



**TOWN OF  
BRECKENRIDGE**

**Town Council Regular Meeting**

Tuesday, May 23, 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. Login information is available in the calendar section of our website: [www.townofbreckenridge.com](http://www.townofbreckenridge.com). If you will need special assistance in order 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 - MAY 9, 2023

**III. APPROVAL OF AGENDA**

**IV. PRIDE MONTH PROCLAMATION**

A. PRIDE MONTH PROCLAMATION

**V. COMMUNICATIONS TO COUNCIL**

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

B. BRECKENRIDGE TOURISM OFFICE UPDATE

**VI. CONTINUED BUSINESS**

A. SECOND READING OF COUNCIL BILLS, SERIES 2023

1. *COUNCIL BILL NO. 17, SERIES 2023 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE TOWN AND FATHER DYER UNITED METHODIST CHURCH*

2. *COUNCIL BILL NO. 18, SERIES 2023 - AN ORDINANCE AUTHORIZING THE GRANTING OF UTILITY EASEMENT TO CERTAIN HIGH POINT PROPERTY OWNERS AND UTILITY PROVIDERS*

**VII. NEW BUSINESS**

A. FIRST READING OF COUNCIL BILLS, SERIES 2023

1. *COUNCIL BILL NO. 19, SERIES 2023 - A BILL FOR AN ORDINANCE AMENDING THE GENERAL OFFENSES TO PROHIBIT CARRYING CONCEALED FIREARMS IN TOWN BUILDINGS*

2. *COUNCIL BILL NO. 20, SERIES 2023 - A BILL FOR AN ORDINANCE UPDATING THE TOWN BUILDINGS AND AREAS WHERE OPEN CARRYING OF FIREARMS IS PROHIBITED*
3. *COUNCIL BILL NO. 21, SERIES 2023 - AN ORDINANCE AMENDING THE BRECKENRIDGE MUNICIPAL CODE TO ADOPT BY REFERENCE THE NATIONAL ELECTRICAL CODE, 2023 EDITION*
- B. RESOLUTIONS, SERIES 2023
  1. *RESOLUTION NO. 10, SERIES 2023 - RESOLUTION OF THE MAYOR DECLARING THAT THE COVID-19 EMERGENCY HAS PASSED AND IN CONNECTION THEREWITH ALL PRIOR ACTIONS OR ORDERS ADOPTED BY TOWN COUNCIL AND/OR THE TOWN MANAGER ARE EXPIRED OR OTHERWISE RESCINDED*
- C. OTHER
  1. *MOTION TO CANCEL SECOND MEETING IN JUNE*

**VIII. PLANNING MATTERS**

- A. PLANNING COMMISSION DECISIONS
- B. STILLSON (STABLES VILLAGE) SUBDIVISION TOWN PROJECT HEARING
- C. SOL CENTER SUBDIVISION TOWN PROJECT HEARING

**IX. REPORT OF TOWN MANAGER AND STAFF**

**X. REPORT OF MAYOR AND COUNCIL MEMBERS**

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

**XI. OTHER MATTERS**

**XII. SCHEDULED MEETINGS**

- A. SCHEDULED MEETINGS FOR MAY, JUNE AND JULY

**XIII. ADJOURNMENT**

**D) CALL TO ORDER, ROLL CALL**

Mayor Mamula called the meeting of May 9, 2023, to order at 7:00pm. The following members answered roll call: Todd Rankin, Carol Saade, Dick Carleton, Jay Beckerman, Kelly Owens and Mayor Eric Mamula. Jeffrey Bergeron was absent.

**II) APPROVAL OF MINUTES**

**A) TOWN COUNCIL MINUTES – APRIL 25, 2023**

With no changes or corrections to the meeting minutes of April 25, 2023, Mayor Mamula declared they would stand approved as presented.

**III) APPROVAL OF AGENDA**

Town Manager Rick Holman stated there were two changes to the agenda, which were to pull Council Bill No. 15, Series 2023 and Council Bill No. 16, Series 2023 off the agenda. He noted that both bills will be considered at a later date. Mayor Mamula declared the agenda approved as amended.

**IV) COMMUNICATIONS TO COUNCIL**

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

Mayor Mamula opened Public Comment.

Chris Vance, a resident with a home on French and Washington, stated he has concerns about his historic home and would like to make an ADU on his structure, to create employee housing. He further stated he will need to limit the ADU investment due to code restrictions on his historic home. Council agreed to consider a development agreement to allow employee housing at this home.

There were no additional comments and Mayor Mamula closed Public Comment.

**B) BRECKENRIDGE SKI RESORT UPDATE**

Jody Churich, COO of Breckenridge Ski Resort, stated the childcare program was up and running and successful this year. She also stated First Tracks was successful for the community and the new Rip's Ride Chair was a positive addition, which was able to help the flow and circulation of guests. She stated the ingress and egress plans with improved signage increased the volume using established routes. She further stated the season is still going for as long as possible, but the 5 Chair replacement is beginning now, and summer operations will start later than normal on June 30. Churich then stated Bill Rock has been promoted to the President of the Mountain Division and Nadia Guerriero will fill his role.

**V) CONTINUED BUSINESS**

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

**1) COUNCIL BILL NO. 14, SERIES 2023 – PROPOSED DEVELOPMENT**

**AGREEMENT AMENDMENT BETWEEN THE TOWN OF BRECKENRIDGE AND BRECKENRIDGE GRAND VACATIONS (GONDOLA LOT PROPERTIES LLC) THAT ANY SITESPECIFIC DEVELOPMENT PERMIT APPLICATION WITHIN THE GONDOLA LOTS MASTER PLAN AREA NOT BE SUBJECT TO ANY POLICY/DEVELOPMENT CODE CHANGES SUBSEQUENT TO MAY 25, 2022 FOR A PERIOD OF SIX MONTHS**

Mayor Mamula read the title into the minutes. Chris Kulick, Planning Manager, stated this development agreement amendment would allow any site-specific development permit application within the master plan area not to be subject to any Development Code changes after May 25, 2022, for a period of six months from the effective date of this amendment, in order to explore other development options. He further stated the only substantive change from first reading was the addition of subsection I that is amended to state: "The Developer proposes to withdraw the pending Application in order to explore with the Town whether there are development opportunities that provide maximum opportunity for public benefits to the Town."

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

Council Member Carleton moved to approve COUNCIL BILL NO. 14, SERIES 2023 - PROPOSED DEVELOPMENT AGREEMENT AMENDMENT BETWEEN THE TOWN OF BRECKENRIDGE AND BRECKENRIDGE GRAND VACATIONS

(GONDOLA LOT PROPERTIES LLC) THAT ANY SITESPECIFIC DEVELOPMENT PERMIT APPLICATION WITHIN THE GONDOLA LOTS MASTER PLAN AREA NOT BE SUBJECT TO ANY POLICY/DEVELOPMENT CODE CHANGES SUBSEQUENT TO MAY 25, 2022 FOR A PERIOD OF SIX MONTHS. Council Member Saade seconded the motion.

The motion passed 6-0. Council Member Bergeron was absent.

**VI) NEW BUSINESS**

A) FIRST READING OF COUNCIL BILLS, SERIES 2023  
(COUNCIL BILL NO. 15, SERIES 2023 and COUNCIL BILL NO. 16, SERIES 2023 were pulled at the start of the meeting)

1) COUNCIL BILL NO. 17, SERIES 2023 – AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE TOWN AND FATHER DYER UNITED METHODIST CHURCH

Mayor Mamula read the title into the minutes. Mark Truckey, Community Development Director, stated this agreement will allow the church to operate a food storage trailer so they can continue with food pantry service during construction.

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

Council Member Beckerman moved to approve COUNCIL BILL NO. 17, SERIES 2023 – AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE TOWN AND FATHER DYER UNITED METHODIST CHURCH. Council Member Owens seconded the motion.

The motion passed 6-0. Council Member Bergeron was absent.

2) COUNCIL BILL NO. 18, SERIES 2023 – AN ORDINANCE AUTHORIZING THE GRANTING OF UTILITY EASEMENT TO CERTAIN HIGH POINT PROPERTY OWNERS AND UTILITY PROVIDERS

Mayor Mamula read the title into the minutes. Kristin Brownson, Assistant Director of Community Development, stated this ordinance would grant an easement on Town property for the connection of new water and sewer lines.

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

Council Member Rankin moved to approve COUNCIL BILL NO. 18, SERIES 2023 – AN ORDINANCE AUTHORIZING THE GRANTING OF UTILITY EASEMENT TO CERTAIN HIGH POINT PROPERTY OWNERS AND UTILITY PROVIDERS. Council Member Carleton seconded the motion.

The motion passed 6-0. Council Member Bergeron was absent.

B) RESOLUTIONS, SERIES 2023

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**

Reports of Town Manager and Staff were covered during the afternoon work session.

**IX) REPORT OF MAYOR AND COUNCIL MEMBERS**

Reports of Mayor and Council Members were covered during the afternoon work session.

A. CAST/MMC

B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE

C. BRECKENRIDGE TOURISM OFFICE

- D. BRECKENRIDGE HISTORY
- E. BRECKENRIDGE CREATIVE ARTS
- F. BRECKENRIDGE EVENTS COMMITTEE
- G. CHILD CARE ADVISORY COMMITTEE
- H. WORKFORCE HOUSING COMMITTEE
- I. SOCIAL EQUITY ADVISORY COMMISSION

**X) OTHER MATTERS**

Council Member Rankin stated the Town of Vail has offered a tour of last-mile food delivery and trash logistics, on June 2 and 9. He also stated FIRC needs are significant now, as they are serving about 2,100 people a month with food, and Council should be aware that this is an increasing problem. Deputy Town Manager Shannon Haynes stated the other municipalities have not yet contributed to recent needs as the Town has done. Council discussed bringing in someone from FIRC to the next meeting to present the situation and explain the need for increased funding. Council Member Owens stated she will reach out to Frisco Town Council to discuss this, and other Council members said they will reach to the other municipalities for support as well.

**XI) SCHEDULED MEETINGS**

- A) SCHEDULED MEETINGS FOR MAY, JUNE AND JULY

**XII) ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 7:25pm. Submitted by Helen Cospolich, CMC, Town Clerk.

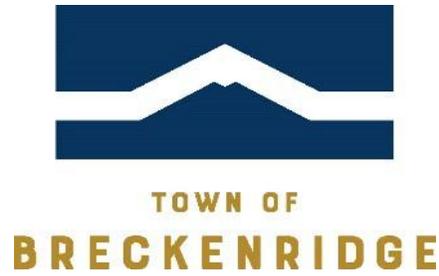
ATTEST:

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Helen Cospolich, CMC, Town Clerk

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Eric S. Mamula, Mayor



## PRIDE MONTH PROCLAMATION

**WHEREAS**, the Town of Breckenridge is committed to promoting diversity, equality, and inclusion, and recognizes the importance of celebrating the unique identities of all individuals within our community; and

**WHEREAS**, June is nationally recognized as LGBTQ+ Pride Month, an annual celebration of the contributions made by the lesbian, gay, bisexual, transgender, and queer (LGBTQ+) community and to recognize the history of discrimination and oppression, and honor the ongoing struggle for equal rights; and

**WHEREAS**, the Town of Breckenridge recognizes these struggles and contributions of LGBTQ+ individuals in our community, state and nation, and reaffirms our commitment to creating a safe and welcoming environment for all residents, visitors, and businesses; and

**WHEREAS**, the Town of Breckenridge supports the LGBTQ+ community, and encourages all individuals to celebrate Pride Month with respect, acceptance and love regardless of sexual orientation or gender identity.

NOW, THEREFORE BE IT PROCLAIMED, that the Mayor and Town Council of the Town of Breckenridge officially recognizes June 2023 as LGBTQ+ Pride Month, and encourages all residents, visitors, and businesses to participate in events, initiatives, and educational opportunities that honor LGBTQ+ Pride Month and the LGBTQ+ community.

\_\_\_\_\_/s/\_\_\_\_\_

Mayor Eric Mamula

Attest:

\_\_\_\_\_/s/\_\_\_\_\_

Town Clerk



# Memo

**To:** Town Council  
**From:** Mark Truckey, Community Development Director  
**Date:** 5/17/2023, for the meeting of May 23, 2023  
**Subject:** Father Dyer Food Pantry Trailer Development Agreement First Reading

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Attached is the Draft Ordinance and Development Agreement for Second Reading for the Father Dyer Food Pantry Trailer, which will allow Father Dyer church to utilize a storage trailer in their parking lot to provide food pantry services while the church building undergoes an addition. There are no changes from First Reading.

**AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE TOWN AND FATHER DYER UNITED METHODIST CHURCH.**

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

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

A. Owner owns the following described real property in the Town of Breckenridge, Summit County, Colorado:

Lots 1, Block 1, Weisshorn Subdivision No. 1, also known as 310 Wellington Road, Breckenridge, Colorado 80424 ("Property").

B. Section 9-9-5 of the Breckenridge Town Code states the Town Council has the authority to enter into a Development Agreement. Further, there is no process in the Town's Development Code for approval of a transfer of density to the Historic District. Per Section 9-1-17-12: A of the Breckenridge Town Code, a transfer of density from one lot or parcel within the Town to another lot or parcel within the Town may be approved by the Town Council only in connection with the approval of a Development Agreement and, therefore, a Development Agreement provides a means for such an approval and transfer.

C. As the commitment encouraged to be made in connection with an application for a development agreement in accordance with Section 9-9-4 of the Breckenridge Town Code, Owner

D. The Town has received a completed application and all required submittals for a Development Agreement, had a preliminary discussion of the application and the term of this proposed Development Agreement, determined that it should commence proceedings for the approval of this Development Agreement.

**Section 2. Approval of Development Agreement.** The Development Agreement between the Town and Father Dyer United Methodist Church, a Colorado nonprofit corporation is attached to this Ordinance as **Exhibit 1**.

1           **Section 3. Notice of Approval.** The Development Agreement shall contain a notice in  
2 the form provided in Section 9-9-13 of the Breckenridge Town Code. In addition, a notice in  
3 compliance with the requirements of Section 9-9-13 of the Breckenridge Town Code shall be  
4 published by the Town Clerk one time in a newspaper of general circulation in the Town within  
5 fourteen days after the adoption of this ordinance. Such notice shall satisfy the requirement of  
6 Section 24-68-103, C.R.S.

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8           **Section 4. Police Power Finding.** The Town Council finds, determines, and declares  
9 that this ordinance is necessary and proper to provide for the safety, preserve the health,  
10 promote the prosperity, and improve the order, comfort, and convenience of the Town of  
11 Breckenridge and the inhabitants thereof.

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

17  
18           **Section 6. Effective Date.** This ordinance shall be published and become effective as  
19 provided by Section 5.9 of the Breckenridge Town Charter.

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21           INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
22 PUBLISHED IN FULL this 9th day of May 2023. A Public Hearing shall be held at the regular  
23 meeting of the Town Council of the Town of Breckenridge, Colorado on the 15<sup>th</sup> day of May,  
24 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

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6 \_\_\_\_\_/s/\_\_\_\_\_ /s/\_\_\_\_\_

7 Helen Cospolich, CMC, Town Clerk

Eric S. Mamula, Mayor

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10 APPROVED IN FORM

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12 \_\_\_\_\_/s/\_\_\_\_\_

13 Town Attorney

APPROVAL OF THIS DEVELOPMENT AGREEMENT CONSTITUTES A VESTED PROPERTY  
RIGHT PURSUANT TO ARTICLE 68 OF TITLE 24, COLORADO REVISED STATUTES, AS  
AMENDED

DEVELOPMENT AGREEMENT

This Development Agreement (“**Agreement**”) is made as of the effective date of this Agreement (“**Effective Date**”) between the TOWN OF BRECKENRIDGE, a Colorado municipal corporation (the “**Town**”) and FATHER DYER UNITED METHODIST CHURCH, a Colorado nonprofit corporation (the “**Church**”). The Town and the Church are sometimes collectively referred to in this Agreement as the “**Parties**,” and individually by name or as a “**Party**.”

Recitals

A. The Church owns the following described real property in the Town of Breckenridge, Summit County, Colorado:

Lots 1, Block 1, Weisshorn Subdivision No. 1, also known as 310 Wellington Road, Breckenridge, Colorado 80424 (“**Property**”).

B. The Church will be constructing an addition of approximately 2,497 square feet to the non-historic portion of the existing building on the Property, as approved by the Town in Development Permit PL-2021-0373.

C. The Church operates a Food Pantry in the building. The building will be under construction and therefore unavailable for Food Pantry operations until a Certificate of Occupancy for the project is issued by the Town.

D. The Church proposes to operate the Food Pantry from a storage trailer to be located on site in their parking lot while the building is under construction. The operation of the Food Pantry Trailer is referred to in this Agreement as the “**Project**”.

E. A development agreement is necessary in order to authorize the Food Pantry Trailer.

F. Pursuant to Chapter 9 of Title 9 of the Breckenridge Town Code the Town Council has the authority to enter into a development agreement.

G. The Town Council has determined that the commitments, described more fully below, proposed by the Church in connection with this Agreement are adequate. The Church intends to operate a Food Pantry out of a mobile trailer to be located on the church parking lot. At such time that a Certificate of Occupancy is issued for Development Permit PL-2021-0373, the Church will remove the Food Pantry Trailer and resume Food Pantry services inside the Church building.

H. The Town Council has received a completed application and all required submittals for a development agreement; had a preliminary discussion of such application and submittals; determined that it should commence proceedings for the approval of this Agreement; and, in accordance with the procedures set forth in Section 9-9-10(C) of the Breckenridge Town Code, approves the Agreement by ordinance.

Agreement

Subject to the provisions of this Agreement, the Town’s Department of Community Development is hereby authorized to review and approve the Church’s Development Permit Application for the Project (“**Development Permit Application**”), subject to compliance with all other applicable development policies of the Town.

