



BRECKENRIDGE TOWN COUNCIL REGULAR MEETING

Tuesday, April 10, 2012; 7:30 PM
Town Hall Auditorium

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*Report of the Town Manager, Report of Mayor and Council Members; Scheduled Meetings and Other Matters are topics listed on the 7:30 pm Town Council Agenda. If time permits at the afternoon work session, the Mayor and Council may discuss these items. The Town Council may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item.



BRECKENRIDGE TOWN COUNCIL REGULAR MEETING

Tuesday, March 27, 2012; 7:30 PM
Town Hall Auditorium

CALL TO ORDER, ROLL CALL

Mayor Warner called the March 27, 2012 Town Council Meeting to order at 7:30 p.m. The following members answered roll call: Mr. Dudick, Ms. McAtamney, Mr. Bergeron, Mr. Joyce, Mr. Mamula, Mr. Burke, and Mayor Warner.

APPROVAL OF MINUTES - MARCH 13, 2012

Mr. Dudick corrected wording regarding money donated to the library and improving the building on Harris Street. Mr. Dudick also corrected the town council member vote regarding use of the Harris Street building to say that while all members were agreeable to the idea of the library, Mr. Joyce and Mayor Warner would prefer it to be used as Town Hall. Mr. Mamula had one correction to his comments – stating that it was the sign for the boot fitter next to the French bakery that doesn't meet town code – not the sign for the French bakery.

APPROVAL OF AGENDA

Town Manager Tim Gagen had no changes to the agenda. Mayor Warner thanked Mr. Bergeron and Mr. Mamula for their service to the town council. Mayor Warner also acknowledged Assistant Town Manager Kate Boniface for her 30 years of service to the Town of Breckenridge.

COMMUNICATIONS TO COUNCIL

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

Chris Renner of the Peak School came before the council to share his thoughts from the last council meeting and he apologized for his comments. He encouraged the council to pursue big picture thinking regarding the ongoing discussion of the old Colorado Mountain College building on Harris Street. It was clear that at the last meeting there were several issues and that common space and a public library were brought up as possible uses for the building. Mr. Renner wanted to clarify his comments. He feels that the library is a great idea and a huge benefit to the community. He also mentioned that he isn't sure that the Harris Street building is the best option for the future Peak School, but feels it is a wonderful place to start the school and is thankful for the opportunity. He also recognized that he can't have a quick decision about being approved to stay in the building.

CONTINUED BUSINESS

A. SECOND READING OF COUNCILS BILLS, SERIES 2012 - PUBLIC HEARINGS

1. COUNCIL BILL NO. 10, SERIES 2012 - AN ORDINANCE AMENDING CHAPTER 5 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE BY ADOPTING BY REFERENCE "THE HANDBOOK FOR DESIGN STANDARDS FOR THE TRANSITION CHARACTER AREAS OF THE CONSERVATION DISTRICT, BRECKENRIDGE, COLORADO, MARCH 2012"; AND MAKING CONFORMING AMENDMENTS TO THE BRECKENRIDGE TOWN CODE

Senior Planner Chris Neubecker explained that staff has been working on this document for quite a while. It was never adopted due to complications determining proper boundary lines. Staff has now addressed those issues, held a public open house, mailed letters to residents, and made several other updates. They are happy to be at this point and he thanked town council and the planning commission for their assistance. Major changes in the current document include the boundary to the riverpark corridor, the Tiger Dredge parking lot and the Riverwalk Center. Work still needs to be done around the Breckenridge Elementary School. Staff will go through another public process when the time comes

for review of the Breckenridge Elementary School. Staff recommends approval of this ordinance.

Mayor Warner opened the public hearing. There were no comments and the public hearing was closed. Mr. Mamula moved to approve Council Bill No. 10, Series 2012. Mr. Bergeron seconded the motion. The motion passed 7-0.

2. COUNCIL BILL NO.11, SERIES 2012 - AN ORDINANCE AMENDING CHAPTER 14 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE TOWN OF BRECKENRIDGE MEDICAL MARIJUANA LICENSES AND REGULATIONS

Town Attorney Tim Berry explained that this ordinance would update the Town of Breckenridge medical marijuana licensing ordinance by changing the application fee structure to use the terminology that the State's medical marijuana code uses. It would also update town fees to reflect the fee schedule adopted by the State. Additionally, it will provide for administrative service fees, which were not provided for in the previous ordinance. It includes fees for local processing, change of ownership, corporate structure, change of location, and any modifications. There were no changes from the first reading.

Mayor Warner opened the public hearing. There were no comments and the public hearing was closed. Mr. Bergeron moved to approve Council Bill No. 11, Series 2012. Mr. Mamula seconded the motion.

Mayor Warner asked for discussion from the council. Mr. Dudick moved to amend Council Bill No. 11 by the addition of a new Section Two that amends Subsections 4-14-20(C)(1) and (C)(2) of the Breckenridge Town Code to provide that no medical marijuana center, optional premises cultivation operation, or medical marijuana-infused products manufacturing facility shall be located within: (i) one thousand feet (1,000') feet of a licensed child care facility or a residential child care facility, (ii) one thousand feet (1,000') of a school, an alcohol or drug treatment facility, or (iii) five hundred feet (500') of the principal campus of a college, university, or seminary. Mr. Mamula seconded the motion to amend. Mr. Berry clarified State regulations and assured council that Mr. Dudick's motion was well within the State law.

Mayor Warner invited comments from the public regarding Mr. Dudick's motion to amend. There were no comments from the public. A roll call vote was taken with all members in favor of the amended motion.

A roll call vote was taken to approve the final amended version of the ordinance with all members in favor.

3. COUNCIL BILL NO. 12, SERIES 2012 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", BY ADOPTING A NEW POLICY 49 (ABSOLUTE), ENTITLED "VENDOR CARTS", AND MAKING MISCELLANEOUS AMENDMENTS TO THE BRECKENRIDGE TOWN CODE RELATED TO SUCH NEW DEVELOPMENT POLICY

Mr. Neubecker explained that the current policy isn't working very well for the town and staff has had a lot of discussion involving this subject matter. This ordinance creates a new policy, with the major change being the option to exempt those in business for 25 consecutive years. Revisions were made after the work session on page 2, line 9 through 14 and page 10, line 10 through 14. This version does not include any changes to the density issue. Mr. Neubecker requested that council refer to the version corrected during work session when voting for this ordinance.

Mayor Warner opened the public hearing.

