

**PLANNING AND ZONING COMMISSION ACTION ITEM
STAFF SUMMARY
JUNE 5, 2019 PLANNING AND ZONING COMMISSION MEETING**

DATE: May 29, 2019

AGENDA ITEM NUMBER: 7

ACTION TO BE CONSIDERED:

Consideration of Resolution No. PZ 11-19, Series of 2019.

A RESOLUTION APPROVING A ONE-YEAR EXTENSION OF A LEVEL III DEVELOPMENT PERMIT AND CONDITIONAL USE PERMIT FOR AN ACCESSORY APARTMENT AT 151 TENDERFOOT STREET.

(PUBLIC HEARING)

SUMMARY:

The Planning and Zoning Commission previously issued a Level III Development Permit and Conditional Use Permit for an Accessory Apartment to be constructed at 151 Tenderfoot Street (approved by Resolution PZ 06-17, Series of 2017 on June 7, 2017). The Planning and Zoning Commission packet for that approval is attached to this staff summary as Exhibit 'A'. Level III Development Permits are valid for two-years, during which time a Building Permit must be obtained, or the Applicant needs to file for a one-year extension.

The Applicant has applied for a one-year extension on the previous approval, which requires the Planning and Zoning Commission review the extension request as a Level III Application. Level III applications require a Public Hearing before the Planning and Zoning Commission.

PUBLIC NOTICE:

The Town posted signs of the Public Hearing on the site on Tuesday, May 28th, 2019. A newspaper ad ran in the Summit Daily (Journal) on Friday, May 24, 2019, and a mailing noticing the public hearing time and date was sent out on Friday, May 24, 2019 to property owners within 300' of the Application. These dates and notification distribution are all within the required 7-day minimum and 14-day maximum notice period required by the Dillon Municipal Code (the "Code").

MOTION FOR APPROVAL:

I move we approve Resolution No. PZ11-19, Series of 2019, A RESOLUTION APPROVING A ONE-YEAR EXTENSION OF A LEVEL III DEVELOPMENT PERMIT AND CONDITIONAL USE PERMIT FOR AN ACCESSORY APARTMENT AT 151 TENDERFOOT STREET.

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 11-19, Series of 2019
Exhibit 'A'**

Resolution PZ 06-17, Series of 2017
Planning and Zoning Commission Packet

**PLANNING AND ZONING COMMISSION ACTION ITEM
STAFF SUMMARY
June 7, 2017 PLANNING AND ZONING COMMISSION MEETING**

DATE: May 30, 2013

AGENDA ITEM NUMBER: 6

ACTION TO BE CONSIDERED:

Consideration of a Resolution No. PZ 06-17, Series of 2017: **A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL III DEVELOPMENT APPLICATION FOR A CONDITIONAL USE PERMIT FOR AN ACCESSORY APARTMENT AT 151 TENDERFOOT STREET, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO.**

PUBLIC HEARING

SUMMARY:

The Town received an application for a Conditional Use Permit for an Accessory Dwelling Unit at 151 Tenderfoot Street, Lot 16, Block L, New Town of Dillon, Dillon, Colorado. The proposed project would include the construction of a three car garage addition with a small Accessory Dwelling Unit above it. The application demonstrates conformance to the Code Sections pertaining to Conditional Use Permits and Accessory Dwelling Units, Section 16-5-220 and Section 16-4-40, respectively.

Project: Pasterkamp Addition with Accessory Apartment

Location: Lot 16, Block L, New Town of Dillon

Address: 151 Tenderfoot Street

Owners: Jim and Susan Pasterkamp

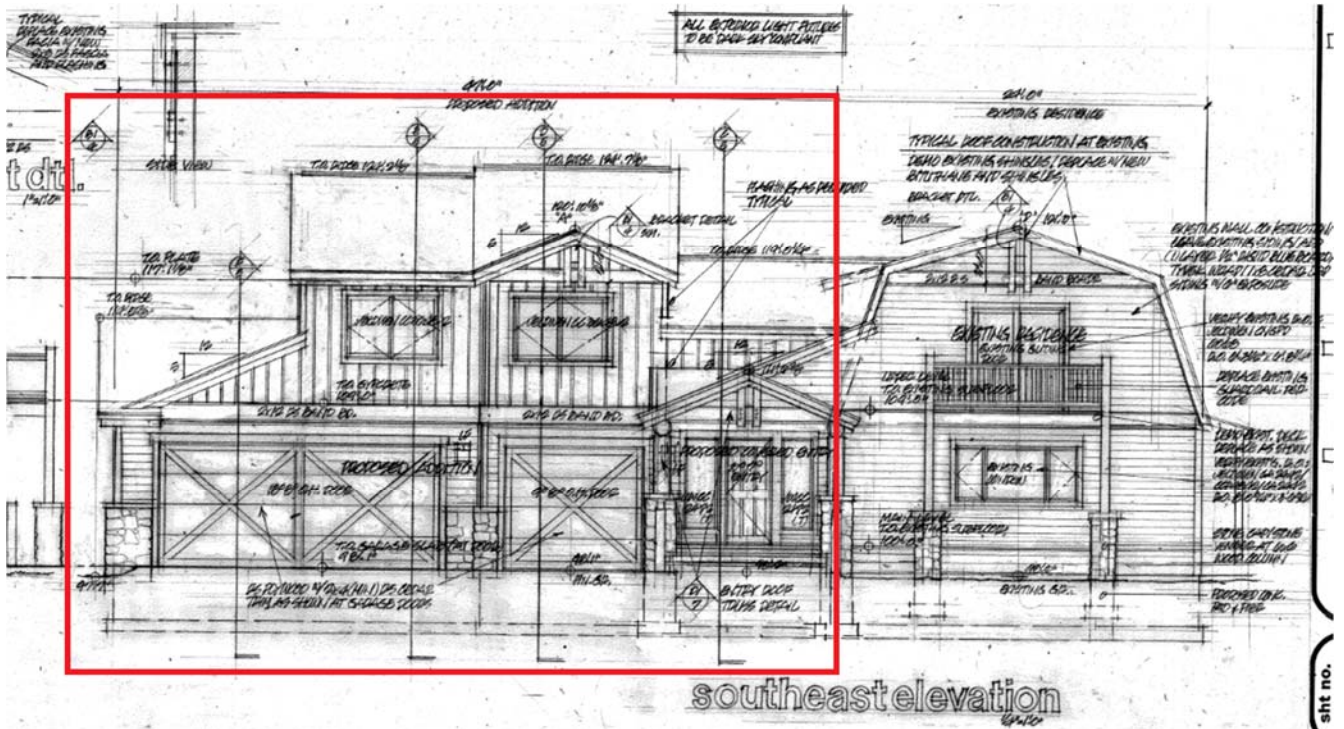
Architect: Bill Marvin, Hodges/Marvin Architects, Inc.

