

**PLANNING AND ZONING COMMISSION ACTION ITEM  
STAFF SUMMARY  
JUNE 1, 2022 PLANNING AND ZONING COMMISSION MEETING**

**DATE:** May 27, 2022

**AGENDA ITEM NUMBER:** 5

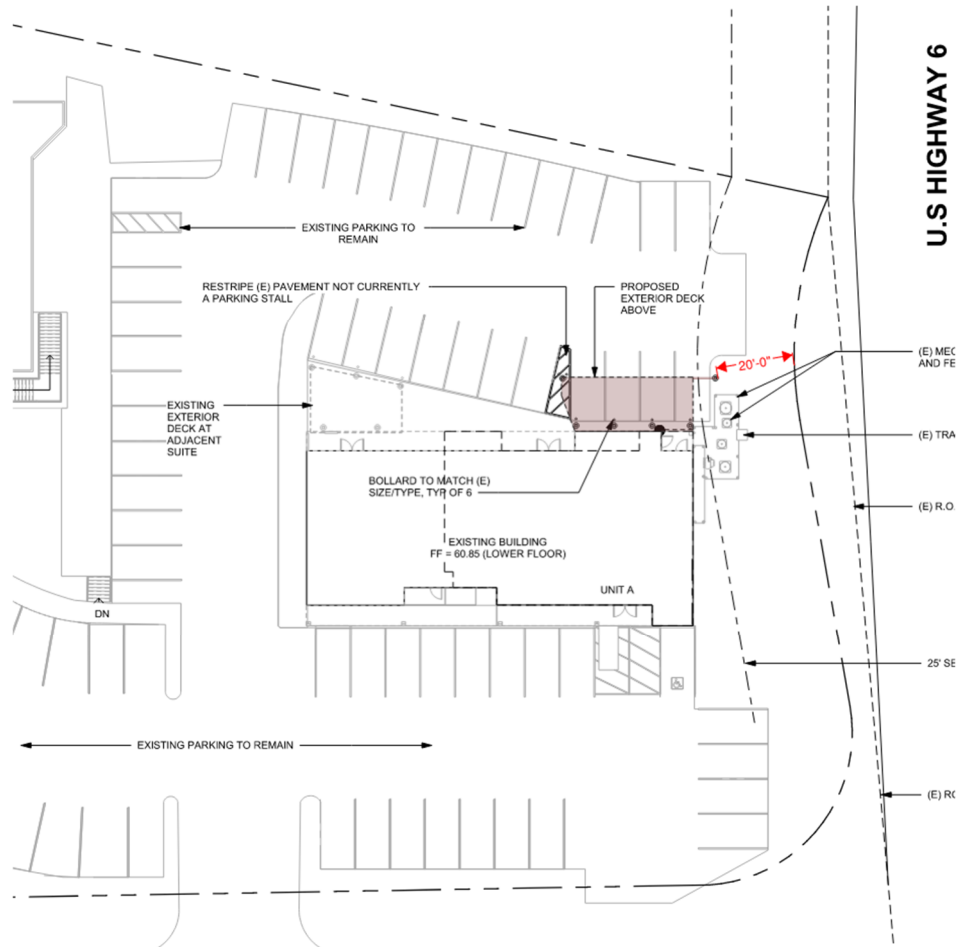
**ACTION TO BE CONSIDERED:**

Consideration of Resolution No. PZ 02-22, Series of 2022. **(PUBLIC HEARING)**

A RESOLUTION APPROVING A LEVEL III DEVELOPMENT PERMIT FOR A NEW DECK  
ON A COMMERCIAL BUILDING LOCATED AT 765 W. ANEMONE TRAIL.

**SUMMARY:**

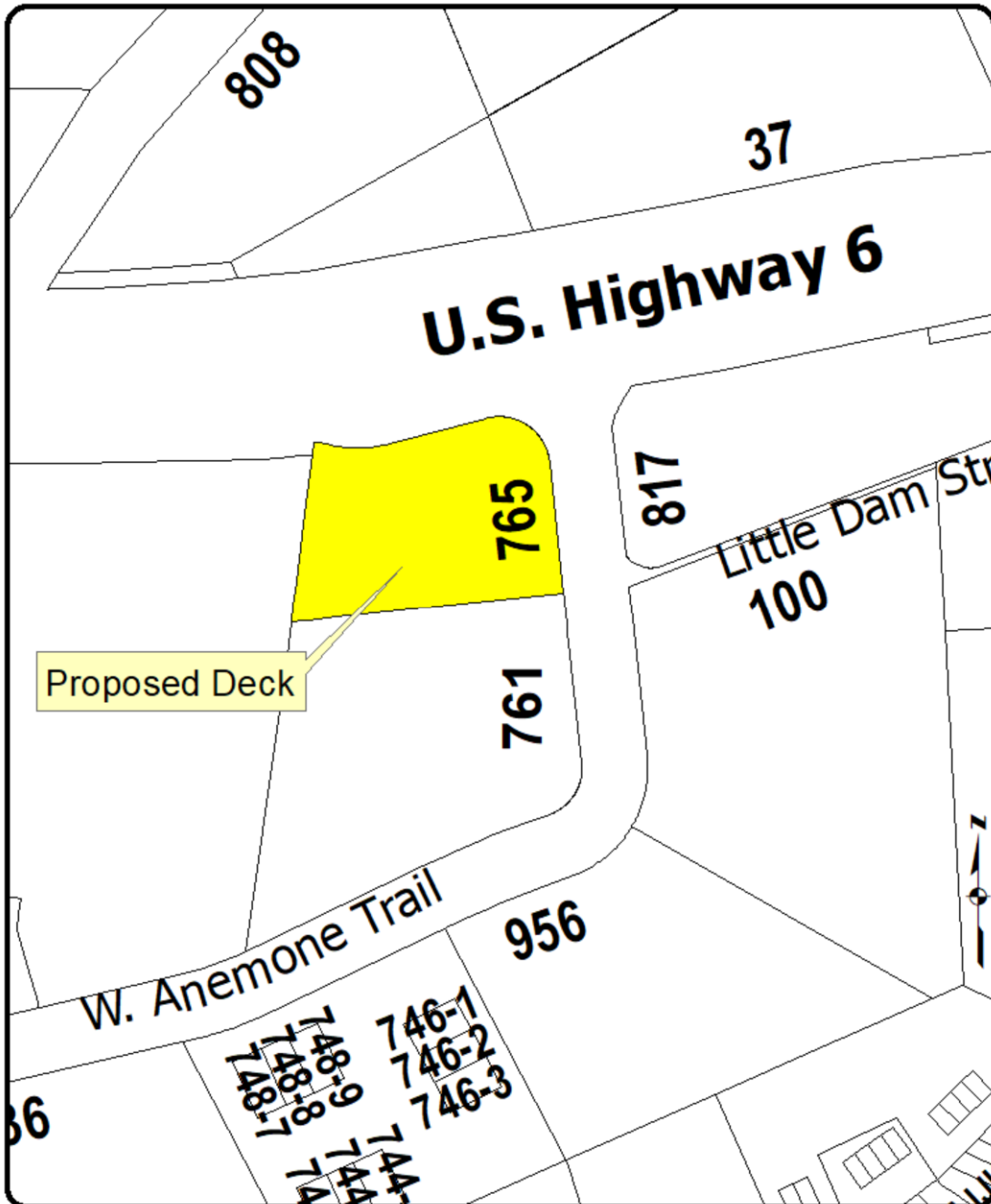
The Town has received a Level III Development Permit Application for a new deck on a commercial building to be located on the rear of the building located at 765 W. Anemone Trail. The new deck will provide the potential for outdoor seating associated with a restaurant use in the tenant space to which it is to be connected – the Snarf’s Sandwiches restaurant. A new deck on a commercial building requires a Public Hearing and approval by the Planning and Zoning Commission.



