



TOWN OF DILLON
Planning and Zoning Commission
Regular Meeting

Council Chambers
Dillon Town Hall | 275 Lake Dillon Drive | Dillon, Colorado

Wednesday, May 3, 2023 | 5:30 p.m.

STAFF SUMMARY

DATE: April 28, 2023

AGENDA ITEM NUMBER: 3.a.

ACTION TO BE CONSIDERED:

Consideration of Resolution No. PZ 05-23, Series of 2023

(PUBLIC HEARING)

A RESOLUTION RECOMMENDING APPROVAL OF A LEVEL IV DEVELOPMENT APPLICATION FOR A PUD DEVELOPMENT PLAN FOR 780 LITTLE BEAVER TRAIL.

SUMMARY: Summit County government (“Applicant”) has applied for a Planned Unit Development (PUD) application for the previously developed property they own at 780 Little Beaver Trail. The purpose of the PUD primarily relates to the desire to have one hundred percent (100%) workforce housing residential use in the Mixed Use (MU) zone district with proposed renovation of the existing structure seen in **Figure 1**. Town staff has evaluated the application in consideration of the Dillon Municipal Code (“DMC” or “Code”), the adopted Comprehensive Plan of the Town of Dillon, and in consideration of the existing development neighborhood.



Figure 1. The existing structure and gravel parking at 780 Little Beaver Trail (Source: Google)

The proposed project involves the interior renovation of the existing multi-family residential building to increase the total number of residential units and to substantially upgrade them to functional, livable spaces. The plans for the project are attached hereto as **Exhibit 'A'**.

The project also includes safety improvements related to reducing the steepness of the driveway entrance off the Little Beaver Trail roadway, replacing the parking that backs out onto Little Beaver Trail with parallel parking on the property, and by adding a van-accessible ADA compliant parking space and accessible aisle in accordance with federal law. Another substantial safety improvement is the probable sprinkler fire suppression system currently required by Summit Fire & EMS.

The project will involve boulder retaining wall construction and fill placement to improve the steep grades of the site and to provide a new, paved parking lot surface. Curb and gutter will collect storm drainage and divert it to a surface stormwater collection system and water quality & stormwater detention pond. These improvements will substantially improve the water quality flowing into the Straight Creek drainage and associated wetlands, reducing on-site erosion and sediment transport off-site and attenuating the rate of stormwater discharge.

Zoning Analysis:

The property is zoned Mixed Use (MU) as shown in the vicinity and zoning map in **Figure 2**.

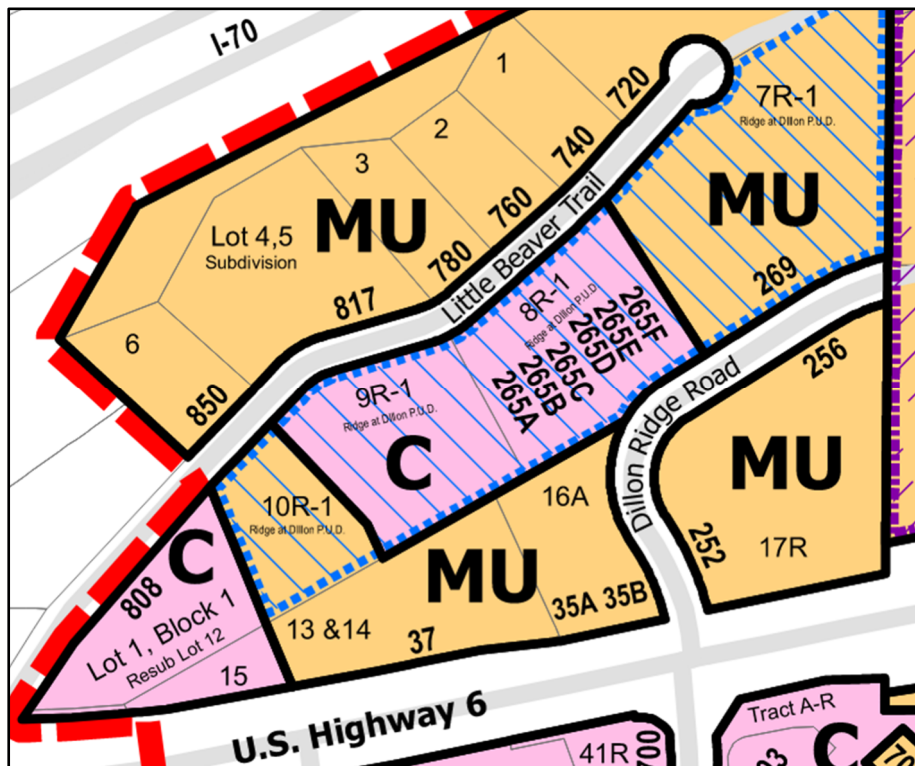


Figure 2. 780 Little Beaver Trail Site Vicinity and Zoning (Source: Adopted Zoning Map 2013)

