



**BRECKENRIDGE TOWN COUNCIL WORK SESSION**

Tuesday, January 08, 2013; 2:00 PM

Town Hall Auditorium

**ESTIMATED TIMES:** *The times indicated are intended only as a guide. They are at the discretion of the Mayor, depending on the length of the discussion, and are subject to change.*

<b>2:00-3:00pm</b>	<b>I</b>	<b><u>GRANT PRESENTATIONS</u></b>	
<b>3:00-3:10pm</b>	<b>II</b>	<b><u>PLANNING COMMISSION DECISIONS</u></b>	<b>2</b>
<b>3:10-3:15pm</b>	<b>III</b>	<b><u>LEGISLATIVE REVIEW*</u></b> Second Reading of COUNCIL BILL 35 SERIES 2012 'AN ORDINANCE PLACING RECENTLY ANNEXED PROPERTY IN LAND USE DISTRICT 1 AND LAND USE DISTRICT 9.2 (Claimjumper Parcels-25.633 acres)'	<b>17</b>
<b>3:15-3:45pm</b>	<b>IV</b>	<b><u>MANAGERS REPORT</u></b> Public Projects Update Housing/Childcare Update Committee Reports Financials	<b>23</b> <b>24</b> <b>25</b>
<b>3:45-5:00pm</b>	<b>V</b>	<b><u>PLANNING MATTERS</u></b> McCain Master Plan Arts District Master Plan	<b>33</b> <b>47</b>
<b>5:00-6:00pm</b>	<b>VI</b>	<b><u>EXECUTIVE SESSION</u></b> Personnel and Litigation Matters	
<b>6:00pm</b>	<b>VII</b>	<b><u>JOINT MEETING</u></b> Arts Organizations	<b>50</b>

***TIME PERMITTING***

Council Members' Committee Reports

Note: Public hearings are not held during Town Council Work Sessions. The public is invited to attend the Work Session and listen to the Council's discussion. However, the Council is not required to take public comments during Work Sessions. At the discretion of the Council, public comment may be allowed if time permits and, if allowed, public comment may be limited. 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. The public will be excluded from any portion of the Work Session during which an Executive Session is held. 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.

**MEMORANDUM**

**To:** Town Council

**From:** Joanie Brewster, Administrative Services Coordinator

**Date:** January 3, 2013

**Re:** Town Council Consent Calendar from the Planning Commission Decisions of the January 2, 2013, Meeting.

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**DECISIONS FROM THE PLANNING COMMISSION AGENDA OF January 2, 2013:**

**CLASS C APPLICATIONS:**

1) Veber Residence (MGT) PC#2012098; 95 Westerman Road

Construct a new, single family residence with 5 bedrooms, 4.5 bathrooms, 4,370 sq. ft. of density and 5,099 sq. ft. of mass for a F.A.R of 1:9.90. Approved.

2) Schroeder Addition (MGT) PC#2012102; 228 Cottonwood Circle

Addition to existing single family residence: construct a new, detached, 540 sq. ft. garage and convert 259 sq. ft. existing garage into finished space to create a total of 4 bedrooms, 4.5 bathrooms, 3,861 sq. ft. of density and 5,095 sq. ft. of mass for a F.A.R. of 1:8.58. Approved.

3) Spruce Island Townhomes Exterior Remodel (MGT) PC#2012105; 1386 Broken Lance Drive

Exterior remodel of existing townhome project, including: new 50-year asphalt shingle roofing (black), new built-up 2x cedar fascia, new 1x6 tongue and groove cedar soffits with vent strip, new James Hardie horizontal lap siding (painted finish), new 2x cedar corner boards, window trim and band board with drip cap, new painted finish on existing stucco over existing foundation walls and any exposed concrete, new decorative sheet metal shrouds on existing chimneys, replace existing exterior flood lights with dark sky compliant fixtures. Approved

4) Hatton Residence (JP) PC#2012104; 41 Cottonwood Circle

Construct a new single family residence with 4 bedrooms, 3 full baths, 2 half baths, 4,209 sq. ft. of density and 5,683 sq. ft. of mass for a F.A.R. of 1:6.89. Approved.

5) Wellington Lot 16, Block 9 (CN) PC#2012106; 5 Logan Road

Construct a new, single family residence with 2 bedrooms, 2 bathrooms, 1,180 sq. ft. of density and 1,664 sq. ft. of mass for a F.A.R. of 1:2.15. Approved.

6) Wellington Lot 17, Block 9 (CN) PC#2012107; 7 Logan Road

Construct a new, single family residence with 2 bedrooms, 2 bathrooms, 1,467 sq. ft. of density and 1,951 sq. ft. of mass for a F.A.R. of 1:1.80. Approved.

7) Wellington Lot 18, Block 9 (CN) PC#2012108; 11 Logan Road

New single family residence with 2 bedrooms, 2 bathrooms, 1,180 sq. ft. of density and 1,664 sq. ft. of mass for a F.A.R. of 1:2.11. Approved.

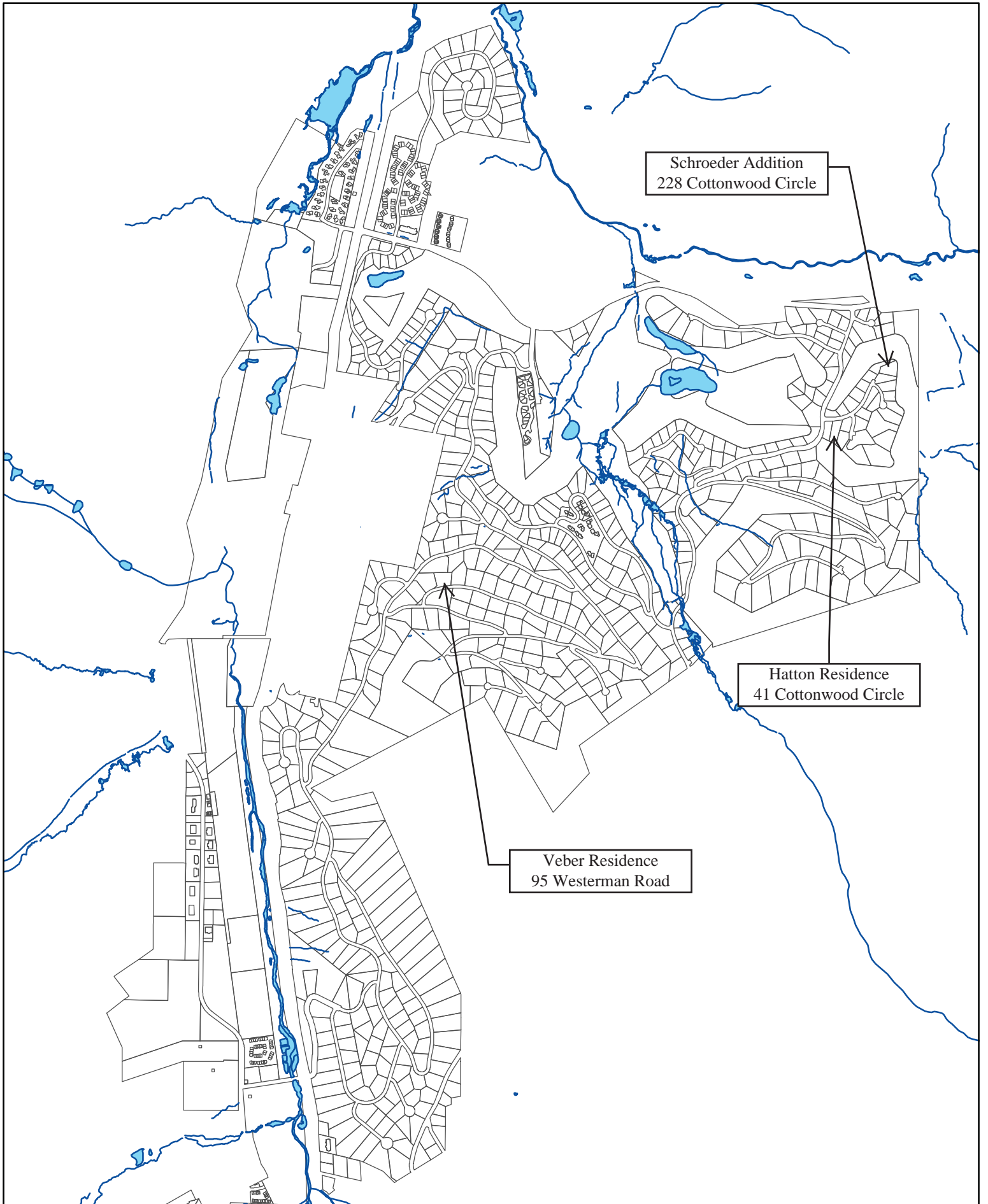
**CLASS B APPLICATIONS:**

1) Dodge Residence Restoration, Addition and Local Landmarking (MM) PC#2012074; 106 South Harris Street

Restore and add a full basement to the historic house, move the historic shed, connect historic shed to the rear of existing house, and build a one-story addition to the south/rear portion (existing non-historic portion of the house). Approved.

Recommendation that the Town Council adopt an ordinance to Landmark the historic structure for the Dodge Residence Restoration, Rehabilitation, Addition and Landmarking, PC#2012074, 106 South Harris Street. Approved.

**CLASS A APPLICATIONS:** None.



Schroeder Addition  
228 Cottonwood Circle

Hatton Residence  
41 Cottonwood Circle

Veber Residence  
95 Westerman Road

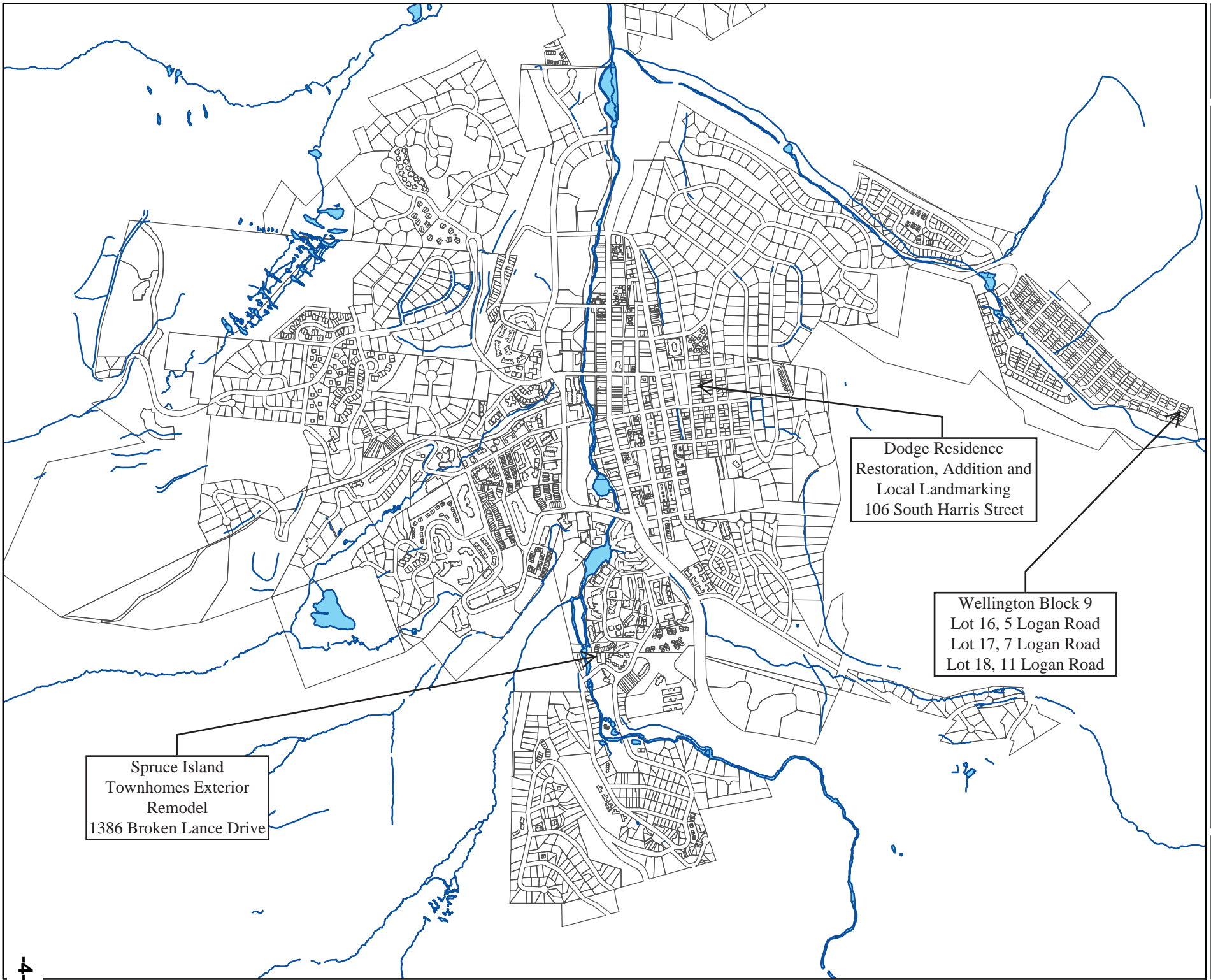


**Breckenridge North**

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*





Spruce Island  
Townhomes Exterior  
Remodel  
1386 Broken Lance Drive

Dodge Residence  
Restoration, Addition and  
Local Landmarking  
106 South Harris Street

Wellington Block 9  
Lot 16, 5 Logan Road  
Lot 17, 7 Logan Road  
Lot 18, 11 Logan Road



NOT TO SCALE

printed 4/12/2011

# Breckenridge South

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## PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

### ROLL CALL

Kate Christopher            Trip Butler                    Dan Schroder  
Gretchen Dudney         Jim Lamb                     Dave Pringle arrived at 7:16pm  
Gary Gallagher, Town Council Liaison  
Eric Mamula was absent.

### APPROVAL OF MINUTES

With no changes, the December 4, 2012 Planning Commission meeting minutes were approved unanimously (6-0).

### APPROVAL OF AGENDA

With no changes, the January 2, 2013 Planning Commission meeting agenda was approved unanimously (6-0).

### CONSENT CALENDAR:

1. Veber Residence (MGT) PC#2012098; 95 Westerman Road
2. Schroeder Addition (MGT) PC#2012102; 228 Cottonwood Circle
3. Spruce Island Townhomes Exterior Remodel (MGT) PC#2012105; 1386 Broken Lance Drive
4. Hatton Residence (JP) PC#2012104; 41 Cottonwood Circle
5. Wellington Lot 16, Block 9 (CN) PC#2012106; 5 Logan Road
6. Wellington Lot 17, Block 9 (CN) PC#2012107; 7 Logan Road
7. Wellington Lot 18, Block 9 (CN) PC#2012108; 11 Logan Road

With no requests for call up, the Consent Calendar was approved as presented.

### WORKSESSIONS:

1. Solar Panels in the Historic District (JP)

Ms. Puester presented. Solar panels in the Conservation District became a topic of discussion with a recent application to install solar panels on a flat roof within the District which mounting structure would be visible from Ridge Street. At the November 13<sup>th</sup> joint Town Council/Planning Commission meeting, it was directed that Staff return to the Planning Commission to work on a modification to Policy 5 Architectural Compatibility regarding solar panels in the Conservation District. The Town Council recently indicated with a 4 to 3 straw vote that solar panels should not be visible from a public street or alley.

