

RESOLUTION NO. 02-16
Series of 2016

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL IV DEVELOPMENT APPLICATION FOR A PLANNED UNIT DEVELOPMENT LOCATED AT 240 LAKE DILLON DRIVE, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Town of Dillon has received a Level IV Development Application for a new Planned Unit Development consisting of a restaurant, commercial space and 65 residential units called the Dillon Gateway project. The development is located at 240 Lake Dillon Drive, more specifically described as Lot 1DEF, Block B, New Town of Dillon Subdivision, Dillon, Colorado; and

WHEREAS, following the required notice, a public hearing was held on December 2, 2015, before the Planning and Zoning Commission of the Town of Dillon on the application for the Dillon Gateway Planned Unit Development at 240 Lake Dillon Drive; and,

WHEREAS, following the public hearing, the Planning and Zoning Commission of the Town of Dillon has made certain findings of fact regarding the application for the Dillon Gateway Planned Unit Development at 240 Lake Dillon Drive; and,

WHEREAS, the Planning and Zoning Commission of the Town of Dillon approved Resolution PZ 19-15, Series of 2015, on December 2, 2015 and made a recommendation to the Town Council of the Town of Dillon to approve the application for the Dillon Gateway Planned Unit Development at 240 Lake Dillon Drive with certain conditions which are reasonable and necessary to and relate to impacts created by the proposed Dillon Gateway Planned Unit Development; and,

WHEREAS, following the required notice, a public hearing was held on January 5th, 2016, before the Town Council of the Town of Dillon on the application for the Dillon Gateway Planned Unit Development at 240 Lake Dillon Drive; and,

WHEREAS, the Town Council of the Town of Dillon has determined that certain conditions which are reasonable and necessary to and relate to impacts created by the proposed Dillon Gateway Planned Unit Development should attach to the approval of the application for the Dillon Gateway Planned Unit Development at 240 Lake Dillon Drive.

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

Section 1. That the Town Council of the Town of Dillon, following the required notice, held a public hearing on January 5th, 2016, on the application for the Dillon

Gateway Planned Unit Development at 240 Lake Dillon Drive; and following said public hearing makes the following findings of fact:

A. That the application for the Level IV Development Permit for the Dillon Gateway Planned Unit Development at 240 Lake Dillon Drive is complete.

B. That the proposed Dillon Gateway Planned Unit Development at 240 Lake Dillon Drive meets the applicable Town of Dillon Municipal Code ("Code") sections.

C. That the proposed Dillon Gateway Planned Unit Development at 240 Lake Dillon Drive is compatible with the Core Area Zoning District and is compatible with surrounding uses.

D. That the proposed Dillon Gateway Planned Unit Development at 240 Lake Dillon Drive is in general compliance with the Town of Dillon Comprehensive Plan.

Section 2. That the Town Council of the Town of Dillon hereby approves the Level IV Development Permit for the Dillon Gateway Planned Unit Development at 240 Lake Dillon Drive with the following conditions:

A. Approval by the Town Council of the Town of Dillon of the concurrent Level III development application for a Conditional Use Permit (Resolution xx-16, Series of 2016) allowing a residential use on the ground floor of the Dillon Gateway building at 240 Lake Dillon Drive.

B. The Developer entering into a Planned Unit Development Agreement ("Agreement") with the Town of Dillon for the Dillon Gateway project and meeting all the obligations and requirements contained therein prior to issuance of any development permits. Said Agreement is attached hereto, incorporated herein by this reference, and marked as Exhibit "PUD" to this Resolution.

C. The Developer paying all fees outlined in the Planned Unit Development Agreement for the Dillon Gateway project at the times indicated within the Agreement.

D. The Developer executing all encroachment license agreements and maintenance agreements contained within the Agreement and paying the associated fees for the agreements to the Town of Dillon prior to issuance of a development permit.

E. Building Height: The Dillon Gateway building shall not exceed 60' in height as measured per the Town of Dillon Municipal Code. An additional 8' of non-habitable architectural spaces above the building height is allowed per Section of 16-1-50 of the Town of Dillon Municipal Code. In this case, the additional 8' would allow for a maximum final building height of 68'.

F. Requirement for providing Apartment Units. The Developer shall provide, as a part of this Planned Unit Development, a minimum of seventeen (17) rental apartment units which shall be held in perpetuity as rental apartment units. The Developer shall execute those documents as are required by the Town to ensure that the apartments shall remain as rental apartment units in perpetuity.

G. Parking Requirements.

1. The Developer shall provide one hundred and twenty-two (122) residential parking spaces and two (2) commercial spaces onsite as outlined in the Dillon Gateway Planned Unit Development agreement.

2. Compact Parking along the north side of the building: The Dillon Gateway Planned Unit Development is allowed fifteen (15) compact parking spaces with a width of 9' and a length of 16' adjacent to the 40' Right-of-way located along the north side of the building as shown on the Site Plan and the Development Plans.

