



**TOWN OF DILLON
PLANNING AND ZONING COMMISSION
REGULAR MEETING
Wednesday, November 6, 2019
5:30 p.m.
Dillon Town Hall
275 Lake Dillon Dr.**

AGENDA

- 1. Call to Order**
- 2. Approval of the minutes** of the [October 2, 2019 regular meeting](#).
- 3. Public Comments:** Open comment period for planning and zoning topics not on tonight's agenda.
- 4. [Consideration of Resolution PZ 22-19, Series of 2019](#) (Public Hearing)**
A RESOLUTION RECOMMENDING APPROVAL OF A LEVEL IV DEVELOPMENT APPLICATION FOR A PUD SIGN PLAN FOR THE DILLON FIRE STATION.

Individual Packet Items:

[Staff Summary](#)
[PUD Sign Plan](#)
[Resolution](#)

- 5. [Consideration of Resolution PZ 23-19, Series of 2019](#) (Public Hearing)**
A RESOLUTION EXEMPTING A TOWN-OWNED BUILDING FROM THE PROVISIONS OF THE DILLON LAND DEVELOPMENT CODE PURSUANT TO § 31-23-301, C.R.S.

Individual Packet Items:

[Staff Summary](#)
[Resolution](#)

- 6. Update on Chapter 16 Code Revisions:** Staff and Commission Review Procedures and Submittal Requirements – Town attorney revised Land Development Code, Articles I, II & III.
- 7. Project Updates**
- 8. Other Business**
 - **Discussion of attendance for future Planning and Zoning Commission Meetings:**

1. December Regularly Scheduled Meeting: December 4, 2019
2. January Special Meeting: January 8, 2019, or as scheduled by consensus of the Commission

9. Adjournment

**TOWN OF DILLON
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING
WEDNESDAY, OCTOBER 2, 2019
5:30 p.m.
Dillon Town Hall**

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission of the Town of Dillon, Colorado, was held on Wednesday, October 2, 2019 at Dillon Town Hall. Chair Teresa England called the meeting to order at 5:35 p.m. Commissioners present were: Teresa England; Steve Milroy; Charlie Oliver, Bill Engelman and Alison Johnston. Staff members present were Dan Burroughs, Town Engineer; Ned West, Town Planner; Nicolas Cotton-Baez, Town Attorney and Michelle Haynes, Recording Secretary.

APPROVAL OF THE MINUTES OF SEPTEMBER 4, 2019 REGULAR MEETING

Commissioner Engelman moved to approve the minutes from the September 4, 2019 regular meeting. Commissioner Oliver seconded the motion, which passed unanimously.

PUBLIC COMMENTS

There were no public comments.

CONSIDERATION OF RESOLUTION 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:

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 5:36 p.m.

Ned West, Town Planner, presented the staff summary.

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 LOCATION:

765 W. Anemone Trail - Lot 1 Ptarmigan Trail Estates Sub # 1 amended a replat of lots 48 & 49, Units A & B, Dillon, Colorado.

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.

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.

Lot Coverage: 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.

Open Space: 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.

Yards: 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.

Design Guidelines: 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.

Landscaping: 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.

COMMISSIONER QUESTIONS:

Commissioners asked questions which addressed if the deck would interfere with the lower unit doing business, the placement for the lower units' signage, and snow storage. Staff provided the information requested and advised that the lower unit is vacant at this time and will be addressed once a new tenant occupies the location. Snow storage has not been discussed as the deck will be for summer use only.

PUBLIC COMMENTS:

No public Comments.

PUBLIC HEARING CLOSED:

Chair Teresa England closed the public hearing at 5:43 p.m.

RECORD OF PLANNING COMMISSION ACTION:

Commissioner Charlie Oliver moved to approve Resolution No. PZ 19-19 Series of 2019. Commissioner Alison Johnson seconded the motion, which passed unanimously.

CONSIDERATION OF RESOLUTION PZ 20-19, SERIES OF 2019

A RESOLUTION RECOMMENDING THE APPROVAL OF AN AMENDMENT TO CHAPTER 16 OF THE DILLON MUNICIPAL CODE TO PERMIT MEDICAL MARIJUANA CENTERS IN THE COMMERCIAL (C) AND MIXED USE (MU) ZONE DISTRICTS.

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 5.47 p.m.

Ned West, Town Planner, presented the staff summary.

PUBLIC NOTICE:

A newspaper ad ran in the Summit Daily (Journal) on Friday, September 20, 2019. The notice was made within the required 7-day minimum and 14-day maximum notice period required by the Dillon Municipal Code (the "Code").

