



**PLANNING COMMISSION AGENDA**

Tuesday, June 20, 2017  
Breckenridge Council Chambers  
150 Ski Hill Road

<b>5:30pm</b>	<b><i>Call To Order Of The June 20 Planning Commission Meeting; 5:30 P.M. Roll Call</i></b>	
	<i>Location Map</i>	<b>2</b>
	<i>Approval Of Minutes</i>	<b>3</b>
	<i>Approval Of Agenda</i>	
<b>5:35pm</b>	<b><i>Mike Mosher Recognition And Farewell</i></b>	
<b>6:00pm</b>	<b><i>Public Comment On Historic Preservation Issues (Non-Agenda Items ONLY; 3-Minute Limit Please)</i></b>	
<b>6:10pm</b>	<b><i>Consent Calendar</i></b>	
<b>6:10pm</b>	<b><i>Worksessions</i></b>	
	1. Development Code Steering Committee Amendments	<b>8</b>
<b>7:15pm</b>	<b><i>Town Council Report</i></b>	
<b>7:25pm</b>	<b><i>Final Hearings</i></b>	
	1. Lincoln Park at the Wellington Neighborhood, Filing 3 Subdivision, (CL) PL-2017-0147, TBD Bridge St.	<b>26</b>
<b>7:40pm</b>	<b><i>Other Matters</i></b>	
<b>7:45pm</b>	<b><i>Adjournment</i></b>	

For further information, please contact the Planning Department at 970/453-3160.

**\*The indicated times are intended only to be used as guides. The order of projects, as well as the length of the discussion for each project, is at the discretion of the Commission. We advise you to be present at the beginning of the meeting regardless of the estimated times.**



Lincoln Park at the Wellington Neighborhood Filing 3



printed 4/11/2017

**Breckenridge South**



**PLANNING COMMISSION MEETING**

The meeting was called to order at 5:30pm by Chair Schroder.

**ROLL CALL**

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

**APPROVAL OF MINUTES**

With no other changes, the May 16, 2017, Planning Commission Minutes were approved as presented.

**APPROVAL OF AGENDA**

With no other changes, the June 6, 2017, Planning Commission Agenda was approved.

**PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:**

- Lee Edwards, 103 N High St. – Will there be different topics each week? (Mr. Schroeder: No. It will only be historic district issues.) Some time ago, a ditch was placed in front of the front door at a Historic District residence to flow water away from the building. It was determined then by the state historical society that this was ok, yet it has been said recently that a new structure can't be raised. I would like the commission to be realistic about the roadway in front of historic structures.

**CONSENT CALENDAR:**

- 1) Village at Breckenridge Plaza 2017 Temporary Tents (CL) PL-2017-0158; 645 S Park Avenue.

The consent calendar was approved as presented.

**TOWN COUNCIL REPORT:**

Mr. Grossheusch presented:

- Corum is managing the Pinewood 1 and 2 projects and will also be property managers for Denison Commons. (Ms Dudney: Do the Denison Commons units qualify as work force housing?) Some do but students are also eligible.
- The ordinance for term limits for boards and commissions was passed on first reading. Planning Commissioners will be allowed a maximum of three full four-year terms. Past years will be counted but partial terms will not be counted.
- A resolution was adopted for TDR's on the Denison Commons project. The Town is stripping four units of density from the Carter Museum property to accommodate the density at Denison. Per the Joint Upper Blue Master Plan, for every four units of workforce housing built the Town must transfer one TDR.
- The Council held a work session with Breck Creative Arts regarding the Art in Public Places Master Plan proposed amendments. The Council was generally supportive of the Plan changes—the Planning Commission saw these a couple months ago. Council did ask that the potential for additional positive points for public art be removed from the Plan along with references to allowing points for placing art offsite.
- The Council wants to have a 20 year anniversary party for the open space program.

**FINAL HEARINGS:**

- 1) Broken Compass Brewery & Workforce Housing (CK) PL-2017-0051; 1910 & 1900 Airport Road

Mr. Kulick presented a final hearing on a proposal to build a 9,852 sq. ft. brewery with indoor seating, outdoor patio area, parking lot, solar array, and 4 deed restricted workforce townhome units with attached one car garages (6,360 sq. ft.) on 1.2725 acres.

*Commissioner Questions / Comments:*

Ms. Dudney: There is a typo on 5a. (Mr. Kulick – OK thank you. We will fix that.)

Mr. Giller: Will there be 2 CO's? One for residential and one for commercial? (Mr, Kulick - Yes, the workforce housing CO is required first because of the positive awarded.)

Mr. Schuman: Can we see the color renderings. (Mr. Kulick presented the color renderings.)

Ms. Dudney: Can you show us the west elevation please. (Mr. Kulick presented the west elevation.)

Mr. Rich Ciecich, Design Builder, Presented:

I would like to show you the changes to the west elevation. You can see here there are more linear windows.

Mr Schroeder opened the hearing to public comment:

No Public Comments.

Questions to Commission:

- 1) Is the parking study agreeable?
- 2) Is the point analysis agreeable?
- 3) Snow storage

Ms. Dudney: I agree with the parking analysis. I agree with the point analysis and I think the snow storage is good.

Mr. Lamb: Parking analysis is agreeable and the points are agreeable. I am glad that drainage has been addressed appropriately.

Mr. Schuman: Agree with Parking study and the point analysis. The snow storage we'll know about when it starts snowing again.

Mr. Giller: I agree with the parking study. I agree with the point analysis and agree with the snow storage plan.

Mr. Gerard: Agree with parking. Agree with points but I am 50/50 on the snow storage.

Mr. Shroeder: I agree with the parking study and appreciate that it was done. I agree with the point analysis. I am ok on the snow. I also support the height analysis. I support the project as presented.

Ms. Dudney made a motion to approve. The motion was seconded by Mr. Lamb. The motion passed unanimously.

**PRELIMINARY HEARINGS:**

1) Ploss Residence (CK) PL-2017-0153; 305 N. French Street

Mr. Kulick presented a proposal to construct a new 4 bedroom, 4.5 bathroom single-family residence along North French Street, with a 1 bedroom, 2 bathroom bunkhouse, 2-car garage and separate 1-car garage along the Ridge Street Alley. An existing single-family home is planned for demolition prior to the construction of the proposed development.

*Commissioner Questions / Comments:*

Mr. Shroeder: How do we address the curb cut? (Mr. Kulick: If we are looking at the settlement perspective we don't want a big parking lot. However, it is an absolute policy reviewed by town engineers and needs to be adhered to. (Ms. Allen-Sabo: We will talk with Dale (Town Engineer) and we will make adjustments. It is a tough space and we will continue to work with Dale.) (Mr. Kulick: The way they broke up the garages and bunkhouse was encouraged by staff but the driveway design is not compliant.) (Ms. Puester: The project is over parked.)

- Ms. Dudney: The -3 points recommended under Design Standard 148, is this supper ceded by failing Priority Design Standards 95 and 96. (Mr. Kulick - It is largely it is supper ceded by Standards 95 and 96.)
- Mr. Schuman: Where are the triple hung windows on the south? (Mr. Kulick – Showed the location on the plans.)
- Mr. Gerard: Is there a triple hung on the deck? (Mr. Kulick – The railing going through makes it confusing. It is actually a slightly larger double hung.)

Architects Suzanne Allen-Sabo and Glen Camuso presented:

We have been working with Mosh and Chris for 5-6 months and have been working diligently to bring the project into compliance. We have a little more work to do with bringing to compliance but we are very close. Let's talk about the wall in question. Mr. Camuso: Rather than stepping this so much we brought this straight across. Run off goes to the back of garage so we will fill there. The owner preference was a screen wall up to 7 ft. above the upper story deck and it did not look good. The present configuration of the wall is where we settled. We were asked to eliminate the parking space on French street and we did, and to bring the yard out to the street to give it an in-town feel. Our client is willing to do that. We have eliminated one curb cut but still working with Dale on the final decision. We will also address the driveway location.

- Ms. Dudney: Do you think the comment is valid to step further? (Mr. Camuso: We could, but if we go farther than we already have we won't retain the earth for the basement.)
- Mr. Giller: Looks like the heated deck is at 9559 and the hillside grade is lower. That wall is not necessary for that grading. It is unusual to build a concrete privacy wall in the historic district. (Mr. Camuso: The snow level will likely be above the wall for a significant portion of the year.)
- Ms. Dudney: Will ground density be taken care of? (Ms. Allen-Sabo -Yes.)
- Ms. Dudney: Will the patio wall and solid to void be addressed? (Ms. Allen-Sabo -Yes. We found that the triple hung window was common in Victorian era buildings just not in Breckenridge.
- Mr. Schuman: The front looks great. Has Dale taken into consideration that the French Street curb cut has been removed? (Ms. Allen-Sabo –Yes, he has and we will be working with him.)
- Mr. Giller: In regards to the patio grade, did you consider a vegetation option? (Ms. Allen-Sabo -We didn't but I think it is a good idea.)
- Mr. Giller: It appears in your model deviates from the plans and it is not a log and chinking look on the 2 car garage? (Mr. Camuso- That is true, we modified the siding to a vertical siding. In the model.)
- Ms. Dudney: What is the material on the single car garage? (Mr. Camuso- Reclaimed barn board.)

Mr. Schroeder opened the hearing to public comment.

Mr. Bill Tinker, who lives 2 lots north, commented: Great job following the evolution of the historic district. Snow storage in the ally is an issue. Snow stacks are not adequate for snow like we had this year. Good job overall. I agree with toning down the windows and by the way, there are currently no curb cuts on the alley.

Mr. Lee Edwards, who owns property on French Street, commented: I don't like trapezoid windows and they should stick with staff recommendation to change them. Thank goodness for removing the dirt parking in front of the house. The north side is open. The loss of 2 spaces on town right of way is detrimental. I think you should move the landscaping back and retain parking. (Mr. Kulick: There is discussion to extend parking down North French St. but that is under Town control and not the applicant's decision or responsibility. As of now, there is no on-street parking in front of the property because the entire width of the site functions as a driveway.) I think they should put two more parallel parking spaces on town right of way instead of landscaping. Match everything else on that side of the street. (Ms. Dudney: What does applicant think about that?) (Ms. Allen-Sabo: We designed landscaping because the town asked us to.) (Mr. Grosshuesch: Front

yard parking is discouraged in the historic district.) (Ms. Dudney: If they do this just because they want to do it, can the town take it back?) (Ms. Puester: The Streets Department can decide what they want to do with the right of way, it is covered under a revocable license agreement.) (Ms. Puester: The proposed landscaping meets the design standards). (Mr. Kulick: Currently town right of way kind of morphs into owner yards and that is what we want. It is not up to the applicant to put parking on town right of way nor are they responsible to provide public on-street parking. The town will decide. For now, it is best to landscape the area and modify it later if necessary. (Ms. Allen-Sabo: The Town hopes this project will inspire the neighbor's landscape to the road as well. I think Streets and Engineering are looking at on-street parking and will decide later. But in the mean time we are being asked to landscape and keep it looking nice.)

Questions for Commission:

- 1) Comments on windows and doors
- 2) Patio walls
- 3) Ornament and Detail

Ms. Dudney: I concur with staff on windows and doors. There shouldn't triple hung windows on east and north elevation and no full length window on the doors. I do not like the trapezoid window. I think the patio walls need to be redesigned. I agree with acceptability of corbels.

