



TOWN OF DILLON
Planning and Zoning Commission
Special Meeting
VIA MICROSOFT TEAMS
Dillon Town Hall | 275 Lake Dillon Drive | Dillon, Colorado
Wednesday, February 1, 2023 | 5:30 p.m.
STAFF SUMMARY

DATE: February 1, 2023

AGENDA ITEM NUMBER: 4.a.

ACTION TO BE CONSIDERED:

Consideration of Resolution No. PZ 02-23, Series of 2023 (PUBLIC HEARING)

A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT TO OPERATE A SCHOOL IN THE CORE AREA ZONE DISTRICT AT 124 MAIN STREET.

TIME FRAME:

- June 2, 2021: Dillon Planning and Zoning Commission reviewed and approved a Conditional Use Permit application for a School in the Core Area zone district occupying two (2) units on the second floor with a maximum of twenty (20) students ages K4 through 5th grade, and a staff of three (3).
- December 12, 2022: Application for a school in the Core Area zone district occupying five (5) units on the second floor, with a maximum of three (3) classrooms, a maximum of forty-five (45) students ages K4 through 8th grade, and a staff of six (6).

TOPIC:

The Town has received a Level III Development Permit Application for a Conditional Use Permit for a school proposed to be located on the second floor of the building located at 124 Main Street, more specifically described as Lot A, Block M, New Town of Dillon Subdivision. The building vicinity map may be viewed in **Figure 1**.

The Applicants are Erica Bull and Jim Dexter. The school is named Mountain House Academy. The Dillon Municipal Code requires a Conditional Use Permit for a school use in the Core Area

Zone district. ***Although a previous Conditional Use Permit was approved for the subject building, the scope of the school, the number of students and faculty, the number of the units they intend to occupy, and the ages of the students have changed to such a degree that it is determined that a new Conditional Use Permit application review is warranted.***

Public Notice:

Level III Applications require a public hearing before the Planning and Zoning Commission. The Town posted signs of the Public Hearing on site on Tuesday, January 24, 2023. A newspaper legal notice ran in the Summit Daily (Journal) on Friday, January 20, 2023 and a mailing noticing the public hearing time and date was postmarked on Wednesday, January 25, 2023 to property owners within 300' of the subject property. Notices were also placed in the Town of Dillon public posting locations. These dates and notification distributions are all within the required 7-day minimum and 14-day maximum notice period required by the Dillon Municipal Code (the "Code" or "DMC").

