

**TOWN OF DILLON
TOWN COUNCIL
REGULAR MEETING**
Tuesday, February 2, 2016
7:00 p.m.
Dillon Town Hall

CALL TO ORDER & ROLL CALL

A regular meeting of the Town Council of the Town of Dillon, Colorado, was held on Tuesday, February 2, 2016, at the Dillon Town Hall. Mayor Burns called the meeting to order at 7:00 p.m. and the following Council Members answered roll call: Jen Barchers, Brad Bailey, Louis Skowyra, Ben Raitano and Mark Nickel. Council Member Tim Westerberg was absent (excused). Staff members present were: Kerstin Anderson, Marketing and Communications Director; Dan Burroughs, Town Engineer; Ned West, Town Planner; Mark Heminghous, Police Chief; Scott O'Brien, Public Works Director; and Jo-Anne Tyson, Town Clerk.

APPROVAL OF AGENDA

There being no changes to the agenda, it will stand approved as presented.

APPROVAL OF CONSENT AGENDA

Council Member Skowyra moved to approve the following consent agenda:

- a. Minutes of the Regular Meeting held January 19, 2016
- b. Approval of Bill List dated January 29, 2016 in the amount of \$90,419.47; and Payroll Ledger dated January 31, 2016 in the amount of \$57,767.96.
- c. Excused Absences for Council Members Westerberg and Skowyra for the January 19, 2016 Town Council Meeting.
- d. Consideration of Approval to Waive Fees for the Lake Dillon Arts Festival

Council Member Raitano seconded the motion which passed unanimously upon roll call vote.

CITIZEN COMMENTS

There were no citizen comments.

CONSIDERATION OF RESOLUTION 02-16. SERIES OF 2016

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL IV DEVELOPMENT APPLICATION FOR A PLANNED UNIT DEVELOPMENT LOCATED AT 240 LAKE DILLON DRIVE, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Council Member Barchers stated for the record that she listened to the electronic recording of the January 5, 2016 Dillon Town Council meeting.

Town Engineer Dan Burroughs explained that Resolution 02-16, Series of 2016 is a continuation of the public hearing held at the January 5, 2016 Town Council meeting. The public hearing was published in accordance with public posting requirements as set forth by the Dillon Municipal Code.

For review, Mr. Burroughs explained that the Town of Dillon received a development application for a mixed use Planned Unit Development (PUD) to replace Adriano's Restaurant at 240 Lake Dillon Drive. The development will provide 65 residential units, of which 17 will be dedicated as apartment rental units for work force housing, and the remaining units will be sold as condominiums. The main street level will contain a restaurant and two commercial units facing Lake Dillon Drive. Applicant, Ivano Ottoborgo is using the PUD process to request deviations from the Town Code which include:

1) **Building Height.** The Developer has requested a 60' allowable building height instead of the 50' allowed by Town Code for buildings within the Core Area Zone District,

2) **Parking Design Considerations.** The Developer has requested the following parking design considerations through the PUD process:

a) The Town Code allows for a 20' ramp width for the parking garage access ramp to the main level parking located on the west side of the lot, in conjunction with a PUD. The reduced width will help accommodate a wall and vehicular guardrail along the west property line and accommodate existing utilities within the existing utility easement. The Developer may have to relocate utilities within the ramp and dedicated revised utility easements when the final plans are completed.

b) Parking Garage Ramp grade in excess of 10%. The Town Code allows for steeper parking garage ramp grades in conjunction with a PUD, with the condition that they don't exceed 20% grade and are heated.

c) Compact Parking Spaces: The Town Code allows for compact parking spaces in conjunction with a PUD. In this case the applicant has asked for 15 parking spaces along the north side of the building that will have a 16' length instead of an 18' length. The 15 compact parking spaces represent 12.3% of the provided 122 residential parking spaces provided.

d) Backing into the 40' ROW. Through the PUD process, the Town Code allows vehicles to back into a dead end Town Right-of-way, which is the situation for the 40' unnamed right-of-way along the north side of the property. Town staff has evaluated the amount of traffic on the 40' ROW and has made the determination that the speeds are very low on this stretch of ROW and the volume is extremely low, which will allow these cars to back out into the 40' ROW safely. There is also an additional 18' of area between the property line and the edge of asphalt so that once a car backs into the ROW, it will have clear views in the west and east directions to see approaching vehicles prior to proceeding with the backing up movement into the 24' wide asphalt street.

