

**TOWN OF DILLON  
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING  
WEDNESDAY, September 5, 2018  
5:30 p.m.  
Town Hall**

**CALL TO ORDER**

The regular meeting of the Planning and Zoning Commission of the Town of Dillon, Colorado, was held on Wednesday, September 5, 2018, at Dillon Town Hall. Chairperson Teresa England called the meeting to order at 5:32 p.m. Commissioners present were: Teresa England, Derek Woodman, Joshua Ryks, and Steve Milroy. Commissioner Alison Johnston was absent. Staff members present were Dan Burroughs, Town Engineer; Ned West, Town Planner; Nicolas Cotton-Baez, Town Attorney; and Corrie Woloshan, Recording Secretary.

**APPROVAL OF THE MINUTES OF AUGUST 1, 2018 REGULAR MEETING**

Commissioner Derek Woodman moved to approve the minutes from the August 1, 2018 regular meeting. Commissioner Joshua Ryks seconded the motion which passed unanimously.

**PUBLIC COMMENTS**

There were no public comments.

**CONSIDERATION OF RESOLUTION PZ 13-18, SERIES OF 2018**

A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, RECOMMENDING THE APPROVAL OF A LEVEL IV APPLICATION FOR THE DILLON URGENT CARE AND RESIDENCES PUD DEVELOPMENT PLAN LOCATED AT 956 W. ANEMONE TRAIL, OR MORE SPECIFICALLY LOCATED ON LOT 45R, PTARMIGAN TRAIL ESTATES, UNIT 1, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO.

**PUBLIC HEARING:**

A Public Hearing is required for this application. The Planning and Zoning Commission shall open a Public Hearing on the application and hear testimony from Town staff, the applicant, and any public testimony submitted during the Public Hearing.

Chairperson Teresa England opened the public hearing at 5:35 p.m.

Dan Burroughs, Town Engineer presented.

**PROJECT LOCATION**

The proposed development is located at 956 W. Anemone Trail between the Dillon Dam Brewery on the east and the Clearview Townhomes on the west. The Eagle View Estates Townhomes are located behind and above the project to the south, and Sun & Ski Sports is located across W. Anemone Trail to the north.

**SUMMARY**

The Town of Dillon has received a Level IV Development application for a proposed Planned Unit Development for the Dillon Urgent Care and Residences. The existing building(s) will be demolished and replaced by a new building and parking lot.

A Level IV Development application requires a public hearing by the Planning and Zoning Commission and Dillon Town Council for approval.

### **PUBLIC NOTICE**

Pursuant to the Town Code and Development Regulations, proper notification of the public hearings was published.

### **ZONING**

The proposed project is located within the Mixed Use (MU) Zone District.

### **PROPOSED BUILDING AND SITE**

The proposed building(s) consist of a single-story mixed-use building with a medical office and 3 workforce housing units fronting Anemone Trail and an adjoining three-story multifamily residential building and below grade parking garage. The mixed-use building consists of 3,794 sf of medical office area and 1,182 sf of workforce housing area to encompass a total area of 4,976 sf. The mixed-use building is directly accessible from a parking lot. The mixed-use building is in front of and attached to a three-story multi-family residential building that is approximately 29,312 square feet of living area and consists of 6 three bedroom and 12 two bedroom units of between 1,200 and 1,500 square feet and are located above a residential parking garage. The total proposed Square footage is 33,106 Square feet. The total proposed Square footage is 34,288 Square feet.

The proposed mixed-use building will be sited on the north end of the site adjacent to Anemone Trail. The parking lot will be constructed on the west side of the mixed-use building. The multi-family residential building and associated parking garage will be sited on the south end of the site, behind the mixed-use building and parking lot.

### **BUILDING HEIGHT**

The maximum height of the proposed physical building's elevator tower is calculated at an elevation of 8,929.72'. The mixed Use (MU) Zone District allows buildings to have a maximum height of 35' as measured per Town Code, plus an additional 8' for uninhabited structures such as the tops of elevator towers. The base elevation was determined to be 8,889' so the maximum allowable height is 43' (35'+8') higher or 8,932'.

The proposed building is under the allowable height for the building by 2.28'

### **ARCHITECTURAL GUIDELINES**

The architect has worked with the Town of Dillon Architectural Guidelines and the Town's architectural consultant and believes his development is and/or will be in conformance with the intent of the guidelines. The applicant has chosen not to address the comments from the Town's Architectural consultant at this time, and has agreed to bring the revised architecture back to the Planning and Zoning Commission for approval at a future meeting. The applicant will provide further evidence that the application meets the Town of Dillon Architectural Guidelines with the satisfaction of the Conditions of Approval.

### **OFF-STREET PARKING LOT**

The mixed-use building consists of 3,794 sf of medical office area and 3 multi-family residential studio units which requires a total of 10 parking spaces and 5 parking spaces, respectively, per Town Code. The

mixed-use building is directly accessible from a parking lot which provides 15 total parking spaces, 5 of which are exclusively designated for the 3 multi-family studio units. The multi-family residential building contains 6 three bedroom and 12 two bedroom units which requires a total of 36 parking spaces, per Town Code. The parking garage located directly below the residential building will provide 36 parking spaces. The total amount of parking provided on the site is 51 parking spaces, which requires three (3) accessible parking spaces. One (1) of the parking spaces in the outdoor parking area is accessible and two additional parking spaces inside the garage are accessible for a total of three (3) accessible spaces.

### **SNOW STORAGE**

The total area of the proposed parking lot is 5,188 sf which requires a total of 1,297 sf of snow storage area, per Town Code. The project site will provide a total of 1,354 sf. (26%).

### **SIGNAGE**

The applicant will provide the required sign submittal at a future date and further evidence that the signage for the building meets the Town of Dillon Municipal Code Sign Regulations.

### **OPEN SPACE**

The project proposes a total of 3 studio units and 18 two (2) bedroom or larger units which requires a total of 1,950 sf of usable open space to be provided, per Town Code. The project site will provide individual decks for the 18 large condominium units, and a roof top deck above the urgent care clinic for the benefit of the residents and the employees.

