



**TOWN OF DILLON
PLANNING AND ZONING COMMISSION
REGULAR MEETING
Wednesday, August 1, 2018
5:30 p.m.
Dillon Town Hall
275 Lake Dillon Dr.**

AGENDA

- 1. Call to Order**
- 2. Approval of the minutes** of the [June 6, 2018 regular meeting](#).
- 3. Welcome New Commissioner to the Planning and Zoning Commission & Brief Legal Training**
- 4. Public Comments:** Open comment period for planning and zoning topics not on tonight's agenda.
- 5. [Consideration of Resolution PZ 12-18, Series of 2018](#)**
A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL III DEVELOPMENT APPLICATION FOR A CONDITIONAL USE PERMIT FOR AN ACCESSORY APARTMENT AT 435 E. LA BONTE STREET, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO. **PUBLIC HEARING**
- 6. Other Business**
- 7. Adjournment**

**TOWN OF DILLON
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING
WEDNESDAY, June 6, 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, June 6, 2018, at Dillon Town Hall. Vice Chairperson Teresa England called the meeting to order at 5:30 p.m. Commissioners present were: Teresa England, Derek Woodman, Jerry Peterson and Joshua Ryks. Commissioner Amy Gaddis was absent. Staff members present were Dan Burroughs, Town Engineer; Kathleen Kelly, Town Attorney; and Corrie Woloshan, Recording Secretary.

APPROVAL OF THE MINUTES OF MAY 2, 2018 REGULAR MEETING

Commissioner Derek Woodman moved to approve the minutes from the May 2, 2018 regular meeting. Commissioner Joshua Rykes abstained since he did not attend the May meeting. Commissioner Jerry Peterson seconded the motion which passed unanimously.

ELECTION OF NEW CHAIRMAN OF THE PLANNING AND ZONING COMMISSION

Commissioner Teresa England volunteered as Chairperson of the Planning and Zoning Commission. Commissioner Derek Woodman volunteered as Vice Chairman. Commissioner Joshua Rykes moved to approve the nominations. Commissioner Jerry Peterson seconded the motion which passed unanimously upon roll call vote.

PUBLIC COMMENTS

There were no public comments.

CONSIDERATION OF RESOLUTION PZ 08-18, SERIES OF 2018

A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, RECOMMENDING THE APPROVAL OF A LEVEL III DEVELOPMENT APPLICATION FOR THE APPROVAL OF A NEW MULTI-FAMILY RESIDENTIAL UNIT DECK, 34 CROWN COURT, 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.

Vice Chairperson Teresa England opened the public hearing at 5:33 p.m.

Applicant Jeff Kistler, owner of 34 Crown Court, presented. We are requesting to build a 10x10 deck on the back of Lookout Ridge Townhomes. There are a lot that have them already so I just wanted to add one on my house.

Dan Burroughs, Town Engineer presented.

Summary:

The owner of 34 Crown Court would like to install a second level 10'x10' deck on the north side of the unit. 34 Crown Court is the middle unit of a building which has 5 units. The end unit on the north end of the building already has a similar second story deck.

The code requires that decks in a multi-family residential setting be reviewed by the Planning & Zoning Commission in order to ensure the local neighborhood can attend a public hearing and make comments.

The HOA has approved the proposed deck and limited the size of the deck.

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:

The deck addition is in conformance with the goals of the Town of Dillon Comprehensive Plan.

Commissioner Jerry Peterson asked, isn't there one on one of those buildings already? Dan Burroughs Town Engineer replied, there's one on this building on the end unit. It's similar, they did a weird thing with their construction. This one's more of a traditional construction. What they did on the other unit was built post 5 feet out and cantilevered up. It's kind of weird because it separates from the building. This is a better design in my opinion.

Vice Chairperson Teresa England closed the public hearing at 5:38 p.m.

Commissioner Joshua Rykes moved to approve Resolution NO. PZ 08-18 Series of 2018. Commissioner Derek Woodman seconded the motion, which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION PZ 09-18, 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 CONDOMINIUM MAP FOR THE DILLON TECH CENTER FOR THE PURPOSES OF RE-ESTABLISHING A DEMISING WALL AND CREATING TWO UNITS FROM ONE UNIT; 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.

Vice Chairperson Teresa England opened the public hearing at 5:38 p.m.

Applicant Tom Dabrowsky presented. Co-owner with his wife of the unit 205 in the Dillon Tech Building. Originally when we purchased that space it was designed to have 2 separate entrances because there were 2 units. Everything went completely different in final drawings. We weren't aware we actually had 1 single unit. That was changed right before our purchase. Now we're just trying to divide the unit that basically already had existing dividing wall. We're trying to elongate that wall and construct two separate 7 ½ I think in height. One is 4 and the other one is 8 feet long . It's basically dividing the unit in half. Everything else as far as structural is already existing. There are 2 separate services for the lighting and everything else. There is minor electrical work because the wall is going to be right where one of the switches is. Plus we have to move the electrical panel so both have access from the outside rather than inside the unit. Other than that no structural changes. Basically, everything within the building doesn't change because it's just an internal wall that's going to divide the unit. Because we were thinking of doing this to rent, I knew nothing about parcels, I discovered that I actually only own one unit. In order to sometime in the future legally sell one of the units I need to divide it legally and that's why I'm asking Council to approve that to proceed with legally dividing the unit.

Commissioner Jerry Peterson asked, what's the deal on the bathrooms? Dan Burroughs Town Engineer replied, they're common elements that are accessible from the hallway. From the common area of the building nothing is changing. It serves all the units on that floor.

Dan Burroughs, Town Engineer presented.

Summary:

The applicant owns one condo unit #205 in the Dillon Tech Center building located at 114 Village Place. Unit #205 was previously two units in the Dillon Tech Center Building, and at some point the common wall was removed.

The applicant is interested in re-establishing the common wall and subdividing the unit into two separate units (#205 and #207) such that one of the units may be potentially sold as separate property.

Please find attached the condo plat for re-establishing the common wall between the two units. This proposal has been reviewed and approved by the building property owner's association.

Town staff has no issue with the application.

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 Core Area (CA) Zone District.

Compliance With Dillon Comprehensive Plan:

This replat is in conformance with the goals of the Town of Dillon Comprehensive Plan.

Chairperson Teresa England asked, did we not have the condominium association sign? I'm concerned from a future sale technical lenders perspective there's no evidence that the condominium regime on the face of the plat has approved this amendment to their condominium map. There's no signature block. It's required under the condominium statute of the state of Colorado. Kathleen Kelly Town Attorney replied, we'll look into it and if it's required we'll add it. If not, we'll follow up. Chairperson Teresa England continued, you're affecting the condominium regime. The air space goes to the anterior wall and between

it becomes the responsibility of the condominium association. Dan Burroughs Town Engineer suggested, if you want to make that a condition of approval. Then before we take it before Council we will research that and make sure we have all our ducks in a row. Chairperson Teresa England mentioned, the other option is to record the resolution. Dan Burroughs Town Engineer explained, at one point the condominium documents supported the 2 units. Then they became one. We will research that. Applicant Tom Dabrowsky explained, at the end of the process I will provide that map that shows within the declaration what has occurred and the signatures will exist after that. That's what I understand. Chairperson Teresa England said, you are absolutely right. At your cost and your expense. We just don't have a signature block for the association. My concern is when buyers and lenders look at it. You don't want to have a hiccup in the sale of that unit. Dan Burroughs Town Engineer asked, do you have a lender? Applicant Tom Dabrowsky: No, own outright. Dan Burroughs Town Engineer said, so there wouldn't be a lender space on this. We wouldn't need that.

Vice Chairperson Teresa England closed the public hearing at 5:47 p.m.

Chairperson Teresa England moved to approve Resolution NO. PZ 09-18 Series of 2018 subject to amendment to section 2 addition of subpart D. The condominium map Dillon Tech Center, 3rd amendment, if required shall be amended to reflect the signature of the association for the condominium units. Commissioner Jerry Peterson seconded the motion, which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION PZ 10-18, 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 REPLAT OF LOTS 1, 1A, 1B, AND 1C, BLOCK B, NEW TOWN OF DILLON FOR THE PURPOSES OF ELIMINATING INTERIOR BOUNDARY LINES AND CREATING ONE LOT; 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.

Vice Chairperson Teresa England opened the public hearing at 5:49 p.m.

Applicant Danny Eilts, 324 W Buffalo St, presented. Replat on this property for Homewood Suites just got approved last night by Council.

Dan Burroughs, Town Engineer presented.

Summary:

Dillon Gateway Development, LLC owns lots 1 and 1B, Block B, New Town of Dillon Subdivision.

The Town of Dillon owns lots 1A and 1C.

The application has been submitted jointly by the Town of Dillon and Dillon Gateway Development, LLC.

Dillon Gateway Development, LLC plans to purchase Lots 1A and 1C from the Town of Dillon to develop the Dillon Homewood Suites PUD development plan, which is a hotel project with associated

parking and hotel amenities that has been previously been recommended for approval by the Planning and Zoning Commission at the May 2, 2018 regular meeting.

As a condition of approval for the Homewood Suites PUD development plan, the applicant is required to submit a replat for the four properties on which the hotel will be constructed.

