PLANNING AND ZONING COMMISSION ACTION ITEM STAFF SUMMARY OCTOBER 2, 2019 PLANNING AND ZONING COMMISSION MEETING

DATE: September 26, 2019

AGENDA ITEM NUMBER: 4

ACTION TO BE CONSIDERED:

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

A RESOLUTION APPROVING A LEVEL III DEVELOPMENT PERMIT FOR A NEW DECK ON A COMMERCIAL BUILDING LOCATED AT 765 W. ANEMONE TRAIL.

(PUBLIC HEARING)

SUMMARY:

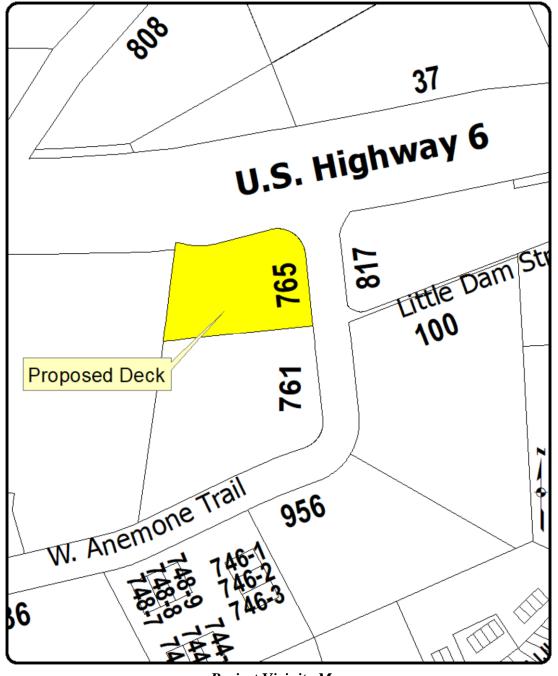
The Town has received a Level III Development Permit Application for a new deck on a commercial building to be located on the rear of the building located at 765 W. Anemone Trail. The new deck will provide the potential for outdoor seating associated with a restaurant use in the tenant space to which it is to be connected. A new deck on a commercial building requires a Public Hearing and approval by the Planning and Zoning Commission.



Proposed New Deck on the Rear of the Building

PUBLIC NOTICE:

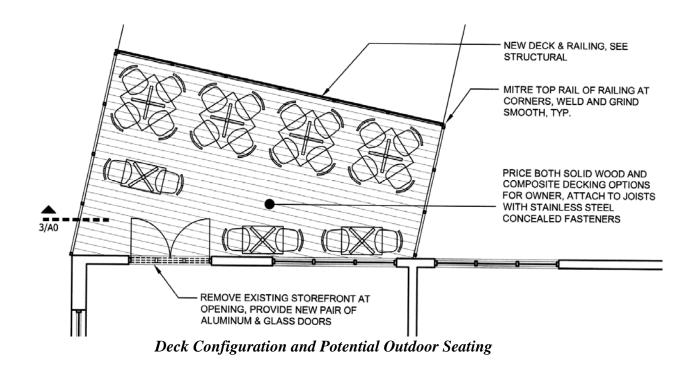
The Town posted a sign of the Public Hearing on the site on Wednesday, September 18th, 2019. A newspaper ad ran in the Summit Daily (Journal) on Friday, September 20, 2019, and a mailing noticing the public hearing time and date was sent out on Friday, September 20, 2019 to property owners within 300' of the site. The notices were made within the required 7-day minimum and 14-day maximum notice period required by the Dillon Municipal Code (the "Code").