3) **Signage Allowances.** The developer has asked for project signage as follows:

a) The Dillon Gateway Planned Unit Development shall be allowed one (1) Building Identification sign along the Lake Dillon Drive side of the building that shall not exceed forty (40) square feet.

b) The Dillon Gateway Planned Unit Development shall be allowed one (1) Building Identification sign along the West Buffalo Street side of the building that shall not exceed one hundred and twenty (120) square feet.

c) The Dillon Gateway Planned Unit Development shall be allowed one (1) sign for each of the two (2) retail units located along Lake Dillon Drive. Each sign shall not exceed forty (40) square

feet. If the developer chooses to divide these two units into three or four units, then the maximum size of each Tenant Sign shall be limited to thirty-two (32) square feet.

d) The restaurant unit shall be allowed two (2) sixty (60) square foot signs. One sign shall be allowed on the West Buffalo Street side of the restaurant and the other sign shall be allowed on the Lake Dillon Drive side of the restaurant. These signs may be incorporated into an awning design over the restaurant windows.

4) **Landscaping Provisions:** The developer has agreed to provide the landscaping allowances outlined in Section I.A.20.

Mr. Burroughs reviewed the Comprehensive Plan and Conditional Uses of the application. Applicant Ivano Ottoborgo reviewed his revised proposal which consisted of:

- 17 units shall consist of workforce housing defined as: Housing that may never be sold individually as condominiums.
- These 17 units shall be available to rent by individuals who work within Summit County 30 hours or more per week, which must be proven by the applicant.
- These 17 units shall be long term rentals, renting 6 months or greater.
- 14 of these 17 units shall be set at market rate and have no ties with Summit Housing Authority AMI (Average Median Income).
- 1 of these 17 units; a single, 1 bedroom unit shall be made available as workforce housing for rent at 80% AMI.
- 1 of these 17 units; a single, 1 bedroom unit shall be made available as workforce housing for rent at 70% AMI.
- 1 of these 17 units; a single, 2 bedroom unit shall be made available as workforce housing for rent at 70% AMI.

Council thanked Mr. Ottoborgo for his work on the Gateway Project and for providing clarification of definitions as requested at the January 5, 2016 Town Council meeting. Council asked Mr. Ottoborgo several questions which included:

- How did he determine the number of income restricted units?
- What is current AMI?
- Will the final design configuration be determined at a future Planning & Zoning meeting?
- How much storage is proposed with the Project?
- Who is responsible for the heated parking area?

Mr. Ottoborgo stated that the three (3) income restricted units were first determined by Town parking requirements and secondly to satisfy Council's request of three (3) work force housing units from the January 5, 2016 Town Council meeting. Mr. Breslin gave a brief explanation of AMI and stated that HUD standard, 30% of \$60,000 would equate to approximately \$1,500 per month in rent for a one (1) bedroom unit at AMI.

Mr. Burroughs confirmed that the final design of the Project will be readdressed at the Planning & Zoning level. Mr. Ottoborgo explained storage is addressed as locker style and locked off areas in the parking garage. Mr. Burroughs responded that costs associated with the heated parking area shall be the responsibility of the developer.

Public comments were made by:

- Cindy Bargell – 346 Lake Dillon Drive (representing Specialized Business

Solutions) – thanked Council and the Developer for inviting the public back to comment on this project. She encouraged Council to look at specific restrictions for the units that will be offered for sale. Mr. Burroughs stated that the applicant has provided conditions addressing specific restrictions which Council may consider adding to the Resolution.

- Ivano Ottoborgo – applicant, 240 Lake Dillon Drive - submitted a letter of support signed by Richard and Diane Pajot and a petition supporting the project signed by twenty-six (26) individuals into the record. Town Clerk Jo-Anne Tyson read the letter of support aloud.
- Kevin Stout – 102 Gold Run Circle – questioned how the Town will protect itself if the development goes awry. He commented that the economy is currently in good financial shape but it fluctuates. Mr. Burroughs stated that the PUD agreement has protection for public components however, there is some incurred risk on the Town's part. Council feels the investor will provide collateral as another level of protection.

