

**TOWN OF DILLON  
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING  
WEDNESDAY, December 7, 2016  
5:30 p.m.  
Town Hall**

**CALL TO ORDER**

The regular meeting of the Planning and Zoning Commission of the Town of Dillon, Colorado, was held on Wednesday, December 7, 2016, at Dillon Town Hall. Chairman Nathan Nosari called the meeting to order at 5:31p.m. Commissioners present were: Amy Gaddis, Jerry Peterson, Charlotte Jacobsen and Teresa England. Staff members present were Dan Burroughs, Town Engineer; Ned West, Engineering Inspector/Town Planner; Tom Breslin, Town Manager; and Corrie Woloshan, Recording Secretary.

**APPROVAL OF THE MINUTES OF NOVEMBER 7, 2016 REGULAR MEETING**

Commissioner Peterson moved to approve the minutes from the November 7, 2016 regular meeting. Commissioner England seconded the motion, which passed unanimously with Commissioner Amy abstaining.

**PUBLIC COMMENTS**

There were no public comments.

**CONSIDERATION OF RESOLUTION NO. PZ 07-16, SERIES OF 2016, PREVIOUSLY TABLED FROM THE NOVEMBER 2, 2016 MEETING; A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, RECOMMENDING THE APPROVAL A CLASS S-1 RESUBDIVISION OF LOT E AND PORTIONS OF THE PUBLIC AREA, PARKING AREA AND OPEN AREA IN BLOCK A, NEW TOWN OF DILLON SUBDIVISION, FOR THE PURPOSE OF CREATING NEW PARCELS, TO BE CALLED LOTS SW-1, SW-2, SW-3, SE-1, SE-2, SE-3, SE-4, NE-1, NW-1, NW-2 AND NW-3, BLOCK A AND DEDICATING STREET RIGHT OF WAY AND PUBLIC AREAS ADJACENT TO THESE PARCELS IN DILLON, COLORADO.**

**SUMMARY:**

This is a continuation of the hearing for the Resolution from the November 2, 2016 Planning and Zoning Commission meeting.

The Town has a received a Class S-1 application for the resubdivision of Lot C and portions of the Public Area, Parking Area and Open Area in Block A, New Town of Dillon subdivision, for the purpose of creating new parcels, to be called Lots SW-SWS-2, SW-3, SE-1, SE-2, SE-3, SE-4, NE-1, NW-1, NW-2 and NW-3, Block A and dedicating street Right of Way and public areas adjacent to these parcels. The Town of Dillon is the applicant.

**DISCUSSION:**

The Dillon Town Council has directed staff to create development opportunities within the Town Center (Block A) in an effort to promote the revitalization of this important part of the Town. The Town Core area has a very unique parking situation, in that the Town owns most of the parking in the

Town Center. The Town therefore provides the parking and accessible parking for most of the businesses in the Town Core.

When the concept of creating new lots in the Town Center was first contemplated, it became important to study the actual parking usage in the Town center in order to determine (1) how much parking is being used by the existing businesses, (2) how much parking could be available for new businesses, and (3) determine where lots could be created while maintaining parking to existing businesses. To that end, the Town decided to conduct a parking study and count parking usage for each of the public lots in the Town Center.

Between February of 2014 and February of 2015 Town Staff conducted parking counts in the Town Center. The number of vehicles parked in each lot was counted at different times of the day and on different days of the week. The Town gathered 188 data points (days of data) and observed that not more than 280 of the parking spaces are typically used at the same time. The figures on the next page show when the parking counts were collected by Day of Week and Time of Day.

Of the 534 Existing parking spaces the peak usage is around 280 spaces, which leaves about 250 spaces available to support redevelopment and growth in the Town Center. At the time of the parking study, the vacancy rate in the Town Center was less than 12%. So part of the 250 spaces need to be preserved for the vacant commercial office space.

Once the parking counting was done and the data analyzed, Town Staff then took this data and developed a program to maintain and provide 500 parking spaces in the Town Center by reconfiguring some of the parking lots and at the same time creating some new lots that future buildings could be built on. Since Block A already has parcels labeled in a series of numbers and a series of letters, the new lots were named with the compass ordinal directions. See the figure below for an overview of the proposed Town Center Lots.

It is anticipated that these **Yellow** lots NW-1, NW-2, NW-3, NE-1, SW-1 and SE-1 could be developed as standalone lots.

The **Orange** lots are proposed with the intent of being package with an adjacent Yellow Lot to create a larger development opportunity. These lots may include some parking underneath under the buildings to protect the parking pool.

The **Blue** Lots, Lots SW-3 and SE-4, could be packaged with the Payne building and the other southwest and southeast lots to create a single large development than spans between Lake Dillon Drive and Fiedler Avenue. Using the Orange and Blue lots would require some sort of parking structure within the building footprint to provide enough parking.

The Town also already owns a small parcel at the southwest corner of the Main Street and Schroeder Avenue intersection called Lot C. The proposed plat would abandon this lot and reconfigure it into Lots NW-2 and NW-3.

The new parking and lot layout also took into account needs for trash service and accessible parking for each building. See the attachments for a detailed proposed layout for each parking lot around each of the new buildings. It is anticipated that the parking lots would be configured in conjunction with the development of the surrounding lots as needed. A lot of the parking has been shifted to on street parallel parking in order to create a walkable downtown area with 12' sidewalks along the proposed

buildable lots. The 12' sidewalk can also host street trees and street lights along the parking and maintain an 8' wide walking area next to proposed buildings.

An actual Right-of-Way for Main Street would be dedicated as part of this replatting process for the first time. In order to provide walkable sidewalks on each side of the road, as well as parallel parking, the proposed Right-of-Way width for Main Street is 70'.

It is anticipated that the parking lots would be rebuilt and reconfigured in conjunction with the development of the surrounding lots as needed. A lot of the parking has been shifted to on street parallel parking in order to create a walkable downtown area with 12' minimum width sidewalks along the proposed buildable lots. The new lots can be created while maintain over 500 parking spaces in the Town Center area.

The proposed reconfigured parking spaces 50% of the parking will be on streets and 50% will be in parking lots.

In summary, the Town of Dillon is interested in reconfiguring portions of the Town Owned parking areas and undeveloped land in the Town Center into 11 new parcels. Once the lots are created, the Town intends to transfer the properties to the Dillon Urban Renewal Authority (DURA) as needed. The DURA would put out a request for proposal for each of the lots and see if there is any interest in the development community. The new lots are shown on two separate plats as follows:

**DILLON MAIN STREET LOTS:**

This plat creates four lots along the south side of Main Street and the Main Street Right of Way between Lake Dillon Drive and Fiedler Avenue. Up to this point, Main Street has never been a platted right of way. The proposal would straighten out Main Street between Fiedler Avenue and Lake Dillon Drive and install parallel parking on both sides of the street in order to replace some of the parking lost by the proposed developable lots. See the attached drawings.

**Lot NE-1** sits at the southwest corner of the Main Street and Fiedler Avenue intersection. This 5,624 square foot (76'x74') lot is proposed to occupy a portion of Parking Lot E. As shown on the attached **Parking Lot 'E'** plan, the parking lot can be reconfigured into an "L" shape and the parking can be increased from 19 spaces to 44 spaces. ***This development of course assumes that the existing building on Lots L, M and N would be demolished prior to development of Lot NE-1.*** Additional parallel on street parking would be constructed next to Lot NE-1 on Main Street and Fiedler Avenue.

**Lot NW-1** sits along Lake Dillon Drive between Main Street and Village Place. This lot will occupy the present location of parking lot 'D'. See the attached **MAIN STREET** plan. The 12 spaces from parking lot 'D' will be moved to Village place which would be reconfigured as a one-way street with diagonal parking on both sides increasing the Village Place parking count from 20 spaces to 38 spaces as shown on the **VILLAGE PLACE PARKING** plan. Lot NW-1 would be 10,374 square feet and would create a prime retail opportunity on Lake Dillon Drive.

**Lots NW-2 and NW-3** sit along the south side of Main Street between Lake Dillon Drive and Schroeder Avenue as shown on the attached **MAIN STREET** plan. Each lot is 80'x41' and contains 3,283 square feet. Nine parallel parking spaces are proposed on the south side of Main Street in front of these buildings, and an additional 2 accessible spaces would be built off Schroeder Avenue next to Lot NW-3. These 11 spaces would replace the 10 parking spaces in Parking Lot C that the new buildings will sit on.

**DILLON EAST LABONTE LOTS:**

This plat creates seven lots along the north side of East LaBonte Street between Lake Dillon Drive and Fielder Avenue. The proposal widens the LaBonte Street right-of-way from 60' to 69' in order to allow for parallel parking on both sides of the street and a new 12' wide sidewalk between the new lots and the parallel parking on the north side of the street.

**Lot SE-1** sits at the northwest corner of the LaBonte Street and Fiedler Avenue intersection. This 4,508 square foot lot is proposed to occupy a portion of Parking Lot I. As shown on the attached **Parking Lot 'I'** plan, the parking lot can be reconfigured into an "L" shape and the parking would be decreased from 52 spaces to 39 spaces. An additional 5 parallel parking space would be constructed on Fielder Avenue and LaBonte Street adjacent to the lot so the net loss would only be 8 parking spaces. Historically this parking lot typically only needed between 20-30 spaces most of the day and at peak times needed upwards of 40 spaces. It should be noted that the parallel parking on the south side of LaBonte Street never gets used at the moment.

**Lots SE-2 and SE-3** are created in case a developer wants to use more of the parking lot for a proposed development and provide public underground parking in exchange for the land as an option.

**Lot SW-1** sits at the northeast corner of the Lake Dillon Drive and LaBonte Street intersection. This 8,046 square foot lot is proposed to occupy a portion of Parking Lot G. As shown on the attached **Parking Lot 'G'** plan, the parking lot can be reconfigured into an "L" shape and the parking would be decreased from 50 spaces to 45 spaces. An additional 8 parallel spaces would be built along the adjacent streets for a total of 52 spaces or a net gain of 2 spaces. Historically this parking lot sees about 20-40 cars a day. This premium corner lot will hopefully develop as a prime commercial, retail and restaurant complex.

**Lots SW-2 and SW-3** are created in case a developer wants to use more of the parking lot for a proposed development and provide public under structure parking in exchange for the land as an option.

**Lot SE-4** is created so a master developer could perhaps utilize all the SE and SW lots and combine them with Parcel D (the Payne Building) to create a new master development from Lake Dillon Drive all the way to Fiedler Avenue.

**ZONING:**

The existing properties are all currently zoned CA – Core Area.  
The proposed properties will also remain zoned as CA – Core Area.

The purpose of the Core Area Retail Zone is restated below from Town Code Section 16-3-150(1):  
*Purpose. The purpose of this zone is to preserve and enhance areas within the commercial core of the community for concentrated retail sales and businesses that will serve the pedestrian shopper. This district is the retail, commercial and entertainment core of the community for both visitors and residents. The intent is for this area to be a dominant retail and entertainment center, and thus more intensive development of the area is encouraged than elsewhere in the community. Core Area uses should be buffered from surrounding areas to minimize adverse impacts. The intent is to create a pedestrian environment with automobile access encouraged in the peripheral areas through parking lots or structures. Wholesale trade class 1 uses may be allowed as a conditional use upon a finding that the aesthetic, environmental and noise impacts to adjacent uses are minimal. Multi-family residential dwelling unit uses are allowed in this district as a permitted use if located above the ground*

*floor level, or as a conditional use on the ground floor level if such conditional use is approved as part of a separate PUD application and approved PUD plan. Design, landscaping and signage should complement the intimate character of this area as a retail and entertainment center.*

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:**

The proposed subdivision is in conformance with the adopted comprehensive plan and encourages the redevelopment of underutilized parcels within the Town Center/Core Area. That vision of the Comprehensive Plan is restated below:

*Town Center. The Dillon Town Center was improved by the community in the early to mid-1990 through extensive streetscape and street improvements. The Town needs to continue to build on these improvements and encourage private investment in the Town Center that will strengthen the economic climate in downtown Dillon. The Leland Study and the Dillon Town Center Vision and Direction report both recommended the formation of an Urban Renewal Authority. The formation of an Urban Renewal Area encompassing the Town Center areas will provide funding mechanisms for incentives to promote redevelopment of outdated and underused commercial spaces, as well as provide an opportunity to develop housing for year round residents. 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.*

**ADDITIONAL INFORMATION**

Once the lots are created, they would be available for acquisition through the Dillon Urban Renewal Authority as mentioned above. Once a proposal is submitted and accepted by the DURA, each individual proposal would have to come to the planning and zoning commission for project specific approval in a public hearing context. So the community will be able to judge each project proposal on its own merits at some point in the future.

**STAFF RECOMMENDATION:**

In the interest of creating potential development opportunities in the Town Core, Town Staff recommends approval of the application.

Chairman Nathan Nosari summarized the resolution and opened to the Commission for any questions to the applicant. The applicant would like to have economic development growth and provide this information to outside developers.

Commissioner Teresa England: Right now on the economic development brochure they already identify 8 potential sites, this is 11. It's literally the same style that's advertised as being available. So why does it need to be subdivided? Dan Burroughs, Town Engineer: If you subdivide something, it exists and it can be purchased tomorrow. Chairman Nathan Nosari: It streamlines the process. Chairman Nathan Nosari: Last time we went through this process it brought CMC to the table. That was the end result. They were an identified party to potentially purchase land. So they stepped up. Dan Burroughs, Town Engineer: We previously created 3 other lots along La Bonte Street on the East side of Town Center and put an RFP out in October. We got 2 responses. We have a developer that wants to put townhomes and apartment complex along those 3 lots to be built. CMC replied that they'd like to give an option too. It brought it to the table but it has been a long time. We're still working with them to try and get a more formal thing. But by creating the 3 lots and it created an opportunity. The other developer is still interested in proceeding with the project if the Council decides CMC doesn't want that lot. It absolutely created an opportunity when we replatted those 3 lots that didn't exist before. There were some access lots we determined we didn't really need anymore. That's basically why the

Town did this too. That was successful and brought interest to the Town Center in order to establish start economic redevelopment.

