



**TOWN OF
BRECKENRIDGE**

Town Council Regular Meeting
Tuesday, January 24, 2023, 7:00 PM
Town Hall Council Chambers
150 Ski Hill Road
Breckenridge, Colorado

THE TOWN OF BRECKENRIDGE IS HOLDING HYBRID MEETINGS. This meeting will be held in person at Breckenridge Town Hall and will also be broadcast live over Zoom. Log-in information is available in the calendar section of our website: www.townofbreckenridge.com. If you will need special assistance to attend any of the Town's public meetings, please notify the Town Clerk's Office at (970) 547-3127, at least 72 hours in advance of the meeting.

I. CALL TO ORDER, ROLL CALL

II. APPROVAL OF MINUTES

A. TOWN COUNCIL MINUTES - JANUARY 10, 2023

III. APPROVAL OF AGENDA

IV. COMMUNICATIONS TO COUNCIL

A. PUBLIC COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)

B. BRECKENRIDGE TOURISM OFFICE UPDATE

V. BLACK HISTORY MONTH PROCLAMATION

A. *PROCLAMATION*

VI. BARNEY FORD DAY PROCLAMATION

A. *PROCLAMATION*

VII. CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILLS, SERIES 2023

1. *COUNCIL BILL NO. 1, SERIES 2023 - A BILL FOR AN ORDINANCE AMENDING CHAPTER 3 OF TITLE 4 PERTAINING TO ALCOHOL TAKEOUT AND DELIVERY PERMIT NOTIFICATION*

VIII. NEW BUSINESS

A. FIRST READING OF COUNCIL BILLS, SERIES 2023

1. *COUNCIL BILL NO. 2, SERIES 2023 - AN ORDINANCE CREATING LAND USE DISTRICT 46 AND PLACING 8.8 ACRES OF THE STILLSON PROPERTY IN THE NEW LAND USE DISTRICT 46. (A portion of TR 6-77 Sec 31 Qtr 4 Mining Claim(s))*

cont 38.868 acres STILLSON PATCH PLACER MYRTLE ANNIE LODE MS#1466, 8.8 acres, more or less)

B. RESOLUTIONS, SERIES 2023

1. *RESOLUTION NO. 2, SERIES 2023 - A RESOLUTION PROVIDING TOWN ATTORNEY ASSISTANT FOR MUNICIPAL PROSECUTION AND ESTABLISHING RATES*

C. OTHER

1. *LIQUOR, MARIJUANA AND TOBACCO LICENSING AUTHORITY APPOINTMENT*

IX. PLANNING MATTERS

- A. PLANNING COMMISSION DECISIONS

X. REPORT OF TOWN MANAGER AND STAFF

XI. REPORT OF MAYOR AND COUNCIL MEMBERS

- A. CAST/MMC (Mayor/Town Manager)
- B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (Mr. Bergeron)
- C. BRECKENRIDGE TOURISM OFFICE (Mr. Carleton)
- D. BRECKENRIDGE HISTORY (Ms. Saade)
- E. BRECKENRIDGE CREATIVE ARTS (Mr. Rankin)
- F. BRECKENRIDGE EVENTS COMMITTEE (Ms. Owens)
- G. CHILD CARE ADVISORY COMMITTEE (Mr. Beckerman)
- H. WORKFORCE HOUSING COMMITTEE (Mr. Carleton/Mr. Rankin)
- I. SOCIAL EQUITY ADVISORY COMMISSION (Ms. Saade)

XII. OTHER MATTERS

XIII. SCHEDULED MEETINGS

- A. SCHEDULED MEETINGS FOR JANUARY, FEBRUARY AND MARCH

XIV. ADJOURNMENT

D) CALL TO ORDER, ROLL CALL

Mayor Mamula called the meeting of January 10, 2023, to order at 7:00pm. The following members answered roll call: Mr. Rankin, Ms. Owens, Ms. Saade, Mr. Bergeron, Mr. Carleton, Mr. Beckerman and Mayor Mamula.

II) APPROVAL OF MINUTES

A) TOWN COUNCIL MINUTES – DECEMBER 13, 2022

With no changes or corrections to the meeting minutes of December 13, 2022, Mayor Mamula declared they would stand approved as presented.

III) APPROVAL OF AGENDA

Mr. Holman stated there were no changes to the agenda.
Mayor Mamula declared the agenda approved as presented.

IV) COMMUNICATIONS TO COUNCIL

A) PUBLIC COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)

Mayor Mamula opened Public Comment.
There were no comments and Public Comment was closed.

B) BRECK FILM/ ECLIPSE THEATER UPDATE

Mr. Steve Moos, the Executive Director of Breck Film, thanked Council for supporting the theater and the festival. He stated ticket sales were up 30% from last year for the festival, and pass sales were up as well. He apologized for the sound issues at the Riverwalk during the festival, and spoke about the Eclipse Theater. Mr. Moos stated they are working through challenges with film commitments, number of screens and which films are offered, but 2023 budget shows small amount in the black. He also stated Avatar was high performing and the website and advertising are doing well. He stated the theater is improving in ticket sales, and they are renting out the space for private events and partnering with the high school and local non-profits, as well as testing blockbusters and films the community will appreciate. Ms. Owens asked about finding information on the website, and the Mr. Moos stated there are some rules about promoting films and they will look at the website. Mr. Gary Martinez, chair of Breck Film, stated they are keeping the theater open for private events on Mondays and Tuesdays, and they are trying to dig out financially from the past several years.

V) CONTINUED BUSINESS

A) SECOND READING OF COUNCIL BILLS, SERIES 2022 & 2023 - PUBLIC HEARINGS

1) COUNCIL BILL NO. 39, SERIES 2022 - A BILL FOR AN ORDINANCE AMENDING POLICY 5A AND POLICY 5R PERTAINING TO ARCHITECTURAL COMPATIBILITY AND MAKING CONFORMING AMENDMENTS

Mayor Mamula read the title into the minutes. Ms. Sarah Crump stated there were no changes to this ordinance from first reading.

Mayor Mamula opened the public hearing. There were no public comments and the hearing was closed.

Mr. Bergeron moved to approve COUNCIL BILL NO. 39, SERIES 2022 - A BILL FOR AN ORDINANCE AMENDING POLICY 5A AND POLICY 5R PERTAINING TO ARCHITECTURAL COMPATIBILITY AND MAKING CONFORMING AMENDMENTS. Ms. Saade seconded the motion.

The motion passed 7-0.

2) COUNCIL BILL NO. 40, SERIES 2022 - A BILL FOR AN ORDINANCE CONFORMING POLICY 24 (ABSOLUTE) TO THE WORKFORCE HOUSING DIVISION ADMINISTRATIVE RULES AND REGULATIONS

Mayor Mamula read the title into the minutes. Mr. Mark Truckey stated there were no changes to this ordinance from first reading.

Mayor Mamula opened the public hearing. There were no public comments and the hearing was closed.

Mr. Bergeron moved to approve COUNCIL BILL NO. 40, SERIES 2022 - A BILL FOR AN ORDINANCE CONFORMING POLICY 24 (ABSOLUTE) TO THE WORKFORCE HOUSING DIVISION ADMINISTRATIVE RULES AND REGULATIONS. Mr. Beckerman seconded the motion.

The motion passed 7-0.

VI) NEW BUSINESS

A) FIRST READING OF COUNCIL BILLS, SERIES 2023

1) COUNCIL BILL NO. 1, SERIES 2023 - A BILL FOR AN ORDINANCE AMENDING CHAPTER 3 OF TITLE 4 PERTAINING TO ALCOHOL TAKEOUT AND DELIVERY PERMIT NOTIFICATION

Mayor Mamula read the title into the minutes. Ms. Helen Cospolich stated this ordinance would require any establishment that has received a state alcohol takeaway and delivery permit to notify the Town within 10 days of receiving the permit.

Mayor Mamula opened the public hearing. There were no public comments and the hearing was closed.

Mr. Bergeron moved to approve COUNCIL BILL NO. 1, SERIES 2023 - A BILL FOR AN ORDINANCE AMENDING CHAPTER 3 OF TITLE 4 PERTAINING TO ALCOHOL TAKEOUT AND DELIVERY PERMIT NOTIFICATION. Ms. Owens seconded the motion.

The motion passed 7-0.

B) RESOLUTIONS, SERIES 2023

1) RESOLUTION NO. 1, SERIES 2023 - RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH SUMMIT COUNTY, COLORADO, AND THE TOWNS OF BRECKENRIDGE, FRISCO, AND SILVERTHORNE, COLORADO

Mayor Mamula read the title into the minutes. Ms. Shannon Haynes stated this IGA would allow the Town to enter into an agreement with Summit County and other municipalities to pool funds for the Opioid settlement to be spent to impact the county as a whole.

Mayor Mamula opened the public hearing. There were no public comments and the hearing was closed.

Mr. Bergeron moved to approve RESOLUTION NO. 1, SERIES 2023 - RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH SUMMIT COUNTY, COLORADO, AND THE TOWNS OF BRECKENRIDGE, FRISCO, AND SILVERTHORNE, COLORADO. Mr. Carleton seconded the motion.

The motion passed 7-0.

C) OTHER

VII) PLANNING MATTERS

A) PLANNING COMMISSION DECISIONS

Mayor Mamula declared the Planning Commission Decisions would stand approved as presented.

