



**BRECKENRIDGE TOWN COUNCIL REGULAR MEETING**

Tuesday, May 26, 2015; 7:30 PM

Town Hall Auditorium

<b>I</b>	<b>CALL TO ORDER, ROLL CALL</b>	
<b>II</b>	<b>APPROVAL OF MINUTES - MAY 12, 2015</b>	<b>3</b>
<b>III</b>	<b>APPROVAL OF AGENDA</b>	
<b>IV</b>	<b>COMMUNICATIONS TO COUNCIL</b>	
	A. CITIZEN'S COMMENT - (NON-AGENDA ITEMS ONLY: 3-MINUTE LIMIT PLEASE)	
	B. BRECKENRIDGE TOURISM OFFICE UPDATE	
	C. POLICE DEPARTMENT AWARDS	
<b>V</b>	<b>CONTINUED BUSINESS</b>	
	A. SECOND READING OF COUNCIL BILLS, SERIES 2015 - PUBLIC HEARINGS	
<b>VI</b>	<b>NEW BUSINESS</b>	
	A. FIRST READING OF COUNCIL BILLS, SERIES 2015 - PUBLIC HEARINGS	
	1. COUNCIL BILL NO. 15, SERIES 2015 - AN ORDINANCE APPROVING A DEED OF DEDICATION TO CREATE A PUBLIC RIGHT-OF-WAY (Part Of Lot 4, Block 5, Breckenridge Airport Subdivision)	<b>5</b>
	2. COUNCIL BILL NO. 16, SERIES 2015 - AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO SUMMIT PUBLIC RADIO & TV, INC.	<b>12</b>
	B. RESOLUTIONS, SERIES 2015	
	C. OTHER	
<b>VII</b>	<b>PLANNING MATTERS</b>	
	A. TOWN PROJECT - PUBLIC HEARING: BRECKENRIDGE OUTDOOR EDUCATION CENTER ADDITION AND REMODEL	<b>21</b>
	B. PLANNING COMMISSION DECISIONS	<b>47</b>
	C. PLANNING COMMISSION REPORT (MS. WOLFE)	
<b>VIII</b>	<b>REPORT OF TOWN MANAGER AND STAFF</b>	
<b>IX</b>	<b>REPORT OF MAYOR AND COUNCILMEMBERS</b>	
	A. CAST/MMC (MAYOR WARNER)	
	B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MS. GIGLIELLO)	
	C. BRECKENRIDGE TOURISM OFFICE (MS. WOLFE)	
	D. BRECKENRIDGE HERITAGE ALLIANCE (MS. LAWRENCE)	
	E. WATER TASK FORCE (MR. GALLAGHER)	
	F. BRECKENRIDGE CREATIVE ARTS (MR. BURKE)	
<b>X</b>	<b>OTHER MATTERS</b>	
<b>XI</b>	<b>SCHEDULED MEETINGS</b>	<b>62</b>

\*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.

## **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.

**CALL TO ORDER, ROLL CALL**

Mayor Warner called the meeting of May 12, 2015 to order at 4:04 pm. The following members answered roll call: Mr. Gallagher, Mr. Brewer, Ms. Lawrence, Mr. Burke, Ms. Wolfe, Ms. Gigliello and Mayor Warner.

**APPROVAL OF MINUTES - APRIL 28, 2015**

With no changes or corrections to the meeting minutes of April 28, 2015, Mayor Warner declared they would stand approved as submitted.

**APPROVAL OF AGENDA**

Mr. Gagen stated there were no changes to the agenda.

**CONTINUED BUSINESS**

A. Second Reading of Council Bills, Series 2015 - Public Hearings

1. COUNCIL BILL NO. 9, SERIES 2015 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 13 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE CONCERNING SPECIAL EVENTS AND MAKING MISCELLANEOUS AMENDMENTS TO THE BRECKENRIDGE TOWN CODE RELATED THERETO

Mayor Warner read the title into the minutes. Ms. Kim Dykstra stated there were no changes to this ordinance from the first reading. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed.

Mr. Gallagher moved to approve COUNCIL BILL NO. 9, SERIES 2015 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 13 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE CONCERNING SPECIAL EVENTS AND MAKING MISCELLANEOUS AMENDMENTS TO THE BRECKENRIDGE TOWN CODE RELATED THERETO. Ms. Wolfe seconded the motion. The motion passed 7 - 0.

2. COUNCIL BILL NO. 11, SERIES 2015 - AN ORDINANCE AMENDING CHAPTER 14 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE , KNOWN AS THE "TOWN OF BRECKENRIDGE 2013 MARIJUANA LICENSING ORDINANCE," BY EXTENDING THE LIMITATION ON THE SUBMISSION OF NEW LICENSE APPLICATIONS UNTIL JULY 1, 2016

Mayor Warner read the title into the minutes. Chief Haynes stated there were no changes to this ordinance from the first reading. Mayor Warner opened the public hearing.

Mr. Lee Edwards, a Breckenridge Resident, stated he owns a piece of property on Airport Road and wants to understand why we are extending the moratorium on new licenses as there is a limited pool of properties for these kinds of businesses and he might be able to lease his property for this purpose.

Chief Haynes explained the current infrastructure issues with the area, including increased transit ridership, pedestrian issues and lighting issues, and how Council wants to better understand how to correct these deficiencies before moving forward. Ms. Lawrence also stated March marijuana sales tax numbers were down, so there's maybe not a demand for more establishments. Mr. Edwards asked what will be done, and how long will it take? Mr. Tom Daugherty stated information will be presented at the next meeting about lighting and transit improvements for the area. Mr. Edwards then stated there is a possibility to alter the one-year moratorium if things are addressed, and Mayor Warner stated there's always a possibility once we address the infrastructure improvements. Chief Haynes further stated there are other quality of life and safety issues that need to be addressed before adding more of these businesses.

Dick Carleton, a representative from an HOA on Airport Road, stated his association supports the moratorium. He further stated it's a quality of life issue, including odor problems, and the association supports for a full year moratorium.

With no additional comments, the public hearing was closed.

Ms. Wolfe moved to approve COUNCIL BILL NO. 11, SERIES 2015 - AN ORDINANCE AMENDING CHAPTER 14 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE , KNOWN AS THE "TOWN OF BRECKENRIDGE 2013 MARIJUANA LICENSING ORDINANCE," BY EXTENDING THE LIMITATION ON THE SUBMISSION OF NEW LICENSE APPLICATIONS UNTIL JULY 1, 2016. Mr. Burke seconded the motion. The motion passed 7 - 0.

3. COUNCIL BILL NO. 12, SERIES 2015 - AN ORDINANCE APPROVING A CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE TOWN OF

BRECKENRIDGE, COLORADO AND COMCAST OF COLORADO V, LLC  
Mayor Warner read the title into the minutes. Ms. Tim Gagen stated there were no changes to this ordinance from the first reading. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed.

Ms. Gigliello moved to approve COUNCIL BILL NO. 12, SERIES 2015 - AN ORDINANCE APPROVING A CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE TOWN OF BRECKENRIDGE, COLORADO AND COMCAST OF COLORADO V, LLC. Mr. Gallagher seconded the motion.  
The motion passed 7 - 0.

4. COUNCIL BILL NO. 13, SERIES 2015 - AN ORDINANCE AMENDING SECTION 4-8-1 OF THE BRECKENRIDGE TOWN CODE CONCERNING CABLE TELEVISION CUSTOMER SERVICE STANDARDS  
Mayor Warner read the title into the minutes. Mr. Tim Gagen stated there were no changes to this ordinance from the first reading. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed.

Ms. Lawrence moved to approve COUNCIL BILL NO. 13, SERIES 2015 - AN ORDINANCE AMENDING SECTION 4-8-1 OF THE BRECKENRIDGE TOWN CODE CONCERNING CABLE TELEVISION CUSTOMER SERVICE STANDARDS . Mr. Gallagher seconded the motion.  
The motion passed 7 - 0.

5. COUNCIL BILL NO. 14, SERIES 2015 - AN ORDINANCE APPROVING A LONG-TERM LEASE WITH COMCAST COMMUNICATIONS MANAGEMENT, LLC, A DELAWARE LIMITED LIABILITY COMPANY (Part of the Blue River Placer, M.S. 816 – Comcast Head End Facility)  
Mayor Warner read the title into the minutes. Mr. Tim Gagen stated there were no changes to this ordinance from the first reading. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed.

Mr. Brewer moved to approve COUNCIL BILL NO. 14, SERIES 2015 - AN ORDINANCE APPROVING A LONG-TERM LEASE WITH COMCAST COMMUNICATIONS MANAGEMENT, LLC, A DELAWARE LIMITED LIABILITY COMPANY (Part of the Blue River Placer, M.S. 816 – Comcast Head End Facility). Ms. Lawrence seconded the motion.  
The motion passed 7 - 0.

**SCHEDULED MEETINGS**

**ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 4:33 pm. Submitted by Helen Cospolich, Municipal Services Manager.

ATTEST:

\_\_\_\_\_  
John Warner, Mayor

## Memorandum

**TO:** Town Council

**FROM:** Tom Daugherty, Public Works Director

**DATE:** 5/20/2015

**RE:** Right-of-way on Lot 4 Block 5 Airport Subdivision

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As the Council is aware, the Town owns Lot 4, Block 5 in the Breckenridge Airport Subdivision and it is listed for sale. The Town purchased this property to establish an additional road to Block 11 that is currently being used for access to skier parking and will be used in the future for access the affordable housing that is planned for Block 11.

The Town needs to establish a right-of-way on the most southern fifty foot of Lot 4, Block 5 before selling the property so that it will be preserved for the future. Fifty foot is the standard right-of-way width for a local road according to Town standards. The attached ordinance and deed of dedication establish the right-of-way needed for the road.

The current access road across the property is in the middle of the lot and needs to be moved to the new right-of-way. Staff is currently looking at moving the access to the new right-of-way location which will entail new curb, gutter and sidewalk at the connection to Airport Road as well as grading and gravel for the road to Block 11. Staff will schedule the work for later this summer.

1                   ***FOR WORKSESSION/FIRST READING – MAY 26***

2  
3                   COUNCIL BILL NO. \_\_\_\_\_

4  
5                   Series 2015

6  
7                   AN ORDINANCE APPROVING A DEED OF DEDICATION TO CREATE A  
8                   PUBLIC RIGHT-OF-WAY

9                   (Part of Lot 4, Block 5, Breckenridge Airport Subdivision)

10  
11                  WHEREAS, the Town of Breckenridge owns Lot 4, Block 5, Breckenridge Airport  
12                  Subdivision, as depicted on the plat of “A Resubdivision Of Lot 3 Block 5 Of A Resubdivision Of  
13                  Lot 3 Block 5 And Lot 3 Block 4, An Amended Replat Of Breckenridge Airport Subdivision”  
14                  recorded August 28, 1997 at Reception Number 545877 of the records of the Clerk and Recorder of  
15                  Summit County, Colorado; and

16  
17                  WHEREAS, the Town desires to dedicate a public right-of-way over, across, and through  
18                  the southerly fifty (50) feet of said Lot 4, Block 5, Breckenridge Airport Subdivision; and

19  
20                  WHEREAS, a proposed Deed of Dedication for such right-of-way parcel has been  
21                  prepared, a copy of which is marked **Exhibit “A”**, attached hereto, and incorporated herein by  
22                  reference; and

23  
24                  WHEREAS, the Town Council has reviewed the proposed Deed of Dedication, and finds  
25                  and determines that its approval is necessary and appropriate.

26  
27                  NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
28                  BRECKENRIDGE, COLORADO:

29  
30                  Section 1. The Deed of Dedication attached to this ordinance as **Exhibit “A”** is  
31                  approved, and the Mayor is authorized, empowered, and directed to execute such Deed of  
32                  Dedication on behalf of the Town of Breckenridge. After the Deed of Dedication has been  
33                  executed by the Mayor and properly acknowledged, the Town Clerk shall then promptly record  
34                  the Deed of Dedication with the Clerk and Recorder of Summit County, Colorado.

35  
36                  Section 2. Upon the recording of the approved Deed of Dedication the density associated  
37                  with the dedicated land, as provided in the Town of Breckenridge Development Code and related land  
38                  use rules and regulations, shall be reserved to and shall remain on the remainder of Lot 4, Block 5,  
39                  Breckenridge Airport Subdivision. No further action shall be required to reserve such density to the  
40                  remainder of said Lot 4, Block 5, Breckenridge Airport Subdivision other the recording of the Deed of  
41                  Dedication. The reservation of the density to the remainder of said Lot 4, Block 5, Breckenridge  
42                  Airport Subdivision shall not be deemed to be a density transfer within the meaning of Section 9-1-  
43                  17-12 of the Breckenridge Town Code. The use of such reserved density shall be subject to the  
44                  applicable requirements and limitations of the Town of Breckenridge Development Code and related  
45                  land use rules and regulations. No assurance is given or implied that such density may actually be  
46                  developed or otherwise used by the owner of said Lot 4, Block 5, Breckenridge Airport Subdivision.

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Section 3. The dedication of the public right-of-way as approved in Section 1 of this ordinance is not a “subdivision” of land as defined in Section 9-2-2 of the Breckenridge Town Code, and no approval of such action under the Town of Breckenridge Subdivision Ordinance (Chapter 2 of Title 9 of the Breckenridge Town Code ) is required.

Section 4. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 5. 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 \_\_\_\_\_, 2015. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of \_\_\_\_\_, 2015, 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:

\_\_\_\_\_  
Helen Cospolich  
Town Clerk

1 **EXHIBIT "A"**

2  
3 DEED OF DEDICATION

4  
5 This Deed of Dedication is dated \_\_\_\_\_, 2015.

6  
7 The TOWN OF BRECKENRIDGE, Colorado municipal corporation, whose address is  
8 P. O. Box 168, Breckenridge, CO 80424 ("Town"), as the owner in fee simple absolute of the  
9 following described real property situate in the Town of Breckenridge, County of Summit and State  
10 of Colorado:

11  
12 A 50 FOOT ROAD RIGHT OF WAY ACROSS THE SOUTH 50 FEET OF LOT  
13 4, BLOCK 5, BRECKENRIDGE AIRPORT SUBDIVISION AS DEPICTED ON  
14 THE PLAT OF "A RESUBDIVISION OF LOT 3 BLOCK 5 OF A  
15 RESUBDIVISION OF LOT 3 BLOCK 5 AND LOT 3 BLOCK 4, AN  
16 AMENDED REPLAT OF BRECKENRIDGE AIRPORT SUBDIVISION"  
17 RECORDED AUGUST 28, 1997 AT RECEPTION NUMBER 545877,  
18 SUMMIT COUNTY, COLORADO, SAID RIGHT OF WAY BEING MORE  
19 PARTICULARLY DESCRIBED AS FOLLOWS:

20  
21 BEGINNING AT THE SOUTHWEST CORNER OF LOT 4 BLOCK 5;

22  
23 THENCE N 00°23'37" E, 50.00 FEET ALONG THE WESTERLY LINE OF  
24 LOT 4, BLOCK 5, COMMON WITH THE EASTERLY RIGHT OF WAY OF  
25 AIRPORT ROAD, A 60 FOOT PUBLIC RIGHT OF WAY, TO THE  
26 NORTHWEST CORNER OF THIS RIGHT OF WAY;

27  
28 THENCE S 89°36'23' E, 254.71 FEET TO A POINT ON THE EASTERLY  
29 LINE OF LOT 4, BLOCK 5 WHICH IS THE NORTHEAST CORNER OF THIS  
30 RIGHT OF WAY;

31  
32 THENCE S 06°01'06" E, 50.31 FEET ALONG THE EASTERLY LINE OF LOT  
33 4, BLOCK 5, COMMON WITH THE WESTERLY LINE OF TRACT D,  
34 BLOCK 11 ACCORDING TO "A REPLAT OF BLOCK 11, AN AMENDED  
35 REPLAT OF BRECKENRIDGE AIRPORT SUBDIVISION" RECORDED  
36 AUGUST 3, 2005 AT RECEPTION NUMBER 797050, SUMMIT COUNTY,  
37 COLORADO TO THE SOUTHEAST CORNER OF LOT 4, BLOCK 5;

38  
39 THENCE N 89°36'23" W, 260.33 FEET ALONG THE SOUTHERLY LINE OF  
40 LOT 4, BLOCK 5, COMMON WITH THE NORTHERLY LINE OF LOT 5,  
41 BLOCK 5, BRECKENRIDGE AIRPORT SUBDIVISION ACCORDING TO  
42 THE PLAT OF "A RESUBDIVISION OF LOT 3 BLOCK 5 AND LOT 3  
43 BLOCK 4, AN AMENDED REPLAT OF BRECKENRIDGE AIRPORT  
44 SUBDIVISION" RECORDED NOVEMBER 22, 1995 AT RECEPTION  
45 NUMBER 503766, SUMMIT COUNTY COLORADO TO THE POINT OF  
46 BEGINNING.