Commissioner Teresa England: Have we looked at what we're doing here in light of the agenda item #6 which requests approval of less than required amount of parking for that use? Will that impact our ability to provide parking for the Town? Dan: Again, if you recall, we did a huge parking study for this. We studied the parking for a year and we were able to create these lots. We only lost 30 out of 530 parking spaces. We've done a pretty good job at making sure the parking impact to the rest of the Town Center is pretty minimal. We had 220 excess parking spaces and 280 that were actually used at peak demand. We still have 500 parking spots which supports parking requirements for all the new development on these lots, current and proposed uses. If we get some spectacular development, like all the lots along La Bonte Street, they would probably provide parking for something that big in addition to what the Town Center has. But we would evaluate every single application separately. This isn't the end all game. You're always going to have an opportunity to review whatever comes to the Town for development. It has to go through the DURA process, so it's going to be a lot of steps for all this property to actually get developed. There will be plenty of opportunity for community input. Anyone who thinks they're going to be impacted by parking or noise or a problem associated with the new development will have ample opportunity. There are 3 places they have to go through, the DURA Board, the Town Council, and the Planning & Zoning Commission. So nothing's going to happen tomorrow. There's an elaborate process. We're just trying to take an additional step out of the way. It's quite likely that another developer might say well this works but I want to replat. I don't guarantee anything. You just never know. Some people don't want a huge building, they just want a little building.

Commissioner Jerry Peterson: NW-1 is going to make the old medical building pretty much a throw-away building? Dan Burroughs, Town Engineer: No, it doesn't change that, we're just going to repurpose that parking lot, C & D, to become a building. There's an open area between all the buildings. It would be a sidewalk. You couldn't drive to the door if you were on the back side, but that's not typical. Usually you have one door next to the street frontage. So it's nothing paradigm shifting or anything it's just normal development.

Commissioner Jerry Peterson: How big is that space in that NW2 building? Dan Burroughs, Town Engineer: It's 16 feet. So most of the sidewalks we build in Town are 6 feet wide. So depending on how it gets developed you'd have a 6 foot sidewalk and 5 feet of landscaping. So it's a pretty big gap.

Commissioner Jerry Peterson: Are you putting these lots up for sale at the same time as the Payne building? Dan Burroughs, Town Engineer: That's up to the Payne building owner. We've had conversations with them. They're willing to entertain offers. By creating the lots we'll have a mechanism to start shopping that around. I don't know the answer to that. We're just trying to create opportunity that doesn't exist. Without it, we don't have anything,

Chairman Nathan Nosari asked: We're trying to do land assemblage, is that correct? Dan Burroughs, Town Engineer: We're creating development opportunities. Creating new lots that don't exist. Trying to make our Town Center more efficient to encourage redevelopment. We will work through all those things individually. Instead of bringing you 16 applications we wanted to get the lots created in one big broad swoop. Then every single lot will come to you in some form of an application with a proposed building on it, it will talk about the parking needs, the impact to the adjacent people, and other issues you'll have to evaluate individually. Chairman Nathan Nosari continued: The current building owners could buy these parcels. Dan Burroughs, Town Engineer replied: Absolutely. Through the DURA process they can actually acquire them for free which is what we did with Pub Ryan's when they did

their expansion. That's why we created the Dillon Urban Renewal Authority. So that there's an opportunity for people to acquire land next to their buildings. They can redevelop their land, their buildings to be whatever they want. We're not denying anything to anybody. We're just trying to open the door and encourage new ideas. It's easier to talk about something that exists as opposed to an idea. Without that kind of conversation you can't say this lot isn't big enough.

Commissioner Jerry Peterson: NW1 takes part of Lake Dillon Drive doesn't it? Dan Burroughs, Town Engineer: It puts frontage on Lake Dillon Drive which is one of the goals of this, to encourage retail along Lake Dillon Drive where right now it's just kind of a forest. It's just all trees right now.

Chairman Nathan Nosari clarified: The public hearing was closed last meeting but it was continued to this meeting.

Commissioner Amy Gaddis moved to approve Resolution NO. PZ 07-16 Series of 2016. Commissioner Teresa England seconded the motion, which passed upon roll call vote. Commissioner Jerry Peterson abstained.

**CONSIDERATION OF RESOLUTION NO. PZ 08-16, SERIES OF 2016: A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, APPROVING THE PERMANENT SIGN FOR 176 LAKE DILLON DRIVE, DILLON, COLORADO.**

**SUMMARY:**

High Country Conservation Center (HC3) submitted a Class I Sign Permit application for an Individual Sign Permit for a permanent freestanding sign for their office building at 176 Lake Dillon Drive. The proposed sign is described as follows:

- A freestanding sign (mounted on an existing 4"x4" timber post) with a maximum sign elevation of eight (8) feet
- A thirty-one (31) inch diameter circular wood relief sign having a natural wood colored background with orange letters, accompanied by a blue and green colored logo
- The applicant does not plan to illuminate the sign

The Dillon Municipal Code provides for single tenant building businesses in Sign Zone 'B' to have 75 sq. ft. of signage that may be used for 1 or 2 signs, plus one additional sign that shall not exceed 30 sq. ft. The one proposed freestanding sign totals 5.2 sq. ft. The Dillon Municipal Code requires two (2) square feet of maintained landscaping for every one (1) square foot of signage (Sec. 16-11-260(b)). Existing landscaping in the vicinity of the sign exceeds the required 10.4 sq. ft. of landscaping, and the applicant is required to maintain the landscaping free of trash weeds, and rubbish. The proposed height of eight (8) feet is well below the maximum height permitted in Sign Zone 'B', which is eighteen (18) feet.

**STAFF RECOMMENDATION:**

Staff recommends approval of Resolution PZ 08-16, Series of 2016.

Commissioner Teresa England: Are they going to take down temp banner, because it's more visible? Ned: Yes, it's a temporary banner in lieu of a permanent sign. Commissioner Teresa England asked: I assume they're on a lease? How long is the lease? Dan Burroughs, Town Engineer replied: It's month-to-month. Commissioner Amy Gaddis: So the sign is already existing they just want to attach it? Ned West, Town Planner: They moved to Dillon from Frisco so they brought their sign. Commissioner

Amy Gaddis said: It's kind of hard to read but it's up to them. Ned West, Town Planner: The applicant was looking at producing a whole new sign with a new logo and things but it was cost prohibitive. They are a non-profit.

Commissioner Jerry Peterson moved to approve Resolution NO. PZ 08-16 Series of 2016. Chairman Nathan Nosari seconded the motion, which passed unanimously upon roll call vote.

**CONSIDERATION OF RESOLUTION NO. PZ 09-16, SERIES OF 2016; A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, RECOMMENDING APPROVAL OF A LEVEL IV DEVELOPMENT APPLICATION FOR THE CROSSROADS AT LAKE DILLON PLANNED UNIT DEVELOPMENT ON LOTS 1, 1A, 1B, AND 1C, BLOCK B, NEW TOWN OF DILLON, LOCATED AT 122, 134, AND 176 LAKE DILLON DRIVE, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO. PUBLIC HEARING**

**INTRODUCTION:**

The Town of Dillon has received a Level IV Development Permit application for the proposed Crossroads at Lake Dillon Planned Unit Development (PUD) at the southeastern corner of Lake Dillon Drive and US Highway 6, at 122, 134, and 176 Lake Dillon Drive. The project is generally described as a six (6) level, vertically mixed use building with a small conference center, hotel rooms, residential units, and a top floor restaurant and lounge. The total building area considering all levels is 128,800 square feet, covering 28,410 square feet of the site. The site has the potential to offer arguably some of the best views in Summit County with its vantage providing views of Lake Dillon, the Ten Mile Range, the Gore Range, Ptarmigan Mountain, Tenderfoot Mountain, and the Keystone area.

The development provides twenty-three (23) residential units on Levels 3, 5, & 6, of which three (3) will be dedicated as apartments on Level 3 reserved for employees of the project. Two (2) large penthouse residences are on the upper level. The project contains eighty-three (83) hotel rooms on Levels 3 & 4 and a ground level one-hundred (100) seat capacity conference center. A nearly six thousand-two hundred (6,200) square foot recreation deck with two (2) large hot tubs is provided on Level 3 with southern views of Lake Dillon and the Ten Mile Range provided for both residents and hotel guests. A top floor restaurant, lounge and observation & event deck top off the project. Parking is provided in open air parking lots, as well as in a parking structure within the building.

**CONCURRENT RESOLUTION:**

The residential component of the project requires a Conditional Use Permit as required by the underlying Commercial zoning district regulations. The Conditional Use Permit application is running concurrently with this PUD application, and will be heard following this agenda item as Resolution PZ 10-16, Series of 2016.

This PUD varies two typical conditions of a Conditional Use Permit for Residential uses in the Commercial zoning district:

- 1) The density of the residential component of the proposed project is higher than that permitted through a Conditional Use Permit in the Commercial (C) underlying zoning district by two (2) residential units.
- 2) The typical requirement to provide private open space immediately adjacent to all residential units is varied through this PUD. Not all residential units are provided with private open space immediately adjacent to their units

**GENERAL CODE PROVISIONS FOR PLANNED UNIT DEVELOPMENTS:**

The Dillon Municipal Code (Code) provides the following general provisions for a Planned Unit Development (PUD). Below is an excerpt from the Code:

**Sec. 16-5-110. - PUD requirements.**

(a) The PUD development plan may establish density, height, setback, lot size, wetlands buffer areas, parking lot design standards, architectural, signage and landscaping standards that differ from those in the underlying zone or in this Code, provided that the standards further the objectives of the PUD regulations, the Comprehensive Plan, and the specific PUD development plan.

(b) All requirements of the underlying zone and those set forth in this Code otherwise applicable to the area of land proposed for a PUD shall govern, except to the extent that the approved PUD development plan provides exceptions as allowed herein.

**PUD VARIATIONS FROM CODE:**

The applicant requests the following deviations from the Code through this PUD:

- 1) **Building Height.** The Developer requests an 85.5' allowable building height instead of the 40' allowed by Town Code for buildings within the Commercial zoning district.
- 2) **Setbacks.** The Developer requests reduced setback and yard provisions from those required in the Commercial zoning district.
- 3) **Residential Density.** The Developer proposes twenty-three (23) Conditional Use residential units for the commercially zoned 1.501 acre project. Twenty-one (21) would typically be allowed through the Conditional Use Permit process.
- 4) **Open Space.** The typical requirement to provide private open space immediately adjacent to all residential units is varied through this PUD. Not all residential units are provided with the typically required two-hundred (200) square foot private open space immediately adjacent to their units; however, the project provides communal open space with the large recreation deck, observation deck, and some ground level exterior open space.
- 5) **Landscaping.** The project provides narrower on site landscaping buffers for off-street parking, some project yard buffers are too narrow for planting trees, reduces the percentage of evergreen trees from fifty percent (50%) to thirty percent (30%), reduces the tree spacing for off-street parking screening from ten (10) feet to fifteen (15) feet, and reduces the minimum planted tree height from eight (8) to six (6) feet for off-street parking screening.
- 6) **Parking Design Considerations.** The Developer has requested the following parking design considerations through the PUD process:
  - a. Providing a reduced amount of residential and commercial parking on site.
  - b. Parking spaces along the CDOT Highway 6 Right-of-way to be constructed at 17' deep with a 12" overhang over the curb and landscape strip adjacent to the right-of-way line, rather than the typical 18' deep space.
  - c. Parking garage ramp grades of a maximum of 20%.
  - d. Garage ramp widths at a minimum of 20'.
  - e. Designate up to 20% compact parking spaces.

**APPLICATION SUMMARY AND ANALYSIS:**

**Applicant:** DANIEL LEE EILTS, individually, and CYNTHIA A. EILTS, individually, and DILLON GATEWAY DIAMOND IN THE RUFF a Colorado limited liability company (the "Developer"). The Developer is the owner of Lots 1 & 1B, and has an option to buy Lots 1A & 1C.

**Property Location:** 122, 134, and 176 Lake Dillon Drive, Dillon, Co.

**Lot, Block, Subdivision:** Lots 1, 1A, 1B, & 1C, Block B, New Town of Dillon Subdivision

**Property Size:** 1.501 acres

**Existing Zoning:** Commercial (C) zoning district

**Proposed Zoning:** PUD retaining the underlying Commercial (C) zoning district. No zoning district change proposed.

**Existing Land Use:** Currently the parcel has a mix of uses on the proposed project site. A gas station and convenience store are located on Lot 1. Old Town Hall, located on Lot 1C was utilized as a performing arts center prior to the current use as office space for the non-profit High County Conservation Center (HC3). The Old Rebekah Lodge on Lot 1B is used for radio broadcasting and by a barbeque and catering business. Lot 1A is landlocked vacant land.

**Surrounding Land Use:**

*North:* CDOT Right-of-Way with the intersection of US Highway 6 and Lake Dillon Drive, with Town of Dillon Mixed Use (MU) zoned with townhome residential use and a large church facility, as well as Summit County R-2 and R-3 single-family and multi-family residential dwellings.

