

**PLANNING AND ZONING COMMISSION ACTION ITEM
STAFF SUMMARY
MARCH 6, 2019 PLANNING AND ZONING COMMISSION MEETING**

DATE: February 28, 2019

AGENDA ITEM NUMBER: 5

ACTION TO BE CONSIDERED:

Consideration of Resolution No. PZ 05-19, Series of 2019.

PUBLIC HEARING

A RESOLUTION RECOMMENDING THE APPROVAL OF A LEVEL IV DEVELOPMENT APPLICATION FOR A CLASS S-3 SUBDIVISION TO BE KNOWN AS REPLAT OF LOTS 9R-1 AND 10R-1, A REPLAT OF THE RIDGE AT DILLON, TOWN OF DILLON, COUNTY OF SUMMIT, STATE OF COLORADO.

SUMMARY:

This Class S-3 Subdivision application consists of approving the Final Plat “A Replat of Lot 9R-1 and Lot 10R-1, a Replat of The Ridge at Dillon” plat which creates one new lot called **Lot 9-10R** and combines two existing lots into a new single lot to support the development of a freestanding restaurant with a Drive-in Facility and associated parking and site improvements. Please refer to the attached plat map that was prepared by Polaris Surveying for additional information. The existing Lots are described as follows:

- Lot 9R-1 of the Replat of Lots 9R, 10R, and 11R The Ridge at Dillon (“**Lot 9R-1**”), according to the plat recorded on November 23, 2010, Reception No. 951921, County of Summit, State of Colorado.
- Lot 10R-1 of the Replat of Lots 9R, 10R, and 11R The Ridge at Dillon (“**Lot 10R-1**”), according to the plat recorded on November 23, 2010, Reception No. 951921, County of Summit, State of Colorado.

The Applicant for this subdivision replat is , Point at Dillon Ridge Limited LLLP, who has also submitted a concurrent application for the Panera PUD Development Plan.

The Replat vacates the existing interior lot line between the two lots and related utility easements.

The Replat will dedicate a pedestrian path access easement, and the approval is conditioned for future expansion of said access easement.

ACTION REQUESTED: Motion, Second, Roll Call Vote.

Resolutions require the affirmative vote of a majority of the members present.

STAFF MEMBER RESPONSIBLE: Scott O’Brien, Public Works Director

RESOLUTION NO. PZ 05-19
Series of 2019

**A RESOLUTION RECOMMENDING THE APPROVAL OF
A LEVEL IV DEVELOPMENT APPLICATION FOR A CLASS S-3
SUBDIVISION TO BE KNOWN AS REPLAT OF LOTS 9R-1 AND
10R-1, A REPLAT OF THE RIDGE AT DILLON, TOWN OF
DILLON, COUNTY OF SUMMIT, STATE OF COLORADO.**

WHEREAS, Point at Dillon Ridge Limited LLLP is the owner of 257 Dillon Ridge Road in Dillon, Colorado that is more specifically described as Lot 9R-1 of the Replat of Lots 9R, 10R, and 11R The Ridge at Dillon (“**Lot 9R-1**”), according to the plat recorded on November 23, 2010, Reception No. 951921, County of Summit, State of Colorado; and

WHEREAS, Point at Dillon Ridge Limited LLLP is also the owner of an unaddressed parcel of real property in Dillon, Colorado that is more specifically described as Lot 10R-1 of the Replat of Lots 9R, 10R, and 11R The Ridge at Dillon (“**Lot 10R-1**”), according to the plat recorded on November 23, 2010, Reception No. 951921, County of Summit, State of Colorado; and

WHEREAS, the Planning and Zoning Commission of the Town of Dillon (“**Planning Commission**”) has received a Level IV Development Application from Point at Dillon Ridge Limited, LLLP (the “**Applicant**”) for a Class S-3 subdivision to replat Lot 9R-1 and Lot 10R-1 on a plat titled “Replat of Lots 9R-1 and 10R-1, A Replat of The Ridge at Dillon, Town of Dillon, County of Summit, State of Colorado” (“**Application**”), for the purposes of combining the two lots into one single lot to be called Lot 9-10R, vacating the existing interior lot line and dedicating a new easement for the purposes of a public path access; and

WHEREAS, the Planning Commission has determined that the Application is complete; and

WHEREAS, following the required notice, a public hearing on the Application was held on March 6th, 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 approval of the Application for the Class S-3 subdivision for the Replat of Lots 9R-1 and 10R-1, A Replat of The Ridge at Dillon, Town of Dillon, County of Summit, State of Colorado.

