

**TOWN OF DILLON  
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING  
WEDNESDAY, JUNE 3, 2020  
5:30 p.m.  
VIRTUAL MEETING VIA MICROSOFT TEAMS  
CONFERENCE ID: 750 921 592#**

**CALL TO ORDER**

The regular meeting of the Planning and Zoning Commission of the Town of Dillon, Colorado, was held on Wednesday, June 3, 2020 by electronic participation through the Microsoft Teams application. Chair Teresa England called the meeting to order at 5:35 p.m. Commissioners present were Teresa England, Charlie Oliver, Bill Engelman and Alison Johnston. Staff members present were Dan Burroughs, Town Engineer; Ned West, Town Planner; Nicolas Cotton-Baez, Town Attorney and Jo-Anne Tyson, Recording Secretary.

**APPROVAL OF THE MINUTES OF MAY 6, 2020 REGULAR MEETING**

Commissioner Johnston moved to approve the minutes from the May 6, 2020 regular meeting. Commissioner Oliver seconded the motion, which passed unanimously.

**CONSIDERATION OF RESOLUTION PZ 05-20, SERIES OF 2020 (PUBLIC HEARING)**

A RESOLUTION RECOMMENDING THE APPROVAL OF A MAJOR PUD AMENDMENT FOR THE DILLON URGENT CARE & RESIDENCES PUD DEVELOPMENT PLAN LOCATED AT 956 W. ANEMONE TRAIL.

**PUBLIC HEARING (Continued):**

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. This public hearing was continued from the May 6, 2020 Planning and Zoning Commission meeting so the applicant could address several citizen concerns regarding: building height and obstruction of views, signage and light pollution, noise and traffic, decreased property values of the surrounding properties, landscaping, and snow storage.

Chair Teresa England opened the hearing at 5:40 p.m.

Ms. England announced that the record reflects that proper notification was given for the May 6, 2020 hearing on this Application. Because the public hearing on the Application was continued before the close of the public hearing on May 6, no additional notice was provided or required following the continuance.

Architect Eric Smith with Eric Smith & Associates presented the attached PowerPoint presentation highlighting the revised items to the Dillon urgent Care Amended P.U.D. Mr. Smith explained the building height of the condominium building has been lowered below what is allowed per Town of Dillon Municipal Code; 8925.5 for the main building and 8933.5 for the elevator tower. Other revisions include: the removal of the Urgent Care signage on the East side of the building, the Snow Storage Plan has been adjusted and additional snow storage West of the surface parking area was added.

Town Engineer Dan Burroughs presented the staff summary and reviewed the Amended P.U.D. revisions with the Commissioners.

**PROJECT LOCATION:**

Located at 956 W. Anemone Trail, Dillon.

**SUMMARY:**

The Town of Dillon has received a Level IV Development application for a Major Amendment to the Dillon Urgent Care and Residences PUD Development Plan (the “PUD”). The approved PUD consists of a phased construction project containing a commercial building on Lot 45A, and a residential condominium building on Lot 45B.

The Lot 45A phase would consist of the construction of a commercial clinic building, utility and drainage infrastructure, and the commercial parking lot. The commercial building would contain an Urgent Care center with three (3) attached Workforce Housing apartment units to be used by employees of the clinic to ensure staffing of the clinic.

The Lot 45B phase of the project consists of an 18-unit condominium building with underground parking garage and resident storage units on the backside of the building.

***Building Heights:***

Mr. Burroughs stated that the developer lowered the Lot 45B roof elevation and adjusted the Lot 45B building floor elevations to provide a condominium building that does not exceed the Maximum allowable heights calculated in the Mixed-Use (MU) zone district.

PUD Lot designation Base Elevation Max Height (35’)\*

Lot 45A (Clinic building) 8883.0: Maximum Allowable Height=8918.0’

Lot 45B (Condominium Building) 8890.5’: Maximum Allowable Height=8925.5’

He stated that the Dillon municipal Code allows for an additional 8’ of height above the maximum height to be used for elevator towers and rooftop mechanical equipment which is not being requested with this project.

Both the architect and Mr. Burroughs stated the building height was dropped into the site. This allowed the garage ceiling to be lowered by 2’, floor ceilings by 6” and a reduced roof pitch which generated a 7’ building height reduction which makes the project smaller on the lot.

