Residential Lodging Uses; Lodging Support Uses; Temporary Uses and Facilities; Public Uses
Special Review Uses	Theatres; Churches; Other Temporary Facilities;
Building Height*	One hundred five feet (105') maximum height limitation, except areas of the lot falling fifty feet (50') from the southern property line, where a maximum height of fifty feet (50') will apply for up to a maximum two thousand square feet (2000 sq. ft.) of building area, and a maximum height of forty five feet (45') will apply to the remainder of the area of the lot falling 50' from the southern property line.

Notes:

Actual building heights at various locations on each Lot shall be established through the Town's design review approval process, based on the criteria established in the Town of Avon Municipal Code.

In all instances, the maximum allowable percentage of a building ridge line to be at or near the maximum height shall be governed by the more restrictive criteria of the Riverfront Design Standards and the Town of Avon Municipal Code.

Architectural Design and Massing: Final building design shall be established through the Town's design review approval process, based on the criteria established in the Town of Avon Municipal Code.

PUD Signature Blocks

Owner's Certificate

Know all men by these presents that being the sole owners in fee simple of all that real property described as follows:

Lot 1 Riverfront Subdivision: located in the south 1/2 of Northwest 1/4 Section 12, Township 5 South, Range 82 West of the Sixth Principal Meridian.

We agree to develop the plan as depicted on this site plan.

By: _____

Points of Colorado, Inc.

Address: CONFIRM ADDRESS TO USE FOR POINTS OF COLORADO, INC

The foregoing signatures were acknowledged before me this _____ day of _____, 2019, by _____

My Commission expires: _____

Witness my hand and seal

Notary Public

Town Certificate

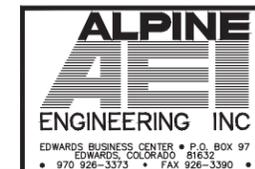
This Planned Unit Development Plan and the uses, zoning standards and densities are approved for The Riverfront PUD Lot 1, (Ordinance 19-09) by the Town Council of the Town of Avon, County of Eagle, State of Colorado, this 12th day of November, 2019, for filing with the Clerk and Recorder of the County of Eagle. Said approval shall in no way obligate the Town of Avon for any improvements and approval of this PUD Development Plan by the Town is a consent only and is not to be confused as an approval of the technical correctness of this plan or any documentation relating thereto.

WITNESS MY HAND AND SEAL OF THE TOWN OF AVON:

TOWN COUNCIL OF THE TOWN OF AVON

By: _____
 Sarah Smith-Hynes, Mayor

Attest: _____
 Brenda Torres, Town Clerk



SHEET
1 of 4

RIVERFRONT SUBDIVISION

AMENDMENT TO PUD DEVELOPMENT PLAN FOR LOT 1

EXHIBIT 'B' to ORDINANCE 19-09

DESIGN STANDARDS
February 23, 2006

*amended December 12, 2017
*amended November 12, 2019 for Lot 1

NOVEMBER 12, 2019

I. Vision Statement for Riverfront Village

NO CHANGE - VISION STATEMENT AND DESIGN STANDARDS RECORDED UNDER EXISTING PUD DEVELOPMENT PLAN REMAIN IN PLACE AS RECORDED.

A. Scope of Design Standards

- 1) The following Design Standards for Riverfront Village have been established to ensure the overall quality and compatibility of the Village with the Town of Avon and its riverfront site. In general these Standards shall apply to all buildings and plaza areas within Riverfront Village, with the exception of the Hotel building, or as otherwise noted.
- 2) An important aspect of the Riverfront Village vision is responsible care for the environment and sustainability of the architecture and landscape. To this end, best efforts will be made to meet the principles set forth in the LEED (Leadership in Energy and Environmental Design) Green Building System for the Hotel. In addition, all other buildings within the Village will be designed with sensitivity to the sustainability aspects of site and architectural design.