1  
2 CONTAINING 12,876 square feet or 0.296 acre more or less.

3  
4 (the "Dedicated Land")

5  
6 hereby dedicates the Dedicated Land in fee simple absolute to the perpetual benefit of the public for  
7 use as a public right-of-way.  
8

9 Upon the recording of this Deed of Dedication with the Clerk and Recorder of Summit  
10 County, Colorado the density associated with the Dedicated Land, as provided in the Town of  
11 Breckenridge Development Code and related land use rules and regulations, shall be and is reserved  
12 to and shall remain on the remainder of said Lot 4, Block 5, Breckenridge Airport Subdivision, as  
13 depicted on the plat of "A Resubdivision Of Lot 3 Block 5 Of A Resubdivision Of Lot 3 Block 5  
14 And Lot 3 Block 4, An Amended Replat Of Breckenridge Airport Subdivision" recorded August  
15 28, 1997 at Reception Number 545877, of the records of the Clerk and Recorder of Summit  
16 County, Colorado. No further action shall be required to reserve such density to the remainder of  
17 said Lot 4, Block 5, Breckenridge Airport Subdivision other the recording of this Deed of  
18 Dedication. The reservation of the density to the remainder of said Lot 4, Block 5, Breckenridge  
19 Airport Subdivision shall not be deemed to be a density transfer within the meaning of Section 9-  
20 1-17-12 of the Breckenridge Town Code. The use of such reserved density shall be subject to the  
21 applicable requirements and limitations of the Town of Breckenridge Development Code and  
22 related land use rules and regulations. No assurance is given or implied that such density may  
23 actually be developed or otherwise used by the owner of said Lot 4, Block 5, Breckenridge Airport  
24 Subdivision.  
25

26 TOWN OF BRECKENRIDGE, a Colorado  
27 municipal corporation  
28  
29

30  
31 By: \_\_\_\_\_  
32 John G. Warner, Mayor

33 ATTEST:  
34  
35  
36

37 \_\_\_\_\_  
38 Helen Cospolich  
39 Town Clerk  
40  
41

1 STATE OF COLORADO )  
2 ) ss.  
3 COUNTY OF SUMMIT )  
4

5 The foregoing instrument was acknowledged before me this \_\_\_\_ day of  
6 \_\_\_\_\_, 2015, by John G. Warner, Mayor, and Helen Cospolich, Town Clerk, of  
7 the Town of Breckenridge, a Colorado municipal corporation.  
8

9 WITNESS my hand and official seal.

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11 My commission expires: \_\_\_\_\_.  
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17 \_\_\_\_\_  
18 Notary Public  
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### AIRPORT ROAD (60' R.O.W.)

POINT OF BEGINNING

N00°23'37"E 236.08'

186.08'

10' SNOW STACK & UTILITY EASEMENT

50.00'

260.33'

LOT 5  
BLOCK 5

N89°36'23"W

ROAD RIGHT OF WAY

254.71'

S89°36'23"E

LOT 4  
BLOCK 5  
58,327 sq.ft.  
1.339 acres

REMAINDER AREA  
45,451 sq.ft.  
1.043 acres

LOT 3  
BLOCK 5

N00°31'19"E 233.80'

187.25'

50.31'

S06°01'06"E 237.56'

BLOCK 11 BRECKENRIDGE AIRPORT SUBDIVISION

120' 80' 40' 0'



### LEGAL DESCRIPTION

A 50 FOOT ROAD RIGHT OF WAY ACROSS THE SOUTH 50 FEET OF LOT 4, BLOCK 5, BRECKENRIDGE AIRPORT SUBDIVISION AS DEPICTED ON THE PLAT OF "A RESUBDIVISION OF LOT 3 BLOCK 5 OF A RESUBDIVISION OF LOT 3 BLOCK 5 AND LOT 3 BLOCK 4, AN AMENDED REPLAT OF BRECKENRIDGE AIRPORT SUBDIVISION" RECORDED AUGUST 28, 1997 AT RECEPTION NUMBER 545877, SUMMIT COUNTY, COLORADO, SAID RIGHT OF WAY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE SOUTHWEST CORNER OF LOT 4 BLOCK 5;  
 THENCE N 00°23'37" E, 50.00 FEET ALONG THE WESTERLY LINE OF LOT 4, BLOCK 5, COMMON WITH THE EASTERLY RIGHT OF WAY OF AIRPORT ROAD, A 60 FOOT PUBLIC RIGHT OF WAY, TO THE NORTHWEST CORNER OF THIS RIGHT OF WAY;  
 THENCE S 89°36'23" E, 254.71 FEET TO A POINT ON THE EASTERLY LINE OF LOT 4, BLOCK 5 WHICH IS THE NORTHEAST CORNER OF THIS RIGHT OF WAY;  
 THENCE S 06°01'06" E, 50.31 FEET ALONG THE EASTERLY LINE OF LOT 4, BLOCK 5, COMMON WITH THE WESTERLY LINE OF TRACT D, BLOCK 11 ACCORDING TO "A REPLAT OF BLOCK 11, AN AMENDED REPLAT OF BRECKENRIDGE AIRPORT SUBDIVISION" RECORDED AUGUST 3, 2005 AT RECEPTION NUMBER 797050, SUMMIT COUNTY, COLORADO TO THE SOUTHEAST CORNER OF LOT 4, BLOCK 5;  
 THENCE N 89°36'23" W, 260.33 FEET ALONG THE SOUTHERLY LINE OF LOT 4, BLOCK 5, COMMON WITH THE NORTHERLY LINE OF LOT 5, BLOCK 5, BRECKENRIDGE AIRPORT SUBDIVISION ACCORDING TO THE PLAT OF "A RESUBDIVISION OF LOT 3 BLOCK 5 AND LOT 3 BLOCK 4, AN AMENDED REPLAT OF BRECKENRIDGE AIRPORT SUBDIVISION" RECORDED NOVEMBER 22, 1995 AT RECEPTION NUMBER 503766, SUMMIT COUNTY COLORADO TO THE POINT OF BEGINNING.  
 CONTAINING 12,876 square feet or 0.296 acre more or less

I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND EXHIBIT DRAWING WAS PREPARED BY ME. THIS DRAWING DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

ROBERT E. ANDREWS  
PLS 27924

NOTICE: UNDER COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION ATTACHED HEREON.

ROB ANDREWS LAND SURVEYING  
P. O. BOX 1351, BRECKENRIDGE, CO 80424  
( 970 ) 453-1860

### LEGAL DESCRIPTION AND EXHIBIT DRAWING

### ROAD RIGHT OF WAY

LOT 4 BLOCK 5  
BRECKENRIDGE AIRPORT SUBDIVISION  
TOWN OF BRECKENRIDGE  
SUMMIT COUNTY, COLORADO

DRAWN BY REA

PROJECT NUMBER:

SCALE 1"=40'

DATE: MAY 18, 20



## **MEMORANDUM**

**TO:** Town Council  
**FROM:** Open Space staff  
**DATE:** May 20, 2015 (for May 26<sup>th</sup> meeting)  
**SUBJECT:** Dedication of a Utility Easement for Summit Public Radio

---

For several months, Summit Public Radio (SPR) has been working with the U.S. Forest Service and Summit County Government in pursuit of a utility easement to allow for the replacement of the aging communication and electrical utilities to the existing broadcast infrastructure on the ridge of Bald Mountain.

The upgraded utilities will result in newly installed fiberoptic and electrical lines to improve communications and electrical service to the antennae and translator equipment that broadcast radio signals for SPR and other stations. All aboveground infrastructure located on Baldy (e.g. antennae and buildings) is governed by a Summit County conditional use permit that defines allowable uses, building sizes and antennae height.

The preferred alignment for the utility relocation is within the existing roadbed through the Laurium Mine Open Space and then in the Iowa Mill and Baldy Roads that lead up to the ridgeline antennae site. This alignment crosses several jointly-owned Summit County/Town of Breckenridge open space parcels such as the Laurium Millsite, the City Claim, and the Morningstar Claims, as shown on the attached map. The attached easement would grant SPR the ability to install the necessary utilities and return the backcountry routes to their existing condition. The construction start date is dependent on current fundraising efforts and will likely occur in 2016.

BOSAC reviewed this easement request at its 5/18 meeting and recommended proceeding with the dedication. The Summit Board of County Commissioners also reviewed this request and supports the easement dedication. This item, and its associated ordinance, is included on tonight's agenda for first reading.

Staff requests Council review the attached documents and recommend any changes needed prior to tonight's first reading.

1 **FOR WORKSESSION/FIRST READING – MAY 26**

2  
3 COUNCIL BILL NO. \_\_\_\_

4  
5 Series 2015

6  
7 AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO  
8 SUMMITPUBLIC RADIO & TV, INC.  
9

10 WHEREAS, Summit Public Radio & TV, Inc. has requested the granting of an easement  
11 over, across, and through certain property owned jointly by the Town of Breckenridge and the  
12 Board of County Commissioners of Summit County, Colorado; and

13 WHEREAS, the Town Council has determined that it should grant the requested  
14 easement; and

15 WHEREAS, the Town Attorney has informed the Town Council that, in his opinion,  
16 Section 15.3 of the Breckenridge Town Charter requires that the granting of the easement be  
17 authorized by ordinance.

18 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
19 BRECKENRIDGE, COLORADO:  
20

21 Section 1. The Town Manager is authorized, empowered, and directed to execute,  
22 acknowledge, and deliver to Summit Public Radio & TV, Inc. an easement substantially in the  
23 form marked Exhibit “A”, attached hereto, and incorporated herein by reference.  
24

25 Section 2. The Town Council finds, determines, and declares that it has the power to  
26 adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX  
27 of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

28 Section 3. This ordinance shall be published and become effective as provided by Section  
29 5.9 of the Breckenridge Town Charter.

30 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
31 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2015. A Public Hearing shall be held at the  
32 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
33 \_\_\_\_\_, 2015, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the  
34 Town.  
35

36 TOWN OF BRECKENRIDGE, a Colorado  
37 municipal corporation  
38

39  
40 By: \_\_\_\_\_  
41 John G. Warner, Mayor

1 ATTEST:

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Helen Cospolich

6 Town Clerk

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46 2000-95\Ordinance (05-20-15)(First Reading)

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**UTILITY EASEMENT AGREEMENT**  
**for**  
**SUMMIT PUBLIC RADIO & TV, INC.**

This Utility Easement Agreement, is made by and between **Summit Public Radio & TV, Inc.**, a Colorado nonprofit corporation (*Summit Public*), with an address of P.O. Box 627, Frisco, Colorado 80443-0627, and the **Board of County Commissioners of Summit County, Colorado**, with an address of P.O. Box 68, Breckenridge, Colorado 80424-0068, and the **Town of Breckenridge**, with an address of P.O. Box 168, Breckenridge, Colorado 80424-0168, (*SC/TOB or Owners*), for the purpose of creating a nonexclusive, private utility easement.

**RECITALS**

A. Summit Public is a charitable organization authorized under IRC § 501(c)(3) which through facilities on Baldy Mountain provides free radio and television services for 5 FM stations and 10 over-the-air television channels to Summit County. Summit Public is the owner of the Jove Lode, MS # 7353, Summit County, Colorado and the holder of a license agreement from the Owners, dated August 31, 2012 and recorded at Reception No. 1002091 in the records of the Summit County Clerk and Recorder (the *License*), to occupy the Morningstar Lode, MS # 8013 Summit County, Colorado, where through towers, antennae, translators, buildings and equipment Summit Public rebroadcasts signals from distant stations (the *Baldy Mountain Electronics Site*) pursuant to the terms of the Conditional Use Permit dated May 28, 2009 and recorded at Reception No. 925208 in the records of the Summit County Clerk and Recorder (the *CUP*) and telecommunications licenses issued by the Federal Communications Commission(*FCC*).

B. Since the 1970s electric power has been provided to the Baldy Mountain Electronics Site through an underground electric power line and related equipment owned by Summit Public. The power line and related Summit Public equipment is approximately 10,000 feet in length beginning at a power meter pedestal on County Road 532 and crosses US Forest Service pursuant to the terms of special use permits from the USDA Forest Service, the current version dated October 2, 2006, and private land before connection to the Baldy Mountain Electronics Site (the *Existing Power Line*).

C. The Existing Power Line is at the end of its useful life and Summit Public desires to abandon it and install a new underground power line, fiber optic cable, and related equipment and facilities under existing roads on public and private lands to provide electric power and transmit telecommunication signals to the Baldy Mountain Electronics Site (the *Replacement Power Line*).

D. SC/TOB are the owners of real property in Summit County, Colorado (*Owners' Property*) which is described as follows:

- **LAURIUM LODGE MS #2673, WEST LAURIUM LODGE MS #2674, WALKER LODGE MS #4247, DEXTER LODGE MS 5395, ALICE E. LODGE MS #12362, LAURIUM NO. 2 LODGE MS #12362, LAURIUM NO. 3 LODGE MS #12362,**

**ILLINOIS PLACER MS #13636 AND EXCELSIOR LODE MS #2045, AS LOCATED IN SECTIONS 3, 4 AND 9, TOWNSHIP 7 SOUTH, RANGE 77 WEST OF THE 6TH P.M.**

(Assessor Schedule No. 2809678);

- TR 7-77 Sec 10 Qtr 2 Mining Claim(s) containing 18.2700 acres **NEW YORK CITY MS# 6570, CHICAGO MS# 6570, ST LOUIS LODE MS# 6570, DENVER CITY LODE MS# 6570**  
(Assessor Schedule No. 6512871);
- TR 7-77 Sec 10 Qtr 1 Mining Claim(s) containing 9.280 acres **DOUBLE STANDARD MS# 12210, MORNING STAR MS# 12210**  
(Assessor Schedule No. 6512016);

E. Owners desire to grant and Summit Public desires to receive an easement on the Owners' Property for the Replacement Power Line to provide power and utility services to the Baldy Mountain Electronics Site.

NOW, THEREFORE, for \$10 and other good and valuable consideration the receipt and sufficiency of which is acknowledged, Owners and Summit Public make the following grants, agreements, and covenants:

1. Grant of Utility Easement. Subject to the terms hereof, Owners hereby grant and convey to Summit Public nonexclusive easements over, across and under Owners' Property to survey, construct, operate, maintain, repair, replace and remove the Existing and Replacement Power Lines (the Utility Easement). The Utility Easement locations comprise two separate strips of land crossing Owners' Property being fifteen feet in width measured 7.5 feet on each side of the respective centers of the Existing Power Line and Replacement Power Line as depicted on the map attached as Exhibit A and incorporated by this reference (the *Easement Areas*). Summit Public may not construct any above ground facilities or appurtenances on this easement except as depicted on Exhibit A.

2. Construction and Maintenance. Construction and maintenance of the Utility Easement and any improvements located therein shall be the sole obligation and responsibility of Summit Public and Owners shall have no liability therefore. Summit Public's activities on Owners' Property shall be contained within the Easement Areas. Should Summit Public disturb the surface of the lands encumbered by the easement during the exercise of the rights granted hereunder, Summit Public shall restore the surface of the easement to a state that is substantially equivalent to its original level and condition, including re-vegetating disturbed natural surface areas with native grasses and restoring any improvements. Summit Public shall use its best efforts to avoid and not harm any trees in or adjacent to the Easement Areas. Summit Public shall notify Owners at least seven (7) days prior to any construction or maintenance work in the Easement Areas. When construction, reconstruction, or removal activities are proposed, said notification shall include a staging plan indicating the location and duration of all actions associated with such activities. The surface of the road containing the Utility Easement will be restored after initial construction in accordance with plans approved by Summit County and the



United States Forest Service. If Summit Public fails to adequately construct, maintain or repair the Easement Areas within thirty days of receipt of written notice from Owners, or such longer period if Summit Public is correcting the defective maintenance or repairs consistent with reasonable business practice, Owners may undertake the repairs and charge the costs of such to Summit Public. Any amounts owing hereunder for longer than thirty days shall accrue interest at the rate of twelve percent (12%) per annum. Summit Public shall not permit any mechanic's or materialman's liens to be enforced against the Easement Areas and if such lien is filed Summit Public shall cause it to be removed within thirty days.

3. Use by Permission. All employees, agents, tenants and contractors of Summit Public shall be permitted to exercise the rights granted hereunder. All use and occupancy of the Easement Areas by Summit Public shall be in compliance with the terms hereof and those of all applicable local, state and federal licenses, permits, laws and regulations.

4. Reservation of Rights. Exclusive use of the Utility Easement is not hereby granted and Owners expressly reserve the rights to use, permit others to use and grant additional easements over, under and across the Easement Areas for any purpose so long as such use or occupancy does not unreasonably interfere with Summit Public's use and enjoyment of the Utility Easement. Such reservations by Owners shall in no event include the right to erect or cause to be erected any buildings or structures upon the Utility Easement or to locate any mobile home or trailer units thereon.