A majority of the Town Council voiced that solar panels should not be visible from the street or alley within the Conservation District. Following these comments, staff did field research on the visibility of existing solar panels in the district and has reviewed *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings*, 2011 regarding solar installations as well as the *Design Guidelines for Solar Installations from the National Trust for Historic Preservation*. Staff found that all existing solar installations followed the existing roofline (none were mounted at an angle on flat or sloped roofs) and were at least visible from an alleyway with some visible from a public street. Staff presents these as existing conditions to facilitate the discussion as to whether they negatively affect the historic context of the Conservation District. No negative feedback from the public has been received on any of the existing installations.

Staff has attempted to modify the policy based on Planning Commission and Town Council direction and has

provided additional research. Staff believes that solar devices can be sensitively installed without negatively impacting historic structures or the integrity of the Conservation District. This policy can balance both the goals of renewable energy use and historic preservation. As a result, Staff recommended changes to the policy that focus on visibility of devices from a public right of way. Staff welcomed input from the Commission on the direction we should head with this policy, and what changes are needed.

*Commissioner Questions / Comments:*

- Mr. Schroder: Would diminishing the mounting distance from 9” to 6” make it more difficult to install? (Ms. Puester: It is workable. Wanted to give some flexibility when we did 9” but 6” seems to be pretty standard in the field, from roof to bottom of the panel. Talked to Innovative Energy who agrees.) One other; my perspective of the last photos from Ski Hill overlook, we are seeing the north side. Is this is a viable view, is that drive null? (Ms. Puester: It depends on where you are looking at. Applicant needs to know where we are expecting to view it from. Helps to have it more defined in the code. Wanted to show from conservation district which is in the valley that you are going to see it from some public right of way, somewhere, depending on where you go. These parameters can be changed.)
- Ms. Dudney: Should our discussion focus on what you think is visible one block or 400’ away? (Ms. Puester: We wanted to throw a starting point out there for reaction.) In the context of communication with Town Council, they requested we differentiate code comments versus our personal opinion. This seems like a good segue into that. If Town Council voted “not visible”, that means not visible, we could make comments on whether this adheres to that, but we may feel perhaps visibility needs to be defined in some other way other than it is in the dictionary. If you do comment, please label your thoughts as an opinion as to what visibility should mean (you can see it or not versus one block or 400’). Confusing when I read it.
- Mr. Butler: Hard to do. Pictures really make it clear. Good example is county building where they are visible but in my opinion acceptable. Need to indicate here an example of what is visible.
- Mr. Truckey: Ms. Puester put photos of view from overlook. The 400’ is in order to put some parameter on what is visible, otherwise any rooftop in town would be “visible” from some vantage point.
- Ms. Dudney: I was confused as to whether Town Council wanted us to put some parameters on this or not. If visible means seen from anywhere then maybe they want “not allowed in the historic district”, then the language makes it more clear.
- Mr. Gallagher: At the time, the Town Council voted to limit solar devices visibility from public right of way. I think as Mr. Truckey points out, depending on where you are standing in Town, just about anything can be visible. I agree language we have before us is not 100% consistent with Council decision. Divided Council vote didn’t really drill down on this issue. When the Council discussed, we didn’t get into if it’s from a block or from anywhere. I would not be at all against Planning Commission having your own feelings or thoughts and going back to Town Council because I think we do need to have a definition of visibility from some distance. I am interested in the Planning Commission views on is the language proposed by staff is reasonable or not? Also, some inconsistencies with definition of public right of way, there is some language cleanup that needs to be done. I had a question on 2<sup>nd</sup> page; you talked about sloped roofs then next you talked about flat roofs, with flat reiterated “can’t be seen from 400’ or a block away”. Why not put in paragraph before (sloped roof)? As the reader, it is confusing. Different for sloped roofs? It applies to all solar applications (Ms. Puester: Might be best to redo that language to say “not visible from a public street or alley”) I note a few inconsistencies I could get with you on. (Ms. Puester: Yes.)
- Mr. Butler: Pictures are pretty much, all good examples of what you would hope implementing solar panels in the historic district would look like. Example we had on the flat roof was the scary

- thing, the big metal mechanical sail. That's what I think we would want to avoid. These ones in the packet are pretty innocuous, blend in.
- Ms. Dudney: If council wants to not see from public right of way?
- Mr. Butler: Then if Council doesn't want to see them anywhere, they should not be allowed in the District. You can certainly see it.
- Ms. Dudney: Would you be in favor of defining visibility?
- Mr. Butler: How would you define visibility? In the long range shots, only a sail would stand out. Nothing you can see from Ski Hill on the same plane as a roof; you would have a hard time picking that out. They blend. 106 North Ridge it is big, but to me does not look offensive because it looks like part of the roof. The 203 ½ (Abbett Placer), even the Haney Building, you would really have to walk around to deliberately find them. How would you make that part of the visibility definition?
- Ms. Dudney: If visible is one block or 400', Summit County building would not be allowed, but then what would?
- Ms. Christopher: That was my question; if not to be visible, then none of these would be allowed.
- Ms. Dudney: If you define as 400', would Abbett Placer? (Ms. Puester: No.)
- Ms. Christopher: None would. (Mr. Truckey: These criteria are very tight as presented. Very few cases would get approved under this.) (Ms. Puester: Could work for some. You would need a building with just the right location and roof indentation.) (Mr. Truckey: As written visibility is from both streets and alleys, which will be very limiting.)
- Mr. Schroder: This is the conservation district; there are already a lot of rules. Maybe it is ok solar is disallowed in the conservation district when it is allowed in other locations like the rec center.
- Mr. Pringle: I think we decide what we want and then make that be the definition of visibility. We step back from this a little bit to identify where the indigestion is coming from; it is the roof mounted arrays. That's where we have had the problem. Code did not contemplate the large roof mounted arrays. So we go back and say no roof top mounted, only flush mounted in historic district on non defining roofs or gables toward the back of the property and get it out of the visibility realm.
- Mr. Schroder: Maybe that's the way to go, I had been thinking percentages.
- Ms. Dudney: Council voted 4-3 "not visible".
- Mr. Pringle: They did not drill down; I think it is the roof mounted arrays. Items out there are non defining; they don't destroy the context of the historic structure. However, roof top mounted array or tilted, we don't want to see. It may just not be acceptable.
- Mr. Lamb: I meant example of something that is highly visible (County Building). What is driving this conversation is array on top of flat roof that is highly visible. These examples of what we have in the District are good examples. County building, size of it, if three solar panels, size is something that is worth discussing. Not sure how we define that. (Ms. Dudney: Percentage of roof coverage)
- Mr. Gallagher: Realistically if someone puts a number of panels on, how does that affect them energy wise? Also, if solar garden is put in; they have option to purchase there. Other comments I am hearing are valid as well. What I would like is the Planning Commission to come together with a recommendation. If this were 6-1 or 7-0 Council vote, we would not be having this conversation. But it is very close.
- Mr. Pringle: Is the 4-3 vote the one we took in the joint meeting about this whole policy or after. Has there been a presentation by staff?
- Mr. Gallagher: No, we took a second straw vote when we heard some of the minutes coming out of the Planning Commission meeting that we did not think that the Commission heard the Council. As we now drill down into it is it visibility from a distance or sensitivity that pictures shown are not so bad with the exception of the county building. Interest in getting somewhere

logically where we want to be as a Town. Town Council needs to go through this again maybe look at these pictures.

Ms. Dudney: Let's hear from the public.

Ms. Dudney opened the worksession to public comment.

Mr. Eric Westerhoff, owner of Innovative Energy. I am always curious to discuss aesthetics. I take moderate approach. If it is sticking up, erector set look, looks odd, I strongly recommend to people to reconsider. Keeping to 6 vs. 9 inches if flush, it is relatively benign. The reason I am here today is to clarify if there are any questions. Also have a customer 1 building to the north of Abbett Placer who is interested in solar. He actually might be a case that would be able to work. I think there is a building between his roof and the alleyway. You would only see if you were on the deck of the building in the alley way. If the Council said "invisible" panels, you will see it from anywhere if you look hard enough, and maybe that is the intent of Council is to prohibit it and that would just be the way it is. I don't know what the response would be, if the Town of Breck prohibits solar panels. Might reverberate somehow. Small historic district, so not a huge market being removed. Looking for clarification if I should move forward with this customer? It might add some clarification as to what is going on. (Mr. Gallagher: If you wait a couple of weeks, you will get some clarification.)

Mr. Lee Edwards: I have properties in all the locations you are talking about and I am a little bit discouraged. When I built my all electric radiant house in the conservation district, I designed it and installed conduit in order to place solar panels on the roof when I would be able to afford to do it and when the technology was available. Now we are at that time. The comment that you can see a roof from anywhere in Town is accurate. Why the Council has directed Planning Commission to change this, I am unsure. I am resolutely against the change. This works except maybe the County building which I don't think was reviewed since it is the county and they are exempt. I agree with the Commissioners and the Staff that the examples shown are appropriate. We are a forward thinking community. I have proposals on all my properties from Mr. Westerhoff and his staff; I will have to put my applications in pretty quick to get underneath this before the change. I think we are doing a disservice by saying solar is not appropriate. (Mr. Pringle: The conversation came from an application for a large array on the Lincoln West Mall.) That should not be allowed. Fix flat roof section.

There was no further comment, and public comment was closed.

*Commissioner Questions / Comments:*

Ms. Dudney: No more public comment. Beauty is in the eye of the beholder. Can we all agree that free standing and not flush mounted should be prohibited?

Mr. Pringle: The only one I don't agree with is you could put a 4x6 panel in a back yard that is not visible and that could work.

Mr. Lamb: I agree it is something to think about. High Street, good point.

Ms. Dudney: I don't see any way to do this than a straw vote on each item.

Mr. Butler: Is there a way to do an installation on a flat roof that is not objectionable? I see that as a start.

Ms. Dudney: A flat roof cannot be visible from any street or alley? (All agreed.)

Mr. Pringle: Can we put this as the same as roof top mechanical?

Ms. Dudney: Sloped roof not be allowed unless flush mounted with sloped roof? (All agreed.)

Mr. Pringle: And follow the slope of that roof? (All agreed.)

Ms. Dudney: Free standing pole mounted?

Ms. Dudney: Must not be visible from road or alley. (All agreed.)

Mr. Schroder: Allowed. I like seeing them but that is my personal opinion.

Ms. Dudney: I am not entirely in agreement, should have additional regulations.



- Mr. Lamb: Mr. Schroder, I hear you but I think we need to send something palatable to Town Council.
- Mr. Pringle: All of these still need to be reviewed. Applications still need to come to the Planning Commission.
- Mr. Butler: Hierarchical.
- Ms. Dudney: If Planning Commission has final review of polar array?
- Ms. Christopher: If Planning Commission can review and if they can do on roof first, that is preferable. Pole mount a low preference placement.
- Ms. Dudney: Certain percentage of roof?
- Mr. Pringle: It can't be the defining element. Like a skylight. Don't want it to be like Summit County building with the whole roof covered.
- Ms. Dudney: I see it as a slippery slope, like non natural materials.
- Ms. Christopher: I would rather see percentage than eliminate them.
- Mr. Butler: Abbett Placer did the whole non character defining roof and it is visible but it is the back, they are going to get some bang for their buck. Can't see it from the street but can see it from the alley.
- Ms. Dudney: Are you in favor of forbidding its visibility from a public street and alley? (All said No, not in its entirety in all cases.)
- Mr. Lamb: Mr. Westerhoff, the average house in the historic district is about 2,500 square feet. How much to supply the whole house? Could you get that by covering the roof of that size building? (Mr. Westerhoff: You would not offset 100% covering the south roof. More like 50%. It is rare that we get a south roof that offsets 100% unless usage is low or area is large.)
- Mr. Pringle: More codified than just visibility.
- Mr. Schroder: Distance just doesn't help at all.
- Ms. Dudney: Any questions?
- Mr. Pringle: Percentage available or measure whole roof and say you can use 25%? We have to be careful of defining percentage if that is the way we go.
- Ms. Christopher: I am not for percentage, but would rather have percentage than nothing at all. (Ms. Puester: It might be helpful to look back to applications to see percentages.)
- Ms. Dudney: Mr. Pringle makes good point percentage of character defining roof.
- Ms. Christopher: A lot of times that part of roof is very visible.
- Mr. Lamb: Example of deck on front of historic house. Put it in the back. Someone's alley is front of someone's house as well. That is how I thought we would do this. (Ms. Puester: That is under our current code and how we would steer an applicant now and consistent with the Secretary of Interior. I would not steer you toward being real visible from a public street.)
- Mr. Gallagher: Get details to the typist to summarize for the Council what your thoughts are.
- Mr. Mosher: What is character defining roof? We don't have that in our code.
- Mr. Lamb: What is the percentage of roof that is acceptable? That is a tough one. These are going to come to us. Need to allow Planning Commission to have discretion to look on a per application basis. It is subjective.
- Ms. Dudney: Percentage idea is not what we are taking to the Council.
- Mr. Pringle: One follow-up comment: we have to have discussion on solar panels in Town, not just in the historic district. Imagine the solar panels across from tennis courts, and not screening them. (Ms. Dudney: Please note Mr. Pringle is making a personal comment.) You can't draw the line that they look good at rec center but not elsewhere. I think they look horrible up on the roof of the rec center but we need to have a come to Jesus moment saying they're good here, there bad here, I am fuzzy. Do we screen them all over Town or only in certain areas?

(The Commission took a ten minute recess.)

## 2. Moving Historic Structures (CN)

Mr. Mosher presented on behalf of Mr. Neubecker. Staff last presented on the topic of moving historic structures during the Planning Commission meeting of October 16, 2012. At that time, we heard support for revising Policy 24/R-(Social Community/Historic Preservation) to clarify when negative points would be assigned, and also allowing more flexibility for moving historic secondary structures such as sheds, barns and outhouses. The Commission supported more negative points for moving primary structures than secondary structures, and wanted to avoid “double dinging” between the allocation of positive points for restoration, and assigning negative points for moving structures.

Also, during the joint meeting with Town Council on November 13, 2012, we heard support from the Council for allowing the maximum flexibility for moving structures without lowering the rating of structures or reducing the designation of the Historic District. The Council supported connecting secondary structures to primary structures if there is no loss of rating of the structure or the district. Staff indicated that we would research these issues with the State Historic Preservation Office (SHPO), and/or National Trust for Historic Preservation, and report back. We expect to hear back from SHPO the week of December 31<sup>st</sup>.

Attached for your review is a modified policy on moving historic structures. The key changes to the policy from October 16<sup>th</sup> include:

- Increased negative points for moving primary structures.
- Prohibit moving historic structures to another lot, unless a variance is granted.
- Negative points for changing the orientation of a structure (rotating the structure).
- Consideration for changes required for public safety or for improving “save ability” of the structure.
- New language added to clarify that final point allocations will be made by the Planning Commission based on the significance of the structure, visibility and size. This provides additional flexibility to the Commission.
- Policy on Above Ground Density is moved to Policy 24, to keep all Historic District policies together.

Staff had a few questions for the Commission on the proposed language:

- Should positive points for restoration of secondary structures be allocated separately from primary structures? (Note that this may require a new point system for primary structures also, so that points are not allocated twice, since the current point system anticipates secondary structures.)
- Should moving a historic structure off site be prohibited? (In rare cases, a variance could be granted if there are practical hardships, and no other solutions for preserving structures on site.)
- Should applications that obtain a variance to move a historic structure to another lot also be assigned negative points for moving the structure?

To aid in discussion, Staff included four site plans from recent projects that received negative points for moving structures. The plans indicate the distance historic structures were moved and how many points were assigned for moving (negative points) and for the restoration (positive points).

Please let Staff know if this policy change is ready to go to Town Council, or if you would like to review these issues again.

