

RESOLUTION NO. PZ 09-18
Series of 2018

A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, RECOMMENDING THE APPROVAL OF A LEVEL IV DEVELOPMENT APPLICATION FOR A CLASS S-3 SUBDIVISION CONDOMINIUM MAP AMENDMENT FOR THE DILLON TECH CENTER FOR THE PURPOSES OF RE-ESTABLISHING A DEMISING WALL AND CREATING TWO UNITS FROM ONE UNIT; AND, SETTING FORTH DETAILS IN RELATION

WHEREAS, Sobotka, L.L.C. is the owner of real property located at 114 Village Place, Unit 205, Dillon Tech Center Condominiums, Second Amendment, Dillon, Colorado according to the Condominium Map recorded October 1, 2004 as Reception No. 770663, and as described in the Condominium Declaration recorded January 25, 2001 as Reception No. 643813, and the Amended Condominium Declaration recorded May 29, 2003 as Reception No. 718829, County of Summit, State of Colorado, and more specifically described as Unit 205 of the Dillon Tech Center condominium building located on Lot J, Block A, New Town of Dillon subdivision, Dillon, Colorado; and

WHEREAS, the Planning and Zoning Commission of the Town of Dillon (“**Planning Commission**”) has received a Level IV Development Application from Sobotka, L.L.C. (the “**Applicants**”) for a Class S-3 subdivision condominium map amendment, Dillon Tech Center, Unit 205 (“**Application**”), for the purposes of dividing the condominium unit into two separate condominium units; and

WHEREAS, the Planning Commission has determined that the Application is complete; and

WHEREAS, following the required notice, a public hearing on the Application was held on June 6th, 2018, before the Planning Commission; and

WHEREAS, following the public hearing the Planning Commission has made certain findings of fact regarding the Application and has determined that certain conditions which are reasonable and necessary to and relate to impacts created by the development should attach to the approval of the Application for the Class S-3 subdivision condominium map amendment of Unit 205, Dillon Tech Center Condominiums, Second Amendment, Lot J, Block A, Dillon, Colorado.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, AS FOLLOWS:

Section 1. That the Planning Commission, following the required notice, held a public hearing on June 6th, 2018 on the Application, and following said public hearing makes the following findings of fact:

- A. That the Application is complete.
- B. That the Application meets the applicable Town of Dillon Municipal Code (“Code”) requirements.
- C. That the Application is compatible with the Core Area Zoning District and is compatible with surrounding uses.
- D. That the subdivision of Unit 205 returns the condominium configuration to the original Dillon Tech Center Condominiums Condominium Map condition.
- E. That the Application is in general compliance with the Town of Dillon Comprehensive Plan.
- F. That the Application provides a new condominium map amendment, as shown on the map titled “Condominium Map Dillon Tech Center, Third Amendment” dated 02/14/2018 and prepared by Gore Range Surveying, LLC.

Section 2. That the Planning Commission hereby recommends to the Town Council of the Town of Dillon the approval of the Application for the purposes of creating two separate condominium units, to be called Units 205 and 207, Dillon Tech Center as shown on the map titled “Condominium Map Dillon Tech Center, Third Amendment” Dillon, Colorado with the following conditions:

- A. The “Condominium Map Dillon Tech Center, Third Amendment” shall be recorded with Summit County.
- B. A copy of the recoded “Condominium Map Dillon Tech Center, Third Amendment” recorded with Summit County shall be filed with the Town of Dillon.
- C. The associated renovation and remodeling work for the construction of the condominium unit demising wall shall be done under a Development Permit with the Town of Dillon and a Building Permit with the Summit County Building Inspection Department.

APPROVED AND ADOPTED THIS 6th DAY OF JUNE 2018 BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO.

PLANNING AND ZONING COMMISSION,

TOWN OF DILLON

By: _____
_____, Chairperson

ATTEST:

By: _____
Corrie Woloshan, Secretary to the Commission

**PLANNING AND ZONING COMMISSION ACTION ITEM
STAFF SUMMARY
JUNE 6, 2018 PLANNING AND ZONING COMMISSION MEETING**

DATE: June 1, 2018

AGENDA ITEM NUMBER: 6

ACTION TO BE CONSIDERED:

Consideration of Resolution No. PZ 09-18, Series of 2018.