Mr. Giller: The overall look reminds me more of a mountain rustic look than a historic look. I would refer more to the district for look of your design. I agree with staff on the doors and windows. The patio wall is nothing but an inappropriate screening wall. I can live with corbels. I think the bunk house should be more differentiated from the historical buildings.

Mr. Gerard: I think our task is to stay true to the historical responsibility. I think we should go back to using double hung windows. The corbels are fine and not overly fancy. The patio walls don't look right. They remind me of the roof at Beaver Run and I don't like the look of them in this area. Distinctions in the alley could be a compromised between parties.

Mr. Schuman: Glazing needs to be toned down. I think the triple hung windows are ok on north and south side as they are not visible. The full length window on the door does not fit. I think the patio walls are fine. I don't think you will see them from the alley and they will help retain soil. I think the corbels are acceptable. I would like to see the landscaping go all the way to the pan. There are currently no curb cuts in the alley anywhere and I think we should keep it consistent.

Mr. Lamb: I think there is too much glazing. The trapezoid windows are ok. The walls are not consistent with the historic district but you also don't see slopes like this on other historic buildings. The walls may be needed because of the slope. Ornamentation is fine. I would like to see landscaping to the street. Is there an exception for curb cuts in an alley? The alley looks terrible now and it would be an improvement.

Mr. Schroder: I wonder if we get stuck thinking the shorter walls are ok because we have been seeing walls in the drawings from the beginning. I think it is overkill on the windows and there should be no triple hung windows. The glazing needs to be minimized.

Mr. Schroder called a break at 7:23. Meeting resumed at 7:30.

2) Lincoln Park at the Wellington Neighborhood Filing 3 Subdivision, (CL) PL-2017-0147, TBD Bridge Street

Mr. LaChance presented a proposal, per the Lincoln Park at the Wellington Neighborhood Master Plan, to subdivide a portion of Lot 2 Block 6 Wellington Neighborhood Subdivision into 13 lots, private alleys, public right of way, with private and public open space.

*Commissioner Questions / Comments:*

Mr. Schuman: When will the Midnight Sun pedestrian bridge be completed? (Mr. LaChance: The applicant

can give you details on that when they present. It is required to be completed before the last Certificate of Occupancy can be issued for Filing #2)

Dan McCrerey (applicant), President of TNB, LLC. presented:

My intent is to put Midnight Sun and Central Park pedestrian bridges in this summer and then finish the Bridge Street bridge next summer. The market is strong, we have one house left to sell in Filing #2. All deed restricted homes are sold. (Ms. Puester: Mr. McCrerey, when do you plan to construct the Vern Johnson Memorial Park?) (Mr. McCrerey: This summer. We are using old railway cars and repurposed beams as platforms for viewing. I think it is a very nice architectural look.) (Ms. Puester: Mr. McCrerey, could you please further discuss the bridges with Chapin after the meeting?) (Mr. McCrerey: Sure.)

Mr. Schroder opened the hearing to public comment.

No public comments.

Commission agrees unanimously that the project is ready for a final hearing, with the revisions requested of the applicant by staff.

3) Lincoln Park at the Wellington Neighborhood Filing 4 Subdivision, (CL) PL-2017-0149, TBD Bridge Street

Mr. LaChance presented a proposal, per the Lincoln Park at the Wellington Neighborhood Master Plan, to subdivide a portion of three lots, (*Remainder Lot 2, Block 6, Wellington Neighborhood Subdivision # 2 Future Development/Lincoln Park at The Wellington Neighborhood; Lot 3, Block 6, Wellington Neighborhood Subdivision # 3 Remaining After Wellington 2 Plat 887815 05/19/08; and Pt Of Lot 4, Block 6, Wellington Neighborhood Sub Remainder of Lot 4, Block 6 After Wellington 2 Filing 5 Plat 99497# 2 Future Development/Lincoln Park at The Wellington Neighborhood*) into 12 lots, private alleys, public right-of-way including a vehicular bridge, and private and public open space.

Mr. Schroder opened the hearing to public comment.

No public comment.

*Commissioner Questions / Comments:*

No Questions.

Commission agrees unanimously that the project is ready for a final hearing, with the revisions requested of the applicant by staff.

**OTHER MATTERS:**

- Ms. Puester: Meet and greet invitation sent from Breckenridge Heritage Alliance. Friday meet and greet. Please RSVP or let me know now.

**ADJOURNMENT:**

The meeting was adjourned at 7:48 pm.

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Dan Schroder, Chair

## MEMORANDUM

TO: Planning Commission

FROM: Mark Truckey, Assistant Director Community Development

DATE: June 16, 2017 for June 20 Meeting

SUBJECT: Worksession: Comprehensive Code Amendments Second Installment

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### Background

At its November 15, 2016 meeting the Planning Commission reviewed and made recommendations on a first “installment” of Code Amendments, which were the result of recommendations from the Comprehensive Code Amendments Steering Group. The Town Council reviewed and agreed with these recommendations at their January 10, 2017 work session. The Steering Group was formed last summer in response to a request from Town Council to undertake a comprehensive review of the Development Code. Staff has been providing regular updates on these meetings to the Planning Commission. The Steering Group has now concluded moving through the first 32 policies of the Code.

Staff has prepared a list of proposed Code amendments (attached) for policies 9 through 32 of the Code. The intent of this work session is to discuss these amendments and get any input the Planning Commission has on them. Once we have received that feedback, staff’s next step will be to take this second installment of Code amendments to the Town Council for input. We are taking the amendments in installments to Planning Commission and Council, so that the amount of information and associated amendment language is more manageable.

### Issues

The attached Proposed Code Amendments include a short description in italics of the reason for each of the proposed changes. There are a number of other issues that the Steering Group discussed but did not propose any Code change as a result. Some of these issues were:

- Drive-through windows: Policy 16A Internal Circulation allows drive-through windows outside the Conservation District. There was considerable discussion about whether drive-through windows fit the character of the Town at all, in any location. Negative points can be assigned for these under 16R. The Group recommended to leave the policy as is, since negative points can be assigned.
- Policy 24R Section E regarding the Conservation District. The Group discussed the Town’s “historic period of significance”. The current designated period of significance ends in 1942, which coincides with the end of the mining industry. However, historic structures 50 years old or greater could be considered under a period of significance that currently could include until 1967. The Group reviewed a number of photos of buildings built between 1942 and 1967. Numerous architectural styles were represented in these photos, but no common theme could be articulated. It was noted mid-century modern is nice, but we really don’t have good examples of that here. There were a couple “chalet” style homes that seemed to represent an early ski town architectural theme, but the two examples, which are not anywhere near each other, did not reflect a predominant style.



Group members suggested that perhaps there could be incentives put in place to help preserve these buildings, but felt it was not appropriate to further regulate these few structures (e.g., designate as within a period of significance). It was further noted if we did attempt to designate such structures, we would need to write new design standards for those buildings. The Steering Group is not recommending any Code changes related to this issue.

The Steering Group bypassed a couple important policies pending further research and discussion:

- Parking Policy 18A: Staff will be doing more research on this. There are a number of problems with the existing list of parking uses: it is very limited and therefore some uses (e.g., grocery stores) are required too little parking whereas other uses (e.g., light industrial) are required to have too much parking compared to what they really generate. This will be addressed later this year by the Group.
- Employee Housing Policy 24R Section A: Planners are still doing research on this policy and will be coming to the Steering Group later this summer with some proposed changes. Issues that will be addressed include: revisions to the current table for positive and negative points based on square footage of employee housing provided; minimum square footage for a unit; a cash-in-lieu proposal; and double-counting of points when an annexation is involved.

### **Planning Commission Action**

Please review the draft and bring any questions and comments you have to our June 20 meeting. Staff will forward commission recommendations to the Town Council.

## Proposed Code Amendments

### Recommendations of the Comprehensive Code Review Steering Group

June 14, 2017

Excerpted text from Development Code included below. Proposed changes are identified in underlined and ~~overstruck~~-format. Explanation of changes based on Steering Group comments are included in *italics*.

#### 9-1-19-13R: POLICY 13 (RELATIVE) SNOW REMOVAL AND STORAGE:

*Steering Group consensus that 25% snow storage should be a minimal requirement and no positive points should be awarded for providing adequate snow storage. Negative points should be retained. Some discussion of making 25% an absolute policy, but the Group decided to leave it as relative policy for unique situations where 25% could not be attained (e.g., very tight sites). Also, there was agreement that if negative points are not warranted in a situation where a snowmelt system is employed.*

4 x (- 2/ <del>+2</del> )	Snow Storage Areas: Adequate space shall be provided within the development for the storage of snow.
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- A. Size Of Storage Areas: It is encouraged that a functional snow storage area be provided which is equal to approximately twenty five percent (25%) of the areas to be cleared of snow. Specific areas to be cleared shall include the full dimensions of roadways, walkways, and parking areas. An exception to the above 25% functional snow storage area is allowed where an operating snowmelt system is installed.
- B. Aesthetics: It is encouraged that snow storage areas be located away from public view whenever possible. (Ord. 19, Series 1988)

#### 9-1-19-14R: POLICY 14 (RELATIVE) STORAGE

*Encouragement of adequate storage space is most closely linked with multi-family residential projects and the Steering Group recommends that this policy only apply to those uses. The current policy “encourages” storage to be provided but then only assigns negative points. Negative points have never been assigned for lack of storage. Because the policy “encourages”, the Group recommends removing the negative points and instead allowing the*

*potential for positive points. Also a recommendation that the intent is to encourage additional storage areas and clarify that closets and garages should not count towards positive points.*

2 x (- +2/0)	General: <del>All</del> <u>Multi-family residential</u> developments are encouraged to provide the types and amounts of storage that are appropriate to the development. Storage areas shall include storage space for vehicles, boats, campers, firewood, equipment and goods, and shall be located where they are most convenient to the user, and least offensive to the community. Interior storage of at least five percent (5%) of the building is encouraged. <u>Closets and garages should not count towards this interior storage percentage.</u> (Ord. 19, Series 1988)
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**9-1-19-15R: POLICY 15 (RELATIVE) REFUSE AND RECYCLING**

*Steering Group recommends that recycling be addressed in this policy, as it is now a Town and community-wide value.*

All development shall provide an enclosed, screened location for the storage of refuse and recycling. An approved trash dumpster enclosure is required for all trash dumpsters and compactors in accordance with [title 5, chapter 6](#) of this code. If the manner of storage or collection requires vehicular access, it shall be provided in such a way so as not to impair vehicular or pedestrian movement along public rights of way.

The town finds that individual refuse pick up for multi-unit residential developments of more than six (6) units, and developments of more than three (3) duplexes, is inconvenient, inefficient and potentially hazardous in a community with a high percentage of short term rental units. Multi-unit residential developments of more than six (6) units, and developments of more than three (3) duplexes shall provide a trash dumpster or compactor with an approved trash dumpster enclosure, which includes adequate space for recycling. (Ord. 27, Series 2000)

**9-1-19-15R: POLICY 15 (RELATIVE) REFUSE:**  

All developments are encouraged to provide for the safe, functional and aesthetic management of refuse and recycling beyond that required by [title 5, chapter 6](#), "Trash Dumpsters And Compactors", of this code.

A. The following trash dumpster and recycling enclosure design features are encouraged to be incorporated in the enclosure design:

1 x (+2)

(+1) Incorporation of trash dumpster enclosure and recycling area into a principal structure.

(+2) Rehabilitation of historic sheds for use as an approved trash dumpster and recycling enclosure, in a manner that preserves and/or refurbishes the integrity of the historic shed.