### **VEHICULAR AND PEDESTRIAN CIRCULATION**

The project proposes adequate internal street circulation designed for the type of traffic generated, safety, convenience and access. The project proposes pedestrian ways throughout the PUD that allow residents and visitors to walk safely and conveniently among areas of the PUD and provide for connections to the PUD from the adjacent neighborhoods. The plans show an accessible sidewalk connection between the front door of the urgent care clinic and the proposed public sidewalk in W. Anemone Trail with a longitudinal slope below 5%.

### **LANDSCAPING**

The total amount of street frontage of the project is approximately 170' which requires a total of 12 street trees to be provided at a rate of 1 tree per 15' of frontage where front yards are required. A total of 12 street trees are provided within the front yard of the site between the building and right-of-way. The total amount of parking spaces is 51 parking spaces which requires a total of 17 trees to be provided per Town Code. 29 trees are required and the project proposes a total of 40 trees to be provided. The PUD development plan may establish landscaping standards that differ from those in the underlying zone or in this Code, provided that the standards further the objectives of the PUD regulations, the Comprehensive Plan, and the specific PUD development plan.

### **UTILITIES**

The proposed project will be served by an existing water main and a sewer main located in Anemone Trail. The applicant will rebuild a portion of the existing 6" water main and upsize to an 8" water main in order to provide the required fire flows to the project.

An existing sanitary sewer main runs through the north end of the site within an existing 10' easement. This application proposed moving the sanitary sewer main to the north side of the lot and dedicate a new 20' utility easement to the Town.

### **DRAINAGE**

The applicant will construct two drainage swales and two detention ponds along the periphery of the building site which will be tied into a new storm sewer main in W. Anemone Trail which will tie into an existing storm sewer system in Anemone Trail at Little Dam Street.

**COMPLIANCE WITH DILLON COMPREHENSIVE PLAN**

A medical office, workforce housing, and multi-family residential units are allowed in the Mixed Use (MU) Zone District and is in conformance with the Town of Dillon Comprehensive Plan.

**PROPOSED PLANNED UNIT DEVELOPMENT CHANGES TO THE UNDERLYING MIXED-USE ZONING DISTRICT**

The developer is proposing the following dimensional changes which are allowed to be varied by the Town Municipal Code through a Planned Unit Development Process.

- A. The multi-family residential use encompasses 89% of the total gross square footage which does not meet the Mixed-Use requirement to be less than 80% of the total gross square footage of the buildings on the lot.
- B. The building occupies 43.8% of the lot area which does not meet the Mixed-Use requirement to be less than 40% of the lot area.
- C. The building has a 20’ rear yard which does not meet the Mixed-Use requirement for a minimum 25’ yard where the property abuts the residential district.
- D. The parking lot grading maximum is 4.4% which exceeds the Mixed-Use requirement of a maximum 4% grade in any direction.

**MULTI-FAMILY SUPPLEMENTAL STANDARDS**

The multi-family residential use area (30,494 sf) encompasses 89% of the total building gross square footage (34,288 sf) which does not meet the “use by right” Mixed Use requirement to be less than 80% of the total gross square footage of the buildings on the lot. All provisions of the underlying zone district over which the PUD is located shall continue to apply unless varied or waived by the Town Council as part of the approved PUD development plan.

**LOT COVERAGE**

The proposed building(s) have a total footprint of 19,520 sf. The total site property area contains a total of 44,555 square feet or 1.023 acres. The proposed building covers 43.8% of the lot. The total allowable lot coverage within a Mixed Use (MU) district is 40%.

**SIDE YARDS (SETBACKS)**

The Mixed Use (MU) Zone District requires a front yard setback of 25’, a side yard setback of 10’ and a rear yard setback of 20’ except where yards abut a residential district they shall be 25’. The proposed project provides a front yard setback of 25’ a side yard setback of 10’ on the west side and 20’ on the east side and a 20’ rear yard setback. A periphery yard adjacent to the exterior boundaries of the PUD shall be at least as deep as those required by the yard regulations of the underlying zoning district unless the Planning and Zoning Commission and the Town Council find that equal protection will be accorded to adjacent parcels through specific features of the approved plan.

**PARKING SPACE GRADING**

The maximum grade allowed for parking spaces shall not exceed 4% in any direction, per Town Code. The project proposes a maximum grade of 4.4% in a certain amount of the parking spaces provided. Parking lot grades may be increased beyond the maximum requirements if the owner provides a written statement justifying the reasonableness of the grades proposed in the PUD proposal and includes language

holding the Town of Dillon, its officers and employees, harmless from any adverse effects and claims arising from the steeper grades.

### **CONDITIONS OF APPROVAL**

The Planning and Zoning Commission may recommend conditions of approval that relate to the impacts created by the proposed PUD which may include, but are not limited to, the following:

- a. Increasing the required setbacks.
- b. Limiting the height of the buildings.
- c. Controlling the location and number of vehicular access points.
- d. Establishing new streets, increasing the rights-of-way or roadway width of existing streets, requiring curbs and sidewalks and, in general, improving the traffic circulation system.
- e. Requiring additional improvements for utilities or storm drainage facilities.
- f. Increasing the number of parking spaces and improving design standards for parking areas.
- g. Limiting the number, size, location and lighting of signs.
- h. Designating sites for open space and recreation.
- i. Requiring additional view-obscuring screening or fencing.
- j. Establishing any special time limits for completion of all or any portion of the project, including but not limited to utilities, drainage facilities, streets, curbs, gutters, sidewalks, parking areas, landscaping, fencing, screening, recreation areas or community buildings.
- k. Requiring a special contractual agreement with the Town to ensure development of streets, sidewalks, drainage facilities, utilities and other improvements to standards which are acceptable to the Town.
- l. Requiring the placement of building and roadways in such a manner that: (i) would provide for utilization of the solar potential of the site and protect the solar access of adjacent sites, and ii) would buffer and minimize any adverse noise impacts.