### *Commissioner Questions / Comments:*

Ms. Dudney: Did you hear back from State Historical Society? (Mr. Grosshuesch: No.) Would you mind talking more about negative points relating to a variance? (Mr. Mosher: Any variance is subject to a physical hardship, not created by the applicant, and is applicable to Absolute Policies. A variance allows you to not necessarily meet the absolute. But if there is absolute and a relative policy and you request a variance from the Absolute Policy, you need to

review the request with regard to the Relative Policy as well and incur negative points if applicable. Discussion tonight is about whether to have a variance request incur negative points also.) Do you have a recommendation on whether you should have negative points? (Mr. Grosshuesch: I think if you agree there is an egregious design sin, if you think it is such a bad idea to move historic structure, then you make variance policy and negative points.) Wouldn't you just deny variance? (Mr. Grosshuesch: We have not though that part through yet.) (Mr. Mosher: Variance is for hardship not created by the applicant.) Negative points to move structures primary and secondary; should we also have positive for renovating primary and secondary? (Mr. Grosshuesch: We have had where people have just moved primary and not secondary. The question is fairly complex. If they renovate both primary and secondary, that is a lot of positive points. They could commit some serious sins with that kind of positive points being awarded. Thought we would present to you but I am reluctant to give too many positive points.)

Mr. Lamb: Instead of getting positive 12, you're just doing primary, you get positive 9, doing secondary you get positive 9, that's now 18 positive points - more than the code currently allows.

Mr. Schroder: Moving historic structure is prohibited from one lot to another. But later on it allows you to incur -15 for relocating off the site. (Mr. Mosher: Three options are shown - Absolute no variance and variance with points or no points. Staff to work out with Mr. Neubecker.) (Mr. Grosshuesch: This is with variance and negative points. You can say variance now will cost you some negative points. If you stay with thought process and good historic practice, you want to keep historic structures on their original sites.) On past projects, for example the Silverthorne house. We were excited to see it get restored. Under the current process it passes; under the proposed, it gets nailed. Are we getting ourselves into a bind where we can't support with a policy change? (Mr. Grosshuesch: Since that approval, there are a couple of things they couldn't do now with Silverthorne house.)

Mr. Lamb: Can we build a point structure if we gave positive points for primary, then on secondary can we write something that can get us in a lot of trouble down the road? (Mr. Grosshuesch: Mr. Neubecker and I talked about scaling back the number of positive points for moving a primary structure, gets confusing when added to secondary structure. Don't really want to get more than 9 positive points, not sure we really want to go there.)

Ms. Dudney: Depending on whether you want to incentivize restoration. (Mr. Grosshuesch: We still are.)

Ms. Christopher: Are we separating the primary and secondary? (Mr. Grosshuesch: That is the conundrum. What if no secondary structure?) (Mr. Mosher: This could be addressed similar to the height policy; there are several types of roofs and different ways to measure them.)

Mr. Pringle: If you want to move secondary structure, this whole discussion is predicated on taking secondary structure and moving that thing. Can we say if you move secondary structure, we expect preservation? (Mr. Grosshuesch: Yes.) I think we have a very good code today; we just don't address secondary structures very well. If we had a carve out in standards that said if you want to move building 3 feet to accommodate something, we expect better than minimal restoration. If you move ten feet, we expect even more. If you move even more, we expect stunning renovation.

Ms. Dudney: But no negative and no positive points for secondary structure?

Mr. Pringle: I don't know, but if you move a little bit, you do a little bit, if you move a huge amount, you do a stellar amount. (Mr. Grosshuesch: One of flexibilities in code is ability to make up negative points.) That is why I am reluctant to comment on this. Maybe we make this special deal here. You can't mitigate this by planting a bush or a shrub; you have to mitigate this by doing this amount of renovation.

Ms. Dudney: Mr. Gallagher?

Mr. Gallagher: I am curious about what the public has to comment.

Ms. Dudney opened the worksession to public comment.

Ms. Janet Sutterley: I was feeling a lot better about it last time but all of a sudden it's gotten out of control. It is making me really nervous with all the unknowns. I liked where Mr. Pringle was going with this. I think write the flexibility in. What scared me was when I saw Mr. Neubecker's diagrams; -22 for Silverthorne House! How do you mitigate that? There could be others like that. On the Harris project, Mr. Neubecker had negative 8. -3 for moving the primary, -5 for moving the shed 16'; what about the outhouse? Are they counting that? Then Mr. Grosshuesch's comment about "we want to be careful about assigning too many positive points". On Harris and Stroble, we got 9 positive points and we heard "the reason I can't support positive 12 was because of moving structures around". Ceiling is not going up as much for restoration as it is for moving things (Ms. Dudney: You mean negative points?) Right. You always have your precedent thing, but I think you can get out of that. I was feeling like we're not there and I don't have the answers, I just don't feel like we're there. This could be really restrictive in some situations where we might not want to be.

Mr. Lee Edwards: Historically lots of these buildings have been moved everywhere. Where they got placed was determined by a cute little tree they wanted to keep that has now been gone for 20 years. The building Twist is in is where it is because of a tree stump. That is how technical it got. Most buildings were put on north property line to put garden on south. Temp buildings; didn't all have foundations. I don't feel we need any more regulation or any more point analysis on the part of an application. It think we are doing pretty well. I think Karen West's old house is an example; that was substantially squished on a lot to put a larger building next door. That would never happen now. Let's keep with the flexibility that Mr. Grosshuesch has mentioned. Those are my thoughts. Thank you.

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

*Commission Questions / Comments?*

Ms. Dudney: Final comments? Mr. Butler?

Mr. Butler: Regarding positive points for restoration of secondary structure: I would think it should not be possible to exceed in this case 15 that you get for pristine restoration of property. If you were just doing the primary, you could never get 15, but if you are doing both, you could, if restoration is pristine. Mr. Pringle's suggestion makes sense. Shouldn't be get out of jail free.

Ms. Dudney: Let's all answer to the first question on positive points for secondary structure.

Ms. Christopher: Agree yes, no more than positive 15 for pristine restoration.

Mr. Pringle: I am not sure. My take is don't pass on a lot of negatives here and mitigate the problem you are causing.

Mr. Schroder: Tough one for me. First inclination each earned its' own, but that gets excessive. Don't have good feedback on this one.

Mr. Lamb: I definitely struggle as well. Would like to see proposed point analysis for what you get for what, perhaps compare to past and see on future projects. Not ending up the way we intended it to.

Ms. Dudney: If you are going to give negative points for a secondary structure, you are going to have to give positive points too. I hear Mr. Grosshuesch that we don't want to have so many positive points. I think Mr. Pringle's way is best: evaluation of secondary structure, but evaluation is looser. If they are going to move it, they have to do better renovation. Staff needs to look at historic projects and see how it would work. Can't be more than 9 points should be in the code. (Mr. Grosshuesch: It is in the code.) It is? Ok.

Mr. Gallagher: What about a connector? (Mr. Grosshuesch: That is an addition.)

Mr. Butler: Should moving an historic structure off site be prohibited? Yes.

Ms. Christopher: Yes, to move it off site you get -15 and you have to have a variance.

Mr. Pringle: If I understand it would be absolute policy, no? (Mr. Grosshuesch: But you can get a

variance.) I don't think you can prohibit, but it should be the last possible opportunity. (Ms. Dudney: Would you assign negative points even with a variance?) Sounds like it's prohibited but we'll allow it. I think it shouldn't be prohibited but I don't know how many negative points because it depends on the situation. (Mr. Grosshuesch: The way it should be said is that it violates an absolute policy.) I will go with that. Negative points may be assessed.

Mr. Schroder: I am not in support of moving a structure off site. I would like to have flexibility to assess. Can't do it. But there may be a reason. (Ms. Dudney: Would you agree with Mr. Pringle? Negative points may be assessed?) Yes, I would.

Mr. Lamb: Opposed to moving historic structure off site, but would treat primary more strictly than a secondary. I would like Planning Commission to have that discretion to grant a variance and may or may not assess points.

Ms. Dudney: I agree with Mr. Lamb and Mr. Pringle, the way they said it.

Mr. Butler: We have already answered negative points question.

Mr. Pringle: Are we separating primary and secondary or are we still commingling? (Mr. Mosher: I need to discuss with Mr. Neubecker.) Mr. Gallagher raised a question I want to make a pitch one more time about connectivity. In historic context of site support. Primary building here, barn in back. Primary structure we want to be very careful with. Secondary, they were moved all around the lot, replaced, placed on neighbors' property. I think moving secondary is not nearly as important as maintaining it as secondary. If we connect secondary to primary, we have primary building with crappy addition to attach them and we lose their historic context. They have to remain separate. I think that will erode the historic district because we lose that historic context. More lenient about where to move secondary, but they still have to be secondary. (Ms. Dudney: Mr. Pringle is expressing a personal opinion.) (Mr. Mosher: What Mr. Pringle is speaking to is applicable to the next application, and is not how the code reads today.)

Mr. Gallagher: The Town Council has all agreed that it would not be prohibited. Council would like to see how this moves forward.

#### **TOWN COUNCIL REPORT:**

Mr. Gallagher: No report.

#### **COMBINED HEARINGS:**

1. McCain Master Plan (JP) PC#2012095; 13221, 13217 and 13215 Colorado Highway 9 (Continued from December 4<sup>th</sup>, 2012.) **(Withdrawn at the Request of the Applicant.)**

#### **FINAL HEARINGS:**

1. Dodge Residence Restoration, Addition and Local Landmarking (MM) PC#2012074; 106 South Harris Street

Mr. Mosher presented a proposal to restore and add a full basement to the historic house, move the historic shed, connect historic shed to rear of existing house, and build a one-story addition to the south/rear portion (existing non-historic portion of the house). They have to have a snow melt system; there is no snow storage on site.

The purpose of the worksession was to discuss the general layout of the proposed site plan and the interpretation of the Policy 80A of the *Handbook of Design Standards for the Historic and Conservation Districts* as it applied to connectors. Policy 80A is a priority Policy and falls under Policy 5 Architectural Compatibility (Absolute) in the Development Code. The Commission was supportive of:

- Removing the attached outhouse (that had once been separate) and providing a new connector in lieu of using the outhouse for the connector.

- Placing the outhouse in the side yard, making it more visible.
- Moving the shed towards the north property line to allow a garage to be built.
- Removing the mature Lodgepole tree along the alley and mitigating its loss.

**Changes since the September 18, 2012, Planning Commission Meeting**

- Per recommendation from the Commission the outhouse has been moved east by 7-feet.
- Modified square footage slightly.
- The west facing window on Master Bedroom has been modified.

**Assignment of Points 9-1-17- 3:** At this final review, Staff recommended negative fifteen (-15) points: Policy 5/R (-5 points) for relocating the barn and removing the outhouse to accommodate development. Policy 9/R (-9 points) for not meeting three of the suggested building setbacks. Policy 33/R (-1 point) for heating the parking area.

A total of positive fifteen (+ 15) points were recommended:

Policy 18/R (+2 points) for screening the parking from public view.

Policy 22/R (+2) points for the landscaping Policy 24/R

Policy 24/R (+9 points) for the historic restoration/rehabilitation efforts.

Policy 33/R (+2 points) for providing a preliminary HERS report submitted by a certified HERS Engineer showing a rating of 61-80

Staff showed a passing score of zero (0) points.

This application has been advertised for a final hearing. Staff believes that the restoration of this historic house is a good public benefit for the community. The applicant and agent have responded to the concerns and direction provided in the last meeting. At this time we have the following question:

1. Did the Commission support awarding positive two (+2) points for the landscaping efforts?
2. Was the Commission comfortable moving forward with the engineer's letter projecting a HERS rating of 61-80 for +2 points?

Staff welcomed any additional comments.

Staff had three motions recommending approval for this application:

1. Staff recommended approval of the Point Analysis for the Dodge Residence Restoration, Rehabilitation, Addition and Landmarking, PC#2012074.
2. Staff also recommended approval of the Dodge Residence Restoration, Rehabilitation, Addition and Landmarking, PC#2012074, with the presented Findings and Conditions.
3. Staff suggested the Planning Commission recommend that the Town Council adopt an ordinance to Landmark the historic structure for the Dodge Residence Restoration, Rehabilitation, Addition and Landmarking, PC#2012074, based on proposed restoration efforts and the fulfillment of criteria for architectural significance as stated in Section 9-11-4 of the Landmarking Ordinance.

Ms. Janet Sutterley, Architect for the Applicant: On the west windows, we did a more historical array (pointed out on the large plans). On the landscape proposal, we are also restoring the historic fence. The HERS rating is based on similar detailing of two other historic projects; that's where they came up with that number. I feel comfortable with two points. That was all I had to add.

Ms. Dudney opened the hearing to public comment.

Mr. Lee Edwards: I did not see floor plans. Were floor plans included in the packet? (Mr. Mosher: No.)

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

*Commissioner Questions / Comments:*

Mr. Lamb: I support positive two (+2) points for the landscape, comfortable with HERS.  
Mr. Schroder: I agree.  
Mr. Pringle: I agree.  
Ms. Dudney: I agree.  
Mr. Butler: I agree.  
Ms. Christopher: I agree.

Mr. Pringle made a motion to approve the point analysis for the Dodge Residence Restoration, Rehabilitation, Addition and Landmarking, PC#2012074, 106 South Harris Street. Ms. Christopher seconded, and the motion was carried unanimously (6-0).

Mr. Pringle made a motion to approve the Dodge Residence Restoration, Rehabilitation, Addition and Landmarking, PC#2012074, 106 South Harris Street. Ms. Christopher seconded, and the motion was carried unanimously (6-0).

Mr. Pringle made a motion to recommend the Town Council adopt an ordinance to Landmark the historic structure for the Dodge Residence Restoration, Rehabilitation, Addition and Landmarking, PC#2012074, 106 South Harris Street, based on proposed restoration efforts and the fulfillment of criteria for architectural significance as stated in Section 9-11-4 of the Landmarking Ordinance. Ms. Christopher seconded, and the motion was carried unanimously (6-0).

**OTHER MATTERS:**

Ms. Dudney: I am trying to go to the Town Council worksession, and I encourage any of you to attend if you can. They have been reading our minutes very carefully as hard as they are to reproduce, and sometimes it is difficult for them to understand them. It might be useful for some of us to go.

Mr. Lamb: The worksessions are really long; maybe we can do shifts as far as who attends which one?

Ms. Dudney: Regarding audio recording of Planning Commission meetings. I recommend we continue written recording of Planning Commission minutes, as no one wants to listen to two three or four hours of the meeting to hear the topic they are interested in. I don't know if that decision is ours? (Mr. Grosshuesch: We are going to see how Town Council does with beta testing first, and then deciding to move forward with other commissions.)

Mr. Pringle: My concern is that on occasion the minute taker records the minutes very differently from the meeting itself. The minute taker does not review the minutes, someone else does, and many times it is like the minutes don't even reflect the actual meeting at all, it is like it is a different meeting.

Ms. Christopher: My concern is the Town Council is not going to listen to the entire minutes. I really think the typist is for the Town Council to understand what is going on. (Ms. Brewster explained that the new system is such that the recordings are time stamped such that, when a member of the public pulls the minutes up on the website, they can jump directly to the item they are interested in and hear the minutes starting at that point instead of having to listen to the hour or two or more prior to that point.)

Mr. Schroder: On a separate note, there is an on line petition that there is a protest against and active application. I want to confirm the process around that. (Mr. Mosher: For anyone to ask you about that is ex parte contact and you need to remind them you cannot discuss it.) I just wanted to confirm process, thank you.

**ADJOURNMENT:**

The meeting was adjourned at 9:19 p.m.