***Site changes:***

The main change to the site was adding a second driveway to the east end of the condominium building, along the eastern property line adjacent to the Dillon Dam Brewery development. The residential building garage level is now 5.5’ above the finished floor elevation of the clinic, which made access through the clinic parking lot not possible. The new 20’ driveway will be constructed within the 25’ wide sanitary sewer easement located along this property line. From a sanitary sewer maintenance, grading, and access standpoint, this arrangement is desirable to the Town.

This new driveway shifted the clinic building and the commercial parking lot about 6 feet to the west. The parking lot is still outside the utility easement on the west side, and some trees are also proposed to screen the parking lot from the townhome complex along the west side of the street.

The previously proposed retaining wall along the back, or south side, of the condominium

building has been eliminated and replaced with grading. This wall was required to dig the previous proposal into the hillside with the garage floor seven feet lower.

**Yards (Setbacks):**

The following table demonstrates the previously approved setbacks and a proposed adjustment to the front yard as requested in this PUD amendment.

<b>Yard (Setback)</b>	<i>Approved PUD</i>	<i>Amended PUD</i>	Explanation
Front Yard	<i>25 feet</i>	<i>21 Feet</i>	When the building shift to the west the northwest corners of the building ended up encroaching into the 25’ setback
Side Yard	<i>10 feet</i>	<i>10 Feet</i>	No Change
Rear Yard	<i>20 feet</i>	<i>20 feet</i>	No Change

**Landscaping:**

The landscaping plan has been revised to accommodate the new site proposal. Trees are provided around the detention pond and on the east side of the clinic building between the building and the driveway. Trees are also proposed on the west side of Lot 45A between the parking lot and the townhome project next door. This PUD amendment approves the tree quantity, mix, and layout as presented.

**Residential complex unit mix:**

Both the approved and proposed PUDs have 18 units for Lot 45B. The residential unit mix of the approved PUD is six (6) 3-Bedroom Units and (12) 2-bedroom units. The proposed amendment revised the unit mix to be three (3) 1-bedroom units, five (5) 2-Bedroom units, five (5) 3-Bedroom units, and five (5) 4-bedroom Units. The new configuration reduced the required parking spaces from 36 down to 35 parking spaces.

**Parking:**

The commercial parking lot was expanded to include one additional space for a total of 16 spaces. The 3,649 gross square foot clinic building requires 10 parking spaces, and the three studio apartment requires 5 more parking spaces for a total of 15. The proposed PUD provides one additional parking space above the code requirement.

The residential parking garage located on the lower level of the building requires 35 parking spaces with the new unit mix configuration. The new eastern driveway entry into the parking garage allows a more efficient parking layout with 37 spaces, which is two spaces more than the code requirement, and one more space than approved in the existing PUD.

**Architecture:**

The architecture of both buildings is essentially the same as the approved.

**PUD Sign Plan:**

The PUD sign plan approved by the minor PUD amendment in July of 2019 allowed for four building signs with a total combined area of 247 square feet. The PUD amendment is requesting

four building signs and two small driveway signs for a total of 222 square feet. The amended PUD request reduces the proposed amount of signage by 10% below the sign area previously approved. The proposed amendment proposes a revised PUD sign plan with the following dimensional standards:

Lot 45A: Urgent Care Sign 2 at 85 Square Feet (Facing North)

Lot 45A: Sign 2B was deleted

Lot 45A: Urgent Care Sign 3 at 32 Square Feet (Facing West @ clinic entry)

Lot 45A Signage Total = 117 Square feet

Lot 45B: Multi-family Tower Sign 1A at 74 Square Feet

Lot 45B: Multi-family Entry Sign 1B at 25 Square Feet

Lot 45B Building Signage Total = 99 Square Feet

Residential Driveway Entry Sign at 3 Square Feet

Clinic Driveway Entry Sign at 3 Square Feet

Total driveway entry signage = 6 Square Feet

Total PUD Sign Plan Area: 222 Square feet

Sign 1A exceeds the twenty foot (20') maximum length set forth in the Code when applied to the vertical orientation of the sign.

