



TOWN OF
BRECKENRIDGE

Town Council Regular Meeting
Tuesday, July 14, 2020, 7:00 PM
VIRTUAL Council Chambers

This meeting will be broadcast live, but the public will NOT be permitted to attend the meeting in person due to COVID-19 concerns. If you are interested, please monitor the meeting by joining the live broadcast available online. Log-in information is available in the calendar section of our website: www.townofbreckenridge.com.

Questions and comments can be submitted prior to the meeting to Mayor@townofbreckenridge.com or during the meeting using the Q&A feature in the Online Webinar.

I. CALL TO ORDER, ROLL CALL

II. APPROVAL OF MINUTES

A. TOWN COUNCIL MINUTES - JUNE 23, 2020

III. APPROVAL OF AGENDA

IV. COMMUNICATIONS TO COUNCIL

A. CITIZEN'S COMMENT (NON-AGENDA ITEMS ONLY; PLEASE SUBMIT COMMENTS IN ADVANCE TO MAYOR@TOWNOFBRECKENRIDGE.COM, OR USE THE Q&A FEATURE OF THE WEBINAR)

B. BRECKENRIDGE TOURISM OFFICE UPDATE

V. CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILLS, SERIES 2020 - PUBLIC HEARINGS

1. *COUNCIL BILL NO. 25, SERIES 2020 - AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE (St. John's Church, 100 South French Street, Lots 1 and 2, Block 4, Abbett Addition)*

VI. NEW BUSINESS

A. FIRST READING OF COUNCIL BILLS, SERIES 2020

B. RESOLUTIONS, SERIES 2020

1. *RESOLUTION NO. 18, SERIES 2020 - A RESOLUTION MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2020 TOWN BUDGET*

2. *RESOLUTION NO. 19, SERIES 2020 - A RESOLUTION APPROVING AN AMENDMENT TO INTERGOVERNMENTAL AGREEMENT REGARDING TRANSFER OF McCAIN PROPERTY WITH SUMMIT SCHOOL DISTRICT RE-1*

C. OTHER

VII. PLANNING MATTERS

- A. PLANNING COMMISSION DECISIONS
- B. DECISION CONCERNING THE PARKWAY CENTER MIXED USE BUILDING CALL UP HEARING

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 (MS. GIGLIELLO)
- C. BRECKENRIDGE TOURISM OFFICE (MR. KUHN)
- D. BRECKENRIDGE HERITAGE ALLIANCE (MR. KUHN)
- E. WATER TASK FORCE (MAYOR MAMULA)
- F. BRECKENRIDGE CREATIVE ARTS (MR. GALLAGHER)
- G. BRECKENRIDGE EVENTS COMMITTEE (MR. CARLETON)
- H. CHILD CARE ADVISORY COMMITTEE (MS. OWENS)
- I. WORKFORCE HOUSING COMMITTEE (MR. CARLETON)
- J. SOCIAL EQUITY ADVISORY COMMISSION

X. OTHER MATTERS

XI. SCHEDULED MEETINGS

- A. SCHEDULED MEETINGS FOR JULY, AUGUST, AND SEPTEMBER

XII. ADJOURNMENT

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I) CALL TO ORDER, ROLL CALL

Mayor Mamula called the meeting of June 23, 2020 to order at 7:00pm. The following members answered roll call: Mr. Bergeron, Ms. Gigliello, Ms. Owens, Mr. Gallagher, Mr. Carleton, Mr. Kuhn and Mayor Mamula.

II) APPROVAL OF MINUTES

A) TOWN COUNCIL MINUTES – JUNE 9, 2020

With no changes or corrections to the meeting minutes of June 9, 2020, Mayor Mamula declared they would stand approved as presented.

III) APPROVAL OF AGENDA

Mr. Holman stated there were no changes to the agenda. Mayor Mamula declared the agenda approved as presented.

IV) COMMUNICATIONS TO COUNCIL

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

Mayor Mamula opened Citizen's Comment. Citizens were encouraged to email their comments in advance of the meeting or use the Q&A section of the webinar.

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

V) CONTINUED BUSINESS

A) SECOND READING OF COUNCIL BILLS, SERIES 2020 - PUBLIC HEARINGS

VI) NEW BUSINESS

A) FIRST READING OF COUNCIL BILLS, SERIES 2020

1) COUNCIL BILL NO. 25, SERIES 2020 - AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE (St. John's Church, 100 South French Street, Lots 1 and 2, Block 4, Abbett Addition)

Mayor Mamula read the title into the minutes. Mr. Jeremy Lott, Town Planner, stated this ordinance would designate St. John's Church as a local landmark. He further state this action is required by the development agreement recently approved for this property.

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 25, SERIES 2020 - AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE (St. John's Church, 100 South French Street, Lots 1 and 2, Block 4, Abbett Addition). Mr. Gallagher seconded the motion.

The motion passed 7-0.

B) RESOLUTIONS, SERIES 2020

C) OTHER

VII) PLANNING MATTERS

A) PLANNING COMMISSION DECISIONS

Planning Commission Decisions were approved as presented.

B) PARKWAY CENTER MIXED USE BUILDING DE NOVO HEARING

Mayor Mamula read into record the project name and procedures for the call up hearing. Mr. Tom Begley, representing the applicant, stated he was comfortable with the call up hearing being held virtually, as Mr. Berry requested this to be stated on record. Mr. Mark Truckey stated sufficient notice was provided for the hearing. Mr. Truckey reviewed the details of the project. He also noted that the plat note would need to be changed for this project to proceed as planned. Council asked about the new employee

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generation ordinance and the size of the proposed units. Council discussed details about the project as noted in the Staff Report.

The applicant, Mr. Begley, thanked planning staff for their work on this project. He stated he has been working in Breckenridge for 26 years and this is his first De Novo hearing. He also stated that in 2019 his company signed a lease agreement with High Country Healthcare to occupy a portion of the space once developed.

Mr. Bergeron asked about the size of the High County Healthcare space, which will be larger than the current office. Mr. Gallagher asked about the mix of short-term rentals and employee housing in the project. Mr. Begley stated they will have sound-deadening techniques installed in the walls to help prevent conflict. He also stated the employee units will be grouped together. Ms. Owens asked about any changed uses for the healthcare office, such as urgent care. Mr. Begley stated he believes it will be the same as current office in Town.

Mayor Mamula opened the public hearing. Mr. Evan Harris, a local resident, asked through the Q&A portal about who this decision serves. Mayor Mamula stated the plat note caused it to be called up, as it would need to be changed to allow for short-term rentals.

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

Mr. Kuhn stated that if we can modify the note he likes that we gain 7 deed-restricted units and we would have the benefit of High Country Healthcare in that space. Mr. Carleton stated he believes it to be a big negative to set a precedent to change a plat note for short-term rentals. Mr. Gallagher stated the applicant has the opportunity to proceed with a commercial project on this land, and he likes the fact that we are picking up some deed-restricted housing and the space for High Country Healthcare, so he will vote to allow the project to proceed. Ms. Gigliello stated that there isn't enough benefit for her from this project and we shouldn't be encouraging new short-term rentals as a town. Ms. Owens stated the benefit of a new medical space is great, and she likes this location for employee housing and it is not a bad location for short-term rentals. She further stated she is prepared to support this project. Mr. Bergeron stated he is worried about setting a precedent, but this would provide work-force housing and healthcare space. Mayor Mamula stated he is not in favor of this project as it stands and doesn't think short-term rentals will benefit the town in this location, and this is a better place for local rentals. He further stated the High Country Healthcare office will be good, but it's only a 10-year deal for them to use that space.

Mr. Gallagher moved to approve PARKWAY CENTER MIXED USE BUILDING (Class A, De Novo Hearing; PL-2019-0292). Mr. Kuhn seconded the motion.

The motion passed 4-3. Ms. Gigliello, Mr. Carleton and Mayor Mamula voted no.

C) PLANNING COMMISSION VACANCY APPOINTMENT

Mayor Mamula stated the subcommittee's recommendation, as stated in the memo in the packet, is to appoint Mr. Jay Beckerman to Planning Commission to fill the remainder of the vacant seat's term, until October of 2020.

Mr. Bergeron moved to appoint Mr. Jay Beckerman to the open seat on Planning Commission. Mr. Gallagher seconded the motion. The motion passed 7-0.

