

RECORD OF PROCEEDINGS

**TOWN OF DILLON
TOWN COUNCIL
REGULAR MEETING**

Tuesday, March 19, 2024
6:00 p.m.

CALL TO ORDER & ROLL CALL

A regular meeting of the Town Council of the Town of Dillon, Colorado, was held on Tuesday, March 19, 2024 at Dillon Town Hall, 275 Lake Dillon Drive, Dillon, CO. Mayor Carolyn Skowyra called the meeting to order at 6:00 p.m. and the following Council Members answered roll call: Brad Bailey, Kyle Hendricks, Renee Imamura, Tony Scalise and John Woods. Council Member Dana Christiansen was absent (excused). Nathan Johnson, Town Manager; Mary Kay Perrotti, Finance Director; Police Chief, Cale Osborn; Scott O'Brien, Public Works Director; Ned West, Sr. Town Planner; Jonathan Blank, Planner; Dan Burroughs, Town Engineer; Jessie Klehfoth, Recreation & Events Director; Craig Simson, Marina Director; and Jo-Anne Tyson, Deputy Town Clerk were in attendance.

APPROVAL OF AGENDA

There were no changes to the agenda.

EXECUTIVE SESSION

Mayor Skowyra moved to go into Executive Session at 6:00 p.m., for the purpose of discussion of a personnel matter under Section 3-4(a)(6) of the Town Charter and C.R.S. § 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees, and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under Section 3-4(a)(1) of the Town Charter and C.R.S. § 24-6-402(4)(e), specifically concerning contracts with attorneys representing the Town and the housing project proposed for the US Forest Service Administrative Site on County Road 51. No action was taken during the Executive Session. At 6:40 p.m. Council concluded the Executive Session.

Mayor Skowyra called the regular meeting to order at 7:00 p.m.

APPROVAL OF CONSENT AGENDA

Council Member Imamura moved to approve the following consent agenda:

- i. Minutes of Regular Meeting of March 5, 2024
- ii. Approval of Bill List dated March 12, 2024 in the amount of \$147,196.12 and Payroll Ledger dated March 8, 2024 in the amount of \$129,643.53.

Council Member Woods seconded the motion which passed unanimously.

CITIZEN COMMENTS

- Summit County resident Robin Robson expressed her concern that the Dillon Amphitheater is no longer community friendly or family oriented. She encouraged Council to rethink the direction and future of the facility.

Consideration of Ordinance No. 01-24, Series of 2024

Second Reading and Public Hearing

AN ORDINANCE AMENDING CHAPTER 16 OF THE DILLON MUNICIPAL CODE REGARDING WASTE AND RECYCLING ENCLOSURES

This public hearing was published in accordance with public posting requirements as set forth by the Dillon Municipal Code. Mayor Skowyra opened the public hearing at 7:02 p.m.

Senior Planner Ned West reported that this ordinance amends the Dillon Municipal Code (“DMC” or “Code”) Chapter 16 – “Zoning” related to requirements and design guidelines for trash and recycling enclosures. The Dillon Municipal Code currently lacks clear regulations and design guidelines for waste and recycling enclosures. The Planning Commission studied this topic during several public meetings and approved Resolution PZ 07-23, Series of 2023 recommending the Town Council approve an ordinance amending the Code related to design guidelines for waste and recycling enclosures.

Mr. West further stated that as the proposed Code amendment relates to the Town Center, it is evident that the Town’s stewardship of the area is imperative to consider. The following policies should be considered applicable to the Town Center:

1. The Town of Dillon seeks private development partners to revitalize and redevelop the Town Center.
2. The Town of Dillon is willing to contribute Town Owned lands within the Town Center to future development projects to encourage redevelopment.
3. The Town of Dillon anticipates that a majority of the buildings and parking lots within the Town Center will be part of redevelopment projects at some point in the next 20 years.
4. Because of this redevelopment potential, all existing waste enclosures will be removed and reconstructed on private property at some point in the future.
5. The Town of Dillon desires not to continue providing waste enclosures for private use on Town Owned parcels, thereby ending the Town’s responsibility for maintenance of the structures and cleaning of the existing waste enclosures. At present, it is unclear which businesses use which enclosures and waste receptacles and the Town does not want to continue to arbitrate the occasional disputes between local businesses using these waste enclosures.
6. All future private waste enclosures shall be enlarged to support trash collection, grease collection for restaurants, and recycling efforts.
7. All future waste enclosures will be required to have roofs to protect the containers from the elements and eliminate the need for snow removal activities around them.
8. Developers need to locate waste and recycling enclosures as close to restaurant service areas as possible to maintain clean and sanitary public spaces adjacent to buildings with restaurants.

There were no public comments.

