



**TOWN OF  
BRECKENRIDGE**

**Town Council Regular Meeting**

Tuesday, July 9, 2019, 7:00 PM

Council Chambers

150 Ski Hill Road

Breckenridge, Colorado

**I. CALL TO ORDER, ROLL CALL**

**II. APPROVAL OF MINUTES**

A. TOWN COUNCIL MINUTES - JUNE 25, 2019

**III. APPROVAL OF AGENDA**

**IV. COMMUNICATIONS TO COUNCIL**

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

B. BRECKENRIDGE TOURISM OFFICE UPDATE

**V. CONTINUED BUSINESS**

A. SECOND READING OF COUNCIL BILLS, SERIES 2019 - PUBLIC HEARINGS

1. *COUNCIL BILL NO. 14, SERIES 2019 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 6 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE ENTITLED "TRASH ENCLOSURES"; AND MAKING CONFIRMING AMENDMENTS TO THE BRECKENRIDGE TOWN CODE*

**VI. NEW BUSINESS**

A. FIRST READING OF COUNCIL BILLS, SERIES 2019

1. *COUNCIL BILL NO. 15, SERIES 2019 - AN ORDINANCE AMENDING THE TOWN OF BRECKENRIDGE "LAND USE GUIDELINES" TO CREATE LAND USE DISTRICT 45*

2. *COUNCIL BILL NO. 16, SERIES 2019 - AN ORDINANCE PLACING RECENTLY ANNEXED PROPERTY IN LAND USE DISTRICT 45 (Kenington Townhomes – 2.80 acres, more or less)*

3. *COUNCIL BILL NO. 17, SERIES 2019 - AN ORDINANCE CHANGING THE LAND USE DISTRICT DESIGNATION FOR CERTAIN REAL PROPERTY (Huron Landing – 1.48 acres, more or less)*

B. RESOLUTIONS, SERIES 2019

C. OTHER

**VII. PLANNING MATTERS**

A. PLANNING COMMISSION DECISIONS

**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. OWENS)
- E. BRECKENRIDGE CREATIVE ARTS (MR. GALLAGHER)
- F. BRECKENRIDGE EVENTS COMMITTEE (MS. GIGLIELLO)
- G. WATER TASK FORCE (MR. GALLAGHER)

**X. OTHER MATTERS**

**XI. SCHEDULED MEETINGS**

- A. SCHEDULED MEETINGS FOR JULY AND AUGUST

**XII. ADJOURNMENT**

**I) CALL TO ORDER, ROLL CALL**

Mayor Pro Tem Gigliello called the meeting of June 25, 2019 to order at 7:0 pm. The following members answered roll call: Mr. Bergeron, Ms. Owens, Mr. Gallagher, Mr. Carleton, Ms. Wolfe and Mayor Pro Tem Gigliello. Mayor Mamula was absent.

**II) APPROVAL OF MINUTES**

**A) TOWN COUNCIL MINUTES – June 11, 2019**

With no changes or corrections to the meeting minutes of June 11, 2019, Mayor Pro Tem Gigliello declared they would stand approved as submitted.

**III) APPROVAL OF AGENDA**

Mr. Holman stated the only change to the agenda would be to add a vote on the retention of Planning Commission Member Giller, as discussed in the afternoon work session. Mayor Pro Tem Gigliello declared the agenda approved as amended.

**IV) COMMUNICATIONS TO COUNCIL**

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

Mayor Pro Tem Gigliello opened Citizen's Comment.

Mr. David Wilcox, representing the Breckenridge Lodging Association and Summit Mountain Rentals, stated property management is hospitality-focused and property managers want to be great neighbors and part of the community. He further thanked the Council for being inclusive of these groups. Ms. Wolfe stated the management companies have worked together well in the past and she hopes everyone can find the right answers for the community.

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

**V) CONTINUED BUSINESS**

**A) SECOND READING OF COUNCIL BILLS, SERIES 2019 - PUBLIC HEARINGS**

**VI) NEW BUSINESS**

**A) FIRST READING OF COUNCIL BILLS, SERIES 2019**

**1) COUNCIL BILL NO. 14, SERIES 2019 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 6 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE ENTITLED "TRASH ENCLOSURES"; AND MAKING CONFIRMING AMENDMENTS TO THE BRECKENRIDGE TOWN CODE**

Mayor Pro Tem Gigliello read the title into the minutes. Mr. Mark Johnston, Public Works Manager, stated this ordinance would revise the current trash enclosure ordinance with changes to grease recycling and to the Town's ability to enforce trash enclosure users, among other things.