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

Some of the Reports of Mayor and Council were covered in the afternoon Work Session.

A. CAST/MMC

There was no update.

B. Breckenridge Open Space Advisory Committee

There was no update.

C. Breckenridge Tourism Office

There was no update.

D. Breckenridge Heritage Alliance

There was no update.

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- E. Breckenridge Creative Arts
There was no update.
- F. Breckenridge Events Committee
There was no update.

Ms. Owens stated local childcare centers locally are ramping up to full-day daycare, but with requirements to close the entire school for 72 hours if there is a positive COVID test. She further stated any child who has symptoms must stay home for at least 10 days, and everyone is getting temperature checked.

X) OTHER MATTERS

Ms. Gigliello stated she went to the drive-in movie on Saturday and she highly recommends it. Other Council members asked about more options for these, and Mr. Holman stated the BCA has been encouraged to host more.

Ms. Owens thanked everyone involved in Walkable Main Street and stated it's been overwhelmingly positive.

Mr. Bergeron stated he likes the Mayor's talks on Facebook and we need to remember to be kind during this difficult time.

Mayor Mamula reminded everyone of Coffee Talk on Friday.

XI) SCHEDULED MEETINGS

- A) SCHEDULED MEETINGS FOR JUNE AND JULY

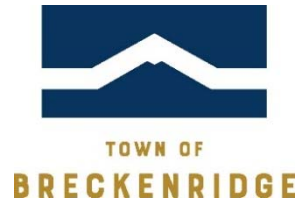
XII) ADJOURNMENT

With no further business to discuss, the meeting adjourned at 8:22pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

Helen Cospolich, CMC, Town Clerk

Eric S. Mamula, Mayor



Memo

To: Breckenridge Town Council Members
From: Town Attorney
Date: June 20, 2020
Subject: Council Bill No. 25 (St. John the Baptist Episcopal Church Landmarking Ordinance)

The second reading of the ordinance landmarking the St. John the Baptist Episcopal Church is scheduled for your meeting on July 14th. There are no changes proposed to ordinance from first reading.

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

1 ***FOR WORKSESSION/SECOND READING – JULY 14***

2
3 ***NO CHANGE FROM FIRST READING***

4
5 COUNCIL BILL NO. 25

6
7 Series 2020

8
9 AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK
10 UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE
11 (St. John’s Church, 100 South French Street, Lots 1 and 2, Block 4, Abbett Addition)

12
13 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
14 COLORADO:

15 Section 1. Findings. The Town Council of the Town of Breckenridge finds and
16 determines as follows:

17
18 A. Saint John The Baptist Episcopal Church Of Breckenridge, a Colorado
19 nonprofit corporation (“**Church**”), owns the hereinafter described real property. Such
20 real property is located within the corporate limits of the Town of Breckenridge, County
21 of Summit and State of Colorado.

22
23 B. The Church filed an application pursuant to Chapter 11 of Title 9 of the
24 Breckenridge Town Code seeking to have the hereinafter described real property
25 designated as a landmark (“**Application**”).

26
27 C. The Town followed all of procedural requirements of Chapter 11 of Title 9 of
28 the Breckenridge Town Code in connection with the processing of the Application.

29
30 D. The improvements located on hereinafter described real property are more
31 than fifty (50) years old.

32
33 E. The hereinafter described real property meets the “Architectural” designation
34 criteria for a landmark as set forth in Section 9-11-4(A)(2)(a)(1) of the Breckenridge
35 Town Code because the original church building is architecturally significant for its
36 Carpenter Gothic style architecture.

37
38 F. The hereinafter described real property meets the “Physical Integrity” criteria
39 for a landmark as set forth in Section 9-11-4(A)(3)(a) of the Breckenridge Town Code is
40 met because property shows character, interest or value as part of the development,
41 heritage or cultural characteristics of the community, region, state, or nation. The
42 building is historically significant for its long associations with Breckenridge’s social and
43 cultural development, due to its initial use as a Congregational Church, and for its long
44 sustained use as St. John the Baptist Episcopal Church.

1
2 G. In accordance with the requirements of Section 9-11-3(B)(3) of the
3 Breckenridge Town Code, on May 19, 2020 the Application was reviewed by the
4 Breckenridge Planning Commission. On such date the Planning Commission
5 recommended to the Town Council that the Application be granted.
6

7 H. The Application meets the applicable requirements of Chapter 11 of Title 9 of
8 the Breckenridge Town Code, and should be granted without conditions.
9

10 I. Section 9-11-3(B)(4) of the Breckenridge Town Code requires that final
11 approval of an application for landmark designation under Chapter 11 of Title 9 of the
12 Breckenridge Town Code be made by ordinance duly adopted by the Town Council.
13

14 Section 2. Designation of Property as Landmark. The following described real
15 property:

16
17 Lots 1 and 2, Block 4, Abbett Addition, Town of Breckenridge, Summit County,
18 Colorado; also known as 100 South French Street, Breckenridge, Colorado 80424
19

20 is designated as a landmark pursuant to Chapter 11 of Title 9 of the Breckenridge Town
21 Code.
22

23 Section 3. Police Power Finding. The Town Council finds, determines and declares that
24 this ordinance is necessary and proper to provide for the safety, preserve the health, promote the
25 prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and
26 the inhabitants thereof.
27

28 Section 4. Town Authority. The Town Council finds, determines and declares that it has
29 the power to adopt this ordinance pursuant to the authority granted to home rule municipalities
30 by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town
31 Charter.
32

33 Section 5. Effective Date. This ordinance shall be published and become effective as
34 provided by Section 5.9 of the Breckenridge Town Charter.
35
36

37 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
38 PUBLISHED IN FULL this _____ day of November, 2020. A Public Hearing shall be held
39 at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____
40 day of _____, 2020, at 7:00 P.M., or as soon thereafter as possible in the
41 Municipal Building of the Town.
42

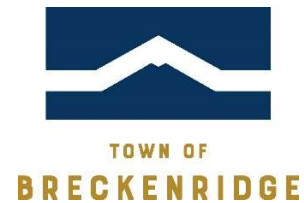
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TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By _____
Eric S. Mamula, Mayor

ATTEST:

Helen Cospolich
Town Clerk



Memo

To: Breckenridge Town Council
From: Brian Waldes, Finance Director
Date: 7.3.20
Subject: 2020 Budget Reductions Appropriations Resolution

The purpose of this memo is explain the details of the attached series 2020 resolution making appropriations to the 2020 Town budget.

Background

The staff memo dated 3.26.20 titled “COVID-19 Budget Measures” detailed for Council the steps taken in each department to cut expenses in response to the current pandemic crisis. The exhibit from that memo is attached hereto (2020 Budget Reductions Summary Sheet) and details the reductions by fund and department, as well as notes some of the specific program impacts of those reductions.

In order to officially incorporate those changes into our 2020 budget document, as well as our financial reporting system, it is necessary to approve the attached resolution to formalize the reductions. While it may seem counter-intuitive to be required to memorialize decreases in expenditures, it is in fact a mandatory step.

There are no changes from the 3.26.20 reduction amounts. Please refer to the attached for details on operational program cuts.

The attached resolution memorializes our cuts to the capital improvement plan (CIP) for 2020. The resolution also contains the reductions to transfers from the Excise Fund to other funds. As such, the resolution can be a little confusing when looking at total cost reduction amounts. The summary sheet presentation is clearer.

Next Steps

If approved, the attached resolution will allow staff to make the official changes to our 2020 budget document. That will enable our financial reporting system to be updated and then official reports run from that system will include our reductions.

We continue to monitor revenues very closely, and revise projections with each new data point. As we approach the higher sales activity summer months, we anticipate using the reductions in the resolution, combined with updated revenue projections, to project where we will land at the end of 2020, and how that will shape the 2021 plan.