1. So long as the Development Permit Application is not materially amended prior to the Community Development Department’s final decision, the following provisions of the Town’s land use regulations shall not be applied to the Development Permit Application:

Development Code<sup>1</sup>

- A. 09-1-19-5R POLICY 5 (RELATIVE) ARCHITECTURAL COMPATIBILITY
  - B. 9-1-19-36A POLICY 36 (ABSOLUTE) TEMPORARY STRUCTURES
2. The Church intends to operate the Food Pantry Trailer. At such time that a Certificate of Occupancy is issued for the Development Permit, the Church will remove the Food Pantry Trailer and resume Food Pantry services inside the Church building. The Food Pantry Trailer may be removed at an earlier date if the Church has secured another facility to host their Food Pantry services. If another facility is used, the trailer will be removed from the Church property.
  3. If noise from refrigeration or mechanical systems associated with the Food Pantry Trailer exceed the levels permissible under Title 5, Chapter 8 of the Breckenridge Town Code, then the Church will take steps to relocate the trailer, provide additional noise attenuation, or other actions to the satisfaction of the Town. Failure to address potential noise issues to the Town’s satisfaction will be considered a breach of this Agreement.
  4. The term of this Agreement shall commence on the Effective Date and shall end, subject to earlier termination in the event of a breach of this Agreement, two years and six months from the Effective Date.
  5. Except as provided in Section 24-68-105, C.R.S. and except as specifically provided for herein, the execution of this Agreement shall not preclude the current or future Development Permit Application of municipal, state, or federal ordinances, laws, rules, or regulations to the Property (collectively, “**laws**”), including, but not limited to, building, fire, plumbing, engineering, electrical, and mechanical codes, and the Town’s Development Code, Subdivision Standards, and other land use laws, as the same may be in effect or amended from time to time throughout the term of this Agreement. Except to the extent the Town otherwise specifically agrees, any development of the Property shall be done in compliance with the then-current laws of the Town.
  6. Nothing in this Agreement shall preclude or otherwise limit the lawful authority of the Town to adopt or amend any Town law, including, but not limited to the Town’s: (i) Development Code, (ii) Comprehensive Plan, (iii) Land Use Guidelines, and (iv) Subdivision Standards.
  7. This Agreement shall run with the title to the Property and be binding upon the Church and its successors and assigns.
  8. Prior to any action against The Town for breach of this Agreement, the Church shall give the

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<sup>1</sup> Chapter 1 Title 9 of the Breckenridge Town Code

Town a sixty (60) day written notice of any claim of a breach or default by the Town, and the Town shall have the opportunity to cure such alleged default within such time period.

9. The Town shall not be responsible for, and the Church shall have any remedy against the Town, if the Project is prevented or delayed for reasons beyond the control of the Town.
10. Actual development of the real property which is the subject of the development agreement shall require the issuance of such other and further permits and approval by the town as may be required from time to time by applicable town ordinances.
11. No official or employee of the Town shall be personally responsible for any actual or alleged breach of this Agreement by the Town.
12. The Church agrees to indemnify and hold the Town, its officers, employees, insurers, and self-insurance pool, harmless from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with this Agreement, if such injury, loss, or damage is caused in whole or in part by, or is claimed to be caused in whole or in part by, the negligence or intentional act or omission of the Church; any subcontractor of the Church, or any officer, employee, representative, or agent of the Church or of any subcontractor of the Church, or which arise out of any worker's compensation claim of any employee of the Church, or of any employee of any subcontractor of the Church; except to the extent such liability, claim or demand arises through the negligence or intentional act or omission of the Town, its officers, employees, or agents. The Church agrees to investigate, handle, respond to, and provide defense for and defend against, any such liability, claims, or demands at the sole expense of the Church. The Church also agrees to bear all other costs and expenses related thereto, including court costs and attorney's fees.
13. If any provision of this Agreement shall be invalid, illegal, or unenforceable, it shall not affect or impair the validity, legality or enforceability of the remaining provisions of the Agreement.
14. In connection with the application for a development permit to develop real property that is the subject of a development agreement the application shall not receive an award of positive points under the Development Code for any commitment offered to the town by the applicant pursuant to section 9-9-4, or any other obligation or requirement of the applicant under the development agreement.
15. This Agreement constitutes a vested property right pursuant to Article 68 of Title 24, Colorado Revised Statutes, as amended.
16. No waiver of any provision of this Agreement shall be deemed or constitute a waiver of any other provision, nor shall it be deemed to constitute a continuing waiver, unless expressly provided for by a written amendment to this Agreement signed by the Parties; nor shall the waiver of any default under this Agreement be deemed a waiver of any subsequent default or defaults of the same type.
17. This Agreement shall be recorded in the office of the Clerk and Recorder of Summit County, Colorado.
18. Nothing contained in this Agreement shall constitute a waiver of the Town's sovereign immunity



Rick G. Holman, Town Manager

ATTEST:

\_\_\_\_\_  
Helen Cospolich, CMC, Town Clerk

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF SUMMIT        )

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023 by Rick G. Holman, as the Town Manager, and Helen Cospolich, CMC, as the Town Clerk, of the Town of Breckenridge, a Colorado municipal corporation.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

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

FATHER DYER UNITED METHODIST  
CHURCH, a Colorado nonprofit corporation

By:

\_\_\_\_\_

Name:

\_\_\_\_\_

Title:

\_\_\_\_\_

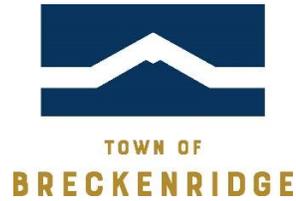
STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF SUMMIT        )

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2023, by \_\_\_\_\_, as \_\_\_\_\_ of  
Father Dyer United Methodist Church, a Colorado nonprofit corporation.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

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



# Memo

To: Breckenridge Town Council  
Cc: Rick Holman, Shannon Haynes  
From: James Phelps – Public Works Director  
Date: 5/18/2023  
Subject: A Bill for Ordinance (Second Reading) Town of Breckenridge Grant of Easement – Utility

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There have been no changes to the attached ordinance from the First Reading.

The Town of Breckenridge Home Rule Charter Section 15.3 requires the Town Council to approve all grants of easements (encumbrances) by ordinance for Town owned property.

Public Works received a request last year for connection to the town water utility. The owners of the property have experienced well water quality issues that impact drinking water, home water fixtures and the sewer lift station. The owners of the property would like to install new water and sewer service lines and connect to water and sewer main lines located in the Lincoln Park development.

The connection of utilities would need to cross Town owned property, thereby needing a grant of easement from the Town. The utility connections would also cross under Xcel power lines, and they have received permission from Xcel Energy.

The expansion of the Town's water system has allowed for inclusion of customers outside of our historical service area. The Lincoln Park development has utility main lines close enough to the home to make the connection to both water and sewer.

Staff supports the grant of easement on Town property for the utility connections. Upper Blue Sanitation District has also reviewed and supports connection to the sewer line.

Staff will be present for any questions of the Town Council.

COUNCIL BILL NO. \_\_\_\_

Series 2023

**AN ORDINANCE AUTHORIZING THE GRANTING OF UTILITY EASEMENT TO CERTAIN HIGH POINT PROPERTY OWNERS AND UTILITY PROVIDERS.**

WHEREAS, the Town believes it is necessary to grant certain easements over, across, and through certain real property owned by the Town; and

WHEREAS, the Town Council of the Town of Breckenridge has determined that it should grant the requested easements; and

WHEREAS, section 15.3 of the Breckenridge Town Charter requires that granting of an easement be authorized by ordinance.

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

**Section 1.** This grant of easement shall establish a non-exclusive general utility easement for Harlan Kirwan, Town of Breckenridge, Upper Blue Sanitation District, Xcel Energy, Lumen, and Xfinity. The Town Manager is hereby delegated the authority to grant access to the easement to other High Point property owners and/or other utility providers as deemed necessary from time to time.

**Section 2.** This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

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

TOWN OF BRECKENRIDGE, a Colorado  
municipal corporation

By: \_\_\_\_\_  
Eric S. Mamula, Mayor

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ATTEST:

\_\_\_\_\_  
Helen Cospolich, CMC,  
Town Clerk

GRANT OF EASEMENT  
(UTILITY EASEMENT)

This GRANT OF EASEMENT (“**Grant**”) is made and entered into, by and between the TOWN OF BRECKENRIDGE, a Colorado municipal corporation, (“**Grantor**”) whose address is P. O. Box 168, Breckenridge, CO 80424 and HARLAN KIRWAN, whose address is 0531 High Point Drive (“**Grantee**”).

WITNESSETH THAT:

For Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor has bargained, conveyed, delivered, transferred, and sold, and by these presents does bargain, convey, deliver, transfer, and sell to Grantee, its successors and assigns, a perpetual, non-exclusive easement for the location, operation, and maintenance of Grantee’s waterline and sanitary sewer utilities and appurtenances, over, under, upon, across, in, and through the following real property located in Town of Breckenridge, Summit County, Colorado (the “**Easement Area**”):

See the attached **Exhibit “A”** (consisting of two (2) pages)

together with the full right and authority to Grantee, its successors, licensees, lessees, contractors, and assigns, and its and their agents and employees, to enter the Easement Area at all times to survey, construct, repair, remove, replace, reconstruct, control, inspect, improve, enlarge, and maintain the Grantee’s waterline utilities and sanitary sewer utilities and other fixtures, devices and appurtenances used or useful in connection therewith.

After any work is conducted by Grantee within the Easement Area pursuant to this Grant, Grantee, at its sole cost, shall take the following actions with respect to the Grantor’s property of which the Easement Area is a part: (i) clean up the surface of the property; (ii) remove any construction debris; and (iii) restore the surface of the property to substantially the same condition as existed prior to such work being performed.

Grantee’s installation of its utilities and facilities in the Easement Area shall be done in conformance with the approved plans, the Town of Breckenridge Water Construction Standards, and Upper Blue Sanitation District Standards. Grantor shall have no obligations in the installation or maintenance of Grantee’s utilities.

This grant of easement shall establish a non-exclusive general utility easement for Grantee, Town of Breckenridge, Upper Blue Sanitation District, Xcel Energy, Lumen, Xfinity. The Manager is hereby delegated the authority to grant access to the easement to other High Point property owners and/or other utility providers as identified in **Exhibit B** and updated from time to time. Agencies listed above may install utilities in the easement area, provided that the utilities do not interfere with Grantee’s facilities.

Grantor shall have the right to use and occupy the Easement Area for any purpose not inconsistent with Grantee’s full and complete enjoyment of the rights hereby granted. However,

UTILITY EASEMENT

no building, structure, sign or well shall be erected, placed or permitted to remain on, under, over or within the Easement Area, nor shall objects be erected, placed or permitted to remain on, under or over the Easement Area that will or may be an interference with the Grantee's utility facilities with the Easement Area or an interference with the exercise of any of the rights herein granted. The Easement Area shall not be paved or hard-surfaced.

Grantee shall exercise the rights herein granted to it with due care. Any liability for personal injury or property damage to Grantor, Grantor's employees, agents, and invitees, or any third person, as a result of, arising out of, or related to the use or occupancy of the Easement Area by Grantee pursuant to this Grant shall be borne by Grantee to the extent provided by applicable law.

The individuals executing this Grant on behalf of each of the parties represent that they each have all requisite powers and authority to cause the party for whom they have signed to enter into this Grant, and to bind such party to fully perform its obligations as set forth in this Grant.

**Exhibit "A"** which is attached hereto are incorporated herein by reference.

Executed at Breckenridge, Colorado the date first written above.

GRANTOR:

TOWN OF BRECKENRIDGE, a Colorado  
municipal corporation

By: \_\_\_\_\_  
Rick G. Holman, Town Manager

ATTEST:

\_\_\_\_\_  
Helen Cospolich, CMC,  
Town Clerk

GRANTEE:

HARLAN KIRWAN

By: \_\_\_\_\_  
Harlan Kirwan, Owner of 531 High Point Drive

ATTEST:

\_\_\_\_\_

UTILITY EASEMENT



**A LEGAL DESCRIPTION EXHIBIT MAP FOR  
A 25' UTILITY EASEMENT**

**A PORTION OF THE STILLSON PATCH PLACER, M.S. 1466  
TOWN OF BRECKENRIDGE, SUMMIT COUNTY, COLORADO**

ALLEY 4A  
ACCESS EASEMENT  
REC. NO. 1109526

LINCOLN PARK AT THE WELLINGTON NEIGHBORHOOD FIL. 2  
TRACT LP-5  
PUBLIC OPEN SPACE



SCALE: 1"=50'

50' PRIVATE ACCESS EASEMENT  
SERVING LOTS 10 AND 11, BLOCK 4, ALPINE BRECKENRIDGE, FIL. 2  
TO AND FROM WELLINGTON ROAD  
\*TO BE DEFINED IF PROPERTY IS DEVELOPED\*  
REC. NO. 715514 & 715515

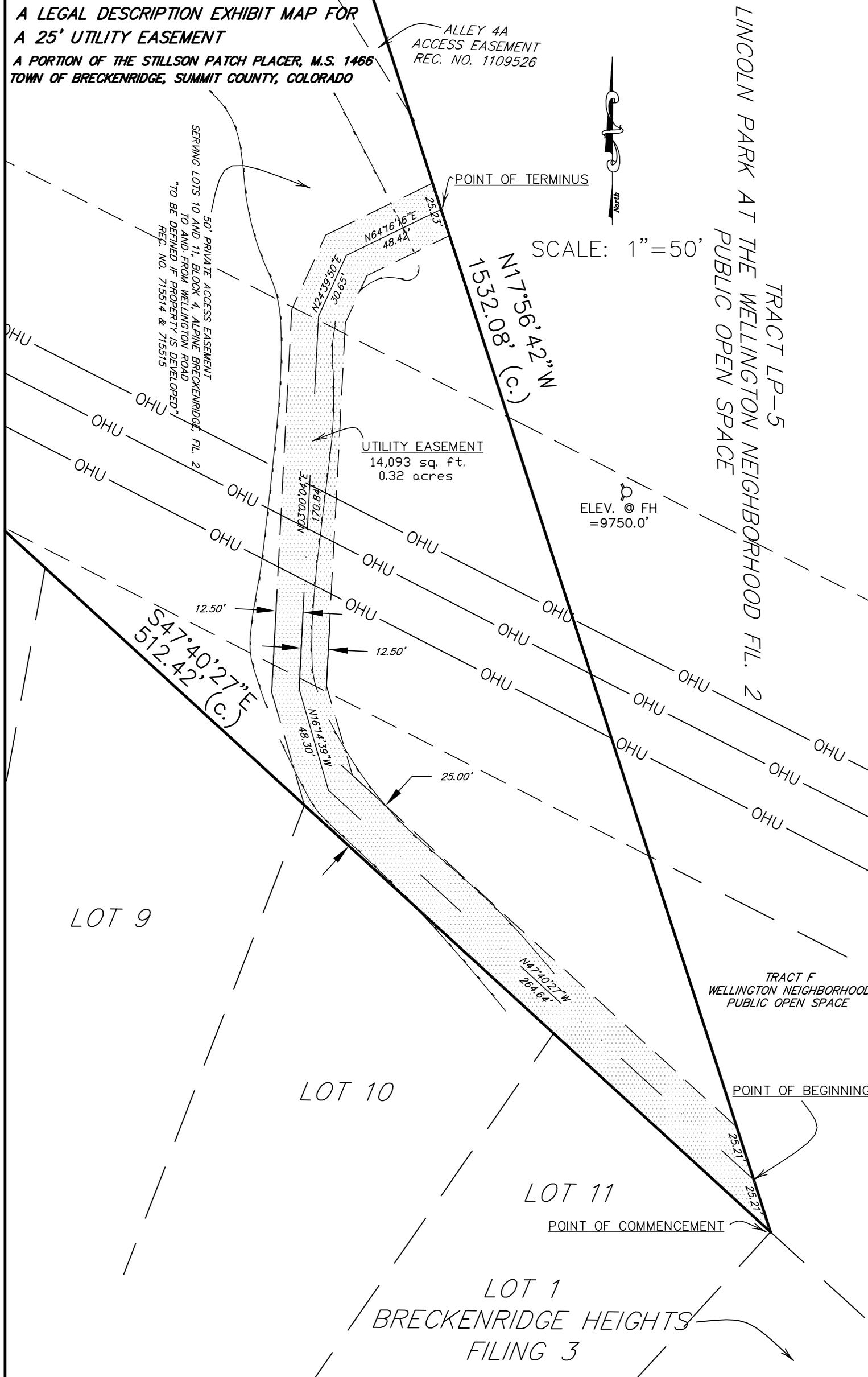
POINT OF TERMINUS

UTILITY EASEMENT  
14,093 sq. ft.  
0.32 acres

ELEV. @ FH  
=9750.0'

S47°40'27"E  
512.42' (C.)

N117°56'42"W  
1532.08' (C.)



LOT 9

LOT 10

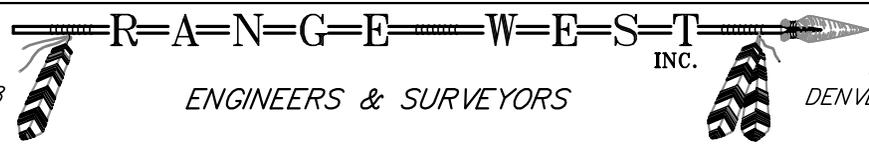
LOT 11

LOT 1  
BRECKENRIDGE HEIGHTS  
FILING 3

TRACT F  
WELLINGTON NEIGHBORHOOD  
PUBLIC OPEN SPACE

POINT OF BEGINNING

POINT OF COMMENCEMENT



P.O. BOX 589  
SILVERTHORNE, CO 80498

ENGINEERS & SURVEYORS

PHONE 970-468-6281  
DENVER DIRECT 303-623-0426

LEGAL DESCRIPTION  
A 25' UTILITY EASEMENT  
STILLSON PATCH PLACER, M.S. 1466

A TRACT OF LAND BEING A PORTION OF A PORTION OF THE STILLSON PATCH PLACER, M.S. 1466, ACCORDING TO THE DEED AT RECEPTION NO. 534869 RECORDED 03/06/1997 IN THE OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 11, BRECKENRIDGE HEIGHTS FILING NO. 3, ACCORDING TO THE PLAT RECORDED 07/09/1964 AT RECEPTION NO. 99357; THENCE N17°56'42"W ALONG THE EAST PROPERTY LINE OF SAID PORTION OF THE STILLSON PATCH PLACER A DISTANCE OF 25.21 FEET TO THE POINT OF BEGINNING; THENCE 12.50' FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE FOR 5 COURSES:

- 1) N47°40'27"W A DISTANCE OF 264.64 FEET;
- 2) N16°14'39"W A DISTANCE OF 48.30 FEET;
- 3) N03°00'04"E A DISTANCE OF 170.84 FEET;
- 4) N24°39'50"E A DISTANCE OF 30.65 FEET;
- 5) N64°16'16"E A DISTANCE OF 48.42 FEET TO THE POINT OF TERMINUS, CONTAINING 14,093 SQUARE FEET OR 0.32 ACRE MORE OR LESS.

*Robert R. Johns*  
ROBERT R. JOHNS  
COLORADO PLS NO. 26292



*March 28, 2023*

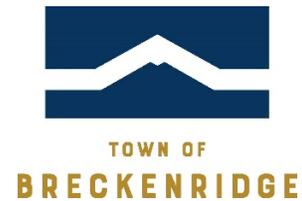
PROJECT NO. 22658-411  
PREPARED FOR: HARLAN KIRWAN

6709/23/152

PO box 589  
Silverthorne, CO 80498



(970) 468-6281  
www.rangewestinc.com



# Memo

To: Breckenridge Town Council Members  
From: Kirsten Crawford, Town Attorney  
Date: 5/17/2023  
Subject: Bill Prohibiting Firearms In Public Buildings

---

## **Summary**

Staff seeks Council's approval on first reading of bills to amend the open carrying of firearm restrictions and add a prohibition for carrying of concealed firearms in certain Town buildings and areas.