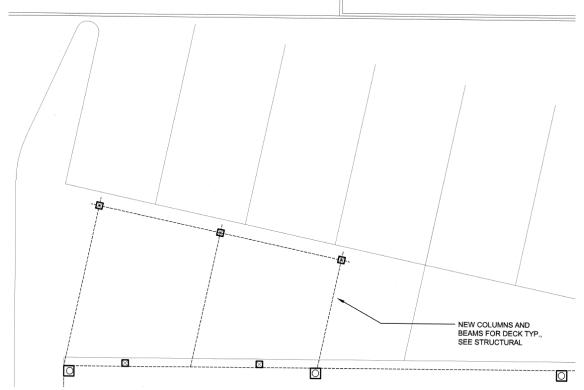


Project Vicinity Map

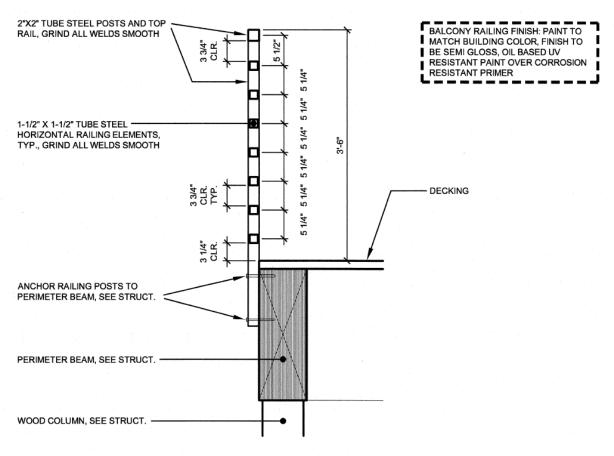


Rear of the Building Where the Deck is Proposed





Columns and Beams for Proposed Deck



Deck Railing Detail

CODE ANALYSIS:

Zoning District: The Application is located in the Mixed Use (MU) Zone. A deck is a permitted accessory use for a building; however, the Dillon Municipal Code (Code), requires a Level III Development Permit review process and Public Hearing for a new deck on a commercial building. The tenant space with the proposed deck could change use from retail to a restaurant use, as permitted in the zone. Impacts to consider for a potential restaurant deck are noise and visual impacts to adjacent residential properties. It is anticipated that the potential outdoor seating will not have substantial negative impacts on adjacent properties, given the location of the proposed deck on the commercially facing rear of the building, the close proximity of the site to the major thoroughfares, U.S. Highway 6 and Interstate 70, and that residential properties are not immediately adjacent to the site.

<u>Lot Coverage</u>: The MU zone allows for up to 40% lot coverage. The existing building, including the concrete apron around the building in which the proposed deck is to be built, covers approximately 19% of the site. The Application meets the lot coverage requirements of the Code.

<u>Open Space</u>: The MU zone requires open space for residential developments, but not commercial developments. Though not a requirement, the Application provides approximately 300 square feet of outdoor space.

<u>Yards:</u> Yards, or setbacks, are required in most zone districts from the side of a building to a property line. The MU zone requires the following yards (setbacks):

Front Yard: 25' Side Yard: 10'

Street Side Yard: 20'

Rear Yard: 20'

The Application complies with the yard requirements of the Code.

Building Height: The Application does not increase the height of the building.

<u>Design Guidelines</u>: The architectural style, materials, and proposed colors are harmonious with the building.

Snow Storage: The Application does not impact snow storage on site.

Off-Street Parking: Parking is provided in the parking lot around the building. A shared parking agreement exists for this building and the adjacent building (761 W. Anemone Trail – Sun and Ski Sports). The outdoor deck space is greater than 20% of the interior tenant space it is attached to. Assuming that the tenant space has potential for a restaurant use, the deck was analyzed as outdoor seating, and it was determined that an addition 0.5 parking spaces are required. Based on the analysis of the existing parking and the uses in the buildings, it is determined that the two sites with the parking agreement provide enough parking spaces for the proposed development, including the potential change in use from retail to restaurant use in the tenant space attached to the proposed deck. The Application complies with the parking requirements of the Code.