B. Architectural Theme

- 1) Riverfront Village represents an important interface between the Town of Avon and Beaver Creek Ski Resort. It is envisioned as a lively gathering place connecting the river, mountain and town- a pedestrian friendly environment where townspeople and guests can stroll from Avon's western Town Center, through the resort retail plaza, to ride the gondola up to the mountain or to step down to the river.
- 2) The village is situated on the seam between the town and the mountain landscape and should therefore strike a balance between the two environments, creating an architectural expression that captures both alpine and townscape traditions. To achieve this balance, the architecture shall take advantage of materials inherent to successful mountain resort architecture-such as stone, wood, and other natural materials, combined with more contemporary materials such as stucco, metal, and recycled products.
- 3) The Architectural Theme will also feature the use of large areas of glass, clean building forms based on pure geometries, strong, simple detailing (not overly rustic, "heavy," or overstated), and the bolder proportions appropriate to the larger scale of the Town.

C. Design of Public Spaces

- 1) A public plaza will be used to link the Town of Avon to the Eagle River. This link should be reinforced in both a physical and perceptual way through the use of paving materials, landscaping, and sensitive spatial planning. Spatial planning shall include components that reinforce the connectivity of the Town to the River, and avoid elements that act as barriers to this connection, such as planter walls that block pedestrian flow, landscaping that screens the visual connection between Town and River, etc.

D. Pedestrian orientation

- 1) A pedestrian corridor, connecting the town to a retail plaza with gondola, will gracefully transition from the plaza to the riverfront promenade by way of a staircase and stepped terraces merging with the natural landscape. This transition will avoid barriers from the Town to the River, and include elements which reinforce this connection, including similar paving materials, wide pedestrian ways that encourage movement, active signage and wayfinding, and a gracious grand stair with oversized treads and minimal risers.
- 2) Pathways shall also create a network within the Village itself, linking the different buildings along the length of the site and providing pedestrian access to defined access/gathering points along the River. The Plaza and pathways within Riverfront Village should encourage a pedestrian-friendly environment.

E. View Corridors

- 1) A primary southern view corridor to the mountains shall be maintained from the eastern railroad crossing through the public plaza to help reinforce the connection between the Town and the ski mountain.
- 2) An east-west view corridor along the Eagle River will also be maintained through the preservation of a 75-foot river setback throughout most of the site, with limited minor encroachments as allowed in the development plan. In addition, the Riverfront Park will act as a natural corridor along the river edge portion of the Village and act to enhance this view corridor.

F. The Natural Environment

- 1) The Eagle River is a primary amenity for the Town of Avon and Riverfront Village. Links to the River shall be developed as special pedestrian ways to help activate this wonderful amenity.
- 2) The 75-foot river setback will be largely left in its natural state, and certain defined river access and gathering points should be created along the linear riverfront path.
- 3) In general, additional plantings within the river setback will be riparian in character and relate to plantings indigenous to river edge environments. More formal planting areas -- such as small sections of lawn, however, are encouraged at special gathering and access points to highlight these more formal features. Formal plantings featuring annuals are not permitted within the 75-foot setback.
- 4) In an effort to enhance the natural environment, site walls and site walkways should become more "organic" as they approach the river edge portion of the Village. Any walls installed south of the bike path shall be limited to boulder walls. Accessibility shall be considered when designing walkways.

II. Site and Village Guidelines

ITEM C.2. SITE WALLS AMENDED. ALL OTHER SITE AND VILLAGE GUIDELINES UNDER EXISTING PUD DEVELOPMENT PLAN APPLY TO LOT 1.

A. Primary Building Entries

- 1) Primary building entries shall be emphasized as welcoming portals through careful attention to massing, scale, and materials. This will ensure that Riverfront Village will not turn its back to Avon. Portals will be scaled to encourage pedestrian movement through them-and avoid overwhelming or diminutive massing-and they will be treated with materials that enhance this experience. The front doors of buildings should be treated in interesting ways, either through the use of glass or special designs and materials that provide interest to these special areas of each building.
- 2) Massing of entries shall relate to the overall massing of the buildings but be presented as special forms different than typical building bays. Sensitivity to scale should be considered when transitioning from the overall larger building mass to the more intimate scale of the pedestrian visitor. Designers are encouraged to use materials in interesting ways at primary building entries to reinforce their unique role as part of the building and as part of the overall Village streetscape.

