

**TOWN OF DILLON
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING
WEDNESDAY, JUNE 5, 2019**

**5:30 p.m.
Dillon Town Hall**

CALL TO ORDER

The special meeting of the Planning and Zoning Commission of the Town of Dillon, Colorado, was held on Wednesday, June 5, 2019 at Dillon Town Hall. Chair Teresa England called the meeting to order at 5:30 p.m. Commissioners present were: Teresa England; Joshua Ryks, Steve Milroy and Alison Johnston. Commissioner Charlie Oliver was absent. Staff members present were Ned West, Town Planner; Nicolas Cotton-Baez, Town Attorney; Michelle Haynes, Recording Secretary; and Scott O'Brien, Public Works Director.

APPROVAL OF THE MINUTES OF MAY 1, 2019 REGULAR MEETING

Commissioner Milroy moved to approve the minutes from the May 1, 2019 regular meeting. Commissioner Rykes seconded the motion, which passed unanimously.

REAPPOINTMENT OF COMMISSIONERS

Commissioners Theresa England and Alison Johnston were reappointed by Town Council on June 4, 2019 extending their terms for three (3) more years.

PUBLIC COMMENTS

There were no public comments.

CONSIDERATION OF RESOLUTION PZ 09-19, SERIES OF 2019

A RESOLUTION APPROVING A LEVEL III DEVELOPMENT APPLICATION FOR A MINOR AMENDMENT TO THE DILLON RIDGE MARKETPLACE PUD RELATING TO SIGNAGE.

PUBLIC HEARING:

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

Chair Teresa England opened the public hearing at 5:33 p.m.

Ned West, Town Planner, presented the staff summary.

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**").

PROJECT LOCATION:

Dillon Ridge Apartments located at 380, 384, and 388 Dillon Ridge Road, or more specifically on Block 6 of the Dillon Ridge Marketplace PUD, Town of Dillon, Colorado.

SUMMARY:

The Application amends the existing Dillon Ridge Marketplace PUD to allow one (1) freestanding sign to be installed on Block 6, Dillon Ridge Marketplace Replat B (“Block 6”). The current PUD specifically does not allow a freestanding sign on Block 6. The Dillon Ridge Apartments, a three-building apartment complex, is located on Block 6. The apartment buildings are located at 380, 384, and 388 Dillon Ridge Road.

This application is to amend the PUD; a separate application is specific to the sign itself. That being said, the resolution provides conditions of approval which provide specific details for what freestanding signage is permitted through this Minor PUD Amendment for Block 6 of the Dillon Ridge Marketplace PUD.

MUNICIPAL CODE & COMPREHENSIVE PLAN REVIEW:

Sign Code Regulations: The Dillon Municipal Code (the “Code”) identifies the subject property as being located in Sign Zone ‘B’. Sign Zone ‘B’ allows for residential complex signage to be up to a maximum total of 75 sq. ft. as one or two signs. Freestanding signs are allowed in Sign Zone ‘B’ and may be up to eighteen (18) feet high. Only one freestanding sign per lot is permitted. Since the previously approved Dillon Ridge Marketplace PUD Development Plan specifically does not allow a freestanding sign on Block 6, the Applicant is going through the Minor PUD Amendment process to allow for one freestanding sign as is generally provided for in the Code.

Land Use and the Comprehensive Plan: If this Resolution and Resolution PZ10-19 were approved, the sign would provide for greater visibility and recognition of the Dillon Ridge Apartments, which provide 50% workforce housing and another 50% market rate housing. The Town recognizes that signs are a necessary means of useful communication for the convenience of the public, and the Comprehensive Plan recognizes the value signs have in informing the public and defining a place.

COMMISSIONER QUESTIONS:

Commissioners asked questions which addressed the reasonings of why free-standing signs are not allowed in the Dillon Ridge Marketplace PUD. Commission also expressed concern of visibility issues of the sign once Vail Health is built. Staff provided the information requested and advised that the sign is following the code requirements and is not visible unless approached on Dillon Ridge Road, so future potential development is not anticipated to impact the sign.