Council did not have any questions nor comments.

Mayor Skowrya closed the public hearing at 7:11 p.m.

Council Member Imamura made a motion to approve Ordinance No. 01-24, Series of 2024. Council Member Woods seconded the motion, which passed unanimously.

CONSIDERATION OF ORDINANCE 02-24, SERIES OF 2024
AN ORDINANCE APPROVING A LEVEL IV DEVELOPMENT APPLICATION FOR
A PUD DEVELOPMENT PLAN FOR 626 & 652 LAKE DILLON DRIVE AND 153 &
223 W. LA BONTE STREET

This public hearing was published in accordance with public posting requirements as set forth by the Dillon Municipal Code. Mayor Skowrya opened the public hearing at 7:12 p.m.

Applicant Jake Porritt, Lake Dillon, LLC gave a brief history of his submitted a Level IV Development Permit PUD application for a Branded Residential Project to the town. He stated his desire is to support the growth of the Town of Dillon and the application has been in the process for over a year. His team received public feedback and the project has been scaled back to accommodate the goals of the community.

Senior Planner Ned West reported that the subject project is for a land use review process named “626 Lake Dillon Drive Branded Residence.” The term “Branded Residences” refers to real estate property typically in a mixed-use development with residential uses, retail, and commercial components. 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.

The current conditions of the property include a commercial development with a hotel containing 73 leasable rooms, including one caretaker’s unit. The hotel has a conference room and continental breakfast service and kitchen. There are four (4) separate, one and two-story hotel buildings totaling approximately 39,750 square feet of floor area, situated on three (3) different parcels of land with abutting lot lines. The property also includes a restaurant and bar building of approximately 4,500 square feet on a fourth parcel. The site is also covered with approximately 70,000 square feet of hardscapes for parking, driveways, patios, and sidewalks. Surface parking is a dominant feature of the existing site. In all, the approximately 161,200 square foot site (3.7 acres) is covered with approximately 97,000 square feet of structures, hardscapes, and surface parking, or approximately 60% of the total site area.

Mr. West stated that the Applicant proposes the following through the PUD Development Plan:

- A five-story mixed use developed comprised of residential condominiums, retail, and restaurant space with a total enclosed floor area of 485,225 square feet.
- 200 Residential units comprised of studio, 1-bedroom, 1-bedroom + den, 2-bedroom, 2-bedroom + den, and 3-bedroom condominium units with an average unit size of 1,097 square feet.
- The branded residence developed as conceived will be privately owned condominiums that will be managed for short-term rentals by a “brand” operator, such as a leading hotel company.
- Public and private amenity areas including:

- Public: large, landscaped plaza and green belt; woonerf terrace; outdoor seating and dining; observation tower; street furniture; and bike racks.
- Public outdoor amenity space of 42,745 square feet.
 - Private: pool and terrace; fitness room; residential lobby; guest laundry rooms; a party room; and concierge station with proposed mail and package service.
- Nearly 29,000 square feet of balconies, a private pool terrace of 12, 215 square feet, and a private common, green rooftop terrace of 4,210 square feet.
- The private open space afforded each residential unit is an averaged 201 square feet.
- Three restaurants totaling approximately 9,235 square feet, one of which being a rooftop restaurant and bar overlooking Lake Dillon and the Ten Mile Range.
- Retail space totaling approximately 21,605 square feet.
- The restaurants and retail spaces combine to comprise approximately six percent (6%) of the residential condominium development.
- A two-level parking structure beneath the development providing 484 total parking spaces.

The Application proposes a mixed-use development that is primarily multi-family residential condominiums at 54% comprised of 200 units, with commercial offerings at 6%, and 39% in structured parking. The Commercial uses of retail and restaurant are not identified as permitted uses in the RH zone and are thus established uses through the PUD. The application proposes 200 residential units on 3.7 acres. This equates to approximately 54 units per acre which is a permitted density in the zone district. This density complies with the RH zone district (15-65 units / acre) which would allow up to 240 residential units. The property is adjacent to multi-family residential developments to the west; the Core Area Zone District to the north and northeast; multi-family residential to the east; and the Dillon Amphitheater and Marina Park to the south. Public parking areas are provided on Lodgepole Street, south of the proposed development, in Marina Park to the southeast of the proposed development, as well as in the Core Area (CA) zone district to the northeast. The proximity of the CA zone and the existing commercial development on the site are motivating factors for the Applicant to propose zoning provisions through the PUD essentially equal to those of the CA zone. Mr. West reported that adjacent properties all have short-term rental licenses issued by the Town and the proposed project provides 484 parking spaces, including nine (9) accessible parking spaces of which two (2) are van accessible spaces, satisfying the town's parking requirements. He reported that the proposed redevelopment site is zoned Residential High (RH) which provides for the following yards (setbacks):

- a. Front yards shall be a minimum of twenty (20) feet.
- b. Side yards shall be a minimum of ten (10) feet.
- c. Street side yards shall be a minimum of twenty (20) feet.
- d. Rear yards shall be a minimum of twenty (20) feet.
- e. Yards shall be landscaped as provided in Article VII.

