



BRECKENRIDGE TOWN COUNCIL REGULAR MEETING

Tuesday, May 09, 2017; 7:00 PM

Town Hall Auditorium

I	CALL TO ORDER, ROLL CALL	
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	C. BRECKENRIDGE TOURISM OFFICE (MS. GIGLIELLO)	
	D. BRECKENRIDGE HERITAGE ALLIANCE (MS. WOLFE)	

*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 (MS. LAWRENCE)

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.

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CALL TO ORDER, ROLL CALL

Mayor Mamula called the meeting of April 25, 2017 to order at 7:00 pm. The following members answered roll call: Mr. Dudick, Mr. Bergeron, Ms. Lawrence, Mr. Burke, Ms. Gigliello and Mayor Mamula. Ms. Wolfe was absent.

APPROVAL OF MINUTES - APRIL 11, 2017

With no changes or corrections to the meeting minutes of April 11, 2017, 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. There were no comments and Citizen's Comment was closed.

B. Breckenridge Ski Resort Update (Summer Activities Preview)

Mr. John Buhler, COO of Breckenridge Ski Resort, stated that he was here to show Town Council the plans for Epic Discovery. Mr. Buhler discussed the new signage and the new welcome center. The Fun Park will now be called Base Camp. There are new pass levels for summer. None of the passes will include access to the Zip Lines. Mr. Burke inquired into the cost of the pass. Mr. Buhler stated that the pass is going to cost \$80 for adults and that kids will have a different price point. Mr. Buhler discussed the details of the new zip line (Hawk Eye). Partners for Epic Discovery are the Breckenridge Heritage Alliance, Nature Conservancy, Walking Mountains Science Center, and White River National Forest. 1% of ticket sales will go back to Nature Conservancy. Mr. Bergeron inquired about staffing requirements for summer. Mr. Buhler stated that they hold onto as many winter employees as they can. Mr. Buhler stated that they are hoping to open on July 7. There will be a new deck on the Vista House and they will serve food there this summer. Mr. Bergeron stated that some people were unclear on the Ski Hill realignment and why they need to move a gondola tower. Mr. Buhler stated that as the grade of the road is increasing, the existing tower will be in the way of the skier drop off. The tower will be replaced the first two weeks of May.

CONTINUED BUSINESS

A. Second Reading of Council Bills, Series 2017 - Public Hearings

1. COUNCIL BILL NO. 12, SERIES 2017 - AN ORDINANCE AUTHORIZING THE GRANTING OF A TERMINABLE EASEMENT TO KARPP, LLC

Mayor Mamula read the title into the minutes. Mr. Tim Berry stated there were two changes to this ordinance from first reading. The first is for a periodic review of the easement by the Town and the other includes language about where the catch basin is located.

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 12, SERIES 2017 - AN

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ORDINANCE AUTHORIZING THE GRANTING OF A TERMINABLE EASEMENT TO KARPP, LLC. Ms. Gigliello seconded the motion.
The motion passed 6 - 0. Ms. Wolfe was absent.

NEW BUSINESS

A. First Reading of Council Bills, Series 2017 - Public Hearings

1. COUNCIL BILL NO. 13, SERIES 2017 - AN ORDINANCE AUTHORIZING THE CONVEYANCE OF TOWN-OWNED REAL PROPERTY (139 Denison Road-Broken Compass Brewing Company)

Mayor Mamula read the title into the minutes. Mr. Berry stated that this will allow the Town to execute a contract and to give land to Broken Compass Brewing.

Mr. Bergeron moved to approve COUNCIL BILL NO. 13, SERIES 2017 - AN ORDINANCE AUTHORIZING THE CONVEYANCE OF TOWN-OWNED REAL PROPERTY (139 Denison Road-Broken Compass Brewing Company). Mr. Burke seconded the motion.

The motion passed 6 - 0. Ms. Wolfe was absent.

2. COUNCIL BILL NO. 14, SERIES 2017 - AN ORDINANCE AMENDING TITLE 12 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE PLANT INVESTMENT FEE FOR RESTAURANTS AND LOUNGES

Mayor Mamula read the title into the minutes. Mr. Kulick, Community Development, stated that the bill amends Breckenridge Town Code 12-4-10 to establish definitions. It will lower PIF rates 4.5 to 3.75 SFE's on January 1, 2018.

Mr. Bergeron moved to approve COUNCIL BILL NO. 14, SERIES 2017 - AN ORDINANCE AMENDING TITLE 12 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE PLANT INVESTMENT FEE FOR RESTAURANTS AND LOUNGES. Ms. Gigliello seconded the motion.

The motion passed 6 - 0. Ms. Wolfe was absent.

B. Resolutions, Series 2017

1. RESOLUTION NO. 13, SERIES 2017 - A RESOLUTION APPROVING AN ASSIGNMENT OF PARTIAL INTEREST IN REAL ESTATE OPTION AGREEMENT WITH SUMMIT COUNTY, COLORADO (Lot 2, Sawlog and Wonderful Placer Subdivision)

Mayor Mamula read the title into the minutes. Mr. Berry stated the County has a lot under contract and it is set to close in a few weeks. The Town is proposing to purchase half interest in the contract and the property. Staff believes this is a valuable piece of property.

Mr. Bergeron moved to approve RESOLUTION NO. 13, SERIES 2017 - A RESOLUTION APPROVING AN ASSIGNMENT OF PARTIAL INTEREST IN REAL ESTATE OPTION AGREEMENT WITH SUMMIT COUNTY, COLORADO (Lot 2, Sawlog and Wonderful Placer Subdivision). Mr. Burke seconded the motion.

The motion passed 6 - 0. Ms. Wolfe was absent.

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.

B. Town Project Hearing: Second Town Water Treatment Plant

Mayor Mamula introduced the Town Project: Second Town Water Treatment Plant. Ms. Julia Puester presented the plans for the project. Mr. Mark Hogan with Baker Hogan Houx was present to further go over the sketches with Town Council.

Mr. Dudick stated that he is concerned about a precedent set to give this location points for public restrooms. Ms. Puester stated that if council is concerned with the points for the restroom under recreation, the points can be allocated to another place.

Mayor Mamula further stated this project requires a public hearing, and he opened the public hearing. Ms. Beth Groundwater stated that, as a representative of the 100% Renewable Energy Task Force, she would like to see all projects like this come to them so that they could see if there are any ways to reduce operating costs and energy usage.

There was no further comment and the hearing was closed.

Mr. Dudick moved to approve Town Project: Second Town Water Treatment Plant.
Mr. Burke seconded the motion.
The motion passed 6-0. Ms. Wolfe was absent.

REPORT OF TOWN MANAGER AND STAFF

Mr. Holman stated that the State of the Town will be May 30th. They are working on a program with Ms. Dykstra to market this and make a dialogue with the community. The Manager's Employee Gathering will be next Wednesday, May 3 to go over the status of projects and what is happening in the community. Mr. Holman stated that there has been a request from the Building Hope Community to have a Mayoral proclamation to declare May Mental Health Awareness month.

REPORT OF MAYOR AND COUNCILMEMBERS

A. Cast/MMC (Mayor Mamula)

Mayor Mamula stated that he had no update.

B. Breckenridge Open Space Advisory Committee (Mr. Bergeron)

Mr. Bergeron stated that the Cucumber Gulch monitoring report has shown that the runoff from the ski area is continuing to degrade the gulch. They have been doing stop-gap measures, but the consensus of the board is that the damage needs to be treated. The issues need to be resolved before they get to Cucumber Gulch. Mr. Bergeron stated that there is a sediment pond that cannot take the runoff and has to be dredged out every few years.

C. Breckenridge Tourism Office (Ms. Gigliello)

Ms. Gigliello stated there is a meeting on Thursday.

D. Breckenridge Heritage Alliance (Ms. Wolfe)

Ms. Wolfe was absent.

E. Water Task Force (Mr. Dudick)

Mr. Dudick stated that he had no update.

F. Breckenridge Creative Arts (Ms. Lawrence)

Ms. Lawrence stated that the National Geographic Live series ended last week. The series will not be renewed for 2018 as ticket sales didn't happen. David Sedaris is coming back to the Riverwalk in November. BIFAA has partnered with the Denver Art Museum for Dia De Los Muertos. BCA will be using ticket scanners for the summer. They had a glitch with the cell phone tickets, but they will be working those issues out.

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- G. Breckenridge Events Committee (Ms. Lawrence)
Ms. Lawrence stated that there is a meeting next week.

OTHER MATTERS

Mr. Dudick stated that he spoke to gentleman named Andy Webster, who runs events at the Ice Arena. Mr. Dudick stated that Mr. Webster is concerned that he may have to purchase liability insurance for his events and that it will increase the cost to the players in the game. Mayor Mamula stated that both he and Mr. Dudick agree that they should just let the games happen without liability coverage. Mr. Holman stated that if we require them to have insurance, we are just better protecting the Town. Mr. Holman stated that we will look at changing the policy. Mr. Bergeron inquired to the cost of liability insurance. Mr. Reid stated that it is roughly \$400 a year.

Ms. Gigliello stated that she has a comment about the parking application. When the time runs out, you cannot increase your stay. Chief McLaughlin, stated that the free 15 minutes causes a problem with starting a new session and that the company cannot fix the problem.

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 8:13 pm. Submitted by Taryn Power, Deputy Town Clerk.

ATTEST:

Helen Cospolich, Town Clerk

Eric S. Mamula, Mayor



Proclamation

Mental Health Awareness Month

May 1 - 31, 2017

WHEREAS, One in five Americans will be affected by a mental health condition in their lifetime and every American is affected or impacted through their friends and family; and

WHEREAS, mental illness is one of the leading causes of disabilities in the United States, impacting both the person with the illness and those persons who care for and love the person afflicted; and

WHEREAS, 57 million Americans have a mental disorder in any given year, but fewer than 40 percent of adults living with a mental illness, and slightly more than one-half of youth 8 to 15 years of age with a mental illness received mental health services in the last year; and

WHEREAS, the Town of Breckenridge acknowledges that when compared to other Colorado communities, the incidence of substance abuse and mental health indicators is elevated in Summit County and as a result the Town is concerned about the impacts of mental illness on the quality of life for our residents; and

WHEREAS, Mental Health Awareness month is both a national and local commitment to reducing the stigma associated with mental illness, encouraging those living with mental health conditions to get the help they need, and affirming our pledge to ensure those who need help have access to the support, acceptance, and resources they deserve; and

WHEREAS, during Mental Health Awareness month the Town of Breckenridge recognizes those in our community living with mental illness and substance use disorders; we pledge support for those individuals and their families; and we reaffirm our commitment to ensuring people living with mental health conditions know they are not alone;

NOW, THEREFORE, BE IT RESOLVED THAT, I, Mayor Eric Mamula, do hereby proclaim the month of May, 2017 as Mental Health Awareness Month, and call upon all residents of Breckenridge to join me in supporting the aims and goals of this effort.