3. Deficient Parking Space Fee: The developer shall pay to the Town of Dillon a fee per deficient spaces as set forth in Section 16-6-50 of the Code for the twenty-two (22) non-residential parking spaces that cannot be provided on the Development site. The Developer shall pay this fee per deficient parking space for the twenty-two (22) parking spaces prior to issuance of a building permit at the then current fee adopted by the Town in Section 19 of the Code at the time of payment.

4. Parking Space Use restrictions. The residential and commercial parking spaces located onsite may not be used for the storage of any vehicle or non-vehicle items, including, but not limited to storage sheds, trailers, boats, kayaks, ATVs or recreational equipment, construction equipment or any other vehicle or non-vehicle items.

5. Parking Garage Ramp Grades: The longitudinal ramp grades of the parking garage ramps may be constructed up to a maximum of a twenty percent grade (20%). The parking garage ramps that are external to the building shall be equipped with an adequately sized snowmelt system. All snowmelt mechanical equipment and boilers must be contained within the building.

6. Parking Garage Ramp Width: The parking garage ramps shall have a minimum width of 20' (twenty feet). The Developer shall install an adequately sized snowmelt system beneath these parking spaces. All snowmelt mechanical equipment and boilers must be contained within a building or onsite within an enclosure created by a 6' high wood privacy fence.

7. Backing into the Right-of-Way: The fifteen (15) spaces located adjacent to the 40' Right-of-way located along the north side of the

building as shown on the Site Plan and the Development Plans, are allowed to back into the 40' Right-of-way due to the low traffic volume nature of this unnamed dead end right-of-way. The Developer shall install an adequately sized snowmelt system between the parking spaces and the edge of asphalt of the 24' public driveway located within the 40' right-of-way. The snowmelt system shall extend into and beneath the concrete pan located along the south side of the 24' asphalt roadway.

H. Signage Allowed.

1. The Dillon Gateway Planned Unit Development shall be allowed one (1) Building Identification sign along the Lake Dillon Drive side of the building that shall not exceed forty (40) square feet.

2. The Dillon Gateway Planned Unit Development shall be allowed one (1) Building Identification sign along the W. Buffalo Street side of the building that shall not exceed one hundred and twenty (120) square feet.

3. The Dillon Gateway Planned Unit Development shall be allowed one (1) sign for each of the two (2) retail units located along Lake Dillon Drive. Each sign shall not exceed forty (40) square feet. If the developer chooses to divide these two units into three or four units, then the maximum size of each Tenant Sign shall be limited to thirty-two (32) square feet.

4. The restaurant unit shall be allowed two (2) sixty (60) square foot signs. One sign shall be allowed on the West Buffalo Street side of the restaurant and the other sign shall be allowed on the Lake Dillon Drive side of the restaurant. These signs may be incorporated into an awning design over the restaurant windows.

I. Requirement for Revised Building Façade Articulation. The applicant shall submit final building elevations, floor plans, roof plan and 3D renderings to the Planning and Zoning Commission at a regularly scheduled meetings for review and approval prior to issuance of a building permit. The revised building plans shall demonstrate color variations, material changes and utilize façade articulation and fenestration in both plan and elevation. The proposed design of the building façade shall include both horizontal and vertical geometric changes in the building façade.

J. Enforceable Restrictive Covenant. The applicant shall create a valid and enforceable restrictive covenant document containing said terms in regard to the workforce housing component referred to in para 8 of the Dillon Gateway PUD agreement. The covenant shall also contain the conditional terms as outlined below. This covenant shall be subject to Town approval and filed with the Summit County Clerk's Office within 90 days of approval of the resolution.

1. 17 units shall consist of workforce housing apartments that may never be sold individually as condominiums.

2. These 17 units shall be available to rent by individuals who work within Summit County 30 hours or more per week, which must be proven.

3. These 17 units shall be long term rentals only, renting 6 months or greater.

4. 14 of these 17 units shall be set at market rate and have no ties with Summit Housing Authority AMI (Average Median Income).

5. 1 of these 17 units; a single, 1 bedroom unit shall be made available as workforce housing for rent at 80% AMI.

6. 1 of these 17 units; a single, 1 bedroom unit shall be made available as workforce housing for rent at 70% AMI.

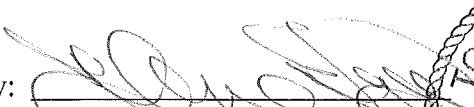
7. 1 of these 17 units; a single, 2 bedroom unit shall be made available as workforce housing for rent at 70% AMI.


**APPROVED AND ADOPTED THIS 2nd DAY OF FEBRUARY, 2016 BY
THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO.**

TOWN OF DILLON
a Colorado municipal corporation

By: 
Kevin Burns, Mayor

ATTEST:

By: 
Jo-Anne Tyson, CMC, Town Clerk



The seal is circular with a rope-like border. Inside the border, the words "TOWN OF DILLON" are written in an arc at the top, and "COLORADO" is written in an arc at the bottom. In the center, there is a five-pointed star above the word "SEAL". Below "SEAL" are two wavy lines.

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