The proposed redevelopment project has residential uses to the west of the PUD property. The proposed project is designed to provide a minimum of twenty-five (25) foot side and rear yards at grade and through landscaped terraces buffering the development from the adjacent residential properties. Given the subterranean structure, through the PUD the Applicant is seeking yard dimensions specific to the PUD. He reported that the typical permitted building height in the Residential High (RH) zone district is thirty-five (35) feet, plus an additional eight (8) feet for noninhabitable architectural elements. The Applicant is seeking consideration for the PUD under the adjacent Core Area (CA) zone District wherein the building height is expanded to fifty (50) feet.

“Building height means the height of a building as measured from the highest point of the building vertically, to an elevation that represents the median elevation of the site, within the proposed building footprint, prior to construction. A sunken area within the building footprint that does not exceed fifty percent (50%) of the square footage of the building footprint shall not be utilized to determine building height. Where a sunken area equal to less than fifty percent (50%) of the building footprint exists, the Town shall determine building height utilizing an elevation that represents the elevation of the site if the sunken area did not exist. For the purposes of determining building height, chimneys, mechanical equipment, nonhabitable <sic> architectural elements and roof vents shall be allowed to exceed the allowed building height by eight (8) feet. The median elevation shall be determined by adding the site elevation of the building footprint at the lowest point of the foundation, with that at the highest point of the foundation, and dividing by two (2). That point shall be used as the base elevation from which to determine the allowed building height for the proposed project” (DMC § 16-1-200).

The highpoint and low point elevations of the foundations were determined from the submitted PUD proposed plan set. A base elevation of 9,068.9 was determined from the median of the high and low points of foundation contact with existing grade. The architectural design provides a stepping roof line such that one continuous long roof elevation is eliminated. The roof steps down with the relative grade as it approaches Lodgepole Street, and then steps down an entire story along Lodgepole Street on the corners of the building. In addition, it steps down to one level at the private pool terrace level in the center of the southern building face. The articulation and stepping provide architectural interest consistent with the Town’s adopted architectural Design Guidelines. The design also reduces the large blocky feel of a building with little architectural design elements, articulation, and fenestrations (windows and doors), thus reducing the perceived mass of the structure. Due to the stepping and floor level changes across the building, the relative building height adjacent to the building is generally between forty and fifty feet. Where the Residential High (RH) zone district would typically allow buildings to be 43 feet tall (35’ + 8’), the PUD proposes a 63’-3” tall structure at the highest point – the observation tower, with the general building height not exceeding 55’-3”. Through the PUD the Applicant is seeking additional height above the underlying zone district. The Ordinance approves a maximum building height of 63.5’. The Applicant designed the massing of the proposed structure to pull the mass away from Lake Dillon Drive. By the provisions set forth in the Code, the site could be built with structures to within twenty feet (20’) of the Lake Dillon Drive Right-of-way to a height of forty-three feet (43’). Pulling the massing away from Lake Dillon Drive by approximately 78’ near La Bonte Street and approximately 169’ by Lodgepole Street effectively reduces the feeling of the mass at the street and provides for a public plaza with green space and outdoor seating.

Mr. West further reported that the project provides open space with balconies, patios, a private pool and terrace, an upper-level private common terrace, a public observation tower, and a public plaza with outdoor dining, and a green belt along Lake Dillon Drive. The private open space provided equates to an average of 201 square feet per residential condominium unit. This satisfies the criteria set forth in the Residential High (RH) zone district requiring 200 square feet per unit. The proposed project requires the removal of all the existing trees and landscaping, with the replacement of street trees around the project. The project incorporates landscape elements on all sides to buffer it from adjacent properties and incorporates landscaping around the public rooftop bar and restaurant as well as

plantings along the private pool deck and terrace. The proposed landscaping accomplishes substantially more green space and landscaped buffer areas than typical Core Area developments.

