

ORDINANCE NO. 02-24
Series of 2024

AN ORDINANCE APPROVING A LEVEL IV DEVELOPMENT APPLICATION FOR A PUD DEVELOPMENT PLAN FOR 626 & 652 LAKE DILLON DRIVE AND 153 & 223 W. LA BONTE STREET

WHEREAS, there has been submitted to the Town Council a Level IV Development Application from Lake Dillon, LLC (“Applicant”) for a PUD Development Plan (“Application”) for the development of the project known as “626 Lake Dillon Drive Branded Residence” (“Development”) on the parcels of land located at 626 & 652 Lake Dillon Drive and 153 & 223 W. La Bonte Street; and

WHEREAS, following the required notice, a public hearing on the Application was held on February 21, 2024, before the Planning Commission; and

WHEREAS, following the public hearing the Planning Commission made certain findings of fact regarding the Application and 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; and

WHEREAS, the Planning Commission, by Resolution No. PZ 01-24, Series of 2024, has recommended that the Application be approved by the Town Council, with the conditions stated in the Planning Commission’s resolution; and

WHEREAS, following the required notice, a public hearing on the Application was held on March 19, 2024, before the Town Council; and

WHEREAS, following the public hearing, the Town Council 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 Town Council’s approval of the Application; and

WHEREAS, based on information, testimony, and the documents made part of the record at the public hearing, the Town Council desires to approve the Application, subject to certain conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, AS FOLLOWS:

Section 1. The Town Council, following the required notice, held a public hearing on March 19, 2024, on the application for the PUD Development Plan for the project known as “626 Lake Dillon Drive Branded Residence” (the “Application”), and following said public hearing makes the following findings of fact:

- A. That the Application is complete.

- B. That the Application is in general compliance with the Town of Dillon Comprehensive Plan.
- C. That the Application meets the applicable Town of Dillon Municipal Code (“Code”) requirements.
- D. That the Application meets the criteria set forth in the Residential High (RH) zone district criteria set forth in the Code, excepting modifications requested through Chapter 16, Article V of the Town Code.
- E. That the Application is compatible with, and will not have an adverse impact on the surrounding area, and is compatible with the scale, intensity, and type of land uses located on adjacent properties.
- F. That the proposed benefits of the Application offset the proposed exceptions to the underlying RH zone district and such exceptions are in the best interest of the public health, safety and welfare.

Section 2. The Town Council for the Town of Dillon hereby approves the Application and the PUD Development Plan as set forth in Exhibit B, subject to the conditions set forth in Exhibit A attached hereto.

Section 3. Upon satisfaction of the conditions of approval set forth in Exhibit A, and upon this Ordinance becoming effective pursuant to Section 3-8 of the Town of Dillon Home Rule Charter and as set forth herein, this Ordinance and the final PUD Development Plan for the “626 Lake Dillon Drive Branded Residence” shall be recorded with the Summit County Clerk and Recorder pursuant to DMC § 16-5-130(e)(2); and pursuant to DMC § 16-2-130, Town staff is authorized to issue a Development Permit for the PUD Development Plan with such conditions as may be appropriate to ensure construction and use of the property in accordance with the approved PUD Development Plan.

Section 4. Pursuant to DMC § 16-5-130(f)(3), the Town Manager is authorized to approve additional minor changes that do not change the character or intent of the PUD Development Plan as approved by this Ordinance.

Section 5. Severance Clause. If an article, section, paragraph, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts may be declared invalid or unconstitutional.

Section 6. Effective Date. This Ordinance shall take effect five (5) days after publication following final passage.

INTRODUCED, READ AND ORDERED PUBLISHED BY TITLE ONLY THIS 5th DAY OF MARCH, 2024.

**PASSED, ADOPTED AND APPROVED AND ORDERED PUBLISHED BY TITLE
ONLY THIS 19TH DAY OF MARCH, 2024.**

TOWN OF DILLON,
a Colorado municipal corporation

By: _____
Carolyn Skowyra, Mayor

ATTEST:

Adrienne Stuckey, CMC, Town Clerk

EXHIBIT A

Conditions of Approval 626 Lake Dillon Drive Branded Residence PUD Development Plan