Development Application: Level III Conditional Use Permit for an Accessory Apartment;
Residential Remodel with attached garage footprint addition.

Application Date: April 24, 2017



Existing Residence at 151 Tenderfoot Street. Note Dense, existing vegetation.



Residential addition highlighted in red.

Code Analysis:

Zoning: Residential Low (RL). Accessory Apartments are permitted through a Level III Conditional Use Development Permit process. Two (2) parking spaces shall be provided for the accessory apartment, the apartment shall not exceed 900 SF nor be greater than 1/3 of the primary residence, the apartment shall be deed restricted to minimal six (6) month rental terms and the apartment may not be sold as a separate property. Additional water / sewer tap fees shall be paid.

An Accessory Dwelling Unit may be permitted in the RE, RL, RM, and RH zones in a single family residence (Sec. 16-4-40). The subject property is zoned Residential Low (RL). The provisions required in this Code section to satisfy this allowance are provided in detail, by subsection, in Resolution PZ 06-17, Series of 2017. This application does meet those provisions

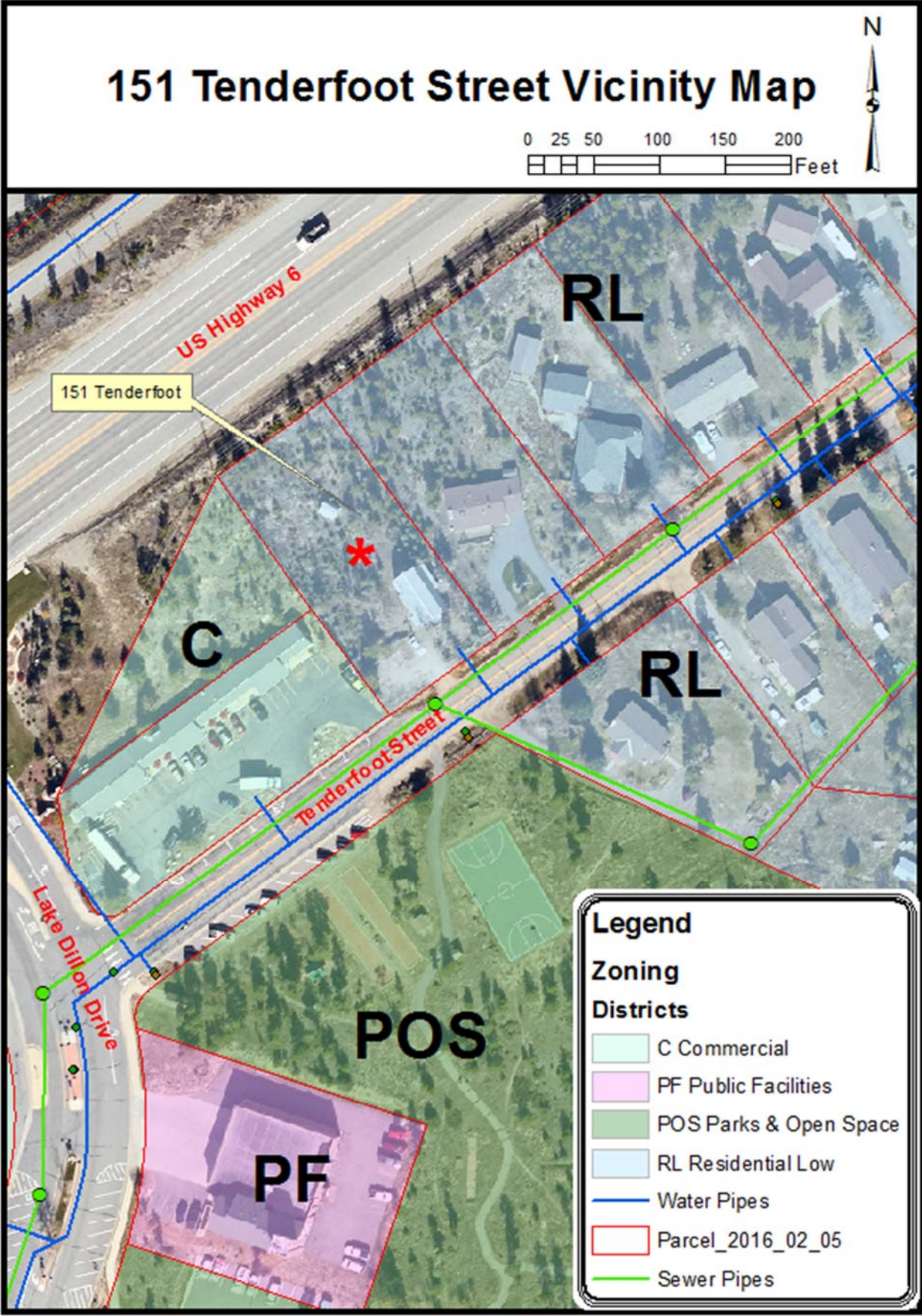
Yards (Setbacks): The side setbacks for the RL zone are 8', and the proposed addition is set back greater than eight feet from the side lot line. The proposed addition is also well clear of the required 15' rear yard and 20' front yard. (Sec. 16-3-130)

Easements: The proposed addition will not be constructed in any known easements. (Sec. 16-9-10)

Parking: Two (2) dedicated parking spaces are required for the proposed Accessory Dwelling Unit.

Comprehensive Plan Reference:

- Section 6, Part II "Land Use Guidelines" refers to the desire to create diversity in residential land uses in an effort to increase year-round residents in the community.
- Section 6, Part III "Residential / Mixed Use Zoning Classification" provides for up to six (6) units per acre in the Residential Low zoning district and states that accessory units are permitted in the zone.



