

STAFF SUMMARY
NOVEMBER 6TH, 2019 PLANNING AND ZONING COMMISSION
REGULAR MEETING

DATE: October 29, 2019

AGENDA ITEM NUMBER: 5

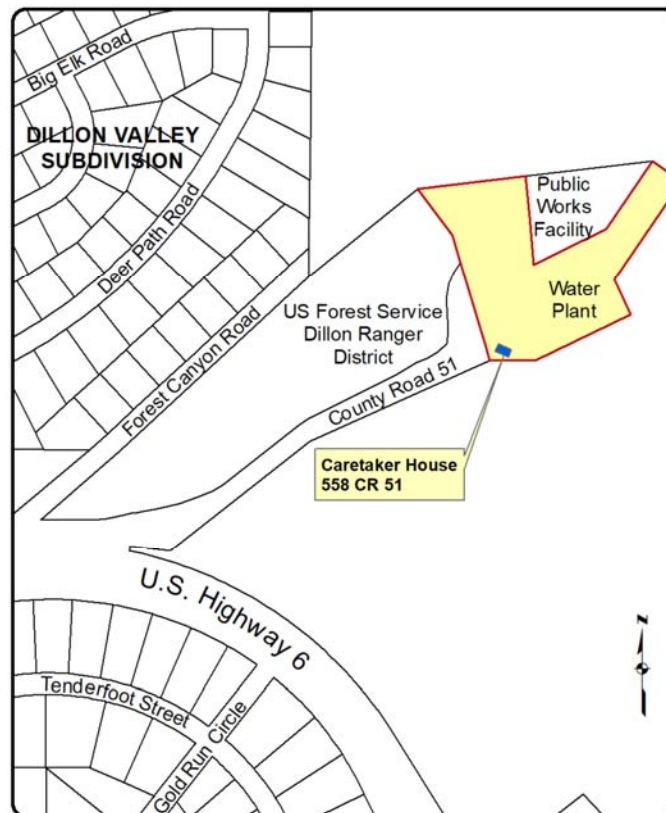
ACTION TO BE CONSIDERED: Consideration of Resolution No. 23-19, Series of 2019:
**A RESOLUTION EXEMPTING A TOWN-OWNED BUILDING FROM
THE PROVISIONS OF THE DILLON LAND DEVELOPMENT CODE
PURSUANT TO § 31-23-301, C.R.S.**

(PUBLIC HEARING)

TOPIC: An exception to the Dillon Municipal Code provision limiting the number of caretaker units to one (1) unit per five (5) acres as provided for in the Public Facilities (PF) zone district as detailed in Section 16-3-190 of the Dillon Municipal Code.

BACKGROUND/TIME FRAME:

- November 2019: Planning and Zoning Commission Review then Town Council review



Site Vicinity of the Caretaker House

EXECUTIVE SUMMARY:

The Town has submitted an application to the Planning and Zoning Commission for this hearing. This resolution, if approved, would exempt the Town-owned water plant house located at 0558 County Road 51 (“Water Plant House”) from the provisions of the Town of Dillon Land Development Code. The Water Plant House currently contains one (1) residential unit on 5.8 acres and sits within the Public Facilities (PZ) zone district. The Town desires to remodel the Water Plant House to create two (2) workforce housing units. The current code language does not permit residential uses within the Public Facilities (PF) zoned district.

This exemption is requested pursuant to Colorado Revised Statute § 31-23-301, which authorizes the Planning and Zoning Commission to exempt a structure from applicable zoning provisions when an applicant has presented satisfactory proof that the proposed use of the structure is reasonably necessary for the convenience and welfare of the public.

Though not required for an exemption under the above-cited statute, the Town’s proposed use of the Water Plant House appears to comply with the purpose of the Public Facilities (PF) zone; i.e., “The purpose of [the Public Facilities (PF)] zone is to provide areas suitable and desirable for governmental entities and service provider uses and facilities necessary to meet the service needs and demands of the public.”