5. Relocation of Easement Premises. If Owners determine that the location of the Utility Easement premises interferes with the use or development of the Owners' Property, Owners may at their expense elect to relocate the power line and other equipment from the Utility Easement to another location on the Owners' Property provided that Owners provide written notice of the need to relocate to Summit Public and that Owners provide alternative easement premises that provides adequate access and usage similar to that provided under this Agreement. The Parties agree to mutually work in good faith towards a relocation of the Utility Easement premises that best resolve Owners' use concerns while still providing uninterrupted service for permitted uses.

6. Running of Benefits and Burdens. All provisions of this instrument, including all benefits and burdens, shall run with the lands of the grantors and grantee, and are binding upon and shall inure to the benefit of the assigns and successors of Owners and Summit Public.

7. Indemnification. Summit Public shall hold harmless, indemnify and defend Owners from all liability, penalties, losses, damages, costs, expenses, causes of action, liens, claims, attorneys' fees, and/or judgments arising by reason of any injury or death of any person or persons, or damage to the property or any person or persons arising from or relating to Summit Public's use of the Utility Easement or arising from or relating to the Summit Public's breach of any of the covenants or provisions set forth in this Easement Agreement.

8. Amendment or Termination. This Easement Grant may be amended or terminated by a written agreement signed by both Summit Public and Owners, or their successors, heirs or assigns, which is duly recorded in the records of the Summit County Clerk

and Recorder.

9. Abandonment. Upon completion of installation and adequate testing of the Replacement Power Line and when the Existing Power line cannot be used as an alternate, back-up power source, the Existing Power Line shall be abandoned and the Easement shall terminate automatically for the portion of the Easement Areas containing the Existing Power Line and Summit Public shall remove any facilities or equipment from such area consistent with reasonable business practice and within a reasonable amount of time not to exceed one year. Any equipment remaining on Owners' Property for longer than one-year following termination of this Easement or any portion of it shall be deemed abandoned by Summit Public, however, no such abandonment shall release Summit Public from any obligation arising hereunder or otherwise.

**Board of County Commissioners of Summit County, Colorado,**

\_\_\_\_\_  
By: Dan Gibbs, Title: Chair

STATE OF COLORADO    )  
  ) ss.  
County of Summit        )

The foregoing Utility Easement Agreement was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015 by Dan Gibbs, as Chair of the Board of County Commissioners of Summit County.

My Commission Expires: \_\_\_\_\_

SEAL

\_\_\_\_\_  
Notary Public

**Town of Breckenridge**

\_\_\_\_\_  
By: \_\_\_\_\_, Title: \_\_\_\_\_

STATE OF COLORADO    )

County of \_\_\_\_\_ ) ss.  
County of \_\_\_\_\_ )

The foregoing Utility Easement Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by \_\_\_\_\_, as \_\_\_\_\_ for the Town of Breckenridge.

My Commission Expires: \_\_\_\_\_

SEAL

\_\_\_\_\_  
Notary Public

**Summit Public Radio & TV, Inc.**, a Colorado nonprofit corporation

\_\_\_\_\_  
By: \_\_\_\_\_, Title: \_\_\_\_\_

STATE OF COLORADO )  
County of Summit ) ss.  
County of Summit )

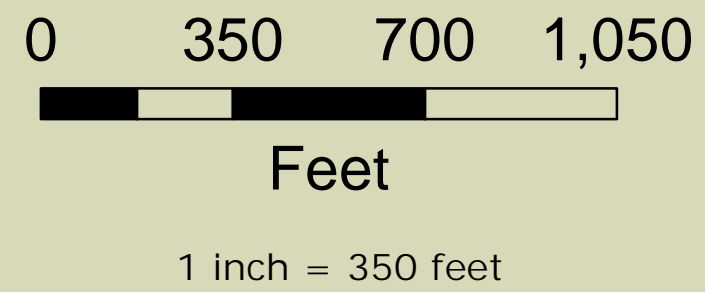
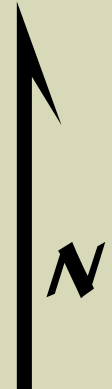
The foregoing Utility Easement Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by \_\_\_\_\_, as \_\_\_\_\_ for Summit Public Radio & TV, Inc., a Colorado nonprofit corporation.

My Commission Expires: \_\_\_\_\_

SEAL

\_\_\_\_\_  
Notary Public

# Summit Public Radio Baldy Mountain Site

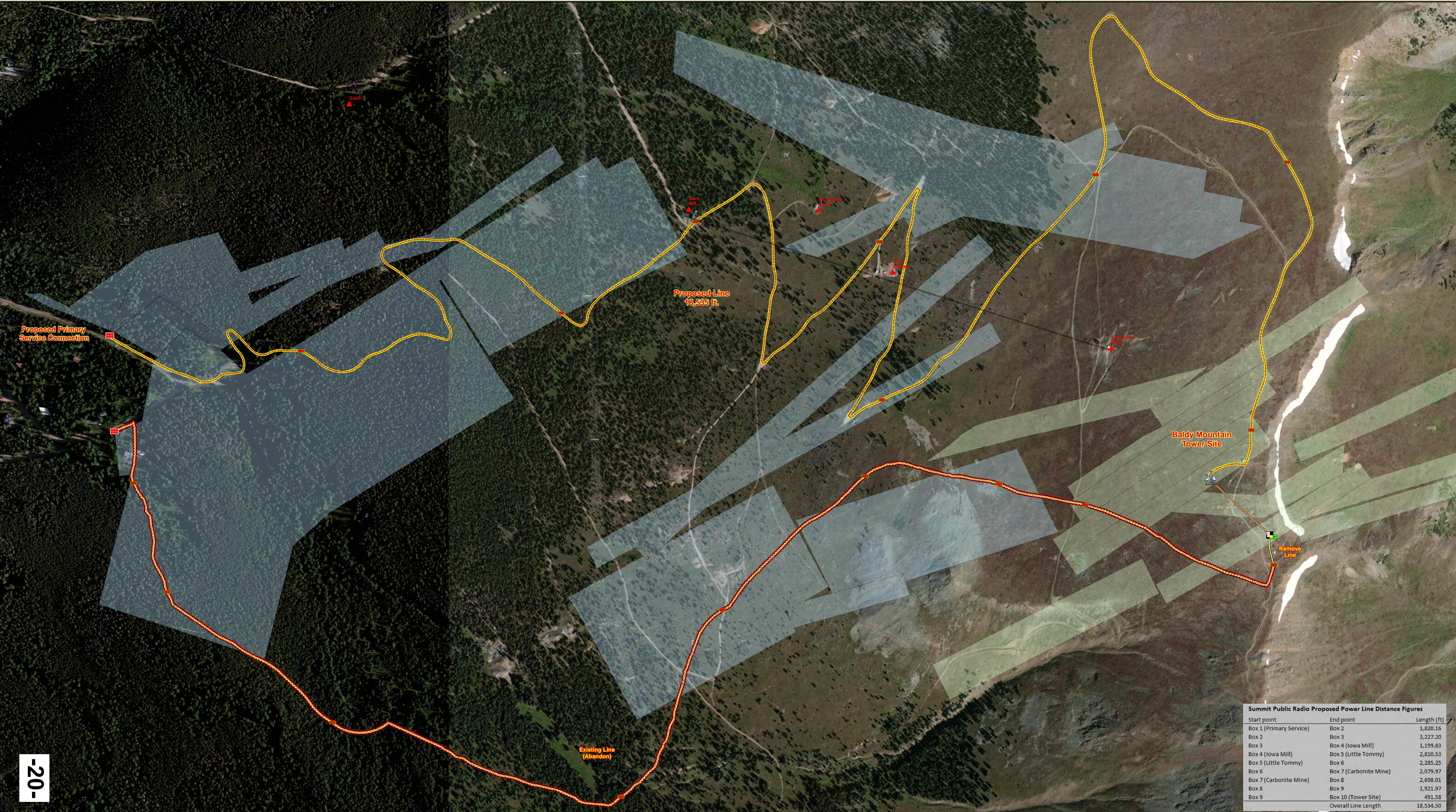


Power Line	GPS Points	Other Features
Proposed Line	Pedestal	Old Head End
Existing Line	Junction Box	Fuse Box
Abandon	Tower	Box Head
1" Conduit	Test Hole	Surveyed Parcels
2" Conduit		Other Parcels
		Aerial Tram
		Mines/Cabins

The data shown on this map is not survey accurate and was created from the best available data. The surveyed parcels are from Range West, Inc, and overlaid on the GIS. GPS points were collected in 2010, 2013, and 2014 and used to locate the powerline alignment and related assets or conditions. North Line GIS, LLC, assumes no responsibility for the data shown on this map. Map printed March 2015.

**NORTH LINE GIS, LLC**  
GIS SERVICES, CUSTOM MAPPING & TRAINING

North Line GIS, LLC  
Breckenridge, Colorado  
888.453.4471  
www.northlinegis.com  
maps@northlinegis.com



Start point	End point	Length (ft)
Box 1 (Primary Service)	Box 2	1,820.16
Box 2	Box 3	3,227.20
Box 3	Box 4 (Iowa Mill)	1,199.83
Box 4 (Iowa Mill)	Box 5 (Little Tommy)	2,810.53
Box 5 (Little Tommy)	Box 6	2,285.25
Box 6	Box 7 (Carbonite Mine)	2,079.97
Box 7 (Carbonite Mine)	Box 8	2,698.01
Box 8	Box 9	1,921.97
Box 9	Box 10 (Tower Site)	491.58
Overall Line Length		18,534.50

## Town Council Staff Report

**Subject:** Town Project-Breckenridge Outdoor Education Center Exterior Remodel and Addition  
(Town Project Hearing – PL#2015-0052)

**Proposal:** To remodel the interior of the existing office and storage building, adding 2,397.5 square feet of new office and storage area. Implement an exterior remodel with natural materials and corrugated metal siding wainscoting and accents. An additional level is proposed for short term dormitory style housing totaling 2,500.5 square feet of new residential, with a gable roof. A new parking area with thirteen spaces to the north of the existing building is also proposed.

**Date:** May 14, 2015 (For meeting of May 26, 2015)

**Project Manager:** Julia Puester, AICP, Senior Planner

**Applicant:** Tim Casey, Breckenridge Outdoor Education Center

**Owner:** Town of Breckenridge

**Address:** 524 Wellington Road

**Legal Description:** Tract B, Revett’s Landing Subdivision

**Land Use District:** 13: Public Service Commercial or Residential  
(Maximum 1:15 FAR for Service Commercial; 2 UPA for Residential and Structural Type by Special Review)

**Site Area:** 1.07 acres (46,984 square feet)  
1.23 acres (53,594 square feet) *with portion of Public Service property*

**Site Conditions:** There is an existing two story office building with three large overhead commercial garage doors. There is an existing access driveway from Champion Trail and 15 space asphalt parking lot. The lot sits down from Champion Trail to the south and has disturbed rock from past mining activities and a few existing evergreen and aspen trees on site.

**Adjacent Uses:** North: Wellington Road, Open Space                      South: Revett’s Landing Residential  
East: Public Service Substation                                      West: Open Space, Revett’s Landing (Residential)

**Density:** Allowed per Development Agreement: 11,456 sq. ft. (excluding existing sheds)  
Existing density: 6,320 sq. ft. (commercial)  
Proposed density: 8,718 sq. ft. (commercial; 2,397.5 sq. ft. new)  
2,500.5 sq. ft. (new residential)  
Total proposed density: 11,218.5 sq. ft.

**Mass:** Allowed per Development Agreement: 11,456 sq. ft.

	Existing mass:	6,320 sq. ft.
	Proposed mass:	11,218.5 sq. ft.
<b>F.A.R.:</b>	1:4.8	
<b>Total:</b>		
	First Level:	4,048 sq. ft. (187 sq. ft. new)
	Second Level:	3,309 sq. ft. (850 sq. ft. new)
	Third Level:	<u>3,861 sq. ft. (3,861 sq. ft. new)</u>
	Total	11,218.5 sq. ft. (4,989 sq. ft. new)
<b>Height:</b>	Recommended per Development Agreement:	35 ft. to mean
	Proposed:	38 ft. (mean); 40 ft. (overall)
<b>Lot Coverage:</b>	Existing Lot Area:	46,984 sq. ft. (100% of site)
	Proposed Lot Area (with Public Service portion):	53,594 sq. ft. (100% of site)
	Existing Building / non-Permeable:	5,232 sq. ft. (11% of site)
	Proposed Building / non-Permeable:	5,419 sq. ft. (10% of site)
	Existing Hard Surface / non-Permeable:	14,300 sq. ft. (30% of site)
	Proposed Hard Surface / non-Permeable:	20,355 sq. ft. (37% of site)
	Existing Open Space / Permeable Area:	27,452 sq. ft. (58% of site)
	Proposed Open Space / Permeable Area:	27,850 sq. ft. (51% of site)
<b>Parking:</b>	Required:	23 spaces
	Proposed:	28 spaces + 3 garage bays
<b>Snowstack:</b>	Required:	5,089 sq. ft. (25%)
	Proposed:	5,127 sq. ft. (25.7%)
<b>Setbacks:</b>	Front:	120 ft.
	Sides:	17 & 45ft.
	Rear:	97 ft.

### Item History

This building was once owned by the Upper Blue Sanitation District and utilized as their offices prior to the Town acquiring the property. The Town installed two wooden sided sheds to the southern portion of the parking lot over the years which house the Town's Information Technology (IT) data center and Comcast cable data center. In 2007, the data center shed had solar panels installed. Since the Town has owned the building, it has been the home to the Breckenridge Outdoor Education Center, a nonprofit provider of services to disabled individuals.

On June 10, 2014, the Town entered into a Development Agreement with the Breckenridge Outdoor Education Center (BOEC) related to making significant improvements to the property. The BOEC's mission is to provide the opportunity for children and adults with disabilities to experience the outdoors (reception # 1062268).

The development agreement allows for the Planning Commission to review the proposed project providing for:

- A height of the improvements to be constructed by the BOEC with a maximum of 35 feet to the mean without the assignment of negative points (Policy 6/R) as the Land Use District 13 Guidelines do not specify a recommended building height.
- Site buffering from the driveway access and the “North Parking Lot” of the property to gain access around the existing building of up to zero (0) feet without the assignment of negative points (Policy 7R).
- The grading of the “North Parking Lot” without the assignment of negative points (Policy 7/R).
- A density maximum of 11,456 square feet (in addition to the 1,371 square feet of density for the two existing shed structures) without the application failing Policy 3/A (Density) or the assessment of negative points under Policy 3/R (Density).
- Density shall be transferred to the property per the Development Agreement. The BOEC shall provide 3,000 square feet and the Town shall provide up to 2.5 SFEs as needed.
- A restrictive covenant requiring that the seasonal housing be used to only house employees of the BOEC and no one else.

On May 5, the Planning Commission held a public hearing on the BOEC addition and expansion and recommended the Town Council approval the project with a vote of 7-0.

### **Planning Commission/ Staff Comments**

Since this is an application for improvements on Town owned property by a nonprofit entity this project is being reviewed under the Town Project ordinance. This report will cover only those policies relevant to this application and the proposed scope of development.

*TOWN PROJECT: A project involving either: a) 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; b) **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 nonprofit entity** or 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. (Ord. 2, Series 2013)(**emphasis added**)*

**Land Use (Policies 2/A & 2/R):** This building is currently utilized by the BOEC for office and storage space. The BOEC is proposing to add residential use on a new third level. Staff has no concerns with the land use, finding that it meets the general land uses described in District 13.

**Density/Intensity (3/A & 3/R)/Mass (4/R):** The property is currently over the density allowed under LUD 13. The property is allowed to reach a maximum of 11,456 square feet per the Development Agreement. Density shall be transferred to the property per the Development Agreement. The BOEC shall provide 3,000 square feet and the Town shall provide up to 2.5 SFEs as needed. A total of 2.4 SFEs of commercial (2,419 sq. ft./1000= 2.4 SFEs) and 2.1 SFEs (2,555 sq. ft./1,200=2.1 SFEs) of residential are required to be transferred to the site. This will be done prior to the issuance of a Building Permit. The Planning Commission has no concerns as 4.5 SFEs falls within the density allowance of the

Development Agreement without failing an absolute policy and without the assessment of negative points.

**Architectural Compatibility (5/A & 5/R):** The current exterior of the building is (weathered) vertical wood siding. New materials include natural stained horizontal 1x10 wood siding, log accents, corrugated rusted metal siding wainscoting and accents under windows, and wood trim. Brown asphalt shingles will comprise the roof material. The Planning Commission is supportive of improving this building and has no concerns with the materials proposed.