PUBLIC COMMENTS:

There were no public comments.

PUBLIC HEARING CLOSED:

Chair Teresa England closed the public hearing at 5:37 p.m.

RECORD OF PLANNING COMMISSION ACTION:

Commissioner Joshua Ryks moved to approve Resolution No. PZ 09-19 Series of 2019. Commissioner Steve Milroy seconded the motion, which passed unanimously.

CONSIDERATION OF RESOLUTION PZ 10-19, SERIES OF 2019

A RESOLUTION APPROVING AN APPLICATION FOR A CLASS 1 SIGN PERMIT FOR THE INSTALLATION OF A PERMANENT FREESTANDING SIGN ON BLOCK 6, DILLON RIDGE MARKETPLACE REPLAT B

PUBLIC HEARING:

A public hearing is not required.

PROJECT LOCATION:

The 3-building Dillon Ridge Apartments complex, located at 380, 384, and 388 Dillon Ridge Road. The sign is to be located on the southwestern corner of the lot (Block 6, Dillon Ridge Marketplace Replat B) near Dillon Ridge Road and the entrance to the movie theater.

SUMMARY:

Town Planner, Ned West, presented the applicant summary on behalf of the applicant. Paul Clukies with House of Signs was also in attendance on behalf of the Owner for any questions.

This Class I Sign Application is for the permanent sign for the Dillon Ridge Apartments 3-building complex, located at 380, 384, and 388 Dillon Ridge Road. The sign is to be located on the southwestern corner of the lot (Block 6, Dillon Ridge Marketplace Replat B) near Dillon Ridge Road and the entrance to the movie theater.

No illumination is planned for this freestanding sign with a surface area of 22.4 square feet, with a pedestrian scale height of 80” (6’-8”). The sign zone would permit an 18’ tall sign and a total square footage of 75 square feet.

COMMISSIONER QUESTIONS:

Commissioners asked questions which addressed the materials being used in the sign and whether they match the materials used on the apartment buildings. The Commission also expressed concerns of current landscaping and future landscaping to cover up the cement blocks used in the foundation of the sign. Mr. Paul Clukies and staff provided the information requested and advised that the sign will match the current building materials used, and that no current landscaping will be changed, and more landscaping will be added to help disguise the cement blocks.

RECORD OF PLANNING COMMISSION ACTION:

Commissioner Alison Johnston moved to approve Resolution No. PZ 10-19 Series of 2019. Commissioner Joshua Ryks seconded the motion, which passed unanimously.

CONSIDERATION OF RESOLUTION 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:

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

Chair Teresa England opened the public hearing at 5:50 p.m.

Ned West, Town Planner, Presented the staff summary.

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”).

PROJECT LOCATION:

151 Tenderfoot Street, Lot 16, Block L, New Town of Dillon, Dillon, Colorado.

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.

COMMISSIONER QUESTIONS:

Commissioners asked questions which addressed the original conditions and if they will still apply. Staff provided the information requested and advised that the original conditions will still apply and the resolution may be amended under Section 2, to add a new condition ‘C’ stating that the prior conditions of approval shall remain.

PUBLIC COMMENTS:

There were no public comments.

PUBLIC HEARING CLOSED:

Chair Teresa England closed the public hearing at 5:57 p.m.

RECORD OF PLANNING COMMISSION ACTION:

- A. Commissioner Theresa England moved to approve Resolution No. PZ 11-19 Series of 2019 by amending it with a new condition ‘C’ in Section 2 of the resolution to read, “The conditions of approval in Resolution PZ 06-17, Series of 2017 providing the initial approval on June 7, 2017 of the Level III Development Permit and Conditional Use Permit Applications shall remain in effect.” Commissioner Alison Johnston seconded the motion, which passed unanimously.

CONSIDERATION OF RESOLUTION PZ 12-19, SERIES OF 2019

A RESOLUTION APPROVING A CONDITIONAL USE AND LEVEL III DEVELOPMENT APPLICATION FOR A MULTI-FAMILY DEVELOPMENT AT 14 ENSIGN DRIVE.

