



**TOWN OF
BRECKENRIDGE**

Town Council Regular Meeting

Tuesday, July 24, 2018, 7:00 PM

Council Chambers

150 Ski Hill Road

Breckenridge, Colorado

*Report of the Town Manager, Report of the 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.

I. CALL TO ORDER, ROLL CALL

II. APPROVAL OF MINUTES

A. TOWN COUNCIL MINUTES - JULY 10, 2018

III. APPROVAL OF AGENDA

IV. COMMUNICATIONS TO COUNCIL

A. CITIZEN'S COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)

V. CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILLS, SERIES 2018 - PUBLIC HEARINGS

1. *COUNCIL BILL NO.18, SERIES 2018 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE BUILDING CODES OF THE TOWN OF BRECKENRIDGE BY ADOPTING BY REFERENCE THE NATIONAL ELECTRICAL CODE, 2017 EDITION*

VI. NEW BUSINESS

A. FIRST READING OF COUNCIL BILLS, SERIES 2018

1. *COUNCIL BILL NO. 19, SERIES 2018 - AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO B & D LIMITED PARTNERSHIP (Tract D, Stan Miller Subdivision)*

B. RESOLUTIONS, SERIES 2018

1. *RESOLUTION NO. 13, SERIES 2018 - A RESOLUTION APPROVING A SIXTH AMENDMENT TO ANNEXATION AGREEMENT WITH UNION MILL, INC. (The Wellington Neighborhood/Lincoln Park)*

C. OTHER

VII. PLANNING MATTERS

A. PLANNING COMMISSION DECISIONS

B. TOWN PROJECT - BRECKENRIDGE TRANSIT BUS STORAGE

VIII. REPORT OF TOWN MANAGER AND STAFF

IX. REPORT OF MAYOR AND COUNCIL MEMBERS

A. CAST/MMC (MAYOR MAMULA)

B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MR. BERGERON)

C. BRECKENRIDGE TOURISM OFFICE (MS. WOLFE)

D. BRECKENRIDGE HERITAGE ALLIANCE (MS. GIGLELLO)

E. WATER TASK FORCE (MR. GALLAGHER)

F. BRECKENRIDGE CREATIVE ARTS (MS. LAWRENCE)

G. BRECKENRIDGE EVENTS COMMITTEE (MS. GIGLIELLO)

X. OTHER MATTERS

APPEAL HEARING FOR DENIAL OF PERMIT TO EXCEED NOISE LEVELS (Historic Brown Hotel)

XI. SCHEDULED MEETINGS

A. SCHEDULED MEETINGS FOR JULY AND AUGUST

XII. ADJOURNMENT

I) CALL TO ORDER, ROLL CALL

Mayor Mamula called the meeting of July 10, 2018 to order at 7:00pm. The following members answered roll call: Ms. Gigliello, Ms. Lawrence, Ms. Wolfe, Mr. Gallagher, Mr. Bergeron, Mr. Carleton and Mayor Mamula.

II) APPROVAL OF MINUTES

A) TOWN COUNCIL MINUTES - JUNE 26, 2018

With no changes or corrections to the meeting minutes of June 26, 2018, Mayor Mamula declared they would stand approved as submitted.

III) APPROVAL OF AGENDA

With no changes to the agenda, Mayor Mamula declared it would stand approved as presented.

IV) COMMUNICATIONS TO COUNCIL

A) CITIZEN'S COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)

Mayor Mamula opened Citizen's Comment.

Mr. Mike Dudick, of 65 Penn Lode, thanked Council for signing the Mayoral Declaration amending the fire restrictions to include banning the sales of wood and charcoal.

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

B) BRECKENRIDGE TOURISM OFFICE UPDATE

Ms. Lucy Kay, Director of the BTO, stated that regarding the Breck Epic, we have a good opportunity to put out a message about conservation around the race. She further stated that June occupancy was up, September numbers are up, and it was the busiest June ever recorded in the Welcome Center. Ms. Kay also stated that the Breck 101 Training was successful with more than 30 businesses represented by the participants, and next week is the summer weather summit. She stated a German publication recently ran a story about Breckenridge. Ms. Kay also explained that Jackrabbit is a property booking engine that the BTO now uses, and it has a strong reporting and tracking capability. Also, the Tourism Master Plan is getting some notice across the state.

Mr. Bergeron asked about the Jackrabbit platform, and how it could help people wanting to advertise their properties for booking. Ms. Kay explained how the program worked.

V) CONTINUED BUSINESS

A) SECOND READING OF COUNCIL BILLS, SERIES 2018 - PUBLIC HEARINGS

1) COUNCIL BILL NO. 16, SERIES 2018 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH LIONHEART BGV VENTURES, LLC, A COLORADO LIMITED LIABILITY COMPANY

Mayor Mamula read the title into the minutes. Mr. Berry stated there were no changes to the ordinance from first reading, however, there is a memo in the agenda packet that explains the changes to the Development Agreement from first reading. Additionally, the version handed out at the evening meeting has two additional changes from the work session, including the deadline for temporary structures, and that the additional funds collected per room are explicitly for the Town of Breckenridge. Mr. Berry asked that the motion include a reference to the form of the agreement handed out at the meeting.

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

Ms. Lawrence moved to approve COUNCIL BILL NO. 16, SERIES 2018 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH LIONHEART BGV VENTURES, LLC, A COLORADO LIMITED LIABILITY COMPANY. Mr. Gallagher seconded the motion.

The motion passed 7-0.

- 2) COUNCIL BILL NO. 17, SERIES 2018 - AN ORDINANCE AMENDING POLICY 3 (ABSOLUTE)(“DENSITY/INTENSITY”) OF SECTION 9-1-19 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE,” CONCERNING THE AMOUNT OF DENSITY TO BE TRANSFERRED BY THE TOWN IN CONNECTION WITH THE DEVELOPMENT OF AN ATTAINABLE WORKFORCE HOUSING PROJECT; AND MAKING A CONFORMING AMENDMENT TO THE BRECKENRIDGE TOWN CODE

Mayor Mamula read the title into the minutes. Mr. Berry stated there were no changes to this ordinance from first reading.

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

Ms. Wolfe stated for the record that she will vote no due to her concern about extinguishing assets of value in the Town.

Mr. Bergeron moved to approve COUNCIL BILL NO. 17, SERIES 2018 - AN ORDINANCE AMENDING POLICY 3 (ABSOLUTE)(“DENSITY/INTENSITY”) OF SECTION 9-1-19 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE,” CONCERNING THE AMOUNT OF DENSITY TO BE TRANSFERRED BY THE TOWN IN CONNECTION WITH THE DEVELOPMENT OF AN ATTAINABLE WORKFORCE HOUSING PROJECT; AND MAKING A CONFORMING AMENDMENT TO THE BRECKENRIDGE TOWN CODE. Ms. Gigliello seconded the motion.

The motion passed 5-2. Ms. Lawrence and Ms. Wolfe voted no.

VI) NEW BUSINESS

A) FIRST READING OF COUNCIL BILLS, SERIES 2018

- 1) COUNCIL BILL NO. 18, SERIES 2018 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE BUILDING CODES OF THE TOWN OF BRECKENRIDGE BY ADOPTING BY REFERENCE THE NATIONAL ELECTRICAL CODE, 2017 EDITION

Mayor Mamula read the title into the minutes. Mr. Berry stated this ordinance would adopt by reference the updated 2017 version of the National Electrical Code.

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 18, SERIES 2018 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE BUILDING CODES OF THE TOWN OF BRECKENRIDGE BY ADOPTING BY REFERENCE THE NATIONAL ELECTRICAL CODE, 2017 EDITION. Mr. Carleton seconded the motion.

The motion passed 7-0.

B) RESOLUTIONS, SERIES 2018

- 1) RESOLUTION NO. 12, SERIES 2018 - A RESOLUTION ADOPTING THE “BLUE RIVER WATERSHED REGIONAL WATER EFFICIENCY PLAN” AND THE “TOWN OF BRECKENRIDGE WATER EFFICIENCY PLAN”

Mayor Mamula read the title into the minutes. Mr. Berry stated this resolution would adopt the water efficiency plans mentioned in the resolution and staff recommends its adoption.

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

Mr. Bergeron moved to approve RESOLUTION NO. 12, SERIES 2018 - A RESOLUTION ADOPTING THE "BLUE RIVER WATERSHED REGIONAL WATER EFFICIENCY PLAN" AND THE "TOWN OF BRECKENRIDGE WATER EFFICIENCY PLAN". Ms. Wolfe seconded the motion.

The motion passed 7-0.

C) OTHER

VII) PLANNING MATTERS

A) PLANNING COMMISSION DECISIONS

Mayor Mamula declared the Planning Commission Decisions would stand approved as presented.

VIII) REPORT OF TOWN MANAGER AND STAFF

Mr. Holman stated we were successful in negotiating an agreement with the Upper Blue Sanitation District for PIF credits to be used for Town-owned projects, and he is asking for approval to use the first credits for the building the Town owns that is leased to the BOEC. Council agreed to do that.

IX) REPORT OF MAYOR AND COUNCIL MEMBERS

Cast/MMC

Mayor Mamula stated Coffee Talk will take place on Friday, with a bike ride with the Mayor after. Several Council members asked about the progress of the chipping program, and staff indicated it's currently taking place in Blue River.

Breckenridge Open Space Advisory Committee

Mr. Bergeron stated there was no update.

Breckenridge Tourism Office

Ms. Wolfe stated there was no update.

Breckenridge Heritage Alliance

Ms. Gigliello stated there was no update.

Water Task Force

Mr. Gallagher stated there was no water update, but there is a meeting about Broadband soon with hopefully some refined numbers and possible subscription costs.

Breckenridge Creative Arts

Ms. Lawrence stated there was no meeting. She further stated the BCA RFP is out, and there might have been a miscommunication about it, so we may hear feedback as a result.

Breckenridge Events Committee

Ms. Gigliello stated there was no update.

X) OTHER MATTERS

Ms. Lawrence stated she would like to explore turning part of the dog park into turf, which is becoming popular. She stated there is a current lack of grass, and there is a high sanitation quality to the turf, which is more hygienic than regular grass and dirt. Ms. Lawrence asked for a cost estimate to place turf on all or half of the park.

Ms. Lawrence stated she and Mr. Gallagher went to the Christie Heights HOA meeting, and the homeowners brought up a lot of issues, including the speed of drivers on Ski Hill Road. They discussed adding a flashing speed sign on Ski Hill Road to help control the traffic speeds. Mr. Holman stated we could attach a data box to a pole to collect information about speeds that would allow us to see what is going on. Mr. Gallagher added the HOA is in conversations with the Town about adding a pedestrian crossing in that area as well, and Mr. Holman stated it might be advantageous to add a sidewalk in that area, possibly by working with Cucumber Creek Estates.

Mr. Gallagher asked about the Fieldhouse Study Phase 1, and Mr. Holman stated the fieldhouse group is preparing a mail survey for the community.

Mayor Mamula mentioned City Market seems to be moving forward with a possible expansion.

Mr. Holman asked if Council would like to reach out to Saint Pabu as a sister city, and Council generally agreed they aren't interested in this at the moment.

