

**TOWN OF DILLON  
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING  
WEDNESDAY, October 3, 2018  
5:30 p.m.  
Town Hall**

**CALL TO ORDER**

The regular meeting of the Planning and Zoning Commission of the Town of Dillon, Colorado, was held on Wednesday, October 3, 2018, at Dillon Town Hall. Chairperson Teresa England called the meeting to order at 5:32 p.m. Commissioners present were: Teresa England, Joshua Ryks, and Steve Milroy. Commissioners Derek Woodman and Alison Johnston were absent. Staff members present were Dan Burroughs, Town Engineer; Ned West, Town Planner; Scott O'Brien, Public Works Director; and Corrie Woloshan, Recording Secretary. Nicolas Cotton-Baez, Town Attorney arrived at 5:56p.m. due to traffic delays on I-70.

**APPROVAL OF THE MINUTES OF SEPTEMBER 5, 2018 REGULAR MEETING**

Commissioner Joshua Ryks moved to approve the minutes from the September 5, 2018 regular meeting. Commissioner Steve Milroy seconded the motion which passed unanimously.

**PUBLIC COMMENTS**

There were no public comments.

**CONSIDERATION OF RESOLUTION PZ 15-18, 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 OF LOT 17R-2, PTARMIGAN TRAIL ESTATES, UNIT 1, DILLON, COLORADO ADOPTING A CONDOMINIUM MAP; AND, SETTING FORTH DETAILS IN RELATION THERETO.

**CONTINUED PUBLIC HEARING:**

Dan Burroughs Town Engineer explained, this is a continuation of the hearing from the last meeting. We're basically just picking it up. Whatever you want to hear from staff or from the applicant we can go through. It's more of a question and answer period. I have some new information I can give you from the Town. Chairperson Teresa England asked the Town to make a presentation and if there was anyone who wanted to speak for public comments. Dan Burroughs Town Engineer noted, it's a continuation, the public hearing is still open. So everything heard at the last meeting will apply. All three commissioners acknowledged they were in attendance at the September 5, 2018 Planning and Zoning Commission meeting. Dan continued with a brief overview of the PZ15-18 application.

Susan Ivey representing Dillon Ridge Southwest LLC explained, Dillon Ridge owns the improvements on both of these lots. Alpine Bank owns the land. Dillon Ridge wants to make condos out of the mixed-use building. Have a ground lease. Working on a purchase agreement. Waiting for appraisal to make that happen Dan Burroughs Town Engineer said, working with attorneys. When this gets recorded Dillon Ridge Southwest LLC will own this property and all of the condos. There might still be a mortgage certificate but they're working through all of that. The problem that Alpine Bank has is because of the financial discord 10

years ago. There are stringent rules and they just can't sell the property, they have to get permission from some government entity to divest themselves. That ownership piece is a little complicated but at the end of the day Town Staff will make sure Dillon Ridge Southwest LLC owns both pieces. You'll see here they're the only signatory.

Dan Burroughs Town Engineer read email received September 7, 2018 from Kathleen Kelly, Town Attorney into the record:

To follow-up our phone call this afternoon, Section 17-1-50 of the Dillon Municipal Code defines an S-3 Subdivision to include a subdivision of a structure into separate units of interest, including condominiums. Under Division 3 of Title 17 of the Code, which addresses S-3 Subdivisions, the purpose of the Town's review and approval process is stated as follows: "To determine compliance with the policies established within this Chapter [the Town's subdivision ordinances] and other applicable Town ordinances and codes." DMC § 17-2-220(b).

The key is the Town's review and approval is based on its land use code (and any other Town ordinances that may be applicable), not any state law requirements regarding condominium interests. The Town's subdivision approval is only a part of the process the applicant must undertake to create legally conveyable condominiums, and review of legal requirements not related to the Town's land use code is beyond the scope of Town review and approval.