VIII) REPORT OF TOWN MANAGER AND STAFF

Mr. Holman stated there is a review period for the new Chair 5 at the Ski Resort and we plan to submit a letter supporting it if we don't have any issues with it. He further stated Mr. Hank Scott came to a past Council meeting to talk about renting a room in a home that is occupied full-time, and we are concerned that if we start opening the door to exceptions that tie our regulations to permanent residency we run the risk of putting our ordinance at risk. Mr. Bergeron stated that he understands the risk, but it seems unfair for the handful of people who this situation would apply to. Mr. Holman stated about 140 units have not renewed this year and we expect about 100

licenses will be lost through attrition. Mr. Holman stated he will be out of the office for the next couple of weeks and he asked Council to RSVP if they plan to attend the Snow Sculpture welcome party.

IX) REPORT OF MAYOR AND COUNCIL MEMBERS

A. CAST/MMC

Mr. Holman stated there will be a county-wide noxious weed event in July.

B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE

No report.

C. BRECKENRIDGE TOURISM OFFICE

No report.

D. BRECKENRIDGE HISTORY

Ms. Saade stated Breckenridge History is excited about the Milne project.

E. BRECKENRIDGE CREATIVE ARTS

Mr. Rankin handed out a flyer for upcoming BCA events. He also stated there is an Arts District Campus Crawl coming up.

F. BRECKENRIDGE EVENTS COMMITTEE

Ms. Owens asked if she could bring a request to move Ullr Fest to the spring to the committee, based on a letter Council received. She stated she feels like this letter could be a good conversation piece for BEC. Ms. Carleton suggested the conversation could start with BTO.

G. CHILD CARE ADVISORY COMMITTEE

Mr. Beckerman stated a countywide committee will be taking over childcare assistance starting next fall. He detailed statistics about who is receiving aid and how much they are receiving. He stated they discussed the future of the committee and stated in the future this committee can focus on things like capacity, workforce and afterschool/summer care. Mr. Beckerman stated all centers are fully staffed. Mr. Carleton added that it's important to continue this committee for local advocacy and for bringing the centers together to discuss issues.

H. WORKFORCE HOUSING COMMITTEE

No report.

I. SOCIAL EQUITY ADVISORY COMMISSION

Ms. Saade stated Ms. Tahja Grier was reappointed as the chair and Mack Russo is the new staff member for the group.

X) OTHER MATTERS

Mr. Bergeron asked when BOSAC would address the Chair 5 replacement, and Mr. Scott Reid stated the largest concern they have seen is drainage-related during construction. He further stated they will be discussing this at the next BOSAC meeting.

Mr. Carleton stated he keeps hearing about the steam coming from the parking garage, and staff is working on tweaking the system to turn on less often.

XI) SCHEDULED MEETINGS

A) SCHEDULED MEETINGS FOR JANUARY, FEBRUARY AND MARCH

XII) ADJOURNMENT

With no further business to discuss, the meeting adjourned at 7:45pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

Helen Cospolich, CMC, Town Clerk

Eric S. Mamula, Mayor

Proclamation

Black History Month
February 1-28, 2023

WHEREAS, the Town of Breckenridge honors Black Americans and celebrates the accomplishments and contributions of Black Americans during Black History Month - an annual celebration of Black culture and a time for recognizing the role of Black people in our history; and,

WHEREAS, the month of February, since 1976, has been designated as a tribute to the hundreds of years of Black innovation and struggle; and,

WHEREAS, the 2023 national theme for the observance is “Black Resistance;” and explores how Black Americans have resisted historic and ongoing oppression, in all forms; and,

WHEREAS, not to limit the celebration of Black culture, but to bring attention to important developments, reckoning with centuries of injustice, and movement against the injustices that still exist today; and,

WHEREAS, the observances require a continued need to provide space, resources, and allyship to educate our community about Black history, teach about racial progression and share a collective responsibility in an effort to maintain and protect the success of Black Americans; and,

WHEREAS, by the Town of Breckenridge’s continued recognition of Black History Month, we hope to firmly demonstrate the respect and value we have for our residents of Black heritage.

NOW, THEREFORE, BE IT RESOLVED THAT I, Mayor Eric Mamula, do hereby proclaim the month of February 2023 as Black History Month and call upon all Breckenridge residents to join me in honoring the many contributions made by Black Americans to our Town, State, and Nation, and to participate in the educational and inspirational events.

Adopted on this 24th day of January 2023.

_____/s/_____
Mayor Eric Mamula

Attest:

_____/s/_____
Town Clerk

Proclamation

Barney Ford Day
February 1, 2023

WHEREAS, the Town of Breckenridge honors Black Americans and celebrates the accomplishments of Barney Ford, during Black History Month; and

WHEREAS, Barney Ford was born enslaved over 200 years ago in 1822, escaped at age 26, and wrote to his enslaver, “if I can do better by myself than I can with you, I feel that I am at liberty to do so; for this is common to all free men.”; and,

WHEREAS, Barney Ford came to Denver in 1860 and was called “King of Restaurateurs”; and,

WHEREAS, Barney Ford suffered significant business losses due to the Great Denver Fire, bankruptcy, and financial ruin, yet remained undeterred in his pursuits; and,

WHEREAS, Barney Ford was the first Colorado African American to serve on a grand jury and along with other Black Leaders petitioned for universal suffrage in the state constitution,

WHEREAS, in 2022 Governor Jarod Polis, on behalf of the State of Colorado, signed a proclamation celebrating Barney Ford's legacy and pioneering efforts for civil rights during his lifetime

WHEREAS, by the Town of Breckenridge’s continued celebration and recognition of Black Leaders in our history, we hope to firmly demonstrate the respect and value we have for our residents of Black heritage.

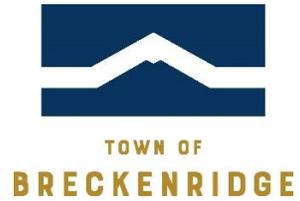
NOW, THEREFORE, BE IT RESOLVED THAT I, Mayor Eric Mamula, do hereby proclaim February 1, 2023, as Barney Ford Day and call upon all Breckenridge residents to join me in honoring the life and contributions of Barney Ford to our Town, State, and Nation as we enter Black History Month.

Adopted on this 24th day of January 2023.

_____/s/_____
Mayor Eric Mamula

Attest:

_____/s/_____
Town Clerk



Memo

To: Breckenridge Town Council Members
From: Helen Cospolich, Town Clerk
Date: 1/18/2023
Subject: Alcohol Takeout and Delivery Permit Required Ordinance (Second Reading)

The State of Colorado recently implemented a state-only permit allowing for takeout and delivery of alcohol from liquor-licensed establishments. As this permit is issued by the state without local approval, the Town is seeking to amend code to require local licensees to notify the Town within 10 days of receiving this type of permit. Staff believes it is important for enforcement purposes to have record of which businesses are allowing takeout and delivery alcohol.

There are no changes to this ordinance from first reading.

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 3 OF TITLE 4
PERTAINING TO ALCOHOL TAKEOUT AND DELIVERY PERMIT
NOTIFICATION.**

WHEREAS, under C.R.S. § 44-3-911, all eligible licensees wishing to provide alcohol beverages for takeout and delivery must apply for a state permit; and

WHEREAS, the Town Council wishes to require all licensees located within the Town who obtain a state takeout and delivery permit to notify the Town of such permit.

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

Section 1. The Breckenridge municipal code is hereby amended by adding a new section 4-3-27 to title 4, chapter 3, entitled "Takeout and delivery permit notification" underlined to read as follows:

4-3-27: Takeout and delivery permit notification.

A. Any licensee who receives a permit from the state licensing authority for takeout and delivery of alcohol must notify the Town Clerk of such permit within ten (10) days after receiving such permit.

B. Any licensee who has already received such permit prior to the effective date of this ordinance must notify the Town Clerk of such permit within ten (10) days after the effective date of this ordinance.

Section 2. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

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

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN FULL this 10th day of January, 2023. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 24th day of January, 2023, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

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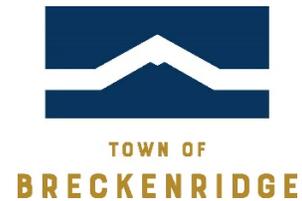
TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
Eric S. Mamula, Mayor

ATTEST:

Helen Cospolich, CMC,
Town Clerk

DRAFT



Memo

To: Town Council
From: Michelle Dollmaier, Planner III
Date: January 18, 2023 for meeting of January 24, 2023
Subject: New Land Use District 46 for Stillson/Stables Village (First Reading)

This is the first reading of the attached ordinance to approve a new Land Use District 46 for approximately 8.8 acres of the Stillson Property known as Stables Village. The current Land Use Guidelines for Stables Village is LUD 1 and LUD 15. The southern portion is in LUD 1 and is focused on open space, recreation, and low density residential (1 unit/10 acres) uses. The northern portion is located within LUD 15 allows for government uses as well as affordable housing. However, the density assigned to LUD 15 is 1 unit/20 acres, which is not adequate for the affordable housing use and is inconsistent with the anticipated density of 8 UPA.

Staff finds the allowed density of 1 unit/20 acres is not appropriate for the allowed affordable housing land use. If the proposed concept plan was reviewed under the current LUGs, the project would incur a large amount of negative points for density and the inconsistency with the land use outlined in LUD 1. In addition to the accumulation of negative points, the Development Code does not allow for a transfer of density to LUD 1 of which a small portion of the plan would be on.

