



BRECKENRIDGE TOWN COUNCIL REGULAR MEETING

Tuesday, September 13, 2016; 7:00 PM

Town Hall Auditorium

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	D. BRECKENRIDGE HERITAGE ALLIANCE (MR. BURKE)	

*Report of the Town Manager, Report of Mayor and Council Members; Scheduled Meetings and Other Matters are topics listed on the 7:00 pm Town Council Agenda. If time permits at the afternoon work session, the Mayor and Council may discuss these items. The Town Council may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item.

- E. WATER TASK FORCE (MR. DUDICK)
- F. BRECKENRIDGE CREATIVE ARTS (MS. LAWRENCE)
- G. BRECKENRIDGE EVENTS COMMITTEE (MR. BERGERON)

X OTHER MATTERS

XI SCHEDULED MEETINGS

XII ADJOURNMENT

*Report of the Town Manager, Report of Mayor and Council Members; Scheduled Meetings and Other Matters are topics listed on the 7:00 pm Town Council Agenda. If time permits at the afternoon work session, the Mayor and Council may discuss these items. The Town Council may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item.

CALL TO ORDER, ROLL CALL

Mayor Mamula called the meeting of August 23, 2016 to order at 7:00 pm. The following members answered roll call: Mr. Dudick, Mr. Bergeron, Ms. Lawrence, Mr. Burke, Ms. Wolfe, Ms. Gigliello and Mayor Mamula.

APPROVAL OF MINUTES - AUGUST 9, 2016

With no changes or corrections to the meeting minutes of August 9, 2016, Mayor Mamula declared they would stand approved as submitted.

APPROVAL OF AGENDA

Mr. Holman stated there were no changes to the agenda. Mayor Mamula declared the agenda approved as presented.

COMMUNICATIONS TO COUNCIL

A. Citizen's Comment - (Non-Agenda Items ONLY: 3-minute limit please)

Mayor Mamula opened Citizen's Comment.

Mr. Gabe Franklin, a local medical marijuana licensee, asked Council to consider his request to amend the current moratorium to allow for a change to a retail license for his medical business. He further stated he has attempted to reach out to most of Council and is happy to meet with any of you if you have questions. Mr. Bergeron stated he would like to entertain allowing this one shop to change to retail. Mr. Holman stated his current license has expired, and he does not have a grow to accompany his business license, so he cannot be operational at this time. Also, Mr. Franklin doesn't have a state-issued license that would allow him to operate. Mr. Bergeron stated we are already impacting the free market with the moratorium, and Mr. Franklin may need to take on a partner if he intends to run the business. Mayor Mamula asked Council if they were in favor of allowing the staff to figure out a way to allow Mr. Franklin to get a Retail Marijuana License, and Ms. Lawrence, Mr. Burke, Mr. Bergeron and Ms. Gigliello stated they were in favor of this. Ms. Wolfe, Mayor Mamula and Mr. Dudick stated they were not ready to support this. Mr. Burke stated he would consider making an exception for this business if he knew Mr. Franklin wasn't going to turn around and sell the business when he got a new license. Mayor Mamula directed staff to work on finding a solution and to bring back something at the next Council meeting.

Mr. Dick Carleton and Ms. Kristina Nethaway stated they were here to present an idea about adding a "Makers Space" where the current Library coffee shop is. Mr. Carleton further stated the Restaurant Association has some funds to anchor a makers space in the library, and the area is lockable with an external exit, which could be ideal for this use. Ms. Nethaway stated the space could hold video game and development tech equipment, as well as virtual reality production for action sports and other promotional information. Mr. Carleton stated that the \$15,000 from the Restaurant Association could be a good start. Mayor Mamula stated we should get the temperature of the Council for this kind of use. Mr. Carleton further stated the BCA might have interest in this as well, and the age range would be for high school and college, as well as the opportunity for the local workforce to use this space.

Mr. John Buhler, COO of Breckenridge Ski Resort, read a prepared letter into record as a formal response by Vail Resorts to the letter sent by the Town of Breckenridge regarding the possibility of purchasing the Gondola Lots. This letter is available as an attachment to the meeting minutes.

Mayor Mamula read into record a formal response to the letter from Vail Resorts. This response is available as an attachment to the meeting minutes.

There were no additional comments and Citizen's Comment was closed.

CONTINUED BUSINESS

A. Second Reading of Council Bills, Series 2016 - Public Hearings

1. COUNCIL BILL NO. 23, SERIES 2016 - AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", AND CHAPTER 2 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE SUBDIVISION STANDARDS"
Mayor Mamula read the title into the minutes. Mr. Tim Berry stated there were no changes to this ordinance from first reading.

Mayor Mamula opened the public hearing. There were no comments and the hearing was closed.

Mr. Bergeron moved to approve COUNCIL BILL NO. 23, SERIES 2016 - AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", AND CHAPTER 2 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE SUBDIVISION STANDARDS". Ms. Gigliello seconded the motion.
The motion passed 7 - 0.

2. COUNCIL BILL NO. 24, SERIES 2016 - AN ORDINANCE AMENDING THE TOWN OF BRECKENRIDGE LAND USE GUIDELINES CONCERNING LAND USE DISTRICT 1
Mayor Mamula read the title into the minutes. Mr. Tim Berry stated there were no changes to this ordinance from first reading. He further stated staff is asking for a continuance for second reading of this ordinance until the September 13th meeting due to a mistake in the publication requirements specific to amendments of Land Use Districts.

Mr. Bergeron moved to continue COUNCIL BILL NO. 24, SERIES 2016 - AN ORDINANCE AMENDING THE TOWN OF BRECKENRIDGE LAND USE GUIDELINES CONCERNING LAND USE DISTRICT 1. Ms. Wolfe seconded the motion.
The motion passed 7 - 0.

NEW BUSINESS

A. First Reading of Council Bills, Series 2016 - Public Hearings

1. COUNCIL BILL NO. 25, SERIES 2016 - AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO TITLE 6 OF THE BRECKENRIDGE TOWN CODE CONCERNING POLICE REGULATIONS
Mayor Mamula read the title into the minutes. Mr. Berry stated this ordinance will amend Town Code specific to some police regulations to bring it up to date with existing State ordinances.

Ms. Wolfe moved to approve COUNCIL BILL NO. 25, SERIES 2016 - AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO TITLE 6 OF THE BRECKENRIDGE TOWN CODE CONCERNING POLICE REGULATIONS. Ms. Gigliello seconded the motion.
The motion passed 7 - 0.

2. COUNCIL BILL NO. 26, SERIES 2016 - AN ORDINANCE ADOPTING CHAPTER 13 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING RECREATIONAL WATER USE
Mayor Mamula read the title into the minutes. Mr. Berry stated this ordinance will give the Police Chief the authority to close the Blue River within the boundaries of Town if necessary for safety reasons and make it illegal to violate the closure.

Mr. Bergeron moved to approve COUNCIL BILL NO. 26, SERIES 2016 - AN ORDINANCE ADOPTING CHAPTER 13 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING RECREATIONAL WATER USE. Ms. Gigliello seconded the motion.
The motion passed 7 - 0.

B. Resolutions, Series 2016

1. RESOLUTION NO. 9, SERIES 2016 - A RESOLUTION AUTHORIZING THE EXECUTION AND RECORDING OF A DENSITY TRANSFER COVENANT FOR TOWN-OWNED REAL PROPERTY
Mayor Mamula read the title into the minutes. Mr. Berry stated the Council has previously approved a development agreement with the BOEC on Wellington Road, and this resolution would authorize a density transfer from one town-owned property to another to allow for this development. He further stated staff recommends approval of this Resolution.

Ms. Wolfe stated it's important to note that this project contains an impressive amount of housing for people who work at the BOEC. Mr. Berry stated it was also part of the original agreement with Mr. Casey for this land.