Mayor Pro Tem Gigliello opened the public hearing.

Mr. Alex Chreiter, an owner at Edelweiss condos, stated the current ordinance is written very specifically allowing properties or businesses within 300 feet of the enclosure to use it. He further stated he is concerned that the new language is vague about a geographic area allowed to use the enclosure, and he is concerned about the access from his property. He stated the condos don't have space for a dumpster of their own, since they gave up Main Street access to the Town. He stated he would encourage Council to consider adding a section for businesses located within the 300-foot range.

Mr. Tim Johnson, an Edelweiss owner, stated the association worked closely with the Town on the North Main Street improvements, with the consideration of the dumpster enclosure.

Mr. Holman stated he would like to discuss this issue with staff and consider the reasons the changes were made.

There were no additional comments and the public hearing was closed.

Mr. Bergeron moved to approve COUNCIL BILL NO. 14, SERIES 2019 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 6 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE ENTITLED "TRASH ENCLOSURES"; AND MAKING CONFIRMING AMENDMENTS TO THE BRECKENRIDGE TOWN CODE. Mr. Gallagher seconded the motion.

The motion passed 6-0. Mayor Mamula was absent.

**B) RESOLUTIONS, SERIES 2019**

**1) RESOLUTION NO. 16, SERIES 2019 - A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH SUMMIT COUNTY GOVERNMENT AND THE TOWNS OF BLUE RIVER, DILLON, FRISCO, MONTEZUMA AND SILVERTHORNE REGARDING THE IMPLEMENTATION OF FIRE RESTRICTIONS IN SUMMIT COUNTY, COLORADO**

Mayor Pro Tem Gigliello read the title into the minutes. Mr. Holman stated this resolution would approve an IGA with the other County entities and it would make fire restrictions consistent throughout the County. In addition, he stated, any restriction requires an official declaration by the Mayor.

Mayor Pro Tem Gigliello opened the public hearing. There were no comments and the public hearing was closed.

Mr. Bergeron moved to approve RESOLUTION NO. 16, SERIES 2019 - A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH SUMMIT COUNTY GOVERNMENT AND THE TOWNS OF BLUE RIVER, DILLON, FRISCO, MONTEZUMA AND SILVERTHORNE REGARDING THE IMPLEMENTATION OF FIRE RESTRICTIONS IN SUMMIT COUNTY, COLORADO. Mr. Carleton seconded the motion.

The motion passed 6-0. Mayor Mamula was absent.

**C) OTHER**

**1) MOTION TO RETAIN PLANNING COMMISSIONER GILLER**

Per the memo in the Work Session packet regarding Planning Commission absences, Ms. Wolfe made a motion to retain Planning Commissioner Giller. Mr. Gallagher seconded the motion. The motion passed 6-0. Mayor Mamula was absent.

**VII) PLANNING MATTERS**

**A) PLANNING COMMISSION DECISIONS**

Mayor Pro Tem Gigliello declared the Planning Commission Decisions would stand approved as presented.

**VIII) REPORT OF TOWN MANAGER AND STAFF**

Reports of Town Manager and Staff were covered in the afternoon work session.

**IX) REPORT OF MAYOR AND COUNCIL MEMBERS**

Reports of the Mayor and Council Members were covered in the afternoon work session.

- A. Cast/MMC
- B. Breckenridge Open Space Advisory Committee
- C. Breckenridge Tourism Office
- D. Breckenridge Heritage Alliance
- E. Breckenridge Creative Arts
- F. Breckenridge Events Committee
- G. Water Task Force

**X) OTHER MATTERS**

Ms. Wolfe stated Breckenridge Creative Arts is looking to use an artist for a major exhibit next summer, and they will be forming a committee to look at the art from a Town and community perspective. She stated the committee would be many of the same members as on the Troll Committee, and Council agreed with this approach. Mr. Gallagher stated he would like to bring this idea to the full BCA board first. Mayor Pro Tem Gigliello stated she would like the idea to come to Council as well.

Council agreed this is a good new process to use for major art installations.