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Gretchen Dudney, Chair



**MEMO**

**TO: Town Council**  
**FROM: Laurie Best, Community Development Department**  
**RE: Council Bill No. 35 Series 2012 (Claimjumper Parcels Land Use District)**  
**DATE: December 18, 2012 (for January 8<sup>th</sup> meeting)**

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The second reading of the ordinance establishing the initial land use designation for the Town's Claimjumper Parcels is scheduled for your meeting on January 8, 2013. There are no changes proposed to the ordinance from first reading (note that the revised density language that was put into Section 4 of the ordinance at the time of first reading is included in the second reading form of the ordinance).

Staff recommends approval of the ordinance that places the property in Land Use District 1 and Land Use District 9.2 and will be available to discuss this matter with you on January 8<sup>th</sup>.

1 ***FOR WORKSESSION/SECOND READING – JAN. 8***

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

4  
5 COUNCIL BILL NO. 35

6  
7 Series 2012

8  
9 AN ORDINANCE PLACING RECENTLY ANNEXED  
10 PROPERTY IN LAND USE DISTRICT 1 AND  
11 LAND USE DISTRICT 9<sub>2</sub>  
12 (Claimjumper Parcels - 25.633 acres)

13  
14 WHEREAS, the Town owns the real property described in Section 1 of this ordinance;  
15 and

16  
17 WHEREAS, by Ordinance No. 31, Series 2012, adopted September 11, 2012, the real  
18 property described in Section 1 of this ordinance was annexed into and made a part of the Town  
19 in accordance with the Municipal Annexation Act of 1965 (Part 1 of Article 12 of Title 31,  
20 C.R.S.); and

21  
22 WHEREAS, the Town is required by Section 31-12-115(2), C.R.S., to zone all newly  
23 annexed areas within ninety (90) days after the effective date of the annexation ordinance; and

24  
25 WHEREAS, the Town's Planning Commission has recommended that the recently  
26 annexed parcel be placed within Land Use District 1 and Land Use District 9<sub>2</sub>; and

27  
28 WHEREAS, the Town's Annexation Plan adopted pursuant to Section 31-12-105(1)(e),  
29 C.R.S., indicates that the property should be placed in Land Use District 1 and Land Use District  
30 9<sub>2</sub>; and

31  
32 WHEREAS, to implement the Joint Upper Blue Master Plan the Town Council finds and  
33 determines that it is necessary and appropriate to place special restrictions on the density located  
34 on the real property described in Section 1 of this ordinance.

35  
36 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
37 BRECKENRIDGE, COLORADO:

38  
39 Section 1. The following described real property:

40  
41 PARCEL 1

42  
43 A TRACT OF LAND LOCATED IN THE NW ¼ OF SECTION 31 AND THE SW ¼ OF  
44 SECTION 30, TOWNSHIP 6 SOUTH , RANGE 77 WEST, AND ALSO THE NE ¼ OF

1 SECTION 36 AND THE SE ¼ OF SECTION 25, TOWNSHIP 6 SOUTH, RANGE 78  
2 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF SUMMIT, STATE OF  
3 COLORADO, AND DESCRIBED AS FOLLOWS:  
4

5 BEGINNING AT CORNER NO. 3 OF THE RANKIN PLACER, M.S. 1364, ALSO BEING  
6 THE NORTHWEST CORNER OF LOT 5, BLOCK 1, THE AMENDED PLAT OF  
7 PARKWAY CENTER, WHENCE THE SOUTHWEST CORNER OF SAID SECTION 30  
8 BEARS S84°40'24"W 147.75 FEET DISTANT; THENCE S08°41'14"W A DISTANCE OF  
9 765.37 FEET TO A POINT ON THE EAST LINE OF SHOCK HILL SUBDIVISION, AS  
10 RECORDED UNDER RECEPTION NUMBER 598532 IN THE COUNTY RECORDS;  
11 THENCE ALONG THE EASTERLY AND NORTHERLY BOUNDARY OF SAID SHOCK  
12 HILL SUBDIVISION FOR THE FOLLOWING THREE (3) COURSES:  
13

- 14 1.) N24°56'32"W A DISTANCE OF 445.17 FEET;
- 15 2.) N25°15'06"W A DISTANCE OF 473.96 FEET;
- 16 3.) S74°46'54"W A DISTANCE OF 69.14 FEET TO A POINT BEING AN ANGLE  
17 POINT ON THE SOUTH LINE OF LOT 42, SHOCK HILL SUBDIVISION,  
18 FILING NO. 2, AS RECORDED AT RECEPTION NUMBER 647222;

19 THENCE N60°39'41"E A DISTANCE OF 17.55 FEET TO THE SOUTHEAST CORNER  
20 OF SAID LOT 42; THENCE ALONG THE SOUTHERLY LINE OF THE CLAIMJUMPER  
21 CONDOMINIUM, ACCORDING TO THE PLAT RECORDED AT RECEPTION  
22 NUMBER 159519 IN THE COUNTY RECORDS FOR THE FOLLOWING SIX (6)  
23 COURSES:  
24

- 25 1.) N61°08'28"E ALONG THE 3-2 LINE OF THE DORA L. LODE, M.S. 16068, A  
26 DISTANCE OF 226.15 FEET TO A POINT ON THE 2-3 LINE OF THE  
27 GERMANIA LODE, M.S. 12372;
- 28 2.) N19°38'26"E ALONG SAID 2-3 LINE A DISTANCE OF 253.80 FEET TO  
29 CORNER NO. 2;
- 30 3.) S69°45'18"E A DISTANCE OF 146.31 FEET TO CORNER NO. 1;
- 31 4.) S18°55'14"W ALONG THE 1-4 LINE OF SAID GERMANIA LODE A DISTANCE  
32 OF 81.70 FEET TO A POINT ON SAID 2-3 LINE OF THE DORA L. LODE;
- 33 5.) N67°42'46"E A DISTANCE OF 3.46 FEET TO A POINT ON THE LINE  
34 BETWEEN SAID SECTIONS 25 AND 30;
- 35 6.) N60°56'12"E ALONG SAID 2-3 LINE OF THE DORA L. LODE A DISTANCE OF  
36 362.13 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE FOR  
37 AIRPORT ROAD;

38 THENCE S04°32'41"E ALONG SAID WEST RIGHT-OF-WAY A DISTANCE OF 428.50  
39 FEET; THENCE S79°10'09"W A DISTANCE OF 194.36 FEET TO THE POINT OF  
40 BEGINNING, CONTAINING 391,119 SQUARE FEET OR 8.979 ACRES MORE OR  
41 LESS.  
42

1 PARCEL 2

2  
3 A TRACT OF LAND LOCATED IN THE SW ¼ OF SECTION 30, TOWNSHIP 6 SOUTH,  
4 RANGE 77 WEST, AND IN THE SOUTH ½ OF SECTION 25, TOWNSHIP 6 SOUTH,  
5 RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF SUMMIT,  
6 STATE OF COLORADO, AND DESCRIBED AS FOLLOWS:

7  
8 BEGINNING AT CORNER NO. 6 OF THE MASONIC PLACER, M.S. 9616, A  
9 STANDARD B.L.M. BRASS CAP, WHENCE THE SOUTHWEST CORNER OF SAID  
10 SECTION 30 BEARS S10°49'38"W 1,066.72 FEET DISTANT; THENCE N89°34'21"E A  
11 DISTANCE OF 58.31 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE FOR  
12 AIRPORT ROAD; THENCE S04°32'41"E ALONG SAID RIGHT-OF-WAY LINE A  
13 DISTANCE OF 559.94 FEET TO A POINT ON THE 1-2 LINE OF THE DORA L. LODE,  
14 M.S. 16068; THENCE N24°59'52"W A DISTANCE OF 140.00 FEET TO CORNER NO. 1  
15 OF THE IRON MASK LODE, M.S. 16068; THENCE N29°08'37"W A DISTANCE OF  
16 150.16 FEET TO CORNER NO. 2 OF SAID IRON MASK LODE; THENCE ALONG THE  
17 NORTH LINE OF THE CLAIMJUMPER CONDOMINIUM, ACCORDING TO THE PLAT  
18 RECORDED AT RECEPTION NUMBER 159519 IN THE COUNTY RECORDS FOR THE  
19 FOLLOWING FIVE (5) COURSES:

- 20  
21 1.) S61°01'57"W A DISTANCE OF 175.95 FEET;  
22 2.) S19°07'01"E A DISTANCE OF 1.79 FEET;  
23 3.) S72°35'13"W A DISTANCE OF 8.90 FEET;  
24 4.) S60°55'29"W A DISTANCE OF 38.42 FEET;  
25 5.) S60°39'11"W A DISTANCE OF 1,002.35 FEET;

26  
27 THENCE S58°23'15"W ALONG THE 2-3 LINE OF SAID IRON MASK LODE A  
28 DISTANCE OF 270.16 FEET TO CORNER NO. 3, OF SAID IRON MASK LODE;  
29 THENCE S29°25'20"E ALONG THE 3-4 LINE OF SAID IRON MASK LODE A  
30 DISTANCE OF 107.97 FEET TO A POINT ON THE NORTH LINE OF SHOCK HILL  
31 SUBDIVISION, FILING NO. 2; THENCE S68°03'02"W ALONG SAID LINE A  
32 DISTANCE OF 13.94 FEET TO A POINT ON THE 5-6 LINE OF THE HAROLD  
33 PLACER, M.S. 7924; THENCE ALONG THE BOUNDARY OF SAID HAROLD PLACER  
34 FOR THE FOLLOWING THREE (3) COURSES:

- 35  
36 1.) N25°43'45"W A DISTANCE OF 526.95 FEET TO CORNER NO. 6;  
37 2.) N55°10'32"E A DISTANCE OF 837.87 FEET TO CORNER NO. 7;  
38 3.) N71°19'18"E A DISTANCE OF 548.68 FEET TO CORNER NO. 8;

39  
40 THENCE CONTINUING ALONG THE 7-8 LINE OF THE HAROLD PLACER  
41 EXTENDED N71°19'18"E A DISTANCE OF 28.28 FEET TO A POINT ON THE 6-7 LINE  
42 OF SAID MASONIC PLACER; THENCE N89°35'17"E ALONG SAID 6-7 LINE A  
43 DISTANCE OF 70.43 FEET TO A POINT ON THE SECTION LINE BETWEEN SAID  
44 SECTIONS 25 AND 30; THENCE N89°34'21"E CONTINUING ALONG SAID 6-7 LINE  
45 A DISTANCE OF 212.66 FEET TO THE POINT OF BEGINNING; CONTAINING 725,437

1 SQUARE FEET OR 16.654 ACRES MORE OR LESS.  
2  
3

4 is placed in Breckenridge Land Use District 1 and Land Use District 9<sub>2</sub>. The Town staff is  
5 directed to change the Town’s Land Use District Map to indicate that the abovedescribed  
6 property has been annexed and placed within Land Use District 1 and Land Use District 9<sub>2</sub>.  
7

8 Section 2. The general boundaries of Land Use District 1 and Land Use District 9<sub>2</sub> within  
9 the real property described in Section 1 of this ordinance are shown on **Exhibit “A”**, which is  
10 attached to and incorporated into this ordinance. The exact boundaries Land Use District 1 and  
11 Land Use District 9<sub>2</sub> within the real property described in Section 1 of this ordinance shall be  
12 determined by the Town in connection with a site specific development permit application to  
13 develop such real property, or in connection with a public improvement project to be undertaken  
14 by the Town as described in Section 9-1-27 of the Breckenridge Town Code.

15 Section 3. All or a portion of the density on the real property described in Section 1 of  
16 this ordinance may be transferred between the two annexation parcels described in Section 1 in  
17 accordance with Section 9-1-17-12(A) of the Breckenridge Town Code.

18 Section 4. Under the Town’s Land Use Guidelines, the Town would normally be  
19 required to place 1.7633 SFEs of density on that portion of the real property described in Section  
20 1 that has been placed in Land Use District 1 [17.633 acres of Land Use District 1 land at 1 SFE  
21 per 10 acres = 1.7633 SFEs of Land Use District 1 density]. However, there was no density on  
22 the Land Use District 1 property prior to annexation, and the Town Council finds and determines  
23 that to comply with the Joint Upper Blue Master Plan no density should be placed on such  
24 property after annexation. Accordingly, no density is placed on that portion of the real property  
25 described in Section 1 that has been placed in Land Use District 1.

26 Section 5. Unless a developer brings additional density to the property, the density on the  
27 real property described in Section 1 of this ordinance may only be used for those uses  
28 specifically described in Goal B – Policy/Action 1 of the Joint Upper Blue Master Plan as  
29 adopted by the Town, which uses include as of the date of the adoption of this ordinance  
30 community facilities, institutional uses, and affordable workforce housing. The Town Council  
31 finds and determines that the density restrictions imposed by this Section 4 comply with and  
32 implement the Joint Upper Blue Master Plan as adopted by the Town.

33 Section 6. The Town Council finds, determines, and declares that this ordinance is  
34 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and  
35 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants  
36 thereof.

37 Section 7. The Town Council finds, determines, and declares that it has the power to  
38 adopt this ordinance pursuant to: (i) Section 31-12-115(2), C.R.S.; (ii) the Local Government  
39 Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (iii) Part 3 of Article 23 of Title  
40 31, C.R.S. (concerning municipal zoning powers); (iv) Section 31-15-103, C.R.S. (concerning  
41 municipal police powers); (v) Section 31-15-401, C.R.S.(concerning municipal police powers);

1 (vi) the authority granted to home rule municipalities by Article XX of the Colorado  
2 Constitution; and (vii) the powers contained in the Breckenridge Town Charter.

3 Section 8. This ordinance shall be published and become effective as provided by  
4 Section 5.9 of the Breckenridge Town Charter.

5 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
6 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2012. A Public Hearing shall be held at the  
7 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
8 \_\_\_\_\_, 2012, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the  
9 Town.

10  
11 TOWN OF BRECKENRIDGE, a Colorado  
12 municipal corporation  
13

14  
15  
16 By \_\_\_\_\_  
17 John G. Warner, Mayor  
18

19 ATTEST:  
20

21  
22  
23 \_\_\_\_\_  
24 Town Clerk  
25

## Memorandum

**TO:** TOWN COUNCIL  
**FROM:** Dale Stein, Assistant Town Engineer  
**DATE:** January 2, 2013  
**RE:** Public Projects Update

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### **Arts District- Architectural Building Design**

Anderson Hallas Architects has been chosen to design the buildings in the Arts District and design is expected to begin the week of January 7th, 2013 and is anticipated to be completed by the end of May, with construction start date estimated in June 2013. The RFP for the general contractor will be advertised on January 4 and proposals will be due on January 21. The general contractor will be participating in the design process of the buildings and developing costs estimates at various stages of design.