To accommodate the proposed density, the Town will need to transfer a total of 61 Single Family Equivalents of Town owned density (TDR's) to the site. Based on the various issues with land use, densities, and TDR's, Staff is proposing the creation of a new LUD 46 to accommodate the Stables Village workforce housing project and ensure the master plan will be in compliance with the Land Use Guidelines.

The proposed draft LUD 46 (Exhibit D) includes uses such as workforce housing (single family, duplex and triplex), recreation and open space uses. The architectural design of the neighborhood will include contemporary designs which will help to facilitate the use of solar panels to achieve the net zero energy goals of the Town. Since the neighboring Lincoln Park and Wellington subdivisions include similar residential uses and densities, Staff has no concerns changing the Stables Village site from LUD 1 and LUD 15 to the newly created LUD 46 and feels the use is compatible with the neighboring properties.

The remainder of the Stillson property will maintain the LUD 1 and LUD 15 zoning.

The Planning Commission recommends that the Town Council change the land use district for approximately 8.8 acres of the Stables property from LUD 1 and LUD 15 to LUD 46. This action will allow for workforce housing as a use at the appropriate density as the Stables Village goes through the master planning process.

Staff will be available to answer any questions.

COUNCIL BILL NO. XX

Series 2023

AN ORDINANCE CREATING LAND USE DISTRICT 46 AND PLACING 8.8 ACRES OF THE STILLSON PROPERTY IN THE NEW LAND USE DISTRICT 46. (A portion of TR 6-77 Sec 31 Qtr 4 Mining Claim(s) cont 38.868 acres STILLSON PATCH PLACER MYRTLE ANNIE LODE MS#1466, 8.8 acres, more or less)

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

Section 1. Findings. The Town Council has heard and considered the evidence presented in support of and in opposition to the adoption of this ordinance. Based upon the evidence presented to the Town Council in connection with its consideration of this ordinance, as more fully set forth in the record of the proceedings in this matter, the Town Council of the Town of Breckenridge, Colorado hereby finds and determines as follows:

1. By Ordinance No. 3, Series 1987, the Town Council adopted the Breckenridge Land Use Guidelines ("Land Use Guidelines").

2. The Land Use Guidelines contain provisions governing the development of real property located within the various Land Use Districts of the Town, and include a map of the various Land Use Districts described in the Land Use Guidelines.

3. In Section 9-1-15-1 of the Breckenridge Town Code, the Town Council adopted certain procedures to be followed to amend the Land Use Guidelines.

4. The amendment to the Land Use Guidelines made by this ordinance is quasi-judicial in nature.

5. The procedural requirements of Section 9-1-15-1 of the Breckenridge Town Code with respect to a proposed quasi-judicial amendment to the Land Use Guidelines have been fully satisfied. Without limiting the generality of the foregoing, the Town Council finds that a public hearing was held by the Town Council of the Town of Breckenridge on February 28, 2023 to consider the adoption of this ordinance. Notice of such hearing was published twice in the Summit County Journal, a newspaper of general circulation in the Town, the first publication occurring at least twelve (12) days prior to the hearing and the second occurring at least four (4) days prior to the hearing, all as required by Section 9 -1-15-1(B) of the Breckenridge Town Code. The Proof of Publication of such notice was admitted into evidence and made a part of the record in connection with the adoption of this ordinance. In addition to the newspaper notice, not less than twelve (12) days prior to the date of the public hearing the Director of the Department of Community Development mailed a copy of the text of the newspaper notice by first class mail to all owners of real property that would be affected by the adoption of this ordinance, also as required by Section 9 -1-15-1(C) of the Breckenridge Town Code. The Director's Certificate of Mailing was admitted into evidence and made a part of the record in connection with the adoption of this ordinance. All requirements for notice of a proposed quasi judicial amendment to the Land Use District Guidelines required by Section 9 -1-15-1(C) of the Breckenridge Town Code have been satisfied.

6. The change to the land use district designation for the hereinafter described real property is consistent with or in compliance with the Town's Comprehensive Plan, and all parts thereof; and the proposed change bears a reasonable relationship to the welfare of the community.

Section 2. Change of Land Use District Designation. The Land Use District designation for the following described real property:

A TRACT OF LAND BEING PORTIONS OF THE STILLSON PATCH PLACER AND THE MYRTLE ANNIE LODE, U.S.M.S.1466, MINERAL DISTRICT NO. 3, LOCATED WITHIN SECTIONS 31 AND 32, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6TH PRINCIPAL MERIDIAN, SUMMIT COUNTY, COLORADO. PREVIOUSLY RECORDED UNDER RECEPTION NO.512362 IN THE OFFICE OF THE CLERK AND RECORDER FOR SUMMIT COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

1 BEGINNING AT A POINT ON THE 1-16 LINE OF SAID STILLSON PATCH PLACER,
2 ALSO BEING THE NORTHEAST CORNER OF THAT TRACT OF LAND RECORDED
3 IN THE OFFICE OF THE CLERK AND RECORDER FOR SUMMIT COUNTY UNDER
4 RECEPTION NO. 471836, THENCE, ALONG THE EASTERLY AND SOUTHERLY
5 BOUNDARY OF SAID TRACT AS RECORDED UNDER RECEP/ON NO. 471839
6 (ERROR 471836) THE FOLLOWING 2 COURSES: 1) SOUTH 14 DEGREES 57
7 MINUTES 19 SECONDS WEST A DISTANCE OF 773.43 FEET; 2) NORTH 74
8 DEGREES 18 MINUTES 53 SECONDS WEST, A DISTANCE OF 70.00 FEET TO
9 CORNER NO. 2 OF SAID STILLSON PATCH PLACER, ALSO BEING CORNER NO. 2
10 OF THE BLUE RIVER PLACER U.S.M.S. 816;

11
12 THENCE, CONTINUING NORTH 74 DEGREES 18 MINUTES 53 SECONDS
13 WEST, A DISTANCE OF 923.38 FEET TO CORNER NO. 3 OF SAID STILLSON
14 PATCH PLACER, ALSO BEING CORNER NO. 11 OF SAID BLUE RIVER
15 PLACER, THENCE SOUTH 13 DEGREES 42 MINUTES 16 SECONDS WEST,
16 A DISTANCE OF 205.46 FEET TO CORNER NO. 4 OF SAID STILLSON PATCH
17 PLACER, ALSO BEING CORNER NO. 10 OF SAID BLUE RIVER PLACER;
18 THENCE SOUTH 56 DEGREES 49 MINUTES 32 SECONDS EAST, A
19 DISTANCE OF 979.28 FEET TO CORNER NO. 5 OF SAID STILLSON PATCH
20 PLACER, ALSO BEING CORNER NO. 3 OF THE ADA PLACER, U.S.M.S. 1437;
21 THENCE SOUTH 75 DEGREES 47 MINUTES 01 SECONDS EAST, A
22 DISTANCE OF 1116.79 FEET TO CORNER NO. 6 OF STILLSON PATCH
23 PLACER, ALSO BEING CORNER NO. 4 OF SAID ADA PLACER; THENCE
24 SOUTH 48 DEGREES 10 MINUTES 55 SECONDS EAST, A DISTANCE OF
25 512.42 FEET TO A POINT ON THE 7-8 LINE OF SAID STILLSON PATCH
26 PLACER, ALSO BEING A POINT ON THE 5-6 LINE OF SAID ADA PLACER,
27 THENCE 18 DEGREES 28 MINUTES 01 SECONDS WEST, A DISTANCE
28 1528.34 FEET TO CORNER NO. 16 OF SAID STILLSON PATCH PLACER,
29 ALSO BEING CORNER NO. 2 OF THE FRENCH GULCH PLACER, U.S.M.S.
30 2589; THENCE, ALONG THE 16-1 LINE OF SAID STILLSON PATCH PLACER,
31 NORTH 74 DEGREES 21 MINUTES 21 SECONDS WEST A DISTANCE OF
32 758.82 FEET TO THE POINT OF BEGINNING, TOGETHER WITH EASEMENT
33 FOR INGRESS AND EGRESS AS SET FORTH IN INSTRUMENT RECORDED
34 MARCH 6, 1973, UNDER RECEPTIONS NO. 13224 OF THE RECORDS OF
35 THE CLERK AND RECORDER SUMMIT COUNTY COLORADO.

36
37 CONTAINING 8.8 ACRES, MORE OR LESS.

38
39 is changed from Land Use District 1 and 15 to Land Use District 46. The Town staff is directed
40 to change the Town's Land Use District Map to indicate that the above described property has
41 been placed within Land Use District 46.

42 Section 3. Continued Effect of Land Use Guidelines. Except as specifically amended
43 hereby, the Breckenridge Land Use Guidelines, as adopted by Ordinance No. 3, Series 1987,
44 shall continue in full force and effect.

45
46 Section 4. Police Power Finding. The Town Council hereby finds, determines, and
47 declares that this ordinance is necessary and proper to provide for the safety, preserve the
48 health, promote the prosperity, and improve the order, comfort and convenience of the Town of
49 Breckenridge and the inhabitants thereof.

50
51 Section 5. Authority. The Town Council hereby finds, determines, and declares that it
52 has the power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control
53 Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning
54 municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers);
55 (iv) Section 31-15-401, C.R.S. (concerning municipal police powers); (v) the authority granted to
56 home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers
57 contained in the Breckenridge Town Charter.

58
59 Section 6. Effective Date. This ordinance shall be published and become effective as
60 provided by Section 5.9 of the Breckenridge Town Charter.