Square Footage Analysis:

Existing:

Main: 960 SF

Upper: 960 SF

Total: 1920 SF

Proposed:

Stairway: 358.5 SF

Garage / 3-Car: 1008 SF

Accessory Apartment above Garage: 1-Bed – 1-Bath / Kitchen with Oven: 696 SF

Total: 2062.5

Total Residence with Addition: 3982.5 SF

Total Heated Living Area (Excludes Garage): 2,974.5 SF

Percentage of Total SF: $696 \text{ SF} / 2974.5 \text{ SF} = 23.4\%$ (33.3% Permitted by Code)

Lot Coverage:

Lot Size: 22,500 SF

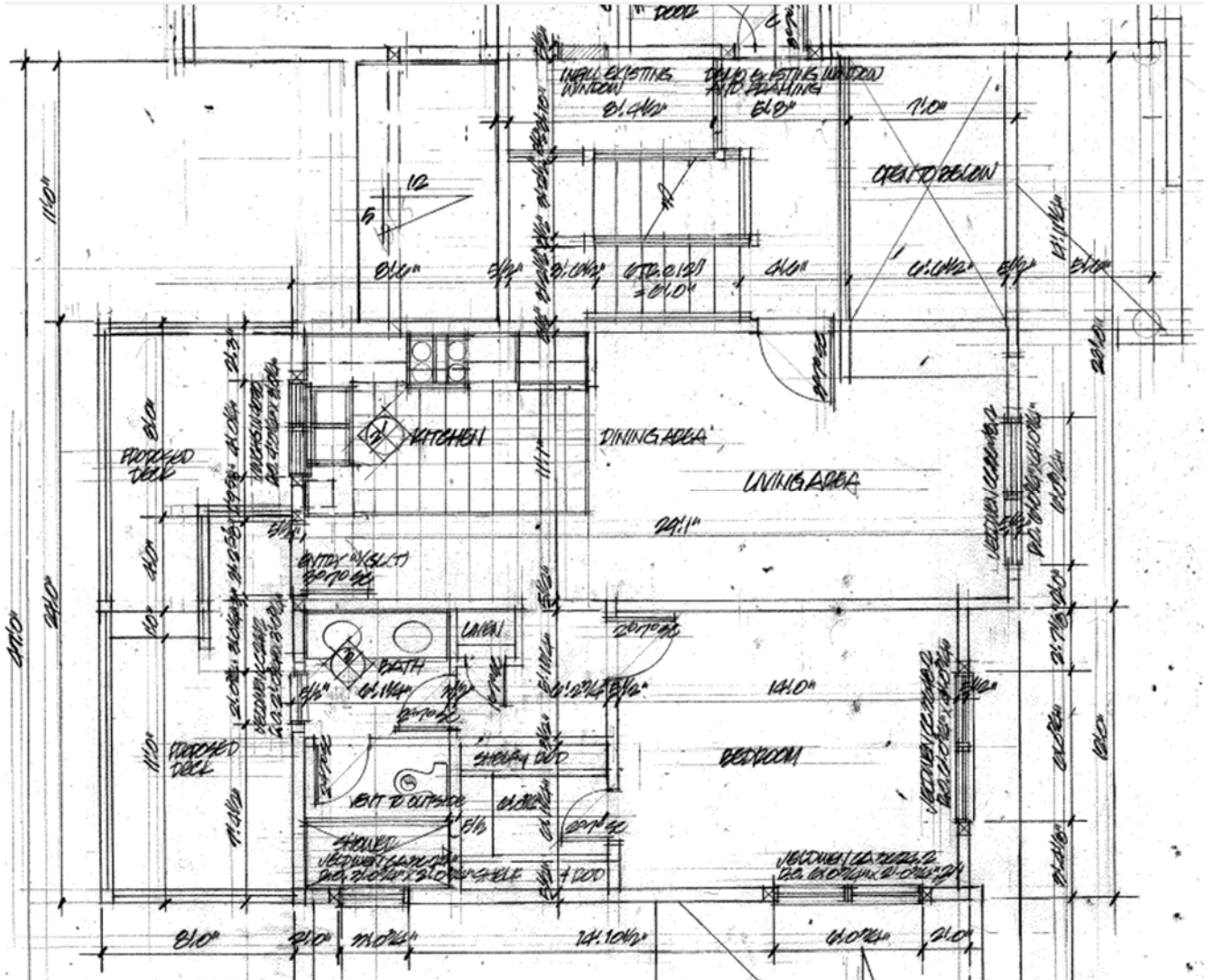
Existing Structure: 1020 SF

Existing Shed: Assume 10' x 12' = 120 SF

Proposed: 1355 SF

Total Lot Coverage: 2,495 SF

Percent Lot Coverage: 11.1% (40% Allowed by Code)



Accessory Apartment Floor Plan

Snow Storage:

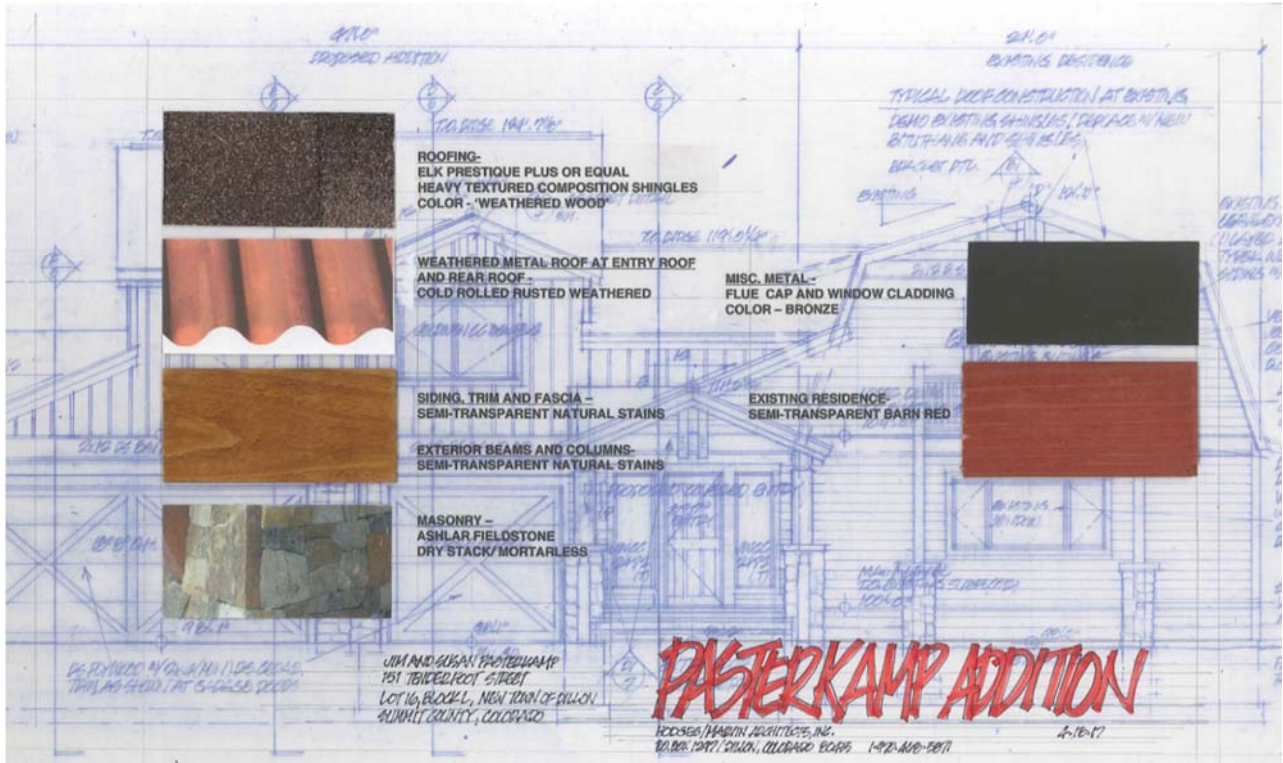
Area to be cleared of snow: 1,290 SF
Snow Storage Requirement: $1,290 \text{ SF} \times 0.25 = 322.5 \text{ SF}$
Snow Storage Provided: 330 SF

Parking:

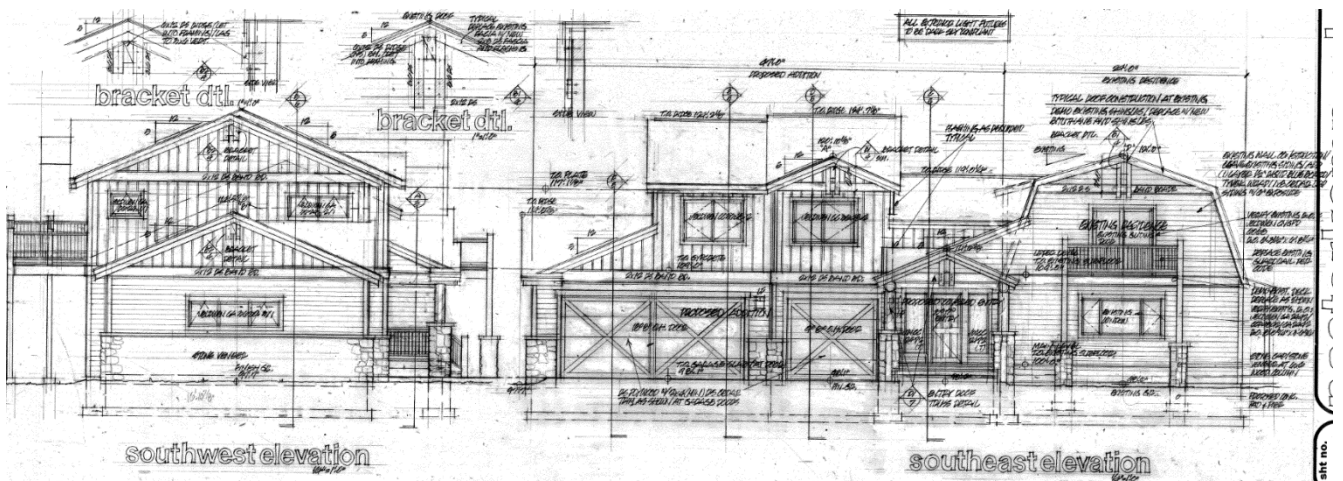
Three (3) parking spaces are provide in the garage and at least two (2) exterior parking spaces are provided on site. Of those spaces, two (2) are to be reserved for the accessory apartment.

Architecture:

The project has timbers and beams, wood siding, stone features, and design characteristics described in the Town of Dillon Architectural Guidelines. The architectural design exhibits aspects of historic mountain architectural elements in the roof lines and building elements depicted in the Guidelines, and is complimentary with the existing structure and surrounding neighborhood. The design has articulation and varied roof pitches and elevations. Gable truss features and hardware tie the addition aesthetically with the existing residence. The proposed colors lend to a complimentary aesthetic.



Material Board.



Complimentary gable truss details, roof pitches, siding patterns, and stone elements.

Street Trees:

Code Requirement:

Sec. 16-7-30. - Specific requirements. Excerpt

(e) Trees shall be provided in the following manner:

(1) Street trees shall be provided for all projects where front yards are required, at a rate of one (1) tree for every fifteen (15) linear feet, or fraction thereof, of street frontage, including street side yards.

(2) In addition to the street trees required above, trees shall be provided for all projects other than single-family, at a rate of one (1) tree per five (5) parking spaces or fraction thereof. These trees shall be placed within or immediately adjacent to the parking lot.

(3) Within all other yards, trees shall be provided in a number adequate to buffer the project from adjacent uses.

(4) All required trees shall be a minimum of six (6) feet in height, with the exception that twenty-five percent (25%) of the required trees for any project shall be a minimum of eight (8) feet in height.

(5) All required trees shall have a minimum caliper, measured two (2) inches above ground level, of one and one-half (1½) inches.