Applicant Eric Smith of Eric Smith & Associates presented site plans including surrounding restaurant and residential and 3-D views including each level of the structure and parking.

#### Public comments:

Tasha Wilson of 716 E. Anemone Trail asked, if there are any plans to address access from Highway 6 to the urgent care? At this point that intersection at that stoplight can be difficult. Wondering if there are any plans to address that or any issues that have been foreseen? Dan Burroughs Town Engineer replied, there's a left turn pocket on west bound Highway 6 and also a right turn lane on east bound. Plus you can use the light at E Anemone Trail. Chairperson Teresa England questioned, the increase in traffic doesn't warrant a traffic study? Dan Burroughs Town Engineer explained, no it's very minor. Tasha Wilson said, one other question, only having 10 parking spots for commercial use, do you really anticipate having enough parking for employees of the urgent care and all the patients that could potentially be there at one time. From my perspective it seems quite small even though it meets all the Planning and Zoning requests. Eric Smith replied, the scale of this, we're just under 3800 square feet for the urgent care. One of the things that helps us is by providing the on-site employee housing. So 3 of the employees end up parking in their residential spots while they're working. It's cross use. That really helps quite a bit. Dan Burroughs Town Engineer asked, do you know how many treatment rooms there will be? Owner Assi presented, thank all of you for allowing us to come in tonight and address you. I go by Nick, I'm the physician that's been trying to plan this project and bring it to existence. It's an office space facility. It's not an emergency room. It's not a hospital. By that criteria, it's a medical office. We envision having 3 exam rooms. The volume is difficult to assess. If you look at the population of Summit County, it's really the minimum to support an urgent care center. The way I

look at it, there's a high season and a low season. Could the urgent care become busy, it is possible. Patients sometimes trickle in until 8 or 9 in the evening. It's difficult to project. It's 3 exam rooms. We don't intend to provide imaging as a standalone. Eventually we may. But it will be provided through the urgent care center. So we're not going to have people coming in to get x-rays, cat scans and imaging. Most will of these patients when they're seen by their primary care physicians with instructions to go elsewhere. The imaging will initially be restricted to those patients that are going to show up at the facility.

Elizabeth Williamson of 767 W Anemone. A question about sidewalks and school bus access. There's a bus stop across the street from construction for high school and junior high at the corner of Little Beaver and W Anemone. Is there going to be a sidewalk easement or an allowance for kids to walk to the bus stop during the morning or afternoon? Eric Smith replied, at the end of construction what we're proposing is a sidewalk on our side of the street. As part of this project we'll construct the sidewalk on our side of the street. There's no sidewalk there now. So there's a sidewalk on the other side of the street would stay during construction. We'd have construction on our side of the street that would be open during that time. Dan Burroughs Town Engineer – during construction we work with the school system. There might be an alternative bus stop during construction. We'll come up with a plan for a new sidewalk that would also accommodate some parallel parking. We'll work with Town Council to work through those issues. Thanks for bringing the school bus issue to our attention.

Damon Bergman, west side 744 W. Anemone Trail. HOA president of the 9 units to the left. Question is, what are the hours going to be? Nick responded, in general our center hours would either run 8 to 8 or 9 to 9. At peak season it might be 8 to 9. But it's not a 24-hour operation.

Recording Secretary Corrie Woloshan read a text received September 5, 2018 from Dea Bosse to Kerstin Anderson, Marketing Director:

I see there is a public hearing tonight on the urgent care facility in Dillon. This 100% has my vote as someone working in healthcare and a consumer. The hospital here is way overpriced and doesn't pay staff well. Competition is needed for consumers and healthcare employees. It will be so great for the community to have options and such a business should bring in higher paying jobs! Sending this feedback since I won't make it tonight. Hope it goes well.

Chairperson Teresa England closed the public hearing at 6:08 p.m.

Commissioner Derek Woodman asked, does the grade of the driving or entrance access require heating? Dan Burroughs Town Engineer answered, in looking at that we didn't find any issue. We changed the code a while ago to be in upwards of 10%. We don't feel this could be an issue. Commissioner Steve Milroy asked, is the condo use solely individuals or is there a short-term situation? It might not be compatible with parking. Is that stipulated? Will they be sold to individuals? Dan Burroughs Town Engineer explained, the next step once they move the project forward, they will come back to Planning and Zoning and Town Council with a condominium map. You will see the units designated and sometimes spaces designated for each unit. It's the intent to sell the 18 units to individual units. Those individual units would have the option to put their condo on VRBO. It's really up to the HOA to dictate parking spots and limit that. With this business model there is the extra overflow parking spaces for actual residences. The other restriction is using the parking for storage.

Chairperson Teresa England asked, will the relocation of sewer interrupt any services? Dan Burroughs Town Engineer explained, no. We would build the new sewer while the existing sewer is in service. Chairperson Teresa England asked, that's quite a slope coming down on the back. Will you divert any water? Eric Smith said, There will be a swale on either side. Chairperson Teresa England asked, is this a doc in a box? Is that what we're talking about when we say Urgent Care Can people walk in with the flu or a sore throat, it's not just a slip and fall or an accident that leads to the imaging? Nick explained, the urgent care concept developed