Ms. Gigliello moved to approve RESOLUTION NO. 9, SERIES 2016 - A RESOLUTION AUTHORIZING THE EXECUTION AND RECORDING OF A DENSITY TRANSFER COVENANT FOR TOWN-OWNED REAL PROPERTY. Mr. Bergeron seconded the motion.
The motion passed 7 - 0.

2. RESOLUTION NO. 10, SERIES 2016 - A RESOLUTION APPROVING A "X10U8

CHUTE LICENSE AGREEMENT” WITH THE BRECKENRIDGE HERITAGE ALLIANCE

Mayor Mamula read the title into the minutes. Mr. Berry stated this resolution would approve a license agreement with the County and the BHA on a joint-owned property for the X10U8 Chute. Mr. Berry stated the revised version of the resolution with the agreement has been handed out as a result of comments from the Work Session, and a motion for approval should note the revised version.

Mr. Bergeron moved to approve RESOLUTION NO. 10, SERIES 2016 - A RESOLUTION APPROVING A “X10U8 CHUTE LICENSE AGREEMENT” WITH THE BRECKENRIDGE HERITAGE ALLIANCE. Mr. Burke seconded the motion. The motion passed 7 - 0.

C. Other

PLANNING MATTERS

A. Planning Commission Decisions

With no request to call an item off the consent calendar, Mayor Mamula declared the Planning Commission Decisions would stand approved as presented.

REPORT OF TOWN MANAGER AND STAFF

Mr. Holman stated he would like to address the two issues that didn't make the work session discussion in the afternoon. In regard to changing the parking restrictions to allow for residential units on Main Street, Mayor Mamula asked about recusing Ms. Wolfe due to the involvement of her husband in real estate transactions. Ms. Wolfe stated Mr. Wolfe does not write residential leases, he is broker who sells and buys real estate, and there is no foreseeable compensation for these buildings to convert spaces from businesses to residential units. Mr. Holman stated the deed restriction would be attached to that space in a permanent situation. Ms. Lawrence stated it's a perception concern in her perspective. Mr. Dudick and Mr. Burke stated they didn't see a conflict. Ms. Gigliello asked what would happen if one of Mr. Wolfe's clients has an interest in this ordinance. Ms. Wolfe stated she didn't believe there would be any financial gain to him. Mr. Berry stated the perception of a conflict is not disqualifying. Council agreed to allow Ms. Wolfe to stay as part of the conversation.

Mr. Peter Grosshuesch stated the residential parking ordinance would not apply to new construction, and it would be used for conversions from commercial to residential, with a waiver of the parking requirement. In addition, there would be employee restrictions of physically working for a business in Summit County. Mayor Mamula asked if there was a way to say the home can't be the site of the business. Mr. Grosshuesch stated we could write the ordinance for a business physically located in Summit County, but AMI targets for the deed restriction would be hard to catch when there is a turnover in the lease. Mayor Mamula suggested putting the parking requirement back on the unit if it goes under foreclosure since banks will not retain the deed restriction in that case. Also, Zipcar is a car-sharing program we can use for these employees if interested. Mr. Burke asked how are we going to monitor this for people without vehicles. Ms. Wolfe stated they should not get residential parking permits. Mr. Dudick stated his business is purchasing a deed-restricted unit for employees, but is leaving the lease option flexible for employees, and he would suggest not limiting the lease term. Mr. Holman stated 90-day leases are typical for transitional housing. Mr. Grosshuesch will come to the next meeting with an ordinance including Council's recommendations.

Mr. Holman stated they have seen the information on a Maker's Space for the Library. He further stated we don't think soliciting another business is the right answer, and CMC may have an interest in running a coffee shop for their business school. Mr. Dudick stated the Makers Space could cost too much to operate and there isn't a long-term funding source for that space. Ms. Lawrence stated it would have to be a library program. Mr. Burke stated it's a shame that we have community center without the services of the coffee shop in that space. Ms. Lawrence stated they weren't open consistently in the past, but there was a steady stream of people. Ms. Wolfe stated she would like to see if CMC was interested as well, with possibly an upscale coffee shop. Mr. Bergeron suggested getting proposals from both CMC and the Makers Space group for use of that space. Mayor Mamula stated there are other coffee places on Main Street, but CMC might be a business opportunity for the students. Ms. Lawrence asked if the Town would allow that space to be used as meeting space in the meantime, and Mr. Holman was going to look into that option.

REPORT OF MAYOR AND COUNCILMEMBERS

A. Cast/MMC (Mayor Mamula)

Mayor Mamula stated he and Rick will be attending the CAST meeting on Friday.

- B. Breckenridge Open Space Advisory Committee (Ms. Wolfe)
Ms. Wolfe stated Mr. Bergeron attended the meeting in her absence. He stated Gulch has been breached from runoff again, one of the beavers is gone, trail work was good, and the next trail work day is scheduled for August 27.
- C. Breckenridge Tourism Office (Ms. Gigliello)
Ms. Gigliello stated there was no update.
- D. Breckenridge Heritage Alliance (Mr. Burke)
Mr. Burke stated there was no update.
- E. Water Task Force (Mr. Dudick)
Mr. Dudick stated there was no update.
- F. Breckenridge Creative Arts (Ms. Lawrence)
Ms. Lawrence stated BIFA was awesome and brought good crowds, Mr. Holman is working on the resident company agreements, and BCA is working on the budget.
- G. Breckenridge Events Committee (Mr. Bergeron)
Mr. Bergeron stated there was no update.

OTHER MATTERS

Ms. Gigliello stated she has had a couple of mothers requesting a "splash pad" for use in the summer. Ms. Lawrence stated an indoor playground could be used year-round, and the requests for this kind of play area are in more demand.

Mayor Mamula stated he would like the Council to consider support of the Breck Epic Mountain Bike Race. He stated some of the other partners have not shown as much support in the past, and Council can help drive this event if they support it. He showed a presentation about the race, which included 450 racers and their families from around the world. Ms. Gigliello and Ms. Wolfe stated they don't want to be the middle person in supporting events between the Town the BTO. Other council members asked for clarification about the request for support.

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 8:41 pm. Submitted by Helen Cospolich, Municipal Services Manager.

ATTEST:

Helen Cospolich, Town Clerk

Eric S. Mamula, Mayor

MEMO

TO: Town Council
FROM: Town Attorney
RE: Council Bill No. 24 (Land Use District 1 Ordinance)
DATE: August 30, 2016 (for September 13, 2016 meeting)

The continued second reading of the ordinance amending the Land Use District 1 regulations is scheduled for your meeting on September 13th.

As you will recall, second reading of this ordinance was continued at your August 23rd meeting to allow staff time to comply with a unique notice requirement that applies to proposed amendments to the Town's Land Use Guidelines. That notice has been given, and the ordinance is now ready for your consideration on second reading.

There are no changes proposed to ordinance from first reading.

I will be happy to discuss this matter with you on Tuesday.

1 **FOR WORKSESSION/SECOND READING – SEPT. 13**

2
3 Additions To The Current Land Use District 1 Guidelines Are
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~
5

6 **NO CHANGE FROM FIRST READING**

7
8 COUNCIL BILL NO. 24

9
10 Series 2016

11 AN ORDINANCE AMENDING THE TOWN OF BRECKENRIDGE LAND USE
12 GUIDELINES CONCERNING LAND USE DISTRICT 1
13

14
15 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
16 COLORADO:
17

18 Section 1. Findings. The Town Council of the Town of Breckenridge, Colorado hereby
19 finds and determines as follows:
20

21 1. By Ordinance No. 3, Series 1987, the Town adopted the Breckenridge Land Use
22 Guidelines (“Land Use Guidelines”).
23

24 2. The Land Use Guidelines contain provisions governing the development of real
25 property located within the various Land Use Districts of the Town, including, but not limited to,
26 Land Use District 1, and represent a part of the Town’s general zoning restrictions with respect
27 to real property located within the Town.
28

29 3. By Ordinance No. 18, Series 1997, the Town Council adopted certain procedures
30 to be followed to amend the Land Use Guidelines. Such procedures have been codified as
31 Section 9-1-15-1 of the Breckenridge Town Code.
32

33 4. The amendment to the Land Use Guidelines made by this ordinance is legislative
34 or quasi-legislative in nature.
35

36 5. The procedural requirements of Section 9-1-15-1 of the Breckenridge Town Code
37 with respect to a proposed legislative or quasi-legislative amendment to the Land Use Guidelines
38 have been fully satisfied. Without limiting the generality of the foregoing, the Town Council
39 finds that notice of the public hearing to consider the adoption of this ordinance was published
40 twice in The Summit County Journal, a newspaper of general circulation in the Town, the first
41 publication occurring at least twelve (12) days prior to the hearing and the second occurring at
42 least four (4) days prior to the hearing, all as required by Section 9-1-15-1(B) of the
43 Breckenridge Town Code. The Proof of Publication of such notice is made a part of the record in
44 connection with the adoption of this ordinance.