**MEMO**

**TO:** Mayor & Town Council  
**FROM:** Tim Gagen, Town Manager  
**DATE:** January 3, 2012  
**SUBJECT:** Committee Reports for 01-08-2013 Council Packet

*The following committee reports were submitted by Town Employees and/or the Town Manager:*

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<b>Liquor Licensing Authority</b>	<b>December 18, 2012</b>	<b>Mistaya Pierpont</b>
	<ul style="list-style-type: none"><li>All Consent items were approved, including a change of manager for DoubleTree at Breckenridge and Corporate officer changes for Village at Breckenridge and Breckenridge Mountain Lodge.</li><li>Approval of a new hotel and restaurant liquor license for Broken Ski Pizza &amp; Pub, Inc located at 1900 Airport Rd., Bldg A, Units 3 &amp; 4</li><li>Approval of a new beer &amp; wine liquor license for The Flatbread Pizza Co. located at 550 S Main St, Unit 3M.</li></ul>	

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<b>Committees</b>	<b>Representative</b>	<b>Report Status</b>
CAST	Mayor Warner	Verbal Report
CDOT	Tim Gagen	No Meeting/Report
CML	Tim Gagen	No Meeting/Report
I-70 Coalition	Tim Gagen	No Meeting/Report
Mayors, Managers & Commissions Meeting	Mayor Warner	Verbal Report
Summit Leadership Forum	Tim Gagen	No Meeting/Report
Liquor Licensing Authority*	Mistaya Pierpont	Included
Wildfire Council	Matt Thompson	No Meeting/Report
Public Art Commission*	Jenn Cram	No Meeting/Report
Summit Stage Advisory Board*	James Phelps	No Meeting/Report
Police Advisory Committee	Chief Haynes	No Meeting/Report
Housing/Childcare Committee	Laurie Best	Verbal Report
CMC Advisory Committee	Tim Gagen	No Meeting/Report

*Note: Reports provided by the Mayor and Council Members are listed in the council agenda.*

*\* Minutes to some meetings are provided in the Manager's Newsletter.*



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**FINANCIAL MEMORANDUM**

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**TO:** TIM GAGEN, TOWN MANAGER; RICK HOLMAN, ASSISTANT TOWN MANAGER  
**FROM:** FINANCE AND MUNICIPAL SERVICES DIVISION  
**SUBJECT:** OCTOBER TAX COLLECTIONS  
**DATE:** 1/2/2013

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This memo explains significant items of note in relation to collections that occurred within the Town of Breckenridge in the month of October.

**New Items of Note:**

- Overall, at the time of this report, tax collections for October are up 22% from 2011, and 119.5% of the month's budget. YTD, we are up 2.1% and 100.3% of budget
- Sales Tax was down 1.8% from 2011, and 92.6% of budget. As has been previously noted, due to the fact that each payment is applied to the oldest balance due, in months of lesser tax collections (such as May and October), the Accounts Receivable can create a noticeable difference in the net taxable sales report and the collections report. As we collect on Accounts Receivable, we can expect that this number will agree with the Net Taxable Sales report that was up 9.6% over prior year. YTD, we are up 6% from prior year, but down 3.3% from budget.
- Accommodations Tax was down from prior year by 6.1%, and 90.5% of budget for the month. YTD we are now up 3.6% from prior year, and 111.8% of budget.
- Real Estate Transfer Tax in October was up from prior year by 85.3%, and reached 199.7% of budget. For November, we were up from prior year by 73.4%, and reached 170.9% of budget. December is already at 117.3% of budget at this time. December #'s are still preliminary and will increase as the year is closed.
- For housing, we were up from prior year by 2.3%, and 117.1% of budget for the month. YTD we are now up 9.1% from prior year, and 114% of budget.
- Medical Marijuana currently totals 114.5% of the annual budget.

**Continuing Items of Note:**

- Tax collections are reported in the second Council meeting following the due date of the tax remittance to the Town of Breckenridge. The taxes in these reports are listed in the month that they were collected by the vendor. The tax may have been remitted to the Town in any month and therefore these reports will vary from the amounts reported in the financial statements.
- Town of Breckenridge taxes collected from the customer by the vendor are remitted to the Town on the 20<sup>th</sup> of the following month.
- Taxes remitted to the State of Colorado, Department of Revenue for Summit County are distributed to the Town around the 8<sup>th</sup> business day of the month following the due date – ex. taxes collected by the vendor in January are due to the State on February 20<sup>th</sup> and distributed to the Town on the 8<sup>th</sup> business day of March.
- Quarterly taxes are reported in the last month of the period. For example, taxes collected in the first quarter of the year (January – March), are included on the report for the period of March.
- Sales and Accommodations Tax collections are continually updated as late tax returns are submitted to the Town of Breckenridge. Therefore, you may notice slight changes in prior months, in addition to the reporting for the current month.
- Sales & Accommodations Tax collections are reported as of the day that the reports are generated. Therefore, if late returns have been remitted in the current month that revenue is included in the tax

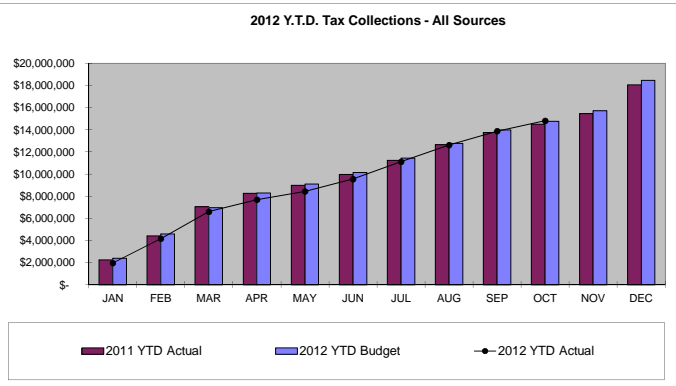
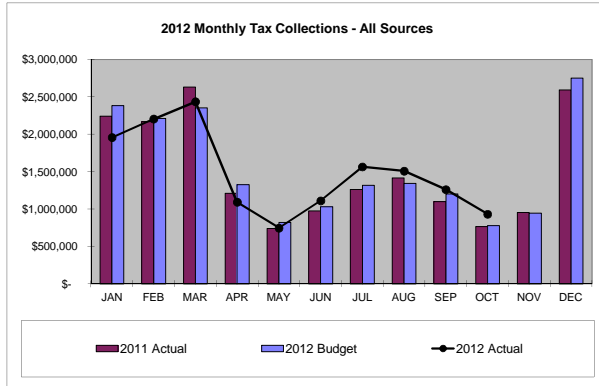
collection reports. However, that revenue would not be included in the financial statements provided to Council for the same meeting. This difference can cause the total collections to exceed the total tax reported in the financial statements.

- Medical Marijuana Tax Collections was added to these reports beginning with the period of June 2012. Note that the distribution for 2012 is appearing to be more consistent on a monthly basis than prior years' (versus seasonal highs and lows) net taxable sales. This is what should be expected of such a category and future budgets will reflect the adjusted distribution. Due to the fact that there is no prior year data available for comparison, this data is not included on the Tax Summary sheet.

**TOWN OF BRECKENRIDGE**  
**CASH TAX COLLECTIONS - ALL SOURCES - SALES, LODGING, RETT, ACCOMMODATIONS**  
**REPORTED IN THE PERIOD EARNED**

Sales Period	2011 Collections			2012 Budget			2012 Monthly			2012 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2011	% of Budget	Actual	% Change from 2011	% of Budget
JAN	\$ 2,241,803	\$ 2,241,803	12.4%	\$ 2,380,436	\$ 2,380,436	12.9%	\$ 1,957,257	-12.7%	82.2%	\$ 1,957,257	-12.7%	82.2%
FEB	\$ 2,168,781	\$ 4,410,585	24.4%	\$ 2,212,365	\$ 4,592,801	24.9%	\$ 2,204,233	1.6%	99.6%	\$ 4,161,491	-5.6%	90.6%
MAR	\$ 2,629,700	\$ 7,040,285	39.0%	\$ 2,350,673	\$ 6,943,474	37.6%	\$ 2,434,744	-7.4%	103.6%	\$ 6,596,235	-6.3%	95.0%
APR	\$ 1,207,737	\$ 8,248,022	45.7%	\$ 1,327,067	\$ 8,270,541	44.8%	\$ 1,091,849	-9.6%	82.3%	\$ 7,688,085	-6.8%	93.0%
MAY	\$ 737,152	\$ 8,985,174	49.8%	\$ 822,135	\$ 9,092,676	49.3%	\$ 745,704	1.2%	90.7%	\$ 8,433,789	-6.1%	92.8%
JUN	\$ 974,755	\$ 9,959,930	55.2%	\$ 1,028,725	\$ 10,121,401	54.9%	\$ 1,110,349	13.9%	107.9%	\$ 9,544,138	-4.2%	94.3%
JUL	\$ 1,262,376	\$ 11,222,306	62.2%	\$ 1,315,918	\$ 11,437,320	62.0%	\$ 1,564,064	23.9%	118.9%	\$ 11,108,202	-1.0%	97.1%
AUG	\$ 1,414,439	\$ 12,636,745	70.0%	\$ 1,342,085	\$ 12,779,404	69.3%	\$ 1,507,265	6.6%	112.3%	\$ 12,615,467	-0.2%	98.7%
SEP	\$ 1,098,856	\$ 13,735,601	76.1%	\$ 1,200,980	\$ 13,980,384	75.8%	\$ 1,259,888	14.7%	104.9%	\$ 13,875,354	1.0%	99.2%
OCT	\$ 763,329	\$ 14,498,930	80.3%	\$ 778,969	\$ 14,759,353	80.0%	\$ 931,212	22.0%	119.5%	\$ 14,806,566	2.1%	100.3%
NOV	\$ 954,521	\$ 15,453,451	85.6%	\$ 944,049	\$ 15,703,402	85.1%	\$ 387,225	-59.4%	41.0%	\$ 15,193,792	-1.7%	96.8%
DEC	\$ 2,592,922	\$ 18,046,373	100.0%	\$ 2,748,099	\$ 18,451,501	100.0%	\$ 338,221	-87.0%	12.3%	\$ 15,532,013	-13.9%	84.2%

Medical Marijuana Tax is not included in this Tax Summary page



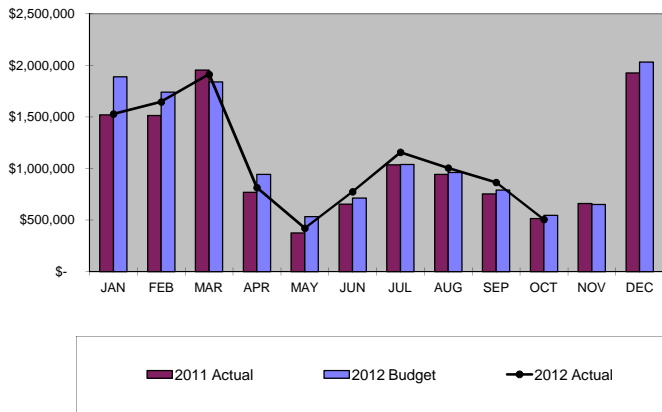
**Prior Year Actual and Current Year Budget Variances**

	TOTAL	Sales	Accommodations	RETT	Housing
vs. October 11 Actual	167,883	(9,045)	(1,574)	178,197	305
vs. October 12 Budget	152,243	(40,428)	(2,547)	193,255	1,964
vs. YTD 11 Actual	307,637	598,370	47,148	(361,225)	23,344
vs. YTD 12 Budget	47,213	(367,167)	145,342	234,706	34,332

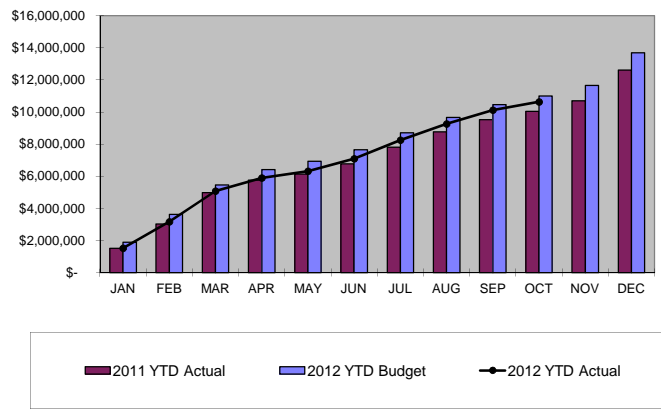
**TOWN OF BRECKENRIDGE  
SALES TAX COLLECTIONS  
REPORTED IN THE PERIOD EARNED**

Sales Period	2011 Collections			2012 Budget			2012 Monthly			2012 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2011	% of Budget	Actual	% Change from 2011	% of Budget
JAN	\$ 1,520,096	\$ 1,520,096	12.0%	\$ 1,888,658	\$ 1,888,658	13.8%	\$ 1,527,996	0.5%	80.9%	\$ 1,527,996	0.5%	80.9%
FEB	\$ 1,512,324	3,032,419	24.0%	1,741,629	3,630,287	26.5%	\$ 1,645,657	8.8%	94.5%	3,173,652	4.7%	87.4%
MAR	\$ 1,954,554	4,986,974	39.5%	1,838,986	5,469,273	40.0%	\$ 1,912,948	-2.1%	104.0%	5,086,600	2.0%	93.0%
APR	\$ 768,283	5,755,257	45.6%	943,740	6,413,013	46.9%	\$ 814,874	6.1%	86.3%	5,901,474	2.5%	92.0%
MAY	\$ 375,492	6,130,748	48.6%	533,132	6,946,146	50.8%	\$ 421,201	12.2%	79.0%	6,322,675	3.1%	91.0%
JUN	\$ 653,495	6,784,243	53.7%	714,458	7,660,603	56.0%	\$ 775,225	18.6%	108.5%	7,097,900	4.6%	92.7%
JUL	\$ 1,035,676	7,819,919	62.0%	1,039,211	8,699,814	63.6%	\$ 1,158,213	11.8%	111.5%	8,256,113	5.6%	94.9%
AUG	\$ 943,216	8,763,135	69.4%	960,640	9,660,454	70.6%	\$ 1,004,722	6.5%	104.6%	9,260,835	5.7%	95.9%
SEP	\$ 755,563	9,518,698	75.4%	792,398	10,452,852	76.4%	\$ 865,277	14.5%	109.2%	10,126,113	6.4%	96.9%
OCT	\$ 515,660	10,034,358	79.5%	547,043	10,999,895	80.4%	\$ 506,615	-1.8%	92.6%	10,632,727	6.0%	96.7%
NOV	\$ 659,890	10,694,247	84.7%	652,433	11,652,328	85.2%		n/a	0.0%	10,632,727	-0.6%	91.2%
DEC	\$ 1,927,667	\$ 12,621,914	100.0%	\$ 2,032,073	13,684,401	100.0%		n/a	0.0%	\$ 10,632,727	-15.8%	77.7%

2012 Monthly Sales Tax Collections



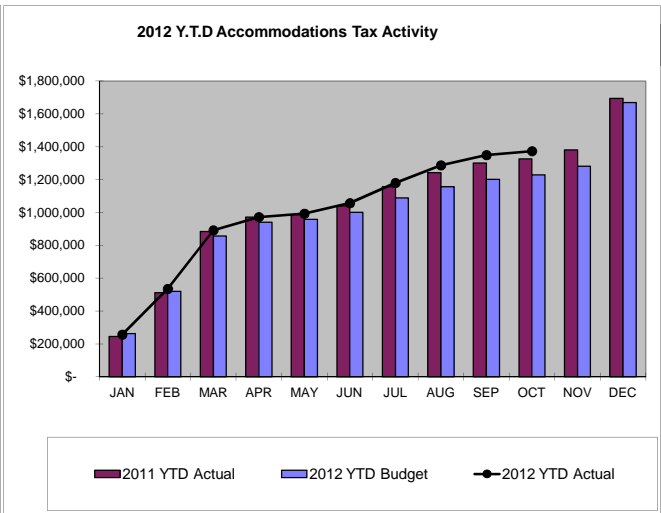
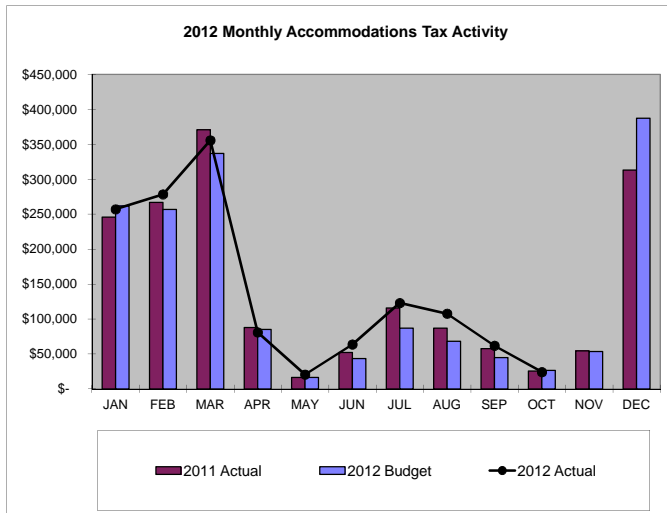
2012 Y.T.D. Sales Tax Collections