B. Solar Access

- 1) A solar access study shall be required for buildings exceeding 3 stories in height. These studies will convey shading impacts at summer and winter solstice (Jun 21 and Dec 21), and at vernal and autumnal equinox (Mar 21 and Sept 21).

C. Site Materials and Colors

1. Plaza materials
 - a) Rustic materials common in mountain towns and/or a more contemporary interpretation of these materials such as cut stone pavers, colored concrete pavers, and stained or colored concrete slabs are appropriate to the Village. Colors shall be complementary to the site and its architecture, avoiding bright or brilliant hues that distract from the pedestrian experience.the le
2. Site walls
 - a) Site walls shall make use of more contemporary materials such as colored concrete masonry, stained concrete, board-formed concrete, and similar materials, in colors complementary to the site and its buildings. Site walls shall relate to plaza materials and building bases to help visually merge the ground plane around the site. Boulder walls shall be permitted in those areas where walls transition the project to natural and surrounding grades, and shall require the approval of the Planning Commission during design and development plan review.

D. Site Signage - Design, materials, and colors

- 1) Site signage shall be designed to help animate the plaza and be consistent and compatible with the design and materiality of the buildings. Site lighting will also be used to enhance the pedestrian experience at the Plaza level.

III. Architectural Design Guidelines

ITEMS A. 2) AND 7) AMENDED. ALL OTHER ARCHITECTURAL DESIGN GUIDELINES UNDER EXISTING PUD DEVELOPMENT PLAN APPLY TO LOT 1.

A. Building Form and Massing

- 1) In general the form and massing within Riverfront Village will follow the intent of the Town of Avon Design Guidelines by incorporating form articulation to avoid the monolithic. However, specific buildings within the Village shall be subject to less or more stringent requirements relative to building form and massing as identified within this document to form a coherent, pleasant composition for the entire neighborhood.
- 2) Smaller masses, such as portions of the building or elements such as porte cocheres, etc, will be used to break up the apparent size of larger building forms. Smaller masses positioned in front of large masses will be used to reduce the visual dominance of the larger forms, with particular emphasis in stepping back building height, bulk, and mass in the areas of Lots that are located along the river corridor and recreation path interface.
- 3) The development of building bases will help to tie together individual buildings within the Village and will also tie the Village to its riverfront site. Site walls, and other site features shall relate to building bases in a way that reinforces visual connectivity to the ground plane. The plaza and gondola terminal, with its cantilevered structure will stand out as an elevated element from the south, drawing people up from the river.
- 4) In general the middles of buildings will be more visually subtle, but broken by primary and secondary elevation features and material accents that help to avoid monotonous facades. On any given elevation at Lots 1, 3, and 4, 80 percent of the vertical wall area will be permitted to be within the same plane, with a minimum of 1-foot offset for plane changes. Vertical forms comprised of stacked decks and balconies will be considered plane changes. At Lots 5, 6, and 7, 70 percent of the vertical wall area will be permitted to be within the same plane.
- 5) The roofscape of Riverfront Village is also critical to the success of the neighborhood and its relationship to the Town of Avon. The visual coherency of the Village should be reinforced through the use of similar and compatible roofing materials and colors throughout the Village, helping to knit the individual buildings together when seen from the Gondola or Beaver Creek above.
- 6) Pitched roofs expressive of an alpine tradition and the incorporation of dormers, shed roofs and chimney forms, should be employed, while allowing variation in roof pitches to break up building mass and height. Primary roofs will have pitches ranging from a minimum of 2:12 to a maximum of 8:12. Secondary roofs-such as at dormers, porte cocheres, building protrusions, and similar additive forms-may be flat, but only if they are finished in materials similar in quality to roof or wall materials on the building, such as pavers, colored stone, etc. When secondary roofs are pitched roofs, the minimum pitch required shall be 2:12. Flat roofs may be permitted for primary roof forms in order to help address views and reduce overall height of buildings along the river interface. Ideally flat roofs should be developed as terraces and other functional spaces.
- 7) Given the modern alpine character of the architecture at Riverfront Village, roof overhangs are encouraged for buildings on Lot 1, which are visually and compositionally related to the Hotel. At these locations within Riverfront Village the minimum roof overhang shall be 24 inches for primary roofs and 12 inches at secondary dormers.
- 8) To help ensure that roof ridges for the Village remain interesting and contribute to the overall success of building massing, uninterrupted ridgelines shall be avoided. To this end, roof ridgelines are limited to 150 feet before a change in height (elevation above sea level) is required. These breaks (elevation changes) shall run horizontally for at least 10% of the overall building ridge length before returning to the prior elevation. Overall building ridge length is defined as the sum of all primary ridge lengths for the entire building.