**Building Height (6/A & 6/R):** The building height is not specified in the Land Use Guidelines for Land Use District 13. The Development Agreement specified 35 feet to the mean of the roof allowed with no negative points warranted. The Development Agreement in essence serves as the recommended height in this case (as confirmed with the Town Attorney). With the additional third floor, the maximum mean height is 38 feet. As the height exceeds the recommended 35 feet to the mean per the Development Agreement but is no more than one-half ( $\frac{1}{2}$ ) story over the 35 feet, negative five (-5) points are warranted.

The roof of the building is broken up with three small cupolas on the primary roof ridge and remains under 50 feet in unbroken length.

**Site and Environmental Design (7/R):** The building is in an existing location, utilizing an existing driveway access from Campion Trail. The small change to the building footprint on the east elevation is minimal and staff has no concerns with the addition.

The new parking lot expansion consisting of 13 spaces accesses from the existing parking lot which continues around the southern side of the building, encroaching onto a portion of Public Service property. The BOEC is in the process of acquiring the triangular portion of land (shown by a dashed line on site plan) from Public Service which requires a Class C subdivision permit. The new parking area is in a location which has been disturbed by past mining activity. The area is primarily uneven piles of dredge rock with no soil coverage and a few trees adjacent to the building or near the roadway (see photo of view from Wellington Road). A portion of this area is being benched to create a flat parking surface. A maximum of 2:1 slope is being maintained and a small section of retaining wall is needed at the southern corner of the new lot, which is supported by Engineering. Benching would typically result in a staff recommendation of negative points. However, the Development Agreement waives the assignment of negative points under Policy 7/R related to the parking lot. The Planning Commission has no concerns.



**Landscaping (22/A & 22/R):** There are many existing mature evergreen trees and a few aspen on site. Some aspen trees adjacent to the structure may need to be removed with the installation of the new driveway around the building. Tree removal will meet the defensible space policy and be reviewed in the field. The BOEC may also be required to remove and thin additional trees as appropriate to meet required defensible space distances. This site is disturbed from mining and lacks adequate buffers. Fifteen englemann spruce 8'-10' in height and thirty two aspen trees 2.5'-3.5" caliper in height are proposed in addition to preservation of existing trees. *(Note: This represents an increase from what was in the original Planning Commission packet which was changed by the applicant at the Commission*



*meeting to increase the number of new trees in reaction to some written public comments. Previously, there were nine engelmänn spruce trees 8'-10' in height and fourteen aspen trees 2.5"-3.5" caliper.)* This landscaping is proposed to screen the building and parking lot from the trail and Wellington Road Right of Way, which staff finds serves a public benefit (see photo above). The area will be capped, top soiled, and seeded. One Planning Commissioner suggested additional trees along Campion Trail to further screen the Revett's Landing neighborhood. The Planning Commission recommends positive two (+2) points for landscape of significant sizes and public benefit.

**Access / Circulation (16/A & 16/R; 17/A & 17/R):** Access to the site from Campion Trail remains unchanged with this application. The existing parking lot to the west (front) of the building is existing and unchanged. A connection to an additional 13 parking spaces are shown to the south of the building. The BOEC intends the added spaces to primarily be utilized for the residential use being added to the site. The Commission has no concerns with the access or circulation within the site.

**Recreation Facilities (20/A & 20/R):** The proposed connection is part of the Town Trails Master Plan (Wellington and B&B Trail Connection) which will connect to the trail easement on the adjacent Public Service property to the east acquired in March 2015. The BOEC has worked with the Open Space and Trails Department to locate a trail easement through the property which provides an important connection to the Town's trail system as well as to the expanding Wellington Neighborhood trail connections. The planning for the trail connection started several years ago as part of the original Wellington Neighborhood and is one of the last phases to bypass French Gulch Road once the pedestrian bridge connection in Lincoln Park (last phase of the Wellington Neighborhood) is installed. There is no formalized vehicular trailhead parking on site. The Commission is supportive of the trail connection proposed.

**Precedent:**

Public Service Substation Expansion- three (+3) points for a trail easement dedication for a single track trail; approved March 17, 2015.

Pinewood Village II- Positive three (+3) points for a single track trail and outdoor patio space; approved February 3, 2015.

Summit County Justice Center- Positive three (+3) points for providing an at grade path that connects to Rec Path; approved September 2, 2003.

Wellington Neighborhood Master Plan (Phase I)- Positive three (+3) points for public trail access; approved June 6, 2006.

Consistent with past precedent and due to the trail connection being called out in the Trails Master Plan, staff finds that this is an important connection for the Town's trail network. The Commission recommends positive three (+3) points.

**Parking (18/A & 18/R):** There is 6,779 square feet of commercial and office use (does not count garage parking) which equates to  $6,779 \text{ sq. ft.} / 400 = 17$  spaces and 11 dormitory beds shown at 0.5 spaces x 11 beds = 5.5 spaces (rounded up to 6 spaces). Therefore, a total of 23 parking spaces are required on site. 28 surface parking spaces are provided plus 3 garage bay spaces. The Planning Commission has no concerns.

**Exterior Lighting (Sec. 9-12):** New lighting is proposed on the building which meets the Exterior Lighting Policy fixture type and fixture height limitations. The Commission has no concerns.

**Placement Of Structures (9/A & 9/R):** The existing structure meets the absolute and relative setbacks. The Commission has no concerns.

**Drainage (27/A & 27/R):** There should be no major significant drainage impact with the renovation and expansion. Drainage will flow away from the structure and toward Wellington Road. The Engineering Department has reviewed and approved the drainage plan. The Commission has no concerns.

**Utilities Infrastructure (26/A & 26/R; 28/A):** All utilities are underground. The Planning Commission has no concerns.

**Point Analysis (Section: 9-1-17-3):** The Planning Commission recommends negative five (-5) points under 6/R-Building Height for a building height up to ½ story above the absolute height of 35 feet to the mean, positive three (+3) points under Policy 20/R-Recreation for the trail connection, and positive two (+2) points for landscaping for a passing point analysis of positive zero (0) points. The application was found to meet all Absolute policies.

### **Planning Commission Recommendation**

This is a Town Project pursuant to the ordinance amending the Town Projects Process (Council Bill No. 1, Series 2013).

The Planning Commission has recommended (with a vote of 7-0) that the Town Council approve the Breckenridge Outdoor Education Center Addition and Exterior Remodel, PL#2015-0052 located at 524 Wellington Road, Tract B, Revett's Landing Subdivision with a passing point analysis of zero (0) points with the attached Findings and Conditions.

We welcome questions during the meeting on Tuesday evening.

<b>Town Project Hearing</b>				
Project:	Breckenridge Outdoor Education Center		<b>Positive Points</b>	<b>+5</b>
PC#	20150052			
Date:	5/14/2015		<b>Negative Points</b>	<b>- 5</b>
Staff:	Julia Puester, AICP			
			<b>Total Allocation:</b>	<b>0</b>
Items left blank are either not applicable or have no comment				
<b>Sect.</b>	<b>Policy</b>	<b>Range</b>	<b>Points</b>	<b>Comments</b>
1/A	<b>Codes, Correlative Documents &amp; Plat Notes</b>	Complies		
2/A	<b>Land Use Guidelines</b>	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)		
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
	<b>Density/Intensity</b>	per Development Agreement		
3/A				
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)		
5/A	<b>Architectural Compatibility / Historic Priority Policies</b>	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)		
5/R	Architectural Compatibility H.D. / Above Ground Density 12 UPA	(-3>-18)		
5/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3>-6)		
6/A	<b>Building Height</b>	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)	- 5	Height exceeds recommended 35 feet to the mean but is no more than one-half (1/2) story over the 35 feet.
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
	For all Single Family and Duplex Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)		
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	<b>Ridgeline and Hillside Development</b>	Complies		
9/A	<b>Placement of Structures</b>	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)		
12/A	Signs	Complies		
13/A	<b>Snow Removal/Storage</b>	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	<b>Storage</b>	Complies		
14/R	Storage	2x(-2/0)		
15/A	<b>Refuse</b>	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		

15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	Internal Circulation	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	<b>External Circulation</b>	Complies		
18/A	<b>Parking</b>	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		
18/R	Parking-Public View/Usage	2x(-2/+2)		
18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)		
18/R	Parking - Downtown Service Area	2x(-2/+2)		
19/A	<b>Loading</b>	Complies		
20/R	Recreation Facilities	3x(-2/+2)	+3	Trail connection
21/R	Open Space - Private Open Space	3x(-2/+2)		
21/R	Open Space - Public Open Space	3x(0/+2)		
22/A	<b>Landscaping</b>	Complies		
22/R	Landscaping	2x(-1/+3)	+2	Nine engelmann spruce trees 8'-10' and fourteen aspen trees 2.5"-3.5" caliper are proposed in addition to preservation of existing evergreens.
24/A	<b>Social Community</b>	Complies		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)		
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15		
25/R	Transit	4x(-2/+2)		
26/A	<b>Infrastructure</b>	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	<b>Drainage</b>	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	<b>Utilities - Power lines</b>	Complies		
29/A	<b>Construction Activities</b>	Complies		
30/A	<b>Air Quality</b>	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	<b>Water Quality</b>	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	<b>Water Conservation</b>	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)		
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)		
	HERS index for Residential Buildings			
33/R	Obtaining a HERS index	+1		
33/R	HERS rating = 61-80	+2		
33/R	HERS rating = 41-60	+3		
33/R	HERS rating = 19-40	+4		
33/R	HERS rating = 1-20	+5		
33/R	HERS rating = 0	+6		
	Commercial Buildings - % energy saved beyond the IECC minimum standards			
33/R	Savings of 10%-19%	+1		
33/R	Savings of 20%-29%	+3		
33/R	Savings of 30%-39%	+4		
33/R	Savings of 40%-49%	+5		
33/R	Savings of 50%-59%	+6		
33/R	Savings of 60%-69%	+7		
33/R	Savings of 70%-79%	+8		
33/R	Savings of 80% +	+9		
33/R	Heated driveway, sidewalk, plaza, etc.	1X(-3/0)		
33/R	Outdoor commercial or common space residential gas fireplace (per fireplace)	1X(-1/0)		
33/R	Large Outdoor Water Feature	1X(-1/0)		
	Other Design Feature	1X(-2/+2)		
34/A	<b>Hazardous Conditions</b>	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	<b>Subdivision</b>	Complies		

36/A	<b>Temporary Structures</b>	Complies		
37/A	<b>Special Areas</b>	Complies		
37/R	Community Entrance	4x(-2/0)		
37/R	Individual Sites	3x(-2/+2)		
37/R	Blue River	2x(0/+2)		
37R	Cucumber Gulch/Setbacks	2x(0/+2)		
37R	Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
38/A	<b>Home Occupation</b>	Complies		
39/A	<b>Master Plan</b>	Complies		
40/A	<b>Chalet House</b>	Complies		
41/A	<b>Satellite Earth Station Antennas</b>	Complies		
42/A	<b>Exterior Loudspeakers</b>	Complies		
43/A	<b>Public Art</b>	Complies		
43/R	Public Art	1x(0/+1)		
44/A	<b>Radio Broadcasts</b>	Complies		
45/A	<b>Special Commercial Events</b>	Complies		
46/A	<b>Exterior Lighting</b>	Complies		
47/A	<b>Fences, Gates And Gateway Entrance Monuments</b>	Complies		
48/A	<b>Voluntary Defensible Space</b>	Complies		
49/A	<b>Vendor Carts</b>	Complies		

## TOWN OF BRECKENRIDGE

**Breckenridge Outdoor Education Center Addition and Exterior Remodel  
Tract B, Revett's Landing Subdivision  
528 Wellington Road  
PERMIT #2015-0052**

### FINDINGS

1. This project is "Town Project" as defined in Section 9-14-1 of the Breckenridge Town Code because it involves the planning and design of a public project.
2. The process for the review and approval of a Town Project as described in Section 9-14-4 of the Breckenridge Town Code was followed in connection with the approval of this Town Project.
3. The Planning Commission reviewed and considered this Town Project on **May 5, 2015**, scheduled and held a public hearing on May 5, 2015, notice of which was published on the Town's website for at least five (5) days prior to the hearing as required by Section 9-14-4(2) of the Breckenridge Town Code. At the conclusion of its public hearing, the Planning Commission recommended approval of this Town Project to the Town Council.
4. The Town Council's final decision with respect to this Town Project was made at the regular meeting of the Town Council that was held on May 26, 2015. This Town Project was listed on the Town Council's agenda for the May 26, 2015 agenda that was posted in advance of the meeting on the Town's website. Before making its final decision with respect to this Town Project, the Town Council accepted and considered any public comment that was offered.
5. Before approving this Town Project the Town Council received from the Director of the Department of Community Development, and gave due consideration to, a point analysis for the Town Project in the same manner as a point analysis is prepared for a final hearing on a Class A development permit application under the Town's Development Code (Chapter 1 of Title 9 of the Breckenridge Town Code).
6. **The "Town Project" is subject to the Development Agreement recorded at the Summit County Clerk and Recorder's Office under reception number 1062268.**
7. The Town Council finds and determines that the Town Project is necessary or advisable for the public good, and that the Town Project shall be undertaken by the Town.

### CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. **This permit expires eight years from date of issuance, on May 26, 2023, unless a building permit has been issued and substantial construction pursuant thereto has taken place per the Development Agreement, Section J under reception number 1062268. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be three years, but without the benefit of any vested property right.**
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. Applicant shall not place a temporary construction or sales trailer on site until a building permit for the project has been issued.
7. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
8. Applicant shall field locate utility service lines to avoid existing trees.
9. **The “North Parking Lot” and associated driveway shall not be constructed unless and until the property has been resubdivided to include the 0.16 acre portion of property shown to the south on the site plan (“Public Service”, metes and bounds description).**

#### **PRIOR TO ISSUANCE OF BUILDING PERMIT**

10. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
11. Applicant shall provide plans stamped by a registered professional engineer licensed in Colorado, to the Town Engineer for all retaining walls over four feet in height.
12. **Prior to the issuance of a building permit 3,000 square feet of the unused density from the property known as the “Breckenridge Nordic Center Site” located at 9 Grandview Drive in Breckenridge, Colorado shall be transferred to the Property as authorized by that Lease With Option To Purchase Between the Town and the Breckenridge Outdoor Education Center dated June 24, 2013 and recorded July 23, 2013 at Reception No. 1032367 of the records of the Clerk and Recorder of Summit County, Colorado. The density transfer shall be evidenced by a written covenant that complies with the requirements of Section 9-1-17-**

**12(A) of the Town of Breckenridge Development Code. The covenant shall be acceptable in form and substance to Town Attorney.**

- 13. Prior to the issuance of a building permit up to 2.5 single family equivalents of density shall be transferred to the Property by the Town as needed. The Town shall determine, in its sole discretion, the source of the density to be transferred to the Property. The density transfer shall be evidenced by a written covenant that complies with the requirements of Section 9-1-17-12(A) of the Town of Breckenridge Development Code. The covenant shall be acceptable in form and substance to Town Attorney.**
14. Applicant shall identify all existing trees that are specified on the site plan to be retained by erecting temporary fence barriers around the trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers, and dirt and construction materials or debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Occupancy.
15. Existing trees designated on the site plan for preservation which die due to site disturbance and/or construction activities will be required to be replaced at staff discretion with equivalent new trees, i.e. loss of a 12 inch diameter tree flagged for retention will be offset with the addition of four 3-inch diameter new trees.
16. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
17. Applicant shall execute and record with the Summit County Clerk and Recorder a covenant and agreement running with the land, in a form acceptable to the Town Attorney, requiring compliance in perpetuity with the approved landscape plan for the property.
18. Applicant shall install construction fencing and erosion control measures at the 25 foot no-disturbance setback to streams and wetlands in a manner acceptable to the Town Engineer. An on site inspection shall be conducted.
19. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
20. Applicant shall submit to and obtain approval from the Department of Community Development a defensible space plan showing trees proposed for removal and the approximate location of new landscaping, including species and size. Applicant shall meet with Community Development Department staff on the Applicant's property to mark trees for removal and review proposed new landscaping to meet the requirements of Policy 22 (Absolute) Landscaping, for the purpose of creating defensible space.