**TOWN OF BRECKENRIDGE  
ACCOMMODATION TAX COLLECTIONS  
REPORTED IN THE PERIOD EARNED**

Sales Period	2011 Collections			2012 Budget			2012 Monthly			2012 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2011	% of Budget	Actual	% Change from 2011	% of Budget
JAN	\$ 245,846	\$ 245,846	14.5%	\$ 261,985	\$ 261,985	15.7%	\$ 257,047	4.6%	98.1%	\$ 257,047	4.6%	98.1%
FEB	\$ 266,709	512,555	30.3%	256,979	518,965	31.1%	\$ 278,490	4.4%	108.4%	535,537	4.5%	103.2%
MAR	\$ 370,640	883,195	52.1%	337,077	856,042	51.3%	\$ 355,707	-4.0%	105.5%	891,244	0.9%	104.1%
APR	\$ 87,676	970,871	57.3%	85,104	941,145	56.4%	\$ 80,996	-7.6%	95.2%	972,240	0.1%	103.3%
MAY	\$ 16,675	987,546	58.3%	16,687	957,832	57.4%	\$ 20,693	24.1%	124.0%	992,932	0.5%	103.7%
JUN	\$ 52,413	1,039,959	61.4%	43,386	1,001,218	60.0%	\$ 63,743	21.6%	146.9%	1,056,675	1.6%	105.5%
JUL	\$ 115,959	1,155,918	68.2%	86,772	1,087,990	65.2%	\$ 122,941	6.0%	141.7%	1,179,616	2.1%	108.4%
AUG	\$ 86,872	1,242,790	73.4%	68,417	1,156,407	69.3%	\$ 107,809	24.1%	157.6%	1,287,425	3.6%	111.3%
SEP	\$ 57,840	1,300,630	76.8%	45,055	1,201,462	72.0%	\$ 61,927	7.1%	137.4%	1,349,351	3.7%	112.3%
OCT	\$ 25,726	1,326,356	78.3%	26,699	1,228,161	73.6%	\$ 24,152	-6.1%	90.5%	1,373,503	3.6%	111.8%
NOV	\$ 54,379	1,380,734	81.5%	53,398	1,281,559	76.8%	n/a	0.0%		1,373,503	-0.5%	107.2%
DEC	\$ 313,337	\$ 1,694,071	100.0%	\$ 387,142	1,668,701	100.0%	n/a	0.0%		\$ 1,373,503	-18.9%	82.3%

Accommodation tax amounts reflect collections at the 2% rate.

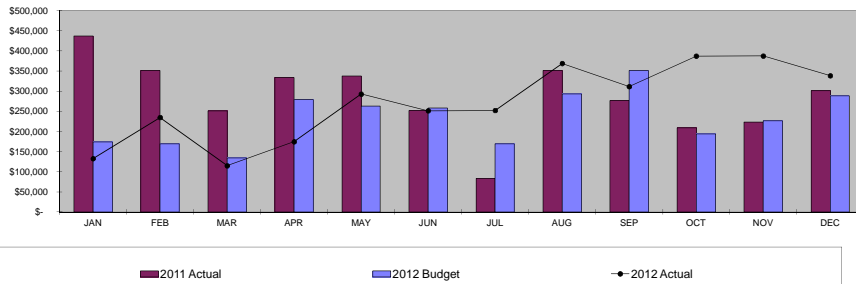


**TOWN OF BRECKENRIDGE  
REAL ESTATE TRANSFER TAX COLLECTIONS  
REPORTED IN THE PERIOD EARNED**

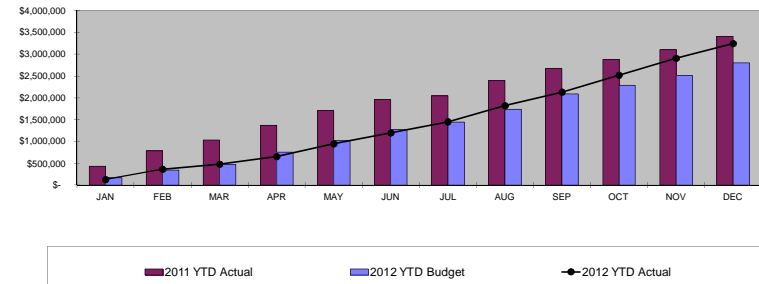
Sales Period	2007 Collections			2009 Percent of Total	2011 Collections			2012 Budget			2012 Monthly				2012 Year to Date			
	Tax Collected	Year To Date	Percent of Total		Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% of Budget	% Change from 2007	% Change from 2011	Actual	% of Budget	% Change from 2007	% Change from 2011
JAN	\$ 352,958	\$ 352,958	6.2%	4.3%	\$ 436,605	\$ 436,605	12.8%	\$ 174,140	\$ 174,140	6.2%	\$ 132,557	76.1%	-62.4%	-69.6%	\$ 132,557	76.1%	-62.4%	-69.6%
FEB	342,995	695,953	12.3%	7.6%	350,866	787,471	23.1%	169,224	343,364	12.3%	234,630	138.7%	-31.6%	-33.1%	367,186	106.9%	-47.2%	-53.4%
MAR	271,817	967,770	17.1%	14.1%	250,986	1,038,457	30.5%	134,107	477,470	17.1%	114,921	85.7%	-57.7%	-54.2%	482,107	101.0%	-50.2%	-53.6%
APR	564,624	1,532,394	27.0%	29.6%	333,424	1,371,881	40.3%	278,570	756,040	27.0%	174,514	62.6%	-69.1%	-47.7%	656,621	86.9%	-57.2%	-52.1%
MAY	533,680	2,066,074	36.4%	39.1%	337,577	1,709,458	50.2%	263,303	1,019,342	36.4%	292,708	111.2%	-45.2%	-13.3%	949,329	93.1%	-54.1%	-44.5%
JUN	522,999	2,589,073	45.6%	43.4%	251,806	1,961,263	57.6%	258,033	1,277,375	45.6%	251,400	97.4%	-51.9%	-0.2%	1,200,729	94.0%	-53.6%	-38.8%
JUL	343,610	2,932,683	51.7%	48.2%	83,522	2,044,785	60.0%	169,527	1,446,903	51.7%	252,104	148.7%	-26.6%	201.8%	1,452,833	100.4%	-50.5%	-28.9%
AUG	594,349	3,527,032	62.1%	56.2%	350,730	2,395,515	70.3%	293,235	1,740,138	62.1%	368,749	125.8%	-38.0%	5.1%	1,821,582	104.7%	-48.4%	-24.0%
SEP	711,996	4,239,028	74.7%	67.0%	276,774	2,672,289	78.5%	351,278	2,091,416	74.7%	311,285	88.6%	-56.3%	12.5%	2,132,867	102.0%	-49.7%	-20.2%
OCT	392,752	4,631,779	81.6%	78.7%	208,831	2,881,120	84.6%	193,773	2,285,189	81.6%	387,028	199.7%	-1.5%	85.3%	2,519,895	110.3%	-45.6%	-12.5%
NOV	459,147	5,090,926	89.7%	87.5%	223,271	3,104,391	91.2%	226,530	2,511,719	89.7%	387,225	170.9%	-15.7%	73.4%	2,907,120	115.7%	-42.9%	-6.4%
DEC	\$ 584,308	\$ 5,675,235	100.0%	100.0%	\$ 301,397	\$ 3,405,788	100.0%	\$ 288,281	\$ 2,800,000	100.0%	\$ 338,221	117.3%	-42.1%	12.2%	\$ 3,245,341	115.9%	-42.8%	-4.7%

2012 budget is based upon 2007 monthly distribution  
December #s are preliminary

2012 Monthly RETT Tax Collections



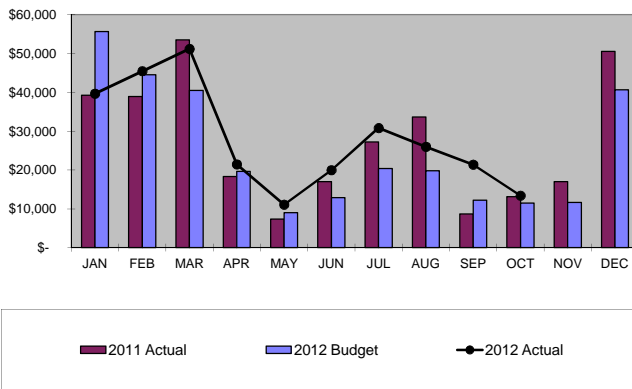
2012 Y.T.D. RETT Collections



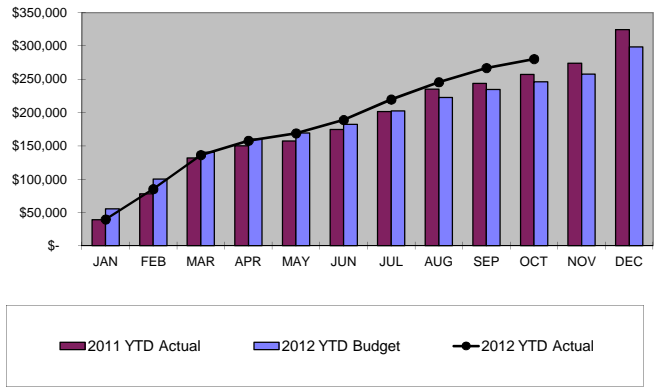
**TOWN OF BRECKENRIDGE  
AFFORDABLE HOUSING SALES TAX COLLECTIONS  
REPORTED IN THE PERIOD EARNED**

Sales Period	2011 Collections			2012 Budget			2012 Monthly			2012 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2011	% of Budget	Actual	% Change from 2011	% of Budget
JAN	\$ 39,257	\$ 39,257	12.1%	\$ 55,654	\$ 55,654	18.7%	\$ 39,658	1.0%	71.3%	\$ 39,658	1.0%	71.3%
FEB	\$ 38,882	78,139	24.1%	44,532	100,186	33.6%	\$ 45,457	16.9%	102.1%	85,115	8.9%	85.0%
MAR	\$ 53,520	131,660	40.6%	40,504	140,690	47.1%	\$ 51,168	-4.4%	126.3%	136,284	3.5%	96.9%
APR	\$ 18,354	150,014	46.2%	19,654	160,343	53.7%	\$ 21,466	17.0%	109.2%	157,750	5.2%	98.4%
MAY	\$ 7,409	157,423	48.5%	9,013	169,356	56.8%	\$ 11,103	49.9%	123.2%	168,853	7.3%	99.7%
JUN	\$ 17,042	174,465	53.7%	12,848	182,204	61.1%	\$ 19,982	17.3%	155.5%	188,834	8.2%	103.6%
JUL	\$ 27,219	201,684	62.1%	20,408	202,612	67.9%	\$ 30,805	13.2%	150.9%	219,640	8.9%	108.4%
AUG	\$ 33,621	235,305	72.5%	19,793	222,406	74.5%	\$ 25,985	-22.7%	131.3%	245,625	4.4%	110.4%
SEP	\$ 8,679	243,984	75.2%	12,249	234,654	78.6%	\$ 21,399	146.6%	174.7%	267,023	9.4%	113.8%
OCT	\$ 13,113	257,097	79.2%	11,454	246,108	82.5%	\$ 13,417	2.3%	117.1%	280,441	9.1%	114.0%
NOV	\$ 16,982	274,079	84.4%	11,688	257,796	86.4%		n/a	0.0%	280,441	2.3%	108.8%
DEC	\$ 50,521	\$ 324,600	100.0%	\$ 40,603	298,399	100.0%		n/a	0.0%	\$ 280,441	-13.6%	94.0%

2012 Monthly Aff. Housing Sales Tax Collections



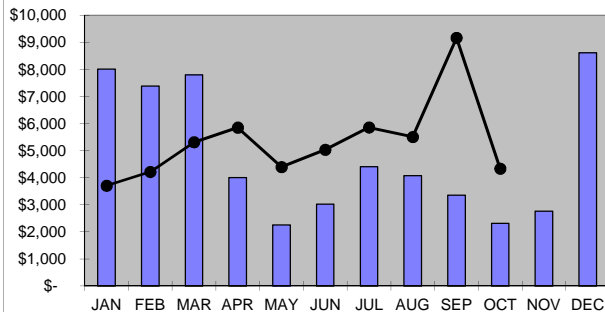
2012 Y.T.D. Aff. Housing Sales Tax Collections



**TOWN OF BRECKENRIDGE  
MEDICAL MARIJUANA TAX COLLECTIONS  
REPORTED IN THE PERIOD EARNED**

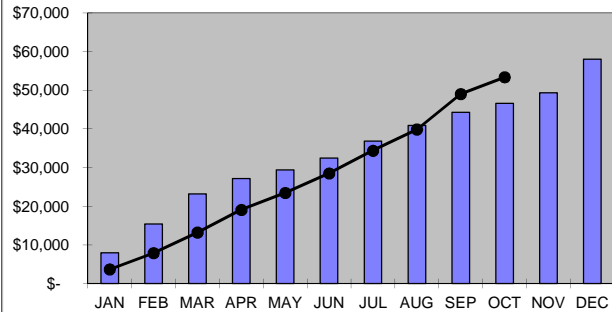
Sales Period	2012 Budget			2012 Monthly		2012 Year to Date	
	Tax Budgeted	Year To Date	Percent of Total	Actual	% of Budget	Actual	% of Budget
JAN	\$ 8,004	\$ 8,004	13.8%	\$ 3,704	46.3%	\$ 3,704	46.3%
FEB	7,381	15,386	26.5%	\$ 4,215	57.1%	7,920	51.5%
MAR	7,794	23,179	40.0%	\$ 5,311	68.1%	13,231	57.1%
APR	4,000	27,179	46.9%	\$ 5,852	146.3%	19,082	70.2%
MAY	2,259	29,439	50.8%	\$ 4,396	194.6%	23,478	79.8%
JUN	3,028	32,466	56.0%	\$ 5,036	166.3%	28,514	87.8%
JUL	4,404	36,871	63.6%	\$ 5,858	133.0%	34,372	93.2%
AUG	4,071	40,942	70.6%	\$ 5,506	135.2%	39,878	97.4%
SEP	3,358	44,300	76.4%	\$ 9,165	272.9%	49,043	110.7%
OCT	2,318	46,619	80.4%	\$ 4,335	187.0%	53,377	114.5%
NOV	2,765	49,384	85.2%		0.0%	53,377	108.1%
DEC	\$ 8,612	57,996	100.0%		0.0%	\$ 53,377	92.0%

2012 Monthly Medical Marijuana Tax Collections



2012 Budget      2012 Actual

2012 Y.T.D. Medical Marijuana Tax Collections



2012 YTD Budget      2012 YTD Actual





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## MEMORANDUM

**TO: Town Council**

**FROM: Julia Puester, AICP**

**DATE: January 2, 2012 for meeting of January 8, 2013**

**SUBJECT: McCain Master Plan Worksession**

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The Town Council, acting as the property owner at their October 23, 2012 meeting, reviewed the attached map and directed that it be converted to a Master Plan and taken through the planning process for a Development Permit.

The Planning Commission held a public hearing on December 4<sup>th</sup>, took public comment and made Commissioner comments and continued the public hearing to January 2, 2013. At its December 11 work session, the Town Council requested that the McCain Master Plan application be withdrawn from the planning process to allow the Council more discussion and review. This action allows the Town Council to further discuss the master plan without it being an active application.