1
2
3
4
5

6. The amendments to the Land Use Guidelines made by this ordinance are consistent with the Town’s Master Plan, and all parts thereof, and bear a reasonable relationship to the welfare of the community.

Section 2. Amendment To District 1 Guidelines. The paragraph of the Town of Breckenridge Land Use Guidelines applicable to Land Use District 1, entitled “Acceptable Land Uses and Intensities,” is amended to read in its entirety as follows:

Acceptable Land Uses and Intensities
Land Use Type: Low Density Residential. Recreational
Intensity of Use: 1 Unit per 10 Acres; except land located in the East Side Residential Transition Area may be built to a recommended aboveground density of 13.5 Units per Acre.
Structural Type: Special Review.

The majority of District 1 should remain in its natural state. Accordingly, all proposals for development within this district will be carefully reviewed. Whenever possible, development rights within District 1 should be transferred to more suitable locations.

~~However, District 1 has been identified as a possible receiving site for the transfer of development rights pursuant to Resolution No. 33, Series 2000 (Resolution) and the Intergovernmental Agreement between County of Summit and the Town of Breckenridge Concerning Transferred Development Rights effective August 14, 2000 (IGA). This identification was made to provide for the possibility of transfers of development rights to limited areas of District 1 which the Town may find to be suitable for development.~~

In no case may a density transfer be allowed into District 1.

Section 3. Continued Effect of Land Use Guidelines. Except as specifically amended hereby, the Breckenridge Land Use Guidelines, as adopted by Ordinance No. 3, Series 1987, as previously amended, shall continue in full force and effect.

1 Section 4. Police Power Finding. The Town Council hereby finds, determines and
2 declares that this ordinance is necessary and proper to provide for the safety, preserve the health,
3 promote the prosperity, and improve the order, comfort and convenience of the Town of
4 Breckenridge and the inhabitants thereof.
5

6 Section 1. Section 5. Authority. The Town Council finds, determines, and declares that
7 it has the power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control
8 Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S.
9 (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal
10 police powers); (iv) Section 31-15-401, C.R.S. (concerning municipal police powers); (v) the

1 authority granted to home rule municipalities by Article XX of the Colorado Constitution; and
2 (vi) the powers contained in the Breckenridge Town Charter.

3
4 Section 6. Effective Date. This ordinance shall be published and become effective as
5 provided by Section 5.9 of the Breckenridge Town Charter.

6
7 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
8 PUBLISHED IN FULL this ____ day of _____, 2016. A Public Hearing shall be held at the
9 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
10 _____, 2016, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
11 Town.

12
13 TOWN OF BRECKENRIDGE, a Colorado
14 municipal corporation

15
16
17
18 By: _____
19 Eric S. Mamula, Mayor

20
21 ATTEST:

22
23
24
25 _____
26 Helen Cospolich
27 Town Clerk

MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 25 (Miscellaneous Police Regulations Ordinance)

DATE: August 30, 2016 (for September 13th meeting)

The second reading of the ordinance amending the Town Code concerning the municipal offenses of: (i) loitering, (ii) obstructing highways, sidewalks, or other passageways, and (iii) disrupting lawful assemblies is scheduled for your meeting on September 13th. There are no changes proposed to ordinance from first reading.

I will be happy to discuss this matter with you on Tuesday.

1 **FOR WORKSESSION/SECOND READING – SEPT. 13**

2
3 **NO CHANGE FROM FIRST READING**

4
5 Additions To The Current Breckenridge Town Code Are
6 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

7
8 COUNCIL BILL NO. 25

9
10 Series 2016

11
12 AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO TITLE 6 OF THE
13 BRECKENRIDGE TOWN CODE CONCERNING POLICE REGULATIONS

14
15 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
16 COLORADO:

17
18 Section 1. Section 6-3C-2 of the Breckenridge Town Code is amended to read as
19 follows:

20
21 **6-3C-2: LOITERING:**

22
23 **A. It is unlawful for any person, with the intent to interfere with or disrupt a**
24 **school program or with intent to interfere with or endanger schoolchildren,**
25 **to loiter in a school building or on school grounds or within one hundred feet**
26 **of school grounds when persons under the age of eighteen are present in the**
27 **building or on the grounds, if such person does not have any reason or**
28 **relationship involving custody of, or responsibility for, a pupil or any other**
29 **specific, legitimate reason for being there, and such person has been asked to**
30 **leave by a school administrator or his or her representative or by a peace**
31 **officer.**

32
33 **B. It shall be an affirmative defense that the defendant's acts were lawful**
34 **and he or she was exercising his or her rights of lawful assembly as a part of**
35 **peaceful and orderly petition for the redress of grievances, either in the**
36 **course of labor disputes or otherwise.**

37
38 **C. The Town Council finds and declares that the Town has a special interest**
39 **in the protection of children and, particularly, in protecting children who**
40 **attend schools because required to do so by state law, and the prohibition of**
41 **loitering in this section is enacted in furtherance of this interest.**

42
43 Section 2. Article C of Chapter 3 of Title 6 of the Breckenridge Town Code is amended
44 by the addition of a new Section 6-3C-16, which shall read as follows:
45

1 **6-3C-16: OBSTRUCTION OF HIGHWAY, SIDEWALK, OR OTHER**
2 **PASSAGEWAY:**

3
4 **A. It is unlawful for any individual or corporation, without legal privilege, to**
5 **intentionally, knowingly, or recklessly:**

6
7 **(1) Obstruct a highway, street, sidewalk, railway, waterway, building**
8 **entrance, elevator, aisle, stairway, or hallway to which the public or a**
9 **substantial group of the public has access or any other place used for the**
10 **passage of persons, vehicles, or conveyances, whether the obstruction arises**
11 **from his or her acts alone or from his or her acts and the acts of others; or**

12
13 **(2) Disobey a reasonable request or order to move issued by a person the**
14 **individual or corporation knows to be a peace officer, a firefighter, or a**
15 **person with authority to control the use of the premises, to prevent**
16 **obstruction of a highway or passageway or to maintain public safety by**
17 **dispersing those gathered in dangerous proximity to a fire, riot, or other**
18 **hazard.**

19
20 **B. For purposes of this section, “obstruct” means to render impassable or to**
21 **render passage unreasonably inconvenient or hazardous.**

22
23 Section 3. Section 6-3D-6 of the Breckenridge Town Code is amended to read as follows:

24
25 **6-3D-6: DISRUPTING LAWFUL ASSEMBLY:**

26
27 **It is unlawful for any person, intending to prevent or disrupt any lawful**
28 **meeting, procession, or gathering, to significantly obstruct or interfere with**
29 **the meeting, procession, or gathering by physical action, verbal utterance, or**
30 **any other means.**

31
32 Section 4. Section 10-1-14(A) of the Breckenridge Town Code is amended to read as
33 follows:

34
35 A. No person shall ~~obstruct or~~ place an encroachment upon any town public way
36 or other public place except as authorized by town council or town ordinance.

37
38 Section 5. Except as specifically amended by this ordinance, the Breckenridge Town
39 Code, and the various secondary codes adopted by reference therein, shall continue in full force
40 and effect.