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62 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
63 PUBLISHED IN FULL this 24 day of January 2023. A Public Hearing shall be held at the
64 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 28 day of
65 February, 2023, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
66 Town.

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TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____/s/_____
Eric S. Mamula, Mayor

ATTEST:

_____/s/_____
Helen Cospolich, CMC,
Town Clerk

BRECKENRIDGE LAND USE GUIDELINES

DISTRICT #46

Desired Character and Function

District 46 is located west of the Lincoln Park at the Wellington Neighborhood Subdivision and along the west side of Stables Drive. Historically, the property was dredge mined and left as rock piles. The present physical characteristic of the area is barren land that was previously used as an equestrian center and for various governmental storage purposes.

The district will be used for workforce housing and allow medium density residential to accommodate either single family, duplex, or townhome developments.

Acceptable Land Uses and Intensities

Land Use Type:	Workforce housing, recreation and open space
Intensity of Use:	8 UPA for deed restricted development
Structural Type:	Single family, duplex, townhomes

General Design Criteria

Architectural Treatment

Architectural design that includes contemporary designs are preferred to facilitate the use of solar panels and other renewable energy sources. Design characteristics should be those that are used to achieve net zero energy goals of the Town.

Building Heights

Structures in excess of 35 feet above grade are prohibited. Building heights will be determined through the development review process of the Town.

Building Setbacks

Relative policies within the Development Code should be used to provide general guidelines, however specific setbacks, lot sizes, and block designs should be developed within a site-specific master plan that recognizes the unique characteristics necessary to create an affordable and livable neighborhood and encourages creativity and flexibility.

Pedestrian Circulation

Sidewalks should be installed along Stables Drive and connect to nearby sidewalks of Bridge Street and neighboring subdivisions. Facilitating pedestrian connections is critical to creating a sense of community and place. Internal pedestrian circulations systems should

connect to the existing Wellington Trail and the Wellington Bike Park, which in turn provide connections to the backcountry and downtown.

Vehicular Circulation

This District will have two accesses off Stables Drive and circulate as a half circle with a central alley. The traffic on these roads must be managed in order to ensure safe and efficient movement of traffic to and from this area and traffic calming methods should be implemented as necessary to maintain slow speeds in this residential neighborhood.

Limited Public Transit stops along Wellington Road and French Gulch Road are provided adjacent to the District, which are located in combination with pedestrian and bicycle paths, and/or located at neighborhood focal points.

District Improvements

Utility Improvements

Water Facilities: Distribution lines exist within this District, and were developed as a component of development of the first phase of Wellington Neighborhood. Water supply and treatment capabilities can support the full development of this District. Depending upon the final design of the water distribution system some houses may be required to provide sprinkler systems for fire protection.

Sanitation Facilities: Collection lines exist within the District, and were developed as a component of the Lincoln Park and Wellington Neighborhoods. Adequate treatment capacity exists to accommodate full District development.

Natural Gas, Electricity, Telecommunication, Cable Television, Fiber Optic: Distribution lines for these utilities exist within the district. Utilities are adequate to serve the District at its full development. Installation of any new distribution lines must be underground and meet specifications of individual utility companies. Appropriate easements shall be provided for all new lines. An overhead transmission line exists behind the District, and its location and impacts should be taken into consideration when developing any Site Specific Master Plans.

Capital Improvements

In the event that a traffic study recommends improvements to the transportation system, such improvements should be undertaken over a period of time as the District is developed and installed prior to the impacts occurring that necessitated their installation. To the extent possible, and consistent with maintaining the affordability of the housing within the District, developers of this District should be encouraged to participate in the costs of improving the transportation systems, based on the roughly proportional impacts created by the development.

Drainage Improvements

Given the District's acceptable uses and intensities, a surface drainage plan should be prepared prior to any future development. Potential effects on adjacent properties and Districts should be specifically reviewed.

Relationships to Other Districts

Portions of this District directly abut Land Use District 1 and 15. Given the existing and future uses of this District, compatibility conflicts should not occur as the use of District 46 for residential uses should not create any negative impacts. The District is compatible with the residential uses within adjacent Land Use District 16, which encompasses the Lincoln Park and Wellington Neighborhoods. The District is topographically lower and does not interfere with the hillside backdrop and the recreational uses associated with LUD 1.

Land Exchange Policy

No land under Federal jurisdiction was identified within this District.

Annexation Suitability

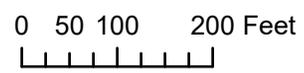
All property within this District is located within the Town of Breckenridge.



**Proposed LUD 46
8.8 Acres**

Proposed Land Use District 46 Boundary

-  Current LUDs
-  Proposed LUD 46
-  Parcels





Memo

To: Town Council
From: Town Attorney
Date: January 17, 2023
Subject: Compensation of Municipal Prosecutor

The Town Attorney is requesting that Council approve the continued service of Bob Gregory in 2023 and is recommending a nominal increase in his compensation as set forth in the attached resolution. The prosecutor serves as an independent contractor and, as such, does not have the same benefits as Town employees. However, the agreement proposed that the prosecutor continue to enjoy the benefit of a municipal recreation wellness pass and a parking pass.

Per the Town of Breckenridge Charter, Article VIII, the Town Council has the authority to approve assistants to the Town Attorney and must establish the compensation of any such assistants. With respect to the Town Attorney's duty as the legal representative of the Town, the Town Attorney oversees the prosecution of both criminal and noncriminal infractions. Historically, the Town Council has provided the Town Attorney with one assistant who performs the function of municipal prosecution.

RESOLUTION NO. ____

SERIES 2022

A RESOLUTION PROVIDING TOWN ATTORNEY ASSISTANT FOR MUNICIPAL PROSECUTION AND ESTABLISHING RATES

WHEREAS, the Town Charter, Article VIII, entitled Legal and Judiciary, Section 8.1, provides, among other things, that the Town Attorney shall serve as the legal representative of the Town;

WHEREAS, the Town Charter further states that the Town Council must approve any assistants of the Town Attorney and establish their compensation;

WHEREAS, the Town Council has deemed it necessary for the Town Attorney to be provided an assistant attorney to represent the Town in municipal prosecution of criminal and noncriminal infractions ("Municipal Prosecutor");

WHEREAS, the Municipal Prosecutor shall further provide prosecutorial services for disciplinary actions against liquor licensees before the Town of Breckenridge Liquor Licensing Authority and to prosecute disciplinary actions against marijuana licensees before the Town of Breckenridge Marijuana Licensing Authority;

WHEREAS, the Town of Breckenridge approves the continued retention of WEST HUNTLEY GREGORY PC for 2022;

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

Section 1. The Town Council hereby provides for a municipal prosecutor under the terms of conditions established by the Town Attorney;

Section 2. The Town Council hereby establishes the hourly rate of \$137.16 of the Town Prosecutor.

RESOLUTION ADOPTED AND APPROVED this 11th day of January, 2022.

ATTEST:

TOWN OF BRECKENRIDGE

Helen J. Cospolich, CMC, Town Clerk

Eric S. Mamula, Mayor

APPROVED IN FORM

Town Attorney

Date

MUNICIPAL COURT PROSECUTOR AGREEMENT

This Agreement ("Agreement") is made and entered into this 24^h day of January, 2023, by and between the TOWN OF BRECKENRIDGE, a Colorado municipal corporation ("Town") and WEST HUNTLEY GREGORY P.C., a Colorado professional corporation ("Prosecutors").

The Town Attorney does hereby retain West Huntley, Gregory to act as the prosecutor in the Town's Municipal Court ("Prosecutors") for the period commencing January 1, 2023 and ending December 31, 2023. The Prosecutors shall perform the services as more fully described in Paragraph 3 of this Agreement.

1. The Prosecutor accepts agrees to perform the duties required of it as Prosecutor in a competent and professional manner.

2. The Prosecutor is retained to, and shall perform, the following duties:

A. Prosecute all matters brought in the Town's Municipal Court ("Municipal Court"), including having Robert Gregory, or another competent prosecuting attorney, appear on behalf of the Town in each session of the Municipal Court, which sessions are generally scheduled on the second and fourth Wednesday of each month, with additional sessions scheduled as required by the Municipal Court's schedule.

B. Unless otherwise requested by the Town Attorney, represent the Town in any appeals of Municipal Court matters.

C. Advise any Town officer, department head or staff member in matters relating to cases Prosecutors are handling in case pending before the Municipal Court.

D. Attend Town Council or other Town meetings when requested to do so by the Town Attorney.

E. Prosecute disciplinary actions against liquor licensees before the Town of Breckenridge Liquor Licensing Authority.

F. Prosecute disciplinary actions against marijuana licensees before the Town of Breckenridge Marijuana Licensing Authority.

3. As compensation for the services to be provided by the Prosecutors as set forth in Paragraph 3, the Town shall pay the Prosecutors the sum of One Hundred Forty One and 61/100 Dollars (\$141.61) per hour for each hour expended by the Prosecutors on matters related to the Municipal Court. Prosecutors shall also be reimbursed for all reasonable and necessary expenses which it may pay or incur on behalf of the Town in connection with Municipal Court matters including, but

not limited to, the cost of subpoenas, witness fees and photocopying costs incurred outside of Prosecutors' office, and in the event any of those expense are chargeable to any defendant, defense attorney, or other third party under the Colorado Municipal Court Rules of Procedure or through common custom, the Prosecutors agree to charge such amount to such third party, rather than seeking reimbursement for such items from the Town. It will occasionally be necessary and appropriate for the Prosecutors' paralegals or support staff to perform services on certain matters related to the Municipal Court rather than the Prosecutors, which shall be billed at a rate of Eighty Dollars (\$80.00) per hour. Computerized legal research services performed for the Town shall be billed to the Town at the same rate paid by the Prosecutors for such services, and the Town shall provide the Prosecutors with a portable laptop computer and remote access to court software . The Prosecutor shall submit to the Town Attorney on a monthly basis an itemized billing detailing all services performed for the Town during the preceding month. The Prosecutors' monthly statement for services rendered shall be mailed to the Town on or before the fifth day of each month and shall be paid by the Town not later than the 15th day of each month.