PUBLIC HEARING:

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

Chair Teresa England opened the public hearing at 6:01 p.m.

James Haass, Applicant, presented the applicant summary.
Ned West, Town Planner, Presented the staff summary.

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”).

PROJECT LOCATION:

14 Ensign Drive, or more specifically located on Lot 1, Block 5, Corinthian Hill Subdivision.

SUMMARY:

The Town has received a Level III Development Permit Application and Conditional Use Permit Application for a multi-family development consisting of two duplexes to be located at 14 Ensign Drive, or more specifically located on Lot 1, Block 5, Corinthian Hill Subdivision. The applicant is James Haass.

CODE ANALYSIS:

Zoning District: The Application is located in the Residential Medium (RM) Zone. In general, the RM zone allows for 6-14 units per acre. Multi-family residential developments in the zone require a Conditional Use Permit for dwellings up to eight (8) units per building. The Application proposes two units per building, with a total of two buildings. The Application complies with the Code for consideration under a Level III Development and a Conditional Use Permit.

Lot Coverage: The RM zone allows for up to 45% lot coverage. The application provides 7,595 square feet of lot coverage over a 21,735 square foot lot, which equates to a 35% proposed lot coverage. The Application complies with the Code.

Open Space: The RM zone requires that multi-family dwellings provide usable private open space at a rate of two hundred (200) square feet per dwelling unit. The Application provides more than the minimum required open space in decks, balconies, and the common elements of the site. The Application complies with the Code.

Yards: Yards, or setbacks, are required in most zone districts from the side of a building to a property line. The Code allows for a two-foot (2’) roof overhang to project into a yard but does not allow such an encroachment into a platted utility easement. The RM zone requires the following yards (setbacks):

- Front Yard: 20’
- Side Yard: 10’
- Street Side Yard: 20’
- Rear Yard: 20’

The Application complies with the Code as it relates to Yards. The Application shows a minor roof overhang encroachment into the platted utility easement on the eastern side of Building C-D. A condition of approval is that the Applicant resubmit a site plan where this encroachment is removed. The Town has determined that some underground utilities are present in the utility easement, and the Town is not interested in vacating the easement.

Building Height: To determine the building height, the Dillon Municipal Code requires that a base elevation be determined by averaging the high and low foundation contact points at existing grade. This is then compared to the highest ridge elevation to determine the building height. The maximum building height in the RM zone is 35’.

Building A-B:

High Point: 9098.4’
Low Point: 9090.8’
Base Elevation: 9094.6’
Ridge Elevation: 9129.4
Building Height: **34.8’**

Building C-D:

High Point: 9106.4’
Low Point: 9099.2’
Base Elevation: 9102.8’
Ridge Elevation: 9137.3
Building Height: **34.5’**

The Application complies with the Code.

Design Guidelines: The architectural style, materials, and proposed colors are harmonious with the mountain setting and scale of the Town. The roofs are pitched, and eaves and overhangs provide shelter from the elements. The building materials are predominantly natural in style and appearance, with some metal siding highlights which point to the “Mountain Lakestyle” design elements found in the 2017 Design Guidelines. Earth tone colors dominate the design. The Application complies with the Code.

Snow Storage: The site provides ample areas for snow storage adjacent to the proposed driveways. A condition of approval is that a revised site plan be provided, and snow storage areas are required to be shown on the revised site plan. The Application provides enough snow storage area to comply with the Code and will be deemed compliant once the revised site plan is submitted showing snow storage areas of not less than 25% of the hardscape snow removal area.

Off-Street Parking: Parking is provided in the garages of the units, as well as surface parking in front of the garages. There are two separate driveway cuts proposed, one for each of the two buildings. The Application complies with the Code.

Landscaping: A condition of approval is the requirement to submit a Code conforming landscape plan for review by the Planning and Zoning Commission in a future meeting. The Application has a two-hundred and eleven-foot (211’) front yard. The Code specifies the number of street trees in a required front yard to be determined at a rate of one (1) tree for each fifteen (15) linear feet of frontage. The Applicant is therefore required to plant fourteen (14) street trees in the front yard to screen the development. Additional trees are required in the other yards in a number adequate to buffer the project from adjacent uses.