The Code states, “A project developed through the PUD process with up to one hundred percent (100%) multi-family residential use may be approved, provided that the PUD development plan furthers the objectives of the Town, the PUD is in general conformity with the adopted Comprehensive Plan, and is designed to complement the surrounding areas, blend into the architectural character of the community, and meet the criteria set forth in Article V of this Chapter [16 – Zoning] and the multi-family residential standards of this Section” (DMC § 16-3-170). The proposed project converts an existing mixed-use multi-family building with three (3) residential units into a 100% residential structure with eight (8) one and two-bedroom units.

Statutory Exemption: Given that housing for the local workforce has become increasingly out of reach, and that housing inventory in Summit County is constrained by land shortages, labor shortages, high construction costs, the second homeowner market, and short-term rentals, the proposed 100% residential use is reasonably necessary to support public transit as well as County and municipal operations. As such, the Planning and Zoning Commission of the Town of Dillon approved two (2) statutory exemptions for the property allowing the continued use of the property as three (3) residential units, and then subsequently amended to allow for an increased number of units, pursuant to the § 31-23-301, C.R.S. (the “Statute”). The resolutions approving the statutory exemption were Resolution No. PZ 11-21, Series of 2021 and Resolution No. PZ 05-22, Series of 2022 (See ***Exhibit ‘B’***).

The Statute requires that municipalities exempt from the operation of zoning ordinances “any building or structure as to which satisfactory proof is presented to the board of adjustment that the present or proposed situation of such building or structure is reasonably necessary for the convenience or welfare of the public.” A condition of approval of the statutory exemption by Resolution PZ 05-2022, Series of 2022 was the requirement to apply for a PUD to increase the degree of nonconformity from three (3) units to a greater number of units.

Level IV Development Application:

An application for a PUD is processed in accordance with the provisions set forth under the Level IV Development Permit process which requires public hearings before both the Planning and Zoning Commission and the Dillon Town Council (DMC § 16-2-250). Upon approval by the Planning and Zoning Commission, a recommendation of approval will be provided to the Town Council for their consideration for approval.

Hearing Notice: The Code requires public hearing notices be provided to the property owners within 300 feet of the property boundaries of the application, publication of the notice in the legal section of the paper in general circulation in the Town, posting in public posting locations at Dillon Town Hall, and posting a hearing notice on the site. The mailing was postmarked on Wednesday, April 19, 2023; the legal notice ran in the paper on Friday, April 21, 2023; the notice was posted at Town Hall and the site was posted on April 19, 2023. These posting dates conform to the Code requirement of not less than seven (7) days and not greater than fourteen (14) days prior to the public hearing for the hearing notices (DMC § 16-2-300).

Level IV & PUD Development Standards:

The Applicant's design team prepared responses and plan references to the PUD development standards found in Chapter 16, Article V of the Dillon Municipal Code. The applicant responses are presented in **Exhibit 'C'**. Key development standards are highlighted here below:

Proposed Use & Density: The application proposes 100% residential of eight (8) units on the 0.6-acre parcel. According to the Code:

“Residential use projects in the Mixed Use Zone shall provide units for year-round workforce housing incorporated into the project, and the applicant for the residential use shall execute such agreements with the Town as required by the Town to preserve the workforce housing component of the project in perpetuity, including, but not limited to, a Restrictive Covenant and Agreement for Workforce Housing” (DMC § 16-3-170 (5)(c)(9)).

The County purchased the property for the purpose of providing employee housing for Summit Stage transit employees. Given the configuration of the existing structure, they have only been able to house three (3) of their workforce members. The County has secured funding to increase the number of apartments in the building and to provide “dignified housing” (Application Summary and Narrative, **Exhibit 'B'** Page 10).

