

**ORDINANCE NO. 08 - 18**  
**Series of 2018**

**AN ORDINANCE ADOPTING AND APPROVING A PUD  
DEVELOPMENT PLAN FOR DILLON URGENT CARE AND  
RESIDENCES**

**WHEREAS**, there has been submitted to the Town Council a request for approval of a PUD development plan titled “Dillon Urgent Care and Residences,” a Level IV development as defined in Dillon Municipal Code (“DMC”) Section 16-1-50; and

**WHEREAS**, all materials related to the Dillon Urgent Care and Residences 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 Dillon Urgent Care and Residences 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 Dillon Urgent Care and Residences 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 and as set forth 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, 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.

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 the site plan and right-of-way improvements, streetscaping, utility service locations and utility infrastructure improvements.

C. Additional minor changes that do not change the character or intent of the Planned Unit Development as approved by this ordinance.

D. Confirmation that the final mechanical design conceals rooftop mechanical installations per Town of Dillon standards.

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

**INTRODUCED, READ AND ORDERED PUBLISHED BY TITLE ONLY ON THE 18<sup>th</sup> DAY OF SEPTEMBER 2018.**

**PASSED, ADOPTED AND APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS 2<sup>ND</sup> DAY OF OCTOBER, 2018.**

**TOWN OF DILLON,**  
a Colorado municipal corporation

By: \_\_\_\_\_  
Carolyn Skowyra, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Jo-Anne Tyson, MMC, Town Clerk

**EXHIBIT A**  
**(Legal Description)**

Lot 45R, Ptarmigan Trail Estates, Unit 1, as recorded with the Summit County Clerk & Recorder on August 19, 2004 at Reception No. 765161, Town of Dillon, County of Summit, State of Colorado

**EXHIBIT B**  
**Dillon Urgent Care and Residences PUD Development Plan**  
**Conditions of Approval**

1. The PUD Development Plan shall be updated once all conditions have been met prior to issuance of a building permit.
2. The Applicant shall enter into a development agreement with the Town of Dillon prior to issuance of a building permit.
3. Final architectural floorplans and elevations, architectural materials board, site plans, landscape plans and building configuration shall be submitted and reviewed by Town staff and the Town's architectural consultant for conformance with the Town of Dillon's architectural standards. The Applicant will be required to pay for the cost of the additional architectural review. After the review, the final architecture, floor plans, and architectural materials board for the building shall be approved by the Planning Commission at an additional public hearing to be set at some undetermined date in the future.
4. Prior to issuance of a building permit, the Applicant shall enter into a restrictive housing covenant with the Town of Dillon to provide three (3) apartment units that shall be dedicated Workforce Housing units in perpetuity. The units shall be first offered to employees of the commercial component of the PUD Development Plan; second to full time Town of Dillon residents working a minimum of thirty (30) hours per week in the Town of Dillon; and third to full time residents of Summit County working a minimum of thirty (30) hours per week in Summit County. These apartment units shall never be sold as condominium units.
5. Prior to issuance of a certificate of occupancy, the Applicant shall submit an additional Level IV Development Application for approval of a condominium map to delineate the commercial and residential units and the common areas of the building. The condominium documents shall specifically state that parking spaces shall not be used for storage. The condominium map shall also specifically identify which five (5) of the outside parking spaces will be dedicated to the residential units and signed accordingly.
6. The Applicant shall relocate the sanitary sewer main running through the middle of the property to the northeastern property line as shown on the plans. All costs associated with the design and construction of the sewer main shall be the Applicant's responsibility. The Applicant shall dedicate a new 20' Utility Easement to the Town of Dillon for the relocated sewer main as shown on the plans.
7. The Applicant shall submit an easement vacation application to the Town of Dillon for approval of the vacation of the existing 10' wide utility line running through the middle of the site prior to construction of the building after the existing Town of Dillon Sanitary Sewer main is relocated to the new location and accepted by the Town, and the new corresponding 20' utility easement is dedicated to the Town and recorded at Summit County Clerk & Recorder's office.
8. Prior to issuance of a building permit, the Applicant shall enter into a right-of-way improvement agreement with the Town of Dillon in order to build the new sanitary sewer, water

main, storm sewer, concrete sidewalk and curb & gutter improvements within the W. Anemone Trail Right-of-Way. The agreement will require the Applicant to provide a letter of credit in the amount of 120% of the estimated cost of construction of these improvements.