***Conditions of Approval Revisions:***

Condition "D" was modified to reflect the new fire hydrant configuration.

Condition "E" the sanitary sewer easement encroachment language was expanded to include the new residential driveway and the concrete stairways next to the building.

*Condition "I" was modified to reflect the maximum height of the building shall conform to the underlying MU zone district height provisions.*

Condition "K" was modified to have the Developer haul off snow when the snow storage areas are full.

*Condition "M" was amended to reflect the revised PUD sign plan.*

Condition "N" clarified the need for the Developer to submit a separate development application to obtain approval of a condominium map for the Residential Building on Lot 45B.

Condition "Q" was added to require a new access easement across Lot 45A between the W.

Anemone Trail and the Lot 45B property line for access to the residential condominium building on Lot 45B.

**PUBLIC COMMENTS:**

Written Public comments were read into the record by Harry Saulsman and David Servinsky respectively and can be found in Attachment "A".

The following members of the public addressed the Commission with additional testimony; Rene Marusaz, Suzanne Pugsly, and Dean Kinboln. Their comments are summarized as follows:

Not all items of issue have been addressed including the absence of a retaining wall on the south side of the lot.

The project's height reduction and proposed changes are unacceptable. Has the applicant followed the Town of Dillon Design Guidelines?

The project obstructs the views from neighboring buildings. The project is ugly and does not fit in the neighborhood.

The snow storage plan does not appear to be any more functional than the original plan.

Erosion control measures should remain on the project's property, not on adjacent land.

**COMMISSIONER QUESTIONS:**

The Commissioners complimented the applicant and architect on their thorough job addressing community feedback and questions. The Commissioners asked several questions regarding:

Fit in relation to neighborhood: How does this building fit in relation to the existing neighborhood? The applicant provided a "purple cloud" visual rendering indicating the Project's actual height and placement related to the neighboring buildings and demonstrated that the height of the building is now below what the code allows.

Landscaping: The building appears to be crammed into the lot and how do you explain the reduction in landscaping? The PUD amendment meets landscaping requirements. It provides for trees around the detention pond, on the east side of the clinic building, and on the west side of Lot 45A between the parking lot and the townhome project.

Open Space Requirements: Have open space requirements been met? Mr. Burroughs clarified that the term "open space" is for private outdoor space for each residential unit, and not a site coverage land use concept. All unit decks meet Dillon Municipal Code requirements: 50 sq ft for studio units, 100 sq ft for 2, 3, & 4-bedroom units. Open space requirements have exceeded Dillon Municipal Code requirements.

Parking: Have all parking requirements been met? The proposal has met the parking requirements: eleven (11) spaces are allocated for the Urgent Care Clinic along with five (5) spaces for the studios associated with the Clinic. Residential parking requirements have also been met:

- 5 spaces for 3, 1-bedroom units
- 10 spaces for 5, 2-bedroom units
- 10 spaces for 5, 3-bedroom units
- 10 spaces for 5, 4-bedroom units

**PUBLIC HEARING CLOSED:**

Chair Teresa England closed the public hearing at 6:55 p.m.

**RECORD OF PLANNING COMMISSION ACTION:**

Commissioner Allison Johnson moved to approve Resolution No. PZ 05-20 Series of 2020. Commissioner Charlie Oliver seconded the motion, which passed unanimously.

Mr. Burroughs commented that this application will be heard before the Dillon Town Council at their regularly scheduled meeting on June 16, 2020.

**CONSIDERATION OF RESOLUTION NO. PZ 06-20, SERIES OF 2020**

A RESOLUTION APPROVING A LEVEL III DEVELOPMENT PERMIT FOR AN ACCESSORY STRUCTURE ON COMMERCIAL ZONED PROPERTY LOCATED AT 166 LAKE DILLON DRIVE.

**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.

Chair Teresa England opened the hearing at 7:03 p.m.

**REVIEW PROCESS & PUBLIC HEARING NOTICE:**

Level III Applications require a public hearing before the Planning and Zoning Commission. Town staff advertised the public hearing in the legal section of newspaper in general circulation in Summit County, posted the site and public notification locations, and sent out a mailing to property owners within three-hundred feet (300') of the property. The Code requires notification of public hearings not more than fourteen (14) days and not less than seven (7) days prior to the hearing date and the notifications met these dates.

