



TOWN OF  
**BRECKENRIDGE**

**Town Council Regular Meeting**

Tuesday, May 24, 2022, 7:00 PM

Town Hall Council Chambers

150 Ski Hill Road

Breckenridge, Colorado

THE TOWN OF BRECKENRIDGE IS HOLDING HYBRID MEETINGS. THIS MEETING WILL BE HELD IN PERSON AT BRECKENRIDGE TOWN HALL. ALL MEMBERS OF THE PUBLIC ARE INVITED TO ATTEND. IN PERSON ATTENDEES MUST NOT ACCESS THE VIRTUAL MEETING WHILE IN COUNCIL CHAMBERS.

This meeting will also be broadcast live over Zoom. Log-in information is available in the calendar section of our website: [www.townofbreckenridge.com](http://www.townofbreckenridge.com). All public comments must be delivered in person in Council Chambers during designated public comment times, by email to [mayor@townofbreckenridge.com](mailto:mayor@townofbreckenridge.com), or by mailed letter, prior to the meeting.

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

**II. APPROVAL OF MINUTES**

A. TOWN COUNCIL MINUTES - MAY 10, 2022

**III. APPROVAL OF AGENDA**

**IV. COMMUNICATIONS TO COUNCIL**

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

**V. CONTINUED BUSINESS**

A. SECOND READING OF COUNCIL BILLS, SERIES 2022

1. *COUNCIL BILL NO. 17, SERIES 2022 - AN ORDINANCE AMENDING THE DEVELOPMENT CODE PERTAINING TO OFF STREET PARKING REQUIREMENTS*
2. *COUNCIL BILL NO. 18, SERIES 2022 - AN ORDINANCE AMENDING CHAPTER 5, TITLE 2, OF THE BRECKENRIDGE TOWN CODE, PERTAINING TO THE JURISDICTION OF THE LIQUOR AND MARIJUANA LICENSING AUTHORITY*

**VI. NEW BUSINESS**

A. FIRST READING OF COUNCIL BILLS, SERIES 2022

B. RESOLUTIONS, SERIES 2022

1. *RESOLUTION NO. 12, SERIES 2022 - A RESOLUTION EXPRESSING THE INTENT OF THE TOWN TO BE REIMBURSED FOR CERTAIN EXPENSES RELATING TO CERTAIN CAPITAL EXPENDITURES ASSOCIATED WITH THE FINANCING OF A WORKFORCE HOUSING PROJECT*

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/Town Manager)

B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (Mr. Bergeron)

C. BRECKENRIDGE TOURISM OFFICE (Mr. Carleton)

D. BRECKENRIDGE HISTORY (Ms. Saade)

E. BRECKENRIDGE CREATIVE ARTS (Mr. Rankin)

F. BRECKENRIDGE EVENTS COMMITTEE (Ms. Owens)

G. CHILD CARE ADVISORY COMMITTEE (Mr. Beckerman)

H. WORKFORCE HOUSING COMMITTEE (Mr. Carleton/Mr. Rankin)

I. SOCIAL EQUITY ADVISORY COMMISSION (Ms. Saade)

**X. OTHER MATTERS**

**XI. SCHEDULED MEETINGS**

A. SCHEDULED MEETINGS FOR MAY, JUNE AND JULY

**XII. ADJOURNMENT**

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

Mayor Mamula called the meeting of May 10, 2022 to order at 7:00pm. The following members answered roll call: Ms. Saade, Mr. Rankin, Mr. Carleton, Ms. Owens, Mr. Beckerman and Mayor Mamula. Mr. Bergeron was absent.

**II) APPROVAL OF MINUTES**

**A) TOWN COUNCIL MINUTES – APRIL 26, 2022**

With no changes or corrections to the meeting minutes of April 26, 2022 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.  
There were no public comments and Citizen's Comment was closed.

**B) BRECKENRIDGE TOURISM OFFICE UPDATE**

Ms. Lucy Kay, Director of the BTO, stated Breckenridge finished the winter season up 11% in occupancy over the 2020-2021 season. She further stated winter day visitors were up 30% over prior years, and that is significant because these visitors don't stay in Breckenridge. She stated the Net Promoter Score was 74, which was lower than other years, and the Consumer Confidence Index is at levels comparable to 2017. Looking forward, she stated, summer occupancy is up 15% but the pace of booking has been dropping and we believe we may end up flat to last year. Ms. Kay stated we are doing a Welcome Center remodel right now and we are working with the I-70 group to be proactive with messaging given summer construction schedules and potential closures of I-70. She also stated they have pulled all references to free parking on Airport Road this summer and will know about Oktoberfest by the end of next week. Ms. Kay stated that if Oktoberfest moves forward they will use aluminum cups instead of plastic. Mayor Mamula suggested printing those cups with the Town logo for all use.

**C) BRECKENRIDGE SKI RESORT UPDATE**

Ms. Jody Churich, COO of Breckenridge Ski Resort, stated the winter went well, and the pond skim event went well. She stated the resort is still open with high alpine terrain on Peak 6, 7 and 8 and they plan to operate through Memorial Day, with free parking and shuttles to the mountain. She stated that company-wide visitation was up 12.5% up from last season, and pass growth is up, but not driven by visitation growth. She further stated visitation is spreading out to mid-week and non-holidays, and peak visitation stayed on the same days with no record days at Breckenridge. Ms. Churich stated the focus was on how we are loading chairs to help lines, and the addition of Freedom Chair was popular. Ms. Churich stated the ski back was well-used and we are improving Rip's Ride this year. She stated Vail Resorts recently announced additional housing projects in several resorts and we remain committed to looking for additional housing opportunities in Breckenridge. She stated Breckenridge will open for summer June 17 through Labor Day, based out of Peak 8. She also stated a Master Development Plan will be submitted to the USFS soon, and it will include lift upgrades and new ski and ride school zones.

**V) CONTINUED BUSINESS**

**A) SECOND READING OF COUNCIL BILLS, SERIES 2022 - PUBLIC HEARINGS**

**1) COUNCIL BILL NO. 11, SERIES 2022 - AN ORDINANCE CONFORMING THE TOWN CODE TO THE COLORADO CLEAN INDOOR AIR ACT**

Mayor Mamula read the title into the minutes. Ms. Kirsten Crawford stated there were no changes to this ordinance from first reading.

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

Ms. Owens moved to approve COUNCIL BILL NO. 11, SERIES 2022 - AN ORDINANCE CONFORMING THE TOWN CODE TO THE COLORADO CLEAN INDOOR AIR ACT. Ms. Saade seconded the motion.

The motion passed 6-0. Mr. Bergeron was absent.

- 2) COUNCIL BILL NO. 12, SERIES 2022 - AN ORDINANCE AMENDING AND RELOCATING RETAIL TOBACCO LICENSING  
Mayor Mamula read the title into the minutes. Ms. Kirsten Crawford stated there were no changes to this ordinance from first reading.

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

Mr. Carleton moved to approve COUNCIL BILL NO. 12, SERIES 2022 - AN ORDINANCE AMENDING AND RELOCATING RETAIL TOBACCO LICENSING. Mr. Beckerman seconded the motion.

The motion passed 6-0. Mr. Bergeron was absent.

- 3) COUNCIL BILL NO. 13, SERIES 2022 - AN ORDINANCE REORGANIZING AND RELOCATING ALCOHOLIC BEVERAGES AND MARIJUANA LICENSING REGULATIONS  
Mayor Mamula read the title into the minutes. Ms. Kirsten Crawford stated there were no changes to this ordinance from first reading.

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

Ms. Owens moved to approve COUNCIL BILL NO. 13, SERIES 2022 - AN ORDINANCE REORGANIZING AND RELOCATING ALCOHOLIC BEVERAGES AND MARIJUANA LICENSING REGULATIONS. Ms. Saade seconded the motion.

The motion passed 6-0. Mr. Bergeron was absent.

- 4) COUNCIL BILL NO. 14, SERIES 2022 - AN ORDINANCE AMENDING THE GENERAL OFFENSES OF THE BRECKENRIDGE TOWN CODE PERTAINING TO THE CONDUCT OF A MINOR IN POSSESSION OF TOBACCO  
Mayor Mamula read the title into the minutes. Ms. Kirsten Crawford stated there were no changes to this ordinance from first reading.

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

Mr. Carleton moved to approve COUNCIL BILL NO. 14, SERIES 2022 - AN ORDINANCE AMENDING THE GENERAL OFFENSES OF THE BRECKENRIDGE TOWN CODE PERTAINING TO THE CONDUCT OF A MINOR IN POSSESSION OF TOBACCO. Mr. Rankin seconded the motion.

The motion passed 6-0. Mr. Bergeron was absent.

- 5) COUNCIL BILL NO. 15, SERIES 2022 - AN ORDINANCE AUTHORIZING THE TOWN CLERK TO ADMINISTRATIVELY APPROVE FESTIVAL PERMITS  
Mayor Mamula read the title into the minutes. Ms. Kirsten Crawford stated there were no changes to this ordinance from first reading.

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

Mr. Rankin moved to approve COUNCIL BILL NO. 15, SERIES 2022 - AN ORDINANCE AUTHORIZING THE TOWN CLERK TO ADMINISTRATIVELY APPROVE FESTIVAL PERMITS. Mr. Carleton seconded the motion.

The motion passed 6-0. Mr. Bergeron was absent.

**TOWN OF BRECKENRIDGE**

**TOWN COUNCIL**

**Tuesday, May 10, 2022**

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- 6) COUNCIL BILL NO. 16, SERIES 2022 - AN ORDINANCE CONFORMING THE CODE TO THE CHARTER PERTAINING TO MUNICIPAL COURT  
Mayor Mamula read the title into the minutes. Ms. Kirsten Crawford stated there were no changes to this ordinance from first reading.

