

**TOWN OF DILLON  
PLANNING AND ZONING COMMISSION**

**WEDNESDAY March 6, 2019**

**5:30 p.m.**

**Dillon Town Hall**

**CALL TO ORDER**

The meeting of the Planning and Zoning Commission of the Town of Dillon, Colorado, was held on Wednesday, March 6, 2019 at Dillon Town Hall. Chair Teresa England called the meeting to order at 5:33 p.m. Commissioners present were: Teresa England, Joshua Ryks, Alison Johnston and Charlie Oliver. Commissioner Steve Milroy joined the meeting at 5:35 p.m. Staff members present were Dan Burroughs, Town Engineer; Ned West, Town Planner; Dianne Criswell, Town Attorney; Scott O'Brien, Public Works Director; Michelle Haynes, Administrative Assistant; and JoAnne Tyson, Human Resources Manager/Recording Secretary. Ellie Garza, THK & Associates, a consulting planner for the Town of Dillon, was also present

**APPROVAL OF THE MINUTES OF FEBRUARY 6, 2019**

Commissioner Ryks moved to approve the minutes from the February 6, 2019 meeting. Commissioner Johnston seconded the motion, which passed unanimously. Commissioner Oliver abstained from the vote since he did not attend the February 6, 2019 meeting.

**PUBLIC COMMENTS**

There were no public comments at this time.

**AGENDA CHANGE**

Chair Teresa England suggested moving Agenda Item # 5 to Agenda Item #4 on the Regular Meeting Agenda, thus hearing the Panera Plat before the Panera PUD.

**INTRODUCTION OF NEW COMMISSIONER**

Chair Teresa England asked new Commissioner Charlie Oliver to introduce himself and give a brief overview of his professional and personal interests. Commissioner Oliver stated he is a long time Colorado resident, retired pilot, who recently moved to Summit County with his wife and wishes to give back to his community.

**CONSIDERATION OF RESOLUTION 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.

**PUBLIC HEARING:**

A Public Hearing is required for this resolution. The Planning and Zoning Commission shall open a Public Hearing on the resolution and hear testimony from Town staff, and any public testimony submitted during the Public Hearing.

Chair Teresa England opened the public hearing at 5:38 p.m.

**PUBLIC NOTICE:**

Town Engineer Dan Burroughs stated that proper notification of the public hearing was provided pursuant to the Town Code and Development Regulations.

**PROJECT LOCATION:**

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.

**SUMMARY:**

Mr. Burroughs reported that 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. 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, 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.

Ellie Garza, THK & Associates, Town of Dillon planning consultant, gave an overview of the plots to be discussed. She explained the Level IV Development review process which includes:

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**”)

**PUBLIC COMMENTS:**

There were no public comments.

**COMMISSIONER QUESTIONS:**

The Commissioners asked about public trail access and expressed their desire to preserve the right to provide access in the future. There being no further questions, Chair Teresa England closed the public hearing at 5:45 p.m.

Commissioner Johnston moved to approve Resolution NO. PZ 05-19 Series of 2019; striking Section 2A. “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.” The Resolution passed unanimously.

**CONSIDERATION OF RESOLUTION 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.

**PUBLIC HEARING:**

A Public Hearing is required for this resolution. The Planning and Zoning Commission shall open a Public Hearing on the resolution and hear testimony from Town staff, and any public testimony submitted during the Public Hearing.

Chair Teresa England opened the public hearing at 5:52 p.m.

**PUBLIC NOTICE:**

Town Engineer Dan Burroughs stated that proper notification of the public hearing was provided pursuant to the Town Code and Development Regulations.

**PROJECT LOCATION**

The proposed development is located at 257 Dillon Ridge Road, Dillon, Colorado. It is located adjacent to the existing development at The Ridge at Dillon to the east. A Super 8 Wyndham Hotel is to the southwest of the proposed development and an Einstein Brother’s Bagels and residential home are to the south. The development is located in between Dillon Ridge Road and Little Beaver Trail near the union of Interstate 70 and U.S. Highway 6.

**APPLICANT’S PRESENTATION**

Craig Roberts, Ciavonne, Roberts & Assoc., introduced himself and presented on behalf of the applicant. He briefly discussed the general site layout, building design, parking lot and drive-in facility configuration, and retaining walls incorporated into the site design. He commented on the ways the latest architectural design responded to the Town’s architectural review consultant by changing the blank appearance of the norther wall.

This building aims to engage pedestrian traffic by providing a large expanse of glass at the main entry corner as well as providing large windows that visually connect people to the bakery and the dining areas. The main entry is positioned in a way that it faces toward all incoming car and pedestrian traffic. The dining area is recessed from the other parts of the building creating an outdoor public gathering space at the front of the building.

