

**PLANNING AND ZONING COMMISSION ACTION ITEM  
STAFF SUMMARY  
SEPTEMBER 12, 2022 PLANNING AND ZONING COMMISSION SPECIAL MEETING**

**DATE:** September 9, 2022

**AGENDA ITEM NUMBER:** 8

**ACTION TO BE CONSIDERED:**

Consideration of Resolution No. PZ 06-22, Series of 2022. (PUBLIC HEARING)

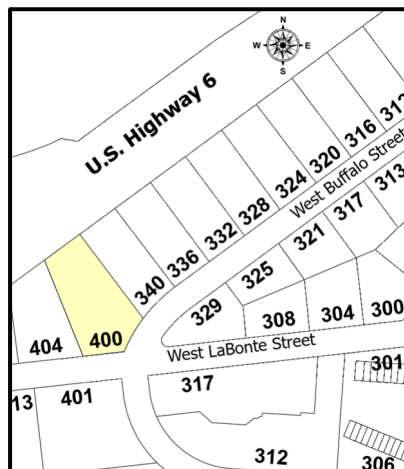
**A RESOLUTION RECOMMENDING THE APPROVAL OF AN  
APPLICATION FOR A CLASS S-2 SUBDIVISION TO BE KNOWN AS A  
RESUBDIVISION OF LOT 17, BLOCK B, NEW TOWN OF DILLON.**

**BACKGROUND / TIME FRAME:**

- June 16, 2022: Submittal of an application for the subdivision of Lot 17, Block B, New Town of Dillon
- August 2, 2022: Town referral of the application to the Summit Fire & EMS Fire Authority
- September 12, 2022: Planning and Zoning Commission Public Hearing

**SUMMARY:**

Dave Pfeifer, owner of the parcel located at 400 W. Buffalo, more specifically known as Lot 17, Block B, New Town of Dillon Subdivision, applied for the subdivision of the parcel into two lots, see *Figure 1* for the vicinity map. The Town of Dillon Development Review Committee reviewed the application, the accompanying exhibit survey, see *Exhibit 'A'* to this staff summary, and the “Resubdivision of Lot 17, Block B, New Town of Dillon” plat, see Exhibit ‘A’ to Resolution PZ 06-22, Series of 2022.



*Figure 1. Application Location*

The Town finds the following related to the subdivision application:

**Application Filing Deadline:**

Final applications and supplemental materials for Class S-1 and S-2 subdivisions shall be submitted at least twenty-one (21) days prior to the public hearing on the final application. *The Application was submitted 89 days prior to the hearing date and the final materials were submitted 35 days prior to the public hearing – meets Code*

**Application Completeness:**

The first public hearing of the Planning Commission shall be held not more than forty-five (45) calendar days from the date an application is deemed complete. *The Application was deemed complete on August 9<sup>th</sup>, 2022, 35 days prior to the public hearing – meets the Code.*

**Referral:**

Summit Fire & EMS did not respond to the referral and thus it is determined they have no comments on the application.

**Public Notice and Contents of Notices:**

- Published the Hearing Notice in the Summit Daily Friday, September 2, 2022
  - Posted the Site on Tuesday, September 6, 2022
  - Mailed Notices to Residents within 300 Feet on Tuesday, September 6, 2022
  - The notices contained the date, time, and place of the public hearing, the address of the property involved, the nature of the application, indicated that interested parties may appear at the hearing and speak on the matter, and where additional information may be obtained.
- Satisfies Dillon Municipal Code (“Code”) requirements*

**Subdivision Classification:**

*Class S-2 subdivision* means a subdivision of land which will result in fewer than six (6) lots, parcels and/or tracts.