The existing commercial development has a credit of approximately 33.2 EQRs (taps) with the final EQR evaluation to be determined when the final plans are submitted. Tap fees will be due prior to the issuance of the Building Permit in accordance with the Code. Current water and sewer mains can serve the site. The Town has over 600 EQRs of unused sewer and water capacity to serve this development which will require around 160 EQRs. The Applicant will need to provide a final utility plan prior to the issuance of the Development Agreement for the project. Included in that utility plan will be the need for a floor drain in the trash enclosure within the parking structure, and floor drains for the parking garage itself. These drain lines shall have a sand and grease interceptor on them prior to tying into the public sanitary sewer system. The storm drainage will tie into existing infrastructure in Lodgepole Street, specifically Manhole 'L' as identified in the 2017 Lodgepole Construction Plans. The storm drainage for the site will also need to capture all snow storage runoff, downspouts, and roof drain scuppers and tie into the storm drainage systems in Lodgepole Street, W. La Bonte Street, and Three Rivers Street.

The Applicant will need to work with Xcel Energy for electrical service and facility relocation and gas service. Telecomm and data are available in Town and the Applicant will need to work with providers for designing and installing such service to the site.

The Applicant engaged a traffic engineer, McDowell Engineering, LLC, to provide a traffic impact analysis report. They provided the following statements:

“State Highway Access Permit: Section 2.6(3) of the Access Code requires a new access permit when there is a land use change, and or the volume is anticipated to increase by more than twenty percent (20%).

Both Dillon Dam Rd & US 6 and Lake Dillon Dr & US 6 intersection require a new State Highway Access Permit due to the peak hour volumes increasing the intersection volume by more than 20%.

Town of Dillon Roadway Network Impacts: The Town of Dillon’s existing street network is of adequate design and capacity to support the traffic anticipated to be generated by the development through the 20-year long term planning horizon.

Additionally, the proposed development is not anticipated to overload the Town of Dillon’s streets outside of the PUD area.

Conclusion: Based upon the analysis and infrastructure recommendations presented in this report, the proposed development is anticipated to be successfully incorporated into the existing roadway network.”

The Applicant and the Traffic Engineer shall work with CDOT as necessitated by the proposed development to amend the Town’s U.S. Highway 6 access permits at Dillon Dam Road and Lake Dillon Drive as may be required for the increase in traffic. Left turn lanes shall be required by the Town Engineer as a condition of approval in the westbound lane of W. La Bonte Street to ensure that vehicle stacking for left turn movements do not back up to Lake Dillon Drive.

The proposed project was developed with consultation with the adopted 2017 Design Guidelines (“Guidelines”). On page 3 of the plan set, a design narrative detailing the thought process the architect used in developing the design is provided. Precedent images are provided that reflect the “Mountain Lakestyle” design aesthetic adopted in the Guidelines. The proposed colors and materials reflect those depicted in the guidelines and are in conformance.

The permitted signage for the project is as follows:

- 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

Comprehensive Plan:

The Comprehensive 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).
- Community gathering spaces should link the Town Center to the Marina (4-3).
- Retail should be encouraged (4-3).
- Identify potential community gathering spaces and determine if one or more are appropriate for future development (4-7).
- Land should be put to its best use; not only economically, but socially, physically, and aesthetically as well (5-1).
- 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).
- Encourage new development that creates a sense of place (6-2).
- New projects should satisfy the general criteria of the Architectural Guidelines of the Town (6-4).
- The key to revitalization will be to bring more people for longer periods of time to the Town Center to dine, shop, and enjoy public spaces and spectacular views (6-4).
- Due to the resort nature of the Town and its reliance on visitors and recreational activities for its economic vitality, it is critical for the community to provide and maintain exceptional year-round recreational facilities and services (6-5).
- Require densities and intensities of development to occur in a logical pattern with high density occurring near the Core Area zoning district and existing services and facilities, and lower density radiating toward the edges of the Comprehensive Plan area (6-7).
- Concentrate multi-family residential development near transportation networks, and adjacent to the existing Town Center to take advantage of existing community facilities and services, and to concentrate the majority of the residents near areas where community activities are likely to occur (6-7).

- Allow residential uses in commercial districts in conjunction with commercial uses to encourage a mixture of uses and the continued viability of the downtown area (6-7).
- Strive to provide a system of public and private open space that ties all community parks and areas of community activity together (6-7).

Based on these findings and the recommendation from the Planning & Zoning Commission, the PUD is in general conformity with the adopted Comprehensive Plan.

