



TOWN OF
BRECKENRIDGE

Town Council Work Session
Tuesday, July 9, 2019, 3:00 PM
Council Chambers
150 Ski Hill Road
Breckenridge, Colorado

- I. PLANNING COMMISSION DECISIONS (3:00-3:05pm)**
Planning Commission Decisions

- II. LEGISLATIVE REVIEW (3:05-3:45pm)**
Dumpster Ordinance (Second Reading)
Land Use District #45 Change (First Reading)
Kenington Townhomes Annexation Zoning Ordinance (First Reading)
Huron Landing Land Use District Change (First Reading)

- III. MANAGERS REPORT (3:45-4:00pm)**
Public Projects Update
Parking and Transportation Update
Housing and Childcare Update
Committee Reports
Breckenridge Events Committee

- IV. OTHER (4:00-5:00pm)**
Youth Empowerment Society of Summit - Impact of Nicotine Presentation

- V. PLANNING MATTERS (5:00pm)**



Memo

To: Breckenridge Town Council Members
From: Peter Grosshuesch, Director of Community Development
Date: July 3, 2019
Subject: Planning Commission Decisions of the July 2, 2019 Meeting

DECISIONS FROM THE PLANNING COMMISSION MEETING, July 2, 2019:

CLASS A APPLICATIONS: None.

CLASS B APPLICATIONS: None.

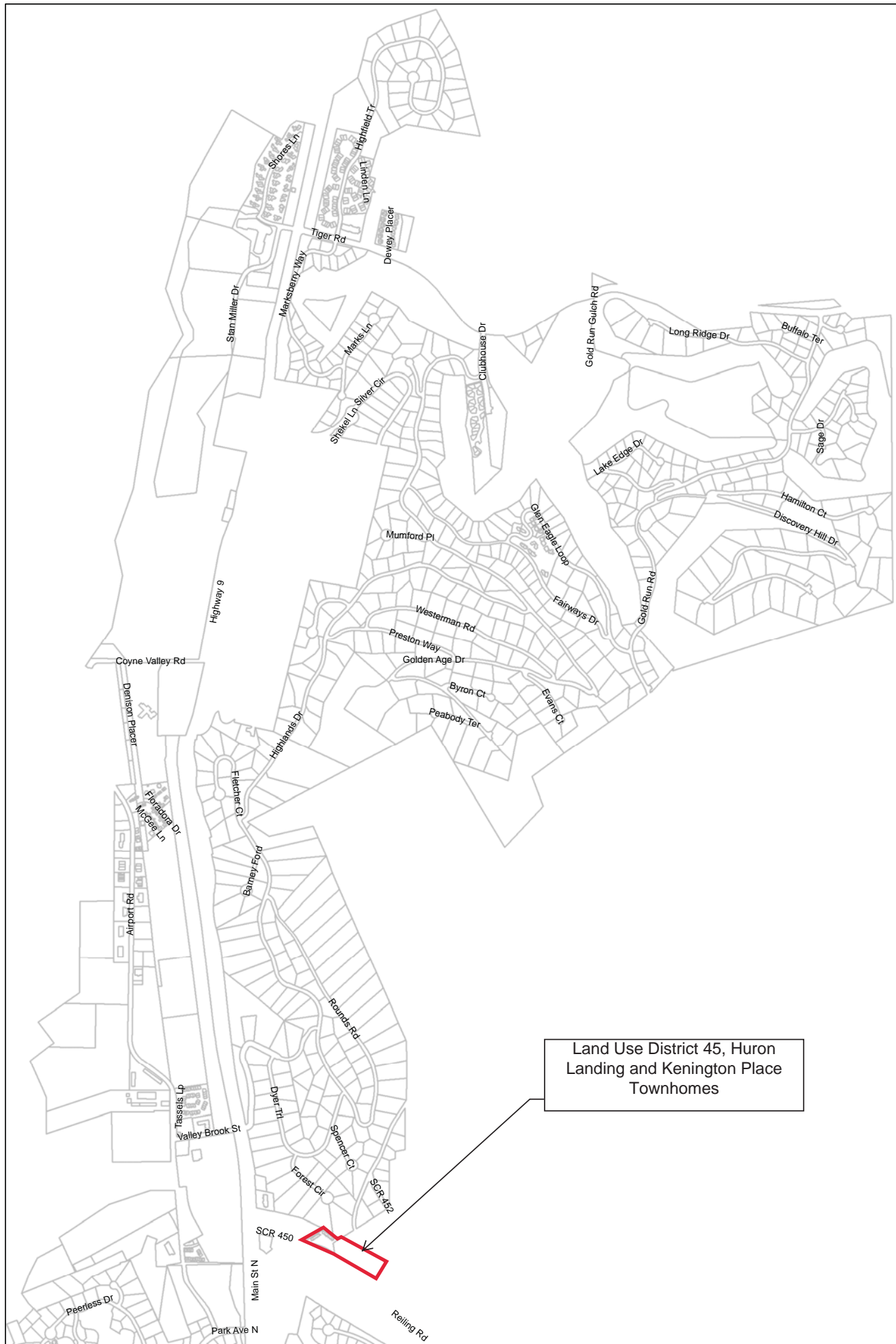
CLASS C APPLICATIONS: None.

TOWN PROJECT HEARINGS: None.

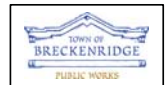
OTHER:

Work Sessions:

1. A work session to gather feedback on the creation of Land Use District 45
2. A work session to discuss potential modification to the building envelope at Lot 2 Southside Estates



Land Use District 45, Huron Landing and Kenington Place Townhomes





Southside Estates Lot 2
Envelope Modification, 112
Southside Drive



NOT TO SCALE

Breckenridge South



PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Chair Giller.

ROLL CALL

Christie Mathews-Leidal
Mike Giller
Dan Schroder

Jim Lamb
Steve Gerard
Lowell Moore

Ron Schuman

APPROVAL OF MINUTES

With the below changes, the June 18, 2019 Planning Commission Minutes were approved.

Ms. Leidal: At the bottom of the second page, concerned with the southbound traffic from Frisco blocking the northbound traffic turning or going straight.

APPROVAL OF AGENDA

With no changes, the July 2, 2019 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No comments.

WORK SESSIONS:

1. Land Use District #45 Huron Landing Apartments, Kenington Place Townhomes, Land Use District Map Amendments; 157 Huron Rd. & 213-277 Huron Rd.

Mr. LaChance presented a proposal to create a new Land Use District, #45, to encompass Huron Landing Apartments (which was annexed into the Town in 2015), and Kenington Place Townhomes (effective July 4, 2019) and to amend the Land Use District Map accordingly. Mr. LaChance passed out revisions to the Land Use Guideline document. The following specific questions were asked of the Commission:

1. Does the Commission have any concerns with leaving approximately 1.78 UPA of density for Huron Landing, Lot 1, and approximately 0.16 UPA of density for Kenington Place Townhomes?
2. Does the Commission have any concerns regarding the proposed Land Use District #45 Guidelines or Land Use District Map amendments?

Commissioner Questions / Comments:

Mr. Moore: Regarding the remaining density, can it be used by the current owners or is that if someone else purchases? (Mr. LaChance: It could be used by either. In a townhome project like Kenington where there is General Common Element, any new density would have to be approved by the HOA Board.)

Ms. Leidal: It seems like we're creating a new LUD specifically for these two workforce projects. We are writing the guidelines to acknowledge what's there. I'm worried about unanticipated consequences. Should we say workforce housing so when others are annexed they don't expect a tailor made LUD for their conditions? (Mr. LaChance: Regarding the current LUD 7, we discussed with the Town Attorney and he feels LUD 7 should have allowed for the existing development. Currently, it is zone for single family use at 7 Units Per Acre, which the existing development does not conform to. When Town Council reviews this, Tim Berry has prepared a finding that states that the existing zoning was found to be an error because it does not allow the existing development to conform, which addresses any up-zoning issue with the Comprehensive Plan.)

Mr. Giller opened the work session for public comments. There were none, and public comment was closed.

Commissioner Questions / Comments:

- Mr. Schuman: Was there any indication of sunsetting that density, or was it considered? (Mr. LaChance: No.) Mr. Schuman: Sunsetting would lock in that cap.
- Ms. Leidal: I'm ok with leaving a little density on the table, in case maintenance or other minor buildings need it. (Mr. LaChance: That was exactly staff's intent.)
- Mr. Schuman: I think it's a good plan.
- Mr. Lamb: I like the idea of leaving the density. If you sunset the density they can't do minor things. It's there for possible use.
- Mr. Moore: Christie thank you for explaining what it could be used for. I agree, I think it's appropriate.
- Ms. Leidal: I'm comfortable with density. I would suggest adding workforce housing as the recommended use.
- Mr. Schroder: I don't have any concerns.
- Mr. Gerard: I agree, it's a good time to clean it up. It's a different use than the neighbors and I think it's fine to leave the density. I think that it's workforce housing makes sense.
- Mr. Giller: I agree and have no concerns. But I would add workforce housing as the recommended use. (Ms. Puester: Kenington doesn't meet our definition of workforce housing.)
- Mr. Grosshuesch: Kenington is only restricted from short term rentals, it's an older deed restriction.