There being no further comment, Mayor Burns closed the public hearing at 7:48 p.m.

Council Member Bailey moved to approve Resolution No. 02-16, Series of 2016 with the condition that the applicant creates a valid and enforceable restrictive covenant memorializing the terms agreed upon at today's hearing with regard to the workforce housing component referred to in paragraph 8 of the Dillon Gateway PUD agreement. This covenant shall be subject to Town approval and filed with the Summit County Clerk's Office within 90 days of approval of the resolution. Council Member Nickel seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 03-16, SERIES OF 2016

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL III DEVELOPMENT APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW A RESIDENTIAL USE ON THE GROUND FLOOR OF THE PROPOSED DILLON GATEWAY PLANNED UNIT DEVELOPMENT LOCATED AT 240 LAKE DILLON DRIVE, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Council Member Barchers stated for the record that she listened to the electronic recording of the January 5, 2016 Dillon Town Council meeting.

Town Planner Ned West stated that this public hearing is a continuation of the public hearing held at the January 5, 2016 Town Council meeting. It was published in accordance with public posting requirements as set forth by the Dillon Municipal Code.

Mr. West reported that the Town received a Level III Development application for a Conditional Use Permit for a ground floor residential unit in the Core Area (CA) zoning district in the proposed Dillon Gateway Planned Unit Development (PUD) mixed-use building to be located at 240 Lake Dillon Drive. The parcel is located at the northwestern corner of Lake Dillon Drive and W. Buffalo Street, and is identified as Lot 1DEF, Block B, New Town of Dillon. The Conditional Use Permit is required because residential uses on the first (ground) floor are only permitted in the Core Area (CA) zoning district when they are part of a PUD and with a Conditional Use Permit. This application is running concurrently with the Dillon Gateway PUD application reviewed separately under Town

Council Resolution 02-16, Series of 2016. Both the PUD and the Conditional Use Permit must be approved to allow the project to move forward.

Mr. West reviewed the following criteria and findings of fact for the Level III Development Conditional Use Permit application:

1. That the application for the conditional use permit for a first (ground) floor residential use is complete, and details the location of the first (ground) floor residential unit on the “Main Level”; all other residential uses in the concurrent PUD application are above this floor elevation.
2. A Conditional Use Permit for the proposed first (ground) floor residential unit in the concurrent PUD application is consistent with the zoning provisions of the Core Area (CA) zoning district found in Section 16-3-150 “Core Area (CA) Zone”.
3. Zoning provisions of the Core Area (CA) zoning district remain for the parcel except for those that deviate from the underlying zone through the concurrent PUD process.
4. The proposed first (ground) floor residential unit is compatible with the neighborhood, and is a small part of the whole PUD project. Both commercial and residential uses exist in neighboring properties.
5. The proposed first (ground) floor residential unit has its own leisure open space in the form of a patio similar in dimension to the balconies provide for the other residential units in the proposed PUD. The PUD plans indicate the patio to be surrounded by landscaping in a corner of the building’s courtyard.
6. The impacts on density on the parcel from the proposed one (1) bedroom residential unit on the first (ground) floor are negligible, as it represents less than one percent (>1%) of the total one hundred twenty two (122) proposed residential bedrooms in the project. Section 16-5-120 “PUD Development Standards”, Subsection (e) states, “Buildings utilizing vertical mixed uses are encouraged in the Core Area Retail (CA) zone.” The proposed concurrent PUD building encompasses a vertical mixed use design as is encouraged in the Core Area (CA) zone. The proposed PUD building contains sixty-five (65) residential units, with only one being proposed on the first (ground) floor. The remaining first (ground) floor uses are a restaurant, two (2) retail spaces, and garaged parking for the residential use in the building.
7. The proposed building height is not impacted by the proposed first (ground) floor residential unit, as it is a small part of the total square footage of the first (ground) floor of the building, the majority of which is restaurant and retail space.
8. The proposed first (ground) floor residential unit will not negatively impact the proposed street circulation system for the project.
9. The proposed one (1) bedroom residential unit on the first (ground) floor requires that one and a half (1.5) off street parking spaces be provided. The proposed PUD provides the required parking on site for the proposed first (ground) floor unit, as well as all other residential uses.
10. Pedestrian circulation is not impacted by the proposed one (1) bedroom residential unit on the first (ground) floor.
11. The PUD provides landscaping throughout the project, and some is proposed immediately adjacent to the proposed open space patio for the first (ground) floor residential unit.