This project is expected to begin construction upon approval and issuance of a building permit, in spring of 2019, weather permitting. Drainage and utility improvements are to be the first items to be constructed.

Architecturally, the building is divided into a clear BASE (a stacked stone that provides visual solidity and connection to its mountainous surroundings), MIDDLE (using varied materials, planes, and colors all at the pedestrian level), TOP (a large gable roof with wide overhangs and parapets with a prominent cap make up the roof). This building makes use of exposed structural glulam's with cedar brackets to help define the large gable roof. Materials vary (but include stacked stone, engineered cedar wood siding, cement board panel siding, a standing seam metal gable roof, earth tone painted EIFS trim, dark bronze aluminum framing & sunshades, and earth tone canvas awnings) and are used to help define the functions of the interior spaces in conjunction with various plane changes. Precedent for the building includes elements from both mountain and lakestyle buildings, as well as historic homes and main street buildings from surrounding towns. Pulling on features such as natural materials, a pronounced roof form, tall expanses of glass, and defined entries point to the adopted 2017 Town of Dillon Design Guidelines.

Building signage is to consist of 12" to 24" internally lit lettering on each plane of the building face. The total square footage of this type of signage is 217.5 sq. ft. In addition to external building signs, an internal 5.8 s.f. window sign will be displayed at the building entrance. The drive-in facility will be supplied with internally lit directional signs and static menu display signs. This amount of signage is beyond the 75 s.f. allowed in the Sign Zone B for a single tenant building, therefore, we are asking to amend the PUD to allow this amount of signage for Panera Bread.

### **STAFF PRESENTATION**

Ellie Garza, THK & Associates, planning consultant for the Town of Dillon, provided the staff presentation and a preliminary summary of the resolution. She discussed parking, drive-in facilities, landscaping, architecture, snow storage, and the site grading. Ms. Garza stated that the Town of Dillon has received a Level IV development application for a major amendment to The Ridge at Dillon Planned Unit Development for a proposed Panera Bread with Drive-in Facility. A Level IV development application and Conditional Use Permit review for the Drive-in Facility require a public hearing by the Planning and Zoning Commission and Dillon Town Council for approval. A restaurant building is allowed in the Commercial (C) Zone District and a drive-in facility is a conditional use in the zone, according to the Dillon Municipal Code.

The parcels are located near the union of Interstate 70 and Highway 6. The parcels are on the west end of The Ridge at Dillon retail subdivision off of Dillon Ridge Road. The development is to consist of a single 4,530 s.f. building, drive-in facility pick-up window access, and parking for 47 vehicles. Due to parking pressure, 17 parking spaces were previously built on this site to accommodate adjacent uses. These spaces are not counted in the total parking count for this project, and will remain to serve the adjacent uses. This project exceeds the total requirement of parking spaces for both use categories of restaurant, sit-down and restaurant, drive-in.

The grade of lots 9R-1 and 10R-1 drops abruptly to the north to Little Beaver Trail, requiring retaining walls to accommodate the building and parking. The development is proposing to change the PUD to allow a single 14-15' tall retaining wall as opposed to two 8' retaining walls. The disturbance caused by the retaining wall construction is to be reclaimed using native grasses and plantings. A combination of deciduous and evergreen trees are to be planted to soften the retaining wall as well as the north face of the retail shop and to buffer adjacent uses, especially the residential use to the south. The Landscape Plan follows the Dillon Municipal Code to determine the quantity and location of the proposed landscape. No variance for the code is being requested for the landscaping.

The Snow Storage Plan highlights the areas available to deposit snow. These areas are to be vegetated in native grasses and wildflowers to minimize damage to other landscape solutions. The drive-in facility drive aisle, walkways and patios are to be heated to melt snow in those areas. The dead-end parking lot proved to be a challenge for accommodating delivery and fire access. Both the ingress and egress drives for the drive-in facility are widened to allow “hammerhead” type turn arounds. The movement of a delivery truck requires a back-in movement toward the trash enclosure, requiring the use of painted islands instead of curbed islands at the drive aisle intersection. The egress of the drive through was widened to allow emergency vehicles to turn around.

Town Municipal Code specifies the maximum grade allowed for parking spaces shall not exceed 4% in any direction. The project proposes a maximum grade of 8.5% in a certain amount of the parking spaces provided. Parking lot grades may be increased beyond the maximum requirements if the owner provides a written statement justifying the reasonableness of the grades proposed in the PUD proposal and includes language holding the Town of Dillon, its officers and employees, harmless from any adverse effects and claims arising from the steeper grades.

Ned West, Town Planner, advised the Commission and Ms. Garza that the Applicant had submitted a revised grading plan earlier today, too late for inclusion in the packets, which appears to address the parking lot grade issue. This will be reviewed and incorporated into the application packet moving forward.