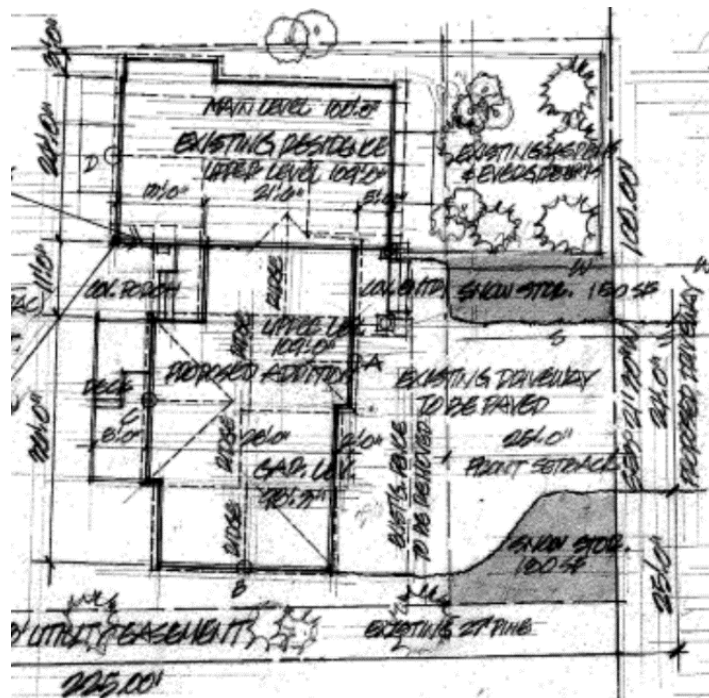
(6) A minimum of thirty percent (30%) of all required trees shall be evergreens, and at least twenty-five percent (25%) of the evergreens shall be a minimum of eight (8) feet in height.

-Required Trees: 100 LF Frontage / (1 tree/15 LF) = 7 trees, 3 of which shall be evergreens

Site Evaluation:

The site plan shows 11 evergreen and aspen trees in the front portion of the 100' wide property.

The site is heavily vegetated with a mix of deciduous and evergreen trees. No additional trees are required to screen the residence from the roadway.



Water / Sewer Tap Fees (EQR's):

- Existing 2-Bed / 2-Bath home: 1 EQR assessed balance
- 0.65 EQR's additional assessed for 1-Bed / 1- Bath / Full Kitchen Apartment
 - = 0.65 EQR x \$14,966.00 = **\$9,727.90 due**

Impact Fees:

Summit County Housing Authority 5A affordable housing funding.

- Additions between 1,500 and 2,499 SF are assessed \$0.50 / SF.
- Proposed addition:
 - Total SF Proposed: 2,062.5 SF
 - Garage Exemption: -600 SF (per 5A Measure)
 - Assessed Area: 1,462.5 SF
- Impact Fees Due: \$0.50/SF x 1,462.5 SF = **\$732.25 due**

CONDITIONS OF APPROVAL:

1. The applicant shall obtain a Grading and Excavation Permit with the Town prior to performing any site disturbing activity.
2. The foundations shall be surveyed by a Colorado Licensed Surveyor and an Improvement Location Certificate plat provided to the Town prior to Building Permit finalization. The following information is to be provided: location of the foundation showing adherence to the setbacks, and providing a building height certification meeting the maximum building height limit.
3. The applicant shall re-vegetate all disturbed areas by planting a native grass seed or turf grass seed mix, ensure growth through watering or irrigation, and maintain a vegetative ground cover.
4. The applicant shall pay the required water and sewer tap fees.
5. The applicant shall pay all applicable Impact Fees.
6. The applicant shall file with the Town the required restrictive covenant preventing subdividing into separate ownership.
7. The applicant shall file with the Town a deed restriction that prevents short term rentals of the Accessory Apartment.
8. The applicant shall verify the functionality of the water service curbstop valve. The curbstop water service valve shall be observed and documented as functional by the Dillon Water Department. It is the owner's responsibility to maintain the curbstop valve in an operational condition in accordance with the Dillon Municipal Code.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution PZ 06-17, Series of 2017.

ACTION REQUESTED:

Public Hearing.

Motion, Second, Roll Call Vote.

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

Unless called up by / a decision petitioned to Town Council, the ruling of the Planning and Zoning Commission on this matter shall stand.

STAFF MEMBER RESPONSIBLE: Ned West, Town Planner

**hodges/marvin
architects, inc.**
box 1297, dillon, colorado, 80435
970-468-5871

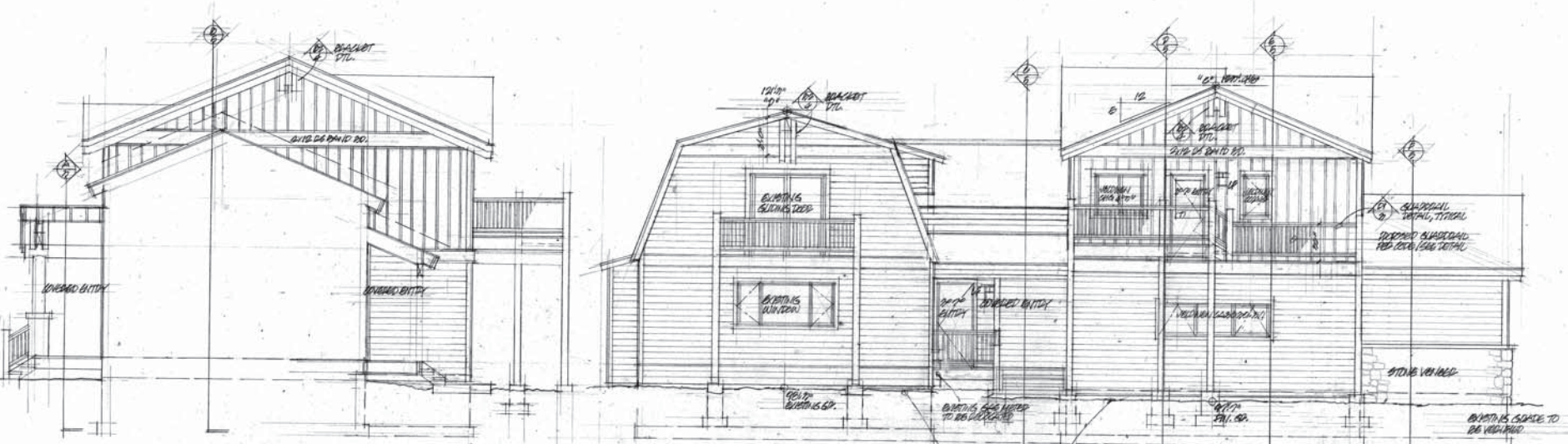
FOR PERMIT ONLY
NO REDUCTIONS

revised issued

pasterkamp add'n.

