

**TOWN COUNCIL ACTION ITEM
STAFF SUMMARY
APRIL 3, 2018 TOWN COUNCIL MEETING**

DATE: March 26, 2018

AGENDA ITEM NUMBER: 6

ACTION TO BE CONSIDERED:

Consideration of Ordinance No. 01-18, Series of 2018;

AN ORDINANCE ADOPTING AND APPROVING A PUD DEVELOPMENT PLAN FOR UPTOWN 240

SUMMARY:

PUBLIC HEARING:

A Public Hearing is required for this Level IV Development Permit Application, and this staff summary and staff presentation shall be a part of the Public Hearing.

LEVEL IV DEVELOPMENT PERMIT APPLICATION PROCESS:

A Level IV Development Permit Application for a Major PUD Amendment requires public hearings before both the Planning and Zoning Commission and the Dillon Town Council. The Planning and Zoning Commission makes a recommendation to the Town Council for approval if they find the application meets the Dillon Municipal Code requirements. The Town Council approves a PUD Development Plan application by Ordinance after a Public Hearing.

P&Z RECOMMENDATION FOR APPROVAL:

The Town of Dillon Planning and Zoning Commission held a Public Hearing on the application during the regular meeting on March 7, 2018, and upon completion of the Public Hearing, made a recommendation for approval of the Uptown 240 PUD Development Plan to the Town Council.

AMENDMENT TO THE EXISTING DILLON GATEWAY PUD SUMMARY:

- Change the name of the project previously approved as Dillon Gateway to Uptown 240.
- Add Lot 1G, Block B, New Town of Dillon subdivision to the PUD for additional on-site parking and landscape buffering. Lot 1G will also contain a proposed subsurface stormwater detention vault under the parking lot, with controlled flow release into the existing storm drainage infrastructure in West Buffalo Street.
- Modified site plan, floor plans and architectural elevations:
 - Increase the number of residential units to eighty (80) from the previously approved sixty-five (65) units.

- Relocate the community room and fitness center to West Buffalo Street frontage.
- New parking garage configuration to split the entrances and traffic entering the building: one off of Lake Dillon Drive and one off of West Buffalo Street without a connecting ramp on the interior.
- New landscaping plan.
- Restaurant expansion which absorbed the two (2) proposed retail spaces along Lake Dillon Drive.
- Add parallel parking on West Buffalo Street.
- Add telecommunications antennas (parabolic and whip) to the roof of the stairwell and elevator shaft penthouses to replace the tower and existing antennas on Lot 1G and allow for the purple log building to be demolished.

AMENDMENT OF EXISTING PUD APPROVAL:

Criteria Established Through the PUD	Existing PUD	PUD Amendment
<i>Included Parcel(s):</i>	Lot 1DEF	Lots 1DEF & Add 1G
<i>PUD Area:</i>	1.00 acre	1.18 acres
<i>Building Height:</i>		
Approved Building Height + Non-inhabitable Space	60' + 8' (68')	No Change
Base Elevation	9,091'	9090.25'
Ridge Elevation	9,159'	9,158.25'
<i>Residential Units:</i>		
Total Residential Units	65	80
Workforce Housing Condo Units Provided	None	9
Market Rate Workforce Housing Apartments	17	None
<i>Conditional Use:</i>	1st Floor Residential	Not Required
<i>Commercial Units:</i>		
Retail / Office	2	None
Restaurant	1	1 Expanded
<i>Parking:</i>		
Total Parking Spaces Provided On Site	124	175
Deficient Parking Space	22 spaces	8 spaces
<i>Signage:</i>		
Building Identification Sign - Lake Dillon Drive	40 SF	No Change
Building Identification Sign - W. Buffalo Street	120 SF	No Change
2 Retail Spaces	40 SF each	Removed
Restaurant	Two at 60 SF each	Two at 60 SF each
<i>Landscaping:</i>		
Percent Site Covered by Landscaping	12.8%	19.4%
Trees	15	42
Shrubs	40	14

APPLICATION SUMMARY:

The Town of Dillon has received a Level IV Development Application to amend the previously approved Dillon Gateway Planned Unit Development ("PUD"). The PUD for the proposed project was previously approved under the Dillon Gateway name, and will be adopted as the Uptown 240 PUD Development Plan. The applicant is Ivano Ottoborgo ("Developer"). The amended mixed-use development will include 80 condominium units, a private fitness center with a community room, a prominent ground level restaurant, and associated parking and landscaping.