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

Ms. Owens moved to approve COUNCIL BILL NO. 16, SERIES 2022 - AN ORDINANCE CONFORMING THE CODE TO THE CHARTER PERTAINING TO MUNICIPAL COURT. Mr. Beckerman seconded the motion.

The motion passed 6-0. Mr. Bergeron was absent.

**VI) NEW BUSINESS**

A) FIRST READING OF COUNCIL BILLS, SERIES 2022

- 1) COUNCIL BILL NO. 17, SERIES 2022 - AN ORDINANCE AMENDING THE DEVELOPMENT CODE PERTAINING TO OFF STREET PARKING REQUIREMENTS

Mayor Mamula read the title into the minutes. Ms. Stefi Szrek stated this ordinance would add shared parking agreements and maximum parking regulations to the development code and as detailed in the memo.

Mr. Beckerman moved to approve COUNCIL BILL NO. 17, SERIES 2022 - AN ORDINANCE AMENDING THE DEVELOPMENT CODE PERTAINING TO OFF STREET PARKING REQUIREMENTS. Ms. Owens seconded the motion.

The motion passed 6-0. Mr. Bergeron was absent.

- 2) COUNCIL BILL NO. 18, SERIES 2022 - AN ORDINANCE AMENDING CHAPTER 5, TITLE 2, OF THE BRECKENRIDGE TOWN CODE, PERTAINING TO THE JURISDICTION OF THE LIQUOR AND MARIJUANA LICENSING AUTHORITY  
Mayor Mamula read the title into the minutes. Ms. Kirsten Crawford stated this ordinance would expand the jurisdiction of the LMLA to include tobacco licenses.

Mr. Carleton moved to approve COUNCIL BILL NO. 18, SERIES 2022 - AN ORDINANCE AMENDING CHAPTER 5, TITLE 2, OF THE BRECKENRIDGE TOWN CODE, PERTAINING TO THE JURISDICTION OF THE LIQUOR AND MARIJUANA LICENSING AUTHORITY. Ms. Owens seconded the motion.

The motion passed 6-0. Mr. Bergeron was absent.

B) RESOLUTIONS, SERIES 2022

- 1) RESOLUTION NO. 11, SERIES 2022 - A RESOLUTION RATIFYING THE APPOINTING OF TWO ELECTORS TO SERVE ON THE ELECTION COMMISSION FOR A TWO YEAR TERM

Mayor Mamula read the title into the minutes. Ms. Cospolich stated this resolution would appoint two Election Commissioners for two years as required by Charter, Jennifer Schappert and Eli Yoder.

Ms. Owens moved to approve RESOLUTION NO. 11, SERIES 2022 - A RESOLUTION RATIFYING THE APPOINTING OF TWO ELECTORS TO SERVE ON THE ELECTION COMMISSION FOR A TWO YEAR TERM. Mr. Beckerman seconded the motion.

The motion passed 6-0. Mr. Bergeron was absent.

C) OTHER

- 1) PLANNING COMMISSION APPOINTMENT

Mayor Mamula stated the Council will appoint one member to the Planning Commission for a partial term vacated by Mr. Beckerman following the afternoon interviews. The vote was conducted by paper ballot. Mr. Bergeron was absent. Mr. Ethan Guerra received five votes. Mr. Ian Hamilton received one vote. Mr. Guerra was appointed to Planning Commission.

**VII) PLANNING MATTERS**

**A) TOWN PROJECT: MCCAIN SUBDIVISION, TRACTS A-1, C-1, LOT1 REPLAT (ALTA VERDE II)**

Mayor Mamula read the name of the project into record. Ms. Stefi Szrek stated this is a proposal to re-subdivide Tracts A-1, C-1 and Lot 1, of the McCain Subdivision to accommodate the development of the recently approved Alta Verde II Workforce Housing Project on a 8.17 acre site, and to provide additional easements on Lot 1 (Alta Verde I). She further stated more information can be found in the memo in the packet.

Ms. Owens moved to approve TOWN PROJECT: MCCAIN SUBDIVISION, TRACTS A-1, C-1, LOT1 REPLAT (ALTA VERDE II). Ms. Saade seconded the motion.

The motion passed 6-0. Mr. Bergeron was absent.

**B) PLANNING COMMISSION DECISIONS**

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

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

Mr. Holman stated there was no report.

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

**A. CAST/MMC**

Mayor Mamula stated he met the new school Superintendent, and MMC discussed the Pay As You Throw program, and how if we don't do something to change the trajectory the landfill will close in 2056. Ms. Owens stated it makes sense to start charging people now if that's the case, and Mayor Mamula stated the plan is to extend the life of the dump past that date. Council discussed the single hauler option using a Town-negotiated rate. Mayor Mamula also stated Frisco will not be allowed to do fireworks this year.

**B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE**

No update.

**C. BRECKENRIDGE TOURISM OFFICE**

Mr. Beckerman stated they decided not to expand the board at this time and they discussed remote work. He also stated Ms. Kay hired a new finance director, and HB-117 passed to allow lodging taxes to be diverted to other non-tourism related efforts.

**D. BRECKENRIDGE HISTORY**

Ms. Saade stated the Milne project is moving along, the Welcome Center is getting a facelift and they are upgrading their website.

**E. BRECKENRIDGE CREATIVE ARTS**

Mr. Rankin stated the Town Party will take place in June, and the Airstage concerts are coming back, as well as BIFA. He further stated the NRO will be the only provider of orchestral music this summer, and there are some new projects coming this summer.

**F. BRECKENRIDGE EVENTS COMMITTEE**

No update.

**G. CHILD CARE ADVISORY COMMITTEE**

Mr. Beckerman stated they had a consultant evaluate increasing capacity at the centers, and the younger ages are driving the demand, but costing more.

**H. WORKFORCE HOUSING COMMITTEE**

Mr. Carleton stated they went over the 5-year Housing Helps program plan and buy downs, and discussed the bike path and the CMC building partnership. He also stated there is an RFP out for Stillson Lot. Mayor Mamula asked about using Town property to establish our own mobile home park in the future.

**I. SOCIAL EQUITY ADVISORY COMMISSION**

Ms. Saade stated there is a meeting coming up next week looking at the equity lens with the consultant.

**X) OTHER MATTERS**

Mayor Mamula stated Joe Neguse was here for the CMC commencement and did a walk through Town. He liked the “B Like Breck” campaign and wants to do something similar for all of Colorado.

Mayor Mamula stated he had a conversation with the Ball company and Jason Mamoa’s company about aluminum cups and bottles, and both are interested in being sponsors of Mountain Town 2030. He further stated aluminum bottles are great alternatives to plastic bottles.

**XI) SCHEDULED MEETINGS**

A) SCHEDULED MEETINGS FOR MAY, JUNE AND JULY

**XII) ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 7:51pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

\_\_\_\_\_  
Helen Cospolich, CMC, Town Clerk

\_\_\_\_\_  
Eric S. Mamula, Mayor

DRAFT



# Memo

To: Town Council  
From: Stefi Szrek, Planner I  
Date: May 18, 2022 for meeting of May 24, 2022  
Subject: Parking Code Amendment Bill (Second Reading)

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Staff reviewed the proposed code amendments regarding parking maximums and shared parking agreements with the Town Council as a work session on April 15, 2022, and as a first reading on May 10, 2022. The Town Council was supportive of staff's proposal at those times. This is the second reading of the attached Bill to implement code changes to *Chapter 3 OFF STREET PARKING REGULATIONS* of the Town Code. These code changes add language for parking maximum limitations, as well as opportunities for shared parking agreements in order to decrease the required parking count between compatible uses.

Staff has attached the draft code amendments for the Council's review and approval. There are no changes from first reading. Staff will be available at the meeting for any questions.



COUNCIL BILL NO. \_\_\_\_

Series 2022

**AN ORDINANCE AMENDING THE DEVELOPMENT CODE PERTAINING TO OFF STREET PARKING REQUIREMENTS.**

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

**Section 1.** That section 9-3-6 of the Breckenridge Town Code, entitled “DEFINITIONS”, be amended by adding the language underlined to the list of definitions and placed in alphabetical order, to read as follows:

PEDESTRIAN PATHWAY: A safe walking path with appropriate lighting, which may include a hardscaped sidewalk, a soft surface pathway, or a designated crosswalk.

SHARED PARKING: Parking spaces located on one property that are generally available for users of multiple properties, and not reserved for one specific use, such as in mixed-use areas, where, for example, parking spaces for retail/office uses are available in the evening for residents.

SHARED PARKING AGREEMENT: A written agreement, recommended for approval by the community development director and town engineer, that allows for the shared use of parking spaces between multiple property owners associated with a development permit approved by the planning commission.

**Section 2.** That section 9-3-8 of the Breckenridge Town Code, entitled “OFF STREET PARKING REQUIREMENT:” be amended by deleting the language stricken and adding the language underlined to read as follows:

**OFF STREET PARKING REQUIREMENT:**

A. Within The Service Area: In connection with the development of all property within the service area there shall be provided the following amount of off street parking:

1

Land Use Category	Number Of Required Off Street Parking Spaces (Per TSF-GFA* Unless Otherwise Noted); <u>No additional parking shall be allowed.</u>
Residential:	
Single-family	1.1
Duplex	1.1
Multi-family; efficiency, studio	1.1
Multi-family; 1 bedroom plus	1.1
Condominium; efficiency, studio	1.1
Condominium; 1 bedroom plus	1.1
Divisible unit	1.1
Lodging, hotel, motel	1.1
Dormitory	1.1
Commercial:	
Retail sale, commercial:	
General retail, commercial	1.4
Supermarket	2.5
Financial	1.9
Office:	
General office	1.4
Government office	2.2
Auto service station	3.0 per bay plus 1 per pump
Restaurant, sit down	3.5
Auditorium, theater	0.3 per seat
Church	0.5
Convention center	3.1
Library, museum	1.8
Medical/dental clinic	3.3
Commercial recreation	2.0

2

3 \*TSF-GFA = 1,000 square feet of gross floor area.