Alex LaMarca, owner of Crepes a la Cart thanked the council for the exemption from the ordinance. Brooke Comai, owner of Climax Jerky apologized that she didn't thank town council at the last meeting. She recognized that operating a vendor cart is a business choice for certain people, reminding council that it provides an income for 15 of her employees. Carla Orlandi, owner of Wyatt's Food Cart felt upset about the decision from council since her business came in after this ordinance. She had worked very hard through all of the details and felt it was unfair that her business has to be shut-down. Ms. Orlandi thanked Mr. Neubecker for his assistance and stated that he has been a great facilitator during the whole process. Mayor Warner clarified the situation, stating that she shouldn't feel that the restaurant industry required this conclusion. He further stated that it involves a density issue and reminded Ms. Orlandi

that she has the option to move within a year and a half to a new location. Mr. Bergeron stated that this decision was one of the most painful processes in his term on council. He further stated that council isn't out to get people and that looking to the future is difficult. He was deeply apologetic about the situation.

With no further comments, the public hearing was closed. Mr. Dudick moved to approve Council Bill No. 12, Series 2012 in the form that was provided after the work session. Mr. Mamula seconded the motion. The motion passed 7-0.

NEW BUSINESS

- A. FIRST READING OF COUNCIL BILLS, SERIES 2012
 - 1. None
- B. RESOLUTIONS, SERIES 2012
 - 1. A RESOLUTION AMENDING RESOLUTION NO. 8, SERIES 2008, CONCERNING THE TERMS OF OFFICE OF THE MEMBERS OF THE TOWN OF BRECKENRIDGE PUBLIC ARTS COMMISSION

Jennifer Cram of the Community Development explained that this resolution would approve the terms of office for the Public Arts Commission. Three terms would expire in December of 2013, and four terms would expire in 2014. This will facilitate for easier recruitment.

Mr. Mamula moved to approve A Resolution Amending Resolution No. 8, Series 2008, Concerning The Terms Of Office Of The Members Of The Town Of Breckenridge Public Arts Commission. Mr. Bergeron seconded the motion. The motion passed 7-0.

- 2. A RESOLUTION APPROVING THE AMENDED "TOWN OF BRECKENRIDGE 'FREE RIDE' DISADVANTAGED BUSINESS ENTERPRISE PLAN"

Mr. Gagen explained that one of the federal requirements of the town to receive federal funds is to have a Disadvantaged Business Enterprise Plan. This plan is an update to a previous plan based on changes to federal requirements. Staff recommends approval by the council.

Mr. Mamula moved to approve A Resolution Approving The Amended "Town Of Breckenridge 'Free Ride' Disadvantaged Business Enterprise Plan". Mr. Bergeron seconded the motion. The motion passed 7-0.

- C. OTHER
 - 1. None

PLANNING MATTERS

- A. PLANNING COMMISSION DECISIONS OF MARCH 6, 2012

There were no requests for call up. Mayor Warner declared the Planning Commission decisions were approved as presented.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen thanked Mr. Mamula and Mr. Bergeron for their service to the town.

REPORT OF MAYOR AND COUNCILMEMBERS *(these reports occurred during the work session)*

- A. CAST/MMC (MAYOR WARNER)
- B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MR. DUDICK)
- C. BRC (MR. BURKE)
- D. MARKETING COMMITTEE (MR. DUDICK)
- E. SUMMIT COMBINED HOUSING AUTHORITY (MR. JOYCE)
- F. BRECKENRIDGE HERITAGE ALLIANCE (MR. BURKE)
- G. WATER TASK FORCE (MR. MAMULA)

OTHER MATTERS

Mr. Dudick wanted to discuss where the Dew Tour funds would come from, stating that council probably won't know until December but wanted to get any thoughts. Mr. Gagen clarified the two choices of the marketing fund or the excise account. The council had a lengthy discussion and concluded that the excise fund would be a good option assuming this fund performs as it is expected to.

Mr. Bergeron agreed with Mr. Mamula's concerns regarding the Rodeo event.

Mr. Mamula communicated his appreciation for his time on town council. He encouraged the council not to forget the important water pump-back issue. Mr. Bergeron stated that he has immense respect for all of the members on town council.

SCHEDULED MEETINGS

There were none.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 8:35 p.m. Submitted by Jena Taylor, Administrative Specialist.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor

EXECUTIVE SESSION CERTIFICATE

Town of Breckenridge)
County of Summit)
State of Colorado)

John Warner, the duly elected, qualified and acting Mayor of the Town of Breckenridge, hereby certifies as follows:

As part of the Town Council work session on Tuesday, March 27, 2012 at 6:14 pm, Mr. Mamula moved to convene in executive session pursuant to Paragraph 4(a) of Section 24-6-402, C.R.S., relating to the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; and Paragraph 4(e) of Section 24-6-402, C.R.S., relating to determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations; and instructing negotiators. Mr. Bergeron made the second.

The Mayor then restated the motion. The Mayor further stated the subject matter of the executive session involves negotiations with the Claimjumper Condominiums Association, Inc. related to the possible annexation of the Claimjumper Condominiums to the Town, and negotiations related to the Town’s property at 103 S Harris Street. The property that is the subject of the executive session is land north of town that the Town Council may have an interest in purchasing.

A roll call vote was taken and all were in favor of the motion.

Mr. Bergeron moved to adjourn the executive session at 6:53 pm. Mr. Mamula made the second. All were in favor of the motion.

This certificate shall be included after the minutes of the regular Town Council meeting of Tuesday, March 27, 2012.

John Warner, Mayor

2725 Bald Mountain Rd.
Vail, CO 81657
February 20, 2012

Mayor Warner and Members of the Breckenridge Town Council
Town of Breckenridge
150 Ski Hill Road
P.O. Box 168
Breckenridge, CO 80424

RE: Municipal Judge

Honorable Mayor Warner and Council Members:

I would like to express my strong desire to continue as Municipal Judge for the Town of Breckenridge. I thoroughly enjoy working for the town and I look forward to continuing as Judge for years to come. I appreciate the first class staff of Breckenridge and I value our working relationship.

I would be happy to answer any questions you may have. My office phone is 479-2131 and my home phone is 476-4029. Thank you for your consideration.

