

RESOLUTION NO. PZ 05 - 21
Series of 2021

A RESOLUTION APPROVING A LEVEL III DEVELOPMENT APPLICATION AND CONDITIONAL USE PERMIT FOR A RESIDENTIAL USE IN A COMMERCIAL ZONED BUILDING AT 701 E. ANEMONE TRAIL

WHEREAS, the Planning and Zoning Commission of the Town of Dillon (“Planning Commission”) has received an application (the “Application”) for a Level III Development and Conditional Use Permit from House of Faas, LLC (the “Applicant”), to construct a residential use in a commercially zoned building at 701 E. Anemone Trail; and

WHEREAS, the Planning Commission has determined that the Application is complete; and

WHEREAS, following the required notice, a public hearing on the Application was held on May 5, 2021, before the Planning Commission; and

WHEREAS, following the public hearing the Planning Commission has made certain findings of fact regarding the Application and has determined that certain conditions which are reasonable and necessary to and relate to impacts created by the development should attach to the approval of the Application.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, AS FOLLOWS:

Section 1. The Planning Commission, following the required notice, held a public hearing on May 5, 2021 on the Application, and following said public hearing makes the following findings of fact:

- A. That the Application is complete.
- B. That the Application meets the applicable Town of Dillon Municipal Code (“Code”) requirements.
- C. That the use proposed in the Application is listed as a conditional use within the zone, or is otherwise identified as a conditional use and is consistent with the intent and purpose of the Comprehensive Plan and applicable zoning district.
- D. That the parcel is suitable for the proposed conditional use, considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features.
- E. That the proposed conditional use will not have significant adverse impacts on the air or water quality of the community.

- F. That the proposed conditional use will not substantially limit, impair or preclude the use of surrounding properties for the uses permitted in the applicable zoning district.
- G. That adequate public utilities and services are available at the site to serve the conditional use.

Section 2. The Planning Commission hereby approves the Application for a Level III Development and Conditional Use Permit to construct residential use in a commercially zoned building at 701 E. Anemone Trail, subject to the following conditions:

- A. The approval granted herein is conditioned upon the approval of Resolution PZ 06-21, Series of 2021.
- B. The residences shall be constructed in accordance with the Application.
- C. The property owner shall pay all required water and sewer tap fees prior to certificate of occupancy.
- D. The residences shall meet all applicable building and fire code requirements.
- E. The dedicated residential parking spaces shall be clearly marked as residential parking only with signs and other means necessary to prevent their use by non-residential parking. The signs and other means of demarking the dedicated residential parking shall be maintained by the owner of the building located at 701 E. Anemone Trail.
- F. Prior to certificate of occupancy, the property owner shall enter into a restrictive covenant with the Town to be recorded in the County property records stating the Unit C shall be occupied by a person(s) working a minimum of thirty (30) hours per week in Summit County, and not utilized as a short term rental.
- G. The Applicant shall submit a copy of the certificate of occupancy to the Town.
- H. The Town Manager may approve minor revisions to the Application that do not alter the character or intent of the Application as approved by this Resolution.
- I. Prior to certificate of occupancy, the Applicant shall submit a condominium map subdivision application to the Town for review and approval as required by the Code. The condominium map shall identify and carry with it the restrictive covenant for Unit C.

APPROVED AND ADOPTED THIS 5TH DAY OF MAY, 2021, BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO.

**PLANNING AND ZONING COMMISSION
TOWN OF DILLON**

By: _____
Alison Johnston, Chairperson

ATTEST:

Michelle Haynes, Secretary to the Commission