The Town has worked with an architect and builder to evaluate and design the residential remodel and anticipates submitting a Level II Development Permit Application for the project.

BUDGET IMPACT: None

MOTION FOR APPROVAL:

I move that we approve Resolution 23-19, Series of 2019.

**ACTION REQUESTED:
MOTION, SECOND, ROLL-CALL VOTE**

Resolutions require affirmative votes from majority of the members present

DEPARTMENT HEAD RESPONSIBLE:

Scott O’Brien, Public Works Director

RESOLUTION NO. PZ 23-19
Series of 2019

**A RESOLUTION EXEMPTING A TOWN-OWNED
BUILDING FROM THE PROVISIONS OF THE DILLON LAND
DEVELOPMENT CODE PURSUANT TO § 31-23-301, C.R.S.**

WHEREAS, the Town of Dillon (the “Town”) is the owner of real property located at 0558 County Route 51 (the “Property”) and the building (“Water Plant House”) located thereon; and

WHEREAS, the Town desires the use the Water Plant House as transitional housing for municipal employees; and

WHEREAS, the current zoning of the Property (Public Facilities (PF)) does not permit the Water Plant House to be used as the Town desires; and

WHEREAS, § 31-23-301, C.R.S. (the “Statute”), requires that municipalities exempt from the operation of zoning ordinances “any building or structure as to which satisfactory proof is presented to the board of adjustment that the present or proposed situation of such building or structure is reasonably necessary for the convenience or welfare of the public”; and

WHEREAS, pursuant to Chapter 16, Article X of the Dillon Municipal Code, the Planning and Zoning Commission for the Town of Dillon (the “Planning Commission”) serves as the Board of Adjustment for the Town; and

WHEREAS, pursuant to the Statute, the Town Council (the “Applicant”) has applied to the Planning Commission to exempt the Water Plant House from the provisions of the Dillon Land Development Code (“Application”); and

WHEREAS, the Planning Commission held a public hearing on November 6, 2019 on the Application, after providing twelve (12) days’ notice to the public in the Summit Daily Journal.

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

Section 1. The Planning Commission held a public hearing on November 6, 2019 on the Application, and following said public hearing finds that the Applicant has presented satisfactory proof that the proposed use of the Water Plant House is reasonably necessary for the convenience and welfare of the public, for the following reasons:

- A. The public benefits from the regulatory and service-providing functions of the Town.
- B. The Town employs officers and employees to carry out those functions.

C. To ensure quality officers and employees, sometimes it is necessary for the Town to hire officers and employees who do not yet live in Dillon or close enough to commute to Dillon.

D. There is sometimes an urgent need to fill job openings at the Town.

E. There is a shortage of affordable and workforce housing within the Town, such that housing is often difficult to obtain in a short timeframe. *See* 2013 and 2016 Summit County Housing Demand Update.

F. The shortage of affordable and workforce housing could cause the Town to lose out on qualified applicants for Town of Dillon employment positions, thus inconveniencing the welfare of the public.

G. The Water Plant House is well suited for use as transitional housing for Town officers or employees.

H. The Town does not own other structures that could be used as transitional housing for Town officers or employees.

I. Use of the Water Plant House for one of the uses permitted in the Public Facilities (PF) zone would be infeasible and would not result in a benefit the public.

Section 2. Pursuant to § 31-23-301, C.R.S., the Planning Commission hereby approves the Application to exempt the Water Plant House from the provisions of the Dillon Land Development Code, with the following conditions:

A. The exemption granted herein by the Planning Commission is applicable only to the Applicant.

B. The Water Plant House may only be used as transitional housing for Town of Dillon officers and employees.

C. The Water Plant House may be renovated without changing the use; provided that, the Applicant shall first obtain all applicable Town and County-required permits and approvals.

**APPROVED AND ADOPTED THIS 6th DAY OF NOVEMBER, 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