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

Section 1. That the Planning Commission, following the required notice, held a public hearing on March 6th, 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 meets the applicable Town of Dillon Municipal Code (“**Code**”) requirements.
- C. That the Application is compatible with the Commercial and Mixed Use Zone Districts and is compatible with surrounding uses.
- D. That the Application is in general compliance with the Town of Dillon Comprehensive Plan.
- E. That the Application is a condition of approval of the Level IV development application for the Panera PUD Development Plan.
- F. That the Application replats Lots 9R-1 and 10R-1 (the “**Original Lots**”) into a single lot to be called Lot 9-10R, vacates the existing interior lot line and dedicates a new easement for the purposes a public path access as shown on the map titled “Replat of Lots 9R-1 and 10R-1, A Replat of The Ridge at Dillon,” dated 03/01/2019 and prepared by Polaris Surveying (“**Replat**”)

Section 2. That the Planning Commission hereby recommends to the Town Council of the Town of Dillon the approval of the Application for the purposes of creating Lot 9-10R, a Replat of The Ridge at Dillon, Dillon, Colorado and creating a new easement for the purposes of a public path access, with the following conditions:

- A. Prior to recording the plat with Summit County, the Applicant shall submit a revised plat showing the final location, configuration, size and designation of the proposed public trail access easement based on the final construction plans for the Town Manager’s approval.
- B. Prior to recording the final subdivision plat, the Applicant shall enter into a Subdivision Improvements Agreement with the Town of Dillon and post a required Letter of Credit for public improvements as required by the agreement.
- C. The Town Manager may approve additional minor changes to the Application that do not change the character or intent of the Application as approved by this resolution.
- D. The Applicant shall record the “Replat of Lots 9R-1 and 10R-1, A Replat of The Ridge at Dillon, Town of Dillon, County of Summit, State of Colorado” in the office of the Summit County Clerk and Recorder.

- E. The Applicant shall file a copy of the recorded “Replat of Lots 9R-1 and 10R-1, A Replat of The Ridge at Dillon, Town of Dillon, County of Summit, State of Colorado” with the Town of Dillon.

**RECOMMENDED FOR APPROVAL THIS 6th 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:

By: _____
Michelle Haynes, Secretary to the Commission

2/28/19 10:48 AM [ncb] R:\Dillon\Subdivision\The Ridge at Dillon (Panera)\DRAFT_Res PZ_05-19_Panera_REPLAT (kpc redline).docx

FINAL PLAT

A REPLAT OF LOTS 9R-1 & 10R-1, A REPLAT OF THE RIDGE AT DILLON,
ACCORDING TO THE PLAT THEREOF RECORDED 11/23/2010 AT RECEPTION No. 951921

TOWN OF DILLON, COUNTY OF SUMMIT, STATE OF COLORADO

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:
Point at Dillon Ridge Limited, LLLP, a Colorado Limited Liability Limited Partnership, being the owner of _____, located in SW 1/4 Section 7, Township 5 South, Range 77 West of the Sixth Principal Meridian, Town of Dillon, County of Summit, State of Colorado, more particularly described as follows:

LOTS 9R-1 AND 10R-1, A REPLAT OF THE RIDGE AT DILLON, ACCORDING TO THE FINAL PLAT RECORDED AT NOVEMBER 23, 2010 AT RECEPTION No. 951921 IN THE OFFICE OF THE CLERK AND RECORDER, COUNTY OF SUMMIT, STATE OF COLORADO,

AND CONTAINING 87,509 SQ FT± OR 2.009±.

