

**PLANNING AND ZONING COMMISSION ACTION ITEM
STAFF SUMMARY
DECEMBER 4, 2019 PLANNING AND ZONING COMMISSION MEETING**

DATE: November 26, 2019

AGENDA ITEM NUMBER: 4

ACTION TO BE CONSIDERED:

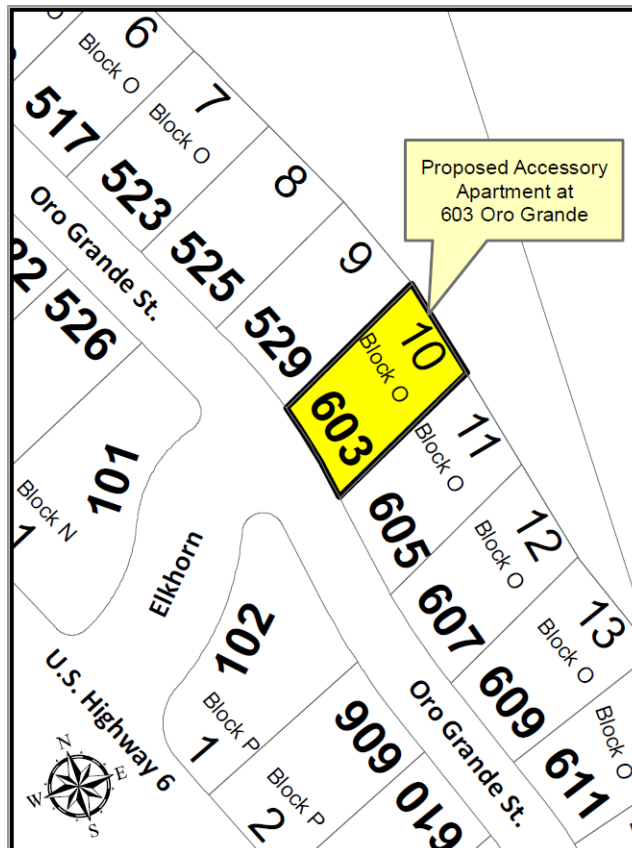
Consideration of Resolution No. PZ 24-19, Series of 2019.

A RESOLUTION APPROVING A LEVEL III DEVELOPMENT
APPLICATION FOR A CONDITIONAL USE PERMIT FOR AN ACCESSORY
APARTMENT AT 603 ORO GRANDE STREET.

(PUBLIC HEARING)

SUMMARY:

The Town has received a Level III Development Permit Application for a Conditional Use Permit for an Accessory Apartment located at 603 Oro Grande Street. The Accessory Apartment is located in the lower level of the single-family residence. An Accessory Apartment application requires a Public Hearing and approval by the Planning and Zoning Commission.



Vicinity Map for 603 Oro Grande Street, Dillon

PUBLIC NOTICE:

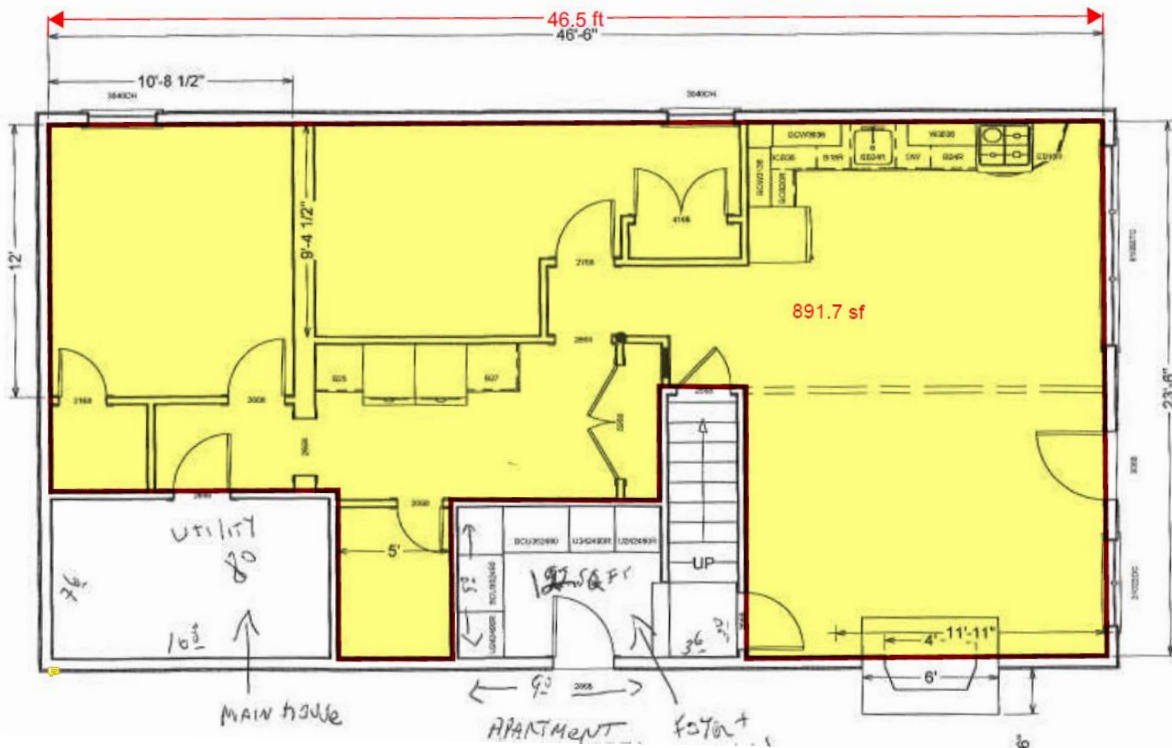
The Town posted a sign of the Public Hearing on the site on Monday, November 25th, 2019. A newspaper ad ran in the Summit Daily (Journal) on Friday, November 22nd, 2019, and a mailing noticing the public hearing time and date was sent out on Thursday, November 21st, 2019 to property owners within 300 feet 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”).



Site Posting November 25, 2019 - 603 Oro Grande Street, Dillon

Applicant: Mikhael and Laurie Cohn

Existing Condition: The Applicant submitted plans for a residential remodel, and upon review by the Town, it was determined there exists an Accessory Apartment in the home. This was a condition of the property when the Applicant became the owner. The Town has determined that the property is current on the required water and sewer tap fees associated with a two-bedroom one-bathroom apartment in addition to the primary residence. No formal prior approval of the Accessory Apartment was located in the property files, so the Applicant was required to bring that use in compliance with the Code for the remodel to move forward.



Apartment Configuration and Area Evaluation

CODE ANALYSIS:

Zoning District: The Application is located in the Residential Low Zone. An Accessory apartment is permitted in the zone district; however, the Dillon Municipal Code (Code), requires a Level III Development Permit review process and Public Hearing for an Accessory Apartment. The Code provides criteria for review and approval of an Accessory Apartment, and the Town also applies Conditional Use Permit review criteria to Accessory Apartments to fully consider potential impacts of the additional use on a property.

Accessory Apartment review criteria:

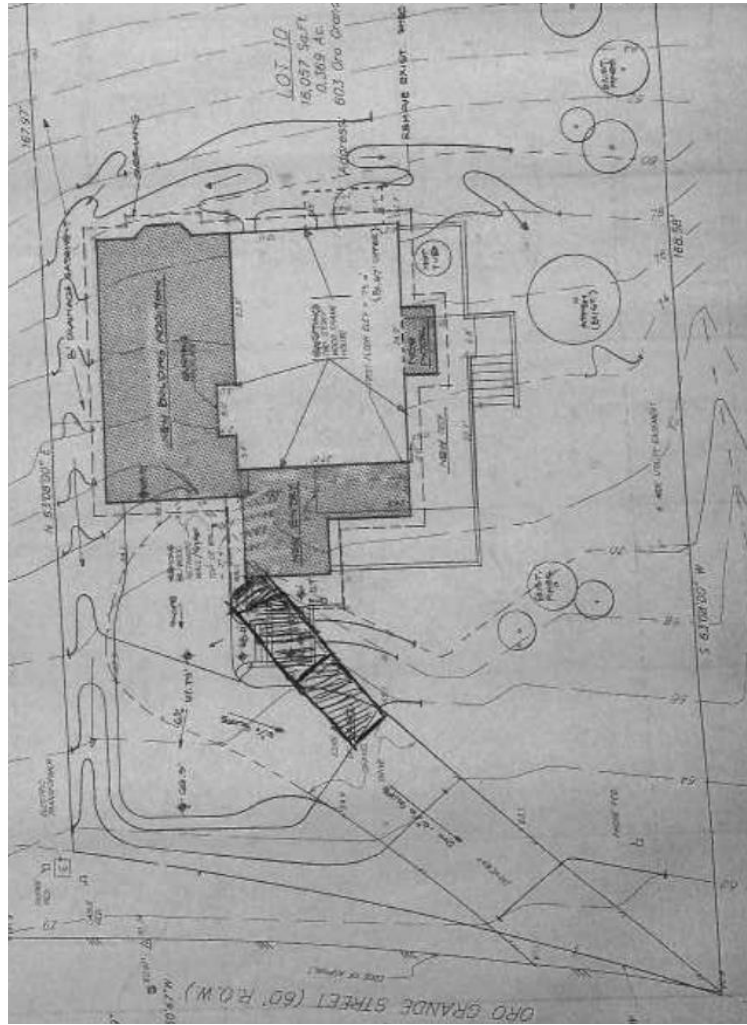
A secondary residential unit or Accessory Apartment may be permitted in the RE, RL, RM and RH zones in a single-family residence, subject to the following provisions:

1. The Planning and Zoning Commission shall review and approve, under the Level III process, a site plan showing the location of the unit.

The applicant has applied for a Level III Development Permit for the proposed project. The application includes a site plan indicating the proposed location of the 2-bedroom, 1-bathroom Accessory Apartment in the lower level of the residence.

2. The property owner shall pay all required water and sewer tap fees. *The property was previously assessed additional water and sewer tap fees. The apartment was never formally approved through the process detailed in the Dillon Municipal Code.*

3. The unit shall meet all building code requirements.
Once approved by the Town, the plans will be submitted to the Summit County Building Inspection Department for their review, approval, Building Permit issuance, and inspections.
4. Two (2) parking spaces shall be provided per unit, and such parking area shall be landscaped to buffer parking from neighboring properties.
Two parking spaces for the Accessory Apartment are provided as part of the application as shown on the site plan. The parcel is currently landscaped, and the proposed additional parking spaces are buffered from adjoining properties.



Site Plan indicating dedicated parking for the apartment

5. The habitable portion of the Accessory Apartment is not greater than nine hundred (900) square feet in size, nor is it more than one-third ($\frac{1}{3}$) the size of the heated living area of the primary residential unit.
The habitable portion of the Accessory Apartment is approximately 892 square feet of the overall heated portion of the residence which is approximately 3,581 square feet. This sub-section is satisfied with the application.

6. A restrictive covenant is filed stating the unit will not be subdivided into a separate ownership unit from the primary unit.
The property owner shall execute the restrictive covenant to not subdivide into separate ownership, and must file said restrictive covenant as a condition of approval of this Resolution.
7. The unit is deed restricted against utilization as a short-term rental, which means it may not be rented for periods of time of less than six (6) months.
The property owner shall execute the deed restriction preventing the short term rental of the property and must file said deed restriction as a condition of approval of this Resolution.
8. The unit design is compatible with the neighborhood and the principal structure.
The unit design is compatible with the neighborhood and principal structure.
9. The unit may be a separate building from the primary structure, when placed above a freestanding garage, or on lots greater than one (1) acre.
The Accessory Apartment is in the lower level of the residence; therefore, this sub-section criterium is met.