This Class S-2 subdivision, combines the four existing lots (Lots 1, 1A, 1B and 1C) into one single 1.50 acre lot to be named Lot 1R.

Because of the nature of the recording process, the land sale, PUD development plan and replat will be recorded in order right after closing. The final name of the signatory will change to reflect the final hotel entity which will own the entire parcel.

The existing interior lot lines and utility easements will be vacated by this plat.

A new fire access easement will be created on the south side of Lot 1R which accesses the 40' alley Right-of-way. In conjunction with the 40' Right-of-way, this easement creates a legal fire apparatus turnaround as required by the 2012 International Fire Code.

An additional fire access easement will be dedicated from the entrance off Lake Dillon Drive to the second fire apparatus turnaround located in the northwestern corner of the new lot.

A new waterline easement will be dedicated from Lake Dillon Drive to a new fire hydrant located along the north side of proposed Lot 1R.

A new 20' utility easement will also be dedicated along the U.S. Highway 6 Right-of-way in order to facilitate the under-grounding of the XCEL Energy power lines and the Comcast fiber optic line.

No other easements were required for this plat.

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 Commercial (C) Zone District.

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.

Derek Woodman asked, this is a curiosity question. This will apply to this one and the following proposal. Why is this done prior to the sale of the lots? Dan Burroughs Town Engineer explained, this is just a review process. The review process it's a condition of their approval. They have a lot of conditions to meet to get to the point where we'd actually physically sell them the land. One of the things we need to do is get approved by Planning and Zoning Commission and the Town Council. The day we go to sell them the land we'll sell them the property, they'll record the PUD, they'll record the new plat. All at the same time. We just need to go through the process and get it done ahead of time. It won't be official until we get all the signatures. Chairperson Teresa England said, along with Derek's comment, we're approving a plat right now that has an ownership name that won't be the final owner. I have some language I'd like to

insert into the conditions just to keep the records straight so we know that's going to happen. Commissioner Jerry Peterson asked, were you able to figure out who owns Rebekah Lodge? Who did you buy it from? Danny Eilts responded, I bought it from a company called Modern Towers. Commissioner Jerry Peterson asked, it was that easy, I thought you'd be digging through paperwork forever. Danny Eilts explained, what happened was, we bought the property 3 years ago. In the meantime, I bought the tower from the guy. Danny Eilts said, They'll be moving towers in the next week. It was not 'that easy'.

Vice Chairperson Teresa England closed the public hearing at 5:54 p.m.

Chairperson Teresa England moved to approve Resolution NO. PZ 10-18 Series of 2018 subject to the following amendments:

- In section 1F after the letter in #1C inserting 'collectively' "Original Lots"
- At the end of section 1F adding "Replat".
- Adding a new subsection G that states the replat will be modified to reflect the then title owner of the Original Lots prior to its execution and recordation.

Commissioner Jerry Peterson seconded the motion, which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION PZ 11-18, 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 REPLAT OF A LOT CALLED ALPINE LAKE LODGE PUD AND LOT 1G, BLOCK B, NEW TOWN OF DILLON FOR THE PURPOSES OF ELIMINATING AN INTERIOR BOUNDARY LINE AND CREATING ONE LOT; 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.

Vice Chairperson Teresa England opened the public hearing at 5:57 p.m.

Applicant Danilo Ottoborgo, 240 Lake Dillon Drive, presented. We own Lot 1D E F and the adjacent property lot 1G. We want to consolidate all of those, remove all the boundaries, easements and utilities so we have one continuous piece of land.

Dan Burroughs, Town Engineer presented.

SUMMARY:

Ivano, Danilo and Gina Ottoborgo own a lot named "Alpine Lake Lodge PUD", Block B, New Town of Dillon subdivision, located at the northwest corner of the intersection between Lake Dillon Drive and W. Buffalo Street and addressed as 240 Lake Dillon Drive

LES Properties, LLC and Note Acquisitions, Inc. co-own Lot 1G, Block B, New Town of Dillon subdivision, more specifically located at 186 W. Buffalo Street.

The Ottoborgos plan to purchase Lots 1G from the other parties in order to develop the Uptown 240 PUD development plan, which is a condominium project with associated parking and common amenities and a

restaurant. This Uptown 240 PUD Development Plan has been previously approved by the Dillon Town Council, who passed Ordinance 01-18, Series of 2018 at the April 3, 2018 regular Town Council meeting.

As a condition of approval for the Uptown 240 PUD development plan, the applicant is required to submit a replat for the two properties on which the project will be constructed.

This Class S-2 subdivision, combines the two existing lots (Lots 1G and Alpine Lake Lodge PUD) into one single 1.17 acre lot to be named Lot 1S.

Because of the nature of the recording process, the land sale of Lot 1G to the applicant, PUD development plan and replat will be recorded in order right after closing. The final name of the signatory will change to reflect the final developer entity which will own the entire parcel.

The existing interior lot line between the two lots will be vacated, however the existing utility easements along this lot line will remain because there is an active, buried fiber optic line in the easement.

A new fire access easement will be created on existing Lot 1G. This easement does not need a fire apparatus turnaround because it less than 150' long, which conforms to the 2012 International Fire Code requirements.

No other easements were required for this plat.

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 Core Area (CA) Zone District.

Compliance With Dillon Comprehensive Plan:

This replat required by the Uptown 240 PUD Development Plan is in conformance with the goals of the Town of Dillon Comprehensive Plan.

Chairperson Teresa England asked, my only question is your Dad owns the real estate it's not a corporation? Then we need to change the owners certificate. Danilo Ottoborgo replied, I'm the acting president of the Uptown 240 company and the other company. A lot of the guiding documents refer to both him and I on the titles. Chairperson Teresa England continued, I'm just trying to get to the bottom of who owns the real estate and what name is the real estate currently held? Dan Burroughs Town Engineer responded, the last title commitment we received is from Ivano and Gina. His parents. They own the property outright outside the legal corporation. Chairperson Teresa England said, we have the wrong name on the owner statement and we have a corporation notary block. Dan Burroughs Town Engineer explained, again, when this actually gets to recording they have a business partner too so it's going to be in a corporation that owns everything. Right now, it's a similar deal. The other property, Lot 1G, is actually owned by 2 other companies. They own the lot called Alpine Lake Lodge PUD. There are actually 3 property owners that will get consolidated at the time the property sells, the PUD recording and plat all into one. It's a little confusing but in order to get to closing that's the way we do it. At the end of the day you just put one signature block.

Chairperson Teresa England suggested, in light of that, I'd like to make a similar resolution that we add the same revisions that we just made on item #7 to clarify that the owner certificate will reflect the final owner of the real estate before it's executed and goes of record.

Chairperson Teresa England closed the public hearing at 6:05 p.m.

Chairperson Teresa England moved to approve Resolution NO. PZ 11-18 Series of 2018 subject to modifications of:

- Paragraph F to define the "Original Lots" and, in this case we'll call it, "final plat".
- Addition of a new subsection G that states the final plat will be modified to reflect the then title owner of all of the Original Lots prior to its execution and recordation.

Commissioner Derek Woodman seconded the motion, which passed unanimously upon roll call vote.

OTHER BUSINESS : Rescheduling of the July 4, 2018 Planning & Zoning regular meeting.

Dan Burroughs Town Engineer stated, good news is we don't really have any applications so I think we'll just cancel it. The next meeting will be in August. Our next meeting will be Wednesday August 1st. We might have 2 things by then. They're just not there yet and they're not going to get there in the next 2 weeks.

Commissioner Jerry Peterson asked, have run into any problems with petroleum cleanup from Danny's? Dan Burroughs Town Engineer replied, not that I'm aware of. They had a state licensed company remove those. Commissioner Jerry Peterson asked, what about Christy's? Dan Burroughs Town Engineer explained, there's an enormous amount of ground water there. As part of the ground water movement they had to treat it. I think they had to treat it for zinc. They're treating it to get that particular element out of the water, then once it's clean then they can release it into the storm sewer. It was one of their conditions. Chairperson Teresa England asked, how are they going to solve that problem, isn't it a historical problem? The shopping center below where City Market used to be apparently floods all the time. Dan Burroughs Town Engineer replied, you can't solve that problem because there's a reservoir with an earthen dam above it. All that water comes in and gets into the shale layer. Commissioner Derek Woodman said, so it was totally expected. Dan Burroughs Town Engineer said, absolutely and it will be that way until they're done with the building. They got on it early.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:12 p.m.

Respectfully submitted,

Corrie Woloshan

Corrie Woloshan
Secretary to the Commission

RESOLUTION NO. PZ 12-18
Series of 2018

A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL III DEVELOPMENT APPLICATION FOR A CONDITIONAL USE PERMIT FOR AN ACCESSORY APARTMENT AT 435 E. LA BONTE STREET, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Planning and Zoning Commission of the Town of Dillon has received a Level III Development Application for a Conditional Use Permit for an Accessory Apartment at 435 E. La Bonte Street, Lot 1B, Block M, New Town of Dillon, Dillon, Colorado; and

WHEREAS, following the required notice, a public hearing was held on August 1st, 2018, before the Planning and Zoning Commission of the Town of Dillon on a Conditional Use Permit for an Accessory Apartment at 435 E. La Bonte Street, Lot 1B, Block M, New Town of Dillon, Dillon, Colorado; and

WHEREAS, following the public hearing the Planning and Zoning Commission of the Town of Dillon has made certain findings of fact regarding a Conditional Use Permit for an Accessory Apartment at 435 E. La Bonte Street, Lot 1B, Block M, New Town of Dillon, Dillon, Colorado; and

WHEREAS, the Planning and Zoning Commission of the Town of Dillon has determined that certain conditions which are reasonable and necessary to and relate to impacts created by the proposed development should attach to the approval of the application for the Level III Conditional Use Permit.