The increase of the unit density from three (3) to eight (8) units provides greater ability for the County to retain and recruit Summit Stage drivers. Based on the unit count and the size of the parcel, the proposed apartment property has a density of 13.3 units per acre which correlates to the six (6) to fourteen (14) dwelling units per acre encouraged in the Residential Medium (RM) zone district, while maintaining an exterior appearance strongly residential in appearance. There are proposed two (2) two-bedroom units and six (6) one-bedroom units. The proposed apartments are primarily for the Summit Stage transit authority employees, with optional housing for Summit County or Town of Dillon employees when appropriate.

Adjacent Uses: The property is adjacent to retail stores to the west; Interstate 70 to the north; a group home, single-family residential, and a vacant Town-owned parcel to the east; and commercial developments to the south with retail and restaurant uses. Also existing in near proximity to the subject property are two (2) hotels, commercial businesses, and a mixed-use residential over commercial development. Much of this surrounding land use is compatible with more intensive land use, such as Residential Medium (RM) equivalent residential. In fact, single-family residential is not identified as a permitted or a conditional use in the Mixed Use (MU) zone district, and the Code goes further to state that such a use “not allowed in any situation,” (DMC § 16-3-170 (5)(a)), with the obvious only permissible situation for such to be an existing, non-conforming use (DMC § 16-4-80).

Please refer to **Figure 3**. Which shows the subject site relevant to adjacent uses.



Figure 3. 780 Little Beaver Trail and Adjacent Uses

Off-street Parking: With the proposed two (2) 2-bedroom apartments and six (6) 1-bedroom apartments thirteen (13) parking spaces are required. The Code requires one and a half (1.5) parking spaces per one-bedroom unit and two (2) parking spaces per two-bedroom unit. The application complies with the required number of parking spaces for the multi-family residence use as set forth in DMC § 16-6-40. The parking spaces required and those provided with the application are shown in **Figure 4**.

780 Little Beaver Trail Required Parking			
Multi-family Residential	Unit Count	Required per Unit	Parking Spaces
1-Bedroom Unit	6	1.5	9
2-bedroom Unit	2	2	4
Total Required			13
Application Provided			13

Figure 4. 780 Little Beaver Trail Required and Provided Parking Spaces

Accessible Parking: Section 208 of the federal 2010 ADA Standards for Accessible Design, adopted by the Town of Dillon, requires that a parking lot of twenty-five (25) spaces or less provide at least one (1) accessible parking space among those required. The Code further requires one (1) van-accessible space with an eight (8) foot wide accessible aisle (DMC § 16-6-60 (10)). One (1) van-accessible parking space is provided with the application. As is the standard for this determination, the accessible parking space is included in the thirteen (13) parking spaces provided with additional space provided for the accessible aisle.

Yards: The site is already developed, and no new exterior building construction or additions are planned with this application. The yards (setbacks) were evaluated during the review of the application to document the existing conditions by reviewing the ALTA survey. The setbacks are found to be nonconforming existing conditions in some cases, as presented in **Figure 5**.

780 Little Beaver Trail Yards (Setbacks)			
	<u>Required</u>	<u>Existing</u>	<u>Location of Minimum Setback</u>
Front	25'	7' - 11"	Measured to Front Stairs
Side	10'	9' - 2 1/2"	Measured to Roof Overhang
Rear	20'	76' - 8"	Measured to Rear Deck

Figure 5. Mixed Use Required Yards and 780 Little Beaver Trail Existing Yards

Should the property be completely redeveloped, the Town expects the required yards / setbacks of the underlying Mixed Use (MU) zone district to be met unless otherwise approved through consideration of a new PUD. Yards are intended to buffer properties from adjacent properties and rights-of-way, and thus are deemed an important site feature for all but Core Area (CA) zone developments. No maintenance or replacement due to a catastrophic loss shall increase the nonconforming condition (DMC § 16-4-80 (4)). The measured setbacks from the structure to the property lines are shown in **Figure 6**.