**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**



21. Applicant shall revegetate all disturbed areas where revegetation is called for, with a minimum of 2 inches topsoil, seed and mulch.
22. Applicant shall remove leaf clutter, dead standing and fallen trees and dead branches from the property. Dead branches on living trees shall be trimmed to a minimum height of six (6) feet and a maximum height of ten (10) feet above ground.
23. Applicant shall remove all vegetation and combustible material from under all eaves and decks.
24. Applicant shall create defensible space around all structures as required in Policy 22 (Absolute) Landscaping.
25. Applicant shall paint all flashing, vents, flues, rooftop mechanical equipment and utility boxes on the building a flat, dark color or to match the building color.
26. Applicant shall screen all utilities.
27. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
- 28. Applicant shall execute and record with the Summit County Clerk and Recorder the dedication of a public, non-motorized trail easement to the Town substantially in the form provided on the plan documents or amended with staff approval in a form acceptable by the Town Attorney.**
29. Applicant shall construct all proposed trails according to the Town of Breckenridge Trail Standards and Guidelines (dated June 12, 2007). All trails disturbed during construction of this project shall be repaired by the Applicant according to the Town of Breckenridge Trail Standards and Guidelines. Prior to any trail work, Applicant shall consult with the Town of Breckenridge Open Space and Trails staff.
30. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.
31. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations.
32. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved

plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions" generally means that work can not be done due to excessive snow and/or frozen ground. **As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.**

33. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
34. The development authorized by this Development Permit may be subject to the development impact fee imposed by Resolution 2006-05 of the Summit County Housing Authority. Such resolution implements the impact fee approved by the electors at the general election held November 7, 2006. Pursuant to intergovernmental agreement among the members of the Summit Combined Housing Authority, the Town of Breckenridge is authorized to administer and collect any impact fee which is due in connection with development occurring within the Town. For this purpose, the Town has issued administrative rules and regulations which govern the Town's administration and collection of the impact fee. *Applicant will pay any required impact fee for the development authorized by this Development Permit prior to the issuance of a Certificate of Occupancy.*

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(Initial Here)



**Breckenridge  
Outdoor  
Education  
Center**

**Wellington Offices  
Before Remodel**



**Breckenridge  
Outdoor  
Education  
Center**  
**Wellington Offices  
Remodel & Expansion**

**B.O.E.C. WELLINGTON OFFICES  
TRACT B, REVETTS LANDING SUB.  
MATERIALS & COLORS**



**1x10 LAP SIDING at LOG**



**CORRUGATED RUSTED  
METAL SIDING**



**WINDOWS**



**WOOD TRIM**



**ASPHALT SHINGLES  
ROOFING**



**EXTERIOR LIGHTS**

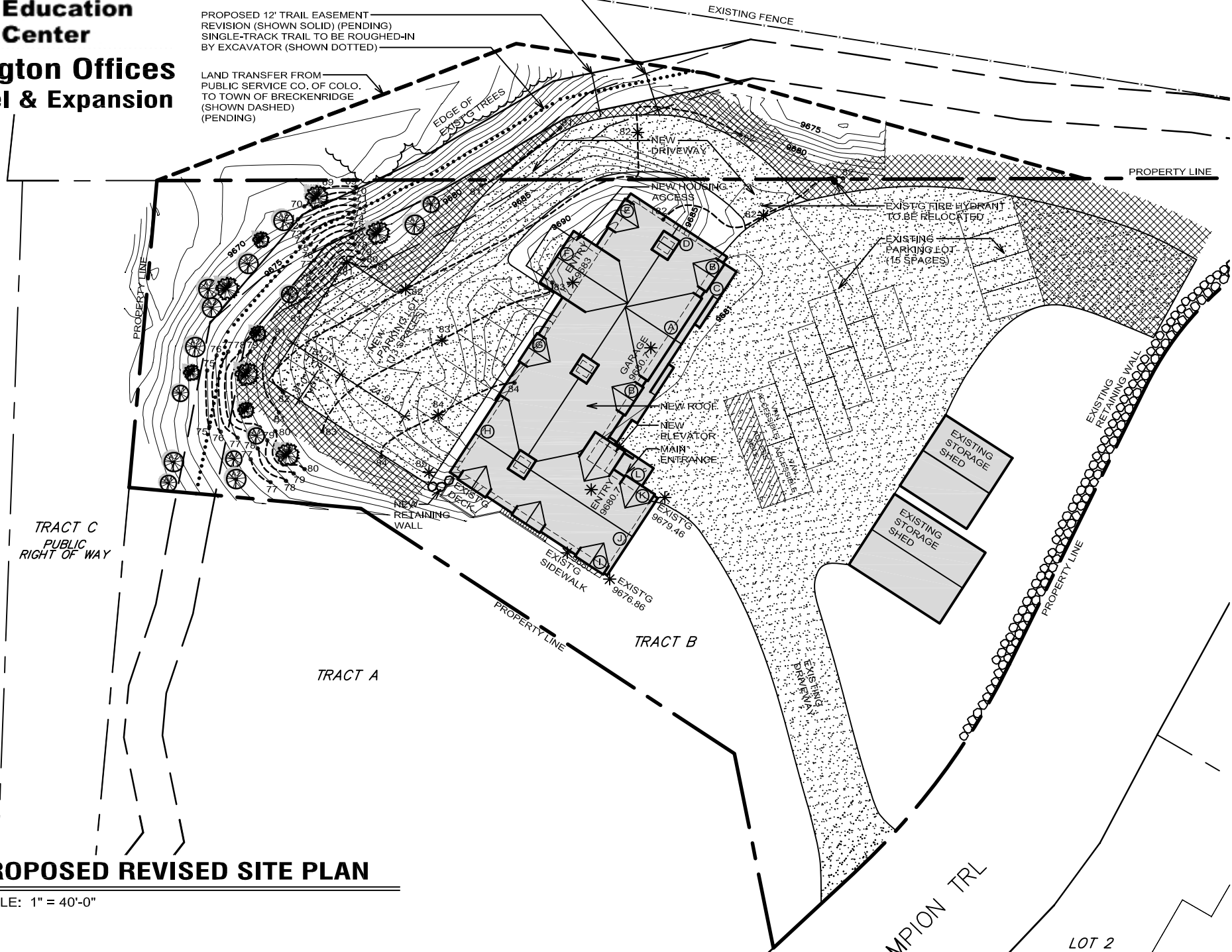


**Breckenridge  
Outdoor  
Education  
Center**

**Wellington Offices  
Remodel & Expansion**

PUBLIC SERVICE CO. OF COLORADO  
(XCEL ENERGY)  
562 WELLINGTON RD

- EXISTING 12' TRAIL EASEMENT (SHOWN DASHED)
- PROPOSED 12' TRAIL EASEMENT REVISION (SHOWN SOLID) (PENDING)  
SINGLE-TRACK TRAIL TO BE ROUGHED-IN BY EXCAVATOR (SHOWN DOTTED)
- LAND TRANSFER FROM PUBLIC SERVICE CO. OF COLO. TO TOWN OF BRECKENRIDGE (SHOWN DASHED) (PENDING)



**PROPOSED REVISED SITE PLAN**

SCALE: 1" = 40'-0"

LANDSCAPE MATERIALS

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	FORM
TREES					
S1	8	PICEA ENGELMANNI	ENGELMANN SPRUCE	8 FT. TALL	B & B
S2	7	PICEA ENGELMANNI	ENGELMANN SPRUCE	10 FT. TALL	B & B
A1	17	POPULUS TREMULOIDES	QUAKING ASPEN	2.5" CALIPER	B & B
A2	15	POPULUS TREMULOIDES	QUAKING ASPEN	3.5" CALIPER	B & B

**REVEGETATION NOTE**

1. ALL EXPOSED DREDGE TAILINGS AND DISTURBED AREAS ARE TO BE CAPPED WITH 4"-6" OF CLAY BASED SOIL AND "TIRE COMPACTED" TO APPROXIMATELY 70% PROCTOR DENSITY. OVERLAY WITH 3" OF TOPSOIL RAKED INTO PLACE. BROADCAST SEED MIX AND RAKE AGAIN FOR UNIFORM DISTRIBUTION.  
 REVEGETATION SEED MIX: HARD FESCUE 30%, CREEPING RED FESCUE 30%, SHEEP FESCUE 25%  
 CANADA BLUEGRASS 10%, CANBY BLUEGRASS 5%

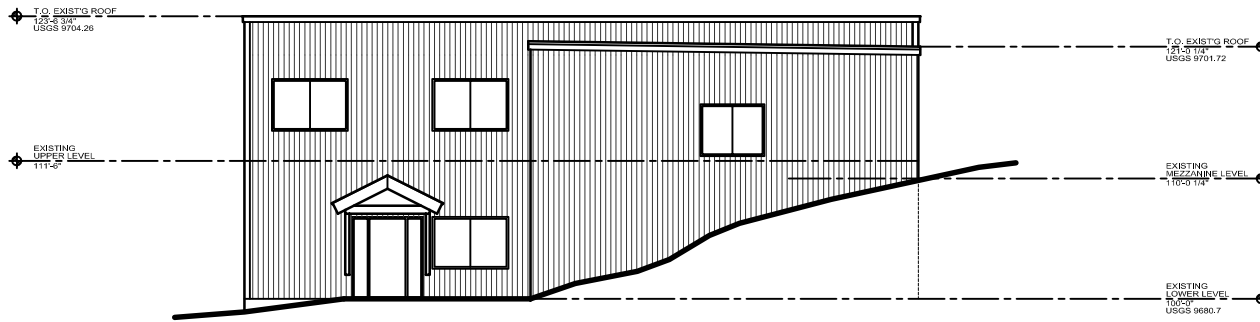
CORKSCREW DR

WELLINGTON RD

NEW PARKING LOT  
(13 SPACES)

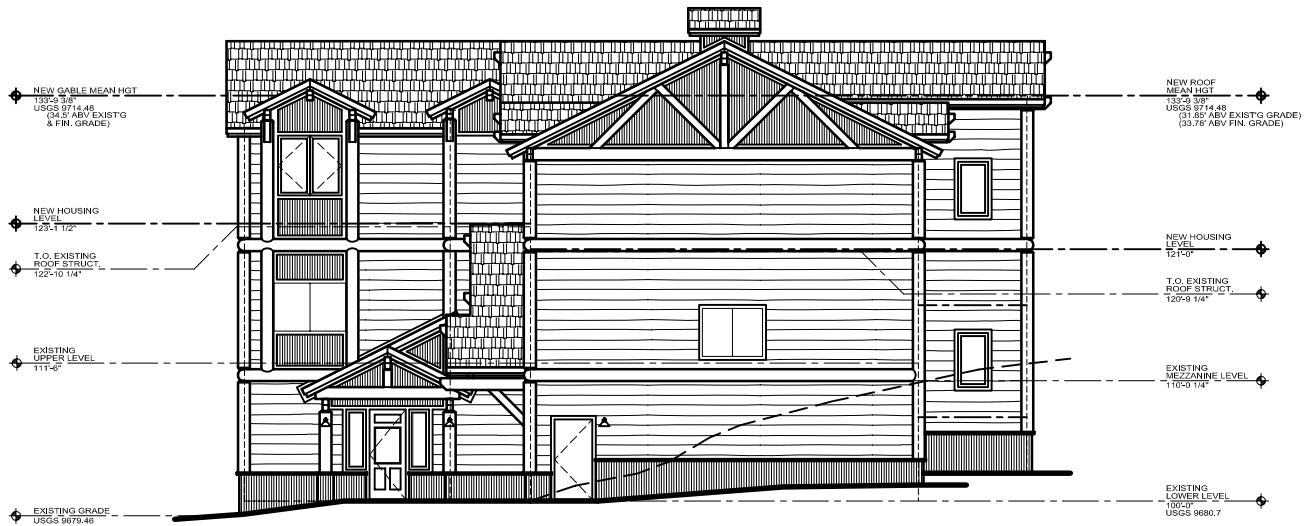


**Wellington Offices  
Remodel & Expansion**



**EXISTING SOUTH ELEVATION**

SCALE: 1/16" = 1'-0"



**PROPOSED REVISED SOUTH ELEVATION**

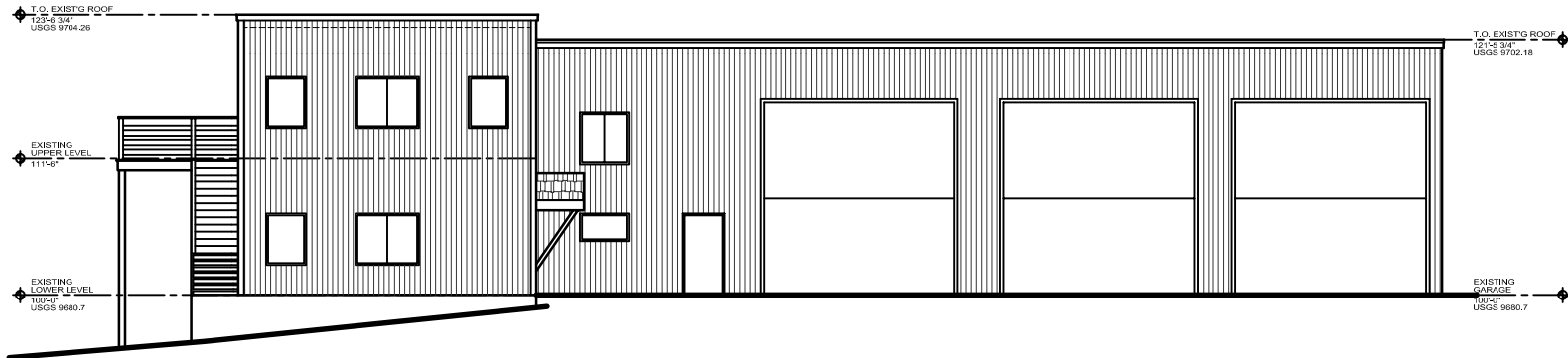
SCALE: 1/16" = 1'-0"





**Breckenridge  
Outdoor  
Education  
Center**

**Wellington Offices  
Remodel & Expansion**



**EXISTING WEST ELEVATION**

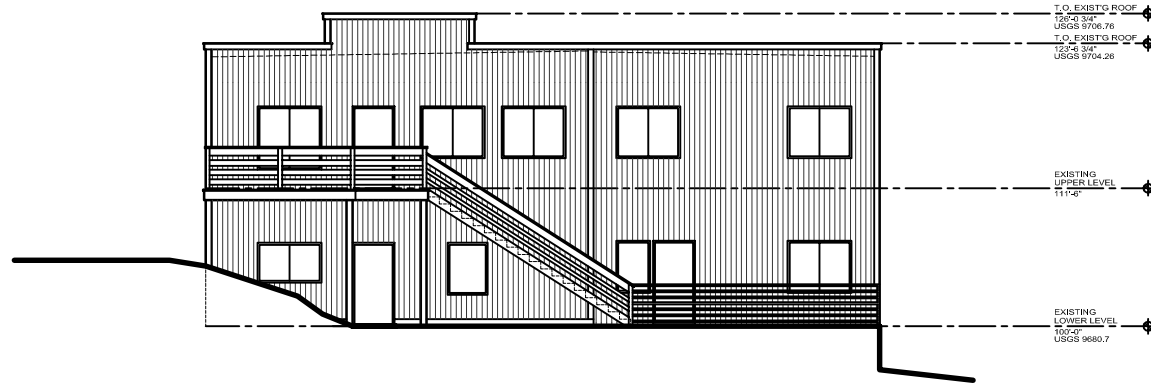
SCALE: 1/16" = 1'-0"



**PROPOSED REVISED WEST ELEVATION**

SCALE: 1/16" = 1'-0"

**Wellington Offices  
Remodel & Expansion**



**EXISTING NORTH ELEVATION**

SCALE: 1/16" = 1'-0"



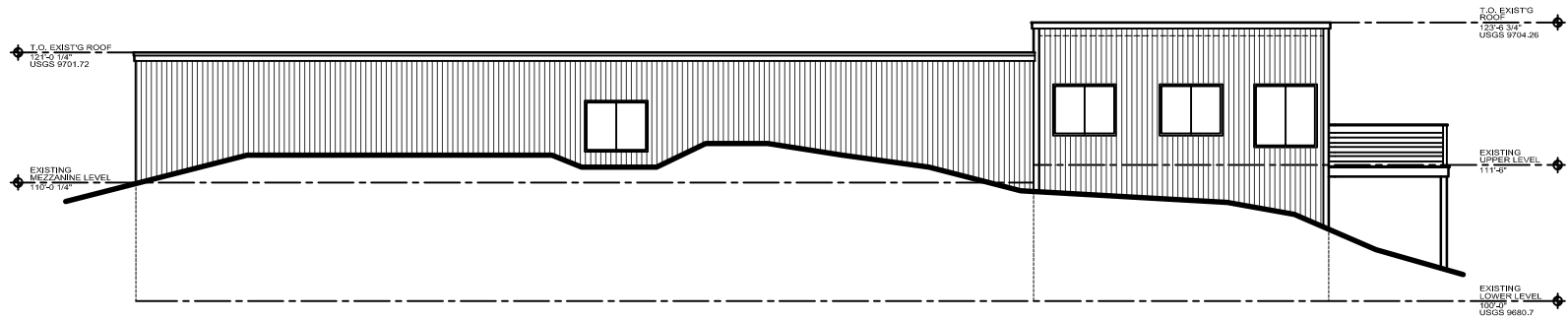
**PROPOSED REVISED NORTH ELEVATION**

SCALE: 1/16" = 1'-0"