Have laid out, subdivided and platted the same into lots, tracts, streets and easements as shown hereon under the name and style of "A REPLAT OF LOTS 9R-1 AND 10R-1, A REPLAT OF THE RIDGE AT DILLON" and by these presents, do hereby set apart and dedicate to the perpetual use of the public all of the streets, alleys and other public ways and places as shown hereon and hereby dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon. (and/or other purposes)

IN WITNESS WHEREOF, _____ and _____ have caused their names to be hereunto subscribed this _____ day of _____, A.D., 2019.

Point at Dillon Ridge Limited, LLLP

BY: _____

AS: _____

ACKNOWLEDGMENT

State of Colorado)
County of Summit) ss.
Town of Dillon)

The foregoing instrument was acknowledged before me this _____ day of _____, A.D., 2019, by _____, as _____ of POINT AT DILLON RIDGE, LLLP

Witness my hand and official seal.
My commission expires _____

Notary Public

DILLON TOWN COUNCIL CERTIFICATE

Approved this _____ day of _____, A.D., 2019, Town Council, Dillon, Colorado. This approval does not guarantee that the size of soil or flooding conditions of any lot shown hereon are such that a building permit may be issued. This approval is with the understanding that all expenses involving necessary improvements for all utility services, paving, grading, landscaping, curbs, gutters, streetlights, street signs and sidewalks shall be financed by others and not the Town of Dillon.

Carolyn Skowrya, Mayor

Attest:

Adrianne Stuckey, Town Clerk

CLERK'S CERTIFICATE

I hereby certify that this instrument was filed in my office at _____ o'clock, _____, A.D., 2019, and is duly recorded. _____
Adrianne Stuckey, Town Clerk

State of Colorado)
County of Summit) ss.

DILLON PLANNING AND ZONING COMMISSION CERTIFICATE

Approved this _____ day of _____, A.D., 2019, Town Planning and Zoning Commission, Dillon, Colorado.

Teresa England, Chairperson

TITLE COMPANY CERTIFICATE

_____ does hereby certify that we have examined the title to all lands shown hereon and all lands herein dedicated by virtue of this Plat and title to all such lands is in the dedicator free and clear of all liens, taxes and encumbrances, except as follows

Dated this _____ day of _____, A.D., 2019.

Agent

State of Colorado)
County of Summit) ss.

CERTIFICATE OF TAXES PAID

I, the undersigned, do hereby certify that the entire amount of all taxes due and payable as of _____, 20____, upon parcels of real estate described on this plat are paid in full.