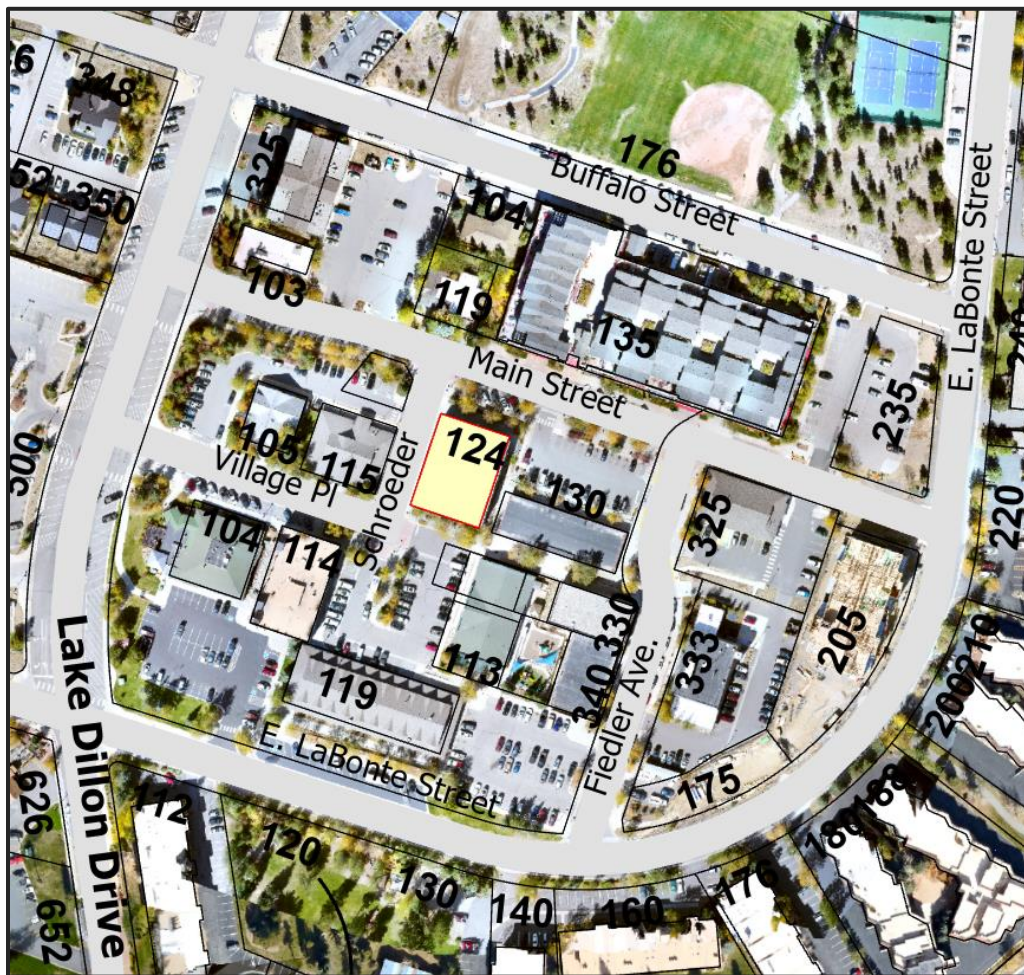


Figure 1. 124 Main Street Building Vicinity

SUMMARY:

THE APPLICATION & CODE ANALYSIS:

Application Narrative Provided by Applicant:

Mountain House Academy (MHA) is Summit County's new private Christian School that's transforming and re-imagining education. There is no one-size fits all when it comes to our children's growth so the way we educate our children should not follow a one size-fits all approach either.

MHA is providing the flexibility to choose your child's educational experience by combining the best aspects of traditional school with the best aspects of home schooling to any option in between. We are focused on educating the whole child, while educating with excellence. The result is a quality and individualized education the gives parents more flexibility in choosing the right fit for their needs and more control over what their children are learning and more time to impart their own faith and values in their children as well.

MHA's mission is to partner with parents to place faith in God, while emphasizing family and cultivating the extraordinary uniqueness God placed within each of our children through individualized experiences built in both academics and adventure.

[The complete Applicant's packet may be viewed in **Appendix 'A'** of this staff summary.]

Zoning District: The Application is located in the Core Area (CA) zone district. A school use is listed as a Conditional Use in the Core Area zone district (DMC § 16-3-150). A conditional use is an activity generally similar to other uses permitted within a zoning district, which, because of the manner in which the proposed use could be developed, may not be appropriate in all situations or may require the imposition of special conditions to ensure compatibility with existing and potential land uses within the vicinity (DMC § 16-4-110).

Code Definition of School means a facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, middle schools, junior high schools and high schools.

-The Application is for a school to enroll children in K4 (age 4) through 8th grade (age 14). The school proposes to offer faith based in-classroom learning and unit focused outdoor education through their "Quest Days + TREK Adventure Extension Program.

Parking Analysis: Unique to the Core Area Zone district is that the Town of Dillon owns and maintains almost all the surface parking spaces, and those spaces in the vicinity of this building may be viewed in **Figure 2**.

