



BRECKENRIDGE TOWN COUNCIL REGULAR MEETING

Tuesday, March 12, 2013; 7:30 PM

Town Hall Auditorium

I	CALL TO ORDER, ROLL CALL	
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IV	COMMUNICATIONS TO COUNCIL	
	A. CITIZEN'S COMMENT - (NON-AGENDA ITEMS ONLY: 3-MINUTE LIMIT PLEASE)	
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VI	NEW BUSINESS	
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	1. COUNCIL BILL NO. 3, SERIES 2013 - AN ORDINANCE AMENDING POLICY 5 (ABSOLUTE) (“ARCHITECTURAL COMPATIBILITY”) OF SECTION 9-1-19-5A OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE”, CONCERNING SOLAR PANELS, SOLAR DEVICES, AND SOLAR ARRAYS	20
	B. RESOLUTIONS, SERIES 2013 - NONE	
	C. OTHER	
VII	PLANNING MATTERS	
	A. PLANNING COMMISSION DECISIONS	26
	B. PLANNING COMMISSION REPORT (MR. GALLAGHER)	
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IX	REPORT OF MAYOR AND COUNCILMEMBERS	
	A. CAST/MMC (MAYOR WARNER)	
	B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MR. BREWER)	
	C. BRC (MR. BURKE)	
	D. MARKETING COMMITTEE (MS. WOLFE)	
	E. SUMMIT COMBINED HOUSING AUTHORITY (MR. DUDICK)	
	F. BRECKENRIDGE HERITAGE ALLIANCE (MR. BREWER)	
	G. WATER TASK FORCE (MR. GALLAGHER)	
	H. LANDFILL TASK FORCE (MS. WOLFE)	

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

I. PUBLIC ART COMMISSION (MR. GALLAGHER)

X OTHER MATTERS

XI SCHEDULED MEETINGS

35

XII ADJOURNMENT

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

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
Tuesday, February 26, 2013
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CALL TO ORDER, ROLL CALL

Mayor Warner called the meeting of February 26, 2013 to order at 7:44 pm. The following members answered roll call: Mr. Gallagher, Ms. McAtamney, Ms. Wolfe, Mr. Brewer, Mr. Dudick, Mr. Burke, and Mayor Warner.

APPROVAL OF MINUTES - FEBRUARY 12, 2013

With no changes or corrections to the meeting minutes of February 12, 2013, Mayor Warner declared they would be approved as submitted.

APPROVAL OF AGENDA

Mr. Gagen reported that the only change to the agenda was that the Flight for Life presentation was not going to happen during this meeting due to an emergency.

COMMUNICATIONS TO COUNCIL

- A. Citizen's Comment - (Non-Agenda Items ONLY: 3-minute limit please)

The Breck Brains, a group of four local fifth-graders spoke about the petition they have organized to reduce the use of single use plastic bags and bottles; This group organized this petition as part of a project they are presenting for Destination Imagination; They have collected 350 signature on their petition thus far; Going forward they would like to be able to hand out re-usable bags and re-usable bottles to people who sign their petition; The Council members all signed the petition.

With no further comments the citizens comments were closed.

- B. Flight for Life Presentation

Flight for Life Presentation was not able to be presented tonight.

- C. Breckenridge Resort Chamber Update

John McMahon, President of the Breckenridge Resort Chamber gave the Council an update on occupancy; They are concerned about occupancy in April with how late Easter falls; Already getting a lot of summer inquiries; They have a new creative agency; PR trying to drive the lodging numbers around the snow sculpture event; They are going through an events evaluation; Breckenridge is up for Colorado destination of the year award; Number of upcoming meetings; More focus from the BRC on Breckenridge customer service.

CONTINUED BUSINESS

- A. Second Reading of Councils Bills, Series 2013 - Public Hearings- None

NEW BUSINESS

- A. First Reading of Council Bills, Series 2013

1. COUNCIL BILL NO. 2, SERIES 2013 - AN ORDINANCE AMENDING SECTION 2-6-2 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE QUALIFICATIONS FOR APPOINTMENT TO THE TOWN OF BRECKENRIDGE MARKETING COMMITTEE.

Mayor Warner read the title into the minutes. Ms. Dykstra-DiLallo stated that the ordinance was drafted to look at diversifying the make-up of the Breckenridge Marketing Advisory Committee.

Mr. Gallagher moved to approve Council Bill No. 2, Series 2013 - AN ORDINANCE AMENDING SECTION 2-6-2 OF THE BRECKENRIDGE

TOWN CODE CONCERNING THE QUALIFICATIONS FOR APPOINTMENT TO THE TOWN OF BRECKENRIDGE MARKETING COMMITTEE. Ms. Wolfe seconded the motion. The motion passed 4-3, with Mr. Dudick, Ms. McAtamney, and Mayor Warner as the dissenting votes.

- B. Resolutions, Series 2013-None
- C. Other

PLANNING MATTERS

- A. Planning Commission Decisions

With no request to call an item off the consent calendar, Mayor Warner declared the Planning Commission decisions would stand approved as presented.

- B. Planning Commission Report (Mr. Gallagher)

Mr. Gallagher stated that there is some clean up in the planning commission meeting minutes regarding the Town Council update.

He updated the Council on the discussion that took place in the Planning Commission meeting related to the moving of historic structures; The Council had a further discussion about the points related to additions vs. new secondary structures.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen stated that he would report on his items during the executive session.

REPORT OF MAYOR AND COUNCILMEMBERS

- A. Cast/MMC (Mayor Warner)
No report. Upcoming meetings.
- B. Breckenridge Open Space Advisory Committee (Mr. Brewer)
Mr. Brewer discussed a new map they have created for dog owners; he is really happy with the strong language related to picking up after your pets.
- C. BRC (Mr. Burke)
Minutes: No report.
- D. Marketing Committee (Ms. Wolfe)
No report.
- E. Summit Combined Housing Authority (Mr. Dudick)
Mr. Dudick emailed his report to the other Council members.
- F. Breckenridge Heritage Alliance (Mr. Brewer)
Mr. Brewer gave his update at the last meeting.
- G. Water Task Force (Mr. Gallagher)
No report.
- H. Landfill Task Force (Ms. Wolfe)
Ms. Wolfe conveyed the Council's comments to the County regarding the Council's discussion on exploring the bag and tag options; The County is thinking about a bundled ballot initiative including landfill items.
- I. PUBLIC ART COMMISSION (Mr. Gallagher)
No report; Upcoming meetings.

OTHER MATTERS

USA Pro-Cycling Challenge Update: Ms. Dykstra-DiLallo, along with members of the organizing committee, spoke about the routes they had been discussing and wanted to get feedback from the Council on these proposed routes; The organizing committee wants Breckenridge to consider a mountain top finish, possibly at the top of Peak 8; They think that the pro's outweigh the con's for this route; There are only a few stages that have the potential of having an uphill finish in the tour; Mayor Warner stated he would like to see them climb up Boreas pass via Wellington to Moonstone; Several members were concerned that they are not finishing in the Town of Breckenridge (main street) and the effect this might have on businesses in Town.

Mr. Burke asked Mr. Gagen about benefits for Council members.

Mayor Warner wanted to come back to the plastic bags discussion; He asked the Council if they thought it should be a ballot issue or if they should just make an executive decision; The Council had a discussion related to the bag fee; The consensus was that the Council thinks that they should just make a leadership decision; They determined that the bag fee discussion is back on the books and they would like to see a proposal for this ordinance; Their goal are to reduce, educate and subsidize the purchase of re-usable bags; There is a SustainableBreck meeting on March 11, 2013.

SCHEDULED MEETINGS

EXECUTIVE SESSION

A. ACQUISITIONS AND NEGOTIATIONS

As part of the town council regular meeting on February 26, 2013 at 9:15 pm, Mr. Brewer moved to convene in executive session pursuant to Paragraph 4(a) of Section 24-6-402, C.R.S., relating to the purchase, acquisition, lease, transfer or sale of any real, personal, or other property interest. Ms. McAtamney made the second.

The Mayor stated a motion had been made to go into executive session pursuant to Paragraph 4(a) of Section 24-6-402, C.R.S., relating to the purchase, acquisition, lease, transfer or sale of any real, personal, or other property interest.

The Mayor further stated the purpose of the executive session involves a parcel of land that the Town may have an interest in acquiring, and a second parcel of open space property that the Town may have an interest in jointly acquiring with Summit County.

