



BRECKENRIDGE TOWN COUNCIL REGULAR MEETING

Tuesday, September 08, 2015; 7:30 PM

Town Hall Auditorium

I	CALL TO ORDER, ROLL CALL	
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	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 CULTURAL ARTS (MR. BURKE)	

*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.

X OTHER MATTERS

XI SCHEDULED MEETINGS

49

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 August 25, 2015 to order at 7:30 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 - AUGUST 11, 2015

With no changes or corrections to the meeting minutes of August 11, 2015, Mayor Warner declared they would stand approved as submitted.

APPROVAL OF AGENDA

Mr. Gagen stated there was one change to the agenda, which was to change the version of Resolution No. 15, Series 2015 that is included in the packet to the hardcopy version handed out at the meeting.

COMMUNICATIONS TO COUNCIL

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

Mayor Warner opened Citizen's Comment.

Brad Edelberg, General Manager of the Breckenridge Bucks Hockey Team, stated this team is part of a new league coming into town. He further asked for help to house the hockey players for the season, who will be coming from all over the world. Mr. Edelberg stated this is a Junior Hockey League, and players ages 16-20 will need housing mid-September through March. He further stated the Team will work with families on this, and season tickets for games are included.

There were no additional comments and Citizen's Comment was closed.

CONTINUED BUSINESS

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

1. COUNCIL BILL NO. 26, SERIES 2015 - AN ORDINANCE CONCERNING RESTRICTIONS ON CAMPING ON PUBLIC OR PRIVATE PROPERTY

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 on second reading. There were no comments and the hearing was closed.

Mr. Brewer moved to approve COUNCIL BILL NO. 26, SERIES 2015 - AN ORDINANCE CONCERNING RESTRICTIONS ON CAMPING ON PUBLIC OR PRIVATE PROPERTY. Mr. Burke seconded the motion.

The motion passed 7 - 0.

NEW BUSINESS

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

1. COUNCIL BILL NO. 27, SERIES 2015 - AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE

Mayor Warner read the title into the minutes. Mr. Peter Grosshuesch stated this ordinance would landmark the Breckenridge Sawmill Museum historical site. He further stated the Planning Commission recommends adoption of this ordinance as this property is eligible for landmarking.

Mayor Warner opened the public hearing on first reading. Mr. Rick Hague, a board member of the Breckenridge Historical Alliance, stated he supports a yes vote on this matter. There were no additional comments and the hearing was closed.

Ms. Gigliello moved to approve COUNCIL BILL NO. 27, SERIES 2015 - AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE. Ms. Wolfe seconded the motion.

The motion passed 7 - 0.

B. Resolutions, Series 2015

1. RESOLUTION NO. 15, SERIES 2015 - A RESOLUTION SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE AT A SPECIAL TOWN ELECTION TO BE HELD ON NOVEMBER 3, 2015 THE QUESTION OF WHETHER, COMMENCING JULY 1, 2016, THE TOWN OF BRECKENRIDGE SHOULD IMPOSE AN ADMISSIONS EXCISE TAX OF FOUR AND ONE-HALF PERCENT (4.5%) OF THE AMOUNT PAID FOR CERTAIN LIFT TICKETS DURING THE ANNUAL PERIOD BETWEEN NOVEMBER 1 AND APRIL 30 AND REQUIRING EVERY SKI AREA OPERATOR TO COLLECT SUCH ADMISSIONS

TAX FOR THE TOWN, AS A NEW TAX PURSUANT TO ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION; REQUIRING REVENUES COLLECTED BY THE TOWN FROM THE NEW TAX TO BE USED ONLY FOR DESIGNATED PURPOSES; AUTHORIZING THE TOWN COUNCIL TO PROVIDE BY ORDINANCE OTHER MATTERS CONCERNING THE IMPLEMENTATION, COLLECTION, AND ENFORCEMENT OF SUCH NEW TAX; SETTING FORTH THE BALLOT TITLE; PROVIDING FOR THE CONDUCT OF THE ELECTION; AND APPROVING AN AGREEMENT REGARDING GENERATION OF REVENUE FOR PARKING AND TRANSIT RELATED TO SKI AREA ACTIVITIES WITH VAIL SUMMIT RESORTS, INC.

Mayor Warner read the title into the minutes. Mr. Dee Wiser, Special Counsel for the Town of Breckenridge, stated this Resolution is a substitute for the one in the packet, and the changes appear in the ballot title and ballot question in Section 1. He further stated this resolution will submit to the voters a tax of 4.5% for lift tickets valid only at Breckenridge, only winter tickets and not season passes. Mr. Wiser stated the uses of this tax will remain the same for parking and transit, and this resolution approves an agreement between the Town of Breckenridge and Vail Resorts, and provides for the tax in addition to a guarantee to the Town for an amount from the tax of \$3.5 million, adjusting for inflation each year. Mr. Wiser further explained that if the amount collected from the tax is less than the cap, Vail Resorts will need to make up the difference, while excess dollars can be applied to a deficit as explained in the agreement. Also, he explained the ski company agrees not to oppose the measure or bring it to litigation, and the tax would become effective July 1, 2016. Mayor Warner opened the public hearing.

Mr. Jeffery Bergeron, former Council member and resident, thanked Council and stated this solution will go a long way to approve the quality of life in Breckenridge. He further stated this was a move in the direction of working together.

Mr. Jerry Dziejcz, resident, asked about the Town and VRI working together on a communications plan for this ballot issue. Mr. Gagen explained there would be a joint press release to announce it to the community, season pass holders and employees, but the Town is limited in what it can do moving forward. Mr. Dziejcz also stated that he was speaking on behalf of a number of concerned citizens, who believe the community will support the tax the way it was described tonight, and there is a need to educate the community on the facts. He also stated he plans to register as an issue committee, "2A For a Better Breckenridge".

Mr. Dan Corwin thanked the Council and thanked Vail Resorts for stepping up to the plate and working with the Council on this issue.

Mr. Rick Hague, resident, thanked the Council and Vail Resorts, and stated there is a need to focus on the comprehensive nature of the parking and transit problem.

Mayor Warner stated the Parking and Transit Task Force should also be thanked for its work on the parking and transit issues.

Mr. Hal Vatcher, resident, stated it is most important that there is a "yes" vote on this measure.

Ms. Therese Dayton, who operates the Breckenridge Nordic Center, thanked everyone and stated she is proud of Vail Resorts for coming to an agreement in support of the resolution tonight.

There were no additional comments and the hearing was closed.

Ms. Wolfe thanked everyone for focusing on this issue. She further stated Council came to the community with the challenge of solving these important problems. She stated the Town still needs help from the citizens to vote on this ballot issue. Also, Ms. Wolfe stated she was heartened that Vail Resorts brought Council back to the table on Friday, and appreciates what they have done to solve the problem.

Ms. Gigliello stated she struggled with this agreement at first because the original ballot issue she believed would bring in more money. She also stated this is a partnership and a compromise that solves the problem, and we must keep the focus on parking and transit for locals and visitors.

Ms. Lawrence stated she believes this isn't the best deal, but we are moving forward and that's what is important in this community. She stated it's important to work together moving forward and to be positive. Also, a "Yes" vote is essential for the success of the Town and the Ski Resort in this agreement, and the Town needs to start soon to make improvements.

Mr. Brewer stated he is a supporter of this agreement and this ballot issue. He also stated he applauds Vail Resorts for agreeing not to fight this proposal or this tax, which allows us to get on with the business of solving the problems. He stated it is important that the community and Town help design the garage in size and look, and the solution will elevate transit to the first priority.

Mr. Gallagher stated he agrees with his colleagues on this matter, and approving this agreement as the beginning of a new day, and he is please to support this agreement.

Mr. Burke stated he strongly supports this agreement, and while the voters might have supported more, this is a compromise. He also stated it is important that future Councils don't have their hands tied on this issue, and Vail Resorts won't reduce the amount of transportation support they already provide for the Town. He stated this is a good decision for our community and it is critical to vote "yes".

Mayor Warner stated he agrees with his colleagues and the comments from Vail Resorts. He also thanked the major players for their time and attention to this deal and noted that they listened to suggestions and criticisms and responded in a positive way.

Mr. Burke moved to approve RESOLUTION NO. 15, SERIES 2015 - A RESOLUTION SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE AT A SPECIAL TOWN ELECTION TO BE HELD ON NOVEMBER 3, 2015 THE QUESTION OF WHETHER, COMMENCING JULY 1, 2016, THE TOWN OF BRECKENRIDGE SHOULD IMPOSE AN ADMISSIONS EXCISE TAX OF FOUR AND ONE-HALF PERCENT (4.5%) OF THE AMOUNT PAID FOR CERTAIN LIFT TICKETS DURING THE ANNUAL PERIOD BETWEEN NOVEMBER 1 AND APRIL 30 AND REQUIRING EVERY SKI AREA OPERATOR TO COLLECT SUCH ADMISSIONS TAX FOR THE TOWN, AS A NEW TAX PURSUANT TO ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION; REQUIRING REVENUES COLLECTED BY THE TOWN FROM THE NEW TAX TO BE USED ONLY FOR DESIGNATED PURPOSES; AUTHORIZING THE TOWN COUNCIL TO PROVIDE BY ORDINANCE OTHER MATTERS CONCERNING THE IMPLEMENTATION, COLLECTION, AND ENFORCEMENT OF SUCH NEW TAX; SETTING FORTH THE BALLOT TITLE; PROVIDING FOR THE CONDUCT OF THE ELECTION; AND APPROVING AN AGREEMENT REGARDING GENERATION OF REVENUE FOR PARKING AND TRANSIT RELATED TO SKI AREA ACTIVITIES WITH VAIL SUMMIT RESORTS, INC.

Mr. Gallagher seconded the motion.

The motion passed 7 - 0.

C. Other

PLANNING MATTERS

A. Planning Commission Decisions

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

B. Planning Commission Report (Ms. Wolfe)

Ms. Wolfe stated she had no update from the notes of the meeting.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen stated the Mayor was contacted by the County relative to a letter regarding health insurance costs in the mountains and the Affordable Care Act. He stated that if Council is supportive of it, the Mayor will sign the letter, and Council agreed they would support the letter. Mr. Gagen further stated the Council received an email from Mr. Greg Ruckman about the grooming at Breckenridge Nordic Center Peak 7 area. Mr. Gagen also stated Mr. Ruckman would like to see a Golf season pass, and a Golf Committee formed. Ms. Lawrence stated she thinks the rates are fair, and she might be supportive of a Golf Committee. Mr. Burke stated it would be helpful to have Mr. Erroll Miller involved in these conversations as they pertain to his operation of the course. Mayor Warner stated he agreed Mr. Miller should be involved, but he feels the fees are appropriate. Mr. Burke stated he is not "a committee person" but he is open to it and Mr. Miller should be part of it. Mr. Gallagher stated he could support a committee. Mayor Warner also stated he doesn't support interfering with Breckenridge Nordic on that issue.

REPORT OF MAYOR AND COUNCILMEMBERS

The Report of Mayor and Council members was covered during the Town Council Work Session. Please refer to the audio minutes of that meeting for complete reports.

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 Cultural Arts (Mr. Burke)

OTHER MATTERS

Ms. Gigliello stated she would like to talk about TV coverage of the Pro Challenge at some point, and how it was played only on Direct TV. Council agreed to discuss this at a later time.

Mr. Brewer stated he wanted to recognize local athlete Taylor Sheldon, who was on the Jelly Belly Team for the USA Pro Cycling Challenge.

Mr. Brewer also stated there was a recent heroin overdose death in the community and he wanted to put it on the radar as something we need to notice about how our community is changing.

Mr. Brewer also stated the chlorine smell in Breckenridge water is strong, and he is concerned about this. Mr. Tom Daugherty, Public Works director, stated the smell can be strong, even if it is within the parameters. He further stated Wellington Neighborhood, where Mr. Brewer referenced as a problem, is at the end of the water line, so the strong smell might have been a result of that.

Mr. Brewer stated there was course sabotage at the Breck Epic bike event, and this is not the first time this has happened. He further stated he believes we need to help find a way to stop it.

Mr. Brewer stated he would like to reiterate the plea for housing for the Junior League Hockey Team.