Project was supported by the Commission.

2. Southside Estates Lot 2 Envelope Modification, PL-2019-0197, 112 Southside Drive

Mr. Lott presented a proposal to modify and relocate a building envelope in Southside Estates to accommodate a design for a new single family residence. Two other envelopes in this subdivision have been modified within the past year. (Mr. Lott handed out building envelope modifications approved for the other two lots in the subdivision.) The following specific questions were asked of the Commission:

1. Does the Commission support an envelope modification that is specific to a building footprint even though the size of the envelope is generally not changing?
2. Does the Commission want to see less of the driveway fall outside of the envelope, especially on the side yard side of the structure?
3. Does the Commission have any additional comments or concerns about the proposal?

Commissioner Questions / Comments:

- Mr. Schuman: Do you have something that shows the modified lots from last year on one page? (Mr. Lott: Not a plat that shows all of them, only with the originals.) (Ms. Puester: They file separately when this is done so we don't see the entirety of the subdivision when it is recorded.) Mr. Lott pulled up the original subdivision plat in its entirety on the screen for the Commission (prior to any modification).
- Ms. Leidal: Originally Southside Estates had building envelopes. Your proposed notes say that this would go to a disturbance envelope to meet the new code language. So when others modified from building envelopes to site disturbance envelopes, did they increase in size? (Mr. Lott: No, same size.) Ms. Leidal: There's a lot more site disturbance shown outside the envelope on this site plan. (Mr. Lott pulled up the preliminary landscape plan.) I'm saying there's much more site disturbance that will have to take place beyond that building. There's grading on the north and southwest and that's outside the proposed envelope. (Ms. Puester: We have not reviewed the site plan yet. It has not been submitted to staff as an application. This is a draft provided by BHH for the purpose of this envelope modification discussion. They will have to modify the grading to meet code.) Ms. Leidal: So the proposed building envelope will become the proposed disturbance envelope? (Mr. Lott: Yes, to meet current code.)
- Mr. Schroder: It seems like there would be more disturbance to me if we left it because there would have

to be a longer driveway. My thought was that it seems like it would be a good idea if the driveway remained where it is. (Mr. Lott: We don't know what that design would look like based on the topography.) Mr. Schroder: Envelopes have been moved twice prior in this subdivision so I do not believe that precedent wouldn't be an issue. What about the reshaping?

Mark Hogan, Architect, Presented:

I represent the Salmons. I want to thank the staff for their time and help. Some of the things that were discussed aren't exactly correct. The existing subdivision was set up with building envelopes. When Jon Brownson did Lot 3, he said to staff he didn't want to make his building envelope into a disturbance envelope but went along with it, setting the precedent. If you take the perimeter of the original, as a building envelope, we could grade outside of the envelope so with a disturbance envelope, we are getting rid of an additional 2,000 sq. ft. The net effect is reducing the disturbance. There are precedents that have been set, recently for Lot 4, for a reconfiguration of their home. As Jeremy mentioned, the envelope on Lot 3 was changed. There's probably been 15-20 envelopes modified in the Highlands over the years. For everything from additions, fire pits, pergolas, a lot of things. One of the criteria in the Highlands, is to obtain the approval of the neighbors. We have full approval obtained in writing from all the neighbors and the board has approved this. We've tried to keep the house as small as they are comfortable with, but it's an expensive lot so they want to have a nice large home. The other reason we looked at moving the envelope, we reduce the visibility of the home and it's further from the ice rink. The clients were concerned about the noise. By moving it south it reduces the visibility. If you look at the site, the new envelope is less visible (referring to the site plan on screen). One of the goals was to keep the home more private. I spent some time on the ice rink site and you can hear activity. For the driveway, if you look at the topo, the existing envelope is about 10' higher than the access roadway. We wanted the new envelope on a flatter portion of the site. We will make sure there is no grading outside the disturbance envelope. The plans now are final and we still need to obtain a development permit. The new location is a lot better. This driveway is about 3,500 sq. ft. outside the envelope but isn't a lot compared to many driveways in the Highlands. In the Highlands, the driveways are outside most of the envelopes. There is a lot of precedent about driveways and size. We originally had the driveway coming in and was longer, but we did reduce it at the suggestion of staff. Jeremy asked us to get rid of some space in front of garage, but the owners wanted space for a loop. If we look at the envelope shape, you can see it's generally the same shape. We gerrymandered the envelope to fit our design. We feel that the envelope is generally the same. We appreciate you giving us the nod so we can continue to work on the plans. We will work diligently with staff. I again want to thank the staff and they are great to work with.

Ms. Leidal: Honestly, I'm concerned with the amount of paving in the looped driveway. Can you pull in the grading more? (Mr. Hogan: The boulder wall? Yes, we could extend that to reduce grading. We were trying to soften the grades for snow stacking but we can work on that.) Ms. Leidal: I think it would help. I think when your site plan comes in you will be assessed negative points for that otherwise. I appreciate it's a big house, but you're also pushing the driveway and disturbance by the size of the home.

Mr. Giller: You spoke to there being less impact, but it seems to have more north-south access. Would this house fit in the existing envelope? So the result is a long west elevation. Which site is higher? (Mr. Hogan: The proposed site is higher.) Mr. Giller: You really have drawn the house out. Within the code and the subdivision, there is plenty to work with. The house is big, bigger west elevation, it's higher, and you're asking for more paved space for the driveway. (Mr. Hogan: You think the house is too big?) Mr. Giller: I think it could lie lighter on the land and be more compliant with code and subdivision. (Mr. Hogan: We can show you more, and work on the driveway if you're uncomfortable.)

Mr. Giller opened the work session for public comment. There were none and public comment was closed.

- Mr. Gerard: I think this is horrible precedent. With all due respect, I don't think others are modifying envelopes anything like this. When a subdivision is done, they're set. If we start down this road, disturbance envelopes mean nothing anymore and we are starting down a very dangerous path. I don't care how large the house is, but being able to tailor the envelope you are allowing them the maximum size house that will fit. I just see a lot of problems. I'm not in favor of moving the envelope and I think it's bad precedent.
- Mr. Schroder: Similar comments to Mr. Gerard. I appreciate the comparison. The amount of disturbance is concerning. I would appreciate seeing a revised plan and I'm not really in favor of moving the envelope. I don't support it. I would like to see less driveway outside the envelope.
- Ms. Leidal: I agree, I don't support modifying the proposed envelope tonight. I'm very concerned about the precedent this will set. My husband and I have built two houses in town and we built based on envelopes. Hearing that they can just be moved doesn't seem right. I'm concerned with the amount of paving and the circular driveway and the amount of disturbance associated with the driveway. I'd be in favor of continuing this if you want to come back with more info.
- Mr. Schuman: I think the idea of moving the envelope isn't bad and doesn't necessarily set a bad precedent. This was platted in 2003 and a lot of design and building methods and expectations have changed. I think the envelope was put in by a planner, not an architect. I don't think there's anything wrong with having someone else look at it and I trust our staff planners to do a good job. I think it's a similar size, and I'm anxious to see more on this project. I'm not necessarily opposed. I would like to see less driveway, but the fact that in 2003 there is a note that says it needs to follow the contours is a good design. And the driveway has already been reduced. I'm ok with it. This is a large property so the disturbance envelope might not be too bad. Yes to both questions.
- Mr. Lamb: I think the precedent has already been set with the other two envelopes in the subdivision. It's not a radical movement. This isn't in the historic district and it's a big lot that can handle a lot. I see this as a light modification it is appropriate and does reduce disturbance from the driveway. The driveway is where it needs to be. I would like to see a 3D rendering. I'm generally ok with it. Number one yes, number two yes.
- Mr. Moore: I would say in looking at the notes, I'm not sure it's consistent with what was provided when the sub was set up. Original envelopes were designed based on the person who set it up. This is a big move compared to the other lots. I too would like to see the 3D rendering and would be willing to look at it. It does seem like a lot of disturbance. I do not support the modification. I'd like to see less driveway outside the envelope.
- Mr. Giller: I think this design really pushes it. There's about 20 ft. of drop and it manipulates the envelope to get maximum western exposure, all those are causes for concern. I think staff was right that it was potentially a bad precedent and a slippery slope. I know it's a nice lot and home but I think they need to work within code and requirements. A modest adjustment would be more appropriate here. These problems here are driven by an ambitious program. Question 1, no. Question 2, I would like to see less driveway outside the envelope.
- Mr. Hogan: Should we come back for another work session? (Ms. Puester: Right now you're looking at 4 against the proposal. The process will depend on what you propose next. If you come back with revisions and staff still isn't comfortable, we would bring it back to a work session.)