XI) SCHEDULED MEETINGS

A) SCHEDULED MEETINGS FOR JULY AND AUGUST

XII) ADJOURNMENT

With no further business to discuss, the meeting adjourned at 7:35pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

Helen Cospolich, CMC, Town Clerk

Eric S. Mamula, Mayor

DRAFT



Memo

To: Breckenridge Town Council Members
From: Tim Berry, Town Attorney
Date: 7/17/2018 (for July 24th meeting)
Subject: Council Bill No. 18 (National Electrical Code Ordinance)

The second reading of the ordinance to adopt the 2017 National Electrical Code is scheduled for your meeting on July 24th. There are no changes proposed to ordinance from first reading.

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

1 ***FOR WORKSESSION/SECOND READING – JULY 24***

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. 18

9
10 Series 2018

11
12
13 AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 8 OF THE BRECKENRIDGE
14 TOWN CODE CONCERNING THE BUILDING CODES OF THE TOWN OF
15 BRECKENRIDGE BY ADOPTING BY REFERENCE THE NATIONAL ELECTRICAL
16 CODE, 2017 EDITION

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18 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
19 COLORADO:

20
21 Section 1. Item F in the list of codes adopted by reference in Section 8-1-3 of the
22 Breckenridge Town Code is amended as follows:

23
24 F. National Electrical Code, 2014 ~~2014~~ **2017** Edition, published by the National Fire
25 Protection Association.

26
27 Section 2. Section 8-1-9 of the Breckenridge Town Code is amended to read as follows:

28
29 8-1-9: AMENDMENTS TO THE NATIONAL ELECTRICAL CODE: There
30 are no amendments to the National Electrical Code, 2014 ~~2014~~ **2017** edition.

31
32 Section 3. Except as specifically amended hereby, the Breckenridge Town Code, and the
33 various secondary codes adopted by reference therein, shall continue in full force and effect.

34
35 Section 4. The Town Council finds, determines and declares that it has the power to
36 adopt this ordinance pursuant to: (i) Section 31-15-601, C.R.S.; (ii) Section 5.13 of the
37 Breckenridge Town Charter; and (iii) the powers granted to home rule municipalities by Article
38 XX of the Colorado Constitution.

39
40 Section 5. This ordinance shall be published and become effective as provided by Section
41 5.9 of the Breckenridge Town Charter.

42
43 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
44 PUBLISHED IN FULL this ____ day of _____, 2018. A Public Hearing shall be held at the

1 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
2 ____, 2018, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
3 Town.

4
5 TOWN OF BRECKENRIDGE, a Colorado
6 municipal corporation
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9
10 By: _____
11 Eric S. Mamula, Mayor
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13 ATTEST:
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17 _____
18 Helen Cospolich, CMC,
19 Town Clerk
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Memo

To: Breckenridge Town Council
Cc: Rick Holman, Shannon Haynes
From: James Phelps, Director Public Works
Date: 7/18/2018 (For July 24 – TC Work Session)
Subject: Ordinance Authorizing the Conveyance of Town Property – Tract D, Stan Miller Subdivision

The subject town property (Tract D) was acquired from the Stan Miller Subdivision, as part of the water plant project and required road improvements. Tract D is 1249 sq. ft. triangle parcel. The Tract D parcel is located on the eastside of the Stan Miller Dr. The paving of Stan Miller Drive identified the parcel as non-contiguous with the Stan Miller Subdivision.

The Stan Miller Drive road improvements additionally required a new driveway access for the Breckenridge Building Center owned by B & D Limited Partnership. The driveway location was designed and constructed including a portion of Tract D.

The town entered into an agreement (May 24, 2018) with B & D Limited Partnerships that included the conveyance of Tract D in exchange for a drainage easement. The drainage easement is necessary for the water treatment plant and is located on the B & D Limited Partnership property.

Staff will be available for any questions at the Work Session.

1 **FOR WORKSESSION/FIRST READING – JULY 24**

2
3 COUNCIL BILL NO. ____

4
5 Series 2018

6
7 AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY
8 TO B & D LIMITED PARTNERSHIP
9 (Tract D, Stan Miller Subdivision)

10
11 WHEREAS, the Town has acquired the real property known as Tract D, Stan Miller
12 Subdivision, Town of Breckenridge, Summit County, Colorado (“**Property**”); and

13
14 WHEREAS, the Town entered into that Agreement with B & D Limited Partnership, an
15 Illinois limited partnership authorized to do business in Colorado (“**B & D**”), dated May 24,
16 2018 (“**Agreement**”); and

17
18 WHEREAS, the Town is required to convey the Property to B & D pursuant to the
19 Agreement; and

20
21 WHEREAS, Section 15.3 of the Breckenridge Town Charter requires that conveyance of
22 the real property to B & D be authorized by ordinance.

23
24 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
25 BRECKENRIDGE, COLORADO:

26
27 Section 1. The Town Manager and the Town Clerk are authorized, empowered, and
28 directed to execute, acknowledge, and deliver to B & D Limited Partnership, an Illinois limited
29 partnership authorized to do business in Colorado, the special warranty deed a copy of which is
30 marked **Exhibit “A”**, attached hereto and incorporated herein by reference.

31
32 Section 2. The Town Council finds, determines, and declares that it has the power to
33 adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX
34 of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

35
36 Section 3. This ordinance shall be published and become effective as provided by
37 Section 5.9 of the Breckenridge Town Charter.

38
39 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
40 PUBLISHED IN FULL this ____ day of _____, 2018. A Public Hearing shall be
41 held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the
42 ____ day of _____, 2018, at 7:30 P.M., or as soon thereafter as possible in the
43 Municipal Building of the Town.
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45

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
Eric S. Mamula, Mayor

ATTEST:

Helen Cospolich
Town Clerk

EXHIBIT "A"**SPECIAL WARRANTY DEED**

THIS DEED is made this ____ day of _____, 2018, between the TOWN OF BRECKENRIDGE, a Colorado municipal corporation, whose address is P.O. Box 168, Breckenridge, Colorado 80424 ("Grantor"), and B & D LIMITED PARTNERSHIP, an Illinois limited partnership authorized to do business in Colorado, whose address is 1480 Sequoia Drive, Aurora, Illinois 60506 the ("Grantee").

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has bargained, sold, and conveyed, and by these presents does grant, bargain, sell, convey, and confirm unto the Grantee, its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the Town of Breckenridge, Summit County, Colorado described as follows:

See the attached **Exhibit "A"** and **Exhibit "B"**, which are incorporated into this deed by reference.

also known by street and number as: vacant land

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the Grantee, its successors and assigns forever. The Grantor, for itself and its successors, does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through, or under the Grantor.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

This Deed is executed pursuant to Ordinance No. ____, Series 2018, adopted by the Town Council of the Town of Breckenridge on August 14, 2018.

SPECIAL WARRANTY DEED

TOWN OF BRECKENRIDGE

By: _____
Rick G. Holman, Town Manager

ATTEST:

Helen Cospolich, CMC,
Town Clerk

STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018 by Rick G. Holman, Town Manager, and Helen Cospolich, CMC, Town Clerk, of the Town of Breckenridge, a Colorado municipal corporation.

WITNESS my hand and official seal.

My commission expires: _____.

Notary Public

EXHIBIT A
 LEGAL DESCRIPTION
 "TRACT D, OF THE STAN MILLER SUBDIVISION"
 TOWN OF BRECKENRIDGE,
 SUMMIT COUNTY, COLORADO

A PARCEL OF LAND LOCATED IN THE SOUTHWEST $\frac{1}{4}$ OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6TH PRINCIPAL MERIDIAN. SAID PARCEL BEING DESCRIBED AS "TRACT D" OF THE MILLER SUBDIVISION, A SUBDIVISION AS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER FOR SUMMIT COUNTY COLORADO AT RECEPTION No. 886225, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT D

COMMENCING AT THE SOUTHEAST CORNER OF SAID MILLER SUBDIVISION, THENCE; N11°43'35"E, A DISTANCE OF 167.15 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF STAN MILLER DRIVE, THE TRUE POINT OF BEGINNING.

THENCE; N14°09'45 "W, ALONG SAID RIGHT OF WAY, A DISTANCE OF 20.50 FEET.

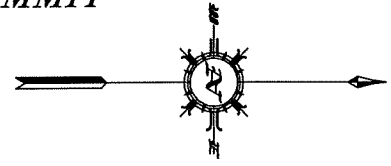
THENCE; CONTINUING ALONG SAID RIGHT OF WAY, 67.70 FEET ON THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 570.00 FEET AND A CHORD WHICH BEARS N10°45'36"W, A DISTANCE OF 67.66 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID MILLER SUBDIVISION.

THENCE; S56°06'06"E, ALONG SAID EASTERLY BOUNDARY, A DISTANCE OF 37.61 FEET.

THENCE; S11°43'35"W, ALONG SAID EASTERLY BOUNDARY, A DISTANCE OF 66.76 FEET TO THE TRUE POINT OF BEGINNING.

DESCRIBED PARCEL CONTAINING 1249 SQ. FT. OR 0.0287 ACRES, MORE OR LESS.

EHHIBIT B
TRACT D, MILLER SUBDIVISION
TOWN OF BRECKENRIDGE, SUMMIT
COUNTY COLORADO



SCALE 1"=50'

MILLER SUBDIVISION
REC. No. 886225

TOWN OF
BRECKENRIDGE
REC. 699409

L=67.70'
R=570.00'
C LEN=67.66'
BRG=N10°45'36"W

POINT OF
COMMENCEMENT

STAN MILLER DRIVE
60' R.O.W.

N11°43'35"E, 167.15'

N14°09'45"W
20.50'

TRUE POINT OF
BEGINNING

66.76'
S11°43'35"W

37.61'
S56°06'06"E

TOWN OF
BRECKENRIDGE
REC. 699409

N82°14'27"W
452.27'

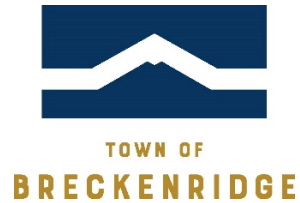
TRACT D
1249 SQ. FT.
0.0287 ACRES

BRECKENRIDGE BUILDING CENTER
REC No. 631011

BASELINE SURVEYS, LLC

P.O. BOX 7578 BRECKENRIDGE COLO. 80424

SCALE: 1"=50'	DATE: 5/24/2018	JOB NO. 4000
DRAWN BY: D.E.O.	CHECKED BY: N.P.O.	DRAWING NO. 4000 TR-D



Memo

To: Breckenridge Town Council Members
 From: Laurie Best-Community Development Department
 Date: 7/18/2018 (for July 10, 2018)
 Subject: A RESOLUTION APPROVING THE SIXTH AMENDMENT TO ANNEXATION AGREEMENT (Lincoln Park)

A Resolution is attached for the sixth amendment to the annexation agreement for Wellington Neighborhood/Lincoln Park. The original Annexation Agreement that was approved in 1999 established the basic terms and obligations of the Developer regarding the neighborhood. Over time, these terms have been modified and/or clarified thru formal amendments in order to address changes in the market, processes, and design as the project has built out.

This sixth amendment addresses issues with the Affordability Benchmarks established in the Third Amendment which was dated March 25, 2014 and recorded May 23, 2014 at reception number 1055482. In that 2014 amendment, the AMI targets and pricing benchmarks were established for the 128 deed restricted units that were yet to be built. That 2014 amendment also included changes to the pricing formula, which factors in the Area Median Income (AMI) and specific interest rate assumptions to determine affordable sale prices.