The project will be built on Lots 1DEF (re-plated to be the Alpine Lake Lodge PUD parcel) and 1G, Block B, New Town of Dillon. Lot 1DEF is currently the Adriano's Bistro restaurant operated by the Ottoborgo family at 240 Lake Dillon Drive. Lot 1 G is currently a single building with an existing telecommunications tower and associated antennas located at 186 West Buffalo Street. The two lots together total an area of 1.18 acres (~51,400 square feet).

The existing buildings, landscaping and other improvements on both lots will be demolished prior to construction of the proposed project.

PUBLIC NOTICE:

The Town posted signs of the Town Council Public Hearing on the site on Monday, March 26th, 2018. A newspaper ad ran in the Summit Daily (Journal) on Friday, March 23rd, 2018, and a mailing noticing the public hearing time and date was sent out on Friday, March 23rd, 2018 to property owners within 300' of the proposed development. These dates and notification distribution are all within the required 7 to 14-day notice period before the Public Hearing on April 3rd, 2018.

EXISTING PUD APPROVAL SUMMARY:

The existing PUD was approved by the Dillon Town Council on February 2nd, 2016, and was approved for a one (1) year extension on January 3rd, 2018 as the applicant continued to work on finalizing the design. The approved PUD provides for the following:

- Building Height of sixty (60) feet (with an additional eight (8) feet available for non-inhabitable architectural and mechanical height in accordance with the definition of building height in the Dillon Municipal Code). The maximum elevation approved is 9,159 feet.
- Sixty-five (65) residential units, of which seventeen (17) are dedicated workforce housing apartments. The remaining forty-eight (48) are for sale condominium units.
- Parking design considerations: 20' wide parking garage ramp widths, parking garage ramp grades in excess of 10% (up to 20%), fifteen (15) compact parking spaces, and backing into the 40' Right of way on the northern side of the building
- Signage allowances: one (1) Building Identification Sign along Lake Dillon Drive not to exceed forty (40) square feet, one (1) Building Identification Sign along W. Buffalo Street not to exceed one-hundred twenty (120) square feet, one (1) sign not to exceed forty (40) square feet for each of the two (2) retail units on Lake

Dillon Drive (32 square feet if divided into three (3) units), and two (2) signs not to exceed sixty (60) square feet for the corner unit restaurant with one placed on the Lake Dillon Drive side of the building and the other placed on the W. Buffalo Street side of the building.

- Landscaping provisions: five (5) deciduous or evergreen trees along the property line adjacent to Lot 2, Block B (Century Link), four (4) evergreen and six (6) deciduous trees in the Courtyard area, forty (40) shrubs located on site and within the landscape encroachment easement, and a requirement to submit irrigation plans for those installations in the Town right of way.
- Through the Conditional Use Permit process, one (1) residential unit is approved on the ground level of the building off of the Courtyard area.

ZONING AND COMPREHENSIVE PLAN REVIEW:

ZONING:

The proposed development is located within the Core Area (CA) and Commercial (C) zoning districts. Lot 1DEF (Alpine Lake Lodge PUD) has an underlying zoning of Core Area (CA) and Lot 1G is zoned Commercial (C). The proposed mixed-use, multi-family residential development over ground level commercial and parking on Lot 1DEF is a permitted use in the underlying Core Area (CA) zone, and is an approved use according to the previous PUD approvals for the site. A Conditional Use Permit is not required for the residential use because the units are located above the permitted Core Area (CA) uses of a restaurant and parking.