Adopted this 9th day of May, 2017.

Mayor Eric Mamula

Attest:

Town Clerk

MEMO

TO: Breckenridge Town Council

FROM: Laurie Best-Community Development Department

DATE: May 3, 2017 (for May 9, 2017 meeting)

RE: SECOND READING-AN ORDINANCE AUTHORIZING THE CONVEYANCE OF TOWN-OWNED REAL PROPERTY (39 Denison Road-Broken Compass Brewing Company)

The Ordinance that was presented to Council on April 25th has been modified for second reading and the version that is included in your packet highlights the changes. The purpose of the Ordinance is to authorize the Town Manager to negotiate and execute a sales contract to convey Town-owned property (Lot 1-Denison Placer) to Brewery Hill, LLC. The Brewery is in the process of acquiring an adjacent property (Lot 2B) from a third party, and will combine Lot 2B with Lot 1 to create a site for a new Brewery. A Class A Development Permit application has been submitted for the new Brewery and that pending application is currently under review. This memo will focus on the real estate transaction and no details in regard to the development permit will be presented or discussed.

The changes to the Ordinance since first reading were made because we believe it will be more efficient to draft the Sales Contract after there is more certainty in regard to the Brewery's acquisition of the adjacent site. The Sales Contract will be consistent with the conditions listed below:

- Sale Price approved by Town Council-\$24,000 (specifically for portion of Tract E that is adjacent to Lot 2B)
- Sale is contingent on:
 - Council approved Ordinance to convey property
 - Filing of an approved plat
 - Approval of a Development Permit for the project
 - Demonstration of financial ability to complete the construction
 - Ability of the Brewery to acquire the adjacent Lot 2C (added to Ordinance for 2nd reading)
- Pursuant to the Letter of Intent executed by the Town and Brewery Hill LLC, the Purchaser is required to construct four (4) two-bedroom townhomes-to be completed within two years
 - The townhomes will be in general compliance with the plans reviewed by Town Council on February 21, 2017 and will include one car garages

- The townhomes will be subject to a Housing Covenant that will run with the land in perpetuity and restrict occupancy to Upper Blue employees
- The townhomes may be used as rental or sale units targeting 100% AMI
- When/if any of the townhomes are sold, if the sale price exceeds 80% AMI, Brewery Hill LLC will reimburse the Town for a pro-rata share of the infrastructure that was completed by the Town as part of the Denison Placer Infrastructure project in 2016/17

Recommendation:

Staff recommends approval of the Ordinance and will be available at your meeting to discuss this real estate transaction and answer any questions. Thank you.

1 **FOR WORKSESSION/SECOND READING – MAY 9**

2
3 Additions To The Ordinance As Approved on First Reading Are
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5
6 COUNCIL BILL NO. 13

7
8 Series 2017

9
10 AN ORDINANCE AUTHORIZING THE CONVEYANCE OF
11 TOWN-OWNED REAL PROPERTY
12 (Lot 1, Denison Placer Subdivision – Broken Compass Brewing Company)

13
14 WHEREAS, the Town of Breckenridge is the owner of the following described real
15 property:

16
17 Lot 1, Denison Placer Subdivision, according to the plat thereof recorded
18 _____, 2017 at Reception No. _____ of the
19 records of the Clerk and Recorder of Summit County, Colorado¹; also known as
20 _____ Denison Placer Road, Breckenridge, Colorado 80424

21
22 (“Property”)

23 ; and

24
25 WHEREAS, the Town desires to convey the Property to Brewery Hill LLC, a Colorado
26 limited liability company d/b/a Broken Compass Brewing Company (“**Broken Compass**
27 **Brewing Company**”) pursuant to ~~the a~~ Contract of Sale **to be negotiated** between the Town and
28 Broken Compass Brewing Company, ~~a copy of which is marked **Exhibit “A”**, attached hereto, and~~
29 ~~incorporated herein by reference (“**Agreement**”); and~~

30
31 WHEREAS, ~~as provided in this **the** Agreement, Broken Compass Brewing Company will~~
32 **require Broken Compass Brewing Company to** build housing for its employees upon the real
33 property to be conveyed to it pursuant to the Agreement, and will **further require Broken**
34 **Compass Brewing Company to** encumber the real property with the Town’s standard
35 affordable housing covenant; and

36
37 WHEREAS, the provision of deed-restricted affordable housing on the Property by
38 Broken Compass Brewing Company will reduce the overall demand for affordable housing in
39 the Town, and thereby lessen the burden on the Town government related to providing
40 affordable housing for the community; and

41

¹ The recording information for the Dennison Placer Subdivision plat will be added to this ordinance
administratively by the Town Clerk following recording of the plat

1 WHEREAS, the Town Council ~~has reviewed the proposed Agreement, and~~ finds and
2 determines that it would be in the best interest of the Town and its residents for the Town to enter
3 into the Agreement; and
4

5 WHEREAS, Section 15.3 of the Breckenridge Town Charter provides that the Town
6 Council may lawfully authorize the sale of Town-owned real property by ordinance; ~~and,~~
7

8 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
9 BRECKENRIDGE, COLORADO:
10

11 ~~Section 1. The Contract of Sale between the Town and Brewery Hill LLC, a Colorado~~
12 ~~limited liability company d/b/a Broken Compass Brewing Company (Exhibit "A" hereto), is~~
13 ~~approved; and the Town Manager is authorized, empowered, and directed to execute such~~
14 ~~Agreement for and on behalf of the Town of Breckenridge. The Town Manager is authorized to~~
15 ~~negotiate and execute on behalf of the Town a Contract of Sale with Broken Compass~~
16 ~~Brewing Company that is consistent with that Letter of Intent between the Town and Broken~~
17 ~~Compass Brewing Company dated April 6, 2017.~~
18

19 Section 2. The Town Manager is authorized, empowered, and directed to take all necessary
20 and appropriate action to close the sale of the Property contemplated by the Agreement. In
21 connection therewith, the Town Manager shall have full power and authority to do and perform all
22 matters and things necessary to the sale and conveyance of the Property pursuant to the Agreement,
23 including, but not limited to, the following:
24

- 25 1. The making, execution, and acknowledgement of settlement
26 statements, closing agreements, and other usual and customary
27 closing documents;
28
- 29 2. The execution, acknowledgement, and delivery to the buyer of the
30 deed of conveyance for the Property; and
31
- 32 3. The performance of all other things necessary to the sale of the
33 Property by the Town pursuant to the Agreement.
34

35 The Town Council hereby ratifies and confirms, in advance, all action taken by the Town Manager
36 pursuant to this Section 2; **provided, however, that the Town Manager shall not deed the**
37 **Property as authorized by this Section 2 unless and until Broken Compass Brewing**
38 **Company has acquired ownership of the real property upon which Broken Compass**
39 **Brewing Company will construct is brewery.**
40

41 Section 3. For the reasons set forth above, the Town Council of the Town of
42 Breckenridge finds, determines, and declares that the ~~approval of the proposed Contract of Sale~~
43 ~~with Brewery Hill LLC, a Colorado limited liability company d/b/a Broken Compass Brewing~~
44 ~~Company (Exhibit "A" hereto), and the conveyance of the Town-owned real property described~~
45 ~~in such Agreement this ordinance; will provide a public benefit and further a public purpose~~
46 within the meaning of Article 11, Section 2 of the Colorado Constitution. The Town Council

1 further finds, determines, and declares that the Town of Breckenridge will receive adequate
2 consideration in return for its conveyance of the Town-owned real property described in such
3 Agreement.
4

5 Section 4. The Town Council hereby finds, determines and declares that it has the power to
6 adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of
7 the Colorado Constitution and the powers contained in the Breckenridge Town Charter.
8

9 Section 5. This ordinance shall be published and become effective as provided by Section
10 5.9 of the Breckenridge Town Charter.
11

12 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
13 PUBLISHED IN FULL this ____ day of _____, 2017. A Public Hearing shall be held at the
14 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
15 _____, 2017, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
16 Town.
17

18 TOWN OF BRECKENRIDGE, a Colorado
19 municipal corporation
20

21
22
23 By: _____
24 Eric S. Mamula, Mayor
25

26 ATTEST:
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31 _____
32 Helen Cospolich, CMC,
33 Town Clerk
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MEMO

TO: Town Council
FROM: Town Attorney
RE: Council Bill No. 14 (Restaurant/Lounge PIF Ordinance)
DATE: April 28, 2017 (for May 9th meeting)

The second reading of the ordinance to eliminate the water PIF classification for snack bars and delis, and to revise the PIF rules for restaurants and lounges, is scheduled for your meeting on May 9th. 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/FIRST READING – MAY 9***

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. 14

9
10 Series 2017

11
12 AN ORDINANCE AMENDING TITLE 12 OF THE BRECKENRIDGE TOWN CODE
13 CONCERNING THE PLANT INVESTMENT FEE FOR RESTAURANTS AND LOUNGES

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

17
18 Section 1. Section 12-1-6 of the Breckenridge Town Code is amended by the addition of
19 the following definition2:

**LIQUOR
MANUFACTURER
SALES ROOM:**

An area approved as a liquor manufacturer sales room by the State of Colorado pursuant to the Colorado Liquor Code in which the holder of an alcohol beverage license sells and serve alcohol beverages for consumption on the licensed premises, sells alcohol beverages for consumption of the licensed premises, or both.

LOUNGE:

An establishment the principal business of which is the sale of alcoholic beverages at retail for consumption on the premises, and which is appropriately licensed under the Colorado Liquor Code or the Colorado Beer Code. The square footage of an approved liquor manufacturer sales room shall be included in the square footage of a lounge, whether located in the main licensed premises of the lounge, or at a location that is not part of the main licensed premises. For the purpose of this definition, the holder of a hotel and restaurant liquor license issued pursuant to the Colorado Liquor Code shall be deemed to be a retail food service establishment, and not a lounge.

RESTAURANT:

An establishment that stores, prepares, or packages food or drink for human consumption or serves or otherwise provides food for human consumption to consumers directly or indirectly through a delivery service, whether such food is consumed on or off the premises or whether there is a charge for such food. A retail food establishment may or may not hold

a hotel and restaurant license under the Colorado Liquor Code. The term “food service establishment” includes, but is not limited to, restaurants, delicatessens, and snack bars.