B. Building Height

- 1) Building heights for the Riverfront Village will be restricted to the heights described in the approved Development Plan, as measured according to the Town of Avon Code. Architectural features such as chimneys, cupolas, and other similar elements will not be included when calculating maximum building height.
- 2) In addition, the percentage of ridge height allowed at the maximum allowable building height for any given building will be limited to 25% of the overall building ridge length. Overall building ridge length is defined as the sum of all primary ridge lengths for the entire building.
- 3) The maximum height for building facades fronting the Public Plaza will be limited to 75 feet from the Plaza elevation. The only exception to this facade height limitation shall be for the western façade of the central tower of the hotel, which shall be permitted to be as tall as 100 ft. from Plaza elevation. This central tower façade may run horizontally for up to 60 feet along the plaza.
- 4) The minimum horizontal setback required for building facades exceeding the maximum height for building facades fronting the Public Plaza will be 2 feet from the building façade fronting the Public Plaza. This shall only apply to the central tower portion of the Hotel.
- 5) The minimum setback required for maximum allowable height per the Development Standards from the Public Plaza will be 60 feet from building façade fronting the Plaza

C. Exterior Materials, Detailing, and Colors

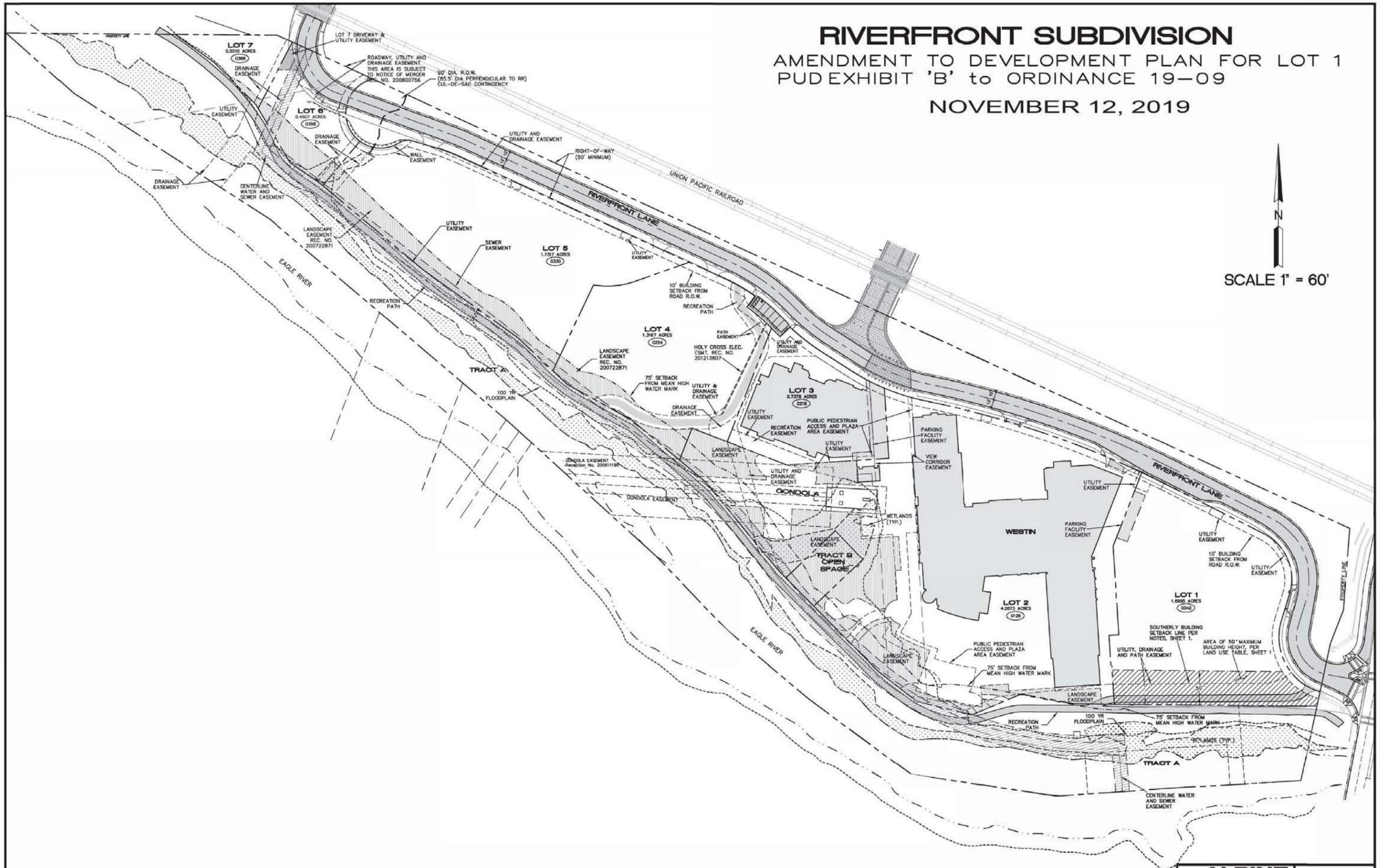
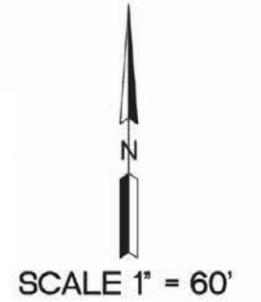
1. Materials and colors for walls and roofs at Riverfront Village will have a Light Reflective Value (LRV) not exceeding 60%.
 - a) Materials inherent to the mountains, including stone and wood, will be used at lower levels of buildings in areas of direct pedestrian interface, as well as metals. These materials should be used in refreshing ways within the Village, reinterpreted for the urban nature of Avon towards a "mountain modern" character.