SUMMARY:

The applicant owns one condo unit #205 in the Dillon Tech Center building located at 114 Village Place. Unit #205 was previously two units in the Dillon Tech Center Building, and at some point the common wall was removed.

The applicant is interested in re-establishing the common wall and subdividing the unit into two separate units (#205 and #207) such that one of the units may be potentially sold as separate property.

Please find attached the condo plat for re-establishing the common wall between the two units. This proposal has been reviewed and approved by the building property owner's association.

Town staff has no issue with the application.

PUBLIC NOTICE:

The Town properly noticed the public hearing in the newspaper, sent out a mailing to properties within 300' and posted the site within the 7-14 day required notice period.

ZONING:

The proposed lots are located within the Core Area (CA) Zone District.

COMPLIANCE WITH DILLON COMPREHENSIVE PLAN:

This replat is in conformance with the goals of the Town of Dillon Comprehensive Plan.

ACTION REQUESTED: Motion, Second, Roll Call Vote.

Resolutions require the affirmative vote of a majority of the members present.

STAFF MEMBER RESPONSIBLE: Dan Burroughs, Town of Dillon

CONDOMINIUM MAP DILLON TECH CENTER, THIRD AMENDMENT CITY OF DILLON, COUNTY OF SUMMIT, STATE OF COLORADO

Owner's Certificate

Know all persons by these presents:
That Sobotka, L.L.C., a Colorado limited liability company, being sole owner of the following real property:

Unit 205, Dillon Tech Center, per the Condominium Map thereof recorded October 1, 2004 as Reception No. 770663, Town of Dillon, County of Summit, State of Colorado.

Have laid out, platted and subdivided the same into condominium units shown on this condominium map under the name and style of

"Dillon Tech Center, Third Amendment"

and by these presents, do hereby set apart and dedicate to the perpetual use of the public all of the streets, alleys and other public ways and places as shown hereon and hereby dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

IN WITNESS WHEREOF, Sobotka, L.L.C., a Colorado limited liability company, has caused their name to be hereunto subscribed this _____ day of _____, A.D., 2018.

Owner: Sobotka, L.L.C.
a Colorado limited liability company Address: PO Box 1671
Dillon, CO 80435

By: _____
Title: _____

STATE OF _____)
COUNTY OF _____)SS

The foregoing Certificate of Dedication and Ownership was acknowledged before me this _____ day of _____, A.D., 2018, by _____ as _____ of Sobotka, L.L.C., a Colorado limited liability company.

My Commission expires: _____

Witness my hand and official seal.

Notary Public

Title Company Certificate

Stewart Title Guaranty Company does hereby certify that we have examined the title to all lands shown hereon and all lands herein dedicated by virtue of this plat and title to such lands is in the dedicatory free and clear of all liens, taxes and encumbrances, except as follows:

Dated this _____ day of _____, A.D., 2018.

Agent

Dillon Town Council Certificate

Approved this _____ day of _____, A.D., 2018, Town Council Dillon, Colorado. This approval does not guarantee that the size of soil or flooding conditions of any lot shown hereon are such that a building permit may be issued. This approval is with the understanding that all expenses involving necessary improvements for all utility services, paving, grading, landscaping, curbs, gutters, streetlights, street signs and sidewalks shall be financed by others and not the Town of Dillon.

ATTEST
Town Clerk _____ Mayor _____

Dillon Planning and Zoning Commission Certificate

Approved this _____ day of _____, A.D., 2018, Town Planning and Zoning Commission, Dillon, Colorado.