## **Existing code and Discussion About Amendments:**

In the current municipal code, the Town has enumerated a list of public buildings and places where the open carrying of firearms is prohibited. At a work session discussion with Town Council on April 11, 2023, staff was directed to prepare ordinances prohibiting the carrying of concealed firearms in enumerated Town buildings. In reviewing the list of buildings and spaces where the open carry prohibition currently applies, staff determined that section of the code also should be amended to remove the Blue River Plaza, the Riverwalk, and the Town of Breckenridge arts district. These spaces will be difficult to attach clear signage and, thus, may put law abiding individuals in the unintended position of doing something illegal.

## **Legal analysis:**

In 2003, state law in SB 03-25 declared the entire field of the regulation of firearms to be a matter of statewide concern, and specifically prohibited certain forms of local regulation. At the time, the legislature deemed the widespread inconsistency in local laws was contributing to subjecting persons to civil and criminal penalties in some jurisdictions in Colorado for conduct wholly lawful in other jurisdictions in Colorado. Despite the state's belief for many years that it was best to tackle firearms regulations at the state level, last year the state legislature passed SB21-256, repealing preemption language. The new law grants authority to local government to enact an ordinance regulating firearms so long as it is as strict or stricter [see SB 21-256 amending CRS § 29-11.7-103(1) ], with some exceptions.

## **Other Jurisdictions:**

Post the 2021 adoption of these state laws, a few municipalities within Boulder County adopted broad ordinances covering a number of topics pertaining to use and possession and regulating the sale and transfer of firearms. All of those ordinances were met with immediate lawsuits filed by the Rocky Mountain Gun Owners Association. However, there are a number of jurisdictions who have adopted regulations in public buildings and parks that have not faced similar challenges. While stakeholder engagement can mitigate controversy when introducing new policies, the precedent here is to challenge in a court of law. The federal court entered declaratory judgment orders and the most recent development is that the court is trying to consolidate the cases.

## **Implementation:**

Staff will need to post signage on the enumerated buildings and areas where the new prohibition will apply. We will want to educate both staff and the public as to the new rules.

## **Fiscal Impact:**

There will be a nominal fiscal impact to the proposed new regulation. There will be the cost of signage but unlikely any cost increase for enforcement.

1 COUNCIL BILL NO. \_\_\_\_

2  
3 Series 2023

4  
5 **A BILL FOR AN ORDINANCE AMENDING THE GENERAL OFFENSES TO**  
6 **PROHIBIT CARRYING CONCEALED FIREARMS IN TOWN BUILDINGS.**

7  
8 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
9 BRECKENRIDGE, COLORADO:

10  
11 **Section 1.** That a new section 6-3E-12 be added to chapter 3, article E, of the code  
12 to read as follows:

13  
14 **6-3E-12: CONCEALED CARRYING OF FIREARMS PROHIBITED:**

15  
16 A. Where signs are posted as required by subsection B of this section, it shall be unlawful  
17 for any person to carry a concealed firearm, whether or not with a permit issued pursuant to part  
18 2 of article 12 of title 18, Colorado Revised Statutes, in the following municipal buildings:

19 Breckenridge Recreation Center, located at 0880 Airport Road.

20 Breckenridge Tennis Center, located at 0886 Airport Road.

21 Breckenridge Town Hall, located at 150 Ski Hill Road.

22 Riverwalk Center, located at 150 West Adams Avenue.

23 Stephen C. West Ice Arena, located at 0189 Boreas Pass Road.

24 Town of Breckenridge Golf Club/Gold Run Nordic Center, located at 0200 Clubhouse  
25 Drive.

26 Town of Breckenridge Intermodal Center, located at 150 Watson Avenue.

27 Town of Breckenridge Public Works Facility, located at 1095 Airport Road.

28 Town of Breckenridge Theater Facility, located at 121 South Ridge Street.

29 Town of Breckenridge Old Masonic Hall, located at 136 South Main Street.

30 Town of Breckenridge Open Space and Trails building, located at 1760 Airport Road,  
31 Unit A.

32 Carter Park Pavilion, located at 500 South High Street

1 Edwin Carter Museum, located at 111 North Ridge Street.

2 Alice Milne Museum, located at 102 North Harris Street.

3 Town of Breckenridge Arts District Buildings (list):

4 Ceramic Studio, located at 125 South Ridge Street.

5 Fuqua Livery Stable, located at 110 East Washington Avenue.

6 Hot Shop, located at 123 South Ridge Street.

7 Quandary Antiques Cabin, located at 133 South Ridge Street.

8 Randall Barn, located at 114 East Washington Avenue.

9 Robert Whyte House, located at 127 South Ridge Street.

10 B. The town shall post signs at the public entrances to each building or specific area described  
11 in subsection A of this section informing persons that the concealed carrying of firearms is  
12 prohibited in the building or specific area.

13 C. The provisions of this section shall not apply to the carrying of a firearm by a peace officer  
14 while in the lawful performance of their duties.

15 D. It shall not be a defense to a charge of violating this section that the firearm was unloaded or  
16 inoperable when carried.

17 E. It shall not be a defense to a charge of violating this section that the person possessed a  
18 permit to carry a concealed weapon issued pursuant to part 2 of article 12 of title 18, Colorado  
19 Revised Statutes.

20 **Section 2.** Except as specifically amended hereby, the Breckenridge Town Code, and  
21 the various secondary codes adopted by reference therein, shall continue in full force and effect.

22 **Section 3.** The Town Council hereby finds, determines and declares that this ordinance  
23 is necessary and proper to provide for the safety, preserve the health, promote the prosperity,  
24 and improve the order, comfort and convenience of the Town of Breckenridge and the  
25 inhabitants thereof.

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

28

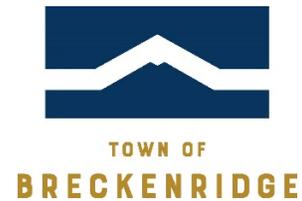
1 INTRODUCTION, READ ON FIRST READING, APPROVED AND ORDERED  
2 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2023. A Public Hearing shall be held at the  
3 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
4 \_\_\_\_\_, 2023, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
5 Town.

6  
7 TOWN OF BRECKENRIDGE, a Colorado  
8 municipal corporation  
9

10  
11  
12 By: \_\_\_\_\_  
13 Eric S. Mamula, Mayor  
14

15 ATTEST:

16  
17  
18  
19 \_\_\_\_\_  
20 Helen Cospolich, CMC,  
21 Town Clerk  
22



# Memo

To: Breckenridge Town Council Members  
From: Kirsten Crawford, Town Attorney  
Date: 5/17/2023  
Subject: Bill Prohibiting Firearms In Public Buildings

---

## **Summary**

Staff seeks Council's approval on first reading of bills to amend the open carrying of firearm restrictions and add a prohibition for carrying of concealed firearms in certain Town buildings and areas.

## **Existing code and Discussion About Amendments:**

In the current municipal code, the Town has enumerated a list of public buildings and places where the open carrying of firearms is prohibited. At a work session discussion with Town Council on April 11, 2023, staff was directed to prepare ordinances prohibiting the carrying of concealed firearms in enumerated Town buildings. In reviewing the list of buildings and spaces where the open carry prohibition currently applies, staff determined that section of the code also should be amended to remove the Blue River Plaza, the Riverwalk, and the Town of Breckenridge arts district. These spaces will be difficult to attach clear signage and, thus, may put law abiding individuals in the unintended position of doing something illegal.

## **Legal analysis:**

In 2003, state law in SB 03-25 declared the entire field of the regulation of firearms to be a matter of statewide concern, and specifically prohibited certain forms of local regulation. At the time, the legislature deemed the widespread inconsistency in local laws was contributing to subjecting persons to civil and criminal penalties in some jurisdictions in Colorado for conduct wholly lawful in other jurisdictions in Colorado. Despite the state's belief for many years that it was best to tackle firearms regulations at the state level, last year the state legislature passed SB21-256, repealing preemption language. The new law grants authority to local government to enact an ordinance regulating firearms so long as it is as strict or stricter [see SB 21-256 amending CRS § 29-11.7-103(1) ], with some exceptions.

## **Other Jurisdictions:**

Post the 2021 adoption of these state laws, a few municipalities within Boulder County adopted broad ordinances covering a number of topics pertaining to use and possession and regulating the sale and transfer of firearms. All of those ordinances were met with immediate lawsuits filed by the Rocky Mountain Gun Owners Association. However, there are a number of jurisdictions who have adopted regulations in public buildings and parks that have not faced similar challenges. While stakeholder engagement can mitigate controversy when introducing new policies, the precedent here is to challenge in a court of law. The federal court entered declaratory judgment orders and the most recent development is that the court is trying to consolidate the cases.

## **Implementation:**

Staff will need to post signage on the enumerated buildings and areas where the new prohibition will apply. We will want to educate both staff and the public as to the new rules.

## **Fiscal Impact:**

There will be a nominal fiscal impact to the proposed new regulation. There will be the cost of signage but unlikely any cost increase for enforcement.

**A BILL FOR AN ORDINANCE UPDATING THE TOWN BUILDINGS AND AREAS WHERE OPEN CARRYING OF FIREARMS IS PROHIBITED.**

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

**Section 1.** That subsection A 1. of section 6-3E-11 be repealed and replaced with the following updated list of Town buildings and Areas where the open carrying of firearms is prohibited:

1. Buildings:

Breckenridge Recreation Center, located at 0880 Airport Road.

Breckenridge Tennis Center, located at 0886 Airport Road.

Breckenridge Town Hall, located at 150 Ski Hill Road.

Riverwalk Center, located at 150 West Adams Avenue.

Stephen C. West Ice Arena, located at 0189 Boreas Pass Road.

Town of Breckenridge Golf Club/Gold Run Nordic Center, located at 0200 Clubhouse Drive.

Town of Breckenridge Intermodal Center, located at 150 Watson Avenue.

Town of Breckenridge Public Works Facility, located at 1095 Airport Road.

Town of Breckenridge Theater Facility, located at 121 South Ridge Street.

Town of Breckenridge Old Masonic Hall, located at 136 South Main Street.

Carter Park Pavilion, located at 500 South High Street.

Town of Breckenridge Arts District Buildings:

Ceramic Studio, located at 125 South Ridge Street.

Fuqua Livery Stable, located at 110 East Washington Avenue.

Hot Shop, located at 123 South Ridge Street.

Quandary Antiques Cabin, located at 133 South Ridge Street.

1 Randall Barn, located at 114 East Washington Avenue.

2 Robert Whyte House, located at 127 South Ridge Street.

3 **Section 2.** That subsection A 2. of section 6-3E-11 be amended to delete the  
4 language stricken and add the language underlined to read as follows:

5 2. Areas:

6 All town owned recreational trails.

7 ~~Blue River Plaza.~~

8 Carter Park.

9 Cucumber Creek open space area.

10 Kingdom Park.

11 ~~The Riverwalk (between Ski Hill Road and South Park Avenue).~~

12 ~~Town of Breckenridge arts district.~~

13 **Section 3.** The Town Council hereby finds, determines and declares that this ordinance  
14 is necessary and proper to provide for the safety, preserve the health, promote the prosperity,  
15 and improve the order, comfort and convenience of the Town of Breckenridge and the  
16 inhabitants thereof.

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

19

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

25

26 TOWN OF BRECKENRIDGE, a Colorado  
27 municipal corporation

28

29

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31

32

By: \_\_\_\_\_  
Eric S. Mamula, Mayor

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8  
9

ATTEST:

\_\_\_\_\_  
Helen Cospolich, CMC,  
Town Clerk



# Memo

To: Town Council  
From: Rick Fout, Chief Building Official  
Billy Blevins, Building Inspector II  
Date: 5/16/2023 for the Council Meeting on 5/23/2023  
Subject: 1st Reading: Adoption of the National Electrical Code

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The Town is currently using the 2020 National Electrical Code (NEC) which the Town Council adopted on July 27, 2021. The NEC is updated and re-published every three years. The State of Colorado adopted the newest NEC, the 2023 version on March 29, 2023. The State has an effective date for this new 2023 NEC code cycle of August 1, 2023. Staff recommends our effective date be as close to that as possible and has locked in a schedule of First and Second Readings that achieves this. The neighboring Summit County and Frisco building departments are also adopting the 2023 National Electrical Code, making it effective on or around August 1, 2023, as well. By adopting the 2023 NEC in unison, contractors will have consistent regulations between jurisdictions. This is a required adoption. An email informing contractors of these hearings has been sent out. We do not perceive any significant cost increases to contractors and homeowners associated with this adoption. Additionally the 2023 NEC and a book outlining all the changes to the 2023 NEC is available at the Building Departments front counter plus online at [nfpa.org](http://nfpa.org).

A summary of the most important changes to the 2023 NEC:

- It will adapt dwelling load calculations to include Electric Vehicle Service Equipment (EVSE).
- All receptacle outlets in kitchens will require ground-fault protection regardless of their location.
- It will no longer require receptacle outlets on islands or peninsulas in kitchens or other areas that they appear.
- The servicing and maintenance of equipment must be performed by a qualified person.

Staff will be available to answer any questions at the meeting. The second reading is scheduled for June 13, 2023.





Memo

**To:** Town Council  
**From:** Kirsten J. Crawford, Town Attorney  
**RE:** Rick Holman and Shannon Haynes, Town Managers  
**Date:** May 15, 2023  
**Subject:** Resolution declaring COVID Emergency passed

---

Staff recommends that the Town Council adopt by resolution a declaration from the Mayor that the COVID-19 emergency has passed. This is in line with the state and federal government determination, along with the Summit County Department of Health. On May 11, 2023, the Department of Health and Human Services (HHS) announced that the Federal COVID-19 Public Health Emergency (PHE) Declaration under Section 319 of the Public Health Service (PHS) Act expired. The Colorado Department of Public Health Orders are no longer in effect and the emergency declaration issued by Governor Jared Polis expired on May 5, 2023. Additionally, all public health orders issued by the Summit County Public Health Department pertaining to the emergency are no longer in effect or otherwise have been rescinded.

The Town passed a number of ordinances and orders during the emergency all of which were set to automatically expire at the time the Mayor of the Town of Breckenridge determines that the emergency has passed.

While the Mayor has the ability to declare the emergency over by declaring the same, the staff believes it is best to adopt a resolution for historical purposes.

1 RESOLUTION NO. \_\_\_\_

2  
3 Series 2023

4  
5 **RESOLUTION OF THE MAYOR DECLARING THAT THE COVID-19**  
6 **EMERGENCY HAS PASSED AND IN CONNECTION THEREWITH ALL PRIOR**  
7 **ACTIONS OR ORDERS ADOPTED BY TOWN COUNCIL AND/OR THE TOWN**  
8 **MANAGER ARE EXPIRED OR OTHERWISE RESCINDED.**

9  
10 WHEREAS, on March 12, 2020, by the adoption of Ordinance No. 9, Series 2020, the  
11 Town Council of the Town of Breckenridge declared a public health emergency within the Town  
12 of Breckenridge related to the coronavirus (COVID-19);

13 WHEREAS, Ordinance No. 9, Series 2020, empowered the Town Manager to suspend  
14 or modify the provisions of any ordinance if strict compliance with such ordinance would in any  
15 way prevent, hinder or delay necessary action in coping with the COVID-19 public health  
16 emergency;

17 WHEREAS, the Town Council further adopted Ordinances No. 14, Series 2020 and  
18 revised version No. 25 of Series 2020 pertaining to face coverings;

19 WHEREAS, the pursuant to the authority of Ordinance No. 9, 2020, the Town Manager  
20 adopted Orders No. 1 through No. 15 adopted in 2020 through 2021;

21 WHEREAS, all ordinances and orders issued during the COVID-19 emergency were  
22 adopted with an automatic repealer at the time when the Mayor of the Town of Breckenridge  
23 determined that the emergency had passed;

24 WHEREAS, on May 11, 2023, the Department of Health and Human Services (HHS)  
25 announced that the Federal COVID-19 Public Health Emergency (PHE) Declaration under  
26 Section 319 of the Public Health Service (PHS) Act expired;

27 WHEREAS, after the expiration of the federal public health emergency on May 11, 2023,  
28 the Colorado Department of Public Health Orders are no longer in effect and the emergency  
29 declaration issued by Governor Jared Polis expired on May 5, 2023;

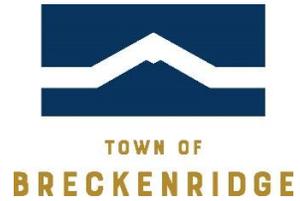
30 WHEREAS, all public health orders issued by the Summit County Public Health  
31 Department pertaining to the pandemic are no longer in effect or otherwise have been  
32 rescinded.

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



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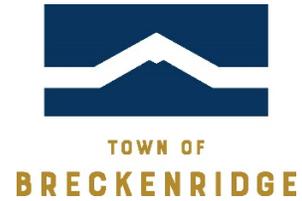
# Memo

**To:** Mayor and Town Council Members  
**From:** Helen Cospolich, Town Clerk  
**Date:** 5/16/2023  
**Subject:** Motion to Cancel the Second Regular Council Meeting in June

---

Council has identified the second regular meeting in June as conflicting with the Colorado Municipal League Annual Conference. Since many of the Council members plan to attend this conference, it makes sense to cancel the June 27 regular meeting. According to Council Procedures and Rules of Order, section 4.1, Council may dispense with the holding of any regular meeting by majority vote. If Council desires to cancel the June 27 regular meeting, please use the motion below:

Sample Motion: "I move to cancel the regularly scheduled Town Council meeting on June 27, 2023 due to a conflict with the Colorado Municipal League Annual Conference."



# Memo

To: Breckenridge Town Council Members  
From: Mark Truckey, Director of Community Development  
Date: May 17, 2023  
Subject: Planning Commission Decisions of the May 16, 2023 Meeting

---

***DECISIONS FROM THE PLANNING COMMISSION MEETING, May 16, 2023:***

**CLASS A APPLICATIONS:** None.

**CLASS B APPLICATIONS:** None.

**CLASS C APPLICATIONS:** None.

**TOWN PROJECT HEARINGS:**

1. Sol Center Subdivision, 24 Rapid Drive, PL-2023-0120

A proposal to replat Tract D-3, replat of Tracts A-1, C-1 and Lot 1, the McCain Subdivision, creating a 0.815 acre lot for the Sol Center Development and a 3.774 acre remnant parcel. *Approval recommended.*

2. Stillson (Stables Village) Subdivision, 710 Wellington Rd., PL-2023-0135

A proposal to re-subdivide Stillson Patch Placer to accommodate the development of the recently approved Stables Village Workforce Housing Project on an 8.4 acre site. *Approval recommended.*

**OTHER:** None.



Sol Center  
Subdivision, 24  
Rapid Drive



114 S. Main St.  
Redevelopment,  
114 S. Main Street

Stillson (Stables Village)  
Subdivision, 710  
Wellington Rd.



