

**TOWN OF DILLON  
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING  
WEDNESDAY, DECEMBER 4, 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, December 4, 2019 at Dillon Town Hall. Chair Teresa England called the meeting to order at 5:30 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 NOVEMBER 6, 2019 REGULAR MEETING**

Commissioner Johnson moved to approve the minutes from the November 6, 2019 regular meeting. Commissioner Milroy seconded the motion, which passed unanimously.

**PUBLIC COMMENTS**

There were no public comments.

**CONSIDERATION OF RESOLUTION PZ 24-19, SERIES OF 2019 (Public Hearing)**

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

**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 5:32 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 Monday, November 25th, 2019. A newspaper ad 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").

**PROJECT LOCATION:**

Accessory Apartment at 603 Oro Grande Street, Lot 10, Block O, Tenderfoot Addition to Dillon Subdivision, Dillon, Colorado.

**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.

**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.

**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*

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.*

#### **COMMISSIONER QUESTIONS:**

Commissioners asked questions which addressed issues about the number of people allowed in an accessory apartment, tap fees and parking. Staff provided the information requested and advised that there is no limit on persons allowed to live in the unit. The owner will have to provide two additional parking spots in the driveway, which was shown in the applicant's presentation. Tap fees have already been accounted for as the accessory unit was in the original build of the home.

#### **PUBLIC COMMENTS:**

Rod Davis, 509 Oro Grande, spoke to state his concerns about future accessory apartments in the neighborhood and it becoming a future issue. He is concerned that these accessory apartments are changing the neighborhood to a multi-family neighborhood versus a single-family neighborhood. He also stated he would like the public notification to be sent to a larger radius than 300'.

#### **PUBLIC HEARING CLOSED:**

Chair Teresa England closed the public hearing at 5:41p.m.

#### **RECORD OF PLANNING COMMISSION ACTION:**

Commissioner Allison Johnson moved to approve Resolution No. PZ 24-19 Series of 2019. Commissioner Steve Milroy seconded the motion, which passed unanimously.

#### **CONSIDERATION OF RESOLUTION PZ 25-19, SERIES OF 2019**

**A RESOLUTION APPROVING A MASTER SIGN PLAN AMENDMENT FOR THE MULTI-TENANT BUILDING LOCATED AT 130 MAIN STREET.**

#### **PUBLIC HEARING:**

A Public Hearing was not required for this application

Chair Teresa England opened the hearing at 5.54 p.m.

Ned West, Town Planner, presented the staff summary.

**SUMMARY:**

The Town has received a Class I Sign Permit Application for a Master Sign Plan Amendment (“Amendment”) for the multi-tenant building located at 130 Main Street. The Amendment adds High Density Urethane (HDU) as a permitted sign material in addition to the prescribed use of wood sign materials in the existing Master Sign Plan. An Amendment to an approved Master Sign Plan application requires review and approval by the Planning and Zoning Commission at a regular meeting. The Amended Master Sign Plan for the building is attached to the Resolution.

**Existing Master Sign Plan:** The existing Master Sign Plan for the building was approved by the Planning and Zoning Commission in September 2003. It provides for an eighteen square foot (18 SF) sign for each tenant and one or two building identification signs at twenty-five square feet (25 SF) each. The signs are to be raised wood on wood backgrounds and the relief is to be one to two inches (1” -2”).

There are currently no approved tenant signs mounted on the building. There are also currently no building identification signs mounted on the building.

**Code analysis:**

Master Sign Plans and Approval Criteria:

Multi-tenant buildings are required to have a master sign plan that creates a consistent and architecturally compatible appearance for all of the building signage.

**Sec. 16-11-510. - Criteria.**

Approval of a master sign plan shall be based on general compatibility with the architectural character of the community and project. Individual signs within a master sign plan, including directory signs, building identification signs and individual business signs, should be consistent. It is encouraged that signs allowed by a master sign plan be of a coordinated design, with each of the individual signs sharing at least two (2) of the following design elements in common: size, shape, materials, letter style and color.

Sign Zone & Requirements: The Application is located in Sign Zone A, the Sign Regulations for which are as follow.

**Sec. 16-11-450. - Sign Zone A.**

(a) Sign design and materials.

(1) It is encouraged that permanent signs, with the exception of window signs, be constructed predominantly of natural materials, including rough cedar, redwood, pine, stone, brass or other types of natural materials. Internally lit signs are prohibited within this sign district.

(2) List of acceptable materials:

- a. Rough cedar.
- b. Redwood.
- c. Pine.
- d. Stone.
- e. Brass.
- f. Materials that simulate natural materials and create a 3-D effect, as approved by the Planning and Zoning Commission.

(b) Lighting requirements.

(1) Within the Sign Zone A area, no permanent building identification sign or business sign may be internally illuminated.

(2) Shielded lighting. Light bulbs or lighting tubes used for illuminating a sign shall not be visible from the vehicular travel lanes of adjacent public rights-of-way. The use of adequate shielding, designed so that light from sign-illuminating devices does not shine directly into the eyes of passing motorists without first being reflected off the sign or its background, is required whenever exterior sign lighting is used.