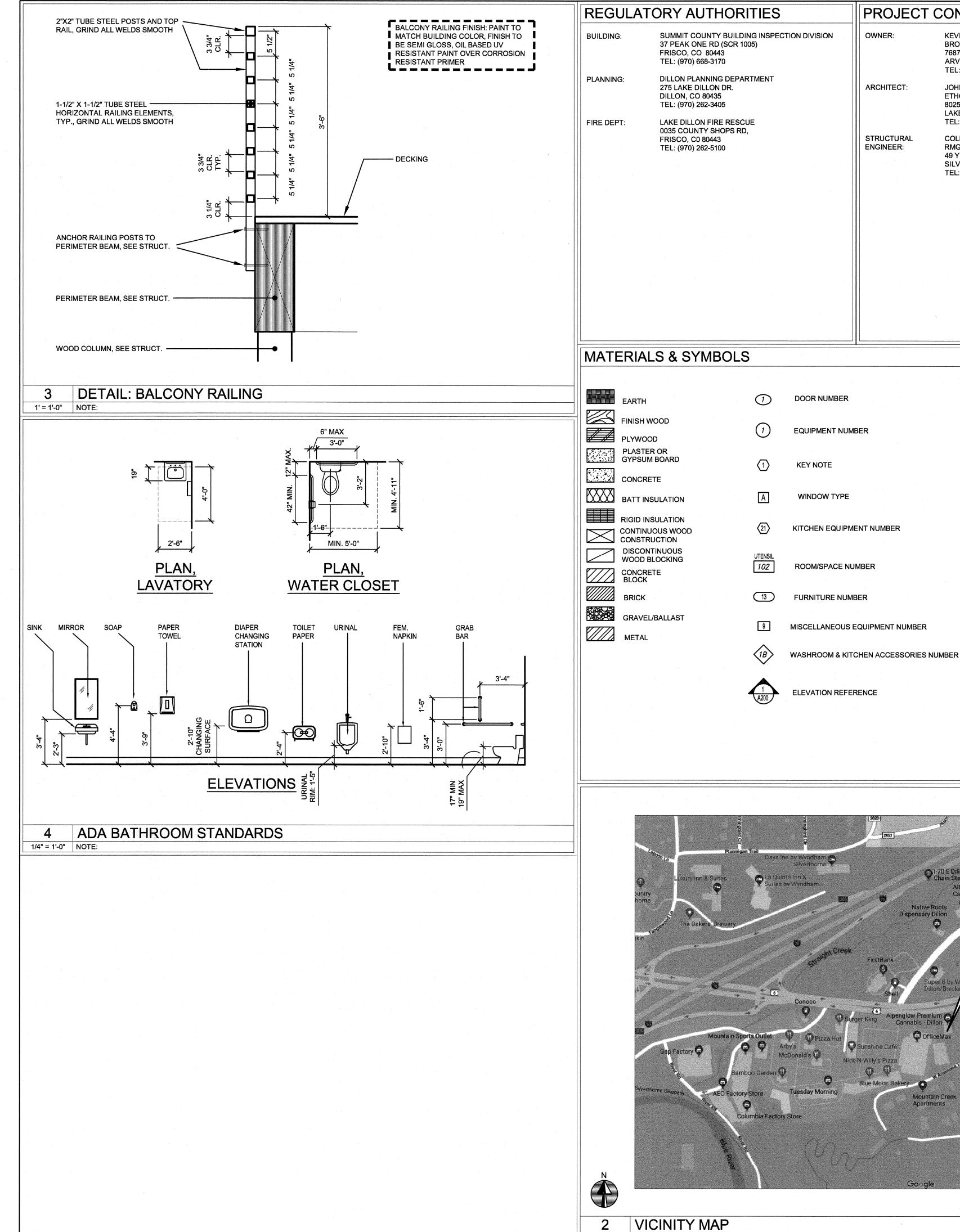
<u>Landscaping</u>: There are no landscaping requirements associated with this Application. There has been added to the Resolution a condition of approval that would require the construction of a recycling and waste receptacle enclosure or screening for the building at 765 W. Anemone Trail in accordance with the screening requirements of the Code.

MOTION FOR APPROVAL:

I move the approval of Resolution 19-19, Series of 2019 with conditions as presented.

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



PROJECT CONTACTS

KEY NOTE

WINDOW TYPE

ROOM/SPACE NUMBER

SUMMIT COUNTY BUILDING INSPECTION DIVISION

OWNER: KEVIN FAULKNER **BROWN & ASSOCIATES** 7687 W. 88TH AVE.