The following conditions are attached to the Conditional Use Permit for the first (ground) floor residential unit in the Core area (CA) zoning district:

1. The concurrent Level IV development application for the Dillon Gateway PUD at 240 Lake Dillon Drive (Resolution 02-16, Series of 2016) is also approved by the Town Council of the Town of Dillon.
2. The applicant shall submit final construction documents for Town approval which include the construction of one (1) residential unit on the ground floor of the proposed PUD.
3. The Conditional Use Permit shall run with the land so long as the ground floor residential unit is in the general location and configuration as shown on the Dillon Gateway PUD application.

There being no comment from the public, Mayor Burns closed the public hearing at 7:57 p.m.

Council Member Raitano moved to approve Resolution No. 03-16, Series of 2016. Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF ORDINANCE NO. 02-16, SERIES OF 2016

First Reading

AN ORDINANCE OF THE TOWN OF DILLON, COLORADO AMENDING CHAPTER 6, "BUSINESS LICENSES AND REGULATIONS," ARTICLE I, "ALCOHOLIC BEVERAGES," SECTION 6-1-60, "OPTIONAL PREMISES" OF THE DILLON MUNICIPAL CODE OF THE TOWN OF DILLON, COLORADO TO ALLOW FOR STAND-ALONE OPTIONAL PREMISE LIQUOR LICENSES; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Town Clerk Jo-Anne Tyson explained that C.R.S. 12-47-310 (1), allows for optional premises license – local option, provided the local governing body of the municipality adopts an ordinance allowing such licenses and adopts specific standards for the issuance of the license. Until recently, the Town of Dillon did not have a need to adopt stand-alone optional premises licenses. As the Town wishes to conduct the alcohol sales at the Dillon Amphitheatre this summer and needs to obtain a liquor license to do so, an optional premises license – local option provides the most flexibility and liability protection to the Town. She further stated that the purpose of this Ordinance is to incorporate optional premises license – local option and corresponding standards into the Dillon Town Code and amend the wording throughout Section 6-1-60 to include such licenses.

Council Member Raitano moved to approve Ordinance No. 02-16, Series of 2016. Council Member Skowrya seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF EMERGENCY ORDINANCE NO. 03-16, SERIES OF 2016

AN ORDINANCE OF THE TOWN OF DILLON, COLORADO AMENDING CHAPTER 2, "ADMINISTRATION AND PERSONNEL," ARTICLE I, "ELECTIONS," SECTION 2-1-20, "CANCELLATION OF ELECTION," OF THE DILLON MUNICIPAL CODE OF THE TOWN OF DILLON, COLORADO; SETTING FORTH DETAILS IN RELATION THERETO; AND, DECLARING AN EMERGENCY THEREFORE.

Town Manager Tom Breslin reported that new state law addressing the time periods for election and ballot preparation prior to an election were implemented with HB 1130. Staff wishes to modify the

Dillon Town Code which currently allows the Town Clerk to cancel an election nineteen days prior to the election (March 17, 2016) to 63 days prior to the election (February 2, 2016). Staff feels it is prudent to cancel the election once write-in candidate and withdrawal of nomination petition deadlines are met (February 2, 2016) rather than incurring additional election costs such as printing and mailing ballots. Mr. Breslin explained that staff is requesting this Ordinance be considered an emergency in order to adopt and immediately integrate the date change into Town Code.