(+2) Dumpster and recycling sharing with neighboring property owners; and having the shared dumpster and recycling on the applicant's site. (Ord. 26, Series 2001)

**9-1-19-19A: POLICY 19 (ABSOLUTE) LOADING:**  

~~It is required that loading areas be provided for all developments containing other than one and two family residential uses. These loading areas shall provide adequate space suited to the loading and unloading of persons, materials and goods in relationship to the needs and requirements of the project. In no event shall such spaces infringe upon any public space or in any way decrease the safety and efficiency thereof. (Ord. 19, Series 1988)~~

*The Steering Group notes that this policy is not typically scrutinized in development review. For many commercial uses in the Historic District, loading occurs in alleyways and on streets. The Group recommends that a relative policy be developed for Loading, where positive points can potentially be awarded for projects that provide separate loading areas that do not interfere with traffic and pedestrian areas. The Group cited the efficiency of the underground loading areas at Vail. Although they are expensive, they could potentially be employed at some larger development sites like the gondola lots or redevelopment of the City Market shopping center.*

**9-1-19-19R: POLICY 19 (RELATIVE) LOADING:**

<u>2 x</u> <u>(0/+2)</u> -	- <u>Loading Areas: It is encouraged that adequate loading areas be provided for all commercial development. Where a development includes an exceptional approach to provision of loading (e.g., underground loading docks) and where loading areas are physically separated from pedestrian and vehicular traffic areas, positive points should be considered. Positive points shall not be awarded under this policy if positive points are earned under Policy 16R subsections (2) and (3).</u>
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**9-1-19-20R: POLICY 20 (RELATIVE) RECREATION FACILITIES:**  

*Consensus from the Group that there is a strong precedent for points under recreation. However, the points should only be awarded for recreational facilities that are available to the general public and this should be clarified in the policy. Private recreational facilities can earn separate points under 24R Recreation and Leisure Amenities.*

3 x (-2/+2)	The community is based, to a great extent, on tourism and recreation; therefore, the provision of recreational facilities, <del>both available to the general public and private</del> , is strongly encouraged. Each residential project should provide for the basic needs of its own occupants, while at the same time strive to provide additional facilities that will not only be used for their own project, but the community as a whole. Commercial projects are also encouraged to provide recreational facilities whenever possible. The provision of recreational facilities can be on site or off site, <del>public or private</del> . (Ord. 9, Series 2006)
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**9-1-19-21R: POLICY 21 (RELATIVE) OPEN SPACE:**  

*The Steering Group recommends that the text be clarified that the 30% open space requirement is based on the gross square footage of a property. Another clarification is added stating types of hardscape areas and small unusable landscaped areas that would not qualify as open space. The Group also has made a recommendation to provide an exception within the Core Commercial Character Area 6, which encompasses the 100 South Main Street block and the 100 East Lincoln Ave block, from incurring negative points for not attaining the 15% threshold for open space. Buildings in this area are allowed to be built up to the property line to mimic the historic development pattern and thus it is difficult to obtain good useable open space in these areas.*

3 x (-2/+2)	A.	Private Open Space:
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- (1) Residential Areas: It is encouraged that all residential developments or the residential portions of multiuse developments retain at least thirty percent (30%) of their ~~land~~ gross square footage of land area in natural or improved open space, ~~exclusive of roadways~~ Streets and driveways, parking lots, sidewalks, decks, planter boxes, rooftop gardens, or small landscaping strips shall not count as open space. Where possible, open space shall be placed adjacent to rights of way and other public areas.

Exception for single-family residences outside conservation district: No positive points shall be awarded under this policy in connection with an application to develop a single-family residence located outside the town's conservation district. Negative points may be assessed under this policy if an application to develop a single-family residence outside the conservation district does not provide for the preservation of at least thirty percent (30%) of the site in natural or improved open space. (Ord. 1, Series 2003)

- (2) Commercial Areas: It is encouraged that all commercial (nonresidential) developments or the commercial portions of multiuse developments contain at least fifteen percent (15%) of their gross square footage of land area in natural, improved or functional open space, ~~exclusive of roadways~~ Streets and driveways, parking lots, sidewalks, decks, planter boxes, rooftop gardens,

or small landscaping strips shall not count as open space. Where possible, open space shall be placed adjacent to rights of way and other public areas.

Exception for Character Area 6 in the Conservation District: Properties within Character Area 6 (Core Commercial) as identified in the Handbook of Design Standards for the Historic and Conservation Districts, are allowed to be built up to the property line to match the historic development pattern and thus leave little area for provision of open space. As such, commercial properties in Character Area 6 shall not be assessed negative points for failing to provide at least fifteen percent (15%) open space.

**9-1-19-22R: POLICY 22 (RELATIVE) LANDSCAPING:**  

*The policy section regarding planting of trees along public right of ways should be removed because it conflicts with a similar section in the subdivision code. The Group recommends that the rationale for Site Buffering be consistent in the document and focus on screening from adjacent propertie and public right of ways. Group recommendation to eliminate the potential for +6 points for landscaping: no project has been awarded +6 points, and the provision encouraging the “most landscaping possible” may actually overwhelm sites at maturity. The Group also recommends that additional measures should be taken to receive +4 points for landscaping: incorporate the old provision from +6 points regarding largest possible size trees; and require that a water conservation checklist must be established for the property that includes a number of conservation measures. The references to plantings in different Zones should be eliminated here because the focus is on screening and is not dependent on distance from the structure. Negative points are recommended for developments that provide larger areas of irrigated turf (200 square feet or more). Eliminate provision 13 because it potentially conflicts with the open space policies regarding providing 30 percent open space.*

2 x (-1/+3)	A.	All developments are strongly encouraged to include landscaping improvements that exceed the requirements of section <a href="#">9-1-19-22A</a> , "Policy 22 (Absolute) Landscaping", of this chapter. New landscaping installed as part of an approved landscape plan should enhance forest health, preserve the natural landscape and wildlife habitat and support firewise practices. A layered landscape consistent with the town's mountain character, achieved through the use of ground covers, shrubs, and trees that utilize diverse species and larger sizes where structures are screened from <del>viewsheds, adjacent properties and public rights of way and other structures</del> , is strongly encouraged. The resulting landscape plan should contribute to a more beautiful, safe, and environmentally sound community.
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		B.	To meet the goals described in subsection A of this section, compliance with the following relative landscape standards is encouraged. An application shall be evaluated on how well it implements the following:
			<del>(1) At least one tree a minimum of eight feet (8') in height, or three inch (3) caliper, should be planted at least every fifteen feet (15') along all public rights of way adjacent to the property to be developed.</del>
			(2) All landscaping areas should have a minimum dimension of ten feet (10').
			(3) Development applications should identify and preserve specimen trees, significant tree stands, tree clusters and other existing vegetation that contribute to wildlife habitat. Trees considered as highest priority for preservation are those that are disease free, have a full form, and are effective in softening building heights and creating natural buffers between structures and public rights of way. Buildings should be placed in locations on the property that result in adequate setbacks to preserve specimen trees and existing vegetation. Appropriate measures should be taken to prevent site work around these areas. Applicants should seek professional advice on these issues from experts in the field.
			(4) Landscaping materials should consist of those species that are native to the town, or are appropriate for use in the town's high altitude environment. The "Landscaping Guidelines" shall be used to evaluate those particular criteria.
			(5) Landscaping materials should consist of those species that need little additional water (over and above natural precipitation) to survive, or the applicant should provide an irrigation system on the property that complies with subsection B(6) of this section. In general, native species are the most drought tolerant after establishment. Xeriscaping with native species is encouraged.
			(6) Installation, use, and maintenance of irrigation systems to ensure survival of landscaping in the long term is strongly encouraged until plant material is established. Irrigation utilizing low flow systems and the recycling of water are strongly encouraged. All approved irrigation systems should be maintained on an annual basis.
			(7) The use of bioswales planted with native vegetation that can filter and absorb surface water runoff from impervious surfaces is encouraged to promote water

			quality.
			(8) In low traffic areas the use of permeable paving allowing precipitation to percolate through areas that would traditionally be impervious is encouraged.
			(9) Plant materials should be provided in sufficient quantity; be of acceptable species; and be placed in such arrangement so as to create a landscape that is appropriate to the town's setting and that complies with the historic district guidelines, if applicable.
			(10) Not less than fifty percent (50%) of the tree stock installed on a property should include a variety of larger sizes, ranging up to the largest sizes (at maturity) for each species that are possible according to accepted landscaping practices. Such tree stock should recognize the town's high altitude environment, transplant feasibility, and plant material availability. The interrelationships of height, caliper, container size and shape must be in general compliance with the nursery stock standards.
			(11) Not less than fifty percent (50%) of all deciduous trees described in the landscape plan should be multistem.
			(12) Landscaping should be provided in a sufficient variety of species to ensure the continued aesthetic appeal of the project if a particular species is killed through disease. Native species are preferred.
			<del>(13) Not less than fifty percent (50%) of that portion of the area of a project that is not being utilized for buildings or other impervious surfaces should be kept in a natural/undisturbed state. Native grasses, wildflowers, and native shrubs are desirable features to maintain.</del>
			(14) In all areas where grading and tree removal is a concern, planting of new landscaping materials beyond the requirements of section <a href="#">9-1-19-22A</a> , "Policy 22 (Absolute) Landscaping", of this chapter is strongly encouraged. New trees and landscaping should be concentrated where they will have the greatest effect on softening disturbed areas and buffering off site views of the property.
		C.	Negative points shall be assessed against an application according to the following point schedule:



			-2: Proposals that provide no public benefit. Examples include: providing no landscaping to create screening from adjacent properties; <u>and public rights of way and viewsheds</u> ; the use of large areas of sod or other nonnative grasses that require <del>excessive</del> irrigation and <u>exceed 500 square feet in area do not fit the character of the neighborhood</u> ; the use of excessive amounts of exotic landscape species; and the removal of specimen trees that could be avoided with an alternative design layout.
		D.	Positive points will be awarded to an application according to the following point schedule. Examples of positive point awards are for purpose of illustration only, and are not binding upon the planning commission. The ultimate allocation of points shall be made by the planning commission pursuant to section <a href="#">9-1-17-3</a> of this chapter.
			+2: Proposals that provide some public benefit. Examples include: the preservation of specimen trees as a result of a new building footprint configuration to preserve the trees; preservation of groupings of existing healthy trees that provide wildlife habitat; preservation of native ground covers and shrubs significant to the size of the site; xeriscape planting beds; the planting of trees that are of larger sizes (a minimum of 2.5 inch caliper for deciduous trees and 8 feet for evergreen trees); utilizing a variety of species; and the layering of ground covers, shrubs, and trees that enhances screening <u>from public rights of way and adjacent properties and assists in breaking up use areas and creating privacy</u> . <del>In general, plantings are located within zone one.</del>
			+4: Proposals that provide above average landscaping plans <u>and that include a water conservation checklist</u> . Examples include: all those noted under +2 points, in addition to the planting of trees that are of larger sizes (a minimum of 3 inch caliper for deciduous trees and 10 feet for evergreen trees) <u>and the largest sizes possible for their species</u> ; utilizing a variety of species and the layering of ground covers, shrubs, and trees that enhances screening <u>from public rights of way and adjacent properties and assists in breaking up use areas and creating privacy</u> . <u>A minimum of Fifty percent (50%) of all new planting should be native to the town and the remaining fifty percent (50%) should be adapted to a high altitude environment</u> . <del>In general, plantings are located within zone one and zone two.</del> <u>A water conservation checklist must be prepared for the property that indicates a list of water conservation measures (a minimum of three measures) that will be utilized</u> . Examples of these measures include rain sensors, use of <u>water conserving grass species, irrigation timers, drip irrigation, and other</u>

			<u>conservation measures acceptable to the Town.</u>
			<del>+6: Proposals that provide significant public benefit through exceptional landscape plans. Examples include: all those noted under +2 and +4 points, and the planting of deciduous and evergreen trees that are a combination of the minimum sizes noted under +4 points and the largest possible for their species; the planting of the most landscaping possible on the site at maturity; utilizing a variety of species and the layering of ground covers, shrubs, and trees to break up use areas, create privacy, and provide a substantial screening of the site. Seventy five percent (75%) of all new plantings should be native to the town and the remaining twenty five percent (25%) should be adapted to a high altitude environment. Plantings are located in zone one, zone two, and zone three. (Ord. 1, Series 2011)</del>

**9-1-19-24A: POLICY 24 (ABSOLUTE) THE SOCIAL COMMUNITY:**  

A. Meeting And Conference Rooms: All condominium/hotels, hotels, lodges, and inns shall provide meeting areas or recreation and leisure amenities, at a ratio of one square foot of meeting or recreation and leisure amenity area for every thirty five (35) square feet of gross dwelling area.