“Retail Food Establishment” does not include:

- a. Any private home;**
- b. Private boarding houses;**
- c. Appropriately licensed hospital and health facility patient feeding operations;**
- d. Appropriately licensed child care centers and other child care facilities;**
- e. Hunting camps and other outdoor recreation locations where food is prepared in the field rather than at a fixed base of operation;**
- f. Food or beverage wholesale manufacturing, processing, or packaging plants, or portions thereof, that are subject to regulatory controls under state or federal laws or regulations;**
- g. Motor vehicles used only for the transport of food;**
- h. Establishments that handle only nonpotentially hazardous prepackaged food, and operations serving only commercially prepared, prepackaged foods requiring no preparation other than the heating of food within its original container or package;**
- i. Farmers markets and roadside markets that offer only uncut fresh fruit and vegetables for sale;**
- j. Automated food merchandising enterprises that supply only prepackaged nonpotentially hazardous food or drink or food or drink in bottles, cans, or cartons only, and operations that dispense only chewing gum or salted nuts in their natural protective covering;**
- k. The donation, preparation, sale, or service of food by a nonprofit or charitable organization in conjunction with an event or celebration.**

1
2 Section 2. The portion of Section 12-4-10A of the Breckenridge Town Code that
3 concerns the “Water User Class” and “SFE” amount for “snack bars and delicatessens, per 1,000
4 square feet of building space” is deleted.

5 Section 3. The portion of Section 12-4-10A of the Breckenridge Town Code that
6 concerns the “Water User Class” and “SFE” amount for “restaurants and lounges, per 1,000
7 square feet of building space” is amended to read as follows:

8	<u>Water User Class</u>	<u>SFE</u>
9		
10	Restaurants and lounges, per 1,000 square	4.50 <u>3.75</u>
11	feet of building space	

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Section 4. Except as specifically amended hereby, the BreckenridgeTownCode, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 5. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the provisions of Section 31-35-402, C.R.S., and the powers possessed by home rule municipalities in Colorado.

Section 6. This ordinance shall be published as required by Section 5.9 of the Breckenridge Town Charter.

Section 7. This ordinance, except Section 3, shall become effective as provided in Section 5.9 of the Breckenridge Town Charter. Section 3 of this ordinance shall become effective on January 1, 2018.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this ____ day of _____, 2017. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of _____, 2017, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
Eric S. Mamula, Mayor

ATTEST:

Helen Cospolich, CMC,
Town Clerk

MEMORANDUM

To: Town Council
From: Eli Johnston, Chief Building Official
Subject: Board of Appeals
Date: May 2nd(for May 9th, 2017 Town Council Meeting)

Staff is proposing to revise the Building Department Board of Appeals process in Title 2, Chapter 3 of the Town Code (see attached proposed ordinance). The purpose of the Board of Appeals is to hear any code interpretations of the Building Official appealed by the public in conformance with the process outlined in the ordinance. While we don't anticipate utilizing this process very much, we feel that it is important have an updated ordinance in place. As a point of reference, the Breckenridge Building Department has not had to use the Board of Appeals process in more than ten years.

Revisions to the Board of Appeals process include:

- The Board will consist of three (3) members (as opposed to 5 as the ordinance is currently written) who will be appointed by the Town Manager as and when needed to hear and decide an appeal filed with the Board pursuant to this Chapter.
- Members of the Board must be residents and electors of the Town, and be persons qualified by experience and training to review matters pertaining to building construction.
- There will be no fixed term of office for the members of the Board. All members of the Board will serve at the pleasure of the Town Manager, and may be removed by the Town Manager at any time without cause.
- The Town Attorney will be the legal advisor to the Board. In the event that it would be a conflict of interest for the Town Attorney to both present evidence to the Board on any matter and to advise the Board as to such matter, the Town Attorney will continue to advise the Board on the matter and will engage independent counsel to present the evidence.
- A 30 day appeal process is detailed in the ordinance.

Staff recommends that the Council adopt on first reading the proposed Code amendments related to the Board of Appeals. Staff will be available for questions at the meeting.

1 **FOR WORKSESSION/FIRST READING – MAY 9**

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 2017

9
10 AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 3 OF
11 TITLE 2 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE BUILDING CODE
12 BOARD OF APPEALS

13
14 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
15 COLORADO:

16
17 Section 1. Chapter 3 of Title 2 of the Breckenridge Town Code is repealed and readopted
18 with changes to read as follows:

19
20 **CHAPTER 3**

21
22 **BUILDING CODE BOARD OF APPEALS**

23
24 **SECTION:**

- 25
- 26 **2-3-1: Findings**
- 27 **2-3-2: Definitions**
- 28 **2-3-3: Creation of Board**
- 29 **2-3-4: Appointment and Qualifications of Members**
- 30 **2-3-5: Terms of Office**
- 31 **2-3-6: Compensation**
- 32 **2-3-7: Powers, Duties, and Responsibilities**
- 33 **2-3-8: Operation**
- 34 **2-3-9: Meetings**
- 35 **2-3-10: Rules and Regulations**
- 36 **2-3-11: Applicability of Code of Ethics**
- 37 **2-3-12: Legal Advisor**
- 38 **2-3-13: Town Clerk**
- 39 **2-3-14: Oaths; Subpoenas**
- 40 **2-3-15: Appeals Process**
- 41 **2-3-16: Failure to Appeal**
- 42 **3-3-17: Appeal From Board Decision**
- 43 **3-3-18: Chapter Controls In the Event of A Conflict**

1
2 **2-3-1: FINDINGS: The Town Council finds and determines as follows:**

- 3
4 A. **Section 9.5 of the Town Charter authorizes the Town Council to create by ordinance**
5 **permanent boards and commissions for the Town, and sets forth certain**
6 **requirements that must be met with respect to the creation of a permanent Town**
7 **board or commission.**
- 8 B. **Section 9.2(a) of the Town Charter provides that neither the Mayor nor any Town**
9 **employee shall serve on any Town board or commission.**
- 10 C. **The Town of Breckenridge Building Code Board of Appeals should be created to**
11 **hear and decide appeals of orders, decisions, or determinations made by the Town's**
12 **building official relative to the application and interpretation of the Town's building**
13 **and technical codes adopted in Chapter 1 of Title 8 of the Breckenridge Town Code.**

14 **2-3-2 DEFINITIONS: When used in this Chapter the following words have the following**
15 **meanings:**

<u>BOARD:</u>	<u>The Town of Breckenridge Building Code Board of Appeals created and established by this Chapter.</u>
<u>BUILDING CODE:</u>	<u>Any of the Town's building and technical codes adopted in Chapter 1 of Title 8 of this Code.</u>
<u>BUILDING OFFICIAL:</u>	<u>The Building Official of the Town of Breckenridge, or such person's authorized agent or representative acting pursuant to Section 1-7-2 of this Code.</u>

16
17 **2-3-3: CREATION OF BOARD: There is hereby created and established the Town of**
18 **Breckenridge Building Code Board of Appeals. The Board shall be a permanent board of**
19 **the Town, and shall operate in accordance with and subject to the provisions, duties, and**
20 **limitations of this Chapter, and other applicable law.**

21 **2-3-4: APPOINTMENT AND QUALIFICATION OF MEMBERS:**

- 22
23 A. **The Board shall consist of three (3) members who shall be appointed by the Town**
24 **Manager as and when needed to hear and decide an appeal filed with the Board**
25 **pursuant to this Chapter.**

1 B. Members of the Board shall be residents and electors of the Town, and shall be
2 persons qualified by experience and training to pass upon matters pertaining to
3 building construction.

4 C. Neither the Mayor nor any Town employee shall serve on the Board.

5 2-3-5: TERMS OF OFFICE: There shall be no fixed term of office for the members of the
6 Board. All members of the Board shall serve at the pleasure of the Town Manager, and
7 may be removed by the Town Manager at any time without cause.

8 2-3-6: COMPENSATION: Members of the Board shall serve without compensation.

9
10 2-3-7: POWERS, DUTIES, AND RESPONSIBILITIES: The Board shall act as the board
11 of appeals required or authorized by any building code. The Board shall have those powers
12 and authority provided for in this Chapter, and the building code that is applicable to a
13 particular appeal.

14
15 2-3-8: OPERATION: The Board shall elect a chair prior to holding an appeal hearing.
16 There shall be no other officers of the Board. The Board shall keep an electronic record of
17 its meetings and shall further keep written minutes thereof as required by the Colorado
18 Open Meetings Law, Title 24, Chapter 6, Part 4, C.R.S. Two (2) members of the Board
19 shall constitute a quorum for the transaction of business, and a decision agreed to by two
20 (2) members shall be required for a Board decision.

21
22 2-3-9: MEETINGS: The Board shall meet at Town Hall, or such other location within the
23 Town as the Board shall determine. The Board shall meet on such dates as the Board may
24 determine. All meetings of the Board shall be subject to the provisions of the Colorado
25 Open Meetings Law, Title 24, Chapter 6, Part 4, C.R.S.

26
27 2-3-10: RULES AND REGULATIONS: The Board shall have the power to adopt rules and
28 regulations governing its operation. Such rules shall not be inconsistent with this Chapter
29 or other applicable law.

30
31 2-3-11: APPLICABILITY OF CODE OF ETHICS: The provisions of the Breckenridge
32 Town Code of Ethics (Title 1, Chapter 16 of this Code) shall apply to all members of the
33 Board.

34
35 2-3-12: LEGAL ADVISOR: The Town Attorney shall be the legal advisor to the Board. In
36 the event that it would be a conflict of interest for the Town Attorney to both present
37 evidence to the Board on any matter and to advise the Board as to such matter, the Town
38 Attorney shall continue to advise the Board on the matter and shall engage independent
39 counsel to present the evidence.