 - b) Stucco conveys mass in a subtle, "quiet" way and is therefore a recommended material for building middles and tops. However, building accents comprised of non-stucco materials, such as metal, wood and cement materials replicating wood, shall be allowed in building middles and tops to help provide interest, except as prohibited by Codes. When used, stucco shall be carefully detailed to ensure longevity when it comes near the ground plane at building walls. Greater variation in materials for town homes is contemplated with less reliance on the use of stucco in lieu of use of recycled and other siding materials.
 - c) Roof materials will include rubber shingles, asphalt shingles and other materials suitable for mountain environments. Standing seam metal may be used for primary roof planes and for small and/or special roof features such as shed dormers, retail roof forms, porte cocheres, and other selective roof elements.
 - d) In general, colors used within the Village should be complementary to the site, and be comprised of greens, grays, golds, browns, and other earth-tone hues. However, due to the desire for a highly activated retail experience at the Plaza level, the colors used along the retail edges of the Public way may be more vibrant and active in nature.
2. Minimum window area at plaza level
 - a) At a minimum, 50% of the 1st level of building facades facing the plaza from the east and the west shall be glass. For this calculation the plaza shall be deemed to begin at the northwest corner of the hotel and the northeast corner of the timeshare west and shall terminate at the east-west plane where the staircase down to the river begins. This calculation shall exclude the gondola terminal, control booth and public restrooms.