2020 Budget Reductions Summary Sheet

	Adopted 2020	Reduction	Revised 2020	% Red.	Notes
General Fund					
Finance	\$ 1,145,872	\$ 53,500	\$ 1,092,372	4.7%	Sales Tax Audits, training, misc.
Muni Svc	675,901	69,500	606,401	10.3%	Frozen Vacancy, subscriptions
Public Safety	4,063,982	334,559	3,729,423	8.2%	Frozen Vacancy, misc. supplies
Recreation	5,976,420	794,068	5,182,352	13.3%	Hours reductions, reduce seasonal hires
Human res.	771,981	63,263	708,718	8.2%	Frozen Vacancy, training
Community Dev.	1,279,261	78,710	1,200,551	6.2%	Frozen Vacancy training, supplies
Public Works	8,635,896	561,584	8,074,312	6.5%	Frozen Vacancy reduced seasonal staff, supplies, train.
Total	22,549,313	1,955,184	20,594,129	8.7%	
Golf					
Admin	213,363	3,953	209,410	1.9%	Training uniforms supplies
Maint	152,827	100	152,727	0.1%	
Course Maint	840,841	46,828	794,013	5.6%	
Capital	327,645	132,700	194,945	40.5%	Delayed purchases
Total	1,534,676	183,581	1,351,095	12.0%	
Marketing					
BTO	4,768,008	476,800	4,291,208	10.0%	Overall reduction
Ops (TOB efforts)	168,363	15,000	153,363	8.9%	
Total	4,936,371	491,800	4,444,571	10.0%	
Open Space					
	2,800,681	230,624	2,570,057	8.2%	Frozen Position
Garage					
	1,748,038	135,647	1,612,391	7.8%	
IT					
	1,554,533	209,000	1,345,533	13.4%	
Special Projects					
BCA	2,263,290	226,329	2,036,961	10.0%	Overall reduction
BHA - Ops	610,000	25,000	585,000	4.1%	
BHA - Cap	1,345,000	1,204,000	141,000	89.5%	Hold on all Capital - give funds back to Town
Total	4,218,290	1,455,329	2,762,961	34.5%	
Parking & Transp.					
Transit Admin	530,138	135,647	394,491	25.6%	Frozen Vacancy
Transit Ops	4,889,289	760,306	4,128,983	15.6%	Decreased Seasonals, misc.
Total	\$ 5,419,427	\$ 895,953	\$ 4,523,474	16.5%	
Fund Totals	\$ 44,761,329	\$ 5,557,118	\$ 39,204,211	12.4%	
MERIT FREEZE	\$ 15,096,233	\$ 509,498	\$ 14,586,735	3.5%	Represents remainder of 2020 freeze
Grand Total		\$ 6,066,616			
Service Funds Total	\$ 37,123,401	\$ 4,798,266	\$ 32,325,135	14.8%	

A RESOLUTION

SERIES 2020

A RESOLUTION MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2020 TOWN BUDGET

WHEREAS, the Town Council of the Town of Breckenridge desires to amend the Town's 2020 budget by making supplemental appropriations reducing expenditures by the amount of \$23,957,631; and increasing other expenditures by \$35,000.

WHEREAS, a public hearing on the proposed supplemental appropriations was held on July 14, 2020, in accordance with the requirements of Section 10.12(a) of the Breckenridge Town Charter.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO that the 2020 budget is amended, and supplemental appropriations for the amended 2020 Town budget are made as follows:

General Fund (001):

1. Transfer From Excise	\$ (1,955,184)
Total General Fund Revenue Decrease	\$ (1,955,184)

1. Finance Department	\$ (53,500)
2. Muni. Services	(69,500)
3. Public Safety	(334,559)
4. Recreation	(794,068)
5. Human resources	(63,263)
6. Community Development	(78,710)
7. Public Works	<u>(561,584)</u>
Total General Fund Expenditure Decrease	\$ (1,955,184)

Capital Fund (003):

1. Transfer/other Reductions	\$ <u>(8,942,500)</u>
Total Capital Fund Revenue Decrease	(8,842,500)

2. Project reductions	\$ <u>(8,977,500)</u>
Total Capital Fund Expense Decrease	(8,977,500)

Marketing Fund (004):

1. BTO/other	\$ <u>(491,800)</u>
Total Marketing Fund Expense Decrease	\$ (491,800)

Golf Fund (005):

1. Admin/Ops/Maintenance	\$	<u>(183,581)</u>
Total Golf Fund Revenue Decrease	\$	(183,581)

Excise Fund (006):

1. Transfer to General Fund	\$	(1,955,184)
2. Transfer to Capital		(6,012,500)
3. Transfer to Special Projects		<u>(1,455,329)</u>
Total Excise Fund Expense Decrease	\$	(9,423,013)

Open Space (008)

1. Program reductions	\$	(230,624)
2. Transfer to Capital increase		35,000

Garage Fund (010):

1. Program reductions	\$	<u>(135,647)</u>
Total Garage Fund Expense Decrease	\$	(135,647)

IT Fund (011)

1. Program reductions	\$	(209,000)
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Special Projects (013):

1. Transfer from Excise Fund	\$	<u>(1,455,329)</u>
Total Special Projects Fund Revenue Decrease	\$	(1,455,329)

1. BHA Grant	\$	(1,229,000)
2. BCA Grant	\$	<u>(226,329)</u>
Total Special Projects Fund Expense Decrease	\$	(1,455,329)

Parking and Transportation (017):

1. Transit Admin/Ops	\$	<u>(895,953)</u>
Total Parking and Transportation Fund Expense Decrease	\$	(895,953)

This Resolution shall become effective upon its adoption.

RESOLUTION APPROVED AND ADOPTED THIS 14th DAY OF JULY 2020.

ATTEST

TOWN OF BRECKENRIDGE

Helen Cospolich, Town Clerk

By _____
Eric Mamula, Mayor

APPROVED IN FORM

Town Attorney

Date



Memo

To: Breckenridge Town Council
From: Rick Holman, Town Manager
Date: 06-26-2020
Subject: Resolution to Approve Amendment to IGA with the School District

In June of 2019 the Town entered into an Intergovernmental Agreement with the School District regarding the transfer of real property at the McCain property to the School District. As part of that IGA, the Town had certain obligations they had to perform by certain dates. Because of the financial burdens created by COVID, I approached the School District and asked if they would approve an amendment to the original IGA that would change the date on those obligations.

The original IGA described the Town would be responsible for delivering clean fill to the property to get it out of the flood plain by December 31, 2023. The Town was also required to complete the street and utilities infrastructure no later than December 31, 2023. Under the amended IGA both of those dates have been changed to the year 2026. Staff supports approving this amendment as it provides us with more time to spread out the capital cost associated with these obligations.

1 **FOR WORKSESSION/ADOPTION – JULY 14**

2
3 RESOLUTION NO. ____

4
5 SERIES 2020

6
7 A RESOLUTION APPROVING AN AMENDMENT TO INTERGOVERNMENTAL
8 AGREEMENT REGARDING TRANSFER OF McCAIN PROPERTY WITH SUMMIT
9 SCHOOL DISTRICT RE-1

10
11 WHEREAS, the Town and Summit School District RE-1 (“**School District**”) entered into
12 that Intergovernmental Agreement Regarding Transfer of McCain Property dated June 13, 2019
13 (“**Agreement**”); and

14
15 WHEREAS, Section C3 of the Agreement provides that the Agreement may be amended
16 in writing and signed by the Town and the School District; and

17
18 WHEREAS, the Town and the School District desire to amend the Agreement; and

19
20 WHEREAS, a proposed Amendment to Intergovernmental Agreement Regrading
21 Transfer of McCain Property has been prepared, a copy of which is marked **Exhibit “A”**,
22 attached hereto, and incorporated herein by reference; and

23
24 WHEREAS, the Town Council has reviewed the proposed Amendment to
25 Intergovernmental Agreement Regarding Transfer of McCain Property, and finds and determines
26 that it would be in the best interest of the Town to enter into such agreement; and

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

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

33
34 Section 1. The Amendment to Intergovernmental Agreement Regarding Transfer of
35 McCain Property with Summit School District RE-1 (**Exhibit “A”** hereto) is approved; and the
36 Town Manager is authorized, empowered, and directed to execute such agreement for and on
37 behalf of the Town of Breckenridge.

38
39 Section 2. Minor changes to or amendments of the approved agreement may be made by
40 the Town Manager if the Town Attorney certifies in writing that the proposed changes or
41 amendments do not substantially affect the consideration to be received or paid by the Town
42 pursuant to the approved agreement, or the essential elements of the approved agreement.

43
44 Section 3. This resolution is effective upon adoption.