OTHER MATTERS:

1. Town Council Summary (Memo Only)

This is the last meeting with Peter Grosshuesch as the Director of Community Development. I think he's

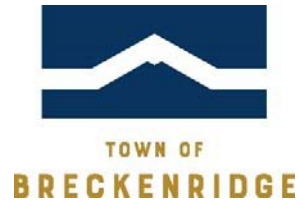
done a great job and if one considers how well Breck has grown you have a lot to be proud of. We would like to bring you back at a future meeting so that we can properly send you off and give you some grief when Mark gets back.

Mr. Grosshuesch: Yes thank you. It's been a good run. It's fitting that Mark (Hogan) would have the last project on my watch because I think he had the first one too.

ADJOURNMENT:

The meeting was adjourned at 6:37 pm.

Mike Giller, Chair



Memo

To: Breckenridge Town Council Members
From: Mark Johnston, Public Works Assistant Director
Date: 7/02/2019
Subject: Trash Enclosures Ordinance Update Second Reading

Staff has worked to update the Town's Trash Enclosures ordinance to reflect recent changes to the program. The most significant changes from first reading to be noted included the following;

5-6-9(B) Authorizes the Public Works Director to determine authorized users of commercial shared trash enclosures and which enclosures are to be designated for each user.

5-6-10(A)(2) Determines that misuse of a commercial shared trash enclosure occurs by anyone not authorized by the Director.

5-6-10: PENALTY Establishes punishment of misuse as a civil infraction and punishable by 1-4-1-1 of the code.

5-6-11 Authorizes the Public Works Director to adopt, amend, alter, repeal administrative rules in accordance with 1-18 of the code.

Staff will be present if you have any questions regarding the proposed changes.

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

2
3 Additions To The Ordinance As Approved on First Reading Are
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~
5

6
7 COUNCIL BILL NO. 14

8
9 Series 2019

10
11 AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 6 OF
12 TITLE 5 OF THE BRECKENRIDGE TOWN CODE ENTITLED “TRASH ENCLOSURES”;
13 AND MAKING CONFIRMING AMENDMENTS TO THE BRECKENRIDGE TOWN CODE
14

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

18 Section 1. Title 5, chapter 6 of the Breckenridge Town Code is repealed and readopted
19 with changes to read as follows:
20

21 Chapter 6

22 TRASH ENCLOSURES
23

24 SECTION:
25

26 Part A – General Provisions
27

28 5-6-1: Legislative Intent

29 5-6-2: Definitions
30

31 Part B – Private Trash Enclosures
32

33 5-6-3: Unlawful To Construct Private Trash Approval Without Town Approval

34 5-6-4: Specifications For Approved Private Trash Enclosure

35 5-6-5: Allowed Use Of Private Trash Enclosure

36 5-6-6: Misuse of Private Trash Enclosure

37 5-6-7: Maintenance Of Private Trash Enclosure

38 5-6-8: Compliance With Chapter Required; When
39

40 Part C – Commercial Shared Trash Enclosures
41

42 5-6-9: Allowed Use Of Commercial Shared Trash Enclosure

43 5-6-10: Misuse of Commercial Shared Trash Enclosure
44
45

1 Part D - Penalty

2

3 5-6-11: Penalty

4

5 **Part E – Rules and Regulations**

6

7 **5-6-12: Rules and Regulations**

8

9 **Part A – General Provisions**

10

11 **5-6-1: LEGISLATIVE INTENT:**

12

13 The purpose of this chapter is to protect the public health, safety and welfare by regulating trash
14 enclosures, including trash dumpsters and compactors. The requirements of this chapter are
15 intended to help prevent: a) conditions that may result in the harboring of undesirable pests and
16 rodents, b) conditions which are unsightly and therefore detract from the aesthetic appearance of
17 the community and may affect the value of real property, and c) conditions which may otherwise
18 constitute a safety hazard. The requirements of this chapter are further intended to further the
19 town’s goal of encouraging recycling within the town.

20

21 **5-6-2: DEFINITIONS:**

22

23 As used in this chapter, unless the context clearly requires otherwise:

24

25 **APPROVED PRIVATE TRASH ENCLOSURE:** A private trash enclosure that meets the
26 specifications of section 5-6-4 and has been approved by the town pursuant to title 9, chapter 1 of
27 this code.

28

29 **COOKING GREASE OR GREASE:** Any residual animal or other fat remaining after food is
30 fried as part of the food preparation process.

31

32 **COMMERCIAL SHARED TRASH ENCLOSURE:** A trash enclosure owned or under the
33 control of the town. A commercial shared trash enclosure shall include either a trash dumpster or
34 a trash compactor, as determined by the director.

35

36 **DIRECTOR:** The director of public works of the town, or such person’s designee acting pursuant
37 to section 1-7-2B of this code.

38

39 **NONCONFORMING PRIVATE TRASH ENCLOSURE:** A private trash enclosure that has not
40 been approved by the town pursuant to title 9, chapter 1 of this code.

41

42 **PRIVATE TRASH ENCLOSURE:** A trash enclosure that is owned by any person other than the
43 Town. A private trash enclosure may be used by one user or may be shared by multiple users. A
44 private trash enclosure may include a trash dumpster, trash compactor, or other trash receptacles
45 such as carts or cans. A private trash enclosure may be an approved private trash enclosure or a
46 nonconforming private trash enclosure.

1
2 RECYCLABLE MATERIALS: Has the meaning provided in section 4-16-5 of this code.

3
4 REFUSE: Has the meaning provided in section 9-1-5 of this code.

5
6 TRASH COMPACTOR: A device that compresses refuse into small bundles for easy disposal.

7
8 TRASH DUMPSTER: A metal refuse container which is designed to be emptied on site by a
9 specifically equipped refuse or recycling collection truck.

10
11 TRASH ENCLOSURE: A structure used to temporarily store refuse and recyclable materials
12 until they are removed from the site. A trash enclosure may be a private trash enclosure or a
13 commercial shared trash enclosure.

14
15 **Part B – Private Trash Enclosures**

16
17 **5-6-3: UNLAWFUL TO CONSTRUCT PRIVATE TRASH ENCLOSURE WITHOUT**
18 **TOWN APPROVAL:** It is unlawful for any person to construct a private trash enclosure
19 without a development permit issued by the town pursuant of title 9, chapter 1 of this code.

20
21 **5-6-4: SPECIFICATIONS FOR APPROVED PRIVATE TRASH ENCLOSURE:** An
22 approved private trash enclosure shall meet the following specifications:

23
24 A. The enclosure shall have a roof designed to support snow load as required by the
25 Town's building and technical codes adopted by reference in title 8, chapter 1 of this code, or as
26 otherwise approved by the town's building official. The roof shall be reinforced so that contact
27 with the enclosure during refuse removal will not damage the roof, structure, or veneer of the
28 enclosure.

29
30 B. Collection access to the enclosure must be screened in a manner meeting the
31 following specifications:

- 32
33 1. Collection access opening within the historic district shall be a maximum of nine feet
34 (9') in height; access opening outside the historic district shall be a minimum of nine feet
35 (9') in height, or as approved by the director of the department of community
36 development.
37 2. Collection access opening width shall be a minimum of twelve feet (12'). Where steel
38 supports the structure and the gates, the access opening width can be reduced to ten feet
39 (10').
40 3. Swinging gates shall have eight inches (8") minimum clearance above the ground.
41 Devices shall be installed to prevent gates from swinging into the trash enclosure, and to
42 secure the gates open during refuse collection.

43
44 C. A thirty six inch (36") minimum width access opening for pedestrians shall be
45 included in the enclosure design.

1 D. The design, color and materials of the enclosure shall be architecturally compatible
2 with that of principal structures. Where an enclosure is located within the historic district
3 boundaries, architectural design shall comply with the most current edition of the "Handbook Of
4 Design Standards For The Historic And Conservation Districts."