*East:* Lake Dillon Drive, the Commercially (C) zoned Columbine shopping center (149 Tenderfoot Street) with a bike rental facility, liquor store, restaurant, and ski rental shop; Parks and Open Space (POS) zoned Town Park and a Public Transit stop; the Fire Department zoned Public Facilities (PF); and Town of Dillon Town Hall/Police station (275 Lake Dillon Drive), Parks and Open Space (POS) zoning.

*South:* Mixed use building with a restaurant and a residential use, Core Area (CA) zoning. The parcel is under current approval for a five (5) story mixed-use restaurant, retail, and residential building.

*West:* Telecommunications Utility building (166 West Buffalo Street) operated by Century Link, Commercial (C) zoning. The building has antennae and a microwave transmission tower on it.

**Proposed Land Use:**

The project is a six (6) level, vertically mixed-use building with a small conference center, hotel rooms, residential units, and a top floor restaurant and lounge.

**Proposed Residential Units and Open Spaces:**

Residential use in the Commercial (C) zoning district require a Conditional Use Permit, and an application is running concurrently with this PUD application. The underlying Commercial (C) zoning district requires that two-hundred (200) square feet of private open space be provided immediately adjacent to the units. The development provides twenty-three (23) residential units on Levels 3, 5, & 6; however some are not provide with private open space / decks. In addition, residential uses in the underlying zoning district are limited to 11 units for this size proposed parcel (1.501 acres) through the Conditional Use Permit process based on the specified density of the Residential Medium (RM) zoning district that has a maximum density of fourteen (14) units per acre.

The Code provides the following requirements for Residential uses in the Commercial zoning district:

**Sec. 16-3-160. - Commercial (C) Zone. (excerpt)**

(3) Conditional uses. The following uses and their accessory uses may be permitted if in conformance with the intent of this Chapter, subject to the provisions of Article V, Division 3, and after an appropriate review has been conducted:

c. Multi-family dwelling units at the density established for dwelling units within the RM zone.

(4) Residential uses. Residential uses shall only be allowed as conditional uses if they meet the following standards and criteria:

a. The residential uses do not exceed forty percent (40%) of the square footage of the total project nor exceed fifty percent (50%) of the square footage of any one (1) building within a project.

b. The residential uses are located either above the first floor or, if located on the first floor, do not occupy, in the determination of the Commission, a primary building facade, which is generally those facades that face the primary commercial parking lot intended to serve the project, or face public rights-of-way from which pedestrian access to the commercial or other approved primary uses is provided.

c. The residential uses are provided with private yards or outdoor open space areas, a minimum of two hundred (200) square feet in size per unit, located immediately adjacent to the residential units. This may be on-grade or provided through the use of decks and/or balconies.

d. Parking for the residential uses shall be distinct from any other parking on-site, shall be in a separate area whenever possible and shall be signed for the use of the residents only. No required residential parking may be off-site, nor shall its construction be deferred to a later date.

The Developer requests the Code provision for the private residential open space and unit per acre density be varied through the PUD.

**Level 3.** Three (3) apartments dedicated for employees of the project. The PUD Agreement binds the Developer to this dedication. The employee housing units are sited in the northwestern corner of the building on Level 3, and comprise 2,233 square feet of that level. The three (3) residential apartment units are separated from the hotel use by a private, limited access hallway.

As a condition of the Conditional Use Permit, residential uses are to be provided two-hundred (200) square feet of private open space immediately adjacent to the units. The units are not provided private decks directly adjacent to them, but are afforded access to the 6,191 square foot Recreation Deck on that level. The recreation deck is available to both hotel guests and residents in the building, and the Developer proposes that open space provided by the Recreation Deck, upper level Observation Deck, and open space outside the building on the ground level be sufficient for the residential open space requirements on Level 3.

**Level 5.** Eighteen (18) residential units are provided on Level 5. The Developer proposes these units as market rate for sale condominiums. A total of 14,781 square feet of residential unit space is provided on the level.

The two (2) one-bedroom units are not provided with private open space decks due to limitations on the size of the units. They are afforded access to the 6,191 square foot common Recreation Deck on Level 3, as well as on grade open space, and the observation deck on Level 6.

**Level 6.** Two (2) residential units are provided on Level 6, totaling 4,548 square feet with an average of four-hundred and eighty-seven (487) square feet of private open space immediately adjacent to the units.

The 3,928 square foot observation deck on Level 6 provides additional common open space for residents of the building in a shared capacity with the commercial users.

**Proposed Commercial uses:** The building contains hotel, conference center, and restaurant commercial components.

**Architectural Style:** The building design uses stone elements on the lower level and as vertical elements giving the building a solid appearing base, beams, overhangs, and lower roof elements accompanied by building articulation and varied facial materials and colors break up the middle levels of the building, and multi-pitched gabled roofs top of the project. The restaurant, on the south eastern corner of the building, will have a large enclosed deck on the southern side that has a retractable ceiling and glass walls. The Observation Deck on Level 6 is a covered open viewing area and the large windows in the restaurant and lounge lighten the appearance of the mass on the upper level of the building. The design elements conform to the Design Guidelines as set forth in Article VIII of Chapter 16 of the Dillon Municipal Code (Sec. 16-8-10).

**Site Configuration:**

**Access:** Automobile access to the site is off of Lake Dillon Drive at the Intersection with Tenderfoot Street. A new crosswalk will connect pedestrian users with Town Park and the Summit Stage transit stop, as well as to sidewalks and paths connecting to the Core Area.

**Off-street Parking:** Off-street parking is provide in open air parking spaces as well as a two (2) level covered parking structure.

The Code provides for off-street parking requirements in Article VI of Chapter 16.

**Crossroads at Lake Dillon PUD Parking Design Considerations.** The Developer has requested the following parking design considerations through the PUD process:

- 1) **Reduced Commercial and Residential Parking.** Through the PUD process, Section 16-5-120(i) of the Code provides for the ability for an applicant to vary the required number of parking spaces based on consideration of the following factors:
  - a) Estimated number of vehicles to be used by occupants of dwellings in the PUD;
  - b) Temporary and permanent parking needs of non-dwelling uses;
  - c) Varying time periods of use whenever joint use of common parking areas is proposed; and
  - d) Parking and storage needs for recreational vehicles, including but not necessarily limited to campers, camper shells, boats, travel trailers and snowmobiles. Note that the PUD Agreement stipulates that this item (4) may not be considered for this project, as such uses are not permitted in this PUD.

The Developer proposes one-hundred and twenty-five (125) parking spaces. They propose one (1) parking space per residential unit and hotel room, and differing criteria for the assessment of parking for the restaurant and conference center than provide for in the Code.

- a) The Code requires two-hundred and thirteen (213) parking spaces for the underlying Commercial zoning district.
  - b) Comparatively, the Core Area zoning district parking requirements would require one-hundred and eight-one (181) parking spaces.
  - c) The project provides approximately 59% of the required parking for the underlying zoning district, and approximately 69% of that required using the Core Area requirements as a comparative.
- 2) **Allowance for Curb Overhang in Parking Dimensions.** The Developer requests that a portion of the parking, those parking spaces along the CDOT Highway 6 Right-of-way be constructed at 17' deep with a 12" overhang over the curb and landscape strip adjacent to the right-of-way line. This effectively still provides an 18 foot long parking space, in the view of the Town Engineer, and is acceptable to the Town. There is no specific Code reference pertaining to this item.
- 3) **Compact Parking Spaces:** The Code allows for compact parking spaces in conjunction with a PUD. In this case the applicant has asked for five (5) compact parking spaces within the parking structure. The Developer proposed compact parking spaces with a width of eight (8) feet. The five (5) compact parking spaces represent 4% of the provided 125 total parking spaces provided. The Code provides for up to 20% compact vehicle parking within a PUD.
- 4) **Parking Garage Ramp grade in excess of 10%.** The 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. All parking garage ramp segments within a PUD greater than 10% require integral heating in accordance with Sec. 15-5-120(n)(2) of the Dillon Municipal Code (Code). The Developer proposes twenty percent (20%) grades for the garage ramps and will provide an integral snow melt system in all ramps exceeding 10%.
- 5) **Parking Garage Ramp Width.** The Code provides for a 20' parking garage ramp width as proposed for the parking garage access on the northern side of the building, in conjunction with a PUD. This is permissible within a PUD in accordance with Sec. 15-5-120(n)(3) of the Dillon Municipal Code (Code).
- 6) **Parking Space Use restrictions.** As noted in subsection 1)d) above, as a component of the concessions made for parking lot and parking garage design standard variations from the Code through the PUD process, the Town has placed the following limitations on parking space usage: The residential and commercial parking spaces located onsite may not be used for the storage of any vehicle or non-vehicle items, including, but not limited to storage sheds, trailers, boats, kayaks, ATVs or recreational equipment, construction equipment or any other vehicle or non-vehicle items.

**YARDS / SERTBACKS:**

The Code requires the following yards:

Front: 25'  
Side: 10'  
Rear: 20'

The Development shall be allowed the following yards and building setbacks as a part of the PUD approval:

1. Along the Lake Dillon Drive Right-of-Way: No yard required.
2. Along the 40' unnamed Right-of-Way: No yard required.
3. Along the Highway 6 Right-of-Way: Minimum 25' Street Side Yard.
4. Along Lot 2, Block B, New Town of Dillon: No Yard Required.

#### **BUILDING HEIGHT:**

The Developer has requested an **85.5'** allowable building height instead of the 40' allowed by Town Code for buildings within the Commercial zoning district. The building may have an additional eight (8) feet of non-inhabitable space above the top of building roof ridge elevation in accordance with the Code. The building has a chimney feature within this additional height allowance that extends an additional 4.3 feet above the top of roof ridge element.

Per the requirements of the Town Code, the maximum allowable elevation of a structure is determined by calculating a base elevation and adding the maximum building height to that elevation. The base elevation is determined to be 9,115 feet. The top of roof ridge elevation is 9,200'-6", and the chimney top elevation is 9,204'-10".

**Surrounding Building Elevations:** To the south, the approved Gateway PUD has a top elevation of 9,159, 41.5' lower than the Crossroads building. The hose tower on the fire station is 43.2' lower and the Century Link microwave transmission tower is 43.7' lower than the proposed building.

**Relative building height to the adjacent streets:** With a base elevation of 9,115', and a relative Lake Dillon Drive centerline elevation of 9,112.5' near the southeastern corner of the building, the 85.5' foot structure will appear to be 88' tall.

#### **LANDSCAPING:**

**Landscaping Provisions:** The developer has agreed to provide the landscaping allowances outlined in Section I.A.21 of the PUD Agreement. The planting of trees and shrubs shall generally conform to Chapter 7, Article V and Chapter 16, Article VI and VII of the Code, except as provided for in the PUD Agreement.

1. The Developer shall submit a final detailed landscaping plan for the entire Development to the Town for review and approval. The landscaping plan shall provide at a minimum, the following trees and shrubs:

- a. One tree for every (15) fifteen feet of ROW along both Lake Dillon Drive and the 40' ROW.
  - i. The PUD reduces the typically required ten (10) foot tree spacing for screening off-street parking areas to fifteen (15) feet. (Code: Chapter 16, Sec. 16-6-60(8)).
  - ii. The PUD reduces the ratio of evergreens to deciduous trees from 50:50 to 30:70. (Code: Chapter 16, Sec. 16-6-60(8)).
  - iii. The PUD reduces the minimum tree height for off-street parking screening from the typically required eight (8) feet to six (6) feet. (Code: Chapter 16, Sec. 16-6-60(8)).
  - iv. The PUD reduces the yards and the width of typically required project landscape buffer areas, preventing the ability to plant trees on site along the northern, U.S. Highway 6 boundary and the western boundary (Code: Chapter 16, Sec. 16-7-30(e)(3)). The Developer enters into an access and maintenance agreement to provide landscaping buffers on the southern boundary within the 40' right-of-way.
- b. Trees shall be planted as follows:
  - i. A minimum of forty-six (46) trees shall be planted.
  - ii. Trees shall be a minimum of six (6) feet tall.

- iii. Twenty-five percent (25%) of all trees shall be eight (8) feet tall.
- iv. Thirty percent (30%) of all trees shall be evergreens.
- v. Twenty-five percent (25%) of the evergreen trees shall be eight (8) feet tall.

c. The minimal landscaping strip width shall be six (6) feet along Lake Dillon Drive from the back of the six (6) foot wide sidewalk on Lake Dillon Drive to the parking area as shown on the Development Plans, Sheet A2.2.

d. Landscaping shall primarily consist of ground cover, trees, shrubs and other living plants with sufficient irrigation to properly maintain all vegetation.

e. Irrigation plans for all irrigation lines in Town right of way shall also be submitted to the Town Engineer for review and approval.

**2.** The Developer shall submit a final detailed irrigation plan for the entire Development to the Town for review and approval. The irrigation plan shall provide adequate vegetation support, detail the irrigation water tap location and size, location of the backflow prevention device, and location of the primary irrigation control system(s).

**REVIEW CONSIDERATIONS:**

**Snow Storage:** Heated garage ramps. Snow on hardscapes is to be placed in dedicated onsite snow storage areas or hauled off site. The Developer provides snow storage at the required rate of 25% of all hardscapes to be cleared of snow.

**Lighting:** Section 16-4-60 of the Town Code defines the lighting standards for site and building lighting. Basically exterior lights must be shielded by the light fixture and not reflect onto adjacent properties. Some lighting, such as three (3) street lights are indicated on the PUD plans. Lighting would be reviewed in more depth when an application to construct the project and pull building permits is submitted. Section I.A.20.i of the PUD Agreement requires the Developer to submit final lighting plans to Town staff for review and approval.