in the early 90's to bridge the gap between office space medicine and emergency care. Clearly life-threatening situations will continue to be seen in the emergency room. I'm sure you've had a situation where it wasn't that bad to be seen in the emergency room but it also it wasn't good enough to wait 3 or 4 weeks for an office visit. Urgent Care centers have stepped in to fill this void. Primarily the illnesses they're seeing are walk ins, like the flu, upper respiratory infections, skin infections, minor cuts, sprains, fractures that aren't life threatening, minor infections, aches and pains, that scope of things. The urgent care center does not intend to replace the existing primary care physician. We're going to treat you but refer you back to your primary care physician in the next couple of days to make sure things work well. It's essentially a gap. Chairperson Teresa England commented, needed in this County. Thank you. I'm used to imaging centers where you're referred to by an orthopedic. You don't envision eventually you'll be a referral center? Nick replied, that requires a further assessment. If we feel the project is going to be successful and we're going to be able to take on what we have I'm willing to look into providing that service. The whole project idea came from examining my own son, referring him to the hospital for imaging, the hospital refused. Said he had to go through the emergency room. He didn't need to be seen in the emergency room. About \$4500 later it could have been seen through a \$500 urgent care facility. Chairperson Teresa England commented, my understanding is an MRI up here is 3 times the cost of Denver. Nick explained, the cost ratio is about emergency care 3 to 4 times the cost of urgent center. If call gets forwarded to paramedics the call will not come here it will go to the E.R. If patient makes the wrong call and comes here there will be a highly equipped room to stabilize the person while paramedics come to take the patient to the hospital. Chairperson Teresa England said, for a trauma 1 you'd have to have a license right? Nick said, if a case is called significant trauma, they will take to E.R. It will be extremely rare that someone will pull in with a life-threatening issue. Chairperson Teresa England questioned, you're created a complicated condominium do you have council to help craft the declaration? This is a very complicated facility with commercial, apartments, residential condos, and roof of commercial as part of condo amenity. Eric Smith said, it took a lot to get to this level. We do a lot of mixed use. It's a complicated deal with common elements, deed restricted. Chairperson Teresa England commented, in the past when we've made these apartments for work force housing, the 1<sup>st</sup> tier goes to employees, the 2<sup>nd</sup> tier would be Dillon employees and residents, then it would open up to Summit County. It's not in the resolution. Dan Burroughs Town Engineer replied, we could certainly do that. We haven't had that discussion yet. They want to make sure this is going to move forward. Eric Smith said, I want to clarify that the primary objective is to have employees in that. If it goes to County 1<sup>st</sup> then Dillon I don't think that matters to us. We want to make sure these don't go into the housing authority pool where employees have to compete with someone else. We want it to go to employees 1<sup>st</sup>. Chairperson Teresa England added, someone might leave your employment and then it's sitting vacant and can't fill it right away. You might lose that apartment to someone living in Summit County.

Chairperson Teresa England asked staff, subpart G in the resolution, I thought we got rid of that a while ago. I don't know what that means. It seems like an open checkbook. Dan Burroughs Town Engineer explained, it's something our attorney has advised us to put this in all our applications. It allows us to make minor changes like moving a tree. We could change that to read "Minor changes as approved by the Town Manager." In all of these projects there's a need for a degree of flexibility.

Chairperson Teresa England continued, I had some revisions I'd like to suggest. On subpart A don't we need a signage plan? Dan Burroughs Town Engineer replied, yes. The applicant met with the architect. They want to get through Council and make sure this concept with the amount of workforce housing they've proposed that it's going to go through. They'll go back to architectural review once they know and then they've agreed to come back to you with revised architecture and a material board. Nick said, I'd like to make a request, I have a consulting company working on this urgent care center. One of the most important recommendations is signage. It makes the center successful, visible and identifiable especially with traffic from out of town. Take that into account knowing the location is somewhat recessed. It will be tasteful. I don't want anything that isn't elegant and tasteful. Dan Burroughs Town Engineer added, they also have to come back to you with

a master sign plan for the structure. At that time they would bring signage back to you separately. Chairperson Teresa England clarified, they'll come back to us with material board and signage plan? Dan Burroughs Town Engineer responded, yes, signage is a separate process. It's a separate hearing. The material board will come with the revised architectural board.

Chairperson Teresa England moved to approve Resolution NO. PZ 13-18 Series of 2018 subject to the following amendments:

- Paragraph A, after the words landscape plans, add material board.
- Paragraph B, 2<sup>nd</sup> sentence after the words and 2<sup>nd</sup> to full time residents of, insert the words Dillon Full time residents working a minimum of 30 hours per week in Dillon CO; 3<sup>rd</sup> to full time residents of Summit County working a minimum of 30 hours per week in Summit County.
- Subpart G, at end of that sentence add, as determined by the Town Manager.

Commissioner Joshua Ryks seconded the motion, which passed unanimously upon roll call vote.

**CONSIDERATION OF RESOLUTION PZ 14-18, SERIES OF 2018**

A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, RECOMMENDING THE APPROVAL OF A LEVEL IV DEVELOPMENT APPLICATION FOR A CLASS S-2 SUBDIVISION OF LOT 17R, PTARMIGAN TRAIL ESTATES, UNIT 1, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO.

**PUBLIC HEARING:**

A Public Hearing is required for this application. The Planning and Zoning Commission shall open a Public Hearing on the application and hear testimony from Town staff, the applicant, and any public testimony submitted during the Public Hearing.

Ned West, Town Planner, presented.

**SUMMARY:**

Dillon Ridge Southwest, LLC owns Lot 17R, Ptarmigan Trail Estates, Unit 1 Subdivision, and has submitted an application for the subdivision of the lot into two lots. The lot currently has two buildings on it, the Alpine Bank building located at 252 Dillon Ridge Road and the Alpine Bank Center mixed use commercial/residential building at 256 Dillon Ridge Road.

This Class S-2 subdivision, divides the existing lot (Lot 17R) into two lots to be named Lot 17R-1 (Alpine Bank) and Lot 17 R-2 (commercial/residential mixed use building). The new lot line was chosen to meet many of the basic code sections for a new lot which include: lot area, lot coverage area, yard setbacks, and providing the required number of parking spaces. The applicant has also submitted a companion application (PZ18-15, Series of 2018) to create a residential/commercial condominium of the Alpine Bank Center building to be renamed to the "Alpine Ridge Condominiums" upon approval.

A condition of approval of this plat will require that the property owner submit a fully executed cross access/shared use agreement between the property owners of Lot 17R-1 and Lot 17R-2 to address the shared access and maintenance of the following items:

- Shared Maintenance and Access for the site access from Dillon Ridge Road.
- Shared Maintenance and Access for driveways along parking spaces
- Shared Maintenance and Access for pedestrian sidewalks from the right-of-way to each building.