1 **2-3-13: TOWN CLERK:**The Town Clerk shall serve as the official secretary of the Board,
2 **and shall designate a person or persons to provide the necessary administrative services for**
3 **the Board. The Town Clerk or the Clerk’s designee shall attend the meetings of the Board.**
4

5 **2-3-14: OATHS; SUBPOENAS:** The Board shall have the power to administer oaths and
6 **issue subpoenas to require the presence of persons and the production of papers, books,**
7 **and records necessary to the determination of any hearing which the Board is authorized to**
8 **conduct. It shall be unlawful and a violation of this Code for any person to fail to comply**
9 **with any subpoena issued by the Board in the proper conduct of its hearings, and upon**
10 **conviction for such violation the offender shall be punished as provided in Title 1, Chapter**
11 **4 of this Code. A subpoena shall be served in the same manner as a subpoena issued by the**
12 **district court of the state.**
13

14 **2-3-15: APPEALS PROCESS:**
15

16 A. **Form Of Notice of Appeal: Those matters subject to decision by a board of appeals**
17 **under a building code may be appealed to the Board by filing a written notice of**
18 **appeal with the Town’s building official. A notice of appeal shall contain all of the**
19 **following information:**

- 20 1. **A heading in the words: “Before the Building Codes Board of Appeals of the**
21 **Town of Breckenridge.”**
- 22 2. **A caption reading: “Appeal of,” giving the name of the appealing party.**
- 23 3. **A brief statement setting forth the legal interest of the appealing party in the**
24 **building or the land involved in the notice and order appealed from.**
- 25 4. **An statement that the appeal is based on a claim by the appealing party that**
26 **either: (i) the true intent of the applicable building code has been incorrectly**
27 **interpreted; (ii) the provisions of the applicable building code do not fully apply;**
28 **or (iii) an equally good or better form of construction is proposed by the**
29 **appealing party. No other basis for an appeal shall be permitted.**
- 30 5. **A brief statement in ordinary and concise language of the specific order or action**
31 **appealed from, together with any material facts claimed to support the**
32 **contentions of the appealing party.**
- 33 6. **A brief statement in ordinary and concise language of the relief sought by the**
34 **appealing party.**
- 35 7. **The signatures of the appealing party and the appealing party’s mailing address.**

1 8. The verification (by declaration under penalty of perjury) of the appealing party
2 as to the truth of the matters stated in the appeal.

3 The Board shall not consider an appeal that is incomplete or untimely filed.

4 B. Filing of Appeal: The appeal shall be filed within thirty (30) days from the date of
5 issuance of an appealable order or appealable action of the building official;
6 provided, however, that if the building or structure is in such condition as to make it
7 immediately dangerous to the life, limb, property, or safety of the public or adjacent
8 property and is ordered vacated and posted in accordance with the uniform code for
9 the abatement of dangerous buildings, or other building code, such appeal shall be
10 filed within ten (10) days from the date of the service of the notice and order of the
11 building official.

12 C. Processing Of Appeal: Within five (5) days of receipt of a complete notice of appeal
13 the building official shall notify the Town Manager of the filing of the appeal. The
14 Town Manager shall then promptly appoint the members of the Board who will
15 hear and decide the appeal.

16 D. Scheduling And Noticing of Hearing of Appeal: The Board shall conduct a hearing
17 on each appeal that is timely and properly filed under this Chapter. As soon as
18 practicable after the Town Manager has appointed a Board to hear the appeal, the
19 Board shall fix a date, time, and place for the hearing of the appeal. Such date shall
20 be not less than ten (10) nor more than thirty (30) days from the date the appeal was
21 filed with the building official, unless the appealing party agrees to a later hearing
22 date. Written notice of the time and place of the hearing shall be given at least five
23 (5) days (or such shorter time as may be agreed upon by the appealing party) prior
24 to the date of the hearing to each appealing party by the Town Clerk, either by
25 causing a copy of such notice to be delivered to the appealing party personally or by
26 mailing a copy thereof, postage prepaid, addressed to the appealing party at the
27 address shown in the notice of appeal. The Board may continue any hearing, upon
28 timely request, for good cause shown, or upon its own initiative, and such
29 rescheduled hearing date may be later than thirty (30) days from the date the appeal
30 was filed with the building official.

31 E. Conduct of Hearing: The following rules shall govern the conduct of an appeal
32 hearing before the Board:

33 1. Scope Of Hearing On Appeal: Only those matters or issues specified by the
34 appealing party in the appealing party's notice of appeal shall be considered,
35 unless the Board for good cause determines to consider other issues.

- 1 2. Representation: Any person may appear or be represented by an authorized
2 agent or an attorney at their own expense. An attorney who appears before the
3 Board shall be required to state the name and address of all persons whom he or
4 she has been authorized to represent at the hearing.

- 5 3. Right To Present Evidence And Cross-Examine Witnesses: Each party shall
6 have the right to present such evidence as may be relevant, and to cross-examine
7 all witnesses. The Town's building official shall be deemed to be a party to any
8 appeal filed under this Chapter.

- 9 4. Testimony Under Oath: All testimony shall be given under oath or affirmation.

- 10 5. Rules Of Evidence: The strict rules of evidence shall not apply.

- 11 6. Audio Recording: An audio record shall be made of each hearing. The Town
12 Clerk shall retain the original audio record as required by Town's record
13 retention policy. A copy of an audio record of a hearing shall be made available
14 to any party upon written request and payment of a fee determined by the Town
15 Clerk to be sufficient to reimburse the Town for the cost of providing such copy.
16 A court reporter may be employed by any party, at the expense of such party, to
17 prepare a verbatim written record of the hearing.

- 18 7. Burden of Proof: The burden of proof shall be on the appealing party. The
19 burden of proof shall be by a preponderance of the evidence. "Preponderance of
20 the evidence" means to prove that something is more probably true than not.

21 F. Decision: The Board shall render its decision based upon the evidence presented at
22 the hearing and any written legal or other argument presented by the parties; the
23 requirements of the applicable building code; and whatever additional evidence or
24 knowledge that may be relevant. All decisions shall be issued within thirty (30) days
25 after the hearing, and shall be transmitted in writing to the appealing party.

26 G. Staying Of Order Under Appeal: Enforcement of any order, decision, or
27 determinations of the building official that is the subject of a notice of appeal shall
28 be stayed during the pendency of an appeal.

29 2-3-16: FAILURE TO APPEAL: Failure of any person to file a timely and complete notice
30 of appeal in accordance with of this Chapter shall constitute a waiver of such person's right
31 to an administrative hearing before the Board, and the right to an adjudication by the
32 Board of any order, decision, or determination made the Town's building official.

33 2-3-17: APPEALS FROM BOARD DECISION: The decision of the Board shall be final,
34 subject to the right of any aggrieved party to contest the matter in an appropriate court
35 action commenced under Rule 106(a)(4) of the Colorado Rules of Civil Procedure. For

1 purposes of determining the time limit for the commencement of an action under Rule
2 106(a)(4) of the Colorado Rules of Civil Procedure, the decision of the Board shall be
3 deemed to be final upon the Board's issuance of a written finding or decision following the
4 conclusion of the hearing. If the appealing party receives a copy of the written decision of
5 the Board at the time of the hearing, the time for the filing of the appeal pursuant to Rule
6 106(a)(4) of the Colorado Rules of Civil Procedure shall commence from the date the
7 appealing party receives the written decision. If the written decision of the Board is
8 transmitted to the appealing party by mail, the time for the filing of the appeal Rule
9 106(a)(4) of the Colorado Rules of Civil Procedure shall commence from the date of the
10 mailing of the written decision.

11
12 **2-3-18: CHAPTER CONTROLS IN THE EVENT OF A CONFLICT: The provisions of**
13 **this Chapter supersede any conflicting provision of a building code.**

14
15 Section 2. Except as specifically amended by this ordinance, the
16 BreckenridgeTownCode, and the various secondary codes adopted by reference therein, shall
17 continue in full force and effect.

18
19 Section 3. The Town Council finds, determines, and declares that it has the power to
20 adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX
21 of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

22
23 Section 4. This ordinance shall be published and become effective as provided by Section
24 5.9 of the Breckenridge Town Charter.

25
26 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
27 PUBLISHED IN FULL this ____ day of _____, 2017. A Public Hearing shall be held at the
28 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
29 _____, 2017, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
30 Town.

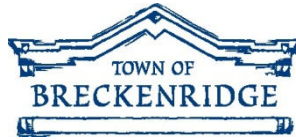
31
32 TOWN OF BRECKENRIDGE, a Colorado
33 municipal corporation

34
35
36 By: _____
37 Eric S. Mamula, Mayor
38

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ATTEST:

HelenCospolich, CMC,
Town Clerk



TO: BRECKENRIDGE TOWNCOUNCIL
CC: RICK HOLMAN, TOWN MANAGER; SHANNON HAYNES, ASSISTANT TOWN MANAGER
FROM: REVENUE SERVICES ADMINISTRATOR – HEATHER PEZZELLA
SUBJECT: TOWN TAX CODE REVISIONS
DATE: 5/3/2017

The attached modification to the Town of Breckenridge Town Code proposes revisions to business and occupational licenses. These changes were brought for discussion and are outlined in the memo included in today's work session packet.

The intent of these revisions is to update our code to require accommodation units to list the business/occupational license in advertisements. This item is up for first reading tonight.

1 **FOR WORKSESSION/FIRST READING –May 9, 2017**

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 2017

9
10 AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 4 OF THE BRECKENRIDGE
11 TOWN CODE, KNOWN AS THE “TOWN OF BRECKENRIDGE “BUSINESS AND
12 OCCUPATIONAL LICENSES AND TAX ORDINANCE,” CONCERNING
13 REQUIREMENTS FOR THE ADVERTISING OF ACCOMMODATION UNITS OFFERED
14 FOR RENT

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

18
19 Section 1. The definition of “Accommodation Unit” in Section 4-1-2 of the Breckenridge
20 Town Code is amended to read as follows:

21
ACCOMMODATION UNIT: Separate and distinct living units including condominium,
townhome, house, trailer, studio unit, condo-hotel units,
or any such other similar unit which is rented to any
person, who, for consideration, uses, possesses or has the
right to use or possess such accommodation unit **for a**
period of 30 consecutive days or less, regardless of the
number of days during a license year such unit is rented.

22
23 Section 2. Section 4-1-2 of the Breckenridge Town Code is amended by the addition of
24 the following definition:

25
ADVERTISEMENT: **A form of marketing communication that employs a**
nonpersonal message to promote the rental of an
accommodation unit. This includes, but is not limited to,
signage, mailing, brochures, print, radio, television,
internet listing, e-mail publication, social media, other
electronic means, telephone, or other means or methods
regardless of the medium used.

26
27 Section 3. Section 4-1-3 of the Breckenridge Town Code is amended to read as follows:

28
29 4-1-3: LICENSE REQUIRED:
30

1 It shall be unlawful for any person to maintain, operate, or conduct any retail
2 business or engage in any business activity in the town, including the delivery of
3 goods (excluding wholesale) within the town which are purchased or contracted
4 for outside the corporate limits of the town, without having first obtained a
5 business and occupational license pursuant to this chapter. **Advertisement of a**
6 **accommodation unit that is located within the town is considered engaging in**
7 **a business activity within the town.** If business is transacted at two (2) or more
8 separate locations by one person, a separate license for each place of business
9 shall be required.