Mr. Burke stated he has a good feeling as a result of the revised ballot resolution.

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:00 pm. Submitted by Helen Cospolich, Municipal Services Manager.

ATTEST:

John Warner, Mayor

MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 27 (The Breckenridge Sawmill Museum Landmarking Ordinance)

DATE: September 1, 2015 (for September 8th meeting)

The second reading of the ordinance landmarking The Breckenridge Sawmill Museum is scheduled for your meeting on September 8th.

The only substantive change to the ordinance from first reading is the insertion of the full legal description of the subject parcel in Section 2. This was necessary because the abbreviated legal description in the original ordinance was legally insufficient.

I will be happy to discuss this matter with you on Tuesday.

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

2
3 Additions To The Ordinance As Approved on First Reading Are
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5
6 COUNCIL BILL NO. 27

7
8 Series 2015

9
10 AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK
11 UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE
12 (The Breckenridge Sawmill Museum)

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

16
17 Section 1. Findings. The Town Council of the Town of Breckenridge finds and
18 determines as follows:

19
20 A. The Town of Breckenridge owns the hereinafter described real property.
21 Such real property is located within the corporate limits of the Town of Breckenridge,
22 County of Summit and State of Colorado.

23
24 B. The Town of Breckenridge filed an application with the Town pursuant to
25 Chapter 11 of Title 9 of the Breckenridge Town Code seeking to have the Town
26 designate the hereinafter described real property as a landmark (“**Application**”).

27
28 C. The Town followed all of procedural requirements of Chapter 11 of Title 9 of
29 the Breckenridge Town Code in connection with the processing of the Application.

30
31 D. The improvements located on hereinafter described real property are more
32 than fifty (50) years old.

33
34 E. The hereinafter described real property meets the “social” designation criteria
35 for a landmark as set forth in Section 9-11-4(A)(1)(b) of the Breckenridge Town Code
36 because the property exemplifies cultural, political, economic or social heritage of the
37 community.

38
39 F. The hereinafter described real property meets the “physical integrity” criteria
40 for a landmark as set forth in Section 9-11-4(A)(3) of the Breckenridge Town Code
41 because:

42
43 (i) The property shows character, interest or value as part of the development,
44 heritage or cultural characteristics of the community, region, state or nation and
45

1 (ii) The structure has been accurately reconstructed or restored based on
2 documentation.
3

4 G. In accordance with the requirements of Section 9-11-3(B)(3) of the
5 Breckenridge Town Code, on August 18, 2015 the Application was reviewed by the
6 Breckenridge Planning Commission. On such date the Planning Commission
7 recommended to the Town Council that the Application be granted.
8

9 H. The Application meets the applicable requirements of Chapter 11 of Title 9 of
10 the Breckenridge Town Code, and should be granted without conditions.
11

12 I. Section 9-11-3(B)(4) of the Breckenridge Town Code requires that final
13 approval of an application for landmark designation under Chapter 11 of Title 9 of the
14 Breckenridge Town Code be made by ordinance duly adopted by the Town Council.
15

16 Section 2. Designation of Property as Landmark. The following described real
17 property:
18

19 ~~TR 7-77 Sec 05 Qtr 3 Acres 20.3700 AKA TRACTS IN SECS 5 & 6~~
20 ~~AND GOVT LOTS 32 & 68, BRECKENRIDGE, COLORADO 80424~~
21

22 **A PART OF GOVERNMENT LOT 68, LOCATED IN THE SOUTHWEST**
23 **QUARTER OF SECTION 5, TOWNSHIP 7 SOUTH RANGE 77 WEST OF**
24 **THE SIXTH PRINCIPAL MERIDIAN, SUMMIT COUNTY COLORADO,**
25 **BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**
26

27 **COMMENCING AT CORNER 19 OF THE LIZZIE LODGE M.S. 6349,**
28 **COMMON WITH CORNER 54 OF THE T.H. FULLER PLACER M.S. 86,**
29 **BEING ALSO AN ANGLE POINT IN THE SOUTHERLY LINE OF LOT**
30 **6, BROOKS HILL SUBDIVISION AS DEPICTED ON THE PLAT**
31 **THEREOF RECORDED SEPTEMBER 19, 1986 AT RECEPTION**
32 **NUMBER 324524, SUMMIT COUNTY, COLORADO;**
33

34 **THENCE S 38°43'00" W, 112.62 FEET ALONG THE 19-20 LINE OF SAID**
35 **LIZZIE LODGE M.S. 6349 TO THE WESTERNMOST POINT OF THAT**
36 **TRACT OF LAND, A PART OF GOVERNMENT LOT 68, DESCRIBED**
37 **AS PARCEL 6 ON THAT INTERCHANGE DEED RECORDED APRIL 25,**
38 **1986 AT RECEPTION NUMBER 316179 WHICH POINT IS THE POINT**
39 **OF BEGINNING;**
40

41 **THENCE ALONG THE SOUTHERLY BOUNDARY OF THAT SAID**
42 **PARCEL 6 FOR THE FOLLOWING ELEVEN COURSES:**
43

44 **1) 90.11 FEET ALONG THE ARC OF A CURVE TO THE RIGHT,**
45 **HAVING A CENTRAL ANGLE OF 18°56'22", A RADIUS OF 272.59 FEET**
46 **AND A CHORD WHICH BEARS S 17°10'16" E, 89.70 FEET;**

1 2) S 07°42'06" E, 172.81 FEET;
2 3) N 82°17'54" E, 10.00 FEET;
3 4) S 07°42'06" E, 85.41 FEET;
4 5) 99.31 FEET ALONG THE ARC OF A CURVE TO THE LEFT,
5 HAVING A CENTRAL ANGLE OF 21°53'06", A RADIUS OF 260.00 FEET
6 AND A CHORD WHICH BEARS S 18°38'43" E, 98.71 FEET;
7 6) N 60°24'47" E, 10.00 FEET;
8 7) 83.33 FEET ALONG THE ARC OF A CURVE TO THE LEFT,
9 HAVING A CENTRAL ANGLE OF 19°05'54", A RADIUS OF 250.00 FEET
10 AND A CHORD WHICH BEARS S 39°08'11" E, 82.95 FEET;
11 8) N 41°18'52" E, 20.00 FEET;
12 9) 115.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT,
13 HAVING A CENTRAL ANGLE OF 28°38'51", A RADIUS OF 230.00 FEET
14 AND A CHORD WHICH BEARS S 63°00'36" E, 113.81 FEET;
15 10) S 12°39'57" W, 20.00 FEET;
16 11) 249.93 FEET ALONG THE ARC OF A CURVE TO THE LEFT,
17 HAVING A CENTRAL ANGLE OF 57°16'43", A RADIUS OF 250.00 FEET
18 AND A CHORD WHICH BEARS N 74°01'35" E, 239.65 FEET TO A
19 POINT ON THE 6-5 LINE OF THE LITTLE CALLY LODE M.S. 5654;
20
21 THENCE S 17°48'36" W, 330.87 FEET ALONG THE 6-5 LINE OF SAID
22 LITTLE CALLEY LODE M.S. 5654 TO THE INTERSECTION WITH
23 THE 12-11 LINE OF THE HANNIBAL & ST. JOE LODE M.S. 5654;
24
25 THENCE S 48°02'00" W, 527.33 FEET ALONG THE 12-11 LINE OF THE
26 HANNIBAL & ST. JOE LODE M.S. 5654 TO THE INTERSECTION
27 WITH THE SECTION LINE BETWEEN SECTIONS 5 AND 6,
28 TOWNSHIP 7 SOUTH, RANGE 77 WEST of the 6th PRINCIPAL
29 MERIDIAN;
30
31 THENCE N 00°50'00" W, 1144.02 FEET ALONG SAID SECTION LINE
32 BETWEEN SECTIONS 5 AND 6, BEING ALSO THE WESTERN
33 BOUNDARY OF GOVERNMENT LOT 68, TO THE INTERSECTION
34 WITH THE 20-19 LINE OF SAID LIZZIE LODE M.S. 6349;
35
36 THENCE N 38°43'00" E, 9.11 FEET ALONG THE 20-19 LINE OF THE
37 LIZZIE LODE TO THE POINT OF BEGINNING.
38
39 CONTAINING 225,586 square feet or 5.179 acres more or less
40

41 is designated as a landmark pursuant to Chapter 11 of Title 9 of the Breckenridge Town
42 Code.
43

44 Section 3. Police Power Finding. The Town Council finds, determines and declares that
45 this ordinance is necessary and proper to provide for the safety, preserve the health, promote the

1 prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and
2 the inhabitants thereof.

3
4 Section 4. Town Authority. The Town Council finds, determines and declares that it has
5 the power to adopt this ordinance pursuant to the authority granted to home rule municipalities
6 by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town
7 Charter.

8
9 Section 5. Effective Date. This ordinance shall be published and become effective as
10 provided by Section 5.9 of the Breckenridge Town Charter.

11
12 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
13 PUBLISHED IN FULL this 25th day of August, 2015. A Public Hearing shall be held at the
14 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 8th day of
15 September, 2015, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
16 Town.

17
18 TOWN OF BRECKENRIDGE, a Colorado
19 municipal corporation

20
21
22
23 By: _____
24 John G. Warner, Mayor

25
26 ATTEST:

27
28
29
30 _____
31 Helen Cospolich
32 Town Clerk

33
34 APPROVED IN FORM

35
36
37
38 _____
39 Town Attorney
40



MEMORANDUM

TO: Town Council

FROM: Michael Mosher, Planner III

DATE: September 2, 2015 for meeting of September 8, 2015

SUBJECT: First Reading: Landmarking the Nauman Residence, 211 East Washington Avenue

Enclosed with this memo is a landmarking ordinance at first reading for the Nauman Residence located at 211 East Washington Avenue. The ordinance is:

An Ordinance Designating Certain Real Property
As A Landmark Under Chapter 11 Of Title 9 Of The Breckenridge Town Code
(Lot 2A, Rittinger Subdivision)

The Town Council approved the Nauman Residence Historic Renovation and Landmarking (PL-2015-0152) on September 8, 2015. Landmarking the structures was a condition of Development Permit approval, which included the restoration of the historic building. The Planning Commission approved this project on September 1, 2015 and recommended that the Town Council adopt this structure as a local landmark. This ordinance will fulfill the landmarking condition of approval for the Development Permit.

Staff notes this property fulfilled eight of the required criteria for locally landmarking. A minimum of three criteria must be met. Staff will be available at the meeting for questions.

1 **FOR WORKSESSION/FIRST READING – _____**

2
3 COUNCIL BILL NO. ____

4
5 Series 2015

6
7 AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK
8 UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE
9 (Lot 2A, Rittinger Subdivision)

10
11 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
12 COLORADO:

13
14 Section 1. Findings. The Town Council of the Town of Breckenridge hereby finds and
15 determines as follows:

16
17 A. Dennis D. Nauman and Karen L. Nauman own the hereinafter described real
18 property. Such real property is located within the corporate limits of the Town of
19 Breckenridge, County of Summit and State of Colorado.

20
21 B. Dennis D. Nauman and Karen L. Nauman filed an application with the Town
22 pursuant to Chapter 11 of Title 9 of the Breckenridge Town Code seeking to have the
23 Town designate the hereinafter described real property as a landmark (“Application”).

24
25 C. The Town followed all of procedural requirements of Chapter 11 of Title 9 of
26 the Breckenridge Town Code in connection with the processing of the Application.

27
28 D. The hereinafter described real property meets the “architectural” designation
29 criteria for a landmark as set forth in Section 9-11-4(A)(1)(a) of the Breckenridge Town
30 Code because the property:

- 31
32 (i) exemplifies specific elements of architectural style or period;
33 (ii) is of a style particularly associated with the Breckenridge area;
34 (ii) includes a pattern or grouping of elements representing at lone one of the
35 above criteria; and
36 (iii) is a significant historic remodel.