Yours truly,



Buck Allen

2012 Council Appointments

Breckenridge Resort Chamber (BRC)

Breckenridge Heritage Alliance (BHA)

Breckenridge Marketing Advisory Committee (BMAC)

Breckenridge Open Space Advisory Commission (BOSAC)

Planning Commission

Housing & Child Care

Grants & Scholarships

Summit Combined Housing Authority (SCHA)

Water Task force

Sustainability Committee

Landfill Task Force

Mayor Pro Tem

Ski Area Discussion Committee

MEMORANDUM

To: Town Council

From: Peter Grosshuesch

Date: April 4, 2012

Re: Town Council Consent Calendar from the Planning Commission Decisions of the April 3, 2012, Meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF April 3, 2012:

CLASS C APPLICATIONS:

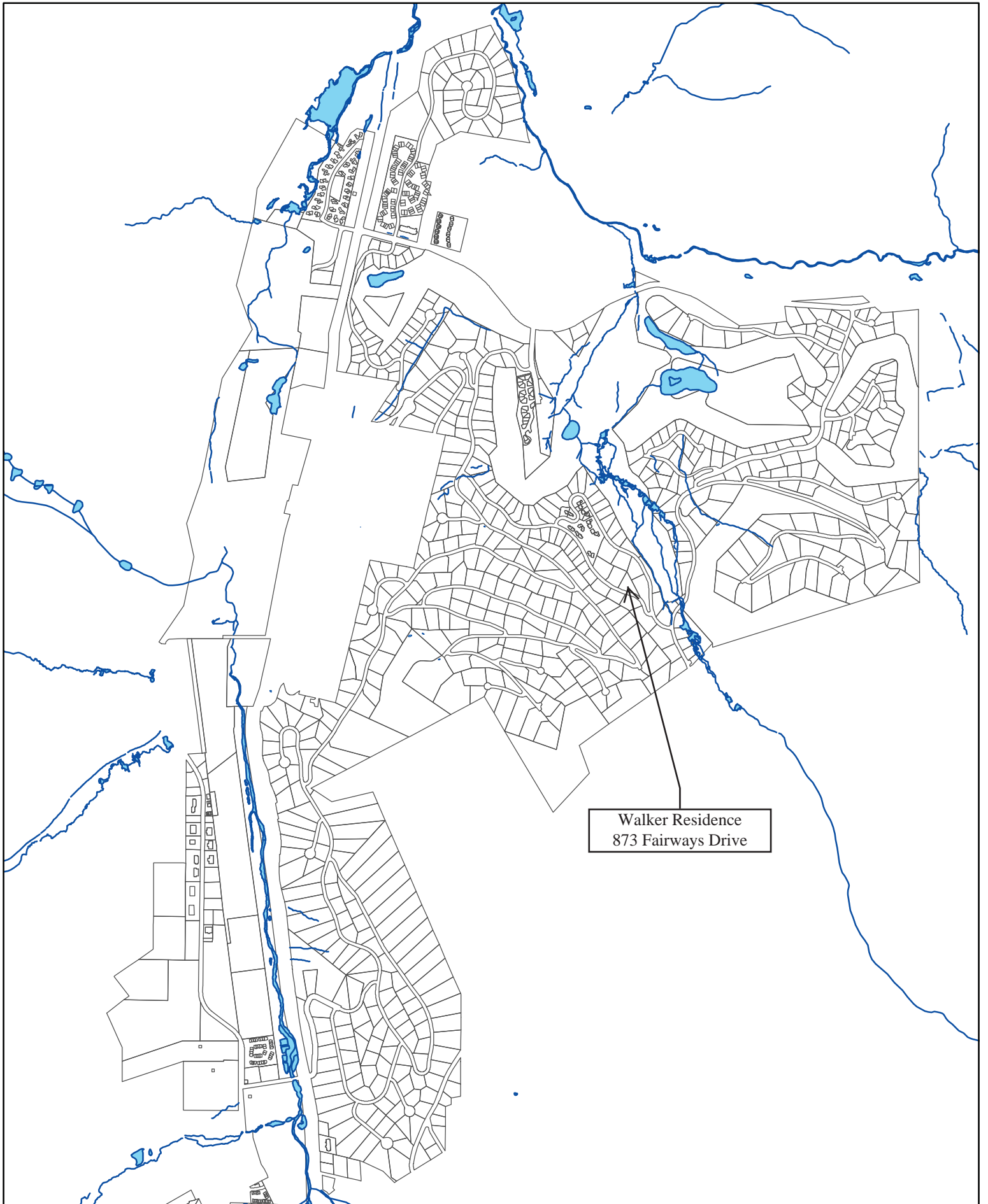
1. Stowell Residence (MGT) PC#2012017, 114 North Ridge Street
Construct a new, single family residence with 4 bedrooms, 5 bathrooms, a studio / one bathroom accessory apartment, 8,168 sq. ft. of density and 5,113 sq. ft. of mass for a F.A.R. of 1:1.61. Approved.
2. Walker Residence (MGT) PC#2012018, 873 Fairways Drive
Construct a new, single family residence with 3 bedrooms, 2.5 bathrooms, 2,367 sq. ft. of density and 2,987 sq. ft. of mass for a F.A.R. of 1:15.30. Approved.

CLASS B APPLICATIONS:

1. Valette Residence (MGT) PC#2012010, 301 South French Street
Construct a new, single family residence with 4 bedrooms, 3 bathrooms, a 1 bedroom / 1 bathroom employee housing unit, 1,936 sq. ft. of density and 1,510 sq. ft. of mass for a F.A.R. of 1:1.42. Approved.

CLASS A APPLICATIONS:

1. Breckenridge Nordic Center Lodge (MGT) PC#2011050, 954 Ski Hill Rd
Construct a new Nordic Center Lodge with 9,979 sq. ft. of density, 6,184 sq. ft. of mass and two employee housing units for a F.A.R. of 1:7.70, a detached, 668 sq. ft. ski school building, and a 53 space parking lot with 3 ADA compliant spaces. Approved.
2. Wellington Neighborhood 2, Filing 5 (MM) PC#2012019
A re-subdivision of a portion of Lot 3, Block 6, Wellington Neighborhood Preliminary Plat to create 12 single family lots. Approved.



