

**TOWN OF DILLON
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING
WEDNESDAY, December 6, 2017
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 6, 2017, at Dillon Town Hall. Chairperson Amy Gaddis called the meeting to order at 5:31 p.m. Commissioners present were: Amy Gaddis, Teresa England, Jerry Peterson and Derek Woodman. Staff members present were Dan Burroughs, Town Engineer; Ned West, Town Planner; Scott Obrien, Public Works Director; Kathleen Kelly, Town Attorney; and Corrie Woloshan, Recording Secretary.

APPROVAL OF THE MINUTES OF NOVEMBER 1, 2017 SPECIAL MEETING

Commissioner Teresa England moved to approve the minutes from the November 1, 2017 regular meeting. Commissioner Jerry Peterson seconded the motion which passed unanimously.

PUBLIC COMMENTS

There were no public comments.

CONSIDERATION OF RESOLUTION NO. PZ 12-17, SERIES OF 2017; A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, RECOMMENDING THE APPROVAL OF A LEVEL IV DEVELOPMENT APPLICATION FOR THE CROSSROADS AT LAKE DILLON PLANNED UNIT DEVELOPMENT LOCATED AT 122, 134 AND 176 LAKE DILLON DRIVE, OR MORE SPECIFICALLY ON LOTS 1, 1A, 1B AND 1C, BLOCK B, NEW TOWN OF DILLON SUBDIVISION, DILLON, COLORADO. THE PROPOSED MIXED-USE DEVELOPMENT WILL INCLUDE 103 HOTEL ROOMS, A SMALL CONFERENCE FACILITY, A TOP FLOOR RESTAURANT AND ASSOCIATED PARKING AND LANDSCAPING; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Chairperson Amy Gaddis opened the public hearing at 5:33 p.m.

Applicant Danny Eilts spoke. Been here for 45 years at the proposed location. I have businesses in Silverthorne & Frisco so I'm here to stay for a long time. Partnered up with a lot of great people, I'm going to let John take over from here and thank you for your time.

John Frew, Frew Development Group based in Denver. On a personal note, this is more than a dream come true. Spent an enormous amount of time in Summit County and the Western Slope and always said one day I'd find a way to actually work here. Our company is a construction management real estate development firm. We've developed quite a few square feet of space in hospitality, sports, retail, and housing sectors. Our roll with Kinseth Hospitality is to oversee the design and construction of this facility. We will be part owners and Kinseth will manage the facility once it's complete. It's a family owned operation & I got to know them through a mall we purchased in Iowa. One of the things we put on that property was a Hilton Hotel. I went to the Hilton people and said, who would you pick. They said there's no better group anywhere in the country for this level of hotel than Kinseth. When I first approached

Danny and said we want to talk to you about this project he said, “Ok who’s we?” That’s how this came about. It’s my company, it’s Kinseth, and it’s something that we really want to be a part of.

Ben Kinseth with Kinseth Hospitality, Vice President of Kinseth Hospitality development operations then spoke. I’m 3rd generation, we started in the late 70’s with one hotel in the core of Iowa. We’re up to 70 hotels we manage throughout the Midwest and surrounding states. We’re right now developing about 5 hotels a year. We’ve developed over 35 hotels in our history. We prefer development with both Hilton and Marriott. We really operate with all the different brands in the hotel market. We specialize in restaurants as well. So we’re a full service hotel company. We employ about 3000 people. Our corporate office is in North Liberty, Iowa. We do the payroll for those 3000 people every 2 weeks. We have a pretty good infrastructure. We have a lot of history. We’re very prominent and well known in the hotel industry. We’re excited to be part of this project. This is a great opportunity for Kinseth to get involved. We were Hilton’s developer of the year in 2015 with a similar project that was a 150 room hotel. So this is a great next step project for us. We’re really excited about it.

Ken O’Bryan, President of O’Bryan Partnership Architects in Frisco, Colorado then spoke. First off thanks to Dan, Ned and the whole staff. I think it was a year and a half ago we were in front of the Planning Commission about approval for a much larger project that went to Council. They had some issues, we tabled it once. It did go to a vote. We got denial. But in working with staff and Council, we had a work session with Council after the denial, I think we’ve actually come a long way. We’re here tonight mostly to answer any questions you may have and show you the changes we did incorporate based on Council’s recommendations to help you in your questions and where we’re going. The hotel site, the premise of the project remained the same. The footprint got a little bit smaller, so we could make room for fire trucks to turn around. The other thing that we’ve done, is we’ve lowered the height substantially. We’ve gotten rid of the for sale residential product for a number of reasons. I won’t bore you with the economic and financial reasons, but also for parking requirements because that will reduce our parking requirements. In lowering the height of the building we sunk the open air garage down into the ground 5 feet. Then we lowered the floor of the garage from 12 feet to 11 feet 6 inches. We don’t want to go much less than that to keep clearance in there for the larger vehicles that come up here, especially with the toy boxes on top. We’ve also added some spaces inside. We got a little creative in the back of house area in adding some spaces there. We meet the current zoning requirements for parking. The only reason parking plays in the PUD process is because of the 9 compact spaces. There are only 9. Code under the compact allows us to go 7 ½ feet wide by 16 feet deep. Our compact spaces are 8 feet wide by 18 feet deep. So our compact spaces are bigger than the compact spaces that are allowed by code. Per the zoning requirements we are 2 spaces over. The 1st floor is also showing the 2nd level parking garage. The 2nd level parking garage is also 5 feet below the 1st floor level. The lower level also has an entrance into the lobby as well. The way the hotel lays out it does meet code. Our turnaround access meets all the requirements. You have an indoor pool and fitness area. There really isn’t a 2nd floor because the lobby is like a story and a half tall. It’s also because we pick up the space from the parking garage which is 11 foot 6 inches floor to floor. So we took off the top floor, we’re 5 stories now. We decreased, we took a portion of the building and pushed it 5 feet into the ground. We decreased the hotel room floor to floor from 10 foot 6 inches to 10 foot. And then probably the most important thing we did is, and we do this a lot, instead of the roof coming completely to a peak which you wouldn’t notice anyway, we brought it down and created a lot of flat roof area. So we still have what looks like could be a peaked roof. It goes all the way around the building, we’ve kept all the dormers. We’ve simplified some things. We’ve gained a lot of flat roof area, so that really pulled the height down substantially and that was all attic space. It wasn’t usable anyway. So we got rid of a lot of unusable space. The 3rd floor starts all our hotel rooms. This building has a lot of kinks to it, so that’s making it a little complicated. Our rooms, we’re trying to get those stacked as much as possible. We added since the last time you saw this another elevator, so now we have 3 elevators. We have 2 elevators for passenger elevators for hotel guests. The 3rd elevator is for an express elevator to get

to the rooftop restaurant. So locals like us can access the restaurant and we wouldn't have access to the hotel rooms. Access will be done via keys so we wouldn't be able to gain access to the hotel. The 4th floor is very similar to the 3rd floor. Only now we have a few conference rooms on the 4th floor. Some break out space, prep and small storage area. The 5th floor is where we have the kitchen, the service elevator, one of the elevators is a service elevator that comes out of the back of house space so we can get food from the back of house right up to the kitchen. It flows from the back of the elevator right into the kitchen. Then we've got a restaurant and bar area, some outside seating. And the balance of the floor plan is additional hotel rooms.

Renderings and material board were presented to address architecture and how they got to the height.

Mr. O'Bryan explained, in-line with parking. Architectural guidelines are something new. It didn't give us a hiccup. We appreciated the comments we got and we believe we complied with all of those. One of the things that was a huge benefit. If you ask 10 different architects, you'll get 10 different designs. They wanted to integrate the lower portions into the heavy timber look of the restaurant above. I agreed with them, so we added some heavy timbers. We added metal over the swimming area and over the porte cochere. I think we're where it needs to be. The building does undulate. One thing we don't want to do is just do a band of stone, a band of stucco, and a band of siding all around the building. We do have undulations. It gives some relief to the facade. We also have a bunch of 'innies and outies'. All the dormers punch out, all the other facades punch back in. With the negative spaces, the open-air garage, we think we've come a long way here. We've cut the building down by 32 feet roughly from what you approved last time. We think we've taken and worked with Council in work session and with staff. We think we've got this project really nailed. Quite honestly as an architect, I think the massing works better. We're real happy with the way this has evolved. We hope to gain your support tonight.