37
38 E. The hereinafter described real property meets the “physical integrity” criteria
39 for a landmark as set forth in Section 9-11-4(A)(3)(a) of the Breckenridge Town Code
40 because:

- 41
42 (i) the property shows character, interest or value as part of the development,
43 heritage or cultural characteristics of the community, region, state or
44 nation;
45 (ii) the property retains original design features, materials and/or character;

- 1 (iii) the structure on the property is on its original location or is in the same
2 historical context after having been moved; and
3 (iv) the structure on the property has been accurately reconstructed or restored
4 based on documentation.
5

6 F. In accordance with the requirements of Section 9-11-3(B)(3) of the
7 Breckenridge Town Code, on September 1, 2015 the Application was reviewed by the
8 Breckenridge Planning Commission. On such date the Planning Commission
9 recommended to the Town Council that the Application be granted.
10

11 G. The Application meets the applicable requirements of Chapter 11 of Title 9 of
12 the Breckenridge Town Code, and should be granted without conditions.
13

14 H. Section 9-11-3(B)(4) of the Breckenridge Town Code requires that final
15 approval of an application for landmark designation under Chapter 11 of Title 9 of the
16 Breckenridge Town Code be made by ordinance duly adopted by the Town Council.
17

18 Section 2. Designation of Property as Landmark. The following described real
19 property:
20

21 Lot 2A, Rittinger Subdivision, a Lot Line Adjustment of Lots 1 & 2, Block 10,
22 Abbett Addition, Town of Breckenridge, County of Summit and State of
23 Colorado; commonly known and described as 211 East Washington Avenue,
24 Breckenridge, Colorado 80424
25

26 is hereby designated as a landmark pursuant to Chapter 11 of Title 9 of the Breckenridge
27 Town Code.
28

29 Section 3. Police Power Finding. The Town Council hereby finds, determines and
30 declares that this Ordinance is necessary and proper to provide for the safety, preserve the health,
31 promote the prosperity, and improve the order, comfort and convenience of the Town of
32 Breckenridge and the inhabitants thereof.
33

34 Section 4. Town Authority. The Town Council hereby finds, determines and declares
35 that it has the power to adopt this Ordinance pursuant to the authority granted to home rule
36 municipalities by Article XX of the Colorado Constitution and the powers contained in the
37 Breckenridge Town Charter.
38

39 Section 5. Effective Date. This Ordinance shall be published and become effective as
40 provided by Section 5.9 of the Breckenridge Town Charter.
41

42 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
43 PUBLISHED IN FULL this ____ day of _____, 2015. A Public Hearing shall be held at the
44 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
45 _____, 2015, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
46 Town.
47

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By _____
John G. Warner, Mayor

ATTEST:

Helen Cospolich, CMC,
Town Clerk

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MEMO

TO: Town Council

FROM: Town Attorney

RE: Petition for Annexation – Huron Landing Affordable Housing Site

DATE: September 1, 2015 (for September 8th meeting)

The Town Clerk has received a Petition from the Board of County Commissioners seeking annexation to the Town of the 1.48 acre parcel of land on County Road 450 where the Huron Landing affordable housing development is proposed to be constructed.

Under the state Municipal Annexation Act the Clerk is required to refer the Petition to the Town Council. The Council must then, without undue delay, determine if the Petition is substantially in compliance with the requirements of the law. If the Council finds substantial compliance, a public hearing is scheduled to determine the property's eligibility for annexation. If substantial compliance is not found, no further action on the proposed annexation is taken.

I have reviewed the Annexation Petition which has been submitted in this matter, and it appears to me to be in substantial compliance with the requirements of the statute.

Attached is a proposed form of resolution finding the Annexation Petition to be in substantial compliance with the requirements of the Municipal Annexation Act. In addition to finding substantial compliance, the resolution sets a hearing on the proposed annexation for October 13. Notice of this public hearing is given by newspaper publication, as well as by a special mailing to the County, the School District and any special districts which might be affected by the annexation.

I will be happy to discuss this matter with you next Tuesday.

PETITION FOR ANNEXATION

The undersigned landowners ("Petitioners"), in accordance with the Municipal Annexation Act of 1965 [Article 12, Chapter 31, C.R.S., as amended] hereby petition the Town Council of the Town of Breckenridge, Colorado, for annexation to the Town of Breckenridge of the unincorporated territory more particularly described below, and in support of said Petition, your Petitioners allege that:

(1) It is desirable and necessary that the following described territory be annexed to the Town of Breckenridge, Colorado:

PARCEL A: Government Lot 45, Section 30, Township 6 South, Range 77 West of the 6th Principal Meridian, County of Summit, State of Colorado

AND

PARCEL B: Parcel E, I-1 Industrial Area, According to the plat filed November 8, 1977 under Reception No. 170069, County of Summit, State of Colorado,

Said two parcels being more further described as follows:

BEGINNING AT A POINT ON THE SOUTH BOUNDARY LINE OF LOT 13, THE HIGHLANDS AT BRECKENRIDGE FILING NUMBER 1, ACCORDING TO THE PLAT OF THE HIGHLANDS AT BRECKENRIDGE FILING NUMBER 1, RECORDED SEPTEMBER 15, 1994 AT RECEPTION NUMBER 476056. SAID POINT IS THE TRUE POINT OF BEGINNING.

THENCE CONTINUING THE FOLLOWING SEVEN COURSES:

- 1.) S 54°09'38" E A DISTANCE OF 250.00 FEET;**
- 2.) S 57°15'00" W A DISTANCE OF 88.32 FEET;**
- 3.) S 10°00'29" E A DISTANCE OF 147.77 FEET;**
- 4.) N 54°12'03" W A DISTANCE OF 146.42 FEET;**
- 5.) 89.36 FEET ALONG THE ARC OF A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 241.92 FEET AND A CENTRAL ANGLE OF 21°09'50". CHORD BEARING IS N66°13'22" W AND CHORD LENGTH IS 88.85 FEET.**
- 6.) N 76°19'00" W A DISTANCE OF 218.93 FEET;**
- 7.) N 57° 15'00" E A DISTANCE OF 307.62 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 1.48 ACRES MORE OR LESS.**

The Petitioners are owners of property located within such area proposed to be annexed.

(2) The requirements of Sections 31-12-104 and Section 31-12-105, C.R.S., exist or have been met in that:

- (a) Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the Town of Breckenridge, Colorado;

(b) A community of interest exists between the area proposed to be annexed and the Town of Breckenridge, Colorado;

(c) The area proposed to be annexed is urban or will be urbanized in the near future;

(d) The area proposed to be annexed is integrated with or is capable of being integrated with the Town of Breckenridge, Colorado.

(3) The signers of this Petition comprise more than fifty per cent (50%) of the landowners in the area proposed to be annexed and owning more than fifty per cent (50%) of the area proposed to be annexed, excluding public streets and alleys and, land, if any, owned by the annexing municipality.

(4) No land in the area proposed to be annexed which is held in identical ownership and consisting of either a single tract or parcel or two or more contiguous tracts or parcels have been divided into separate parcels without the written consent of the landowners thereof.

(5) No land in the area proposed to be annexed, which is held in identical ownership and comprising twenty (20) or more acres and having as assessed valuation for ad valorem tax purposes in excess of \$200,000.00, has been included in the area proposed to be annexed without the written consent of the landowner(s).

(6) No part of the area proposed to be annexed is more than three (3) miles from a point on the municipal boundary, as such was established more than one (1) year before this annexation will take place.

(7) The area proposed to be annexed is located solely within unincorporated Summit County, Colorado.

(8) The undersigned request that the Town of Breckenridge, Colorado approve the annexation of the area proposed to be annexed in accordance with the Memorandum of Understanding dated March 31, 2015 between the Town of Breckenridge and the Board of County Commissioners of Summit County, Colorado, and an intergovernmental agreement to be approved by both such parties prior to the final adoption of the annexation ordinance.

(9) The signature of each signer, the mailing address of each such signer, the legal description of the land owned by each such signer and the date of signing of each signature are all shown on the signature sheets which are attached to and made a part of this Petition.

(10) There is attached hereto the affidavit of each circulator of this Petition, whether consisting of one or more sheets, that each signature hereon is the signature of the person whose name it purports to be.

(11) Accompanying this Petition are four (4) copies of the Annexation Map containing the following information:

(a) A written legal description of the boundaries of the area proposed to be annexed;

(b) A map showing the boundary of the area proposed to be annexed;

(c) Within the annexation boundary map there is shown the location of each ownership tract in unplatted land, and, if part or all of the area proposed to be annexed is platted, then the boundaries and the plat number of plots or of lots and blocks are shown;

(d) Next to the boundary of the area proposed to be annexed is drawn the contiguous boundary of the Town of Breckenridge, and the contiguous boundary of any other municipality abutting the area proposed to be annexed.

(12) The area proposed to be annexed is not presently a part of any incorporated city, city and county, or town.

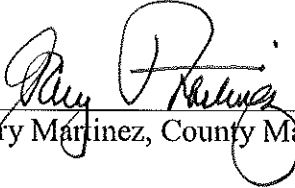
Wherefore, the Petitioners request that the Town Council of the Town of Breckenridge, Colorado, approve the annexation of the area described herein.

(Remainder of Page 3 Intentionally Left Blank)

Signature of Landowner

Date of Signature

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

By: 
Gary Martinez, County Manager

9/1/15

Mailing Address: Summit County Board of Commissioners
P.O. Box 68
Breckenridge, CO 80424

Are you a resident of area to be annexed? () Yes (X) No

Legal Description of part of land proposed to be annexed which is owned by signer:

PARCEL A: Government Lot 45, Section 30, Township 6 South, Range 77 West of the 6th
Principal Meridian, County of Summit, State of Colorado

AND

PARCEL B: Parcel E, I-1 Industrial Area, According to the plat filed November 8, 1977 under
Reception No. 170069, County of Summit, State of Colorado,

Said two parcels being more further described as follows:

BEGINNING AT A POINT ON THE SOUTH BOUNDARY LINE OF LOT 13, THE
HIGHLANDS AT BRECKENRIDGE FILING NUMBER 1, ACCORDING TO THE PLAT OF
THE HIGHLANDS AT BRECKENRIDGE FILING NUMBER 1, RECORDED SEPTEMBER
15, 1994 AT RECEPTION NUMBER 476056. SAID POINT IS THE TRUE POINT OF
BEGINNING.

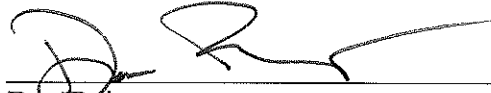
THENCE CONTINUING THE FOLLOWING SEVEN COURSES:

- 1.) S 54°09'38" E A DISTANCE OF 250.00 FEET;
- 2.) S 57°15'00" W A DISTANCE OF 88.32 FEET;
- 3.) S 10°00'29" E A DISTANCE OF 147.77 FEET;
- 4.) N 54°12'03" W A DISTANCE OF 146.42 FEET;
- 5.) 89.36 FEET ALONG THE ARC OF A NON TANGENT CURVE TO THE LEFT HAVING
A RADIUS OF 241.92 FEET AND A CENTRAL ANGLE OF 21°09'50". CHORD BEARING
IS N66°13'22" W AND CHORD LENGTH IS 88.85 FEET.
- 6.) N 76°19'00" W A DISTANCE OF 218.93 FEET;
- 7.) N 57° 15'00" E A DISTANCE OF 307.62 FEET TO THE TRUE POINT OF BEGINNING
CONTAINING 1.48 ACRES MORE OR LESS.

AFFIDAVIT OF CIRCULATOR

The undersigned, being of lawful age, who being first duly sworn upon oath, deposes and says:

That (he or she) was the circulator of the foregoing Petition for Annexation of lands to the Town of Breckenridge, Colorado, consisting of five (5) pages, including this page, and each signature thereon was witnessed by your affiant and is the true signature of the person whose name it purports to be.



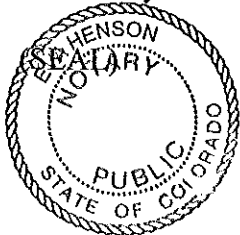
Don Reimer

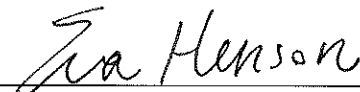
STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

The foregoing AFFIDAVIT OF CIRCULATOR was subscribed and sworn to before me this 1 day of September, 2015, by Don Reimer.

Witness my hand and official seal.