4 Note: If the required parking is less than 1 space, and for any fractional parking space required,

5 the applicant shall be required to pay the in lieu fee provided in section 9-3-12 of this chapter.

- 1 B. Outside The Service Area: In connection with the development of all property outside the  
 2 service area there shall be provided the following amount of off street parking:

Residential:	<u>Minimum Required</u>	<u>Maximum Allowed</u>
Single-family	2.0 per dwelling unit*	<u>None</u>
Duplex	1.5 per dwelling unit	<u>None</u>
Accessory apartment	1.0 per dwelling unit	<u>None</u>
Multi-unit residential and condominiums:		
Efficiency - studio	1.0 per dwelling unit	<u>1.1 per dwelling unit</u>
1 bedroom and larger	1.5 per dwelling unit	<u>1.65 per dwelling unit</u>
Divisible unit	+0.5 for each divisible room	<u>+0.6 for each divisible room</u>
Lodging, hotel, motel	1.0 per guestroom	<u>1.1 per guestroom</u>
Dormitory	0.5 per bed	<u>.6 per bed</u>
Schools:		
Elementary and junior high	2 per classroom	<u>2.2 per classroom</u>
High school	1 per 4 students and faculty	<u>1.1 per 4 students and faculty</u>
College	1 per 4 students and faculty	<u>1.1 per 4 students and faculty</u>
Commercial:		
Retail sale, commercial and office	1 per 400 square feet GFA (minimum 2 per building)	<u>1.1 per 400 square feet GFA</u>
Construction - contracting	1 per 200 square feet	<u>1.1 per 200 square feet</u>
Manufacturing	1 per 400 square feet	<u>1.1 per 400 square feet</u>
Warehouse	1 per 1,000 square feet	<u>1.1 per 1,000 square feet</u>
Gas station/convenience market	1 per pump plus 1 per 250 square feet GFA	<u>1.1 per pump plus 1.1 per 250 square feet GFA</u>
Restaurants - sit down, breweries, and distilleries	1 per 125 square feet	<u>1.1 per 125 square feet</u>
Restaurants - drive-in	1 per 100 square feet GFA	<u>1.1 per 100 square feet GFA</u>
Supermarket/grocery store	1 per 250 square feet GFA	<u>1.1 per 250 square feet GFA</u>
Auditoriums - theaters	1 per 4 seats	<u>1.1 per 4 seats</u>
Churches	1 per 6 seats	<u>1.1 per 6 seats</u>
Convention center facility	By special review of the <u>D</u> irector and <u>P</u> lanning <u>C</u> ommission	<u>By special review of the director and planning commission</u>

Library and museum	1 per 500 square feet GFA	1.1 per 500 square feet GFA
Medical and dental clinics	1 per 300 square feet GFA	1.1 per 300 square feet GFA
Hospital	1 per 3 beds	1.1 per 3 beds
Commercial recreation indoor and outdoor	By special review of the <del>D</del> director and <del>P</del> planning <del>C</del> commission	<u>By special review of the director and planning commission</u>
Recreation and leisure amenity club	No additional parking shall be required or allowed for a development that includes a recreation and leisure amenity club beyond the required residential or commercial parking, as applicable.	

1  
 2 \*2 parking spaces are required for the first 3 bedrooms of a single family residence. For each  
 3 additional bedroom beyond the first 3 bedrooms, 1 additional parking space shall be required.  
 4 Note: The required number of parking spaces shall be rounded up to the nearest whole number.  
 5 Required residential spaces shall be rounded up based on the unit count if parking spaces are  
 6 assigned.

7 C. Compliance With Parking Requirement Mandatory: No new development or change of  
 8 use for which off street parking is required under this chapter may be approved unless  
 9 compliance with the requirements of this section is achieved.

10 D. Mixed Use Developments: The requirements of this section may be increased or  
 11 decreased for a mixed use development containing not less than one hundred thousand  
 12 (100,000) square feet. Such change shall be accomplished by a development agreement in  
 13 connection with the approval or amendment of a master plan. Any request to vary the  
 14 requirements of this section shall be supported by a written analysis paid for by the applicant  
 15 and prepared by a qualified parking consultant. Once approved, the development agreement  
 16 and master plan shall establish the off street parking requirement in lieu of that set forth in this  
 17 section and shall serve as one of the controlling development policies for a site plan level  
 18 development of the property which is the subject of the master plan as provided in section 9-1-  
 19 19-39A, "Policy 39 (Absolute) Master Plan", subsection H, of this title.

20 E. SHARED PARKING AGREEMENTS:

21 1. Requirements/Contents of Application:

22 a. An official parking analysis, with any recommendations for shared parking,

1 performed by a qualified parking consultant:

2 b. A narrative describing feasibility of parking shared between uses, timing,  
3 and pedestrian and vehicular access;

4 c. Calculation of standard and peak parking variations between month, hour,  
5 and/or day of the week; and,

6 d. Any additional information that may be requested by the director to  
7 establish feasibility.

8 2. Review of Application:

9 a. The community development director or their designee, and the town engineer or  
10 their designee, will review the contents of the application and recommend whether to approve or  
11 deny or approve with conditions.

12 b. If a shared parking agreement is approved by the community development  
13 director and town engineer, the analysis would then be reviewed by the planning commission  
14 with the development permit review.

15 c. If approved, a shared parking agreement shall be recorded with the clerk and  
16 recorder of Summit County. The agreement shall note that in the event of a change of use, the  
17 agreement shall be subject to review to determine if it can be used for the proposed change of  
18 land uses. If it is determined it cannot be used, then the agreement shall be terminated by filing  
19 a document evidencing the same with the clerk and recorder of Summit County.

20 F. Unlisted Land Use Category: The director shall initially determine the appropriate land  
21 use category for any use not specifically listed in subsection A or B of this section. The director's  
22 initial determination of the appropriate land use category may be changed by the planning  
23 commission as part of its review of the development permit application. In determining the  
24 appropriate land use category for an unlisted land use, the director shall place the use in the  
25 land use category which most nearly approximates the nature and anticipated off street parking  
26 demands of such use.

27 FG. Waiver:

28 1. Except as provided in subsection F5 of this section, the director may approve a  
29 conditional and terminable waiver of the off street parking requirement in subsection A of this

1 section for a residential unit located in the service area if the unit owner voluntarily agrees to the  
2 following conditions:

3 a. Each adult occupant of the unit must work an average of thirty (30) hours per week for  
4 a business that is physically located in and serves the Upper Blue River basin;

5 b. The unit shall not be the physical location of the business for which an adult occupant  
6 of the unit works;

7 c. If the business for which an adult occupant of the unit works is located within the town,  
8 such business must hold a valid town business and occupational license issued pursuant to title  
9 4, chapter 1 of this code; and

10 d. Any time that the unit is not owner occupied it shall be leased for a minimum term of  
11 ninety (90) days to a tenant meeting the qualifications described in subsections F1a through F1c  
12 inclusive, of this section.

13

14 **Section 3.** The Town Council hereby finds, determines and declares that this ordinance  
15 is necessary and proper to provide for the safety, preserve the health, promote the prosperity,  
16 and improve the order, comfort and convenience of the Town of Breckenridge and the  
17 inhabitants thereof.

18 **Section 4.** This ordinance shall be published and become effective as provided by  
19 Section 5.9 of the Breckenridge Town Charter.

20

21 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
22 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2022. A Public Hearing shall be held at the  
23 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
24 \_\_\_\_\_, 2022.

25

TOWN OF BRECKENRIDGE, a Colorado

26

municipal corporation

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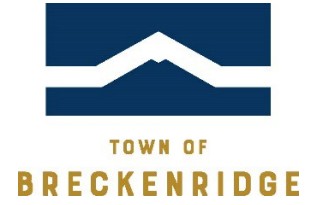
By: \_\_\_\_\_

Eric S. Mamula, Mayor

ATTEST:

\_\_\_\_\_

Helen Cospolich, CMC,  
Town Clerk



Memo

**To:** Town Council

**From:** Town Attorney

**Date:** May 24, 2022

**Subject:** Amendments to LMLA jurisdiction to add retail tobacco licensing.

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This is a bill to expand the jurisdiction of the LMLA to process retail tobacco licenses. There are no changes since first reading.



1 COUNCIL BILL NO. \_\_\_\_

2  
3 Series 2022

4  
5 **AN ORDINANCE AMENDING CHAPTER 5, TITLE 2, OF THE BRECKENRIDGE**  
6 **TOWN CODE, PERTAINING TO THE JURISDICTION OF THE LIQUOR AND**  
7 **MARIJUANA LICENSING AUTHORITY.**  
8

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

11 **Section 1.** That Section 2-5-1, entitled "FINDINGS:", of the Breckenridge Town Code  
12 shall be amended by adding the language underlined, to read as follows:

13 The Town Council finds and determines as follows:

14 A. The Town Council is authorized by section 44-3-103(27), Colorado Revised Statutes, to  
15 create by ordinance a local licensing authority to handle all liquor licensing matters for the Town.

16 B. The Town has authorized the issuance of certain local licenses under the Colorado  
17 Medical Marijuana Code 1 , the Colorado Retail Marijuana Code 2 , the Colorado Regulation of  
18 Tobacco Sales, and the applicable administrative regulations promulgated with respect to such  
19 statutes, all as more fully set forth in title 4, chapter 14 of this Code.

20 C. The Town Council is authorized by section 44-11-104(5), CRS, (which is part of the  
21 Colorado Medical Marijuana Code), and 44-12-103(10), CRS, (which is part of the Colorado  
22 Retail Marijuana Code) to create by ordinance a local licensing authority to handle all marijuana  
23 licensing matters for the Town.