Walker Residence
873 Fairways Drive

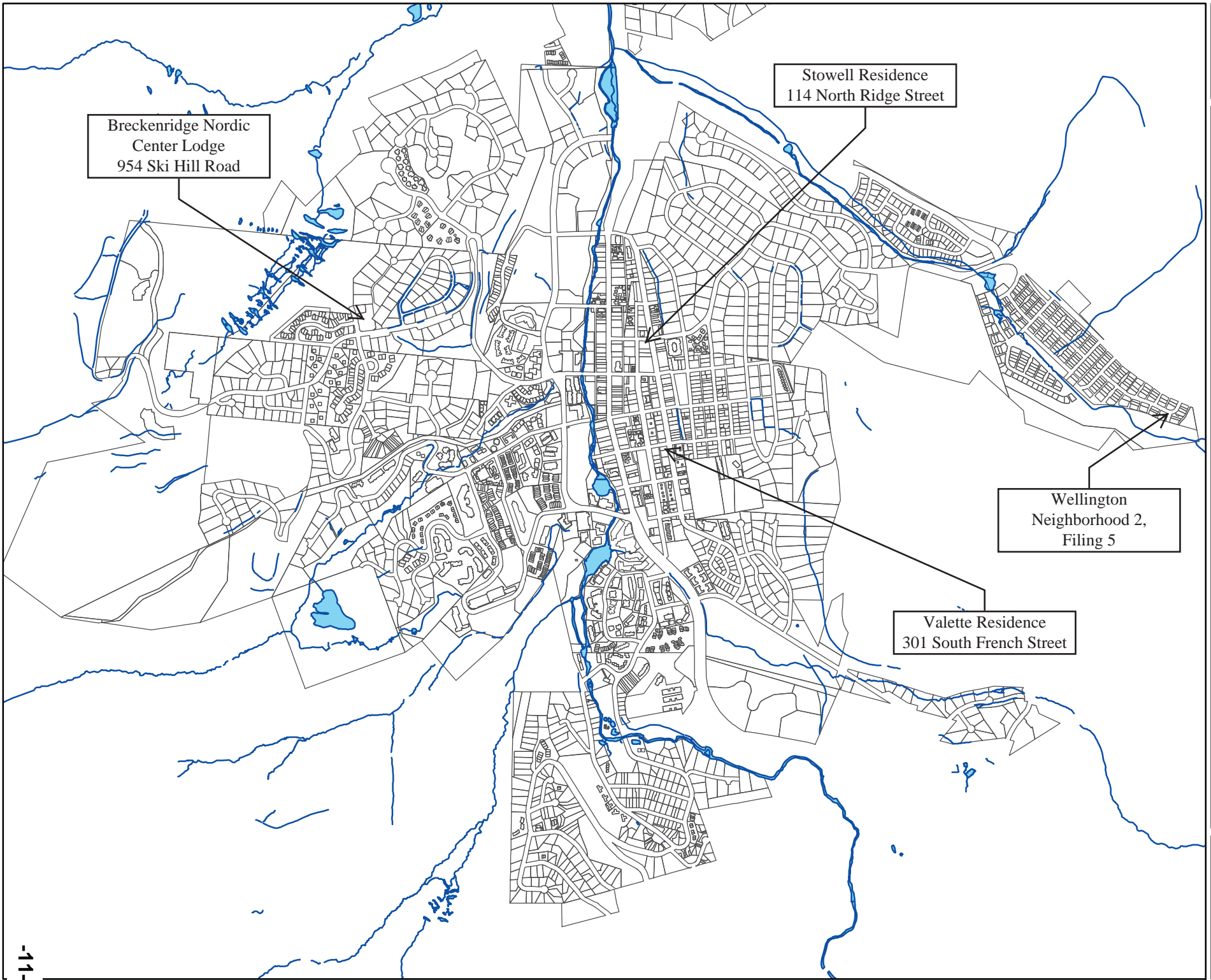


Breckenridge North

Town of Breckenridge and Summit County governments assume no responsibility for the accuracy of the data, and use of the product for any purpose is at user's sole risk.

printed 4/12/2011





printed 4/12/2011

Breckenridge South

Town of Breckenridge and Summit County governments assume no responsibility for the accuracy of the data, and use of the product for any purpose is at user's sole risk.



PLANNING COMMISSION MEETING

The meeting was called to order at 7:07 p.m.

ROLL CALL

Kate Christopher	Jim Lamb	Trip Butler
Gretchen Dudney	Michael Rath	Dan Schroder
Dave Pringle		

APPROVAL OF MINUTES

Ms. Dudney: On page 6, second sentence: Regarding Vendor Carts, should be: “just in case an owner disappears in the middle of the night”.

With one change, the March 20, 2012 Planning Commission meeting minutes were approved unanimously (7-0).

APPROVAL OF AGENDA

Mr. Neubecker: Noted a request for a call-up of the Carter Ridge Residence from the consent calendar.

Mr. Pringle: I request to table the Carter Ridge Residence from the Consent Calendar in order for it to be heard after the Nordic Center or the Valette Residence due to matter of a question regarding permit renewal.

Mr. Neubecker: Applicant has proposed a change that would eliminate negative points. We think it makes sense to discuss this application first, since Applicant is in the audience now.

With no other changes, the April 3, 2012 Planning Commission meeting agenda was approved unanimously (7-0).

CONSENT CALENDAR:

- 1) Carter Ridge Residence (MGT) PC#2012017, 114 North Ridge Street
- 2) Walker Residence (MGT) PC#2012018, 873 Fairways Drive

Mr. Pringle made a motion to call up the Carter Ridge Residence, PC#2012017, 114 North Ridge Street. The motion was seconded for discussion by Ms. Dudney. The motion was passed unanimously (7-0) and moved to the end of the consent calendar.

Carter Ridge Residence, PC#2012017, 114 North Ridge Street Call-Up:

Mr. Thompson gave a short presentation about the application for review for the Commission and the public in attendance. He discussed the proposed materials, with different materials on the two modules of the building. He discussed the site layout, driven by the large size of the lot, which is twice the size of most lots in the historic district. The following discussion and comments occurred:

Commissioner Questions / Comments:

Mr. Pringle: Disclosed that he had a conversation with Mr. Stowell, the Applicant, over the weekend, and wants to disclose that he did not discuss anything regarding this application but he wanted everyone to be aware that they are social friends. For the technical reason he just wanted to make sure that it was mentioned. He would have no financial benefit from this application and stated this as well. The Commission did not find this to be a conflict of interest.

Ms. Dudney: The primary building is barn wood? (Mr. Thompson: Yes, the vertical portion of the building is.) (Mr. Neubecker: Regarding Condition # 21, HERS rating, the Applicant will submit revised plans.)

Mr. Pringle: Brought up aspects of Policy 9; Absolute Policy, with roof overhand encroachment of 18 inches. (Mr. Neubecker: This policy assumes you are already getting the negative points.) Doesn't he get positive points for screened parking? (Mr. Neubecker: This is really a question of whether or not points were assigned properly in the first round.) If we are giving positive points for screening parking from the street on other applications, then why wouldn't this qualify for the points? If you put parking in a garage is it screened from public view? I thought the points weren't awarded consistently between the two applications (referring to another application on the same agenda). (Mr. Neubecker: If we assign the points for parking, we still have to make up one point.) (Mr. Thompson: If the applicant could get positive two points (+2) from parking he would get a HERS and try to get a

rating of ~60-80.) (Ms. Puester: Technically, all he would have to do is get a HERS rating, and he would make up that one point he needed.)

Ms. Dudney: I wanted to call it up for a different reason. Understand the priority policy for architectural compatibility. The policy itself has incoherent inconsistencies. (Mr. Thompson: The previous Commissions found Policy 145 non-applicable.) (Mr. Neubecker: The policy discusses both the general character of the existing neighborhood, and the desired character of the neighborhoods.) Personally I like the design; my question was precedence and we need to remember these priority policies can be inconsistent sometimes.

Mr. Rath, Ms. Christopher, Mr. Lamb and Mr. Butler had no questions.