Ms. Garza further explained that the applicant requests a conditional use permit for the Drive-in Facility. The Conditional Use Permit Criteria (Drive-in Facility Window Service) include:

- (1) Drive-in facilities are listed as a conditional use within the Commercial zone.
- (2) The parcel is suitable as it is a vacant property adjacent to existing development with anticipated shared detention and interconnectivity between parking lots. The slopes and topography have been considered, similar to how they were considered with the adjacent development, existing development.
- (3) The drive-in facility window service will not have significant adverse impacts on the air or water quality of the community.
- (4) The drive-in facility window service will not substantially limit, impair or preclude the use of surrounding properties. The drive-in facility lane is tucked back behind the building with adequate back-up space and will not impair the parking/access to surrounding uses. Additionally, this parcel is the “last” parcel at the end of a development that cannot extend any further.
- (5) Public utilities are available to the site and are extended as necessary to accommodate the proposed restaurant.

The proposed development will include a large exterior grease trap which will drain into the sanitary sewer service from the building restrooms. These sanitary sewer lines will connect to an existing private Sanitary Sewer service that connects the Lot 8R-1 building with the public sanitary sewer in Little Beaver Trail. Prior to issuance of a building permit, the applicant will provide written permission from the Lot 8R-1 property owner to use the private sanitary sewer lines on Lot 8R-1 to convey the sewage from the Panera development to the public sewer system in Little Beaver Trail.

An existing private 8” water main runs through the project site and connects the public water main in Little Beaver Trail with the private water main located on Lot 8R-1. These existing water mains will remain private and the proposed fire hydrant will also be private. The property owner is responsible for constructing, maintaining and operating these private improvements in perpetuity. The property owner will allow the Town of Dillon to convey water through these private lines and operate the valves when needed to operate the Town’s water system.

The applicant proposes to fill in the existing rock channel and temporary sediment pond from previous construction. The grading provides the storm water collected on site to sheet drain into storm water drainage inlets and be moved to large, 54 inch storm water pipes to hold the excess storm water from a storm. Prior to issuance of a building permit, the applicant will provide written permission from the Lot 8R-1 property owner to use the private storm sewer lines on Lot 8R-1 to convey the storm drainage from the Panera development to the public storm system in Little Beaver Trail. As a condition of approval, the applicant will design an overflow channel/pipe from the parking lot to the ditch in Little Beaver Trail.

One of the Town's major concerns was the impact of the proposed development on the intersection of The Ridge at Dillon subdivision with Dillon Ridge Road. To further understand this impact, an evaluation was performed by the applicant on the current and proposed traffic patterns for the Panera Bread restaurant. Ms. Garza stated that the Applicant feels their traffic engineer's recommendations will address traffic concerns related to the proposed development. She then invited their traffic engineer to present his findings and recommendations.

Curtis Rowe, P.E. with Kimley-Horn and Associates, Inc. prepared the traffic impact study. He stated that weekday counts were conducted in the beginning of July and conducted Saturday counts over Labor Day weekend. He is recommending improvements at the intersection of Dillon Ridge Road at the entrances to The Ridge at Dillon commercial development, of which this development will be a part, and the Alpine Bank Center mixed-use complex.

Existing peak hour traffic was analyzed on July 10, 2018 during the weekday morning and afternoon peak hours and on September 1, 2018 during the weekend midday peak hour. The project is expected to generate a total of approximately 2,120 daily weekday trips with 181 of these trips occurring during the morning peak hour and 147 new trips during the afternoon peak hour. The Saturday peak hour of generator includes 247 total trips with 126 trips entering and 121 trips exiting.

The traffic study recommends the following to successfully incorporate the proposed development into the existing roadway network:

- The full movement project access intersection should be improved to include an All-Way stop control
- Add striping to the north leg of the Dillon Ridge Road access intersection to designate a separate left turn lane. The existing driveway is wide enough to designate three lanes with one entering lane and two exiting lanes.
- The 65 foot eastbound left turn lane at the Dillon Ridge Road access intersection at The Ridge at Dillon be restriped to include 100 feet of storage length. The existing 65 foot depth may be exceeded during peak hours of use.

Dan Burroughs, Town Engineer, then stated that he is comfortable with the four way stop approach at the intersection and believes that this should greatly help with allowing the business cross traffic to get a fair opportunity to move through the intersection. The left turn lanes on Dillon Ridge Road should be maintained, to allow two cars at a time to move through the intersection. The vehicle stacking distance between U.S. 6 and the intersection is 360 feet. At 20 feet per vehicle this will easily accommodate a minimum of 18 cars and the Town believes this will be more than adequate on most days.