Ms. Wolfe asked Mr. Scott Reid to address the ADA component of the Troll trail. Mr. Reid explained that the trail isn't ADA compliant, as it is a green level backcountry trail and not intended for complete ADA access. He further stated the goal of the project was met in what the Town and the artist created there. He stated it is generally accessible, but not in the true ADA sense, and trails are not required to be ADA compliant.

Mr. Bergeron stated he has been meeting with a group of skiers and riders who are concerned about skier and rider responsibility. He stated the group is trying to educate people about skier safety and is working with the ski resort as well. Mr. Bergeron asked if the Council could support this group. The Council generally agreed to support the organization and Mr. Holman stated he will speak with staff about how best to show this support.

Ms. Owens asked about contamination at the Recycling Center and stated she would like the Town to help the County in this effort. Mr. Holman stated the County operates the Center and he will follow up with them.

**XI) SCHEDULED MEETINGS**

A) SCHEDULED MEETINGS FOR JUNE, JULY & AUGUST

**XII) ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 7:33pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

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Helen Cospolich, CMC, Town Clerk

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Eric S. Mamula, Mayor



# Memo

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

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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  
23 TRASH ENCLOSURES

24  
25 SECTION:

26  
27 Part A – General Provisions

28  
29 5-6-1: Legislative Intent

30 5-6-2: Definitions

31  
32 Part B – Private Trash Enclosures

33  
34 5-6-3: Unlawful To Construct Private Trash Approval Without Town Approval

35 5-6-4: Specifications For Approved Private Trash Enclosure

36 5-6-5: Allowed Use Of Private Trash Enclosure

37 5-6-6: Misuse of Private Trash Enclosure

38 5-6-7: Maintenance Of Private Trash Enclosure

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

40  
41 Part C – Commercial Shared Trash Enclosures

42  
43 5-6-9: Allowed Use Of Commercial Shared Trash Enclosure

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

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 4<sup>th</sup>. 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.

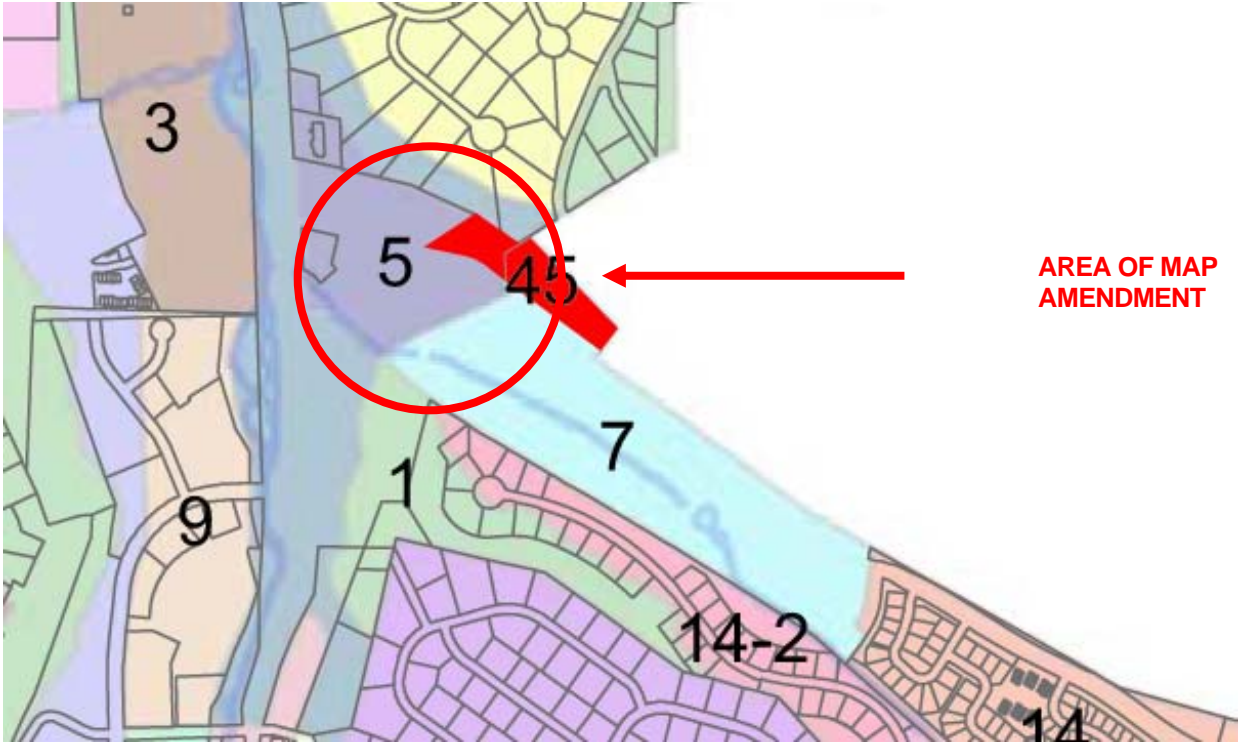
A work session was held with the Planning Commission on July 2<sup>nd</sup> to review the proposed Land Use District. The Planning Commission supported the Land Use District designation with minor formatting modifications.