SUMMARY:

This amendment to Chapter 16 "Zoning" provides for Medical Marijuana as a permitted use in the Commercial (C) and Mixed Use (MU) zone districts, Sections 16-3-160 and 16-3-170, respectively. When the Ordinance to add Medical Marijuana as a permitted business was adopted in 2017, an amendment to the permitted uses in the zoning chapter was overlooked. This amendment provides for the zoning code to permit the business as permitted in the Business License chapter of the Code. A copy of the resolution for the Planning and Zoning Commission recommending the Town Council approve the amendment and the Ordinance for the Town Council approval of this amendment are attached to this staff summary for review. A copy of Ordinance 04-17, Series of 2017 which adopted Medical Marijuana is also attached.

COMMISSIONER QUESTIONS:

No questions were asked.

PUBLIC COMMENTS:

No public Comments.

PUBLIC HEARING CLOSED:

Chair Teresa England closed the public hearing at 5:49 p.m.

RECORD OF PLANNING COMMISSION ACTION:

Commissioner Alison Johnson moved to approve Resolution No. PZ 20-19 Series of 2019. Commissioner Teresa England seconded the motion, which passed unanimously.

CONSIDERATION OF RESOLUTION PZ 21-19, SERIES OF 2019

A RESOLUTION APPROVING A MASTER SIGN PLAN AMENDMENT FOR THE DURANGO COURT BUILDING LOCATED AT 705 E. ANEMONE TRAIL.

PUBLIC HEARING:

A Public Hearing is not required for this application.

Paul Clukies, House of Signs, presented applicant summary.

Ned West, Town Planner, presented the staff summary.

SUMMARY:

The existing Master Sign Plan (MSP) for the Durango Court Building (“Existing Sign Plan”) was approved approximately eighteen (18) years ago. The building HOA desires to update the MSP through the amendment process because the old plan does not reflect current sign design and materials. The existing MSP requires plywood signs with vinyl letters applied to a “Honey Bee” color painted background. The proposed MSP Amendment (“Sign Plan Amendment”) keeps the sign band locations and sign dimensions of eighteen (18) square feet each, but removes the sign background color, plywood sign material, and the vinyl letter requirements. The Amended MSP provides for wood or foam signs made to look like wood, with relief cut-out letters.

The Dillon Municipal Code requires that Master Sign Plans have at least two (2) unifying characteristics, and the Amended MSP will have materials and dimensions (18 SF each) as the common elements.

One sign approved under the Existing Sign Plan reading “Vacation Services Ltd.” (“Existing Sign”) is planned to remain in place following the approval of the Sign Plan Amendment. The Existing Sign will not conform to the Sign Plan Amendment.

If the Planning Commission were to approve Resolution PZ 21-19, Series 2019, the Sign Plan Amendment would be approved on the condition that the Existing Sign be treated as and considered a “legal non-conforming sign” subject to the restrictions set forth in Section 16-11-540 of the Dillon Municipal Code (“DMC”).

Pursuant to DMC Section 16-11-540, the Existing Sign would not be permitted to be:

- (1) Expanded;
- (2) Altered so as to change the copy of such sign;

- (3) Continued in use after cessation or change of the business to which the sign pertains; or
- (4) Reestablished after damage or destruction if the estimated cost of the reconstruction exceeds fifty percent (50%) of the estimated replacement cost as determined by the Planning and Zoning Commission.

COMMISSIONER QUESTIONS:

Commissioners asked questions which addressed the size and materials of the new sign. Staff provided the information requested and advised that the sign would be the same size, it would just be made out of higher quality materials. The commission would like to clean up current master sign plan template for future sign plans to follow suit by.

RECORD OF PLANNING COMMISSION ACTION:

Commissioner Alison Johnson moved to approve Resolution No. PZ 21-19 Series of 2019. Commissioner Teresa England seconded the motion, which passed unanimously.

CONFIRM REGULAR PLANNING & ZONING MEETING ON November 6, 2019.

All following commissioners confirmed they will attend the November 6, 2019 regular meeting and work session; Teresa England, Alison Johnston, Steve Milroy, Bill Engelman and Charlie Oliver.

PROJECT UPDATES:

- Homewood Suites: Foundation is underway.
- Panera Bread: Revisiting the retaining wall.
- Sail Lofts: Phase two is underway, foundation is finished.
- The Dillon Medical Building (Vail Health): Submitted building permit.
- Urgent Care: Working to move sewer line.
- Uptown 240: Making a lot of progress.
- Corinthians Hills Duplex: HOA issues, pulled application.