4. The Prosecutors shall not bill the Town for travel time to and from the Municipal Court. In the event that any other travel is required as part of Prosecutors' duties, such travel shall be billed at the hourly rate set forth above.

5. The Prosecutors shall at all times maintain professional liability insurance in an amount of not less than \$1,000,000.00 per claim/\$1,000,000.00 yearly aggregate.

6. The Prosecutors shall not be entitled to paid vacation, health benefits, sick leave or any other benefit paid, given or provided to Town employees; provided, however, Robert Gregory shall be granted an annual family Recreation Wellness Pass and an Employee Parking Pass.

7. The Prosecutors understand that (i) the Town will not pay or withhold any sum for income tax, unemployment insurance, Social Security or any other withholding pursuant to any law or requirement of any governmental body; (ii) Prosecutors are obligated to pay federal and state tax on any moneys earned pursuant to this Agreement; (iii) Prosecutors are not entitled to workers' compensation benefits from the Town or the Town's workers' compensation insurance carrier; and (iv) Prosecutors are not entitled to unemployment insurance benefits unless unemployment compensation coverage is provided by Prosecutors or some other entity. Prosecutors agree to indemnify and hold Town harmless from any liability resulting from Prosecutors' failure to pay or withhold state or federal taxes on the compensation paid hereunder.

The Prosecutors shall devote so much of the firm's time to the business of the Town as may be required to assure proper representation of the Town, but, subject only to the Colorado Rules of Professional Conduct, particularly Rule 1.7, the Prosecutors shall not be prevented from representing other clients which may have business with and against the Town, including, but not limited to, the Department of Community Development, the Planning Commission and the Town Council.

8. The Prosecutors understand and acknowledge that this Agreement may be terminated at any time by the Town Attorney or by action of the Town Council, without liability to the Prosecutors for breach, except liability for compensation due the Prosecutors for services performed prior to the termination, and without the need for either cause for the termination or a hearing.

9. Throughout the extended term of this Agreement, Prosecutors shall not:

A. knowingly employ or contract with a worker without authorization to perform work under this Agreement; or

B. enter into a contract with a subcontractor that fails to certify to Prosecutors that the subcontractor shall not knowingly employ or contract with a worker without authorization to perform work under this Agreement.

Prosecutors have verified or have attempted to verify through participation in the Federal Basic Pilot Program that Prosecutors do not employ any workers without authorization; and if Prosecutors are not accepted into the Federal Basic Pilot Program prior to the extension of the term of this Agreement, Prosecutors shall apply to participate in the Federal Basic Pilot Program every three months thereafter, until Prosecutors are accepted or this Agreement has been completed, whichever is earlier. The requirements of this section shall not be required or effective if the Federal Basic Pilot Program is discontinued.

Prosecutors are prohibited from using Federal Basic Pilot Program procedures to undertake pre-employment screening of job applicants while this Agreement is being performed.

10. If Prosecutors obtain actual knowledge that a subcontractor performing work under this Agreement knowingly employs or contracts with a worker without authorization, Prosecutors shall:

A. notify such subcontractor and the Town within three days that Prosecutors have actual knowledge that the subcontractor is employing or contracting with a worker without authorization; and

B. terminate the subcontract with the subcontractor if within three days of receiving the notice required pursuant to this section the subcontractor does not stop employing or contracting with a worker without authorization; except that Prosecutors shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with a worker without authorization.

Prosecutors shall comply with any reasonable request by the Colorado Department of Labor and Employment made in the course of an investigation that the Colorado Department of

Labor and Employment undertakes or is undertaking pursuant to the authority established in Subsection 8-17.5-102 (5), C.R.S.

If Prosecutors violate any provision of this Agreement pertaining to the duties imposed by Subsection 8-17.5-102, C.R.S. or this Section 13, the Town may terminate this Agreement for a breach of the contract. If this Agreement is so terminated, Prosecutors shall be liable for actual and consequential damages to the Town.

11. In the event that Robert Gregory is unavailable to attend any Municipal Court session, the Prosecutors shall find a substitute prosecutor, with the approval of the Town Attorney

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

ATTEST:

TOWN OF BRECKENRIDGE

Town Clerk

Town Attorney, Kirsten J. Crawford

WEST HUNTLEY GREGORY P.C.

By: Robert Gregory, Attorney



Memo

To: Breckenridge Town Council Members
From: Tara Olson, Deputy Town Clerk
Date: 1/18/2023
Subject: Liquor & Marijuana Licensing Authority Appointments

One of Breckenridge's Liquor and Marijuana Licensing Authority (LMLA) members, Taryn Power, resigned from the Authority effective January 18, 2023. Ms. Power was nearing the end of a four-year term that expires at the end of December 2023.

This volunteer Authority position was advertised in the Summit Daily News, the Summit County Journal, and on the Town of Breckenridge website. Two letters of interest were received by the advertised deadline from:

Haley Littleton
Sean Fitzsimmons

Copies of their letters are attached for your review.

Appointment may be made by motion and a sample motion follows.

Sample Motion:

"I move that we appoint Mr./Ms. to fulfill the remainder of the four-year term vacated by Ms. Taryn Power on the Breckenridge Liquor and Marijuana Licensing Authority."

Haley Littleton

107 North Harris Street, Unit 208

Breckenridge, CO 80424

haleykitlittleton@gmailcom | 864-704-0380

To the Breckenridge Liquor & Marijuana Licensing Authority:

My time working for the Town of Breckenridge as the Communications and Marketing Coordinator for four years (2017-2021) instilled in me a deep love and appreciation for the work of local government. After having transitioned out of my role, I missed the opportunity to serve the community that I love. After having the chance to return to Breckenridge and live downtown (107 North Harris Street), I am looking to give back to the community. I believe that I would be a great asset to the LMLA as I have the requisite background knowledge of procedures and the processes after working for the town for several years. I understand the rules and regulations, as well as the history of liquor and marijuana licensing in the town. I would be able to join the Authority with a running start and be able to immediately contribute.

I also believe that having a younger constituent on the Authority would represent a different demographic than is usually seen in local government. I believe that it could be a way to encourage younger residents to be more involved in the municipal process. I am interested in the vibrancy and the important economic value that restaurant and bars bring to the Town of Breckenridge while also understanding that there need to be limits and responsible regulation. I have several years of experience working in restaurants and bars, but I have no connection to any restaurant or bars and do not stand to gain in any way from any LMLA application. I am simply looking for a way to give back to my community.

Sincerely,

Haley Littleton

From: [Sean Fitzsimmons](#)
To: [WebsiteClerk](#); [Tara Olson](#)
Subject: Letter of interest for the liquor and marijuana licensing authority
Date: Tuesday, January 17, 2023 5:10:55 PM

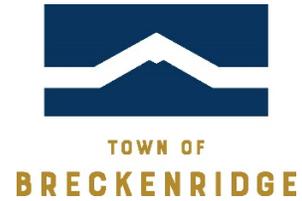
[EXTERNAL MESSAGE]

Hello! My name is Sean Fitzsimmons and I am interested in the vacancy on the liquor and marijuana licensing authority.

I am a registered voter in Breckenridge, and my address is 12 Ontario green. My passion outside of work is all things culinary and beverage related. My professional job is as a director of application innovation for Microsoft.

Please let me know what else would be needed to consider me for this vacancy.

Get [Outlook for iOS](#)



Memo

To: Breckenridge Town Council Members
From: Mark Truckey, Director of Community Development
Date: January 18, 2023
Subject: Planning Commission Decisions of the January 17, 2023 Meeting

DECISIONS FROM THE PLANNING COMMISSION MEETING, January 17, 2023:

CLASS A APPLICATIONS:

1. Chair 5 Replacement and Peak 8 Base Area Improvements, Tract C Peak 8 Sub, PL-2023-0003
A proposal to replace the existing two-person Chairlift 5 with a new detachable grip 4 passenger chairlift. Also proposed with the application is the relocation of the two magic carpets, regrading of the learning area, the removal of the guest services and alpine slide storage buildings, installation of new retaining walls of less than 4' in height and new fencing. *Approved, see second memo.*

CLASS B APPLICATIONS: None.

CLASS C APPLICATIONS:

1. Tap House and Bangkok Happy Bowl Exterior Food & Beverage, 103.5 and 105 N. Main, PL-2022-0535

A proposal to convert seven parking spaces and hard surface area located on the west side of the Breckenridge Tap House and Bangkok Happy Bowl into an exterior food and beverage service area. The conversion of parking to a food and beverage service area is subject to Policies 24A and 52A and requires employee housing mitigation, in addition to provision of additional parking and payment of water PIFs. To meet the necessary required employee mitigation requirements of Policy 24A the applicant proposes to deed restrict the second-floor residential unit of the Breckenridge Tap House to serve as workforce housing in perpetuity. The residential parking requirements of the proposed deed restricted unit and the existing deed restricted unit of the Bangkok Happy Bowl will be waived because of the allowance for deed restricted properties within the parking service area to have required onsite parking waived. The two properties currently share the rear parking area and are subject to a recorded shared parking covenant, hence they are submitting a joint application to convert the parking area. Required commercial parking would be purchased in the Parking District. *Approved.*

2. Double Tree Remodel, 550 Village Rd., PL-2022-0545

A proposal to remodel the existing hotel building, including an exterior façade renovation, replacement of the outdoor amenity area, replacement of the porte-cochere with reconfigured entry drive, and a full interior remodel. The remodel will result in one less hotel room. *Called up and approved.*

TOWN PROJECT HEARINGS: None.