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

Ms. McAtamney moved to adjourn the executive session at 9:54 pm. Ms. Wolfe made the second. All were in favor of the motion.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 10:30pm

Submitted by Mistaya Pierpont, Deputy Town Clerk, Municipal Services

ATTEST:

Helen Cospolich, Deputy Town Clerk

John Warner, Mayor



EARTH HOUR PROCLAMATION
8:30 – 9:30 p.m. on March 23, 2013

WHEREAS, the Town of Breckenridge is concerned about the impacts of climate change, and desires to create a positive effect on our planet by promoting energy efficiency and natural resource conservation; and

WHEREAS, “Earth Hour” is both an international and local symbolic event to raise awareness about climate change issues, to encourage businesses, individuals and government to take action to reduce their carbon emissions and their impact on the environment in their daily lives and operations; and

WHEREAS, “Earth Hour” encourages citizens, businesses, government agencies and commercial and non-commercial establishments to join hundreds of millions of people across 135 countries and territories by switching off all non-essential lighting for one hour from 8:30 to 9:30 p.m. on Saturday, March 23, 2013 and further, to commit to actions they can take in the coming year to reduce their carbon footprint and conserve energy;

WHEREAS, the Town of Breckenridge will turn off non-essential lights in Town buildings during “Earth Hour” to show support for energy conservation and “Earth Hour” events around the world, and further, as leaders in our community, we commit to inspire others to take actions that make a difference not only our community, but the world around us.

NOW, THEREFORE, BE IT RESOLVED THAT, I, Mayor John Warner do hereby proclaim March 23, 2013 from 8:30 to 9:30 p.m. as “Earth Hour” in Breckenridge, Colorado, and call upon all residents of Breckenridge to join me in supporting the aims and goals of this effort.

Adopted this _____ day of _____, 2013.

Mayor John Warner

Attest:

Town Clerk

[SAME MEMO]

MEMO

TO: Town Council
FROM: Town Attorney
RE: Council Bill No. 1 (Amending “Town Projects Ordinance”)
DATE: February 6, 2013 (for February 12th meeting)

The second reading of the ordinance amending the “Town Projects Ordinance” is scheduled for your meeting on February 12th. As I indicated to you when the ordinance was adopted on first reading, before second reading I want to give you a history of the Town Projects Ordinance, as well as a more detailed analysis of each of the changes that are being proposed to the current Town Projects Ordinance by Council Bill No.1.

In 1984 the Colorado Supreme Court made it clear that a municipal zoning/land use ordinance normally applies to the development activities of the municipality itself. However, the Supreme Court also stated that a municipality may lawfully exempt itself from its zoning and land use ordinances.

The Town Projects Ordinance was adopted by the Town Council in 1998. Prior to the adoption of the Town Projects Ordinance the Development Code policies and procedures applied to all “development” undertaken by the Town, including minor street and water line projects as well as the Town’s major construction projects like the Recreation Center.¹ However, in adopting the Town Projects Ordinance the Town Council recognized (and found in the adopting ordinance) that:

(T)he procedures set forth in the Breckenridge Development Code . . . do not work well with respect to the review and approval of the Town’s public improvement projects.

Based upon this determination, the Council created a new, separate (i.e., non-Development Code) process for the review and approval of Town projects.

The purposes of the Town Projects Ordinance were twofold: (1) to specifically exempt the Town’s construction and development projects from the Town’s Development Code policies and procedures as authorized by the 1984 Colorado Supreme Court decision; and (2) to establish a separate non-Development Code process for the Town Council to review and approve projects to be paid for by the Town and undertaken on Town-owned property. The discretionary, non-

¹ As you know, the seminal issue in a Development Code application is: does the application pass all relevant absolute polices and get a score of zero or higher on all relevant relative policies? If so, the application must be approved; if not the application must be denied.

Development Code process was designed to avoid the potential problem of the ultimate decision maker in a quasi-judicial process also being the applicant for the permit.

As part of the ordinance initially adopting the Town Projects Ordinance, the Town Council found and determined that:

the alternative procedures established by this Ordinance provide adequate opportunity for the review of designated Town public improvement projects by the Planning Commission and the public, and will thereby materially assist the Town Council in the development of public improvement projects of a high quality.

There has only been one amendment made to the Town Project Ordinance since it was adopted in 1998. In 2008, the ordinance was amended to bring the construction of an attainable work force housing project on Town-owned, leased, or controlled property within the purview of the ordinance. Some of you will remember that the Valley Brook housing project was reviewed and approved using the process outlined in the Town Projects Ordinance.

The Town Projects Ordinance has worked well since 1998. However, recently (in connection with the McCain Parcel Master Plan) the staff noticed that while the Town Projects Ordinance would apply to the physical construction of development on that Town property, the conceptual planning of the McCain Parcel did not fall under the Town Projects Ordinance. As a result, the planning of the McCain Parcel was handled under the Development Code process which, at least to some, created problems due to the quasi-judicial nature of that process.

Council Bill No. 1 was initially intended to simply bring the conceptual planning and design of Town-owned property under the Town Projects Ordinance so that all aspects of a Town project – from conceptual design to actual development – would be controlled by the same process and standards. However, as we began looking at the Town Projects Ordinance we thought the ordinance could perhaps be improved in other ways too.

Enclosed with this memo is the revised Town Project Ordinance marked for second reading next Tuesday. Please note that I have blacklined the ordinance differently from the way I normally blackline an ordinance for you. The blacklining from first reading (using the bold + double underline method of blacklining) has been left in, and additional blacklining (in the form of highlighting) has been added for changes proposed to the ordinance for second reading. I hope this method of blacklining is not confusing to you.

Here is an explanation of the changes to the Town Projects Ordinance proposed by Council Bill No. 1. General section references (Section 1, Section 2, etc.) are to the Sections of the enclosed version of the Town Projects Ordinance. Section references beginning with **9-14** (i.e., **9-14-1**) refer to the specific sections of the revised Town Projects Ordinance contained in Section 3 of Council Bill No.1.

Section 1 – As I was working on Council Bill No. 1 it occurred to me that it did not make sense to have a process embedded in the Development Code that established a special non-

Development Code review process for Town projects. As a result, I have proposed moving the Town Projects Ordinance from the Development Code into its own Chapter of the Town Code. Section 1 of the ordinance repeals the current Town Projects Ordinance provisions in the Development Code in connection with the movement of the Town Projects Ordinance into its own Chapter of the Town Code.

Section 2 – This section repeals the current definition of “Attainable Work Force Housing Project” in the Development Code. The defined term is used only in the current Town Projects portion of the Development Code, and with the relocation of the Town Projects Ordinance into its own Chapter of the Town Code the definition in the Development Code is no longer necessary. Note that the definition of “Attainable Work Force Housing Project” is contained in the “new” Town Projects chapter adopted by Section 3 of Council Bill No. 1.

Section 3 – This section contains the text of the revised Town Projects Ordinance that would be inserted as a new Chapter 14 of Title 9 of the Town Code. The individual sections of the revised Town Projects Ordinance are as follows:

9-14-1 – This section provides the two definitions that apply to the Town Projects Ordinance.

- Changes are proposed to the definition of “Attainable Work Force Housing Project” to deal with the possibility of an attainable work force housing project involving rental, not just “for sale”. units. Changes are also proposed to the (important) definition of the term “Town Project.” These changes will bring the planning and design of a project to be undertaken and paid for by the Town under the Town Projects Ordinance. This will address the problem staff noted with the master planning of the McCain Parcel.
- In addition, the definition of “Town Project” is proposed to be amended to bring within the scope of the Town Projects Ordinance a project undertaken with the consent of the Town Council on Town-owned real property by a non-profit entity. Note that a project undertaken on Town-owned real property by a **for**-profit developer would **not** meet the definition of a “Town Project”, and would be reviewed under the normal Development Code process (as was done several years ago with respect to the proposed Pellet Plant on the Town’s McCain property.)

9-14-2 – This section clarifies that the decision with respect to the approval of a Town project is discretionary with the Town Council, and that the Town Council has sole and final say over all aspects of a Town project. This section clearly states that the Development Code and the Land Use Guidelines do not apply to Town projects.

9-14-3 – This section provides that even though the Development Code does not govern Town projects, the staff is to do a point analysis for the Council prior to the Council being asked to give final approval to a Town project. By doing this, the Council can determine the extent to which a Town project complies with the relevant Development Code policies, and make an informed decision with respect to the project.

9-14-4 – This section outlines the process to be followed for the review and approval of Town projects in lieu of the normal Development Code review process.

1. Subsection 1 provides that with respect to most Town projects the Council will consult with the Planning Commission prior to deciding whether to proceed with the project.