**Workforce Housing:** The applicant proposes three (3) dedicated apartment units for employees working in the hotel and restaurant on site. Additionally the applicant is required to pay an affordable housing Impact Fee at the time of building permit application. The Development Impact Fee for the proposed development is currently estimated at approximately \$174,000.

**Right-of-way encroachment license and maintenance agreements:** Accompanying an approval of the PUD additional agreements shall be entered into such as a maintenance and encroachment agreements for the landscaping and sidewalks located in the Lake Dillon Drive right-of-way along the eastern side of the project. An additional right-of-way maintenance agreement and encroachment license is required for 40' right-of-way along the south side of the property. These easements and agreements, as well as the required letter of credit to guarantee the improvements are due from the developer prior to construction.

**Snow and Ice Removal and Maintenance Agreement:** The Developer is required to enter into a snow and ice removal and maintenance agreement with the Town.

**Public Improvements Cost Estimate:** Developer shall provide a cost estimate for the public improvements for the project in accordance with the PUD Agreement.

**Telecommunications Interference:** The developer is required to determine if the project produces interference with nearby telecommunications facilities. The Developer shall coordinate with facilities operators for a resolution to any such interference. The Developer has provided an email from Richard Martinez, Lead Radio Engineer for CenturyLink, who wrote, "I can confirm that CenturyLink will abandon the microwave radio system [at the Dillon CenturyLink facility] and transfer everything to fiberoptics." November 30, 2016.

**EQR Evaluation:** The Town performed a preliminary EQR evaluation on the project based on the PUD application Development Plans.

Based on the current rate structure for EQR's, the Developer is required to pay \$1,066,866.28 in EQR water and sewer tap fees. The Developer can petition the Town Manger to delay payment on the EQR fees until the time of the Certificate of Occupancy, so long as the Developer can prove that the funds are available.

**PUD Agreement:** The PUD agreement for the Crossroads at Lake Dillon Project is attached for reference and review. Exhibits to the Agreement contain the Development Plans and other relevant documents.

**RESOLUTION CONSIDERATION:**

The Developer has submitted an application for a Class IV Development Permit for the Crossroads at Lake Dillon Planned Unit Development. Town staff presents Resolution PZ09-16, Series of 2016 and the evidence provided in this staff summary for consideration by the Planning and Zoning Commission.

This Resolution requires a **PUBLIC HEARING**.

Chairman Nathan Nosari opened the public hearing at 5:51p.m.

Ken O'Bryan, applicant, presented his report: We're local architects in Frisco, we've been here a long time. Thank you for hearing this application. To begin with we've been working with this project for a while, and the neighboring Ivano's project. At one time it was one project. We worked through several work sessions with Council to determine how PUD's with both properties combined should move forward. Setbacks and heights and whatnot. I want to say to Ned & Dan, you guys put together an awesome report, it is very concise and pretty much to the point.

As everyone knows parking is always an issue in any mountain town development, especially in a core area like this. I just want to get the concepts right now. It is a PUD, hopefully there are some negotiating factors. We as architects, we develop hotels across the country. We work with a lot of huge flags, one of which is going to come here. Most flag, even in urban developments require .7 to .73 parking spaces per hotel rooms. That's based on occupancy loads. You don't design the church for Easter Sunday, so to say. You have to come to a happy medium. What we're proposing is .75 per hotel room. We're proposing 1-spot per individual residential unit. There are only 5 of those 1-bedroom units and 18 2-bedroom units. So we're proposing one for each of those. We're proposing .75 for hotel rooms, by code we're proposing 74 for the restaurant & bar, and 13 for the conference center. If you tally all that up we're 2 spots over. We're really happy to be here tonight to present this opportunity for the developer and the Town.

Commissioner Jerry Peterson inquired: This is all underground parking? Ken O'Bryan: No. Again, part of underground parking up here in the mountains can be very very expensive. Part of our chore by the land owners, let's see what we can do and do a fit test to fit everything parking on grade and above ground, and then let's see what we can fit above that. Chairman Nathan Nosari commented: Parking structure is in the back. Commissioner Teresa England: There are also ramps. I'm confused. There's a parking structure, and then there's ramps. I thought I understood 20% grade ramp to upper level. Ken O'Bryan: It doesn't have a 20% grade, it's 16. We've done a lot of parking garages and you will not high-center.

Commissioner Jerry Peterson asked: What about snow storage, is there a plan for that? Dan Burroughs, Town Engineer: Yes. Exhibit C, Snow Storage Plan

Ken O'Bryan presented drawings.

Commissioner Teresa England: 1 parking space for each of these condo units. The hotel rooms don't bother me, but do you perceive this as marketable. Ken O'Bryan: We do, yes. Commissioner Teresa

England: Someone's going to buy a 4-bedroom condo with 1 parking spot? Ken O'Bryan: We don't have any 4 bedrooms. They're 3 bedrooms, most are 2. The penthouses might have 4. The 4 bedrooms, I would agree I might question that as marketable. There have been a lot of studies done studies. Over at Ski Hill Place in Breckenridge, those only have one parking space per unit except for their penthouse suites which have 2. Commissioner Amy Gaddis: I think Breckenridge is a little more pedestrian. Chairman Nathan Nosari: It does have a parking problem and I'm involved with it. Village at Breckenridge we have .5 spaces per unit. We ranges from studios all the way to 4-bedrooms with lofts.

Commissioner Teresa England: Just so we understand, we want it to be marketable, and we want it to be successful. I have a real estate background and I'm a little concerned that anyone would pay for a penthouse and only receive one parking spot. I have a concern with these being marketable. Chairman Nathan Nosari: Are these spots deeded or are they non-deeded? Ken O'Bryan: We don't know yet. Until a flag gets involved. I would imagine a flag's going to have something to say about that. I would tend to think yes, they'll want more than one space per residential. Commissioner Charlotte Jacobsen: Is the parking designated for the living unit? Ken O'Bryan: Parking for hotel certainly needs to be separated from residential. That needs to be controlled somehow whether it's by level of the internal parking. Because we foresee surface area parking being hotel. So it's the covered parking, the open air parking that can be controlled whether it's for residents or conference or restaurant or whatever. So there are some opportunities there. Commissioner Amy Gaddis: I want to hear the deviances regarding parking on each of the items, both residential and hotel from what we currently have. Ned West, Town Planner: We can go back to that.

Nosari: Are hotel rooms programmed as extended stays with kitchenettes or with any future plumbing? Are they going to get out of the hotel business and convert to studios? Ken O'Bryan: That's a great point. No. No kitchenettes. Commissioner Teresa England: They're not going to be restricted to owner occupants. So you're going to have people buying these condos to rent them. So a 3-bedroom condo is going to have 6 people at least with 1 parking spot.

Chairman Nathan Nosari: You did talk about Christmas. We're having more Christmas's. We're having weekends. I see it in Breckenridge every weekend. I see it the week before Christmas, I see it the week of Christmas, the week after, the whole month of March, I'm seeing it in July and August and every weekend in September. Ken O'Bryan: Wouldn't we all love to have a parking problem? That means they're here.

Commissioner Teresa England: Snow storage, it's a little unclear to me if it's going in the landscaping or in the parking lot? I see where it's marked but it's almost like it's going to be piled on top of new trees. Dan Burroughs, Town Engineer: Shove it between them. It's very typical. In big winters everyone has to haul off snow. There's never enough snow storage. In this case they're using CDOT right of way for that. If you can get an agreement to allow for that. Otherwise you need to agree to haul that off. Commissioner Teresa England: Because it would take up parking spaces.

Chairman Nathan Nosari: Are you presenting snowmelt on your rec roof? Ken O'Bryan: Maybe, maybe not. Snow melt takes a lot of energy and it's not being green, so we're trying to stay away from that.

Commissioner Teresa England: I have questions about open space. We required open space to be lessened due to the rec and observation deck. And that the residents will have a right to use it. How you going to document their right to use that? How are you going to control that, how are you going to manage that? And it won't be just the owners. It'll be their tenants. You can't make that a general common element because it's not part of the condominium. I don't see any way that that understanding can be enforced. Ken O'Bryan: It's going to have to be in the docs. Commissioner Teresa England: It needs to be of record. We're being asked to approve this with an understanding without knowing how it's going to be enforced.

Again, it goes to the conditional use. Ken O'Bryan: We don't know yet, we want to get past you guys first. The idea is common elements are shared by both. They'll have legal rights to it and pay their fair share.

Stephen presented materials.

Ned West, Town Planner: discussed current PUD.

Commissioner Amy Gaddis: Why a mix of residential & hotel combination? Ken O'Bryan: Want to try to help activate downtown Dillon. The residence is long term stay versus potentially buying a single family home. Chairman Nathan Nosari: This model is becoming more common. Ken O'Bryan: We're doing a lot of this in Aspen, Telluride. There are some in Vail. Telluride, we did hotel, fractional and residential. It went like hot cakes. They may say we want to up hotel rooms and decrease residential, but until a flag is engaged. But a flag nor any financial organization won't get involved until they know what's allowed which is why we're here today.

Amy Gaddis: I know when we went through this with the Gateway we obviously had some variances. Do you recall what they were? I feel like they were not as extensive as what's being asked here. I know we had some height variances. Dan Burroughs, Town Engineer: It's a different situation. This is zoned Commercial whereas the project next door, the Gateway, is zoned Core Area. So the benefit of the Core Area is there are no setbacks, you wouldn't have to get a variance for that. There is a 50 foot height instead of in the Commercial District it's only 40. Residential as a conditional use isn't a problem in the Core Area unless they put it on the 1<sup>st</sup> Floor, which they haven't done. Those are the 3 big things. The open space requirement for residential goes away in the Town Center. In the Core Area zoning there is no open space requirement per unit, there's no open space requirement at all in the Core Area. The tree requirements don't exist in the Core Area. If they chose to rezone it to Core Area, which they preferred to go this way because the only place a gas station is allowed currently is in the Commercial Zone. They didn't want to mess with zoning in case this project didn't go through. We're essentially adopting the Core Area model on these 4 lots. They'll combine them as a conditional approval into 1 lot eventually. The Core Area zoning is very favorable to zero lot lines and a tall development.

Ken O'Bryan: I'm assuming you are recommending to the Planning & Zoning Commission approval?

Dan Burroughs, Town Engineer: We are not recommending anything. The reason being, the whole point of this process is, we don't build many buildings in Dillon. The last building we built was Walgreens and the Qdoba / Noodles building. That was almost 10 years ago. Before that Petco went in in 2004. Dillon Common was 1997. 20 years ago. As a Town and the Planning Department, we don't have a lot of experience building buildings. You're going from 40 foot height to something that's going to be 90 feet. We're asking for twice the height, and that's the real issue. We don't know how the community feels about that. That's why we haven't made a recommendation. If it was close to the underlying zoning and everything we would probably make a recommendation. But we don't want to be the one that says no or yes. That's why we have these meetings. We want the community to weigh in on it. To see if it's the right fit for the community. And we'll do the same for Town Council. We want public input. We like the idea of the conference center. We've been down at the Best Western conference space a lot this year. A lot of the condo associations use this conference room here for their meetings. So there is a need for conference space in the Town. We like the rooftop restaurant. And then you have a residential component and a hotel component. So we want a real open discussion because we don't know what's right for this community.

Commissioner Teresa England: Where are the trash receptacles? Dan Burroughs, Town Engineer: In the back. Ken O'Bryan: There's loading and a trash compactor area. Commissioner Teresa England: So the restaurant's going to get access to that, and the condos? Ken O'Bryan: Yes, there's a service elevator for

this whole area. Commissioner Teresa England: How do the condo owners get their trash to that location? Ken O'Bryan: There's no trash chute. They're going to have to bring it down to that area. Commissioner Teresa England: That's not going to happen. Ken O'Bryan: Or management brings it down.

Chairman Nathan Nosari: Are we going to relocate Old Town Hall? Dan Burroughs, Town Engineer: We've had many conversations with the Historical Society. Historical Society does not want that building. I think they're more focused on the Rebecca Lodge. That's the building they're looking at right now. Old Town Hall you see there now has been modified a lot. You can't designate it as a historic structure because it's not on its original foundation. That's at the bottom of the lake. It's just an old building. The Old Town Hall building has been modified so many times. Most of the things you probably like about it were additions so the original building isn't there. Right now we haven't been approached by anybody that wants to save that. We talked about that 3 or 4 years ago, about moving it. But it's about \$400,000 to move it over where CMC is and we're not going to pay that. But we have been approached by the Historical Society. They are interested in maybe preserving the Rebecca Lodge because it was the old opera house back in 1896. It wasn't a very big opera house, it's just a term they use. Whether or not they can work out a deal or not I don't know. It's nothing we have in the code that we're trying to protect that. They're just old buildings. To some people they have value to others they don't. It's already been moved so it's not a historic structure.