Lot 1G is to be used for parking and development landscaping and screening, a permitted accessory use, while replacing the existing telecommunications facility currently in use on the lot. Telecommunications antennas are a permitted accessory use throughout the zoning districts of the Town of Dillon (Sec. 16-12-30), and the proposed antennas to relocate the telecommunications facility are an accessory use permitted along with the primary use of the mixed-use building. The zoning will be the Uptown 240 PUD Development Plan after adopted by Ordinance and recorded by Summit County.

As a condition of approval of this PUD amendment, the Applicant shall submit an application for the elimination of the common boundary between Lot 1DEF and Lot 1G. This shall be done prior to the recording of the Uptown 240 PUD development Plan with the County.

COMPLIANCE WITH THE TOWN OF DILLON COMPREHENSIVE PLAN:

The project provides a restaurant use prominently located on Lake Dillon Drive, identified in the Comprehensive Plan as key commercial and retail street frontage. The Comprehensive Plan encourages developments which encourage strengthening community focal points in the Town Center through vibrant development, accompanied by high densities, an increased full time residential population, as well as addressing the community's need for Workforce Housing opportunities within the Town of Dillon and Summit County, The Developer believes that their proposal complies with the Comprehensive Plan of the Town of Dillon by providing a relatively high density multi-family residential development, with a workforce housing component, along

with a prominently sited, street forward, expansive and vibrant restaurant with seasonal outdoor seating.

SITE ANALYSIS:

OFF-STREET PARKING LOT CONSIDERATIONS:

The proposed development requires a total of one-hundred eighty-three (183) parking spaces for the residential and commercial uses. One-hundred seventy-five (175) parking spaces are provided on site. Of the onsite parking spaces, up to twenty percent (20%) may be compact parking spaces, as is permissible through the PUD process. The minimal dimensions for the proposed compact parking spaces are eight feet inches (8’) wide and fifteen feet (15’) in length, and the proposed compact parking spaces are dispersed onsite and in the garage parking. The fifteen (15) parking spaces on the northern side of the building may back out onto the 40’ Right of way alley area which was permitted through the previous PUD approval. All on-site parking spaces are use restricted by the PUD Development Plan in that they may not be used for storage.

An additional ten (10) parking spaces are provided in Town right of way immediately adjacent to the project on Lake Dillon Drive and West Buffalo Street.

Combined Project Parking

Parking Spaces	Residential	Restaurant	Total
Required	143	40	183
Provided On Site	143	32	175
Deficient Commercial Parking Spaces	0	8	8

The Dillon Municipal Code provides the capability for a Developer to pay for deficient commercial parking spaces in the Core Area (CA) zoning district at the current rate of one-hundred dollars (\$100) per deficient parking space.

Residential Parking:

A total of one-hundred forty-three (143) parking spaces are required for the residential uses. In mixed-use developments, residential parking is to be dedicated and separate from commercial parking.

- Fifty-one (51) parking spaces for the thirty-four (34) one-bedroom and studio units at a rate of one point five (1.5) parking spaces per unit;
- Sixty-eight (68) parking spaces for the thirty-four (34) two-bedroom units based on a rate of two (2) parking spaces per unit; and,
- Twenty-four (24) parking spaces for the twelve (12) three-bedroom units based on two (2) parking spaces per unit.

- Residential parking spaces will be dedicated for the use of residents of the building by the installation of signs indicating such, and requiring gated access to dedicated portions of the parking garage levels.

Required Residential Parking

Unit Type	Quantity	Parking Rate	Parking Required	Parking Provided
One-Bedroom	34	1.5 spaces / unit	51	
Two-Bedroom	34	2 spaces / unit	68	
Three-Bedroom	12	2 spaces / unit	24	
TOTAL			143	143

The Developer proposes one-hundred forty-three (143) parking spaces to be dedicated to the residential uses.