5
6 E. Ventilation shall be provided. Nonmechanical ventilation is acceptable.
7

8 F. If a trash dumpster is to be located in the trash enclosure, an acceptable mechanism to
9 limit dumpster movement is required.
10

11 G. A storage area for recyclable materials shall be provided. The recycling area shall
12 provide containers for material separation and be protected under a roof. The minimum required
13 size of the recycling storage area shall be based on a recycling program to be submitted by the
14 applicant and approved by the director.
15

16 H. It is recommended that new construction incorporate the trash enclosure into the
17 principal structure.
18

19 I. The rehabilitation of historic sheds as trash enclosures is encouraged.
20

21 **5-6-5: ALLOWED USE OF PRIVATE TRASH ENCLOSURE:**
22

23 A. Except as provided in subsections B and C, all private trash enclosures are for the
24 collection and storage of refuse and recyclable materials only. It shall be unlawful for any person
25 to use, or to permit the use of, a private trash enclosure for any other purpose.
26

27 B. It is not a violation of subsection A if: (i) grease from a commercial business is stored
28 in a private trash enclosure; provided that such grease shall only be disposed of by a licensed
29 grease hauler; or (ii) grease from a private residence is placed back in its original container,
30 properly resealed, and placed in a private trash enclosure pending removal by the trash hauler.
31

32 C. It is not a violation of subsection A if space within a private trash enclosure is utilized
33 for storage of personal property if such storage does not interfere with the allowed use of the
34 private trash enclosure as set forth in subsection A.
35

36 **5-6-6: MISUSE OF PRIVATE TRASH ENCLOSURE:** Any person who does any of the
37 following acts commits the offense of misuse of a private trash enclosure:
38

- 39 1. Deposits hot ashes within a private trash enclosure; or
- 40
- 41 2. Deposits grease within a private trash enclosure.
42

43 **5-6-7: MAINTENANCE OF PRIVATE TRASH ENCLOSURE:**
44

1 A. All private trash enclosures shall be structurally sound, maintained in good repair and
2 kept clear of snow and ice. No private trash enclosure shall constitute a hazard to safety, health,
3 or public welfare by reason of inadequate maintenance or dilapidation.
4

5 B. The exterior surfaces of all private trash enclosures shall be kept neatly painted and
6 clean at all times. In addition to other remedies provided for in this chapter and code, the town
7 shall have the authority to order the painting, repainting, staining, repair, maintenance, or
8 removal of all trash enclosures which have become dilapidated or a hazard to safety, health, or
9 public welfare.
10

11 C. If a condition described in subsection B is determined by the director to exist, the
12 director shall give notice thereof by certified mail, return receipt requested, to the owner of such
13 private trash enclosure at the address of the property on which the enclosure is located, or such
14 other address as the director may have. If, within fifteen (15) days from service of the notice, or
15 such additional time as the director may permit, the director's order is not complied with, the
16 condition shall be deemed to be a nuisance and may be abated as provided in chapter 1 of this
17 title. In the event of a judicial decision that a nuisance exists, the court as part of its penalty may
18 order the painting, repainting, repair, maintenance or removal of the private trash enclosure, and
19 the cost thereof shall be paid by the owner of the trash enclosure.
20

21 **5-6-8: COMPLIANCE WITH CHAPTER REQUIRED; WHEN:**
22

23 A. An approved private trash enclosure shall be provided as follows:
24

25 1. Concurrently with any new development or further development of any existing site
26 proposing use of a trash enclosure that requires the issuance of a class A, B, or C
27 development permit;
28

29 2. At the time of the structural repair or alteration of a nonconforming private trash
30 enclosure; or
31

32 3. At the time of installation of an additional trash enclosure on a developed site.
33

34 B. An approved private trash enclosure shall be provided on newly annexed property
35 within two (2) years following the effective date of the annexation, or as otherwise provided in
36 the annexation ordinance for such property.
37

38 **Part C – Commercial Shared Trash Enclosures**
39

40 **5-6-9: ALLOWED USE OF COMMERCIAL SHARED TRASH ENCLOSURE:**
41

42 A. A commercial shared trash enclosure may only be used for the temporary collection
43 and storage of refuse, including recycling materials, ~~by persons located in the geographic area to~~
44 ~~be served by such enclosure.~~
45

1 **B. The Director shall establish a program to manage the commercial shared trash**
2 **enclosures. In connection therewith, the Director shall determine those persons who are**
3 **authorized to use a commercial shared trash enclosure, and which enclosure such person**
4 **shall be authorized to use. In determining which enclosure a user shall be authorized to use**
5 **the Director shall consider all relevant information, including, but limited to, the user's**
6 **proximity to the enclosure, and whether the enclosure has the capacity to accommodate the**
7 **user's anticipated volume of trash. The Director shall attempt to permit an authorized user**
8 **to use the enclosure that is nearest to the prospective user's property or business. However,**
9 **there is no right to use a particular trash enclosure, and a user's authorized trash enclosure**
10 **may be changed by the Director.**

11
12 C. Nothing in this Section prohibits a person from constructing an approved private trash
13 enclosure upon such person's property (and not upon public property); provided that legal
14 vehicular access for waste collection is available. All necessary development and building
15 permits must be obtained prior to the construction of the approved private trash enclosure.
16

17 **5-6-10: MISUSE OF COMMERCIAL SHARED TRASH ENCLOSURE:**

18
19 A. Any person who does any of the following acts commits the offense of misuse of a
20 commercial shared trash enclosure:

- 21
22 1. Deposits, throws, or leaves anywhere within a commercial shared trash enclosure any
23 item that is not refuse as defined in Section 5-6-2.
24
25 2. Deposits, throws, or leaves any refuse in a commercial shared trash enclosure if such
26 person does not reside or is not temporarily staying in the geographic area to be served by
27 such enclosure **has not been authorized by the Director to use such enclosure**
28 **pursuant to Section 5-6-9B.**
29
30 3. Deposits, throws, or leaves any refuse anywhere within a commercial shared trash
31 enclosure, except within the ~~commercial shared trash enclosure itself~~ **trash dumpster**;
32
33 4. Deposits, throws, or leaves any refuse within ten feet (10') of the exterior wall of a
34 commercial shared trash enclosure;
35
36 5. Deposits hot ashes within a commercial shared trash enclosure.
37
38 6. Deposits grease within a commercial shared trash enclosure.
39
40 7. Places any recyclable material in a recycling container within a commercial shared
41 trash enclosure that is clearly indicated by signage or labeling as being intended to
42 contain only other types of recyclable materials.
43

44 B. An employer is legally accountable under this section for the conduct of his or her
45 employees that violates the provisions of this section if such conduct occurs in the course and

1 scope of such employment. It shall be presumed that such conduct was caused to be done,
2 requested, commanded, or authorized by the employer as part of the employee’s duties.

3
4 **Part D – Penalties**

5
6 **5-6-10: PENALTY:**

7
8 ~~Any person convicted of violating any provision of this chapter shall be punished as provided in~~
9 ~~title 1, chapter 4 of this code.~~ **It is unlawful and a civil infraction for any person to violate**
10 **any provision of this chapter. Any person found to be in violation of this chapter, or against**
11 **whom a default judgment has been entered for a violation of this chapter, shall be punished**
12 **as provided in section 1-4-1-1 of this code.** In addition to other remedies available to the town,
13 the town may commence an action pursuant to section 1-8-10 of this code to enjoin the alleged
14 violation of any provision of this chapter.

15
16 **Part E – Rules and Regulations**

17
18 **5-6-11: Rules and Regulations: The Director of Public Works shall have the authority from**
19 **time to time to adopt, amend, alter, and repeal administrative rules and regulations as may**
20 **be necessary for the proper administration of this chapter. Such regulations shall be**
21 **adopted in accordance with the procedures established by title 1, chapter 18 of this code. A**
22 **violation of such regulations may be enforced in the Town’s Municipal Court.**

23
24 Section 2. Section 5-2-2A of the Breckenridge Town Code is amended to read as follows:

25
26 A. Except when placed for curbside pickup in accordance with subsection B of
27 this section, all garbage that is placed, stored, or kept outside of a building,
28 structure, or an “approved private trash enclosure” as defined in section 5-6-2 of
29 this title, shall be kept in an outdoor garbage receptacle with a properly secured
30 lid.

31
32 Section 3. Section 5-2-2C of the Breckenridge Town Code is amended to read as follows:

33
34 C. The provisions of this section shall not apply to: 1) a receptacle maintained by
35 a business that is: a) primarily intended as a convenience for use by the customers
36 of the business (and not the business itself); b) designed in such a manner as to
37 discourage wildlife from getting into the receptacle; and c) emptied on a daily
38 basis; or 2) rubbish, including, but not limited to, recyclable material as defined in
39 section 4-16-5 of this code, that is placed at the curbside for pick up by a trash
40 collector.

41
42 Section 4. Section 5-2-7 of the Breckenridge Town Code is deleted.

43
44 Section 5. Section 6-3H-5C of the Breckenridge Town Code is amended to read as
45 follows:

46

1 C. Between the hours of four o'clock (4:00) A.M. and ten o'clock (10:00) A.M. of
2 the same day, it shall be lawful to operate or park a motor vehicle within the
3 Riverwalk for the limited purposes of: 1) removing refuse from a trash enclosures
4 or properties located adjacent to the Riverwalk; 2) making deliveries of
5 merchandise to or picking up merchandise from commercial establishments
6 located immediately adjacent to the Riverwalk.
7

8 Section 6. The definition of "Approved Trash Dumpster Enclosure" in section 9-1-5 of
9 the Breckenridge Town Code is repealed and replaced with the following new definition:
10

11 APPROVED PRIVATE TRASH ENCLOSURE: Has the meaning provided in
12 section 5-6-2 of this code.
13

14 Section 7. Item N under the definition of "Class D Minor" in section 9-1-5 of the
15 Breckenridge Town Code is amended to read as follows:
16

17 N. Construction of approved private trash enclosure or conversion of
18 nonconforming private trash enclosure to approved private trash enclosure.
19

20 Section 8. Section 9-1-5 of the Breckenridge Town Code is amended by the addition of
21 the following definition:
22

23 RECYCLABLE MATERIAL: Has the meaning provided in section 4-6-15 of this
24 code.
25

26 Section 9. The definition of "Refuse" in section 9-1-5 of the Breckenridge Town Code is
27 amended to read as follows:
28

29 REFUSE: All forms of solid waste, including garbage, rubbish, trash, recyclable
30 and similar material, but excluding waste grease.
31

32 Section 10. Except as specifically amended hereby, the Breckenridge Town Code, and
33 the various secondary codes adopted by reference therein, shall continue in full force and effect.
34

35 Section 11. The Town Council hereby finds, determines and declares that this ordinance
36 is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
37 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
38 thereof.
39

40 Section 12. The Town Council hereby finds, determines and declares that it has the
41 power to adopt this ordinance pursuant to the authority granted to home rule municipalities by
42 Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town
43 Charter.
44

45 Section 13. This ordinance shall be published and become effective as provided by
46 Section 5.9 of the Breckenridge Town Charter.