CONDITIONS OF APPROVAL:

- A. The Town Manager may approve minor changes to the PUD Development Plan that do not change the character or intent of the PUD Development Plan as approved by this ordinance.
- B. The Application shall apply for a demolition permit with the Town and then Summit County Building Inspection and perform asbestos testing and abatement as required by law.
- C. The development shall have a maximum of 200 residential units.
- D. A short-term rental license for each unit shall be obtained from the Town pursuant to Chapter 6, Article XI of the Dillon Municipal Code.
- E. The PUD Development Plan shall be updated once all conditions have been met and shall be recorded with the Summit County Clerk and Recorder prior to issuance of a Building Permit.
- F. The Applicant shall submit to the Town an application for a subdivision plat to combine the existing four (4) lots into one (1) lot by eliminating the interior lot lines. Upon approval, the subdivision plat shall be recorded with the Summit County Clerk and Recorder prior to issuance of a Building Permit.
- G. The Applicant shall apply for a Building Permit with the Summit County Building Inspection Department, which application for Building Permit shall strictly comply with the specifications and design set forth in the PUD Development Plan.
- H. The Applicant shall submit to the Town a construction stormwater management plan. The applicant shall submit to the Colorado Department of Public Health and Environment for a Construction Stormwater Discharge Permit. All requirements, inspections, maintenance, replacement, final site stabilization, and removal of the best management practices for stormwater management and sediment control shall be the responsibility of the Applicant.
- I. The Applicant shall enter into a Development Agreement with the Town of Dillon prior to issuance of a Building Permit, which Development Agreement shall include, at minimum: the Applicant's commitment to complete all public improvements necessitated by the build-out of the PUD Development Plan; submit an Improvement Guarantee to secure the completion of such public improvements; and, make any dedications of rights-of-way, easements, and infrastructure as required by the Town; and which may include additional reasonable and lawful conditions of development as determined by the Town to be in the best interest of the public health, safety, and welfare.
- J. Enter into such other agreements with the Town as the Town determines necessary to assure the installation of landscaping and the continual management of landscaping and snow and ice on site, and the removal of snow from the site via hauling to an acceptable receiving site, prior to Certificate of Occupancy.
- K. Pay water and sewer tap fees (EQRs) in amounts required under the calculations set forth in the Town Code, prior to issuance of the Building Permit.
- L. Provide a copy of the Certificate of Occupancy to the Town upon issuance by the Summit County Building Inspection Department.
- M. Obtain a Grading and Excavation Permit from the Town prior to commencing site disturbing activity.
- N. Provide waste and recycling containers on site within an enclosure as required and under and meeting the specifications of the Town Code. The enclosure shall include adequate space for

grease containment related to the restaurants. The waste, grease, and recycling container area to be located in the parking structure shall include a floor drain with a sand and grease interceptor prior to tying into the sanitary sewer system.

- O. The parking structure shall have runoff collection drains that tie into a sewer system with a sand and grease interceptor prior to connecting to the sanitary sewer system.
- P. The Applicant shall submit final site plans, landscape plans, site lighting plans, construction stormwater management plans, and civil and right-of-way construction plans to the Town Engineer for review and approval. Roof drains and snow melt runoff shall be collected and tied into the onsite storm drainage system for discharge into the existing storm drainage system in Lodgepole Street (specifically 'Manhole L'), W. La Bonte Street, and Three Rivers Street.
- Q. The Applicant shall apply for a permit from the Summit Fire & EMS fire authority and address any and all comments from the Summit Fire & EMS fire authority prior to submittal of the final drawing set.
- R. The Applicant shall submit to the Town for review and approval a surveyor's Improvement Location Certificate plat (the "ILC") of the cast concrete foundation for the building prior to final foundation inspection by the Summit County Building Inspection Department.
- S. For each phase of the Development, the Applicant shall submit to the Town for review and approval a surveyor's ILC of the framed building height prior to final framing inspection by the Building Department. The maximum height of any building element shall not exceed 63.5' as calculated from the site base elevation determined by the Town to be 9,068.9 feet.
- T. The Applicant shall provide to the Town Engineer, upon the completion of the underground utility installations and prior to the Certificate of Occupancy, an As-Built drawing of the underground utilities associated with the PUD Development Plan to include dimensions and details relating to the location of utility system fittings, components, pipe sizes, alignment, and installation locations.
- U. The Applicant shall provide to the Town for review an Improvement Survey Plat ("ISP") prior to the issuance of the Certificate of Occupancy.
- V. The Applicant shall fully conform to the PUD Sign Plan presented in the PUD Development Plan. A permit is required for each sign and the Applicant and subsequent tenants are required to apply for sign permits with the Town.
- W. The Applicant shall submit a Subdivision Application to create the Condominium Map subject to the PUD Development Plan prior to the Certificate of Occupancy or sale of any unit.
- X. The Applicant shall complete all Public Improvements related to the PUD Development Plan, as will be further detailed in the Development Agreement, prior to issuance of the Certificate of Occupancy.
- Y. The Applicant shall work with the Colorado Department of Transportation ("CDOT") to update the access permits at the intersections of the Dillon Dam Road and Lake Dillon Drive with U.S. Highway 6 as required by CDOT. U.S. Highway 6 intersection improvements shall be the responsibility of the Applicant.
- Z. The Applicant shall provide a left turn lane on westbound W. La Bonte Street for the main entrance to the northwest garage ramp and a separate westbound left turn lane into the drop-off area.
- AA. The observation tower shall be open to the public in perpetuity. The project owner may determine the times and days it is open to the public.
- BB. Outdoor live music and outdoor music from sound systems shall be terminated by 9 p.m. and shall not start prior to 10:00 a.m., or as otherwise approved by the Town Manager in writing.
- CC. The parking structure shall not be used for or sold as additional concert and event parking.