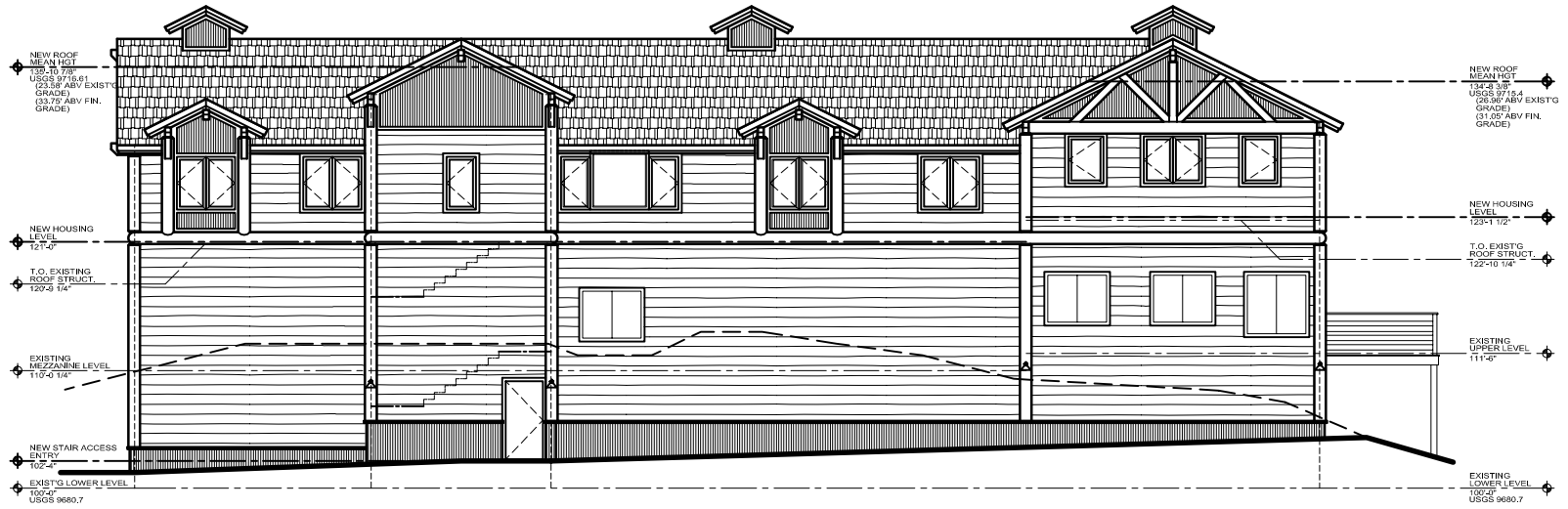
**Breckenridge  
Outdoor  
Education  
Center**

**Wellington Offices  
Remodel & Expansion**



**EXISTING EAST ELEVATION**

SCALE: 1/16" = 1'-0"



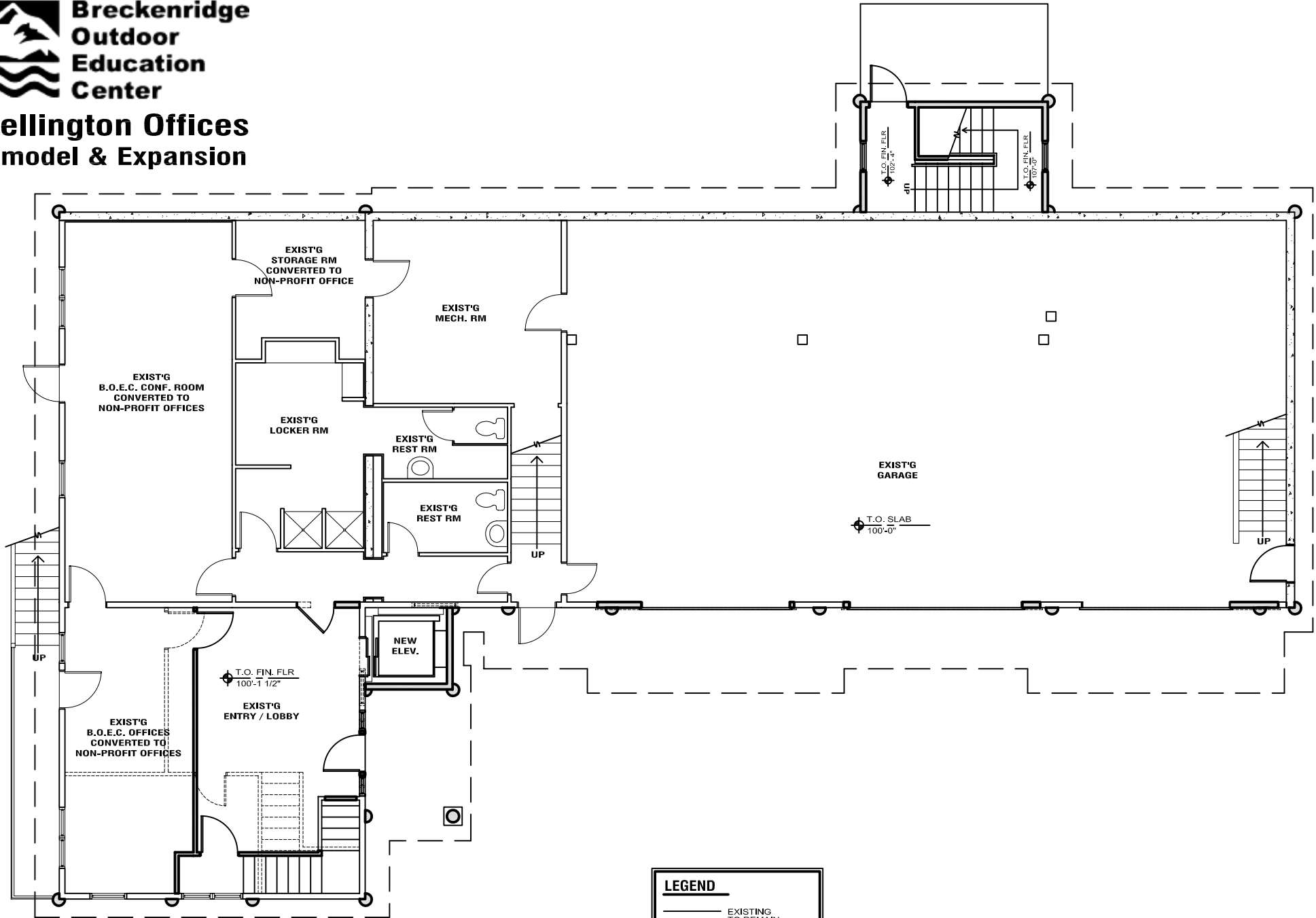
**PROPOSED REVISED EAST ELEVATION**

SCALE: 1/16" = 1'-0"



**Breckenridge  
Outdoor  
Education  
Center**

**Wellington Offices  
Remodel & Expansion**



LEGEND	
	EXISTING TO REMAIN
	EXISTING TO BE REMOVED
	NEW TO BE BUILT

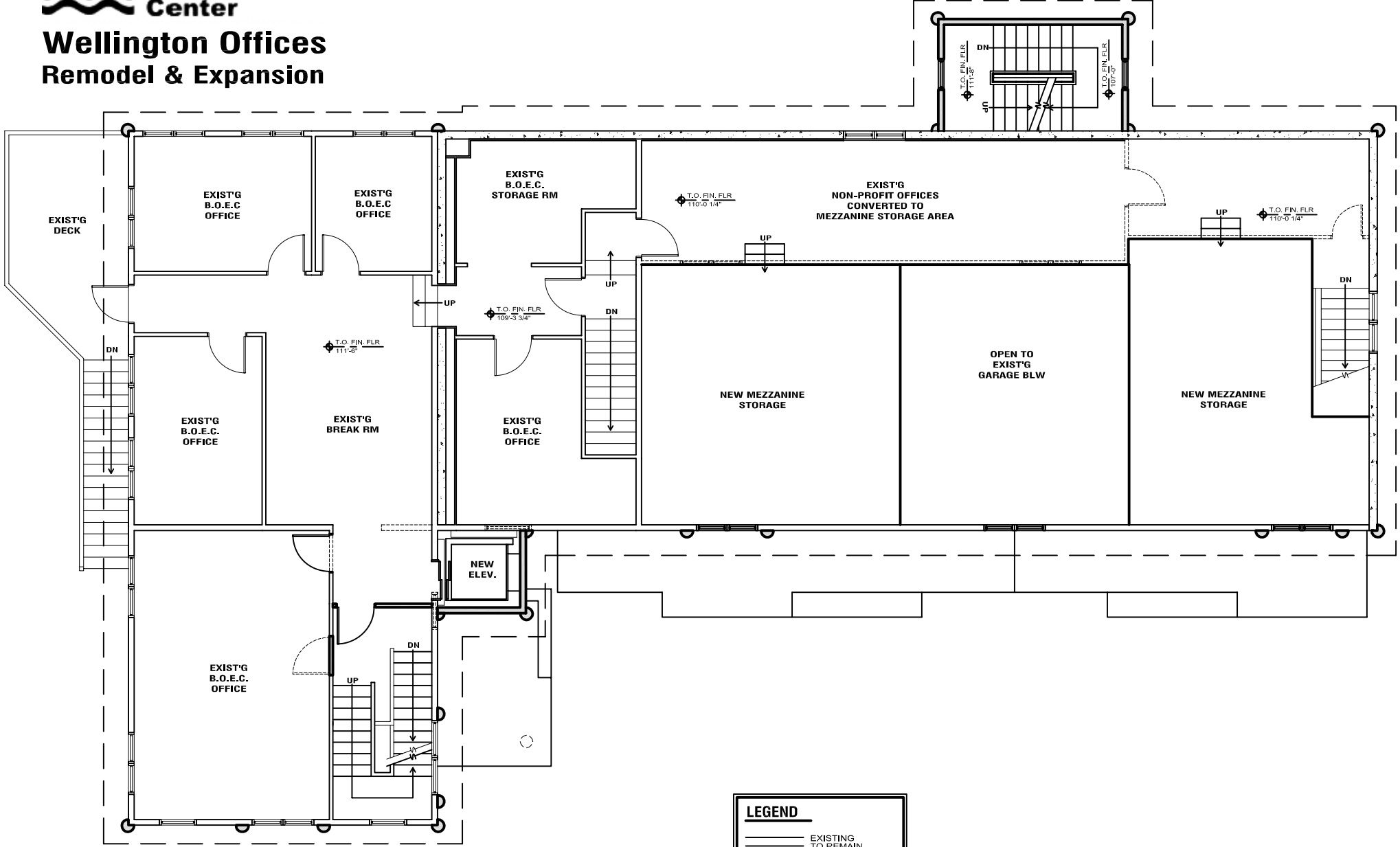
**LOWER LEVEL FLOOR PLAN**

SCALE: 3/32" = 1'-0"



**Breckenridge  
Outdoor  
Education  
Center**

**Wellington Offices  
Remodel & Expansion**



**UPPER LEVEL FLOOR PLAN**

SCALE: 3/32" = 1'-0"

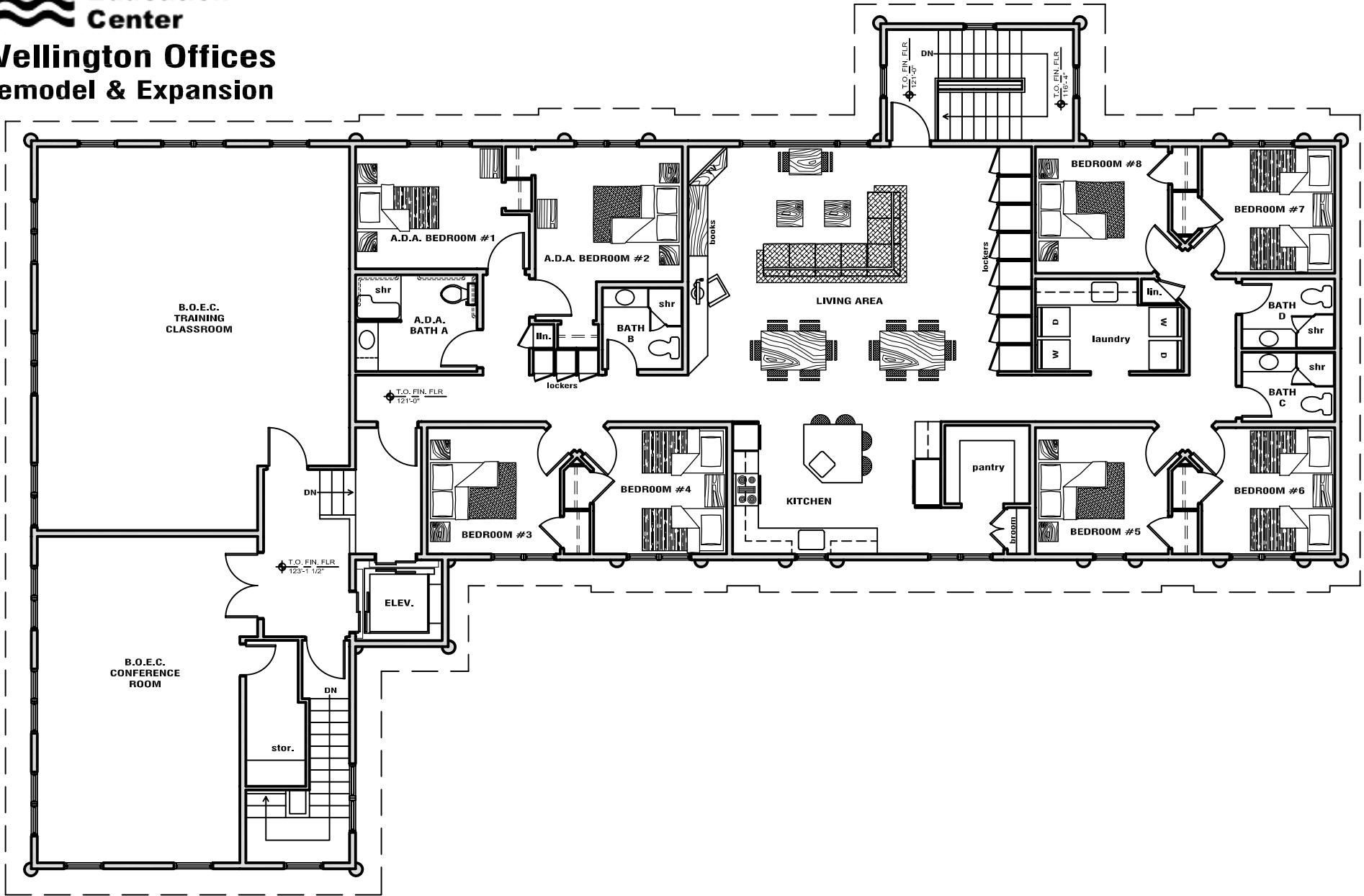
**LEGEND**

- EXISTING TO REMAIN
- - - EXISTING TO BE REMOVED
- == NEW TO BE BUILT



**Breckenridge  
Outdoor  
Education  
Center**

## Wellington Offices Remodel & Expansion



### NEW HOUSING LEVEL FLOOR PLAN

SCALE: 3/32" = 1'-0"

**MEMORANDUM**

**To:** Town Council

**From:** Peter Grosshuesch, Director of Community Development

**Date:** May 6, 2015

**Re:** Planning Commission Decisions of the May 5, 2015, Meeting.

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***DECISIONS FROM THE PLANNING COMMISSION AGENDA OF May 5, 2015:***

CLASS C APPLICATIONS: None.

CLASS B APPLICATIONS: None.

CLASS A APPLICATIONS: None.

**TOWN PROJECT HEARINGS:**

1) Breckenridge Outdoor Education Center Exterior Remodel and Addition, PL-2015-0052, 524 Wellington Road

Remodel the interior of the existing office and storage building, adding 2,397.5 square feet of new office and storage area. *Recommend the Town Council approve the Town Project. Approved 7-0.*

**OTHER:**

1) Lomax Mine Landmarking (Lot 1, Christie Heights Sub #1 Amended), PL-2015-0109, 301 Ski Hill Road

Locally landmark the Lomax Gulch Historic Site per Section 9-11-3, Designation of Landmarks, Landmark Sites, Historic Districts and Cultural Landscape Districts, of the Town Code. *Recommendation the Town Council adopt an ordinance to Landmark the property based on the fulfillment of criteria for Architectural and Physical Integrity significance as stated in Section 9-11-4 of the Landmarking Ordinance. Approved 7-0.*



Lomax Mine Landmarking  
301 Ski Hill Road

Breckenridge Outdoor  
Education Center  
Remodel and Addition  
524 Wellington Road

# 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            Gretchen Dudney            Jim Lamb  
Ron Schuman                Dan Schroder                Eric Mamula arrived at 7:04pm  
Dave Pringle arrived at 7:14pm  
Wendy Wolfe, Town Council Liaison

### APPROVAL OF MINUTES

With no changes, the April 21, 2015, Planning Commission Minutes were approved as presented.