NOT TO SCALE

Breckenridge South



## PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 pm by Co-Chair Leas.

### ROLL CALL

Mike Giller	Mark Leas	Allen Frechter - <b>remote</b>	Susan Propper
Ethan Guerra	Steve Gerard	Elaine Gort	

### APPROVAL OF MINUTES

With no changes, the May 2, 2023 Planning Commission Minutes were approved.

Mr. Leas: The solar thermal systems I spoke for probably about eight minutes and the minutes reflected it in three sentences. Ethan added things that I believe were of importance and he got very little too.

Mr. Truckey: I've mentioned this before, but we do not provide verbatim minutes. We provide a synopsis of the minutes.

The minutes were approved as presented.

### APPROVAL OF AGENDA

With no changes, the May 16, 2023 Planning Commission Agenda was approved.

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No public comment.

DISCLOSURE: Mr. Guerra disclosed that the architectural firm on the project, Allen-Guerra Architecture, is owned by his ex-wife and business partner, Suzanne Allen-Sabo. However, he does not hold any financial interest in this project. The Commission agreed there was no conflict of interest and Mr. Guerra was present for the discussion.

### PRELIMINARY HEARINGS:

1. 114 S. Main Street Redevelopment (SVC), 114 S. Main Street, PL-2023-0077

Ms. Crump presented a proposal to construct a new two-story building of 5,640 sq. ft., containing commercial retail and restaurant uses. The following specific questions were asked of the Commission:

1. Would the Commission consider waiving points for the proposed height of the front parapet (once the rear elevator extension/ stair tower is removed), considering the parapet proposal meets the recommended height of the Historic Design Standards, is similar to the heights of adjacent buildings, but does not meet the recommended height of the Development Code?
2. Does the Commission support Staff's assessment that the project complies with Design Standard 228, concerning the steel cornice, bracketry, and architectural accents?
3. Is the Commission supportive of the preliminary point analysis?
4. Does the Commission have any additional comments on the proposed project design?

### *Commissioner Questions / Comments:*

Ms. Propper: I am looking at design standard 226 which says, buildings in this area should use muted colors, and design standard 227 which directs that color schemes are coordinated with existing buildings on the block. I am looking at the vertical elements and white going across, for existing buildings there was nothing that extended to the second floor. Nothing that had such a stark distinction of the background colors of the building and the white elements. In my mind, they are out of character with commercial buildings on the block. If they have vertical elements, they are more blended and muted on the block. This

is prominent and sets the building apart from the adjacent buildings. (Ms. Crump: You're being specific to the vertical features?) Yes, I would not have a problem if they were painted darker color; I don't think they are consistent with policies 227 and 226. (Mr. Kulick: I think it would be best to ask staff how the design complies or does not comply with the standards of the historic district. I think one of the issues is, they are trying to make a rendering of the building. There are ample examples of white accent colors used in the historic district.) I take your point. I did look at the existing building, it does have white trim. My concern was the contrast between the vertical elements as opposed to the buildings adjacent. It did not describe a muted or existing scheme with the existing buildings in the area.

Ms. Gort: My question has to do with the windows on the first level, and section 4.3 of the handbook and Policy 225: maintain the present balance of building materials in the area. How do you equate that to match the historic standard? (Ms. Crump: The amount of glazing is a bit more than the typical historic building. It does feel consistent with the pedestrian moving through the historic district space. As far as meeting 225, I believe the material matches the standards, 4" clad wood siding, and brick. If you are concerned about the amount of glazing that could be a comment.) I think that it should be clad in wood and align more with the picture in the handbook.

Mr. Guerra: Pertaining to the stair/elevator tower. The Georgian Square Building across the street has a prominent stair tower. (Ms. Crump: That building does not follow the design handbook, it was constructed before the design standards were implemented and is non-conforming.)

Mr. Frechter: For the required housing, the applicant is getting credit for the existing housing and use. The previous tenant, RMU, did not receive the credit on the lot to the north. (Ms. Crump: I do not believe that is the case.) (Mr. Kulick: They would not be able to transfer the credit from one site to another. Like PIFs and other fees, employee mitigation stays with the lot.)

Mr. Gerard: I am just thinking of the use of the building and the existing use of the RMU building next door. I don't think it is in our ball-park, but is there anything that would limit these two building would be used together? Could they do that? (Ms. Crump: The applicant is the owner of the existing building, this is completely separate from the proposal next door. An internal connection would not be prohibited by current Code standards. A rooftop connection, may not pass building code.)(Mr. Truckey: We should note that, when the applicant originally applied the building was more centered on the lot, but we asked them to move it so there was an opening on one side only.)

Mr. Leas: There is one owner in this building, and a different owner, RMU, who owns the building to the north, is that correct? (Mr. Kulick: Yes. My understanding is in the lease of the existing building. They have purchased the building to the north with the intention of moving over to that building.)

Mr. Gerard: Do we know the status of RMU completing the roof top area? (Mr. Kulick: They are planning to get a CO this summer. In terms of the progress, I do not know if it will be early, mid, or late summer.) They were able to meet the engineering standards? (Mr. Kulick: Yes, they have been working with the building department.)

Mr. Leas: There are going to be two roof top decks? (Mr. Kulick: In the summer of 2021, the PC approved the rooftop deck on the building just to the north. The construction of that deck is underway and slated to be completed this summer. The project presented tonight would be a new in-fill building with a new roof-top deck, it just happens to be next door to the previously approved project.) And there's no communication between the two unless someone jumps over the parapet? (Ms. Crump: Correct, there's a significant distance between the two and the decks are partially sunken.)

Mr. Truckey: For the record, the historic issue. The existing building was built in 1940 which is within our period of significance. The building itself has had many additions and

reconfigurations. Further, it is non-contributing to the district. As Sarah's report indicates, this Commission and Staff came to the same conclusion in 2016.

- Mr. Giller: There is a lot of steel up high, wasn't the steel painted instead of oil pan or unfinished. (Ms. Crump: I believe the example at 112 Lincoln was black painted steel.) I thought that you say there is a steel bracket on the second story windows, but on the rendering it appears surrounded in cedar with bolts. (Ms. Crump: That might be the case, but I'll have the applicant clarify.) There is a 4x4 elevator for Code and occupancy. Are we allowing the rooftop in a brand new building that's not accessible? (Ms. Crump: I believe it would need to have some lift that meets ADA.) The elevator would be required to be slightly larger to meet ADA. (Mr. Truckey: If the same offerings would be made on two different floors, there could be an exception. There may be some occupancy limits. But there may be some wiggle room in the Code for ADA access when similar offerings exist on other floors.) We should be sure we understand that.
- Mr. Kulick: We do not require building code compliance at planning review. However, it could be problematic to have approval without the ability to pass Codes. They have done preliminary outreach with the building department.
- Mr. Giller: Do we know what the mullions are? (Ms. Crump: I think they're aluminum, but I'll let the applicant clarify.)

Suzanne Allen-Sabo, Owner and Principal Architect, Allen-Guerra Architecture:

So, regarding the elevator size, these drawings are schematic. Good catch, our stairs are currently wrapped around the elevator tower so we will want to adjust for 5' on one side. To Susan's comment, the lot width is different than the typical, this is wider. If you look straight on, you can see the historical rhythm, we were trying to break it down into pieces that related to the verticality of the historic district, especially in the 100 S Block. Maybe we need to eliminate one or more. Regarding the glazing, look at the building to north and south of the building. There are steps that go into the building. Perhaps Main Street was more sloped at one point. The glazing does not align perfectly at the base. We were trying to align the upper glazing with the building to the south. But also had have the building's foundation come to the street. If we measure the kick-plates, we are very close. The steps make the impact of the glazing appear to be more.

First, I would like to address the cornice and detailing, bracketry/architecture. I think this differentiates the building from the historic one while staying within the guidelines. Some others in this area are the Blue Fish sushi restaurant. Also, the Goat 117 S Main has a lot of steel detailing. We have worked with staff to reduce the amount of steel detailing.

Building Height policy is 30 feet high, we are at 27 feet. We had the parapet aligned with the buildings to the north and south. Personally, I think it should be higher. I believe that it should align. The alley view, from the top of the asphalt.

We used Google Earth at about human height and you cannot even see the elevator tower that is located 60 feet back. If you are looking at the building. If you are on Eric's deck, yes you would see the building. At pedestrian level it's not visible.

This is a picture of page 8 in the Handbook of Design Standards. You are seeing how buildings should step down to the alley. Alley that is nine (9) feet above main street. Our lowest level is not seen. The situation is quite different from what is stated in the design guidelines. We added a shed roof off one of the porches in the rear, from the stair tower. Our two-story building is perceived as much smaller from the alley because the grade is coming up. Our team believes standard #229 should not be applied to this project. One potential is to put a shed roof on the tower, that would raise one side and lower the other.

Stuart Ratzan, Property Owner, 114 S Main Street:

I am not the only owner of the RMU building, and I am also not the owner of RMU. We are three couples from Miami. My family has visited Breckenridge for 25 years, I think we love Breckenridge for the same reasons that all of you do. The other couples do too, they have been coming here for 17 years. Our

relationship with RMU has been seven years, it is a great relationship. I have no intention of creating a doorway to their building. These are legal and liability issues that I can speak to. As it relates to our intentions and what we are trying to accomplish here; the RMU building was a dump. Our intention is that it has been a great privilege in Breckenridge, but we also look at the responsibility to the Town. RMU made this a staple in Breckenridge and it is a vibrant and exciting place. That is the same thing that we are hoping to bring to this building. The newness, something exciting, that looks like a fun place to be. Our goal was to have a roof-top area, to have leisure activity in Breck on our rooftop. It is going to be amazing views of the ski slopes and will be incredibly special. But to access it from the outdoors is not going to happen. When the deck entrance is inside, you would likely go up there.

*Commissioner Questions / Comments:*

- Mr. Giller: I would like to further discuss the front glazing. Suzanne you did a great job pointing out what's happening at street level, and there are no steps. The delta has been taken up with glazing. It appears to be a thin mullion. Is there a way to adjust to conform with the design and adjacent historic buildings? (Ms. Sabo: Yes, I think so.) I don't want a step. If a plinth were added, the mullions need to be a little beefier. These would be tweaks that collectively improve your elevation. (Ms. Sabo: I agree with you.)
- Mr. Propper: I have one question about the parking spots in the rear. They are double spots, front to back, so I am curious if that parking is going to work. If people that do not know each other park there, how is that going to operate. (Ms. Crump: They are presumably employee spots, and the code allows for tandem parking. Guest parking would not be offered here.)
- Mr. Gerard: How much have you dug into the building to the south and the existing structure's historic fabric. What will you find getting it out? (Ms. Sabo: It seems that most of the historic fabric is already gone.) Do you think that the stone wall goes the length of the building to the south? (Mr. Ratzan: The back bar of RMU is the stone wall. The inside is the outside. Inside RMU, behind the bar, there is a stone wall, that is the wall.)
- Mr. Gerard: The gap between the buildings, people are going to walk through there to the back. Would a metal fence be allowed? (Mr. Kulick: In one other building, there was a gap from the rear. The owner had issues with people coming into the rear. We allowed a gate to block that off. I think that there could be a design solution to close this out.)
- Ms. Puester: Skinny Winter across the street has had a lot of problems going on in that gap. This should be addressed during the design.
- Mr. Gerard: I don't think it should become a place for people to walk through. I think as you tear into the building, if you can keep or repurpose any historic fabric if you find it. Is this going to be a single tenant? (Mr. Ratzan: RMU has expressed interest in taking the whole building as a tenant.)
- Ms. Sabo: We are not designing the floor plans for them at this point.
- Mr. Gerard: Did you give any thought to simplifying the windows on the second floor? (Ms. Sabo: No, but we can look at that. The scale to the left is not historic, the building to the south is more to the historic standard. Longer and more narrow second level windows.)

The hearing was opened for public comment. There were no comments and the public comment period was closed.

- Ms. Gort: If you waive points, would you remove the EV chargers? (Ms. Sabo: We will keep them.)
- Mr. Leas: With regards to the points on height; 30 feet is allowed, 27 is proposed, Suzanne would prefer that the front align with the neighboring buildings. What would that mean?
- Ms. Crump: That would be 29' which would result in approximately negative four (-4) points without waiver.

- Ms. Propper: If it were raised higher, would that not remove the visibility of the elevator tower? (Ms. Crump: That's a separate distinct question.)
- Mr. Kulick: If you are directly in front of the building the tower likely would not be visible. In the alley, it is not a roof form that would be found within the district.
- Ms. Gort: Is it off the table to have the elevator so people can get up there? (Mr. Kulick: Based on precedent they would need to design that to meet ADA. To say that Design Standards 211 and 212 are met with the design would go contrary to the precedent of the RMU application.)
- Mr. Leas: That stair element was in the front or the back? (Mr. Kulick: I believe that it was in the rear.)
- Mr. Guerra: The stair tower is essential to the design for the roof deck. I do understand that you won't be able to see the tower at the pedestrian level along Main Street. I understand that Georgian Square was built prior to 1992 but is very prominent on the other side of the street. It does not meet the priority policy. (Ms. Crump: Priority policies are absolute policies that must be met.)
- Mr. Giller: I look at the non-conforming structure across the street as something that we should not consider.
- Ms. Gort: Is the elevator tower blocking anyone's view on the rear?

Ms. Crump reviewed all questions for the Commission to give feedback:

Question 1: In favor of waiving -2 points for 27 feet front cornice height?

- Ms. Propper: I am okay with waiving the points up to 27 feet.
- Mr. Giller: I am not okay with waiving it. We have a limitation for a purpose.
- Mr. Gerard: I am not okay with waiving. The most restrictive would be the legal standard. Waiving would set bad precedent for other projects.
- Mr. Guerra: I am in support of waiving the two points.
- Ms. Gort: I ditto what Ethan said.
- Mr. Frechter: I do not support waiving the points. We are trying to get a consistent roof line. I do not think it is an issue if the rooflines do not match up.
- Mr. Leas: I find myself torn between waiving the points and the issue of the precedence here. I think that this would be a better-looking building if it were higher, but I am sensitive to the precedent that we are setting for other buildings on Main Street. I am not in support of it.
- Mr. Gerard: The project does not fail with the changes of these points. We would then have to do it for all projects after this.

Question 2: Does the commission support our assessment under 228 concerning the steel cornice?

- Mr. Propper: I am okay with the steel cornice and the bracketry. I have concerns about their vertical accents. Yes, to the steel but issues with the wood vertical accents.
- Mr. Giller: The steel is a bit heavy. You have put a lot of black heavy steel up high. I would encourage you to lighten that up. Especially with an off-white color. I do not mind the steel detail in general.
- Mr. Gerard: It is heavy and excessive. It could be simplified. I do not dispute the analysis of the Planning Department; I think it is more a preference with lightening the project.
- Mr. Guerra: I am going to echo Mike and Steve. I like the accents, but I agree that it can be lightened.
- Ms. Gort: I agree with Susan. I think the windows should be wooden. The kickplate, the metal is heavy, but is cool.
- Mr. Frechter: I think it complies, the rendering is showing more contrast than we would see.
- Mr. Leas: I do concur with the Staff's opinion on the steel.

Question 3: Is the commission supportive of the preliminary point analysis that staff proposed?

Ms. Propper: I agree with that analysis.

Mr. Giller: I would add the previously noted, the parapet is heavy in material. I could not find that in the point analysis. (Ms. Crump: That would be a design standard.) I would agree with your point analysis.

Mr. Gerard: Does it include two points for height? (Ms. Crump: yes) I agree.

Mr. Guerra: I was in support of waiving the two points. I support the two fewer points in the point analysis.

Mr. Gort: I am the same as Ethan.

Mr. Frechter: I agree with the analysis. I don't know if it is in our purview to waive an absolute policy so I support the analysis. I would not be comfortable waiving the points for this analysis.

Mr. Leas: I do support the analysis.

Final Comments:

Ms. Propper: No additional comments.

Mr. Giller: Previously noted, glazing should be reduced on first floor.

Mr. Gerard: Despite us being critical of things. This is a very nice project and you've worked really hard to get here. I continue to be frustrated with the rooftop bar after the first RMU project, but that is the way that it goes. I think the elevator is a difficult issue. If you really want rooftop bars, you have got to get people up there. I'm disappointed the Council did not address rooftop bars in general in the downtown district and RMU went through. I think that you will come back with some changes we will be really happy with. (Mr. Kulick: The elevator needs to be redesigned.)

Mr. Leas: To clarify, the elevator needs to be redesigned for ADA compliance. The negative two points is okay. (Mr. Kulick: The current roof-form does not comply with 211 and 212, the absolute policy.)

Mr. Guerra: I like the building. I would like the elevator to work for you guys but it's subject to policy.

Ms. Gort: No further comments.

Mr. Frechter: I shared my comments about the elevator, I concur with Ethan and Steven.

Mr. Leas: I think this is an exciting building. I like the contemporary elements that reflect the historical nature of the district. I hope you can resolve the elevator.

Mr. Truckey: Are we comfortable with the applicant coming back for final? All nod in agreement.

### **TOWN PROJECTS:**

1. Sol Center Subdivision (CK), 24 Rapid Drive, PL-2023-0120

Mr. Kulick presented a proposal to replat Tract D-3, a replat of Tracts A-1, C-1 and Lot 1, the McCain Subdivision, creating 0.815 acre lot for the Sol Center Development and a 3.774 acre remnant parcel.

DISCLOSURE: Susan Propper disclosed she is on the board of directors for FIRC. She has no financial interest but does have relationship with FIRC. There were no concerns with the Commission and Ms. Propper stayed for the discussion.

### *Commissioner Questions / Comments:*

Mr. Gerard: We worked with this issue of meandering subdivision lines in the North Gondola Lot. Is there something that we would want to articulate in the findings to describe why this is a meandering lot line. (Mr. Kulick: I noted in the staff report that this complies due to its consistency with the approved site specific plan and Master Plan. We can add a finding relating to that. You can see where this weird jog follows the center line for access. The intent was for the Town to develop this in the front, where there are better soils and not

on top of fill. The town is able to retain the rear portion and the FIRC can build where they need. Would you be okay with specific language being added to the Findings prior to approval from Town Council?) Yes.

Mr. Guerra: No questions.  
Ms. Gort: No questions.  
Mr. Frechter: No questions.  
Mr. Leas: No questions.

No public comments.

Ms. Propper: No additional comments  
Mr. Giller: I support it.  
Mr. Gerard: I am support.  
Mr. Gort: I support the plan.  
Mr. Frechter: I support the plan.  
Mr. Leas: I support the plan.

Mr. Gerard made a motion to recommend approval of the Sol Center Subdivision with an additional finding noting the deviation from straight subdivision lines Town Council is allowed by the recently amended subdivision standards, seconded by Mr. Giller. The motion passed 7 to 0.

DISCLOSURE: Mr. Guerra disclosed that the architectural firm on the project, Allen-Guerra Architecture, is owned by his ex-wife and business partner, Suzanne Allen-Sabo and he does hold a financial interest in the Stables Village development. Mr. Guerra recused himself for discussion of this application.