24 D. The Town Council desires to establish a single local licensing authority to act for the Town  
25 in all local licensing matters arising under the Colorado Beer Code 3 , the Colorado Liquor Code  
26 4 , the Colorado Special Liquor Events Code 5 , the Colorado Medical Marijuana Code 6 , the  
27 Colorado Retail Marijuana Code 7 , the Colorado Regulation of Tobacco Sales, the applicable  
28 administrative regulations promulgated with respect to such statutes, the Town's marijuana  
29 licensing ordinance (title 4, chapter 14 of this Code); and other applicable law.

30 E. Section 9.5 of the Town Charter authorizes the Town Council to create by ordinance  
31 permanent boards and commissions for the Town, and sets forth certain requirements which  
32 must be met with respect to the creation of a permanent Town board or commission.

33 F. Section 9.2(a) of the Town Charter provides that neither the Mayor nor any Town  
34 employee shall serve on any Town board or commission.

1 G. The Town of Breckenridge liquor and marijuana licensing authority should be created to  
2 replace the Town of Breckenridge liquor licensing authority (established by ordinance 20, series  
3 2003), and given the authority to handle all liquor and marijuana licensing matters for the Town,  
4 all as more fully set forth in this chapter.

5 **Section 2.** That Section 2-5-2, entitled "CREATION:", of the Breckenridge Town Code  
6 shall be amended by adding the language underlined to read as follows:

7 **CREATION:** There is hereby created and established the Town of Breckenridge liquor,  
8 tobacco, and marijuana licensing authority. The Town of Breckenridge liquor, tobacco, and  
9 marijuana licensing authority is referred to in this chapter as the "authority". The authority shall  
10 be a permanent board of the Town, and shall operate in accordance with and subject to the  
11 provisions, duties, and limitations of this chapter and other applicable law.

12 **Section 3.** That Section 2-5-6, entitled "POWERS, DUTIES AND RESPONSIBILTIES:",  
13 of the Breckenridge Town Code shall be amended by adding the language underlined, to read  
14 as follows:

15 **2-5-6: POWERS, DUTIES AND RESPONSIBILITIES:**

16 The authority shall have all of the powers of a local licensing authority as are set forth in the  
17 following laws, all as amended from time to time:

- 18 A. The Colorado Beer Code [1](#) ;
- 19 B. The Colorado Liquor Code [2](#) ;
- 20 C. The Colorado Special Liquor Events Code [3](#) ;
- 21 D. The Town's marijuana licensing ordinance [4](#) ;
- 22 E. The Colorado Medical Marijuana Code [5](#) ;
- 23 F. The Colorado Retail Marijuana Code [6](#) ;
- 24 G. The Colorado Regulation of Tobacco Sales;

25 GH. The administrative regulations promulgated by the Liquor Enforcement Division of the  
26 Colorado Department of Revenue under the statutes set forth above;

27 H. The administrative regulations promulgated by the authority as authorized by section 2-5-  
28 10 of this chapter; and

- 29 I. Other applicable law.

30





To: Breckenridge Town Council  
From: Laurie Best-Community Development Department  
Date: 5/18/2022 (for 2/24/2022)

**Subject: A RESOLUTION EXPRESSING THE INTENT OF THE TOWN TO BE REIMBURSED FOR CERTAIN EXPENSES RELATING TO CERTAIN CAPITAL EXPENDITURES ASSOCIATED WITH THE FINANCING OF A WORKFORCE HOUSING PROJECT (CMC-Tract D-1 Runway Subdivision Resub Tracts C and D)**

Staff is discussing an opportunity to collaborate with Summit County and Colorado Mountain College (CMC) on a workforce housing project to be located on the CMC campus. The initial concept is to build a second apartment building on the property to match the CMC apartment that was recently reviewed by the Planning Commission and Town Council (April 5 and April 12). While the recently approved building is intended for CMC students, the second building (36 units/48 beds) would be available to the Town, Summit County, and CMC. The occupant/tenants in the second building would have to be persons employed in Summit County (30 hours/week). Those tenants might also be CMC students who are also employed locally, CMC staff, Town of Breckenridge staff, and/or Summit County staff.

CMC is willing to provide the land to the County and Town via a 35 year land lease and wrap the construction into their GC contract if the Town and County are willing to fund the second building. There are cost advantages to wrapping the construction of this building in with CMC's existing project. There are several deal points that would need to be negotiated, but the opportunity is based on a similar collaboration between Eagle County and CMC. Before the final deal points can be vetted, some design work needs to be completed so we have an updated price estimate based on two buildings instead of one. We expect the cost for the 36 units may be around \$12 million and work would start this summer.

Since this involves an addendum to an existing CMC project that is scheduled to start soon, and since we may fund this with COPs (Certificates of Participation), and since we will need some preliminary design work to fully vet the opportunity, staff believes it would be prudent to authorize reimbursement for the pre-development/design expenses that might be incurred as we analyze this project.

Staff recommends approval of the Resolution to allow reimbursement thru the COPs.

1 ***FOR WORKSESSION/ADOPTION – May 24 2022***

2  
3 RESOLUTION NO. \_\_\_\_

4  
5 SERIES 2022

6  
7 A RESOLUTION EXPRESSING THE INTENT OF THE TOWN  
8 TO BE REIMBURSED FOR CERTAIN EXPENSES RELATING  
9 TO CERTAIN CAPITAL EXPENDITURES ASSOCIATED  
10 WITH THE FINANCING OF A WORKFORCE HOUSING  
11 PROJECT

12 (CMC-Tract D-1 Runway Subdivision Resub Tracts C and D)

13  
14 **WHEREAS**, the Town of Breckenridge, Colorado (the “**Town**”) is a legal and  
15 regularly created, established, organized, and existing municipal corporation under the  
16 provisions of laws of the State of Colorado; and

17  
18 **WHEREAS**, the members of the Town Council of the Town (the “**Council**”)  
19 have been duly elected and qualified; and

20  
21 **WHEREAS**, it is the current intent of the Town to make certain capital  
22 expenditures for the construction of a 36-unit for rent workforce housing project to be  
23 constructed on Tract D-1 Runway Subdivision Tracts C and D, Town of Breckenridge, County  
24 of Summit, State of Colorado, also known as 107 Denison Placer Rd.,  
25 Breckenridge, Colorado 80424 (the “**Project**”); and

26  
27 **WHEREAS**, the Council has determined that it is in the best interest of the Town  
28 to finance the Project through the execution and delivery of certificates of purchase (the  
29 “**Financing**”); and

30  
31 **WHEREAS**, the Council has determined that it is necessary to make capital  
32 expenditures in connection with the Project prior to the time that the Town arranges for the  
33 financing of the Project; and

34  
35 **WHEREAS**, it is the Council’s reasonable expectation that when such Financing  
36 occurs, the capital expenditures will be reimbursed with the proceeds of the Financing; and

37  
38 **WHEREAS**, in order to comply with the provisions of the Internal Revenue Code  
39 of 1986, as amended (the “**Code**”), the Council desires that this resolution shall constitute the  
40 “official intent” of the Council to reimburse such capital expenditures within the meaning of  
41 Treasury Regulation §1.150-2.

42  
43 **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN**  
44 **OF BRECKENRIDGE, COLORADO:**



1 APPROVED IN FORM

2

3

4

5

6 \_\_\_\_\_ Date

7

8



# Memo

To: Breckenridge Town Council Members  
From: Mark Truckey, Director of Community Development  
Date: May 18, 2022  
Subject: Planning Commission Decisions of the May 17, 2022 Meeting

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## **DECISIONS FROM THE PLANNING COMMISSION MEETING, May 17, 2022:**

### **CLASS A APPLICATIONS:**

1. Gondola Lots Subdivision, 350 & 355 N. Park Avenue, PL-2022-0118  
A proposal to subdivide 2 lots totaling 17.88 acres into the first and second filings of a subdivision that includes six (6) lots; one (1) lot for residential development, one (1) lot for mixed use development, one (1) private open space lot, one (1) public open space lot, one (1) lot that is under lease to the Town as a public transportation facility and one (1) lot that is anticipated as a public park/ plaza space and includes gondola and ticket facilities. *Approved, see second memo.*

### **CLASS B APPLICATIONS:**

1. Amerine House Demolition and New Ploss SFR, 224 S. Ridge Street, PL-2021-0381  
A proposal to demolish the existing Amerine House and construct of a new two-story 3,165 sq. ft. single family residence with 4 bedrooms, 3.5 bathrooms, a 1-car garage, a 1-car carport, and 2 uncovered parking spaces. *Approved, see third memo.*

2. Big Sky Condo Unit G(A) Conversion to Employee Housing, 160 E. Adams Avenue, PL-2022-0151  
A proposal to convert a 685 sq. ft. commercial office unit to a 1-bedroom, 1-bath residential employee housing unit, and install an egress window for the bedroom. This application is subject to a Development Agreement approved by the Town Council on April 12, 2022. *Approved, see fourth memo.*

### **CLASS C APPLICATIONS:**

1. Cutter Residence Addition, 337 S. Gold Flake Terrace, PL-2022-0107  
A proposal to construct a 753 sq. ft. addition on the northeast corner of the house, extending the upper level, main level, and lower level; and an interior remodel. No new bedrooms or bathrooms proposed. *Approved.*