***Proposed New Deck on the Rear of the Building***

**PUBLIC NOTICE:**

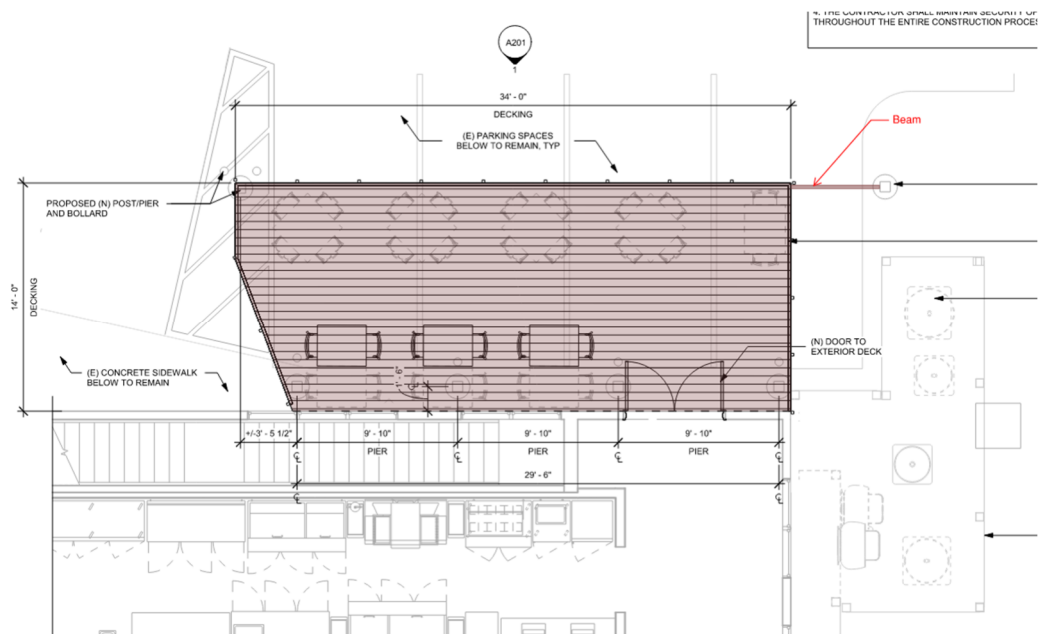
The Town posted a sign of the Public Hearing on the site on Tuesday, May 24<sup>th</sup>, 2022. A newspaper ad ran in the Summit Daily (Journal) on Friday, May 20<sup>th</sup>, 2022, and a mailing noticing the public hearing time and date was sent out on Wednesday, May 18<sup>th</sup>, 2022 to property owners within 300’ of the site. The notices were provided within the required 7-day minimum and 14-day maximum notice period required by the Dillon Municipal Code (the “Code”).