By: _____
Chairman

Surveyor's Certificate

I, Samuel H. Ecker, being a Professional Land Surveyor in the State of Colorado, do hereby certify that this Condominium Map of Dillon Tech Center, Third Amendment, fully and accurately depicts the improvements, including the condominium units and the common ownership areas, and identifies location, layout, dimension, and horizontal and vertical boundaries; that such map was prepared subsequent to substantial completion of the improvements; and that such map complies with, and contains all the information required by C.R.S. s38-33.3-209 and all other statutes and regulations applicable to maps of condominium common interest subdivision.

In Witness Whereof, I have set my hand and seal this 29th day of March, A.D., 2018.

Samuel H. Ecker
Colorado P.L.S. No. 30091



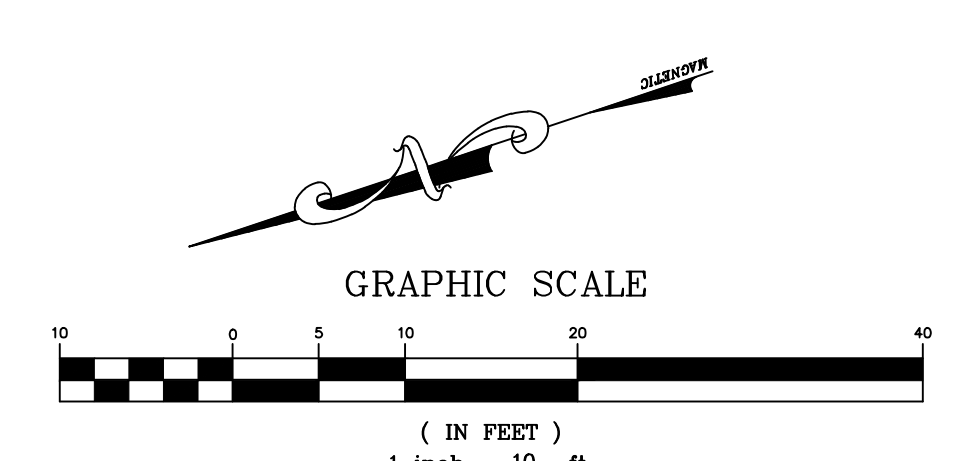
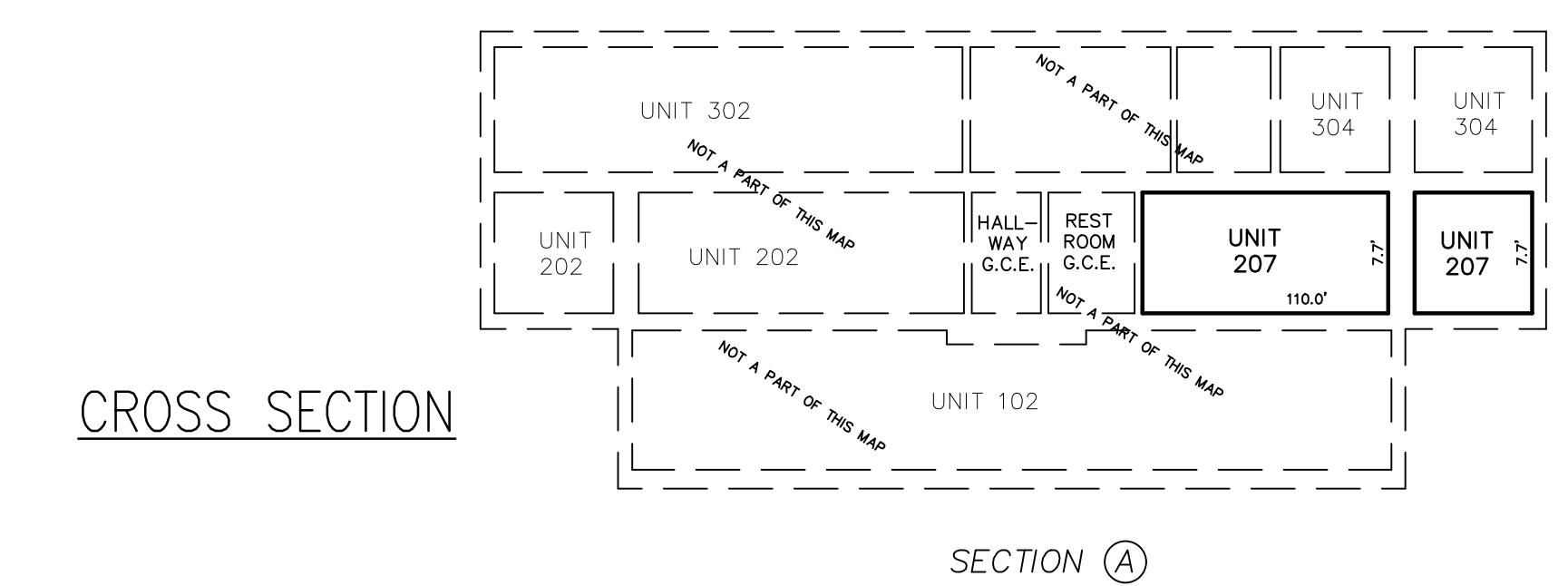
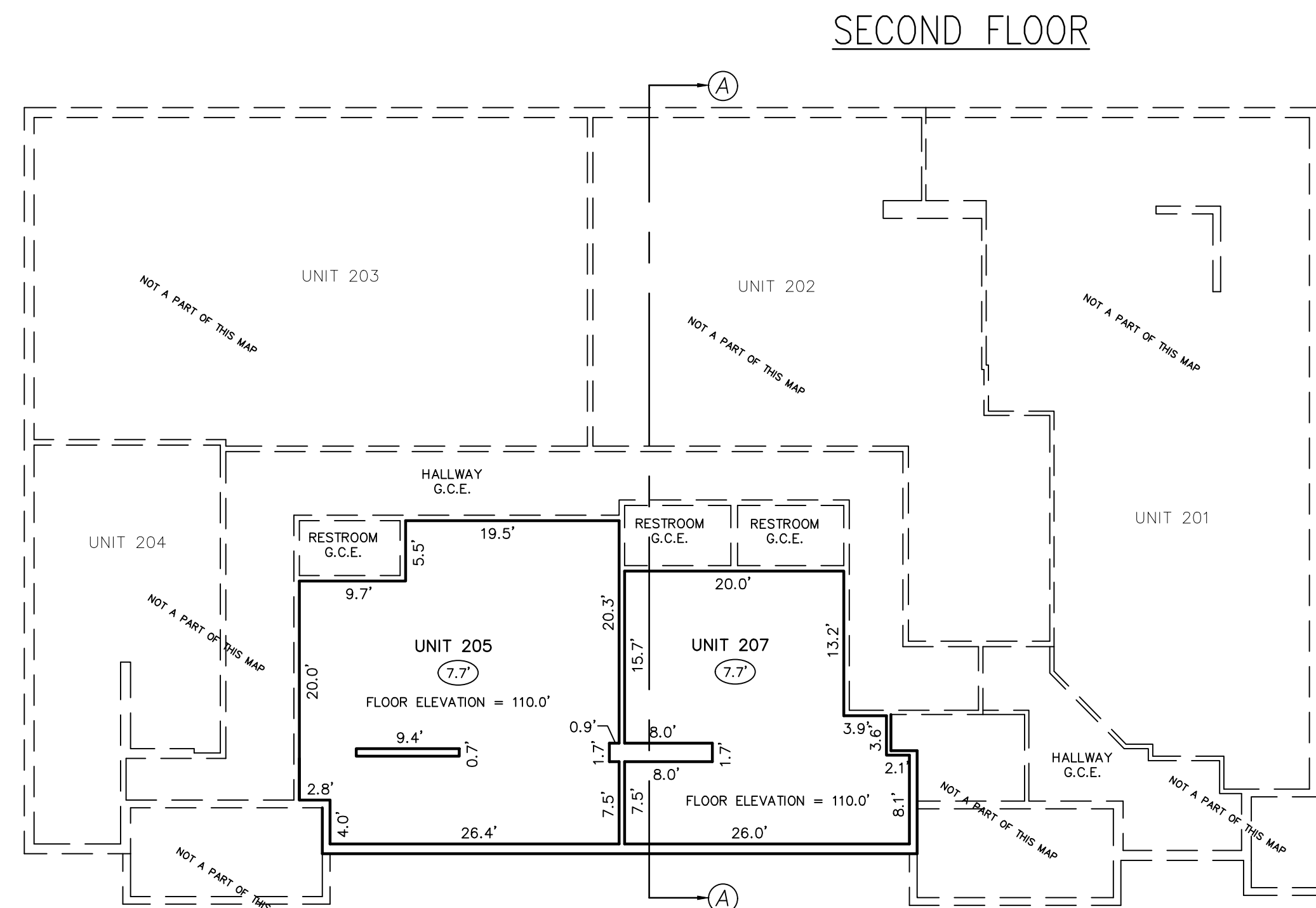
GENERAL NOTES:

- DATE OF SURVEY: FEBRUARY, 2018.
- BASIS OF ELEVATIONS: SECOND FLOOR LEVEL OF DILLON TECH CENTER; ASSUMED ELEV. = 110.0'
- THE SOLE PURPOSE OF THIS CONDOMINIUM MAP IS TO SUBDIVIDE SAID UNIT 205 INTO UNITS 205 AND 207. ALL OTHER PORTIONS OF DILLON TECH CENTER SHALL REMAIN IN FULL FORCE AND EFFECT AND ARE NOT A PART OF THIS MAP.
- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.
- LINEAL UNITS INDICATED HEREIN ARE IN U.S. SURVEY FEET.
- DILLON TECH CENTER IS SUBJECT TO:
- DILLON PROTECTIVE COVENANTS RECORDED SEPTEMBER 20, 1960 IN BOOK 155 AT PAGE 307 AS RECEPTION NO. 92376 AND ANY AND ALL AMENDMENTS THERETO.
- ALL MATTERS SHOWN ON THE PLAT OF NEW TOWN OF DILLON RECORDED MARCH 19, 1962, AS RECEPTION NO. 94749.
- RESERVATION SET FORTH IN THE DEED RECORDED JANUARY 26, 1960 IN BOOK 190 AT PAGE 17 AS RECEPTION NO. 108616 . AGREEMENT RECORDED JULY 20, 1971 IN BOOK 208 AT PAGE 552 AS RECEPTION NO. 121386.
- UTILITY EASEMENT RECORDED JANUARY 31, 1978 AS RECEPTION NO. 172956.
- UTILITY EASEMENT RECORDED JANUARY 31, 1978 AS RECEPTION NO. 172956.
- ALL MATTERS SHOWN ON THE PLATS OF A RESUBDIVISION OF BLOCK A NEW TOWN OF DILLON RECORDED: SEPTEMBER 26, 1962 AS RECEPTION NO. 96129 ; RECORDED MARCH 10, 1964 AS RECEPTION NO. 97707 ; RECORDED NOVEMBER 1, 1965 AS RECEPTION NO. 103447 AND RECORDED AUGUST 29, 1967 AS RECEPTION NO. 107618.
- ENCROACHMENT LICENSE AGREEMENT RECORDED NOVEMBER 8, 2000 AS RECEPTION NO. 637516 AND ALL MATTERS AS SHOWN ON THE EXHIBITS A-1, A-2 AND A-3 ATTACHED THERETO.
- TOWN OF DILLON DEVELOPMENT PERMIT RECORDED NOVEMBER 6, 2005 AS RECEPTION NO. 637517.
- CONDOMINIUM DECLARATION FOR DILLON TECH CENTER CONDOMINIUMS RECORDED JANUARY 25, 2001 AS RECEPTION NO. 643813 AND AMENDED CONDOMINIUM DECLARATION FOR DILLON TECH CENTER CONDOMINIUMS RECORDED MAY 29, 2003 AS RECEPTION NO. 718829 AND ANY AND ALL AMENDMENTS THERETO.
- ALL MATTERS SHOWN ON THE CONDOMINIUM MAP RECORDED JANUARY 25, 2001 AS RECEPTION NO. 643812 AND ON THE FIRST AMENDMENT MAP RECORDED MAY 29, 2003 AS RECEPTION NO. 718830.
- ALL MATTERS SHOWN ON THE CONDOMINIUM MAP FOR DILLON TECH CENTER, SECOND AMENDMENT RECORDED OCTOBER 1, 2004 AS RECEPTION NO. 770663.