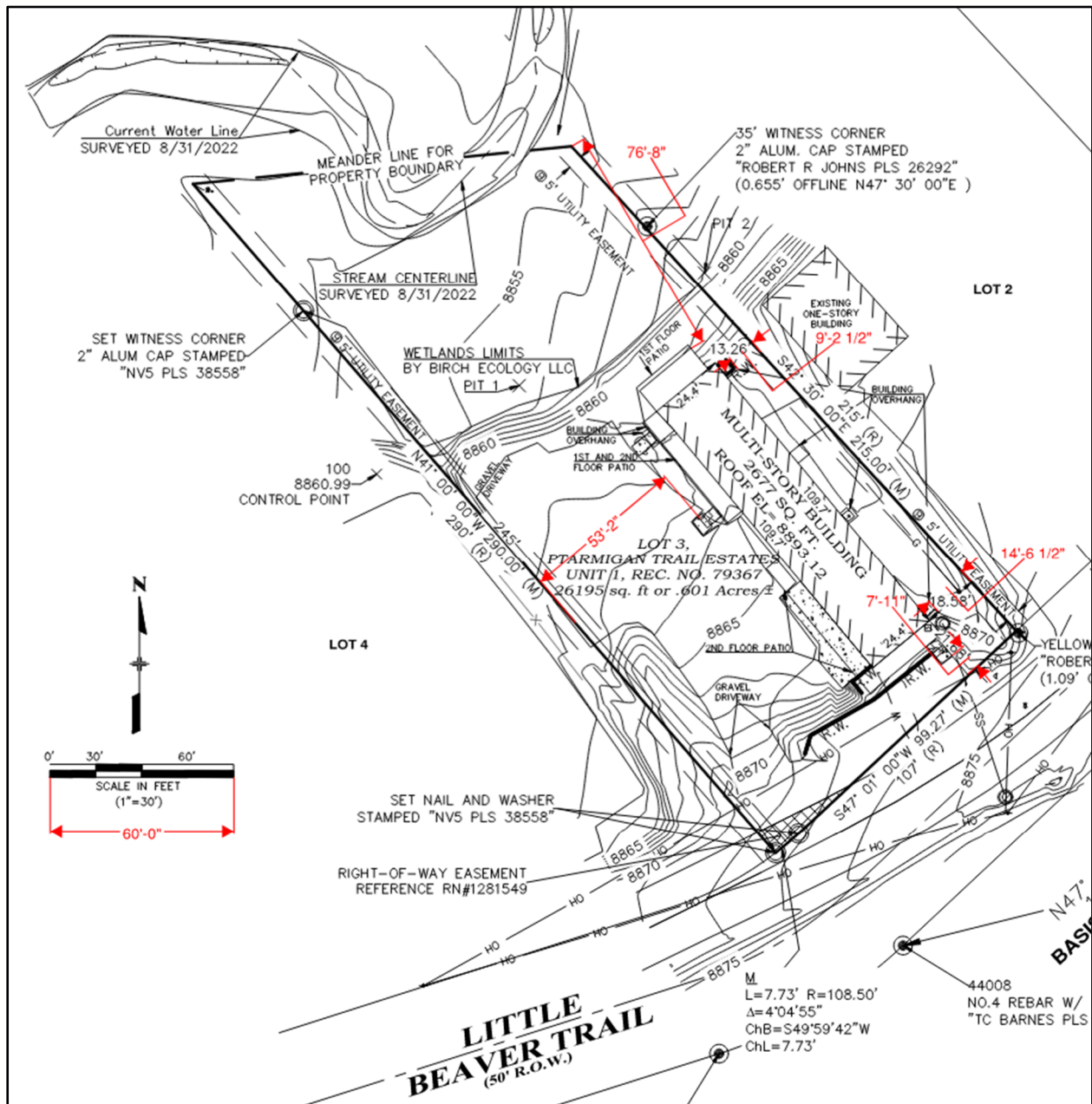


Figure 6. Measured Yards (Property Line Setbacks) (Source: N|V|5 ALATA 04/18/2023)

Building Height: The site is already developed, and no new exterior building construction or additions are planned with this application, so there will be no change in the building height. The building height was evaluated similarly to the reason for the setback evaluation. In the case of building height, the existing structure conforms with the maximum building height in the Mixed Use (MU) zone district of thirty-five (35) feet.

“Building height means the height of a building as measured from the highest point of the building vertically, to an elevation that represents the median elevation of the site, within the proposed building footprint, prior to construction. A sunken area within the building footprint that does not exceed fifty percent (50%) of the square footage of the building footprint shall not be utilized to determine building height. Where a sunken area equal to less than fifty percent (50%) of the building footprint exists, the Town shall determine building height utilizing an elevation that represents the elevation of the site if the sunken area did not exist. For the purposes of determining building height, chimneys, mechanical equipment, nonhabitable <sic> architectural elements and roof vents shall be allowed to exceed the allowed building height by eight (8) feet. The median elevation shall be determined by adding the site elevation of the building footprint at the lowest point of the foundation, with that at the highest point of the foundation, and dividing by two (2). That point shall be used as the base elevation from which to determine the allowed building height for the proposed project” (DMC § 16-1-200).

