

COUNCIL BILL NO. 20

Series 2024

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH CRAIG CAMPBELL.

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

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

A. Owner is the owner of a condominium unit located at 217 S Ridge St., Copper Baron Condominiums Unit 2, according to the Plat thereof recorded January 20, 1992 at Reception No. 416201, Summit County, Colorado ("Property").

B. Owner intends to submit a Development Permit application to the Town proposing to change the approved use of the Property from commercial office use to residential condominium use.

C. The Town's Community Development Department has determined the proposed change of use would increase the density of the Property by 0.86 SFEs in excess of what is recommended by the Land Use District Guidelines. The excess density warrants negative points under Breckenridge Town Code section 9-1-19-3R and necessitates a transfer of density to the Property. The Property is located within the Town's Historic District. Section 9-1-17-12:A of the Breckenridge Town Code prohibits the transfer of density to the Historic District.

D. Owner has requested Town approval for exemptions from Breckenridge Town Code Section 9-1-19-3R regarding excess density and Section 9-1-17-12 regarding transfer of density into the Historic District. Owner has requested that the Town thereafter transfer density to the Property.

E. The Town finds no new square footage is proposed to be constructed in the Historic District to accomplish the change of use.

F. Section 9-9-5 of the Breckenridge Town Code states the Town Council has the authority to enter into a Development Agreement. Further, there is no process in the Town's Development Code for approval of a transfer of density to the Historic District. Per Section 9-1-17-12: A of the Breckenridge Town Code, a transfer of density from one lot or parcel within the Town to another lot or parcel within the Town may be approved by the Town Council only in connection with the approval of a Development Agreement and, therefore, a Development Agreement provides a means for such an approval and transfer.

G. As the commitment encouraged to be made in connection with an application for a development agreement in accordance with Section 9-9-4 of the Breckenridge Town Code, Owner has proposed recording a Restrictive Covenant and Agreement on the Property restricting the unit for employee housing and prohibiting short term rental in the form and substance attached hereto as **Exhibit A**.

1 H. The Town has received a completed application and all required submittals for a
2 Development Agreement, had a preliminary discussion of the application and the term of this
3 proposed Development Agreement, and determined that it should commence proceedings for the
4 approval of this Development Agreement. In accordance with the procedures set forth in
5 Subsection 9-9-10:C of the Breckenridge Town Code, Town Council has approved this
6 Agreement by non-emergency ordinance.
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8 **Section 2. Approval of Development Agreement.** The Development Agreement
9 between the Town and Craig Campbell is attached to this Ordinance as **Exhibit 1**, Development
10 Agreement with attachments A- Restrictive Covenant and Agreement and B – Density Sunset
11 Covenant, is approved, and the Town Manager is authorized, empowered, and directed to
12 execute such agreement for and on behalf of the Town of Breckenridge.
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14 **Section 3. Notice of Approval.** The Development Agreement shall contain a notice in
15 the form provided in Section 9-9-13 of the Breckenridge Town Code. In addition, a notice in
16 compliance with the requirements of Section 9-9-13 of the Breckenridge Town Code shall be
17 published by the Town Clerk one time in a newspaper of general circulation in the Town within
18 fourteen days after the adoption of this ordinance. Such notice shall satisfy the requirement of
19 Section 24-68-103, C.R.S.
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21 **Section 4. Police Power Finding.** The Town Council finds, determines, and declares
22 that this ordinance is necessary and proper to provide for the safety, preserve the health,
23 promote the prosperity, and improve the order, comfort, and convenience of the Town of
24 Breckenridge and the inhabitants thereof.
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26 **Section 5. Authority.** The Town Council finds, determines, and declares that it has the
27 power to adopt this ordinance pursuant to the authority granted to home rule municipalities by
28 Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town
29 Charter.
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31 **Section 6. Effective Date.** This ordinance shall be published and become effective as
32 provided by Section 5.9 of the Breckenridge Town Charter.
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34 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
35 PUBLISHED IN FULL this 27th day of August, 2024. A Public Hearing shall be held at the regular
36 meeting of the Town Council of the Town of Breckenridge, Colorado on the 10th day of Seotember__,
37 2024, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the Town.
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TOWN OF BRECKENRIDGE

Helen Cospolich, CMC, Town Clerk

Kelly Owens, Mayor

APPROVED IN FORM

Town Attorney