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

Section 1. That the Planning and Zoning Commission of the Town of Dillon, following the required notice, held a public hearing on August 1st, 2018, on the application for a conditional use permit for an Accessory Apartment at 435 E. La Bonte Street, Dillon, Colorado, and following said public hearing makes the following findings of fact:

A. That the application for the Conditional Use Permit for an Accessory Apartment is complete.

B. That the proposed Level III Development Application for a Conditional Use Permit for an Accessory Apartment complies with the specific requirements of Section 16-

5-220 “Conditional use criteria” of the Town of Dillon Municipal Code, as detailed as follows:

1. The use is listed as an allowed 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.

The site is zoned Residential Low (RL), an Accessory Apartment is allowed in the Residential Low (RL) zoning district so long as certain provisions of the Dillon Municipal Code are met. The Accessory Apartment is consistent with the existing residential uses in this developed neighborhood, and Accessory Apartments exist in nearby properties.

2. The parcel is suitable for the proposed conditional use, considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features.

The proposed Accessory Apartment to be constructed above the existing garage with a proposed addition for stair access is suitable for the parcel. The size, shape, location, topography, soils, slope stability, drainage, and natural features are not anticipated to be affected by the proposed garage and Accessory Apartment project.

3. The proposed conditional use will not have significant adverse impacts on the air or water quality of the community.

The existing site is developed with appropriate drainage and vegetation, and any areas disturbed during the project are to be re-vegetated to ensure soil stability and thus the protection of air and water quality. No potential air quality concerns with the proposed Accessory Apartment use on this property were identified.

4. 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.

The existing developed site is adjacent to existing residences. The proposed garage addition to create the Accessory Apartment above the existing garage will not substantially limit or impair the existing uses on the surrounding properties.

5. Adequate public utilities and services are available or will be made available to the site prior to the establishment of the conditional use.

The existing site is already served by gas, electric, water, and sanitary sewer facilities. The project requires the assessment of additional water and sewer tap fees.

Section 2. That the proposed Level III Development Application for a Conditional Use Permit for an Accessory Apartment complies with the specific requirements of Section 16-4-40 “Accessory Apartments and secondary units” of the Town of Dillon Municipal Code, as detailed as follows:

A secondary residential unit or Accessory Apartment may be permitted in the RE, RL, RM and RH zones in a single-family residence, subject to the following provisions:

1. The Planning and Zoning Commission shall review and approve, under the Level III process, a site plan showing the location of the unit.

The applicant has applied for a Level III Development Permit for the proposed project. The application includes a site plan indicating the proposed location of the addition to the garage with the 1-bedroom, 1-bathroom Accessory Apartment above accessed by an interior stairwell addition proposed with the project.

2. The property owner shall pay all required water and sewer tap fees.

The property owner shall pay an additional 0.65 EQR water and sewer tap fee associated with the Accessory Apartment. The fee shall be paid in full prior to issuance of the building permit.

3. The unit shall meet all building code requirements.

Once approved by the Town, the plans will be submitted to the Summit County Building Inspection Department for their review, approval, Building Permit issuance, and inspections.

4. Two (2) parking spaces shall be provided per unit, and such parking area shall be landscaped to buffer parking from neighboring properties.

Two parking spaces for the Accessory Apartment are provided as part of the application. The parcel is currently landscaped, and the proposed additional parking spaces are buffered from adjoining properties.

5. The habitable portion of the Accessory Apartment is not greater than nine hundred (900) square feet in size, nor is it more than one-third ($\frac{1}{3}$) the size of the heated living area of the primary residential unit.

The habitable portion of the Accessory Apartment is approximately 557 square feet of the overall heated portion of the residence which is approximately 2,074 square feet. This sub-section is satisfied with the application.

6. A restrictive covenant is filed stating the unit will not be subdivided into a separate ownership unit from the primary unit.

The property owner shall execute the restrictive covenant to not subdivide into separate ownership, and must file said restrictive covenant as a condition of approval of this Resolution.

7. The unit is deed restricted against utilization as a short-term rental, which means it may not be rented for periods of time of less than six (6) months.

The property owner shall execute the deed restriction preventing the short term rental of the property and must file said deed restriction as a condition of approval of this Resolution.

8. The unit design is compatible with the neighborhood and the principal structure.

The design melds the existing log cabin style architecture with mountain architectural style. Complimentary elements are on both the existing and proposed portions of the residence. Architecture elements of the design are compatible with the neighborhood.

9. The unit may be a separate building from the primary structure, when placed above a freestanding garage, or on lots greater than one (1) acre.

The Accessory Apartment will be constructed above the existing freestanding garage; therefore, this sub-section criteria is met.

Section 3. That the Planning and Zoning Commission of the Town of Dillon does hereby approve a conditional use permit for an Accessory Apartment at 435 E. La Bonte Street, Dillon, Colorado with the following conditions:

1. The applicant shall obtain a Grading and Excavation Permit with the Town prior to performing any site disturbing activity.

2. The proposed new foundations for the stairwell addition on the garage and the exterior stair and deck footings shall be surveyed by a Colorado Licensed Surveyor and an Improvement Location Certificate plat provided to the Town prior to Building Permit finalization. The following information is to be provided: location of the foundation showing adherence to the setbacks, and providing a building height certification meeting the maximum building height limit.

3. The applicant shall landscape or re-vegetate all disturbed areas with suitable landscaping or by planting a native grass seed or turf grass seed mix, ensure growth through watering or irrigation, and maintain a vegetative ground cover.

4. The applicant shall pay the required water and sewer EQR / tap fees.

5. The applicant shall pay all applicable Impact Fees.

6. The applicant shall file with the Town the required restrictive covenant preventing subdividing into separate ownership.

7. The applicant shall file with the Town a deed restriction that prevents short term rentals of the Accessory Apartment.

8. The applicant shall verify the functionality of the water service curbstop valve. The curbstop water service valve shall be observed and documented as functional by the Dillon Water Department. It is the owner's responsibility to maintain the curbstop valve in an operational condition in accordance with the Dillon Municipal Code.

9. The driveway surface between the detached garage and the edge of pavement on Tenderfoot Street shall be paved with asphalt or concrete.

APPROVED AND ADOPTED THIS 1st DAY OF AUGUST, 2018 BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO.

**PLANNING AND ZONING COMMISSION,
TOWN OF DILLON**

By: _____
Teresa England, Chairperson

ATTEST:

By: _____
Corrie Woloshan, Secretary to the Commission

**PLANNING AND ZONING COMMISSION ACTION ITEM
STAFF SUMMARY
AUGUST 1, 2018 PLANNING AND ZONING COMMISSION MEETING**

DATE: July 23, 2018

AGENDA ITEM NUMBER: 5

ACTION TO BE CONSIDERED:

Consideration of Resolution No. PZ 12-18, Series of 2018.

A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL III DEVELOPMENT APPLICATION FOR A CONDITIONAL USE PERMIT FOR AN ACCESSORY APARTMENT AT 435 E. LA BONTE STREET, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO.