The highpoint and low point elevations of the foundations were determined from the ALTA survey and the building height was then calculated and shown to be below the thirty-five (35) foot maximum height as shown in **Figures 7 & 8**.

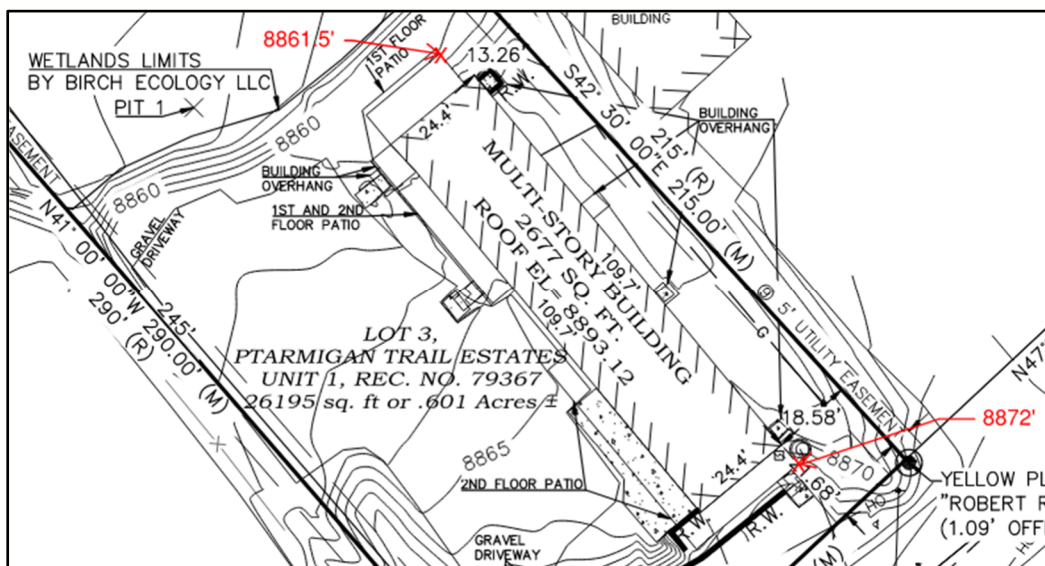


Figure 7. High and Low Building Foundation Elevations (Source: N|V|S ALATA 04/18/2023)

780 Little Beaver Trail Existing Building Height	
High Elevation (ft)	8872
Low Elevation (ft)	8861.5
Base Elevation (ft)	8866.75
Ridge Elevation (ft)	8893.12
Building Height (ft)	26.37

Figure 8. Building Height Calculation

Open Space: The project provides open space meeting the Code criteria with decks, landscape areas, and in the protected natural area of the Straight Creek riparian zone and wetlands. Per the Code:

Open space means an exterior space located within the physical boundaries of a project which (1) is usable for recreational purposes; (2) provides for natural or man-made landscaping areas; or (3) provides for the protection of natural resources such as stream channels, steep slopes or other natural areas; or is an outdoor area designated for public or private gathering or enjoyment, as approved by the Town Manager (DMC § 16-1-200).

The Code further states:

“In the MU zone, multi-family dwellings shall provide usable open space areas at a rate of fifty (50) square feet per studio or one-bedroom unit, and one hundred (100) square feet for each of the units that are two (2) bedrooms in size or larger. Such space shall not occupy a required yard, snow storage area or parking area, and must meet the definition for open space as provided in this Chapter. Open space areas may be combined into a larger common open space area for each building” (DMC § 16-3-170).

Wetlands: The Code sets forth regulations to protect sensitive wetland areas, to limit human activity in wetland areas, to protect wildlife habitat, and to promote the uses of Best Management Practices to protect wetland resources. A wetland delineation report was prepared for the site by Birch Ecology in March 2023 based upon a July 2022 wetland delineation (see **Exhibit ‘D’**). They observed the limits of Straight Creek and the wetland vegetation dominated by willows and introduce grasses and weeds. They find that the grade break on the property well defines the wetland boundary, and thus mapped the wetland area as shown in **Figure 9**. The grade break relates to a fill embankment from a previous permit through the Army Corps of Engineers for various properties along Little Beaver Trail and Straight Creek.