Applicant Gary Carver with Century Link stated they are requesting an accessory structure on their property located at 166 Lake Dillon Drive.

Ned West, Town Planner, presented the staff summary. He reported that CenturyLink has submitted an application for a Level III Development Permit application for an accessory structure larger than 200 square feet on a commercially zoned property. The accessory structure will provide protected parking for three CenturyLink vehicles: two trucks with man-lifts and a snow cat. A six (6) foot privacy fence is also proposed to contribute to screening the development.

The Dillon Municipal Code (“Code”) requires a Level III Development Permit application for an accessory structure greater than two hundred (200) square feet in a non-residential zoned area. The subject lot (Lot 2, Block B, New Town of Dillon Subdivision) is located in the Commercial zone district. The Code also states that building height shall not exceed 40’ in the Commercial Zone Districts and required yards are as follows:

- a. Front yards and street side yards shall be a minimum of twenty-five (25) feet.
- b. Yards abutting a residential zone shall be twenty-five (25) feet.
- c. Side yards shall be ten (10) feet.
- d. Rear yards shall be twenty (20) feet.

Further, accessory structures should be architecturally compatible and “harmonious” with primary structures with natural earth tones preferred. The Code states that ‘Building materials *should* be predominantly natural, such as wood siding, shingles, native stone and brick’ however, other materials may be considered, especially when contributing to harmony with the primary structure, the use of the accessory structure, and considering the specifics of a particular application.

**PROJECT LOCATION:**

Located at 166 Lake Dillon Drive, Dillon

**SUMMARY:**

The existing building on site is an industrial appearing building without windows. The building has vertical features on the siding that provide it with dominant ‘texture’ when viewed from a distance. The proposed accessory structure is a wood frame building with painted steel vertical seem siding panels, painted steel trim and painted steel roof materials. It has three garage doors and a roof that sheds away from the door openings.

The equipment to be parked in the structure includes two trucks with booms or lifts and a snow cat. CenturyLink needs the equipment to be parked inside a protective structure such that they can immediately respond to customer needs and outages. The trucks have a parked height of 10'-11" and could be higher depending on how configured.

The accessory structure meets the 20' rear yard setback and maximum building height of the commercial zone district and is architecturally compatible with the existing improvements on the site. The vertical siding has a similar texture as the primary structure and has an Earth tone color similar to the primary structure.

**PUBLIC COMMENTS:**

There were no public comments.

**COMMISSIONER QUESTIONS:**

The Commissioners asked several questions regarding building security, snow storage, and building accessibility.

**PUBLIC HEARING CLOSED:**

Chair Teresa England closed the public hearing at 7:20 p.m.

**RECORD OF PLANNING COMMISSION ACTION:**

Commissioner Allison Johnson moved to approve Resolution No. PZ 06-20 Series of 2020. Commissioner Charlie Oliver seconded the motion, which passed unanimously.

**CONSIDERATION OF RESOLUTION PZ 07-20, SERIES OF 2020**

A RESOLUTION RECOMMENDING APPROVAL OF A LEVEL IV DEVELOPMENT APPLICATION FOR A PUD MASTER SIGN PLAN FOR THE MULTI-TENANT BUILDING AT 35 DILLON RIDGE ROAD.

**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.

Chair Teresa England opened the hearing at 7:23 p.m.

Dave Chandler with Verizon stated they are looking to update the roof mounted signage in addition to adding new signs to the northern side of their building located at 35 Dillon Ridge Road.

Mr. West reported that Cellular Plus, LLC submitted an application on behalf of the property owners KTIG LLC, SIG LLC, and DONFIG LLC for a Level IV Development Permit application for a Planned Unit Development (“PUD”) Master Sign Plan to provide for signage display criteria that differ from the standard provisions of the Code. The existing signs on the building are located on a mansard roof architectural feature on the building. These sign installations are not typically permitted by the Dillon Municipal Code (“Code” or “DMC”) and therefore require a PUD sign plan. The Applicant is seeking to update the sign and continue to display it on the mansard roof. The PUD master sign plan also adds new signs to the northern, parking lot side of the building.