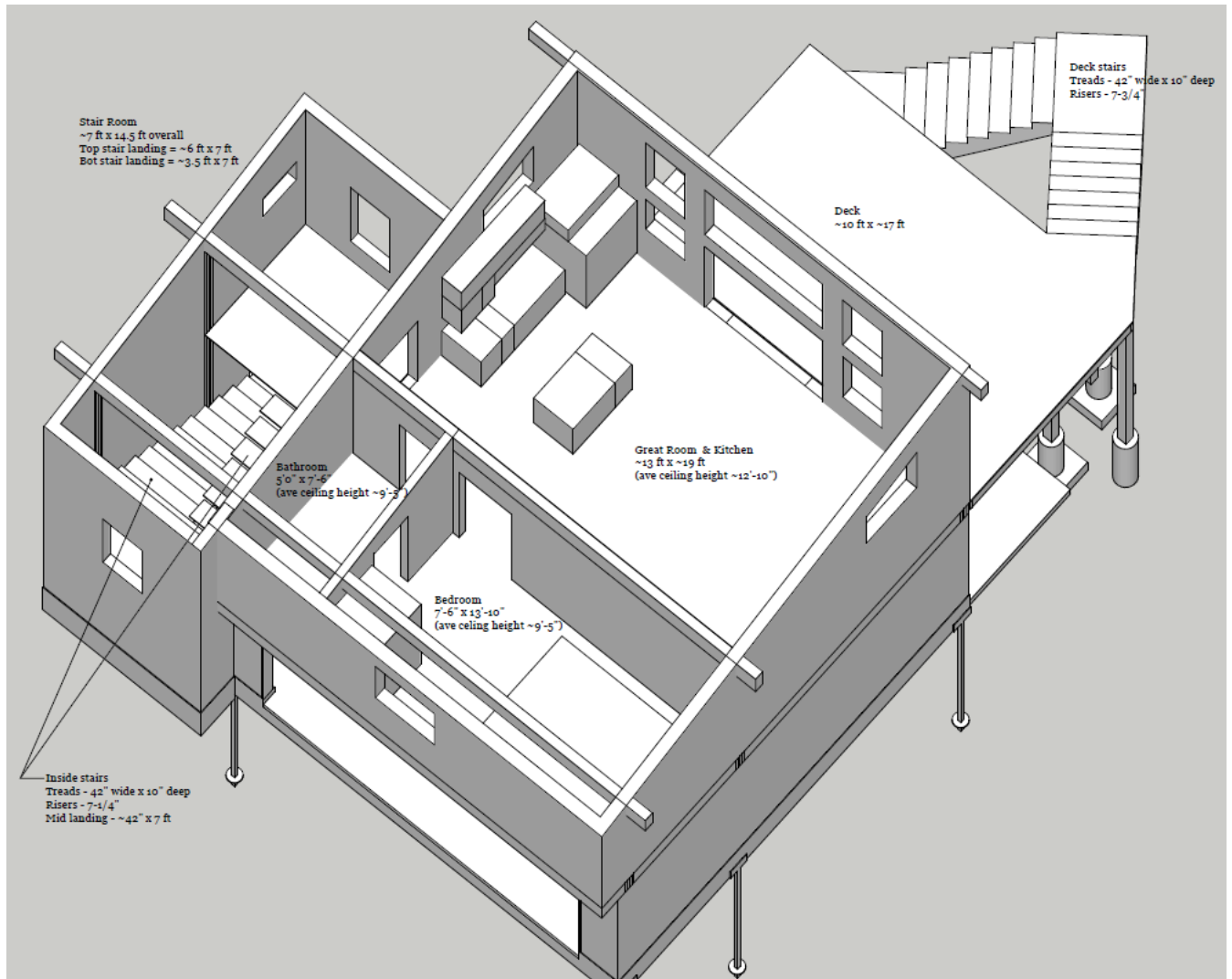
PUBLIC HEARING

SUMMARY:

This application requires a **Public Hearing** and this staff summary shall be entered as a part of the Public Hearing.

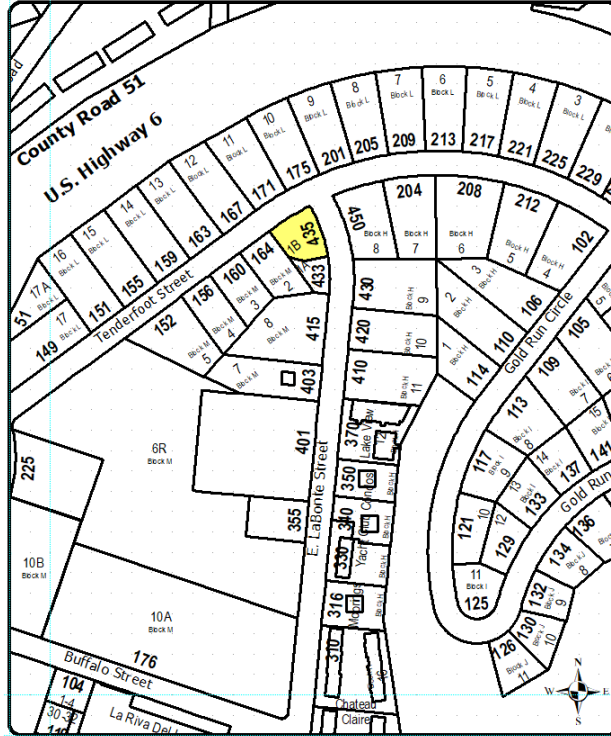
The Town received a Level III Development Permit Application for an Accessory Apartment at 435 E. La Bonte Street from the owners of the property Lara and Robert Crawford. The principal residence on the property is the full-time residence of the Crawfords. The proposed Accessory Apartment is to be located in an additional and remodel above the existing freestanding garage.

The remodel includes supplemental foundation support through the installation of helical piers tied to the existing garage foundation. An addition is proposed to provide an interior stairwell that ascends to the second level one-bedroom accessory apartment. There are also exterior stairs on the rear of the garage with an attached second level deck coming off of the living space of the proposed apartment. The apartment includes a kitchen, bathroom, and living space.



The architectural design incorporates southern exposure and architectural design elements consistent with the Town's design guidelines and elements found in neighboring and surrounding properties. Elements of the existing primary residence, a log cabin style structure with stone and board and batten gable siding, are elements incorporated into the proposed design.

The site is located at the corner of Tenderfoot Street and E. La Bonte Street. The primary residence has its front entrance off of E. La Bonte Street. The garage is accessed off of Tenderfoot Street. The site has mature street trees and landscaping.



435 E. LaBonte Street Vicinity 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 Accessory Apartment is located in the Residential Low (RL) Zone District. Accessory Apartments are permitted in the Residential Low zoning district through a Level III Development Review process.

COMPLIANCE WITH DILLON COMPREHENSIVE PLAN:

The creation of varying forms of residential dwellings is a goal of the Town of Dillon Comprehensive Plan.

REVIEW CRITERIA:

A. The proposed Level III Development Application for a Conditional Use Permit for an Accessory Apartment complies with the specific requirements of Section 16-5-220 “Conditional use criteria” of the Town of Dillon Municipal Code, as detailed as follows:

1. The use is listed as an allowed 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.

The site is zoned Residential Low (RL), an Accessory Apartment is allowed in the Residential Low (RL) zoning district so long as certain provisions of the Dillon Municipal Code are met. The Accessory Apartment is consistent with the existing residential uses in this developed neighborhood, and Accessory Apartments exist in nearby properties.

2. The parcel is suitable for the proposed conditional use, considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features.

The proposed Accessory Apartment to be constructed above the existing garage with a proposed addition for stair access is suitable for the parcel. The size, shape, location, topography, soils, slope stability, drainage, and natural features are not anticipated to be affected by the proposed garage and Accessory Apartment project.

3. The proposed conditional use will not have significant adverse impacts on the air or water quality of the community.

The existing site is developed with appropriate drainage and vegetation, and any areas disturbed during the project are to be re-vegetated to ensure soil stability and thus the protection of air and water quality. No potential air quality concerns with the proposed Accessory Apartment use on this property were identified.

4. 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.

The existing developed site is adjacent to existing residences. The proposed garage addition to create the Accessory Apartment above the existing garage will not substantially limit or impair the existing uses on the surrounding properties.

5. Adequate public utilities and services are available or will be made available to the site prior to the establishment of the conditional use.

The existing site is already served by gas, electric, water, and sanitary sewer facilities. The project requires the assessment of additional water and sewer tap fees.

B. The proposed Level III Development Application for a Conditional Use Permit for an Accessory Apartment complies with the specific requirements of Section 16-4-40 “Accessory Apartments and secondary units” of the Town of Dillon Municipal Code, as detailed as follows:

A secondary residential unit or Accessory Apartment may be permitted in the RE, RL, RM and RH zones in a single-family residence, subject to the following provisions:

1. The Planning and Zoning Commission shall review and approve, under the Level III process, a site plan showing the location of the unit.

The applicant has applied for a Level III Development Permit for the proposed project. The application includes a site plan indicating the proposed location of

the addition to the garage with the 1-bedroom, 1-bathroom Accessory Apartment above accessed by an interior stairwell addition proposed with the project.

2. The property owner shall pay all required water and sewer tap fees.

The property owner shall pay an additional 0.65 EQR water and sewer tap fee associated with the Accessory Apartment. The fee shall be paid in full prior to issuance of the building permit.

3. The unit shall meet all building code requirements.

Once approved by the Town, the plans will be submitted to the Summit County Building Inspection Department for their review, approval, Building Permit issuance, and inspections.

4. Two (2) parking spaces shall be provided per unit, and such parking area shall be landscaped to buffer parking from neighboring properties.

Two parking spaces for the Accessory Apartment are provided as part of the application. The parcel is currently landscaped, and the proposed additional parking spaces are buffered from adjoining properties.

5. The habitable portion of the Accessory Apartment is not greater than nine hundred (900) square feet in size, nor is it more than one-third ($\frac{1}{3}$) the size of the heated living area of the primary residential unit.

The habitable portion of the Accessory Apartment is approximately 557 square feet of the overall heated portion of the residence which is approximately 2,074 square feet. This sub-section is satisfied with the application.

6. A restrictive covenant is filed stating the unit will not be subdivided into a separate ownership unit from the primary unit.

The property owner shall execute the restrictive covenant to not subdivide into separate ownership, and must file said restrictive covenant as a condition of approval of this Resolution.

7. The unit is deed restricted against utilization as a short-term rental, which means it may not be rented for periods of time of less than six (6) months.

The property owner shall execute the deed restriction preventing the short term rental of the property and must file said deed restriction as a condition of approval of this Resolution.