### **Planning Commission Comments**

The primary comments from the Planning Commission made at their December 4<sup>th</sup> worksession are bulleted below. However, they are not fully inclusive (see meeting minutes for full comments).

- Strongly discourage the potential of any residential (note: residential is not included in the permitted land uses).
- Include additional landscape requirements for development.
- Comments ranged from “dislike commercial use, including retail” to “small scale retail which is hidden is acceptable”.

### **Public Comments**

Comments received from the EngageBreckenridge website (as of December 19<sup>th</sup>) are attached. Public comments made at the Planning Commission public hearing on December 4<sup>th</sup> can be found in the Planning Commission meeting minutes. In brief, comments at the Commission meeting came from existing lessees on the property desiring to remain in operation there, and nearby property owners on potential lighting impacts of commercial uses, creating an open space type visual appearance of entrance into Town, and opposition of commercial retail in the area.

## Master Plan Proposed Density and Uses

Staff has provided the following information on land uses and densities for the McCain site to assist the Council with their discussion.

### Uses

The Master Plan purpose is to identify general land uses for the property, potential amenities and potential public facilities. The Town has planned for the McCain property to serve several community needs. Those needs include the uses listed below per the attached Master Plan. However, these uses may change over time in conjunction with future community needs.

- The Town (as the applicant) plans to restore the Blue River (in accordance with the Town's Blue River Restoration Master Plan) by relocating the river along the westerly boundary of the property. The reclaimed river will be vegetated with natural landscaping and public access and trails will be created. The river and trails will be located within a 38-acre corridor to be designated as public open space. Timing of the river reclamation is anticipated to be scheduled per the Army Corps of Engineers project timeline which is currently unknown.
- The Town plans for public trails through the property. Trail easements would allow public access to the Blue River for the general public.
- The Town plans to lease a 5-10 acre parcel to Clean Energy Collective for the purpose of a 500 kilowatt (or possibly larger) community solar garden. The solar garden would be available to Town and County residents for the purchase of renewable electric energy.
- Depending on community need, the Town may construct and operate a new water treatment facility to serve the community, may construct a water storage reservoir, if needed, may use a portion of the site for snow storage, and plans for a joint County/Town recycling facility (to replace the existing facility on County Road 450).
- Service commercial and commercial uses at the north end of the property. (Service commercial in this northern area of Town is consistent with the Comprehensive Plan and SustainableBreck Plan. Commercial uses are consistent with the SustainableBreck Plan-see below for detail).
- The *SustainableBreck Plan* calls for additional service commercial uses in appropriate locations in the Land Use Section, Action 6 below.

### ***Designate an appropriate location at the north end of Town for limited small-scale commercial services***

*As more residential development occurs at the north end of Town (e.g., Stan Miller area), the amount of traffic going to and from Breckenridge for daily needs will grow. An alternative is to provide a small commercial convenience store at the north end that would provide a place closer to home to buy a loaf of bread, a gallon of milk, or similar items. Under this action, a location for such uses would be identified.*

- The Comprehensive Plan states that *“The Town should also look for opportunities to locate additional service commercial or light industrial uses. As has been discussed, the locations where such uses are allowed are fairly limited and are almost built out.*

*Locations such as the McCain property, particularly portions of the property adjacent to existing service commercial/light industrial uses to the north, should be evaluated.”*

Density

<b>Tract</b>	<b>Area</b>	<b>Density</b>	<b>Tract Uses</b>
Tract 1 <ul style="list-style-type: none"> <li>• Area A</li> <li>• Area B</li> </ul>	9.85 acres  (4.85 acres)  (5 acres)	6.39 SFEs (maximum of 1:4 FAR with TDRs)	Area A <ul style="list-style-type: none"> <li>• Commercial (including retail)</li> </ul> Area B <ul style="list-style-type: none"> <li>• Industrial (existing)               <ul style="list-style-type: none"> <li>➤ Mining, material processing and storage, batch plant operations</li> </ul> </li> <li>• Service Commercial</li> <li>• Commercial (including retail)</li> <li>• Governmental Uses</li> </ul>
Tract 2	117.95 acres	0 SFEs (Governmental Uses are exempt from density requirements.)	<ul style="list-style-type: none"> <li>• Governmental Uses (including, but not limited to:)               <ul style="list-style-type: none"> <li>➤ Solar Gardens</li> <li>➤ Open Space</li> <li>➤ Trails</li> <li>➤ Snow Storage</li> <li>➤ Parking</li> <li>➤ Recycling Center</li> <li>➤ Water Treatment Facility</li> </ul> </li> <li>• Industrial               <ul style="list-style-type: none"> <li>➤ Mining, material processing and storage</li> </ul> </li> <li>• Landscaping</li> </ul>

The density allowed for the entire 127.8 acre site consists of a total of 6.39 SFEs. This translates to 6,390 square feet which is proposed to be allocated for the commercial, service commercial and/or industrial uses on Tract 1. All of the density is shown as being allocated to Tract 1, since the governmental uses shown on Tract 2 (i.e. water treatment facility, recycling center) do not require the allocation of density or mass (per the Joint Upper Blue Master Plan). Within Tract 1, all of the density will be allocated to Area A, which is currently owned by the Town.

**Summary**

This memo is intended to provide some background information for the purpose of facilitating Town Council discussion on the attached Master Plan.

Staff will be available to answer any questions at the meeting and will make any changes or actions requested by the Council.

**McCain Master Plan Comments from Engagebreckenridge.com**  
**(as of December 19, 2012)**

1. My magic wand would have the McCain property a beautiful presentation into Breckenridge with a large as possible reservoir surrounded with a park-open space atmosphere with water being pumped back to the Maggie Pond with water flowing year-round assisted with hydroelectric support.

2. We have an opportunity to create a beautiful welcoming statement on the town's 'front door'. Let's create something grand, consistent with the beauty of the town, mountains, river, and our rich history. As a new permanent resident I don't know our greatest needs, but think possibly community gathering space, park/sculpture garden, river access, upscale retail, etc. What should not be considered is industrial, gas/convenience, or deed restricted housing. We have those in other well planned and placed areas. Let's make a statement and fill a need for our residents and visitors - with some 'curb appeal'.

---

**2a.** Well you definately know what we do not need. God forbid the folks that built your house lived in deed restricted housing or maybe they used materials that came from places that are are industry related and happen to be stored at places that are not as lovely as your home. Maybe those people had to buy gasoline to go to work to build your lovely house, maybe they bought lunch at a gas station while they were working on your house.

I am happy you are such an insightfull permanent resident, too bad you will have to live with the dirtbags that use gasoline. Do not worry the Town of Breckenridge caters to your type, the rest of us just kinda laff (laugh). Curb appeal? It is Breckenridge.

Your are the one that bought an over-priced place, do not expect us to attempt to get your money back, expect us to be the ones that tax you and exploit you for our benefit.

Curb appeal, that is funny.

3. i'd dig out that hole at the north end of town, let it fill up and build a park all around it with lovely trees, a running path, super playground and possible workout station and bike park. it's a shame bob pfeiffer's (former tob rec director) vision of a green beltway all the way into breck was kind of ruined by a police station... it's also a shame that breck elementary was allowed to fence in pammy's park... still, we could fix that by building something awesome at the north end of town. it would be a welcome sight to incoming visitors and a terrific asset for all of us.

---

**3a.** I would like to point out that this idea would give us our much needed beautiful gateway to the town. I hear negative comments from visitors on a regular basis that driving through such an ugly industrial area as the gravel pit takes away from the mountain experience that people drive here to enjoy (it does make them interested in visiting and purchasing in other more inviting mountain towns). I understand the pump back required to make a pond was quoted as \$10 to \$20m, however, the town has

already pointed out the need for that water storage during droughts. The town will make money from increased property values that are struggling in that specific area, more residential land that could be approved and sold in that area, and increased tourism from families that could use and enjoy the open space. THAT is Sustainable Breck, not further compromises on a gravel pit with a gas station, pellet plant, solar panels, or worse. This land should be beneficial to all.

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**3b.** This is a great idea. Unfortunately the beautiful potential of the publicly owned open space North of town is being given away piece by piece by the town council for the 'flavor of the month' social program. First the day care center lot, then the police station lot, then the Valley Brook handout housing subdivision, next a solar garden, etc. I like the alternate vision expressed by Marla in her idea. Something that is impactful and beneficial to all; and something that draws visitors and locals alike. This land should not be carved up and treated as a piggy bank slush fund by town officials.

4. Can we get an update on the McCain Property? Was told today that the Town bought out the place where High Country Furniture is, and that there are plans for a commercial area - gas station, etc. Is there any truth to any of this?
- 

**4a.** Responding to Lynda B's questions on the environmental impacts of solar gardens (as planned on the McCain property) here is what I found: 1) Solar garden installations are judged as ugly by those that have views of them. 2) Solar gardens irreversibly consume undeveloped open space and degrade the natural character of our community. 3) Solar installations are only economic with substantial support by tax payers and/or the national debt. 4) Solar investments benefit mostly wealthy investors who put money upfront, then contractually carve out the tax credits to evade taxes from their other sources of income. 5) Solar panels degrade in their conversion efficiency substantially over time, further eroding economics. 6) Once fully depreciated, spent solar panels are classified as hazardous waste by the EPA and have to be disposed of carefully and at great cost. 7) A large percentage of solar panels are manufactured in China under very poor labor and environmental conditions. These Chinese plants produce significant solid waste and solvent effluent; all while shipping the panels worldwide in a 'green' wrapper. These are just some preliminary concerns. The deeper you look the more you find. Those that over-promote solar generally have either good intentions or a financial interest in the projects; but little background electrical or environmental engineering, or the impacts that the subsidized economics have on our future.

---

**4b.** As it stands, I think the existing property is a bit of an eyesore. I recognize that the bears have been there as long as I have been alive and appreciate their history in the community. I think it is a valuable business and wish they would have chosen to continue operations. That being said, the TOB can do a better job welcoming guests to town.

I do not think that a gas station is the way to do that. There are several ski communities that have forced the gas station to the outskirts of town, which does help maintain the core town area, but it makes the first impression of the community a dirty, dingy gas station. The gas station at Farmer's Corner went out of business for several years due to

lack of business on that stretch of road anyways.

A unique business, like the bears, is exactly what that space needs, but it can be done in a way that is much more welcoming.

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5. I would ask that the town council please consider utilizing open space and town funds in an effort of restoring this entire section of land and Blue River to its pre-mining condition, and utilize these parcels as an open space buffer and signature view corridor as visitors and locals travel in and out of Breckenridge. I don't buy the argument that a gas station will significantly decrease travel and congestion in town core. Open space is too valuable in regards to the total package of our community - don't let a development focused council push our mountain town entrance into a developed suburban strip.
- 

**5a.** Well said and perfectly worded!

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6. The property where the Bear business is located was purchased by the Town more than 10 years ago. The business has been on a year to year lease since then. The tenants chose not to renew their lease with the town. The town did not evict the tenants. Several weeks ago the Council reviewed future plans for the McCain property in a public work session. The plans currently have considerations like more river restoration, open space, solar gardens, snow storage area and some service commercial area including the current BBC business. The consensus of the Council was that consideration would be given to a convenience store which would enable the hundreds of residents who live in that section of town to purchase basic items without adding to the congestion and carbon footprint during peak times of the year to come into Breckenridge. Adding a gas station is not the motivation for considering this idea. Prior to further decisions, public benefit and concerns will be publicly discussed. *(Wendy)*
- 

**6a.** If the town is not in negotiations with anyone, then why would the town allow a potential buyer to perform geo-technical surveys? Seems unlikely that a potential buyer would spend money without an option or preliminary purchase agreement in place. I have it on good authority that the town WAS in negotiations with a buyer. Perhaps some town staff were in discussions you did not know about? While technically HC Furniture may not have been evicted; he was aware of the sale discussions and also the Council map that showed his business missing. Given his one year lease, guess he did what he thought best and started to pack it in. What a shame to lose a unique low impact business that so many enjoyed. Save the bears!

**6b.** The property where HC Furniture sits was purchased with General Fund dollars. The property along the river was purchased with Open Space dollars. General Fund revenue comes from property taxes, fees, permits, etc. (more information is available on the Town's website). One of the reasons for utilizing a one year lease arrangement is so that either party may go in a different direction at the end of the lease. The Town is aware that a private company is looking at the feasibility of that property. We are not, however, currently in negotiations with anyone about that property. As I stated earlier, prior to further decisions, public concerns will be discussed by the Council. The public is welcome and encouraged to come to Council meetings and address the entire Council

during public comment time which occurs at around 7:30pm on Council Tuesdays.  
(Wendy)

**6c.** Wendy, you failed to mention anything about purchasing the McCain property with tax dollars used for open space. That's the "rub" for many of us. You can't tax us for one thing (open space) and then use the tax dollars for whatever you feel like. That's completely dishonest and probably illegal! Also, I agree with Don. That's a horrible area for a solar garden...way to visible. In addition, I don't think you're being completely honest with regard to your statement that continued...you did not evict the tenants. They were told that it was likely their lease would not be extended. They also saw the company that was drilling for soil samples and knew that you and the rest of the Council were in negotiations with the person/persons wanting to buy the land and a gas station. The writing was on the wall for the tenants and they thought it best to close their furniture business now.

**6d.** Wendy, as a resident of Silver Shekel, we don't need a convenience store in that area. We are all exceedingly used to shopping when we are in town already and know the times and days when that is appropriate. If there is a desire to add that type of "convenience", perhaps it could be put up by the Tiger Road light rather than adding more traffic to an already horrible intersection - even if there is to be a roundabout installed.

Don - you should really do some more research on the production of solar energy. The arrays put in the ground out at the golf course do really well, as do the ones by the police station. I am not sure what environmental impacts you would be referring to, but I find them much less intrusive than the miles of wire and gigantic towers constructed by Xcel Energy for transmission of electricity. And they are much more attractive than the asphalt and concrete plant that have been on this property for the last 30+ years.

**6e.** Hello Wendy,

I think what you and the other town council members are hearing here is that there is little support for the kind of commercial development that town is considering. Zero support really. Given the land was bought with taxpayer funds and envisioned as mostly open space, let's keep it that way. This notion of erecting a solar array is a bad one. Those are best confined to roof tops. Consuming land for power generation facilities in a closed high alpine basin like the upper blue for is not environmentally sound. The whole notion of solar gardens is that they can be placed in flat and isolated area where their view and environmental impacts are minimal. Then the power is transmitted where it is needed. South of Fairplay and 10 miles North of Silverthorne come to mind as possible sites. I fear too many folks see Breck solar gardens more as environmental billboards to signal good intentions, rather than placing them as good engineering and environmental solutions.

---

7. I heard today that Council plans to use the proceeds from the sale of the McCain property to fund affordable daycare. Really horrible idea, if true. Tax dollars should not be funneled from open space to affordable daycare. Breck has already spent a wad of money on daycare and it's time to stop those type of entitlement programs. Please keep the discussion and decisions about the McCain property above board and transparent. Thank you!

- 
8. So let me get this straight, Get rid of Big John and his Bears! The very symbols that greet every visitor to our town with a huge flag flying above showing the pride we have as locals, for some well lit sign of BP, Chevron, Exxon, Mobil, 7/11 or maybe a giant yellow M. Open space money paid for this property! leave it to the BEARS
  9. I think a few possibilities should be presented, drawings and all. I don't think it's a convenient spot for folks to stop and fill up. They're already on the way to Breck, and I don't think they're gonna pull over there. If it was on the highlands side of the road, as folks left Breck, they might stop and fill up before hitting the highway. To me, it doesn't meet an existing need or solve a problem.
- 

10. To the Mayor and Town Council:

My wife and I have lived in Silver Shekel subdivision for over twenty years. While we respect and generally agree with the way you have managed development in Breck and the surrounding area over the years, we do have serious concerns about the amount and type of development that has been ongoing across Hwy. 9 from our home.