Basically, Teresa you had brought up a bunch of issues with condo declarations and other associated items that it's the applicants responsibility to conform to state law. To make sure all that meshes with the condo map. When we split the property we made sure it met all the Planning and Zoning regulations of the Town. We checked the setbacks, we checked the area coverage to make sure there wasn't a problem with that. Chairperson Teresa England asked, it's a class 3 subdivision. In our last hearing you said the application was complete. But did we receive as required a preliminary copy of all proposed covenants, HOA documents, bylaws, articles of incorporation, and it goes on to say all common elements and their usage shall be defined and identified in the covenants and declarations. That's one of the requirements of a full application from chapter 17 in the town code. Dan Burroughs Town Engineer replied, I'd have to verify that. I can't recall. I do believe I did get that. I can verify that. It's not something we'd have the commission review. It's distracting for one. In fact, we did get those because I sent them to Kathleen Kelly the Town Attorney and asked if we had to include those. The bottom line is, she told me it's not something the Planning and Zoning Commission needs to review. Bottom line is, I asked Kathleen based on our last meeting and she said the plat is what you're supposed to review. There's nothing in the land development code that has criteria you can judge the condo declarations are correct. Chairperson Teresa England commented, the real issue is, nothing outside the building is identified as a general common element. All of the real estate will be owned undivided. Dan Burroughs Town Engineer pointed out where common elements were identified by small CE, GCE, CLCE and RLCE on the map. So they're in compliance with that. Chairperson Teresa England continued, It would be helpful if we could have a larger site plan in the future so we could see this. It works. I see that now that you point it out to me. I appreciate that. Dan Burroughs Town Engineer commented, they put a lot of thought into what's what. Chairperson Teresa England asked, are you comfortable that the 10 parking spots aren't identified as a limited common element for the benefit of the owners of the residential units? Dan Burroughs Town Engineer replied, we'd put a condition on the approval of the resolution that before the Town signs the plat they'd have to identify which 10 belong to the residential and conform to Town code. That's something they'd have to do before we sign off on the plat. I think it's in the resolution. In this case it's on page 2 Section 2. Chairperson Teresa England stated, you've alleviated my concerns. The only other suggestion is the change I'd like to suggest we make is the change in subpart E that we made in other resolutions, the Town Manager may approve any and all other minor changes.

Teresa closed the public hearing at 5:50 p.m.

Commissioner Joshua Ryks moved to approve Resolution NO. PZ 15-18 Series of 2018 with amendment of subpart 2E:

- The Town Manager may approve any and all additional minor changes’.

Commissioner Steve Milroy seconded the motion, which passed unanimously upon roll call vote.

### **PROJECT UPDATE:**

Dan Burroughs Town Engineer mentioned, I don’t have a whole lot to update you on. Christy Sports started to do their steel today. Chairperson Teresa England added, they took the forms off their foundation and the green containers are gone. Dan Burroughs Town Engineer explained, they’re done dealing with the ground water. Commissioner Steve Milroy mentioned, Adrianno’s is gone. Dan Burroughs Town Engineer said, yes, that’s in motion now. Homewood Suites hasn’t started yet. They’re still working on buying property from the Town. They’re ready to demo the building. They’re all done with storage tanks. Across the street from Adrianno’s you’ll see there’s some fencing on the other property. They worked a deal with the owner of that property to put up a construction fence and to put the construction trailer on that property. That way the Town didn’t have to sacrifice part of the right-of-way. When we built La Riva Del Lago we closed Main Street for probably 3 to 6 months. That was a nice community benefit to find a property owner who was willing to do that. They intend to do all the crane work from the parking lot on the far side of the property so they won’t have to occupy the right-of-way with the crane. We can rent them the right-of-way for the cranes and construction projects, but that’s the current plan. We’ll see a lot more of that as Town Center progresses they’ll need to borrow Town’s land. In some cases material storage.

Chairperson Teresa England commented, I see they’re starting the 2<sup>nd</sup> story above the garage on the residential change we approved. Dan Burroughs Town Engineer replied, yes on the accessory dwelling. They’re working on the foundation. The apartments over at Dillon Ridge we’ve C.O’d all 3 buildings. He said they were trying to lease them over 3 months so when all the leases came due they didn’t come up over Labor Day.

Commissioner Steve Milroy explained, the meeting yesterday was the Council meeting going over the urgent care we approved. Tomorrow is the community meeting for short term rentals for 1-hour.

Scott O’Brien Public Works Director mentioned, we are scheduled for a joint work session on October 16. That might be rescheduled to November 6. The Town Manager needs to talk to the Mayor. They’re looking to have Portmanteau discuss preliminary ideas regarding core area uses in Dillon. Right now it’s still the 16<sup>th</sup>. If it changes Corrie will send an email letting you know. Right now the agenda was fairly open. If we try to line up on the 6<sup>th</sup> with Portmanteau we’ll have material for that. They’re a consultant that we did an RFP to have somebody talk about what development could look like in our core area using our existing guidelines as the guide in that process. We’ve had one public meeting with them and he has promised to go back and do some conceptual work. And talk about some different alternatives we could look at. It would be good to have that as part of a meeting. Dan Burroughs Town Engineer asked, one of the questions from the Council prior, is there something you would like to discuss that we could let the Town Manager know at that joint work session? Chairperson Teresa England mentioned, I would like to see the report to have more familiarity with it prior to the discussion. Scott O’Brien responded, we’re hoping to get that to you prior to the meeting. We discussed agenda at our last staff meeting and I still don’t have information on that yet. We’re trying to get back with Council and discuss the agenda and what the topics are. We need the information from them. Dan Burroughs Town Engineer added, if there was a hot-button issue that you wanted to discuss we could add that to the agenda. Scott O’Brien Public Works Director said, something both EDAC and PRAC have been interested in is connectivity, the way finding, those types of items. That was a part of the RFP. What can you do to connect all the different pieces of Town so they all relate in a sensible way. Considering multi-mobile alternative. Again those are

