

**RESOLUTION NO. PZ 04-19**  
**Series of 2019**

**A RESOLUTION RECOMMENDING THE APPROVAL OF A  
CONDITIONAL USE AND LEVEL IV DEVELOPMENT APPLICATION  
FOR THE PANERA PUD DEVELOPMENT PLAN; AN AMENDMENT TO  
A PORTION OF THE RIDGE AT DILLON PLANNED UNIT  
DEVELOPMENT.**

**WHEREAS**, the Planning and Zoning Commission of the Town of Dillon (“Planning Commission”) received an application for a Level IV Development Permit from Point at Dillon Ridge Limited, LLLP (“Applicant”) for approval of the Panera PUD Development Plan; An Amendment to a Portion of The Ridge at Dillon Planned Unit Development (“Application”), which would be located on Lot 9-10R (“Site”) of Replat of Lots 9R-1 and 10R-1, A Replat of The Ridge at Dillon (“Replat”), which Replat is being considered by the Planning Commission concurrently with this Application, for purposes of combining Lots 9R-1 and 10R-1 of the Replat of Lots 9R, 10R, and 11R The Ridge at Dillon; and

**WHEREAS**, if approved, the Application would amend a portion of The Ridge at Dillon Planned Unit Development to account for the creation by the Replat of, and to address zoning matters concerning, Lot 9-10R.

**WHEREAS**, the Application proposes the development of a standalone restaurant building on the Site with a Drive-in Facility and associated site amenities, including but not limited to infrastructure, landscaping, pedestrian ways, stormwater detention, vehicular circulation, and parking (the “project”); and

**WHEREAS**, the Town of Dillon Municipal Code (“Town Code”) defines a Drive-in Facility as “any use which conducts a portion of its business with person remaining in their automobiles”; and

**WHEREAS**, the Town Code requires a Conditional Use approval for a Drive-in Facility as set forth in Section 16-3-160(3)(d) the Town Code subject to satisfying the criteria established in the Town Code; and

**WHEREAS**, except as amended by the Application, The Ridge at Dillon Planned Unit Development, as previously amended, would remain in full force and effect; and

**WHEREAS**, the Planning Commission has determined that the Application is complete and adheres to applicable Town Code requirements; and

**WHEREAS**, following the required notice, a public hearing on the Application was held on March 6<sup>th</sup>, 2019, 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 recommendation for approval of the Application; and

**WHEREAS**, based on the advice of Town Staff and the documents made part of the record of the public hearing, the Planning Commission recommends that the Application and Conditional Use be approved in essentially the same form as accompanies this Resolution.

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

Section 1. The Planning Commission, following the required notice, held a public hearing on March 6, 2019 on the Application, and following said public hearing makes the following findings of fact:

- A. That the Application is complete.
- B. That the Application is compatible with the Mixed Use and Commercial Zoning Districts and is compatible with surrounding uses.
- C. That the Application is in general compliance with the Town of Dillon Comprehensive Plan.
- D. The application satisfies the criteria established for a Conditional Use approval for a Drive-in Facility as set forth in the Town Code.
- E. That a Conditional Use to allow a drive through use on the property is compatible with surrounding uses and satisfies the criteria established in the Dillon Municipal Code.
- F. That the Application meets all applicable Town Code requirements, including those of the Level IV Development Permit process and the Conditional Use criteria as provided for in the Town Code.

Section 2. The Planning Commission hereby recommends approval of the Application for the Panera PUD Development Plan with the following conditions:

- A. Final architectural floorplans and elevations, architectural materials board, site plans, site lighting plans, landscape plans and building configuration shall be submitted, reviewed and approved by Town staff, prior to issuance of a Building Permit.
- B. Approval of the Application shall be contingent on the Town Council's approval of "Replat of Lots 9R-1 and 10R-1, A Replat of the Ridge at Dillon."