Unfortunately, and unexpectedly after the formula was established in 2014 the Summit County AMI started to decline to a low in 2016. It has started to recover, but as of 2018 the AMI (at \$90,600) is still less than the 2014 AMI at \$90,800. Because the pricing formula relies on AMI, the developer has been unable to increase pricing since May 2014. This was not the intent of the 2014 formula, especially given the cost of construction increases since 2014 and market recovery that is still underway since the recession.

The Developer approached the Town in late 2017 regarding pricing for the 3rd Phase of Lincoln Park (13 units) and also for the 4th and final Phase of Lincoln Park (10 units). Because of the issues with AMI in the pricing formula the Council was willing to allow the final 23 units be sold for prices that are higher than calculated under the formula. The approved prices and corresponding AMI targets are listed below.

Phase 3 (13 units)				
Model	# of units	AMI	Size	Approved Base Price
Aspen, Oak , and Honey Locust	5	100% AMI	3 bed	\$429,876
Hawthorne, Juniper, Cottonwood	4	120% AMI	3	\$446,083
Willow	2	100% AMI	3	\$364,545
Fir	2	100% AMI	2	\$348,583

Phase 4 (10 units)				
Model	# of units	AMI	Size	Approved Base Price
Fir	1	100% AMI	2 bed	\$349,900
Willow	1	100% AMI	3	\$400,900
Honey Locust/Aspen	2	100% AMI	3	\$459,000
Oak	2	100% AMI	3	\$476,900
Cottonwood	1	120% AMI	3	\$499,613
Hawthorne	2	120% AMI	3	\$519,000
Model-Oak	1	120%	3	\$499,613

Recommendation:

Staff is aware that AMI is not always an accurate reflection of current income for working households because of the HUD methodology, particularly the lag in their data. There is very strong demand for these units and the prices are in line with other deed restricted inventory. Therefore, Staff supports the Resolution to allow these sale prices as opposed to prices calculated pursuant to the formula and will be available to answer questions at your July 24th meeting.

1 **FOR WORKSESSION/ADOPTION – JULY 24**

2
3 RESOLUTION NO. _____

4
5 SERIES 2018

6
7 A RESOLUTION APPROVING A SIXTH AMENDMENT TO ANNEXATION AGREEMENT
8 WITH UNION MILL, INC.
9 (The Wellington Neighborhood/Lincoln Park)

10
11 WHEREAS, the Town and Brynn Grey V, LLC, a Colorado limited liability company,
12 entered into that certain Annexation Agreement dated August 24, 1999 and recorded in the
13 Summit County, Colorado real estate records on October 18, 1999 at Reception No. 608041
14 (“**Annexation Agreement**”); and

15
16 WHEREAS, Union Mill, Inc., a Colorado corporation (“**Union Mill**”), is the successor in
17 interest to Bryn Grey V, LLC, a Colorado limited liability company; and

18
19 WHEREAS, the Annexation Agreement pertains to the annexation to the Town and
20 development of the project known as the “Wellington Neighborhood,” and now includes the
21 development of a project known as “Lincoln Park;” and

22
23 WHEREAS, the Annexation Agreement was previously amended by that Amendment to
24 Annexation Agreement dated February 28, 2006 and recorded in Summit County, Colorado real
25 estate records on March 22, 2006 at Reception No. 817872; and

26
27 WHEREAS, the Annexation Agreement was further amended by that Second
28 Amendment to Annexation Agreement dated November 23, 2010 and recorded in Summit
29 County, Colorado real estate records on December 28, 2010 at Reception No. 954419; and

30
31 WHEREAS, the Annexation Agreement was further amended by that Third Amendment
32 to Annexation Agreement dated March 25, 2014 and recorded in Summit County, Colorado real
33 estate records on May 23, 2014 at Reception No. 1055482; and

34
35 WHEREAS, the Annexation Agreement was further amended by that Fourth Amendment
36 to Annexation Agreement dated October 27, 2015 and recorded in Summit County, Colorado
37 real estate records on November 4, 2015 at Reception No. 1096307; and

38
39 WHEREAS, the Annexation Agreement was further amended by that Fifth Amendment
40 to Annexation Agreement dated May 31, 2017 and recorded in Summit County, Colorado real
41 estate records on August 4, 2017 at Reception No. 1148074; and

42
43 WHEREAS, the Union Mill and Town desire to further amend the Annexation
44 Agreement, as previously amended, as more fully set forth in the proposed “Sixth Amendment to
45 Annexation Agreement,” a copy of which is marked **Exhibit “A”**, attached hereto, and
46 incorporated herein by reference; and

1
2 WHEREAS, the Town Council has reviewed the proposed "Sixth Amendment to
3 Annexation Agreement," and finds and determines that the approval of such agreement would be
4 in the best interests of the Town and its citizens.

5
6 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
7 BRECKENRIDGE, COLORADO:

8
9 Section 1. The "Sixth Amendment to Annexation Agreement" between the Town and
10 Union Mill, Inc., a Colorado corporation (Exhibit "A" hereto), is approved, and the Town
11 Manager is authorized to execute such document for and on behalf of the Town of Breckenridge.

12
13 Section 2. This resolution is effective upon adoption.

14
15 RESOLUTION ADOPTED AND APPROVED THIS ____ DAY OF _____, 2018.

16
17 TOWN OF BRECKENRIDGE, a Colorado
18 municipal corporation

19
20
21
22 By: _____
23 Eric S. Mamula, Mayor

24
25 ATTEST:

26
27
28
29 _____
30 Helen Cospolich, CMC,
31 Town Clerk

32
33 APPROVED IN FORM

34
35
36
37 _____
38 Town Attorney date

SIXTH AMENDMENT TO ANNEXATION AGREEMENT

This Sixth Amendment to Annexation Agreement (“Sixth Amendment”) is made and entered into as of the ____ day of _____, 2018 by and between the TOWN OF BRECKENRIDGE, a Colorado municipal corporation (“Town”) and UNION MILL, INC., a Colorado corporation (“Owner”), to amend the Annexation Agreement dated August 24, 1999 and recorded in the Summit County, Colorado real estate records on October 18, 1999 at Reception No. 608041 (“Annexation Agreement”), as previously amended by the Amendment to Annexation Agreement dated February 28, 2006 and recorded in the Summit County, Colorado real estate records on March 22, 2006 at Reception No. 817872 (“First Amendment”), the Second Amendment to Annexation Agreement dated November 23, 2010 and recorded in the Summit County, Colorado real estate records on December 28, 2010 at Reception No. 954419 (“Second Amendment”), the Third Amendment to Annexation Agreement dated March 25, 2014 and recorded in the Summit County, Colorado real estate records on May 23, 2014 at Reception No. 1055482 (“Third Amendment”), the Fourth Amendment to Annexation Agreement dated October 27, 2015 and recorded in the Summit County, Colorado real estate records on November 4, 2015 at Reception No. 1096307 (“Fourth Amendment”); and the Fifth Amendment to Annexation Agreement dated May 31, 2017 and recorded in the Summit County, Colorado real estate records on August 4, 2017 at Reception No. 1148074 (“Fifth Amendment”).

WHEREAS, Owner and Town desire to further amend the Annexation Agreement as fully set forth hereafter.

NOW, THEREFORE, in consideration of the recitals, promises and covenants contained herein and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **DEFINITIONS.** All capitalized terms used herein shall have the same meaning as provided in the Annexation Agreement, First Amendment, Second Amendment, Third Amendment, Fourth Amendment, and Fifth Amendment unless otherwise defined in this Sixth Amendment.

2. **APPROVED BASE PRICES FOR LINCOLN PARK PHASE 3 AND PHASE 4.** With respect to the Third Phase of Lincoln Park (13 units) and the Fourth (and final) Phase of Lincoln Park (10 units), the Approved Base Prices set forth on the attached Exhibit A shall control over any contrary or conflicting provision in the original Annexation Agreement, or any previous amendment thereto.

3. **EFFECT OF AMENDMENTS.** Except as provided in this Sixth Amendment, all terms and conditions of the Annexation Agreement, First Amendment, Second Amendment, Third Amendment, Fourth Amendment, and Fifth Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Sixth Amendment as of the date first written above.

UNION MILL, INC.,
a Colorado corporation

By: _____
David G. O'Neil, President

Developer's Address:

777 Pearl Street, Suite 200
Boulder, CO 80302

STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018 by David G. O'Neil, as President of Union Mill, Inc., a Colorado corporation.

WITNESS my hand and official seal.

My commission expires: _____

Notary Public

TOWN OF BRECKENRIDGE,
a Colorado municipal corporation

By: _____
Rick G. Holman, Town Manager

ATTEST:

Helen Cospolich, CMC,
Town Clerk

Town's Address:

P. O. Box 168
Breckenridge, CO 80424

STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018 by Rick G. Holman, Town Manager, and Helen Cospolich, CMC, Town Clerk, of the Town of Breckenridge, a Colorado municipal corporation.

WITNESS my hand and official seal.

My commission expires: _____

Notary Public

Exhibit A
To
Sixth Amendment to Annexation Agreement

Approved Base Prices For Third and Fourth Phases of Lincoln Park

Phase 3 (13 units)				
Model	# of units	AMI	Size	Approved Base Price
Aspen, Oak , and Honey Locust	5	100% AMI	3 bed	\$429,876
Hawthorne, Juniper, Cottonwood	4	120% AMI	3	\$446,083
Willow	2	100% AMI	3	\$364,545
Fir	2	100% AMI	2	\$348,583

Phase 4 (10 units)				
Model	#of units	AMI	Size	Approved Base Price
Fir	1	100% AMI	2 bed	\$349,900
Willow	1	100% AMI	3	\$400,900
Honey Locust/Aspen	2	100% AMI	3	\$459,000
Oak	2	100% AMI	3	\$476,900
Cottonwood	1	120% AMI	3	\$499,613
Hawthorne	2	120% AMI	3	\$519,000
Model-Oak	1	120% AMI	3	\$499,613



Memo

To: Breckenridge Town Council Members
From: Peter Grosshuesch, Director of Community Development
Date: July 18, 2018
Subject: Planning Commission Decisions of the July 17, 2018 Meeting

DECISIONS FROM THE PLANNING COMMISSION MEETING, JULY 17, 2018:

CLASS A APPLICATIONS:

None.

CLASS B APPLICATIONS:

None.