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INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN FULL this ____ day of _____, 2019. A Public Hearing shall be held at the
regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
_____, 2019, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
Town.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
Eric S. Mamula, Mayor

ATTEST:

Helen Cospolich, CMC,
Town Clerk



Memo

To: Town Council
From: Chapin LaChance, AICP - Planner II
Date: 7/3/2019 for 7/9/2019 Work Session
Subject: Land Use District #45: Huron Landing and Kenington Place Townhomes Zoning Ordinances (First Reading)

The purpose of these ordinances is to create a new zoning district, Land Use District #45 (LUD 45), for Huron Landing Apartments and Kenington Place Townhomes. This is necessary because of the recent annexation of Kenington Place Townhomes, and the non-conforming uses or density of the existing developments to the existing zoning.

Huron Landing: Huron Landing, Lot 1 was annexed into the Town in 2015, and the zoning of LUD #5 was assigned to the property. The existing Guidelines for LUD #5 recommend service commercial and lodging uses, with employee housing listed as a “possible exception”.

Existing zoning: LUD #5 (Service Commercial @ 1:5 FAR, Lodging @ 10 Units per Acre)
As built: Apartments @ 8.2 Units per Acre
Proposed zoning: LUD #45 (Residential townhomes and apartments @ 10 UPA)

Kenington Place Townhomes: On May 28, 2019, the Council adopted an Ordinance annexing Kenington Place Townhomes, which became effective July 4th. Per state statute, a zoning designation is required to be assigned to the annexed property within 90 days of annexation. The existing LUD Map shows Kenington Place Townhomes would be within LUD #7 when annexed. The Guidelines for LUD #7 recommend single family residential use, at a density of 7 Units per Acre, which Kenington Place Townhomes do not conform to.

Existing zoning: LUD #7 (Service Commercial @ 1:5 FAR, Lodging @ 10 Units per Acre)
As built: Townhomes @ 9.8 Units per Acre
Proposed zoning: LUD #45 (Residential townhomes and apartments @ 10 UPA)

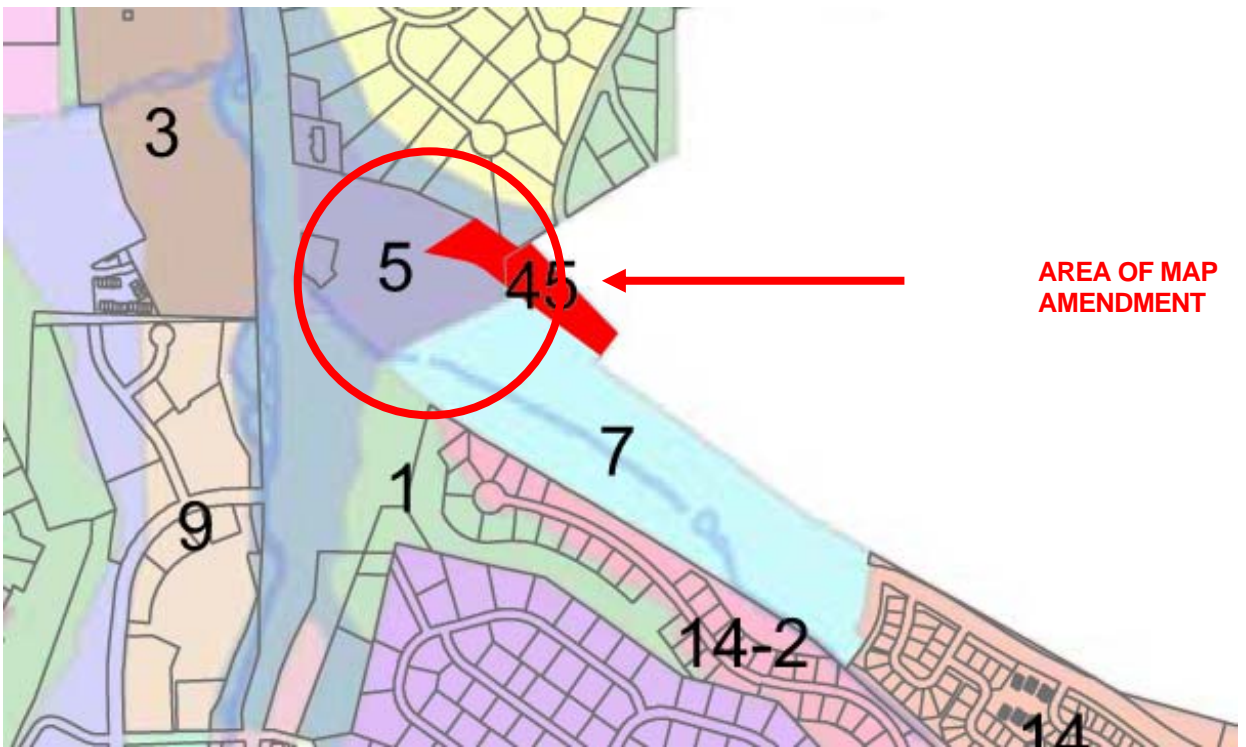
The proposed Ordinances creating LUD #45 and Guidelines for this District specify recommended uses, density, structural type etc. that the existing developments will conform to. The Ordinances also direct staff to amend the LUD map (as shown below), incorporating both properties within LUD #45.

A work session was held with the Planning Commission on July 2nd to review the proposed Land Use District. The Planning Commission supported the Land Use District designation with minor formatting modifications.

Staff will be at the work session to answer any questions that you may have.



Above: (Excerpt from existing LUD Map)



Above: (Excerpt from proposed LUD Map amendment)



Memo

To: Mayor and Town Council Members
From: Tim Berry, Town Attorney
Date: 7/3/2019
Subject: Land Use 45 District Ordinances

There are three separate ordinances on your agenda for Tuesday's meeting that involve the new Land Use District 45. I want to explain to you why each of the ordinances is necessary.

The need for the three ordinances is the result of the Town's recent annexation of the Kenington Townhomes. State law requires that a municipality zone recently annexed property within 90 days of the effective date of the annexation ordinance. The effective date of the Kenington Annexation Ordinance is July 4. As a result, to comply with state law the Town must zone the Kenington Townhomes no later than October 2.

Under the Town's land use system, "zoning" of a parcel of land is accomplished by placing the parcel in a "land use district." There are currently 54 land use districts in the Town. Each of the land use districts has its own set of zoning rules. The Town's land use system involves both the Town's Development Code (general zoning rules) and compliance with the applicable Land Use District guidelines (specific zoning rules) for a particular land use district.

The Town's current Annexation Plan shows that the Kenington Townhomes should be placed in Land Use District 7, which is a district for single family residences. Placing the Kenington Townhomes in Land Use District 7 would not be proper.

Town staff indicates that there is no current Land Use District that is a fit for the Kenington Townhomes. As a result, it is necessary to create a new land use district for the Kenington Townhomes. That land use district will be Land Use District 45.

Here is a summary of the three ordinances that you will be considering on Tuesday:

1. Council Bill No. 15, "An Ordinance Amending the Town of Breckenridge Land Use Guidelines to Create Land Use District 45"

The first ordinance establishes Land Use District 45 as part of the Town's Land Use Guidelines. Exhibit A to the ordinance sets forth the new land use regulations for those properties that will be placed in the new Land Use District 45. These regulations were drafted specifically to reflect the current use of the Kenington Townhomes (as well as Huron Landing, which will be described later in this memo). The adoption of this ordinance will establish the new Land Use District 45, but will not place any land in the new land use district. To do that, separate action is required.

2. Council Bill No. 16, “An Ordinance Placing Recently Annexed Land in Land Use District 45 (Kenington Townhome – 2.80 acres more or less)”

This ordinance will place the Kenington Townhomes into the new Land Use District 45, and will comply with the state law requirement that newly annexed property be zoned within 90 days of the effective date of the Kenington Townhomes Annexation Ordinance.