Clerk and Recorder's Certificate

I hereby certify that this instrument was filed in my office at _____ o'clock _____, on this _____ day of _____, A.D., 2018 and filed under Reception Number _____.

Summit County Clerk and Recorder



DRAWN BY:	SE	DATE:	2/14/2018
CHECKED BY:	SE	DRAWING NO.	03-07Bcondos3
JOB NO.:	03-07B	SHEET	1 OF 1

DILLON TECH CENTER

Board of Directors Meeting

March 27, 2018

Board	Jeff Auth	Auth Chiropractic	Units 201/202
	Tom Dabrowsky	BIT Dental	Unit 205
	Godec/Gregory	Dillon Properties	Units 101/102

A meeting via email was held.

Authorization to Separate Unit 205. Tom Dabrowsky, Unit 205 owner, requested the Dillon Tech Center Condominiums allow him to split his Unit 205 into two separate units as allowed under Section 3 of the Declaration of the Association. As part of the process required, a 3rd amendment of the Map of the Dillon Tech Center would be prepared by Dabrowsky reflecting the new configuration. *A motion was approved to allow the separation of Unit 205 in the Dillon Tech Center subject to following all requirements of Section 3 of the Declaration with all costs paid for by the Unit 205 owner. (Godec-Gregory/Auth,2-0-1).* Board member Tom Dabrowsky abstained from the vote due to a conflict of interest.

It was indicated in the email conversation that other owners in the Dillon Tech Center had been contacted regarding the Unit 205 separation and no objections were raised. Per the Bylaws of the Association the Board is authorized to approve the request.

No other action was considered in the email meeting and the meeting was adjourned.

SOBOTKA, LLC

Tom & Beatrice Dabrowsky
PO BOX 1671
Dillon, CO 80435
Tel. 719-231-8900
bit@vail.net

May 8, 2018

Town Manager of the Town of Dillon
P.O. Box 8
275 Lake Dillon Dr.
Dillon, CO 80435

Dear Sir/Madam,

I'm enclosing this letter as a brief description of the project and reason for application for class S-3 subdivision of the unit 205 in Dillon Tech Building ("DTC") located at 114 Village Place.

Existing unit 205 was design as two separate units but with the DTC second amendment issued on 07/26/2004 was combined into one (Summit County Schedule # 6511796), prior to us purchasing the space.

Now with a physical division of the space into two separate units, with one of them designated for commercial rental, we would like to also have a option to sell that space to a possible future buyer.

Application therefore is to legally obtain two separate Summit County Schedule numbers following Proper permit procedure for S-3 subdivision with the Town of Dillon.

Both me and my wife are owners of SOBOTKA, LLC that owns the unit 205 in DTC.

We are also owners of BIT Dental Studio, Inc that is currently occupying the space and will continue its business in part of divided space designated as unit 205 on the proposed condominium map for DTC third amendment.

The new unit was proposed to have designation of unit 207, as discussed with the current owners and the Board of Directors of the DTC.

Physically we are constructing two internal walls (4 x 7,5 and 8 x 7,5 ft) as a continuation of existing dividing wall.

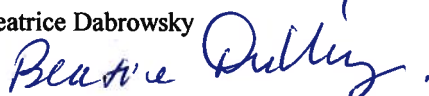
There is minor electrical work but no other utility, structural reengineering of existing structures, changes to existing easements or any change to existing common elements in the building.