45
46 RESOLUTION APPROVED AND ADOPTED THIS ____ DAY OF _____, 2020

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TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
Eric S. Mamula, Mayor

ATTEST:

Helen Cospolich, CMC,
Town Clerk

Amendment To Intergovernmental Agreement Regarding Transfer of McCain Property

This Amendment to Intergovernmental Agreement Regarding Transfer of McCain Property (this “Amendment”) is dated _____, 2020 (the “Effective Date”) and is between the Summit School District RE-1 (“District”), a Colorado public school district and political subdivision of the state, and the Town of Breckenridge (“Town”), a Colorado municipal corporation. District and Town are referred to individually in this Agreement by name or as a “Party,” and collectively as the “Parties.”

WHEREAS, the Parties entered into that Intergovernmental Agreement Regarding Transfer of McCain Property dated June 13, 2019 (“Agreement”); and

WHEREAS, Section C3 of the Agreement provides that the Agreement may be amended in writing and signed by the Parties; and

WHEREAS, the Parties desire to amend the Agreement as hereafter set forth.

NOW, THEREFORE, the Parties agree as follows:

1. Section 2.1 of the Agreement is amended so as to read in its entirety as follows:
 - 2.1 The Town expects to begin delivery of the fill to the McCain Property in May 2019, and to conclude the delivery of fill to the property on or before December 31, 2026. In order to confirm that the Town is providing “clean fill” to the McCain Property, beginning January 1, 2019, the Town certifies, warrants and represents that any and all fill material used on the McCain Property by or at the direction of the Town shall be certified clean fill that has been tested by a third-party at the Town’s sole cost. For the purposes of this Agreement, the term “clean fill” shall mean fill material that is below the Residential or Unrestricted Use values as set forth in the current Colorado Soil Evaluations Values Table, available from the Colorado Department of Public Health and Environment.
2. Section 4.1 of the Agreement is amended so as to read in its entirety as follows:
 - 4.1 The Town shall complete the street and utilities infrastructure prior to or in conjunction with the District’s construction of a new building on the McCain Property, and no later than December 31, 2026; provided, however, the District acknowledges that gas and electric service to the

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT REGARDING TRANSFER
OF McCAIN PROPERTY

McCain Property cannot be provided until detailed construction plans are completed by the District and submitted to and approved by Xcel Energy. Xcel Energy cannot design gas or electric infrastructure for the McCain Property until utility loads for the District’s new facilities are determined. At the time of the execution of this Agreement, the lead time required to obtain Xcel Energy approval is approximately twelve months. The Town shall not be in default of this Agreement if it is unable to complete the street and utilities infrastructure by the deadline provided above in this Section 4.1 because final approval from Xcel Energy has not been obtained in time to meet such deadline. In such event, the Town shall complete the street and utilities infrastructure improvements to the McCain Property with due diligence after final approval from Xcel Energy has been obtained.

3. All capitalized terms used in this Amendment shall have the same meaning as provided in the Agreement.

4. Except as expressly amended by this Amendment the Agreement shall remain in full force and effect.

5. In accordance with Section 29-1-203(1), C.R.S., this Amendment shall not become effective unless and until it has been approved by the governing bodies of both the Town and the County, or by such persons as has the power to approve this Amendment on behalf of the Town and the County.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
Rick G. Holman, Town Manager

ATTEST:

Helen Cospolich, CMC,
Town Clerk

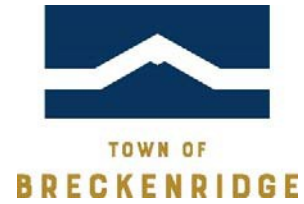
AMENDMENT TO INTERGOVERNMENTAL AGREEMENT REGARDING TRANSFER
OF McCAIN PROPERTY

SUMMIT SCHOOL DISTRICT RE-1

By: _____
Kerry Buhler, Superintendent

ATTEST:

Secretary, Board of Education



Memo

To: Breckenridge Town Council Members
From: Mark Truckey, Director of Community Development
Date: July 8, 2020
Subject: Planning Commission Decisions of the July 7, 2020 Meeting

DECISIONS FROM THE PLANNING COMMISSION MEETING, July 7, 2020:

CLASS A APPLICATIONS: None.

CLASS B APPLICATIONS: None.

CLASS C APPLICATIONS:

Lockett Addition, Remodel and Variance, 113 Red Feather Rd., PL-2020-0197: Construct a 753 sq. ft. addition to an existing single-family residence. *Approved.*

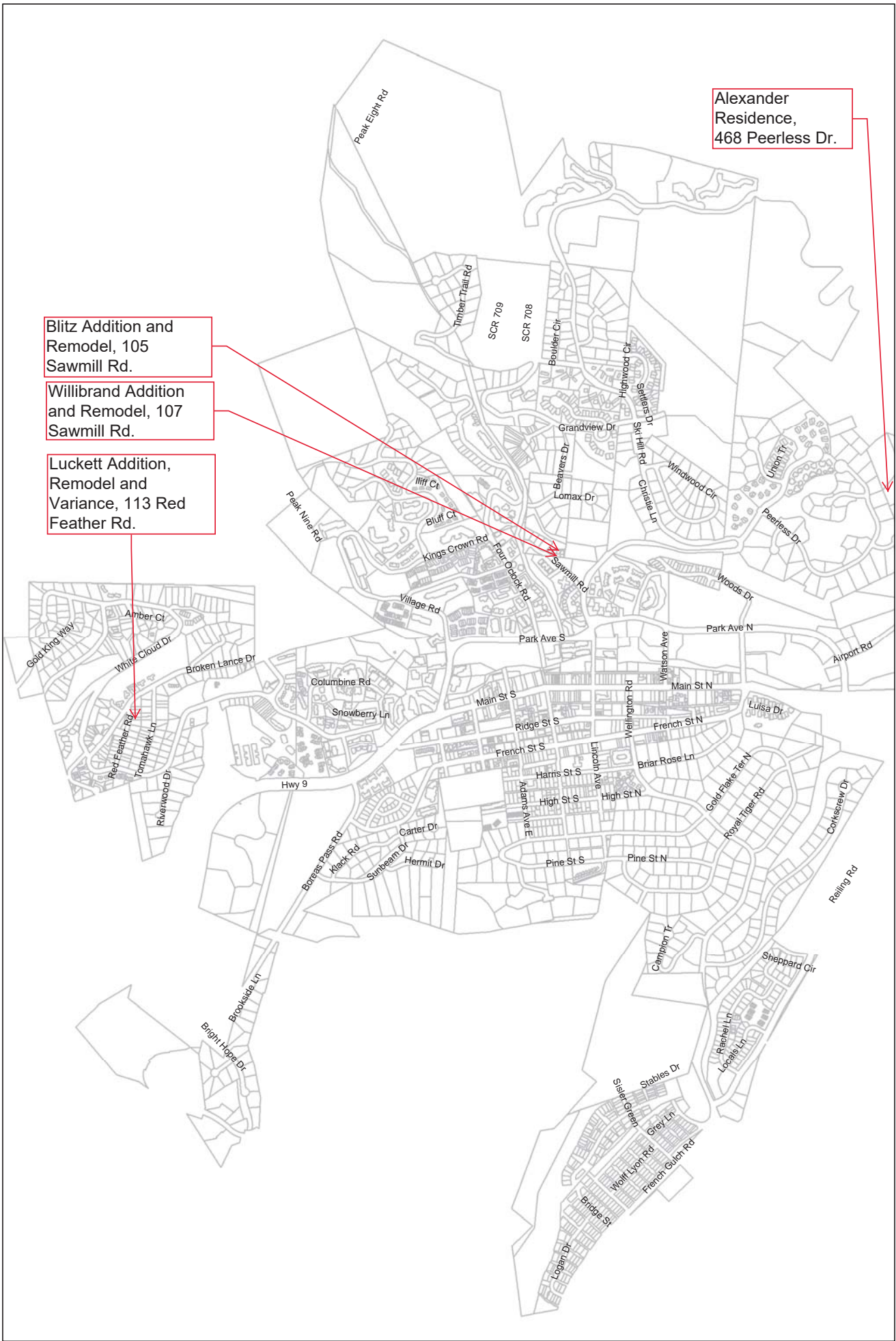
Willibrand Addition and Remodel, 107 Sawmill Rd., PL-2020-0152: 359 sq. ft. addition to existing duplex. *Approved.*

Blitz Addition and Remodel, 105 Sawmill Rd., PL-2020-0153: 306 sq. ft. addition to existing duplex. *Approved.*

Alexander Residence, 468 Peerless Dr., PL-2020-0137: New 11,056 sq. ft. single family residence with 6 bedrooms, 7 bathrooms and a 3 car garage. *Approved.*

TOWN PROJECT HEARINGS: None.