DISCLOSURE: Mr. Leas' daughter is the Town's Housing Project Manager for this project. Mr. Leas recused himself for discussion of this application. Mr. Giller serves as acting chair for the hearing.

## 2. Stillson (Stables Village) Subdivision (SVC), 710 Wellington Rd., PL-2023-0135

Ms. Crump presented a proposal to re-subdivide Stillson Patch Placer to accommodate the development of the recently approved Stables Village Workforce Housing Project on an 8.4 acre site.

### *Commissioner Questions / Comments:*

Ms. Gort: No questions.  
Mr. Gerard: Are you okay with adding a finding similar to the previous hearing? (Ms. Crump: Yes, we will work together to draft similar language for an added Finding.)  
Ms. Propper: No questions.  
Mr. Giller: No questions.

No public comments.

Ms. Gort: No additional comments.  
Mr. Gerard: No additional comments.  
Ms. Propper: No additional comments.  
Mr. Frechter: No additional comment.  
Mr. Giller: No additional comment.

Mr. Gerard made a motion to recommend approval of the Stillson (Stables Village) Subdivision to Town Council with an additional finding noting the deviation from straight subdivision lines Town Council is

allowed by the recently amended subdivision standards, seconded by Ms. Propper. The motion passed 5 to 0.

**OTHER MATTERS:**

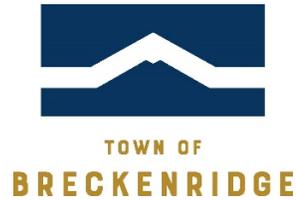
1. Town Council Summary

**ADJOURNMENT:**

The meeting was adjourned at 7:47 pm.

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Allen Frechter, Chair



# Memo

To: Breckenridge Town Council  
From: Sarah Crump, Planner II  
Date: May 17, 2023 (For May 23, 2023 Meeting)  
Subject: Town Project: Stillson (Stables Village) Subdivision, Tracts A-H

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The Stillson (Stables Village) Subdivision is being reviewed as a Town Project Hearing, as per town project requirements. All public noticing requirements designated by the Land Development Code have been fulfilled as required.

This is a proposal to subdivide Stillson Patch Placer to accommodate development of the recently approved Master Plan for Stables Village workforce housing on an 8.4 acre site (Tracts A-E) and to provide for the necessary public rights-of-way and easements for the subdivision. Tract F is to remain for governmental uses as described in the Master Plan; Tracts G and H are designated as Open Space.

Attached to this memo is a complete staff report, substantially the same as presented to the Planning Commission and attachments including the Subdivision Plat and the Commission's recommended Findings and Conditions (5-0 vote).

If the Council agrees with the Planning Commission's recommendation after the public hearing in the evening meeting, a motion for approval is provided below.

*I make a motion to approve the Stillson Subdivision, creating Tracts A-H, Town Project Hearing PL-2023-0135, with the attached Findings and Conditions.*

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

## Town Project Hearing Report

**Subject:** Stillson Tract (Stables Village) Subdivision  
(Town Project Hearing – PL-2023-0135)

**Project Manager:** Sarah Crump, Planner II

**Date:** May 17, 2023 (for the May 23, 2023 meeting)

**Applicants:** Town of Breckenridge  
Allen-Guerra Architecture – Suzanne Allen-Sabo

**Owner:** Town of Breckenridge

**Proposal:** A proposal to re-subdivide Stillson Patch Placer to accommodate the development of the recently approved Stables Village Workforce Housing Project on an 8.4-acre site.

**Address:** 710 Wellington Road

**Legal Description:** TR 6-77 Sec 31 Qtr 4 Mining Claim(s) cont 38.868 acres Stillson Patch Placer Myrtle Annie Lode MS #1466

**Total Site Area:** 38.87 acres

**Land Use District:** LUD 1: Low density residential and recreational; 1 unit per 10 acres. Meant to protect predominately steep slopes and environmentally sensitive areas. Serves as a scenic background and preserved area for mountain wetlands, development buffers, and recreational opportunities.

LUD 15: Governmental uses and affordable residential; not to exceed 1 unit per 20 acres. Area for service activities provided by public agencies.

LUD 46: A new LUD for PA-A was created and adopted by Town Council on February 28, 2023. This LUD allows for workforce housing, recreation, and open space. Single-family, duplex, and triplex residences designed to facilitate net zero energy goals are allowed at a density of 8 units per acre (UPA).

**Site Conditions:** The tract fronts Wellington Road to the north and Stables Drive passes through the eastern edge of the property. This property serves as the town limit to the south and is flanked by a residential unincorporated Summit County neighborhood to the south. The property was dredge-mined in the early 1900s and once contained tailing piles deposited by past dredge mining operations; however, much of the dredged rock piles have been removed leaving the north portion of the site mostly barren. The northern portion has much surface disturbance and limited tree cover. The southern portion of the tract is forested. The property slopes uphill from the northwest to the southeast. Two 150-foot electrical power line easements transect the property from northeast to southwest across the northern portion of the property and from east to west across the southern portion of the property.

**Adjacent Uses:** North: Wellington Road Right-of-Way, French Creek Drainage, and Vista Point residential subdivision  
East: Lincoln Park at Wellington residential subdivision  
South: Unincorporated Summit County, single family residential homes  
West: Xcel Energy utility electric power substation and Revetts Landing residential subdivision

### Item History

This Town of Breckenridge owned property provides space for various government services and activities. It was annexed into the Town in 1997. Current uses include public works storage and equipment staging, snow storage, solar farming, recreation opportunities including a bike park and trails, and open space. The eastern portion of the property, along Stables Drive, has been used as the Breckenridge Stables since the mid-1990s but the stables have been recently relocated.

Recognizing the need for more for-sale workforce housing, the Town has hired a design team to master plan Stillson Patch Placer. This Town owned parcel has long been considered as a potential site for workforce housing. The site was split among several land use districts with each allowing varying degrees of residential density. A new land use district was created for the residential portion of the site to allow a maximum density of 8 UPA.

In fall 2022, several work sessions were conducted with the Town Council to perform a fit test which determined the location and approximate number of units that would be appropriate for a residential development at Stillson Patch Placer. On January 10, 2023, the Council approved Staff to hire a design team selected through an RFP process to move ahead with Master Planning the area for residential development. The Town Council approved the Stillson Master Plan, to include the Stables Village Development, at a Town Project Hearing on April 11, 2023. To begin construction of Stables Village it is necessary to subdivide the portions of Stillson Patch Placer which will be transferred to the Developer, Suzanne Allen-Sabo, for development.

### Staff Comments

This subdivision divides Stillson Patch Placer into eight tracts, A-H. Tracts A-E will be for the development of the Stables Village workforce housing project and these tracts are likely to be further subdivided into individual unit lots in the future when implementation of the master plan is realized. The subdivision also provides for public right-of-way, pedestrian, utility, drainage, snow storage, and access easements as noted in the Master Plan.

#### **9-2-1-15: WAIVER OF REQUIREMENTS:**

*Notwithstanding any provisions contained herein to the contrary, the director or planning commission may waive any of the procedural or substantive requirements of this chapter if such requirement creates an undue hardship on a particular application or is irrelevant to the scope or location of the subdivision proposal in question and the director or commission incorporates such a finding into the final decision or permit. (Ord. 23, Series 1992)*

Since this is a residential subdivision, staff finds that the following item is irrelevant to the scope of the proposal:  
9-2-4-12: Non residential subdivisions.

**9-2-4-1: General Requirements:** The approved Master Plan shows workforce housing parcels located in the area of Tracts A-E shown on the plat. At this time these are being retained as large parcels during the initial stages of development and will be subdivided in the future when site specific unit lots are created. The Town will transfer ownership of these tracts to the developer in stages as development proceeds. No additional development plans exist for the remaining proposed Tracts F-H. Tract F will continue to be used for municipal government purposes; Tract G and H are labeled as open space. The proposal complies with the layout and requirements of the Master Plan.

**9-2-4-2: Design Compatible With Natural Features:** The proposed subdivision is not in conflict with the existing or proposed topography. The shape of Tracts A-E and the proposed right-of-way are consistent with the existing benched slope topography. Tracts A-E are significantly devoid of vegetation. Significant landscaping will be installed on Tracts A-E as part of the recently approved Stables Village Master Plan.

**9-2-4-3: Drainage, Storm Sewers And Flood Prevention:** Drainage for the Stables Village subdivision will be provided for during development. A future trail and drainage easement will be added along the western borders of Tracts A and E for the proposed bioswale, drainage pond, and recreation trail. These items will be site located during development and an easement added during a future subdivision. Drainage for Stables Village will be contained within Tracts A-E. Staff and the Commission have no concerns about drainage or flood prevention.

**9-2-4-4: Utilities:** Existing electric utility easements are honored on this replat in Tracts F and G. New utility, snow storage, and access easements ranging from 5'-10' are provided for along the proposed right-of-way easement on Tracts A-E. An infrastructure permit for compliant utility installation on Tracts A-E will be granted by the Town's Public Works Department. Staff and the Commission have no concerns.

**9-2-4-5: Lot Dimensions, Improvements And Configuration:** The curvilinear Tracts A-E follow the existing topography and benched slope of the existing site from north to south. This is consistent with the recent amendment of this Code Section 9-2-4-5 which states, "*Lots shall take the form of plain geometric shapes except where conditions existing on the site, such as wetlands, steep hillsides, or other environmentally sensitive areas warrant the use of non-linear lot shapes, when an open space parcel is created, or the proposed subdivision is generally consistent with a vested master plan that displays proposed lot lines.*" The proposal matches what is shown on the approved Master Plan and meets all the requirements of this section. Future subdivisions will establish lots of individual units in accordance with the Master Plan. Any additional easements needed will be added to future subdivisions of the individual unit lots. Staff and the Commission have no concerns about the Tract dimensions and configuration.

**9-2-4-6: Blocks:** The subdivision is designed to be in compliance with the Master Plan, as the property develops in the future. Access, circulation, control, and safety of street traffic on Tracts A-E will be required as portions of the property develop in the future. These will be additionally addressed in the site-specific Development Permits for Stables Village.

**9-2-4-7: Pedestrian And Bicycle Circulation Systems:** Pedestrian and bicycle circulation has been enhanced as part of this subdivision with a proposed recreation path connection of Wellington Road and the public bike park to be located on the eastern portion of Tracts A-E and connected to the existing access easements on Tract F. This easement is of a varying width from north to south because it follows the existing bike path and is drawn 1ft to the west of the existing bike path. The remaining width of the bike and ped path will be incorporated into the Stables Drive right-of-way.

**9-2-4-8: Street Lighting:** Street lights shall be installed and shall meet the requirements of the Town's Engineering regulations. The purchase and installation of streetlights will be part of the Town's development contract with the Developer. Staff and the Commission have no concerns.

**9-2-4-9: Traffic Control Devices:** Similarly, street signage shall be installed and shall meet the requirements of the Town's Engineering regulations. The purchase and installation of signage will be part of the Town's development contract with the Developer. Staff and the Commission have no concerns.

**9-2-4-10: Subdivision and Street Names:** The proposed names, "Stables Village," "Stallion Loop," and "Bridle Alley" have been confirmed by the Town's GIS specialist not to too closely approximate nor duplicate any existing street and subdivision names within the Town or upper Blue Valley as required.

**9-2-4-11: Existing And Proposed Streets:** A new interior public right-of-way is proposed that transects Tracts A-E and is designed as a loop road. This right-of-way makes a connection through the housing development and meets the existing Stables Drive access on both ends. The Stables Drive access easement will be upgraded to meet construction and ROW standards required by the Town. An access easement for a private alley bisects Tract C and will connect Stables Drive and the loop road. Stables Drive and the loop road easements will be dedicated as public Rights-of-Way. Staff and the Commission have no concerns.

**9-2-4-13: Dedication Of Park Lands, Open Space And Recreational Sites Or The Payment Of Fees In Lieu Thereof:** Tract G, 0.56 acres, and Tract H, 0.11 acres, or 10.6 percent of the site area for Stables Village will be platted as Open Space meeting the criteria of a minimum of 10 percent. As development plans move forward on Tracts A-E, the proposed tracts will be further subdivided, and site and lot specific open space requirements will be met. Staff and the Commission have no concerns regarding open space.

### **Planning Commission Recommendation**

This is a Town Project pursuant to the ordinance amending the Town Projects Process (Council Bill No. 1, Series 2013). Staff and the Planning Commission find this proposal is in general compliance with the Town's Subdivision Standards.

The Planning Commission recommends approval with a vote of 5-0 of the Stillson subdivision, a Replat of Stillson Patch Placer, creating Tracts A-H, located at 710 Wellington Road, with the added Finding that the proposed subdivision meets the standards of the recently amended Subdivision Standard 9-2-4-5: Lot Dimensions, Improvements And Configuration regarding non-linear lot lines because the proposed subdivision is in compliance with an approved Master Plan.

## TOWN OF BRECKENRIDGE

Stillson Tract (Stables Village) Subdivision  
TR 6-77 Sec 31 Qtr 4 Mining Claim(s) cont 38.868 acres  
Stillson Patch Placer Myrtle Annie Lode MS #1466  
710 Wellington Road  
PL-2023-0135

### FINDINGS

1. This project is “Town Project” as defined in Section 9-14-1 of the Breckenridge Town Code because it involves the planning and design of a public project.
2. The process for the review and approval of a Town Project as described in Section 9-14-4 of the Breckenridge Town Code was followed in connection with the approval of this Town Project.
3. In connection with its review of this Town Project, the Planning Commission scheduled and held a public hearing on May 16, 2023, notice of which was published on the Town’s website for at least five (5) days prior to the hearing as required by Section 9-14-4B of the Breckenridge Town Code. In addition to posting on the Town’s website, notice of the planning commission’s public hearing on a proposed town project shall be given in the same manner as is required for a final hearing on a Class A development permit application pursuant to chapter 1 of this title. Failure of a person to receive the notice described in this section shall not impair the validity of the planning commission’s public hearing on a proposed town project, or the planning commission’s recommendation to the town council with respect to such proposed town project. Because the process of reviewing and approving a town project is discretionary and administrative, and not quasi-judicial, any member of the town council may properly attend the planning commission’s public hearing(s) and deliberations with respect to a proposed town project. At the conclusion of its public hearing, the Planning Commission recommended approval of this Town Project to the Town Council.
4. The Town Council’s final decision with respect to this Town Project was made at the regular meeting of the Town Council that was held on May 23, 2023. This Town Project was listed on the Town Council’s agenda for the May 23, 2023 agenda that was posted in advance of the meeting on the Town’s website. Before making its final decision with respect to this Town Project, the Town Council accepted and considered any public comment that was offered.
5. Before approving this Town Project the Town Council received from the Director of the Department of Community Development, and gave due consideration to the Town Project in the same manner a recommendation is prepared for a final hearing on a Class A Subdivision application under the Town’s Subdivision Code (Chapter 2 of Title 9 of the Breckenridge Town Code).
6. The Town Council finds and determines that the Town Project is necessary or advisable for the public good, and that the Town Project shall be undertaken by the Town.

7. Per Town Code Section 9-14-2 *Town Council Authority Over Town Projects*, the Town Council has the authority, in its sole discretion, has the sole and final authority to determine all aspects of the town project, including but not limited to, its location and design. Chapters 1, 3 and 12 of this title and the town of Breckenridge land use guidelines do not apply to town projects, but town projects shall be processed instead in accordance with the provisions of this chapter.

8. This subdivision is in compliance with section 9-2-4-5 of the Town Subdivision Code's requirements due to its consistency with the approved Stillson Master Plan. This approval shall not constitute precedent for other proposed subdivisions which do not have previous site plan approval with depicted lot lines.

**9-2-1-15: WAIVER OF REQUIREMENTS:**

*Notwithstanding any provisions contained herein to the contrary, the director or planning commission may waive any of the procedural or substantive requirements of this chapter if such requirement creates an undue hardship on a particular application or is irrelevant to the scope or location of the subdivision proposal in question and the director or commission incorporates such a finding into the final decision or permit. (Ord. 23, Series 1992)*

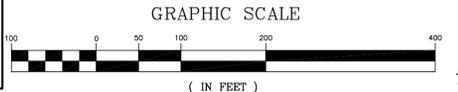
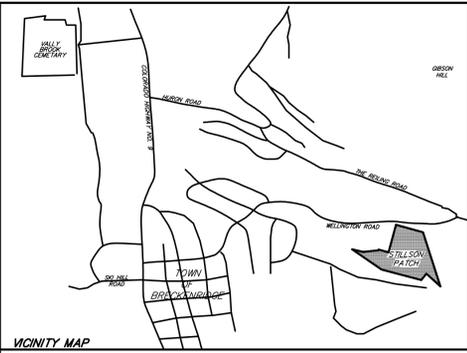
Since this is a residential subdivision, staff finds that the following item is irrelevant to the scope of the proposal: 9-2-4-12: Non residential subdivisions.

**Prior to Recordation of the Final Plat**

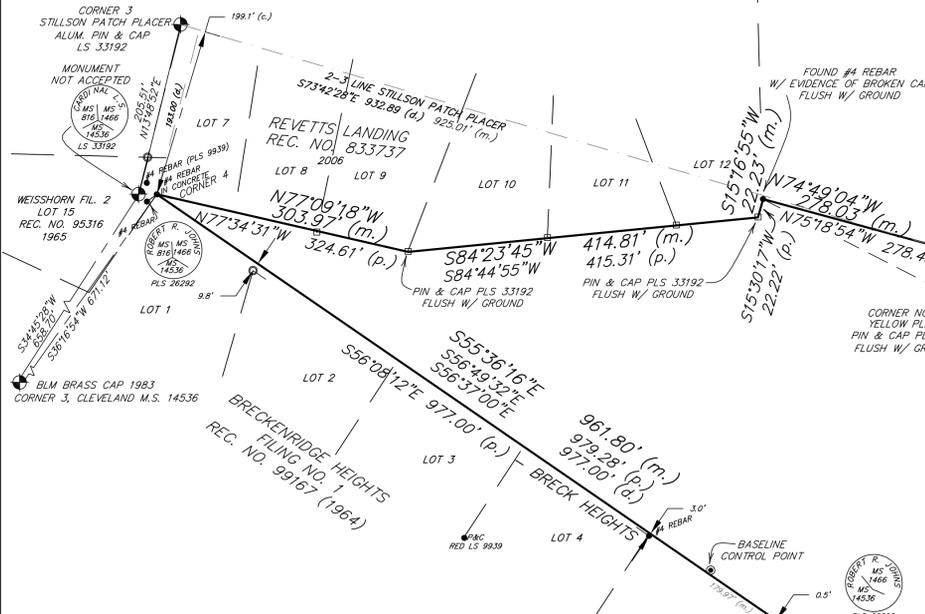
9. Engineering shall provide final review and approval of easements, utilities, and line weights/formatting.