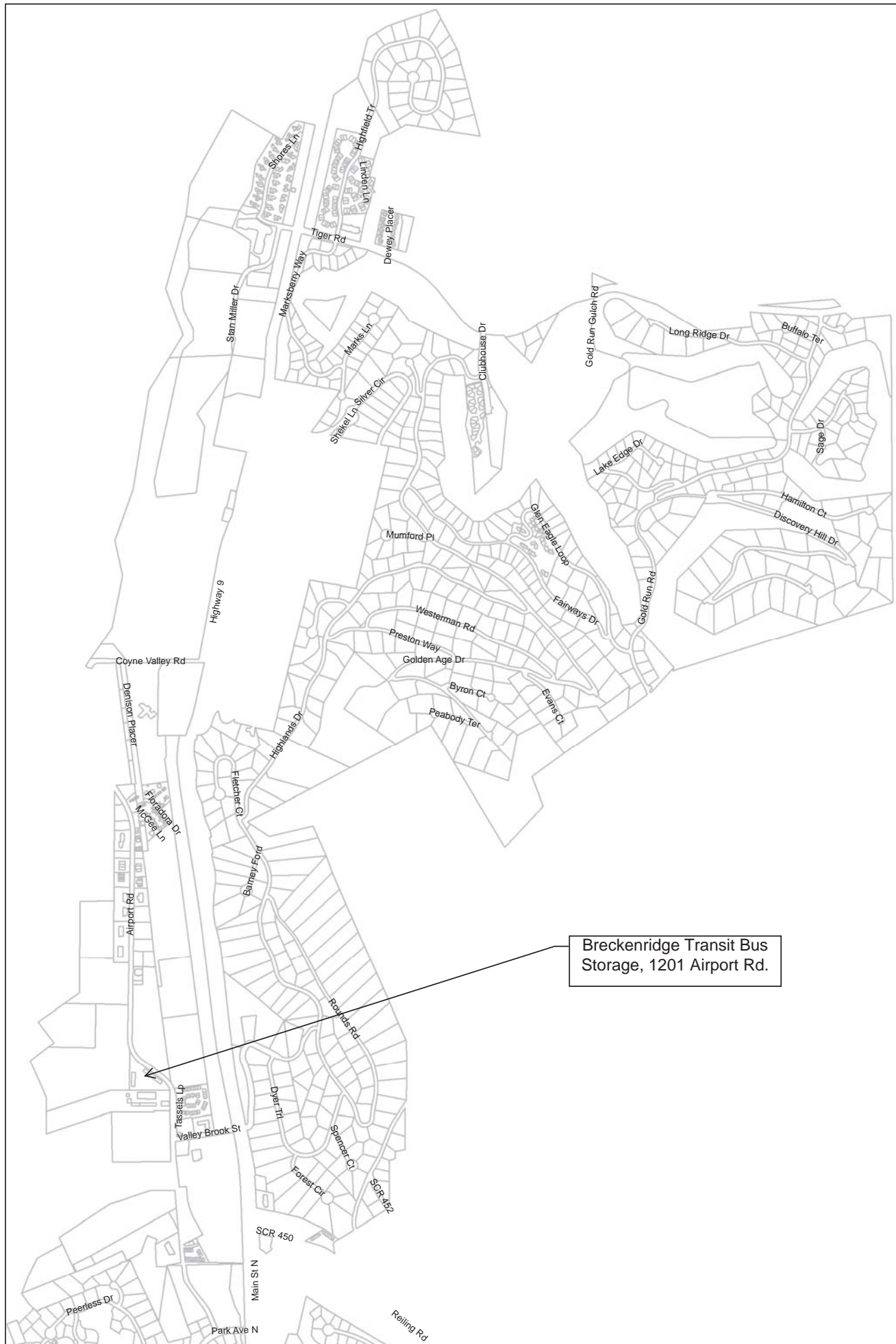
CLASS C APPLICATIONS:

1. Ernst Addition, Remodel and Driveway Variance, PL-2018-0103, 73 Red Feather Rd.
A proposal to construct a 1,532 sq. ft. addition to an existing 2,332 sq. ft. single family residence, for a total of 5 bedrooms and 4 bathrooms, and a FAR of 1:2.48. *Approved.*
2. Cove Residence, PL-2018-0272, 107 Victory Lane
A proposal to build a new 4,335 sq. ft. single family residence with 3 bedrooms, 4.5 bathrooms, and a FAR of 1:0.24. *Approved.*

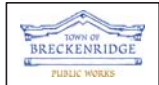
TOWN PROJECT HEARINGS:

1. Breckenridge Transit Bus Storage, PL-2018-0211, 1201 Airport Rd.
A proposal to build a 5,000 sq. ft. structure with six bay bus storage and additional equipment storage. *Approved.*

OTHER: None.

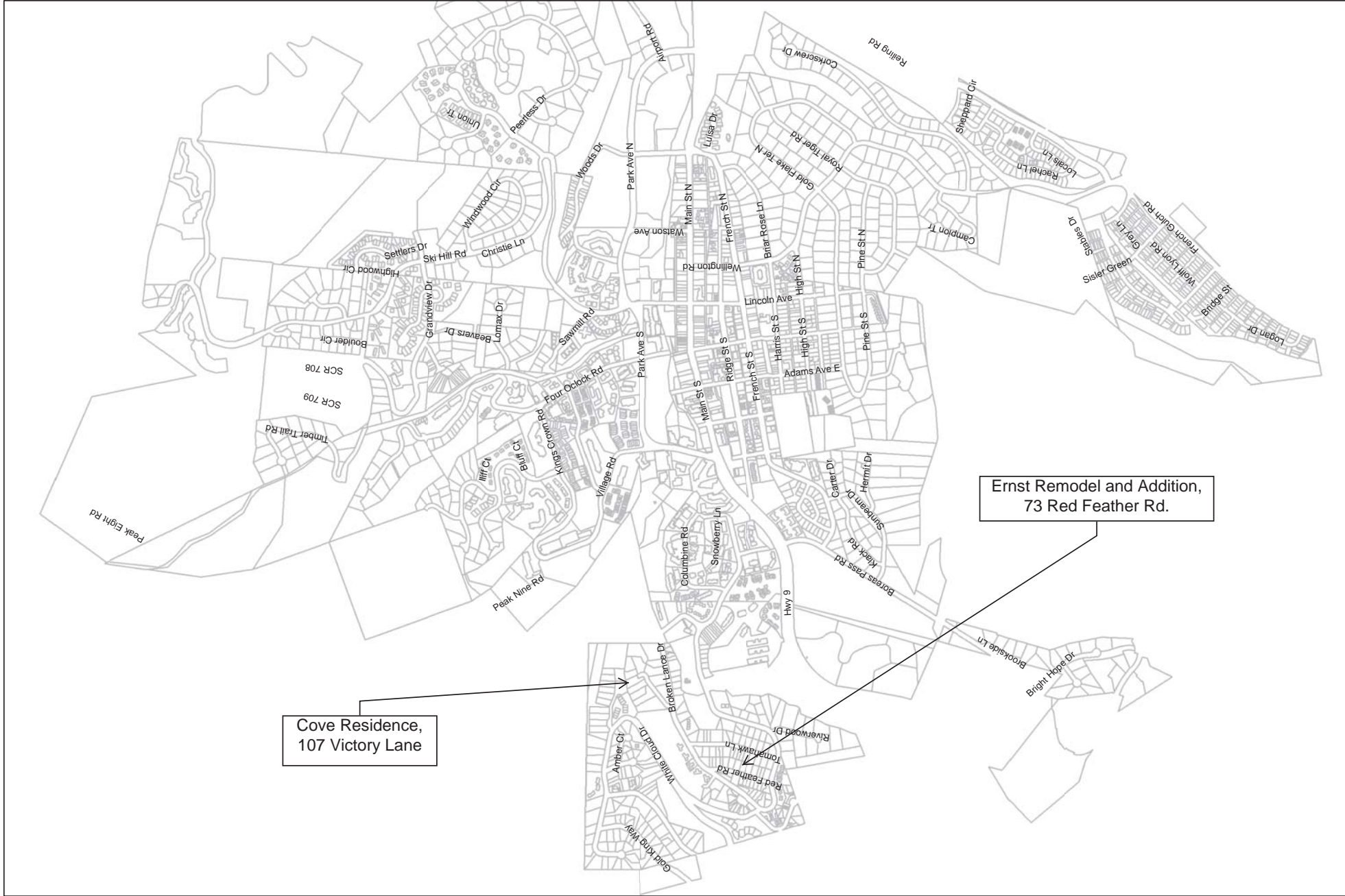


Breckenridge Transit Bus Storage, 1201 Airport Rd.



Breckenridge North





Cove Residence,
107 Victory Lane

Ernst Remodel and Addition,
73 Red Feather Rd.



NOT TO SCALE

Breckenridge South



PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Chair Mathews-Leidal.

ROLL CALL

Christie Mathews-Leidal
Mike Giller
Dan Schroder

Jim Lamb
Steve Gerard
Gretchen Dudney

Ron Schuman

APPROVAL OF MINUTES

With the changes below, the July 3, 2018 Planning Commission Minutes were approved.

Last page of minutes – word “gate” should be “date”- Mr. Giller.

Page 6 of packet, concerning Ten Mile Room, Mr. Gerard, should say “to solve problem *with parking*”.

APPROVAL OF AGENDA

With no changes, the July 17, 2018 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No Comments

CONSENT CALENDAR:

1. Ernst Addition, Remodel and Driveway Variance (CL), PL-2018-0103, 73 Red Feather Rd.
2. Cove Residence (JL), PL-2018-0272, 107 Victory Ln.

With no call-ups, the Consent Calendar was approved as presented.

TOWN PROJECTS:

1. Breckenridge Transit Bus Storage (JL), PL-2018-0211, 1201 Airport Rd.

Mr. Lott presented a proposal to construct a 5,000 sq. ft. structure with six bay electric bus storage and additional equipment storage. (Mr. Lott pointed out on a map where the site is located.) The building is made of metal with a flat roof. Several of the buildings in this facility didn't go through planning and were not reviewed, however this building is not very different from those. -6 points are awarded under policy 5A. The colors will be beige and brown, consistent with the other structures on the site. The height is 16' 9" and under this policy any ridgeline over 50' receives negative points. The building is very utilitarian. Total negative points are -7. Staff recommends +6 points under Policy 24R for meeting a 2018 Town Council goal of expanding the electric bus fleet. Under Policy 25R transit, staff recommends +4 points because the project is contributing to the non-auto transit system. Not much else is changing on the site. Staff finds that the berm along airport road provides a significant buffer. Passing point analysis of +3 points. One finding was added in regards to the undergrounding of utility lines.

Commissioner Questions/Comments:

Mr. Lamb: Are the buses charged and stored in here? Mr. Lott: Yes, both stored and charged.

Mr. Giller: What are the three boxes to the north and behind it? Shannon Smith, Capital Project Manager: Existing buildings that we are going to move. (Pointed out on map.)

Mr. Schroder: In regards to access and circulation; how will the buses get in? Do they back in? And, is there a plan to acquire more than the 2 buses we have heard about? Ms. Smith: Yes, and there is a long waiting period when ordering a bus. (Pointed on the map how the buses will enter the facility.)

Ms. Leidal opened the hearing for public comment. No comments.

- Mr. Gerard: The area is pretty protected and screened with landscaping. We need the buses and I agree with the point analysis.
- Mr. Schroder: I support.
- Mr. Giller: I support.
- Mr. Schuman: I agree.
- Mr. Lamb: I agree and think the architecture is compatible and I'm excited to have electric busses.
- Ms. Dudney: I agree.

Mr. Schroder made a motion to approve with the added finding, seconded by Mr. Gerard. The motion carried unanimously (7-0).

OTHER MATTERS:

1. Administrative Rules and Regulations for the Town of Breckenridge Development Code and Subdivision Standards
2. Class D Majors, Q2 2018
3. Class C Subdivisions, Q2 2018
4. Town Council Summary

Ms. Leidal: I see the rules and regulations say the Class C subs will be forwarded at the next meeting. (Ms. Puester: If that is still ok with the Commission, we would send them quarterly as we currently do. Will make sure it is reflected. (Commission: Yes that is ok).)