OTHER: None.



Blitz Addition and Remodel, 105 Sawmill Rd.

Willibrand Addition and Remodel, 107 Sawmill Rd.

Lockett Addition, Remodel and Variance, 113 Red Feather Rd.

Alexander Residence, 468 Peerless Dr.

PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Chair Gerard. The meeting was a virtual electronic meeting through the Zoom platform, as a result of the COVID-19 crisis.

ROLL CALL

Christie Mathews-Leidal	Jim Lamb	Ron Schuman	Jay Beckerman
Mike Giller	Steve Gerard	Lowell Moore	

APPROVAL OF MINUTES

Ms. Matthews-Leidal: Page 3. Leidal is misspelled. With these changes, the May 19, 2020 Planning Commission Minutes were approved.

APPROVAL OF AGENDA

With no changes, the July 7, 2020 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- None

CONSENT CALENDAR:

1. **Luckett Addition, Remodel and Variance, 113 Red Feather Rd., PL-2020-0197**
2. **Willibrand Addition and Remodel (LS), 107 Sawmill Rd., PL-2020-0152**
3. **Blitz Addition and Remodel (LS), 105 Sawmill Rd., PL-2020-0153**

Mr. Gerard made a motion to call up the Luckett Addition, Remodel and Variance, 113 Red Feather Rd., PL-2020-0197. The motion was seconded by Mr. Schuman and passed unanimously.

Mr. Lott: This lot contains an existing single-family residence, which according to the County Assessor's office, was constructed in 1973. In 2001, Warrior's Mark was annexed into the Town and subject to an approved density allocation map. The density allocation map identifies 1 SFE of density for Lot 43 which allows unlimited density. However, the Mass Policy limits the maximum above ground square footage. The lot has some mature landscaping and there are no existing easements.

When this property was annexed into the Town, it was done so with an existing variance from the County approved on August 2, 1978. A document from the Summit County Clerk and Recorder's office states that the variance was granted due to an incorrect original survey.

Because the existing variance was granted by Summit County and the language is vague, the Town Attorney recommended that the Town grant its own variance, mainly to clarify the language. Because the existing variance was granted by Summit County and the language is vague, the Town Attorney recommended that the Town grant its own variance, mainly to clarify the language.

Mr. Gerard: I would like all of the Commissioners to weigh-in whether the proposed Variance meets the four Variance criteria required by the Code.

Mr. Lott: Per 9-1-11 of the Town Code, Variances, Section D. Criteria For Approval: Before the Commission can grant a variance application, the applicant must prove physical hardship and the commission must find all of the following:

1. There are special circumstances or conditions applying to the land, buildings, topography, vegetation or other matters on the subject lot which would substantially restrict the effectiveness of the development in question; provided, however, that such special circumstances or conditions are unique to the particular use of which the applicant desires a variance and do not apply generally to all uses.

The existing variance granted permission for the existing structure to be located within the eastern side setbacks. In 1978, Summit County found that the house was constructed in its location due to a surveying error approximately two years after the house had been constructed. Staff finds that the circumstances for this property are unique due to a surveying error found after the construction of the original house. This application is not changing the encroachment of the structure and is not proposed to be any more non-conforming than it already is.

2. That such special circumstances were not created by the applicant.
This variance was granted in 1978 by Summit County to a different property owner. Staff finds that the circumstances were not created by the applicant as the footprint of the building is not changing and the encroachment into the setback is not being increased.

3. That the granting of the variance will be in general harmony with the purposes of this chapter, and will not be materially detrimental to the persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.

The Town Attorney found that due to both the age and the vague language of the variance, the Town should grant a new variance to provide further clarification. Since the existing variance grants a setback waiver to the eastern side of this property and the building is already constructed, and the encroachment into the variance is not changing, staff feels that the granting of a new variance for the eastern side setback will not be detrimental to persons, property, or the public welfare in general.

4. The variance applied for does not depart from the provisions of this chapter any more than is required. (Ord. 19, Series 1988)

Because the variance is being granted to clarify an existing variance, staff feels that it will not depart from the provisions of the code any more than is required. This application includes an addition to the upper level of the structure, which will be no further into the setback than the footprint of the lower level.

Additionally, none of the facades exceed 25% non-natural materials and the Findings and Conditions should be changed to have the Development Permit expire on January 14, 2022.

Commissioner Questions:

Mr. Lamb: No questions.

Mr. Schuman: Criteria 3. Relates to adjacent properties. Have there been any communication with the adjacent neighbors. (Mr. Lott: The project was noticed per Town regulations. A notice was mailed to the adjacent property owners.)

Mr. Moore: No questions.

Mr. Giller: Does it matter that it is taller now? (Mr. Lott: We specifically spoke to Tim Berry about that issue and he said since the footprint is not changing it meets our Variance criteria since we don't have any bulk-plane regulations.)

Ms. Mathews-Leidal: No questions.

Mr. Beckerman: Same concerns as Ron, were the owners of Lot 48 noticed? (Mr. Lott: Yes via mail).

Ms. Puester: The property was also posted as required. We have a comment from the owner of Lot 44 on the chat box, so we will hear from that individual at public comment.

Mr. Gerard opened the meeting for public comment.

Ms. Blumenfeld, 115 Red Feather Rd.: I own ½ of the duplex on lot 44A. I plan to move back to the residence in the fall. The notice to me was addressed incorrectly; my correct address is 1128 Florence Ave. Evanston, IL 60202 however, I still received it. I have a question about the Variance. (Mr. Gerard: explained why the property was originally granted a variance.) (Mr. Lott: The footprint of the building is not changing, they are adding on to the second story.) Thanks for the explanation, my property may have a similar issue in the future when I move back so I was curious of this process.

Mr. Gerard closed the Public comment.

Commissioner Questions:

Mr. Lamb: This an appropriate use of a Variance. All four Variance criteria are met.

Mr. Schuman: Good use of the Variance process. All four Variance criteria have been met.

Mr. Moore: All four Variance criteria have been met.

Ms. Leidal: I agree with staff's analysis. All Variance criteria have been met. The expiration date in the Findings and Conditions should be changed to January 14, 2022.

Mr. Giller: All four Variance criteria have been met.

Mr. Beckerman: Thank you for the Variance explanation to the neighbor. All four Variance criteria have been met.

Mr. Gerard: All four Variance criteria have been met. There will likely be more additions to small homes like this in the future.

Mr. Schuman made a motion to approve the application and Variance with the amended expiration date and was seconded by Mr. Lamb. The project passed unanimously.

The other consent calendar items were approved as presented.

OTHER HEARINGS:

1. Alexander Residence, 468 Peerless Dr., PL-2020-0137

Mr. Sponable: Presented a proposal to construct an 11,056 sq. ft. single-family home on 0.54 acres in the Shock Hill neighborhood including precedent for negative points for site disturbance under Policy 7/R and positive points for Landscaping under Policy 22/R along with changes made by the applicant since the project was called up at the June 16, 2020 meeting.

Commissioner Questions:

Mr. Lamb: No questions.

Mr. Schuman: No questions

Mr. Moore: No questions.

Ms. Mathews-Leidal: No questions.

Mr. Giller: No questions.

Mr. Beckerman: No questions.

Mr. Gerard: I appreciate the additional staff research and changes by the applicant.

Mr. Don Eggers: Explained that the retaining wall, while long, was low and would not cause significant visual disturbance as it was under 2'. The only exception being the curved portions around the existing trees which are taller due to the grading and slope.

Mr. Gerard opened the meeting for public comment but there was none and the comment period was closed.

Commissioner Comments:

Mr. Lamb: No concerns, I support the project.

Mr. Schuman: I also support the project.

Mr. Moore: Meets 7/R and 22/R, our previous concerns were addressed.