**TOWN PROJECT HEARINGS:** None.

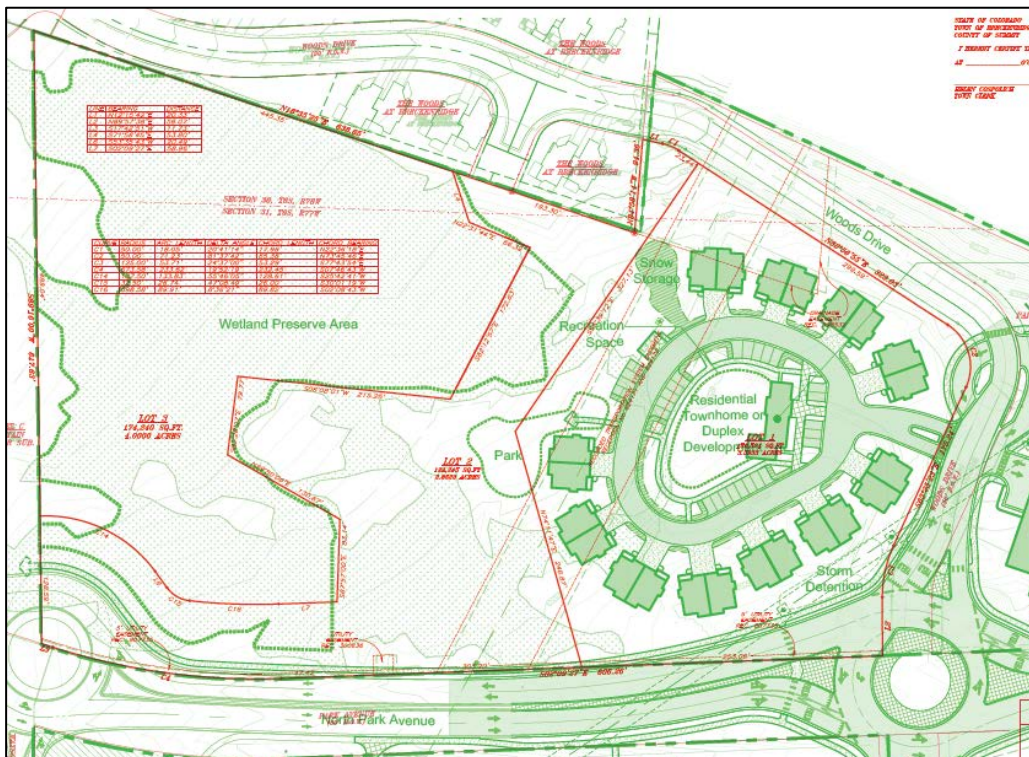
**OTHER:** None.

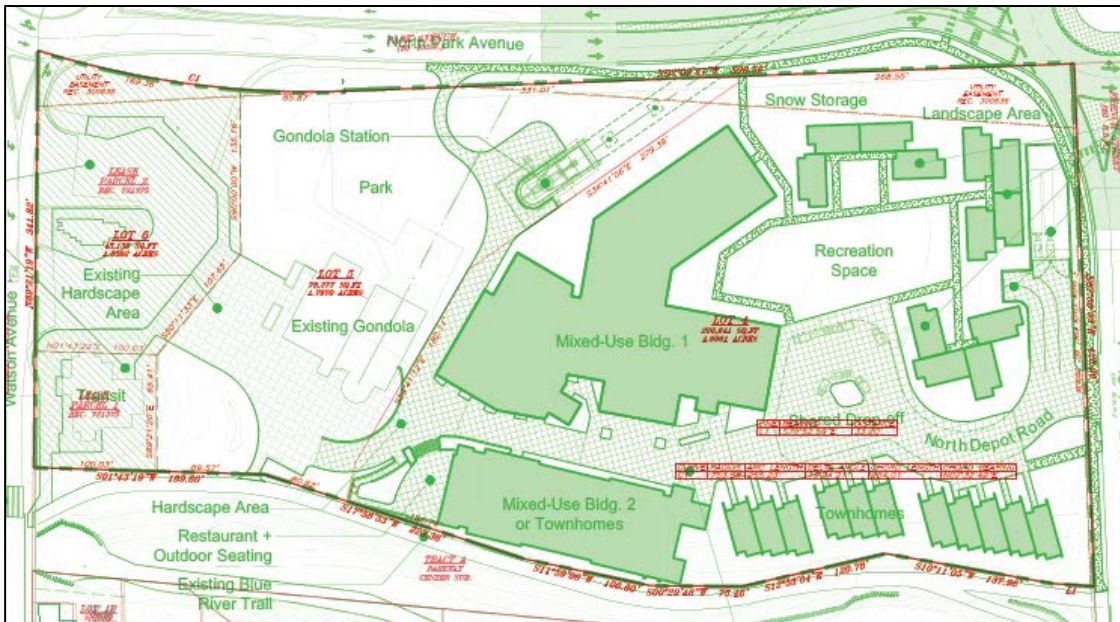


# Memo

To: Town Council  
 From: Chris Kulick, AICP, Senior Planner  
 Date: May 18, 2022 for meeting of May 24, 2022  
 Subject: Gondola Lots Subdivision, Filings 1 & 2, Class A Subdivision Planning Commission Approval Summary

A Combined Hearing for the Gondola Lots Subdivision, Filings 1 and 2 Class A Subdivision, located at 350 and 355 North Park Avenue, was held by the Planning Commission on May 17, 2022. The proposal requests to subdivide two (2) lots totaling 17.88 acres into the first and second filings of a subdivision that includes six (6) lots; one (1) lot for residential development, one (1) lot for mixed use development, one (1) private open space lot, one (1) public open space lot, one (1) lot that is under lease to the Town as a public transportation facility and one (1) lot that will serve as a public park/ plaza space and includes gondola and ticket facilities.





(Above): Staff overlay of the proposed subdivision (in red) with the approved master plan (in green).

The Commission was supportive of the proposed subdivision but noted that it did not feature lots that were plain geometric shapes or have side lot lines that were at 90 degrees as recommended in section 9-2-4-5 of the Subdivision Code. It was agreed upon by the Commission that the lines were drawn as a practical matter to accommodate the site's many unique existing conditions such as the Town's transportation center lease and future requirements right of way dedication, gondola alignment and protection of wetlands. They also noted the subdivision's consistency with the approved Master Plan which is shown in the overlay's above. Based on this perspective, the Commission amended Finding 8 of the the project's Findings and Conditions to read as follows:

*8. This subdivision is in substantial compliance with section 9-2-4-5 of the Town Subdivision Code's requirement for lots to have plain geometric shapes and side lot lines to be at right angles, due to its consistency with the approved master plan, the existing mixed uses, planned development, and its design to protect environmentally sensitive areas, and is approved. This approval shall not constitute precedent for other proposed subdivisions which do not have the unique characteristics of this subdivision.*

The Commission approved the application with the amended finding 5-0 and found the proposed subdivision complied with the Town's Subdivision code and matched the approved Master Plan.

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

# Memo

To: Town Council  
From: Chapin LaChance, AICP – Planner III  
Date: May 18, 2022 for meeting of May 24, 2022  
Subject: Amerine House Demolition and Construction of Ploss Single Family Residence - Class B Major Development Permit Application: Planning Commission Approval Summary

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The applicant proposes demolition of the existing Amerine House at 224 S. Ridge St. and construction of a new two-story 3,165 sq. ft. single family residence with 4 bedrooms, 3.5 bathrooms, a 1-car garage, a 1-car carport, and 2 uncovered parking spaces. The existing structure was historically used as a barn, but is classified as a non-contributing structure to the Historic District because it was moved from its original location to its current site in the 1960's and has been substantially altered. The Commission found demolition of the existing structure complies with the Handbook of Design Standards because it would not cause a reduction in its non-contributing rating. The Planning Commission reviewed this proposal at Preliminary Hearings on October 5, 2021 and February 15, 2022, and at a Final Hearing on May 17, 2022. The Commission approved the application at the May 17 meeting with a vote of 5-0, with Findings and Conditions of Approval.

Additional detail on the application is available in the Planning Commission's online packet here: <https://www.townofbreckenridge.com/home/showpublisheddocument/21541>.

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



Image 1 (above): Existing house as viewed from S. Ridge St. looking east.



Image 2 (above): Architect's rendering of proposed development, as viewed from S. Ridge St. looking northeast.

# Memo

To: Town Council  
From: Chapin LaChance, AICP – Planner III  
Date: May 18, 2022 for meeting of May 24, 2022  
Subject: Big Sky Condo Unit G (A) Conversion to Employee Housing - Class B Minor Development Permit Application: Planning Commission Approval Summary

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The applicant proposes to convert a 685 sq. ft. commercial office unit in the basement of the Big Sky Condo building located at 160 E. Adams Ave. to a 1-bedroom, 1-bath residential employee housing unit, and install an egress window for the bedroom. This application is subject to a Development Agreement approved by the Town Council on April 12, 2022 which exempted the application from negative points for excess density, and from the prohibition of the transfer of density into the Historic District. The Planning Commission reviewed and approved this proposal at a Combined Hearing on May 17, 2022 with a vote of 5-0, with Findings and Conditions of Approval.

Additional detail on the application is available in the Planning Commission's online packet here: <https://www.townofbreckenridge.com/home/showpublisheddocument/21541>.