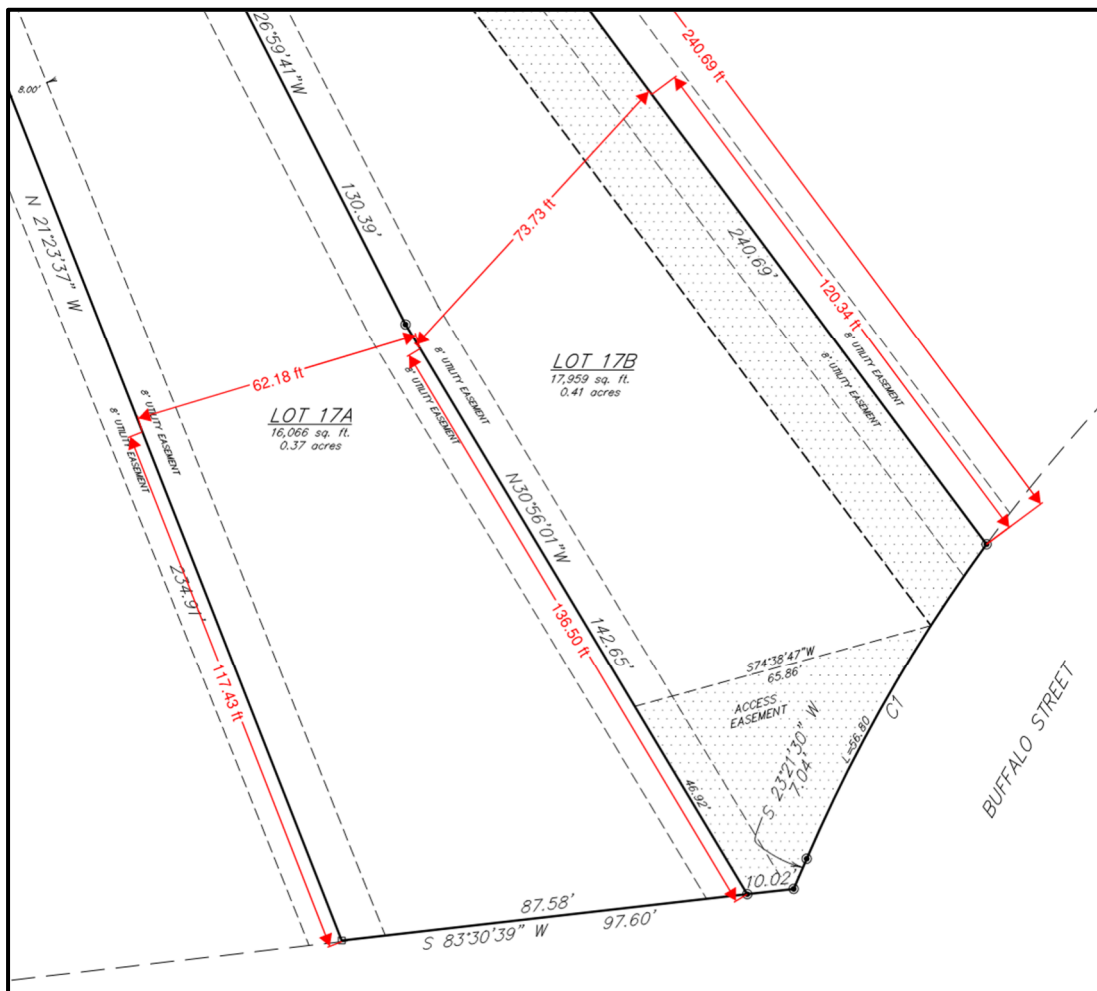
**Preliminary Subdivision Plan:**

The preliminary and final hearings for a Class S-2 subdivision application may be combined if the Town Manager determines that the issues involved in the application are such that no useful purpose would be served by requiring two (2) separate hearings. In such cases, when it is determined that the application is ready for final hearing, the Town Manager may schedule the application for a single hearing, which shall include all required notice and public hearing requirements for a final hearing.

**Zoning Lot Dimensions:**

Residential Low (RL) zone district:  
Minimum Lot Area = 8,000 Square Feet (SF)  
Lot 17A: 16,066 SF and Lot 17B: 17,959 SF – *meets Code*

Lot Width = 60 feet and 65 feet for corner lots  
 Lot 17A: 62.2 feet and Lot 17B: 73.7 feet (Corner Lot) – meets Code  
 See **Figure 2**. For Lot Width Determination



**Figure 2. Lot Width Determination**

**Subdivision General Lot Dimensions and Standards:**

The depth and width of lots shall be adequate to provide for sufficient ingress and egress and for parking facilities as required by the proposed use. - *The depth and width of the lots is determined to be adequate to provide for sufficient ingress and egress and for parking facilities as required by the proposed residential use.*

In general, side lot lines shall be at right angles or radial to curving street lines unless a variation from this rule provides a better street plan or lot layout. Lots shall take the form of plain geometric shapes except where topographic conditions require otherwise for environmentally sensitive development. Flag lots or other irregular shapes proposed as a means of manipulating the square footage of lots in developed areas shall be discouraged. – *The proposed new lot line dividing the parcel into two lots is generally radial to the roadway and does not create irregularly shaped lots*

Where possible, configuration of each lot shall be laid out generally to approximate a rectangular shape. – *The proposed lots are generally rectangular in shape.*