All required trees shall be a minimum of six (6) feet in height, with the exception that twenty-five percent (25%) shall be a minimum of eight (8) feet in height. All required trees shall have a minimum caliper measured two (2) inches above ground level, of one and one-half (1½) inches.

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. No trees shall be planted within ten (10) lateral feet of any underground water line, sewer line, transmission line or other underground public utility. In addition to the required trees, the site shall be landscaped with grasses, ground cover, and shrubs suitable to the site and in fitting with the adjacent residential properties.

All required yards and the entire open space of all multi-family dwelling sites, exclusive of walks, drives, parking areas and buildings, shall be landscaped and permanently maintained. Landscaping shall primarily consist of ground cover, trees, shrubs and other living plants with sufficient irrigation to properly maintain all vegetation. Revegetation of the site is required. All surface areas designated on the approved site plan that will not be a hard surface shall be planted with adequate ground cover as approved by the Town and shall be top-dressed with a minimum of two (2) inches of top soil prior to planting. In addition, irrigation systems shall be provided in those instances where required to guarantee the proper growth of the landscaping being provided.

COMMISSIONER QUESTIONS:

Commissioners asked questions which addressed if these units will be considered Townhomes vs. Condos and if the structure will fit in with neighboring style of units in the neighborhood. Will the grading effect the height of the structures and what are the exact materials being used in the build? Staff and James provided the information requested and advised that the decision is that they will be townhomes and they will fit in well with surrounding structures in the neighborhood. James went into detail on the exact materials they plan to use. Commissioner Theresa England and Attorney, Nicolas Cotton-Baez would like to strike ‘and the common elements’ from Section 2, item H.

PUBLIC COMMENTS:

Dean Tollefson asked about timing of the project and construction, and James assured him they would follow town code and start work in September. Ned West, Town Planner, provided the permissible work hours per the Code: Monday – Saturday 7am – 7pm and Sundays 10am – 6pm.

Art Kalback stated that the HOA has a lower height restriction than the Town does. James stated that they will be asking the HOA for an exception.

David LaCroix expressed his concern for the loss of view from his home. Haass expressed his sympathy and explained that as long as he follows code there is not much he can do for the loss of Mr. LaCroix view.

Todd Johnson spoke on Behalf of James Haass and Dave. He expressed what exceptional people both James and Dave are. He spoke very highly of the two men and all their past projects they have accomplished.

Ned West presented all letters from the public that the town received in conjunction with this project. Letters for and against the project were entered into the record.

PUBLIC HEARING CLOSED:

Chair Teresa England closed the public hearing at 6:31 p.m.

RECORD OF PLANNING COMMISSION ACTION:

Commissioner Theresa England moved to approve Resolution No. PZ 12-19 Series of 2019 with an amendment to strike the phrase, “and the common elements” from Condition ‘H’, Section 2 of the resolution. Commissioner Joshua Ryks seconded the motion, which passed unanimously.

CONSIDERATION OF RESOLUTION PZ 13-19, SERIES OF 2019

A RESOLUTION RECOMMENDING APPROVAL OF A LEVEL IV DEVELOPMENT APPLICATION FOR A CLASS S-3 SUBDIVISION FOR THE DILLON PINES TOWNHOMES.

PUBLIC HEARING:

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

Chair Teresa England opened the public hearing at 6:50 p.m.

Ned West, Town Planner, Presented the staff summary.

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”).

PROJECT LOCATION:

301 W. La Bonte Street and 306 Lodgepole Street, or more specifically Lots 4 and 8, Block D, New Town of Dillon Subdivision, Town of Dillon, Colorado.

SUMMARY:

This Class S-3 Subdivision application consists of recommending approval of the Final Plat “Dillon Pines Townhomes, A replat of Dillon Pines Apartments – North and Dam Site Apartments - South” which creates one new lot called Lot 4R and combines two existing lots into a new single lot. Please refer to the attached plat map that was prepared by Blue River Land Surveying for additional information.

