

RESOLUTION NO. PZ 12-18
Series of 2018

A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL III DEVELOPMENT APPLICATION FOR A CONDITIONAL USE PERMIT FOR AN ACCESSORY APARTMENT AT 435 E. LA BONTE STREET, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Planning and Zoning Commission of the Town of Dillon has received a Level III Development Application for a Conditional Use Permit for an Accessory Apartment at 435 E. La Bonte Street, Lot 1B, Block M, New Town of Dillon, Dillon, Colorado; and

WHEREAS, following the required notice, a public hearing was held on August 1st, 2018, before the Planning and Zoning Commission of the Town of Dillon on a Conditional Use Permit for an Accessory Apartment at 435 E. La Bonte Street, Lot 1B, Block M, New Town of Dillon, Dillon, Colorado; and

WHEREAS, following the public hearing the Planning and Zoning Commission of the Town of Dillon has made certain findings of fact regarding a Conditional Use Permit for an Accessory Apartment at 435 E. La Bonte Street, Lot 1B, Block M, New Town of Dillon, Dillon, Colorado; and

WHEREAS, the Planning and Zoning Commission of the Town of Dillon has determined that certain conditions which are reasonable and necessary to and relate to impacts created by the proposed development should attach to the approval of the application for the Level III Conditional Use Permit.

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

Section 1. That the Planning and Zoning Commission of the Town of Dillon, following the required notice, held a public hearing on August 1st, 2018, on the application for a conditional use permit for an Accessory Apartment at 435 E. La Bonte Street, Dillon, Colorado, and following said public hearing makes the following findings of fact:

A. That the application for the Conditional Use Permit for an Accessory Apartment is complete.

B. That the proposed Level III Development Application for a Conditional Use Permit for an Accessory Apartment complies with the specific requirements of Section 16-

5-220 “Conditional use criteria” of the Town of Dillon Municipal Code, as detailed as follows:

1. The use is listed as an allowed conditional use within the zone, or is otherwise identified as a conditional use and is consistent with the intent and purpose of the Comprehensive Plan and applicable zoning district.

The site is zoned Residential Low (RL), an Accessory Apartment is allowed in the Residential Low (RL) zoning district so long as certain provisions of the Dillon Municipal Code are met. The Accessory Apartment is consistent with the existing residential uses in this developed neighborhood, and Accessory Apartments exist in nearby properties.

2. The parcel is suitable for the proposed conditional use, considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features.

The proposed Accessory Apartment to be constructed above the existing garage with a proposed addition for stair access is suitable for the parcel. The size, shape, location, topography, soils, slope stability, drainage, and natural features are not anticipated to be affected by the proposed garage and Accessory Apartment project.

3. The proposed conditional use will not have significant adverse impacts on the air or water quality of the community.

The existing site is developed with appropriate drainage and vegetation, and any areas disturbed during the project are to be re-vegetated to ensure soil stability and thus the protection of air and water quality. No potential air quality concerns with the proposed Accessory Apartment use on this property were identified.

4. The proposed conditional use will not substantially limit, impair or preclude the use of surrounding properties for the uses permitted in the applicable zoning district.

The existing developed site is adjacent to existing residences. The proposed garage addition to create the Accessory Apartment above the existing garage will not substantially limit or impair the existing uses on the surrounding properties.

5. Adequate public utilities and services are available or will be made available to the site prior to the establishment of the conditional use.

The existing site is already served by gas, electric, water, and sanitary sewer facilities. The project requires the assessment of additional water and sewer tap fees.

Section 2. That the proposed Level III Development Application for a Conditional Use Permit for an Accessory Apartment complies with the specific requirements of Section 16-4-40 “Accessory Apartments and secondary units” of the Town of Dillon Municipal Code, as detailed as follows:

A secondary residential unit or Accessory Apartment may be permitted in the RE, RL, RM and RH zones in a single-family residence, subject to the following provisions:

1. The Planning and Zoning Commission shall review and approve, under the Level III process, a site plan showing the location of the unit.