Utilities – *The lots can be served by existing utility infrastructure.*

**Site Circulation and Access:**

All lots shall abut a publicly dedicated street or alley or have access to a publicly dedicated street or alley through a permanently dedicated access easement adequate to serve the property with Town and emergency services. In cases where proposed lot design and layout results in marginal service to lots, the Town may deny the subdivision if deemed in the public interest. - *The driveway cut will be located on W. Buffalo Street with an Access Easement across Lot 17B for access to Lot 17A. The proposed driveway vicinity has been reviewed and approved by the Town Engineer.*

- A. *The Access Easement will be handled as conditioned in the Resolution recommending approval: “Within thirty (30) days of Applicant’s transfer of fee title to Lot 17A or Lot 17B, the Applicant and the new owner shall execute an easement agreement for the benefit of the owner of Lot 17A, granting such owner all rights of access over that certain portion of Lot 17B identified on the plat as “Private Access Easement for Lot 17A,” sufficient for the owner’s reasonable enjoyment of Lot 17A. The easement agreement shall address driveway maintenance responsibilities in a manner sufficient to prevent the driveway’s disrepair. The executed easement agreement shall be recorded with the Summit County Clerk and Recorder. The Applicant shall provide the Town with a copy of the executed and recorded easement agreement within ten (10) days of its execution.”*

**Existing Drainage Easement and Site Drainage:**

Lots shall be laid out so as to provide positive drainage away from all possible building sites; individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentrations of storm drainage waters onto adjacent lots. All drainage courses shall be protected by covenants and deed restrictions preventing alteration, building upon or obstructing of the drainageways. – *The two created parcels will not cause concentrated drainage to shed onto a neighboring lot and future development on the parcels will not impact the existing natural drainage patterns nor existing downstream drainage areas. The existing 20’ Drainage Easement on the northeastern side of Lot 17B shall remain and continue to be utilized by the Town for stormwater drainage conveyance.*

**Character of the Land:**

Land which the Town determines to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, adverse visual impacts or other features which could be harmful to the safety, health and welfare of the inhabitants of the subdivision, its surrounding area or the Town in general shall not be subdivided or developed unless adequate methods acceptable to the Town are formulated to solve the problems created

by the unsuitable land conditions or development. Development, including the placement of public improvements and the creation of sites for the placement of structures, shall only be allowed on slopes in excess of fifteen percent (15%) if no other reasonable alternatives exist and the subdivider mitigates any potential negative impacts created by development on these slopes. In general no development should take place on slopes in excess of twenty percent (20%). – *The site has a general slop of 10.5% falling below the 15% threshold and no other site conditions exist that are deemed to limit the proposed subdivision.*

**Energy Efficiency:**

All subdivisions shall be designed to promote energy efficiency, and site design techniques shall include, but not be limited to: 1) building orientation; 2) street and lot layout; 3) vegetation; 4) natural and man-made topographical features; and 5) protection of solar access within the development. – *The proposed subdivision aligns with this Code provision.*

**BUDGET IMPACT:**

None

**STAFF RECOMMENDATION:**

Town staff finds that the proposed development substantially complies with all other applicable requirements of Chapter 17 “Subdivisions” and other applicable Town regulations, standards, and ordinances and therefore recommends approval of Resolution PZ 06-22, Series of 2022 with conditions as presented in the resolution.

**MOTION FOR APPROVAL:**

I move we approve Resolution PZ No. 06-22, Series of 2022.

**ACTION REQUESTED:**

Motion, Second, Roll Call Vote.