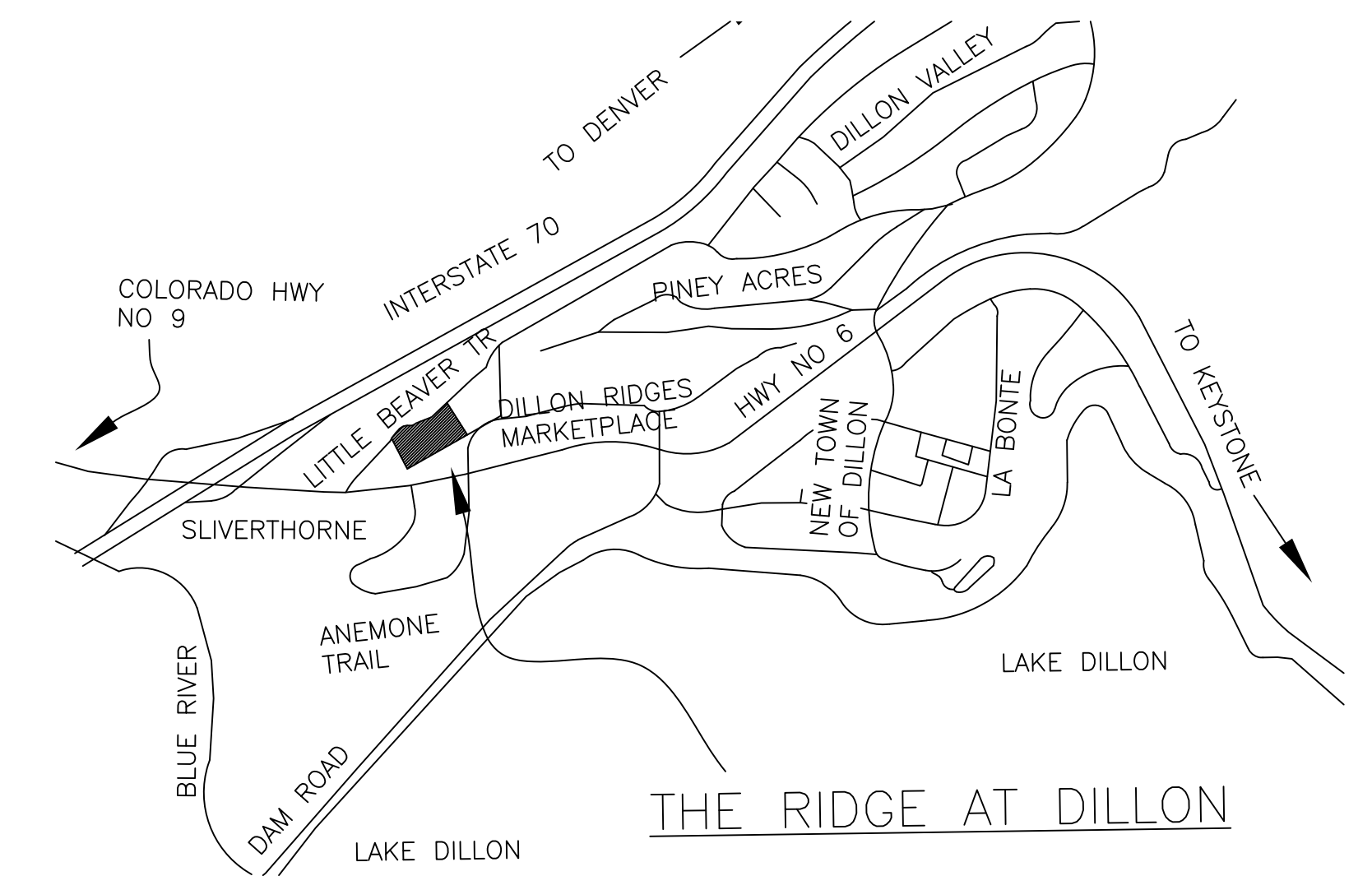
Dated this _____ day of _____, 2019, A.D.

Summit County Treasurer or designee

PLAT NOTES:

1.) Access Ingress and Egress to and from Lot 9-10R shall be provided within the development at all times. Access, Ingress and Egress to and from Lot 9-10R shall be from easement across Lots 7R-1 and 8R-1.

2.) A "Public Path Access" easement is hereby dedicated on this plat and grants to the public a permanent, perpetual, non-exclusive, public path and the sidewalk easement for the use by the general public for access, ingress and egress and travel on and across the property, through Lot 9-10R. The path shall be maintained by the property owner in perpetuity. At some point in the future, an additional easement will be granted to the Town of Dillon by the property owner, to allow public access from this easement and through Lot 9-10R to a connection point location to be determined at a later date by the Town of Dillon.



VICINITY MAP
NOT TO SCALE

LEGAL DESCRIPTION:

LOTS 9R-1 AND 10R-1, A REPLAT THE RIDGE AT DILLON, ACCORDING TO THE FINAL PLAT RECORDED AT NOVEMBER 23, 2010 AT RECEPTION No. 951921 IN THE OFFICE OF THE CLERK AND RECORDER, COUNTY OF SUMMIT, STATE OF COLORADO,

AND CONTAINING 87,509 SQ FT± OR 2.009±.