10
11 Section 4. Chapter 1 of Title 4 of the Breckenridge Town Code is amended by the
12 addition of a new Section 4-1-8-3, to be entitled “Special Conditions of a License;
13 Advertisement of an Accommodation Unit,” which shall read as follows:

14
15 **4-1-8-3: SPECIAL CONDITIONS OF A LICENSE: ADVERTISEMENT OF**
16 **AN ACCOMMODATION UNIT**

17
18 **A. In addition to the other requirements of this chapter, the owner of an**
19 **accommodation unit licensed pursuant to this chapter shall, as a condition of**
20 **such license, be subject to the following requirements:**

- 21
22 1. **The owner of the accommodation unit shall list in the initial license**
23 **application filed pursuant to this chapter all means, methods, and**
24 **locationsof advertisement for the rental of the accommodation unit**
25 **that the owner intends to use,including, but not limited to, print**
26 **publications advertisement and website advertisements.**
- 27
28 2. **After a license has been issued, a licensee shall update the list of**
29 **advertising information that was provided to the town with the initial**
30 **license applicationwithin thirty (30) days of utilizing a means, method,**
31 **or location of advertising the accommodation unit for rental.**
- 32
33 3. **An advertisement offering to rent an accommodation unit must**
34 **prominently display the Town’s business and occupational license**
35 **number in the advertisement as, “Breckenridge Business License No.**
36 **[insert number].” The failure to prominently display the required**
37 **information in any advertisement of accommodation shall be a**
38 **violation of this section.**

39
40 **B. The licensee and owner of the accommodation unit shall each be liable for**
41 **compliance with the requirements of this section. The licensee and owner of an**
42 **accommodation until shall be given written notice of a violation of this section**
43 **and fifteen (15) days within which to comply with the requirements of this**
44 **section. It shall be an infraction for a licensee and owner of an accommodation**
45 **unit to fail to comply with the requirements of this section. A person found to be**
46 **in violation of this section, or against whom a default judgment has been**
entered, shall be subject to a minimum fine of two hundred dollars (\$200.00) up

1 to a maximum fine of one thousand dollars (\$1,000.00) for each day of a violation
2 of this section.

3 Section 5. Except as specifically amended by this ordinance, the
4 BreckenridgeTownCode, and the various secondary codes adopted by reference therein, shall
5 continue in full force and effect.
6

7 Section 6. Based upon the information provided to it in connection with the adoption of
8 this ordinance by the Financial Services Manager of the Town, the Town Council finds,
9 determines, and declares that the adoption of this ordinance will not result in a net tax revenue
10 gain to the Town within the meaning of Article X, Section 20 of the Colorado Constitution, also
11 known as the “TABOR Amendment.”
12

13 Section 7. Except as specifically amended hereby, the Breckenridge Town Code, and the
14 various secondary codes adopted by reference therein, shall continue in full force and effect.
15

16 Section 8. The Town Council finds, determines, and declares that it has the power to
17 adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX
18 of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.
19

20 Section 9. This ordinance shall be published and become effective as provided by Section
21 5.9 of the Breckenridge Town Charter.
22

23 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
24 PUBLISHED IN FULL this ____ day of _____, 2017. A Public Hearing shall be held at the
25 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ___ day of
26 _____, 2017, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
27 Town.
28

29 TOWN OF BRECKENRIDGE, a Colorado
30 municipal corporation
31

32
33
34 By: _____
35 Eric S. Mamula, Mayor
36

37 ATTEST:
38
39
40
41

42 _____
43 Helen Cospolich
44 Town Clerk
45
46

400-3-0\Accommodation Unit Advertising Ordinance (05-02-17)

MEMORANDUM

OPEN SPACE & TRAILS

To: Town Council

From: Open Space & Trails Staff

Date: May 9, 2017

Re: Acquisition - 25% Interest in Sadie and Nellie Lodes



Background

The 4.11-acre Sadie and Nellie Lodes claim is located near the Cashier Mine above Brown Gulch in the Golden Horseshoe with road access. Acquiring a 25% interest in this parcel will increase the open space ownership in the Brown Gulch area specifically, and the Golden Horseshoe generally (a priority geographic focus area). The parcel is zoned Backcountry (BC). Town/County ownership of this claim would also help reduce the likelihood of additional road “improvements”. There is one small cabin located on the parcel. The County has asked the Town to consider splitting the costs at 50/50. While only a minor percentage interest of the claim will be acquired, it has substantial open space value due to its location.

OSAC and BOSAC have both reviewed this property and recommended a 50/50 split purchase for \$3,200.

Acreage: 4.11 acres

Total cost: \$3,200

Cost/acre: \$779

Cost to TOB: \$1,600

1 ***FOR WORKSESSION/ADOPTION – MAY 9***

2
3 RESOLUTION NO. ____

4
5 SERIES 2017

6
7 A RESOLUTION APPROVING AN ASSIGNMENT OF PARTIAL INTEREST IN REAL
8 ESTATE OPTION AGREEMENT WITH SUMMIT COUNTY, COLORADO
9 (Sadie and Nellie Lodes, M.S. #14202)

10
11 WHEREAS, Summit County, Colorado, acting by and through the Board of County
12 Commissioners (“**County**”), entered into an Option Agreement granting to the County the right
13 and option to acquire a 25% interest in the Sadie and Nellie Lodes, M.S. #14202, located in the
14 County of Summit, Colorado (“**Option Agreement**”); and

15
16 WHEREAS, the Town desires to obtain a partial assignment of the County’s rights under
17 the Option Agreement so that the Town can jointly acquire such real property with the County;
18 and

19
20 WHEREAS, a proposed Assignment of Partial Interest in Option Agreement between the
21 Town and the County has been prepared, a copy of which is marked **Exhibit “A”**, attached
22 hereto and incorporated herein by reference (“**Assignment**”); and

23
24 WHEREAS, the Town Council has reviewed the proposed Assignment, and finds and
25 determines that it would be in the best interests of the Town and its residents for the Town to
26 enter into the proposed Assignment; and

27
28 WHEREAS, Rule 6.1(b) of the Council Procedures and Rules of Order provides that a
29 resolution may be used to approve a contract.

30
31 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
32 BRECKENRIDGE, COLORADO, as follows:

33
34 Section 1. The Assignment of Partial Interest in Option Agreement between the Town
35 and Summit County, Colorado, acting by and through the Board of County Commissioners
36 (**Exhibit “A”** hereto), is approved. The Town Manager is authorized, empowered, and directed
37 to execute such agreement for and on behalf of the Town of Breckenridge.

38
39 Section 2. At such time as the Town Manager is advised by the Town Attorney that it is
40 appropriate to do so, the Town Manager is hereby authorized, empowered, and directed to take
41 all necessary and appropriate action to close the purchase of the real property contemplated by
42 the Assignment of Partial Interest in Option Agreement. In connection therewith, the Town
43 Manager shall have full power and authority to do and perform all matters and things necessary
44 to the purchase and acquisition of the property described in the “Assignment of Partial Interest in
45 Option Agreement”, including, but not limited to, the following:
46

Assignment of Partial Interest in Option Agreement

This Assignment of Partial Interest in Option Agreement (“*Assignment*”) is dated May 9, 2017 and is between SUMMIT COUNTY, COLORADO, acting by and through its Board of County Commissioners (“*County*”) and the TOWN OF BRECKENRIDGE, a Colorado municipal corporation (“*Town*”).

WHEREAS, the County entered into that Option Agreement with the Estate of Edward Laskowski dated March 16, 2017 (“*Option Agreement*”); and

WHEREAS, pursuant to the Option Agreement the County obtained the option to purchase the following real property located in Section 22 of Township 6 South, Range 77 West; 6th Prime Meridian in the County of Summit, Colorado, more particularly described as:

An undivided 25% interest in the Sadie and Nellie Lodes, M.S. #14202

(“*Property*”)

; and

WHEREAS, the Town desires to obtain an assignment of a partial interest in the Option Agreement so that at closing the Town and the County will acquire the Property as tenants in common with the County owning an undivided fifty percent (50%) interest and the Town owning an undivided fifty percent (50%) interest; and

WHEREAS, the County is willing to assign to the Town a partial interest in its option to purchase the Property in accordance with, and subject to, the terms, conditions and provisions of this Assignment.

NOW, THEREFORE, the parties agree as follows:

1. Partial Assignment of Option. For Ten Dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged, the County hereby assigns, transfers, and conveys to the Town the right to purchase an undivided fifty percent (50%) interest in the Property pursuant to the Option Agreement and this Assignment. The Town hereby accepts such partial assignment, and agrees to be bound by the terms and conditions of the Option Agreement with the same force and effect as if it had originally executed the Option Agreement.

2. Financial Obligations. At closing, Town will pay One Thousand Six Hundred Dollars (\$1,600.00) toward the purchase price of the Property, plus fifty percent (50%) of all closing costs and title insurance cost incurred in connection with the purchase of the Property. County will pay the balance of the purchase price for the Property, together with fifty (50%) of the closing costs and title insurance cost incurred in connection with the purchase of the Property.

3. Title to the Property. Title to the Property will be taken such that the Town and the County are tenants in common with the Town owing an undivided fifty percent (50%) interest

and County owing an undivided fifty percent(50%) interest in the Property. The form of the deed of conveyance for the Property must be acceptable to counsel for both the Town and the County.

4. No Partition. Following closing, neither party will seek to partition the Property. This agreement will survive the closing and delivery of the deed to the Property.

5. Applicable Law. This Assignment is to be interpreted in all respects in accordance with the laws of the State of Colorado.

6. Entire Agreement. This Assignment constitutes the entire agreement and understanding between the parties and supersedes any prior agreement or understanding relating to the subject matter of this Assignment.