Commercial / Restaurant Parking:

The restaurant and associated outdoor seating require an additional forty (40) parking spaces:

- The interior restaurant area is 4,355 SF
- The outdoor seating areas combine to be 1,250 SF
- A restaurant use requires that one (1) parking space be provided for every one-hundred twenty (120) gross square feet. Thirty-six point three (36.3) parking spaces are required for the interior restaurant seating.
- In addition, outdoor seating requires that parking be provided if the outdoor seating area exceeds twenty percent (20%) of the area of the restaurant. The outdoor seating in excess of twenty percent (20%) of the restaurant area is three-hundred seventy-nine (379) square feet, which requires three point two (3.2) parking spaces.
- The total restaurant area considered for the parking is therefore four-thousand seven-hundred thirty-four (4,734) square feet.
- The total number of commercial parking spaces required is forty (40) parking spaces.
- Thirty-two (32) commercial, off-street parking spaces are provided on site, with an additional ten (10) on-street parking spaces in the immediate vicinity.
- The Developer will pay the fee for the eight (8) deficient off-street parking spaces.

Required Commercial Restaurant Parking

Seating Type	Area	Parking Rate	Parking Required	Parking Provided
Inside	4,355	1 space / 120 SF	36.3	
Outside Non-exempt	379	1 space / 120 SF	3.2	
TOTAL	4,734	1 space / 120 SF	40	32

Accessible Parking:

Per Town and Federal Code, the Developer is providing six (6) dedicated Accessible Parking spaces, two (2) for the restaurant and four (4) for the residential use. The accessible parking spaces are located in the parking garage.

PEDESTRIAN CONNECTIVITY:

The proposed project provides a new public sidewalk along the east side of the property along Lake Dillon Drive, a private sidewalk along the 40' Right of way along the northern side of the building, and a new public sidewalk along West Buffalo Street on the southern side of the building. The restaurant is pedestrian accessible from both West Buffalo Street and Lake Dillon Drive, with an ADA accessible route right near the restaurant entrance off of Lake Dillon Drive, as well as a lift served restaurant access point from within the parking garage.

SIDE YARDS (SETBACKS):

The Dillon Municipal Code does not require any building setbacks in the Core Area (CA) zone, so the building complies with the Code. The setbacks for the Commercially zoned parcel, Lot 1G, are not impacted by the proposed surface parking, drainage facilities, and landscaping because they are not structures regulated by the setback criteria.

UTILITIES:

The proposed project is located on parcels that are already served by utilities, and water and sewer mains exist on the adjacent streets. New services will be installed as a part of the proposed project; old services will be deleted. The proposed water service to the building will be fed off the eight-inch (8") water main in West Buffalo Street, and the proposed sanitary sewer service will also connect to the existing eight inch (8") sanitary sewer main in West Buffalo Street. Shallow utility services are also proposed to connect on the West Buffalo Street side of the building.

DRAINAGE:

A portion of the site (north and east sides) drains through a proposed storm drainage system that connects to existing storm drainage infrastructure in Lake Dillon Drive. This storm drainage system ultimately drains to Dillon Reservoir after passing through numerous sediment retention vaults. The remainder of the site and the roof drains feed into the proposed stormwater detention vault on the western side of the building, and then discharges to the West Buffalo Street storm drainage infrastructure. The West Buffalo Street storm drainage ultimately discharges to Straight Creek and the Blue River in Silverthorne. All on-site storm drainage pipes and manholes are private improvements, and will be maintained by the Developer in perpetuity.

LANDSCAPING:

General Requirements:

- Street Trees: one (1) tree for each fifteen lineal feet (15 LF) of street frontage;

- Parking Lot Screening: one (1) tree for each five (5) off street surface parking spaces; provide seven percent (7%) of the parking area in landscaping; parking lot trees shall be fifty percent (50%) evergreens;
- Project Screening: landscaping and trees are required in all required yards; no yards are required in the Core Area (CA) zone;
- Tree Heights: all must be at least six feet (6') high, and not less than twenty-five percent (25%) shall be eight feet (8') high.