41
42 Section 6. The Town Council finds, determines, and declares that this ordinance is
43 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
44 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
45 thereof.
46

1 **TEXT OF CURRENT TOWN CODE SECTIONS REPEALED BY THIS ORDINANCE**

2
3 **~~6-3C-2: LOITERING:~~**

4 ~~A. Acts Prohibited:~~

5 ~~1. It shall be unlawful for any person to loiter with the intent to violate any provision of this~~
6 ~~chapter, or any criminal provisions of Colorado law. (Ord. 13, Series 1981)~~

7 ~~2. It shall be unlawful for any person, with intent to interfere with or disrupt a school program, or~~
8 ~~with intent to interfere with or endanger schoolchildren, to loiter in a school building, on school~~
9 ~~grounds or within one hundred feet (100') of school grounds, when one or more persons under~~
10 ~~the age of eighteen (18) years are present in the building or on the grounds, if such person does~~
11 ~~not have any reason or relationship involving the custody of, or responsibility for, a pupil or any~~
12 ~~specific, legitimate reason for being there, and such person has been asked to leave by a school~~
13 ~~administrator, such administrator's representative or by a peace officer. It shall be an affirmative~~
14 ~~defense to prosecution under this subsection that the defendant's acts were lawful and that the~~
15 ~~defendant was exercising his or her rights of lawful assembly as part of a peaceful and orderly~~
16 ~~petition for the redress of grievances, either in the course of labor disputes or otherwise. (Ord.~~
17 ~~11, Series 1995)~~

18 ~~B. Reasonable Grounds, Duty Of Officer:~~

19 ~~1. Among the circumstances which may be considered in determining whether reasonable grounds~~
20 ~~for belief have arisen that such person is loitering is the fact that such person: (Ord. 13, Series~~
21 ~~1981)~~

22 ~~a. Takes flight upon appearance of peace officers; or (Ord. 10, Series 1984)~~

23 ~~b. Refuses to identify himself; or~~

24 ~~c. Manifestly endeavors to conceal himself or any object; or~~

25 ~~d. Not being a duly licensed peace officer, systematically checks the means to access to buildings~~
26 ~~or vehicles; or (Ord. 13, Series 1981; amd. Ord. 22, Series 1991)~~

27 ~~e. Maintains a continuous presence in close proximity to a place where a reasonable officer would~~
28 ~~conclude that the activity manifests a high probability of activity in violation of this chapter, or~~
29 ~~any criminal provision of Colorado law.~~

30 ~~2. Unless flight by the person or other circumstances make it impractical, a peace officer shall,~~
31 ~~prior to any arrest for an offense under this section, afford the person an opportunity to dispel~~
32 ~~any alarm otherwise warranted, or explain any circumstances giving rise to reasonable grounds~~
33 ~~for belief that such person is loitering by requesting that he:~~

34 ~~a. Identify himself; and~~

1 b. Explain his presence and conduct.

2 C. Standard For Conviction: No person shall be convicted of an offense under subsection A1 of
3 this section if the peace officer did not comply with subsections B2a and B2b of this section,
4 or if at trial, the explanation of presence and conduct given by the defendant was true and, if
5 believed by the peace officer at the time, would have dispelled the reasonableness of the
6 officer's belief that the defendant was engaging in unlawful activity or would have disclosed
7 a lawful purpose. (Ord. 13, Series 1981)

8
9

10 **~~6-3D-6: DISTURBING LAWFUL ASSEMBLIES OR ACTIVITIES:~~**

11 A. ~~It shall be unlawful for any person, by conduct in, on or near the premises, property or~~
12 ~~facilities of the town or any public place, institution, office or buildings, or any school,~~
13 ~~congregation or assembly meeting for religious worship or any other lawful meeting or~~
14 ~~assembly intentionally, knowingly or recklessly:~~

15 ~~1. Obstructing Public Ways:~~

16 a. ~~To obstruct a street, highway, sidewalk, railway, waterway, building entrance, elevator, aisle,~~
17 ~~stairway or hallway to which the public or a substantial segment of the public has access; or any~~
18 ~~other place used for the passage of persons, vehicles or conveyances, whether the obstruction~~
19 ~~arises from that person's acts alone or from his acts and the acts of others; or~~

20 b. ~~To disobey a reasonable request or order to move issued by a person he knows to be a peace~~
21 ~~officer, a firefighter or a person with authority to control the use of the premises, to prevent~~
22 ~~obstruction of a highway, passageway or the premises or facilities, or to maintain public safety~~
23 ~~by dispersing those gathered in dangerous proximity to a fire, riot or other hazard;~~

24 ~~2. Disrupting Meetings: Substantially to disrupt, obstruct or interfere with any lawful meeting,~~
25 ~~procession or gathering in or on such premises by intentional physical action, verbal utterance or~~
26 ~~any other means;~~

27 ~~3. Denial Of Lawful Actions: To deny any public servant, official, employee, invitee or student:~~

28 a. ~~Lawful freedom of movement on the premises; or~~

29 b. ~~Lawful use of the property, premises or facilities; or~~

30 c. ~~The right of lawful ingress and egress to such property;~~

31 ~~4. Impeding Activities: To impede any public servant, official, employee, invitee, or student in the~~
32 ~~lawful performance of their duties, or activities through the use of restraint, coercion or~~
33 ~~intimidation or when force and violence are present or threatened; or~~

1 ~~5. Failure To Depart: To refuse or fail to leave such premises, property or facilities upon being~~
2 ~~reasonably requested to do so by a peace officer, chief administrative officer, or designee, dean~~
3 ~~of an educational institution or other individual or public servant with authority to control the use~~
4 ~~of the premises if such person is committing, threatens to commit, or incites others to commit,~~
5 ~~any act which would obstruct, disrupt, restrict or impede the lawful missions, processes,~~
6 ~~procedures or functions in or on such premises, property or facilities.~~

7 ~~B. Nothing in this section shall be construed to prevent lawful assembly and peaceful and orderly~~
8 ~~petition for the redress of grievances. (Ord. 13, Series 1981)~~

9

10

MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 26 (Blue River Closure Authorization Ordinance)

DATE: August 30, 2016 (for September 13th meeting)

The second reading of the ordinance authorizing the Police Chief to close the Blue River within the Town when entering or being in or upon the river constitutes or may constitute a hazard to human life or safety is scheduled for your meeting on September 13th. There are no changes proposed to ordinance from first reading.

I will be happy to discuss this matter with you on Tuesday.

1 ***FOR WORKSESSION/SECOND READING – SEPT. 13***

2
3 ***NO CHANGE FROM FIRST READING***

4
5 Additions To The Current Breckenridge Town Code Are
6 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

7
8 COUNCIL BILL NO. 26

9
10 Series 2016

11
12 AN ORDINANCE ADOPTING CHAPTER 13 OF TITLE 5 OF THE BRECKENRIDGE
13 TOWN CODE CONCERNING RECREATIONAL WATER USE

14
15 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
16 COLORADO:

17
18 Section 1. Title 5 of the Breckenridge Town Code is amended by the addition of a new
19 Chapter 13, entitled “Closure of Blue River,” which shall read in its entirety as follows:

20
21 **CHAPTER 13**

22
23 **CLOSURE OF BLUE RIVER**

24
25 **SECTION:**

26
27 **5-13-1: Police Chief Authorized to Close Blue River**

28 **5-13-2: Unlawful To Violate Order For Closure of Blue River**

29 **5-13-3: Penalty**

30
31 **5-13-1: POLICE CHIEF AUTHORIZED TO CLOSE BLUE RIVER: The Police Chief is**
32 **authorized to close the Blue River at any location within the Town when entering or being**
33 **in or upon the Blue River at such location constitutes or may constitute a hazard to human**
34 **life or safety.**

35
36 **5-13-2: UNLAWFUL TO VIOLATE ORDER FOR CLOSURE OF BLUE RIVER: It shall**
37 **be unlawful for any person to fail to obey an order of the Police Chief issued under section**
38 **5-13-1.**

39
40 **5-3-13: PENALTY: It is an infraction as defined in section 1-3-2 of this code for any**
41 **person to violate section 5-13-2. Any person who violates section 5-13-2 shall be punished as**
42 **provided in title 1, chapter 4 of this code.**

43
44 Section 2. Except as specifically amended by this ordinance, the Breckenridge Town
45 Code, and the various secondary codes adopted by reference therein, shall continue in full force

1 and effect.