ARCHITECT:

STRUCTURAL

ENGINEER:

ARVADA, CO 80005 TEL: (970) 470-3811

JOHN SPONSELLER

8025 W 25TH PLACE

TEL: (303) 815-0161

COLETTE SMITH

49 Y RD.

RMG ENGINEERS

LAKEWOOD, CO 80214

SILVERTHORNE, CO 80498 TEL: (970) 673-9508

PLAN NORTH

W1 WALL TYPE

SECTION/DETAIL REFERENCE

WALL SECTION REFERENCE

ETHOS ARCHITECTURE GROUP

SHEET INDEX

ARCHITECTURAL

A0 COVER SHEET, CODE STUDY, DETAILS A1 LOWER LEVEL & MAIN LEVEL FLOOR PLANS

STRUCTURAL

S1 STRUCTURAL FRAMING PLANS S2 STRUCTURAL DETAILS

PROJECT SCOPE

312 SF BALCONY ADDITION TO 1,058 SF MAIN LEVEL RETAIL SPACE. FLOOR INFILL & STAIR DEMOLITION AT MAIN LEVEL RETAIL SPACE TO SEPARATE MAIN LEVEL SPACE FROM 1,524 SF LOWER LEVEL TENANT SPACE.





8.22.2019 FOR PLAN REVIEW

765 W. ANEMONE TRAIL SUITES A & B, DILLON 80435

DRAWN BY: JS, KC

CHECKED BY: JS

19-218

COVER, CODE, **DETAILS**

8.22.2019

MODEL CODES SUMMIT COUNTY BUILDING DIVISION HAS ADOPTED 2012

INTERNATIONAL CODES, AMENDED FOR LOCAL CONDITIONS 2017 NATIONAL ELECTRICAL CODE (NEC)

CODE SUMMARY

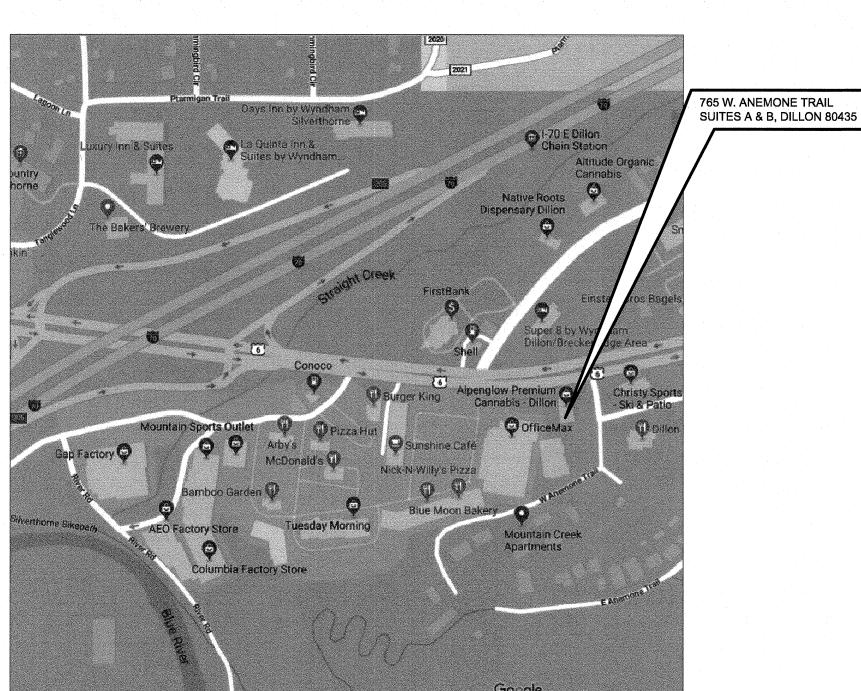
TYPE OF CONSTRUCTION: TYPE 5-B, FULLY SPRINKLERED

BUILDING AREA ALLOWABLE: 6,000 SF ACTUAL: 1,058 SF (MAIN LEVEL) 1,524 SF (LOWER LEVEL)