OTHER:

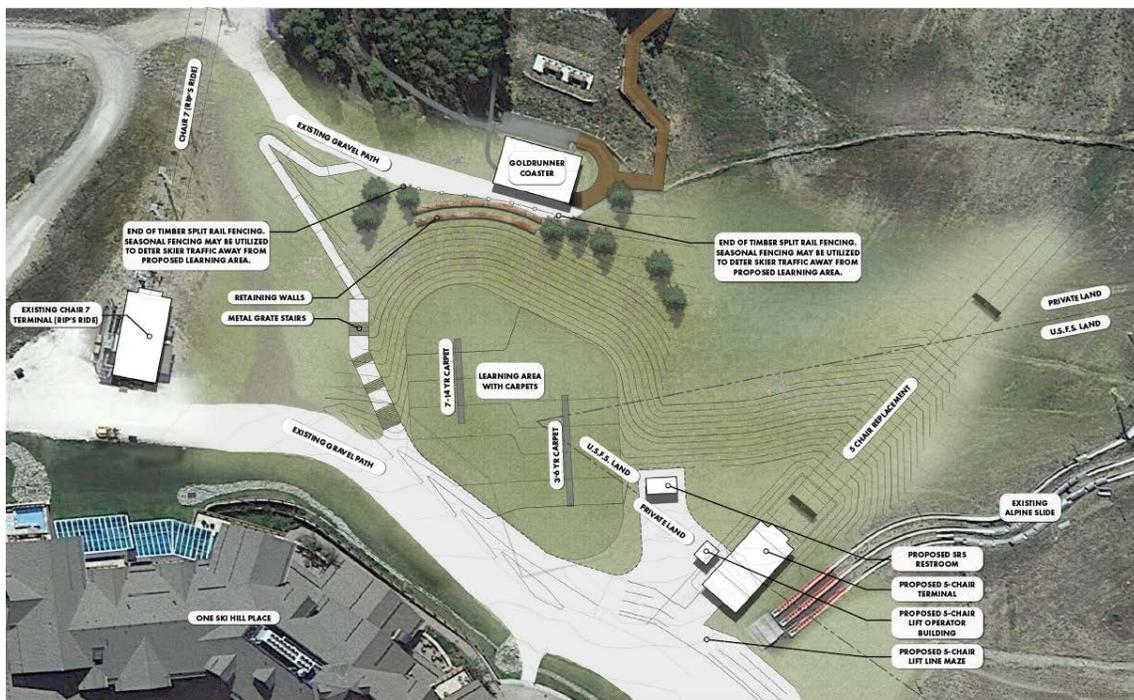
1. Stillson Property Land Use Guidelines Work Session

A work session was held for a proposal to create a new Land Use District 46 for approximately 8.5 acres of the Stillson "Stables Village" property. *Planning Commission recommends that Council place the Stillson Property into Land Use District 46.*

Memo

To: Town Council
 From: Chris Kulick, AICP, Planning Manager
 Date: January 18, 2023 for meeting of January 24, 2023
 Subject: Chairlift 5 Replacement and Peak 8 Area Improvements, Class A Planning Commission Approval Summary

A Combined Hearing for the Chairlift 5 Replacement and Peak 8 Area Improvements, Tract C, Peak 8 Subdivision, was held by the Planning Commission on January 17, 2023. The application proposes replacing the existing two-person Chairlift 5 with a new detachable grip 4 passenger chairlift. Also proposed with this application is the relocation of the two magic carpets, regrading of the learning area, the removal of the guest services and alpine slide storage buildings, installation of new retaining walls of less than 4' in height and new fencing.



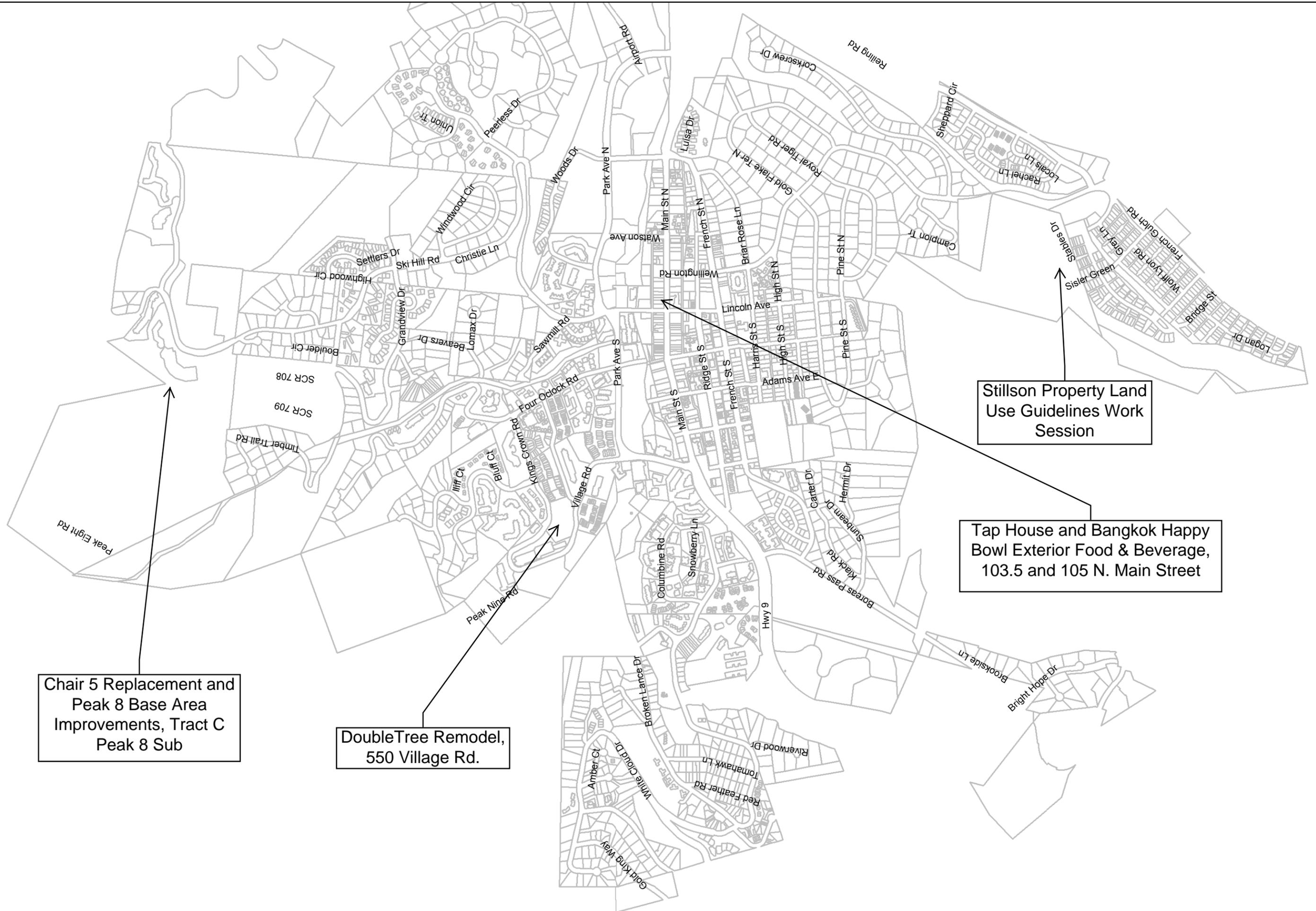
The proposed lift and relocation of the learning areas will be a significant improvement to the recreational experience on Peak 8. The lift services the primary beginner and intermediate runs as well as terrain parks on Peak 8. The lift will significantly reduce wait times for skiers by increasing lift capacity over the existing lift. Additionally, the proposed lift is a detachable grip chair which has a significantly lower speed for loading and unloading compared to the existing fixed grip lift which makes it better suited for beginner skiers. The proposed terminal structure is primarily horizontal wood siding with natural stain and non-reflective beige metal (see photo depiction below). This is similar to the new terminal at the Freedom Chair on Peak 7 and Rip's Ride and the Colorado Chair on Peak 8.

Throughout the pre-application phase, the Town's Engineering Department has been involved in the project review to ensure the highest levels of drainage, erosion and sediment control are maintained. From their involvement, and input from the Open Space Division, staff added an additional condition of approval, *“Applicant shall install erosion control measures on the downhill side of disturbance areas, in a manner acceptable to the Town Engineer. An on-site inspection shall be conducted prior to the commencement of construction to ensure Best Management Practices are utilized. Best Management Practices for controlling erosion and sediment may include, but not be limited to, blocking affected inlets with waddles and inflatable balloon/gaskets so that the inlets that are directly within the flows of the construction zone are blocked from transporting water and sediment during and after the project, until the revegetation efforts have proven successful.”*This is in addition to the standard condition, “Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.” Across all Town divisions maintaining or improving water quality entering Cucumber Gulch is our highest priority associated with this project.