Project Specific Landscaping Guidelines and Landscaping Provided:

Street Frontage and Required Street Trees:

- 185 LF Lake Dillon Drive = 12.3
- 274 LF West Buffalo Street = 18.3
- Required Street Trees = 31
- Street Trees Provided = 32

Parking Lot Trees and Landscaping:

- West Parking Lot Area = ~3,258 SF
- 40' ROW Parking Area = ~2,735 SF
- Total Parking Area = ~5,993 SF
- Required Landscape Area (7%) = ~420 SF
- Twenty-Two (22) site parking spaces = 5 trees required
 - The parking area on the northern side of the building does not allow for tree plantings due to the alley configuration of the area, so the required trees are placed in the vicinity of the western site parking lot. Street trees do provide a buffer for the alley parking spaces from Lake Dillon Drive.
- Ten (10) trees, not including street trees, are provided adjacent to parking areas
- Total Landscape Area Provided = 9,579 SF

Proposed Landscaping and Tree Species:

See the Uptown 240 Planned Unit Development Landscape Plan for details for the proposed landscaping. The proposed landscaping and trees provide project buffering and parking lot screening in general conformance with the Code. The alley parking is an atypical situation in the Town, and is not specifically addressed in the Code. The developer has provided additional trees for the western parking lot to account for the total number of site parking space trees required. The proposed trees meet the Code height and species requirements, and plantings exceed the number required by the Code.

SNOW STORAGE:

The proposed development has 6,416 SF of outdoor parking and sidewalks requiring snow removal. The Code requires snow storage areas be provided at a rate of 25% of the proposed snow removal areas. The development proposes 1,814 SF of snow storage, which exceeds the 25% requirement (1,604 SF).

The Uptown 240 PUD Development Plan requires the developer to provide a heated pavement and hardscapes snow melt system on the north side of the building. The system shall be installed under the sidewalk, parking area paving, and the three (3) foot wide concrete drainage pan

located between the building and the 40' Right of way on the northern side of the building. Also, any driveways that exceed 10% in longitudinal slope shall have a heated snow melt system. Heated areas do not need to provide on-site snow storage areas.

BUILDING REVIEW:

BUILDING HEIGHT:

The currently approved Dillon Gateway Planned Unit Development allows a building height of sixty feet (60') plus an additional eight feet (8') of architectural and non-inhabitable space. This is ten feet (10') higher than the height specified in the Core Area (CA) zoning district.

The current PUD approval provides for a maximum elevation of 9159', and the existing approved height remains unchanged with this major PUD amendment.

The base elevation for the site is determined to be 9090.25 feet above sea level. The proposed project has a maximum elevation of 9158.25' where the fire department roof access stairwell penthouse extends above the flat roof and surrounding parapet walls.

Building Height	Elevation
High Existing Ground Elevation @ Building	9101.1'
Low Existing Ground Elevation @ Building	9079.4'
Base Elevation	9090.25'
Approved PUD Building Ridge Elevation (60' + 8')	9159'
Proposed PUD Building Ridge Elevation	9158.25'

The Core Area (CA) zone allows buildings to be 50' high plus an additional 8' for unoccupied vaulted ceilings areas, non-inhabited architectural elements, mechanical equipment installations, elevator shafts, and stairwell penthouses. The height of a building is calculated with the base elevation determined by averaging the high and low points on the building to the top of the roof. Additional building height, beyond the underlying zone district limits, has been approved through previous PUD approvals.

ARCHITECTURAL GUIDELINES:

The architect has worked with the Town of Dillon Architectural Guidelines and the Town's architectural consultant, Roth Sheppard Architects, and believes that the development is in conformance with the intent of the guidelines. Roth Sheppard Architects commented that the "project be regarded as a good example of a 'Jewel Building' for the Town of Dillon," and that the "project will be a great reference for future applicants." See the attached checklists and design guideline review comments for additional information.