The Applicant for this subdivision replat is West Brown Huntley PC on behalf of the Dillon Pines Townhome Association.

The Replat vacates the existing interior lot line between the two lots.

COMMISSIONER QUESTIONS:

There were no commissioner comments.

PUBLIC COMMENTS:

There were no public comments.

PUBLIC HEARING CLOSED:

Chair Teresa England closed the public hearing at 6:54 p.m.

RECORD OF PLANNING COMMISSION ACTION:

Commissioner Alison Johnston moved to approve Resolution NO. PZ 13-19 Series of 2019. Commissioner Theresa England seconded the motion, which passed unanimously.

CONSIDERATION OF RESOLUTION PZ 14-19, SERIES OF 2019

A RESOLUTION APPROVING AN APPLICATION FOR A CLASS 1 SIGN PERMIT FOR INSTALLATION OF A PERMANENT FREESTANDING SIGN AT THE SAIL LOFTS AT LAKE DILLON CONDOMINIUMS.

PUBLIC HEARING:

A public hearing is not required.

PROJECT LOCATION:

The Sail Lofts at Lake Dillon Condominiums, Phase I located at 205 E. La Bonte.

SUMMARY:

A permanent sign application requires a review by the Planning and Zoning Commission during a public meeting. A public hearing is not required.

This Class I Sign Application is for the permanent sign for the Sail Lofts at Lake Dillon Condominiums, Phase I located at 205 E. La Bonte.

The freestanding monument sign is to be located at the southeastern corner of the building.

The sign has a surface area of twenty-three point four (23.4) square feet. Freestanding residential complex signs located in Sign Zone ‘A’ may be up to thirty-six (36) square feet.

Sign Zone ‘A’ limits the height of a freestanding sign to six (6) feet, which includes the monument base per the Dillon Municipal Code.

Full cut-off gooseneck down lighting is proposed for the sign.

The Applicant for this sign is Sail Lofts, LLC (“Owner”).

COMMISSIONER QUESTIONS:

Commissioners asked questions which addressed the lighting fixtures and the angle at which they are set. Will the angle cause the lights to hit on coming traffic? Staff agreed and stated the same concern. Addressing this concern will be an amendment to Resolution PZ 14-19, series of 2019, in section 1 item G.

RECORD OF PLANNING COMMISSION ACTION:

Commissioner Theresa England moved to approve Resolution No. PZ 14-19 Series of 2019 with an amendment to Section 1 of the resolution, adding a new Condition ‘G’ to read, “The full cut-off sign lighting shall be installed such that it points down, vertically over the face of the sign, and shall not be angled such that the light source could be viewed”.

Commissioner Joshua Ryks seconded the motion, which passed unanimously.

CONFIRM REGULAR PLANNING & ZONING MEETING ON JULY 3, 2019.

All following commissioners confirmed they will attend the July 3, 2019 regular meeting; Theresa England, and Alison Johnston. Steve Milroy stated that he will not be available for the July 3rd meeting. Joshua Ryks informed the committee that he will be resigning as of June 6, 2019. It was discussed that Charlie Oliver will be contacted to see if there will be a quorum for the July 3rd meeting.

PROJECT UPDATES:

- Monday June 10 -Wednesday June 12, Lake Dillon Drive will be closed for the start of Homewood Suites.
- All town construction traffic lane closures are only happening Monday – Thursday.
- Christy Sports: This project is almost finished. It is open for business. Landscaping, ADA issues, and parking lot striping are still pending completion.
- Sail Lofts: They have received their certificate of occupancy. The second phase of this project is anticipated to start this summer, but no specific start date is set.
- The Dillon Medical Building (Vail Health), Panera, and the Dillon Urgent Care and Residences: Approved at the Town Council level.
- Uptown 240: Has been given excavation permits to begin utility lines.

OTHER BUSINESS:

- Discussed attendance of future meetings.
- STR rentals
- Amphitheater

ADJOURNMENT

There being no further business, Teresa England adjourned the meeting at 7:34p.m.

Respectfully submitted,

Michelle Haynes

Michelle Haynes

Secretary to the Commission