# STABLES VILLAGE SUBDIVISION

A RESUBDIVISION PLAT OF A PORTION OF THE STILLSON PATCH PLACER, M.S. 1466  
AND A PORTION OF MYRTLE ANNIE LODE M.S. 1466  
ACCORDING TO THE DEED RECORDED AT REC. NO. 534869  
SECTIONS 31 & 32, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6TH P.M.  
TOWN OF BRECKENRIDGE, SUMMIT COUNTY, COLORADO  
SHEET 1 OF 2



- LEGEND**
- ◆ FOUND REBAR & ALUMINUM CAP (SEE DESCRIPTIONS)
  - ☆ FOUND REBAR & RED PLASTIC CAP (PLS 37719/WENTZ)
  - FOUND REBAR & PURPLE PLASTIC CAP (PLS 38266/PARENT)
  - FOUND REBAR & YELLOW PLASTIC CAP (PLS 33192/GERDEL)
  - FOUND PIN & CAP PLS 23901 (BASELINE)
  - ◆ FOUND REBAR
  - ◆ FOUND REBAR & ALUMINUM CAP (PLS 26292/JOHNS)
  - (d.) DEEDED COURSE
  - (p.) PLATTED COURSE
  - (m.) MEASURED COURSE
  - (r.) RECORD COURSE

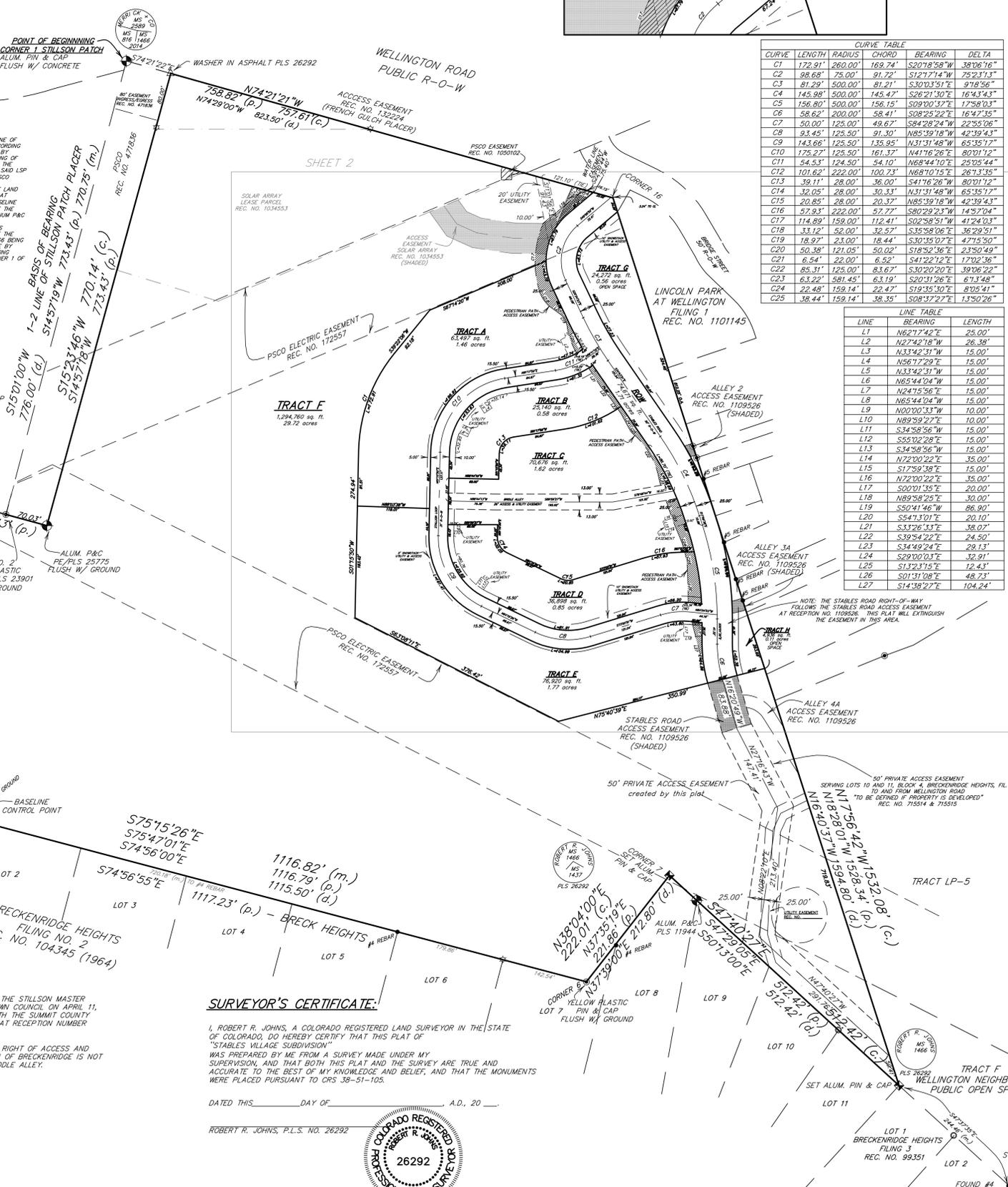


**LEGAL DESCRIPTION - DEED AT REC. NO. 512362 DATED 04/02/1996 (ORIGINAL)**  
A PARCEL OF LAND COMPRISING A PORTION OF THE STILLSON PATCH PLACER AND MYRTLE ANNIE LODE, U.S.M.S. 1466, MINERAL DISTRICT NO. 3, LOCATED WITHIN SECTIONS 31 AND 32, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6TH P.M., COUNTY OF SUMMIT, STATE OF COLORADO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT CORNER NO. 1 OF SAID MINERAL SURVEY FROM WHENCE U.S.M.S. STATION 23 BEARS NORTH 73 DEGREES 28 MINUTES 35 SECONDS WEST A DISTANCE OF 5170 FEET; SAID CORNER NO. 1 IS ALSO CORNER NO. 1 OF BLUE RIVER PLACER, U.S.M.S. 816; THENCE SOUTH 15 DEGREES 01 MINUTES WEST, A DISTANCE OF 787 FEET TO CORNER NO. 3; THENCE SOUTH 14 DEGREES 29 MINUTES WEST, A DISTANCE OF 193 FEET TO CORNER NO. 4; THENCE SOUTH 56 DEGREES 37 MINUTES EAST, A DISTANCE OF 977 FEET TO CORNER NO. 5; THENCE SOUTH 74 DEGREES 56 MINUTES EAST, A DISTANCE OF 1115.5 FEET TO CORNER NO. 6; THENCE NORTH 37 DEGREES 39 MINUTES EAST, A DISTANCE OF 212.8 FEET TO CORNER NO. 7; THENCE SOUTH 50 DEGREES 13 MINUTES EAST ALONG THE LINE FROM CORNER NO. 7 TO CORNER NO. 8, A DISTANCE OF 512.42 FEET; THENCE NORTH 16 DEGREES 40 MINUTES 37 SECONDS WEST, A DISTANCE OF 1594.80 FEET TO CORNER NO. 16; THENCE TO CORNER NO. 1, THE POINT OF BEGINNING, EXCEPT THAT PORTION AS DESCRIBED IN INSTRUMENT RECORDED JULY 14, 1994 UNDER REC. NO. 471836, COUNTY OF SUMMIT, STATE OF COLORADO.

**LEGAL DESCRIPTION - PER LAND SURVEY PLAT RECORDED AT LSP #176, SUMMIT COUNTY CLERK AND RECORDER AND DEED AT REC. NO. 534869 TO TOWN OF BRECKENRIDGE.**  
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 P.M. 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:

**PLAT NOTE:**  
BEGINNING AT A POINT ON THE 1-16 LINE OF SAID STILLSON PATCH PLACER, ALSO BEING THE NORTHEAST CORNER OF THAT TRACT OF LAND RECORDED IN THE OFFICE OF THE CLERK AND RECORDER FOR SUMMIT COUNTY UNDER RECEPTION NO. 471836, THENCE ALONG THE EASTERN BOUNDARY OF SAID TRACT AS RECORDED UNDER RECEPTION NO. 471836, FOLLOWING 2 COURSES:  
1) SOUTH 14 DEGREES 57 MINUTES 19 SECONDS WEST A DISTANCE OF 773.43 FEET;  
2) NORTH 74 DEGREES 18 MINUTES 53 SECONDS WEST, A DISTANCE OF 70.00 FEET TO CORNER NO. 2 OF SAID STILLSON PATCH PLACER, ALSO BEING CORNER NO. 2 OF THE BLUE RIVER PLACER, U.S.M.S. 816;  
THENCE, CONTINUING NORTH 74 DEGREES 18 MINUTES 53 SECONDS WEST, A DISTANCE OF 923.38 FEET TO CORNER NO. 3 OF SAID STILLSON PATCH PLACER, ALSO BEING CORNER NO. 11 OF SAID BLUE RIVER PLACER, THENCE SOUTH 13 DEGREES 42 MINUTES 16 SECONDS WEST, A DISTANCE OF 205.46 FEET TO CORNER NO. 4 OF SAID STILLSON PATCH PLACER, ALSO BEING CORNER NO. 10 OF SAID BLUE RIVER PLACER, THENCE SOUTH 56 DEGREES 49 MINUTES 32 SECONDS EAST, A DISTANCE OF 979.28 FEET TO CORNER NO. 5 OF SAID STILLSON PATCH PLACER, ALSO BEING CORNER NO. 3 OF THE ADA PLACER, U.S.M.S. 1437; THENCE SOUTH 75 DEGREES 47 MINUTES 01 SECONDS EAST, A DISTANCE OF 1116.79 FEET TO CORNER NO. 6 OF SAID STILLSON PATCH PLACER, ALSO BEING CORNER NO. 4 OF SAID ADA PLACER, THENCE SOUTH 48 DEGREES 10 MINUTES 55 SECONDS EAST, A DISTANCE OF 512.42 FEET TO A POINT ON THE 7-8 LINE OF SAID STILLSON PATCH PLACER, ALSO BEING A POINT ON THE 5-6 LINE OF SAID ADA PLACER, THENCE 18 DEGREES 28 MINUTES 01 SECONDS WEST, A DISTANCE 1528.34 FEET TO CORNER NO. 16 OF SAID STILLSON PATCH PLACER, ALSO BEING CORNER NO. 2 OF THE FRENCH GULCH PLACER, U.S.M.S. 2589; THENCE, ALONG THE 16-1 LINE OF SAID STILLSON PATCH PLACER, NORTH 74 DEGREES 21 MINUTES 21 SECONDS WEST A DISTANCE OF 758.82 FEET TO THE POINT OF BEGINNING, TOGETHER WITH EASEMENT AND ACCESS AS SET FORTH IN INSTRUMENT RECORDED MARCH 6, 1923, UNDER RECEPTION NO. 13224 OF THE RECORDS OF THE CLERK AND RECORDER SUMMIT COUNTY COLORADO.

**NOTE:** ACCORDING 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 THE CERTIFICATION SHOWN HEREON.



**OWNER'S CERTIFICATE:**  
KNOWN ALL MEN BY THESE PRESENTS:  
THAT THE TOWN OF BRECKENRIDGE, BEING THE OWNERS OF THE FOLLOWING DESCRIBED REAL PROPERTY SITUATE IN THE TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO:  
A PORTION OF THE STILLSON PATCH PLACER ACCORDING TO THE DEED RECORDED AT REC. NO. 534869 TOWN OF BRECKENRIDGE, SUMMIT COUNTY, COLORADO  
HAS LAID OUT, SUBDIVIDED AND PLATTED THE SAME INTO LOTS, TRACTS, STREETS, AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND STYLE OF "STABLES VILLAGE SUBDIVISION", AND BY THESE PRESENTS, DO HEREBY SET APART AND DEDICATE TO THE PERPETUAL USE OF THE PUBLIC ALL OF THE STREETS, AND OTHER PUBLIC WAYS AND PLACES AS SHOWN HEREON, AND FURTHER HEREBY DEDICATES THOSE PORTIONS OF LAND LABELED AS EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES AS SHOWN HEREON, (AND/OR OTHER PURPOSES), BRIDLE ALLEY, A 25' UTILITY AND ACCESS EASEMENT IS A PRIVATE ROAD SUBJECT TO THE TOWN'S RIGHT TO USE IT FOR UTILITIES AND ACCESS.  
IN WITNESS WHEREOF, THE TOWN OF BRECKENRIDGE HAS CAUSED THEIR NAME TO BE HEREUNTO SUBSCRIBED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

BY: \_\_\_\_\_ AS \_\_\_\_\_ FOR THE TOWN OF BRECKENRIDGE

**ACKNOWLEDGEMENT:**  
STATE OF COLORADO )  
COUNTY OF SUMMIT ) SS  
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ BY \_\_\_\_\_ AS \_\_\_\_\_ FOR THE TOWN OF BRECKENRIDGE.  
MY COMMISSION EXPIRES: \_\_\_\_\_  
ROTARY PUBLIC \_\_\_\_\_

**TOWN OF BRECKENRIDGE CERTIFICATE:**  
THIS PLAT IS APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_  
TOWN OF BRECKENRIDGE  
BY: \_\_\_\_\_ DIRECTOR, DEPARTMENT OF COMMUNITY DEVELOPMENT  
NOTICE:  
PUBLIC NOTICE IS HEREBY GIVEN THAT THE TOWN OF BRECKENRIDGE HEREBY ACCEPTS ALL OF THE OFFERS OF DEDICATION MADE BY THIS PLAT. HOWEVER, SUCH ACCEPTANCE DOES NOT CONSTITUTE AN ACCEPTANCE OF THE ROADS AND RIGHTS OF WAY REFLECTED HEREON FOR MAINTENANCE BY THE TOWN.  
UNTIL SUCH ROADS AND RIGHTS OF WAY MEET TOWN ROAD SPECIFICATIONS AND ARE LEGALLY ACCEPTED BY THE TOWN, THE MAINTENANCE, CONSTRUCTION, AND ALL OTHER MATTERS PERTAINING TO OR AFFECTING SAID ROADS AND RIGHTS OF WAY ARE THE SOLE RESPONSIBILITY OF THE OWNERS OF THE LAND EMBRACED WITHIN THE SUBDIVISION.  
[NOTE: THE TOWN CERTIFICATE ON ANY SUBDIVISION PLAT MAY BE EXECUTED BY THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT, OR ANY ASSISTANT DIRECTOR.]

**CERTIFICATE OF TAXES PAID:**  
I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE ENTIRE AMOUNT OF ALL TAXES DUE AND PAYABLE AS OF \_\_\_\_\_, 20\_\_ UPON PARCELS OF REAL ESTATE DESCRIBED ON THIS PLAT ARE PAID IN FULL.  
DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

SUMMIT COUNTY TREASURER OR DESIGNEE \_\_\_\_\_

**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 \_\_\_\_\_, 20\_\_, AND IS DULY RECORDED.  
TOWN CLERK \_\_\_\_\_

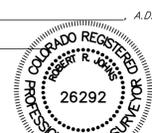
**TITLE COMPANY'S CERTIFICATE:**  
\_\_\_\_ DOES HEREBY CERTIFY THAT IT HAS EXAMINED THE TITLE TO ALL LANDS SHOWN HEREON AND ALL LANDS HEREIN DEDICATED BY VIRTUE OF THIS PLAT AND TITLE TO ALL SUCH LANDS IS IN THE OWNER NAMED ABOVE FREE AND CLEAR OF ALL LIENS, TAXES AND ENCUMBRANCES EXCEPT AS FOLLOWS:  
DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

BY: \_\_\_\_\_

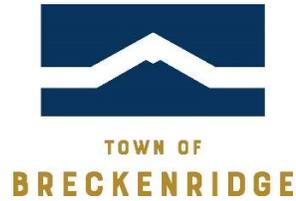
**CLERK AND RECORDER'S CERTIFICATE:**  
STATE OF COLORADO )  
COUNTY OF SUMMIT ) SS  
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT \_\_\_\_ O'CLOCK, \_\_\_\_ M., THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, AND FILED UNDER RECEPTION NUMBER \_\_\_\_\_  
SUMMIT COUNTY CLERK AND RECORDER \_\_\_\_\_

Drawn JJK Dwg 22543PL1 Project 22543  
Checked RRJ Date 05/10/23 Sheet 1 of 2  
**RANGE WEST**  
ENGINEERS & SURVEYORS  
P.O. Box 589  
Silverthorne, CO 80498 970-468-6281

**SURVEYOR'S CERTIFICATE:**  
I, ROBERT R. JOHNS, A COLORADO REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF "STABLES VILLAGE SUBDIVISION" WAS PREPARED BY ME FROM A SURVEY MADE 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 \_\_\_\_\_, A.D., 20\_\_  
ROBERT R. JOHNS, P.L.S. NO. 26292







# Memo

To: Breckenridge Town Council Members  
From: Chris Kulick, Planning Manager  
Date: May 17, 2023 (for the May 23, 2023 meeting)  
Subject: Town Project: Sol Center Subdivision

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The Sol Center Subdivision is being reviewed as a Town Project Hearing, as per town project requirements. All public noticing requirements designated by the Land Development Code have been fulfilled as required.

This is a proposal to replat Tract D-3, replat of Tracts A-1, C-1 and Lot 1, the McCain Subdivision creating a 0.815 acre lot for the approved Sol Center Development and a 3.774 remnant parcel.

Attached to this memo is a complete staff report, substantially the same as presented to the Planning Commission and attachments including the Subdivision Plat, an overlay of the approved Development Permit site plan and proposed subdivision, the previously approved Sol Center site plan and the Commission's recommended Findings and Conditions with a 5-0 vote.

If the Council agrees with the Planning Commission's recommendation after the public hearing in the evening meeting, a motion for approval is provided below.

*I make a motion to approve the Sol Center Subdivision, (Town Project Hearing – PI-2023-0120) with the attached Findings and Conditions.*

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

## Town Council Staff Report

<b>Subject:</b>	Sol Center Subdivision (Town Project Hearing – PL-2023-0120)
<b>Project Manager:</b>	Chris Kulick, Planning Manager
<b>Date:</b>	May 17, 2023 (for the May 23, 2023 meeting)
<b>Applicants:</b>	Melanie Leas, Housing Project Manager
<b>Owner:</b>	Town of Breckenridge
<b>Proposal:</b>	A proposal to replat Tract D-3, replat of Tracts A-1, C-1 and Lot 1, the McCain Subdivision creating 0.815 acre lot for the Sol Center Development and a 3.774 remnant parcel.
<b>Address:</b>	24 Rapid Drive
<b>Legal Description:</b>	Tract D-3, replat of Tracts A-1, C-1 and Lot 1, the McCain Subdivision
<b>Total Site Area:</b>	199,909 sq. ft. (4.589 AC)
<b>Land Use District:</b>	43: Existing residential, and service commercial uses, recreational, open space, and governmental uses; subject to the McCain Master Plan Third Amendment, which designates the site for non-profit/institutional uses.
<b>Site Conditions:</b>	A significant portion of the property was dredge-mined in the early 1900’s and has been impacted by historic mining activities. The eastern portion of the site previously had a man-made pond that did not have a surface connection to a tributary and was distinctly separated from any wetlands adjacent to a tributary. This pond was filled-in with non-structural material in 2021.
<b>Adjacent Uses:</b>	North: Alta Verde Workforce Housing (rentals units under construction) South: Town-owned solar garden East: Snowbridge Inc. (industrial) West: Alta Verde II housing site (future rental housing development)

### Item History

The proposed subdivision is part of the larger McCain parcel that was acquired by the Town and annexed in 2003. Upon annexation, the McCain parcel was incorporated into Land Use District 43, which allowed for existing residential and service commercial, recreational, open space, governmental land uses, affordable housing, and mining.