2. Subsection 2 is new from first reading. It provides that before seeking the advice and recommendations of the Planning Commission with respect to a Town project, the Council may – but is not required to – hold one or more “public input sessions.” Although not defined, the term “public input session” is intended to cover both input sessions held at a Town Council meeting or worksession, and a separate “open house” type of public meeting. The thought here was that allowing public input before a proposed Town project is sent to the Planning Commission would allow for timely comments from the public before the particulars of a proposed Town project are sent to the Planning Commission for its review, advice and ultimate recommendation, thereby allowing the Planning Commission to provide better advice and recommendations with respect to the proposed project. The Council can hold a public input session without specific ordinance authorization. However, we thought that including a reference to a possible public input session in the ordinance would serve as a reminder for both the staff and the Council of the need to consider whether a public input session was appropriate for a particular proposed Town project.

3. Subsection 3 outlines the procedure to be followed by the Planning Commission in formulating its advice and recommendation with respect to a Town project. Note that the subsection requires the Planning Commission to hold a public hearing before formulating its advice and recommendation. Also note the provision permitting a member of the Town Council to attend the Planning Commission proceedings on a proposed Town project. This provision is based on the fact that the Town project process is discretionary – not quasi-judicial – and thus the Town Council members are not restricted from viewing the Planning Commission process in the way they are with respect to the normal Development Code process.

4. Subsection 4 requires the Planning Commission to submit its advice and recommendations with respect to a proposed Town project to the Town Council. Subsection 5 provides that if the Planning Commission does not submit its advice and recommendations to the Council within 60 days such inaction is treated as a recommendation of approval of the proposed Town project.

5. Subsection 6 provides that the Town Council’s decision with respect to a proposed Town project is to be made at a regular or special Town Council meeting, and that the matter must be listed on the Town Council’s agenda so that the public is notified that the Council will be making a decision with respect to the proposed project at that meeting. New language has been added to this subsection for second reading providing that the Council will accept and consider any public comment that is offered prior to the Council’s final decision on the proposed public project.

9-14-5 – This section acknowledges that certain kinds of Town projects do not require Planning Commission review. The categories of Town projects that do not require Planning Commission review are listed, but note that the list has been pared down by eliminating the reference to “any work that would be classified as a Class C or Class D development under the Development Code.” The Town projects not requiring Planning Commission review can be undertaken by the staff without the formal Town Council approval process described in Section 9-14-4(6) once budgetary approval has been obtained in the normal course.

Sections 4 – 8 of the ordinance are the Town’s normal boilerplate ordinance provisions for land use regulations.

In summary, the fundamental premise of the Town Projects Ordinance is that Town projects are unique and should be reviewed and approved in a way that is different from private-sector projects. The ordinance provides a process for the review and approval of Town projects that is an alternative to the normal Development Code process. Because Town projects involve Town property, and are primarily Town-funded and Town-undertaken projects, the Town Projects process involves a discretionary decision by the Town Council. The normal Development Code quasi-judicial process and standards for approval do not apply to a Town project, although before deciding to proceed with a Town project the Council must receive and review a point analysis so that the degree to which a proposed Town project complies with the Development Code polices can be determined. For most Town projects, the Planning Commission must provide its advice and recommendation before the Council decides whether to proceed with the proposed project. The public is invited to participate throughout the Town projects process.

I hope this memo has been helpful. When deciding how to proceed on this proposed ordinance, please keep in mind that it would be possible to revise or eliminate any particularly problematic section of the ordinance prior to the final vote on the ordinance.

I look forward to discussing this ordinance with you on Tuesday.

1 *FOR WORKSESSION/SECOND READING – MAR. 12*

2
3 Additions To The Current Breckenridge Town Code Are
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5
6 Additions To The Ordinance As Adopted on First Reading Are
7 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

8
9 COUNCIL BILL NO. 1

10
11 Series 2013

12
13 AN ORDINANCE ADOPTING CHAPTER 14 OF TITLE 9 OF THE BRECKENRIDGE
14 TOWN CODE CONCERNING TOWN PROJECTS

15
16 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
17 COLORADO:

18
19 Section 1. Section 9-1-27 of the Breckenridge Town Code is repealed.

20 Section 2. The definition of “Attainable Work Force Housing Project” in Section 9-1-5
21 of the Breckenridge Town Code is repealed.

22 Section 3. Title 9 of the Breckenridge Town Code is amended by the addition of a new
23 Chapter 14, to be entitled “Town Projects”, which shall read as follows:

24 CHAPTER 14

25 TOWN PROJECTS

26
27 SECTION:

- 28
29 9-14-1: Definitions
30 9-14-2: Town Council Authority Over Town Projects
31 9-14-3: Town Projects To Be Designed And Constructed In
32 Accordance With Applicable Town Standards
33 9-14-4: Process For Review And Approval Of A Town Project
34 9-14-5: Town Projects Not Requiring Planning Commission Review

35 9-14-1: DEFINITIONS: As used in this Chapter, unless the context clearly requires otherwise,
36 the following words have the following meanings:

ATTAINABLE WORK FORCE
HOUSING PROJECT:

A development project in which ownership, occupancy, and sale of the property to be developed, **or the lease or rental of the property to be developed**, is restricted in

such a fashion as to provide on a permanent basis moderately priced **or affordable** housing to be occupied only by qualified persons meeting specific criteria that may include income test(s) and employment requirements as described in the project documents. The purpose of an affordable or attainable work force housing project is to help establish and preserve a supply of moderately priced housing to help meet the needs of locally employed residents of the Town by providing housing to persons who, because of their income, may not otherwise be in a position to afford to purchase, own, and occupy, **or to lease or rent,** suitable housing.

TOWN PROJECT:

A project involving **either**: 1) the **planning, design, construction, erection, repair, maintenance, replacement, relocation, or improvement of any building, structure, facility, recreational field, street, road, path, public way, bridge, excavation or any other public project or work of any kind undertaken and paid for** by the Town; **2) the planning, design, construction, erection, repair, maintenance, replacement, relocation, or improvement of any building, structure, facility, excavation or any other project or work of any kind undertaken with the consent of the Town Council on Town-owned real property by a non-profit entity and or** 23) the **planning, design,** construction, erection, repair, maintenance, replacement, relocation or improvement of an attainable work force housing project on Town-owned, leased, or controlled real property, regardless of whether the attainable work force housing project will be operated by the Town or some other person.

1 **9-14-2: TOWN COUNCIL AUTHORITY OVER TOWN PROJECTS: The Town**
2 **Council, in its sole discretion, shall determine whether a Town project is necessary or**
3 **advisable for the public good, and whether the project shall be undertaken. If a Town**
4 **project is to be undertaken, the Town Council, in its sole discretion, has the sole and final**

1 authority to determine all aspects of the Town project, including, but not limited to, its
2 location and design. Chapter 1 of this Title and the Town of Breckenridge Land Use
3 Guidelines do not apply to Town projects, but Town projects shall be processed instead in
4 accordance with the provisions of this Chapter.

5 9-14-3: TOWN PROJECTS TO BE DESIGNED AND CONSTRUCTED IN
6 ACCORDANCE WITH APPLICABLE TOWN STANDARDS: Unless otherwise
7 determined by the Town Council, in its discretion all Town projects shall conform to the
8 Town's master plan, ordinances, and building and technical codes insofar as practical.
9 Prior to the Town Council's final decision with respect to a proposed Town project the
10 Director of the Department of Community Development shall prepare a point analysis for
11 the proposed Town project in the same manner as a point analysis is prepared for a final
12 hearing on a Class A development permit application under Chapter 1 of this Title. The
13 point analysis is for the Town Council's information only, and the final decision with
14 respect to a proposed Town project shall be made by the Town Council as provided in
15 Section 9-14-2.

16 9-14-4: PROCESS FOR REVIEW AND APPROVAL OF A TOWN PROJECT: Unless a
17 particular Town project is exempt from the requirements of this Section is not required to be
18 considered by the Planning Commission pursuant to by Section 9-14-5, the following procedure
19 shall be followed in connection with the review and approval of a Town project:

- 20 1. Prior to the commencement of any Town project, the Town Council shall consult with
21 and seek the advice and recommendations of the Planning Commission.
- 22 2. Prior to seeking the advice and recommendations of the Planning Commission
23 the Town Council may, but is not required to, hold one or more public input
24 sessions to allow the public to comment on the proposed Town project. Notice of
25 a public input session on a proposed Town project shall be published on the
26 Town's website for at least five (5) days prior to the public input session. In
27 deciding whether to hold a public input session, the Town Council shall consider
28 the size, scope and nature of the proposed Town project.
- 29 3. In connection with its review of a proposed Town project, the Planning Commission
30 shall schedule and hold one or more public hearing, notice of which shall be
31 published at least once in a newspaper of general circulation at least three (3) days
32 prior to the hearing on the Town's website for at least five (5) days prior to the
33 hearing. Because the process of reviewing and approving a Town project is
34 discretionary and administrative, and not quasi-judicial, any member of the
35 Town Council may properly attend the Planning Commissions public hearing(s)
36 and deliberations with respect to a proposed Town project.
- 37 4. Following the conclusion of the public hearing(s), the Planning Commission shall
38 submit to the Town Council its recommendations and advice concerning the proposed
39 Town project.
- 40 5. Failure of the Planning Commission to submit its advice and recommendations to the

1 Town Council within sixty (60) days after the submission to it of the proposed Town
2 project shall be deemed to be a recommendation of approval of the project as
3 submitted.