Lisa Hunter, Dillon Commons: I have a question about parking. With the deficit in parking we've talked about using some of the Town lots for overflow. How does parceling that was just approved in agenda item 4 impact that if we're going to put some of those together and take from the Town parking that would possibly be used by this project? I ask from the fact that I have some designated parking spots in the front of my building but that gets filled very quickly. People that live there and work there, as a full time resident I don't want to come home one night and not have a place to park. Dan Burroughs, Town Engineer: Simple answer, we have 530 spots in the Town Center as a whole and that doesn't include all the parking on the sides. When we redid the plats we still have over 500 parking spaces if all the lots got developed. We found the maximum usage in Town Center was 280. So we have a surplus of 220 spaces. As projects come online we evaluate how they're effect that parking pool. Most of these are used during the day. We found most people didn't come to work until 9 or 10. In the peak hours of the afternoon we have 280, that's where it peaks. At 5:00pm it drops off. What we found, there's really no parking problem outside those working hours from 9, maybe 10, to 5. On weekends there's no problem. A lot of these uses, the conference might be a little different. The restaurant use for sure, would not compete with anyone because all the business parking opens up. Right now there's no reason we can't provide that parking. Down the road if the whole Town Center is developed we anticipate we'd be ok based on the parking pool we have. As things develop we'll constantly be looking at that. Ultimately if we need more parking we can convert parking lot F, which is by the daycare, to a parking structure. It'll take us a long time to get there. Right now there's not a big concern. Not only is there a finite amount of parking that seems to work there's also that use. The other thing, you'd hope some of the conference goers would stay in a hotel room. So you have some dual use that's not taken into account in any of this analysis. But to be clear they still are deficient. From a business model standpoint it's up to them to determine if that's good. There could be a situation where the closest parking space to their restaurant is 2 blocks away in the Town Center. It's something the applicant needs to consider if this is the right answer for them. Commissioner Teresa England: May I suggest valet parking? That's what they're going to have to do. Otherwise people won't go to the restaurant. They'll turn around and leave. I think it'd be a great project on a slightly larger piece of ground.

Chairman Nathan Nosari: My concern is the height. Dan Burroughs, Town Engineer: It's a 40ft right-of-way between that and Gateway. But both buildings aren't right up to the right-of-way line. It's 8 feet from the edge of the road. There's a good 60ft between the buildings.

Commissioner Teresa England: Do we think the architecture compliments each other?

Dan Burroughs, Town Engineer: I think it's fine. It's not a perfect world. I think they're both modern. It's just one of those things. I don't know how to answer that. It's really up to you to interpret that.

Commissioner Amy Gaddis: The stucco to me, I'm not a fan of stucco. I feel like it cheapens the building. I don't know why on the parking, I don't know why it's not a metal grate or something. I don't think anyone wants to see in there and see all those cars. It's messy. Commissioner Teresa England: I agree. And it's Lake Dillon Drive. Commissioner Amy Gaddis: They do enough parking now you can hide that stuff so it's not so noticeable. Ken O'Bryan: I thought we hid it. We have walls that are 4 1/2 feet high so I don't think you'd see the cars. Commissioner Amy Gaddis: But even seeing the structure of a parking structure to me is fairly. Dan Burroughs, Town Engineer: It's kind of setback. Ken O'Bryan: We could screen it.

Commissioner Amy Gaddis: I think there's an overall concern about height to begin with. Whether parking needs to go down some. Chairman Nathan Nosari: Chop a level off. Commissioner Amy Gaddis: I believe it still needs to be screened. Why is that not important? Commissioner Teresa England: I'm more concerned about the view from Lake Dillon Drive itself. Driving past an 80 foot mass.

Commissioner Jerry Peterson: I think we've worn this all out. Chairman Nathan Nosari: Can I make a suggestion that we continue this conversation for the next meeting. We can ask for some additional information from Ken. For example, one of my concerns is height. I think it's going to be overpowering.

Commissioner Amy Gaddis: It would be helpful to see perspectives for how this fits into the heights of the Town. To show the mass of that building.

Commissioner Jerry Peterson: It's almost impossible to get anything done anymore.

Chairman Nathan Nosari: I don't disagree with the residential and commercial. Commissioner Teresa England: I think it's a great concept. I just want to ensure it's thought through and it's successful. It's a very complicated concept. Part of what I want to require is that we see the governing documents. For example, it's one thing to tell the applicant, no storage. That's got to be in the condominium documents. I don't want trash showing up because they don't want to take it down. Dan Burroughs, Town Engineer: We'll review all that stuff later when they do the condo replat. At that point in time it'll come to you for review, you can certainly make that a condition of approval. Dan Burroughs, Town Engineer: What we're doing is creating a list of things we want the applicant to work through.

Chairman Nathan Nosari: Can we go back to the snowmelt? I have to deal with this for our health club. We just put in a new snowmelt system on the plaza deck, so you know. It's working great but we're having issues with our fitness area, with the health club hot tubs. There is no snowmelt and so we're having manpower there. And we're having a lot of slips and falls. Can we make snowmelt required on the recreation deck? Dan Burroughs, Town Engineer: Yes, and if the applicant doesn't like it they can argue it. This will go to Town Council next for approval. Town Council will evaluate it and they can provide evidence one way or another. Because you can move a lot of snow with a guy and a shovel. Chairman Nathan Nosari: The problem is its on top the parking structure. How do you remove that snow from the top down? Ken O'Bryan: I agree with Nathan. There should be a path snowmelt in there. I don't think we'd propose to snowmelt the entire thing, that's a lot of energy. I agree, even if you have a guy shoveling it, it's going to snow, someone's going to poach the hot tub at midnight.

Commissioner Amy Gaddis: I think parking needs to be looked at again. We're at a 41% deficit. I could see 10%, but 40% seems like a lot. Dan Burroughs, Town Engineer: There are other ways to add parking.

Is that something you want them to do, or look at it and argue it? Commissioner Amy Gaddis: Yes, I feel like a 3-bedroom apartment and 1 parking spot is not realistic. Dan Burroughs, Town Engineer: Ok, so we'll ask the applicant to relook at that, maybe adding a parking structure or something. Ken O'Bryan: It's something we've already been through with Town Council in previous work sessions 4 years ago. Dan Burroughs, Town Engineer: That was a different Council then, and this Council may have a different opinion. Ken O'Bryan: Sure we can come back to you, there's no place to add parking to this proposal. We'd prefer, rather than you send us away, that you give us a yay or nay tonight with conditions. We'll come back and say we'll go to .7 spots per hotel room, which is still national industry standard, which will give us then 2.5 spaces for a 3-bedroom unit, and 1.5 spaces for 2-bedroom. It's just a numbers game. We're pretty maxed out, we can't add any more parking. Commissioner Amy Gaddis: I don't know hotel standards. But if the hotel that you get on board, it's their issue to deal with parking. But for the residents I feel like something closer to 2 spots for 2 to 3-bedrooms is necessary.

Dan Burroughs, Town Engineer: There will be a PUD amendment no matter what. And you will get to review that.

Commissioner Teresa England: How did you come up with the ratios of hotel rooms to condos? Ken O'Bryan: It was a guess based on projects we've done in the past. Dan Burroughs, Town Engineer: If we look at this again from the overnight perspective, there are 125 parking spaces. There are 83 hotel rooms. If we ask them to argue this a little better that you might have a whole parking level be dedicated to residential parking. That fits better with your parking layout of the building. The most important thing from the Town standpoint is overnight parking. Don't waste his time if you're not going to agree with this in a month. The real question is if the applicant feels comfortable moving forward with parking for the restaurant being a block away. Commissioner Teresa England: For approval purposes, how do we put that in the resolution?

Ned West, Town Planner, reviewed code in staff summary, requiring the applicant for approval purposes to provide 4 facts to be able to be evaluated.

Dan Burroughs, Town Engineer: We can have them write a 1-page dissertation on why this is going to work and is economically viable to meet the evidential proof requirements required by the PUD code that Ned outlined. Part of this redevelopment process is we want a walkable community, and there's an expectation that you'd have to walk a block or two in a successful Town Center. Those are the kind of things we have to evaluate.

Would like to see additional conditions for approval:

- 1) 3D rendering in context to the community / a massing model of the Gateway Project for Town Council approval.
- 2) Agreement from CDOT to store snow on their right of way or agree to haul it off.
- 3) Conditional approval that HOA docs match the development agreements.
- 4) Deal with trash issue for residents, must be handled in condo docs.
- 5) Review the open space in condo docs.
- 6) Evaluate snowmelt path to and around hot tubs.
- 7) Removal of underground tanks in conformance with state law, federal law and mitigation.
- 8) Reconfigure parking calculation. 2 spaces for 2, 3, or 4-bedrooms. 1 space for 1-bedroom. .7 for hotel. Everything else for restaurant and conference center.

Chairman Nathan Nosari closed the public hearing at 8:10 p.m.

Commissioner Jerry Peterson moved to approve Resolution NO. PZ 09-16 Series of 2016. The motion failed.

Commissioner Teresa England made a motion to approve Resolution NO. PZ 09-16 Series of 2016 with all conditions set forth in the proposed resolution plus the additional conditions that have been listed. Commissioner Jerry Peterson seconded the motion. The motion passed 4 to 1. Commissioner Amy Gaddis said no.

**CONSIDERATION OF RESOLUTION NO. PZ 10-16, SERIES OF 2016; A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL III DEVELOPMENT APPLICATION FOR A CONDITIONAL USE PERMIT FOR RESIDENTIAL USE IN THE COMMERCIAL ZONING DISTRICT ON LOTS 1, 1A, 1B AND 1C, BLOCK B, NEW TOWN OF DILLON SUBDIVISION, LOCATED AT 122, 134, AND 176 LAKE DILLON DRIVE, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO. PUBLIC HEARING. PUBLIC HEARING**

**SUMMARY:**

The Town received a Level III Development application from the Developers of the proposed Crossroads at Lake Dillon Drive PUD project at 122, 134, and 176 Lake Dillon drive. A conditional use permit is required for residential uses in the Commercial (C) zoning district.

This application is running concurrently with Resolution PZ09-16, Series of 2016 for a Planned Unit Development (PUD) approval for the project. Code requirements varied by the PUD are detailed in that document, staff summary, and PUD Agreement.

**Project Overview:**

***Zoning:***

Commercial (C) per the adopted 2013 Town of Dillon Zoning Map:

***Current Land Use:***

Currently the parcel has a mix of uses on the proposed project site. A gas station and convenience store are located on Lot 1. Old Town Hall, located on Lot 1C was utilized as a performing arts center prior to the current use as office space for the non-profit High County Conservation Center (HC3). The Old Rebekah Lodge on Lot 1B is used for radio broadcasting and by a barbeque and catering business. Lot 1A is landlocked vacant land.

***Proposed Residential Units and Open Spaces:***

Residential use in the Commercial (C) zoning district require a Conditional Use Permit, and an application is running concurrently with this PUD application. The underlying Commercial (C) zoning district requires that two-hundred (200) square feet of private open space be provided immediately adjacent to the units. The development provides twenty-three (23) residential units on Levels 3, 5, & 6; however some are not provide with private open space / decks. In addition, residential uses in the underlying zoning district are limited to 21 units for this size proposed parcel (1.501 acres) through the Conditional Use Permit process based on the specified density of the Residential Medium (RM) zoning district that has a maximum density of fourteen (14) units per acre.

The Code provides the following requirements for Residential uses in the Commercial zoning district:

**Sec. 16-3-160. - Commercial (C) Zone. (excerpt)**

(3) Conditional uses. The following uses and their accessory uses may be permitted if in conformance with the intent of this Chapter, subject to the provisions of Article V, Division 3, and after an appropriate review has been conducted:

- c. Multi-family dwelling units at the density established for dwelling units within the RM zone.
- (4) Residential uses. Residential uses shall only be allowed as conditional uses if they meet the following standards and criteria:
  - a. The residential uses do not exceed forty percent (40%) of the square footage of the total project nor exceed fifty percent (50%) of the square footage of any one (1) building within a project.
  - b. The residential uses are located either above the first floor or, if located on the first floor, do not occupy, in the determination of the Commission, a primary building facade, which is generally those facades that face the primary commercial parking lot intended to serve the project, or face public rights-of-way from which pedestrian access to the commercial or other approved primary uses is provided.
  - c. The residential uses are provided with private yards or outdoor open space areas, a minimum of two hundred (200) square feet in size per unit, located immediately adjacent to the residential units. This may be on-grade or provided through the use of decks and/or balconies.
  - d. Parking for the residential uses shall be distinct from any other parking on-site, shall be in a separate area whenever possible and shall be signed for the use of the residents only. No required residential parking may be off-site, nor shall its construction be deferred to a later date. The Developer requests the Code provision for the private residential open space and unit per acre density be varied through the PUD.

The Developer requests the Code provision for the private residential open space and unit per acre density be varied through the PUD.

**Level 3.** Three (3) apartments dedicated for employees of the project. The PUD Agreement binds the Developer to this dedication. The employee housing units are sited in the northwestern corner of the building on Level 3, and comprise 2,233 square feet of that level. The three (3) residential apartment units are separated from the hotel use by a private, limited access hallway.

As a condition of the Conditional Use Permit, residential uses are to be provided two-hundred (200) square feet of private open space immediately adjacent to the units. The units are not provided private decks directly adjacent to them, but are afforded access to the 6,191 square foot Recreation Deck on that level. The recreation deck is available to both hotel guests and residents in the building, and the Developer proposes that open space provided by the Recreation Deck, upper level Observation Deck, and open space outside the building on the ground level be sufficient for the residential open space requirements on Level 3.

**Level 5.** Eighteen (18) residential units are provided on Level 5. The Developer proposes these units as market rate for sale condominiums. A total of 14,781 square feet of residential unit space is provided on the level.

The two (2) one-bedroom units are not provided with private open space decks due to limitations on the size of the units. They are afforded access to the 6,191 square foot common Recreation Deck on Level 3, as well as on grade open space, and the observation deck on Level 6.

**Level 6.** Two (2) residential units are provided on Level 6, totaling 4,548 square feet with an average of four-hundred and eighty-seven (487) square feet of private open space immediately adjacent to the units.

The 3,928 square foot observation deck on Level 6 provides additional common open space for residents of the building in a shared capacity with the commercial users.