8. The unit design is compatible with the neighborhood and the principal structure.

The design melds the existing log cabin style architecture with mountain architectural style. Complimentary elements are on both the existing and proposed portions of the residence. Architecture elements of the design are compatible with the neighborhood.

9. The unit may be a separate building from the primary structure, when placed above a freestanding garage, or on lots greater than one (1) acre.

The Accessory Apartment will be constructed above the existing freestanding garage; therefore, this sub-section criteria is met.

CONDITIONS OF APPROVAL:

The Planning and Zoning Commission may apply additional conditions to the approval of this application, but the following conditions of approval currently apply to the application:

1. The applicant shall obtain a Grading and Excavation Permit with the Town prior to performing any site disturbing activity.
2. The proposed new foundations for the stairwell addition on the garage and the exterior stair and deck footings shall be surveyed by a Colorado Licensed Surveyor and an Improvement Location Certificate plat provided to the Town prior to Building Permit finalization. The following information is to be provided: location of the foundation showing adherence to the setbacks, and providing a building height certification meeting the maximum building height limit.
3. The applicant shall landscape or re-vegetate all disturbed areas with suitable landscaping or by planting a native grass seed or turf grass seed mix, ensure growth through watering or irrigation, and maintain a vegetative ground cover.
4. The applicant shall pay the required water and sewer EQR / tap fees.
5. The applicant shall pay all applicable Impact Fees.
6. The applicant shall file with the Town the required restrictive covenant preventing subdividing into separate ownership.
7. The applicant shall file with the Town a deed restriction that prevents short term rentals of the Accessory Apartment.
8. The applicant shall verify the functionality of the water service curbstop valve. The curbstop water service valve shall be observed and documented as functional by the Dillon Water Department. It is the owner's responsibility to maintain the curbstop valve in an operational condition in accordance with the Dillon Municipal Code.
9. The driveway surface between the detached garage and the edge of pavement on Tenderfoot Street shall be paved with asphalt or concrete.

ACTION REQUESTED: Motion, Second, Roll Call Vote.

Resolutions require the affirmative vote of a majority of the members present.

STAFF MEMBER RESPONSIBLE: Dan Burroughs, Town of Dillon

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435 E. La Bonte Street

Project and Design Narrative

From: [la la](#)
To: [Ned West](#)
Subject: Crawford 435 E. Labonte apartment
Date: Sunday, May 20, 2018 7:10:18 PM

Hi Ned,

You asked for a note describing how we will blend the new look of our addition over our garage with our existing house. First just a quick background about us. We have lived and worked in Summit County full time for over 25 years. It has always been a goal of ours to live in a home in Dillon. We finally got here three years ago when we bought this house. Our desire is to improve the appearance of our corner for many reasons that include the overall improvement of the town of Dillon. One of our favorite things about this house is telling its story and how it moved to eventually land here in Dillon. We want to maintain and honor its roots. The new structure will be sided and colored to match the log home. An original idea for us was to face the pitch of the roof toward the south so that we could install solar panels. We changed this design to pitch the roof toward the north on the Tenderfoot side so that it will blend better with the roof of our existing house. A large part of the appearance of our house is the large roof line. We are keeping the height low to be close to the height of the house. The design of the structure is also consistent with the design of other new buildings coming to Dillon.

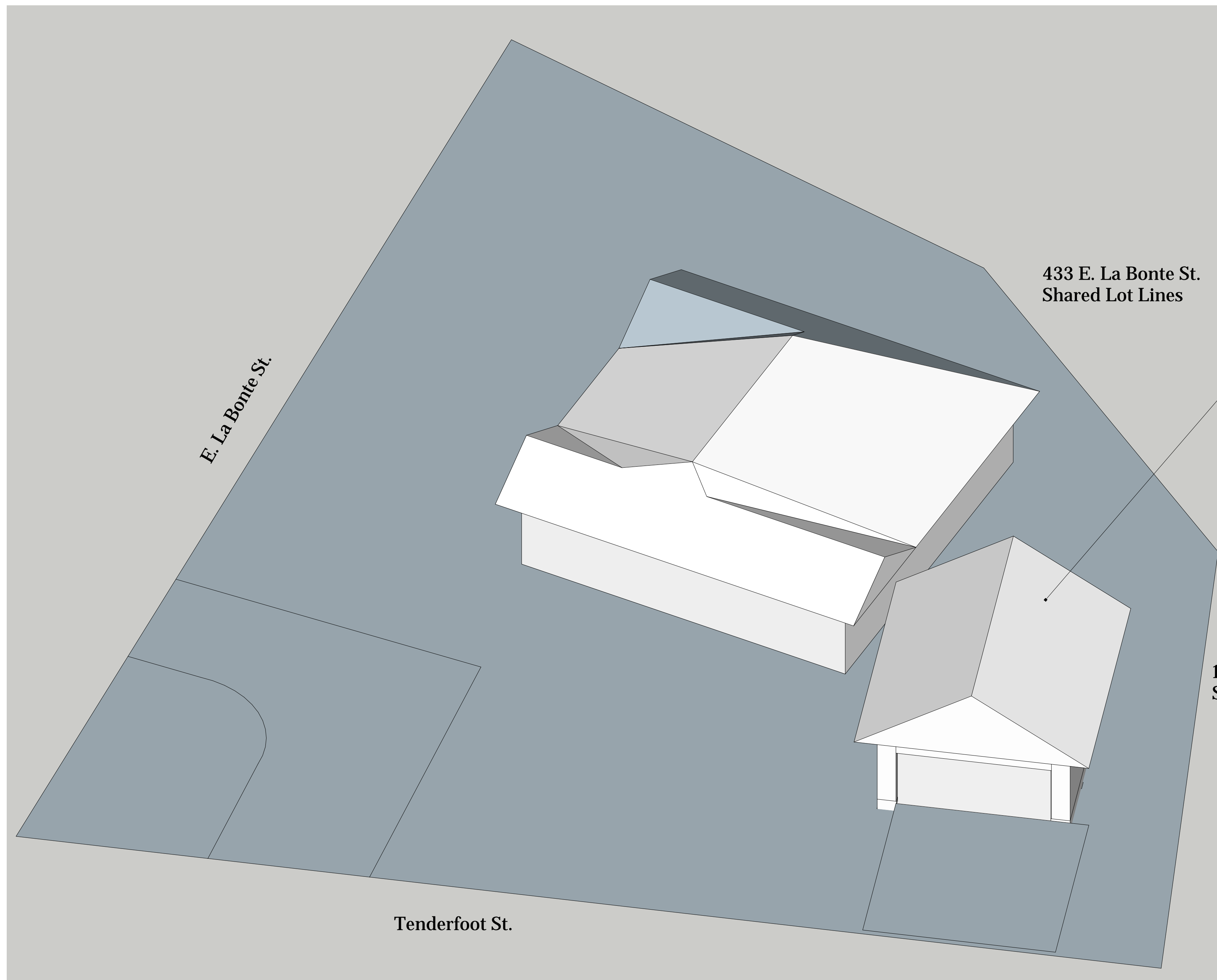
I will be sending you the updated version of plans about what we talked over.

Thank you, Lara Crawford

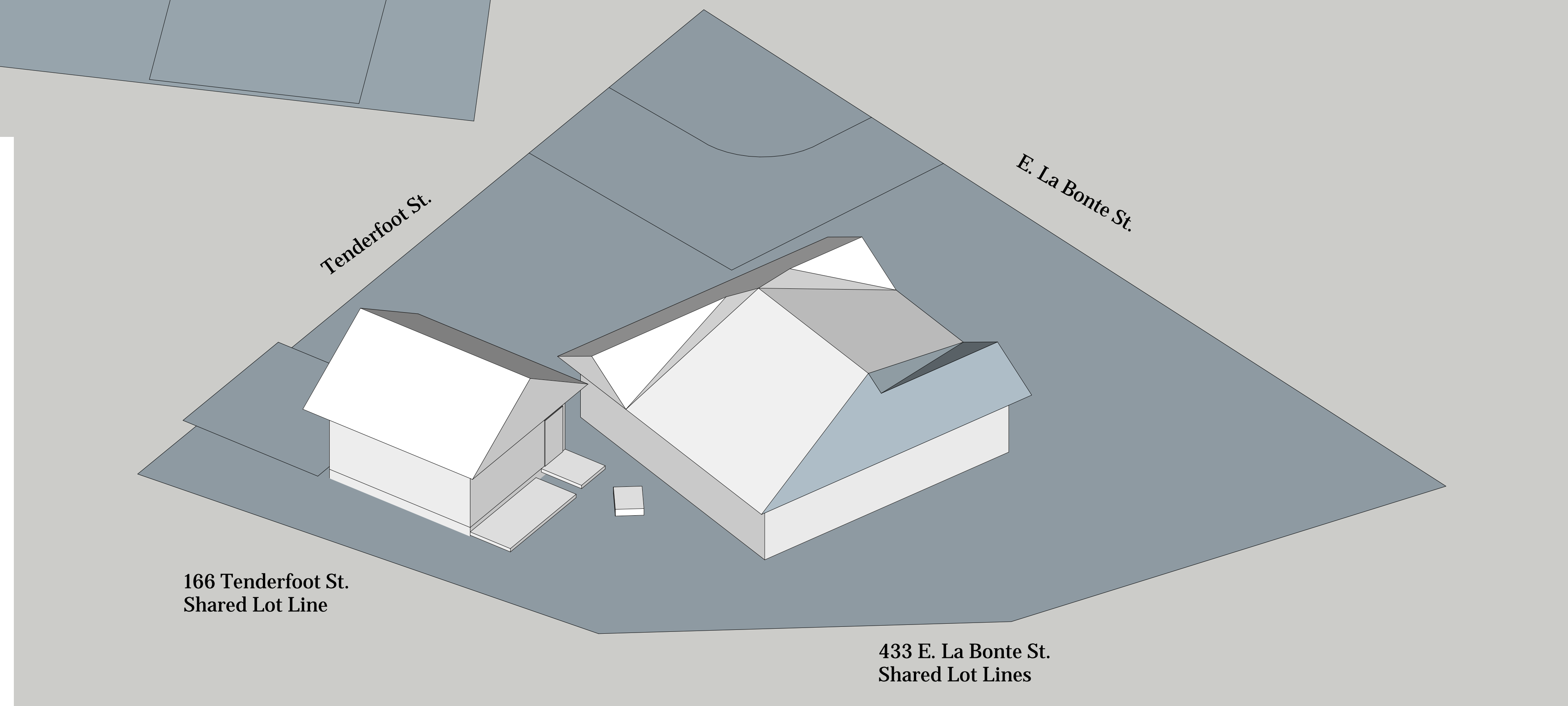
**PROPOSED GARAGE APARTMENT
CRAWFORD RESIDENCE
435 E. La Bonte Street
Dillon, Colorado 80435**