Finally, Mr. West stated that the Applicant requests the following site-specific considerations through the PUD process:

1. Retail and Restaurant uses totaling approximately 6% of the development in a mixed-use building in the Residential High (RH) zone district.
2. A right to 100% short-term rental properties for the 200 residential condominium units. A short-term rental license for each unit shall be obtained from the short-term rental licensing authority.
3. Consideration of an exception to yards (setbacks) below grade while maintaining required yards above grade with landscaping or with landscaped terraces. 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. A 0.1 foot buffer is added to the maximum building height in the conditions of approval.
5. A PUD Sign Plan.

Public comments were made by:

- Dillon resident John Gillen asked Council to encourage the developer to finish Uptown 240 prior to this project.
- Dillon resident Philip Burrigh suggested Council consider moving this development to the post office location. Or have the developer purchase the Best Western and give it to the town; build on the post office property, grant a parking lot and snow storage allotment which still allows for development.
- Summit County resident Stephanie Cava spoke in opposition to the development and questioned employee housing for the project. She also encouraged the developer to keep the Arapahoe Café building as part of the project.
- Dillon resident Karin Hoffmann-Hoagle spoke in opposition to the development and questioned attainable affordable housing. She questioned employee parking and stated a “branded development” doesn’t fit with the character of Dillon. She asked the developer to concentrate on the town center and Uptown 240 and to develop wisely, inclusively, and to keep Dillon’s uniqueness.
- Dillon resident Maureen Lopp stated she appreciated the redirected original plans and setbacks of the development but would like the developer to consider the impacts of lighting and traffic, height of the project and the accessibility of the homes near the project during construction.
- Dillon resident Andrea Cummins expressed her appreciation to the developer for scaling back the project. She asked the developer to consider completing the Uptown 240 project prior to starting this project.
- Summit County resident Robin Robson questioned what the developer is giving back to the community commenting that anything they promised will come later. She encouraged Council to delay the vote and that the community feels the vote will pass despite community feelings. She stated the community doesn’t feel like they are being heard.
- Dillon resident Ralph Lyman expressed his concern about the branded residence model with the housing crisis in Summit County, particularly with the taxes imposed. He also expressed concerns about future promises for employee housing and retail space vacancies. He stated the community needs year-round resident options.
- Dillon resident Paul Glick questioned Mr. Porritt’s ability to complete projects and business ventures. He also questioned the sustainability and environmental impact of the proposed project.

- Dillon resident Nitalisa Jorgenson stated that she doesn't feel the project fits in the area it is proposed, that the town core needs to be revitalized, and Uptown 240 needs to be completed before this project. She also expressed concern that the project does not contain local or employee housing.
- Dillon resident Ken Leach questioned if the development is appropriate for its proposed location. He compared the projects density to the existing commercial development and the Lake Cliff development.
- Breckenridge resident and Summit County Chamber representative Cheri Ryan commented on the economic vitality and community development this project will have on sales tax which supports the town. She stated the restaurant and retail components of the project will enhance the community feel of Dillon.
- Breckenridge resident and Dillon downtown commercial space owner George Swintz commented that the hotel will start a crescendo of activity in the town. He stated there is a need for workforce housing and a parking structure in town.
- Dillon resident Jim Doyle stated the project does not propose any deed restricted or employee housing units and believes it should contain a percentage of these units. He encouraged Council to listen to their residents because many do not want the project. He further stated that he felt the project's lights and signage would be too bright for its proposed location.
- Dillon resident Laura Levorsen encouraged Council to consider this project on the post office property because its proposed location is the last highly desirable parcel in town. She expressed concern that the project will obstruct views and its height is not desirable. She asked Council to be thoughtful with the process and consider completing Uptown 240 before further consideration of this project.
- Silverthorne resident and County Commissioner Nina Waters commented that the town is struggling and needs to provide infrastructure and public safety. She encouraged the citizens in the audience to provide grace to Council's time and attention to their roles.
- Frisco resident Spencer Wilson acknowledged the respect each side was giving the other, Council and members of the audience.
- Frisco resident Shannon White stated that Mr. Porritt was using public dollars for his benefit. She commented that the development will change the character of the town without consideration of Dillon residents. She expressed concern over the project's lighting and excessive noise and traffic brought to the proposed development area.
- Dillon resident Jackie Kinney asked about the history of the post office parcel and if it was possible to consider the project on this parcel. Mayor Skowyra stated the post office is on federal land and the town has engaged in conversations to re-develop the property for workforce housing.