B. Historic And Conservation District: Within the conservation district, which area contains the historic district (see special areas map<sup>10</sup>) substantial compliance with both the design standards contained in the "handbook of design standards" and all specific individual standards for the transition or character area within which the project is located is required to promote the educational, cultural, economic and general welfare of the community through the protection, enhancement and use of the district structures, sites and objects significant to its history, architectural and cultural values.

(1) Within the historic or conservation district, no historic structure shall be altered, moved, or demolished without first obtaining a class A or class B development permit from the town. Accompanying such approval to alter, move or demolish any historic structure shall be an application for a class A or class B development permit as required by code to authorize any proposed new development which shall take the place of a moved or demolished historic structure. The issuance of building permits for altering, moving, or demolishing a historic structure and the construction of a replacement structure shall be issued concurrently and shall

not be issued separately. Moving a historic structure from its historic lot or parcel to another lot or parcel is prohibited.

- (2) In addition to the procedural requirements of this chapter, an application for alteration, demolition, or moving of a historic structure shall be accompanied by a cultural survey prepared by a qualified person when required by the town.
- (3) Within the Main Street residential/commercial, south end residential, and South Main Street character areas, a maximum of nine (9) units per acre of aboveground density is recommended. In connection with projects that exceed the recommended nine (9) units per acre and meet all of the design criteria outlined in the character area design standards, points shall be assessed based on the following table:

<u>Aboveground Density (UPA)</u>		<u>Point Deductions</u>	
9 .01 -	9.50		-3
9 .51 -	10.00		-6
10 .01 -	10.50		-9
10 .51 -	11.00		-12
11 .01 -	11.50		-15
11 .51 -	12.00		-18
12.01 or more		See section <a href="#">9-1-19-5A</a> , "Policy 5 (Absolute) Architectural Compatibility", of this chapter	

- (4) In connection with permit applications for projects within those character areas of the historic district specified below which involve "preserving", "restoring", or "rehabilitating" a "landmark structure", "contributing building", or "contributing building with qualifications" (as those terms are defined in the "Handbook Of Design Standards For The Historic And Conservation Districts"), or "historic structure" or "landmark" as defined in this code, and in connection with

permit applications for projects within the North Main residential, north end residential, and the east side residential character areas that exceed the recommended nine (9) units per acre of aboveground density, points shall be assessed based on the following table:

<u>Aboveground Density (UPA)</u>	<u>Point Deductions</u>
9 .01 - 9.50	-3
9 .51 - 10.00	-6
10 .01 or more	See section <a href="#">9-1-19-5A</a> , "Policy 5 (Absolute) Architectural Compatibility", of this chapter

(Ord. 15, Series 2013)

**9-1-19-24R: POLICY 24 (RELATIVE) SOCIAL COMMUNITY:**  

*A new section is added concerning densities in the Conservation District. This section was moved from Policy 24A because it involves positive and negative points and thus should be a relative policy. The reference under E. Conservation District to Main Street has been eliminated, as it placed particular emphasis on Main Street whereas the Town’s policy is to equally treat the entirety of the Historic District.*

3 x (0/+2)	B.	Community Needs: Developments which address specific needs of the community which have been identified in the yearly goals and objectives reports within the three (3) year period preceding the date of the application are encouraged. Positive points shall be awarded under this subsection only for development activities which occur on the applicant's property. (Ord. 1, Series 2014)
4 x (-2/+2)	C.	Social Services: Developments which provide social services are encouraged. Social services shall include, but not be limited to: daycare centers and nurseries, educational programs and facilities; programs and facilities for the

		elderly and the young; and other programs and facilities which will enhance the social climate of the community. This shall include theaters, playhouses, and any other developments which will promote the arts within the town. Positive points shall be awarded under this subsection only for the provision of social services which are located on the applicant's property. (Ord. 37, Series 2002)
3 x (0/+2)	D.	Meeting And Conference Rooms Or Recreation And Leisure Amenities: The provision of meeting and conference facilities or recreation and leisure amenities, over and above that required in subsection A of <u>9-1-19 24 A</u> <del>this section</del> is strongly encouraged. (These facilities, when provided over and above that required in subsection A of this section, shall not be assessed against the density and mass of a project when the facilities are legally guaranteed to remain as meeting and conference facilities or recreation and leisure amenities, and they do not equal more than 200 percent of the area required under subsection A of this section.) (Ord. 9, Series 2006)
3 x (-5/+5)	E.	Conservation District: Within the conservation district, which contains the historic district, compatibility of a proposed project with the surrounding area and the district as a whole is of the highest priority. Within this district, the preservation and rehabilitation of any historic structure or any "town designated landmark" or "federally designated landmark" on the site (as defined in <a href="#">chapter 11</a> of this title) is the primary goal. Any action which is in conflict with this primary goal or the "handbook of design standards" is strongly discouraged, while the preservation of the town's historic fiber and compliance with the historic district design standards is strongly encouraged. <u>Substantial compliance with the "handbook of design standards" is expected.</u> <del>Applications concerning development adjacent to Main Street are the most critical under this policy.</del>

G. Conservation District Densities

(3) Within the Main Street residential/commercial, South End residential, and South Main Street character areas, a maximum of nine (9) units per acre of aboveground density is recommended. In connection with projects that exceed the recommended nine (9) units per acre and meet all of the design criteria outlined in the character area design standards, points shall be assessed based on the following table:

<u>Aboveground Density (UPA)</u>		<u>Point Deductions</u>	
-	-	-	-
<u>9.01 -</u>	<u>9.50</u>	-	<u>-3</u>
<u>9.51 -</u>	<u>10.00</u>	-	<u>-6</u>
<u>10.01 -</u>	<u>10.50</u>	-	<u>-9</u>
<u>10.51 -</u>	<u>11.00</u>	-	<u>-12</u>
<u>11.01 -</u>	<u>11.50</u>	-	<u>-15</u>
<u>11.51 -</u>	<u>12.00</u>	-	<u>-18</u>
<u>12.01 or more</u>		See section <a href="#">9-1-19-5A</a> , "Policy 5 (Absolute) Architectural Compatibility", of this chapter	

(4) In connection with permit applications for projects within those character areas of the historic district specified below which involve "preserving", "restoring", or "rehabilitating" a "landmark structure", "contributing building", or "contributing building with qualifications" (as those terms are defined in the "Handbook Of Design Standards For The Historic And Conservation Districts"), or "historic structure" or "landmark" as defined in this code, and in connection with permit applications for projects within the North Main residential, north end residential, and the east side residential character areas that exceed the recommended nine (9) units per acre of aboveground density, points shall be assessed based on the following table:

<u>Aboveground Density (UPA)</u>		<u>Point Deductions</u>	
-	-	-	-
<u>9.01 - 9.50</u>	-	-	<u>-3</u>

<u>9 .51 - 10.00</u>	-	<u>-6</u>
<u>10 .01 or more</u>	-	See section <a href="#">9-1-19-5A</a> , " <u>Policy 5 (Absolute) Architectural Compatibility</u> ", of this chapter

**9-1-19-25R: POLICY 25 (RELATIVE) TRANSIT:**  

*The Steering Group recommends to change the multiplier under this category to a “2” instead of “4”, but then change the points potential up to -4/+4. This will provide more flexibility in assigning points. For example, shuttle services for lodging are becoming a standard practice of doing business—some reward should still be considered for these but perhaps only +2 instead of +4, which is the minimum awarded now. Higher point assignments should be reserved for systems that serve the general public.*

<b>2x (- <del>24</del>/+24)</b>	Nonauto Transit System: The inclusion of or the contribution to a permanent nonauto transit system, designed to facilitate the movement of persons to and from Breckenridge or within the town, is strongly encouraged. Nonauto transit system elements include buses and bus stops, both public and private, air service, trains, lifts, and lift access that have the primary purpose of providing access from high density residential areas or major parking lots of the town to the mountain, etc. Any development which interferes with the community's ability to provide nonauto oriented transportation elements is discouraged. Positive points shall be awarded under this policy only for the inclusion of or the contribution to nonauto transit system elements which are located on the applicant's property. <u>Higher point assignments will be considered for transit systems available to the general public.</u> (Ord. 37, Series 2002)
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**9-1-19-28A: POLICY 28 (ABSOLUTE) UTILITIES:**  

*Provide an exception to the utilities undergrounding requirement when it applies to larger regional transmission lines. For example, the transmission line going near Airport Road has been exempted on a case-by-case basis on a number of development applications.*

- A. Underground Utilities: Within the area of the development and for any extensions off site, all utility lines shall be placed underground. For renovations, restorations and remodels that exceed thirty percent (30%) of the structure's estimated value prior to renovation, restoration

or remodel, all utility lines on site shall be placed underground. An exception to this undergrounding requirement is provided for transmission lines carrying voltage of 33 kv or greater.