- C. The PUD Plan shall be updated once all conditions have been met and shall be recorded along with the subdivision plat prior to issuance of a building permit.
- D. Prior to issuance of a building permit, the Applicant shall enter into a Subdivision Agreement with the Town of Dillon and post a required Letter of Credit for public improvements as required by the agreement.
- E. Prior to issuance of a building permit, the Applicant shall obtain a permanent easement from the owner of Lot 8R-1 of The Ridge at Dillon Subdivision (“Lot 8R-1”), which easement shall run with the land, for the flow of sanitary sewage from the Panera development through the sanitary sewerage system located on Lot 8R-1 to the Little Beaver Trail Right-of-way.
- F. Prior to issuance of a building permit, the Applicant shall obtain a permanent easement from the owner of Lot 8R-1, which easement shall run with the land, for the flow of storm water from the Panera development through the storm sewer system located on Lot 8R-1 to the Little Beaver Trail Right-of-way.
- G. Prior to issuance of a certificate of occupancy, the Applicant shall provide as-built drawings of the underground utilities constructed as a part of the project. The drawings shall provide dimensions and triangulated reference points to permanent surface features and shall provide vertical elevation information for pipe inverts for sewer lines and top of pipe elevations for waterline fittings.
- H. The Town Manager may approve additional minor changes to the Application that do not change the character or intent of the Planned Unit Development as approved by this resolution.
- I. The Applicant shall be solely responsible for maintaining and operating (i) the existing private water main (“Private Main”) running through the Site which connects to an existing private water main located on Lot 8R-1, and (ii) that portion of the water main within Town right-of-way between Lot 9-10R and the existing Town water main located in the Little Beaver Trail Right-of-way (“Beaver Trail Main”). The Applicant shall allow the Town of Dillon to move, transport, and convey water through the Private Main at all times for the benefit of the project and the Town of Dillon community. The Applicant shall allow Town of Dillon staff to operate the Private Main valves as needed to conduct normal and emergency Town of Dillon water system operations. All Private Main and Beaver Trail Main water valves shall be kept 100% open unless otherwise approved by the Town Manager, which approval shall be requested at least 48 hours in advance of the proposed closure.

- J. The Applicant shall construct an engineered overflow channel or pipe from the south end of the parking lot to the ditch in the Little Beaver Trail Right of way prior to the issuance of a building permit for the project.
- K. Prior to the issuance of a building permit for the project, the Applicant shall install the four-way stop intersection in the location specified on and in accordance with the plans. Stop Ahead signs (X-W3-1) shall be installed on Dillon Ridge Road to alert motorists of the upcoming stop signs. The Applicant shall ensure that all arrows and lane lines shown on the plans shall be maintained in good condition and are visible at all times. The applicant shall install two (2) new solar panel stop signs with flashing LED lights on the two Dillon Ridge Road legs of the intersection. All striping and signage shall be in conformance with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD).
- L. There are seventeen (17) additional parking spaces shown on the Plan that are not required by Town Code for the Application and shall be considered shared parking to benefit both the proposed restaurant use on this site and the businesses located on Lot 8R-1 in perpetuity.
- M. The signage for this property shall be installed per the PUD Plan, and individual sign permits shall be applied for and approved pursuant to the requirements set forth in the Town Code. No stand-alone signage for the Panera Bread development shall be installed at the intersection of the subdivision access and Dillon Ridge Road.
- N. A sign panel for the Panera Bread development may be installed in the available space in the monument sign located in the southwestern portion of Lot 9-10R.
- O. The Applicant and successor property owners shall agree to grant additional Construction easements and a Permanent Public Path Access easements to the Town at some point in the future as determined by the Town of Dillon, for the purposes of extending the Public Path Access Easement shown on the plan to either the Little Beaver Trail Right of way or to one of the adjacent properties, in order to complete a 6' pedestrian path with or without stairways through the site for the benefit of the Town of Dillon and its citizens. These future improvements would be owned and maintained by the Town of Dillon within the granted easements.
- P. The Applicant and successor property owners are solely responsible for the installation, maintenance and performance of the improvements, including the retaining walls, the private water main, storm sewer and storm detention facilities, sanitary sewer service lines and grease traps,

and other utility services as shown on the plans in perpetuity. The Applicant and successor property owners shall hold the Town of Dillon, its officers and employees, harmless should the walls or utilities not perform as intended.

- Q. The height of the on-site light poles shall not exceed the height of the light poles in the neighboring area of The Ridge at Dillon PUD.
- R. Prior to issuance of a building permit, the Applicant shall submit the final wall design and materials to the Planning and Zoning Commission for review and approval in a future meeting to be determined.
- S. Prior to issuance of a building permit, the Applicant shall provide a letter from the civil engineer for the development stating that the parking lot and drive aisle grades are appropriate for Dillon's climate or shall redesign the parking lot and drive aisle grades to a more appropriate slope and resubmit plans for Town staff review and approval.

**APPROVED AND ADOPTED THIS 6<sup>th</sup> DAY OF MARCH, 2019, BY THE  
PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO.**

**PLANNING AND ZONING COMMISSION  
TOWN OF DILLON**

By: \_\_\_\_\_  
\_\_\_\_\_, Chairperson

ATTEST:

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Michelle Haynes, Secretary to the Commission