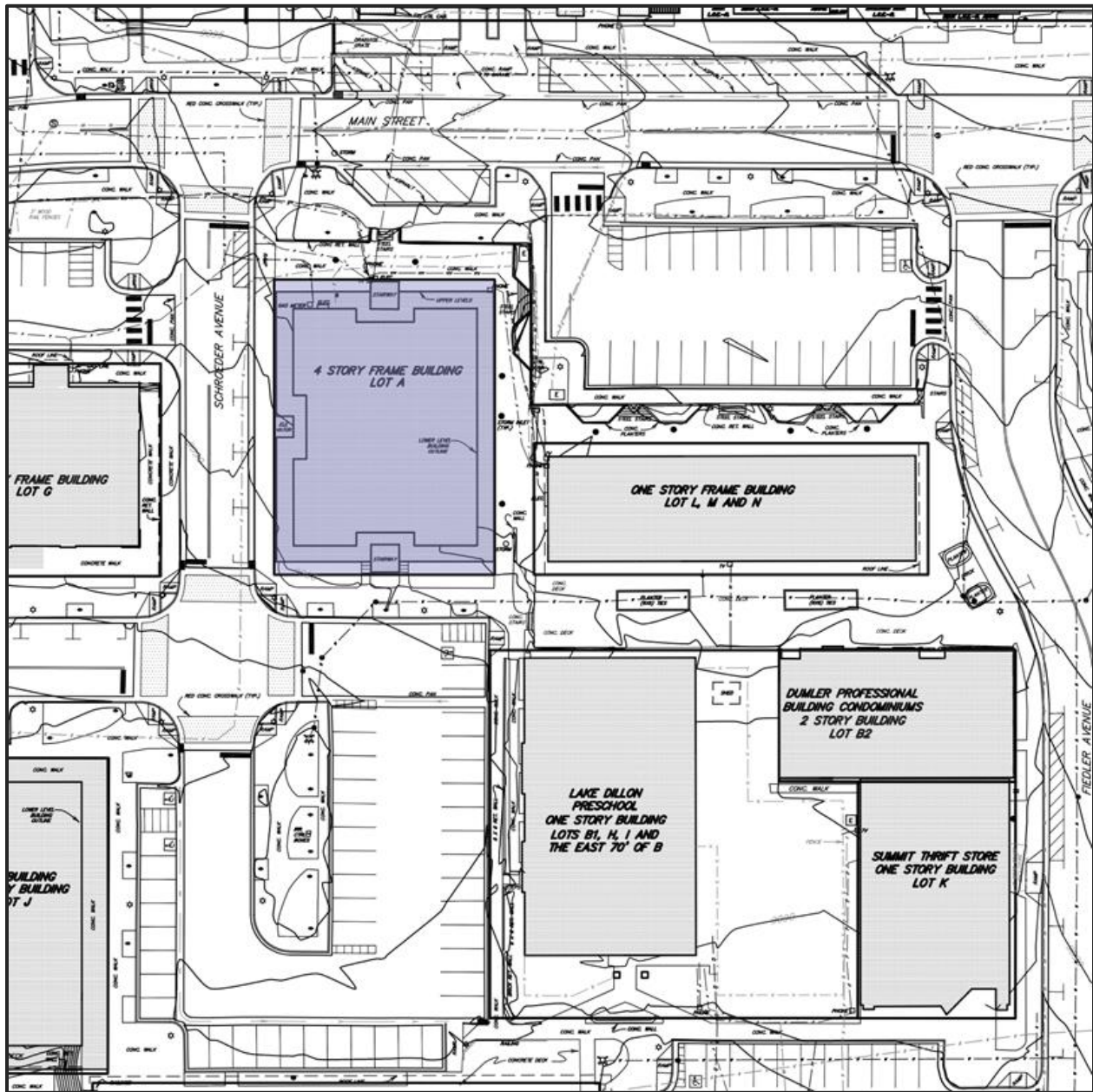


Figure 2. 124 Main Street and nearby parking

The application proposes a three (3) classroom school occupying a total of five (5) units on the second floor of the building. The Code requires two (2) parking spaces per classroom for a school use (DMC § 16-6-40). The Code therefore requires four (6) parking spaces for the proposed school as currently conceived. Also, per the Code, a commercial use is assessed one (1) parking space per every four hundred (400) gross square feet of commercial space, and parking space determinations are always rounded up. The proposed three (3) classrooms occupy three (3) commercial units in the building equaling 1,155 square feet (See **Figure 3.** for

the three classroom units). Based on the Code, the three (3) commercial units in the building would thus have three (3) parking spaces accounted for as the parking provided for their use.