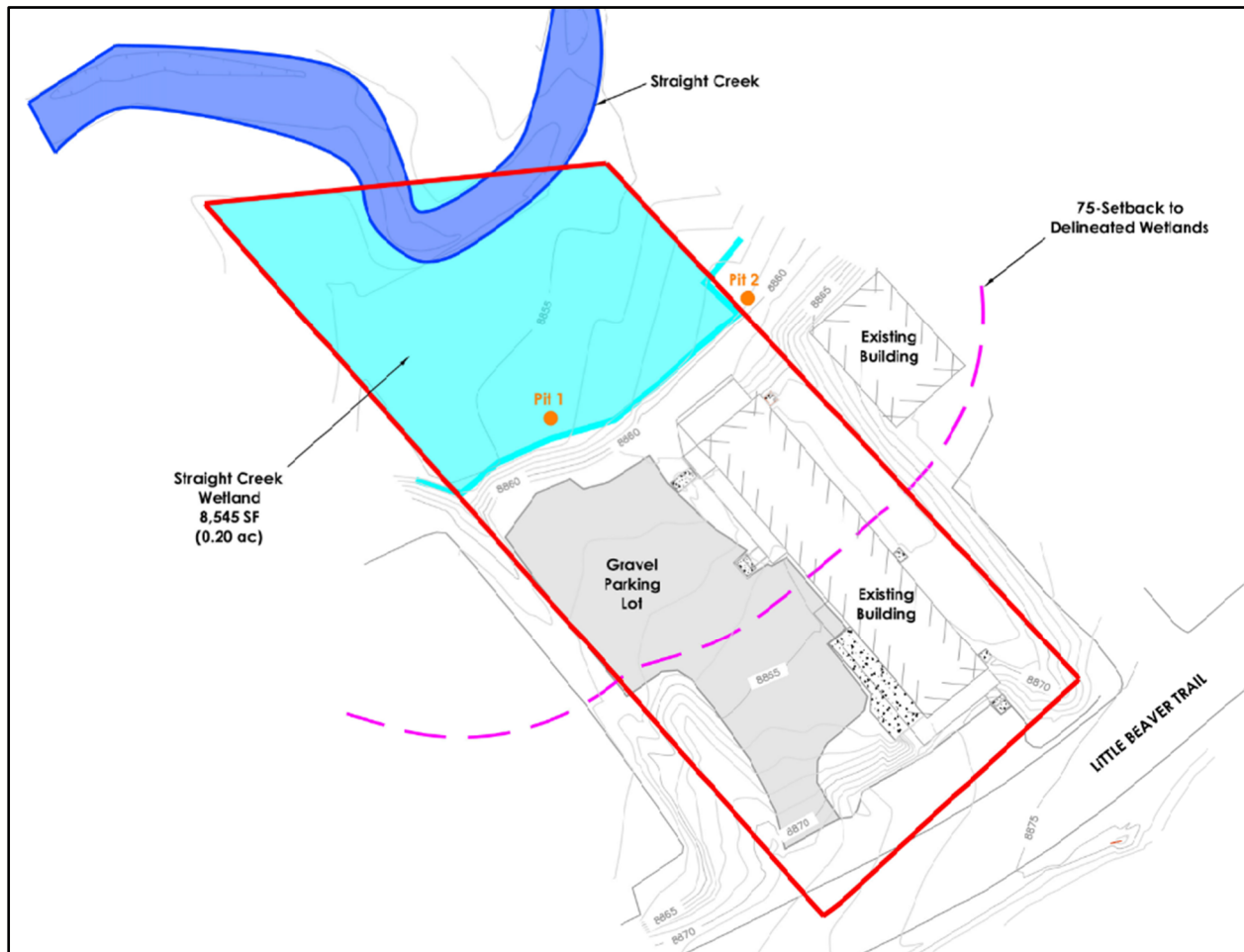


Figure 9. Mapped Wetland Delineation (Source: Brich Ecology LLC)

The Straight Creek riparian wetland is defined as a principal water body wetland, as such a seventy-five (75) foot wetland buffer area is required. The Code limits certain activity within an identified wetland buffer area, and further identifies certain activity that is permitted. The permitted uses are found in Section 5.6 of the Wetland Regulations provided in **Exhibit 'D'** and include the activity proposed for the already developed site: deconstruction of existing concrete improvements and gravel driveway and parking area; construction of retaining walls; placement of fill; construction of storm drainage and detention facilities; construction of concrete improvements; and placement of aggregate base course and asphalt pavement all associated with the safety and site improvements proposed to support the interior building upgrades.