The applicant has applied for a Level III Development Permit for the proposed project. The application includes a site plan indicating the proposed location of the addition to the garage with the 1-bedroom, 1-bathroom Accessory Apartment above accessed by an interior stairwell addition proposed with the project.

2. The property owner shall pay all required water and sewer tap fees.

The property owner shall pay an additional 0.65 EQR water and sewer tap fee associated with the Accessory Apartment. The fee shall be paid in full prior to issuance of the building permit.

3. The unit shall meet all building code requirements.

Once approved by the Town, the plans will be submitted to the Summit County Building Inspection Department for their review, approval, Building Permit issuance, and inspections.

4. Two (2) parking spaces shall be provided per unit, and such parking area shall be landscaped to buffer parking from neighboring properties.

Two parking spaces for the Accessory Apartment are provided as part of the application. The parcel is currently landscaped, and the proposed additional parking spaces are buffered from adjoining properties.

5. The habitable portion of the Accessory Apartment is not greater than nine hundred (900) square feet in size, nor is it more than one-third ($\frac{1}{3}$) the size of the heated living area of the primary residential unit.

The habitable portion of the Accessory Apartment is approximately 557 square feet of the overall heated portion of the residence which is approximately 2,074 square feet. This sub-section is satisfied with the application.

6. A restrictive covenant is filed stating the unit will not be subdivided into a separate ownership unit from the primary unit.

The property owner shall execute the restrictive covenant to not subdivide into separate ownership, and must file said restrictive covenant as a condition of approval of this Resolution.

7. The unit is deed restricted against utilization as a short-term rental, which means it may not be rented for periods of time of less than six (6) months.

The property owner shall execute the deed restriction preventing the short term rental of the property and must file said deed restriction as a condition of approval of this Resolution.

8. The unit design is compatible with the neighborhood and the principal structure.

The design melds the existing log cabin style architecture with mountain architectural style. Complimentary elements are on both the existing and proposed portions of the residence. Architecture elements of the design are compatible with the neighborhood.

9. The unit may be a separate building from the primary structure, when placed above a freestanding garage, or on lots greater than one (1) acre.

The Accessory Apartment will be constructed above the existing freestanding garage; therefore, this sub-section criteria is met.

Section 3. That the Planning and Zoning Commission of the Town of Dillon does hereby approve a conditional use permit for an Accessory Apartment at 435 E. La Bonte Street, Dillon, Colorado with the following conditions:

1. The applicant shall obtain a Grading and Excavation Permit with the Town prior to performing any site disturbing activity.

2. The proposed new foundations for the stairwell addition on the garage and the exterior stair and deck footings shall be surveyed by a Colorado Licensed Surveyor and an Improvement Location Certificate plat provided to the Town prior to Building Permit finalization. The following information is to be provided: location of the foundation showing adherence to the setbacks, and providing a building height certification meeting the maximum building height limit.

3. The applicant shall landscape or re-vegetate all disturbed areas with suitable landscaping or by planting a native grass seed or turf grass seed mix, ensure growth through watering or irrigation, and maintain a vegetative ground cover.

4. The applicant shall pay the required water and sewer EQR / tap fees.

5. The applicant shall pay all applicable Impact Fees.

6. The applicant shall file with the Town the required restrictive covenant preventing subdividing into separate ownership.

7. The applicant shall file with the Town a deed restriction that prevents short term rentals of the Accessory Apartment.

8. The applicant shall verify the functionality of the water service curbstop valve. The curbstop water service valve shall be observed and documented as functional by the Dillon Water Department. It is the owner's responsibility to maintain the curbstop valve in an operational condition in accordance with the Dillon Municipal Code.

9. The driveway surface between the detached garage and the edge of pavement on Tenderfoot Street shall be paved with asphalt or concrete.

APPROVED AND ADOPTED THIS 1st DAY OF AUGUST, 2018 BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO.

**PLANNING AND ZONING COMMISSION,
TOWN OF DILLON**

By: _____
Teresa England, Chairperson

ATTEST:

By: _____
Corrie Woloshan, Secretary to the Commission