Ms. Puester: I have two questions for the Commission regarding the CLG Annual Reporting that I am working on for the State. 1) I want to be sure I have correct numbers for Telluride conference attendance. Mr. Giller, Mr. Gerard, Ms. Dudney. 2) Saving Places Conference attendance: Ms. Leidal, Mr. Giller, Mr. Gerard.

Mr. Schroder: The APA conference will be in Keystone and should be easy to attend. Ms. Puester: We have also started talking about a PC field trip in October and potential dates. We also have some seats up this year – 4 seats. Gretchen, Ron, Christie, and Mike. We have a different process this year, the Council has gone away from formal interviews at their formal meetings and we do the application review with staff and Council representation, interviews internally with that group, then make a recommendation to the Council. We will still have the same advertising in October.

ADJOURNMENT:

The meeting was adjourned at 5:52 pm.

Christie Mathews-Leidal, Chair



Memo

To: Breckenridge Town Council Members
From: Jeremy Lott, AICP, Planner II
Date: 7/18/2018 (For July 24, 2018 Meeting)
Subject: Town Project: Breckenridge Transit Bus Storage

The Breckenridge Transit Bus Storage is being reviewed as a Town Project. All public noticing requirements for the approval of a Town Project have been fulfilled as required under the adopted Town Projects Ordinance amendment (by Council Bill No. 1, Series 2013).

The proposal is to construct a 5,000 sq. ft. structure with six bay bus electric bus storage and additional equipment storage.

The Planning Commission held a hearing on July 17th in which the Planning Commission recommended the Town Council approve the project (with a vote of 7-0). There was no public comment.

Attached to this memo is a complete staff report, substantially the same as presented to the Planning Commission and attachments including site plan and point analysis with a passing score of positive three (+3) point and findings.

If the Council agrees with the Planning Commission's recommendation, a motion for approval is provided below.

I make a motion to approve the Breckenridge Transit Bus Storage, located at 1095 Airport Road, PL-2018-0211, with a passing point analysis of positive three (+3) points and the attached Findings and Conditions.

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

Town Council Staff Report

Subject: Breckenridge Transit Bus Storage
(Town Project Hearing – PL-2018-0211)

Proposal: To construct a 5,000 sq. ft. structure with six bay bus storage and additional equipment storage.

Date: July 18, 2018

Project Manager: Jeremy Lott, AICP, Planner II

Applicant/Owner: Town of Breckenridge-Shannon Smith, Town Engineer

Address: 1095 Airport Road

Legal Description: Block 1, Breckenridge Airport Subdivision Amended Replat

Land Use District: 31: Commercial, Industrial, Public Open Space
1:4 FAR/20 UPA Residential

Site Area: Approximately 2.93 acres (127,630 square feet)

Site Conditions: The proposed building is on the site of the existing public works facility. It will be between two existing buildings, towards the northern end of the property. The site is generally flat with the exception of a large, landscaped berm, which runs along Airport Road and helps to screen the property from the Right-of-Way. There is a 10' snowstack easement along Airport Road and various other utility easements across other portions of the property, which are not near the site of the proposed building. Two sheds and a greenhouse are located behind this structure and are to remain.

Adjacent Uses: North: Breckenridge Terrace Apartments
South: Public Works facilities and Valley Brook Cemetery
East: Upper Blue Elementary school and Valley Brook Townhomes
West: Vacant, Town owned property

Setbacks: Required: 1 ft.

North: 25 ft.
West: 85 ft.
East: 47 ft.
South: 260 ft.



Existing landscaping along Airport Road



Item History

The administration building on this site was constructed in 2012 and another transit maintenance and bus storage building was constructed in 2006. There are several other buildings and improvements that have been added throughout the years on the property. As the Transit Fleet is growing, there is a need for an expanded storage area for buses. This facility will house electric buses and has been sized to allow them to be charged when not in use. It will also allow for some additional indoor storage on the site.

Policy Review

Land Use (Policies 2/A & 2/R): The LUD lists Public Facilities as an allowed use. The proposed use is consistent with the other Public Works Facility buildings of vehicle storage and maintenance. The Planning Commission has no concerns.

Site and Environmental Design (7/R): The property is relatively flat and minimal grading will occur as a result of this project. No trees or landscaping are being removed. As this building is internal to the large site on the north side, there will be little visibility of the building from the adjacent properties or right of way.

Architectural Compatibility (5/A & 5/R): The building is proposed to have no natural materials. The façade is all metal with a flat roof and is similar to the other structures on the property. Some of the buildings on-site did not go through the planning process when they were initially constructed so there was no analysis on proposed materials. Many of the buildings are similar in nature to the proposed structure and also have no natural materials. This building is not excessively dissimilar with other structures on the property, but since it has non-natural materials in excess of 25% per elevation, negative six (-6) points are warranted.

Recent past precedent cases for use of non-natural materials include:

- Denison Placer Phase 1, PL-2017-0014, 107 Denison Placer Road, (-6 points) Natural materials not present on each elevation-primary materials cementitious siding.
- Recreation Center Expansion and Tennis Center, PL-2017-004, 857 Airport Road, (-6 points) All non-natural materials.
- Breckenridge Parking Structure, PL-2017-0607, 150 W. Adams Avenue, (-6 points) All non-natural materials.

Colors will match other buildings on the property and include “Buckskin” (a darker beige) for the body color of the building and “Aged Bronze” (brown) for the trim and fascia (see plans for colors). These colors are natural tones and are consistent with other structures on the site. The roof will be a dark brown color to match the other flat roofs on the site.

Building Height (Policy 6/A & 6/R): The plans show the structure as being 15’9” in height however the architect has indicated that the structure will be increasing by 1’ to better accommodate the buses. The new height will be 16’9” and is under the height of 35 feet recommended in the LUD. The length of the long, unbroken ridgeline is 100 feet due to the design of the building. The building is designed to accommodate large electric buses for storage and charging – so the building is utilitarian in nature and does not need to be architecturally unique. Buildings are encouraged to provide broken, interesting roof forms that step down at the edges. Since long, unbroken ridgelines, fifty feet (50’) or longer are discouraged, the Planning Commission has allocated negative one (-1) point.

Social Community (Policy 24/A & 24/R): Social Community (24/A & 24/R):

3 (0/+2)	xB.	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)
-------------	-----	--

The 2018 Council Goals include:

GOAL: Establish a plan for adding electric buses to the FreeRide Fleet.

This project helps to further the goal of providing additional electric buses to the transit fleet and recommends positive six (+6) points under this policy for achieving this goal.

Transit (25/R): This project is providing storage and serves as the charging station for 6 new electric FreeRide buses. This policy encourages the *inclusion of or the contribution to a permanent non-auto transit system, designed to facilitate the movement of persons to and from Breckenridge or within the town. Nonauto transit system elements include buses and bus stops, both public and private, for the*

purpose of providing access to all parts of town. Positive points shall be awarded under this policy only for the inclusion of or the contribution to non-auto transit system elements.

The Planning Commission recommends positive four (+4) points for the contribution to non-auto transit system elements as the proposed facility is allowing for the Transit Department to increase the number and frequency of public transit utilized throughout Town.

Drainage (27/A & 27/R): Drainage will be directed towards the southwest corner of the building and will be accommodated using a new drywell, the details of which will be determined with final engineering plans.

Access / Circulation (16/A & 16/R; 17/A & 17/R): The proposed building does not interfere with or change access for the property and has been sited to allow for safe bus access and egress. Vehicles will still be able to navigate through the site. The building is situated to allow access to the sheds and greenhouse behind it. The Planning Commission had no concerns.

Parking (18/A & 18/R): This facility will allow the Town to provide six additional electric buses for public transportation. No parking is being removed from the site. There is existing parking on site for employees.

Landscaping (22/A & 22/R): There is an existing berm on the property, along Airport Road. This berm has several large trees and provides screening from the right-of-way. No additional trees or landscaping is proposed. The Planning Commission had no concerns.

External Lighting (Section 9-12): All lighting fixtures are to be compliant with the Town lighting standards.

Point Analysis (Section: 9-1-17-3): All Absolute policies are being met. The Planning Commission recommends negative six (-6) points under Policy 5A – Architectural Compatibility, negative one (-1) point under Policy 6R – Building Height, positive six (+6) points under Policy 24R – Social Community, and positive four (+4) points under Policy 25R – Transit for a passing point analysis of positive three (+3) points.

Planning Commission Recommendation

This is a Town Project pursuant to the ordinance amending the Town Projects Process (Council Bill No. 1, Series 2013).

At the July 17 meeting, staff presented the project to the Planning Commission and recommended that it be forwarded to Town Council with a passing point analysis of positive three (+3) points. The Planning Commission supported the staff recommendation (with a vote of 7-0) that the Town Council approve the Breckenridge Transit Bus Storage, PL-2018-0211, located at 1095 Airport Road with a passing point analysis of positive three (+3) points and the attached Findings.

Recommended Town Council Motion:

I make a motion to approve the Breckenridge Transit Bus Storage, located at 1095 Airport Road, PL-2018-0211 with a passing point analysis of positive three (+3) points and the attached Findings.

TOWN OF BRECKENRIDGE

**Breckenridge Transit Bus Storage
Block 1, Breckenridge Airport Subdivision Amended Replat
1095 Airport Road
PL-2018-0211**