4 **6. The final decision with respect to a proposed Town project shall be made by the**
5 **Town Council at a regular or special meeting. The proposed Town project shall**
6 **be listed on the Town Council's agenda that is posted in advance of the meeting**
7 **on the Town's website. The Town Council shall accept and consider any public**
8 **comment offered prior to its final determination to proceed with a proposed**
9 **Town project.**

10 9-14-5: TOWN PROJECTS NOT REQUIRING PLANNING COMMISSION REVIEW:

11 A. ~~Notwithstanding Section 9-14-4~~ **The Planning Commission is not required to**
12 **review and provide a recommendation with respect to** the following categories of
13 Town projects:

- 14 1. public road or alley improvements;
- 15 2. the installation or replacement of **the Town's** public utilities and structures associated
16 with the operation of **the Town's** public utilities;
- 17 3. the erection or improvement of surface public parking facilities;
- 18 4. minor repairs to any public facility; or
- 19 5. ~~any work that would be classified as a Class C or Class D development under the~~
20 **Town's Development Code;**
- 21 6. any other proposed Town project that the Town Council determines need not be
22 reviewed by the Planning Commission.

23 B. All exempt projects **described in subsection A of this Section** may be undertaken by
24 the Town Council without Planning Commission review, **and without formal Town**
25 **Council approval.**

26 C. Nothing in this Section limits the discretionary authority of the Town Council to have
27 any of the exempted Town projects reviewed by the Planning Commission if the
28 Council determines that such review would be beneficial.

29 Section 4. Except as specifically amended hereby, the Breckenridge Town Code, and the
30 various secondary codes adopted by reference therein, shall continue in full force and effect.

31 Section 5. The Town Council hereby finds, determines and declares that this ordinance is
32 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
33 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
34 thereof.

1 Section 6. The Town Council finds, determines and declares that it has the power to
2 adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act,
3 Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal
4 zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv)
5 Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to
6 home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers
7 contained in the Breckenridge Town Charter.

8 Section 7. The Town Council finds, determines and declares that it has the power to
9 adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX
10 of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

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

13 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
14 PUBLISHED IN FULL this ____ day of _____, 2013. A Public Hearing shall be held at the
15 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the __ day of
16 _____, 2013, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
17 Town.

18
19 TOWN OF BRECKENRIDGE, a Colorado
20 municipal corporation
21

22
23
24 By _____
25 John G. Warner, Mayor
26

27 ATTEST:
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31 _____
32 Town Clerk
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MEMORANDUM

To: Mayor and Town Council Members
Cc: Town Manager, Assistant Town Manager, and Town Attorney
From: Director of Communications
Date: March 6, 2013 (*for March 12th meeting*)
RE: Breckenridge Marketing Advisory Committee member qualifications amendment

In 2010, the Council established the Breckenridge Marketing Advisory Committee (BMAC) with guidelines defined for the composition of the group; specifically the number of members that represent various business sectors.

At the February 12, 2013 work session, Council discussed the current qualifications, and concluded that the sectors that were established originally were too restrictive, and that it was their desire to appoint the best and brightest candidates, regardless of the business sector they represent. Council directed staff to draft an amendment to the current BMAC ordinance that would reflect this desire for a broad representation of our businesses.

At the February 26th work session, Council discussed and debated the letter from the Breckenridge Lodging Association that stated that they are not in favor of the proposed changes. On first reading, the amendment to the BMAC ordinance was passed by a 4-3 vote.

The second and final reading is scheduled for March 12th.

The amendment follows this memo. There are no changes from first reading.

Thank you.

1 ***FOR WORKSESSION/FIRST READING – FEB. 26***

2
3 Additions To The Current Breckenridge Town Code Are
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5
6 COUNCIL BILL NO. ____

7
8 Series 2013

9
10 AN ORDINANCE AMENDING SECTION 2-6-2 OF THE BRECKENRIDGE TOWN CODE
11 CONCERNING THE QUALIFICATIONS FOR APPOINTMENT TO THE TOWN OF
12 BRECKENRIDGE MARKETING COMMITTEE.

13
14 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
15 COLORADO:

16
17 Section 1. Section 2-6-2 of the Breckenridge Town Code is amended to read in its
18 entirety as follows:

19
20 2-6-2: APPOINTMENT; QUALIFICATION:

21
22 A. The Committee shall consist of seven (7) members who shall be appointed by
23 the Town Council.

24
25 B. Each member of the Committee shall either be an elector of the Town or a
26 representative of a business holding a valid Town Business and Occupational Tax
27 (BOLT) License.

28
29 C. Each member of the Committee, except for the Town Council member, shall
30 have experience in marketing. **In making appointments to the Committee, the**
31 **Town Council shall consider, without limitation, a mix of qualified persons who**
32 **represent the lodging and restaurant/retail sectors of the Town's business**
33 **community, but the Town Council is not required to appoint a specific number**
34 **of representatives from any particular sector of the business community.**

35
36 ~~D. The composition of the Committee shall be as follows:~~

37
38 ~~1. Three (3) members of the Committee shall be owners, operators or employees of~~
39 ~~lodging businesses within the Town. These three (3) Committee members shall be~~
40 ~~selected by the Town Council so as to provide a broad representation of the lodging~~
41 ~~businesses within the Town, including, but not limited to, large and small lodging~~
42 ~~businesses.~~

43
44 ~~2. One (1) member of the Committee shall be an owner, operator or employee of a~~
45 ~~restaurant/retail business located within the Town;~~

1
2 ~~3. One (1) member of the Committee shall be a member of the Town Council;~~
3 ~~provided, however, that the Mayor shall not serve on the Committee; and~~

4
5 ~~4. The remaining two (2) members of the Committee shall be at large members~~
6 ~~who need not represent any particular category or type of business within the Town.~~

7
8 ED. All members of the Committee shall serve at the pleasure of the Town Council,
9 and may be removed by the Town Council at any time without cause.

10
11 Section 2. The adoption of this ordinance shall not affect the terms of office of any
12 member of the Town of Breckenridge Marketing Committee existing as of the effective date of
13 this ordinance. This ordinance shall only apply to any members of the Marketing Committee first
14 appointed or reappointed after the effective date of this ordinance.

15
16 Section 3. Except as specifically amended hereby, the Breckenridge Town Code, and the
17 various secondary codes adopted by reference therein, shall continue in full force and effect.

18
19 Section 4. The Town Council finds, determines and declares that it has the power to
20 adopt this ordinance pursuant to the provisions of Section 9.5 of the Breckenridge Town Charter.

21
22 Section 5. This ordinance shall be published and become effective as provided by
23 Section 5.9 of the Breckenridge Town Charter.

24
25 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
26 PUBLISHED IN FULL this ____ day of _____, 2013. A Public Hearing shall be held at the
27 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
28 _____, 2013, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
29 Town.

30
31 TOWN OF BRECKENRIDGE, a Colorado
32 municipal corporation

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35
36 By _____
37 John G. Warner, Mayor

38
39 ATTEST:

40
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43 _____
44 Town Clerk

Memo

To: Mayor and Town Council
From: Julia Puester, AICP
Date: March 4th for meeting of March 12th, 2013
Re: Solar Panels in the Conservation District, Policy 5A- First Reading

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. There was concern that the mounting structure and panels would be visible from Ridge Street. At the November 13th joint Town Council/Planning Commission meeting, it was directed to have staff return to the Planning Commission for discussion of a modification to Policy 5 (Architectural Compatibility) regarding visibility of solar panels in the Conservation District. Most recently, Staff went to the Planning Commission with a draft policy on January 2nd which meeting minutes were reviewed by the Town Council at their January 8th work session and the Council agreed with the general direction of the Commission recommendations. Staff returned to the Planning Commission February 5th with a revised draft policy. The Planning Commission directed staff to make some minor modifications and proceed to the Town Council with the policy.