Conditional Use Permit review criteria:

1. The use is listed as an allowed conditional use within the zone, or is otherwise identified as a conditional use and is consistent with the intent and purpose of the Comprehensive Plan and applicable zoning district.
The site is zoned Residential Low (RL), an Accessory Apartment is allowed in the Residential Low (RL) zoning district so long as certain provisions of the Dillon Municipal Code are met. The Accessory Apartment is consistent with the existing residential uses in this developed neighborhood, and Accessory Apartments exist in nearby properties.
2. The parcel is suitable for the proposed conditional use, considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features.
The proposed Accessory Apartment is on the basement level of the existing residence, and no changes to the site are planned as a part of this application. The size, shape, location, topography, soils, slope stability, drainage, and natural features are not anticipated to be affected by the proposed Accessory Apartment.
3. The proposed conditional use will not have significant adverse impacts on the air or water quality of the community.
The existing site is developed with appropriate drainage and vegetation. No potential air quality concerns with the proposed Accessory Apartment use on this property are identified.
4. The proposed conditional use will not substantially limit, impair or preclude the use of surrounding properties for the uses permitted in the

applicable zoning district.

The existing developed site is adjacent to existing residences.

The proposed Accessory Apartment in the lower level of the residence will not substantially limit or impair the existing uses on the surrounding properties.

5. Adequate public utilities and services are available or will be made available to the site prior to the establishment of the conditional use.

The existing site is already served by gas, electric, water, and sanitary sewer facilities. The residence has already been assessed additional water and sewer tap fees.

MOTION FOR APPROVAL:

I move the approval of Resolution PZ 24-19, 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

RESOLUTION NO. PZ 24-19
Series of 2019

A RESOLUTION APPROVING A LEVEL III DEVELOPMENT APPLICATION FOR A CONDITIONAL USE PERMIT FOR AN ACCESSORY APARTMENT AT 603 ORO GRANDE STREET.

WHEREAS, the Planning and Zoning Commission of the Town of Dillon has received a Level III Development Application for a Conditional Use Permit for an Accessory Apartment at 603 Oro Grande Street, Lot 10, Block O, Tenderfoot Addition to Dillon Subdivision, Dillon, Colorado (the “Application”); and

WHEREAS, following the required notice, a public hearing was held on December 4, 2019, before the Planning and Zoning Commission of the Town of Dillon on the Application; and

WHEREAS, following the public hearing the Planning and Zoning Commission of the Town of Dillon 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 proposed development should attach to the approval of the thereof.

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

Section 1. That the Planning and Zoning Commission of the Town of Dillon, following the required notice, held a public hearing on December 4, 2019, on the application for a Level III Development Conditional Use Permit for an Accessory Apartment at 603 Oro Grande Street, Dillon, Colorado (the “Application”), and following said public hearing makes the following findings of fact:

- A. That the Application is complete.
- B. That the Application complies with the specific requirements of Section 16-5-220 “Conditional use criteria” of the Town of Dillon Municipal Code (the “Code”), as detailed as follows:
 - 1. The use is listed as an allowed conditional use within the zone, or is otherwise identified as a conditional use and is consistent with the intent and purpose of the Comprehensive Plan and applicable zoning district.

The site is zoned Residential Low (RL), an Accessory Apartment is allowed in the Residential Low (RL) zoning district so long as certain provisions of the Dillon Municipal Code are met. The Accessory Apartment is consistent with the existing residential uses in this developed neighborhood, and Accessory Apartments exist in nearby properties.

2. The parcel is suitable for the proposed conditional use, considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features.

The proposed Accessory Apartment is on the basement level of the existing residence, and no changes to the site are planned as a part of this application. The size, shape, location, topography, soils, slope stability, drainage, and natural features are not anticipated to be affected by the proposed Accessory Apartment.