In 2013, the McCain Master Plan was adopted by the Town Council through the Town Project process. The Plan provided general guidance regarding the types of uses that would be allowed within the 128 acre McCain site.

Subsequent to the adoption of the original Master Plan in 2013, several modifications to the Master Plan have occurred. The most recent modification in 2021 designated non-profit/institutional as the allowed use for the current Tract D-3 of the McCain Subdivision.

Also in January 2021, a proposal to fill the man-made pond and provide other drainage improvements to the northern portion of the McCain property was approved.

On July 12, 2022, the Town Council reviewed and approved the Sol Center project. The purpose of this subdivision is to create an 0.815 acre tract for the Sol Center development. For reference, an overlay of the approved Sol Center site plan and the proposed subdivision is included in the packet.

The Planning Commission reviewed this application as a Town Project Hearing May 16, 2023.

### **Staff Comments**

This subdivision creates Lots 1 and 2, Sol Center Subdivision from the current Tract D-3. Lot 1 is created specifically for the Sol Center development and Lot 2 will likely be further subdivided in the future when additional non-profit/ institutional uses are developed.

#### **9-2-1-15: WAIVER OF REQUIREMENTS:**

*Notwithstanding any provisions contained herein to the contrary, the director or planning commission may waive any of the procedural or substantive requirements of this chapter if such requirement creates an undue hardship on a particular application or is irrelevant to the scope or location of the subdivision proposal in question and the director or commission incorporates such a finding into the final decision or permit. (Ord. 23, Series 1992)*

Since there is no construction associated with this subdivision, the Planning Commission found that the following items irrelevant to the scope of the proposal:

- Utility Plan: The only utilities anticipated to be installed within the subdivision are associated with the Alta Verde II Workforce Housing and the Sol Center project.
- Street Lighting Plan: No new streetlights are being installed as part of this subdivision, but rather under the individual developments.
- Landscaping Plan: The Subdivision Standards require applicants submit a landscaping plan showing that one tree be required for every fifteen (15) feet of roadway. No new roadways or construction are proposed as part of this application, as all landscaping is provided within the Alta Verde II and Sol Center Development Permits, featuring at least one tree for every fifteen (15) feet of roadway along McCain Drive, and internal roads (Paddle Rd, Drift Rd, and Rapid Dr.).

**9-2-4-1: General Requirements:** The approved Master Plan shows non-profit/institutional uses located in the area where the Lot 1 is shown on the plat. Since no plans exist for Lot 2, it is being kept as a large parcel and may be subdivided in the future when site specific uses are determined. The proposal complies with the layout and requirements of the Master Plan.

**9-2-4-2: Design Compatible With Natural Features:** The proposed subdivision is not in conflict with the existing or proposed topography. There currently are no trees on the site as it was previously mined and significant landscaping will be installed on the proposed Lots 1 and 2 as part of the approved Alta Verde II and Sol Center projects.

**9-2-4-3: Drainage, Storm Sewers And Flood Prevention:** Drainage for the Sol Center will be provided for during development. The project will share an offsite common storm water detention facility with the Alta Verde II work force housing project to the west. Town Engineering staff is working with the applicants to ensure the site drainage will function properly and that the design meets all applicable Town engineering standards and provisions of the Breckenridge Flood Damage Prevention Ordinance.

**9-2-4-5: Lot Dimensions, Improvements And Configuration:** The Planning Commission was supportive of the proposed lot shapes because they were the same as what was approved with the site-specific Town Project permit in July 2022. Per the revised Subdivision Code, use of non-linear lot shapes is allowed when the proposed subdivision is generally consistent with a vested plan that displays proposed lot lines. A copy of the approved site plan and overlay of the approved site plan and proposed subdivision is included in the packet. The Commission requested a special finding, listed below, be added to the Findings and Conditions related to the proposed irregular lot shapes. In addition to the criteria for lot shapes, the proposed subdivision meets all other requirements of this section. Any additional easements needed will be added to future subdivisions.

*8. This subdivision is in compliance with section 9-2-4-5 of the Town Subdivision Code's requirement due to its consistency with the approved Town Project site plan and McCain Master Plan. This approval shall not constitute precedent for other proposed subdivisions which do not have previous site plan approval with depicted lot lines.*

**9-2-4-6: Blocks:** The subdivision is designed to be in compliance with the Master Plan, as the property develops in the future. Access, circulation, control, and safety of street traffic will be required as portions of the property develop in the future. These are additionally addressed in the Development Permits for the Sol Center and Alta Verde II workforce housing project.

**9-2-4-7: Pedestrian And Bicycle Circulation Systems:** The site will be connected to the Blue River Rec Path via easements provided through the Alta Verde II development. New sidewalks along Paddle Rd, Drift Rd, Rapid Dr. and McCain Road that serve the proposed subdivision were also committed through the Alta Verde II project.

**9-2-4-11: Existing And Proposed Streets:** No new streets are proposed or required with this subdivision.

**9-2-4-13: Dedication Of Park Lands, Open Space And Recreational Sites Or The Payment Of Fees In Lieu Thereof:** Since open space funds contributed to approximately one-third (1/3) of the cost of purchasing the McCain property, which the land for this proposed subdivision is currently located in, one-third (1/3) of the McCain land area was required to remain as open space. The Master Plan shows 78.5 acres of open space, which includes the Blue River corridor. This exceeds the required 10% open space dedication under Section 9-2-4-13. Since open space land was provided during the original McCain subdivision no additional open space dedications are required as part of this re-subdivision.

### **Planning Commission Recommendation**

This is a Town Project pursuant to the ordinance amending the Town Projects Process (Council Bill No. 1, Series 2013). As a result, the Planning Commission was asked to identify any code issues or general

concerns with the proposed project. The Planning Commission reviewed this project at a Hearing on the May 16, 2023 meeting, and supported the project with the proposed Findings and Conditions attached.

This proposal is in general compliance with the Subdivision Standards. Staff and the Planning Commission recommend the Town Council approve the Sol Center Subdivision, located at 24 Rapid Drive, with the attached Findings and Conditions.

## TOWN OF BRECKENRIDGE

Sol Center Subdivision  
Tract D-3, replat of Tracts A-1, C-1  
and Lot 1, the McCain Subdivision  
24 Rapid Drive  
PL-2023-0120

### FINDINGS

1. This project is “Town Project” as defined in Section 9-14-1 of the Breckenridge Town Code because it involves the planning and design of a public project.
2. The process for the review and approval of a Town Project as described in Section 9-14-4 of the Breckenridge Town Code was followed in connection with the approval of this Town Project.
3. In connection with its review of this Town Project, the Planning Commission scheduled and held a public hearing on May 16, 2023, notice of which was published on the Town’s website for at least five (5) days prior to the hearing as required by Section 9-14-4B of the Breckenridge Town Code. In addition to posting on the Town’s website, notice of the planning commission’s public hearing on a proposed town project shall be given in the same manner as is required for a final hearing on a Class A development permit application pursuant to chapter 1 of this title. Failure of a person to receive the notice described in this section shall not impair the validity of the planning commission’s public hearing on a proposed town project, or the planning commission’s recommendation to the town council with respect to such proposed town project. Because the process of reviewing and approving a town project is discretionary and administrative, and not quasi-judicial, any member of the town council may properly attend the planning commission’s public hearing(s) and deliberations with respect to a proposed town project. At the conclusion of its public hearing, the Planning Commission recommended approval of this Town Project to the Town Council.
4. The Town Council’s final decision with respect to this Town Project was made at the regular meeting of the Town Council that was held on May 23, 2023. This Town Project was listed on the Town Council’s agenda for the May 23, 2023 agenda that was posted in advance of the meeting on the Town’s website. Before making its final decision with respect to this Town Project, the Town Council accepted and considered any public comment that was offered.
5. Before approving this Town Project the Town Council received from the Director of the Department of Community Development and gave due consideration to the Town Project in the same manner a recommendation is prepared for a final hearing on a Class A Subdivision application under the Town’s Subdivision Code (Chapter 2 of Title 9 of the Breckenridge Town Code).
6. The Town Council finds and determines that the Town Project is necessary or advisable for the public good, and that the Town Project shall be undertaken by the Town.

7. Per Town Code Section 9-14-2 *Town Council Authority Over Town Projects*, the Town Council has the authority, in its sole discretion, has the sole and final authority to determine all aspects of the town project, including but not limited to, its location and design. Chapters 1, 3 and 12 of this title and the town of Breckenridge land use guidelines do not apply to town projects, but town projects shall be processed instead in accordance with the provisions of this chapter.

**9-2-1-15: WAIVER OF REQUIREMENTS:**

*Notwithstanding any provisions contained herein to the contrary, the director or planning commission may waive any of the procedural or substantive requirements of this chapter if such requirement creates an undue hardship on a particular application or is irrelevant to the scope or location of the subdivision proposal in question and the director or commission incorporates such a finding into the final decision or permit. (Ord. 23, Series 1992)*

Since there is no construction associated with this subdivision, staff finds that the following items irrelevant to the scope of the proposal:

- Utility Plan: The only utilities anticipated to be installed within the subdivision are associated with the Alta Verde II Workforce Housing and the Sol Center project.
- Street Lighting Plan: No new streetlights are being installed as part of this subdivision, but rather under the individual developments.
- Landscaping Plan: The Subdivision Standards require applicants to submit a landscaping plan showing that one tree be required for every fifteen (15) feet of roadway. No new roadways or construction are proposed as part of this application, as all landscaping is provided within the Alta Verde II and Sol Center Development Permits, featuring at least one tree for every fifteen (15) feet of roadway along McCain Drive, and internal roads (Paddle Rd, Drift Rd, and Rapid Dr.).

**8. This subdivision is in compliance with section 9-2-4-5 of the Town Subdivision Code's requirement due to its consistency with the approved Town Project site plan and McCain Master Plan. This approval shall not constitute precedent for other proposed subdivisions which do not have previous site plan approval with depicted lot lines.**

**Prior to Recordation of the Final Plat**

9. The Town's Engineering Division shall provide final review and approval of easements, utilities, and line weights/formatting.

# SOL CENTER SUBDIVISION

## A REPLAT OF TRACT D-3, REPLAT OF TRACTS A-1, C-1 AND LOT 1, THE MCCAIN SUBDIVISION

### A PORTION OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO

#### KNOW ALL MEN BY THESE PRESENTS:

THAT THE TOWN OF BRECKENRIDGE, A COLORADO MUNICIPAL CORPORATION, BEING THE OWNER OF THE FOLLOWING DESCRIBED REAL PROPERTY SITUATED IN THE TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO:

TRACT D-3, REPLAT OF TRACTS A-1, C-1, AND LOT 1, THE MCCAIN SUBDIVISION RECORDED AT RECEPTION NUMBER 1288959 IN THE RECORDS OF THE SUMMIT COUNTY CLERK AND RECORDER LOCATED IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO, AND AS AMENDED BY THE AFFIDAVIT OF CORRECTION AT RECEPTION NO. 1294360.

HAS LAID OUT, SUBDIVIDED AND PLATTED THE SAME INTO LOTS, TRACTS, STREETS, AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND STYLE OF SOL CENTER SUBDIVISION, AND BY THESE PRESENTS, DO HEREBY SET APART AND DEDICATE TO THE PERPETUAL USE OF THE PUBLIC ALL OF THE STREETS, ALLEYS AND OTHER PUBLIC WAYS AND PLACES AS SHOWN HEREON, AND FURTHER HEREBY DEDICATES THOSE PORTIONS OF LAND LABELED AS EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES AS SHOWN HEREON. (AND/OR OTHER PURPOSES)

IN WITNESS WHEREOF, \_\_\_\_\_ HAS CAUSED ITS NAME TO BE HEREUNTO SUBSCRIBED THIS DAY \_\_\_\_ OF \_\_\_\_, 20\_\_.

TOWN OF BRECKENRIDGE, A COLORADO MUNICIPAL CORPORATION

BY: \_\_\_\_\_  
ERIC S. MAMULA, MAYOR

#### ATTEST:

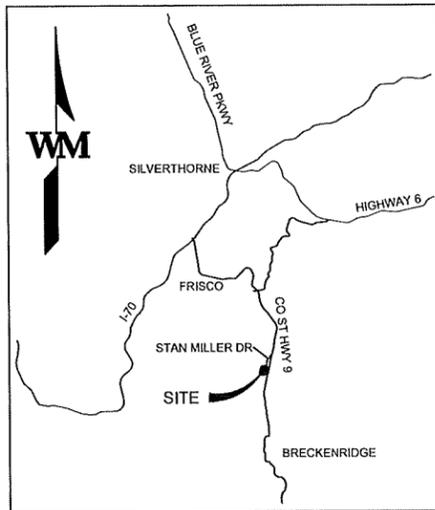
HELEN COSPOLICH, CMC,  
TOWN CLERK

STATE OF COLORADO )  
                                  ) SS.  
COUNTY OF SUMMIT )

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS DAY OF \_\_\_\_, 20\_\_, BY \_\_\_\_\_ AS \_\_\_\_\_ AND \_\_\_\_\_ AS OF \_\_\_\_\_, A COLORADO \_\_\_\_.  
WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_



VICINITY MAP (N.T.S.)

#### GENERAL NOTES:

1. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
2. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY WARE MALCOMB TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, AND TITLE OF RECORD, WARE MALCOMB, RELIED UPON OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO. MRG20210004.1, EFFECTIVE DATE DECEMBER 14, 2022 AT 5:00 P.M.
3. BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTHWESTERLY LINE OF TRACT C-2, REPLAT OF TRACTS A-1, C-1 AND LOT 1, THE MCCAIN SUBDIVISION, WITH AN ASSUMED BEARING OF SOUTH 31°54'49" WEST WITH ALL BEARINGS SHOWN HEREON RELATIVE THERETO, AND IS MONUMENTED AS SHOWN HEREON.
4. THE PREPARATION OF THIS LAND SURVEY UTILIZED THE UNITED STATES SURVEY FOOT AS THE LINEAL DISTANCE UNIT. THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, DEFINES THE UNITED STATES SURVEY FOOT AS 1200/3937 METERS.
5. BASED ON A REVIEW OF FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 0817C0368F DATED NOVEMBER 16, 2018, THE SUBJECT PROPERTY FALLS WITHIN THE SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD, AS SHOWN HEREON. ALL AREAS NOT SHOWN TO BE WITHIN THE SPECIAL FLOOD HAZARD AREAS ARE CLASSIFIED AS (ZONE X) AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

#### PLAT NOTES

1. THE TOWN OF BRECKENRIDGE, A COLORADO MUNICIPAL CORPORATION ("TOWN"), HEREBY RESERVES, GRANTS, AND CONVEYS TO THE OWNERS OF ALL PUBLIC UTILITIES, THEIR SUCCESSORS AND ASSIGNS, A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER, UNDER, UPON, ACROSS, AND THROUGH THOSE PORTIONS OF LOT 1 DESIGNATED ON THIS PLAT AS AN EASEMENT CONTAINING THE WORD "UTILITY" IN ITS DESCRIPTIVE NAME ("EASEMENT AREA"). THE EASEMENT AREA MAY BE USED BY SUCH PUBLIC UTILITY PROVIDER TO SURVEY, CONSTRUCT, REPAIR, REMOVE, REPLACE, RECONSTRUCT, CONTROL, INSPECT, IMPROVE, ENLARGE, AND MAINTAIN THE PUBLIC UTILITY PROVIDER'S UNDERGROUND TRANSMISSION LINES AND FACILITIES, AND OTHER FIXTURES, DEVICES AND APPURTENANCES USED OR USEFUL IN CONNECTION THEREWITH.

#### CERTIFICATE OF TAXES PAID:

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE ENTIRE AMOUNT OF ALL TAXES DUE AND PAYABLE AS OF \_\_\_\_\_, 20\_\_ UPON PARCELS OF REAL ESTATE DESCRIBED ON THIS PLAT ARE PAID IN FULL.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ A.D.

SUMMIT COUNTY TREASURER OR DESIGNEE

#### TOWN OF BRECKENRIDGE CERTIFICATE:

THIS PLAT IS APPROVED THIS DAY OF \_\_\_\_\_, 20\_\_.

TOWN OF BRECKENRIDGE

BY: \_\_\_\_\_  
DIRECTOR, DEPARTMENT OF COMMUNITY DEVELOPMENT

#### NOTICE:

PUBLIC NOTICE IS HEREBY GIVEN THAT THE TOWN OF BRECKENRIDGE HEREBY ACCEPTS ALL OF THE OFFERS OF DEDICATION MADE BY THIS PLAT. HOWEVER, SUCH ACCEPTANCE DOES NOT CONSTITUTE AN ACCEPTANCE OF THE ROADS AND RIGHTS OF WAY REFLECTED HEREON FOR MAINTENANCE BY THE TOWN.

UNTIL SUCH ROADS AND RIGHTS OF WAY MEET TOWN ROAD SPECIFICATIONS AND ARE SPECIFICALLY ACCEPTED BY THE TOWN, THE MAINTENANCE, CONSTRUCTION, AND ALL OTHER MATTERS PERTAINING TO OR AFFECTING SAID ROADS AND RIGHTS OF WAY ARE THE SOLE RESPONSIBILITY OF THE OWNERS OF THE LAND EMBRACED WITHIN THIS SUBDIVISION.

#### TOWN CLERK'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT \_\_\_\_\_ O'CLOCK, \_\_\_\_ M., ON \_\_\_\_\_, 20\_\_, AND IS DULY RECORDED.

HELEN COSPOLICH  
TOWN CLERK

#### SURVEYOR'S CERTIFICATE:

I, JUSTIN C. SCHEITLER, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF SOL CENTER SUBDIVISION WAS PREPARED BY ME AND UNDER MY SUPERVISION FROM A SURVEY MADE BY ME AND UNDER MY SUPERVISION, 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 SECTION 38-51-105, C.R.S.

DATED THIS DAY OF APRIL 14, 20 23.

JUSTIN C. SCHEITLER, P.L.S. NO. 38430  
FOR & ON BEHALF OF WARE MALCOMB,  
900 S. BROADWAY SUITE 320,  
DENVER, COLORADO 80209

NOTICE: ACCORDING 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 ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

#### CLERK AND RECORDER'S CERTIFICATE:

STATE OF COLORADO )  
                                  ) SS.  
COUNTY OF SUMMIT )

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT \_\_\_\_\_ O' CLOCK \_\_\_\_ M., THIS DAY OF \_\_\_\_\_, 20\_\_, AND IS FILED UNDER RECEPTION NO. \_\_\_\_\_.