7. Binding Effect. This Assignment is binding upon, and inures to the benefit of the parties, and their respective successors and assigns.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
Rick G. Holman, Town Manager

ATTEST:

Helen Cospolich, CMC,
Town Clerk

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

By _____
Scott Vargo, County Manager

ATTEST:

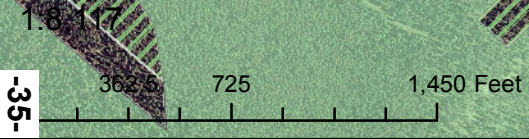
Clerk and Recorder,
Summit County, Colorado;
exofficio Clerk of said Board

Tiger Road

Galena Ditch

Browns Gulch

Sadie & Nellie
25%, 4.11 acres



This map is for display purposes only.
Do not use for legal conveyance.
Not necessarily accurate by surveying standards and
does not comply with National Mapping Accuracy Standards.
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MEMORANDUM

To: Town Council

From: Peter Grosshuesch, Director of Community Development

Date: May 3, 2017

Re: Planning Commission Decisions of the May 2, 2017, Meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF May 2, 2017:

CLASS C APPLICATIONS:

- 1) Shock Hill Overlook Duplex Lot 9 (MM) PL-2017-0096; 10 & 6 West Point Lode
Build a new duplex, Unit A with 4 Bedrooms and 4.5 Bathrooms and a 2,485 sq. ft density and a 3,201 mass; Unit B with 4 Bedrooms and 4.5 Bathrooms and a 2,514 density and a 3,131 sq ft. mass; for a F.A.R. of 1:1.58. *Approved.*
- 2) Paull Residence (CL) PL-2017-0100; 71 Rounds Road
Build a new single family residence with 4 bedrooms and 6 bathrooms, with a 3,935 sq. ft. density and a 4,613 sq. ft. mass for a F.A.R. of 1:9.55. *Approved.*
- 3) Pilon Residence (CL) PL-2017-0101; 206 Stillson Placer Terrace
Build a new single family residence with 6 bedrooms and 7 bathrooms, with a 7,064 sq. ft. density and an 8,100 sq. ft. mass for a F.A.R. of 1:11.30. *Approved.*

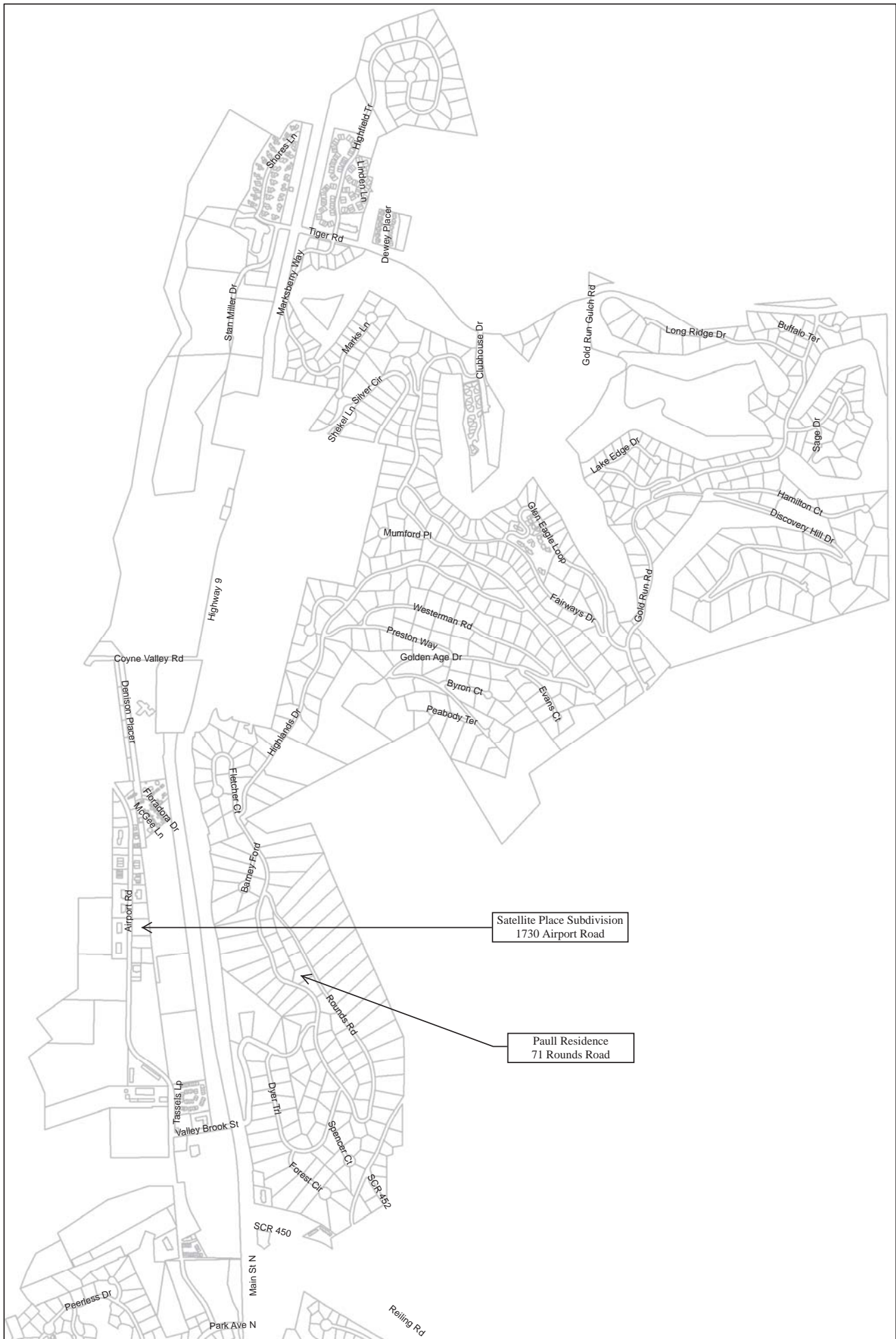
CLASS B APPLICATIONS:

- 1) Satellite Place Subdivision (CL) PL-2017-0054; 1730 Airport Road
Subdivide Breckenridge Airport Subdivision, Block 5, Lot 4 into three separate lots, creating the Satellite Place Subdivision with access from Fraction Road. The Fraction Road right of way will also be platted with this subdivision. *Approved*
- 2) Gold Pan Saloon Modification (MM) PL-2017-0069; 103 North Main Street
Remove 187 square feet of non-historic area and expand the existing kitchen. A historic roof form will be restored and paving and landscaping added to the west side of the property. *Approved.*

CLASS A APPLICATIONS:

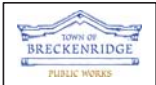
- 1) Lincoln Grill (CK) PL-2017-0030; 112 Lincoln Avenue
Build a new two-story building with a basement containing a total of 2,678 sq. ft. of restaurant space. *Approved.*

OTHER: None.



Satellite Place Subdivision
1730 Airport Road

Paull Residence
71 Rounds Road





Gold Pan Saloon Modification
103 North Main Street

Shock Hill Overlook Lot 9
10 & 6 West Point Lode

Lincoln Grill
112 Lincoln Avenue

Searle Restoration / Addition /
Landmarking
300 East Washington Avenue

Pilon Residence
206 Stillson Placer Terrace



printed 4/11/2017

Breckenridge South



PLANNING COMMISSION MEETING

The meeting was called to order at 6:00pm by Chair Schroder.

ROLL CALL

Christie Leidal	Gretchen Dudney	Jim Lamb
Mike Giller	Steve Gerard	Ron Schuman
Dan Schroder		

APPROVAL OF MINUTES

With no changes, the April 18, 2017, Planning Commission Minutes were approved as presented.

APPROVAL OF AGENDA

With no changes, the May 2, 2017, Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- Ms. Suzanne Allen-Sabo: Within the Historic District, height regulations and guidelines work well for flat lots but it is tricky when the lots are steeply sloped. Maybe it is possible to allow some leeway for the degree of slope.
- Ms. Janet Sutterley: Over the years we are fine tuning regulations and guidelines, but today I still don't understand what we want our additions to historic buildings to look like. Do we want new additions that look like old buildings? There is a lack of definition in the regulations and I feel it is a subject we should give some thought.

CONSENT CALENDAR:

- 1) Shock Hill Overlook Duplex Lot 9 (MM) PL-2017-0096, 10 & 6 West Point Lode
- 2) Paull Residence (CL) PL-2017-0100, 71 Rounds Road
- 3) Pilon Residence (CL) PL-2017-0101, 206 Stillson Placer Terrace

Commissioner Questions / Comments:

Mr. Giller: Can you speak to the high amount of glazing on the west facing side of the Pilon Residence? (Mr. LaChance: It is not subject to Policy 8A (Ridgeline and Hillside Development). Policy 5 (Architectural Compatibility) specifies a maximum amount of non-natural material allowed per façade, but glazing (glass) is not subject to that threshold. (Mr. Truckey: Solid to void ratio is not a regulation outside of historic district.) (Mr. LaChance: There is a change on the Pilon Residence from passing score of positive one (+1) point to passing score of zero (0) points due to a projected HERS certificate that we received this week which showed a lesser efficiency that we had anticipated, so I have provided you tonight with updated copies of the staff report, findings and conditions, and point analysis.

With no requests for call up, the consent calendar was approved as presented.

TOWN COUNCIL REPORT:

Mr. Grosshuesch:

- Broken Compass site sale agreement approved for first reading.
- Snack Bar & Deli issue discussed. Town Council supported the proposal to merge the two categories of restaurants and Snack Bars and Delis into one
- Open Space: Sawlog and Wonderful open space parcels purchase approved.
- Parking and Transit: Six bus shelters will be put in place, and will be reviewed as a town project process development permit application. The Planning Commission will see them in advance.
- Housing: Soon to open for occupancy, 26 unit Huron Landing affordable rental housing development

has a website advertising the project and provides access for the public to enter into a lottery for the project apartments.

- Term limits for Boards and Commissions: the Planning Commission will be set to 12 years maximum years of service. More information to come on how that will work for seated commissioners.
- Block 11 and McCain property review: Council asked to leave skier parking on Block 11. They no longer want us to reserve a site for a reservoir. They are looking for total number of housing units, and want service commercial on one of the properties. (Mr. Schuman: Did they ask for a specific number on the service commercial?) No specific number was requested.
- Reviewed the water plant and made a change to the land use points and offset it with landscaping. They will relocate bike bath to the north side of the plant. (Mr. Truckey: We don't have to have a passing point analysis for town projects, although it is preferred that we do. It is up to the Council's discretion to approve a town project.) (Mr. Schroder: Title 14 has a chapter dedicated to Town Projects.) The Council can approve a project that doesn't comply with the Code. The water plant is an unusual situation because of the equipment in the building.)

FINAL HEARINGS:

1) Lincoln Grill (CK) PL-2017-0030, 112 Lincoln Avenue

Mr. Kulick presented a proposal to construct a two-story building with a basement containing a total of 2,678 sq. ft. of restaurant space.