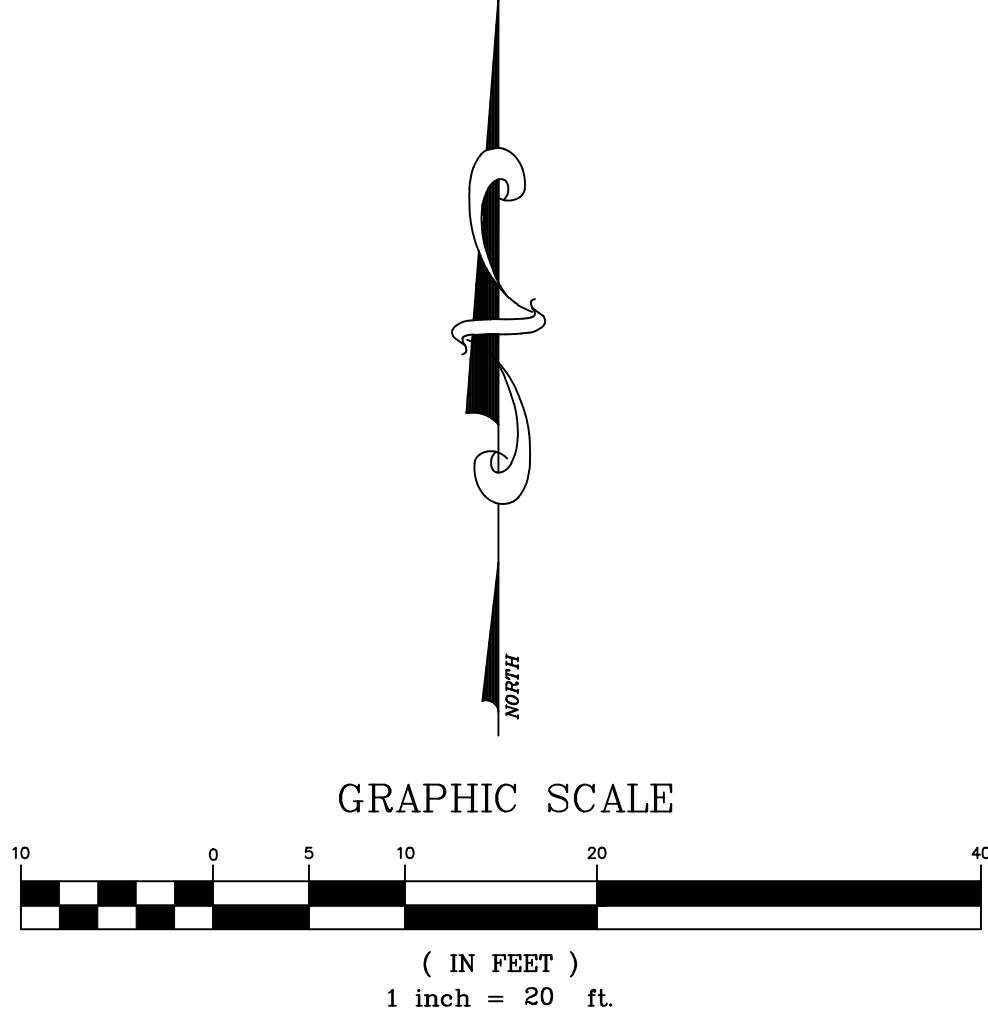
My commission expires: 2/8/2016





Notary Public

AN ANNEXATION PLAT OF
PARCEL E, I-1 INDUSTRIAL AREA & GOVERNMENT LOT 45
 SECTION 30, TOWNSHIP 6, SOUTH, RANGE 77 WEST OF THE 6TH P.M.
 SUMMIT COUNTY, COLORADO



PARCEL C-R
 I-1 INDUSTRIAL AREA
 (Reception No. 474475)

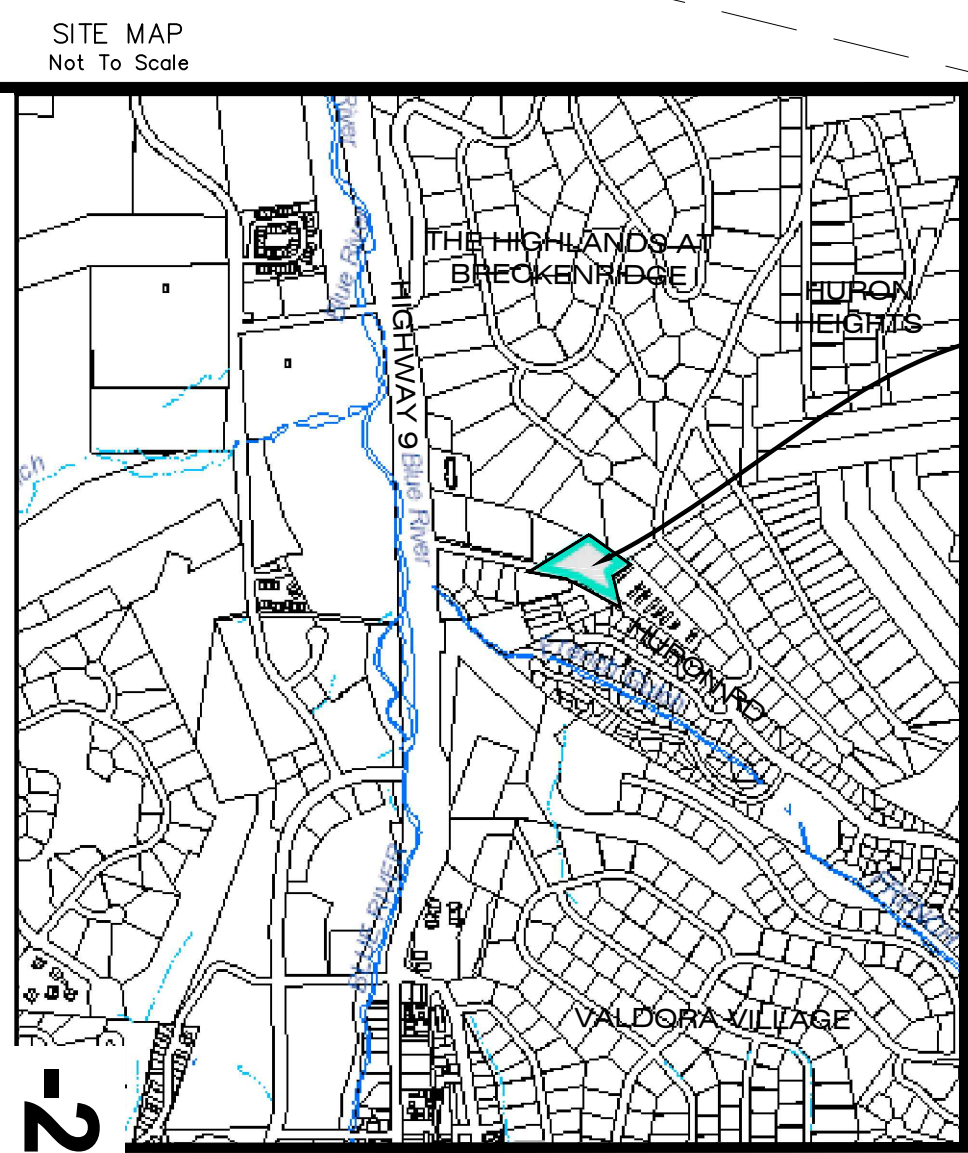
PARCEL D-R
 I-1 INDUSTRIAL AREA
 (Reception No. 474475)

PARCEL E, I-1
 ADDRESS: 143 HURON ROAD
 1.31 Acres

ANNEXATION PARCEL

KENINGTON PLACE
 TOWNHOMES
 (Reception No. 544107)

GOVERNMENT LOT 45
 0.17 Acres



- NOTES:**
- DATE OF SURVEY: FEBRUARY, 2015.
 - BASIS OF BEARING: THE FOUND #4 REBAR AT THE NORTHWEST CORNER OF PARCEL C AND THE REBAR AND CAP MONUMENT (PLS No. 9939) AT THE NORTHEAST CORNER OF PARCEL C, I-1 INDUSTRIAL AREA BEING N 65°02' 18" W.
 - THE PLAT OF I-1 INDUSTRIAL AREA WAS RECORDED NOVEMBER 8, 1977 UNDER RECEPTION NO. 170069 IN THE SUMMIT COUNTY CLERK AND RECORDER'S OFFICE.
 - SCHMIDT LAND SURVEYING, INC. DID NOT PERFORM A TITLE SEARCH OF THE SUBJECT PROPERTY TO ESTABLISH OWNERSHIP, EASEMENTS OR RIGHTS-OF-WAY OF RECORD. RECORD DOCUMENTS USED IN THIS SURVEY WERE PROVIDED BY LAND TITLE GUARANTEE OF SUMMIT COUNTY ORDER NUMBER 20150131, DATED JANUARY 22, 2015 AT 5:00 P.M.

- LEGEND**
- FOUND REBAR & CAP (PLS 9939)
 - FOUND #4 REBAR
 - SET OR FOUND REBAR AND CAP (37047)
 - (P.) DENOTES PLATTED BEARING AND DISTANCE
 - (M.) DENOTES MEASURED BEARING AND DISTANCE

LEGAL DESCRIPTION

PARCEL A: GOVERNMENT LOT 45, SECTION 30, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF SUMMIT, STATE OF COLORADO
 AND
 PARCEL B: PARCEL E, I-1 INDUSTRIAL AREA, ACCORDING TO THE PLAT FILED NOVEMBER 8, 1977 UNDER RECEPTION No. 170069, COUNTY OF SUMMIT, STATE OF COLORADO,
 SAID TWO PARCELS BEING MORE FURTHER DESCRIBED AS FOLLOWS:
 BEGINNING AT A POINT ON THE SOUTH BOUNDARY LINE OF LOT 13, THE HIGHLANDS AT BRECKENRIDGE FILING NUMBER 1, ACCORDING TO THE PLAT OF THE HIGHLANDS AT BRECKENRIDGE FILING NUMBER 1, RECORDED SEPTEMBER 15, 1994 AT RECEPTION NUMBER 476056. SAID POINT IS THE TRUE POINT OF BEGINNING.
 THENCE CONTINUING THE FOLLOWING SEVEN COURSES:
 1.) S 54°09'38" E A DISTANCE OF 250.00 FEET;
 2.) S 57°15'00" W A DISTANCE OF 88.32 FEET;
 3.) S 10°00'29" E A DISTANCE OF 147.77 FEET;
 4.) N 54°12'03" W A DISTANCE OF 146.42 FEET;
 5.) 89.36 FEET ALONG THE ARC OF A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 241.92 FEET AND A CENTRAL ANGLE OF 21°09'50". CHORD BEARING IS N66°13'22" W AND CHORD LENGTH IS 88.85 FEET.
 6.) N 76°19'00" W A DISTANCE OF 218.93 FEET.
 7.) N 57° 15'00" E A DISTANCE OF 307.62 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 1.48 ACRES MORE OR LESS.

ANNEXATION DATA	
ANNEXATION PARCEL:	
TOTAL PERIPHERY OF PARCEL:	1248.42'
BOUNDARY CONTIGUOUS WITH CURRENT TOWN BOUNDARY:	250.00'
TOTAL AREA OF ANNEXATION:	1.48 ACRES

SURVEYOR'S CERTIFICATE

I, Elizabeth K. Schmidt, a Colorado Registered Land Surveyor, do hereby certify that this Final Plat of Parcel E, I-1 Industrial Area and Government Lot 45 was prepared by me and under my supervision, and that both this Plat and the survey are true and accurate to the best of my knowledge and belief and that the monuments were placed pursuant to CRS 38-51-105.
 Dated this _____ day of _____, 2015.

ELIZABETH K. SCHMIDT, PLS No. 37047

TOWN CLERK'S CERTIFICATE

STATE OF COLORADO }
 COUNTY OF SUMMIT } ss
 TOWN OF BRECKENRIDGE }
 I hereby certify that this instrument was filed in my office at _____ o'clock, M. this _____ day of _____, 2015, and is duly recorded.
 TOWN CLERK

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO }
 COUNTY OF SUMMIT } ss
 I hereby certify that this instrument was filed in my office at _____ o'clock, M. this _____ day of _____, 2015, and filed under Reception Number _____
 SUMMIT COUNTY CLERK AND RECORDER

SCHMIDT
 LAND SURVEYING, INC.
 P.O. Box 5761
 FRISCO, CO 80443 970-409-9963

TO 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 CERTIFICATION SHOWN HEREON.