- Shared Maintenance and access of the shared detention pond located at the southwest corner of proposed Lot 17R-1.
- Shared Maintenance and access of the shared waste receptacle enclosure near the northern lot line of Lot 17R-2
- Allow Maintenance and access of utility service lines which cross property lines.

**Parking:**

The new boundary line created by this subdivision is configured to ensure that the required number of parking spaces are provided on the respective lots. The mixed-use building on proposed Lot 17R-2 required a total of 44 parking spaces as outlined in the table attached to this report. The mixed-use building has four (4) 1 bedroom Units and two (2) 2-bedroom units, which requires 10 dedicated residential parking spaces. The commercial component of the building has 13,217 square feet of area and requires an additional 34 parking spaces. Lot 17R-2 provides exactly 44 parking spaces.

The remaining 36 spaces are allocated to the Alpine Bank lot, Lot 17R-1. The Alpine bank building has 9,202 square feet of floor area according to County records, which requires 23 parking spaces at one space per 400 square feet, so they are in compliance with the code requirement as well.

**Signage:**

The proposed subdivision will bring the monument signs into conformance with Town Code. There are presently (2) two monument signs on the property, one for Alpine bank out along Highway 6 and one for the mixed-use building located on the north side of the entrance. The Town municipal code only allows one freestanding monument sign per lot.

**Setbacks:**

The minimum setbacks for each lot have been met for each lot.

**LOT COVERAGE AND MINIMUM LOT SIZE:**

The building lot coverage in the Mixed Use (MU) zoning district shall not exceed 40%. Lot 17R-1 has a building area of 6,064 sf or a lot coverage of 12%. Lot 17R-2 has a building with lot coverage of 11,203 square feet. The Lot 17R-2 lot coverage is 28%.

**RESIDENTIAL USES ON LOT 17R-2:**

The existing mixed use building has six (6) residential units which exist on the second floor on the northern end of the building.

Each unit has an allocated storage locker on the first floor and balconies to provide outdoor open space. Each unit has a private balcony or a shared balcony space, in addition to the open space at grade around the building. The building provides a combination of private and common open space on balconies and open space around the building, which satisfy the requirements for multi-family residential open space requirements set forth in the Code.

**Public Notice:**

The Town properly noticed the public hearing in the newspaper, sent out a mailing to properties within 300' and posted the site within the 7-14 day required notice period.

**Zoning:**

The proposed lots are located within the Mixed Use (MU) Zone District.

## **COMPLIANCE WITH DILLON COMPREHENSIVE PLAN:**

This replat is in general conformance with the goals of the Town of Dillon Comprehensive Plan and promotes commercial and residential uses in the Mixed Use zone district.

Chairperson Teresa England opened the public hearing at 6:34 p.m.

Commissioner Steven Milroy asked, no other building changes that need to happen for that separation? Dan Burroughs Town Engineer replied, no, really looking to see both buildings had the required parking and setbacks. We believe they are with the proposed lot line modification discussed. Chairperson Teresa England asked, why in the resolution are we asking for confirmation of property ownership and mortgage and loan information? Dan Burroughs Town Engineer said, the Town Attorney was confused by the information they sent. Town Attorney is going to work with applicant to resolve those issues. Susan Ivey representing the applicant responded, we rent them as apartments but there's not a condo map. Chairperson Teresa England asked, does Alpine Bank own or rent the building? Susan Ivey replied they pay me rent. Alpine Bank owns the ground, we land lease from them. They pay us rent. Dan Burroughs Town Engineer added, it's very complicated. Chairperson Teresa England said, I'm not sure we have the right applicant. Dan Burroughs Town Engineer continued, Susan represents the property management company that owns the property. Dillon Ridge Southwest LLC is the owner of the property. Property records of the county say Dillon Ridge Southwest LLC. We have a title commitment that shows it being owned by Dillon Ridge Southwest LLC. It's a very confusing title and there's a mortgage involved. As far as the Planning and Zoning Commission is concerned, Dillon Ridge Southwest LLC owns the property and is the applicant. They have the right to request this change. Before we sign this plat, the Town Attorney will work with the applicant's attorney to make sure the correct ownership and mortgage requirement are all represented on the plat. All we know is that title commitment and county records jive, it says Dillon Ridge Southwest LLC. The people that own the property have to sign the plat. Applicants will work with the Town Attorney to resolve that before the plat is signed.

Chairperson Teresa England commented, some revisions to resolution, we define replat in subpart E on page 2, but then we don't use it in section 2A. We need to change the word plat to replat. At the end of the 1<sup>st</sup> long sentence, to create the defined term REA agreement, the next sentence would change to "said REA agreement." And then it needs to be clarified at the end after the words recorded at Summit County, immediately following recording of the replat. Dan Burroughs Town Engineer said, the Town's Attorney will make sure it's done correctly. Chairperson Teresa England continued, I understand but it also needs to be marketable after we record it. Section C would be changed to read "as approved by the Town Manager."

Chairperson Teresa England closed the public hearing at 6:41 p.m.

Commissioner Teresa England moved to approve Resolution NO. PZ 14-18 Series of 2018 subject to the following amendments:

- we define replat in subpart E on page 2, but then we don't use it in section 2A. We need to change the word plat to replat. At the end of the 1<sup>st</sup> long sentence, to create the defined term REA agreement, the next sentence would change to "said REA agreement."
- And then it needs to be clarified at the end after the words recorded at Summit County, immediately following recording of the replat.
- Section C would be changed to read "as approved by the Town Manager."

Commissioner Joshua Ryks seconded the motion, which passed unanimously upon roll call vote.

**CONSIDERATION OF RESOLUTION PZ 15-18, SERIES OF 2018**

A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, RECOMMENDING THE APPROVAL OF A LEVEL IV DEVELOPMENT APPLICATION FOR A CLASS S-3 SUBDIVISION OF LOT 17R-2, PTARMIGAN TRAIL ESTATES, UNIT 1, DILLON, COLORADO ADOPTING A CONDOMINIUM MAP; AND, SETTING FORTH DETAILS IN RELATION THERETO.

