

**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, 3<sup>rd</sup> 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 1<sup>st</sup>. 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