### APPROVAL OF AGENDA

With no changes, the May 5, 2015, Planning Commission Agenda was approved as presented.

### TOWN COUNCIL REPORT:

Ms. Wolfe:

- Council recognized Gary Roberts for 39 years of service.
- Council approved off street parking code amendments on second reading.
- New ordinance for special events in Town: ordinance will give town better process to review events with a committee made up of reps. Will define special events at less than 5 days. Will limit tents being up for long time.
- New marijuana businesses: Council decided to move out to July 2016 before Town considers any new licenses. Some concerns about handling more businesses on Airport Road without some infrastructure improvements.
- First reading on cable television franchise renewal and lease with Comcast. This has finally been prepared after many months of discussion.
- The Council approved the final authorizations for the low income housing tax credits for Pinewood 2. Construction has begun out there.
- The Lincoln Park call up hearing was the focus of the evening meeting, which didn't end until midnight. Council voted unanimously to accept the Planning Commission's point analysis. But the phasing portion of the plan sparked much discussion and public input. After weighing all comments the Council decided to change the phasing plan: the park will now be completed in phase 2 and the bridge will not go in until phase 4. They still need to work out an acceptable transit plan. The transit plan is back in the hands of staff to come up with some creative options.
- Ms. Puester: Also the Summit Recycling Center project was approved. The Council agreed that a fence was needed along Coyne Valley and did not require lighting.
- Mr. Truckey: The Council also approved the consent agenda and thus upheld the Planning Commission's decision on Shock Hill Tract E. (Mr. Mamula: I appreciated the Council upholding this decision after all the effort the Planning Commission had put into it.) (Ms. Dudney: Do the opponents still have opportunity to challenge the decision and what is that time frame?) (Mr. Truckey: They have 30 days to appeal to District Court.)

### TOWN PROJECT HEARINGS:

- 1) Breckenridge Outdoor Education Center (BOEC) Exterior Remodel and Addition (JP) PL-2015-0052, 524 Wellington Road

Ms. Puester presented a proposal to remodel the interior of the existing office and storage building, adding 2,397.5 square feet of new office and storage area. Implement an exterior remodel with natural materials and corrugated metal siding wainscoting and accents. An additional level is proposed for short term dormitory

style housing totaling 2,500.5 square feet of new residential, with a gable roof. A new parking area with thirteen spaces to the north of the existing building is also proposed.

On June 10, 2014, the Town entered into a Development Agreement with the Breckenridge Outdoor Education Center (BOEC) related to making significant improvements to the property that provide the opportunity for children and adults with disabilities to experience the outdoors (reception # 1062268). The development agreement allows for the Planning Commission to review the proposed project providing for:

- A height of the improvements to be constructed by the BOEC with a maximum of 35 feet to the mean without the assignment of negative points (Policy 6/R) as the Land Use District 13 Guidelines do not specify a recommended building height.
- Site buffering from the driveway access and the “North Parking Lot” of the property to gain access around the existing building of not less than zero (0) feet without the assignment of negative points (Policy 7R).
- The grading of the “North Parking Lot” without the assignment of negative points (Policy 7/R).
- A density maximum of 11,456 square feet (in addition to the 1,371 square feet of density for the two existing shed structures) without the application failing Policy 3/A (Density) or the assessment of negative points under Policy 3/R (Density).
- Density shall be transferred to the property per the Development Agreement. The BOEC shall provide 3,000 square feet and the Town shall provide up to 2.5 SFEs as needed.
- A restrictive covenant requiring that the seasonal housing be used to only house employees of the BOEC and no one else.

Staff recommended negative five (-5) points under 6/R-Building Height for a building height up to ½ story above the recommended height of 35 feet to the mean. Staff recommended positive three (+3) points under Policy 20/R-Recreation for the trail connection, and positive two (+2) points for landscaping for a passing point analysis of positive zero (0) points. The application was found to meet all Absolute policies.

This is a Town Project pursuant to the ordinance amending the Town Projects Process (Council Bill No. 1, Series 2013). As a result, the Planning Commission is asked to identify any concerns with this project, and any code issues and make a recommendation to the Town Council.

Staff suggested that the Planning Commission recommend approval of the Breckenridge Outdoor Education Center Addition and Exterior Remodel, PL#2015-0052 located at 524 Wellington Road, Tract B, Revett’s Landing Subdivision, with a passing point analysis of zero (0) points and the presented Findings and Conditions.

The Planning Commission received a couple of comment letters today concerning increasing the buffer along Wellington Road from the building height and parking lot. In response, the Applicant has proposed 6 extra evergreen 8-10’ in height and 18 large caliper aspen trees to address this concern. This would result in a total new landscaping plan of 15 evergreen and 32 aspen of large sizes. Staff believes positive two (+2) points is warranted.

Ms. Puester acknowledged two public comments from Corkscrew residents submitted earlier that day which were forwarded to the Planning Commission.

*Commissioner Questions / Comments:*

Ms. Dudney: Does the Town have the density it is required to transfer to the project? (Ms. Puester: Yes the Town has a pool of density it owns to use for purposes like this. It will be permanently extinguished once transferred.) What about the BOEC’s commitment to transfer 3,000

square feet of density? (Mr. Tim Casey, Applicant: Our partnership at Cucumber Creek Estates gave land to the Town for the Nordic center and there was density leftover. As part of the agreement we were allowed to transfer 3,000 square feet of that leftover density to this project.) What is your budget? (Mr. Casey: We have a \$2.3 million capital campaign, which does include some expenses related to the Griffith Lodge also. We haven't launched the campaign yet.)

Mr. Pringle: Who will own the property? (Ms. Puester: BOEC has option to purchase the building and land.) (Mr. Casey: BOEC has a 50 year land lease and three years left with an option to purchase the building and land. They will do fundraising to try to purchase it. The old parking lot is about the same grade as the new.)

Mr. Mamula: What is the elevation of new parking lot in relation to Wellington Road? (Mr. Jon Gunson, Applicant's Architect: About 15 feet above Wellington Road. It shouldn't be that visible from Corkscrew with the proposed elevation-perhaps a minute of a headlight, not much. Also, there is no parking lot lighting proposed.) Can you do any landscaping towards Campion Trail to screen the view from homes there? (Mr. Casey: Yes but there is a drainage swale there that would have to be dealt with but then we could do landscaping.) There is a vertical drop next to Campion; any thought of putting fencing in? (Mr. Casey: They could do something there, maybe some trees.)

Mr. Schroder: I like all of the new landscaping proposed in reaction to the neighbors' concerns. Did you take a walk with the neighbors? (Mr. Casey: Yes, on Sunday and added more trees in response. We upped the ante on landscaping. Don't think you can get much more landscaping in there than what we added.)

Mr. Schuman: How long will operation be down during construction? (Mr. Casey: We can work around it and use some temp space at Griffith Lodge. Not doing a lot to the existing spaces on the first and second floors.)

Applicant Presentation: Mr. Tim Casey, Breckenridge Outdoor Education Center:

I have walked site with neighbors (the Martinez') and addressed their concerns regarding buffering hopefully with the additional landscape shown. There is a 2:1 slope so we can't do a berm. BOEC has a big need for staff housing for course directors. They are living in their cars, etc. and trying to find interim housing. Housing will only be for BOEC employees. Summit Huts and CAIC office space is also in the building. They will move downstairs to better location. Adding an elevator will add accessibility, right now there is none which is pretty bad for the BOEC. We were able to work out arrangement with Xcel where Xcel will deed a small portion of their land that they are not using to make the site function better for the BOEC. They have verbally agreed to carve off this portion of land. Rob Andrews is preparing the survey work on behalf of the BOEC to allow the subdivision of the property. Overall, we need this project to happen to improve BOEC's programming.

Mr. Jon Gunson, Architect for the Applicant:

Regarding the Berm: because of steep slope it would have to exceed 2:1 slope so we are not proposing one. The trail is only 18 inch wide single track. We tried to put as many trees as we could in that area for screening from the road and Corkscrew. Not removing any existing trees towards Wellington.

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

*Commissioner Questions / Comments:*

Ms. Dudney: Big improvement to existing building.

Mr. Pringle: Wonderful looking building. Support it. Better landscaping is more important than quantity. Work with staff to create a great landscape plan.

Mr. Lamb: Great that you worked with neighbors' concerns. Good to see this improvement.

Mr. Mamula: The building was falling down 20 years ago. High time to see something done here. Would be good to have landscaping to screen the couple lots on Campion.

Ms. Christopher: Fully support.

Mr. Schroeder: Supports.

Mr. Schuman: Supports 100 percent.

Mr. Pringle made a motion to approve the point analysis for the Breckenridge Outdoor Education Center (BOEC) Exterior Remodel and Addition, PL-2015-0052, 524 Wellington Road. Ms. Christopher seconded, and the motion was carried unanimously (7-0).

Mr. Pringle made a motion to recommend the Town Council approve the Breckenridge Outdoor Education Center (BOEC) Exterior Remodel and Addition, PL-2015-0052, 524 Wellington Road, with the presented Findings and Conditions. Ms. Christopher seconded, and the motion was carried unanimously (7-0).

**OTHER MATTERS:**

1) Lomax Mine Landmarking (Lot 1, Christie Heights Sub #1 Amended) (MGT) PL-2015-0109, 301 Ski Hill Road

Mr. Thompson presented a proposal to locally landmark the Lomax Gulch Historic Site per Section 9-11-3, Designation of Landmarks, Landmark Sites, Historic Districts and Cultural Landscape Districts, of the Town Code. The property is at least 50 years old. Lomax Gulch was a productive panning and hydraulic site in the early 1860's through the 1880's. The property exemplifies cultural, political, economic or social heritage of the community. The property illustrates how miners worked and lived in the 1860's to 1880's in Breckenridge. The property shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, state, or nation. The property illustrates how miners worked and lived in the 1860's to 1880's in Breckenridge.

The Planning Department suggest the Planning Commission recommend that the Town Council adopt an ordinance to Landmark the Lomax Gulch Historic Site located at 301 Ski Hill Road, PL-2015-0109, based on the fulfillment of criteria for Architectural and Physical Integrity significance as stated in Section 9-11-4 of the Landmarking Ordinance.

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

*Commissioner Questions / Comments:*

Mr. Pringle: Is it clarified we are landmarking the site and not the structures? (Mr. Thompson: Yes; the landmarking is focused on the eligibility of the property.) Make sure it is landmarking only of property and not the buildings. (Ms. Puester: We will make sure it's clear in the Council's ordinance that it's the property and not structures.)

Mr. Schroder: Is there reason that we are landmarking this now? (Mr. Thompson: The Town just acquired the property.) What does town get out of landmarking? (Mr. Thompson: Landmarking status helps with grants that we apply for and formally designates the site's importance as well as provides some additional protection.) Do we have more of these? (Ms. Puester: We have a list of Town owned properties that we have been directed to landmark by the Town Council. We are working our way down that list).

Mr. Pringle made a motion to recommend the Town Council adopt an ordinance to Landmark the Lomax Gulch Historic Site located at 301 Ski Hill Road, PL-2015-0109, based on the fulfillment of criteria for Architectural and Physical Integrity significance as stated in Section 9-11-4 of the Landmarking Ordinance. Ms. Christopher seconded, and the motion was carried unanimously (7-0).

**OTHER:**

Ms. Puester reminded the Commission of the Planning Summit for Planning Commissioners being held in Frisco on May 13 from 5-7 pm and encouraged Commissioners to attend.

**ADJOURNMENT:**

The meeting was adjourned at 8:12 pm.

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Eric Mamula, Chair

**MEMORANDUM**

**To:** Town Council

**From:** Peter Grosshuesch, Director of Community Development

**Date:** May 20, 2015

**Re:** Planning Commission Decisions of the May 19, 2015, Meeting.

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***DECISIONS FROM THE PLANNING COMMISSION AGENDA OF May 19, 2015:***

CLASS C APPLICATIONS:

- 1) Flip Side Burger Change of Use, PL-2015-0129, 320 South Main Street  
Change of use of a portion of the existing commercial property / suite from general commercial (retail / office) to restaurant. *Approved 7-0.*
- 2) Campbell Residence Addition, PL-2015-0096, 206 Briar Rose Lane  
Addition to existing single family residence to create a total of 5 bedrooms, 4 bathrooms, 3,918 sq. ft. of density and 4,483 sq. ft. of mass for a F.A.R. of 1:4.28. *Approved 7-0.*

CLASS B APPLICATIONS: None.

CLASS A APPLICATIONS: None.

TOWN PROJECT HEARINGS: None.

OTHER: None.



# 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.



Miller-Huntress  
Restoration  
309 South Main Street

Campbell Addition  
206 Briar Rose Lane

Flip Side Burger  
Change of Use  
320 South Main Street

## PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

### ROLL CALL

Kate Christopher            Gretchen Dudney            Jim Lamb  
Ron Schuman                Eric Mamula                Dan Schroder  
Dave Pringle  
Wendy Wolfe, Town Council Liaison

### APPROVAL OF MINUTES

With no changes, the May 5, 2015, Planning Commission Minutes were approved as presented.

### APPROVAL OF AGENDA

With no changes, the May 19, 2015, Planning Commission Agenda was approved as presented.

### TOWN COUNCIL REPORT:

Ms. Wolfe:

- Acknowledges that today the community found out that there was a death of a Summit High School Senior which is particularly painful in light of graduation being this Saturday.
- No Council meeting this time but instead a Retreat.
- During the Retreat Council discussed and is moving forward with a Parking Master Plan with the major elements being a parking structure on F lot, dedicated parking for employees and then transit adjustments to work with these plans. The Council decided not to proceed with paid parking on Main Street at this time.
- Unanimous consideration by Council that it was time to move forward with a plan for a parking garage; but we are not decided on how large the structure will be and what it will look like. It is an interesting opportunity because the grade of lower F lot is 17' below Park Avenue on the south side of the lot. So there are options to put two levels below grade and then have one or no levels above. Another option is to put two levels above grade but this seems the least desirable. A new pedestrian bridge that would go over to the Village is another option. There is no interest in making Park Ave bigger, but there is desire to make it flow, and getting the pedestrians off the road is the best way to do that. We want to make this structure acceptable for Breckenridge aesthetic standards and not make it too massive but also accommodate enough cars so that it changes peoples' behavior and brings them into Town. The hope is that a new structure supports the Town core. This is not a done deal; it needs to have input from the community on how to pay for it as well as all the design considerations. There are discussions that are ongoing with the ski area for their potential participation. All options are on the table at this point.
- The parking management plan is using the work from the task force that has been in place for the last 6 months. Dedicated employee parking is one of their key focuses. The closer you want your employees in town then you pay more money. Dedicated "employee parking only" in various lots around the town seemed appropriate. Some of the lots in town are already the most popular like East Sawmill lot and Ice Rink which is being expanded. Looking for community Feedback on this.
- Transit will be the other part of this; more frequent runs would accommodate people parking further out. The goal is to get the parking plan in place and then address the transit to meet the needs of the parking plan.
- Next steps are structuring Community input Sessions so that we can lay options out and have a discussion with the Community. Metered parking will be a topic that will likely meet resistance. The more you learn about what metered parking can do in a "smart" world it is quite amazing, connection to people's smart phones where you could add more time to your meter if you needed it even though you are in a restaurant. We can vary the rates, turn meters off during certain months, take a variety of credit cards and speak any language. The rationale is to modify behavior. Statistics show that in our Town, most of the parking on



Main Street and Ridge Street are being taken up by skiers. People looking for parking create congestion in our Town. We are serious about addressing this. It was the number one issue when I ran for Council as well as when others ran.

(Mr. Pringle: I like the idea of modifying people's behavior and working on modifying all of our behaviors as members of the Town.) (Ms. Dudney: What is time table?) It will take some time to design the parking structure and we believe that it leads the charge. That being said, the alternative to parking meters is a "no re-park" rule where people get a lot of tickets which causes a lot of negativity. (Mr. Pringle: I think that we have long passed the point of letting parking just go on like it has. It is time to realize that we are no longer a small town when it comes to parking. I would like to see the structure go to two stories so that there is more parking. Most of the rest of the world realizes that it costs money to park cars.) (Mr. Schuman: Would this be just a Town effort or a joint public/private endeavor?) We want to encourage the ski area to engage and we know that F lot serves a lot of skiers. It could be financed through the sale of bonds; a private/public endeavor; if metered parking is an element then those funds could help pay for a structure. We don't want to hold the idea up because of being limited in funding. We want to see where the Community stands. (Mr. Pringle: Of all of the things that the Town has invested in this will be the most appreciated.)