For multi-tenant buildings with tenant spaces of 2,500 square feet to 5,000 square feet, the Code permits forty (40) square feet of building signage to be used in one (1) or two (2) signs, and a provision for an additional ten

(10) square feet for signs in the case where roof overhangs impact sign installation locations. Multi-tenant buildings are also provided seventy-five (75) square feet of signage for building identification (DMC Sec. 16-11-460). The building contains two 2,500 square foot tenant spaces. The total amount of signage provided for by the Code could be one-hundred seventy-five (175) square feet. Roof signs, including mansard roofs, are prohibited with the exception that signs may be allowed for false storefronts or fascia if the sign does not exceed the roofline over the primary walls of the building. The DMC allows an Applicant to request deviations from the Sign Regulations through the PUD process.

### **EXISTING SIGN:**

The existing master sign plan for the building provides for forty (40) square feet of signage for each tenant to be mounted on the mansard roof on the southern side of the building. The existing master sign plan also permits a freestanding sign with two sign panels, one that is approximately thirty-eight (38) square feet for the western tenant space (Einstein's Bagels) and eleven (11) square feet for the eastern tenant space (Verizon – Cellular Plus). The existing signs were previously approved without regard to the mansard roof prohibition, as the roof may have been interpreted to be a false store front or fascia as opposed to a mansard roof. This PUD master sign plan addresses the mansard roof issue, regardless if it is considered a false mansard roof or not.

### **SUMMARY:**

The proposed PUD Master Sign Plan provides for the following signs:

Tenant #1 Eastern Tenant (35A Dillon Ridge Road) Verizon Cellular Plus:

-45 Square Feet of signage on the southern mansard roof in the existing sign location

-15 Square Feet of signage on the northern side of the building mounted on the timber gable structure in front of the store entrance

Tenant #2 Western Tenant (35B Dillon Ridge Road):

-45 Square Feet of signage on the southern mansard roof in the existing sign location

-15 Square Feet of signage on the northern side of the building mounted on the timber gable structure in front of the store entrance

Freestanding sign:

Tenant #1: 11 Square Foot Sign Panel

Tenant #2: 38 Square Foot Sign Panel

The total signage requested with the PUD Sign Plan is rounded to be one-hundred sixty-nine square feet (169.0 SF).

### **REVIEW PROCESS & PUBLIC HEARING NOTICE:**

Level IV Applications require public hearings before both the Planning and Zoning Commission and the Town Council. Town staff advertised the public hearing in the legal section of newspaper in general circulation in Summit County, posted the site and public notification locations, and sent out a mailing to property owners within three-hundred feet (300') of the property. The Code requires notification of public hearings not more than fourteen (14) days and not less than seven (7) days prior to the hearing date and the notifications met these dates.

### **PUBLIC COMMENTS:**

There were no public comments.

### **COMMISSIONER QUESTIONS:**

The Commissioners asked several questions regarding sign upgrades and placement.



**PUBLIC HEARING CLOSED:**

Chair Teresa England closed the public hearing at 7:43 p.m.

**RECORD OF PLANNING COMMISSION ACTION:**

Commissioner Allison Johnson moved to approve Resolution No. PZ 07-20 Series of 2020. Commissioner Charlie Oliver seconded the motion, which passed unanimously.

**PUBLIC COMMENTS**

There was no public present at Public Comments Sign In, no public comments were made on items not on the agenda.

**PROJECT UPDATES:**

- Panera Bread: Construction begins next week, beginning with the 4-way stop. The applicant is moving forward with the original wall design.
- Vail Health: The building is going up quickly and is expected to be completed mid-summer 2021.

**OTHER BUSINESS:**

- When new applications are filed, we should consider asking applicants how they will mitigate parking and access constraints for other businesses.
- Ice Castles will be returning to Dillon for the 2020-2021 season.
- Town Park construction is on hold due to COVID-19 budget constraints.
- Dillon Farmer's Market begins Friday, June 12.
- Dillon Amphitheater concerts are not currently allowed due to Health Department Rules.

**ADJOURNMENT**

There being no further business, Teresa England adjourned the meeting at 8:00 p.m.

Respectfully submitted,

*Jo-Anne Tyson*

Jo-Anne Tyson  
Secretary to the Commission