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

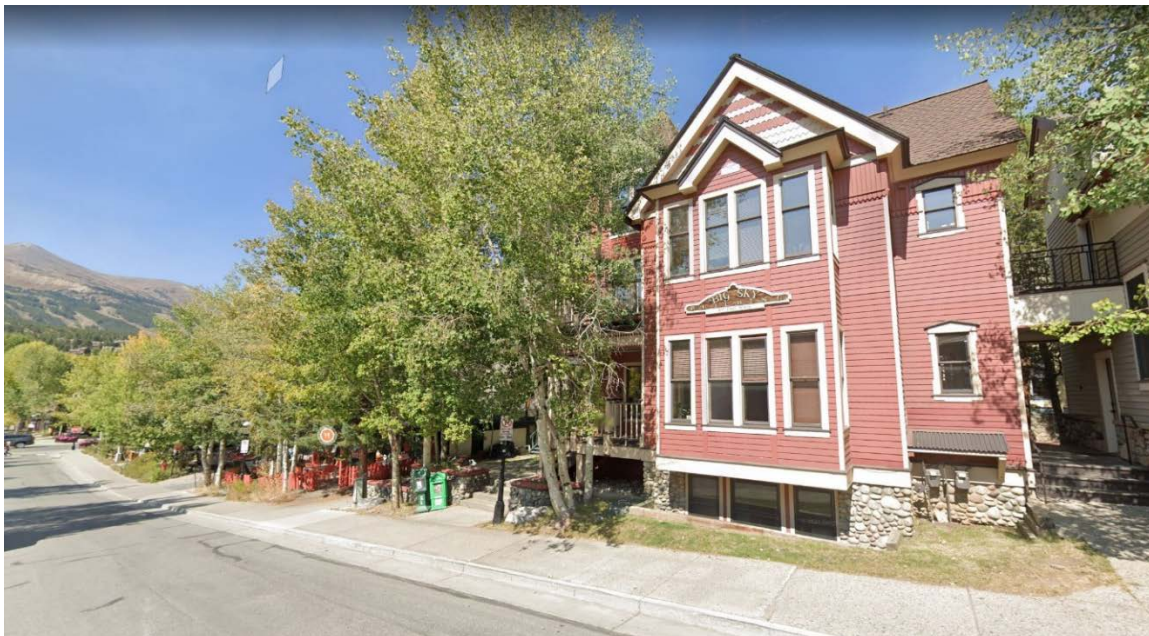
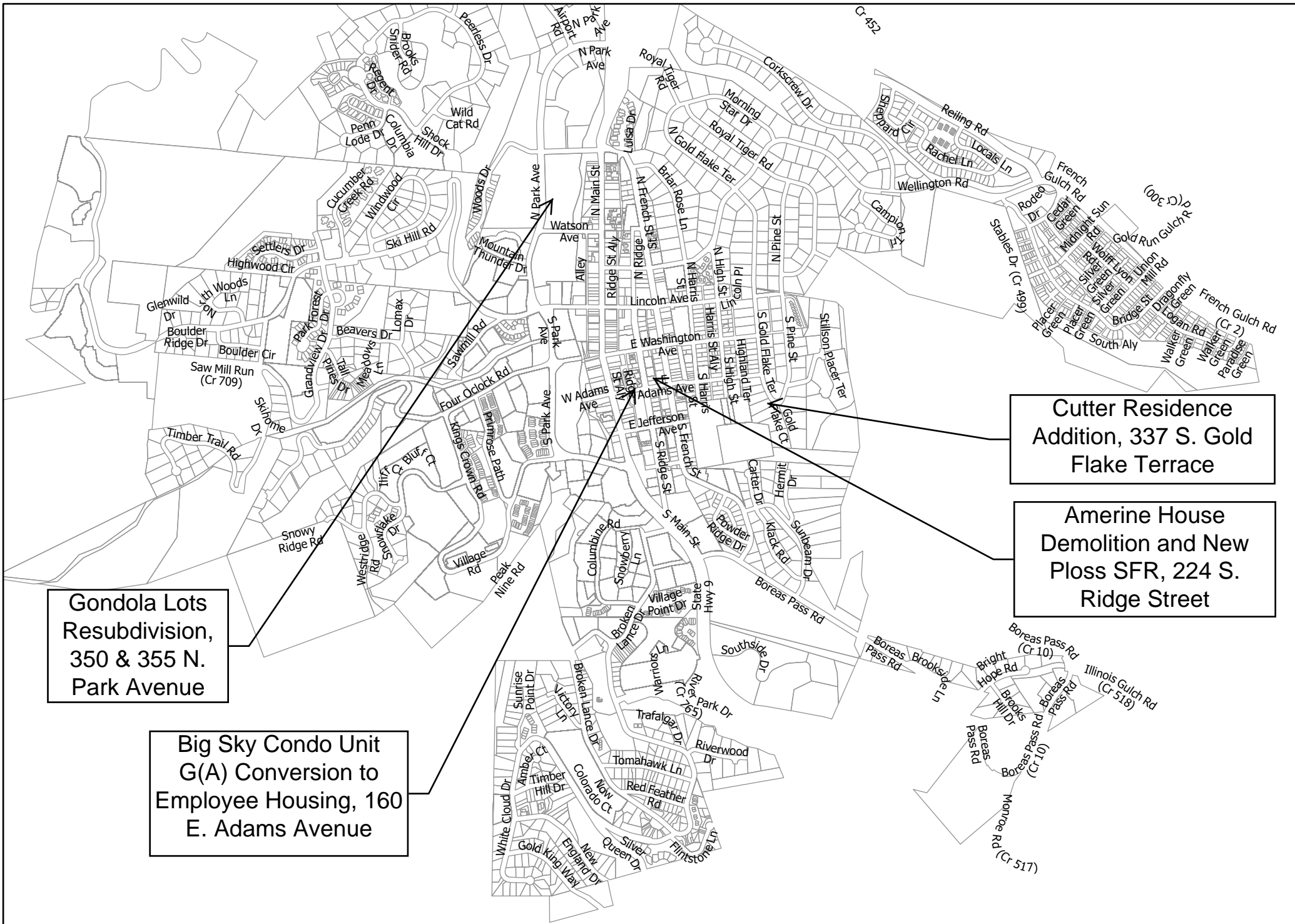


Image 1 (above): Big Sky Condo building as viewed from E. Adams Ave. looking northwest.



Gondola Lots  
Resubdivision,  
350 & 355 N.  
Park Avenue

Big Sky Condo Unit  
G(A) Conversion to  
Employee Housing, 160  
E. Adams Avenue

Cutter Residence  
Addition, 337 S. Gold  
Flake Terrace

Amerine House  
Demolition and New  
Ploss SFR, 224 S.  
Ridge Street

## PLANNING COMMISSION MEETING

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

### ROLL CALL

Mike Giller	Mark Leas	George Swintz	<b>-absent</b>	Ethan Guerra
Tanya Delahoz	Steve Gerard	Allen Frechter	<b>-absent</b>	

Ms. Delahoz welcomed new Commissioner, Ethan Guerra.  
Ms. Puester introduced new Planner I, Clif Cross.

### APPROVAL OF MINUTES

With the below change, the May 3, 2022 Planning Commission Minutes were approved.

On page 3, under *Answers to Staff Questions*, Mr. Gerard's comment should read "no concern about the dormer components."

### APPROVAL OF AGENDA

With no changes, the May 17, 2022 Planning Commission Agenda was approved.

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- None

### CONSENT CALENDAR:

1. Cutter Residence Addition (SS), 337 S. Gold Flake Terrace, PL-2022-0107

Mr. Gerard: On the site plan, there are some nice mature trees close to where the work will take place for the addition. Will these trees be removed during the project? (Ms. Szrek: No, those trees are not proposed to be removed.) Architects should also consider placing existing and proposed plans side-by-side in future drawings to ease in reading the architectural plans.

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

### FINAL HEARINGS:

1. Amerine House Demolition and New Ploss Single Family Residence (CL), 224 S. Ridge Street, PL-2021-0381

Mr. LaChance presented a proposal for demolition of the existing Amerine House and construction of a new two-story, 3,165 sq. ft. single-family residence with 4 bedrooms, 3.5 bathrooms, 1-car garage, 1-car carport, and 2 uncovered parking spaces.

Commissioner Guerra made a disclosure that the applicant, Suzanne Allen-Sabo, Architect, is his former spouse. He has no current financial ties to the applicant or project. He had no knowledge of the project before the packet. None of the other Commissioners expressed any concern over this disclosure.

### *Commissioner Questions / Comments for Staff:*

Mr. Giller:	No questions.
Mr. Gerard:	No questions.
Mr. Leas:	No questions.
Mr. Guerra:	No questions.
Ms. Delahoz:	No questions.

Mr. Cross, Planner I, Town of Breckenridge, gave a presentation of existing retaining walls within the Conservation District.

Andy Stabile, Applicant, Allen-Guerra Architecture: I want to thank the Commissioners who were able to visit the site in-person today. We were glad you could see the site constraints in person. We lowered the belly-board, simplified the bracketry, and noted the tree calipers on the plans. We originally believed the retaining wall would be supporting the carport; this is not how the Engineer designed the project. The retaining wall now serves more as a cosmetic buffer for the carport foundation wall and allows for plantings on multiple levels. It will not exceed 4 ft. tall now. If we did not include the retaining wall, more of the vertical corrugated metal from the carport would be visually apparent. We believe the retaining wall provides visual interest and is a good buffer for the carport wall from the neighboring property.

Mr. Leas: We made comments at the site visit about a mislabeled Aspen tree, which was actually a Cottonwood tree. (Mr. LaChance: We would suggest a condition of approval be added that would correct this misnomer and state that as the Cottonwood looks to be at the end of its life it is not necessary to preserve.)

*Commissioner Questions for the Applicant:*

Mr. Giller: No questions.

Mr. Gerard: How does the wall meet the window well on the north? (Mr. Stabile: The retaining wall ends just before the window well and is a maximum of four feet tall.) Were any interior historic materials found worth noting? (Mr. Stabile: No, not at this time. We will know further once demolition begins.)

Mr. Leas: No questions.

Mr. Guerra: No questions.

Ms. Delahoz: No questions.

*Commissioner Comments:*

Mr. Giller: I would like to thank the applicant for clarifying the difference between the structural retaining walls and the landscape walls. The changes since the last hearing have made a positive difference for this project.

Mr. Gerard: I agree with my colleague's comments on the retaining walls. Originally, we were concerned with the south side retaining wall and that issue has been resolved.

Mr. Leas: I think this is a great project that will contribute positively to the streetscape.

Mr. Guerra: No comments.

Ms. Delahoz: I am close to the project because I lived in the Amerine House along with many friends. I appreciate the design of the new house and taking the Commission feedback from previous hearings and incorporating it into the design. I am excited to see this addition to downtown.

Mr. Giller made a motion to approve the Amerine House Demolition and New Ploss SFR, seconded by Mr. Gerard. The motion passed 5 to 0.