Mr. Albert Stowell, Applicant: We designed the home so it looked like two small houses from the Ridge Street side. We will try to get permits from the city for trees on the city property. It is designed so it is a zero energy drain; looking to be a long-term residence and it will be a benefit to keep the overhang as designed, which encroaches on the side set back by 18”.

Ms. Dudney: What is the benefit of the overhang to the tenant? (Mr. Stowell: Limits snowmelt on the stairs to accessory apartment.) Would you want approval with no overhang vs. condition of approval with screening of parking space and you would have to work with the Town to get landscaping approved? Which would be your preference? (Mr. Stowell: I would rather keep the overhang.)

Mr. Schroder: So in order to screen the external parking, you would have to work with the Town? (Mr. Stowell: Yes.) (Mr. Neubecker: Discussed his concern for creating precedent for this Commission to deal with this issue, other people may view this as a front-yard. Do we want to award those other projects with positive points for parking in front yards?)

Mr. Pringle: We need to treat this as a unique situation. It isn't ideal but it is the reality.

Mr. Schroder opened the hearing to public comment. There was no public comment and the hearing was closed.

Ms. Christopher: I agree with Mr. Pringle; I feel that it isn't an ideal situation. It doesn't have an alley, if the Applicant can screen the parking and do whatever he needs to do with the points, I am for that.

Mr. Lamb: Where I am coming from with regards to positive points for parking is, since there is a parking spot, unless it is shielded, I would have a problem awarding the positive points.

Mr. Pringle: Is the Town interested in an enclosed bus shelter in this location for positive points? (Mr. Thompson: There are generally not bus shelters in the historic district. Mr. Neubecker: We would need to consult with Transit and Public Works Department on transit shelters.)

Mr. Schroder: We are looking at a three point differential. Is anyone opposed to moving this forward? (Ms. Dudney: Moving it forward with what conditions?) (Mr. Neubecker: If there are any other major elements we need to mention them now and then we can discuss the points.)

Mr. Rath: On exterior materials, I would like to see samples of the actual materials. There is a huge variance of the actual materials. Seeing those colors would be very important. This is a point analysis question: if the Applicant is building an energy efficient house, isn't there some room for giving points for that? HERS score of 80 is an easy number to achieve. The average house is 100. (Mr. Neubecker: Maybe getting an 80 would be relatively easy; I believe they are discussing a “net zero” only on electricity.) (Mr. Thompson: Now we are looking at the HERS rating.) (Mr. Neubecker: We don't know where it would end up on the HERS because we haven't tested it yet.)

Mr. Schroder: (To the Commission): Does this application deserve positive points for screening the parking from public view?

Ms. Dudney: If the applicant leaves the overhang as is, but obtains a HERS rating and the parking is screened to staff satisfaction, I think it can be approved.

Ms. Dudney made a motion to approve the point analysis for Carter Ridge Residence, PC #2012017, 114 North Ridge Street, with the modification to provide positive two points (+2) for Policy 18/R for screening the parking to the satisfaction of the Town staff, and one positive point (+1) for energy conservation by obtaining a HERS rating. Ms. Christopher seconded and the motion was carried unanimously (7-0).

Ms. Dudney made a motion to change the conditions of approval for the Carter Ridge Residence, PC#2012017, 114 North Ridge Street, to

- Add a condition that the outside parking space must be screened to the approval of the Town Staff; and,
- Modify Condition 21 to say the Applicant must conduct a HERS rating, prior to issuance of a building permit.

Ms. Christopher seconded, and the motion was carried unanimously (7-0).

Ms. Dudney made a final motion to approve the Carter Residence, PC#2012017, 114 N. Ridge Street, to extend the development permit for three years. Ms. Christopher seconded and the motion was carried unanimously (7-0).

WORKSESSIONS:

1) Renewable Mechanical Mass Bonus (Policy 4) (JP)

Ms. Puester presented. The purpose of this worksession is to discuss possible changes to Policy 4 (Relative) Mass, to allow for additional mechanical room space for renewable energy systems such as solar hot water.

The Planning Commission discussed this policy previously at meetings on May 18, August 30 and December 6, of 2011. This issue addresses two different goals of the Town 1) encouraging energy efficiency and renewable sources of energy, and 2) maintaining community character (including building massing limitations). Staff would like to find a way to encourage the use of renewable energy without compromising character.

Almost all older multi-family buildings in Town have been built to or are over the allowed mass. In most cases, mechanical room additions for renewable energy systems could be accommodated within the existing building footprints but would consume additional mass. Many buildings in town have existing boilers with mechanical rooms which could accommodate needed improvements to convert to a renewable energy source by reconfiguring the existing mechanical room with no additional mass required (ex. Longbranch solar thermal system, 2011).

Since the December 6th Planning Commission meeting, Staff has discussed this policy with experts in the field including local mechanical engineers, designers, solar thermal installers and plumbers. Based on these consultations, Staff has proposed to increase the maximum square footage permitted from 300 to 350 square feet to address instances when a large building (25,000+ square foot multifamily building) is on an all electric heat source which would require the addition of boilers, solar hot water holding tank and piping. Staff believes that after consulting with the experts, this should address the worst case scenario, which is a large multi-family building on electric heat. Most buildings, including commercial (restaurant, retail and office) uses would require a much smaller renewable system. Any additional mass approved under this policy would have a covenant recorded against the property which states that the mass is permitted only for the mechanical room with a renewable energy source in perpetuity and may not be converted into any other use in the future.

Staff has proposed a revised policy which attempts to address the Commission's concerns voiced at the December 6th meeting. Staff welcomed Commissioner comments and input on the draft policy to get direction on the policy in order to move forward with ordinance language to the Town Council.

Commissioner Questions / Comments:

Mr. Pringle: What would you think if you took paragraphs A1 and A2 and you flip-flopped them so that they see A2 first? (Ms. Puester: Fine with that.)

Mr. Schroder: Good as presented and thank you for the Longbranch magazine article.

Mr. Rath: Yes, seems like this will help projects incorporate renewable systems into their remodels.

The remaining Commissioners agreed with Mr. Schroder's comments and no further questions or comments were made.

FINAL HEARINGS:

Mr. Schroder called a short break to allow Mr. Thompson to get a material board for the Commissioners to see regarding the Valette Residence.

Mr. Butler excused himself from the hearing due to a possible financial conflict with the Application as he will be bidding on the cabinets for the house.

1) Valette Residence (MGT) PC#2012010, 301 South French Street

Mr. Thompson presented a proposal to remove the existing non-historic structure and replace it with a 2,012 square-foot, two-story residence with four bedrooms, three bathrooms, one gas fireplace, two upper-level decks, and a lower level, one bedroom, one bathroom, 434 square-foot employee housing unit. Exterior materials include fiberglass composite shingle roof, scalloped cedar shingles at the gable ends, 4 ½ inch bevel hardboard siding (Priority Policy 125 recommends lap siding dimensions of approximately 4 inches), 3 ½ inch wide hardboard corner and window trim, wood deck railings, decorative cornice brackets and corbels, a real stone wainscoting around the base of the house varying in height from 9 to 18 inches, and a real stone and wood timber retaining wall for the driveway.