***Site Configuration:***

**Access:** Automobile access to the site is off of Lake Dillon Drive at the Intersection with Tenderfoot Street. A new crosswalk will connect pedestrian users with Town Park and the Summit Stage transit stop, as well as to sidewalks and paths connecting to the Core Area.

***Off-street Parking:***

Off-street parking is provide in open air parking spaces as well as a two (2) level covered parking structure.

The Code provides for off-street parking requirements in Article VI of Chapter 16.

**Crossroads at Lake Dillon PUD Parking Design Considerations.** The Developer has requested the following parking design considerations through the PUD process:

1) Reduced Commercial and Residential Parking. Through the PUD process, Section 16-5-120(i) of the Code provides for the ability for an applicant to vary the required number of parking spaces based on consideration of the following factors:

- a) Estimated number of vehicles to be used by occupants of dwellings in the PUD;
- b) Temporary and permanent parking needs of non-dwelling uses;
- c) Varying time periods of use whenever joint use of common parking areas is proposed; and
- d) Parking and storage needs for recreational vehicles, including but not necessarily limited to campers, camper shells, boats, travel trailers and snowmobiles. Note that the PUD Agreement stipulates that this item (4) may not be considered for this project, as such uses are not permitted in this PUD.

The Developer proposes one-hundred and twenty-five (125) parking spaces. They propose one (1) parking space per residential unit and hotel room, and differing criteria for the assessment of parking for the restaurant and conference center than provide for in the Code.

- a) The Code requires two-hundred and thirteen (213) parking spaces for the underlying Commercial zoning district.
- b) Comparatively, the Core Area zoning district parking requirements would require one-hundred and eight-one (181) parking spaces.
- c) The project provides approximately 59% of the required parking for the underlying zoning district, and approximately 69% of that required using the Core Area requirements as a comparative.

2) Allowance for Curb Overhang in Parking Dimensions. The Developer requests that a portion of the parking, those parking spaces along the CDOT Highway 6 Right-of-way be constructed at 17' deep with a 12" overhang over the curb and landscape strip adjacent to the right-of-way line. This effectively still provides an 18 foot long parking space, in the view of the Town Engineer, and is acceptable to the Town. There is no specific Code reference pertaining to this item.

3) Compact Parking Spaces: The Code allows for compact parking spaces in conjunction with a PUD. In this case the applicant has asked for five (5) compact parking spaces within the parking structure. The Developer proposed compact parking spaces with a width of eight (8) feet. The five (5) compact parking spaces represent 4% of the provided 125 total parking spaces provided. The Code provides for up to 20% compact vehicle parking within a PUD.

4) Parking Garage Ramp grade in excess of 10%. The 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. All parking garage ramp segments within a PUD greater than 10% require integral heating in accordance with Sec. 15-5-120(n)(2) of the Dillon Municipal Code (Code). The Developer proposes twenty percent (20%) grades for the garage ramps and will provide an integral snow melt system in all ramps exceeding 10%.

5) Parking Garage Ramp Width. The Code provides for a 20' parking garage ramp width as proposed for the parking garage access on the northern side of the building, in conjunction with a PUD. This is permissible within a PUD in accordance with Sec. 15-5-120(n)(3) of the Dillon Municipal Code (Code).

6) Parking Space Use restrictions. As noted in subsection 1)d) above, as a component of the concessions made for parking lot and parking garage design standard variations from the Code through the PUD process, the Town has placed the following limitations on parking space usage: The residential and commercial parking spaces located onsite may not be used for the

storage of any vehicle or non-vehicle items, including, but not limited to storage sheds, trailers, boats, kayaks, ATVs or recreational equipment, construction equipment or any other vehicle or non-vehicle items.

### **Commercial Zoning District Considerations:**

The following shall be considered for a Conditional Use Permit for a residential use in the Commercial (C) zone, per Section 16-3-160 of the Dillon Municipal Code.

1. A Conditional Use Permit for the proposed residential use in the existing Crossroads at Lake Dillon is consistent with the zoning provisions of the Commercial (C) zoning district.
  - a. *Residential uses are permitted in the Commercial (C) zoning district upon issuance of a Conditional Use Permit.*
  - b. *Other aspects of the project having commercial components are compatible with the Commercial (C) zoning district.*
2. The residential uses do not exceed forty percent (40%) of the square footage of the total project nor exceed fifty percent (50%) of the square footage of any one (1) building within a project.
  - a. *The proposed residential use areas comprise approximately 25,381 square feet of the 128,800 square foot total building area. The residential use areas used in the calculation include the residential decks attached to the majority of the units. The residential uses in the building are therefore 19.7% of the square footage of the total project. This falls below the threshold provided by the Dillon Municipal Code of 40% maximum residential use for a project in the Commercial (C) zone.*
  - b. *The criteria for a maximum of 50% residential use for any one building well exceeds the 19.7% residential use proposed in the building.*
3. The residential uses are located either above the first floor or, if located on the first floor, do not occupy, in the determination of the Commission, a primary building facade, which is generally those facades that face the primary commercial parking lot intended to serve the project, or face public rights-of-way from which pedestrian access to the commercial or other approved primary uses is provided.
  - a. *The proposed residential use does not occupy the primary façade of the building on the first floor; the residential use is dedicated to Levels 3, 5, and 6 of the building.*
  - b. *Private residential access points, lobbies, and elevators are provided for the residential use, and do not occupy the primary façade or area of the proposed hotel lobby and conference center on the first level.*
4. The residential uses are provided with private yards or outdoor open space areas, a minimum of two hundred (200) square feet in size per unit, located immediately adjacent to the residential units. This may be on-grade or provided through the use of decks and/or balconies.
  - a. *The three (3) employee housing units on Level 3 do not have private decks/ balconies; they are afforded access to the 6,191 square foot Recreation Deck on Level 3. This is a condition of approval of the concurrent Resolution PZ 09-16, Series of 2016 for the Crossroads at Lake Dillon PUD.*
  - b. *Of the eighteen (18) residential units on Level 5, sixteen (16) are provided with an average deck / balcony size of approximately 177 square feet of private space immediately adjacent to their units. This is determined by dividing the provided deck area of 2,846 square feet, by the sixteen (16) units on that level that are provided decks. These are multi-bedroom units, which are also afforded access to the 6,191 square foot Recreation Deck on Level 3. This is a condition of approval of the concurrent Resolution PZ 09-16, Series of 2016 for the Crossroads at Lake Dillon PUD.*
  - c. *Two (2) one-bedroom / studio units on Level 5 are not provided private decks / balconies; they are afforded access to the 6,191 square foot Recreation Deck on Level*

3. *This is a condition of approval of the concurrent Resolution PZ 09-16, Series of 2016 for the Crossroads at Lake Dillon PUD.*

d. *The two (2) residential units on Level 6 are provided with a total of 973 square feet of private decks / balconies, providing an average private open space area of 487 square feet. These residents are also afforded access to the Recreation Deck on Level 3, in accordance with Resolution PZ 09-16, Series of 2016.*

5. Parking for the residential uses shall be distinct from any other parking on-site, shall be in a separate area whenever possible and shall be signed for the use of the residents only. No required residential parking may be off-site, nor shall its construction be deferred to a later date.

a. *The project proposes one (1) dedicated vehicle parking space per residential unit.*

b. *The number of dedicated residential parking spaces proposed is less than that required by the Dillon Municipal Code, which is a deviation from the underlying zoning district through the concurrent Resolution PZ 09-16, Series of 2016 for the Crossroads at Lake Dillon PUD.*

B. That the proposed Conditional Use meets the criteria set forth in Article V “Planned Unit Development”, Division 3 “Conditional Uses”, Section 16-5-220 “Conditional Use Criteria”, as follows:

1. The use is listed as a Conditional Use within the zone, or is otherwise identified as a Conditional Use and is consistent with the intent and purpose of the Comprehensive Plan and applicable zoning district.

a. *The use is listed as a Conditional Use in the Commercial (C) zone. The Comprehensive Plan supports mixed-use projects and more intensive development along U.S. Highway 6. The hotel use, conference center, and restaurant uses are consistent with the purpose and permitted uses of the Commercial (C) zoning district. Multi-family residential uses are listed as a conditional use in the zoning district, so long as the proposed density is similar to that of the Residential Medium (RM) zoning district which has densities ranging from six (6) to fourteen (14) units per acre. The proposed twenty-three (23) residential units sited on the 1.5 acre project site is close to this density. The concurrent Resolution PZ 09-16, Series of 2016 for the Crossroads at Lake Dillon PUD provides for higher density as part of this proposed mixed-use development.*

2. The parcel is suitable for the proposed Conditional Use, considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features.

a. *The site is already developed with several buildings and parking lots.*

b. *The size and shape of the project site has been designed for optimal utilization of the property. The size constraints of the property have been optimized by seeking a deviation from the required setbacks through the concurrent Resolution PZ 09-16, Series of 2016 for the Crossroads at Lake Dillon PUD.*

c. *The proposed project has new drainage and landscaping improvements which will enhance the site.*

d. *Topography and slope stability are not anticipated to cause the site to be unsuitable, as the site is relatively gently sloping and there is no indication of soil instability at the current time.*

e. *The developer will have to legally remove the existing underground storage tanks on site and, if necessary, mitigate the soil in accordance with federal regulations.*

3. The proposed Conditional Use will not have significant adverse impacts on the air or water quality of the community.

- a. *It is anticipated that the proposed project will not have any significant adverse impacts on the air or water quality of the community.*
  - b. *The project requires demolition of buildings that may contain asbestos. The PUD Agreement requires proper mitigation and legal disposal of all contaminated materials prior to the demolition of any structures.*
  - c. *As referenced in subsection 2 above, the existing underground fuel storage tanks will require removal and soil mitigation if necessary, in accordance with state and federal laws, to ensure the protection of air and water quality.*
4. The proposed Conditional Use will not substantially limit, impair or preclude the use of surrounding properties for the uses permitted in the applicable zoning district.
- a. *The proposed Conditional Use of residences on upper levels of the proposed building in the Commercial (C) zoning district are not anticipated to substantially limit, impair, or preclude the use of surrounding properties.*
5. Adequate public utilities and services are available or will be made available to the site prior to the establishment of the Conditional Use.
- a. *All required utilities and services are in place, or can be made available to the site.*
  - b. *All required utilities would need to be in place prior to the issuance of a Certificate of Occupancy for the project, and thus prior to the establishment of the Condition Use residences.*

C. That Conditional Use Permits shall transfer in ownership and thus run with the land in accordance with Section 16-5-250 of the Dillon Municipal Code.

Section 2. That the Planning and Zoning Commission of the Town of Dillon does hereby approve a conditional use permit for a residential use in the Commercial (C) zoning district at 122, 134, and 176 Lake Dillon Drive, Dillon, Colorado with the following conditions:

- 1. The residential parking spaces shall be dedicated and distinct for the residential users in the building.
- 2. No residential use may occupy the lower level of the building.
- 3. All residential occupants are to be afforded access to the Recreation Deck on Level 3 as all, or part, of their dedicated open space.

**RESOLUTION CONSIDERATION:**

Staff presents Resolution PZ 10-16, Series of 2016 for consideration.

**PUBLIC HEARING:**

A **Public Hearing** is required for this resolution.

Chairman Nathan Nosari opened the public hearing at 8:23p.m.

Ned West, Town Planner presented the resolution. A typo in resolution was pointed out on page 2. We would want to amend the resolution to reflect the proper number. In 2B, instead of 19.7% it should be 26.6%.

Commissioner Teresa England: requested adding to condition #3 “legal” in front of access. So condition #3 reads: All residential occupants are to be afforded legal access to the Recreation Deck on Level 3 as all, or part, of their dedicated open space.

Chairman Nathan Nosari closed the public hearing at 8:34 p.m.

Commissioner Teresa England moved to approve Resolution NO. PZ 10-16 Series of 2016 with the addition of the word “legal” in condition #3 between the words ‘afforded’ and ‘access’. Commissioner Amy Gaddis seconded the motion, which passed unanimously upon roll call vote.

**OTHER BUSINESS**

January’s meeting is cancelled. The next meeting will be February 1, 2017

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:39p.m.

Respectfully submitted,

*Corrie Woloshan*

Corrie Woloshan  
Secretary to the Commission

**TOWN COUNCIL ACTION ITEM  
STAFF SUMMARY  
NOVEMBER 2<sup>ND</sup>, 2016 PLANNING AND ZONING COMMISSION MEETING**

**DATE:** November 30, 2016

**AGENDA ITEM NUMBER: 4**

**ACTION TO BE CONSIDERED:**

**CONTINUATION** of Consideration of Resolution No. PZ 07-16, Series of 2016;

*A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, RECOMMENDING THE APPROVAL OF A CLASS S-1 RE-SUBDIVISION OF LOT C AND PORTIONS OF THE PUBLIC AREA, PARKING AREA AND OPEN AREA IN BLOCK A, NEW TOWN OF DILLON SUBDIVISION, FOR THE PURPOSE OF CREATING NEW PARCELS, TO BE CALLED LOTS SW-1, SW-2, SW-3, SE-1, SE-2, SE-3, SE-4, NE-1, NW-1, NW-2 AND NW-3, BLOCK A AND DEDICATING STREET RIGHT OF WAY AND PUBLIC AREAS ADJACENT TO THESE PARCELS.*

**SUMMARY:**

This is a continuation of the hearing for the Resolution from the November 2, 2016 Planning and Zoning Commission meeting.