Dan Burroughs, Town Engineer presented.

SUMMARY:

The Town of Dillon has received a Level IV Development Application for a proposed Planned Unit Development for the Crossroads at Lake Dillon Planned Unit Development ("PUD"). The applicant is Dillon Gateway Development, LLC ("Developer") The proposed mixed-use development will include 103 hotel rooms, a small conference facility, a top floor restaurant, an indoor swimming pool, fitness room and associated parking and landscaping.

The project will be built on Lots 1, 1A, 1B and 1C, Block B, New Town of Dillon. Lot 1 is currently the Conoco gas station located at 122 Lake Dillon Drive. Lot 1A is an undeveloped triangular shaped piece of land between Highway 6 and the Conoco and Rebekah Lodge parcels. Lot 1B has the Rebekah Lodge building on it. Lot 1C is the Old Town Hall lot which is currently occupied by HC3. The four lots together total an area of 1.51 acres (65,388 square feet).

The four parcels are zoned Commercial (C). The proposed development was conceived utilizing some of the design parameters from the adjacent Core Area (CA) zone district including a maximum 50' height (plus an additional 8' for architectural elements – total of 58') and reduced side yards along the west, south and east property lines for a limited portion of the building.

The existing buildings, underground fuel storage tanks, landscaping and other improvements will be demolished prior to construction of the proposed project.

The Town of Dillon owns Lots 1A and 1C and has entered into an Option to Purchase Agreement with the Developer.

A Level IV application requires a public hearing before both the Planning and Zoning Commission and the Dillon Town Council for approval.

PROPOSED PLANNED UNIT DEVELOPMENT CHANGES TO THE UNDERLYING COMMERCIAL ZONE DISTRICT:

The developer is proposing the following dimensional changes which can be varied by the Town Municipal Code through a Planned Unit Development Process:

- A. Reduced and zero lot line setbacks.
- B. Core Area Building height (58’ instead of 48’)
- C. Additional Signage, signage areas, and dimensional standards
- D. Landscaping
- E. Compact Parking Spaces

ZONING:

The proposed project is located within the Commercial (C) Zone District.

PROPOSED BUILDING AND SITE:

The proposed building consists of five floors as follows:

- First Floor: 47 parking spaces in garage plus check-in areas, fitness and pool area.
- Second Floor: 47 parking spaces in garage plus vaulted ceilings for the first floor.
- Third Floor: 42 Hotel Rooms, employee break room and storage.
- Fourth Floor: 37 Hotel Rooms, 4 small conference rooms (1,968 sf)
- Fifth Floor: 24 Hotel Rooms and a 5,105 sf restaurant.

LOT COVERAGE:

The proposed building has a footprint of 27,875 square feet and sits on a lot that contains 65,388 square feet (1.501 acres). The proposed building covers 43% of the lot which meets code since there is not a specific limitation on building coverage in the Commercial Zone district. The proposal allows for 5,905 square feet of landscaping (open space) which covers 9% of the lot. The remainder of the lot is covered by parking, recreational deck and sidewalk hardscapes.

BUILDING HEIGHT:

The proposed height of the building from the finished main floor (Arch. 100’-0”/USGS 9115’) is 55.5’ tall, but the height based on the measurement rules set forth in the Dillon Municipal Code (Code) calculate the height of the building at 58’, or 2.5’ taller than actual due to the topography of the existing site.

The chart below presents the height calculations used to determine the height of the building per code. The base elevation has been determined to be 9112.5’. The USGS elevation of the top of the building is 9170.5’. The proposed building height is therefore calculated to be 58’ (9170.5’-9112.5’) per Town Code.

Building height Calculation Summary	
High Existing Ground Elevation @ Building	9116.0’
Low Existing Ground Elevation @ Building	9109.0’
Base Elevation	9112.5’
USGS Top of Building Elevation	9170.5’
Calculated Building Height Per Town Code	58’

The Commercial Zone district allows for a building that is 40' high plus an additional 8' for uninhabited architectural space or elements, for a total of 48'. This proposal for a 58' high building is asking for an additional 10' in height to match the height allowed in the Core Area (CA) district to the South. The Core Area zone district allows 58' (50' plus the additional 8').

ARCHITECTURAL GUIDELINES:

The architect has worked with the Town of Dillon Architectural Guidelines and the Town's architectural consultant and believes that their development is in conformance with the intent of the guidelines. See the attached checklists for additional information.

COMPLIANCE WITH DILLON COMPREHENSIVE PLAN:

Hotels and restaurants, and their associated parking, are allowed uses in the Commercial (C) Zone District and are in conformance with the Town of Dillon Comprehensive Plan.

The "Commercial" subsection of Section 6.II Land Use Guidelines of the Town of Dillon Comprehensive Plan encourages this type of a commercial development to strengthen the economic viability of the Town Center. This proposal will bring visitors to the Town Center and will help support additional retail, entertainment and restaurant concepts. A new hotel and restaurant concept at the entrance to the Town Center will help to draw visitors and local restaurant patrons into the Town Center area. A roof top restaurant at the top of the hotel located at the high point of Lake Dillon Drive will be a unique product in Summit County with impressive views of the surrounding mountains and will be an asset to the Dillon Town Center and the Dillon Community.

OFF-STREET PARKING LOT CONSIDERATIONS:

The proposed parking required for this building is calculated as follows:

103 Spaces	103 Hotel Rooms at 1 space per room.
43 Spaces	5,105 SF Restaurant at 1 space per 120 SF
8 Spaces	<u>1,968 SF Conference Room at 1 space per 250 SF</u>
154 Spaces	Required

156 Spaces Provided

The proposed development is providing 156 parking spaces which will allow for 2 additional hotel employee parking spaces. The parking required for the restaurant already includes an allowance for the restaurant employees. There are 47 spaces on each level of the parking garage for a total of 94 garage parking spaces. The remaining 62 parking spaces are constructed outside of the building in surface parking lots. The applicant intends to use the parking on the south side of the building for employees.

The proposal includes the required 6 Accessible parking spaces per federal guidelines. One ADA space is located on each floor of the parking garage and the accessible route to the first or second floor of the building will require a person in a wheelchair to use an accessible lift in both cases. The other four accessible spaces are located on the front side of the building.

The applicant is also requesting that 9 of the parking spaces have reduced dimensions from the standard 9'x18' stalls require by Code. Two of these compact spaces are outside the garage and the other 7 are inside of the parking garage. See plans for more details. The PUD agreement will allow a compact space to be a minimum of 7.5'x15'.

PEDESTRIAN CONNECTIVITY:

The Developer is providing an accessible route between an attached sidewalk along the west side of Lake Dillon Drive and the hotel building. An additional sidewalk access will be constructed to the proposed street improvements in the 40' ROW along the southern side of the project. This is mainly to be used for emergency egress from the building and parking structure to get people away from the building in the case of a fire. Town Staff did not require this sidewalk to continue the full distance to Lake Dillon Drive because Town Staff does not want to add this section to an already full sidewalk snow removal schedule, and due to the fact that the 40' Right-of-way is a dead end, low volume road.

YARDS (SETBACKS):

As part of the PUD, the Developer has requested some reductions in the side yard setbacks between the building and the adjacent property lines to best fit the building and the required parking on the property. The project design is based on the Core Area (CA) Zone district that allows zero lot line setbacks for development. The project is immediately adjacent to Core Area (CA) Zoned land. The proposed setbacks are as follows:

- 0' yard along Lot 2 - Century Link at the stair core: The Developer is proposing that the stair core and stairway (33' long) be built adjacent to the property line with a 0' setback. The remainder of this 129' face of the building will be set back from the property line by about 7.5'.
- 60' yard along U.S. Highway 6: The proposed building will set back a minimum of 60' from the U.S. Highway 6 ROW line.
- 2.5' yard along the 40' ROW: The Developer is proposing that the 79.3' long south side of the building be constructed approximately 2.5' off the 40' ROW line and then the building pulls away from the property line towards the loading dock.
- 0' yard along Lake Dillon Drive: The 45' wall of the proposed indoor swimming pool of the building will be built within one foot of the Lake Dillon Drive ROW line. The remainder of the building along Lake Dillon Drive will be setback more than 23' from the ROW line.