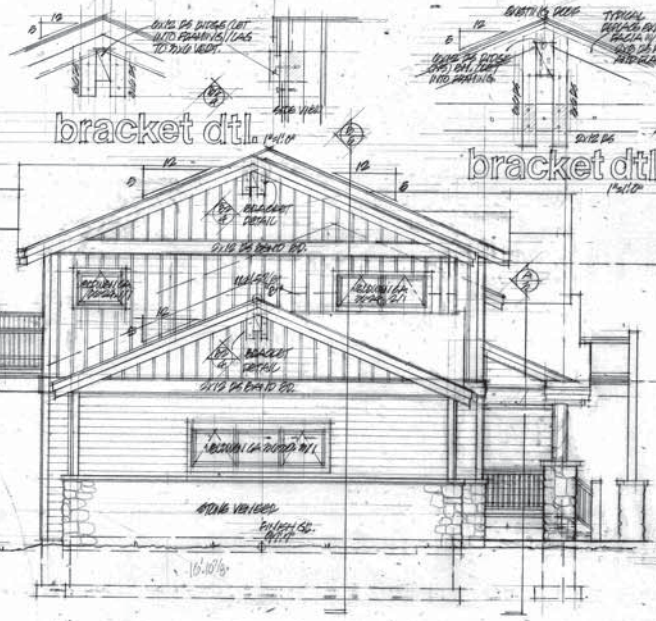
sht no. **4**

job no. 1805

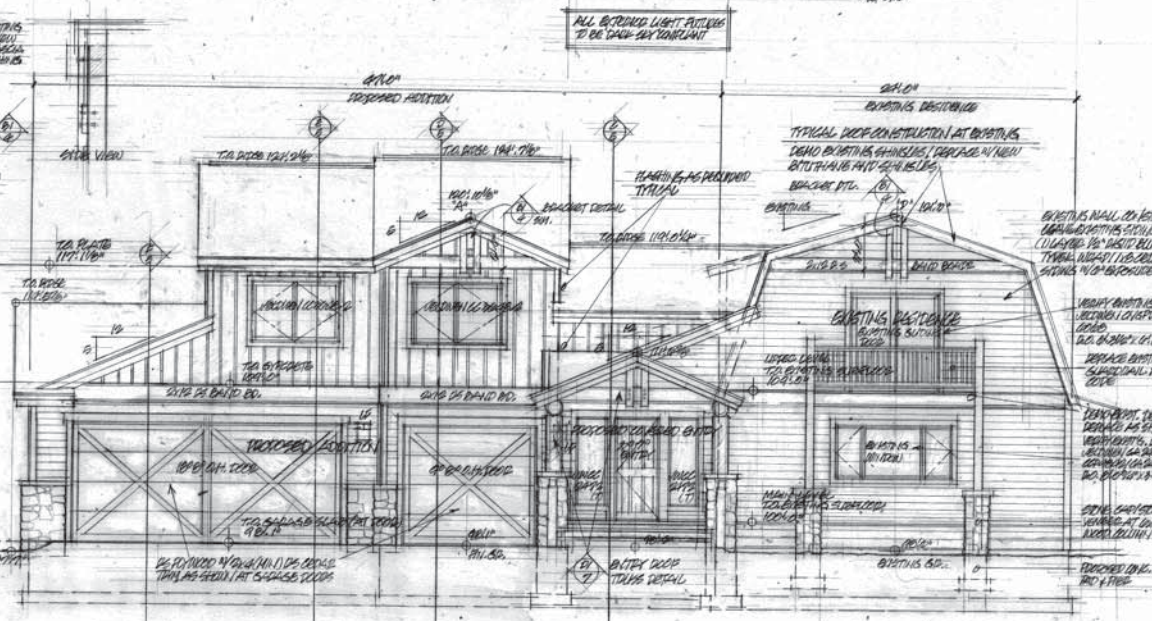


northeast elevation

northwest elevation

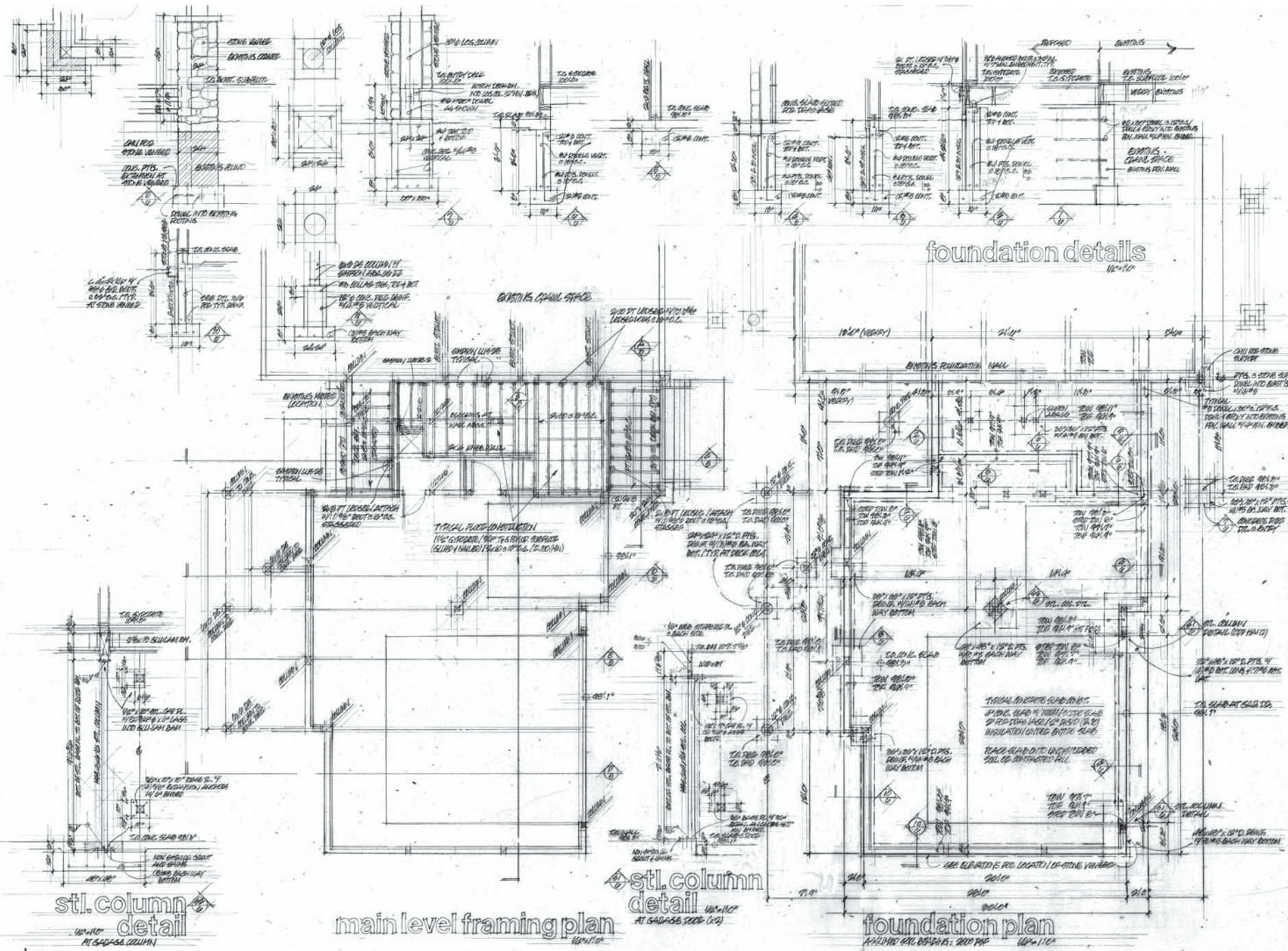


southwest elevation



southeast elevation

OWNER: [illegible]
ARCHITECT: [illegible]
DATE: 10/20/18



hodges/marvin
architects, inc.
box 1297, dillon, colorado, 80435
970-468-5871

FOR RIGHT OF
CONSTRUCTION

pasterkamp addn.

sht no. **6**

issued

vised

PHONE: (303) 566-4991

14750 W. BROADWAY, SUITE 100, DENVER, CO 80242

PHONE: (303) 566-4991

rdg no. 000

**RESOLUTION NO. PZ 06-17
Series of 2017**

A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL III DEVELOPMENT APPLICATION FOR A CONDITIONAL USE PERMIT FOR AN ACCESSORY APARTMENT AT 151 TENDERFOOT STREET, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Planning and Zoning Commission of the Town of Dillon has received a Class III development application for a Conditional Use Permit for an Accessory Apartment at 151 Tenderfoot Street, Lot 16, Block L, New Town of Dillon, Dillon, Colorado; and

WHEREAS, following the required notice, a public hearing was held on June 7th, 2017, before the Planning and Zoning Commission of the Town of Dillon on a Conditional Use Permit for an Accessory Apartment at 151 Tenderfoot Street, Lot 16, Block L, New Town of Dillon, Dillon, Colorado; and

WHEREAS, following the public hearing the Planning and Zoning Commission of the Town of Dillon has made certain findings of fact regarding a Conditional Use Permit for an Accessory Apartment at 151 Tenderfoot Street, Lot 16, Block L, New Town of Dillon, Dillon, Colorado; and

WHEREAS, the Planning and Zoning Commission of the Town of Dillon has determined that certain conditions which are reasonable and necessary to and relate to impacts created by the proposed development should attach to the approval of the application for the Class III conditional use permit.

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

Section 1. That the Planning and Zoning Commission of the Town of Dillon, following the required notice, held a public hearing on June 7th, 2017, on the application for a conditional use permit for an Accessory Apartment at 151 Tenderfoot Street, Dillon, Colorado, and following said public hearing makes the following findings of fact:

A. That the application for the conditional use permit for an Accessory Apartment is complete.