**Garage Apartment
Crawford Residence, Dillon, CO**

**Borthwick Engineering and Construction, LLC
PO Box 1593, Dillon, CO 80435
(913) 908-6017**



Existing garage roof (truss system) and drywall ceiling to be removed. Existing garage walls (2x6 drywall inside and sheeting/log siding outside) not to be disturbed (except where noted).



No Scale

REVISIONS

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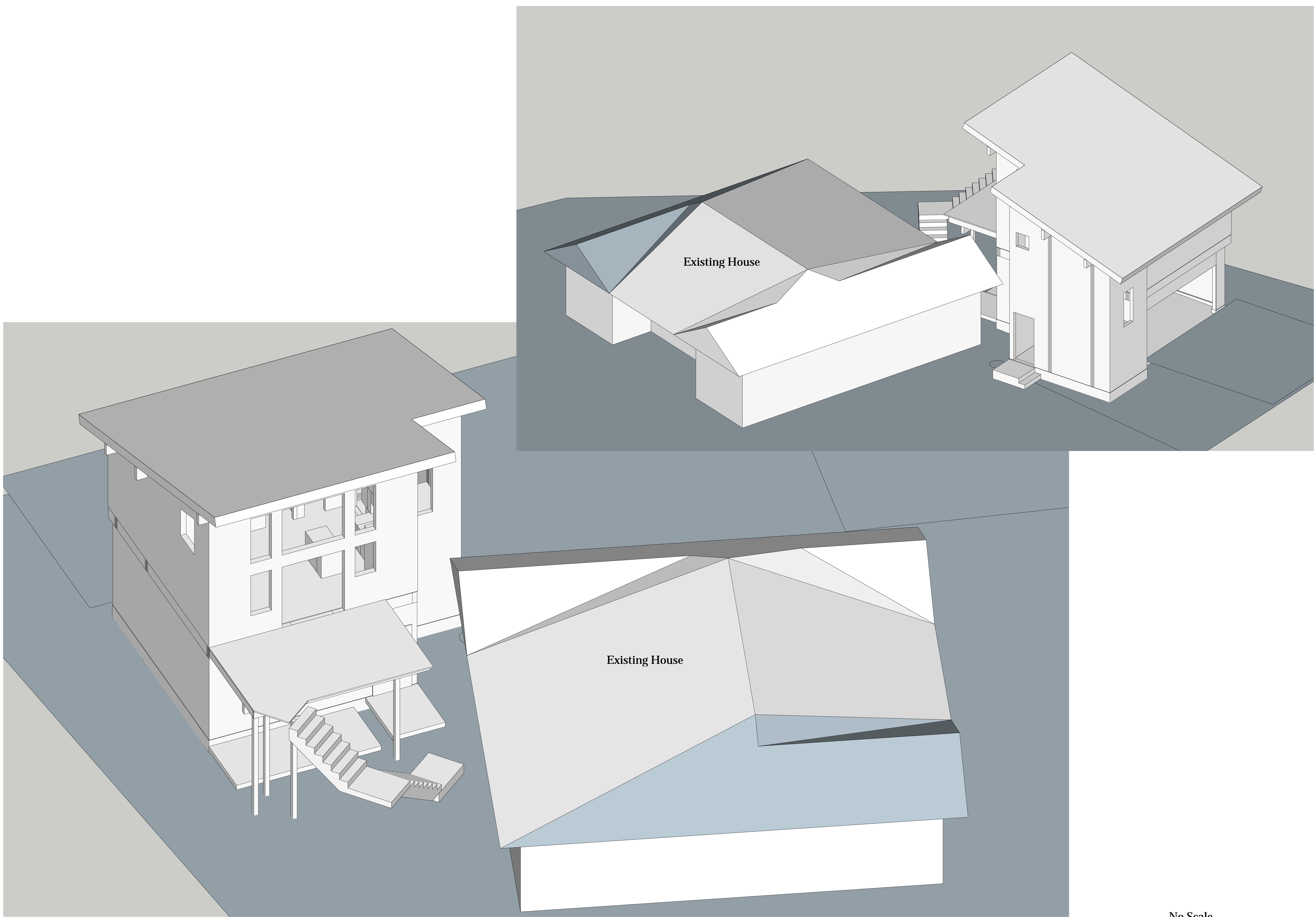
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 (913) 908-6017

Garage Apartment, Crawford Residence, Dillon Colorado

EXISTING HOUSE AND DETACHED GARAGE

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Borthwick Engineering and Construction, LLC
 PO Box 1593, Dillon, CO 80435
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PROPOSED GARAGE
 With New Apartment Above

Garage Apartment, Crawford Residence, Dillon Colorado

LOT 1B BEDDOE SUB RESUB LOT 1
 BLK M DILLON NEW TOWN
 Dillon, Colorado
 435 E. La Bonte St.
 11,784 sq ft (0.271 acres)