- Top 3 CIP for 2016: #1: Roof over the second sheet of ice is a top priority, #2: A multitude of Rec Center improvements including the elevator plus other items, #3: Riverwalk improvements lobby and restrooms at a \$4.2 million price tag and we are trying to determine timing.
- Discussion about the Marketing Agreements: Two \$0.5 million dollar agreements. One, an agreement about the accommodations tax to add an extra 0.5%. That ended after 5 years and the Council said to continue this. The other \$0.5 million that was earmarked for the international markets has performed well and we are not going to have the BTO ask for this but instead show the results of this effort.

#### **CONSENT CALENDAR:**

- 1) Flip Side Burger Change of Use (SG) PL-2015-0129, 320 South Main Street
- 2) Campbell Residence Addition (MGT) PL-2015-0096, 206 Briar Rose Lane

#### *Commissioner Questions / Comments:*

Mr. Schroder: On the Campbell residence, is the HERS rating done for the whole house or just the addition? (Mr. Thompson: It was for the whole house and they have decided to go for high efficiency windows throughout.) Would we ever rate half a house? (Mr. Thompson: No, you have to do the whole house.) If it was a duplex? (Ms. Puester: Then we would have two separate HERS ratings.)

With no requests for call up, the consent calendar was approved as presented.

#### **PRELIMINARY HEARINGS:**

- 1) Miller-Huntress Restoration (MGT) PL-2015-0075, 309 South Main Street

Mr. Thompson presented a proposal to restore the front façade of the building per the historic photo, including adding an ADA compliant door to the north elevation, adding a ramp with handrails and an on-grade patio / deck addition.

Presentation regarding window sizes, encroachment issues, and landscaping / snow storage issues. The proposed plans have been shared with the Engineering Department. Their preliminary review of plans identified the need for a drywell in the northwest corner of the property, in the area designated as "detention area" on the site plan. Community Development Staff and the Engineering Department will be meeting on-site prior to the meeting to discuss drainage improvements with the architect and general contractor. Staff will continue to work with the applicant on the drainage, and applicant will have full details prior to the final hearing. Is the Planning Commission comfortable with this approach?

Staff requested input on three questions:

1. Does the Planning Commission agree that as designed the east elevation fails *Priority Policy 77*: “...maintain the original window proportions..”, hence failing an absolute policy and should be modified to match the historic openings?
2. Does the Planning Commission agree that the existing deck encroachment 3.1’ over the property line into Town ROW fails the absolute Policy 9 (Absolute) placement of structures for going beyond the private property line?
3. Does the Planning Commission agree that areas labeled as snow storage on the site plan need to be seeded with native grass seed or sod?

*Commissioner Questions / Comments:*

- Mr. Schroder: The first question you posed of us you mentioned that this has already been remedied and the applicant already agreed since the report has come out? (Mr. Thompson: Yes.)
- Mr. Pringle: Is allowing the applicant extending the deck out to the lot line, but the previous permit required it to stop within one foot of the lot line?
- Mr. Mamula: The deck issue is being brought up by the Crepe lot, not the historic guidelines. (Mr. Thompson: Yes, although the ADA compliant ramp requires that it extend. It is legal now and could stay if the ramp is not installed. Mr. Barry owns Lots 5 and 6 and a portion of Lot 7.)
- Ms. Dudney: Is there a precedent for superseding a town guideline because of how it was done before? We would be approving this? (Mr. Thompson: The new deck location would be approved as part of this application. The lot line is required to be vacated. It needs ADA access which cannot be across the property line. A portion of deck already crosses the property line. The applicant owns both lots.)
- Mr. Pringle: Permit for the deck in 1989 said that it was proposed with 1’ inside of the property. But that could have changed since 1989. (Mr. Thompson: The required setbacks are part of Policy 9 (Absolute) Placement of Structures is a zero lot line, not in the vendor cart ordinance.)

Applicant Presentation: Mr. Marc Hogan, bh Partners, Architect for the Applicant:

Thanks to all of the Planning Staff and Mr. Thompson. Mr. Barry Noam is here tonight as the owner and Kirk Dice is here, who has been helping put this deal together. I think Barry should get an award for wanting to fix this building up. It doesn’t fit in with current Main Street. We are happy to be restoring this building and I brought historic photographs. We just found that we need to modify the bottom sash. We will be narrowing the windows to 2’6” to match historic guidelines. We have a proposal to restore the front elevation and are working with Mr. Glen Morgan, Chief Building Official, for the accessibility issues, which we are working on from the porch. It is off the handicap parking place from the back and then onto the porch. We have no problem in correcting the mistake on the windows or in paving the parking lot even though originally we didn’t think we had to do that. We have no problem with the grass seed either on the snow storage sites. The problem is that Barry has a tenant for the building and we need to get this work done. We thought this would be a combined hearing. But what we would like to do is start this work on the façade as soon as possible. We have a timing dilemma. We should have started sooner; we started on March 23 and hoped we would have gotten in here in April. We would like to figure out a way to get the front façade done because we have a high-end spa moving in this summer. We request to figure out how to do this. Issue number two is encroachment over the eastern property line. I’m presenting the survey that shows the area of encroachment in better detail. It creates a problem for us to remove it because the Crepe Cart is not part of the application. There is also an encroachment over the northern property line onto Ken Gordan’s property, LOT 2 BLOCK 6 STILES ADDITION SUB, which we have an agreement for to allow it to remain.

Mr. Barry Noam, Owner:

Mr. Kent Willis is the mutual attorney with me and Ben Gordon so when I purchased this property we made an agreement. There is an agreement with Ben Gordon and there was not an issue with the encroachment over

the northern property line. I can provide a copy of the agreement with Mr. Gordon. My intention is to fix this building after it was neglected for so many years. I thought it would be a great building to be restored historically and I was willing to do that with Kirk Dice's help. That is why I'm here. I think it will be a nicer environment for the whole block. We initially met with Mr. Mike Mosher and he was the one that suggested an expanded deck for the food court idea. But I wasn't intending to do that until he suggested it. Getting the Crepe Cart people involved now for the existing deck encroachment into the sidewalk threw me off. The only thing I wanted to do was fix this building. I have a nice tenant who owns businesses in other key areas and chose us over Vail and Aspen and the deal is that I need to get it upgraded right away so that I don't lose them. I'm trying to do something for the Town that is a positive. I never planned to pave the parking lot or the landscaping which I've agreed to do now. I agree that the asphalt parking lot and new landscaping will make the property better. I'm willing to do what it takes to make this happen, but the Crepe Cart encroachment is not part of the deal. The reason we are connecting the deck to the existing deck is to comply with ADA requirements with providing a new ramp. As a historic building, there was no ADA access. I think I should be more rewarded than punished for providing ADA access.

*Commissioner Questions:*

- Mr. Pringle: Discussed the Vendor Cart Ordinance that the Crepe Cart while not part of this application, but the Crepe Cart does need to come in to be discussed by the Planning Commission. (Mr. Thompson: Yes, the existing crepe cart owner needs to come in to apply for approval of the "Exempt Large Vendor Cart Designation" per Policy 47: Vendor Carts, letter F.)
- Mr. Lamb: Is 3'-1" of deck over the property line going to break the project? (Mr. Noam: The problem is for the Crepe guys not this project.) (Mr. Grosshuesch: We work with the property owners. Mr. Noam is the property owner, the Crepe owners are renters of Mr. Noam, and hence why we are working with him.)
- Ms. Dudney: The crepe cart encroachment is not an issue because you get the agreement, but is it only a issue with the deck into the right of way. (Mr. Hogan: It is a Crepe Cart issue.) (Mr. Thompson: It is actually 3'-1" over the property line, just needs to be brought back to the property line, and not over it.)
- Mr. Mamula: Instead of doing this, why don't you need to do what you need to do with your lot? (Mr. Hogan: It takes a 12' long ramp, they aren't doing that for the Columbia store, they don't have ADA for upstairs.) (Ms. Puester: The ADA access is a building code issue.) (Mr. Hogan: We want to make sure we treat people with dignity and we want to meet code.) It seems strange to vacate a lot line issue because it will always tie this building to the Crepe Cart. I don't understand how you are planning to get around this issue with abandoning a lot line by doing it this way. If he didn't own the property next door what would happen? (Mr. Thompson: The new deck is proposed as attached to the deck under the porch of the existing historic house, between lots 5 and 6. There is already a historic deck that already is crossing their internal property line between Lots 5 and 6. We are connecting these decks that already crossed the property line. You have to have ADA for the front and the back.) (Mr. Hogan: We just want to make an accessible entrance. We won't be doing the additional deck in the back behind the crepe cart.) (Mr. Noam: The only reason we were doing the deck in the back is because Mike Mosher suggested it. All I want to do is clean up the building façade. The first thing I said when I bought it is to improve it. The Crepe Cart is not part of the whole thing.) If you would add the seating there, more deck in the back, don't you think that the Crepe guys would give up the 3'-1"? Since this is not a final hearing this might be a solution. (Mr. Thompson: The Crepe thing is not going away. It has to be brought before the Commission for a hearing and this exact same issue will come up again. Also, public works may require that the deck go away with or without an application. This just brings it to the forefront as a good time to address it. Also this is a Riverwalk property that does have to follow the Riverwalk compatible improvements as described in Policy 37 (Special Areas) which include a rear entry, a porch door, outdoor seating area, patio, etc. So the rear deck

and new sidewalk is the whole concept of two-sided businesses in the Riverwalk compatible area.)

Mr. Lamb: Is there a timeline for the Crepe people to come in? Will they be coming in? (Mr. Thompson: Yes, this is going to happen, don't have the exact time yet.)

Mr. Pringle: Is it possible that we would have any leverage on the Crepe people who have inherited the violation of the Town Property? (Mr. Thompson: Staff discussed an encroachment license agreement, but there has to be a public benefit, we don't see a public benefit.) (Mr. Grosshuesch: It does come back to the property owner; we might be able to address it to make the removal of the deck a condition of getting the CO on the Miller-Huntress. This might give us time to work with the Crepe Cart.)

Mr. Mamula: Could you address the comments about moving this along? (Ms. Puester: You have to go through the formal public hearing process. We are not looking at a final application right now. The applicant will have to work with Staff, and develop final plans to submit.)

Mr. Schuman: Can you require that a failed absolute policy be corrected as a condition of approval? (Mr. Grosshuesch: Yes you can. This application is not far enough along.)

Mr. Mamula: We can tell you what we think and then you can move forward with staff.

Mr. Mamula opened the hearing to public comment.

Ms. Carol Rockne (547 Broken Lance Drive): I've looked at this plan and I think it is a great upgrade. I agree the deck should be pulled back to the property line; do not think that is a big deal. I think this will be a big upgrade to the Riverwalk and I walk this everyday and it is so slippery and icy. Anything we can do to fix this up would be great, because it doesn't look good back there right now.

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

*Commissioner Questions / Comments (Continued):*

Mr. Lamb: I applaud the effort to restore this building. If you went to the people who were leasing for you and say we are going to take some of your deck here but put more out back, that should not hold up the project, this should not be a big deal. I like the condition of approval before the Certificate of Occupancy.

Mr. Pringle: I applaud you for solving the issues that the staff had. Maybe you didn't plan on paving or landscaping but I think it will help your project. As the new owner, I think you have influence over your tenant.

Ms. Dudney: My compliments to the project, the extent that you can take these minutes and show them to your tenant about how pleased we are, but this is a process.

Ms. Christopher: I agree with the other Commissioner comments.

Mr. Schroder: I do hope you can get this going for your tenant.

Mr. Schuman: Thanks for the historic preservation and the grass seeding. You will need to solve the encroachment issue.

Mr. Mamula: I agree with these things but I think that the encroachment issue can be solved if the Crepe Cart needs to use the 3' during the summer until the new deck extension is complete; I am ok with that concept. Work it out with staff and get this project rolling.

**OTHER:**

Ms. Puester: For the June 2 meeting, Mr. Mamula will not be here but Ms. Christopher will be here to Chair. Mr. Schuman will also not be here on this date.

**ADJOURNMENT:**

The meeting was adjourned at 8:20 pm.

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Eric Mamula, 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.*

### MAY 2015

Tuesday, May 26, 2015; 3:00/7:30 pm Second Meeting of the Month

### JUNE 2015

Tuesday, June 9, 2015; 2:00/7:30 pm First Meeting of the Month

Friday, June 12, 2015; 8-9am; Cabin Coffee Coffee Talk

Saturday, June 13, 2015 Breckenridge Skate Park and Turf Field Opening Event

Tuesday, June 23, 2015; 2:00/7:30 pm Second Meeting of the Month

Tuesday, June 23, 2015; TBA Pinewood 2 Groundbreaking Ceremony

### JULY 2015

Tuesday, July 14, 2015; 3:00/7:30 pm First Meeting of the Month

Friday, July 17, 2015; 8-9am; TBA Coffee Talk

Tuesday, July 28, 2015; 3:00/7:30 pm Second Meeting of the Month

### OTHER MEETINGS

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

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

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**Town of Breckenridge Executive Summary**  
**Economic Indicators**  
(Published May 20, 2015)

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**Indicator Monitoring System**

Up and down arrow symbols are used to show whether the indicator appears to be getting better, appears stable, or is getting worse. We have also designated the color green, yellow or red to display if the indicator is currently good, fair or poor. Please note months of data will vary with indicator, based on the most recent information available.




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**Unemployment: Local (March 2015)**

Summit County's unemployment rate decreased slightly to 2.5% in March. This rate is lower than the March 2014 rate of 4.4% and the March 2013 rate of 5.0%. Summit's March rate is lower than that of Pitkin County (3.3 %) and Eagle County (3.2 %).

(Source: BLS)




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**Unemployment: State (March 2015)**

The Colorado State unemployment rate remained at 4.2 % in March. This rate is lower than the March 2014 rate of 6.2 %. (Source: State of Colorado)




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**Unemployment: National (March 2015)**

The national unemployment rate remained at 5.5% in March. Since 2011, we have seen the national rate continue a general incremental downward trend. March 2015 has seen a notable drop from last March's rate of 6.7% and the March 2013 rate of 7.6%.

(Source: BLS)




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**Destination Lodging Reservations Activity (April 2015)**

Occupancy rates increased 0.9 % for the month of April compared to April 2014, with an increase of 20.1 % in the Average Daily Rate (ADR) for the month. On average, the occupancy rates for all Colorado mountain resort destinations increased by 3.6 % for the month. (Source: DestiMetrics)




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**6 Month Projected YTD Occupancy (May-October 2015)**

Future bookings for the upcoming May-October 2015 period show an increase of 24.6 % in projected occupancy rate over the corresponding period last year. The Average Daily Rate for the same time period is up 0.5 %. (Source: DestiMetrics)



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**Traffic Count at Eisenhower Tunnel (April 2015)**

During the month of April, the traffic count at the Eisenhower tunnel (westbound) totaled 392,419 vehicles compared to April 2014 traffic counts (396,701 vehicles), representing a 1.1 % decrease. Data showed April traffic coming into town on Highway 9 decreased by 2.5 % compared to April 2014. These traffic flows indicate that the Town decreased its relative capture rate coming from the tunnel. (Source: CDOT)



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**Consumer Confidence Index-CCI (April 2015)**

The Consumer Confidence Index (CCI) decreased in April to 95.2, a decrease of 6.1 percentage points from March. Overall the CCI has maintained a generally positive upward trend since spring of 2013. (Source: CCB)



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**Mountain Communities Sales Tax Comparisons (March 2015)**

The amount of taxable sales in Town for March 2015 was up 5.8 % from March 2014 levels. All mountain towns monitored, with one exception, experienced an increase in sales as compared to March 2014. The average taxable sales change in mountain towns was an increase of 6.1 %. (Source: Steamboat Springs Finance Dept.)



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**Standard & Poor's 500 Index (April 2015)**

The S&P 500 average monthly adjusted closing price increased to 2,085 in April, up 11 points from March. Overall, there has been an upward trend in the index that started over three years ago. (Source: S&P 500 and Town Finance)



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**Town of Breckenridge RETT Collection (April 2015)**

April 2015 RETT collection (\$352,876) was 2.6 % more than April 2014 (\$343,886) collections but below April 2013 collections (\$380,278). 2015 RETT collections to date (\$1,302,211) are 2.9 % higher than 2014 collections year-to-date (\$1,265,116) but lower than 2013 collections (\$1,343,430). (Source: Town Finance)



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**Real Estate Sales for Summit County/Breckenridge (March 2015)**

March Summit County real estate sales increased by 37 % in \$ volume and 25 % in the number of transactions compared to March 2014. Of that, Breckenridge took in 37% of the \$ volume and 32% of the transactions countywide for the month.

(Source: Land Title)



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**Foreclosure Stressed Properties (March 2015)**

Two properties in Breckenridge (excluding timeshares) entered the foreclosure process in March. (Three timeshare units entered the foreclosure process in March.) (Source: Land Title)