OTHER BUSINESS:

Chapter 16 & 17 of the Code Nick will make revisions to and we will discuss next meeting.

ADJOURNMENT

There being no further business, Teresa England adjourned the meeting at 6:28 p.m.

Respectfully submitted,

Michelle Haynes

Michelle Haynes

Secretary to the Commission

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

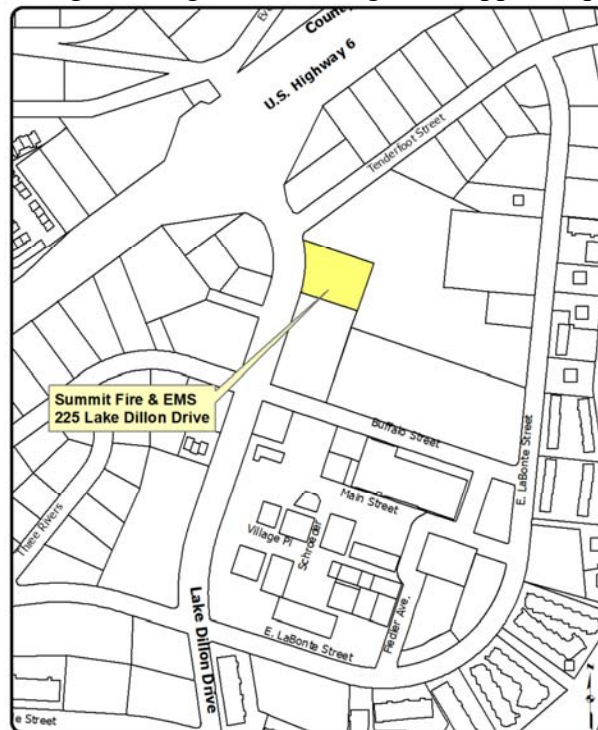
DATE: October 29, 2019

AGENDA ITEM NUMBER: 4

ACTION TO BE CONSIDERED: Consideration of Resolution No. PZ 22-19, Series of 2019:
**A RESOLUTION RECOMMENDING APPROVAL OF A LEVEL IV
DEVELOPMENT APPLICATION FOR A PUD SIGN PLAN FOR THE DILLON
FIRE STATION.**

(PUBLIC HEARING)

TOPIC: A sign plan with special provisions specific to the Dillon Fire Station providing for increased dimensions for the signs through the PUD Sign Plan approval process.



Site Vicinity of the Dillon Fire Station

BACKGROUND/TIME FRAME:

- April 30, 1998: Town Manager approval of a sign permit for the existing building sign longer than 20 feet
- November 6, 2019: Planning and Zoning Commission Review of the PUD Sign Plan
- TBD: Town Council ordinance concerning PUD Sign Plan

EXECUTIVE SUMMARY:

The Applicant:

Summit Fire & EMS has submitted a Level IV Development Permit application for a Planned Unit Development (“PUD”) Sign Plan to provide for signage in greater dimensions than are permitted in the Public Facilities zone district. The Fire Authority, Summit Fire & EMS, is now a county wide entity and is revising its signs on all its facilities in the county. They are unifying their identity on all their facilities for consistency and high recognition for the emergency services they provide.

Review process & Public Hearing Notice:

Level IV Applications require public hearings before both the Planning and Zoning Commission and the Town Council. Town staff advertised the public hearing in the legal section of newspaper in general circulation in Summit County twelve (12) days in advance of this hearing. Town staff posted the site thirteen (13) days prior to the hearing. A mailing to property owners within three-hundred feet (300’) of the property was postmarked thirteen (13) days prior to the hearing. The Code requires notification of public hearings not more than fourteen (14) days and not less than seven (7) days prior to the hearing date.

Zoning Provisions:

For single-tenant buildings, the Dillon Municipal Code (“Code” or “DMC”) permits fifty (50) square feet of building signage to be used in one (1) or two (2) signs, and one (1) additional sign not exceed eighteen (18) square feet (DMC Sec. 16-11-450). The Code also limits the maximum length of a sign to twenty feet (20’) (DMC Sec. 16-11-200). An Applicant may request deviations from the Sign Regulations through the PUD process (DMC Sec. 16-5-110).