Changes since the March 21, 2017, Preliminary Hearing:

- 1) Landscaping: The applicant has revised the landscape plan to have a buffer of spruce trees behind the building to provide screening from the adjacent parking lot.
- 2) Colored Architectural Rendering: At the request of the Commission, the applicant has provided a detailed colored rendering.
- 3) Full Size Plans: The applicant has provided full size plans for the meeting.

Point Analysis (Section:9-1-17-3): Staff believes that all absolute policies have been met and that the proposal warrants the following points for a total passing point analysis of positive one (+1) point.

Negative points are incurred for:

- Policy 21/R Open Space: Negative three (-3) points because only 6.9% of the site (195 sq. ft.) is designed as open space.

Positive points are awarded for:

- Policy 16/R Internal Circulation: Positive three (+3) points for providing a public mid-block crossing.
- Policy 18/R Parking: Positive one (+1) point because the onsite parking is accessed from shared access points.

The applicant has worked with Staff closely to bring this proposal into compliance with the Development Code and the Handbooks of Design Standards for the Historic and Conservation Districts. Key design issues were discussed and the changes addressed with this submittal. Staff had no specific questions for the Commission with this final review. However, staff welcomed any comments and questions.

The Planning Department recommended the Commission approve the Lincoln Grill, PL-2017-0030, at 112 Lincoln Avenue, showing a passing score of positive one (+1) point along with the presented Findings and Conditions.

Applicant Presentation: Mr. Jon Gunson, Custom Mountain Architects, Architect and Applicant: I would like to explain that the rivets are bolts. They are functional, not just decorative. I am happy to paint those black. I

feel I have made a sincere effort to meet your requests. Based on your feedback I have made changes to the windows, stone, solid to void ratio, height of the building, reduce cornice width, reduced the size of cornice openings by over 50%. I have responded favorably to your ideas and changes. Not all, however, because I want to retain an architecture of today rather than imitation of historic architecture. This keeps our new building from competing with historic buildings and our visitors will appreciate that. (Mr. Giller: Thanks for the color rendering.) (Ms. Leidal: Is there steel or wood around the windows?) The only metal is shown in black, the grey is wood trim and lap siding. So yes, everything else is wood. (Mr. Giller: Are the window frames wood or metal?) Actually they are not grey they are painted black but they are wood. I assure you they are wood. (Mr. Kulick: We did go through and check the chroma and they all are in compliance with the Code.)

Mr. Schroder opened the hearing to public comment.

Mr. Lee Edwards: Is the Town doing a parking improvement on the lot? (Mr. Grosshuesch: The Town is not moving forward with a structure on the Courthouse Lot at this time.) (Mr. Kulick: There is an improvement agreement that gives him credit for three existing parking spaces if we ever construct a structure on that lot.)

There was no further public comment and the hearing was closed.

Commissioner Questions / Comments:

Mr. Lamb: You did respond well to our comments. The building will fit in the neighborhood. I think it is silly to have to assign negative three (-3) points to a lot in the historic core for not meeting the minimum open space requirement, but that is what the Code requires so we have to uphold it. We are happy with the project.

Mr. Giller: I support.

Mr. Gerard: Design standards are clearly met by this building. It is a thought provoking building and blends nicely. I agree with staff.

Ms. Leidal: I support.

Mr. Schroder: I support.

Ms. Dudney: I concur.

Mr. Schuman made a motion to approve the Lincoln Grill, PL-2017-0030, 112 Lincoln Avenue, showing a passing point analysis of positive one (+1) point and with the presented findings and conditions. Mr. Gerard seconded, and the motion was carried unanimously (7-0).

2) Satellite Place Subdivision (CL) PL-2017-0054, 1730 Airport Road

Mr. LaChance presented a proposal to subdivide Breckenridge Airport Subdivision, Block 5, Lot 4 into three separate lots, creating the Satellite Place Subdivision with access from Fraction Road. The Fraction Road right of way will also be platted with this subdivision.

Changes since the April 18, 2017, Preliminary Hearing:

- 1) The bearing shown on the north boundary of the provided survey has been corrected.
- 2) The lot line dimension on the west side of proposed lot Lot 3 was previously called out as "93.04" on the provided survey, and has been corrected to "94.04."
- 3) The lot numbers have been modified from "Lot 4A, Lot 4B, Lot 4C" to "Lot 1, Lot 2, Lot 3" on the proposed plat, plat notes, and survey. Staff has reflected this change in the staff report.
- 4) Proposed plat note #5 has been updated to include a reference to a reception number for the Satellite Place Subdivision Declarations.
- 5) Proposed plat note #4 has been updated to clarify that the "*no portions of* [The 10' Snow Stack and Utility Easement] *may be used for storage of snow from Lots 1, 2 or 3.*" per Commissioner Mathews-Leidal's comment at the Preliminary Hearing (easement runs along Airport Road).

This subdivision proposal is in general compliance with the Subdivision Standards. Staff did not have any concerns with this application or any questions for the Commission. Staff recommended the Planning Commission approve the Satellite Place Subdivision (PL-2017-0054), located at 1730 Airport Road, with the presented Findings and Conditions.

Mr. Schroder opened the hearing to public comment. There was no public comment and the hearing was closed.

Commissioner Questions / Comments:

Mr. Schroder: Regarding the tree requirement, are they supposed to be divided a certain way among the lots? (Mr. LaChance: The Subdivision Standards specify a number of trees for the original lot based on the lineal frontage along the road. It does not specify whether or not those trees must be divided equally among the new lots, but staff would take any recommendations that the Planning Commission may have.) I would hope that the applicant has some flexibility because the new lots are fairly small and it may be difficult to divide the required trees equally among the new lots.

Mr. Gerard: It is a good way to get diversity into the area.

Mr. Giller: I support.

Ms. Leidal: I support.

Mr. Lamb: This is a straight forward project. I support staff. The trees will be nice and it needs to be flexible where they go.

Mr. Schuman: I support staff recommendation.

Ms. Dudney: I support staff recommendation.

Mr. Giller made a motion to approve the Satellite Place Subdivision, PL-2017-0054, 1730 Airport Road, with the presented findings and conditions. Mr. Schuman seconded, and the motion was carried unanimously (7-0).

PRELIMINARY HEARINGS:

1) Searle Restoration/Addition/Landmarking (MM) PL-2017-0070, 300 East Washington Avenue

Mr. Mosher presented a proposal to restore and locally landmark the historic house, remove the non-historic structures, add a full basement beneath the historic portion of the house, build a new addition with garage including an accessory apartment.

The last review was a worksession to discuss:

1. Determine official “front yard” and related setbacks from that determination;
 - a. (The front yard was determined to be from Washington Avenue as it is addressed and historically located.)
2. Obtain Commission feedback on façade widths for this Character Area;
 - a. Facades widths were generally acceptable. However, the depth dimension of the offset to define the façade with was questioned by some Commissioners.
3. Obtain Commission feedback on connector and general massing of a proposed addition;
 - a. Some of the Commissioners felt the massing of the addition overwhelmed the smaller historic structure. Understanding the restrictions of the property, some Commissioners felt the mass would be large but could be reduced.
4. The location of a third parking space for a proposed accessory apartment.
 - a. The impacts of adding the accessory apartment negatively affects the primary façade with the added outdoor parking space.

Changes from the August 16, 2016, Work Session:

1. The massing along the east side of the property was slightly reduced.

- a. The garage shed was reduced 12-inches in height.
- b. The overall height of the addition was reduced 18-inches.
2. There are 2 new windows proposed in the east wall of the historic building.
3. A landscaping plan is included.
4. Additional detailing on all elevations are provided.
5. The historic house is shown 12-inches higher to correct drainage concerns.

Staff had the following questions for the Commission:

1. Based on the landmarking criteria, the historic house may be landmarked by meeting only one criteria in each of the 3 columns. However, staff believes by adding the windows to the historic structure (a priority policy) it will fail to meet the criteria listed as "The property retains original design features, materials and/or character". Did the Commission support this property for local landmarking status?
2. Staff suggested negative four (-4) points under policy 7/R, Site and Environmental Design, for minimal to no buffering along the north and east property lines. Did the Commission concur?
3. Staff did not support the removal of historic fabric or the change to the primary façade with the additions of windows on the east side of the historic building as it does not comply with Priority Policy 76 & 20. Did the Commission agree?
4. The drawings show a concrete patio and no plantings at the connector as seen from the ROW. Staff believes that added landscaping here could to reduce the perceived scale where larger building masses would abruptly contrast the historic scale of the area. Did the Commission concur?
5. The connector facing the Washington Avenue ROW is showing a pair of French doors flanked by double hung windows. Staff believes that this design fails section 6 of Absolute Policy 80A, Connectors and Design Standard 96. Did the Commission concur?
6. Did the Commission believe the perceived scale of the building respects the scale of the nearby historic structures?

The Planning Department recommended this proposal return for a second review.

Applicant Presentation: Ms. Janet Sutterley, Architect for the Applicant: Describe3d the removal of the non-historic additions and reviewed the comments from the work session. Plans show a reduction of the massing along the east, new addition, portion of the building. Explained the materials and color assignments to break the building into four masses.

We will make the porch deck as low profile as possible because we are raising the house 12-inches. At the west elevation there is a kink in the ridgeline of the roof and we will correct that. Non-historic windows will be matching historic windows. Back portion of the roof is being removed and replaced with a more compatible material and squared up. We will be removing the back three feet of the building that is non-historic.

My notes from the work session said that we determined that Washington is the front, and 5 out of 6 Commissioners were good with the façade width. (Mr. Lamb was absent.) The consensus on massing was that needs to be smaller and lower. (Ms. Sutterley showed a sketch of her reductions in massing and explained the height changes of the buildings.) I brought a letter from one of the neighbors saying they are very excited about the project and am presenting the letter to the Commissioners. The living part of the addition is similar to other buildings but what stepped up the massing is the barn structure/garage with living space above. It will be dark rough oiled stain and it will look like a barn. Living space is lap siding. There is a real contrast between the two pieces. The connector will be a third option. The barn outbuilding structures around town are tall, some two stories; it is typical in the neighborhood. (Mr. Mosher noted: When you have a connector, the out building can be larger than the living structure per code.) Policy 80 and massing talks about change in scale. I want to point out there is 70 feet between historic structure and east portion garage and should be considered in the massing discussion. I believe the added windows on the east side of the historic house are not on the primary façade. The addition of these windows will help for ventilation. The historic windows are not adequate for ventilation and it is

very difficult to open them. Also, I submitted a similar project to the state for tax credits; one window wasn't approved due to being on the primary façade. The state was ok with non primary facade window additions. I believe that Policy 20 doesn't necessarily apply. I believe that there will be no reduction in its rating. How does Policy 80A apply to the connector? The roof cricket can only be the width of a single door and I would like to hear your interpretation. I think the connector is appropriate and the issue is the solid to void ratio with the French doors and windows. Policy 96 solid to void ratio; the connector is not a historic element it is a modern element and should not be subject to this. Why are we getting negative points for the landscaping? We are doing things for positive points. The plans show that we are preserving a specimen tree. The plans show that the Aspen are large. Buffering the window wells with some shrubs. The north side is practical and realistic. There is little space to add any trees. The trees off the east property line are huge trees. They are not going anywhere. We don't need more trees there. Makes more sense to screen the garage area with the single spruce placed at the property corner. Throughout the report, we have negative connotation about the added accessory unit. The entire unit is below ground except the door. The impact is the extra outdoor parking space. Not sure why the accessory unit is getting a bad rap. (Ms. Sutterley presented the Commission with photos of the site.) The proposed parking is better than what is there now. We are at 8.4 units per acre of above ground density.