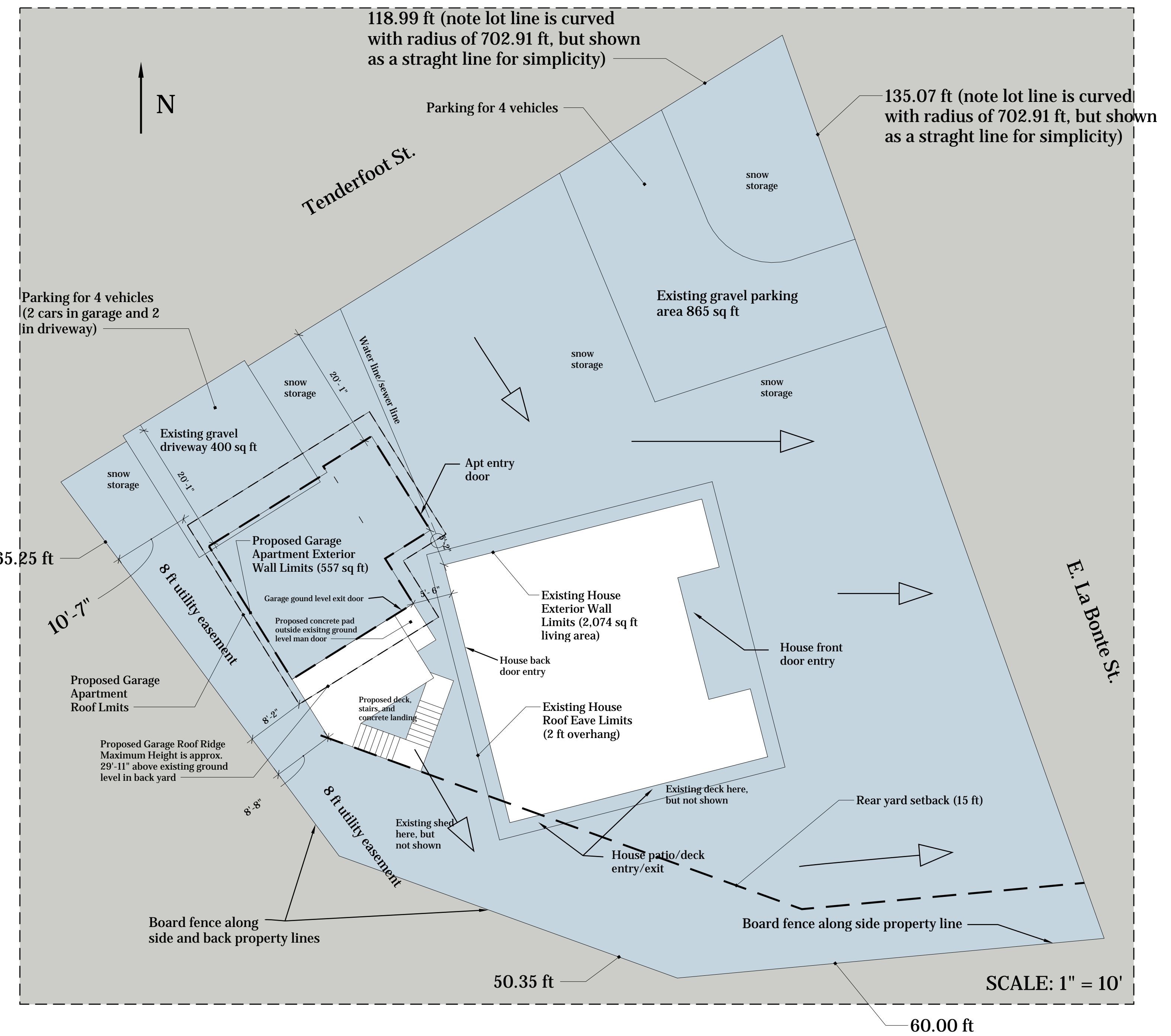
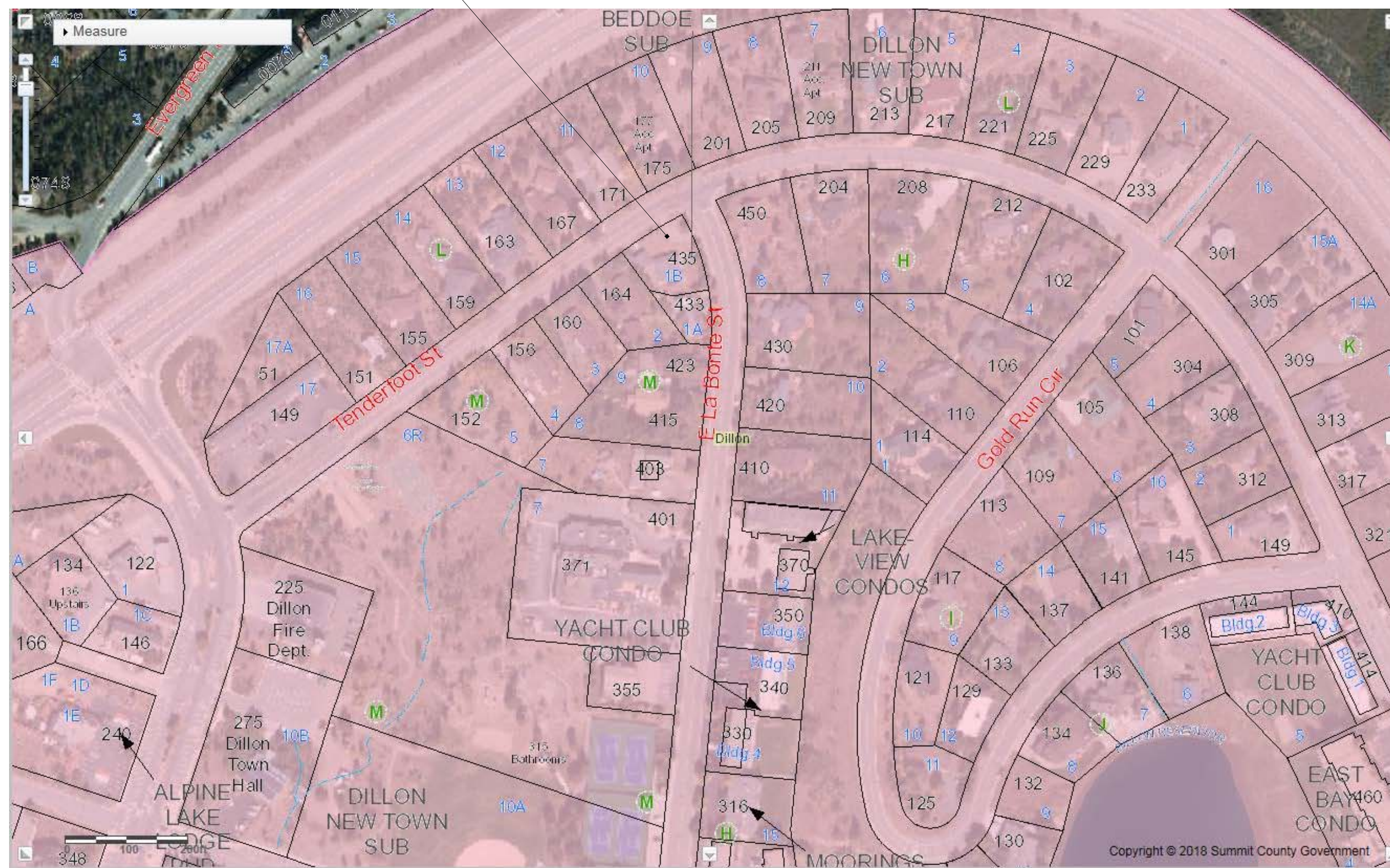
Site Coverage:
 Existing House = 2,074 sq ft
 Existing Garage = 420 sq ft
 Proposed Garage Apt = 557 sq ft
 New Apt = 27% size of house (557/2,074)
 Proposed Deck/Stairs = 221 sq ft
 Existing Shed (not shown) = 60 sq ft
 Existing Deck (not shown) = 200 sq ft
 Total = 3,112 sq ft; which is 26% of site area (3,112/11,784)

Setback Summary (proposed garage):
 New deck to side yard: 8'-4" [See Note 1]
 New garage roof line to side yard: 8'-2" [See Note 1]
 New garage wall to Tenderfoot St. ROW: 20'-1"
 New garage stair wall to Tenderfoot St. ROW: 20'-1"
 Note 1: "...in the Residential Low (RL) zoning district where the side yard is specified as eight (8) feet, there is no permissible overhang or extension into the eight foot (8') easement." Ned West, TOD, email dated 2/26/2018

Legend
 Stormwater runoff flows

Vicinity Map

Site: 435 E. La Bonte St., Dillon, CO



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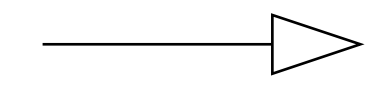

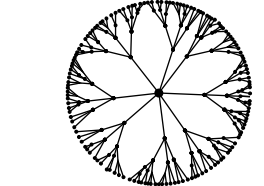
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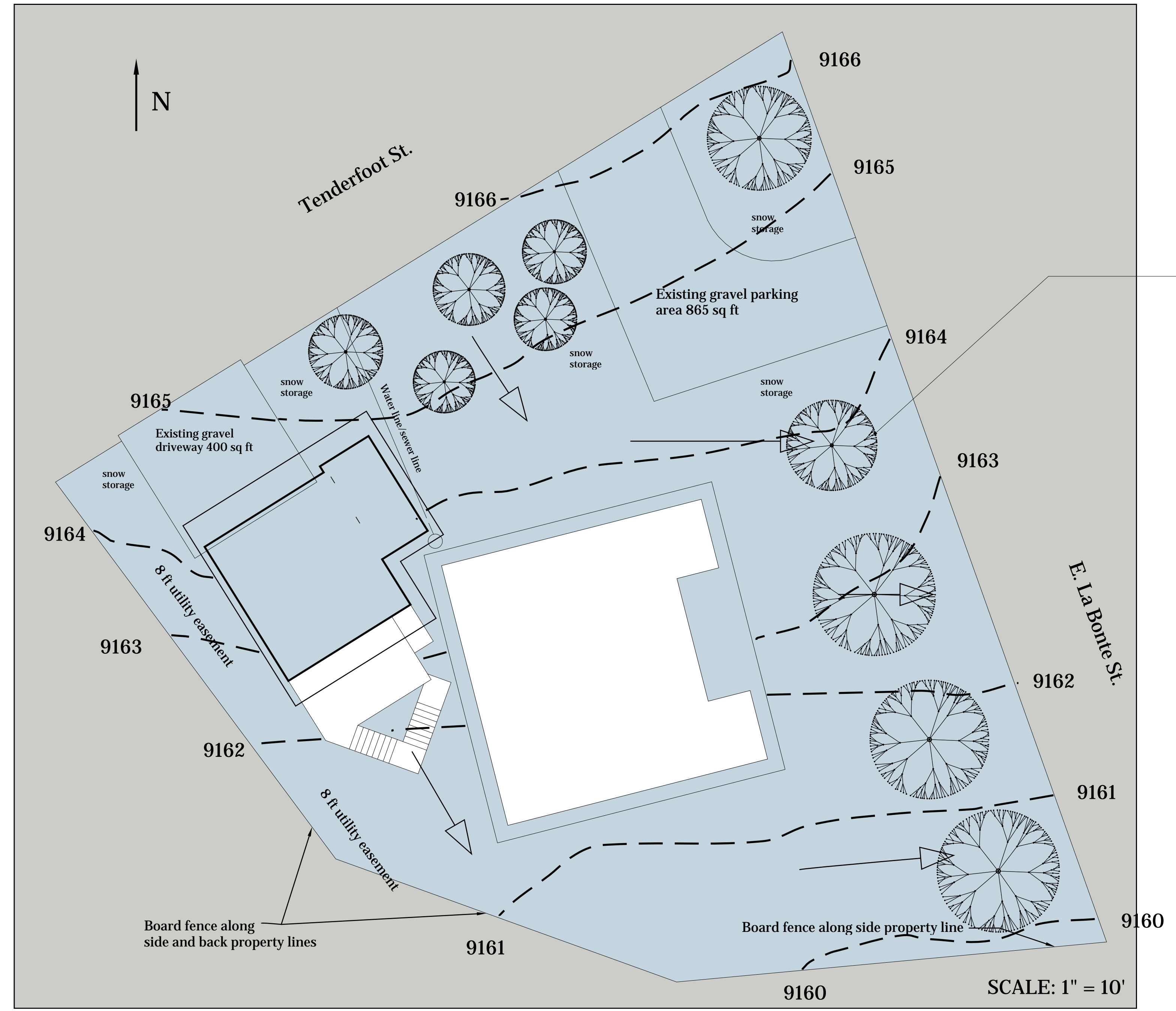
Garage Apartment, Crawford Residence, Dillon Colorado

