

COUNCIL BILL NO. 2

Series 2023

AN ORDINANCE CREATING LAND USE DISTRICT 46 AND PLACING 8.8 ACRES OF THE STILLSON PROPERTY IN THE NEW LAND USE DISTRICT 46. (A portion of TR 6-77 Sec 31 Qtr 4 Mining Claim(s) cont 38.868 acres STILLSON PATCH PLACER MYRTLE ANNIE LODE MS#1466, 8.8 acres, more or less)

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

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

1. By Ordinance No. 3, Series 1987, the Town Council adopted the Breckenridge Land Use Guidelines ("Land Use Guidelines").

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

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

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

5. The procedural requirements of Section 9-1-15-1 of the Breckenridge Town Code with respect to a proposed quasi-judicial amendment to the Land Use Guidelines have been fully satisfied. Without limiting the generality of the foregoing, the Town Council finds that a public hearing was held by the Town Council of the Town of Breckenridge on February 28, 2023 to consider the adoption of this ordinance. Notice of such hearing was published twice in the Summit County Journal, a newspaper of general circulation in the Town, the first publication occurring at least twelve (12) days prior to the hearing and the second occurring at least four (4) days prior to the hearing, all as required by Section 9 -1-15-1(B) of the Breckenridge Town Code. The Proof of Publication of such notice was admitted into evidence and made a part of the record in connection with the adoption of this ordinance. In addition to the newspaper notice, not less than twelve (12) days prior to the date of the public hearing the Director of the Department of Community Development mailed a copy of the text of the newspaper notice by first class mail to all owners of real property that would be affected by the adoption of this ordinance, also as required by Section 9 -1-15-1(C) of the Breckenridge Town Code. The Director's Certificate of Mailing was admitted into evidence and made a part of the record in connection with the adoption of this ordinance. All requirements for notice of a proposed quasi judicial amendment to the Land Use District Guidelines required by Section 9 -1-15-1(C) of the Breckenridge Town Code have been satisfied.

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

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

A TRACT OF LAND BEING PORTIONS OF THE STILLSON PATCH PLACER AND THE MYRTLE ANNIE LODE, U.S.M.S.1466, MINERAL DISTRICT NO. 3, LOCATED WITHIN SECTIONS 31 AND 32, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6TH PRINCIPAL MERIDIAN, SUMMIT COUNTY, COLORADO. PREVIOUSLY RECORDED UNDER RECEPTION NO.512362 IN THE OFFICE OF THE CLERK AND RECORDER FOR SUMMIT COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

1 BEGINNING AT A POINT ON THE 1-16 LINE OF SAID STILLSON PATCH PLACER,
2 ALSO BEING THE NORTHEAST CORNER OF THAT TRACT OF LAND RECORDED
3 IN THE OFFICE OF THE CLERK AND RECORDER FOR SUMMIT COUNTY UNDER
4 RECEPTION NO. 471836, THENCE, ALONG THE EASTERLY AND SOUTHERLY
5 BOUNDARY OF SAID TRACT AS RECORDED UNDER RECEP/ON NO. 471839
6 (ERROR 471836) THE FOLLOWING 2 COURSES: 1) SOUTH 14 DEGREES 57
7 MINUTES 19 SECONDS WEST A DISTANCE OF 773.43 FEET; 2) NORTH 74
8 DEGREES 18 MINUTES 53 SECONDS WEST, A DISTANCE OF 70.00 FEET TO
9 CORNER NO. 2 OF SAID STILLSON PATCH PLACER, ALSO BEING CORNER NO. 2
10 OF THE BLUE RIVER PLACER U.S.M.S. 816;