**PUBLIC HEARING:**

A Public Hearing is required for this application. The Planning and Zoning Commission shall open a Public Hearing on the application and hear testimony from Town staff, the applicant, and any public testimony submitted during the Public Hearing.

Ned West, Town Planner, presented.

**SUMMARY:**

Dillon Ridge Southwest, LLC owns Lot 17R-2, Ptarmigan Trail Estates, Unit 1 Subdivision and has submitted an application for a Class S-3 Subdivision to create an amended condominium map. The mixed-use condominium building contains both commercial and residential condominium spaces. The residential units are located above the commercial units on the first floor. Some commercial units are located on the second level, with distinct separations between the residential and commercial uses. The building will be renamed Alpine Ridge Condominiums.

Adequate parking spaces are provided on Lot 17R-2 to accommodate the uses of the building. Ten (10) parking spaces shall be dedicated as residential parking by the installation of signage. A condition of this Resolution is that the parking signs be installed and a plan indicating the dedicated residential parking spaces be provided to the Town prior to the recording of the Condo Map.

**Public Notice:**

The Town properly noticed the public hearing in the newspaper, sent out a mailing to properties within 300' and posted the site within the 7-14 day required notice period.

**Zoning:**

The proposed lots are located within the Mixed use (MU) Zone District, and the uses in the building are consistent with the permitted uses in the zone.

**COMPLIANCE WITH DILLON COMPREHENSIVE PLAN:**

This replat required by the Dillon Homewood Suites PUD Development Plan is in conformance with the goals of the Town of Dillon Comprehensive Plan.

Chairperson Teresa England opened the public hearing at 6:47 p.m.

Rob Monnaville, live at 742 E Anemone Trail, representing as part owner in Bella Pella Salon. My question is parking, in winter they use the North side of the lot for snow storage which is Alpine Bank. The businesses are so busy already. Is there any resolution to snow storage or parking? Susan Ivey responded, I will gladly take a look at it. I can figure out something with the landscaping or have them pick up the snow for storage and disposes of it so it doesn't build up.

Scott O'Brien Public Works Director added, the Town does allow contractors and businesses within the Town to haul to snow storage which is out at the cemetery. That is an option.

Commissioner Steve Milroy asked, what percentage are condos to commercial? Ned West Town Planner, we have to get back to you on that. Susan Ivey replied, I would say 9%. Commissioner Steve Milroy questioned, why change the name to condos if it's a small percentage? Susan Ivey said, we're going to turn the commercial into condos as well. Dan Burroughs Town Engineer added, there are two kinds of condos. There's residential condos and commercial condos, you have both existing but all of the units are condominiums. Chairperson Teresa England asked, are you retaining ownership? Is this to create two LLC's or are there two more owners coming in, one for each of these lots? Susan Ivey explained, we're looking into that now. There will be 2 separate ownerships. And they will have the home owners associations. Chairperson Teresa England commented, you can't condominiumize a building separate from the real estate unless there's a ground lease. But the map usually has a meets and bounds description of the building sitting on that real estate. This isn't a condominium map, this is a survey. Dan Burroughs Town Engineer replied, we can have surveyor add that information in prior to presenting to Council. We'll work with the Town Attorney. Chairperson Teresa England continued, right now you're selling a condominium unit with no access to your unit. Unless this is all designated as common element. It's an air space sitting in the middle of a legal lot. It is done in NY, San Francisco and Chicago on high-rise buildings, the ground has leased the condominium. Dan Burroughs Town Engineer replied, I'm trying to think of a simple way you can add it. Town staff to ensure condo plat meets state statute. Then we can work with legal council on that issue? If you would allow us to work with Town Attorney to resolve that issue? Chairperson Teresa England stated, I would move we table this until you've had time to work with the Town Attorney and come up with a resolution that clearly causes them to create a condominium map that's in compliance. Dan Burroughs Town Engineer responded, we can do that. You would say continue to the October meeting and not close the public hearing. Chairperson Teresa England added, I just want to look at this. Right now you have air space in the middle of the lot that's owned by someone other than the HOA. The HOA will own the common elements. The owners will have the rights to use the common elements. But normally the parking spaces would be designated as assigned common elements owned by a unit owner. Dan Burroughs Town Engineer asked, all I'm asking you to do is continue it. Then we can consult with the Town Attorney.

Commissioner Derek Woodman asked, without your background and your unique innate knowledge that you happen to have, how would we know that what we would approve is a valid approval or not? Dan Burroughs Town Engineer replied, typically through the Town Attorney's office. There's obviously a difference of opinion and you might very well be right. We're going to continue the application so hopefully we can get everything resolved in the next month. Commissioner Derek Woodman continued, if we go in uneducated and unknowing and we approve something, and it's wrong or we're just going off of legal opinion that's inaccurate, where does that put us? Dan Burroughs Town Engineer commented, it puts the Town in a bad position. The correct way to deal with this is to continue the public hearing and we bring back revised information. Chairperson Teresa England explained, in the real world it wouldn't be marketable. Lenders and the Title Company would send you back to redo this before they would insure or loan. It would get caught then. Dan Burroughs Town Engineer commented, It's good Teresa brought that up, we just have to look into it. It's good to get this right.

Chairperson Teresa England moved to continue Resolution NO. PZ 15-18 Series of 2018 to the October 3 Planning and Zoning Commission meeting in order to resolve issues surrounding compliance of the condominium regime with the Colorado Condominium Ownership Act. Commissioner Derek Woodman seconded the motion, which passed unanimously upon roll call vote.

**CONSIDERATION OF RESOLUTION PZ 16-18, SERIES OF 2018**

A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, RECOMMENDING THE APPROVAL OF THE SIGN PLAN FOR THE DILLON HOMEWOOD SUITES PUD DEVELOPMENT PLAN LOCATED AT 122 LAKE DILLON DRIVE; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Ned West, Town Planner, presented.