3. Council Bill No. 17, “An Ordinance Changing the Land Use District Designation for Certain Real Property (Huron Landing – 1.48 acres, more or less)”

The Huron Landing Apartments are currently in the in the Town’s Land Use District 5. Staff has noted that this is not the correct land use district designation of the Huron Landing Apartments. If adopted, this ordinance would change the land use district designation of the Huron Landing Apartments from Land Use District 5 to the new Land Use District 45. The zoning regulations for the new Land Use District 45 were also drafted to specifically fit the Huron Landing Apartments.

Please note that the first and third ordinances described above amend the Town’s Land Use Guidelines. There is a special process required to amend the Guidelines, and the process requires special notices to be published in the Summit County Journal and, in the case of the ordinance changing the Land Use District designation for the Huron Landing Apartments, a special mailed notice to affected parties is also required. Staff cannot provide all of the required notice in a timeframe that would allow for second reading of the ordinances to be on July 23rd. As a result, all three of the ordinances have been drafted to specify that second reading will be at your August 13th meeting.

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

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

2
3 COUNCIL BILL NO. 15

4
5 Series 2019

6
7 AN ORDINANCE AMENDING THE TOWN OF BRECKENRIDGE “LAND USE
8 GUIDELINES” TO CREATE LAND USE DISTRICT 45

9
10 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
11 COLORADO:

12
13 Section 1. Findings. The Town Council of the Town of Breckenridge, Colorado hereby
14 finds and determines as follows:

15
16 1. By Ordinance No. 3, Series 1987, the Town Council adopted the Breckenridge Land
17 Use Guidelines (“**Land Use Guidelines**”).

18
19 2. The Land Use Guidelines contain provisions governing the development of real
20 property located within the various Land Use Districts of the Town, and include a map of the
21 various Land Use Districts described in the Land Use Guidelines.

22
23 3. In Section 9-1-15-1 of the Breckenridge Town Code, the Town Council adopted
24 certain procedures to be followed to amend the Land Use Guidelines.

25
26 4. The amendment to the Land Use Guidelines made by this ordinance is legislative or
27 quasi-legislative in nature.

28
29 5. The procedural requirements of Section 9-1-15-1 of the Breckenridge Town Code
30 with respect to a proposed legislative or quasi-legislative amendment to the Land Use Guidelines
31 have been fully satisfied. Without limiting the generality of the foregoing, the Town Council
32 finds that a public hearing was held by the Town Council of the Town of Breckenridge on
33 August 13, 2019 to consider the adoption of this ordinance. Notice of such hearing was
34 published twice in the Summit County Journal, a newspaper of general circulation in the Town,
35 the first publication occurring at least twelve (12) days prior to the hearing and the second
36 occurring at least four (4) days prior to the hearing, all as required by Section 9 -1-15-1(B) of the
37 Breckenridge Town Code. The Proof of Publication of such notice made a part of the record in
38 connection with the adoption of this ordinance. All requirements for notice of a proposed
39 legislative or quasi-legislative amendment to the Land Use District Guidelines required by
40 Section 9 -1-15-1(C) of the Breckenridge Town Code have been satisfied.

41
42 6. The change to the Land Use Guidelines is in conflict with or inconsistent the Town’s
43 Comprehensive Plan, but a manifest error was made in establishing the current Land Use
44 Guidelines because the current Land Use Guidelines do not recognize the existing density and

1 use of the real property recently annexed to the Town known and described as the Kenington
2 Townhomes.

3
4 Section 2. Amendment To Land Use District Guidelines; Creation of Land Use District
5 45. The Town’s Land Use Guidelines, including the official Land Use District Map which is a
6 part thereof, is hereby amended by the adoption of provisions establishing and regulating Land
7 Use District 45 as more fully set forth on the attached Exhibit “A”, which is incorporated herein
8 by reference. The Town staff is directed to change the Town’s Land Use District Map to reflect
9 the creation of Land Use District 45.

10
11 Section 3. Continued Effect of Land Use Guidelines. Except as specifically amended
12 hereby, the Breckenridge Land Use Guidelines, as adopted by Ordinance No. 3, Series 1987,
13 shall continue in full force and effect.

14
15 Section 4. Police Power Finding. The Town Council hereby finds, determines, and
16 declares that this ordinance is necessary and proper to provide for the safety, preserve the health,
17 promote the prosperity, and improve the order, comfort, and convenience of the Town of
18 Breckenridge and the inhabitants thereof.

19
20 Section 5. Authority. The Town Council hereby finds, determines, and declares that it has
21 the power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control
22 Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S.
23 (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal
24 police powers); (iv) Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the
25 authority granted to home rule municipalities by Article XX of the Colorado Constitution; and
26 (vi) the powers contained in the Breckenridge Town Charter.

27
28 Section 6. Effective Date. This ordinance shall be published and become effective as
29 provided by Section 5.9 of the Breckenridge Town Charter.

30
31 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
32 PUBLISHED IN FULL this ____ day of _____, 2019. A Public Hearing shall be held at the
33 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 13th day of
34 August, 2019, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
35 Town.

36
37 TOWN OF BRECKENRIDGE, a Colorado
38 municipal corporation

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42 By: _____
43 Eric S. Mamula, Mayor

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ATTEST:

Helen Cospolich, CMC,
Town Clerk

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

2
3 COUNCIL BILL NO. 16

4
5 Series 2019

6
7 AN ORDINANCE PLACING RECENTLY ANNEXED
8 PROPERTY IN LAND USE DISTRICT 45
9 (Kenington Townhomes – 2.80 acres, more or less)

10
11 WHEREAS, by Ordinance No. 10, Series 2019, effective July 4, 2019, the real property
12 described in Section 1 of this ordinance was annexed into and made a part of the Town in
13 accordance with the Municipal Annexation Act of 1965 (Part 1 of Article 12 of Title 31, C.R.S.);
14 and

15
16 WHEREAS, the Town is required by Section 31-12-115(2), C.R.S., to zone all newly
17 annexed areas within ninety (90) days after the effective date of the annexation ordinance; and

18
19 WHEREAS, the Town Council recently adopted an ordinance establishing Land Use
20 District 45 for the purpose of providing an appropriate land use district designation for the real
21 property described in Section 1 of this ordinance, and certain other land; and

22
23 WHEREAS, the Town’s Planning Commission has recommended that the recently
24 annexed parcel be placed within Land Use District 45.

25
26 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
27 BRECKENRIDGE, COLORADO:

28
29 Section 1. The following described real property:

30
31 Kenington Place Townhomes, including all buildings and units thereof, and all
32 common areas, according to the plats thereof recorded in the real property records
33 of the Clerk and Recorder of Summit County, Colorado.

34
35 The parcel is more particularly described as follows:

36
37 A tract of land being all of Kenington Place Townhomes (previously Lot 67,
38 Huron Heights), located in summit County Colorado, and being more particularly
39 described as follows:

40
41 Beginning at the Southeast corner of said Kenington Place Townhomes (Lot 67,
42 Huron Heights); thence along the following 5 courses:

- 43
44 1.) N54°12'03"W a distance of 579.76 feet;

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ATTEST:

Helen Cospolich, CMC,
Town Clerk

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

2
3 COUNCIL BILL NO. 17

4
5 Series 2019

6
7 AN ORDINANCE CHANGING THE LAND USE DISTRICT DESIGNATION FOR
8 CERTAIN REAL PROPERTY
9 (Huron Landing – 1.48 acres, more or less)

10
11 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
12 COLORADO:

13
14 Section 1. Findings. The Town Council has heard and considered the evidence presented
15 in support of and in opposition to the adoption of this ordinance. Based upon the evidence
16 presented to the Town Council in connection with its consideration of this ordinance, as more
17 fully set forth in the record of the proceedings in this matter, the Town Council of the Town of
18 Breckenridge, Colorado hereby finds and determines as follows:

19
20 1. By Ordinance No. 3, Series 1987, the Town Council adopted the Breckenridge Land
21 Use Guidelines (“**Land Use Guidelines**”).

22
23 2. The Land Use Guidelines contain provisions governing the development of real
24 property located within the various Land Use Districts of the Town, and include a map of the
25 various Land Use Districts described in the Land Use Guidelines.

26
27 3. In Section 9-1-15-1 of the Breckenridge Town Code, the Town Council adopted
28 certain procedures to be followed to amend the Land Use Guidelines.

29
30 4. The amendment to the Land Use Guidelines made by this ordinance is quasi-judicial
31 in nature.