11
12 THENCE, CONTINUING NORTH 74 DEGREES 18 MINUTES 53 SECONDS
13 WEST, A DISTANCE OF 923.38 FEET TO CORNER NO. 3 OF SAID STILLSON
14 PATCH PLACER, ALSO BEING CORNER NO. 11 OF SAID BLUE RIVER
15 PLACER, THENCE SOUTH 13 DEGREES 42 MINUTES 16 SECONDS WEST,
16 A DISTANCE OF 205.46 FEET TO CORNER NO. 4 OF SAID STILLSON PATCH
17 PLACER, ALSO BEING CORNER NO. 10 OF SAID BLUE RIVER PLACER;
18 THENCE SOUTH 56 DEGREES 49 MINUTES 32 SECONDS EAST, A
19 DISTANCE OF 979.28 FEET TO CORNER NO. 5 OF SAID STILLSON PATCH
20 PLACER, ALSO BEING CORNER NO. 3 OF THE ADA PLACER, U.S.M.S. 1437;
21 THENCE SOUTH 75 DEGREES 47 MINUTES 01 SECONDS EAST, A
22 DISTANCE OF 1116.79 FEET TO CORNER NO. 6 OF STILLSON PATCH
23 PLACER, ALSO BEING CORNER NO. 4 OF SAID ADA PLACER; THENCE
24 SOUTH 48 DEGREES 10 MINUTES 55 SECONDS EAST, A DISTANCE OF
25 512.42 FEET TO A POINT ON THE 7-8 LINE OF SAID STILLSON PATCH
26 PLACER, ALSO BEING A POINT ON THE 5-6 LINE OF SAID ADA PLACER,
27 THENCE 18 DEGREES 28 MINUTES 01 SECONDS WEST, A DISTANCE
28 1528.34 FEET TO CORNER NO. 16 OF SAID STILLSON PATCH PLACER,
29 ALSO BEING CORNER NO. 2 OF THE FRENCH GULCH PLACER, U.S.M.S.
30 2589; THENCE, ALONG THE 16-1 LINE OF SAID STILLSON PATCH PLACER,
31 NORTH 74 DEGREES 21 MINUTES 21 SECONDS WEST A DISTANCE OF
32 758.82 FEET TO THE POINT OF BEGINNING, TOGETHER WITH EASEMENT
33 FOR INGRESS AND EGRESS AS SET FORTH IN INSTRUMENT RECORDED
34 MARCH 6, 1973, UNDER RECEPTIONS NO. 13224 OF THE RECORDS OF
35 THE CLERK AND RECORDER SUMMIT COUNTY COLORADO.

36
37 CONTAINING 8.8 ACRES, MORE OR LESS.

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39 is changed from Land Use District 1 and 15 to Land Use District 46. The Town staff is directed
40 to change the Town's Land Use District Map to indicate that the above described property has
41 been placed within Land Use District 46.

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

45
46 Section 4. Police Power Finding. The Town Council hereby finds, determines, and
47 declares that this ordinance is necessary and proper to provide for the safety, preserve the
48 health, promote the prosperity, and improve the order, comfort and convenience of the Town of
49 Breckenridge and the inhabitants thereof.

50
51 Section 5. Authority. The Town Council hereby finds, determines, and declares that it
52 has the power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control
53 Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning
54 municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers);
55 (iv) Section 31-15-401, C.R.S. (concerning municipal police powers); (v) the authority granted to
56 home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers
57 contained in the Breckenridge Town Charter.

58
59 Section 6. Effective Date. This ordinance shall be published and become effective as
60 provided by Section 5.9 of the Breckenridge Town Charter.

61
62 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
63 PUBLISHED IN FULL this 24 day of January 2023. A Public Hearing shall be held at the
64 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 28 day of
65 February, 2023, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
66 Town.

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TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____/s/_____
Eric S. Mamula, Mayor

ATTEST:

_____/s/_____
Helen Cospolich, CMC,
Town Clerk

BRECKENRIDGE LAND USE GUIDELINES

DISTRICT #46

Desired Character and Function

District 46 is located west of the Lincoln Park at the Wellington Neighborhood Subdivision and along the west side of Stables Drive. Historically, the property was dredge mined and left as rock piles. The present physical characteristic of the area is barren land that was previously used as an equestrian center and for various governmental storage purposes.