Applicant Presentation: Ms. Barbara Gibbs: The south side trees are bunched because they look more natural and to leave a sunny open portion in the yard for a vegetable and flower garden and allow for solar gain. We are getting negative three points for not planting a cottonwood. Other projects did not get negative for the cottonwood and I don't understand it. I will not plant any cottonwoods. New construction should take advantage of solar gain, ventilation and the new windows in the historic wall will help.

Chair Schroder opened the hearing to public comment. There was no public comment and the hearing was closed.

Commissioner Questions / Comments:

Mr. Giller: Can you give us more info on changes to siding and fabric? (Ms. Sutterley: Siding is in good shape. The front entry is not a historic door and will be replaced. The historic windows will be preserved minus one non-historic window. The porch will be preserved. The decking is concrete and will be replaced with wood.)

Ms. Leidal: Policy 80A about connectors? Did we look at every detail of the policy? (Mr. Mosher: During the worksession, this was discussed. There is Commission flexibility on the length. Placement of landscaping can add to the visual separation of the masses.) Garage needs a 20-foot setback; can you meet the 20 feet? (Mr. Mosher: It won't meet the 20-feet and still have a garage as the site is not very deep. There may be a variance.) (Ms. Sutterley: Is there negative four (-4) points or negative seven (-7) points for landscaping?) (Mr. Mosher: Explained and cleared the confusion on point assignment. No points were awarded under Policy 22/R Landscaping. Negative four (-4) points were incurred under Policy 7/R for site buffering and negative three (-3) under Policy 24/R for not providing any cottonwoods as suggested in the Historic Guidelines)

Mr. Lamb: Do you not like cottonwoods? Allergic? (Ms. Gibbs: No. They are a messy tree and I don't like them.)

Mr. Schuman: What was said in a worksession is open flow and you can't hold us literally to our worksession comments. We didn't have a complete plan in front of us then. Now we can discuss in greater detail. (Ms. Sutterley: I wasn't taking things literally but rather taking it seriously.)

Mr. Giller: I support the project. It is a very important contributing structure. The new work should be a faithful rehabilitation. One concern is the shingle style for roofing; also the wood deck and added windows on the east side of the historic structure. Compatibility is important. The new structure is busier than the historic house and the solid to void ratio is much busier. I support the project but it is a bit big and busy.

Mr. Lamb: I am opposed to adding new windows into the historic house. On the site buffering I do not

support negative four (-4) points. It's OK. I like the landscaping and don't understand negative four (-4) points. The amount of glazing makes it complicated. Too much window on the upper portion. Support allowing the accessory unit.

Mr. Schuman: This property needs this renovation. I like the project but it still needs to meet code. I am not supportive of the applicant providing new material that was not included in the packet for staff to review first.

Mr. Schroder: Great that there is 70 feet from barn to historical structure. Mass works for me, and so does the breaking up of the mass with the finishes and colors. Connector is too busy and is not supposed to be its' own mass. Landscaping and site buffering is difficult and the program is appropriate and doesn't warrant negative points.

Ms. Leidal: Thank you for the changes. We are on the right path. Many of the modifications are not in compliance with the Code. Too much glazing and it needs to be simplified.

Mr. Gerard: The connector looks like an "Iowa Breezeway" and it needs to be scaled back. Agree with Mr. Giller towards the faithfulness to historic concept and the windows will compromise the historical structure. I recognize it is a complicated structure. I am ok with massing, but it needs to be simplified a bit. Landscaping needs to meet code and you could do more with the north side. I don't agree with negative four (-4) points. This is a historic gem and it needs to be preserved.

Ms. Dudney: I like the new massing and elevations. We have to comply with the code and I feel you buffered enough and the code says cottonwoods are encouraged not required. No way around negative points for the material. Connector is absolute and I like the way it looks. Great looking project and a huge improvement over what is there.

Commissioner final comments and answers to List of Questions:

Ms. Dudney:

- 1) I support.
- 2) I do not agree with negative four (-4); I would have with zero (0).
- 3) I agree with staff. Fails.
- 4) I do not concur.
- 5) Yes, the connector fails.
- 6) I agree.

Mr. Lamb:

- 1) I do not support.
- 2) I do not agree.
- 3) I do not support removal of historic fabric. Fails.
- 4) I have no issue.
- 5) The connector fails.
- 6) I am good with the scale.

Mr. Schuman:

- 1) Yes but do not add windows.
- 2) Negative four (-4) is too much.
- 3) I agree removal will compromise and fail.
- 4) I do not agree we need more landscaping.
- 5) I agree. It fails.
- 6) The scale is off; too much program.

Ms. Leidal:

- 1) I agree.
- 2) Negative four (-4) is a lot of points, but you could add shrubs.
- 3) I agree. Fails
- 4) Yes add landscaping.
- 5) Does not meet policy.

6) Scale is fine.

Mr. Giller:

- 1) Yes.
- 2) Negative four (-4) is too much.
- 3) Yes - fails.
- 4) Yes.
- 5) Yes.
- 6) Close - The scale is off.

Mr. Gerard

- 1) Yes.
- 2) Landscaping needs changing.
- 3) I do not support adding windows.
- 4) Can do better.
- 5) Scale it down.
- 6) Scale is ok.

Mr. Schroder

- 1) Yes.
- 2) I do not support.
- 3) I do not support adding windows.
- 4) No more landscaping.
- 5) It needs to be simpler.
- 6) The scale fits.

Mr. Schroder called a 5-minute break at 8:20 pm. The Commission reconvened at 8:25pm.

COMBINED HEARINGS:

1) Gold Pan Saloon Modification (MM) PL-2017-0069, 103 North Main Street

Mr. Mosher presented a proposal to remove 187 square feet of non-historic area and expand the existing kitchen. A historic roof form will be restored and paving and landscaping added to the west side of the property.

Point Analysis (Section: 9-1-17-3): As submitted, this proposal has met all Absolute Policies in the Development Code and has not been awarded any positive or negative points under any applicable Relative Policies. The project passes with a score of zero (0) points.

Overall, staff welcomed the improvements to the back of this important site; specifically, reintroducing most of the original small addition that is shown on the Sanborn Maps.

Staff asked the Commission if they were supportive of continuing the exterior finishes from the existing north elevation around the corner to a portion of the west elevation. Staff also welcomed any Commissioner comments on any part of the application. Mr. Mosher noted a correction to the area calculations - the existing building is over density and over mass.

The Planning Department recommended approval of the Gold Pan Saloon/Restaurant Restoration and Addition, showing a passing score of zero (0) points, along with the attached Findings and Conditions.

Chair Schroder opened the hearing to public comment. There was no public comment and the hearing was closed.

Commissioner Questions / Comments:

Mr. Giller: Can you speak to the stair railing material? (Ms. Sutterley: It has not been decided yet; wood

or composite.)
Mr. Schuman: I support 100% .
Mr. Schroder: I support.
Mr. Gerard: I support.
Ms. Leidal: I support.
Mr. Lamb: I support.

Mr. Giller made a motion to approve the Gold Pan Saloon Modification, PL-2017-0069, 103 North Main Street, showing a passing point analysis of zero (0) points and with the presented findings and conditions. Mr. Lamb seconded, and the motion was carried unanimously (7-0).

OTHER MATTERS:

A reminder to the Commission: Starting June 6th, the Planning Commission meetings will start at 5:30pm.

ADJOURNMENT:

The meeting was adjourned at 8:40 pm.

Dan Schroder, Chair



Scheduled Meetings

Shading indicates Council required 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.

May 2017

Tuesday, May 9, 2017	3:00pm / 7:00 pm	Town Hall Chambers	First Meeting of the Month
Friday, May 12, 2017	8:00am - 9:00 am	Hopefull Room - BGVCC	Coffee Talk
Tuesday, May 23, 2017	3:00pm / 7:00 pm	Town Hall Chambers	Second Meeting of the Month
Tuesday, May 30, 2017	5:30pm - 7:00pm	Town Hall Chambers	State of the Town

June 2017

Tuesday, June 13, 2017	3:00pm / 7:00 pm	Town Hall Chambers	First Meeting of the Month
Tuesday, June 27, 2017	3:00pm / 7:00 pm	Town Hall Chambers	Second Meeting of the Month

Other Meetings

May 9th, 2017	Workforce Housing Committee	1:30pm
	Board of County Commissioners Meeting	1:30pm
May 11th, 2017	Upper Blue Sanitation District	5:30pm
May 15th, 2017	Breckenridge Creative Arts	4:15pm
May 16th, 2017	Liquor & Marijuana Licensing Authority	9:00am
	Planning Commission	6:00pm
May 22nd, 2017	Open Space & Trails Open House	6:00pm
May 24th, 2017	Summit Combined Housing Authority	9:00am
May 25th, 2017	Breckenridge Tourism Office Board Meeting	8:30am
	Northwest Council of Governments	10:00am
June 6th, 2017	Planning Commission Meeting	6:00pm
June 7th, 2017	Police Advisory Committee	7:30am
	Breckenridge Events Committee	9:00am
	Childcare Advisory Committee	3:00pm
June 13th, 2017 - Tent	Breck Forward Task Force Meeting	8:00am
June 14th, 2017	Breckenridge Heritage Alliance	Noon
June 20th - 23rd	Colorado Municipal League Annual Conference	Beaver Run
June 22nd, 2017	CAST	
June 28th, 2017	QQ - Quality and Quantity - Water District	10:00am
July 13th, 2017	I-70 Coalition	1:00pm