Ms. Mathews-Leidal: Thank you for your changes to the project. I support staff's analysis.

Mr. Giller: I support the project but the driveway is still impactful.

Mr. Beckerman: I reviewed the previous minutes and appreciate the changes to the project.

Mr. Gerard: The driveway is not optimally designed and will create a significant amount of site disturbance but the design meets the past precedent for similar projects. I support the project.

Mr. Giller made a motion to approve the project and seconded by Mr. Moore. The motion passed unanimously.

OTHER MATTERS:

1. Town Council Update: A written summary was provided in the packet.

Commissioner Questions / Comments:

Mr. Schuman: Will the Main Street closure be extended?

Mr. Beckerman: It cannot be extended because the parking garage needs a gas line extension that requires the closure of Park Avenue.

ADJOURNMENT:

The meeting was adjourned at 6:19 pm.

Steve Gerard, Chair

PROCEEDINGS OF THE TOWN COUNCIL
OF THE TOWN OF BRECKENRIDGE, COLORADO

Application No. PL-2019-0292

Applicant: Docsons Properties, LLC, a Colorado limited liability company

Type of Application: Class A Development Permit

Property Description: Lot 6A, Block 1, Parkway Center Subdivision; also known as: 429 North Park Avenue, Breckenridge, Colorado 80424

DECISION

This matter came before the Town Council of the Town of Breckenridge, Colorado (“**Town Council**”) on June 23, 2020.

Having heard and considered all of the evidence presented both in favor of and in opposition to the Application, the Town Council finds and determines as follows:

1. The Applicant seeks a Class A Development Permit to develop on the above described real property (“**Property**”) a 16,711 square foot mixed use building containing 6,920 sq. ft. of medical office, 950 sq. ft. of retail, 1,222 sq. ft. of common area, and 14 residential units totaling 7,230 sq. ft., all as more specifically described in the Application and supporting documentation.
2. The Applicant has filed a completed Application, and has paid all required Application fees.
3. The Applicant is the owner of the Property.
4. The Application was originally considered by the Town of Breckenridge Planning Commission (“**Planning Commission**”) in accordance with the procedures and requirements of the Town of Breckenridge Development Code¹ (the “**Development Code**”).
5. On June 2, 2020 the Planning Commission conditionally approved the Application.
6. On June 9, 2020 the Planning Commission’s decision on the Application was presented to the Town Council by the Director of the Department of Community Development as required by Section 9-1-18-1(E)(6) of the Development Code.

¹Chapter 1 of Title 9 of the Breckenridge Town Code.

7. On June 9, 2020 the Town Council voted to “call up” the Planning Commission’s decision on the Application.
8. Pursuant to Section 9-1-5 of the Development Code, a call up is the decision of the Town Council to vacate the Planning Commission’s decision on an application and to make the final decision on the application itself.
9. The Town Council’s decision to call up the Application operated to vacate the Planning Commission’s decision on the Application.
10. The applicable procedures for a call up hearing to be conducted by the Town Council are set forth in Section 9-1-18-5 of the Development Code. When the Town Council is conducting a call up hearing, it becomes the final decision maker for the Town with respect to an application and, therefore, in connection with a Council call up hearing the provisions of the Development Code dealing with the powers and authority of the Planning Commission apply equally to the Town Council. Thus, when the Town Council is conducting a call up hearing references in the Development Code to the Planning Commission may properly be taken to mean and to apply to the Town Council.
11. Pursuant to Section 9-1-18-5(A)(1)(c) of the Development Code, a call up hearing on a development permit application is conducted by the Town Council as a de novo hearing.
12. The Town Council conducted its call up hearing on the Application on June 23, 2020.
13. Notice of the Town Council’s call up hearing on the Application was given in the same manner as is required for final hearings on development permit applications held before the Planning Commission as required by Section 9-1-18-5(A)(1)(b) of the Development Code. Proof that notice of the hearing was properly given by the Town’s Department of Community Development was made a part of the record of the proceedings of the hearing.
14. The Town Council has jurisdiction over the Application pursuant to the Development Code.
15. The Applicant was represented at the call up hearing by Thomas M. Begley.
16. At the hearing the Applicant, through Mr. Begley, appeared and gave testimony and presented evidence in support of the Application. At the hearing other interested parties were given the opportunity to give testimony concerning the Application.
17. All of the members of the Town Council are familiar with the property that is the subject of the Application.
18. All members of the Town Council have carefully considered all of the relevant evidence submitted pertaining to the Application, both oral and written, and the applicable requirements of the Development Code.

19. Pursuant to Section 9-1-17-6 of the Development Code, in order for the Application to be granted the burden is on the Applicant to demonstrate by competent evidence that the Application satisfies all of the applicable requirements of the Development Code. The Applicant's burden of proof is by a preponderance of the evidence.
20. The Town's land use system as reflected in the Development Code measures the impacts of a proposed development against both "absolute" development policies and "relative" development policies.
21. An "absolute policy" is defined in Section 9-1-5 of the Development Code as "a policy which, unless irrelevant to the development, must be implemented for a (development) permit to be issued. The policies are described in Section 9-1-19 of this chapter." More simply stated, in order to be approved an application for a development permit must comply with all relevant absolute policies set forth in the Development Code.
22. A "relative policy" is defined in Section 9-1-5 of the Development Code as "a policy which need not be implemented by a development, but for which positive, negative, or zero points are allocated based on the features of the proposed development." This means that a development permit application need not score zero or higher on each individual relative policy, so long as the total net points awarded under all relevant relative policies totals zero or higher.
23. Section 9-1-17-3 of the Development Code provides as follows:

9-1-17-3: ASSIGNMENT OF POINTS:

All policies are applied to all developments: Classes A, B, C, and D, unless otherwise expressly provided in a particular policy. Relative policies are assigned points, and unless provided differently in a particular policy, a negative score indicates that the policy is implemented but the proposed development will have a negative impact on the community on the basis of that particular policy. A score of zero indicates either that the particular policy is irrelevant to the proposed development or that a negative impact on the basis of that particular policy is completely mitigated. A positive score indicates that the proposed development implements a policy in such a way that there will be a positive impact on the community (i.e., the community will benefit) on the basis of that particular policy.

A point analysis shall be conducted for all policies relevant to an Application, and shall be completed prior to the final hearing on the Application. However, a point analysis is not required for a Class D Major or D Minor development permit Application.

Unless otherwise expressly provided in a particular policy, each relative policy is assigned points for the Applicant's performance, as follows:

- + 2 (or greater) - Awarded for providing a significant public benefit with no substantial public detriment, or for an excellent job of implementation. The more the public benefit without substantial public detriment, or the better the job of implementation, the more the award of positive points.
- + 1 - Awarded for providing some public benefits, mitigating a minor public detriment, or for doing a good job of implementation.
- 0 - Awarded if the policy is irrelevant, if there is no public benefit and no public detriment from the project, if there is a public detriment which has been fully mitigated, or for an adequate job of implementation.
- 1 - Assessed for an inadequate job of implementation, or for producing some public detriment.
- 2/-3 (or greater) - Assessed for substantially no effort at implementation or for an unmitigated significant public detriment. The less the effort at implementation, or the greater the degree of unmitigated significant public detriment, the greater the assessment of negative points.

Where a different range of points or standards for the award of positive points or the assessment of negative points are provided in a particular policy, such range of points or standards for the award or assessment of points shall apply.

24. Section 9-1-17-4 of the Development Code provides as follows:

9-1-17-4: ASSIGNMENT OF MULTIPLIERS:

Multipliers established by the Town Council are used to determine the relative importance of the policy vis-à-vis the other policies. The meaning of each multiplier is as follows:

- x1 - Indicates a policy of minimal importance.
- x2 - Indicates a policy of moderate importance.
- x3 - Indicates a policy of average importance.
- x4 - Indicates a policy of relatively significant community importance.

x5 - Indicates a policy of significant community importance.

25. The Property is subject to the subdivision plat titled “ Replat of A Portion Of Lot 6, Block 1, Parkway Center Subdivision, Filing No. 1, Amended” recorded July 26, 2007 at Reception No. 862382 of the records of the Clerk and Recorder of Summit County, Colorado (“**Subdivision Plat**”).