Landscaping: The proposed project requires the removal of approximately three (3) existing trees to accommodate the retaining wall construction, storm drainage, and site safety improvements. The remaining vegetation on the site is to be preserved, most pertinently the wetland vegetation. The disturbance areas on site will be covered with topsoil and revegetated

with native shrubs and grasses. The existing site does not have street trees, and the proposed development provides no additional capacity for tree planting. That being said, one-third (1/3) of the site is heavily vegetated with willows in the wetland area.

Water and Sewer Tap Fees: The existing developed site has the equivalent of two (2) single-family 3-bedroom, 3-Bathroom residences worth of water and sewer tap fees, or 2.0 EQRs. When an existing structure is remodeled an EQR evaluation is performed to determine if a change in use or intensity of a use requires additional tap fees. In this case, additional tap fees are due for the change in use from two (2) attached single-family residences to eight (8) multi-family dwellings requires the payment of additional tap fees as calculated in **Figure 10**. Properties connecting to the sanitary sewer system operated by the Dillon Valley Metro District are also required to pay an additional tap fee of \$400 per EQR toward that system.

780 Water & Sewer Tap Fees (EQRs)			
Multi-family Unit Type	EQRs Required	Unit Count	EQRs
2-Bed, 1 Bath	0.8	2	1.6
1 Bed / Studio	0.65	6	3.9
Subtotal:			5.5
Existing Credit			2
TOTAL EQRs DUE:			3.5
Fees			
Dillon Valley Fee per EQR \$400		Dillon Valley Fee Due:	\$1,400
Town of Dillon Fee per EQR \$14,815.00		Town of Dillon Fee Due:	\$51,852.50
TOTAL TAP FEES DUE:			\$53,252.50

Figure 10. Water and Sewer Tap Fees Due

Traffic Impacts: The project to expand the number of residential units from the existing three (3) to eight (8) units will increase the number of turning movements coming and going from the site. It is anticipated that most of those movements will be coming from and heading toward the intersection of Little Beaver Trail and U.S. Highway 6. With the two (2) parallel parking spaces on the property, but outside of the Little Beaver Trail Right-of-way, some arriving movements from the east on Little Beaver Trail are anticipated. See **Exhibit 'E'** for the traffic study prepared by McDowell Engineering, LLC. A portion of the existing Little Beaver Trail roadway surface cuts through the property, and a dedicated easement was provided by the

County to the Town as a condition of approval of the Statutory Exemption. That easement is shown on the ALTA survey as well as documented in **Exhibit 'F'**.

Comprehensive Plan: The Dillon Comprehensive Plan identifies attainable and affordable housing as one of the highest priorities and this project provides employee housing for public transit employees which is of substantial benefit to supporting the viability of the transit system. By providing housing for Summit Stage transit employees, Summit County can retain and recruit transit system employees. The project rehabilitates an existing structure into an increased number of units while improving site safety and increasing the protection of the adjacent wetland resource.

Conclusion:

The PUD application for 100% residential in the existing structure is shown to be of substantial benefit to the community. Although a few trees are lost to accommodate the site stabilization and safety improvements, the benefits of this application far outweigh any loss. The proposed site and interior building improvements will provide safe and respectable housing to the local workforce while sustainably retrofitting an existing structure. The project aligns with the Town's goals of protecting natural wetland and water resources, providing affordable housing for community workforce members, and supporting the Summit Stage public transit system.

BUDGET IMPACT:

None

STAFF RECOMMENDATION:

Town staff recommends approval of Resolution No. PZ 05-23, Series of 2023

MOTION FOR APPROVAL:

I move we approve Resolution PZ No. 05-23, Series of 2023 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

Exhibit 'A'
Application PUD Development Plan
780 Little Beaver Trail Plan Set

Exhibit 'B'
Statutory Exemption
Documentation

Exhibit 'C'
PUD Development Standards
Applicant Responses

Exhibit 'D'
Wetland Delineation
&
Wetland Regulations

Exhibit 'E'
Traffic Study

Exhibit 'F'

Easement