Council asked several questions of Mr. Porritt:

- Is there a workforce housing component? Mr. Porritt stated there is not with this project but there are identified properties in the town with contracts and other considerations.
- Are there tax increments set aside for housing? Mr. Porritt stated he has looked at a number of items to contribute to the town but they were too much money. Town Manager Nathan Johnson stated the public financing agreement addresses 150-200 workforce housing units. Taxes collected must be used for public works within the town.
- What brands are you considering? Mr. Porritt stated they have 3-4 operators that are interested in the project but could not disclose the names at this time.
- How will the sale of the units be handled? Will you use a property management company? Mr. Porritt stated it will depend on the brand. Some brands use a

management company and others will require him to maintain a number of units for homeowner association affiliation.

- Which business pulled out of negotiations with you? Mr. Porritt commented that some businesses have had various tolerances of the timeline.
- You now possess Uptown 240, will you demo it? Mr. Porritt stated they are keeping the foundation slab but will be cutting out materials with a crane.
- Will you have two projects under construction at the same time? Mr. Porritt stated they will have two projects going simultaneously.
- Does the Uptown 240 project contain workforce housing? Mr. Porritt stated “yes.”
- There is no view corridor between existing condominiums. Mr. Porritt commented that he is trying to preserve the sight lines with his project.
- Who will be occupying the restaurant space? Mr. Porritt stated that he is working with a local operator.
- How many jobs will be created with your project and where will the employees park? Mr. Porritt stated he anticipates 30 full-time positions, and the base number of parking spaces includes parking for employees and employees of the retail and restaurant spaces.
- What will the wall facing Timberline look like? Mr. Porritt stated they are considering a mason wall with landscaping.
- What is your delivery schedule? Mr. Porritt will work with the town to determine when deliveries can take place.
- Will the shadows from the building cause difficulty with snow removal and block sunshine? Mr. Porritt stated there have been lengthy discussions on a snow plan.
- How will you control trespassers on neighboring properties? Mr. Porritt stated there will be security on the premise to address this issue if it arises.
- If the retail spaces fail, will you consider renting to a local artist as a “give back” and can we condition it? Mr. Porritt stated it would be difficult, questioning how long the condition would entail. He is working diligently to obtain tenants that will benefit the town.
- Is the project lighting and dark sky compliant? Mr. Porritt stated that he has not asked for any consideration or exception in this area.
- Do the owners hire a 3rd party property management company and when would they be in place? Mr. Porritt stated that he will have the management contract at purchase and if the owner wishes to rent, they can. The management company will be in place within a month.
- Is there recreation storage? Mr. Porritt stated there is limited storage on site.
- What will the units run and what will the percentage back be? Mr. Porritt stated that the units will produce a good yield.
- Will there be a transfer tax? Mr. Porritt stated there is no plan for a transfer tax but will consider what the town will allow.
- Is your financing 100% secure? Mr. Porritt stated that the project is not close enough to secure a loan.
- Are you open to conditions to prove financing? Mr. Porritt stated that will be difficult because the timeline to approve building permits fluctuates.
- Will you have 100% financing before the building permit is issued? Mr. Porritt stated the capital stack between the lender and capital stack will be at 100%.
- What is the cost of the project? Mr. Porritt stated this amount will be provided within the process.