SITE PLAN

Notes for landsape plan go here

Legend

-  Stormwater runoff flows
-  Contour elevation line
-  Tree



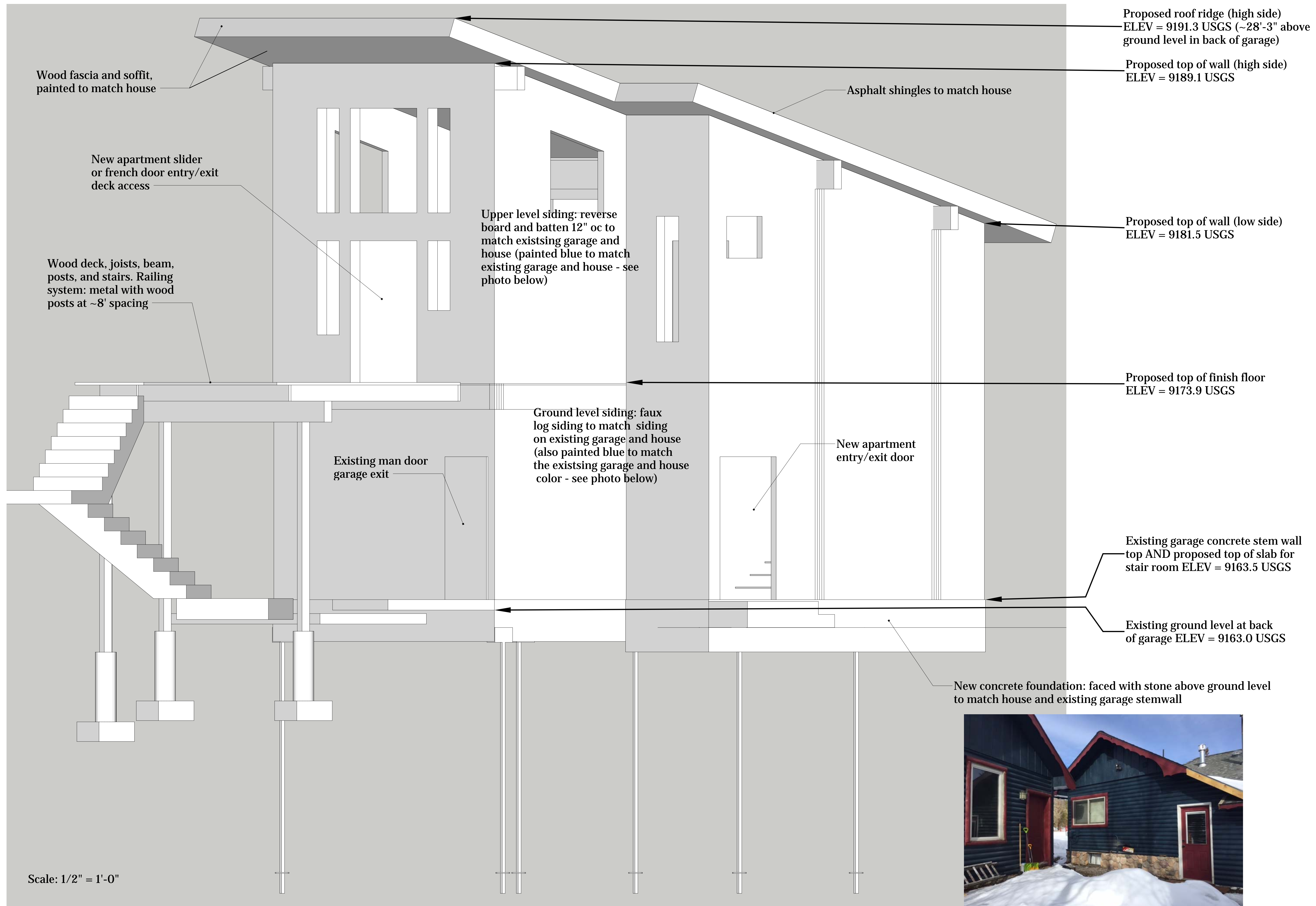
Existing trees (10)

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Garage Apartment, Crawford Residence, Dillon Colorado

LANDSCAPE PLAN



Scale: 1/2" = 1'-0"

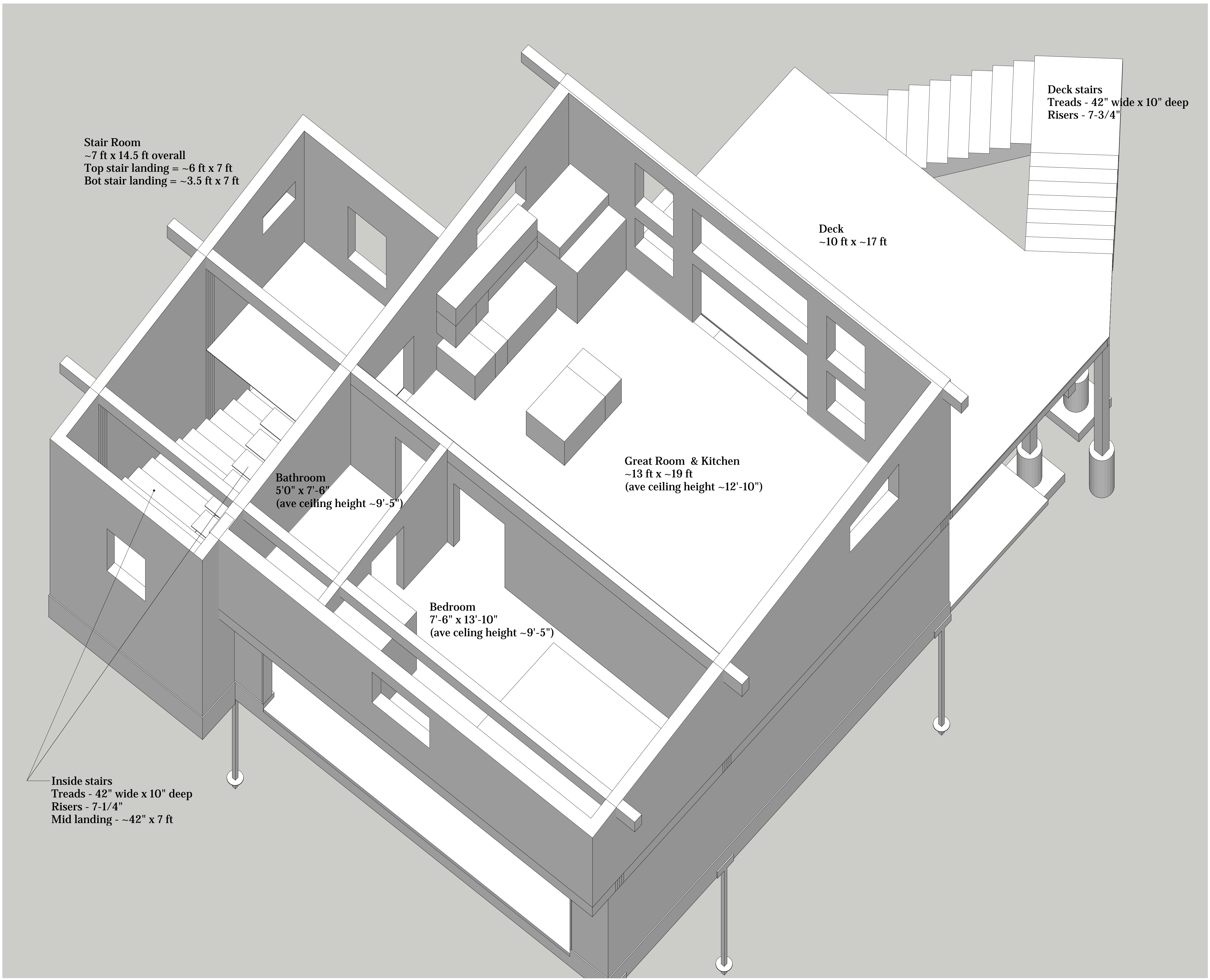


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Garage Apartment, Crawford Residence, Dillon Colorado

ELEVATION PLAN



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Garage Apartment, Crawford Residence, Dillon Colorado

FLOOR PLAN