SNOW STORAGE:

The Town Code requires that a development provide snow storage areas equal to or greater than 25% of the area of the adjacent parking lot. The proposed parking lots total 23,324 square feet (the area under the port cochere was omitted) which requires 5,831 sf of snow storage at 25%. The proposed development is providing 7,249 square feet of snow storage which includes additional areas for snow removed from sidewalks and the pool patio.

The developer has also provided for a six-foot strip of land adjacent to the Lake Dillon Drive sidewalk for Town sidewalk snow storage, in those locations where the parking lot encroaches into the right-of-way. The Town has agreed to allow this parking lot encroachment into the Lake Dillon Drive Right-of-way, since the vehicles won't be backing into Lake Dillon Drive traffic. This will require a right-of-way encroachment license with the Town.

LANDSCAPING:

The proposed Development is screened on the north side of the project from U.S. Highway 6 by a row of existing coniferous trees.

Parking Lot Trees: The Code requires 1 Tree for every 5 exterior parking spaces. 62 parking spaces require 12.4 trees. The landscape plan shows 19 trees in the northern parking lot and another 6 trees along the detention pond to the west of the southern parking lot.

Street Trees: The Code requires 1 tree for every 15' of lot frontage. The lineal frontage along Lake Dillon Drive is 337.66' which requires 22.5 Trees. Town staff believes the intent of the Code was to

provide trees along one side of the property (street side) for a standard lot created in Town, so additional trees were not required for the 40' Right-of-way or U.S. Highway 6.

A total of 35 trees are therefore required for the development. The proposed development provides more than 35 trees.

SIGNAGE:

The property sits in Sign Zone B which typically allows 75 square feet of signage to be used for one or two building identification signs for a multi-tenant tenant building. The 5,100 square foot restaurant space would be allowed an additional 45 square feet of signage for one or two signs, and the hotel would be allowed an additional 90 Square feet to be used in one or two sign. The Town Code therefore would allow three to six signs with a total area of 210 square feet.

The amount and size of signage can be increased in a PUD. The Developer has requested five Wall Signs on the building, four for the hotel and one for the restaurant; and an additional monument sign at the entrance to the parking lot from Lake Dillon Drive. Four of the proposed Wall Signs are above the second story (the Code limits typical Wall Signs to 12 Square Feet when installed above the second floor, without approved deviations through a PUD). The proposed signs total 295 square feet which seem to fit the scale of the building. The sign locations and sizes are as follows:

- (Sign #1) 54 Square Foot Freestanding Monument Sign on the north side of the project entrance
- (Sign #2) 90 Square Foot Wall Sign above the port cochere entry feature. This sign will help to orient drivers coming from the Keystone/Loveland Pass area on U.S. Highway 6.
- (Sign #3) 38 Square Foot Double-sided Blade Sign for the Restaurant. A 5' maximum projection away from the building will be allowed (the Code provides for 4' typical blade sign projections without deviations from the Code through the PUD process).
- (Sign #4) 73 Square Foot Wall Sign at the top of the Stair Core on the western side of the building. This sign will help to orient drivers coming from I-70 on U.S. Highway 6.
- (Sign #5) 40 Square Foot Wall Sign facing U.S. Highway 6.

UTILITIES:

The proposed project will be served by a water main in Lake Dillon Drive and an existing sewer main located in Lake Dillon Drive. The applicant will provide final construction drawings to the Town prior to the start of construction.

TRAFFIC STUDY:

The applicant was required to provide a traffic study to determine the impacts of the proposed development on the Lake Dillon Drive and Tenderfoot Street intersection. While the hourly traffic may see an increase in turning movements over the existing gas station facility at times, these turning movements are still within the acceptable range of what the intersection can handle without signalization. The existing intersection operates at a level of service B in the a.m. and p.m. peak hours, which is considered very good. It will continue to do so. If you get an A it's excellent, if you get an F it's the worst place you've ever been. So we're doing pretty good. Worst case you might stack one car while another car turns and clears. The traffic signal controlled intersection of Lake Dillon Drive will not be affected and will continue to operate at its current level of service. Why that's important, we have a permit from CDOT for every single street that touches one of the highways. One of the ways we maintain that permit is by not backing up traffic into the highway which would cause the highway to suffer. The traffic study indicates there aren't any real problems they're anticipating.

Dan Burroughs, Town Engineer read the conclusion from the Transportation Engineer: Based on the analysis here it is my professional opinion that the traffic generated by the proposed Crossroads at Lake Dillon Hotel can be integrated harmoniously into the traffic flow on the adjacent streets and intersections and maintain an acceptable level of service and safety

PROPOSED RIGHT-OF-WAY ENCROACHMENTS:

The Town Staff will recommend that the Town Council grant to the Developer three right-of-way encroachment areas to achieve the goals of the project.

DRAINAGE:

The preliminary drainage information indicates that the site will drain to two detention ponds. All roof drainage will ultimately be piped to these detention ponds as well. The pond to the north is proposed to drain to the U.S. Highway 6 Right-of-way on the northern side of the development. The applicant will be required to get written approval and any permits from the Colorado Department of Transportation to allow this drainage to discharge towards U.S. Highway 6. The Developer will be required to construct a storm drain pipe between the southern detention pond and the existing storm drainage facilities at the intersection of Lake Dillon Drive and Buffalo Street.

PUBLIC NOTICE:

The Town posted three (3) signs of the public hearing on the site on Monday, November 27, 2017. A newspaper ad was run in the Summit Daily Journal on Friday, November 24, 2017, and a mailing providing notice of the public hearing time and date was mailed at the end of the day on Wednesday, November 22, 2017 to property owners within 300' of the proposed development, with the intent that they would be postmarked a day early due to the Thanksgiving Holiday. These dates are all within the required 7-14 day notice period before the Public Hearing on December 6, 2017.

CONDITIONS OF APPROVAL:

- A. The Developer shall, as a preliminary requirement upon which the validity of the Planned Unit Development Agreement is contingent, first complete the real estate transaction and purchase Lots 1A and 1C, Block B, New Town of Dillon, Town of Dillon, Colorado (the "**Town Lots**") from the Town of Dillon as set forth in the Option to Purchase Agreement, dated November 21st, 2017 entered into by and between the Town and Developer (the "**Option to Purchase Agreement**").
- B. The Developer shall enter into the Crossroads at Lake Dillon Planned Unit Development Agreement ("**Agreement**") with the Town of Dillon for the proposed private and public improvements and shall meet all the obligations and requirements contained therein prior to issuance of a certificate of occupancy for the building.
- C. The Developer shall pay all fees outlined in the Dillon Municipal Code of the Town of Dillon, Colorado ("**Code**") and the Agreement for the Crossroads at Lake Dillon project at the times indicated within the Agreement or in the Code.
- D. The Developer shall execute all Encroachment License Agreements and Maintenance Agreements contained within the Agreement and pay the associated fees for the agreements to the Town of Dillon prior to issuance of a Building Permit.
- E. The Developer shall execute the Snow and Ice Removal and Maintenance Agreement with the Town of Dillon prior to issuance of a Building Permit.
- F. The Developer shall address all comments made by the Lake Dillon Fire-Rescue fire authority, and satisfy all requirements of the agency.
- G. The Developer shall submit a development application to the Town of Dillon to eliminate the internal lot lines between Lots 1, 1A, 1B and 1C and create one lot for the Development. The subdivision plat shall show which existing easements shall be vacated and shall show new

easements for the electrical undergrounding along the U.S. Highway 6 Right-of-way and for the new 20' wide easements for proposed fire hydrants and associated water laterals. The Developer shall coordinate with Town franchise utilities and Century Link, Inc. to get approval to vacate existing utility easements.