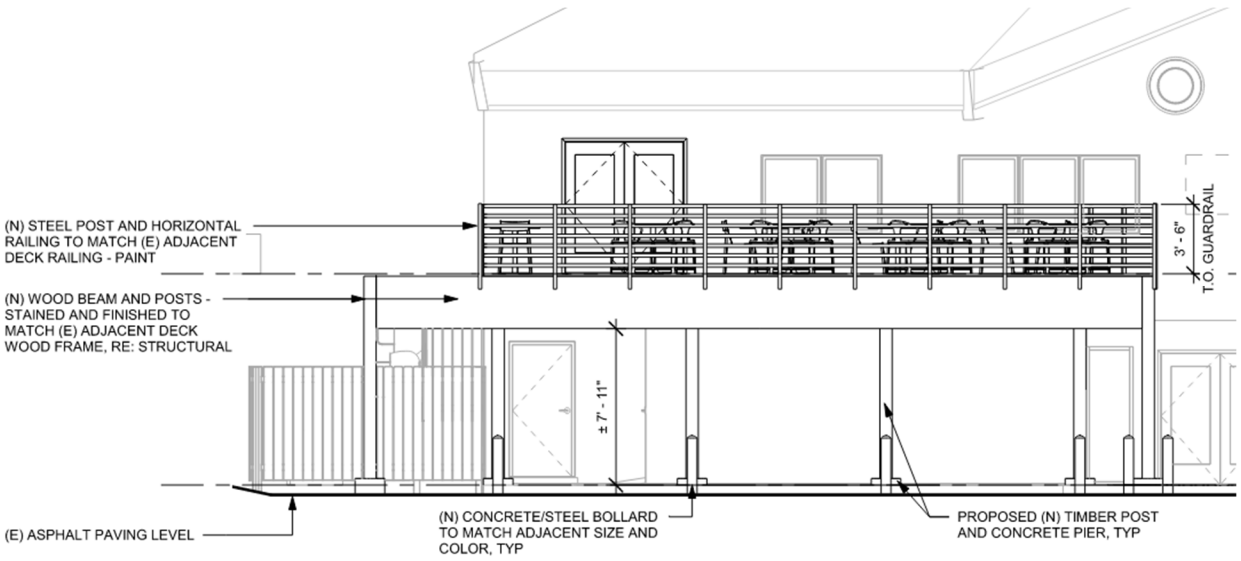
*Project Vicinity Map*



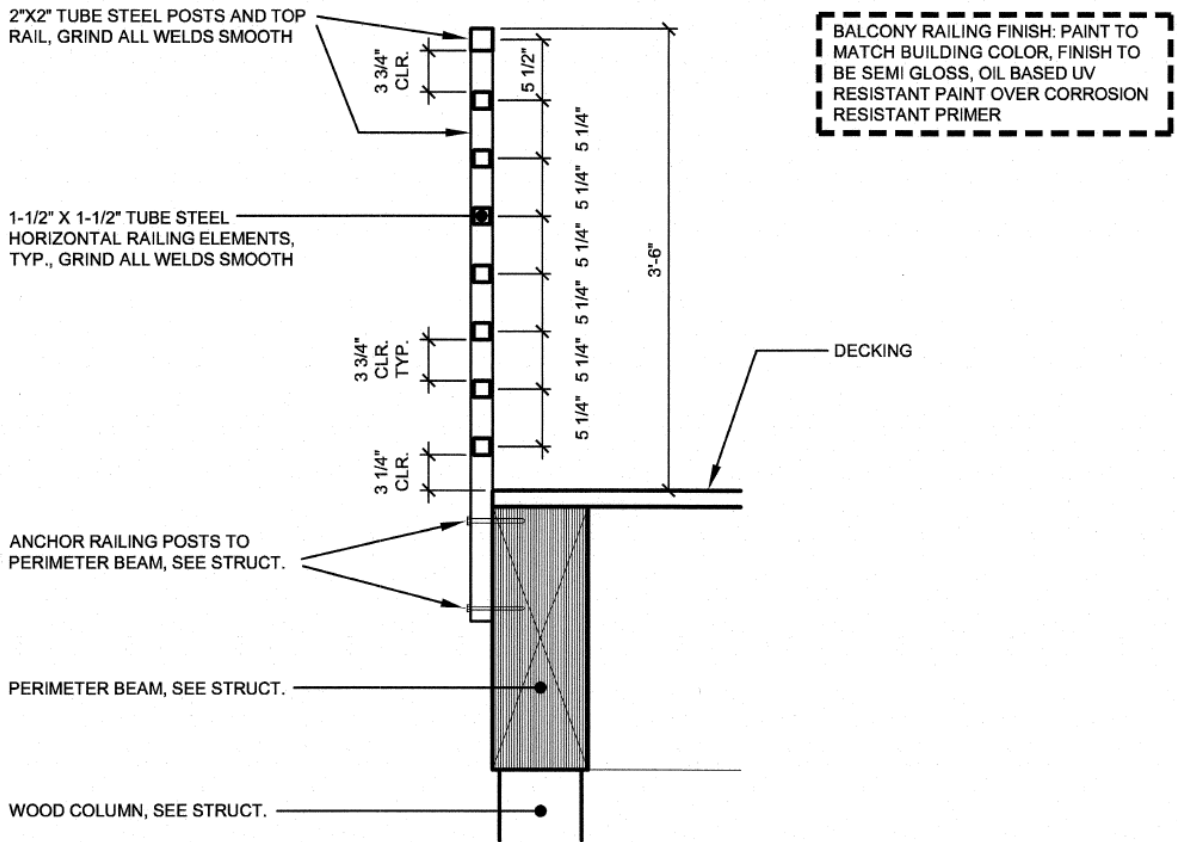
***Side & Rear of the Building Where the Deck is Proposed***



***Deck Configuration and Potential Outdoor Seating***



**Columns and Beams for Proposed Deck**



**Deck Railing Detail to Match Adjacent Deck**

**CODE ANALYSIS:**

Zoning District: The Application is located in the Commercial (C) Zone. A deck is a permitted accessory use for a building; however, the Dillon Municipal Code (Code), requires a Level III

Development Permit review process and Public Hearing for a new deck on a commercial building. The tenant space with the proposed deck is in the process of changing use from retail to a restaurant use under a previously issued Tenant Finish Development Permit. Impacts to consider for a potential restaurant deck are noise and visual impacts to adjacent residential properties. It is anticipated that the potential outdoor seating will not have substantial negative impacts on adjacent properties, given the location of the proposed deck on the commercially facing rear of the building, the close proximity of the site to the major thoroughfares, U.S. Highway 6 and Interstate 70, and that residential properties are not immediately adjacent to the site.