**COMBINED HEARINGS:**

1. Gondola Lots Subdivision (CK), 350 & 355 N. Park Avenue, PL-2022-0118

Mr. Kulick presented a proposal to subdivide two (2) lots totaling 17.88 acres into the first and second filings of a subdivision that includes six (6) lots; one (1) lot for residential development, one (1) lot for mixed use development, one (1) private open space lot, one (1) public open space lot, one (1) lot that is under lease to the Town as a public transportation facility and one (1) lot that is anticipated as a public park/ plaza space and includes gondola and ticket facilities. The following specific questions were asked of the Commission:



1. Based on the majority of natural areas to be preserved and not slated for development, and the subdivision's consistency with the approved Master Plan, staff finds the proposal complies with section 9-2-4-2 of the Code. Does the Commission agree?
2. Based on the consistency with the approved master plan and past precedent for non-linear lots staff is supportive of the proposed configuration of this subdivision. Does the Commission concur?

*Commissioner Questions / Comments:*

- Mr. Gerard: You touched upon the dedication of the wetlands. How quickly can the dedication occur so that the Town can begin to manage the wetlands? (Mr. Kulick: That is likely a question for the applicant. I would expect dedication to occur soon after approval of their site-specific plans. Carving parcels for the subdivision is likely their priority so that they can close sale on the land.) Do you think you could live with a different approach to 9-2-4-5? I don't think that statute covers this plan; I am going to propose a different Finding 8. (Mr. Kulick: I think that covers the spirit of where we are trying to go. I would suggest stating that this subdivision is substantially in compliance but noting which section it is not in compliance with.) They are going to have to have some kind of easement which Vail will need to retain for the landing of the Gondola. How will that work? (Mr. Kulick: They will need an airway easement, public access to the gondola, easement on Lot 5 for the public park. At the site specific review there will be further review of easements to confirm additional easements needed for this project. Chris McGinnis, Town Engineer, will also need all drainage easements prior to them receiving site specific building permits.)
- Mr. Truckey: I have concerns about stating "this does not comply" in the findings. "Substantially complies" would be better wording.
- Mr. Leas: I was originally under the impression that all the wetlands would be dedicated. But now it seems the most southwestern portion of wetlands will be retained by Vail and some will not. (Mr. Kulick: This is largely consistent with what was depicted in the Master Plan and the acreage is the same as what was depicted in the Master Plan. The central wetland area is being protected.)
- Mr. Guerra: No questions.
- Mr. Giller: I have questions about the north east corner of the wetlands. Why was a linear street grid not proposed in the Master Plan? (Mr. Kulick: Some of the existing conditions disallowed a street grid. The previous Master Plan did not have a linear street grid either. Some items which were programmed as previously approved have been continued in this Master Plan. Some limitations on curb cuts and driveways onto Park Avenue contribute to this decision.) I was in Big Sky the past weekend and they have a street grid.
- Ms. Delahoz: On the same question, with our current Code, we want to have the linear lot lines and a street grid, yet many master plans veer away from these principles. At what point, as Planning Commission do we say we need to go back to that requirement? (Mr. Kulick: We also had those conversations with Alta Verde. When we started looking a bus circulation the street grid became less-linear.) Maybe this is something that we should discuss at a future worksession, whether we even want to have it in the code or not. No other questions for staff.

Graham Frank, Applicant, Breckenridge Grand Vacations: This project started with a linear approach to have the parking garage on the North Gold Rush lot with a bridge connecting to a grid. The desire to preserve the wetlands did change the plan away from a grid. We have already begun some of the wetland cleanup. There was trenching years ago around gondola towers which divert water. We decided to put the wetlands dedication toward the end of the process once more site specific considerations have been made.

- Mr. Leas: The wetlands are fed from Sawmill Creek or Lomax Gulch? (Mr. Frank: There is a culvert

that comes under Woods Drive.)  
Mr. Gerard: Who will be at the front of the Gondola assisting people who get on and off? (Mr. Frank: Vail Resorts employees.)

No public comments.

*Commissioner Comments:*

Mr. Gerard: 1. Yes 2. Yes. I intend to make a motion to approve this project with an amended Finding No. 8.  
Mr. Leas: 1. Yes. 2. Yes  
Mr. Guerra: 1. Yes. 2. Yes.  
Mr. Giller: 1. Yes. 2. Yes. I understand that this was decided long ago but the Breckenridge town grid is iconic; this project could have adhered with the grid.  
Ms. Delahoz: 1. Yes. 2. Yes. I would echo Mr. Giller's comments about the grid. We are veering away from Town Code. We talk often about setting precedent. Maybe we should step back and consider the Code. The Code is meant to be there and we are to uphold it. If we veer from it with every Master Plan, should we question the Code or hold ourselves more accountable to the Code? Something to think about.

Mr. Giller made a motion to approve the Gondola Lots Subdivision with the amended Finding No 8. "This subdivision is substantially in compliance with Section 9-2-4-5 of the Town Subdivision Code's requirement for lots to have plain geometric shapes and side lot lines to be at right angles, due to its consistency with the approved Master Plan, the existing mixed uses, planned development, and its design to protect environmentally sensitive areas, and is approved. This approval shall not constitute precedent for other proposed subdivisions which do not have the unique characteristics of the subdivision." as read into the record by Mr. Gerard, seconded by Mr. Leas. The motion passed 5 to 0.

2. Big Sky Condo Unit G(A) Conversion to Employee Housing (CL), 160 E. Adams Avenue, PL-2022-0151  
Mr. LaChance presented a proposal to convert the 685 sq. ft. commercial office unit to a 1 bedroom, 1 bathroom residential employee housing unit, and install an egress window for the bedroom. The application is subject to a Development Agreement approved by the Town Council on April 12, 2022.

*Commissioner Questions / Comments:*

Mr. Leas: No questions.  
Mr. Guerra: No questions.  
Mr. Giller: Does it matter what development agreement this application is part of? (Mr. LaChance: The development agreement for this project is included in the packet. The development agreement only pertains to this unit.)  
Mr. Gerard: No questions.  
Ms. Delahoz: No questions.

Marc Hogan, Applicant, BHH Architects: We appreciate the work that Mr. LaChance has completed on this project. I would encourage the Town Council and Planning Commission to streamline the process for converting units. It is beneficial to the Town for workers to live downtown where they can walk to work. Thank you very much.

*Commissioner Questions for the Applicant:*

Mr. Guerra: I appreciate this conversion and support adding new housing units.  
Mr. Gerard: I appreciate the side-by side comparison of the existing and proposed floor plans. The other half of the basement is already an employee housing unit, so there will be two employee housing units in the basement.

Mr. Leas: No questions.  
Mr. Giller: No questions.  
Ms. Delahoz: No questions.

No public comments.

Mr. Gerard made a motion to approve the Big Sky Condo Unit G(A) Conversion to Employee Housing, seconded by Mr. Guerra. The motion passed 5 to 0.

**WORK SESSIONS:**

1. Highlands Filings No. 1-5 Voluntary Wildfire Mitigation Work Session (CL), PL-2022-0072

Mr. LaChance presented a proposal to perform voluntary wildfire mitigation work in private open space owned by the Highlands at Breckenridge Property Owner's Association, in addition to removal of 1,555 trees on 58 individual lots throughout the Highlands at Breckenridge Subdivision, Filings No. 1 through 5. The following specific questions were asked of the Commission:

1. Does the Commission find the proposed reduction in buffering in the private open space or individual lots warrants negative points under Policy 7 (Relative) Site and Environmental Design?
2. Does the Commission find the proposal complies with Policy 48 (Absolute) Voluntary Defensible Space, considering the stated Policy intentions #5 and #6?
3. Does the Commission find the proposal complies with the requirements of 1994 Subdivision Permit and the current Subdivisions Standards?

*Commissioner Questions / Comments:*

Mr. Guerra: I have concerns about the buffering area between Highlands Drive and Highway 9 where the retaining wall will be exposed. I am questioning the need to cut that many trees in that area. I understand defensible space but looking at this I see Highlands Drive as a firebreak. On the north side, it seems excessive the number of trees, with the wetland break above it, I do not believe it is necessary to remove that number of trees. (Mr. LaChance: Some new fire science is telling us that embers are traveling in advance of the walls of the flame and igniting properties and homes after they have been prepared and defended by firefighters, meaning that the firebreak becomes less important and the home hardening becomes more important. This is just one consideration.)

Mr. Leas: No questions.

Mr. Gerard: We're really talking about the area along Highway 9 as one project and the homes as a separate project? (Mr. LaChance: This project came to us on one application.) The rest of my questions would be best for the applicant.

Mr. Giller: It appears that some lots remove a lot of trees and next door a lot with a similar number of trees don't propose a similar amount for removal. Is this voluntary? (Mr. LaChance: There are some lot owners that are choosing not to participate, some that have not responded to the Board President's request, and some that are doing their own mitigation separately with a separate individual application.) I have a project in Santa Monica Mountains rebuilding national park structures from fire damage. Science there is that fuel loading is a big part of the issue and another component is the openings in a home that would allow embers in and the home to ignite. (Mr. LaChance: Building hardening is not part of the Development Code.)

Ms. Delahoz: No questions for staff.

James Brook, Highlands POA Board President, Red, White, and Blue Board President: Property owners value forest, concerned wildfire will destroy it. Overcrowding and lack of species diversity weakening trees, disease and infestation. Thinning and limbing will enhance health. Previous projects by POA. No criticism. Hired forester and mapping specialist to prepare application. Held meetings. Contractor needs to start work mid-

June on individual lots. Buffering, value privacy but trade-off for wildfire risk. Tree removal is small fraction of forests. Will achieve more spacing. We will keep trees and shrubs originally required with subdivision approval along Highlands Dr. and to screen retaining wall.