26. There is set forth on the Subdivision Plat the following plat note:

10. All improvements constructed on the property shall be for “commercial use” as that term currently is defined in the Breckenridge Development Code, except for such employee housing as may be required or permitted by the Breckenridge Development Code.

Such plat note is hereafter referred to as the “**Plat Note.**”

27. The Plat Note sets forth restrictions on how the Property may be developed and used.

28. Section 9-1-19-1A, “Policy 1 (Absolute) Codes; Correlative Documents; and Plat Notes,” is an absolute policy of the Development Code. It provides in pertinent part as follows:

An application for a development permit shall comply with each of the following documents, insofar as they are relevant to the application:

...

C. Any applicable plat note or plat restriction pertaining to the real property which is the subject matter of the application. A plat note or plat restriction shall be deemed to be applicable only if it was placed on the plat as part of the Town's plat approval process.

29. The Plat Note was placed on the Subdivision Plat as part of the Town’s plat review process for the Subdivision Plat.

30. The Plat Note is applicable to the Property.

31. The Application proposes the construction of: (i) a medical office 6,920 square feet in size; (ii) 950 square feet of retail; (iii) 1,222 square feet of common area; and (iv) 14 residential apartments totaling 7,230 square feet in size.

32. “Employee Housing” is defined in Section 9-1-5 of the Development Code in pertinent part as follows:

EMPLOYEE HOUSING: A dwelling unit the occupancy of which is restricted to a person eighteen (18) years of age or older who, during the entire period of his or her occupancy of the property, earns his or her living by working for a business

located in and serving in Summit County, Colorado, an average of at least thirty (30) hours per week, together with such person's spouse and minor children, if any.

33. Seven (7) of the residential units proposed to be developed in the Application are “employee housing” units as defined in the Town’s Development Code. Such proposed development complies with the Plat Note.
34. However, the remaining seven (7) residential units are proposed to be developed at “market rate” rental residential units. These seven (7) units would not be encumbered by the restrictions described in the definition of employee housing in Section 9-1-5 of Development Code. As such, they fail to satisfy the definition of employee housing in Section 9-1-5 of the Development Code.
35. The proposed seven (7) market rate rental residential units do not comply with the use restriction applicable to the Applicant’s real property as described in the Plat Note.
36. If the Plat Note is not amended the Application will fail to implement Subsection C of Section 9-1-19-1A, “Policy 1 (Absolute) Codes; Correlative Documents; and Plat Notes,” and the Application will have to be denied pursuant to Section 9-1-18-1(E)(5) of the Development Code which provides, in pertinent part, that if the Town Council agrees with the Point Analysis prepared by the Department and the Point Analysis indicates that the Application fails to implement all relevant Absolute Policies, then the Town Council shall deny the Application.
37. Section 9-1-18-1(E)(3)(b) of the Development Code provides that prior to a final hearing on a Class A development permit application the staff shall deliver to the Applicant and the [Town Council] and make available at the Town Hall their conclusion on an application’s compliance with relevant absolute policies, allocation of points on all relative polices, and recommend conditions to be attached for approval. Section 9-1-18-1(E)(3)(b) applies to call up hearings conducted by the Town Council.
38. Prior to the call up hearing on the Application the Town’s Department of Community Development (“**Department**”) prepared its written report on the Application, dated June June 17 , 2020, as required by Section 9-1-18-1(E)(3)(b) of the Development Code. The staff report reflects the Department’s best professional judgment of the manner and degree to which the Application implements all of the relevant “Relative Policies” of the Development Code, as well as the Department’s best professional judgment as to whether the Application implements all of the relevant “Absolute Policies” of the Development Code. The required staff report includes the Department’s proposed “Point Analysis” for an application. The Point Analysis is the Department’s analysis of how points should be awarded for the Application under the relevant Relative Polices of the Development Code, and an analysis of whether the Application implements all relevant Absolute Polices of the Development Code.

39. The Department's report and the Point Analysis indicate that the Application fails to implement the Plat Note; however, both the report and the Point Analysis also indicate that the Department supports a modification to the Plat Note so that the Plat Note would read as follows:

Residential uses shall be allowed in this subdivision provided a minimum of 50% of the unit count is deed restricted for employee housing, in a form acceptable to the Town. In addition to the minimum 50% unit count, the square footage of the residential portion of any building to be used as employee housing shall be as close to 50% of the residential square footage as possible. Due to building design and layout it may not be possible to have an exact 50/50 split in deed restricted and market rate housing square footages but the intent is to have the two as equal as possible.

40. The Applicant has agreed to the proposed modification of the Plat Note as set forth above.
41. The Town Council has reviewed and carefully considered the Department's staff report and proposed Point Analysis, including the proposed amendment to the Plat Note.
42. The Town Council supports the proposed amendment to the Plat Note.
43. The Town Council finds and determines that the Department's conclusions as set forth in the staff report and Point Analysis are correct, including the proposed amendment to the Plat Note.
44. The Point Analysis prepared by the Department, including the proposed amendment to the Plat Note, is approved and adopted by the Town Council.
45. The approved Point Analysis indicates that the Application received a score of zero (0) points with respect to all relevant Relative Policies of the Development Code, and implements all relevant Absolute Policies.
46. Section 9-1-18-1(E)(5) of the Development Code provides, in pertinent part, that if the Town Council agrees with the Point Analysis prepared by the Department and the Point Analysis indicates that the Application implements or has no effect on all relevant Absolute Policies and is allocated a score of zero or net positive points on all relevant Relative Policies, the Town Council shall approve the Application.
47. Section 9-1-17-7 of the Development Code authorizes the Town Council to impose conditions of approval on a Class A development permit application.
48. The conditions of approval hereinafter set forth are reasonably necessary in order to adequately protect the public health, safety and welfare, and to ensure that particular development policies will be implemented by the Applicant in the manner indicated in the Application.

49. After carefully considering the record in this matter, the Town Council finds and determines that:
- A. The Applicant has met its burden of proof and sufficiently demonstrated that the Application satisfies the applicable requirements of the Development Code; and
 - B. The Applicant is entitled to conditional approval of the Application.

IT IS THEREFORE ORDERED as follows:

1. The Application of Docsons Properties, LLC, a Colorado limited liability company, for a Class A Development Permit to construct on its real property described above a 16,711 square foot mixed use building containing 6,920 sq. ft. of medical office, 950 sq. ft. of retail, 1,222 sq. ft. of common area, and 14 residential apartments totaling 7,230 sq. ft., all as more specifically described in the Application and supporting documentation is hereby conditionally GRANTED, with the additional Findings and subject to the Conditions set forth on the attached Exhibit "A", which is incorporated herein by reference. The Director of the Department of Community Development is directed to issue a development permit to the Applicant that is consistent with the Application and this Decision.

2. This Decision is the final decision of the Town Council on the Application for all purposes.

3. A copy of this Decision shall be mailed by the Town Clerk to the Applicant at its address as shown on the Application.

ADOPTED: July 14, 2020, *nunc pro tunc* June 23, 2020.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
Eric S. Mamula, Mayor

ATTEST:

Helen Cospolich, CMC,
Town Clerk

1800-523\Decision_2 (06-24-20)

CONDITIONS OF APPROVAL

ADDITIONAL FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated June 17, 2020, and findings made by Community Development with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the callup hearing on the project held on June 23, 2020 as to the nature of the project. In addition to Town Council minutes, the audio of the meetings of the Town Council are recorded.
6. Town staff and the Applicant have come to an agreement to allow market rate residential on the property. An existing plat note only allows residential that is deed restricted for employee housing .With this agreement, staff has found that both the Master Plan and the Plat for this property will require updates, which have been added as conditions of this Development Permit.
7. Per subsection (C)(1)(d) of Section 9-1-19-9A, “Policy 9 (Absolute) Placement of Structures) of the Development Code, the Town Council has approved an encroachment of the eave overhangs, up to 18 inches, into the setback along the Parkway Avenue Right-of-Way.

CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.

3. This permit expires three (3) years from date of issuance, on June 23, 2023, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be 18 months, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
7. Applicant shall field locate utility service lines to avoid existing trees.
8. An improvement location certificate of the height of the top of the foundation wall, and the height of the building's ridges must be submitted and approved by the Town during the various phases of construction. The final mean building height shall not exceed 31' 11" to the mean at any location.
9. At no time shall site disturbance extend beyond the limits of the area of work shown, including building excavation, and access for equipment necessary to construct the residence.