The district will be used for workforce housing and allow medium density residential to accommodate either single family, duplex, or townhome developments.

Acceptable Land Uses and Intensities

Land Use Type:	Workforce housing, recreation and open space
Intensity of Use:	8 UPA for deed restricted development
Structural Type:	Single family, duplex, townhomes

General Design Criteria

Architectural Treatment

Architectural design that includes contemporary designs are preferred to facilitate the use of solar panels and other renewable energy sources. Design characteristics should be those that are used to achieve net zero energy goals of the Town.

Building Heights

Structures in excess of 35 feet above grade are prohibited. Building heights will be determined through the development review process of the Town.

Building Setbacks

Relative policies within the Development Code should be used to provide general guidelines, however specific setbacks, lot sizes, and block designs should be developed within a site-specific master plan that recognizes the unique characteristics necessary to create an affordable and livable neighborhood and encourages creativity and flexibility.

Pedestrian Circulation

Sidewalks should be installed along Stables Drive and connect to nearby sidewalks of Bridge Street and neighboring subdivisions. Facilitating pedestrian connections is critical to creating a sense of community and place. Internal pedestrian circulations systems should

connect to the existing Wellington Trail and the Wellington Bike Park, which in turn provide connections to the backcountry and downtown.

Vehicular Circulation

This District will have two accesses off Stables Drive and circulate as a half circle with a central alley. The traffic on these roads must be managed in order to ensure safe and efficient movement of traffic to and from this area and traffic calming methods should be implemented as necessary to maintain slow speeds in this residential neighborhood.

Limited Public Transit stops along Wellington Road and French Gulch Road are provided adjacent to the District, which are located in combination with pedestrian and bicycle paths, and/or located at neighborhood focal points.

District Improvements

Utility Improvements

Water Facilities: Distribution lines exist within this District, and were developed as a component of development of the first phase of Wellington Neighborhood. Water supply and treatment capabilities can support the full development of this District. Depending upon the final design of the water distribution system some houses may be required to provide sprinkler systems for fire protection.

Sanitation Facilities: Collection lines exist within the District, and were developed as a component of the Lincoln Park and Wellington Neighborhoods. Adequate treatment capacity exists to accommodate full District development.

Natural Gas, Electricity, Telecommunication, Cable Television, Fiber Optic: Distribution lines for these utilities exist within the district. Utilities are adequate to serve the District at its full development. Installation of any new distribution lines must be underground and meet specifications of individual utility companies. Appropriate easements shall be provided for all new lines. An overhead transmission line exists behind the District, and its location and impacts should be taken into consideration when developing any Site Specific Master Plans.

Capital Improvements

In the event that a traffic study recommends improvements to the transportation system, such improvements should be undertaken over a period of time as the District is developed and installed prior to the impacts occurring that necessitated their installation. To the extent possible, and consistent with maintaining the affordability of the housing within the District, developers of this District should be encouraged to participate in the costs of improving the transportation systems, based on the roughly proportional impacts created by the development.

Drainage Improvements

Given the District's acceptable uses and intensities, a surface drainage plan should be prepared prior to any future development. Potential effects on adjacent properties and Districts should be specifically reviewed.

Relationships to Other Districts

Portions of this District directly abut Land Use District 1 and 15. Given the existing and future uses of this District, compatibility conflicts should not occur as the use of District 46 for residential uses should not create any negative impacts. The District is compatible with the residential uses within adjacent Land Use District 16, which encompasses the Lincoln Park and Wellington Neighborhoods. The District is topographically lower and does not interfere with the hillside backdrop and the recreational uses associated with LUD 1.

Land Exchange Policy

No land under Federal jurisdiction was identified within this District.

Annexation Suitability




All property within this District is located within the Town of Breckenridge.



**Proposed LUD 46
8.8 Acres**

Stillson Patch Placer

Proposed Land Use District 46 Boundary

-  Current LUDs
-  Proposed LUD 46
-  Parcels