- H. The Developer shall coordinate with utility providers and underground the overhead utilities running along the entire length of the northern property line of the project.
- I. The Developer shall submit final civil construction plans for the development and the street improvements within the Lake Dillon Drive Right-of-way and the 40' Right-of-way based on the requirements of the Agreement to the Town Engineer for review and approval by the Town Engineer a minimum of 90 days prior to issuance of a Building Permit. These improvements shall include, but are not limited to, parking areas and drive aisles, signage, pool area patio and associated retaining walls, utility services, fire hydrant laterals and associated water mains, storm sewer detention facilities, storm sewer outfall piping between onsite detention ponds and the existing storm sewer located at the intersection of Lake Dillon Drive and Buffalo Street, roof drain collection storm sewer system and plan and profile drawings of the proposed right-of-way improvements including new curbs and gutters, concrete pans, sidewalks and associated improvements. Additionally, the Developer shall submit a final detailed grading plan and drainage plans and reports demonstrating the proposed drainage patterns, ADA parking space design, detention pond sizing and detention pond outlet designs. All plans shall include dimensions sufficient for field verification of the location of the proposed improvements.
- J. The Developer shall acquire written approval from the Colorado Department of Transportation for the proposed detention pond outfall on the west side of the Development.
- K. The Developer shall demolish, or otherwise dispose of, all existing improvements on all four lots in conformance with all local, state and federal laws. The three buildings shall be inspected for asbestos products, and asbestos containing materials shall be subsequently removed in conformance with all local, state and federal laws.
- L. The Developer shall remove the existing underground fuel storage tanks and any contaminated material discovered in conformance with all local, state and federal laws.
- M. The Developer shall submit final Landscape construction plans for the development to the Town Planner for review and approval prior to issuance of a Building Permit.
- N. The Developer shall provide clear evidence that the proposed building will not interfere with nearby telecommunications facilities, or that there is a contingency plan in place by said facilities operators for potential interference, and the Developer shall submit written concurrence from Century Link, Inc. demonstrating that the Development does not impact the existing path of the microwave communications tower transmission path between Lot 2, Block B, New Town of Dillon subdivision and the Tenderfoot Mountain facility prior to issuance of a Building Permit.
- O. The Developer shall acquire an encroachment license from the Town of Dillon for the portions of the parking lot and pool patio area and associated retaining wall to be built in the Lake Dillon Drive Right-of-way prior to issuance of a Building Permit.
- P. The Development is approved with a maximum height of fifty-eight feet (58') as measured per Town Code. All mechanical equipment shall be designed and installed so that the top of each unit sits at or below this maximum height limit.
- Q. The minimum setbacks approved for this development shall be sixty feet (60') along the U.S. Highway 6 Right-of-way, zero feet (0') along the adjacent Lot 2, zero feet (0') along the north side of the 40' Right-of-way and zero feet (0') along the Lake Dillon Drive Right-of-way.
- R. The maximum parking lot slope allowed shall not exceed four percent (4%), except access driveways from the right-of-way may be up to 10% per code.

- S. This project is approved with a minimum of one hundred and fifty-six (156) parking spaces. Six (6) of which shall be accessible parking spaces. Seven (7) compact parking spaces are approved within the building, and an additional two (2) compact parking spaces are approved outside of the building. The compact parking spaces shall have a minimum width of seven and one half feet (7.5') and a minimum length of fifteen feet (15').
- T. This project is approved with four (4) building signs and an additional, freestanding monument sign. The building signs, numbered herein to correspond with the submitted sign concept plan, include: **Sign 1.** One (1) fifty-four (54) square foot freestanding monument sign panel shall be allowed along the northern side of the project entrance off Lake Dillon Drive, and this sign shall be allowed to be installed in Town right-of-way with an additional right-of-way encroachment license; **Sign 2.** One (1) ninety (90) square foot sign shall be located above the port cochere above the conference room windows; **Sign3.** One (1) thirty-eight (38) square foot two-sided blade sign for the restaurant will be allowed along Lake Dillon Drive with a maximum projection of five feet (5') away from the face of the building; **Sign 4.** One (1) seventy-three (73) square foot sign facing westerly on the western stair core; and **Sign 5.** One (1) forty (40) square foot sign facing U.S. Highway 6. The Developer shall submit a signage application for a Master Sign Plan for the development to the Planning Commission for approval. All signage areas are the maximum allowed; however, smaller sized signs are acceptable. **The Application requests a total of two-hundred and ninety-five (295) square feet of signage.** Four (4) signs in excess of twelve (12) square feet, above the second floor, are approved. Sign 2, the seventy-three (73) square foot sign above the port cochere, may have a maximum length of twenty-two (22) feet, exceeding the maximum allowable length by two (2) feet through the PUD approval process.
- U. Snow Storage: The applicant shall utilize the snow storage areas shown on the plans for onsite storage of snow. No additional Town rights-of-way or rights-of-way owned by the Colorado Department of Transportation shall be used for snow storage at any time.
- V. The Developer shall design, install, inspect, and maintain soil erosion and sediment control stormwater management and construction materials Best Management Practices (BMP's) on site. An erosion control and stormwater management plan shall be submitted to the Town Engineer prior to issuance of a Building Permit. The Developer shall obtain all required permits for stormwater discharges associated with construction from the Colorado Department of Public Health and Environment, and meet all requirements of that agency. The tracking of soil onto public rights-of-way is prohibited, and the Developer shall design BMP's capable of preventing said tracking. Any site soil eroded, tracked, or otherwise deposited beyond the site limits shall be immediately removed, cleaned-up, and disposed of in a legal manner. Concrete wash water and waste materials shall be contained and disposed of in a legal manner.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution PZ 12-17, Series of 2017.

PUBLIC HEARING:

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

Recording Secretary Corrie Woloshan read an email sent December 4, 2017 from Jim Harmeyer, 57 Skyline Drive:

My main concern is the height of the proposed hotel. It is on the highest point in Dillon and will be at 58 ft. I am also concerned of the parking and the Zero ft lot lines.

Danny owns less than half the land needed for this project. He needs to buy the rest from the city in order to make it work. I can understand the City selling the lots, but why should the City make concessions on height, parking and lot lines, etc. I am confident if the city had said 'we will sell you the land, but you have to build within zoning parameters', that would have happened.

This project started at 90 feet. Then brought down to 64 feet, then to 58 feet. It could be at 48 feet, but the developers want to make as much money as possible. At both 90 and 64 the developers said they could not go any lower, but yet they did (you can check with the Town Council).

I feel if the City is willing to sell additional land to make it even more profitable for the developers, the City should require it be built within current zoning.

I am not in favor of changing the zoning to Core area as it will send a message to Developers that if they push, the City will rezone the area. We should stick with the current zoning of 40 feet and have the Developer work to that, or sell their lot to someone that will.

Recording Secretary Corrie Woloshan read an email sent December 4, 2017 from Matthew and Emily Mulica, 767 Deer Path Rd:

As you know the Town of Dillon is a special community with a locals look and feel that is different from our neighbors Silverthorne, Frisco, Breckenridge and Copper. My family bought a home in Dillon in 2011. We love where we live and the amenities Dillon offers. We also enjoy that we are not Breckenridge or Frisco with the swarms of tourists, T-shirt and knick-knack shops, bars on every corner, and the problems that overcrowding generates in terms of public safety and impacts to quality of life.

We understand that economic development is important to the vitality of any town and that the town of Dillon competes for tax revenue from both residential and commercial growth from neighboring towns. However, attracting this growth should not come at the expense of a town's character. We believe that the proposed Crossroads Development significantly alters the Town of Dillon's character and is completely out of place here. Given its location at the entrance to the town; we believe that the development is simply much, much too large for the location. The height of the proposed building combined with being at the crest of the hill will significantly alter the viewshed.

This development is sized for ski area villages like Vail, Copper or Breckenridge and will significantly change our community in terms of the traffic congestion and number of people in the area. This is not a development for the citizens of Dillon and will benefit the few while impacting all of the citizenry.

We believe that the lack of walkable connectivity to the City Market/movie theatre area will create dangerous situations as pedestrians try to walk to this commercial area without sidewalks. The lack of walkable access to Dillon Valley also points to the need for a comprehensive walkability plan. Also, adding more cars and congestion to the entrance of the town will worsen an already difficult and dangerous situation for walkers and bikers.

We do support the developers in putting a project on their lot. But we urge Dillon staff to ask the developers to substantially scale it back in size and especially height, even more than it has been. We also think that car and pedestrian traffic has not been fully thought through and will create a more hazardous situation.

Please don't permit and then fix. Fix then permit.

We love our town, as we're sure you do, and this proposal as currently sized, is not appropriate for our small local community.

Recording Secretary Corrie Woloshan read a letter sent December 1, 2017 from Sam Brown, Brown & Associates, 7687 W. 88th Ave Arvada CO 80005:

I have followed with interest, the proposed development of the hotel/restaurant at the Main entrance to Dillon. I would hope that the Planning Commission would speed this project to approval for the following reasons:

1. This project would be a far better main entrance than the current unattractive situation.
2. This project is likely to be a successful addition to the Town's income sources.
3. Approval would help convey the notion that new businesses are welcome to come to the Town of Dillon.