- Will you be bonded to mitigate neighboring buildings and streets? Mr. Porritt stated this is generally covered with insurance. Seismic activity is difficult to insure but he will consider it if the Council desires it.
- How can you borrow money or finance in this market? Mr. Porritt stated that he will finance the finances and borrow their own money.
- Do you have a commitment from a general contractor? Mr. Porritt stated the Uptown 240 project has been bid and the Best Western project partially bid. They are not close enough to continue the conversation currently.
- Are you using the Best Western project to build Uptown 240? Mr. Porritt stated that eventually they will move Uptown 240 into the metro district.
- How will the landscaping grow in the shallow soil on top of the parking garage? Mr. Porritt stated that landscape architects know their business.
- What about the A-Café building? Mr. Porritt stated that they tried to present options to move and keep the business open but ultimately the operator chose not to continue operations. If the town desires to move the building, he is open to discussions, however, the façade is fragile and he's unsure what can be saved of the building.
- Is the outdoor pool heated? Is it practical at 9100' when other outdoor pools are closed for nine months of the year? Will it have a hot tub? Mr. Porritt stated the pool will be heated; he anticipates it will have a hot tub. Pools are a necessary check box.
- Have you considered enclosing the pool? Does it fit? Mr. Porritt stated that they looked at several other properties and they feel they can replicate their pool projects. He stated he doesn't want to miss out where another destination may have an amenity this project does not.
- Pools cost a lot of money and resources to heat in Summit County. Mr. Porritt stated that they are meeting all the zoning requirements and criteria for the project.
- Will there be a public parking deck? Mr. Porritt stated he is unable to release this information as they are under negotiations.
- Will there be public parking available in the current building project? Mr. Porritt stated there will be some public parking. The management company or HOA will consider the fees.
- Will there be designated parking spaces for residents? Mr. Porritt stated there will be guaranteed parking spaces but not designated ones.
- Will you contribute to the town's walkability plan or roundabouts? Mr. Porritt stated that they will be contributing through the public financing agreement.
- Will we need more police? Mr. Porritt stated that there is a \$700,000 check earmarking funds for additional police services.
- What is the building permit approval timeline? Mr. West stated it is two years with a one-year extension, good for eighteen months.
- Have you done an environmental impact study? Mr. Porritt stated they completed an environmental impact study during their due diligence process.
- Is there a chance for full-time or deed restricted residences? Mr. Porritt stated there are no full-time or deed restricted residences with this current proposal.
- Are you able to lower the building by a floor? Mr. Porritt stated that all the parking is below grade, they tried to mitigate the height and they moved the footprint of the project.
- Can you make a commitment to build a 100% employee housing project? Mr. Porritt stated it is very difficult to find a lender for that type of project.
- Will you consider additional conditions:
 - Proof of financing.

- Develop guidelines for deliveries.
- Attempt to preserve the Arapahoe Café building.
- Share the environmental impact study with the town.
- Proof of insurance for neighboring properties.

Mr. Porritt addressed various public comments as points of clarity:

- Construction: they will consider a traffic plan to mitigate construction traffic
- Uptown 240: this project is already in process
- Recusal of Council Members and Conflicts of Interest: there is no relationship or business interest with any council member
- Take over of the Dillon Amphitheater: we are not trying to take over the Amphitheater

There being no further comments, Mayor Skowrya closed the public hearing at 11:18 p.m.

Mayor Pro Tem Bailey commented that traffic will increase from this project and Mr. Porritt will need to contact CDOT. He stated enclosing the dumpster was a good idea and the town does not have any control over the post office property. He also stated that this project will stimulate additional building and redevelopment in the town.

Council Member Woods stated that he feels this project is a big improvement and encourages other condominiums to scrape and re-build.

Council Member Hendricks stated his concern that the project does not contain any long-term or work force housing. He also stated his disappointment that the public will not enjoy the lobby and pool area and that the building is not for Dillon. He also questioned the view corridor commenting that it doesn't allow you to see the lake.

Council Member Imamura stated that the town needs density to create vitality. This project is architecturally interesting with its step-down roofing, public plaza, and parking.

Council Member Scalise stated that if this project is turned down, it will be the death of the town. The project will jump start Dillon, it is well designed and beautiful.

Mayor Skowrya complimented the developer stating the setbacks and reduced massing are improvements. She stated there is too much control with one developer and she's concerned it will scare off future development. She also expressed concern with the lack of employee housing and the developer's lack of interest in our community.

Council Member Imamura made a motion to approve Ordinance 02-24, Series of 2024 with five additional conditions to include: 1) At the time of building permit application, the Applicant shall demonstrate one hundred percent (100%) of the financing required to complete construction of the project has been obtained. 2) The Applicant shall review with Town staff the dimensions of parking spaces in the parking structure to ensure they are large enough to park standard sized vehicles. 3) The Applicant shall provide, and update as necessary, proof of insurance during construction. 4) The Applicant shall provide guidelines for deliveries to the site so as to minimize impact on neighbors. 5) The Applicant shall consider and review with Town staff possible preservation of the Arapahoe Café building.

Mayor Pro-Tem Bailey seconded the motion, which passed on a vote of 4-2 with Mayor Skowrya and Council Member Hendricks voting in opposition.

REVIEW FUTURE COUNCIL AGENDAS

Council did not review future council agendas.

TOWN MANAGER'S UPDATE

Mr. Johnson included a written report and reported on the following items:

- The Lakefront Restaurant RFP produced nineteen responses at the pre-proposal meeting.

MAYOR'S UPDATE

Mayor Skowyra stated the Mayors, Managers and Commissioners meeting was cancelled.

COUNCIL MEMBER COMMENTS

There were no Council Member comments.

ADJOURNMENT

There being no further business, Mayor Skowyra declared the meeting adjourned at 11:59 p.m.

Respectfully submitted by:

Jo-Anne Tyson, Deputy Town Clerk