1 ***FOR WORKSESSION/ADOPTION – SEPT. 8***

2
3 RESOLUTION NO. 16

4
5 SERIES 2015

6
7 A RESOLUTION FINDING A PETITION FOR ANNEXATION OF A PARCEL OF LAND
8 TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1), C.R.S
9 (Huron Landing – 1.48 acres, more or less)

10
11 WHEREAS, a Petition for Annexation of the hereinafter described real property has been
12 filed with the Town Clerk of the Town of Breckenridge, Colorado; and

13
14 WHEREAS, the Petition has been referred to the Town Council of the Town of
15 Breckenridge, Colorado, for a determination of substantial compliance with the requirements of
16 Section 31-12-107(1), C.R.S.; and

17
18 WHEREAS, the Town Council has been advised by the staff, and has taken official
19 notice of all maps, records and other information and other materials on file with the Town of
20 Breckenridge, Colorado, regarding said petition.

21
22 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
23 BRECKENRIDGE, COLORADO, as follows:

24
25 Section 1. The Petition for Annexation of the following described real property:

26
27 PARCEL A: Government Lot 45, Section 30, Township 6 South, Range 77 West of the
28 6th Principal Meridian, County of Summit, State of Colorado

29 AND

30 PARCEL B: Parcel E, I-1 Industrial Area, According to the plat filed November 8, 1977
31 under Reception No. 170069, County of Summit, State of Colorado,

32
33 Said two parcels being more further described as follows:

34
35 BEGINNING AT A POINT ON THE SOUTH BOUNDARY LINE OF LOT 13, THE
36 HIGHLANDS AT BRECKENRIDGE FILING NUMBER 1, ACCORDING TO THE
37 PLAT OF THE HIGHLANDS AT BRECKENRIDGE FILING NUMBER 1,
38 RECORDED SEPTEMBER 15, 1994 AT RECEPTION NUMBER 476056. SAID
39 POINT IS THE TRUE POINT OF BEGINNING.

40 THENCE CONTINUING THE FOLLOWING SEVEN COURSES:

- 41 1.) S 54°09'38" E A DISTANCE OF 250.00 FEET;
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44 4.) N 54°12'03" W A DISTANCE OF 146.42 FEET;

1 5.) 89.36 FEET ALONG THE ARC OF A NON TANGENT CURVE TO THE LEFT
2 HAVING A RADIUS OF 241.92 FEET AND A CENTRAL ANGLE OF 21°09'50".
3 CHORD BEARING IS N66°13'22" W AND CHORD LENGTH IS 88.85 FEET.
4 6.) N 76°19'00" W A DISTANCE OF 218.93 FEET;
5 7.) N 57° 15'00" E A DISTANCE OF 307.62 FEET TO THE TRUE POINT OF
6 BEGINNING CONTAINING 1.48 ACRES MORE OR LESS.

7
8 is determined to be in substantial compliance with Section 31-12-107(1), C.R.S.
9

10 Section 2. The Town Council shall hold a public hearing on the proposed annexation on
11 October 13, 2015 at 7:30 P.M., or as soon thereafter as possible, at Breckenridge Town Hall, 150
12 Ski Hill Road, Breckenridge, Colorado, to determine if the proposed annexation complies with
13 Section 30 of Article II of the Colorado Constitution and Sections 31-12-104 and 31-12-105,
14 C.R.S., or such parts thereof as may be required to establish eligibility for annexation.
15

16 Section 3. The Town Clerk shall publish a Notice of Public Hearing once a week for four
17 successive weeks in a newspaper of general circulation in the area proposed to be annexed, with
18 the first publication of such notice to be at least thirty days prior to the date of the hearing. The
19 Town Clerk shall further provide notice to the Clerk of the Board of County Commissioners of
20 Summit County, the Summit County Attorney, and to any special district or school district
21 having territory within the area proposed to be annexed, in the manner and within the time
22 provided in Section 31-12-108(2), C.R.S.
23

24 Section 4. This resolution is effective upon its adoption.
25

26 RESOLUTION APPROVED AND ADOPTED THIS ____ DAY OF _____, 2015.
27

28 TOWN OF BRECKENRIDGE
29

30
31
32 By: _____
33 John G. Warner, Mayor
34

35 ATTEST:
36
37
38
39

40 _____
41 Helen Cospolich, Town Clerk
42

43 APPROVED IN FORM
44
45
46

47 _____
Town Attorney Date

MEMO

FROM: Laurie Best-Community Development

TO: Town Council

RE: Proposed Changes to Wellington Annexation Agreements
A RESOLUTION APPROVING A FOURTH AMENDMENT TO ANNEXATION AGREEMENT
WITH UNION MILL, INC (The Wellington Neighborhood/Lincoln Park)

DATE: September 1, 2015 (for September 8th meeting)

Staff has received a request for modifications to the Wellington Neighborhood Annexation Agreements that would apply to the last phase of Wellington Neighborhood (Lincoln Park). A copy of the request is attached. These changes were reviewed with the Housing Child Care Committee on August 25th, and the Committee, as well as staff, supported the changes as modified and described below.

Market Unit Release:

The original Wellington Neighborhood Annexation agreement was executed in 1999 and authorized the construction of the first phase of the neighborhood, which included 98 deed restricted units and 24 market units. That agreement established specific terms for the development of Wellington Neighborhood and one of the issues addressed was the release of 32 market units, which would be released from the covenant as the deed restricted units were completed and sold. The release rate for the market units was one market unit released for every three deed restricted units that were sold at an acceptable affordable price.

In 2006 a modification to the original annexation agreement authorized the second/final phase of the neighborhood to include 128 additional deed restricted units and 32 additional market units priced as follows:

<u>Approved</u>		<u>Completed as of Dec 2014</u>
15	80% AMI units	0
48	100% AMI units	18
57	120% AMI units	40
8	150% AMI units	8
<u>32</u>	Market units	<u>16</u>
160		82

The same release rate for the market units was included in the 2006 agreement (1:3) with the exception that only 16 market units can be released before all of the 80% AMI units are completed/sold. The 17th market unit will not be released until all fifteen of the 80% units are completed. This was a trigger established in 2006 to insure the 80% units would be constructed.

At this time there are 15 80% units, 30 100% units, 17 120% units, and 16 additional market rate units yet to be completed and these are all planned in Lincoln Park. The 16th market unit was completed and sold in late 2014. The applicant is requesting the Town eliminate the current cap on additional market

rate units and in addition, the applicant is requesting that additional market rate units be released at a rate of 1 market unit for every 3 80% AMI units. The applicant has indicated that the proceeds from the market rate units are necessary to fund a \$40,000 subsidy required for each of the 80% AMI units. Since the primary objective is to insure the construction of the 80% AMI units, Staff supported the elimination of the current cap, but recommended a ratio of 1 market rate unit released for every 6 80% AMI units. The applicant discussed this request with the Housing/Child Care Committee and agreed to staff's recommendation.

Vertical Subordination:

In 2010 the Council agreed to modify the annexation agreement to assist with new underwriting guidelines. The Council agreed to subordinate the deed restriction as required by the lenders for vertical and horizontal financing. But, since the subordination puts the deed restriction at risk in the event of foreclosure, the Council limited the risk by establishing specific caps for the subordinations.

The applicant is requesting that the caps be modified for the 80% AMI units, specifically that a new subsection (3b-iv) be added to pg 3 of the 2010 annexation agreement.

(iv) Notwithstanding, with respect to vertical financing of homes with Purchase Price affordable to Under 80% AMI, a) the aggregate principal amount of such Vertical Financing is less than \$3,600,000; b) there are not more than 15 such homes subject to the subordination agreement at any given time with seventy-five percent (75%) of such Homes having contracts with non-refundable earnest money; and c) the Owner has provided the Town an MAI appraisal confirming that the principal amount of the loan is not more than 100% of the appraised deed restricted, completed value of such Homes.

The applicant indicates that this change will enable him to construct more units at one time, and this will accelerate the delivery of the 80% AMI units. Both staff and the Housing/Child Care Committee supported this change.

Summary

Staff's primary objective is to insure that the construction/sale of the 80% AMI units occurs as soon as possible. As interest rates rise, units become less affordable so the best opportunity for these buyers is while rates are still relatively low. Therefore, staff supports the changes as discussed above. A resolution implementing these changes has been prepared and is included in your packet for your consideration. Staff will be available on the 8th to answer questions.



PO Box 4626, Breckenridge, CO 80424
www.brynngrey.com *We create place.*

August 21, 2015

Housing Committee
Breckenridge Town Council
Town of Breckenridge
laurieb@townofbreckenridge.com

Re: Homes Affordable to Households Earning Under 80% AMI (“80% AMI Homes”)
Speeding Up Construction

Dear Housing Committee,

The purpose of this letter is to follow-up on Town Council’s inquiry regarding the timing of construction of the 80% AMI Homes.

The Second Amendment to the Annexation Agreement provides that the Town will subordinate its deed restriction to vertical construction financing so long as: a) the aggregate amount of vertical financing in less than \$2,000,000, b) not more than eight homes are subject to the subordination agreement at any given time, and c) the principal amount of the loan is not more than 80% of the appraised deed restricted value.

The Problem

This provision has worked well over the years; however, **applying today to the 80% AMI Homes creates two challenges**. Specifically:

First, we lose approximately \$40,000 on each 80% AMI Home. This loss is intended to be covered by the sale of market homes which have an average profit of \$80,000 per home. The Second Amendment drafted in 2006 provides that **all** 15 80% AMI Homes need to be completed **before any** market homes are released. Thus, before a single market home is sold, we would incur – and need to finance – an approximate \$600,000 loss. If one was certain that demand for market homes would continue for the next several years (an optimistic absorption rate would be selling 6 market homes a year – one every other month), that would be one thing. However, that is a bet no one is willing to make (especially as uncertainty again roils the stock market).

Second, only eight homes can be subordinated at any given time and the subordination amount is limited to 80% of deed restricted completed value. This works fine on the single family homes; however, as our cost to build the under 80% homes is approximately \$40,000 more on each home than the sales price, this 80% ratio does not allow us to borrow enough to build the home.

The Solution

Two things could speed up delivery of the 80% AMI Homes without increase of risk or cost to the Town.

First, allow the release of one market home for every three 80% home sold

The formula of 15 to 1 — completing 15 homes affordable to households earning under 80% AMI before release of a single one of the 16 remaining market units — was a “plug number” given little thought as we both knew it would be years before this happened. As it turned out, this formula was agreed to in 2006 and here we are eight years later attempting to implement it.

A review of the various annexation agreements and amendments offers precedent for a change to the 3 to 1 release ratio: 1999 Annexation Agreement, Page 4 (top), Paragraph: 3.5 Restrictions on Residential Units “... however, that up to 24 SFEs may be released from the Restrictive Covenant when the Owner had completed and sold 72 Units within the price ranges set forth in Exhibit C entitled Affordability Benchmarks, with such releases to occur at the rate of one Unit released per three Units completed and sold within the price ranges set forth in Exhibit C ...”

2006 Amendment to Annexation Agreement, Page 3, Paragraph: 3.5 Restrictions on Residential Units “...releases of up to 32 of the Units from the Phase II Covenant at the rate of 1 Unit available for release per 3 Units completed and sold with the price ranges provided for and determined in accordance with Exhibit A, provided that all of the Units available for sale in the under 80% AMI Category must be sold before the 17th Unit may be released from the Phase II Covenant.”

Second, amend the Second Amendment to the Annexation Agreement by adding the following paragraph (iv):

(iv) Notwithstanding, with respect to vertical financing of homes with Purchase Price affordable to Under 80% AMI, a) the aggregate principal amount of such Vertical Financing is less than \$3,600,000; b) there are not more than 15 such homes subject to the subordination agreement at any give time with seventy-five percent (75%) of such Homes having contracts with non-refundable earnest money; and c) the Owner has provided the Town an MAI appraisal confirming that the principal amount of the loan is not more than loan than 100% of the appraised deed restricted, completed value of such Homes.