2
3 Section 3. The Town Council finds, determines, and declares that this ordinance is
4 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
5 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
6 thereof.

7
8 Section 4. The Town Council finds, determines, and declares that it has the power to
9 adopt this ordinance pursuant to: (i) Section 31-15-103, C.R.S. (concerning municipal police
10 powers); (ii) Section 31-15-401, C.R.S. (concerning municipal police powers); (iii) the authority
11 granted to home rule municipalities by Article XX of the Colorado Constitution; and (iv) the
12 powers contained in the Breckenridge Town Charter.

13
14 Section 5. The Town Council finds, determines, and declares that it has the power to
15 adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX
16 of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

17
18 Section 6. This ordinance shall be published and become effective as provided by Section
19 5.9 of the Breckenridge Town Charter.

20
21 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
22 PUBLISHED IN FULL this ____ day of _____, 2016. A Public Hearing shall be held at the
23 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
24 _____, 2016, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
25 Town.

26
27 TOWN OF BRECKENRIDGE, a Colorado
28 municipal corporation

29
30
31
32 By: _____
33 Eric S. Mamula, Mayor

34
35 ATTEST:

36
37
38
39 _____
40 Helen Cospolich
41 Town Clerk

MEMORANDUM

TO: Town Council
FROM: Peter Grosshuesch, Director of Community Development
SUBJECT: Residential Parking Waiver Ordinance
DATE: August 31st, 2016

Town Council recently directed staff to prepare an ordinance that would exempt covenanted workforce housing units in the downtown area from having to provide on-site parking. That ordinance is attached to this memorandum.

With this revision we have attempted to capture the Council's thoughts from the August 25th worksession. Please note that the geographic area this would apply to coincides with the already existing boundary for the Parking Service Area (AKA the Parking District.- Exhibit attached). We would like to not create new districts with different boundaries for staff to keep track of if at all possible.

Revisions to the draft ordinance include:

- Qualifying rentals may not be the location of the local business that the employee works for;
- Eligible units now include new construction as well as existing buildings;

In our internal discussions regarding the issue of restricting this incentive to existing construction only, we recognized the opportunity for new construction on lots with unused density. These projects would now be more feasible if they don't have to comply with the parking requirement.

Additionally, at the previous meeting, Council debated the 90 day minimum lease provision. The 90 day suggestion from staff came from language in older covenants we already have recorded on workforce housing units. One staff concern with allowing a shorter lease period has to do with enforcement. We do covenant enforcement once a year, and with rapid tenant turnover, it could become a meaningless exercise for these units. Ideally, from an enforcement perspective, we would like it to be longer, however, that consideration needs to be balanced against the reality of high employee turnover. 90 days may be the reasonable compromise on this issue.

In the past we have been concerned with the intrusion of residential uses into the core retail spaces, however we believe that issue has been adequately addressed by a 2007 ordinance that limits residential uses to the second floors, (and on first floors, they must be setback a minimum of 40 feet from the street). This provision applies to all property in the Overlay District which includes Main Street and portions of Ridge Street, and Washington and Lincoln Avenues in between. The residential limitation also applies to the Riverwalk frontages of buildings in the District.

There was also discussion at the last worksession regarding whether or not to allow these tenants into the residential permit parking program in the Conservation District. We do have the capacity to provide parking spaces in the Satellite Lot for these tenants. Staff however, is recommending that we delegate that decision to the Parking Management Staff and committee, and that it be determined administratively during their recurring reviews of parking management practices. We are anticipating these numbers to be quite low in the early years following adoption, (relative to the parking supply) and would like the ability to modify rules as needed in the future.

Please let us know if this captures your intent. Staff will be at the worksession discussion to answer questions and take new direction on this issue if that is your desire.

1 **FOR WORKSESSION/FIRST READING – SEPT. 13**

2
3 Additions To The Current Breckenridge Town Code Are
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5
6 COUNCIL BILL NO. ____

7
8 Series 2016

9
10 AN ORDINANCE AMENDING CHAPTER 3 OF TITLE 9 OF THE BRECKENRIDGE
11 TOWN CODE, KNOWN AS THE “TOWN OF BRECKENRIDGE OFF STREET PARKING
12 ORDINANCE,” BY AUTHORIZING A CONDITIONAL WAIVER OF THE OFF STREET
13 PARKING REQUIREMENT FOR CERTAIN DEED RESTRICTED RESIDENTIAL
14 DEVELOPMENT

15
16 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
17 COLORADO:

18
19 Section 1. Section 9-3-6 of the Breckenridge Town Code is amended by the addition of
20 the following definition:

21
UPPER BLUE RIVER BASIN: **Has the meaning provided in**
Section 9-1-5 of this Chapter.

22
23 Section 2. Section 9-3-8 of the Breckenridge Town Code is amended by the addition of a
24 new Section F, which shall read as follows:

25
26 **F1. Except as provided in section F5, the Director may approve a conditional**
27 **waiver of the off street parking requirement in Section 9-3-8A for a residential**
28 **unit located in the service if the unit is encumbered by a properly executed and**
29 **recorded restrictive covenant requiring:**

- 30
31 a. **Each adult occupant of the unit must work an average of 30 hours per week**
32 **for a business that is physically located in and serves the Upper Blue River**
33 **Basin;**
34
35 b. **The unit shall not be the physical location of the business for which an adult**
36 **occupant of the unit works;**
37
38 c. **If the business for which an adult occupant of the unit works is located**
39 **within the Town, such business must hold a valid Town business and**
40 **occupational license issued pursuant to chapter 1 of title 4 of this code; and**

1 **d. Any time that the unit is not owner-occupied it shall be leased for a minimum**
2 **term of ninety (90) days to a tenant meeting the qualifications described in**
3 **section F1a.**

4
5 **2. The permittee shall acknowledge that the issuance of the permit does not**
6 **entitle the permittee to a refund of any assessment previously paid to the Town**
7 **in connection with Special Improvement District 98-1 (the “Parking District”);**
8 **and**

9 **3. Any restrictive covenant required as a condition of approval by this section F**
10 **shall be subject to the approval of the Town Attorney.**

11 **4. Notwithstanding section 9-1-26, or any other provision of this chapter, any**
12 **restrictive covenant required by this section F shall be subordinate to the lien of**
13 **a first mortgage encumbering the unit described in the restrictive covenant. As**
14 **used in this section F, a first mortgage is a mortgage, deed of trust, or similar**
15 **voluntary lien or encumbrance securing a financial obligation that is recorded**
16 **with the Clerk and Recorder of Summit County, Colorado, and has priority over**
17 **all other liens and encumbrances in the unit, except the lien of the general**
18 **property taxes. If the Town’s restrictive covenant required by this section F is**
19 **ever lost through the foreclosure of a first mortgage, the Director’s waiver of the**
20 **required off street parking for the unit described in the restrictive covenant shall**
21 **immediately become null, void, and of no effect, and the off-street parking**
22 **requirements of this chapter shall then apply to such unit.**

23 **5. The Director may not grant a waiver under this section for a residential**
24 **property that is classified in Section 9-3-8A as “lodging, hotel, or motel.”**

25 Section 3. Except as specifically amended by this ordinance, the
26 BreckenridgeTownCode, and the various secondary codes adopted by reference therein, shall
27 continue in full force and effect.
28

29 Section 4. Except as specifically amended by this ordinance, the
30 BreckenridgeTownCode, and the various secondary codes adopted by reference therein, shall
31 continue in full force and effect.
32

33 Section 5. The Town Council finds, determines, and declares that this ordinance is
34 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
35 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
36 thereof.
37

38 Section 6. This ordinance shall be published and become effective as provided by Section
39 5.9 of the Breckenridge Town Charter.
40

41 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
42 PUBLISHED IN FULL this ____ day of _____, 2016. A Public Hearing shall be held at the
43 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of

1 _____, 2016, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
2 Town.