The Town has a received a Class S-1 application for the resubdivision of Lot C and portions of the Public Area, Parking Area and Open Area in Block A, New Town of Dillon subdivision, for the purpose of creating new parcels, to be called Lots SW-SWS-2, SW-3, SE-1, SE-2, SE-3, SE-4, NE-1, NW-1, NW-2 and NW-3, Block A and dedicating street Right of Way and public areas adjacent to these parcels. The Town of Dillon is the applicant.

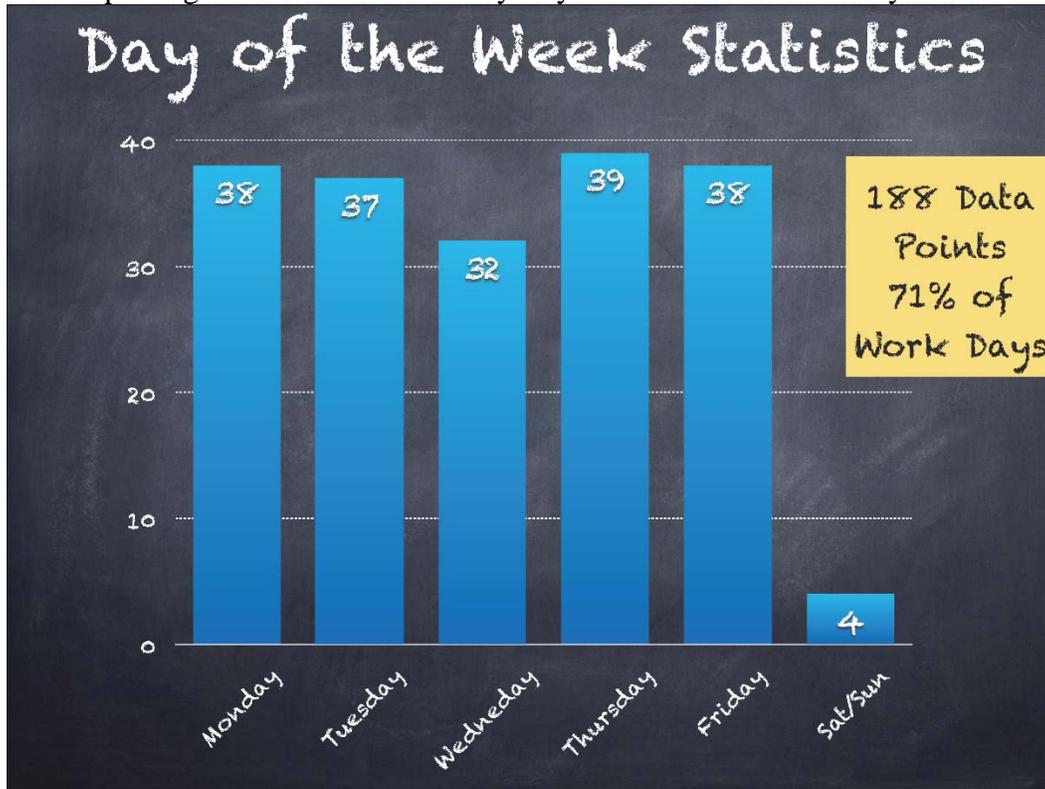
**DISCUSSION:**

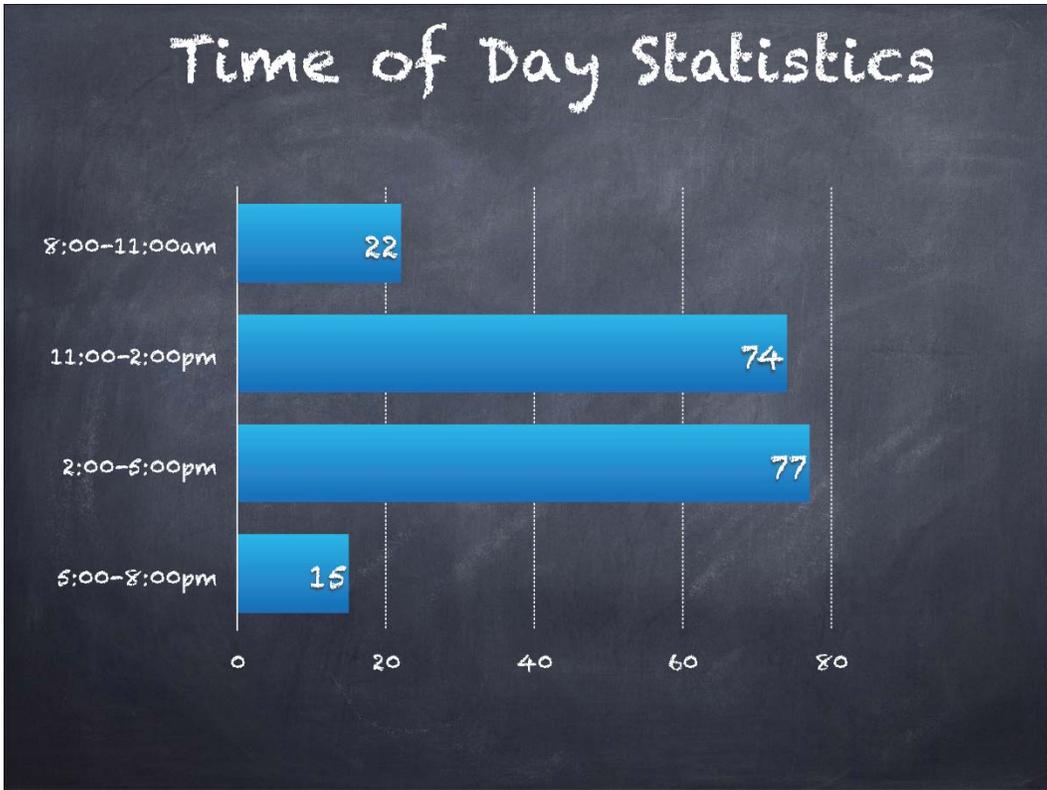
The Dillon Town Council has directed staff to create development opportunities within the Town Center (Block A) in an effort to promote the revitalization of this important part of the Town. The Town Core area has a very unique parking situation, in that the Town owns most of the parking in the Town Center. The Town therefore provides the parking and accessible parking for most of the businesses in the Town Core.

When the concept of creating new lots in the Town Center was first contemplated, it became important to study the actual parking usage in the Town center in order to determine (1) how much parking is being used by the existing businesses, (2) how much parking could be available for new businesses, and (3) determine where lots could be created while maintaining parking to existing businesses. To that end, the Town decided to conduct a parking study and count parking usage for each of the public lots in the Town Center.

Between February of 2014 and February of 2015 Town Staff conducted parking counts in the Town Center. The number of vehicles parked in each lot was counted at different times of the day and on

different days of the week. The Town gathered 188 data points (days of data) and observed that not more than 280 of the parking spaces are typically used at the same time. The figures on the next page show when the parking counts were collected by Day of Week and Time of Day.

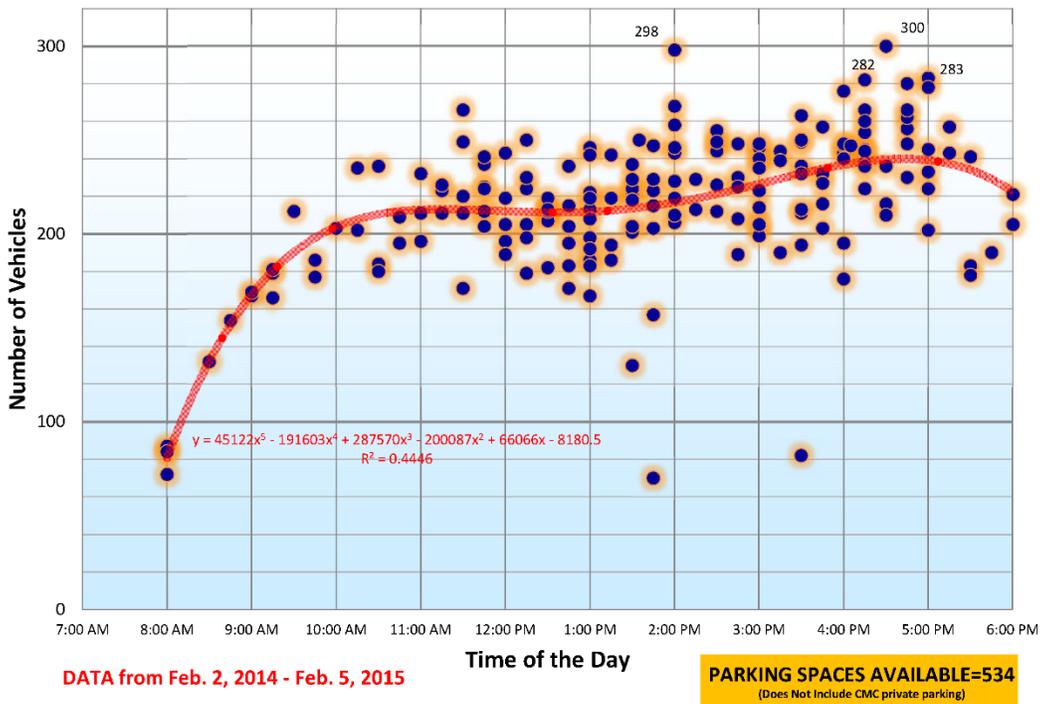




There are 534 parking spaces in the study area. These figures demonstrate how the parking is used.

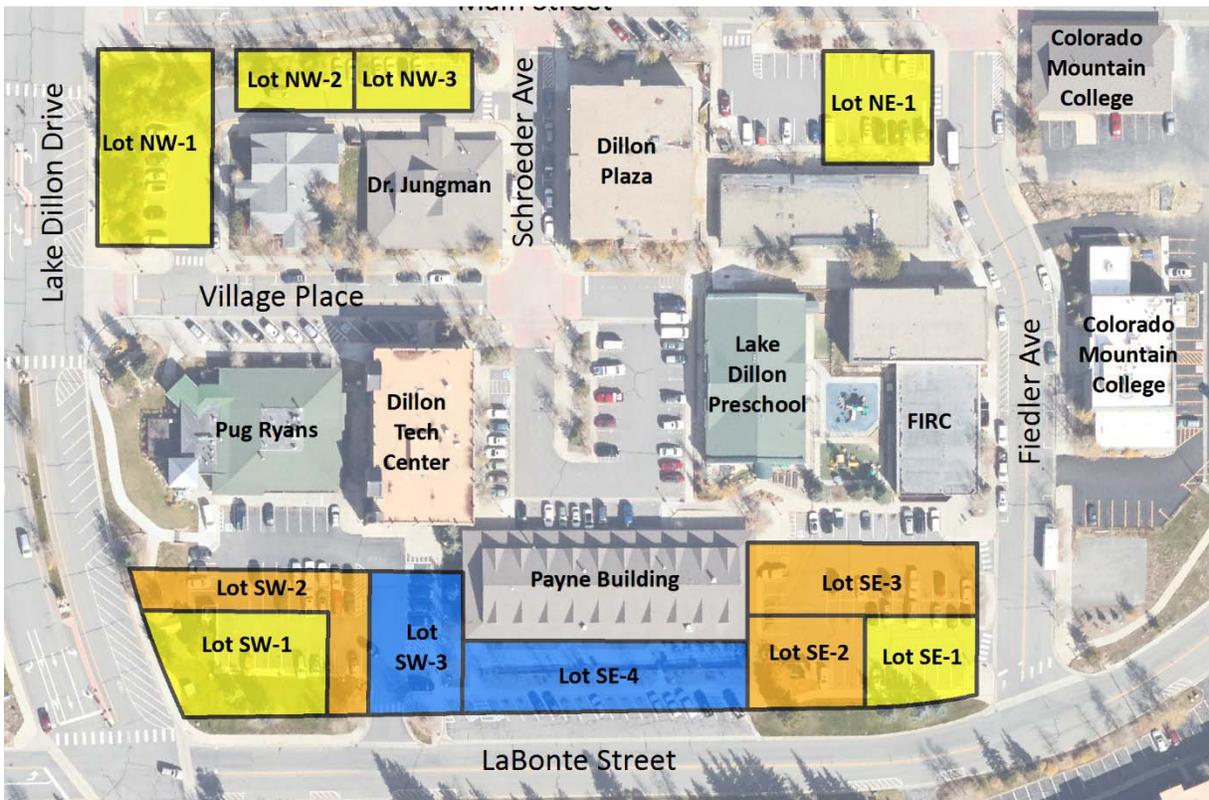


### Overall Town Center Parking Lot Usage



Of the 534 Existing parking spaces the peak usage is around 280 spaces, which leaves about 250 spaces available to support redevelopment and growth in the Town Center. At the time of the parking study, the vacancy rate in the Town Center was less than 12%. So part of the 250 spaces need to be preserved for the vacant commercial office space.

Once the parking counting was done and the data analyzed, Town Staff then took this data and developed a program to maintain and provide 500 parking spaces in the Town Center by reconfiguring some of the parking lots and at the same time creating some new lots that future buildings could be built on. Since Block A already has parcels labeled in a series of numbers and a series of letters, the new lots were named with the compass ordinal directions. See the figure below for an overview of the proposed Town Center Lots.



In the figure above, the primary lots are shown in Yellow. It is anticipated that these **Yellow** lots NW-1, NW-2, NW-3, NE-1, SW-1 and SE-1 could be developed as standalone lots.

The **Orange** lots are proposed with the intent of being package with an adjacent Yellow Lot to create a larger development opportunity. These lots may include some parking underneath under the buildings to protect the parking pool.