PLANNING COMMISSION RECOMMENDATION

The majority of the Planning Commission supported the proposed changes to Policy 5A (attached) at the February 5th work session which includes the following primary changes:

- Sloped Roofs: Flush mounted panels on sloped roofs should be allowed. Panels *may* be visible from a public street and alley (although reduced visibility is included via the preference list).
- Flat Roofs: Solar devices should be allowed on flat roofs if they are *not* visible from a public street or alley.
- All roof mounted solar devices shall be setback a minimum of 6 inches from the roof eave edge.
- Detached arrays should be allowed only if they are *not* visible from a public street or alley and shall not be detrimental to adjacent property owners.
- Unless specified, visibility shall be defined as a public street and alley within a 1 block radius or 400 feet (whichever is greater).

DISCUSSION

Panel Coverage Area

The Planning Commission discussed how much roof area should be allowed to be covered by solar panels. Staff provided research on the amount of coverage on

existing installations within the Conservation District which resulted in a varying range between 23 and 88%.

After detailed discussion, the Commission recommended that there be no limit of coverage of solar devices as each application would be reviewed depending on the site specifics. Existing restrictions in the policy which are intended to reduce visibility from a public street and alley were found to be sufficient.

Detached Panels

The Commission did not want to prohibit detached arrays in the Conservation District if the property owner is able to provide information that the panels would not be visible from a public street, public alley or detrimental to adjacent property. Language to allow detached arrays under these visual restrictions has been included in the policy attached.

Staff remains concerned regarding detached solar arrays in the Conservation District and the subjectivity of interpreting if panels would be detrimental to the adjacent property. Lots in the district are smaller than elsewhere in Town and the ability to effectively screen solar arrays from public streets, alleys or adjacent properties in close proximity will be challenging.

- *Does the Council find that detached solar arrays should be allowed in the Conservation District as proposed?*

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends approval of the attached Policy 5A-*Architectural Compatibility* regarding solar panels in the Conservation District.

1 **FOR WORKSESSION/FIRST READING – MARCH 12**

2
3 Additions To The Current Breckenridge Town Code Are
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5
6 COUNCIL BILL NO. _____

7
8 Series 2013

9
10 AN ORDINANCE AMENDING POLICY 5 (ABSOLUTE) (“ARCHITECTURAL
11 COMPATIBILITY”) OF SECTION 9-1-19-5A OF THE BRECKENRIDGE TOWN CODE,
12 KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE”, CONCERNING SOLAR
13 PANELS, SOLAR DEVICES, AND SOLAR ARRAYS

14
15 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
16 COLORADO:

17
18 Section 1. Section 9-1-5 of the Breckenridge Town Code is amended by the inclusion of
19 the following definitions:

20
ALLEY: **The entire width of every dedicated public alley owned or controlled by the Town.**

STREET: **The entire width of every dedicated public street owned or controlled by the Town.**

21
22 Section 2. Section 9-1-19-5A(E)(1) of the Breckenridge Town Code is amended to read
23 in its entirety as follows:

24 E. Solar Devices:

25 (1) Within The Conservation District: The preservation of the character of the
26 conservation district and the historic structures and sites within the conservation
27 district are of the utmost importance. The town encourages the installation of
28 solar devices as an alternative energy source. **It is a goal of this policy to balance**
29 **sustainability and historic preservation goals of the Town.**

30 ~~However,~~ There may be instances where solar devices are not appropriate on a
31 particular building or site if such a device is determined by the town to be
32 detrimental to the character of the conservation district or would result in a
33 reduced state, federal or local historic rating **of a historic structure or district.**

34
35 The town ~~encourages~~ **allows for** solar device placement ~~to be~~ **that is** sensitive to
36 the character of the conservation district and located away from the public ~~right of~~
37 way **street.**

1 Within the conservation district a solar device shall be located based upon the
2 following order of preference **to reduce the visibility of the solar device from a**
3 **public street (as opposed to an alley) to the greatest extent practical and to**
4 **reduce negative impacts to historic structures. In most cases, p** Preference 1
5 **will reduce visibility and** is the highest and most preferred; preference 6 is the
6 lowest and least preferred. A solar device shall be located in the highest
7 preference possible. The order of preference for the location of a solar device
8 within the conservation district is as follows, **unless a less visual option is**
9 **available on site:** 1) as a building integrated photovoltaic device; 2) on
10 nonhistoric structures or additions; 3) on an accessory structure; 4) on the primary
11 structure; 5) highly visible from the public ~~right of way~~ **street**; and 6) as a
12 detached solar device in the rear or side yard away **not visible** from view from a
13 **any public right of way street or alley within a 1 block radius or 400 feet**
14 **(whichever is greater).**

15 Section 3. Section 9-1-19-5A(E)(2) of the Breckenridge Town Code is amended to read
16 in its entirety as follows:

17 (2) Class C Minor Development Permit: Within the conservation district, no solar
18 device shall be installed on a structure or site without first obtaining a class C
19 minor development permit. **The application must include photographic and/or**
20 **3 dimensional visual aspects from public streets and alleys within a 1 block**
21 **radius or 400 feet (whichever is greater) of the building or site.** Solar devices
22 are encouraged to be installed on a nonhistoric building or building addition and
23 integrated into the building design. To ensure that the character of the
24 conservation district and its historic structures and sites are protected, an
25 application for a development permit to install a solar device within the
26 conservation district will be reviewed under the following requirements:

27 a. **General Requirements for All Installations:** Solar devices on roofs shall be
28 placed on a noncharacter defining roofline of a nonprimary elevation (not highly
29 visible from a ~~public right of way~~ **street**). For lots which have exhausted the
30 preferred placement options as set forth above, solar devices that are visible from
31 the right of way may be appropriate if they are designed to have minimal visual
32 impacts from the right of way and do not result in detrimental character to the
33 conservation district, or a reduced state, federal or local historic rating for the
34 structure or surrounding structures, **as determined by the town.**

35 Solar devices and related mechanical equipment and mounting structures shall be
36 nonreflective such as an anodized finish. Mechanical equipment associated with
37 the solar device such as invertors, convertors and tubing attached to the building
38 fascia shall be painted to match the building color to blend into the building. ~~On~~
39 ~~all other roof types,~~ Solar devices shall be located so as not to alter a historic
40 roofline or character defining features such as dormers or chimneys **and shall be**
41 **setback a minimum of six inches (6") from the roof edge.**

1 **b. Sloped Roof Installations: All solar devices on sloped roofs must run parallel**
2 **to the roofline.** Roof mounted solar devices shall not break the existing ridgeline
3 of the roof to which the solar device is mounted. All solar devices shall run
4 parallel to the original roofline and shall not exceed ~~nine~~six inches (9 6") above
5 the roofline as measured from the bottom of the panel.
6

7 **c. Flat Roof Installations:** Solar devices **and mounting structures** shall ~~be set~~
8 ~~back from the edge of a flat roof to minimize visibility and may be set at a pitch~~
9 ~~and elevated if not highly~~ **not be** visible from **any** public right of way **street or**
10 **alley within the Conservation District.**
11

12 **d.** Applications for new structures within the conservation district are encouraged to
13 include building integrated solar devices into the initial design, including a similar
14 roof color, rather than as a later addition. Solar devices which contrast with the
15 color of the roof of new or historic structures are inappropriate **and are not**
16 **allowed** if found to be detrimental to the character of the Conservation District.
17

18 **e.** Detached arrays of solar devices ~~at a historic site~~ may be located in the rear or
19 side yard if the arrays are not highly-visible from a public right of way **street or**
20 **alley within 1 block or 400 feet (whichever is greater), is not determined to be**
21 **detrimental to the adjacent properties and does** not detract from other major
22 character defining aspects of the site. ~~The location of detached arrays of solar~~
23 ~~devices shall also consider visibility from adjacent properties, which shall be~~
24 ~~reduced to the extent possible while still maintaining solar access.~~
25

26 **f.** On historic buildings, character defining elements such as historic windows,
27 walls, siding or shutters which face a public right of way **street** or contribute to
28 the character of the building shall not be altered in connection with the installation
29 of solar devices. Solar devices in nonhistoric windows, walls, siding or shutters
30 which ~~do not face a~~ **are not visible from a** public right of way **street** are
31 encouraged.

32 Section 4. Except as specifically amended hereby, the Breckenridge Town Code, and the
33 various secondary codes adopted by reference therein, shall continue in full force and effect.
34

35 Section 5. The Town Council hereby finds, determines and declares that this ordinance is
36 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
37 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
38 thereof.
39

40 Section 6. The Town Council hereby finds, determines and declares that it has the power
41 to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act,
42 Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal
43 zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv)
44 Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to
45 home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers
46 contained in the Breckenridge Town Charter.