The applicant originally received approval in March 2005 to build the proposed home, and the permit was extended by a Class C permit in 2008. For financing reasons, the applicant was unable to start construction at that time. The approved Development Permit expired on August 27, 2009. The proposed design is almost identical to the plans approved in 2005 and 2008. There were no major issues at the preliminary hearing on March 6, 2012. There have been no plan changes from the March 6th, 2012, meeting.

Staff recommended the following point analysis:

- Negative ten points (-10) under Policy 3/R – Density/Intensity, as this application is 4% over the density recommendation of the Land Use District Guidelines.
- Positive ten (+10) points under Policy 24/R – Social Community, for the basement employee housing unit.
- Negative two (-2) points under Policy 33/R – Energy Conservation, for the 653 square feet of heated driveway.
- Positive two (+2) points under Policy 18/R - Parking, for the placement and screening of all off street parking areas from public view.

The application has a passing point analysis total of zero. Staff found that all Absolute Policies and Historic Guidelines have been met.

Staff found that the Valette Residence, Accessory Unit, and Removal of Existing Structure (PC#2012010), is compatible with the surrounding neighborhood and does a good job to hide its parking at the rear of the lot. Staff recommended that this project be approved with the presented Findings and Conditions.

Mr. Schroder opened the hearing to public comment.

Mr. John Raymond, builder for the project, wanted the Commission to know that the total square footage is 2,012.

There was no more public comment and the hearing was closed.

Commissioner Questions / Comments:

Ms. Dudney: These colors have all been accepted? (Mr. Thompson: Yes, they all meet the correct chroma.)

Mr. Pringle: Last time we discussed removing one of the fireplace flues. (Mr. Raymond: We are putting PVC's in and we intend to do that. There is a gas burning fireplace and we will use a direct vent out the side.) That cleans up everything for me, instead of having a (smoke) stack out of the roof. Thank you for taking into consideration our previous concerns.

Ms. Dudney: No comment.

Mr. Schroder: Support approval and no comment on application.

Ms. Christopher: Yes.

Mr. Rath: Yes.

Mr. Pringle made a motion to approve the point analysis for the Valette Residence, PC#2012010, 301 South French Street. Ms. Christopher seconded, and the motion was carried unanimously (6-0).

Mr. Pringle made a motion to approve the Valette Residence, PC#2012010, 301 South French Street, with the presented Findings and Conditions. Ms. Christopher seconded, and the motion was carried unanimously (6-0).

2) Breckenridge Nordic Center Lodge (MGT) PC#2011050, 954 Ski Hill Road

Mr. Thompson presented a proposal to construct a new, 9,979 square foot Nordic Center to replace the existing Nordic Center building, which will be removed. The plan also includes a 53 space parking lot, including three ADA compliant

parking spaces. The building has been designed with a covered drop off area at the entrance to the lodge for guests. There is a large 20' x 37' west facing deck. The inside of the building has been designed to include: a lounge, coffee and snack bar, retail area, equipment rental area, an EPA Phase II wood burning device, restrooms, snow cat enclosed parking, two employee housing units, and an unfinished storage area in the lower level. A detached 668 square foot ski school building is proposed to the west of the proposed Nordic Lodge.

The current Nordic Center building will be removed to make way for the Cucumber Creek Estates Subdivision, which will take its access through the current parking lot and building location. The applicant had a preliminary hearing on September 20, 2011. At that hearing buffering the parking lot from the neighbors was the only issue. The applicant has addressed this issue by increasing the buffering through additional landscaping. Additional parking has been added next to the building for employees. There will also be a chandelier under the porte-cochere.

Staff suggested negative one (-1) point under Policy 6/R Building Height for a long unbroken ridgeline of over 50', positive four (+4) points under Policy 22/R for an above average landscaping plan, positive three (+3) points under Policy 20/R for a 100% public recreation facility, and positive five (+5) points under Policy 24/R for the inclusion of employee housing exceeding 7% of the proposed density, for a total passing point analysis of positive eleven (+11) points. All Absolute and Relative policies of the Development Code have been met.

The Planning Department recommended the Planning Commission approve the Breckenridge Nordic Center Lodge, (PC#2011050), located at 954 Ski Hill Road, Tracts C & D, Christie Heights, with the presented Findings and Conditions.

Commissioner Questions / Comments:

Mr. Schroder: Did we lose any trees? (Mr. Thompson: All of the x marks on the plans will be the trees that we will removed. Potentially looking to transplant some trees with an expected 50% survival rate.)

Ms. Dudney: Regarding the Town's off-street parking regulation; there is no specific number set? (Mr. Thompson: The amount of off-street parking for commercial recreation indoor and outdoor is set by special review of the Director and Planning Commission.)

Mr. Tom Peterson, Architect: There is a lot of below-grade square footage that won't be bulking up the building. We added a couple strips of landscaping islands to reduce the large amount of asphalt for parking. The gazebo has been removed; the ski school building is a more appropriate style of architecture and needs for the Nordic Center.

Mr. Gene Dayton and Mr. Matt Dayton, Applicants: Presented a 3D-model of the lodge. Added an extra storage room in the basement. All of the logs come from the gondola cut line and have been turned, lathed and sealed.

Ms. Theresa Dayton, Applicant: We have a 30 year contract with the Town to operate; the Town will inherit the building after 30 years. We also will have a timeframe to remove the other facility. We feel our adjustment was in the best interest of the Town, us and our guests.

Mr. Gene Dayton: In hindsight, this is the best location we could have come up with. The building will have a great view to the west and I think it will serve our customers better as Nordic skiers spend more time in the base lodge than alpine skiing.

Mr. Schroder opened the hearing to public comment.

Mr. Dave Garrett, adjacent property owner: Here to support the project. Ask if the Dayton's would reconsider the location of the dumpster enclosure. If a dumpster truck were to come into this area, it could be hard to maneuver. Maybe it could be relocated to the other side of the property allowing trucks to turn around easily, instead of driving all the way around parking lot. They are very considerate neighbors and I hope this passes.

Mr. John Quigley, Shock Hill Homeowners Association: Gene Dayton attended their last association meeting, they are 25-years away from receiving a full easement along the existing snowshoe trail to allow for access from the gondola to walk over to the new Nordic Center; talked to them about signs near the portal by signing in, which have been installed; we consider the Dayton's the First Citizens of Breckenridge.