3
4 TOWN OF BRECKENRIDGE, a Colorado
5 municipal corporation
6

7
8
9 By: _____
10 Eric S. Mamula, Mayor

11
12 ATTEST:

13
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16 _____
17 Helen Cospolich
18 Town Clerk
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MEMORANDUM

To: Mayor and Town Council
From: Helen Cospolich, Municipal Services Manager
Dennis McLaughlin, Chief of Police
Date: September 7, 2016
Subject: Marijuana Medical License Change Ordinance

At the Council's direction, the attached ordinance would provide an option for the local licensing authority to issue a Retail Marijuana Store License to a licensee who has a valid local Medical Marijuana Center license (on the effective date of the ordinance). The new Retail Marijuana Store License could only be issued if the current Medical Marijuana Center licensee surrenders the medical license and meets local qualifications to hold such a license.

Staff will be available at the meeting to answer any questions you may have.

1 ***FOR WORKSESSION/FIRST READING – SEPT. 13***

2
3 Additions To The Current Breckenridge Town Code Are
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5
6 COUNCIL BILL NO. ____

7
8 Series 2016

9
10 AN ORDINANCE AMENDING CHAPTER 14 OF TITLE 4 OF THE BRECKENRIDGE
11 TOWN CODE, KNOWN AS THE “TOWN OF BRECKENRIDGE 2013 MARIJUANA
12 LICENSING ORDINANCE,” CONCERNING THE ISSUANCE OF A NEW LOCAL RETAIL
13 MARIJUANA LICENSE TO THE HOLDER OF A VALID LOCAL MEDICAL MARIJUANA
14 LICENSE

15
16 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
17 COLORADO:

18
19 Section 1. Section 4-14-8(D) of the Breckenridge Town Code is amended to read as
20 follows:

21
22 D. Commencing July 1, 2016 the Local Licensing Authority shall not: (i) accept
23 or process an application for a new medical marijuana business or retail marijuana
24 establishment license under this Chapter, or (ii) approve and issue any new
25 medical marijuana business or retail marijuana establishment license under this
26 Chapter. However, the Local Licensing Authority may: (1) approve a transfer of
27 ownership of an existing local license or a change of location of an existing
28 licensed premises in accordance with the applicable codes, the applicable
29 administrative regulations, and the applicable requirements of this Chapter; **and**
30 **(2) issue a new local retail marijuana establishment license to the holder of a**
31 **valid local medical marijuana business licensee if the licensee surrenders the**
32 **local medical marijuana business license.** For the purpose of this Section, a
33 “new medical marijuana or retail marijuana establishment license” means a local
34 medical marijuana business or retail marijuana establishment license under this
35 Chapter that was not issued by the Local Licensing Authority and in full force and
36 effect prior to November 11, 2014.

37
38 Section 2. Except as specifically amended by this ordinance, the
39 BreckenridgeTownCode, and the various secondary codes adopted by reference therein, shall
40 continue in full force and effect.

41
42 Section 3. The Town Council finds, determines, and declares that this ordinance is
43 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
44 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
45 thereof.
46

MEMORANDUM

To: Town Council

From: Peter Grosshuesch, Director of Community Development

Date: September 7, 2016

Re: Planning Commission Decisions of the September 6, 2016, Meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF September 6, 2016:

CLASS C APPLICATIONS:

1) Shock Hill Overlook Duplex Lot 4 (MM) PL-2016-0364, 62 & 58 West Point Lode
Construct a new duplex residence with 4 bedrooms and 4.5 bathrooms on each side for a total of 4,999 sq. ft. of density and 6,267 sq. ft. of mass. *Approved.*

CLASS B APPLICATIONS:

1) Peak 8 Resubdivision Tract C (MM) PL-2016-0294, 1627 Ski Hill Road
Re-subdivide the remainder of Tract C to create Lot 3, Peak 8 Subdivision to accommodate the development and property transfer of the Grand Lodge Peak 8 East Building, authorized by Development Permit PL-2015-0215. *Approved.*

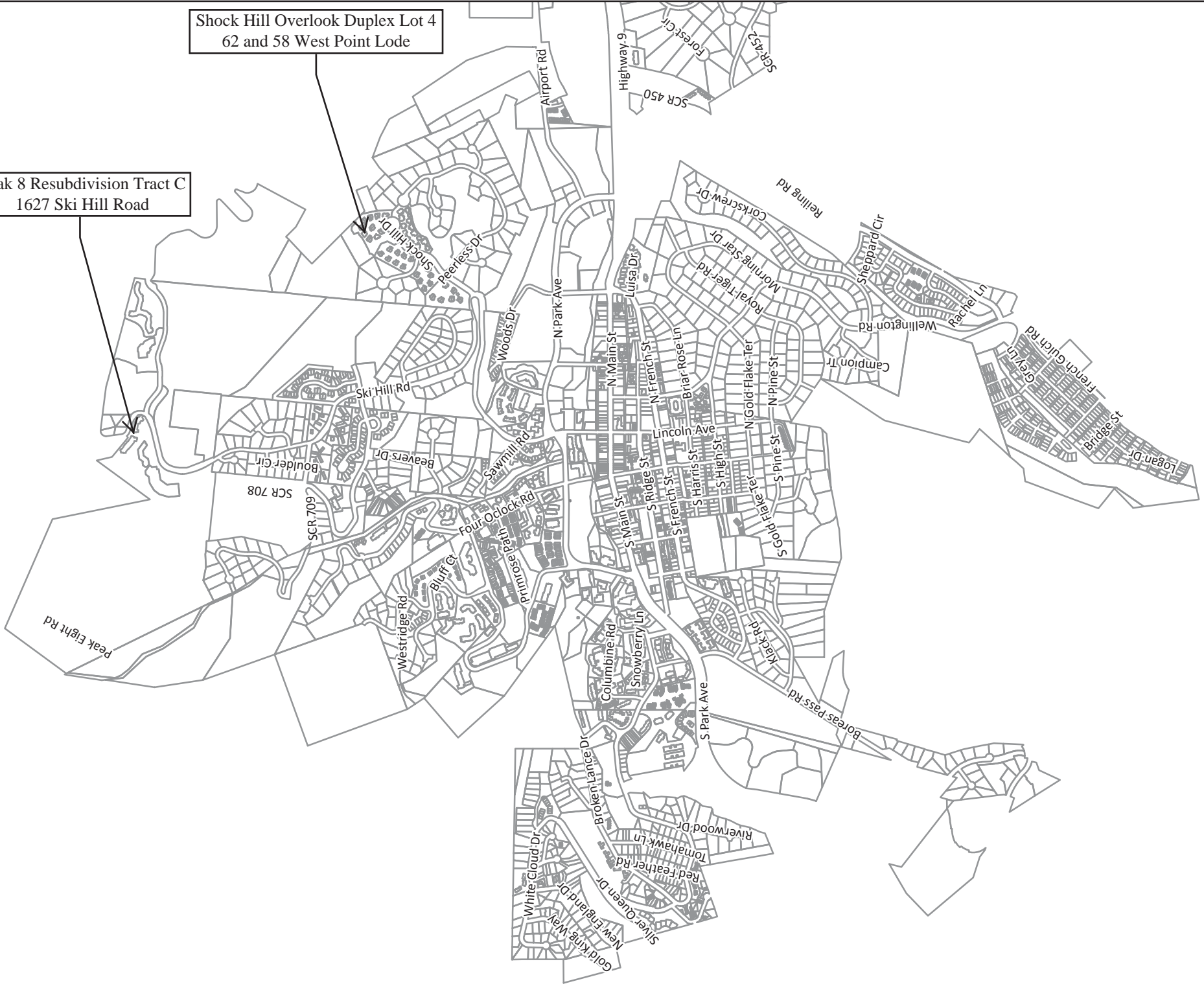
CLASS A APPLICATIONS: None.