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Section 7. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this ____ day of _____, 2013. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of _____, 2013, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

TOWN OF BRECKENRIDGE, a Colorado municipal corporation

By _____
John G. Warner, Mayor

ATTEST:

Town Clerk

MEMORANDUM

To: Town Council

From: Peter Grosshuesch, Director of Community Development

Date: March 6, 2013

Re: Planning Commission Decisions of the March 5, 2013, Meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF March 5, 2013:

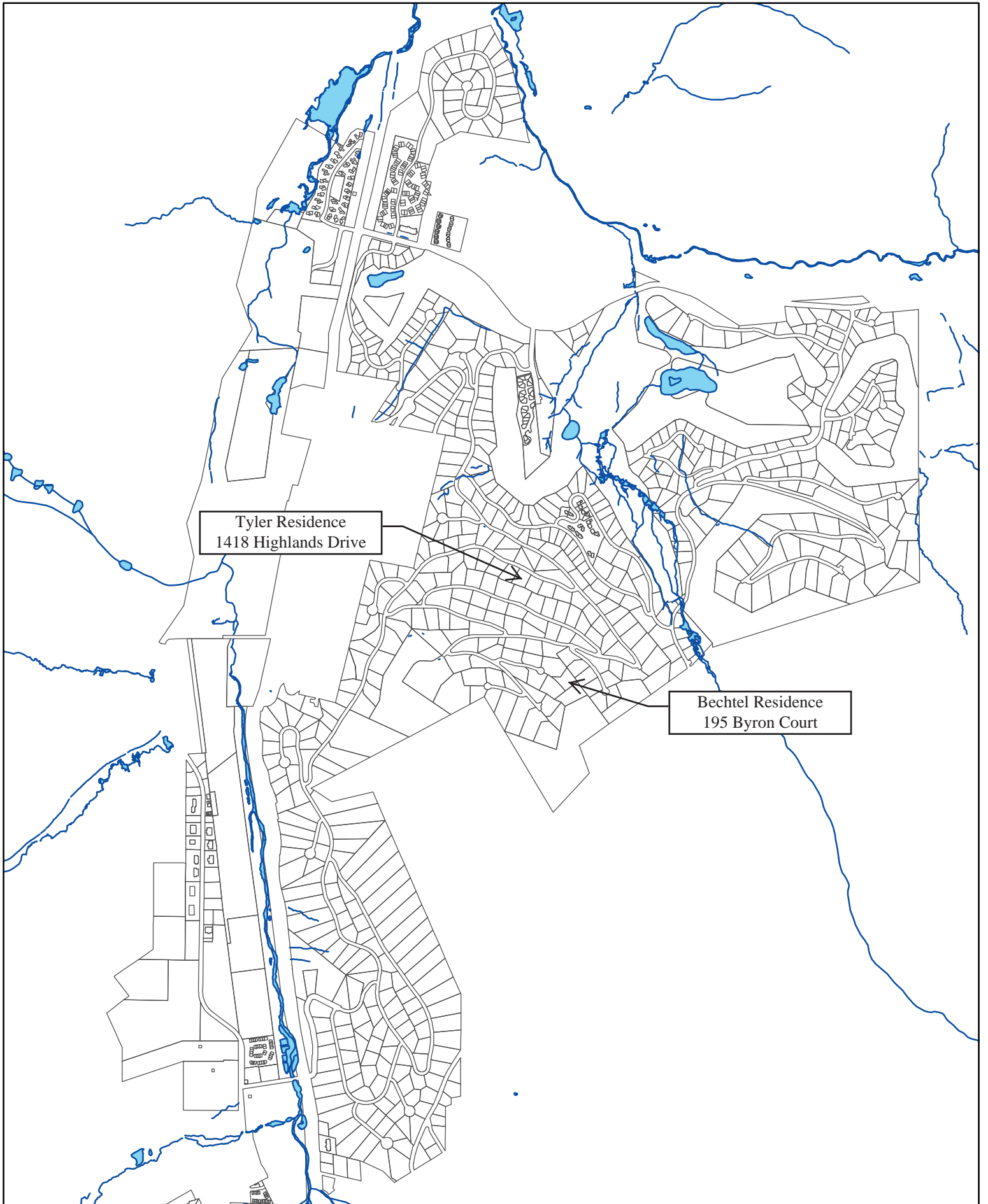
CLASS C APPLICATIONS:

- 1) Bechtel Residence (MGT) PC#2013015; 195 Byron Court
Construct a new, single family residence with 3 bedrooms, 2.5 bathrooms, 2,604 sq. ft. of density and 3,132 sq. ft. of mass for a F.A.R. of 1:17.86. Approved.
- 2) Hughes Residence (MGT) PC#2013013; 106 Stillson Placer Terrace
Construct a new, single family residence with 4 bedrooms, 4.5 bathrooms, 6,502 sq. ft. of density and 7,706 sq. ft. of mass for a F.A.R. of 1:7.81. Approved.
- 3) Tyler Residence (MGT) PC#2013014; 1418 Highlands Drive
Construct a new, single family residence with 3 bedrooms, 2.5 bathrooms, 3,022 sq. ft. of density and 3,955 sq. ft. of mass for a F.A.R. of 1:11.45. Approved.

CLASS B APPLICATIONS: None.

CLASS A APPLICATIONS:

- 1) Breckenridge Grand Vacations Lodge at Peak 8 (MM) PC#2012075; 1593 Ski Hill Road
Construct a 75 (each a 2-bedroom lock-off) unit interval ownership resort condo-hotel at the base of Peak 8 ski area with associated amenities and underground parking. Approved.