**~~9-1-19-30R: POLICY 30 (RELATIVE) AIR QUALITY:~~**  

*The Steering Group recommends elimination of this policy. It is currently narrowly applied to wood burning cooking appliances while other elements (e.g., grills and smokers) are not addressed. These appliances make up a minute portion of the overall emissions in the Town. Positive points were awarded in the past, 15 years ago, for projects that voluntarily agreed not to use wood burning devices. However, with the advent of Phase 2 certified wood stoves (required by the Code), it is no longer necessary to award positive points.*

~~A. Where wood burning appliances are permitted:~~

~~It is encouraged that all developments install alternative methods of heating, rather than wood burning appliances. To encourage the use of alternative methods of heating, the following point analysis shall be utilized to evaluate how well a proposal meets this policy:~~

<del>-</del>	<del>-</del>	<del>0-</del>	<del>The installation of a wood burning appliance; or gas fireplace.</del>
<del>-</del>	<del>-</del>	<del>-2</del>	<del>The installation of a wood burning cooking appliance in a restaurant or restaurant/bar combined.</del>
<del>2 x (0/+2)</del>	<del>B.</del>	<del>-</del>	<del>Beyond the provisions of section <a href="#">9-1-19-30A</a>, "Policy 30 (Absolute) Air Quality", of this chapter, other measures which are likely to reserve or enhance the quality of the air are encouraged. Measures which are effective over the long term are preferred. (Ord. 12, Series 2000)</del>



**9-1-19-31A: POLICY 31 (ABSOLUTE) WATER QUALITY:**  

*Steering Group recommends to add a provision allowing the Town to require ongoing water quality monitoring, which is essential in some development situations to ensure water quality is protected.*

All drainage systems, grading, or earth disturbances shall be so designed and maintained as not to increase turbidity, sediment yield, or the discharge of any other harmful substances which will degrade the quality of water. All developments shall comply with the requirements of the Breckenridge water quality and sediment transport control ordinance<sup>11</sup>. The Town may require



ongoing water quality monitoring as a condition of development approval. (Ord. 19, Series 1988)

~~**9-1-19 32A: POLICY 32 (ABSOLUTE) WATER CONSERVATION:**~~  

*The provisions below are all very outdated and replaced by Building Code or Water Department requirements. Thus they are being eliminated here.*

~~A. All developments shall install the following water conservation devices and shall maintain them for the life of the project:~~

~~(1) Low flush toilets: Three and one half ( $3\frac{1}{2}$ ) gallons maximum per flush.~~

~~(2) Low flow showerheads: Three (3) gallons maximum per minute.~~

~~(3) Faucet aerator: Four (4) gallons maximum per minute.~~

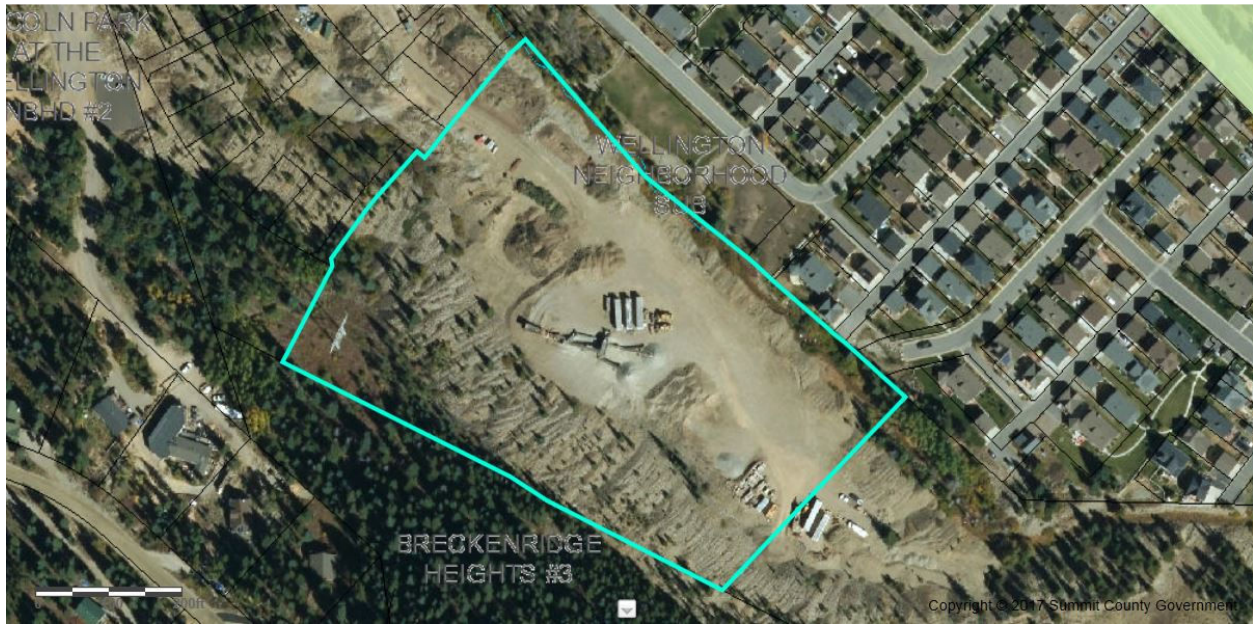
~~(4) Pressure reducing valve: Forty (40) to seventy (70) psi.~~

~~B. Water meters and remote readouts approved by and meeting the standards of the town are required.~~

~~C. A water check valve approved by and meeting the standards of the town. (Ord. 19, Series 1988)~~

## Planning Commission Staff Report

- Subject:** Lincoln Park at the Wellington Neighborhood, Filing 3 Subdivision, (Class A Subdivision, Final Hearing; PL-2017-0147)
- Proposal:** Per the Lincoln Park at the Wellington Neighborhood Master Plan, the applicant proposes to subdivide a portion of *Remainder Lot 2 Block 6 Wellington Neighborhood Subdivision # 2 Future Development/Lincoln Park at The Wellington Neighborhood* into 13 lots, private alleys, public right of way, with private and public open space.
- Date:** June 14, 2017 (For the meeting of June 20, 2017)
- Project Manager:** Chapin LaChance, Planner II
- Applicant/Agent:** Courtney Kenady – Poplar Lincoln Park LLC  
Dan McCrerey – TNB LLC
- Property Owner:** Union Mill, Inc.
- Site Area:** 7.65 Acres or 333,338 Sq. Ft.
- Legal Description:** Remainder of Lot 2 Block 6 Wellington Neighborhood Subdivision # 2 Future Development/Lincoln Park at The Wellington Neighborhood
- Land Use District:** 16, Subject to Wellington Neighborhood and the Lincoln Park at the Wellington Neighborhood Master Plan
- Site Conditions:** The property is undeveloped and consists primarily of dredge tailings. Portions of the tailings have been graded previously by the developer and other portions are as they were left by a dredge boat.
- Adjoining Uses:** Northeast: Block 4 Wellington Neighborhood Subdivision Private Open Space
- Southeast: Lot 3 Block 6 of the Wellington Neighborhood Subdivision #3, (Future Lincoln Park development area)
- Southwest: 150' Utility Easement, Tract F Wellington Neighborhood Subdivision Public Open Space, Tract LP-5 Lincoln Park at the Wellington Neighborhood #2 Private Open Space
- Northwest: Lincoln Park at the Wellington Neighborhood Filing #2



### **Changes since last meeting**

- The floodplain has been shown on the proposed subdivision plan, and the northeastern lot lines of Lot 3 and Lot 4 along French Creek have been modified so that all portions of the proposed lots are outside of the floodplain. A Wall Easement has been added to Lot 4. A Condition of Approval has been added that the applicant submit a modified Construction set page C-101 plan, showing the proposed lots outside of the latest Conditional Letter of Map Revision floodplain boundary.
- As a result of the lot line revisions for the floodplain, the boundaries of Boss Green Private Open Space have been adjusted and a “wall easement” has been proposed on Lot 4. A note has also been added to Boss Green subjecting the private open space to a public drainage easement.
- Tract LP-6 has been labeled as “Public Open Space,” and a property line has been added between Tract LP-6 and the South Alley so that Tract LP-6 does not contain the South Alley.
- Plat note #14 has been added specifying that all retention ponds shall have capping soil, top soil, and native seed mix.

### **Item History**

The initial subdivision for the Wellington Neighborhood (PC#1999149) encompassed the entire 84.6-acre property (Phase I and II of the Master Plan for the Wellington Neighborhood). All of the land included in the Master Plan for the Lincoln Park at the Wellington Neighborhood lies within Phase II of the Master Plan for the Wellington Neighborhood. All of the lots in the Wellington Neighborhood have been developed, and all of the lots in Lincoln Park at the Wellington Neighborhood Subdivision Filings #1 and #2 are developed or currently under construction.

The Planning Commission approved the following Master Plans and Subdivision for the Lincoln Park at the Wellington Neighborhood:

- Lincoln Park at the Wellington Neighborhood Master Plan (PC#2014038) on April 28, 2015.

- Lincoln Park at the Wellington Neighborhood Subdivision Filing #1 (PC#2014039) on July 21, 2015.
- Lincoln Park at the Wellington Neighborhood Subdivision Filing #2 (PL-2016-0032) on April 05, 2016.
- Modification to the Lincoln Park at the Wellington Neighborhood Master Plan (PL-2016-0617) on February 28, 2017.

Per the Lincoln Park at the Wellington Neighborhood Master Plan, the following phasing schedule has been established for the Lincoln Park development:

**Filing #1** (prior to last C.O. of Filing 1)

- Filing 1 section of Bridge St. R.O.W. (completed)
- Rodeo Drive pedestrian bridge (completed)
- Stables Rd. improvements (except paving) to Alley 3A (completed)

**Filing #2** (prior to last C.O. of Filing 2)

- Filing 2 section of Bridge St. R.O.W.
- Stables Rd. improvements (except paving) to Alley 3A
- Vern Johnson Memorial Park (due to be finished in 2017)
- Midnight Sun pedestrian bridge

**Filing #3** (prior to last C.O. of Filing 3)

- Filing 3 section of Bridge St. R.O.W.
- Stables Rd. paving
- Central Park pedestrian bridge

**Filing #4**

- Bridge St. Bridge (prior to **50%** of C.Os)
- Filing 4 section of Bridge St. R.O.W. (prior to last C.O.)
- Trail easements (prior to last C.O.)

Per the original and subsequent Annexation Agreements for the Wellington Neighborhood, additional items are required and remain to be dedicated to the Town with completion of the development:

- French Creek Easement
- Public Open Space
- Childcare or Daycare Facility site

Staff has added a Condition of Approval that the Childcare or Daycare Facility site be conveyed and dedicated to the Town in a form acceptable to the Town Attorney, and that Tract LP-6 be conveyed and dedicated to the Town as Public Open Space in a form acceptable to the Town Attorney. Dedication to the Town of the French Creek Easement will be added as a Condition of Approval for Filing 4 rather than this Filing 3, as Filing 4 of Lincoln Park is the last subdivision for this entire development.

**Staff Comments**

#### **9-2-4-1: General Requirements:**

Staff finds that the character of the land proposed to be subdivided is suitable for development. It has been previously disturbed due to dredging activities. Staff does not have any concerns.

#### **9-2-4-2: Design Compatible with Natural Features:**

Per the this Standard: 3. *In addition to the landscaping required above, the subdivider of land containing little or no tree cover as determined by the town shall provide one tree having a minimum trunk diameter (measured 12 inches above ground level) of not less than two inches (2") suitable for the Breckenridge climate for every ten (10) linear feet of roadway platted within or immediately adjacent to the subdivision.*

The Lincoln Park at the Wellington Neighborhood Master Plan includes a planting plan that is to be implemented with each subdivision filing. With approximately 2,139 linear feet of Bridge Street ROW and 1 tree per each 10 feet, 214 trees are required to be planted in the overall subdivision. The Master Plan landscaping exhibits show a total of 423 trees over all four filings. This number exceeds the required amount specified in 9-2-4-2: *DESIGN COMPATIBLE WITH NATURAL FEATURES*. Staff confirms the applicant has met the landscaping requirements during the review of the Development Permit application for the individual lots, and prior to issuance of a Certificate of Occupancy. Staff does not have any concerns.

#### **9-2-4-3: Drainage, Storm Sewers and Flood Prevention:**

A Conditional Letter of Map Revision (CLOMR) for the floodplain was approved by FEMA in 2016. With the most recent revision to the proposed plat, lots are shown to be located outside of the floodplain. A “Wall Easement” is shown on Lot 4 because a retaining wall will likely be necessary on Lot 4 to maintain an appropriate grade for Lot 4 and the Private Alley 6B. A Condition of Approval has been added that the applicant submit a modified Construction set page C-101 plan, showing the proposed lots outside of the latest CLOMR floodplain boundary.