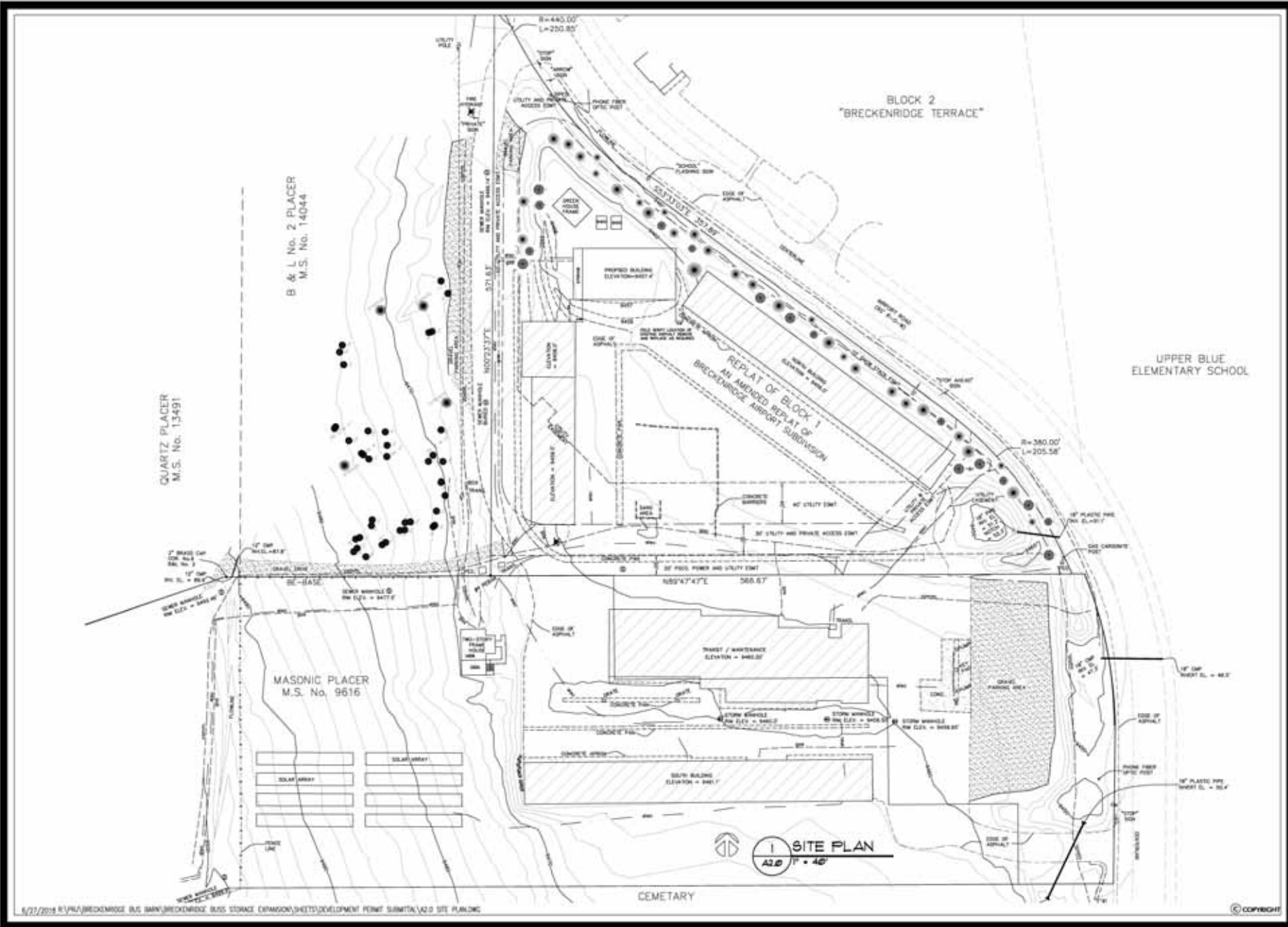
FINDINGS

1. This project is “Town Project” as defined in Section 9-4-1 of the Breckenridge Town Code because it involves the planning and design of a public project.
2. The process for the review and approval of a Town Project as described in Section 9-14-4 of the Breckenridge Town Code was followed in connection with the approval of this Town Project.
3. The Planning Commission reviewed and considered this Town Project on July 17, 2018. In connection with its review of this Town Project, the Planning Commission scheduled and held a public hearing on July 17, 2018, notice of which was published on the Town’s website for at least five (5) days prior to the hearing as required by Section 9-14-4(2) of the Breckenridge Town Code. At the conclusion of its public hearing, the Planning Commission recommended approval of this Town Project to the Town Council.
4. The Town Council’s final decision with respect to this Town Project was made at the regular meeting of the Town Council that was held on July 24, 2018. This Town Project was listed on the Town Council’s agenda for the July 24, 2018 agenda that was posted in advance of the meeting on the Town’s website. Before making its final decision with respect to this Town Project, the Town Council accepted and considered any public comment that was offered.
5. Before approving this Town Project the Town Council received from the Director of the Department of Community Development, and gave due consideration to, a point analysis for the Town Project in the same manner as a point analysis is prepared for a final hearing on a Class A development permit application under the Town’s Development Code (Chapter 1 of Title 9 of the Breckenridge Town Code).
6. The Town Council finds and determines that the Town Project is necessary or advisable for the public good, and that the Town Project shall be undertaken by the Town.
7. The Town of Breckenridge shall underground the overhead electric utility line on the property when the property has been identified for utility undergrounding as part of the Town’s ongoing Overall Utility Undergrounding project.

Town Project Hearing Impact Analysis				
Project:	Breckenridge Transit Bus Storage	Positive	Points	+10
PL:	PL-2018-0211			
Date:	7/17/2018	Negative	Points	- 7
Staff:	Jeremy Lott			
		Total	Allocation:	+3
Items left blank are either not applicable or have no comment				
Sect.	Policy	Range	Points	Comments
1/A	Codes, Correlative Documents & Plat Notes	Complies		
2/A	Land Use Guidelines	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)		Compatible use for Public Works Facility
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	Density/Intensity	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)		
5/A	Architectural Compatibility	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)	- 6	100% non-natural materials
6/A	Building Height	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		Building is 15'9"
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)	- 1	Roof Ridge over 50 feet in length
	For all Single Family and Duplex/Multi-family Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)		Screening from right-of-way
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	Ridgeline and Hillside Development	Complies		
9/A	Placement of Structures	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)		Meets minimum
12/A	Signs	Complies		
13/A	Snow Removal/Storage	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	Storage	Complies		
14/R	Storage	2x(-2/0)		
15/A	Refuse	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	Internal Circulation	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	External Circulation	Complies		
18/A	Parking	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		
18/R	Parking-Public View/Usage	2x(-2/+2)		
18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)		
18/R	Parking - Downtown Service Area	2x(-2/+2)		

19/A	Loading	Complies		
20/R	Recreation Facilities	3x(-2/+2)		
21/R	Open Space - Private Open Space	3x(-2/+2)		
21/R	Open Space - Public Open Space	3x(0/+2)		
22/A	Landscaping	Complies		
22/R	Landscaping	2x(-1/+3)		
24/A	Social Community	Complies		
24/A	Social Community / Above Ground Density 12 UPA	(-3>-18)		
24/A	Social Community / Above Ground Density 10 UPA	(-3>-6)		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)	+6	Meets Council Goal of expanding the Town's electric bus fleet
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
5/R	Social Community - Conservation District	3x(-5/0)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Primary Structures - Historic Preservation/Restoration - Benefit	+1/3/6/9/12		
24/R	Social Community - Secondary Structures - Historic Preservation/Restoration - Benefit	+1/2/3		
24/R	Social Community - Moving Primary Structures	-3/10/15		
24/R	Social Community - Moving Secondary Structures	-3/10/15		
24/R	Social Community - Changing Orientation Primary Structures	-10		
24/R	Social Community - Changing Orientation Secondary Structures	-2		
24/R	Social Community - Returning Structures To Their Historic Location	+2 or +5		
25/R	Transit	4x(-2/+2)	+4	Facility built to accommodate the Town's expanding public transportation (Contribution to nonauto transit system)
26/A	Infrastructure	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	Drainage	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	Utilities - Power lines	Complies		
29/A	Construction Activities	Complies		
30/A	Air Quality	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	Water Quality	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	Water Conservation	Complies		
33/R	Energy Conservation			
	HERS index for Residential Buildings			
33/R	Obtaining a HERS index	+1		
33/R	HERS rating = 61-80	+2		
33/R	HERS rating = 41-60	+3		
33/R	HERS rating = 19-40	+4		
33/R	HERS rating = 1-20	+5		
33/R	HERS rating = 0	+6		
	Commercial Buildings - % energy saved beyond the IECC minimum standards			
33/R	Savings of 10%-19%	+1		
33/R	Savings of 20%-29%	+3		
33/R	Savings of 30%-39%	+4		
33/R	Savings of 40%-49%	+5		
33/R	Savings of 50%-59%	+6		
33/R	Savings of 60%-69%	+7		
33/R	Savings of 70%-79%	+8		
33/R	Savings of 80% +	+9		
33/R	Heated driveway, sidewalk, plaza, etc.	1X(-3/0)		
33/R	Outdoor commercial or common space residential gas fireplace (per fireplace)	1X(-1/0)		
33/R	Large Outdoor Water Feature	1X(-1/0)		
	Other Design Feature	1X(-2/+2)		
34/A	Hazardous Conditions	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	Subdivision	Complies		
36/A	Temporary Structures	Complies		

37/A	Special Areas	Complies		
37/R	Special Areas - Community Entrance	4x(-2/0)		
37/R	Special Areas - Individual Sites	3x(-2/+2)		
37/R	Special Areas - Blue River	2x(0/+2)		
37R	Special Areas - Cucumber Gulch/Setbacks	2x(0/+2)		
37R	Special Areas - Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
38/A	Home Occupation	Complies		
38.5/A	Home Childcare Businesses	Complies		
39/A	Master Plan	Complies		
40/A	Chalet House	Complies		
41/A	Satellite Earth Station Antennas	Complies		
42/A	Exterior Loudspeakers	Complies		
43/A	Public Art	Complies		
43/R	Public Art	1x(0/+1)		
44/A	Radio Broadcasts	Complies		
45/A	Special Commercial Events	Complies		
46/A	Exterior Lighting	Complies		
47/A	Fences, Gates And Gateway Entrance Monuments	Complies		
48/A	Voluntary Defensible Space	Complies		
49/A	Vendor Carts	Complies		
50/A	Wireless Communications Facilities	Complies		



O'BRYAN PARTNERSHIP, INC.
ARCHITECTS - AIA

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PLANNING, INTERIORS
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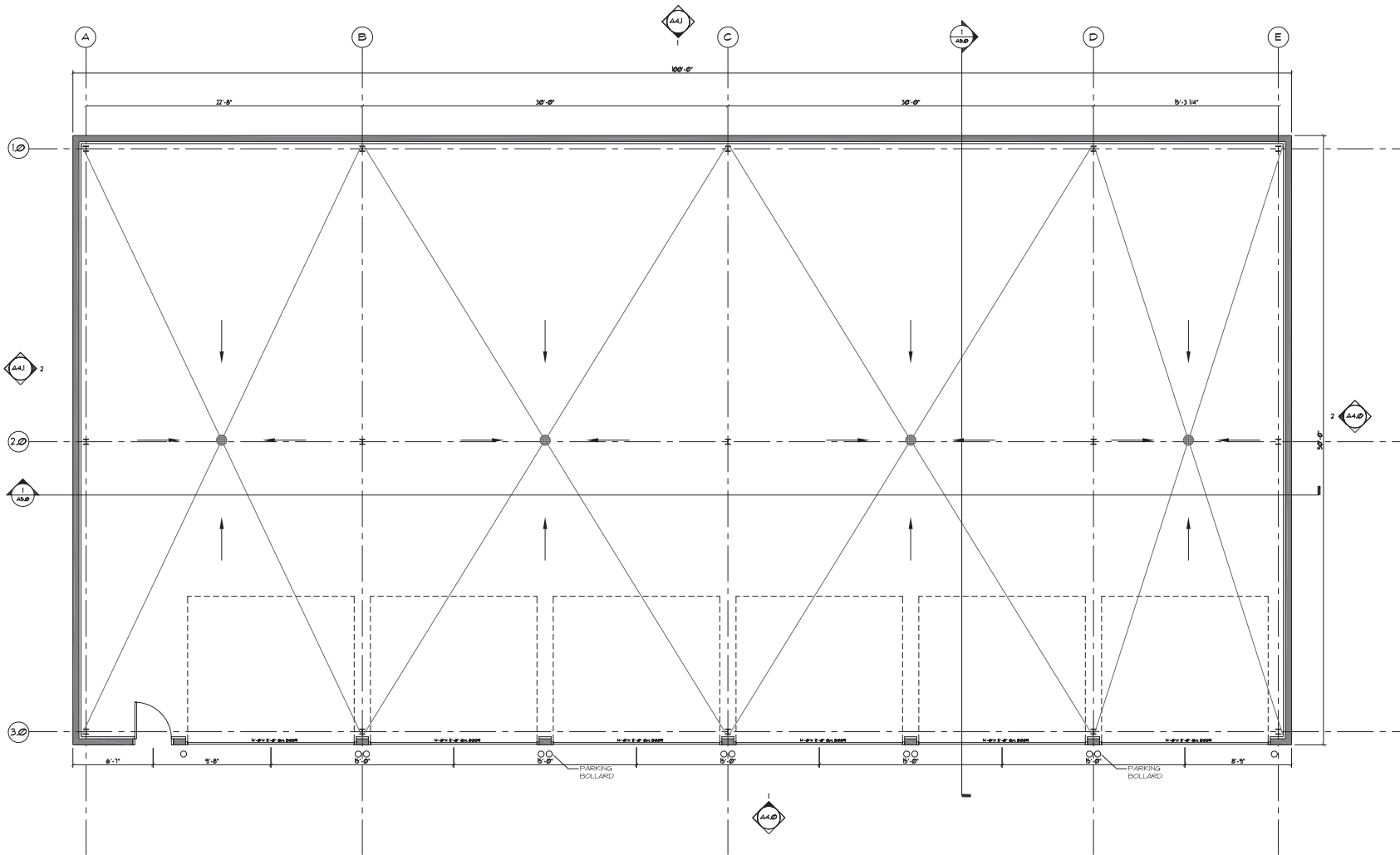
BRECKENRIDGE TRANSIT BUS STORAGE
1095 AIRPORT ROAD
BRECKENRIDGE, COLORADO 80424