Tyler Residence
1418 Highlands Drive

Bechtel Residence
195 Byron Court

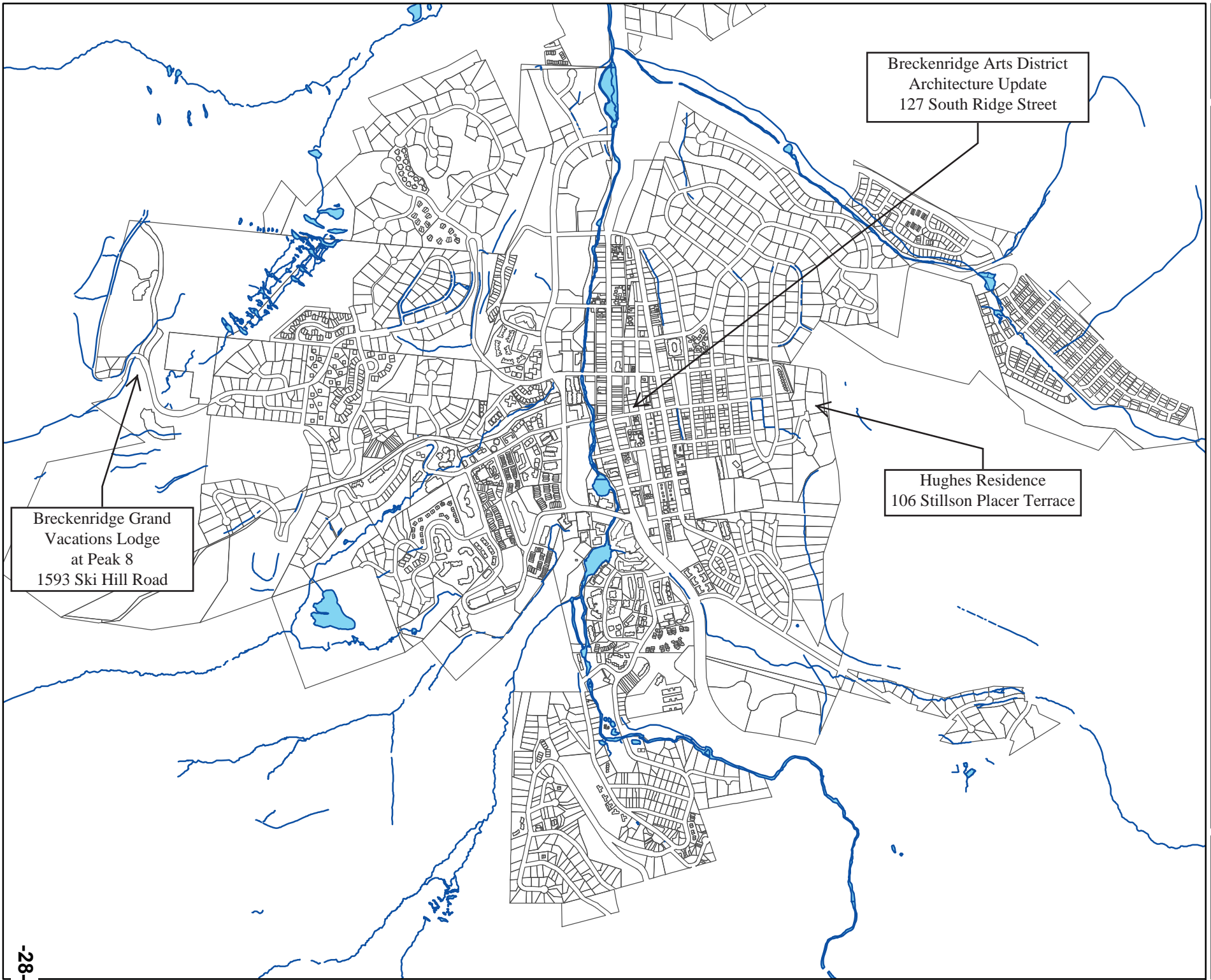


Breckenridge North

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





Breckenridge Grand
Vacations Lodge
at Peak 8
1593 Ski Hill Road

Breckenridge Arts District
Architecture Update
127 South Ridge Street

Hughes Residence
106 Stillson Placer Terrace



NOT TO SCALE

printed 4/12/2011

Breckenridge South

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



PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

ROLL CALL

Kate Christopher	Trip Butler	Dan Schroder
Gretchen Dudney	Jim Lamb	Eric Mamula
Dave Pringle		
Gary Gallagher, Town Council Liaison		

APPROVAL OF MINUTES

With no changes, the February 19, 2013 Planning Commission meeting minutes were approved unanimously (7-0).

APPROVAL OF AGENDA

Mr. Neubecker announced that the Town Council Report would be presented immediately after the Consent Calendar, and prior to the Work session on the Arts District.

With no other changes, the March 5, 2013 Planning Commission meeting agenda was approved unanimously (7-0).

CONSENT CALENDAR:

1. Bechtel Residence (MGT) PC#2013015; 195 Byron Court
2. Hughes Residence (MGT) PC#2013013; 106 Stillson Placer Terrace
3. Tyler Residence (MGT) PC#2013014; 1418 Highlands Drive

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

TOWN COUNCIL REPORT

Mr. Gallagher:

1. Regarding McCain Master Plan: 70 attendees at the Public Open House last week with Town Council. It was unanimous to not have commercial on the 15 acres at the north end of the McCain property. Council will have to look at the existing leases and decide what to do; still an open item.
2. Childcare ballot initiative: Council encouraged the Childcare Task Force to get a survey accomplished. Do voters support childcare sufficiently to support a tax? If yes, would there be a preference for a property tax or sales tax? This will happen April, early May period.
3. USA Pro Cycling Challenge: Breckenridge is going to host a finish and start during the 3rd week in August. Council has asked the organizers to reconsider an uphill finish that ends at One Ski Hill Place, in an effort to show off our downtown and support our merchants more with a finish downtown.
4. The open space committee has developed a report on the open space which shares all of the accomplishments since 1996. We encourage everyone to read it on the Town's website.
5. Town of Breckenridge has entered into a contract to purchase Abby Hall (Main Street and Washington Avenue) and we will try to incorporate it into the Art's District. Closing is within the next 30 days.

WORKSESSIONS:

1. Breckenridge Arts District Architecture Update (JC)

Ms. Cram presented an update to the Breckenridge Arts District build out and showed the latest sketches for the site plan and the architecture. Discussion focused predominately around the purchase of Abby Hall building, which can be used for a dance studio, and the change from the prior Dance Studio in the original Arts District site plan. Staff is looking at how they are going to connect Abby Hall with the Arts District and

will be bringing back some site plan modification in the future for approval.

FINAL HEARINGS:

1. Breckenridge Grand Vacations Lodge at Peak 8 (MM) PC#2012075; 1593 Ski Hill Road
Mr. Mosher presented an application to construct a 75 (each a 2-bedroom lock-off) unit interval ownership resort condo-hotel at the base of Peak 8 ski area with associated amenities and underground parking.

Changes since the December 4, 2012 Second Preliminary Hearing:

1. Project team met several times with Skiwatch and Peak 8 Place neighbors to hear their concerns.
2. Moved both buildings an additional 6 feet from Skiwatch/Peak 8 Place property line.
3. Worked with Breckenridge Sanitation District to locate Skiwatch sewer main on BGV property in order to fully preserve existing trees along Skiwatch property line.
4. Worked with neighbors to enhance year round trail access through BGV property to BSR skiway.
5. Created grade change between ski trail and outdoor aquatics to provide sound buffer in response to Skiwatch concerns.
6. Added landscaping adjacent to Skiwatch garden level units in response to neighbors concerns.
7. Worked with BSR to finalize skiway regarding enhancing skier safety.
8. Redesigned outdoor areas along BSR skiway to create more stepping and pedestrian interest.
9. Redesigned South Building service elevator and adjacent stair core in response to neighbors concerns.
10. Added more detail at first floor lobby, including stone veneer and timber trim to break up length of glazing in response to staff concerns.
11. Added more detail within outdoor aquatics and landscaping plans for final hearing.
12. Relocated trash collection area to BSR bus turnaround (plaza level) due to TOB engineering concerns with interim access to terrace level.
13. Redesigned North Building upper floors to flip larger 4BR units to east side, away from Peak 8 Place, increasing setback from 16 to 24 feet from property line and lowering roof ridge by an additional 6 feet vertically, in response to neighbors concerns.
14. Lowered north building upper floors by 3.5 feet, in response to neighbors concerns.
15. Lowered south building upper floors by 1.5 feet, in response to neighbors concerns.
16. Redesigned North Building 'C' unit and relocated deck to face south, away from Peak 8 Place, in response to neighbors concerns.
17. Redesigned North Building 'K' unit and relocated deck to face northwest, away from Peak 8 Place, in response to neighbors concerns.
18. Redesigned South Building 'C1' unit and relocated deck to face southwest, away from Peak 8 Place, in response to neighbors concerns.
19. Relocated South Building 5th floor 'C1' unit, away from Peak 8 Place, in response to neighbors concerns. This unit was relocated to South Building 4th floor and changed to type B unit.
20. Redesigned plaza & terrace level units to incorporate sloped roofs, porch roofs and timber brackets to create a more pedestrian scale.
21. Redesigned entry and stair elements at skier plaza; eliminated pavilion roof structure, simplified stairs, created a more linear café patio in the spirit of a 'sidewalk café' along the skiway.
22. Redesigned South Building roof forms at 5th floor 'attic units' (east elevation) to create major and minor hierarchies of roof forms.
23. Simplified and consolidated window types; enlarged windows and patio doors to add more glass on exterior walls or upper floors.
24. Revised wall siding material changes to echo the varying forms of the wall planes, varying the siding in vertical layers rather than horizontally per previous submissions.

Point Analysis (Section: 9-1-17-3): At this final review, Staff has found the following:

Negative points are incurred for:

- Policy 6/R, Building Height (-5) for exceeding the recommended height by less than one-half story.
- Policy 16/R, Refuse (-3) Refuse pick-up conflicts with Public crossing and sidewalk.
- Policy 24/R, Employee Housing (-2) 3.51% of the residential density, or 3,579 square feet, in off-site employee housing.
- Policy 33/R, Energy Conservation (-3) for heating all outdoor drives and plazas.
- Policy 33/R, Energy Conservation (-1) One exterior Gas-fired pit.
- Total (-14)

Positive points are awarded for:

- Policy 6/R, Building Height (+2) for showing broken, interesting roof forms that step down at the edges and for providing density within the roof forms.
- Policy 15/R, Refuse (+1) for having the refuse and recycling located inside primary building.
- Policy 18/R, Parking (+4) for locating 100% of the parking out of public view.
- Policy 22/R, Landscaping (+2) meeting the requirements for positive points.
- Policy 24/R, Social Community (+6) for greatly exceeding the required amenities.
- Policy 25/R, Transit (+4) for providing a shuttle van service (with covenant) for the guests.
- Total (+19)

The proposal is showing a passing net score of positive five (+5) points.

The applicants and agent have been working extensively with Town Staff and their neighbors to reach this design. The list of changes above is a good example of the applicant's response to the many concerns.