A Condition of Approval has been added requiring the applicant to submit and obtain approval from the Town Engineer of final grading, drainage, utility, and erosion control plans. There are not any storm water retention ponds specified in this Filing in the Master Plan, but there is one shown on the Master Plan for Filing 4 to the southeast. A plat note has been added specifying that all retention ponds shall have capping soil, top soil, and native seed mix.

#### **9-2-4-4: Utilities:**

The applicant proposes a 5’ Snow Stack Easement on either side of the Bridge St. 50’ Right-of-Way, and a 7’ Public Utility and Private Snow Stack Easement along the private alley South Alley, and Private Alley 5A, 5B, 6A, and 6B. There is also a 5’ Public Utility Easement proposed on each lot. Additionally, Placer Green Private Open Space and Boss Green Private Open Space are proposed as Public Utility Easements. Staff has no concerns.

#### **9-2-4-5: Lot Dimensions, Improvements, and Configuration:**

Although Lots 3 & 4 are proposed with irregular side lot lines due to the proximity to the floodplain, staff is of the opinion that the proposed configuration meets this standard if considered “environmentally sensitive development”. Does the Planning Commission concur that this is “environmentally sensitive development”, thereby allowing for non-geometric shaped lots?

**9-2-4-6 Blocks:**

The proposed block and lot arrangement and dimensions, public right-of-way, private alley, and private open space arrangement within the proposed subdivision are consistent with the Lincoln Park at the Wellington Neighborhood Master Plan. The original 1999 Wellington Neighborhood Annexation Agreement addressed the smaller lots, reduced setbacks, and narrow road sections that do not meet the Development Code and Subdivision Standards but have been approved throughout the entire Lincoln Park at the Wellington Neighborhood Master Plan. Thus, no negative points were awarded under these policies for the Master Plan.

**9-2-4-7: Pedestrian and Bicycle Circulation Systems:**

A sidewalk along the Bridge St. Right-of-Way is specified in the Lincoln Park Master Plan, as well as pedestrian bridges across French Creek and walkways throughout the private open space.

**9-2-4-8: Street Lighting and**

**9-2-4-9: Traffic Control Devices and Signs:**

Street lighting and signage will be identified and reviewed by the Engineering Department per the required Subdivision Improvement Agreement (SIA).

**9-2-4-10: Subdivision and Street Names:**

As the only right-of-way is an extension of the existing “Bridge Street”, the County and Emergency Services and the Town do not have any concerns with the street name.

**9-2-4-13: Dedication of Park Lands, Open Space and Recreational Sites or the Payment of Fees in Lieu Thereof:**

Tract LP-6 has been labeled as “Public Open Space,” and a property line has been added between Tract LP-6 and the South Alley so that Tract LP-6 does not contain the South Alley. Staff has added a Condition of Approval that the Childcare or Daycare Facility site be conveyed and dedicated to the Town in a form acceptable to the Town Attorney, and that Tract LP-6 be conveyed and dedicated to the Town as Public Open Space in a form acceptable to the Town Attorney.

**Staff Recommendation**

This subdivision proposal is in general compliance with the Subdivision Standards and the approved Master Plan. Staff has one question for the Commission.

Does the Planning Commission concur that this is “environmentally sensitive development”, thereby allowing for non-geometric shaped lots?

Staff recommends the Planning Commission approve the Lincoln Park at the Wellington Neighborhood, Filing 3 Subdivision (PL-2017-0147), with the attached Findings and Conditions.

**TOWN OF BRECKENRIDGE**

**Lincoln Park at the Wellington Neighborhood Filing 3 Subdivision  
Remainder Lot 2 Block 6 Wellington Neighborhood Subdivision # 2 Future Development/Lincoln Park at The  
Wellington Neighborhood  
PL-2017-0147**

STAFF RECOMMENDATION: The staff recommends the Planning Commission approve this application with the following Findings and Conditions

**FINDINGS**

1. The proposed project is in accord with the Subdivision Ordinance and does not propose any prohibited use.
2. The project will not have a significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives which would have less adverse environmental impact.
4. This approval is based on the staff report dated **June 14, 2017** and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **June 20, 2017** as to the nature of the project. In addition to Commission minutes, the audio of the meetings of the Commission are recorded.
6. If the real property which is the subject of this application is subject to a severed mineral interest, the applicant has provided notice of the initial public hearing on this application to any mineral estate owner and to the Town as required by Section 24-65.5-103, C.R.S.

**CONDITIONS**

1. The Final Plat of this property may not be recorded unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, refuse to record the Final Plat, issue a stop order requiring the cessation of any work being performed under this permit, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit will expire three (3) years from the date of Town Council approval, on **June 27, 2020** unless the Plat has been filed. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be three years, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Applicant shall construct the subdivision according to the approved subdivision plan, and shall be responsible for and shall pay all costs of installation of public roads and all improvements including revegetation, retaining walls, and drainage system. All construction shall be in accordance with Town regulations.

6. This permit contains no agreement, consideration, or promise that a certificate of occupancy or certificate of compliance will be issued by the Town. A certificate of occupancy or certificate of compliance will be issued only in accordance with the Town's planning requirements/codes and building codes.
7. Applicant shall be required to install an address sign identifying all residences served by a private drive posted at the intersection with the primary roadway.
8. For each filing, Final Subdivision Construction Plans shall be submitted and approved by the Town Engineer prior to the start of work for the subdivision and prior to issuance of Building Permits.
9. The application for this phase of the Lincoln Park at the Wellington Neighborhood subdivision and all previous and subsequent subdivisions of Lincoln Park at the Wellington Neighborhood shall abide with *Development Code, 9-1-19-35A: Policy 35 (Absolute) Subdivision and Subdivision Standards, 9-2-4-2: Design Compatible With Natural Features* that requires all subdivisions to provide one tree having a minimum trunk diameter (measured 12 inches above ground level) of not less than two inches (2") suitable for the Breckenridge climate for every ten (10) linear feet of roadway platted. Bridge Street extends through the entire length of Lincoln Park at the Wellington Neighborhood, and will be platted via subdivision applications. The total length of Bridge Street is approximately 2,139 feet which equates to 214 trees for all of Lincoln Park at the Wellington Neighborhood filings. The Master Plan landscaping exhibits show a total of 423 trees over all four filings. The applicant shall install a minimum of 214 trees, at a minimum of 2-inch in caliper, per 9-2-4-2-D-3 for all of the Lincoln Park at the Wellington Neighborhood subdivision filings.

**PRIOR TO RECORDATION OF FINAL PLAT**

10. Applicant shall submit and obtain approval from Town staff of a final plat that meets Town subdivision requirements and the terms of the subdivision plan approval.
11. Applicant shall submit and obtain approval from the Town Engineer of final grading, drainage, utility, erosion control and street lighting plans.
12. Applicant shall submit and obtain approval from the Town Attorney for any restrictive covenants and declarations for the property.
13. **The Childcare or Daycare Facility site shall be conveyed and dedicated to the Town in a form acceptable to the Town Attorney, per the original and subsequent Agreements for the Wellington Neighborhood.**
14. **Tract LP-6 shall be conveyed and dedicated to the Town as Public Open Space in a form acceptable to the Town Attorney.**
15. **The applicant shall submit and receive Town approval of a modified Civil set page C-101 plan, showing the proposed lots outside of the latest Conditional Letter of Map Revision floodplain boundary.**
16. **The final plat shall note, in a form acceptable to the Town Attorney, that any lot in this subdivision which has insufficient dimensions to provide more than two (2) off-street parking spaces, as defined by Town Code 9-3-6, shall not be sold, transferred, conveyed or otherwise used for a use which requires more than (two) off-street parking spaces. Uses which require more than (two) off-street parking spaces are currently defined by the Lincoln Park at the Wellington Neighborhood Master Plan as "Carriage House," Bonus Garage," and "garage with Bonus Room."**
17. **Applicant shall provide reference points of existing surveys identified, related to the plat by distances and bearings, and the specific monuments used for determination.**
18. The final plat shall note that the sides of all detention ponds are to receive capping soil, top soil and irrigated native seed mix.

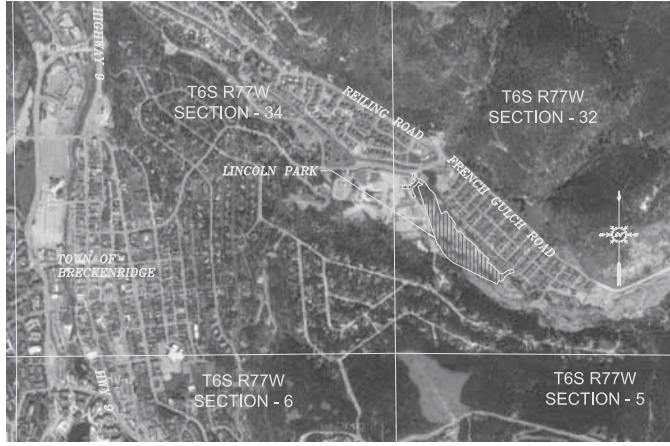


19. Applicant shall either install all public and private improvements shown on the subdivision plan, or a Subdivision Improvements Agreement satisfactory to the Town Attorney shall be drafted and executed specifying improvements to be constructed and including an engineer's estimate of improvement costs and construction schedule. In addition, a monetary guarantee in accordance with the estimate of costs shall be provided to cover said improvements.
20. Applicant shall submit and obtain approval from the Town Engineer of all traffic control signage and street lights which shall be installed at applicant's expense prior to acceptance of the streets by the Town.
21. Per Section 9-2-3-5-B of the Subdivision Standards, the following supplemental information must be submitted to the Town for review and approval prior to recordation of the final plat: title report, errors of closure, any proposed restrictive covenants, any dedications through separate documents, and proof that all taxes and assessments have been paid.

**PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLIANCE**

22. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.

**FINAL PLAT**  
**LINCOLN PARK AT THE WELLINGTON NEIGHBORHOOD, FILING No. 3**  
**A RESUBDIVISION OF THE REMAINDER OF LOT 2, BLOCK 6, LINCOLN PARK AT THE WELLINGTON**  
**NEIGHBORHOOD FILING No. 1, BEING SITUATE IN SECTION 32,**  
**TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6th PRINCIPAL MERIDIAN,**  
**TOWN OF BRECKENRIDGE**  
**SUMMIT COUNTY, COLORADO**  
**SHEET 1 of 2**



Vicinity Map  
(Not to Scale)

**OWNER'S CERTIFICATE**

KNOW ALL PERSONS BY THESE PRESENTS: THAT, UNION MILL, INC., A COLORADO CORPORATION, BEING THE OWNER OF THE FOLLOWING DESCRIBED REAL PROPERTY SITUATED IN SECTION 32, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6th PRINCIPAL MERIDIAN, TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO:

**LEGAL DESCRIPTION**  
 THE REMAINDER OF LOT 2, BLOCK 6, WELLINGTON NEIGHBORHOOD ACCORDING TO THE PLAT OF LINCOLN PARK AT THE WELLINGTON NEIGHBORHOOD FILING No. 3, AS FILED FOR RECORD IN THE OFFICE OF THE SUMMIT COUNTY, COLORADO CLERK AND RECORDER AT DESCRIPTION No. 1180509, CONTAINING 7.6534 ACRES OR 333,337 SQUARE FEET, MORE OR LESS.