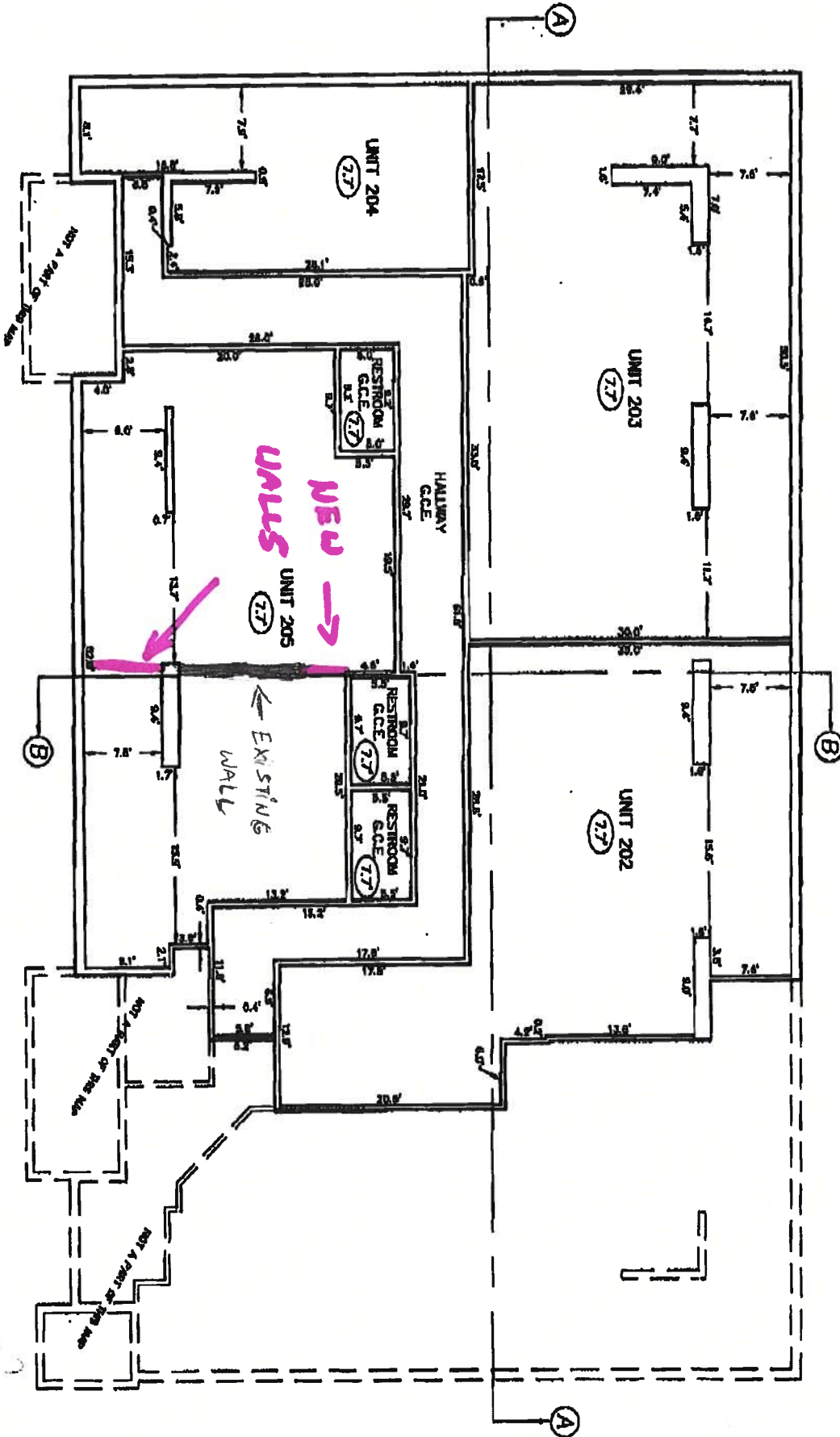
There are no changes to the existing documents in the Declaration of the condominium Association..

Our request to divide the space was approved by current owners in the building and with the addition of the new unit the updated condominium map and third amendment will be added to the Declaration..

Please find enclosed minutes from the Board of Directors Meeting from March 27, 2018.

Sincerely, 

Tom and Beatrice Dabrowsky




SECOND FLOOR

11/18/04 6:20 PM

SECOND FLOOR