Figure 3. Suites 203, 206, & 207 Classroom Units

See **Appendix 'B'** for the full plan set for the proposed remodel associated with the school.

The Code provides for a mechanism for applicants deficient in the required number of parking spaces in the Core Area Zone district to contribute to a fund for future parking infrastructure improvements, please see **Appendix 'C'**. A fee for deficient parking is established in the Code on an escalating scale, starting at \$2,000 for the first three (3) parking spaces an applicant is deficient. This is summarized in Table 1 below:

Area (SF)	Parking Credit - Office Use (1/400 SF)	Parking Required School	Number of Classrooms	Required Parking Spaces	Deficient Parking Spaces	Fee per Deficient Parking Space	Fee for Deficient Parking Spaces
1155	3	2 spaces / classroom	3	6	3	\$2,000	\$6,000

Table 1.

REVIEW AND FINDINGS BY PLANNING & ZONING COMMISSION:

Review Criteria:

DMC § 16-4-130 of the Dillon Municipal Code provides the following review criteria for a Conditional Use Permit application with the *Applicant responses in italics* and [staff comments in brackets]. For the complete Code section on Conditional Uses, please see **Appendix 'D'** of this staff summary.

1. The use is listed as an allowed conditional use within the Zone, or is otherwise identified as a conditional use and is consistent with the intent and purpose of the Comprehensive Plan and applicable zoning district.

Mountain House Academy ("MHA") is excited to start our school within the Core Area of Dillon. We feel MHA would be mutually beneficial with the Town of Dillon as we would be bringing in young families into the Core Area daily, while families will get to explore the quaint beauty of Dillon's Core Area. We envision Mountain House families getting to spend more quality time within the Town of Dillon experiencing all there is to enjoy, in turn benefiting local businesses with more regular patronage. Experiencing the incredible views down by the lake, families can enjoy either park within the Core Area, especially the Dillon Marina Park after school. Families can cross the street and enjoy an afternoon sweet treat by going over to Cameez. Maybe they make an evening out of it and stay to dine at one of the many delicious eateries within the Town. By placing MHA within the Core Area, we are bringing local, year-round residences into Dillon's Core Area and bringing exposure to Dillon enticing them to be spending longer periods exploring the Town.

We believe providing the community additional educational choices when considering what are the most important components to raising their family can only be a benefit for the young families that are choosing to make Summit County their home. Currently, families are faced with only two options in sending their children to either public school or choosing to homeschool, which either option is not always the right fit for every student and/or family. MHA looks to change the entire landscape of educational offerings within the county and hopes to serve a part of the community that is yearning for an alternative to public school, and additional support if they are a homeschooling family in either of our part time schooling options.

[A school use is listed as a conditional use in the Core Area Zone district.]

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

MHA will reside within an existing building and has no effect on above forementioned.

[The site is developed with an existing three (3) story building constructed in 1973 and this criterion does not specifically apply to the Application.]

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

MHA will not have any adverse impacts on the air or water quality of the community. No disturbance will be made to surrounding areas.

[This criterion is not anticipated to apply to this application.]

4. The proposed conditional use will not substantially limit, impair or preclude the use of surrounding properties for the uses permitted in the applicable zoning district.

MHA understands our location within the Core Area does rely on public parking during our designated drop off and pick up times. We understand this may temporarily utilize some spaces but anticipate it will be a brief amount of time, rounding out at about fifteen minutes from 8:30 am until 8:45 am, and then again from 3:45 pm until 4:00 pm. With this application, a maximum number of forty-five (45) students is ultimately envisioned. The 2023-2024 enrollment is substantially much less than the ultimate goal of having fifteen students in each of the three classrooms, with only three (3) learners currently enrolled. Learners will be ushered from the drop-off areas to the school, and dismissed promptly upon the parent / guardian arrival.