NOTES

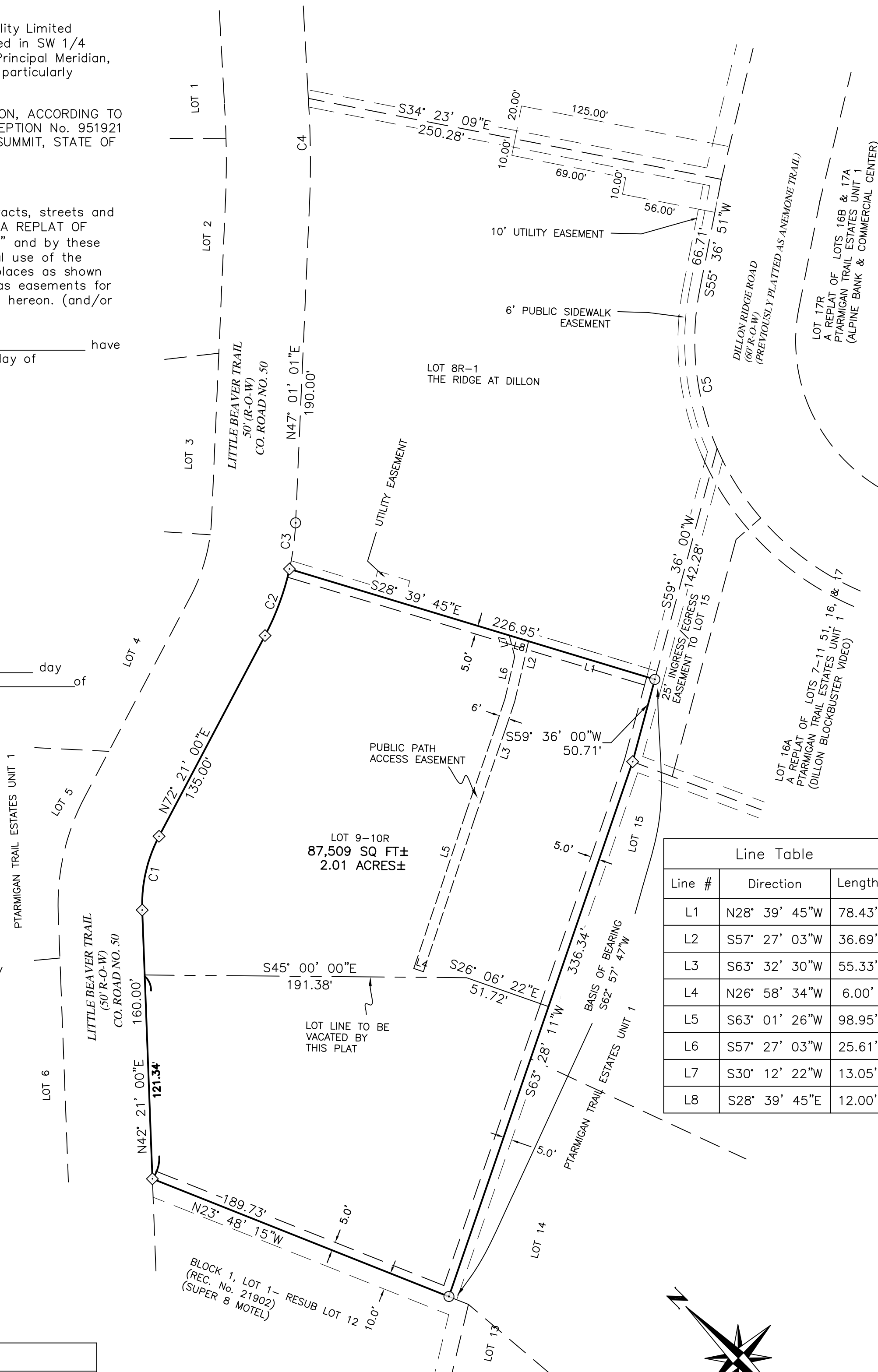
- OWNERSHIP, RECORDED RIGHTS-OF-WAY, AND EASEMENT INFORMATION WAS DONE WITHOUT USING A CURRENT TITLE POLICY.
- BEARINGS ARE BASED ON THE A LINE OF BETWEEN FOUND #4 REBARS LOCATED AT THE NORTHEAST AND SOUTHWEST CORNERS OF SAID LOT 9-10R. THE VALUE USED S62°57'47"W, WAS CALCULATED USING PREVIOUS PLAT FILED A REPLAT OF LOTS 9R, 10R AND 11R THE RIDGE AT DILLON RECEPTION No.951921 IN THE RECORDS OF THE COUNTY OF SUMMIT, STATE OF COLORADO
- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