SITE PLAN

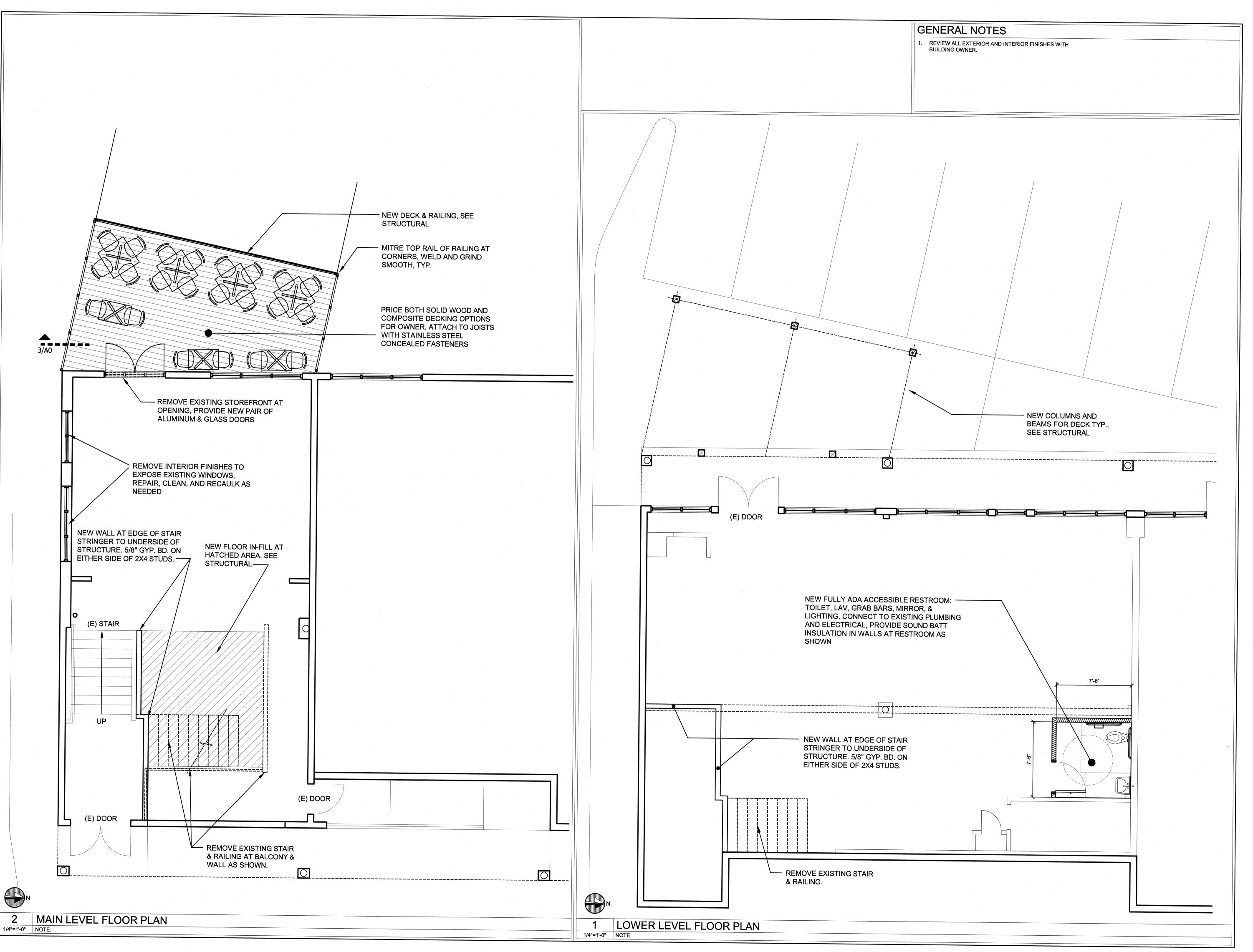
N.T.S. NOTE:

EXITS REQUIRED: 1 PER TENANT, EXITS PROVIDED: 1 PER TENANT.



N.T.S. NOTE:









GORE RANGE PLAZA
PARTIAL SHELL REMODEI
765 W. ANEMONE TRAIL
UNITS A & B
DILLON, CO 80435

8.22.2019	FOR PLAN REVIEW
Revisions:	

DRAWN BY: JS, KC

CHECKED BY: JS

19-218

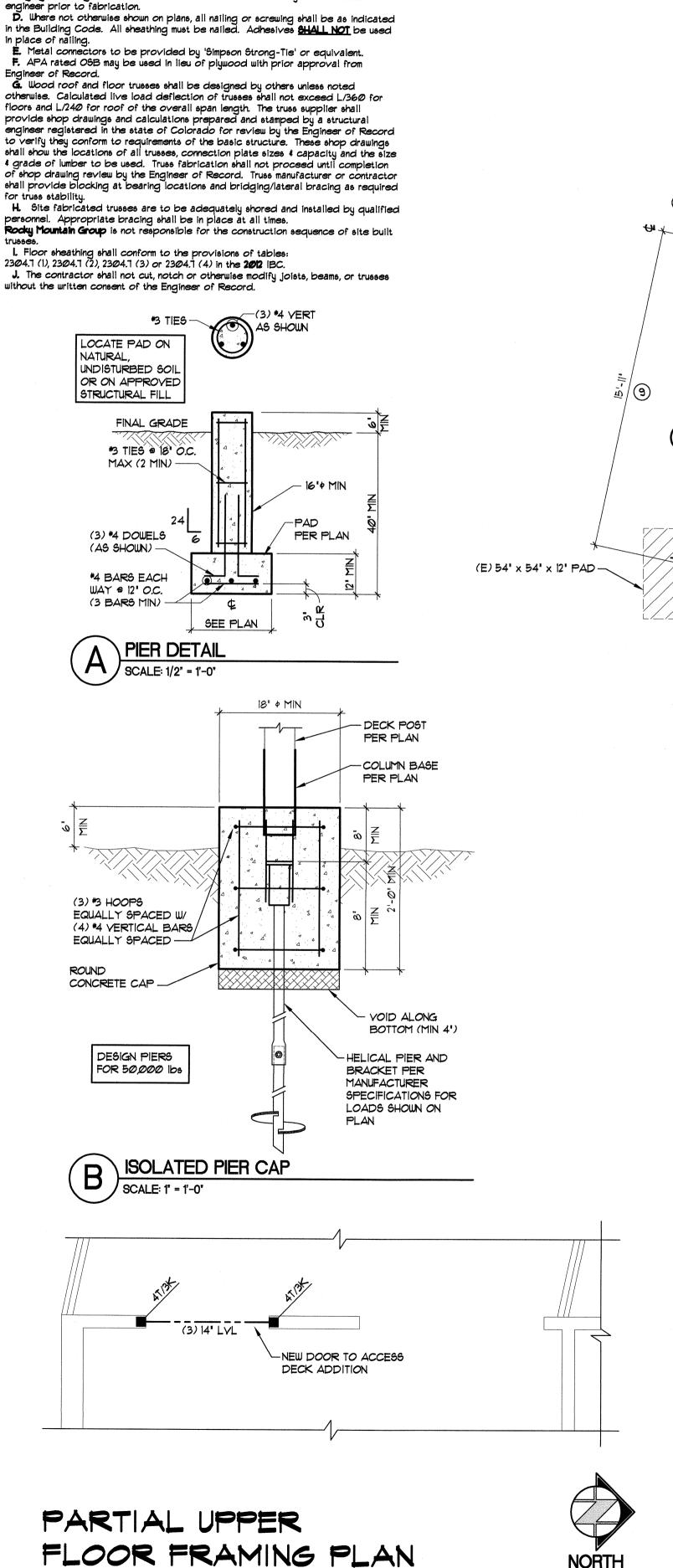
Contents:

LOWER LEVEL AND MAIN LEVEL FLOOR PLANS

A1

Date of Last Print: 8.22.2019

brought into snug contact.