hot topics for both EDAC and Parks & Rec. We also heard some comments from our last meeting from the public that they're very interested in those connections. Especially the connections between City Market and this side of Town, and getting people safely across the highway. You either go above, or you go below. That was one of the topics from the citizens that we heard. Chairperson Teresa England commented, there's no way to connect the Town to the City Market Shopping Center other than over of under the highway? Dan Burroughs & Scott O'Brien replied, no. Dan Burroughs Town Engineer clarified, there is not a direct connection behind the lots. Scott O'Brien added, originally Lookout Ridge had an upper and a lower entrance. Years ago, after they finished their project too many of us used the connection and they closed the upper entrance and it's emergency access only. There's continuing discussions. I know we've received some comments from Dillon Valley that they're looking to improve the pedestrian pathways in their area. They very much want to have a conversation with Dillon, and Summit County and CDOT to get sidewalks up from the valley to the Evergreen interchange and make those improvements across to us and also down to City Market. Chairperson Teresa England asked, isn't pedestrian access the most concerning. Dan Burroughs Town Engineer mentioned, we built and improved pedestrian access to the Town Center. So we do have the improvement but still people use Highway 6. Scott O'Brien Public Works Director said, people know it's there. It's more, that's a line of site and that's where people go. We provided what we consider a safe alternative. Dan Burroughs Town Engineer added, it's really a Dillon Valley issue. There's a lot of coordination to do. Scott O'Brien Public Works Director said, also with CDOT I've had preliminary discussion with their engineers. There's a lot to work through. Chairperson Teresa England responded, the geography is a little tough. Those are all good subjects. I generally would like to know what the Town Council's vision is for overall Town development. Scott O'Brien Public Works Director said, we're waiting to get more information on what they want.

#### **OTHER BUSINESS:**

Chairperson Teresa England asked, Nick the one question I had earlier was, since the application requirements include receipt of all proposed documents, Dan thinks that came in but it didn't come to us. That would have helped me feel more comfortable with this on the first round if we could take a look at them. Dan Burroughs Town Engineer explained, we excluded them from your packet. There's nothing in the planning code for you to review against a condition for approval. Scott O'Brien Public Works Director clarified, we've hired a consultant to assist us with code review. They're providing us with different things we should consider. We can discuss that with them. Chairperson Teresa England added, I'll give you a copy of what Frisco's code says. I think that portion of our chapter 17 was done back in 2002. Dan Burroughs Town Engineer mentioned, again, our consultants, we met with them last week. They're going to go through the code, and they'll find what's maybe not consistent with the way other communities do things. And also catch some redundancies. Scott O'Brien Public Works Director explained, the other thing is, not only that but the evolutions of codes throughout the state, we all borrow from each other. That's the history of what's been done. Chairperson Teresa England commented, that's true of all legal documents. You start with someone else's and improve from that. Glad to hear that. I think we need a little more attention paid to how these condos are approved and looked at.

Dan Burroughs Town Engineer said, I did read an email earlier between you and Kathleen about you wanting to appoint a vice chair? Commissioner Joshua Ryks stated, we did that. Derek was appointed.

Dan Burroughs Town Engineer commented, as of today I don't think we'll have a November meeting. There haven't been any applications submitted. Ned West Town Planner explained, there is one potential application which would be sign plan for Christy Sports. No formal application has been submitted yet. Dan Burroughs Town Engineer said, we'll let you know by Friday. We'll probably have a December meeting. We'll send you an email Monday letting you know if we'll have a November meeting. Right

now it doesn't look at it. Scott O'Brien Public Works Director said, I'm hoping to know this week if work session is going to change.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 6:12 p.m.

Respectfully submitted,

**Corrie Woloshan**

Corrie Woloshan

Secretary to the Commission