

**TOWN OF DILLON  
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING  
WEDNESDAY, FEBRUARY 21, 2024  
5:30 p.m.  
DILLON TOWN HALL**

**CALL TO ORDER**

The regular meeting of the Planning and Zoning Commission of the Town of Dillon, Colorado, was held on Wednesday, February 21, 2024, at Dillon Town Hall. Chair, Alison Johnston, called the meeting to order at 5:30 p.m. Commissioner's present were Michael Parsons, Mark Cribbet, Suzanne Pugsley, and Timothy Pillow. Staff members present were Ned West, Sr. Town Planner; Nicolas Cotton-Baez, Town Attorney; Jonathan Blank, Planner I; and Libba Muzi, Secretary to the Commission.

**APPROVAL OF THE MINUTES OF MARCH 2, 2024, REGULAR MEETING**

Commissioner Pugsley moved to approve the minutes from the March 2, 2022, regular meeting. Commissioner Cribbett seconded the motion, which passed unanimously.

**PUBLIC COMMENTS**

There were no public comments.

**CONSIDERATION OF RESOLUTION PZ 01-24, SERIES OF 2024 (PUBLIC HEARING)  
A RESOLUTION RECOMMENDING APPROVAL OF A LEVEL IV DEVELOPMENT  
APPLICATION FOR A PUD DEVELOPMENT PLAN FOR 626 & 652 LAKE DILLON  
DRIVE AND 153 & 223 W. LA BONTE STREET.**

**PUBLIC HEARING:**

A Public Hearing is required for a resolution recommending approval of a Level IV Development Application. The Planning and Zoning Commission shall open a Public Hearing and hear testimony from the Applicant, Town staff and any public testimony provided during the Public Hearing.

Chair Alison Johnston opened the public hearing at 5:35 p.m.

Applicant Jake Porritt, Lake Dillon, LLC, gave a general overview of the proposed plans.

The Porritt Group's architect gave a detailed presentation of the proposed development.

Ned West presented a presentation on behalf of Town Staff.

**SUMMARY:**

**APPLICATION:**

Lake Dillon, LLC submitted a Level IV Development Permit PUD application for a Branded Residential Project on December 21, 2023. The application representative is Jake Porritt.

**FEE:**

An application fee of \$5,050 was paid for a Level IV PUD development application in accordance with the Schedule of Fees set forth in Appendix 19-A of the Dillon Municipal Code (“DMC” or “Code”). The applicant has also entered into a Cost and Funds Deposit Agreement with the Town to cover consultant review fees, as set forth in the Code.

**PROJECT NAME:**

The name of the project for the land use review process is “626 Lake Dillon Drive Branded Residential Residence.” The project name will change in the future to align with the desires of the Town, the developer, and the supporting brand.

**BRANDED RESIDENTIAL:**

The term “Branded Residences” refers to real estate property typically in a mixed-use development with residential condominiums, retail, and commercial components. A “Branded residence is the latest trend in the global real estate market.”<sup>1</sup> This project is proposed with residential condominium units to be sold to private investors for their use as secondary residences and vacation homes with a quarter annual stay potential while being managed by a brand and yielding an income without the investor having to manage leasing and maintenance concerns.

**EXISTING CONDITONS:**

The site currently has a hotel comprised of four buildings covering three lots. One of the lots was created by combining two lots. On a third lot there is a restaurant and bar building. The site has surface parking, sidewalks, driveways, and patios, and in all the site is hardscaped to approximately 60% of the total combined lot areas.

**CURRENT ZONING:**

The current zoning for the existing hotel and restaurant site is Residential High, or RH.

**PLANNED UNIT DEVELOPMENT (PUD):**

- May be made for land in any zoning district.
- Encourage flexibility in the development of land.
- A PUD is an overlay over underlying zoning.
- Specific requirements and standards unique to the planned development.
- Mixed-use developments are encouraged.

**PUD PROCESS:**

- Application completeness review
- Referrals
- Schedule the public hearing
- Public notice – mailings, publication & postings
- Planning Commission Public Hearing
- Town Council Public Hearing
- Development Agreement

**HEARING NOTICE:**

The mailing was postmarked and mailed on Wednesday, February 7, 2024; the legal notice ran in the paper on Friday, February 9, 2024; the notice was posted at Town Hall and the site was posted on February 7, 2024. These posting dates conform to the Code requirement of not less than seven (7) days and not greater than fourteen (14) days prior to the public hearing for the hearing notices to be posted, mailed, and published.

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PROJECT DESCRIPTION AND PROJECT STATISTICS:

The Applicant proposes the following:

-A five-story mixed use developed comprised of residences, retail, and restaurant space with a total enclosed floor area of 485,225 square feet.