Yards: Yards, or setbacks, are required in most zone districts from the side of a building to a property line. The Commercial zone requires the following yards (setbacks):

Front Yard: 25'  
Side Yard: 10'  
Street Side Yard: 25' \*  
Rear Yard: 20'

\* The Planning Commission approved a Variance for the U.S. Highway 6 setback on May 10, 1982 reducing the yard (setback) from 25 feet to 20 feet. See the attached project memorandum dated May 11, 2022 for details on the Variance approval.

The Application complies with the yard requirements of the Code.

Building Height: The Application does not increase the height of the building.

Design Guidelines: The architectural style, materials, and proposed colors are harmonious with the building.

Snow Storage: The Application does not impact snow storage on site.

Off-Street Parking: Parking is provided in the parking lot around the building. A shared parking agreement exists for this building and the adjacent building (761 W. Anemone Trail – Sun and Ski Sports). The outdoor deck space is not greater than 20% of the interior tenant space it is attached to, and therefore no additional parking is required for the outdoor seating. Based on the current uses in the complex of the shared parking and evaluation of the number of parking spaces provided, there is no surplus parking on the site. The Application complies with the parking requirements of the Code.

Landscaping: There are no landscaping requirements associated with this Application.

**STAFF RECOMMENDATION:**

Staff recommends approval of Resolution PZ 02-22, Series of 2022

**MOTION FOR APPROVAL:**

I move the approval of Resolution 02-22, Series of 2022 with conditions as presented.

**ACTION REQUESTED:** Motion, Second, Roll Call Vote.  
Resolutions require the affirmative vote of a majority of the members present.

**STAFF MEMBER RESPONSIBLE:** Ned West, AICP, Sr. Town Planner

**Exhibits**

**May 3, 2022 Architectural Drawings**

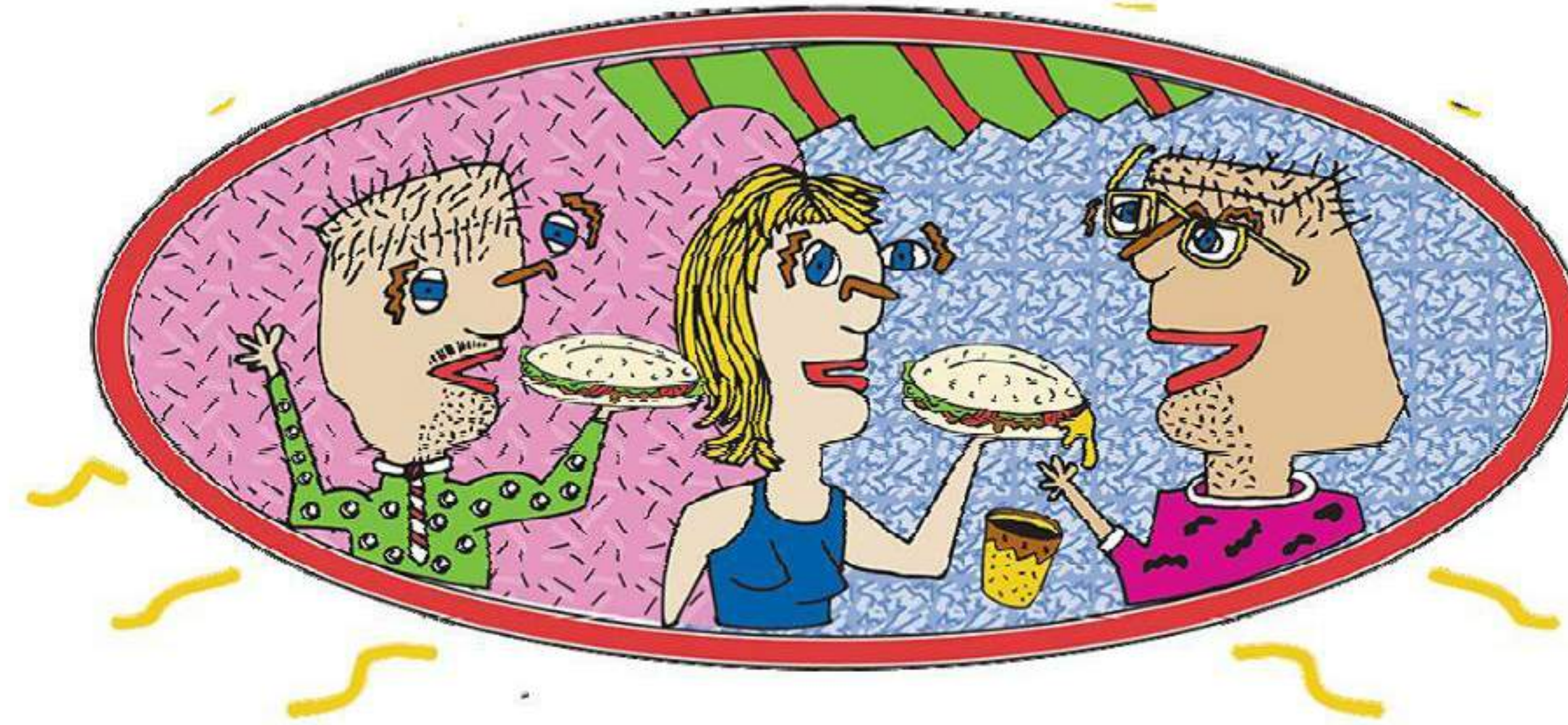
**May 11, 2022 Project Memorandum – Setback Variance**