Council Member Raitano moved to approve Ordinance No. 03-16, Series of 2016. Council Member Skowyrza seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 12-16, SERIES OF 2016

A RESOLUTION OF THE TOWN OF DILLON REPEALING A TABOR ELECTION ON APRIL 5, 2016, AND SETTING FORTH OTHER DETAILS RELATING THERETO.

Manager Breslin stated that Council approved Resolution No. 05-16, Series of 2016 (the "Election Resolution"), approving the ballot language for the April 5, 2016 ballot question (the "TABOR Question") at the January 5, 2016 Town Council meeting. Council has since determined that it is in the Town's best interest to repeal Resolution No. 05-16, Series of 2016 and to not submit the TABOR Question to its voters at this time.

Council Member Raitano moved to approve Resolution No. 12-16, Series of 2016. Council Member Barchers seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 13-16, SERIES OF 2016

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, DECLARING THE CANCELLATION OF THE REGULAR MUNICIPAL ELECTION AND DETERMINING THE TERMS OF THE TOWN COUNCIL FOR THE TOWN OF DILLON.

On December 1, 2015, Town Council approved Resolution No. 45-15, Series of 2015 which directed the Town Clerk to conduct a regular municipal election on Tuesday, April 5, 2016 as a mail ballot election and appointed the Town Clerk as the Designated Election Official for said election. Title 31, Article 10, known as the Colorado Municipal Election Code of 1965 and Section 2-1-20(a), of the Dillon Municipal Code authorizes the Designated Election Officer (DEO) that in such case that no more candidates than offices to be filled at such election, including candidates filing affidavits of intent is met, the Town Council shall hold a meeting and by resolution may instruct the DEO to cancel the election and declare the candidates elected. Further, Dillon Municipal Code Section 2-1-20(b) states that notice of such cancellation shall be published, if possible, and notice of such cancellation shall be posted at each polling place and in not less than one (1) other public place.

Having not received more candidates or candidates filing affidavits of intent prior to the prescribed deadline, the DEO recommends cancellation of the April 5, 2016 Town of Dillon Municipal Election.

Approval of this resolution, in accordance with C.R.S. 31-10-507 and the Dillon Municipal Code Section 2-1-20, declares candidate Bradford L. Bailey elected as a Town Council Member who shall serve a four year term commencing upon his swearing in at the April 19, 2016 Town Council meeting.

Council Member Raitano moved to approve Resolution No. 13-16, Series of 2016. Council Member Skowyra seconded the motion which passed unanimously upon roll call vote with Council Members Bailey and Barchers abstaining from the vote.

TOWN MANAGER REPORT:

Town Manager Tom Breslin reviewed several items including:

- Mr. Breslin complimented Public Works Director Scott O'Brien and the Parks & Recreation Committee on hosting a successful Open House. The team presented an exciting Phase I plan which may be reviewed online.
- He reported the Holton's and staff held a Brewfest meeting and are working on the details of the event.
- The Marketing Department will be meeting with snowmakers later this month to begin planning for next winter's events.
- An initial presentation of the Amphitheatre Improvement Plan will take place mid-March/April.
- The Manager's Meeting presented ballot questions, gas tax, and other items for the upcoming November election.

MAYOR'S REPORT

Mayor Burns did not present a report.

COMMITTEE REPORTS

The following committee reports were presented as time did not allow Committee Members to present during the earlier Work Session.

- Snake River Regional Planning Commission – Council Member Skowyra did not present a report.
- Summit County Transit Board – Council Member Nickel was not able to attend the meeting. He stated the Board discussed servicing the Swan Mountain Village area with bus service however, there not being enough information, the discussion was postponed.
- Summit County Wildfire Council – Council Member Skowyra did not present a report.
- Summit Leadership Forum – Manager Breslin did not present a report.

EXECUTIVE SESSION Mayor Burns moved to go into Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e), specifically to discuss negotiations regarding potential economic development within the Town. Council Member Bailey seconded the motion which passed unanimously. No action was taken during the executive session. At 8:52 p.m. Mayor Burns concluded the executive session.

ADJOURNMENT

There being no further business, Mayor Burns declared the meeting adjourned at 8:53 p.m.

Respectfully submitted by:


Jo-Anne Tyson, CMC/MMC, Town Clerk