PRIOR TO ISSUANCE OF BUILDING PERMIT

10. Applicant shall finalize any traffic study details or modifications to the site's access points with the Town's Engineering and Streets Divisions.
11. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
12. Applicant shall provide plans stamped by a registered professional engineer licensed in Colorado, to the Town Engineer for all retaining walls over four feet in height.
13. Any exposed foundation wall in excess of 12 inches shall be finished (i.e. textured or painted) in accordance with the Section 9-1-19-5R, "Policy 5 (Relative) Architectural Compatibility" of the Development Code.

14. Applicant shall identify all existing trees, which are specified on the site plan to be retained, by erecting temporary fence barriers around the trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers, and dirt and construction materials or debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Occupancy.
15. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
16. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward. Exterior residential lighting shall not exceed 15' in height from finished grade, 7' above upper decks or 10' in eave overhangs, plus 1' for every 5' from edge of eave.
17. Applicant shall submit a 24"x36" mylar copy of the final site plan, as approved by the Town Council at Final Hearing, and reflecting any changes required. The name of the architect, and signature block signed by the property owner of record or agent with power of attorney shall appear on the mylar.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

18. A Master Plan Amendment shall be submitted by the Applicant to update the Land Use Map (Exhibit B) within the current Master Plan to reflect that residential and commercial are allowed on this site.
19. A Subdivision Plat shall be approved by the Town and filed at the Summit County Clerk and Recorder showing updated lot lines, easements, and containing a plat note that states: *"Residential uses shall be allowed in this subdivision provided a minimum of 50% of the unit count is deed restricted for employee housing, in a form acceptable to the Town. In addition to the minimum 50% unit count, the square footage of the residential portion of any building to be used as employee housing shall be as close to 50% of the residential square footage as possible. Due to building design and layout it may not be possible to have an exact 50/50 split in deed restricted and market rate housing square footages but the intent is to have the two as equal as possible."* This note will replace the current note which states: *All improvements constructed on the property shall be for "commercial use" as that term currently is defined in the Breckenridge Development Code, except for*

such employee housing as may be required or permitted under the Breckenridge Development Code.

20. Applicant shall record a covenant with the Summit County Clerk and Recorder, in a format acceptable to the Town Attorney, that deed restricts five (5) units, totaling 2,437.23 sq. ft. of the residential portion of the project so that the occupant shall work in Summit County at least 30 hours per week and so that short term rentals (rentals for a term of less than three (3) consecutive months) are prohibited.
21. Applicant shall record a covenant with the Summit County Clerk and Recorder, in a format acceptable to the Town Attorney, that deed restricts 2 units, totaling 1,086 sq. ft. of the residential portion of the project so that rental rates shall be limited to be affordable to a family of four earning 80% of the Area Median Income (AMI), requires an occupant to work in Summit County at least 30 hours per week, and prohibits short term rentals.
22. Any improvements recommended by the traffic study for the property or access permit modifications specific to this application shall be constructed by the Applicant. Any improvements outside of the scope of this application or access permit modification shall not be required to be constructed by the Applicant.
23. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
24. Applicant shall remove leaf clutter, dead branches and dead standing trees from the property, dead branches on living trees shall be trimmed to a minimum height of six (6) feet and a maximum height of ten (10) feet above the ground.
25. Applicant shall remove all vegetation and combustible material from under all eaves and decks.
26. Applicant shall paint all metal flashing, vents, flues, rooftop mechanical equipment, meters, and utility boxes on the building a flat, dark color or to match the building color.
27. Applicant shall screen all utilities.
28. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward. Exterior residential lighting shall not exceed 15 feet in height from finished grade or 7 feet above upper decks or 10' in eave overhangs, plus 1' for every 5' from edge of eave.
29. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24

hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.

30. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town issuing a Stop Work Order and/or not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations. A Stop Work Order may not be released until a modification to the permit is reviewed and approved by the Town. Based upon the magnitude of the modification, another hearing before the Planning Commission may be required.
31. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions" generally means that work can not be done due to excessive snow and/or frozen ground. As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.
32. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
33. The development authorized by this Development Permit may be subject to the development impact fee imposed by Resolution 2006-05 of the Summit County Housing Authority. Such resolution implements the impact fee approved by the electors at the general election held November 7, 2006. Pursuant to intergovernmental agreement among the members of the Summit Combined Housing Authority, the Town of Breckenridge is authorized to administer and collect any impact fee which is due in connection with development occurring within the Town. For this purpose, the Town has issued administrative rules and regulations which govern the Town's administration and collection of the impact fee. *Applicant will pay any required impact fee for the*

development authorized by this Development Permit prior to the issuance of a Certificate of Occupancy.



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 2020

Thursday, July 9th, 2020	8:00am	Virtual	Special Meeting
Tuesday, July 14, 2020	3:00 pm / 7:00 pm	Virtual	First Meeting of the Month
Tuesday, July 28, 2020	3:00 pm / 7:00 pm	Virtual	Second Meeting of the Month

August 2020

Tuesday, August 11, 2020	3:00 pm / 7:00 pm	Town Hall Chambers	First Meeting of the Month
August 16th - 23rd, 2020		Breckenridge International Festival of Arts - Trail Mix	
Tuesday, August 25, 2020	3:00 pm / 7:00 pm	Town Hall Chambers	Second Meeting of the Month

Other Meetings

July 14th, 2020	Board of County Commissioners Meeting Workforce Housing Committee	9:00am / 1:30pm 1:30pm
July 16th, 2020	Transit Advisory Council Meeting	8:00am
July 21st, 2020	Board of County Commissioners Meeting Liquor & Marijuana Licensing Authority Planning Commission Meeting	9:00am 9:00am 5:30pm
July 22nd, 2020	Summit Stage Transit Board Meeting Summit Combined Housing Authority	8:15am 9:00am
July 23rd, 2020	Breckenridge Tourism Office Board Meeting RW&B Board Meeting	8:30am 3:00pm
July 27th, 2020	Open Space & Trails Meeting	5:30pm
July 28th, 2020	Board of County Commissioners Meeting	9:00am / 1:30pm
August 4th, 2020	Board of County Commissioners Meeting Planning Commission Meeting	9:00am 5:30pm
August 5th, 2020	Breckenridge Events Committee I-70 Coalition Childcare Advisory Committee	9:00am 10:00am 3:00pm
August 10th, 2020	Breckenridge Creative Arts	2:00pm
August 11th, 2020	Board of County Commissioners Meeting Workforce Housing Committee	9:00am / 1:30pm 1:30pm
August 12th, 2020	Breckenridge Heritage Alliance	Noon
August 13th, 2020	Upper Blue Sanitation District	5:30pm
August 18th, 2020	Board of County Commissioners Meeting Liquor & Marijuana Licensing Authority Planning Commission Meeting	9:00am 9:00am 5:30pm



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 20th, 2020	Transit Advisory Council Meeting	8:00am
	Northwest CO Council of Governments	10:00am
August 24th, 2020	Open Space & Trails Meeting	5:30pm
August 25th, 2020	Board of County Commissioners Meeting	9:00am / 1:30pm
August 26th, 2020	Summit Stage Transit Board Meeting	8:15am
	Summit Combined Housing Authority	9:00am
August 27th, 2020	Breckenridge Tourism Office Board Meeting	8:30am
	RW&B Board Meeting	3:00pm
September 1st, 2020	Board of County Commissioners Meeting	9:00am
	Planning Commission Meeting	5:30pm
September 2nd, 2020	Police Advisory Committee	7:30am
	Breckenridge Events Committee	9:00am
	Childcare Advisory Committee	3:00pm
September 9th, 2020	Breckenridge Heritage Alliance	Noon
September 10th, 2020	Upper Blue Sanitation District	5:30pm
September 21st, 2020	Open Space & Trails Meeting	5:30pm
October 8th, 2020	I-70 Coalition	1:00pm
October 15th, 2020	QQ - Quality and Quantity - Water District	1:15pm
October 22nd, 2020	Northwest CO Council of Governments	10:00am
TBD	Water Task Force Meeting	8:00am
	Art Installation Meeting	2:00pm