EJ Olbright, 145 Topaz Drive outside of Silverthorne. I actually had my offices in Dillon for 15 years. Moved to Summit County in 1972. Been involved in construction and development of a lot of businesses in Summit County for a very long time. I raised my family here. I have my roots here. I've known the Eilts family since I started doing business in Summit County. I think it's been pretty amazing to watch Dillon do nothing for the entire time I've been here and really stagnate in my opinion. And haven't really gotten things going in a positive direction. The last few years I applaud the efforts with what's been going on with the marina development, what you're doing with the amphitheater, and a lot of the other stuff. People talk about walkability, bike paths, a lot more of that needs to happen. You need a catalyst. You need to put a sign out that says Dillon wants to be better, Dillon can be better. It could be the most beautiful place in the entire county. Why not capitalize on the beauty. Why not let a family that's been here for as long as I've been here have a bit of success. Danny's been chasing this for 5 years. That's a long time, that's a lot of patience. I think his building is a good looking building, a good addition to the Town. It's got a lot going for it. I think it could be a catalyst to do more good things in Dillon. There's been things done, if you look at the stack a shack project that got built in the Town Core it's absolutely atrocious in my mind. We need quality buildings, we need stuff to help this community do better, not do worse. When you have adequate taxes you can do things like build sidewalks to City Market. You can do the right things. If you say no to this then you're saying no to any kind of positive statement to the community which is what's happened since 1972. I think the arguments that it's going to be a degradation of quality of life are completely misguided. What it is going to be is to create an ability to enhance life, to do some things, I think it's an enhancement.

Mary Harmeyer 57 Skyline Dillon. As you heard from my husband, Jim & I are not anti-development. I think the Town does need a lot of redevelopment and revitalization. But I think a 58ft building, trust me you won't need a sign on the side of it because you're going to see it coming down Highway 6. I don't understand how you can make a decision on this building this evening. You have absolutely no plan in place to show what you want Dillon to look like. It's not sketched out anywhere, there's no 3D diagram, you have no idea how this hotel fits in at 58ft. To the condos that are going in, to the restaurant, you have no idea how this is going to impact the community. I can't believe it's not going to impact traffic. I understand and respect your opinion, but I walk past that everyday with the dogs and the current amount of traffic is nothing compared to a hotel. And everybody's leaving at the same

time to get to the slopes and everybody's coming home at the same time. The traffic is going to be intense there. Again, I don't understand the concerns that I or anyone else might raise tonight, how are you going to address them before you vote? You've had several months to work with these gentleman on this plan. You're going to hear this stuff for 20 minutes, you're not going to have any time to follow-up. If for example I said, the apartments that are built at Lookout Ridge, we granted them an easement so they're closer to the sidewalk. Do you realize how close and upfront in your face that is? You can't go back and look at that now because you have to make a decision. If I say why is it 58ft instead of 40 and I'm concerned about that. Or I'm concerned about the amount of light, and I won't have a beautiful dark sky anymore. Or I'll have so much noise from the parking. You have no ability to go back and research and tell me it's going to be ok because of these things. You're going to make a snap decision tonight without really listening to the community and our input on this project. I ask you to stop and think about this. Give yourself more time to listen to the community. Time and time again, members from outside the community continue to tell you, build, build, build. It's density, it's economic development and progress. The community isn't saying that, and you need to come to a better understanding of how we marry these two things together. Part of your problem is that people come to these meetings without really resolving their concerns.

Susan Fairweather, 302 Slalom Drive Breckenridge. I'm a former employee of the Town of Dillon in the economic developer roll. I grew up here and graduated from high school with applicant. We started this project about 5 years ago when Council identified what they call the book ends of Dillon. It was prioritized over 5 years ago as the most developable areas of Dillon. I see that the far book end, which is the amphitheater side, is going through a wonderful redevelopment. There's a lot of promise down there especially with what's happened with the marina and the amphitheater. What is remiss and not quickly done from 5 years ago is the other book end. That required the Town facilitating meetings with Ivano and Danny and the Town coming together to talk about, what are the possibilities here? So I would disagree that this is a quick process. In fact, it's been very slow. It has had a lot of ideas and a lot of public comment provided over the years. Over many years. I think the building is appropriate for Highway 6. It's on a major highway. I think it's appropriate for Lake Dillon Drive. I really strongly support this project. I think it's appropriate for Dillon at this time as a lifelong resident of Summit County.

Terry Novak, 106 Gold Run Circle Dillon. I've been a resident in the Town for 18 years and a business owner for 38 years. Sat on the commission for 10 years. Been in a number of economic development groups through the years. I would like to applaud Danny for putting together a team that can come up with a project that we've not seen for many, many years. We never had a chance to look at anything like this in economic development. They are few and far between to have a hotel of this size. It's such a beautiful building in itself. I think, when you really look at that building, the design that was done, the wood, the stone pillars. When you go around, you don't see hotels built like that very often. Typically, they will push you to do a box. That's because it's efficient, it's cheap. You're lucky to not have that. It's a beautiful building. I think it's one that we'll be proud of in the Town. I really, really wish Danny and his group the best. I hope if there's anything that any of us in the business community can do to have that happen, please let us know.

KC Flynn, 235 East Bend Trail Silverthorne. New resident of Summit County. Moved out here in July, and have been doing business with the group for about 10 years. They came into Cedar Rapids, they're just a great group. From my standpoint, the team that's been put together looks like a really solid team.

Larry Fieldman, 605 Frisco Street Frisco. Gee, 5 years. I spent 2 ½ years going through this planning commission here every month. Tenacious guy. I have 3 points. I'm very familiar with all these planning processes. I think it's a real compliment to the staff, the planning commission, the applicants, to have spent so much time taking this thing from inauspicious beginnings to a beautiful building. I happened to have the opportunity to work with both Danny Eilts and John Frew. You couldn't be working with more honest better people than these guys. My last 3rd point, if I'd been put off by the negative comments, too big, too much traffic, not enough money coming into the Town, you wouldn't have Dillon Ridge Marketplace. You might have some vacant factory outlet stores. Think forward. This is a great project with great people. Work to make this happen.

Ken O'Bryan, O'Bryan Partnership, applicant responded. In response to the public comment, I think we'll let those chips fall where they may. I think some of the public that supports the project probably addressed as well as I can, if not better, some of the negative comments and concerns. I will agree and want to re-resonate with the Planning Commission the thing Susan said, this is not a snap decision. We've been working on this for an awful long time.

Mr. O'Bryan presented before and after drawings and 3D height modeling.

Mr. O'Bryan agreed with almost all of the conditions and wanted to talk about a couple: First, conditions of approval item C – the developer shall pay all fees. We'd like to have those defined a little bit. All fees is a little 'loosey-goosey'. I don't think we're opposed to that, just what are all fees. Probably something that is normal to a project of this magnitude. If that were added it would probably satisfy us. Dan Burroughs, Town Engineer specified, we put it in there as the basis of this agreement. So those fees are just the water and sewer tap fees and development impact fees. We don't have a construction plan yet to talk about that. Mr. O'Bryan responded, if it's referenced and it's going to be redefined in the PUD that's fine.

Item E, snow and ice removal and maintenance agreement shall be entered into by the developer. For what? Is that the 40-Foot Right-of-way, or? Dan Burroughs, Town Engineer clarified, it's mainly for the 40-Foot Right-of-way in case ice is coming off your building and it negatively affects it. It's something we've done for the last 6 projects we've done in the Town Center including La Riva Del Lago. It's an agreement that you'll have plenty of time to duke out the language of that. Mr. O'Bryan stated, perfect.

Item N, written concurrence to Century Link, I think we provided that. Commissioner Teresa England added, Dan is there something in writing because if we need it in the record? Dan Burroughs, Town Engineer stated, we didn't receive it until Monday. It's new. We got an email from the engineer at Century Link. It can stay for your purposes tonight, when we take it to Council we will strike that condition.

Ken O'Bryan, O'Bryan Partnership continued, Item R, again this is semantics. But this is a requirement. I don't know if it means we have to meet that; I mean we have to meet the Ccode requirements anyway? Dan Burroughs, Town Engineer replied, it's a form we use. We haven't seen the detailed grading plan yet. So I haven't been able to evaluate the parking lot grades. That is why the maximum 4% criteria is in the conditions. This is kind of a more of a, putting you on notice unless you ask for something different.