32
33 5. The procedural requirements of Section 9-1-15-1 of the Breckenridge Town Code
34 with respect to a proposed quasi-judicial amendment to the Land Use Guidelines have been fully
35 satisfied. Without limiting the generality of the foregoing, the Town Council finds that a public
36 hearing was held by the Town Council of the Town of Breckenridge on August 13, 2019 to
37 consider the adoption of this ordinance. Notice of such hearing was published twice in the
38 Summit County Journal, a newspaper of general circulation in the Town, the first publication
39 occurring at least twelve (12) days prior to the hearing and the second occurring at least four (4)
40 days prior to the hearing, all as required by Section 9 -1-15-1(B) of the Breckenridge Town
41 Code. The Proof of Publication of such notice was admitted into evidence and made a part of the
42 record in connection with the adoption of this ordinance. In addition to the newspaper notice, not
43 less than twelve (12) days prior to the date of the public hearing the Director of the Department
44 of Community Development mailed a copy of the text of the newspaper notice by first class mail

1 to all owners of real property that would be affected by the adoption of this ordinance, also as
2 required by Section 9 -1-15-1(C) of the Breckenridge Town Code. The Director's Certificate of
3 Mailing was admitted into evidence and made a part of the record in connection with the
4 adoption of this ordinance. All requirements for notice of a proposed quasi-judicial amendment
5 to the Land Use District Guidelines required by Section 9 -1-15-1(C) of the Breckenridge Town
6 Code have been satisfied.

7
8 6. The change to the land use district designation for the hereinafter described real
9 property is consistent with or in compliance with the Town's Comprehensive Plan, and all parts
10 thereof; and the proposed change bears a reasonable relationship to the welfare of the
11 community.

12
13 Section 2. Change of Land Use District Designation. The Land Use District designation
14 for the following described real property:

15
16 Lot 1, Huron Landing, according to the plat filed on July 13, 2017 under Reception
17 Number 1146186 in the Office of the Summit County Clerk and Recorder; also
18 known as the Huron Landing Apartments, 157 Huron Road (County Road 450),
19 Breckenridge, Colorado 80424

20
21 is changed from Land Use District 5 to Land Use District 45. The Town staff is directed to
22 change the Town's Land Use District Map to indicate that the abovedescribed property has been
23 placed within Land Use District 45.

24
25 Section 3. Continued Effect of Land Use Guidelines. Except as specifically amended
26 hereby, the Breckenridge Land Use Guidelines, as adopted by Ordinance No. 3, Series 1987,
27 shall continue in full force and effect.

28
29 Section 4. Police Power Finding. The Town Council hereby finds, determines, and
30 declares that this ordinance is necessary and proper to provide for the safety, preserve the health,
31 promote the prosperity, and improve the order, comfort and convenience of the Town of
32 Breckenridge and the inhabitants thereof.

33
34 Section 5. Authority. The Town Council hereby finds, determines, and declares that it has
35 the power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control
36 Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S.
37 (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal
38 police powers); (iv) Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the
39 authority granted to home rule municipalities by Article XX of the Colorado Constitution; and
40 (vi) the powers contained in the Breckenridge Town Charter.

41
42 Section 6. Effective Date. This ordinance shall be published and become effective as
43 provided by Section 5.9 of the Breckenridge Town Charter.

44
45 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
46 PUBLISHED IN FULL this ____ day of _____, 2019. A Public Hearing shall be held at the

1 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 13th day of
2 August, 2019, 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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10 By: _____
11 Eric S. Mamula, Mayor
12

13 ATTEST:
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17 _____
18 Helen Cospolich, CMC,
19 Town Clerk
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Memo

To: Breckenridge Town Council Members
 From: Town Staff
 Date: 7/3/2019
 Subject: Public Projects Update

Ice Arena Locker Room Addition

Schedule: Construction continues for the Ice Arena Locker Room Addition and the project remains on schedule. The contractor has recently begun foundation backfill, site grading, and plumbing/HVAC work. The contractor will continue backfill, plumbing work, and framing of the office walls in the coming weeks. The main entrance to the Ice Arena will remain closed to accommodate the construction of the office addition, but is anticipated to be reopened in late July. The remainder of the facility will remain open throughout construction.

Budget: There have been several minor change orders to the project, due to unforeseen conditions found after demolition; however, the costs of these changes will be covered from the project contingency and are not anticipated to affect the project budget.

Project Funding	
CIP Budget	\$2,000,000
2019 Supplemental Appropriation	\$300,000
Total Budget	\$2,300,000



Foundation walls have been placed, waterproofed, and are now being backfilled. Plumbing will be roughed in and then the concrete slab will be placed.



The concrete slab for office #2 (above Pro Shop) was recently placed and soon the walls will be framed and dry wall will be installed.

Fiber9600

Schedule: Work is scheduled to resume on July 8th in the Wellington Neighborhood and on Reiling Road. Columbine Hill Concrete, the restoration subcontractor, will also begin repaving in the Wellington Neighborhood which will alleviate the nuisance dust created from the backfill material in the trenches. The Town is working to partner with Xcel Energy on Wellington Road for a joint trenching operation scheduled to begin in early August.

CIP projects with no updates:

2019 Asphalt Overlay (updated 6-25-19)
2019 Concrete Replacement & Additions (updated 6-25-19)
Rec Center Outdoor Hot Tub Replacement (updated 6-11-19)
Pool Area Lights and Window Replacement (updated 6-11-19)
Skate Park Pool Coping Repair (updated 5-28-19)
McCain Property Improvements – School Parcel
Coyne Valley Pedestrian Underpass
Coyne Valley River Crossing
Sand Storage Structure
Infrastructure Improvements – Culverts
SH9 Property Improvements – Landscape Berm
Softball Field LED Lights



DATE: July 1, 2019

TO: Breckenridge Town Council

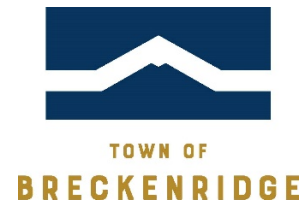
CC: Rick Holman, Shannon Haynes, James Phelps, Mark Johnston, Jennifer Pullen

FROM: Free Ride

RE: Free Ride Ridership Numbers – June 2019

June 2019 ridership is up 12.2% over June 2018 with 68,010 passengers! Year to date is up 18% compared to 2018. This is the 13th consecutive month of double digit growth for the Free Ride. Ridership growth was slower in early June but there was noticeable increase towards the end of the month. (YTD Totals include all routes for the year).

	2018		2019		Month		YTD	
	June Mthly	June YTD	June Mthly	June YTD	#'s	%	#'s	%
Black	4,780	26,341	8,063	44,011	3,283	68.7%	17,670	67.1%
Trolley	12,422	43,411	15,369	71,746	2,947	23.7%	28,335	65.3%
Purple	10,237	80,219	10,291	99,094	54	0.5%	18,875	23.5%
Gray	33,196	53,367	34,287	61,931	1,091	3.3%	8,564	16.0%
TOTAL	60,635	638,052	68,010	753,115	7,375	12.2%	115,063	18.0%



Memo

To: Breckenridge Town Council Members
From: Rick Holman, Town Manager
Date: 7/3/2019
Subject: Committee Reports

Summit Stage Advisory Board

June 26, 2019

Jennifer Pullen

Ridership Summary May 2019

- Total May 2019 fixed-route ridership was 98,397, a 7.9% increase from May 2018 fixed-route ridership of 91,163.
- Ridership on the Lake County Commuter Route for May 2019 was 1,994 – an increase of 0.7% from May 2018 ridership of 1,979.
- May 2019 ridership on the Blue River Commuter Route was 711, an increase of 59.4% over the May 2018 ridership of 446.
- May 2019 ridership on the Park County Commuter was 484.
- May 2019 paratransit ridership was 483 trips, compared to 631 trips in May 2018, a decrease of 23.5%.

Summary of Operating Costs May 2019

- Operating expenses for May 2019 were \$791,340 (May 2018 = \$793,723)
- Total maintenance costs in May 2019 were \$78,177 (May 2018 = \$78,728)
- May 2019 fuel usage was 21,122 gallons diesel and 1,210 gallons gasoline (May 2018 = 22,260 gallons diesel and 1,483 gallons gasoline).

Summit County Mass Transit Sales Tax Receipts March 2019

- March 2019 Mass Transit Sales Tax collections were \$1,602,011, up 1.65% or \$25,982 over March 2018 (\$1,576,029).

Other Matters:

- Discussed topics for annual planning meeting agenda (July 24th):
 - Ridership trends
 - Capital needs
 - Battery Electric Buses (BEBs)
 - Review current services
 - Transit Master Plan
 - IMTPR involvement
 - Technology (Double Map)
- Overtime costs have been high due to staffing shortages; sick leave, turnover and etc.
 - Currently have several applicants in process

- BOCC is considering Summit Stage bylaws modifications (see attached memo)
- Discussion of SB1 and IMTPR involvement to create a list of multimodal projects
- Buses – 6 new buses need to go back to Gillig to replace transmission part - was creating too much heat-3 buses completed so far

Discussion of Summit Stage Board Membership

Discussion Item:

The Summit County BoCC is considering modifications to the bylaws governing the Summit Stage Board. Under consideration are:

1. Having representation from each planning basin, with an additional at-large member added to the Board.
2. Amending the language in Section 2, Part D to reflect that the Summit Stage Board evaluate and make recommendations to the BoCC for all appointments regardless of how the seat is vacated.
3. That there be a sub-committee of the Summit Stage Board established to review applications and conduct interviews of prospective candidates for open at-large positions, and make recommendations to the BoCC.
4. Making no change to the current Summit Stage Board membership including members whose terms have expired or are due to expire until the by-laws are amended.