TOWN PROJECT HEARINGS: None.

OTHER: None.

Peak 8 Resubdivision Tract C
1627 Ski Hill Road

Shock Hill Overlook Duplex Lot 4
62 and 58 West Point Lode



printed 3/25/2016
 Town of Breckenridge and Summit County governments
 assume no responsibility for the accuracy of the data, and
 use of the product for any purpose is at user's sole risk.

Breckenridge South



PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm by Vice Chair Schroder.

ROLL CALL

Mike Giller Christie Leidal Ron Schuman (arrived 7:25 pm)
Dan Schroder Gretchen Dudney Jim Lamb
Dave Pringle (arrived at 7:12 pm)

Dan Schroder, Vice Chair filled in for Ron Schuman, Chair, until 7:25 pm

APPROVAL OF MINUTES

With no changes, the August 16, 2016, Planning Commission Minutes were approved as presented.

APPROVAL OF AGENDA

With no changes, the September 6, 2016, Planning Commission Agenda was approved as presented.

CONSENT CALENDAR:

1) Shock Hill Overlook Duplex Lot 4 (MM) PL-2016-0364, 62 & 58 West Point Lode
With no comments, the consent calendar was approved as presented.

COMBINED HEARINGS:

1) Peak 8 Resubdivision Tract C (MM) PL-2016-0294, 1627 Ski Hill Road
Mr. Mosher presented a proposal to re-subdivide the remainder of Tract C to create Lot 3, Peak 8 Subdivision in order to accommodate the development and property transfer of the Grand Lodge Peak 8 East Building, authorized by Development Permit PL-2015-0215. The previous resubdivision of Tract C (PC#2013009) created Lot 2 which defined the property for Grand Colorado on Peak 8 (currently under construction). This resubdivision is being created solely to transfer the property (Lot 3) from Vail Resorts to Grand Colorado on Peak 8 to accommodate the recently approved Grand Colorado Lodge on Peak 8 East Building. After the conveyance, the shared property line will be abandoned allowing the Grand Colorado on Peak 8 (east and west buildings) to become essentially one building on one property.

This subdivision proposal is in compliance with the Subdivision Standards. Staff recommended approval of The Third Resubdivision Plat of the Remainder of Tract C Peak 8 Subdivision, Filing No. 1, PL-2016-0294, with the presented Findings and Conditions.

Commissioner Questions / Comments:

Ms Leidal: Where will the pedestrian easement be when the lot line is vacated? (Mr. Steve West, Attorney for Vail/Summit Resorts): The current pedestrian easement is not functioning with the current construction activities. It is the future easement and it will be slightly to the south, a bit larger than required. It is possible, however, that the pedestrian easement won't be done until the condo subdivisions are processed, though prior to then it would not be functional anyway because of the construction.)

Mr. Schroder opened the hearing for public comment. No public was present to comment and the hearing was closed.

Commissioner Questions / Comments (continued):

Mr. Lamb: This is necessary for the project, so I support it.
Ms. Dudney: No comment.
Mr. Giller: No comment.
Ms. Leidal: I support the conclusions of staff.

Mr. Schroder: I also support the conclusions of staff and agree with Mr. Lamb.

Ms. Dudney made a motion to approve the Third Resubdivision Plat of the Remainder of Tract C, Peak 8 Subdivision, Filing No. 1, PL-2016-0294, 1627 Ski Hill Road, with the presented Findings and Conditions. Mr. Lamb seconded, and the motion was carried unanimously (5-0).

DEVELOPMENT CODE STEERING COMMITTEE UPDATE:

Mr. Truckey presented. Mass policy 4R was discussed. There is a bonus provided for condos, hotels, inns, etc. which allows an additional 25% for common areas and amenities. The Steering Group discussed issues that there have been in the past, a number of recent applications have gone through development agreements to request more area for amenities. Input from the architects on the Steering Group was that you could basically reach 25% in just common areas, so it is a bit tight and we may want to provide a bit more flexibility, perhaps up to 30 % for common areas and amenities. As a whole, the Steering Group was concerned that bumping up the allowance much more would create too much mass in a project. Suggestions included moving up to 30% to allow a little more room for amenities, though it may not be enough. Additional recommendation from the committee was that the Town Council refer this aspect of development agreements to Planning Commission to provide a recommendation before approval. The Planning Commission recommendation would be focused on the fit test: whether the additional mass fit on the site properly. There is a separate category for apartments, which currently allows 15% mass bonus, and the architects recommended that this category be bumped up as well.

Mr. Grosshuesch: We have seen condo developments go into assessment mode, desiring more development space in the name of amenities and the issue with giving an increase without oversight is that developers will over-build their sites. I do think it's good to have anything more than a minor increment go through analysis to determine if it fits.

Commissioner Questions / Comments:

- Mr. Pringle: Has there been an analysis over time for common area needed with no amenities? (Mr. Truckey: Around 20-25%, based on recent projects.)
- Ms. Dudney: The amenities are determined by the market and if they are needed, a development agreement can be proposed.
- Mr. Pringle: We want better amenities, and I'm not sure that's what we'll get by just adding percentage.
- Ms. Dudney: I don't quite agree with that; the market determines amenities and if the market demands certain amenities, I think they will be fulfilled.
- Mr. Pringle: I'm reluctant to give additional mass unless we really know what we will be getting from it and that what we're getting is what we need. (Mr. Mosher: In the projects I have recently worked on, the 25% has been a tight fit.)
- Ms. Dudney: When there is an extra 25% allowed, is it required that the extra 25% is used for common area or amenities? (Mr. Truckey: They can only use it for that, not density.)
- Ms. Leidal: What needs to be counted as the bare minimum of common area? To increase hallway width, for example?
- Mr. Pringle: If we are going to give out bonus mass, I think we have to know what it is going to.
- Ms. Leidal: But that is the way it is, already, correct? You have to use the additional mass for common areas and amenities.
- Ms. Dudney: It is an incentive so that the developer does not have to take amenities out of the area that can be rented. (Mr. Mosher: The market has changed, and right now, those who need more room for amenities will get a development agreement or wiggle with the area they have.) (Mr. Truckey: The bigger projects are still going to need to get a development agreement; the extra 5% may assist with a few smaller projects.)
- Mr. Pringle: What about projects built before this 25% rule? Can they suddenly add more mass to these buildings and will we like that? Before we give out the additional mass, I would like to see

that we are getting amenities out of that. (Mr. Mosher: In those projects we do count their hallways and common areas when we look at them now. But it depends on how the scenarios are handled architecturally.) We've never had the stick to enforce the carrot we offered; we gave the bonus but the amenities are never used, we just made it easier for them to get their density and the buildings just got bigger.

Ms. Dudney: So do you think the current buildings would just get scraped and replaced with something 25% bigger? (Mr. Grosshuesch: I do not think this would happen, and I don't know where they would even put the additional 25% in many of these situations. We should still have them go through the development agreement process.)

Mr. Lamb: How many properties do we have out there that could really be scraped?

Ms. Dudney: This just does not seem likely given that someone would need to buy out all the existing condos and property to redevelop it.

Mr. Pringle: I think it's possible that places would do that, who knows.

Ms. Dudney: The 25% is on the books now, so they could currently do what you're suggesting, do you want to take that off the books?

Mr. Pringle: I'm just saying we shouldn't offer more and we should ensure that projects go through the development agreements.

Mr. Truckey presented on the architectural and coloring policies on buildings. Currently three colors are allowed, with minor exceptions. We talked about other types of surfaces not counting toward color like stone or rusted metal. Additionally, we allow fiber cement siding on a building as long as there are some natural materials on each elevation. The architects on the Steering Group believed that fiber cement siding was turning out to be a durable product. There were a few examples where it did not work well, like on a relatively blank wall, which was not because of the fiber cement, but because of the lack of other interesting aspects. We talked about having some percentage of wood material or natural material. The committee decided not to go that route and to leave it to discretion as it is now.

