

**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 Alison Johnson moved to approve Resolution No. PZ 19-19 Series of 2019. Commissioner Charlie Oliver 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 at the 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