The Commission found the project complied with all Absolute Policies, and assigned negative two (-2) points under Policy 7/R, Site and Environmental Design, for having a retaining wall that feature synthetic rock and assigned positive six points (+6) under Policy 20/R, Recreation, based on the historic allocation of points for new or improved lift systems. The Commission approved the application 7-0.

Staff will be available at the meeting to answer any questions.



Chair 5 Replacement and
Peak 8 Base Area
Improvements, Tract C
Peak 8 Sub

DoubleTree Remodel,
550 Village Rd.

Tap House and Bangkok Happy
Bowl Exterior Food & Beverage,
103.5 and 105 N. Main Street

Stillson Property Land
Use Guidelines Work
Session

PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 pm by Chair Frechter.

ROLL CALL

Mike Giller	Mark Leas	Allen Frechter	Susan Propper
Tanya Delahoz	Ethan Guerra-remote	Steve Gerard	

APPROVAL OF MINUTES

With no changes, the January 3, 2023 Planning Commission Minutes were approved.

APPROVAL OF AGENDA

With no changes, the January 17, 2023 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- None.

CONSENT CALENDAR:

1. Tap House and Bangkok Happy Bowl Exterior Food & Beverage (SVC), 103.5 and 105 N. Main Street, PL-2022-0535

2. Double Tree Remodel (SVC), 550 Village Rd., PL-2022-0545

Mr. Giller made a motion to call up Double Tree Remodel (SVC), 550 Village Rd., PL-2022-0545 seconded by Mr. Gerard. This motion passed unanimously.

Ms. Crump presented the proposal to remodel the existing hotel building, including an exterior facade renovation, replacement of the outdoor amenity area, replacement of the porte-cochere with reconfigured entry drive, and a full interior remodel.

Commissioner Questions:

Ms. Propper: Is EV capable wired but not operational? (Ms. Crump: Yes, the points are for providing 20 EV capable spaces wired for future EV installation. Only older buildings that wouldn't be required to meet EV requirements are eligible for points for EV capable spaces. They are retrofitting it, they are updating electrical through the whole building). The 3 EV Chargers are EVSE? (Ms. Crump: Correct, those will likely be in the garage). Looking at EV Capable, I count 19 only. (Ms. Crump: They are committed to 20 in the Development Permit, we confirm during inspection, and they will not pass if they do not provide 20).

Mr. Giller: Can you speak to the porte-cochere? (Ms. Crump: It is really tight in this area. This is decreasing the existing nonconformity with the setbacks. They were attempting to create a space where there could be parked cars and a still accessible drive aisle).

Mr. Gerard: Included with underground parking, will they maintain site parking agreement with Beaver Run? (Ms. Crump: I'm not aware of any parking agreement with Beaver Run. There is a parking variance, this site is only required to have 157 spaces with the guest shuttle).

Becky Stone, OZ Architecture, Applicant:

For the EV spots, on the first level there is 1 ADA EV space plus 9 so 10 total, and on the second level there are 10 EV stalls so there are 20 total. The ADA spot will also be wired, hopefully that clears it up. We do not have a shared parking agreement with Beaver Run that any of us know of. For the renderings

with the canopy, one of the challenges is that it is very tight, you can maybe park one car, you can get in there maybe one car and one can pass, two can stack behind. Cars start to flow down the hill and stack in the street. We want 4 cars parked with the ability to have another lane to drive through. Not having as much stacking is what we were trying to solve. Pushes the front columns to the street, but they are further back than today. You can't walk out and walk up so guests just walk in the street. It's a bit chaotic. We pushed the canopy back the whole length of the property, but still tried to allow parked cars and space for one to pass. This doesn't cause stacking down the road. The columns we are scootching back. (Ms. Crump: Only one column doesn't meet the setback).

Mr. Giller: Can you pull the edge of the porte-cochere roof back so it is all conforming? (Ms. Stone: Yes, we can do that).

Mr. Gerard: There is a lot of foot traffic. A note for Engineering would be some kind of painted crosswalk to let motorists know there are people walking (Ms. Stone: We would love that too. We want people in there and dropped off and their cars to valet, the advantage is that they can park cars and then leave the cars there and not across the street).

Commissioner Comments:

Ms. Propper: None.

Mr. Giller: None.

Mr. Leas: None.

Mr. Gerard: As it relates to general development, wondering if this will be known as the decade of the charcoal color.

Ms. Delahoz: None.

Mr. Frechter: With lots of brutalist architecture surrounding it, it is a nice upgrade for that part of town.

Mr. Guerra: I have no comments.

Mr. Giller made a motion to add with a condition that the roof of the porte-cochere cannot encroach onto town property, seconded by Ms. Delahoz. Mr. Giller then amended the motion to approve the project with the aforementioned condition of approval. This passed 7 to 0.

With no additional call ups, the Consent Calendar was approved as presented.

COMBINED HEARINGS:

1. Chair 5 Replacement and Peak 8 Base Area Improvements (CK), Tract C Peak 8 Sub; PL-2023-0003

Mr. Kulick presented a proposal to replace the existing two-person Chairlift 5 with a new detachable grip 4 passenger chairlift. Also proposed with the application is the relocation of the two magic carpets, regrading of the learning area, the removal of the guest services and alpine slide storage buildings, installation of new retaining walls of less than 4' in height and new fencing. The following specific questions were asked of the Commission:

1. Recreation: Staff supports awarding positive six (6+) points for providing an upgraded chairlift. Does the Commission concur?
2. Retaining Wall: Does the Commission support awarding negative two (-2) points for the proposed non-natural, "Redi-rock LedgeStone" retaining wall?

Commissioner Questions:

Mr. Frechter: I am a parttime employee of the ski area (Mr. Guerra: I am also part time employee of the ski area) I don't feel there is a conflict (Ms. Puester: Do you have financial gain from this application?) We both do not. All commissioners agreed no conflict.

Jody Church, Vice President Mountain Operations, Vail Resorts

I want to say thank you to staff. We feel that with forest service and the mayor, it has been great to work with everyone. We have had considerable outreach to stakeholders with incredible engagement. I wanted to note we have seen success in our Peak 8 transformation with the install of Rip's Ride Chairlift. A couple of quick facts: we have seen double uphill capacity and 50% reduction in stops, so it is a big improvement for the learning area, and it has been a great improvement in flow and circulation. The chair 5 replacement is failing infrastructure, right now it's a 50-year-old, two-seater chair lift. We are seeking to move guests efficiently and provide progression from our learning areas.

Jim Testin, Mountain Planner, Vail Resorts:

Good evening. This is a product of many years of work, the impetus is to clean the area, create better flow, and reduce congestions. The resort completed a master development plan which is a visioning document, we thought "what are the goals, how do we get better?" The plan is better, not bigger. How do we look at infill projects? We created three goals for all of our improvements- to reduce congestion in the base area, improve ski and ride experiences, and replace failing infrastructure. This project hits all three of those goals. This project also helps to spread out the volume and disperse guests, take pressure off of the other Base area lifts. Like Jody mentioned, we are going through a NEPA review with the Forest Service. The project components on Forest Service land are primarily above the midstation which is tree removal, grading, and utility upgrades. As mentioned, the base area has some grading and utility work and the children's restroom facility on USFS land. We are looking to match the façade of One Ski Hill Place and the other architecture in the base area, both colors and materials. The restrooms will be winter use only. We can screen it with landscaping and amenities during the summer associated with Epic Discovery. With that, turning it over to Elena.

Elena Scott, Principal, Norris Design,

From a goal perspective, we have gotten a lot of information, but this project is really about improving the guest experience. Especially the ski school and progression on Peak 8 and Peak 9. This is an excellent way for kids to grow and learn in the winter and to explore the rest of the mountain. We are happy about the access improvements, view corridors, and the relocation of the large retaining wall. Improvements to safety and cleaning the area to make it look better. The forest service boundary is in green here to the right. We have the existing chair 5 on the right of the Alpine Slide, the kids castle has been removed, and the existing magic carpets. We talked with staff on moving this wall really helps to open up the entire area. The guest services building will be removed as is the wall and stairs. Really will open it up by removing the walls that create a pinch point. The chair lift, the new high speed quad is a huge recreational experience improvement for Peak 8, reducing wait time, improving the architectural quality, lowering the speed for loading and unloading for new skiers and riders as well as instructions to ride with more kids. The two magic carpets here are 60 feet and 90 feet letting skiers and riders learn. The area around the magic carpets is 30 ft on all sides heling with snow management and areas to queue. The restroom structure is only accessible to those kids. There will be a new stair and ramp combo to be utilized in the summer. The removal of the retaining wall accommodates the magic carper with a 2 to 1 slope regrade. It is a very natural looking material, and an easily implementable structure. Landscaping is also provided. On the 3d graphic the emphasis is the removal of the retaining wall and opening of this zone. At the midpoint, this is a summer unload. There is a 10ft paved accessible path leading to the alpine slide this will be for queueing and to get to the viewing deck. For this project was reclamation of road with single track bike trail, with the grade limited vegetation deduction. For drainage, we have incorporated drainage improvements to protect against erosion.

Commissioner Questions / Comments:

Mr. Gerard: Will you have a reload for bikers at the midpoint station? (Mr. Testin: It will be an unload zone only. They would have to go to the bottom to reload).