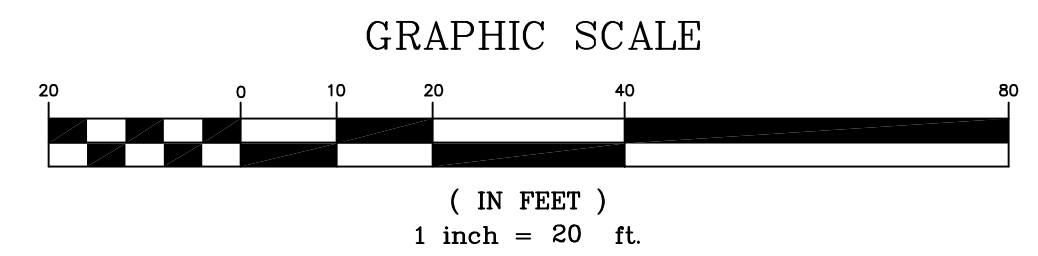
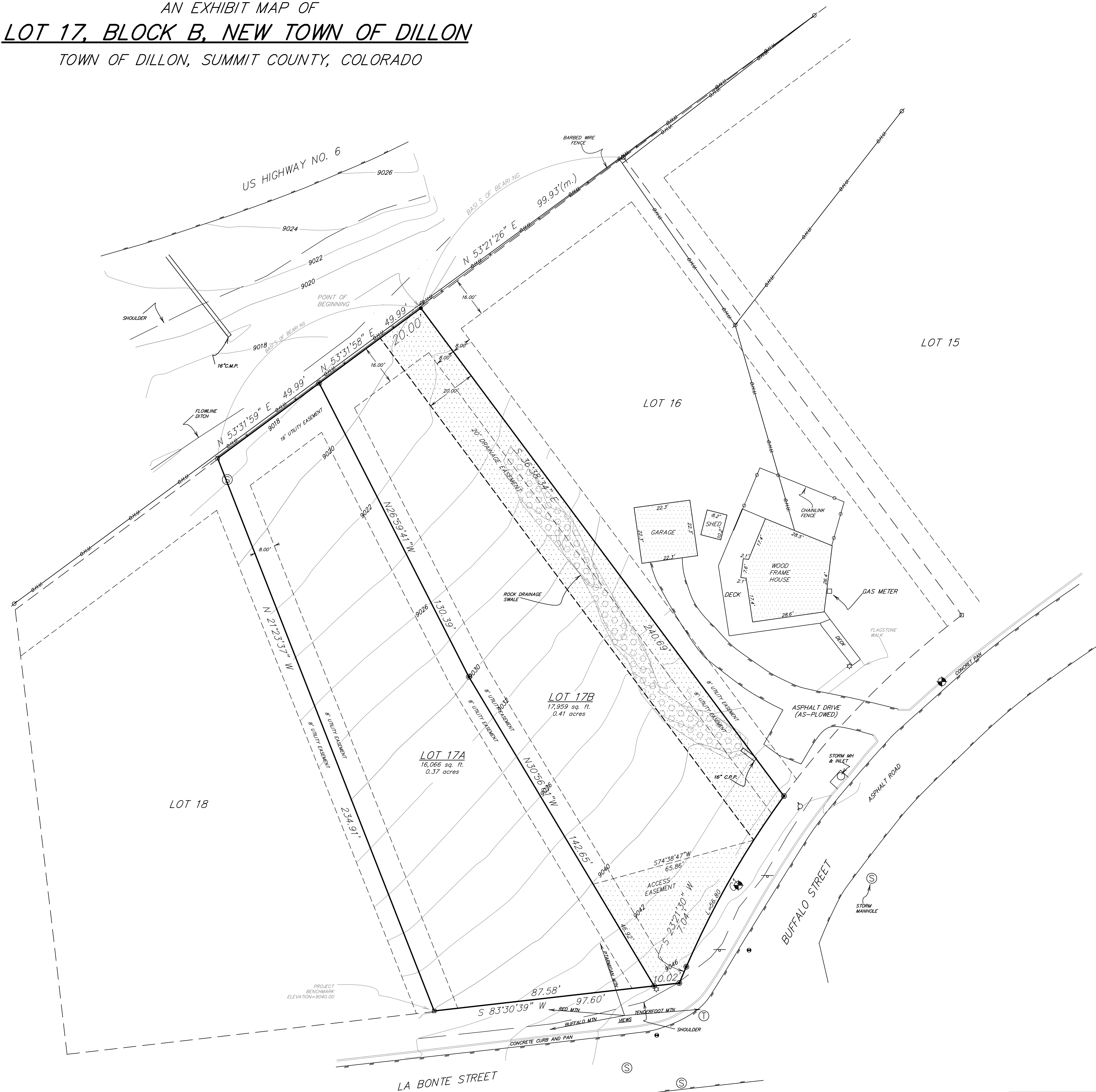
Resolutions require the affirmative vote of a majority of the members present.

**DEPARTMENT HEAD RESPONSIBLE:**

Ned West, AICP, Sr. Town Planner

**Exhibit 'A'**  
**Exhibit Map and Topography of Lot 17, Block B**  
**New Town of Dillon subdivision**

AN EXHIBIT MAP OF  
**LOT 17, BLOCK B, NEW TOWN OF DILLON**  
 TOWN OF DILLON, SUMMIT COUNTY, COLORADO



DATE OF FIELD SURVEY: 03/03/2022  
 DATE OF TOPOGRAPHIC SURVEY: 07/06/2022

- LEGEND**
- SET REBAR & PLASTIC CAP (PLS 26292)
  - PREVIOUSLY FOUND #4 REBAR
  - FOUND #3REBAR
  - UTILITY PEDESTAL
  - ⊙ SEWER MANHOLE
  - ⊙ WATER VALVE
  - ⊙ FIRE HYDRANT
  - ⊙ UTILITY POLE
  - ☆ LIGHT POLE
  - △ RANDOM SURVEY CONTROL POINT
  - ⊙ GAS MARKER
  - ⊙ TELEPHONE MANHOLE
  - O.H.U. — OVER HEAD UTILITY
  - STREET SIGN
  - ⊙ TELE-COMM MANHOLE



CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C1	77.95	349.62	77.79	S29°44'44" W	12°46'29"
C2	101.58	349.62	101.22	S44°27'28" W	16°38'46"
C3(m)	100.75	349.62	100.40	S44°29'51" W	16°30'39"

Drawn RRJ/ESH      Dwg: 18244EXH      Project: 18244  
 Checked RRJ      Date: 7/13/2022      Sheet 1 of 1

**RANGEWEST**  
 ENGINEERS & SURVEYORS INC.

P.O. Box 589  
 Silverthorne, CO 80498 970-468-6281

NOTE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

**RESOLUTION NO. PZ 06-22**  
**Series of 2022**

**A RESOLUTION RECOMMENDING THE APPROVAL OF AN APPLICATION FOR A CLASS S-2 SUBDIVISION TO BE KNOWN AS A RESUBDIVISION OF LOT 17, BLOCK B, NEW TOWN OF DILLON.**

**WHEREAS**, David Pfeifer and Jamie Haass (together, the “**Applicant**”) are the owners of the real property located at 400 W. Buffalo Street, and more particularly described as ‘Lot 17, Block B, New Town of Dillon’ (“**Lot 17**”); and

**WHEREAS**, the Planning and Zoning Commission of the Town of Dillon (“**Planning Commission**”) has received a Level IV Development Application from the Applicant for a Class S-2 subdivision to replat Lot 17 on a plat titled ‘A Resubdivision of Lot 17, Block B, New Town of Dillon’ (“**Application**” or “**Replat**”), for the purposes of subdividing Lot 17 into two lots to be called Lot 17A and Lot 17B, and dedicating new easements for the purposes of a site access, drainage and utilities; 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 September 12, 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 subdivision 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 on September 12, 2022, following the required notice, the Planning Commission held a public hearing on the Application, and following said public hearing makes the following findings of fact:

- A. That the Application is complete.
- B. That the Application meets the applicable Dillon Municipal Code (“**Code**”) requirements.
- C. That the Application is compatible with the Residential Low (RL) Zone District and is compatible with surrounding uses.
- D. That the Application is in general compliance with the Town of Dillon Comprehensive Plan.



- E. That the Application replats Lot 17 into two lots to be called Lots 17A and 17B, and dedicates new easements for the purposes of site access, drainage and utilities as shown on the Replat.

Section 2. That the Planning Commission hereby recommends that the Town Council approve the Application for the purposes of creating Lot 17A and Lot 17B, and creating new easements for the purposes of a site access, drainage and utilities, with the following conditions:

- A. Prior to the publication of materials for the Town Council public hearing and review of the Application, the Applicant shall correct the Owner's Certificate and Dedication on the Plat to reflect the names of both property owners.
- B. Prior to recording the final subdivision plat, the Applicant shall enter into a Development Agreement with the Town of Dillon and post a required Letter of Credit for public improvements as required by the agreement.
- C. 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.
- D. Within thirty (30) days of Applicant's transfer of fee title to Lot 17A or Lot 17B, the Applicant and the new owner shall execute an easement agreement for the benefit of the owner of Lot 17A, granting such owner all rights of access over that certain portion of Lot 17B identified on the plat as "Private Access Easement for Lot 17A," sufficient for the owner's reasonable enjoyment of Lot 17A. The easement agreement shall address driveway maintenance responsibilities in a manner sufficient to prevent the driveway's disrepair. The executed easement agreement shall be recorded with the Summit County Clerk and Recorder. The Applicant shall provide the Town with a copy of the executed and recorded easement agreement within ten (10) days of its execution.
- E. The Applicant shall record the plat titled 'A Resubdivision of Lot 17, Block B, New Town of Dillon' in the office of the Summit County Clerk and Recorder.
- F. The Applicant shall file a copy of the recorded 'A Resubdivision of Lot 17, Block B, New Town of Dillon' with the Town of Dillon.

**RECOMMENDED FOR APPROVAL THIS 12<sup>TH</sup> DAY OF SEPTEMBER, 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

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