HAS LAID OUT, SUBDIVIDED AND PLATTED THE SAME INTO LOTS, TRACTS, RIGHTS OF WAY, OR BASEMENTS AS SHOWN HEREON UNDER THE NAME AND STYLE OF "LINCOLN PARK AT THE WELLINGTON NEIGHBORHOOD, FILING No. 3", AND BY THESE PRESENTS, DOES HEREBY SET ASHORE AND DEDICATE TO THE FORESIGHT USE OF THE PUBLIC ALL OF THE STREETS, ALLEYS AND OTHER PUBLIC WAYS AND PLACES AS SHOWN HEREON, AND FURTHER HEREBY DEDICATES THOSE PORTIONS OF LAND LABELED AS BASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES (AND/OR OTHER PURPOSES) AS SHOWN HEREON. IN WITNESS WHEREOF, THE OWNER HAS CAUSED ITS NAME TO BE HEREBY SUBSCRIBED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

UNION MILL, INC.,  
 A COLORADO CORPORATION

BY: \_\_\_\_\_  
 DAVID G. O'NEIL, PRESIDENT

**ACKNOWLEDGMENT**  
 STATE OF COLORADO )  
 ) SS  
 COUNTY OF SUMMIT )

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017, BY DAVID G. O'NEIL, PRESIDENT, UNION MILL, INC., A COLORADO CORPORATION.

MY COMMISSION EXPIRES \_\_\_\_\_ WITNESS MY HAND AND OFFICIAL SEAL.

**NOTARY PUBLIC**

**ACKNOWLEDGMENT**

**CERTIFICATE OF TAXES PAID:**

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE ENTIRE AMOUNT OF ALL TAXES DUE AND PAYABLE AS OF \_\_\_\_\_ UPON PARCELS OF REAL ESTATE DESCRIBED ON THIS PLAT ARE PAID IN FULL.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017 A.D.

**SUMMIT COUNTY TREASURER OR DESIGNER**

**PLAT NOTES:**

- BY ACCEPTANCE OF A DEED TO PROPERTY SUBDIVIDED OR IDENTIFIED BY BASEMENTS DESCRIBED IN NOTES SET FORTH HEREON, THE OWNERS OF SUCH PROPERTY AGREE TO INDEMNIFY AND HOLD HARMLESS UNION MILL, INC. AND ITS RESPECTIVE SUCCESSORS AND ASSIGNS FROM ANY LIABILITY PERTAINING TO THE USE OF SUCH BASEMENTS AND FURTHER AGREE TO USE THE BASEMENTS IN A SAFE AND REASONABLE MANNER WHICH DOES NOT UNREASONABLY INTERFERE WITH THE RIGHTS OF THE OTHER OWNERS OF PROPERTY SHOWN HEREON.
- EACH BASEMENT DEDICATED AS A PUBLIC UTILITY BASEMENT SHALL BE FOR THE INSTALLATION AND MAINTENANCE OF THE FOLLOWING UTILITIES: WATER, SEWER, GAS, ELECTRICITY, TELEPHONE, CABLE TELEVISION AND OTHER COMMUNICATION SERVICES.
- THE PROPERTY SHOWN ON THIS PLAT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE FIRST AMENDED MASTER PLAN FOR LINCOLN PARK AT WELLINGTON NEIGHBORHOOD PHASE II APPROVED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE ON THE 8TH DAY OF FEBRUARY, 2011, NOTICE OF APPROVAL OF WHICH WAS RECORDED ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2011 AT RECEPTION NO. \_\_\_\_ AS IT MAY BE AMENDED FROM TIME TO TIME.
- THE TOWN OF BRECKENRIDGE AGREES THAT ANY AND ALL ANNEXATION SURCHARGES, WATER PLANT INVESTMENT FEES, WATER LINE CONNECTION OR TAP FEES, DEVELOPMENT PERMIT FEES, DESIGN OR PLAN REVIEW FEES, BUILDING PERMIT FEES OR OTHER SIMILAR FEES OR CHARGES FOR OR IN CONNECTION WITH THE CONSTRUCTION OF IMPROVEMENTS TO REAL PROPERTY IN THE TOWN OF BRECKENRIDGE SHALL BE AND HEREBY ARE WAIVED FOR TRACTS, LOTS, PARCELS OR OTHER IMPROVABLE REAL PROPERTY SUBJECT TO THE PLAN II WELLINGTON NEIGHBORHOOD EMPLOYEE HOUSING RESTRICTIVE COVENANT AND AGREEMENT RECORDED SEPTEMBER 22, 2006 AS RECEPTION NUMBER 89379 AS AMENDED, ("COVENANT").
- EXCEPT AS SPECIFICALLY MODIFIED BY THE FILING OF THIS PLAT, THE PLAT NOTES ON THE PRELIMINARY PLAT FOR THE WELLINGTON NEIGHBORHOOD RECORDED OCTOBER 14, 1999 AT RECEPTION NO. 608047 ("PRELIMINARY PLAT") SHALL REMAIN IN FULL FORCE AND EFFECT.
- PLAT NOTE 8 ON THE PRELIMINARY PLAT SHALL NOT APPLY TO THE LOTS, RESIDENCES, OR RESIDENTIAL UNITS CREATED BY THIS PLAT AND INSTEAD THE PERMITTED IMPROVEMENTS TO LOTS, RESIDENCES OR RESIDENTIAL UNITS QUALIFYING FOR AN ADDITION TO THE TOTAL PRICE SHALL BE IN ACCORDANCE WITH THE COVENANT.
- UNION MILL, INC. HEREBY RESERVES TO ITSELF AND ITS SUCCESSORS AND ASSIGNS, AND HEREBY GRANTS, DEDICATES AND CONVEYS TO THE TOWN OF BRECKENRIDGE, A COLORADO MUNICIPAL CORPORATION, FOR PUBLIC USE, AND TO ANY PUBLIC PROVIDER OF ELECTRICITY, GAS, TELEPHONE, WATER, SEWER OR CABLE TELEVISION SERVICES, TOGETHER WITH THEIR RESPECTIVE SUCCESSORS AND ASSIGNS (COLLECTIVELY, "GRANTEES" OR INDIVIDUALLY A "GRANTEE") PERPETUAL, NON-EXCLUSIVE BASEMENTS, OVER, UNDER, IN AND THROUGH THOSE PORTIONS OF THE PROPERTY DESIGNATED ON THIS PLAT AS "PUBLIC UTILITY BASEMENTS" AND ANY OTHER BASEMENT SHOWN ON THIS PLAT CONTAINING THE WORD "UTILITY" IN ITS DESCRIPTIVE NAME (COLLECTIVELY, THE "PUBLIC UTILITY BASEMENTS"). THE PUBLIC UTILITY BASEMENTS MAY BE USED SOLELY FOR THE PURPOSE OF CONSTRUCTING, OPERATING, MAINTAINING, REPAIRING AND REPLACING ABOVEGROUND AND UNDERGROUND UTILITY TRANSMISSION AND APPURTENANCES AND OTHER FACILITIES NECESSARY OR USEFUL FOR THE PROVISION OF ELECTRICITY, GAS, TELEPHONE, WATER, SEWER, CABLE TELEVISION AND OTHER COMMUNICATION SERVICES.
- EXCEPT AS OTHERWISE AGREED BY UNION MILL, INC. IN WRITING, UNION MILL, INC. IS HEREBY RELEASED FROM ANY LIABILITY ASSOCIATED WITH SUCH DEDICATION AND GRANTEE'S USE OF THE PUBLIC UTILITY BASEMENTS AND ANY FACILITIES ASSOCIATED THEREWITH, INCLUDING WITHOUT LIMITATION, LIABILITY ASSOCIATED WITH DESIGN, MAINTENANCE, AND REPAIR OF SUCH BASEMENTS AND FACILITIES.

**PLAT NOTES:**

- NO BUILDING, STRUCTURE, SIGN OR OBJECT SHALL BE ERRECTED, PLACED OR PERMITTED TO REMAIN ON, UNDER, OVER OR WITHIN THE PUBLIC UTILITY BASEMENTS, NOR SHALL ANY OBJECT BE ERRECTED, PLACED OR PERMITTED TO REMAIN ON, UNDER OR OVER THE PUBLIC UTILITY BASEMENTS WHICH WILL OR MAY BE AN INTERFERENCE WITH THE GRANTEE'S UTILITY FACILITIES WITH THE PUBLIC UTILITY BASEMENT OR AN INTERFERENCE WITH THE EXERCISE OF ANY OF THE RIGHTS HEREBY GRANTED. GRANTEE IS NOT RESPONSIBLE FOR ANY SUCH BUILDING, STRUCTURE, SIGN, WELL OR OBJECT SO ERRECTED, PLACED OR PERMITTED TO REMAIN ON, UNDER, OVER OR WITHIN THE PUBLIC UTILITY BASEMENTS.
- LANDSCAPING, INCLUDING, BUT NOT LIMITED TO, GRASS, TREES, SHRUBS, AND FLOWERS, MAY BE INSTALLED AND MAINTAINED ON THE SURFACE OF THE PUBLIC UTILITY BASEMENTS PROVIDED THAT SUCH LANDSCAPING SHALL NOT INTERFERE WITH GRANTEE'S UTILITY FACILITIES LOCATED WITHIN THE PUBLIC UTILITY BASEMENT, AND PROVIDED, FURTHER, THAT GRANTEE IS NOT RESPONSIBLE FOR ANY DAMAGE DONE TO, OR THE COST OF REPAIRING, ANY LANDSCAPING DAMAGED BY GRANTEE IN CONNECTION WITH GRANTEE'S EXERCISE OF ANY OF THE RIGHTS HEREBY GRANTED.
- THE PUBLIC UTILITY BASEMENTS MAY BE UTILIZED FOR ANY PURPOSE NOT INCONSISTENT WITH EACH GRANTEE'S FULL AND COMPLETE ENJOYMENT OF THE RIGHTS HEREBY GRANTED. GRANTEE SHALL EXERCISE THE RIGHTS HEREBY GRANTED TO THEM WITH DUE CARE. ANY LIABILITY FOR PERSONAL, INJURY OR PROPERTY DAMAGE TO UNION MILL, INC., ITS EMPLOYEES, AGENTS AND INVITEES, OR ANY THIRD PERSON, AS A RESULT OF, ARISING OUT OF, OR RELATED TO THE USE OR OCCUPANCY OF THE PUBLIC UTILITY BASEMENTS BY ANY GRANTEE PURSUANT TO THIS GRANT SHALL BE BORNE BY SUCH GRANTEE TO THE EXTENT CAUSED BY THE NEGLIGENCE OF GRANTEE, ITS OFFICERS, EMPLOYEES AND AGENTS, SUBJECT, HOWEVER, TO ANY APPLICABLE LIABILITY LIMITATIONS PROVIDED BY LAW.
- MAINTENANCE OF INTERSECTION OR RETENTION PONDS, OR OTHER DRAINAGE INFRASTRUCTURE AND FACILITIES, AND SEWERALS, INCLUDING SEWERALS WITHIN PUBLIC RIGHTS OF WAY OR BASEMENTS, AND PARTICULAR AREAS LOCATED WITHIN LINCOLN PARK AT WELLINGTON NEIGHBORHOOD PHASE II WILL BE THE RESPONSIBILITY OF WELLINGTON NEIGHBORHOOD ASSOCIATION.
- THE OWNERS HEREBY GRANT, DEDICATE AND CONVEY TO THE TOWN OF BRECKENRIDGE, A COLORADO MUNICIPAL CORPORATION ("TOWN"), PERPETUAL, NON-EXCLUSIVE BASEMENTS, OVER, UNDER, IN AND THROUGH THOSE PORTIONS OF THE PROPERTY DESIGNATED ON THIS PLAT AS "PRIVATE OPEN SPACE - SUBJECT TO DRAINAGE BASEMENT" THAT INCLUDE A CHANGE OF FRENCH CREEK OR OTHER DRAINAGE FACILITIES (COLLECTIVELY, THE "DRAINAGE BASEMENTS"). THE DRAINAGE BASEMENTS MAY BE USED BY THE TOWN SOLELY FOR THE PURPOSES OF: (1) ALLOWING FOR THE NATURAL FLOW OF FRENCH CREEK; (2) PERFORMING SUCH MAINTENANCE AS THE TOWN DETERMINES TO BE NECESSARY OR USEFUL TO PROVIDE FOR SUCH FLOW; (3) TAKING SUCH ACTION AS THE TOWN DETERMINES TO BE NECESSARY OR USEFUL TO PROTECT AGAINST INTERFERENCE OF SUCH FLOW; (4) PROVIDING SUCH MAINTENANCE OF OR REPAIRS TO THE OTHER DRAINAGE FACILITIES AS THE TOWN DETERMINES TO BE NECESSARY OR USEFUL AND (5) PROVIDING ACCESS ALONG FRENCH CREEK FOR THE PERFORMANCE OF SUCH MAINTENANCE TO FRENCH CREEK OR THE OTHER DRAINAGE FACILITIES PROVIDED THAT MAINTENANCE OR REPAIRS SHALL BE PERFORMED AND ACCESS OBTAINED IN SUCH MANNER AS WILL DO THE LEAST DAMAGE TO AREAS OF THE PRIVATE OPEN SPACE OUTSIDE OF THE CHANNEL OF FRENCH CREEK OR THE AREAS OF OTHER DRAINAGE FACILITIES AND SUCH AREAS OUTSIDE THE CHANNEL OR OF OUTSIDE OTHER DRAINAGE FACILITIES SHALL BE RETURNED TO SUBSTANTIALLY THE SAME CONDITION THEY WERE IN BEFORE THE PERFORMANCE OF MAINTENANCE.
- THE SIDES OF ALL DETENTION PONDS SHALL RECEIVE CAPPING SOIL, TOP SOIL AND IRRIGATED NATIVE SEED MIX.