- Mr. Giller: For the revegetation and the 2 to 1 slope grading, can you speak to that? (Ms. Scott: The soil and topsoil is important to us so will do new soil, we have a native seed mix thatvail resorts has worked with the USFS on, lastly we would be following all requirements of engineering, requiring blankets for over 2 to 1 slope so we don't need to, but the seed mix will be able to revegetate the hillside. For the stormwater side, we have drainage around this side, and a swale at this location.) (Mr. Testin: I think about drainage management at Peak 8 in the long-term improvements and during construction is important. Preventing sediment, we learned during Rip's construction, and it was a wet summer. It came down to us monitoring on an hourly basis the forecast and having boots on the ground. We have drainage drop inlets around the base. We have erosion control logs and fabric clogs, preventing water from going into the piping. We manage our contractors and their driving and excavation; we also use a helicopter as much as possible for the least disturbance).
- Mr. Frechter: Will skiers be able to come down skier's right of the chair? (Mr. Testin: That will be blocked off. We are looking to put up temporary fencing to block off skiers from crossing over and the fencing would be removed for groomers at night. The slide track will be covered and groomed over so you can still come down and over).

Public Comment: None.

Commissioner Comments:

- Mr. Guerra: I am familiar with this area being ski patrol for 37 years, this is great and will really open things up. Chair 5 was the first chair I ever rode. Sad to see it go but happy with the reconfiguration 1. I concur 2. I support -2 for the material stone.
- Ms. Delahoz: Thanks for all the information, Chris. It will be a good project and a great upgrade. My kids have gone through this process, and we made it up the stairs with tears. Good upgrade. 1. Yes 2. Yes, I agree
- Mr. Gerard: Great project, it supports the resort in all the seasons, great addition for summer as well. Rode this will my kids, this will be a better experience. 1. I concur, proven by summer and winter upgrade. 2. It doesn't matter, you have plenty of positive points here. I would rather see native rock, it will be highly visible Siloam stone would look really nice.
- Mr. Leas: Thanks to staff. Surprised we got to go look at it. I was pleasantly surprised by the presentation and education given by Vail's staff and Norris. Great project. 1. I concur, 2. I agree
- Mr. Giller: Thank you Vail and Norris, great project 1. I concur. 2. I concur
- Ms. Propper: Thank you for the presentation I didn't know what chair 5 was, it was very helpful. 1. I concur 2. I concur
- Mr. Frechter: Great project functionally and aesthetically. Helps with the choke point, a lot of near collisions. Chris maybe for 20R the language could be changed, that should read "2-3 times as many children depending on the age". 1. I agree 2. I agree.

Mr. Giller made a motion to approve the Chair 5 Replacement and Peak 8 Base Area Improvements, seconded by Ms. Delahoz. The motion passed 7 to 0.

WORK SESSIONS:

1. Stillson Property Land Use Guidelines

Ms. Dollmaier presented a proposal to create a new Land Use District 46 for approximately 8.8 acres of the Town-owned Stillson future "Stables Village" property. The following specific questions were asked of the Commission:

1. Does the Commission recommend that the Town Council change the Land Use District for approximately 8.8 acres known as the Stables Property from LUD 1 and LUD 15 to LUD 46?

Commissioner Questions / Comments:

- Mr. Giller: Was there not another LUD that fit? (Ms. Dollmaier: At this density and for workforce housing, with more contemporary architecture, there was not).
- Mr. Leas: The town would have to transfer 61 units of density so I can presume there is none now? As it stands? (Ms. Dollmaier: There is currently 1 unit per 10 acres and 1 unit per 20 acres). Why do we need to transfer? (Mr. Kulick: We are requiring a transfer above what is existing to cover the total of what is proposed on the conceptual drawing. That is the deficit). Town is transferring whatever necessary? (Mr. Kulick: Following past policy of bringing density over from another site, like a parking reservoir, it is being moved from another area. This is not an upzoning and no new density is being created in the Upper Blue Basin).
- Mr. Gerard: Another project is coming in behind this, likely larger lot single family? (Ms. Puester: The phase 2 language will be removed from the plan; there will not be a phase 2 due to in part, additional traffic concerns and density impacts from Council.) Would it make sense to then rezone the whole area? (Mr. Kulick: The Council desire was not to do so at this time. The existing governmental uses will remain in that area. We were asked to plan for what you see on the plan as “phase 1”).
- Mr. Guerra: I need to disclose that the project is being designed by Allen Guerra whose principal architect is Suzanne Allen-Sabo who is my ex-wife and they will be contracting with my company for the site work on this, therefore I will have a financial interest in this project. I will be recusing myself as this project comes up.

(Mr. Guerra leaves the meeting for the remainder of this discussion)

- Mr. Frechter: The Town will still add the 61 units of density from our pool? (Mr. Kulick: Any project raising density, we want to be consistent and move density from somewhere in the Basin and not just a blanket up zone). Are the Guidelines binding? (Mr. Kulick: The master plan would supersede it; if it speaks to it. If the master plan does not speak to a specific subject, the guidelines apply.) So, we can still tweak it? (Ms. Puester: You would not be able to modify the LUGs going forward, but during the master plan review process, if there is something more specific, beyond the LUGs that should be addressed, it could be done then).
- Mr. Leas: This work session just enables the process to move forward to the next step? (Mr. Kulick: Yes).

Mr. Gerard made a motion that the Planning Commission recommend to the Town Council, that the new Land Use District 46 be created, seconded by Ms. Propper. This passed 6 to 0 with one recused member (Mr. Guerra).

OTHER MATTERS:

Ms. Delahoz informed the Planning Commission that she was resigning from the Commission, effective after the meeting. Ms. Puester stated that we will be advertising the position, which will close February 17th. Interviews at Council will be on February 28.

1. Town Council Summary
2. Class D Majors Q4 2022 (Memo Only)
3. Class C Subdivisions Q4 2022 (Memo Only)

ADJOURNMENT:

The meeting was adjourned at 7:25 pm.

Allen Frechter, Chair



TOWN OF BRECKENRIDGE
TOWN COUNCIL

Scheduled Meetings

Shading indicates Council required 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.

January 2023

Monday, Jan. 23rd, 2023		ISSC Welcome Party	6:00pm - 7:30pm
Tuesday, Jan. 24th, 2023	Council Chambers	Second Meeting of the Month	3:00 pm / 7:00 pm
Jan. 24th - Feb. 2nd, 2023	Riverwalk Center	International Snow Sculpture Championships	

February 2023

Tuesday, Feb. 14th, 2023	Council Chambers	First Meeting of the Month	3:00 pm / 7:00 pm
Tuesday, Feb. 28th, 2023	Council Chambers	Second Meeting of the Month	3:00 pm / 7:00 pm

Other Meetings

January 23rd, 2023	Open Space & Trails Meeting	5:30pm
January 24th, 2023	Board of County Commissioners Meeting	9:00am / 1:30pm
January 26th, 2023	Transit Advisory Council Meeting	8:10am
	Summit Stage Transit Board Meeting	8:15am
	Breckenridge Tourism Office Board Meeting	8:30am
	Northwest CO Council of Governments	10:00am
	RW&B Board Meeting	3:00pm
February 1st, 2023	Breckenridge Events Committee	9:00am
	Childcare Advisory Committee	3:00pm
February 7th, 2023	Board of County Commissioners Meeting	9:00am
	Planning Commission Meeting	5:30pm
February 8th, 2023	Breckenridge Heritage Alliance	Noon
February 9th, 2023	I-70 Coalition	3:30pm
	Upper Blue Sanitation District	5:30pm
February 14th, 2023	Board of County Commissioners Meeting	9:00am / 1:30pm
	Workforce Housing Committee	10:30am
February 16th, 2023	Breckenridge Creative Arts	Noon
February 20th, 2023	Social Equity Advisory Commission	7:30am
February 21st, 2023	Board of County Commissioners Meeting	9:00am
	Liquor & Marijuana Licensing Authority	9:00am
	Planning Commission Meeting	5:30pm
February 23rd, 2023	Summit Stage Transit Board Meeting	8:15am
	Breckenridge Tourism Office Board Meeting	8:30am
	Breckenridge Creative Arts	2:00pm
	RW&B Board Meeting	3:00pm



Scheduled Meetings

Shading indicates Council required 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.

February 27th, 2023	Open Space & Trails Meeting	5:30pm
February 28th, 2023	Board of County Commissioners Meeting	9:00am / 1:30pm
March 1st, 2023	Police Advisory Committee	7:30am
	Breckenridge Events Committee	9:00am
	Childcare Advisory Committee	10:00am
March 7th, 2023	Board of County Commissioners Meeting	9:00am
	Planning Commission Meeting	5:30pm
March 8th, 2023	Breckenridge Heritage Alliance	Noon
March 9th, 2023	I-70 Coalition	11:30am
	Upper Blue Sanitation District	5:30pm
March 14th, 2023	Board of County Commissioners Meeting	9:00am / 1:30pm
	Workforce Housing Committee	10:30am
March 15th, 2023	Summit Combined Housing Authority	9:00am
March 20th, 2023	Social Equity Advisory Commission	7:30am
March 21st, 2023	Board of County Commissioners Meeting	9:00am
	Liquor & Marijuana Licensing Authority	9:00am
	Planning Commission Meeting	5:30pm
TBD	Tourism Overlay District Advisory Committee Meeting	10:30am
	QQ - Quality and Quantity - Water District	1:15pm
	Transit Advisory Council Meeting	8:00am
	Water Task Force Meeting	9:30am