**SUMMARY:**

Dillon Gateway Development, LLC (“**Applicant**”) will be the owner of real property located at 122 Lake Dillon Drive, Dillon, Colorado. The Dillon Town Council approved the Dillon Homewood Suites PUD Development Plan by Ordinance 03-18, Series of 2018 on June 5, 2018 with conditions. One condition was that the Applicant submit a final Sign Plan to be reviewed and approved by both the Planning and Zoning Commission and the Town Council. This Resolution satisfies that condition of the PUD approval.

The general sign band locations and the location of the Freestanding Monument Sign were approved during the PUD review and approval process which provided rudimentary sign concepts. This submittal refines the signs, as required by the Town Council.

**Sign Zone:**

The proposed signs are located within Sign Zone B on the lot located in the Commercial zone district.

**Sign CRITERIA:**

The Homewood Suites PUD Development Plan was approved through the Planned Unit Development (PUD) process which allows for certain aspects of a project to deviate from the underlying zoning requirements, including signage.

The underlying Sign Zone B provides for the following signage:

1. A single-tenant building located in Sign Zone A is permitted seventy-five (75) square feet of signage to be used as one (1) or two (2) building identification signs, and one (1) additional sign which does not exceed thirty (30) square feet (Section 16-11-460(d)).
2. Freestanding signs within Sign Zone B may be eighteen (18) feet high (Section 16-11-260(c)(2)).
3. Freestanding signs which are designed as Monument Signs that are less than twelve (12) feet high may have their typical areas increased by the Planning and Zoning Commission by fifteen percent (15%) (16-11-260(e)). This would allow for the typical thirty (30) square foot “additional sign” to be increased to up to thirty-five and a half (34.5) square feet.
4. No sign shall exceed twenty (20) feet in length (Section 16-11-200).
5. Wall signs above the second floor are limited to twelve (12) square feet (Section 16-11-290).
6. “Up to two (2) building or project identification signs shall be permitted for each hotel, condominium or multi-family project. Such signs shall not exceed seventy-five (75) square feet in total” (Section 16-11-320).
7. “The PUD development plan may establish density, height, setback, lot size, wetlands buffer areas, parking lot design standards, architectural, signage and landscaping standards that differ from those in the underlying zone or in this Code, provided that the standards further the objectives of the PUD regulations, the Comprehensive Plan, and the specific PUD development plan” (Section 16-5-110(a)).

8. “No signs shall be placed on or within any public right-of-way or public place without the approval of the Town Manager” (Section 16-11-180). The Town Manager has approved the signs in the Right of way and is requiring that the Applicant enter into a Revocable License Agreement with the Town of Dillon.

The Dillon Homewood Suites PUD Development Plan Sign Plan proposes the following:

A total of Two-Hundred Eighty and Four Tenths (280.4) square feet of signage to include three (3) Building Identification signs, one (1) Freestanding Monument Sign, and one (1) Freestanding Directory Sign. The proposed hotel is 122 rooms and is approximately 110,000 square feet in size.

- a. **SIGN 1:** Sixteen and Seven Tenths (16.7) square foot Freestanding Monument Sign near the main driveway entrance located in the Lake Dillon Drive Right-of-Way. This sign shall be Internally illuminated.
- b. **SIGN 2:** Twenty-Eight and two tenths (28.2) square foot Building Identification Sign near the front entrance to the hotel on the first (1<sup>st</sup>) level. This sign shall be Soffit illuminated from above and set on the building wall near the front entrance to the building at the Porte Cochere.
- c. **SIGN 3:** One Hundred Fourteen and seven tenths (114.7) square foot Building Identification Sign on the southwestern face of the hotel building overlooking eastbound US Highway 6 on the fourth (4<sup>th</sup>) level overlooking the intersection of US Highway 6 and Lake Dillon Drive. This sign shall be Halo back-lit brushed stainless-steel or deep fabricated dark oxidized bronze graphics building wall signs overlooking US Highway 6.
- d. **SIGN 4:** One-Hundred-Eleven and three tenths (111.3) square foot Building Identification on the northern face of the hotel on the fourth (4<sup>th</sup>) level overlooking the intersection of Lake Dillon Drive and US Highway 6. This sign shall be Halo back-lit brushed stainless-steel or deep fabricated dark oxidized bronze graphics building wall signs overlooking US Highway 6.
- e. **SIGN 5:** Nine and five tenths (9.5) square foot Freestanding Directory Sign near the intersection of Lake Dillon Drive and the 40’ Right of way. This sign shall be Internally illuminated.

Hilton has specific sign standards for their hotels that dictate certain aspects of signage for their hotels. One requirement is to have a freestanding sign on the property. They also have material and color standards.

#### **COMPLIANCE WITH DILLON COMPREHENSIVE PLAN:**

This Sign Plan required by the conditions of approval of the Dillon Homewood Suites PUD Development Plan is in general conformance with the goals of the Town of Dillon Comprehensive Plan.

Chairperson Teresa England asked, do we know what the background will be? Ned West Town Planner explained, there is no background on metal cut outs. The monument sign will be teal. Dan Burroughs Town Engineer added, the monument sign and garage sign will be backlit.

Commissioner Derek Woodman suggested, should the base of the directional sign #5 be in the similar configuration as the monument sign with the construction detail at the base of it? Or is it too small? Dan Burroughs Town Engineer responded, per the town code the monument sign will have a stone base. We can put a condition is to match the base. Chairperson Teresa England added, the question is, is the base even big enough to accommodate the rock height wise? Commissioner Derek Woodman commented, it should be. Commissioner Derek Woodman specified, I think they should both match. Dan Burroughs Town Engineer explained, they’re essentially both monument signs and they should match. Again, we’re approving a concept then the individual signs will come to you. And you will see the detail. We could have done the individual approvals tonight but we weren’t sure we were there yet. Chairperson Teresa England said, I was pleased with the building signage. I’m kind of confused by the bronze and stainless steel, it kind of seems

like those should be the same too. But they look nice. We've removed some of the ones that were going to shine right down onto the Uptown 240 condos.