3. The proposed conditional use will not have significant adverse impacts on the air or water quality of the community.

The existing site is developed with appropriate drainage and vegetation. No potential air quality concerns with the proposed Accessory Apartment use on this property are identified.

4. The proposed conditional use will not substantially limit, impair or preclude the use of surrounding properties for the uses permitted in the applicable zoning district.

The existing developed site is adjacent to existing residences. The proposed Accessory Apartment in the lower level of the residence will not substantially limit or impair the existing uses on the surrounding properties.

5. Adequate public utilities and services are available or will be made available to the site prior to the establishment of the conditional use.

The existing site is already served by gas, electric, water, and sanitary sewer facilities. The residence has already been assessed additional water and sewer tap fees.

C. That the Application complies with the specific requirements of Section 16-4-40 “Accessory Apartments and secondary units” of the Code, as detailed as follows:

1. The proposed Accessory Apartment would be located in the RL zone district in a single-family residence.
2. The Planning and Zoning Commission shall review and approve, under the Level III process, a site plan showing the location of the unit.

The applicant has applied for a Level III Development Permit for the proposed project. The application includes a site plan indicating the proposed location of the 2-bedroom, 1-bathroom Accessory Apartment in the lower level of the residence.

3. The property owner shall pay all required water and sewer tap fees.

The property was previously assessed additional water and sewer tap fees. The apartment was never formally approved through the process detailed in the Dillon Municipal Code.

4. The unit shall meet all building code requirements.

Once approved by the Town, the plans will be submitted to the Summit County Building Inspection Department for their review, approval, Building Permit issuance, and inspections.

5. Two (2) parking spaces shall be provided per unit, and such parking area shall be landscaped to buffer parking from neighboring properties.

Two parking spaces for the Accessory Apartment are provided as part of the application as shown on the site plan. The parcel is currently landscaped, and the proposed additional parking spaces are buffered from adjoining properties.

6. The habitable portion of the Accessory Apartment is not greater than nine hundred (900) square feet in size, nor is it more than one-third ($\frac{1}{3}$) the size of the heated living area of the primary residential unit.

The habitable portion of the Accessory Apartment is approximately 892 square feet of the overall heated portion of the residence which is approximately 3,581 square feet. This sub-section is satisfied with the application.

7. A restrictive covenant is filed stating the unit will not be subdivided into a separate ownership unit from the primary unit.

The property owner shall execute the restrictive covenant to not subdivide into separate ownership, and must file said restrictive covenant as a condition of approval of this Resolution.

8. The unit is deed restricted against utilization as a short-term rental, which means it may not be rented for periods of time of less than six (6) months.

The property owner shall execute the deed restriction preventing the short term rental of the property and must file said deed restriction as a condition of approval of this Resolution.

9. The unit design is compatible with the neighborhood and the principal structure.

The unit design is compatible with the neighborhood and principal structure.

10. The unit may be a separate building from the primary structure, when placed above a freestanding garage, or on lots greater than one (1) acre.

The Accessory Apartment is in the lower level of the residence; therefore, this sub-section criterion is met.

Section 3. That the Planning and Zoning Commission of the Town of Dillon does hereby approve the Level III Conditional Use Permit for an Accessory Apartment at 630 Oro Grande Street, Dillon, Colorado with the following conditions:

1. The applicant shall file with the Town the required restrictive covenant preventing subdividing into separate ownership.
2. The applicant shall file with the Town a deed restriction that prevents short term rentals of the Accessory Apartment.
3. The applicant shall verify the functionality of the water service curbstop valve. The curbstop water service valve shall be observed and documented as functional by the Dillon Water Department. It is the owner's responsibility to maintain the curbstop valve in an operational condition in accordance with the Dillon Municipal Code.
4. The two (2) dedicated parking spaces for the accessory apartment shall be preserved as dedicated parking spaces and maintained in good serviceable condition.

APPROVED AND ADOPTED THIS 4TH DAY OF DECEMBER, 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