(3) Subdued lighting. The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent travel way or closest municipal street, and the illumination of a sign shall not be noticeably brighter than other lighting in the vicinity.

(4) Direction of lighting. Exterior sources of lighting for signs and other uses on the property should be directed downward and shall not be directed toward nearby residential properties.

(c) Allowed signage. Within the Town Center, all buildings shall be allowed the signage set out in Subsections (d) through (g) below.

(d) Single-tenant buildings. Each single-tenant building shall be allowed a total of fifty (50) square feet of signage to be used in one (1) or two (2) building identification signs, and one (1) additional sign which does not exceed eighteen (18) square feet in size.

(e) Multi-tenant buildings. Each building containing more than one (1) business or tenant shall be allowed a total of fifty (50) square feet of signage to be used in one (1) or two (2) building identification signs or building directories, and two (2) signs per tenant which do not exceed eighteen (18) square feet each.

(f) Multiple buildings. Where a project contains multiple buildings, the first building shall be allowed a total of fifty (50) square feet of building identification signage, and all subsequent buildings shall be allowed eighteen (18) square feet which may only be used to identify the second or subsequent building and may not be added to the signage allowed for the primary project sign or first building within the project.

(g) Hotel and condominium (residential complex) signs.

(1) Only one (1) building identification sign shall be permitted for each hotel, condominium or multi-family project. Such identification sign shall not exceed thirty-six (36) square feet in size.

(2) Individual building identification signs shall be permitted for each building within a hotel, condominium or other multi-family complex, provided that only one (1) sign not exceeding four (4) square feet in size shall be allowed for each building.

#### **MASTER SIGN PLAN AMENDMENT CONSIDERATION:**

The addition of High-Density Urethane (HDU) to the permitted sign materials for the building may be approved by the Planning and Zoning Commission if the material is determined by the Commission to simulate natural materials and create a 3-D effect. HDU is a commonly used sign making material which can be carved and shaped to create a natural appearance. HDU signs currently exist in the Town Center and is prevalent throughout Sign Zone 'A'. It is also a durable, weather resistant, non-absorbent material.

#### **Exclusion of Sign Materials:**

As MDO plywood is specifically cited as an acceptable sign material in Sign Zone 'B', it is inferred that MDO plywood was not considered by the Town Council as "wood" sign making material as contemplated in the description of acceptable sign making materials in Sign Zone 'A'. MDO plywood is therefore not an approved sign material for Sign Zone 'A' nor this Master Sign Plan.

#### **COMMISSIONER QUESTIONS:**

No Commissioners asked questions.

**PUBLIC COMMENTS:**

Wendy Kunz, 130 Main St., Unit #1, expressed her concerns for the changing of the master sign plan for the building in which she occupies a retail thrift store. Wendy is a business owner that would be directly affected by the sign plan. She stated that she had a wood sign made for her business and her Landlord, Arapahoe Center LLLP, Larry Uhrich did not approve it. The commission expressed their understanding of Mrs. Kunz’s predicament and understood that the proposed changes to the master sign plan still would allow the sign she had made. Mr. Burroughs pointed out that the purpose of this hearing is to review the master sign plan proposal and evaluate its merits based on the criteria in the code. The individual sign issue for Unit #1, is a private matter between Ms. Kunz and her landlord to resolve. Mr. West stated that all sign designs, no matter the material, must first be approved by the owner of the building before the Town will process the application.

**HEARING CLOSED:**

Chair Teresa England closed the public hearing at 6:19 p.m.

**RECORD OF PLANNING COMMISSION ACTION:**

Commissioner Teresa England moved to approve Resolution No. PZ 25-19 Series of 2019. Commissioner Charlie Oliver seconded the motion, which passed unanimously.

**CONFIRM REGULAR PLANNING & ZONING MEETING ON JANUARY 8, 2019.**

Commissioner England made a motion to move the January 1, 2019 meeting to January 8, 2019. All following commissioners confirmed they will attend the January 8, 2019 regular meeting; Teresa England, Alison Johnston, Steve Milroy, Bill Engelman and Charlie Oliver.

**PROJECT UPDATES:**

- Homewood Suites: Foundation is underway.
- Panera Bread: Breaking ground in the spring.
- Sail Lofts: Phase two is underway, foundation is finished.
- The Dillon Medical Building (Vail Health): Submitted building permit.
- Urgent Care: Sewer line moved.
- Uptown 240: Making a lot of progress.

**OTHER BUSINESS:**

Code 16 review status was discussed and acknowledged that editing is still in process. The commission discussed making some revisions in the future to the design guidelines for commercial units, ie: exterior painting procedures.

**ADJOURNMENT**

There being no further business, Teresa England adjourned the meeting at 6:45 p.m.

Respectfully submitted,

*Michelle Haynes*

Michelle Haynes  
Secretary to the Commission