Mr. O'Bryan said, Item S, that's probably the biggest one. We're over-parked by 2 spaces. To say that the project has to have a minimum 156 parking spaces. If we start working with the flag and the

developer, and we say we'll take out 10 more hotel rooms or we make 10 more suites instead of 20 hotel rooms, that's going to reduce the parking requirement. I'd rather add to green space than just make more asphalt. Or if we downsize the restaurant more. We haven't gotten to those details with the developer in the plan yet. If that happens, we just want the opportunity to come back and say we're still going to meet zoning requirements for parking. Let's say we downsize and it gets to the requirement to meet zoning at 140 spaces, why should we be penalized for building 156 spaces? Mr. Burroughs said, bottom line is, we received an application showing 156 spaces. So we're expecting that, unless you do a PUD amendment. So that's an avenue if you change things that drastically. For our purposes, the application for the commission today is for a hotel with 156 parking spaces. What we're saying from a Town staff standpoint, we're not willing to negotiate that away. Mr. O'Bryan replied, no, and we don't want to do that. If by chance certain things happen, we want a chance to come back and not necessarily go through a PUD amendment because that's a pretty drawn out process. Mr. Burroughs added, I think our standpoint is if you didn't want to build 156 spaces then we'd have to go through a PUD amendment process to understand why. Ken – the signage, we talked about. I think we're all good with that. Other than that, I think the conditions of approval, I think the staff did a great job.

John Frew, last week at the open house we heard a comment a number of times and I've heard it a couple times tonight, and I think it's a legitimate comment and it's a legitimate concern. That is that it's too big, too tall. Simply lopping off one more floor will not work. Here's how the financials work out. It'll cost between \$275,000 and \$300,000 per room to build this facility. That might be an understatement. It doesn't matter how much restaurant space you have or conference space you have. 90% of the revenue will be from rooms. If you reduce rooms you reduce revenue. You'll reach a point where it's simply not viable. If there were a way we could figure out how to sink this into the ground then we'd make that work. We weren't involved when this was at 8 or 9 stories. I would have loved to have seen that because it would have been another 40 or 50 rooms to pay for this. We believe we have a lot of work to do to make this work. It is not guaranteed. If we reduce the number of rooms significantly, by a floor there is no way this is viable. I'm just trying to help people understand the way the math works. I think in the end we'll make it work. It's the room revenue, that's how you pay for it. We're considering a very expensive project. We felt that it was important to address. I think it's a legitimate observation and I want to respect the people that raised that.

Commissioner Teresa England questioned Dan Burroughs, Town Engineer. When picked up the schematics, the elevations and the rest of the packet, we had an email from Roth Sheppard the Town architect. Let me start by saying the last three projects that we've approved, we received a checklist from the Town architect confirming that the project met with the Town's adopted architectural guidelines. In this case, we didn't receive that. We received an email saying they had certain concerns. I heard one of two addressed in what we were handed tonight. But I need to understand if the others have been addressed. Chairperson Amy Gaddis added, I wanted to ask the same thing. This was filled out by the applicant. Dan Burroughs, Town Engineer said, yes that was filled out by the applicant so perhaps it shouldn't have been included. Bottom line is, we have the two to work together. We don't want the architect to say no you can't do anything, we don't want Roth Sheppard to say you're totally incorrect. We don't hire them to be a judge, we hire them to make recommendations and lead the applicant to look through those comments and decide which ones they need to address and which ones they don't. The town staff is comfortable with the resolution of these 7 items that are in this email. ~~We did not provide you with a checklist so I can't provide that tonight.~~ Town staff is comfortable with that relationship and they did make some significant changes. Most notably to the area underneath the restaurant. The comment about real stucco. You've seen the material board. It's a very different product. The look is to provide a smoother wall surface to offset the stone appearance. So we were

comfortable with that. Chairperson Amy Gaddis questioned, before we go on, where does the stucco or cementitious board appear? Dan Burroughs, Town Engineer explained it's everything on the bottom. Commissioner Teresa England asked, we heard it's supposed to undulate or something to that effect? What we were handed here tonight isn't showing that effect. Dan Burroughs presented renderings showing the effects.

Commissioner Teresa England said, it's a garage-forward sort of building and they recommended screening, and when you look in through an open-air garage you're going to see cars, you're going to see trucks, you're going to see the toy boxes on top. So they suggested some sort of screening effect. Did that occur? Ken O'Bryan replied, No it didn't. And the reason for that is, we like the negative space. We do have a wall so you're not going to see lights from the cars. You will look in and see some vehicles. Probably just the windshields, you might see a rocket box. Again, you have to take into context where you're going to be seeing this from. Your Town architect even agreed that 90% of this garage isn't going to be seen. They suggested doing some vertical wood slats like 4 inches apart. We actually modeled that and it looks terrible. I didn't want to propose that to our client or to you. But that's what they told us to do. Again, these were recommendations not set in stone requirements. Commissioner Teresa England questioned, have they seen this revised version? Ken O'Bryan replied, no. Chairperson Amy Gaddis stated, so that item truly is one of my most concerns, in regards to the aesthetics of the building. I mean I certainly understand negative space. But it's cluttered with a bunch of cars. Truly when you look at some of these parking garages that have that, whether it be a screen or whatnot, it is such a different feeling from the pedestrian side. Even if there's something behind it, it's screened. Ken O'Bryan added, I'll also express, keep in mind that the architectural view you've seen in those renderings that you're looking at, is more at an elevated level. When you're walking and viewing this building from the ground level you're not going to see any cars. Chairperson Amy Gaddis continued, I'm not looking at the aerials, I'm looking at what's sitting at current space. Ken O'Bryan explained, if you walk next to a building and you have a parking garage that is 14 feet above grade and there's a 3 1/2 foot wall above that, you're not going to see any cars. Chairperson Amy Gaddis expressed, I think aesthetically it looks like a big parking garage. Commissioner Jerry Peterson added, that could be modified later. Mr. O'Bryan said, it could, we have talked about screening. Because it needs to be open air, 50% will have relief in it. We have looked at some horizontal screening. Wasn't quite happy with that. We were hoping maybe to bring something to you tonight but we're just not quite there yet. The concern about blowing snow in there too, some screening will help with that. Item 3 is like architecture 101. Commissioner Teresa England stated, let's talk about it for the audience. Ken O'Bryan said, "What they're saying is they want a base, a middle, and a top. What they told us is that they want the base material either 1/3 high and then 2/3 with another material. Or 2/3 tall and 1/3 with another material. That is architecture 101. It's a rule of thumb, and I'm telling you if you follow that you end up with stripes around the building. It's not the right thing to do. I couldn't disagree with that more." Chairperson Amy Gaddis commented, I think when you look at the darker versus the lighter it's never 50/50. It's always either 1/3, 2/3 or 2/3, 1/3. I'm fine with that.

Commissioner Teresa England continued, item 4 you obviously resolved. I like it much better. Let me ask you on item 5, how tall is your parapet because the elevations make it look like a couple of feet? Ken O'Bryan answered, right now the parapet's only 18 inches tall to 2 feet. Commissioner Teresa England asked, how is that going to cover your stacks? Mr. O'Bryan clarified, what we're going to do is hide it behind the dormers. Commissioner Teresa England added, you've got to have stacks above pitched roof otherwise it's not going to work. Mr. O'Bryan said, in the dormer itself there is going to be a section. Dan Burroughs, Town Engineer said, at this conceptual stage they haven't designed the mechanical for the building so they haven't done that. What they're agreeing to do is make all the mechanical equipment be below that header. Commissioner Teresa England expressed, as long as staff

keeps an eye on it because the new Hampton Inn coming up the highway, you can see every stack on that roof. It's very unattractive.