This would raise the amount of the under 80% unit subordination to 100% of the loan (which is \$40,000 less than the cost to build) and increase the amount to be subordinated so that 12 units can be launched immediately (subject to construction timing), three more launched after the first three are sold with all 15 being completed by summer 2016.

Town Risk

With respect to the Town's risk from increasing the subordination amount:

- The subordination amount would be approximately \$40,000 (\$600,000 in the aggregate) less than the cost of construction;
- The underlying construction financing would be guaranteed by the developer and personally guaranteed by me; and
- In no event would the Town suffer financial loss.

With these two changes, and assuming we can break ground before the end of August, we could implement the following 80% AMI Home start schedule:

- **six in the third quarter 2015,**
- **six in the fourth quarter 2015 and**
- **three in the first quarter 2016.**

We look forward to your thoughts.

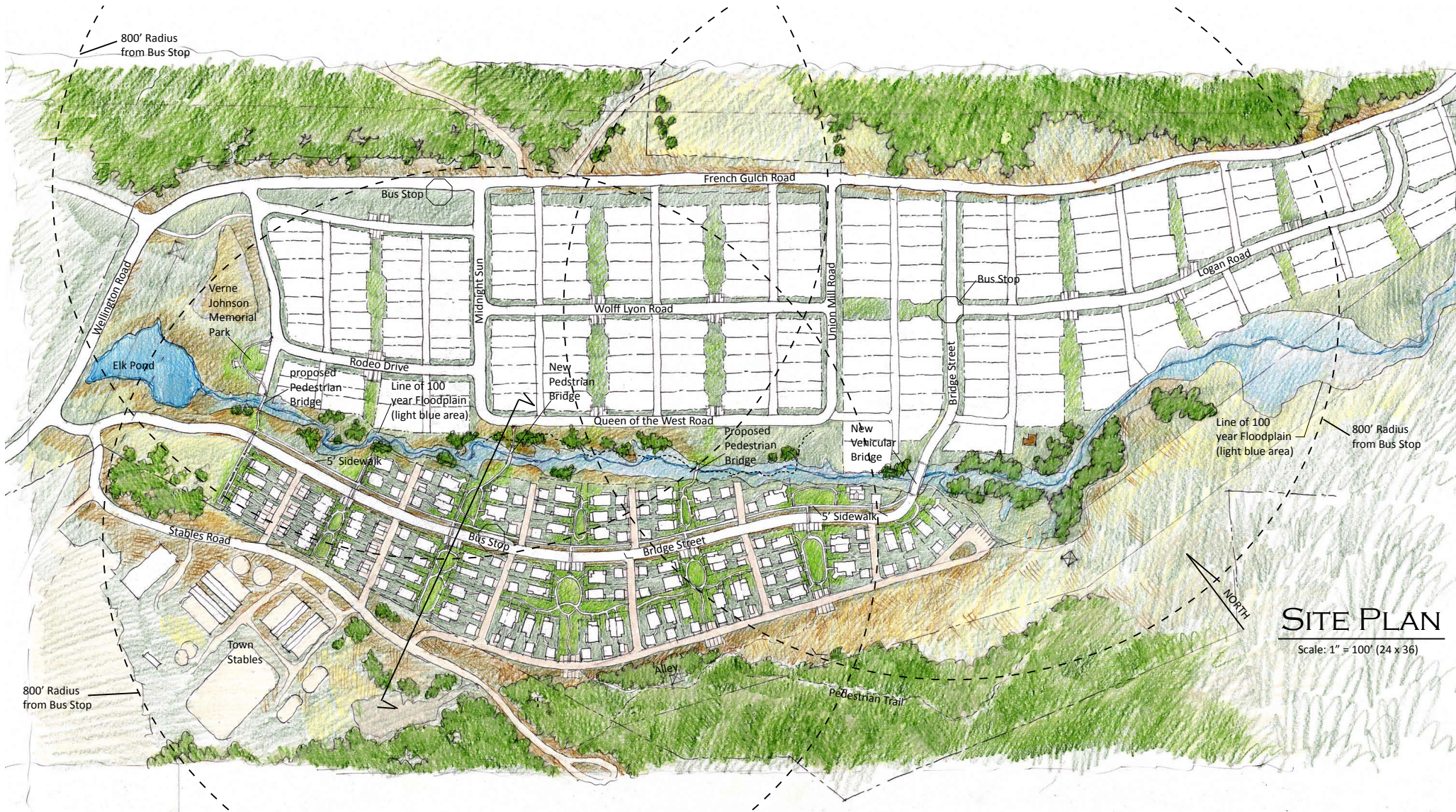
Thank you.

Very truly yours,

LINCOLN PARK AT THE WELLINGTON NEIGHBORHOOD

David G. O'Neil

Poplar Lincoln Park, LLC			
Lincoln Park Vertical Budget and Loan Ratios			
08/12/15			
			80% Tri
			<u>C</u>
			<u>Triplex sm</u>
Estimated Cost			309,657
Loan Amount			272,900
Costs Payable at Closing			36,757
Total			309,657
Loan to Cost			88%
Loan to Value			
Value	\$330.00	psf	385,110
LTV			71%
<hr style="border-top: 1px dashed blue;"/>			
Town Subordination 100% ADRCV			
Appraised Deed Restricted Completed Value			272,900
Subordination Amount 100% ADRCV		100%	272,900
Financing			
Unfunded Construction Costs			-
Cash at Closing			36,757
Town Subordination 80% ADRCV			
Appraised Deed Restricted Completed Value			272,900
Subordination Amount 80% ADRCV		80%	218,320
Financing			
Unfunded Construction Costs			54,580
Cash at Closing			36,757



Memorandum to Housing Committee
August 25, 2015

Construction Schedule:

Lincoln Park Phase 1
Breakground

August 26 2015

4th Quarter 2015		Foundation	Frame Start	Est. Completion A	B	C
Lot 1 Blk 1	Triplex	11/2/15	12/2/15	4/13/16	4/20/16	4/27/16
Lot 2 Blk 1	Oak (Model)	11/16/15	12/16/15	3/23/16		
Lot 3 Blk 1	MKT Juniper	11/30/15	12/30/15	5/11/16		
Lot 4 Blk 1	Triplex	12/14/15	1/13/16	5/25/16	6/1/16	6/8/16
Lot 8 Blk 1	MKT Honey Locust	12/28/15	1/27/16	6/8/16		
1st Quarter 2016						
Lot 5 Blk 1	Triplex	1/11/16	2/10/16	6/22/16	6/29/16	7/6/16
Lot 9 Blk 1	MKT Hawthorne	1/25/16	2/24/16	7/6/16		
Lot 6 Blk 1	Triplex	2/8/16	3/9/16	7/20/16	7/27/16	8/3/16
Lot 11 Blk 1	Doublehouse	2/22/16	3/23/16	8/3/16	8/10/16	
Lot 10 Blk 1	MKT Ponderosa	3/7/16	4/6/16	8/17/16		
Lot 7 Blk 1	Triplex	3/21/16	4/20/16	8/31/16	9/7/16	9/14/16
2nd Quarter 2016						
Lot 15 Blk 1	Juniper	4/4/16	5/4/16	9/14/16		
Lot 14 Blk 1	Oak	4/18/16	5/18/16	9/28/16		
Lot 13 Blk 1	Cotton	5/2/16	6/1/16	10/12/16		
Lot 12 Blk 1	Hawthorne	5/16/16	6/15/16	10/26/16		

Estimate Closings PER MONTH

Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16
3/23/16	4/13/16	5/25/16	6/1/16	7/6/16	8/3/16	9/7/16
	4/20/16	5/11/16	6/8/16	7/6/16	8/3/16	9/14/16
	4/27/16		6/8/16	7/20/16	8/17/16	9/14/16
			6/22/16	7/27/16	8/10/16	9/28/16
			6/29/16		8/31/16	

1 **FOR WORKSESSION/ADOPTION – SEPT. 8**

2
3 RESOLUTION NO. ____

4
5 SERIES 2015

6
7 A RESOLUTION APPROVING A FOURTH AMENDMENT TO ANNEXATION
8 AGREEMENT WITH UNION MILL, INC.
9 (The Wellington Neighborhood/Lincoln Park)

10
11 WHEREAS, the Town and Brynn Grey V, LLC, a Colorado limited liability company,
12 entered into that certain Annexation Agreement dated August 24, 1999 and recorded in the
13 Summit County, Colorado real estate records on October 18, 1999 at Reception No. 608041
14 (“Annexation Agreement”); and

15
16 WHEREAS, Union Mill, Inc., a Colorado corporation (“**Union Mill**”), is the successor in
17 interest to Bryn Grey V, LLC, a Colorado limited liability company; and

18
19 WHEREAS, the Annexation Agreement pertains to the annexation to the Town and
20 development of the project known as the “Wellington Neighborhood,” and now includes the
21 development of a project to be known as “Lincoln Park;” and

22
23 WHEREAS, the Annexation Agreement was previously amended by that Amendment to
24 Annexation Agreement dated February 28, 2006 and recorded in Summit County, Colorado real
25 estate records on March 22, 2006 at Reception No. 817872; and

26
27 WHEREAS, the Annexation Agreement was further amended by that Second
28 Amendment to Annexation Agreement dated November 23, 2010 and recorded in Summit
29 County, Colorado real estate records on December 28, 2010 at Reception No. 954419; and

30
31 WHEREAS, the Annexation Agreement was further amended by that Third Amendment
32 to Annexation Agreement dated March 25, 2014 and recorded in Summit County, Colorado real
33 estate records on May 23, 2014 at Reception No. 1055482; and

34
35 WHEREAS, the Union Mill and Town desire to further amend the Annexation
36 Agreement, as previously amended, as more fully set forth in the proposed “Fourth Amendment
37 to Annexation Agreement,” a copy of which is marked **Exhibit “A”**, attached hereto, and
38 incorporated herein by reference; and

39
40 WHEREAS, the Town Council has reviewed the proposed “Fourth Amendment to
41 Annexation Agreement,” and finds and determines that the approval of such agreement would be
42 in the best interests of the Town and its citizens.

43
44 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
45 BRECKENRIDGE, COLORADO:

46

1 ***DRAFT August 31, 2015 DRAFT***

2
3 Additions To The Previous Amendments to the Original Annexation Agreement Are
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5
6 **FOURTH AMENDMENT TO ANNEXATION AGREEMENT**

7
8 This Fourth Amendment to Annexation Agreement (“Fourth Amendment”) is made and
9 entered into as of the ___ day of _____, 2015 by and between the TOWN
10 OF BRECKENRIDGE, a Colorado municipal corporation (“Town”) and UNION MILL, INC., a
11 Colorado corporation, (“Owner”) to amend the Annexation Agreement dated August 24, 1999
12 and recorded in the Summit County, Colorado real estate records on October 18, 1999 at
13 Reception No. 608041 (“Annexation Agreement”), as previously amended by the Amendment to
14 Annexation Agreement dated February 28, 2006 and recorded in the Summit County, Colorado
15 real estate records on March 22, 2006 at Reception No. 817872 (“First Amendment”), the
16 Second Amendment to Annexation Agreement dated November 23, 2010 and recorded in the
17 Summit County, Colorado real estate records on December 28, 2010 at Reception No. 954419
18 (“Second Amendment”), and the Third Amendment to Annexation Agreement dated March 25,
19 2014 and recorded in the Summit County, Colorado real estate records on May 23, 2014 at
20 Reception No. 1055482 (“Third Amendment”).

21 WHEREAS, Owner and Town desire to further amend the Annexation Agreement as
22 fully set forth hereafter.

23 NOW, THEREFORE, in consideration of the recitals, promises and covenants contained
24 herein and other good and valuable consideration, the sufficiency of which is hereby
25 acknowledged, the parties agree as follows:

26
27 1. **DEFINITIONS.** All capitalized terms used herein shall have the same meaning as
28 provided in the Annexation Agreement, First Amendment, Second Amendment, and Third
29 Amendment, unless otherwise defined in this Fourth Amendment.