- Ms. Delahoz: This is through a grant program? (Mr. Brook: It is a matching grant program with the County. The contract will be part of the grant and if approved we will be reimbursed fifty percent of the contract cost.)
- Mr. Gerard: Jim is correct, there is only two ways to exit the Highlands. I appreciate the difficulty of getting a group together to complete a project like this. What are you doing with the trees that are being removed? (Mr. Brook: They will be chipped and removed. Mr. Jake Fiala, Alpine Tree Services: All wood from this project will be chipped and repurposed as mulch and compost.)
- Ms. Delahoz: The stumps will stay on the individual lots? (Mr. Fiala: Yes, the stumps will stay, the contract does not include grinding the stumps. We will cut them as close to the ground as possible.)
- Mr. Gerard: It sounds like, based on the specifications, that alot of fuel materials will remain on the ground. (Mr. Brook: A lot of that will be removed and not left on ground as stated in the application. On the individual lots, it will all be removed.)
- Mr. Leas: I have no questions.
- Mr. Giller: Would you speak to fire resiliency and structure hardening in the neighborhood?

Captain Matt Benedict, Red White and Blue Fire District, Wildland Fire Division: We have a team of eight mitigators that speak to homeowners about fuel mitigation and structure hardening. We have approximately 30 defensible space projects waiting to go at this point in the year. Changing architecture can be a large part of the conversation but is expensive. Fuel removal is much less expensive and is a great place to start.

Mr. Brook: This is an emerging topic that is somewhat in conflict with the current Code. Staff has requested some clarification between buffering and fuels reduction. I am hoping that this project can inspire other neighborhoods.

- Mr. Truckey: I am wondering if the applicant would be amenable to bifurcating the process and separating the individual lots and the open space tracts. Staff is required to inspect the trees and the inspections will be very staff intensive. (Mr. Brook: Yes, we would be agreeable to that. The individual lot project is the most time-sensitive. We do not plan to do the work on the open space parcels along Highway 9 until the fall.)

Ashley Garrison, Forester, Colorado State Forest Service:

The State Forest Service administers Firewise USA. Homes must fulfill certain requirements to be a recognized Firewise Community. There are some insurance benefits to this designation. Highlands has been a Firewise Community since 2009. Every year they must complete a mitigation program and an hour of service toward fuels reduction for each home in the neighborhood. This community has been investing a substantial effort since 2009 in this voluntary program. There are a couple reasons why some properties are not participating in this program: some have already been treated, some were constructed with firewise in mind and have been built with the defensible space that is required at new construction. We need connected defensible spaces. This project is a huge push for infill for untreated properties. The Mountain Pine Beetle came through in 2006-2012. Killed 90% of mature trees. Some are still alive and are approaching the end of their life cycle. They also have dwarf mistletoe. All of the old trees in the Highlands has this. We want to reduce the largest impacts, and to make space for other trees that don't have this parasite. The forest treatment from last year on the two acres is going to be similar to this end result. That is what 40-60% of trees being removed looks like. There is a lot left. We apply Colorado State Forest Service best management practices to these projects so we take into consideration water, erosion, etc. It sounds like a lot of trees, but most people

won't notice. When you are on site, and leaving the best tree, it the best way for it survive.

Mr. Leas: My neighborhood doesn't have an HOA so I would be interested in getting a website for this to get my neighborhood involved. Can you give me this information?

Jake Fiala, Alpine Tree Services:

From a contractor's perspective, I have been here since high school. As you think through these projects, we have survived a few fires. Mesa Cortina, Ptarmigan, Peak 7. After those fires, my phone is off the hook. People get scared and want to clear-cut all of their trees. There are good resources. We need to encourage people to do it pre-emptively before they panic and want every tree out. People want to cut trees for fire, but people here think that the Town won't let them cut trees down so people don't even want to submit. When it is for the greater good, that mindset needs to change.

Captain Matt Benedict, Red White and Blue Fire District:

Fire behavior and cuts. I know there are screening issues, in the 28 years I have been here I have seen pockets overgrow. With lodgepole pines, ember spotting distances aren't miles, about 0.25 of a mile. There's a lot we can do to mitigate this. We have a little fire with northwest wind, and embers get put into 30 or so homes. We will protect the egress (life safety) but my fighters will be up in there. When we take a dense parcel and thin it, there isn't enough fuel to torch trees. Minimizing the ground fuel we minimize fire intensity and it isn't in the canopy and we don't need a helicopter. It keeps it on the ground and we don't need help. And the fighters don't need to go up the hill. We are incredibly supportive of this and the homes that are part of this grant. We have 200-300 homes that have participated. The more we get the better.

Dan Schroeder, CSU Extension Director for Summit County

This application has individual parcels which all need to meet defensible space guidelines. For the grants, the county has three different programs. These are cogs—small, medium, and large. Chipping program is the small cog, and the large cog is the USFS. The medium cog is this grant program. This program has been successful. The wildfire council will see this project week. This then goes to the County commissioners. Fuel reduction in the county, this looks like a good project. We look forward to your comments.

Mr. Gerard: 1. I would like to avoid negative points if possible. Under the community safety aspect we can reconcile that.  
2. Complies  
3. Complies. Any home that has a landscape requirement will have to replace required trees.

Mr. Leas: 1. No negative points.  
2. Complies  
3. Complies

Mr. Guerra: 1. No negative points but reserve the right to make that decision later for the site specific application.  
2. Complies  
3. Complies

Mr. Giller: 1. No negative points are warranted.  
2. Complies  
3. Complies

Ms. Delahoz: 1. No negative points are warranted.  
2. Complies.

3. Complies. I would like to see a site visit down below Highlands Drive from Highway 9. I would support splitting the project into two parts. Thank you Jim for bringing this project forward. There is a Highlands Facebook group page which would be a good way to bring this project to the attention of other neighbors if you feel it is appropriate.

**OTHER MATTERS:**

1. Town Council Summary by Mr. Truckey. Future Planning Commission field trip this fall being planned per Ms. Puester.

**ADJOURNMENT:**

The meeting was adjourned at 8:35 pm.

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Tanya Delahoz, Chair



**TOWN OF BRECKENRIDGE**  
**TOWN COUNCIL**

**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.*

**May 2022**

May 23rd, 2022	Rec Center	Open Space & Trails Open House	5:30pm - 7:00pm
May 25th, 2022	Main Street	High School Graduates Parade	3:30pm - 4:30pm
<b>Tuesday, May 24th, 2022</b>	<b>Council Chambers</b>	<b>Second Meeting of the Month</b>	<b>3:00 pm / 7:00 pm</b>

**June 2022**

June 4th, 2022	Riverwalk Center	Town Clean Up	9:00am - 2:00pm
<b>Tuesday, June 14th, 2022</b>	<b>Council Chambers</b>	<b>First Meeting of the Month</b>	<b>3:00 pm / 7:00 pm</b>
June 16th, 2022	Council Chambers	BTO Annual Meeting	8:30am - 10:00am
June 16th, 2022	Riverwalk	Town Party	4:00pm - 9:00pm
June 21st - 24th, 2022	Beaver Run	100th Annual CML Conference	All Day
June 22nd, 2022	Blue River Plaza	Bike to Work Day	7:30am - 10:30am
<b>Tuesday, June 28th, 2022</b>	<b>Council Chambers</b>	<b>Second Meeting of the Month</b>	<b>3:00 pm / 7:00 pm</b>

**Other Meetings**

May 23rd, 2022	Open Space & Trails Open House	5:30pm
May 25th, 2022	Transit Advisory Council Meeting	8:10am
May 24th, 2022	Board of County Commissioners Meeting	9:00am / 1:30pm
May 26th, 2022	Summit Stage Transit Board Meeting	8:15am
	Breckenridge Tourism Office Board Meeting	8:30am
	Northwest CO Council of Governments	10:00am
	RW&B Board Meeting	3:00pm
June 1st, 2022	Breckenridge Events Committee	9:00am
	Childcare Advisory Committee	3:00pm
June 7th, 2022	Board of County Commissioners Meeting	9:00am
	Planning Commission Meeting	5:30pm
June 8th, 2022	Breckenridge Heritage Alliance	Noon
June 9th, 2022	Upper Blue Sanitation District	5:30pm
June 14th, 2022	Board of County Commissioners Meeting	9:00am / 1:30pm
	Workforce Housing Committee	10:30am
June 16th, 2022	Transit Advisory Council Meeting	8:00am
	QQ - Quality and Quantity - Water District	1:15pm
June 17th, 2022	Breckenridge Creative Arts	1:00pm
June 20th, 2022	Social Equity Advisory Commission	9:00am



## 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.*

June 21st, 2022	Board of County Commissioners Meeting Liquor & Marijuana Licensing Authority Planning Commission Meeting	9:00am 9:00am 5:30pm
June 23rd, 2022	Summit Stage Transit Board Meeting Breckenridge Tourism Office Board Meeting RW&B Board Meeting	8:15am 8:30am 3:00pm
June 27th, 2022	Open Space & Trails Meeting	5:30pm
June 28th, 2022	Board of County Commissioners Meeting	9:00am / 1:30pm
July 5th, 2022	Board of County Commissioners Meeting Planning Commission Meeting	9:00am 5:30pm
July 6th, 2022	Police Advisory Committee Breckenridge Events Committee Childcare Advisory Committee	7:30am 9:00am 10:00am
July 12th, 2022	Board of County Commissioners Meeting Workforce Housing Committee	9:00am / 1:30pm 10:30am
July 13th, 2022	Breckenridge Heritage Alliance	Noon
July 14th, 2022	I-70 Coalition Upper Blue Sanitation District	1:00pm 5:30pm
July 18th, 2022	Social Equity Advisory Commission	9:00am
July 19th, 2022	Board of County Commissioners Meeting Liquor & Marijuana Licensing Authority Planning Commission Meeting	9:00am 9:00am 5:30pm
July 20th, 2022	Summit Combined Housing Authority Breckenridge Creative Arts	9:00am 2:00pm
July 28th, 2022	Breckenridge Creative Arts	1:00pm
TBD	Water Task Force Meeting Tourism Overlay District Advisory Committee Meeting	10:00am 10:30am