OWNER  
**SNARF'S SANDWICHES**  
2762 WALNUT STREET  
DENVER, CO 80205  
t: 720.389.7920

ARCHITECT  
**CHORD DESIGN STUDIO, P.C.**  
1425 MARKET STREET SUITE 220  
DENVER, CO 80202  
t: 303.694.2445

MEP  
**PKMR ENGINEERS**  
1550 WEWATTA STREET SUITE 200  
DENVER, CO 80202  
t: 720.739.4500

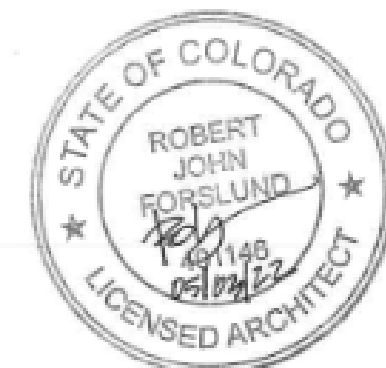
# SNARF'S Sandwiches



## **SNARF'S SANDWICHES**

DILLON, COLORADO  
Project Number:210023

PLANNING COMMISSION SET  
03 MAY 2022



 chord design studio



















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**MEMORANDUM**

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**TO:** ROB FORSLUND, CHORD DESIGN STUDIOS  
**FROM:** NED WEST, SR. TOWN PLANNER  
**SUBJECT:** COMMERCIAL DECK – SNARF’S SANDWICHES – 765 W. ANEMONE TRAIL  
**DATE:** MAY 11, 2022

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Mr. Forslund,

The Town of Dillon Development Review Committee has reviewed the commercial deck application for the Snarf’s Sandwiches and has determined that the plans submitted on May 3<sup>rd</sup>, 2022 are acceptable to move forward to the Planning and Zoning Commission for their review in a public hearing.

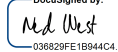
Critical to this determination were the following:

1. The Proposed deck support caisson / foundation is located twenty (20) feet from the northern property line as shown on page A100 of the plans dated May 3, 2022.
2. Review of meeting minutes, plans, memoranda, and notes from 1982 indicate that a Variance was applied for and granted for a twenty (20) foot setback from the northern lot line. At the time, the subject lot line was referred to as the “front” of the property as shown on the Gore Range Plaza plans dated April 26, 1982. The application was reviewed and approved by the Dillon and Planning & Zoning Commission May 10, 1982, and said approval is further detailed in a memorandum from the Town Planner, Stephen Hanson, to the Town Administrator, Anna Lenahan dated July 6, 1982.
3. The trash enclosure and ground-based mechanical equipment encroach into the street side yard to a degree greater than the proposed deck column support.

Although the Dillon Municipal Code (DMC) stipulates, “Front yards and street side yards shall be a minimum of twenty-five (25) feet” (DMC § 16-3-160), the findings indicate that the building was approved with twenty (20) foot setbacks. Noteworthy, is that the Town would interpret the front yard as being that fronting the primary access and from which the property is addressed (W. Anemone Trail), and thus the Town would currently consider the subject yard as the street side yard. Regardless of that fact, the resulting determination of a prior variance remains in force.

We therefore determine that the application may move forward to the June 1, 2022 Planning and Zoning Commission. The Town will provide the required public notice and prepare materials for said meeting. Please see the attached documents referenced in this memorandum in support of this determination. Should you have any questions, please do not hesitate to contact me.

Thank you,  
**Town of Dillon**

DocuSigned by:  
  
036820FE1B944C4...

Ned West, AICP  
Sr. Town Planner

Cc: Dillon Factory Stores LLC c/o Brown & Associates



**Supporting Materials:**

2 Sheets Proposed Deck – Dated 05-03-2022

3 Pages Record of Proceedings – Item 9 – Dated May 10, 1982

1 Sheet Gore Range Plaza – April 26, 1982

3 Pages Memorandum Town Planner to Town Administrator – July 6, 1982





# TOWN OF DILLON

Box 8 • Dillon, Colorado 80435



## A G E N D A

Dillon Planning and Zoning Commission  
Dillon Architectural Review Board  
May 10, 1982

1. Call to Order
2. Approval of Minutes
3. Sign Application: Robillard and Associates
4. Sign Application: Anchorage Joint Ventures
5. Sign Application: Van Schaack and Company
6. Sign Application: Mountain Environmental Inc.
7. Sign Application: Gregory Jungman D.D.S.
8. Fence Application: Coeur de Lac Condominiums
9. Plan Review: Gore Range Inn Addition  
Variance Request
10. Plan Review: Gore Range Plaza  
Variance Request
11. Old Business
12. New Business
13. Adjournment

:WORKSESSION:

**RECORD OF PROCEEDINGS**MINUTESDILLON PLANNING AND ZONING COMMISSION  
DILLON ARCHITECTURAL REVIEW BOARD

May 10, 1982

1. Call to Order: The meeting was officially called to order at 7:53 P.M. Present: Burris, Collard, Keller, Shafer
2. Approval of Minutes: Collard made a motion to approve the minutes of the April 12, 1982 meeting. The motion was seconded by Keller and the vote was unanimous in favor.
3. Robillard Sign Application: Robillard and Associates have requested approval for their sign application. The sign will hang under the soffit of the Snow Bank Building and will be up indefinitely. The sign will not be illuminated and will be made of sand blasted redwood. Collard made a motion to approve the sign, seconded by Keller. The vote was three in favor of approval with Shafer abstaining.
4. Anchorage Joint Venture Sign Application: A decision was not made by the P&Z at the April 12, 1982 meeting in regard to this application. It was tabled so more information could be gathered about the lighting of the sign and the materials it is to be made of. Alan Clausen was on hand to represent Anchorage and answer any questions. The lighting will be indirect and the material is a durable plastic. As all necessary information was given and all ordinances abided by Shafer made a motion to approve the sign. This was seconded by Collard and the following vote was three in favor of approval with Shafer abstaining.
5. Van Schaack and Co. Sign Application: The decision on this sign was also tabled at the April 12, 1982 meeting due to lack of all necessary information. P&Z wanted to know the distances the sign is from the highway. The real estate sign is about 65 feet from the street line of the highway and approximately 200 feet from the corner of the lot. Keller made a motion to approve the sign until December 31, 1982. Collard seconded the motion and the following vote was three in favor with Shafer abstaining.
6. Mountain Environments Inc. Sign Application: This sign was tabled due to lack of information at the April 12, 1982 meeting. After reviewing the proper information that was submitted, Shafer stated that he thought the sign was more of a miniature billboard than a real estate sign. The sign only stated the name of the company on it's face and nothing about sale of the lot in question. For this reason, Shafer made a motion to deny the application and because the sign is already up, it must be taken down. This motion was seconded by Collard and the following vote was unanimous in favor of the motion carrying. The Planner was instructed to inform the owners of the sign of the decision and to have them take the sign down in ten days or less. If the sign is not taken down the police are to issue a citation to the owners.
7. Gregory Jungman D.D.S. Sign Application: Dr. Jungman was on hand to answer any questions regarding his sign for his dentist office in the Dillon Plaza Building on the third floor. The sign is to be redwood sandblasted with a picture of a family in the center. There will be two oval sign of this type and one "DENTIST" sign with raised letters to be attached to the building side. As all fees are paid and all the ordinances are adhered to, Keller made a motion to approve the sign application. Collard seconded the motion and the following vote was three in favor of approval with Shafer abstaining.