B. That the proposed Class III application for a Conditional Use Permit for an Accessory Apartment complies with the specific requirements of Section 16-5-220 "Conditional use criteria" of the Town of Dillon Municipal Code, as detailed as follows:

1. The use is listed as an allowed conditional use within the zone, or is otherwise identified as a conditional use and is consistent with the intent and purpose of the Comprehensive Plan and applicable zoning district.

The site is zoned Residential Low (RL), an Accessory Apartment is allowed in the Residential Low (RL) zoning district so long as certain provisions of the Dillon Municipal Code are met. The Accessory Apartment is consistent with the existing residential uses in this developed neighborhood, and Accessory Apartments exist in nearby properties.

2. The parcel is suitable for the proposed conditional use, considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features.

The proposed Accessory Apartment to be constructed above the proposed garage addition is suitable for the parcel. The size, shape, location, topography, soils, slope stability, drainage, and natural features are not anticipated to be affected by the proposed garage and Accessory Apartment project.

3. The proposed conditional use will not have significant adverse impacts on the air or water quality of the community.

The existing site is developed with appropriate drainage and vegetation, and any areas disturbed during the project are to be re-vegetated to ensure soil stability and thus the protection of air and water quality. Town staff cannot identify any potential air quality concerns with the proposed Accessory Apartment use on this property.

4. The proposed conditional use will not substantially limit, impair or preclude the use of surrounding properties for the uses permitted in the applicable zoning district.

The existing developed site is adjacent to existing residences and commercially zoned property. The proposed garage addition with the Accessory Apartment above will not substantially limit or impair the existing uses on the surrounding properties.

5. Adequate public utilities and services are available or will be made available to the site prior to the establishment of the conditional use.

The existing site is already served by gas, electric, water, and sanitary sewer facilities. The project requires the assessment of additional water and sewer tap fees, which the applicant has agreed to pay. Such payment shall be made prior to issuance of a building permit.