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 23<sup>rd</sup>. As a result, all three of the ordinances have been drafted to specify that second reading will be at your August 13<sup>th</sup> 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 13<sup>th</sup> 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:

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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;





1 ATTEST:

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Helen Cospolich, CMC,

6 Town Clerk

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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 13<sup>th</sup> 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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18 Helen Cospolich, CMC,  
19 Town Clerk  
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# 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

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

**CLASS A APPLICATIONS:** None.

**CLASS B APPLICATIONS:** None.

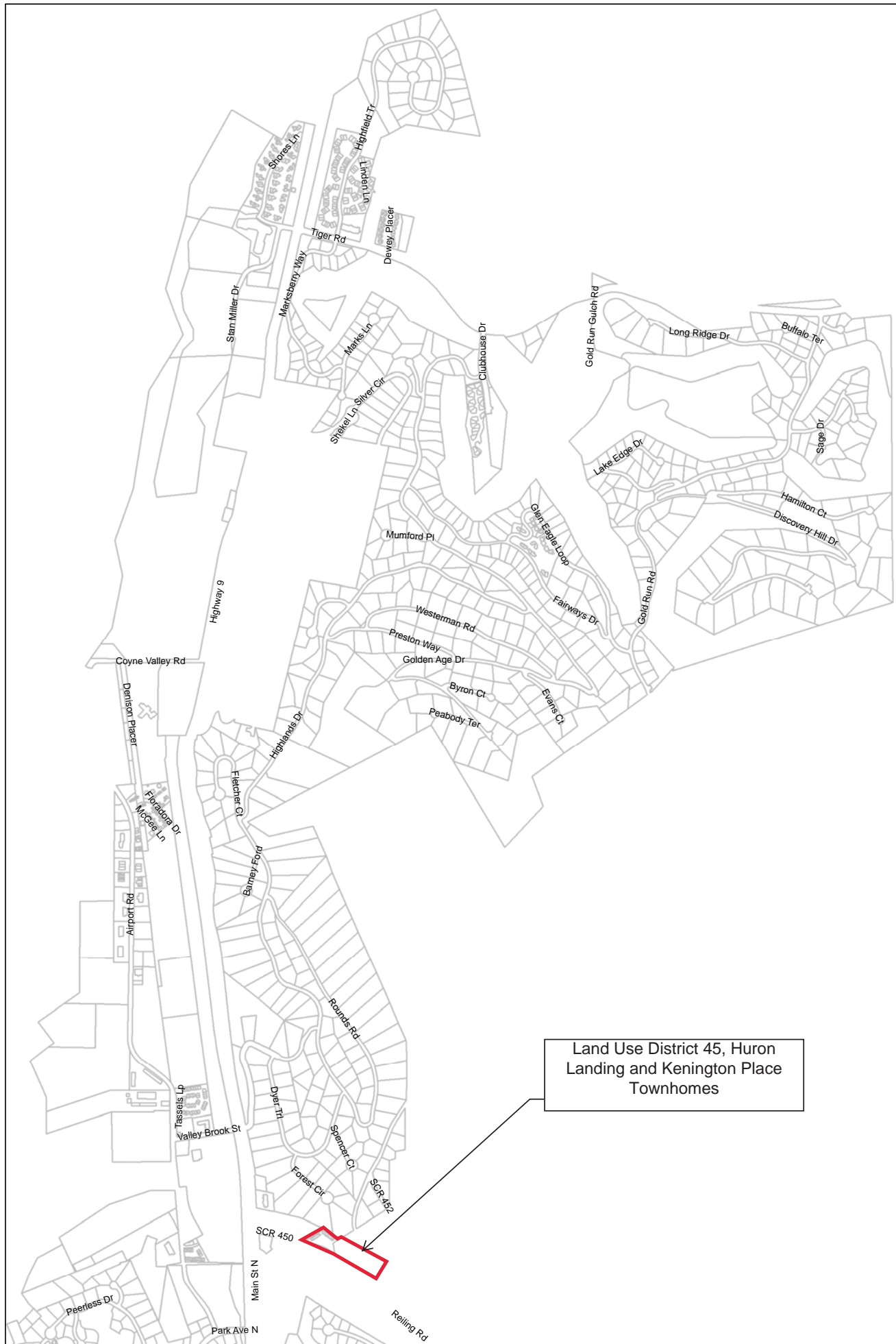
**CLASS C APPLICATIONS:** None.

