



## NOTICE OF PUBLIC HEARING ON PROPOSED DEVELOPMENT AGREEMENT

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town Council of the Town of Breckenridge on Tuesday, November 13, 2018 at 7:00 P.M., or as soon thereafter as the matter may be heard, in the Town Council Chambers, 150 Ski Hill Road, Breckenridge, Colorado, for the purpose of considering the adoption of Council Bill No. 28, Series 2018, entitled “An Ordinance Approving a Development Agreement With Ofpers Partners L.L.C., a Colorado limited liability company, and Dillon Companies, LLC, a Kansas Limited Liability Company Authorized To Do Business in Colorado (City Market Expansion).” If adopted, Council Bill No. 28, Series 2018 will approve and authorize the Town to enter into a Development Agreement with Ofpers Partners L.L.C., a Colorado limited liability company (“**Ofpers**”), and Dillon Companies, LLC, a Kansas limited liability company authorized to do business in Colorado (“**Dillon Companies**”) as hereafter generally described.

The proposed Development Agreement (the “**Development Agreement**”) would authorize the Planning Commission to review, and if appropriate approve (subject to compliance with all other applicable development policies of the Town), an application for a development permit to remodel and expand the current “City Market” grocery store/supermarket located at 400 North Park Avenue, Breckenridge, Colorado 80424 (the “**Premises**”). The Premises are located on Lot 5, Block 2, Parkway Center Subdivision, Town of Breckenridge, County of Summit and State of Colorado (the “**Property**”).

If approved, the Development Agreement would provide as follows:

1. Dillon Companies is authorized to submit an application to the Town’s Planning Commission to remodel and expand the Premises (“**Application**”).
2. No negative points shall be assessed against the Application pursuant to Section 9-1-19-3R, “Policy 3 (Relative) Compliance With Density/Intensity Guidelines” or Section 9-1-19-24R, “Policy 24 (Relative) Social Community” of the Town’s Development Code, Chapter 1 of Title 9 of the Breckenridge Town Code.
3. Without failing Section 9-1-19-3A, “Policy 3 (Absolute) Density/Intensity” of the Development Code the Application may be approved by the Planning Commission with a maximum of 7.0 additional single family equivalents of density (each a “**SFE**”) being transferred to the Property. Such density will allow for the Premises to be expanded by adding up to an additional 6,567 square feet of density to the Premises, subject to final density adjustments reflected in the approved development permit.

3. The Town will transfer density to the Property in an amount equal to the difference between the amount of density currently existing on the Property (76.5 SFEs) and the total amount of density approved for the remodel and expansion of the Premises by the Planning Commission; provided, however, that the maximum amount of additional density the Town agrees to transfer to the Property is 7.0 SFEs (“**Transferred Density**”).

4. The Transferred Density shall only be used by City Market in connection with the remodel and expansion of the Premises as approved by the Planning Commission, and may not be transferred to or used upon any other real property. The Town shall transfer the Transferred Density to the Property at no cost to either Oppers Partners L.L.C., a Colorado limited liability company, or Dillon Companies.

5. No portion of the square footage that is added to the Premises pursuant to a development permit issued by the Town shall ever be used primarily for the retail sale of furniture. This restriction shall be set forth in a Restrictive Covenant to be signed by the parties and recorded with the Summit County, Colorado Clerk and Recorder.

5. The Transferred Density may only be used in perpetuity in connection with the operation of a grocery store/supermarket upon the Premises. If the Premises are ever used for any purpose other than the operation of a grocery store/supermarket, all of the Transferred Density shall automatically revert to and become the sole property of the Town of Breckenridge. This restriction shall be set forth in a Restrictive Covenant to be signed by the parties and recorded with the Summit County, Colorado Clerk and Recorder.

The summary description of the propose Development Agreement set forth in this Notice is not intended to be complete or comprehensive; there are other provisions of the Development Agreement. Interested parties should obtain and review the full text of the proposed Development Agreement to ascertain the complete substance of the proposed agreement. Copies of the ordinance and the proposed Development Agreement are available for inspection and copying at the Town Clerk’s office, 150 Ski Hill Road, Breckenridge, Colorado during normal business hours, Monday through Friday. Inquiries concerning the proposed ordinance and Development Agreement may be directed to Peter Grosshuesch, Director, Department Community Development of the Town of Breckenridge at (970)453-3162. Interested parties are urged to attend the public hearing.

GIVEN PURSUANT TO SECTION 9-9-10(D) OF THE BRECKENRIDGE TOWN CODE.

By: Helen Cospolich, CMC,  
Town Clerk