Ms. Garza summarized the application and the Code language providing the ability for the Planning and Zoning Commission to apply conditions to the approval of the project. The Planning and Zoning Commission may recommend conditions of approval that relate to the impacts created by the proposed PUD which may include, but are not limited to, the following:

- a. Increasing the required setbacks.
- b. Limiting the height of the buildings.
- c. Controlling the location and number of vehicular access points.
- d. Establishing new streets, increasing the rights-of-way or roadway width of existing streets, requiring curbs and sidewalks and, in general, improving the traffic circulation system.
- e. Requiring additional improvements for utilities or storm drainage facilities.
- f. Increasing the number of parking spaces and improving design standards for parking areas.
- g. Limiting the number, size, location and lighting of signs.
- h. Designating sites for open space and recreation.
- i. Requiring additional view-obscuring screening or fencing.
- j. Establishing any special time limits for completion of all or any portion of the project, including but not limited to utilities, drainage facilities, streets, curbs, gutters, sidewalks, parking areas, landscaping, fencing, screening, recreation areas or community buildings.
- k. Requiring a special contractual agreement with the Town to ensure development of streets, sidewalks, drainage facilities, utilities and other improvements to standards which are acceptable to the Town.
- l. Requiring the placement of building and roadways in such a manner that: i) would provide for utilization of the solar potential of the site and protect the solar access of adjacent sites, and ii) would buffer and minimize any adverse noise impacts.

**PUBLIC COMMENTS:**

There were no public comments.

**COMMISSIONER QUESTIONS:**

Commissioners asked several questions regarding signage, employee parking requirements, snow storage, reciprocal easement agreements, pond and storm channel/detention pond, grade of parking lot, drive-in facility queuing, service response, slope stabilization and retaining walls.

Commissioner England asked several questions regarding signage, employee parking requirements, neighboring businesses snow storage usage, resurfacing agreements with adjacent parking lot, storm water detention ponds, and retaining walls. Commissioner Johnston inquired about slope stabilization. Commissioner Oliver inquired about the grade of the parking lot and expressed concern about drive-in facility queuing and its potential impact on the proposed parking on the eastern side of the building.

Chair Teresa England closed the public hearing at 6:15 p.m.

Commissioner England moved to approve Resolution NO. PZ 04-19 Series of 2019 with the following revisions: Section 2A: Add “Minor changes” before the word “final”; 2R: delete this section; Renumber 2S to 2R. Commissioner Ryks seconded the motion which passed unanimously.

### **DILLON MUNICIPAL CODE CHAPTER 16 AND 17 REVIEW DISCUSSION:**

Mr. Burroughs reported that RG and Associates was hired to review Chapter 16 and 17 of the Dillon Municipal Code and then was hired to work on potential amendment language for the first two articles of Chapter 16 (General Provisions and Development Permit Process). Town staff will bring any proposed Chapter 16 Code amendments before the Commission for their review and recommendation to the Town Council.

### **PROJECT UPDATES:**

- Christy Sports: most of the glass is installed and signage is up.
- Homewood Suite: Town Council approved this project with conditions which include: additional stone façade, stone and timber on the monument sign, added parking under the structure and outside the building, full public restaurant, and additional signage for “The Vue” restaurant. A Building Permit Set was submitted to Summit County Building Inspection Department today, March 6, 2019 and construction is estimated to begin in May.
- Uptown 240: Still need submittals. Construction is estimated to begin in May or potentially a little later.
- Sail Lofts: The second phase of this project is anticipated to start this summer; Phase I is nearing completion.
- Anemone Urgent Care: They are advertising and anticipate construction to begin this summer.
- Vail Health: Anticipating earthwork and utility construction to begin after July 4, 2019
- Town Park: Street and parking projects will begin mid-summer into the fall. This spring, the southern tennis courts will be removed, relocated and reconstructed right away.

### **OTHER BUSINESS:**

- Walkability: Increase pedestrian access through the town core. Looking for wider pedestrian boulevards with areas of interest. Several open houses will be scheduled to solicit public input.
- Marina Master Plan: a number of elements from the old plan have been completed ie: Dillon Amphitheater, slope stabilization, Marina Park and parking lot improvements. Tangible items will be considered over the next ten years. A public process will be scheduled.
- Parking Study: Three Request for Proposal’s (RFP’s) were received, two dropped out. A consulting agreement will be drafted with Walker.
- April 2 Joint Work Session with Town Council: Discussion will include parking options; focusing on the Town Core. Considerations will include: building a parking structure (costs and how do we pay for it), developing a parking district, permitted parking, parking meters, condominium owners pay into a program, fee in lieu from developers rather than provide their own parking.
- Commissioner Josh Ryks advised the Commissioners that a Vice-Chair needed to be elected. He volunteered for the position and all Commissioners voted in favor of his appointment.

### **ADJOURNMENT**

There being no further business, Teresa England adjourned the meeting at 7:11 p.m.

Respectfully submitted,

***Michelle Haynes***

Michelle Haynes

Secretary to the Commission