Commissioner Derek Woodman moved to approve Resolution NO. PZ 16-18 Series of 2018.  
Commissioner Joshua Ryks seconded the motion, which passed unanimously upon roll call vote.

**OTHER BUSINESS:**

Dan Burroughs Town Engineer said, the Town Attorney would like to add another item to the agenda to be future items.

Chairperson Teresa England mentioned, at one point we were waiting for Summit County to adopt its short term rental regulations. Dan Burroughs Town Engineer commented, I don't know that they have. Breckenridge just did. They wanted to do their own thing. They did an interesting thing. We want people to have somebody onsite or within 24 hours to respond. Commissioner Derek Woodman added, within an hour, that's crazy. Dan Burroughs Town Engineer continued, the point being, they don't want someone in New York City to be a management company. Commissioner Derek Woodman said, it's like anything else, if you have a problem with your neighbor and you have an issue you call the cops. Dan Burroughs Town Engineer added, those are the things they need to work through, the absentee owners that don't care. Scott O'Brien Public Works Director stated, he sometimes gets calls that a driveway hasn't been plowed or water isn't on. It's things like that, maintenance items that the Town gets called for. Dan Burroughs Town Engineer agreed, that's really what the intent was. Somebody needs to be able to respond to that renter. That's really more what it meant. Then the police action got drawn into the whole thing. They need someone to call besides Scott or the Police Department. They don't want 911 fielding all those calls. Scott O'Brien Public Works Director said, my understanding is the County commissioners are still deliberating on the rules and what they want in place. Breck was a little farther ahead of the County. The County's sitting back to see what happens.

Chairperson Teresa England asked, we have residential approvals, expansions, just sitting out there. Is there a life to those approvals? How long do they last? Ned West Town Planner stated, they have up to 2 years. Chairperson Teresa England commented, 2 years is pretty good, you might have a completely different perspective on adding a garage at that point. The expansion just before the corner, just as you come up the Tenderfoot hill, the really nice expansion where they put the addition on, it's still under construction. Stickers are still on the window, is there an end date to finish? Dan Burroughs Town Engineer mentioned, I can't tell you. They haven't gotten their final. For whatever reason he's not motivated. It's probably been a year and a half. He can get it extended for another 6 or 9 months through the County, you just have to pay an extension fee. Some of the other neighbors down there have been complaining. Chairperson Teresa England questioned, is there something else we should be considering when we're giving these approvals? Dan Burroughs Town Engineer said, the code dictates that so you don't really have the approval to change those. You don't really have the ability to contradict those. Most people either do it or they don't do it. If you go through this process it costs money. I can't justify it, I'm just saying it's going on. Chairperson Teresa England stated, somewhere there's someone who has to be able to pull the trigger when they try to get approval from the building department and it's expired. As long as someone's got their eye on the ball.

Chairperson Teresa England observed, the roof of the restaurant is going to cave in on Adrianno's this winter. Ned West Town Planner explained, our understanding is it won't be there this winter. Commissioner Derek Woodman added, they were doing more SWAT training there today. I know yesterday they put up the construction perimeter fence. I would assume one of the next big things is excavators. Dan Burroughs Town Engineer said, they've done the asbestos mitigation. It's in the process.

Danny has done some of that too. They did get a letter from the State saying the ground water is clean. They got closure on their underground tanks.

Commissioner Teresa England asked, how was the open house? Dan Burroughs Town Engineer explained, there were a bunch of different opinions. It was well attended. We didn't really present anything that was an actual concept. We'll see what the next step is. We did learn that people want a trail from upper Gold Run to Ptarmigan Mountain. Part of the next year is going to be digesting everything we're going to do. It'll be neat to see. When these 2 buildings come out of the ground we'll see what we hear. It's like the amphitheater, they've been pretty nice about it. That's a compliment to the design team,

Dan Burroughs Town Engineer added, the other thing is, we're hiring a design consultant to start recommending changes to the code going through chapter 16 & 17 of the code. You'll probably see something in December or January. That's just a report telling us what's wrong. Then we need to go things and resolve some of those issues. You'll review their report of what's wrong. Then step 2 we'll start talking about how we're going to resolve it. Commissioner Steve Milroy asked, that's just to bring the code up to precedence with other cities? Dan Burroughs Town Engineer clarified, one, the code isn't as bad as everybody says. Two, there are some contradictions. It's more processes between the subdivisions and what and how we do things. Then there's a lot of contradictions with landscaping. The main part of the code, zoning districts, setbacks and things like that, that's not necessarily going to change a lot. That stuff's solid, there won't be many changes with that. There are a lot of things we want to add to the code to make sure what we're doing is rock solid too. That's why we're having this report done.

Scott O'Brien Public Works Director asked, is everyone aware there's a joint work session with Town Council at 4pm on October 2<sup>nd</sup>? Dan Burroughs Town Engineer replied, I wasn't aware of that. Scott O'Brien Public Works Director continued, I'll confirm that and get with Dan to let everyone know.

Commissioner Derek Woodman commented, I will not be at that October 3<sup>rd</sup> Planning and Zoning. Dan Burroughs Town Engineer asked, will everyone else be there? General response from the Commissioners: Yes. Commissioner Joshua Ryks mentioned he applied for a 5-month job in Antarctica. Dan Burroughs Town Engineer responded, just let us know if that happens so we can work with Town Council to get a replacement. Chairperson Teresa England said, I'll be here in November but I won't be here in December. Dan Burroughs Town Engineer asked, what about November 7<sup>th</sup>? General answer from the Commission: Yes. Dan Burroughs Town Engineer asked, December 5<sup>th</sup>? Chairperson Teresa England said, no but everyone else yes. Dan Burroughs Town Engineer asked, January 9<sup>th</sup>, everyone good? General Commissioner response: Yes.

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 7:49 p.m.

Respectfully submitted,

*Corrie Woloshan*

Corrie Woloshan

Secretary to the Commission