- A. The Town Manager may approve minor changes to the PUD Development Plan that do not change the character or intent of the PUD Development Plan as approved by this ordinance.
- B. The Application shall apply for a demolition permit with the Town and then Summit County Building Inspection and perform asbestos testing and abatement as required by law.
- C. The development shall have a maximum of 200 residential units.
- D. A short-term rental license for each unit shall be obtained from the Town pursuant to Chapter 6, Article XI of the Dillon Municipal Code
- E. The PUD Development Plan shall be updated once all conditions have been met and shall be recorded with the Summit County Clerk and Recorder prior to issuance of a Building Permit.
- F. The Applicant shall submit to the Town an application for a subdivision plat to combine the existing four (4) lots into one (1) lot by eliminating the interior lot lines. Upon approval, the subdivision plat shall be recorded with the Summit County Clerk and Recorder prior to issuance of a Building Permit.
- G. The Applicant shall apply for a Building Permit with the Summit County Building Inspection Department, which application for Building Permit shall strictly comply with the specifications and design set forth in the PUD Development Plan.
- H. The Applicant shall submit to the Town a construction stormwater management plan. The applicant shall submit to the Colorado Department of Public Health and Environment for a Construction Stormwater Discharge Permit. All requirements, inspections, maintenance, replacement, final site stabilization, and removal of the best management practices for stormwater management and sediment control shall be the responsibility of the Applicant.
- I. The Applicant shall enter into a Development Agreement with the Town of Dillon prior to issuance of a Building Permit, which Development Agreement shall include, at minimum: the Applicant's commitment to complete all public improvements necessitated by the build-out of the PUD Development Plan; submit an Improvement Guarantee to secure the completion of such public improvements; and, make any dedications of rights-of-way, easements, and infrastructure as required by the Town; and which may include additional reasonable and lawful conditions of development as determined by the Town to be in the best interest of the public health, safety, and welfare.

- J. Enter into such other agreements with the Town as the Town determines necessary to assure the installation of landscaping and the continual management of landscaping and snow and ice on site, and the removal of snow from the site via hauling to an acceptable receiving site, prior to Certificate of Occupancy.
- K. Pay water and sewer tap fees (EQRs) in amounts required under the calculations set forth in the Town Code, prior to issuance of the Building Permit.
- L. Provide a copy of the Certificate of Occupancy to the Town upon issuance by the Summit County Building Inspection Department.
- M. Obtain a Grading and Excavation Permit from the Town prior to commencing site disturbing activity.
- N. Provide waste and recycling containers on site within an enclosure as required and under and meeting the specifications of the Town Code. The enclosure shall include adequate space for grease containment related to the restaurants. The waste, grease, and recycling container area to be located in the parking structure shall include a floor drain with a sand and grease interceptor prior to tying into the sanitary sewer system.
- O. The parking structure shall have runoff collection drains that tie into a sewer system with a sand and grease interceptor prior to connecting to the sanitary sewer system.
- P. The Applicant shall submit final site plans, landscape plans, site lighting plans, construction stormwater management plans, and civil and right-of-way construction plans to the Town Engineer for review and approval. Roof drains and snow melt runoff shall be collected and tied into the onsite storm drainage system for discharge into the existing storm drainage system in Lodgepole Street (specifically 'Manhole L'), W. La Bonte Street, and Three Rivers Street.
- Q. The Applicant shall apply for a permit from the Summit Fire & EMS fire authority and address any and all comments from the Summit Fire & EMS fire authority prior to submittal of the final drawing set.
- R. The Applicant shall submit to the Town for review and approval a surveyor's Improvement Location Certificate plat (the "ILC") of the cast concrete foundation for the building prior to final foundation inspection by the Summit County Building Inspection Department.
- S. For each phase of the Development, the Applicant shall submit to the Town for review and approval a surveyor's ILC of the framed building height prior to final framing inspection by the Building Department. The maximum height of any building element shall not exceed 63.5' as calculated from the site base elevation determined by the Town to be 9,068.9 feet.
- T. The Applicant shall provide to the Town Engineer, upon the completion of the underground utility installations and prior to the Certificate of Occupancy, an As-Built drawing of the underground utilities associated with the PUD Development Plan to

include dimensions and details relating to the location of utility system fittings, components, pipe sizes, alignment, and installation locations.

- U. The Applicant shall provide to the Town for review an Improvement Survey Plat (“**ISP**”) prior to the issuance of the Certificate of Occupancy.
- V. The Applicant shall fully conform to the PUD Sign Plan presented in the PUD Development Plan. A permit is required for each sign and the Applicant and subsequent tenants are required to apply for sign permits with the Town.
- W. The Applicant shall submit a Subdivision Application to create the Condominium Map subject to the PUD Development Plan prior to the Certificate of Occupancy or sale of any unit.
- X. The Applicant shall complete all Public Improvements related to the PUD Development Plan, as will be further detailed in the Development Agreement, prior to issuance of the Certificate of Occupancy.
- Y. The Applicant shall work with the Colorado Department of Transportation (“**CDOT**”) to update the access permits at the intersections of the Dillon Dam Road and Lake Dillon Drive with U.S. Highway 6 as required by CDOT. U.S. Highway 6 intersection improvements shall be the responsibility of the Applicant.
- Z. The Applicant shall provide a left turn lane on westbound W. La Bonte Street for the main entrance to the northwest garage ramp and a separate westbound left turn lane into the drop-off area.
- AA. The observation tower shall be open to the public in perpetuity. The project owner may determine the times and days it is open to the public.
- BB. Outdoor live music and outdoor music from sound systems shall be terminated by 9 p.m. and shall not start prior to 10:00 a.m., or as otherwise approved by the Town Manager in writing.
- CC. The parking structure shall not be used for or sold as additional concert and event parking.

EXHIBIT B

**626 Lake Dillon Drive Branded Residence
PUD Development Plan**