Mostly, our concerns are related to: 1. Noise., 2. Excessive nighttime lighting., and 3. Heavy truck traffic, all resulting from the development you are, and have been, allowing just north of Breckenridge.

This letter is prompted by an article in today's paper mentioning a possible "gas station" across from the entrance to Silver Shekel. We fear that this would exacerbate the exact three issues mentioned in my previous sentence!

Please, please, use your best judgement, discretion, common sense, and most importantly, empathy, as you make decisions which are negatively affecting the quality of life which drew many of us to this lovely, once-unspoiled area in the first place.

Thank you.

Ed Billeaud  
970-485-0949

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**10a.** Good points Ed. Don't know why the town council is moving more and more toward being in the business of real estate development; rather than buying and permanently preserving open space. Seems they are distracted by the money and a desire to fund their vision of local big government.

---

11. Live on Fairview and really don't want to see a gas station where the bears should be !!
- 

12. What a disgusting trade that would be, losing the wonderful High Country Furniture and its bears as the quaint entrance to Breck, something as commercial and gross as a gas station replaces it. Hate the thought of it.



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13. Shocked (or should I say disappointed) that the Town would force a long standing iconic business like High County Furniture out so that we could add another gas station to the area. We definitely don't need another gas station!

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14. Article in the Summit Daily today on this topic -  
<http://www.summitdaily.com/article/20121114/NEWS/121119923/1078&ParentProfile=1055>  
Hope the link works in these comments.

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15. I think its too bad the town bought out the Palmers/HC furniture. I hope they got a nice sum of money. I think there is a master plan for the McCain property, but can't remember what its for and what they want to do with it before weighing in. I would like more information, but generally agree, no gas station! A drive through coffee stand would be great though! ;)

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**15a.** My understanding is that the good folks at HC Furniture got nothing. The town already owned the land as it was purchased as open space some years ago; accordingly the town just cancelled HC furniture's lease and told them to vacate the property.

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16. Breckenridge does not need another gas station. I've lived in Breck for 17 years and have never waited in line to buy gas. I'm sorry that the family who owns High Country Furniture has been forced out of business. Guess you've got to have very thick skin to serve on Town Council. Don't imagine Council members would want their own families treated in the manner that they've treated High Country Furniture. High Country Furniture is a landmark and institution in Breckenridge and should not be forced out!

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**16a.** I've lived in Breck for 7 years and I have waited in line for gas. However, I don't think we need another station, I've just adjusted my timing.

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17. Also heard some "buzz" about national franchises which I hope are not true. Keep them out of Breckenridge. We have enough already and we need to keep our town unique and support the local businesses.

---

**17a.** Agree completely with this request. Town Council needs to fully, and publically, reveal the history of this land and what the town plans for it. If it was purchased with public funds as open space, resale for development should not be considered, ever, period.

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18. Hopefully this will not result in another stoplight on the highway. Any cross traffic should be directed back down to the existing light at Tiger Road. If highway 9 gets much slower, people will start going to Keystone and Copper Mountain more often. The 11 miles to I-70 already takes 20 minutes on a good day, then add in parking, shuttle, the gondola ride...you get my point.

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19. Can we also get some clarification on the history of this property? Was it purchased 13 years ago with Open Space funds? Was there an eminent domain aspect to the purchase? Just wanted to get the facts and not the rumors. Can't imagine Town would purchase land with Open Space monies, only to turn around and sell it to a private developer, so just wanted to get the truth to all this and not the side conversation. Sad to see High Country Furniture leave to be replaced by a gas station after being around for some 24 years or so... Going to miss those bears and beautiful log furniture when I'm heading into Breck. Thank you in advance for the clarification on the history and the recent purchase of this land...

---

**19a.** perhaps it is CDOTs roundabout plan that is going into effect for that intersection

---

20. I am also very concerned about commercial development along the Hwy 9 corridor between the high school and Breck. If this is being considered I hope the decision will involve a lot of public involvement as I view this as being in conflict with a lot of our long term community planning which identified the downtown core as where commercial development should go.

21. I am very interested in this topic as well. I would be opposed to any further commercial growth in that area.

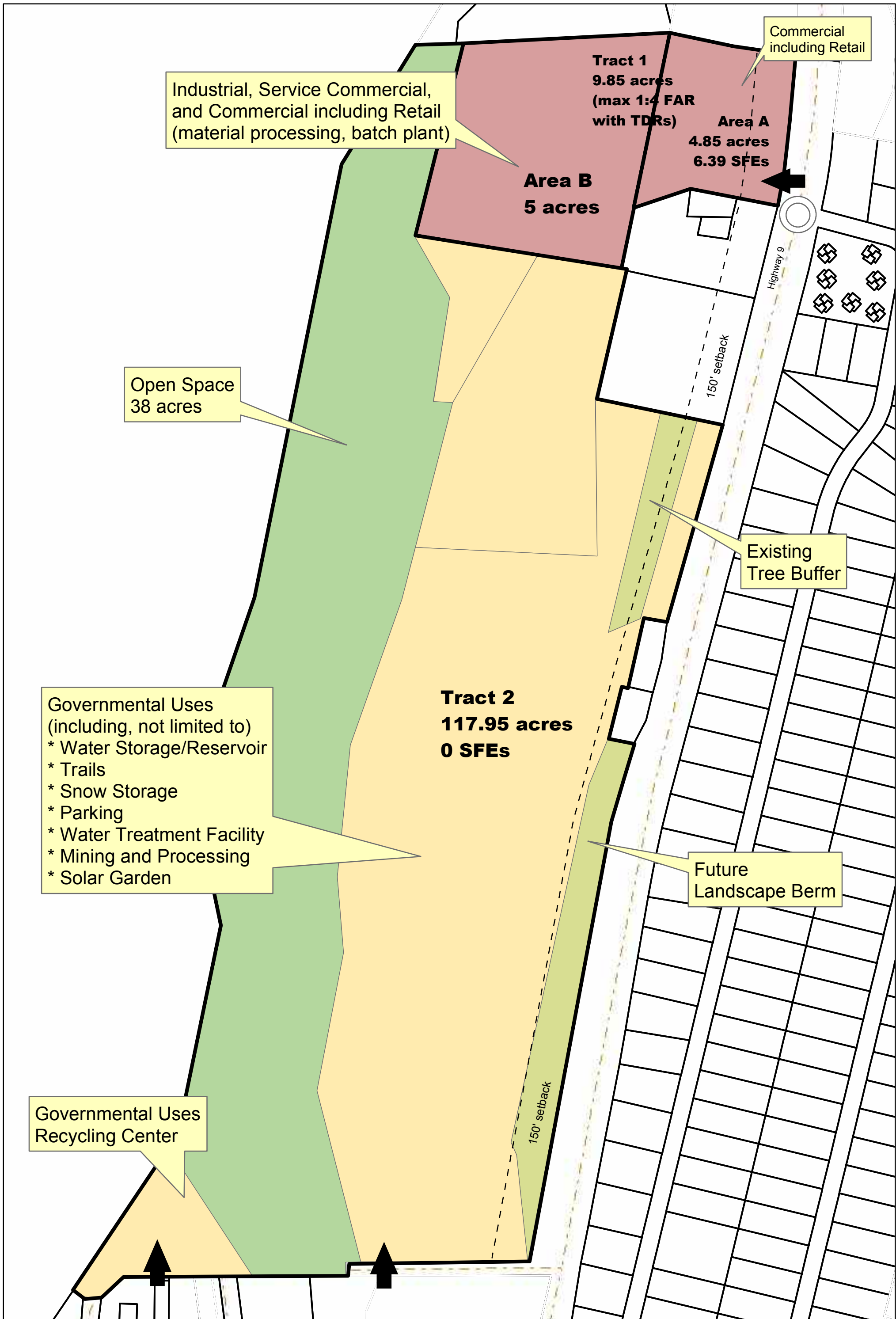
Mayor and Town Council

Your Message here:

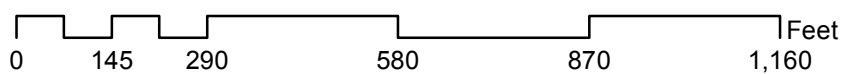
With regard to the McCain property, as a long time, permanent resident homeowner in Silver Shekel, I, and my wife, are opposed to any plans to develop it. We would not like to see a gas station, mini mart, or other commercial development there. We believe it would further exacerbate the danger, noise, and excess nighttime lighting that already exist in that area. We believe that open space would be the best, least onerous, least dangerous, and most attractive use of that property.

Thank you,  
Ed Billeaud  
721 Shekel Lane  
970-485-0949

Your Email is required: [edva@earthlink.net](mailto:edva@earthlink.net)



**McCain Illustrative Master Plan - Dec. 2012**



## McCain Master Plan Notes

### Density and Uses:

Tract	Area	Density	Tract Uses
Tract 1 <ul style="list-style-type: none"> <li>• Area A</li> <li>• Area B</li> </ul>	9.85 acres (4.85 acres) (5 acres)	6.39 SFEs (maximum of 1:4FAR with TDRs)	Area A <ul style="list-style-type: none"> <li>• Commercial (including retail)</li> </ul> Area B <ul style="list-style-type: none"> <li>• Industrial (existing)               <ul style="list-style-type: none"> <li>➤ Mining, material processing, batch plant operations</li> </ul> </li> <li>• Service Commercial</li> <li>• Commercial (including retail)</li> <li>• Governmental Uses</li> </ul>
Tract 2	117.95 acres	0 SFEs (Governmental Uses are exempt from density requirements.)	<ul style="list-style-type: none"> <li>• Governmental Uses (including, but not limited to:)               <ul style="list-style-type: none"> <li>➤ Solar Gardens</li> <li>➤ Open Space</li> <li>➤ Trails</li> <li>➤ Snow Storage</li> <li>➤ Parking</li> <li>➤ Recycling Center</li> <li>➤ Water Treatment Facility</li> </ul> </li> <li>• Industrial               <ul style="list-style-type: none"> <li>➤ Mining, material processing, batch plant operations</li> </ul> </li> <li>• Landscaping</li> </ul>

### Building Height:

Building heights in excess of 2 stories are discouraged. Mining operation facilities are exempt from height requirements.

### Architecture:

1. This Master Plan is not within the Breckenridge Conservation District boundary and does not seek to replicate Breckenridge's historic architecture. Architecture should be sensitive to the District's scenic function. Due to high visibility of the District, architectural design is of great importance and should incorporate low profile designs and non-contrasting colors.
2. The color of exterior structure materials must generally be subdued. Earth tones are encouraged although accent colors which are used judiciously and with restraint may be permitted.
3. Architectural detail and design will meet all applicable Town Codes.

**Square Footage:**

Maximum Square Footage Tract 1:

Existing Square Footage per existing zoning:

6.39 SFEs or 6,390 square feet of commercial, service commercial or industrial density.

Maximum Square Footage for Tract 1 with Density acquired through Transfer of Development Rights (TDRs):

The total square footage of the buildings on Tract 1 shall not exceed a 1:4 Floor Area Ratio:

Maximum square footage = 107,266 square feet

Density transferred to Tract 1 with future applications are not subject to negative points under Policy 3/R *Density/Intensity* if density was transferred does not exceed the maximum of 1:4 FAR.

Maximum Square Footage of Tract 2:

Governmental uses are exempt from density limitations

(in accordance with the Joint Upper Blue Master Plan, VI. Land Use, Policy/Action 4)

**Setbacks:**

Setbacks from Highway 9 will be 150-feet. (The only site that this setback affects is a portion of Tract 1 which fronts Highway 9.)

**Landscaping:**

All plantings shall comply with the Town of Breckenridge's Development Code. Existing trees along the Blue River and along sections of the recreation path/CDOT right way will be preserved to the greatest effort possible.

Landscaping along the eastern property boundary adjacent to the Highway 9 right of way should be enhanced as reasonably possible to assist in providing an effective buffer from Highway 9 to the site.

# Memorandum

**To:** Town Council  
**From:** Jennifer Cram, Planner III  
**Date:** 12/31/2012  
**Re:** Breckenridge Arts District Site Plan

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Staff has been working with Alpine Engineering, Inc. and Mary Hart Design to develop the conceptual site plan for the Arts District. This project was planned and budgeted as part of the 2012 CIP. The site plan helps to put on paper the following items:

- locate existing and proposed utilities
- design new transformer to power Arts District build-out
- existing and new building locations, including a possible addition to the Breckenridge Theatre
- locations for walkways and plazas
- highlight view corridors and focal points
- develop site grading
- develop parking area with dual special event area, "Ridge Street Art Square"

The proposed site plan is consistent with the approved Arts District Master Plan. It meets the Historic District Guidelines with regard to above ground density, module size, historic grid pattern and maintaining a sense of yard within the South End Residential Character Area. We have tried to maintain as much parking as possible while still creating a view up Washington Ave. from Main Street and a flexible area for special events. The plan encourages sustainable design practices supporting multiple modes of transportation with plenty of bicycle parking and proposed use of drought tolerant landscaping with efficient irrigation. We have also considered those areas that may lend themselves for private investment with regard to a donor wall, sculpture gardens and plazas.

This site plan accommodates our commitment to Colorado Mountain College (CMC), as the Ceramic studio and Dance studio are integral components of the design. These facilities were always a consideration within the original Master Plan, creating an arts campus that celebrates the seven arts. As noted above, we have also provided space for a possible addition to the Breckenridge Theatre. The Breckenridge Public Art Commission (BPAC) reviewed the plan as presented at their December 5, 2012, meeting and unanimously approved the conceptual site plan.

Staff would like to get the Council's input on this conceptual site plan on January 8<sup>th</sup>. We plan to bring it to the Planning Commission as a worksession on January 15<sup>th</sup> and then back to Planning Commission on February 5<sup>th</sup> as a public projects approval. This approval will be a master plan level approval that sets density, use, parking, snow stack, architectural character, etc. We have hired Anderson Hallas as the project architects. As we start developing the architecture, we plan to bring it back to Council for input, as well as the Planning Commission.

Mary Hart will assist staff in presenting the Site Plan during the worksession on January 8<sup>th</sup>. We look forward to your feedback.



SCALE: 1" = 8'



NOTE:  
IF THIS DRAWING IS NOT 30% 40%  
IT HAS BEEN REVISED FROM ITS  
ORIGINAL SIZE AND SCALE IS NO  
LONGER APPLICABLE

MARY HART DESIGN  
land planning • landscape architecture  
PO Box 6698  
Breckenridge, CO 80424 maryhartdesign.com

**Breckenridge Arts District**  
Town of Breckenridge, Colorado

REVISIONS	NO.	DATE	ISSUE

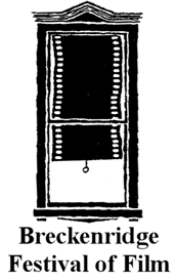
DRAWING TITLE:  
**Concept Sketch**

DRAWING NO.:  
**1/1**





49- Opportunities for Private Investment



## Town Council and Arts Organizations Joint meeting agenda

January 8, 2013 6:00 p.m.  
Council Chambers, Town Hall

Dinner provided for Executive Director and Board President  
*(Others from organization are invited as audience members but dinner will not be provided)*

1. A brief update on where your organization is going – the 30,000' view; what is the future vision for your organization; what are the plans to get there.
2. A general discussion: how can you collaborate amongst each other for greater synergies, cost-savings?
3. Future Meetings