There are a series of conditions to be met prior to the applicant obtaining a building permit. These are standard for final review by Town Staff and are typically needed in the building construction set:

- Final drainage, grading, utility, and erosion control plans
- Final hydrogeological report and mitigation plan
- Final details of the Stormwater Management Plan/Best Management Practices (BMPs) plan
- Final construction plans
- Final plan approval of the proposed sanitary sewer system from the Upper Blue Sanitation District
- Final plan approval of the proposed domestic water system from the Town of Breckenridge Water Division
- Approval of the proposed "Future" vertical and horizontal alignment of Ski Hill Road, along with proposed storm sewer improvements, from Vail Resorts
- Submit to the Town Engineer a drainage design memo updating any proposed revisions to previous accepted drainage concepts for Peak 8
- Submit to the Town Engineer Final construction plans and related report detailing the proposed subsurface drainage system and related new discharge of the under-drain system back to Cucumber Gulch
- Record with the Summit County Clerk and Recorder the Notice of Approval for the Master Plan pursuant to paragraph (n) of Policy 39 (Absolute) of section 9-1-19- of the Breckenridge Town Code for the recently approved Fifth Amendment to the Amended Peak 7 & 8 Master Plan, PC#2013006
- Approval of the Subdivision Application for Lot 2, A Resubdivision of the Remainder of Tract C, Peak 8 Subdivision
- Obtain a Certificate of Density Transfer from the Summit County Planning Department for the transfer of no more than 11.5 Single Family Equivalent (SFEs) of residential density and no more than 5.0 SFEs of commercial density

Staff welcomed any additional comments or questions.

Staff recommended the Planning Commission approve the final Point Analysis for the Breckenridge Grand Vacations Lodge at Peak 8, PC# 2012075.

Staff also recommended the Planning Commission approve the Breckenridge Grand Vacations Lodge at Peak 8, PC# 2012075, along with the presented Findings and Conditions.

Applicant Presentation: Mr. Matt Stais, Matthew A. Stais Architects, PC, and Mr. Rob Millisor, Breckenridge Grand Vacations, presented. A PowerPoint and a model of the project were also presented.

Mr. Rob Millisor, Breckenridge Grand Vacations: We want to highlight the major changes that we've made since the December 4th meeting. To assist with Staff and Commission concerns they added a lot more stone, added more detail to landscaping and redesigned south building roof forms. Changes also include finalization of skiway grading, simplified window types and revised wall siding materials. Mr. Millisor discussed the redesign of entry and stair elements, plaza and terrace level units. Staff encouraged them to work with the neighbors; so they met with Ski Watch owners several times, and owners of Peak Eight Place on numerous occasions and they made many changes. As a result their HOAs will not oppose this development. They met with One Ski Hill Place owners and made a bunch of changes for all three HOA entities and owners, and they think that these changes made a better project.

The Town knows that amenities are crucial to attracting guests to the community. We were required to provide 3,000 square feet of amenities; we are providing 22,000 sq. ft. of amenities (750% of what is required). Precedent is clear that this is worth 6 points. We should get 6 positive points on that.

Mr. Stais reviewed the December 2012 design versus today's designs to clarify the changes made to the plans. He presented the new sample boards for exterior design and the railings change from contemporary to a mountain rustic style including metal and timber composition. He also narrated the scaling down efforts to help the neighbors including lowering the levels and floors by 3.5ft and increased setbacks from 16ft to 24ft.

Commissioner Questions / Comments:

Mr. Pringle: I was concerned about the point analysis of the 6 positive points; they don't seem to be public amenities, but private. Is there a distinction there? How does the staff feel about that? Café, 2 benches, is that a public amenities? (Mr. Mosher: Public amenities are considered commercial density. The amenities that we speak of in the code are for the guests exclusively. Quantity of what is proposed is for the guests of the lodge.) Mr. Pringle read from the Development Code on the Assignment of Points: "A significant public benefit, with no substantial public detriment...the more the public benefit, the more the award of positive points". I am confused of the public benefit. (Mr. Millisor: Look at Paragraph D of Policy 24 (Relative). The Town wants resorts to provide amenities to their guests to bring them back, and that's why they award the 6 points for private amenities, and this has been applied historically.) I would just question whether or not the points accurately reflect whether or not this is a public benefit. You have done a great job on the private amenities. I just wonder if the point analysis is accurate. (Mr. Mosher: Staff based it on past precedent. The Development Agreement allows a mass bonus for amenities.)

Mr. Schroder: I think that the Staff's analysis is sound; I'm wondering about 3 additional trees at 10ft to garner 2 positive points. (Mr. Mosher: Those trees did not cause this to earn positive two (+2) points. That was just the 'kicker'; they just added those to the landscaping package as well as preserving existing trees on the side. Staff compared this plan to other similar projects to decide if the plan was worth positive two (+2) points.

Mr. Pringle: Regarding the trash; is there a place that the Staff would rather see the trash enclosure moved to? (Mr. Mosher: Staff would like it inside the main drive and there is an

opportunity for them to rethink that.)

The Planning Commission reviewed the model of the proposed building, which also includes the One Ski Hill Place project, and the future Building 804.

Ms. Dudney opened the hearing to public comment.

Mr. Lee Edwards: The architecture that was put into this project by this developer; I hope that it carries through to other interval ownership projects.

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

(The public was invited to review the model. Several members of the public walked down to see the model.)

Staff had two questions for the Commission:

1. Did the Commission support awarding positive two (+2) points for the roof plans showing broken, interesting roof forms that step down at the edges and for providing density in the roof?
2. Did the Commission agree that the proposed architecture abides by the intent of Policy 5 and the Master Plan?

Commissioner Questions / Comments:

Ms. Christopher: I appreciate all of the changes that were made between the neighbors and the Applicant.

Ms. Dudney: Great looking project

Mr. Lamb: I really appreciate the Applicant working with the neighbors. Very good, they have definitely done their homework.

Mr. Schroder: The point analysis as presented is supportable; Policy 5 on architecture definitely meets with the Master Plan. Thanks for meeting expectation of the code and the hopes of Peak 8

Mr. Pringle: With respect to the two questions that Staff asked, I respect both decisions that they made. I agree with +2 points on stepping the roof. I want to applaud the community on this; they have educated themselves on this project; the project had a lot of controversy at first. I want to say thank you to all of you for coming out and supporting this project and it's a testimony to this community as to what kind of effort we put into our community to make the future the way we like to see it. I would like to thank the Applicant for responding to the neighbors to the extent that they have. It is a true testament and they should be applauded. I applaud the Staff; through all of it they remained above the fray and kept their eye on the ball. Finally, after all of the years for going through the reviews of what Peak 8 will look like, I applaud Vail Resorts for getting us to this point. I think we are seeing the efforts of everyone coming together.

Mr. Mamula: My main concerns at previous meetings were how this played out with the Master Plan. The changes that you have made brought this into the vision we had for this area. I am satisfied that this fits into the grand scheme. I think it's great that you worked with the neighbors. It is difficult for me to haggle over anything. I'm satisfied with the job that you've done.

Mr. Pringle made a motion to approve the Point Analysis for the Breckenridge Grand Vacations Lodge at Peak 8, PC#2012075, 1593 Ski Hill Road, showing a net score of +5 points. Ms. Christopher seconded, and the motion was carried unanimously (7-0).

Mr. Pringle made a motion to approve the Breckenridge Grand Vacations Lodge at Peak 8, PC#2012075, 1593 Ski Hill Road, along with the Findings and Conditions and Decision in the packet, page 71-76 of the packet. Ms. Christopher seconded, and the motion was carried unanimously (7-0).

OTHER MATTERS:

None

ADJOURNMENT:

The meeting was adjourned at 8:36 p.m.

Gretchen Dudney, Chair



Scheduled Meetings, Important Dates and Events

Shading indicates Council attendance – others are optional

The Council has been invited to the following meetings and events. A quorum may be in attendance at any or all of them. All Council Meetings are held in the Council Chambers, 150 Ski Hill Road, Breckenridge, unless otherwise noted.

MARCH 2013

Friday, March 8, 2013; 8:00-9:00am; Salt Creek	Coffee Talk
Tuesday, March 12, 2013; 3:00/7:30 p.m.	First Meeting of the Month
Tuesday, March 26, 2013; 3:00/7:30 p.m.	Second Meeting of the Month

APRIL 2013

Tuesday, April 9, 2013; 3:00/7:30 p.m.	First Meeting of the Month
Friday, April 19, 2013; 8:00-9:00am; TBD	Coffee Talk
Tuesday, April 23, 2013; 3:00/7:30 p.m.	Second Meeting of the Month

MAY 2013

Friday, May 10, 2013; 8:00-9:00am; TBD	Coffee Talk
Tuesday, May 14, 2013; 3:00/7:30 p.m.	First Meeting of the Month
Tuesday, May 28, 2013; 3:00/7:30 p.m.	Second Meeting of the Month

OTHER MEETINGS

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

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