Mr. Tim Casey, General Partner for Christy Heights Partnership: All of the parking and 1/3 of the building is on our property. We intend to donate it to the Town; that is our contribution towards this effort and the location is much better than originally intended. It is a partnership among us, the Town and the Applicants, and we support the project and would like to see it move forward.

There was no more public comment and the hearing was closed.

Commissioner Questions/Comments:

- Ms. Christopher: The little tab of paved area above for the dumpster to turn around? (Mr. Thompson: It is a hammer head turn around for the employee parking. It will be used as a backing up spot.) On page 73/85; the lower foundation, is it brick or exposed cement? It looks solid white on our plans. (Mr. Peterson: It will be covered in stone.)
- Mr. Pringle: Is it possible to look into another location for the dumpster? (Ms. Dayton: Currently we do a lot of recycling; we only have once-a-week pick up and we hope to continue that.)
- Mr. Schroder: Like what I see and support Staff recommendation to approve the Breckenridge Nordic Center.
- Mr. Lamb: Great looking building and huge asset to the Town of Breckenridge. Great to see the neighbors are in support of this project.
- Mr. Pringle: It has taken a while to get to this point but here we are today approving it. It looks great and I couldn't be prouder of this and of you guys.
- Ms. Dudney: Can't wait for you to get started and to see it finished.
- Mr. Rath: Wonderful addition to the Town and can't wait to see it completed.
- Ms. Christopher: Good luck!
- Mr. Butler: Strongly supported.

Mr. Pringle made a motion to approve the point analysis of positive eleven (+11) for the Breckenridge Nordic Center Lodge, PC#2011050, 954 Ski Hill Road. Mr. Lamb seconded, and the motion was carried unanimously (7-0).

Mr. Pringle made a motion to approve the Breckenridge Nordic Center Lodge, PC#2011050, 954 Ski Hill Road, with the presented Findings and Conditions. Mr. Lamb seconded, and the motion was carried unanimously (7-0).

COMBINED HEARINGS:

1) Wellington Neighborhood 2, Filing 5 (MM) PC#2012019

Mr. Mosher presented a proposal to re-subdivide a portion of Lot 3, Block 6, of the Wellington Neighborhood (this will be the fifth filing for Phase II) in connection with the recently approved Wellington Neighborhood Phase II Master Plan. This re-subdivision will create 12 single family lots.

The proposed lot layout, green design and landscaping follows the patterns we have seen in the previously approved subdivisions of the Wellington Neighborhood. We welcome any comments from the Commission regarding the information presented in this report. Since we had no concerns with this proposal, Staff has advertised this review as a combined Preliminary and Final hearing. Staff pointed out an area next to French Gulch Road with a non-buildable area on two of the lots to ensure good sight visibility to French Gulch Road.

Staff recommended the Commission approve the Block 9, Wellington Neighborhood 2, Filing 5, a re-subdivision of a portion of Lot 3, Block 6, Wellington Neighborhood Preliminary Plat, PC#2012019, with the presented Findings and Conditions.

Commissioner Questions / Comments:

- Mr. Lamb: This design and layout is consistent with the rest of the Wellington area? (Mr. Mosher: Yes, follows Master Plan.)
- Ms. Dudney: Brought up Lot 21, which is very narrow. What house is being placed here? (Mr. Mosher: Homes are not part of this application, but they are planning on placing a model called the Aspen there. The model is narrow, and replaces one half of the former Double House (duplex).)
- Mr. Pringle: Didn't catch in the initial phase of the developments leading to one organized road in and out of the subdivision. (Mr. Mosher: The alleys disperse the traffic impact, and work better than concentrating the traffic on one road.)

- Mr. Schroder: Is there any idea on timing? (Mr. Mosher: The applicant is ready to bring in homes for review right now.)
- Mr. Neubecker: I don't think a lot of folks on this Commission have reviewed a subdivision before. We use the Subdivision Code, which does not follow a point analysis. (Mr. Schroder: We looked at The Shores.) (Ms. Dudney: The Hogan one on Hwy. 9 at the old BBC.) (Mr. Mosher: This was essentially our first affordable housing project and is subject to a Master Plan which has provisions that supersede the Development Code.)
- Mr. Schroder: How many homes is that going to be? (Mr. Mosher: There are 12 more lots; they are still selling, but not as rapidly as in the past.)

Mr. Schroder the hearing to public comment. There was no public comment, and the hearing was closed.

Commissioner Questions/Comments (Continued):

- Mr. Butler: No reservations at all.
- Ms. Christopher: I agree with Mr. Butler.
- Ms. Dudney: Fine.
- Mr. Pringle: No questions or comments

Mr. Pringle made a motion to approve the Wellington Neighborhood 2, Filing 5 (PC#2012019) with the presented Findings and Conditions. Ms. Christopher seconded, and the motion was carried unanimously (7-0).

OTHER MATTERS:

1) Town Council Joint Meeting (May 8, 2012) Memo (CN)

Mr. Neubecker presented a reminder memo to the Commission concerning the Joint Meeting with the Town Council, scheduled for May 8, 2012, from 6-7:30pm in Town Hall Council Chambers. Proposed topics for discussion include:

- Historic Preservation Incentives for Commercial Property
- McCain Property and F-Lot Update
- Solar Panels in Historic District/ Solar Gardens
- Re-development for Commercial / Lodging Sites. Need for more flexible standards?
- Transition Standards & Inclusion of School and Carter Park
- Planning Commission Field Trip
- Vendor Carts

To be realistic based on the short timeframe for the meeting, Staff recommended narrowing this list down to three priority issues. If time allows, other issues can also be discussed.

Some other issues that were mentioned at your last meeting, or new topics staff would like to discuss in the future, are listed below. Staff recommended discussing these issues during a work session to bring the Commission up to speed before discussing these with Town Council:

- Energy Efficiency/Review point system, as well as HERS Index for remodels
- Claimjumper Parcel for Employee Housing
- Old CMC / Harris Street Building
- New Recycle Center on Mc Cain Property

Commissioner Questions / Comments:

- Mr. Schroder: Would like to avoid the four topics at the bottom and focus on the seven above. Would like to suggest that we don't talk about Vendor Carts. (Ms. Christopher: Discussing a topic is different from briefing a topic.)
- Mr. Pringle: Renovations of duplexes: we have to have a precedent or talk about what we are going to do when Owner A wants to upgrade and remodel but Owner B (other half of duplex) and the other doesn't. (Mr. Neubecker: Is this a big enough issue to discuss with the Council?) What happens when some of these places come in for changes? (Ms. Christopher: I think it needs to be on the table, but possibly behind the scenes.)