## RECORD OF PROCEEDINGS

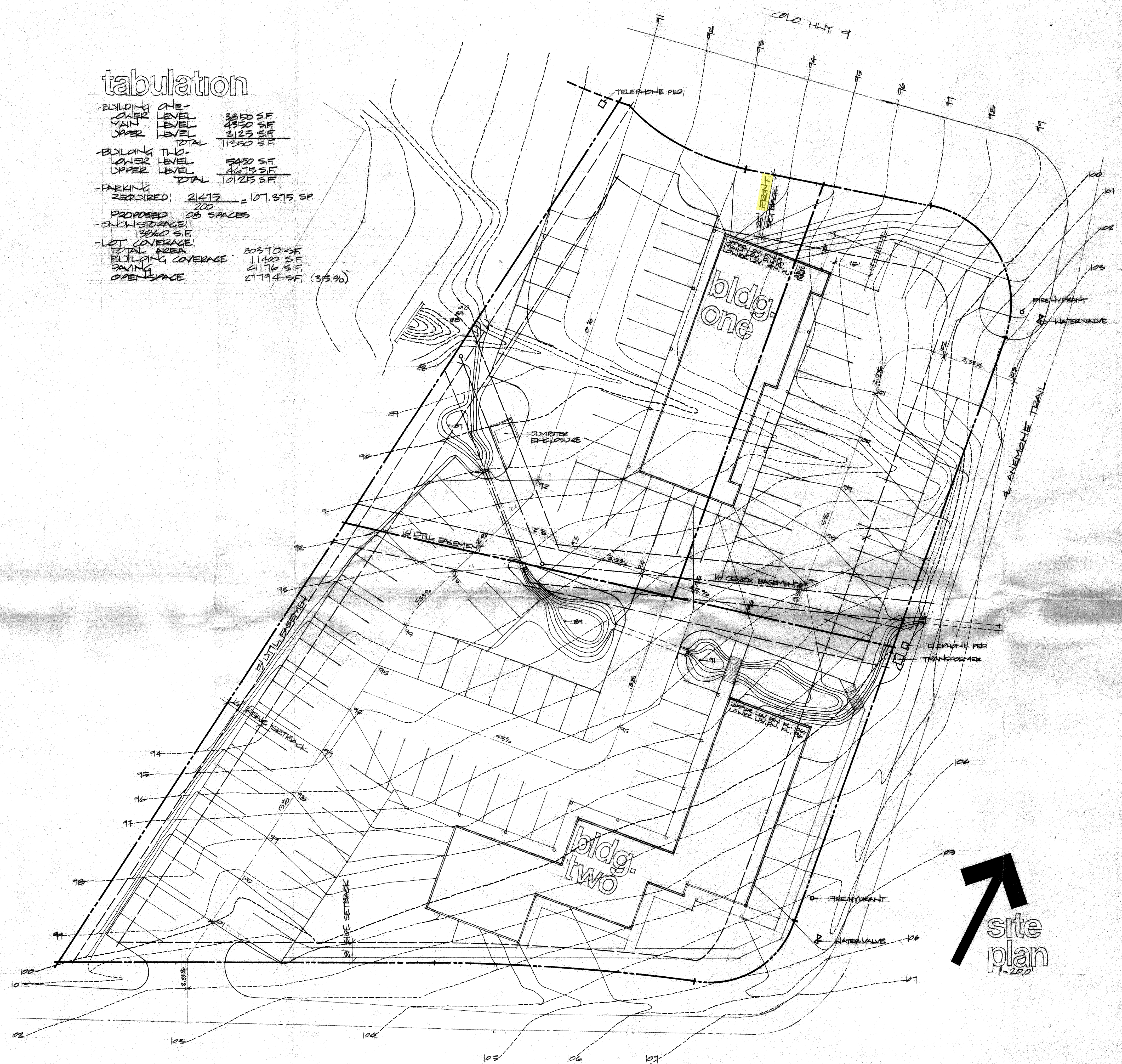
MINUTES: P&amp;Z/DARB May 10, 1982

page 2

8. Coeur de Lac Fence Application: The managers of the Coeur de Lac condominiums have requested approval for a fence to be built around their outdoor swimming pool. As this is mandatory in Dillon now there were few questions regarding it. The only problems were the possible safety hazards that exist due to the extended vertical fence parts. Collard stated that he would like to see these either trimmed off or the horizontal rail placed at the top so the vertical pieces don't stick up. Shafer also stated that in the drawings of the fence it was stated the fence posts would be made of galvanized steel. Shafer thought the collar should blend with everything around and he didn't think that shiny steel would be appropriate. Shafer then made a motion to approve the sign on the contingencies that extended tops be made safe and that the color of the fence be compatible. Collard seconded the motion and the following vote was unanimous in favor of this motion.
9. Gore Range Plaza Pln Review/Variance Request: Randy Hodges, the architect on the project, and Sam Brown, the owner, were on hand to answer any questions concerning the proposed project. Hodges first explained the variance requests. A variance is requested for the handicap access on the third floor of Building One. Due to high water on the site and the added cost of installing an elevator in the building it is felt that it's not necessary for only 15% of the total area of the project. Second, a variance is requested for 3 feet 6 inches in height due to high ground water and because Anemone Trail is built up about 4 feet higher than the site. This will allow more safety on the grades around the project. The last variance requested is for a 20 foot front line setback instead of the normal 25 feet. It was stated that the reason for this is to allow handicap access to both floors of building Two and for reasons of drainage. Hodges also stated that the lot line between lots 49a and 49b will be vacated. After review of the plans Collard made a motion to approve the plans with the variances requested also being approved. Keller seconded the motion and the following vote was three in favor with Shafer abstaining.
10. Gore Range Inn Addition Plan Review: Randy Hodges, the architect of the addition, was on hand to answer any questions about the addition. A variance is requested for four parking spaces on site. The addition will be about 800 square feet in area. Hodges explained that in the strict sense of the word, there is no physical hardship involved. The problem is that the restaurant can not function on the two floor plan the way it is set up now. This addition would allow for more visibility from the street and also it will allow for a one floor operation. Hodges stated that at this time the top floor will be made into office space. Shafer stated that he was concerned with the future of the building if they granted a variance for parking spaces. He said that if the use of the building changed then there would not be enough parking. Collard said he understood that but that at this time -the lot is never full even in the busiest months and that if the town had a chance to help out a business in the town than it also has an obligation to do this. Collard then made a motion to approve the plans for the addition on the Gore Range Inn. Keller seconded the motion and the following vote was three in favor and Shafer -against approval. The motion carries 3 to 1.
11. Old Business: Burris read a thank you note from the Younger family for the flowers sent. It was also reminded that there is a joint meeting between the P&Z and the Board to hear consultants give a presentation for the master plan.
12. New Business: Shafer stated his resignation from the P&Z due to a change in residency.
13. Adjournment: Collard made a motion to adjourn the meeting and was seconded by Keller. The vote was unanimous in favor to adjourn at 9:45 P.M.

# tabulation

BUILDING	AREA	
LOWER LEVEL	38	S.F.
UPPER LEVEL	4300	S.F.
TOTAL	4338	S.F.
BUILDING	AREA	
LOWER LEVEL	3450	S.F.
UPPER LEVEL	4075	S.F.
TOTAL	7525	S.F.
PARKING	REQUIRED	21475 = 107,375 SP
	PROPOSED	200
	STORAGE	13000 S.F.
	TOTAL	21475 S.F.
	LOT COVERAGE	20370 S.F.
	BUILDING AREA	11400 S.F.
	PAVING	4176 S.F.
	OPEN SPACE	2794 S.F. (35.9%)



↑  
site plan  
1" = 20.0'

architect  
randy hodge box 1297  
dillon colorado 80435  
303-468-5871

issued	date
PER TOWN APPROVAL	1-22-82
revised	date
REV. ADDED SCALE	10-29-82

gore range plaza  
OWNER: GORE RANGERS INVESTMENTS  
GORE RANGERS INVESTMENTS UNIT 1  
1000 1/2 S. GORE RANGERS UNIT 1  
DILLON, COLORADO 80435  
BOX 3325  
DILLON, COLORADO 80435  
303-468-5871  
job number 822

sheet  
no. 1

FYI

GOOSE RANGE PIZZA

10/5/82

PEZ APPROVAL 5/10/82

CONDITIONS = 1) VARIANCES - GRANTED

2) RESUBDIVISION TO REMOVE LOT LINE 49 A &amp; 49 B.

WOULD ALSO MAKE SENSE TO DELETE 48 ALSO - AS IMPROVEMENTS. DON'T FOLLOW LOT LINES AND THE AREA IS UNDER SINGLE OWNERSHIP. IF NOTRESUBDIVIDED WE SHOULD HAVE AGREEMENTS DRAWN UP TO PROVIDE FOR <sup>ACCESS</sup> EASEMENTS, PARKING, USAGE BETWEEN PARCELS.

3. PHASING PLAN.

4. LANDSCAPING PLAN - DETAILED PLAN W/ MATERIALS, QUANTITIES, SIZES - (COST EST. &amp; GUARANTEES)

5. SPECIFICS ON IMPROVEMENTS TO PARKING LOT &amp; ACCESS DRIVES

REGARDING REVENUE BONDS - NOTHING HAS BEEN RCVD. IN RESPONSE TO ITEMS MENTIONED IN MEMO OF JULY 6, 1982 - ATTACHED

I DON'T BELIEVE ANYTHING WAS DELETED FROM THE MEMO OF 7/6/82 AND I FEEL THE BOARD SHOULD REQUIRE THESE ITEMS AT LEAST PRIOR TO ISSUANCE OF BONDS. AS WE STILL HAVE NO IDEA IF THE FIGURES MENTIONED TO THE BOARD ARE BASED ON ANY REALISTIC BIDS.