Existing Sign:

The existing building sign is approximately forty-four feet and three inches (44’-3”) in length and exceeds fifty (50) square feet. That sign was approved by the Town Manager in 1998; the dimensional sign standards appear to have been in place since 1996. The existing sign is thus viewed as an existing, non-conforming sign. As such, any changes to the oversized sign require review and approval through the PUD Sign Plan process.

Application Summary:

The proposed building sign to the exiting sign is approximately thirty-one feet (31’) in length and approximately one-hundred fifteen point nine (115.9) square feet including the letters and logos. An additional sign is proposed as the Address Identification Plaque at an additional eight point two (8.2) square feet.

The total signage requested with the PUD Sign Plan is rounded to be one-hundred twenty-five square feet (125.0 SF) along with an allowance for one (1) building identification sign greater than twenty (20) feet in length.

The Applicant believes the following about their request:

- Provides high recognition and community consistency for emergency services building identification.
- Benefits offset the proposed exceptions to the underlying zoning district and the subdivision regulations, and such exceptions are in the best interest of the public health, safety and welfare.

Given the building's location on Lake Dillon Drive in a relatively commercial location in Town adjacent to Town Hall and other commercial developments, the proposed signage fits with the neighborhood. The increased visibility of the emergency services building through a larger sign area provides a benefit to the safety and welfare of the community through the ease and consistency of its recognition.

BUDGET IMPACT: None

MOTION FOR APPROVAL:

I move we approve Resolution no. PZ 22-19, 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

SIGN PERMIT APPLICATION DOCUMENTATION

SIGN DETAILS - Page 1 of 2

Date:	9/11/2019
Client:	Summit Fire & EMS
Street Address:	225 Lake Dillon Drive
City, State, Zip:	Dillon, CO 80435
Project Name Description	Summit Fire & EMS wall-mounted 1-sided
Main Sign:	115.9 s.f.
Address Plaque:	8.17 s.f.
Rounded Total SF:	125.00
Materials of Construction:	
Custom-carved HDU, 3-dimensional Textured background, raised letters & logo Colors: black/charcoal, white, red, gold, blue	
Total Sign Area (s.f.)	125.00

Dillon Fire Station



Sign Dimensions and Area:

Red maltese emblem: 67" h x 67" w = 31.2 square feet
 SUMMIT FIRE & EMS rectangle: 40" h x 305" w = 84.7 sq. ft.
 Total Sign Area: 115.9 square feet

Address Identification Plaque: 42" h x 28" w = 8.17 sq. ft.



SIGN PERMIT APPLICATION DOCUMENTATION

VIRTUAL RENDERING - Page 2 of 2
(actual scale)

Date:	9/11/2019
Client:	Summit Fire & EMS
Street Address:	225 Lake Dillon Drive
City, State, Zip:	Dillon, CO 80435
	0
Project Name:	Summit Fire & EMS
Description:	wall-mounted
	1-sided
Main Sign	115.9 s.f.
Address Plaque	8.17 s.f.

Rounded Total SF	125.00
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Materials of Construction:

Custom-carved HDU, 3-dimensional
Textured background, raised letters & logo
Colors: black/charcoal, white, red, gold, blue

0
0

Total Sign Area (s.f.)	125.00
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Dillon Fire Station



House of Signs: 211 Main Street, Unit 1, Frisco, CO 80443

970-668-5232, paul@houseofsignsco.com

RESOLUTION NO. PZ 22-19
Series of 2019

**A RESOLUTION RECOMMENDING APPROVAL OF A
LEVEL IV DEVELOPMENT APPLICATION FOR A PUD SIGN
PLAN FOR THE DILLON FIRE STATION.**

WHEREAS, the Planning and Zoning Commission of the Town of Dillon (“**Planning Commission**”) has received a Level IV Development Application from Summit Fire and EMS (the “**Applicant**”) for a PUD Sign Plan for the Dillon Fire Station building located at 225 Lake Dillon Drive; 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 November 6th, 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 November 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 Public Facilities (PF) Zone District and is compatible with surrounding uses.
- D. That the Application is in general compliance with the Town of Dillon Comprehensive Plan.
- E. That the Applicant wishes to install building signage larger than provided for in the Code to provide high recognition and community consistency for emergency services building identification.

- F. That the proposed benefits offset the proposed exceptions to the underlying zoning district and the subdivision regulations, and such exceptions are in the best interest of the public health, safety and welfare.

Section 2. That the Planning Commission hereby recommends approval of the Application for a PUD Sign Plan, 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. Two (2) building identification signs may be installed on the Lake Dillon Drive building face as depicted in the PUD Sign Plan found in Exhibit 'A' of this resolution.