**TOWN OF BRECKENRIDGE CERTIFICATE**

THIS PLAT IS APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.  
 TOWN OF BRECKENRIDGE

BY: \_\_\_\_\_  
 DIRECTOR, DEPARTMENT OF  
 COMMUNITY DEVELOPMENT

**NOTICE**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE TOWN OF BRECKENRIDGE HEREBY ACCEPTS ALL OF THE OBLIGATIONS OF DEDICATION MADE BY THIS PLAT. HOWEVER, SUCH ACCEPTANCE DOES NOT CONSTITUTE AN ACCEPTANCE OF THE ROADS AND RIGHTS OF WAY REFLECTED HEREON FOR MAINTENANCE BY THE TOWN.

UNTIL SUCH ROADS AND RIGHTS OF WAY MEET TOWN ROAD SPECIFICATIONS AND ARE SPECIFICALLY ACCEPTED BY THE TOWN, THE MAINTENANCE, CONSTRUCTION, AND ALL OTHER MATTERS PERTAINING TO OR AFFECTING SAID ROADS AND RIGHTS OF WAY ARE THE SOLE RESPONSIBILITY OF THE OWNERS OF THE LAND INDICATED WITHIN THIS SUBDIVISION.

**TOWN CLERK'S CERTIFICATE**

STATE OF COLORADO )  
 ) SS  
 TOWN OF BRECKENRIDGE )  
 COUNTY OF SUMMIT )

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_, 2017, AND IS DULY RECORDED.

**TOWN CLERK**

**TITLE COMPANY CERTIFICATE**

LAND TITLE GUARANTEE OF SUMMIT COUNTY, DOES HEREBY CERTIFY THAT HE HAS EXAMINED THE TITLE TO ALL LANDS SHOWN HEREON AND ALL LANDS HEREBY DEDICATED BY VIRTUE OF THIS PLAT AND TITLE TO ALL SUCH LANDS IS IN THE DEDICATOR FREE AND CLEAR OF ALL LIENS, TAXES AND ENCUMBRANCES, EXCEPT AS FOLLOWS:

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2017.

**AGENT**

**SURVEYOR'S CERTIFICATE**

I, DENNIS E. O'NEIL, BEING A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO DO HEREBY CERTIFY THAT THIS PLAT OF LINCOLN PARK AT THE WELLINGTON NEIGHBORHOOD, FILING No. 3, WAS PREPARED BY ME AND UNDER MY SUPERVISION, THAT BOTH THIS PLAT AND THE SURVEY ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THE MONUMENTS WERE PLACED PURSUANT TO 38-5-110, C.R.S.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

DENNIS E. O'NEIL  
 COLORADO L.S. 52901

**CLERK AND RECORDERS CERTIFICATE**

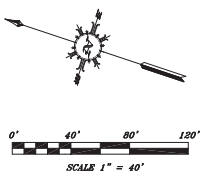
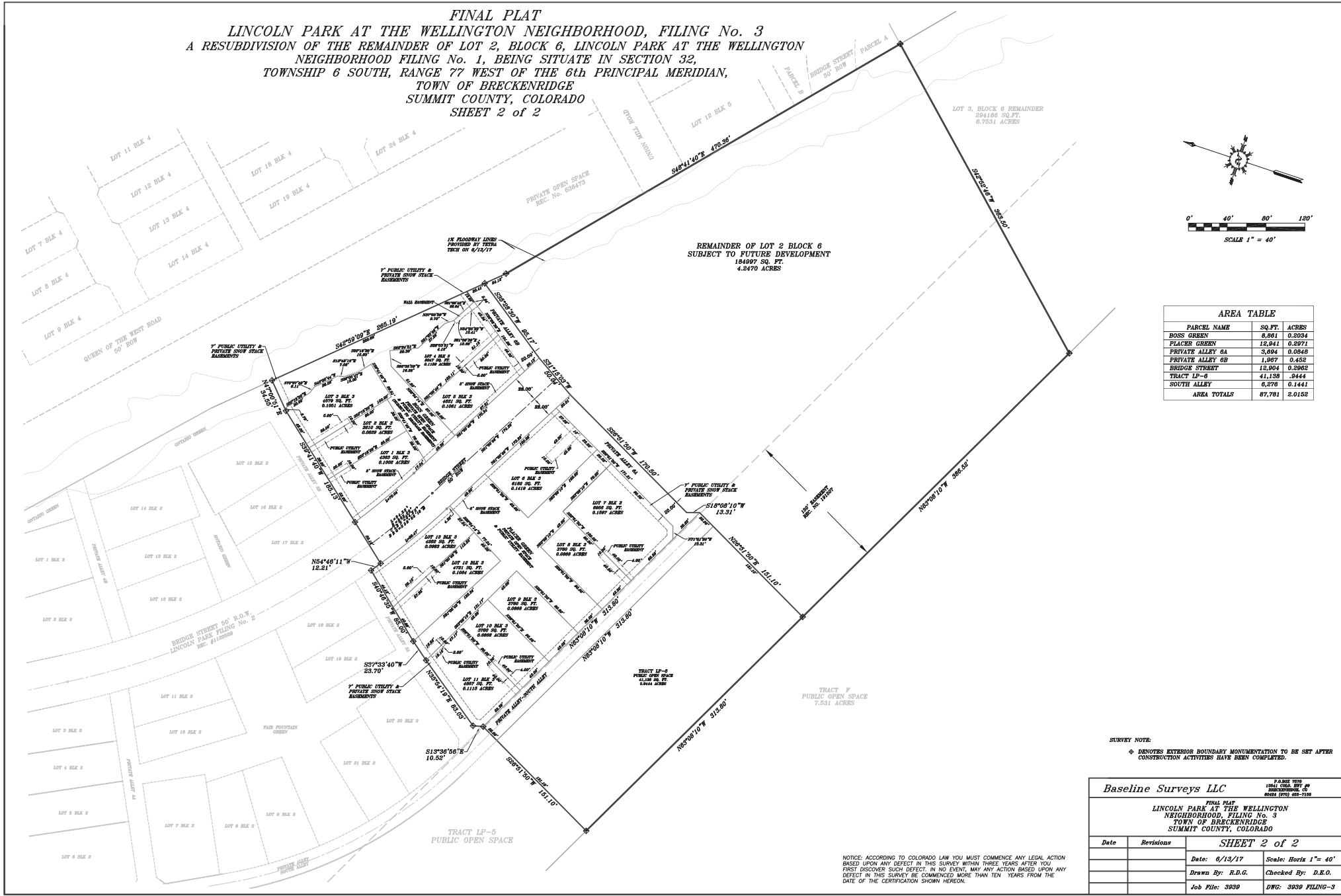
STATE OF COLORADO )  
 ) SS  
 COUNTY OF SUMMIT )

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT \_\_\_\_\_ M., THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2017, AND FILED UNDER RECEPTION NO. \_\_\_\_\_, SUMMIT

**COUNTY CLERK AND RECORDER**

<b>Baseline Surveys LLC</b> FINAL PLAT LINCOLN PARK AT THE WELLINGTON NEIGHBORHOOD, FILING No. 3 TOWN OF BRECKENRIDGE SUMMIT COUNTY, COLORADO		PLAT NO. 1180509 SHEET 1 of 2	
		Date	Revisions
Date	Revisions	Drawn By: R.D.G.	Checked By: D.E.O.
Date	Revisions	Job File: 3039	DWG 3039 FILING-3

**FINAL PLAT**  
**LINCOLN PARK AT THE WELLINGTON NEIGHBORHOOD, FILING No. 3**  
 A RESUBDIVISION OF THE REMAINDER OF LOT 2, BLOCK 6, LINCOLN PARK AT THE WELLINGTON  
 NEIGHBORHOOD FILING No. 1, BEING SITUATE IN SECTION 32,  
 TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6th PRINCIPAL MERIDIAN,  
 TOWN OF BRECKENRIDGE  
 SUMMIT COUNTY, COLORADO  
 SHEET 2 of 2



AREA TABLE		
PARCEL NAME	SQ. FT.	ACRES
BOSS GREEN	8,861	0.2034
PLACER GREEN	18,942	0.2971
PRIVATE ALLEY 6A	3,694	0.0848
PRIVATE ALLEY 6B	1,987	0.452
BRIDGE STREET	12,004	0.2782
TRACT LP-6	41,138	.9444
SOUTH ALLEY	5,576	0.1441
AREA TOTALS	87,701	2.0152

**SURVEY NOTE:**  
 ♦ DENOTES EXTERIOR BOUNDARY MONUMENTATION TO BE SET AFTER CONSTRUCTION ACTIVITIES HAVE BEEN COMPLETED.

<b>Baseline Surveys LLC</b> FINAL PLAT LINCOLN PARK AT THE WELLINGTON NEIGHBORHOOD, FILING No. 3 TOWN OF BRECKENRIDGE SUMMIT COUNTY, COLORADO		PLAT NO. 202 FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF SUMMIT COUNTY, COLORADO ON 6/19/17 AT 10:52 AM
		SHEET 2 of 2 Date: 6/19/17 Scale: Horiz 1" = 40' Drawn By: R.D.G. Checked By: D.E.O. Job File: 3839 DWG: 3839 FILING-3
Date	Revisions	

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.