[The use is similar to other activity in the Core Area Zone district such as a daycare and churches and is not anticipated to impact uses permitted in the Core Area Zone district. No dedicated drop-off locations are provided with this application as the public parking is shared by all Core Area businesses and users. NOTE: Per the Environmental Health Department, the school could have up to sixty-five (65) students, but the maximum number for the Conditional Use Permit review is forty-five (45) students.]

5. Adequate public utilities and services are available or will be made available to the site prior to the establishment of the conditional use.

There are 2 bathrooms available on our floor that will be made available for our students use. Currently we share these bathrooms with a counseling office that works after school hours, so essentially MHA will be the only ones utilizing these facilities and should be more than sufficient for our needs during school hours.

[The existing site is already served by gas, electric, water, and sanitary sewer facilities. The use for the school is not anticipated to negatively impact utilities serving the building. A review of the water and sewer tap fees for the building indicate that the proposed use will utilize less water and sewer tap fees (EQRs) at a rate of 1.5 EQRs per 50 students than an office space use of 2312 square feet at a rate of 0.65 EQRs per 1,000 square feet applied as a credit (DMC § 13-2-70) See Table 2.]

Area (SF)	EQR Credit - Office Use (0.65 / 1,000 SF)	EQR's Required School	Number of Students	Required EQR's	Deficient EQR's
2312	1.503	1.500 / 50 Students	45	1.35	-0.153

Table 2. Tap Fee (EQR) Evaluation

6. If located on an adjoining lot, the following additional criteria shall be met: the conditional use is parking or storage uses accessory to a primary single-family use.

[This criterion does not apply to the Application.]

7. If the conditional use is for wholesale trade class 1 or wholesale trade class 2, the following additional criteria shall be met:
- a. The proposed conditional use will not produce any noise or vibration issues that have significant adverse impacts on the community and the neighboring property owners and tenants in a multi-tenant building.
 - b. The proposed conditional use will not produce any smells, odors or noxious fumes that have significant adverse impacts on the community and the neighboring property owners and tenants in a multi-tenant building. The proposed conditional use shall meet all applicable code requirements for ventilation and fire protection.
 - c. The proposed conditional use will not produce any storage, loading or delivery activities related to the storage, loading or delivery of finished products or raw materials that have significant adverse impacts on the community and the neighboring property owners and tenants in a multi-tenant building.
 - d. The proposed conditional use will not cause its employees and vendors to occupy parking spaces intended for retail businesses within two hundred (200) feet of the business.

[These criteria do not apply to the Application.]

Letters of Support: The Applicant has assembled letters of support to accompany the Application and they may be viewed in **Appendix 'E'**.

Decision:

If the proposed development is in compliance with conditional use criteria, the Planning and Zoning Commission may approve the application. When deemed necessary to ensure that the use meets the conditional criteria for approval, the Planning and Zoning Commission may attach conditions that relate to impacts created by the proposal.

If the proposed development is not in compliance with conditional use criteria, the Planning and Zoning Commission may deny the application.

The Planning and Zoning Commission may also continue the hearing for up to thirty-five (35) calendar days for good cause, or to allow additional information and materials to be submitted that will allow for a comprehensive review. In no event may the Planning and Zoning Commission continue a hearing for more than thirty-five (35) days unless agreed to in writing by the applicant. In the event a hearing is continued, the applicant shall submit any additional materials he or she wishes the Town to consider at least ten (10) days prior to the continued hearing, unless otherwise specified by the Town.

BUDGET IMPACT:

None

STAFF RECOMMENDATION:

Town staff recommends approval of Resolution No. PZ 02-23, Series of 2023

MOTION FOR APPROVAL:

I move we approve Resolution PZ No. 02-23, Series of 2023 with conditions as presented.

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

Appendix 'A'
Applicant's
Conditional Use Permit
Application Packet

Appendix 'B'
Proposed Remodel
Plan Set

Appendix 'C'
DMC Deficient Commercial Parking
Payment Policy

Appendix 'D'
DMC Conditional Use Permit

Appendix 'E'
Application
Letters of Support