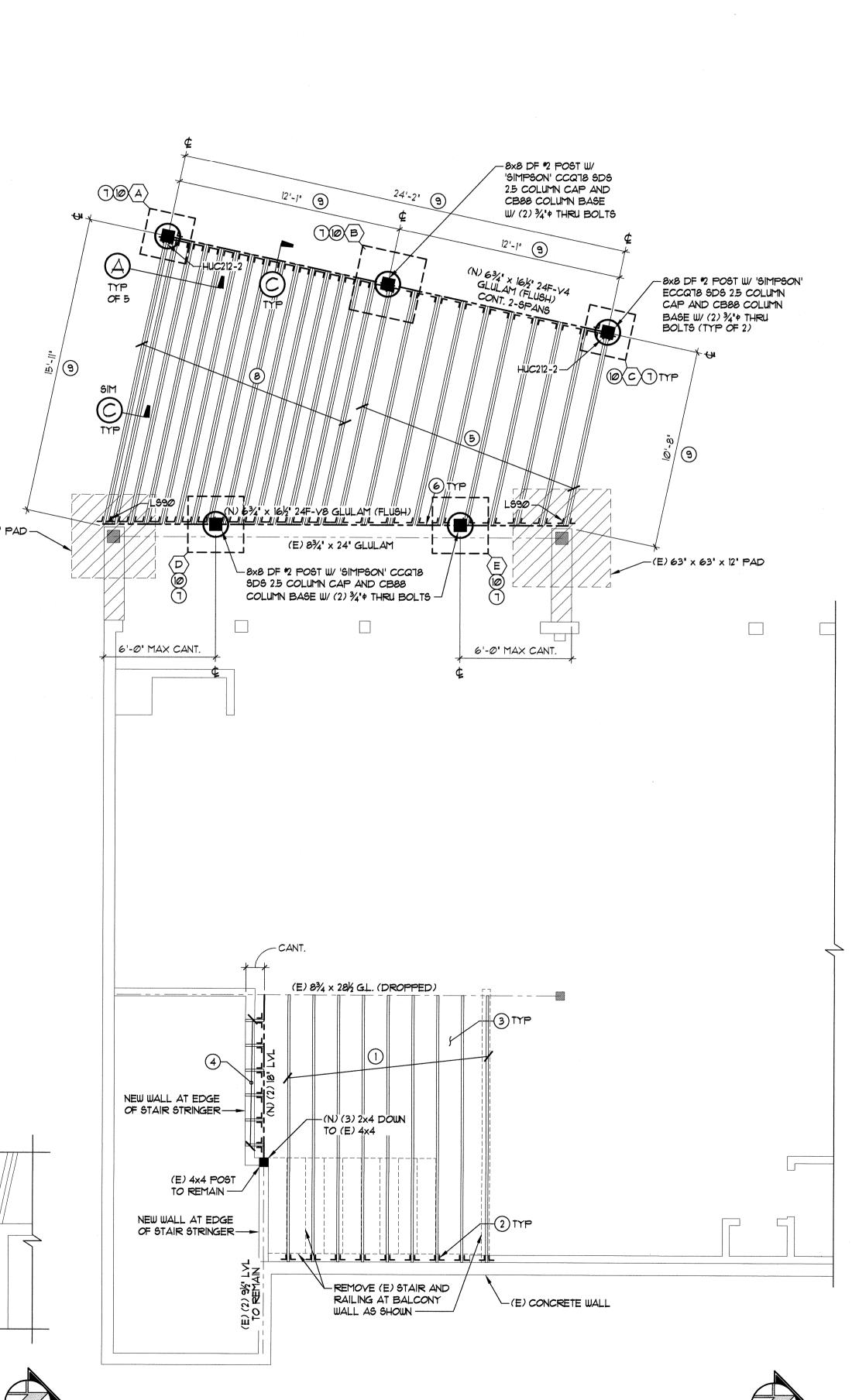
- SCALE: 1/4" = 1'-0"-

. Stud Grade

.. 24F-V4 DF/DF unless noted otherwise

. *I Grade Post and Timber

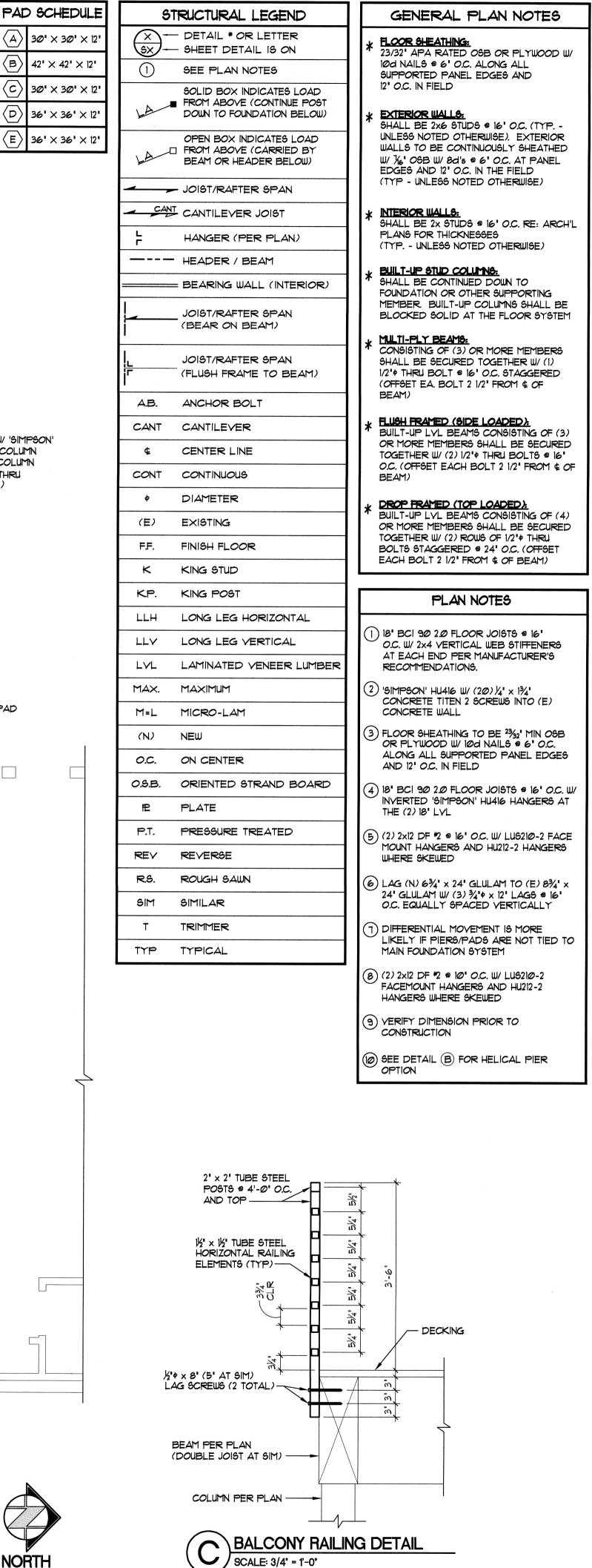
. *3 Grade

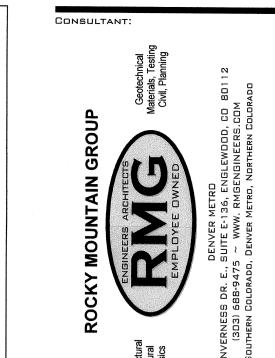


MAIN LEVEL FLOOR AND

- SCALE: 1/4" = 1'-@"-

DECK FRAMING PLAN







08-22-2019 FOR PLAN REVIEW

RNG Project No. 171791

UPPER FLOOR FRAMING PLAN, MAIN FLOOR AND DECK FRAMING PLAN

AND NOTES

08-22-2019

RESOLUTION NO. PZ 19-19 Series of 2019

A RESOLUTION APPROVING A LEVEL III DEVELOPMENT PERMIT FOR A NEW DECK ON A COMMERCIAL BUILDING LOCATED AT 765 W. ANEMONE TRAIL.

WHEREAS, the Planning and Zoning Commission of the Town of Dillon ("**Planning Commission**") has received a Level III Development Application from Brown & Associates (the "**Applicant**") for the construction of a new deck on a commercial building located at 765 W. Anemone Trail, Dillon, Colorado; 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 October 2, 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 October 2, 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 Mixed Use (MU) Zoning District.
- 4. That the Application is in general compliance with the Town of Dillon Comprehensive Plan.

<u>Section 2</u>. That the Planning Commission hereby approves the Level III Development Application for the construction of a new deck on a commercial building located at 765 W. Anemone Trail, Dillon, Colorado, 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. Applicant shall obtain a Grading and Excavation Permit for the deck footing construction.
- C. Applicant shall construct, after obtaining required permits, an enclosure or screening for the recycling and waste receptacles serving the building at 765 W. Anemone Trail in accordance with the service area screening requirements of Section 16-8-70 of the Code.
- D. Applicant shall pay any water and sewer tap fees due for a change in use from retail to restaurant if a tenant finish application for a restaurant is submitted.
- E. A tenant finish for a potential restaurant shall be submitted to the Town.

APPROVED AND ADOPTED THIS 2nd DAY OF OCTOBER, 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 S	ecretary to the Commission

9/25/19 4:35 PM [ncb] R:\Dillon\Planning Commission\Approving Level III Application for New Deck on Commercial Building. Amenome Trail.reso.docx