- Mr. Schroder: Not in support of talking about our field trip with Town Council.
- Mr. Lamb: Three new Council members; almost want to put the question back on them, what are their issues?. (Mr. Pringle: We need to find out the new dynamics.) What is this Council looking like and what direction are they going to take us? (Mr. Neubecker: These folks have been attending meetings; I wouldn't anticipate a major direction change from the past Council.)
- Ms. Dudney: Solar panels and Mc Cain and F Lot. I think we need to look at what is going to come up in the next year; possibly the inclusion of School/Carter Park. I think these are the most likely.
- Mr. Lamb: Agree with Ms. Dudney. (Solar Panels and School/Carter Park with McCain / F-Lot.)
- Mr. Schroder: Want to run with Ms. Dudney's lead for conversation purposes. (Mr. Butler and Ms. Christopher agreed with Ms. Dudney's top 3.)
- Mr. Rath: I think it might be important to bring up how we will incentivize some of these multifamily properties to upgrade (remodel incentives). The solar panel issue is important and these solar gardens could be an issue (#1). Would be interested in hearing more about the F-Lot and what they are planning for that area. I heard they are doing green space with parking underneath. Also, I have heard that there might be a hotel put in Town.
- Ms. Christopher: Town Council sets pace, so to a certain extent what do they want to talk about? I don't really have a preference but I would like to know what is important to them.
- Ms. Dudney: I think Mr. Rath's point for incentives to remodel is an excellent idea. What could we do to incentivize improved exteriors? (Mr. Schroder: I think his idea is on point but I'm not sure our economy supports this right now. Maybe we can use this as #4.)
- Mr. Pringle: Ask the Town Council if there is anything they want to "undo".
- Mr. Neubecker: What about ways to encourage upgrades to existing lodging?

2) Top 10 List (CN)

Mr. Neubecker presented. Planning Department Staff keeps track of the most important long range planning and code updates through a list we call the Top 10 List. This list is developed in consultation with Planning Commission and Town Council to determine where staff resources should be focused, in addition to our regular workload of development review applications and inquiries from the public.

The most recent Top 10 List included the following items:

- Accessory Dwelling Units and Incentives
- Landscaping Policy and Defensible Space (Done)
- Land Use District 31 Update (Done)
- Energy Conservation Policy (Done)
- Solar Panels Update (Done)
- Affordable Housing policy
- Footprint Lots (Done)
- Free Commercial Basement Density for Historic Landmarking (Done)
- Fiber Cement Siding (Done)
- Adopt Transition Standards (Done)

Staff is currently (or will soon be) working on the following other priority items:

1. Mechanical Rooms for Renewable Energy
2. Sign Code Update
3. Service Commercial Zoning
4. Food Trucks Ordinance
5. Air Quality Policy
6. Water PIFs for Snack Bar/Deli

In preparation for the joint meeting with Town Council, staff suggested developing a list of the next Top 10 items for staff to focus on. These could include long range planning or code amendments. This list will be shared with the Town Council during the joint meeting on May 8th, and we will see what direction the Council provides for the Top 10 List. Staff intends to pursue work on the next Top 10 List as soon as time and resources allow. The order that they are forwarded to Planning Commission and Town Council will partly depend on the complexity of the project.

Following are some suggested items to consider, but Staff welcomed input from the Commission on your ideas for the Top 10 List:

- Major Remodels of Multifamily Housing: Provide some type of incentives, through the point system, for exterior remodels of older buildings.
- Condo Hotels Definition: Should a front desk still be required, even though many owners use management companies outside the building? Should a shuttle system be a required feature?
- Redevelopment Standards: Should we create standards and processes for redevelopment, or continue with the Development Agreement process? Should nearby redevelopment sites be allowed to “annex” into the Parking Service Area?
- Wildlife Policy: Develop a policy that protects and enhances wildlife corridors, sensitive habitat and keystone species.
- Impervious Surfaces: Provide incentives to reduce hard surfaces and improve water quality through on site detention, rain gardens, and permeable paving.
- Open Space Dedication upon Subdivision: Should lots within the Conservation District be exempt from the requirement to provide public open space? Would changes to this policy improve the urban form by creating the small lots that belong on the District?

Commissioner Questions / Comments:

- Mr. Pringle: Brought up the problem/lack of enforcement of employee housing. People get points for have an employee housing unit in their project, but it might sit empty. I don't want us to get handcuffed with other potential applicants because of Deed Restrictions.
- Ms. Dudney: Major remodels of multifamily housing, condo hotels, redevelopment standards.
- Mr. Schroder: I would agree with Ms. Dudney's top 3.
- Mr. Rath: Landscaping/The gateway to Breckenridge; now the first thing you see when you drive into Breckenridge is our construction storage area.
- Ms. Christopher: Rain gardens, impervious spacing.

ADJOURNMENT:

The meeting was adjourned at 10:00 p.m.

Dan Schroder, Chair



Scheduled Meetings, Important Dates and Events

Shading indicates Council 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. All Council Meetings are held in the Council Chambers, 150 Ski Hill Road, Breckenridge, unless otherwise noted.

APRIL 2012

Tuesday, April 10; 3:00/7:30 p.m.	First Meeting of the Month
Tuesday, April 24; 3:00/7:30 p.m.	Second Meeting of the Month
Friday, April 27; Location TBD, 8 a.m.	Coffee Talk

MAY 2012

Tuesday, May 1; Time and Location TBD	Public Official Liability Training
Tuesday, May 8; 3:00/7:30 p.m.	First Meeting of the Month
Friday, May 11; Location TBD. 8 a.m.	Coffee Talk
Tuesday, May 22; 3:00/7:30 p.m.	Second Meeting of the Month

OTHER MEETINGS

1 st & 3 rd Tuesday of the Month; 7:00 p.m.	Planning Commission; Council Chambers
1 st Wednesday of the Month; 4:00 p.m.	Public Art Commission; 3 rd floor Conf Room
2 nd & 4 th Tuesday of the Month; 1:30 p.m.	Board of County Commissioners; County
2 nd Thursday of every other month (Dec, Feb, Apr, June, Aug, Oct) 12:00 noon	Breckenridge Heritage Alliance
2 nd & 4 th Tuesday of the month; 2:00 p.m.	Housing/Childcare Committee
2 nd Thursday of the Month; 5:30 p.m.	Sanitation District
3 rd Monday of the Month; 5:30 p.m.	BOSAC; 3 rd floor Conf Room
3 rd Tuesday of the Month; 9:00 a.m.	Liquor Licensing Authority; Council Chambers
3 rd Thursday of the Month; 7:00 p.m.	Red White and Blue; Main Fire Station
4 th Wednesday of the Month; 9:00 a.m.	Summit Combined Housing Authority
4 th Wednesday of the Month; 8:30 a.m.	Breckenridge Resort Chamber; BRC Offices
TBD (on web site as meetings are scheduled)	Breckenridge Marketing Advisory Committee; 3 rd floor Conf Room

Other Meetings: CAST, CML, NWCCOG, RRR, QQ, I-70 Coalition