Revisions:

PROGRESS SET	122.71	9.29.18
	9.29.18	6.4.18
	6.27.18	

Date: 11/17
Project No: 2771.00
Drawn by: CRH
Checked by: KAO

A2.0
SITE PLAN



1 PROPOSED LEVEL PLAN
 A3.0 1/4" = 1'-0"

O'BRYAN PARTNERSHIP, INC.
 ARCHITECTS - AIA

ARCHITECTURE,
 PLANNING, INTERIORS
 P. O. Box 2773
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 Frisco, CO 80443
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BRECKENRIDGE TRANSIT BUS STORAGE
 1095 AIRPORT ROAD
 BRECKENRIDGE, COLORADO 80424

Revisions:

PROGRESS SET	
11/22/17	5/25/18
5/29/18	6/4/18

Date: 11/9/17

Project No: 269100

Drawn by: CRH

Checked by: KAO

A3.0
 FLOOR PLAN

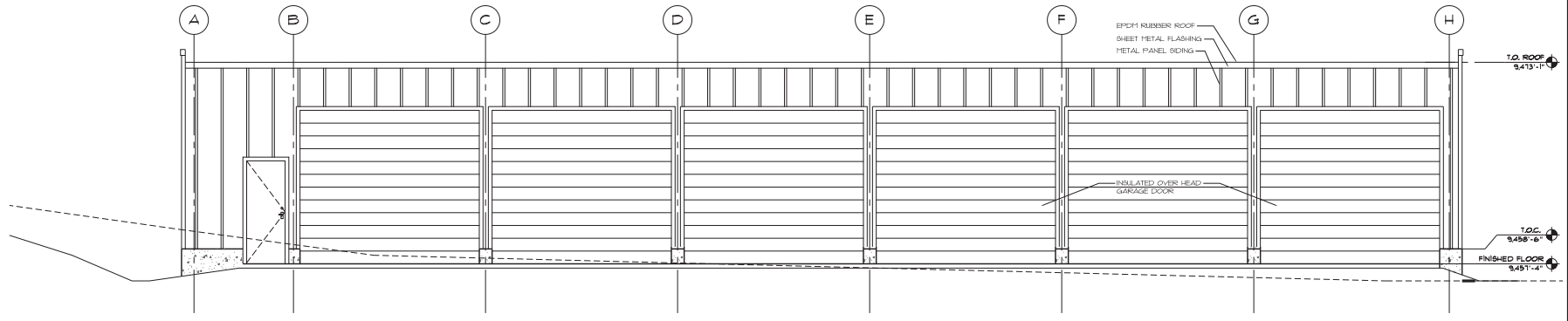


Revisions:

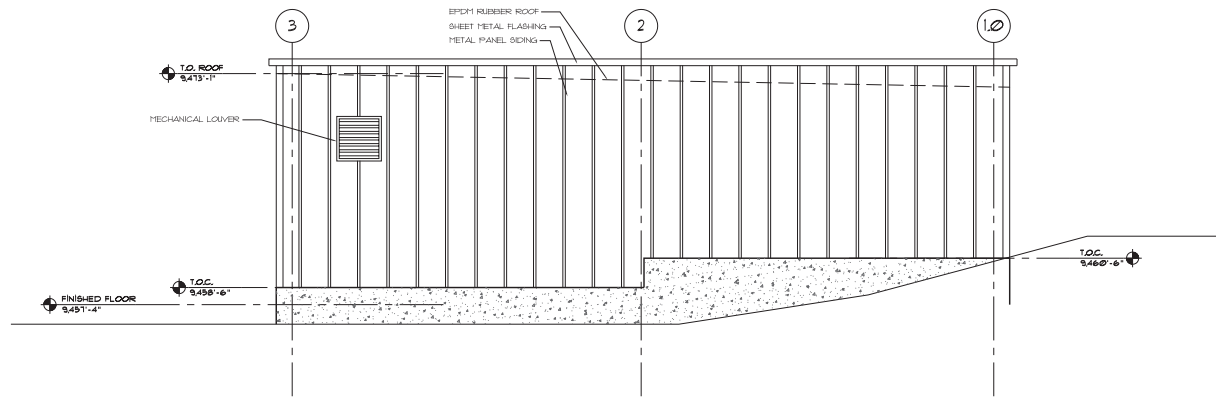
PROGRESS SET	
11/22/17	5/25/18
5/29/18	6/4/18

Date:	11/9/17
Project No:	269100
Drawn by:	CRH
Checked by:	KAO

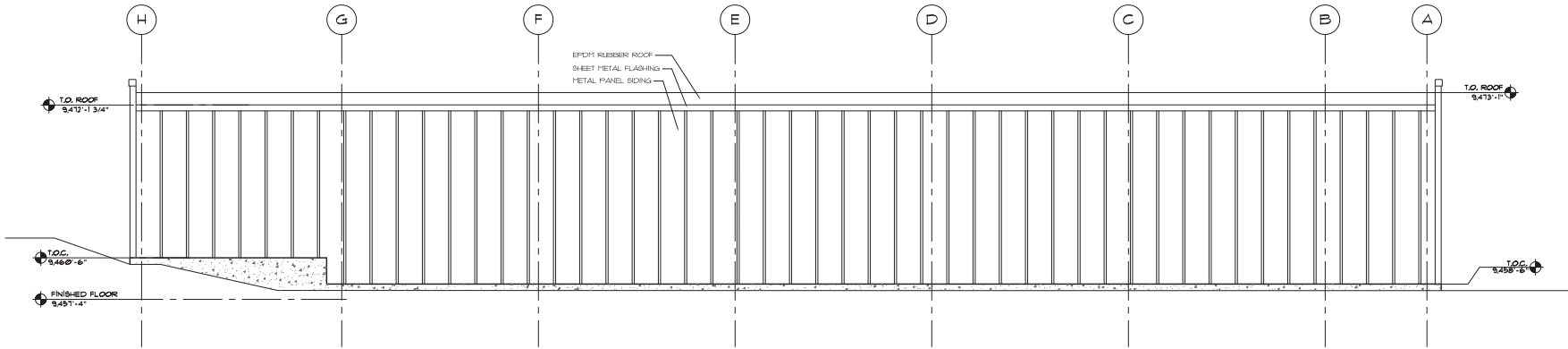
A4.0
ELEVATIONS



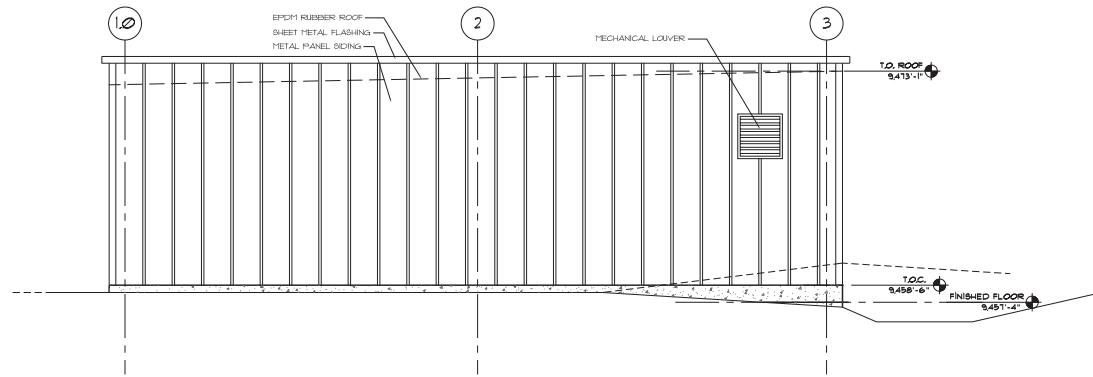
1 PROPOSED SOUTH ELEVATION
A4.0 1/4" = 1'-0"



2 PROPOSED EAST ELEVATION
A4.0 1/4" = 1'-0"



1 PROPOSED NORTH ELEVATION
A4.1 1/4" = 1'-0"



2 PROPOSED WEST ELEVATION
A4.1 1/4" = 1'-0"

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BRECKENRIDGE TRANSIT BUS STORAGE
1095 AIRPORT ROAD
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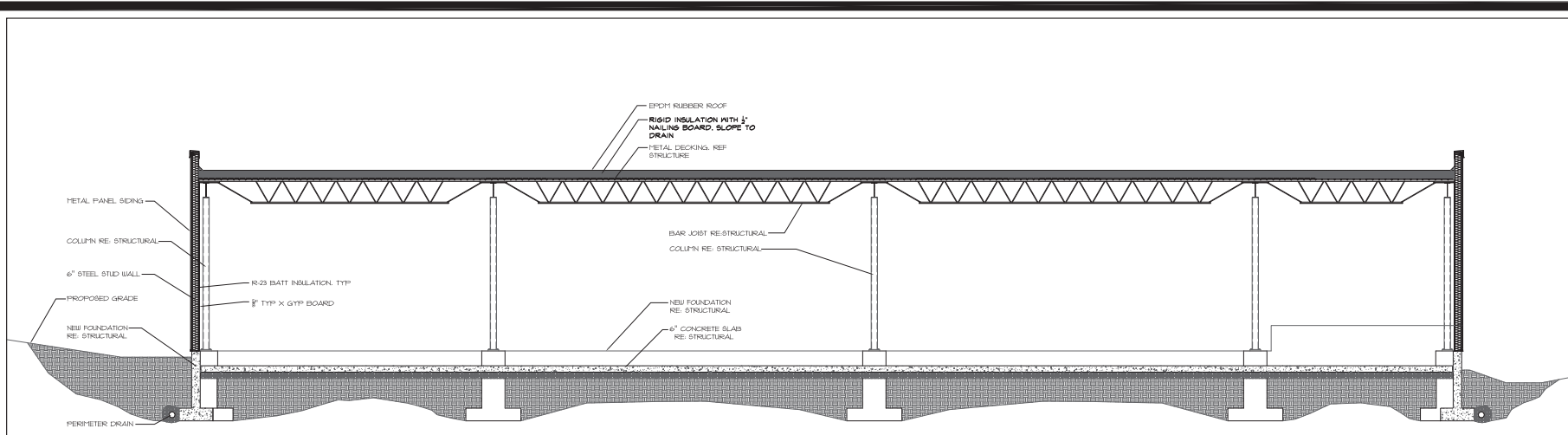
Revisions:

PROGRESS SET	11/22/17	5/25/18
	5/29/18	6/4/18

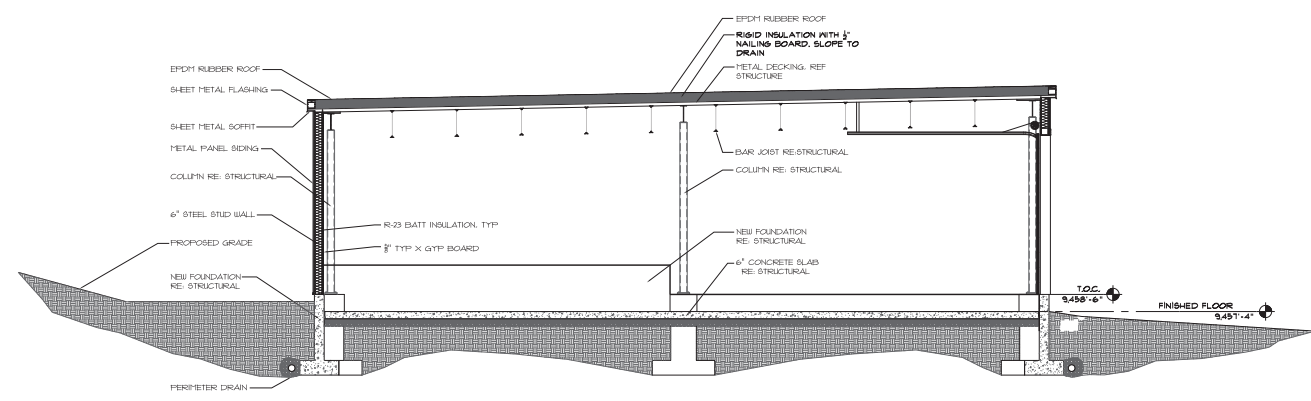
Date: 11/9/17
Project No: 269100
Drawn by: CRH
Checked by: KAO

A4.1

ELEVATIONS



1 BUILDING SECTION
A5-0 1/4" = 1'-0"



2 BUILDING SECTION
A5-0 1/4" = 1'-0"



Revisions:

PROGRESS SET	
11/22/17	5/25/18
5/23/18	6/4/18

Date:	11/9/17
Project No:	2117.00
Drawn by:	CRH
Checked by:	KAO

Standard Colors



BODY COLOR

TRIM & FACIA

Premium Colors

Berridge premium colors require a special surcharge.



Natural White



Award Blue



Champagne



Copper-Cote™



Antiqua Copper-Cote

Metallic Colors

Berridge metallic colors are premium finishes which require a nominal surcharge.

Natural Metal Finish

Berridge Acrylic Coated Galvalume® is a coated sheet product that combines the corrosion resistance of Galvalume® steel sheet with a clear organic resin applied to the top side and bottom side of Galvalume® substrate.

Acrylic-Coated Galvalume®



Zinc-Cote™



Lead-Cote™



Pawweathered Galvalume®

Please consult the BVC Technical department at Technical@berridge.com for LEED and Energy Star compliance information. Due to limitations in the printing process, please request actual color chips for accurate color viewing.

Energy Star is only valid in the United States.



Memo

To: Breckenridge Town Council Members
From: Rick Holman, Town Manager
Date: 7/19/2018
Subject: Appeal of Denial for Permit to Exceed Permissible Noise Levels

On July 3, 2018, I received a letter (Attachment A) from Michael Cavanaugh, owner of the Historic Brown Hotel, located at 206 N. Ridge Street. This letter served as an application for a permit to exceed the maximum permissible noise levels allowed by Town Code at the Brown Hotel for summer events on Friday and Saturdays between the hours of 3:30 to 8:30 pm. Mr. Cavanaugh stated the events would be on an outside deck located on the south side of the business. Mr. Cavanaugh was asking for an increase of 40db in allowable noise during this time period.

The Town Code noise ordinance, in Section 5-8-12, allows any person to make application to the Town Manager and ask for a permit to exceed designated permissible noise levels. In determining whether or not to grant the permit, the Town Manager should consider the following factors:

- The time of day the noise is proposed to be created
- The duration of the proposed noise
- The loudness of the proposed noise relative to the required limits
- Whether the proposed noise is temporary or continuous in nature
- The extensiveness of the proposed noise, and
- The technical and economic feasibility of bringing such proposed noise source into conformance with the provisions of this chapter.

On July 10, 2018 a letter was sent by registered mail (Attachment B) to Mr. Cavanaugh denying his request for a permit to exceed the permissible noise levels. The letter was received by Mr. Cavanaugh on July 17, 2018.

The Town Code allows the applicant to appeal any denial for a permit to the Town Council. That appeal shall be submitted in writing to the Town Manager within 72 hours after the denial of the application. On July 18, 2018, I received a request for an appeal to the Town Council on this matter from Mr. Cavanaugh (Attachment C). The code states the appeal shall be heard and decided by the Council at the next scheduled meeting. We are granting Mr. Cavanaugh's request to appeal to the Town Council. We have scheduled time in the regular evening meeting for this appeal hearing.

Fox's Den Foundation / Historic Brown Hotel
July 3, 2018
P.O. Box 878
206 / 208 N Ridge Street
Breckenridge, CO 80424

Attention:

Taryn Power
Rick Holman
Town Counsel

In reference to town ordinance Chapter 8 (Section 5-8-12: Permit to exceed limits; appeal).

Dear Rick Holmes,

This should serve as my application in reference to an appeal for a permit to exceed limits of previously mentioned ordinance. Our request is for Friday and Saturday, day productions between the hours of 3:30pm to 8:30pm for Summer events on our South deck at The Historic Brown.

We attempted one showing with a decibel reading of 99.9db and a complaint by immediate Southside neighbor shut down our involvement in a collaborate effort by many venues in town for an annual event called the "Pub Crawl."

We have taken a reading of decibels during a time that our lower basement venue was actively producing music and in the same South area we're referring to, we had a decibel reading of 56.99db. We are merely asking for a little less than 40db more in order to utilize our south outside bar area during a very acceptable time of the day for two days a week and about 3 months per year.

Sincerely,

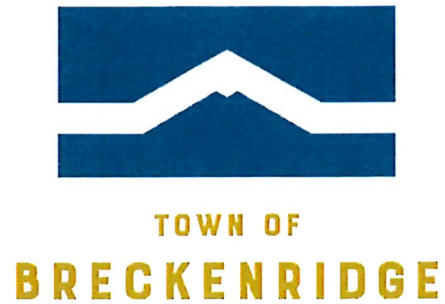

Michael R. Cavanaugh
Owner / Manager / CEO of Fox's Den Foundation
501c3 Non-Profit Corporation



JUL - 3 2018

RECEIVED
Municipal Services

ATTACHMENT B



July 9, 2018

Fox's Den Foundation / Historic Brown Hotel
Attn: Michael R. Cavanaugh
P.O. Box 878
206 / 208 North Ridge Street
Breckenridge, CO 80424

RE: Application for Permit to Exceed Maximum Permissible Noise Levels

Dear Mr. Cavanaugh:

I have reviewed your application for a permit to exceed the maximum permissible noise levels at your place of business located at 206/208 N. Ridge Street. The Town spoke with 6 residents who live in that area and 5 of those residents were opposed to this request. I do not believe an outdoor music venue is the right mix for this type of residential area and cannot support an increase in the permissible noise level.

Therefore, I am denying your application for this permit.

Sincerely,

A handwritten signature in blue ink that reads "Rick G. Holman".

Rick G. Holman
Town Manager

ATTACHMENT C

Fox's Den Foundation/Historic Brown Hotel
July 17, 2018
P.O. Box 878
206/208 N Ridge St
Breckenridge, CO 80424

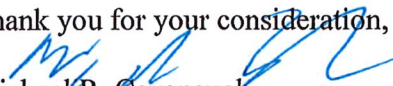
Attention:
Taryn Power
Rick Holman
Town Counsel

This is to serve as my request for an appeal to the Town Council asking for an increase in decibel level at The Historic Brown Hotel and Fox's Den. We are asking for an increase Friday and Saturday evenings from 5:30 pm to 8:30 pm during the months of July and August.

We have thus far petitioned over 50 signatures and are still collecting signatures. The signatures are from commercial and residential property owners and inhabitants of the Wellington St and Ridge St area. The current dB for commercial establishments is 70 dB, we would like to raise ours to 99.99 dB for the aforementioned times.

According to town maps, 206/208 N. Ridge St is in a commercially designated zone. Please inform me when this will be addressed at the next Town Meeting so that I may be present.

Thank you for your consideration,


Michael R. Cavanaugh
Owner/Manager/CEO of Fox's Den Foundation, The Historic Brown Hotel
501c3 Non-Profit Corporation



JUL 18 2018

RECEIVED
Municipal Services



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.

July 2018

Tuesday, July 24, 2018	3:00pm / 7:00 pm	Town Hall Chambers	Second Meeting of the Month
Wednesday, July 25th, 2018	5:30pm - 7:00pm	Julie McCluskie - Meet and Greet	

August 2018

Thursday, Aug. 2nd, 2018	11:00am - 2:00pm	TBD	COEDIT Meeting
August 10th - 19th, 2018	All Day	Throughout Town	BIFA
Tuesday, August 14, 2018	3:00pm / 7:00 pm	Town Hall Chambers	First Meeting of the Month
Tuesday, August 28, 2018	3:00pm / 7:00 pm	Town Hall Chambers	Second Meeting of the Month

Other Meetings

July 23rd, 2018	Open Space & Trails Meeting	5:30pm
July 24th, 2018	Board of County Commissioners Meeting	9:00am / 1:30pm
July 25th, 2018	Summit Stage Transit Board Meeting	8:15am
	Summit Combined Housing Authority	9:00am
	Childcare Advisory Committee	3:00pm
July 26th, 2018	Transit Advisory Council Meeting	8:00am
	Breckenridge Tourism Office Board Meeting	8:30am
	Northwest CO Council of Governments	10:00am
	RW&B Board Meeting	3:00pm
August 1st, 2018	Breckenridge Events Committee	9:00am
	I-70 Coalition	10:00am
August 7th, 2018	Board of County Commissioners Meeting	9:00am
	Planning Commission Meeting	5:30pm
August 8th, 2018	Breckenridge Heritage Alliance	Noon
August 9th, 2018	Upper Blue Sanitation District	5:30pm
August 14th, 2018	Board of County Commissioners Meeting	9:00am / 1:30pm
	Workforce Housing Committee	1:30pm
August 20th, 2018	Breckenridge Creative Arts	4:00pm
August 21st, 2018	Board of County Commissioners Meeting	9:00am
	Liquor & Marijuana Licensing Authority	9:00am
	Planning Commission Meeting	5:30pm
August 22nd, 2018	Summit Stage Transit Board Meeting	8:15am
	Summit Combined Housing Authority	9:00am
	Childcare Advisory Committee	3:00pm
August 23rd, 2018	CAST	7:45am
	RW&B Board Meeting	3:00pm



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.

August 27th, 2018	Open Space & Trails Meeting	5:30pm
August 28th, 2018	Board of County Commissioners Meeting	9:00am / 1:30pm
August 30th, 2018	QQ - Quality and Quantity - Water District	10:00am