-54% Residential comprised of 200 Residential units comprised of studio, 1-bedroom, 1-bedroom + den, 2-bedroom, 2-bedroom + den, and 3-bedroom condominiums with an average unit size of 1,006 square feet.

-Nearly 29,000 square feet of balconies.

-A private common, rooftop terrace of 4,210 square feet.

-Three (3) restaurants totaling approximately 9,235 square feet, one of which being a rooftop restaurant and bar overlooking Lake Dillon and the Ten Mile Range.

-6% Commercial / Retail space totaling approximately 21,605 square feet.

-39% parking. A two-level parking structure beneath the development providing 480 total parking spaces.

-Public and private amenity areas including:

-Public: landscaped plaza, outdoor dining, and observation tower.

-Private: pool and terrace, fitness room, residential lobby, a party room, and concierge station with proposed mail and package service.

OFF-STREET PARKING:

Based on the residential unit count and the Code requirements, the following parking is required

- 109 One Bedroom Condominiums = 164 parking spaces
- 81 Two Bedroom Condominiums = 162 parking spaces
- 10 Three Bedroom Condominiums = 25 parking spaces
- 21,605 square feet of Retail Space = 54 parking spaces
- 9,235 square feet of Restaurant Space = 77 parking spaces

The total parking spaces required are therefore 482 parking spaces. The PUD Application proposes 480 parking spaces, and the parking standards may be deviated through a PUD approval process.

Given that the condominium owners will typically have ninety (90) days of occupancy and the remainder of the time the units will be leased through the property management company one could evaluate the parking as you would for hotel, lodging, or what is often referred to as transient residential. Based on the analysis and the Code criteria of providing 1.1 parking space per bedroom, coupled with the retail and restaurant parking, the alternate analysis requires 463 parking spaces.

With the requirement that all residential parking be provided on site, the commercial parking can be accommodated by adjacent parking areas on Lodgepole Street and the Marina Park parking lot.

The accessible parking will be provided on site and a total of nine (9) ADA compliant parking spaces are required, two (2) of which must be van accessible in accordance with the Code provision requiring 1 van accessible space per every six (6) required ADA space.

**BICYCLE PARKING:**

- The Code nor the PUD application currently address bicycle parking.
- The Commission could consider amending the resolution to require a certain amount of bicycle parking as a condition of approval.
- For instance, 5% of the 480 provided parking spaces would be 24, which might be a reasonable bicycle parking requirement for consideration.

**YARDS OR SETBACKS:**

Required yards in the RH zone are as follow:

- Front yards shall be a minimum of twenty (20) feet.
- Side yards shall be a minimum of ten (10) feet.
- Street side yards shall be a minimum of twenty (20) feet.
- Rear yards shall be a minimum of twenty (20) feet.

The proposed yards align with the Core Area (CA) zone district, and the CA zone allows zero setback development. The CA zone requires a 25 foot setback from adjacent residential developments, which the Application does at grade with rooftop vegetation to buffer areas where the subterranean parking structure encroaches within the 25 foot yard. As such the project provides the buffer area to the adjacent residential developments.

**BUILDING HEIGHT:**

To determine building height the base elevation, or average site elevation is calculate based on the high and low point contacts of the building foundation with the existing grade. The median base elevation is calculated to be 9,068.9 feet.

- RH Zone = 35' + 8'
- CA Zone = 50' + 8'
- PUD Application = 55.4' to top of residential roofs & 63.4' for Observation Tower and Rooftop Mechanical Screening

Note: The +8' applies to the building height in all zone districts and is intended to accommodate non-inhabitable space, mechanical units, and elevator penthouses.

The relative building height to adjacent areas varies from one story along Lodgepole Street, to three, four, and five stories in other locations. In general, the building is designed with roof lines that step down along with the grade which provides a more architecturally pleasing appearance versus one long, unvaried roof line. If considering the relative building height at the Corner of Lake Dillon Drive and W. La Bonte Street where the building is sited some 78 feet away from the corner, the relative building height is 47 feet. Adjacent to the Timberline Condos on the west side of the site, the relative height is 45.3' while being sited some 40 feet away.

**OPEN SPACE:**

- Public Observation Tower
- Public Outdoor Dining and Plaza
- Public Rooftop Restaurant with Outdoor Dining
- Private Pool Terrace
- Private Rooftop Terrace
- Private Balconies and Patios

**LANDSCAPING:**

Although the existing trees, all Lodgepole Pines with a few Aspen trees, will be removed for the site for the proposed development, landscaping is proposed on all sides of the development to include evergreen and deciduous trees, shrubs, and grasses. The greenbelt plaza is anticipated to be landscaped and detailed with furnishings and potential public art.