Commissioner Teresa England continued, I think stucco is the next one. I think we talked about that. Ken O'Bryan replied, "There's stucco at the base." We only have one wall that has stucco coming down to the base. They agreed that the parking garage didn't count because of the openings in it. Again, I asked them why is that part of the requirements that stucco can't come to the base. Commissioner Teresa England asked, is it maintenance, was that their concern? Water? Mr. O'Bryan continued, stucco is fine if it's a cementitious stucco which we're proposing. Plus you can also put a clear coat on it that will keep any snow that comes up against it from discoloring or staining it. Dan Burroughs, Town Engineer clarified, it's not prohibited, it's just discouraged as a traditional stucco. They're using a cementitious product that a lot of buildings use now. Commissioner Teresa England commented, last one I personally thought was a good suggestion and that was to modify the window mullion so that they match the background color of the building. So you go dark on dark and light on light. Mr. O'Bryan stated, I disagree with that. I think we want windows to pop. If you look at this building and you change those windows to the same color as the siding it's all going to disappear, and it's going to be too monolithic. Same with all the doors. We need to add some interest to it. Commissioner Teresa England commented, the stuff I'm seeing around town coming out of the ground is doing matching the background. Chairperson Amy Gaddis said, I actually, especially on the brown to brown. I would probably prefer that too but I don't know how much leeway we have in sort of dictating it.

Dan Burroughs, Town Engineer stated, this is the whole point of this process. It was important to the Town to have an architectural set of standards. We also have a review architect to look at plans to see what they think. They came up with 7 points. This is supposed to be a negotiation where someone interprets their architectural standards to say, I think it should really be this way. It was the whole building they came up with 7 points. Ken and his team have gone through and addressed some of them. They have reasons for not addressing some of them. You could put an additional condition on there. Again, we wanted to have a baseline. We wanted to create this dialog.

Commissioner Teresa England asked, is it wood header above the windows? Ken O'Bryan responded, yes. We don't really have trim around the window. If we did have trim we'd match the siding color with the trim. But the window itself, you're only going to see about 2 1/2 inches of it plus the sash of the window, so total about 4 inches of the different color. We will have flashing at the sill. The header is just to highlight windows. Commissioner Derek Woodman added, everybody has an opinion. Personally, I like the contrast.

Commissioner Teresa England asked, I have a couple other questions. Is it 103 hotel rooms? Ken O'Bryan replied, yes. Commissioner Teresa England asked, and on the signage, at one point there was going to be a logo on the wall. Is there going to be logo on wall by porte cochere? Mr. O'Bryan answered. Yes. Again, we have to go through the flag and their signage requirements. Just a thought. Commissioner Teresa England commented, your flag may change that's my only thought. Dan Burroughs, Town Engineer clarified, so we would consider that a sign. You're approving the 5 signs we've discussed and nothing more. The art wall is just that, it could be art. It wouldn't be a logo because that would be another sign. Commissioner Teresa England stated, I don't really like the idea of art after watching what Breckenridge just went through with the mural. I'd like that deleted. Mr. Burroughs replied, you could make that a condition of approval. Mr. O'Bryan said, we can take it out. It's really in an awkward position anyway.

Chairperson Amy Gaddis asked, up above where the mechanical is above the pool, is that the same horizontal board? Mr. O'Bryan replied, yes. That's cementitious siding. That kind of a large chimney is to hide the mechanical equipment for the pool. Commissioner Teresa England said, there was something that looked like a garage door? Mr. O'Bryan explained, that's just the lap siding. Commissioner Teresa England asked, the existing Conoco sign, that's going to be demolished right next to the Town sign? Dan Burroughs, Town Engineer replied, it won't be demolished. There's an agreement with the Town to allow that sign to exist with the Conoco. As of today, we need to negotiate that with Town Council so it's not part of their sign package for the hotel. When he rebuilds the hotel, there's nothing in that agreement to allow him to just put a sign up there because it'd be an offsite sign. The Town will do something different with that sign. But we won't demolish. We'll have a different negotiation. It's ultimately on Town property. The Town would take that back as we stand today. If there was a sign for the hotel then we would have to do a PUD amendment to allow it.

Chairperson Amy Gaddis requested, can you explain the elevators again. Is the one just for restaurant folks? Ken O'Bryan said, it might have been a little misleading, hotel guests can use it too. It will stop at the hotel floors. Will need to use their key.

Commissioner Derek Woodman asked, currently there's on-street parking, how many spaces are we going to lose? Dan Burroughs, Town Engineer replied, 6 spaces. That developed when we were doing the BBQ at the Summit. We put all the temporary spaces that we could in the Town and then that evolved into a permanent parking plan to facilitate the amphitheater. I've always been very against a permanent solution that way because of the curve and people coming around there not watching. I'm very happy with this design because we eliminate that potential conflict. So yah, I think there's 6 or 7 spaces there.

Commissioner Derek Woodman commented, I certainly applaud the applicant in the reduction of the sign square footage. At one point, it was almost 500 square feet, it was way up there. It was a great opportunity to re-address that. Commissioner Teresa England commented, somewhere in here too I read that they should comply with the Summit County dark sky requirements. We need that as a condition. Dan Burroughs, Town Engineer replied, I don't think that was anything the Town produced. Commissioner Teresa England, yes the applicants. So I think that should be a condition as well.

Chairperson Amy Gaddis commented, there was something you mention allowing a zero-lot line. But right now they don't have a zero lot line on a couple of sides so why wouldn't we approve it with the current setbacks. Dan Burroughs, Town Engineer explained, 'So they're zoned commercial and not Core Area. With commercial with the side yard setback, I think it's 10 feet. And the front yard setback is like 25 feet. So the setback off of Lake Dillon Drive is 25. So through the PUD process you're saying it's ok to be zero feet.' Chairperson Amy Gaddis clarified, just on those two sides? Mr. Burroughs replied, so it won't be the whole way. Again, the building covers about 43% of the site, so that provides substantial setbacks especially on the highway side. We just put the minimum. That's the criteria we're creating.

Commissioner Teresa England asked, I have one last question to Mr. Frew. Have you had experiences with removing underground storage tanks? Have you gone through the process, it's quite elaborate. Mr. Frew said, my company was hired by the state of NY to demolish 670 homes on Staten Island following Hurricane Sandy. Underground. Overground. We're well versed in the process. We've never done a tank but it's the same process. We've never removed a tank from a gas station. But we've removed just about everything else that's underground that you can imagine. Danny Eilts added, that's easy for me to answer. Family's been in the gas business. Still have a place in Frisco and in Silverthorne. Company that's been doing our environmental at this place for 35 years. Also last 10

years I had a spot in Silverthorne that was dirty and needed cleaned up. About a year ago on that property. It's not a big deal really. We're compliant now. We get checked monthly. I already have a bid from environmental company. I already have things ready to pull the trigger to remove the tanks and the linings. It's not an issue.

Commissioner Teresa England asked, we have all these conditions but there's no indication of when they're supposed to be fulfilled. I'm just trying to understand from an operational or process perspective, do they all get satisfied before a building permit is pulled? Dan Burroughs, Town Engineer said, many of them will. Some of them are more specific to a certificate of occupancy. Town staff will make sure. Kathleen Kelly, Town Attorney added, some of them are continuing obligations like snow storage. The Planning Commission is making a recommendation to the Town Council. With the revisions that the Planning Commission approves tonight, these will carry forward to the Town Council draft resolution. If that's approved by the Town Council, even though they're incorporated into the PUD agreement, if there is non-compliance by applicant the Town will have some options about how to handle that. Not complying with PUD approval is a zoning matter, not complying with the PUD agreement is a contractual matter. So the Town can evaluate which is going to be the most effect way to reach compliance with the applicant. So that's why there are so many conditions and some of them are ongoing. Mr. Burroughs added, some of these are things we'll work out with staff. If you want to be the overall person that reviews that and sets these things, by all mean adjust the conditions to your liking.

Chairperson Amy Gaddis mentioned, I think that based on the discussion in terms of approving, I believe we definitely want to see some sort of elevation or rendering to determine if screening is required or not for the parking garage. To review the screening plan for the garage. Whether it's no we don't have it or yes we need it. Commissioner Jerry Peterson suggested, that should be as the building progresses. Chairperson Amy Gaddis added, I think we have this guideline in terms of what aesthetic vision and I think it's our position to be able to enforce that. Even if it doesn't have something specific about garage spaces being concealed, I think that is a visual impact. That looks much more like a 2-story parking garage versus a residential hotel. Kathleen Kelly, Town Attorney asked, would you be comfortable with the Town Council reviewing that? Commissioner Teresa England commented, let's do it this way. A condition that they present that option to the Town Council and the Town Council makes the ultimate decision. I'd also like to add a condition that they do comply with the Summit County dark sky. And that they change the restaurant mullions in the outdoor space, not internal to the restaurant, to match the pool mullions. Make that seem like it's commercial space as opposed to residential. Kathleen Kelly, Town Attorney asked, did you also want the resolution to add a condition to delete the reference to the art wall? They had that in what they presented to you tonight. Commissioner Teresa England asked, can we limit the size of this art wall? Chairperson Amy Gaddis asked, what's your concern? Commissioner Teresa England answered, A) I don't think it's really warranted to put art there. B) they just had an entire controversy in Breckenridge where someone wanted to put a mural on one entire side of the building. Mr. O'Bryan said, let's eliminate it.