RIVERFRONT SUBDIVISION

AMENDMENT TO DEVELOPMENT PLAN FOR LOT 1

PUD EXHIBIT 'B' to ORDINANCE 19-09

NOVEMBER 12, 2019



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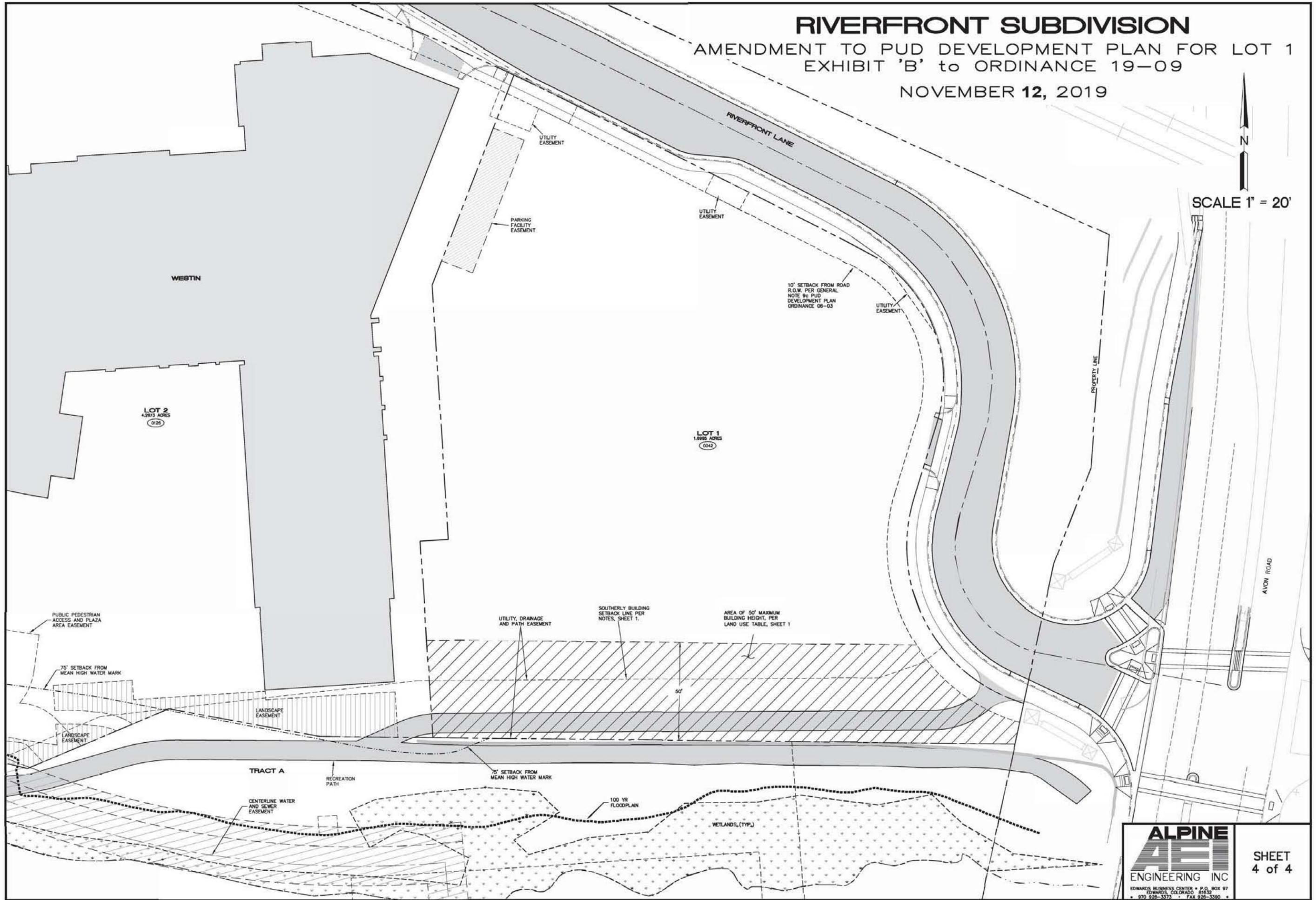
RIVERFRONT SUBDIVISION

AMENDMENT TO PUD DEVELOPMENT PLAN FOR LOT 1
EXHIBIT 'B' to ORDINANCE 19-09

NOVEMBER 12, 2019



SCALE 1" = 20'



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SHEET
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