PRIVATE RESIDENTIAL UNIT OPEN SPACE:

There is not a specific private open space requirement for residential uses in the Core Area (CA) zone, but the Mixed Use (MU) zone requires a minimum of fifty (50) square feet of private open space for studio units and one-hundred (100) square feet per two-bedroom for comparison purposes. All but the five (5) studio units are provided with private outdoor space ranging from approximately sixty-one to one-hundred fifty-six (156) square feet. In addition to the private space afforded the majority of the units, the development provides:

- 5,916 SF Exterior Amenity Deck
- 2,063 SF Community Room
- 1,410 SF Fitness Center
- 1,250 SF Outdoor Restaurant Seating
- ~9,579 SF of project landscaping

COMMUNITY AND WORKFORCE HOUSING:

WORKFORCE HOUSING:

Although Workforce Housing is desirable in the community, there are no specific standards within the Dillon Municipal Code requiring a project provide a specific amount of it. The Dillon Comprehensive Plan identifies a priority to provide a mix of housing opportunities, including Workforce Housing, recognizing the Summit County Comprehensive Plan addresses the significant need in the county as a whole.

As a part of the Major PUD Amendment, the Developer is proposing that 11.3% of the eighty (80) units, thus nine (9) units, will be reserved for Workforce Housing and will be sold to people who can demonstrate that they live full time and work a minimum of 30 hours per week within Summit County. The existing Dillon Gateway PUD is approved with sixty-five (65) units, 26.2%, or seventeen (17) of which units are dedicated workforce housing units for lease.

The final unit numbers to be dedicated with the Workforce Housing restriction will be finalized in a separate Workforce Housing Restrictive Covenant (“Restrictive Covenant”) that the Developer will enter into with the Town of Dillon. The dedicated units are also to be detailed on the Uptown 240 PUD Development Plan prior to recording it with Summit County. This agreement will be reviewed and approved by the Town Council at a future date and is a condition of the approval of the proposed development.

TELECOMMUNICATIONS TOWERS AND ANTENNAS:

TELECOMMUNICATIONS INSTALLATIONS:

A component of the PUD Amendment is to include telecommunications antennas on the top of the building. Parabolic antennas and whip antennas shall be installed on the stairwell and elevator

shaft penthouses. The Dillon Municipal Code stipulates that antennas shall be architecturally compatible and colored to match the building. The Code also stipulates that roof mounted antennas shall not extend more than twelve feet (12') above the ridge of a stairwell or elevator penthouse. The proposed parabolic roof mounted antennas shall be painted a color to match the building and shall not extend above the roof by more than seven feet (7'). The whip antennas shall not extend to a height greater than twelve feet (12') above the penthouse roof ridge elevation. Roof mounted telecommunications antennas are not part of the Code mandated building height calculation so long as they do not extend to a height greater than twelve feet (12'). Telecommunications facilities and antennas require a separate permitting process, though their proposed installation is a component of this PUD, the telecommunications company will have to submit separate applications for their actual installation.

REQUIREMENTS PRIOR TO BUILDING PERMIT:

FINAL DOCUMENTATION REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

- Address all Summit Fire & EMS requirements
- Final Building Construction Document Submittal to the Town
- Final Site and Utility Construction Documents
- Finalization of the Planned Unit Development Agreement
- Payment of Water and Sewer Tap Fees (EQR's)
- Payment of the Affordable Housing Impact Fee
- Execution of an Encroachment and Maintenance Agreement for landscaping located within the right of way
- Obtain a Grading and Excavation Permit from the Town
- Perform asbestos investigation and abatement as necessary prior to demolition, per State requirements
- Prepare documentation and pay associated undertaking fees for activity within the right of way
- Prepare replat materials for review and approval to eliminate the boundary line between Lots 1DEF & 1G.

BUDGET IMPACT: None

MOTION FOR APPROVAL:

Recommended motion language: "...move to approve Ordinance 01-18, Series of 2018, adopting and approving a PUD Development Plan for Uptown 240"

ACTION REQUESTED:

MOTION, SECOND, ROLL-CALL VOTE

At least four (4) affirmative votes will be required for the approval of this ordinance.

DEPARTMENT HEAD RESPONSIBLE:

Scott O'Brien, Public Works Director