Background:

Resolution 2004-24 adopted by the Summit County BOCC established the Transit Advisory Board with eleven members, which expanded in 2014 to include a representative from Arapahoe Basin Ski Area, bringing the total number of members to twelve. Of the twelve (12) members, "Summit County shall appoint four (4) members... one (1) as a County representative and three (3) at large 'community representatives'. No more than two (2) such community representatives shall be appointed from any one of the following planning basins: the Upper Blue River... the Snake River... the Lower Blue... and the Ten Mile..." There being four planning basins and only three at-large seats available, at least one planning basin will not be represented on the Summit Stage Board.

Five of the Transit Advisory Board members have 2-year terms beginning and ending during odd-numbered years; seven members have terms beginning and ending in even-numbered years as follows:

- Odd Years – Summit County, Dillon, Frisco, Keystone, Community Representative*
- Even Years – Arapahoe Basin, Copper Mountain, Silverthorne, Town of Breckenridge, Beckenridge Ski Area, 2 Community Representatives*

Staff Recommendation:

That the Board consider the discussion items and make recommendations to the BoCC.

Transit and Parking Advisory Committee June 27, 2019 Shannon Haynes/ Jennifer Pullen

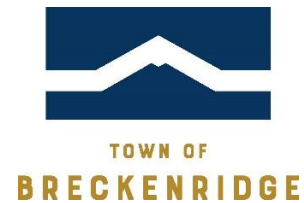
Current Representatives: James Phelps, Hal Vatcher, Ryan Santilli, Kenneth Symank, Jen Pullen, Dave DePeters, John Griffith, Chris Blackwell, Ethan Lawson

- **Review of Minutes of May 30** – No comments on May minutes.
- **Transit Manager Recruitment** – The pay grade has been increased for this position and parking responsibilities have been added. Recruitment will begin in a week. A new transit administrative position has been added in 2020 to assist with workload.
- **Transit Summer Staffing** – We are short staffed on drivers. One FTYR Driver will be filled by a seasonal so we are still down 1 FTYR and 2 FT seasonal. Received 2 resignations this past year due to losing housing.
- **Parking Updates** – Discussions on the capabilities of the Passport App. There is currently not a way to set up the wallet before a transaction. In May, 81 people filled the wallet with \$30.
- **Ridership** – Ridership is up due mostly to the Black Route. 49,000 in 2018 to 67,000 in 2019.

- **Troll** – The Troll is open and the trail is built. The Grey, Trolley, and the Summit Stage Boreas Rd routes all go to the Ice Rink/Troll location. There may be some changes to the bus stop entrance due to congestion. It currently is a two way entrance and was recently striped to help mark lanes.
- **Transit Master Plan Update** – The next meeting is on July 8th. They are working on collaborating with the Summit Stage and BSR. Community survey was completed and the driver survey will be released soon.
- **Electric Bus Update**– There was a delay in inspecting the new buses but has been rescheduled for July 15, 16, and 17. We are having a Proterra kickoff meeting today to discuss the training plan for the mechanics and drivers. We have put in for two additional grants for more electric buses. We will hear about those awards in the fall.
- **Recommendations from TPAC** – Purple and Trolley routes will have changes for 4th of July.

Committees*	Representative	Report Status
CAST	Mayor Mamula/ Erin Gigliello	No Meeting/Report
CDOT	Rick Holman	No Meeting/Report
CML	Rick Holman	No Meeting/Report
I-70 Coalition	Rick Holman	No Meeting/Report
Mayors, Managers & Commissioners	Mayor Mamula/ Rick Holman	No Meeting/Report
Liquor and Marijuana Licensing Authority	Helen Cospolich	No Meeting/Report
Summit Stage Advisory Board	Jennifer Pullen	Included
Police Advisory Committee	Chief Jim Baird	No Meeting/Report
CMC Advisory Committee	Rick Holman	No Meeting/Report
Recreation Advisory Committee	Scott Reid	No Meeting/Report
Workforce Housing Committee	Laurie Best	No Meeting/Report
Child Care Advisory Committee	Corrie Burr	<i>Included as a separate agenda item</i>
Breckenridge Events Committee	Shannon Haynes	No Meeting/Report
Transit Advisory Committee	Jennifer Pullen	Included
Water Task Force	Gary Gallagher	No Meeting/Report
Communications	Haley Littleton	No Meeting/Report

***Note:** Reports provided by the Mayor and Council Members are listed in the Council agenda.



Memo

To: Breckenridge Town Council Members
From: Shannon Haynes, Assistant Town Manager
Date: 7/3/2019
Subject: Breckenridge Events Committee

The Breckenridge Events Committee met on Wednesday, July 3rd, 2019. Below you will find the minutes from that meeting. There were no specific items of note.

Minutes
Breckenridge Events Committee
Wednesday, June 5th, 2019
Right event, right time, right result

Attending: Todd Rankin, Erin Gigliello, Sandy Metzger, Shannon Haynes, Janice Miller, Ken Miller, Chase Banachowski, Katie L'Estrange, Sarah Wetmore

Guests: Carrie Benefiel, Steve Costas, Suzanne Lifgren, Chelsea Roth, Lea Dreux, Rob Prescott. Mike Messeroff.

I. Todd Rankin called the meeting to order at 9am.

- a No comments on the May 1st, 2019 meeting minutes.
- b Todd opened the meeting by recognizing Sandy for her outstanding contribution to the community with her commitment to producing iconic Breckenridge events. Sandy has announced that she will be leaving the BTO to pursue new opportunities. Her last day will be Friday June 7th.

II. Events Upcoming

- a Gold Panning Championship, June 14-16 – *Sandy*
 - Event preparations are complete. Sandy will be returning to assist with production.
- b Bike to Work Day, June 26 – *Sandy*
 - Event preparations are complete. Hosting a free Pancake Breakfast 7am – 10 am in Blue River Plaza along with some onsite vendor activations. That evening BTO collaborates with BCA to host the Bike in Movie which doubles as a BTO Volunteer Appreciation Event.
- c 4th of July – *Sandy*
 - Breck Music does not think they have enough time to produce a concert to fill the 5-6 period. Committee discussed whether there was a need to pursue the concert further. Some discussion from Town Council around rebranding the 4th of July around live music going forward.
 - Committee agreed that Sandy should pursue booking a local band if possible though not to consider it imperative.
 - Les Voyageurs & Les Oiseaux by Cedric Le Borgne – WAVE installation was held up in customs and did not make the event. BCA presenting new proposal to TC to fly the illuminated pieces in the already approved locations for a month. Period would encompass July 4th.

III. General Updates and Discussions

- a Summer Events & Planned Fiber Construction – *Shannon*
 - Construction already underway in core of town. Five crews currently working in town and as of now running slightly ahead of schedule. Goal to be out of core of town by June 20th. Asphalt repair should start next week.
- b Destination Management Plan
 - Community roll out of the DMP will happen during the BTO Annual Meeting, June 12th at the Speakeasy Theatre.
- c Diminishing Events Sentiment – *New Standing Item*
 - Expecting business owners to feel the loss of Spartan in August. Committee will continue to monitor community sentiment around events.
 - With the impact of above average snowmelt and construction on activity availability, suggestion made to also look at visitor feedback around events. Welcome Center feedback - WAVE was good for filling the void created by inaccessible trails and activities for visitors.
- d Event Sustainability/Responsible Tourism – *New Standing Item*
 - No update – will remain as standing agenda item.
- e Public Events Calendar
 - No update.

IV. Task Force Updates

- a Task Force updates removed as standing agenda items. Jessie Burley will provide quarterly sustainability updates.

V. Breck Epic – Shannon

- a Mike McCormack to address TC next Tuesday regarding potential sponsorship opportunity over expo piece of his event. Sponsor could be met with consternation from some in community – looking to present what that partnership could look like and vet TC’s thoughts/concerns.
 - Important to note that this interaction with TC is by design. Mike is very sensitive of not skipping over the BEC – doing so in this instance at TOB’s recommendation.

VI. SEPA Review – Sandy

- a SEPA agenda included in packet. Sandy noted that the new 90 Day out application deadline was working.

VII. Review Events

- a WAVE – BCA
 - Significant programming challenges – Les Voyageurs & Les Oiseaux held up in customs and thrown a curveball with weather during construction/set up.
 - Overall BCA very happy with impact from crowds. Attendance higher than anticipated Thursday and Sunday.
 - No issues with pedestrian crossing from Blue River Plaza to Washington.
 - Great feedback from committee around ‘Through the Blue 4.0 with cellist Russick Smith.
 - Discussion around event timing – gets dark late. Light installations more vibrant after dark. BCA’s goal to lean further into sound dimension of event for future programming.

VIII. Review Agenda Items for next BEC Meeting July 3rd, 2019

- a Breck EPIC Sponsorship
- b Blue River Plaza – discussion what type of events are allowed, and direction going forward.

IX. Meeting adjourned and 10am.