**TOWN PROJECT HEARINGS:** None.

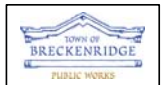
**OTHER:**

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



**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.

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Mike Giller, Chair



## Scheduled Meetings

**Shading indicates Council required attendance – others are optional**

*The Council has been invited to the following meetings and events. A quorum may be in attendance at any or all of them.*

### July 2019

July 4th, 2019	All Day	Main Street	4th of July Celebrations
<b>Tuesday, July 9, 2019</b>	<b>3:00pm / 7:00 pm</b>	<b>Town Hall Chambers</b>	<b>First Meeting of the Month</b>
<b>Tuesday, July 23, 2019</b>	<b>3:00pm / 7:00 pm</b>	<b>Town Hall Chambers</b>	<b>Second Meeting of the Month</b>

### August 2019

August 9th - 18th, 2019	All Day	Throughout Town	BIFA
<b>Tuesday, August 13, 2019</b>	<b>3:00pm / 7:00 pm</b>	<b>Town Hall Chambers</b>	<b>First Meeting of the Month</b>
<b>Tuesday, August 27, 2019</b>	<b>3:00pm / 7:00 pm</b>	<b>Town Hall Chambers</b>	<b>Second Meeting of the Month</b>
August 31st, 2019	All Day	Blue River	Rubber Duck Race

### Other Meetings

July 9th, 2019	Board of County Commissioners Meeting Workforce Housing Committee	9:00am / 1:30pm Noon
July 10th, 2019	Breckenridge Heritage Alliance	Noon
July 11th, 2019	Northwest CO Council of Governments I-70 Coalition Upper Blue Sanitation District	10:00am 1:00pm 5:30pm
July 15th, 2019	Breckenridge Creative Arts	4:00pm
July 16th, 2019	Board of County Commissioners Meeting Liquor & Marijuana Licensing Authority Planning Commission Meeting	9:00am 9:00am 5:30pm
July 17th, 2019	Troll Committee Meeting	9:00am
July 22nd, 2019	Open Space & Trails Open House & Meeting	5:30pm
July 23rd, 2019	Board of County Commissioners Meeting	9:00am / 1:30pm
July 24th, 2019	Summit Stage Transit Board Meeting Summit Combined Housing Authority	8:15am 9:00am
July 25th, 2019	Transit Advisory Council Meeting Breckenridge Tourism Office Board Meeting RW&B Board Meeting	8:00am 8:30am 3:00pm
July 31st, 2019	Summit County Transit Board Meeting	8:15am
August 6th, 2019	Board of County Commissioners Meeting Planning Commission Meeting	9:00am 5:30pm
August 7th, 2019	Police Advisory Committee Breckenridge Events Committee Childcare Advisory Committee	7:30am 9:00am 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 13th, 2019	Board of County Commissioners Meeting Workforce Housing Committee	9:00am / 1:30pm 1:30pm
August 20th, 2019	Board of County Commissioners Meeting Liquor & Marijuana Licensing Authority Planning Commission Meeting	9:00am 9:00am 5:30pm
August 22nd, 2019	Transit Advisory Council Meeting Breckenridge Tourism Office Board Meeting Northwest CO Council of Governments RW&B Board Meeting	8:00am 8:30am 10:00am 3:00pm
August 26th, 2019	Open Space & Trails Meeting	5:30pm
August 27th, 2019	Board of County Commissioners Meeting	9:00am / 1:30pm
August 27th - 28th, 2019	CAST	Noon
October 10th, 2019	I-70 Coalition	10:00am
TBD	Water Task Force Meeting QQ - Quality and Quantity - Water District	8:30am 9:00am