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

Resolution PZ 22-19, Series of 2019

EXHIBIT 'A'

Dillon Fire Station PUD Sign Plan

EXHIBIT 'A' Resolution PZ 22-19, Series of 2019

SIGN PERMIT APPLICATION DOCUMENTATION

SIGN DETAILS - Page 1 of 2

Date:	9/11/2019
Client:	Summit Fire & EMS
Street Address:	225 Lake Dillon Drive
City, State, Zip:	Dillon, CO 80435
Project Name	Summit Fire & EMS
Description	wall-mounted 1-sided
Main Sign:	115.9 s.f.
Address Plaque:	8.17 s.f.
Rounded Total SF:	125.00
Materials of Construction:	
Custom-carved HDU, 3-dimensional Textured background, raised letters & logo Colors: black/charcoal, white, red, gold, blue	
Total Sign Area (s.f.)	125.00

Dillon Fire Station



Sign Dimensions and Area:

Red maltese emblem: 67" h x 67" w = 31.2 square feet

SUMMIT FIRE & EMS rectangle: 40" h x 305" w = 84.7 sq. ft.

Total Sign Area: 115.9 square feet

Address Identification Plaque: 42" h x 28" w = 8.17 sq. ft.



House of Signs: 211 Main Street, Unit 1, Frisco, CO 80443

970-668-5232, paul@houseofsignsco.com

EXHIBIT 'A' Resolution PZ 22-19, Series of 2019

SIGN PERMIT APPLICATION DOCUMENTATION

VIRTUAL RENDERING - Page 2 of 2

(actual scale)

Date:	9/11/2019
Client:	Summit Fire & EMS
Street Address:	225 Lake Dillon Drive
City, State, Zip:	Dillon, CO 80435
	0
Project Name:	Summit Fire & EMS
Description:	wall-mounted
	1-sided
Main Sign	115.9 s.f.
Address Plaque	8.17 s.f.

Rounded Total SF	125.00
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Materials of Construction:

Custom-carved HDU, 3-dimensional
 Textured background, raised letters & logo
 Colors: black/charcoal, white, red, gold, blue

0

0

Total Sign Area (s.f.)	125.00
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Dillon Fire Station



House of Signs: 211 Main Street, Unit 1, Frisco, CO 80443

970-668-5232, paul@houseofsignsco.com

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

DATE: October 29, 2019

AGENDA ITEM NUMBER: 5

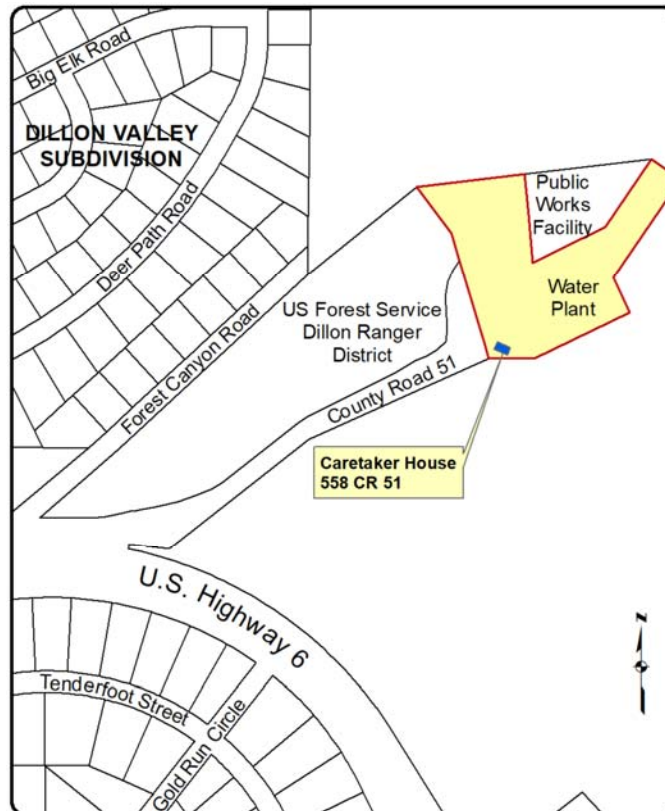
ACTION TO BE CONSIDERED: Consideration of Resolution No. 23-19, Series of 2019:
**A RESOLUTION EXEMPTING A TOWN-OWNED BUILDING FROM
THE PROVISIONS OF THE DILLON LAND DEVELOPMENT CODE
PURSUANT TO § 31-23-301, C.R.S.**

(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