SURVEYOR'S CERTIFICATION:

I, Patrick W. Click, a registered Professional Land Surveyor in the State of Colorado, do hereby certify that this Plat represents a field survey completed by me and / or under my direct supervision. Both conform to the standards of practice, statutes and laws of the State of Colorado to the best of my knowledge and belief and that the monuments were placed pursuant to C.R.S 38-51-101. This statement is not a guaranty or warranty, either expressed or implied.

Dated this _____ day of _____, A.D., _____

FOR REVIEW
PURPOSES ONLY
COLORADO REGISTERED LAND SURVEYOR PLS #37904



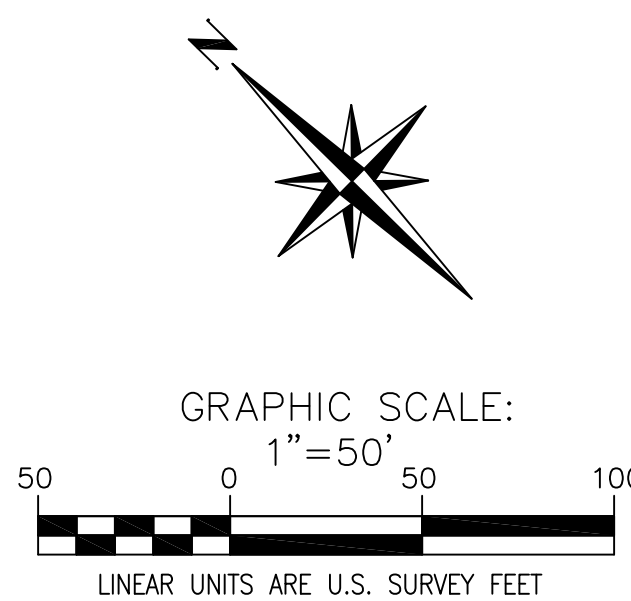
Line #	Direction	Length
L1	N28° 39' 45"W	78.43'
L2	S57° 27' 03"W	36.69'
L3	S63° 32' 30"W	55.33'
L4	N26° 58' 34"W	6.00'
L5	S63° 01' 26"W	98.95'
L6	S57° 27' 03"W	25.61'
L7	S30° 12' 22"W	13.05'
L8	S28° 39' 45"E	12.00'

Curve #	Radius	Length	Delta	CHORD LENGTH	CHORD BEARING
C1	86.96'	45.53'	029° 59' 53"	45.01'	S57° 20' 57"W
C2	158.50'	42.31'	015° 17' 42"	42.19'	N64° 42' 09"E
C3	158.50'	27.77'	010° 02' 17"	27.73'	N52° 02' 10"E
C4	571.50'	62.67'	006° 17' 00"	62.64'	N43° 52' 30"E
C5	160.00'	96.64'	034° 36' 20"	95.17'	S38° 18' 41"W

LEGEND:

FOUND #4 REBAR NO CAP

SET No. 5 REBAR WITH 2 INCH ALUMINUM CAP PLS 37904



FINAL PLAT
PANERA BREAD
A REPLAT OF LOTS 9R-1 & 10R-1, A REPLAT OF THE RIDGE AT DILLON
SW 1/4 SEC. 7 TOWNSHIP 5 SOUTH, RANGE 77 WEST OF THE 6TH P.M.
COUNTY OF SUMMIT, STATE OF COLORADO

JOB #: 2018084 FIELD WORK: PC
DATE: 03/01/19 DRAWING NAME: PANERA BREAD DRAWN BY: PC

POLARIS SURVEYING
PATRICK W. CLICK P.L.S.
3194 MESA AVE. #B
GRAND JUNCTION, CO 81504
PHONE (970)434-7038