Commissioner Jerry Peterson asked, are you going to modify the sounds coming off Highway 6? People that are sleeping in those rooms next to Highway 6, our truckers are seeing how loud they can go down that hill. Ken O'Bryan answered, 'That's a really good question. The flag will definitely have a mandatory requirement for STC ratings along that highway side. There's a good chance we may have to go to a triple pane glass window because that's where most of your sound is going to come through. The answer to that is, yes. We do need to mitigate the noise to the residential rooms along the highway there based on the flag's requirements for maximum STC transmissions.' Commissioner Jerry Peterson commented, I agree that we need contrasting frame. There are enough bland walls in this Town, we don't need anymore boring walls. 11 foot 6 in the garage, how is that going to fit with the sprinkler

system. What's your maximum height for vehicles that are going to be in there? You have sprinkler heads coming down, I've seen a couple garages where someone took a sprinkler head off and it's a mess. Assistant Fire Chief Steve Skulski commented that developers of such properties typically install a height bar at garage entrances. Mr. O'Bryan answered, will set height bar at entrance.

Dan Burroughs, Town Engineer read a draft resolution for consideration into the meeting record.

Chairperson Amy Gaddis closed the public hearing at 7:40 pm.

Commissioner Teresa England moved to approve Resolution NO. PZ 12-17 Series of 2017 as amended to include conditions:

- W. Applicant shall meet dark sky lighting requirements of Summit County.
- X. Applicant shall present garage screening concept for Town Council consideration.
- Y. Applicant shall change the mullion colors for the restaurant glass patio to match the ground level commercial space.
- Z. Applicant shall eliminate the art wall at the entrance.

Commissioner Derek Woodman seconded the motion, which passed unanimously upon roll call vote.

REVIEW: TOWN OF DILLON COMPREHENSIVE PLAN

Postponed until January 3, 2018 meeting.

OTHER BUSINESS

Dan Burroughs, Town Engineer announced, next meeting is January 3rd. We will have an application. The February meeting will be a long meeting.

Commissioner Teresa England asked, can we add to that meeting a visit on the sidewalk issue. The sidewalk issue that you had brought up previously, I can now see the validity of taking a look at that. In light of the potential of a new hotel and people wanting to walk to City Market, to the restaurants down there. Or should we put that off until January. Mr. Burroughs replied, I recommend we can talk about the issue in January. We can bring an aerial photograph and we can talk about the sidewalk issue. The main issue is, there is no sidewalk. The main reason there has never been one is the way CDOT plows the snow there and their need to stack the snow. The church side. The other side we'd have to build a retaining wall. I don't know if, Derek, you have any insights? Commissioner Derek Woodman answered, no, no I don't, other than I think it's horribly dangerous. Commissioner Amy Gaddis added, because people are walking right there. I wonder if it'd be more advantageous to relocate it and try to go up and get an easement from the townhome complex. Get them off the highway. Why didn't when CDOT redid all the roadway and stuff down by Anemone. They put the new sidewalk in on the one side. But on the other side where everybody walks it's a dirt embankment there's no sidewalk. Mr. Burroughs mentioned, down on Anemone it's a very steep slope. It's all about snow storage with CDOT. That one's a harder problem to solve. The one between Lake Dillon Drive and the Damn Brewery, it's something the Town could start working on it. You guys could make a recommendation to Council to work with CDOT and try to solve the issue. Scott O'Brien, Public Works Director explained, the biggest issue with the sidewalk in that area is the grade. 2nd to that is the issue of snow plowing. CDOT, in a lot of cases pushes snow to the pedestrian side, the sidewalk is up to us to keep clear. It's something we've thought about and something we need to look at again. There's no quick answer and it's going to take some time. Commissioner Derek Woodman said, I think it's a huge battle during snow removal. If the Town is dealing with the sidewalk and some guy is plowing snow, it would be a constant battle. Mr. O'Brien responded, for that reason,

we're looking at sidewalks that are more interior to developments. So it's still there but it's not necessarily connected to the highway. Mr. Burroughs explained, we have created, rebuilt, West La Bonte Street and the Damn Road back in 2002. We created a sidewalk path through the Town Center, through the town, to the Damn Road, and across Highway 6. It's not that there isn't a safe path, it's just that it's not convenient for a lot of people. But we do have a safe path to City Market that pedestrians can use. That's why we've always kind of felt like we've solved the problem, but it's not convenient by any means. The big problem with the area between Dillon Ridge Marketplace and Evergreen Street is that there's a high-pressure gas main in there. There's a fiber optic main. We have a water main in there. An elevated sidewalk is a solution. So these are expensive solutions. Something like that could be done ultimately, and that's why we do master plans. It's something that you guys could look at and work on. We could always hire an engineer to look at alternatives to how that would look. If we elevated the sidewalk on the hillside it would require a retaining wall. We would have to pick that location because of where the utilities are. Then you could still have snow storage for the highway. There is definitely a solution there. Then it comes down to maintaining the sidewalk. Scott O'Brien, Public Works Director explained, doing something elevated would be preferred because then you don't have that conflict with CDOT shoving snow on your walkway. Pedestrian connectivity and way-finding is important also to EDAC, also important to the Parks & Rec Committee, also Town Council. It's something that's on people's radar. It's a question of getting enough momentum that we maybe hire a consultant to help us with that because it is very complex and there are experts out there. Figuring out where your nodes are, how they connect, who's using them, are they people on bikes or walking. Commissioner Teresa England asked, is it something we need to look at or Town Council needs to decide to hire a consultant? Dan Burroughs, Town Engineer said, that's what they would do. If you guys want some input on that to recommend something to Town Council. Again, the charter says you're here to help the Town Council make planning decisions. So I think that would be ok. If that's a task you'd like to take on. Commissioner Teresa England added, assuming they're going to approve this then it becomes more imperative that we take a look at this. Commissioner Derek Woodman expressed, we're talking maybe a couple 100 people that maybe won't have vehicles. They're up here on a shuttle or something like that. Conoco restaurant will no longer exist. If they end up having to seek out groceries or want to go get snacks there won't be anything up here at all. No convenience store. Mr. Burroughs said, the hope is that this might stimulate a store. Another issue with that sidewalk stretch is kind of a county issue. All the people that come up from Dillon Valley are using that sidewalk connection. I would say it's probably 90% of traffic that's Dillon Valley. We hired a consultant in 2007. Had them do a preliminary design for Highway 6 between Lake Dillon Drive and the Damn Road. He gave us a cost estimate at that time. We were going to put the wall for the sidewalk on the other side because of the utility issues. Elevated sidewalk there and build a sound wall for the residents. The price to do that project was in the \$7 ½ million range. As far as the way money comes to us, it's never going to be something that's brought up to an important level at the regional transportation districts. We're competing with the Grand Avenue Bridge and the Highway 9 project. The way those grants work, facetiously if we get a fatality you get a grant. They have tons of grants for safety related issues. Unfortunately in society there are places where people die and those get higher priority. Commissioner Amy Gaddis asked, have there been any fatalities along there? Mr. Burroughs replied, it's amazing what doesn't happen. There's no guard rail but since I've been here there's been no car to go over the edge? It's super elevated too. It drops about 8 to 10 feet. It helps people stay out of the yards. Mr. O'Brien said, right now funding at CDOT is a really tough issue. They are looking to put some kind of initiative to the vote to help fund transportation projects. Maybe something will change in the future. But right now things are incredibly tight. Commissioner Teresa England mentioned, in my prior life the developer always paid for this. Mr. Burroughs replied, in this environment everyone's coming to us with sales tax rebate requests. So we end up paying for it anyway. That type of thing has changed.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:09 p.m.

Respectfully submitted,

Corrie Woloshan

Corrie Woloshan
Secretary to the Commission