Section 2. That the proposed Class III application for a conditional use permit for an Accessory Apartment complies with the specific requirements of Section 16-4-40

“Accessory Apartments and secondary units” of the Town of Dillon Municipal Code, as detailed as follows:

A secondary residential unit or Accessory Apartment may be permitted in the RE, RL, RM and RH zones in a single-family residence, subject to the following provisions:

1. The Planning and Zoning Commission shall review and approve, under the Level III process, a site plan showing the location of the unit.

The applicant has applied for a Level III development permit for the proposed project. The application includes a site plan indicating the proposed location of the 3-car garage addition with the 1-bedroom, 1-bathroom Accessory Apartment above accessed by an interior stairwell proposed with the project.

2. The property owner shall pay all required water and sewer tap fees.

The property owner shall pay an additional 0.65 EQR water and sewer tap fee associated with the Accessory Apartment. The fee shall be paid in full prior to issuance of the building permit.

3. The unit shall meet all building code requirements.

Once approved by the Town, the plans will be submitted to the Summit County Building Inspection Department for their review, approval, Building Permit issuance, and inspections.

4. Two (2) parking spaces shall be provided per unit, and such parking area shall be landscaped to buffer parking from neighboring properties.

Two parking spaces for the Accessory Apartment are provided as part of the application. The parcel is currently landscaped, and the proposed additional parking spaces are buffered from adjoining properties.

5. The habitable portion of the Accessory Apartment is not greater than nine hundred (900) square feet in size, nor is it more than one-third ($\frac{1}{3}$) the size of the heated living area of the primary residential unit.

The habitable portion of the Accessory Apartment is approximately 696 square feet of the overall heated portion of the residence which is approximately 2974.5 square feet. This sub-section is satisfied with the application.

6. A restrictive covenant is filed stating the unit will not be subdivided into a separate ownership unit from the primary unit.

The property owner shall execute the restrictive covenant to not subdivide into separate ownership, and must file said restrictive covenant as a condition of approval of this Resolution.

7. The unit is deed restricted against utilization as a short-term rental, which means it may not be rented for periods of time of less than six (6) months.

The property owner shall execute the deed restriction preventing the short term rental of the property and must file said deed restriction as a condition of approval of this Resolution.

8. The unit design is compatible with the neighborhood and the principal structure.

The design melds the existing barn style architecture with mountain architectural style. Complimentary elements are on both the existing and proposed portions of the residence. The architecture is compatible with the neighborhood.

9. The unit may be a separate building from the primary structure, when placed above a freestanding garage, or on lots greater than one (1) acre.

The Accessory Apartment will be constructed above a new attached garage; therefore, this sub-section does not apply.

Section 3. That the Planning and Zoning Commission of the Town of Dillon does hereby approve a conditional use permit for an Accessory Apartment at 151 Tenderfoot Street, Dillon, Colorado with the following conditions:

1. The applicant shall obtain a Grading and Excavation Permit with the Town prior to performing any site disturbing activity.

2. The foundations shall be surveyed by a Colorado Licensed Surveyor and an Improvement Location Certificate plat provided to the Town prior to Building Permit finalization. The following information is to be provided: location of the foundation showing adherence to the setbacks, and providing a building height certification meeting the maximum building height limit.

3. The applicant shall re-vegetate all disturbed areas by planting a native grass seed or turf grass seed mix, ensure growth through watering or irrigation, and maintain a vegetative ground cover.

4. The applicant shall pay the required water and sewer tap fees.

5. The applicant shall pay all applicable Impact Fees.

6. The applicant shall file with the Town the required restrictive covenant preventing subdividing into separate ownership.

7. The applicant shall file with the Town a deed restriction that prevents short term rentals of the Accessory Apartment.


8. The applicant shall verify the functionality of the water service curbstop valve. The curbstop water service valve shall be observed and documented as functional by the Dillon Water Department. It is the owner's responsibility to maintain the curbstop valve in an operational condition in accordance with the Dillon Municipal Code.

APPROVED AND ADOPTED THIS 7TH DAY OF JUNE, 2017 BY THE
PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON,
COLORADO.

PLANNING AND ZONING COMMISSION,
TOWN OF DILLON

By: 
Nat Nozari, Chairperson

ATTEST:

By: 
Corrie Woloshan, Secretary to the Commission

RESOLUTION NO. PZ 11-19
Series of 2019

**A RESOLUTION APPROVING A ONE-YEAR EXTENSION
OF A LEVEL III DEVELOPMENT PERMIT AND CONDITIONAL
USE PERMIT FOR AN ACCESSORY APARTMENT AT 151
TENDERFOOT STREET.**

WHEREAS, the Planning and Zoning Commission of the Town of Dillon (“**Planning Commission**”) has received a Level III Development Application from Jim Pasterkamp (the “**Applicant**”) for a one-year extension to the Level III Development Permit and Conditional Use Permit issued to Applicant on June 7, 2017, for the construction of an accessory apartment at 151 Tenderfoot Street; 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 June 5th, 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.

**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 June 5th, 2019 on the Application, and following said public hearing makes the following findings of fact:

1. That the Application is complete.
2. That the Application meets the applicable Town of Dillon Municipal Code (“Code”) requirements.
3. That the Application is compatible with the Residential Low (RL) Zoning District.
4. That the Application is in general compliance with the Town of Dillon Comprehensive Plan.

Section 2. That the Planning Commission hereby approves the Application and for a one-year extension to the Level III Development Permit and Conditional Use Permit issued to Applicant on June 7, 2017, for the construction of an accessory apartment at 151 Tenderfoot Street, with the following conditions:

- A. 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.
- B. The Applicant shall submit final construction documents to the Town and shall obtain a building permit for the accessory apartment within one (1) year of June 5, 2019, or the Level III development permit and conditional use permit for the accessory apartment shall become null and void in accordance with Section 16-1-110 of the Dillon Municipal Code.

APPROVED AND ADOPTED THIS 5th DAY OF JUNE, 2019 BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO.

**PLANNING AND ZONING COMMISSION,
TOWN OF DILLON**

By: _____
Teresa England, Chairperson

ATTEST:

By: _____
Michelle Haynes, Secretary to the Commission