30
31 2. **AMENDMENT TO FIRST AMENDMENT TO ANNEXATION AGREEMENT.**
32 Paragraph 3.5 of the First Amendment is amended to read as follows:

33
34 3.5 **Restrictions on Residential Units.** At the time of subdivision, Owner
35 shall record the Wellington Neighborhood Phase II Employee Housing Restrictive
36 Covenant and Agreement (the “Phase II Covenant”), which shall be senior to all
37 monetary liens and encumbrances on the Phase II Property and which shall be in
38 generally the same form as the Employee Housing Restrictive Covenant and
39 Agreement dated October 14, 1999 and recorded October 18, 1999 at Reception
40 No. 608049 of the Summit County, Colorado records, and shall include provisions
41 addressing the following, as well as such other terms and conditions as are

1 mutually acceptable to Owner and Town: income qualification for purchasers of
2 Units priced at under 100% of the AMI, as such term is defined in Exhibit A
3 hereto; limitations on increases in the price of each residential Unit for
4 improvements made to such Unit within 5 years of the date of the initial sale by
5 the developer of such Unit to 10%; and limitations on the amount allowed to be
6 added to the resale price of a Unit for a real estate sales commission to 3%, which
7 amount is not to compound; ~~and releases of up to 32 of the Units shall be~~
8 released from the Phase II Covenant at the rate of 1 Unit available for release per
9 3 Units completed and sold within the price ranges provided for and determined
10 in accordance with Exhibit A, provided that ~~all 15 of the Units available for sale~~
11 ~~in the under 80% AMI category must be sold before the 17th Unit may be released~~
12 ~~from the Phase II Covenant~~ after the 16th Unit has been released as previously
13 provided in this sentence, the release rate shall then become one Unit
14 available for release per 6 Units completed and sold at a price that is
15 affordable to persons with income that is less than 80% the applicable area
16 median income (AMI)(the “Under 80% AMI Units”). After all 15 of the
17 Under 80% AMI Units have been completed and sold, the release rate will
18 again become 1 Unit available for release per 3 Units completed and sold
19 within the price ranges provided for and determined in accordance with
20 Exhibit A.
21

22 3. **AMENDMENT TO SECOND AMENDMENT TO ANNEXATION AGREEMENT.**
23 Paragraph 3 of the Second Amendment is amended to read as follows:
24

25 **3. RESTRICTIVE COVENANT SUBORDINATED TO**
26 **HORIZONTAL AND VERTICAL FINANCING.** The Town agrees to
27 subordinate its interests under the Restrictive Covenant to deed(s) of trust to pay
28 the costs of design, permitting, marketing and physical construction necessary to
29 complete the Project, subject to the following conditions:
30

31 a) with respect to the Horizontal Financing:

- 32
- 33 (i) the aggregate principal amount of Horizontal Financing is less than
 - 34 \$1,500,000²; and
 - 35 (ii) the Owner has provided the Town an MAI appraisal confirming that the
 - 36 principal amount of the loan is not more than 65% of the appraised deed
 - 37 restricted, completed value of the Project.
 - 38

39 b) with respect to the Vertical Financing not involving Homes that are affordable to
40 persons with income less than 80% of the applicable area median income (AMI):
41

² Commencing with the date of this Second Amendment, the maximum loan amount shall be increased annually by an amount equal to the increase in the Denver-Boulder-Greeley Consumer Price Index, All Items.

- (i) the aggregate principal amount of such Vertical Financing is less than \$2,000,000³;
- (ii) there are not more than eight such Homes subject to the subordination agreement at any given time, with seventy five percent (75%) of such Homes having contracts with non-refundable earnest money; and
- (iii) the Owner has provided the Town an MAI appraisal confirming that the principal amount of the loan is not more than 80% of the appraised deed restricted, completed value of ~~the~~such Homes.

c) with respect to the Vertical Financing involving Homes that are affordable to persons with income less than 80% of the applicable AMI:

- (i) **the aggregate principal amount of such Vertical Financing is less than \$3,600,000⁴;**
- (ii) **there are not more than fifteen such Homes subject to the subordination agreement at any given time, with seventy five percent (75%) of such Homes having contracts with non-refundable earnest money; and**
- (iii) **the Owner has provided the Town an MAI appraisal confirming that the principal amount of the loan is not more than 100% of the appraised deed restricted, completed value of such Homes.**

Such subordination shall be in substantially the form and subject to the terms of the Deed of Trust Subordination Agreements attached hereto as **Exhibits A and B**, and incorporated herein by reference.

4. **EFFECT OF AMENDMENTS.** Except as provided in this Fourth Amendment, all terms and conditions of the Annexation Agreement, First Amendment, Second Amendment, and Third Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Fourth Amendment as of the date first written above.

[SEPARATE SIGNATURE PAGES TO FOLLOW]

³ Commencing with the date of this Second Amendment, the maximum loan amount shall be increased annually by an amount equal to the increase in the Denver-**Boulder-Greeley** Consumer Price Index, All Items.

⁴ **Commencing with the date of the Fourth Amendment, the maximum loan amount shall be increased annually by an amount equal to the increase in the Denver-Boulder-Greeley Consumer Price Index, All Items.**

MEMORANDUM

To: Town Council

From: Peter Grosshuesch, Director of Community Development

Date: September 2, 2015

Re: Planning Commission Decisions of the September 1, 2015, Meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF September 1, 2015:

CLASS C APPLICATIONS: None.

CLASS B APPLICATIONS:

- 1) Nauman Residence Historic Renovation and Landmarking (MM) PL-2015-0152, 211 East Washington Avenue

Exterior restoration of the historic house (full basement beneath the historic portion of the footprint and a shelf (less than 5 feet tall) below the window well along the west edge of the site), remodel of the non-compliant addition and local landmarking. *Project approved and recommendation the Town Council adopt an ordinance landmarking the property.*

CLASS A APPLICATIONS: None.

TOWN PROJECT HEARINGS: None.

OTHER: None.



Huron Landing
0143 Huron Road

Nauman Residence
Variance & Landmarking
211 East Washington Avenue



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.

Breckenridge South

Not to Scale

PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

ROLL CALL

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

APPROVAL OF MINUTES

The last motion Mr. Pringle made on the last page should have carried (6-0) as Mr. Mamula was not at the meeting. With no other changes, the August 18, 2015, Planning Commission Minutes were approved as presented.

APPROVAL OF AGENDA

Mr. Mosher announced that the Nauman Residence had changed to remove the request for a variance. The new listing for the agenda is "Nauman Residence Historic Renovation and Landmarking". With no other changes, the September 1, 2015, Planning Commission Agenda was approved as presented.

TOWN COUNCIL REPORT:

Ms. Wolfe:

- Last Tuesday night was big; we reached an agreement with Vail Resorts that was a 4.5% tax on Breckenridge only lift tickets. This will go to the voters in November and it must pass to be effective June, 2016. A \$3.5 million annual guarantee with a 1% minimum growth rate to a cap of \$4 million. Vail Resorts commits to \$4.5 million commitment of total effort which is close to what they contribute to the Town of Vail. This was a very compelling offer and we spent time the weekend before and worked hard at the work session and had a large crowd and that showed both sides that it was time to address the parking and transit issue. We can't forget the detail of passing the tax. There is a citizen committee that will do the work to get people to understand the ballot question and hopefully approve it. We don't want to lose momentum on the planning process. The first of the tax monies will come in 2017, but the plan can work on plans and improve transit in the meantime. We intend to continue to work on the planning and transit issues. The parking task force continues to meet. No changes to the 2500 parking spaces or the transit commitments by Vail Resorts. Vail Resorts won't be opposing this tax increase.
- We talked about the financials for the first 7 months and it's a really good story up 105% to 120% in various taxable revenues as compared to year before.
- The parking for the ice arena will be expanded and the work begins September 8 and we are adding another 50 spaces. This will help with some employee parking options.
- Adams and Jefferson Streets will get heated sidewalks and the construction will start this fall. Jefferson goes to Ridge and Adams goes to French.
- Pro Cycle Challenge was great too.

WORKSESSIONS:

1) Huron Landing (CK) PL-2015-0384, 0143 Huron Road

Mr. Kulick presented. Summit County Government and the Town of Breckenridge are in the process of designing the Huron Landing workforce housing development at 0143 Huron Road. Town and County staff were directed to begin pursuing the project in December 2014 based on an identified need for rental housing in the 2013 Summit County Housing Needs Assessment. The study suggests that between 200 and 370 additional rental units are needed in the Upper Blue Basin by 2017. Since the time of the study, Breckenridge has been proactively working on developing rental housing, including Pinewood II (45 units

by end of 2016) and Denison Placer (60 units by end of 2017). With the completion of these projects, the estimated housing need in the Upper Blue Basin will be cut to approximately 95-220 rental units,

The proposed project site is the 1.708 acre parcel which formerly contained the Summit County Ambulance station, a Road and Bridge facility and the current recycling center which is being relocated to Coyne Valley Road. The proposal is for two buildings containing 26 two bedroom, deed restricted rental housing units. Recommended density is 10 units per acre, the site is 1.708 acres with an SFE multiplier of 1,200 square feet allowing for 20,496 Square feet. Additionally there is a 10% bonus for workforce housing, 2,050 square feet, for a total allowed square footage of 22,546 square feet. The proposed density is 21,192, 6% below the permitted density.

The purpose of the work session is to see if the Planning Commission is satisfied with general direction of the project and is comfortable with Staff's initial interpretation of points. To facilitate the discussion, staff has identified key components of the proposal and Policies where points may be warranted.

Staff Recommended Point Totals:

2/R Land Use: -3
6/R Building Height: -9
9/R Placement of Structures: -3
16/R Internal Circulation: +3
18/R Parking: +2
20/R Recreation Facilities: +3
24/R Social Community: +13
33/R Energy Consumption: +2
Total: +8

Commissioner Questions / Comments:

- Mr. Schroder: We are proposing positive 3 points; is the rec path on this plot? (Mr. Kulick: Yes, it is on the rec path and it does fall under internal circulation because it is in the boundary of the property.)
- Mr. Pringle: My question is on positive points on parking and using Breckenridge Mountain Lodge as a precedent; I think that was a number that we worked together on a development agreement and we came to this as a negotiation. But they ended up providing more than what was negotiated. In terms of precedent, this is recent precedent; most of the time we've give positive points is for screening and such.
- Ms. Dudney: I understand the 10 points for employee housing, but isn't it double dipping to get positive points for workforce housing and be a council goal? (Mr. Kulick: It is two different sections, like historic preservation which is under the code and is a goal of the council. You have to review the two sections independently.) Is this a precedent? (Mr. Kulick & Mr. Mamula: Yes, we have done this in the past.)
- Mr. Schroder: Please show us how the 3 stories go down to 1 story, please show this I want to avoid public backlash. Was this presented to Kennington? (Mr. Kulick: Yes, although staff did not attend this meeting.) (Mr. Matt Stais, Architect: We didn't have a formal presentation.) (Mr. Tim Gerken, Architect: The forms of the buildings; the west building is primarily two stories and we were able to slip in a garden level and then reduce one story on the Kennington side.) (Mr. Stais: It steps from 3 stories to 2 stories on the north side. There are open stairwells between the buildings. There are no internal hallways similar to Pinewood I.)
- Mr. Pringle: One of the things we are seeing after time is to enclose the entries in the guise of energy conservation. Is this something that we should be concerned with? (Mr. Stais: This is the first I've heard of it. We've been working with the Town housing consultant and she said storage is important so we are proposing about 60' feet of storage in the basements of these

buildings. I don't think the landings would be big enough to add storage. This is a community housing project and we don't want to have heated stairwells. This is a good point and we'll take a look at.) Over time, we've seen this occur. (Mr. Stais: I fail to see how enclosing a stairwell is an energy conservation measure.) (Mr. Stais: We are here for a work session and then give a full 7 week review period with a preliminary hearing in November and a final in January, so we are looking for your input. This is going to be a rental property. It won't be an HOA, and this hopefully will keep it more true to it will keep to its true intent.)