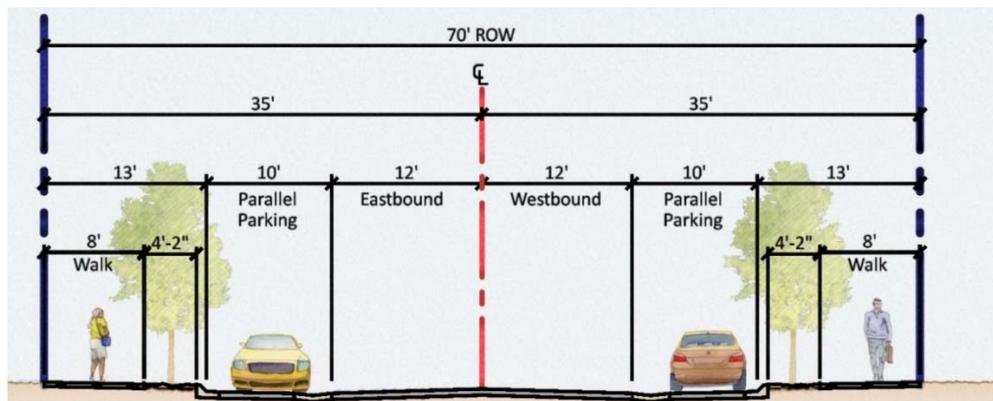
The **Blue** Lots, Lots SW-3 and SE-4, could be packaged with the Payne building and the other southwest and southeast lots to create a single large development than spans between Lake Dillon Drive and Fiedler Avenue. Using the Orange and Blue lots would require some sort of parking structure within the building footprint to provide enough parking.

The Town also already owns a small parcel at the southwest corner of the Main Street and Schroeder Avenue intersection called Lot C. The proposed plat would abandon this lot and reconfigure it into Lots NW-2 and NW-3. See the figure below.



The new parking and lot layout also took into account needs for trash service and accessible parking for each building. See the attachments for a detailed proposed layout for each parking lot around each of the new buildings. It is anticipated that the parking lots would be configured in conjunction with the development of the surrounding lots as needed. A lot of the parking has been shifted to on street parallel parking in order to create a walkable downtown area with 12' sidewalks along the proposed buildable lots. The 12' sidewalk can also host street trees and street lights along the parking and maintain an 8' wide walking area next to proposed buildings.

An actual Right-of-Way for Main Street would be dedicated as part of this replatting process for the first time. In order to provide walkable sidewalks on each side of the road, as well as parallel parking, the proposed Right-of-Way width for Main Street is 70'.



Proposed Main Street 70' R.O.W. Cross-Section

See the attachments for a detailed proposed layout for each parking lot around each of the new buildings. It is anticipated that the parking lots would be rebuilt and reconfigured in conjunction with the development of the surrounding lots as needed. A lot of the parking has been shifted to on street parallel parking in order to create a walkable downtown area with 12' minimum width sidewalks along the proposed buildable lots. The following table demonstrates that the new lots can be created while maintain over 500 parking spaces in the Town Center area.

| Parking Lots                  | PROPOSED PARKING PLAN |            |            | EXISTING PARKING LAYOUT |            |            |
|-------------------------------|-----------------------|------------|------------|-------------------------|------------|------------|
|                               | Total                 | Regular    | Accessible | Total                   | Regular    | Accessible |
| A                             | 46                    | 41         | 5          | 48                      | 44         | 4          |
| B                             | 19                    | 17         | 2          | 50                      | 48         | 2          |
| C                             | 0                     |            |            | 12                      | 12         |            |
| D                             | 0                     |            |            | 10                      | 8          | 2          |
| E                             | 44                    | 40         | 4          | 27                      | 26         | 1          |
| F                             | 53                    | 49         | 4          | 46                      | 43         | 3          |
| G                             | 45                    | 42         | 3          | 50                      | 48         | 2          |
| H                             | 0                     |            |            | 19                      | 17         | 2          |
| I                             | 39                    | 36         | 3          | 52                      | 50         | 2          |
|                               | 246                   | 225        | 21         | 314                     | 296        | 18         |
|                               | 51.8%                 | 50.9%      | 63.6%      | 61.4%                   | 60.7%      | 78.3%      |
| Streets                       | Total                 | Regular    | Accessible | Total                   | Regular    | Accessible |
| Main Street                   | 39                    | 37         | 2          | 19                      | 17         | 2          |
| Village Street                | 38                    | 34         | 4          | 20                      | 18         | 2          |
| Schroeder Ave                 | 6                     | 4          | 2          | 5                       | 5          |            |
| Fielder Ave                   | 8                     | 8          |            | 16                      | 16         |            |
| Buffalo Street (North-Park)   | 22                    | 22         |            | 57                      | 56         | 1          |
| Buffalo Street (South-Core)   | 11                    | 11         |            | 12                      | 12         |            |
| Town Park Parking Off-Street  | 39                    | 35         | 4          |                         |            |            |
| LaBonte (LDD-Fiedler)         | 30                    | 30         |            | 19                      | 19         |            |
| LaBonte (Lots 16R,17A,17B)    | 9                     | 9          |            | 1                       | 1          |            |
| Lake Dillon Drive (West Side) | 8                     | 8          |            | 25                      | 25         |            |
| Lake Dillon Drive (East Side) | 19                    | 19         |            | 23                      | 23         |            |
|                               | 229                   | 217        | 12         | 197                     | 192        | 5          |
|                               | 48.2%                 | 49.1%      | 36.4%      | 38.6%                   | 39.3%      | 21.7%      |
| <b>TOTALS-PUBLIC</b>          | <b>475</b>            | <b>442</b> | <b>33</b>  | <b>511</b>              | <b>488</b> | <b>23</b>  |
| Novak & Nelson                | 7                     | 7          |            | 7                       | 7          |            |
| Dillon Commons                | 7                     | 5          | 2          | 11                      | 9          | 2          |
| Dillon Commons Expansion      | 11                    | 9          | 2          |                         |            |            |
| La Riva Del Lago (Buffalo)    | 5                     | 5          |            | 5                       | 5          |            |

|                    |     |     |    |     |     |    |
|--------------------|-----|-----|----|-----|-----|----|
| <b>GRAND TOTAL</b> | 505 | 468 | 37 | 534 | 509 | 25 |
|--------------------|-----|-----|----|-----|-----|----|

The table also shows that of the proposed reconfigured parking spaces 50% of the parking will be on streets and 50% will be in parking lots.

In summary, the Town of Dillon is interested in reconfiguring portions of the Town Owned parking areas and undeveloped land in the Town Center into 11 new parcels. Once the lots are created, the Town intends to transfer the properties to the Dillon Urban Renewal Authority (DURA) as needed. The DURA would put out a request for proposal for each of the lots and see if there is any interest in the development community. The new lots are shown on two separate plats as follows:

**DILLON MAIN STREET LOTS:**

This plat creates four lots along the south side of Main Street and the Main Street Right of Way between Lake Dillon Drive and Fielder Avenue. Up to this point, Main Street has never been a platted right of way. The proposal would straighten out Main Street between Fiedler Avenue and Lake Dillon Drive and install parallel parking on both sides of the street in order to replace some of the parking lost by the proposed developable lots. See the attached drawings.

**Lot NE-1** sits at the southwest corner of the Main Street and Fiedler Avenue intersection. This 5,624 square foot (76'x74') lot is proposed to occupy a portion of Parking Lot E. As shown on the attached **Parking Lot 'E'** plan, the parking lot can be reconfigured into an "L" shape and the parking can be increased from 19 spaces to 44 spaces. ***This development of course assumes that the existing building on Lots L, M and N would be demolished prior to development of Lot NE-1.*** Additional parallel on street parking would be constructed next to Lot NE-1 on Main Street and Fiedler Avenue.

**Lot NW-1** sits along Lake Dillon Drive between Main Street and Village Place. This lot will occupy the present location of parking lot 'D'. See the attached **MAIN STREET** plan. The 12 spaces from parking lot 'D' will be moved to Village place which would be reconfigured as a one-way street with diagonal parking on both sides increasing the Village Place parking count from 20 spaces to 38 spaces as shown on the **VILLAGE PLACE PARKING** plan. Lot NW-1 would be 10,374 square feet and would create a prime retail opportunity on Lake Dillon Drive.

**Lots NW-2 and NW-3** sit along the south side of Main Street between Lake Dillon Drive and Schroeder Avenue as shown on the attached **MAIN STREET** plan. Each lot is 80'x41' and contains 3,283 square feet. Nine parallel parking spaces are proposed on the south side of Main Street in front of these buildings, and an additional 2 accessible spaces would be built off Schroeder Avenue next to Lot NW-3. These 11 spaces would replace the 10 parking spaces in Parking Lot C that the new buildings will sit on.

**DILLON EAST LABONTE LOTS:**

This plat creates seven lots along the north side of East LaBonte Street between Lake Dillon Drive and Fielder Avenue. The proposal widens the LaBonte Street right-of-way from 60' to 69' in order to allow for parallel parking on both sides of the street and a new 12' wide sidewalk between the new lots and the parallel parking on the north side of the street.

**Lot SE-1** sits at the northwest corner of the LaBonte Street and Fiedler Avenue intersection. This 4,508 square foot lot is proposed to occupy a portion of Parking Lot I. As shown on the attached **Parking Lot 'I'** plan, the parking lot can be reconfigured into an “L” shape and the parking would be decreased from 52 spaces to 39 spaces. An additional 5 parallel parking space would be constructed on Fielder Avenue and LaBonte Street adjacent to the lot so the net loss would only be 8 parking spaces. Historically this parking lot typically only needed between 20-30 spaces most of the day and at peak times needed upwards of 40 spaces. It should be noted that the parallel parking on the south side of LaBonte Street never gets used at the moment.

**Lots SE-2 and SE-3** are created in case a developer wants to use more of the parking lot for a proposed development and provide public underground parking in exchange for the land as an option.

**Lot SW-1** sits at the northeast corner of the Lake Dillon Drive and LaBonte Street intersection. This 8,046 square foot lot is proposed to occupy a portion of Parking Lot G. As shown on the attached **Parking Lot 'G'** plan, the parking lot can be reconfigured into an “L” shape and the parking would be decreased from 50 spaces to 45 spaces. An additional 8 parallel spaces would be built along the adjacent streets for a total of 52 spaces or a net gain of 2 spaces. Historically this parking lot sees about 20-40 cars a day. This premium corner lot will hopefully develop as a prime commercial, retail and restaurant complex.

**Lots SW-2 and SW-3** are created in case a developer wants to use more of the parking lot for a proposed development and provide public under structure parking in exchange for the land as an option.

**Lot SE-4** is created so a master developer could perhaps utilize all the SE and SW lots and combine them with Parcel D (the Payne Building) to create a new master development from Lake Dillon Drive all the way to Fiedler Avenue.

#### ZONING:

The existing properties are all currently zoned CA – Core Area.

The proposed properties will also remain zoned as CA – Core Area.

The purpose of the Core Area Retail Zone is restated below from Town Code Section 16-3-150(1):

*Purpose. The purpose of this zone is to preserve and enhance areas within the commercial core of the community for concentrated retail sales and businesses that will serve the pedestrian shopper. This district is the retail, commercial and entertainment core of the community for both visitors and residents. The intent is for this area to be a dominant retail and entertainment center, and thus more intensive development of the area is encouraged than elsewhere in the community. Core Area uses should be buffered from surrounding areas to minimize adverse impacts. The intent is to create a pedestrian environment with automobile access encouraged in the peripheral areas through parking lots or structures. Wholesale trade class 1 uses may be allowed as a conditional use upon a finding that the aesthetic, environmental and noise impacts to adjacent uses are minimal. Multi-family residential dwelling unit uses are allowed in this district as a permitted use if located above*

*the ground floor level, or as a conditional use on the ground floor level if such conditional use is approved as part of a separate PUD application and approved PUD plan. Design, landscaping and signage should complement the intimate character of this area as a retail and entertainment center.*

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:**

The proposed subdivision is in conformance with the adopted comprehensive plan and encourages the redevelopment of underutilized parcels within the Town Center/Core Area. That vision from page 6-4 of the Comprehensive Plan is restated below:

*Town Center. The Dillon Town Center was improved by the community in the early to mid-1990 through extensive streetscape and street improvements. The Town needs to continue to build on these improvements and encourage private investment in the Town Center that will strengthen the economic climate in downtown Dillon. The Leland Study and the Dillon Town Center Vision and Direction report both recommended the formation of an Urban Renewal Authority. The formation of an Urban Renewal Area encompassing the Town Center areas will provide funding mechanisms for incentives to promote redevelopment of outdated and underused commercial spaces, as well as provide an opportunity to develop housing for year round residents. 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.*

**ADDITIONAL INFORMATION**

Once the lots are created, they would be available for acquisition through the Dillon Urban Renewal Authority as mentioned above. Once a proposal is submitted and accepted by the DURA, each individual proposal would have to come to the planning and zoning commission for project specific approval in a public hearing context. So the community will be able to judge each project proposal on its own merits at some point in the future.

**STAFF RECOMMENDATION:**

In the interest of creating potential development opportunities in the Town Core, Town Staff recommends approval of the application.

**PLANNING AND ZONING COMMISSION ACTION:**

The Planning and Zoning Commissions may approve the application, choose to deny the application, or may table the application to a future meeting and request additional information.

Town staff recommends approval of Resolution PZ 07-16 to create new development opportunities with the Town Center.

**ACTION REQUESTED:** Motion, Second, Roll Call Vote.

Resolutions require the affirmative vote of a majority of the members present.

**STAFF MEMBER RESPONSIBLE:**

Dan Burroughs, Town Engineer – Community Development Coordinator.