

ORDINANCE NO. 01 - 18
Series of 2018

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

WHEREAS, by Resolution No. 02-16 adopted on February 2, 2016, the Town Council for the Town of Dillon approved a Level IV development application for a planned unit development titled “Dillon Gateway” located at 240 Lake Dillon Drive; and

WHEREAS, there has been submitted to the Town Council a request for approval of a PUD development plan titled “Uptown 240,” a Level IV development as defined in Dillon Municipal Code (“DMC”) Section 16-1-50, and which would amend and replace the Dillon Gateway PUD; and

WHEREAS, all materials related to the Uptown 240 PUD development plan have been reviewed by Town staff and found, with conditions, to be in compliance with Town of Dillon zoning ordinances and related Town ordinances, regulations, and policies; and

WHEREAS, pursuant to DMC §§ 16-2-110 and 16-5-130(d), the Planning and Zoning Commission held a properly noticed public hearing on the application, at which public hearing the applicant and other interested persons presented testimony to the Commission and a number of documents were made a part of the record, and following which public hearing recommended approval of the application with conditions; and

WHEREAS, pursuant to DMC §§ 16-2-120 and 16-5-130(e), the Town Council has held a public hearing on the application, after which public hearing the Council has found the applicant demonstrated the application, with conditions, meets the applicable criteria set forth in Town of Dillon zoning ordinances and related Town ordinances, goals, and policies, and found the PUD development plan is in general conformity with the adopted Comprehensive Plan; and

WHEREAS, the Town Council finds the Uptown 240 PUD development plan should be approved, subject to certain conditions.

NOW, THEREFORE, BE IT ORDAINED, BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, AS FOLLOWS:

Section 1. The Town Council for the Town of Dillon hereby adopts and approves the proposed Uptown 240 PUD development plan, the legal description of which property is set forth in Exhibit A attached hereto, subject to the conditions set forth in Exhibit B attached hereto.

Section 2. Upon satisfaction of the conditions of approval set forth in Exhibit B, and upon this ordinance becoming effective pursuant to Section 3-8 of the Town of Dillon Home Rule Charter as set forth in Section 5 herein, this ordinance and the final PUD development plan shall be recorded with the Summit County Clerk and Recorder pursuant to Section 16-5-

130(e)(2) of the Dillon Municipal Code; the approved PUD development plan shall be recorded on the Official Town Zoning Map pursuant to DMC § 16-5-130(e)(4); and pursuant to DMC § 16-2-130, Town staff is authorized to issue a Level IV development permit with such conditions as may be appropriate to ensure construction and use of the property in accordance with the approved PUD development plan, including but not limited to the following:

A. The Applicant shall pay all fees required by the Dillon Municipal Code prior to issuance of a building permit. Those fees include but are not limited to water tap fees, sewer tap fees, encroachment license fees, development impact fees, “per deficient space” for commercial parking space fees, grading permit fees, right-of-way undertaking fees and outstanding legal fees associated with the review of the application and its’ associated licenses and agreements.

B. The Applicant shall enter into an Encroachment License Agreement with the Town by separate instrument for any concrete stairways, retaining walls and associated handrails and guardrail fences that are constructed into Town rights-of-way.

C. The Applicant shall enter into an Encroachment License Agreement and a Maintenance Agreement with the Town by separate instrument for any landscaping elements and irrigation systems that are constructed within the Town rights-of-way.

D. The Applicant shall enter into an Encroachment License Agreement and a Maintenance Agreement with the Town for the construction of the heated 15’ wide asphalt pavement and heated 3’ concrete pan located in the 40’ wide unnamed Right of Way along the north side of the development.

E. During construction, the Applicant shall provide traffic control plans, devices, advanced warning signs, and flaggers in conformance with the latest Manual of Uniform Traffic Control Devices (MUTCD) and per Town requirements for any work in Town rights-of way, and for hauling operations into and out of the Development site. Applicant shall maintain one fourteen-foot (14’) wide southbound traffic lane in Lake Dillon Drive for use by the public at all times during construction. Applicant shall further provide a construction fencing plan that describes the construction area and separation of the construction area from the public. Such plan shall be presented to the Town prior to issuance of any building permit for the Development.

Section 3. Pursuant to Section 16-5-130(f)(3) of the Dillon Municipal Code, the Town Manager is authorized to approve corrections and adjustments to the PUD Development Plan, including but not limited to the following:

A. Amount and location of final landscaping elements, including fences, trees and shrubs.

B. Final layout and configuration of right-of-way improvements, streetscaping, utility service locations, and utility infrastructure improvements.

C. Final amount and size of parking spaces provided onsite if, during final design, any interior parking spaces need to be deleted or turned into compact parking to accommodate the final structural layout of the building structural system. Applicant shall pay the deficient space fee required by Section 16-6-50 of the Dillon Municipal Code for any such interior parking spaces that are eliminated.

D. Final configuration and dimensions of the eighty (80) residential units and number of bathrooms provided within each unit. Final configuration and dimensions of the remainder of the interior floorplans for each level of the building.

E. Final configuration and dimensions of the outdoor amenity deck.

F. Additional minor changes that do not alter the character or intent of the Planned Unit Development as set forth in the PUD Development Plan approved by this ordinance.

Section 4. Severance Clause. If an article, section, paragraph, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts may be declared invalid or unconstitutional.

Section 5. Repeal. Resolution No. 02-16 is hereby repealed.

Section 6. Effective Date. This Ordinance shall take effect five days after publication following final passage.

INTRODUCED, READ AND ORDERED PUBLISHED BY TITLE ONLY THIS 20th DAY OF MARCH, 2018.

PASSED, ADOPTED AND APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS _____ DAY OF _____, 2018.

TOWN OF DILLON,
a Colorado municipal corporation

By: _____
Kevin Burns, Mayor

ATTEST:

By: _____
Jo-Anne Tyson, CMC, Town Clerk

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EXHIBIT A
(Legal Description)

Alpine Lake Lodge PUD,
a resubdivision of Lot 1DEF, Block B, New Town of Dillon
Town of Dillon, County of Summit, State of Colorado,

together with,

Lot 1G, Block B, New Town of Dillon
Town of Dillon, County of Summit, State of Colorado

EXHIBIT B
Uptown 240 PUD Development Plan
Conditions of Approval

1. Applicant shall enter into a development improvement agreement in a form to be approved by the Town Council.
2. The PUD Development Plan shall be revised to add a note that nine (9) of the units will be reserved for workforce housing and will be sold only to buyers who demonstrate they live full time and work a minimum of thirty (30) hours per week within Summit County.
3. Applicant shall execute a workforce housing restrictive covenant, in a form to be approved by the Town Council.
4. Applicant shall apply for and obtain approval of a Class S-3 Subdivision pursuant to Chapter 17, Article II, Division 3 of the Dillon Municipal Code to eliminate the lot line between Alpine Lake Lodge PUD and Lot 1G, Block B, New Town of Dillon (the “replat”), and shall revise the legal description on the PUD Development Plan to reflect the new lot created by the replat.
5. Applicant shall provide an updated title commitment, dated no later than thirty (30) days prior to the date final documents are provided to the Town for recording, that confirms ownership in those persons or entities, or both, who signed the PUD Development Plan as owners.
6. Written approval by the Town Engineer of the following: Final site plan, final civil engineering construction plans for work onsite and work within Town rights-of-way, final storm sewer plan and profiles, final drainage plan and report, final drainage detention pond design and calculations, final utility plan, final construction details, final landscape plan, final site retaining wall plans and profiles, final exterior lighting plan, erosion control plans, floorplans and corresponding final parking calculations.