Ms. Christopher: Is the basement storage accessible from the outside? (Mr. Stais: Absolutely, and it is accessible from the indoors as well. I also wanted to point out that because the hill slopes up behind, the lower levels will be benched in with bedrooms on the north side but we thought the 3 story element helps putting it up against the slope; takes advantage of the sun and the views. Once we decided to give 2 parking spaces per unit, this was the trickiest part of the design, we could have put more in but the triangle with the existing trees and power lines made it difficult and we wanted to preserve the trees between neighbors.) (Mr. Jim Curnutte, Summit County Community Development: We are very excited to work with the Town of Breckenridge to be working on a housing project. We are about to close on the 40 acre Lake Hill parcel between the towns of Frisco and Dillon and this project is our training ground. We met with Kennington and they provided good input. We have a dire need for rental housing. We tried to put in as many units as we could while being realistic about not overwhelming the site. Overall, I think this is a really good project.)

Mr. Schuman: Is it the County's intent to make that full sidewalk connection? (Mr. Curnutte: We asked Mr. Don Leinweber of Civil Insight Engineering to take a look at the whole road/sidewalk system to develop a plan for the whole street. It is our plan to look at it comprehensively. With this project is to tie in the sidewalk on the front all the way down to the new storage.) (Mr. Stais: Mr. Leinweber has been working on this that pre-dates this project; we are working on trail and sidewalk connections as well as traffic patterns. We know how much room for improvement this may help with on this busy road.) (Mr. Leinweber: There is a process we are involved with, I was approached with a band aid fix a few years ago but now we are trying to see the master plan with no fixed plan yet. This is a narrow right of way and we are trying to secure easements, the right of way is 50' all the way to French Creek. We are working with Xcel to bury power lines and work with other subdivisions to procure easements up to the fence to see what we can do here. We feel like an extension of the separated path, we hope that these improvements will be best realized if the rec path/bike path is cleared in the winter. The goal is to work through a master plan in 2016 and concurrent with this project to complete the larger plan in 2017.)

Mr. Mamula: Will the corner near Kennington be constructed so that those people can get on the sidewalk? (Mr. Stais: Yes.) (Mr. Leinweber: The other problem is the bus stop that is uphill; we would like to see a formalized crosswalk or decide where best to cross.) If there is a way so that the Kennington people can access the sidewalk that would be good. (Mr. Leinweber: We have talks about improving this area.)

Mr. Mamula opened the worksession to public comment.

Mr. Carl Bentley, 223 Huron Road, Kennington Townhomes: I think we voiced most of it and parking is a concern. We have more than 2 spots per unit and we know that there will be times that 2 isn't enough. The place fills up around the holidays and the summer. We are concerned about the views but we will see the more finished plans to make a final decision. We think it is good for the community. We are keeping an eye on the process. (Mr. Stais: Mr. Bentley's wife asked for a before and after rendering view for the central south side so we will be sharing these in the future.)

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

Commissioner Questions / Comments:

Ms. Dudney: What is the target market? (Ms. Laurie Best, Long Range Planner: 80% AMI is the target. This equates to max rent of about \$1200 a month for 2 bedroom units, but we haven't set final rates; once we get input on the design, then the Council and Board will work on agreement that defines project cost, financing, management, and roles. From a Council and Commissioners we would like to make this affordable, but different target than Pinewood 2 which serves 60% AMI. Two singles could be eligible or small families. As a rental we will have ability to manage occupancy and parking issues. Two bedroom, two bath is more of a roommate situation and two bedroom, one bath may be more suited to families, but both unit types will be available.)

Staff would like Planning Commission input on the draft point analysis and would also look for any additional comments or concerns before this project moves forward to a preliminary hearing.

Commissioner Questions / Comments:

2/R Land Use: -3

Mr. Schuman: Fine.

Mr. Schroder: Analyze commercial versus workforce housing, but I agree.

Ms. Christopher: Fine.

Mr. Lamb: Yes.

Mr. Pringle: Yes.

Ms. Dudney: Yes.

Mr. Mamula: I would say no; give it zero.

6/R Building Height: -9

Mr. Schuman: Yes.

Mr. Schroder: Agree.

Ms. Christopher: Yes.

Mr. Lamb: Yes.

Mr. Pringle: Yes.

Ms. Dudney: Yes.

Mr. Mamula: Yes.

9/R Placement of Structures: -3

Mr. Schuman: Yes.

Mr. Schroder: Yes.

Ms. Christopher: Yes.

Mr. Lamb: Yes.

Mr. Pringle: Yes.

Ms. Dudney: Yes.

Mr. Mamula: Yes.

16/R Internal Circulation: +3

Mr. Schuman: Yes.

Mr. Schroder: Yes as long as sidewalk is in.

Ms. Christopher: Yes as long as it ties in to pathway.

Mr. Lamb: Yes.

Mr. Pringle: Yes.

Ms. Dudney: Yes.

Mr. Mamula: Yes.

18/R Parking: +2

Ms. Dudney: Yes, I agree to wait to hear about Kennington neighbor input.

Mr. Pringle: Disagree, because of nature of type of use that it should be 2 parking spaces per unit. It is more long term.

Mr. Lamb: I think this is one of the most important parts of this development, but the parking can be so important.

Ms. Christopher: Yes.

Mr. Schroder: Yes it does.

Mr. Schuman: I disagree.

Mr. Mamula: Yes.

20/R Recreation Facilities: +3

All 7 planning commissioners: Yes.

24/R Social Community: +13:

Ms. Dudney: Yes.

Pringle: Yes, but don't ask us to explain it.

Mr. Lamb: Yes.

Ms. Christopher: Yes.

Mr. Schroder: Yes.

Mr. Schuman: Yes.

Mr. Mamula: Yes.

33/R Energy Consumption: +2

All 7 planning commissioners: Yes.

Final Comments:

Mr. Schuman: Off to a great start.

Ms. Dudney: I want the neighbors to be happy; the 3D renderings will be helpful.

Mr. Schroder: I prefer the 3 D renderings better than holding up the pvc pipe.

Mr. Pringle: Because Policy 2 and residential uses are discouraged, because of the type of use, any kind of additional storage, like the enclosing the stairwells will be something these year round residents will use. Look at this. The height I don't want to lose site that throwing an additional story on these units isn't something we take lightly we are very sensitive to this, but the back of the hill will help.

FINAL HEARINGS:

1) Nauman Residence Historic Renovation and Landmarking (MM) PL-2015-0152, 211 East Washington Avenue

Mr. Mosher presented a proposal to perform an extensive exterior restoration of the historic house and remodel of the non-compliant addition. The reconstruction of the historic house will include a full basement beneath the historic portion of the footprint and a shelf, less than 5-feet tall, below the window well along the west edge of the site. Local landmarking of the property is also requested.

Staff has found that based on the minor alterations to the nonconforming structure (pulling the 1980's roof form off of the roof of the historic structure) there are no Priority Policies or Design Standards of the Handbook of Design Standards for the Historic and Conservation Districts that would trigger the assignment of negative points or require any need for a variance. The current submittal is seeking approval of the same design as Staff presented on the July 7th preliminary hearing with the exception of the reduction in the

basement density. Most of the changes are internal leaving much of the existing floor plans unchanged.

The applicants are proposing a historic restoration of the original structure as follows:

1. Remove a portion of the 1980's roof over historic main ridge of the historic house and cut the roof addition back approximately 12 feet and add a cricket (for drainage) behind and below the original historic ridge. This will provide an improved separation between the historic structure and the 1980's addition..
2. Remove the west non-historic bay window in the kitchen area (keeping the west facing bay window) on the historic structure, per plan.
3. Restore the original roof form to the greatest degree possible on the historic structure.
4. Restore all original window openings and replace front (north) door with historically compliant door.
5. Full restoration of the front porch with correct post detailing (existing posts to be replaced based on photographs).
6. After locally Landmarking, add full basement under historic footprint (zero lot line on west).
7. On the non-historic addition, correct all windows to historically compliant wooden vertically orientated double hung windows.
8. Correct roof form in non-compliant addition. Notes:
 - a. There will be no changes in the historic floor elevation.
 - b. There will be no increase in rear roofline height.
 - c. The building is to remain in its current location.
 - d. There will be a slight reduction in existing density.

Landmarking Discussion:

At a previous meeting we heard Commissioner support for the following:

Column A: The property is at least 50 years old (1882 per cultural survey).

Column B: 1. The proposed landmark exemplifies specific elements of architectural style or period.

5. The proposed landmark is of a style particularly associated with the Breckenridge area.

7. The property includes a pattern or grouping of elements representing at least one of the above criteria.

Column C: All four criteria.

At final review, staff suggests that the Planning Commission recommend that the Town Council adopt an ordinance to Landmark the historic structure based on proposed restoration efforts and the fulfillment of criteria for Architectural and Physical Integrity significance as stated in Section 9-11-4 of the Landmarking Ordinance.

Point Analysis (Section 9-11-7-3): Mr. Mosher clarified that at the last hearing there was actually a 50% / 50% split as to whether award positive three (+3) points or positive six (+6) points for the restoration efforts. At this final review we are asking the Commission for a decision. The project will pass with either assignment. S

Staff has two motions recommended for the approval of this application:

1. Planning Commission recommends that the Town Council adopt an ordinance to Landmark the historic structure for the Nauman Residence Historic Renovation and Landmarking, PL-2015-0152, based on proposed restoration efforts and the fulfillment of criteria for architectural significance as stated in Section 9-11-4 of the Landmarking Ordinance.
2. Planning Commission approves the attached Point analysis for the Nauman Residence Historic Renovation and Landmarking, PL-2015-0152, showing a passing score of positive six (+6) points.

Commissioner Questions / Comments:

Mr. Schuman: I appreciate all of the staff's efforts on this, I still think +3 is appropriate.

Mr. Schroder: I think that +3 is appropriate.

Ms. Christopher: I agree with +3.

Mr. Lamb: I can see the positive 6 because of the basement, but I can live with 3.

Mr. Pringle: I'm leaning towards 3.

Ms. Dudney: I don't feel strongly about it and I was leaning towards 6 but I want to provide incentive, but I guess 3 is better

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

Mr. Pringle made a motion to recommend the Town Council adopt an ordinance to locally landmark the Nauman Residence Historic Renovation, PL-2015-0152, 211 East Washington Avenue, based on the fulfillment of criteria for Architectural and Physical Integrity significance as stated in Section 9-11-4 of the Landmarking Ordinance. Mr. Schuman seconded, and the motion was carried unanimously (7-0).

Mr. Pringle made a motion to approve the point analysis for the Nauman Residence Historic Renovation and Landmarking, PL-2015-0152, 211 East Washington Avenue, showing a score of positive three (+3) points. Ms. Christopher seconded, and the motion was carried unanimously (7-0).

Mr. Pringle made a motion to approve the Nauman Residence Historic Renovation, PL-2015-0152, 211 East Washington Avenue, with the presented Findings and Conditions. Ms. Christopher seconded, and the motion was carried unanimously (7-0).

OTHER MATTERS:

The planning conference (State of Colorado APA) is at the end of September in Steamboat and all of you are invited if you would like to attend.

ADJOURNMENT:

The meeting was adjourned at 8:10 pm.

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.

SEPTEMBER 2015

Tuesday, September 8, 2015; 3:00/7:30 pm	First Meeting of the Month
Friday-Sunday, September 11-13; Main Street	Oktoberfest
Thursday-Sunday, September 17-20; Various Locations	Breckenridge Film Festival
Friday, September 18, 2015; 8-9am; Park & Main	Coffee Talk
Tuesday, September 22, 2015; 3:00/7:30 pm	Second Meeting of the Month

OCTOBER 2015

Friday, October 9, 2015; 8-9am; TBD	Coffee Talk
Tuesday, October 13, 2015; 3:00/7:30 pm	First Meeting of the Month
Tuesday, October 27, 2015; 3:00/7:30 pm	Town Council Budget Retreat

NOVEMBER 2015

Tuesday, November 10, 2015; 3:00/7:30 pm	First Meeting of the Month
Friday, November 13, 2015; 8-9am; TBD	Coffee Talk
Tuesday, November 24, 2015; 3:00/7:30 pm	Second Meeting of the Month

OTHER MEETINGS

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

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