#### WATER AND SEWER TAPS:

A preliminary evaluation of the required taps, in conjunction with the credit available for the existing hotel and restaurant yields a required additional 158 EQRs (taps). The Town has adequate sewer capacity at the Joint Sewer Authority (JSA) to serve the proposed project and yet has substantially more available for future needs.

- Town is currently performing a capacity study
- Applicant will provide a utilities engineering report stating impacts to the Town's water and sewer utilities.
- Current water plant production can accommodate the proposed demand for this project and others currently being considered. Studying expansion up to 2.67 cfs.
- Current demand is around 1.1 cfs.
- Sewer capacity at the JSA is available to the Town through existing EQRs of approximately 700.

#### ARCHITECTURE:

The "Mountain Lakestyle" elements found in the adopted 2017 Dillon Design Guidelines are referred to throughout the architectural aesthetic of the proposed building. Natural materials and varied materials are proposed.

#### SIGNS:

A part of the PUD is to have a project specific and coordinated PUD Sign Plan. Signs will be for the building identification of the residential complex and for retail and restaurant spaces. The Sign Plan includes:

- 8 Tenant Signs 12'-0" x 1'-4" on the eastern / Lake Dillon Drive face of the building.
- 4 Tenant Signs 12'-0" x 1'-4" on the southern / Lodgepole Street face of the building.
- 2 Tenant Signs 12'-0" x 1'-4" on the northern / W. La Bonte Street face of the building.
- 1 to 2 Main Residence Sign 12'-0" x 6'-4"
- 1 Freestanding Double Sided Sign 8'-0" x 3'-0"
- Internally illuminated, halo lit, or downcast with subdued lighting.
- Non-flashing
- Signs to be of consistent materials and colors.

#### TRAFFIC:

The traffic report is still being worked on by the traffic engineer. It is required to be submitted and reviewed and approved by the Town Engineer. Although the trip generation for the site may double, the current roadway infrastructure is anticipated to have no trouble accommodating the increase. It is also believed that the retail and restaurant uses will have a substantial amount of complex residents, so they will not be seeking additional parking.

#### VIEWS:

The Developer listed to feedback he had received and set the building a substantial distance away from the corner of Lake Dillon Drive and W. La Bonte Street as well as an even greater distance back from the intersection of Lake Dillon drive and Lodgepole Street. Those setbacks are 78 feet and over a hundred feet, respectively. The green belt provides views down Lake Dillon Drive and reduces the massing and view impacts associated with Lake Cliffe across Lake Dillon Drive from the site.

**SUMMARY OF THE DEVELOPMENT:**

1. Retail and Restaurant uses totaling approximately 6% of the development in a mixed-use building in the Residential High (RH) zone district.
2. Commercial parking offsite totaling two (2) spaces with 100% residential parking provided on site.
3. Consideration of an exception to the rear yard setback below grade while maintain required yards above grade. The exception aligns with permissible yards in the Core Area (CA) zone district.
4. Increased building height with a maximum rooftop height of 55.4 feet, with an additional maximum height exception of 63.4 feet for the top of the proposed Observation Tower, elevator penthouses, and rooftop mechanical unit screening.
5. A PUD Sign Plan.

**THE COMPREHNSIVE PLAN:**

The Comp Plan States:

- Increase residential densities, especially in the Town Center area (1-1 & 6-2).
- Recognizes that Dillon is a residential resort community with boundless mountain and lake recreational offerings (3-1).
- Provide a pedestrian parkway along Lake Dillon Drive (4-2).
- The importance of planning for and allowing growth in residential and commercial developments to satisfy needs and allow for choice between properties (5-1).
- Innovative residential land use approaches should be considered throughout the Plan area, and locate retail, service commercial and higher density residential projects near existing and proposed transportation systems (6-1).

**STAFF RECOMMENDATION:**

- Town staff recommends approval of Resolution No. PZ 01-24, Series of 2024

**COMMISSIONER QUESTIONS:**

Alion Johnston started the question portion by inquiring about the inclusion of heated walkways and driveways. The applicant was able to confirm that these were in the plans. She then asked about the need for owners to hold short term rental licenses and the applicant noted that this would be something controlled by the brand they partner with. Lastly, she recommended that employee parking be considered in the parking estimates, as many businesses struggle with accessible parking in town.

Suzanne Pugsley went next and began by asking how parking permits for residents would be guaranteed if there is also public parking available. The applicant clarified that there would be two entrances, one for residents that requires a keyed entry and the other for the public. She then moved on to voicing concerns of snow storage being on top on the landscaping around the lot. The applicant acknowledged that this is not a final plan for snow storage. Lastly, she voiced her desire for the traffic study to be completed before final approval.

Timothy Pillow continued the discussion by clarifying whether these plans meet the setbacks in place. Ned West confirmed that they do. He then questioned the snow drainage off of the flat roof and the applicant was able confirm that interior drainage was in the plan. Lastly, he asked about the anticipated timeline and the applicant shared that 27 months were planned for this project.

