

ORDINANCE NO. 02-19
Series of 2019

**AN ORDINANCE APPROVING A LEVEL IV
DEVELOPMENT APPLICATION FOR A MAJOR AMENDMENT
TO THE DILLON HOMEWOOD SUITES PUD DEVELOPMENT
PLAN.**

WHEREAS, on January 9th, 2019, the Planning and Zoning Commission of the Town of Dillon (“**Planning Commission**”) held a properly noticed public hearing on a Level IV Development Application from Dillon Hotel Associates, LLC (the “**Developer**”) for a Major Amendment to the Dillon Homewood Suites PUD Development Plan (“**Application**”), and following the public hearing, the Planning Commission, by Resolution No. PZ 02-19, recommended the Town Council approve the Application subject to certain conditions; and

WHEREAS, the Town Council has held a properly noticed public hearing on the Application; and

WHEREAS, based on information, testimony and the documents made part of the record at the public hearing, the Town Council desires to approve the Application in essentially the same form as accompanies this Ordinance, subject to certain conditions.

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

Section 1. On February 5th, 2019, the Town Council, following the required notice, held a public hearing, on the Application, and following said public hearing makes the following findings of fact:

- A. That the Application is complete.
- B. That the Application, with conditions as set forth herein, meets the applicable Town of Dillon Municipal Code (“Code”) requirements.
- C. That the Application, with conditions as set forth herein, is compatible with the Commercial Zoning District and is compatible with surrounding uses.
- D. That the Application, with conditions as set forth herein, is in general compliance with the Town of Dillon Comprehensive Plan.

Section 2. The Town Council hereby approves the Application for a Major Amendment to the Dillon Homewood Suites PUD Development Plan with the following conditions:

- A. The PUD Development Plan shall be updated once all conditions have been met and recorded along with the subdivision plat prior to issuance of a Building Permit.
- B. The Applicant shall enter into a Development Agreement with the Town of Dillon prior to issuance of a Building Permit.
- C. The Applicant shall update the legal description and owner information on the PUD Development Plan prior to its recording.
- D. The Applicant shall attach to the Application the final subdivision plat titled A FINAL PLAT OF DILLON HOMEWOOD, A RESUBDIVISION OF LOTS 1, 1A, 1B AND 1C, BLOCK B,” dated 06/04/2018, prepared by Range West Inc. (the “Final Plat”), and adopted by the Town Council by Resolution 40-18, Series of 2018, on June 19th, 2018.
- E. The Applicant shall be required in the Development Agreement to grant utility and fire department access easement(s) to the Town and fire department prior to the issuance of certificates of occupancy for the project.
- F. The Applicant shall execute a right-of-way encroachment agreement with the Town of Dillon for the monument sign located in the Lake Dillon Drive right-of-way, the parking lot encroachment in Lake Dillon Drive Right-of-Way, the roof encroachment into the 40’ Right-of-Way, the roof and column supports encroachment in the Lake Dillon Drive Right-of-Way, and the concrete patio and retaining wall encroachment into the Lake Dillon Drive Right-of-Way.
- G. The Applicant shall submit final site plan, landscape plans, site lighting plans, construction stormwater management plans, civil and right-of-way construction plans, final architectural floorplans and elevations to the Town Engineer for review and approval. The applicant shall address all comments from the Summit Fire & EMS authority prior to submittal of the final drawing set.
- H. The Applicant shall submit a final drainage study and storm sewer construction plans and profiles for the detention pond and drainage conveyances to the Town Engineer for review and approval.
- I. The Applicant shall agree in the Development Agreement to underground the existing overhead powerlines and communications cables along the north side of the property line.
- J. The retaining wall and patio encroachment in the Lake Dillon Drive Right-of-Way shall be designed so that the edge of the improvements is a minimum of 6’ away from the outside edge of the fiber optic duct bank or vault in the Lake Dillon Drive Right-of-Way.

- K. The Applicant shall design and construct a storm sewer collection system between the south parking lot and the existing Type 'R' Inlet at the northwest corner of the Lake Dillon Drive intersection.
- L. The applicant shall connect the drainage from the parking garage ramp to the Storm Sewer System unless the Town Manager approves discharging a portion of this drainage into the sanitary sewer system. Any such request by the Applicant shall be accompanied by a report from a Colorado Registered Professional Engineer regarding the issue for review and approval by the Town Manager.
- M. The Applicant shall obtain Colorado Department of Transportation (CDOT) approval of storm sewer outfall system within the U.S. Highway 6 Right-of-way, and shall provide documentation of such approval to Town Engineer.
- N. The Applicant shall obtain CDOT approval for a temporary construction easement as required to complete the work along the U.S. Highway 6 Right-of-way line.
- O. The Application does not provide adequate snow storage for the site. The Applicant is required to haul off snow from the site as necessary to keep the parking spaces and the driveways open. Pursuant to Section 16-8-100 of the Dillon Municipal Code, the Applicant shall present the Town with a snow removal plan that provides a continuous guarantee of removal of snow from the site. Alternatively, the Applicant may present the Town with a plan for the use of a heated pavement system to eliminate the need for snow removal. Such plan, whether for continuous snow removal or use of a heated pavement system, shall be submitted prior to the execution of, and shall be appended to and incorporated into, the Development Agreement.
- P. The Applicant shall submit to the Town for review and approval a surveyor's Improvement Location Certificate plat (the "ILC") of the cast concrete foundation for the building prior to final foundation inspection by the Summit County Building Inspection Department (the "Building Department").
- Q. The Applicant shall submit to the Town for review and approval a surveyor's Improvement Location Certificate plat (the "ILC") of the framed building height prior to final framing inspection by the Building Department.
- R. The Applicant shall attach to the Application the sign plans approved and adopted by the Town Council on September 18th, 2018, by Resolution No. 49-18, Series of 2018.
- S. The Applicant shall provide to the Town Engineer, upon the completion of the underground utility installations and prior to the Certificate of Occupancy, an As-Built drawing of the underground utilities associated with the Application to include dimensions and details relating to the location of utility system fittings, components, pipe sizes, alignment, and installation locations.

Section 3. The Town Council hereby authorizes the Town Manager to approve minor changes to the Dillon Homewood Suites PUD Development Plan as required to implement the design concept during the final construction drawing phase, including but not limited to changes to the following items:

- 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. Final configuration and dimensions of the outdoor amenity decks.
- D. Additional minor changes that don't change the character or intent of the PUD Development Plan as approved by this Ordinance.
- E. Confirmation that the final mechanical design conceals rooftop mechanical and satellite dishes behind parapets per Town of Dillon standards.

**INTRODUCED, READ AND ORDERED PUBLISHED BY TITLE ONLY
THIS 15th DAY OF JANUARY 2019.**

**APPROVED AND ADOPTED THIS 5TH DAY OF FEBRUARY, 2019 BY
THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO.**

TOWN OF DILLON

a Colorado municipal corporation

By: _____
Carolyn Skowyra, Mayor

ATTEST:

Adrienne Stuckey, Town Clerk