ALSO GARY BROWN SHOULD BE ADVISED THAT NO SIGNS HAVE BEEN APPROVED FOR THE PROJECT



# TOWN OF DILLON

Box 8

Dillon, Colorado 80435



## MEMORANDUM

To: Anna Lenahan, Town Administrator  
From: Stephen Hanson, Town Planner  
Date: July 6, 1982  
Re: Gore Range Plaza

The Town Board will be considering a request to issue Industrial Revenue Bonds to Dillon Joint Ventures for the construction of Gore Range Plaza. A review of the information available in the files regarding the project indicates the project was approved by the Planning and Zoning Commission on May 10, 1982. The following is our summary of the conditions of the approval:

1. Approval of variances for handicap access to the 3rd Floor of Building #1, a height variance of 3'-6", and a 5' variance to the 25' setback for Building #2.
2. A request be submitted to vacate the lot line between 49A and 49B. This requires a re-subdivision of the lots.
3. Exterior building materials were not specified, however, a review of the elevations indicates the siding to be horizontal wood siding and the roof to be shake shingles. The Zoning Ordinance specifies the exterior surfaces to be of natural wood which may have a clear finish or stained, but not painted.
4. No phasing was indicated on the plans, however, we assume the project is to be built in two phases. The phasing should be indicated on the plans and the items to be constructed in each phase itemized.
5. A schematic landscaping plan was included in the submittal, however, the plan lacks specifics on the materials. The plan should include quantities, method of planting, sizes and delineate areas to be grass, groundcover, shrubs and/or rock. In addition, landscaping should be guaranteed for a complete growing season.
6. There is no indication on plans whether curbing will be used in the parking areas. It is assumed the parking will be an asphalt surface and that appropriate base material will be installed. No improvement to the public rights-of-way were indicated other than two (2) access drives.

Regarding the issuance of revenue bonds. It is unclear whether the bond money will cover the entire project or only a portion. Detailed cost estimates for all improvements should be reviewed. The following is a list of the items which should be included:

1. Construction plans and costs for the following.
2. Grading and drainage improvements.
3. Landscaping materials, installation and maintenance.
4. Parking lot surface, base, striping and sidewalks.
5. Utility lines and dumpster.
6. Public improvements, if any.
7. Possible inclusion of other improvements not specific in plans, ie: bikeway, paving Anemone adjacent to the project, street lights, additional landscaping and sign to identify the Town limits.

Lastly, we would recommend the Town Board consider the cost benefit aspects of issuing bonds for this project and similar requests which may be presented in the future. This should include a review of the viability of the project and specifically the criteria for issuing the industrial revenue bonds.

The plans submitted, originally, were referred to the Town of Silverthorne at thich time they had three (3) concerns, as noted in their letter of February 11, 1981. Since that time, the plans were revised and two (2) of their concerns remain relavent. A review of the file indicated the revised plans were not referred to Silverthorne for their review. Silverthornes previous concerns dealt with the drainage as follows:

1. Historical drainage leaving property not be increased.
2. Drainage exit property at same location where it presently leaves.

exit

**RESOLUTION NO. PZ 02-22**  
**Series of 2022**

**A RESOLUTION APPROVING A LEVEL III  
DEVELOPMENT PERMIT FOR A NEW DECK ON A  
COMMERCIAL BUILDING LOCATED AT 765 W. ANEMONE  
TRAIL.**

**WHEREAS**, the Planning and Zoning Commission of the Town of Dillon (“**Planning Commission**”) has received a Level III Development Application from Snarf’s Dillon LLC (the “**Applicant**”) for the construction of a new deck on a commercial building located at 765 W. Anemone Trail, Dillon, Colorado; and

**WHEREAS**, the Planning Commission has determined that the Application is complete; and

**WHEREAS**, following the required notice, a public hearing on the Application was held on June 1, 2022, before the Planning Commission; and

**WHEREAS**, following the public hearing the Planning Commission has made certain findings of fact regarding the Application and has determined that certain conditions which are reasonable and necessary to and relate to impacts created by the development should attach to the approval of the Application.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING  
COMMISSION OF THE TOWN OF DILLON, COLORADO, AS FOLLOWS:**

Section 1. That the Planning Commission, following the required notice, held a public hearing on June 1, 2022 on the Application, and following said public hearing makes the following findings of fact:

1. That the Application is complete.
2. That the Town of Dillon Planning and Zoning Commission approved a variance on May 10, 1982 reducing the setback from the U.S. Highway 6 Right-of-way from twenty-five (25) feet to twenty (20) feet.
3. That the Application meets the applicable Town of Dillon Municipal Code (“Code”) requirements.
4. That the Application is compatible with the Commercial (C) Zoning District.
5. That the Application is in general compliance with the Town of Dillon Comprehensive Plan.

Section 2. That the Planning Commission hereby approves the Level III Development Application for the construction of a new deck on a commercial building located at 765 W. Anemone Trail, Dillon, Colorado, with the following conditions:

- A. The Town Manager may approve additional minor changes to the Application that do not change the character or intent of the Application as approved by this resolution.
- B. Prior to construction commencement, the Applicant shall obtain a Grading and Excavation Permit for the deck footing construction.
- C. Following Development Permit issuance, and prior to construction commencement, the Applicant shall obtain a Building Permit from the Summit County Building Inspection Department.
- D. A Land Survey Plat shall be submitted to the Town showing all site improvements and setbacks from property lines prior to the issuance of the Certificate of Occupancy for the deck.
- E. A copy of the Certificate of Occupancy for the deck and restaurant tenant finish shall be provided to the Town.

**APPROVED AND ADOPTED THIS 1<sup>ST</sup> DAY OF JUNE, 2022 BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO.**

**PLANNING AND ZONING COMMISSION,  
TOWN OF DILLON**

By: \_\_\_\_\_  
Alison Johnston, Chairperson

ATTEST:

By: \_\_\_\_\_  
Michelle Haynes, Secretary to the Commission