Commissioner Questions / Comments:

Ms. Leidal: The committee did not think we should put a percentage there and that we should invoke policy in a different way and be flexible.

Mr. Lamb: No one can tell the difference on a lot of the materials that are not "natural" but do look like natural materials.

Ms. Dudney: Pinewood II for example, I do not think the siding there looks great, it is very flat, and this gave us discussion about breaking up these planes of non natural material.

Mr. Lamb: I think a lot of it is paint.

Mr. Pringle: I don't think that non-natural materials have been a problem in the historic district, but there is a problem outside the historic district where we have developed a mountain alpine motif and the non natural materials have diminished that character a bit. The non natural materials take on a character that really does not meet the look.

Mr. Giller: What about steel columns and beams in the more modern architecture? Are those natural under 5R? (Ms. Puester: We have been considering that non-natural, though metal is not officially a part of the written policy.)

Mr. Pringle: What about making metal an accent instead of a color? (Ms. Puester: We did talk about making rusted metal and the like not count as a color, if it is painted, it would be a color.) I object a bit to the amount of different materials brought on to the projects. (Ms. Puester: We have not really talked about different materials, just different colors.) (Mr. Truckey: The way the code reads now is that non natural materials can be no more than 25% no matter what the material is.) (Ms. Puester: If you had multiple different types of materials, as it stands, you could keep adding materials until you reach the 25%.) I think we should strongly encourage that the projects are kept simpler, like one project that had a bunch of different materials going.

- Mr. Schuman: In the particular instance you are referencing, that was not a code issue, but more of the commission's problem.
- Mr. Pringle: In that particular section of the code, the word "siding" is used, can we define siding? Not trim or accents? Because in some projects, siding is being defined more loosely.
- Ms. Dudney: It's still limited to 25% though? Except that fiber cement siding does not get negative points if there are also natural materials.
- Ms. Leidal: It says stucco specifically (Ms. Puester: Precedent has meant all non natural materials, but we will clarify that.)
- Mr. Pringle: I am concerned that non natural materials are being used as corner boards and such.
- Ms. Dudney: It does not say that anywhere that they cannot be used.
- Mr. Pringle: I would like for it to say that specifically.
- Ms. Leidal: It is written as 25% non natural regardless of how you apply it, is that okay?
- Mr. Pringle: I don't think that is enough to maintain the mountain rustic motif we want.
- Ms. Dudney: I'm not even sure it's the verbiage that's a problem; I don't think we all agree on this issue. I do not object to what Mr. Pringle objects to.
- Mr. Lamb: I don't object to it either.

Mr. Truckey also presented discussion on an architectural compatibility provision that assesses positive and negative points for excessive dissimilarity and excessive similarity. We have given negative points in the past for buildings that looked too modern compared to neighbors. We have rarely given negative points for similarity. Overall the group agreed that it should be left as is, and that it works as stands.

Commissioner Questions / Comments:

- Mr. Pringle: I don't think that assessing negative points on a project for dissimilarity is enough because they can just make up points elsewhere. (Mr. Truckey: You can get up to negative six, which is a pretty big number to overcome and could kill a project.)
- Mr. Lamb: I think that this policy works as stands.

(Mr. Schroder opened the meeting as chair, but it was passed to Mr. Schuman midway through committee discussion when Mr. Schuman arrived.)

OTHER MATTERS:

1) Planning Commission Field Trip Retreat

Ms. Puester presented. Staff would like to start discussing topic ideas for an annual Planning Commission field trip. This trip usually takes place in October of each year, but depending upon Commission availability, and the focus of the trip, an alternate month could be arranged. At this time, Staff is thinking that some relevant topics could include fiber cement siding durability, site disturbance related to long driveways, and retaining wall heights. These topics are based on topics arising from the Development Code update project and have been raised numerous times by Planning Commission members.

Commissioner Questions / Comments:

- Mr. Lamb: I think that staying here would be a good idea to look at fiber cement siding and non natural materials.
- Mr. Schuman: We could look at cell towers.
- Mr. Pringle: We could look at the Residence Inn, it highlights some of the concerns I have. (Ms. Puester: We should wait until they are done there, it is not painted yet).
- Mr. Schroder: I think it would be a good idea to look at driveways, since we will be getting more lots that will require different driveways .
- Ms. Dudney: Can we look at Maggie Placer, thinking about our discussion of fit? Columbia Lode?
- Mr. Schuman: Maybe phase one of Wellington? And to Lincoln Park to look at the car ports, which I think look a bit out of place and it would be good to look those over. (Ms. Puester: Town Council

Mr. Lamb: will be doing a site visit at Lincoln Park at 2 pm on October 11 which we could join.)
Maybe Denison Placer? (Ms. Puester: I am not sure what there will be to look out there right now.)

Mr. Pringle: I do have one comment, I'm sorry I was late and unable to make note earlier, but on page four of our last minutes, I believe what I said was: "We are not smart enough to write code that considers every possible project that may come across" and not "We are not smart enough to write code."

Ms. Puester: If any of you do decide to go to the APA conference in Colorado Springs, please let me know. It is October 24th-26th.

ADJOURNMENT:

The meeting was adjourned at 8:12 pm.

Ron Schuman, Chair



Scheduled Meetings, Important Dates and Events

Shading indicates Council attendance – others are optional

The Council has been invited to the following meetings and events. A quorum may be in attendance at any or all of them. All Council Meetings are held in the Council Chambers, 150 Ski Hill Road, Breckenridge, unless otherwise noted.

SEPTEMBER 2016

Friday, September 9-Sunday, September 11, 2016	Breckenridge Oktoberfest
Tuesday, September 13, 2016; 3:00/7:00 pm	First Meeting of the Month
Friday, September 23, 2016; 8:00-9:00 am; Town Hall	Coffee Talk (Ride or Hike)
Tuesday, September 27, 2016; 3:00/7:00 pm	Second Meeting of the Month

OCTOBER 2016

Tuesday, October 11, 2016; 3:00/7:00 pm	First Meeting of the Month
Friday, October 14, 2016; 8:00-9:00 am; TBD	Coffee Talk
Tuesday, October 25, 2016	Town Council Budget Retreat/Second Meeting

NOVEMBER 2016

Tuesday, November 8, 2016; 3:00/7:00 pm	First Meeting of the Month
Friday, November 11, 2016; 8:00-9:00 am; TBD	Coffee Talk
Tuesday, November 22, 2016	Second Meeting of the Month

OTHER MEETINGS

4 th Monday of the Month; 4:00 p.m.	Cultural Arts Advisory Committee; Riverwalk Center
1 st & 3 rd Tuesday of the Month; 7:00 p.m.	Planning Commission; Council Chambers
1 st Wednesday of the Month; 4:00 p.m.	Public Art Commission; 3 rd floor Conf Room
2 nd & 4 th Tuesday of the Month; 1:30 p.m.	Board of County Commissioners; County
2 nd Wednesday of the Month; 12:00 noon	Breckenridge Heritage Alliance
2 nd & 4 th Tuesday of the month; 2:00 p.m.	Housing/Childcare Committee
2 nd Thursday of the Month; 5:30 p.m.	Sanitation District
3 rd Monday of the Month; 5:30 p.m.	BOSAC; 3 rd floor Conf Room
3 rd Tuesday of the Month; 9:00 a.m.	Liquor Licensing Authority; Council Chambers
4 th Wednesday of the Month; 9:00 a.m.	Summit Combined Housing Authority
4 th Wednesday of the Month; 8:30 a.m.	Breckenridge Tourism Office; BTO Offices
4 th Thursday of the Month; 7:00 a.m.	Red White and Blue; Main Fire Station
1 st Wednesday of the Month; 3:00 p.m.	Childcare Advisory Committee; Town Hall

Other Meetings: CAST, CML, NWCCOG, RRR, QQ, I-70 Coalition, BEC