Michael Parsons questioned how making the building shorter would affect the types of units that could be available. The applicant explained that originally, they had a shorter plan, but it appeared much larger when it had to be spread out more. He then questioned the implications of illumination that this building would add to

the town. The applicant explained that they have an illumination plan and it will comply with the requirements of the town. Lastly, he questioned how the public lookout tower would be secured. The applicant explained that it would have set hours of operation just like any facility.

Mark Cribbet wanted confirmation that there would be no issues with the amount of EQRs needed for this project. Ned West confirmed there would not be an issue. He then asked for clarification of the use of this building, stating that objectively this is a hotel. The applicant gave a rebuttal as to why it is not, but Nick Cotton-Baez reminded the group of their purpose in this application process and noted this was not a relevant conversation.

**PUBLIC COMMENTS:**

Ken Leach – Dillon Resident – Not in opposition to the plans, just the location.

Julie Workman – Attorney of Best Western – Encouraged Approval

Don Wilson – Non-Dillon Resident – Voiced concern of encroachment of open space

Chuck Savall – Dillon Resident – Opposed. Entered negative Facebook comments into the record.

Tim and Andrea Messino – Dillon Residents – Voiced concern of long construction period and type of development.

Phillip Burrigh – Dillon Resident – Opposed. Voiced concerns over parking, noise and large amounts of change.

Wesley Lange – Non-Dillon Resident – Asked if the applicant had officially purchased the property and voiced concerns over the implementation of more short-term rentals.

Luke Schrotberger – Dillon Resident – Concerned over the proximity to other condominiums.

Eric Kaler – Dillon Resident - Concerned over the blockage of views and the height of the building in relation to other town buildings.

George Swintz – Non-Dillon Resident – Encouraged the Commission to remember their role in this process and to make a decision based on compliance with the Code.

Mario Denafiel – Non-Dillon Resident – Voiced concern about this plan not being a step in the right direction towards solving the housing issue.

Cindy Nixon – Dillon Resident – Concern over current empty retail spaces and how the new spaces will be filled if current ones are still unoccupied.

Linda Oliver – Dillon Resident – Reminded the Commission of their role in this process and reminded the public to voice their concerns to the Town Council.

The Commission received five written public comments to be entered into the record. The citizens listed below submitted a written comment and were all opposition to the development.

Ralph Wyam – Part-time Dillon Resident- Concerned over housing issue and this only emphasizing that issue

Diane Perrigo-Hicks – Opposed to the size of the development and the change of the “small-town feel”.

Deborah Kelly – Dillon Resident – Opposed

Stacey Dawes- Dillon Resident – Concerned over many aspects of the plan including size, noise and proximity to other buildings.

Paul Glick – Dillon Property Owner – Concerned that this is a financially driven development and does not consider the implications it will have on the Town.

Alison Johnston closed the public comment section at 8:04 pm.

**DISCUSSION:**

The applicant was given a chance to respond to the public and took that time to remind them that this plan is continuously being worked on and there are many things that can be improved based on comments made.

The Commission was able to participate in a continued discussion and ask any lingering questions they may have.

Suzanne Pugsley asked if the current parking estimates consider employee parking. Ned explained that it does in the required parking allocations per unit. She then expressed that the height is not appropriate, and she has great concerns over the lighting increase.

Michael Parsons questioned the applicants mentioned study with the townspeople by asking for specific numbers of people that were interviewed. The applicant revealed that ten business owners and ten to twelve property owners were spoken to, but many more were invited. Parsons also asked how these requested variances compared to other projects done in the town. Ned West was able to come up with a reasonable comparison. He continued that question by asking if Ned could generalize the number of variances that are typically allowed. Ned said that each development is a case by case situation.

Alison Johnston asked if the applicant had a brand committed to investing. It was revealed that there are two offers currently on the table.

Timothy Pillow asked where the dumpster would be located, and the applicant shared that it would be indoors.

**PUBLIC HEARING CLOSED:**

Chair Alison Johnston closed the public hearing at 8:36 pm.

**RECORD OF PLANNING COMMISSION ACTION:**

Timothy Pillow made a motion to approve Resolution 01-24, Series of 2024 with the additional conditions that the traffic study is completed and approved by the Town Engineer and that there is a consideration of bicycle parking. Mark Cribbet seconded the motion. The motion passed with Suzanne Pugsley and Michael Parsons in opposition.

**PROJECT UPDATES:**

None discussed.

**OTHER BUSINESS:**

No other Business Discussed.

**ADJOURNMENT**

There being no further business, Alison Johnston adjourned the meeting at 9:15 p.m.

Respectfully submitted,

*Libba Muzi*

Libba Muzi  
Secretary to the Commission