SUMMIT COUNTY CLERK AND RECORDER

#### TITLE COMPANY CERTIFICATE:

\_\_\_\_\_ DOES HEREBY CERTIFY THAT IT HAS EXAMINED THE TITLE TO ALL LANDS SHOWN HEREON, AND ALL LANDS HEREIN DEDICATED BY VIRTUE OF THIS PLAT, AND TITLE TO ALL SUCH LANDS IS IN THE OWNER NAMED ABOVE FREE AND CLEAR OF ALL LIENS, TAXES AND ENCUMBRANCES, EXCEPT AS FOLLOWS:

DATED THIS DAY OF \_\_\_\_\_, 20\_\_.

AGENT \_\_\_\_\_

900 south broadway st.  
suite 320  
denver, co 80209  
p 303.561.3333  
waremalcomb.com

**WARE MALCOMB**  
CIVIL ENGINEERING & SURVEYING

JOB NO. DCS21-4049  
DATE: 11/30/2022  
SCALE: NA  
Sheet 1 of 2

NO.	DATE	REMARKS
4	04/14/2023	TOWN COMMENTS
3	03/06/2023	TOWN COMMENTS
2	02/23/2023	TOWN COMMENTS
1	01/26/2023	TOWN COMMENTS

DRAWN BY: AJ      PAVPM: JCS

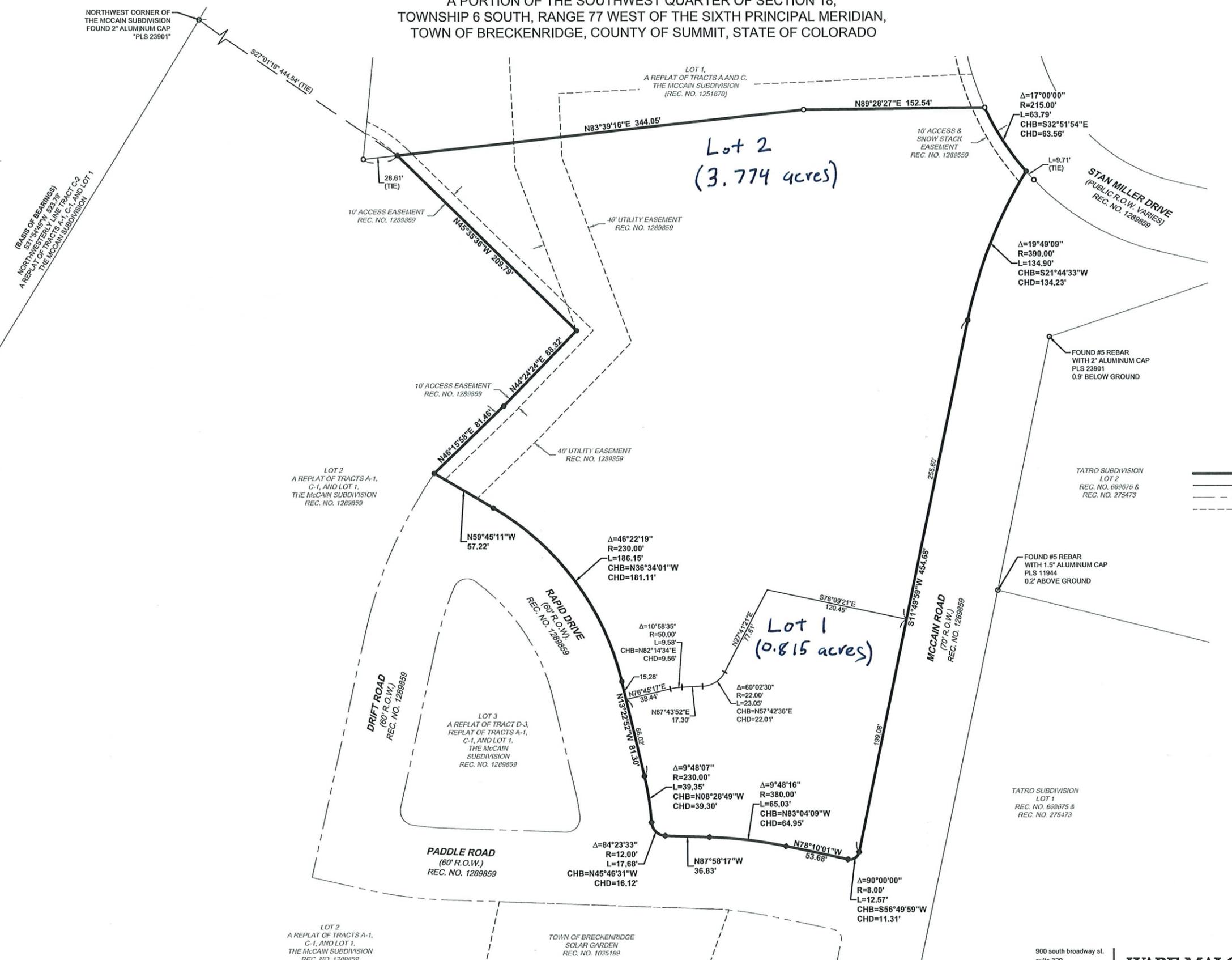
# SOL CENTER SUBDIVISION

A REPLAT OF TRACT D-3, REPLAT OF TRACTS A-1, C-1 AND LOT 1, THE MCCAIN SUBDIVISION

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO

Lot 2  
(3.774 acres)

Lot 1  
(0.815 acres)



**LEGEND**

- FOUND #5 REBAR WITH 1.25" GREEN PLASTIC CAP PLS 38430 FLUSH WITH GROUND UNLESS OTHERWISE NOTED
- SET 18" #5 REBAR WITH 1.25" GREEN PLASTIC CAP MARKED "PLS 38430"
- ▲ SET NAIL AND 0.75" BRASS DISC MARKED "PLS 38430"

WM

SCALE: 1" = 40'  
ORIGINAL GRAPHIC SCALE

JOB NO.	DCS21-4049
DATE:	11/30/2022
SCALE:	1" = 40'
Sheet	2 of 2

NO.	DATE	REMARKS
4	04/14/2023	TOWN COMMENTS
3	03/06/2023	TOWN COMMENTS
2	02/23/2023	TOWN COMMENTS
1	01/28/2023	TOWN COMMENTS

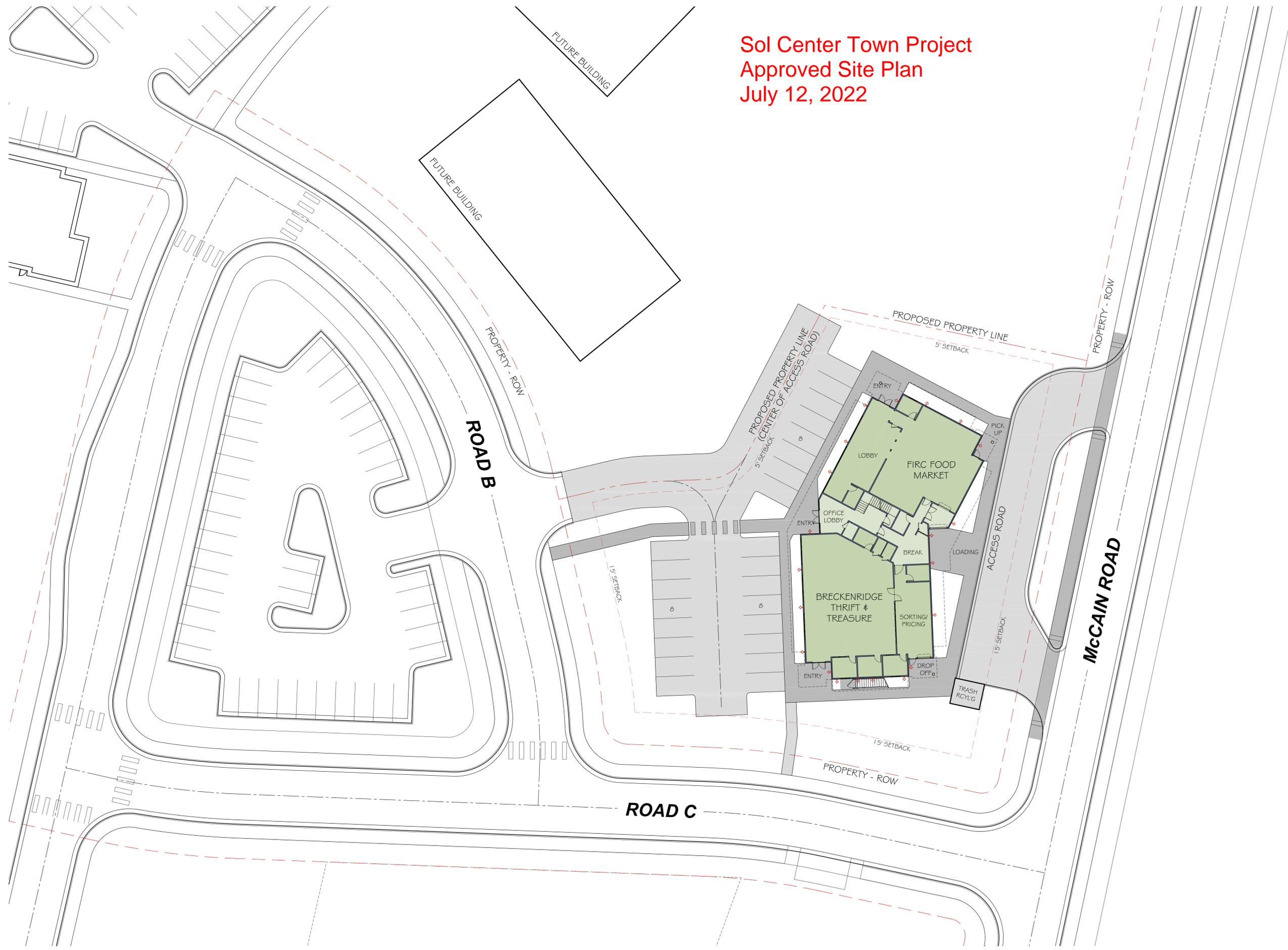
900 south broadway st.  
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p 303.561.3333  
waremalcomb.com

**WARE MALCOMB**  
CIVIL ENGINEERING & SURVEYING

DRAWN BY: AJ PA/PM: JCS

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**Sol Center Town Project**  
**Approved Site Plan**  
**July 12, 2022**



**SOL CENTER AT ALTA VERDE**  
 MCCAIN CAMPUS - BUILDING #1  
 TOWN OF BRECKENRIDGE, COLORADO  
**SITE PLAN**

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ISSUE:	DATE:
PRELIM	16 SEP 2021
DESIGN	16 NOV 2021
UPDATE	8 FEB 2022
PLANNING	12 APR 2022
UPDATE	1 JUN 2022

PROJECT #: 2077

1 SITE PLAN  
 A1.1  
 SCALE: 1" = 20'-0"

TRUE NORTH  
 PLAN NORTH

0 20 40

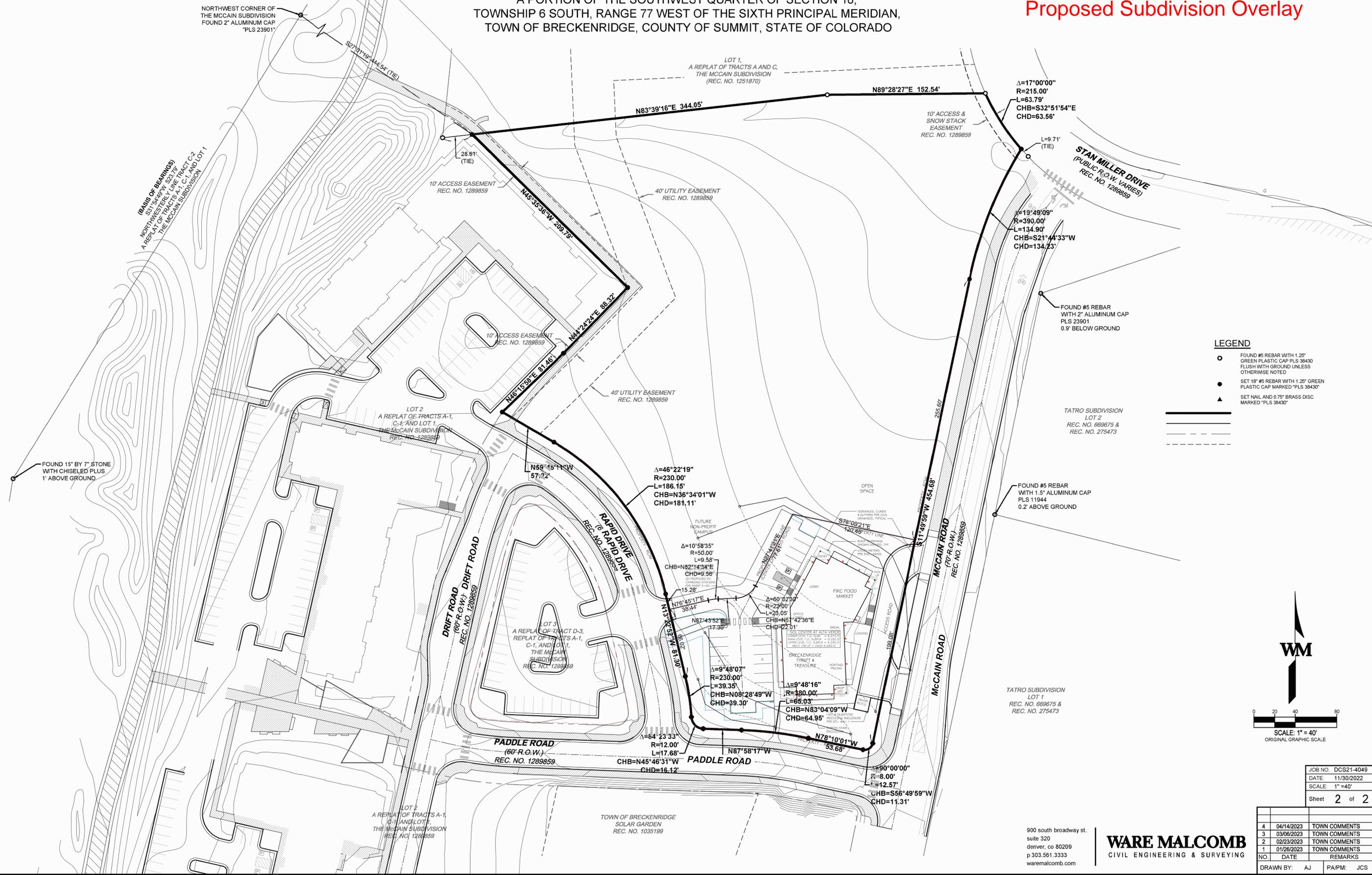
A1.1

# SOL CENTER SUBDIVISION

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A PORTION OF THE SOUTHWEST QUARTER OF SECTION 18,  
TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO

Sol Center Approved Site Plan/  
Proposed Subdivision Overlay



### LEGEND

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- SET 18" #5 REBAR WITH 1.25" GREEN PLASTIC CAP MARKED "PLS 38430"
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JOB NO.	DCS21-4049
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**WARE MALCOMB**  
CIVIL ENGINEERING & SURVEYING

DRAWN BY: AJ PA/PM: JCS

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**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.*

**May 2023**

May 20th, 2023	Riverwalk Center	County / Town Clean Up Day	9:00am - 2:00pm
May 22nd, 2023	Carter Park	Open Space & Trails Open House	5:30pm - 7:30pm
<b>Tuesday, May 23rd, 2023</b>	<b>Council Chambers</b>	<b>Second Meeting of the Month</b>	<b>3:00 pm / 7:00 pm</b>
May 25th, 2023	Main Street	Summit County HS Seniors Parade	5:00pm - 6:00pm

**June 2023**

June 9th & 10th, 2023	Riverwalk Center	10 Mile Pride	All Day
<b>Tuesday, June 13th, 2023</b>	<b>Council Chambers</b>	<b>First Meeting of the Month</b>	<b>3:00 pm / 7:00 pm</b>
June 15th, 2023	Riverwalk Center	Town Party	4:00pm - 8:00pm
June 25th - June 28th, 2023	Gaylord Rockies	CML Annual Conference	All Day
<b>Tuesday, June 27th, 2023</b>	<b>Council Chambers</b>	<b>Second Meeting of the Month</b>	<b>3:00 pm / 7:00 pm</b>
June 28th, 2023	Blue River Plaza	Bike to Work Day	7:30am - 10:30am

**Other Meetings**

May 22nd, 2023	Open Space & Trails Meeting	5:30pm
May 23rd, 2023	Board of County Commissioners Meeting	9:00am / 1:30pm
May 25th, 2023	Transit Advisory Council Meeting	8:10am
	Summit Stage Transit Board Meeting	8:15am
	Breckenridge Tourism Office Board Meeting	8:30am
	QQ - Quality and Quantity - Water District	10:00am
	RW&B Board Meeting	3:00pm
June 6th, 2023	Board of County Commissioners Meeting	9:00am
	Planning Commission Meeting	5:30pm
June 7th, 2023	Breckenridge Events Committee	9:00am
	Childcare Advisory Committee	3:00pm
June 8th, 2023	I-70 Coalition	3:30pm
	Upper Blue Sanitation District	5:30pm
June 13th, 2023	Board of County Commissioners Meeting	9:00am / 1:30pm
	Workforce Housing Committee	10:30am
June 14th, 2023	Breckenridge Heritage Alliance	Noon
June 19th, 2023	Social Equity Advisory Commission	7:30am
June 20th, 2023	Board of County Commissioners Meeting	9:00am
	Liquor & Marijuana Licensing Authority	9:00am
	Planning Commission Meeting	5:30pm
June 21st, 2023	Summit Combined Housing Authority	9:00am



## 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.*

June 22nd, 2023	Summit Stage Transit Board Meeting	8:15am
	Breckenridge Tourism Office Board Meeting	8:30am
	RW&B Board Meeting	3:00pm
June 26th, 2023	Open Space & Trails Meeting	5:30pm
June 27th, 2023	Board of County Commissioners Meeting	9:00am / 1:30pm
June 30th, 2023	Breckenridge Creative Arts	Noon
July 4th, 2023	Board of County Commissioners Meeting	9:00am
	Planning Commission Meeting	5:30pm
July 5th, 2023	Police Advisory Committee	7:30am
	Breckenridge Events Committee	9:00am
	Childcare Advisory Committee	10:00am
July 11th, 2023	Board of County Commissioners Meeting	9:00am / 1:30pm
	Workforce Housing Committee	10:30am
July 12th, 2023	Breckenridge Heritage Alliance	Noon
July 13th, 2023	I-70 Coalition	11:30am
	Upper Blue Sanitation District	5:30pm
July 17th, 2023	Social Equity Advisory Commission	7:30am
July 18th, 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
	Transit Advisory Council Meeting	8:00am
	Water Task Force Meeting	9:30am